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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

SENATE—*Wednesday, February 17, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Heavenly Father, our hearts are saddened at the news of the death of Vividell McDonald. We thank You for her amazing service in the Senate dining room and ask Your blessing and comfort upon those who mourn her loss.

God of Abraham, Isaac, and Israel, the word of Moses to his people commands our attention: "Beware that thou forget not the Lord thy God * * * Lest when thou hast eaten and art full, and hast built goodly houses, and dwelt therein; And when thy herds and thy flocks multiply, and thy silver and thy gold is multiplied, and all that thou hast is multiplied * * * Then thine heart be lifted up, and thou forget the Lord thy God * * *."—Deuteronomy 8:11-14.

Gracious God, help us hear the words of President Abraham Lincoln, setting apart a day for National Humiliation, Fasting, and Prayer: "It is the duty of nations as well as men to owe their dependence upon the overruling power of God * * * and to recognize the supreme truth announced in Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord * * * intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the Lord that made us * * * we have grown in numbers, wealth, and power as no other nation has grown—but we have forgotten God * * * it behooves us then to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

So help us God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 17, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

OUR CHAPLAIN'S REMINDER

Mr. BYRD. Mr. President, I thank the Chaplain for his reminder to us that the Nation is blessed when it puts its faith in the Lord—blessed is the nation whose God is the Lord—and when he also boldly stated the truth that this Nation has forgotten God.

> Except the LORD build the house, they labour in vain that build it: except the LORD keep the city, the watchman waketh but in vain.

I am thankful that we have men like the Chaplain of the Senate who constantly remind us of the need for depending upon God, looking to him for guidance, placing faith in him, and following his precepts and his teaching, remembering, too, that had 50 righteous men been found in Sodom, God would have spared it; had 40 been found, He would have spared it; had 30 been found, He would have spared it; had 20 been found, He would have spared it.

He has spared America. And who are we to say that it is not because there are those who are still praying, God-fearing people, who at night, while some of us may be sleeping, are praying so that God may have mercy upon our land. So even though they may be the minority, it may be that that minority is keeping America within the good graces of the Creator of all things, He who rules in the destinies of men and nations.

I thank the Chaplain again.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing rules the Republican leader is recognized.

Mr. SIMPSON. Mr. President, I thank the majority leader. I am always stunned by the ability he has to recall phrases and philosophies in the past and his remarkable memory and the rich faith of the majority leader that I have seen on more than several occasions.

VIVIDELL McDONALD

Mr. SIMPSON. Mr. President. I, too, thank the Chaplain for his remarks as we deal with the shocking news of our friend Vividell, which is truly just that, and an unknown, hideous tragedy. She was such a spirited lady, so courteous and kind and friendly to us all.

Many of us attended her lovely wedding within this year.

Her death is an appalling thing, unknown.

So, as the fine Chaplain says, and I would paraphrase that certainly, we end up knowing where to turn when we do not know where to turn, and that is to a faith in a higher being.

So certainly we must draw deeply on that in times of tragedy and in times of turmoil as we grapple with the issues of this country.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

God bless her family.

CAMPAIGN FINANCING REFORM

Mr. SIMPSON. Mr. President, I just have a comment. I have been greeted in the morning papers from Wyoming with a full-page ad—which at least does not show me without my hairpiece—and it says "Senator SIMPSON," and it is full page "Stop blocking campaign finance reform."

One would never dream that my friend Archibald Cox would be up to that, but there is Archie's face which is in a rather strained condition there. I would not want to show this.

This is the top of the page, "Senator SIMPSON" and then, the evils of your loyal correspondent, "Stop blocking campaign finance reform."

It surprises me that Arch would do that. He was my professor in labor law at the University of Colorado when I took some extra hours on the GI bill. He is a good softball player. We had a lot of fun together. I have had some nice visits with him since I came to Washington, and he is a splendid man—he really is—and a spirited man, and he is the chairman of Common Cause. But on this one somehow his zeal has overcome his intellectual capabilities.

That is a statement in itself, because there is no one brighter, no one more honest, no one who I think commands the respect of the American people more than Arch Cox, of Watergate fame and labor law fame and who was my professor at Colorado University during a summer session.

But there is a reason, a very simple reason why some of us on this side of the aisle are blocking campaign reform. To us, it is a matter of survival. Let us forget some of the other aspects of it.

We can all talk about campaign reform. I am for campaign reform. I have worked on that. There are Members on both sides of the aisle who have worked for campaign reform. It would be very unfortunate to portray this as a Republican-Democrat issue.

The differences on what is "reform" are what has caused the controversy here. Supporters of this bill are claiming some kind of exclusive knowledge as to what is reform and they support S. 2 and nothing more. I do not think that is the way we do our business. We have never done it here before.

S. 2 is seriously flawed. And if we want to get down right to the nub of it—and I like to do that with my friend the majority leader and he does that with me—if this bill passed in its present form, there will never be another Republican majority in the Senate for 40 years. Now that is a good reason for us to hang on by our thumbs.

So forget all the romance of what it is and Arch Cox and the national ads. The issue is the Republican Party, this side of the aisle, will not achieve a majority in this body for 40 years. Well, we tasted a little of that majority. We loved it. It was a rich wine. We would like to do that again sometime and maybe we will have the opportunity. But we will never have it under S. 2. Now that is the way it is. So you can forget all the other stuff as we talk about corruption and scandal and hideousness and the whole works.

And the other issue is public financing. Public financing is not "public financing." It is, that is, "taxpayer financing." I do not get a lot of mail from my consituents telling me to go spend taxpayers' money to send me back here. They are not really interested in that.

Look at what we are spending on the Presidential campaigns. That is taxpayer financing. It is not public financing. It is you out there.

The limitations in this bill, there is a limited expenditure in it. How much can you spend? We already had a Supreme Court decision that said you can spend anything you want of your own to get elected under the first amendment, believe it or not. I thought that was a stitch.

But I am ready to take PAC's down a long way, take them from 5 to 3 to 2. But look at S. 2. We gave up talking about PAC's. That was originally the pitch. The pitch was PAC's. Forget PAC's. There is nothing in there that takes PAC's down in any sense at all. I am ready to do that. Take them down to 1,000; take them down to 2. Raise an individual's limit. Let an individual give 10 grand or 15 grand, list his name, address, business, what is in it for him. Let him contribute. That would be better than what we do now with $1,000 each.

Now, that is the problem we started with, was PAC's. And there is so little in here about PAC's that it ought to be an embarrassment.

But the other issue is very simple. You are going to do a number on the Republicans with regard to limiting the amount of expenditure and assuring that we will never have an opportunity to come back here, because this is an incumbent's blue plate zephyr special. And at least maybe we will get 46 of them that will wind up in here because that is what we have now. This is an incumbent's dream.

All I am saying to you, if those on the other side of the aisle, Democrats and Republicans alike—there are both sides; this is not a partisan issue. Hear that. Do not be duped by that. They want to then deal with soft money which is an egregious caper that we go though in this Nation. If they want to deal with in-kind contributions and phone banks and the things that wipe us out and wiped out three of our people the last time—2 days before the election, when suddenly the phone banks cranked up and, on three of our incumbents, the phone visit was very simple: "You wouldn't vote for a man that took away your Social Security, would you?" And that was the end of that. Three of our incumbents are out doing other work. Now that is what we are talking about.

If they will get serious with us on soft money, in-kind contributions, we will get serious with them on taxpayer financing and limiting PAC's. It is called fairness. It is called debate. It is called honesty.

Mr. BYRD. Will the Senator yield?

Mr. SIMPSON. Yes, I would certainly yield to the majority leader.

Mr. BYRD. Would he also get serious with us on limiting overall campaign spending?

Mr. SIMPSON. Mr. President, certainly. We can deal with that if we deal with others. Overall campaign expenditures is not off the table. We will put everything on the table.

I will submit to the majority leader, I know he is working toward a compromise or at least toward debate, and I will present on behalf of the minority leader today a list of four persons from the other side of the issue who are ready to sit down and talk—people of thoughtful mien and demeanor. We will present those and I hope that the majority leader might. I think this was a seed of the majority leader. We will present our 4 and 4 from that side of the issue and see if we cannot sit down and see what we are going to do.

Because another vote right now would likely have the same result as it has had seven times—seven times we have done this exercise. And we are going to do it an eighth.

I appreciate the majority leader not calling for cloture at this time because I think that the 4 on 4 group will make some progress. At least that is my sincere hope.

I thank the majority leader sincerely.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I think the arguments have shifted here. First, it was public financing that was the problem with Senate Republicans. And then, when Senator BOREN and others and I modified our approach to eliminate a very high percentage of that so-called public financing, we still got nowhere. We did not pick up a single additional vote from the other side of the aisle.

Then the minority position was taken that the objection was still public financing, and there would be no give by the Republican conference on the point of limitation of campaign spending. And I have not seen any evidence of any give on that point yet.

Now we hear from my good friend, the distinguished Republican leader, who is not here today but he has said before, that the problem with this bill is that it would bring about the extinction of the Republican Party in the Senate. Now that is a strawman, that is a bugaboo. And we will be discussing this in its greater entirety today and in the days ahead.

But I say to my dear friend on the other side of the aisle that if the Republicans in the Senate want to discuss the other items to which he has referred, then let us vote for cloture. Let us get on with the debate.

One of the important reasons why we need to invoke cloture on this measure is so that we will eliminate nongermane amendments. Right now we have an amendment pending that would provide, I believe, up to $270 million in Contra aid. Imagine that amendment on this bill. And then there is an amendment to that amendment that has to do with the Monroe Doctrine. So if we could invoke cloture, we would rid the stage of nongermane amendments and get on with dealing with the real subject matter of the bill before us.

As far as I am concerned, I am going to do my best in trying to reach out across the aisle. I shall appoint Senator BOREN, Senator MITCHELL, Senator EXON, and Senator LEVIN as the four Senators on this side to discuss with four Senators on the other side of the aisle any areas of possible accommodation. But in the final analysis, I have to say that there can be no genuine campaign financing reform unless and until there is a cap put on campaign expenditures. There has to be a limitation put on campaign expenditures.

Let us, then, proceed and make the case today and tomorrow. I have been in no hurry to offer a cloture motion, and I do not intend to offer one today or tomorrow; and I would like to bring this matter to a conclusion as early as possible within the bounds of reasonable debate.

I welcome the opportunity to debate this matter. I think it is one of the most important issues facing the country today. I am not sure that the American people have yet become fully alerted to the danger that the present system poses to the legislative branch of our Government and to the system of representative democracy. But when they do become fully alert to these dangers, there are going to be some changes made.

We saw the changes made with respect to Presidential campaign financing reforms, and there is going to be a groundswell of hue and cry from the people of this country to reform of campaign financing of congressional elections.

Now, whether it will happen in this instance I do not know. I hope it will. But whether or not it does, the American people at some point are going to rise up and say: "We have had enough. We have had enough of this."

They perceive us all as being beholden to the special interest groups that make contributions to our election and reelection efforts and they see that increasingly. I can understand how they would perceive it in that way.

The Senator from Wyoming and I and our colleagues are victims of the present system. We have to live with the present system. If we hope and expect to continue in public service—and some of us do want to continue in public service—we have to live by the system as it is. But we need to try to change it, and the opportunity is here to change it. Senator BOREN and others and I are not saying that this bill is the 100-percent solution; or that there should not be a word in this bill changed; or that it is the perfect response to the problem. We do not say that.

We do say, let us invoke cloture, avoid the nongermane amendments of the nature that I mentioned a moment ago, and get on with trying to work together among ourselves and within both parties to find a solution to this nagging problem which is getting worse, not better, and which will continue to get worse, not better.

Mr. SIMPSON. Mr. President, let me certainly ascribe to what the majority leader has said, that it is more, indeed, than a nagging problem. It is an embarrassment to us all.

I am going to present those four names a little later in the morning. I have another person to contact while the minority leader is now in Washington.

True reform has to deal not just with money. It has to deal with process and who benefits from the PAC's? In the House, we have people who seem to benefit much more from PAC's than those of us over here. PAC money goes into the House by the metric ton and it preserves the seat. I think only 9 percent of the incumbents were overturned the last time in the House of Representatives; 7 or 9 percent. The majority leader knows those figures, as he prepares for the introduction of the bill. That is wrong. But true reform is an all-encompassing thing.

Not only have the arguments shifted, the whole bill has shifted because the first Boren PAC bill curtailed PAC's and so it did again in the last Congress, it did curtail PAC's. But not this time when it came out of committee. It did not curtail PAC's.

So I think, too, Mr. President, we ought to consider the issue of honorariums. They have become quite pervasive. You now can walk through a building, shake a few hands, and pick up $2,000 and legitimately so under the law as a maximum honorarium.

Those ought to be addressed. I think they are just as bad in the course of things as PAC contributions or individuals contributions.

(At this point Mr. BYRD assumed the chair.)

Mr. SIMPSON. Mr. President, when the majority leader assumes the chair, it is time to terminate the remarks of the assistant minority leader.

Therefore, I have concluded my remarks.

MORNING BUSINESS

The PRESIDING OFFICER. The time for the two leaders has expired. Under the order there will now be a period during which morning business will ensue and Senators will be permitted to speak for not to exceed 5 minutes.

The Chair recognizes the Senator from Wisconsin [Mr. PROXMIRE].

NUCLEAR ARMS CUT OF 50 PERCENT OR MORE: THE CONSEQUENCES

Mr. PROXMIRE. Mr. President, can we progressively reduce the number of nuclear warheads in our deterrent and still maintain the credibility of that deterrent? Here is a critical upcoming issue in arms control. Our nuclear deterrent has kept the peace. It can continue to keep the peace for many years in the future. For 42 years there has been no war in Europe. There has been no superpower war. Why? One simple reason. Because countries armed with nuclear power today fully understand that a nuclear war would mean a certain double knockout. Both sides would lose. Both sides would be totally devastated. Both sides would sacrifice most of their population. Indeed, before it were finished, a nuclear war could destroy civilization.

All this is certainly true in a world in which both the United States and the Soviet Union each have more than 10,000 strategic warheads. The National Academy of Science recently announced that if 1 percent, that is 100 of these U.S.S.R. nuclear warheads struck American cities, we would instantly suffer the worst human disaster in history—35 to 50 million Americans would die. It is worse. The more nuclear weapons possessed by each side, the greater the likelihood of an accident. Thousands of these nuclear weapons are deployed, ready to fire within minutes, on order. Yes, both sides have, indeed, imposed tight, centralized control. But it is control by all too fallible human beings. For years we have been living with the danger that on one side or the other the control would be breached. In the United States or in France or in the United Kingdom and, of course, in the Soviet Union, every day, 24 hours a day, marvelous, complex technologies scan the skies in search of a missile that may be on the way. All nuclear powers are ready to respond instantaneously and in kind to nuclear attack. There have been reliable reports of close calls. We have been hours, maybe minutes away from incineration. What can we do to reduce danger of accidental war? Consider: we could reduce the number of nuclear weapons on both sides. Indeed, both President Reagan and Secretary Gorbachev have agreed in principle to follow the INF Treaty with an agreement to cut both nuclear arsenals roughtly in half. That would seem to be a big first step in diminishing the terrrible prospect of an accidental nuclear war. Would it?

Unfortunately, the reduction of the number of nuclear weapons would have to be accomplished in a way that would not reduce the credibility of either the deterrent of the United States or the U.S.S.R. In an excellent article in the January 11, New York Times, Kosta Tsipis spells out how this could be done. Dr. Tsipis is the director of the program in science and technology for international security at MIT. He writes that our sea-based deterrent currently stands at 5,620 warheads. Those warheads are on only 31 submarines, nearly 200 per submarine. Tsipis argues that since only half of our submarines are safely at sea at any time, we should not limit the number of submarines carrying warheads. Since our subs carry up to 192 warheads, and since agreements must assume that each sub carries the maximum number of warheads for which it has been designed, a reduction of the number of our missiles much below 50 percent would mean the retirement of most of our submarines. Our sea-based deterrent is the most credible leg of our nuclear triad. It would lose much of its credibility if we cut the number of submarines at sea at any time from 15 down to 7 or maybe 5. It would be at least conceivable that the U.S.S.R. could track and destroy almost simultaneously such a small fleet. They don't have the technology to do this now. They could conceivably develop such a technology in a decade or so.

For this reason Dr. Tsipis recommends we promptly halt production and deployment of MK's and Trident submarines. He recommends we start two research programs: first, on a small, single warhead, silo-based ICBM; second, on a "small, quiet, missile-carrying submarine with advanced nonnuclear propulsion to carry no more than one-thirtieth of the total sea-based missiles." Tsipis wants the total number of subs to be 30 so that at least 15 are always at sea.

The Tsipis plan makes sense. But it also suggests a caution. What is the prime reason for reducing the colossal size of the superpower arsenals? Certainly the reduction of the prospect of accidental nuclear war is such a reason. But do we reduce the prospect of accidental nuclear war when we have far fewer warheads, but about the same number of silo-based ICBM's and submarines? The number of nuclear weapon deployments would be about the same. The only difference would be that each deployment would have fewer warheads. Tsipis argues that the reductions he suggests would have little or no effect on the defense budgets. The additional cost of research, development production and deployment of the new fewer warheads deployments would be offset by the savings in operations and maintenance cost for the older more numerous warheads.

This Senator agrees with Kosta Tsipis that we can and should tailor our deterrent to the limitations imposed by major reductions in the number of warheads permitted to both sides. But we should be aware that this adjustment to maintain the credibility of our deterrent is only bought at the price of sharply reducing progress toward the prime purpose of nuclear arms reduction—the diminution in the prospects of accidental nuclear war.

Here's why: we might sign an agreement with the Soviet Union eventually to cut nuclear warheads by 50 percent or 70 percent or even more. But since we would continue with the same number of submarines—each with fewer warheads than at present, and land-based silos—each with a single warhead, we would not reduce the number of individual people each of whom would be in a position to make the fatal error that could kick off the holocaust.

Mr. President, I ask unanimous consent that the article to which I referred from the January 11 New York Times entitled "If Arms Were Cut 50 Percent" by Kosta Tsipis be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 11, 1988]

IF ARMS WERE CUT 50 PERCENT

(By Kosta Tsipis)

CAMBRIDGE, MASS.—So great are the excesses of the era of nuclear overkill that the American and Soviet strategic nuclear arsenals can be reduced by 50 percent—and more—without risking security. Political, military and psychological reasons strongly point toward the wisdom of reductions; the time appears propitious on both sides.

But some experts are nervous about deep cuts—and they are right. Cuts must be made carefully, as in cancer surgery, rather than amputation.

The closer we come to the minimum numbers of nuclear explosives needed for deterrence, the closer attention we must pay to the characteristics of the nuclear arsenal. An arsenal of 6,000 warheads or less must be structured differently from an arsenal of 12,000 warheads if an equal deterrent is to be maintained.

The key is crisis stability. To achieve that, nuclear arsenals must be structured so that neither nation could hope to destroy with a surprise attack more of the other side's warheads than the number of warheads it would itself expend in attacking.

How should a United States nuclear arsenal drastically reduced by mutual agreement with the Soviet Union be structured? Quite simply, it should contain no multiple-warhead, land-based intercontinental ballistic missiles, and its sea-based warheads should be carried on small submarines bearing only a few missiles with a few warheads on each.

A land-based missile in a concrete silo is a fixed target. It takes two or at most three warheads per target to guarantee a reasonable probability of knocking out a missile in a silo. So a land-based ICBM with more than two warheads is, in principle at least, an attractive target and, therefore, destabilizing in a reduced strategic arsenal. The MX missile, with 10 warheads, is out of the question.

Our sea-based deterrent currently stands at 5,620 warheads on 31 submarines. If we agree to cut back our total of 12,000 warheads by more than 50 percent, and we want to maintain the balance of the three legs (air, land and sea) of our strategic triad, we will have fewer warheads to deploy at sea. Since only half of our submarines are safely at sea at any one time, we must take care not to limit the number of submarines carrying those warheads.

By previous agreement with the Soviet Union—and for eminently sensible reasons—a missile on a submarine is counted as carrying the maximum number of warheads that it has ever been tested with. Our Trident and Poseidon submarines carry up to 192 warheads. Therefore, our current subs are not suitable carriers for the sea-based leg of a reduced strategic nuclear arsenal: They place too many eggs in each basket, which means too few baskets when the total number of eggs is cut.

If the Administration is serious about significant nuclear reductions, it should begin to restructure our deterrent even while negotiations are underway. Toward this end, it should take these steps:

Halt all development, testing, procurement, production and deployment of the MX's and Tridents.

Start research on a small, single-warhead silo-based ICBM so that the arithmetic alone would discourage a pre-emptive attack.

Begin research on a small, quiet, missile-carrying submarine with advanced non-nuclear propulsion able to carry no more than one-thirtieth of the total sea-based missiles. That is, the total number of submarines must be about 30, so that at least 15 are always at sea.

For example, if our long-range goal for the era of reductions beyond 50 percent cuts were a nuclear arsenal with 360 of its warheads based at sea, then we should design (and test) the new, small submarine to carry four missiles with three warheads each. If we choose to plan for 600 sea-based warheads, each submarine should be designed to carry no more than 20 warheads, etc. By comparison, Trident submarines now in our arsenal carry almost 200 warheads.

In building a new, small submarine, we should have a strategic plan. Some experts on the Soviet Union have said that the Soviet Union aims ultimately for arsenals of 600 total warheads (a more than adequate deterrent, given the small number of nuclear weapons required to destroy either country).

Our own strategic goal should be clearly in mind as we plan for security during the negotiation period and flexibility for the possibility of drastic reductions.

Two completely new classes of weapons carriers have been recommended here to reduce the nuclear arsenals without jeopardizing our national security, risking the invulnerability of our deterrent forces or increasing the temptation for a Soviet first strike.

Will these reductions then increase our defense budget?

Not at all. The costs of research and development on the single-warhead ICBM and the small submarine would about equal the $2 billion savings from canceling further production of the MX and the Trident submarine.

When production is in sight, of course, costs will rise. But by then, if all goes well, many of our older weapons will be retired, which will represent a substantial savings in operations and maintenance costs.

With historic reductions in nuclear arms within our grasp, we must quickly develop new approaches to security. It isn't too soon to start.

WHY CONGRESS SHOULD ENACT GLASS-STEAGALL REPEALER

Mr. PROXMIRE. Mr. President, on February 8, the U.S. Court of Appeals for the Second Circuit rendered a landmark decision, Securities Industry Association versus Board of Governors of the Federal Reserve.

In short, this decision underscores the need for this Congress to enact comprehensive financial regulatory reform legislation. And I think the decision argues specifically for the type of solution that I, along with Senator JAKE GARN, have crafted in the Financial Modernization Act.

To review, the court affirmed the Federal Reserve Board's orders of April 30 and May 18, 1987, which held that bank holding company affiliates, not principally engaged in securities activities, could, to a limited extent, underwrite and deal in certain classes of securities for which banks are otherwise ineligible under the Glass-Steagall Act: municipal revenue bonds, mortgage-related securities, and commercial paper.

The court's decision, and the Federal Reserve Board orders upheld by the decision, merit serious attention by the Senate for four reasons:

First, the decision establishes that moving beyond the Glass-Steagall policy of separating securities and banking businesses involves no radical change in the law. On the contrary, the court has found that it is embodied in current law. The change has already been made. The regulators and the courts have recognized that, due to worldwide technological and commercial realities, securities and banking have to a significant extent converged. Under these circumstances, perpetuating the arbitrary and partial separation inherent in keeping Glass-Steagall on the books defeats the very policies it was originally designed to promote, for it weakens the competitiveness and financial soundness of banks while it denies consumers of financial services the benefits of free competition. As the Fed stated in the decision affirmed last week by the second circuit:

> The proposed de novo participation [of bank subsidiaries] would have the beneficial effect of substantially increasing competition, particularly in the highly concentrated commercial paper market, with the substantial expected public benefits of lowering financing costs as well as providing greater convenience to customers and increased efficiency in the proposed services.

Second, in its orders, the Federal Reserve Board properly imposed a "firewall" to isolate a bank holding company's securities and banking activities. Many of these safeguards, which the second circuit's decision has now affirmed, are the same as those contained in S. 1886. Specifically, both the affirmed Federal Reserve Board orders and the Proxmire-Garn bill require separation of banking and securities affiliates; a series of protections against interaffiliate lending and sharing of customer information; and full disclosure of the relationship between banking and securities affiliates to customers and other interested parties. The Financial Modernization Act, then, is not a radical departure from the current legal and regulatory structure governing U.S. financial institutions. The legislation is clearly in line with the types of safeguards which the Federal Reserve Board has adopted in its orders over a period of several years.

Third, the decisions of the Federal Reserve and the court thoroughly considered, and specifically rejected, each of the arguments made by the Securities Industry Association, not only in their briefs to the Fed and the court, but in their testimony before the Senate Banking Committee. In opposing new competition, the SIA and its allies have pointed to asserted potential conflicts of interest, asserted damage to public confidence in the safety and soundness of deposits, and alleged unfair competition from bank affiliates. I urge my colleagues to consider carefully the Federal Reserve Board's findings rejecting the entire cornucopia of these charges, as we address the question of legislative restructuring.

Fourth, we need to review these regulatory and court actions because, while they highlight the need and the proper approach to reform, they show that only through comprehensive statutory change can we assure that the benefits of reform are distributed promptly, broadly, and fairly.

The limited classes of securities underwriting authorized for bank affiliates under the new decision will primarily, and perhaps exclusively, benefit the customers of only a handful of very large banks based in New York City. Due to peculiar quirks in the Glass-Steagall provisions at issue, as interpreted by the Fed, no more than 5 percent of the bank holding company affiliate's gross revenue may be generated by the new securities activities. Because many local and regional bank holding company affiliates do not generate sufficient revenue to yield a profit on this small percentage of revenue permitted for the new securities activities, the local and regional companies are likely to pursue these new lines of business.

Moreover, the decisions authorize the bank entry into only specified securities markets. These do not include some of the markets potentially most important to nonmoney center banks, their customers, and the economy as a whole—underwriting corporate debt and equity issues. In order to help businesses around the country have access to capital through their commercial banks as well as far-off investment banks, complete repeal of Glass-Steagall is needed.

Because of the many changes in our financial marketplace, and in anticipation of court action, I have joined with the ranking member of the Banking Committee to craft comprehensive legislation. I believe that S. 1886, the Financial Modernization Act, represents a sound approach to financial law.

LITHUANIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, today marks the 70th anniversary of the declaration of independence of Lithuania. This land is filled with people whose national feelings run strong and deep, but whose country has been occupied by the Soviet Union since 1940. This action by the Soviet Union was sanctioned in the Molotov-Ribbentrop Pact and its secret protocols. Since this date the Soviet Union has refused to allow Lithuania and the other occupied Baltic States to function as free and independent nations.

Today, the approximately 1 million Americans of Lithuanian descent in the United States will celebrate this anniversary without fear of reprisal or harassment. In Lithuania, however, those who are planning to take part in the peaceful demonstrations to commemorate this day must fear retribution from the Soviet Union. In the past those who have participated in public demonstrations have been harassed and abused. This situation is deplorable.

The brave people of Lithuania are not allowed to practice religious and political freedom because they are subject to Soviet domination. Since Soviet leader Gorbachev has remarked on the "enormous and unforgivable" crimes of Stalin, I call on him to renounce Stalin's decision to occupy Lithuania and the other Baltic States end its occupation of these nations, and recognize the right of these states to function freely and independently.

A PRESIDENTIAL FIELD TO TAKE PRIDE IN

Mr. PROXMIRE. Mr. President, both the Democratic and Republican candidates for President this year have gotten a bad rap. Somehow there is a general public perception that the candidates of both parties running for President represent a weak conglomeration of mental midgets, dull, dumb, and grossly underqualified. Is that wrong? It's ridiculously wrong. In fact this may be the best qualified field of people who have run for our highest office in many years. The many debates have been deeply impressive. Here are candidates who know what they are talking about. They understand the issues that confront the country. They discuss them sensibly. Of course, many of their answers to tough questions are unsatisfactory to many of us. In many cases any, and I mean any, answer to the tough questions of fiscal and trade policy and war and peace would be unsatisfactory to many and in some cases to most of us.

The fact is that this country is blessed this year—1988—with a field of brilliantly qualified men. Any one of them could make a good, perhaps a very good, President. Considering the enormous challenge and difficulty of serving as an effective President of the United States and the crucial importance to our country of electing a President who can do this difficult job, the fact is that America is lucking out. We are on our way to electing a President who will certainly make mistakes, who will surely disappoint many people but who will give us the kind of leadership we yearn for.

For these reasons, Mr. President, I ask unanimous consent that an article by Robert Keith Gray, who was secretary of the Cabinet in the Eisenhower administration, headlined "A Presidential Field To Take Pride In," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From U.S. News & World Report, Feb. 22, 1988]

A Presidential Field To Take Pride In

(Robert Keith Gray)

On the night of Nov. 8, 1988, amid crumpled speech texts, spent confetti and chants of triumph, one of the current candidates for President will stand victorious. His motives will have been challenged, his integrity questioned, his human shortcomings revealed, but he will have survived, having passed all the moral litmus tests by which we now measure candidates. But if we truly seek to measure their abilities to lead the nation and solve its pressing problems, we should give that moral yardstick a rest.

In a startling opinion poll recently, respondents said they would like the next First Family to emulate the values and integrity of the Huxtables of television's "Cosby Show." It may be that the public looks to the candidate to embody the dramatized, principled dignity of a popular television family. Unfortunately, political reality does not operate like a sitcom.

Pity today's candidates. They face media that have assumed a lofty judgmental position and a public that equates political reality with television fare aimed at a couch potato.

If the original field of presidential candidates had been a trio, I suppose someone would have referred to them as "The Three Wise Men." With far less accuracy, the Democrats' entries were collectively dubbed "The Seven Dwarfs."

That does the whole system a disservice. Who can remember an election in which both parties offered voters so great a choice among candidates with good backgrounds, yet discernible differences and proposed directions for change? When was the last time Republicans and Democrats could have been consoled if they thought their second or even third choice might win?

Nearly 20 years ago, a U.S. senator was ridiculed when he tried to defend the qualifications of a Supreme Court nominee with the statement that "mediocrity deserves representation, too." I believe he was attempting to suggest the value of identifying with the foibles and flaws inherent in some measure in all of the 239 million of us who together form this country. The candidates before us have their personality and characteristics. But mediocre they are not.

Today's field stands on established records of service. In some cases, that service is measured in decades, in a variety of jobs which they have sometimes carried out under considerable fire. Among the candidates of both parties, three graduated Phi Beta Kappa, two *magna cum laude.* Three have been governors; four, senators; eight, U.S. representatives. All but one are college graduates and the one exception, Paul Simon, has authored 10 books, has an exemplary record of 30 years in elective office and his prolific mind is evidenced in a weekly newspaper column.

Five have been successful businessmen. There have been six lawyers, three authors, two chairmen of their national political parties. One was an all-star professional quarterback. Seven have served on presidential commissions. One was supreme allied commander, White House chief of staff and Secretary of State; one a vice-presidential candidate and both majority and minority leader of the U.S. Senate. They have seen service in the National Guard, the Army, the Marines, the Navy and at West Point.

Many totalitarian countries give their citizens the vote, but no choice of candidates. This year, we have a dozen who are willing to face grilling media, grueling schedules and a mercurial public. We have a group willing to place personal and political reputations on the line. We are well served by their efforts.

The next President of the United States is among these candidates. While we are entitled to our preferences—I certainly have mine—I think we can be proud of a field that demonstrates both the variety and the strength of the national talent pool.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Shelby). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Four minutes remain for morning business under the standing order.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SENATORIAL ELECTION CAMPAIGN ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

(Note.—When the Senate resumed consideration of the bill on February 1, 1988, an incorrect version of the bill was printed in the Record at page S 331, in that the bill was star printed by order of August 7, 1987. Therefore, the Senate proceeded to consider the bill as star printed on August 7, 1987, the text of which is as follows:)

That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

Sec. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"Definitions

"Sec. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for elec-

tion, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,000, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applica-

ble to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such

candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such ex-

penditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party,

in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and

(j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK WITH AMENDMENT NO. 1403

Mr. BOREN. Mr. President, I send a motion to recommit to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Boren] moves that the bill be recommitted to the Committee on Rules and Administration to be reported back forthwith with the following amendment numbered 1403.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 1404

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd] proposes an amendment numbered 1404 to Amendment No. 1403.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 1405

Mr. BOREN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Boren] proposes an amendment numbered 1405 to Amendment No. 1404.

Mr. BOREN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed under Amendments Submitted.)

The Senator from Oklahoma.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. BYRD. Mr. President, I wish to thank my friend from Oklahoma [Mr. Boren] for offering the motion to recommit with instructions, and I thank Mr. Simpson and Mr. McConnell for their understanding of the actions that we have taken.

I have indicated to the distinguished assistant Republican leader the motions and the amendments that Mr. Boren and I had planned to make. I thought it only fair to acquaint the leadership on the other side of these actions that we were going to take, and Mr. Simpson and Senators on that side of the aisle fully understood after the explanation. So that the actions that were planned have now been concluded.

What has happened here is that as the matter stood before today, the distinguished Senator from North Carolina [Mr. Helms] offered an amendment to the modification that was at that time pending and which had been developed by Mr. Boren and others and myself over a long period of time. There has been more than one modification to bring us to that point.

Mr. Helms' amendment, which would provide, I believe, something like $270 million in Contra aid, was topped with an amendment in the second degree by Mr. Symms. It is an amendment, I believe, having to do with the Monroe Doctrine. Of course, both of these amendments are very much in the nongermane category.

So it was the plan of Mr. Boren and myself to reinstitute the posture of the Boren, and others, amendment before the Senate. We have done that by moving to fill up the tree in the line of recommital and then moving to amend the instructions of that motion in such a way that now the Senate has before it the Boren, and others, amendment which originally was before the Senate.

So we have a line of amendments here which cannot be amended at the moment until action is taken on the second-degree amendment.

The Senate now has before it the matter which we want to debate and does not have before it nongermane amendments. That was the purpose of the actions that have been taken.

I shall not hold the floor any longer. I again thank all Senators who have been involved in this effort.

Mr. SIMPSON. I thank the majority leader. He is very forthcoming as to his approach here. He notified our side of the aisle. It is something he could have accomplished without that notification.

So I am going to yield the floor, but say, indeed, the majority leader has related what has occurred. We have not only filled the tree; we have replaced branches and placed birds upon the boughs. Joyce Kilmer would envy the tree we have constructed here, and now it is up to us to begin to deal with it.

I, therefore, appoint Senators McConnell, Packwood, Stevens, and Boschwitz as the four Members on the opposition side of S. 2 to complement Senators Boren, Mitchell, Levin, and Exon. While the debate proceeds, we will count on these eight Senators for progress in this area.

I yield the floor, and I thank the majority leader, and I thank the Senator from Oklahoma for his willingness to proceed.

Our fine and able leader in this area, Senator McConnell, is ready to sit down and do what is done in a legislative body, and that is compromise and see if we can come up with something sensible.

Mr. McCONNELL. Mr. President, I thank the distinguished assistant Republican leader and the majority leader for the cooperative spirit in which we began this debate this year. I might say to my friend from Oklahoma we had some spirited discussions over the course of the month last year and seven cloture votes.

It seems to me, based upon the discussions which we had here before the debate begins this morning, that we are for the first time really serious about sitting down and writing a memorable piece of legislation that can truly change the way campaigns are handled and financed in this country.

So for that spirit of cooperation, I commend both the majority leader and my friend from Oklahoma. We look forward to the discussions that will go on among the eight of us to see if we can come up with a bipartisan campaign finance bill that will go zipping through this body 90 to 10 and not be tilted in either direction, and be good for the process in America.

With that, I yield the floor, Mr. President.

Mr. BOREN. Mr. President, I thank my colleague from Kentucky for his kind remarks, and I thank the distinguished acting Republican leader. Of course, I thank the majority leader for his continued leadership on this very important matter which confronts us. I look forward to having the group of eight that has been designated by the two leaders to proceed with dispatch, to see if we an come to grips with this problem that confronts our country, a problem that confronts this institution.

I hope we can find a formula that will enable us to come forward with a bill that will be true reform and one that will have the strong bipartisan backing of a vast majority of the Members of the U.S. Senate, and ultimately the House of Representatives and the President, as well, because the problem with which we grapple is not one that should divide itself along partisan lines.

We are not dealing with a Democratic problem or a Republican problem. We are dealing with a fundamental American problem that must be addressed for the sake of the future of our political system, in which all of us participate and attempt to serve.

Mr. President, I will not go into all the arguments here, but there are two fundamental problems with our present election financing system.

First of all, more and more of the money to finance campaigns is coming not from contributors at the grassroots but from special interest groups which rate Members of Congress, usually on a narrow range of issues which affect only the economic or political interest of that particular group, instead of on the total record of service of that individual.

Very often, these interest groups have little or no contact with the State or district from which the Member of Congress is elected.

Sadly and tragically for this country, in the last election, 196 people elected to Congress received more than half of all of their campaign contributions not from the people back home in their home States, not from the grassroots contributors, but from political action committees, principally controlled here in Washington, DC, who supplied the funds.

The system is out of balance. The concept of grassroots democracy and representation is being threatened. I am not saying that all political action committees are evil. I am not saying that it is wrong for people to get together for the sake of joining to serve a common political purpose. That has always been part of the American tradition. I am saying that something is wrong and something is out of balance when almost half the people elected to Congress are getting more than half of their campaign funds from these groups instead of from the people back home.

That is the first serious problem confronting our electoral system today.

The second problem, simply stated, is that it takes too much money to run for office today. The high offices of this land are being put on the auction block for sale to the highest bidder. Too often, the outcome of campaigns depends upon which candidate can raise the most money instead of upon which candidate is best qualified and has the best ideas to serve this country.

The cost of campaigns is skyrocketing at an alarming rate. When I first was elected to the Senate about 10 years ago, the average cost of campaigning for the U.S. Senate was a little less than $600,000.

In the last election cycle it was well over $3 million.

Mr. President, let us reflect upon that for just a minute. If it takes the average Member of the U.S. Senate over $3 million, from just the average size State—there are States we know where the costs have gone from $15 million to $20 million—just in the average size State, if it takes $3 million to run a successful race and that Senator serves for a 6-year term and you multiply it out, what it means is that every Senator serving here, to be successful for reelection, has to raise on the average of $10,000 each and every week, week in and week out, for 6 years, every single week for 6 years, $10,000 on the average in campaign contributions, in order to have enough money to run a successful campaign for election or reelection.

Mr. President, that is not healthy for our political system. It distracts us. It conveys an image to the public that we are being unduly influenced by those who are in position to give large campaign contributions, and the time that should be spent in these challenging days in which we live, in which we grapple with ways to restore the competitive and productive ability of this country so that we will not become a second-rate economic power, these times in which our educational system cries out for reform and overhaul and adequate financial support, these times in which we have not been able to form a consensus to get our own budgetary house in order, these days in which the international course of events moves in ways that are important to the future of our national security and our alliances in NATO and other parts of the world, we should be devoting the time and attention of the Members of the U.S. Senate to do the job that the people elected us to do instead of spending our time day in and day out raising $10,000 in campaign contributions every single week for the 6 years that we serve.

Mr. President, something is wrong. We know it. There is not a single Member of the Senate who thinks that the system is working as it should. We know something is wrong and the people know it and it threatens the future of our political system.

We must not close our eyes to it. We are trustees of this constitutional system. We are trustees for the next generation.

Those who are here today serving us as pages in the U.S. Senate, who themselves may someday aspire to serve as Senators in this body, should not be confronted with the terrible fact that if we do not slow down the rate of increase in campaign spending by the time they have reached the constitutional age to run, 12, 13, or 14 years from now, at the current rate of increase instead of costing $3 million to run for the U.S. Senate it will cost $15 million to run for an average race for the U.S. Senate.

Young people of this country in the next generation who want to serve the people, who want to serve the Government, should not be confronted with the task of trying to raise $15 million if they want to render public service in the U.S. Senate.

So we have a heavy obligation, Mr. President, to do something about it.

I do not think there is anything more fundamentally important that we can do this year than enact a bill that brings about genuine reform, but it will have to have two main features. It will have to restore the balance so there is more grassroot participation in the financing of campaigns from individual contributors from the home States and home districts. Restore that balance, and it will have to do something to stop the rapid escalation of campaign costs.

Within those two fundamental principles, many changes and modifications can perhaps be made for myself let me say I will work as hard as I know to try to find a bill around which we can gather that kind of consensus to solve this fundamental American problem.

Mr. President, last year, changes were made to S. 2—through negotiation with many Members of the Senate who could not support the revised S. 2 as reported out by the Rules Committee last spring. By addressing the concerns about direct partial public financing of Senate general elections, two more revisions were made.

In the process 5 Senators, previously opposed to the bill, agreed to become cosponsors: Senators **Exon**, **Bentsen**, **Glenn**, **Dodd** and **Breaux**. Additionally, two more Members agreed to vote for cloture—reserving their right to oppose the final, amended version of the bill.

At this point 52 Senators, over half of the Members of the Senate, are cosponsors of S. 2 as revised under the last modification made in the bill as we previously considered it.

As it has been just over 5 months since S. 2 was temporarily laid aside, I would like to walk through what exactly the bill does in its current form and how it works to refresh the memories of my colleagues.

This bill contains the three essential elements of comprehensive reform: One, an overall limit on spending; two, an aggregate limit on PAC contributions; and, three, protections against so-called "independent expenditures."

Over 10 years ago, the Supreme Court in the Buckley versus Valeo case said that mandatory limits on Federal campaign spending are against the first amendment rights. The Court in their decision was unable to distinguish the overriding public good of putting a limit on excessive campaign spending to "buy" an election, with the need to protect the free speech rights of the candidate. While it was a very complex case, the result of that decision was to wipe out a previous law which put mandatory limits on congressional campaign spending. So, the only way to keep within the decision and achieve campaign spending limits, is to set up some kind of a voluntary system which is a strong inducement for candidates to participate with "voluntary" limits. This is what our bill tries to do.

Here is how the system works.

A candidate has the option to decide whether or not he or she wishes to participate in the system through a certification process. Once a candidate is his or her party's nominee, that candidate becomes eligible for certain benefits, assuming that the candidate has met a specific criteria:

First, the candidate has raised a threshold amount of individual contributions, primarily from in-State contributors. This shows the candidate is no marginal candidate simply trying to get benefits with no true show of grassroots support. This threshold ranges from $150,000 for the smaller States to $650,000 for the larger States. It must be made up solely of contributions from individuals. Seventy-five percent of the total money must be from in-State contributors. Finally, only the first $250 of a contribution can qualify for purposes of the threshold requirement.

Second, the candidate cannot have spent an amount greater than two-thirds of the general election limit during the primary. For a State with a $1-million general election spending limit, for example, the candidate must show that no more than $667,000 was spent in the primary election.

Third, the candidate cannot use more than $20,000 of his or her personal funds—or that of the immediate family of the candidate—as a contribution to his or her campaign. This is to prevent people with enormous personal wealth from buying or attempting to buy elections.

Fourth, the candidate must agree in writing that he or she will comply with the general election limit.

If a candidate has met that criteria, he or she is qualified for certain benefits. Now, Mr. President, let me list the benefits for which a candidate who has been qualified will be eligible.

First, candidates are eligible for the "lowest unit broadcast rate"—which currently all candidates may receive in terms of radio and television advertising. This benefit has no cost as it would only repeal the requirement on the broadcaster to give this preferred rate to all candidates. Under this bill—it would be for those candidates who complied with the spending limits who receive the lower rate.

Second, eligible candidates would receive a preferred mail rate. The candidate could receive a 5½-cent first-class rate or a third-class rate equal to 2 cents below the current third class rate. To pay for this privilege, we would repeal the current mail preference that national party committees receive. Also, this privilege is capped by limiting its value to only 5 percent of the general election limit. In a $1-million spending limit State—this privilege would be worth $50,000.

So I have indicated there is no cost to this provision because we pay for it by repealing the current mailing privileges that are given to all political parties, even fringe parties, even Marxist parties that are on the ballot.

Third, a candidate would also be eligible for protection from independent expenditures. If an outside group or PAC or wealthy individual paid for a media campaign above a $10,000-threshold level, against a candidate who complies with this system, that candidate is eligible for matching funds from the voluntary tax checkoff fund to combat it. In most cases, Mr. President, I think my colleagues would agree that if a group knew that the candidate they were trying to defeat would have the immediate resources to combat the attack—it would be highly unlikely that they would try to do so.

So people would know that there would be a checkoff payment to offset these independent attacks and would be very unlikely to launch the kind of independent negative attacks we have seen typify elections in the past.

And let me also say that this element of the bill is essential for it to work. The bill provides for an aggregate limit on the amount of money all candidates—House and Senate—can receive from political action committees. Under S. 2, the $45 million of PAC funds contributed to Senate candidates in 1986 would have been reduced to $16 million at a maximum—nearly a two-thirds cut. Other so-called PAC reform proposals which have been introduced since S. 2's consideration would only affect what an individual PAC could give. This would affect only about 6 percent of all PAC contributions to simply lower the PAC limit from $5,000 to $3,000.

We must have an aggregate limit on what candidates can receive from PAC's to have effective legislation.

The basic need for protection against independent expenditures, Mr. President, is due to the fact that with nearly $30 million taken out of the process—there is a legitimate fear that much of that money will go independent—financing mainly negative attacks.

We are trying to protect against the possibility that if you squeeze $30 million out of the system that it might pop up elsewhere under independent expenditures. So we have closed out that possibility by our provision against independent expenditures.

In addition to these benefits, in the hopefully rare case that a candidate does not agree to abide by these spending limits, all of his ads would have to carry a disclaimer—much like a Surgeon General's cigarette warning that "this candidate does not comply with campaign spending limits."

It would have to be on all avertising—direct mail and every piece of campaign literature.

I see the Senator from Nebraska has come on the floor, my good friend, Senator **Exon**. Let me say that that proposal was a contribution which he made to this legislation, a proposal which he made to us. I think it is a very good one and will have a very, very wholesome effect on the way that campaigns are conducted.

It is important to point out, Mr. President, that it would only be if a candidate chose not to follow these guidelines, would his or her opponent qualify for funds from the voluntary tax check-off fund.

If both Senate candidates agree to follow these limits, there would be no public funding, no public financing of elections under this bill.

If neither Senate candidate agreed to follow these limits—no public funds would be used.

So the way the compromise is now drawn would provide the public financing would come into play if one candidate agreed to limit and the other candidate decided to go over the limits and tried to spend an excessive amount of money on the campaign.

Again, take a State with a $1 million spending limit. Assume that candidate A chose not to comply with the limits and candidate B did. At the point that candidate A raised or spent 75 percent of the limit—$750,000—in the general election—he would be required to begin reporting contributions to the FEC in 5 percent increments of the limit—to monitor his activities. This would also serve as a signal for candidate B to begin raising funds above the spending limit to be used when and if the noncomplying candidate A goes above the limit.

At the point candidate A does in fact raise or spend above the $1 million limit—candidate B becomes eligible for a grant equal to two-thirds of the spending limit, in this case, $667,000.

So one candidate in any campaign accepts the $1 million limit. The other candidate does not. When the candidate that does not accept the limit gets up to $750,000 in spending, he or she must report every 5-percent increase increment of additional campaign funds raised and then when that candidate finally goes over the $1 million mark, the candidate that accepts the voluntary spending limit would get a checkoff payment of $667,000.

This is a strong inducement for candidates to participate and, hopefully, we would never have to see one penny from the checkoff fund actually used.

Should candidate A continue to raise or spend above the limit and does so by an additional one-third of the limit—candidate B is eligible for another grant equal to one-third of the limit.

This allows for a very limited role of partial public financing in the election process.

Mr. President, true reform of this complex system of congressional campaign finance cannot be achieved by piecemeal revisions. It requires instead a way to deal with the two fundamental problems—overall spending and PAC money influence. Many of the same opponents of S. 2 opposed my bill last year—the Boren-Goldwater legislation—which dealt only with PAC's. They claimed at that time that PAC's were not the only problem and that a broader reform effort was needed.

S. 2 gives such a broader approach.

Mr. President, I will be the first to admit that there are perhaps other fine tuning and other modifications that can be made which to make this bill better and to close possible loopholes in the system. I again extend the hand of compromise today in offering to listen to any Member of the Senate—Democrat or Republican—who can find a better way to achieve spending limits while passing constitutional muster and making it work.

Many meetings and negotiating groups have discussed this bill and other bills and how to pass a strong reform package. However, Mr. President, 52 Senators support this package—55 have voted at one time or another to limit debate on it thus allowing us to amend and improve the bill—but under Senate rules—that is not enough.

Again, I appeal to my colleagues to join in the effort to clean up this system and help us preserve the most essential element of representative democracy—the integrity of the election process itself.

So, Mr. President, this is an historic opportunity for this body to deal as one people, as Americans across party lines in the U.S. Senate, with a serious problem that confronts our Nation and confronts our constitutional institution.

Mr. President, my good friend from Nebraska is here. I know that he has an appointment waiting for him in his office. I know the Senator from Kentucky also desires to speak. I wonder if we might allow the Senator from Nebraska to speak briefly. I will yield for that purpose.

Mr. McCONNELL. That is perfectly all right with this Senator.

Mr. EXON. Mr. President, I thank the Chair and I thank my colleague from Oklahoma and my colleague from Kentucky for their usual courtesy.

Although I do have another appointment, Mr. President, I think that this is a tremendously important bill. I do not think it is an overstatement to say that this probably is the most important bill that will come before the 100th Congress, at least as it affects the ongoing sanctity of our elective process.

Mr. President, I applaud the majority leader for bringing campaign finance reform legislation back before the Senate. Perseverance is the mark of champions and Senators BYRD and BOREN have been champions in this regard.

Let me say at the outset that I did not support last year's original bill put forward by my two distinguished colleagues because it called for automatic public financing of Senate elections.

That original proposal would have cost $76 million for the current election cycle. Given our current and future Federal deficit difficulties, I could not support such an additional outlay. However, I know that the chase for campaign funds had to stop somehow.

We entered into negotiations and found a solution which has enabled me to cosponsor the revised bill. The revised campaign finance reform legislation before the Senate today is a radically changed bill. Automatic public financing is out. There are State spending limits for primary and general elections which vary by population.

If each candidate limits himself or herself to these limits for each State, then no taxpayer financing of Senate elections will occur.

The tie to public financing is necessary because of a 1976 Supreme Court decision which said Congress cannot set mandatory spending limits. The decision also stated that to set voluntary spending limits Congress must provide an inducement, such as partial public financing. I have cosponsored Senator HOLLINGS' constitutional amendment to overturn that Supreme Court decision; however, we need action now—not years from now when a constitutional amendment would be ratified.

Again, Mr. President, this legislation contains voluntary spending limits for each State based on population. Public financing would only occur as compensation to a candidate whose opponent breached those voluntary limits. Such funding would come from an income tax check off system similar to that used for Presidential elections. We hear the term "level playing field" used in Washington a lot these days. Well, if a bill ever created a "level playing field," this one certainly does so. Incumbents and challengers alike would be subject to the same limit, which is certainly more reasonable than the "sky's the limit" system we have today.

The current version, realizing that it is too late to apply to this election cycle, would be effective with the 1990 election cycle. Candidates who comply with the voluntary spending limits will have the added benefits of receiving the lowest unit rate advertising cost on television and radio as well as preferential mailing rates. The provision of third-class mail rates now available to political parties would be repealed to offset any incidental costs incurred in this bill. Candidates who do not accept the voluntary spending limits must place on all advertisements and announcements a disclaimer acknowledging that they are not abiding by the limits.

In that way the voters will know who has caused the expenditure of public funds. Additionally, political action committee [PAC] contributions would be limited to 20 percent of each State's general election limit.

Mr. President, this is fair legislation. I cannot understand any reason to oppose it; however, last year, it was filibustered. Seven times we attempted to break the filibuster. Unfortunately, seven times we came close but failed to obtain the 60 votes required for cloture. Clearly, if the filibuster can be broken this legislation will pass because we now have 52 cosponsors in the U.S. Senate.

Therefore, Mr. President, the majority of this body very clearly indicated that they think this is the time, and action is required now. I hope that the minority in the Senate will allow us to proceed, to express the will of this body.

Mr. President, how long will the minority in the Senate thwart the will of the majority in this body? How long will the minority in the Senate thwart the will of the majority of the American people who I believe want campaign finance reform?

Each of us in the U.S. Senate knows that we spend far too much of our time raising phenomenal sums of money to run for re-election. The money chase diverts us from the jobs we were elected to do. Without reform, it will only get worse.

When I hear talk of the possibility of a $5-million campaign for the 1988 Nebraska Senate seat up for election this year, it brings home how out of whack our electoral system has become. A $5-million Nebraska Senate campaign means spending over $3 for every man, woman, and child in my State.

Mr. President, enough is enough.

I have listened with great interest to the comments by my friend and colleague from Oklahoma. The majority leader has asked me to join with him and a few other Senators to try and carry the message and carry the ball; to work out compromises and differences where they might occur so long as we do not detract or deter from the basic message of this Campaign Reform Act which basically says it is time we become reasonable.

We are going to see it become even more difficult down the road to do our work here if we are spending as much time raising funds for re-election as we are using that time to the betterment of our constituents, our State, and this Nation. I do not want to overplay the issue, Mr. President, but I think we are at a critical time. I think we are right on the verge of major distrust taking over on the part of the citizens of this country, when they see the money game that is now being played. I appeal, as has my colleague from Oklahoma, to all of the Members of the Senate. We ask a time for a coming together, if you will. Let us sit down and work out any legitimate complaints that there are in the present bill. No measure before the U.S. Senate has ever been a perfect one. No measure before the U.S. Senate is so well written and so well thought out that no changes can be made. We are extending the hand of welcome once again to the 48 Members of the U.S. Senate who are not currently cosponsors of this legislation, to please sit down with us, see the light, come to the realization that now is the time that we are required to act because we are trying to be reasonable.

I do think it is fair to say that those of us who are fundamental concerned about this issue are determined, we are dedicated, we are ready to take whatever steps are necessary within the rules of the Senate to see that this matter is brought to a vote.

I do not think this is the time for recriminations. I do not think this is the time to throw about or castigate others who do not agree with us. We hope that, if possible, 100 Members of the U.S. Senate, regardless of their political affiliation, can see the light, can see the difficult road where there is only darkness ahead and disrespect for the very system that we are here to protect unless we have the courage to make some changes and make them now.

Mr. President, once again, I emphasize that we want cooperation and not confrontation, but if we cannot get compromise, if we cannot get something reasonable, then confrontation is going to be before this body on this issue in the very near future.

Let us see if we cannot work together to solve this knotty problem and put it behind us once and for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. Dixon pertaining to the introduction of legislation will be found later in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

SUPERCONDUCTING SUPER COLLIDER

Mr. DIXON. Mr. President, I rise today to bring to my colleague's attention an article that appeared in Wednesday's USA Today about the suprconducting super collider.

A recent poll found that 58 percent of 1,200 citizens throughout the United States are "favorably disposed" to the construction of the super collider. Further, 67 percent favored the SSC when told that the Soviet Union and Japan have plans to construct similar projects.

My friends, the significance of these findings is important to us as legislators. Our constituency wants our country to construct the super collider. In fact, Robert Berrier, the Wirthlin Group pollster, said, "We found that the more people know about it, the more favorably disposed they are."

I would like to also mention that in April of last year, Northern Illinois University in De Kalb, IL, conducted a survey among residents in Illinois to determine public reaction to the super collider.

The survey concluded that "the more citizens know about the SSC, and the more information they have about the nature of the project, the more supportive they are."

We need to listen to what the people are saying. They want the super collider built in the United States!

The super collider will be the largest research project ever built, costing an estimated $6 billion. It is definitely big science.

Since the President's approval of the super collider more than a year ago, we here in Washington have discussed and debated about the costs of the project.

The reality: it is not a small cost—but it is a small price to pay to ensure our Nation's lead in scientific research.

We have virtually ignored the most important issue in considering the construction of the super collider—its significance to the United States in maintaining our competitive edge in high-energy physics.

Congress failed to authorize the construction of the superconducting super collider last session.

We must join the people of the United States in supporting this program by approving the construction of the SSC this session.

The competition for the siting of the super collider has been narrowed down to a short list of seven States. I am happy to say that my State of Illinois is on this list, as are Arizona, Colorado, Michigan, North Carolina, Tennessee, and Texas. The Department of Energy will make its final recommendation of the best qualified site to President Reagan by the end of this year.

Congressional interest in the super collider was at a peak 6 months ago as States prepared their site proposals. In fairness to our country and to its citizens, we must recognize that the SSC is a national project that still demands all of our support.

I believe that the United States should go full speed ahead with the construction of the super collider. It is also no secret that I hope to see it in my State of Illinois. But, I am very much aware of my responsibility to my country.

Let me go on record saying that even if Illinois was not on this short list, I would still be committed to this very viable project.

The super collider is a project for our entire Nation, belonging to all of us, and we cannot let the threat of parochial interests undermine the best interests of the Nation.

I urge each of you to join me in supporting the construction of the superconducting super collider.

Mr. President, I ask unanimous consent that the article to which I referred as it appeared in USA Today, February 3, 1988, be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[USA Today, Feb. 3, 1988]

Poll Finds Widespread Support for Collider

(By William Dunn)

"Supercollider" isn't a household word—but when the giant atom smasher is explained to people, a majority favor it, says a poll out today.

"We found that the more people know about it, the more favorably disposed they are," says Wirthlin Group pollster Robert Berrier.

Texas—competing for the $4.4 billion project with Arizona, Colorado, North Carolina, Michigan, Illinois and Tennessee—ordered the pool of 1,200 nationally, 600 more in Texas.

Findings:

After the collider was explained, 58 percent were "favorably disposed." In Texas 81 percent approved.

Nationally, 67 percent favored the collider when told Soviets and Japanese are considering similar projects.

Don Morris, Arizona's collider team manager, said the poll shows "we have to inform the public of the benefits not just the cost."

Mr. DIXON. Mr. President, I thank my distinguished colleagues, the distinguished manager of the bill, S. 2, which I support and will speak upon later, the distinguished Senator from Oklahoma [Mr. Boren], and my friend, the senior Senator from Kentucky on the other side, Senator McConnell, for yielding this time.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I ask unanimous consent that I may proceed as in morning business for a brief period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STRATEGIC AIR COMMAND ALERT FORCE

Mr. EXON. Mr. President, most Americans do not give frequent thought to our Armed Forces until that time when a national emergency arises or Americans lives are in danger in some remote corner of the world. Otherwise, most Americans think our Armed Forces do not do much more than carry out routine peacetime training.

Nothing is further from the truth with the Strategic Air Command. Every day since October 1, 1957, the men and women of the Strategic Air Command have been on alert, manning and supporting our missiles and bombers, guarding this Nation against a Soviet nuclear attack. They are on a higher level of alert than most of our other military forces. Their responsibility is awesome; their performance is consistently impressive.

The task is not an easy one. Continuously maintaining a complex organization of bombers, their supporting tankers, and missiles is in itself challenging. Being constantly ready to respond to a nuclear attack is extremely demanding.

From Offutt Air Force Base in Nebraska, the headquarters of SAC, to Andersen Air Force Base on Guam, the Strategic Air Command maintains its guard. This means that in all climates and weather, SAC must be able to respond within minutes to any hint of aggression.

The men and women assigned to the Strategic Air Command are an elite. They must be in order to handle the tremendous responsibility of maintaining, operating, and protecting nuclear forces that are the heart of our Nation's deterrent to nuclear aggression.

For over 30 years, the Strategic Air Command alert force has admirably carried out this vital mission of nuclear deterrence. As the chairman of the Senate Armed Services Subcommittee on Strategic Forces and Nuclear Deterrence, I am proud to pay tribute to the men and women of SAC.

Mr. President, history will reveal down the line that we have an outstanding American in the person of Gen. John T. Chain, Jr., the head of the Strategic Air Command with headquarters in Omaha, NE.

I have recently received a communication dated February 8, 1988, from my friend and colleague, General Chain, with whom I work very closely in my capacity as a member of the Armed Services Committee of the Senate, particularly with regard to my position as chairman of the Strategic Subcommittee thereof on all of the matters including the nuclear deterrent.

General Chain authored an article entitled "The Year of the SAC Alert Force."

In order that all Americans may come to better understand the importance of the Strategic Air Command, I ask unanimous consent that the letter and a statement on the SAC alert force by the Commander in Chief of the Strategic Air Command, Gen. Jack Chain, entered in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of the Air Force,
Headquarters Strategic Air Command, Office of the Commander in Chief,
Offutt Air Force Base, NE,
February 8, 1988.

Hon. J. James Exon,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Exon: Strategic Air Command bomber and tanker crews began alert more than 30 years ago, around the clock every hour of every day. Then and now, SAC alert crews form the cornerstone of America's deterrence.

We are very proud of our accomplishments as we enter the fourth decade of providing deterrence for this nation—and we look with confidence to the challenges of the future. We believe it is important that the American public understands what SAC alert crews do for them and for our nation. Therefore, in an effort to reaffirm the importance and enhance the prestige of SAC alert, we have designated 1988 "The Year of the SAC Alert Force."

I have enclosed a copy of an article I have written to the men and women of Strategic Air Command concerning the importance of the alert mission. I would be very grateful if you would consider inserting the article in the Congressional Record. It would mean a great deal to SAC people and would assist in our efforts to inform the public that SAC provides the deterrent shield that guards America's freedom.

Best wishes,

John T. Chain, Jr.,
General, USAF,
Commander in Chief.

The Year of the SAC Alert Force

(By John T. Chain, Jr.)

When our Secretary of State, George Shultz, visited SAC headquarters recently, he paid this command an enormous compliment. He said that among the many things that impressed him, the thing that impressed him most was that "SAC is ready to go to war today, while most other military organizations are training to go sometime."

It is that theme—being ready to go at a moment's notice to defend this great nation of ours—that I want to address here.

Being ready to respond immediately is a critical part of our deterrent mission. We must be so visibly ready—so professional—so capable—that our adversaries know beyond a doubt that an attack on us would subject them to immediate, devastating retaliation. Throughout the years SAC's alert force has been the cutting edge of our "ready to go" capability.

I can testify from personal experience that alert duty is a tough, demanding job. It involves sacrifices from the crews, from the people who support them, and from the families who endure the long hours, understand the pressures, and share those sacrifices. But no job in the military is more important. Deterrence—keeping the peace—is built on the shoulders of our alert force.

The SAC alert force began standing guard for this nation on Oct. 1, 1957. We have maintained the vigil for more than 30 years . . . more than 11,000 days . . . 24 hours a day, every day. During good times and bad, it has been the vigilance, dedication, and strength of SAC's alert force which have allowed Americans to live in freedom.

So, it is essential that the importance of alert duty is fully recognized: by the people who pull it; by their colleagues in SAC and in the other commands and military services; and by the American people who owe the SAC alert force so much. To help recognize the importance of SAC alert, I have declared 1988 to be the "Year of the SAC Alert Force."

During 1988, we're going to reaffirm the importance of SAC alert, enhance the prestige of the alert force, and upgrade the alert force environment. Within this command, this observance is to express our gratitude to the families, support personnel and crew members who have made great sacrifices in years past, and to salute those who stand guard today.

We do a lot of things in SAC that are important, but nothing is more important than our alert commitment. Our adversaries know the importance of the SAC alert force. They know that if they start a fight with us, they will have to deal with the awesome retaliatory capability of the finest military force on the face of the earth. Our president knows the importance of the SAC alert force. He recently wrote a letter to the men and women of Strategic Air Command in which he said ". . . SAC's demonstrated readiness has been a cornerstone of peace and security for the free world." And, the American people increasingly know that it is the dedication and vigilance of the SAC alert force that safeguard the freedom and security of our nation.

Should deterrence fail, SAC is indeed ready to go to war today. We are confident we can carry out our mission, anytime, anywhere. The people who pull alert, and those who support them, guard this nation on freedom's front line. I'm enormously proud of our alert force. I look forward to celebrating the "Year of the SAC Alert Force" with the men and women of our alert team who serve our nation so well.

Mr. EXON. Mr. President, I thank the Chair and I thank the managers of the bill. I yield the floor.

Mr. BOREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:24 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. Harkin].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with consideration of the bill, S. 2.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, in the discussion of S. 2, I think it would be well that we talk about some of the practical problems that we face.

There has been, during the past year, a lot of discussion about the technicalities of this law, what it would do and and what it would not do. But I would like for a short time, Mr. President, to talk about some of my experiences running for the U.S. Senate.

I served in the House of Representatives before being elected to the Senate. When I made the decision that I was going to run for the U.S. Senate, I met with some of my colleagues who had been in a similar position, people who had served in the House of Representatives and were elected to the U.S. Senate. I spent some time and they told me about the difficulty of a campaign. One thing they all agreed on was that a campaign for the U.S. Senate took a great deal of money.

They also told me that I would spend a significant amount of my time raising money to run the Senate. One Senator told me that I would spend 80 percent of my time raising money to run for the U.S. Senate. Remember, I come from a State that is small in population. There are probably only 10 States that have fewer people than we do. But we are a State and we have the bright lights of Las Vegas and Reno and Lake Tahoe. I said to myself, "I'm not going to spend 80 percent of my time raising money to run for the Senate. Why, I have people that have helped me when I was elected to the House and State legislature and Lieutenant Governor. I have people that I know that will help me."

He was right; I was wrong. I may not have used 80 percent of my time, but I used a significant amount of my time, far over 50 percent of my time, raising money to run for the U.S. Senate.

I should have been, during that period of time, visiting schools, speaking to government classes, going to universities, reviewing their engineering programs, doing things that would acquaint me with the problems of the State of Nevada. I should have been going to industrial plants determining how, for example, in southern Nevada, they produce titanium. I should have been going to dairy farms in the northern part of the State trying to understand some of the problems with dairy production. But, what I was doing was spending an inordinate amount of my time calling people on the telephone trying to arrange meetings to see if they would be willing to help me financially to run for the U.S. Senate.

I should have been going to the hotel employees throughout the State of Nevada—there are hundreds of thousands of those people—meeting with them to find out what their problems are. But, what I was doing was trying to arrange times to meet with people to raise money.

None of us, Mr. President, is proud of that. None of us is proud of the fact that rather than going to a high school civics class we are meeting with people to try and see if they will give us $500 to help us with our Senate campaign. None of us is proud of the fact that is what we do. But that is what we do. In a small State like Nevada I had to raise over $2 million to be competitive. Now my opponent outspent me significantly, but I had to raise $2 million to be competitive.

That is what S. 2 is all about. It is not some pie in the sky.

We are talking about reality—100 U.S. Senators spending an average of $3 million on a Senate race. That is what we are talking about. We are talking about someone that wants to run for the Senate, that person, that man or woman, must recognize that unless they are individually wealthy, and I mean real wealthy, that they have to go out and ask people to give them a lot of money.

There is nothing wrong with asking people to give you money. But, enough is enough. Should we not set some boundaries and guidelines? That is what S. 2 is all about.

Not only do we have that problem, that it just takes a great deal of money, but, in addition to that, S. 2 does some other things that I think are important, Mr. President. S. 2 addresses some problems that you do not see at first glance.

I thought if I raised enough money to be competitive, that would solve my problems. But that is not how it is. There are all kinds of ways to deviate from the law.

I will never forget one of the most amazing things that ever happened to me. Senator Laxalt announced in August that he was not going to run for reelection. I decided shortly thereafter that I would try to fill the open seat of Senator Laxalt, so I worked basically from September through March getting ready to run for the Senate, which I learned included raising money.

What I did not realize, Mr. President, was that there are ways that people can raise money that are so easy, so devious, for lack of a better word. There are ways that people can raise money that are not in the framework of the law as we think it should be.

S. 2 addresses a problem and that is something called bundling, and I will talk more about that. Bundling, Mr. President, is a situation where, for example, the Republican Senatorial Campaign Committee solicits money for itself. What I found in my case is those moneys did not go to the Republican Senatorial Campaign Committee. They just were there for a short period of time until they went to my opponent. So on something that I spent 6 months doing, he did in a matter of a few minutes by just the RSCC redirecting some money.

There are also a lot of other things that this bill addresses. Expenditures by political parties.

Another interesting thing that happened to me, talking about how a campaign really works, I woke up one morning and learned that in the State of Nevada, the seventh largest State in the Union, 72 million acres, was covered with signs, political signs, thousands of 4 by 8 signs saying vote for my opponent. Well, I thought to myself, "That takes a lot of money," and I knew about how much one of those signs cost. And I thought, "Well, I do not think he is spending his money very wisely."

It took a few days before I realized he did not pay for the signs. They were paid for by the State party. That was a way to circumvent the law. I do not know how much they cost—hundreds of thousands of dollars. They went through the State party.

I came to realize very quickly that that is not the only thing they did to try to get around the law. What else did they do? They paid for advertisements on radio that were directed against me. But they were used that way so that they would not be expenditures of the candidate himself.

So, Mr. President, this law addresses real problems. It does not address hypothetical situations that may occur sometime in the future. It addresses real problems. And let us go over them again just very briefly.

It addresses a Senate candidate who is told that he or she is going to have to spend a significant amount of time, far over 50 percent of it, raising money to run for that office. It addresses problems that deal with bundling, conduiting, it deals with expenditures by State parties.

S. 2 is not a perfect law. We all know that. But it certainly attempts to address the problems that face each and every Senator in this Chamber and we have to do something about them.

Henry Clay said, many, many years ago, Mr. President, that government is a trust and the officers of the government are trustees and both the trust and the trustees are created for the benefit of the people. He said that in 1829 and it certainly applies to what we are trying to do today. It holds as true today because we are the trustees, the same as Henry Clay was a trustee back in 1829, and we bear to the people the highest possible level of duty to fulfill that trust.

Of late, however, Mr. President, I fear we have most grievously failed in that trust. For the past few elections it has become increasingly clear that the election code we created to ensure fair proceedings in Federal campaigns simply is not doing the job. There are loopholes in this law that now governs elections that you could drive 15 freight trains through. I only mentioned a few of them.

I do not mention any of the things that happened in my race in acrimony. I won the race. I was fortunate to do so with all the loopholes that were in the law. I bring it to the attention of this body and the American people because I think we have to know that this law applies to real problems that face each and every person that is elected to the U.S. Senate. I am confident that S. 2, the Boren-Byrd bill, sufficiently dams the torrent that is passed through these loopholes. The American people want this bill. They want campaign reform. They want an end to the spiraling cost of campaign spending and to the campaigns that begin the day after the election. Campaigns now begin, and we can look at the Presidential scene to recognize that, the day after the election.

Mr. President, I made a point. I said the American people want this bill. Is there any proof of that? I brought with me only a little bit of the proof of that; only a little bit of the proof of that. But I want to bring to this body's attention some of the reasons that I feel the American people do support this legislation. I want to bring to the attention of the Members of this body and the American public the fact that it is something the American people want.

I brought, this afternoon, only a few of the editorials that have been written in newspapers all over this country and I show you, Mr. President, this bundle of editorials. I mean, it is 2 or 3 inches thick. These are editorials from all over the country. I only brought part of it.

These editorials are not from one part of the country. These editorials are from all over this Nation:

The Morning Call; Allentown, PA.
The Daily Astorian; Astoria, OR.
Athens Daily Review; Athens, TX.
Kennebec Journal; Augusta, ME.
The Bakersfield Californian; Bakersfield, CA.
Bangor Daily News; Bangor, ME.
Bluefield Daily Telegraph; Bluefield, WV.
The Boston Globe; Boston, MA.
Daily Camera; Boulder, CO.
Bozeman Daily Chronicle; Bozeman, MT.
The Brookings Daily Register; Brookings, SD.
The Buffalo News; Buffalo, NY.
South Idaho Press; Burley, ID.
The Burlington Free Press; Burlington, VT.
Nevada Appeal; Carson City, NV.
The Chandler Arizonan; Chandler, AZ.
The Daily Mail; Charleston, WV.
Chillicothe Gazette; Chillicothe, OH.
The Messenger; Clemson, SC.
The Plain Dealer; Cleveland, OH.
The Columbia Record; Columbia, SC.
News; Cumberland, MD.
Dallas Morning News; Dallas, TX.
Dallas Times Herald; Dallas, TX.
The News-Times; Danbury, CT.
The Danville News; Danville, PA.
News-Journal; Daytona Beach, FL.
The Denison Herald; Denison, TX.
The Courier-Express; Du Bois, PA.
The El Dorado Times; El Dorado, KS.
The Register-Guard; Eugene, OR.
The Evansville Press; Evansville, IN.
Times-West Virginian; Fairmont, WV.
Northwest Arkansas Times; Fayetteville, AR.
The Fresno Bee; Fresno, CA.
Gainesville Sun; Gainesville, FL.
The Gardner News; Gardner, FL.
Great Falls Tribune; Great Falls, MT.
The Record; Hackensack, NJ.
The Hartford Courant; Hartford, CT.
The South Dade News Leader; Homestead, FL.
Herald-Dispatch; Huntington, WV.
The Clarion-Ledger; Jackson, MS.
Kenosha News; Kenosha, WI.
Record-Courier; Kent-Ravenna, OH.
Valley News; Lebanon, NH.
Leesburg Commercial; Leesburg, FL.
The Tribune; Lewiston, ID.
The Lewiston Daily Sun; Lewiston, ME.
The Sentinel; Lewistown, PA.

I could go on for an hour reading the places from which the editorials come. Just the places. Not the content of the editorials.

It is significant that in my State of Nevada we have editorials from all over the State.

Mr. President, I bring to this body's attention an editorial from the Reno newspaper, the Reno Gazette Journal, Wednesday, February 25, 1987, and part of what is said in this:

> This bill would limit candidates and their families from spending, and limit overall spending depending on the size of the State.

Skipping down:

> The bill would limit total PAC contributions to a maximum in the Senate and the House, depending on the size of the State.

No one here—well, I should not say that. I am not here to beat up on PAC's. I think political action committees serve a valuable purpose and I am not here to in any way berate political action committees. I am here though, Mr. President, to indicate that we have an overall spending problem as pointed out in the editorials from the State of Nevada and around the rest of this country.

This is from Carson City, NV, the capital of our State. It says a number of things. It says, for example: "Senators complain about becoming panhandlers." That is a word that I am not familiar with, but it is certainly descriptive of some of the problems that we have.

The editorial states, among other things:

> Campaign reform simply will not happen without spending limits. The Supreme Court has ruled that there must be some form of public benefits in order to establish a system of voluntary campaign spending. The spending limits contained in S. 2 are reasonable and voluntary, as required by the Supreme Court. If Presidential elections are a reliable guide, S. 2 will provide for competitive elections; neither party will be at a disadvantage.

It states here:

> Senator DOLE and his fellow filibusters need to step aside and give the reform legislation the chance to slay the campaign monster. In doing so, they would be helping restore the integrity of our representative form of government.

This is from the Carson City newspaper, the Nevada Appeal, dated July 2 of last year.

But it is not related only to the northern part of the State. The major population of the State of Nevada, an area of the State that has about 60 or more percent of the people of the State of Nevada, also cares about campaign reform. The Las Vegas Sun Newspaper, on the 29th day of December of last year, just a few weeks ago, wrote an editorial that, among other things, related to another issue that this S. 2 addresses, that is independent expenditures.

I am sure that most Senators who came to this body this year—there are 13 new Senators—I know of 11 Senators who, with rare exceptions, had independent expenditures against them. There is no way of attributing from where the money comes; no way of having the people who contribute to those independent expenditures listed on your expenditure or anybody's expenditure listing at the end of the year or during the year. These are independent expenditures that come from we do not know where.

The Las Vegas Sun newspaper indicated that NCPAC, the Virginia-based National Conservative Political Action Committee, spent better than $200,000 to help defeat incumbent Senator Howard Cannon approximately 5 years ago.

The editorial further states:

> Byrd's—

referring to our majority leader—

> Byrd's goal was to convince the Nation that Republicans were blocking campaign reform.
>
> Byrd said, "The Senate will revisit the measure next session." When S. 2 is brought up again before the Senate, you will face a choice of continuing to protect a campaign financing system that is fundamentally corrupt or helping to restore integrity in a representative form of government. So said Commom Cause president Fred Wirtheimer after the comments by Senator Byrd.

The editorial further states:

> Yes, the candidates are spending too much money on their campaigns. Yes, there ought to be limits on how much they can spend. That would make it more attractive for equally well qualified people to seek elective office, and it would shorten the amount of time they spend away from their legislative desks seeking money for their next campaign.

Mr. President, these are three editorials that are from newspapers in the State of Nevada during the past few months. As I indicated in reading just a few of the places from where they come, there are a lot more.

I am going to spend just a minute to direct this body's attention to some of the other editorials around the country. I picked just a few out of the hundreds.

I want to point out, Mr. President, as I indicated from where these editorials come, that these are not editorials from the New York Times only, these are not editorials only from the Washington Post, these are not editorials from the Los Angeles Times, the big, big newspapers. These are editorials from small newspapers, some of them weekly publications, concerned about what is happening to our country.

The Allentown, PA, newspaper called the Morning Call last year said, among other things:

> Not so long ago it was a widely held belief that in a democratic society long periods of governance were interrupted by a fine-tuning process known as elections. But that belief has been a fiction in American politics for decades. The fact of political life in today's America is that for the most part our political leaders are engaged in a continuous political campaign. No sooner are the victors of November rejoicing over their victory than they start fattening up the war chest for their next campaign. In the case of the House of Representatives, Representatives, who serve 2-year terms, their round-the-clock campaigns do not end until death, defeat, or retirement.

Among other things, the Allentown Morning Call said:

> There are two ways to break the back of interminable campaigns and their multimillion dollar price tags. The first is to limit the length of campaigns.

I am totally in favor of that and I think most are. But they state that is almost an impossibility in our system.

> The second possibility, campaign finance reform, though, is possible. That is, if the politicians will it. Right now, Senate Republicans have bottled up a bill that would provide public financing of Senate campaigns—an improvement over the present vested interest—financed campaigns.

Mr. President, there has been a good faith attempt by the majority leader of the Senate to have this issue decided on its merits. This bill holds the record for cloture votes. If I am not mistaken, there were seven cloture votes. It breaks the record in the 200 years of this Republic. This bill broke the record trying to stop debate seven times and we were not able to do so. We could not get the necessary 60 votes. We got 55 votes. But as the Allentown Morning Call said, "Something must be done."

We switch from that part of the country now to the State of Maine. In Augusta, ME, there is a newspaper called the Kennebec Journal. This newspaper said:

> The good news is that reform of congressional campaigns, with their vicious television commercials and exorbitant cost, is possible this year. The bad news is that the debate is proceeding along partisan lines, with Senate Democrats almost unanimously in favor of a public financing plan, and the Republicans opposed. The Senate is fertile ground for reform.

Earlier it was stated this should not be a partisan issue. Mr. President, it should not be a partisan issue. There is no reason that campaign reform be a partisan issue. The American public wants reform and as indicated in the newspaper from Augusta, ME, the Senate is fertile ground for reform.

Bozeman, MT, has a newspaper called the Daily Chronicle. The newspaper in the great State of Montana, the beautiful State of lakes and mountains, among other things said:

> Only the most naive believe that money has little influence on political decisions. That influence must be controlled and the Senatorial Election Campaign Act is a worthwhile place to begin the job.

That was the Bozeman Daily Chronicle.

Brookings, SD, has a newspaper called the Brookings Daily Register. It said, among other things:

> This past fall, South Dakota finished first in something, but it was a rather dubious distinction.

This State, the State of South Dakota, holds the distinction for spending more than any other State in the Union per vote. Part of what the editorial says is that more than $7 million was spent electing a Senator from South Dakota.

The State of South Dakota is a very, very sparsely populated State. The State of South Dakota has about 500,000 people, give or take a few; $7 million?

In a statement made in April, TOM DASCHLE, a brilliant Senator from the State of South Dakota, said, and this talks a book even though the Senator said it in a sentence or two:

> More than any other single factor, it is this unlimited funding that is a problem. If we are ever to get a handle on the multiple maladies that afflict our campaign financing system, our very first step must be to limit spending.

That was Senator TOM DASCHLE. He was in the pits fighting. He is not talking as a theoretical approach to how Government should be run. He was there. He was elected in the same class I was elected. We went through the same program. It was tough. Why? Because of campaign financing.

The Brookings Daily Register further said:

> In South Dakota that limit would be $950,000 on the general election per candidate and $636,500 in the primary.

That is per S. 2.

It ends its editorial by saying:

> We don't need $7 million to get the message of candidates to the people of South Dakota. If we don't limit campaign spending soon, what the voters of our State think won't matter much anymore.

I thought the West should be represented, Mr. President, in going through these newspaper editorials, and so I have already talked about Nevada, the papers there. But to show that other Western States feel strongly, let us talk about Chandler, AZ, a newspaper called the Chandler Arizonian.

> The Senatorial Election Campaign Act has cleared the Senate Rules Committee—

This editorial was written last summer—

> but faces the roadblock of a Senate filibuster unless integrity wins out over greed in the hearts of some members of the Senate. Among those in opposition to the Senate Campaign Reform Act are such big gun PACs as the American Medical Association and the National Association of Homebuilders. Supporters of the legislation include the American Association of Retired Persons and the International Association of Chiefs of Police.

Skipping to another part of the editorial:

> In the 1976 election, it took an average of $610,000 to win a Senate race.

Ten years later, Mr. President, in 1986, it took $3 million—$610,000, which is a huge amount of money, but 10 years later, the average Senate race cost $3 million. The editorial finishes by saying:

> Election campaigns are too expensive and financed to too great a degree by PACs. The Senatorial Election Campaign Act is long overdue.

Mr. President, I also wanted to refer to the southern part of this country because there are editorials from all over the South. The Clarion Ledger from Jackson, MS, is the last editorial from which I will read.

> A comprehensive campaign finance bill has surfaced in the U.S. House of Representatives, a good sign that some reform will come to Congress soon. The House bill would establish a voluntary system of overall spending limits and prescribe limits on the use of personal wealth in campaigns along with providing partial public financing.

And as we know, Mr. President, that basically has been eliminated from the bill in an effort to work some compromise.

> It would also limit the total amount of political action committee contributions a congressional candidate can accept. A host of Members in the Senate—

And I think this is so significant—

> including the President pro tempore of the Senate, John C. Stennis (D. Mississippi), introduced their plan for campaign finance reform but have gained little ground due to a filibuster lead by Republicans. The stall tactic forced supporters of the Senate reform bill to introduce a new proposal that limits campaign spending and puts an aggregate limit on the total amount of political action committee contributions candidates may accept. The new proposal eliminates the controversial public financing for Senate elections except in very rare circumstances. Both plans are fair and reasonable. The key is to limit campaign spending which has gotten out of control and to set confines on contributions from political action committees.

Mr. President, before leaving the Clarion Register, I think it is so important to recognize that JOHN STENNIS, somebody who we all look up to, somebody who is history himself, spent so much time, 40-odd years in the Senate. He is my chairman, chairman of the Appropriations Committee. He is a man we all love and respect. He has seen it all. Here is this very, very brilliant man, with a history that is unsurpassed in Senate politics, who has been involved in some of the most controversial battles ever to take place in this Chamber, saying something must be done about campaign spending, and this is recognized in his own State of Mississippi.

Mr. President, I have referred to a few editorials from around the country. As I indicated, there are hundreds of editorials from around the country on this issue. To get the flavor of these editorials I have quoted the substance of a few of them to give a geographical representation, that this is not only one part of the country that is concerned about campaign reform but the whole country is concerned about campaign reform.

What I want to do now, so you get an additional flavor of what the editorials are saying from around the country, is refer to the title of these editorials. The titles say a lot, and I think it should get the attention of Members of Congress, not only of the Senate but Members of Congress:

"Campaigns: New Models Needed; Substantial Beginning; Congress Ponders Its Own 'Filthy Lucre'; Campaign Reform Needs GOP Boost; Campaign Financing; Time To Stop Stalling: Send PACs Packing; Campaign-Finance Curbs; Limit Campaign Spending; A Dubious Distinction; Congress Should Adopt Election Spending Curbs; Effort On To Cut Power of PACs; Democrats' Bill To Blunt PACs Worth Passing; Campaign Finance Reform Due; PAC Reform" is the title of the Charleston, WV, Daily Mail. "Campaign Reform; Campaign Act Needed To Curb Spending; Congress Ponders; The Mugging of S 2" is the name of the editorial from the Cleveland Plain Dealer. The Columbus Record: "PAC bill 'Damndest Arrogance'; Campaign Cash Concerns Senate; Campaign Financing Senate Republicans Should End Filibuster."

This from the Dallas Morning News: "Time To Send PACs Packing; Campaign Financing; Senate PAC Limits Bill Deserves a Chance; Congress Ponders 'Filthy Lucre' "—different newspaper, basically the same title. The Courier-Express from Du Bois, PA, entitles theirs "Campaign Monster; Congress Has Money Scandal of Its Own." The El Dorado Times from El Dorado, KS; "Slay the Monster; Real Reform Needed; Campaign Reform Bill Deserves a Chance; Money Business; Talking Reform to Death, The GOP Obstructionists; Congress Ponders Its Own 'Filthy Lucre' "—the third time in these editorials that newspapers in different parts of the country have used the same term of art, "filthy lucre." "Election Spending Limits Are a Must; Where Cash Is King; Senators Tested on Election Spending; Does the Senate Want Reform?; Congress Ponders a Financing Scandal; Time To Stop Stalling; Campaign Spending Should Be Curbed; Finance Reform; Less Money; All Up in Knots; Campaign Spending; Senate Should Adopt Proposal To Restrict Campaign Spending; Campaign Theatrics; Curbs Are Needed on Campaign Costs; Muting the Voice of Money; Why Not Voluntary Campaign Spending Limits; Limiting Political Bucks" is the title from the Courier-Journal from Louisville, KY.

"Cap Campaign Spending; Campaign Spending Limits; Let's Slay It," is the title of the editorial from the Marion Star in Marion, OH. "Get Them; Limits Are Needed; Maybe a Chance To Thwart the PACs; The Auction Block; The Issue That Won't Die; Blocking Reform; Campaigns; Time To Cap Costs; Chance To Break PAC Chains; Campaign Spending Is Out of Control and Change is Needed; Let's Buy Congress Back; Election Reform; Campaign Spending Reform Badly Needed; Limit Campaign Spending; Now is the Time." And who is this? This is Barry Goldwater. Barry Goldwater. This is not a liberal issue. This is not a conservative issue. This is an American issue. We need to do something about campaign spending.

Mr. President, I will not read more titles, but I think we get the idea of what people around this country are saying.

It was only yesterday that the New York Times had an editorial that I think sums up titles: "The Political Clean Air Act of 1988." We really need to do something, Mr. President, because this has gotten out of hand.

Mr. President, the process by which Americans elect their Government has always been in continuous flux, and that since the time of ratification of the Constitution first set it in motion, and as problems with the system became apparent, the Congress and ultimately the people have developed solutions.

Those changes in our system have been as fundamental as the extension of voting rights to minorities and women, as radical as the direct registration centers by the people, and as complex as the system of laws which now control all Federal elections.

Simple or complex however through each of these changes run a common thread. Each was a response to a perception by the public and the Government that the system was not properly functioning. The last major reform involved the manner in which we elect our President. From the middle of this century foward it became increasingly apparent that money was having too much impact on Presidential elections. In the early 1970's a system was created which we all know—as a result of the New Hampshire primary last night—has made Presidential political campaigns far from perfect but has certainly made them, I believe, more competitive.

I think what has gone on in recent months has indicated that campaigns have become more competitive. Well, with the reform as suggested in S. 2 we are not asking that there be public financing of elections. Even though that is a red herring that has been thrown out, that has been withdrawn from this legislation. Only in the rare circumstance would that ever come to be. That is, if one person simply refused to follow the campaign spending rules as set forth in this legislation.

But I think we need to look at the Presidential election process and learn something from it because certainly it is an improvement over what used to take place.

Mr. President, I remember in an election I was involved with about 3 years ago going to a man who was a very prominent man in the American scene, a great inventor. He was responsible for an airplane that is an airplane. When you mention the word everybody recognizes what it means. He had over 100 patents. He was a great scientist and he was a man of some means.

When I met with him in 1974 he was concerned about the tremendous amount of money that could be given to a Presidential candidate. And he gave huge sums of money to the past Presidential candidates. As a result of great Americans like him complaining about the system, the way we elect Presidential candidates changed and rightfully so.

The time has come for us to step forward and change the present means by which we elect Members of Congress. No one wants to take away anyone's constitutional rights. But why should we spend these huge sums of money as indicated in Nevada and South Dakota, two relatively small States? Can we not improve the system? Of course we can.

I have talked a little bit about some of the problems with the system and there are many. Bundling I have talked about. It is bundling and using conduits. I gave an example of that. Those practices are an invitation to abuse, and that invitation has been repeatedly accepted. The invitation to abuse has been accepted graciously by some and wrongfully.

During the past senatorial campaigns there is irrefutable evidence that arose that massive amounts of money were improperly infused into campaigns. And as I indicated I have talked about that in my previous statement, and we do not need to rehash the 1986 elections. But I think we can learn from the 1986 elections to prevent future problems. As long as money can be collected by an outside central group and passed on to individuals the temptation to juggle the books to help a favored candidate sometimes becomes irresistible. Let us remove the temptation by simply forbidding bundling and using conduits altogether. Party passthroughs, I talked about that. Pundits of political science have just appeared by the thousands overnight.

Another example of a problem which must be addressed is the ability of State parties to pass money through to candidates in the form of certain materials. I gave an example of that. Again, using the 1986 campaign, that law was abused all over this country, and it is wrong—statewide mailings, radio announcements, even television in various places. Frankly, even though I personally believe under the present law those actions were illegal, the FEC tends not to move on them for a lot of reasons. But even if they were not, they certainly are wrong and we should stop the practice altogether.

Mr. President, I think the important thing that we understand—and I heard Senator BOREN talk about that. I heard a colloquy this morning between the acting minority leader and our majority leader. I heard them talk about the need for compromise. Perhaps there is a need for compromise.

As you will recall, Mr. President, this bill has been modified significantly since it was first introduced by Senators BOREN and the majority leader. It has been significantly altered because of questions raised by the opponents to the legislation. Senator BYRD and Senator BOREN, in an effort to try to work things out, changed things. They did not pick up a single vote in the cloture votes. With all these changes they made they did not pick up any votes.

I would suggest that compromise is a two-way street. Prior to coming to the Congress I was a trial attorney. You cannot settle a case if only one party wants to settle. To settle a case takes both parties. You cannot have compromise if only one party is compromising. To compromise you need both parties willing to compromise.

Now we have only had a one-sided effort at compromise. I am very happy that Senator SIMPSON, the acting minority leader, the Senator from Wyoming, has appointed through the minority leader four individuals to work with four individuals on this side to see if there can be something worked out. I would certainly hope so.

We all know that politics is the art of compromise. Almost any piece of legislation that passes this body or the other body is something that came out in a different form than when it was introduced. That is a fact of life. And there will be compromise in S. 2, too. I would like to think perhaps there will be more compromise than there already is. But that is fine. But I think we have to have a good faith effort to compromise this. It takes two sides to compromise. Remember, I repeat again, politics is the art of compromise.

This body and the other body always do best when we act in a bipartisan fashion. The best legislation that comes out of this body, out of the Congress generally, is legislation that is passed in a bipartisan fashion. That is why we now have two distinct groups, eight individuals, four on each side, that are going to sit down and see if they can work something out. I hope so because that is the best type of legislation. That is the best kind of politics. That is when it is done in a bipartisan fashion. I would hope so because I heard the Senator from Wyoming this morning speak about his acknowledging that there is a problem, his acknowledging that there is a need to do something about campaign spending.

So we all recognize there is a problem. And therefore we must work together to solve that problem.

Compromise does not however, Mr. President, mean in any fashion that we have to ignore problems or surrender principle. Some think that when you talk about compromise you think of, well, he is giving up. Quite to the contrary. I think the change that has been made in this bill to this point is certainly acceptable. I like the changes made in this bill that have been made since the bill was originally introduced. And the bill perhaps can be made even better than it is now. I believe so. But that will only come to be if the Members of this body recognize that there must be compromise and in doing so we need not ignore or surrender certain principles.

On certain issues we must resolve existing problems and not just paper over them because I have no doubt in my mind, Mr. President, as was said by Henry Clay in 1829, "Government is a trust and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people."

I yield the floor.

Mr. McCONNELL. Mr. President, we have gotten off to an entirely different start this year on this most important issue. At the outset of the discussion, from the point of view of this side, I commend the majority leader and the assistant Republican leader for putting together a bipartisan group for the purpose of writing a bipartisan campaign finance reform bill.

Just a bit of recent history on this issue: many of us on this side have been calling for a step like this since last May. It is obvious that some form of campaign finance reform is needed, is desirable, and ought to go forward; but not just any bill. It needs to be a bill that is crafted in a manner that does not discriminate against either party, does not attempt to tilt the playing field, if you will.

Many in my party have felt that the basic thrust of S. 2 is to construct a system under which the Democratic Party could prevail more often, and I might remind my colleagues that they prevail more than 50 percent of the time, anyway. They have a fairly substantial majority in the House and, once again, a majority in the Senate.

Those who have studied this issue have felt that with the kind of system that S. 2 seeks to construct, my party would be a perpetual minority, in the high twenties or low thirties in this body.

I make these points to state the obvious: That we are not going to willingly participate in the construction of a system of campaign finance reform which is designed to annihilate the Republican Party. That is not bipartisan campaign finance reform.

I think I can safely say, on behalf of the Republicans in this body, that is not going to happen. So the question is, what kind of a system should we construct; what changes are appropriate and in order at this juncture in our history?

Much was said last year during the course of the debate, and we had a lengthy debate, occupying some 22 days and seven cloture votes. We have had ample opportunity for discussion, and much has been said in particular about the Presidential system, especially from the other side of the aisle.

A number of people have said, "Well, all we're seeking to do here is to construct and establish a system that is similar to the Presidential system," which has, of course, served us so well since 1976.

I think it appropriate that we begin this discussion on the day after the Nation's first Presidential primary, and take a look at this Presidential system which many have lauded.

A couple of things are obvious. This Presidential system that some seem to revere so deeply is making cheaters out of everyone who runs for the office.

In addition, one out of every four campaign dollars is given to lawyers and accountants, to deal with a law that is so complicated it is virtually impossible to comply with. It is a system that micromanages each individual campaign by telling each campaign how much it can spend in this State or in that State.

Of course, every campaign spends a good amount of time trying to figure out how to get around those limits, and most creative candidates do get around the limits. Many of them, however, end up getting caught by the press on the FEC.

What we have done here in the Presidential system is create an environment that encourages everyone to cheat, encourages everyone to find some way around the law, and, it seems to me, that is not necessarily progress. The last thing we ought to do is create for congressional races the same kind of nightmarish result that we have had in Presidential races since the new law was enacted in 1974.

Mr. President, I would like today, by way of introduction to this issue from this side of the aisle, to talk about the Presidential system under which we have been operating since 1974, to point out some very obvious shortcomings of that system, and to suggest that the last thing that we want to do in campaign finance reform for congressional elections is to emulate the Presidential system.

First, in terms of cost to the taxpayers, the Presidential system, in 1988 alone, has cost $40 million—all tax dollars. The grand total over the last three Presidential elections has been a third of a billion dollars—all tax dollars, the public's money.

What has that money bought for the taxpayers? First, Mr. President, there has been a proliferation of fringe candidates. The system encourages extremist candidates to squander taxpayers' dollars and spread views that many Americans, while quite tolerant of, certainly do not agree with and are not particularly interested in financing with their tax dollars.

For example, in 1984, Lyndon LaRouche received a half million dollars, from the American taxpayers. This year, Federal funds for this particular candidate have so far been withheld because some contributors may have been defrauded.

Then, Mr. President, there is a Lenora Fulani—a household word in American politics. She is a psychologist from New York. Three weeks ago, $200,000 went to Lenora Fulani, the New York psychologist, to run her campaign for President—tax dollars, 200,000 of them. Good luck, Lenora. We are picking up the tab for part of your race.

I think it is safe to say that spending and contribution limits promote the kind of extremist candidates that I have just discussed. Certainly, everybody has a right in America to run for President, and many do. No American would argue with that, but I do not think we ought to have to fund it. If the Presidential system has encouraged that kind of proliferation of fringe candidates, which we finance with our tax dollars, can you just imagine the field day we would have if we extended that system to congressional races? Why, my goodness, we would have a lot of people out there running for the Senate and for the House with our tax dollars. We would be picking up the tab, literally, for a tremendous variety of extremist candidates to take their point of view to the American public, all at taxpayers' expense.

What else is going on under the hallowed Presidential system that we all keep referring to, and that some would like to emulate?

For one thing, the Presidential campaigns are choked with red tape, strangled in trying to comply with the law that many have argued cannot be complied with.

In 1980, the Reagan and Carter campaigns both budgeted one out of every four campaign dollars for legal and accounting expenses.

We have gone out in the name of reform, Mr. President, and constructed a system under which one can run for President of the United States. We have partially funded it with taxpayers' dollars, and one out of four of those dollars are being budgeted for lawyers and accountants, in order to comply with a law that many argue cannot be complied with.

That is reform? That is a disaster.

Total spending in 1980 of all candidates on lawyers and accountants—this is how much all the candidates spent in 1980 on lawyers and accountants—was $21.4 million, as much as was spent overall on the most expensive Senate race in history. Just in case anybody missed it, I am going to say it again. In 1980 all the candidates for President, collectively, spent $21.4 million on lawyers and accountants, more than was spent overall on the most expensive U.S. Senate race in history—all in what some would argue was a futile attempt to try to comply with a ridiculous law.

In 1984, Reagan and Mondale spent $1 million each on compliance costs, which means crack teams of lawyers and accountants who can find new loopholes and creative accounting methods.

We constructed a system, Mr. President, which benefits lawyers and accountants, and tells them, "Go out and figure out some creative way to deal with this ridiculous law so that I still can take my case to the American people."

We did that in the name of reform? It is a disaster.

I am told that in 1988, the Bush campaign staff processed each contribution through over 100 steps to ensure compliance with a maze of regulations. And my suspicion. Mr. President, is that that same or similar system is being applied by all of the candidates, to comply with this law we passed back in 1974 that everybody called progress. It is a disaster.

Mr. President, a blue ribbon panel of campaign experts found that the Presidential system which many in this body would like for us to emulate and apply to congressional campaigns, this system restricts campaigns in a way that unduly dictates their political strategies. What should remain political decisions have become accounting decisions.

That is progress? Do you want to carry that any further through our Federal system? Of course not.

In Presidential politics today it does not matter any more who has the best ideas or the most support. It is who has the best lawyers and the most accountants—the tragic, unintended consequences of a well-intentioned change in our system of electing Presidential candidates.

And some would have us construct such a system for congressional races? It would be a disaster.

Next, Mr. President, I think it is important to note that taxpayer financing and spending limits have not dented spending. That presumably was to be the virtuous result of the new system for Presidential elections. The whole idea was to limit spending and have the public pay for part of the tab.

That is not what has happened, Mr. President.

Professor Arterton, of Yale University, has said that "Trying to put a dollar figure on the money spent in Presidential contests is akin to figuring out how much the outlaws carried away from a train robbery. There are just too many pockets to add up."

The Kennedy School of Government at Harvard found that spending limits and taxpayer financing in Presidential elections have not stopped—I repeat—have not stopped the exponential growth of spending in campaigns.

(At this point Mr. REID assumed the chair.)

Mr. McCONNELL. Now, Mr. President, after a temporary setback in 1976, the money flowing into Presidential politics is increasing—I repeat, increasing—at approximately the same rate as was the case before spending limits and taxpayer financing were instituted.

As a matter of fact, Mr. President, we cannot even be sure anymore how much spending is growing, because the spending limits are forcing money into soft money and internal communications, all unreported to the FEC. And cheating, Mr. President, is rampant, and this is not a criticism of any particular candidate. We are talking here about the system, the system under which we elect the President of the United States today.

The cheating goes on like never before. The number of Federal Election Commission enforcement actions has grown exponentially. FEC actions for substantive violations of Federal election law have been filed against every major candidate since the system was instituted in 1976. Let me repeat that. FEC actions for substantive violations of Federal election law have been filed against every major candidate for President since 1976.

The simple fact is, Mr. President, that spending limits are not working. They are merely an invitation for abuse, fraud, and disrespect for the law.

We want to bring that system down to congressional elections? We want to take this marvelous system which rewards lawyers and the accountants and encourages cheating and disrespect for the law, we want to take that and apply to congressional races as well and call that progress? I do not think that is what we ought to be doing.

That is an invitation to disaster.

As you know, Mr. President, under the Presidential system there is a limit on spending per State. At least, that is what the law says.

We all know that candidates spend money on TV ads in Massachusetts to reach voters in New Hampshire. I do not suppose anybody did that over the last week or so. I do not suppose anybody did not do it.

The mail sent to Iowa from New York is charged to New York.

Incumbents use funds allotted to their primary to prepare for the general election contest.

Let us take 1984, and I single out the Democratic candidate—not to be partisan—but there is a quote from Bob Beckel, a campaign staffer for the nominee, that is irresistible. According to Bob Beckel, then senior staffer on the campaign in 1984, the Democratic nominee spent about $2 million in New Hampshire alone. Mr. President, the limit in New Hampshire was $400,000 that year.

The campaign finally got caught when it charged $56,000 to its Massachusetts and Minnesota budgets for rented cars that never left Iowa or New Hampshire.

This is reform? This is not reform. We created a system in the name of reform that seeks to micromanage every campaign for President, saying, "We know best for you what you ought to spend in State X or State Y. It is not a strategy decision you can make. We are going to tell you what to do."

And so they all spend a huge amount of time trying to figure out some way to get around it.

Or, you can cheat on overall spending limits with delegate committees. Back in 1984, one campaign used its delegation selection committees to circumvent spending and contribution limits—and the nominee's own promise not to accept PAC contributions. Campaign lawyers found that delegate committees were "a loophole big enough to drive a truck through." Overall, those committees raised and spent $750,000, including contributions from "maxed-out" donors.

I left out the name of the candidate because that is not the issue here. The issue is a system which makes a cheater out of every candidate who runs for President of the United States, and forces his helpers to scurry around trying to figure out some way to get around a ridiculous law. And some say we want to apply that to congressional elections and call that reform? It would be a disaster, just like it has been a disaster at the Presidential level.

If we have any interest around here in making constructive changes in the law, we ought to be looking at the Presidential system and trying to do something about that disaster, rather than applying it to elections for Congress.

Now, there is another way—of course, there are plenty of creative ways—to get around the Presidential system. Cheating on limits with precandidacy committees has become an all-time favorite. From 1981 to 1984, one partisan committee raised and spent $5 million, but gave away only $380,000—less than 8 percent—to other candidates. This was, pure and simple, a precandidacy committee. Since 1980, nearly every contender formed a precandidacy committee for the supposed purpose of opposing other candidates. Instead, these committees are creatively used to buy political favors for candidates and spread their names all across the country, all outside the legal spending limits.

I say this not to criticize a single candidate who did that, but to make the point once again that the system is so absurd that everyone who seeks this office spends a huge amount of time trying to find some way to circumvent what was intended.

Other ways of getting around the Presidential system: Have labor groups pay the deposit cost for phone banks; share office space with special interests and save on rent; get friendly banks and corporations to extend generous credit accounts with skimpy collateral; use personal credit cards to loan money to campaign after you exceed the personal $50,000 limit.

All of those things have been tried by some on both sides. And we want to bring that to congressional campaigns and call it reform? I do not think so. It has been a disaster.

What we have created here is a cesspool of abuses which breeds disrespect for law and for the election process. The Kennedy School of Government at Harvard warned that "creative accounting spawned under the Presidential system is stimulating overwhelming cynicism about campaign reforms." Hardened campaign staffers admit that one of the top planning priorities for a campaign is to identify in advance ways to circumvent the limits and rules.

Top priority. You are going to run for President. What is the first thing you do? Figure out what you stand for? Size up the opposition? No, you get an army of lawyers and accountants to tell you how to get around the law. This law is about as ridiculous as prohibition was. Prohibition did not work and we repealed it.

Bob Beckel, again, is a respected figure in Democratic Presidential campaigns. You see him interviewed on television all the time. He helped run Walter Mondale's campaign. A direct quote from Bob: "I think this whole FEC thing is a sham. If you're not finding every loophole that's available, you're not doing your job."

A quote from an honest man about the net effect of what we did to the process of electing Presidents of the United States when we passed this law.

Further, Mr. President, there has been a surge of undisclosed, unlimited, special interest support. Let us take soft money. In 1980, organized labor provided an estimated $11.1 million in soft money support, all unreported and all unlimited, completely outside of the spending limits that we have in the Presidential race.

Why did that happen? That happened because putting a clamp on legitimate expenditures made the candidates and their supporters seek other ways of getting around the law.

In 1984, labor and other special interests spent $30.4 million in soft money to suport the Democratic nominee. I would say this even if they had done it to support the Republican nominee. That is not the issue, who they supported. What was happening, of course, was a massive attempt to get around the spending limits. This $30.4 million included a $1 million ad campaign run by the AFL-CIO, which sharply criticized Reagan's policies, but did not mention either candidate by name. That is one of the ways you get around the limit.

Ronald Brownstein of the Paducah Sun in my State, wrote that labor's soft money campaign in 1984 became "an electoral jihad." In Ohio, alone, the AFL-CIO set up 80 phone banks and paid unemployed members $4 an hour to make 10,000 calls per day—without advocating a specific candidate. The Teamsters spent $2 million and provided services worth $6 million to benefit the other guy, Ronald Reagan.

After the 1976 election, Michael Malbin wrote—after the 1976 election, the first time we tried this reform legislation—Michael Malbin said:

> The biggest winner of the Presidential system was organized labor. Public financing shut off private contributions . . . Party contributions also were limited . . . In contrast, labor could spend as much as it wanted in communicating with union mem-

> bers, registering them to vote, and getting them to the polls.

Malbin continued:

> When labor unites behind one candidate, as it did in 1976, a system in which private contributions are prohibited leaves it in a position no other groups can match. Little wonder that labor calls the campaign finance experiment a success.

A success.

This has been the overall increase in soft money spending. Since special interest soft money is under the table, no one knows for sure how much is spent. But the rate of increase for soft money spending is about—as best we can tell—400 percent each election cycle—a 400-percent increase each election cycle in soft money spending. There was a 400-percent increase each election cycle in soft money spending.

Communications to members. In 1984, special interests reported to the FEC spending $4.7 million on political communications to members. Ninety percent of this spending was by labor organizations. Many analysts say this is only "the tip of the iceberg" since loopholes let most communications go completely unreported.

Further observations, Mr. President, about this Presidential system that some think is so wonderful and would like to apply—at least in principle—to congressional races. Let us look at independent expenditures.

In 1980, special interests and single-issue groups spent $13.7 million to support or oppose a candidate. By 1984, that kind of uncontrolled, unaccountable spending ballooned to $17.4 million, a 30-percent increase in one cycle; a 30-percent increase on one cycle.

Now remember, Mr. President, this is under the system that we have for electing the President of the United States, under which, we say there is a spending limit, not only overall but State-by-State. There is no spending limit. Spending has ballooned under the spending limit law.

Tax-exempt organizations. In 1984 about $6.7 million was spent by 85 tax-exempt organizations to conduct "nonpartisan" voter drives. All of these operations were undisclosed and outside of legal limits, yet the funds raised and spent by these organizations were carefully directed by operatives in political parties in Presidential campaigns.

This kind of activity has thrived under the system that we refer to, which is supposed to impose spending limits in Presidential races. All of these activities have developed because the system did not work.

Let us look at total outside, noncandidate spending. Before spending limits and taxpayer financing, outside spending constituted less than 10 percent of overall spending. Less than 10 percent. In 1980 and after, special interest spending to influence elections has represented at least one-quarter of all moneys spent on behalf of candidates. Mr. President, if you add in party spending, then about one-third of all expenditures now made in Presidential elections are outside of the control of the two candidates. Let me repeat that. Again, we are looking at the system under which we currently operate that has been lauded and applauded by so many in this body. Under that system which we call a spending limit system—not only overall but State-by-State one-third of all expenditures now made in Presidential elections are outside the control of the two candidates. This is progress? Do you want to apply this system to congressional races? It is a disaster.

Under the Presidential system, we also have seen a return to the fat cats. We are all familiar with the term "fat cat." In the old days, you know, they could ante up a huge amount of money for their favorite candidate. It was thought, under this Presidential system of spending limits, we would get rid of the fat cats.

In 1983, political activist Stewart Mott bailed out a struggling Democratic contender by allowing him to charge $131,000 to his direct mail fund, and then holding a $500-a-person fundraiser to help him pay the bill. Mott did the same thing in 1980, by extending half a million dollars worth of credit to John Anderson, who ran as an Independent. This enabled Mott to boast, "I figured out how to be a fat cat again."

I figured out how to be a fat cat again, and I have done it under this new system that we set up for Presidential elections, which is supposed to have an overall spending limit, and a per State spending limit, and will hold down the cost of campaigns. Well, it has done nothing, none of those things. It has just encouraged creative spending and other ways around the system.

The Kennedy School of Government at Harvard, Mr. President, I think, is an interesting source of a lot of critiques of the Presidential system. These are folks there who study it, who have the statistics, who understand what have been the implications of this new system for our political process. The Kennedy School of Government at Harvard, reporting on noncandidate political spending in 1982, said as follows: "A more serious consequence of the growth of money in Presidential elections has been the effort by political forces to expand the flow of money outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. This constitutes," the Kennedy School concluded, "a failure of the act's original purpose."

What did those folks at the Kennedy School of Government recommend? It recommended that "an effort should be made to bring into public record a better accounting of the money spent by labor unions and others"—evenhanded here—"for election-related communications with Members."

Well, there you have how it has worked in a lot of respects, Mr. President. It has been a real jewel, that Presidential election system that we have lauded and applauded in this body. It has been a winner. One out of every $4 raised is given to lawyers and accountants. We have turned a bunch of honest people into cheaters. We have spent half our time trying to figure out how to get around a ridiculous law. And what else has happened? Well, there are some other interesting conclusions.

Voter turnout. One of the things that was said back before this was passed, was, well, we are going to put a spending limit on and put some public money in, and voters are going to get real excited about the process again. They are going to come out in hordes because we will have cleansed the process. The voters will come out in hordes.

Well, voter turnout has stagnated. It was at 55 percent in 1972, before we passed this law, and it was at 53 percent in 1984, after we had had three elections under it. I, frankly, do not think how we fund campaigns has much to do with turnout one way or another, but it certainly did not turn the voters on in such massive numbers that they wanted to come out and participate in the process, because we had somehow "cleansed" it by putting on limits that nobody would follow.

Grassroots politics in campaigns. With the possible exception of Iowa, which is a caucus State, why, it has dried up. In all the noncaucus States, politicking "ain't what it used to be."

David Broder, probably the most respected political reporter in America, in the Washington Post, said:

> There is a cost to public financing. Public financing in Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions.

David Broder said further:

> Grassroots democracy has died.

It has died.

That is what we did. We said we are going to limit spending; we are going to cleanse the system; and we created an approach which killed off grassroots democracy.

There is less connection now between the candidates and the voters. Broder further said in the Post:

> There is a political risk in dipping into the Treasury for campaign funds, even though a voluntary checkoff. The only applause from the tourists in gallery came when Senator GRAMM of Texas called taxpayer financing of congressional campaigns a total alien idea to American democracy.

And at the other end of the political spectrum, that well-known conservative, Senator Eugene McCarthy, testified against public financing. Senator Eugene McCarthy, one of the great liberals of all time, said as follows:

> The isolation of political leaders from the influences of individuals sounds like, and is, totalitarianism.

That is what Senator Eugene McCarthy had to say about this system under which we have been operating in Presidential elections since 1974. It is totalitarianism.

What kind of conclusions is it safe to draw, Mr. President? If we want to know how S. 2 would work in practice, we know there has been a lot of speculation here on the floor. I engaged in some of it and the Senator from Oklahoma and others engaged in it, but we have a model. If we want to know how S. 2 would work in practice, we ought to look at the Presidential system of spending limits and taxpayer financing. In all, this system is just another failed welfare program, a multimillion-dollar failure—a multimillion-dollar failure—at reducing spending, curbing scandal and fostering respect for the law and the election process.

We should not be trying to put an arbitrary clamp on citizen participation in politics. That is all a spending limit is. It says to the candidate, at least in terms of the cash contribution, and I have mentioned all the other ways to get around it, "You cannot get any more support than this. This is the limit on your support."

It is a great idea? Terrific. Tell the candidate how much support he can get.

We should not be trying to put an arbitrary clamp on citizen participation in politics. Instead, we should restrict the special interests input, enforce contribution limits, and require more disclosure. As Justice Brandeis said, "sunlight is the best disinfectant."

What were the findings of the Kennedy School of Government at Harvard?

Well, in 1982, Mr. President, the Senate Committee on Rules and Administration asked the Kennedy School of Government to study the post-Watergate campaign finance reforms and to recommend changes. This is what the study group concluded and reported to the Senate Rules Committee:

> Among the problems of the post-Watergate reforms, the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns.

I repeat:

> The most troublesome problems of the post-Watergate reforms are related to the attempt to restrict the money spent in Presidential campaigns.

The report went on:

> Candidates are not allowed to spend enough money. The expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.

"On the other hand," the Kennedy School of Government report continued:

> The effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

The Kennedy School report goes on:

> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.

Here you have it, Mr. President, the clincher from the Kennedy School of Government at Harvard's principal conclusion:

> Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates.

The principal recommendation of the Kennedy School of Government at Harvard was as follows, and I quote:

> Thus, our most important recommendation is to eliminate the limitations on expenditures made by candidates. Spending limits have proved undesirable for a variety of reasons.

Here are some of them identified by the Kennedy School:

"The spending limits fail to equalize resources of different candidates;

"The spending limits fail to curtail the growth of money in Presidential politics;

"The spending limits fail to shorten the overall lengths of campaigns;

"The spending limits fail to reduce the emphasis on early primaries;

"The spending limits intrude unduly into campaign strategies;

"And the spending limits created thorny problems with arbitrary definitions, creative accounting, and entangle enforcement."

Finally, the Kennedy School of Government at Harvard said:

"The spending limits foster disrespect for the law."

Mr. President, that measure was enacted in the name of progress. That measure was enacted allegedly to cleanup the Presidential system. Clearly, by any objective standard, and it is particularly timely to note this today, the day after the New Hampshire primary during this Presidential season, what a disaster it has been. It demeans the process. It should not be extended any further down the Federal system.

Mr. President, I would ask unanimous consent to insert several things into the RECORD at this point. These are articles on how the Presidential system has eroded public confidence in the electoral process.

First, a Washington Times article headlined "$28.7 Million Sent to 1988 Campaigns."

Second, a New York Times article entitled "Minor Candidate Gets U.S. Funds."

A third New York Times article with the headline: "Presidential Candidates Find No Cure for 'Absentee Elector Syndrome'."

Fourth, a Washington Times article: "Jackson Campaign Fined" for underreporting spending receipts by a million dollars, taking contributions from corporations, and taking contributions in excess of legal limits.

And a Wall Street Journal article called it "Marathon Men."

All of these articles tell the real story, the real story of what Presidential politics has been like since the "reform legislation."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 5, 1988]

$28.7 MILLION SENT TO 1988 CAMPAIGNS

(By Amy Bayer)

The U.S. Treasury poured $28.7 million in public financing into the war chests of 12 presidential candidates yesterday, with the Republican Party's top contenders far outscoring the Democrats in fund-raising totals.

Vice President George Bush, the front-runner for the GOP presidential nomination, led the pack in campaign fund raising, pulling in a total of $18.7 million by the end of 1987. The Bush campaign qualified for an initial $5.8 million check from the Federal Election Commission, which disburses the money.

The campaign of Pat Robertson, the television evangelist who this year raised $14.1 million, will be another $4.5 million richer when the federal contribution comes through this week. Mr. Robertson, who qualified for matching funds but has expressed opposition to federal funding of presidential campaigns, initially asked the FEC last week to delay his check, then changed his mind by week's end.

Senate Minority Leader Robert Dole of Kansas, who nearly doubled his campaign chest in the last three months, raised $14.3 million in 1987. His campaign will receive $4.3 million in matching funds.

The three top GOP fund-raisers should have no problem accumulating the maximum $27 million the FEC will allow a presidential candidate to spend, campaign aides said.

Rounding out the GOP fund-raising sweepstakes are Rep. Jack Kemp of New York, with $7.5 million; former Delaware Gov. Pete DuPont, $4.6 million; and Alexander Haig, $1.5 million. All three campaigns will receive federal matching funds this week. Mr. Kemp's will get $3 million; Mr. DuPont's $1.9 million; and Mr. Haig's, $274,000.

On the Democratic side, Massachusetts Gov. Michael Dukakis left his rivals far behind in the race for funds, raking in $10.6 million last year, at least twice the amount raised by any other Democrat. The Dukakis campaign will receive $3.5 million from the FEC.

Rep. Richard Gephardt of Missouri, Sen. Albert Gore of Tennessee and Sen. Paul Simon of Illinois each raised around $4 million last year. Mr. Gephardt's campaign will receive $1.7 million in matching funds; Mr.

Gore's, $1.5 million; and Mr. Simon's, $1.4 million. Arizona Gov. Bruce Babbitt's campaign, which raised $1.8 million, will receive $719,000.

Jesse Jackson, who raised $1.7 million by the end of last year, has not yet qualified for federal funds because of problems with bounced checks and incomplete documentation in his application. According to the FEC, Mr. Jackson's campaign aides are working this week with the FEC to iron out the problems. If ruled eligible, Mr. Jackson's campaign could receive federal funds within a month.

Gary Hart's campaign, which aide Dale Reed admitted was "run on a shoestring," will receive $100,000—the smallest slice of the matching funds pie. Mr. Reed could not provide current fund-raising figures.

The presidential election campaign fund—first used in the 1976 elections—gives eligible candidates federal funds on a matching dollar-for-dollar basis for individual contributions up to $250. Candidates must raise at least $5,000 in individual contributions from each of 20 states—for a total exceeding $100,000—to be eligible for federal funds.

Candidates who accept federal funds must agree to FEC-determined spending limits and audits.

Taxpayers voluntarily support the program by checking a box on their tax return that directs one dollar of their tax payment to the campaign fund—a pool of money set aside in the Treasury.

Candidates can apply for additional matching funds once each month throughout the primaries. During this time, candidates are barred from spending more than approximately $22 million, up to half of which is eligible for matching funds. The FEC estimates $65 million will be paid out to candidates during the primaries.

In addition, the Republican and Democratic nominees will receive another $47 million each to spend on the general election.

Mr. Bush thus far has been able to run a campaign much larger in scope than his rivals, giving him the financial muscle to staff 32 offices in 25 states, more than any other candidate, according to campaign spokeswoman Barbara Pardue.

"We can raise the money because Bush has the qualities of leadership people can identify with, or they wouldn't make a financial investment in his campaign," Miss Pardue said.

But other GOP candidates with smaller bank accounts are keeping their chins high.

"We refuse to be intimidated by George Bush's money," said John Buckley, press secretary for Mr. Kemp, who has borrowed heavily against the $3 million FEC check due this week.

Mr. Buckley said the Kemp campaign will "max out" in Iowa and New Hampshire—meaning it will spend the maximum allowed for those races.

"All the king's horses and all the king's men can't spend more than the limit," Mr. Buckley said. "So if Bush is spending what Kemp is spending, it doesn't really matter if George Bush has $9 million waiting in the bank."

Similarly, the Simon campaign will fight the Dukakis campaign through "worth, not money," according to spokesman Jim Killpatrick. "We're running the campaign we set out to run," he said. "[Mr. Dukakis] has a lot more offices and a lot more paid staffers, but as we see it, he'll need a lot more."

The Simon campaign borrowed $800,000 against the $1.4 million it will receive from the FEC. When that debt is paid, the campaign will have approximately $800,000 cash on hand, according to Mr. Killpatrick.

WHAT THE CANDIDATES HAVE RAISED

[Presidential campaign contributions raised and matched by the Federal Election Commission. In millions of dollars]

	Money raised (as of Dec. 30)	Federal matching funds approved (as of Jan. 4)
Republicans:		
Bush	$18.7	$5.8
Dole	14.3	4.3
DuPont	4.6	1.9
Haig	1.5	0.3
Kemp	7.5	3.0
Robertson	14.1	4.5
Democrats:		
Babbitt	1.8	0.7
Dukakis	10.6	3.5
Gephardt	4.4	1.7
Gore	3.8	1.6
Hart [1]	2.2	0.1
Jackson	1.7	(2)
Simon	3.8	1.4

[1] As of Sept. 30.

[2] The Jackson campaign has not yet been ruled eligible to receive Federal money.

Source: Federal Election Commission.

MINOR CANDIDATE GETS U.S. FUNDS; DECISION ON LAROUCHE IS DELAYED

(By Richard L. Berke)

WASHINGTON.—The Federal Election Commission today grappled with whether to grant public matching funds to Presidential campaigns of two minor candidates who received donations from people who the commission feared might not have realized they were contributing to a political campaign.

The commission approved $205,565 in matching subsidies for the campaign of Dr. Lenora B. Fulani, a Manhattan psychologist who is running as an independent. Her campaign collected a large amount of money at two fund-raising concerts last year, but the commissioners had expressed concern that donors might not have known that their money was for a political candidate.

FUNDS FOR FULANI CAMPAIGN

But the commission deferred a vote on whether to grant matching funds to the campaign of Lyndon H. LaRouche Jr., the political extremist who is seeking the Democratic Presidential nomination, after the commission's legal staff expressed concern that some contributions to the LaRouche campaign might have come from people who thought their money was to be used to help stop the spread of AIDS.

The commission and the campaign agreed to send letters to about 1,000 contributors asking them to clarify the conditions under which they made their contributions.

In Dr. Fulani's case, the commission said it was satisfied that her campaign did not try to mislead the public about the nature of the concerts.

The commission voted, 5 to 0, to grant the funds to the Fulani campaign, but Commissioner Joan D. Aikens abstained, saying he was concerned about minor party candidates' receiving Federal subsidies before the general election campaign.

Major party contenders who get less than 10 percent of the vote in their party's primaries, Ms. Aikens noted, can be disqualified from receiving matching funds. "It is granted every citizen's right to run for President," he said. "But it is not every candidate's right to receive public funds."

All campaigns, whether of a minor party candidate or a major party candidate, must meet the same requirements to qualify for matching funds. These include raising $5,000 in individual contributions of $250 or less in each of 20 states. Campaigns must also prove that their candidates are actively seeking the Presidential nomination and are trying to get on the ballot in more than one state. In the past, campaigns of most minor party candidates have had difficulty meeting those requirements.

The only other minor party candidate ever to receive matching funds in a primary season was Sonia Johnson, a feminist who was excommunicated from the Mormon Church because of her views. The campaign of Ms. Johnson, who ran on the Citizens Party platform, recieved $193,735 in Federal money in 1984.

PRESIDENTIAL CANDIDATES FIND NO CURE FOR "ABSENTEE LEGISLATOR SYNDROME"

(By Clifford D. May)

WASHINGTON.—In May, the House of Representatives voted on an amendment to establish a bipartisan commission empowered to close unneeded military bases.

How did Representative Richard A. Gephardt, Democrat of Missouri, vote on this key legislation with implications for both the Federal budget deficit and United States security?

He did not vote.

In June, the House voted on an amendment to bar travel by United States citizens to Central America for the purpose of assisting the military operations of the Nicaraguan Government.

How did Jack F. Kemp, Republican of upstate New York, a fiery opponent of the Managua regime, vote on this issue?

He did not vote.

Mr. Kemp has missed more than 200 votes since the beginning of the year, and Mr. Gephardt has failed to participate in more than 250, far more than is usual for lawmakers. Instead, the bulk of their time and energy has been invested in the race for their parties' Presidential nominations.

DOLE IS THE EXCEPTION

The attendance record is not much better for the other legislators who are Presidential candidates. Senator Paul Simon, Democrat of Illinois, has missed more than 150 votes this year. Senator Albert Gore Jr., Democrat of Tennessee, has been absent for about 125. And the percentage of votes all these candidates have missed has been increasing sharply as the primary season draws near.

The one exception among the Presidential contenders has been the Senate minority leader, Bob Dole, who has missed only 11 votes since last January. However, Mr. Dole, a Kansas Republican, officially announced his candidacy only on Nov. 9.

Vice President Bush does not vote except to break ties in the Senate.

A CONTINUING PROBLEM

The conflict between legislating and running for office is not new. Each Presidential year, candidates who hold public office face the challenge of balancing the demands of their work in Washington with the call of the hustings and the campaign trail. The latter usually takes precedence, a fact that may come to haunt their later political careers.

But while the "absentee legislator syndrome" is well know, it is not something that the candidates are eager to talk about. Mcst did not return phone calls on the subject, nor did they allow their spokesman to discuss the subject for them.

One who was willing to discuss the matter was Mr. Kemp. "I'm representing my district," he said. "I'm earning my keep."

His constituents, Mr. Kemp went on, knew when they elected him that he was going to run for higher office; he said he was serving them better by pounding the pavement and pressing the flesh in Iowa and New Hampshire than by resting on his laurels in Washington.

THAT MEANS MISSING VOTES

James Kilpatrick, press secretary to Mr. Simon, acknowledged that the Senator's absence from the Senate floor had been a sensitive issue back home. "The Chicago papers are very good about pointing out who votes and who doesn't, and you get a lot of letters to the editor when votes are missed" he said. "But it just isn't possible to do everything. We decided way back when that if Paul was going to run, he was going to run and that means missing votes."

Mr. Kilpatrick noted, too, that when votes or other events considered especially important have taken place, like the battle over the Supreme Court nomination of Robert H. Bork, Mr. Simon, a member of the Judiciary Committee, canceled campaign events to participate.

Theodore J. Lowi, senior professor of American institutions at Cornell University, said: "It really isn't possible anymore for a politician to both run for office and do his job effectively. This is an important characteristic of contemporary politics."

KENNEDY OFTEN ABSENT

He and several other experts on the Presidency speculated that the problem of conflicting duties might be one reason no incumbent officeholder since World War II, with the exception of John F. Kennedy, has been elected to the Presidency.

"Eisenhower, Nixon, Carter, Reagan, all were out of office at the time they ran for President and won," noted William Schneider, a political analyst with the American Enterprise Institute, a Washington research organization. Truman, Johnson and Ford were all Vice Presidents who acceded to the Presidency rather than being elected.

As for Kennedy, he was "notorious for his absences" from the Senate floor when he was running for office, Professor Lowi said.

Henry Graff, an expert on the Presidency at Columbia University, said that the voters might prefer candidates who are not in office. "They enjoy an advantage because they're not in the muck and slime of the daily activities of governing," he said.

Whatever the comparative advantages, changes in the way candidates have been nominated since 1972 have tended to encourage a broader range of officeholders to run for President, Professor Lowi said, even though none of them has been elected. "They system has become wide open," he said. "The key is the decline of the political parties and the loss of control of the nominating process."

This more open system, with its emphasis on a few early primaries and its de-emphasis on party power brokers, "means that even young members of the House can now get into the race, which was not always the case," Professor Lowi said. "But it also means that a candidate has to start early and spend more time paying dues out there. So you have to be away from Washington and the work you're getting paid to be do there. I don't want to forgive anybody, yet I'm sympathetic. It's inevitable."

LATER, POSSIBLE PROBLEM

None of the experts thought it likely that chronic absenteeism would become an important issue in the current Presidential campaign. "Al Gore is not going to lose the Tennessee primary because he missed a lot of votes in Washington," Mr. Schneider said. But several said that the issue might come back to haunt the candidates later. "Those, whose campaigns are unsuccessful—and most will be, after all—may find their standing at home eroded," Mr. Schneider said.

He cited Senator Alan Cranston of California, whose unsuccessful run for the 1984 Democratic Presidential nomination, rebounded in 1986, when the absentee issue contributed to an uncharacteristically close re-election race.

"When they run for re-election," Mr. Schneider said, "their opponents will be able to depict them as national figures who ignored their states in order to try to fulfill a vain ambition to be President. And their records of absenteeism will be used as a potent symbol of that."

JACKSON CAMPAIGN FINED

The Federal Election Commission has fined Jesse Jackson's 1984 presidential campaign committee $13,000 for under-reporting his funds and for failure to provide adequate detail on contributions.

Mr. Jackson's campaign agreed to pay the fine, announced Monday by the FEC, but maintained that the reporting problems were inadvertent and eventually corrected. The FEC action came following a routine audit the commission conducts on all presidential candidates who receive federal matching funds.

The FEC alleged Mr. Jackson's campaign under-reported spending by $1.09 million and receipts by $825,959, accepted contributions from 29 individuals that were each over the $1,000 limit, accepted contributions totaling $5,850 in the form of loans from a corporation and failed to itemize $58,049 in contributions. Election law requires that all contributions in excess of $200 be itemized.

FEC records show Mr. Jackson raised and spent more than $8.2 million on his 1984 campaign, said FEC spokeswoman Karen Finucan.

Mr. Jackson's campaign treasurer, Emma Chappell, said in a letter to the FEC that mistakes in financial reporting "reflected the technical inexperience of local dedicated grass-roots volunteers" and were not willful and deliberate violations.

The fine, while larger than most the FEC levies on various enforcement actions, was less than some others. the 1984 committee of Walter Mondale paid $726,640 in fines and repayments for various violations.

THE MARATHON MEN—IN THE RACE FOR THE ULTIMATE PRIZE, IT'S ON YOUR MARK, GET SET, RAISE MONEY

(By Brooks Jackson)

To get to the White House, follow the rules: Spend lots of time being nice to rich people, especially New Yorkers and Californians. Photocopy your checks in alphabetical order. And look for loopholes.

At least since the Civil war, the road to the White House has been paved with money. Modern campaigns cost tens of millions of dollars, but it must be raised and spent under intricate rules that are supposed to prevent scandals.

The rules work up to a point. Nobody has recently been caught paying hush money with leftover campaign cash from a White House safe, as happened during the Watergate scandal. Nor has anyone been caught selling off government oil reserves to a millionaire who picked up the markers of the president's political party, as happened in the Teapot Dome scandal of the 1920s.

But the rules also make presidential campaigning a bureaucratized, regulated business run by lawyers, accountants, and political marketers. Here is how the system works:

RULE NO. 1: FIND SOME FAT CATS, QUICK

Starting a presidential campaign requires an immediate jolt of big money. Long before a candidate declares for the White House, there are staff people to hire, offices to rent, telephones to install, computers to lease, airline tickets to buy, and lots of stuff to print.

Vendors want deposits or payment up front. Federally regulated telephone companies and airlines can't legally give credit to candidates anymore. Businesses all over Iowa and New Hampshire have learned, to their sorrow, that U.S. senators will write rubber checks when infected by White House fever. Federal Express kept Vice President Bush waiting for weeks before agreeing to set up a charge account.

The law forbids donors from giving more than $1,000 each, or $2,000 a couple. So candidates look for a chief money collector with lots of rich friends. Vice President Bush would have been perfect for the job if he weren't running himself. Sen. Robert Dole, after years on the tax-writing Finance Committee, seems to know half the corporate CEOs in the country. So the Bush and Dole campaigns are well fixed. But others need outside help.

Democratic hopeful Bruce Babbitt, from a wealthy family himself, tapped a rich Chicago commodity trader, Richard Dennis, to scout up donations. Gov. Michael Dukakis landed Robert Farmer, a fellow Harvard man who made a fortune publishing training materials for corporate managers. Sen. Albert Gore's chief fundraiser, Washington real estate developer Nathan Landow, shopped around for a presidential aspirant to back while claiming the ability to scare up $4 million from personal contacts.

RULE NO. 2: GO WHERE THE MONEY IS

A modern presidential campaign is designed to suck money out of New York and California and spend it in Iowa and New Hampshire. In the 1984 election, New York and California supplied nearly one-third of all donations exceeding $500 to presidential candidates of both parties. Those two states plus Texas and Florida supplied 49%, though the four together contain only 29% of the U.S. population.

Texas used to supply even more money before the slump in the oil industry. On the other hand, well-heeled Massachusetts, ranked seventh last time, most certainly will move up because of its prospering economy and the White House bid of its incumbent governor, Mr. Dukakis.

Candidates spend as much of their time campaigning for dollars in the money states as they do campaigning for votes in the early-primary and caucus states. Sen. Paul Simon's chief fundraiser, former Rep. Bob Edgar, calls New York, California and Illinois—Sen. Simon's home state—his "first tier" states. Florida, Texas and the lobbyists' haven, Washington, D.C., are "second tier."

"For every two days you spend in California, you spend a day in Texas," Mr. Edgar says. Sen. Simon makes at least one trip a month to New York, California and Illinois. Mr. Edgar estimates his candidate spends half his campaign time scouting for money.

RULE NO. 3: TAP FEDERAL SUBSIDIES

Even conservatives who despise the idea take federal campaign subsidies. Candidates can get U.S. Treasury checks matching every dollar raised from a private donor, up to $250 a donor. But taking the subsidies means agreeing to spending limits.

Donation limits apply to everybody, but those who take subsidies must also agree to spend no more than about $28 million (depending on an inflation adjustment) to get their party's nomination. It is legal to spend any amount if it all comes from private donors. But just raising $28 million would take the equivalent of 28,000 people all writing $1,000 checks, or 280,000 giving an average of $100. So nearly everyone accepts the subsidies. The only major candidate to try the non-subsidy, no-limit route before this campaign was John Connally in 1980.

The subsidies produce some queer economics. Reacting to a news story suggesting their campaign was broke, Jack Kemp's campaign manager Charlie Black recently issued a news release insisting "the Kemp campaign is not in the red"—even though it had only $407,000 in cash to cover $1.4 million owed to banks and vendors. Mr. Black's statement pointed out that future subsidies amounted to a hidden asset. He said donations already received would qualify the campaign for $3 million to be paid next year.

Raising small donations requires expensive, computer-addressed mass mailings. But candidates will gladly spend $1 to raise a $1 donation, because it can be "matched" with the additional $1 in federal money. A big list of small donors is also especially valuable late in a campaign, when it can be milked again and again for additional gifts. Too many "maxed-out" donors, who have given the legal limit of $1,000 each, can become a dead asset when their money is spent and more is needed.

Rep. Kemp, incidentally, is pursuing more small donations than his rivals because he has a relative shortage of rich backers. Republican Barry Goldwater did the same thing for the same reasons in 1964, as did Democrats George McGovern in 1972 and George Wallace in 1976 and Republican-turned-third-party candidate John Anderson in 1980.

RULE NO. 4: FLASH A BIG ROLL

Against all reason, money has become the measuring stick by which the media judge candidates during the early going, before anybody votes in primaries or caucuses.

In truth, while having no money is fatal to a campaign, spending a lot of it doesn't affect presidential voters very much because the races are dominated by lavish television, magazine and newspaper coverage. At the end of 1975, Jimmy Carter had eked out less than $1 million, far behind Sen. Henry Jackson's $2.6 million and Gov. Wallace's nearly $3 million. Running for re-election in 1980, Mr. Carter outspent Sen. Edward Kennedy $722,272 to $215,050 in the crucial Pennsylvania primary, where he hoped to deal the challenger a fatal blow. Mr. Carter lost anyway. The same year, Mr. Connally spent $13,698,056 to win a single Republican convention delegate.

Nevertheless, until the first votes are cast in Iowa and New Hampshire next year, reporters have little to count but the money. Consequently, candidates contend to have the healthiest bank balance "showing" on their reports. "The first 'primary' was June 30, and we won," declares Mr. Farmer, Gov. Dukakis's fundraiser. On that cutoff date for disclosing campaign funds, the Dukakis campaign had raised a total of $4.6 million, outdistancing the nearest Democratic rival by more than $1 million. Reporters quickly began treating Gov. Dukakis as the front-runner, though he still trailed Jesse Jackson in public-opinion polls.

RULE NO. 5: GET USED TO BUREAUCRACY

Gone are the carefree days of cash-filled briefcases. Presidential campaigns these days have to be run like any regulated business, with yards of red tape to deal with.

The Bush campaign employs about a dozen staff aides just to telephone donors who failed to list their occupation or employer, information that campaigns must put on disclosure reports. And when preparing an application for matching funds, the Bush staff takes more than 100 different steps to verify each check submitted to the Federal Election Commission's green-eye-shades brigade. Every check must then be copied, in alphabetical order, to facilitate the commission's spot-checking for accuracy.

The FEC wasn't always so fussy. In 1976 the presidential campaign of Pennsylvania Gov. Milton Shapp got $299,061 from the Treasury based on fraudulent applications that weren't uncovered until too late. Gov. Shapp later repaid the money, and some campaign workers were convicted of criminal charges.

RULE NO. 6: CHEAT

Candidates who take subsidies next year can't legally spend more than $780,000 in Iowa or $465,000 in New Hampshire. There are limits for all other states, too, but they are high enough that they don't matter. The state limits are a colossal legal and accounting nuisance; the FEC regularly recommends that they be abolished, and Congress is expected to rescind them the next time it gets around to amending the law. Meanwhile, though, nearly everybody cheats. Jimmy Carter, Edward Kennedy, Ronald Reagan, Walter Mondale—all have been cited.

Mr. Mondale's 1984 campaign was by far the most flagrant. "All activities around New Hampshire probably cost us $2 million," boasts Robert Beckel, who was a top staff operative in the campaign; the limit at the time was $404,000.

The Mondale campaign used a lot of legitimate loopholes. It bought television time on Boston stations and charged 90% of it off against the Massachusetts limit, even though the only viewers who mattered resided in New Hampshire. Mr. Beckel describes other tactics that seem questionable but weren't challenged by FEC auditors. Out-of-state printing, postage and telephones were targeted on Iowa or New Hampshire but charged to the state where they originated. The campaign was caught and fined when it charged $56,000 worth of rental cars off against the budgets for Massachusetts and Minnesota even though they were actually used in Iowa and New Hampshire.

The winner in the general election used some creative methods, too. Ronald Reagan's campaign registered voters for the general election campaign using $2 million charged to his uncontested renomination. The staff of the election commission challenged that and recommended that $778,000 in federal subsidies be repaid to the Treasury. But the auditors were overruled by a 4-to-1 vote of the commission, in which all Republican members sided with the president.

In the current campaign, questions have been raised already about various gimmicks used to finance the search for Michigan delegates by Messrs. Bush and Kemp and by Pat Robertson. More questions are sure to arise as the campaign heats up. Equally sure is that the FEC won't be able to do much until long after the election is over.

"I think this whole FEC thing is a sham," declares Mr. Beckel, reflecting a widespread attitude among presidential campaigners. "If you're not finding every loophole that's available, you're not doing your job."

I thought it appropriate, Mr. President, by way of opening remarks on this issue on this side of the aisle, that we take a look at the Presidential system, what it has done to Presidential elections in this country, and ask ourselves, truly ask ourselves do we want to extend that nightmare to any more races in this country?

Mr. McCONNELL. Last year we spent all of our time in a very partisan manner posturing back and forth on this issue. We had seven cloture votes. They were essentially party-line votes.

We are starting differently this year. The distinguished majority leader and the assistant Republican leader have taken a much needed and desirable step in the direction of passing a truly bipartisan campaign finance reform bill. The committee of eight will meet perhaps as soon as tomorrow. We will have a chance to see whether it is possible to construct the kind of measure that ought to be constructed, that could pass this body 90 to 10.

There are some changes that need to be made, Mr. President. Too many millionaires are buying office. I say that with all due respect to some of those in this body who have been able to do that. As you know, it is not easy to cure that problem. The Supreme Court in Buckley versus Valeo said it was unconstitutional to tell a candidate how much he or she could put of personal money into a campaign. Thus, it left a gaping loophole in the process.

But there are some other ways of getting at it. There are at least two proposals for which I think we could get bipartisan support.

One was in a measure that I introduced last year with a number of cosponsors, which had a provision—originated by Senator DOMENICI of New Mexico—which said that if you were going to spend in excess of a quarter of a million dollars of your own money in a campaign, you would so notify your opponent at the beginning of the election contest, certifying that fact to the Federal Election Commission. Having done that and having notified your opponent that the ground rules were going to be substantially different for you and for him, the limit on what he could accept from individuals would go up from $1,000 to $10,000. It would not totally level the playing field, but at least it would give the opponent of the rich candidate a chance to keep up in the spending derby.

Since the last year, I have thought of another approach that I think might help, and I will be introducing shortly a bill that says essentially this, Mr. President: Under the Constitution we cannot tell you how much of your own money you can spend or how much you can borrow. But under my bill, if it became law, you could not get it back. You could not ante up a huge amount of money, go out and buy public office, and then spend the first 6 months in office going around shaking down every special interest in town to get yourself paid back. So it would test the true conviction of the millionaire candidate. I do not suppose it would keep the big, big bucks people out of the race, but somebody who is just a little bit rich, just a little bit wealthy, might think twice if they thought there was no hope at all of retrieving that advance, once the decision was made to ante up a significant amount of their own money.

Under this system, you would not only trigger for your opponent an opportunity to get a larger individual contribution but you also would know you were going to have to eat it. If you spend $5 million on your race, you are going to be $5 billion poorer when it is over. That is just another way of doing something to diminish the growing tendency to "buy" public office in this country. And by the way, none of the versions of S. 2 do anything about that problem. The wealthy candidate can simply ignore the proposals in Byrd-Boren III and go out and buy their office.

The statistics indicate that wealthy candidates who spend their own fortunes has been one of the major driving forces in the increase of campaign spending.

A second driving force in the increase of spending is political action committees. Mr. President, as you know, I was the original sponsor of a bill last year that would have eliminated the political action committee altogether. Most people around the country, when they think of campaign finance reform, think of PAC's. That is what they are thinking about, not spending limits or taxpayers' dollars. They are thinking about PAC's.

I did not get a whole lot of interest in that bill, so I suppose that there is not much sentiment for eliminating PAC contributions, but we could do this: we certainly could lower them. Senator **Boren** and Senator Goldwater, 2 years ago, had a proposal to lower political action committee contributions I think from $5,000 to $2,500 per election. That is the kind of measure, it seems to me, we could agree on on a bipartisan basis. PAC spending certainly has increased and it is one of the principal things driving up the cost of campaigns.

Another force driving up the cost of campaigns, Mr. President, is how much we have to pay for TV. Television is the magic medium. You cannot get elected to public office in this country, at least not a major public office, without effective use of television. That is not going to change. We are not going to go back to the horse and buggy. We are not going to go back to the courthouse rally. We are not going to go back to meaningless handshakes. You can shake hands your entire life in the State of California and never meet half the voters. And even if you did meet them, you would say, "Hi, how are you?," which is not exactly a very enlightening political interchange.

So we are not going to go back to the dark horse—but this could be done: there has been a tendency across the land on the part of television stations to raise the lowest unit rate available during the election season. The current rule is that the stations must sell us the time at the lowest unit rate available for any customer. I think the following measure might be appropriate. We could include in some bipartisan campaign proposal a measure that required the stations to sell us the time at the lowest unit rate available for the preceding year. That would be, in most States, a nonelection year. It would eliminate the rather pronounced tendency to, during the election season, raise the lowest unit rate for everyone so that you can zap it to the candidates for those 60 days that you have got them. Stations know they have us during that period, so they raise the lowest unit rate and we are forced to run around raising the money to pay for that.

Those three things have driven up the cost of campaigning significantly: More and more millionaires buying office, an increase in the total amount of PAC contributions, and the soaring costs of television.

I think it is quite possible we could agree on a bill that did something about all three of those areas. That is the kind of bill, it seems to me, we might be able to pass through this body 90 to 10. Those are the kinds of proposals that the group of eight will be considering, starting as early as tomorrow.

The Senator from Kentucky would not argue that the current system is perfect. It is not. But the two important principles of the post-Watergate legislation which apply to congressional races remain sound, and those principles were these: Limits on individual contributions and full public disclosure. The only thing which distorted that process was the millionaire's loophole, through which the individual could spend a huge amount of money in his own behalf, and the advent and proliferation of PAC's. If we had a handle on television costs, if we lowered PAC contributions somewhat, and if we put some encroachments—which we can do constitutionally—on the ability of millionaire candidates to pay themselves back after the election, then I think we can make an improvement in the process.

But finally, let me say, Mr. President, it is not an improvement in the process to go out and imitate the Presidential system.

For all of the reasons that I have just covered, that system needs fixing.

The changes that we need to make in congressional campaigns are small modifications. The changes that we ought to make in the Presidential system are major adjustments. We do not want to create a similar system for congressional races. We do not want to encourage cheating. We do not want to make work for more lawyers and accountants. We want a system that embodies the two post-Watergate principles of limits on contributions and full disclosure. When you do that, Mr. President, you have brought light into the process.

Sure, people do not like to spend time raising money. But we have made some steps in that direction already. The majority leader has instituted a very enlightened system, in my judgment, under which we are in session 3 weeks and out of session 1 week. This gives us an opportunity to go home and to conduct the public's business here. No longer should any Senator say to the majority leader, "Well, I have a fundraiser tonight. I don't want to vote after a certain period of time." No longer should any Senator say that to the majority leader. We know in advance now when we can do it. He has given us a week, a month with wide discretion to see our constituents, raise money, and do whatever we want to do during that period. So that excuse is eliminated. No longer will that problem complicate his life, or certainly he has an answer if somebody tries to use that excuse to get him to "let us get out at a certain time because I have to go hither or yon for a fundraiser." We do not have to do that any more. We have a time for fundraising.

Second, if we want to cut down the time for fundraising—in addition to making campaigns less expensive by reducing PAC contributions, cutting down on the cost of television, and doing something about the millionaire problem—another way to get at it is to raise the limit on individual contributions. I have not advocated that in the past, but one of the reasons it takes a while to raise money is when you are limited to $1,000 per contributor, you have to have more of them.

That limit serves a good public purpose, by the way. It requires you to have a very wide base of support. In order to get there, to raise a reasonable amount of money, to pay the TV stations, you have to get a lot of people.

But if we are concerned about the time involved, we can raise the contribution levels somewhat. It has not been raised since 1974. It has been $1,000 since 1974. The cost of television has not been stagnant since 1974, or the cost of consultants, or the cost of direct mail, or the cost of telephone banks, or any other campaign expense. What is happening is an escalating cost for campaigns, but the contribution limits have remained without even an inflationary adjustment.

So, we have two things in the mill here that we can do on the question of time required for raising money. First of all, all fundraisers should be in the week that the leader has given us to do other things, rather than simply being involved directly in the floor business in the Senate. And second, if we still find it time consuming, we can simply adjust up the level of individual contributions. Believe me, it does not take you as long to get there if you can get, say, $2,000 per contributor, as opposed to $1,000 per contributor.

Also, I think it would be pretty hard to argue that a $2,000 contributor was going to have a disproportionate influence on you, since the typical Senate campaign is a couple of million dollars. I do not think going from $1,000 to $2,000 is going to give that individual contributor any greater hold on you. So those are adjustments that we can make, Mr. President—all I think we can agree to on a bipartisan basis.

I look forward to sitting down with the committee of eight to discuss all of those proposals and others.

Again, I commend the leadership for establishing the committee of eight. I think it is clearly the way to go, and that we have a good chance of passing a bipartisan campaign finance reform bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, today I want to talk a little bit about campaign politics, money, special interests, and all those kinds of subjects.

We know at the outset what we have seen in regard to the tremendous increase in the cost of campaigns. That has changed dramatically since I came to the Senate. We used to talk, in terms of spending, about a huge campaign in the State of Florida being if you spent $1 million. That was one in which it was funded to the hilt. I think I spent $230,000 when I was elected to the Senate. That was a campaign on the cheek at that time because I did not have the ability to raise big money. My campaign contributions were limited not at that time by any particular choice that I had made. The people sort of limited it for me. They just did not contribute any big money.

So I had a campaign of walking the State and people responded to that. And I did get elected, as I say, with an expenditure of a little over $200,000.

Six years later, campaigns were well over $1 million then. Probably approaching the $2 million or $2½ million mark would be again a well-funded, well-heeled campaign. And I was able to limit my contributions to $10 and raise $380,000 by getting 38,000 people to give me $10. It proved to be successful. I had sort of an army of people out there that were cheering me on in that work.

Then along comes political action committees and along comes negative campaigning that worked, and we began to see the negative PAC's, NCPAC and other negative groups, as well as the influence of the PAC contributions.

Mr. President, I remember when we had an amendment up here when we were just going into the legislation on PAC's and the Senator from Florida proposed that we not allow them to contribute directly to Senators, and that amendment failed narrowly on a motion to table. I think we literally had a tie vote and it failed by one or two votes. Well, that day is probably past here now, because we see the PAC's have grown larger and larger and the effects that they have in campaigning have grown at the same time.

Now, if someone talks about running a campaign in Florida, they talk in terms of needing to have $9 million to $12 million. So we see how that has gone over a period of some 18 years from $1 million being the well-heeled campaign to now somewhere in the neighborhood of $9 million to $12 million.

Mr. President, it seems to be a progression that has no stopping place. And it is growing on a basis, and it is a geometric sort of congressional growth that it makes. And my feeling is and what I have noticed along with that growth of spending—and I think many of us have felt the same thing—is the sort of distrust that has grown along with that on the part of the voters.

They feel that they know something is wrong with the system. Many of them have turned off the system and do not participate and feel that there is no way they can have an input.

I have to say about PAC's that I can understand how, defensively, a lot of them have started. Once you say you are going to have a PAC, then those on the labor side say they have to have it, and those who are contrary have to have them. The optometrist has to have one to compete with the ophthalmologist, and you go on and on, for reasons people set up.

I think many people feel that in joining a PAC, "I may be leveraging my money, and I can have more say or more influence." I think they are saying exactly that. Money is influence, and we know that is true.

Talk about it all you want: See where the PAC's contribute, look at where the committee assignments are, and they match along with that. You look along where the kind of support comes, and you see that that matches along with it, too.

The danger, as I see it, is that John Q. Citizen says: "If I'm not a part of this huge combine that can put together big money, if I can't make the big contributions, then my voice is not going to be heard and I can't participate, so I turn off the system, and I distrust it as well."

I see that being very dangerous to us, because the whole theory on which we think this democracy works, representative government, is that the majority of people, when fully informed, will make the right decisions.

It was Hamilton's philosophy that you had to have the elite. It was Jefferson and the others who felt that, innately, if you really could inform the majority, just as we believe in the jury system, we believe that that majority will make proper choices. I think it has proved to serve us well over a period of time.

I look at some of the elections now, and I wonder whether that works. In my State—well, in a lot of States, I think—less than half the people are registered to vote, and you have to be registered in my State to vote. In some turnouts, we see 30 percent to 40 percent of those registered participating in voting, and it takes only a majority of the 30 percent. Then I wonder if Jefferson would agree that we have the majority of the people making a decision.

Also, you have the 30-second commercial, and you have negative advertising, and you have one side, perhaps, having tremendous contributions, either because they are the incumbent or they have been selected by the PAC's—and remember, Mr. President, that the PAC's now run in packs. They are no longer single in many instances. They are industry or they are a philosophy PAC. They sit down and make decisions in which they have no emotions. They are able to move funds, in some instances, in the $200,000 to $300,000 range. It can be a positive movement or a negative movement: "We are going to put that much against someone; we are going to put that much for someone."

Mr. President, that influences votes. We know it. All of us here know it. I know that all of us here feel that the worst thing we have to do in this job is to go out and raise money. I hear everybody talking about that. None of us likes to go out and try to raise money.

The amount we have to raise, the time we have to spend to raise that money, and the fact that we have to think about every vote we cast, as to whether that PAC combine is going to look at those votes when they assess what their contribution is going to be—that is corrupting the system, and that is endangering the thing we hold so dear, the form of government and the democracy we have.

Mr. President, I think I have been singularly fortunate through a change of circumstances. It was not anything I planned to start with. As I said, the fact that I could not raise any money perhaps set me to think of a crazy idea that turned out to be a walk across the State, which everybody now thinks is a brilliant piece of strategy. At the time, even my friends thought it was crazy, but I did not know what was happening. Because of that, I got elected the first time, feeling that I did not owe anybody anything except those people I met along the road, the people I told I was going to be different. However, that influenced me to limit by contributions to $10 the next time and $100 the time after that.

Because of that, Mr. President, I think—no, I do not think, I know—I enjoyed a kind of relationship with the people of Florida in which they would forgive a vote I would cast with which they disagreed; and they would tell me they disagreed with it, because they never had a feeling that I had to cast one of those votes because of some contribution, because it was something that helped me be elected, or that I owed something to someone.

So I do enjoy a unique relationship, and it is one that I enjoy very much. It is interesting, because people say, "That is fine, and you can do it for a time." Each time I would run, people would say, "You can't do that again." This time when I intended to run, they said that. Again, I limited my contributions to $100, and I was raising more money than I had ever raised before. We were well on our schedule and raised well over a million dollars—$1.2 million. People who were first-time contributors were sending money to me because they said, "I feel that I could be the largest contributor, that you had limited your contributions, and I really could have a voice with you. That is something that influenced me to make a contribution to you."

For those reasons, Mr. President, I am very much on the side of a limitation that tends to limit the influence of large contributions and to put some kind of rein on the PAC's—as I say, running in packs—and in trying to give back to the American people the feeling that their Government has to be responsive to them and that they make a difference, that by their vote they participate in the electoral process.

There are two things you need. You need not only their vote, but also, you need them to participate in that process. That truly makes a difference. I think the time is very short. We are endangering the fabric that makes our system work, and I think we need to come to grips with that. I feel that the legislation we have before us is an attempt in that regard. For that reason, I certainly think we should try to get on with this legislation. If there are flaws let us find ways to amend it or find those flaws. Let us not kill this off or keep this from the light of day.

I think the people are demanding that we deal with the subject, and they are going to hold us accountable if we fail to do so. I hope they will.

For that reason, Mr. President, I certainly support the vote on cloture and the attempt to go in the direction of this legislation.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. Dixon) The Senator from Maine.

Mr. MITCHELL. Mr. President, there are few public policy issues which have been debated as much as campaign finance reform. Certainly the legislation before us today has been thoroughly debated by this body. There were 14 days of debate last year. The Senate has voted seven times to cut off debate on this legislation which a clear majority of the Senate supports. Seven times the opponents of campaign finance reform have defeated the will of the majority.

The bill has undergone major modifications on the floor to respond to every argument opponents have raised about campaign finance reform. The time is now for the Senate to approve this legislation.

The method by which we finance campaigns for Federal office goes to the very essense of our governmental system. While the authority of our Government is based on the written Constitution, the legitimacy of Government powers depends ultimately on the continuing trust of the people. And if the American people do not have faith that their Government fairly represents them in the overall best interests of the Nation, the authority of the Government is undermined.

There is no more certain way for Government to lose the public confidence—and with it the substance of its authority—than for Government to appear to be beholden to narrow, special, and favored interests, separate from the common good.

Nowhere in Government do we risk eroding public faith and undermining public confidence more than through the manner in which we finance our election campaigns.

With each successive election cycle, the public and Members of Congress alike see a degeneration of the process. The system is out of control. The modern campaign for the Senate has in some cases become virtually a non-stop fundraising effort.

That spectacle erodes public faith, both in election campaigns as contests based on issues, and ultimately in the legislative product as well.

Each year, Senators must devote more and more time to financing campaigns for ourselves and our colleagues. The process is disliked by all participants: Members of Congress on whose time fundraising imposes enormous demands; voters who wonder whether their small contribution or volunteer effort or vote means anything at all; and even lobbyists themselves, who are forced to bid against each other in an ever-rising cycle of contributions.

Something must be done to reform the manner of raising funds and to control the costs of running for elective office. The legislation before us today offers a fair and effective solution which imposes no cost on the Treasury, gives no party an advantage over the other, and gives far greater opportunities for challengers to win elections.

The essential element of campaign finance reform is an overall limit on the amount of money which may be spent to run for elective office. Unfortunately, the Supreme Court decided in the case of Buckley versus Valeo that the Constitution does not permit Congress to impose mandatory spending limits on campaigns for Federal office.

I disagree with that decision. I believe it to be one of the most loosely-reasoned and poorly written opinions ever by any Supreme Court, but it is the law of the land and unless and until it is changed by proper constitutional procedures we must obey it. Therefore, such limits can be imposed only on a voluntary basis. That has left Congress with only one alternative—to provide public financing as an inducement for candidates to agree to overall spending limits.

Opponents of this legislation have decried the use of any Federal funds, no matter how minor, in the Senate election process. That argument ignores the substantial Federal moneys used in the Presidential election processed financed from the voluntary income tax checkoff. In my opinion, the nominal funds required to publicly finance Senate election campaigns would be well worth the cost if it restores even a small measure of public confidence in our election system.

Nevertheless, in an attempt to meet every objection by opponents of this legislation the bill has been amended to remove all public financing from Senate election campaigns unless an opponent exceeds the spending limits in the law. Even this minimal cost would be fully financed, however, by repealing certain preferential mailing rates for political parties.

Opponents of this legislation have also raised the false argument that it is somehow designed to keep the Democratic Party a majority in the Senate. This argument evidently relates to claims that public financing of Senate campaigns protects incumbents. I hesitate to legitimize these assertions by even responding to them but they should not go unanswered.

Public financing of congressional campaigns enjoys widespread and bipartisan public support, and it has for years. Senate Democrats, including myself, have worked for years to put in place a system of public financing that would limit spending for Senate campaigns. We did this while we were the minority party in the Senate and we have continued now that we are the majority party.

Why? Because public financing is in the national interest. There are a number of Senators on the other side of the aisle who agree but they have been constrained by their leadership to stay away from this legislation, not because this bill would confer some special advantage to the Democratic Party but because it could limit an advantage the Republican Party now enjoys.

The assertion that public financing of Senate elections is somehow going to protect incumbents is always offered as a reason to oppose campaign finance reform. In theory that could be true if the limits on campaign spending are set so low that a challenger to an incumbent would not have the ability to get his or her name across. But that is not the case with this legislation. In many States the spending limits have been set so high that some observers have questioned whether the bill goes far enough to control costs. I for one would have liked to see more stringent spending limits but I recognize the importance of giving challengers sufficient funds to mount a challenge.

Under the current system, incumbents have an overwhelming advantage in raising campaign funds over their challengers. And I say that as an incumbent who is now engaged in that very process. Every political action committee can attest to that. They simply will not give contributions to challengers to run against an incumbent who votes almost every day on legislation affecting the interests of that political action committee.

The numbers, the evidence, bear this out. In the last Senate election in 1986, incumbents raised almost twice as much as challengers in total campaign receipts. Incumbents raised almost 2½ times as much from political action committees as did challengers. And, most of that PAC money was raised by candidates who are incumbent Members of the House of Representatives and thus more able to count on PAC's than challengers who are not in Congress.

Of the 68 candidates for the Senate in the last election, 42 were sitting Members of either the House or Senate; 39 of those 42 incumbents raised more contributions from PAC's than would be permitted under this legislation. In contrast, of the 26 challengers running for the Senate who were not then sitting Members of Congress, only 10 raised enough contributions from PAC's to be affected by the limits in this bill.

Those numbers bear repeating. This bill would have reduced the PAC contributions received by 93 percent of the incumbents running in the last election. However, it would have limited the PAC contributions of only 38 percent of the challengers.

How, then, can anyone seriously argue that the bill would help incumbents?

The same story can be told by comparing the spending limits in this bill to the actual amount spent in the 1986 Senate elections by incumbent Members of the House and Senate running for the Senate and their challengers. Of the 42 incumbents running for election to the Senate, 31 spent more than permitted by this legislation. In other words, 74 percent of the incumbents would have been limited by this bill. In contrast, only 6 of the 26 nonincumbent challengers—23 percent—would have been limited by the bill.

How, then, can anyone seriously argue that this bill would help incumbents?

The conclusion is inescapable if one looks at the evidence. The spending limits in this legislation will not protect incumbents. This legislation will restore a balance to the election process by imposing far tougher limits on the spending of incumbents than on the spending of challengers.

Opponents of campaign finance reform have proposed alternative legislation which they claim represents true reform. Those substitutes have been offered in order to give opponents what appears to be a positive alternative to campaign finance reform. One measure proposed by the Senators from Kentucky and Oregon purports to solve problems with the current system while in fact it would further liberalize current restrictions, create new loopholes, and lead to increased spending.

Two provisions are essential to any meaningful campaign finance reform: limits on the overall amount of spending in campaigns, and limits on contributions that can be received from political action committees. S. 2 would do both. The substitute offered by the Senators from Kentucky and Oregon would do neither.

The substitute purports to eliminate PAC contributions to candidates while requiring the full disclosure of soft money contributions. Neither claim is accurate and I just want to spend a moment to discuss these two issues.

The substitute would eliminate only direct contriubtions by PAC's to candidates. It would make lawful the bundling loophole that is increasingly being used to evade the present limits on PAC contributions. This loophole occurs when PAC's or other intermediaries collect checks from their members made payable to a particular candidate. The checks are then "bundled" and forwarded on to a candidate. Current law does not count the "bundled" contributions against the $5,000 contribution limit of the PAC.

If "bundling" is used today by candidates to evade the $5,000 per election contribution limit on PAC's in current law, it would be used to an even greater degree to evade the purported contribution ban in the McConnell-Packwood proposal. PACs would change their method of making contributions to candidates but would not reduce their giving. The McConnell-Packwood PAC restriction is made meaningless by the "bundling" loophole.

In contrast, S. 2 would close the bundling loophole by counting "bundled" contributions against the limit of the individual or committee serving as the intermediary which forwards the contributions to the candidate. McConnell-Packwood purports to close this loophole but in fact it would legitimize the practice by requiring only that the "bundled" checks be made out directly to a payee.

If the substitute had any teeth—if it would actually result in the elimination of all PAC contributions to candidates—I believe it goes overboard. S. 2 does not eliminate PAC's. It doesn't suggest that PAC's are not a legitimate part of the campaign finance process—only that there should be limits on such contributions. A balance is struck. S. 2 limits campaign spending and provides for public financing but the role of individual and PAC contributions is preserved.

There has been considerable discussion on this floor about the evils of soft money. To hear the Senators from Oregon and Kentucky speak, one would think they have proposed tough new restrictions on soft money which represent significant reform. In fact, they are proposing the exact opposite.

"Soft money" is money donated by individuals, PAC's, corporations, and labor organizations to State and national party committees which is used for certain exempt Federal election activities or non-Federal election activities. Such money is exempt from the contribution and expenditure limitations and restrictions of the present campaign finance laws.

The substitute to S. 2 purports to reform this area by requiring that all "soft money" contributions be reported to the FEC. In fact, it would open up major new loopholes for the national party committees by exempting from the law's restrictions their administrative-solicitation costs and by extending the present volunteer activity exemptions to the national party committees.

The McConnell-Packwood proposal would require that such contributions be disclosed. That is appropriate; S. 2 would do the same and, in fact, go much further by requiring such disclosure for all party committees including those at the state, local and national level. The McConnell-Packwood proposal would only require, however, that "soft money" contributions to the national party committees be disclosed. This is artfully designed to minimize the impact of the proposal because the bulk of such contributions would begin flowing to the state party committee level. Thus, under the substitute, most "soft money" would continue to not be disclosed.

Another part of their proposal would open up a major new loophole by permitting "soft money" to fund the administrative and solicitation costs of political parties. In other words, for the first time a national political party, or a state or local committee of the party, could accept unlimited contributions from any corporate, labor or individual source to fund its general operations.

This would severely undermine the current contribution limits for individuals and PAC's, the flat ban on corporate funds in Federal campaigns that has existed since 1907, and a similar flat ban on labor union funds that dates back to 1947. These bans were enacted to reduce the potential for corruption posed by the direct use of corporate or labor union funds in Federal elections.

This proposal represents an unprecedented invitation to corporate and union support for party organizations, and it will further contribute to an accelerated level of spending through national party organizations for Federal election purposes. The disclosure requirement will not sanitize this major new loophole.

The substitute from the Senators from Kentucky and Oregon is a ploy to create the appearance that a vote for their proposal is a vote to clean up the campaign finance mess.

For the last several months there has been considerable debate about the merits of the proposal reported out of the Senate Rules Committee. The modified bill now before this body is an attempt to respond to all of those arguments. In my judgment, S. 2 is a good bill that will restore confidence in our election system by removing the taint of undue influence.

It is a carefully constructed proposal that represents many months of hard work to produce a balanced bill which is neutral both as to political party and incumbency.

Campaign finance reform enjoys widespread and bipartisan public support, and it has for years. Yet, there has been what we call around here extended debate on this bill. That is, an attempt keep talking to prevent enactment of campaign finance reform even though a majority support its enactment.

Why? Not because the Members of this body are not in agreement that the current system is out of control and badly in need of change. But because each of us perceives this issue through the prism of our personal interest or what we believe to be the interest of the political party of which we are members. Because the stakes are so great, there is a fear of change.

But this issue demands more. We must put aside our self-interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We must not again let that opportunity pass.

I conclude by saying, 10 years ago Democrats failed. They made a serious error. Because Democrats were in what they perceived to be a position of comparative advantage, controlling the Presidency, the Senate, and the House, they failed to confront this issue as it should have been.

And in what I believe to be one of the great ironies of history, Republicans in the Senate are now making the same mistake that Democrats made a decade ago. Because they perceive themselves to be in a position of comparative advantage in fundraising, they do not want a change. The reality is that mistake came back to haunt the Democrats and this mistake will come back to haunt the Republicans.

I believe and I hope that our mistake will not be repeated by our colleagues and friends and that we place the national interests above the political interests that we perceive at the time. If we do that, almost invariably the political interests are better served.

Mr. President, I yield the floor.

Mr. **McCONNELL**. Mr. President, will the Senator from Maine stay on the floor for just a few moments? I would like to make a couple of observations if he has a minute.

Mr. **MITCHELL**. I have a 3:30 meeting with a group of my constituents, but I will be very happy to listen to the Senator's observations for a few minutes.

Mr. **McCONNELL**. I was not going to enter into a lengthy colloquy.

I look forward to serving on the committee of eight with my friend from Maine. I think the establishment of the committee of eight is a first indication since last spring that we are truly interested in passing a bipartisan campaign finance bill.

I would just like to say that I would differ, as you know, as to what the mistake was that was made 10 years ago. I think the mistake was the Presidential system that we constructed. I just finished making what probably was too lengthy of a speech on the failing of that system under which $1 out of every $4 is spent on lawyers and accountants and under which candidates of all parties have broken out of the spending limits over the last elections that have been under that system under which it has been rampant to cheating and disrespect for the law on all sides.

I hope as we sit down we will not consider that necessarily progress because it clearly, in many respects, has not been, and try to work out something that we think will be a true improvement on the current campaign finance system.

As you know, I think we could do something about PAC's. I think we could do something about the cost of television. I think we ought to do something truly significant about the millionaire problem. More and more people are going out and buying public office.

I have a proposal which I have not introduced that you might be interested in. As you know, you cannot solve the problem entirely because of the Supreme Court decision. But I am going to have a bill that essentially would not allow anyone who puts up either his own money or borrows the money to get it back. In other words, he could not go down and shake down every special interest in town to try to get his money back. Maybe it would not keep the big millionaires out of the process, but the little millionaire might decide if there is no prospects for recovery it might not be a good idea.

So there are a number of things I hope our group of eight will take a look at and improve the system and maybe it will sail through here 90 to 10.

Mr. **MITCHELL**. If I may respond to my colleague, I have had the pleasure of discussing this issue with the distinguished Senator from Kentucky on the Senate floor, off of the Senate floor, in other public forums, and in private meetings. I know that he is without a doubt one of the most knowledgeable Members of the Senate on this entire subject and is a very articulate exponent of the point of view which he holds.

We do disagree on several things, but I have the greatest respect for the Senator.

I want to say that I do look forward to serving on that committee of eight and share your hope that we can develop something that improves the process.

I have neither the time nor the ability at this moment to debate the Presidential election process, but I would leave you with this thought: I do not for a moment dispute the assertions you have made regarding the problems that arise.

But in assessing those, remember, let us compare it to what would be the case had there not been a law based upon the experience that we had in the early 1970's which led to the creation of the law. It is surely an imperfect process and there are surely abuses and a need for changing the law to correct those abuses. But I think that sets an example of how overall the process can be improved. I hope we draw from that and I look forward very much to working with the Senator.

I thank the Senator.

Mr. McCONNELL. Mr. President, there have been a number of speakers on the other side on this issue. I see that we now have some here on our side. I would like to yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I wanted to make a few comments about S. 2, and to raise some additional questions. I hope that we can, in this body, come to an agreement within fairly short order to get on with considering it on its merits and that we will not go through the process of a long filibuster, which strikes me as a useful device and one that I would not want to see us abandon, but we went through this last year with what might be called a gentleman's filibuster. In the process I think we have demonstrated to the public that we do not much care about all of the ills, of the abuses of campaign financing. Well, we do care and I think we care on both sides.

I think the American public cares. I think the very fact that this particular piece of legislation has had such widespread support—I do not want anybody to be frightened because I am not going to propose putting this in the RECORD. It may almost all be there anyhow. But I was impressed just a few minutes ago when this was delivered to my office. It is a reprint of editorials in support of S. 2, in support of limitations on campaign expenditures. We have here 513 editorials in 280 newspapers in support of S. 2, meaning that most of these newspapers have written at least two editorials on the question.

So there is such widespread support that I certainly hope now we can bring this to a head; we can vote on it; and that we will not put this Senate in the position of dilly-dallying and delaying and wasting our own time and wasting the taxpayers' time and talking endlessly to delay something when we could get on and decide it. I do not think it gives the right kind of impression, one that I would like to see the public have. And this is not something that goes unnoticed.

These editorials, it seems to me, speak to the point. This is really just a very simple issue. It is a question of shall we stop the rapid climb of compaign expenditures? I have heard people here say when I first ran I spent $1 million. That was a lot of money. Now you have to start talking about $5 and $6 million to mount a compaign almost anywhere.

I remember in the great old days when I managed the senatorial—successful I might say—senatorial campaign for Kerr Scott from North Carolina, in 1954. In 1954 we spent $60,000. We have one television show in that $60,000, and that was a hard sum of money to get up. Today it would have to be $6 million. It has just reached the limits that are absolutely outrageous, disgraceful; they are a reflection, in my opinion, on democratic government.

I think it does, indeed, destroy the faith of the voters. The very idea that it takes so much money that you buy elections; and people begin to get disillusioned with the democratic process. Why can we not just look at people, listen to them, vote for them; why does money have to be such an overwhelming influence?

I think right now it is a disgraceful commentary on the process that after the vote in New Hampshire people are saying, pundits, so-called, are saying: Well, so and so cannot make it any further. He has not got any money. Or so and so is out of it because he did not do very well here and he might do well somewhere down the road, but he does not have enough money to hang on.

Too long, money is being equated with winning in the democratic process and that is simply not good for the kind of faith that we ought to be developing in the democratic process.

So I hope that we can all agree that it is a fairly simple proposition that it ought to be limited.

Now, where the limit is we can debate, but it ought to be limited, the expense of running for public office and, in this case, the expenses of running for the U.S. Senate.

I do not think that a great deal is to be gained by reflecting on the arguments of others, but I think we have been subjected to a fair degree of smokescreening here. I think, first of all, we went through a long period where people stood up on the other side and decried the use of tax money for our elections; kind of a cute slogan: The taxpayers do not want to pay for our campaigns. Well, of course, the taxpayers do not want to pay for our campaigns and that bill did not specifically provide that taxpayers would pay for our campaigns, but nevertheless that argument was rolled over and over and over.

It may very well be that the taxpayers, if they were asked, do not want to pay for Senator DOLE's campaign or the other Presidential campaigns or the contributions they make. But whether they want to or not, it is good public policy.

We have decided that it is good public policy and public funds are, indeed, being used to finance the Presidential elections. Granted, that is not necessarily a parallel situation to the U.S. Senate. I do not propose, nor does this bill propose, that we finance it in the same day.

But it does propose that we do it in a constitutional way. Everybody understands that it is not a question of using public money in order to reduce the burden of raising money by individual senatorial candidates.

It is the case of using enough public money to get past the constitutional test because we cannot just limit expenditures; we have to have some kind of incentive to limit expenditures. The only incentive so far that has come up has been some kind of use of some public money.

I have a better way of doing it without any money.

But the fact of it is it is not a question of tax money or no tax money. It is a question of limiting expenditures and doing it in a way that is constitutional. If it is going to be constitutional, as it has been seen so far, then it has to be done with some expenditure of public money or, as the bill now suggests, the threat of the use of public money.

So if nobody violates this, there will not be a necessity for spending any public money. It simply says here is the limit. We will stay within the limit. If anybody gets out of the limit, then we will use some of this checkoff money to make the playing field level again; to give the candidate against whom overexpenditures were spent an equal amount. That ought to keep it down.

The truth of the matter is that if candidates who are running for this great body observe the law, observe the rules, then it will not be necessary to spend any public money.

It has also occurred to me that if we can get an agreement that there ought to be an agreement on expenditures, there are several other ways to do it. What bothers me is that the Republican group that is opposing this, and not all Republicans by any means, but primarily the opposition that is there, have said over and over again that they do not want any limitation on expenditures for campaigning for the U.S. Senate.

I must say that I was considerably surprised by that admission. I thought that was what they really believed all along. I thought that they believed that you could win campaigns if you had enough money and if they can get more money than the Democrats, they could win more elections and in that way they could continue to dominate in the Senate. Probably a good many people listening to this would think that the Republicans did not say that, but the Republican leader, Mr. DOLE, said on June 16, 1987, on this floor:

> I would also say as a Republican we are trying to build our party in certain parts of the country and putting on campaign expenditure limits is, in effect, putting a brake on our growth. I would like to say we want to be the majority party. If we start accepting expenditure limitations, we cannot keep on winning elections.

Well, I do not know that money is going to win elections. It is going to corrupt the process, but I doubt if it is going to win elections.

Of the new Democratic Senators arriving in this body, arriving for the 100th session, every single one was outspent by the Republican opponent. So money did not win that election, but they spent too much money. Democrats spent too much money. Far too much money was spent collectively to the point that I think was truly a national disgrace.

What we want to get settled, what I would like to see the Republican opponents to this bill agree to, is some limitation, that they cannot go on year after year building up higher and higher costs in order to run for public office.

I do not think it is corrupting, not yet, but it will reach the point when it is corrupting. It certainly right now is disconcerting. It certainly is diverting the attention of Members of this body who must go out and spend so much time raising money. I think there has to be a limit, and I think probably, looking at it in my own State, the limitation is about what it ought to be. You can hardly use any more money than that in presenting a reasonable television series or television program. In any event, we have to first agree on the basic proposition that expenditures ought to be limited.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. SANFORD. Yes.

Mr. McCONNELL. I gather the crux of the remarks of the Senator from North Carolina is that he applauds and approves the Presidential system that we implemented in 1976, which encompasses, as we all know, a combination of public financing.

Mr. SANFORD. I would have done it differently. I think it has a lot of flaws. But I think the idea of providing some of those funds is a good public policy. I was not really prepared to debate that. I simply wanted to mention that we do have that precedent. It does not necessarily follow that it is tax appropriated money.

Mr. McCONNELL. I am not speaking so much about public money, but I was curious when the Senator from North Carolina was explaining that law that defined spending as limited spending.

Mr. SANFORD. I have written a book about the Presidential process. I think it is one of the worst processes we have in the country. That is all tied up in it. I think spending as much money as was spent in Iowa, the unbelievable amounts spent to date in the Presidential primary elections, is outrageous. That is one small part of a bad problem.

No, you did not understand me to defend any part of that system, including the financing.

If we are talking about financing the general election, I think that is much easier to justify.

Mr. McCONNELL. I think my observation would be to request the Senator to explain how the spending limits would be complied with. As the Senator knows, almost every candidate has violated those limits, almost State by State; $1 out of over $4 goes to accountants and lawyers seeking to comply with the impossible. I wonder if the Senator is leading up to the argument that we need a similar system of limits for congressional races so we can spend a lot more money.

Mr. SANFORD. We have another piece of legislation here that several of us have signed that relates to that problem. We would speed up the enforcement process of the Federal Election Commission so that you could immediately question an opponent who violated the law. Right now, as the Senator knows, I do not doubt for a second there have been violations, but this election will be long gone and past by the time the FEC ever gets around to looking at it.

If we have a process that can enforce the law, then I think it would work. But right now the big problem is that you can violate it and know that the election will be gone and you will have won and if a little bit of cheating helped you win, it was worth it. So by the time they catch you, it will not make any difference because you will be in there and they cannot do anything to you.

Mr. McCONNELL. What kind of penalty would the Senator refer to?

Mr. SANFORD. I will give you a copy of the legislation that Senator REID and others have put in. It is a fairly detailed thing.

Mr. McCONNELL. What kind of penalty in the Senator's judgment would make a candidate comply with spending limits? We have had no compliance with the Presidential system, let us say. Would we take the office away from them if they go a dollar over the limit? What kind of penalty would there be if they exceed expenditures?

Mr. SANFORD. I think now the limitation is at the most $10,000, or the amount that was expended, and this goes to the Treasury. This piece of legislation would make it a very severe financial fine. It might run up to a quarter of a million dollars. It will be a multiple of the amount that was illegally spent, and the opponent could bring an action. And under this legislation the procedures would be such that the FEC would have to take notice of it immediately. That is simply irrelevant to this.

Mr. McCONNELL. I do not want to dominate the Senator's time but I want to make sure I understood the Senator is arguing that it is possible to have a spending limit system that, in his judgment, will work.

Mr. SANFORD. Oh, yes, I think we can. I think if we took a position that we could not pass a law that could not be enforced, we ought to go home. Everyday we pass laws. Certainly they are not always all going to be enforced, but men and women of goodwill will make it self-enforcing. But by the same token, they will not all be of goodwill, and I do not doubt for a minute that we can build in the teeth. I think we have to.

I thank the Senator.

Mr. McCONNELL. I say to the Senator my suspicion is it will largely be like prohibition, just as the Presidential system has been.

Mr. SANFORD. I think we can enforce the Presidential system and I think it is outrageous that the FEC does not enforce it.

Well, this sort of illustrates the point I wanted to make, if my distinguished colleague from Kentucky will yield, and that is we get off on too many rabbit paths here and do not stick to the main point: Do we want to find a way to put a reasonable lid on campaign expenditures for the Senate?

Today I heard the Senator talk very eloquently about a great number of things, and I sat here and thought, well, now, they are not quite on point. We are talking about Presidential races We are talking about Stewart Mott. We are talking about PAC contributions. The Senator did not mention NCPAC, but he might well have mentioned that. I think the expenditures of third parties is something that needs somehow to be dealt with, and some effort is made here, but that is a side issue. I will be glad to yield for a question.

Mr. McCONNELL. On the question of PAC contributions, I introduced a bill last year that would eliminate PAC contributions altogether, and I would be happy to add the Senator from North Carolina as a cosponsor of that bill. I would be happy to see the PAC contributions eliminated altogether. But most people in the land, when they talk campaign finance reform, are not talking about spending limits; they are talking about PAC's.

Mr. SANFORD. As the Senator knows, S. 2 treats that and drastically cuts the amount that can be given.

Mr. McCONNELL. It has an aggregate limit on PAC contributions. But if we are saying that PAC contributions are somehow undersirable, why not just eliminate them altogether?

Mr. SANFORD. I did not say they were undesirable. I do not think they are undesirable. I think that they have been used in a way that they have become somewhat undesirable. I do not think it was anticipated—as a matter of fact, PAC's were enacted as a piece of reform legislation, to limit that kind of giving and to permit various people to accumulate their money in smaller amounts to make contributions. The trouble is that then we got into a pack of PAC's.

My opponent, for example, was a splendid representative and he had served well an important element of the economy and brought it to North Carolina, and that is the electrical generating business. Now, if he had received $1,000 from each of the two companies in North Carolina, from their PAC's, that would have been a good and proper use of PAC's. That is about what he would have had to have limited it to given the others available and given the limitation that would have been put on North Carolina, which would probably be somewhere around $225,000 or $250,000.

What happened, quite properly, quite legally, and without any complaint from me, some $85,000 came in from the electric power companies, the pack of PAC's from all over the country. I think that is a bad turn of events. I would be perfectly willing to do away with all of them. But I think if we put a ceiling on it, we are still going to permit the good aspects of PAC's, letting people accumulate their money and then giving it as an organization, and that is not bad. But I think the unlimited use of PAC's is very, very bad and it has led to all kinds of abuses. I agree with the Senator.

Mr. McCONNELL. I might say to my friend from North Carolina, there are three things essentially that have driven the cost of campaigns over the years, and by the way, the cost of campaigns is not rising like it was for a while.

One of them is the growing influence of PAC contributions, one of them is the cost of television, and one of them is people with a lot of money putting their own money into races.

I am wondering how the Senator from North Carolina would feel about a measure that I intend to introduce shortly which would say this to the person who exploits the millionaire's loophole, that is, the person who says I am going to take advantage of Buckley versus Valeo and I am going to put everything I want to of my own resources into a campaign. I have got a bill that I am introducing which says you can do that because the Constitution and Supreme Court say you can, but you cannot pay yourself back. You cannot ante up all this money in advance and then go around after the election and repay yourself by requesting the money from individuals or PAC's.

How would my friend from North Carolina feel about a measure like that?

Mr. SANFORD. I will go along with that if the Senator will go along with limiting overall expenditures.

Mr. McCONNELL. Of course, the Senator knows there is no way that we would go along with that because it will not work. As a matter of fact, what you have had with the only system of spending limits available in the country today is no limit on spending. Soft money has gone wild. Exploratory committees have gone wild.

Mr. SANFORD. PAC committees have gone wild.

Mr. McCONNELL. People have encroached the limits.

Mr. SANFORD. We must regulate the limits.

The PRESIDING OFFICER. I wonder if the Senators would be kind enough in their attempt to settle the whole dispute here and find a bill we can all agree upon to decide who has the floor.

Mr. McCONNELL. The Senator from North Carolina has the floor.

Mr. SANFORD. I have the floor.

The PRESIDING OFFICER. Does the Senator from Kentucky have another question?

Mr. McCONNELL. The Senator from North Carolina has the floor. There is no question about that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. McCONNELL. I would be happy to talk but I would be happy to shut up if he does not.

Mr. SANFORD. Please, ask the question.

Mr. McCONNELL. My observation was that——

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. SANFORD. The Senator from North Carolina has the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky to ask the Senator from North Carolina a question, may I say to the Senator from North Carolina.

Mr. McCONNELL. The point I want to make is that I am trying to understand that the Senator from North Carolina did feel the system of spending limits can work, and my reaction to the Senator's observation that it can work is that the only experience we have had with such a system in this country has been an abysmal failure and that has been the Presidential system. I just wonder how in the world we can expect that it will work.

Mr. SANFORD. I think that is a good point and I think it has an adequate answer. I think the answer is that the FEC has not enforced that law and I think when we pass S. 2, we have to pass adequate machinery, adequate teeth for the FEC, to insist that they enforce the law.

Mr. McCONNELL. Some have argued that the law is so unrealistic that no one is complying with it, similar to the prohibition analogy that I used, and therefore for the FEC to truly comply with it, they would eliminate almost every one.

Mr. SANFORD. I cannot really argue anything except that no law is going to work automatically, that this is a terrible abuse, it is getting worse year after year, and we ought to be trying to do something about it.

Now, I do not think that this is going to solve all of the problems. I do not think it is going to take care of—well, let us just take a favorite organization of the Senator's and mine, the National Rifle Association. They come in and spend wads of money and they have no accountability for it. That is just one example. The national realtors organization this time came into North Carolina, and I am sure other places, and spent a quarter of a million dollars on my opponent. It was not very well spent. It did not do much good. But they were not accountable for it. Now, I would like to see those limited.

Mr. McCONNELL. I say to my friend from North Carolina I could not agree more. As the Senator knows, there is, however, a constitutional problem with that.

Mr. SANFORD. Correct.

Mr. McCONNELL. We cannot by statute cure a constitutional problem.

Mr. SANFORD. So we ought to try to do what we can do by statute and we ought to get the Senators put in a position where they do not have to knock themselves out raising money, where they can stay here and help get on with the business; they do not have to run off to a fundraiser every weekend. I think it is demeaning. I think it is disgraceful. I think it is a sorry commentary on the democratic system.

Now we cannot cure everything all at once but I do think we can take new steps which would put the Senators themselves and the candidates for the Senate in a better more decent position simply by saying you cannot. We cannot judge what third parties do. We cannot totally control that. But we can control what the Senator and I do, and he and I could enter a personal agreement if we were running against each other that we would not spend but $3 million. And we would lie up to it. I think we can do that and get that part of the problem solved. That is what S. 2 proposes to do.

Mr. McCONNELL. The observation the Senator just made about the time spent on fundraising, of course, has been solved now by the majority leader without changing the law. He has simply constructed a system of operation in the Senate under which we are in the Senate 3 weeks, and we are off 1 week to do what we choose to do during that week. I would think it would no longer be a legitimate excuse for any Senator to go to the majority leader and say, "Please let me out of here by 6 o'clock tonight because I have a fundraiser." There is time to do that now.

Mr. SANFORD. I think it is outrageous that the Senator and I have to go home and raise money or go off to Texas to raise money, or New York. We ought to be there talking to constituents about rural development. We ought to be talking to constituents about the price of corn. We ought to be down there talking to people and carrying on our business and not out all over the world raising money.

Mr. McCONNELL. I could not agree more. Of course nobody is making us do that. Senators do that at their own risk because their opponent can make an issue out of it next time if they choose to.

Mr. SANFORD. Nobody makes us do that except our opponent.

Mr. McCONNELL. No. Absolutely not. There are a number of Senators in this body as, the Senator knows, who choose as a matter of strategy not to raise money. That is their option.

Mr. SANFORD. Three, I think.

Mr. McCONNELL. Well, a number.

Mr. SANFORD. Well, I thought about that and the Senator from Kentucky has probably thought about making a $10 limitation on the contribution.

Mr. McCONNELL. Then we would have to spend a lot of time on fundraising.

Mr. SANFORD. I believe I would rather go ahead and work in the tortured system than take that chance. But I had to raise money because my opponent was raising money. I said publicly two or three times early in the game—and maybe he did not know whether I could raise as much money as he. I said "Let's put about a $2 million cap on what we will spend on television. That is one thing we could monitor." I do not think he said anything. But, he did not limit it. We had to keep on raising money.

I just think it tends to corrupt the system. This is one piece of it we can get a hand on it, and now is the time to put a hand on it. Then we will pay attention to these other things which are quite legitimate concerns that the Senator and I have. But right now we have something before us that is going to be a start on a good path to the reform of the kind of abuse that we have all talked about.

I would be glad to yield for another question. Or I will be glad to proceed with the main body of my speech.

Well, the main body of my speech is about completed.

I think we are down to just one simple issue. That is whether or not we are going to vote, as Mr. DOLE has suggested, to put no limit on it because the Republican Party, in order to become as strong as they want to be, has to have money to win elections.

I made a little speech over here last spring or last summer in which I pointed out that is not even a good strategy for the Republican Party. I am not here to advise the Republican Party. But that is not a good strategy for the Republican Party; that the Republican Party ought to try to win elections like the Democratic Party wins elections. That is by talking to the people about their needs, their hopes, and their aspirations. That is the best way to win elections. We would welcome that kind of competition from the Republican Party.

Mr. President, I certainly hope that this body—which now has focused on an issue that is extremely important to people all over this country—however we vote on it, we can get on with the business of voting, that we can demonstrate to the people of America that when there is a job to be done, and an issue to be decided we can bring it up, debate it fairly, decide it, and that we are not going to delay the public's business by a long drawn out filibuster. I hope we can do better than that.

I thank the Chair.

Mr. McCONNELL. Mr. President, the Senator from Pennsylvania wished the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I continue to oppose S. 2 because it includes substantial public financing and excludes important reforms on counting soft financial contributions. Now that S. 2 is on the Senate's agenda for the first time in the 2d session of the 100th Congress, I believe it is worthwhile to comment again on this bill.

When I voted against the first motion to limit debate in the 1st session of the 100th Congress on June 9, 1987—CONGRESSIONAL RECORD S7863—I stated that:

> I believe that further debate is necessary with the attendant opportunity, once cloture is defeated, to work out a compromise on reforming campaign financing.

I am glad to see that eight Senators have recently been appointed by the Democratic and Republican leadership to try to arrive at such a compromise.

In opposing cloture back on June 9, 1987, I stated:

> I am convinced that reform of the current system on campaign financing is necessary to address a variety of issues:
>
> First, elimination of the perception of improper influence of campaign contributions with special concern for political action committees;
>
> Second, limitation on total expenditures;
>
> Third, public policy considerations on public spending; and
>
> Fourth, use of the time/energy of Senate and House Members to raise money.

At that time I said, and today reiterate, that I support legislation which would totally eliminate PAC contributions. While I do not believe that political action committees improperly influence Members of Congress, I do believe that there is sufficient public concern about the appearance of influence so that PAC's should be totally eliminated.

Again, as I said on June 9 and reiterate today, I favor a constitutional amendment to limit the amount of money an individual may spend on his/her campaign. The only way to limit total campaign expenditures, in light of the decision by the Supreme Court of the United States in Buckley versus Valeo, is to amend the Constitution to review that decision. Earlier in the 100th Congress, in my capacity as ranking Republican on the Constitution Subcommittee of the Judiciary Committee, I met with Senator CRANSTON, assistant majority leader, and Senator SIMON, chairman of that subcommittee, and agreed to cooperate on prompt subcommittee action on a constitutional amendment.

As to the time/energy which fundraising takes from a Member of the Senate or House, my own experience is that appropriate fundraising can be accomplished with ample time to do the work of the Senate both in Washington, DC, and in my home State of Pennsylvania. However, to the extent that fundraising can be curtailed, it would be desirable.

As a matter of public policy, I continue to believe that public financing of Senate and House campaigns is unwise at this time because of the national debt and deficit. Our national debt approximates $2,500 billion and the deficit for fiscal year 1988 is currently projected in excess of $150 billion.

In its original form, S. 2 would have provided up to $5 million in public funds for in a U.S. Senate campaign in Pennsylvania, and up to $135 million nationwide, every 2 years, for Senate elections. While S. 2 does not include public financing of House campaigns, applying the same sort of rules to House elections could be expected to raise the total figure to $310 million. The current version of S. 2 would permit up to $2,875,000 in public funds to be spent in a Senate race in Pennsylvania, and up to $50 million nationwide. If it include House elections, up to $115 million in public funds could be expended every 2 years.

I believe it is unwise to embark on an expensive new program to provide for public financing of congressional elections at a time when there is inadequate Federal funding for important programs including, but not limited to, eduation, housing, job training, community development block grants, urban development action grants and farm programs.

I also oppose S. 2 because I believe that real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services. Those contributions do not count in the current limitations on campaign financing, and any reform legislation, to be fair, should include such contributions.

Beyond expressing my views on S. 2, I believe it is worthwhile to comment on the recent advertising campaign conducted by Common Cause against a number of Senators, including myself. According to a report in the February 23 edition of the Allentown, PA, Morning Call, Common Cause ran full page advertisements on February 11, 1988, in 18 Pennsylvnaia, Delaware, Maine, and South Dakota newspapers. Full page advertisements directed against me personally were published in Pennsylvania in the Erie Times, Harrisburg Patriot, Pittsburgh Press, and Scranton Times, in alphabetical order.

I was surprised by these full page ads which were misleading and published without prior notice. I have always been available to Common Cause, had met on prior occasions with its chairman, Mr. Archibald Cox, and had written to its president, Mr. Fred Wertheimer, on February 5, 1988, restating my position that I continued to support campaign reform finance legislation which would totally eliminate PAC contributions and change the law on the amount an individual could spend of his/her money and to provide for limits on overall campaign spending. The advertisement was misleading in implying that I had not fulfilled commitments concerning PAC contributions, limiting the use of a candidate's personal wealth, and overall campaign spending limits.

The 1986 Common Cause questionnaire had two questions:

> 1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?
>
> Support X Oppose ___.
>
> As noted, my position goes beyond "an overall limit" in agreeing to eliminating PAC contributions totally.

The second question was:

> 2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?
>
> Support X Oppose ___.

As noted, my position would limit the use of a candidate's personal wealth as the constitutional basis for providing overall campaign spending limits. While I did indicate support—in response to a compound question that lumped together several very different ideas—for "partial public funding," I do not believe public funding is appropriate in the context that the targets in the 1985 deficit reduction law were not met in 1987 and the deficit has continued to rise at the expense of other important social programs.

Accordingly, I would respectfully suggest that Common Cause reconsider its position on public funding in light of the current budget constraints. Common Cause's objectives can be obtained without public funding even though it may take longer through the process of constitutional amendment. The amendment process need not take unduly long given the substantial public interest in this important subject.

In addition to urging Common Cause to reconsider its position on public funding, I would also suggest, respectfully again, that Common Cause reconsider its tactics of targeting Senators for full page advertisements. In raising this issue, I realize the high public regard for Common Cause. I share that high regard. As noted above, I have welcomed meetings with Common Cause, I have spoken at its membership meetings and have been in agreement, much more often than not, with Common Cause's positions.

So I add these comments on Common Cause's full-page tactics with reservations, but do so because of the importance, as I see it, of undue influence or unfair pressure on public officials whether by PAC's, special interest groups, genuine public interest groups like Common Cause or anyone else. Recognizing that any individual or organization has the absolute right to speak out and that robust advocacy is the essence of our system, I question Common Cause's approach in singling out Senators because they have supported reforms in the past. As reported in the February 12, 1988 edition of the Allentown Morning Call:

> Randy Huwa, a Common Cause vice president, said the four Senators were singled out because they have supported reforms in the past. "They are among the Senators who we think we have the best chance with on this issue." Huwa said.

That selection system hardly encourages Senators' interest in reform.

Respecting Common Cause's right to publish its full page advertisements, a further question may be raised about the propriety or basic fairness of that pressure, especially in the context of its putative effort to eliminate undue influence and pressure on officeholders. Common Cause decries the pressure/influence of PAC contributions. The maximum PAC contribution of $10,000—primary: $5,000; general: $5,000—constituted less than .0014 of my campaign costs in 1986.

Contrast that with Common Cause's expenditure of more than $20,000 for full page ads in Pennsylvania newspapers alone and Common Cause's obvious effort to exert sufficient pressure to change Senators' specific votes.

I realize the difference in seeking to arouse public sentiment which may, in turn, seek to influence Senators, but I question the propriety of that procedure.

Mr. President, my vote is not determinable—for sale to PAC's or others—at any price. Similarly, my vote is not determinable—by Common Cause or others—by any amount of pressure. My constituents have the right to expect, and in any event have gotten and will continue to get, my best judgment regardless of contributions or pressure.

Discussion and compromise, rather than purchase or pressure, will lead to appropriate reform of campaign financing. The rules of the U.S. Senate on cloture were established to allow 41 objecting Senators to keep debating in order to obtain compromise on issues they consider to be of sufficient importance.

The principle of 41 objecting Senators has been established in this Chamber, this Congress, and this country for good and sufficient reason on many, many subjects of great importance. The Senators who are exercising that right, I submit, do so out of conviction and real purpose on this important public question.

As I said on the first cloture vote in the First Session of the 100th Congress, a compromise on reforming campaign financing can be worked out once it becomes clear that cloture is and will continue to be defeated.

It has been so far and I believe it will be on any subsequent cloture vote. The recent appointment by the Democratic and Republican leadership of eight Senators to try to work out such a compromise offers, in my judgment, the best prospect for meaningful campaign finance reform. I urge them to proceed with their work with all due diligence which I know they will undertake and I think they will be successful.

Mr. President, at this time I ask unanimous consent that the text of my letter of February 5, 1988, to the President of Common Cause; the full text of the Common Cause full page advertisement of February 11, 1988; and my letter to the President of Common Cause dated October 3, 1986, be printed in the Record. I ask unanimous consent because of the advantage of having them so printed without my reading them at this time on the Senate floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, February 5, 1988.

Mr. Fred Wertheimer,
President, Common Cause,
2030 M Street, NW., Washington, DC.

Dear Mr. Wertheimer: Earlier in the 100th Congress, as you know, representatives of Common Cause, and I met to discuss the subject of campaign finance reform; and I believe it would be useful to give you my thinking on the subject at this time as we begin the new session and Senator Byrd has made Senate Bill 2 the pending business on February 16, 1988.

I continue to support changes in PAC contributions for Congressional candidates as I said in my letter to you dated October 3, 1986; and I am prepared to vote to eliminate PAC contributions completely. Similarly, I believe that there should be a limit on a candidate's use of his or her own finances even though that may require a constitutional amendment.

On the subject of public financing, I do not think it is wise to make such additional federal expenditures in light of the budget constraints and the sharp spending limitations which are likely to be imposed on very important programs in the 100th Congress and thereafter.

As you know, there have been extensive discussions to try to work out some modifications and a compromise version Senate Bill 2. As I see it, real campaign finance reform must include soft contributions where organizations or individuals provide personnel and other campaign services which do not come within the current dollar limitations.

There is no doubt that the increasing cost of Congressional campaigns places an inordinate burden on candidates generally and on the time of incumbents. While I do not believe that Members of Congress are improperly influenced by campaign contributions, I do believe that there is sufficient public concern about the appearance of influence that PAC's should be totally eliminated.

I am hopeful that acceptable campaign reform legislation can be crafted on this session, and I stand ready to work with my colleagues in the Congress, your organization and others to pass such appropriate legislation.

Sincerely,

Arlen Specter.

Stop Blocking Campaign Finance Reform

Hon. Arlen Specter,
U.S. Senate,
Washington, DC.

Dear Senator Specter: The way our congressional campaigns are financed is a national scandal. As The Washington Post has written, our congressional campaign financing system is "fundamentally corrupt. Every citizen knows that. So does every legislator."

During your 1986 Senate campaign, you agreed on the need to reform our congressional campaign financing system in a signed response to a Common Cause questionnaire.

You said you support legislation to establish an overall limit on the amount of PAC contributions a congressional candidate could accept. And you said you support legislation to establish a campaign finance system for congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public financing.

But instead of meeting your 1986 campaign commitment, in 1987 you voted seven times to block the Senate from acting on the basic reforms you say you support.

Had S. 2, the bill your filibuster blocks, been in effect during the 1986 election, PAC contributions to Senate candidates would have been reduced from $45 million to $16 million. Your own PAC receipts of $1.2 million for the 1986 election would have been cut to $572,000.

Fifty-five Senators are on record in favor of acting on this bill. Some 270 newspapers across the country, including Pennsylvania papers, have editorialized in favor of the legislation. And more than 70 diverse national organizations representing millions of citizens have joined in support of this legislation which is absolutely essential to restoring honesty and integrity in government.

Senator Specter, most scandals involve broken laws. In this case, the laws are the scandal—and they must be changed.

S. 2 is once again before the Senate and, shortly, you will have another opportunity to meet your campaign commitment.

Won't you please stop backing the filibuster that is protecting the current corrupt campaign financing system. Let the Senate act on S. 2.

Sincerely,

Archibald Cox,
Chairman, Common Cause.

Mr. Fred Wertheimer,
President, Common Cause,
2030 M Street, NW, Washington, DC

Dear Mr. Wertheimer: Thank you for the opportunity to express my views on campaign finance reform. My responses to the Common Cause questionnaire are indicated below.

1. Do you support or oppose legislation establishing an overall limit on the total amount of PAC contributions an individual candidate for the U.S. House or Senate could accept?

Support: X
Oppose:

2. Do you support or oppose legislation to establish a campaign finance system for Congressional elections that would provide an overall campaign spending limit and a limit on the use of a candidate's personal wealth, along with partial public funding?

Support: X
Oppose:

Again, thank you for the opportunity to comment on the issue of campaign financing.

Sincerely,

Arlen Specter.

Mr. McCONNELL. Mr. President, will the Senator yield?

Mr. SPECTER. I do. I yield the floor.

Mr. McCONNELL. I commend my friend from Pennsylvania for his leadership on this issue all along the way. He has been one of the most knowledgeable and effective spokesmen and also someone who truly understands what we are talking about here.

I think it is particularly unfortunate that Common Cause, whose tactics, it seems to me, off and on during this whole debate have been outrageous, has targeted the Senator from Pennsylvania and others. It makes no sense to me in terms of an attempt to influence our decisionmaking here, and we all know that the Senator from Pennsylvania certainly is not going to be influenced by those tactics.

In any event, I commend the Senator for an outstanding speech.

Mr. SPECTER. I thank the distinguished Senator from Kentucky.

I raise only the questions with Common Cause's tactics. I appreciate the breadth of the first amendment and I appreciate the work of Common Cause. But I do think it appropriate to raise those questions, notwithstanding Common Cause's very unique public position.

These are matters about which we can all think and ponder, and I have done a good deal of thinking on this issue.

I am well aware of the public policy considerations on public financing. I am very well aware of the constitutional limitations on this subject, and I regret that there has not been an effort and a movement to respond to my offer to move ahead with hearings on the constitutional issues. Certainly we could be simultaneously moving ahead with the underlying issue in Buckley versus Valeo.

The opinion in that case surprised me when it came down. I was in the middle of a primary election, having assessed my own financial capabilities within a $35,000 limitation in Pennsylvania in 1976 when Buckley versus Valeo came down.

It surprised me at the time and it continues to surprise me. In a context where there are limitations on what people may contribute to candidates, it seems to me that it is preeminently sound and would have been a sound constitutional decision not to allow individuals to spend unlimited sums of money. But the Supreme Court has the final word, and I respect that far beyond my own views on any subject.

There are, however, procedures for making those modifications and they can start in the Constitution Subcommittee. I would work every diligently to achieve that objective and the objectives of those who urge campaign reform without becoming involved with public financing and with a campaign finance reform law that includes soft contributions and is fair to all parties concerned.

Mr. McCONNELL. There is no question that the Senator has put his finger right on one of the principal factors driving the escalating costs of campaigns. There is a dramatic increase in the amount of money that individuals are putting into their own use, the so-called millionaire's loophole. There is a dramatic increase in the amount of total PAC contributions. And there is a dramatic increase in the cost of television. We have suggested and the Senator from Pennsylvania has cosponsored bills that have done something about all portions of that.

I might mention to the Senator, before he leaves the floor, that I have another bill that I intend to introduce shortly which might at least provide some deterrent to the millionaire who is not real wealthy and that would be this: that we could not consistent with the Constitution limit what you can put into your own race or what you could borrow but we could, I am confident, constitutionally keep you from recovering it by going around after the election and recouping the amount of money you put up in order to buy the office from PAC's or individuals or anyone else.

So clearly we need to address as best we can consistent with the Constitution that millionaire's loophole problem because it is a growing problem in this body.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Thank you, Mr. President.

Mr. President, once again, as we have returned to the consideration of this important legislation, the bill to reform campaign financing, I want to commend the Senator from Oklahoma [Mr. BOREN] and the distinguished majority leader for their cosponsorship of this enormously important piece of legislation and also for their persistence in continuing to push on this.

The issue of campaign finance reform is one that the American public has been slowly but surely coming to understand, and the time has come for us in the U.S. Senate and the U.S. House of Representatives to act and to act carefully, thoroughly, and expeditiously on this legislation.

I do not think there is any doubt that the great majority of those who have been involved in campaigns in recent years are sick and tired of the overinflated role that money is playing in American campaigns and the amount of time and attention that has to be devoted to raising the money to pay for increasingly expensive campaigns.

Things are completely out of control on this front, not only from the perspective of those who have to run for public office, but clearly, also, I think, from the perspective of those who are on the other end of it—those who are giving this money, making the contributions. They also are sick and tired of the current process that we have.

What is all of this doing to the whole process of public debate? I think public debate in the campaigns is diminishing as candidates for the House and candidates for the Senate are finding themselves spending more and more time just going about the process of raising the money necessary to fuel this huge machine. Even in the brief span of 13 years that I have been in public office, I have noted the decline in the time elected officials spend talking to the public, talking to voters and debating issues. The time for that has gone down every year—in a direct relationship to the time that has gone up as those elected officials and candidates for public office have had to spend raising these enormous amounts of campaign funds.

Are the American people well served by this process? I think not. I think the American people would certainly like to see us spending our time and focusing our attention on the debate of the great issues of our time, rather than moving from one kind of a fundraising event to another to try to keep up with the other guy just to neutralize the opponent's spending.

Each of us is in a zero-sum game. I spend, you spend, he spends, she spends; the amount goes up, goes up, goes up, and all we are doing is neutralizing each other's funding; kind of a Parkinson's law going on here in which one candidate raises a certain amount of money, then the other candidate for the same office has to raise the same amount and this continued spiral goes on, up and up and up.

The time has come to say: "Let's stop this. Let's put a lid on this. Let's insert some rationality into the whole process."

The question then, of course, is how to best go about accomplishing this? Is it possible to obtain universal or even substantial purely voluntary restraint? I fear not. Can we legislate mandatory limits on campaign spending? No—the Supreme Court has ruled that the only way we can secure limits on campaign spending is to provide incentives that will be sufficient to obtain widespread voluntary compliance. That, of course, means some form of public financing or other legislated benefit for those who comply voluntarily.

All who have observed this debate over the past several years—and, in particular, the debate on S. 2 throughout the year last year here on the Senate floor—have seen opponents claim that doing this is tantamount to public officials making a very thirsty trip to the public trough.

Let's slow down a moment, and review what that particular criticism means. We might look back to the early 1970's and look at all of the abuses of the financing of Presidential campaigns. I cannot imagine that there are many who were old enough to remember significant events of that period who do not recall the Watergate episode, and the array of problems and abuses that occurred during the 1972 Presidential campaign. Incredible sums were being raised and spent on the campaign. Money was being transported in suitcases to pay for questionable expenses and absolutely illegal expenses as well as for legitimate campaign costs.

And the funding of those campaigns was coming from a very, very small group of people who thus were having inordinate influence over the affairs of the Nation.

After the revelations of Watergate, the Nation said: "Enough is enough. Let's put a lid on this. Let's slow this down. Let's develop a more rational process."

The Nation said at that point, in legislation enacted in 1974: "Let's develop a process that produces the public discourse voters need to make decisions, but which does not turn elections for public office into bazaars where the office is for sale to the candidate who can raise the most outrageous sum of cash." And, at the Presidential level, we did precisely that, Mr. President. We enacted landmark legislation that moved us to a form of shared public-private financing of campaigns with voluntary spending limits. And it has worked beautifully.

Three of our colleagues in this body right now are taking advantage of that and using that very good benefit. Three of our colleagues right now, two on the Democratic side and one on the Republican side, are using precisely that kind of shared public-private. We have not heard them complaining about it. I think they have used that very well. I think it has worked very well.

We are now in the middle of a Presidential campaign in which precisely that kind of a shared balance appears to be working and working very well. So if we can do it at the Presidential level, why can we not do it at the Senate and House level? Why can we not raise the level of debate? Why can we not limit the enormous amounts of influence from a handful of individuals as we used to have in the Presidential race in the Senate and House races as well? It is a perfectly reasonable question and it seems to me that the answer we find is that in the Presidential campaigns there is a model. Let us use that here.

The dollar-checkoff on the Federal income tax form is familiar to most taxpayers—and millions of Americans have voted by use of that checkoff to contribute a dollar of their taxes to finance Presidential campaigns in order to prevent the abuses of the past.

What has happened since the 1972 campaign, Mr. President? I think what we have seen is a campaign finance system for the presidency that is back in control. I do not think that anybody would argue that since we changed the rules for Presidential campaigns in the mid-1970's that there have been significant abuses of campaign financing at the Presidential level.

The only mistake that we made in the mid-1970's was not including congressional election campaigns in that campaign finance law at that time.

Unfortunately, in the 12 years since, we have seen a dramatic escalation of campaign financing for campaigns for election to the Senate and the House that I referenced earlier in my remarks.

The time has come, Mr. President, for us to follow the very good and sound precedent of public financing at the Presidential level—and apply it to House and Senate races as well.

The bill which is before us today—and which the Senate spent a great deal of time considering last year—is a very appealing, very carefully constructed vehicle to do precisely that.

It complies with the Supreme Court's stipulations on the way in which it is permissible to obtain campaign spending limits. It returns proportion and balance to the role Political Action Committees play in congressional elections. It will provide candidates who are the subjects of opposing independent expenditures the ability to respond to the charges for which those independent expenditures were paid. It will prohibit the practice of "bundling" contributions as a way around various contribution limits.

In short, this is a strong, well-constructed, worthwhile answer to the problems every Member of this body knows to exist in the way we now finance congressional campaigns.

And it is a way of preparing a little therapeutic medicine here. It is cutting off what is going to be someplace shortly down the line an enormous scandal. There is just too much money floating around this business, Mr. President, too much money, and, if we do not do it now, that scandal is going to hurdle us into action of some kind and probably that action will not be as well considered and as well thought out as the legislation in front of us.

We have debated long enough. The opponents have prevented action long enough. Now, while the Nation is focused on our vital political process in this election year, is the time for us to act. I hope we will see broad support for this legislation when the next vote on it occurs—from both sides of the aisle.

Both sides have benefited in Presidential campaigns from this shared public-private responsibility. It seems to me as both sides have benefited from that at the Presidential level, both sides have a responsibility to address this issue at the Senate level and the House level and do it responsibly, do it carefully, and be consistent with what we have done at the Presidential level.

I thank the Chair and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

CHARLES L. CRAMER

Mr. BOND. Mr. President, I rise to offer my thanks, best wishes, and congratulations to a native Missourian, Charles L. Cramer who has just retired from his position as St. Louis branch manager of USF&G Corp. In everything that Chuck has done, whether it is professional, civic, or charitable, he has served with distinction.

In fact, in the past year alone, the Independent Agents Association of Missouri and the Insurance Council of St. Louis named Chuck the "insurance person of the year." He is also a past chairman of the Missouri FAIR plan, a former secretary and now treasurer of the board of directors for the Missouri Insurance Guaranty Association, a past president of the Insurance Executives Association of St. Louis, chairman of the American Insurance Association's Missouri Conference Committee, and a member in good standing of the Missouri Insurance Institute's Advisory Committee and the Insurance Services Office Advisory Committee.

Chuck is a graduate of the University of Missouri and the Kansas City Law School. As a businessman, attorney, and leading citizen, he has been involved in many of the more vexing and important issues facing the State of Missouri and this Nation. For example, he was appointed by my successor to the Governor's Task Force on Liability Insurance. He has also served on Missouri's Arson Advisory Committee.

In addition, Chuck gives generously of himself. Since 1980, he served first on the board of directors for the St. Louis Christian Home for Children, now known as ECHO or the Emergency Children's Home of St. Louis and is now serving as its president.

Now that Chuck has supposedly retired, I know his wife, four children and five grandchildren hope that they will see more of him. However, I know that this retirement will not end his service to the State and St. Louis.

Thanks for all your work Chuck and best wishes.

BRET BERLIN

Mr. DASCHLE. Mr. President, just about the time one begins to wonder who among our young will one day be there to take the reins of responsibility to lead this Nation in the next generation reassurance is provided.

Such reassurance comes in my frequent conversations with our Senate pages. Their enthusiasm, their interest in the process, and their responsiveness gives me great confidence that the leaders of tomorrow are preparing themselves well.

The preparation continues beyond the experiences gained as Senate pages.

This week, a former Senate page, Bret Berlin, was inaugurated as a new senator at the University of Florida. I am informed that Bret, a freshman, received more votes in his election than any other candidate running. Given his 37,000 constituents attending the university, that is a remarkable achievement for a freshman student.

I know Bret to be a remarkable, young American leader. As a Senate page, as a high school student in Israel, as an ardent student of American politics and government, he is a convincing example of the caliber and character to be found in the next generation.

I congratulate him on his accomplishment. I encourage him and those who are not our proficient Senate pages to persevere. We welcome them and look forward to their increasing involvement in politics and government with great expectations.

A TRIBUTE TO LEE J. FREMSTAD, AWARD-WINNING CALIFORNIA JOURNALIST

Mr. WILSON. Mr. President, California recently lost one of her finest and most-loved journalists, Sacramento Bee reporter Lee J. Fremstad.

Lee was an award-winning reporter who covered dozens of political campaigns, including the Presidential campaigns of Californians Ronald Reagan and Jerry Brown. He was a talented and prolific writer, whose vivid copy enlivened the pages of not only the McClatchy papers, but also the California Journal, Esquire, and many other magazines over the years.

Lee was also devoted to advancing his profession and improving his community. He participated in many professional journalism organizations, including a stint as president of the Sacramento Press Club. He was a member of Amnesty International and volunteered his time helping prisoners on parole.

Mr. President, I would like to extend my deepest sympathies to Lee's family and his colleagues. He will be remembered fondly.

I ask unanimous consent to have printed in the RECORD the Bee's farewell to its long-time reporter, Lee J. Fremstad.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sacramento (CA) Bee]

27-YEAR BEE REPORTER, LEE J. FREMSTAD, 55

(By Steve Gibson)

Lee J. Fremstad, an award-winning reporter who covered a wide range of stories for The Sacramento Bee for 27 years, died Thursday after a long illness. He was 55.

Mr. Fremstad, who wrote about scores of state and national politicians when he worked in The Bee's state Capitol bureau from 1971 until 1981, was respected by coworkers for his ability to work well under pressure, his writing skill and unfailing good humor.

Troubed by poor health, he had been scheduled to begin disability retirement from The Bee today.

"Lee was a talented journalist who contributed much to this newspaper and this community," said Gregory Favre, executive editor of The Bee. "He will be missed."

"Lee was a nice man in a business that often isn't characterized by niceness," said Ted Sell, editor of McClatchy New Service.

Bud Lembke, a former Los Angeles Times reporter who worked with Mr. Fremstad on dozens of major stories, added, "Good writers can make their copy sing. Lee Frenstad was in the Metropolitan Opera category in that regard.

"He had other dominant qualities essential to good reporters: He liked people and they liked him," Mr. Lembke said. "That's what made his copy come alive and caused reporters to say, 'I wish I'd written that,' "

On April 12, 1967, he began his story of the last execution in California this way:

"Aaron Mitchell, 37-year-old murderer of Sacramento Police Officer Arnold Gamble, broke the unofficial moratorium on the death penalty in California today by dying in the San Quentin gas chamber.

"The potassium cyanide pellets plunked soundlessly into a vat of acid at 10:04 a.m., sending their lethal but colorless fumes into the lungs of the condemned man."

On Dec. 9, 1985, he began a story on Bhagwan Shree Rajneesh this way:

"What if they opened a commune and everybody left?

"That would be Rajneeshpuram—once an experiment in group living, now another page in the colorful history of the West. Its guru: Bhagwan Shree Rajneesh, once the resident leader of thousands in his own city, now an admitted ex-felon reflecting on it all somewhere in the Himalayas."

A native of Minneapolis, Minn., Mr. Fremstad served in the Navy aboard aircraft carriers during the Korean War. After leaving the Navy, he received a journalism degree from the University of Minnesota.

His career in daily journalism began with a stint as night wire editor on the Daily People's Press in Owatonna, Minn. Later, he worked for the Decatur, Ill., Herald & Review as a reporter. In 1959, he moved to Salt Lake City as a reporter and rewriteman for United Press International.

Shortly after coming to The Bee, he met the woman who became his wife, Virginia "Nita" Hanna, who was secretary to Keith Fuller, The Bee's industrial relations manager.

Mr. Fremstad later became active in The Newspaper Guild, serving as the Sacramento local's president in 1966, and faced Mr. Fuller across the bargaining table.

"I have a great deal of respect for him," Mr. Fuller said. "He was a man of great integrity."

"He was a conciliator by nature," said Martin Smith, McClatchy Newspapers political editor.

Mr. Fremstad was a member of the McClatchy 25-Year Club, the Society of Professional Journalists/Sigma Delta Chi, the Capitol Correspondents Association, the San Francisco Press Club and a past president of the Sacramento Press Club. He also was a member of Amnesty International and Volunteers in Parole, a group that helps former prison inmates.

He loved sailing, skiing, photography, jazz and sports cars. For years, he drove a Maserati Sebring 3500 GT.

While covering state politics for The Bee, he also served as Sacramento stringer for Newsweek, the New York Times and the London Daily Express.

A prolific writer, he turned out articles for The California Journal, Esquire, Argosy, Ski Magazine and Road and Track Magazine.

He once taught part-time in the journalism department at California State University, Sacramento.

As a political reporter, he covered the Republican National Conventions in 1972 and 1980. He covered the gubernatorial and presidential compaigns of Ronald Reagan and Jerry Brown. He also covered the California campaigns of Jimmy Carter, Robert Kennedy, John Anderson and Eugene McCarthy.

He was the recipient of the California Taxpayer's Association's best reporting award in 1973 and 1977.

In addition to his wife, he is survived by his mother, Florence Fremstad of Minneapolis, son, Erik, and daughter Britt, both of Sacramento; a brother, Ronald Fremstad of Minneapolis; and a sister, Joanne Hudson of Seattle.

A memorial service is scheduled for 1 p.m. Tuesday at W.F. Gormley & Sons Funeral Home, 2015 Capitol Ave. The family requests that any remembrances be sent to the Sacramento Journalism Foundation, c/o Lillian Hickey, Sacramento Bee, P.O. Box 15779, Sacramento 95852.

BICENTENNIAL MINUTE

FEBRUARY 17, 1906: "TREASON OF THE SENATE" SERIES BEGINS

Mr. DOLE. Mr. President, 82 years ago today, on February 17, 1906, the March issue of Cosmopolitan magazine arrived on the Nation's newsstands, with the first in a series of nine articles entitled "Treason of the Senate."

For several decades prior to the appearance of the series, the Senate had come into public disrepute through the intimate association of some of its Members with large corporate interests. At a time when Senators were still elected by State legislatures, there were ample grounds for concluding that the industrial capitalists who influenced the State houses also exercised great power in the selection of some Members. Only weeks before the Cosmopolitan series began, two Senators had been convicted on charges of taking fees from corporate clients for interceding on their behalf with Federal agencies.

Publisher William Randolph Hearst had hired popular novelist David Graham Phillips to prepare an investigative series. Employing the innuendo and overstatement typical of other so-called muck-raking writers of the day, Phillips selected 21 Senators for particular attention. His first installment included the following typical statement: "Treason is a strong word, but not too strong, rather too weak to characterize the situation in which the Senate is the eager, resourceful, indefatigable agent of interests as hostile to the American people as any invading army could be, and vastly more dangerous."

Phillips overplayed his hand. Although his series initially doubled the magazine's readership, it soon backfired. Genuine reformers feared that his carelessly researched articles would seriously harm their own efforts. When the series concluded in November, Phillips gladly returned to writing novels. In spite of its limitations, the series hastened adoption of a constitutional amendment providing for direct election of Senators.

A CENTURY OF ADULT EDUCATION—LEARNING NEVER ENDS

Mr. CRANSTON. Mr. President, today I want to join in commemorating the 100th anniversary of the Los Angeles Unified School District Division of Adult Education. I would like to share briefly with my colleagues the immeasurable contribution that this program has made to quality education in Metropolitan Los Angeles over the past 100 years.

In 1887 the first night school in Los Angeles was opened in a public school building. It had 30 students. The curriculum was, simply, literacy. A great deal has happened since the one adult class began 100 years ago. In time, the program developed business, homemaking, Americanization, parent education, and vocational classes for the adult community of the Los Angeles area.

These classes and others have helped to meet the educational needs of a rapidly growing adult population. The program has responded to the rapid advances in technology which mandates that our high schools and adult students have access to training or retraining in the newest vocational skills. Social unrest such as the 1965 riots demonstrated—among other things—that many members of our community were not receiving the type of education and/or training required to enable them to take advantage of the employment opportunities available in the Los Angeles community and elsewhere. The adult education division was able, because of its unique ability to institute new programs, to establish skills centers in Watts, Pacoima, and east Los Angeles in 1966. By 1976, the program started three more such centers which offer short-term intense job training.

As of last year, 1986-87, the district had 27 community adult schools, 5 occupational centers, and 6 skills centers. In addition, the program's newest school, opened in 1986, is the business school which prepares adults and high school students to meet the challenges of this age of technology.

The mission of adult education is to provide quality, lifelong educational opportunities and services, responding to the unique needs of the individuals in the various communities. In contrast to the 30 students in that first class in 1887, the program served 446,132 students during the 1986-87 school year. As the Adult Education Program of the Los Angeles Unified School District enters its second century of public service, I wish to thank and commemorate those who have made the program such a success.

ROBERT E. LEWIS

Mr. INOUYE. Mr. President, I would like for my colleagues to take note of the dedication and accomplishments of Mr. Robert E. Lewis, an outstanding Hawaii businessman who recently completed a whirlwind year as chairman of the board of the American Trucking Associations. The ATA is the largest representative of the American trucking industry and its 7 million men and women.

Robert Lewis is president of American Pacific Transport Co., Ltd., which is headquartered in Honolulu. A self-made man, he founded that company in 1971 with four rented trucks and a small facility.

Mr. Lewis was perhaps the most active association chairman in the Nation, traveling hundreds of thousands of miles, to 33 States, to Europe and Australia. Often accompanied by his wife, Sylvia, he spoke before civic groups and the media, and delivered to the American people the industry's message of safety, professionalism, and pride.

Mr. Lewis is a former president and chairman of the Regional and Distribution Carriers Conference, and president of the Hawaii Transportation Association.

Mr. President, Robert E. Lewis possesses not only an outstanding record of achievement in business, but also the spirit of patriotism and pride that compelled him to give something back to the vital American industry he cares about so deeply. I invite my colleagues to join me in congratulating him on his impressive year as chairman of the board of the American Trucking Associations.

MESSAGES FROM THE HOUSE

At 11:50 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1612) to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

ENROLLED JOINT RESOLUTION SIGNED

At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

The enrolled joint resolution was subsequently signed by the Deputy President pro tempore [Mr. MITCHELL].

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Priscilla L. Buckley, of Connecticut, to be a Member of the U.S. Advisory Commission on Public Diplomacy for a term expiring July 1, 1989;

Tom C. Korlogos, of Virginia, to be a Member of the U.S. Advisory commission on Public Diplomacy for a term expiring July 1, 1990;

Hershey Gold, of California, to be a Member of the U.S. Advisory Commission on Public Diplomacy, for a term expiring July 1, 1990;

Donley L. Brady, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

Mitchell E. Daniels, Jr., of Indiana, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1989;

David C. Miller, Jr., of the District of Columbia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 1983;

Jay Kenneth Katzen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring February 9, 1990;

William F. Burns, of Pennsylvania, to be Director of the Arms Control and Disarmament Agency;

Milton Frank, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Nepal.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Milton Frank, Colonel, USAF (Ret.)

Post: U.S. Ambassador to the Kingdom of Nepal.

Contributions, amount, date, and donee.

1. Self: $27,265, 1981-1987.

Republican National Committee: 1981, $115; 1982, $700; 1983, $100; 1984, $100; 1985, $250; 1986, $250; 1987, $100; total $1,615.

Reagan-Bush 1984: $2,100.

GOP Victory Fund: 1981, $100; 1982: $275; total: $375.

Citizens for the Republic 1983: $150 1985: $5,000 (Statesman member); 1986: $5,000 (Statesman member); 1987: $750. Total: $10,900.

Ronald Reagan Presidential Foundation: 1986; $1,000.

The President's Dinner: 1986, $1,500; 1987, $1,500; total $3,000.

Republican Senatorial Inner Circle: 1985, $1,000; $50; 1986: $50; 1987: $1,000; total: $2,100.

Presidential Task Force: 1981, $120; 1982, $75; 1983, $290; 1984, $120; 1985, $70; 1986, $340; total: $1,015.

National Republican Senatorial Committee: 1983, $125; 1984: $328; total: $453.

National Republican Congressional Committee: 1981-85, $1,350; 1986, $100; total: $1,450.

United States Senatorial Club: 1984, $99.

Senator Jesse Helms: Helms for Senate, $292.84; Jesse Helms Senatorial Club, $182.84, Jesse Helms Legal Defense Club, $50. Fairness in Media, $200; total: $725.68.

By year: 1983, $25; 1984, $85; 1985, $215; 1986; $175.68; 1987; $225; total: $725.68

California Republican Party: 1983, $50; 1984, $75; 1986, $100; $50; 1987; $50; total: $325.

Republican Shareholders Convention: 1981, $20.

Republican Associates (California): 1984, $85; 1985, $85; 1986, $85; total: [1] $255.

Congressional Majority Committee: 1984, $50.

Citizens for America: 1984, $20; 1985, $20; 1986; $20; Total: $60.

California Unity Fund: 1986, $1,000.

The Kerry Committee: 1984-86, $100.

Jack Kemp: 1984, $20.

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[1] Plus, travelling with this group to Washington, D.C. for the President's Inauguration.

Goldwater For Senate: 1982, $25; $25; $50; $50; $50; $50; 1983: $50; total: $300.

Herschensohn Debt Reduction Fund: 1986, $100.

Laffer for Senate: 1984-5, $200.

2. Former spouse: Mary Rose (Carroll) Duffield; Mrs. John Richard Duffield (divorced more than 10 years).

3. Children and spouses names: Christopher Duffield (not married) (was adopted by stepfather), none.

4. Parents names: Milton and Hannah Charlotte (Politz) Frank. Both have been deceased more than 10 years), none.

5. Grandparents names: Goedfrey and Bertha Politz (Mother's parents). Leon and Elizabeth ("Betty") Franck (Father's parents) All have been deceased more than 30 years, none.

6. Brothers and spouses names: Not applicable; no brothers.

7. Sisters and spouses names: Merle (Frank) Schneider, (deceased more than 20 years); Husband: William A. Schneider, deceased more than 5 years. Leone Frank (not married), none.

Richard Huntington Melton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard H. Melton.

Post: Managua, Nicaragua.

Contributions, amount, date, and donee:

1. Self: Richard H. Melton, none.

2. Spouse: Margaret A. Melton, none.

3. Children and spouses names: Craig H., Cathleen M., and Pamela M. Melton, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: John W. Melton and Chintana Melton, none.

7. Sisters and spouses names: None.

Charles Franklin Dunbar, of Maine, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Yemen Arab Republic.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Charles Franklin Dunbar.

Post: Ambassador to Yemen.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Nelia Walker Dunbar, Andrew Barbey Dunbar, Charles Matthew Dunbar, none.

4. Parents names: Charles Franklin Dunbar (deceased), Katherine Barbey Dunbar (deceased).

5. Grandparents names: Frank A. Barbey, Mary Barbey (both deceased); William Harrison Dunbar (deceased), Mrs. William H. Dunbar (deceased).

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, and Mr. Hollings):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 2059. A bill to amend title 18, United States Code, to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

S. 2060. A bill to to provide assistance for small communities with ground water contamination, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, and Mr. Burdick):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributable to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

By Mr. SANFORD:

S. 2064. A bill for the relief of Cecilia Chikoby Ogugua; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, and Mr. Specter):

S. 2065. A bill to recognize the organization known as "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; to the Committee on Environment and Public Works.

By Mr. CONRAD (for himself, and Mr. Burdick):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Bentsen, Mr. Johnston, Mr. Inouye, Mr. Moynihan, Mr. Sanford, Mr. Cohen, Mr. Lautenberg, Mr. Bradley, Mr. D'Amato, Mr. Matsunaga, Mr. Warner, Mr. Sarbanes, Ms. Mikulski, and Mr. Graham):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

By Mr. GARN (for himself, Mr. Bond, Mr. Boschwitz, Mr. Chafee, Mr. Cochran, Mr. D'Amato, Mr. Danforth, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Evans, Mr. Gramm, Mr. Grassley, Mr. Hatch, Mr. Heinz, Mr. Humphrey, Mr. Kasten, Mr. Lugar, Mr. McCain, Mr. McClure, Mr. Murkowski, Mr. Nickles, Mr. Quayle, Mr. Stafford, Mr. Stevens, Mr. Symms, Mr. Thurmond, Mr. Wallop, Mr. Warner, Mr. Weicker, Mr. Wilson, Mr. Adams, Mr. Bentsen, Mr. Bradley, Mr. Bumpers, Mr. Burdick, Mr. Chiles, Mr. DeConcini, Mr. Dodd, Mr. Exon, Mr. Fowler, Mr. Glenn, Mr. Gore, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Johnston, Mr. Kennedy, Mr. Lautenberg, Mr. Levin, Mr. Metzenbaum, Mr. Mitchell, Mr. Moynihan, Mr. Nunn, Mr. Reid, Mr. Sanford, Mr. Sarbanes, Mr. Shelby, Mr. Simon, Mr. Stennis, and Mr. Simpson):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1988 as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. WARNER (for himself, Mr. Lugar, Mr. Dixon, Mr. Bentsen, Mr. Bradley, Mr. Pell, Mr. Stennis, Mr. Boren, Mr. Murkowski, Mr. Burdick, Mr. Thurmond, Mr. Wirth, Mr. Pryor, Mr. Breaux, Mr. Domenici, and Mr. Heflin):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day."; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. D'Amato, Mr. Moynihan, Mr. Bradley, Mr. Armstrong, Mr. Glenn, Mr. Kerry, Mr. Durenberger, Mr. Dole, Mr. Symms, Mr. Bumpers, Mr. Hecht, Mr. Gore, Mr. DeConcini, Mr. Wallop, Mr. Wilson, Mr. Murkowski, Mr. Simon, Mr. McClure, Mr. Boschwitz, Mr. Karnes, Mr. Riegle, Mr. Proxmire, Mr. Trible, Mr. Biden, Mr. Chafee, Mr. Lugar, Mr. Domenici, Mr. McCain, Mr. Pryor, Mr. Quayle, Mr. Lautenberg, Mr. Dodd, Mr. Dixon, Mr. Rockefeller, Mr. Shelby, Mr. Helms, Mr. Boren, Mr. Burdick, Mr. Grassley, Mr. Pressler, Mr. Nickles, Mr. Hatch, Mr. Cochran, and Mr. Graham):

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. Pryor, Mr. Levin, Mr. Helms, Mr. Hollings, Mr. Domenici, Mr. Gore, Mr. Mitchell, Mr. Kasten, Mr. Proxmire, Mr. Bingaman, and Mr. Durenberger):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2058. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

CHARLES PINCKNEY NATIONAL HISTORIC SITE

Mr. THURMOND. Mr. President, today I am introducing legislation which will authorize the establishment of the Charles Pinckney National Historic Site. Charles Pinckney was one of our country's finest founding fathers. His estate, known as Snee Farm, is one of only eight actual primary dwellings left that can be directly associated with a signer of the Constitution, and it is the only one that is currently threatened due to plans to develop the Snee Farm property.

The Snee Farm home is a simple one and one-half story, clapboard structure that was built in 1754 by Col. Charles Pinckney, father of the signer of the Constitution. The farm house is the center piece of a serene 21-acre tract of land outside Charleston, SC. George Washington, after a visit to the estate, referred to Snee Farm as "the County seat of Charles Pinckney."

Mr. President, as we celebrate the signing and ratification of the bicentennial of the Constitution, it is fitting to preserve the home of one of the most prominent figures at the Constitutional Convention. Charles Pinckney began a career of dedicated service to his country by serving in the Revolutionary War. He rose to the rank of lieutenant and was captured and held as a prisoner of war after the fall of Charleston in 1780.

One of Charles Pinckney's greatest contributions to our country was his service as a delegate to the Constitutional Convention. Although he was the second youngest delegate, Pinckney has been credited with being one of the most influential members. He attended full time, spoke often and effectively, and contributed immensely to the final draft and to the resolution of problems that arose during debate. Pinckney also authored a draft of the Constitution, known as the Pinckney draft. It is believed that as many as 31 provisions of his draft were later adopted into the Constitution.

After working to ensure ratification of the Constitution by South Carolina in 1888, Pinckney continued a distinguished career in government. He served four terms as Governor of South Carolina—1789-92, 1796-98, 1806-08—and served in the South Carolina General Assembly from 1810 to 1814. He was elected to the U.S. Senate in 1798; and in 1801, Pinckney was appointed as U.S. Minister to Spain by President Thomas Jefferson. He finished his public service in the U.S. House of Representatives serving from 1819 to 1821. Charles Pinckney's long and distinguished career as a public servant clearly makes him worthy of this tribute by authorizing the Charles Pinckney National Historic Site.

Mr. President, the legislation I am introducing authorizes the Secretary of the Interior to accept the donation of the Snee Farm property. An effort, by a group of citizens known as Friends of Snee Farm, is underway to raise private funds to purchase the property. The fundraising project is being spearheaded by such able individuals as Mrs. Ernest F. Hollings, the wife of my distinguished Senate colleague from South Carolina; former South Carolina Governor Robert McNair; and Mrs. Ann Edwards, wife of former South Carolina Governor and former U.S. Department of Energy Secretary, Dr. James Edwards. In addition, my wife, Nancy, is chairperson of the Snee Farm Children's Education Committee. The commitment to raise funds by these highly respected individuals makes it probable that Snee Farm will be privately purchased and then donated to the Interior Department.

Mr. President, this worthy effort has been noted by Mr. William Penn Mott, Jr., the Director of the National Park Service, who has stated, "The National Park Service is proud to count Snee Farm on its list of national historic landmarks and fully supports your efforts to save this historic site. We believe that Snee Farm's destruction would be a tragedy for the Nation and an insult to the memory of one of the greatest of the Founding Fathers."

Mr. President, this is a very worthy proposal, and I urge my colleagues to give this measure prompt and favorable consideration. I ask unanimous consent that this bill appear in the RECORD immediately following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO ESTABLISH SITE.

In order to protect and interpret for the benefit of the people of the United States the home of Charles Pinckney, signer of the United States Constitution and author of the document known as the "Pinckney Draft" of the Constitution, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") is authorized to designate such of the lands, interests in lands, and improvements thereon as comprise the property in the vicinity of Charleston, South Carolina, known as "Snee Farm" which he deems necessary and appropriate for establishment and administration as a national historic site.

SEC. 2. LAND ACQUISITION.

(a) AUTHORITY TO ACQUIRE LAND.—Within the area designated by the Secretary pursuant to section 1 of this Act, the Secretary is authorized to acquire lands, interests in lands, and improvements thereon by donation, purchase with donated or appropriated funds, or exchange. The Secretary may also acquire, by the same methods, personal property associated with and appropriate for interpretation of the site.

(b) ESTABLISHMENT OF SITE.—When the Secretary determines that real property sufficient to constitute an efficiently administrable unit has been acquired by the United States for the purposes of this Act, the Secretary shall establish the Charles Pinckney National Historic Site by publication of a notice to that effect in the Federal Register. The Secretary may thereafter continue to acquire property for the site in accordance with the provisions of this Act. Pending such establishment and thereafter, the Secretary shall administer real and personal property acquired for the purposes of this Act in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461).

(c) REPORT TO CONGRESS.—Within 3 complete fiscal years from the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the national historic site, prepared in accordance with section 12(b) of the Act of August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a1-1a7). Such plan shall identify appropriate facilities for proper interpretation of the site for visitors.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HOLLINGS. Mr. President, I rise together with my distinguished senior colleague from South Carolina to introduce legislation to authorize the National Park Service to acquire and administer historic Snee Farm in Charleston County, SC. This bill would work the will of lowcountry Carolinians and historical preservationists across America who have been shocked by developers' plans to bulldoze this pre-Revolutionary estate into yet another chock-a-block suburban housing subdivison.

Mr. President, outside of academia, I know of no other group in America that can rival the Members of this Senate in their knowledge of history and the Constitution. Many of our colleagues are familiar with Snee Farm as the home of Charles Pinckney, signer of the Constitution and renowned as one of its principal drafters. Charles Pinckney's distinguished career included service as an officer during the Revolutionary War, four terms as Governor of the State of South Carolina, Member of the United States Senate and House of Representatives, and Minister to Spain.

The Pinckney homestead at Snee Farm is 1 of only 13 that survive in America that can be directly associated with a framer of the U.S. Constitution. It was visited by George Washington in 1791. The 233-year-old house and its surrounding acres are recognized by the National Park Service as a national historic landmark, a designation reserved for the Nation's most important historic and cultural treasures. Yet this distinguished history offers no protection whatsoever from the depredations of development. Indeed, the current owner of Snee Farm has thumbed his nose at history and heritage by announcing a plan to build 41 single-family luxury homes on the site. Just last week, the National Park service listed Snee Farm as one of the Nation's most "threatened" landmarks.

Mr. President, citizens across South Carolina and around the Nation have mobilized to acquire funds to purchase the Pinckney estate. Already, some $600,000 of the $2 million needed to acquire the property has been raised. So chances are that no expenditure of Federal money will be required. Nonetheless, the National Park Service requires congressional authorization in order to acquire and administer the Snee Farm property, and that is precisely the purpose of this bill. I urge my colleagues to give it their undivided support.

By Mr. DIXON:

S. 2059. A bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental abduction; to the Committee on the Judiciary.

INTERNATIONAL PARENTAL ABDUCTION

Mr. DIXON. Mr. President, I rise to introduce legislation designed to fill the vacuum in current Federal law which allows the unabated international parental abduction of more than 400 children each year. The victims are children from every State of this country, who have been kidnaped and are being held hostage in countries around the world. International parental child abduction is a crime, and it should be recognized as such. This bill makes it a Federal felony.

The magnitude of this problem is shocking. The State Department has recorded over 2,500 of these cases since 1975, but many experts believe this number is low. We simply do not know how many cases have not been reported. Some people believe the total is closer to 10,000. The rate at which this crime is increasing is disturbing. Since May 1983, the number of cases known to the State Department has jumped 84 percent. Last year, in my home State of Illinois alone, the number shot up 60 percent.

Who is hurt by international abduction? First, the child. Child psychologists from the Illinois State Police assert that the trauma associated with an abduction of this kind, and the subsequent deprivation of one parent's love, is one of the most horrendous forms of child abuse. After they are kidnaped, the children are frequently told that their other parent has abandoned them, hates them, and never wants to see them again.

Second, the left-behind parent suffers as well. They are left with an empty life, deprived of the children they loved and that gave them reason to live. Certainly, this experience is one of the most tragic any parent can suffer.

Yet, while the majority of the States recognize this crime as a felonious offense, the Federal Government still does not. The absence of Federal legislation denies the victim parent Federal assistance and allows the abductor to escape Federal prosecution.

There are at least four reasons this legislation is so urgently needed. First, it will provide a necessary deterrent to parents contemplating an abduction. Currently, the abducting parent can flee to safe havens around the world knowing that the U.S. Government will not pursue them. While this law will, obviously, not prevent every abduction, each abduction deterred is extremely significant for both the young child and their American parent.

Second, without Federal criminal charges, extradition of these abductors is not possible. This legislation will enable the United States to extradite parental child abductors in many cases where extradition treaties currently exist.

Third, the criminalization of international parental child abduction will strengthen the hand of the State Department when negotiating for the return of these children.

Let me elaborate on this point. Last fall, I met with Joan Clark, the Assistant Secretary of State for Consular Affairs, to impress upon her my deep concerns about the lack of assistance this Government provides parents whose children have been abducted. I am sorry to say that the State Department has been little more than a legal referral service. They only conducted a "whereabouts and welfare search," and provided a list of attorneys working in the country to which the children were taken. That is all they did. They were simply a source of information. Nothing was done to help the custodial parent bring their child home.

Mr. President, the problem of international parental child abduction was such a low priority at the State Department that there was not one person in any U.S. Embassy, anywhere in the world, specifically assigned the job of trying to resolve these cases and recover these young American citizens. Furthermore, the State Department did not even have a central desk in Washington to assist in handling these cases. Instead, victim parents faced an endless line of new faces. Again and again they had to fully explain their problem and ask for help getting their children. Almost every time they heard the same answer, "There is nothing we can do."

Mr. President, through my office I heard the same story from hundreds of frustrated and distraught parents. "There is nothing we can do" is just not good enough, not from a country as great, and with as much influence in the world, as our own. So I met with Assistant Secretary Clark to see what could be done.

Since my meeting with Assistant Secretary Clark, the State Department has announced a number of significant improvements in the way it handles international parental child abduction cases. First, the Department established a unit within the consular affairs office to coordinate and direct action on these cases. Second, they are in the process of assigning one person in each U.S. mission around the world to be responsible for actively working on behalf of American parents to get these children back. At last the State Department has introduced some accountability into the system. There is someone in Washington, and someone in each country of the world, that is responsible. Someone that you can call, or I can call, or any constituent can call to aks how a particular case is progressing. If nothing is happening, someone must now say why.

Further, Ms. Clark has written every U.S. Ambassador to emphasize the importance of international abduction cases. The Ambassadors have been instructed to use every avenue, including legal and diplomatic, to pursue the return of these children. Finally, each post has received a list of the cases in that country.

Mr. President, I am pleased that the State Department has made these important changes, and I credit Assistant Secretary Clark for personally directing this restructuring. However, the proof is in the pudding. These structural changes must be matched by commitment within the Department to aggressively pursue these cases. I hope each person charged with that responsibility will do so with all the resourcefulness and vigor they posses. I want to commend Hume Horan, our Ambassador to Saudi Arabia, for exhibiting the type of personal involvement and diligence victim parents deserve. I will continue to watch carefully, and hopefully.

This brings me back to one of the reasons Congress needs to criminalize international parental child abduction. The State Department cannot do this job alone. Congress must do its part as well. This legislation will put an important new tool into the hands of State Department officials. If this bill passes, a U.S. Ambassador will be armed with a Federal warrant when asking a foreign government to intervene and assist in the return of an American child. This will greatly strengthen our negotiating position.

Finally, by passing this measure, we will send a strong message to the international community that the United States views international parental child abduction as a serious crime, and will not tolerate the kidnaping of its young citizens.

Mr. President, every month, 30 to 40 more young Americans are kidnaped and held hostage in countries around the world. Last year, the Senate responded to this tragic problem by passing, without opposition, language identical to this bill as an amendment to the Foreign Relations Authorization Act. Unfortunately, this measure was dropped in conference. Our colleagues on the House Judiciary Committee insisted on holding hearings before agreeing to this legislation, and I respect their desire to carefully examine such a significant change in the law. Now, I urge both the House and the Senate to act swiftly to honor the commitments made at that time to consider this legislation expeditiously. It is time for Congress to act. Each week, eight more children are abducted. How many of those could be prevented by this bill?

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. OFFENSE.

(a) Chapter 55 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1204. International Parental Child Abduction

"(a) For purposes of this section—

"(1) the term 'child' means a person under the age of 18 at the time the offense occurred;

"(2) the term 'detains' means taking or retaining physical custody of a child, whether or not the child resists or objects; and

"(3) the term 'lawful custodian' means—

"(A) a person or persons granted legal custody of a child or entitled to physical possessions of a child pursuant to a court order; or

"(B) the mother of the child when the parents have not been married, the father's paternity has not been established by a court of law, and no other person has been granted custody of the child by a court of law.

"(b) Whoever—

"(1) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the person who has been granted sole or joint custody, care, or possession of the child;

"(2) intentionally removes a child from the jurisdiction of the United States in violation of a valid court order which prohibits the removal of the child from a local jurisdiction, State or the United States;

"(3) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the mother or lawful custodian of the child if the person is a putative father who has not established paternity of the child:

"(4) being a parent of a child born out of wedlock if the paternity of the father has been established by a court of law but there has been no order of custody, removes a child from, or conceals or detains a child outside the jurisdiction of the United States without the consent of the child's other parent;

"(5) intentionally removes a child from, or conceals or detains a child outside the jurisdiction of the United States after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody;

"(6) being a parent of the child, and if the parents of such child are or have been married and there has been no court order of custody, conceals the child for 30 days outside the jurisdiction of the United States, and fails to make reasonable attempts within the 30-day period to notify the other parent to the whereabouts of the child or to arrange reasonable visitation or contact with the child;

"(7) being a parent of the child, and where the parents of the child are or have been married and there has been no court order of custody, conceals or detains a child outside of the jurisdiction of the United States when the child was taken with physical force or the threat of physical force;

"(8) at the expiration of visitation rights outside of the jurisdiction of the United States, intentionally fails or refuses to return or impedes the return of the child to the jurisdiction of the United States;

"(9) conceals, detains, or removes the child outside the jurisdiction of the United States for payment or promise of payment at the instruction of a person who has not been granted custody of the child by a court of law;

"(10) being a parent of the child, instructs another person to conceal, detain or remove a child when that act when committed by the parent would be a violation of this Act; or

"(11) aids or abets any person violating paragraphs (1) through (10),

shall be guilty of child abduction and shall be fined in accordance with this title or imprisoned not more than 3 years or both.

"(c) It shall be an affirmative defense under this section that—

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody of visitation rights and that order was in effect at the time of the offense;

"(2) no court within the United States could exercise jurisdiction to determine custody of the child pursuant to the provisions of the Uniform Child Custody Jurisdiction Act;

"(3) the defendant has physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made a reasonable attempt to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible; or

"(4) the defendant was fleeing an incidence or pattern of domestic violence.

"(d) If upon sentencing, the court finds evidence of any of the following aggravating factors:

"(1) that the defendant abused or neglected the child during the concealment, detention, or removal of the child or placed or caused the child to be placed in the care of another person who abused or neglected the child;

"(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause such parent or lawful custodian to discontinue criminal prosecution of the defendant under this section;

"(3) that the defendant demanded payment in exchange for return of the child or demanded that the defendant be relieved of the financial or legal obligation to support the child in exchange for return of the child;

"(4) that the defendant has previously been convicted of a State or Federal child abduction offense; or

"(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another,

the sentence imposed by the court in accordance with this title shall be more severe than in the absence of such factors.

"(e) There is criminal jurisdiction over conduct prohibited by this Act if the court has jurisdiction to determine custody of the child subject to the prohibited conduct pursuant to the provisions of the Uniform Child Custody Jurisdiction Act.".

"(b) The table of sections for chapter 55 of title 18, United States Code, is amended by adding at the end there of the following new item:

"1204. International parental child abduction".

SEC. 2 EFFECT OF PRIOR REMOVAL.

If a child was removed from the jurisdiction of the United States prior to the date of enactment of this Act, charges under section 1204 of title 18, United States Code, as added by this Act, may be approved only in cases involving the concealing or detaining of the child in violation of a court order that existed at the time of the child's removal from the jurisdiction of the United States.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days from the date of enactment of this Act.

By Mr. DIXON:

S. 2060. A bill to provide assistance for small communities with ground water radium contamination, and for other purposes; to the Committee on Environment and Public Works.

RADIUM REMOVAL DEMONSTRATION PROJECT

Mr. DIXON. Mr. President, I rise today on behalf of the small communities all across America. These communities are making good faith efforts to come into compliance with Federal mandates to remove excess levels of radium from their ground water. Unfortunately, many of these communities lack the ability to pay for improvements; improvements that can cost as much as $150,000 to $15 million.

Radium is a naturally occurring carcinogen for which the EPA has determined maximum contaminant levels. These communities did not cause radium to be in their drinking water. Nor did they ask the Federal Government to remove it. No, the Government told them they must remove it. If it is the obligation of the Federal Government to assure that every American has safe water to drink—and I believe it is—it must also make sure small communities will have the tools necessary to clean up their water.

The bill that I am introducing today will assist local communities in radium abatement at very little cost to the Federal Government. The $14 million this bill authorizes over 3 years would not be outright grants. Instead, recipients would be able to use the money to provide insurance and prepay interest for local obligations. By reducing the overall financial burden on municipalities, each Federal dollar used maximizes what a local government can afford to pay. In a period of scarce budget dollars, this seem a judicious allocation of our resources.

I urge my colleagues to join me in helping small communities help themselves to obtain safe drinking water.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RADIUM REMOVAL DEMONSTRATION PROGRAM

Section 1. The Administrator of the Environmental Protection Agency, in cooperation with State public authorities, may assist local governments in demonstrating mitigation of radium contamination in ground water. Upon application of any State public authority, the Administrator may make a grant to that authority for such purposes. Assistance provided pursuant to this section shall be used for financing the acquisition and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities under the jurisdiction of such local governments.

LEVEL OF CONTAMINATION

Sec. 2. A grant may only be made under section 1 for removal of radium from ground water if the level of contamination from such radium exceeds the maximum contaminant level for radium established under title XIV of the Public Health Service Act (relating to safe drinking water).

PURPOSES OF GRANTS

(1) Providing insurance or prepaying interest for local obligations issued by a local government to finance the acquisition and installation of treatment technologies described in section 1.

(2) Paying for the costs of administration for establishment and operation by such authority of a program to provide financing for such acquisition and installation.

DEFINITIONS

Sec. 4. For purposes of this Act, the term—

(1) "small community" means a political subdivision of a State the population of which does not exceed 20,000 individuals; and

(2) "State public authority" means an agency or instrumentality of a State which is established for the purposes of assisting local governments in financing capital improvements on a statewide or regional basis.

AUTHORIZATION OF APPROPRIATIONS

Sec. 5. The following sums are authorized to be appropriated to carry out this Act:

Fiscal Year:	*Amount*
1988	$4,000,000
1989	5,000,000
1990	5,000,000.

By Mr. CRANSTON (for himself and Mr. Burdick):

S. 2061. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

UNIVERSAL VOTER REGISTRATION ACT

Mr. CRANSTON. Mr. President, today I am introducing the Universal Voter Registration Act of 1988. The distinguished senior Senator from North Dakota [Mr. Burdick] joins me in sponsoring this legislation. This act is similar to legislation that I introduced last November. Since the legislation was introduced in November it has been endorsed by over 100 national citizens organizations. Other organizations, while endorsing the concepts incorporated in the bill, made suggestions to improve the legislation. This new bill incorporates many of the suggestions which were made. These changes have made a strong piece of legislation even stronger.

Mr. President, in just 10 months millions of U.S. citizens will go to the polls to vote for a candidate for our Nation's highest office. Millions will vote for candidates for the Senate and House of Representatives, for Governor, and for other State, county and municipal offices.

Mr. President, there also will be millions of Americans who do not vote in 1988, just as there were millions of Americans who did not vote in 1986 and 1984. Turnout in the 1984 Presidential election barely exceeded 50 percent of the eligible electorate. Only 37 percent of those citizens eligible to vote did so in the 1986 congressional elections.

Mr. President, not all of the reasons for low voter turnout are subject to legislative remedies. But the structural barriers to registration can be corrected by legislative action. By establishing election day registration, mail registration and registration in public agencies for Federal elections, the legislation which I am introducing today will remove the structural barriers to registration which exist in this country.

Mr. President, this legislation will expand the opportunities for registration significantly. The easier it is for people to register, the more likely it is that people will vote. The majority of people who register do vote. But until we expand registration opportunities, the United States will continue to have the lowest voter turnout of any industrial democracy.

The Senate Rules Committee will hold hearings on this legislation this spring. I urge the committee to report the legislation to the full Senate for consideration this year.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Universal Voter Registration Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the right to vote is fundamental in a democracy, and it is the duty of the Federal, State, and local governments to maximize the exercise of that right in elections for Federal office;

(2) the Congress has authority to regulate the time and manner in which citizens may register for, and vote in, elections for Federal office;

(3) the establishment of national standards for voter registration with respect to elections for Federal office would facilitate the participation of citizens in the electoral process and would remove barriers to, and maximize, such participation;

(4) restrictions on the ability of citizens to register have a direct and damaging effect upon voter participation in elections; and

(5) restrictions on the ability of citizens to register have disproportionately harmed voter participation by various groups, including racial minorities.

(b) Purposes.—The purposes of this Act are—

(1) to establish national standards which will increase registration of eligible citizens in elections for Federal office in order to maximize voting participation;

(2) to provide financial and other assistance to enable States to provide expanded opportunities for voter registration before and on the date of elections for Federal office and to modernize the administration of elections and voter registration; and

(3) to create an affirmative duty on the part of the Federal, State, and local govern-

ments to maximize the voting participation of eligible citizens in elections for Federal office.

SEC. 3. NATIONAL STANDARDS FOR VOTER REGISTRATION.

Notwithstanding any other provision of law, any individual who is eligible to register shall be entitled to apply for registration for any election for Federal office—

(1) by mail;

(2) in person—

(A) at a place designated for this purpose for the current address of such individual;

(B) at any Federal, State, county, or municipal agency that serves the public directly; or

(C) at any private agency that voluntarily agrees to register voters; or

(3) on the day of the election, at the polling place designated as the appropriate polling place for the current address of such individual.

SEC. 4. STATE PLANS.

(a) REQUIREMENT.—Where a State establishes and maintains a system of voter registration, the State shall allow an individual to register to vote for elections held on the date of elections for Federal office, in the manner provided by a State plan which has been approved under this Act.

(b) CONTENTS.—The State plan shall include—

(1) the voter registration form to be used for mail registration;

(2) provisions to allow for the widespread distribution of such registration forms, including provisions for access to registration forms to individuals or organizations requesting them;

(3) election day registration of voters;

(4) voter registration in Federal, State, county, and municipal agencies which serve the public directly and at any private agency which voluntarily agrees to register voters;

(5) provisions for the prompt notification of registration acceptance;

(6) provisions to provide registrants with information on voting places and times;

(7) registration confirmation to insure accurate, inclusive, and uniform voter registration lists;

(8) provisions for procedures and basis for registration challenges; and

(9) a description of State efforts to actively increase voter registration.

SEC. 5. MAIL REGISTRATION, CONFIRMATION, AND ELECTION-DAY CHALLENGES.

(a) DEVELOPMENT OF FORM.—The chief State election official of each State shall develop and submit to the Federal Election Commission for its approval a voter registration form which allows for the registration of voters in person or by mail. Such form may be similar to or identical with the official postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), and shall—

(1) require the signature of the individual who is registering to vote;

(2) provide for Federally postage paid return delivery of the completed form to the appropriate State or local election official;

(3) require such data as will enable the appropriate State or local election official to identify and assess the eligibility of an individual applying to register in order to minimize or prevent fraudulent registrations;

(4) include a statement of penalties provided by law for attempting fraudulently to register under this Act;

(5) comply with the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.); and

(6) contain any other matter or information that the Commission deems appropriate to carry out this Act.

(b) YEAR-ROUND REGISTRATION.—Notwithstanding any other provision of law, all Federal, State, county, and municipal agencies and any private agency that voluntarily agrees to register voters shall, during the entire year, offer nonpartisan voter registration services, including distributing voter registration forms, answering questions, assisting in completing such forms, and collecting and forwarding completed registration forms to the proper local election officials.

(c) AVAILABILITY OF FORMS.—State and local election officials shall provide for the preparation of sufficient quantities of registration forms to accommodate an individual, group, or organization requesting such forms for the purpose of conducting or participating in a voter registration program.

(d) CONFIRMATION OF REGISTRATION.—The chief State election official of each State shall establish a program to confirm the registration of voters of such State. Such a program shall include—

(1) automatic notification systems whereby State and municipal agencies which, in the regular course of business, receive information about deaths, and the United States Postal Service which, in the regular course of business, receives information about changes of address, shall provide such information to the appropriate election officials;

(2) provisions assuring that no voter will be removed from the list of eligible registered voters unless such voter has—

(A) died;

(B) moved, more than 30 days previously, from the voting jurisdiction which maintains the voter registration list for the place in which the voter was previously registered;

(C) been convicted of a criminal offense which, under State law, results in the denial of the right to vote, and all appeals have been exhausted;

(D) been institutionalized for mental incapacity which, under State law, results in the denial of the right to vote; or

(E) requested that their name be removed from the voter registration list; and

(3) provisions whereby the voter registration list shall be comprised of—

(A) eligible voters;

(B) with special notation, individuals whose registration cannot be confirmed and whose eligibility may be challenged on election day; and

(C) with special notation, individuals who have been removed from the list of eligible voters not more than 4 years before the date of the election.

(e) ELECTION-DAY CHALLENGES.—(1) All challenges to the qualifications of voters shall be made by election officials, challengers, or poll watchers, as provided by State law. The reasons for the challenge shall be those provided in the approved State plan and shall be clearly posted by local election officials using uniform State forms at each polling place.

(2) Challenged individuals who have sufficient documentation, such as a driver's license, proof of residence, or other means established by the chief State election official, shall be allowed to vote as if previously registered and no challenge shall be made unless the person being challenged is made fully aware by local election officials of all procedures by which the registration may be verified.

(3) Challenged individuals who do not have sufficient documentation shall be allowed to vote at their polling place by affidavit ballot in such a form that their vote remains secret.

(4) As used in this section, the term "affidavit ballot" means a document or set of documents including—

(A) a statement, made under penalty of perjury as provided by the applicable State or Federal law, signed by the affiant—

(i) certifying that the affiant is qualified to vote in that election;

(ii) providing the address for which the affiant was most recently registered to vote; and

(iii) providing the affiant's current residence address; and

(B) a ballot for the appropriate election—

(i) which will be separated from the statement described in subparagraph (A) once the voter qualifications have been determined as prescribed in subsection (d);

(ii) which contains no information by which the identity of the voter may be determined; and

(iii) which is designed and handled in such a way as to preserve the complete security of the ballot.

(5) Challenges to voters shall be recorded in writing by election officials who shall inform challenged voters of the reasons for the challenges and of their right to vote an affidavit ballot. The validity of the challenge shall be determined within 10 days after the polls close and those persons eligible to vote shall have their votes added to the official tally.

(6) Where a voter's eligibility is affirmed, the voter's name shall be added to the registration list for the appropriate jurisdiction.

(f) EXEMPTIONS FOR STATES.—(1) The Commission may provide by regulation that this section shall not apply to any State which—

(A) provides for voter registration procedures which meet or exceed the standards set forth in section 4(b) and any rules or regulations prescribed by the Commission, and for purposes of this Act—

(i) a provision shall be deemed to exceed a provision set forth in section 4(b) if its substance is more apt to result in the registration of citizens to vote in elections for Federal office than the national standard; and

(ii) a provision shall be deemed to meet a provision set forth in section 4(b) if its substance is the same as, or the equivalent of, the corresponding national standard;

(B) does not require voter registration; or

(C) adopts the Federal postcard application form prescribed under section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)) and provides for election day registration in the manner specified in section 6.

SEC. 6. ELECTION DAY REGISTRATION.

(a) IN GENERAL.—(1) Each State and unit of general local government shall permit any individual who is eligible to register to vote in any election for Federal office under the laws of the State involved, or under any applicable Federal law, to register and vote on the date of the election involved at the appropriate polling place.

(2) For purposes of this section, the appropriate polling place is the polling place at which such individual would have been permitted to vote if such individual registered to vote before the date of such election.

(3) Notwithstanding paragraph (2), if a registered individual has changed residence by moving to a different State within 30 days before such election, and because of

such change in residence is not eligible to vote at the polling place for such new residence but is otherwise eligible to vote, such individual shall be allowed to vote at such new polling place.

(4) Each State and unit of general local government shall maintain and maximize efforts to encourage registration by individuals before the date on which an election for Federal office is held.

(b) Establishment of Voter Identity.—(1) Any individual who registers to vote at a polling place on the date of any election for Federal office in accordance with subsection (a) shall establish such individual's identity, place of residence, and qualifications at the time of such registration—

(A) by completing a voter registration form; and

(B) by submitting either—

(i) a form or forms of identification, which have been approved by the Commission, establishing the identity and place of residence of such individual; or

(ii) an affidavit in a form which has been approved by the Commission and which includes on its face a summary of the penalties under section 12 and by any applicable State law, attesting to the identity and place of residence of the individual desiring to register to vote under this section, which is executed by a person who (I) has registered to vote at the polling place involved on a previous date, (II) is present at such polling place with such individual, and (III) has personal knowledge of the actual residence of the individual seeking to register to vote.

The requirement of the submission of such an affidavit shall not be considered to be a test or device within the meaning of the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.).

(2) A State or unit of general local government may require an individual to submit more than one form of identification under paragraph (1)(B)(i) only if the identification submitted by such individual does not contain both the identity and place of residence of that individual.

(3) The effective period of any registration made by any individual under subsection (a) may not be less than the effective period applicable to any registration made by any other method or procedure which is permitted by the State or unit of general local government involved.

(4)(A)(i) Each State and unit of general local government shall provide at each polling place a means of processing individuals registering to vote, as provided in this section, separately from individuals voting at such polling place who registered to vote before the date of the election involved. Such means shall be conspicuously publicized inside and outside each polling place on election day.

(ii) The ballots of those registering on election day shall be kept separate from those previously registered and voting, until such time, not to exceed 10 days, as the registration of each such person voting on election day at such polling place has been checked and it is determined that all such votes have been cast properly by qualified registrants, or the votes not properly cast have been identified and separated. All necessary precautions shall be taken to assure that all ballots and votes remain secret.

(B) The Commission may, upon application or by general rule or regulation, exempt any State or unit of general local government from the application of subparagraph (A) with respect to any polling place at which the Commission considers the separate processing required by such subparagraph to be impracticable or unnecessary.

(C) All individuals who register on election day shall be mailed a nonforwardable registration verification card. Cards which are returned as nondeliverable shall be forwarded to election officials for inquiry. Such officials shall forward a case to the appropriate United States Attorney if such officials determine that the returned card is not a result of misdelivery or clerical or similar error and the case cannot be otherwise be resolved.

SEC. 7. RESPONSIBILITY OF THE FEDERAL ELECTION COMMISSION.

(a) Administration of Act.—The Federal Election Commission is authorized to administer this Act and to make such rules, regulations, and orders as it deems necessary or appropriate for the efficient and expeditious administration of this Act.

(b) Advice and Technical Assistance.—The Commission shall provide advice and technical assistance to States in developing voter registration plans and in establishing and maintaining voter registration systems in accordance with national voter registration standards.

(c) Report.—The Commission shall report to the Congress every 2 years on—

(1) the effectiveness of efforts to establish and maintain voter registration procedures that broaden the American electorate;

(2) the administration of voter registration programs; and

(3) recommendations to the Congress on action regarding national voter registration standards.

(d) Judicial Review of Orders.—Any order of the Commission under this Act shall be reviewable, by the United States court of appeals for the circuit in which the State involved is located, on the filing of a petition by any aggrieved person. The appellee shall not be liable for costs in such court.

(e) Assistance to States.—The Commission shall make grants to the chief State election official of each State in order to assist States and units of general local government in establishing voter registration programs under this Act after such State has a plan approved by the Commission. Such grants shall be made in a manner designed to facilitate the establishment of such programs for use in the first general election for Federal office held after the date of the approval of the State plan and in each applicable election thereafter. Such grants shall be made to enable and encourage States to computerize voter registration lists and to undertake alternative methods of voter registration, including—

(1) door-to-door registration; and

(2) voter registration accomplished simultaneously with an application for a driver's license and other human services in the State.

(f) Advisory Council.—The Commission may establish an advisory council of State and local election officials to advise States about voter registration systems.

(g) Allocation of Funds.—Except as provided in subsection (h), in submitting voter registration programs to the Commission, each State desiring funds also shall submit a request for funds to implement such programs, including a description of the intended uses of such funds. The Commission shall develop a formula for the allocation of funds to the States and shall allocate funds to the States. In allocating funds, the Commission shall take into account the voting age population of the State, as established by the current population survey of the Bureau of the Census, the percentage of registered voters in the State, and the current voter registration programs in the State.

(h) Reallocation.—If the Commission determines that any amount made available to a State will not be required by that State or that a program proposed by a State does not qualify under this Act, the amount not used shall be available for reallocation as determined by the Commission, except that the Commission shall deposit in the Treasury, as miscellaneous receipts, any amount that is unused at the end of the fiscal year for which such amount was appropriated.

SEC. 8. STATE ADMINISTRATION OF GRANTS.

(a) Reports.—The chief State election official of each State shall administer grants made to that State under this Act and shall make such reports with respect to grants as the Commission may prescribe by regulation.

(b) Allocation to Sub-Units.—Each State may allocate any part of a grant under this Act to a city, county, or other political subdivision of such State if such subdivision conducts voter registration.

SEC. 9. FEDERAL CLEARANCE.

(a) Submission of State Plan.—(1) Within 2 years after the date of enactment of this Act the chief State election official of each State shall submit to the Commission for its approval a State plan for voter registration. Such plan shall be submitted in accordance with this Act and shall contain the national standards set forth in this Act.

(2) Nothing in this subsection shall be construed to affect any procedures required by the Voting Rights Act of 1965 (42 U.S.C. 1973aa et seq.) and any preclearance or other requirement of such Act shall be complied with prior to the submission of such State plan to the Commission under this subsection.

(b) Decision by Commission.—The Commission shall, within 120 days after the date required for submission of a plan under subsection (a), approve or disapprove such plan or portion thereof. The Commission shall approve such plan if it determines that it was adopted after reasonable notice and hearing and includes provisions which meet or exceed the substance of each provision set forth in section 4(b).

(c) Application of Plan.—Once the State plan has been approved by the Commission, such plan shall apply to the first general election for Federal office following approval, and to all elections for Federal office thereafter.

(d) Changes in Plan To Be Approved.—Any change to a State's voter registration plan after the plan has been approved by the Commission shall be submitted to the Commission for approval.

SEC. 10. COMMISSION ENFORCEMENT.

The Commission shall, after consideration of any State hearing record, prepare and publish proposed regulations, within 120 days, setting forth an implementation plan, or portion thereof, for a State if—

(1) the State fails to submit a State plan for voter registration, pursuant to section 9(a), which meets the requirements of this Act; or

(2) the plan, or any portion thereof, submitted for such State is determined by the Commission not to be in accordance with the requirements of this Act or any rules or regulations prescribed by the Commission

and such State fails, within 90 days after notification by the Commission, to revise a State plan for voter registration as required by the Commission.

SEC. 11. FEDERAL ENFORCEMENT PROCEDURES.

(a) Notification.—Whenever, on the basis of any information available to it, the Commission determines that any person, State or other governmental body is in substantial violation of any requirement of a voter registration plan, the Commission shall notify such person, State or governmental body, and the State in which the plan applies, of such finding. If such violation extends beyond the 30th day after the date of the notification, the Commission shall—

(1) issue an order requiring such person, State or governmental body to comply with the requirements of such plan; or

(2) bring a civil action in accordance with subsection (b).

(b) Commission's Civil Action.—The Commission may commence a civil action for a permanent or temporary injunction against any person, State or other governmental body that—

(1) violates or fails or refuses to comply with any order issued under subsection (a) of this section; or

(2) violates any requirement of a voter registration plan more than 60 days after being notified by the Commission under subsection (a)(1) of a finding that such person, State or body is violating such requirement.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation occurred or in which the defendant resides, and such court shall have jurisdiction to restrain such violation, to require compliance, and to assess a civil penalty.

(c) Preventive Relief.—Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by this section, the Attorney General or any aggrieved person may institute an action for preventive relief, including an application for a temporary or permanent injunction, or a restraining order.

(d) Actions by Governmental Bodies.—(1) Except as otherwise provided in subsection (c), an aggrieved person may commence a civil action—

(A) against any person, including the United States or any State, or other governmental instrumentality, who is alleged to be in violation of a voter registration plan or the national standards as set forth in section 4(b);

(B) against the Commission where there is alleged a failure of the Commission to perform any act or duty under this Act which is not discretionary with the Commission.

(2) The district courts shall have jurisdiction, without regard to the amount in controversy, to enforce such an approved State plan or national standard, or to order the Commission to perform such act or duty, as the case may be.

(e) Limitation on Commencement of Action.—No action may be commenced—

(1) under subsection (d)(1)(A) of this section—

(A) before 60 days after the plaintiff has given notice of the violation (i) to the Commission, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the plan or national standard; or

(B) if the Commission or State has commenced a civil action to require compliance with the plan or standard, but is delinquent in prosecuting such action, the aggrieved person may intervene as a matter of right; or

(2) under subsection (d)(1)(B) of this section before 60 days after the plaintiff has given notice of such action to the Commission.

Notice under this section shall be given in such manner as the Commission shall prescribe by regulation.

(f) Intervention by Commission.—In any action under this section, the Commission, if not a party, may intervene as a matter of right.

(g) Attorney Fees.—(1) In any action or proceeding under this Act, the court shall allow any prevailing plaintiff (including an intervening plaintiff), other than the United States, a reasonable attorney fee, together with reasonable costs of litigation.

(2) Fees incurred in complying with the notice requirements of this section or in pursuing the vindication of rights protected under this Act through administrative proceedings, shall be recoverable by a prevailing party.

SEC. 12. PROHIBITIONS AND PENALTIES.

(a) First Offense.—Any person, including any election official, who knowingly and willfully—

(1) registers, or attempts to register to vote under this Act for the purpose of voting more than once in any election for Federal office;

(2) conspires with any person for the purpose of enabling such person to make false registration to vote in an election for Federal office or for the purpose of enabling or encouraging any individual to make such false registration to vote in an election for Federal office;

(3) falsifies any information for the purpose of establishing eligibility to register to vote under this Act;

(4) takes action which results in the improper removal of any voter from the list of eligible voters based on race, color, membership in a language minority, sex, religion, political affiliation, or for nonvoting; or

(5) intimidates, threatens, or coerces any person for (A) voting or attempting to vote, (B) urging or aiding any person to vote or to attempt to vote, or (C) exercising any right under this Act, or attempts to do so;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(b) Second or Subsequent Conviction.—In the case of any second or subsequent conviction under this section, the person convicted shall be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both.

SEC. 13. SAVINGS PROVISION.

Nothing in this Act shall be construed to restrict any right which any person may have under any statute, the common law, or the Constitution, to seek enforcement of any voter registration requirement or to challenge any voter registration requirement or plan, or to seek any other relief.

SEC. 14. DEFINITIONS.

As used in this Act, the term—

(1) "approved State plan" means a State plan for voter registration which has been approved by the Commission as in accordance with national standards established by this Act;

(2) "Commission" means the Federal Election Commission;

(3) "local election official" means the individual who exercises primary responsibility with respect to the registration of qualified voters in a unit of local government;

(4) "chief State election official" means the official, agency, or board of a State who exercises primary responsibility with respect to the registration of qualified voters or with respect to the conduct or supervision of any election for Federal office, or any election to a statewide office in such State, as certified to the Commission by such State;

(5) "election" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(6) "Federal office" has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

(7) "national standards" means the substance of all the provisions set forth in section 4;

(8) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States;

(9) "unit of general local government" means a city, county, town, parish, village, or other general-purpose political subdivision of a State; and

(10) "voter registration list" means the list of all voters registered and eligible to vote in an election for Federal office on the date of such election.

By Mr. NICKLES:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT EXEMPTION REAFFIRMATION ACT

Mr. NICKLES. Mr. President, today I am introducing legislation which would relieve State and local government entities from an enormous burden imposed on them by the Tax Reform Act of 1986. This burden emanates from the Tax Reform Act requirement that State and local governments pay State and local gasoline excise tax at the front end, that is at the time of purchase. This is contrary to prior law which enabled these governmental entities to claim exemption from the tax at the time of purchase.

These State and local governments, after paying this tax, would have to apply for rebate by showing the IRS that they used the gasoline for their own exclusive needs. Rebates can be paid back to the State and local governments on a quarterly basis if the tax paid is over $1,000 a quarter. If not, the rebate would be paid back at the end of the year.

This paperwork burden alone is enough to rescind this ridiculous law, but what is even more absurd and unfair is that for all this extra work, State and local governments will receive no interest on the money that they float to the IRS. According to the National Association of Fleet Administrators, each governmental unit will pay an average of about $125,000 per year for this tax. In the meantime, they must absorb the economic strain of having to do without these funds, and in some cases must seek loans from other sources to compensate for the revenue lost.

The cost created by this new rebate system will likely exceed any possible revenue benefits to the U.S. Treasury. We should not ask our already overburdened State and local governments to help fund the U.S. debt by participating in this scheme.

If you have not heard from your local cities and counties and States and universities, you will, because the net effect of this is, beginning January 1, they began paying Federal excise tax on gasoline for which they will eventually get a refund. But they are going to have to compile enormous amounts of paperwork.

In other words, for the city of Louisville, KY, the fire department is going to have to collect records of what they will have to pay in excise taxes; the police department will; the city mangers will; and eventually, they will get all that paperwork together, figure out how much gasoline tax they paid, and at the end of the year ask for a refund. I find that to be absurd.

We did not require payment of that tax before. It should be rescinded.

In my State of Oklahoma, the State government has estimated that they would pay a tax of $771,000 per year, which would have to be refunded. Oklahoma City, with a population of about 445,000, would end up paying a tax of about $145,000; and, every quarter would accumulate all of the records and then they would be refunded.

Smaller cities, such as Guymon, would end up paying a tax of $6,800, and they are going to have to have some clerk putting this all together file for a refund and eventually get the refund.

This is an unneeded tax, one that we should repeal; not impose this additional fiscal burden on the States, the cities, counties, the local governments.

I hope that my colleagues will join me in repealing this tax.

I know that many of my colleagues who went home during the recess heard from their farmers and ranchers about a tax very much along the same lines dealing with Federal excise tax on diesel fuel.

Beginning April 1 the IRS is requiring farmers and ranchers to pay that tax, and again at the end of the year they can file for a refund. I know that my colleagues are hearing about that. I hope that we will be successful in repealing both of these unwarranted provisions of the Tax Code.

Mr. President, I would like to ask unanimous consent to insert into the Record a table showing the impact of this tax on some Oklahoma cities and towns of various populations. I hope my colleagues will use this table to get some idea of how much their own cities and towns are paying.

Mr. President, I want to thank my colleagues again.

There being no objection, the table was ordered to be printed in the Record, as follows:

FEDERAL GAS TAX AND OKLAHOMA CITIES

City	Population	Gasoline consumption gallons	Gas tax at 9 cents per gallon
Oklahoma City	445,799	1,592,000	$144,872
Tulsa	360,919	1,742,072	158,528
Moore	40,239	150,000	13,500
Muskogee	40,011	329,670	30,000
Ponca City	28,616	143,000	12,870
Duncan	23,226	130,000	11,700
McAlester	18,418	100,000	9,000
The Village	11,983	62,000	5,580
Guymon	8,833	76,000	6,840
Grove	4,055	16,000	1,440
Total			

Source.—National League of Cities as part of "1987 Fiscal Conditions Survey" and cities of Oklahoma City, Tulsa and Muskogee.

By Mr. DURENBERGER:

S. 2063. A bill to amend the Internal Revenue Code of 1986 to provide that income of a child on investments attributed to the child's earned income shall not be taxed at the parents' rate of tax; to the Committee on Finance.

TAXATION OF INCOME EARNED BY CHILDREN UNDER 14 YEARS OF AGE

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that would correct an unfair penalty tax that is now being imposed on children under 14 years who have earned money from various types of work and then invested their earnings in a bank account, mutual fund, or in another investment.

Although the Tax Reform Act of 1986 sought to prevent wealthy parents from shifting taxable investment earnings from their high tax brackets to their children's lower brackets, the tax law has the unintended effect of penalizing children who have earned money and sought to invest that money to meet their future educational expenses.

Let me give you an example of how the tax law works to discourage children from saving their earings, and instead encourages them to spend what they earn. A recent edition of Money magazine features a story about one of my constitutents, 12-year-old Molly Montgomery of Edina, MN. For several years, Molly has been earning money as a child model. In 1987, she earned about $600 modeling and $1,050 in interest and dividends from investments derived solely from her past earnings.

Under the current tax rules, $500 of Molly's investment earnings are taxable at her 11 percent tax rate. The remaining $550 is taxed at her parents' 28 percent rate. Had her investments returned her $2,050 instead of $1,050, the result would be that $500 would have been taxed at her 11 percent rate, while $1,550 would have been taxed at her parents' 28 percent rate.

Mr. President, it just does not seem fair that when a young child goes out and learns the importance and dignity of work, and then decides to invest his or her earnings to meet future expenses, that the Federal Government has the right to penalize those investments by taxing a portion of those earnings at a level far higher than would ordinarily be justified.

The legislation I am introducing today would rectify this problem. It provides that a child's earnings from investments derived from the child's work would not be taxed at parents' tax rates. This legislation does not exempt children's investment earnings from tax. It merely makes a distinction between investment earnings derived from gifts and investment earnings derived from the child's own labor.

I ask unanimous consent that the bill I am introducing be included in the Record along with an article entitled "The Kiddy Tax Nips the Wrong Family."

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENTS' TAX RATE NOT TO APPLY TO CHILD'S EARNINGS ON EARNED INCOME.

(a) In General.—Clause (ii) of section 1(i)(4)(A) of the Internal Revenue Code of 1986 (defining net unearned income) is amended by striking out the period at the end thereof and inserting ", plus", and by adding at the end the following new subclause:

"(II) the portion of the gross income referred to in clause (i) attributable to a qualified segregated earned income asset."

(b) Qualified Segregated Earned Income Asset.—Section 1(i) of such Code (relating to certain unearned income of minor children taxed as if parent's income) is amended by adding at the end thereof the following new paragraph:

"(7) Qualified segregated earned income asset.—For purposes of this subsection—

"(A) In general.—The term 'qualified segregated earned income asset' means any asset the entire amount of which is attributable to—

"(i) the earned income (as defined in section 911(d)(2)) of the child to whom this subsection applies, and

"(ii) income from assets meeting the requirements of clause (i).

"(B) Identification requirements.—An asset shall not be treated as a qualified segregated earned income asset unless such asset is identified as such an asset before the later of—

"(i) the due date (with extensions) for filing the return of the child's tax for the taxable year in which such asset was acquired, or

"(ii) the due date (with extensions) for filing the return of the child's tax for the child's first taxable year which begins after

December 31, 1987, and for which such a return was required.

"(C) ADDITIONS OR ACQUISITIONS MAY NOT EXCEED EARNED INCOME.—If the aggregate amount of acquisitions of, or additions to, qualified segregated earned income assets for any taxable year exceeds the earned income (as defined in section 911(d)(2)) of the child for such taxable year, paragraph (4)(A)(ii)(III) shall not apply to gross income attributable to such excess (or income on such income). For purposes of the preceding sentence, acquisitions or additions attributable to income described in subparagraph (A)(ii) shall not be taken into account."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

THE KIDDIE TAX NIPS THE WRONG FAMILY

(By Andrea Rock)

Molly Montgomery has the kind of happy, freckled, raised-in-the-heartland face that rouses nostalgic visions of childhood and makes you almost swear you have seen her somewhere before. Odds are you have.

Like her four brothers and three sisters before her, 12-year-old Molly of Edina, Minn., a Minneapolis suburb, is saving money for college by working as a child model. You may have spotted her in a Sears poster, on a Trix cereal box, a Hi-C fruit drink label, or in scores of ads she has done since her debut at nine weeks of age.

But this year, for the first time, Molly will have to hand over a portion of her income to the Internal Revenue Service—some of it taxed at her parents' 28% rate, rather than at her own 11% rate. Like an estimated 250,000 other youngsters with earnings from jobs or investments, Molly is getting nicked by the new kiddie tax. This tax reform provision, expected to raise a rather piddling $60 million in 1987 compared with the $150 billion deficit, was designed to close a loophole that allowed wealthy parents to duck taxes on investment income by placing it in their children's names. Instead, say the Montgomerys and other parents, the kiddie tax discourages middle-class parents from setting aside even modest funds for their children's future, leaving the truly well-heeled free to use several other tax breaks. "This is just the latest example of how our tax policy stupidly discourages personal savings when it should do just the opposite," says Molly's father, Donald, a 54-year-old business consultant who recently completed his first novel, a suspense tale titled the Krasnodar Affair.

The kiddie tax was originally proposed by the Reagan Administration. MONEY sought comment from eight of the congressional leaders who enacted it, but no one wanted to be quoted. "Tax policy always takes in some people it wasn't intended to," observed an aide to Republican Senator Bob Packwood of Oregon. "No one will ever be fully happy."

Before tax reform, a child could earn $1,080 from interest, dividends or other investments each year tax-free—and any investment income above that was taxed at the child's rate. Now, a child under 14 can exclude from tax only $500 in investment income. The next $500 is taxed at the child's rate: 11% if his total 1987 taxable income is $1,800. But any investment income over $1,000 must be taxed at the parents' rate. Moreover, the parents must calculate their rate by including in their taxable income the child's investment earnings over $1,000 (see the Chalk Talk on page 64).

In a case like Molly's, where investment income is combined with wages, the tax situation gets even trickier. Normally, a child can exclude from tax up to $2,540 in job earnings simply by claiming the standard deduction. A child who makes that much or less solely from a job need not even file a return. But if a child under 14 has income from both a job and investments, the standard deduction—the amount excluded from tax—is limited to whichever of these two is higher: either the work earnings up to $2,540 or income from all sources up to $500. (After age 14, income of any type above $500 is taxed at the child's rate.)

Consider how the kiddie tax affects Molly: In 1987 she earned about $600 modeling, and $1,050 in interest and dividends from $10,250 of past job earnings invested in utility stocks, bonds and bank money-market and savings accounts. Under the new law, her standard deduction is set by her job earnings: $600. She may use $500 of that to offset investment income and the remaining $100 as a deduction against her modeling fees. That brings her taxable job earnings down to $500, subject to her 11% levy. Her investment earnings become $550, of which $500 is taxed at 11% and the rest at her parents' 28% rate. Molly therefore owes $124 in federal tax—a modest bite, to be sure, but significant considering the paperwork and the fact that she did not even have to file a return last year.

"No matter what gyrations you go through, the bottom line is that any dependent with more than $500 in unearned income (interest, dividends or other investment earnings) is going to owe tax, and that means a lot of kids who have never paid taxes are going to start now," says Dudley Ryan, director of tax services at Larson Allen Weishair & Co. in Minneapolis.

HOW TO CUT HER TAXES

At MONEY's request, Ryan reviewed Molly's finances with an eye toward reducing the 1988 tax burden for her and others in similar situations. The first consideration: Would investments that pay tax-deferred income, such as municipal bonds, offer more attractive after-tax yields? The main elements of Molly's portfolio are a 100-share block of Ohio Edison preferred stock (worth $3,900 in early January) paying an annual dividend of $3.92 a share and about $4,000 worth of Ryland Acceptance Corp. debt issues the mature in 2013 and yield 12.25% annually.

Ryan advises Molly to keep both. The kiddie tax would knock 1.35 percentage points off the yield of the Ryland issues. But their after-tax yield of nearly 11% is still better than the current average 7.9% yield in the muni market. She should hold on to Ohio Edison because its yield is pretty good, and she would have to pay capital-gains tax on sale of the stock.

Molly should also transfer the $2,500 she now keeps split between a bank money-market account and a savings account to a tax-deferred investment. That would reduce her taxable investment income by about $150 eliminating the portion subject to her parents' bracket.

Making that switch early last year would have saved her a small but consoling $20 in 1987 taxes. But her savings next year from making the move now will be offset by the fact that the 11% minimum tax is going up to 15% in 1988. Result: Molly would pay about $165 in taxes next year, assuming her other income remains the same.

What galls the Montgomerys is that tax-saving options are more numerous for relatively well-to-do parents—the ones the kiddie tax was aimed at. Each parent can still give a child $10,000 annually without paying a gift tax. The simplest way is to set up a custodial account under the Uniform Gifts to Minor Act or the Uniform Transfers to Minors Act; the catch is that UGMA and UTMA investment income is now subject to the kiddie tax.

SET UP A TRUST ACCOUNT

A more sophisticated way to avoid taxes is to have an attorney set up an irrevocable trust—either a minor's trust or a Crummey trust. But neither option makes sense unless the account approaches $50,000 or so. For smaller accounts, the legal and tax reporting fees may outweigh any savings.

In a minor trust, also known as a 2503(c) trust, the trustee—typically a parent—controls the income and principal until the child turns 21. The trust can be structured so that if the child does not demand the assets within two to three months after that, the principal remains in trust for as long as the trustee desires while its income is distributed annually to the child. The tax allure is that the first $5,000 of income is taxed at only 15%. Amounts above that are subject to a 28% levy.

The Crummey offers the same tax benefits as a minor's trust and operates much the same way, except that the child cannot take over the funds at age 21. Instead, the child is limited to yearly withdrawals of an amount set by the trustee, who remains in control of the trust until he dissolves it.

Neither escape route is suitable for Molly, of course, since her savings total is far less than $50,000. That fact leaves her parents steaming. "The lesson this kiddie tax teaches kids is that if you work hard and put your money away for the future. Uncle Sam is going to grab it," says her mother, Donna, 52, also an author (*Surviving Motherhood*) and business manager to her eight children, ages 12 to 27.

Molly, on the other hand, takes the injustice in stride. She's more interested in the lessons she's taking from a former Bolshoi Ballet dancer and the possibility that her past earnings may help launch her dance career. Then, barring further IRS ambushes. Molly may charm us from a stage, rather than just from a cereal box.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2065. A bill to recognize the organization known as the "Veterans of the Vietnam War, Inc."; to the Committee on the Judiciary.

VETERANS OF THE VIETNAM WAR, INC.

● Mr. HEINZ. Mr. President, Congress has, for excellent reasons, granted Federal charters to a number of veterans service organizations. At this time I rise to introduce legislation granting a Federal charter to a very worthy organization—Veterans of the Vietnam War, Inc.—an organization dedicated to not only the needs of the Vietnam-era veteran, but also the needs of the veterans community as a whole.

Veterans of the Vietnam War, Inc., is based in Wilkes-Barre, PA, with chapters throughout the country. When I introduced a similar bill in February 1986, VVW had a membership of 15,000. Today, that membership has doubled to approximately

30,000 members in over 150 chapters. Since the granting of their charter under the laws of the Commonwealth of Pennsylvania 8 years ago, VVW has consistently acted to benefit our Nation's veterans.

Veterans of the Vietnam War, Inc., currently provides services such as counseling and job placement assistance to veterans. They have been very active in the areas of disability and compensation claims, and have provided representation for veterans before appeals boards. In addition, VVW is at the forefront in working to assist our Nation's Vietnam-era veterans in such critical areas as agent orange-related illnesses, post-traumatic stress, and support for those with loved ones still missing in Southeast Asia.

I would like to emphasize that VVW is far more than a regional organization. Veterans of the Vietnam War, Inc., has posts throughout the United States. In providing VVW with a Federal charter, its role as a truly national entity will be increased. Use of VA offices as well as participation in forums limited to chartered organizations would be among the benefits of receiving a Federal charter. More importantly, however, VVW would receive the recognition it has earned in years of service to America's veterans.

The granting of a charter, therefore, is an effective way of enhancing VVW's support of our Nation's veterans.

Mr. President, I ask unanimous consent that this legislation granting VVW, Inc., a Federal charter appear in the RECORD at the conclusion of my remarks. I urge my colleagues to join in cosponsoring the measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

GRANT OF CHARTER

SECTION 1. Veterans of the Vietnam War, Inc., organized and incorporated under the laws of the Commonwealth of Pennsylvania, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Veterans of the Vietnam War, Inc. (hereafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to support and promote the Constitution of the United States;

(2) to better the condition and benefits of all veterans and their heirs; and

(3) to advance the health, welfare, social, charitable, and educational opportunities of its members and to ensure justice for all.

MEMBERSHIP

SEC. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 5. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 7. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the Commonwealth of Pennsylvania.

LIABILITY

SEC. 8. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SERVICE OF PROCESS

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(74) Veterans of the Vietnam War, Inc.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or other provisions of this Act, the charter granted by this Act shall expire.●

By Mr. ROTH:

S. 2066. A bill relating to the ocean dumping of municipal sludge; referred to the Committee on Environment and Public Works.

OCEAN DUMPING LEGISLATION

● Mr. ROTH. Mr. President, I rise today to introduce legislation which takes a reasonable approach to the termination of ocean dumping. The manner that I propose is quite similar to the manner which the Environmental Protection Agency in region III used to get the cities of Camden, NJ, and Philadelphia, PA, to phase out their ocean dumping. I think it is time that the Congress puts its foot down for once and for all and tells those communities that the ocean is not a cesspool of unlimited proportions, where we can dump our sewage sludge and think that the problem that man creates will go away and will take care of itself.

In brief, this legislation calls for a complete ban on dumping to be imposed by the end of this year. The ban is not as strict as this may sound because the Administrator of the EPA can renew the permit for up to 5 years. This will only occur if a community that is currently dumping and the EPA can come up with an agreement, a system design and a schedule—by the end of this year—which describes how the town is going to stop dumping, and what alternatives they will use. Because this proposal will guarantee the implementation of the ocean dumping alternative, within preestablished guidelines, we can be confident that ocean dumping will be terminated.

To encourage compliance with the law, we will fine those towns that do not work with the EPA to come up with an alternative plan, as well as those towns that do not meet the compliance dates in a reasonable fashion. These staff fines will not be less than $5,000 and not more than $10,000 per wet-ton dumped. All fines will be placed into a newly created "clean oceans fund," which can then distribute the money to the EPA and NOAA for enforcement, monitoring, and research activities related to ocean dumping.

The legislation is identical to Congresswoman CLAUDINE SCHNEIDER'S House legislation, H.R. 3938. Both of us have been working on this bill together for quite some time.

I do not make accusations lightly, but I find it quite perturbing when cities like New York say they cannot find alternatives to dumping in the ocean when Philadelphia, PA, and Camden, NJ, and Glen Cove, NY, a neighbor of New York City and all former ocean dumping culprits, have found alternatives. These cities and region III of the EPA should be commended.

Because I am concerned that our continuation of ocean dumping may create ecological imbalances which are leading to changes in our food chains, I have come to the conclusion that it is in the best interest of the United States to get out of this bad habit. The longer dumping is allowed to continue, the more we hurt ourselves and our future.

Dumping began in our inland rivers and they were ruined. Then it spread to our estuaries and they were ruined. Then to the bights, and they were ruined. And now more than 100 miles offshore, and hundreds of dead white sided dolphins have already washed up. In the period of November 26, 1987, through January 28, 1988, 21 dead whales—and this is a conservative number—have washed up on our shores. Our fish markets are handling less fish. Soon we will not be able to eat our bluefish and stripers anymore. We have already had a public health advisory on the consumption of mackerel. And last but not least, we had a red tide take place in the inland bays of Delaware—something that has never happened before.

Though we cannot prove that the dumping caused the dolphins' deaths, we do know that they had all come from the New York Bight. Though we cannot prove that the reduced fish handling at our markets is due to the possible contamination of the fish, we can be sure that it does not help the matter. We know that the whales died a rapid respiratory arrest when their lungs stopped working. They often were feeding on mackerel. We also know that the mackerel had concentrations of the biotoxins in their liver and flesh. Mr. President, I know much of what I am telling you are scientific hypotheses. So is the weather forecast and we all carry umbrellas. We must prepare with the knowledge we have. And we cannot allow this activity to continue. Now is the time to end ocean dumping once and for all. The U.S. Senate has an interest to make sure it is done properly and in a speedy fashion.

My legislation will accomplish this goal. I urge my colleagues to study this bill and lend me their support. I ask that it be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104A(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1414a(b)) is amended to read as follows:

"(b)(1) As used in this subsection—

"(A) The term 'approved site' means—

"(i) the site designated under section 102(c) and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 18005); or

"(ii) any other site that may be designated under section 102(c) after the date of the enactment of this subparagraph as an alternative to the 106-Mile Ocean Waste Dump Site for the dumping of municipal sludge.

"(B) The term 'effective period' means the period of time specified in a permit during which the dumping, or transportation for the purposes of dumping, of material into ocean waters is permitted.

"(C) The term 'municipal sludge' means solid, semisolid, or liquid waste generated by—

"(i) a waste water treatment plant of any sewerage authority or other unit of State or local government; or

"(ii) any privately-owned or operated waste water treatment plant which treats predominantly domestic sewage;

whether or not such waste may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential.

"(2) Except as provided in paragraphs (3), (4), and (5), after December 31, 1988, the dumping, or the transportation for the purposes of dumping, into ocean waters of—

"(A) municipal sludge; or

"(B) any other form of sewage sludge, whether or not such sludge may unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, and economic potential;

is prohibited.

"(3) The Administrator may issue or renew permits under this title which authorize eligible authorities within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge at the approved site.

"(4) No permit issued or renewed for an eligible authority under paragraph (3) may have an effective period that extends past December 31, 1988, unless before that date the eligible authority and the Administrator enter into a compliance agreement or within 30 days after that date the eligible authority and the Administrator enter into a court ordered consent decree incorporating such a compliance agreement that contains the following:

"(A) A plan of the eligible authority that will, in the opinion of the Administrator, if adhered to in good faith result in the design, construction, and placing in full operation, not later than the 5th anniversary of the date on which the compliance agreement is entered into, of a system (hereinafter in this subsection referred to as the 'alternate system') for the disposal of the municipal sludge of the eligible authority other than by dumping into ocean waters.

"(B) A schedule that, in the opinion of the Administrator, specifies reasonable dates by which the eligible authority must complete the various activities that are necessary for the timely implementation of the alternate system under the plan. The activities for which scheduling under this subparagraph is required include, in addition to such other activities that the Administrator considers necessary or appropriate—

"(i) the determination of the kind of alternate system that will be implemented;

"(ii) the preparation of engineering designs and related specifications;

"(iii) compliance with appropriate Federal, State, and local regulatory requirements;

"(iv) site and equipment acquisitions;

"(v) construction, testing, and shake-down operations; and

"(vi) operation at full capacity.

"(5) If a compliance agreement is entered into under paragraph (4) before January 1, 1989, the Administrator shall extend the effective period of the permit issued or renewed for the eligible authority under paragraph (3) until the earlier of—

"(A) the 5th anniversary of the date on which the compliance agreement was entered into; or

"(B) the date on which the alternate system is scheduled under the agreement to commence full operation.

"(6)(A) During the extended effective period of a permit under paragraph (5), it is unlawful for the eligible authority to dump, or to transport for the purposes of dumping, municipal sludge at the approved site unless—

"(i) the eligible authority first notifies the Administrator of its intent to carry out such dumping or transportation; and

"(ii) the Administrator determines that the eligible authority is, at the time of notification under subparagraph (A), fully in compliance with the schedule included in the compliance agreement under paragraph (4)(B).

"(B) The Administrator may treat the substantial compliance of an eligible authority with the schedule included in the compliance agreement as being full compliance, for purposes of subparagraph (A)(ii), if the eligible authority can show that circumstances beyond the control of the authority resulted in only substantial compliance being achieved.

"(C) The Administrator shall make biannual reports to the Congress regarding the extent of compliance by eligible authorities with compliance agreements entered into under paragraph (4).

"(D) Clauses (i) and (ii) of subparagraph (A) are in addition to any other prohibition, limitation, or condition that may be imposed on eligible authorities under this title, or under regulations issued under the authority of this title, with respect to the dumping of, or transportation for the purposes of dumping, municipal sludge into ocean waters.

"(7) In lieu of the maximum $50,000 civil penalty provided for under section 105(a), any person that—

"(A) violates paragraph (6)(A) (i) or (ii); or

"(B) dumps, or transports for the purposes of dumping, municipal sludge into ocean waters at a site other than the approved site;

shall be liable for a civil penalty, to be assessed by the Administrator in accordance with section 105, of not less than $5,000, and not more than $10,000, for each wet ton of municipal sludge that is dumped, or transported for purposes of being dumped, into ocean waters.

"(8)(A) There is established in the Treasury of the United States the Clean Oceans Fund.

"(B) There is appropriated to the Clean Oceans Fund moneys in an amount equal to the civil penalties collected by the Administration for violation of paragraph (6)(A) (i) or (ii) or (6)(B).

"(C) The moneys in the Fund shall be available, to the extent provided for in advance in appropriation Acts, for expenditure by—

"(i) the Administrator for carrying out monitoring and enforcement functions under this title; and

"(ii) the Secretary of Commerce for carrying out monitoring and research under section 201.

The moneys received under this subparagraph shall be treated as being supplemental to, and not in lieu of, any other funding that is authorized or appropriated for the purposes referred to in clauses (i) and (ii).".●

By Mr. CONRAD (for himself and Mr. BURDICK):

S. 2067. A bill to amend the Internal Revenue Code of 1986 to permit farmers to produce tax-free certain fuels for farm use, and for other purposes; to the Committee on Finance.

FARMER FUEL TAX RELIEF ACT

● Mr. CONRAD. Mr. President, today I am introducing legislation to provide farmers with a clear exemption to Federal diesel and gasoline excise taxes on fuel they purchase for off-road use.

A provision of the budget reconciliation bill enacted last December will inadvertently cause considerable inconvenience and financial hardship for farmers across the country. In an effort to curb evasion of fuel excise taxes—a significant problem in urban areas, the collection point for the Federal excise tax on diesel fuel was shifted from the retail level to the refinery. The diesel provision paralleled a section of the 1986 tax law which similarly changed the collection point for the gasoline tax.

Federal fuel excise taxes pay for our highways. The law has consistently granted farmers an exemption from these taxes for fuel purchased for their tractors and other off-road vehicles. Neither the budget reconciliation legislation nor the 1986 act removed this exemption for farmers. But as a result of shifting the collection of the taxes to the wholesaler, farmers will have to pay the Federal diesel taxes up front when they purchase fuel and then apply for a refund later.

I believe this requirement poses considerable difficulties for farmers—and that it can be changed without undermining the effort to improve collection of these excise taxes. Farmers are not the ones evading the taxes, and because they're entitled to refunds on the fuel taxes which relate to nonhighway operations, restoring the full exemption should not cause much loss of revenue.

The diesel tax provision will take effect on April 1 of this year.

The bill I am introducing today is a companion to legislation introduced by Representatives DORGAN and DAUB on January 25. I urge my colleagues on the tax-writing committees to address this matter promptly, so that the problem can be corrected before this provision goes into effect.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. BENTSEN, Mr. JOHNSTON, Mr. INOUYE, Mr. MOYNIHAN, Mr. SANFORD, Mr. COHEN, Mr. LAUTENBERG, Mr. BRADLEY, Mr. D'AMATO, Mr. MATSUNAGA, Mr. WARNER, Mr. SARBANES, Ms. MIKULSKI, and Mr. GRAHAM):

S. 2068. A bill to amend the Marine Protection, Research and Sanctuaries Act to protect marine and near-shore coastal waters through establishment of regional marine research centers; to the Committee on Environment and Public Works.

MARINE RESEARCH ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to protect our Nation's marine and coastal waters through increased scientific research and assessment.

The "Marine Research Act of 1988" amends the Marine Protection, Research and Sanctuaries Act to create 10 multistate, regional marine research centers around the country. These research centers will be made up of existing marine research institutions in each region and will provide an important regional focus for planning, coordinating, and conducting marine scientific research. This new critical focus is intended to complement existing Federal support for marine research and protection.

I am pleased that 15 of my colleagues are joining me in sponsoring this important legislation, including Senators CHAFEE, BENTSEN, JOHNSTON, INOUYE, MOYNIHAN, SANFORD, COHEN, LAUTENBERG, BRADLEY, D'AMATO, MATSUNAGA, WARNER, SARBANES, MIKULSKI, and GRAHAM.

The Nation's marine waters are vital and productive natural resources. Marine and near-shore coastal waters support extensive recreational and commercial activities. Commercial fisheries alone have an estimated value of over $5 billion annually. Maintenance and protection of the environmental quality of these waters is essential to their productivity.

The quality of our coastal waters has received increasing attention over the past several years. A number of major scientific reports have been issued recently, providing valuable new data on the health of the Nation's coastal waters.

In April 1987, the Office of Technology Assessment [OTA] issued a report titled "Wastes in the Marine Environment" that concluded the overall health of many of our estuaries and coastal waters "is declining or threatened."

The OTA report concluded that even full implementation and enforcement of existing regulations would not be sufficient to maintain or improve the health of these waters. The report states:

> In the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country.

The report recognized that the different marine ecosystems must be better understood in order to evaluate the potential effects of proposed activities on marine waters and resources. It is important to understand the physical and chemical characteristics of the waters and the sediments, as well as the biological relationships. The report states:

> More research needs to be conducted on changes over relatively large scales—for long periods of time and for entire ecological communities. While some marine waters have received adequate attention, other waterbodies have not, including some that * * * are now threatened.

Also last spring, the National Oceanic and Atmospheric Administration [NOAA] published the results of the first year of a national program to monitor toxic chemicals at 50 coastal and estuarine sites from Maine to Alaska.

While this report represents only 1 year of data, it provides some early indications of the magnitude of coastal contamination problems. Quoting the agency's summary of the report.

> Initial results show a complex, varied picture of environmental quality around the Nation's coast. A number of sites revealed relatively high levels of toxic contaminants. For example, sediment concentrations of toxic trace metals, aromatic hydrocarbons, DDTs, PCBs and sewage-derived material

> from northeastern Atlantic coast sites in Boston Harbor, Salem Harbor, and Raritan Bay are among the highest values measured nationally.

Concern for the quality of our coastal and marine waters has been reflected in the popular press. Most of us recall the coverage of the mysteries of dolphins dying off the Atlantic coast and the discovery of a 12 mile square dead zone in the Gulf of Mexico. And there has been extensive regional press coverage of coastal pollution issues, such as sewage dumping, and the efforts to clean up vital resources ranging from Chesapeake Bay to Puget Sound.

Many of the marine and coastal environmental issues were effectively summarized in a recent cover story report in Business Week magazine titled Troubled Waters. Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The Congress has begun to respond to warnings about the quality of our marine waters.

At the beginning of this Congress, we passed amendments to the Clean Water Act establishing a National Estuaries Program at the Environmental Protection Agency [EPA]. The amendment authorizes establishment of management conferences to identify pollution problems in specific estuaries and develop response plans to clean up the problems. Management conferences are already underway in several areas including Puget Sound, Long Island Sound, and Albemarle/Pamlico Sounds.

In addition, a wide range of bills addressing coastal and marine issues have been introduced in this Congress. For example, bills to reduce plastic pollution in the oceans, to restore and protect wetlands and other resources in the Gulf of Mexico, to control the use of toxic boat paints, to ban ocean dumping, and to create a national oceans policy commission, were all introduced last session.

My home State of Maine especially shares this national concern for understanding and protecting our marine waters.

The Gulf of Maine is a resource of tremendous value to the State of Maine, both in economic terms, and as a rich, natural ecosystem. It is vitally important to the State's fishing industry. In 1986, total fisheries landings in Maine were about 166 million pounds, valued at over $108 million. The waters of the gulf also provide a variety of recreational opportunities and play a role in commerce and related industries.

Given the value of the Gulf of Maine, any threat to its enviromental health demands immediate attention. The recent NOAA report included tests from several sites along the coast of Maine and concluded:

> Somewhat surprisingly, an otherwise "clean" reference site for the northeast region, Casco Bay, Maine, had a level of aromatic hydrocarbons in sediments that was the fourth highest nationally.

The presence of this known carcinogen in such elevated concentrations, in addition to other research results from the early 1980's, documenting high levels of trace metals and PCB's in Penobscot Bay and deeper regions of the Gulf of Maine, are early warning indicators of potential long-term risks.

In response to the growing evidence of threats to the environmental quality of the Gulf of Maine, I chaired a field hearing of the Senate Environmental Protection Subcommittee in Portland this past September. The purpose of that hearing was to learn more about the environmental conditions and trends in the gulf and the potential need for greater scientific research and monitoring efforts.

The general conclusion of the hearing was that the Gulf of Maine is still very clean, and does not face the serious marine pollution problems of many of our coastal waters. There also was agreement, however, that prevention of problems will require first-rate science and monitoring programs.

Witnesses at that hearing, including research scientists, representatives of the commerical fishing industry, and environmentalists, identified a need for expanded and strengthened marine research, looking at the entire ecosystem of the Gulf of Maine.

Witnesses suggested that, rather than calling on a Federal agency to come in and do a study, we should provide that research be managed at the regional level and be planned and conducted by the full range of existing, local research institutions.

And, witnesses at the hearing pointed to a need for reliable and sustained Federal assistance to supplement existing funding sources and to support the full range of marine research activities at the regional level.

Taking the suggestions of the witnesses at the Portland hearing, I started working with my colleagues in the Senate and with interested Federal agencies to develop legislation to respond to the need for expanded marine research.

In this effort, I discovered that the Gulf of Maine provides a useful example of conditions and research needs of the other coastal regions. I found strong support in many other parts of the country for expanding and strengthening marine research programs; for focusing research on an entire regional ecosystems; for allowing existing research institutions to manage the research; and for assuring sustained and reliable Federal assistance to support this effort.

The bill we are introducing today amends the Marine Protection, Research and Sanctuaries Act to provide general authority to establish multistate regional marine research centers. The basic objective of the marine research centers is to support and coordinate marine research at the regional level.

The centers will be made up of marine research institutions working in the region, including universities, States agencies, and private laboratories.

Each center is to develop a 3-year research plan which sets the goals and priorities for research and monitoring in the marine and near-shore coastal waters of the region.

Regional research plans can include marine research projects ranging from basic oceanographic research to more specific, applied research activities.

The centers will be eligible for basic support grants of $3 million per year. The bulk of this funding, at least $2.5 million, will be used directly by participating research organizations to carry out the research and related activities identified in the 3-year research plan. Centers may use up to $500,000 for activities including development of plans, sponsoring technical seminars, and publication of reports and studies.

The fishing community and other interested parties will participate in the development of plans through a formal Research Advisory Group.

The bill also provides authority for the regional centers to conduct baseline monitoring and assessment of marine environmental quality. The centers are to submit general reports to the State Governors and the public on trends and conditions in the region.

The bill identifies 10 marine regions around the country. The regions represent relatively distinct marine ecosystems and are based on biological and geographic divisions suggested by Federal agencies.

Regions identified in the bill include the Gulf of Maine, the Greater New York Bight, the Mid-Atlantic Bight, the South Atlantic Bight, the tropical region, the Gulf of Mexico, the southern California Bight, the North Pacific region, the Gulf of Alaska, and the Insular Pacific region.

The Federal Government would play a general, but limited, oversight role through a research coordination board. The Board is made up of interested Federal agencies and representative of each regional center.

A total authorization of $29.5 million is provided for each of 5 years. This figure includes $3 million for each region except the tropical region, which is eligible for $1.5 million, and $1 million to support the activities of the Federal Board.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill and copy of the bill be printed in the RECORD at the conclusion of my remarks.

I would like to offer several general observations on the goals and objectives of this legislation.

First, this bill is intended to strengthen our Marine Research Program, rather than add to our existing regulatory programs. I believe that, by improving our research program and building our knowledge of the marine environment, we will be taking a significant step toward protecting this resource and preventing the development of major, costly pollution problems.

Second, it is important to put this legislation in the context of our broader Marine Research Program. While we have growing evidence of threats to the enviornmental quality of marine resources, overall funding for marine research has declined by about one-third since 1982.

It is essential that we reverse the declines in marine research funding and assure that presently authorized programs operate effectively. In addition, if we are to keep pace with the growing threats to the marine environment, we must consider ways to expand and build on these existing programs where appropriate.

Third, a major objective of this legislation is improved planning and coordination of marine research projects. Improved planning will help avoid duplication of research, focus limited funds on the most crucial projects, and generally improve the effectiveness and efficiency of marine research efforts. In other words, this approach will help us get a "bigger bang for our buck."

Fourth, the bill calls for an increase in marine research at the multistate, regional level. Regional research institutions are an underutilized resource which have a great potential to make an increased contribution to marine research. Regional research centers can address issues common to an overall marine ecosystem. Regionally based research can contribute to development of badly needed baseline data on the marine environment which is beyond the reach of Federal agencies. And, regionally based research can be better tied into State and local agencies which can respond to pollution or related problems.

Finally, the research program proposed in this legislation will complement, not compete with, existing marine research programs. I want to specifically address coordination of this legislation with the Sea Grant Program and the National Estuaries Program.

I consider the Sea Grant Program to be an essential and fundamental program for understanding and assessing the quality of the marine environment. It is crucial that we continue to support this program and expand it as appropriate. And, under no circumstances should we fund new initiatives in marine research at the expense of the Sea Grant Program.

The regional research centers proposed in this legislation have different objectives than the Sea Grant Program in several ways. The regional centers will address research in an entire, multistate region, rather than a single State. The regional centers will involve a full range of research institutions, other than simply sea grant colleges. And, finally, the regional centers have a clear mandate to develop overall, long-range research plans and to coordinate research activities in a marine region.

This legislation also will complement projects under the National Estuaries Program at EPA, initiated last year under the Clean Water Act amendments. The regional centers address geographic areas which are much larger than the estuaries addressed in the Estuaries Program. The regional centers address research while the estuaries program has a broader mandate for management and pollution control. And, the regional centers address all areas of the coast, while the Estuaries Program focuses on water bodies which are already facing severe pollution problems.

I am confident that the regional approach I am proposing is reasonable, workable, and badly needed. I also believe that the legislation probably can be improved further. I look forward to working with my colleagues to explore ways to refine and strengthen the bill.

It is, above all, critical that we focus our efforts on the marine environment and begin the debate on how best to protect this resource.

In response to this need to understand and assess threats to the quality of the marine environment, the Subcommittee on Environmental Protection, which I chair, will hold a series of hearings on marine environmental issues over the next several months.

The first hearing, scheduled for February 18, will address issues relating to ocean dumping under title I of the Marine Protection, Research and Sanctuaries Act. This hearing will be held jointly with the Subcommittee on Superfund and Environmental Oversight, chaired by my colleague Senator LAUTENBERG. The hearing will focus on ocean disposal of sewage sludge off the New Jersey coast and related ocean disposal issues.

The second hearing will address the extent and seriousness of threats to the quality of the Nation's marine environment. The Environmental Protection Subcommittee will hear testimony from Federal agencies and other parties on the nature of marine environmental problems and possible steps to address these problems.

A final hearing will review the marine research legislation we are introducing today. The subcommittee will hear from the scientific community, Federal agencies, and other groups active in marine research issues at the national level.

In conclusion, Mr. President, there is growing evidence of threats to the quality of the marine environment. It is essential that we assess the seriousness and extent of this problem and consider appropriate response measures. An important first step in protecting the marine environment is to strengthen and expand marine research at the regional level. This effort is essential if we are to keep pace with the growing threats to marine environmental quality and assure that this resource is protected for future generations.

I hope my colleagues will join me in supporting this legislation and working to improve our understanding of our rich, diverse marine resources.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) TITLE.—This Act may be cited as the "Marine Research Act of 1988."

(b) TABLE OF CONTENTS.—

Sec. 401. Findings.
Sec. 402. Purpose.
Sec. 403. Definitions.
Sec. 404. General Authority.
Sec. 405. Regional Research Plans.
Sec. 406. Research, Support and Equipment Grants.
Sec. 407. Monitoring and Regional Assessment.
Sec. 408. Marine Research Coordination Board.
Sec. 409. Authorizations.

AMENDMENTS TO THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT

SEC. 2. AMENDMENT.—The Marine Protection, Research and Sanctuaries Act is amended by adding at the end thereof the following new title:

"TITLE IV—REGIONAL MARINE RESEARCH CENTERS

"FINDINGS

"SEC. 401. FINDINGS.—The Congress finds that—

"(1) the Nation's marine and near-shore, coastal waters are a resource of tremendous value;

"(2) marine waters, including estuaries, are vital and productive natural ecosystems;

"(3) marine and near-shore coastal waters support commercial fisheries with an estimated value of over $5.5 billion per year, and recreational fisheries with an estimated value of over $7.5 billion per year;

"(4) marine and near-shore coastal waters support extensive recreational activities and related support services;

"(5) maintenance and protection of the environmental quality of the Nation's marine and near-shore coastal waters is essential to the commercial and recreational activities they support;

"(6) recent studies and reports provide evidence of growing threats to the environmental quality and ecological integrity of marine and near-shore coastal waters;

"(7) a report by the Congressional Office of Technology Assessment found that the overall health of coastal waters is declining or threatened;

"(8) studies by the Environmental Protection Agency and the National Oceanic and Atmospheric Administration have identified unexpectedly high levels of contaminants in a number of coastal areas;

"(9) expanded and improved research and monitoring of marine and estuarine ecosystems is needed to gain a more complete understanding of these ecosystems, how they function naturally, and how human activities may be affecting them;

"(10) on-going changes in world climate will alter regional weather and oceanic processes in ways which will affect the distribution and abundance of marine organisms;

"(11) there is a need to develop marine research programs which take a comprehensive approach to marine ecosystems in the various coastal and marine regions of the Nation;

"(12) there is a need to improve the extent of coordination among various marine research activities at the regional level and provide for long-range planning of research and related projects;

"(13) significant improvements in marine research can be accomplished through expansion and support of research at the regional level;

"(14) there is a need for sufficient and sustained Federal support for research and monitoring to protect the Nation's marine and coastal environment;

"(15) there is a need for comprehensive and periodic reports to the Congress on conditions and trends in marine environmental quality, research needs, and response programs;

"(16) the results of marine and near-shore research are valuable to developing and implementing marine and coastal environmental protection programs at the Federal, State, regional and local levels.

"PURPOSE

"SEC. 402. PURPOSE.—The purposes of this title are to—

"(1) establish regional marine research centers to protect the Nation's marine environment;

"(2) provide sufficient and sustained funding for these regional centers to develop comprehensive, long-range research plans, and coordinate and support marine research and related activities;

"(3) establish within the Federal government the capability to provide effective oversight of regional marine research; and

"(4) provide for periodic, comprehensive reports to Congress concerning conditions, trends, research needs, and response programs in the Nation's marine environment.

"DEFINITIONS

"SEC. 403. DEFINITIONS.—For purposes of this title—

"(1) the term 'Board' means the Marine Research Coordination Board established pursuant to section 408 of this title;

"(2) the term 'region' means a Marine Research Region designated in section 404(f) of this title;

"(3) the term 'Federal agency' means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

"(4) the term 'local government' means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law; and

"(5) the term 'nonprofit organization' means any organization, association or institution described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation pursuant to the provisions of section 501(a) of such Code.

"REGIONAL MARINE RESEARCH CENTERS

"SEC. 404. (a) GENERAL AUTHORITY.—There is authorized to be established within each region, as defined under subsection (f), a regional marine research center.

"(b) PURPOSES.—Regional marine research centers established pursuant to this section are intended to—

"(1) set overall goals for an integrated, long-term program of research and monitoring of marine and estuarine environmental quality in the region;

"(2) develop comprehensive, long-range plans which identify the specific needs and priorities of research and monitoring activities and projects;

"(3) assure coordination of research among State agencies and other organizations involved in marine research in the region;

"(4) monitor environmental quality conditions of marine and near-shore coastal waters and assess the impacts of proposed activities in these waters;

"(5) provide a forum for review and comment on research plans from affected user and interest groups, such as commercial fisherman, other marine industries, and environmental organizations;

"(6) provide a forum for coordinating research among research institutions, with other regions and with neighboring countries;

"(7) make public reports on the environmental quality conditions in the region; analyze and interpret research data and information at the request of the relevant State and local agencies in the region for their application in environmental protection programs; and make such scientific recommendations to local, State, and Federal agencies on design of effective programs to address identified problems as may be necessary.

"(c) AUTHORITIES.—Each regional marine reseach center shall be authorized to—

"(1) support basic and applied research, investigations, monitoring, and assessment activities through its members organizations and agencies in the estuarine, near-shore coastal and offshore environments of the region;

"(2) cooperate with Federal agencies, with State and with local government entities, interstate and regional agencies, other public agencies and authorities, nonprofit institutions and organizations, or other persons, in the preparation and support of marine research in the region;

"(3) enter into contracts, cooperative agreements or grants to member organizations, and to other State and local governmental entities, other public agencies or institutions, and nonprofit institutions and organizations for purposes of carrying out the provisions of this Act;

"(4) collect and make available through publications and other appropriate means, the results of, and other information pertaining to, the research conducted in the region;

"(5) support development of effective and practical methods and techniques for the detection and assessment of contamination in the marine environment;

"(6) hire staff and equip them as may be necessary to carry out the provisions of this Act, including the ownership and operation of research vessels and construction of necessary vessel-related support structures;

"(7) call conferences on regional marine research and assessment issues, giving opportunity for interested persons to be heard and present papers at such conferences;

"(8) support, in consultation with the Department of State, joint marine research projects with foreign nations;

"(9) utilize facilities and personnel of existing Federal agencies, including scientific laboratories and research facilities;

"(10) accept, and for all general purposes of this Act, utilize funds from other sources, including but not limited to State and local funds, university funds, and donations;

"(11) accept donations of equipment if such equipment benefits regional marine research programs, with appropriate tax deductions available; and

"(12) acquire secret processes, inventions, patent applications, patents, licenses, and property rights, by purchase, license, lease, or donation.

"(d) AREAS OF INVESTIGATION.—In carrying out the purposes and authorities of this section, regional research centers may support or assist research, investigations, studies, surveys, or demonstrations with respect to, but not limited to—

"(1) baseline assessment of marine environmental quality, including chemical, physical, and biological indicators of environmental quality;

"(2) basic oceanographic and biological conditions and processes;

"(3) effects or potential effects of contaminants, including nutrients, toxic chemicals and heavy metals, on the environment, including marine and aquatic organisms;

"(4) inventory of pollutant sources and pollutant discharges into the coastal environment;

"(5) transport, dispersion, transformation, and fate and effect of contaminants in the marine environment;

"(6) marine and estuarine habitat assessment, protection, and restoration;

"(7) methods and techniques for modeling environmental quality conditions and trends;

"(8) methods and techniques for sampling of water, sediment, marine and aquatic organisms, and demonstration of such methods and techniques;

"(9) the effects on human health of contaminants or combinations of contaminants at various levels, whether natural or anthropogenic, that are found in the environment;

"(10) assessment of potential effects of major coastal and offshore development projects in the region;

"(11) assessment and monitoring of the effects of climate change on marine resources in the region; and

"(12) analysis and interpretation of research data for the benefit of State and local environmental protection and resource management agencies in the region.

"(e) CREATION OF REGIONAL CENTERS.—(1) The Governors of a majority of the States in a region, as defined in subsection (f), may develop and submit for approval to the Marine Research Coordination Board a combined, interstate proposal for a Regional Marine Research Center.

"(2) Proposals for establishment of a Regional Marine Research Center—

"(A) identify the goals and objectives of the Center;

"(B) identify the research organizations that will participate in the Center, including State agencies, research laboratories and organizations, academic institutions, and others;

"(C) identify the organizational structure and authority of the Center, including establishment of a Board of Directors, creation of an Executive Director position, and provision for professional staff and management support;

"(D) identify the research capabilities and experience of the member organizations and how such experience will be coordinated and maintained; and

"(E) provide for a Research Advisory Group to include representatives from affected user and interest groups, including the commercial fishing industry, other marine industries, and environmental organizations, that will advise the Board of Directors in the conduct of authorized activities.

"(3) Any proposal developed pursuant to subsection (1) shall be submitted to the Marine Research Coordination Board for review and approval.

"(4) Within 90 days of receipt of a proposal, the Board shall hold a public hearing in the region to hear comments on the proposal.

"(5) Within 180 days after receipt of a proposal, the Board shall approve or disapprove the proposal on consideration of the following criteria—

"(A) inclusion as members of the Center, or other provision or mechanism for full coordination and cooperation with, relevant State agencies, marine research organizations or institutes, and universities with marine programs in the region;

"(B) demonstrated capability in sufficient disciplines to successfully mount a multidisciplinary research program;

"(C) sufficient resources, including laboratory, library, computer and support facilities;

"(D) a commitment from the member institutions to the support and continuation of an effective marine research program; and

"(E) establishment of an Advisory Group pursuant to paragraph (2)(E), and commitment to adequate procedures for effective consultation with such group.

"(6) In the case of disapproval of a proposal, the Board shall notify the Governors of the submitting States in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Governors of the interested States may, not later than 90 days following such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(7) Representatives of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, designated by the senior administrative official, shall serve as ex officio members of each regional center.

"(f) Marine Research Regions.—For purposes of this Act, marine research regions are defined as follows:

"(1) Gulf of Maine Region, comprised of the marine and near-shore coastal waters off the States of Maine, New Hampshire and Massachusetts (north of Cape Cod);

"(2) Greater New York Bight Region, from south of Cape Cod to Cape May, comprised of the marine and near-shore coastal waters off the States of Massachusetts, Rhode Island, Connecticut, New York, and New Jersey;

"(3) Mid-Atlantic Region, from Cape May, New Jersey, to Cape Lookout, comprised of the marine and near-shore coastal waters off the States of New Jersey, Delaware, Maryland, Virginia, and North Carolina;

"(4) South Atlantic Bight Region, from Cape Lookout to the Florida Keys, comprised of the marine and near-shore coastal waters off the States of North Carolina, South Carolina, Georgia and Florida (Atlantic coast);

"(5) Tropical Region, comprised of the marine and near-shore coastal waters off Puerto Rico and the U. S. Virgin Islands (and to provide for broader international research coordination, representatives from the nations of the Caribbean region may serve as ex officio members of this region);

"(6) Gulf of Mexico Region, comprised of the marine and near-shore coastal waters off the States of Florida (Gulf coast), Alabama, Mississippi, Louisiana, and Texas;

"(7) Southern California Bight Region, comprised of the marine and near-shore coastal waters off the State of California from Point Conception south;

"(8) North Pacific Region, from Point Conception to the Canadian border, comprised of the marine and near-shore coastal waters off the States of California, Oregon and Washington;

"(9) Gulf of Alaska and Arctic Seas Region, comprised of the marine and near-shore coastal waters off the State of Alaska; and

"(10) Insular Pacific Region, comprised of the marine and near-shore coastal waters off the State of Hawaii, Guam, American Samoa, and the Northern Mariana Islands.

"REGIONAL RESEARCH PLANS

"Sec. 405. (a) Regional Research Plans.—Each Regional Marine Research Center, approved under section 404, shall develop a three-year marine research plan for the region.

"(b) Contents of Plan.—Such marine research plan shall include—

"(1) an overview of the environmental quality conditions in the near-shore coastal and marine waters of the region and expected trends in these conditions;

"(2) a description of the research needs, goals, and priorities in the region over the upcoming ten-year period;

"(3) a comprehensive inventory of all Federally-funded marine research and monitoring activities expected to be conducted during the three year term of the research plan, including, but not limited to, projects funded under:

"(A) this Act;

"(B) the National Sea Grant Program;

"(C) sections 319 and 320 of the Federal Water Pollution Control Act;

"(D) the Fish and Wildlife Act of 1956; and

"(E) the Magnuson Fishery Conservation and Management Act of 1976.

"(4) discussion of the mechanism for coordination with the activities identified in paragraph (3) to avoid duplication and assure effective use of resources;

"(5) description of research projects, areas, and programs anticipated to be assisted with funds provided under section 406 of this Act in the three year period covered by the plan, including:

"(A) identification of the responsible organization, laboratory(s) or principal investigator(s);

"(B) estimated budget and equipment needs;

"(C) schedule of major activities;

"(D) final products of the project; and

"(E) relationship to research needs and priorities identified in paragraph (2) and to other projects identified in paragraph (3).

"(6) an inventory of supplies and equipment used commonly for research projects on the region.

"(c) Plan Review and Approval.—(1) The research plan shall be submitted to the Marine Research Coordination Board for review and approval.

"(2) The Board shall approve or disapprove the research plan within 90 days of receipt.

"(3) In review of research plans, the Board shall consider the degree to which the plan addresses the elements identified in subsection (b) of this section.

"(4) In the case of disapproval of a research plan, the Board shall notify the Board of Directors of the Regional Research Center in writing, stating in detail the revisions or modifications necessary to obtain approval of the proposal. The Center shall, not later than 90 days after such notification, submit such revisions and modifications as they deem appropriate. The Board shall approve or disapprove the revised proposal within 90 days of receipt.

"(d) Plan Revision.—The research plan shall be updated at least every three years and resubmitted to the Board for review and approval under this section.

"RESEARCH, SUPPORT AND EQUIPMENT GRANTS

"Sec. 406. (a) Support Grants.—(1) A regional marine research center for which a proposal has been approved pursuant to section 404, may submit to the Board an application for a support grant on an annual basis.

"(2) The application may provide for funding of basic functions of the Research Center including—

"(A) cost of facilities, offices, and related equipment;

"(B) salaries and expenses of staff and other personnel services;

"(C) reasonable maintenance costs of equipment, including vessels, as determined by the Board; and

"(D) other overhead costs including costs of publications, development of research plans, operation of the Board of Directors, and conduct of scientific and related meetings and seminars.

"(3) The application shall be for a period of a fiscal year and shall be in such form as may be required by the Board.

"(4) In no case may the total Federal grant under this subsection be in excess of $500,000 per fiscal year.

"(5) The Board shall approve an application which is consistent with the requirements of this subsection within 90 days of receipt.

"(b) Research Grants.—(1) A regional marine research center for which a research plan has been approved pursuant to section 405 may submit to the Board an application for implementation of that research plan on an annual basis.

"(2) The research grant application shall provide funding, to the extent available under section 409(a)(2)(A)(ii), to member organizations and agencies for research projects identified in the research plan, as needed and appropriate, to be conducted during that fiscal year.

"(3) The Board shall review grant applications and shall fund the application within 90 days of receipt of the application if the application is consistent with the approved research plan.

"(4) The Research Advisory Group of the research center shall have an opportunity to review and comment on the annual grant application and the Board shall consider the comments of the Advisory Group in reviewing grant applications.

"(c) Equipment Support.—(1) Any research center with an approved research plan pursuant to section 405 of this Act may submit to the Board an application to purchase equipment necessary for the research provided for in the approved research plan and funded under subsection (b), to the extent funds are available under section 409(a)(2)(B).

"(2) Equipment eligible for support under this section includes, but is not limited to—

"(A) monitoring and sampling equipment;

"(B) computer hardware or software;

"(C) scientific measurement and analytic equipment; and

"(D) necessary vessels and related support craft.

"(3) In review and approval of applications under paragraph (2)(D), the Board shall evaluate the following—

"(A) a clearly demonstrated need for the equipment in the region to support identified research projects;

"(B) adequate provision for maintenance and full utilization of the equipment, including loaning of equipment to organizations participating in another marine research center; and

"(C) consultation with the Federal Fleet Coordinating Council and the University Oceanographic Laboratory System (UNOLS) to determine the need for vessels or support craft.

"(4) Regional centers shall report annually to the Board on the status and disposition of any equipment funded under this subsection and shall give notice of 90 days prior to any sale of such equipment.

"(d) Reporting.—Any Regional Marine Research Center that receives a grant under this section shall report to the Board not later than 18 months after award of the grant on accomplishments made pursuant to this subsection. Such report shall include narrative summaries and technical data in such form as the Board may require. Such report shall be provided to the Governor of each participating State and to the Research Advisory Group for the region.

"(e) Management.—For administrative purposes, the grant funds and grant award process pursuant to this section shall be managed by the Environmental Protection Agency.

"MONITORING AND REGIONAL ASSESSMENT

"Sec. 407. (a) Monitoring and Assessment.—Each Regional Marine Research Center established in accordance with section 404 and receiving funds pursuant to section 406 and 409 of this Act shall, consistent with its research plan developed under section 405—

"(1) support baseline monitoring of fundamental marine environmental conditions in the region, in accordance with criteria, measurement standards and quality assurance techniques required by the Board; and

"(2) prepare periodic assessments of the status of marine environmental quality and resources.

"(b) Regional Assessment Report.—(1) The Regional Assessment Report mandated under this section shall—

"(A) provide an overview of environmental quality in the region using such information as is obtained pursuant to paragraph (A) of subsection (a);

"(B) describe trends in natural resource and environmental quality conditions;

"(C) summarize the activities and research projects of the center and identify future needed projects; and

"(D) provide recommendations for improvements in the design or implementation of Federal, State or local programs for the protection of environmental quality in the region.

"(2) A draft of the Regional Assessment Report shall be reviewed by the Research Advisory Group for their comments and input before final submission.

"(3) The Regional Assessment Report shall be drafted in nontechnical style and made available to the public, as well as to local, state and Federal regulatory and management agencies. The Regional Assessment Report shall be submitted to the Governors of each State in the region.

"(4) Reports under this subsection shall be submitted to the Board on a schedule to be determined by the Board. To the extent practicable, the Board shall provide for reports beginning three years after the date of establishment of each center and every three years thereafter.

"MARINE RESEARCH COORDINATION BOARD

"Sec. 408. (a) Establishment of Marine Research Coordination Board.—(1) There is authorized to be established a Marine Research Coordination Board to manage and coordinate the efforts of the regional marine research centers authorized under section 404 of this Act.

"(2) The members of the Board shall be representatives of the following Federal agencies, designated by the senior administrative official of each agency—

"(A) the Environmental Protection Agency,

"(B) the National Oceanic and Atmospheric Administration,

"(C) the National Science Foundation,

"(D) the U.S. Fish and Wildlife Service,

"(E) the Minerals Management Service,

"(F) the U.S. Army Corps of Engineers,

"(G) the U.S. Navy, and

"(H) the National Academy of Science.

"(3) The executive director of each Regional Marine Research Center, approved pursuant to section 404(e), or the director's official designee, also shall serve as full members of the Board.

"(4) The representative of the Environmental Protection Agency shall serve as chair of the Board.

"(5) The Board shall organize its internal structure and functions as it deems necessary to best fulfill its responsibilities.

"(b) Functions and Authorities.—(1) The Board shall be responsible for the following—

"(A) review and approval of proposals for Regional Marine Research Centers, including conducting a public hearing in the region, in accordance with the provisions of section 404;

"(B) review and approval of the three-year research plans submitted by Regional Marine Research Centers, in accordance with section 405; and

"(C) approval of grant applications from the Regional Marine Research Centers, in accordance with section 406.

"(2) The Board is authorized to—

"(A) hire professional and support staff to carry out the provisions of this section;

"(B) hire an Executive Director at the Senior Executive Service (SES) level;

"(C) expend funds authorized under subsection (d) as required to carry out the provisions of this section; and

"(D) make grants to the Regional Marine Research Centers, pursuant to sections 406 and 409.

"(c) Report to Congress.—(1) The Board shall make periodic reports to Congress on the health of the Nation's near-shore coastal and marine waters, and on activities and accomplishments of the Regional Marine Research Centers.

"(2) Reports under this subsection shall be made within 180 days of the receipt of reports required under section 407 (b) of this Act.

"(d) Funding.—The activities of the Board shall be supported with funds available under section 409 of this Act.

"AUTHORIZATIONS

"Sec. 409. Authorizations.—(a)(1) For the purpose of carrying out the activities authorized by sections 404, 405, 406, and 407 of this Act there are authorized to be appropriated $29,500,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

"(2) Such funds shall be allocated as follows—

"(A) grants to regional marine research centers established pursuant to section 404: *Provided* That—

"(i) such research centers has submitted a proposal which has been approved pursuant to section 404 of this Act;

"(ii) no annual grant to such center shall exceed $3,000,000; and in the case of the Tropical Region, no annual grant to such center shall exceed $1,500,000.

"(B) grants for purchase of equipment under section 406: *Provided* That such sums are not alloted for use under subparagraph (A).

"(b) For the purpose of carrying out the activities authorized by section 408 of this Act there are authorized to be appropriated $1,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.".

Section-by-Section Analysis—Marine Research Act of 1988

Sections 1 and 2: Establish the title of the bill, the "Marine Research Act of 1988", and create a new Title IV of the Marine Protection, Research and Sanctuaries Act.

Sections 401, 402, and 403: Establish the findings, purpose and definitions of the Act.

Section 404: Provides general authorities of regional marine research centers to coordinate and support research, monitoring and assessment in marine and coastal waters.

Proposals to establish regional research centers may be submitted by Governors to identify the goals, membership, organizational structure, and research capabilities of the centers.

Ten regions are identified including the Gulf of Maine, Greater New York Bight, Mid-Atlantic Bight, South Atlantic Bight, Tropical, Gulf of Mexico, Southern California Bight, North Pacific, Gulf of Alaska and Arctic Seas, and the Insular Pacific.

Section 405: Provides for development of regional research plans identifying research needs and priorities for a 3-year period. Plans are to be submitted to the Marine Research Coordination Board, established by section 408, for approval.

Section 406: Provides for grants to the regional marine research centers for research and administrative costs, and for support for special research equipment needs.

Section 407: Provides that regional research centers are to conduct baseline monitoring and assessment of marine resources. Also mandates assessment reports to be made available to the public as well as local, State and Federal agencies.

Section 408: Establishes a Marine Research Coordination Board at the Federal level to manage and coordinate the efforts of the regional centers. Member agencies are the Environmental Protection Agency, National Oceanic and Atmospheric Administration, National Science Foundation, Fish and Wildlife Service, Minerals Management Service, Corps of Engineers, Navy, the National Academy of Sciences. Representatives of regional centers also are members of the Board.

Section 409: Authorizes $29.5 million annually for the regional centers, as provided under section 406. Annual grants to each center are limited to $3 million. Also authorizes $1 million annually for the Marine Research Coordination Board, as provided under section 408.

Troubled Waters—The World's Oceans Can't Take Much More Abuse

The last day of the summer season dawned gray and drizzly on the New Jersey coast. But instead of rushing for home, many departing vacationers went down to the sea. In some beach communities they formed small knots, in others lines more than a mile long as they silently linked hands and stared out at brown-tinged waves. They had come to pray for the ocean.

For those thousands of tourists, resort owners, and residents on the 127 mi. of coast known simply as The Shore, there was little doubt that the ocean needed help. During the summer, hundreds of dead dolphins, raw sewage, tar balls, and even used syringes washed ashore. Many beaches closed because of the pollution. Local papers trumpeted cases of illnesses caught from swimming—even, some said, from simply breathing the salt spray. "The pollution has got to stop," declares Linda S. Hasbrouck, who heads "Save our Shores," the local environmental group that organized the Labor Day event. "It's so bad you don't know what's coming in with the next tide."

HAMMERED HOME

All along the U.S. coast, unpleasant surprises rode in on the summer surf. Parents on Massachusetts' South Shore were appalled when children began decorating sand castles with plastic tampon applicators that drifted ashore from garbage dumped in Boston Harbor. On Long Island Sound, millions of dead fish washed up—killed by a total lack of oxygen in the water. Another giant dead zone formed at the mouth of the Mississippi. Near Corpus Christi, Tex., litter from ships and offshore drilling rigs covered the beaches at Padre Island National Seashore. Algae blooms—red and brown tides—tainted waters along the Atlantic coast.

The Adriatic and Aegean, the Mediterranean, the Baltic, the Irish Sea, and the Sea of Japan are not faring much better. In August an 18-m sailboat dubbed the Goletta Verde—the Green Schooner— completed a much-publicized two-month trip around Italy to assess coastal pollution. What it found wasn't pretty. From Trieste to Genoa, the waters of the Mediterranean are murky with sewage and industrial waste. Some of the world's most spectacular beaches were bespoiled by garbage. Even the legendary beauty of the isle of Capri was marred by flotsam from nearby Naples. The Bay of Naples was fouled with such "incredibly high levels of raw sewage that it's on the outer limits of the imaginable," says Claudio Pirro, a marine biologist from Rome's Weltman Laboratories, who made the voyage.

This summer of 1987 hammered home a point that some scientists have been making for years: The world's coastal waters are in trouble, deep trouble. The seas' capacity to absorb a lethal cocktail of industrial, urban, and agricultural wastes is being exceeded. And when those overstressed ecosystems are exposed to natural insults, such as unusually warm weather, they collapse. "All our coastal systems are damaged, some so badly that we can't use them anymore," sighs Joseph A. Mihursky, a professor at the University of Maryland's Chesapeake Biological Laboratory.

Ironically, concern over ocean pollution is coming on the heels of a decade of steady progress toward cleaning up U.S. inland waters. But cleaning the fouled seas is a gargantuan task by comparison, and it is likely to become one of the most pressing environmental issues of the next decade—and beyond.

While discharges from factories and municipal sewage plants are part of the problem, much of what ends up in the sea simply washes off the land—from farms, lawns, and city streets. To protect fragile marine environments, legislators will almost certainly have to tighten controls on sewage treatment and industrial discharges. But that won't be enough to cope with runoff—so-called nonpoint pollution. Everything from pet waste to crankcase oil drained in the driveway or fertilizers used on lawns contributes. Curbing it will require fundamental changes in residents' habits—and sweeping new laws that will restrict coastal development.

The price of inaction is enormous. Jolting changes in the coastal ecology affect a critical part of the food chain—and ultimately human health. Toxic chemicals and heavy metals such as cadmium and lead are picked off bay bottoms by small organisms that fish and shellfish eat. Disease organisms from raw sewage thrive. Cases of human illness, including hepatitis, from eating seafood have risen drastically since the early 1980s, according to the National Marine Fisheries Service. "Poisoning the sea will inevitably poison us," warned oceanographer Jacques-Yves Cousteau a decade ago.

DEAD OYSTERS

The poisons in the waters already are jeopardizing the $6 billion U.S. commercial and recreational fishing businesses. In Boston's south shore suburb of Quincy, a sign off a spit of land called Hough's Neck proclaims it "The Flounder Fishing Capital of the World." No more. Today, most flounder that survive the polluted waters of Boston Harbor are hardly table grade. "If you did fish here, the first thing you'd notice is fin rot," explains Steve Hunt, director of Boston's Save the Bay—Save the Harbor. And if you gutted a fish, you'd probably find white liver tumors.

Less anachronistic are "No Fishing" signs that are cropping up all along the nation's coasts. This year a shocking 33% of U.S. shellfish beds are closed. The annual harvest from Long Island's rich clam and scallop beds, worth $110 million in the 1970s, has plunged to less than half that. The watermen of Chesapeake Bay are raking up dead oysters, killed by a mysterious disease called MSX. At Matagorda Bay in Texas, seafood wholesaler Emery Waite says: "You can't find enough oysters to make a stew."

Finfish are no different. The harvest of striped bass from New York's waters, which stood at 14.7 million lb. in 1973, is now zero. Bass fishing was banned in 1986 because the fish, which spawn in the Hudson River, were contaminated with dangerous levels of polychlorinated biphenyls (PCBs)—a toxic chemical that was dumped into the river years ago by General Electric Co. Today health officials in New York warn recreational fishermen not to eat bass, carp, sunfish, catfish, or walleye from the Hudson.

Even so, commercial fishermen continue to make money. Demand for seafood has never been higher—ironically, because many consumers consider fish healthier than red meat—and prices are spiraling upward. Last year the nation's fishing industry landed 6 billion lb. of fish, worth $2.8 billion. Meanwhile, imports have more than tripled in the past decade, to $7.6 billion last year.

The numbers tell only part of the story. In the U.S., catches are climbing because fishermen are overfishing declining supplies of some prime fish, such as flounder, halibut, striped bass, and cod. And they are keeping—and selling—the "junk" fish, such as mako shark, that they once threw back as inedible. "Supply is down, and demand is so high that the price keeps going up," says Robert Morris, who owns a 40-ft. trawler that he sails from Newport, R.I.

Yet Morris and others know that all is not well at sea. The "draggerman" used to fish in water from 30 to 50 ft. deep. But lately, Morris' nets are clogged with seaweed. He blames the nutrients from detergents for the rapid seaweed growth. So, he is venturing deeper—down to 300 ft. "Pollution is affecting how I make a living," Morris says.

Fishermen—and many scientists—believe that rampant development of the shoreline is the source of much of the pollution that threatens coastal waters. By 1990, 75% of the U.S. population will live within 50 mi. of the shore, compared with 40% in 1984, according to the U.S. Census Bureau. "We've been hell-bent on development at all costs," says James I. Jones, director of the Mississippi-Alabama Sea Grant Consortium, a national program of colleges with marine studies.

The problem is that sea life likes to live near the shore as well. The deep oceans are still relatively clean, but most fish breed in the increasingly endangered coastal shallows, especially tidal marshes and estuaries where the nutrients washed from the land create a rich variety of life—and food for larger organisms. In addition, the coastal wetlands act as a natural filter to trap pesticides from farms, waste from urban runoff, and chemicals from industry.

But those wetlands are being destroyed at an alarming rate. In Florida, marinas and condominiums are replacing mangrove swamps. Louisiana is losing its wetlands at the rate of 50 sq. mi. a year to development and oil and gas exploration. At this rate, none will remain in 100 years. As the wetlands disappear, raw sewage flows unfiltered into the gulf. So since 1982 about 70% of the state's oyster beds have been closed for up to six month a year. "If you ask where you can eat an oyster and not get sick, I can't think of any place," says James Cosgrove, an official at the Louisiana Health Dept.

Toxic chemicals from coastal industry also take their toll. Even though existing environmental laws have forced industry to reduce its discharges, more than 1,300 major industrial facilities still have federal permits to dump their wastes into estuaries. Along the Texas coast, the oil industry has 2,000 permits to discharge wastewater from drilling, which contains lead, cadmium, and other toxics, into the water. Near Clear Lake, Tex., Brian W. Cain, an environmental specialist with the U.S. Fish & Wildlife Service, plunges the handle of an old fishing net into one canal's dark green water. A large bubble burps out, and a knot of oily chemicals spreads on the surface. The air quickly turns fetid. "There's nothing growing along here," Cain says.

Industrial pollution, however, is far easier to control than runoff. What happens when it rains? Wastes are flushed by the ton from city streets into the water. "Toxic runoff from the streets is a major contributor," says Gordon C. Colvin, director of marine resources at New York's Environmental Conservation Dept.

Inform Inc., an environmental research group based in New York City, compared government data on Hudson River pollution in 1982 from all identifiable sources. What it found was disturbing indeed. The amounts of 26 toxic chemicals added to the river from runoff, including PCBs and mercury, far exceeded those from other sources. Runoff contributed more than 182,000 lb. of lead, for example, compared with only 240 lb. from other sources.

The most deadly contribution from runoff is not toxic chemicals, however. It is nutrients. These can concoct the deadly "algae blooms," such as red tide, that rob the waters of life-giving oxygen. That happens because the nutrients from fertilizer or sewage cause certain microorganisms to multipy at an explosive rate, using up oxygen in the water. When they die and sink to the bottom, they decompose—sopping up even more oxygen. When levels of dissolved oxygen are very low, scientists call the condition hypoxia. When there is none at all, it's called anoxia.

"CEMENTIFIED"

That's what caused this summer's fish kills in Long Island Sound. On July 21 and 22 oxygen below the top layer of water completely disappeared. Then, for the next week, dissolved oxygen levels were less than 1 mg per liter of water. Anoxia can occur naturally, of course. But Barbara L. Welsh, an associate professor of oceanography at the University of Connecticut who is studying historical data on oxygen levels, believes that "back in the days of the Indians" it was unlikely oxygen levels ever got below 3 mg per liter.

In the Mediterranean, sewage is the culprit. An estimated 90% of the sewage generated around its coast is still dumped raw into its waters. Along the French Riviera, the word for many is: Go to the beach, but don't go swimming. Yvonne P. Tilleard, a part-time caterer who has vacationed in Cannes for the past 20 years, says her children "wouldn't go near the water." She says that local pediatricians warn parents not to allow young children to swim.

In addition, the sea's European coasts are fast becoming what environmentalists call "cementified" by runaway development. "In the past few years, what virgin coastline was left has been disappearing at an alarming rate," says Costanza Pera, an official in Italy's newly created Environment Ministry. "The risk that the whole Mediterranean basin will be ringed by cement is very real."

Nor are the seas spared the threat of radioactive waste. Low-level radioactive wastes were dumped in the 1960s and 1970s in deep waters off the coast of Spain by Britain, Belgium, the Netherlands, and Switzerland. Although a moratorium took effect in 1983, the British have recently discussed burying low-level radioactive wastes in caverns beneath the Irish Sea.

The Irish, in fact, are skirmishing with the British over a nuclear reprocessing plant at Sellafield on England's West Coast. That facility, which turns spent reactor fuel into uranium and weapons-grade plutonium and is authorized to dump a limited amount of nuclear waste into the Irish Sea, has been responsible for numerous pollution incidents since it opened in the 1950s. Just four years ago divers for Greenpeace, an international environmental group, had to be decontaminated after they discovered unauthorized radioactive discharges. Greenpeace claims Sellafield has dumped more radioactive wastes into the Irish Sea than have been disposed of in all the world's oceans combined.

Pollution is beginning to affect the open seas as well. Ships, including those of the U.S. military, always pitch anything they don't want over the rail. Overall, about 6 million metric tons of litter are tossed overboard annually.

Plastics, however, do not sink into Davy Jones's locker. They float—and they don't disintegrate. Sooner or later, anything that floats on the sea comes ashore. According to the National Academy of Sciences, fishermen lose some 136,000 tons of plastic nets, lines, and buoys a year. Tons of waste from offshore oil rigs, everything from chemical drums to food wrappers, washes up on the Gulf Coast. An international law banning dumping plastics at sea is nearing approval by the U.S. Senate.

A recent study of Laysan albatross chicks on Midway Island in the Pacific found that 90% of them had plastic residues in their digestive systems. It is estimated that 1 million birds and 100,000 marine mammals die yearly because they stuck in plastic refuse or they swallow it and choke.

Oil pollution is a particular problem, especially along the tanker lanes from the Mideast to Europe, Japan, and the U.S. Scientists generally agree that 3 million to 6 million tons of oil are dumped into the oceans from land and sea sources each year. Most of this is not accidental. It is the residue of petro-chemical operations, at-sea dumping, and general sloppiness.

HEAVY METALS

Healing the seas may be an enormous task. "Once the condition of the waters deteriorates, it's very difficult to halt the decline," warns Gary Mayer, associate director of environmental studies at the National Sea Grant Program. And the path to a cleanup is enormously costly and riddled with political pitfalls.

Take Boston. Some 6,000 factories discharge oil, grease, heavy metals, and acids into its 50-sq.-mi. harbor, rendering it one of the most polluted in the country. But the city and state governments, began taking steps only when ordered to by a federal court in 1983—and the bureaucracy made no move to comply until 1985. Now scientists estimate that it will take at least 12 years before Bostonians will be able to stick a toe in the water. Fishing in the harbor, now outlawed, may never come back. The cost? More than $3 billion to upgrade waste-disposal facilities, which will quadruple the water and sewage bills of the 43 municipalities that use the harbor for waste disposal.

Nationwide, it would cost an estimated $76 billion just to overhaul municipal waste-treatment plants, which produce 70% of all effluent discharged deliberately into coastal waters. Today one-third of the nation's sewage-treatment plants, including San Diego's Point Loma and Boston's Deer Island, still remove only half of all solids from human wastes. And many large cities are resisting the expense of adding so-called secondary treatment plants, like New York's North River facility, which remove 90% of the solids. In February, it took a congressional override of a Presidential veto to devote $18 billion to such projects.

Then there is runoff. Scientists are just beginning to understand how big a problem it is. And they still have no firm conclusions about what should be done to control it—or what that might cost. They suspect, for example, that it has something to do with MSX disease, which is killing oysters in the Chesapeake, but they don't know what. And so far the government has been parsimonious about handing out the money needed to answer those and other questions about complex marine ecosystems. Richard F. Delaney, director of the Massachusetts Coastal Zone Management Program, told Congress in May: "We cannot even answer basic scientific questions."

Last year the Environmental Protection Agency mounted a "near-coastal waters" program to coordinate state and federal efforts at tackling coastal pollution. But so far that effort is long on paper and short on funds. This year, in renewing the Clean Water Act, Congress allocated $12 million for a two-year study of six estuaries, including Long Island Sound and Galveston Bay. "We spend a tiny amount of money trying to protect the natural environment when you place it against what is spent detracting from it," says Craig R. O'Conner, regional director for the National Marine Fisheries Service.

IRATE BEACHGOERS

The summer's pollution problems have drawn the attention of key lawmakers, however. Senator George Mitchell (D-Me.) is preparing legislation that would finance a study of pollution in the Gulf of Maine. The four senators from New Jersey and New York want a similar study of the near-coastal waters of their states. Bills to ban dumping of plastics at sea and to finance marine research, meanwhile, are being considered in both houses. And Senator Frank R. Lautenberg (D-N.J.) is introducing a bill to require federal permits for garbage barges.

In addition, some states, faced with irate public beachgoers, increasingly militant fishermen, and billions in tourist dollars hanging in the balance, are taking steps on their own. This year, Maryland, Virginia, Pennsylvania, and the District of Columbia agreed to reduce the amount of nitrogen and phosphorus flowing into Chesapeake Bay by 40% by upgrading sewer plants and managing development and agricultural runoff. Some states, including Florida, Maryland, and North Carolina, have passed laws controlling coastal development.

Still, the piecemeal nature of these efforts worries some legislators, who feel the problem requires a more comprehensive approach along the lines of the 1970s attacks on water and air pollution. Representative Gerry E. Studds (D-Mass.), chairman of the House merchant marine, environment, and fisheries subcommittee, plans hearings on how to devise such a program. "To solve this problem requires an all-out, multifaceted program of prevention and enforcement," agrees Senator Lautenberg.

That day can't come soon enough for Fort Lauderdale diving-shop owner Brian Brooks. He recalls when visibility in nearby waters was 100 ft. and snapper and grouper were easily speared in offshore waters. Now 60 ft. is considered good, and only the colorful tropical fish can be found. The snapper and grouper have fallen victim to overfishing and coastal development. "It's still beautiful, and we could still protect it," Brooks says. "But we're running out of time."

(By Tim Smart in Washington and Emily T. Smith in New York, with Todd Vogel in Houston, Corie Brown in Boston, Karen Wolman in Rome, and bureau reports.)●

● Mr. CHAFEE. Mr. President, it is with great pleasure that I join with my colleague from the Environment and Public Works Committee, Senator MITCHELL, to introduce the Marine Research Act of 1988. The distinguished Senator from Maine has been a champion of clean water, not only in our lakes and streams, but also in our bays, estuaries and near coastal waters. This legislation is a reflection of his continuing commitment to protecting our aquatic resources.

Our oceans are beginning to show signs of stress. Agricultural runoff, ocean dumping of sludge, and municipal effluent are invading our marine environment on a daily basis. We may be experiencing a rise in the global sea level, which could have potentially significant effects. Too many fishermen trying to harvest too few fish could be exacerbating the problem of declining fish populations.

Each of these problems raises a multitude of questions—questions which need to be answered with reliable, accurate scientific information. The purpose of the Marine Research Act is to establish an independent marine research board, which will coordinate and amplify the ability of existing research institutions to provide scientific data of the highest quality to address these questions.

It is not possible to address the deterioration of the Nation's bays and estuaries, and the decline in quality of our near coastal waters, on a piecemeal or State-by-State basis. In order to effectively confront problems in the marine environment, it is necessary to respond to the urgent need for expanded, regionally directed marine research. Pollution problems are not confined by State boundaries. The Office of Technology Assessment recently issued a report which emphasizes the need for sustained, focused scientific research on a total ecosystem basis. The Marine Research Act will accomplish this.

The legislation will establish a Marine Research Program which takes a broad, national view of trends in the marine environment, but will be directed and managed by research scientists within each region. The argument for organizing a Marine Research Program along these lines, rather than simply for the Federal Government to conduct research, is compelling: Oceanographers, such as those located at University of Rhode Island's graduate school of oceanography, are most familiar with the ocean environment in a given region. The Marine Research Program created by this legislation, instead of duplicating ongoing efforts at these institutions, will play a coordinating role.

Specifically, the legislation will create 10 coastal regions based on geographic conditions, including one which extends from Cape Cod, MA, to Cape May, NJ. The bill establishes regional councils charged with coordinating and planning marine research in each region. A primary responsibility of the councils will be to conduct baseline monitoring and assessment of marine environmental quality within each region.

The legislation authorizes $3 million annually for each region to conduct research and assessment activities. These funds will be used to establish marine research centers in each region, which will report regularly to State Governors, Federal policymakers such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, and the public on marine trends in the region.

The invaluable information which will be provided to policymakers as a result of this legislation will encourage the making of informed, intelligent decisions about our marine environment. This legislation will enable us to answer crucial questions which must be addressed if we are to adequately protect the ocean and its resources.

I hope that my colleagues will join with me in supporting this necessary and forward-looking legislation.●

● Mr. BRADLEY. Mr. President, I am pleased to join with Senator MITCHELL in introducing legislation which will increase our basic understanding of the needs of our coastal environment. The Marine Research Act of 1988 will establish marine research centers in 10 regions around the Nation's coastline. These centers will support the research institutions in the region—including State agencies, universities, and independent laboratories—and will help to coordinate their efforts. These efforts enhance our knowledge of the changes which are taking place in our marine and estuarine waters, what these changes mean, and what we can do about them.

Last summer, Mr. President, we in New Jersey became more sensitized than ever before to the vulnerability and the value of our precious coastline. We faced a barrage of coastal assaults over a 2-month period. Garbage washed ashore, dolphins beached and died, the beaches were closed. We became painfully aware of the serious problems we face.

Last year the Office of Technology Assessment reported that our mid-Atlantic coastal waters were experiencing particularly serious pollution problems. The OTA study only confirmed what every New Jerseyan already knew. New Jerseyans strongly support action to remedy this problem.

New Jersey has a fine marine protection and research center in Brigantine, NJ. The Marine Mammal Stranding Center rescues, rehabilitates, and releases stranded or otherwise distressed marine mammals (whales, dolphins and seals) and sea turtles that come ashore. The center, which—along with the Smithsonian Institution's Marine Mammal Laboratory—discovered the outbreak of unusual dolphin deaths last summer, relies chiefly on volunteer help to perform its valuable work—including research and education. I hope that the bill we are introducing today will help the center and other research institutions to continue and expand their valuable work to enhance our understanding of the coastal environment and its inhabitants.

Another New Jersey marine research center is the National Marine Sciences Consortium, an alliance of 30 colleges and universities in New Jersey, New York and Pennsylvania. The consortium, which manages research efforts for those institutions and runs educational programs for every level from grade school through graduate studies, is privately funded. This legislation should enable the consortium's unique efforts to be disseminated widely and coordinated with research being conducted elsewhere.

The legislation we are introducing today will provide one more positive step to preserve, restore, and protect our sensitive shoreline. Last year, we took other steps to try to protect our coastal waters. We enacted legislation for an expanded study of the New York Bight, which extends from Cape May to Montauk Point. This study will also recommend steps which are needed to restore the bight. We also enacted legislation to combat plastic pollution, and we ratified and enacted legislation to implement the MARPOL treaty to outlaw dumping of plastic pollution from international vessels. I also cosponsored shore protection legislation to ensure good waste handling practices for vessels towing garbage between ports.

The Environmental Protection Agency is also moving ahead on a request I made to establish better ways to track hospital waste from cradle to grave, and the Commerce Department has established an interagency task force to look at the feasibility of using remote sensing for environmental enforcement. I look forward to the results of their efforts.

Under the Marine Research Act, New Jersey will be covered by two of the regional designations: the Greater New York Bight Region and the Mid-Atlantic Bight Region. The separate designations will allow each regional research center to focus its efforts on problems that are common and sometimes unique to the specific regional ecosystem.

I believe that a strong marine research effort will help us to understand the state of our coastal environment today and guide our efforts in the future so that we can protect one of our most precious and fragile resources.

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of the Marine Research Act of 1987. I would like to commend my distinguished colleague from Maine for introducing this timely legislation.

The health of our coastal waters is in jeopardy. Our oceans are being used as a dumping grounds for everything from garbage to plastics to sludge. Ocean pollution caused the shut down of numerous beaches on Long Island this past summer. On June 23, 1987, local health officials in Nassau County were forced to close down the shorefront at East Atlantic Beach due to garbage that washed ashore. The refuse was identified as hospital waste and included blood vials, surgical tubing, and discarded syringes with needles attached. Again on June 24, a total of 10 beaches in Hempstead Harbor were closed after the waste treatment plant serving the village of Rosslyn began dumping untreated sewage into the harbor at the alarming rate of 5,000 gallons per hour. The affected areas extended the length of the harbor from Bar Beach to the privately owned IBM beach on the west shore and from Tappan Beach to Morgan Park Beach on the eastern shore of the harbor. Can we allow our children to swim in waters that contain this kind of pollution?

I believe that we can take a significant step toward protecting the marine environment by expanding and strengthening our marine and estuaries research program. The Marine Research Act is intended to fulfill these very objectives.

This legislation establishes 10 regions which would be responsible for coordinating and supporting the efforts of organizations and agencies in the region including State agencies, universities, and other laboratories. The bill also provides for 3-year regional research plans and grant assistance to carry out research and related activities. A Federal coordinating board is also created. The region that would serve the New York area is called the Greater New York Bight region.

These research centers will provide information as to the source and types of pollutants that are fouling up the marine environment. It is essential to know what causes the problem before we seek remedies. This legislation is a necessary step in preserving one of our greatest resources—the ocean.

I urge my colleagues to study this important legislation and to work towards its swift passage.●

By Mr. INOUYE:

S. 2069. A bill to amend title 37, United States Code, to authorize the payment of incentive special pay for nurses in the Armed Forces; to the Committee on Armed Services.

INCENTIVE SPECIAL PAY FOR NURSES

Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 37 of the United States Code to authorize the payment of incentive special pay [ISP] to those nurse specialists which the Department of Defense deems of a critical shortage.

Presently, physicians providing these services do receive incentive special pay and in my judgment, it is appropriate to provide the Department with the administrative flexibility to award similar economic incentives to those professional nurses who provide the same type of services.

Mr. President, I ask unanimous consent that a memorandum submitted to the service secretaries by Dr. William Mayer, Assistant Secretary for Health of the Department of Defense, describing the shortage of nurse anesthetists and the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCENTIVE SPECIAL PAY FOR NURSES

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302c the following:

"§ 302d. Incentive special pay: nurses

"(a)(1) Subject to paragraph (2) of this subsection and subsection (b) of this section, an officer who—

"(A) is an officer of the Nurses Corps of the Army or the Navy or an officer of the Air Force designated as a nurse; and

"(B) is on active duty under a call or order to active duty for a period of not less than one year,

may be paid incentive special pay, in an amount determined by the Secretary concerned, for any twelve-month period.

"(2) An officer is not eligible for incentive special pay under paragraph (1) of this subsection unless the Secretary concerned has determined that such officer is qualified as a nurse.

"(b)(1) An officer may not be paid incentive special pay under subsection (a) of this section for any twelve-month period unless the officer first executes a written agreement under which the officer agrees to remain on active duty for a period of not less than one year beginning on the date the officer accepts the award of such special pay.

"(2) Under regulations prescribed by the Secretary of Defense under section 303a(a) of this title, the Secretary of the military department concerned may terminate at any time an officer's entitlement to the incentive special pay authorized by subsection (a) of this section. If such entitlement is terminated, the officer concerned is entitled to be paid such incentive special pay only for the part of the period of active duty that he served, and he may be required to refund any amount in excess of that entitlement.

"(c) Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the twelve-month period for which the officer is entitled to such payment.

"(d) An officer who voluntarily terminates service on active duty before the end of the period for which a payment was made to such officer under subsection (a) of this section shall refund to the United States an amount which bears the same ratio to the amount paid to such officer as the unserved part of such period bears to the total period for which the payment was made.

"(e) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under subsection (b)(2) or (d) of this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following:

"302d. Incentive special pay: nurses.".

(b) CONFORMING AMENDMENTS.—Section 303a of title 37, United States Code, is amended by inserting "302d," after "302c," each place it appears.

THE ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 16, 1987.

MEMORANDUM FOR THE SECRETARIES OF THE MILITARY DEPARTMENTS

Subject: Wartime Shortages of Nurse Anesthetists.

In the event of full mobilization, the medical support provided will be hampered by a continuing shortage in such critical skills as anesthesiologists, orthopedic surgeons, general surgeons, operating room nurses and nurse anesthetists. At present, the Military Departments have a shortfall of over 1,700 nurse anesthetists. Despite the projected impact of various recruiting, retention and educational incentives, targeted primarily at the Reserve Components, a shortfall of nearly 200 nurse anesthetists is still estimated in 1992.

Recently, I signed a memorandum of understanding (MOU) with the American Association of Nurse Anesthetists (AANA). The MOU permits our use of AANA supplied data to contact AANA members who might be interested in joining the active or reserve forces or who might volunteer in advance to provide part time services in local military hospitals if military mobilization has caused nurse anesthetist shortages there. In addition to information on their membership, the AANA has willingly agreed to publicize the role, opportunities and need for military nurse anesthetists in their journals.

As you continue to increase the number of authorized nurse anesthetist positions in both the active force and selected reserve, the support of the AANA will be of immeasurable help in fully utilizing these positions. We, in Health Affairs, are developing a plan in conjunction with the Military Departments to put the AANA's assistance to full use.

In addition to their peacetime role, nurse anesthetists provide key contributions to our wartime medical mission. I therefore welcome the recognition, support and professionalism of the American Association of Nurse Anesthetists. Resolution of all critical specialty shortfalls must travel on parallel tracks. Such an approach will ensure that not only is the physician shortage being corrected, but the shortage of nurses is being addressed as well. Your continued support is necessary.

WILLIAM MAYER, M.D.

By Mr. GARN (for himself, Mr. BOND, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. D'AMATO, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EVANS, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINZ, Mr. HUMPHREY, Mr. KASTEN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCLURE, Mr. MURKOWSKI, Mr. NICKLES, Mr. QUAYLE, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. WEICKER, Mr. WILSON, Mr. ADAMS, Mr. BENTSEN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. DECONCINI, Mr. DODD, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. METZENBAUM, Mr. MITCHELL, Mr. MOYNIHAN, Mr. NUNN, Mr. REID, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, and Mr. STENNIS):

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week"; referred to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

● Mr. GARN. Mr. President, I am introducing today a resolution to proclaim April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week." I am pleased that 60 of my colleagues have joined as cosponsors to this bill. I also would like to thank the staffs of these Senators for the prompt and positive response they gave my office in preparation of the resolution. Congressman SID MORRISON of Washington is introducing companion legislation today in the House of Representatives.

It has been a year and a half now since I found myself lying in a hospital bed in Georgetown University Medical Center. I remember being wide awake and apprehensive about the fact that the next morning I would go into surgery to donate a kidney to my 26-year-old daughter, Susan Garn Horne. Sue had lost most of her renal function as a result of a long-term diabetic condition. As I look back, I was apprehensive that night because I was unsure about what the consequences of the surgery might be for me. Until then, I hadn't thought much about those consequences. Once I learned I was a good donor match for Sue, my only thought had been, "She needs my kidney, I am going to give it to her, and that is all there is to it."

In recognizing my own apprehension and fear, I realized the significant impact that National Organ and Tissue Donor Awareness Week can have. Too many people are either fearful of the prospects or ignorant about the process of freely giving an organ to someone else. As a result, many people are dying, or at the very least continuing to suffer, every day because of a failure to obtain a needed organ for transplant.

I can understand that fear among those who are eligible to be living related donors. They can't help but wonder about the impact their donation might have on their own life. I certainly had those apprehensions, although I now know that the impact is minimal, if even noticeable. What I cannot understand is why anyone would be reluctant to authorize the donation of any of their vital organs or "transplantable parts" after they are dead. Of what use are those parts to them then? And what could they possibly have to fear?

I can't help but believe that if people could understand the need for organ donors, enough of them would voluntarily sign donor authorization cards and get "donor" stamped on their driver's licenses, that there would be an adequate supply of organs for those in need. For example, if only one out of four brain-dead people in the Intermountain area authorized the donation of their organs, they would meet the transplant needs of the entire region. Only one out of four.

People need to understand that they literally may give someone else the "gift of life."

During an interview in the hospital, the day before Sue and I were discharged, a reporter asked me how my donation of a kidney to my daughter compared to other so-called notable things I had done in my public and personal life. I didn't even have to think about the answer. There is simply no other thing I have ever done that has given me greater satisfaction. Donating a kidney to Sue was something I was able to do entirely alone, and it gave me immense personal satisfaction to be able to do that. It gave me an opportunity to express in actions, even beyond words, my love for my daughter and for all my children, since I would have done the same thing for any one of them, if I were a suitable donor.

What began as a personal struggle for Sue and for me has become a positive crusade. What we viewed as the gift of a kidney, we now see as a gift of life and renewed vitality, and it is something we simply must share with others.

I have challenged each Senator in this body to think carefully about his or her willingness to donate a lifesaving organ and to sign a donor card. I pass that challenge on to the Senators' staffs as well. I have also challenged my own staff to consider signing a donor card and to let their families know of their wishes. Donor cards are available in my office for anyone who is interested.

By reviewing our personal feelings about organ donation, we will become more aware of the potential to improve and save others lives. I am hopeful that as National Organ and Tissue Donor Awareness Week approaches, we will be leaders in spreading the word about the gift of life.●

By Mr. WARNER (for himself, Mr. LUGAR, Mr. DIXON, Mr. BENTSEN, Mr. BRADLEY, Mr. PELL, Mr. STENNIS, Mr. BOREN, Mr. MURKOWSKI, Mr. BURDICK, Mr. THURMOND, Mr. WIRTH, Mr. PRYOR, Mr. BREAUX, Mr. DOMENICI, and Mr. HEFLIN):

S.J. Res. 256. Joint resolution to designate March 18, 1988, as "National Energy Education Day"; to the Committee on the Judiciary.

NATIONAL ENERGY EDUCATION DAY

Mr. WARNER. Mr. President, I rise to bring to the attention of my colleagues the importance of energy education in our Nation's schools, and to ask that they join me in designating March 18, 1988, as "National Energy Education Day."

The task of increasing our student's awareness of energy issues and conservation efforts will be a long one, but one to which we must dedicate ourselves.

This important commemorative day will bring deserved attention to the growth of energy education during the past year.

Our Nation's schools are best equipped to accomplish this goal, and many have taken an innovative step and included energy education programs in their curriculum.

I expect that approximately 10,000 schools across the country will culminate months of planning and preparation with several days of activities celebrating the NEED 1988 theme, "Expanding America's Energy Horizons."

Through energy education and a better understanding of the many choices and limitations that face our energy future, our children will be more prepared to make informed choices to promote our energy independence and security in the years ahead.

Since Congress started NEED in 1980 to highlight the importance of energy education, thousands of schools have benefited from the yearly program.

A network of thousands of State, regional, and local NEED committees have organized to provide energy educators with information on energy issues and to encourage and recognize their efforts.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution so that we may spread the work of the NEED program through celebrations and activities on March 18, 1988.

By Mr. HUMPHREY (for himself, Mr. D'Amato, Mr. Moynihan, Mr. Bradley, Mr. Armstrong, Mr. Glenn, Mr. Kerry, Mr. Durenberger, Mr. Dole, Mr. Symms, Mr. Bumpers, Mr. Hecht, Mr. Gore, Mr. DeConcini, Mr. Wallop, Mr. Wilson, Mr. Murkowski, Mr. Simon, Mr. McClure, Mr. Boschwitz, Mr. Karnes, Mr. Reigle, Mr. Proxmire, Mr. Trible, Mr. Biden, Mr. Chafee, Mr. Lugar, Mr. Domenici, Mr. McCain, Mr. Pryor, Mr. Quayle, Mr. Lautenberg, Mr. Dodd, Mr. Dixon, Mr. Rockefeller, Mr. Shelby, Mr. Helms, Mr. Boren, Mr. Burdick, Mr. Grassley, Mr. Pressler, Mr. Nickles, Mr. Hatch, Mr. Cochran, and Mr. Graham):

S.J. Res. 257. A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; referred to the Committee on the Judiciary.

AFGHANISTAN DAY RESOLUTION

● Mr. HUMPHREY. Mr. President, on behalf of 44 colleagues, and on my own behalf, I am introducing a resolution authorizing the President to designate March 21 as "Afghanistan Day."

The purpose of Afghanistan Day is to commemorate the valiant struggle of the Afghan people against the vicious Soviet occupation. It is my hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for their cause.

December 27, 1987 marked the eighth anniversary of the Soviet invasion of Afghanistan. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Last October, the Congressional Task Force on Afghanistan held an exhaustive hearing on human rights in Afghanistan. We learned that despite the much heralded Soviet policy of "national reconciliation," the situation with regard to human rights in Afghanistan continued to deteriorate in 1987.

On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. Due to the unwavering determination of the Afghan people, Soviet leader Mikhail Gorbachev has publicly announced that he may withdraw his troops as early as May 1988. However, at this critical juncture, we must ensure that any negotiated political settlement does not jeopardize the hard fought gains of the Afghan freedom fighters.

The Soviet Union has repeatedly stated its willingness to withdraw troops from Afghanistan. In the past, the Soviets have even staged false troop withdrawals. These deceptive charades have been unanimously denounced by both Houses of the U.S. Congress.

In our eagerness to see Afghanistan free from Soviet occupation, we must ensure that we proceed very cautiously. Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. I would call to the attention of my colleagues editorials from the Washington Post, the New York Times, the Washington Times, and the Wall Street Journal. Each of these editorials states that we should not cease all aid to the Afghans as the first Soviet soldier leaves Afghanistan. We have no right to endanger the gains the Afghans have made at a terrible price to their nation.

Mr. President, this is an extremely important resolution. At this critical time, we must show our unanimous solidarity with the struggle of the Afghan people. I hope that each of my colleagues will add their names as cosponsors to this resolution.

I ask unanimous consent that the editorials I have mentioned be reproduced in the Record along with the text of my resolution.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with 30,000 more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than 574 times during 1987, killing more than 183 innocent people and wounding more than 437;

Whereas over 450 Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria; and to communicate clearly to the government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than seventy-five percent of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987 the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders;

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

[From the Washington Post, Jan. 10, 1988]

Let Soviet Withdrawal Begin

The talk is that the Soviet Union is ready to cut its losses and pull out of Afghanistan later this year without waiting to set up a government in which the place of local communists would be ensured. Good. Let the withdrawal begin. Up to now the Soviets have stated a determination to create a "coalition" and to promote "national reconciliation" among warring Afghans before departing. These euphemisms for ensuring a place for local communists have been a mask for staying on. If the Kremlin has dropped the mask and is prepared to leave its clients in Kabul to contend for what power they can earn with their own resources, termination of the Soviet invasion is within sight, though the war of the Afghans may go on longer.

A certain equation is made between Soviet support of one set of Afghans and Americans support of another, and on this basis some people expect the United States to conduct a matching cutoff of aid to the resistance. But the basis for a cutoff should be a Soviet withdrawal making moot the purpose—repelling an invasion—for which aid is rendered. Practically speaking, aid should taper off as withdrawal progresses. The American purpose is not to harass or further humiliate the departing Soviets but to make sure they don't change their mind. As we note, Afghans may have scores to settle among themselves. Both sides have stockpiled weapons against the day that Soviet troops leave and American and other foreign aid ends. How they use these weapons may not be much influenced by outsiders' exhortations for peace.

Something basic needs to be better understood here. Afghanistan is a Soviet-American "regional dispute" in the sense that it's in a region and is in dispute between the great powers, but it's *not* a regional dispute in the sense that the Soviet Union has a right to claim for its proxies some share of the power. The Kremlin was wrong to invade Afghanistan eight bloody years ago, and it has no right to demand any particular internal result. If fairness were the measure of these things, Afghans would have a right to demand far-reaching internal changes in the Soviet Union to prevent another invasion.

The Soviet Union says it does not seek a pro-Soviet regime and asks the United States to say it does not seek a pro-American regime. This is fine. The "free, nonaligned and neutral" Afghanistan Moscow says it wants is what Washington wants. The way to get from here to there is for Soviet troops to withdraw.

[From the Washington Post, Dec. 13, 1987]

OUT OF AFGHANISTAN

In a midsummit interview, President Reagan suggested that Mikhail Gorbachev had abandoned the Soviet Union's traditional global ambitions. But you can't yet prove it in the Persian Gulf, where Mr. Gorbachev turns his back on his pledge to penalize Iran for its thwarting of peace, and least of all in Afghanistan, where he evaded Mr. Reagan's call to set a date for full expeditious withdrawal of the 120,000 Soviet occupying troops. Instead, he inserted the unacceptable condition that, as withdrawal begins, the United States must start cutting off arms and "financial supplies" to the resistance. Moscow's own Afghan clients would evidently continue to be eligible for arms and aid.

The two men were at pains to emphasize that the line between them remains open on the Afghan question. Their readiness to keep talking about issues that resist solution was one of the more satisfying results of the summit. Openness to discussion, however, cannot conceal Mr. Gorbachev's persisting refusal to face up to the mistake the Kremlin made—and, more important, the crime it committed—in invading Afghanistan. It is not simply that the Soviet army has been mauled and pinned down by guerrillas, but that the Soviet army has no right to be in Afghanistan. It is committing aggression. It has spent eight years killing and uprooting the Afghan people and destroying their land.

This is why the face-saving exit Mr. Gorbachev may well be looking for probably doesn't exist. Face-saving requires setting up a new government, or interim government, that, as he said in Washington, is neither pro-Soviet nor pro-American, that is nonaligned, neutral. On superficial reading, it may sound fine to some. But, unsurprisingly, there apparently is nothing in the Afghan spectrum that could be called pro-Soviet in the sense of an element that could survive without heavy armed guard. That is why so far all Soviet withdrawal formulas rest on a demand for military advantage to offset political weakness. Sometimes "communists" and "fundamentalists" are posed as matched extremes that might be traded off against each other. But fundamentalists have a following that equips them for a political role, and communists, discredited by their tie to a brutal foreign invader, do not.

Diego Cordovez, the United Nations' mediator, is hunting for a political way out. Maybe he will find one. It remains to be shown, however, that Mr. Gorbachev has any option that does not proceed from Mr. Reagan's promise to play a helpful role if the Soviets will but get out.

[From the New York Times, Feb. 12, 1988]

THE GREAT GAME GOES ON

(By A.M. Rosenthal)

Mikhail Gorbachev faces a challenge entirely worthy of his abilities as a master politician.

The task before him is to make sure that a withdrawal of Soviet forces from Afghanistan, if it takes place, does not diminish full Soviet control of the country.

His predecessors spilled Soviet blood to invade Afghanistan. Mr. Gorbachev will build on what they achieved—Soviet domination of Afghanistan for the first time in history. He will struggle to keep Soviet control without more cost in Soviet lives. If he succeeds he will be a hero at home and in the world and still maintain Soviet power in South Asia.

You do not have to be a cynic or even particularly skeptical about Mr. Gorbachev to realize that this is his immediate goal. He already has established much of the political and military structure in Afghanistan necessary to achieve it. This will be left behind when Soviet troops march out.

He would fail in his duty as guardian of Soviet power if he did not at least try. He would be turning his back on what Moscow historically has believed are deep Russian interests in Afghanistan. He would be betraying the Soviet Army's sacrifices. He could not last long in power if he just gave up and walked away from Afghanistan.

For almost 200 years, Russian rulers, Czarist or Bolshevik, have tried to conquer Afghanistan. Kipling called it "the Great Game."

Now, control of Afghanistan puts the Soviet empire at the doors of the Indian subcontinent. Moscow need not invade Pakistan and India. All it has to do is knock firmly; it will be heard.

Afghanistan also puts Soviet power within tank distance of the warm waters of the Indian Ocean. From Afghanistan, the Soviet Union can move deep into Iran. A true prize, **Afghanistan, for a great imperial power.**

But the Afghan resistance made Moscow pay a price: 10,000 Soviet lives, a wound that never was stanched, bitterness in the mouths of Soviet parents. Mr. Gorbachev is flexible enough to see that perhaps control can now be maintained without the Red Army and that in the future only Afghan blood need be shed.

Soviet troop withdrawal will leave behind a puppet Government whose ministries are laced with Soviet "advisers." This regime has international recognition. It also has a well-trained army, years of military supplies, and a Soviet-created air force. It has a powerful secret police with close ties to the K.G.B. It has the prospect of unending Soviet-bloc economic assistance.

The Afghan resistance will find itself alone, with the U.S. military assistance that has kept it fighting. It will be under pressure to join a Communist-dominated government. If it does not the world will shake its finger, call them naughty and turn away.

One million Afghans have died. Five million, a third of the nation, are in exile. The Afghans deserve an honorable peace. It is up to the United States, which profited from the stunning bravery of the Afghan resistance, to struggle for it.

1. Moscow must agree to meet with the Afghan resistance. Three countries—the U.S., Pakistan, the Soviet Union—are determining the fate of a fourth. Something like this happened once before, in 1938, in Munich.
2. The U.S. should try to wiggle out of its incredible commitment to end aid to the resistance when the Russians begin to pull out, replacing it with a phased cutoff.
3. The withdrawal agreements should remove not just Soviet troops but the small army of "experts."
4. The powerful Soviet air and communication bases must be dismantled, not turned over to Kabul and the "experts."
5. Territory along the Soviet-Afghan frontier that has been annexed de facto by Moscow should be returned. So should the 10,000 Afghan children in the Soviet Union.
6. The secret police should be disbanded.
7. Afghanistan should be ruled not by the Kabul regime but by an interim government selected by a traditional council of elders in which Kabul would be a participant—along with resistance politicians and military leaders and representatives of Afghan clans and refugees. The permanent government should be chosen by an election in which the Communists can run, after the millions of refugees return.

This would mean a concession by the resistance, which loathes the Communists and wants them out or dead, preferably both. It would also mean the end of total Soviet domination.

It would be a new, more difficult challenge for Mr. Gorbachev—to show whether in the end he will choose peace for Afghanistan or is just playing another card in the game.

[From the Washington Times, Dec. 28, 1987]

AFGHANISTAN, EIGHT YEARS LATER

Yesterday marked the eighth anniversary of the Soviet Union's invasion of Afghanistan. During the eight-year war of conquest, the Soviets have killed 1.2-1.5 million Afghans, roughly a tenth of the pre-war population. Another 5 million people have been driven from Afghanistan and an additional

1.5 million are refugees within their own country.

But despite the modern weaponry of the Red Army and the genocidal tactics of killing combatants and civilians alike, the Soviets have failed to defeat the freedom fighters and win control of Afghanistan. Moscow's recent diplomatic overtures have caused some to believe that Mr. Gorbachev is seeking a face-saving way out, while others suggest that the party of Lenin is trying to win diplomatically what it has been unable to achieve militarily.

The State Department has been working strenuously for a political settlement. Under-secretary of State Michael Armacost has indicated that the main sticking point is the development of a firm timetable for the removal of the 115,000 Soviet troops in the country. The Soviets, who took just two weeks to invade Afghanistan, say they will need 12 months to pull out. But they want the United States to cut off all arms to the Afghan resistance at the outset—not the conclusion—of their withdrawal.

This formula would turn the resistance into sitting ducks. The Soviets have given assurance that they would cease attacking the resistance on the first day of the withdrawal period and would only fight in self-defense. But the Soviets have in the past found pretexts to describe offensive moves as "defensive." And the present assurances of withdrawal from Afghanistan bear more than a passing similarity to statements made since 1980—by Soviet leaders from Brezhnev to Gorbachev—about Kremlin decisions to withdraw.

President Reagan, in an interview just before the summit, rejected even a temporary cutoff of aid to the Afghan resistance so long as "the puppet government that has been left there has a military." Mr. Reagan's statement described a sound policy. Unfortunately, Mr. Armacost and other State Department officials, as they quickly pointed out, don't consider that to be their policy.

Mr. Armacost says the United States is committed to the "understandings" being negotiated between Pakistan and the Kabul puppet regime in Geneva. Translated, that means that the resistance would get cut off on the first day of the withdrawal period.

Congressional sources, smelling a sellout, say that although portions of a draft agreement have been initialed in the U.N.-sponsored Geneva talks, the resistance has never been shown the documents or been adequately briefed. As his recent policy "misstatement" confirms, Mr. Reagan has also been kept in the dark. Deputy Assistant Secretary of State Robert Peck reluctantly admitted in congressional testimony last year that although the State Department has offered to guarantee an agreement reached in Geneva with a U.S. arms cutoff, this was done without the awareness of the President—but with the approval of Secretary of State George Shultz.

President Reagan's sound instinct is that America's policy must be to end the Soviet invasion of Afghanistan on terms set by the freedom fighters, not by Moscow. But State Department policy toward the Afghan freedom fighters appears to be based on a bizarre form of "linkage." A memo written earlier this year by Richard Solomon, State's director of policy planning, reportedly argues that to achieve arms control agreements with the Soviet Union, the United States must work to resolve regional conflicts in which we support anti-Soviet guerrillas. This precisely reverses past American policy, which tried to make arms control agreements contingent upon Soviet good behavior—cutting ties with proxy armies throughout the globe, elimination of Soviet funding for terrorist groups, etc. Mr. Solomon undoubtedly sought to pursue reverse linkage when during the summit he had talks on "regional questions" with Yevgeny Primakov, a senior adviser to Mr. Gorbachev on Afghanistan.

The Afghan freedom fighters have not battled and suffered for eight years in order to become a "regional question" resolved in bilateral superpower talks from which they are excluded. Instead, the Afghanistan experience should demonstrate the grave and very real limits of glasnost. If indeed the Soviet Union is ready to embark upon a new path as a constructive world power, it will stop financing terror and totalitarian rule throughout the world. But as the flow of arms and money to places like Nicaragua, Angola and Afghanistan show, Mr. Gorbachev remains a "traditional" Soviet leader in the sense that he still pursues the Leninist aim of world revolution.

Mr. Gorbachev can solve his Afghanistan problem tomorrow. He can leave. If he wants to arrange an orderly exit, he should negotiate with the freedom fighters he has been killing. The resistance, wisely, will not agree to give up its weapons before all the Soviet invaders have left. Ronald Reagan obviously has believed that this was his policy all along. He should mark the eighth anniversary of the Afghanistan invasion—and honor the millions who have died in the quest for freedom—by ordering his State Department minions to make it their policy, too.

[From the Wall Street Journal, Dec. 30, 1987]

THE AFGHANS STRIKE BACK

The Red Army is celebrating its eighth anniversary in Afghanistan this week by attempting to relieve a besieged Soviet garrison at Khost, near the Pakistan border. Even with hundreds of trucks and several thousand soldiers, the Soviets reportedly still haven't broken through Afghan resistance after three weeks. Is what we're hearing the sound of a crack forming in the Soviet empire?

The quick answer is certainly no. The Soviets will eventually open the road to Khost, and even if they don't they will retain an overwhelming advantage over the mujahadeen in firepower. In the longer run, however, the heroic struggle waged by the Afghan freedom fighters these past eight years sends the world the powerful message that Soviet power can be resisted successfully. The very least the U.S. can do is to resist dubious Soviet promises to "withdraw" from Afghanistan if the U.S. will stop aiding the freedom fighters.

The long battle for Khost is one indication of a startling change in the Afghan war—if the Soviets aren't yet losing, they are clearly bleeding more heavily. Armed with Stinger antiaircraft weapons supplied by the U.S., the rebels have challenged Soviet air superiority. By some accounts, the Soviets are losing a plane or helicopter nearly every day. The rebels (perhaps as many as 150,000 in the field) are also better organized and trained than ever. Morale is high, according to accounts from Afghanistan by our own William McGurn and others.

The 115,000 Soviet troops, on the other hand, have had to retreat to their earlier tactic of traveling mainly in heavily armed convoys. They remain secure inside garrisons like the one at Khost, but even these strongholds would be threatened if the rebels had access to mine-clearing equipment and long-range mortars. Since late November, the U.S. has supplied some rebels, on an experimental basis, with a mine-clearing device known as primacord. Essentially a long rope with an explosive charge, the device could clear paths through the mine fields that now protect the garrisons. To our mind, the only question is why this equipment wasn't supplied to all the rebels years ago.

The increase in Soviet casualties is getting noticed in Moscow, too. The press, which once ignored any news about Afghanistan, now talks about veterans and even current battles. Most intriguing of all, a Soviet peace movement seems to have sprung up. Last weekend, the KGB broke up antiwar demonstrations in Moscow and Leningrad. The protesters, who said they were denied a permit but marched anyway, carried banners that read, "Bring our children back alive from Afghanistan" and "Peace on earth and Afghanistan." Discovering the limits of glasnost, most were arrested and beaten.

All of which brings us back to the Soviet desire to "withdraw." No doubt Mr. Gorbachev is sincere in describing Afghanistan as a "bleeding wound," but that's a long way from letting Afghans determine their own future. As a good Leninist, Mr. Gorbachev understands that an empire built on force begins to crumble the moment its subjects no longer fear its power. He knows, and fears, the kind of message an unconditional Soviet withdrawal would send to Poles, Estonians, Moslems in Central Asia, and others intimidated by the Red Army. Mr. Gorbachev may want to bring the boys back home, but only if any government left behind in Kabul is subservient to the Kremlin.

Indeed, by some accounts the Soviets have worked steadily since 1979 to ensure Soviet influence even without troops. In a recent speech, Elie D. Krakowski, the Pentagon's director of regional defense, noted that in the northern provinces and major cities, the Soviets have stressed economic investment, cultural exchanges and the common ethnic heritage of the Tajiks and Uzbeks on both sides of the Soviet border. Only closer to the border with Iran and Pakistan—where most of the war has been fought—have the Soviets pursued their terror policy of razing villages to encourage refugees.

As Moscow dangles hope of "withdrawal," the U.S. should keep in mind what the Afghan resistance is willing to accept. The latest Soviet proposal is for its troops to take a year to withdraw, though it took them only a week to invade. Mr. Gorbachev also wants all foreign aid to the resistance ended before his troops go home. The resistance rightly considers this a formula that would guarantee the Soviets a monopoly of power in any government transition.

A few critics insist the U.S. is too eager to "fight to the last Afghan," but the point to remember is that it is the Afghans themselves who want to fight. U.S. support for their resistance is a rare case in contemporary Washington of a successful bipartisan policy. It would be a tragedy, both strategic and moral, if we abandoned their cause before every member of the Red Army had left their country.●

By Mr. THURMOND (for himself, Mr. PRYOR, Mr. LEVIN, Mr. HELMS, Mr. HOLLINGS, Mr. DOMENICI, Mr. GORE, Mr. MITCHELL, Mr. KASTEN, Mr. PROXMIRE, Mr. BINGAMAN, and Mr. DURENBERGER):

S.J. Res. 258. Joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States; to the Committee on Commerce, Science, and Transportation.

URGING CONSUMERS TO BUY AMERICAN-MADE GOODS AND SERVICES

Mr. THURMOND. Mr. President, today I am introducing a joint resolution to promote the purchasing of American products. Senators PRYOR, HELMS, HOLLINGS, GORE, PROXMIRE, BINGAMAN, KASTEN, LEVIN, MITCHELL, DURENBERGER, and DOMENICI have also joined me as original cosponsors. As we all know, foreign imports have captured a large percentage of the American market, as evidenced by our ever-growing trade deficit. This deficit has led to the loss of over 2 million vital jobs in this country between 1981 and 1987.

Foreign countries realized years ago the potential buying power of the American public. They have flooded our markets with products that are oftentimes subsidized and produced at minimal wages.

We must now remind the American public that products made in the U.S.A. provide us with our most treasured asset—jobs. Each time we purchase a product that is manufactured in this country, we are providing a boost to our economy and are helping prevent the exportation of American jobs.

Mr. President, the principle this joint resolution is based upon is quite simple and common: "Do not bite the hand that feeds you." If the American manufacturing base continues to decline due to lack of sales, so will employment and the high standard of living we all enjoy.

However, I feel if the American people become aware of the impact each purchase can have, they will begin checking each and every label and thereupon make the right choice.

Mr. President, I strongly urge my colleagues to adopt this joint resolution.

Mr. PRYOR. Mr. President, recently during my travels around Arkansas I met a man outside a hardware store in the eastern part of the State. He appeared to be in his late forties and as I talked with him I learned that he had lost his job at an apparel plant that had closed down the year before and had been unable to find permanent work elsewhere. This gentleman was not well-educated and would not be a candidate for a high-tech type of job. As a result, he had been trying to make do with a series of low-paying, temporary jobs.

His story was not unusual. A number of textile, apparel, and shoe plants have had to close their doors in Arkansas over the past few years, reducing the number of jobs available and flooding the market with experienced workers.

On one day alone late in 1984, my State lost 1,886 jobs when textile plants in two towns on opposite sides of the State were shut down. Unfortunately, these closings had become an all too common occurrence in Arkansas. Since 1982 we have had textile, apparel, and footwear plant closings in Brinkley, Conway, Heber Springs, Tyronza, Little Rock, Stuttgart, Batesville, Crossett, Dermott, Forrest City, Leachville, Marianna, Mayflower, Beebe, Mena, Arkadelphia, Star City, Osceola, Piggott, Paragould, Monticello, my hometown of Camden, Hampton, Augusta, Morrilton, Menifee, Manila, Paris, and Pine Bluff.

In 1970, Arkansas firms employed 4,200 textile workers, 16,000 apparel workers, and 7,590 shoe workers. Last year that number had shrunk to 1,800 textile workers, 10,700 apparel workers, and 4,920 shoe workers.

In addition, the agricultural, timber, and oil sectors of our economy have become depressed and offer little or no employment opportunity.

The gentleman I talked with in Arkansas was typical of many of the recently unemployed. He was not looking for sympathy or a hand out, but he did have a number of very sensible questions concerning our trade policy: Did I think it was fair that U.S. workers were competing against foreign workers who received only a few dollars a day and worked under sweatshop conditions? Were the TV reports true that other countries were keeping U.S. goods out of their markets? Finally, he politely asked the bottom-line question. What was our Government going to do about it?

The joint resolution we are introducing today does not solve all these problems. It is not a substitute for a comprehensive trade bill which I hope we will adopt soon. However, this joint resolution recognizes the natural patriotism of the American people and their concern and desire to do something about our national trade problem given the opportunity.

Our joint resolution would ask public officials, civic leaders, and organizations to educate the American people on the importance of "Buying American"; whenever feasible.

To be honest, it's not an idea that's original to those of us introducing the joint resolution today. In Arkansas we've already seen the Buy-America concept instituted and proven by the man just recently listed as the richest man in America. Sam Walton of Bentonville, AR, the founder and chairman of Wal-Mart stores, announced in March 1985 his own Buy-America program. Mr. Walton has worked with American manufacturers to provide the leadtimes, specifications, levels of cooperation, and assured markets necessary to them to install the improved equipment and machinery necessary to increase their productivity and product quality while offering the lowest possible price. He has proven the value of working to develop American suppliers rather than turning automatically to those overseas. The idea of a national Buy-America resolution was first brought to me earlier this year by another Arkansan, Mr. Harold Jinks of Piggott, AR, who has dedicated his adult life to public service.

Our joint resolution is a simple one. It calls on the President, the Governors, and the mayors to promote the "Buy-American" concept by issuing proclamations calling on the American people to support American manufacturing and service providers. It also requests civic leaders, consumer organizations, the mass media, and manufacturers to do all they can to promote awareness of the origin of goods and services and the importance of selecting American-made goods and services.

As I said before, we realize that such a joint resolution cannot by itself erase our trade deficit. However, we believe the American people are patriotic and are concerned about doing their part to protect American industries and jobs. When given the choice, our people want to be able to buy an American product.

Whether it be an automobile or a blouse, a television set or a tractor, the American consumer makes millions of purchases each day. We hope you will join us in our campaign to influence these purchase decisions and thus save the jobs of thousands of working men and women in this country.

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. MITCHELL, the names of the Senator from New Hampshire [Mr. RUDMAN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990 1991, and 1992.

S. 714

At the request of Mr. SPECTER, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 714, a bill to recognize the organization known as Montford Point Marine Association, Inc.

S. 783

At the request of Mr. HEINZ, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 783, a bill to amend the Tariff Schedules of the United States to correct the tariff rate inversion on certain iron and steel pipe and tube products.

S. 1052

At the request of Mr. SPECTER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1052, a bill to establish a National Center for the U.S. Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1505

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1505, a bill to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience and for other purposes.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. DANFORTH], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. BRADLEY] was withdrawn as a cosponsor of S. 1522, supra.

S. 1586

At the request of Mr. KERRY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1595

At the request of Mr. DOMENICI, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1595, a bill to amend title 5, United States Code, to provide for the establishment of a voluntary leave transfer program for Federal employees, and for other purposes.

S. 1673

At the request of Mr. CHAFEE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1673, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 1785

At the request of Mr. DIXON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. BURDICK], the Senator from Massachusetts [Mr. KERRY], the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. MELCHER], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1785, a bill to amend section 601 of title 17 of the United States Code, the Copyright Act.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases on their benefits accordingly, and for other purposes.

S. 1969

At the request of Mr. HEINZ, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1969, a bill to provide improved programs for training and self-employment in the case of unemployment compensation.

S. 2003

At the request of Mr. GRAMM, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Louisiana [Mr. BREAUX], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from California [Mr. WILSON], the Senator from Virginia [Mr. WARNER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2009

At the request of Mr. DOLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2009, a bill to establish a national advisory council on children's issues, to provide a Federal-State Child Care Grant Program, and for other purposes.

S. 2015

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2015, a bill to amend the Immigration and Nationality Act to extend for 1 year the application period under the legalization program.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 212

At the request of Mr. DIXON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. SANFORD], the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. MCCLURE], the Senator from Maine [Mr. MITCHELL], the Senator from Virginia [Mr. WARNER], the Senator from Missouri [Mr. DANFORTH], the Senator from Vermont [Mr. STAFFORD], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. WILSON], the Senator from Florida [Mr. CHILES], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. WIRTH], the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. TRIBLE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Montana [Mr. BAUCUS], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. PRYOR], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. WEICKER], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. Adams], the Senator from New Jersey [Mr. Bradley], the Senator from Texas [Mr. Bentsen], the Senator from Kansas [Mrs. Kassebaum], the Senator from New Jersey [Mr. Lautenberg], the Senator from Georgia [Mr. Fowler], the Senator from New Mexico [Mr. Domenici], the Senator from New Hampshire [Mr. Humphrey], the Senator from Delaware [Mr. Roth], the Senator from Idaho [Mr. Symms], and the Senator from Alabama [Mr. Heflin] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 224

At the request of Mr. Hecht, the names of the Senator from Delaware [Mr. Biden] and the Senator from Utah [Mr. Hatch] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the names of the Senator from Montana [Mr. Melcher], the Senator from Tennessee [Mr. Gore], the Senator from Virginia [Mr. Trible], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 244

At the request of Mr. Exon, the names of the Senator from South Dakota [Mr. Pressler], the Senator from New York [Mr. Moynihan], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Illinois [Mr. Dixon] were added as cosponsors of Senate Joint Resolution 244, a joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 246

At the request of Mr. DeConcini, the name of the Senator from Wyoming [Mr. Simpson] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 247

At the request of Mr. Bradley, the names of the Senator from Maine [Mr. Mitchell], the Senator from South Carolina [Mr. Thurmond], the Senator from Washington [Mr. Evans], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of Senate Joint Resolution 247, a joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 248, a joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Arkansas [Mr. Bumpers], the Senator from Minnesota [Mr. Durenberger], the Senator from Ohio [Mr. Glenn], the Senator from Pennsylvania [Mr. Heinz], the Senator from Florida [Mr. Graham], the Senator from Nevada [Mr. Reid], the Senator from Delaware [Mr. Biden], the Senator from Oklahoma [Mr. Nickles], the Senator from Minnesota [Mr. Boschwitz], the Senator from New Jersey [Mr. Bradley], the Senator from Indiana [Mr. Lugar], the Senator from Michigan [Mr. Levin], the Senator from Vermont [Mr. Leahy], the Senator from North Dakota [Mr. Burdick], the Senator from Rhode Island [Mr. Chafee], the Senator from Arizona [Mr. DeConcini], the Senator from Illinois [Mr. Dixon], the Senator from Connecticut [Mr. Dodd], the Senator from Delaware [Mr. Roth], the Senator from Maryland [Mr. Sarbanes], the Senator from Illinois [Mr. Simon], the Senator from California [Mr. Wilson], the Senator from New Hampshire [Mr. Humphrey], the Senator from Utah [Mr. Hatch], the Senator from Tennessee [Mr. Gore], the Senator from Nebraska [Mr. Exon], the Senator from Arkansas [Mr. Pryor], the Senator from Nebraska [Mr. Karnes], the Senator from Washington [Mr. Adams], the Senator from Hawaii [Mr. Inouye], the Senator from Arizona [Mr. McCain], the Senator from Wisconsin [Mr. Proxmire], the Senator from South Dakota [Mr. Pressler], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], the Senator from Virginia [Mr. Trible], the Senator from Connecticut [Mr. Weicker], the Senator from South Dakota [Mr. Daschle], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Massachusetts [Mr. Kerry], the Senator from Ohio [Mr. Metzenbaum], the Senator from Alaska [Mr. Murkowski], the Senator from South Carolina [Mr. Thurmond], the Senator from Maine [Mr. Mitchell], the Senator from New York [Mr. D'Amato], the Senator from Maryland [Ms. Mikulski], the Senator from Massachusetts [Mr. Kennedy], the Senator from New York [Mr. Moynihan], the Senator from Wisconsin [Mr. Kasten], the Senator from Idaho [Mr. McClure], and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the names of the Senator from Connecticut [Mr. Dodd], the Senator from Alaska [Mr. Murkowski], the Senator from Ohio [Mr. Glenn], the Senator from California [Mr. Wilson], the Senator from Michigan [Mr. Levin], the Senator from New Hampshire [Mr. Humphrey], the Senator from Hawaii [Mr. Matsunaga], the Senator from Nevada [Mr. Hecht], the Senator from South Dakota [Mr. Daschle], the Senator from Virginia [Mr. Warner], the Senator from Texas [Mr. Bentsen], the Senator from South Dakota [Mr. Pressler], the Senator from Florida [Mr. Chiles], the Senator from Oklahoma [Mr. Nickles], the Senator from Georgia [Mr. Fowler], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr. Proxmire], the Senator from New Mexico [Mr. Domenici], the Senator from Arkansas [Mr. Pryor], the Senator from Pennsylvania [Mr. Heinz], the Senator from Oklahoma [Mr. Boren], the Senator from South Carolina [Mr. Thurmond], the Senator from Colorado [Mr. Wirth], the Senator from Wyoming [Mr. Simpson], the Senator from Vermont [Mr. Leahy], the Senator from Wisconsin [Mr. Kasten], the Senator from Maine [Mr. Mitchell], the Senator from Wyoming [Mr. Wallop], and the Senator from New York [Mr. Moynihan] were added as cosponsors of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Humphrey, the names of the Senator from Indiana [Mr. Lugar] and the Senator from Illinois [Mr. Simon] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Adams, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Vermont [Mr. Leahy], the Senator from New Jersey [Mr. Bradley], the Senator from North Carolina [Mr. Sanford], the Senator from Hawaii [Mr. Inouye], the Senator from Nebraska [Mr. Exon], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Levin], the Senator from Massachusetts [Mr. Kerry], the Senator from Maryland [Ms. Mikulski], the Senator from Wisconsin [Mr. Proxmire], the Senator from Connecticut [Mr. Weicker],

and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

AMENDMENTS SUBMITTED

SENATORIAL ELECTION CAMPAIGN ACT

BOREN AMENDMENT NO. 1403

Mr. BOREN proposed a motion to recommit the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; with instructions to report back forthwith with the following amendment:

Strike all after the enacting clause and insert the following "That this Act may be cited as the "Senatorial Election Campaign Act of 1987".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,001, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided*, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BYRD AMENDMENT NO. 1404

Mr. BYRD proposed an amendment to the motion to recommit with instructions proposed by Mr. BOREN to the bill S. 2, supra; as follows:

In the instructions strike all after "SEC. 2" and insert the following:

The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $149,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend, for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

BOREN AMENDMENT NO. 1405

Mr. BOREN proposed an amendment to amendment No. 1404 proposed by Mr. BYRD to the motion to recommit with instructions proposed by Mr. BOREN to the bill S. 2, supra; as follows:

In the amendment strike all after the word "Federal" on line 3 and Insert the following:

Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC MATCHING PAYMENTS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'contribution' includes a payment described in section 301(8)(B)(x), made by a State or local committee of a political party, if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section 301(8)(B)(x) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(5) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, such term shall begin on the first day following the date of the last general election and ending on the date of the next election;

"(6) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive payments under this title;

"(7) the term 'expenditure' includes a payment described in section 301(9)(B)(viii), by a State or local committee of a political party if—

"(A) the sum of the amount of such payment and the total amount of all previous such payments by such committee during the same election cycle exceeds the amount determined by multiplying one cent times the voting age population of the State in which the election is held; or

"(B) if any portion of such payment is used—

"(i) for the purpose of purchasing, leasing, or otherwise procuring, or procuring the use of, any telephone, computer, computer program, or mass mailing equipment; or

"(ii) for any purpose other than the purchase of materials described in section

301(9)(B)(viii) which are to be used by individuals in the performance of services described in section 301(8)(B)(i) or are to be distributed by individuals providing such services;

"(8) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(9) the term 'general election period' means the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved and ending on the date of such election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(10) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister, of the candidate and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(11) the term 'major party' means 'major party' as defined in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(12) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(13) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(14) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(15) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(16) the term 'Senate Fund' means the Senate Election Campaign Fund maintained by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(17) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, as determined by the Commission—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the date of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or at least equal to $150,000, whichever is greater, up to an amount that is not more than $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate by such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended and will not expend for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b) or more than $2,750,000, whichever amount is less, unless such amount is increased pursuant to section 503(g);

"(4) certify to the Commission under penalty of perjury that such candidate has not expended and will not expend for runoff elections, if any, more than 20 percent of the maximum amount of the limitation applicable to such candidate as determined under section 503(b), unless such amount is increased pursuant to section 503(g);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the candidate's authorized committees—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved in excess of the limitation on expenditures established in section 503(b);

"(D) will deposit all payments received under this section at a national or State bank in a separate checking account which shall contain only funds so received, and will make no expenditures of funds received under this section except by checks drawn on such account;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission;

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(G) will not use any broadcast station, as such term is used in section 315 of the Communications Act of 1934, for the television broadcasting of a political announcement or advertisement during which reference is made to an opponent of such candidate unless such reference is made by such candidate personally and such candidate is identified or identifiable during at least 50 percent of the time of such announcement or advertisement, if such opponent has agreed to the requirements of this title or has received funds pursuant to the provisions of this title; and

"(8) apply to the Commission for payments as provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election for the office of United States Senator no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who receives a payment for use in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $20,000, during the election cycle.

"(b) Except as otherwise provided in this Act, no candidate who receives matching payments for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends, for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less, except as provided in subsection (g).

"(e) No candidate who is otherwise eligible to receive payments for a general election under this title may receive any such payments if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b), except as provided in subsection (g).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) Notwithstanding the provisions of subsection (b), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a payment for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(3) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) the Fund contains only contributions (including contributions received from individuals which, when added to all other contributions and matching payments, exceed the limitations on expenditures) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total of contributions to, and expenditures from, the Fund will not exceed 10 percent of the limitation on expenditures for the general election determined under subsection (b); and

"(C) no transfers may be made from the Fund to any other accounts of the candidate's authorized committees, except that the Fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the Fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any funds left when the candidate terminates or dissolves the fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the two-year election cycle preceding the candidate's election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsection (d) and subsection (e), as they apply to such candidate, shall be increased in an amount equal to the amount of such expenditures.

"(h) If the provisions of section 506(c) apply and such candidate does not receive his full entitlement to matching payments, such candidate may accept aggregate contributions in an amount which, when added to the aggregate expenditures made by such candidate do not exceed the limitation on expenditures applicable to such candidate pursuant to section 503.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) eligible candidates shall be entitled to matching payments under section 506 in an amount equal to the amount of each contribution received by such candidate and such candidate's authorized committees, provided that in determining the amount of each such contribution—

"(A) the provisions of section 502(b) shall apply; and

"(B) the contributions required by section 502(a)(1) shall not be eligible for matching payments under this title; and

the total amount of payments to which a candidate is entitled under this paragraph shall not exceed 50 percent of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1);

"(2)(A) an eligible candidate who is a candidate of a major party shall be entitled to a payment under section 506 in an amount equal to the amount of the limitation determined under section 503(b) with regard to such candidate, if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election;

"(B) an eligible candidate who is not a candidate of a major party shall be entitled to matching payments under section 506, equal to the amount of contributions received by such candidate and the candidate's authorized committees if any candidate in the same general election not eligible to receive payments under this title either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions matched under subparagraph (A) of this paragraph or required to be raised under section 502(a)(1) shall not be eligible to be matched under this paragraph; and

the total amount of payments to which a candidate is entitled under this subsection shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate;

"(3) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b) of the Communications Act of 1934; and

"(B) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved by any person in opposition to, or on behalf of an opponent of, such eligible candidate, as reported by such person or determined by the Commission under subsection (f) or (g) of section 304.

"(b) A candidate who receives payments under paragraph (2) or (3)(B) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c) A candidate who receives payments under this section may receive contributions and make expenditures for the general election without regard to the provisions of subparagraphs (A) and (C) of section 502(a)(7) or subsections (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes aggregate expenditures for such election which exceed twice the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Payments received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such payments shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"(e)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to matching payments equal to the amount of contributions eligible to be matched which are received from individuals in amounts of $250 or less, to be paid in—

"(A) multiples of $20,000 under section 506, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(B) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the amount equal to the difference between the amount of the limitation for such candidate determined under section 503(b) and the amount required to be raised by such candidate to establish eligibility under section 502(a)(1).

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive payments under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall, from time to time, deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate for the next presidential election. The monies designated for such account shall remain available without fiscal year limitation.

"(b) Pursuant to the priorities provided in paragraph (3) of subsection (c), upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"(3) If the provisions of this subsection apply and the monies in the fund are not sufficient to satisfy the full entitlement of all candidates, in addition to the procedures provided in paragraph (2), the Secretary shall give priority to general election payments and pay such payments, or portions thereof, before other payments made pursuant to this title.

"(d) On February 28, 1993, and each February 28 of any odd-numbered calendar year thereafter, the Commission shall determine the total amount in the Fund attributable to amounts designated under section 6096 of the Internal Revenue Code of 1986 and evaluate if such amount exceeds the total estimated expenditures of the Fund for the election cycle ending with the next Federal election. If it is determined that an excess amount exists, the Secretary of the Treasury shall transfer such excess to the general funds of the Treasury of the United States.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign account of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any payment made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such funds.

"(d) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received payments under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure up to an amount not in excess of the payments received pursuant to section 504.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept payments under this title in excess of the aggregate payments to which such candidate is entitled or knowingly or willfully use such payments for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any payment under this title, or to whom any portion of any such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any payments received by any candidate who receives payments under this title, or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal payment in connection with any payments received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or payment received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": *Provided,* That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(8) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of such Act;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(8), each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for United States Senator who qualifies for the ballot for a general election, as such term is defined in section 501(8)—

"(A) who is not eligible to receive payments under section 502, and

"(B) who either raises aggregate contributions or makes aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election. If such total is less than two times the limit, such candidate thereafter shall file a report with the Commission within 24 hours after either raising aggregate contributions or making aggregate expenditures for such election which exceed twice the amount of the limitation determined under section 503(b), setting forth the candidate's total contributions and total expenditures for such election.

"(2) The Commission, within 24 hours after such report has been filed, shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504, about each such report, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(8), who is not eligible to receive payments under section 504, has raised aggregate contributions or made aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election or exceed double such amount. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive payments under section 504 about each such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any (including those described in subsection (b)(6)(B)(iii)), made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(8), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph made by the same person in the same election shall be reported, within 24 hours after, each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. If any such independent expenditures are made during the general election cycle, and if such candidate is eligible to receive payments pursuant to title V of this Act, the Commission shall, within 24 hours after such report is made, notify such candidate in the election involved about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment of the amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(8), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive payments under section 504 about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or making of expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multi-candidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

SEVERABILITY

SEC. 13. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 14. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS

MELCHER AMENDMENT NO. 1406

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill (S. 1703) to amend the Indian Self-Determination and Education Assistance Act, and for other purposes; as follows:

Section 209 of S. 1703, as reported, is amended by deleting Section 209 in its entirety and the following new section is substituted in lieu thereof:

TRIBAL SELF GOVERNANCE PLANNING PROJECT

(1) Notwithstanding any other provision of law, the Bureau of Indian Affairs shall administer the $1,000,000 provided for a "Tribal Governance Demonstration Project" in the Continuing Resolution making appropriations for FY 88 according to the following criteria:

(a) The agency shall award competitive grants to tribes which submit applications for the purpose of planning tribal budgets according to tribally determined priorities.

(b) The Secretary shall determine the amount of grant award based upon the budget justification proposed by each tribe.

(c) At least one grant shall be awarded to a tribe in each of the 12 areas of the BIA.

(d) None of the formula education funds for: (1) tribally controlled community colleges under the authority of P.L. 95-471 as amended; (2) BIA funded elementary and secondary schools under the authority of P.L. 95-561; (3) Johnson O'Malley funds shall be included in the consolidated grant planning process.

(e) The Secretary shall only approve legal and consulting fees which are based upon actual billable hours; but in no event shall such fees exceed 10% of the total grant.

(f) In order to be eligible to apply for grants under this section, a tribe must be able to document that it has had no significant audit exceptions for the two fiscal years immediately preceding the application date.

(g) Each tribe which applies for a grant under this section must agree to conduct a public hearing within the reservation boundries to provide tribal members the opportunity to recommend and comment on the proposed tribally determined budgets; and further, any objection to the tribal plan registered by a tribal program be noted in the final plan.

(h) Each tribe which applies for a grant under this section shall be required to submit a tribal council resolution approving such application.

(i) A copy of each plan developed by the tribes receiving grants under this section shall be submitted by the BIA to the Select Committee on Indian Affairs and to the House Interior and Insular Affairs Committee.

(2) Within three months of enactment, the Secretary shall provide the following information to Congress and to each tribe that receives a planning grant under this section (1):

(a) All financial and program data, for the two previous fiscal years, including direct and indirect program accounts, which relate to the provision of services and benefits to each tribe which receives a grant under this section;

(b) A statement explaining the impact which the consolidated block grant funding will have upon the trust responsibility for tribes which would implement a consolidated block grant budget;

(c) A statement of how consolidated block grant funding would affect the tribe's periodic needs for special assistance from the BIA including, but not limited to the following areas; litigation support, construction, and technical assistance for economic development;

(d) A statement on the methodologies which the BIA is utilizing to determine the direct and indirect program funds and accounts which are related to the provision of services to the tribes which receive planning grants under this section and how such funds would be transferred to the tribes;

(e) A statement on how the consolidated block grant funding would relate funds for facilities management of federal buildings and staffing patterns at the BIA agency and area offices;

(f) A statement explaining how the budgets for consolidated tribal budgets would be presented to the Congress for appropriations purposes and how this would relate to the appropriations made for categorical programs; and

(g) A statement explaining how federal regulations would be applied to tribally prioritized budgets.

Mr. MELCHER. Mr. President, I am offering an amendment to S. 1703, the Indian Self-Determination and Education Assistance Act Amendments of 1987 as reported by the Select Committee on Indian Affairs.

I am offering this amendment to the bill, because of the numerous recommendations and concerns which have been expressed to me by Indian tribes and the Indian educational community about a consolidated tribal block grant initiative in relationship to S. 1703.

During the committee's consideration of S. 1703, section 209 was added to establish a limited demonstration project whereby tribal governments would plan tribally prioritized budgets based upon the total tribal and BIA funds dedicated to a particular tribe. The idea, as I understand it, is to see if the tribes can do a better job of planning programs which are more responsive to tribal needs than the Federal Government has done. I think that this concept should be explored and, in all likelihood, there are tribes which could do a better job of designing tribal budgets than the BIA, IHS, and Congress have done. On the other hand, there are many unanswered questions about the concept. These questions include how trust responsibility would be impacted; what the role of the BIA would be for a tribe which implemented block grants; and how the BIA and Congress would handle appropriations requests for tribes under a block grant program.

I have serious reservations concerning the initiative as it has evolved over the past few months. I strongly objected to the inclusion of section 209 in S. 1703 because there are too many unanswered questions which could result in the bill being held up, either in the Senate or the House.

However, since the select committee reported the bill in December, the continuing resolution for fiscal year 1988 included a $1 million appropriation for a tribal governance demonstration project. The conference report identified 10 tribes which are to receive grants of $100,000 apiece for the purpose of planning tribally determined budgets. I understand that these tribes were selected because they were present at a hearing held by the House Interior Appropriations Committee when the Assistant Secretary for Indian Affairs announced the tribal governance demonstration in concept only. The 10 tribes which were at the hearing expressed a willingness to enter into a demonstration project, provided that funds were made available and were subsequently predesignated for funding under the project.

This provision was included in the appropriations bill even though it has not been considered by the authorizing committees. The wheels are being set into motion to forge ahead with a new policy without the benefit of the deliberations of either Congress or the Indian tribes. The tribal governance demonstration project is a complex proposal which I believe should be in authorizing legislation. That is why I am introducing this measure today.

To be fair to the approximately 275 other federally recognized tribes which did not have an opportunity to be at the hearing nor to express an interest in the demonstration project in establishing the program, Congress should allow all interested tribes to submit proposals to the BIA.

Recently, Senator INOUYE and Senator EVANS introduced an amendment to S. 1703, at the request of the 10 designated tribes, listed in the continuing resolution. This amendment would strike section 209 from the bill and substitute a new section 301. It would establish a 5-year tribal governance demonstration project for the 10 tribes. It would extend the planning grants to 2 years; authorize implementation of the tribal budgets without further scrutiny by Congress; exempt the tribes from Federal program regulations; and subject all the funds—including formula education grants and BIA administrative funds—to a block grant budget which each tribe would administer as it sees fit. That compounds the problem by creating a lot of uncertainties.

These developments compel me to offer an amendment as an alternative to the Inouye/Evans proposed amendment. My amendment could be considered as an amendment to S. 1703. I am offering it today so that it can be considered at the hearing which the Select Committee on Indian Affairs will be holding on this issue on Thursday, February 18.

My amendment would: First, require the BIA to utilize the $1 million appropriation for competitive grants for which any interested tribe could apply. The 10 tribes identified in the conference report for the continuing resolution would also have to apply for funds, but I assume that they would be in an excellent position to compete; second, it would establish certain criteria for the grant awards; third, it would exempt formula educational grants from the block grant planning process, a provision which is an absolute bottom line to the Indian educational community and has been requested by many Indian educational groups; fourth, require the tribes to include public participation by their members in the development of proposed tribal budgets; fifth, require congressional review prior to implementation; and sixth, require the BIA to provide a report to Congress and the tribes about the potential impact of block grants on trust responsibility and other pertinent issues.

Mr. President, the concept of block granting Federal funds is not new—the potential benefits and shortcomings of the concept as it applies to State and local governments have been vigorously debated in Congress. I hope my colleagues will agree that it is the responsibility of Congress to prudently examine the tribal governance demonstration project before moving forward to implementation of block granting Bureau of Indian Affairs funding for tribes. We should not rush headlong into a concept which has not been fully considered by the substantive committees of Congress nor by the tribes. Under my amendment, the tribal plans would be thoroughly reviewed, and the Department of the Interior's role in the process would be clarified. This course of action is necessary and prudent.

I ask unanimous consent that a letter of support from the American Indian Higher Education Consortium, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN INDIAN HIGHER
EDUCATION CONSORTIUM,
Washington, DC, February 16, 1988.

Hon. JOHN MELCHER,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR MELCHER: On behalf of the American Indian Higher Education Consortium (AIHEC), I am happy to hear that you are preparing an amendment to S. 703 which would make clear that funds received by the tribally controlled community colleges under the authority of P.L. 95-471 as amended, would be exempt from the tribal block grant demonstration projects currently being considered by Congress.

Please understand Senator, that AIHEC does not wish to preclude tribes from participating in a block grant funding approach if this is the wish of tribal governments. We do however, have great concern with the idea that education formula funds received by education institutions such as tribal colleges under separate statute be made a part of such a block grant. The principle of block granting education funds to a governmental entity, be it a tribal government or a state government which detracts from a specific formula allocation developed by federal statute directing federal dollars to schools or students is one that represents a real danger to the education community—Indian and non-Indian alike.

The language you offer to S. 1703 is a commonsense approach which AIHEC supports totally. Please know we stand ready in anyway to assist you in this endeavor.

Sincerely,

JOHN FORKENBROCK,
Acting Director, American Indian Higher Education Consortium.

BUREAU OF THE MINT AUTHORIZATION ACT

GRAMM AND PROXMIRE AMENDMENT NO. 1407

Mr. KASTEN (for Mr. GRAMM, for himself and Mr. PROXMIRE) proposed an amendment to the bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes; as follows:

Strike section 2.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that three hearings have been scheduled before the full Committee on Energy and Natural Resources.

The first hearing will take place Tuesday, March 1, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of the Interior for fiscal year 1989.

The second hearing will take place Tuesday, March 1, 1988, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

The third hearing will take place Thursday, March 3, 1988, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC. The purpose of this hearing is to consider the President's proposed budget for the Federal Energy Regulatory Commission for fiscal year 1989 and to consider the President's proposed budget for the Forest Service for fiscal year 1989.

For further information, please contact Betsy Moler, senior counsel, at (202) 224-0612.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 17 to hold a hearing on Treaty Document 100-10, the Ozone Treaty; and at approximately 11 a.m. to hold a brief business meeting. (Agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources full committee be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, for a full committee business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 17, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 17, 1988 to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Wednesday, February 17, 1988, to hold hearings on S. 2037, the Presidential Transition Effectiveness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, February 17, to conduct a hearing on S. 1804, a bill to amend the Refuge Administration Act to designate the coastal plain of Arctic National Wildlife Refuge as wilderness, and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WARWICK, MASSACHUSETTS CELEBRATES 225TH BIRTHDAY

● Mr. KENNEDY. Mr. President, I would like to bring to your attention today a small but prominent Massachusetts town which is a monument to its heritage. Today, February 17, 1988, Warwick, MA, celebrates its 225th birthday.

The name "Warwick" originated with Guy, Earl of Warwick who played a prominent role in the colonization of New England. The first official census was taken in 1765 and the population then was 191. Today the town has grown to 603 citizens.

In 1735 a grant of the township was made by the Province of Massachusetts Bay. One hundred years after the Pilgrims landed at Plymouth, settlers had gradually moved westward to the area. Some were veterans of the Canadian campaign of 1690 under

Captain Gardner of Roxbury. The town was first known as Gardner's Canada and it grew rapidly during the French and Indian Wars.

Warwick and its people have met with difficult circumstances overcoming declining population and industry. The town was historically bypassed by modern transportation on account of its rugged, picturesque terrain. It has survived the test of time, preserving its proud heritage and identity amidst the growth of surrounding towns and cities.

Warwick has been blessed with beautiful mountain vistas provided by Mount Grace, and the verdant forests in surrounding parks are a haven for those who love the outdoors. The fishing, hunting, and winter sports are a source of recreation for the residents of the area.

Twenty-five years ago, the 200th anniversary was celebrated under the direction of Fred Harris, a descendant himself of the proud pioneer settlers. The Labor Day event was capped by a parade attended by a crowd of 15,000 who gathered to commemorate the town's birthday.

I am proud to join with its distinguished citizens in celebrating the 225th birthday of Warwick, MA.●

THE UNIVERSITY OF KENTUCKY CHEERLEADERS

● Mr. McCONNELL. Mr. President, I rise today to praise the extraordinary accomplishment of the cheerleading squad at the University of Kentucky. At the annual National College Cheerleading Championship in San Diego last month, the University of Kentucky squad won their second consecutive national championship and third in 4 years. This is significant in that no other squad in the country has ever won two championships.

Major college cheerleading has evolved into more than just the impetus for igniting enthusiasm at campus sporting events. Cheerleading has become a sport of its own, combining dance and gymnastics into a brilliantly choreographed display of enthusiasm.

The cheerleaders, in addition to devoting time to their studies, spend exhaustive hours practicing and working out. I happen to know that many of them continue practicing their drills on their own free time. This dedication has produced cheerleaders who are talented athletes committed to being the best.

In addition, as celebrities in the central Kentucky area, the University of Kentucky cheerleaders spend much time in service to their community by attending charitable events. I commend this activity and join all Kentuckians in expressing sincere pride in the many achievements of this outstanding group of young people.

Mr. President, I would like to have the names of the cheerleading squad printed in the Record so that my colleagues can join me in extolling their unique contribution to their campus and community.

They are as follows: Cocaptain Barry Applegate; Jeff Baker; Rebecca Bach; Evan Elliot; Stewart Haven; John Jackson; Cocaptain Lori Gooch; Chance McGuire; Tracy Neal; Bobbi Wilson; Shawn Tackett; Rick Dynis; Donna Parsons; and their adviser, Mr. T. Lynn Williamson.●

LITHUANIAN INDEPENDENCE DAY

● Mr. BUMPERS. Mr. President, as an American, it never really comes as a surprise for me to hear the word "freedom" used in any number of ways, by any number of people, on any given day. For us, the images the word brings to mind are ingrained deep in the American soul, creating broad mental landscapes which constitute the entire sum of the American experience. It is all too easy for us, however, to become complacent about our freedom, and to take all that is good for granted. One of the best antidotes for this complacency is to remember those for whom freedom is only a word, not an experience which marks each living day.

For the great many people who have never experienced the unrestricted freedom that our country enjoys, freedom exists as a dream, tangible without being real, desired by people confined and restricted by unwanted governments armed with ideologies of oppression, and constitutions demanding subservience. These are the nations that serve, however unwillingly, as teachers for the rest of the free world, nations which make us appreciate our own freedom.

Consequently, it is with pride and pleasure coupled with frustration and sorrow, that I recognize the 70th anniversary of the Nation of Lithuania—a nation born in freedom, a people who to this day fight to regain their independence.

On February 16, 1918, Lithuania proclaimed its independence to the world. In so doing, the message of freedom's inherent worth and the objective right of all people of all nations to continue in their quest for self-governance, resounded throughout our world.

Like all things worthwhile, Lithuania's independence came with great hardship. The birth of the nation came in 1251 when King Mindaugas was baptized as king of a united Lithuania. Lithuania remained a free state until 1795 when it came under the control of czarist Russia. It was not until 122 years later, at the end of World War I, that Lithuania was once again permitted to establish itself as a nation possessing the skills and desires to become a self-governing state. In 1920 an accord was signed by the Soviet Union with Lithuania recognizing Lithuanian sovereignity for all time. For 20 years Lithuania flourished economically and politically as a self-governing entity. Like all free people, Lithuanians planted the seeds for democracy, and tasted the sweet fruits of freedom that democracy yields.

In 1940, however, the Soviet Union proved to the world what the world had always suspected, that freedom held no place under Stalinist totalitarianism. The Soviets violated the treaty they signed with the Lithuanians, and a forced annexation of the Lithuanian state followed. Once again the people of Lithuania were forced to adhere to a system of government to which they did not consent, a system of tyranny that answered protestation with banishment and imprisonment.

Indeed, time and time again, case after documented case of Soviet violence toward peaceful Lithuanian protest has been made known to the free world. The world has responded by calling on Soviet leaders to recognize the rights of Lithuanians and to grant independence to the Lithuanian nation. Thus far all words have fallen on deaf ears. And yet the people of Lithuania and their relatives in this country continue to hope and pray. In Hot Springs, AR, where there is a strong constituency of Lithuanians, cries for freedom can still be heard.

I want to say to all free Lithuanians and to all Lithuanians still living under Soviet domination: Take heart, hope is present, especially today. We must continue to press General Secretary Gorbachev to carry out his policy of glasnost and apply it to Lithuania. Mr. Gorbachev, if you are truly committed to the basic rights with which all people are endowed, give back to Lithuania the right of self-determination. Give back to Lithuania the promise that your own government signed in 1920, the promise that fulfills every person's greatest yearning. Give them freedom.●

LEWIS L. JUDD, M.D. NEW DIRECTOR OF THE NATIONAL INSTITUTE OF MENTAL HEALTH

● Mr. DOMENICI. Mr. President, while we were engrossed in the year-end legislative rush last December, a soft-spoken and accomplished scientist assumed the reins of control at our country's National Institute of Mental Health [NIMH]. Dr. Lewis L. Judd was appointed to this key post by Secretary of Health and Human Services, Dr. Otis R. Bowen.

I bring this distinguished man to the attention of my colleagues for many reasons. Most importantly, he is a major contributor to the scientific revolution that is rapidly pushing back our curtain of ignorance about mental illnesses.

Dr. Judd adds a new feeling of excitement and hope in our nation's battles against depression, schizophrenia, drug and alcohol abuse, and the homeless who are mentally ill.

Nancy Domenici joined me and several key Senate staff members earlier this month to discuss Dr. Judd's first major initiative—a national plan for schizophrenia research.

True to his reputation, Dr. Judd is leading us in a new scientific direction. He has worked hard to establish the tie between behavioral and biological phenomena in schizophrenia. Much of the high regard among his colleagues comes from his work to establish this vital linkage.

Dr. Judd's new plan for schizophrenia research will go much farther. If adopted in whole, this plan will enable us to achieve the benefits of coordinated research. The plan for coordinating this complicated subject will allow NIMH to investigate the genetics of schizophrenia; conduct studies of viral factors as they affect the immune system; examine brain pathology; and add a healthy dose of brain chemistry as well as data from the behavioral sciences.

There are very few, if any, scientists as well qualified as Dr. Lewis L. Judd to lead our Nation into the inner realms of our own brains and neurological systems. Allow me to quote University of California at San Diego [UCSD] Chancellor Richard Atkinson, upon Dr. Judd's appointment to head NIMH:

> Lewis Judd has made brilliant contributions to the field of psychiatry. He has also been a superb chairman of the department of psychiatry at UCSD. Given this track record, I expect him to be a truly distinguished director of NIMH. These are challenging times filled with opportunity for the Institute and I can think of no better leader.

Another colleague, Dr. David Kupfer, chairman and professor of psychiatry at the University of Pittsburgh, said,

> Everybody in the academic world—that is, among university departments of psychiatry—is extremely excited about this appointment.

Dr. Lew Judd "is perceived as an extraordinarily able leader in academic psychiatry," said Dr. Melvin Sabshin, medical director of the American Psychiatric Association. "He has built the—UC San Diego—department into a model academic department."

A review of Dr. Judd's vitae gives the reader a strong feeling of confidence in the new director's grasp of the subject matter. His accomplishments are very impressive.

Dr. Judd's concern for the real world application of the latest scientific knowledge is evident throughout his career. He has worked as Chief of Psychiatry Service for the Veterans' Administration in San Diego, director of the UCSD Drug Abuse Program, member of the Scientific Council for the National Alliance for Research in Schizophrenia and Depression, member of the NIMH Board of Scientific Counselors, and supervisor of psychiatric service for the adolescent outpatient unit of the Marion Davies Pediatric Clinic at UCLA.

It is my impression that Dr. Judd's compassionate concern for the victims of mental illness has served to inspire his academic and scientific work on their behalf. His publications cover a very broad range of relevant subjects such as:

The obsessive compulsive neurosis in children;

Chromosomal analysis in adult schizophrenics;

A technical report on pornography for the Commission on Obscenity and Pornography;

Research on heroin and marijuana;

Brain dysfunction in chronic sedative users;

Effects of lithium on normal subjects and alcoholics;

Studies on the multisubstance abuser;

Psychopharmacological studies of many modern drugs;

Biological and neurological basic research; and

Effects of antipsychotic drugs.

Dr. Lew Judd is described as a scientist who manages to "combine the best of two worlds—the more traditional psychodynamic and psychosocial view of psychiatric illness, and a newer biological viewpoint recognizing such things as genetic factors and the role of new drugs."

In Dr. Judd's own words, as reported in the Los Angeles Times:

> We are at the beginning of a golden age in understanding how to treat the mentally disordered. The next two decades are going to be incredibly exciting, with many new discoveries in molecular biology that will advance our understanding of how the brain functions. We now realize that if there is a major disturbance in behavior, that is observable, then, intuitively, there is a dysfunction in the biology of the brain itself. This will have enormous relevance for precise treatments of various disorders as we link behavioral aspects to the biology.

In closing this introduction of Dr. Judd to the U.S. Senate, Mr. President, I would simply like to encourage my colleagues to take note of this very special man. We in the Senate would be well advised to take good advantage of his excellent knowledge base and his plans for expanding it. If we work well together, we may be able to help him to help us speed up the scientific advances we hope and pray will be available to treat the mentally ill.

Dr. Judd reminds us that:

> The numbers show us that 20% of the American population will have a disorder at some point in their life, such as depression, or anxiety, as well as more serious ones. So all families will have some experience with either a relative or friend. So we have to destigmatize the view that these disorders are something to be ashamed of, change the idea that they are something brought upon the self and have people understand they are brought on by a combination of genetic and environmental events.

Today, he says:

> Some 80 percent of disorders can be managed so that they do not distort a person's life in perpetuity, that we can plan appropriate treatment and have available many more medications and therapeutic approaches.
>
> And I believe that soon we will be able to deliver even more innovations.

Mr. President, I urge my colleagues to consider the merits of helping Dr. Judd and the fine staff of the National Institute of Mental Health to deliver more innovations. We can have more positive impact on such difficult problems as the homeless mentally ill, drug and alcohol abuse, manic depression, schizophrenia, and other serious mental illnesses. These illnesses affect the well-being of millions of Americans who will thank us one day for our commitment to relieving their mental anguish.●

FEDERAL CHILD CARE AND CHILD DEVELOPMENT ACT

● Mr. DOMENICI. Mr. President, I am pleased today to add my name as a cosponsor of S. 2009, Senator DOLE's "Federal Child Care and Child Development Act of 1988."

The need for more, better quality child care opportunities is finally being recognized. There are now over 53 million women in the work force, half of whom have children under 6 years of age.

While some working mothers are employed out of choice, for many it is an economic necessity.

Some argue that a Federal presence in this issue is not appropriate. While I agree that many aspects of this problem do not require Federal involvement, I do believe we cannot turn our backs on the needs of low- and moderate-income individuals to help ensure that their children will receive appropriate care.

Senator DOLE's bill is a carefully balanced approach to the problem. The legislation has two purposes: First, it sets up a National Council on Children's Issues. The role of the Council is to act as an advocate for children and examine existing Federal programs that benefit children to determine how effective they are and where we need to focus our attention in the future.

Second, the bill sets up a grant program to the States, funded at $300 million in fiscal year 1989 and $400 million a year for the next 3 years. Grants could be used to provide child care services to low- and moderate-income parents for: First, establishing and operating neighborhood child care centers, after-school child care programs and startup costs of on-site child care offered by small businesses; second, recruit and train senior citizens to work in child care operations; and third, assist providers in meeting licensing standards.

That covers what the bill does, but perhaps a few words should be said on what the bill does not do. The bill does not set Federal standards or dictate how facilities should be run. I do not believe that is an appropriate role of the Federal Government. As the sponsor of the bill, my able leader describes the role of the Federal Government—"it is the role . . . to facilitate—not mandate—the provision of child care services."

Mr. President, this is a reasonable, responsible bill that addresses the shortage of quality child care available to low- and middle-income families. I am pleased to add my name as a cosponsor.●

FRAUD OF THE DAY—PART 27

● Mr. HEINZ. Mr. President, today's fraud is not one but many. It is a report on the aggregate number of customs fraud cases from October 1987, through December 1987. There were 1,233 open fraud cases during this period. Customs Fraud Investigation Center statistics show that one-third of these cases involve copyright or trademark violations, while textiles and steel cases together take up more than one-fourth.

The total domestic value of Customs commercial seizures during this period for copyright and trademark violations alone amount to $3,848,998. Confiscated toys and apparel values each surpassed the $1 million mark. Traders involved with Taiwan, South Korea, and Hong Kong are responsible for over two-thirds of the customs copyright and trademark crimes, with a total of over $2 million in fraudulent goods from those countries seized during this brief period. This figure demonstrates the need to put this part of the world under much closer scrutiny, and it explains a part of our constantly rising trade deficits with these countries.

Textile seizures are particularly significant. During fiscal year 1986 there were 581 seizures valued at $28,492,413, while there were 708 seizures in fiscal year 1987 valued at $48,282,693. So far, there have been $13,800,675 worth of textile seizures in a total of 287 cases in the initial quarter of fiscal year 1988, which at an annual rate would mean another sizable increase in fraud over each of the preceding 2 years. This is dramatic and startling evidence of the willful misconduct of foreign textile and apparel manufacturers in seeking effectively to destroy the American industry by any means they can—fair or foul. Their tactics in these cases make clear their contempt for our law and for the international agreements that are the foundation of the world's textile and apparel trade policy. Senators might disagree about that policy, but there ought to be no disagreement that commitments made and agreements entered into ought to be kept, and that our law must be respected and enforced. Not to do so calls into question our credibility and will on the entire range of trade policy issues.

A private right of action provision would be a significant aid to the Customs Service in enforcing these laws and agreements. And believe me, Mr. President, down in the trenches of the Customs Service—the people on the front line of enforcement—they welcome this amendment. They welcome it because they recognize the help it will give them in obtaining greater adherence to the law through increased importer/retailer accountability and responsibility. And that is what we all want—not more litigation, but greater respect for and adherence to U.S. law.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, February 24 will mark the anniversary of the proclamation of Estonian Independence in 1918. Along with the citizens of the Baltic Republics of Lithuania and Latvia, the Estonian people plan to commemorate the 70th anniversary of their independence by holding peaceful, public demonstrations.

Last week, in anticipation of the first of those commemorations, which occurred yesterday in Lithuania, 31 Senators joined me in sending a letter to Chairman Gorbachev. In that letter, we urged the Soviet leader to allow the Lithuanian people to mark their independence day with flower-laying ceremonies at various sites of historical and national significance in Vilnius and Kaunas.

Despite our pleas, news reaching us from Lithuania is that those demonstrations were blocked by a heavy Soviet police presence and harsh warnings from local Communist authorities.

According to today's Washington Post, which noted that Soviet authorities had placed heavy restrictions on press coverage of the events in Vilnius:

> Patrols of uniformed policemen and civilian auxiliaries have been circulating in the Lithuanian capital of Vilnius since the weekend, stifling any spontaneous protests . . . Local authorities reportedly preempted the demonstrations with police patrols and other measures, including placing some activists under house arrest.

Despite these developments, indications are that the Estonian people will attempt to mark their own independence day on the 24th with peaceful demonstrations, similar to those which occurred earlier this month in Estonia. On February 2, the anniversary of the 1920 peace treaty between the Soviet Union and Estonia, a number of large demonstrations occurred in Tartu. Several thousand Estonians reportedly participated in the commemoration, despite efforts by Soviet authorities to block the nationalist events by staging their own "official" commemoration.

Perhaps the biggest challenge to Soviet rule in the Estonian Republic is the recently announced formation of the Estonian National Independence Party—the first independent political party in the Soviet Union—whose purpose is to promote human rights and self-determination in the Estonian Republic.

Already, 2 of the 16 Estonians who founded the new political party, Vello Vaartou and Eke-Part Nomm, have been expelled from Estonia. Both have reportedly been accused by Soviet authorities of "promoting anarchy" and of complicity in planning demonstrations for Estonian Independence Day on February 24.

Despite glasnost, Soviet authorities have stated that they will not tolerate any show of nationalist sentiment.

Mr. President, in the nearly five decades since the people of the Baltic States have been under Soviet control, they have looked toward the day when their lost freedoms would once again be returned to them.

The new, rising level of activism among the Baltic peoples is, I believe, ushering in a new chapter in the history of their countries. Within the past year, three major public demonstrations occurred there. That is an indication to me that the Baltic people have transformed their strong sense of outrage toward their Soviet oppressors into a new level of public effort to push for national identity and greater freedom.

Mr. President, the Estonian people have undertaken great risks in an effort to bring greater freedom to their Republic, and they are prepared to do more. Their public activism has demonstrated the strength and vitality of the anti-Soviet movement in the occupied Baltic nations. Soviet suppression of the peaceful demonstrations has made a mockery of the Kremlin's professed interest in promoting greater openness in Soviet society, and has hightened public awareness of the oppression and denial of human rights in the Baltic States.

What the Estonia, Lithuanian, and Latvian people are calling for is real glasnost—not simply a public relations phrase, but a policy which actually brings greater freedom to the oppressed in the captive nations. As the Estonian people prepare to celebrate the 70th anniversary of their independence day on February 24, they must know that we support them in their struggle for freedom.●

● Mr. DECONCINI. Mr. President, if an employer promises his workers a great new retirement plan with a series of benefits and then only gives them 9 days to decide to join, the employees will begin to question the boss.

If an employer promises his workers job security and then attempts to contract other people to the same jobs more cheaply, the employees may start to wonder why they are working for that particular employer.

And, if an employer promises regular pay and retirement increases then does all he can to cut pay and COLA's so that his workers are lagging behind their counterparts in similar jobs by more than 20 percent, the employees might begin looking elsewhere for work.

I would not blame them. But this is what the Congress is doing to the women and men who work for the Federal Government. Granted, President Reagan and his people at the Office of Management and Budget have prepared these cuts, but let's be honest, Congress must shoulder its share of the responsibility.

Congress has consistently changed its mind and reneged on the commitments it made with the Federal work force. This past year was an especially telling one for enhancing distrust on the part of the Federal employees. The new Federal employees retirement system [FERS] was unveiled in 1987 and more than 2 million civil service retirement system [CRS] employees were eligible to transfer to the new FERS system. Of the large population which could have transferred, less than 2 percent decided to transfer.

Why did so few people who could have moved to the new FERS system, with all of its attractive features, actually transfer? The mail I have received from my constituents and the newspaper and employees' newletters I have read indicate that the reason is a simple one—they do not trust their employer.

Federal employees had 6 months to make their decision. They were blitzed with information from the Office of Personnel Management [OPM] and their personnel offices. The Subcommittee on Treasury, Postal Service and General Government, of which I am chairman, provided OPM with additional funds to accomplish this task. There were television programs and mailings and meetings. All of this information was provided to assist in the decisionmaking process, but many waited for Congress to tie up a few loose ends. Unfortunately, these outstanding questions were not resolved until December 22—just 9 days before the deadline.

This was insufficient time for people to evaluate the last minute changes Congress enacted and make a responsible choice. Nagging questions such as removal of the antidiscrimination rules—which prevented high income employees from participating in the attractive and important thrift savings plan [TSP] and revision of the public pension offset—which is applicable to retirees who draw Social Security, were only answered at the 11th hour. It does not matter that Congress was aware of these questions at the beginning of 1987. It took Congress nearly 12 months to act. This left only 9 days for Federal employees to react. This should never have occurred.

On Thursday, President Reagan submits his budget for the next fiscal year. There should be few surprises in this package because many of the difficult issues were resolved during the budget summit late last year. As Congress tackles the Federal budget deficit and implements the results of the budget summit, strong action will need to be taken to remedy this fiscal crisis. Creative—and difficult—solutions will need to be found to cope with these problems. But, when we ask Americans to tighten their belts, let us make certain that Federal and postal employees are not asked to tighten their belts by more notches than their counterparts in the private sector. We must ensure that the burden is equally shared by all Americans—including Congress.

I also believe, however, that Congress can make a good faith effort at remedying some of the problems it created and perhaps mollify a portion of the distrust its workers feel toward their employer. I recommend that the appropriate committees take rapid action and consider another open season for Federal employees to switch their retirement plans. Now that the employees have had the opportunity to examine the changes Congress made, they can make the best choice for themselves and their families.

I urge the Senate Governmental Affairs and House Post Office and Civil Service Committees to aggressively pursue the possibility of turning back the clock and offering employees the chance to make a fully informed choice. My staff and I will work with those committees to take this first step in restoring the trust and positive working relationship which should exist between Congress and this Nation's Federal employees.●

A TRIBUTE TO DOUG HEIR

● Mr. LAUTENBERG. Mr. President, I rise today to honor Doug Heir, a paralyzed athlete, who has overcome great physical and mental challenges on his way and is an outstanding community achiever.

Almost 10 years ago, Doug dove into a pool in response to a child's cries for help. The child was only playing but Doug broke his neck in the dive and was paralyzed. From that point, he was to spend his life in a wheelchair. But that has not kept Doug Heir down.

In 1987, the U.S. Jaycees honored this Cherry Hill man as 1 of 10 Outstanding Young Americans. This award is only one of many given to Doug for his achievements.

Doug has graduated from Rutgers Law School. He has written a book and acted in rock video. In 1984, he was named World Overall Best Wheelchair Athlete. He has achieved and surpassed goals he set for himself. Doug has shown others, handicapped or not, the will of an individual is strong enough to overcome great adversity. What makes him special is the effort he has made to spread this message to others and to inspire them to their own personal triumphs.

Doug Heir is an exceptional young man. It gives me great pleasure to recognize Doug for his outstanding achievements.●

INDIANA TRIO PROGRAMS CITED

● Mr. LUGAR. Mr. President, February marks the third observance of National TRIO Day, enacted by the Congress to annually draw attention to the importance of federally supported initiatives which assure equal opportunity in postsecondary education.

TRIO programs, formally called Special Programs for students from disadvantaged backgrounds include, Upward Bound Programs, Student Support Services Programs, and Talent Search Programs.

In honor of this occasion, I am pleased to call to the attention of the Senate, Indiana's TRIO Programs for their commitment to service to the students of Indiana, and their continued contributions to the goal of equal opportunity in higher education.

Last year, Indiana's programs served over 10,000 students from across the State. Over 650 high school students were prepared for graduation and matriculation to a college or university through the Upward Bound Programs at Indiana State University, Indiana University-Bloomington, Purdue University-Calumet, University of Notre Dame, and Vincennes University. There were 6,784 students assisted by Talent Search Programs offered by ALFE, Inc., Gary Community School Corp., Indiana State University, Purdue University Calumet, Oakland City College, University of Notre Dame, Vincennes University, and the National Cuban American Community Based Center which all provided the essential services of identifying and assisting high school students, graduates, and dropouts for entry into a college or university.

Student Support Service programs at the Indiana Institute of Technology, Indiana State University, Indiana University-Bloomington and Richmond, Marion College, Oakland City College, Purdue University-West Lafayette and North Central and Vincennes University provided services to 2,739 college and university students which enabled them to complete their academic programs.

These fine Indiana institutions and organizations have contributed greatly to the betterment of our State's population. Their efforts are most noteworthy ones as they have provided opportunities to many students and adults who would not have had the opportunity to attend a college or university without their help.

I commend these organizations for their accomplishments and on behalf of the citizens of the State of Indiana offer my thanks and best wishes for continued progress in this important endeavor.●

UNIVERSITY OF SOUTHERN COLORADO

● Mr. ARMSTRONG. Mr. President, the University of Southern Colorado in Pueblo has recently received nationwide recognition for its ability not only to encourage change and creativity, but to thrive on it. The American Association of State Colleges and Universities awarded its 1987 Mitau Award to the University of Southern Colorado during a highly touted awards ceremony in New Orleans, LA.

The overall success of the institution in gaining this award was a result of the cooperative spirit of the entire university community, including the administration, staff, faculty, and students.

It is gratifying to see this national honor come to USC, which richly deserves for the rest of the country to know what many of us in Colorado have known all along about the high quality of this institution. It is with great pleasure and pride that I commend the University of Southern Colorado for this well-deserved award. I ask, Mr. President, that this description of the award appear in the RECORD at this point, and I call it to the attention of my colleagues.

MISSION, GOALS, AND PRIORITIES, 1985-90

Three years ago, the University of Southern Colorado community embarked on a comprehensive program review of the entire university.

Today, as a result of that effort, the university is benefiting significantly from a clarified mission, a distinctive role, a new direction in academic programming, and a substantial reallocation of internal resources—the four components of an innovative approach to institutional change.

The participatory process began in fall 1984. Three task forces composed of representatives from the faculty, administrative staff, and the student body, were selected to examine all academic programs, administrative offices, and student activities and athletic programs. Each task force worked from the basic assumptions that the university's role in the state system needed to be differentiated and that the range of programmatic emphases was too broad given available resources.

Relying on a criterion-referenced, evaluative approach, the task forces made difficult judgments about the institution's future and identified the programs to be enhanced, maintained, reduced, and eliminated. Recommendations were reported to the university's president within approximately four months. Six weeks later, the president presented a five-year strategic plan to the governing board for review and consideration.

Upon approval by the governing board in April 1985, the university had a staff, students, and members of the community. They conducted seven surveys to gain information about the university's programs and needs. The Task Force on the External Environment conducted an environmental scan of national, state, and regional trends expected to affect the university.

The final report of the Commission on the Future contained 169 recommendations. To ensure that the recommendations in the report would be addressed, each of the recommendations was referred by the president through a member of the president's council to the appropriate individual, committee, or governance body for review and action. Members of the president's council will report to the university's governing board in February 1988 on the status of the recommendations. The commission report has contributed to the internal planning process by identifying concerns and offering recommendations for various administrative units of the university to consider as they formulate plans and establish priorities.

Asking people from outside the University community to make recommendations on the future of the institution was indeed risky. The University had little direct control in the scope of the various task force investigations or in formulating the recommendations. In choosing this approach, the University opened itself to criticism in an unprecedented way. The University, however, thought that the positive benefits of so much creative capital would more than offset the potential negative consequences from such close external scrutiny. It also demonstrated the confidence that the University had in itself and in its ability to adapt to the future.

That confidence proved to be justified. The commission members, most of whom had ties to the university, region, or state, were genuinely pleased to be asked to be a part of the process. They were critical, but in a constructive way. Their recommendations supported the current move to improve academic excellence and to expand public service activities to the region. Most of the recommendations are already being addressed and implemented by the individuals or administrative groups responsible on the campus.

In addition to providing support for current and future directions of the University, the planning process succeeded in building a needed base of support. Commission members are now serving as consultants to various university programs, most specifically in the areas of sports training, human resource development, use of electronic technology in the academic programs, and regional economic development. They are also working with university faculty and staff to create an internship program in Washington, D.C. for students interested in the political process.

Commission members are advising the newly created office of International Studies which has been established to provide students with opportunities for study-aboard programs.

They are providing political support for university programs on the state and federal levels. They are assisting staff members of the Admissions Office in recruiting new students. Alumni activity has increased throughout the nation with the creation of several new alumni chapters in areas such as Honolulu, Phoenix, Los Angeles, and New York City. Contributions to the development efforts of the university more than doubled in the last three years and a 45 percent increase in 1986 alone, and plans are being made for a capital fund-raising campaign.

Commission members have developed a deep and continuing interest in our programs and services and they know that their work will make a difference in the life and future of the university.

Through the work of the Commission on the Future of Northern Michigan University has been helped in shaping its destiny. The risks are great but so were the rewards.●

INFORMED CONSENT: OKLAHOMA

● Mr. HUMPHREY. Mr. President, I ask that the letter of Jana Robinson of Oklahoma be printed in the CONGRESSIONAL RECORD. Ms. Robinson has written to my office to express her support for S. 272 and S. 273, bills requiring informed consent prior to abortion. She shares my belief that women must be given the facts on the procedures, risks, and alternatives to abortion. Without this information, the freedom of choice is no freedom at all.

The letter follows:

FEBRUARY 19, 1987.

DEAR SENATOR HUMPHREY, About 11 years ago, I was a college student and ended up pregnant. I was alone (the father transferred to another college) and scared. I went back to the man that I thought I loved and he refused to help me. I did not want to get married just because I was pregnant, but I did not know what to do. Having confronted my parents about the situation, I found no help at all, the decision was mine to make. I had "shamed" my parents and boyfriend.

On the morning I was to go back to the doctor, I was driving down the highway and saw a billboard advertising abortions. I gave the number a call. To make the story short, I went through with the abortion alone because I knew no different. The doctor did not sit down with me to tell me what was going to happen. No one told me that I would be scarred for life.

Senator Humphrey, I hope this letter will help you in the passage of your bill. I hope you receive thousands of letters from other aborted women. Abortion does not solve the problem, instead it brings another problem to one's life.

Thank you for helping the unborn child.

In God's love.

JANA ROBINSON.

A SPECIAL THANKS TO NORTHWEST AIRLINE

● Mr. BOSCHWITZ. Mr. President, I rise today to bring to my colleagues' attention a marvelous new program undertaken by Northwest Airline. As the first major carrier to participate in UNICEF's "Change for Good" Program, Northwest is lighting the way for other airlines to join in a program that can really make a difference to the world's children. The program raises money for UNICEF's Child Immunization Program by asking passengers abroad airline flights to donate unused foreign coins.

The beauty of the "Change for Good" Program is that it works. Virgin Atlantic, a small British airline, has been active in the program since last July. I was very pleased to hear about the project's success and was thrilled to learn that Northwest Airline, a good Minnesota firm, had agreed to bring the program to the United States. "Change for Good" is unique, very clever and has a very low overhead. The flight attendants volunteer their time to explain the program, Northwest is working on a video, and to collect the money. Since banks in the United States will not exchange foreign coins, they have little worth to the traveler—but they are worth their weight in gold to the world's children.

Over the past 50 years, largely as a result of vaccine immunization programs, the developed Western nations have seen a marked decline in the infant mortality rates resulting from diseases such as polio, diphtheria, whooping cough, tetanus, and measles. Tragically, the same can't be said for the children of the Third World—where 40,000 children die daily of these preventable diseases, malnutrition and infections. UNICEF calls this the "silent emergency" and it is time that we brought it out in the open and eliminate it. The level of childhood mortality in developing countries signals both alarm and opportunity—alarm because of its sheer numbers; opportunity because we have the means at hand to dramatically reduce child mortality.

For the past 2 years, Congress has appropriated funds to help in the United Nations' effort to immunize all the world's children and provide them with a sugar and salt oral-rehydration remedy, at 10 cents per child, for diarrhea by 1990. I am proud to say that I have cosponsored this important legislation each year. Worldwide, 77 countries with more than 99 percent of the developing world's children, have expressed a commitment to immunize their children. It costs $5 per child to provide immunizations for diphtheria, tetanus, measles, polio, tuberculosis and whooping cough. Our appropriation helps save the lives of $3.5 million children each year.

The immunization program has been successful and I know it will be even more successful now that Northwest has announced it will help out. We need to urge other airlines to join the program quickly. UNICEF estimates that if all international air carriers participated, UNICEF could collect $40 million a year! Mr. President, today I join Northwest Airline in inviting all U.S. international airlines to participate in UNICEF's "Change for Good" and to help save a child's life and I applaud Northwest Airline for its critical participation in a very worthwhile humanitarian project.●

MEDICAID HOME AND COMMUNITY QUALITY SERVICES ACT

● Mr. RIEGLE. Mr. President, I join today as a cosponsor of S. 1673, the Medicaid Home and Community Quality Services Act. After long and careful consideration of this important proposal, I have concluded that it is a needed reform which directs Medicaid resources toward more appropriate care for individuals who are mentally or physically disabled.

This legislation will restructure the current system of funding Medicaid services for people with disabilities in order to increase their independence, productivity and integration into the community. This bill will help families stay together by giving States the flexibility to provide community and in-home care, in addition to already established institutional care.

The bill removes the institutional bias from the current Medicaid funding program. That bias pushes the funding of services for developmentally disabled individuals toward large institutions. S. 1673 expands the available options by providing assistance for living in community based settings.

This bill is an historic proposal in the evolution of policy for the developmentally disabled. How we treat individuals with disabilities is an issue which deeply touches their lives and their families, and reflects on the values we stand for as a nation.

In recent years, care for these individuals has been shifting from institutions to community-based settings. This legislation embodies the best hopes for all of those who have promoted that trend. It seeks to readjust governmental patterns of financial support in recognition and encouragement of these changes.

Mr. President, I am proud to note that the State of Michigan has been a pioneer in the effort to provide community care for disabled citizens. Over the past 10 years, the percentage of individuals in institutions in Michigan has declined significantly. This legislation will support these efforts, and encourage further progress.

Earlier versions of this legislation created concerns among some parents groups, caregivers and others that residents might be inappropriately forced from current care situations, and that operating institutions with a record of quality care would lose needed support. Senator CHAFEE listened to those concerns. He reintroduced an amended bill in this Congress which goes a long way toward meeting them.

Yet parts of S. 1673 can be significantly improved, and I intend to work closely with the Finance Committee and with Senator CHAFEE to resolve certain issues.

S. 1673 does not adequately address programming and staffing requirements for Medicaid eligible facilities. I intend to work on clarifying provisions of the bill to train and protect direct care staff so that they are not adversely affected by the changes proposed in the bill. We need to ensure that quality staffing is maintained as we shift the focus of Government resources, so that residents in large and small settings are provided consistent, quality care.

In addition, we must protect the access of developmentally disabled persons to a full continuum of services where appropriate and needed. While I agree with the focus of this bill on expanding options available in the community, I think it is also important to continue our support for facilities which have demonstrated a record of comprehensive, quality care.

Mr. President, I am pleased to join as a cosponsor of this important reform legislation. I look forward to working toward its passage in the Finance Committee and the full Senate.●

ORDERS FOR THURSDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order on tomorrow morning, there be a period for the transaction of morning business not to extend beyond 9:30, and that Senators may speak during that period for morning business for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. KASTEN, as to whether or not the following calendar order numbers have been cleared on his side of the aisle and are ready for action: Calendar Order Nos. 529 through 537.

Mr. KASTEN. If the majority leader will yield.

Mr. BYRD. Yes.

Mr. KASTEN. We have no objection. Those are cleared on our side.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the foregoing calendar orders, that they be considered en bloc, that where amendments to preambles or amendments may be shown they be agreed to, that the resolutions—they are all resolutions—be agreed to en bloc, spread upon the record severally, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DENNIS CHAVEZ DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 206) to designate April 8, 1988, as "Dennis Chavez Day."

Mr. DOMENICI. Mr. President, late last year I introduced Senate Joint Resolution 206, along with my colleague from New Mexico, to declare April 8, 1988 as "Dennis Chavez Day."

This joint resolution was reported by the Senate Judiciary Committee on February 4, 1988.

April 8, 1988 marks the 100th anniversary of Dennis Chavez's birth.

As the first native-born Hispanic elected to the U.S. Senate, Senator Chavez served as New Mexico's Senator for 27 years, from March 11, 1935, until his death on November 18, 1962. He also served in the House of Representatives for 4 years.

Dennis Chavez was more than a U.S. Senator. He provides a symbol of opportunity found only in America.

Senator Chavez grew up in a poor household, too poor to even attend high school. Yet he eventually passed a special entrance exam to Georgetown Law School.

Senator Chavez never forgot his roots. He made it a top priority to improve the lot of the poor and the oppressed. For example, while a member of the New Mexico State Legislature, Dennis Chavez introduced the first bill to provide free textbooks to New Mexico's students.

Many commemorative events are planned in the State of New Mexico as part of the Dennis Chavez centennial, including an exhibition at the State Capitol, a special mass in Albuquerque, and essay contests at many schools throughout the State.

Support for this resolution would indicate the Senate's appreciation for Senator Chavez's hard work. More importantly, it would serve as a reminder of how a person can achieve anything he or she desires, regardless of the odds, and how privileged we all are to live in this great land of opportunity.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 206

Whereas the Honorable Dennis Chavez was the first native-born Hispanic elected to the United States Senate;

Whereas Dennis Chavez served the State of New Mexico and his country in a most distinguished manner, serving as a United States Representative for four years and a United States Senator for twenty-seven years until his death in office;

Whereas Dennis Chavez was the highest ranking Hispanic in the Federal Government for over thirty years;

Whereas Dennis Chavez was too poor to attend school, but later passed a special entrance exam to attend Georgetown Law School;

Whereas Dennis Chavez provided a source of pride and inspiration to the underprivileged;

Whereas Dennis Chavez served as a spokesman for the poor and oppressed;

Whereas Dennis Chavez exemplifies the true public servant;

Whereas Dennis Chavez provided an everlasting symbol of opportunity found only in America; and

Whereas 1988 marks the centenary of the birth of Dennis Chavez: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 8, 1988 is designated as "Dennis Chavez Day", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

GREEK INDEPENDENCE DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 218) to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Mr. LAUTENBERG. Mr. President, I rise in support of Senate Joint Resolution 218, a joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

March 25, 1988, marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States, and between our peoples. And it is reflected in the numerous contributions made by present day Greek Americans in New Jersey and across the country to our American culture.

I urge my colleagues to support this joint resolution as a tribute to these contributions, past and present, which have greatly enriched American life.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 218

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988, marks the one hundred and sixty-seventh anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

NATIONAL OLDER AMERICANS ABUSE PREVENTION WEEK

The joint resolution (S.J. Res. 222) to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 222

Whereas each year an estimated 550,000 to 2.5 million elders are the victims of physical and emotional abuse, neglect, and denial of fundamental civil rights;

Whereas these elders represent every racial, religious and socioeconomic class;

Whereas the suffering of these elders poses a threat to our families and to our society as a whole;

Whereas in most instances this neglect and abuse stems from the lack of information on intervention and prevention;

Whereas the health and well-being of our elders is, and must be, one of our Nation's highest priorities;

Whereas May, 1988, has traditionally been designated as "Older Americans Month", and provides the ideal opportunity for the people of the United States to become educated and aware of the welfare of the elderly; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of elderly abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 1, 1988, and ending on May 7, 1988, is designated as "National Older Americans Abuse Prevention Week", and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe such period with appropriate programs, ceremonies, and activities.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

The joint resolution (S.J. Res. 223) to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 223

Whereas the economic stability and growth of this Nation relies largely on the collective industry and endeavor of its working citizens;

Whereas the time-honored tradition of American leadership in work-related ingenuity and know-how has brought about great strides in productivity;

Whereas growth in productivity in turn improves the standard of living for United States citizens;

Whereas public awareness of the economic importance of productivity will promote individual and collective ideas and innovations for productivity improvement; and

Whereas a conscientious effort to improve productivity will foster a better standard of living for all citizens and reduce the level of inflation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of providing for a better understanding of the need for productivity growth and of encouraging the development of methods to improve individual and collective productivity in the public and private sectors, the period commencing on April 10, 1988, and ending on April 16, 1988, is designated as "National Productivity Improvement Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

NATIONAL SCHOOL DROPOUT PREVENTION WEEK

The joint resolution (S. J. Res. 224) to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S. J. Res. 224

Whereas the number of students who drop out of school nationwide is reaching epidemic proportions;

Whereas maintaining America's competitive posture in the world economy demands an educated and highly skilled workforce;

Whereas drop out of school severely diminishes an individual's opportunity to become self-sufficient through employment to compete effectively in the modern world;

Whereas the cost of secondary school dropouts adversely affects society as a whole, costing our Nation approximately $77,000,000,000 each year in lost tax revenues, welfare, and crime prevention; and

Whereas reversing the trend of school dropouts requires an increased awareness of the dimensions of the problem and the mobilization of Federal, State, family, community, and school resources in implementing preventative measures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on September 5, 1988, and ending on September 11, 1988, is designated as "National School Dropout Prevention Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to support school dropout prevention programs implemented in their communities and to encourage students to complete their education by graduating from high school.

PUBLIC SERVICE RECOGNITION WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 242) designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week,"

Mr. SARBANES. Mr. President, as the sponsor of Senate Joint Resolution 242, it gives me great pleasure to have it acted upon today. Senate Joint Resolution 242, a joint resolution designating the week of May 2-8, 1988 as "Public Service Recognition Week" was introduced to honor and thank the men and women who work in those jobs that are so important to the strength and vitality of our Nation. I would like to commend the chairman and ranking minority member of the Judiciary Committee for such prompt action on this joint resolution and also extend my appreciation to the 55 cosponsors.

Public servants have been an integral part of America's work force and I am indeed proud to salute the men and women who have made numerous contributions toward our Nation's prosperity. They have invested many dedicated years to serving our Government and the people of this Nation, and in doing so have developed the expertise and experience necessary to ensure that our State, local and Federal governments function effectively and efficiently. Public employees administer our public school systems, deliver our mail and provide services effecting the elderly, handicapped, and disabled. They are responsible for fire protection, managing our parks and recreation areas as well as contributing to important medical and scientific research efforts. These are just a few of the many contributions made by public employees. They deserve to be recognized for their achievements and I am quite pleased today to have the support of so many of my colleagues in passing this joint resolution.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preample was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 242

Whereas the remarkable range of skills and unceasing dedication of government employees has supported the United States' leadership position in the world;

Whereas government employees have helped make the United States a global leader in industry, health care, agriculture, and defense by developing some of the world's most important technologies;

Whereas career government employees provide the Nation's defense, carry out the laws of the land, ensure environmental protection, maintain transportation systems, guard the Nation's borders to stem the flow of illegal drugs, administer Social Security, support health programs, provide policy direction for the education of the Nation's children, and provide countless other crucial public services;

Whereas government employees perform their demanding duties in exchange for compensation which is often far less than that received by their private sector counterparts; and

Whereas government employees are a valuable national resource, fulfilling the needs and desires of the American people as expressed through their elected representatives in the executive, legislative, and judicial branches of government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 2-8, 1988, is designated as "Public Service Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

JOHN MUIR DAY

The joint resolution (S.J. Res. 245) to designate April 21, 1988, as "John Muir Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 245

Whereas April 21, 1988, marks the one hundred and fiftieth birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders of Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost eighty million acres symbolizing the stewardship Americans demonstrate for their precious public resources;

Whereas John Muir was the cofounder and first president of the Sierra Club, an organization which contributes in making this Nation a leader in the global environmental movement;

Whereas the John Muir National Historic Site, in Martinez, California, one of three hundred and thirty-seven units of the National Park Service, was set aside by Congress in 1964 as a monument to the wild lands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytised by the tireless voice and pen of John Muir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD ABUSE PREVENTION MONTH

The joint resolution (S.J. Res. 246) to designate the month of April 1988, as "National Child Abuse Prevention Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 246

Whereas the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States;

Whereas an estimated four million children become victims of child abuse in this Nation each year;

Whereas an estimated five thousand of these children die as a result of such abuse each year;

Whereas the Nation faces a continuing need to support innovative programs to prevent child abuse and assist parents and family members in which child abuse occurs;

Whereas Congress has expressed its commitment to seeking and applying solutions to this problem by enacting the Child Abuse Prevention and Treatment Act of 1974;

Whereas many dedicated individuals and private organizations, including Child Help U.S.A., Parents Anonymous, the National Committee for the Prevention of Child Abuse, the American Humane Association, and other members of the National Child Abuse Coalition, are working to counter the ravages of abuse and neglect and to help child abusers break this destructive pattern of behavior;

Whereas the average cost for a public welfare agency to serve a family through a child abuse program is twenty times greater than self-help programs administered by private organizations;

Whereas organizations such as Parents Anonymous, and other members of the National Child Abuse Coalition, are expediting efforts to prevent child abuse in the next generation through special programs for abused children; and

Whereas it is appropriate to focus the attention of the Nation upon the problem of child abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Child Abuse Prevention Month", and the President is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL FISHING WEEK

The joint resolution (S.J. Res. 190) to authorize and request the President to issue a proclamation designating June 6-12, 1988, as "National Fishing Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended are as follows:

S.J. RES. 190

Whereas the United States Bureau of the Census reported that fifty-four million residents of our country participated in sport fishing in 1980;

Whereas sport fishing is a family oriented, outdoor, recreational activity that provides therapeutic rewards and enjoyment to people of all ages;

Whereas the demands for goods and services by sport fishing participants is estimated to generate $25,000,000,000 in economic activity and employment for an estimated six hundred thousand individuals each year;

Whereas fishing promotes respect for Nation's marine, estuarine, and fresh waters, and their associated plant and animal communities; and

Whereas our country's league of fishing enthusiasts represent a constituency that seeks to prevent the degradation of our Nation's diverse aquatic habitats: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested and authorized to issue a proclamation designating June 6-12, 1988, as "National Fishing Week" and calling upon Federal, State, and local governments agencies, and the people of the United States to observe the week with appropriate programs and activities.

BUREAU OF THE MINT AUTHORIZATION ACT, FISCAL YEAR 1988

Mr. BYRD. Mr. President, does the acting Republican leader have any objection to the Senate proceeding to the consideration of Calendar Order No. 496?

Mr. KASTEN. I have no objection.

Mr. BYRD. Mr. President, I thank the Senator.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 496.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2631) to authorize appropriations for the Bureau of the Mint for fiscal year 1988, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 5132(a) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraphs:

"(2) Not more than $46,511,000 may be appropriated to the Secretary for the fiscal year ending September 30, 1988, to pay costs of the mints. Not more than $965,000 of amounts appropriated pursuant to the preceding sentence shall remain available until expended for research and development.

"(3) Of amounts appropriated pursuant to paragraph (2), not more than $75,000 may be expended for the purpose of hosting the International Mint Directors' Conference in the United States in 1988, including reception, representation, and transportation expenses.

"(4) Notwithstanding sections 3302 and 9701 of this title, the Director of the Mint may—

"(A) collect from participants at the International Mint Directors' Conference reasonable amounts imposed as fees and other assessments in connection with such conference;

"(B) hold and administer the amounts referred to in subparagraph (A); and

"(C) spend on behalf of the United States the amounts referred to in subparagraph (A) to pay expenses incurred in connection with such conference, including reception, representation, and transportation expenses.".

SEC. 2. PROFITS ON SALE OF NUMISMATIC ITEMS AVAILABLE ONLY TO REDUCE NATIONAL DEBT.

(a) IN GENERAL.—Subsection (b) of section 5111 of title 31, United States Code, is amended by striking out the last two sentences and inserting in lieu thereof the following new sentences: "The Secretary shall charge the coinage profit fund with waste incurred in minting coins, costs incurred in distributing coins, and costs incurred in connection with the preparation and sale of numismatic items, including the value of gold certificates (not exceeding forty-two and two-ninths dollars a fine troy ounce) retired from the use of gold contained in any numismatic item. The Secretary shall credit amounts received from the sale of numismatic items to the coinage profit fund. Excess amounts in the coinage profit fund shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 5132(a) of title 31, United States Code, is amended by striking out the second sentence.

(2) Subsection (g) of section 5112 of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(3) Paragraph (3) of section 5112(i) of title 31, United States Code, is amended by striking out "of section 5132(a)(1)".

(4) Subsection (f) of section 2 of the Gold Bullion Coin Act of 1985 is hereby repealed.

SEC. 3. REDESIGNATION OF ASSAY OFFICES AS MINTS.

(a) SAN FRANCISCO.—Section 5131(a)(4) of title 31, United States Code, is amended by striking out "assay office" and inserting in lieu thereof "mint".

(b) WEST POINT.—Section 5131(a)(3) of title 31, United States Code, is amended by striking out "assay office at New York" and inserting in lieu thereof "mint at West Point".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The first sentence of section 5131(b) of title 31, United States Code, is amended by striking out "and assay offices, except that only bars may be made at the assay offices".

(2) Section [5132(c)] *5131(c)* of such title is amended by striking out "and the assay office at New York have" and inserting in lieu thereof "has".

(3) Section 5132(b) of such title is amended by striking out "and assay offices".

(4) Section 5133(a)(1) of such title is amended by striking out "and the assay office at New York and the officer in charge of the assay office at San Francisco" and by striking out "or officer".

(5) Section 5133(a)(2) of such title is amended by striking out "and the officer" and by striking out "or officer".

(6) Section 5133(a)(3) of such title is amended by striking out "and the officer".

(7) Section 5133(b) of such title is amended to read as follows:

"(b) SETTLEMENT OF ACCOUNTS.—

"(1) IN GENERAL.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints.

"(2) PROCEDURE.—At any settlement under this subsection, the superintendent shall—

"(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

"(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

"(3) AUDIT.—The Secretary shall—

"(A) audit the accounts of each superintendent; and

"(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

"(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

"(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.".

(8) Upon the enactment of this Act, the superintendent of the United States Assay Office at New York, New York, shall assume the position of superintendent of the Mint at West Point, New York.

(9) Section 5133(c) of such title is amended by striking out "and assay offices".

(10) Section 5133(d) of such title is amended—

(A) in the first sentence, by striking out "and assay office"; and

(B) in the [second] *third* sentence, by striking out "and assay offices".

[SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

[Section 5111(c) of title 31, United States Code, is amended to read as follows:

["(c) PROCUREMENTS RELATING TO COIN PRODUCTION.—

["(1) IN GENERAL.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

["(2) DOMESTIC CONTROL OF COINAGE.—In order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.".

["(3) DETERMINATION.—

["(A) IN GENERAL.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

["(B) OTHER RIGHTS UNAFFECTED.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).".]

SEC. 4. PROTECTION OF INTEGRITY OF COINAGE MANUFACTURE.

Section 5111(c) of title 31, United States Code, is amended to read as follows:

"(c) PROCUREMENTS RELATING TO COIN PRODUCTION.—

"(1) IN GENERAL.—The Secretary may make contracts, on conditions the Secretary decides are appropriate and are in the public interest, to acquire articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) necessary to produce the coins referred to in this title.

"(2) DOMESTIC CONTROL OF COINAGE.—(A) Subject to subparagraph (B), in order to protect the national security through domestic control of the coinage process, the Secretary shall acquire only such articles, materials, supplies, and services (including equipment, manufacturing facilities, patents, patent rights, technical knowledge, and assistance) for the production of coins as have been produced or manufactured in the United States unless the Secretary determines it to be inconsistent with the public interest, or the cost to be unreasonable, and publishes in the Federal Register a written finding stating the basis for the determination.

"(B) Subparagraph (A) shall apply only in the case of a bid or offer from a supplier the principal place of business of which is in a foreign country which does not accord to United States companies the same competitive opportunities for procurements in connection with the production of coins as it accords to domestic companies.

"(3) DETERMINATION.—

"(A) IN GENERAL.—Any determination of the Secretary referred to in paragraph (2) shall not be reviewable in any administrative proceeding or court of the United States.

"(B) OTHER RIGHTS UNAFFECTED.—This paragraph does not alter or annul any right of review that arises under any provision of any law or regulation of the United States other than paragraph (2).

"(4) Nothing in paragraph (2) of this subsection in any way affects the procurement by the Secretary of gold and silver for the production of coins by the United States Mint.".

SEC. 5. STANDARDS FOR GOLD COINS.

(a) FINENESS.—Section 5112(b) of title 31, United States Code, is amended by inserting the following sentence before the last sentence: "In minting gold coins, the Secretary shall use alloys that vary not more than 0.1 percent from the percent of gold required.".

(b) WEIGHT.—Section 5113(a) of title 31, United States Code, is amended by adding at the end thereof the following new sentence: "Any gold coin issued under section 5112 of this title shall contain the full weight of gold stated on the coin.".

SEC. 6. GOLD SALES TO BE USED SOLELY TO REDUCE NATIONAL DEBT.

The second sentence of section 5116(a)(2) of title 31, United States Code, is amended to read as follows: "Amounts received from the sale of gold shall be deposited by the Secretary in the general fund of the Treasury and shall be used for the sole purpose of reducing the national debt.".

SEC. 7. BULK SALES OF SILVER BULLION COINS.

Section 5112(f) of title 31, United States Code, is amended to read as follows:

"(f) SILVER COINS.—

"(1) SALE PRICE.—The Secretary shall sell the coins minted under subsection (e) to the public at a price equal to the market value of the bullion at the time of sale, plus the cost of minting, marketing, and distributing such coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

"(2) BULK SALES.—The Secretary shall make bulk sales of the coins minted under subsection (e) at a reasonable discount.

"(3) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of this title, all coins minted under subsection (e) shall be considered to be numismatic items.".

[SEC. 8. PUBLIC SALES OF UNITED STATES GOLD AND SILVER COINS.

[Section 5112 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

["(j) PUBLIC SALES AT MINT FACILITIES.—In addition to other means of marketing coins minted under paragraph (7), (8), (9), or (10) of subsection (a) or subsection (e), the Secretary of the Treasury shall make such coins available for sale directly to the public at such facilities of the Bureau of the Mint as the Secretary determines to be appropriate. The Secretary may limit the number of such coins which may be sold to any person, or in any single transaction, at any such facility.".]

The amendment was agreed to.

The amendment was ordered to be engrossed, the bill was read the third time, and passed.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as ordered reported by the Banking Committee, H.R. 2631 would authorize the appropriation of not more than $46,511,000 for fiscal year 1988 for the salaries and expenses of the U.S. Mint. Of that amount, $965,000 may be used for research and development. The Mint is also authorized to expend $75,000 in appropriated funds to host the International Mint Directors' Conference, as well as use fees collected from conference participants to offset expenses. This is the first time the International Mint Directors' Conference will be hosted by the United States, to be held in Washington, DC in May of this year. The purpose of this conference is the exchange of information common to the participating mints throughout the world. There are approximately 31 member mints, another 22 observer mints, and over 100 industrial observers who are expected to participate in this conference. This is an excellent chance for American industry to present their latest developments in coin related equipment and manufacturing techniques.

The act redesignates the San Francisco and West Point Assay offices to the status of mints because of their increased production activities. Each new mint will have a superintendent and assayer appointed by the President, by and with the advice and consent of the Senate.

An amendment adopted in committee would require domestic control of the coinage process by stipulating—under specified circumstances—the acquisition of American produced goods and services, unless the Secretary determines it to be inconsistent with the public interest or the cost unreasonable. This section in no way changes current law with regard to the procurement and use of gold and silver for coinage, bullion, or medallic purposes.

One of the most successful programs the mint has undertaken is the American Gold Eagle Bullion Program. This program was created by Congress to offer the American public an alternative to the South African Krugerrand and other foreign gold. The American Gold Eagle Program has captured 65 percent of the domestic gold bullion market, far surpassing sales for Canadian maple leafs and Chinese pandas, among others. Since the program began in October of 1986, the mint has sold over 3 million ounces of gold coins and purchased over 2.9 million ounces of newly mined American gold. This has provided a vital new market for the domestic gold industry and has helped support the expansion of jobs in American gold mining and related industries. In addition, an estimated $187 million in profits were deposited in the Treasury to help reduce the Federal deficit. It is anticipated that 1988 will be as good a year for the American Gold Eagle Program.

AMENDMENT NO. 1407

(Purpose: To subject numismatic programs of the Mint to budgetary control and oversight)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Senator GRAMM, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. GRAMM, proposes an amendment numbered 1407.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 2.

Mr. GRAMM. Mr. President, the amendment that I am offering today will ensure that Federal budgetary control continues over the coinage fund and numismatic programs of the U.S. Mint. Section 2 of the bill would allow the mint's coinage profit fund to be used to finance the operational expenses of the Mint's Numismatic Program instead of having the program funded throught the appropriations process. This change would undermine the budgetary and appropriations process over these programs. It would also exempt the Mint's Numismatic Program from sequestration under the provisions of the Balanced Budget and Emergency Deficit Control Reaffirmation Act, agreed to by the Congress just last year. As we all know, to the degree that the sequestration base is reduced, greater cuts have to be made in the remaining Federal programs. The amendment that I am offering would delete from the bill the section creating this exemption.

This amendment is supported by the administration, and I ask unanimous consent that the statement of administration policy on this legislation be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2631—AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES MINT

The Administration opposes enactment of H.R. 2631 for the following reasons.

First, by permitting the Mint's coinage profit fund to be used for financing the operational expenses of the Mint's numismatic program, section 2 of H.R. 2631 is contrary to sound budget and accountability principles. Ordinary expenses of this nature should be budgeted for in the customary manner and should be subject to appropriations review. Further, the Mint's appropriations account should be reimbursed from the proceeds of the Mint's sales, as appropriate.

Second, section 2 of the bill would also have the practical effect of exempting the Mint's numismatic program from sequestration under the Balanced Budget and Emergency Deficit Control Act ("Gramm-Rudman-Hollings"). Such as exemption would be most unwise. Attempts to exempt programs from sequestration must be strenuously resisted in order to prevent a flood of requests for similar treatment in other programs.

Third, the bill's "buy America" provision (section 4) could cause the United States to violate the Agreement on Government Procurement under the General Agreement on Tariffs and Trade. The provision would invite retaliation and would raise unnecessary questions about the willingness of the United States to honor its international commitments.

The President's senior advisors would recommend disapproval of H.R. 2631 if presented to the President in its current form.

Mr. PROXMIRE. Mr. President, I have checked with both the majority and minority, and there is no objection to the amendment to H.R. 2631 offered by the Senator from Texas.

Mr. KASTEN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1407) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2631), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. BYRD. Mr. President, the Senate is about to go out for the day. There will be no rollcall votes, of course, this day.

The Senate will come in tomorrow at 9 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The period for morning business will end no later than 9:30 a.m. at which time the Senate will resume consideration of S. 2, and the pending question will be on the adoption of the amendment in the second degree to the amendment in the first degree to the motion to recommit with instructions to report back. And debate will continue thereon.

It is not my plan to have an early rollcall vote on tomorrow. Tomorrow at around 11:30 a.m. Chancellor Helmut Kohl will be a guest in the Capitol. It is now my intent to recess the Senate for circa an hour so that all Senators on both sides of the aisle may have the opportunity to meet with, and hear Chancellor Kohl in room S-207. I invite all Senators to be present.

It was my pleasure and privilege to meet with Chancellor Kohl last week, along with Senator BOREN, Senator NUNN, Senator PELL, and Senator WARNER, as we traveled as a delegation to various NATO capitals. And Chancellor Kohl was very gracious to us. We had a long meeting with Chancellor Kohl, and I think Senators will be eager to hear what he has to say.

Of course, if they have questions, time permitting, I am sure Chancellor Kohl would welcome their questions.

I hope we will show this head of state, a very valuable and reliable ally, our warmest hospitality, and show him a good attendance of Senators. It will be worthwhile for all concerned.

Following that meeting, the Senate then will reconvene and continue its debate on the pending campaign finance reform bill. Meanwhile, the two groups that have been selected by the Democratic and Republican leadership will meet to discuss the pending bill and those areas of disagreement to see if there is room for any accommodation and resolution.

Mr. President, does the distinguished acting Republican leader have any further statement he would like to make or any business he would like to transact?

Mr. KASTEN. I do not.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 5:16 p.m., the Senate recessed until tomorrow, Thursday, February 18, 1988, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 17, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, offered the following prayer:

We place before You, O God, the petitions of our hearts and souls, asking You to bless us when we need help, to forgive us when we do wrong, and to assure us of Your abiding spirit. We admit, gracious God, that our efforts sometimes go astray and too often our actions do not keep pace with our words. Strengthen us, we pray, to do those things that are righteous and good, for ourselves and for those we seek to serve. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S.J. Res. 122) entitled "An act to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as 'Gaucher's Disease Awareness'."

VETERANS' HOME LOAN PROGRAM EMERGENCY AMENDMENTS OF 1988

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2022) to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the distinguished gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Veterans' Affairs Committee for an explanation of the bill.

Mr. MONTGOMERY. Mr. Speaker, prior to adjournment last year we sent to the President a major veterans' housing reform bill. The other body proposed that individuals purchasing VA foreclosed homes to pay a 10-percent downpayment. We attempted to make the argument that this would limit VA's ability to move hard-to-sell properties and would make the agency noncompetitive with FHA.

In order to get the reform bill enacted, we agreed to a compromise of 5 percent downpayment. We now have learned that the provision is creating a hardship on the VA and this bill is designed to eliminate that problem.

The distinguished chairwoman of our Subcommittee on Housing and Memorial Affairs is on the floor and I would ask the gentleman to yield to her for a more detailed explanation of the bill.

I urge the adoption of the bill.

Mr. Speaker, the gentlewoman from Ohio [Ms. KAPTUR] is the chairwoman of the Subcommittee on Housing and Memorial Affairs, and she handled this housing bill last year.

Mr. SOLOMON. Mr. Speaker, as ranking member of the Veterans' Affairs Committee, I rise in strong support of S. 2022, which would authorize certain reductions in the current 5-percent downpayment required for vendee loans used to finance the sales of foreclosed properties held by the VA.

Mr. Speaker, Mr. MONTGOMERY and Ms. KAPTUR have explained clearly the provisions of this relatively simple bill.

The Senate has already passed it, and we propose to pass it without amendments.

The Senate calls this an emergency bill and I would be inclined to agree.

The recently enacted Public Law 100-198 requires a 5-percent downpayment on vendee loans which the VA makes to buyers for purchases of foreclosed properties in the VA's inventory.

It has quickly become apparent to everyone that the downpayment requirement on vendee loans was a mistake, particularly because in areas where real estate markets are depressed, the downpayment requirement has further reduced sales of already difficut to sell foreclosed properties.

The Senate Veterans' Affairs Committee has acted quickly and responsibly to remedy the problem created by the downpayment requirement.

Senator CRANSTON, chairman of the Senate Veterans' Affairs Committee, and Senator MURKOWSKI, the ranking member, have taken the lead in getting the provision in question changed and I take my hat off to them for their expeditious action.

While we certainly will be taking a further look at improving the Home Loan Guaranty Program, this body should act now on S. 2022, without amendments, lest we be justly accused of fiddling while Rome burns.

Mr. Speaker, here in our own body, my good friend, SONNY MONTGOMERY, the exceptionally able chairman of our committee, has wasted no time in moving S. 2022.

Our chairman always puts the needs of veterans above politics, and it is a pleasure for me as ranking member to work with him. MARCY KAPTUR, chairwoman of the Subcommittee on Housing and Memorial Affairs, and DAN BURTON, its ranking member, have played essential roles as well in this bipartisan legislation, and I commend them, too.

Mr. Speaker, I urge all of my colleagues to act favorably on this emergency bill.

It is needed right now to prevent financial losses to the VA's Home Loan Guaranty Program and to help keep this essential program viable for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield to me again?

Mr. SOLOMON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to give credit to the gentlewoman from Ohio, Ms. MARCY KAPTUR, who has worked very hard on this veterans' housing legislation. It had not been amended in 30 years, and with her hard work and diligent effort we have passed fine legislation. It will make it easier for veterans to purchase veterans' homes, and again I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Mississippi for his remarks.

Mr. Speaker, let me also commend the gentlewoman from Ohio [Ms. KAPTUR], as well as the gentleman from Indiana, DAN BURTON, the rank-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ing Republican as well as the gentleman from Texas, Mr. TOM DELAY, who I know wants to speak on this issue. He was also instrumental in helping to draft this vital legislation.

Mr. MONTGOMERY. Mr. Speaker, if the gentleman will yield again, the gentleman from Texas, Mr. TOM DELAY, sent a letter out to all Members of Congress, and basically this is what we are doing, correcting this situation.

Mr. SOLOMON. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio [Ms. KAPTUR] the subcommittee chairman.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding and also for his help on this bill, and also thank the gentleman from Mississippi [Mr. MONTGOMERY] chairman of the full committee for his expeditious movement of this bill.

Mr. Speaker, on December 21, 1987, the President signed H.R. 2672, the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987—Public Law 100-198.

This was a major housing reform bill designed to carefully preserve the program's basic intent of providing homeownership for this Nation's veterans, offer creative approaches to some of its present-day problems and set it on a sound footing for meeting veterans' future needs.

The bill contained a provision that required a 5 percent downpayment requirement for vendee loans made after January 21, 1988. A vendee loan is one made by the VA to finance the sale of a foreclosed property. These loans may be made to veterans and nonveterans alike.

In the Senate version of H.R. 2672, which passed on October 30, 1987, the downpayment would have been 10 percent. Although the House bill had no similar requirement, the other body insisted that some downpayment be required. In a spirit of compromise, we accept 5 percent.

What we had feared when we opposed the Senate provision has happened. We have now found that imposing even a 5 percent downpayment requirement substantially hampers the Veterans' Administration's ability to sell foreclosed properties. In Houston, where the VA has 7,700 foreclosed properties in inventory. Due to the economic situation there, the downpayment requirement has had a serious adverse impact. We also believe that throughout economically depressed areas of the country, the VA will experience difficulty selling certain properties in neighborhoods where real estate prices are depressed.

On February 1, 1988, the Senate passed S. 2022 to authorize the Administrator to make loans up to the market value of the property if necessary to market the particular property involved. This is sound policy because it gives local VA officials flexibility in marketing properties.

Mr. Speaker, although we applaud the Senate's efforts to soften this 5 percent downpayment requirement by providing the VA with the authority to reduce or waive it where it is necessary for the VA to competitively market such properties, we are concerned by the comment on the Senate floor that "when market conditions do not prohibit it—as will be the case in most areas of the country—the 5 percent downpayment would continue to be required to help reduce defaults on vendee loans."

Mr. Speaker, we do not believe that exceptions should be viewed only from regional perspectives. Rather, this authority should be considered for use on a case by case basis since the marketing of properties differs not only in different regions but even within neighborhoods in one city. For example, the Washington area has experienced VA foreclosures in Southeast Washington as well as in some more affluent areas such as Watergate at Landmark. Obviously, these properties have different marketing requirements. Therefore, we believe that this provision should be applied on a case by case basis.

Mr. Speaker, it is our intent that the Administrator delegate the authority to set downpayments for vendee loans to loan guaranty officers at VA regional offices. We expect that regional office personnel, in consultation with local real estate professionals involved in the sale of VA-acquired properties, will carry out the function of setting competitive downpayment levels on individual properties, in line with local market conditions and general policy guidelines issued by the Administrator.

The second provision of the bill corrects an inequity in the calculation of a veteran's remaining guaranty entitlement, should he have used a portion previously.

Public Law 100-198 changed the loan guaranty formula from 60 percent of the loan up to $27,500 to 50 percent of the loan up to $45,000 and 40 percent of the loan above $45,000 with a maximum guaranty of $36,000. In the past, when the guaranty amount was increased, it resulted in an addition to whatever amount of entitlement the veteran had available. This increased entitlement could then be applied to any new loan. This bill ensures that the veteran continues to be fully entitled as he has been in the past.

Mr. Speaker, I urge favorable consideration of S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman from Ohio for her remarks.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I stand in strong support of this bill. It will correct a senseless piece of recent legislation which unnecessarily costs the Federal Government, in the 90-county area of south Texas alone, $150,000 a day and threatens to expand its costly black hole to suck up nearly $300,000 a day. On August 3, 1987 we passed by voice vote a small provision in the Veteran's Housing Rehabilitation and Program Improvement Act which requires a 5 percent downpayment on the purchase of all VA repossessed homes.

In economically troubled areas such as Texas, Oklahoma, and Colorado, this provision is devastating. It is devastating to the first time home buyer interested in purchasing a Government-owned home. It is devastating to the employed, yet borderline, buyer who can't come up with the 5 percent downpayment. It is devastating to the sales agents eking out a living in distressed markets. And it is devastating to the Veterans' Administration which must pay dearly to maintain these unused and frequently vandalized homes in its inventory.

In a 90-county area of south Texas, there are currently 8,050 repossessed homes in the VA's inventory. An additional 15,853 are pending foreclosure. These numbers represent only south Texas. There are similar sums in central Texas and Oklahoma. By conservative estimates, it costs the VA $18 a day to carry each repossessed house. Simple arithmetic suggests that we are wasting about $50 million a year, and that if all the pending foreclosures occur we'll be wasting $150 million. The most remarkable aspect of this spending is that absolutely no one benefits from it.

The vast majority of these homes are in the economically distressed areas of Texas, Oklahoma, and Colorado, the oil belt. Other mass volume home sellers in these areas require little if any downpayment. For example, HUD requires only $100 down on purchases of its repossessed homes. The VA's new 5 percent downpayment requirement effectively prices VA repossessed homes out of the market in these economically distressed area. In fact, since the 5-percent downpayment provision went into effect on January 21, the number of bids on VA-owned homes had decreased to less than a third of the original number. The houses remain vacant and open to vandalism, and the Government is forced to waste vast sums of money to carry them.

I introduced legislation to correct this costly problem; legislation that would give the Administrator of the VA the ability to issue a waiver of the 5 percent downpayment provision for economically distressed area. This bill does not repeal the 5 percent down provision which we passed last year, it simply introduces needed flexibility into the law. Our Government must begin to act in a competitive manner. And we must begin to eliminate wasteful spending. I urge my colleagues to step beyond the rhetoric about wasteful Government spending and support this bill which actually eliminates a wasteful Government policy.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas for his input.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. BURTON] the ranking Republican on the subcommittee for his remarks.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as ranking member of the Subcommittee on Housing and Memorial Affairs, I rise in strong support of S. 2022. In economically depressed areas, depreciating property values and large increases in the foreclosure rate have resulted in an increase in the number of unsold foreclosed properties in VA inventories.

The mandatory 5-percent downpayment, required to purchase one of these properties, prevents the VA from competing with private lenders in depressed areas of the Nation. In order to sell properties, many private lenders are using attractive financing packages which include low- or no-downpayment loans. The impact on the VA—and eventually the taxpayers—of a slowdown in VA sales would be catastrophic. The income generated by these sales is crucial to the Home Loan Guaranty Program. In order to compete with these other sellers, the VA must be able to offer similarly attractive financing.

S. 2022 would allow the VA to waive the requirement for a 5-percent downpayment on vendee loans in cases where the VA deems it necessary in order to compete with alternative financing packages.

Mr. Speaker, the VA Home Loan Program has helped millions of veterans achieve home ownership. The bill before us is good legislation which only acts to strengthen the VA Home Loan Program. I urge my colleagues to support S. 2022.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Indiana for his remarks.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in strong support of S. 2022, the Veterans Home Loan Program Emergency Amendments of 1988. This legislation is urgently needed to ensure the continued stability of the Veterans' Administration Housing Program.

The chairwoman of the Subcommittee on Housing and Memorial Affairs, MARCY KAPTUR, and DAN BURTON, its ranking member should be commended for bringing this important veterans bill to the floor in an expedited fashion. And of course, all of this has proceeded under the leadership of our chairman, SONNY MONTGOMERY.

Mr. Speaker, when a foreclosure occurs on a VA-guaranteed home loan, the VA has the option of paying the lender the unpaid loan balance and reselling the property. In reselling the property, the VA can finance the new loan. Under current law, a 5-percent down payment is required on the property.

This 5 percent down payment requirement was initially approved to help reduce the number of foreclosures on VA properties. However, in certain economically depressed regions of the country, most notably Houston, TX, this requirement has made it much more difficult for the VA to sell foreclosed properites. Given the market conditions in certain regions of the country, this requirement has proved to be counterproductive and the effect it has had was never intended by Congress.

S. 2022 would give the Veterans' Administration authority to waive the 5-percent requirement in regions where it is having an adverse effect on the VA's ability to sell foreclosed properties. This waiver is essential to maintaining the financial integrity of the VA housing program.

I strongly encourage all of my colleagues to support this important bipartisan legislation.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Program Emergency Amendments of 1988".

SEC. 2. DOWNPAYMENT REQUIREMENTS FOR VENDEE LOANS.

Section 1816(d)(4)(B) of title 38, United States Code (as amended by section 6(b)(1) of Public Law 100-198, is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following new division:

"(ii) A loan described in subparagraph (A) of this paragraph may, to the extent the Administrator determines to be necessary in order to market competitively the property involved, exceed 95 percent of the purchase price.".

SEC. 3. AMOUNT OF GUARANTY ENTITLEMENT.

(a) CONVENTIONAL HOUSING.—Section 1803(a)(1) of title 38, United States Code (as amended by section 3(a)(1) of Public Law 100-198) is amended to read as follows:

"(a)(1)(A) Any loan to a veteran eligible for benefits under this chapter, if made for any of the purposes specified in section 1810 of this title and in compliance with the provisions of this chapter, is automatically guaranteed by the United States in an amount not to exceed the lesser of—

"(i)(I) in the case of any loan of not more than $45,000, 50 percent of the loan; or

"(II) in the case of any loan of not more than $45,000, the lesser of $36,000 or 40 percent of the loan, except that the amount of such guaranty for any such loan shall not be less than $22,500; or

"(ii) the maximum amount of guaranty entitlement available to the veteran.

"(B) The maximum amount of guaranty entitlement available to a veteran under section 1810 of this chapter shall be $36,000 reduced by the amount of entitlement previously used by the veteran under this chapter and not restored as a result of the exclusion in section 1802(b) of this title.".

(b) MANUFACTURED HOUSING.—Section 1819(c) of such title (as amended by section 3(b) of Public Law 100-198) is amended—

(1) in paragraph (3), by amending the first sentence to read as follows: "The Administrator's guaranty may not exceed the lesser of (A) the lesser of $20,000 or 40 percent of the loan, or (B) the maximum amount of guaranty entitlement available to the veteran.";

(2) in paragraph (4), by amending the first sentence to read as follows: "The maximum amount of guaranty entitlement available to a veteran under this section shall be $20,000 reduced by the amount of any such entitlement previously used by the veteran."; and

(3) by adding at the end the following new paragraph:

"(5) The amount of any loan guaranteed under this section shall not exceed an amount equal to 95 percent of the purchase price of the property securing the loan.".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to loans which are closed on or after February 1, 1988, except that they shall not apply to any loan for which a guaranty commitment is made on or before December 31, 1987.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2022, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1415

LEGISLATION TO CORRECT IMBALANCES IN FISCAL YEAR 1988 DOD BUDGET

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, today, I and 19 of my colleagues are joining Congressman JIM HANSEN, our distinguished colleague from Utah, in introducing legislation to correct imbalances in the fiscal year 1988 DOD budget.

This bill is vitally needed in order to give the Secretary of Defense the flexibility he needs to meet the fiscal problems which have been caused in the Department of Defense by the fiscal year 1988 budget cuts.

This legislation, if passed, will require the Secretary to transfer funds into depot maintenance and civilian personnel salaries, in order to prevent adverse personnel actions during this year. It will also require him to reduce the backlogs which are expected in our depots DOD wide.

In order to do this, the legislation gives Secretary Carlucci $4 billion in transfer authority. This increase is needed because of the imbalance that now exists in the fiscal year 1988 DOD budget, due to the tremendous cuts O&M had to take in order to meet the Gramm-Rudman outlay targets.

Mr. Speaker, we have to protect O&M and the logistics pipeline which is the core to readiness. As we face a flat defense budget over the next few years, our focus must be on maintaining a force that can defend and protect the interests of this country. This legislation emphasizes our determination that operations and maintenance and personnel not be sacrificed for procurement and research and development.

I urge my colleagues to consider this legislation and join us in this effort.

WELCOME DÉTENTE BETWEEN GREECE AND TURKEY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, we had good news last month from Switzerland. Two of the distinguished participants in the World Economic Forum were Prime Minister Turgut Ozal of Turkey and Prime Minister Andreas Papandreou of Greece. The two leaders met and talked about problems endangering relations between these two NATO member countries, both good friends of the United States.

The results were unexpectedly positive. The two Prime Ministers agreed to hold summit meetings at least once a year. They will appoint a committee to discuss stubborn mutual problems and explore possible solutions. They will set up another committee to promote economic and cultural cooperation, which can help break down suspicion and mistrust on both sides.

Officials of both governments were reported jubilant. Ozal and Papandreou agreed that it was a breakthrough. In their joint communique they said that "creation of improved relations and confidence would require resolve, time and hard work."

Mr. Speaker, the Greek and Turkish governments have no illusions about the difficulty of solving their thorny and complex differences, but they have taken the first steps. We wish them well.

RELEASE KORNEL MORAWIECKI

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, Congressman COURTER and I have initiated a letter to the Polish Government requesting the release of Kornel Morawiecki. He is the founder and chairman of a group known as Fighting Solidarity and is the last well-known figure linked to the martial-law upheaval in late 1981.

We believe the arrest of this man on November 9, 1987, was politically motivated and might represent a setback in the improved relations the United States and Poland have experienced in recent months.

Back in September 1986 the Polish Government released all 225 of the country's political prisoners. We all applauded this action and felt it contributed greatly to the current thaw in relations.

With the arrest of this man, however, the Polish authorities may be reverting back to a policy of jailing political opposition figures. I sincerely hope not.

What worries me, Mr. Speaker, is the fact that no one has had any contact with him since his arrest. His own daughter was denied permission to see him on December 11, 1987.

He has been at-large for over 6 years and may face especially cruel retribution at the hands of Government security forces. From what I've heard, Soviet KGB agents have been sent in to help conduct the interrogation.

His ostensible crime is that he was caught smuggling and using false identity cards. I believe he was exercising his right to freedom of association and expression—rights guaranteed under the U.N. International Covenant on Civil and Political Rights and the Helsinki accords. Both of these documents were signed and ratified by Poland.

I urge my colleagues to join with me and Congressman COURTER in sending this letter. At the very least, we have an obligation to make sure this freedom fighter in Poland is not being ill-treated during his incarceration.

WHEELS OF MISFORTUNE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the Japanese trade surplus with the United States continues to bear fruit as yesterday another plum dropped off the American corporate tree when Bridgestone, a Japanese company, bought the tire division of Firestone.

This was just another daily episode of the show "The Wheels of Misfortune." But this should surprise nobody: For years, the U.S. trade policy has been conducted with a game show mentality.

We buy Japanese products; they buy United States assets. The Firestone tire division was a steal at $1 billion.

But it's only a game! And we play games according to Hoyle, which obviously has not been translated into Japanese. Why else would there still be trade barriers when the Japanese have a $59.8 billion trade surplus? Why should it matter that they're winning—it's only game show money.

U.S. contestants buy letters, spin the wheel, and go bankrupt. The Japanese don't have to spin the wheel; they know the answers; they buy the prizes.

And you know the rules: You must buy the prizes offered, and corporate and real estate America are the prizes.

American players bought a,g,h,n,m and went bankrupt, the Japanese instantly knew this to be hangman, and unfortunately, we've been hung out to dry.

A PRIVATE BILL FOR THE RELIEF OF T.W. ROUNDS CO.

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, today I am introducing a private bill for the relief of the T.W. Rounds Co. of Providence, RI. Let me explain why Congress should provide overdue relief denied by the U.S. Customs Service in this classic case of injustice at the hands of Government bureaucrats.

In May 1985, Mr. Chester Myers, of the T.W. Rounds Co., was coming back from a buying trip in Europe carrying name brand luggage he is authorized to import into the United States. Upon arrival at Logan Airport, Mr. Myers was prepared, as usual, to pay the duty owed on his merchandise which was worth $6,144. However, it was Memorial Day and Mr. Myers was told he would have to leave his merchandise with Customs for formal entry at a later date. He was given a receipt. Nearly 3 years later, Mr. Myers has neither his merchandise nor compensation for his company's loss.

After 2½ years of letters, telegrams, attorneys, and one embarrassingly inadequate Customs investigation, Mr. Myers asked me for help. After yet another investigation, the Customs Service finally admitted they had made a mistake. Mr. Myers' merchandise, it seemed, had been improperly released to a representative of a third party. The third party denied that the recipient was employed by them, but the third party claimed to have returned the merchandise to Customs which still did not have the merchandise. Confused? Well, it doesn't really matter because the law says the Government doesn't have to pay if Customs loses your merchandise.

Mr. Speaker, this law is absolutely outrageous. If the Government admits they lost a taxpayer's property through negligence, the Government should have to provide compensation. This private relief bill provides the T.W. Rounds Co. with this compensation—just compensation which I hope Congress will approve without further delay.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

The SPEAKER. For what purpose does the gentleman from California seek recognition?

Mr. DANNEMEYER. Mr. Speaker, I have a motion at the desk to instruct conferees.

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADIGAN] rise?

PARLIAMENTARY INQUIRIES

Mr. MADIGAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADIGAN. Mr. Speaker, it was my understanding that before any consideration would be given to a motion to instruct conferees that the Speaker was going to conclude the 1-minute speeches.

The SPEAKER. The Chair would like to accommodate Members seeking to be heard on the 1-minute rule but under the rule a motion such as would be proposed, as the Chair understands it, to instruct conferees would take precedence if a Member sought to press that matter at this time and under the rule would be more privileged.

Mr. DANNEMEYER. Mr. Speaker, that is my request.

Mr. MADIGAN. Further pursuing my parliamentary inquiry, Mr. Speaker, does the Chair then as a matter of custom in the House recognize people on the basis of seniority with regard to committee assignments on matters such as this?

The SPEAKER. The gentleman is correct. If two or more Members seek recognition for motions of equal privilege, it would be the custom of the Chair to recognize the Member most senior on the committee of jurisdiction.

Mr. MADIGAN. Mr. Speaker, the Speaker has just described my situation. I am the senior member and pursuant to a previous order of the House I have a motion at the desk.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Since the Speaker previously recognized his Member and this Member responded that I have a motion at the desk to instruct conferees and I choose to go forward with it at this time pursuant to a unanimous-consent request of last week, does that not give this Member since I was recognized for that purpose priority to proceed at this time?

The SPEAKER. Well, the gentleman is correct, the gentleman did seek recognition for the purpose of making a motion and then the gentleman from Illinois rose with a parliamentary inquiry and the Chair recognized the gentleman from Illinois for that purpose. And it is the Chair's understanding that each of the two gentlemen standing desires to offer a motion to instruct conferees. Is that correct?

Mr. DANNEMEYER. That is correct, Mr. Speaker.

Mr. MADIGAN. That is correct, Mr. Speaker.

The SPEAKER. Well, the Chair, under those circumstances, following the general precedents of the House would recognize the more senior minority member of the two minority members on the committee of jurisdiction.

Mr. DANNEMEYER. Mr. Speaker, I have a further parliamentary inquiry. I appreciate that the Speaker is hesitating a little with respect to his tentative decision, but this Member actually was recognized before my colleague from Illinois was recognized and I would think on that basis that this Member should have priority for making this motion.

The SPEAKER. The gentleman's motion had not been placed before the House. The gentleman had sought recognition and the Chair had said, "For what purpose does the gentleman seek recognition?" The gentleman from California had said, "For the purpose of offering a motion to instruct conferees."

Mr. DANNEMEYER. That is correct, Mr. Speaker.

The SPEAKER. And the Chair was about to ask the Clerk to report the motion when the gentleman from Illinois stood and sought recognition. The Chair said to the gentleman from Illinois, "For what purpose does the gentleman rise?"

Mr. DANNEMEYER. If I may further be heard on my inquiry, if I understand the gentleman from Illinois correctly, he achieved recognition on the basis of a parliamentary inquiry.

The SPEAKER. The gentleman is correct.

MOTION OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Speaker, pursuant to a previous order of the House, I offer a motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. MADIGAN moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem.

PARLIAMENTARY INQUIRIES

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANNEMEYER. Mr. Speaker, when a motion to instruct conferees is pending, as is the situation with the gentleman from California having made such a motion, is it in order for the House to then consider another motion to instruct conferees?

The SPEAKER. Is the gentleman asking would it be in order for him to offer an amendment to the motion?

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The Chair is advised that the gentleman from California could offer an amendment to the motion of the gentleman from Illinois but only if the previous question were voted down. If the previous question on the motion of the gentleman from Illinois should be ordered, then his motion would have to be voted upon without intervening motion.

□ 1430

Mr. DANNEMEYER. Mr. Speaker, if I might be heard further on my parliamentary inquiry, I do not quite see how we could get to the point where we could consider the motion offered by the gentleman from Illinois to instruct conferees when, at the time the gentleman from Illinois is making his motion, there is already a motion by this gentleman from California to instruct conferees pending at the desk. And I have not withdrawn that motion.

The SPEAKER. The motion of the gentleman from California had not been stated and was not pending before the House. The gentleman had sought recognition for the purpose of offering a motion to instruct conferees. The gentleman from Illinois asked, on a parliamentary inquiry, in a situation involving two minority Members, each seeking recognition for the purpose of offering a motion to instruct conferees, as to which of the two Members under the precedents would be recognized. The Chair replied that the senior of the two on the Committee of Jurisdiction, under the precedents, would be recognized, and the gentleman from Illinois offered a motion, he being the senior of those seeking recognition for the purpose of offering a motion.

Mr. DANNEMEYER. Mr. Speaker, I wonder if I could ask the indulgence of the House for the purpose of having the record read back for the purpose of determining whether this gentleman from California was recognized for the purpose of making a motion to instruct conferees.

Mr. DINGELL. I would have an objection, Mr. Speaker. I would have to observe that I think that is a unanimous-consent request, and it is taking a great amount of the time of the House at a time when we have other business pending. I would have to object.

The SPEAKER. The Chair has recognized the gentleman from Illinois, and the gentleman's motion has been read and is now pending before the House. The gentleman is entitled to 1 hour on the motion.

Mr. DANNEMEYER. I have a further parliamentary inquiry, Mr. Speaker.

What happened to my motion?

Mr. MADIGAN. It was never read.

Mr. DANNEMEYER. Yes. it was.

Mr. SOLOMON. Mr. Speaker, he was recognized for the purpose of offering an amendment, and the record will show that.

The SPEAKER. The Chair will state again the situation.

The gentleman from California sought recognition. The Chair asked the purpose of his seeking recognition, and he said he sought recognition for the purpose of offering a motion to instruct conferees. The motion was not made prior to the rising of the gentleman from Illinois to ask by unanimous consent if it were proper to entertain such a motion before the completion of the 1-minute unanimous consent requests. The Chair replied that the Chair would prefer to accommodate Members seeking to be heard under the 1-minute rule first and then entertain the motion, but that the motion really does have priority under the rules to a unanimous-consent request to be heard for 1 minute, and that if the gentleman insists upon offering the motion at that time, the Chair would entertain the motion.

Then the gentleman from Illinois asked if two Members, each desiring to offer such a motion, were simultaneously to seek recognition, which of two Members should be recognized under the precedents of the House, and the Chair replied: The senior of the two on the Committee of Jurisdiction.

Mr. DANNEMEYER. At that point, Mr. Speaker, on the basis of the Chair's own analysis, with all due respect, when I stood for recognition, there was not someone else asking for recognition. It was not done simultaneously.

Mr. DINGELL. Mr. Speaker, may I call for the regular order?

The SPEAKER. The Chair is trying to preserve the regular order and thinks that the Members are entitled to understand exactly what is going on and are entitled to ask questions and to be accommodated to the extent of the Chair's ability to accommodate them.

The fact is that two Members sought recognition for the same kind of motion, for a motion to instruct conferees. The motions having equal precedence and priority, the question arose as to which of the two Members should be recognized for the purpose of making a motion. The Chair replied that the precedents hold that the senior of the two or more Members seeking recognition is entitled to be recognized. The gentleman from Illinois asked then to be recognized for the purpose of offering that motion. The Chair recognized the gentleman from Illinois. The motion has been read. The motion offered by the gentleman from Illinois to instruct conferees on H.R. 5 is the pending order of business.

The gentleman from Illinois [Mr. MADIGAN] is recognized for 1 hour.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I would like to explain to the Members of the House that the gentleman from California [Mr. DANNEMEYER] and this gentleman from Illinois, along with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], who are here on the floor, are all members of the same committee and all interested in the same issue. We are members of the Energy and Commerce Committee, and we are interested in the dial-a-porn problem, this business of young people being able to pick up a telephone, dial a number, hear a pornographic recording, and sometimes do that on a long-distance basis, with their parents ultimately being responsible for that long-distance charge. All of us are interested in dealing with that problem.

In the other body an amendment was adopted to section 7003 of the bill, H.R. 5, and that amendment dealt with the dial-a-porn problem in a manner which many of us considered to be of constitutional legitimacy. We are concerned that because of the constitutional questions associated with the Senate language, the conferees might choose to drop that language rather than proceed with something that, on the face of it, clearly seems to be unconstitutional.

So I am offering here a motion to instruct conferees to simply agree to language that offers a solution to the dial-a-porn problem. I offer this language as a senior member on my side of the aisle of the Energy and Commerce Committee, and on behalf of myself and on behalf of the gentleman from Virginia [Mr. BLILEY], another member of the committee to whom I wish to yield at this point.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, let me say to my colleagues, and in particular to my friend, the gentleman from California, and my other colleagues on the Energy and Commerce Committee, that the motion that he had wished to make addresses an amendment put on by the other body that is identical to a bill of which I am the chief cosponsor in the House.

Now, Members may wonder why I would be here speaking in favor of this motion. The reason is this, Mr. Speaker: I have been trying, along with others, including members of this committee, a majority of whom are cosponsors of my bill, to deal with this problem for 5 years. In the meantime, children have been making these calls continually, and if we were in conference to agree to the language of the other body and if the bill comes back and is approved by this body and the other body and goes to the President and becomes law, we would still not be closer to a solution of the problem, because immediately the purveyors of these messages would go into court and get a restraining order, and then it would be litigated for not days or months but years before we got a solution, and maybe we would get the one we sought and maybe we would not.

I have continued to work on this problem, and I must say we have made a lot of progress. I think that we will, under the language of the gentleman's motion to instruct in the conference, be able to work out whereby we will solve the problem through technical means without getting into any first amendment considerations. I think that is what we would all like to see happen, and I think we would cut the ground out from under the people who would go into court. They may go into court on other grounds, but they would not be able to use the first amendment.

Mr. Speaker, that is what it is all about, and that is why we need this language.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield so I may ask a question of the gentleman in the well?

Mr. MADIGAN. I yield to the gentleman from Indiana for the purpose of debate only.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

The question I have is that regardless of whether the motion of the gentleman from California were to prevail or the motion to instruct offered by the gentleman from Illinois, it seems to me that these purveyors of smut are going to take the final result to court anyhow, so the stronger language, it seems to me, would be the right course of action, because we want to stop this stuff from getting to our children.

Mr. BLILEY. Mr. Speaker, will the gentleman yield further?

Mr. MADIGAN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the difference is that they may well go to court, but if we are successful in working out the language, as I think we will, they will not be able to go to court on first amendment grounds. They would have to go to court on some other grounds, and thereby we believe and the lawyers who have advised me believe that they would not have a strong case. That is the reason for this motion, I say to the gentleman from Indiana.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask that the gentleman from Virginia stay in the well, please, for just a moment, just so we can get a little background on what this issue is and how we got to this point. As the gentleman from Virginia has pointed out, for the last 5 years he has worked passionately in the Subcommittee on Telecommunications and Finance to find some resolution on this issue.

The problem has been that almost every formulation which deals with this issue from an obscenity perspective or indecency standpoint has been challenged and challenged successfully in the courts of this country.

The gentleman from Virginia and I met in September of last year in my office, and I agreed to work with the gentleman from Virginia to construct a regulatory and technological solution to his problem which would be able to overcome the first amendment objections and at the same time still create difficult barriers for any child to gain access to this dial-a-porn service without the permission of their parent by giving to the parent an access code or setting up some other technological barrier so that the child would have to get from the parent if they were going to dial it; otherwise the service would not be available to the home.

We have been working hard over the last 5 months to construct a compromise solution. We at this point have an understanding in principle among the ACLU and the Citizens for Decency, along with the gentleman from Virginia, the gentleman from Michigan, and myself, to try to resolve the first amendment issues while at the same time creating this technological bar of children gaining access without their parents' permission, thereby circumventing the first amendment problem while at the same time dealing with people's primary concern, which is children's access to this service without the parent's consent.

The gentleman has thoughtfully illuminated a dilemma. We have a real world solution which we are considering in the context of the conference committee, and the type of instruction which we are potentially presented with by the gentleman from California is one that again raises the specter of first amendment problems that again brings us right down the same road that has given us all these difficulties over the last 5 years.

This is an issue that we want to deal with on a bipartisan basis. There is uniform concern in the House over this issue, and I believe the motion offered by the gentleman from Illinois is one that is reflective of our general sense that we want to get a bipartisan resolution of the issue.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to my colleague, the gentleman from California, for the purpose of debate only.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I think it would be helpful for the Members of the House to understand what this squabble is all about and where we are. The issue involved in this squabble is whether or not we in the House today are going to vote on the issue of banning dial-a-porn in America. That is the issue. I happen to believe that the people of this country are outraged at what has developed in the telephone industry.

They are making millions of dollars out of this trash. There are powerful forces at work in this country that can keep open the window for the continued availability of dial-a-porn. I am not suggesting that my colleague, the gentleman from Illinois [Mr. MADIGAN], or the chairman of the committee, the gentleman from Michigan [Mr. DINGELL] are in that group. They are not. These two gentlemen, along with my good friend, the gentleman from Virginia [Mr. BLILEY], have been working diligently to provide a vehicle for following constitutional muster but narrowly restricting the availability of dial-a-porn so as to preclude its availability to kids.

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That is what they are struggling to do and I commend them for it. They have been struggling to reach this compromise for over a year. I hope they will continue with that struggle, because like anything else around this place, issues are not resolved today. They come up tomorrow, but this issue today will permit those of us who believe that dial-a-porn does not belong in the culture of America to say so with our votes.

This place is supposed to be built on accountability. The Senate has already voted 98 to nothing to implement what I seek to do here today in my motion to instruct. If I were successful in offering my motion to instruct, the effect of it would be that the authorization for dial-a-porn would be stricken from the Federal law which we adopted in 1983. That is the reason it is on the books today. It would just say it will be no more, whether it is for adults or kids, and I think that is the proper course.

The compromise that my good friends are seeking to adopt would, if I understand it, permit a telephone subscriber as a condition precedent to notify the telephone company that they want to get dial-a-porn. Now, what does that do?

Mr. MADIGAN. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Illinois.

Mr. MADIGAN. There is no language like that here. What I am offering is a motion that says: "Mr. MADIGAN moves that the managers on the part of the House appointed for consideration of section 7003 of the Senate amendment to H.R. 5 be instructed to agree to language that offers a solution to the dial-a-porn problem."

If I might continue, the reason I am doing that and the only reason that I am doing that is because the language adopted in the Senate, which the gentleman from California would like to adopt here in the House in a motion to instruct conferees, has been called into question by many of the lawyers here in the House and in the Senate and other constitutional authorities, saying that language simply goes beyond anything that would be found to be constitutional in a court challenge.

So we are hoping to have the opportunity to resolve this issue in the conference between the two bodies in a way that would not be found to be unconstitutional, and that is what the language of my motion does, and it does not say anything about access buttons or access codes or anything like that.

Mr. DANNEMEYER. I agree. The motion does not relate to that language, but the compromise agreement that was discussed here on the floor before this squabble developed contained an element whereby a telephone subscriber would be able to tell the telephone company that they wanted a continuation of subscriber services of this nature, the affirmative action of the subscriber, and that is the defect in it, because how would the occupant of the home, the parents, know what their kids are doing?

Mr. MADIGAN. Mr. Speaker, if the gentleman will yield again, and the gentleman knows we have plenty of time. I have yielded to the gentleman and if I am interrupting his train of thought, I apologize; but the language the gentleman would offer includes such references as "indecent language."

Now, I do not know how—that is going to be a very subjective judgment and I do not think that 218 Members of the House could agree on what is indecent language, and the court has already indicated in past sessions that they are unable to agree on something like that; so I think the gentleman begs a court reversal of what he attempts to do, unless the gentleman gives us some opportunity to work this thing out in a way that would be found to be constitutional.

Mr. DANNEMEYER. May I respond?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, let me respond to that.

The existing language of the law says that any obscene or indecent communication—that is the disjunctive—and admittedly the word "indecent" has different meanings in our court system, but the word "obscene" has a definite understanding in constitutional law. It has been proscribed. It is not constitutionally protected and the amendment that I am offering would have the effect of continuing the utilization of the word "obscene" in the statutory law of the country that would effectively prohibit dial-a-porn.

Mr. Speaker, do I have the time? Could I yield to the gentleman?

Mr. MADIGAN. No, I have the time, and I have other Members who have previously asked for recognition. I have yielded to the gentleman from California and would appreciate if he would continue and conclude his thoughts.

Mr. DANNEMEYER. I just have a comment that I would like to make here.

This incident occurred on July 26, 1987. It came from a parent talking about what happened in its family.

> "Dial-A-Porn" has deeply affected my family and friends. My 13-year-old son, Kevin called the 900 number. Kevin's friend Don, 15, was over and they were listening to the prerecorded messages. Later when I arrived home from work I immediately made them hang up. Unknown to me, Kevin's 14-year-old brother was listening on another line with his two friends. They continued to listen passing it back and forth. Their sister Jacqueline, 10 was also listening on her extension.
>
> Within 48 hours Don and his 11-year-old brother molested my daughter Jacqueline. The Clio Vienna Township Police were notified and in their investigation revealed the fact that Jacqueline had encouraged them by asking them to touch her and "Do it with her"—phrases she heard on the "Dial-a-porn". Later the same day I learned that Kevin had sexual intercourse with a girl. His response when asked why was "it sounded like fun." I asked him, "What sounded like fun?" and he said "You know the phone call, the $74 phone call."
>
> This phone call has damaged our lives. It has caused strain and distrust in our family. We have had conflict with our neighbors when we had to inform them of their children's involvement. Most of all the permanent damage it's done to our daughter. Somehow the proper steps must be taken to eliminate this diseased pornography that is so readily available to children. Please help our children to prevent such occurrence again.

My point is that even with the compromise that has been talked about on the floor, not a part of the gentleman's motion to instruct conferees, it would still make dial-a-porn available to kids in those homes who had opted to provide, or as a subscriber asked for the availability of dial-a-porn. I do not think as a policy that is the direction Congress should be taking. I think we should be voting here today to eliminate dial-a-porn from the culture of America.

I intend to ask for a roll call vote on the previous question. For those Members who choose to vote yes on the previous question, that means they are voting for the continued availability of dial-a-porn in America. If you vote no on that previous question, that means you will be given a chance to vote on the motion that I would like to make, and but for the intervention of my distinguished senior member on the committee, the gentleman from Illinois [Mr. MADIGAN], I would have been able to make and would say that there will be no more dial-a-porn in America.

I ask for the ability of the House to make that motion so that we can express ourselves on this sensitive issue in the culture of America today.

I thank the gentleman for yielding me the time.

Mr. MADIGAN. Mr. Speaker, just very briefly reclaiming my time, in response to the gentleman from California who just spoke, a vote on the previous question will not be the vote that the gentleman describes at all. The vote on the previous question will be a vote on the previous question on my motion to instruct the conferees from the two bodies to agree to language that offers a solution to the dial-a-porn problem.

It is not a motion to postpone this until some future time. It is a motion to instruct the conferees to find a solution to it in this conference and to come back from that conference to this body and the other body with that solution.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL], the chairman of the Energy and Commerce Committee.

Mr. DINGELL. Mr. Speaker, I want to thank the distinguished gentleman from Illinois for yielding to me. I want to commend him for his leadership in this matter.

As the chairman of the House conferees, I will accept his instruction.

I want to commend the gentleman from Illinois [Mr. MADIGAN] for his long effort on this matter and for the leadership he is showing today.

Dial-a-porn is one of the most obnoxious and contemptible forms of constitutional abuse which we find today. It is a perversion of free speech. It is the sale of some of the vilest and ugliest kinds of human behavior and human emotions for money. I want to commend the gentleman for his instructions, because I believe that this obnoxious practice should be limited to the fullest extent permitted by the Constitution.

Now, I gather that there is some difference over the precise form of the motion to instruct. I want to observe that the gentleman from Illinois has come forward with an excellent instruction to the conferees. I want to tell my colleagues that his instruction will be accepted by the conferees and that we will go as far as we can while remaining faithful to the Constitution in bringing this obnoxious practice to a halt. We will see to it that our young people are protected from this ugly and improper practice to the fullest extent possible within the limits of the Constitution.

The gentleman from Illinois is providing leadership and he is supporting the leadership of the distinguished gentleman from Virginia [Mr. BLILEY] who has long been interested both as a decent Christian and a fine human being, in preventing this kind of practice on publicly licensed and regulated facilities.

I believe the fact that the gentleman from Illinois [Mr. MADIGAN] has made it possible today for the House to express its thoughts on this issue of great importance and will assure us that we have the support of the House when we go to conference with the Senate on this question.

We should not quibble about the precise instructions to the conferees. It is plain that the conferees are going to go to the Senate and try on behalf of the House to achieve the best possible resolution of this issue. This resolution, which will remain within the framework of the Constitution, should assure that the necessary statutory steps are taken to bring this obnoxious practice to a halt.

I think that we should vote yes on the previous question. We should not quibble. In addition, we should not allow a situation where the question of constitutional inhibitions should be used to prevent the strongest possible interdiction by Federal statute against this practice of dial-a-porn.

The gentleman from Illinois [Mr. MADIGAN] has provided us with valuable leadership. I urge my colleagues to vote yes on the previous question and on the instruction. I urge them to recognize that the gentleman from Illinois, the gentleman from Virginia [Mr. BLILEY], and the gentleman from

California [Mr. DANNEMEYER] will be working with other Members of the House who can bring this practice to a halt and move forward on this business which is of great importance to every American.

Mr. MADIGAN. Mr. Speaker, I yield to another member of the Energy and Commerce Committee, the gentleman from Illinois [Mr. COATS] who has been working on this problem for some time.

Mr. COATS. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I regret, Mr. Speaker, that we are here today arguing with each other in this fashion, because I do not believe there is a Member of Congress on this floor who supports what is going on with dial-a-porn. We had hearings before our Energy and Commerce Committee in which many of us sat and listened to the presentations that were made about the problem of dial-a-porn, about the impact it is having on our society, and the evil impact it is having on our young people. As we sat through these hearings, we struggled with how to best deal with this problem. We have constitutional problems. We have court problems.

No one has been more vociferous or more tenacious on this issue, than the gentleman from Virginia [Mr. BLILEY]

I regret that we find ourselves in a position today that because the gentleman from Virginia [Mr. BLILEY] has come up with a solution which he believes will stand court muster. However, this is not accepted by some other members of our committee. They say that a vote for the Madigan motion in a sense is a vote for dial-a-porn and that a vote against is a vote against dial-a-porn. I do not think that is the case. That is not what the gentleman from Illinois has in mind. It is certainly not what the gentleman from Virginia has in mind. He has worked diligently for more than 1 year on this issue, trying to bring about a compromise that will stand court muster, that will eliminate dial-a-porn, eliminate access to dial-a-porn for our young people and deal effectively with this problem that we have all been struggling with for so long.

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The marketing of this dial-a-porn program is obnoxious, it is not discriminatory, and it is not directed just to adults. Members of my staff have received solicitations through the mail, attached to their windshield wipers, distributed on their doorsteps which have said, "If you want to make love with Susie, call this number," and so forth. I will not go into all of the graphic detail as I did in committee. This is the kind of thing that falls in the hands of our young people. It is very tempting to our young people. A simple phone call brings them this kind of indecency, and none of us wants to support that.

But what we are struggling with here, and what the gentleman from Virginia is attempting to do, is to come up with a solution that will not throw the issue into the courts. They have not been successful in dealing with this issue for year after year after year and leave us in limbo on this situation.

I wish the phone companies would have had the courage, would have the guts to come forward and say we are not going to offer this kind of service and we will go forward and stand the court test, and we will fight this. I think they would have been on the side of the people. They would have been on the side of decency, and I regret that in some cases perhaps profit motive has directed them into not taking the stand they should have.

However, despite what their lawyers tell us, there are constitutional problems, court problems, and legal problems. Legal scholars have come before the committee and told us there are constitutional problems and that if we go ahead with the solution the gentleman from California [Mr. DANNEMEYER] proposes, we will simply end up in the courts. We will not stop dial-a-porn, we will not impose a solution to the problem of having dial-a-porn impact on our young people, and we will be fighting this battle on legal grounds for months and years to come.

The gentleman from Virginia [Mr. BLILEY] has come forward with what he thinks is a technological solution to the problem. I say let us give it a shot.

These Members appointed as conferees have pledged to us here today that they are going to vigorously pursue this effort and that this is not a compromise. This is a different solution. We are not compromising on this issue. No Member is standing here compromising on the issue. We are trying to find a compromise on the solution. One that will bring about a resolution of the problem.

I hope that is what we can accomplish. If we cannot, I will be the first one to come back here and support the gentleman from California [Mr. DANNEMEYER] whose position I support 100 percent. Everything he said about dial-a-porn, I agree with. I will be the first one back here to say, "BILL, the other one did not work; let us go your way, take our chance with the court and try to put it in place."

I thank the gentleman from Illinois for his efforts in this regard and I particularly thank the gentleman from Virginia for his efforts and I regret that he is being cast in a light of compromising on an issue he feels so deeply and strongly about.

Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman from Indiana for his contribution, and for purposes of debate only I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are dealing with a filthy, filthy business here, and it seems to me that there is nothing that we can do in this body that would be too tough in terms of ending this filthy, filthy business. And the fact is for all of the constitutional arguments that we have heard on the floor here in the last few minutes, the other body has in fact acted 98 to nothing on precisely the language the gentleman from California would have us approve. It seems to me if there were serious constitutional problems that maybe somebody over there would have found some of those serious constitutional problems before they voted 98 to nothing for this particular proposition.

What the gentleman from California is trying to do is make certain that the elimination the folks in the other body thought was important in fact gets acted on by the conference. So that is the real question, it seems to me, that is posed before us.

Do we take the weak approach, not that the people who are acting here are acting in bad faith, but the approach that they are asking us to take is a weaker approach than what the gentleman from California wants us to take, because what we would have before us in the motion offered by the gentleman from Illinois is a proposition that the conference committee ought to discuss a solution.

What the gentleman from California is saying is let us eliminate the problem. I think that we ought to vote with the gentleman from California. Vote no on the previous question so that the gentleman from California can offer his amendment that will say to the conferees eliminate the problem, get rid of this filthy, filthy business, and then the courts will do what the courts are going to do. But I would suggest that this constitutional argument that all of a sudden has been thrown into the middle of this debate is in fact something that was not given very serious consideration in the other body and that our position ought to be let us at least be as tough as they were on the other side of the Capitol. Let us just get tough here, and let us eliminate this filthy business.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am glad to yield to the gentleman from New York, my colleague.

Mr. SOLOMON. Mr. Speaker, I would just like to point out the point the gentleman is making, and with all due respect to my good friend, the gentleman from Illinois [Mr. MADIGAN] who I know is sincere on this issue, and especially to the gentleman from Michigan [Mr. DINGELL] chairman of the committee whom I have defended on attacks by the New York Times time and again, I have deep respect for him, but let me just say if there is sincerity on the part of all of the people who are supporting this, let us withdraw the Madigan motion and let the gentleman from California [Mr. DANNEMEYER] offer his motion. Then there is no question the conferees will accept this because the Senate has passed it 98 to nothing. This House will instruct the conferees to support it and then we will ban dial-a-porn.

If there is a question in any of my colleagues' minds as to whether this is constitutional, and I have heard no constitutional lawyers, including my good friend, the gentleman from Illinois, HENRY HYDE, raising any objections on this side of the aisle because I think it is constitutional, if there is a question then let us put our money where our mouth is. Let us pass the Dannemeyer motion to instruct. Then let us pass the gentleman's amendment, his motion to instruct in the form of legislation. Let us put them both on the desk of the President, and let us have them both signed into law. Then we will ban dial-a-porn forever.

If it is found unconstitutional, here is the backup piece of legislation.

I recall to my colleagues what happened to the Solomon amendment 5 years ago when similar arguments were made when I tried to offer amendments on this floor to ban Federal aid from going to draft dodgers, to young men and women who refused to register for the draft. Many people, including PAUL SIMON, who is running for President of the United States, said that is unconstitutional, and for months and months they blocked my amendment, until we finally passed it. It went to the President. He signed it, and it went to the Supreme Court, was tried, brought by an action by the University of Minnesota. The Supreme Court upheld the so-called unconstitutional Solomon amendment by a vote of 7 to 2. So much for unconstitutionality.

That solves both your problems. Let us support the gentleman from Michigan [Mr. DINGELL], let us support the gentleman from Illinois [Mr. MADIGAN], and let us support the gentleman from California [Mr. DANNEMEYER]. Let us pass both of these and test them in the courts.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Michigan, chairman of the subcommittee.

Mr. DINGELL. Mr. Speaker, I think the gentleman from Illinois [Mr. MADIGAN] has shown extraordinary statesmanship and patience in connection with this debate. It appears that we are in the midst of a monstrous quibble. It has been said there is some legislative language that can be voted on. However, as we have not yet gone to conference there is no specific language to consider at the moment. We will be going to conference soon and I have already made a pledge concerning the goals of the conferees. I am sure the conferees, including myself, the distinguished gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee, as well as the other conferees, the three Democrats and two Republicans, will be given ample opportunity to participate. We are going to work together and write strong language to deal with this problem.

I think rather than getting ourselves in an enormous dialectical hassle over how many angels can dance on the head of the pin, or who is most opposed to dial-a-porn, we should simply support the previous question, as well as the motion to instruct the conferees offered by the gentleman from Illinois [Mr. MADIGAN]. We should recognize that this is a motion offered in good faith. We should also recognize the comments made by those of us who will be participating in the discussions with the Senate, and recognize that we are going to find the strong and most effective way to bring to fruition the long efforts of the gentleman from Virginia [Mr. BLILEY] and others who have been seeking to bring this obnoxious practice to a halt. I assure my colleagues we will make our best effort toward that end, and I thank my dear friend from Illinois for yielding.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I am happy to yield to the gentleman from Massachusetts, chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, I want to make one thing very clear here, and that is that all of the conferees have every intention of being tough in terms of resolving this issue, but at the same time we intend on being smart. We want to resolve the issue in a way which effectively solves the problem at hand. We do not want to pass legislation which brings us years of litigation, and on an issue in which we know that just 3 weeks ago the second circuit court recognized the constitutional problem and decided that Congress may not ban indecent telephone language and in which we know from testimony before our own subcommittee just 4 months ago by the U.S. attorney from Utah, the chief prosecutor of these cases who testified before our subcommittee that the Helms language is, in his opinion, on its face, unconstitutional, that it will just buy us years of trouble, years of litigation, and ultimately have us engaging in further futile activity.

The gentleman from Virginia [Mr. BLILEY] is the single most sincere Member of Congress in terms of his desire to see a resolution of this issue. He is telling us that the message that is delivered by the gentleman from Illinois [Mr. MADIGAN] in his instructions to the conferees will give us the latitude to produce for the House a resolution of this issue.

I promise the gentleman from California that all of us, the gentleman from Michigan, the gentleman from Massachusetts, all of us have an interest in resolving this issue now. And if we can stand together, I give my colleagues my promise, and the chairman of the committee, the gentleman from Michigan, I know shares my view that we will do everything in our power to resolve this issue as part of this conference and to give my colleagues something that will stand constitutional questions and challenge.

The motion offered by the gentleman from Illinois should be supported. A yes vote is the correct vote if Members of this body seek to find a constitutionally passable piece of legislation which will deal once and for all with this question of pornography being in fact made available to minors without the permission of their parents. We think that we are very close to resolving that issue, and if the motion offered by the gentleman from Illinois [Mr. MADIGAN] is accepted, I think we have a very good chance of delivering that to the House.

Mr. MADIGAN. Mr. Speaker, in summary I would like to say that I have offered this motion on behalf of the gentleman from Virginia [Mr. BLILEY] and the gentleman from Indiana [Mr. COATS] who are both members of the appropriate subcommittee of the Committee on Energy and Commerce which has been involved in this dial-a-pornography over the telephone business for some number of years, now almost 5 years, I believe. Those two gentlemen have had the opportunity over a period of 5 years in that subcommittee to hear a lot of testimony from various constitutional scholars, prosecutors and others as to what kind of language would be found to be constitutional by the Highest Court in this land, and what kind of language would not be. Clearly these two gentlemen, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Indiana [Mr. COATS] are saying that the language the gentleman from California [Mr. DANNEMEYER] would like to offer is language that has been said to be by all the expert witnesses that have come before their subcommittee language that would be found to be unconstitutional. Even the U.S. Department of Justice has raised questions about the constitutionality of the language that would be offered here if my motion to instruct conferees were not to be successful.

The motion that I have offered to instruct conferees says the conferees are instructed to agree to language that offers a solution to the dial-a-porn problem. The conferees would include the gentleman from Virginia [Mr. BLILEY] who has been active in this issue for over 5 years, who is a parent, who is a devout member of his church and whose conservative credentials have never been questioned by any Member of this assembly on either side of the aisle.

This language requires that the dial-a-porn issue be resolved now and not be put over to some future time and place. The language provides the flexibility that is needed to resolve legal and constitutional issues. It is language that I hope the Members of this House will support.

Mr. Speaker, I move the previous question on my motion to instruct.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 200, nays 179, not voting 54, as follows:

[Roll No. 8]

YEAS—200

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Bates
Beilenson
Berman
Bliley
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Evans
Fascell
Feighan
Fish
Flake
Florio
Foglietta
Foley
Frank
Gallo
Garcia
Gaydos
Gejdenson
Gonzalez
Gordon
Gradison
Grant
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hertel
Howard
Hoyer
Jacobs
Jeffords
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McDade
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Moakley
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Pease
Pelosi
Pepper
Perkins
Pickett
Pickle
Price (IL)
Rahall
Ray
Rhodes
Richardson
Rinaldo
Rodino
Roe
Rogers
Rostenkowski
Roybal
Sabo
Savage
Sawyer
Saxton
Schneider
Schroeder
Schumer
Sharp
Shays
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (VA)
Smith (FL)
Solarz
St Germain
Staggers
Stokes
Studds
Swift
Synar
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NAYS—179

Armey
Badham
Ballenger
Barnard
Bartlett
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Broomfield
Brown (CO)
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Chapman
Chappell
Cheney
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Craig
Dannemeyer
Darden
Davis (IL)
Davis (MI)
DeLay
Derrick
DeWine
DioGuardi
Dorgan (ND)
Dornan (CA)
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Flippo
Frenzel
Gallegly
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (SD)
Kasich
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lewis (CA)
Livingston
Lloyd
Lowery (CA)
Lujan
Lukens, Donald
Marlenee
Martin (NY)
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morella
Myers
Nelson
Nichols
Nielson
Owens (UT)
Packard
Pashayan
Patterson
Penny
Petri
Porter
Price (NC)
Quillen
Ravenel
Regula
Ridge
Ritter
Roberts
Robinson
Rose
Roth
Roukema
Rowland (CT)
Rowland (GA)
Russo
Schaefer
Schuette
Sensenbrenner
Shaw
Skeen
Skelton
Slaughter (NY)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swindall
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Yatron
Young (FL)

NOT VOTING—54

Applegate
Archer
Barton
Biaggi
Bilirakis
Boehlert
Boggs
Boulter
Clay
Courter
Crane
Daub
Dickinson
Dowdy
Dreier
Dymally
Fazio
Fields
Ford (MI)
Ford (TN)
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Horton
Johnson (CT)
Kemp
Kennedy
Kolbe
Lantos
Leath (TX)
Leland
Lent
Lewis (FL)
Lightfoot
Lott
Lungren
Mack
Mica
Mollohan
Parris
Pursell
Rangel
Roemer
Saiki
Scheuer
Schulze
Shumway
Smith (IA)
Stark
Sweeney
Wortley
Young (AK)

□1530

Messrs. COMBEST, JOHNSON of South Dakota, ROBERT F. SMITH, BARNARD, ROSE, BEVILL, RITTER, PORTER, THOMAS of Georgia, TAUKE, HOCHBRUECKNER, HUGHES, DERRICK, STRATTON, GLICKMAN, and RIDGE changed their votes from "yea" to "nay."

Mr. CARR and Mr. TRAFICANT changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion to instruct offered by the gentleman from Illinois [Mr. MADIGAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MADIGAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 9]

YEAS—382

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Coyne
Craig
Crockett
Dannemeyer
Darden
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fish
Flake

Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NOT VOTING—51

Barton
Biaggi
Bilirakis
Boehlert
Boggs
Boulter
Chapman
Clay
Coble
Courter
Crane
Daub
Dowdy
Dreier
Dymally
Fazio
Fields
Ford (TN)
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Horton
Johnson (CT)
Kemp
Kennedy
Kolbe
Lantos
Leland
Lent
Lewis (FL)
Lightfoot
Lott
Lungren
Mack
Mica
Parris
Pursell
Rangel
Roemer
Saiki
Scheuer
Schulze
Shumway
Smith (IA)
Stark
Sweeney
Wilson
Wortley
Young (AK)

□ 1545

Ms. PELOSI changed her vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3378

Mr. THOMAS of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from the bill (H.R. 3378) to require National Park Service to reintroduce wolves into Yellowstone National Park.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 375

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments, as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 375 is an open rule providing for the consideration of H.R. 1054, the bill to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as the original text for the purpose of amendment under the 5-minute rule. Each section of the substitute shall be considered as having been read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1054 would amend the Federal Tort Claims Act to allow active duty military personnel to sue for damages that arise from medical malpractice. It is a narrowly drawn measure which does not permit medical malpractice suits resulting from medical treatment furnished overseas or during combat situations.

Although active-duty military personnel represent only about one-third of those served at military medical facilities, they currently are the only category of patients at such facilities who cannot sue for medical malpractice. In fact, even Federal prisoners can sue for medical malpractice in Government-operated facilities. This legislation would correct these inequities under present law.

Mr. Speaker, I am not aware of any objections to this open rule. I would urge my colleagues to adopt this rule so that we can move on to the consideration of this legislation.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in recent months I do not know of anyone who has not spoken out against the deficit, how we

have to control it, et cetera, et cetera, et cetera, but now we come with a bill today that opens up a whole new category of claims on the Federal Treasury. It will allow active duty military personnel to sue the United States for damages for personal injury or death resulting from negligent medical or dental care provided in fixed medical facilities operated by the Department of Defense or the United States.

While the estimated cost of this bill is $25 million per year, the truth of that it is very difficult to predict the cost of medical malpractice awards. It would not surprise me if the actual cost of this legislation turned out to be a major budget figure.

Mr. Speaker, it should be noted that the administration opposes this bill and does so very strongly. According to a policy statement provided in the Rules Committee, the President's senior advisers would recommend that he veto the bill if presented to him in its present form as it is before us today.

The administration finds this bill objectionable because it would legislatively limit the Supreme Court's longstanding Feres doctrine, which holds that "the Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." There already exists a separate, uniform, comprehensive, and no-fault compensation process for military personnel.

The administration also objects to this bill because it would involve the courts in the review of military command decisions, thereby weakening military discipline and disrupting the unique relationship between servicemen and the military.

□ 1600

Another problem is that the bill will result in an inequity by permitting service-incident claims to be determined by nonuniform local laws. The administration suggests that if Congress concludes that additional compensation should be available to service personnel injured by military medical malpractice then the administration would not object to the establishment of an administrative medical malpractice compensation program under the operation of the Military Claims Act.

This alternative would ensure an unbiased review of these claims without requiring the judicial branch to second guess military decisions.

For all these reasons, Mr. Speaker, the bill made in order under this rule should not and undoubtedly will not be enacted into law.

Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. Porter].

Mr. PORTER. Mr. Speaker, this is an acceptable bill from my point of view in one respect—it allows members of the Armed Forces the right to recover in court damages incurred by malpractice.

There is nothing wrong with this, of course, except that it does not really address other aspects of the malpractice crisis gripping this country, and does not go far enough to limit the Federal Government's potential monetary exposure.

The bill does attempt to limit so-called noneconomic damages by defining the word personal injury to preclude mental or emotional disability that is not a direct result of the injury.

The problem with this—and the lawyers here in this body all know it—is that it is not very tough to convince a judge that an emotional damage of one kind or another—so-called pain and suffering or noneconomic damages—is a direct result of some physical injury.

So my concern, then, is that the bill really doesn't preclude the danger of the Federal treasury being tapped for large pain and suffering awards as a result of military medical malpractice.

Is this a genuine concern? I think that it is.

In 1985, I commissioned a comprehensive GAO study of closed malpractice claims for the year 1984. That study revealed a number of important things.

One thing the study turned up is something which I call a "money spike."

Of all claims, only about 40 percent result in a payment of any kind.

But of those claims that pay, 60 percent of the total money paid out goes to only 9 percent of the claimaints—and all of that is in amounts exceeding $250,000.

In other words, about 4 or 5 claims out of 100 pay big money; the rest either don't pay much or don't pay at all.

Turning to the analysis of payments solely for noneconomic damages—for pain and suffering—we see the same money spike dynamic.

In this case, 60 percent of the money paid out for pain and suffering went to only 2 percent of all claimants—all in amounts exceeding $200,000.

The point of my bringing this up is to alert the Members to the reality that we risk opening the door through this legislation to huge payouts by the government for pain and suffering.

Let's remember, too, that the judge will be deciding the case and fixing awards with the knowledge that Uncle Sam's deep pockets will be footing the bill.

My fear then, quite simply, is that the payouts will be large, the money spike, if you will, will be huge. When a sympathetic judge discovers it will be the Federal Government paying—the sky will be the only limit. The Federal Government will finance numerous multimillion dollar settlements and the costs of this bill will far exceed the $25 million that CBO has ball-parked it at. It will be an unimpeded tap into the Federal Treasury for plaintiff's attorneys, and if we thought some judgments were large when the insurance company's were paying them, wait until we see those against Uncle Sam.

I considered offering an amendment to this bill to cap noneconomic payouts at $300,000. I understand my able colleague from Illinois [Mr. Davis] will offer such an amendment, and I certainly will support it.

Malpractice is a complex issue. As I said at the outset, I have no problem with allowing active duty members to sue, but that is only part of the solution. Preventing occurrences is also vital.

We need comprehensive risk management in our military—computerized tracking of outcomes, extensive peer review, rigorous credentialling. We probably need better compensation for these doctors. And we need patient education on risks and exposures.

And again, we the government, the taxpayers in this case, we the payors of judgments—ought to protect ourselves against large Federal expenses by imposing some kind of limits on pain and suffering damages beyond those contemplated in this legislation.

Mr. LATTA. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Speaker, I am going to vote against the rule because I am against the bill. I think it is a bad bill. I think that the gentleman from Illinois [Mr. Porter] has pointed out most of the things in the way of inequities and fallacies involved in the bill. What we are doing is great for trial lawyers, and it is great for the ACLU, and it is great for people who want to sue the Government, as if we did not have enough of that already.

We have a good system now, we have a system of compensation for those who have been injured who have not been adequately taken care of, but there is no reason to impose this additional burden on the military at a time when the Department of Defense and the defense dollar is under attack. This would open sort of a Pandora's box so that everybody who wants to sue the Government can file suit. We have already seen how litigation has mushroomed in the civilian sector. We have seen doctor after doctor go out of business. We have seen obstetricians quit their practice because of malpractice suits.

Mr. Speaker, at least those physicians in the military had some protection. As a matter of fact it helped in recruitment of physicians for the military because they did not have to spend $75,000 up to $200,000 a year for premiums for liability insurance. Now they want to take away that indemnity, this protection for our military doctors.

As the gentleman from Illinois [Mr. Porter] has pointed out, this is just saying OK everybody, anybody that has a claim real or imagined has a free chance, Uncle Sam has the deep pocket here and it is going to hurt military medicine, it is going to hurt the Department of Defense, and I just think it is a bad bill.

Mr. Speaker, for that reason I would vote against the rule and vote against the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Speaker, there are several misstatements of fact that I want to address.

First, there are no jury trials involved here. This is under the Federal Tort Claims Act and there will be no jury trials. There has been a suggestion that there would be a problem with jury trials, and that simply is not the case.

Mr. Speaker, there are a lot of controversial aspects to the tort system. The Federal Tort Claims Act, which is what is at issue here, does not have many of those that are most controversial so it was wrong for my colleagues to state that there would be jury trials.

Mr. Speaker, it is incorrect to suggest, as a previous speaker did, that this would come out of the Department of Defense budget.

Relatively small amounts come out of the Department of Defense budget, but under the Federal Tort Claims Act larger judgments have $2,500 come out of the claims fund that is through the Department of Justice. So this would not be true.

The total that the Congressional Budget Office estimated of $25 million virtually none of that would come out of the Department of Justice.

It is also a mistake to suggest as the previous speaker just suggested, that we would be taking away the indemnity for the doctors in the military. We simply do not do that. This does not change the indemnity as to doctors in the military. It allows a member of the military to sue the Federal Government without a jury trial, without a possibility of punitive damages, but only for physical injury and resultant problems of a physical injury, and the funds if there is a settlement above $2,500 would not come out of the Department of Defense budget.

Mr. Speaker, I just want to point out to the Members who are reacting to this in terms of their general view on tort law should understand that this is a much more limited right than one generally has in tort law.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I would be glad to yield to the gentleman from Missouri, a distinguished lawyer and member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me this time. I would like to point out that I do support this measure. This sort of law should have been passed some time ago. It is one that is limited in scope, it is one that will give the opportunity for adequate compensation in the correct tribunal and I am sure that there are those that have a proper tort claim whether it be personal injury or otherwise who will be compensated under this, whereas otherwise they would not be so compensated.

I think it is absolutely the right thing to do. I commend the gentleman from Massachusetts [Mr. Frank], he is on the right path. I compliment not only him but I compliment the Committee on the Judiciary on putting this out, and I wholeheartedly endorse this proposal.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. FRANK. Mr. Speaker, I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. Frank] for yielding me this time. The gentleman from Massachusetts is the author of this legislation and is the expert. Let me say that some years ago I authored a bill in order to place the service physicians, service doctors on the same footing as the HEW doctors, Veterans' Administration hospital doctors, whereby in a suit for malpractice they would have on a personal basis where the suit was directed to them individually, and where they would be individually responsible, and with them having very limited means of legal advice, we approved the legislation that would put them on the same footing with HEW doctors. To the surprise of the Committee on Armed Services' chairman, he did not realize that that did not exist.

We finally had it signed into law and it provided that resource to the service doctors and medics.

Does this bill in any way affect that?

Mr. FRANK. Mr. Speaker, I thank the gentleman from Texas [Mr. Gonzalez] for asking this question. The answer is that it does not. It leaves the individual doctors exactly as they were. There is no need for malpractice insurance, there is no need for them to be indemnified. They are not individually sued.

The Federal Government is sued. The doctors are not individually liable.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Panetta). Pursuant to House Resolution 375 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1054.

☐ 1613

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, with Mr. Hall of Ohio in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Massachusetts [Mr. Frank] will be recognized for 30 minutes, and the gentleman from Florida [Mr. Shaw] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. Frank].

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward and limited issue. This is a bill which previously passed the House in the previous Congress by a vote of 317 to 90. It has been opposed by the Department of Justice particularly and I think incorrectly so. I think that in a recent Supreme Court case involving the extension of this doctrine, while the five-member majority said not that they thought it was a good idea, but that they simply declined to alter it and left it to Congress to do that because it was a doctrine of long standing.

Judge Scalia speaking for the minority very vigorously said he thought it was a bad decision in the first place and ought to be modified to this extent.

☐ 1615

The Federal Tort Claims Act gives people a very limited right of suit against the Federal Government compared to the general right that a person has under tort law. There is no jury trial. There is no provision for punitive damages. Those are two of the elements which taken together have led to some controversy about general tort law.

We have a system compensating members of the armed services for some injuries, but some very important issues are left. We had uncontroverted testimony of a young woman in the armed services, who as a result of blatant malpractice, and I am not arguing here there is any different level of medical malpractice in the armed services than anywhere else, that is not the argument. The argument would have to come from others who apparently argue that there never is malpractice in the armed services because while you can be compensated for lost wages and inability to earn at a certain level, but if you lose the right to bear children, as this young woman did because of medical malpractice, there is under current law no way in the world for her to be compensated for that. There is no way to be compensated for the enormous pain and no real way I believe to be compensated for loss of earning capacity over a period of years.

It has been suggested there are alternative ways to do that and that we can change the compensation system. Let me say, Mr. Chairman, after the House passed this bill there was never any interest on the part of either administration of either party to change it. When the House passed the bill 2 years ago and began to be serious about it, people in the Defense Department said what about amending the compensation system so that we can deal with that. We said we would be glad to look at that if they had something. I believe they were overruled by the Justice Department. Their position was leave it alone. If a pregnant woman loses her ability to have children, do not compensate her for that. That is not a partisan issue because that is the previous Justice Department as well.

What we are saying is if young people who serve in the armed services of this country meet the burden of showing that a medical doctor mistreated them in a blatant way and caused damages that they should be able to be compensated for those damages, not with a jury and not with anything punitive. That seems to us to be a fairly limited right.

The ranking minority member of the subcommittee, the gentleman from Florida, [Mr. SHAW] and myself, think that the entire tort system ought to be looked at. We have a hearing scheduled to look at the Federal Tort Claims Act, to look at whether there ought to be some changes in the way in which we deal with that. But we do not think it is fair to say we will have one right for every citizen of the United States except members of the armed services who are on active duty, that anybody else, prison inmates, private citizens, Federal employees, retirees, they can use the following procedures, but no procedure at all will be available to those who serve in the armed services. That is our point.

We are prepared, as I said, to look at whether we ought to change it for everybody. But we do not think we ought to single out members of the armed services.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I want to ask the gentleman from Massachusetts if he would respond to a question. As I understand it, under present law the dependents of military personnel who are treated in a medical facility, operated by the Government, have a right of action.

Mr. FRANK. This is correct.

Mr. HUGHES. So that the dependents of a soldier whose family has been subject to malpractice can sue on behalf of that dependent, but if it is the soldier himself or herself who is the victim of an act of malpractice, there is no remedy?

Mr. FRANK. The gentleman is exactly right.

Mr. HUGHES. I also understand, if the gentleman will respond, that about two-thirds of patients who are treated at many of the military hospitals around the country are basically not soldiers or sailors or members of the military?

Mr. FRANK. They are dependents and retirees, the gentleman is correct.

Mr. HUGHES. So we are talking about about one-third of the persons or patients treated at these military facilities, and we are only denying the right to sue for malpractice to the military personnel?

Mr. FRANK. The gentleman is absolutely correct.

I regard this, as many others do, as a very promilitary measure. I should say that the members of the armed services regard it as that.

The argument against it, I should point out, is that it would undermine military discipline. This is the only argument we get from the Defense Department.

By the way, because we are dealing with the Federal Tort Claims Act, this does not apply outside the United States. It does not apply because we say a fixed medical facility, to medical treatment you get on a ship. It only applies in noncombat situations, in a hospital in the United States.

The question was raised that if a young woman loses her ability to bear children and 5 months later she sues the captain who performed the operation that that will undermine military discipline. To the extent that it might have shaken her faith a little bit, I think the fact that she has lost her ability to bear children probably had more of an impact on her than her ability to sue the doctor. I think it is a specious agrument.

Mr. HUGHES. If the gentleman will yield further, I want to congratulate the gentleman from Massachusetts and the gentleman from Florida [Mr. SHAW] the ranking Republican for their excellent bill. It is very narrowly drawn to deal with a basic inequity that makes no sense. In fact, when we look at that 1950 decision, I believe it was United States versus Feres, one has to wonder on what basis first of all that exception was carved out, because certainly it was not found in the statute. Would the gentleman from Massachusetts agree?

Mr. FRANK. The gentleman is correct, as Justice Scalia pointed out, and we are now by statute trying to restore the bill to its original meaning.

Mr. HUGHES. I want to congratulate the subcommittee for an excellent job. We are talking about a very basic inequity, and I would urge my colleagues to support the bill.

Mr. FRANK. I thank the gentleman.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1054. As the ranking member on the Subcommittee on Administrative Law and Governmental Relations which has jurisdiction over this legislation, I had a firsthand opportunity to observe the witnesses for and against this legislation. I am aware of the administration's opposition to the passage of this bill and particularly the concerns of the Department of Justice and the Department of Defense.

Mr. Chairman, as you know, the U.S. Government is immune from legal redress unless it consents to be sued; that theory is known as the theory of sovereign immunity. As you also know, in the mid-1940's, the U.S. Government decided to create an exception to the sovereign immunity theory regarding suits against the U.S. Government and enacted the Federal Tort Claims Act. Simply put, the Federal Tort Claims Act made the U.S. Government amenable to suit in the same manner and to the same extent as a private individual under like circumstances. In 1950, however, the U.S. Supreme Court in the case of Feres against United States, determined that although the Federal Tort Claims Act provided for a right of action by private U.S. citizens against the U.S. Government, that our military men and women did not fall into that category of private U.S. citizens. Consequently, the Court in that case excluded military personnel from the right to sue the U.S. Government for negligence. The theory surrounding that case has become known as the Feres Doctrine.

The result of the Feres Doctrine has been to leave our military men and women with no recourse against our Federal Government should they be the victim of negligent medical care by a military medical facility. H.R. 1054 would overturn the Feres case and change the application of the Federal Tort Claims Act to provide that our military men and women have some recourse against our Government should they become the victim of negligent medical care.

The approach of this legislation is simple. H.R. 1054 adds a new section to the Federal Tort Claims Act creating a right for active duty military personnel to sue the United States for personal injury or death due to negligent medical or dental care provided in a fixed medical facility operated by the United States. It is important to note, Mr. Chairman, that two important exceptions already found in the Federal Tort Claims Act will also apply to this new section; namely, that no cause of action is provided against the United States for a claim arising out of combatant activities during a time of war and no cause of action will lie for any claim arising in any foreign country. Due to these restrictions, the new exception created by this legislation will have limited application.

I understand the concerns of the Department of Justice and the Department of Defense. I too am concerned about the medical malpractice liability crisis facing our country today; however, I do not believe that this legislation will have an adverse effect on the medical malpractice liability circumstance that we find our private sector medical community in today. It is important from that perspective to emphasize that under the Federal Tort Claims Act there is no right to a jury trial and punitive damages are not allowed. I further believe that medical services rendered by our military are unique enough in character not to be used as a springboard for future legislation creating further causes of action in negligence against the authority of our armed services.

In short, Mr. Chairman, while I have some reservations about this legislation, in my opinion they are greatly outweighed by the unfair circumstances created for our military men and women when they are left with no recourse against what is sometimes crippling negligent medical care. If there exists a group of people who should be excluded from recourse for negligent medical care, it should not be our men and women who serve in our military forces.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, as chairman of the Veterans Subcommittee on Oversight and Investigation, I spend a lot of my time looking out for the interests of former members of our armed services who have not been able to enjoy the medical attention and benefits which they so deserve.

It is just as important, however, to ensure that active duty members of the armed services are provided the adequate and responsible medical service to which they are entitled. By providing the young people who risk their lives on our behalf the same limited right to sue for malpractice that every other resident of the United States enjoys, the military malpractice bill being debated on the floor today goes a long way toward providing members of our Nation's armed service community the adequate, professional attention they truly deserve.

Just as I have been battling to give our Nation's veterans the basic right to due process and judicial review when seeking much-deserved benefits from the Federal Government—rights already afforded to Social Security recipients, illegal aliens, and even convicts, I completely embrace today's efforts to allow active members of our Armed Forces the right to sue for damages arising from medical or dental malpractice. Simply put, there is no sense in denying these people a right which every other person in the United States possesses.

Like most all of us in Congress, I am keenly aware of the need to maintain a strong and capable national defense. Although I am encouraged by the level of morale which exists in our armed services, we in Congress can make it even higher by simply acknowledging the deficiencies in our country's current medical malpractice policy for active duty personnel. We in Congress need to look out for our country's loyal and dedicated military; by supporting H.R. 1054, we can do exactly that.

Mr. Chairman, I sincerely urge my fellow Members of the House to vote in favor of H.R. 1054.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, I would ask the gentleman from Massachusetts to answer a question or two.

Mr. Chairman, I have read over this bill and there are several parts of it that I am a little bit confused about. Let me give the gentleman a hypothetical situation. Let us assume at a local Air Force base here there happens to be some traffic on the base and there is an accident, two vehicles collide and some people are injured in the accident. A doctor responds from the clinic at the Air Force base to the scene of the accident, the emergency scene of the accident, misdiagnoses the condition of the patient causing that patient harm or death. Let us assume in the worst case the patient dies on the scene as a result of the medical negligence or malpractice.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I can answer the gentleman's hypothetical. That doctor is in the clear and no claim would arise from that hypothetical.

On page 4 of the bill, lines 14 through 20 it states: "The personal injury or death referred to * * * must have arisen out of medical or dental care furnished the member of the Armed Forces in a fixed medical facility operated by the Secretary of a military department."

The reason for that is that we recognize in the nature of that case there will be emergency medicine administered much more frequently because there are people who are scrambling, who are doing these kinds of things. No one is suing Hawkeye. There will be no suits because of things that happened in the field. It has to be in a fixed medical unit. As I pointed out, if someone is injured on a ship and is tended to by the doctor on ship, and that would have been malpractice, no claim would arise. It has to be in a hospital.

Mr. DURBIN. I think there is an inconsistency, and I understand the gentleman is trying to draw a reasonable line here. If that person is brought in from the scene of the accident on the base, inside the door of the emergency room of the clinic or hospital, and then the malpractice occurred, clearly there would be a claim. If it happens outside the door of the hospital there is no claim, and I do not think that is very consistent.

□ 1630

And I do not think that is very consistent. Let me ask the gentleman another question. Let us assume that someone is injured or damaged and the root cause of it appears to be the wrong prescription, the wrong drug was given to the individual. Let us assume then that that individual or his survivor, family, would sue the drug company. Let us assume that the drug was administered and given in a fixed medical facility and the like. Would the drug company, the defendant in the lawsuit, have the right under this law for a third-party action against the Federal Government, arguing perhaps that the doctor incorrectly diagnosed or incorrectly administered the drugs that were in question.

Mr. FRANK. If the gentleman would permit me to answer the question with regard to the inconsistency, I agree. I have never brought a piece of legislation to this floor that did not leave an inconsistency somewhere, someplace. This "ain't" a consistent world and I have not the ability to make it consistent.

The biggest inconsistency it seems to me right now is the inconsistency of being a member of active duty armed services who cannot sue and everybody else in America who can. Now we will be diminishing the inconsistency but not removing it. So I plead guilty to diminished inconsistency.

Second with regard to this, we have had situations where this particular doctrine has in fact operated as not a sword, but a shield in Feres cases where members of the armed services have sued either while in the armed services or subsequently and they have sued private contractors who have invoked the Feres doctrine and have mooted lawsuits which may have had a good argument.

So what we have had is the reverse situation where private contractors have been able to hide behind the Feres doctrine and the courts have permitted it and dismissed law suits.

In the other situation, I believe, though I am not an expert on how the Federal tort claims act works, the injured individual would have a right to sue the Government if he or she was the victim of a misprescription by the doctor in a fixed medical facility, and the company. Whether or not the company would have a right, the gentleman is asking me about a point of contract law that I am not familiar with; I do not believe that in and of itself this changes that. But it would specifically change the situation where third parties who have been guilty of negligence in the medical area, vis-a-vis members of the armed services, have been able to avoid being held liable from making any compensation because of the Feres doctrine.

Mr. DURBIN. I think it is an important point and I want it clear in my own mind.

Is the gentleman suggesting then that this new bill would not create third-party actions against the Federal Government by any person other than the person who might have a right in the first instance to sue the Government?

Mr. FRANK. I would say this, it was not our intention, I would tell this to the gentleman, this bill has not gone to the Senate; I would give the gentleman the undertaking that if the Senate should happen to take the bill up—which with the Senate is never anything that one can count on and this is not a criticism but just a factual statement——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FRANK. Mr. Chairman, I yield myself 5 minutes in order to continue a colloquy with the gentleman from Illinois.

Mr. Chairman, it is not our intention to do that. It is our intention, as I said for this not to be a shield. We are not intending it to be a sword. I would give the gentleman the undertaking that if the Senate took the bill up we would agree with the Senate that it should be dealt with, as he suggests, and we would certainly agree to that in conference.

Mr. DURBIN. Mr. Chairman, I have two additional questions of the gentleman from Massachusetts if the gentleman would allow me.

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, the term "personal injury" according to the definition says "does not include mental or emotional disability unless it is the direct result of a physical injury." I would like to ask the gentleman to clarify the term "direct result."

Under tort law in my home State and in most jurisdictions, the question brought to the jury is whether or not the action was a proximate cause of the injury, not the proximate cause, but a proximate cause.

Can the gentleman from Massachusetts explain to me whether the words "direct result" change that definition?

Mr. FRANK. No. The reason we put them in, they were put in as I remember at the insistance of the former ranking minority member, the gentleman from Ohio, [Mr. KINDNESS]. We wanted to make it explicit that you could not sue because you have been denied a promotion and were suffering psychiatric distress or if you were denied hardship leave to attend a funeral of a relative or that you had been denied a transfer.

So we are not seeking to change the law with regard to physical injury as it exists for everybody under the Tort Claims Act. We wanted it clear that as part of our limiting of this right that as a member of the armed services, there would have to have been a physical injury that is the cause and in that sense however it is denied under the act. The gentleman knows under the Federal Tort Claims Act you use substantive State law. That is one of the things we are going to look at.

But this was meant to exclude any possibility—and I am glad the gentleman is giving us a chance to put this in the RECORD—of a claim coming out of a denied promotion. We do not want the discretionary decision of a superior officer as to the appropriate disposition of resources in any way to give rise to any kind of a claim of psychiatric distress.

Mr. DURBIN. Could the gentleman tell me where the CBO estimate of $25 million was derived from?

Mr. FRANK. Yes. The gentleman from New Jersey indicated before the basis for that. We now get $50 million, basically, out of the judgment fund for malpractice. The people who can now sue for malpractice constitute two-thirds of those upon whom there is medical malpractice and they just did a straight-line extrapolation. Those who would be covered under this bill are one-third of the total patient load so they just took and expanded it by one-half from $50 to $75 million.

Mr. DURBIN. If I may make one last observation. I do not quarrel with the gentleman's premise that members of the Armed Forces should not be denied their basic rights to recover for acts of negligence. And I supported this bill when it was introduced I believe last year. I would just say I think there is some inconsistency again that we should address. That is the fact that in the worst case scenario, some doctor or dentist at a medical fixed facility should perform an act of malpractice because, let us say, that person was under the influence of alcohol or drugs and that caused harm to an individual, that individual would have a right to file a claim under this statute we are now considering.

However, the same circumstance, if it applies and an individual under the influence of drugs or alcohol got on a bus and got involved in an accident because of his negligence causing the same or greater harm to the individuals on the bus, they would have no cause of action to recover. The injury, the death resulting is the same. The right to recover is being limited only to areas of medical malpractice. I think it is probably a mistake for us not to do this in a comprehensive fashion. I know the gentleman is trying to apply this effort to a very specific area and is perhaps opening up a larger dialog on the question. But it troubles me that we are being very specific.

Mr. FRANK. I would respond to the gentleman in this way: We wanted very much not to impinge on command decisions. We wanted very much not to impinge. The fact that you are in the Armed Forces you are volunteering today to give other individuals a degree of command over your life that nobody else does. Once you get out of that fixed medical facility where you have voluntarily gone in and there is a doctor there, et cetera, you get into very difficult questions of command discretion.

When the general said that you should take him into the process, whatever, yes; I think we have an inconsistency there. I think we have diminished the inconsistency, not abolished it. But the problem is you go beyond that and we will have to look at this further; we are being very careful in this bill not to trench in any way on the essential element of discretion that is a necessary part of the military command.

Mr. DURBIN. I thank the gentleman for the colloquy and I thank the gentleman from Florida for yielding.

Mr. FRANK. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding.

I would like to touch for a moment on what the gentleman from Illinois raised. I was chairman of the subcommittee when we heard this issue in hearings. We heard witness after witness come down and testify about negligent medical care practiced upon active members of the armed services at a variety of armed services health care facilities.

The story about the man who was improperly diagnosed for a sinus condition, ended up with a massive plate in his head and is virtually immobile; the many stories about women who are treated at naval facilities who are rendered impotent, unable to have children; improperly compensated under current compensation conditions; a variety of these kinds of stories occur.

So we came to the conclusion that if a spouse and a child of an active duty military person can go into a hospital and, under these circumstances, sue for malpractice, why should not the active duty person himself or herself not be eligible for that same thing?

If I were active duty military and my wife goes into Bethesda Naval Hospital and a doctor performs an operation on her and does it negligently, she can sue the United States of America. But if I go in and have a similar surgery performed negligently as an active duty member I cannot. That seems to be unfair.

That is the kind of situation which we are trying to take care of in this circumstance.

I believe a general proposition health care in the military is good. But over the last 5 years we have found serious deficiencies and in many areas it needs to be improved.

The purpose of this bill serves not only to compensate active duty military for health care negligence but also to provide an incentive on the part of the Pentagon to insure that their health care is the best in the country.

Now let us talk about the difference between health care and driving a bus. If you are in the military and you go in for a health care service it is a right allowed to you as any individual in our society going in and having that health care done. That is not a military function.

If you need a D&C if you are a woman and if you need an appendectomy, if you need a cardiac bypass operation, you need that operation irrespective of whether you are in the military or not. All we are saying is that that person should have the same rights as any other individual or his or her spouse or daughter.

Mr. FRANK referred to something which is very important too. This is an all-volunteer military now. A military job is much more equivalent to a civilian job than it has ever been before in the history of this country.

So you are attracting people in great numbers, paying them in some cases competitive salaries to what they would get in the private sector. By not allowing that particular individual the same rights in medical malpractice that he would have if he were in the civilian sector I think would be a disincentive for him to go into the military in the first place.

But above everything else this is a matter of fundamental fairness. Our hearings showed case after case after case where there was a negligent and improper administration of health care. Now that may not be routine in the military but where it exists should provide compensation. In the case of the military if you are active duty the compensation is inadequate. If you are a child or a spouse of an active duty military person, of course, your compensation is appropriate pursuant to the law and pursuant to being able to sue under the Federal Tort Claims Act.

So for those of you who believe that our military personnel should have the same rights in terms of medical malpractice as their civilian counterparts, I urge you to vote for this bill.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. I thank the gentleman for yielding time to me.

Mr. Chairman, as chairman of the Subcommittee on Military Personnel and Compensation, I rise in opposition to H.R. 1054. I fully share the desire of the gentleman from Massachusetts [Mr. FRANK] to ensure that our young men and women in uniform receive only the highest quality medical care, but I do not believe that his bill will make a significant contribution toward achieving that goal.

Let me say at the outset that the issue before us is not whether victims of military medical malpractice should be compensated. Rather, the question before us today is whether the existing system to compensate anyone injured on active duty is adequate and fair for the victims of medical malpractice and what alternatives to the current system exist.

Currently, under the Federal Tort Claims Act, dependents of active duty personnel, retirees, their dependents and survivors may sue the Government for malpractice at military medical facilities in the United States. If the alleged malpractice occurred in a military hospital overseas, the Military Claims Act provides an administrative process for malpractice settlements. Active duty personnel, however, are barred from suing the Government by a 1950 Supreme Court decision, Feres versus United States. Instead, active duty victims of medical malpractice, like other service members injured or disabled in the line of duty, receive either military disability retired pay or disability compensation from the Veterans' Administration.

Critics believe that these levels of compensation are inadequate, particularly in view of the large medical malpractice awards made by many civilian courts, and have urged that active duty personnel be accorded a similar right to sue the Government in the case of medical malpractice. H.R. 1054 would authorize such suits.

If I thought that the passage of H.R. 1054 would guarantee that no active duty service member would ever again suffer medical malpractice, I would vote for it. I am afraid that is not the case, however. There appears to be little correlation between large malpractice settlements in the civilian sector and improvements in the quality of care provided. As we are all too well aware, however, the malpractice crisis is one of the major dilemmas facing American medicine today with the cost of malpractice insurance continuing to skyrocket. The primary beneficiaries of the civilian malpractice crisis appear to be the trial lawyers who garner large contingency fees. I believe we should expect the same result from H.R. 1054.

In mid-July, the Subcommittee on Military Personnel and Compensation held a hearing to explore a possible alternative mechanism to compensate active duty personnel who are victims of medical malpractice by utilizing the administrative settlement procedures of the Military Claims Act currently applicable to military medical facilities overseas. That is by no means a perfect solution; it creates a distinction between active duty personnel who are victims of negligence on the operating table and those who are injured as a result of some other type of negligence. That distinction, however, reflects the unique position which our society today assigns to cases of medical malpractice. I know that the gentleman from Massachusetts considered the Military Claims Act alternative but opted to keep H.R. 1054 in its original form. I believe the Military Claims Act mechanism is preferable and, for that reason, intend to vote against the bill.

In conclusion, let me say that, during my years in Congress, I have visited a number of military hospitals and have talked with many physicians and patients. I firmly believe that the vast majority of military medical providers are capable and hard working. They deserve our deep appreciation for a job well done under often difficult and trying conditions. That doesn't mean that there have not been problems nor does it mean that the Congress does not have a responsibility—indeed, an obligation—to ensure that only the best quality care is provided. Following press reports of incidents of substandard care in some military hospitals, both the Department of Defense and the individual services in the past few years have established a number of procedures to more adequately track quality of care through identification of providers, facilities, and incidents of care that fail to measure up to accepted norms. Clearly, this will not be an easy or a simple task to accomplish. The subcommittee, therefore, asked the General Accounting Office to undertake an ongoing audit of the development and implementation of these quality assurance initiatives. This is not the sort of work that generates headlines. It is, however, the type of long-term oversight that is essential to maintaining the forward momentum in the area of quality assurance that has gotten underway in the past few years, and I want to assure my colleagues that it is an effort that has only just begun.

□ 1645

Mr. GLICKMAN. Mr. Chairman, will the gentlewoman yield?

The CHAIRMAN. The time of the gentlewoman from Maryland [Mrs. BYRON] has expired.

Mr. FRANK. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I appreciate the statement of my colleague, the gentlewoman from Maryland, but let me give her a couple of examples of what we heard at hearings that tell us why the current compensation system is not adequate.

There was the case of a woman who was improperly diagnosed in connection with a gynecological condition. I believe this occurred at the Portsmouth Naval Hospital. That woman was young, and because of that improper diagnosis and an infection that had set in, she was rendered sterile and could have no children. She was allowed a 10-percent disability, less than $100 a month, to compensate her for inability to have any children whatsoever. There is an example where that kind of disability payment cannot possibly repay that woman for her inability during her entire life to have any children at all.

Here is my second example. If you are career military, as I understand it—and I am not as schooled as the gentlewoman from Maryland is on these points—if you are career military and let us say you are the victim of medical malpractice and you are near the end of your 20 years of active duty service, and if at the end of that 20th year you are misdiagnosed in a military hospital and negligence results in damages for you, you can retire and collect your retirement, but you cannot collect your disability from that malpractice at the same time; you have to waive that disability.

There are two examples of how the current system prejudices people in the military who have encountered malpractice situations. I am not saying there are not any ways to improve the disability system, but I am saying that in the case of that young woman who was rendered impotent and unable to have children and who was given a 10-percent disability, or in the case of that man at the end of 20 years who has to choose either his retirement or his disability because of malpractice, we have a bad problem here.

Mrs. BYRON. Mr. Chairman, if the gentleman will yield, let me say, first of all, that we have heard over the last year and a half about many of the cases the gentleman has just cited. I think, when we look at the Veterans' Administration, it seems to me that there could be some amendments offered that can clear up some of the language in this bill. But they are not attached to the bill, and, therefore, I have to oppose it in its current status.

Mr. GLICKMAN. Mr. Chairman, I thank the gentlewoman from Maryland.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think that those who are opposed to this legislation, Members such as the gentlewoman from Maryland, have made some very good points and some very telling points, but I think the overall situation that must be corrected by this legislation is to even out the playing field for our service men and women in the military, and I think that is the argument that overrides the other arguments that have been made by each of the speakers. I particularly at this time refer to the gentlewoman from Maryland. I know of their deep concern for our military people, and I think that the points they made have been well made, and I certainly can understand where they are coming from.

Mr. RODINO. Mr. Chairman, today we have an opportunity to remedy a basic unfairness to active duty members of the Armed Forces by enacting into law H.R. 1054, which would allow members of the military to sue for medical malpractice in Government operated hospitals.

In 1946 when the Congress enacted the Federal Tort Claims Act which established a limited waiver of sovereign immunity by the United States, there was no provision excluding the military from negligence suits against the Government in peace time, noncombat situations. The Supreme Court in 1950 in Feres versus United States held that active duty military personnel may not use the Federal Tort Claims Act to sue the Government for medical or dental malpractice. This rule of law has become known as the Feres doctrine. There is no justification for the Feres doctrine which does not equally apply to military retirees and dependents using the same facilities. Two-thirds of the people treated in Government operated hospitals have the right to sue for malpractice under the Federal Tort Claims Act. The active duty military person in the next bed should also have this right. In fact, even Federal prisoners who are victims of medical malpractice in Government-operated hospitals are allowed to sue. Every day men and women in the military risk their lives for their country, but it is simply asking too much to expect them to have no redress for injuries received as a result of medical malpractice when others using these same hospitals do.

H.R. 1054 adds a new section to the Federal Tort Claims Act. This section will permit Armed Forces personnel the right to assert claims for medical or dental malpractice under the Federal Tort Claims Act. I want to point out that the new section is subject to all the restrictions found in the Federal Tort Claims Act. The Federal Tort Claims Act does not permit suits for combat activities or claims which arise in foreign countries. Also excluded are suits for intentional torts. In addition, the Federal Tort Claims Act limits attorneys fees to 25 percent, provides no right to a jury trial and imposes a 2-year statute of limitations. Suits brought under the section are subject to the substantive tort laws of the State in which the injury occurs.

The bill also provides that claims are limited to those that arise out of medical or dental care furnished to military personnel in a "fixed medical treatment facility." This would exclude claims resulting from medical treatment in military situations, in field hospitals, or on ships.

The legislation states that personal injury does not include mental or emotional disability unless these conditions result from a physical injury. This provision prohibits suits under the new section for any damage to the status or duty assignment of military personnel resulting from a negligent misdiagnosis or malpractice action.

Another section of the bill prohibits the Government from paying twice for the same injury. It requires an offset of any settlement or judgment by reduction of the amount of benefits paid to a service member under military or V.A. disability.

Mr. Chairman, the Judiciary Subcommittee on Administrative Law and Governmental Relations held extensive hearings on this legislation in both the 99th and 100th Congresses. Many witnesses came forward to describe horrible injuries due to military medical malpractice and they have no judicial recourse. Other Members of Congress like Representative STENY HOYER and Representative CLARENCE E. MILLER have told the committee of the problems experienced by their constituents with medical neglect in the military. Representative MILLER told us about Sgt. Timothy J. Adkins, USMC, who died 16 days after a tooth extraction at the Branch Dental Clinic, Marine Corps Air Station, Beaufort, SC. The report of the Department of Defense Inspector General indicates the followup care was substandard. His young widow and sons had no right to sue the Government for this tragic event.

I submit that the committee fully agrees with the Supreme Court and Departments of Defense and Justice that military personnel should not be allowed to sue the Government for negligence relating to the performance of military duties. However, we sharply disagree that allowing military personnel to sue for medical or dental malpractice will result in any breakdown of military discipline. Testimony indicated that this legislation can result in improved morale within the military establishment.

I would like to commend my colleague, the gentleman from Massachusetts, the chairman of the Subcommittee on Administrative Law and Governmental Relations, for introducing this bill, holding hearings and bringing it to the attention of the Committee on the Judiciary. I also want to thank my colleagues on the other side of the aisle, especially the ranking Member, the gentleman from Florida who has been supportive in seeing this legislation proceed.

Mr. Chairman, I urge all my colleagues in the House to vote in favor of this much needed legislation to give military personnel basic redress in our courts.

Mr. KOLBE. Mr. Chairman, I rise in strong support of the legislation, H.R. 1054, allowing members of the Armed Forces to sue the United States for damages in medical malpractice cases. I'm proud to be a cosponsor of this badly needed reform, which repeals the so-called Feres doctrine as it pertains to medical malpractice. That doctrine—a result of the Supreme Court's 1950 decision in Feres versus United States—shields negligent or incompetent government doctors from being sued for medical malpractice by active duty military personnel.

My interest in H.R. 1054 goes beyond tort reform. A resident of my district—Dorothy O. Meagher of Bisbee, AZ—has been fighting the Feres doctrine for more than 14 years, at a cost of hundreds of thousands of dollars and incalculable personal anguish. On January 17, 1974, her son, Jerry G. Meagher, walked into a naval hospital in San Diego to have a cyst removed from his left arm. It was Jerry's 22d birthday, but the events that followed would mark it forever thereafter as the greatest tragedy of his life. Due to the negligence of his doctors, Jerry suffered a cardiac arrest that resulted in permanent brain damage. To this day, medical experts believe Jerry will never recover.

In testimony submitted to the Judiciary Committee of the other body in October 1985—following the overwhelming passage of a bill similar to H.R. 1054—Dorothy Meagher describes her son's condition: "Jerry fights each day to survive. He continues to require 24-hour-a-day total care, he can't talk, eat by mouth—he's fed through a stomach tube—or turn himself over in bed. He was a bright—honor student all through school—healthy young man when he walked in that military hospital in 1974. When they carried him out on a stretcher 5 months later, he was a severely brain damaged quadriplegic. I watch him struggle daily to bring his hand up to scratch his nose or wipe his mouth."

It is impossible to imagine Dorthy Meagher's horror when she learned that a 1950 court decision prevented her son from suing the Government for medical malpractice. "When I first learned of the Feres doctrine, I couldn't believe a law like that could exist in this country," she told the Judiciary Committee. In a letter she sent me last year, Dorothy wrote: "I'll continue to keep my promise to Jerry and fight to amend the Feres doctrine for as long as I live, sometimes I think this is what his life is all about."

In 1977, Dorothy Meagher attempted to bring her son's case to the Supreme Court. The Ninth Circuit Court of Appeals denied her petition in Meagher versus United States, writing, "We do not perceive any significant distinction between this case and Feres versus United States. The result is extremely harsh, but unless and until the Supreme Court overturns or modifies Feres, we are compelled to follow it."

The Supreme Court refused to hear Dorothy Meagher's case on behalf of her son. Clearly, it is up to Congress to act.

Private legislation to help Jerry Meagher is not enough. Thousands of other men and women in uniform have suffered because of the Feres doctrine. They need our help. I urge my colleagues to support H.R. 1054 and to work for its speedy passage. To do less will only prolong a travesty of justice.

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 1054, a bill to allow members of the Armed Forces to sue the United States for damages for personal injury or death caused by negligent medical care. First, I would like to compliment our colleague, Congressman BARNEY FRANK, the sponsor of this measure and the distinguished chairman of the Judiciary Subcommittee on Administrative Law and Governmental Relations. Congressman FRANK is to be commended for his insisting on improvements in the medical care furnished to active-duty military personnel and for his seeking the right for our soldiers, sailors, airmen, and marines to sue for compensation under the Federal Tort Claims Act.

It is a travesty that the brave men and women who proudly and courageously wear our country's uniform have too frequently fallen, not from hostile fire, but because of medical incompetence. Medical malpractice, in general, is a serious problem. It is particularly tragic when active-duty military personnel are denied the right to sue under the Federal Tort Claims Act and the Supreme Court's Feres Doctrine for damages for personal injury or death resulting from negligent medical or dental care in military facilities.

One of my constituents, Maj. David Brown of Seabrook, MD, served two tours in Vietnam during the course of a 14-year career in the U.S. Army. Major Brown received the Bronze Star and the Purple Heart as well as a number of combat citations and glowing recommendations. Unfortunately, Major Brown's bright and promising military career ended early. He did not suffer injuries in any enemy ambush or a firefight. Instead, Major Brown entered the Womack Army Hospital at Fort Bragg, NC, in May 1980 for elective surgery to correct a fertility problem. During this surgery, Major Brown experienced a drop in blood pressure, leading to depressed breathing and a severely diminished oxygen intake. Major Brown suffered permanent brain damage and other mental and physical disabilities.

What was once a promising and successful military career ended when the Army transferred Major Brown to the Walter Reed Army Medical Center. The Army found him unfit for further military service and involuntarily retired Major Brown with a 100-percent disability rating.

Major Brown cannot sue the Federal Government for compensation for his injury—an injury directly attributable to medical malpractice. This legislation does not help Major Brown because H.R. 1054 would be effective upon enactment, not retroactively.

However, I join with Congressman FRANK and the other proponents of this legislation in hoping for an immediate improvement in the quality of the care and treatment provided to active-duty military personnel. It is too late for H.R. 1054 to help Major Brown. It is also too late for this measure to help the many other active-duty military personnel who have been injured or killed as a result of medical malpractice.

But, it is not too late to help those who currently serve in the military or those who will on day defend their country. By passing H.R. 1054, the House of Representatives can demonstrate its commitment to the men and women of our armed services and can signal clearly and unmistakably that our military personnel should receive the best possible medical care and treatment. Our service men and women deserve nothing less.

Mrs. SCHROEDER. Mr. Chairman, I support Representative BARNEY FRANK's bill, H.R. 1054, to give active duty members of the armed services the right to sue the Federal Government for medical malpractice. Our soldiers should have the same rights that civilians enjoy.

The Department of Defense opposes H.R. 1054, arguing that allowing soldiers to sue for medical malpractice would impede the performance of the military in combat. DOD's argument is wrong, because the bill is limited to medical malpractice that occurs at fixed medical facilities within the United States. Medical activities in combat zones are not covered by the bill.

The military should be just as responsible as its civilian counterparts for medical malpractice. Essentially H.R. 1054 is about fairness, and that is why I am voting for the bill.

Mr. SHAW. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

Mr. FRANK. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be open to amendment at any point and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. CLAIMS FOR IMPROPER MEDICAL CARE.

(a) Cognizable Claims.—Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain claims arising out of medical care provided members of the Armed Forces

"(a) Claims Authorized.—Subject to the provisions of this chapter, claims may be brought under this chapter for damages against the United States for personal injury or death of a member of the Armed Forces serving on active duty or on full-time National Guard duty (as defined in section 101(42) of title 10), under the conditions prescribed in this section.

"(b) Limitation to Medical Care in Fixed Facilities.—The personal injury or death referred to in subsection (a) must have arisen out of medical or dental care furnished the members of the Armed Forces in a fixed medical facility operated by the Secretary of a military department or any other fixed medical facility operated by the United States.

"(c) Reduction of Awards or Judgments by Other Government Benefits.—The amount of an award or judgment on a claim under this section for personal injury or death of a member of the Armed Forces shall be reduced by the agency making the award, or the court entering the judgment, as the case may be, by an amount equal to the total amount of other monetary benefits received or to be received by the member and the member's estate, survivors, and beneficiaries, under title 10, title 37, or title 38 that are attributable to the personal injury or death from which the claim arose. If the amount of future benefits cannot be determined because the benefits are provided under an annuity or other program of periodic payments, the amount of the reduction with respect to such future benefits shall be the actuarial present value of such future benefits.

"(d) Definitions.—For purposes of this section—

"(1) the term 'fixed medical facility' means a medical center, hospital, or clinic that is located in a building, structure, or other improvement to real property; and

"(2) the term 'personal injury' does not include mental or emotional disability unless it is the direct result of a physical injury.".

(b) Clerical Amendment.—The table of sections for chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain claims arising out of medical care provided members of the Armed Forces.".

SEC. 2. EFFECTIVE DATE.

Section 2681 of title 28, United States Code, as added by section 1, shall apply only with respect to personal injuries or deaths occurring on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bliley: Page 6, lines 1 and 2, strike out "the date of the enactment of this Act" and insert in lieu thereof "January 1, 1986".

Mr. BLILEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Chairman, H.R. 1054 is a bill whose time is long overdue. It allows American service men and women and their families to enjoy the same right to take part in our judicial system as is given to every other citizen in the case of medical malpractice.

It is a sensible piece of legislation that recognizes the special nature of the military in time of conflict and combat. This bill restores justice yet keeps military discipline intact.

Today, I offer this amendment—to make the provisions of H.R. 1054 retroactive to January 1, 1986—in memory of my constituent, SR James Briggs Friend III.

James Friend was a wonderful example of the vitality and commitment of American youth. He proudly answered the call to serve his country and enlisted in the U.S. Navy. While stationed in San Diego, James Friend proved to be an exemplary recruit, earning a citation as the most outstanding in his company. James Friend was going to be the kind of sailor that makes this Nation proud.

Tragically, James Friend never had the chance to receive his award; he never had the chance to fulfill his commitment to his country. Two days before his graduation, while completing his last run, James Friend suffered a heat-exertion injury. Seven days later, SR James Briggs Friend III, was dead.

You see, James Friend carried the sickle cell trait, a condition that is proven to be a serious complication to this type of injury. Though this condition was noted in his medical profile, why wasn't his training modified to compensate? Why were the emergency corpsmen not notified of his condition? Why were they ignorant of the importance of this condition to the treatment of his injury?

Yet this tragedy of James Friend's death does not end with ill-equipped, unnotified emergency corpsmen. Because as James Friend lay in Balboa Naval Hospital, struggling for his life, a travel weary, shaken family was given a nonprocedural oral briefing on James' medical status. The doctors, in noncompliance with naval medical policy, interpreted remarks by Mr. and Mrs. Friend as consent for a "do not resuscitate" order. Later, the decision to discontinue all lab work and the use of blood products was made solely by the attending physician with no expressed consent by the family. For a patient in this state, discontinuing blood products is tantamount to allowing the patient to bleed to death.

James Friend has been dead for nearly 2 years; however, his family has been unable to come to terms with his death. They have too many questions to which the law prevents them from finding answers. Ladies and gentleman, my amendment allows a grieving family to learn the truth of their son's death. And this truth will help prevent any further needless deaths. I ask for your support of my amendment.

Mr. FRANK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the concern that the gentleman from Virginia is showing on this general issue, and we understand the advocacy he is giving in the case of the people he represents. I wish it were possible for me to vote in favor of the amendment. Unfortunately, it is fairly settled and, I think in this case, settled with good reason.

The practice here is not to do retroactivity in cases like this because we have no way of knowing how many cases we would reopen. There would be an inequity with any date we might set of retroactivity, but the worst problem is that we could be opening up an innumerable set of cases. There are times when evidence has not been preserved, and the ability of the government to defend and the ability of plaintiffs to prevent cases, all of those things would be very difficult.

I do think that the gentleman has performed an important service, because he allows me the opportunity to do something that I think is very important. We want to make it very clear that in passing this bill we are not acquiescing in the position that the Feres case was correctly decided in the first place. People like those who have been wrongfully treated, people like those the gentleman from Virginia speaks on behalf of, have in the past gone to the courts, and they will in the future. The most recent Supreme Court decision regarding Feres is 5 to 4. They were one vote away from substantially voting in this doctrine.

We are passing this because the Supreme Court has said they are not going to change unless Congress says they have to. We do not mean by this to say that Feres was rightfully decided; many of us think that Feres was wrongfully decided. But the policy problems against retroactivity apply with great force.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to my friend, the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding.

I appreciate the gentleman's comments. I only wish it were possible that he could support the amendment. I understand where he is coming from, but I still wish that he could support the amendment.

Mr. FRANK. Mr. Chairman, I thank the gentleman. As I said, I admire his consistency on this issue, and I appreciate his support for the bill in general.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLILEY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: Page 5, insert the following after line 9:

"(d) LIMITATION ON NONECONOMIC DAMAGES.—Any liability on a claim brought under this section shall be limited to not more than $300,000 for losses other than economic losses.".

Page 5, line 10, strike out "(d)" and insert in lieu thereof "(e)".

Mr. DAVIS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, when the distinguished gentleman from Massachusetts [Mr. FRANK] first brought this bill to the Subcommittee on Personnel and Compensation of the Committee on Armed Services, of which I am a member, I kind of agreed with the chairman, who spoke recently on the bill in opposition. I said, why do we need to be expanding this doctrine of malpractice while the Feres decision seems to adequately take care of it?

But as the discussion and dialog that continued through the very long and protracted hearing and as I had a chance to ask a number of questions, I began to agree that equity and simple fairness probably dictated that the inclusion in the Federal tort law probably is an inadequate one for equity in the case of active duty personnel. However, there were also some discussions that related to how all that would be applied, since my main objection to its inclusion was the tort liability crisis throughout the land and all of the States looking to Washington for a resolution, which we do not seem to have, and all of them making their own adjustments, and with the insurance industry in turmoil, and a lot of other things that are going on. So we discussed a lot of different avenues of approaching this particular bill, and I am not sure any of them are adequate from my point of view. Nevertheless, I intend to support the bill if it is properly amended, and I consider my amendment a good amendment to make the bill actually better.

□ 1700

If you look at the areas of tort law in general throughout the States, joint and several liability is not included, of course, in Federal tort law because the Federal Government is the Big Mama with deep pockets anyway.

Punitive damages are not allowed under tort law. This bill does provide for offsetting awards in a compensatory damage award.

Frivolous lawsuits are not addressed and probably should have been. Noneconomic losses are not addressed and structured verdicts probably ought to be addressed and that would seem to be a simple thing to do in a disability pension system of the Army. They are not and I hope the conference committee will go range afield when they get this, if it should pass both Houses and get to that point, to address those particular issues; but this particular amendment I think goes to the heart of the problem of basic equity in tort law.

It says very simply you ought to limit the amount of noneconomic losses to a figure. I really do not care what the figure is, although in this case we picked the surrounding several States that have passed the kind of figure that was able to pass those legislatures, and I picked $300,000.

I think it is a good amendment. I think the reason it ought to be done primarily is that there is a control group setting here in military medicine of retirees and dependents, a control group that has not had this amendment in it, retirees and dependents, that will now have this particular provision put into the law and you will have an opportunity to compare then what happens when it is there in the awards system and what happens when it is not there in the awards system, with very recent history. That in and of itself, for no other reason, is a very good reason to do this.

So I would offer this amendment and hope that the House will vote for it, Mr. Chairman.

Mr. SHAW. Mr. Chairman, will the gentleman yield to me?

Mr. DAVIS of Illinois. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to commend the gentleman for his amendment. I think it is most responsible and I think it would give us an opportunity here in the Congress to say that enough is enough with a lot of these malpractice cases going over the top, that there has to be some reasonable extent of liability for noneconomic damages.

I think also it is important to note when you are thinking about the extent of liability and the amount of damages under the Federal Tort Claims Act itself, attorneys' fees are limited to 25 percent of recovery, which I think certainly makes this cap most adequate.

Mr. Chairman, I plan to support the amendment and ask my colleagues to do likewise.

Mr. FRANK. Mr. Chairman, I rise to oppose the amendment.

I appreciate the constructive spirit in which my colleague, the gentleman from Illinois, has worked on this and like him and like my colleague, the gentleman from Florida, I think we should be looking at the whole tort system.

My objection, to be honest, is not so much to the principle of some form of cap. In fact, I think it is an advantage in the Federal tort claims system that we do not have the punitive damage situation which is so often abused when we are dealing with the Government, because I do not think punitive damages are a relevant concept.

I do not like the idea of giving to our armed services personnel less of a right than others.

The cases in which this cap would be exceeded I think would be relatively infrequent. The figures are not available to me right now as to how often that cap has been exceeded in other cases of medical malpractice. I do not believe it happens very often, and the most egregious kinds of cases many of us have heard about have been the punitive damage situation.

It does become very subjective as to how you get to this. The fact that there is, as I am reminded by my able staff, no jury trial in this situation is also a safeguard; so while I do not object in principle to what the gentleman is saying, I do not think we should address it here. I think that should be left to the general hearing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MAVROULES], having assumed the chair, Mr. HALL of Ohio, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care, pursuant to House Resolution 375, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the

Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 61, not voting 60, as follows:

[Roll No. 10]

YEAS—312

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Baker
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bliley
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hochbrueckner
Hopkins
Houghton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lagomarsino
Lancaster
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowry (WA)
Luken, Thomas
MacKay
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Quillen
Rahall
Rangel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Roth
Rowland (CT)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schaefer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stokes
Studds
Swift
Swindall
Synar
Tauke
Tauzin
Thomas (CA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—61

Archer
Armey
Badham
Bartlett
Bateman
Bentley
Broomfield
Byron
Callahan
Combest
Darden
DeLay
Dickinson
Dornan (CA)
Dyson
Gallegly
Gekas
Gregg
Gunderson
Hammerschmidt
Henry
Herger
Holloway
Huckaby
Hunter
Hutto
Inhofe
Ireland
Jenkins
Konnyu
Kyl
Latta
Leath (TX)
Lujan
Lukens, Donald
Marlenee
Montgomery
Mrazek
Myers
Nielson
Packard
Pickle
Ravenel
Ray
Ritter
Roberts
Robinson
Rowland (GA)
Shuster
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Taylor
Thomas (GA)
Walker
Whittaker

NOT VOTING—60

Applegate
Ballenger
Barton
Biaggi
Bilirakis
Boehlert
Boulter
Brown (CA)
Cheney
Clay
Courter
Craig
Crane
de la Garza
Dowdy
Dreier
Dymally
Fazio
Fields
Flippo
Ford (TN)
Frost
Gephardt
Gray (IL)
Gray (PA)
Hansen
Hiler
Horton
Hyde
Johnson (CT)
Kemp
Kennedy
Kolbe
Kolter
Lantos
Leland
Lent
Lewis (CA)
Lightfoot
Lott
Lungren
Mack
Mica
Mollohan
Parris
Pursell
Roemer
Rostenkowski
Roukema
Saiki
Scheuer
Schulze
Sharp
Shumway
Smith (IA)
Stark
Sweeney
Wilson
Wortley
Young (AK)

□ 1715

Mrs. VUCANOVICH changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 1054, CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Clerk may be allowed to make technical and conforming changes in H.R. 1054, the bill just passed.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of the week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. FOLEY. Mr. Speaker, I think the Members may be interested in the announcement of the schedule for the remainder of the week and for next week so that they may be advised with respect to their own plans.

The House will meet at 11 a.m. in pro forma session tomorrow and will not be in session on Friday.

We will adjourn Friday to meet at noon on Monday, February 22, 1988 in pro forma session.

□ 1730

On Tuesday, February 23, the House will meet at noon and will consider three bills under suspension of the rules. Recorded votes on those suspensions will be postponed until after debate on all suspensions.

They are an unnumbered House bill, technical corrections to the Agriculture Credit Act of 1987; House concurrent resolution, unnumbered, to condemn the bombing of the Korean Airline flight 858; and H.R. 3689 to designate the "H.R. Gross Post Office" in Waterloo, IA.

On Wednesday, February 24, the House will meet at 2 p.m., and we will announce the schedule subsequently.

The House will consider on Thursday, February 25, and Friday, February 26, an unnumbered H.R. bill to provide assistance to support the peace process in Central America, subject to a rule being granted.

Mr. MICHEL. Mr. Speaker, what did I hear the majority leader say about Wednesday?

Mr. FOLEY. Wednesday we have yet to announce the program.

Mr. MICHEL. Will we come in at 2 o'clock or noon on Wednesday?

Mr. FOLEY. The House will meet at 2 p.m. on Wednesday.

Mr. MICHEL. I thank the gentleman.

I think the gentleman just indicated on Thursday we would probably have before us assistance to Nicaragua?

Mr. FOLEY. We will probably take up the Nicaraguan assistance legislation and that may be concluded in 1 day. In that event we would probably not have a Friday session. But we are currently listing Thursday and Friday for that legislation. I assume it might be possible to finish that on Thursday and not have a Friday session next week.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 22, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 18, 1988, it adjourn to meet at noon on Monday, February 22, 1988.

The SPEAKER pro tempore (Mr. MAVROULES). Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

IN CELEBRATION OF BLACK HISTORY MONTH

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, throughout the course of history, black Americans have made grand and outstanding contributions to the development of the United States. Black Americans helped build this country, not only through our manual labor but through our intellectual, creative, and spiritual contributions as well.

Our contributions are often left out of the history books. While the painful episode of our enslavement in America is documented and remembered, the brighter moments of our heritage are often overlooked, undercounted, or passed over. Black History Month is therefore an opportunity to turn the spotlight on the black American success story.

Let us look, for example, at the success of black American inventors who are credited with thousands of inventions which range from items of household convenience to items of vital importance to business and industry. Black Americans have invented hundreds of devices and techniques, revolutionizing industry, and improving not only their own lives but the lives of all Americans and other people throughout the world.

Lewis H. Latimer, the son of a former slave, was a member of the "Edison Pioneers," the group of scientists and inventors who worked with Thomas Edison. Latimer invented the incandescent light bulb with a carbon filament and in 1882 he received a patent for an improved process for manufacturing carbon filaments used in light bulbs. Because he was a skilled draftsman, Latimer was asked to draw the plans for Alexander Graham Bell's telephone patent. In 1884, while working for the Edison Co., Latimer supervised the installation of electric light systems in New York, Philadelphia, Canada, and London. Lewis Latimer contributed significantly to America's industrial revolution.

Latimer and Americans such as Granville T. Woods, Garrett Morgan, Frederick M. Jones, Benjamin Banneker, and Elijah McCoy shaped American history in such a way that made this Nation a pioneer in science and industry.

Just as the benefits of the contributions of black Americans reach beyond the black community, recognition of these contributions should reach beyond the month of February to each month in which history is studied by our schoolchildren and each day in which we are thankful for the Nation our forefathers built for us.

PERSONAL EXPLANATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, on rollcall vote No. 9 I was unable to vote. Had I been present and voted I would have voted "aye."

TRIBUTE TO WAYNE AND NATALIE SEYBOLD, OLYMPIC PAIRS SKATERS

(Mr. JONTZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONTZ. Mr. Speaker, today I rise to pay tribute to a couple of very special young people from Marion, IN. They are Wayne and Natalie Seybold, the brother and sister ice skating pair representing our country at the 1988 winter Olympic games in Calgary, Canada.

Wayne and Natalie won the hearts of Americans last night as they skated to a 10th place finish in the pairs competition. It's probably the first time many people have heard their names, but my constituents in Marion have watched these two talented skaters for a long time. Wayne and Natalie finished second in the U.S. Nationals in 1985, and third in 1986. Their participation in the 1988 Olympics is the pinnacle of an already outstanding ice skating career.

The parents of Wayne and Natalie have contributed a great deal toward the success of their children. Instead of buying a new house, they sacrificed by keeping their home in a more modest trailer so they could pay for skating lessons.

The people of Marion can also take credit for the support they have given Wayne and Natalie, including $37,000 raised to help pay traveling and training expenses.

Mr. Speaker, Wayne and Natalie Seybold represent what is best about America's youth. They have given their best on behalf of our country, and even though the judges scored them 10th, they have won the gold medal in the hearts of the people of Marion and our Nation.

EMERGENCY MEASURE TO EXPAND PRESIDENT'S ABILITY TO RESCIND FUNDS

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I think all Members share my frustration over the budget process. Congressional and White House leaders worked hard following the Wall Street crash for a 2-year budget agreement.

Yet CBO now estimates that the Federal deficit will rise much faster than we expected just 2 months ago. In 1989 we will be $30 billion to $40 billion above the Gramm-Rudman deficit reduction goal. We are heading in the wrong direction.

Therefore, to permit the new President to have every rational tool to fight these deficits I am introducing today an emergency measure to expand the President's ability to rescind funds. This bill will go into effect on the first day of the new Presidential term and would end with that term 4 years later. My bill would change the current process by requiring that Congress vote to disapprove any rescission request within 45 days. Otherwise the rescission goes into effect. This would permit a statutory short-term emergency equivalent of the line-item veto.

It is time we take control of our deficit and restore world confidence in our ability to balance the budget. The October stock market crash was a warning that we must act. We face an emergency situation that requires our immediate attention.

TRIBUTE TO SHIRLEY R. GRANT

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, the Washington Post used six lengthy paragraphs last Wednesday to announce the passing of a prominent Alexandria, VA, church and civic leader.

The Washington Post is quoted:

> Shirley R. Grant, 65, a Washington area resident since 1944 who was active in Catholic and community organizations, died of cancer Feb. 8 at Mount Vernon Hospital.
>
> In 1975 Mrs. Grant became the first chairwoman of the United States Catholic Bishops' Advisory Conference.

Shirley Grant was so active, popular, and honored in the Catholic Church that a great tribute and complimentary eulogy for her was given at her funeral by the Most Reverend Walter F. Sullivan, bishop of Richmond, VA.

A large crowd of 600 people filled the St. Louis Catholic Church in Alexandria for her funeral last Thursday. It was the largest crowd I've ever seen at a funeral.

Her survivors include her husband, my friend Ed Grant, and four children, including Lorraine Grant, my talented and efficient administrative assistant and a member of my staff for the past 13 years in our Washington office.

As Bishop Sullivan said of Shirley Grant last Thursday:

> We come to thank the Lord—because of her—we find that each of us is a better person for having experienced her faith, her commitment, her caring and her love.

Last, Mr. Speaker, my wife Carol and I extend to the family of Shirley Grant our sympathy and prayers.

Other family members include Shirley Grant's daughter, Eileen A. Kirsch, of Columbus, OH, and two sons, Edmund J. Grant, of Dayton, OH, and David A. Grant, of Red Bank, NJ.

INTRODUCTION OF LEGISLATION MAKING REFORMS IN SUPPLEMENTAL SECURITY INCOME PROGRAM

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, earlier today I introduced legislation, along with my colleagues from Massachusetts, Mr. ATKINS and Mr. FRANK, to overturn a counterproductive aspect of the Supplemental Security Income Program. The SSI program requires that parents' income be deemed to a disabled child. Therefore, disabled children living at home whose parents are above the income cutoff point cannot qualify for SSI or Medicaid.

Recently in Massachusetts we had a case of a child who was severely disabled and hospitalized. When she was in the hospital she qualified for SSI and Medicaid because her parents' income was not deemed to her, but when the child returned home, where it was easier, cheaper and more humane to care for her, the benefits were stopped.

Massachusetts has allowed this little girl to stay on Medicaid, but a change in Federal law is needed to qualify her for SSI. Our bill will make that change in the law. Public assistance programs should encourage parents and children to stay together. A change in the SSI deeming rules is not only cost effective, but most importantly it is the right thing to do.

SATELLITE HOME VIEWER COPYRIGHT ACT OF 1987

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, during the past decade, we have seen the emergence of a new form of television delivery which holds great promise for all Americans, especially those who reside in rural areas. The phenomenon to which I refer is home satellite television, a technology that enables virtually every American to receive and enjoy the broadest range of entertainment and educational programming.

Currently, home satellite viewers are able to subscribe to and receive network and independent superstation signals. However, due to uncertainty under the existing Copyright Act, the ability to continue receiving those signals is threatened.

Last year, I, and several of my colleagues introduced legislation to eliminate that uncertainty and ensure continued access to such programming. That legislation is H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. I want to thank Congressman SYNAR, Congressman BOUCHER, and Congressman MOORHEAD for their assistance on this legislation. We believe that the bill is a fair and measured response to this problem, drawing a balance between the needs of home satellite viewers and rights of program copyright holders.

The bill creates a statutory licensing system over a 4 year period with copyright royalty rates set at a flat fee of 12 cents per month per subscriber for each superstation signal received. During the second 4 years, rates would be set by negotiation and binding arbitration. At the end of 8 years, the entire legislative package would be terminated by a sunset provision. The bill addresses only the retransmission of signals by satellite carriers and the delivery of those signals to Earth station owners.

Not only will H.R. 2848 assure that all Americans have access to this important programming, but it will also enable the infant home satellite television industry to grow and compete on even terms with other delivery technologies.

The subcommittee I chair—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—has held 2 days of hearings on H.R. 2848. The hearing process is now completed, and we are readying ourselves for markup which will occur in the near future.

The bill enjoys the support of the Register of Copyrights, Ralph Oman, the Satellite Broadcasting and Communications Association, the National Cable Television Association, NRTC, Turner Broadcasting, the common carriers, Satellite Broadcast Network, Netlink USA, and the Motion Picture Association of America, among others. While some issues remain, I am confident that reasonable compromise can be reached, and a bill will ultimately pass.

I urge my fellow Members to recognize the need for all citizens of our Nation to be assured of access to network, independent, and public broadcasting programming and I call upon them to join me in supporting this important legislation.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3635

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent to remove Mr. DEFAZIO as a cosponsor of H.R. 3635.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Washington?

There was no objection.

CONGRATULATIONS JILL WATSON AND PETER OPPEGARD

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, I rise proudly today to celebrate and commend the wonderful performance of 24-year-old Jill Watson a native of Bloomington, IN, who teamed with Peter Oppegard Tuesday night to bring home America's first Olympic medal in the pairs figure skating competition.

Jill and Peter earned their Bronze Medal with a brilliant performance of Madam Butterfly. Jill demonstrated her dedication and perseverance with a dramatic comeback from an early fall with a stunning execution of the pair's trademark move the swoop.

Indeed, Watson and Oppegard's unique and daring style is a fitting representation of American values and perseverance. As Hemingway would say, the definition of guts is "grace under pressure."

Jill's performance was also a fitting tribute to her father, Dean Watson who celebrated his 60th birthday Monday. Jill's parents, all Hoosiers and all Americans are extremely proud of her. I wish the Watson family every continued success.

CONGRATULATIONS TO THE 325TH CIVIL ENGINEERING SQUADRON AT TYNDALL AIR FORCE BASE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to the 325th Civil Engineering Squadron [CES] at Tyndall AFB, Panama City, FL. The 325th Civil Engineering Squadron was recently acclaimed the winner of the Robert H. Curtin Award. This award is named after Maj. Gen. Robert H. Curtin and is given to the most outstanding civil engineering unit in the Air Force.

The unit is commanded by Col. Richard Aldinger and has as one of its primary missions the responsibility to provide civil engineering support to the Air Defense Weapons Center [ADWC], which is commanded by Maj. Gen. Clifford (Ted) H. Rees, Jr. Many in this body will remember Gen. Ted Rees as a recent Director of Legislative Liaison for the Office of the Secretary of the Air Force.

The 325th CES has some of the most dedicated and talented men and women that we have in the Air Force. The entire Tyndall and Panama City communities benefit greatly from the contributions of the outstanding personnel assigned to this unit.

DISH ANTENNAS ARE EXTREMELY IMPORTANT TO RURAL STATES

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, I had intended to wait for the gentleman from Virginia's special order which will take place later with respect to those people who own dishes who try to take a look at television. I come from the small State of Vermont, the most rural State in the Nation I believe. I do not think there is hardly an issue more important to my State, to the people of rural areas than the one Mr. OLIN will bring up.

Mr. Speaker, we have snow 8 months out of the year, but when you turn on your television you have snow for 12 months out of the year. It is pretty tough.

Then you get the dishes that come in and give you good reception and you get the good educational programs and all of a sudden, bingo, it all goes off and you are back into the snow again.

So I urge the support of some legislation to try to take us out of this very difficult problem.

Mr. Speaker, I commend the gentleman from Virginia for bringing this special order up later.

UNITED STATES RELATIONSHIP WITH FIJI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. SUNIA. Mr. Speaker, I rise today as a Member of Congress from the Pacific islands, a region where there is deep concern about our Government's relationship with Fiji. There is clear evidence that Fiji is back on the road to reestablishing a democratic form of government. The United States can best contribute to that process by recognizing the new government of Fiji, and I commend the State Department on yesterday's announcement to reactivate its relationship with Fiji.

The interim government has the confidence and support of a broad spectrum of Fiji's population. It has also won the formal recognition from many of its traditional friends in the international community, including Australia, France, the United Kingdom, Papua New Guinea, the Marshall Islands, and Japan. At the same time, most donor nations that suspended economic assistance at the time of the first military coup in May 1987 have announced their intention to resume assistance to Fiji.

Under the leadership of President Ganilau and Prime Minister Mara, the interim government has publicly committed itself to the return of a constitutional, elected government. There is no better combination of two more able and trusted leaders in that country than these two men. President Ganilau has vowed the return of a government of law under a constitution to be approved by the people.

He has also promised efforts to a return to the British Commonwealth of Nations. As a traditional leader, Ratu Ganilau has played an important role in holding the country together. Behind the scenes, he has exerted wisdom in calming the tides of anguish and frustration amongst the traditional leaders, the indigenous Fijians, Indians, and the military.

Ratu Sir Kaimisese Mara is a well-recognized global leader known throughout the South Pacific. He alone has served as Prime Minister since independence was granted to Fiji 17 years ago. In true allegiance to his homeland, he has agreed to resume this leadership role upon the condition that the country hold democratic elections within 2 years.

These are positive steps taken by honorable men, leaders enlightened through formal training in government and seasoned with years of on-the-job experience. These are Fijians of the highest order, born of past rulers of their islands. Their love for their home islands and for their people has mandated their return, in spite of the extenuating circumstances that prevail.

I sincerely hope that we not try to impose our brand of democratic wisdom on these Pacific islanders. I say that we should let them work out their internal problems for themselves. I am positive that, given time, the Fijians will devise their own meaningful and practical solutions within the boundaries of acceptable democratic principles.

Fiji's economy suffered severe dislocation because of the military coups. These economic problems have only delayed Fiji's ability to restore a more democratic government. United States assistance, plus that of other countries who have pledged resumption of assistance, therefore, will allow Fiji's leaders to put these economic problems behind them so that they may concentrate on rebuilding their democratic institutions. Assistance at this time will also help deflect criticism from radical elements who may prefer a return to military rule. The United States acted yesterday as a true leader in the Pacific by taking steps to recognize one of its allies and friends.

But, Mr. Speaker, after the May 1987 military coup, $1.3 million in United States economic assitance to Fiji was suspended. Now is the time for this body to recognize the progress that has been made in Fiji and to offer concrete evidence of its desire to encourage the steps that the interim government has already taken. We should undertake, with our colleagues in the Senate, the steps necessary to promptly remove these legislative prohibitions against economic aid to Fiji.

Mr. Speaker, as a Pacific islander myself, I have every reason to believe that this action would be welcomed not only in Fiji, but also in all of the island nations of the region.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK (APRIL 24-30, 1988)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. Morrison] is recognized for 5 minutes.

Mr. MORRISON of Washington. Mr. Speaker, I am again privileged to introduce a joint resolution authorizing and requesting the President to issue a proclamation designating April 24 through 30 of this year as "National Organ and Tissue Donor Awareness Week." I am delighted to be joined by over 120 of my colleagues as original cosponsors, most of whom have joined me in successfully sponsoring this important resolution for the past 5 years.

Medical advances make it possible to transplant a number of human organs and tissues—but much of the battle now is finding enough suitable donors. The American Council on Transplantation tells me that more than 17,000 people in our country are on waiting lists for kidney, heart, heart-lung, liver, pancreas, cornea, and bone marrow transplants.

Since enactment of this resolution and the National Organ Transplant Act of 1984, attention has been increasingly focused on the need for organ and tissue donors. Twenty percent of all Americans, age 18 and over, now carry an organ donor card and health care providers are finding that 70 percent of all Americans will donate if approached.

Mr. Speaker, I recognize that organ donation often comes at the most difficult time in the life of a family—the passing of one of its members. Through increased awareness, however, more families can come to realize and even take comfort in the heroic gain that can result from such a tragic loss. As individuals, we may come to accept that the tragedy of life is not death, but what dies inside of us while we're still living.

Recent efforts in Congress requiring participation in the Medicare and Medicaid Program to include the establishment of written protocols for identification of potential organ donors have helped increase the supply of vitally needed organs. But we can do more. Thousands of additional lives could be saved each year if more folks understand that they truly can give someone the "gift of life."

Mr. Speaker, so that we may again draw public attention to the need and opportunity for organ and tissue donors, I encourage my colleagues to join me in sponsoring "National Organ and Tissue Donor Awareness Week."

□ 1800

GENERAL LEAVE

Mr. MORRISON of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the subject of the special order today by the gentleman from Illinois [Mr. Porter].

The SPEAKER pro tempore (Mr. Hubbard). Is there objection to the request of the gentleman from Washington?

There was no objection.

COAST GUARD BICENTENNIAL COMMEMORATIVE STAMP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Hutto] is recognized for 5 minutes.

Mr. HUTTO. Mr. Speaker, on August 4, 1990, the U.S. Coast Guard will celebrate its 200th birthday.

The Coast Guard is the oldest continuous seagoing service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States' conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions, or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96-hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

The members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard.

Today we are also introducing a resolution directing the Postmaster General to issue a Coast Guard commemorative stamp, and would be pleased to have all Members of the House join us as cosponsors of this resolution honoring the Coast Guard.

THE SUPERCONDUCTING SUPER COLLIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Ritter] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, I rise today to offer compelling evidence that the people of this country, especially those who are faced with the global challenge in technology and industry, are mobilizing to reject the super budget-busting "quark barrel" project known as the superconducting super collider. We have all heard of it, the SSC.

Now that the Department of Energy has eliminated all but seven States from the site selection process, we will begin to see that the elected representatives from districts which no longer are eligible for this science gravy train will join a number of the Members of this House who oppose SSC in recognizing the superconducting super collider for what it is—a $6 billion assault on the Nation's science priorities and science budget.

Scientists in many fields already fear that the twin blows of the stock market drop and the ongoing effort to slay the deficit monster will force cuts in their programs, existing programs, important programs. Well, they are right. Just look at what has happened to the 1988 National Science Foundation budget. It has been severely cut. Committing a significant portion of the science budget to the superconducting super collider, the SSC, would adversely affect major projects to which we are already committed such as the space station and even the space shuttle program itself.

When important projects in areas such as semiconductors, superconductivity, photonics, biotechnology, manufacturing sciences, and so many others must go unfunded or underfunded because of the superconducting super collider, we must ask ourselves whether our competitiveness as a nation would be seriously hampered.

That is why I wrote a letter to the president of the Industrial Research Institute [IRI], Dr. S. Allen Heininger of the Monsanto Corp. asking for the IRI members to contact me with their views on the SSC. I might say to my colleagues that this organization [IRI] is the key research and development group which represents a cross section of American industry—some 250 firms that are vitally interested in making their companies and their country more competitive. The response from the Industrial Research Institute members, has been sobering. Many of those members express their concern for the future of science in this country if the superconducting super collider is allowed to be built.

Let me say to my colleagues that the story is out. The private sector, the sector responsible for our jobs, our standard of living, and our competitiveness as a nation, has not been consulted in developing the SSC proposal. It appears that the only companies consulted were those with a stake in it's construction. Let me quote from some of the IRI member letters.

Dr. Kumar Patel, the executive director of research for AT&T Bell Laboratories, the flagship private sector research facility in America, writes that "our Nation's international status in manufacturing sciences * * * is slipping." To regain preminence, Dr. Patel says, we do not need the SSC—we need investment in scientific disciplines which have direct relevance to products and applications which revitalize our economy and make us more competitive. Now, this is a quote by Dr. Patel:

> High energy experimental particle physics has not and will not contribute much to the science and technology of manufacturing.

That is where we have fallen behind. That is where we need to make major strides. SSC or superconducting super collider supporters have argued that the technological spinoffs from building the SSC will contribute to our competitive strength as a nation. Dr. Patel and others reject that argument as "patently unjustified." He concludes his letter to me with the view that the superconducting super collider "is a distortion of the Nation's priorities."

Mr. Speaker, I have received, and continue to receive, many more responses like these. Initially, literally hundreds of Members of Congress thought they had a chance to get the SSC in their districts or in their States. These Members thought they had a chance to attract the jobs and Federal dollars which the SSC represents. Now with only 7 sites remaining, I invite them, as well as other Members interested in budget sanity and in a competitive future for America, to consider these voices from the private sector plus voices like Nobel Laureates Phillip Anderson of Princeton University and Arno Penzias of Bell labs, and join me and other Members like Buddy McKay of Florida and Claudine Schneider of Rhode Island, in taking a stand against further funding for this project. We can't afford it financially; we can't afford it scientifically.

I'd like to share with my colleagues a sampling of the responses that I received from the IRI members.

The responses follow:

Mr. Richard I. Mateles, vice president-research, Stauffer Chemical Co.

"High energy particle physics is certainly an intellectually stimulating field, but it is not more important than super-conductivity, robotics, photonics, super-computing, or numerous other areas."

". . . other areas are going to see a decrease as the funds are moved from other programs into the SSC."

Mr. F. Thomas Krotine, senior vice president, corporate research and development, The Sherwin-Williams Co.

". . . the potential for flow-through of science from SSC is not apparent."

"I believe that the SSC is a poor choice compared to other U.S. priorities."

"I am most concerned about the potential for draining more scientists and engineers from the talent pool in a period when university output is diminishing."

Dr. J.J. Wise, vice president-research, Mobil Research and Development Corp.:

"It is highly speculative whether the SSC will ultimately provide new information and understanding of particle physics that can be translated into benefits to industry and the nation as a whole."

"Considering the trade-offs that would have to be made to pursue the scientific possibilities of the SSC, I do not feel that the construction of the SSC can be justified at this time."

Mr. Patrick J. Carroll, director, corporate R&D, machinery and defense operations, FMC Corp.:

"It is my opinion . . . that the SSC should be postponed by several years and short term emphasis be placed on programs that address the productivity of the U.S. manufacturing base."

Dr. John N. Dempsey, vice president, science and technology, Bemis Company, Inc.:

"The value of SSC from a practical standpoint in terms of benefits to the average man in the street, industrial competitiveness, [is] very far in the future—that's a given."

"I feel that SSC should be delayed until we sort out the priority programs that bear on the very survival of our country. Until we fund those programs adequately, there is no room for SSC."

Mr. I.G. Snyder, Jr., vice president, Dow U.S.A., director of applied R&D, Dow Chemical Co.:

"It seems our nation needs to reassess our mechanisms for priority setting in the total R&D budget process."

"Your position on the SSC is very appropriate."

Dr. Chester D. Szymanski, corporate vice president, research and development, National Starch and Chemical Corp.:

"There are clearly other research areas in need of additional funding where the practical and economic gains will be greater and can be measured in lives saved or in quality of life improvements or simply jobs created for our people, rather than scientific advancement in a narrow area and the possibility of Nobel Laureates."

"The area of particle physics research is requiring increasingly greater erxpenditures for more difficult explorations with diminishing returns."

Mr. D.B. Rogers, general director, research and development, Dupont Electronics:

"The price tag [for SSC] is unconscionably high."

"It is difficult for me to understand how the SSC could rank on a national priority list that includes biomedical research, superconductivity, photonics, high density semiconductor integration and interconnection, structural composites, fossil fuel recovery, alternate sources of energy factory automation, etc."

Mr. Walter L. Robb, senior vice president, corporate research and development, General Electric Co.:

"Investing more heavily in this area, when there are so many other high priority items that need to be funded, simply does not make good sense."

Mr. F.B. Sprow, vice-president, corporate research, Exxon Research and Engineering Co.:

"With a 'zero sum' budget, this [the SSC] hurts much of the effort that I believe is most important to progress on the competitiveness issue in this country."

Dr. S. Allen Heininger, corporate vice president, resources planning, Monsanto Co.:

"It is my conclusion that undertaking a new initiative of the magnitude of the SSC * * * would not serve the national interest at this time.

Dr. Grady W. Harris, vice president, research and development, Hollister Co. (Libertyville, IL):

"We should not build the S.S.C. at this time."

"I feel that the proposed S.S.C. should be postponed, and that higher priority research areas such as AIDS, superconductivity, and supercomputing should receive the funding instead."

A PENNY SAVED IS A PENNY EARNED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, many people complain that pennies can't buy anything anymore, that they are just not worth the trouble to make or to keep. Warren Holdread of Elkhart, IN, has proven these naysayers wrong. Those pennies that most toss aside have provided a unique form of savings for Mr. Holdread.

Frugality is a difficult task for many, many people. In this era of overspending and overextended credit, it is difficult to imagine paying cold, hard cash for a major purchase. Instead, most people turn to credit for assistance, either by using credit cards or obtaining loans. This habit has led us to the individual debt problem which this Nation is now experiencing.

Mr. Holdread found a way to avoid the need for credit when he recently purchased a new car. His solution was cold, hard cash. He paid for it with pennies.

A retired jailer, Mr. Holdread has saved more than 500,000 pennies over the past 15 years. He saved more than that, but used them to buy a pickup truck in 1972.

The simple gesture of tossing pennies into a jar may be viewed as an antiquated form of savings, but Mr. Holdread has proven that it can be a worthwhile endeavor. Mr. Holdread has set an excellent example of how one can pinch pennies without ever feeling the pain. His story reminds us that even the smallest effort can help to alleviate dependence on credit.

I am submitting an article about Mr. Holdread which appeared on the Associated Press newswire on December 21, 1987, with the hope that others will resolve in this new year to dig themselves out of debt. Mr. Holdread has shown that even small yet consistent efforts toward saving money can actually pay off in the long run.

The article follows:

RETIRED JAILER SAVES A PRETTY PENNY TO BUY A CAR

ELKHART, IND.—A retired jailer has spent the past several days carting at least 500,000 pennies saved over 15 years to a waiting armored truck at a dealership where he traded the coins for a new car.

"Honest to goodness, I have not spent a penny in 40 years," said Warren Holdread, who spent a half-million pennies to buy a pickup truck at the same dealership in 1972.

Holdread purchased a Chevrolet celebrity. Del Richardson, President of Tom Naquin Chevrolet, says Holdread brings in more fun than profit.

"It will cost three-and-a-half cents a roll to have them wrapped. That's 7 percent," Richardson said. "But it's a lot of fun. People said it could happen only once in a lifetime, but this proves them wrong."

Holdread has been tossing spare pennies into a 10-gallon milk can in his den, then emptying the can into a 55-gallon drum in his garage. He estimates the total number of coins could run as high as 700,000.

John Killelea, vice president of First National Bank of Elkhart, said the pennies will be taken by armored truck to a Chicago bank. "It would probably take us at least four or five days to count them all," he said.

Holdread says his penny saving habit began as a kid with a paper route. Friends in adulthood made the habit even easier. "The word gets out that you save them," he said. "Friends will say, 'Here's 10 pennies,' and I just throw them in the can."

Holdread says he'll write a check to cover the differences if his pennies don't add up to the purchase price. And he says his penny-pinching days are over.

"There was no way in the world you could move that barrel, and my wife is tired of working around it," he said.

BLACK AND BEAUTIFUL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FLAKE] is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, a study of our history as black people in America, as we come to this period in February, Black History Month, should not be limited to February. We do not need to be designated a day or a month to allow us to look at our glorious past. Rather, let us make this month an opportunity, as a new beginning, to look at ourselves, to look at our heritage, to call on our brothers and sisters of all racial and ethnic persuasions to an understanding that we are all American citizens, that we all share the same common dream, that we all share the same blood.

We are not a race of former slaves; we are the descendents of kings and queens. We represent a people who were brilliant scholars, skilled craftsmen, gifted innovators, artists, and statesmen. Our history reaches back beyond the slave ships that carried us here to the moment when we first as human beings stood and walked upon the face of the Earth.

The time from that moment to the present has been filled with the legacy of greatness our forebearers left to us. We must look forward to a time when our children know they are born of a race of great human beings, and that their potential is unlimited. We can achieve this by learning all we can, not only about slavery, we can achieve this by learning all we can about a people who came not of their own desire but ripped from the bowels of Africa, a people who have been able to survive, a people who have been able to achieve, a people who have been able to accomplish, not because of but in spite of, a people who to this day look for the means by which they might develop the economic, the educational, and the community development techniques and skills that are necessary to rebuild urban America.

Black History Month is not just a month. Black History Month ought to be every day. Black History Month ought to be a time when every day of our lives during the course of a year we commit ourselves and rededicate ourselves not to look down on a race of people simply because of their color but to look to them realizing that together we can realize the dream of fulfilling the kind of unity this country will need if it intends to continue to be competitive in the worldwide marketplace.

America is great. Black Americans have helped to make it great. The challenge then before the Nation is to realize the benefits and contributions of black Americans and understand that they reach beyond the black community. Recognition of these contributions should reach beyond February of each year. Rather, there should be an understanding on the part of all school children through our educational processes that black children and white children and all children who are Americans must be able to live together, to grow together, to work together.

The challenge, therefore, of this Black History Month is to sound a signal and the alarm that it is time for a new beginning. This Nation can no longer tolerate racial intolerance, it can no longer tolerate injustice, it can no longer tolerate two separate societies moving in different directions. It is time for us not to set aside moments when we celebrate our ethnicity but, rather, understand that there is a greater claim, and that is that we all labor under the banner of being citizens of this Nation and citizens of this world.

I challenge everyone, then, to become informed about blacks and about black history. You may do so by contacting the Schomburg Center for Research and Black Culture and the Moorland-Springarn Research Center at Howard University in Washington, DC, or you may do so by going to your library and studying the historical contributions of a people who seek nothing more than to be accepted, not on the basis of color but on the basis of the content of their character.

HAITI, A NEW CENTER FOR DRUG ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, Haiti, a country of 6 million people just 90 miles from the shores of the United States, is now under the domination of the second largest power or second strongest power in the Western Hemisphere, the South American drug mob. The commissar for the South American drug mob in Haiti is Col. Jean-Claude Paul.

We should not be surprised that there are countries in this hemisphere under the domination of the South American drug mob. There is the highly publicized General Noriega in Panama. It is quite obvious he is one of the commissars in Bolivia and in some other South American countries, including Peru. There is tremendous intimidation by the South American drug mob.

The South American drug mob is a threat to the United States of America. We and our families and our children are threatened by the ability of this mob to penetrate our borders at will and keep the flow of narcotics going. The tremendous amount of money that they have is a corrupting influence throughout the whole hemisphere, and now they have total control over the whole operation through Col. Jean-Claude Paul, who is the real power behind the Haitian regime.

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Last December it was reported by United Press International correspondent Neil Roland that senior Haitian army officials were linked to the

November 29 election day massacres. The most notable official, the man in charge, was Col. Jean-Claude Paul. Jean-Claude Paul heads the semiautonomous Dessalines Battalion, a battallion which consists of hundreds of Tonton Macoute terrorists personally recruited by Colonel Paul. Colonel Paul was also being investigated by the U.S. attorney's office in Miami for drug trafficking. He was said to have assisted in the smuggling of Colombian cocaine into the southern United States, but the Haitian authorities took no action. In fact, they blocked the investigation of Colonel Paul. A Haitian effort to investigate the colonel 2 years ago was halted by the leader of Haiti's ruling military junta, Gen. Henri Namphi.

Mr. Speaker, I will submit for the RECORD a copy of Neil Roland's article in the San Francisco Examiner of December 14, 1987, as follows:

[From the San Francisco Examiner, Dec. 14, 1987]

ARMY OFFICIALS LINKED TO HAITIAN TERROR

(By Neil Roland)

WASHINGTON.—Senior Haitian army officials linked to deposed dictator Jean-Claude Duvalier may have instigated attacks that left as many as 80 people dead and halted Haiti's first presidential election in three decades, State Department and congressional sources say.

A State Department official, who asked not to be identified, said "numerous" reports filed with the department alleged "the central involvement" of Col. Jean-Claude Paul, commander of the Haitian army's largest battalion, in the Nov. 29 violence.

Department officials also have made these reports available privately to Congress.

Congressional aides said the reports provided further evidence that the army-dominated provisional government of Lt. Gen. Henri Namphy may have tried to sabotage the nation's transition to civilian rule.

Until now, administration spokesmen have repeatedly voiced the belief that the violence was organized by civilian thugs known as Tonton Macoutes, made up of former Duvalier guards.

Assistant Secretary of State Elliott Abrams said in an interview that "some Haitian army soldiers apparently were involved in the shooting."

Paul heads a semiautonomous, 1,000-man military unit that has been accused of torturing political dissidents. He also is the target of a drug-trafficking investigation by the US attorney's office in Miami, department officials said.

The State Department has relayed to the Haitian government allegations that Paul has aided smuggling of Colombian cocaine into the southern United States, the officials said. But the Haitians have taken no action.

"Paul appears to be too powerful," one official said.

A State Department official who asked not to be identified said the department had received reports that Paul "was involved in plans" for the violence and "approved and organized" the attacks.

The official said Paul's battalion, the Casernes Dessalines, was reported to have been involved in numerous Election Day attacks around the Haitian capital of Port-au-Prince. The official declined to identify the sources of the reports.

Paul comes from a family with close ties to the Duvalier dynasty, which ruled the nation from 1957 to 1986.

His father, "Boss" Paul, served on the staff of Francois Duvalier, the Haitian dictator from 1957 to 1971. Paul's brother, Alexander, served as a consul in the Bahamas and the United States under both Duvaliers, Haitian and congressional sources said.

Abrams, the senior department official for inter-American affairs, and other department spokesmen declined to discuss Paul's role in the attacks.

The Haitian Embassy did not respond to requests for comment.

US officials have in recent weeks rebuked the Haitian army for "not creating a secure environment" for the elections.

But Newsweek magazine reported Sunday that the US Ambassador to Haiti, Brunson McKinley, had discounted repeated staff warnings that the military-led government was orchestrating a terror campaign to undermine the Nov. 29 elections.

Citing unnamed key aides at the US Embassy in Port-au-Prince, Newsweek said McKinley had ignored reports of the return of the Macoutes and of army involvement in the death squads.

"He didn't want to hear the negative side," Newsweek quoted one US Embassy official as saying.

"It was a judgment call and in hindsight it was probably wrong," another embassy aide told Newsweek.

Mr. OWENS of New York. Also, Mr. Speaker, I would like to submit two recent articles, one by E.A. Wayne which appeared in last Thursday's Christian Science Monitor, and one by Jerry Seper in today's Washington Times.

[From the Christian Science Monitor, Feb. 11, 1988]

DRUG CHARGES HIT TOP HAITIAN OFFICER

(By E.A. Wayne)

WASHINGTON.—United States attorneys in Miami are preparing to indict a senior Haitian military figure on drug trafficking charges, according to US and Haitian exile sources.

Col. Jean-Claude Paul, commander of the powerful Dessaline Battalion in Haiti's capital, has been under suspicion of drug smuggling since 1986, sources say, but only recently have investigators compiled enough evidence to proceed with grand-jury activity and possible indictment.

He would apparently be charged with aiding the flow of Colombian cocaine to the US and of arms from the US to Colombia, sources say. Some sources say an indictment is imminent, but given secrecy of the process, others are unsure.

If Colonel Paul is indicted, the case will severely challenge Haitian President Leslie Manigat, who has pledged a crackdown on drug smugglers.

Though US officials were unwilling to discuss the judicial investigation, they said an indictment could call into question the arrangements by which Mr. Manigat came to power, if he tries to fire Paul. US congressional sources say that will view this as a "serious litmus test" of civilian control in Haiti and of how the US should deal with the new regime.

Paul's unit is viewed as the most important in the country, and his troops are "fiercely loyal" to him, US officials say. This makes it very difficult for Haiti's President or Paul's nominal military superiors to move against him. Well-informed Haitians say Paul has warned that he will not go down alone, if others try to remove him.

Paul allegedly played a major role in directing violence that upset the November elections in Haiti, because of close ties to the Tonton Macoutes, the secret police created during the Duvalier dictatorship. The violence and killing paved the way for Manigat's election last month.

Paul is seen as very close to the Gen. William Regala, who was No. 2 man in Haiti's transitional junta and may be named defense minister. "He is the muscle and Regala is the brain," says a Haitian opposition source.

But Paul has an independent power base. Since becoming commander of the Dessaline barracks in early 1986, he has assiduously wooed his troops—dining with them, wearing fatigues like theirs, supplementing their pay with bonuses (allegedly funded from drug trafficking), Washington sources say. "They will kill at his command," a Haitian opposition source says.

Paul has also reportedly incorporated several thousand Tonton Macoutes into his unit making it even more formidable, U.S. officials say. "He's got all the guns," one US specialist says.

Washington first raised reports of Paul's activities in the transitional Haitian government in 1986, but received no satisfactory reply, officials say.

After the initial U.S. complaints, an internal Haitian military investigation was launched, Haitian exile sources say. The final report reportedly confirmed the charges and included aerial photos of Paul's "farm" with a private landing strip. But after the Army chief of staff presented it to Gen. Henri Namphy, the then-acting head of government, the investigating officers were reportedly transferred and accused of plotting a coup. The Army chief of staff and the colonel in charge of the investigation were subsequently forced to retire.

U.S. officials could not confirm the Haitians' charges. While stressing their lack of knowledge of the U.S. judicial investigation, they say earlier U.S. intelligence indicates Paul is alleged to have taken over parts of the drug-trafficking ring once reportedly run by the father-in-law of Mr. Duvalier. Paul's brother Alexander, former Haitian consul in Miami, is reported to have been in that earlier operation and the current one, they say. Colombian cocaine and marijuana were reportedly the staples of this trade.

Informed Haitians here say that Paul is well tied into the Tonton Macoutes, in part because his father was in the personal entourage of François Duvalier, who founded the group to keep the military and opponents in line.

Paul's reported ill deeds go beyond drugs. A Reuter dispatch from Haiti reports that he and his two brothers arranged to receive the 4,000 tons of waste from the city of Philadelphia dumped on the Haitian coast line near the port of Gonâives, in January. Haiti opposition sources have provided the Monitor with what appears to be an import authorization from Haiti's minister of commerce for the Paul brothers to import 20 million kilograms of U.S.-origin ash, free of inspection.

Unloading of the ash stopped after local residents vigorously complained, news reports from Haiti indicate. The waste may contain high levels of dioxin, press reports say. The Paul brothers reportedly received $200 a ton to accept the ash.

Washington will be watching carefully how the Haitian government reacts, if the indictments are issued. The U.S. has cut off all but humanitarian aid and antidrug cooperation with Haiti until democratic elections are held. Senior U.S. officials have made clear that they will judge the new government by its acts.

U.S. officials believe Manigat was elected after striking a deal with the military. Reports from Haiti, sources say, indicate General Namphy, who headed the transitional government, will be named chief of staff, and General Regala, who was Namphy's No. 2, will become defense minister. Martial Celestine, an associate of Manigat, was named prime minister Tuesday.

U.S. officials and congressional activists doubt that Manigat can move against Paul alone. They also wonder if Namphy and Regala have the will or courage to act against their powerful colleague. But if the Haitian government does move against Paul, the ball will be back in Washington's court, and it will be hard to avoid expressing thanks in some way, an official says.

[From the Washington Times, Feb. 17, 1988]

HAITIAN COLONEL FACES U.S. DRUG INDICTMENT

(By Jerry Seper)

MIAMI.—A senior Haitian military commander is expected to be indicted by a federal grand jury here in connection with a multimillion-dollar cocaine-smuggling operation, sources said yesterday.

Army Col. Jean-Claude Paul, who is in charge of the largest military battalion in the Haitian capital of Port-au-Prince, allegedly was involved in the shipment of several hundred pounds of cocaine from Colombia to the United States during the past two years, the sources said.

The cocaine, belonging to the infamous Medellin Cartel in Colombia, allegedly entered this country through Florida by way of the Bahamas.

The expected indictment would follow similar action taken Feb. 4 against Panamanian strongman Gen. Manuel Antonio Noriega, who was indicted by a federal grand jury here on 12 counts of drug trafficking, money laundering and racketeering.

The Paul indictment, according to the sources, is based in large part on secret testimony given last month by a Miami businessman, Osvaldo Quintana, 35, who reportedly told the grand jury that he personally arranged with Col. Paul for the shipment of more than 200 pounds of cocaine to the United States in December 1986.

According to federal sources and others, Mr. Quintana told the grand jury that the cocaine—worth about $1.5 million—was flown from Colombia to a landing strip on Col. Paul's ranch near Port-au-Prince and then transported by boat through the Bahamas to Florida.

Mr. Quintana, according to the sources, also testified that Col. Paul met with him and others to discuss the alleged deal and gave drug smugglers directions to an isolated landing strip on his ranch.

The sources said Mr. Quintana also testified about other top Haitian officials, including members of the government's ruling council, who allegedly were involved in drug-smuggling activities. Names of the other officials were not disclosed.

The sources said, however, that Mr. Quintana told the grand jury that high-level Haitian officials recruited him into their drug-smuggling operation.

The indictment, according to the sources, could be the first major test for Haiti's new civilian government, headed by Leslie Manigat, who was elected president in January. Mr. Manigat, who won in a second round of voting widely believed to have been rigged in his favor by the military, has pledge to crack down on drug trafficking. The first round of voting was marred by violence.

Col. Paul could not be reached yesterday for comment. He is commander of the 1,000-man Dessaline Battalion, which is considered the most important military unit in the country. His troops, according to the sources, are believed to be "fiercely loyal."

A move by Mr. Manigat to remove Col. Paul from his post could prove to be a serious test of civilian control in Haiti.

According to the sources, Col. Paul is believed to have played a major role in directing the violence that upset the November elections—because of his alleged ties to the Tonton Macoutes, the secret police created during the dictatorship of Jean-Claude Duvalier. A total of 34 people were killed in two days of rioting.

Mr. Paul's ex-wife, Marie Mireille Delinois, 39, was indicted last March in Miami on drug trafficking charges. She vanished soon after she was released in Miami on $250,000 bond and was declared a fugitive.

Mr. Quintana is a Cuban exile who ran a seafood business in Miami before turning to smuggling, according to the sources. He reportedly began cooperating with U.S. authorities following his arrest last year by federal drug agents on cocaine-smuggling charges.

In January 1987, the sources said, Mr. Quintana became a Drug Enforcement Administration informant and secretly recorded conversations he had with alleged drug traffickers operating out of Haiti.

His lawyer, Ellis Rubin, confirmed yesterday that his client had testified before the grand jury and that he had outlined alleged drug-smuggling activities involving Col. Paul and others. He said he has been told by federal authorities that the Paul indictment is expected next Wednesday.

Mr. Rubin also said the Justice Department had promised to protect his client against possible retaliation by others involved in the alleged smuggling operation, but that federal authorities had not made good on the promise.

"Mr. Quintana is not safe and the Justice Department knows that," Mr. Rubin said. "They are not doing anything to protect him. It's been promised, but it just hasn't been forthcoming."

Mr. Rubin said he was trying to arrange for Mr. Quintana to testify before the same U.S. Senate committee investigating alleged drug smuggling by Gen. Noriega. "If we go public on this matter, it may be the only way we get the protection we need," he said.

John Russell, a Justice Department spokesman, said yesterday he knew nothing about any pending indictment against Col. Paul.

Officials at the U.S. Attorney's Office and the DEA in Miami also have declined to comment on the matter.

Federal drug agents have long viewed Haiti as a busy way station for the shipment of cocaine and marijuana to the United States and privately have complained over a lack of cooperation from Haitian officials.

Mr. OWENS of New York. The two articles, one by E.A. Wayne which appeared last Thursday in the Christian Science Monitor, and one by Jerry Seper in today's Washington Times, say that the U.S. Government will indict Colonel Paul for drug trafficking. The Washington Times article says the indictment may occur next Wednesday. The Christian Science Monitor article said the indictment will challenge the newly installed government of former political science professor Leslie Manigat. Manigat is thought to have made a deal with the all-powerful Haitian military in order to win the Presidency in the January 17 elections which were marked by bribery and fraud. These elections, of course, took place after they had destroyed the November 29 legitimate elections.

The U.S. State Department had received reports about Colonel Paul long before the November 29 election. The U.S. State Department was well aware of the influence that Colonel Paul exercised over the present Haitian Government, yet our State Department, with our intelligence sources, which know better, continue to counsel some kind of approach to the present Haitian Government.

By all accounts Colonel Paul is a very dangerous man. He has a long history of criminal activity. Colonel Paul comes from a family with close ties to the Duvalier regimes. His father, "Boss" Paul served on Francois Duvalier's staff from 1957 to 1971. The Colonel's brother, Alexander, served as consul in the Bahamas and in the United States under both Duvalier regimes. Colonel Paul is very close to Gen. William Regala, a key figure in the ruling military junta. William Regala is now slated to become Defense Minister in the Manigat government. It is also said that Colonel Paul took over parts of the drug operation once run by Jean-Claud Duvalier's father-in-law.

Colonel Paul has a power base in his Dessalines Battalion. He is feared by the rest of the army. He is feared by the government. He has won his soldiers' unquestioned loyalty by giving them pay bonuses from funds that are raised through his drug operations. They do not care whether we cut off aid or not to pay the soldiers of Haiti. They have plenty of money from the second greatest power in this hemisphere, the South American drug mob. Some say that Colonel Paul's troops would kill at his command, and indeed they have killed at his command.

Colonel Paul and his brothers are not even above jeopardizing the health of fellow Haitians. Recently they arranged for the receipt of 4,000 tons of toxic waste from Philadelphia. They dumped it on the Haitian coastline, or attempted to dump it on the Haitian coastline near the Port of Gonaives last month. Only an effective protest by the residents in that area stopped the dumping of the ash, which contained high levels of dioxin. The Paul brothers reportedly received $200 a ton to accept this waste. While Colonel Paul continues to intimidate and to gain greater control, the State Department is considering restoring aid to Haiti.

Why do we not just say "no"? Nancy Reagan wants to stop drugs along with the rest of us. Why does not this administration just say "no" to all aid to Haiti? Why do we not support the democratic opposition in Haiti which is still strong? Let us support the democratic opposition. Let us say "no" to restoring aid to Haiti. Let us say "no" to Colonel Paul. Let us stop the second greatest power in this hemisphere from expanding its octopus tentacles over the rest of the hemisphere. Let us stop the drug trade now. Let us stop it in Haiti by saying "no" to any further aid to Haiti.

Mr. Speaker, finally, I submit an article by James Dorsey from the Washington Times of February 12, 1988.

AID TO HAITI HINGES ON LEADER'S INDEPENDENCE

(By James M. Dorsey)

Haitian President Leslie Manigat will have to demonstrate his independence from the island nation's armed forces before the Reagan administration resumes aid, according to officials and sources close to the administration.

The administration is drafting a series of conditions that Mr. Manigat would have to meet to qualify for the $80 million a year in economic aid suspended after the Haiti's first attempt at democratic elections in 30 years was smothered in blood Nov. 29 by soldiers and unidentified gunmen.

Mr. Manigat was inaugurated Sunday, three weeks after he won elections organized by the military-dominated government of Lt. Gen. Henri A. Namphy.

Mr. Manigat is hiring at least two Washington public relations firms in an effort to improve Haiti's image and persuade the administration to restore the aid.

"Getting Western donors to turn on the aid is crucial to Haiti's survival," one official said.

Haiti's main benefactors have been the United States, France, Venezuela and Canada, with the lion's share of the aid coming from Washington.

"It's clear that Manigat thinks he can do it. He has spent his years of exile in three of the four crucial countries. He has lived in Washington, in Paris and in Caracas," one official said.

Some officials and analysts said Mr. Manigat was endorsed by the Haitian military because he had pledged to persuade the United States to resume aid.

The Reagan administration has been careful not to accept the legitimacy of the election that brought Mr. Manigat to power, but has said it would deal with his government.

The State Department's Human Rights Report, submitted to Congress Wednesday, blamed the armed forces for the death of 34 persons during the aborted November elections.

An investigation by U.S. attorneys into drug-related charges against Col. Jean-Claude Paul, commander of the Haitian armed forces' powerful Dessaline Battalion, could further complicate Mr. Manigat's task.

An indictment of Col. Paul could put Mr. Manigat in the same position as Panamanian President Eric Arturo Delvalle, who appears to be incapable of acting against Panama's armed forces chief, Gen. Manuel Antonio Noriega. Gen. Noriega was indicted last week by two Florida grand juries on drug-related charges.

Stephen Cook, executive vice president of Edelman Public Relations, said he had forwarded a plan to Haiti on Wednesday aimed at improving the nation's image and getting aid resumed.

"We traveled to Haiti, were there during the inauguration and gave them the plan yesterday," Mr. Cook said.

A spokesman for Miner, Fraser and Gabriel said the company was negotiating a contract with Haiti.

"If Manigat wants to gain independence from the military, he needs our conditions stated to him both publicly and privately," a source close to the administration said.

Officials fear a repetition in Haiti of events in Panama, where Nicolas Barletta was brought to power in elections rigged by the military and forced to resign a year later when he attempted to chart a course independent from the armed forces, the source said.

The officials and sources said among the conditions being considered are:

An attempt to bring opposition leaders into the Cabinet.

Early legislative elections.

Development of an independent police force.

A program to professionalize the armed forces.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, it is an honor to reserve this special order this evening in commemoration of Black History Month. I want to thank those colleagues who have joined me this evening to participate in this commemoration.

As we celebrate Black History Month, the logical question asked is why do we celebrate Black History Month? When we look at America's history, we can find thousands of books offering information on the subject; yet in many of these books the history of blacks in America is either omitted or receives only cursory coverage. Moreover, in many of our Nation's schools contributions made by blacks to our Nation are only reviewed during the 28 days of February.

Black Americans have a magnificent history, a history which is inherently woven into the economic, social, cultural and political fabric which distinguishes our Nation from all others. Therefore, until we commit ourselves to acknowledging this historical fact, the black men and women who have made great contributions to our Nation's progress, our Nation will never be able to realize the basic tenet of our democracy, which is that all men and women are created equal. In 1926, the late Dr. Carter G. Woodson clearly understood that black Americans were not receiving recognition in history for their contributions. This occurrence disturbed him deeply. He once said that a race without a recorded history "becomes a negligible factor in the part of the world. It stands the danger of being exterminated."

Therefore, he proposed the idea of setting aside one week of each year to commemorate the achievements of black Americans.

Mr. Speaker, in light of the lateness of the hour, I want to defer further remarks on my special order and begin yielding to some of my distinguished colleagues who have other engagements this evening.

Mr. Speaker, I yield to the distinguished gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, it is a great privilege for me to join my colleagues in commemorating Black History Month. Because the late Dr. Carter G. Woodson had the foresight and perseverance to establish, in 1926, the Association for the Study of Negro Life and History, his dream, to inspire in blacks, themselves, a sense of racial pride and a knowledge of the rich heritage as a people, and to provide other Americans with an opportunity to learn, recognize, accept, and appreciate the role blacks have played in the development of this great Nation, continues to be realized each year.

The State of North Carolina has officially designated February as Black History Month and each year this designation results in numerous activities: workshops, seminars, speeches, exhibits, and celebrations sponsored by schools, colleges, universities, and religious and social organizations throughout the month. The celebrations, Mr. Speaker, really begin on January 15, the birthday of Dr. Martin Luther King, Jr., and continue throughout the month of February. I look forward to participating in many of these celebrations. Each celebration adds to my book of knowledge and jogs my memory again and again that the goal we all are working for is peace and justice for all Americans.

Many extraordinary contributions continue to be made by blacks in North Carolina and I am proud to bring to your attention a great American, born in eastern North Carolina, now a part of my congressional district, Rosindale in Bladen County. George Henry White, the last black to serve in Congress from North Carolina, was born on December 18, 1852, and attended the public schools of Bladen County. He graduated from Howard University in 1877. He studied law and was admitted to the bar in 1879 after which he began his practice in New Bern, NC. He served as principal of the State Normal School of North Carolina; was a member of the State house of representatives in 1880; served in the State senate in 1884; served as solicitor and prosecuting attorney for the second judicial district of North Carolina from 1886 to 1894; was a delegate to the Republican National Conventions in 1896 and 1900; and was elected as a Republican to the 55th and 56th Congress—March 4, 1897, to March 3, 1901. He was not a candidate for renomination in 1900 to the 57th Congress and resumed the practice of law and became involved in banking. Congressman White died in Philadelphia, PA, on December 28, 1918.

I also salute the hundreds of black Americans who never served in Congress, but whose contributions will be recorded in the local histories of such towns as Trenton and Burgaw, NC. The contributions of these black Americans can never be overlooked or forgotten.

I look forward to the day when black history will be a truly integral part of the study of American history. However, until that day, the Nation's youth—our children—must know and recognize the achievements of black Americans and the major role they have played in shaping this country.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman for his contribution.

Mr. Speaker, I yield to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my good friend for yielding to me.

I very much appreciated the gentleman's opening remarks when he quoted from our Declaration of Independence that all men are created equal. I think that is something we always want to remember, not only in words, but as a fact.

We all are proud of our American citizens and, yes, our black citizens, when we take a look not only at athletes, politics, medicine, but every profession in every line of work in the United States, our black citizens are an example to all of us.

There are so many people that we could refer to. As a real young tyke I remember Joe Louis, the great fighter, and how proud he made all of us. It is people like that who have been a real role model and people we have looked to that have made us proud to be Americans.

We have some of our most outstanding students at the military academy, our service academy now, and some of our black students and some of our leading people in our Armed Forces that help to keep this country free and to make this country free. They are a great example to all of us.

We all of us are Americans and I hope before too long we will have a black President, and when we have that then I think we will have achieved as role models and as a people what we can all do as Americans and as one Nation.

So I thank the gentleman for allowing me this time to say a few words, because we want to remember all of our citizens, especially those citizens serving in our Armed Forces and doing such a great job keeping us free.

Again, I thank the gentleman very much for yielding.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague for his participation and for his excellent remarks.

Mr. Speaker, I yield to our distinguished colleague and friend, the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, today I am proud to join with my distinguished colleagues in commemorating Black History Month. Indeed 1988 is a historical year for black Americans, especially those living in my hometown, the great city of Chicago.

As many Americans know, not long ago, Chicago suffered a tremendous loss with the death of Mayor Harold Washington. As Chicago's first black mayor, Harold has opened the door for other qualified black administrators to take his place as the chief executive of the Nation's third largest city. As the former congressional Representative from the south side of Chicago, which is formally called the first congressional district in Illinois, it was only fitting that he became Chicago's first black mayor. Any discussion of black political history in Chicago must deal with the south side.

This congressional district has the longest continuous tradition of black representation in the Nation. In 1928, residents of the south side of Chicago elected the first black Member of Congress since reconstruction, Oscar Depriest. In those days, the Republican Party was the party of Abraham Lincoln, and it symbolized freedom for former slaves and their descendants. But as the Democratic Party of Franklin Delano Roosevelt began to promote jobs for working people—black and white—politics in the district began to change.

Eleanor Roosevelt was out among the people and she was showing that she had no personal prejudice. The 19th amendment had just been ratified in 1920, and women had just gotten the vote. I can remember sitting at the dinner table when my mother told my father that she was going to vote Democratic in the next election. My father was so angry—all of us had been Republican as far back as we could remember—that he stood up and told her this was proof that women getting the vote was a major mistake. Later, of course, when the Federal Works Programs created by the Roosevelt administration brought employment to my father, he not only changed his mind, he changed his party registration, too.

A lot of black voters changed their registration, and that was the beginning of the end for Depriest. In 1934, Arthur Mitchell made history when he won that seat. Representative Mitchell was the first black Democrat to serve in the U.S. House of Representatives. Oscar Depriest was to become—so far—the last black Republican with voting privileges to serve in the House.

In 1942, William L. Dawson succeeded Representative Mitchell. Not only did he become the first black Member of Congress to chair a committee—the Committee on Post Office and Civil Service—but he became a political power broker in the city of Chicago. He was a ward committeeman and the leader of the black faction of the vaunted Chicago Democratic machine. While he endorsed civil rights measures promoted by leaders such as A. Phillip Randolph, he was firmly committed to working within the system. He viewed his real role as providing patronage jobs and democratic nominations to his political supporters, again a tradition in Chicago. He retired in 1970, and died at the age of 84.

He was succeeded by Ralph Metcalfe, a one-time Olympic sprinter. Ralph was elected as a machine man too, however, he soon broke with the machine over the alleged beating of two black dentists by a Chicago policeman. When Mayor Daley refused to come to Congressman Metcalfe's office to discuss the matter, the independence of the south of Chicago from the machine was insured.

Despite being one of the most Democratic congressional districts in the Nation, in 1984, it was the most Democratic, voting 95 percent for the Democratic ticket and only 5 percent for Ronald Reagan. But in 1972, there was significant ticket-splitting, as machine-backed candidates lost to liberal, reform Republicans. In 1978, however, Metcalfe died, and the machine temporarily retained the seat by appointing Bennett Stewart. Even then, the community rebelled, and an upstart reform Republican got 41 percent in the general election. In the next primary, the independent forces nominated Harold Washington, another former machine-elected official. Harold, a supporter of Metcalfe, was a seasoned Illinois State senator, and had been a founder of the Illinois legislative black caucus. He won a four-way primary with nearly 50 percent of the vote; Stewart finished a distant third with less than 20 percent of the vote.

Harold Washington, of course, is most famous for becoming Chicago's first black mayor. That victory was made possible because he was an elected official with strong ties to both the black community and the independent political movement. His insistence on political reform and his advocacy of civil rights and fairness for all are what enabled him to lead a multiracial coaliton that captured city hall. Despite the intense opposition that he encountered, he opened city hall for all the people of Chicago in a way that had never been done before. It was just before his death, however, that he was finally beginning to control the reins of city government. The dreams and ideals that Harold helped champion were not limited to Chicago.

The movement and evidence of its far-reaching effect can be seen right here in Congress. Our own colleague, Congressman Mike Espy, is a beneficiary of the type of reform politics that Harold pushed for. The success of Mayor Wilson Goode in Philadelphia is another example of this movement at work. Indeed, Harold has left a proud and brilliant legacy with which we can work with and build upon.

I was the next person elected to follow in this illustrious line of elected officials. While I feel honored to be a part of this historic line of representation, I believe that it will be best if I let history be my judge. In any event, in some ways history has already been made. Before being elected to Congress, I spent my life working in the labor movement. I was one of the founders of the coalition of black trade unionists [CBTU] and was an international vice president of the United Food and Commercial Workers and international vice president of the Illinois State AFLC-CIO. I am the highest ranking trade unionist ever elected to the Congress, and I view my role as a Representative of working people, and for people who want to work.

Black Americans have much to be proud of during this Black History Month celebration. I salute not only my predecessors and the meaningful contributions they have given our great Nation, but also their legacy—a legacy which is benefiting the entire Nation. And while February is the time set aside for celebrating black history, in fact it is a continuous event that each of us should celebrate each and every day in American society.

Mr. STOKES. Mr. Speaker, I yield to my distinguished friend and colleague, the gentlewoman from Cleveland, OH [Ms. Oakar], with whom I share the representation of Cleveland, OH.

Ms. OAKAR. Mr. Speaker, I thank the dean of my delegation for yielding and compliment him on having this special order.

Mr. Speaker, I think of so many contributions to the development of our Nation, and as a woman I am especially pleased to note some of the heroines that I have come to know through history, Sojourner Truth, Harriet Tubman, and Rosa Parks come to my mind. They were the ones, Tubman and Truth, who led hundreds of slaves to freedom along the Underground Railroad, which coincidentally did come through Cleveland, OH; as a matter of fact, in my own neighborhood where I was born and raised.

Of course, all of us think of Dr. Martin Luther King. I think of him really as being very much alive today, because I think Dr. King's wisdom and example and action in promoting a nonviolent approach toward peace and human rights was what we needed not only in our own country, but indeed throughout the world.

So the legacy of black Americans indeed has been with us since revolutionary times in this country.

But I want to talk a little bit briefly about my city of Cleveland. As you know, a lot of times you hear of the civil rights movement being focused on the South; but frankly, black achievement is not confined to just the cities of the South. The city of Cleveland has always been proud of its contributions. Although many of us are familiar with the great Jackie Robinson, the Cleveland Indians outfielder, Larry Doby, was the first black in the American League. He went on to become a league manager.

□ 1830

In the literary community, Clevelander Charles Chesnutt became one of the first black novelists, paving the way for growth among other aspiring writers. In 1915, the Playhouse Settlement, later called the Karamu House, opened its doors as a center devoted to the field of the fine arts and the development of the potentialities of black Cleveland artists. The Karamu Players continue to present exciting theatrical productions of the finest quality, and Cleveland continues to bask in the glow of this historical company.

Politically speaking, Cleveland has been in the forefront of black civil rights, and much of this is due to the efforts of the Stokes brothers. In 1967, Carl Stokes became the first black American to be elected mayor of a major city. He is now a respected judge on the municipal bench in Cleveland.

His brother, and my friend and colleague, Louis Stokes, made history when he became the first black American in Ohio to win a seat in the U.S. House of Representatives. As dean of the Ohio delegation, he has faithfully served his city and the Nation as a whole for the past 20 years.

Black History Month is a time to honor all those who have enhanced America's dreams of freedom and equality, and I commend my colleague from Ohio for his leadership in organizing this special order on its behalf.

I think as Americans we look forward to enhancing the great American dream of freedom and equality not only for our own people but for the entire world.

Mr. Speaker, I want to compliment my good friend and colleague, the gentleman from Ohio [Mr. Stokes], for his leadership and say to him and to my distinguished black colleagues in the House of Representatives what a wonderful example they are to the youth of today. I do not know if my colleagues realize how important their representation is to so many young people. I know this is especially true in the case of Carl and Lou and others in greater Cleveland, so I hope that we not only will commemorate this great sense of history this month but indeed throughout the year.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague, the gentlewoman from Ohio [Ms. Oakar], for her very warm and generous remarks and for her participation in this special order.

Mr. Speaker, I am delighted to yield to my distinguished friend and colleague from New York [Mr. Rangel].

Mr. RANGEL. Mr. Speaker, I thank the gentleman from Ohio [Mr. Stokes] for yielding me this time. I congratulate my friend and colleague from Ohio for taking out this special order and giving us in the House of Representatives an opportunity to participate in Black History Month.

When we think about history, it is not just a beautiful story that someone would want to tell but is a story to tell us where we have been and to inspire us to bring out the best in us either as a person, as a people, or as a nation to do better. That is why I believe it was such a cruel hoax to play on the slaves who helped to build the economy of this country to really cut out as a part of American history the history of black folks in this country. It had such a damning effect that when I was a kid on the streets of Lenox Avenue in Harlem, to call someone an African or to call someone black was an insulting remark because we only had the images that were given to us in the Tarzan movies and we had to rely on our families to fill us in on the rich traditions of where we had been.

Sometimes when we have seen the St. Patrick's Day parade, or the Jewish parades, or the Polish parades, black folks always felt that we were the only people in this great Nation that really had no place to send a Care package, had no hometown that we could visit or would want to take our parents and our grandparents to. That is why it is so important that we as a people share our rich heritage not only with our families and our communities but with this entire country so that we can bring out the strength of Americans, not just for their love and affection for America, because we have demonstrated that by pouring our blood on every battlefield that our country has been involved in, even when German prisoners were being treated better as prisoners of war than the warriors who made it possible for us to win in World War II. But I think that we all will have to agree that no matter how much one loves their home country or where their forebears came from, that they are better Americans because they understand the strength of their people and I think that as we tell black and white kids alike how great black warriors have been as scientists and educators that we make our small contribution to the great history of this country, and I think that because we have this time to share these feelings, that this record will be straight as completed by Members of Congress.

Mr. STOKES. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for his very fine remarks.

Mr. Speaker, I am happy to yield now to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I am proud to join my colleagues in the House in commemorating February as Black History Month.

The United States recently observed the national celebration of Martin Luther King, Jr.'s, birthdate. I was a proud cosponsor of the resolution which established Dr. King's birthday as a national holiday. But, Dr. King is not the only black achiever in America's history. Far from it.

The contributions of black citizens to our Nation are legion, and it is fitting that a month be set aside to recognize these many and significant achievements.

In 1926, Dr. Carter G. Woodson—known as the father of black history—established Negro History Week because he recognized the importance to all men of publicly acknowledging the history, achievements, culture, and current status of black people. In 1976, during the Bicentennial celebration, this week was extended to a month.

We in Louisville and Jefferson County, KY, which I am privileged to represent in Congress, can boast many individuals who deserve to be recognized during Black History Month.

But, there is one person who is preeminent in his fields of endeavor and who is particularly fitting for recognition: Dr. Lyman Johnson.

I have included, at the end of my statement, a biography listing Dr. Johnson's complete accomplishments and honors. A few deserve special mention here.

Dr. Johnson is a graduate of Virginia Union University in Richmond, VA—class of 1930. He went on to receive his advanced degree from the University of Michigan at Ann Arbor.

Dr. Johnson then moved to Louisville where he began a distinguished career in education in the community. For 33 years, he taught at Central High School and for 7 more served as assistant principal in other schools.

In addition to his role as an educator, he also became an important leader in civil rights activities. In fact, Dr. Johnson served as the president of the NAACP on four separate occasions. He was a plaintiff in a Federal court action which opened the University of Kentucky to black students.

Even today, at age 81, he is still active in our community, and is currently serving his fourth year on the local human relations commission.

Dr. Johnson is truly a remarkable man, and I am proud to have this opportunity to recognize his lifetime achievements. I can think of few others who have done so much to help us make progress in erasing the inequities and injustices in our society.

Mr. Speaker, I include for the RECORD the biography of Lyman T. Johnson:

On May 13, 1979, Lyman T. Johnson was awarded the Honorary Doctor of Letters from the University of Kentucky. That proud day culminated the career of a man whose life has spanned 74 years, 40 years of dedicated teaching service, and hundreds of awards and citations. He has felt and fought discrimination and hatred. And he has mounted and won battles for human rights many times over the last 50 years. If nothing else, Lyman Johnson is a survivor.

Born in Columbia, Tennessee on June 12, 1906, Mr. Johnson attended Columbia Public Schools and Knoxville College Academy. His hard work and dedication at Virginia Union University earned him high marks and an A.B., majoring in Ancient Languages, History and English. Graduate work at the University of Michigan resulted in a M.A. degree in History and Political Science. He has completed additional graduate work at the University of Wisconsin, University of Kentucky, and Union College.

He joined the Louisville Public School system in 1933. In 1936, Mr. Johnson married the former Juanita Morrell. At Central High School he served as a teacher of social studies, chairman of the social studies department, athletic and business manager, and faculty sponsor of Youth Speak, Inc. for over 33 years. He also served as Assistant Principal at Flaget High School. In addition, he had been a part-time instructor at Kentucky State University and Spalding College.

His role of social activist has led him to be the plaintiff in a Federal Court Action against the University of Kentucky. His suit was instrumental in opening the University to black students. Also, he was a major plaintiff in the Federal Court Action for "merger and desegregation" of Louisville and Jefferson County Public Schools.

Mr. Johnson has been a member of many social and professional organizations including the American Federation of Teachers, the Kentucky Education Association, U.S. Selective Service Board, NAACP, Kentucky Commissions on Corrections, Louisville and Jefferson County Community Action Agency; the Board of Governors of General Hospital, Urban League and the Kentucky Civil Liberties Union. He has served in a leadership role in almost all of them. He served as President of the Louisville Branch NAACP for a total of 7 years over periods starting in 1943.

His list of awards and citations is entirely too long to publish in this program. But, among them are honors from Louisville Mayors Kenneth A. Schmied, 1969; Frank W. Burke, 1970 and 1973; and Harvey I. Sloane, 1977; Jefferson County Judge L.J. Hollenbach, 1977; and Kentucky Governors A.B. Chandler, 1956; Wendell H. Ford, 1972; and Julian Carroll, 1978; the University of Louisville, the University of Kentucky; and Bellarmine College.

Mr. Johnson's accomplishments over the years have given him much satisfaction and happiness. He remains an integral part of the education system in Jefferson County and the State of Kentucky.

He currently resides at the J.O. Blanton House, 850 W. Muhammad Ali Boulevard, in western Louisville.

Mr. VISCLOSKY. Mr. Speaker, will the gentleman yield?

Mr. STOKES. Mr. Speaker, I am happy to yield to the gentleman from Pennsylvania [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Speaker, I would like to commend and thank the gentleman from Ohio for setting aside time today for this special order recognizing Black History Month.

The history of blacks in America is a far-reaching and rich one that should not be overlooked. Black History Month affords all Americans the opportunity to pay tribute to black Americans whose, struggles, sacrifices, and achievements have helped to build this great country.

People such as Harriet Tubman and Nat Turner revolted and fought against the established order and risked their lives so that others could gain their freedom.

Benjamin Banneker, an 18th century astronomer, mathematician, and mapmaker made many important contributions and was known as the "Black Ben Franklin." During the late 1700's and early 1800's Jupiter Hammon and Phillis Wheatley were recognized for their outstanding contributions in poetry. After the Civil War, black Americans continued to explore and advance in areas where they had been previously excluded.

In this century, we celebrate the achievements of the distinguished Shirley Chisholm, the first black woman elected to Congress; Adam Clayton Powell, Jr., who for six years chaired the House Education and Labor Committee; and Andrew Young, the first black Ambassador to the United Nations.

The arena of public service represents only one peak where black Americans have reached great heights. In the field of medicine Dr. Charles R. Drew helped save thousands of lives during World War II by developing the first blood plasma bank. It was Dr. Daniel Williams, a black surgeon, who was the first American to perform a successful operation on the human heart.

The music world is also an area where black Americans have made memorable contributions. Talented musicians and singers such as Louis Armstrong, Ella Fitzgerald, Billie Holiday, Thelonius Monk, and Stevie Wonder have added to our culture with their incomparable style of music and song.

And in the world of sports, athletes such as Henry Aaron, Wilt Chamberlain, Althea Gibson, and of course more recently, Doug Williams, have proven their talents with their extraordinary physical and mental capabilities, power, and grace. Record books and sports fans everywhere will always remember these and the thousands of other athletes who have practiced long and hard to attain their goals.

Finally, the observation of Black History Month would not be complete without mention of those who sacrificed and fought to gain equality and justice for all. Who can forget Rosa Parks, who, in December 1955, refused to give a white man her seat on a bus in Montgomery, Alabama. Her action prompted a year-long protest that ultimately resulted in the abolishment of a segregation statute.

The courage, strength, and leadership of others such as A. Philip Randolph will always be remembered and respected for their dedication to the civil rights cause.

The struggles, perseverance, and leadership of one man in particular, the Reverend Dr. Martin Luther King, Jr., is indelibly etched in the minds of all Americans. Dr. King's valiant struggle to achieve equality was a nonviolent one in which strength through numbers, dignity, and discipline were stressed. We will be forever grateful for his achievements.

Too often the accomplishments, talents, and contributions of black Americans have been overlooked. During Black History Month we should work to ensure that the lessons of history are not forgotten and that the success of those we recall today will be remembered as but the first light of a new dawn in black achievement across our land.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Pennsylvania for his contribution.

Mr. Speaker, I am pleased to yield to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, first I would like to thank my distinguished colleague from Ohio, [Mr. STOKES] for organizing this special order on Black History Month. Mr. STOKES has made us all proud, most recently by his contribution to the Iran-Contra hearings. He clearly and articulately said what many Americans were thinking about this sad episode in American history. I am proud to participate in this special order.

Recognizing the history of black people in the United States is important, for the impact of black people on the growth of America is immeasurable. This has certainly been the case in San Francisco, from the late James E. Stratton, the first black president of the San Francisco Board of Education who made great strides in improving the educational system in San Francisco, to the current leadership of blacks which has had a positive impact on millions of lives in the State of California as well as on the national scene. And from my native city of Baltimore, I must recognize the contributions of Clarence and Juanita Mitchell who worked with my family over the decades for the human and civil rights of blacks. Yet the history of black people in America has been a painful history.

Which brings me to the point of what I believe Black History Month is all about. All Americans must be made aware of what blacks have experienced in this country for the past 300 years. We must remember not only the contributions of people like George Washington Carver to the advancement of the United States, but also the blacks' bone-weary struggle for equality that continues today in 1988. Black History Month, then, is a vehicle for focusing on the past, present, and future of the black fight for social justice in our country. It cannot be forgotten that this fight is far from being over. One need only look at the small number of blacks in positions of authority in the United States or the inordinately high unemployment rate among black teenagers to see that the fight must be continued.

I am pleased to be invited to serve as a member of the Black Caucus. Working with the caucus in Congress I hope that as a fitting legacy of Black History Month we can pass legislation for an economic agenda which provides job opportunities for all Americans, provides education to benefit all of our children and guarantees them quality health care. In celebrating Black History Month, let's let people of all colors know that the struggle continues today and that it will not be over until all black people gain an equal footing in American society.

□ 1845

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman from California for her contribution and participation in this special order.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I would like to thank the gentleman from Ohio for reserving this time to commemorate Black History Month, a special time we set aside to recognize and celebrate the heritage, achievements, and contributions of black Americans in the development of this Nation.

While the history of black Americans should never be separate and apart from the other major historical events of this country's evolution, celebrating black history during the month of February is an attempt to focus on the events, the people, and the places affecting black Americans that traditional education has overlooked.

I pray for the day when black history will become so inextricably woven into the minds of our young people that we will no longer need to call it "black history," but America's history. Today, however, we must draw special attention to the accomplishments of black Americans so that one day students will know that just as Paul Revere rode through the night to warn settlers that the British were coming, Crispus Attucks, a black man, was the first American to die in the Revolutionary War. They will know, not only about Abraham Lincoln's Emancipation Proclamation, but about Harriet Tubman and Sojourner Truth's lifelong dedication to bring about freedom for their brothers and sisters.

The list of black Americans who deserve to be in the history books of this great Nation is endless. Their contributions are found in all segments of society: education, public service, science, medicine, arts, sports.

I, however, would like to focus today on the achievements and sacrifices made by a special group of black Americans; those born and raised in my home state of Mississippi. Many of these great Americans made it possible for me to be here today. They involved themselves in activities which caused them emotional and financial stress; they risked their lives; they died in order to ensure justice and equality in this country.

A year ago, it took me only about 10 seconds to stand in the well on this House floor, place my left hand on the Bible, raise my right hand to Almighty God and swear to uphold and defend the Constitution of the United States. It only took about 10 seconds for me to utter those words which would convey the privilege of membership to this body and become the first black Congressman from Mississippi since Reconstruction. But we all know that in reality it took us generations to get here.

I believe my election to Congress is one solid indication of the change that has begun in Mississippi. We are still far from the dream Dr. King revealed in 1963 when he spoke of a Mississippi transformed into an oasis of freedom. But I can see a change in the eyes of my children and other children, black and white. They recognize a change has come to our State.

So when I give speeches to young students in Mississippi I tell them about Fannie Lou Hamer, a black Mississippian. She was sick and tired of being sick and tired. Though beaten in the jails of Mississippi, she always got up and kept moving forward and pushing and doing the kind of things that she knew had to be done.

The daughter of sharecroppers from Sunflower County, MS, she shook the conscience of America at the 1964 Democratic National Convention in Atlantic City with her testimony before the credentials committee about beatings she had suffered because of her attempts to register herself and others to vote. Ms. Hamer later ran for the congressional seat which I hold today and for the Mississippi Senate. She helped to establish several self-help projects in the Mississippi Delta as well.

I tell the young people of Mississippi about Medgar Evers, who as president of the State NAACP chapter, struggled to work peacefully with everyone in his efforts to improve the quality of life for all Mississippians. Knowing that he would be killed one day, he kept pushing forward while looking down the barrel of an assassin's rifle.

And there are so many others. So many anonymous faces and names; people who bied and toiled and died and struggled just so we would have the right to be here. And we pay homage to them as well, countless thousands of our heroes, some whose names we don't know.

There is one name I would like to mention, an 85-year-old woman named Annie Lee Tidwell. I think she was a heroine in her own right.

She has her own story to tell. She lived in a small town in Mississippi called Grenada. On the day of my election in 1986, she was too sick and ill to get out of bed. I am told that she voted by absentee ballot and, as she signed her name for perhaps the last time, she said some things that will be forever etched in my mind. Rosie Tidwell died that night.

She said:

> You tell that young man I hope he wins. You tell that young man that I hope my vote will count. You tell that young man that I want him to go up there to Washington and do us some good.

Do us some good. Do us some good. Now that's really what it is all about. We must keep that command—do us some good—constantly before us.

This is the challenge to young blacks today who will one day find their place in the history books of America. They will be there not because they are black, but because they contributed to our society. Until that day, I will continue to salute those black Americans who took bold and decisive steps to enrich the lives of all Americans.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from Mississippi.

Mr. Speaker, I am pleased to yield to our distinguished colleague, the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I am pleased to join my colleagues today in commemorating Black History Month.

I come from the Detroit area, was born and raised in Detroit. Black history there is everywhere one walks, where one goes out to Belle Isle in the homes we visit. It is all there in a sense at our fingertips, but it is often forgotten, and in Black History Month, the purpose of it is to remind us, and it serves a number of purposes.

First we recall black Amerians' past struggles for freedom and equality. Also we celebrate the achievement of the black pioneers who blazed the first trail in their respective fields. And further we rededicate our resolve to overcome the struggles they have had for improved race relations and economic advancement.

Because of their enslavement black Americans confronted far more obstacles to equality than any other minority group in our country's history. This is a fact we must always remember. In 1849 Harriet Tubman, known to her people as Moses, turned or at least tried to turn obstacles into opportunity, an opportunity for freedom. She brought together northern abolitionists as well as other freedom fighters and was instrumental in laying the tracks for the underground railroad, as we know. Many came North, and many stayed in the South, and we commemorate black history today throughout this country.

In my lifetime in Michigan there are so many events and people to commemorate that I think that I will just mention a few. The Paradise Theater, the music that resounded in that hall, now through the efforts of the citizens we have saved it so that the music can continue to ring as it did there in the forties by black musicians. Joe Louis, who is a hero not only to black Americans but to, I hope and I think, millions of white Americans as someone who came from Detroit and represented the struggle forward.

Talking about music, the bringing forth of Motown from the homes and the talents of Detroiters should be mentioned, and in recent times with the breakthrough politically of blacks within Michigan, I think all of Michigan, in the election of a former colleague of mine in the State senate, Coleman Young.

There are many other events and people that should be mentioned. I will not because of time and the fact that others are waiting.

Let me close by saying we commemorate Black History Month as we look to future priorities at home. Economic advancement and improved race relations must top the agenda. And abroad our fight to end apartheid in South Africa will never cease, our resolve never diminish, so let us use this period appropriately both to celebrate and also to rededicate.

Once again I thank my colleague and my friend, Mr. STOKES, from the neighboring State of Ohio, for making this special order possible.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from Michigan for his excellent contribution to this special order.

Mr. Speaker, I am pleased to yield to my distinguished friend and colleague, the gentleman from Maryland [Mr. HOYER]. The gentleman from Maryland each year has his own very special celebration in honor of Black History Month when he has all of his constituents in Maryland come down to the House here, and they enjoy a beautiful breakfast with excellent participation, excellent speakers, and I have had the privilege of participating over several years. So I am pleased to yield to my distinguished friend.

Mr. HOYER. Mr. Speaker, I am pleased to join my colleagues in commemoration of the vast contributions black Americans have made to our country. I am particularly grateful to my good friend LOUIS STOKES for organizing this special order.

Black History Month is a celebration and commemoration by our Nation's black population and rightfully so. It is, however, a celebration for all Americans. Black history is America's history. The people, places, and events that you have heard about and will hear about are the history of America made by Americans who happen to be black.

While recognizing inspirational Americans such as Dr. Martin Luther King, Benjamin Banneker, Shirley Chisholm, and others, it is important to reflect on the goals and dreams which flourished in these leaders. The making of a legend is based on his or her belief of freedom, peace, and love for all.

It seems, at times, that we forget the reason for this celebration of black history, concerning ourselves with the present and immediate future, giving only a moment of thought to the achievements of the past. During this month we acknowledge those achievements and celebrate those that have bounded forward in their beliefs for our future as a peaceful human race.

In tracing American history, it may not be evident to some the vast impact black Americans had in developing our new world. During the violent era of European exploration, black slaves, seamen, and servants played an important role in American history. Few, however, of these heroes are given the recognition they deserve.

Black explorers played a significant role in Western expansion. One such man was Jean Baptiste Pointe Du Sable, who traveled through the Louisiana Territory and explored the Great Lakes. He established a trading post at the mouth of the Chicago River which eventually developed into a frontier settlement. This settlement grew into a city, Chicago. We now recognize that the first white man in Chicago was really a black man.

The adventuresome spirit of the frontier attracted many adventurers. The freedom of the frontier attracted John P. Beckwourth, a black explorer, who, in 1850 risked a tricky passage through the Sierra Nevada—now the Beckwourth Pass. He eventually settled with the Crow Indians, and dedicated his life, with hope and energy, to pioneering in the West.

We also know that blacks participated in every war beginning with the American Revolution and the death of Crispus Attucks in the Boston Massacre. We as a country should ask ourselves why did they participate. In at least four of our wars blacks were slaves. In others, they were discriminated against in every facet of American life, including in the service of their country. And finally, there were still problems during the Korean and Vietnam conflicts.

We must assume that they believed in the American dream. They believed unlike all other Americans, a dream that was truly only a dream for them. They gave their lives in order that all of us could be free without any assistance that black Americans would benefit from the sacrifices they made.

Today we celebrate these men, men with hopes and dreams for the future, futures in which they have participated, and a world for which they have pioneered and fought. Their determination and their faith in God was their strength; this led to achievement. We can commend these black Americans, but more importantly, we can learn from them. We can learn from their sense of adventure, determination, commitment, and their willingness to take risks.

These men and women were courageously persistent. It was Dr. Martin Luther King who said:

> Without persistent effort, time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This is no time for apathy or complacency. This is a time for vigorous and positive action.

We all recognize that our Nation is facing some serious challenges. These black Americans and the others that have been and will be mentioned by other speakers have led by example.

It is now our time to act. We must strive to keep the dreams of these black Americans alive. Through their inspiration and our sincere efforts and commitment, we can take steps to make their dream a reality, and reward ourselves and this Nation in the process.

I want to thank Mr. STOKES again for organizing this special order.

□ 1900

Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague and friend, Mr. HOYER, for his very eloquent statement.

Mr. Speaker, we appreciate his participation.

I am pleased now to yield to my good friend from the Virgin Islands, Mr. DE LUGO.

Mr. DE LUGO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this month, the U.S. Virgin Islands has joined in the national celebration of Black History Month, when we recall the contributions of black people who have helped build this Nation. In our schools and university classrooms and discussion in the media, our people have been making their history come alive again.

For in this U.S. territory—where roughly 80 percent of the population is black West Indian—our history is rich with accounts of people who have overcome adversity, who have achieved great things, and who have used their talents to reach their ambitions and enrich their community.

In recalling this history, we are finding new inspiration for achievements in business, government, academia, the arts and every facet of society. In recalling this history, we also are educating a new generation of Virgin Islanders who are setting their goals and looking for their place in our society.

In the U.S. Virgin Islands, our modern political history has been a story of progressive movement toward self-government. That has been a story of our native West Indian people taking over the institutions of their own society as we have moved from our position as a Danish colony until 1917 to our current status as a largely self-governing territory.

Black history in the Virgin Islands also is the story of the blending of cultures from Africa, Europe, the United States, and the entire Caribbean. In recent decades, the Virgin Islands has become a magnet for West Indians from throughout the Caribbean. They have come by the thousands from Tortola, St. Kitts, Antigua, St. Martin, Guadeloupe, and every other island in the region. They have made tremendous contributions to our economy, our culture, and our society. And many of them are now coming into their own, becoming full U.S. citizens and successful enterpreneurs. When future generations look back at the recent history of the Virgin Islands, they will see it as a period of creative blending of black Caribbean histories and cultures.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend from the Virgin Islands for his contribution to this special order.

Mr. Speaker, earlier on in my remarks I made reference to Dr. Carter G. Woodson.

Mr. Speaker, considered by many to be the "Father of Negro History," Dr. Woodson was one of nine children. His parents had been slaves. As a youth, he had neither money nor opportunity to attend school. So, he was not able to complete high school until he was 22 years old. Despite the hardships faced by Woodson during his early years, he went on to finish Berea College in Kentucky. Later, he went to the University of Chicago, where he received a bachelor's and master's degree, and in 1912, he received a Ph.D. from Harvard University. Born in poverty and having worked as a coal miner, Dr. Woodson was undaunted by strife and struggle; and, he achieved his accomplishments the hard way—the same way that so many great black Americans have had to come.

In 1915, Dr. Woodson almost single-handedly created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History. Not content with these achievements, he ventured into the field of mass education, initiating the observance of Negro History Week, which in 1976 was changed to Black History Month.

Today, let us take a few minutes to acknowledge those accomplishments by black Americans which are too often forgotten, or which are unknown.

First, let us remember those black persons who fought and died for America. Last summer, during the Iran-Contra hearings, I had the opportunity to remind Lt. Col. Oliver North that he is not a lone soldier in our country's fight for freedom, and that there were others who had made major sacrifices for this country. People like Oliver North help to create the distortions which have helped to leave most Americans oblivious to the contributions made by blacks in the defense of their country.

When we take a close look at history, we see that, from the very beginning, black Americans have fought in our country's battle for freedom. At least 5,000 blacks joined the fight to free this Nation from the grip of British control. In fact, during the Revolutionary War, Crispus Attucks, a black man, was one of the first soldiers to give his life for freedom.

In World War II, our country took its first step toward moving away from the discriminatory practices of consigning the black soldier to segregated labor battalions. In 1940, Benjamin O.

Davis, Sr., became the first black general to serve in the U.S. Army. And today, I am proud to recognize that distinguished 50-year career of General Davis who, during his life time, served in the Spanish-American War, World War I, and later served as an instructor of the 372d Infantry of the Ohio National Guard in Cleveland.

During the years preceding World War II, the military had candidly rationalized its racially discriminatory practices with pronouncements which endorsed the notion of black inferiority. The appointment of General Davis marked a move by President Franklin Delano Roosevelt to enhance and increase the participation of blacks in the Armed Forces. At the beginning of the start of the selective service, less than 5,000 of the 230,000 men in the Army were black, and there were only two black combat officers. By the time World War II approached an end, approximately 880,000 black men and 4,000 black women had served in this war.

One of the most notable contributions made by an American soldier during this war occurred when Dorey Miller, a black mess stewart in the then segregated U.S. Navy saved his fellow crew members from certain death on the U.S. battleship *West Virginia* docked at Pearl Harbor. When the Japanese began their surprise attack on Pearl Harbor, Dorey Miller came up from the mess hall, manned artillery and singlehandedly shot down two Japanese airplanes.

A few years after this war, as our Nation worked to maintain world peace, it was the negotiation efforts of Ralph Bunche which led to an armistice between the Arabs and Israelis in 1949. For his efforts, Bunche won the Nobel Peace Prize in 1950.

Orphaned at the age of 13, Bunche went on to win the Phi Beta Kappa key, and was the first black to receive a Ph.D from Harvard University's Government Department. In later years, he helped to author the United Nations Charter, and then went on to be an international civil servant of the highest rank when he joined the United Nations Secretariat.

Despite the contributions made by blacks in World War II, the institutionalized Jim Crow practices within the military did not officially end until after the Korean war. In fact, during the Korean war, it was the U.S. Army's last all black 24th Infantry Regiment which was the principal force behind the United Nation's initial victory over the North Koreans at Yechon, one of the roughest and bloodiest encounters of the entire conflict. Dispite their vital contributions, military records characterize their contributions as poor.

Today, now that the branches of our Nation's military are no longer segregated, black Americans are receiving acknowledgment for their contributions. For instance, Lt. Col. Guion Bluford, was the first black astronaut to fly in space aboard the space shuttle, *Challenger.* And, 2 years ago, black astronaut Ron McNair gave his life as the *Challenger* attempted to make another journey into space.

Black Americans have fought many other battles and have helped to pioneer may other frontiers. When we look at the pages which preface the creation of our democracy, we see how black slaves, beaten and shackled, plowed, seeded, and harvested our Nation's fields.

In looking at the early years of our Nation's history, we also see how Frederick Douglass, Sojourner Truth, Nat Turner, and John Brown had to work to free their black brothers and sisters in slavery. Harriet Tubman helped to free over 300 slaves via the underground railroad. Tubman often told slaves—you will be free or you will die. White slave owners were so afraid of Tubman, they had a $40,000 price on her head in the 1800's.

Almost a century after our Nation had tired of and ended slavery's tyranny, Dr. Martin Luther King, Jr. entered the civil rights horizon as one of history's premier advocates for equal rights. Dr. King was the champion of the civil rights movement in the 1950's and 1960's. Armed only with his principle of nonviolence, Dr. King stirred our Nation's conscience and liberated America from bigotry and discrimination in the same manner that Ghandi liberated India from British control.

The moral and political leadership offered by Dr. King is indicative of a role which often has been assumed by black ministers. The black minister and the black church have played a pivotal role in the development of the black community and America. Some of the major black leaders' political beginnings originate in the black church. Former pastor of the Abyssinia Baptist Church in Harlem, Adam Clayton Powell served in the U.S. House of Representatives; Rev. Jesse Jackson, former aide to Dr. King and president of operation PUSH continues to make history as he seeks the Democratic Party nomination for the Presidency; and Andrew Young, also a minister and former aide to Dr. King was elected to the Congress, and later became the U.S. Ambassador to the United Nations and currently serves as the mayor of Atlanta. And today, in the House of Representatives, we see a number of black political leaders who are also ministers. Walter Fauntroy, Edolphus Towns, John Lewis, and Bill Gray are all ordained ministers.

Black Americans also have made unparalleled contributions in the area of art, entertainment, and literature. From the poetry of Phyllis Wheatly, to the literary genius of Ralph Ellison; from the talented tenor Roland Hayes, to the gifted Leotyne Price, black Americans have excelled in the music and entertainment world.

Taking a close look at black history and the arts, I am reminded of how during the 1940's and 1950's, Paul Robeson, singer, actor, scholar, and athlete was not only the first black, in the history of English theater, to play the leading role of Shakespeare's Othello, but he also played a leading role as an advocate of the oppressed. He challenged the racism of this country to its foundation and compared the struggle of black Americans to that of oppressed people everywhere.

A man of tremendous stature, both physically and intellectually, Robeson is often referred to as the "Black Warrior." Six feet, three inches tall, and almost 220 pounds, Robeson was one of the greatest football players of all time. He also was one of the first blacks ever to attend the prestigious Rutgers University. While attending that university, he won Phi Beta Kappa honors in his junior year, was valedictorian of his graduating class, was a debating champion, and won 13 varsity letters in four sports.

Unfortunately, the significance of Robeson's contributions have never been fully acknowledged. In fact, the experiences of Paul Robeson sadly exemplify the racial bigotry to which some of our Nation's most talented minds have been subjected. Consider, for example, that in the 1940's our Government led a massive campaign to silence him. Labeling Robeson a Communist, our Government revoked his passport and prevented him from traveling outside the United States.

In 1947, at a hearing of the House Committee on Un-American Activities, a Congressman from California asked a star anti-Communist witness how he identified Communists. The witness replied that among the surest criteria for identifying someone as a Communist, would be to observe to see if they applauded at a Paul Robeson concert, or owned a Paul Robeson recording. The record shows the witness was Adolphe Menjou—a prominent film actor; the Congressman was none other than Richard Milhous Nixon.

When we review those pages which outline the history of much of the music originating from our country, we see a predominant black influence. In 1914, W.C. Handy fathered the blues with "St. Louis Blues." Handy and other jazz greats such as Louis Armstrong, Duke Ellington, and Cab Calloway helped to make jazz America's first native music form.

During the 1920's, 1930's, and 1940's, Marian Anderson, the legendary contralto, helped to pave the way for other black classical artists. Born in Philadelphia, PA, Ms. Anderson left the United States to travel throughout Europe during the 1920's and 1930's.

To have stayed in the racially segregated United States during these years would have meant certain death to her career.

However, in 1939, Ms. Anderson returned to this country surrounded by controversy. The Daughters of the American Revolution refused to let her sing at Constitution Hall, the famous concert hall located in our Nation's Capitol. The world was shocked by such conduct. Dignitaries, government officials, journalists, and private citizens rose in protest. After the DAR steadfastly refused to budge, the U.S. Department of the Interior invited her to sing on the steps of the Lincoln Memorial.

On Easter Sunday of that year, Ms. Anderson astounded the Nation, as well as the 100,000 or so persons who gathered at the steps of President Lincoln's Memorial to listen to her sing. When Harold Ickes of the Department of the Interior introduced her, he said: "Genius, like justice, is blind * * * genius draws no color line."

In 1955 Marian Anderson became the first black singer to perform at the Metropolitan Opera, portraying Ulrica in Verdi's "The Masked Ball." Three years later she was named to the U.S. delegation to the United Nations. And, in 1963, President Lyndon B. Johnson awarded her the Freedom Medal.

In looking at the origins of more contemporary sounds, we see that without Little Richard, Chuck Berry, or Chubbie Checker, neither the Beatles, Elvis Presley, nor the Rolling Stones would have been able to help make rock-n-roll what it is today. Consider, for example, that it was Little Richard, who gave the Beatles one of their first breaks by allowing them to tour with him as the opening act.

In the area of the visual arts, many of my constituents in Cleveland, OH, can take pride in celebrating the talents of one of the city's famous, local artists—Malcolm Brown. Malcolm Brown is one of two black artists who are members of the highly prestigious American Society of Watercolorists.

Like the contributions blacks have given to our Nation's art and entertainment, the achievements of blacks in sports are impressively overwhelming. And, just a few weeks ago, black athletes added another page to our Nation's history.

Doug Williams was the first black quarterback to play in the Super Bowl. Williams played an integral role in helping his team win the game and in helping to execute the Redskins' seven record-breaking plays. When interviewed Williams repeatedly said that he went into the game to do his job as a quarterback, not as the "first black quarterback." Also this year, during the winter olympics, Debi Thomas was the first black to represent our Nation in the singles figure skating competition.

In addition to these recent developments, in the area of athletics there has been: Jackie Robinson, Satchel Page, and Hank Aaron in baseball; in tennis, Arthur Ashe, Althea Gibson, Lori McNeal, and Zena Garrison; in track, Jesse Owens, Edwin Moses, Carl Lewis, and Wilma Rudolph; in basketball, Wilt Chamberlin, Abdul Kareem Jabbar, Magic Johnson, and Michael Jordon. And, the list could go on and on.

Outside the area of athletics, blacks have been among the Nation's most respected scientists and inventors. The expression, "the real McCoy" came from Elijah McCoy, a black inventor. Benjamin Banneker produced the first almanac and surveyed the street plans for Washington, DC. Norbert Rillieus revolutionized the refining of raw sugar in the 1840's and some 40 years later, Granville T. Woods patented many electrical and railroad devices. Dr. George Washington Carver, founder of Tuskegee Institute, revolutionized agriculture in the South with his pioneering research on the peanut.

In the area of exploration, Matthew Henson traveled with the Admiral Peary expedition to the North Pole. Henson was the first man to stand, literally, on top of the world. Hensen did the work. But, until recently, Peary was given all of the credit.

In medicine, black men and women have excelled for generations beginning in 1800 with Dr. James Durham, the Nation's first black physician. Daniel Hale Williams, a black physician performed the first open heart surgery. A black woman, Dr. Jane Wright today is one of the most respected cancer researchers in the world.

Dr. Charles Drew developed the first blood plasma bank which saved numerous lives and enabled hospitals to store blood for longer periods of time. The plasma bank he organized in 1938 became the model for the system used by the American Red Cross. Ironically, Charles Drew died because, as a black man, the nearest hospital did not treat blacks.

In the area of law and politics, black Americans have played an active and necessary role in challenging and ending our Nation's discriminatory practices. Recent probes into the annals of black American history have disclosed a number of people of interest and importance whose achievements have been omitted from many of history's pages. In particular, there is one individual whose contributions have not yet received the prominence they deserve in our national record. Mr. Speaker, I am referring to the multitalented John S. Rock.

Starting out with the humblest of beginnings, Rock rose by hard work to positions of recognition in the abolitionist movement and three professions: dentistry, medicine, and law. From 1844 to 1848, he spent 6 hours a day teaching, 8 hours in study, and 2 in tutoring. Many believe that the subsequent deterioration of Rock's health was a result of carrying such a work load. Once his health began to deteriorate, it became difficult for Rock to attend to his patients. So, he began the study of law.

In 1861, he was admitted to the Massachusetts Bar. In 1865, after Salmon P. Chase became Chief Justice, Rock was the first black person to be admitted to practice before our Nation's Supreme Court. That same year, he became the first black man to be received in these Chambers. Yes, Mr. Speaker, Mr. Rock was the first black man to be received on the floor of the House of Representatives. In 1866, shortly after beginning the practice of law, Rock died at the young age of 39.

Decades after Rock had broken these color barriers in the practice of law, men like Charlie Houston and Thurgood Marshall continued the legal fight against racial discrimination. During the 1930's, 1940's and 1950's these men catalized change, by arguing a litany of cases before the Supreme Court. Eventually, their efforts opened up a vista for blacks and culminated in the desegration of our Nation's schools via Brown versus Topeka Board of Education in 1954. In ruling on this case, the U.S. Supreme Court overruled Plessy versus Ferguson, the case which had established the doctrine of separate but equal. By putting the separate-but-equal doctrine to rest, the Supreme Court allowed black students across the Nation, as well as the children of Topeka, KS, for the first time in our Nation's history, to attend integrated public schools.

And, it was after having won many battles in our Nation's courtrooms, that black Americans made significant gains in winning battles at the polls. Most specifically, I remember when in 1967, in Cleveland, OH, my brother, Carl, became the first black mayor of a major American city. At that time, Cleveland was the eighth largest city in the United States and was only 37 percent black. Today there are 303 black mayors in America.

Mr. Speaker, I have just touched the tip of the iceberg in terms of reciting some of the contributions blacks have made to our Nation's development. In commemorating and reviewing just a few of these contributions, the words of Dr. Woodson take on special meaning. He said that once we dispel the myths that blacks have never contributed anything to the progress of mankind, "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization."

Mr. FROST. Mr. Speaker, it is important for us to take time each year, if not each day, to highlight the important contributions of black Americans to the development of our great Nation.

Today, I rise to honor a black Texan who by capturing black history in photographs made black history. R.C. Hickman was born more than 60 years ago in the small north Texas town of Mineola. He acquired his photographic skills in the South Pacific during World War II as an official Army photographer.

His true career began when he returned to Dallas as a photographer for the Dallas Star Post, the local black paper. His work for the paper and his freelance work for Jet and the NAACP placed him in the unique situation of capturing for posterity the black community in the three turbulent decades following the war. His work preserves the visual evidence of racial segregation and the struggle to end it in north Texas. His photographs documenting public demonstrations against racial segregation are especially valuable because Dallas' major news media generally refused to report these events.

But more than chronicling an important time in our Nation's history, he captured on film the daily life of black Americans. And it is these photographs which illustrate the similarities of experience of all Americans. Looking at photos of kids dressed up for Halloween, the local newsboy, a Navy son returning home, workers at a gas station, and a high school student receiving a scholarship evoke memories for everyone. All of us can recall such events from our lives.

It is that ability to capture not only the unique black experience, but the actions of everyday life which indebt us to R.C. Hickman. For now we can relive through his photos the experiences of a group of Americans—black Americans.

Luckily for us the 3,000 negatives of R.C. Hickman's life work are preserved at the Barker Texas History Center at the University of Texas at Austin. Selections from the collection have been displayed in Austin and in Dallas at the Hall of States, making this body of work accessible to many.

As I said earlier, it is important for us to honor the work of men like R.C. Hickman. For in honoring him we recognize the contribution of the average American—the true American—the black American in the development of our Nation. I ask you to join me in saying thank you to R.C. Hickman—chronicler of black history.

Mr. BRYANT. Mr. Speaker, black history in Texas began more than four and a half centuries ago—long before it did in any other part of what is now the United States. Blacks were preceded in Texas only by Indians. As we celebrate Black History Month, it is important that we recall some interesting facts about the rich history and important contributions of black Texans to our State and Nation.

The first black person to land in Texas was a moor of Azamor in Northern Africa's Morocco—a man named Estevan. Part of a Spanish expedition to Florida under the direction of Panfilo de Narvaez, Estevan was among a small group of men who survived a storm in the Gulf of Mexico on a makeshift boat. After reaching land, they were captured by coastal Indians for whom they were compelled to work for about 5 years before finally achieving freedom, largely as a result of Estevan's talents. Because he had a gift for languages, Estevan became more of a partner than a slave to his master, Capt. Andres Dorantes.

In 1691, a black bugler accompanied Domingo Teran on the second Spanish missionary expedition to convert east Texas Indians.

By the 1790's—only 20 years after Crispus Attucks, a fugitive slave, was killed in the Boston Massacre, one of the first to die in the American colonies' struggle for freedom from England—blacks made up at least 15 percent of the population in what would become Texas.

Prior to the end of Mexican rule over Texas in 1836, most free black immigrants came to Texas as farmers—like Emanuel Hardin of Brazoria County and Jean Baptiste Maturia of Nacogdoches in the 1820's. A few pursued other occupations. In 1831, for example, Robert Thompson became a rancher in Montgomery County, James Richardson sold oysters and refreshments between Velasco and San Luis on the coast, and Greenbury Logan moved here from Missouri as a blacksmith.

William Goyens, a black born in North Carolina in 1794, became one of the first rich Texans through his work as a blacksmith, wagon manufacturer, freight hauler, mill owner, land speculator, and planter in and around Nacogdoches between 1820 and his death in 1856.

Perhaps the first blood shed in Texas' fight for independence from Mexico was that of Samuel McCullough, Jr., a volunteer who was crippled for life by a shoulder wound sustained in a battle at Goliad in October 1835.

After 1836, under a provision in the Republic of Texas' Constitution, free blacks who wanted to move here had to appeal to the Republic's Congress for permission. As a result of limitations on black immigration, the free black population of Texas declined from 397 in 1850 to 355 in 1860.

In the days before the Civil War—in which about 5,000 blacks served in the U.S. Army and Navy, some commanding units—60 to 70 percent of the black populations achieved literacy, despite the fact that only 20 black students in 1850 and 11 in 1860 could find teachers to educate them. This commitment to self-improvement allowed some blacks to thrive and prosper—like Aaron Ashworth, a wealthy landowner who owned 2,570 cattle, the largest herd in Jefferson County in 1850—even in the face of adverse circumstances.

Milton M. Holland, born in 1844 on a small farm near Carthage in Panola County, was the first black Texan to win the Congressional Medal of Honor, our Nation's highest military award. As Sergeant Major of Company "C," Fifth U.S. Colored Troops, he won the distinction by leading his unit in the most brilliant and daring fight of its career outside Richmond, VA, in September 1864.

Although President Lincoln signed the Emancipation Proclamation on January 1, 1863, freedom did not come for Texas blacks until Gen. Gordon Granger landed in Galveston on June 19, 1865—the day the State of Texas now officially celebrates as Juneteenth—and read a statement:

> The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free, which involves the absolute equality of people of personal rights and rights of property between former masters and slaves. * * *.

Mr. HALL of Ohio. Mr. Speaker, I would like to thank Congressman STOKES for sponsoring this special order honoring those men and women who have helped make America such a great nation. February has been designated "Black History Month." It is a time when blacks, as well as all who comprise this great melting pot of ours, pause to honor great accomplishments by blacks in America.

From the Nation's inception, blacks have played an integral part in building the framework of the United States. They have provided free as well as paid labor, while enduring a brutal form of discrimination and inequality. Despite seemingly insurmountable odds, many blacks have succeeded in making notable contributions to society. Sweeping changes in conditions over the years have occurred as a result of much struggle.

Looking back, the 1960's proved to be a turbulent time for all Americans. The country witnessed the emergence of a new form of leadership in the struggle for freedom. Dr. Martin Luther King, Jr., the great leader in the struggle for peace and freedom, was the most important figure in the civil rights movement. Many of the gains blacks presently enjoy can be attributed to the peaceful resistance strategies utilized by Dr. King. Unselfish, persevering efforts subsequently offered blacks in America a new day with new opportunities.

Some 29 million blacks reside in America, making them the largest minority in the country. More liberal voting rights have increased the number of blacks participating in the government process. At the end of last year, blacks held 6,681 of the approximately 500,000 elective offices in the United States; the largest number to hold public office since Reconstruction. Presently, blacks hold key positions in Congress, as well as the President's Cabinet. Also noteworthy are the increasing numbers of blacks serving as mayors of large metropolitan areas. Presently 10 large cities are headed by blacks with those numbers projected to rise as the population of blacks residing in urban areas increases. I am certain these accomplishments are ones never before dreamed of by the forefathers of those who now serve in the Halls of Congress.

Despite these accomplishments by a few, a large percentage of the black population still does not enjoy the fruits of the labor of those who fought such a relentless fight for equality. Unfortunately, racial discrimination remains an intrinsic part of American society. It continues to rear its ugly head far too often, in too many places. Poverty remains rampant in the inner cities. According to a recent report issued by the National Urban League, "The real income of the lowest fifth of the population, adjusted for inflation, declined between 1979 and 1986 by $663 per family * * *" Black unemployment stands at about 12 percent, while the rate among black teens is almost double that of whites. Cuts in Federal college aid have had a sweeping negative effect on the number of black youth who attend college. The school dropout rate among blacks is reported to be as high as 50 percent in some urban areas.

The study of black history in America is essential. The current state of black America is indicative of a pressing need for continued commemoration of "Black History Month." Studying black history offers black youth the opportunity to reflect upon their part of a rich heritage. It also serves as a constant reminder of the struggles and hardships their forefathers endured so that they might enjoy a life of freedom and equality.

The University of Dayton, in my district, offers a typical observance of Black History Month. During February, UD will show a film series, hold an antiapartheid rally, conduct religious services, hold discussions, and sponsor an open sing with the university gospel choir. Wright State University, in the Dayton area, also will hold a series of speakers, films, performances, and cultural events.

Black History Month is also a time to reflect upon those who are presently making contributions to society. Many great men and women continue to serve as role models for those who have not yet realized the dream of Dr. Martin Luther King. It is therefore imperative that this important culture be preserved and commemorated. All citizens of the United States must continue to view "Black History Month" as a time when people of all races in the melting pot realize they have important roles in maintaining the strength of our Nation. February as "Black History Month" should also be a time for Americans to examine themselves, and remember that we must all remain "* * * one nation under God, indivisible, with liberty and justice for all."

Mr. HORTON. Mr. Speaker, first of all I would like to thank my colleague LOU STOKES for requesting this special order. It is essential that all Americans are knowledgeable on the contributions that black Americans have made to this country. From colonial times, blacks have had a positive role in the shaping of our country. Until recently, school textbooks did not recognize these contributions and significant events, such as black participation in the fighting of the Civil War, were glossed over.

Even our relatively recent history needs to be studied. Those graduating from high school today were not even born when Martin Luther King struggled to win rights for the black community that the white community takes for granted. Those of us who lived through that difficult period in our history tend to assume that all Americans share the same memories of the courageous struggle by blacks and whites against ignorance and prejudice. We must focus our attention on the young so that they may finish the work that needs to be done to bring true equality to women, minorities, and others who are victims of prejudice.

The contributions that blacks have made to our society are cause for celebration. From business to science and arts to athletics black Americans have been leaders that we all can admire. In many cases, they had the added burden of prejudice to overcome. We can all take pride in their achievements.

Again, I thank my colleague from Ohio for requesting this time and I join him in saluting the achievements of black Americans.

Mr. DERRICK. Mr. Speaker, by designating February as "Black History Month," we are taking the time to honor those who have struggled through long years of oppression, and have triumphed in the face of incredible odds. Black Americans are better able to move into positions of leadership than they were 25 years ago due to the spirit and drive of those who forged the civil rights movement. The major civil rights legislation—the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968—have served to open the doors to blacks in terms of making equal treatment the law, but these acts alone were not enough. Justice and equality are not just terms that can be placed into the law books, they must be integrated into attitudes, and black Americans must be commended for their strides in light of the negative attitudes which persisted even after laws were made.

In my home State of South Carolina, black citizens have persevered, and today hold prominent positions within their communities such as: city councilmen, school board trustees, hospital board members, and planning commissioners. These citizens should be lauded for their dedication and ambition. We must, however, not allow ourselves to become content with the successes at present; let us instead view this as a new plateau from which we will begin another climb. Hope lies in the future.

By observing the past we are able to realize just how far this country has come in changing attitudes toward people of color. Prior to 1960 only two people of color held appointments on public bodies in the State of South Carolina, and since the era of reconstruction there had been no blacks holding any elected or appointed positions. Since 1960, however, 501 black South Carolinians have been elected to serve in many different levels of government. By observing "Black History Month," we are able not only to learn the history of black Americans, but also to recognize just how far they, and we, as a nation have come.

The earlier mention of civil rights legislation must also be combined with educational opportunities that have allowed blacks the chance to move ahead. In 1980, there were more than a million young blacks enrolled in American colleges, as compared to only 600,000 a decade earlier. Also, black studies programs have emerged as part of college courses of study, thus allowing blacks and whites to learn an important part of their heritage.

Mr. Speaker, in commemorating "Black History Month," we are looking back and realizing how far blacks, as well as all Americans have come in establishing justice for all.

Mr. CLAY. Mr. Speaker. I am pleased to join my colleagues in this special observance of Black History Month. Through the commemoration of Black History Month we hope to inspire black Americans to develop a better sense of purpose and pride in our rich heritage and we seek to inform white Americans about the long and distinguished role blacks have played in the development of our great Nation. Both objectives must be reached if our Nation is to realize its commitment to the equal rights of all people.

The month of February was selected to celebrate black history because two great crusaders for the rights of blacks were born this month: Frederick Douglas and Abraham Lincoln. Douglas' and Lincoln's efforts to promote civil rights are well known. But traditionally, historians have ignored, down-played, denigrated, distorted, or diminished the achievements of black Americans. Today, most Americans believe that the first blacks to arrive in this country came on slave ships. But, in fact, we were here before the pilgrims. Most Americans know something about Christopher Columbus and the Nina, the Pinta and the Santa Maria. But, few Americans have heard that the Nina was owned and captained by a black man named Peralonzo Nino. And it is not often recorded that the shot heard around the world, starting the Revolutionary War, killed a black man, Chrispus Attucks. Nor is it well known that over 5,000 free blacks fought in the Revolutionary War or that more than 200,000 blacks fought on the side of the Union during the Civil War.

I could continue sharing many more tales—such as that Deadwood Dick was none other than a black man named Nat Love or that Casey Jones, the famous railroad fireman was also a black man—because black Americans have a rich and glorious past which has long been neglected. But, as William Jennings Bryan said, truth crushed to the ground will rise again. As a lifelong student of history, I know that over the past 15 or 20 years a truer American history is beginning to take shape and to replace the mythology of traditional American history. I am happy to recognize this change and to join my colleagues in this important celebration of Black History Month.

Mr. LELAND. Mr. Speaker, it is a honor to have the opportunity to join my colleagues in participating in this special order commemorating Black History Month 1988. I want to thank the gentleman from Ohio for providing the leadership needed for this special order. Each year, since 1976 we have designated the month of February to pay tribute to the achievements of black Americans. Its conception dates back to 1926 when Dr. Carter G. Woodson first proposed the idea of a national commemoration of the accomplishments of black Americans.

I am particularly honored to bring to your attention the recent outstanding achievements of black Americans such as Reginald Lewis, who completed the largest leveraged buyout by a black entrepreneur with the acquisition of Beatrice International Foods Cos.; Barry Rand, as president of the U.S. Marketing Group of the Xerox Corp., managing 34,000 employees and generating over $4 billion in revenues; Doug Williams, the first black quarterback to win Superbowl XXII; Debi Thomas, skating into world class Olympic competition; Lt. Gen. Colin Powell, the first black National Security Adviser; and Delano Lewis, Chesapeak & Potomac Telephone executive and first black president of the D.C. Board of Trade.

In my own State of Texas, John Hall, the first black senior deputy land commissioner manages a $1.5 million portfolio, with a $20 million operating budget grossing $400 million in revenues. The first black city manager of Dallas, Richard Wright represents the seventh largest city with a combined operating and capital budget of over $1 billion. The first black city manager of Galveston, Douglas

Matthews manages a combined operating and capital budget of $40 million. I can never forget and I am always proud to acknowledge my fellow Texan and former Representative of the 18th Congressional District, Barbara Jordan, the first black Representative from Texas.

My Presidential choice, Rev. Jesse Jackson is an inspiration to all black Americans demonstrating that no barriers or boundaries should inhibit an individuals' ambitions. Reverend Jackson will work endlessly to serve the legitimate interests of all Americans and make the American dream possible for all individuals.

I have briefly touched on the accomplishments of a few black leaders. Black Americans have been involved in every aspect of the history of the United States. Our history and culture is inextricably woven into the fabric of this country. Black Americans have played an integral role in the development of this Nation and our contributions no doubt will continue to shape this great Nation. Let us, therefore, in this celebration of life commit ourselves to remove the blemishes of racism left on society. I urge you to work with me in writing a new history for the United States of America.

Mr. SIKORSKI. Mr. Speaker, mention "Minnesota" and "civil rights" in the same breath and most people think of one man: Hubert Humphrey. They hear his magnificent words ring through that 1948 National Convention and written into a host of civil rights laws. On another giant of the civil rights movement and tireless champion of civil rights was also Minnesota raised: Roy Wilkins.

Black History Month is a particularly appropriate time to honor and remember Americans like Roy Wilkins. His dedication to justice and his commitment to principle are inspiration to us all. His accomplishments as executive director of the NAACP for over 20 years, and in all his undertakings, spurred the cause of civil rights in this country. From the labor camps of the Mississippi Delta to the school houses of Topeka, KS to the lunch counters of Jackson, MS to the March on Washington, and to the American armed services around the world—Roy Wilkins led the fight for freedom and justice for all Americans.

Roy Wilkins was born August 30, 1901, in St. Louis, MO. At the age of 4 his mother died of tuberculosis and he was sent to live with relatives in St. Paul. He grew up in a poor predominantly Scandinavian neighborhood. He worked his way through the University of Minnesota as a porter, dining-cars waiter and stockyard worker.

In Minnesota Roy Wilkins edited his school magazine, took journalism courses at the University of Minnesota, was night editor of the university newspaper and was editor of a black weekly, the St. Paul Appeal. Later he was managing editor of the Kansas City Call, a leading black weekly, and editor of the Crisis, the official NAACP organ.

In Minnesota, Roy Wilkins also began a half century affiliation with the organization with which his name is synonymous—the NAACP. For 22 years he served as executive director of the NAACP. In 1954 he accomplished his crowning glory: planning a case argued by then-NAACP special counsel Thurgood Marshall to test the Supreme Court doctrine of separate but equal: Brown versus Board of Education.

Arnold Aronson, secretary of the Leadership Conference on Civil Rights, stated in his eulogy of Roy Wilkins in 1981, "He was the living embodiment of that human dignity that is the birthright of every man and woman."

If I can paraphrase Mr. Aronson: "Thanks for passing through, Roy. Minnesota, America, and all of us are enriched by your having spent time with us."

Mrs. COLLINS. Mr. Speaker, this month our Nation celebrates the numerous contributions of black Americans to American life. From the scientific and literary contributions of George Washington Carver to the trailblazing exploits of Washington Redskins quarterback Doug Williams, blacks have served as our Nation's pioneers and conscience in the development of American society.

Observing Black History Month provides a welcome opportunity for each of us to increase our awareness of the enormous contributions and achievements black Americans have made to America. The observance of "Negro History Week" began in 1926 by Dr. Carter G. Woodson, a noted black historian and founder of an association dedicated to the study of black history. Dr. Woodson felt there was a need to acclaim and honor famous and lesser known blacks for their achievements in the arts, sciences, literature, law, medicine, human rights, sports, and politics.

With the expansion of Black History Month throughout our Nation, February has become not only a month to learn new facts and appreciate the old, but it has become a month not only to reflect on our contributions and recommit our efforts to the ongoing struggle for equality and justice.

I was proud to be the sponsor of the Black History Month resolution in the 100th Congress, and I am pleased that so many institutions throughout the United States have set aside time to learn about the great many black men and women who have had such a positive impact on the development of mankind.

As we join our neighbors and friends in celebrating Black History Month, we should not forget that this commemoration is important because it serves as a source of cultural pride not only to black Americans but all Americans. We should also never forget that without the contributions of black Americans such as Harriet Tubman, Frederick Douglas, Paul Lawrence Dunbar, Scott Joplin, Dr. Martin Luther King, Jr., and Whitney Young, America could never have achieved its present stature. By celebrating Black History Month, we help insure that these people, and others, are recognized, and that the struggle for civil rights will continue to remain vital throughout the United States.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month, the annual celebration of the achievements, accomplishments, and contributions of black people to our Nation and to the world.

Mr. Speaker, while I join in the celebration, I also look forward to the day when such a celebration will not be necessary. When the achievements, accomplishments, and contributions of black Americans will be so readily accepted and acknowledged as a ligitimate portion of American history that they will need no separate recognition.

Inasmuch as 1988 is a Presidential election year, I would commend to my colleagues the reading of an article which I recently wrote entitled: "Countdown to the Presidency '88: The African American Agenda." Certainly the topic is both pertinent and timely.

The article follows:

As the November 1988 Presidential Elections draw closer, it becomes increasingly urgent that we, as African Americans, develop our own agenda. Clearly, with the powerful African American vote being diligently courted by twelve (at last count) presidential hopefuls, a well thought out and developed African American Agenda will become the touchstone by which all of the candidates must pass.

What will this Agenda do? What will be its purpose? Simply this. Our Agenda will clearly outline those issues which we as the African American community see as priorities—from education to employment to South Africa. Having our own Agenda will help to ensure that our concerns are addressed, not overlooked or ignored. And because an election year approaches, our Agenda will help us to judge those who want our vote. Obviously, if a candidate—be it on the local, state, or federal level—can not see his or her way clear to—at a minimum—address our Agenda, then we must not see our way clear to vote for him or her.

The mass voter registration and education drive which took place during 1983 and 1984 resulted in a greater number of people coming to office because of an overwhelming African American voter turn-out. The power of the African American vote elected four new African American Representatives to the United States Congress, including Mike Espy—the first African American elected to Congress from Mississippi since Reconstruction. The power of the African American vote returned the Senate to Democratic control, which, in turn resulted in the defeat of the nomination of Judge Robert Bork to the U.S. Supreme Court. (Just imagine how different the scenario might have been had Republican Senator Strom Thurmond been Chairman of the Senate Judiciary Committee instead of Democratic Senator Joseph Biden!)

It is to our advantage, then, that we develop an Agenda which defines our priorities, and works for our interests. Clearly, our single most important concern is the future of our children. Our children are our most valuable asset. And we must, therefore, take steps to ensure that their future is secure. That they are properly educated. That they are healthy and drug-free. That they have adequate employment opportunities. That their world is free of racism and sexism. That their world is safe from crime and the threat of nuclear war.

So our Agenda is for our children. Because we realize that our children are our future. They represent boundless opportunity and limitless potential. But unless we begin forcing substantial changes in society as we knew it today, we run the risk of these opportunities and potential never begin realized. We will surely face untold numbers of future generations living in an unending cycle of hopelessness and despair. We must demand change—for our children's sake. And as we make improvements in our children's future, we inevitably better our present situation.

At the top of our Agenda must be education. "A Nation At Risk," a study by the national Commission on Excellence in Education, warned that a "tide of mediocrity" was overtaking our nation's public schools. The study urged "fundamental reform" of the education system by renewing America's "commitment to schools and colleges of higher quality throughout the length and breadth of our land".

Since "A Nation At Risk" was published in 1983, there have literally been hundreds of state commissions and blue-ribbon task force reports calling for raised academic standards, tighter discipline, and incentives to improve teaching. While these goals are certainly admirable, the great education reform movement has not emphasized the "unfinished task of offering every child—Black, Hispanic, Native American, Asian, and white—a fair chance to learn and become a self-sufficient citizen", according to the National Board of Inquiry. In fact, we find that the educational equity debate has slowly been moved away from the disadvantaged population.

Even the National Board of Inquiry has stated that "judging by the disproportionate numbers of such children who are excluded and underserved by the schools . . . minority children do not matter as much as non-minority children do to some school officials". Poor students also seem less important than middle-class students judging from the difference in funding levels for school financing in different districts.

The impact in numbers of "lost souls" tells a disturbing tale. One in four students enrolled in the ninth grade drops out. The dropout rate of Black students is nearly twice that of white students. Black students have lower standardized test scores and lower grades. Black students are more than three times as likely to be in a class for the mentally educable retarded than white children, but only half as likely to be placed in a gifted and talented class. And while the college enrollment rate of white high school graduates is just under 60%, that of Black high school graduates remains just over 40%. The implications of these appalling statistics are, in and of themselves, frightening: a study published by the Children's Defense Fund indicates that during 1982-1983, in families in which both parents were high school graduates, 7% of the children were poor. Where only one parent had a high school diploma, 20% of the children were poor. And in families where neither parent had completed high school, 39% of the children were poor. And the figures were even higher in single parent households where the parent was not a high school graduate—81%.

What this means is that unless we can find ways to encourage our children to stay in school—through college—we will face a continuing cycle of poverty. But we must also find ways to improve our nation's schools so that our children will want to stay in school.

We need increased funding for the Head Start child development program for disadvantaged children. Studies have shown again and again that Head Start participants are more likely than other children to complete high school, go to college or vocational school, and ultimately enter the workforce.

We must fight for the Title I—Compensatory Education program. Title I, which specifically targets disadvantaged elementary and secondary school children, has been highly successful in improving reading and mathematics achievement levels for poor and minority children. However, more than 50% of those children eligible for the services provided by Chapter I are—due to lack of resources—denied access to the program.

A relatively new program—Effective Schools—also deserves our support. The Effective Schools Act provides funds to "instructionally effective" schools to help them expand their programs. This movement, promoted by George Weber and the late Ronald Edmonds, assumes that while public schools can't control what happens in their surrounding communities, they can control what happens within their four walls. It encourages schools to develop those characteristics which often distinguish effective schools: strong school leadership, an orderly school atmosphere conducive to learning and teaching, high expectations for the children, an emphasis on the development of basic skills, and individualized student performance evaluation.

We also need a strong drug education program. We cannot continue to lose our children, our brothers, our sisters, and our entire communities to the scourge of drug abuse. We must fight for the development of a comprehensive drug abuse and control strategy. One which not only focuses on education and prevention, but which also addresses the issue of interdiction. We are urgently in need of a strategy which will reduce the demand and the supply.

Every day our country is flooded with illegal narcotic substances, which inevitably find their way into our neighborhoods. The latest figures indicate that 100,000 metric tons of cocaine, 6-8 metric tons of heroin, and 9,000-10,000 metric tons of marijuana found their way into our country in 1986 alone. It is unfathomable that we, the great western superpower, are helpless to stem the tide of illegal drugs flooding our country.

Certainly, the African-American community remains one of hardest hit by drug abuse. With our future in America at stake, we need our best mind- and man-power at our disposal. Having so many of our people high on drugs is a luxury we simply cannot afford.

If we are concerned about our children, then we must be concerned about the thousands of our children who live in poverty. While we recognize that the vast majority of our nation's poor are white, the African-American community remains disproportionately affected by poverty. Fifteen percent of white children are poor compared to 43% of African-American children.

We have already seen the cyclical effect of poverty. We must, therefore, place high on our Agenda the sensitive issue of welfare reform. We must develop a strategy which will encourage those on the welfare rolls to develop a view toward eventually becoming totally self-sufficient.

Underlying any reform effort must be the premise that a family which works should be better off than one which doesn't. According to the Bureau of the Census, the typical African-American working woman can expect to earn just $9416—only $900 more than the typical African-American woman receiving welfare. Taking into account the aggravation often associated with finding affordable child care, and a well-paying job, there is clearly little incentive to get off welfare and become self-sufficient.

Any welfare reform initiative must include an education and job training component. And it obviously must also include an adequate child care assistance program. We cannot expect women who currently head households to just go to work without any consideration for the care of their children.

Similarly, we must support initiatives which will encourage families to stay together. Currently, in twenty-five states, two parent families, no matter how poor they are, cannot receive public assistance. This phenomenon has led to the break-up of innumerable African-American families.

Beyond social programs, the African-American community must be very concerned about our country's economic policy and budgetary priorities. We live in a country that ranks number one in arms exports, and number ten in education expenditures. We cannot continue to allow our government to spend 30% of the budget on defense, 4% on health programs (excluding Medicare), and a paltry 1.5% on education.

We cannot continue to sit back and allow others to make budgetary decisions which will inevitably affect our people, for better or for worse. We must get involved in the budget process and make our voices heard. We must force our government to develop a budget which more accurately reflects what our priorities should be.

I am not advocating a complete disregard for the defense of our country. Obviously defense is important. However, I am of the opinion that you only need enough guns to kill everyone once; you don't have to kill people fifty times. After all, dead is dead. Besides, what is the point in having so many arsenals of weaponry if there aren't enough people around who can read the instruction manuals on how to use them.

We must advocate implementation of a budget and economic policy which will educate our people, which will provide adequate goods and services for our people, and which will ensure sufficient employment opportunities for our people.

Unemployment remains one of the greatest obstacles in the African-American community. The lack of adequate employment can be found at the root of so many of the problems in our neighborhoods, including poverty, drug and alcohol abuse (as a means of escape), and crime, to name just a few. Most importantly, perhaps, is the lack of self-esteem which all too often results from unemployment. Unfortunately, our society is one which connects a person's worth to his ability or inability to provide the basic necessities of life for himself and his family. It is this lack of self-esteem and self-worth which is most dangerous to the future of African-Americans. If I do not care about myself, then I will not care about my children, and I definitely will not care about your children. I will not care about the drug problem; I will not care about teenage pregnancy; I will not care about crime. And I most certainly will not care about improving my community for future generations.

What is needed, then, is a viable, comprehensive program which will create and sustain meaningful jobs for our people. This is imperative.

Finally, our Agenda would not be complete without an expression of concern for our brothers and sisters in other parts of the world. As Dr. Martin Luther King, Jr. said: "injustice anywhere is a threat to justice everywhere". How comfortable could we, as African-Americans, ever be, knowing that our brothers and sisters in South Africa suffer under the inhumanity which is apartheid? That our brothers and sisters in the Caribbean live in abject poverty? That our brothers and sisters in many parts of Africa live under constant threat of starvation?

As we struggle for our rights here in the United States, we must also struggle for our people all over the world. Next year, our government will spend several billion dollars on foreign aid. As long as this money is going to be spent, we might as well make sure that some of it goes to countries with which we feel a familial connection.

Nowhere is interest group politics more in evidence than with U.S. foreign policy. For example, Greek-Americans greatly influenced our decision to end assistance to Turkey after that country invaded Cyprus and we can certainly see that the influence of Jewish Americans largely determines our Mid-East policies. When African-Americans have decided to use their political clout within the foreign policy arena, we have been successful. Let me cite a few examples to illustrate my point.

The "Free South Africa Movement" was the driving force behind Congress adopting economic sanctions legislation against South Africa. That movement, as you know, was led by African-Americans. The crisis in Haiti has been monitored by the Congressional Black Caucus since 1979. Despite recent tragic events, we are confident that we can continue to have a positive impact on U.S. foreign policy toward that country. On the issue of increasing development dollars to the Caribbean and Africa, it has largely been through the Black Caucus' initiatives that we have been able to obtain an $85 million authorization for sub-Saharan Africa and a million dollars for Black-led government of Belize in Central America. These success stories suggest that African-Americans have a significant role to play in shaping our country's policies toward the Caribbean and Africa. Certainly any African-American political agenda must include a focus on a progressive foreign policy toward the developing world, with a particular emphasis on Africa and the Caribbean.

This Agenda, as I have outlined it, is by no means the last and definitive word. Obviously, there are many other issues which need to be addressed. My objective, however has been to outline those issues which are most critical to the survival and future of African-Americans.

It remains our responsibility to make our voices heard. No one can address our needs if no one knows what they are. We must continue to exercise our right to vote as a means toward social parity and economic stability. We must demand that any candidate for public office address our Agenda. We must force those who are already in office to be responsive and attentive to us and our Agenda.

Mr. MFUME. Mr. Speaker, as part of the yearly ritual, Americans of all races are celebrating "Black History Month." Initiated in 1926 by historian and educator, Carter G. Woodson, as "Negro History Week," the observance was later expanded to encompass the entire month of February.

Being that our origins date back to the beginnings of human kind, setting aside 1 month to acknowledge the history and achievements of Americans of African descent increasingly proves inadequate. We are a proud, determined, and cultured people, replete with a history that cries to be acknowledged continually.

We expect our schools—from Head Start to college level—to play a leading role in keeping the African American experience in the forefront of our intellectual development on a daily basis. American literature students—regardless of race—need to be familiar with the works of black authors and poets. Those in the medical field should know also of the contributions made by great physicians from Dr. Charles Drew, of Washington, to Dr. Levi Watkins, of Baltimore.

During our times of greatest adversity, religious institutions have always been there as keepers of the culture. A unanimous "amen" is due to those members of the clergy who regularly use the pulpit and church bulletins to remind their congregations about our triumphs.

While their efforts are well-intended, our Nation's cultural centers must abandon policies of February-only tributes to African Americans. The National Museum of American History's popular "Field to Factory: Afro-American Migration (1915–40)" exhibition is a step in the right direction. Consisting of more than 400 artifacts, a documentary film, photographs, a tenant farmhouse from southern Maryland, and the recreation of a Philadelphia rowhouse, rarely has there been better use of museum floor space.

Originally scheduled for only 13 months, "Field to Factory" was recently designated to be a permanent part of the museum's collection. Its tremendous success is proof to curators and scholars that the public hungers for more projects of a similar nature.

The African American family must continue to overcome great odds to remain an ongoing foundation for us. Any efforts to further strengthen and enhance these special family units must always be encouraged. The National Council of Negro Women is carrying the torch in the eighties with its spring through autumn, city to city, black family reunion celebrations.

The Schomberg Center for research in black culture has gotten this year off to a sensational start. The Baltimore Museum of Art, the Enoch Pratt Free Library, schools, churches, and countless community groups have scheduled special exhibits, lectures, symposiums, and theatrical productions in the coming days. But, as we flip our calendars on the 29th, let us all be reminded that the celebration has only just begun.

Mr. DELLUMS. Mr. Speaker, I rise today to speak in commemoration of Black History Month.

History is much more than the remembrance of things past. However, it will continue to be little more than footnoted nostalgia—unless we as a nation make a concerted effort to understand the consequences of past actions and act collectively and constructively to actualize for all Americans the promises made in the Declaration of Independence and the Bill of Rights.

Those of us in the legislative branch—especially so members of the Congressional Black Caucus—have a special responsibility to use the tragedies, the lessons, and the missed opportunities of history to forge a new national agenda that will make the promise of America a reality for all, regardless of race, color, gender, age, or economic status.

We have much to learn from black lives lived in commitment and courage—from Frederick Douglass and W.E.B. DuBois, from Harriet Tubman and Sojourner Truth, from Robert Weaver and Mary McLeod Bethune, from Fannie Lou Hamer and Martin Luther King, Jr., and especially from the millions of unsung heroes and heroines who daily struggled to make a better world for their children, in slavery and in freedom.

We must make certain that their efforts were not in vain. It is for us, the living, to carry on in their footsteps, "to make of this old world a new world". It is for us, especially the members of the Congressional Black Caucus, to raise the levels of historical awareness and concern, not only in the black community but all across this Nation, about the unfinished agenda for making America a better society for all.

That unfinished agenda includes a redefinition and expansion of the Bill of Rights to guarantee for all, regardless of race, gender, or economic status, the right to everyone: to have adequate housing from the moment of birth; to have full preventive and curative health care from the moment of conception until death; to have full access to comprehensive education that challenges and maximizes the latent talents within each of us; the right to have a job that provides true dignity through a living wage that will support the wage earner, his or her family, and other persons who may be dependent upon him or her for their very survival; and the right to be a full participant at every level of the political process in determining the destiny of neighborhood, community, State, and Nation.

Finally, we must not only revere the past, we must learn from it. We must use it to make our own history, rather than having it dictated to us by those who control the levers of economic and political power in this society. We in the Congressional Black Caucus have a special challenge—and opportunity—to show the way, through the example of our collective commitment to making this unfinished agenda a reality for our children and our children's children. Let us not be found wanting by future generations.

Mr. FLIPPO. Mr. Speaker, each year Black History Month allows us to reflect on the many contributions that black Americans have made to our society.

Dr. Carter G. Woodson, a distinguished historian and author, started Black History Week in 1937, because of the lack of information available to students. He, along with other scholars, brought to the forefront the accomplishments of black Americans in the fields of science, agriculture, education, and public policy. In 1976 the observance was changed and expanded to make the entire month of February Black History Month.

My State of Alabama can take great pride in the fact that many past and present black American leaders have lived and worked in our State. The Tuskegee Institute, founded by Booker T. Washington in 1881, has long been recognized as a bastion of excellence in education and technical training for black Americans.

In my own congressional district, another distinguished institution, Alabama A&M University, was founded in 1875 by William H. Councill, a former slave. For almost 35 years of continuous struggle Dr. Councill's leadership and perseverance kept the institution open and growing. His dream of education and equality for all people is the keystone of the university.

In addition to recognizing black leaders who have leapt large hurdles to reach the top of their professions, hurdles made greater by racial considerations, we should look to the future and provide young black people with the encouragement which they need to succeed.

It is true that, thanks to some brave and dedicated men and women active in the civil rights movement, life for black Americans is better than it once was. Blacks can now go into restaurants with whites, stay in the hotels of their choice, and sit where they like in buses. The strict legal segregation enforced by sheriffs and the courts is gone.

However, race still remains a major disadvantage. A third of black Americans live in poverty or near poverty. Blacks have higher unemployment and less income than whites. The era of dejure segregation is over but the civil rights movement has evolved into a political and economic struggle. Only 2 percent of the Nations politicians are black, and blacks own less than one twelfth of the white equity in the Nation's wealth (real estate, business ownership, stock and bonds).

Greater educational opportunity is the key to a better life for blacks. Black achievement benefits not only blacks, but the Nation as a whole. Therefore it is in the interest of all Americans to support efforts to help young people of every race to develop their talents to the fullest.

Black History Month gives us a greater awareness of how far we have come and how far we have to go. We pause to acknowledge the many contributions of black Americans, and the great potential for future contributions. I am sure my colleagues share my belief that we must continue to work to help bring the American dream of equal opportunity closer for all citizens—young or old, rich or poor, black or white.

Mr. JONTZ. Mr. Speaker, I too, would like to join my colleagues in commending the gentleman from Ohio [Mr. STOKES] for reserving this special order to honor the contributions of black Americans to our Nation's history.

In commemorating Black History Month, we are observing the great achievements of many prominent black Americans who have influenced the course of our history. Rev. Martin Luther King, Jr., civil rights activist; Thurgood Marshall, the first black Associate Justice of the Supreme Court; Crispus Attucks, a patriot who was slain in the Boston Massacre of 1770; Frederick Douglass, who started the abolitionist newspaper, the North Star; these are just a few great black Americans who helped to shape our history.

I would like to take a minute to pay tribute to some of Indiana's own great black Americans.

The first election of a black mayor in a major northern city occurred in 1967, when Richard G. Hatcher overrode the regular local party machine to win the top municipal post in Gary, IN. Also, out of that city came Michael Jackson, the first person to show America how to moon walk on Earth.

In 1949 Indiana University coach Branch McCraken recruited the first black basketball player to play in the Big Ten Conference of the NCAA, Bill Garrett. He led Indiana in scoring three consecutive seasons and was the team MVP in 1951. Another great black basketball player to come out of Indiana was Oscar Robertson. He led Indiana's first black high school, Crispus Attucks, to two consecutive State championships. The "Big O" also had an outstanding 14-year career in the NBA.

Indiana has also been the home of a great champion of racial justice. Robert Lee Brokenburr. The son of a former slave, Brokenburr was the first black elected to the Indiana State Senate. During his 24 years in the Senate he authored two civil rights bills that were passed by the Indiana General Assembly.

Indiana has also been home of one of the most successful black businesses in the United States, the Walker Manufacturing Co., located in Indianapolis. Madam C.J. Walker, a pioneering black businesswoman, was president and sole owner of the company. Her hairdressing business came to employ over 3,000 people. Madam Walker was a generous woman, making substantial gifts to the National Association for the Advancement of Colored People, and to homes for the aged in St. Louis and Indianapolis.

Mr. Speaker, I join my colleagues in recognizing Black History Month. I hope that in some way our comments today will help to promote a greater recognition and awareness of the contributions that black Americans have made to our Nation.

Mr. TALLON. Mr. Speaker, it is a great honor for me to join my colleagues for this special order commemorating Black History Month. The achievements and contributions of black Americans are endless and far-reaching. I would like to thank my colleague LOUIS STOKES for inviting me to participate in this special order.

As we pause today to lift up the accomplishments of black Americans, I hope we will be mindful of our duty to make sure that the history of our time be recorded accurately and fairly. To include the stories and contributions of all who toiled to make this a more perfect Union. I have never been more mindful of how important this is than in my efforts to prepare my remarks for today's special order.

Mr. Speaker, I am very proud to pay tribute today to the first black Member of the U.S. House of Representatives, Joseph Hayne Rainey. Unfortunately, there isn't much information available on Mr. Rainey. There is no full-length biography, but rather several accounts and sketches of his life. I sincerely hope the time will come when history will be all inclusive, but until then, we will have to work a little harder to make sure that we tell the story as accurately and completely as possible.

Joseph Rainey was born on June 21, 1832, in Georgetown, SC, which is located in the district I represent, South Carolina's Sixth. Mr. Rainey served in this body from 1870–79.

Joseph Rainey's parents, Edward L. and Gracey, were slaves. Edward Rainey purchased his family's freedom sometime between 1840 and 1850. Edward Rainey was able to establish himself as a relatively prosperous barber in Georgetown. He passed this vocation onto his son, Joseph, who later established himself as a barber in Charleston, SC.

Joseph Rainey was drafted by the Confederacy to work on military fortifications in the Charleston Harbor and from there managed to escape to Bermuda in 1862 with his wife Susan. At the end of the Civil War, the Raineys returned to South Carolina.

Joseph Rainey became active in the Republican Party, serving as Republican county chairman and as a member of the Republican State executive committee from 1868 to 1876. Rainey was elected to serve as a delegate to the State constitutional convention from Georgetown in 1868.

Shortly after adjournment of the convention, Rainey was elected to the State senate, where he served as chairman of the important Finance Committee. He resigned from the senate in 1870 to fill the unexpired term of Benjamin F. Whittemore, who had been forced to resign because he had sold West Point cadet appointments.

Rainey was reelected to four consecutive terms. He was defeated in the 1878 election by Democrat John S. Richardson. While in Congress, Rainey was a ardent supporter of the Civil Rights bill of 1875. He made impressive speeches in favor of legislation to enforce the 14th amendment and the Ku Klux Klan Act. Having personally experienced discrimination in public accommodations on numerous occasions, he was a very strong proponent of civil rights legislation, including the integration of public schools. In debate, Rainey was described as "courteous and suave rather than aggressive," but he was said to possess the ability to defend himself well when necessary.

After leaving Congress, he was appointed a special agent of the treasury department of South Carolina, where he served until he resigned in 1881. Rainey failed in his efforts to become the first black Clerk of the U.S. House of Representatives. He tried to start a note brokerage and banking business in Washington, but this venture failed. In the spring of 1887, Rainey returned to Georgetown where he died of congestive fever on August 1, 1887.

Mr. Speaker, Joseph H. Rainey was well thought of by his colleagues and respected by his political enemies for undisputed integrity. He was the first black man to serve in this body and he served this country and the people he represented with honor and distinction.

I am very proud today to recognize Joseph Hayne Rainey and the countless other black Americans who have labored tirelessly and unselfishly to help make this country better and stronger. In paying tribute to Joseph Rainey, I can't help but think of the contributions of my colleagues of the Congressional Black Caucus.

Joseph Rainey, Robert Brown Elliott and Robert Smalls are just a few of the forerunners—they served here early on, but they have been followed by men and women of equal greatness and stature—the current members of the Congressional Black Caucus.

Mr. Speaker, as we pay tribute today to the achievements and contributions of black Americans, we can't help but be proud to serve with the talented and dedicated individuals who comprise the Congressional Black Caucus.

Members of the caucus hail from all across the country, often from regions or States with competing interests and priorities. But the Congressional Black Caucus has a national constituency—they represent black Americans from the East to the West, from the North to the South. They have not shirked this awesome task, but rather embraced it and very ably given voice to the aspirations, the anxieties—the fears and frustrations of millions of Americans of color. The Congressional Black Caucus has compiled an impressive record of outstanding contributions and accomplishments on behalf of all Americans. I am proud to serve and work with these men and women in their struggle to make ours a truly great Nation "with freedom and justice for all."

Mr. WEISS. Mr. Speaker, it is with great pleasure that I join today in the commemoration of Black History Month. I would like to thank my colleague, Mr. STOKES, for once again organizing a special order, giving us the opportunity to come together and share with each other our thoughts and hopes during this very special celebration.

History is not simply what happened, but how it is remembered. For centuries in this country, the contributions of black citizens have been ignored, glossed-over, and even undermined by historians, teachers, and the public at large. Whether by the distortion that comes from naivete, outright racism, or simply lack of information, our country's history books have excluded the outstanding contributions that black Americans have made in the building of our Nation.

Recognizing that an enormously important part of American history might be lost forever, Dr. Carter Woodson, a renowned historian, created the Association for the Study of Negro Life and History and the prestigious Journal of Negro History in 1915. And, in 1926, to broaden his audience and educate the American public, Dr. Woodson proposed that the week between Abraham Lincoln's birthday and Frederick Douglas's birthday in February be set aside to recognize the vital role played by blacks in American history. In 1976, realizing that a week was much too brief, Congress set aside the entire month of February to celebrate and commemorate black history.

So, it is at this time that we honor those hardworking and proud black Americans who, in spite of hostility and oppression, devoted their lives to forwarding our great Nation. And, it is a time for black Americans living today to bask in the glow of their rich and enduring heritage.

It would be impossible for me to name all of the black men and women who contributed significantly to our country's history; but, it should be recognized that those roles go back to the discovery of this continent by Christopher Columbus in 1492. Of course, we all learned about the historic ocean crossing by Columbus, but how many of us were told that the captain of the Nina was a black man? And, how many learned that a black man named Matthew Henson reached the North Pole before Robert Perry? It is also significant that Daniel Hale Williams, a black doctor in Cook County Hospital, performed the first open-heart surgery in 1893, and that research on plasma and blood transfusion by Charles Drew, a black Washingtonian, has been instrumental in saving millions of lives.

This month is also a time to reflect on the pivotal role that black people have played in the struggle for freedom and democracy—to recall that Crispus Attucks, a black man, was the first to die for freedom at the Boston Massacre, and that two blacks were with George Washington when he crossed the Delaware. It is a time to reflect on the bravery of Sojourner Truth and Harriet Tubman, who risked their lives to transport slaves to the North where they could be free.

And, this month is an appropriate time to remember the dignity and bravery of Rosa Parks and Linda Brown, Mary McLeod Bethune and W.E.B. DuBois, Martin Luther King, Jr., and Paul Robeson—and to note the ongoing contributions of our fellow Americans such as Thurgood Marshall and Andrew Young, Doug Williams and Debi Thomas. Surely, we in Congress need not look any further than our own Chamber to note the crucial role black Americans play in our Nation's governance.

Black History Month is a time for all of us to recognize what came before and to look forward to a prosperous and inclusive future.

By reclaiming black history, our Nation is both rectifying the omissions of the past and enriching our national heritage with the brilliance, the dignity, and the unshakeable commitment to freedom of black America.

Mr. DIXON. Mr. Speaker, I rise on this occasion to join my other colleagues in saluting Black History Month. Throughout the month of February millions of Americans across the United States are gathering to commemorate Black History Month.

In 1926, Dr. Carter G. Woodson, founder of the Association for the Study of Negro Life and History, first proposed the idea of observing the achievements of black Americans each year. First observed as Negro History Week and now as Black History Month, the occasion has come to be much of what Dr. Woodson wanted—a chance for all Americans to learn more about the vast contributions by black Americans to our Nation's history.

As part of this month-long remembrance, I recently had the distinct privilege of attending a presentation of "Eyes on the Prize." This critically acclaimed series, which was shown in my district in Los Angeles, on February 11 at the Afro American Museum, details the spirit, stories, and events of the civil rights struggle in America during the critical years of 1954-65. I commend the Public Broadcasting System for its timely airing of this enlightening series and other well documented programs during Black History Month. It is a fitting and welcome addition to the body of knowledge illuminating the black experience in America being celebrated this month.

But, Mr. Speaker, Black History Month is about more than the presentation of television programs—however valuable they may be in detailing the black experience in America—and paying tribute to our ancestors for their accomplishments. Black History Month is also about the reaffirmation by each and every black American of the three intangible qualities—pride, perseverance, and dignity—that serve as vital building blocks in our heritage.

Can any of us imagine how far Marcus Garvey, W.E.B. DuBois, Sojourner Truth, Martin Luther King, Jr., Phyllis Wheatley, or Madame C.J. Walker would have gotten in their individual struggles had they not had ample reserves of these character traits to draw upon?

And, more recently, what of Doug Williams—quarterback of the world champion Redskins? Mr. Williams, as the Nation and the world recently witnessed, is a modern day embodiment of these three character traits. Today, he sits atop the professional football world.

Mr. Speaker, as we round out this month's commemoration of Black History Month, I hope, as Dr. Woodson hoped, that all Americans—regardless of race, creed, or color—will take the opportunity to learn about and reflect upon the significance of our contribution to the Nation's history. Then, as we move further along the path our forefathers forged for us, our understanding of each other—our history, our way of thinking—will lead us closer to the state of true brotherhood.

Mr. GUARINI. Mr. Speaker, I am delighted to draw to the attention of the United States, the 62d celebration of National Black History Month, a time to reflect on the many contributions of blacks to America. I think it is entirely fitting that we join Congressman STOKES in commemorating this occasion, to honor those past and present who have helped make this Nation so great. This year's theme, the Constitutional Status of Afro-Americans into the 21st Century, is very appropriate since the promise of equality remains elusive.

In the struggle for freedom, Afro-Americans have made significant contributions to our culture, even though a horrible practice called slavery was in force during early times. The very first blacks to settle in America may have arrived with expeditions led by Christopher Columbus, starting in 1492. The most noted, however, was Estevanico, who crossed what are now Arizona and New Mexico on an expedition sent by Antonio de Mendoza. In later years, Crispus Attucks, a freed slave, would lead the protest against British injustices that became known as the Boston Massacre in 1770. Attucks gave his life for American independence.

An escaped slave, Frederick Douglass, was one of our Nation's most influential diplomats and journalists during the 19th century. Also, Harriet Tubman and Sojourner Truth went beyond the call of duty to inspire their brothers and sisters and push for freedom. Booker T. Washington urged blacks to concentrate on economic advancement, spend wisely and respect hard labor, while W.E.B. DuBois dedicated his life to the advancement of black people. George Washington Carver's discoveries revolutionized southern agriculture. Mary McLeod Bethune, U.S. diplomat Ralph Bunche, and Robert C. Weaver made major contributions to the fields of education and political science.

Granville T. Woods, the inventor of air brakes and other equipment that made rail travel safe, Jan Matzeliger, who revolutionized the shoe industry, and Lewis H. Latimer, Thomas Edison's assistant, were best known for their magnificent work during the industrial revolution. Their contributions helped the United States during its most significant period of industrial expansion.

After World War II, the new movement for civil rights lead to innumerable achievements in black history. Decisions such as Brown versus Board of Education of Topeka are milestones forever etched in the minds of black Americans. During the same era, Rosa Parks became a leading symbol by refusing to ride the back of the bus. Another great leader in American history, Rev. Martin Luther King served as a drum major for justice, peace, and righteousness.

During the early 1960's, Dr. King's efforts and the work of countless leaders and civil rights groups helped put an end to discrimination in public places such as restaurants, hotels, and theaters. At the same time, many blacks continued to achieve a number of firsts, in the areas of art, entertainment, and sports. Black Americans have demonstrated the ability to endure the battle against racial prejudice, and that endurance will remain a standard for future economic and social progress.

Mr. DWYER of New Jersey. Mr. Speaker, it is a distinct honor to join with my good friend and colleague, Mr. STOKES, in commemorating Black History Month.

Looking back on the history of blacks in America, the first word that comes to my mind is courage. In the face of often crushing odds, individual black Americans took a stand for justice and the rights guaranteed every American under our Constitution.

The list of such courageous Americans is at once long and distinguished, led by the Reverend Martin Luther King, Jr. This year, we will note the 20th anniversary of his tragic death. This country lost a great leader, but Dr. King's legacy of justice and peace will endure forever.

Black History Month reminds us of the many battles for justice that have been waged and won over the years, through the dedication and bravery of those who fought to end discrimination, outlaw segregation, and secure the right to vote. The first black American to cast a vote—Thomas Peterson—was from the city of Perth Amboy, NJ, which is in my congressional district. Mr. Peterson has been the focus of numerous tributes and a source of great pride for our city and State.

As we look back on the countless black Americans who have worked so honorably for a better and more just society, we must also look at the present and future for black Americans. While tremendous progress has been made, there is no question that more must be done.

Minorities in this country still suffer from discrimination and higher rates of unemployment and poverty than their white counterparts. We must work cooperatively and aggressively to combat poverty, to lower infant mortality rates and increase the participation of blacks and other minorities in higher education.

As we work to address these problems—knowing that all Americans will benefit from this united effort—we can learn a great deal from those individuals who have dedicated themselves to equal opportunity and civil rights.

During Black History Month, it is their powerful example which we salute. The legacy of these brave men and women can help guide us in our efforts to fully realize Martin Luther King's eloquent and historic dream of freedom and justice for every American.

Mr. RODINO. Mr. Speaker, the celebration of Black History Month in February is a time to acknowledge the notable achievements of black Americans and to recognize the contributions that blacks in every field have made to enrich the fabric of American life. By paying special tribute to black Americans, we ensure that the full scope of American history is presented today and passed on to future generations tomorrow.

But Black History Month is much more than a celebration of the past. It also provides a unique opportunity for all Americans to reflect upon the long struggle for freedom in our Nation, to appreciate the indomitability of the human spirit and to renew our commitment to the goals of a fairer and more just society.

Blacks have been at the forefront of our national struggle for freedom from the very beginning. One of the first Americans to give his life for freedomn was a black man. Crispus Attucks died at the hands of British troops in the Boston Massacre in 1770. He spilled his blood for liberty—despite the fact that it would be almost another 100 years before slavery was abolished.

The freedom cry sounded by Crispus Attucks was loudly echoed in the words and deeds of Frederick Douglass, Dred Scott, and Harriet Tubman as they courageously sought to end the stain of slavery. When abolition did not bring true equality, the mantle of justice was carried forward by such pioneers as James Weldon Johnson and W.E.B. DuBois.

In our lifetime, black Americans such as Mary Bethune, A. Philip Randolph, Vernon Jordan, and most notably—Dr. Martin Luther King, Jr.—led America toward, what Dr. King called, the "sunlit path of racial justice." They aroused the conscience of America and inspired us to achieve our true greatness as a nation. The milestones along this path, which I was proud to help erect, were the Civil Rights Acts, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. What these black Americans brought about was a social revolution in our country as their struggle became everyone's struggle and their achievements became America's achievements.

What we learned from this enduring legacy was that the human spirit cannot be imprisoned by any man-made barrier. Against the obstacles of slavery, injustice, and discrimination, black Americans fought for equality with courage and dignity. Marches, demonstrations, sit-ins, countless hardships, and imprisonment were part of the long battle and the deep wounds suffered by blacks. Many risked—and sometimes gave up—their lives in this noble cause. Yet in triumph and in tragedy, the fight for equality continued.

Black History Month also reminds us that the struggle is not over. The preservation of civil rights is threatened, while poverty and hunger reflect economic equality. We must remain vigilant in protecting the accomplishments of the past by reaffirming our commitment to true equality today. Our responsibility for building a fairer and more just society remains as strong as ever.

For all of these reasons, Black History Month is a special occasion to acknowledge and honor the countless contributions of black Americans. At the same time, we cannot separate black history from the history of our country. The struggle of black Americans serves as an inspiration and a reminder; their courage is a cherished tribute to the human spirit and the profound changes in our Nation wrought by blacks continues to benefit us all.

Mr. Speaker, millions of Americans are joining in thousands of cities and towns across the United States to celebrate Black History Month. I am particularly proud of the many activities in my own congressional district. With your permission, I would like to include in my remarks the following highlight of the special Black History Month celebrations in the 10th Congressional District.

[From the East Orange Record, Feb. 4, 1988]

CULTURAL EVENTS WILL HIGHLIGHT BLACK HISTORY MONTH

(By Michael A. Wattkis)

Local community groups and centers, universities and museums early this week kicked off February as Black History Month in honor of America's black culture with an educational and entertaining array of lectures, seminars, dance, music and theatre.

Private and state universities will highlight the month-long celebration with a focus on the past and present contribution of black America, the civil rights movement and early black American history.

Cultural groups, art centers and museums will showcase Afro-American culture with dance, music and poetry.

"We have a true potpourri of Black cultural activities, ranging from poetry to music, to fine photography," said Celeste Bateman, supervisor of the Newark Division of Cultural Affairs.

The celebration of black culture was initiated about 1915 by noted black scholar and editor of the Negro History Journal, Carter G. Woodson.

The celebration began as a week-long event around the birthday of the "Great Emancipator" Abraham Lincoln and gradually grew to its month-long length.

New Jersey Network, Channel 50, throughout the month will present a compelling series of programs that explores the contributions, achievements, struggles and triumphs of black America. The programming includes a series of specials, documentaries and films.

A special encore presentation of the award-winning, six part documentary, "Eyes on the Prize" opens the special programming schedule. On Feb. 9, 10 p.m., two episodes will be aired and the others Feb. 16, 23, and March 1.

The documentary, narrated by Julian Bond, chronicles the "events, struggles and undaunted spirit" of the civil rights movement in America between 1954 and 1965. Contemporary interviews are mixed with actual film footage depicting this turbulent period. It also depicts the emergence of the civil rights leaders such as the Rev. Dr. Martin Luther King, Jr. and the "awakening of black America as a political force."

Other programs on NJN include "Cissy Houston: Sweet Inspiration," Feb. 10, 10 p.m. This feature chronicles Houston, mother of popular pop artist Whitney Houston of East Orange, early singing career as a member of a gospel quartet to her days with nieces Dionne and Dee Warwick up to her formation of her singing group Sweet Inspiration.

On Feb. 25, 8 p.m., the station will also present "In Remembrance of Martin," an hour-long tribute to the late civil rights leader and winner of the Nobel Peace Prize. Rarely seen footage of King is combined with excerpts from the January 1986 ceremony that marked the first national to honor his birthday.

NJN's "State of the Arts" program will dedicate all of its programs throughout the month to the cultural heritage of blacks.

On Feb. 20, WABC-TV's News Anchor Roz Abrahams will be the special guest at the Fifth Annual Black History Month Breakfast at Scott's Manor, Orange. The 10 a.m. breakfast is being sponsored by the National Council of Negro Women of the Oranges and Maplewood.

In East Orange, The Bookstore & Company will sponsor a poetry reading, entitled "Rhymes and Reasons" on Feb. 6, from 5 p.m. to 8 p.m.

Featured poets are Layding Kaliba, Jeleelah, Linda A.H. Walker, Sandra West and Guy Whitlock. The Bookstore is located at 263 Central Avenue, near Munn Avenue.

Additionally, Clifford Scott High School has a month long series of events planned honoring the achievement and history of Afro-Americans.

"The Jimmy Heath Quartet" will inaugurate the Newark Museum's series, "Black in the Arts," Feb. 7, 3 p.m. at the Second Presbyterian Church at the corner of Washington and James Street, downtown Newark.

A composer and conducter, more than 50 of his works have been recorded by numerous jazz artists. Television reporter Gill Noble, host of WABC-TV's "Like It Is," will talk to Health about his career and music. The discussion will be interspersed with musical compositions and examples. Admission is free.

The museum will host a free Children's Live Theatre, Feb. 6, 1:30 p.m. in Program Hall. Edmund Feliz and Hilary Bader will perform "African Folk Tales," a potpourri of stories, dance, mime and music.

At Rutgers University on Feb. 19, a panel of scholars—Basil Davidson, Robert Farris Thompson and Sterling Stuckey—will discuss the Transatlantic Slave Trade in the Paul Robeson Student Center from 9:30 a.m. to 5 p.m. Admission is $5 for the public and $3 for students.

Seton Hall University began its celebration with a candle light vigil in honor of Dr. King earlier this week and will continue a menu filled with events.

This afternoon at 7 p.m. in the Student Lounge, the Rev. David Lee will lecture on "Aids in the Black Community." Then on Feb. 7, 3:30 p.m. in the Main Lounge, Rockaway Review, a traveling senior citizens group, will present "On the Road Again." Admission is $6.

Then from Feb. 8-26, the Pallotine Institute for Lay Leadership and Apostlic Research, in conjunction with the Archives of Seton Hall and the Archdiocese of Newark, will present an exhibit entitled "A Statement of Need: Black Catholic Evangelization."

Mr. YATES. Mr. Speaker, Black History Month is a very significant event and I am encouraged by the growing national support that we see for this observance in the media, in school curricula and events, and in community activities. Today's special order is a part of that growing tradition and I am very pleased to be a part of it.

It is impossible to discuss the lives and contributions of individual black Americans without feeling a sense of genuine gratitude and pride. The process makes our history more valid, accurate and humane and that is a very good thing for all of us. It is also the reason I am enthusiastic about Black History Month and its many contributions, both direct and subtle, to decency, scholarship and basic citizenship.

The current issue of Dial magazine has a very eloquent article by Wallace Terry on Black History Month. I recommend the entire article to everyone and I ask that the first part of the article be printed at this point in the RECORD.

BLACK HISTORY MONTH

(By Wallace Terry)

I grew up believing the worst that I could about myself—that I was inferior to whites—largely because I didn't know much about black history, which is to say, about the true role of black people in *American* history.

Hollywood had conspired with my textbooks to hide my black heritage, one as glorious as any other. In the process, like most everyone else white or black, I was made woefully susceptible to the shame, shibboleths and sins of propagandistic myth.

Oh, I cheered Joe Louis and Jackie Robinson, listened to Nat "King" Cole and Duke Ellington. Of course there is nothing wrong with running fast and having rhythm, unless that is the limit of your own and others' perceptions of the black contribution.

If anyone had told me that black bandits rode with Billy the Kid or that a black army scout died in the arms of Chief Sitting Bull after the Battle of the Little Big Horn, I would have called him a fool. "If you were black, get back," we used to say. Hollywood was white and right. There were no blacks around when Jane Russell nursed Jack Beutel's Billy the Kid in *The Outlaw*. Only whites died with their boots on when Errol Flynn played Custer making his last stand.

The only blacks we saw in the movies had names like Buckwheat and Butterfly, Mantan ("Feets Do Your Duty") Moreland and Steppin' Fetchit. They spent their screen time running around pantries and jumping wide-eyed from haunted houses. No one let them near a gun, much less a role with dignity and self-esteem. They didn't even have a good shot at losing a battle (unless Tarzan turned the elephants loose on some blood-thirsty Watts-grown black savages) or at being rounded up by Hopalong Cassidy.

The textbooks were little better. When I looked up Civil War, I found images of grinning pickaninnies picking massa's cotton. I thought we had sat out that war. And that, of course, is what was wanted: to keep blacks looking down, because you cannot rise up looking at your feet, nor think well of yourself without knowing the truth.

I grew up believing Victor Mature crossed the Alps. Liz Taylor ruled Egypt. Charlton Heston and Yul Brynner turned the elite British troops back at New Orleans. Gary Cooper—no one black—made the world safe for democracy. And John Wayne won World War II single-handedly.

My school books seemed to see my history the same—without me. Washington crossed the Delaware in a lily-white boat. Grant led a "whites only" army south to save the Union and free the slaves. Whites alone ran down Geronimo. Whites chased up San Juan Hill. Whites were invincible. Blacks were invisible.

In truth, black men fought in black Hannibal's armies, and in Alexander's and Caesar's, too. One-quarter of ancient Egypt's population was pure black, as were several of her Pharaohs. But I never heard about that when I studied the classics. Nor did I learn in religion studies at Brown University that there were black Popes in the Roman Catholic Church. No one explained why there were Olmec heads—colossal stone figures with features like Louis Armstrong—in Mexico 2,000 years before Columbus. Until I read J.A. Rogers' histories, no one told me Aesop and Akhenaton were black. And Alessandro de Medici and Chevalier de St. Georges and Aleksander Pushkin and Alexandre Dumas and Samuel Taylor Coleridge, too.

In truth, black men marched to the Brandywine, Yorktown, the Bulge and trod the Burma Road. And across the true pages of American history we see explorers and inventors, scientists and artists as well: Manuel Camero joining the original settlers of Los Angeles. Jean Baptist Point DuSable starting a settlement that became Chicago. Jim Beckwourth finding the pass for the Gold Rush. Jan Matzeliger building a shoe lasting machine. Lewis Temple developing a revolutionary harpoon. Elijah McCoy inventing a device to lubricate moving trains. Norbert Rillieux revolutionizing sugar refining. Lewis Latimer working with Edison on the first carbon-filament electric light bulb. Percy Julian finding a drug to relieve arthritis. Ira Aldridge performing Othello in St. Petersburg. Henry Ossawa Tanner painting in Paris. Selma Burke designing the Roosevelt dime.

"You gotta be the Indian," some white kid would tell me. "You gotta be the Jap." Why? "'Cause you're a darky just like them." Black children grew up for so long in America losing even at the games children play. In high school, a Jewish classmate asked me why my ancestors didn't rise up against slavery as hers had against Pharoah. I didn't know what to say, because I didn't know about Nat Turner, Denmark Vessey and 300 recorded slave insurrections. I didn't know about 200,000 blacks who fought in Union blue and 200,000 more who foraged for food, carried messages, built roads and camps. I didn't know my own great-great uncle was a drummer boy for the famed 54th, the black regiment that marched from Massachusetts to meet the Confederates at Ft. Wagner, South Carolina. I didn't know about the Buffalo Soldiers—so named by foes in the Indian wars—who rode from the Dakotas to the Rio Grande to win the West for a white America that was not always grateful. Blacks started the charge up San Juan Hill that Teddy Roosevelt's Rough Riders would get credit for, and black regiments won the Croix de Guerre from France in World War I. I didn't know my own uncles fought the Germans in Italy.

I know better now. And others should, too, in large measure because of Black History Month, our annual reminder that we should correct Hollywood and a thousand history books. Black History Month has raised the national psyche and my own black psyche. And I hope it will ever decrease racial ignorance and racial arrogance until the time comes when all history is one.

Mr. PEPPER. Mr. Speaker, this is Black History Month, a time for Americans of all races to pause and celebrate the special contributions of blacks to our Nation. There are many such individuals starting with Crispus Attucks who was killed by the British in the Boston Massacre of 1770 and continuing on to the present generation of educators, entertainers, athletes, writers, civil rights leaders, scholars, and other professionals. Today I would like to recognize a great Floridian, Mary McLeod Bethune who overcame the dual handicaps of being born both black and female to leave a lasting legacy.

She was born on July 10, 1875, the daughter of former slaves, and grew up in Mayesville, SC. She studied at Scotia Seminary in North Carolina and was graduated from the Moody Bible Institute in Chicago. She dreamed of being a missionary but when her application for a post in Africa was turned down by the Presbyterian Board of Missions, she channeled her formidable energies into educating young people.

In 1904 she founded the Daytona Educational and Industrial School for Negro Girls in Daytona Beach, FL. It merged with Cookman Institute and she became president of Bethune-Cookman College.

Herbert Hoover noticed her remarkable talents and asked her to help with the White House Conference on Child Health and Protection in 1930. Franklin Roosevelt also called on Mary McLeod Bethune. She served on the advisory committee of the National Youth Administration that granted funds to deserving students, especially blacks, for graduate study. At the same time she was appointed to head the Office of Minority Affairs, the first black woman to administer a Federal agency.

During World War II she was special assistant to the Secretary of War, helping to select officer candidates for the Women's Army Corps. Afterward she served as a consultant on interracial relations at the San Francisco conference which established the United Nations.

Mary Bethune founded the National Council of Negro Women in 1935, the same year she was awarded the Spingarn Medal, and later was elected vice president of the NAACP.

She died on May 18, 1955 in Daytona Beach but her memory survives in the generations of men and women who owe their ability to receive an education to her exceptional leadership.

□ 1915

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Ohio?

There was no objection.

SOAPY WILLIAMS: A MAN TO BE REMEMBERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BROOMFIELD] is recognized for 60 minutes.

Mr. BROOMFIELD. Mr. Speaker, I rise today to join my Michigan colleagues and others in paying tribute to a legendary former Governor of Michigan, G. Mennen "Soapy" Williams, who died 2 weeks ago.

Soapy Williams as he was affectionately known, was an institution in Michigan politics, and someone whom I had a great deal of respect for, despite the fact that we came from different political parties and often did not agree on the issues. Soapy Williams was perhaps one of the best known and best liked public figures Michigan has ever produced, serving as its Governor, as a U.S. Ambassador, and as a Michigan Supreme Court judge.

Governor Williams and I got to know one another during our years together in Lansing, MI. He was first elected Governor in 1948, the same year I was elected to the Michigan House of Representatives, and we served together there the 8 years I served in the legislature.

He was responsible for a massive State building and highway expansion program, and perhaps is best known for the completion of the Mackinac Bridge, which connects lower and upper Michigan.

In later years, we kept in touch with each other here in Washington. When Soapy was then serving in the Kennedy administration as Under Secretary of State for African Affairs, he would often testify before our House Foreign Affairs Committee. He always approached his job at the State Department with the same boundless enthusiasm as when he was Governor, and I found his testimony to be eloquent and forthright.

Soapy Williams added so much color to politics with his magnetic personality and green bow tie. He was truly an outstanding public figure and vote getter in Michigan.

My wife, Jane, and I want to extend our deepest sympathies to his lovely wife, Nancy, and their children.

Mr. FORD of Michigan. Mr. Speaker, G. Mennen Williams was a giant in the history of the State of Michigan. Few men have contributed more to their State and country than Soapy Williams contributed to Michigan and our Nation. He was a gifted leader, statesman, and jurist who was far in advance of his times.

Governor Williams was one of those rare men born into wealth who had an instinctive common touch. He was unique in having the strength and understanding to meet and exchange concerns with the poorest and the most powerful. Throughout his long and distinguished career he used both his talents and his high station to improve the lot of those who were less fortunate than he.

Soapy Williams was not just a six-term Governor of Michigan, not just a visionary leader who helped unite the people of Michigan around a progressive political program—as he united the two peninsulas with the Mackinac Bridge. Soapy was an inspiration.

For my generation, Governor Williams set the kind of example that John Kennedy set for my children. Like JFK, he proved by his idealism and his deeds that public service is an honorable commitment, that there is a higher calling than personal gain.

Soapy's governorship was remarkable achievement, the culmination of an outstanding career for most men. But Governor William's contributions to Michigan had only begun.

After distinguished service in the U.S. State Department, Governor Williams became Justice Williams and, finally, Chief Justice Williams. His training for the State's highest court was the best possible. After graduating first in his class at the University of Michigan Law School, the young Soapy Williams clerked for the U.S. Supreme Court. The Justice he served was Frank Murphy, Michigan's only U.S. Supreme Court Justice.

Justice William's two 8-year terms on the court were marked by his brilliant intellect, his deep experience and understanding of government and the law, and his great compassion.

The people of Michigan mourn the loss of this man and his abiding sense of civic duty and pride. We will miss Soapy William's boundless energy, his wide smile, his enthusiasm, and his leadership.

And I will never forget the honor and the pleasure of joining Soapy in so many campaigns as he plunged into a crowd, always instantly recognized and joyously received. I will miss him.

Mr. BROOMFIELD. Mr. Speaker, I yield to the dean of the Michigan delegation, the gentleman from Michigan [Mr. DINGELL].

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to thank my very dear friend, the gentleman from Michigan [Mr. BROOMFIELD], with whom I have always worked very closely and very happily and in the greatest spirit of mutual respect and esteem on behalf of the projects and matters of concern to our State. He is a great Member of this body and is properly respected both here and at home.

Mr. Speaker, today I, my colleagues of the Michigan delegation, and fellow House Members who are familiar with the many accomplishments of Soapy Williams, pay tribute to one of this Nation's great public servants. G. Mennen Williams, better known throughout his career as "Soapy," passed away February 2, at St. John Hospital in Detroit. Soapy approached life with vigor and enthusiasm. Daily he would rise at 6:30 to exercise and take long strolls with his wife Nancy. At the age of 76 he was a member of the faculty at the University of Detroit Law School and working on plans for a trip to the Soviet Union with other lawyers and judges.

Soapy brought to his career as a public servant the same vigor and enthusiasm so evident in his personal life. In 1948 he mortgaged his Grosse Pointe home and set off with his wife in their convertible DeSoto, determined to become the Governor of Michigan—a goal he had envisioned since his college days at Princeton. He achieved that goal in 1948. He was elected Governor of Michigan for six consecutive terms, winning the approval of the Michigan voters more times than any other Michigan Governor who had preceded him.

In 1961 Soapy Williams accepted a post in the Kennedy administration as Assistant Secretary of State for African Affairs. Despite Soapy's lack of experience in foreign affairs, he worked hard—bringing the same vitality to his role as Assistant Secretary of State as he had brought to his role as Governor. He advanced the policy of encouraging independence movements in colonial African countries, becoming in the eyes of former Secretary of State Dean Rusk, "one of the best appointments" that President Kennedy made.

In 1966 Soapy relinquished his post with the State Department to run for a seat in the U.S. Senate. Regrettably, Soapy suffered from health problems during his campaign and suffered his first and only defeat at the polls. In 1969 he accepted the ambassadorship to the Philippines under President Johnson, a position he held for 1 year before returning to Michigan. After his return Soapy was elected to the Michigan Supreme Court for an 8-year term. He was reelected to the post in 1978 and served the maximum statutory tenure until 1986, serving his last 3 years on the court as chief justice. He was a strong advocate of individual rights and, as chief justice, expedited court cases at both the trial and appellate levels.

But we are here today not only to list the many accomplishments of Soapy Williams. We pay tribute to the man. Soapy Williams was, above all, a man of the people, a man who wished to be remembered as one, "who brought government to the people and who worked with the public to get them involved in government." He was a man of honor and great integrity—and it showed. People were drawn to Soapy Williams as a man they could trust and as a man who truly cared about them. On the campaign trail, and in the many posts he held throughout his distinguished career, Soapy Williams always went the extra mile. It went well beyond shaking hands and making speeches. He was deeply concerned about the people of Michigan.

In his youth, Soapy first decided to make his career one of helping those less privileged than himself. It is a course which he never abandoned during his 50 years as a public servant. Soapy's record on civil rights and assistance to the poor is to be commended. He appointed the first black judge in Michigan and also was the first Michigan Governor to name blacks to State government posts. Always he showed himself as a champion of the working class and racial harmony.

Soapy was a family man and a man of God. He was above all a father, a grandfather, and a loving husband—a caring generous man in every respect. Soapy was also a leading member of the Cathedral Church of St. Paul whose religious convictions helped shape his sense of public duty. When unable to make up his mind politically, Soapy would fall back on his moral sense. He called this simply, "the right thing to do."

There was one aspect of politics which never came easy to Soapy—the art of compromise. He once called compromise, "a word that didn't fit into my vocabulary very well." To compromise was to betray the vision he held for the State of Michigan and the proper way for people to live together everywhere. The proclamation, "Africa for Africans" got Soapy barred from the country of South Africa and earned him a punch in the jaw from a man in Rhodesia. But to not say it would have been a compromise of his conviction.

Soapy also never backed down from what he felt was right for the people of Michigan. Some called the Mackinac Bridge project "Soapy's folly" but when construction was completed in 1957 it was hailed as an engineering miracle with countless benefits for the people of Michigan. He improved staffing in schools and mental hospitals and did much to establish Michigan's four-land freeway system. He was instrumental in implementing civil rights legislation and improving housing, education, and youth corrections programs. These are but a few of the monuments to the vision of Soapy Williams—a vision which is evidenced in so many of Michigan's accomplishments over the past 50 years.

Soapy. He was ridiculed by the press for his green and white bow tie and so it became his trademark. He liked it for the instant recognition it gave him. He was probably the only Governor who called as many square dances on the campaign trail as he gave speeches. I know that as a friend, as well as a colleague, I shall miss Soapy much. He served in so many ways; at the State level, as a diplomat, and even as a decorated Navy flier in World War II. He brought his love of life to every challenge he ever undertook and won the respect and admiration of many along the way. His warm, folksy style endeared him not only to the people of this Nation, but also to many on the continent of Africa and in the islands of the Philippines. I know I speak for many in sending out to Soapy's family and his loved ones my deepest heartfelt condolences. He was our friend and he made us feel good about ourselves, about our Government, and about our world. That was Soapy, always presenting us with new goals to strive for and new ideals to embrace. He embodied the spirit of the people and we shall miss him dearly.

Mr. Speaker, I yield to my dear friend, the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to express my appreciation to my colleagues, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Michigan [Mr. BROOMFIELD], for asking this special order this evening and providing all of us an opportunity to pay tribute to the memory of G. Mennen Williams, and also to extend our deepest sympathy and our heartfelt thanks to Nancy Williams and to the entire Williams family for sharing "Soapy" with all of us.

"Soapy Williams was an extraordinary man. He was a 6-term Governor of the State of Michigan, Under Secretary of State for African Affairs, Ambassador to the Philippines, State supreme court justice, and chief justice. These are the highlights of his professional life, a life committed to public service, a life with a passion for social justice, a life that touched so many and that truly made a difference.

But "Soapy" Williams was more than his accomplishments. He was a loving husband, a caring and sensitive father, and to an entire generation he was an example, a mentor, a teacher.

He showed us that public service was an honorable undertaking. He taught us that no one, regardless of sex, color, or nationality, could be left out of the political process. He set the highest possible standard, and he challenged us all. He was a man of great depth and unequaled compassion. He was basically a shy man, but he loved people and that love was always returned.

Men like "Soapy" Williams do not come along very often. We shall miss his presence, his patience and his passion. We shall miss his ready smile, his polka-dot bow ties, and his leadership. But his imprint on our lives is indelible, and his legacy shall forever be our inspiration.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan.

Mr. Speaker, I now yield to my good friend, the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, much has been said about "Soapy" Williams, the Governor of our State of Michigan from 1949 to 1961, about his service at the State Department, as Ambassador to the Philippines during the late 1960's, and certainly for 15 years on the Michigan Supreme Court with 3 of these years as chief justice.

I never had the opportunity to meet "Soapy" Williams personally. That is my loss. But he certainly has been a legend in our State politically, and in terms of the government and history of modern day Michigan. He truly, to me and, I think, to others in my generation, is a model and has been a model of integrity, of duty, and of strong character and commitment to Michigan and commitment to our country. I think those are the key traits that "Soapy" Williams stood for and for which he will be remembered for years to come.

Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. DINGELL] for yielding.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. SCHUETTE].

Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I thank the dean of the delegation, who is such a good friend to us.

I have so many memories, as so many do, of "Soapy." In a political sense, I remember his razor-thin victories. There were 2 of them, within a few thousand votes. He had a bit of good luck, but he had even more in the way of a strong effort, and he earned those close victories.

I remember, when I was only in my teens and early twenties, his fight for better education, and it was with a legislature that was so badly misproportioned. It was hard for him to get any legislation through, but he fought on.

I remember well his fight for better mental health facilities. In those days he was kind of a voice in the wilderness, but it was a voice that would not be still. I remember well his fight for civil rights that was so badly needed in our State.

Again the reception was not always very warm within my State, but that did not dim his voice. In all of these areas he was ahead of his time, very much ahead of his time.

On a personal note, I also remembered when he appointed my father, my brother, Carl, and my sister to the Corrections Commission of the State of Michigan.

I remember how much our father enjoyed his service there and how interested "Soapy" was in modernizing correction facilities and, even more importantly, the corrections practices.

But I think, most of all, if I had to pick out one trait that I remember of "Soapy" it was integrity and a premium on honesty. He made public service a noble profession. In that and what he stood for, I think he was beyond comparison.

I remember well the stories Neil Stabler used to tell me—I succeeded him in the State chair, so we got to know each other very well—about the early days of "Soapy's" efforts and his struggles, first to be elected, and then his efforts and his struggles to be reelected. There were not in those days fancy public opinion polls, and there were not lots of PAC's. It was tough going even for an incumbent Governor. But "Soapy" had a standard, and that was to cut no corners, to always maintain and nurture pride in being in public service.

I see my colleague from Kalamazoo here, and also my colleague from the Pontiac area. They are a bit younger than I am. The chairman of our delegation is a bit older. But I think for all of us, it is true that "Soapy" paved the way. He was a beacon for the next half generation and indeed for the next full generation. It is up to us to sustain the strength of that beacon. So I am here today to pledge to Nancy, to pledge to the children, and to pledge to the grandchildren, the heirs of the Williams tradition—I had a chance to meet them before the funeral—that we will not let this beacon be extinguished.

Mr. Speaker, I pledge on behalf of myself and, I think, many others, that we will broaden the beacon, if at all possible. I pledge that while in one sense "Soapy" Williams is gone, he is still very much with us in spirit.

Mr. DINGELL. Mr. Speaker, I thank my dear friend, the gentleman from Michigan [Mr. LEVIN].

Mr. Speaker, I yield now to my dear friend, the gentleman from Michigan [Mr. CARR].

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Mr. CARR. Mr. Speaker, I applaud the gentleman from Michigan and our good friend Congressman BROOMFIELD for taking this special order to allow us to express our deep regrets at the passing of G. Mennen "Soapy" Williams and to extend to his lovely wife, Nancy, and their children our deepest condolences.

Soapy Williams was a very special person, as everyone here has said. He made the world a better place in very tangible terms, and while I think most all of us assessing our own mortality would like to do something to leave the world a better place, in truth very few have the significant impact that Soapy Williams and people like him have had, and similarly, those of us who were privileged to know him feel that we are better people for having had that privilege.

"Soapy" Gehard Mennen Williams, Governor, Ambassador, judge, those words remind us of his tireless work in public service. Generous, caring, champion of the people. Those words barely describe the individual. He was the kind of leader and person that rarely comes along and we in Michigan were blessed to have him with us for 76 years.

As Governor, Mennen Williams looked ahead. He saw the need for civil rights legislation, health care, and workers compensation. But unlike many who simply talked about those issues—he pushed substantive legislation to bring about change.

Change is a word that often scares people in public service. Change never scared the Governor. As Governor, Ambassador or judge, change meant working for the betterment of Michigan and our country. If change meant risk, so be it. If change meant being out front on a new issue—he was there. He did what needed to be done and he championed change for the right reason—for the people.

As a campaigner—he hit the road running—wearing out drivers half his age. Heir to a fortune—he square danced from the U.P. to Benton Harbor. With his trademark green and white polka-dotted bow tie, he probably shook hands with more people in Michigan than any other elected official. And, the voters responded—making him their chief executive for six terms. From there, his ability and compassion stretched out across the Nation to Africa and then the Philippines. Finally, back home to Michigan to the Supreme Court where his desire to make the state judicial system easier for the people became a reality.

I consider it an honor to have known Governor Williams. The State of Michigan owes him much—our country benefited from his leadership and ideas. The world is a better place because of him.

"Soapy." We will miss him.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan for his valued contribution.

Mr. Speaker, this is one of many occasions on which citizens of Michigan and other good friends of Soapy Williams gather together to express the affection and respect and esteem in which they held this great son of our State.

It is interesting to note that when the funeral service was conducted, it was called by Soapy's wife, Nancy, and by those of his friends who assembled from all over, not a funeral, but a service of thanksgiving, a celebration of the goodness and the greatness of this wonderful man.

All who knew Soapy had cause to respect him for his integrity, for his decency, for his dedication to the public good and for his vigorous attention to the rights of his fellow citizens, his fellow men.

He was a churchman, a scholar, executive, politician, and as my colleague, the gentleman from Michigan

[Mr. CARR] observed, he was a man who brought distinction and credit on that great calling. He brought respect and esteem to that calling that it deserves.

There were many attributes of Soapy Williams which can be described tonight; his integrity, his goodness, his love for his fellow men, his great integrity, his love of his God, his vigorous and faithful devotion to his church.

One of the things which was known by all and recognized was his great personal integrity and the fact that at every turn he and his administration were totally without blemish and totally without stain, and never once was a question raised either as to the integrity or the decency, the propriety of his behavior or that of any member of his administration.

Indeed, at that time in Michigan this was something of a unique criterion and unique qualification for the body of which he was the head, which was the longest up to that time administration of continuous service to the people of the State of Michigan.

He personified not only goodness and decency in public service, but in private life. He left a family which grieved for his departure, but which cherished rich memories of happy associations with a fine and a decent human being.

I have mentioned many of his old friends who assembled, the body that assembled in the Cathedral Church of St. Paul, which was the church to which he so proudly and so faithfully belonged, was composed of persons of all walks of life in our State and persons of great personal distinction, persons of the most humble origins and estate; all were united in one great outpouring of affection and thanksgiving for the service of a great man.

Mr. KILDEE. Mr. Speaker, few people in Michigan politics have left such a rich and enduring legacy as G. Mennen "Soapy" Williams. Soapy Williams was both a personal friend and mentor to me. His life embodied the Christian principle of service to all, especially the downtrodden and the poor. He was a champion of the civil rights movement, appointing minorities to the State cabinet and to the courts in Michigan during his tenure as Governor from 1949–61. In addition he helped implement improvements in housing, education, and youth correction programs.

Often at odds with the State legislature during his time as Governor, Williams was able, nevertheless, to implement a strong liberal agenda against great opposition. This agenda included a comprehensive civil rights program, a tremendous increase in social programs and a massive state building and highway expansion program. Perhaps one of the most lasting economic developments that Williams left to the State of Michigan was the Mackinac Bridge, connecting the two peninsulas. The Mackinac Bridge stands as a physical reminder of Williams' achievements. However, I'm sure that he will be remembered not for the physical bridges he built, but the moral bridges he built that brought people together—bridges that spanned the chasm of injustice, prejudice, bias, and deprivation.

Williams also recognized that every human being has dignity and government's role is to protect that dignity. Theodore White, in his book "The Making of the President 1960," recounted how one of John F. Kennedy's lieutenants reported that Williams was a "man of strong convictions. He is a devout Episcopalian* * * [with] a strong religious drive which is completely intermeshed with his personal ambition." The reprot went on to say that Williams felt he should "* * * put the Sermon on the Mount into governmental practice." However, he never imposed his beliefs on those who did not share his views. His faith was the basis for his struggle for human dignity for all people. Everyone benefited from this approach—Christians, Jews, Muslims, people of all beliefs.

As the State Department's Assistant Secretary of State for Africa during the Kennedy administration, Williams encouraged then-emerging independence movements in colonial African countries by uttering "Africa for Africans" in Kenya in 1961. White-ruled South Africa banned him. Dean Rusk once said Williams was "one of the best appointments" President Kennedy made.

In 1970, Williams returned to Michigan and was elected a supreme court justice. He became chief Justice in 1983 and retired in 1986. When he retired Williams said he wanted to be remembered as a man "who brought government to the people and who worked with the public to get them involved in government."

The men who played an important role in my own personal formation were my father, the rector of the seminary I attended, House Speaker Thomas P. O'Neill and Governor G. Mennen Williams. Indeed, while studying in the seminary, it was Williams who helped me more fully understand that politics should be founded on strong moral principles.

Although my own children never knew Williams personally, they recognize that Williams contributed greatly to their father's understanding of human dignity and the necessity to promote, protect, and defend that dignity.

We all seek to leave this world a little better for our efforts, and to pass on to our children a world which is in some way better than the one we inherited from our parents. G. Mennen Williams certainly has left our State, our Nation, and our world a better place by his efforts and achievements.

Mr. CROCKETT. Mr. Speaker, I rise today in honor of G. Mennen "Soapy" Williams, one of the great progressive leaders of our time. In the last of his many public endeavors, he was one of Michigan's great supreme court judges; and he served ably as chief justice before retiring in 1986. I met him quite frequently at our judicial conferences and seminars while I served on the bench in Michigan. I remember the keen interest he took in revising the Michigan rules of criminal procedure and the rules of evidence.

On a more personal note—I recall a visit to the Williams home. He was a great admirer of African culture and had literally converted the basement of his house into a museum of African art.

But Soapy Williams will be best remembered by the millions of Americans of African descent for being the most effective and durable defender of a new approach to Africa. From 1961 to 1966, Soapy Williams served this country as Assistant Secretary of State for African Affairs. When it was announced that President Kennedy was naming him to that position, some argued that the Governor had no experience in foreign affairs. But I would argue that he did more to change the course of United States policy toward Africa and to point it in the right direction than anyone who has since held that job.

In 1961, Soapy Williams had the courage to call for an American pledge to help achieve the complete independence of all Africa by 1970. As Williams declared in the early 1960's in a memorable speech given in Nairobi, Kenya, "Africa [was] for Africans." He challenged President Kennedy to endorse "self-determination everywhere"—not just in Europe.

He had the wisdom to recognize the fallacy of a distorted United States policy toward African independence, based almost exclusively on East-West concerns. So, he urged the President to stand with African nationalists fighting for independence in Angola and Mozambique—not with their Portuguese overlords. Under his leadership, the Africa Bureau in the State Department established a scholarship program for Portuguese-speaking African refugees. And he called upon this country to "reestablish and expand our contracts with [African nationalists], overtly as well as covertly."

In 1959, before his tenure as Assistant Secretary, Williams told an African Freedom Day rally in New York that American "must exert leadership against the policy of apartheid." He had the foresight as early as August 1962 to oppose United States investment in South Africa because: "Apartheid," he said, "is so pervasive throughout the society that any assistance given to South Africa helps to support it directly or indirectly." And he told Congress that an arms embargo against South Africa, was "the least that the United States [could] do."

If Soapy Williams were Assistant Secretary of State for African Affairs today, the current fight over additional sanctions against South Africa wouldn't be necessary.

If Soapy Williams were Assistant Secretary of State for African Affairs today, Namibia would be free of South Africa's illegal occupation.

If Soapy Williams were Assistant Secretary of State for African Affairs today, this country would have normal and mutually beneficial relations with Angola—instead of siding with South Africa in its support of Jonas Savimbi's brutal destabilization of that country.

The last time I saw Soapy Williams, we were sharing a platform at a meeting sponsored by black lawyers to protest United States policy toward South Africa. At that meeting, he still clearly demonstrated the insight, the ideals, and the boundless enthusiasm that this country will so sorely miss. We could certainly use his kind of leadership today.

Mr. HERTEL. Our late President John F. Kennedy wrote in his book, "Profiles In Courage":

> For without belittling the courage with which men have died, we should not forget those acts of courage with which men have lived * * * A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of human morality.

One such man was G. Mennen "Soapy" Williams of Michigan. He was a man of courage who always did what he must in spite of personal consequences to fulfill his desire to be remembered, in his own words, "for being concerned with trying to help my fellowman."

Unfortunately, we lost this great public servant from Michigan suddenly, February 2, 1988. Thousands of people in Michigan, throughout the country, and even around the world mourn his passing.

Born of wealth with the opportunity to lead an easy life, Soapy chose instead to help people whose circumstances were less fortunate than his. He decided early in life that he could best fulfill that goal by becoming involved in Democratic politics and public service.

He helped to breathe new life into a faltering Michigan Democratic Party when, in 1948, he ousted the Republican Governor and went on to serve an unprecedented six terms as Governor of the State of Michigan. In the tradition of his hero, Franklin Delano Roosevelt, he did whatever he could to expand the idea of the possible. G. Mennen Williams recreated the two party system in Michigan with door-todoor campaigning. As Governor, he opened public service and politics to minorities. He always tried to take action with an eye toward the future. As a personal testimonial to his vision, the Mackinac Bridge links Michigan's upper and lower peninsulas in vital interdependency—a project that was labeled "Soapy's folly" at the time Governor Williams proposed its construction.

He gave a personal touch to his public service. His ever-present green polka dot bow tie was a symbol that became well-known not only in Michigan and national political circles, but also to the residents of many newly forming African nations who came to know him as the Assistant Secretary of State for African Affairs under President Kennedy. The bow tie, the warm smile, the firm handshake, they were always there for everyone he met.

I'll never forget the first time I shook Soapy's hand. I was only 12 years old when I saw him riding with John Kennedy during a campaign swing along Eight Mile Road. Soapy went out of his way to meet people, he remembered them and I know, personally, that people remembered him.

Soapy Williams was always a real person as much at home as a square-dance caller as he was heading the Michigan Supreme Court. His goal was always good government. Soapy's public and personal conduct were a reflection of that goal, he listened to all views, held to his convictions and, while he may have vigorously attacked the issues, he never attacked the people who espoused those issues. Soapy Williams was a man of integrity and warmth with a spirit of dedication that is often rare in this day and age.

Like the thousands and thousands who knew him, I shall miss him tremendously, not only because he was a great leader but also because he was a personal friend who chose to reside within the boundaries of my congressional district. Soapy was always ready to give his advice and support to someone who grew up in his shadow. He was never heavy handed in his guidance though he easily could have been given his credentials. He was always willing to help in any way that he could.

Soapy Williams never stopped serving the public despite his official retirement from public office in 1986. He remained active, lecturing, traveling, attending meetings, and lending his support to charitable causes. Together with his beloved wife, Nancy, he remained a vital force in Michigan politics to the end.

Soapy Williams will long be remembered as a man who lived a life of courage and did what he must in spite of obstacles and dangers and pressures. We are all better for having known Soapy Williams and we will long reap the fruits of his legacy.

Mr. ANDERSON. Mr. Speaker, the list of public accomplishments of the late G. Mennen "Soapy" Williams will be mentioned many times here today by colleagues of Soapy who served with him in one capacity or another over the years. I take due note of those accomplishments and add my words of praise for the distinguished record compiled over so many years by one of Michigan's most eminent statesmen.

There is another level of the man, however, that I fondly recall today. In the 1960's, while serving as Acting Governor of California, it was my duty, a very pleasant duty, to preside over the festivities surrounding the Rose Bowl game. Michigan State was the opponent of UCLA, my alma mater, that year. My wife, Lee, is a native of Michigan so my loyalties to alma mater were a little strained, as you can imagine. Much of the strain was relieved by the visiting Governor of Michigan, Hon. G. Mennen Williams.

Serving as hosts to the Governor and his guests, we were charmed by the affable and gracious manner of this fine gentleman. Outgoing and quick-witted he charmed all who met him, not the least of whom were the Andersons. A wonderful day of warmth and good humor became a magic memory that is bright for Lee and me to this very day. Soapy Williams is remembered by us both with deep affection and it is with a feeling of gratitude for his friendship that I rise to extend the condolences of Mrs. Anderson and myself to his family, his friends, and to his beloved Michigan.

Mr. CONYERS. Mr. Speaker, I rise today to join my colleagues in mourning the loss of former Governor, Michigan Supreme Court Chief Justice and Ambassador G. Mennen "Soapy" Williams. Although he was born an heir to the Mennen toiletries empire, he dedicated his life to public service, and forever changed the face of Michigan politics.

Mennen Williams was undoubtedly one of the giants of the Michigan political and judicial life in the 20th century. He was elected to an unprecedented six 2-year terms as Governor, during which time this liberal Democrat broke the Republican stronghold on Michigan State politics. Ironically, he had to overthrow his own party's established leadership to gain the party nomination, and then upset GOP Gov. Kim Sigler.

He soon came to personify Michigan Democratic party ideals. His tenure as Governor helped to bring Michigan into the 20th century by increasing social programs, by implementing civil rights laws, and by constructing much of Michigan's highway system and the Mackinac Bridge. Moreover, according to Attorney General Frank J. Kelley, when Soapy became Governor, Michigan became a corruption-free State. He brought honor and integrity to State politics.

Governor Williams never really sought the White House; he was a favorite son candidate in 1952 and 1956, and he stepped aside for then-Senator John F. Kennedy during his historic 1960 Presidential campaign. But his 12-year stewardship in Michigan was a forerunner to JFK's "New Frontier."

After his tenure as Governor, Soapy accepted President Kennedy's offer to join the State Department's African post. He plunged into the job, by encouraging the emerging independence movements in Africa. His wholehearted support for these movements, along with his declaration of "Africa for the African," prompted the apartheid regime in South Africa to ban him from the country and caused an enraged white Rhodesian to attack him physically. But he stayed true to a path which was far ahead of his time. As then-Secretary of State Dean Rusk once said, Soapy was "one of the best appointments" President kennedy ever made. President Johnson later appointed Soapy Ambassador to the Philippines.

Later, Governor Williams returned to Michigan where he was elected a supreme court justice, and rose to be Chief Justice. During his 16 years on the State's high court, he pioneered the innovative comparative negligence standard, which allows people who are only partially responsible for an injury to sue other responsible parties. He was also a strong advocate of individual rights, and efficient judicial administrator, a supporter for legal services for the poor, and a chairman of the task forces studying racial, sexual, and ethnic bias in the Michigan courts.

As an ever constant friend of the arts, he donated more than 400 objects of art collected during his diplomatic stints in Africa and Asia to the Detroit Institute of Arts, the University of Michigan, Michigan State University, the Muskegon Museum, and other public institutions. He championed the appreciation of African art, and worked tirelessly to promote it among art institutes throughout the State.

His career has spanned a third of Michigan's statehood. So I would like to join Gov. James Blanchard, Detroit Mayor Coleman Young, former Gov. William Milliken, and my colleagues here in the House of Representatives in paying my respects to this truly great man.

Mr. GRANT. Mr. Speaker, on February 2, America lost a distinguished public servant and statesman, G. Mennen "Soapy" Williams.

Mr. Williams led a life of service to his country and to the great State of Michigan that almost defies description. From a distinguished World War II military career until his retirement from the Michigan Supreme Court in 1986, he consistently put duty above self interest. In doing so, he created a lasting model for the rest of us to emulate.

During his military service with the Navy during World War II, Mr. Williams earned 10 Battle Stars, the Legion of Merit, and 3 Presidential unit citations. A Princeton graduate, Mr. Williams went on to a distinguished career combating crime as the Assistant Attorney General of Michigan and as the executive assistant to the U.S. Attorney General.

The wise citizens of Michigan picked Mr. Williams as their Governor in 1949. He served until 1961, when he was chosen to be the Assistant Secretary of State for African Affairs by President John F. Kennedy. That was followed in 1968 with his appointment as Ambassador to the Philippines.

Mr. Williams returned to serve his State in 1971 as a member of the Michigan Supreme Court. He served 3 years as its chief justice before retiring in 1986. Even after leaving the bench, Mr. Williams dedicated his time to training future attorneys at the University of Detroit law school.

Soapy Williams was a man of many accomplishments, but one goal; to improve the society in which he lived. His life is a source of inspiration to those of us in Congress and to every young person contemplating a career in public service. I believe is altogether fitting that we pay tribute to a great American, G. Mennen "Soapy" Williams, today.

Mr. BONIOR of Michigan. Mr. Speaker, I rise today to pay tribute to a great Michigan statesman, the late G. Mennen "Soapy" Williams. I knew him well and greatly respected him as a person and as a statesman. Few persons have spent as many valuable years in public service to their State and country as Soapy Williams did. Few have been so well loved.

Soapy served Michigan as Governor and chief justice of the Michigan Supreme Court. He served his country as a civil servant during the Depression as a naval officer in World War II, as an Assistant Secretary of State, and as a U.S. Ambassador. Throughout his career, he fought for social justice and civil rights in Michigan and the United States.

Soapy was born in Detroit in 1911, the son of a successful pickle manufacturer. He earned his nickname "Soapy" from the fact that he was the grandson of the founder of the Mennen Co. which sold soaps and toiletries.

Soapy himself was an entrepreneur of a different sort than his father and grandfather. Born into a wealthy family, Soapy was a man who could have rested on the fortune he inherited but instead actively pursued a career of public service.

In 1936, in the middle of the Great Depression, Soapy took his new law degree from the University of Michigan and his many talents to Washington, DC. There he helped to draft the briefs which insured that the U.S. Supreme Court would uphold the Constitutionality of the Social Security Act. Over the next few years, he served as Michigan's Assistant Attorney General and, in 1939, as executive assistant to the newly appointed U.S. Attorney General, former Governor Murphy of Michigan.

When World War II broke out, Soapy served his country honorably and well on naval aircraft carriers in the Pacific. He achieved the rank of lieutenant commander in the Navy and was discharged in 1946.

During the next 2 years, friends and fellow Democrats in Michigan convinced him to run for Governor. And, in a surprising upset, he won the first of six consecutive, 2-year terms as Governor of Michigan—more terms than any other Michigan Governor.

Gov. Soapy Williams took seriously his role as Governor of all of Michigan. He recognized the role of minorities in Michigan and appointed blacks to positions in the State cabinet and the courts. Despite opposition, he instituted a comprehensive civil rights plan in Michigan which included laws prohibiting discrimination in employment and housing. At the time, he was considered a radical. Today we regard him as a man of great foresight, a forerunner of the generation which fought and won equal rights for all Americans.

After turning down the chance to run for a seventh term as Governor, Soapy was named Assistant Secretary of State for African Affairs by President John F. Kennedy. Soapy became not only an effective member of the Department of State but an outspoken critic of the colonialization of Africa. Again, his ideas caused critics at the time to label him a radical. But, again, time has proven that his belief that Africans should be allowed to govern themselves is both a correct and just one.

After 5 years, Soapy returned home to Michigan to make what turned out to be an unsuccessful bid for the U.S. Senate. Undaunted, Soapy went on to serve as Ambassador to the Phillipines from 1968 to 1969 during the last year of Lyndon Johnson's Presidency.

Soapy again returned home to Michigan. In 1971, he became a State supreme court justice, and, in 1983, his peers elevated him to chief justice. Even on the court, he continued his efforts on behalf of all people as he worked to establish uniform standards in all State courts. He retired from the Court in 1986, but remained active, teaching at the University of Detroit Law School.

Soapy was an intellectual, a master politician, a civil rights spokesman, a public servant who wore many different hats in his lifetime. Above all else, Soapy was loved, admired and respected by the people who knew him personally or as a statesman; the people who agreed with his policies; and, the people who disagreed with his policies. He genuinely cared about other people and, in turn, most people came to genuinely care for him. Certainly this is the greatest achievement of this lifetime—that he was loved and appreciated by so many of the people whom he served.

Mr. Speaker, I am proud to join with my many colleagues in remembering Soapy Williams. I would like to extend my warmest condolences to his wife Nancy and to his family. His life was an example to me as a young man growing up in Michigan, and I am proud to follow in Soapy's footsteps as a fellow public servant from the great State of Michigan.

Mr. PURSELL. Mr. Speaker, let me take this opportunity to join my colleagues in honoring the memory of one of Michigan's truly outstanding statesmen, G. Mennen Williams.

A generation of Michigan citizens grew up knowing only one Governor—Soapy Williams. His familiar trademark bow tie and good will passed through every Michigan city and town at one time or another.

Soapy Williams served our State and Nation well and will be missed by anyone and everyone that had the good fortune to be with him.

On behalf of my constituents in the second Congressional District I send my best wishes to his wonderful wife Nancy who was such an important part of the Williams team.

Mr. HENRY. Mr. Speaker, in the years to come, many in Michigan will fondly remember G. Mennen "Soapy" Williams as the politician who sported a green polka dot bow tie, campaigned tenaciously, and saw to it that the lower and upper peninsulas of Michigan were united by the 5 mile long Mackinac Bridge. Those in Washington international circles may recall the evening he hosted a State Department squaredance—"do-si-do for diplomats"—at his own personal expense, while serving as Assistant Secretary for African Affairs. More importantly, however, we stand here today to remember and commend Soapy Williams for a lifetime of selfless devotion to public service.

The credentials accumulated during his lifetime are expansive and impressive. To highlight the early years of his career: Assistant Attorney General of Michigan, executive assistant to the U.S. Attorney General, lieutenant commander during WW II, deputy director of the Michigan Price Administration Office and Michigan Liquor Control Commissioner.

As Governor, Soapy was the first one in history to hold office for six consecutive terms. Despite his obvious popularity, Soapy was not one to stop mixing with the multitudes. He loved to shake hands and visit with individuals whether it be at a farm picnic, union hall, or on the street corner. Though he continued to rise in prominence, he maintained an open door policy.

Soapy's enthusiasm and concern for his fellow man crossed domestic borders. He served as Assistant Secretary of State for African Affairs from 1961-66. During 1968-69 he was U.S. Ambassador to the Philippines.

Upon returning to Michigan, Soapy was elected to the supreme court in 1971. He became chief justice in 1983, residing in that chamber until 1986. And most recently, at age 76 while most individuals would be enjoying a well-deserved retirement, Soapy could be found teaching at the University of Detroit Law School.

As one long-time associate commented, "people could debate about his politics, but he was the quintessential public servant." We lament his loss. However, we are thankful for those numerous years in which he unceasingly toiled on behalf of the people of Michigan and of our country.

Mr. DE LA GARZA. Mr. Speaker, with the recent passing of G. Mennen Williams our Nation has lost a great leader and Michigan one of its greatest public servants. A man whose career was nothing less than brilliant, Soapy Williams was for decades a distinguished leader.

Governor of Michigan, Assistant Secretary of State for African Affairs during the Kennedy administration, Ambassador to the Philippines during the Johnson administration, member and Chief Justice of the Michigan Supreme Court—these are all positions he held. Each in itself is an accomplishment of which to be proud. Cumulatively they serve as testimony to the vision of a man who leaves behind him a tremendous monument of good works.

G. Mennen Williams served with candor, integrity, selflessness, and devotion to the principles of good, honest, clean and effective government for all people. A man of quality, a man of leadership, and a man who felt that the care of human life and happiness was the first and foremost objective of good government, G. Mennen Williams will be missed by all who have had the privilege of knowing him.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all of my colleagues be afforded 5 legislative days in which to revise and extend their remarks, if they like, on this subject of this special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TELEVISION PROGRAM ACCESS FOR SATELLITE DISH OWNERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 60 minutes.

Mr. OLIN. Mr. Speaker, before I begin to say what I have to say tonight about the need for legislation to really take care of the needs of the people in rural America that have satellite dishes and for the last 2 or 3 years have been finding more and more of the programs that they enjoy scrambled, I would first like to make this unanimous-consent request.

GENERAL LEAVE

Mr. OLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. OLIN. Mr. Speaker, I would also like to make note of the fact that there were roughly 20 Members of Congress who had planned to be at this special order. I am not so sure that we are going to have any of them showing up except myself, but I am prepared to cover the subject adequately, I think.

I would like to call attention to the fact that we were delayed this evening long beyond the time that we had expected and the Members who had intended to be here for one reason or another were called upon to meet prior commitments and are not here.

I would like to call attention to the fact that a large number of Members were here and a number of them submitted their statements. The gentleman from Louisiana, Mr. BILLY TAUZIN, was here, and the gentleman from Washington, Mr. AL SWIFT, who has worked hard on that committee; the gentleman from Wisconsin, Mr. BOB KASTENMEIER, the author of another of the bills, the gentleman from Tennessee, Mr. JIM COOPER, the gentleman from Vermont, Mr. JIM JEFFORDS, the gentleman from South Carolina [Mr. SPRATT], the gentleman from New York [Mr. MARTIN], and presiding tonight as Speaker is the gentleman from Kentucky, CARROLL HUBBARD. Were that gentleman not sitting in the presiding chair, he would be speaking on this special order also.

I will mention to those who are picking this program up off the satellite and watching it at home that we are going to schedule an additional special order on this subject in the next couple weeks to enable those Congressmen and women who wanted to be here and recognize this as a very important subject in their areas to have a chance to talk to you personally about it, so do not feel that you are not going to have a chance to hear from these Congresspeople, as well as to read what they had to say in the RECORD.

Mr. Speaker, this special order is for the purpose of calling to the attention of the Members of Congress and their constituents the need to move the legislation that would make it possible for rural America, those living in mountainous and remote areas, to be able to enjoy the benefits of the wide range of television programming enjoyed by our urban areas, and at a fair and reasonable price.

I look forward to the comments of my colleagues who will be joining me at the next special order and would have been here this evening have to say. I look forward to their testimony on how critical it is that we move the two bills that will help bring fairness and equity to the millions of rural Americans who have made substantial investments in their satellite dishes. These Americans should not be denied the pleasure and educational value of the broad range of television programming that is now on the air.

Now, let me review how this situation developed and how it appears to me that it can be alleviated. Over the past decade, many rural Americans have invested, as we all know, in home satellite dishes. This number has jumped even more dramatically in the last 4 or 5 years. There are really two reasons for this. One is that the dishes are now more affordable because of technological advances and, of course, by the increased use of satellite signals by broadcasters. Tens of thousands of rural citizens began to enjoy the benefit of dishes, many of them were able to get programming for the first time. They saw no harm in this, because they knew that the United States had always believed that information broadcast over the air was free for all. This was an American tradition, a tradition that went back into the early days of radio. Never before has it been violated.

In order to get programming, rural families purchased dish equipment, spending generally between $2,000, $3,000 and $5,000 for their equipment. This worked out fine, except that the producers of pay TV who had developed the business of selling their specialized programs, known as premiums, to local cable companies felt that the ability of the dish owners to obtain their programming free was unfair. The premium programmers financed the cost of their business through the rents paid by cable subscribers, not through the broad-based advertising used by commercial stations. These programmers feared that they would lose their business if dish owners were intending to get this programming free. In order to prevent free access, the premium programmers encrypted or scrambled their signals. The first programmer to scramble was the Home Box Office, the HBO, which began scrambling in January 1986. Other broadcasters soon did the same thing and scrambling created the issue that we are addressing today.

Dish owners really only want to know what their options are. They want to know how far scrambling will go. They would like to know will their investments in dish equipment be wiped out. Home dish owners have accepted the right of the private broadcasters who own copyright programs to receive payments for their products. That is reasonable, but dish owners want the right to buy the programming and they want to be treated fairly in a manner similar to that of the cable customers, and not to have to pay more.

Dish owners also want to be able to purchase packages of programs, like the cable customers, at an equitable price, and dish owners also want to be sure that the means of scrambling and descrambling signals is standardized so that they can purchase one descrambler box to descramble all the signals they want to purchase. They do not want to have to buy 30 descramblers in order to get 30 signals.

Mr. Speaker, I am going to stop my story right here and welcome a gentleman who is joining us, the gentleman from New York [Mr. MARTIN]. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Speaker, I want to thank my colleague, Representative JIM OLIN, for requesting time for this special order so that we can draw attention to an issue of great importance to the hundreds of thousands of individuals across the country who are unable to receive normal television reception and have no access to a cable television system.

I heard the gentleman saying about the rural nature of his district. From time to time, particularly the first year I was here in the Congress, people assumed that being from New York, I was from a large metropolitan area. I want to point out that the 26th Congressional District in New York is somewhat bigger than eight States in the Union, so by any standard we are considered rural.

The right of satellite dish owners to receive satellite signals was clearly set out in the Cable Communications Policy Act of 1984. That law provides a conditional statutory right to backyard dish owners to watch cable programming being carried by unencrypted satellite signals. However, if the owners to the rights in such programming establish a marketing system to sell viewing rights the dish owners are obligated to purchase.

That may be all well and good—as far it goes. The operative word here is "marketing system." Unfortunately, when popular satellite program services began to scramble their signals early in 1986, there was no effective marketing system in place. At that time, along with a number of my colleagues, I became a cosponsor of legislation providing for a 2-year moratorium on the scrambling of satellite signals carrying cable programming. Such a moratorium would have permitted a reasonable time period in which an effective marketing system could have been developed to permit private viewing of satellite transmissions at fair and reasonable rates.

When it became clear that such legislation would not be acted upon by Congress, and after considerable study, I became a cosponsor of another piece of legislation permitting the scrambling of satellite television signals only after certain conditions had been met. Much to my disappointment, Congress again failed to take action to correct the situation.

Consequently, when new legislation was introduced early in 100th Congress, this Congress, I joined in supporting, through my cosponsorship, H.R. 1885, the Satellite Television Fair Marketing Act. As introduced, the proposal is designed to ensure competition in the marketplace by requiring that those scrambling satellite services intended for private viewing must make those services available to home satellite dish owners and provides the Federal Communications Commission with the authority to establish uniform standards for encryption.

□ 1945

The FCC would be required to develop a proposal to facilitate the provision of network television signals to persons living outside the reach of broadcast stations and to investigate the pricing and distribution terms of sellers of satellite television programming to antenna owners to determine whether the marketplace is developing competitively. It places prohibitions on the encryption of that part of the Public Broadcasting Service which is intended for public viewing television broadcast stations. Persons harmed by a violation of the act would be permitted to bring a civil action in a U.S. district court.

Tens of thousands of residents in my own nine-county rural congressional district in northern New York are unable to obtain adequate reception of television broadcasts or unable to receive the services of cable television. My constituents are not greedy. They would willingly subscribe to cable service if it were available to them. However, this is just not the case. Take, for instance, the couple who wrote to tell me that "we invested in a satellite dish because the cable company which ends one-quarter mile from our home would not bring services to us." Or the individual who advised me that "many years have passed in the struggle to have cable TV up our rural road. When the time did come, they stopped four-tenths of a mile down the road." Or the constituent who tells me that cable service is available to within a quarter mile of his home to the east and to three-quarters of a mile on the west, but that the local cable company says it would be too expensive to service the 14 houses between these points.

I certainly understand the cost. I understand the line has to come from somewhere, but it is more than frustrating for somebody to be able to look out their window and see their neighbor is entitled to this service which they are paying for and for which this person is willing to pay for and they are just not able to bring it to them.

What we are saying is give them the opportunity to get these services at a reasonable price. These are not people looking for something for nothing. They are merely seeking to have access to programming to which a vast majority of this country already has or will have and at fair and reasonable rates.

I want to take this opportunity to strongly urge congressional action to address the situation and alleviate the problem and to take such action now. I encourage approval of H.R. 1885 or similar legislation which would make the rules fair. I, and the thousands of satellite viewing constitutents which I represent, would be most appreciative.

I want to thank my colleague and my good friend from Virginia [Mr. OLIN] for taking out this special order this evening. As to those who intended to be here, they have every good reason for schedules changing, and prior commitments, and I guess it is a way of life with us here when we do not know what will be happening in the next 10 or 15 minutes. But for the gentleman from Virginia [Mr. OLIN] who put this special order together, I salute him and thank him very much and I want to express my appreciation to the gentleman in the chair, the gentleman from Kentucky [Mr. HUBBARD], who I know also supports what we are trying to do.

Mr. OLIN. Mr. Speaker, I want to thank the gentleman from New York [Mr. MARTIN] for his very, very fine statement. I come from a mountainous and rural part of Virginia, but I know that there are mountainous and very rural parts of New York State as well.

Mrs. VUCANOVICH. Mr. Speaker, would the gentleman yield?

Mr. OLIN. Mr. Speaker, I very much appreciate the opportunity to yield to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I am a strong supporter of the effort to ensure fair access to television programming for those who, like many in my district, live in rural areas where many cannot receive normal television transmissions and access to cable is limited or absent.

Many of my constituents have invested literally thousands of dollars in satellite dishes so that they can enjoy the same television programming that urban dwellers take for granted.

Several developments have made it difficult for the owners of home satellite dishes to view regular television programming. Although satellites are used to transmit television programming to local stations, which in turn retransmit the programming to local viewers, these transmissions can also be received by home satellite dish owners. In an effort to receive compensation for the viewing by home satellite dish owners, some satellite signals are scrambled, and then made available to home satellite dish owners for a charge. Descramblers are sold to the home dish owners so that they might decode the scrambled programming.

Unfortunately, this system means that after viewers have paid over $1,000 for a home satellite dish, they must then purchase not one, but often three or four, separate descramblers to be able to view the programming they desire. This is certainly prohibitive and seems patently unfair.

I want my constituents to have access to these programs at a cost that is reasonable and fair. I want a distribution system that does not discriminate in prices or in terms or conditions. I want reasonable, affordable access, and I want fairness.

Mr. Speaker, I have joined as a cosponsor on legislation which would help to ensure that satellite dish owners, like my constituents in Nevada, would be able to have reasonable access to the television programming they wish to see. I am here today to stress the importance of fair program access and of this legislation designed to ensure it.

Mr. Speaker, the legislation I support is well thought out and fair to both programmers and to satellite dish owners like so many of my constituents. For example, programmers who choose to scramble services which are otherwise offered to cable customers must be willing to sell programming to home dish owners.

Further, although programmers may continue to scramble, they will have to meet certain FCC standards so that home dish owners will not be forced to purchase a myriad of different decoders for different programs. Also, standards for making programming available to home dish owners must be fair and reasonable.

Mr. Speaker, although this legislation has 125 cosponsors, and is widely supported by our constituents, it has yet to move to the full Energy and Commerce Committee. It is time to move this legislation to the floor. I urge you, Mr. Speaker, to do all in your power to see that this legislation moves to the floor of the House so that we might have an opportunity for full debate and a vote. We need a fair chance for satellite dish owners to access regular programming and this legislation will give it to them.

There is strong support for this type of legislation. There is an urgent need to it, and our constituents deserve it. There is no reason for any further delay. We are anxious for the committee to finish its work with this legislation and move it to the floor of the House. Mr. Speaker, esteemed colleagues, let's get this legislation moving quickly, so we can act on it and pass it into law.

Mr. OLIN. Mr. Speaker, I want to thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for her fine remarks. I would just comment that I hope that the result of this special order will be that we will have gotten the attention of more of the Members of the House, particularly the members of the two committees and two subcommittees that are involved on this issue so that they will really understand better the importance of moving this legislation. I think that there will be some people that are listening to this program via satellite on their home dishes and I hope that they will help us by trying to make known to their Congressmen or Congresswomen the importance of moving this legislation. Maybe out of this we can move these two bills that are not going to hurt anybody, but they are very much needed by people in rural areas.

Mrs. VUCANOVICH. Mr. Speaker, I hope that that can happen. I certainly agree with the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I would now proceed and continue the story that I was telling about the situation and then I want to talk about those two bills a little bit more.

Today the situation facing dish owners is slightly improved. Most of the scrambling is being standardized using video cycle two system. Dish owners can buy some programs and some program packages are being put together but in many cases it is still very difficult to get those problems and packages, even get them at all. And of course getting them at the proper cost, which is a cost comparable to what cable subscribers get, is still a little bit far away.

Just last month Richard L. Brown, who represents the Home Satellite Television Association, testified before the Subcommittee on Courts, and he stated that dish owners have to pay between 800 and 1,000 percent more than the wholesale price paid by cable companies. Of course to a broadcaster the homeowners, the rural dish, is not basically different than the dish of the cable company and as far as the broadcaster is concerned he has the same problem and one would think that the price paid by the cable company to receive the signal should not be too much different than the price paid by the homeowner to receive the signal. But in many cases the price paid by dish owners is more than that paid by retail cable subscribers.

One of my constituents compared the retail price between dish owners and cable customers in his area and found out that the dish owners were paying at least twice what cable subscribers were paying. I have more to say on that with specific examples later in my special order.

The issue for Congress is to make the policy changes needed to permit rural America to be treated fairly. This is the reason for the two bills before Congress.

As I have said, one of these bills is H.R. 2848, the Satellite Home Viewer Copyright Act. The second bill is H.R. 1885, the Satellite Television Fair Marketing Act. These bills are complementary, and we need both of them passed. Each bill does a little different thing. If we get them both passed we are going to achieve some very, very meaningful objectives and my understanding of these bills is that they basically are going to accomplish the following policy goals.

First, they are going to encourage development of a market structure that will enable people to put together program packages of more varieties and closer to the market for the home dish market.

Second, they are going to encourage competition so that a reasonable pricing system will most likely develop.

Third, they are going to protect the property rights of the copyright owners and establish a method for those copyright people to be paid.

Last, and perhaps most importantly, they are going to establish the principle that the dish owners have a right to buy programming, that that programming ought to be at a fair price.

□ 2000

If we can get these two bills moved, passed by the House, passed by the Senate, signed by the President, we are going to go a long way toward bringing fairness in TV availability to rural America.

Now let me tell you a little bit more about these two bills. They are complex, and I cannot get into the minute detail of them, but it is important to recognize some of their details.

The first bill, which is Mr. KASTENMEIER's bill, H.R. 2848, is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. The gentleman from Wisconsin [Mr. KASTENMEIER] has had hearings, and he is hoping to get this bill out of his subcommittee in 2 weeks, and he is reasonably confident that he will move it in the Judiciary Committee.

Now what this bill does is this: This bill would modify the copyright law to ensure that superstation programming, which is retransmitted by common carriers, could be legally sold to dish owners. It is very important. Right now there is a big question about that. It also provides a system by which the holders of copyrights will receive their due payment. Since the network broadcasters are also planning to scramble in the future and they are negotiating with common carriers right how to market their programs, H.R. 2848 is all the more needed because this might be the only way to ensure that rural dish owners will have access to regular network broadcasting in the future after those signals are scrambled.

This is a very, very important bill. It established the right to buy, and it takes care of the question of reasonable and proper compensation of copyright holders. It handles all the aspects of that.

It does, however, only apply to superstations. It does not apply, for example, to premium TV.

Mr. Speaker, the other bill, which is sponsored by BILLY TAUZIN, and BILLY very much regrets his inability to be here tonight, that bill basically is a bill that says this: That if anybody broadcasts a signal and there encrypts that signal; in other words scrambles the signal, if he sells that scrambled signal to anybody, he has to be willing to sell it to everybody that asks for it. That is the basic thing about that bill. It also has a second provision, and that is that the Federal Communications Commission is given the authority to establish and monitor a fair pricing and pricing policies, and I would like to read a little bit out of this bill, H.R. 1885. I will read the major parts. This is on page 3 of the bill.

"(3) Any person who encrypts any satellite delivered programming for private viewing shall—

"(A) make such programming available for private viewing by home satellite antenna users;

"(B) when making such programming available through any other person, establish reasonable financial and character criteria under which distributors may qualify to distribute such programming to home satellite antenna users and not discriminate in price, terms, or conditions among different distributors offering similar distribution services to the consumer;

Mr. Speaker, what this basically means is that, if the broadcaster who is sending our encrypted signals makes a signal available to anybody that wants to buy it, that that person that buys it, if it is another distributor, and of course the originator cannot discriminate in pricing materials or conditions between different distribution channels, so that would mean that the dishowner is going to get the same kind of a treatment that a cable subscriber gets, and that is really the gut of the bill. That is one of the things that is wrong with what is presently in existence.

Mr. Speaker, those are the two bills, and now I am going to, before I get into the pricing, just read to my colleagues one thing. I have received an awful lot of mail from my constituents with regard to this whole subject. I have got thousands, and thousands and thousands of dishes in this area, and these are all people that live over the mountain, and they cannot get an ordinary broadcast signal. But one of my cities is Clifton Forge, VA, and it is right in the center of the Alleghany Highlands, and I have got a lady that wrote to me on December 22, and I am not going to indicate her name, but I would like to read her letter. It is interesting. She is obviously an older woman, retired, and probably lives alone, and she says this. Her language is sort of interesting.

CLIFTON FORGE,
Friday, December 22, 1987.

DEAR CONGRESS OLIN: I am very Desopinted the way the goverment has let the people Scramble our chanels on our Seatlite. As we are Senior Citisons and are on Social Securty And do not have that much money to waist. We need Something to enjoy in our Old days. After all our Tax dollords put those Salite up there.

Now here come Cable Vision and other Station took that away from us. Now they come up with got have 5 hundred For a Box to unscramble plus the monthy cost. Which we do not have. It sure(ought) to be look(ed) in to. Preasheat(appreciate) any thang you can do about it. A Conceran citison.

Thank you So much.

Mr. Speaker, I thought that was very, very typical of the situation of people who are living in these areas. They need and want this kind of television programming just like people who live in a more condensed urban area and have access to cable or the direct signals, and they do not object to paying a reasonable amount for what they get. They are perfectly willing to do that. They are willing to make the investment in their home equipment, which of course is far more than a subscriber to a cable network pays for. And yet it is just aggravating that the marketplace and the people that are in the market and the Congress have been unable to come up with a scheme of handling this within the free enterprise system that results in real fairness and equity to these people who live in rural areas.

Mr. Speaker, this may be the last item I want to cover, but let me give you some examples of this pricing question. Here is some information from the Roanoke, VA, area. I am told that the cable; that is, an installed cable basic program, costs the subscriber $12.45 a month, and, if you have a dish in that area, the basic dish program is also priced at $12.40 a month. But a dishowner can only get the same price as cable first by paying 1 year in advance; that is $12.45 times 12 in advance, and also the basic package for the dishowner only contains half as many programs as are basic for the cable, so in a sense maybe you can say that the dish people are paying twice as much. When you are talking about premium programs, cable offers premium programs for $10 a month to buy them alone, and for the dishowner instead of $10 it is $14 to $15.50 depending on which premium program it is, and that money must be paid in advance for a year.

Now constituents in the Waynesboro area; Waynesboro, VA, another mountainous area; they report that the cable basic price is $12.75 per month, and the dish basic price right outside of the town area is not $12.75, but $19 a month, and again the dish basic is available only if 1 year's advance payment is made of $228. Now if you have cable and you want an add-on package of 15 channels in Waynesboro, that costs $5.95 a month, but if you are a dishowner, your add-on package of 14 channels will cost you $20 a month, and again that is only available if you pay $240 in advance, a whole year's worth of pay.

Mr. Speaker, I am informed by the National Rural Cooperative Association, an agency trying to become a distributor in this business, that on the average around the country this cable service, the cable basic of 24 channels, costs about $13 a month. On the contrary the dish basic involves only 8 channels. It sells on the average for $17.95 a month, so that is about 50 percent more for one-third the channels and again a year's worth of rent of $192 must be charged, must be paid in advance, in order to get that service.

Now these comparisons indicate that for one reason or another this market and the marketing scheme has not developed enough competition so that the price has found a reasonable level, and the purpose of these bills, if you take out all the special language, is to get that rectified. We are not doing this by having the Government engage in direct price fixing. One of these bills does have some guidance by the FTC, but basically we are looking at trying to improve the marketing structure and establishing the fundamental values that a rural dishowner should have, and that value is basically that if there is a signal coming through the air that is being sold to anybody, this kind of a signal, that it needs to be sold to them, too, and that that sale must be without discrimination. It must be fair.

Mr. Speaker, I am just hoping that through this special order and the interest that we know there is in the Congress on this subject that we can first of all, as I said a little earlier, get the attention of the Members of these key committees, and we are talking about the Energy and Commerce Committee and the Subcommittee on Telecommunications and Finance of that committee. That is involved with bill No. 1885. The Members of that committee have got to get this message better than they have got it before. I hope we have helped them to do that.

The second bill, which is 2848, that is in the Judiciary Committee, and it is in the Subcommittee on Courts, Civil Liberties and the Administration of Justice. That bill needs to move. Now it seems to be moving a little bit better, and maybe it will come out of committee this year, but let us not forget that even when we get these two bills out of the House that we have still got to get the Senate to act on them.

Mr. Speaker, let me just mention, and this may be as my last point, that the Senate does have a bill, S. 889 which is sponsored by Senator GORE, and it is a companion to the House bill, H.R. 1885. That bill is actually out of the Senate committee. It is out of the whole Committee on Commerce, Science and Transportation of the Senate. Hearings have been held on the bill and the bill that was marked up, but it has not been reported to the Senate Chamber as a whole for a vote.

So those of you that have Senators that are interested in this subject, if you could get them pepped up a little bit and get the Senate to put out and pass and send over to the House S. 889, that would sure help us get a little movement on H.R. 1885. In fact we might be able to just take up the Senate bill and consider it, pass it.

So that is the story of this special order. We are hoping that those of you that may be watching this program over satellite on your home television will appreciate what we have said and recognize the need to write your Representatives, write your Senators and see if you cannot help get across the message that this is an inequity, it is a problem, it is unfair, and needs to be fixed. The sooner we get it fixed, the better it is going to be.

Mr. DAUB. Mr. Speaker, I am pleased that my colleague from Virginia is taking this special order today so that Members can air their views on satellite communications legislation.

As a strong supporter and cosponsor of H.R. 1885, I would like to add my comments to the record and urge quick action regarding this legislation. H.R. 1885, the Satellite Television Fair Marketing Act, is aptly named—in essence, it deals with the issue of fairness.

In the ideal world, sellers and buyers of a product naturally come to mutually agreeable commitments regarding the price and distribution of that product. Unfortunately, the satellite television industry falls short of this description. Instead, we continue to find a lack of real commitment when it comes to the sellers of encrypted signals.

This bill remedies the situation. First, it gives dishowners, who reside in mostly rural areas, the ability to shop for signals in a more competitive and open environment. By allowing third-party programmers to distribute a wider variety of packages at reasonable prices, dishowners can share in the benefits of this technology and be given equal access to satellite services at a fair price.

Second, the bill authorizes the Federal Communications Commission to develop uniform standards of encryption and rulemaking that would extend network television beyond limited geographical areas.

Public broadcasting remains public in a third provision, which prohibits both the encryption of PBS programming intended for public use and Armed Forces television and radio programming abroad.

Finally, the bill allows citizens harmed by violations of this act to bring suit in a U.S. district court.

In conclusion, passage of this bill will ensure that equal access to quality programming from more than just a few vendors will be maintained. Thus, H.R. 1885 is a needed catalyst in a market with players that seem to be enjoying their freedoms to the detriment of millions of dishowners.

Mr. VOLKMER. Mr. Speaker, I am proud to add my support to those of my colleagues who are speaking on behalf of satellite dishowners. We are one voice calling for fairness.

There are many in my Missouri district who rely on their dishes for communication with the outside world. I'm not talking about their desire to receive MTV, or old movies, or "The Honeymooners." I'm talking about network news, about weather reports, about educational television. But for many these programs are not available without outrageous amounts of money to pay for additional fees and descrambling devices.

I support legislation, as many in this body do, that would allow dishowners to receive signals at a fair and reasonable price. We aren't asking for handouts, for freebies, for special treatment. We ask only for fairness.

Many of my constituents have invested thousands of dollars in their satellite dish equipment so that they may receive the same television programming taken for granted by urban dwellers. But scrambling has left the viewers in the dark, or facing these expensive additions and fees.

What we want is simple. We want to know that private viewing programming is made available to home satellite dishowners; that pricing and distribution of these services be studied; that public service broadcasting not be scrambled and that dishowners have a judicial avenue available if programmers violate these rights.

It's simple, Mr. Speaker. Dishowners want to be treated fairly.

Mr. BARNARD. Mr. Speaker, I would like to take a moment to address the issue of equal access to television programming. Like many other Members of Congress who have taken an interest in this subject, I represent a district that is largely rural. The satellite dish has allowed many of my constituents to benefit from television programming once available only to urban residents. Scrambling of signals has endangered this access to programming and has threatened to render valueless all the equipment in which my constituents have invested so that they will have the same advantages as their counterparts in nearby cities.

While the marketplace has resolved some of our earlier fears, the price and availability of decoders for example, dishowners still face enormous obstacles in their efforts to take full advantage of television programming. Equal access for rural citizens increases in importance as our society becomes more dependent on broadcasting as a means of information gathering. This reorientation is evidenced by the use of television as a primary means of communication during the current Presidential elections.

Rural dwellers have traditionally been the last segment of our society to reap the advantages of technological advances. The satellite dish reverses this unfortunate trend. Equal access to television programming through the use of satellite dishes can prevent our rural constituency from being second-class citizens.

Mr. SYNAR. Mr. Speaker, I wish to thank you for this opportunity to address a topic of great interest and concern to me: legislation to help those Americans who enjoy and rely upon home satellite television. I also would like to thank Congressman OLIN for his effort in organizing this special order.

The advent of the home earth station and direct satellite broadcasting has created the opportunity for all Americans, no matter how remotely located, to share in the great range of entertainment, educational, sports, and news programming offered on satellite. Previously, much of that programming had been accessible only by those living in our Nation's cities and towns. I know that there are many in my home State of Oklahoma who rely completely upon their home satellite dish for reception of television. And, after having been involved with the issues surrounding satellite television for several years, I can assure nearly all of my fellow Members that they too have constituents in like circumstances.

However, the development and growth of this technology has not been easy, and the satellite television industry and its customers continue to face hurdles which can be overcome only with the help of Congress.

One particularly dark cloud hanging over home earth station owners is the uncertainty of continued access to network programming and the independent, so-called, superstations. In an effort to remove that cloud and guarantee that those television signals remain available, I have joined with Chairman KASTENMEIER, Mr. BOUCHER, Mr. MOORHEAD, Mr. HUGHES, and Mr. GARCIA in introducing H.R. 2848, the Satellite Home Viewer Copyright Act of 1987. This bill assures that TVRO viewers will continue to have access to the same programming as is enjoyed by those served by cable and off-air broadcast signals. The bill is measured and balanced, reflecting concern for the rights of earth station viewers and recognition of need to fairly compensate the copyright holders.

H.R. 2848 is of vital importance. Not only does it further our Nation's interest in making communications services available to all the people of the United States, but it also helps to assure that direct satellite broadcasting will continue to grow and prosper, and thus become a viable and competitive system of television delivery.

I call upon my colleagues to join me in recognizing the importance of this emerging technology and the rights of all Americans to share in the full wealth of communications which this country has to offer. I urge them to lend their full support to H.R. 2848.

Mr. SUNDQUIST. Mr. Speaker, I want to thank the gentleman from Virginia for bringing the issue of satellite home-viewer rights before this body today. It is high time that a fair and equitable solution be reached on this issue.

Mr. Speaker, my district in middle west Tennessee is mostly rural. The only access most of my constituents have to television service is with the assistance of a satellite dish. However, their access is being limited by the scrambling of signals by cable companies and the networks.

Let me point out that my constituents aren't looking to get something for nothing by using satellite dishes. On the contrary, they are more than willing to pay for the programs, as indeed the programmers deserve payment. But the conditions, terms, and prices must be reasonable and fair, and the only way to accomplish this is with a legislative solution that prevents monopolistic behavior by the cable industry, and ensures a competitive environment.

My constituents are only seeking a service, at a reasonable rate, that is not otherwise available to them because they reside in rural areas, beyond the reach of normal broadcast or cable signals.

I would like to urge my colleagues—particularly the members of the Energy and Commerce Committee—to take quick and positive action on two bills I have cosponsored: H.R. 1885—the Satellite Television Fair Marketing Act—and H.R. 2848—the Satellite Home Viewer Copyright Act.

Both pieces of legislation present a fair and reasonable solution that will balance the needs of both the programmers and the satellite dish owners by assuring reasonable rates for superstation and other cable programming, and by ensuring that fair marketing practices prevail for all encrypted satellite-cable signals.

Mr. STALLINGS. Mr. Speaker, I would like to thank my colleague from Virginia, Congressman Olin, for sponsoring this special order today. I also appreciate the work Congressman Tauzin has done on this issue.

I join with these gentlemen in expressing concern for the residents of our States who live in rural areas and do not have access to normal television transmissions or cable.

Idaho, the State I represent in Congress, is a large, rural State. Many of its residents do not live in towns and cities. As one resident of my State said recently, residents of the remotest areas of our State receive the same telephone service as the residents living in Boise, our capital. It is our responsibility, I believe, to see that other services we deem as necessities are provided as well.

Since coming to Congress a little more than 3 years ago, I have heard from many of the more than 10,000 home satellite dishowners in Idaho who have expressed concern and frustration. Many have invested thousands of dollars for satellite dish equipment to have access to basic local news programs as well as the incredibly diverse television programming previously available only to those wired to a cable system—but basic local news programs.

When I first came to Congress, my constituents were worried about plans by cable programmers and networks to scramble their signals. The overwhelming majority of these dishowners were willing—and continue to be willing—to pay a reasonable fee for satellite-transmitted programming. They recognized that they were receiving a service for which cable subscribers were paying. As programmers began to scramble, concerns turned to the availability and cost of decoders. Many believed that the costs to subscribe to these services would be significantly higher than those paid by subscribers in areas where cable service is available without dishes.

In fairness, I think it's important to realize that some of these concerns are being addressed. Decoders, for instance, which were not in ample supply initially, now are being built into the dish. Lease and purchase plans are available for existing dishowners. Cable companies claim that the rates for packages for dishowners are now being offered at a rate less than is charged cable customers. While that may or may not be the case, we must remember that satellite dish owners have had to make a substantial initial investment in hardware.

I am a cosponsor of H.R. 1885—the Satellite Television Fair Marketing Act—to encourage fair marketing practices for satellite communications. While I believe the marketplace is working in some areas—and this is certainly the preferred route—we must continue to be sensitive to the concerns facing these residents of our States. For example, satellite dishowners in Idaho tell me one problem they continue to face is the necessity of calling several places to secure the services they want. Others are concerned about scrambling public broadcasting programs, intended for public viewing.

In short, I believe we are beginning to see some progress made. However, based on frequent discussions with Idaho dishowners, I know frustrations remain. We must, as a body, continue to look for responsible ways to help these residents of our States.

Mr. TALLON. Mr. Speaker, it is with great pleasure that I rise today to speak again on behalf of the many television satellite dishowners in the Sixth District of South Carolina.

This district, like many others across the United States, is a beautiful rural area, containing many farms and small towns. In many of these towns, as is the case in outlying areas, cable television is not available. In fact, good reception of some nearby broadcasts is sometimes difficult. This need for better reception and expanded programming has led to the great increase in satellite television dishes—well over 2 million units—at substantial cost to the rural viewer.

Congress needs to act now to insure that the rights of the rural viewer and his investment are protected. Residents of populated areas have long enjoyed extensive programming with good reception through their cable television hookups. It is only right that residents of rural areas who own satellite dishes have similar programming available to them at a fair and comparable price.

The technology is available for rural dishowners to receive this programming. Legislation has been introduced to achieve this result. Let's push for action on these important bills and stop depriving a large segment of American citizens the freedom to receive information simply because they live and work in rural areas. The time has come to pass this home satellite television legislation.

Mr. CRAIG. Mr. Speaker, I would like to thank Mr. Olin for this special order today, to discuss an issue that is important to many Idahoans. Access to television programs for satellite dishowners has been an ongoing concern both for the satellite dish industry and its customers. The people in Idaho face a problem not uncommon in the West and in rural areas throughout the country: access to television signals. There is strong movement toward the scrambling of satellite programming, and many owners of dishes are concerned about their access rights. People in remote areas cannot receive typical television transmissions; they also have no access to cable. The only alternative for them is to purchase a satellite dish. Mr. Speaker, I can certainly understand the desire of satellite cable programmers to protect their satellite programming from unauthorized use. I also understand their need to be compensated for dishes that receive their signals. But the current marketing and pricing plans that cable programmers have developed have given rise to some very genuine concerns of home dishowners. For example:

First. Noncable interests would like to distribute cable programming. Why is it that no independent third-party distributor has been authorized to market the dozen or so scrambled services?

Second. Are rates artificially high for programming?

Third. Does the lack of manufacturers of descramblers create a slump in the home dish industry?

Fourth. Why is there a lack of package programming for channels that are scrambled?

These are some of the issues that need immediate attention. That is why I am here today to voice my support for a bill my colleague, Mr. Tauzin, has introduced, to ensure that the viewing rights of home satellite dishowners are protected and that dishowners are not locked out of receiving broadcasts.

Although many Members in the past have expressed concern for the reasonable access and pricing of programming in the dish market, no clear consensus has been reached on the issue. I believe Mr. Tauzin's bill incorporates many of the good ideas that have been presented in the past. The legislation is designed to ensure that programming will be made available to dishowners under a distribution system that does not discriminate in prices, terms, or conditions. Home satellite owners should be able to gain access to pay services at a fair and reasonable price. I also believe this legislation encourages a marketplace resolution. It requires that the marketplace for purchase of such services be open and competitive.

There are nearly 2 million home-satellite earth-station owners across the Nation. They are in need of some action that will give them a fair shake on programming. I appreciate the opportunity to help raise the issue today so that we can do something to remedy the problems that currently exist.

I would again like to thank Mr. Olin for providing us this time to discuss this important issue.

Mr. SPRATT. Mr. Speaker, when the gentleman from Virginia invited me to speak today in support of H.R. 1885, I welcomed the opportunity. I know how important this bill is to the citizens living in rural areas of my district in South Carolina.

A few weeks ago, I had the privilege of speaking to a high school class in my district about the U.S. Constitution. And after spending a good 30 minutes explaining how the framers built into our Government a system of conflict between the executive and legislative branches, I opened the floor to questions. My first question: "Where do you stand on scrambling?"

Today, over 2 million Americans receive their television programs directly from satellites. They depend on these signals to bring them the TV programs so many of us take for granted. For rural Americans, a satellite dish in the back yard is essentially important: for these Americans, an antenna on the roof does little good, and cable service stops at the city limit.

The scrambling of satellite-transmitted TV signals is therefore a real and understandable concern: dishowners are afraid they will be denied access to some programs altogether, that they will have to pay unreasonable fees for others, or purchase more than one expensive descrambler.

H.R. 1885 speaks to these concerns. This bill would ensure that dishowners have access to scrambled programming—at fair and reasonable rates.

Surely, access to television—at rates that are fair—is not too much to ask. I urge the House Telecommunications Subcommittee to move swiftly in approving H.R. 1885.

Mr. ROTH. Mr. Speaker, I appreciate the opportunity to participate in this special order, specifically to discuss fair marketing practices for satellite dishowners through the enactment of H.R. 1885, the Satellite Television Fair Marketing Act. I am proud to cosponsor this legislation.

Many of my northeast Wisconsin residents live in rural areas without access to cable television systems. As a result, many of them are investing in home satellite dishes, the only means available to receive the extensive programming services to which cable subscribers have access. H.R. 1885 does much to ensure the rights of those dishowners and to see that they are not victims of discrimination.

H.R. 1885 will prohibit the encrypting, or scrambling, of satellite programming from the taxpayer-supported Public Broadcasting Service and the Armed Forces Radio and Television Service. Further, it requires that any broadcasting service which encrypts programming for private viewing must make the same programs available to home satellite owners at a price not exceeding rates charged to cable subscribers.

The need for this legislation stems from the continuing development of new and different decrypting devices needed to view a scrambled signal. The programming industry commonly requires the purchase of these new decoders, resulting in persistently rising costs for satellite dish owners. This is blatantly unfair and discriminatory.

H.R. 1885 addresses this problem by seeking the establishment of an FCC-approved encryption system for all satellite television programmers. Anyone scrambling commercial satellite programming would be required to encrypt it in line with FCC specifications. This universal encryption system will expedite the creation and marketing of a standard signal decoder, eliminating the need for satellite dish owners to constantly buy new decoders.

This legislation will also require the Federal Trade Commission to conduct a study to determine whether the programming market is developing competitively and to take necessary steps to ensure competition. This is a positive step.

I urge my colleagues to join me in supporting this long-overdue protection for satellite dish owners, particularly those in rural areas who currently have no option but to accept the current restrictive practice by some commercial programmers.

Mr. ROGERS. Mr. Speaker, I want to begin by thanking the gentleman from Virginia [Mr. OLIN] for taking the time today to talk about this issue, which is extremely important to me and to many of my constituents.

In particular, I want to speak about the need to pass a bill I have cosponsored for two Congresses, H.R. 1885. This legislation is extremely vital for our satellite dish owners, and let me briefly explain why.

First, this bill would guarantee that dish owners would not be denied access to satellite programming. It would prevent programmers from ignoring the satellite dish market and would authorize the setting up of distribution systems to make sure that these programs are available to all who want them.

Second, this legislation will involve the FCC in making sure that a single descrambling device is used for all channels, and that any fees charged for watching satellite programming are fair and reasonable. This is very important in our rural areas, particularly for senior citizens who live on fixed incomes and who must depend on a dish for their link to the outside world.

Finally, this bill would ensure access to the commercial networks and to public broadcasting.

Mr. Speaker, I have heard from hundreds and hundreds of my constituents. They live in rural Kentucky, in the mountains or in remote areas of the State. They often cannot get cable service because of their location. A satellite dish is their only hope of viewing television programming. We must do all we can to ensure that these people have continued access to satellite programming, and I would urge the Telecommunications Subcommittee to move as soon as possible to mark up H.R. 1885. This bill, along with its companion legislation in the Senate, will provide us the means of solving many of the problems now faced by satellite dish owners in my district and all around the country.

I again thank the gentleman from Virginia for his taking this opportunity on the floor to discuss this issue.

Mr. EMERSON. Mr. Speaker, residents who own satellite dish receivers in rural Missouri and across the Nation are asking for our help with an inequitable situation—they are being cut off from television programming by scrambled TV signals.

In rural Missouri—in towns like Thayer, Hayti, and Ellsinore—access to most television program signals is limited, if it is even available at all. These residents cannot receive regular television programming the way most of the Nation can. Moreover, it is impractical for cable companies to run cable into these very sparsely populated areas. To remedy this problem, many of these rural residents have purchased, at great expense, a satellite dish to receive television programs, only to find out later that the television signals they were told they would be able to receive are not going to be scrambled.

Satellite dishes are very often a necessity—not a luxury—to those in rural America who want to get network and news programming. These people have bought their satellite dishes in good faith, only to find out that the equipment is virtually useless unless they now purchase additional descrambling devices—usually with a hefty price tag. But they have no choice if they want to receive television news and entertainment programming.

Many satellite dish owners believe—as I do—that the additional costs of purchasing descrambling equipment above a nominal fee is unfair. Not surprisingly, this dispute has been delivered to the doorsteps of Congress and I think it's time that Congress respond to this situation.

I have heard from hundreds of Missouri residents in the Eighth District who are concerned about the occurring and impending scrambling. Eighth District satellite dish owners are willing to pay for the programs they receive. However, they are not willing—and understandably so—to pay an unreasonable, inequitable price for the service available more cheaply to those who are able to subscribe to cable service—especially when they have already gone to the considerable expense of purchasing a satellite dish.

It is time to get down to business and put the finishing touches on legislation that will protect the viewing options enjoyed by those who have purchased dishes. Satellite dish owners are calling for congressional action on satellite dish legislation. They are not asking for anything more than equity with those who are able to receive cable television at a reasonable fee. Satellite dish owners are asking for consumer protection under the law. Let's stop our foot dragging in Congress, and finish the job. I call on the chairmen and ranking members of the Energy and Commerce Committee and the Judiciary Committee to move forward with legislation to address the very legitimate concerns of our satellite dish owners.

Mr. BLILEY. Mr. Speaker, I rise to express my concern over the satellite dish legislation being advocated today. As my colleagues know this legislation is currently pending in the House Energy and Commerce Committee's Subcommittee on Telecommunications and Finance. The Senate Commerce Committee recently reported similar legislation to the full Senate. In an effort to provide some balance to the discussion I offer the thoughtful additional and minority views of Senators INOUYE and STEVENS, which were included in the Senate report on that bill, and associate myself with their remarks.

ADDITIONAL AND MINORITY VIEWS OF MESSRS. INOUYE AND STEVENS

Despite the efforts of the authors to make positive changes, S. 889, the Satellite Television Fair Marketing Act, is bad legislation. Its foundation rests on circumstantial, anecdotal, and unproven claims. Its edifice contains ill-conceived and expensive remedies. Its precedential value is troublesome. We urge our colleagues either to improve it by amendment or reject it outright.

The television receive-only (TVRO) satellite dish market was created by a decision of the Federal Communications Commission (FCC) about 10 years ago. The Commission permitted persons to own these dishes but without any guarantee that reception would be protected from interference. These TVRO owners, moreover, still had to comply with the illegal interception language in the Communications Act (section 705) and the copyright laws, as well as other pertinent federal, state and local laws, such as zoning requirements.

With this decision and the lowering of TVRO prices, this market burgeoned, and today there are about two million TVRO owners. During this growth period, the questions of illegal interception and copyright remained, and in 1984, the Congress, in the Cable Telecommunications Act, passed a new section 705 that permitted the reception of unscrambled satellite programming under certain conditions. The rationale for this law was that programmers should only be able to control products where they make the effort—by scrambling—to do so.

Soon after this law was passed, programmers either began to scramble or announce their intention to do so. They could no longer afford to give their product away to such a large market without harming their basic business. At the same time, TVRO sales were escalating. The difficulty was that many TVRO sellers were not telling buyers that scrambling was coming and that they were not entitled under law to receive such programming. A recent survey in Satellite Orbit magazine showed that over one-half the TVRO owners said they were not so informed. When these TVRO buyers were eventually informed, they were not surprisingly angry, but not at the sellers who misrepresented the product. Rather, they were angry at the programmers who had a perfect right to scramble in order to protect their product. It is this situation that the Congress has been called upon to address.

There are also other related issues before the Committee. The proponents of S. 889 argue that the programmers and cable companies are engaged in anti-competitive acts. If such acts have occurred, we would be greatly troubled and would be the first to urge governmental action. But, as we will discuss below, the Committee has no proof of such acts.

S. 889 gives TVRO owners a right of access to cable programming delivered via satellite. The authors of this legislation compare this to the compulsory copyright license that permits cable operators to import broadcast signals at certain rates. In other words, the proponents argue that cable operators have a government-given right to retransmit and air broadcast signals, and TVRO owners should be able to do likewise with cable programming delivered via satellite.

This analogy has basic defects. Broadcast signals are shown for free, without restriction. The local broadcaster has no intent to control its signal. In fact, because it is advertiser driven, the larger the audience the better. In contrast, cable programming delivered via satellite is a wholsale product for use by cable systems. There is a definite intent in this case to limit the audience. The more appropriate analogy would be to television network signals sent for use by affiliates or other efforts to wholesale programming. It is important to note that in the case of television network signals, this legislation does not provide for a right of access.

A second concern with the provision of a right of access is that it applies to programming delivered for use by cable systems and not to programming sent via satellite for other uses. The sole exception to this policy is for public broadcasting and that is based on its government support. The authors' rationale for not applying this policy to television network programming is the need to protect local television affiliates. However, this bill does not provide people living outside of local affililates' broadcast areas with a right of access to television network programming. It only requires the FCC to look into this matter. As for all other current and potential uses of satellites to deliver programming, the bill is silent. But what happens if the movie industry decides to send its films via satellite rather than ship copies to each theater? What about new technologies, such as direct broadcast satellites, and their programming?

The authors' limited and somewhat arbitrary viewpoint in determining what programming TVRO owners should have a right to view leads to a fundamental problem with this bill. Just because a signal goes via satellite, the authors permit a right of access. However, what if programmers choose to send their product via microwave or optic fiber cable? Should we give people a right to access these signals too? At one time, programming was sent by these media, and there are plans to resurrect them. The Bell Telephone Companies are now considering an optic fiber system and may have it in place in 2 years. Where will TVRO owners be in such an event?

To construct policy based on the type of transmission media used makes little sense. Voice, data, and even video transmission sent through telephone circuits may go by landlines, terrestrial microwave routes, or satellites; yet, we have never constructed a different right of access policy for these transmissions depending upon the medium used. While some may argue that telephone transmissions are intended to be private, this misses the point. After all, cable programmers could then use the telephone circuits—even over satellites—and the right of access policy would not apply.

This legislation rests on a distinction without a difference. It bases its policy of a right of access on a transient market phenomena—that is, cable programmers' predominant use of satellite delivery—and not on what makes most sense over time. In doing so, it skews the marketplace by providing an incentive for cable programmers, and only these programmers, to use other transmission media.

RIGHT TO BECOME A DISTRIBUTOR

The heart of S. 889 is the so-called third party distribution provision. This provision requires programmers who distribute through a second party to establish reasonable criteria for all other persons (third parties) to become distributors and not to discriminate between distributors. The rationale for this provision is that no cable programmer currently uses a non-cable related distributor and that this results in higher prices and a lack of program packages. The authors believe that by forcing programmers to employ new distributors, these problems will evaporate.

As stated earlier, there is a basic problem with the evidence used to support this provision. Just because programmers distribute either themselves or only through cable cooperators does not mean that a competitive marketplace does not exist. The evidence, in fact, is to the contrary.

Program packages are available, and the prices paid by TVRO owners are the same as, if not less than, those paid by cable subscribers. For example, the average monthly price paid by cable subscribers for a premium movie service is $10.31. A TVRO owner paying an annual fee can obtain this type of service for $9.72/month (HBO). If the TVRO owner does not wish to pay annually and chooses two premium movie services (HBO and Cinemax), the price is $19.95/month or $9.98/month/service. If a TVRO owner wishes to subscribe to basic cable programming services, a package of 10 services can be purchased for $10.95/month, 14 percent less than the average monthly price paid by cable subscribers.

It should be noted that cable subscribers must first subscribe to basic services before being able to buy premium services. TVRO owners face no such requirement. In addition, there are over 75 program signals that are unscrambled and that TVRO owners can receive free of charge.

As for programming packages, they are available from a number of sources, including HBO, Showtime, Netlink USA, Skycable, and Rural TV. (Advertisements for some of these packages are included at the end of my views.) Thus, there is no evidence that TVRO owners do not have program choices or pay a higher price. The evidence presented by the bill's authors that cable programmers and cable operators continue to control the offering of these services is not only not surprising—it is an accepted business practice—but also of circumstantial merit. There is no hard evidence that anticompetitive practices have occurred. Under the antitrust laws, such practices are not per se violations, and evidence of harm must be produced. A similar burden should lie here. To impose the drastic remedy employed in S. 889 is simply not warranted.

In addition to lacking support, the third party distributor provision will result in numerous problems. First, it will foster endless litigation. Imagine a person seeking to become a distributor being rejected because the programmer claims to already have a reasonable number of distributors or because the programmer is unsure of the person's financial or character qualifications. Court is an obvious next stop, particularly in light of the liquidated damages provision of up to $500,000. To determine what are "reasonable financial and character criteria" and what is "discrimination" will take many years and many lawsuits. It is likely that these matters will still be unsettled when the provision terminates in five years. We all know that the laws we enact end up in court from time to time, but to create laws that are so prone to court challenge is something we should avoid. It demonstrates that the law is vague and the remedy uncertain.

Second, while the objective of the authors is to create new program packages, the result may likely be just the opposite. Rather than permitting their programming to be used in packages where they lack control, programmers may decide to sell only directly. Packagers with whom programmers may want to deal will then be unable to market this programming. While some might argue that programmers will not take this route, the decision for a programmer to market directly is not a remote possibility. Many do so today.

Finally, the authors want to create competition to distribution by cable operators, but the third party provision will, in fact, strengthen the hand of cable operators who want to become distributors of certain programming. While cable operators now distribute some programming to the TVRO market, programmers have the ability to withhold their product. With S. 889, programmers will lose this ability. Moreover, since cable operators are now distributing programming to the TVRO market, they will have a headstart over new distributors. This advantage coupled with the financial resources of certain large cable operators may well result in these operators dominating the TVRO market, which runs counter to the intent of the third party provision.

It is clear from these problems that the third party distributor provision has fundamental flaws. The authors seem to admit their approach has problems and have included in this legislation an investigation by the Federal Trade Commission on the very matter on which we are legislating. We agree that an investigation by an expert agency is the proper route. We can then know whether there is a genuine problem.

CONCLUSION

There may come a day when we need to legislate in the area of TVRO's. We supported the Congress's efforts to do so in the Cable Telecommunications Act of 1984. We would again support Congresssional intervention if, for instance, there was greater proof of anticompetitive conduct. That, however, is not the case here. We are moving forward based not on what exists but on what some claim exist. Such a foundation cannot long endure.

Mr. JEFFORDS. Mr. Speaker, I commend the gentleman from Virginia, [Mr. OLIN] for reserving this special order today. Access to reasonably priced satellite programming is an issue of utmost concern to thousands of dish owners in Vermont.

Satellite dish technology has opened up a whole new range of news, education and entertainment programs for residents of rural America. Americans who never got any educational or network television broadcasts now have a wider selection of programming than many of their urban counterparts.

I should point out that in Vermont, one of the most rural States in the Nation, it is not a question of satellite dishes replacing cable television or displacing local network broadcasts. In many areas of my State, residents are lucky to receive one or two channels. Cable will probably never be available in these areas, so there are simply no alternatives other than satellite dishes.

The promise of this new technology prompted numerous Vermonters to invest over $1,000 each on satellite dish receivers. Aside from movies and other entertainment, satellite dishes brought news, C-Span, educational and artistic programming into their homes.

Access to satellite programming, however, is threatened as more and more programmers scramble their signals. When the scrambling movement caught on back in 1985, I received many letters from dish owners. Almost across the board, they wanted access to programming at reasonable prices—prices which recognize the substantial investment that dish owners have already made.

Satellite dish owners are not looking for a free ride. They want to be treated fairly, and that is what this issue is all about—fairness.

I cosponsored legislation in the 99th Congress that would offer protection for satellite dish owners. This legislation has since been refined and reintroduced by my colleague, Mr. TAUZIN. It is called—appropriately—the Satellite Television Fair Marketing Act.

This legislation seeks to accomplish four main goals:

First, it requires programmers scrambling their services to make those services available to home dish owners.

Second, it directs the Federal Communications Commission to establish uniform standards for encryption of signals.

Third, in order to ensure the development of a competitive marketplace, H.R. 1885 requires an investigation of the pricing and distribution terms of persons selling satellite television programming to dish owners.

Fourth, it prohibits the scrambling of Public Broadcasting Service or Armed Forces Television programming intended for public viewing by television broadcast stations.

Legislation to protect home satellite dish owners has been pending before the Telecommunications Subcommittee since 1985. I join with others today in urging Chairman MARKEY to bring this legislation to the House for a vote.

Rural Americans deserve to be treated fairly, and the Satellite Television Fair Marketing Act would help ensure that they are.

Please join me in supporting this legislation.

Mr. SCHAEFER. Mr. Speaker, it's time to let the marketplace work. Too often we intervene in our economy at the first sign of difficulty; usually creating a worse problem than originally existed. We seem to forget that legislation should be a last resort—enacted only when a market has obviously failed. Few times, however, have we been more premature than in our consideration of scrambling legislation.

Scrambling is not a ploy to undermine the satellite dish industry: it is a justifiable means for cable programmers to protect their product. One need not be an economist to determine that a business will likely not flourish if a good number of consumers receive its product free of charge. It is true that scrambling provides the opportunity to deny programming to dish owners or to charge them exorbitant rates; in such cases, legislative intervention may be necessary. The facts point out, however, that this is simply not occurring.

Rather, a number of sources—including the Federal Communications Commission and the relevant committee in the other body—have concluded that cable programming can be purchased by dish owners at prices comparable or less than those being charged cable subscribers. As for availability, not only are all major networks available to dish owners, about 100 services are currently not scrambled and can be received by satellite dishes at no cost. It is interesting to note that this includes nearly 50 cable networks which offer programming that subscribers pay for. While it may be argued that not enough programming packages are currently available to dish owners, this can be attributed to the fact that so few services are scrambled. As more programmers scramble, more packages will result.

I would hope we all agree that without evidence of misconduct or harm to consumers, Government regulation is unwarranted. I urge my colleagues to examine the facts before again intruding into the marketplace. Mr. Speaker, we are already faced with a shortened legislative session—let's not waste time considering issues which are better left to resolve themselves.

Mr. MONTGOMERY. Mr. Speaker, I want to thank Representative OLIN for taking this time to talk about television programming access for satellite dish owners. This issue has sparked a lot of interest in my State, just as it has in other parts of the country.

Many people across the State of Mississippi do not have access to cable television. In order to tune in news, sports and movie channels, they bought satellite dishes and related equipment. Now that they have invested a great deal of money in this equipment, they find that most of the channels have been scrambled. Mr. Speaker, Congress has an interest in making sure all Americans have the opportunity to receive the wide-ranging types of programming available by satellite.

Most dish owners have said they are willing to pay a reasonable rate to be able to receive these services. They simply want to have access to the same kinds of programming enjoyed by others who have chosen to live in more urban areas, where cable television is offered.

The pending legislation will help restore fairness and will clear up confusion that has gone on too long. The bill we have cosponsored provides for a competitive rate structure and will make sure the process meets government standards. I hope Congress will be able to move ahead with this legislation in 1988.

Mr. UPTON. Mr. Speaker, there are over 56,000 people in the State of Michigan who have invested thousands of dollars in home satellite dishes. Many of these people are from middle and lower income groups, and have very little extra money. Most of these people live in areas that are unable to receive normal television transmissions and have no access to cable.

Yet, because these people want to communicate with the outside world like the rest of us, their only recourse is to invest their hard-earned money in a satellite system. They have to go to enormous effort just to receive the television coverage that most Americans take for granted. However, even after taking the initiative to purchase a satellite dish, people are not assured of the television reception they desire.

Because of a struggle among the big communications companies, many home dish owners still are denied the reception they thought they had purchased. As the various programming industries argue among themselves about new technologies and market shares, the average satellite dish owner is left out in the cold.

Whether we like it or not, television plays an extremely important role in our lives. T.V. is the prime source for news and entertainment for most Americans. It follows, then, that people who are unable to receive this service, are missing out on a vital aspect of American culture. This just doesn't seem fair, and I believe Congress has a responsibility to explore potential remedies to this situation.

That's why I support the efforts of the gentleman from Virginia [Mr. OLIN] to address this situation. That's also why I have decided to cosponsor H.R. 1885, the Satellite Television Fair Marketing Act. The purpose of this legislation is to allow home dish owners to buy programming at fair prices. It is not anticable; it merely allows programmers to be fairly paid for their services, and gives satellite customers the opportunity to purchase the television services that the rest of the country enjoys.

I pledge to do what I can to push for passage of this legislation, and I urge my colleagues to do likewise.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join today with several of my colleagues to bring the plight of satellite dish owners to the floor of the U.S. Congress. The people of northwest Arkansas, whom I represent, have a very strong interest in having access to the airwaves. My district covers a wide area which includes the Ozark Mountains and its accompanying valleys. Most sections are quite removed from metropolitan areas. As a result, they are unable to receive television signals from the larger cities.

Many have come to rely on their satellite dish as their window to the world. For example, in some areas there is a 3-day lagtime between publication and delivery of the daily newspaper. However, with a satellite dish individuals are able to watch the nightly news that same day. Others are several hundred miles from the nearest major league sports teams and their satellite dish provides a way for them to enjoy real time major sporting events. Some are simply unable to receive the simple day-to-day programming that most of us take for granted.

Conservative industry estimates place the number of satellite dish owners nationwide between 1.5 and 2 million. However, those numbers represent households—in actuality that means 7 to 8 million individuals.

This country has always held that access to the airwaves is a fundamental right. To deny this right to a group of American citizens is wrong.

When Congress enacted the 1984 "Cable Communications Policy Act," it was hoped that it would both ensure competition in the marketplace and thereby ensure program accessibility to the satellite dish owners. However, this has not proven to be the case.

Nevertheless, I understand that the broadcasters have legitimate concerns. They have a right to sell their products, namely satellite transmissions and programs. Further, they have a right to make a profit from their property.

That is why I am a cosponsor of H.R. 1885, the Satellite Television Fair Marketing Act, which provides for a compromise between all sides involved. The bill allows programmers to be fairly paid for their property, through scrambling and sale of their services, but the legislation further mandates that the marketplace be truly open and competitive. For satellite dish owners, the bill mandates that broadcasters scrambling satellite services intended for private viewing make those services available to home television viewers. This legislation does not prohibit scrambling. However, it does require that programmers deal fairly with the dish owners.

I would encourage my colleagues who serve on the Energy and Commerce Committee to continue their work on this bill and to report the legislation favorably as soon as possible.

Mr. NICHOLS. Mr. Speaker, about one-half of Alabama's Third Congressional District, which I represent, is located in the foothills of the Appalachian mountains. Within this gorgeous terrain, areas exist where, with a 100-foot antenna, one might receive one or two television stations. In these mountains, our cable companies cannot operate profitably, therefore, with the exception of some towns, cable television does not exist.

The only way many of my constituents can receive national programming of the variety we get in this city, is to purchase an expensive satellite dish. This represents quite an investment for a family and I have received hundreds of letters over the past 2 years from dish owners, complaining about the networks scrambling their signals and charging excessive fees for monthly access when decoders were not even readily available. Our constituents believe, and correctly so, that their tax dollars financed the research that allowed the satellites to be launched in the first place. They realize that certain satellites are owned by private enterprise but they also believe that they have every right to benefit from these satellites, and they are willing to pay a reasonable access fee for this service.

I was hopeful that the Federal Communications Commission might mediate a solution to this problem some months ago but this has not been the case. If the FCC is not going to take care of our constituents through regulation, then the Congress needs to act in providing some relief so that rural America may benefit from the television coverage that we here in Washington take for granted.

For this reason, I join with other Members of Congress in cosponsoring legislation which permits dish owners to have access to the same programming that is available to cable television subscribers.

I want to commend my friend and colleague, Congressman OLIN of Virginia, for organizing this special order so that we can express our concern for this real problem. Mr. OLIN's district in the foothills and mountains of Virginia, is similar to the topography in my district in Alabama. Our people experience the same problems in television reception and I deeply appreciate his calling for this special order to address this problem. Thank you.

Mr. BRENNAN. Mr. Speaker, I rise today as a cosponsor and strong supporter of H.R. 1885.

H.R. 1885, the Satellite Television Fair Marketing Act, would ensure that scrambled satellite signals are provided to home satellite dish owners under fair terms and for fair prices. This bill does not prohibit scrambling; it merely ensures that the market that the cable companies virtually control, develops competitively. By allowing the cable companies control over the satellite market, we are denying the most needy people this service.

Home satellite dish owners are being discriminated against. This problem is particularly prevalent in rural areas where there is no alternative access to cable or any other broadcasting service.

Based on nationwide statistics, Maine has approximately 9,000 home satellite dish owners. Many of these people live in rural areas of the State with no other broadcast signals. They depend on access to these satellite signals. I am concerned about these people and I believe that they have a right to access to broadcasting signals for a fair price. Television should not be an unobtainable luxury for these people.

I join with my colleagues in support of H.R. 1885 to ensure home satellite dish owners access to scrambled satellite signals.

Mr. LOTT. Mr. Speaker, I am pleased to join this special order of the gentleman from Virginia [Mr. OLIN] on the issue of television program access for satellite dish owners. I want to commend the gentleman for taking this time to call attention to the nature of the problem and to demonstrate the degree of support in this Congress for an acceptable legislative solution.

As most of my collegues are well aware from their constituents, satellite dish owners are rapidly losing access to more and more programs due to the scrambling of TV signals. This is particulary disruptive for people living in rural areas, as in much of my own State of Mississippi, who are far removed from the signals of metropolitan TV stations and who have no access to cable. They are dependent on their satellite dishes as their sole means of receiving TV programming.

Mr. Speaker, to remedy this problem, I have joined with my good friend and colleague from Louisiana [Mr. TAUZIN] in cosponsoring H.R. 1885, the "Satellite Television Fair Marketing Act of 1987." I am pleased that this legislation now enjoys the strong support of 125 of our colleagues in the House.

This bill would require those who scramble satellite services intended for private viewing to make it available to satellite dish owners. If they sell their programming through others, the bill would require that they must also establish reasonable business criteria so others may qualify to distribute their programming.

The bill would further give the FCC authority to establish uniform standards for scrambling and initiate rulemaking to facilitate the provision of network television signals outside the range of broadcast station signals.

The FCC would also be charged with investigating the pricing and distribution terms of persons selling satellite programming to home satellite antenna owners to determine whether the market place is developing in a competitive fashion.

Mr. Speaker, I am greatly encouraged by the fact that the Senate Commerce Committee last fall reported a nearly identical bill to the Tauzin bill, requiring that programmers who scramble signals to cable owners make it available to dish owners. I am hopeful this action will prompt our own Energy and Commerce Committee to report H.R. 1885 in the very near future so that satellite dish owners will no longer be relegated to the status of second class citizens by mere fact of their geographic situation.

PERSECUTED SOVIET CHRISTIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. PORTER] is recognized for 60 minutes.

Mr. PORTER. Mr. Speaker, as you well know, this year marks the millenium of Christianity in Kievan-Rus, which is now part of the Soviet Union. Today, on Ash Wednesday, countless Soviet citizens are denied the opportunity to observe this holy day with the dignity and ceremony and passion it merits.

The Soviet Union is a signatory to the Helsinki Accords, the International Covenants on Human Rights, and the United Nations Universal Declaration of Human Rights. The Soviet Union's own Constitution guarantees freedom of religion. It is, Mr. Speaker, a sorrowful reality that Soviet words are not followed by Soviet actions. Over 160 known Soviet Christians languish inside Soviet prisons and psychiatric hospitals for simply teaching religion to the young or distributing the Bible.

Changes in the Soviet Union since Gorbachev came into power are, unfortunately, largely cosmetic. Although I welcome the reforms and am encouraged by the expansion of permissible dissent, I fear that these changes are not felt outside Moscow and Leningrad. I am concerned that the improvements in Soviet human rights in 1987 are not being reinforced by substantive policy changes that ensure the continuance of those improvements in 1988, 1989, 1990, 2000 and thereafter.

Ash Wednesday is the beginning of Lent when we are asked to give up something to mark the crucifixion. It is ironic that Soviet Christians are asked not to give up something symbolic but their religion itself. After 1,000 years, Christians throughout the Soviet Union struggle for the right to practice their religion openly.

This year provides an excellent opportunity for the Soviets to demonstrate their commitment to human rights by providing a general amnesty to the over 250 prisoners and exiles held solely for their religious beliefs.

Mr. Speaker, upon request of the Soviets, the Helsinki Commission recently met with Soviet legislators to discuss a formal body, including Members of Congress and Members of the Supreme Soviet, which will focus on congressional human rights concerns. You can be sure that the plight of Soviet Christians will be high on the agenda.

Mr. LANTOS. Mr. Speaker, today in this country and throughout the world, Christians celebrate Ash Wednesday—the beginning of Lent. In the Soviet Union, this period also marks the 1,000th anniversary of the introduction of Christianity in Kievan Rus. Despite its long and glorious history and its lasting impact upon Russian culture, Christianity in the Soviet Union today faces persecution that some liken to the earliest martyrdoms.

In our great country, religious freedom has always been, and continues to be, a right which all Americans accept and cherish, although we are frequently divided over how to interpret nuances of the First Amendment's prohibition against the establishment of a state religion and its guarantee of free religious expression. On the other hand, in the Soviet Union there is no debate, there are no constitutional protections, there is no religious freedom. Soviet communism is a jealous god, tolerating no others.

There is a very conscious effort on the part of Soviet authorities to stifle religious practices in their own country. For instance, Soviet criminal law specifically prohibits formal religious instruction to children under 18 years of age, it requires the registration of all religious organizations—including the names of individual members of the organization—and it prohibits the defense of religious institutions in the face of incessant atheistic propaganda. In addition, Soviet authorities also invoke a host of seemingly unrelated antiparasitism and prohibited trade laws to discourage and dissuade those who wish to practice their religion.

Incredibly, religious detainees often spend longer terms in prison than individuals guilty of violent crimes, because they refuse to sign statements retracting their beliefs, which are required for early release. Currently, we know of at least 169 such prisoners of conscience in the Soviet Union, imprisoned for their religious beliefs and practices.

Perhaps more threatening to religious individuals than imprisonment or public harassment, is the prospect of losing their children to the state. Authorities in the Soviet Union have invoked the Soviet Family Code to forcibly break up families under the code's provision mandating that parents raise their children as "worthy members of socialist society."

The Soviet Union has pledged in international agreements to recognize basic human rights. To satisfy these international obligations the Soviet Union should make the following changes: (1) churches and religious societies should be granted legal status; (2) church property must be controlled by churches, not the Government; (3) religious organizations should be allowed to counter atheistic propaganda; (4) religious instruction should be freely available and groups must be free to form without registering; and (5) religious individuals should be allowed to emigrate.

If the Soviet Union is serious about expanding thought, criticism, and creativity, if glastnost is to be interpreted as openness and not as simply improved public relations, then let the Soviets prove this by granting Soviet citizens basic religious freedoms.

Mr. Speaker, I would like to call to the attention of my colleagues one specific victim of religious repression in the Soviet Union, Viktor Samuilovich Walter. Mr. Walter is a Pentecostal pastor of the unregistered church in Chuguyevka. He has been imprisoned since November 1985 for keeping his children from school, where they suffered persecution for their religious beliefs. Mr. Walter is serving a 5-year sentence and wants to emigrate from the Soviet Union with his wife and seven young children following his prison term. I urge the Soviet Government to release Mr. Walter and permit him and his family to emigrate.

Mr. Speaker, I call upon my colleagues in the Congress to join us in marking this day in celebration of the season and by calling attention to the continued repression of churches and religious individuals in the Soviet Union.

Mr. GILMAN. Mr. Speaker, I would like at the outset to thank my colleagues on the human rights caucus, Congressman LANTOS, Congressman PORTER, and Congressman BOULTER, for arranging today's special order. It is an important issue which deserves our timely attention.

Although we have been led to believe that the Soviet Union is an atheistic society, the truth is that there are many millions of faithful believers who adhere to the tenets of a particular church or religious philosophy. Because of their faith, Christians in the Soviet Union who depart from official registration are frequently the target of official reprisals against them. These take many forms, including the restriction of religious materials, the appropriation of church buildings for museums, the discrimination of adherents in the areas of education, employment, and housing, and the arrest and imprisonment of many priests and other religious leaders.

Those who belong to a group which has been officially allowed to register with the Ministry for Religious Affairs find their lives governed by officially sponsored and approved religious leaders who take their orders from the Ministry. The freedom to worship in the manner which they desire is therefore set by Soviet authorities. Those who refuse to conform to the religious standards set by the state are then subject to harassment and possible arrest.

This year Soviet Christians will be celebrating 1,000 years of Christianity in Russia. They deserve our support for their efforts to practice their religion freely. The Soviet Union is signatory to the Helsinki Final Act, which specifically guarantees citizens of signatory nations the "freedom of thought, word, religion or deed." Glasnost notwithstanding, Soviet Christians continue to face severe obstacles in their pursuit of religious freedom. Therefore, it is our moral responsibility as Americans who believe in freedom of religion to support these men and women in their attempts to promote Soviet compliance with this principle of the Helsinki Final Act.

Mr. Speaker, last month I had the opportunity to spend several days in Moscow. While there, I had the opportunity to meet with a group of Evangelical Christians, who relayed to me the ongoing obstacles to their freedom of worship. They and many other Christians, including Pentacostalists and Baptists, Catholics and many others, continue to suffer for their religious beliefs. Today's special order is our message to them that they are not alone. We know of their plight, and we support them as they continue their struggle for religious freedom in the Soviet Union.

Mr. WOLF. Mr. Speaker, there is a provision in our Constitution whereby our Founding Fathers guaranteed religious rights for all Americans. Americans have incredible opportunities every day to express or not to express their religious desire. We can ride down the street and see many places of worship and are free to enter them or not. We are free to worship as we please and free to speak and meet with the religious liberty we possess.

There are Christians, however, who are imprisoned and persecuted in the Soviet Union for practicing their faith. Communism, as an ideology, holds no guarantee for religious rights. Josef Stalin said in 1927 that:

> The Communist Party cannot be neutral toward religion. It stands for science, and all religion is opposed to science.

This has been the mindset of the Soviet Communist Party, from Lenin to Gorbachev, toward religion.

Religion and communism have been historical enemies and Communist officials have been intolerant toward expressions of religious faith. While we hope that the reforms taking place in the Soviet Union can change inherent attitudes in Soviet political culture, the persecution and antagonism of Christians and Christianity in the Soviet Union is embedded in the doctrines of the Communist Party and was articulated by Karl Marx in 1844:

> The abolition of religion as the illusionary happiness of the people, is the demand of real happiness . . . the imaginary flowers of

religion adorn man's chains. Man must throw off the flowers, and also the chains.

Present Soviet policy puts pressure on all religious believers despite the Soviet Union's signature on such international affirmations of religious freedom as the U.N. Charter, the Universal Declaration of Human Rights, the U.N. Declaration of Religious Intolerance, and the Helsinki Final Act. In fact, at this very moment we find Christians who are persecuted and incarcerated in gulags and psychiatric hospitals for their religious activities, unregistered or unofficial churches are closed and their members harassed, and Christians are unable to join the Communist Party and are excluded from the privileges of special jobs and apartments that this status brings. In the Soviet Union Bible production and distribution and the training of seminarians and pastors lags far behind the need of the Soviet population, and religious gathering of any kind outside the official churches is strictly prohibited.

We have seen some movement on behalf of the Soviets to address the problems of their religious population. Our colleague CHRIS SMITH and I attended a recent conference in the Netherlands where we talked to the Soviet delegation and submitted a list of Christians still imprisoned in the Soviet Union. We pushed the Soviet delegation for a general amnesty of Christians and specific religious liberty issues. While dialog such as this is always promising there remain many persecuted and imprisoned Christians in the Soviet Union.

One such imprisoned Christian is Vasily Shipilov, who is a 65-year-old Russian Orthodox believer who has spent 47 years in a Soviet psychiatric hospital. He was arrested in 1939 as a 17-year-old seminarian and sentenced to 10 years of hard labor. He was released in 1949 but was arrested again the same year for preaching his faith. Since that time he has been diagnosed as schizophrenic and confined to psychiatric hospitals. In 1979, Shipilov was discharged from his psychiatric imprisonment but because he had no living relatives he could not leave and remains confined in his hospital prison.

Vasily Shipilov's case has been taken up by the Reverend Doctor Richard Rodgers. Reverend Rodgers is a man whom I would like to recognize as someone whose commitment to Soviet Christians is extraordinary. The Reverend Rodgers is this very day beginning a demonstration in London's Trafalgar Square. He will spend the season of Lent—Ash Wednesday to Easter—in a cage, with his head shaved and eating only bread and water to simulate the conditions Vasily Shipilov has to endure because of his faith. Reverend Rodger's commitment to Christians is most commendable. His actions have graphically brought to the world's attention the horrors faced by prisoners of faith in the Soviet Union.

What is needed is commitment similar to that exhibited by Reverend Rodgers and rekindled interest, by Christians of all denominations, churches, church organizations, and schools, in religious liberty and Christians imprisoned in the Soviet Union. Keston College, the foremost authority on imprisoned Soviet Christians, has documented a list of 168 Christians who have been imprisoned for their faith. While religious freedoms in the Soviet Union are restricted the religious community in the United States has been strangely silent in this regard.

The Jewish community in the United States is highly motivated on behalf of Soviet Jewry. My wife, Carolyn, and I attended the December 7, 1987, march for Soviet Jewry and were impressed by the numbers of people that attended and the lengths they traveled to get to Washington, DC, for the march. If Protestants and Catholics were equally motivated on religious liberty issues, the march assembled in Washington could potentially be one of the largest in the world. Soviet Christians and religious liberty issues, however, do not elicit the same emotional response in this country as Soviet Jewry. Fellow Christians in the United States have simply not taken up the cause.

There are specific actions Christians and those interested in religious rights in the Soviet Union can take to help believers in the Soviet Union. Letters and cards to the prisoners and the prisoners family and letters to Soviet officials, including General Secretary Gorbachev, will alert Soviet authorities that the believers in the United States have not forgotten their Soviet brethren.

Some of my colleagues and I have sponsored a project called the Christian Adoption Program where Members of Congress "adopt" individual prisoners. The man that I have adopted is Viktor Petkus. Viktor is a 57-year-old Lithuanian Roman Catholic who has been arrested three times because of his efforts on the Helsinki Human Rights Monitoring Group and his fervent activities in religious youth work. He was tried in 1978 and sentenced to 3 years prison, 7 years strict regime camp, and 5 years of exile under Soviet law 241/3 which prohibits involving minors in criminal activity. Viktor's crime was his religious work with Lithuanian young people. In adopting Viktor, my staff and I have written to Viktor and have circulated and signed letters with other Members of Congress asking General Secretary Gorbachev for Viktor's release.

Letter campaigns, persistent attention to Soviet Christians and religious liberty issues, and the "adoption" of individual churches and prisoners in the Soviet Union will keep Soviet Christians and religious persecution at the forefront of the United States Soviet dialog and will contribute immensely in gaining the freedom of Soviet prisoners of faith.

If we are serious about helping our fellow brothers and sisters in the Soviet Union there are organizations to contact for information. If anyone would like to know how to adopt a Soviet Christian who is being persecuted for religious beliefs or otherwise help Soviet Christians who are imprisoned the "Coalition for Solidarity with Christians in the USSR" which is located at 729 15th Street, NW., Suite 900, Washington, DC, 20005, and "Open Doors International" whose address in Box 27001, Santa Ana, CA 92799, are ready and willing to help direct those interested in helping Christians in the Soviet Union.

This year is the millennium of Christianity in the U.S.S.R. The 1,000 years that Christianity has survived in the Soviet Union amidst the turmoil and change illustrates the deep-rooted faith of the Russian people. We have had dialog with, and promises from, Soviet officials concerning Christians in the Soviet Union. Members of Congress, the religious community, and all Americans interested in human and religious rights have the unique opportunity to bring to the attention of General Secretary Gorbachev and President Reagan, at their upcoming summit in Moscow, the plight of Christians in the Soviet Union. Glasnost gives us a chance for frank and open dialog with Soviet officials at the highest levels on human rights and religious liberty. We must seize this opportunity for Vasily Shipilov, for Viktor Petkus, and all persecuted Christians and Christianity in the Soviet Union.

Mr. BOULTER. Mr. Speaker, I rise today to take part in this special order and to make my colleagues and the American people aware of my concern about a specific Soviet Christian, Vasili Shipilov, who has spent 47 of his last 48 years in incarceration.

In 1939, Vasili was arrested during the Stalinist purges of the 1930's for his religious convictions while studying as a committed Russian Orthodox believer at the Clerical Seminary. After his release in 1949, he was again arrested on charges of anti-Soviet propaganda, but was declared mentally incompetent, diagnosed as schizophrenic, and placed in the special psychiatric hospital in Kazan. As a result of beatings and insulin injections, he began to suffer from convulsions. The diagnosis was changed to epilepsy and they began to treat him for the convulsions. For over 29 years Shipilov was constantly beaten for crossing himself and for fasting. He was pressured to renounce his religious convictions. In 1960, Shipilov was confined to the Sychevka SPH where the head of section 9, Yelena Masimova, repeatedly told him, "You will be here until you renounce your faith, unless you're killed first." Serbsky Institute Prof. Yelizaveta Kholodkovskaya, who headed the commission for discharges, constantly told Shipilov that no one knew about him and no one would ever know, and therefore "anything might happen" to him.

In August 1977, Shipilov was released from the Sychevka SOA and sent for compulsory treatment to a general psychiatric hospital in the settlement of Poimo-Tiny.

Vasili has no family; most of his relatives were shot or died in labor camps between 1937 and 1947.

With the celebration of the millennium of Christianity's arrival to Kievan-Rus in 988 to be commemorated this year, I am sending a letter to General Secretary Gorbachev signed by a number of my colleagues requesting that the Soviets release Vasili and truly grant him the right to live and worship as he chooses. The Soviet Constitution and various international human rights accords, to which the Soviet Union is a signatory, guarantee the exercise of religious freedoms. This is an ideal year for the Soviets to prove to the world that their policy of glasnost truly extends to allow Christians in the Soviet Union like Vasili to freely worship and practice their faith.

Further, the general characteristics of Soviet repressive psychiatry represented in Vasili's case are alive and well amidst the present clamor over glasnost and perestroika. The Soviets are talking about cleaning up their widespread psychiatric abuses. I, for one, look forward to seeing some real action behind this talk to stop one of the most egregious Soviet violations of international human rights—for Christians, Jews, and all prisoners of conscience within the Soviet Union.

Mr. HENRY. Mr. Speaker, clearly, winds of change are blowing across the Soviet Union. But only time will tell if they are the warming winds of freedom and human rights or the old cold winds of the Siberian north. While we welcome the promise of glasnost, we must not be beguiled into thinking that promised change necessarily indicates a firm commitment to changed conditions—only carefully monitored changes in government policy and performance make such a determination.

Roughly one-third of all religious and political dissidents imprisoned in the Soviet Union today have been sent to jails, prisons, labor camps, and psychiatric institutions since Secretary Gorbachev came to power. The Soviet Union still refuses to allow legal personhood to religious communities. Religious adherents are still imprisoned or even placed in psychiatric institutions—a practice so abhorrent that the Soviet Union has been forced to withdraw its membership from the World Pyschiatric Organization.

While it is true that there have been well-publicized individual releases of religious dissidents in the Soviet Union in recent months, of those prisoners which have been released, most have not had their sentences commuted, nor received pardons. Many were simply released on "orders from a higher authority." A few had been warned that if or when things change, they would be picked up again to finish their term of sentence. While Soviet authorities are reported to be currently reviewing their entire set of interlocking criminal codes, the additions to the criminal code in 1983 which placed greater restrictions on believers and in many cases lengthened sentences, still remain law.

Over 2 months ago, a letter addressed to Secretary Gorbachev and signed by 257 of my colleagues was delivered to the Soviet Embassy. In an effort to remind the Soviets of their obligations under the Helsinki accords which states that: "Everyone has the right to * * * manifest his religion or belief in teaching, practice, worship and observance," this letter outlined 17 broad categories of the types of religious oppression and repression which Soviet citizens face. We have yet to receive any type of acknowledgement or response to this letter.

The State Department's "Country Report on Human Rights for 1987" states that "prison and camp conditions have not improved this year; they may have grown worse, owing to more consistent regulations which are harsh. Life in prison continues to be marked by isolation, poor diet and malnutrition, compulsory hard labor, beatings, frequent illness, and inadequate medical care."

1988 marks the millennium of the celebration of the Russian Orthodox Church. Nothing would be more fitting in a way of recognizing this event than the release of and general amnesty for all Christians who have been persecuted and imprisoned for their acts of faith. Meanwhile, we will continue to press for the promises of glasnost to become reality for these individuals.

Mrs. ROUKEMA. Mr. Speaker, we in the United States hear quite a bit these days about openness in the Soviet Union, about new freedoms and rights under the rubric of glasnost. And when we do hear about Soviet oppression it is most often in reference to Jewish refuseniks who remain heavy on our minds and hearts because we care so deeply about their cause and their fate. But we should not forget other Soviet citizens who endure oppression for their religious convictions.

Today, we commemorate and draw attention to the Soviet Christian whose plight is less famous but no less tragic. The Soviet Union is still a country where religious freedoms are not recognized, nor permitted. Take the case of Stepan Mefodyevich, a 56-year-old Baptist man who was arrested in April 1986 for violating the laws on separation of church and state, infringement of the person and rights of citizens under the guise of performing religious rituals, and slandering the Soviet state and social order. Stephan Mefodyevich was sentenced to 5 years' strict regime camp plus 3 years exile. He is a man with nine children, four of which are minors, and for his so-called crime, he must wait until 1994 before he can hope to be with his family once again.

Religious tolerance is one of the most fundamental rights known to man, and yet it is not recognized in the Soviet Union. I join my colleagues in commemorating the 1,000 years of Christianity in Russia by urging Soviet Leader Gorbachev to begin the process of glasnost by releasing Stephen Mefodyevich and acknowledging religious freedoms and tolerance in his country.

Mr. HOYER. Mr. Speaker, as chairman of the Helsinki Commission, I am pleased to take part in this special order on the plight of Soviet Christians in the Soviet Union. I commend my colleagues JOHN PORTER, also a member of the commission, TOM LANTOS, and BEAU BOULTER for their initiative in bringing this issue to the attention of Congress and the American people.

In May 1986, the Soviet journal Our Contemporary published a piece by the prominent Russian writer Viktor Astafyev entitled "Who Stole Our Soul?" I would like to quote from parts of that article:

"What happened to us? * * * who hurled us into the depths of evil and misfortune, and why? Who extinguished the light of goodness in our soul? Who blew out the lamp of our conscience, toppled it into a dark, deep pit in which we are groping, trying to find the bottom, a support and some kind of guiding light to the future?

"* * * they stole it from us and did not give anything in return, giving rise to unbelief, an all encompassing unbelief * * *

"To whom should we pray? From whom should we ask forgiveness?"

Mr. Astafyev knows the answer although he doesn't come right out and say it. The party stole that guiding light to the future when it declared war on religion. Stalin intensified the war in 1929 by a murderous attack on religion that resulted in the deaths and imprisonment of thousands of priests and ministers. Mr. Khrushchev assaulted religion in the early 1960's when churches all over the Soviet Union were closed, and religion was savaged in the press. Although General Secretary Brezhnev signed the Helsinki accords in 1975, during the Brezhnev era thousands of believers were imprisoned or otherwise persecuted for attempting to practice the religious freedom guaranteed them under the accords.

But now, under Mr. Gorbachev, a few perceptive writers such as Mr. Astafyev and others, have begun, if only indirectly, to publicly criticize the Soviet Government for repressing religion. They have begun to admit the truth of what the psalmist said over 2,000 years ago when he wrote: "Except the Lord build the house, they labor in vain that built it. * * *"

But this truth has also been raised in the past by individuals who have not been fortunate enough to be published in the Soviet press. Indeed, some of them are in prison for expressing similar thoughts. I am thinking in particular of Fathers Sigitas Tamkevicius and Alfonsas Svarinskas who, from their pulpits in churches in Lithuania, exposed the effects of enforced atheism on their people: the alcoholism, the crime, the indifference to human dignity, the deep cynicism, and untruthfulness that pervades so much of Soviet society. They are now in Perm Camp 35, serving long sentences for "anti-Soviet agitation and propaganda."

Father Viktor Rusak, a Russian orthodox priest, attempted to "fill in the blank spots" as General Secretary Gorbachev would say, on the Soviet Government's long history of repressing Christianity. Father Rusak shares Perm Camp 35 with Fathers Tamkevicius and Svarinskas.

In Latvia, a number of Lutheran priests have been actively attempting to reinstill religious faith in their people after years of stagnation and indifference. Regrettably, the hierarchy of the Lutheran Church has chosen not to support these pastors, but rather to deprive them of their parishes and fire them from their positions at the Theological Institute. The Ukrainian Church, outlawed at an illegal synod in Lvin in 1946, remains illegal. Dozens of Baptists, Pentecostals, and Jehovah's Witnesses remain imprisoned.

Mr. Speaker, there have been some positive changes in the Soviet Government's attitude toward religion. Perhaps, as Mr. Gorbachev attempts to reinvigorate the Soviet economy, he and his policymakers have come to realize the importance of religious invigoration. From approximately 270 Christians in labor camps and exile about 1 year ago, the number now, according to Keston College, is around 150.

Nevertheless, men like Fathers Tamkevicius, Svarinskas, and Rusak, and many other devoted Christians still languish in labor camps or exile. Last year, Konstantin Kharchev, chairman of the Soviet Council on Religious Affairs, told Senator LUGAR that "all prisoners of faith" would be released by November 1987. This has not taken place. In this year of Christianity's millennium of Kievan Rus', I call upon the Soviet Government to release the remaining prisoners of faith and allow them to continue their Christian witness to their fellow citizens.

Mr. MRAZEK. Mr. Speaker, as we commemorate the millennium of Christianity in

Kievan Rus', which is now part of the Soviet Union, it is important to acknowledge how difficult it is for many Soviet Christians to openly practice religion. Unfortunately, the much discussed policy of glasnost—openness—has done little to provide religious liberty in the Soviet Union.

For instance, Ivan Plett, a Baptist that I have adopted as a Soviet Christian, was arrested in July 1986 for the third time. Soviet authorities had been confiscating religious literature during searches in the homes of several members of his church. Ivan had been working underground for the church, in order to sustain the church in some way. He has since been sentenced to 5 years in a strict regime camp.

No one in the Soviet Union or any nation should be in Ivan's situation. Like Ivan, many are there because they organized religious classes for children or read the Bible. Unfortunately, there are nearly 200 believers of many religions in psychiatric hospitals, prisons and labor camps in the Soviet Union today. And those in psychiatric hospitals are forced to renounce their belief in God, when promises of immediate release are brought forth.

This repressive policy must stop. I strongly encourage the Soviet Union to grant general amnesty to all Christians who have been imprisoned because of their religious beliefs. The distribution of Bibles and other religious materials should not be a crime. To worship or teach one's faith in church or at home should be permitted without question. I believe that now is the time for a strong Soviet commitment to comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe and other pertinent agreements.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in support of the powerful statement which will be made in the coming 40 days of Lent by Englishman Dick Rodgers. Dr. Rodgers is an orthopedic surgeon who is an Anglican priest and has now committed his life work on behalf of the Christians imprisoned in the Soviet Union. Today in London's Trafalgar Square in a makeshift prison—designed to highlight conditions in a Soviet prison—Dr. Rodgers began his 40-day bread and water only fast.

Mr. Speaker, Dr. Rodgers is focusing on the specific case of Vasili Shipilov, but joins us in spirit in calling for the release of all Christians imprisoned in the Soviet Union because of their religious convictions. Mr. Shipilov was first arrested at the age of 17 and has since spent 39 years in labor camps, prisons and psychiatric hospitals. In a remarkable testimony to the power of faith and human courage, Mr. Shipilov tenaciously clings to his faith. Currently he is in a psychiatric hospital in Siberia. His "crime" was preaching the gospel and denouncing the horrific tactics of the Stalinist regime. His story is only one of the nearly 200 cases of imprisoned Christians about which we have specific information. These are only the cases about which we have detailed, reliable information; responsible human rights activists have suggested that there are many, many more.

Mr. Speaker, I believe our concerted efforts in calling for an amnesty for these religious men and women is an issue whose time has come. This is not an emigration issue—and certainly that issue is important—Mr. Speaker, but this is a call for religious liberty and freedom for those who are tortured for their faith. In December, I was joined by my good friends, BEAU BOULTER, JOHN PORTER, TOM LANTOS, FRANK WOLF, and PAUL HENRY, introducing a resolution which outlines our concerns. The initiative, House Concurrent Resolution 223, now has about 140 cosponsors and we've only just begun to organize congressional support. I ask unanimous consent to include the text of the resolution in the RECORD following my comments here on the floor today.

Mr. Speaker, in early January, my good friend Representative FRANK WOLF and I had the opportunity to raise the matter of religious freedom and the imprisoned believers with Feodor Burlatskij, chairman of the newly formed Soviet Commission on Human Rights. The frank exchanges which we had with Mr. Burlatskij helped underscore the growing concern in the United States and in the West for religious freedom. We presented lists of specific prisoners to Mr. Burlatskij and we expect a followup to our discussions in the near future.

A couple of weeks ago I had the opportunity to present again our grave concerns to Soviet officials with respect to the peoples of all faith in the U.S.S.R. In a panel discussion with Vasiliy Zakharov, Soviet Minister of Culture, I made it clear that the prerequisite for respect and trust by the West, and especially the United States of America, was authentic protection of human rights for all Soviet citizens—including the freedom to worship and practice one's faith in homes and in churches.

Over the last few weeks, Mr. Speaker, I was pleased to hear from a number of top-level administration officials, including Secretary George Shultz, Ambassador Richard Schifter and Deputy Secretary John Whitehead that the release of the imprisoned Christians, and people of other faiths, is very high on the U.S. priority list.

Mr. Speaker, I believe the Congress and the administration and all who negotiate on our behalf with the Soviets should continue stressing the U.S. connection between international security measures and human rights. We must continue to raise a unified voice of concern for not only the specific Christian individuals included in this list but all people of faith—Christians, Jews, Muslims, and others—in the Soviet Union who have a well-founded fear of harassment, repression and imprisonment.

Mr. Speaker, all denominations are subject to the harassment. This list includes Baptists, Georgian Orthodox, Lutherans, Pentecostals, Russian Orthodox, Roman Catholics, Seventh Day Adventists, and Ukrainian Catholics. The charges range from treason and anti-Soviet propaganda to hooliganism, parasitism or involving minors in criminal activity. Nonetheless, the underlying "problem" in the eyes of the Soviet authorities is the practice of one's faith.

During this time of change and reform in the Soviet Union, there are systemic changes—the elimination of certain laws and regulations—which must be made by the Soviet authorities to ensure true religious liberty. I would like to take this opportunity to outline a number of recommended changes which I believe would indicate the Soviet Union's genuine respect for religious freedom.

The freedom to worship according to one's conscience and belief is a fundamental human right enshrined in such international agreements as the United Nations Charter, the Universal Declaration of Human Rights, the Helsinki Final Act, and the U.N. Declaration on Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. These international covenants, which the Soviets have signed and pledged to uphold, inextricably tie international peace and security to the protection of basic human rights. The specific reforms which I have listed below would bring Soviet state policy and practice toward religious communities and believers in line with international agreements on human rights and religious liberty.

In order to conform to the international agreements cited above, as well as in the interest of "glasnost" and "perestroika," I urge the Soviets to effect the following reforms:

First, release all prisoners of conscience who have been convicted because of their religious activities and beliefs. In other words—declare an amnesty. I am distressed that many individuals, such as Lithuanian Catholic priests Rev. Alfonsas Svarinskas and Sigitas Tamkevicius, Ukrainian Baptist Nikolai Boiko, and Russian Orthodox Deacon Vladimir Rusak are currently serving long terms in labor camps for the expression of their religious beliefs. Ironically, the activities for which they were sentenced would no longer be considered crimes under "perestroika" and "glasnost." We are particularly concerned about the individuals who have been confined to psychiatric hospitals because of their religious activities, such as Ukrainian Catholic Hanna Mikhailenko, Lutheran Gederts Melngailis and Russian Orthodox Vasili Shipilov.

Second, end harassment of religious activists who have been released from confinement. While I am pleased to note that some religious prisoners have been freed within the last year, I have seen substantial evidence of ongoing harassment on the part of government authorities of persons who continue to express their faith. This harassment has ranged from difficulties in finding employment and housing in a city of their choice to beating and forced relocation, as in the case of the Baptist Barats family.

Third, institute legal and constitutional changes that guarantee religious liberty. The Criminal Code of the U.S.S.R. contains articles that specifically restrict religious activity, the existence of which directly contradicts sections of various international human rights agreements. In particular, I am referring to articles 142 and 227, pertaining to the separation of the church from the state and the performance of religious ceremonies, respectively, of the Criminal Code of the RSFSR and the equivalents in the criminal codes of the other republics of the Soviet Union.

These articles should be repealed, as well as the March 18, 1966, decree of the RSFSR Supreme Soviet Presidium "on the application of article 142 of the RSFSR Criminal Code" and "on the administrative liability for the violation of the legislation on religious cults" and the equivalent decrees adopted by the Supreme Soviet Presidia of the other union republics; the decree of the All-Russian Central Executive Committee and the Council of People's Commissars of the RSFSR of April 8, 1929, and its equivalents in other Soviet republics as amended by a decree of the RSFSR Supreme Soviet Presidium of June 12, 1975; and the equivalent laws "On Religious Associations" adopted in other Union republics.

Finally, I understand that secret or only partially published decrees and directives exist that delineate structure and policy for the Council of Religious Affairs of the U.S.S.R. Council of Ministers. It is our belief that such orders should be made public and subject to discussion with the participation of representatives of all religious groups.

Fourth, legalize religious groups that currently are forbidden to practice their faith openly, such as the Ukrainian Catholic and Orthodox Churches. The Ukrainian Orthodox and Catholic Churches, which, with the help of government authorities, were forcibly liquidated and incorporated into the Russian Orthodox Church, in the 1930's and 1940's respectively, should be given the opportunity to exist as legal entities within the Soviet system. True religious freedom requires that each individual be allowed to worship according to his or her own conscience and belief. Arguments that these groups are historically members of the Russian Orthodox Church are not only inaccurate, but also irrelevant if individuals consider themselves adherents of the Ukrainian Catholic or Ukrainian Orthodox faiths. Legalization should include the restoration of churches and all other confiscated property.

Fifth, abolish the requirement that all religious groups must officially register with the state and have all their activities approved by government authorities. Compulsory state registration constitutes government interference in the activities of religious communities that is prohibited by the U.N. Declaration Against All Forms of Religious Intolerance.

Sixth, allow religious instruction for both adults and children. Fundamental to the idea of religious liberty is the ability of religious communities to educate their members. Clergy should be allowed to provide religious instruction outside the public school.

Seventh, lift restrictions on the importation and the free dissemination of religious literature and objects. While a relatively large quantity of Bibles and religious instructional materials have now been permitted to enter the Soviet Union, these do not come close to filling the needs of many believers who speak many different languages in many different areas of the Soviet Union. Neither should there exist restrictions on the publication and dissemination of religious publications.

Eighth, end government restrictions on the education of clergy. Seminaries that have been closed should be reopened and allowed to function without government interference in admissions, faculty appointments or curriculum. Clergy should be allowed to maintain free and open contacts with their coreligionists around the world.

Ninth, allow religious groups to engage in private charitable activities. The ability to provide spiritual and material assistance to other human beings is a fundamental aspect of many religions. Though there has been some progress in this area, it is important that government officials do not place limitations on the types of private charitable activities in which religious groups may engage.

Mr. Speaker, we believe that one of the truest tests for Mr. Gorbachev's glasnost and perestroika will be seen during this year of the millennium celebration of Christianity's arrival in Kievan Rus', now part of the Soviet Union. As men and women of all faiths, and especially the Christians throughout the world join in the celebration, the focus will be on those who can only celebrate in a Soviet prison, a psychiatric hospital or labor camp. On one hand, changes in the criminal code as suggested would require a little time, the release of the Christians listed here could be expedited by the stroke of a pen. What have the Soviets and Gorbachev got to lose? And yet, they have much respect to gain from human rights activists in their own country, in this country and throughout the world.

For the RECORD, I include a copy of my resolution, House Concurrent Resolution 223.

H. CON. RES. 223

Whereas the Grand Prince of Kiev established Christianity as the official religion of Kievan-Rus' in 988 A.D. and invited priests of the Byzantine Church to instruct his people in the teachings of Christianity;

Whereas Christian churches have been instrumental in sustaining the faith of the believers and in developing the religious culture of the region for the past one thousand years;

Whereas the Christianization of Kievan-Rus' has made outstanding contributions to world literature, music, folk art, customs, and places of worship;

Whereas, although the Constitution of the Soviet Union guarantees religious freedom, Soviet leaders, over the past 70 years, have sought to dissolve many forms of religious witness in the Soviet Union and replace them with Marxist atheism;

Whereas the Soviet Union is signatory to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Madrid Concluding Document and has an obligation to comply with the United Nations Universal Declaration of Human Rights;

Whereas the Soviet Union is committed under Principal VII of the Helsinki Final Act to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.";

Whereas in the Soviet Union it is illegal to formally teach religion to persons under 18 years of age;

Whereas openly distributing Bibles or other religious materials has been restricted in the Soviet Union and in some cases has been the basis for imprisonment and harassment;

Whereas thousands of churches have been closed and confiscated in the Soviet Union during the last seven decades, and the Soviets have severely restricted the number of theological seminaries; and

Whereas there are at present nearly 200 Christians who are known to be serving prison sentences, are in exile, or are confined in psychiatric institutions in the Soviet Union because of their religious beliefs, including Balys Gajauskas, Viktoras Petkus, Pastor Ivan Antonov, Pastor Nikolai Boiko, Semyon Skalich, Lev Lukyanenko, Father Vladimir Rusak, and Victor Walter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that in 1988 in celebration of the millennium of the Christianization of Kievan-Rus'—

(1) the Soviet Union should comply with its obligations under the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Madrid Concluding Document, and the United Nations Universal Declaration of Human Rights and allow Christians to practice their faith without interference, persecution, or harassment;

(2) the Soviet Union should grant a general amnesty for all Christians who have been imprisoned because of their religious beliefs;

(3) the Soviet Union should allow religious believers of all ages to worship and practice their faith without restrictions in their homes and churches;

(4) the Soviet Union should permit unlimited publication, distribution, and importation of Bibles and other religious materials in all languages; and

(5) the Soviet Union should allow churches that are closed or used for secular purposes to reopen, allow new churches to be built when needed, and allow theological seminaries to open or expand in order to insure an adequate supply of priests and pastors for the parish churches.

Mr. STOKES. Mr. Speaker, as a member of the Congressional Human Rights Caucus I am pleased to participate in this special order on the persecution of Soviet Christians. We remain deeply concerned about the systematic violation of religious freedom in the Soviet Union.

The plight of Soviet Christians is especially grave. United States authorities and human rights organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. In addition, Soviet authorities continue to interfere in the governance of religious organizations, to close down religious institutions and to discriminate against religious adherents in educational, employment and housing opportunities.

Mr. Speaker, we are concerned for those convicted of religious crimes under Soviet law. These individuals, along with political activists, are incarcerated in strict labor camps, prisons and psychiatric hospitals. These prisoners of conscience are subjected to inhumane conditions and agonizing persecution. They are often faced with death if they do not renounce their religious beliefs.

These practices must not continue. We cannot lessen our commitment to individual human rights. I would like to again commend the Human Rights Caucus for addressing this fundamental issue and pledge my continued support.

Mr. HALL of Ohio. Mr. Speaker, I rise to call attention to a pressing human rights issue which we often do not hear much about: the unjust persecution of Christians in the Soviet Union.

This year, 1988, is the millennium celebration of the establishment of the Orthodox Church in Russia. Yet, despite this long religious tradition, at least 170 people are in exile for crimes against the state dealing directly with religion. In the midst of recent focuses on glasnost and freedom I would like to urge Congress to encourage Soviet Secretary General Gorbachev to apply his new openness to the Christians in prison.

In particular I would like to address the imprisonment of Tatyana Mikhailovna Velikanova, a 56-year-old mother of one and Orthodox Christian. In 1980, Soviet authorities sentenced her for anti-Soviet agitation and propaganda to 4 years of strict regime camp and 5 years of exile, with a release date of November 1, 1988.

With the renewed emphasis on human rights in the Soviet Union, I hope Mr. Gorbachev will apply his policies consistently and address the problem of Christians, like Mrs. Velikanova, who have been wrongly imprisoned and persecuted.

Soviet officials promised total freedom for all prisoners of faith and the construction of 12 new Catholic churches that were to open last September. However, these guarantees fell through.

As one who has visited the Soviet Union and met with those seeking greater freedom during this period of glasnost, I urge the Soviet Government to free those imprisoned for their faith. I again call for a general amnesty for all Soviet prisoners of conscience, especially Christians, during this year of the 1,000-year celebration for the Russian Orthodox Church.

Mr. KEMP. Mr. Speaker, First of all, let me thank my very good friends and colleagues, the gentlemen from Illinois and from California. Their unflagging dedication to the cause of human rights is a key factor in keeping this cause in the forefront of the minds of the American people and the U.S. Congress.

I would also like to commend Dr. Ernest Gordon of CREED, Christian Rescue Effort for the Emancipation of Dissidents, a keeper of the conscience of Americans concerned about Soviet Christians. My wife, Joanne, and I are founding members of CREED, and, while we wish Dr. Gordon well now that he has moved CREED's headquarters to Princeton, we miss having his wise presence nearby.

My friends, there was much speculation before Mr. Gorbachev arrived about what part of the United States Mikhail Gorbachev should see. Well, the rally for Soviet Jewry on Freedom Sunday in December was the America I wanted Mr. Gorbachev to see. This is the America which is not deceived by slick TV performances, by skilled propaganda, or by silken words. Bitter experience has taught us that when a tyrant comes wearing an olive branch—check what's in the other hand.

Mr. Gorbachev, your glasnost and your perestroika and your television interviews cannot drown out the cries of 400,000 refuseniks. We hear the anguish of each individual, Jew or Christian, who asks only for the right to worship God and live as a full human being.

We are not deceived by a few token gestures. We are glad but we are not deceived when a few prominent dissidents are set free. While Sharansky and Feltsman and Slepak and Nudel have been released in the full glow of Western TV cameras, the new Soviet emigration law makes it harder, not easier for 95 percent of those left behind.

The new emigration law allows only those with a relative abroad of the first degree—parents, children, or siblings—to apply for visas. We rallied on December 6 and we participate in this special order today to tell Mr. Gorbachev, to tell the Kremlin, and to tell the world that we are their relatives of the first degree, because we are their brothers and sisters.

Ours is a large family. It includes the mujahidin of Afghanistan, the workers of Poland, the fighters in Nicaragua, the refugees of Asia, and lovers of freedom around the world. Wherever people yearn for freedom, we have brothers and sisters. Maria Slepak has said, "if we close our eyes, they will cease to exist."

We will not close our eyes, Masha. But we should close our checkbooks. We should not be lending money to the Soviets with few or no questions asked. To exercise some control over United States bank lending to the Soviet Union, I have introduced a bill which gives the President discretionary authority to restrict loans to the Soviets if their record on human rights violations does not improve.

I have also adopted Vasili Gritsenko, a persecuted Soviet Christian. Vasili is a young family man with five young children. Vasili is typical of the Christian dissidents in the Soviet Union. Like his fellow Christians in the Soviet Union, Vasili loves his country and does not wish to leave, but only to be able to practice his Baptist faith without fear of reprisal.

Vasili has been imprisoned for nearly 3 years for allegedly organizing actions which disrupt public order; in the Soviet Union, prayer meetings fall into this category. Vasili has since been rearrested for similar activities while in prison, and has been transferred to another prison.

Vasili's fate is uncertain, as is that of his family. But those of us in the United States, in the free world, have helped by keeping our eyes and our hearts open and our hands extended. Vasili's doom would be sealed if we did not maintain our constant gaze upon the Soviet's treatment of their peaceable religious dissidents.

The torch of freedom lights the world, even into the darkest corners of the gulag. However, without our constant care and attention that light will go out. My commitment is firm that I shall always do everything within my power to keep that light shining, always a beacon of hope to those who would otherwise be in darkness.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank Congressmen PORTER, BOULTER, and LANTOS for reserving time this evening to allow Members of the House to again raise the issue of religious persecution in the Soviet Union.

As a member of the Congressional Human Rights Caucus, I have been associated with many efforts on behalf of Soviet citizens who are suffering only because they have religious beliefs which the Soviets feel are incompatible with that Government's way of life.

United States authorities and nongovernmental organizations have documented evidence of over 250 known Soviet Christians imprisoned solely for their religious beliefs. One such prisoner of religious persecution is Ivan Antonov.

Mr. Antonov is the 68-year-old pastor of Kirovograd Church in the Ukraine and is a member of the ECB Council of Churches. Mr. Antonov was arrested in May 1982 and charged with infringement of the person and rights of citizens under the guise of performing religious rituals. He was sentenced to 5 years of strict regime camp and 5 years' exile plus the confiscation of property. His release date is May 14, 1992. Mr. Antonov is married and the father of two daughters. With the confiscation of the property, his family is now destitute.

The Russian Government continues to try and eradicate religious activity by closing religious institutions, banning religious education, restricting the availability of religious material and imprisoning those, like Ivan Antonov, who cannot be suppressed. Still, Christianity lives in Russia.

We must continue to keep the plight of Soviet Christians before the world's eyes. And we must continue to press the Soviet leadership to release those unjustly imprisoned and allow them to lead their lives without fear of further harassment simply because they believe in God.

Mr. WEBER. Mr. Speaker, I am a member of the Soviet Christian Adoption Program which in a congressional bipartisan effort to work on behalf of persecuted Christians in the Soviet Union. The plight of religious believers in this country continues to be serious, even as we hear the media report about the promised openness under the rule of Soviet leader, Mikhail Gorbachev. If Mr. Gorbachev is serious about opening up Soviet society, then he will have to improve the treatment of the religious community.

As a member of the Adoption Program, I am a sponsor of Ivan Fyodorovich Kovalenko, a Ukrainian who was arrested for the fourth time in 1982 and charged under the Soviet criminal code for "infringing persons and rights of citizens under the guise of performing religious rituals, and disrupting the public order." He was sentenced to 5 years in prison and 5 years in exile.

Mr. Kovalenko was not endangering Soviet society but practicing his religious beliefs. His years in imprisonment are an ugly example of the reality of Soviet society. However, he is a courageous example for those facing repression and internment for their faith.

It is vital that we in the free world not forget that elsewhere people are suffering and dying for their spiritual rights. The upcoming 1,000th anniversary of Christianity in Russia offers us the opportunity to speak out for the innocent victims of religious persecution that are unable to speak for themselves. I urge my colleagues to remember Mr. Kovalenko and others who are persecuted for practicing their religious beliefs.

THE DEPOSITORY INSTITUTIONS REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I intend to introduce legislation tomorrow which would merge the Federal deposit insurance funds and consolidate the principal Federal financial regulators into a single Federal agency.

A Congress which considers the sweeping changes in our financial system now under discussion must also be ready to mandate an equally comprehensive overhaul of our creaky Federal financial regulatory system. As the financial marketplace changes, so should the method by which we regulate marketplace participants.

In a special order yesterday, I described titles I and II of the bill. Today I will describe title III, which would consolidate the Federal financial regulators into one agency.

This overdue action, a long-sought goal of banking reformers, would enhance the ability of regulators to deal with failed or failing institutions. In addition, it would promote more efficient operation of the Federal financial regulatory apparatus, bring about uniform treatment of similar financial institutions and increase the accountability of financial regulators to the public and to the Congress. Federal financial regulator consolidation would follow the merger of the Federal deposit insurance funds provided for by titles I and II of the Depository Institutions Regulatory Modernization Act.

Mr. Speaker, the current system of Federal financial regulation was perhaps best described by Federal Reserve Board Chairman Arthur Burns in 1974 as "a jurisdictional tangle that boggles the mind." He accurately observed to the American Bankers Association in that year that the structure of the Federal regulatory apparatus was "the most serious obstacle to improving the regulation and supervision of banking."

In 1975, James L. Pierce, the Director of the House Banking Committee's groundbreaking study, "Financial Institutions and the Nation's Economy [FINE]," had a dire warning to the Financial Institutions Subcommittee about what the practical results of the jurisdictional tangle might mean. Speaking about the blurring of lines among banks and other financial institutions, he said:

> As these institutions become more like banks, we run the real danger that regulation will become even more diffuse and fragmented. Unless the regulatory agencies are combined, we could have a situation in which institutions that provide roughly the same services are regulated by any one of five federal agencies. This situation would be impossible.

The indistinct lines of 1975 are in many instances nearly blurred to point of nonexistence today. As predicted, the regulatory situation is becoming increasingly impossible.

Consider the increasingly familiar circumstance of a bank merger. Who regulates?

If the surviving bank is a national bank, the Comptroller of the Currency has jurisdiction. If the surviving bank is an insured nonmember of the Federal Reserve System, the FDIC is in charge.

If the surviving bank is a State member of the Federal Reserve System, the Federal Reserve has responsibility. The players in the regulatory game know the rules and take advantage of that knowledge. The public, however, is often the loser as "competition in laxity" develops among regulators who begin to view the financial institutions they regulate as constituents to be served.

If we did not have the current hodge-podge of Federal financial regulation, it is difficult to imagine a Congress of rational men and women devising such a bewildering system. We now have a system, unique within the Federal Government, in which the object of regulation can choose its own regulator. As a 1984 Brookings Institution staff study concluded:

> Federal regulation of depository institutions should be consolidated and centralized, and the more so the better.

THE CURRENT SYSTEM

At this point, a brief description of our current regulatory system might be worthwhile.

Banks, thrifts, and credit unions can be chartered at either the Federal or State level, a circumstance which has brought about the term "dual regulation." For certain institutions, this provides a choice among several regulators.

Commercial banks have several options. National banks are chartered by the Comptroller of the Currency and subject to regulation by that office. As a national bank, the institution must be a member of the Federal Reserve System and be subject to regulation by the Board of Governors of Federal Reserve Board. To be a member of the Federal Reserve System, the bank must be insured by the FDIC and, therefore, be subject to regulation by that agency.

A State chartered bank has other options. It can decide to be a member of the Federal Reserve System and be regulated by the Federal Reserve Board of Governors. Or it may choose to be regulated by its primary State regulator while enjoying the benefits of Federal deposit insurance. In this instance, the State-chartered, FDIC-insured institution would be subject to FDIC regulation.

Federally chartered thrifts, which include savings banks and savings and loan associations, are chartered and subject to regulation by the Federal Home Loan Bank Board. Federally chartered thrifts must carry FSLIC deposit insurance and be members of the Federal Home Loan Bank System. State chartered thrifts, on the other hand, may be subject to primary regulation only by the State chartering authority but may, if they so decide, become members of the Federal Home Loan Bank System and the FSLIC. At this point, they become subject to regulation by the Federal Home Loan Bank Board and the FSLIC.

Federally chartered credit unions are regulated by the National Credit Union Administration [NCUA] and are required to be insured by the National Credit Union Share Insurance Fund [NCUSIF]. A State chartered credit union which opts for the NCUSIF becomes subject to Federal regulation.

The commercial bank examination process reflects the vagaries of discrete regulation. The Federal Reserve does not generally examine national banks even though it requires them to keep non-interest-bearing reserves. The FDIC requires State member banks to pay fees to it even though primary examinations of these banks are the duty of the Federal Reserve.

Writer Curtis Seltzer described how this curious system of regulation can contribute to a major bank disaster. In the September 1983 issue of Washington Monthly, he wrote:

> Witness the financial disaster set in motion by Penn Square. The Dallas regional Office of Comptroller (of the Currency) knew that the bank was in trouble, and that it was selling its bad loans to other banks. But the Comptroller never thought of making a few calls to his regulatory cousins to contain the damage. The Federal Reserve, for example, may have warned off banks like Chase Manhattan and Continental Illinois, who were getting knee-deep in Penn Square's bad paper. But the Office of the Comptroller never told about its problems upstream. The Comptroller also neglected to call the Federal Deposit Insurance Corporation, which usually tries to merger a floundering bank with a healthier one to stave off a disaster. No such luck . . .

Mr. Speaker, this ramshackle system of regulation is ill-prepared to protect the public interest in a financial system poised to enter a 21st-century marketplace.

Mr. J.L. Robertson, a former member of the Board of Governors of the Federal Reserve System, had some astute observations about the financial regulatory system when he observed:

> It is reflexive and not creative. It responds; it does not lead. The true strength of a regulatory system is not the speed with which it responds to financial catastrophes, but the skill and foresight by which it prevents them . . . Our present arrangement is a happenstance and not a system. In origin, function and effect, it is an amalgam of coincidence and inadvertence.

EFFICIENT REGULATION

This Congress can modernize financial regulation so that the Federal Government spends less time fielding mopup crews in financial disasters and acts instead with the skill and foresight envisioned by Mr. Robertson.

A single, well-staffed financial regulatory agency—a superagency—is essential if the Federal Government is to move from a reactive to an active participant in the financial marketplace. If we are to make our banks more efficient and powerful, as some suggest, so should we act to ensure that our regulators are equally efficient and powerful.

As the FINE study recommended more than a decade ago, my legislation would merge the regulatory and supervisory functions of five agencies—the Comptroller of the Currency, the FDIC, the Federal Home Loan Bank Board, the Federal Reserve, and the National Credit Union Administration—into one agency. Federal Reserve duties would be limited to its principal mission, the conduct of monetary policy. The Bank Board would continue to administer the system of Federal Home Loan Banks.

A consolidated Federal financial regulator is overdue. With such a structure, the Federal Home Loan Bank Board, for example, would never be asked to act as a client of the savings and loan industry as it attempts to regulate that industry.

For regulators, private interest would be less likely to crowd out public interest in a single agency which regulates diverse types of financial institutions.

A unified regulatory agency would also provide more efficient operations. Legal and research staffs could be reduced, regional office and headquarter staffs consolidated and training systems coordinated. The reporting requirements for commercial banks could be streamlined, which should mean a reduction in costs for administering, processing and publishing such reports. Instead of allocating senior staff time simply to find out what another financial regulatory agency is doing, a consolidated agency could devote resources to more productive regulatory concerns.

A single regulatory agency would enhance bank holding company regulation. The Federal Reserve is now charged with regulating bank holding companies, but often is precluded from directly regulating individual banks within the holding company. This schizophrenic relationship may be worsened if Congress broadens the powers of banks to engage in relatively risky securities activities through the bank holding company structure. If new powers are to be granted, Federal financial regulation of component banks and the holding company itself should be centered in one agency. No longer would a bank holding company seeking expanded powers face delays as it seeks approval first from the agency supervising the bank subsidiary, then from the Federal Reserve.

PROBLEM INSTITUTIONS

Consolidation of Federal financial regulation will make it easier for the Federal Government to deal with problem institutions early on. While each institution has a primary regulator, a failing commercial bank can, in some instances, draw the attention of the three Federal bank regulators. When three agencies with inevitably differing regulatory goals become involved in a case, the process just as inevitably slows. The 1984 Brookings Institution staff report noted that unnecessary problems arise when two or more agencies share safety and soundness responsibility for a particular institution, with regulatory gaps occurring when one agency asserts control. Such interagency conflict can lead to extra costs and delays for both the agencies and financial institutions involved. A unified agency would eliminate the need for time-consuming coordinating activities.

A unified Federal financial regulator would provide a single focal point for public and congressional inquiries in matters of bank regulation and supervision. The alphabet soup of regulatory names roll easily off the tongues of those who know how to use the system but oftentimes perplex the average depositor. A consolidated agency would lessen the confusion for most consumers. As the National Consumers League has testified to the Financial Institutions Subcommittee:

> The present complicated regulatory structure is particularly frustrating to consumer groups, lacking in organization, sophistication and financial endowment, who wish to understand or influence some aspect of financial policy . . . The consolidation of the agencies could enable consumer representatives to focus on one regulatory policy on any given issue.

Finally, a consolidated Federal financial regulator would make it easier to ensure uniform treatment of similar financial institutions. Since I first suggested a merger of the Federal deposit insurance funds late in the 99th Congress, I have had numerous discussions with lenders on the subject. Quite frankly, some bankers are less than enthusiastic about the merger idea. I have been impressed, however, at the number of bankers who argue that they would be willing to accept a merger of the funds if all financial institutions were regulated uniformly. A chronic complaint is that standards of safety and soundness vary sharply from one agency to another. A consolidated Federal financial regulator would limit laxity encouraged by disparate financial regulators.

I urge my colleagues to support this legislation.

At this point I include in the RECORD a chart which outlines FDIC insurance fund assets available for assistance and articles which describe the views of former Fed Chairman Paul Volcker on merging insurance funds.

FDIC INSURANCE FUND ASSETS AVAILABLE TO FINANCE ASSISTANCE TO TROUBLED OR FAILED INSTITUTIONS

[Dollars in billions]

Year end	FDIC fund assets		FDIC cash and U.S. Treasury securities as percentage of total bank liabilities
	Cash and U.S. Treasury securities [1]	Other FDIC assets	
1980	$9.4	$1.1	0.50
1981	10.1	1.2	.53
1982	13.3	2.0	.60
1983	13.8	2.9	.59
1984	14.4	6.9	.58
1985	16.5	6.3	.60
1986	17.5	5.8	.78
1987 (9/30) [2]	17.3	5.5	.76

[1] U.S. Treasury securities are shown at market value. Because of high interest rates in 1980 and 1981, the book value of FDIC's portfolio was $1,048 million higher than the market value on December 31, 1980, and $1,095 million higher on December 31, 1981. If these investments had not declined from book value, the ratio of cash and securities to total bank liabilities would have been 0.56 percent and 0.58 percent for those years. In subsequent years the respective market and book values of FDIC investments have not been so significantly different.

[2] Unaudited statement.

[From the New York Times, Mar. 28, 1985]

VOLCKER FOR BANK INSURANCE MERGER

(By Nathaniel C. Nash)

WASHINGTON, March 27—Paul A. Volcker, chairman of the Federal Reserve Board, told a House panel today that he would favor merging the two government agencies that insure deposits at the nation's banks and thrift institutions.

"I would lean in that direction," Mr. Volcker said when asked if he would support the consolidation of the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.

Mr. Volcker's remarks came at the second day of hearings held by the House Government Operations Committee's Subcommittee on Commerce, Consumer and Monetary Affairs on proposals to restructure the banking regulatory agencies. The proposals have been put forward by the Task Group on Regulation of Financial Services, headed by Vice President Bush.

It is the first time that the Fed chairman had publicly expressed his views on combining the F.D.I.C. and the F.S.L.I.C., and his remarks came at a time when banking and thrift unit regulators are concerned about the financial strength of the thrift insurance fund.

The F.S.L.I.C. lost money for the first time last year and its usable assets have fallen to about $4.7 billion, according to estimates from the Federal Home Loan Bank Board, the agency that supervises the fund and oversees thrift units.

Moreover, bank and thrift unit regulators have predicted that a growing number of thrift institutions will fall this year, placing greater strain on the fund.

EARLIER TESTIMONY

Mr. Volcker's preference for merging the two agencies echoed the positions of both the Comptroller of the Currency, C. Todd Conover, and the F.D.I.C. chairman, William M. Isaac, in earlier testimony.

"As the lines blur between banks and thrifts, they should have one regulator," Mr. Conover said today.

"We would recommend that the F.D.I.C. and the F.S.L.I.C. be merged," Mr. Isaac said on Tuesday.

However, Edwin J. Gray, chairman of the bank board, rejected in testimony Tuesday the notion of merging the two funds. "I strongly oppose the idea," he said. "The ability of the bank board to deal with a problem directly and not have to negotiate with another agency is vital.

BLUEPRINT FOR REFORM

"I see the S.&L.'s and savings banks as they are now exercising essentially bank-like functions," Mr. Volcker said today, "I think they've reached that stage where they could be under one insurance fund."

The Fed chairman said that he generally supported the recommendations of the Bush group. The final proposal, called a Blueprint for Reform, would transform the Comptroller's office into a new Federal Banking Agency to regulate most national bank holding companies plus the national banks it now monitors. The new agency would also be able to decide which new activities banks could enter, now the purview of the Fed.

While the Fed would give up some regulatory authority over bank holding companies whose primary subsidiary is a national bank. It would continue to oversee the nation's large international banks, plus, regulate all state-chartered banks and their holding companies.

The F.D.I.C. would give up all regulation of state-chartered banks and concentrate on examining and monitoring troubled banks that pose a threat to the insurance fund.

[From the Bank Letter, Dec. 22, 1986]

VOLCKER TALKS OF FDIC-FSLIC MERGER

Federal Reserve Chairman, Paul Volcker is now beginning to say privately that merging the Federal Savings and Loan Insurance Corp. into the Federal Deposit Insurance Corp. may be the only way to save the ailing thrift fund. Indeed, in recent days he has said the proposed FSLIC recapitalization may not ward off such a merger and instead may be necessary only as a short-term bridge to tide the fund over until a merger can be completed. These comments came in meetings with stunned industry representatives. A Fed spokesman declined to comment on the private conversations of the chairman.

Until now, Volcker has joined with the Reagan Administration and the heads of the two congressional Banking Committees in trying to solve the thrift crisis through the recapitalization plan. Several years ago in abstract testimony on the future of banking regulations, Volcker did say he would prefer to have the funds merged. But that testimony was before the thrift industry's massive problems lowered the fund to just over $1 billion.

Now, however, Volcker is predicting merging the funds may well be forced onto the agenda of Congress. Incoming Senate Banking Committees Chairman William Proxmire (D-Wisc.) has said nearly the same thing (BL. 12/15). And indeed, Senate aides confirm that Proxmire and Volcker met on Dec. 8 on Capitol Hill, and the day after that meeting Proxmire said publicly for the first time that a merger of FDIC and FSLIC ought to be considered—notwithstanding the conventional wisdom that politically this is impossible.

The bankers who have had confidential briefings from Volcker do not want to be identified, but one banking group heard him predict generally in October that a merger might come up in the new Congress. This month over industry representatives were surprised when in a 10 minute audience they were granted with Volcker, he suddenly launched into an unexpected discussion of how a recapitalization could be the spring-board to merging the funds.

RECAP DOOMED?

What's causing not only Volcker and Proxmire but much of the rest of the Washington banking establishment to talk merger now, sources say, is a sense that recapitalization itself perhaps is already too little and too late. Even when first brought forward by Treasury early this year, the plan to borrow $15 billion in the market was sharply criticized as too small. Since then the problem has grown bigger. At some point, especially if Congress is tardy in passing the bill as seems quite possible, the problem could overwhelm this particular solution. The original game plan called for FSLIC to combine its regular income with $15 billion of borrowing to fund in a massive liquidation effort that could cost $25 million.

But says a source close to this issue, "Treasury is aware that there is a limit to how many bonds they can sell or the market absorb. If it takes $40 billion, not $25 billion—and the $25 billion estimate is a squishy number—then merging the funds may begin to look inevitable."

The fact that the U.S. League of Savings Institutions and the National Council of Savings Institutions both are increasingly hostile to the borrowing plan makes some suspect that all the talk of merger is a bluff to frighten them with something they live even less. But other sources say the logic of merger is written now into the arithmetic of the S&L crisis. They say the League, by opposing recapitalization, will not have political clout to block merger legislation. Said a source close to American Bankers Association, "I think ABA would be extremely upset. But it would have no choice but to buy [a merger], largely because the League would not be a potent ally anymore."

[From the Los Angeles (CA) Times, Jan. 6, 1987]

VOLCKER PLANS TO PUSH MERGER OF FSLIC, FDIC

(By James S. Granell)

Federal Reserve Board Chairman Paul S. Volcker has told banking and savings institution regulators that he plans to take a more active role in supporting a proposed merger of the government's two big deposit insurance agencies—the Federal Savings and Loan Insurance Corp, and the much healthier Federal Deposit Insurance Corp.

Volcker's views, disclosed in a letter written by George D. Gould, under secretary of the Treasury, became known as the Reagan Administration again proposed to Congress that the FSLIC be recapitalized with up to $15 billion from industry contributions and bond sales.

The House and the Senate each passed its own version of a recapitalization bill last fall, but an effort to reconcile the differences failed in the waning hours of the 99th Congress. The same bill is to be reintroduced today, Gould said Monday.

Volcker supported the recapitalization bill last fall and is likely to do so again—at least as a short-term solution before an eventual merger of the two funds, said Joseph Coyne, a spokesman for Volcker. Coyne acknowledged that Volcker now feels "more strongly" about the need to merge the two funds than he has previously.

The FDIC and the FSLIC impose on banks and savings and loan firms, respectively, a series of regulations, examinations and, if needed, orders as conditions for providing federal insurance of $100,000 on every depositor's account.

A merger of the two funds has been an on-again-off-again controversy in the industry, partly because new laws have blurred the distinction between banks and S&Ls and partly because numerous failures in recent years have cut the FSLIC's reserves to about $1 billion.

Many government officials favor a merger to simplify regulation and administration of the nation's banking system. The savings and loan industry has resisted the effort on grounds that the financing of homes is critical to the American economy and deserves its own system of regulation and support.

Volcker was reported Monday to have voiced his support in mid-December at one of the occasional and informal breakfast meetings held by the nation's top four banking and S&L regulators. Gould and another Treasury official also usually attend. Gould was not at the December meeting, he said, but was briefed by his Treasury colleague.

Besides Volcker, the regulators attending were Federal Home Loan Bank Board Chairman Edwin J. Gray Jr., Comptroller of the Currency Robert L. Clarke and FDIC Chairman L. William Seidman.

Gould said he wrote the letter to Volcker to emphasize his own view that the recapitalization bill ought to be the top priority and that a merger of the funds should come only if the bill fails. He said passage of a recapitalization bill would be likely to kill talk of a merger.

Volcker has testified before various congressional committees, in the past that a merger is worth considering, Coyne said, and he is likely to be questioned about it again during hearings to be held later this month by the Senate Banking, Housing and Urban Affairs Committee.

Sen. William Proxmire (D-Wis.), the committee's new chairman, also has "floated" ideas about merging the funds, a congressional staff worker said. Congressional leaders have said the recapitalization bill failed last fall partly because the S&L industry did not fully support the plan. Industry leaders have been divided over regulatory issues and over their increasing assessments to pay for FSLIC's operation of failed S&Ls.

Some legislators also were wary of entrusting up to $15 billion to the FSLIC and its parent agency, the Federal Home Loan Bank Board, whose chairman, Gray, is under fire from some industry members for his strict and allegedly heavy-handed procedures and for accepting reimbursement for some questionable expenses.

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THE PLIGHT OF SOVIET CHRISTIANS

The SPEAKER pro tempore (Mr. Hubbard). Under a previous order of the House, the gentleman from Washington [Mr. Miller] is recognized for 20 minutes.

Mr. MILLER of Washington. Mr. Speaker, today there have been entered into the Record statements by several of my colleagues on the status and plight of Soviet Christians.

I would like to at this time add to those statements put into the Record by my good colleagues, Congressman Porter, Congressman Lantos and others, and recount for my colleagues a very special personal experience that I had on a recent trip to Moscow with two Soviet Christians.

Their names were Pastor Serge Lamekin and Alyosha Zavrujnov.

My wife, Congressman Ben Gilman, and I just a few weeks ago met with these two individuals and others in a Moscow apartment. The pastor, Serge Lamekin, had been a priest in the Russian Orthodox Church but he had been defrocked, thrown out of the church. He had been thrown out of the church because he was not content to just come to the weekly services and perform a priest's duties at the weekly services. He insisted on going out and trying to spread the faith outside the church, organizing study groups, distributing Christian literature.

That is crossing a very sharp dividing line in the Soviet Union. As we found out, you were all right if you go to church and synagogue, but if you try to do something outside the church or synagogue such as organize a Sunday school or study group or distribute literature, then you get into trouble.

Pastor Lamekin got into trouble. He has been arrested. He has been expelled from the Orthodox Church.

The second gentleman I mentioned is Alyosha Zavrujnov. Alyosha is a young man who was arrested just this past year—we are not talking 10 or 20 years ago—but the year 1987, arrested in the Soviet Union on the charge of being a religious fanatic.

Alyosha is also a Christian. He was arrested because he was involved in distributing Christian literature and in organizing Christian study groups.

I asked Alyosha what happened to him after he was arrested on this charge of being a religious fanatic. He told me that he had been taken to a psychiatric hospital, that is right, to a psychiatric hospital. And at that psychiatric hospital he was injected with drugs.

I suppose that effort was made to overcome his resistance, to change his feelings.

He said that it reminded him of what Goebbles had done in Nazi Germany.

Well, Alyosha is out of the psychiatric hospital. He was released. He was able to talk with us in Moscow.

He still is a Christian and a believer.

We came back from Moscow and last week I phoned Alyosha to find out how he was doing. He told me that the day after our meeting in Moscow at the apartment of his friends, the day after that meeting upon returning to his own apartment he had been accosted by several men who he assumed were KGB agents and they beat him. And they said, "So you want to meet with a Congressman."

Such is the price today of being a religious believer in the Soviet Union.

Now while we were there we talked with many officials and the officials talked of human rights and they talked of religious freedom and they talked of changing Soviet attitudes toward the church. These officials that we talked to may or may not mean what they say, but all I can tell you, my colleagues, is that regardless of what they said or are saying, that today down at the grassroots, down with the everyday people, in the Soviet Union being a religious believer is very, very hard and very, very tough.

I know that my colleagues join me in wishing the best to Pastor Lamekin and Alyosha. The two of them who so much want to exercise their religious rights, who so much want to be practicing Christians in the Soviet Union, are now so discouraged that they want to emigrate.

I know my colleagues join me in hoping that they will get their wish, hoping that they will remain personally safe, that they will not suffer any more physical or other harassment and in hoping that they and their brethren, Christians and Jews and other religious believers will some day be able to enjoy full religious freedom in the Soviet Union.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lewis of Florida (at the request of Mr. Michel) for today on account of official business.

Mr. Bilirakis (at the request of Mr. Michel) for today on account of official business.

Mr. Fazio (at the request of Mr. Foley) for today on account of an illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Coble) to revise and extend their remarks and include extraneous material:)

Mr. Morrison of Washington, for 5 minutes, today.

Mr. Burton of Indiana, for 60 minutes, today.

Mr. Gilman, for 60 minutes, on February 24.

Mrs. Bentley, for 60 minutes, on February 23, 24, 25, and 60 minutes on March 1, 3, 9, and 10.

Mr. Ritter, for 5 minutes, today.

(The following Members (at the request of Mr. Visclosky) to revise and extend their remarks and include extraneous material:)

Mr. Hubbard, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Flake, for 5 minutes, today.

Mr. Coyne, for 5 minutes, today.

Mr. Owens of New York, for 5 minutes, for today and February 18.

Mr. Pease, for 5 minutes, today.

Mr. Bruce, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Miller of Washington, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Coble) and to include extraneous matter:)

Mr. Clinger.
Mr. Broomfield in two instances.
Mr. Michel in two instances.
Miss Schneider in two instances.
Mr. Badham.
Mr. Miller of Washington.
Mr. Donald E. Lukens.
Mr. Dannemeyer.
Mr. Gekas in three instances.
Mr. Lowery of California.
Mr. Bliley.
Mr. Emerson.
Mr. Gilman.

(The following Members (at the request of Mr. Visclosky) and to include extraneous matter:)

Mr. Dixon.
Mr. Montgomery.
Mr. Mfume.
Mr. Crockett.
Mr. Lehman of Florida.
Mr. Obey.
Mr. Fascell.
Mr. Frank.
Mr. Ray.
Mr. Kleczka.
Mr. Dwyer of New Jersey.
Mr. Schumer.
Mr. Guarini.
Mr. Stark in three instances.
Mr. Jones of North Carolina.
Mr. Matsui.
Mr. Biaggi in two instances.
Mr. Miller of California.
Mr. Tallon.
Mr. Kostmayer.
Mr. Richardson.
Mr. Boucher.
Mr. Florio in two instances.
Mr. McMillen of Maryland.
Mr. Applegate.
Mr. Moakley.
Mr. Wolpe.
Mr. Fauntroy.
Mr. Mazzoli.
Mrs. Collins.
Mr. Eckart.
Mr. Bruce.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1889. An act to amend the Geothermal Steam Act of 1970 to provide for lease extensions, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week".

ADJOURNMENT

Mr. MILLER of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, February 18, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2898. A letter from the Under Secretary of Defense (Acquisition), transmitting the annual report on Chemical Warfare—Biological Defense Research Program obligations, October 1, 1986 through September 30, 1987, pursuant to 50 U.S.C. 1511; to the Committee on Armed Services.

2899. A letter from the Deputy Assistant Secretary of Defense, transmitting notification of the Defense Logistics Agency's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General from a proposed contract with the Government of Egypt/National Service Project Organization for fuel and related services in support of U.S. military exercises in Southwest Asia, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

2900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-143, "Fire Alarm Systems Regulations Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-142, "Neighborhood Municipal Off-Street Parking Facilities Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-141, "Commercial Bicycle Operators Licensing Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-144, "District of Columbia Smoking Restriction Act of 1979 Amendment Act of 1987" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2904. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the 12th annual report of the Advisory Council on Education Statistics, pursuant to 20 U.S.C. 1221e-1(d)(1); to the Committee on Education and Labor.

2905. A letter from the Chairman, National Advisory and Coordinating Council on Bilingual Education, Department of Education, transmitting the 11th annual report of the Council on the condition of bilingual education in the National and on the administration and operation of the Bilingual Education Act, pursuant to 20 U.S.C. 3262(c); to the Committee on Education and Labor.

2906. A letter from the Chairman, National Advisory Council on Women's Educational Programs, Department of Education, transmitting the Council's 12th annual report, 1987, pursuant to 20 U.S.C. 3346(c)(i) and (4); to the Committee on Education and Labor.

2907. A letter from the Executive Director, Intergovernmental Advisory Council on Education, transmitting the fiscal year 1986 annual report of the Council, pursuant to 20 U.S.C. 3423(b)(1)(D); to the Committee on Education and Labor.

2908. A letter from the Chairman, National Council on Educational Research, transmitting the Council's fiscal year 1986 report, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

2909. A letter from the Chairman, National Council on Vocational Education, transmitting the Council's 1986 annual report, pursuant to 20 U.S.C. 2431(g); to the Committee on Education and Labor.

2910. A letter from the Secretary of Education, transmitting a copy of final regulations—Procedures for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2911. A letter from the Secretary of Education, transmitting copies of the fiscal year 1986 reports of the Department's advisory committees, pursuant to 20 U.S.C. 1233b(a)(2); to the Committee on Education and Labor.

2912. A letter from the Secretary of Education, transmitting the annual program site reviews for fiscal year 1985-86 under part A of the Indian Education Act, pursuant to 20 U.S.C. 241aa nt.; to the Committee on Education and Labor.

2913. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1987 of the Administration on Aging, pursuant to 42 U.S.C. 3018; to the Committee on Education and Labor.

2914. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual legislative report on rail passenger service for fiscal year 1987, pursuant to 45 U.S.C. 644(2)(C); to the Committee on Energy and Commerce.

2915. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of the proposed alteration of several Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2916. A letter from the Chairman, National Endowment for the Humanities, transmitting the 1987 report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2917. A letter from the Secretary of Commerce, transmitting a report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2918. A letter from the Acting Assistant Secretary of Land and Minerals Management Service, Department of the Interior, transmitting notification of leasing systems for the central Gulf of Mexico, Sale 113, scheduled to be held in March 1988, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

2919. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2920. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2921. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2922. A letter from the Secretary of the Interior, transmitting a report on the status of the revenues from and the cost of constructing, operating and maintaining each lower basin unit of the Colorado River Basin project for the year ended September 30, 1968, pursuant to 43 U.S.C. 1544; to the Committee on Interior and Insular Affairs.

2923. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the fourth quarter report on waivers granted from certain admissibility requirements for refugees for fiscal year 1987, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

2924. A letter from the Clerk, District of Columbia Circuit, U.S. Court of Appeals, transmitting a copy of the notification by the Acting Attorney General, pursuant to 28 U.S.C. sec. 592(b)(i), regarding the preliminary investigation concerning former Assistant Attorney General Douglas H. Ginsburg, and certain related materials, released by the Division for the Appointment of Special Counsels, U.S. Court of Appeals; to the Committee on the Judiciary.

2925. A letter from the Acting Secretary, Department of Agriculture, transmitting the second quarterly commodity and country allocation table showing current commodity programming plans for food assistance under title II of Public Law 480 for fiscal year 1988, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES (for himself, Mr. Howard, and Mr. Saxton):

H.R. 3949. A bill to provide for the establishment of the Coastal Heritage Trail in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS (for himself, Mr. Fish, Mr. Horton, Mr. Coelho, Mr. Udall, and Mr. Kennedy):

H.R. 3950. A bill to establish national standards for voter registration for elections for Federal office, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. BOUCHER (for himself, Mr. Watkins, Mr. Bryant, Mr. Fascell, Mr. Smith of Florida, Mr. Sisisky, Mr. Neal, Mr. Tauzin, Mr. Barnard, Mr. MacKay, Mr. Fields, Mr. Leland, Mr. Dowdy of Mississippi, Mr. Hopkins, and Mr. Shaw):

H.R. 3951. A bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL:

H.R. 3952. A bill to increase the amount authorized to be appropriated for construction of the closed basin division of the San Luis Valley project in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. DONNELLY (for himself, Mr. Atkins, and Mr. Frank):

H.R. 3953. A bill to amend title XVI of the Social Security Act to provide that the existing requirement for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case of certain severely disabled children, and for other purposes; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. Hughes, Mr. Moorhead, and Mr. Feighan):

H.R. 3954. A bill to amend the Clayton Act regarding interlocking directorates and officers; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. Ray, Mr. Nielson of Utah, Mr. Owens of Utah, Mr. Fazio, Mr. Matsui, Mr. Bustamante, Mr. Gonzalez, Mr. Watkins, Mr. Edwards of Oklahoma, Mr. McCurdy, Mr. Smith of Texas, Mr. McEwen, Mr. Kasich, Mr. DeWine, Mr. English, Mr. Hall of Ohio, Mr. Rowland of Georgia, Mr. Miller of Ohio, Mr. Thomas of Georgia, and Mr. Wolpe):

H.R. 3955. A bill to increase the authority of the Secretary of Defense to transfer unobligated balances between accounts of the Department of Defense for fiscal year 1988 and to require the Secretary to use a portion of that authority to provide needed funds for depot maintenance activities and civilian personnel salaries; jointly, to the Committees on Appropriations and Armed Services.

By Mr. JEFFORDS (for himself, Mr. Stangeland, Mr. Obey, Mr. Gunderson, Mr. Hopkins, Mr. Coelho, Mr. Applegate, Mr. Towns, Mr. Gilman, Mr. Boehlert, Mr. Martin of New York, Mr. Penny, Mr. Gejdenson, Mr. Kastenmeier, Mr. Lagomarsino, Mr. Wortley, Mr. Chapman, Mr. Horton, Mrs. Johnson of Connecticut, Mr. AuCoin, Mr. Fauntroy, Mr. Roth, Mr. Petri, Mr. Weber, Mr. Oberstar, and Mr. Clinger):

H.R. 3956. A bill to amend section 201(d)(1)(D) and (E) of the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. KOSTMAYER (for himself and Mr. Ritter):

H.R. 3957. A bill to establish the Delaware and Lehigh Navigation Canal National Heritage Corridor in the Commonwealth of Pennsylvania; to the Committee on Interior and Insular Affairs.

H.R. 3958. A bill to direct the Secretary of the Interior to rehabilitate and preserve the Delaware Canal and the Lehigh Canal in the Commonwealth of Pennsylvania in accordance with the provisions of the Historic Sites Act; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of Utah:

H.R. 3959. A bill to amend the Impoundment Control Act of 1974 to provide that a rescission of budget authority proposed by the President take effect unless Congress specifically adopts a joint resolution disapproving the proposed rescission; jointly, to the Committees on Government Operations and Rules.

By Mr. RAVENEL (for himself, Mr. Tallon, Mr. Spratt, Mr. Derrick, Mrs. Patterson, and Mr. Spence):

H.R. 3960. A bill to authorize the establishment of the Charles Pinckney National Historic Site in the State of South Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONYERS:

H.R. 3961. A bill to require each State that receives a grant for adult education pursuant to section 304(a) of the Adult Education Act to reserve not less than 10 percent of funds provided under the grant for corrections education and education for other institutionalized individuals; to the Committee on Education and Labor.

By Mr. HUTTO (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, Mr. Biaggi, Mr. Anderson, Mr. Studds, Mr. Hubbard, Mr. Hughes, Mr. Lowry of Washington, Mr. Tauzin, Mr. Foglietta, Mr. Hertel, Mr. Dyson, Mr. Lipinski, Mr. Borski, Mr. Carper, Mr. Bosco, Mr. Tallon, Mr. Thomas of Georgia, Mr. Ortiz, Mr. Bennett, Mr. Manton, Mr. Pickett, Mr. Brennan, Mr. Hochbrueckner, Mr. Lent, Mr. Shumway, Mr. Fields, Mr. Bateman, Mr. Saxton, Mr. Miller of Washington, Mrs. Bentley, Mr. Coble, Mr. Sweeney, Mr. DioGuardi, Mr. Weldon, Mrs. Saiki, Mr. Herger, Mr. Bunning, and Mr. Konnyu):

H.J. Res. 456. Joint resolution to direct the Postmaster General to issue a commemorative stamp to honor the 200th anniversary of the U.S. Coast Guard; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia:

H.J. Res. 457. Joint resolution designating April 17-23, 1988, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS A. LUKEN (for himself and Mr. Hamilton):

H.J. Res. 458. Joint resolution to designate October 6, 1988, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of California (for himself, Mr. Hawkins, Mr. Roybal, Mr. Dymally, Mr. Martinez, Mr. Matsui, Mr. Waxman, Ms. Pelosi, Mr. Mineta, Mr. Coelho, Mr. Panetta, Mr. Fazio, Mr. Lantos, Mr. Edwards of California, Mr. Berman, Mr. Stark, Mr. Bosco, Mr. Coleman of Texas, Mr. Richardson, Mrs. Patterson, Mr. Dornan of California, Mr. Porter, Mr. Kostmayer, Mr. DeFazio, Mr. Hayes of Illinois, Mr. Beilenson, Mr. Horton, Mr. Frenzel, Mr. Lehman of California, Mr. Wilson, Mr. Brown of Colorado, Mr. Smith of Florida, Mr. Roe, Mr. Sawyer, Mrs. Boxer, Mr. Neal, Mr. Mrazek, Mr. Vento, Mr. Wyden, Mr. Howard, Mr. Hughes, Mr. Lipinski, Mr. Hoyer, Mr. de Lugo, Mr. Buechner, Mr. Kolbe, Mr. Shumway, Mr. Frost, Mr. Sikorski, Mr. Owens of Utah, Mr. Kastenmeier, Mr. Harris, Mr. Fish, Mr. Lowery of California, Mr. Torricelli, Mr. Dellums, Mr. Lehman of Florida, Mr. Owens of New York, Mr. Campbell, Mr. Morrison of Connecticut, Mr. Dixon, Mr. Rodino, Mr. Hochbrueckner, Mr. Lowry of Washington, Mr. Towns, Mr. Pepper, Mr. Green, Mr. McHugh, Mr. Gordon, Mr. Kolter, Mr. Rahall, Mr. McCloskey, Mr. Murtha, Mr. Lagomarsino, Mr. Kleczka, Mr. Boucher, Ms. Oakar, Mr. Jenkins, Mr. Levine of California, Mr. Cardin, Mr. Jontz, Mr. Wortley, Mr. Weiss, Mr. Garcia, Mr. Lent, Mr. Tauke, Mr. Brown of California, Mr. Flake, Mr. Dwyer of New Jersey, Mr. Jacobs, Mr. Staggers, Mr. Bilbray, Mr. Tallon, Mr. Tauzin, Mr. Evans, Mr. Fawell, Mr. Leland, Mr. de la Garza, Mr. Walgren, Mr. Yates, Mr. Chandler, Mr. Thomas of California, Mr. Weldon, Mr. Erdreich, Mr. Anderson, Mr. Clarke, Mr. Borski, Mr. Moody, Mrs. Collins, Mrs. Bentley, Mr. Murphy, Mr. Conyers, Mr. Henry, Mr. Nichols, Mr. Pashayan, Mr. Durbin, Mr. Darden, Mr. Johnson of South Dakota, and Mr. Gejdenson):

H.J. Res. 459. Joint resolution to designate April 21, 1988, as "John Muir Day"; to the Committee on Post Office and Civil Service.

By Mr. MORRISON of Washington (for himself, Mr. Barnard, Mr. Bennett, Mr. Berman, Mr. Bevill, Mr. Bliley, Mr. Boland, Mr. Boucher, Mr. Brooks, Mr. Buechner, Mr. Callahan, Mr. Carper, Mr. Chandler, Mr. Chapman, Mrs. Collins, Mr. Crockett, Mr. Dicks, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Emerson, Mr. Fawell, Mr. Fazio, Mr. Feighan, Mr. Fish, Mr. Flippo, Mr. Florio, Mr. Foley, Mr. Frenzel, Mr. Fuster, Mr. Garcia, Mr. Gejdenson, Mr. Gekas, Mr. Gray of Illinois, Mr. Green, Mr. Harris, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hubbard, Mr. Hyde, Mrs. Johnson of Connecticut, Mrs. Kennelly, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lehman of Florida, Mr. Lent, Mr. Levine of California, Mr. Lewis of California, Mr. Lewis of Florida, Mr. Lipinski, Mr. Livingston, Mrs. Lloyd, Mr. Lott, Mr. Lowry of Washington, Mr. McDade, Mr. McGrath, Mr. McHugh, Mr. McMillen of Maryland, Mr. MacKay, Mr. Martin of New York, Mr. Miller of California, Mr. Miller of Washington, Mr. Moakley, Mr. Molinari, Mr. Montgomery, Mr. Morrison of Connecticut, Mr. Murphy, Mr. Murtha, Mr. Neal, Mr. Nelson of Florida, Mr. Nichols, Ms. Oakar, Mr. Oberstar, Mr. Owens of New York, Mr. Panetta, Mrs. Patterson, Mr. Pepper, Mr. Ravenel, Mr. Rhodes, Mr. Rinaldo, Mr. Roberts, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Rostenkowski, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Russo, Mrs. Saiki, Mr. Saxton, Mr. Schuette, Mr. Denny Smith, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Solarz, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Stenholm, Mr. Sunia, Mr. Tallon, Mr. Tauke, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Vander Jagt, Mr. Walgren, Mr. Weiss, Mr. Wilson, Mr. Wolpe, Mr. Wortley, Mr. Wyden, Mr. Yatron and Mr. Young of Alaska):

H.J. Res. 460. Joint resolution to authorize and request the President to issue a proclamation designating April 24, 1988, through April 30, 1988, as "National Organ Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. TAUKE (for himself, Mr. Hall of Texas, Mr. Chapman, Mr. Pickle, Mr. Whittaker, Mr. Emerson, Mr. Sikorski, Mr. Hatcher, Mr. Grant, Mr. Roberts, Mr. Boucher, Mr. Tallon, Mr. Stenholm, Mr. Schuette, Mr. Weber, Mr. Hutto, Mr. Daub, Mr. Coleman of Missouri, and Mr. Jontz):

H.J. Res. 461. Joint resolution designating the week beginning May 15, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLARZ (for himself, Mr. Fascell, Mr. Broomfield, Mr. Leach of Iowa, Mr. Atkins, Mr. Sunia, Mr. Torricelli, Mr. Ackerman, Mr. Blaz, Mr. Lagomarsino, Ms. Snowe, and Mr. Solomon):

H. Con. Res. 246. Concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 378. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. HUNTER:

H. Res. 379. Resolution condemning the Soviet Union's and the Democratic Republic of Afghanistan's policies of repression of accurate news coverage of the war in Afghanistan and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

268. By the SPEAKER: Memorial of the General Assembly, Commonwealth of Pennsylvania, relative to a stamp commemorating the 50th Anniversary of the Pennsylvania Turnpike; to the Committee on Post Office and Civil Service.

269. Also, memorial of the House of Representatives, Commonwealth of Pennsylvania, relative to amending the Budget Reconciliation Law of 1987, to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY:

H.R. 3962. A bill for the relief of Cornel H. Petrassevich; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 3963. A bill for the relief of the T.W. Rounds Co. of Providence. RI; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 80: Mr. KANJORSKI.

H.R. 341: Mr. FEIGHAN.

H.R. 608: Mr. LaFALCE.

H.R. 817: Mr. HANSEN, Mr. SUNDQUIST, Mr. BUNNING, Mr. HUCKABY, Mr. LOTT, and Mr. WELDON.

H.R. 1115: Mr. DE LUGO.

H.R. 1143: Mr. MANTON.

H.R. 1342: Mr. MANTON.

H.R. 1516: Mr. ST GERMAIN.

H.R. 1546: Mrs. BYRON.

H.R. 1583: Miss SCHNEIDER, Mr. WEBER, Mr. SCHUMER, Mr. SUNDQUIST, Mr. SWEENEY, Mr. MACK, Mr. AuCOIN, Mr. SHARP, Mr. GUNDERSON, Mr. DANNEMEYER, Mr. MILLER of California, Mr. BUNNING, Mrs. ROUKEMA, Mr. GREEN, Mr. BROWN of Colorado, and Mr. MILLER of Washington.

H.R. 1604: Mr. SUNDQUIST, Mr. THOMAS of Georgia, Mr. BOLAND, Mr. CARDIN, Mr. HORTON, and Mr. CAMPBELL.

H.R. 1638: Mr. MOAKLEY, Ms. OAKAR, and Mr. FEIGHAN.

H.R. 1692: Mr. MAZZOLI, Mr. SCHAEFER, Mr. MACK, Mr. FLAKE, Mr. NELSON of Florida, Mr. APPLEGATE, Mr. MURTHA, Mr. MILLER of Ohio, Mr. OXLEY, Mr. BUNNING, Mr. BILIRAKIS, and Mr. THOMAS A. LUKEN.

H.R. 1769: Mr. TOWNS.

H.R. 1917: Ms. PELOSI.

H.R. 1971: Mr. MINETA.

H.R. 1975: Mr. BLILEY.

H.R. 2125: Mr. BATEMAN.

H.R. 2246: Mr. SWINDALL, Mr. FOGLIETTA, Mr. DE LA GARZA, Mr. SCHUETTE, and Mr. TRAXLER.

H.R. 2260: Mr. RHODES, Mr. LEHMAN of Florida, Mr. GEKAS, and Mr. DURBIN.

H.R. 2357: Mr. DAVIS, of Illinois, Mr. CAMPBELL, Mr. MARTINEZ, Ms. KAPTUR, Mr. CONYERS, Mr. LANCASTER, Mr. STOKES, Mr. BUECHNER, Mr. MAZZOLI, and Mr. SUNIA.

H.R. 2532: Mr. BONKER.

H.R. 2621: Mr. MILLER of Washington, Mr. CARPER, Mr. WOLPE, Mr. SHAYS, and Ms. PELOSI.

H.R. 2707: Mr. SUNDQUIST and Mr. LEVINE of California.

H.R. 2793: Mr. CRAIG.

H.R. 2988: Mr. DE LUGO, Mr. DARDEN, Mr. PACKARD, Mr. DOWDY of Mississippi, Mr. HAMMERSCHMIDT, Mr. CRAIG, Mr. ROBERT F. SMITH, and Mr. DeFAZIO.

H.R. 3054: Mr. GEJDENSON.

H.R. 3065: Mr. McEWEN, Mr. FLIPPO, Mr. GORDON, Mr. DAVIS of Michigan, Mr. JEFFORDS, Mr. PRICE of North Carolina, Mr. TOWNS, and Mr. HEFLEY.

H.R. 3071: Mr. SMITH of Florida.

H.R. 3133: Mr. SMITH of Florida, Mr. DIXON, Mr. LEHMAN of Florida, Mr. MRAZEK, Mr. FLORIO, Mr. MOAKLEY, and Mr. FAUNTROY.

H.R. 3241: Mr. GRAY of Illinois.

H.R. 3250: Mr. LAGOMARSINO, Mr. NATCHER, Mr. COYNE, Mr. SHUMWAY, and Mr. McEWEN.

H.R. 3280: Mr. SMITH of New Hampshire.

H.R. 3375: Mr. MOODY.

H.R. 3410: Mr. DE LUGO and Mr. HYDE.

H.R. 3455: Mr. FUSTER, Mr. RODINO, Mrs. LLOYD, Mr. OWENS of New York, Mrs. MORELLA, Mr. HORTON, Mr. ROE, Mr. SKELTON, and Mr. LEWIS of California.

H.R. 3467: Mrs. ROUKEMA.

H.R. 3505: Mr. BUECHNER and Mr. CROCKETT.

H.R. 3511: Mr. HOWARD, Mr. GONZALEZ, and Mr. HALL of Ohio.

H.R. 3523: Mr. SYNAR.

H.R. 3553: Mr. FOGLIETTA, Mr. SKEEN, Mr. LUJAN, Mr. HUGHES, Mr. HAYES of Illinois, Mr. MURPHY, Mr. TOWNS, and Mr. THOMAS of California.

H.R. 3565: Mr. BEREUTER, Mr. UPTON, and Mr. NIELSON of Utah.

H.R. 3635: Mr. FAZIO and Mr. WILLIAMS.

H.R. 3660: Mr. WHITTAKER, Mr. KONNYU, Mr. JOHNSON of South Dakota, Mr. MAZZOLI, Mr. GLICKMAN, Mr. HOCHBRUECKNER, Mr. CHAPMAN, Mr. McMILLEN of Maryland, Mr. SHAYS, Mr. CONTE, Mr. BOLAND, Mr. MAVROULES, Mr. TALLON, Mr. HERTEL, Mr. ORTIZ, and Mr. BOEHLERT.

H.R. 3669: Mrs. BOXER.

H.R. 3671: Mr. BIAGGI, Mr. CARDIN, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DE LUGO, Mr. EDWARDS of California, Mr. GONZALEZ, Mr. LEVIN of Michigan, Mr. McMILLEN of Maryland, Mr. OWENS of New York, Mr. RODINO, Mr. TRAFICANT, and Mr. WEISS.

H.R. 3769: Ms. PELOSI.

H.R. 3791: Mr. WORTLEY, Mr. SMITH of Florida, Mr. RAVENEL, Mr. CHAPMAN, Mr. GALLO, Mrs. BYRON, and Mr. MYERS of Indiana.

H.R. 3792: Mr. BENNETT, Mr. LENT, Mr. MORRISON of Connecticut, Mr. LANCASTER, Mr. ACKERMAN, Mr. GORDON, Mr. SCHUMER, Mr. CONTE, Mr. LEVIN of Michigan, Mr. GARCIA, Ms. PELOSI, Mr. OWENS of New York, Mr. McGRATH, Mr. HARRIS, Mr. MANTON, and Mr. MARTINEZ.

H.R. 3814: Mr. COUGHLIN, Mrs. VUCANOVICH, and Mr. DARDEN.

H.R. 3830: Mr. HORTON, Mr. ACKERMAN, Mr. HUGHES, and Mr. SHAW.

H.R. 3841: Mr. SCHUETTE and Mr. HYDE.

H.R. 3844: Mr. HAMMERSCHMIDT, Mr. GRANDY, Mr. LEACH of Iowa, Mr. SWEENEY, Mr. DAVIS of Michigan, and Mr. HENRY.

H.R. 3850: Mr. BILBRAY, Ms. KAPTUR, Mrs. BOXER, Mr. DeFAZIO, Mr. SHARP, Mr. LEWIS of Forida, Mr. BUSTAMANTE, Mr. HOPKINS, Mr. HILER, Mr. HAMILTON, Mr. FAZIO, Mr. APPLEGATE, Mr. DERRICK, Mr. ROWLAND of Georgia, Mr. JACOBS, Mr. GRAY of Illinois, and Mr. NIELSON of Utah.

H.R. 3865: Mr. SPRATT, Mr. WILSON, Mr. STANGELAND, Mr. SHUMWAY, Mr. DAVIS of Michigan, Mr. MARTIN of New York, Mr. ORTIZ, Mr. McEWEN, Mr. BURTON of Indiana, Mr. HILER, Mr. BUSTAMANTE, and Mr. HASTERT.

H.R. 3870: Mr. HUGHES.

H.R. 3878: Mr. GILMAN.

H.R. 3879: Mr. ACKERMAN, Mr. MOAKLEY, Mr. OWENS of New York, Mr. PENNY, Mr. MFUME, Mr. SOLARZ, Mr. HAYES of Illinois, Mr. HALL of Ohio, Mr. DE LUGO, Mr. GILMAN, Mr. HORTON, Mr. DORGAN of North Dakota, Mr. BERMAN, Mr. TOWNS, Mr. KOSTMAYER, Ms. PELOSI, Mr. FAUNTROY, and Mr. WEISS.

H.R. 3883: Mr. BORSKI, Mr. PENNY, Ms. KAPTUR, Mr. TALLON, Mr. SUNIA, Mr. MATSUI, Mr. HAYES of Illinois, Mr. SIKORSKI, Mr. FLORIO, Mr. GRAY of Illinois, Mr. DORNAN of California, Mr. CRAIG, Mr. MORRISON of Washington, Mr. DYMALLY, and Mr. WYDEN.

H.R. 3888: Mr. JOHNSON of South Dakota.

H.R. 3893: Mr. KLECZKA, Mr. COATS, Mr. HAMMERSCHMIDT, Mrs. ROUKEMA, Mr. RITTER, Mr. DERRICK, and Mr. QUILLEN.

H.R. 3907: Mr. BROWN of Colorado, Mr. SYNAR, Mr. DOWDY of Mississippi, Mr. SWEENEY, Mr. HAMMERSCHMIDT, Mr. RICHARDSON, Mr. SHARP, Mrs. MARTIN of Illinois, Mr. JONES of Tennessee, and Mr. McDADE.

H.R. 3914: Mr. LEWIS of Georgia, Mr. LAGOMARSINO, Mr. DE LUGO, Mr. HOYER, Mr. FAUNTROY, Mr. DIXON, Mr. GREEN, and Mrs. BOGGS.

H.R. 3936: Mr. CHAPPELL.

H.J. Res. 192: Mr. SCHUETTE.

H.J. Res. 377: Mr. BIAGGI, Mr. BOSCO, Mr. DERRICK, Mr. DOWDY of Mississippi, Mr. FOLEY, Mr. HANSEN, Mr. LEACH of Iowa, Mr. MILLER of California, Mr. WAXMAN, Mr. MILLER of Ohio, Mr. MOAKLEY, and Mr. MORRISON of Connecticut.

H.J. Res. 383: Mr. BENNETT, Mr. PACKARD, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. CHAPMAN, Mr. McCLOSKEY, Mr. OBEY, Mr. WHITTAKER, Mr. CRANE, Mr. SYNAR, and Mrs. PATTERSON.

H.J. Res. 398: Mr. DONNELLY, Mr. HENRY, Mr. JONES of North Carolina, Mr. WYDEN, Mr. MOODY, Mrs. LLOYD, Mr. LIPINSKI, Mr. SMITH of Florida, Mrs. ROUKEMA, Mr. HORTON, Mr. KASICH, Mr. BILBRAY, Mr. McCLOSKEY, Mr. FAZIO, Mr. BLILEY, Mr. FOGLIETTA, and Mr. MATSUI.

H.J. Res. 428: Mr. LEVIN of Michigan, Mr. BROOMFIELD, Mr. HENRY, and Mr. MARTINEZ.

H. Con. Res. 232: Mr. KONNYU, Mr. HOLLOWAY, Mr. BROWN of California, Mr. SOLOMON, Mr. OXLEY, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. BENNETT, Mr. PEPPER, and Mr. TAUZIN.

H. Con. Res. 237: Mr. LEHMAN of Florida, Mr. DWYER of New Jersey, Mr. EDWARDS of California, Mrs. BOXER, Mr. SHAYS, Mr. SWINDALL, Mr. LEWIS of Georgia, Mrs. BYRON, Mr. HAYES of Illinois, Mr. RINALDO, Mr. BATES, Mr. BORSKI, Mr. JACOBS, Mr. BEILENSON, Mr. SCHAEFER, Mr. TALLON, Mr. LEVINE of California, Mr. RUSSO, Mr. GALLEGLY, Mr. ST GERMAIN, Mr. FASCELL, Mr. PICKLE, Mr. FUSTER, Mr. KENNEDY, Mr. DeFAZIO, Mr. STAGGERS, Mr. OWENS of Utah, Mrs. LLOYD, Mr. TRAXLER, Mr. FORD of Tennessee, Mr. MAZZOLI, Mr. CHANDLER, and Mr. LUJAN.

H. Con. Res. 238: Mr. PENNY.

H. Con. Res. 241: Mr. WEISS, Mr. SCHEUER, Mr. OBERSTAR, Mrs. BOXER, Mr. FAUNTROY, Mr. MARTINEZ, Mr. MILLER of California, and Mr. JONTZ.

H. Res. 225: Mr. HUTTO and Mr. VANDER JAGT.

H. Res. 272: Mr. RANGEL, Mr. CHAPMAN, Mr. BUNNING, Mr. BATEMAN, Mr. ORTIZ, Mr. SWINDALL, Mr. TRAFICANT, Mr. FISH, and Mr. EDWARDS of Oklahoma.

H. Res. 300: Mr. INHOFE, Mr. BLILEY, and Mr. HUGHES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. R. 3378: Mr. THOMAS of Georgia.

H. R. 3635: Mr. DEFAZIO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

123. By the SPEAKER: Petition of the county council of Hilo, Hawaii, relative to improvements to Saddle Road, to the Committee on Armed Services.

124. Also, petition of the city council of Pittsburgh, PA, relative to the Community Housing Partnership Act; to the Committee on Banking, Finance and Urban Affairs.

EXTENSIONS OF REMARKS

WOMEN FOR A MEANINGFUL SUMMIT

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Miss SCHNEIDER. Mr. Speaker, while President Reagan and General Secretary Gorbachev met in Washington late last year to discuss a wide range of issues concerning the superpowers, women legislators from around the world were meeting here as well to lend their voices to the cause of global peace. I was a proud participant in that meeting, Mr. Speaker, and am happy to commend to my colleagues these selected exerpts of our own summit, as prepared by the international women's organization, Women for a Meaningful Summit, which sponsored the meetings.

On Friday, December 4, hearings were organized by Women for a Meaningful Summit which included four Members of the U.S. Congress: CLAUDINE SCHNEIDER, PATRICIA SCHROEDER, BARBARA KENNELLY, and CONSTANCE MORELLA. The hearing was chaired by former New York Congresswoman BELLA ABZUG and Senator SILVIA HERNANDEZ of Mexico, who is also president of World Women Parliamentarians for Peace. The panel also included legislators from 11 countries. It heard testimony from foreign and American women who voiced their ideas for promoting international peace and speak on behalf of U.S. ratification of the INF Treaty.

The hearings turned out to be the only occasion for WMS to communicate its views to the superpower leaders. Neither leader was able to meet with a WMS or other peace delegation, but copies of the testimony presented at the hearing were delivered to George Arbatov, for General Secretary Gorbachev's attention, and to Deputy Assistant Secretary of State Thomas Simons for President Reagan.

WMS also was in touch with Mrs. Reagan and Mrs. Gorbachev. Although neither could attend, WMS was able to call attention to women's strong interest in advancing peace.

This concern was expressed in many different voices at the hearings. Among them were spokeswomen from world women parliamentarians and other international delegates, and from leaders of the six American women's peace organizations as well as other U.S. women's groups like the YWCA, National Institute for Women of Color, and the American Association of University Women. Sara Harder, president of the AAUW and Chair of the WMS/USA Executive Committee, established a theme for the meeting when she quoted a Chinese proverb, "Women hold up half the sky."

Margarita Papandreou, wife of the Prime Minister of Greece, testified. She is the international liaison from Women for a Meaningful Summit and president of the Women's Union of Greece. She was part of a delegation of 41 foreign participants from 26 nations who are striving toward peace. An exerpt of her testimony follows:

Mrs. PAPANDREOU. I want to mention that we have been getting letters of support from wives of leaders all over the world, Luxembourg, Finland, Czechoslovakia, East Germany, New Zealand, Hungary, the Gambia and India. I think it is important that wives of leaders of countries feel very impelled to show their solidarity with our efforts here. Being the wife of a Prime Minister is sometimes an awkward kind of a role, but it does have a certain power-derived power, you might say—and it can be used in a good way. Someone asked me after a speech in Europe, in the Netherlands, I think it was, whether I thought it was appropriate and proper for the wife of a leader to be engaged in such a political activity as disarmament and issues of peace. I said it wasn't a question of being proper, but a duty, and I thought that every wife of every leader should be involved in such an activity.

The global network, Women for a Meaningful Summit, believes that a meaningful summit here in Washington must carry with it not only an agreement of nuclear missiles reduction, but an expression of political will by both superpowers to continue the process and to state in specific terms what this means.

We would wish, also, that women were at the negotiating table to have the opportunity to help shape the world's future in peace and welfare, in solidarity and dignity. This wish is something we are striving to turn into an actuality and it will become just that in the not too distant future.

A panel of three women who are technical experts on arms control as well as leaders of U.S. organizations gave their views on progress toward peaceful relations between the superpowers. The women experts were Dr. Anne Cahn, Director of the Committee for National Security; Randall Forsberg, founder of the Nuclear Freeze movement and Director of the Institute for Defense and Disarmament Studies; and Dr. Betty Lall, academician and expert on verification of treaties for the Council on Economic Priorities.

Two excerpts of Dr. Cahn and Ms. Lall's testimony follow:

Dr. ANNE CAHN. Pat Schroeder was very apt in calling the Summit, the forthcoming Summit, "Base Camp 1," because indeed the INF Treaty really is just a first step. The administration has used that phrase, "a first step," because they found out that it sold well to focus groups, but I think it is an apt phrase because the INF agreement is militarily and strategically insignificant and politically very, very important.

Militarily, of course as you all know, it very much favors the United States. Under the terms of the agreement, the U.S. will dismantle 364 nuclear warheads of intermediate range and the Soviet Union will dismantle 1,435 warheads of intermediate range plus another 140 of shorter range. After the United States and the Soviet Union withdrawals are completed, West Germany will then deactivate 72 Pershings I-A. Those warheads represent about 4 percent of the totals in the inventories of the two superpowers.

Another reason that the treaty is militarily and strategically insignificant is that the treaty can be very easily circumvented. For one thing, the treaty leaves the United States with 12,000 and the Soviet Union with 11,000 strategic warheads in their inventories, which can, in the course of an hour, be retargeted to aim at the same targets as those being removed by the INF Treaty. Second, because the United States has abandoned the SALT II treaties, the Soviet Union, if it wished to do so, would be free to build up its strategic warheads, which are not covered by the treaty, back up to the amount of the 1,400 that they are taking down for the INF.

However, I think that politically the INF treaty has tremendous importance, and that is really for three reasons. First, it will fulfill a long-standing United States assurance to our allies that the United States and Soviet arms control agreements will not leave European concerns aside. Second, I think the treaty is important politically because it will demonstrate that the United States can follow through on commitments, and I would think that to renege or not to ratify the treaty would destroy any credibility on the part of the United States with our allies or with the Soviet Union. Third, and most important of all, I think that the treaty is of tremendous political importance to the two leaders.

Ms. BETTY LALL. This agreement encompasses the most comprehensive verification measures that have ever been in any agreement and, hopefully, it will go a long way to put to rest the argument of many, particularly in my country, that constantly states, "Well, you cannot reach an agreement because verification is impossible. The Soviets will not agree." This time the Soviets have been, in many ways, more open than the United States in wanting verification, so as you will see when the Treaty is released, there are many aspects of the verification problem that have been solved, opened up by the parties.

This agreement is very important because it for the first time begins to denuclearize Europe. Europe, as we know, is the most heavily nuclearized place in this world, and if we tried to put as many weapons—particularly nuclear weapons—that are in Europe in the United States, throughout our major cities and throughout our manufacturing centers, I believe there would be a huge political cry, but Europe has had this for years and years.

Now let me also emphasize one other important aspect of this agreement that begins to attack a very fundamental part of this arms race, and that is where technology leads strategy. Think what has happened in building Pershings and cruise. We have our scientists and engineers think of things to do, and they devise technologies, and once those technologies are devised, then we say, "Well, what kind of a strategy will we have to fit them?" We must keep in mind that we must reverse this technology first and strat-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

egy second. Let us decide what are our pure defense needs and then decide what kinds of weapons, if any, do we want to have to guarantee our security.

Now let me talk now about a nuclear weapons test ban, because if we want to think of one next step after this agreement that will do more than anything else to denuclearize the world, it is achieving a ban on nuclear weapons testing. If you cannot test, you cannot make new weapons. If you cannot test there will be other countries that cannot make nuclear weapons, and so we have in front of us as an important next goal both the stopping of the vertical proliferation on the part of the United States and the Soviet Union and other nuclear powers, and stopping the horizontal proliferation among many other countries of the world. That if it once starts, will be extremely hard to stop. The technology is there, the material is there, and if there is political will to move toward nuclear weapons, that will go forward. A test ban would stop both kinds of proliferation.

It is an honor for me to participate in Women for a Meaningful Summit's hearing and represent women's hopes that summit meetings between the United States and the Soviet Union will produce arms agreement leading to global security and to coordinate peace efforts among women's peace groups and organizations. Women for a Meaningful Summit is supported by American foundations, among them the Dana McLean Greeley Foundation of Concord, Massachusetts.

A CONGRESSIONAL SALUTE TO AFRO-AMERICAN ARCHITECTS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FAUNTROY. Mr. Speaker, the history of the Afro-American architect in this Nation has been one which is characterized by tenacity of purpose and pursuit of opportunity and excellence. The achievements of these professional individuals in architectural practice, government, education, and allied endeavors have been stellar even in the very early days when formal education in architecture was not available in historically Afro-American institutions of higher education.

On February 9, 1911, the trustees of Howard University approved degree studies in architecture, thus creating what was to become a premier academy, the Howard University School of Architecture and Planning. The legacy of this school and its faculty, students, and alumni is replete with distinctions that are well known and revered in the architectural community and the community at large.

A measure of the greatness of an institution is often the extent to which it acknowledges both those who contributed to its stature and those who labored in competition with it, but always to the same end. In this context, the Howard University School of Architecture, as a component of its Black History Month Celebration, will honor 10 architects who have made significant contributions to the participation of Afro-Americans in the profession. Among the nine men and one woman, are four professors emeriti of Howard, seven fellows of the American Institute of Architects, early faculty members of the architectural programs at Hampton and Tuskegee Universities, a principal of the oldest continuing Afro-American architectural firm in the Nation, and the first Afro-American woman to be elected to the College of Fellows of the AIA. The celebration's theme is "The Afro-American Architect: A Search for Opportunity and Excellence" and it will occur on Friday, February 26, 1988.

I share with you and our country profiles of the 10 honorees:

Leon Brown, FAIA; BA arch, Georgia Institute of Technology, 1929, M arch, University of Pennsylvania, 1933; professor of architecture, 1947-1972, Howard University; fellow, American Institute of Architects; partner, Brown and Wright, Architects; past president, D.C. Board of Examiners and Registrars of Architects; past president, Washington Metropolitan Chapter, American Institute of Architects.

Leroy J.H. Brown, AIA: BS arch, Howard University, 1944, MS arch, Catholic University, 1950; professor of architecture, 1945-1977, and chairman, Department of Architecture, Howard University; principal, Leroy J.H. Brown and Associates; past president, D.C. Board of Examiners and Architects.

Granville W. Hurley, Sr., FAIA: BS arch, University of Pennsylvania, 1933, M arch, University of Pennsylvania, 1934; professor of architecture, 1935-1972, Howard University; fellow, American Institute of Architects; former acting chairman, Department of Architecture, Howard University.

Louis E. Fry, FAIA; BS arch, Kansas State University, 1927, M arch, Kansas State University, 1930; professor of architecture, 1947-1971, Howard University; fellow, American Institute of Architects; past member, D.C. Board of Examiners and Registrars of Architects; partner, Fry & Welch Architects; nominee, AIA Gold Medal; designer, Main Gates, Founders Library, Douglass Hall at Howard University.

Robert P. Madison, FAIA: B arch, Case Western Reserve, 1948, M arch, Harvard University, 1952; president and founder, Robert P. Madison International, Inc., Architects; past chairman, AIA Jury of Fellows; doctor of humane letters, Howard University; fellow, American Institute of Architects.

William D. McKissack: B arch, Howard University, 1951; principal, McKissack, McKissack and Thompson, oldest continuing Afro-American-owned architectural firm in the Nation; outstanding alumnus, Howard University.

William H. Moses: BS arch, University of Pennsylvania, 1933; professor of architecture, 1934-1965, and founder, architectural degree program, Hampton University.

Norma M. Sklarek, FAIA: B arch, Columbia University, 1950; first Afro-American female fellow, American Institute of Architects; formerly, vice president, Welton Beckett Associates; founder, Seigel, Sklarek and Diamond Architect.

John Sulton, FAIA: B arch, Kansas State University, 1941; founder, Sulton and Campbell Architects; fellow, American Institute of Architects.

John Welch, FAIA: BS arch, Howard University, 1930, M arch, Catholic University, 1952; professor of architecture and dean, School of Applied Science, Tuskegee University, 1957-1974; partner, Fry and Welch Architects; fellow, American Institute of Architects.

GREECE AND TURKEY: ARE THEY BREAKING THE ICE?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BROOMFIELD. Mr. Speaker, I am encouraged by recent indications that relations between Greece and Turkey may be improving. While major disagreements still divide those two nations, some progress is being made in setting a new tone in their relationship. Prime Minister Ozal and his Greek counterpart, Andreas Papandreou, are to be commended for taking this brave step on the road to peace in the Aegean. Now is the time for the Turkish Government to show its commitment to peace by removing Turkish troops from Cyprus.

In the past few days, the Prime Ministers of Greece and Turkey announced that they had agreed to work toward "lasting peaceful relations" between their two countries. They issued their joint communique after a 2-day meeting that marked the first direct contact between the two countries in a decade. Their meeting reportedly took place in an "atmosphere of understanding and good will."

The two leaders agreed to make reciprocal visits to each other's countries at least annually. They also agreed to set up two committees. One group will explore areas of possible economic cooperation while the other group will determine how to resolve longstanding problems. They also agreed to "initiate, encourage and increase contacts among civilian and military officials, members of the press and businessmen."

While we can all be hopeful that relations between the two countries will improve, there are many areas of disagreement which still divide those two guardians of NATO's southern flank. Greek and Turkish leaders take conflicting positions on the issues of sharing Aegean seabed mineral rights, control of Aegean airspace, the limits of territorial waters and the militarization of Greek islands near Turkey's Aegean coast. The most controversial issue concerns the illegal Turkish occupation of the northern half of Cyprus. Since 1974, over 30,000 heavily armed Turkish soldiers have occupied the northern tier of that once-peaceful island. Little progress has been made in resolving that longstanding tragedy for the people of Cyprus.

I am greatly disappointed that the Turkish Prime Minister, Mr. Turgut Ozal, apparently avoided substantive discussions concerning the Cyprus issue when he met with his Greek counterpart. I believe that all of us agree that the Cyprus problem must be resolved quickly and fairly. Prolonging the ongoing Cyprus problem will only lead to further frustrations and tensions in the Aegean. Disagreements over this and other unresolved issues have brought the two nations to the brink of war twice in the past 20 years. America does not need a further weakening of the vital southern flank of NATO.

While the recent meetings between Prime Minister Ozal and the Greek President did not produce dramatic results, it was a positive and encouraging development, and confidence-building measures were agreed upon. I encourage the Turkish Prime Minister to take the initiative before the window of opportunity closes on this important issue. Withdrawing Turkish soldiers from nothern Cyprus now would be a prudent step to take in helping those two nations resolve their differences.

A BAD WEEK IN ANGLO-IRISH RELATIONS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BIAGGI. Mr. Speaker, over the long and difficult history of Northern Ireland there have been few weeks in recent memory that have been more troublesome than last week. There have been few weeks where prospects for achieving a just political solution were dealt more setbacks than last week.

There have been few weeks when the actions of the British Government were so inimical to the goal of justice and peace for all the people of Ireland than last week.

First, the British Attorney General announced in the House of Commons that all further prosecutions of the members of the Royal Ulster Constabulary [RUC] involved in the so-called shoot to kill policy were ended. Just 4 days later a British appeals court refused to set aside the conviction of the so-called Birmingham Six despite years of sustained efforts by those from Ireland, Europe, and the United States to have the case reopened.

As the article from the Boston Globe of Monday, February 1 indicates these dual actions have enraged the Irish Government of Charles Haughey as well as those in the United States who have been advocating on these two causes. No group has been more concerned with these matters than the ad hoc Congressional Committee for Irish Affairs.

We have been pushing for a full and independent inquiry into the RUC shoot to kill allegations and have been deeply involved in the efforts to reopen the Birmingham Six case. It should be noted that a leading member of our committee the gentleman from New York, Mr. GILMAN attended the opening session of the Birmingham Six case before the court of appeals.

As chairman of the ad hoc committee I feel strongly that the United States must utilize its good offices whether through private diplomacy between the President and Mrs. Thatcher or some other avenue to gain reconsiderations of the British decision on both these matters. The RUC probe termination is especially troubling to me because it bears so directly on the issue of human rights.

As some of my colleagues recall, more than 7 years ago, the State Department suspended all future sales and shipments of arms to the RUC pending a full review of U.S. policy. This was due to documented reports that the RUC had been violating the human rights of prisoners and suspects under their control. This suspension has remained in effect today. Meanwhile in a new and even more dangerous policy the RUC is alleged to have had a shoot to kill policy against certain civilians in Northern Ireland which has produced deaths and maimings of innocent people.

We cannot continue to send economic assistance to Northern Ireland without some assurance that the British Government will conduct a new, independent, and public probe of these allegations. Failure to do this could constitute a serious inconsistency in the law authorizing the U.S. assistance.

At this point in the RECORD I wish to insert the article from the Boston Globe entitled. "British Actions Strain Anglo-Irish Ties."

The article follows:

[From the Boston Globe, Feb. 1, 1988]

BRITISH ACTIONS STRAIN ANGLO-IRISH TIES

(By Carole Craig)

DUBLIN.—The British legal system delivered a body blow to Anglo-Irish relations last week, shaking the foundation of two years of cooperation on the problems of Northern Ireland.

The British government announced last Monday that it would not prosecute police allegedly involved in a shoot-to-kill policy in Northern Ireland. Four days later a British appeals court refused to set aside the conviction of the so-called Birmingham Six, six Irish men accused of planting bombs in English pubs in 1974 that killed 21 persons and injured 160.

The British judges rejected claims by the Irish that they had been physically assaulted by police in order to obtain confessions. The six yesterday reiterated their innocence.

One Irish political commentator called it the worst week for relations between Britain and Ireland since the Irish state was founded.

Ireland's prime minister, Charles Haughey, accused the British government of breaching the Anglo-Irish Agreement. The two-year-old treaty forms the basis of the joint attempt to end 20 years of paramilitary violence in the six Northern Ireland counties.

The agreement gives the Irish government a "consultative role" in Northern Ireland affairs. Haughey told his Parliament that no such consultation had taken place over the decision not to prosecute the Northern Ireland police.

"PUBLIC INTEREST"

The Irish government claims it heard of the decision when the British attorney general, Patrick Mayhew, announced to the House of Commons that despite sufficient evidence, there would be no prosecution of the suspected police officers. He said the decision was based on "public interest and national security" concerns.

Mayhew's statement caused an uproar in the British Parliament, leading to the expulsion of one member who accused the attorney general of being an "accomplice to murder."

The controversey is over a case involving the shooting of six unarmed Roman Catholics by police in November and December 1982 in circumstances that have not been fully explained.

Haughey said Mayhew's decision not to take further legal steps in the matter had done the gravest damage to confidence in the ability and intention of authorities in the North to administer justice fairly. He canceled a meeting between the heads of the Irish and Northern Ireland police forces and called for a special meeting under the Anglo-Irish Agreement. The meeting is scheduled for tomorrow.

Almost simultaneously with Haughey's speech to the Irish legislators the three British appeal judges announced their verdict in the bombing case.

Reflecting widespread opinion in Ireland that the six are innocent, the Irish justice minister, Gerry Collins, said he was "amazed" and "saddened" by the verdict.

CAUSE CELEBRE

The Birmingham Six have become a cause celebre in Ireland. During the five-week appeal late last year, the longest appeal in British legal history, Irish newspapers ran daily full-page accounts of the proceedings.

A key contention in the appeal was that confessions from four of the six men were obtained after they had been beaten by the police. The defendants offered photographic evidence and witnesses to support their claim.

The judges dismissed the possibility that beatings had played a role in extracting any of the confessions.

A member of Parliament from the ruling Fianna Fail party, David Andrews, who was present in court when the appeal judgment was delivered on Thursday said. "This blow today added to Monday's cover-up is certainly a very sad day in the history of Anglo-Irish relations. It occurs to me that Monday is a black day and Thursday is a black day and two days in one week is a bad record for British justice in the Irish context."

Despite the two British actions, an official Irish source said Dublin is not about to give up the Anglo-Irish Agreement. "It gives us things we don't want to lose, for instance the stated right to be there," he said.

But he added, "The British government has signed the agreement and thinks that is enough. It thinks the letter of the agreement is enough and ignores the spirit."

SUPPORT FOR ISRAEL

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RICHARDSON. Mr. Speaker, America's longstanding support for Israel rests on our understanding of Israel's value as a strategic asset and a democratic bulwark. The depth of this understanding, not merely by the political leadership in Washington but by people across the country, is manifest during good times and difficult times.

A survey by the polling firm of Penn and Schoen Associates, engaged by the Anti-Defamation League of B'nai B'rith, and conducted between January 20 and 24—the height of the disturbances on the West Bank and in Gaza—reveals once again this steadfast support for Israel by the American people. As in the past, the public was more sympathetic to Israel than to the Arabs by a ratio of almost 4 to 1. It is fascinating and heartening that the public is able to look beyond the TV images and see the whole picture.

There are problems, certainly, but Israel in the mind of America remains a friend, a democratic standard, and a nation defending itself against those who would attack her.

Below is the summary of the survey:

This survey is intended to answer two basic questions:

(1) Has there been erosion in support for Israel since unrest began on the West Bank?

(2) What has been the reaction of the American public to what is going on in the Middle East?

DISCUSSION

On the first question, it seems clear that there has been little erosion in support for Israel. To test this proposition, we compared the results of our recently completed survey with those we compiled when we polled during a period of relative harmony in August, 1981. Those figures are presented to give you a frame of reference for what follows.

On the basic questions of who Americans support, sentiment is overwhelmingly with Israel. Table 1 shows the figures.

TABLE 1.—*Sympathies more with Israel or Arabs?*

	Percent
Israel: 1988	47
Arabs: 1988	14

Moreover, on the question of to whom the United States should give stronger support, Israel retains a significant advantage over the Arab nations.

TABLE 2.—*To whom should U.S. give stronger support?*

	Percent
Israel:	
1981	47
1988	43
Arabs:	
1981	11
1988	11

There is also clear recognition that the Reagan Administration is still sympathetic to Israel. Overall, 61 percent say the Reagan Administration's sympathies lie with the Israelis, while 12 percent say the Reagan Administration sympathizes with the Arab nations.

The American people continue to believe that the United States' strongest ally in the Middle East is Israel. In 1981, 41 percent took this position, now 47 percent say Israelis are America's strongest ally.

Nor, has there been any increase in sentiment that Israel is the greatest threat to peace in the Middle East. In 1981, 7 percent said Israel was the greatest threat to peace in the region. Now, 4 percent took this position. Forty-nine percent now say that Iran is the greatest threat to peace, and 14 percent said the PLO is the greatest threat to peace.

Further, Israel is still perceived as the strongest opponent of Soviet expansionism in the region, with 29 percent taking this position and 31 percent having offered it in 1981.

Finally, only 3 percent now said that Israel is the greatest threat to U.S. interests in the Middle East.

So it is clear that Israel has retained its bedrock support with the electorate. Indeed, follow-up questioning shows that there has actually been an improvement in the perception of Israel as a reliable ally of the United States.

TABLE 3.—*Israel a reliable ally of U.S. or do its actions threaten American interests in Middle East?*

	Percent
Reliable:	
1981	45
1988	52
Threaten United States:	
1981	35
1988	28

Also, there is a perception that Israel is a military and strategic asset to the United States. Overall, 57 percent said this was the case, while 30 percent disagreed.

Sentiment toward the Palestine Liberation Organization remains negative. In 1981, 7 percent were favorable while 58 percent were unfavorable. Now, 9 percent are favorable and 51 percent are unfavorable. Among those that were familiar with the PLO, only 23 percent said it represents the Palestinian people while, 61 percent said it does not represent them. Further, only 17 percent described them as a liberation organization, while 66 percent said they were a terrorist group. Finally, only 18 percent said Arafat and the PLO are sincere about wanting to make peace with Israel, and 65 percent say they are not sincere.

But, despite these feelings, 48 percent favor the U.S. having direct contact with the PLO and 42 percent oppose it. Thus, the American people support the idea of negotiations in the abstract, even if those discussions are held with groups they deeply distrust.

Thirteen percent said they wanted a Palestinian state set up on the West Bank and in Gaza under the PLO, while 31 percent opted for a state federated with Jordan. Twenty-six percent opposed the creation of any Palestinian state.

We also asked those that favor a Palestinian state federated with Jordan, whether they would still favor it if it meant the state was ruled by the PLO. Overall, 35 percent said they would favor it, while 53 percent said they would oppose it.

Responses were mixed on the issue of the role of the settlements on the West Bank and on the impact of a Palestinian state. Thirty percent said that Israeli settlements help protect the country's security while 47 percent indicated they contribute to greater instability in the region. But, while there is sentiment against the settlements, there is also recognition that a Palestinian state would be a threat to Israel's existence. Overall, 48 percent said such a state would be a threat, while 32 percent said it would not be a threat.

There was also a perception that neither side is willing to negotiate. Only 29 percent said the Arab nations are willing to negotiate directly with Israel, while 44 percent indicated they would not be willing to negotiate. However, the American public also believes that Israel is unwilling to negotiate with the Arab nations. Thirty-five percent said they are willing to negotiate and 40 percent said the Israeli's are not willing to negotiate.

We then presented the facts as they exist, with the Arabs refusing to negotiate unless the PLO is part of the process, and the Israelis refusing because of the PLO's call for Israel's destruction. Given that information, 43 percent said Israel should negotiate with the PLO and 46 percent said they should not.

We then turned to the unrest on the West Bank. We found that there was widespread recognition that there has been violence, and blame for it is placed on the PLO. To be sure, there is some sense that the Israeli reaction has been too extreme. But our sample does not believe the problem is Israel's alone or that the unrest is caused by legitimate grievances of the West Bank and Gaza Strip Arabs.

Overall, 72 percent have heard about violence and unrest in the Middle East, and 52 percent could point to the conflict on the West Bank and in Gaza. Thirty-six percent said Israel's reaction to the demonstrations has been too harsh, 12 percent said it has not been harsh enough, and 29 percent indicated it was appropriate under the circumstances. Twenty-three percent had no opinion.

Responsibility for the unrest lies with the PLO, according to our sample. Overall, 43 percent said they were responsible, while 16 percent each chose Israel and the West Bank Arabs.

Thirty-three percent said the West Bank Arabs were demonstrating because they have legitimate grievances against Israel, while 39 percent said they have been mobilized for political reasons by the PLO. Further, 15 percent said responsibility for the Palestinians is Israel's alone, while 56 percent said it was the responsibility of both the Arab states and Israel.

There was a consensus (78 percent) that an international peace conference should be convened. Only 15 percent opposed this idea. Also, 74 percent of those who favor the idea believe the PLO should be invited to participate, while 24 percent oppose the idea.

Finally, 49 percent said the United States did the right thing in voting for a U.N. resolution condemning Israel for its deportation of 9 Palestinian Arabs, while 33 percent said the U.S. did the wrong thing in voting to condemn Israel.

ABOUT THE SURVEY AND THE FIRM

The survey was conducted by Penn & Schoen Associates, Inc., a national public opinion research firm between January 20th and January 24th, from our central telephone facility in New York. A total of 810 interviews were conducted with a randomly selected sample of Americans. The level of error for the survey is plus-or-minus 4.5 percent.

Penn & Schoen Associates is a nationally known research firm that has worked for candidates such as former Vice-President Walter Mondale, Senator Edward Kennedy, Senator Daniel P. Moynihan, Senator Jay Rockefeller, Senator Frank Lautenberg, and 20 members of the House of Representatives.

The firm has also worked for a wide variety of corporations including Texaco, Amerada Hess, Philip Morris, Pepsico, General Foods, and Citibank.

FLORIO PAYS TRIBUTE TO KNIGHTS OF COLUMBUS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I'd like to bring to the attention of my colleagues an important event taking place in Camden County, NJ.

As you know, the Fraternal Order of the Knights of Columbus has provided extraordinary service to our Nation for over 100 years. Their record of civic and charitable involvement stands unparalleled. Likewise, the fourth degree of the order, known as the patriotic order, has worked unceasingly to foster patriotism and community pride throughout the county.

Camden County, in my congressional district, is the home of the Bishop V.J. Eustace Assembly, namesake of the first bishop of the

Diocese of Camden and an organization that has continued the fine tradition of charitable and civic service that has so characterized the entire order. On Friday, February 19, 1988, the Bishop V.J. Eustace Assembly will honor 50 years of loyal and outstanding service to Camden County, to the State of New Jersey, and to our Nation. This commemorative event will take place at the Garden Park Hotel, Cherry Hill, N.J.

I am proud to have such an outstanding organization in my congressional district, and am equally proud to be a member. I congratulate the Bishop V.J. Eustace Assembly, Knights of Columbus of Camden County, on 50 years of charity, community service, and patriotism, and wish them the best on their next 50 years.

LUNCHEON FOR THE CONGRESSIONAL COMPETITIVENESS CAUCUS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Miss SCHNEIDER. Mr. Speaker, as part of the ongoing activities of the congressional competitiveness caucus, distinguished speakers knowledgeable in areas of international trade, the economy, education, and science and technology address members of the caucus to inform us on the issues of the day. On February 2, 1988, we were privileged to have as our speaker, Dr. John Brademas, president of New York University and a former distinguished member of this body. Dr. Brademas shared with us his assessment of the role of higher education in enabling America to compete effectively in the world marketplace. I found Dr. Brademas' remarks to be particularly valuable. His assessment of the immediate needs of colleges and universities provided specific recommendations that deserve congressional attention. I am providing the text of Dr. Brademas' remarks in the hope that my colleagues will take a moment to reflect on his insights.

The text of Dr. Brademas' remarks follow:

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

It is a great pleasure and, indeed, an honor for me to speak at this luncheon sponsored by the Congressional Economic Leadership Institute.

I should like to extend warm greetings to the distinguished members of the Congressional Competitiveness Caucus, especially the Chairmen, Senators Baucus and Chafee, and Representatives Schneider and MacKay.

Indeed, I offer all Members of Congress here this afternoon my best wishes as you embark on the second session of the 100th Congress.

It is, of course, a particular personal pleasure for me to be here because, as you know, I served in Congress for 22 years, years I regard as among the most gratifying of my life.

So I am here as one who wears several hats: that of a former Member of Congress; President of the largest private university in the world, New York University; and one who now through service on a variety of both public and corporate boards devotes some attention to issues of the economy.

All of us are aware of the recent flood of reports that underscore the close connection between higher education and the country's future.

Here I note that last year I served on the Commission on National Challenges in Higher Education, sponsored by the American Council on Education and chaired by William Friday, President-emeritus of the University of North Carolina. In December, this 33-member Commission, composed of college and university presidents and business and labor leaders, issued a "Memorandum to the 41st President of the United States."

Our message urged the next President to place the problems and perspectives of higher education in the context of the formidable challenges confronting the entire nation. For we who lead America's colleges and universities must play our part in helping our country cope with the demands of the next decade and the next century.

Among the challenges that our Commission believes the United States will face, and that higher education can help meet is that of revitalizing the American economy. Clearly a crucial determinant of our economic strength between now and the year 2000 and beyond will be our colleges and universities.

In our report, members of the Commission called on the next Chief Executive of the United States to reinvigorate the historic partnership between higher education and the national government.

Indeed, in making this statement, we joined a swelling chorus of voices pressing greater attention to education and research as essential to strengthening America's competitive position in the world. Among the most prominent of those pressing this case are a panel of the White House Science Council; the Business-Higher Education Forum; Erich Bloch, Director of the National Science Foundation; the National Governors' Association; and, of course, your own group. In fact, many of the views I express today are in harmony with recommendations made by the bipartisan Congressional Competitiveness Caucus.

For it must be clear that at a time when more and more Americans perceive the necessary link between a vibrant system of higher education and a robust economy, we continue to pursue public policies that all too often are at odds with this connection.

Let us look, for example, at the impact on America's colleges and universities of the Federal budget for fiscal 1988. I cite three areas obviously critical to our competitive strength as a nation—student aid, graduate fellowships, and research and development.

STUDENT AID

First, student aid. As you all know, the Administration sought to slash student assistance by an astonishing 45 percent below the amount Congress voted for fiscal 1987. Although, I congratulate both Democrats and Republicans in Congress rejecting these drastic proposals, although funds for most student aid programs in the FY 1988 budget did fall below the levels for FY 1987. I am well aware that the big exception was the Pell Grant program, which received a major increase.

Certainly, as a former Member of Congress, I understand what a difficult problem all of you in Congress faced in writing the budget. Yet I must make clear that in my view Federal assistance to students is absolutely critical to winning the war for American competitiveness in the world. Here I draw your attention to an article in today's Washington Post (February 2, 1987), entitled, "Wanted: More Engineering, Science Majors," in which Erich Bloch, director of the National Science Foundation, warns that the health of science and engineering in the United States is threatened by a shrinking percentage of young Americans going into the fields and by tightening federal budgets that impede efforts to reverse the trend.

Mr. Bloch calls particular attention to the need to attract more women and minorities to science and engineering. He also points out that more and more, foreign students are earning doctorates in science and engineering at American universities. "It is bad policy to depend on a resource we cannot control," said Mr. Bloch in commenting on this growing U.S. dependence in these fields on students from other countries.

GRADUATE FELLOWSHIPS

If the fate of students aid was a mixed one, final figures on graduate fellowships represented a heartening gain for American competitiveness. Support for these programs nearly doubled with monies channeled for the first time to important new graduate programs for minorities and for advanced study in areas deemed critical to national need—science and engineering, foreign language and area studies.

RESEARCH AND DEVELOPMENT

Let me turn now to the research and development front. Once again, both Democrats and Republicans in Congress are due praise for fending off the Administration's attempts to reduce funds for the National Institute of Health and for giving NIH a $700 million increase over last year's appropriation. As you know, however, even with this increase, another half billion dollars may be needed to keep current services going.

As you are also aware, the hefty boost slated for basic research at the National Science Foundation disappeared into the machinery of the budget process. Last year, a recommendation to double basic research at NSF, proposed by President Reagan and endorsed by leaders of Congress, became one rallying point for a commitment at the Federal level to enhance competitiveness. Nevertheless, by year's end, an anticipated increase for such purposes of 17 percent had dwindled to 3.3 percent.

In the wake of the stock market crash, the pressure to reduce the deficit intensified, making the fiscal 1988 budget battles over research and education monies even more difficult than usual, as all of you know better than I.

Given the uncertain economic outlook and the towering Federal deficit, budget austerity is likely to be with us for a long time to come. But the deficit, I may observe, is certainly not the consequence of wild-eyed spending on education!

TAX POLICY

Now many of you have heard me before express my concern about tax legislation that can have the effect of undermining our capacity to develop American brainpower. I cite here by way of example:

Increased taxation of scholarships and fellowships;

Discontinuance of deductibility for interest on student loans;

Imposition of a $150 million ceiling per institution on access to tax-exempt financing by private but not public colleges and universities.

As you take up your responsibilities in the next few weeks, I would call upon you to remember the indispensable role of colleges and universities—a role that all of us in higher education want to play—in achieving a stronger economy.

Allow me then to propose a higher education agenda for American competitiveness. If the nation's colleges and universities are effectively to help prepare America for the economic challenges of the coming decades, we must, I believe, take several actions:

Ensure support to talented students, who, because of financial need, might otherwise be denied a college education.

No qualified, motivated student should be prevented from going to college solely because he or she cannot afford it. I urge members of the 100th Congress to rejuvenate and strengthen the bipartisan coalition in support of student financial aid that characterized my own years in Congress.

Strengthen the nation's capacity for advanced training and research, essential to producing the experts in fields vital to our national interest.

Five years ago, I served on the Bipartisan National Commission on Student Financial Assistance, and I chaired its Subcommittee on Graduate Education. Our report was issued in 1983.

The Commission—which was composed of 12 persons, four each appointed by President Reagan, then House Speaker Thomas P. O'Neill, Jr., and the Senate President Pro Tempore, Strom Thurmond—found many "signs of trouble and erosion" in graduate education, including a pattern of declining Federal support for graduate fellowship and student assistantships.

I commend members of Congress for their strong endorsement of graduate fellowships in the FY 1988 budget, and urge you to continue to increase such support. Here let me say how pleased I am that Congressman Major Owens' bill to increase minority access to graduate study and Congressman Tom Coleman's bill to strengthen graduate fellowships in areas of national need were both approved.

Let me speak of research. I quote from Mr. Bloch: "The United States has not invested in R and D in recent decades at the rate that sustained growth in a modern society requires."

My recommendation here is simple and straightforward: the Federal government must clearly strengthen its support for research and development, particularly for civilian purposes. This means substantially increasing the research budgets for the National Science Foundation as well as for the federal mission agencies.

Advance word has it that the Administration will propose a 20 percent increase in funds for NSF in its budget for fiscal 1989. As the budget process unfolds this year, we must be clear about our spending priorities and protect these levels of funding for NSF.

Tax policy is another important component of the national R and D picture. Here I urge the following steps as an important part of your agenda:

First, remove the $150 million cap on tax-exempt bond issues by independent colleges and universities, a provision that threatens research at universities that rely on these bonds to build and renovate laboratories and facilities. I assure you that we in the realm of private higher education are desperate for research facilities and that tax-exempt financing is the key.

Second, make permanent the new tax credit to encourage private companies to finance basic research at universities.

Third, reexamine those provisions of the tax code that tax scholarships and fellowships and that deny deductions for the interest paid on student loans.

And finally and most urgently, I hope you will reauthorize Employee Education Assistance—Section 127 of the Tax Code—which enables employers to work with colleges and universities to upgrade the skills of employees and helps us in higher education finance graduate teaching assistants and research assistants. I am glad to say that more than half the Members of the House of Representatives are co-sponsoring the bill, introduced by Representatives Frank Guarini and Charles Rangel, both New York University graduates, by the way!—to achieve this goal.

Rebuild the eroding physical infrastructure of colleges and universities to provide adequate libraries and modern laboratories and equipment.

The material needs of advanced scientific investigations are vast, growing, and in some cases, extremely expensive. Yet our investment in equipment and facilities has been dangerously deficient. To replace and renew the physical plant of our colleges and universites will cost—I don't enjoy telling you this, but these are the facts—an estimated $10 to $20 billion.

To meet this requirement, Federal assistance is essential, and I remind you that we are talking here about the needs not of one state or region but the entire nation.

As you may know, legislation to provide new support for facilities is under consideration in both the House and the Senate. In developing these initiatives, I believe we must attend to the vital infrastructure—both physical and intellectual—of those research and graduate institutions from which most of the innovations and discoveries have flowed.

Maintain at both undergraduate and graduate levels faculties of high quality.

Another problem facing colleges and universities is to assure a continuing supply of professors of high quality. In areas such as engineering and computer science, particularly computer engineering solid-state electronics, and digital systems, faculty vacancies are already a serious problem.

To attract and retain talented young faculty, particularly in the endangered specialists, the report of the Graduate Education Subcommittee recommended an initiative similar to the Presidential Young Investigators Program first proposed by President Reagan in 1981 to support young faculty researchers. You should increase funds for such programs.

Expand Federal support of international education and exchange programs.

Our capacity as a nation to understand, communicate and conduct business with other peoples and nations is gravely threatened by our lack of knowledge of languages and cultures different from our own.

Title VI of the Higher Education Act provides funds for research and instruction in modern foreign languages, university-based national resource centers, fellowships, and independent research projects as well as a small number of undergraduate programs. It deserves continued and expanded support.

You should also support international education initiatives to provide for new university-based Centers for International Business Education, which would serve as regional resources for business. I understand that the trade legislation now being considered in House-Senate conferences will, happily probably include this provision.

Devise ways of encouraging partnerships between and among business, government, and institutions of higher education to design the technologies and develop the skills necessary for a competitive America.

Here I would single out for mention two areas. One involves joint university-industry cooperative research efforts. The goal here is to marry the resources of these two sectors in carrying out both basic and applied research and then more rapidly transferring the discoveries of the laboratory to the private sector. I hope that you in Congress will pass legislation to encourage rather than discourage such developments.

The National Science Foundation has undertaken such an initiative with its engineering research centers, which are based at universities, focus on problems of genuine interest to industry and include private-sector jobs. Last year, NSF proposed significant expansion of this concept, but these plans were slowed by the reduction in the anticipated increase in funds for that agency.

The second area calling for cooperation on the part of higher education, government, business, and industry is the retraining of workers because of market changes or desire to learn new skills to enter new careers.

Here I believe the 100th Congress should make permanent existing individual exemptions for employer-financed education and training, which expired last year. I have earlier referred to legislation to accomplish this objective, and I note that such a bill has been introduced in the Senate by Senator Moynihan. Your Caucus has, I am pleased to note, endorsed such a measure.

This then constitutes some of the principal terms of my agenda to restore America's competitiveness.

Clearly, if our Republic is to survive—nay more, to flourish—we must invest more than we have been doing in educating men and women, and in the ideas and discoveries generated on our campuses.

I conclude my remarks with the solemn but eloquent words of Alfred North Whitehead: "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe the American race is doomed . . . so long as the American people and the men and women they choose to lead them acknowledge the value of such intelligence and insist on the resources to support it.

SUCCESS IN THE PERSIAN GULF?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BROOMFIELD. Mr. Speaker, despite its many detractors, the administration's policy in the Persian Gulf is beginning to convince the skeptics.

I like many others had reservations when the administration announced its plan to place some Kuwaiti-owned tankers under the United States flag, and provide naval protection for them during their runs through the Persian Gulf. In fact, the continued presence of major

U.S. military forces in the gulf continues to cause legitimate concerns.

It is clear, however, that the U.S. naval deployments in the gulf have had several highly desirable effects. For example:

They have filled a military vacuum that threatened to be entered by Soviet forces.

They have helped build Arab and gulf state solidarity in opposing Iranian political and military objectives.

They have reasserted United States and Western influence in the gulf and reassured the Arab world of United States commitment to the region.

Despite these gains, critics of the administration—particularly in Congress—have raised procedural issues concerning the applicability of the War Powers Resolution and on the role of Congress in approving U.S. military deployments overseas.

Nothing would be more counterproductive to the objectives that are being realized in the gulf as a result of administration policy than to invoke the War Powers Resolution or set the stage for further congressional debate on the administration's decision to deploy additional forces there.

Such action by Congress would cause a divisive debate in the United States over issues that are truly secondary. It would transmit a message of uncertainty to our allies and friends abroad, as well as to our enemies and antagonists in the gulf region.

Mr. Speaker, I ask to insert in the RECORD at the conclusion of these remarks two articles which have appeared in the press which take note of the successful results of the administration's policy on the Persian Gulf. The first, an editorial from the September 5, 1987, issue of the Economist, was an early example of appreciation for the positive aspects of the administration's actions. The second is an oped article from the January 27, 1988, New York Times on the same subject.

[From the Economist, Sept. 5, 1987]

In Its Wake

It was peace of a sort, but it lasted only six weeks and then the oil burned again. Within five days nearly 20 tankers had been hit in the waters of the Gulf, oil prices had risen 5 percent, and both Iran and Iraq were threatening mayhem against any tankers they deemed fair game. There may be more, and worse, to come. But if the West thinks shrewdly about its interests in the Gulf, and acts coolly to protect them, it faces opportunities as well as risks in the wake of the tanker war.

The reopening of the sea war was probably inevitable. The occasional mine aside, attacks on shipping had stopped for 40-odd days because of a general cease-fire call contained in a United Nations Security Council resolution passed on July 20th. Iraq accepted the resolution; Iran dithered. Iraq was meanwhile bullied and charmed into stopping its attacks on shipping. Iran, grateful for the chance to get its oil out unhindered for once, followed suit. Yet the chance of Iraq's patience lasting was slimmer than that of a polar bear surviving on the shores of Hormuz. The Gulf war itself started seven years ago; Iraq began the tanker war in 1984 because it was slowly being pushed back in its ground battles with Iran. Iraq had superiority in the air, and used it to try to strangle Iran's financial lifeline: the oil it sends out through the Strait. Iraq was not about to allow a ceasefire to endure in the Gulf, where it has the upper hand, while Iran remained free to strut on land.

Nor should bystanders be surprised by what has happened to them this week. Since 1984 nearly 300 ships have been hit in the Gulf, perhaps 200 of them tankers. The oil markets, insurers, shipowners and even crews learned to live with this constant threat. The volume of this week's attacks has been unusually high; even so, a world awash with oil need not be unduly troubled by them.

THE KIND OF PEACE THE WEST NEEDS

The Gulf is nonetheless a more perilous place today than it was during earlier bouts of the tanker war. Two things have changed. One is that the Gulf now swarms with warships and mine-sweepers of both superpowers and, increasingly, with those of Britain and France as well. The other is that the conflict between non-Arab and Shia Iran and the largely Sunni Arab world has greatly sharpened because of last month's carnage at Mecca. With each new incident there is a chance that America will be drawn into a full-blown battle with Iran; and the possibility of the war widening to include the Arab states of the Gulf is far higher than it was.

Of the many countries involved, the United States has the most vital calculations to make. Its ill-prepared entry as protector of Kuwaiti tankers reflagged with the Stars and Stripes was of doubtful merit; but it has brought benefits as well as some unexpected drawbacks. One of the benefits is the (so-far) intimidatory effect of America's warships on Iran. The Khomeini regime is capable of wildness at any time (in their frenzy, seaborne Revolutionary Guards even attacked a vessel carrying Iranian oil on September 3rd). But it has not yet been willing to risk the extreme damage that American retaliation could inflict on its air force and oil installations; the Gulf belongs less to Iran than its bluster had made it seem. The other benefit is that the opening Russia has espied for increasing its influence with the Arabs of the Gulf has been closed. It was a case of pure power politics. The solution was a sloppy one; but it mattered more that there was some solution than that it should be elegant—something that Britain and France, their own naval ships now steaming towards the Gulf, have also recognized.

The biggest unacceptable price for these benefits has been to make the United States something of a prisoner of the war-fighting strategy of Iraq's President Saddam Hussein. One reason Iraq felt comfortable about resuming the tanker war was that it could count on Iran's reluctance to counter-attack against any vessels under American protection. Iraq's friend Kuwait and Iraq itself have long had an interest in bringing the West into the war; the Americans are now getting uncomfortably close to fighting Iraq's war for it.

As the tanker war resumes, America's task is to build on the strengths of its position while ridding itself as much as it can of the weaknesses. The West's interests are to preserve freedom of navigation in the Gulf and the flow of oil from a region that contains more than half of the world's known oil reserves; to keep the Soviet Union from wedging itself into any openings there; and to get the Gulf war ended on terms that do not amount to an Iranian victory—meaning on terms that do not lead to the collapse of Iraq, the destabilization of the Arab Gulf and the waxing of Iranian power.

The first way for America to serve those interests is to finish what it set out to do in the reflagging operation. The United States must make it clear that it, and not Iran, is the power to be reckoned with in the Gulf. This requires it to retaliate with military force against Iran if the mullahs defy its role in the Gulf. The resumption of the tanker war makes it likelier, but not inevitable, that America will have to do so.

Second, the West should encourage the stiffening of Arab spines now that the fight between Saudi Arabia and Iran over the Mecca pilgrams' deaths has begun. The Gulf states have in the past been too reluctant to stand up to Iran—or to back those, like America, that were willing to. A change would be welcome not just for its immediate effect on the course of the war. If Iran does eventually beat Iraq, the Gulf states need to be stronger than they now look if they are to put up a fight against what would come next.

The West's main aim, however, must be to end the war as soon as possible without an Iranian victory. Unhappily, there are few tools available for achieving this. It is worth pressing for an arms embargo, though the odds of such a resolution getting through the Security Council over Russia's and China's reservations are long. When opportunities for a negotiated end to the war do appear, one thing must be kept in mind. The West has a vital interest in the survival, intact, of Iraq. But Iraq started this war, and will have to pay a price for ending it. If that price is Saddam Hussein's head, it is no business of the West's to say it should not be paid.

[From the New York Times, Jan. 27, 1988]

Doing Something Right in the Gulf

(By Michael Sterner)

WASHINGTON.—Is it possible, just possible, that the Administration has done something right in the Middle East for a change?

After the string of policy failures we have suffered—the Iran-contra affair, our precipitate withdrawal from Lebanon and a chronic inability to get negotiations under way on the Arab-Israel issue—it seems difficult to believe.

But nine months after our decision to put Kuwaiti tankers under the American flag, and six months since we deployed a fleet to escort these ships, one must tentatively conclude that our Persian Gulf policy has been a success.

Consider the following accomplishments.

Our policy has been crucial to the rebuilding of the Gulf Arabs' confidence—battered by our failures in Lebanon and by Irangate—that they do not stand alone in defending themselves against any Iranian effort to threaten their territorial integrity and political independence.

Without such support, the Gulf Arabs would be forced to accommodate to the Islamic Republic's pressures—accommodations that cannot serve the interests of the Western powers.

Our commitment in the Gulf has closed down Iran's options to outflank the impasse it faces on the battlefield, and has marginally increased the pressure on Iran to give up its war against Iraq. Its top leadership has not brought itself to the point of adopting a policy that would be tantamount to abandoning its declared war objectives. But there is a growing sense in Teheran of the fruitlessness of continued conflict.

Our naval deployment in the Gulf is balanced by a political effort at the United Nations, supported unanimously by the Security Council, to offer Iran a way out of the conflict. Teheran's failure thus far to negotiate seriously on the basis of that offer has dramatized Iran's isolation, has increased the difficulty and expense it is having in acquiring arms and has helped to internationalize both the political effort and the naval presence in the Gulf.

American policy has put the Soviet Union in a quandary. While cooperating up to a point with the international consensus at the United Nations, the Soviet Union is dragging its feet on a follow-up resolution that would impose sanctions on Iran.

The Kremlin hopes to win favor in Teheran—a goal that Moscow now perceives as especially important as it worries about the nature of an Islamic regime in Afghanistan following a Soviet military withdrawal. But this attempt to have it both ways has not really paid off: The Iranians show little sign of warming toward the Soviet Union, and, in the meantime, Soviet-Arab relations are being strained over this issue.

Moreover, the Soviet Union must know that pursuit of an obstructionist policy in the Gulf will not improve Washington's disposition to help the Kremlin find a way out of its predicament in Afghanistan.

There are wider implications as well for America's success in the Gulf. Since the Vietnam War, this country has struggled to show the world that while it absorbed important lessons from that conflict, it could still use its military strength in effective ways to support well-chosen political strategies.

Aside from Grenada—the policy equivalent of spearing fish in a barrel—we have not had many success stories. The United States' performance in the Gulf has helped to restore confidence that it has the will and tenacity to decide on a course involving reasonable risks and see it through.

So far there has been no formal change of Iranian policy, and perhaps this will have to wait Ayatollah Ruhollah Khomeini's departure from the scene. In the meantime, Iran can no doubt maintain some level of belligerency indefinitely, but with each passing year the chances of achieving a decisive breakthrough against Iraqi forces are diminishing.

Iraq, with higher oil exports, relatively secure oil pipelines and greater international financial backing, is now in a better position than Iran to withstand the economic impact of continued conflict.

Iran's blunders, such as promoting disturbances in Mecca, have brought the Arabs together and drawn Egypt into being an active participant in the Gulf Arabs' defense. Its indiscriminate attacks on shipping have had the effect of multinationalizing the naval presence in the Gulf. Iran can continue these sporadic attacks, but it does not have the capability to bring about a serious interruption in the flow of oil from the Gulf.

The strategic balance is shifting against Iran, a reality that Ayatollah Khomeini and the hardliners may not want publicly to acknowledge but one that sooner or later is bound to impose itself and lead to policy change. We can afford to await that day as the Western powers both maintain pressure and keep diplomatic doors open. America's Persian Gulf policy is working, and we should persist in it.

TRIBUTE TO ESTHER K. BROWN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, on January 31, 1988, the Hummelstown Community Library held an open house and reception to pay tribute to Esther K. Brown on the occasion of her retirement after 32 years of service to the library.

She began her career with the library as a volunteer in 1956. She became a staff member in 1970. A lot has changed at the Hummelstown Community Library during Mrs. Brown's tenure as a library assistant. For instance, the library has grown from a collection of a few hundred books in the basement of a restaurant to its present capacity of more than 22,500 volumes.

Mr. Speaker, I want to take this opportunity to wish Mrs. Brown a happy and healthy retirement. Even though she has retired from the library the good news is that she plans to do some volunteer work for her community in the future. Mrs. Brown, thanks for many jobs well done.

THE STORY OF ALBERT STREM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BIAGGI. Mr. Speaker, it is with great pride that I bring to the attention of the House the story of Albert Strem, a man whose record of service to New York is rivaled by none.

Albert Strem has been an auxiliary police officer in New York City for more than half of his life. What makes Albert's story so special is that he is 80 years young and still works as an effective auxiliary police officer in New York City.

Strem, a strikingly handsome gentleman who still looks great in a uniform, by most accounts holds the longevity record for service to the voluntary police force. He's reached the rank of an inspector—the highest rank for that force—in charge of four precincts in upper Manhattan. Strem began as a reserve officer in the 1940's and joined the formal auxiliary force begun in 1951. In 1972, when he reached the mandatory retirement age, Strem was given the usual fanfare that accompanies retirement—a farewell party and a gold badge. However, the Manhattan patrol chief, who knew Strem's love of the force unretired him a week later. In Strem's own words, "When I got the call to come back, I lived again."

Albert Strem came to the United States from a village in Austria in 1928 and learned the English language at night school. He began to earn his living working in various nightclubs and restaurants in the Latin Quarter in New York and even rubbed elbows with the stars. His life's experiences have been most exciting, and his apartment he shares with his wife, Rose, of 55 years is lined with plaques, citations, commendations and awards from police agencies throughout the city. Albert lives in my congressional district, which makes me very proud, and in addition, I had the privilege of patrolling with Albert when I was a member of the Police Department of New York so many years ago.

As a 23-year veteran of New York's police force, I am so proud to share Albert Strem's story with you. Although Albert does not patrol on foot anymore, he puts in 3 nights a week supervising some 300 auxiliaries in the Morningside Heights, Harlem and Washington Heights neighborhoods in Manhattan. Albert Strem serves as an inspiration to us all—to the auxiliary police officers he has commanded, to the countless number of citizens he has helped and especially to all senior citizens across our Nation.

I salute Albert Strem and wish him many more satisfying, successful years on the force. We in New York need him, and we thank him.

RITA LEZENBY HONORED IN RETIREMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a citizen who resides in the First District of New Jersey, Mrs. Rita Lezenby of Mantua.

Recently, the Gloucester County Board of Chosen Freeholders honored her with a proclamation attesting to the years of dedication that she has demonstrated during the many years of service to her community.

In recognition of those years and the contributions from those years, I am including below the proclamation by the Gloucester County Board of Chosen Freeholders, eloquently describing the commitment to excellence Rita brought to all of her endeavors, both public and private:

Whereas, Rita Lezenby was hired as the County's first Sanitary Inspector for the Gloucester County Health Department in 1969; and

Whereas, Rita Lezenby, through her hard work, dedication and standards for excellence, earned the title of Environmental Health Coordinator for the County of Gloucester in 1974; and

Whereas, Rita Lezenby, having served the County of Gloucester for years, to ensure our citizens an environmentally sage quality of life, will be sorely missed by both the Board of Chosen Freeholders and all recipients of her outstanding services.

Now, therefore, I, John R. Maier, as Director and on behalf of the Board of Chosen Freeholders of the County of Gloucester do hereby commend and recognize Rita Lezenby for her exceptional services to the County of Gloucester and extend this Board's sincere best wishes for a fulfilling retirement.

In witness thereof, the Director and Clerk have caused these presents to be executed and the Seal of the County of Gloucester to be affixed this 21st day of October, 1987.

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. DIOGUARDI. Mr. Speaker, today marks the 70th anniversary of Lithuania's declaration of independence. Lithuanians will unite in the two largest cities, Vilnius and Kaunas, to commemorate the memory of a day of freedom. Looming over this normally festive occasion, however, was the grim shadow of subjugation. The Lithuanian people must celebrate their independence in a nation annexed 48 years ago by the Soviet Union: they celebrated illegally in their own county.

On February 16, 1918, Lithuania declared its independence and flourished in the freedom that it promised. For nearly two decades the land blossomed: more children went to school and learned to read and write, national culture found its niche and thrived, religion was protected and respected under the law, the economy boomed following land reform that fostered a system of privately owned farms, and the country entered the international community in 1921 with its membership to the League of Nations.

Sadly, the sickle of repression never reaps far behind the promise of freedom. The signing of the Soviet-Nazi Pact of 1939 gave Moscow a carte blanche to march into Lithuania, and in 1940 the Red army began a bloody pattern of brutality and invasion. The people were forced to vote in single-slate elections that were marked by intimidation and terror. The election results, moreover, were altered to show a landslide for the official slate a full day before the polls were closed. Lithuania's fleeting taste of a freedom long deserved suddenly came to an end.

The Lithuanian people have never given up their peaceful struggle against domination and suppression, and Americans too must struggle to bring the cause of Baltic self-determination to the attention of the world community. Let us recognize the courage of those who gathered in Vilnius and Kaunas yesterday, and let us look forward to the day when Lithuanians may celebrate their independence in freedom untainted by totalitarianism—freedom without limits, freedom without contingency.

BARRY A. RODEMAKER HONORED

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, Saturday, February 20, 1988, will be remembered as a very special day in the life of one young man from my district, Barry A. Rodemaker. Barry, son of Ken and Iva Rodemaker, has earned Boy Scouts' top honor—the Eagle Award—which he will receive before family, friends, and his Congressman during a ceremony at the East Hanover Township Municipal Building in Grantville.

Barry, a member of Troop 27—Mount Calvary United Methodist Church of Harrisburg, is a proven leader and hard worker in Scouting and his community.

I would like to extend my congratulations to Barry and ask that my colleagues in the U.S. Congress join me in paying tribute to him on this very special occasion.

THE NATIONAL CORRECTIONAL EDUCATION ASSISTANCE ACT OF 1988

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CONYERS. Mr. Speaker, I am today introducing legislation that is intended to address one of the most significant crime problems that we as a nation face: the lack of education and basic vocational skills for our prison inmates and the attendant high recidivist, or repeat offender, rate.

The legislation, known as the Correctional Education Assistance Act of 1988 provides that 10 percent of State adult education programs be devoted to the education and basic training of those incarcerated. In so doing, it offers the hope of rehabilitation, as an alternative to mere incarceration.

Correctional education is more necessary today than ever before. Nearly 1 out of every 3 adult males—approximately half a million Americans—are under some type penal detention. The number is growing by 1,000 prisoners weekly and the number of female prisoners has doubled since 1980. Nearly 95 percent of them do not possess the basic skills needed for the most menial employment. Ninety percent did not even finish high school and over half cannot read and write. That is why, in part, the recidivist rate is over 60 percent. Prison is currently little more than a classroom for criminal behavior, and the entire idea and opportunity for rehabilitation has been ignored.

The most practical rehabilitative tool is education. Education socializes and provides a positive self-image to youthful offenders. Mere confinement without education or job training simply delays the time when these offenders return to the streets without addressing the issues which caused them to break the law initially.

And rehabilitation is less expensive than incarceration. It costs between $50,000 and $100,000 to build one new prison bed; and it costs an additional $20,000 each year to feed and house an inmate. Tuition at the most expensive and prestigious colleges in America are just a fraction of those costs. As former Chief Justice Warren Burger stated:

> * * * to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits—a winning of battles while losing the war.

Rather than simply warehousing offenders, we should try to replicate successful rehabilitation programs at the state level. For example, the Berrien Country, MI Juvenile Center provides a full range of educational and vocational programs resulting in a 50 percent success rate. And studies have shown that parole failure rates decrease by more than 33 percent for participants in correctional education programs.

That is why I am sponsoring the National Correctional Education Assistance Act. The bill would allow states to increase the funding for their education and vocational training programs, particularly the programs which are the most effective. I urge my colleagues to support this effort as the first step in rehabilitating offenders, because this is the most humane and least expensive approach to our crisis in incarceration.

PROTECT CHILDREN FROM DIAL-A-PORN

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KOSTMAYER. Mr. Speaker, I rise to support efforts to address the problem of "Dial-a-Porn" services.

Recently constituents of mine in Bucks and Montgomery Counties were flooded with solicitations urging people to call an obscene recording and speak to someone named "Monique." Many of my constituents, Mr. Speaker, were understandably upset about receiving such an unsolicited mailing, particularly because it was susceptible to being opened by children.

I thereupon joined my colleague, Congressman CURT WELDON, of Delaware County, PA, in writing to Gilbert A. Wetzel, president of Bell of Pennsylvania. We expressed our concerns about the availability of adult telephone services being so easily accessible.

I am pleased to announce, Mr. Speaker, that Mr. Wetzel and Bell of Pennsylvania promptly responded to our concerns and took action severely limiting access to recorded adult telephone services.

I would like to share with my colleagues, Mr. Speaker, Mr. Wetzel's letter to me, and ask that it be printed in the RECORD at this point.

BELL OF PENNSYLVANIA,
Philadelphia, PA, February 5, 1988.

Hon. PETER KOSTMAYER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KOSTMAYER: I have received your letter of January 25, 1988, expressing your concerns and those of your colleagues in the Pennsylvania Congressional Delegation over "adult" programs provided over the 976 network.

As you most likely know, Bell of Pennsylvania announced on Wednesday, February 3, a series of new steps it was taking to provide customers with greater control over the use of their telephones for calling recorded 976 "adult" programs and all live programs. Our actions are the latest in a series of steps we have taken to give our customers more control over access to message services provided by independent vendors.

Bell of Pennsylvania will split existing 976 services into two categories. Vendors who provide services such as sports and financial information will continue to offer their programs on the 976 exchange. However, vendors who provide "adult" and live programs will offer their services under a new three digit prefix.

After these actions are implemented, customers' telephones cannot be used to call these "adult" and live programs until Bell of Pennsylvania receives proper, written authorization from an adult subscriber. Once authorization is received, we will unblock, free of charge, the customer's line to permit these calls. Blocking currently is available and will continue to be available for all 976 services. Charges for calls to "adult" and live programs in the new prefix will be separately identified in customers' telephone bills. Also, calls to "adult" and live programs will not be completed from our public telephones or by our operators.

I sincerely hope that you concur in my assessment that these steps represent a bold and innovative response to the concerns voiced by our customers over "adult" and live telephone message services.

Very truly yours,

GILBERT A. WETZEL.

The example set by Bell of Pennsyllvania is a good and responsible one, Mr. Speaker, and Bell of Pennsylvania's policy is one that I hope will be followed by other telephone companies around the country. Under Bell of Pennsylvania's policy, customers' telephones cannot be used to call adult programs unless and until Bell of Pennsylvania receives written authorization from an adult subscriber. Therefore, there is no chance, even through a public pay telephone, for a child to unwittingly place a call to an adult program.

I commend Bell of Pennsylvania to my colleagues and hope that other phone companies will act expeditiously to address this problem.

WASTEFUL SPENDING MUST STOP

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. HUBBARD. Mr. Speaker, I received an excellent January 12 letter from one of my constituents, Ann Edwards of Paducah, KY, which I believe my colleagues should read.

Ann Edwards' comments about the 2,000-page spending bill recently passed by Congress are timely and worthy of consideration. Indeed, her views are shared by many western Kentuckians. I urge my colleagues in the U.S. House of Representatives to think about the exorbitant spending policies of the past and remember how very harmful they are to each one of us in America. It's time to halt this wasteful spending.

The letter to me from Ann Edwards follows:

PADUCAH, KY,
January 12, 1988.

U.S. Representative CARROLL HUBBARD,
Representative from Kentucky,
Washington, DC.

DEAR SIR: I am writing in regard to the 2,000-page spending bill recently passed by the Congress. I am angry as I hope many other American people are. The national debt needs to be brought down. Everyone knows that but the representatives in Congress keep saying that the American people want things but don't want to be taxed to pay for them. Can one really blame us for doubting that more money is needed when so many Senators and Representatives added their personal riders to the bill—things of particular interest to them or their constituents or friends. For example, money for France to help build Jewish schools at the request of Senator Inouye so he could help one of his financial backers; Senator Burdick's sunflower subsidy project; Senator Kennedy's pet New England "Star Schools" program; and on and on. In addition, how is it possible for one man to get added on to another Senator's section of the bill a self-serving piece of legislation he wanted to punish a political adversary such as Senator Kennedy did without the rider being debated in conference or on the general floor. The Paducah Sun had a good editorial about this matter on Monday, January 11, 1988.

We have a right to expect our representatives to be honest and at least follow their own rules for how the laws should be made. As the Paducah Sun said, "* * * The point is that Sen. Kennedy alone, with the help of Sen. Hollings, managed to manipulate the passage of a law to punish a political adversary without any hearings, debate or even the knowledge of congressmen. Whether he's right or wrong about what the FCC might have done, this is not the way laws are supposed to be adopted in a free country.

"This is simply a disgrace, and it is due to the shocking refusal of Congress to follow its own rules. The budget process, which is supposed to provide an orderly and rational way for Congress to consider and allocate resources, instead has come down to this disorderly grab-bag of special interest handouts.

"One of the things voters should demand this year is that congressmen pledge to restore order and responsibility to its procedures."

Sincerely yours,

ANN EDWARDS.

WRONG AGAIN, JUDGE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mrs. COLLINS. Mr. Speaker, a recent editorial in the weekly telecommunications publication Telephony discusses the continued burdens of the modified final judgment [MFJ] on the American consumer by limiting industry competition and making fewer telephone-related services readily available to them.

One of the major obstacles to MFJ relief is U.S. District Court Judge Harold Greene. As Energy and Commerce Committee Chairman JOHN DINGELL complained when Judge Greene handed down his order on September 10:

I continue to be offended by the fundamentally antidemocratic process whereby a single unelected, unaccountable Federal judge has transformed himself into a regulator without portfolio, arrogating the power to determine whether and when the American people will be allowed to receive the advanced new services that are already widely available in countries with more enlightened telecommunications policies. It is my hope that this Star Chamber type of proceeding will at last produce a consensus on the need for legislation.

Mr. Speaker, Chairman DINGELL'S words are right on the mark. It's time that Congress again begins to set telecommunications policy in this country. At this point, I would like to include the December 14, 1987, Telephony editorial in the RECORD for the benefit of all our colleagues:

WRONG AGAIN, JUDGE

Judge Harold Greene hit two new lows on December 3.

The overworked, overexcited federal judge ruled that the Bell regional holding companies are barred by the Modified Final Judgment from participating in product research and development.

As Telephony's readers know only too well, the MFJ embodies the agreement that ended the Department of Justice antitrust suit against AT&T. The deal was between AT&T, the parent company of the integrated Bell System, and the DOJ. One result was the divestiture by AT&T of the Bell operating companies and the creation of seven independent RHCs.

The basis of the antitrust suit, of course, was the argument that AT&T and the Bell System stifled competition. Divestiture would promote true competition, its heralds proclaimed.

One evil of the Bell System, its critics argued, was that in joining manufacturing and service provisioning at the hip it denied the industry and the public the benefits of competition. The December 3 ruling, based on the fear of vertical integration, equates manufacturing and R&D, and bans RHC R&D accordingly. The RHC's are once again condemned to death by analogy.

Does an idea carry the faintest echo of the old Bell System? If it does, the judge will rule against it every time.

The bitter irony, of course, is that the most recent ruling tremendously benefits AT&T, the parent of the former Bell System and still the largest manufacturer in the industry. And remember that AT&T, unlike the RHCs, which did not exist before divestiture, did craft the original agreement.

The judge's heavy hand is being exerted on behalf of AT&T and all manufacturers to limit competition. His policy protects entrenched suppliers, singles out seven young corporations for selective and punitive treatment, and deprives the industry and public of the blessings of competition.

The December 3 action was further highlighted by the judge's exaggerated attack on Federal Communications Commission Chairman Dennis Patrick, who the judge seems to have confused with a pin-striped Robespierre. Patrick, the judge charged wildly, is "exhorting" RHCs to defy his court. The judge warned that Patrick's alleged "incitement to non-compliance" could lead to "serious consequences."

The judge compared himself to heroic federal judges of the past who stoutly stood up to evils like racial segregation.

This was a significant comparison, given the judge's penchant to reason by analogy. There have been heroic judges in the fight against segregation. But other federal and state judges, of course, earlier had codified and institutionalized segregation. Heros and villains alike wear long, black robes. The robe itself proves nothing.

Judges must be judged individually, not by reference to self-serving historic analogies. They must be judged by reference to the lawfulness, logic and utility of their work.

Greene's work on the MFJ cannot be definitely criticized on legal grounds, at least until it is tested in a higher court, a test which may come sooner rather than later. But it certainly can be criticized by reference to logical and utilitarian standards.

Now it is not just the content of the judge's pronouncements that is profoundly disturbing. His very language has become destructive.

THE HOTEL DEL CORONADO: CENTENNIAL CELEBRATION

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LOWERY of California. Mr. Speaker, this year, the Hotel del Coronado, one of the world's most famous and luxurious resorts, is celebrating it's 100th anniversary. Since 1888, this splended Victorian retreat has treated thousands of celebrities, business travelers, and tourists to gracious service in an atmosphere of elegant indulgence. Today, no other hotel in North America—perhaps in the world—more richly deserves the notoriety enjoyed by "The Del."

The yearlong 1988 anniversary will come to be known as one of the Nation's most extravagant celebrations ever, including a celebrity-studded Hotel del Coronado Centennial Gala—February 19–21—featuring a weekend of grand festivities, sumptuous cuisine, and superstar entertainment.

In addition to the delights of today, visitors throughout the year may enjoy a taste of the past as actors portraying the hotel's most famous visitors entertain daily. Guests may view hotel memorabilia in the new History Gallery and stroll along the Centennial Pavilion, a large beachside structure reminiscent of the quaint "Tent City" era. At the turn of the century, the hotel set up an array of tents to accommodate guests during extensive renovation. The temporary shelters created a carnival-like atmosphere and, until 1939, Tent City survived as a celebrated beachside playground.

The rich and colorful history of the Hotel del Coronado began in 1885 when Elisha Babcock and H.L. Story purchased 4,100 acres of land on the Coronado peninsula, across the bay from the small California port of San Diego. Railroad tycoon Babcock had a dream of building a resort hotel which would be the "talk of the Western World." Construction of the mammoth wooden structure began in March 1887.

Eleven months later, on February 19, 1888, the elegant Victorian masterpiece opened its doors. Built in the days when the American West was still rough and untamed, the Hotel del Coronado soon established itself as a plush oasis of European grace, charm, and cuisine.

In addition, it was the largest structure outside of New York City to be illuminated by electricity. Reportedly, Thomas Edison personally supervised the installation of his incandescent lamp invention. It is also said he pulled the switch on the hotel's first electrically lighted Christmas tree.

The original powerplant was the first to be installed in California, providing residential and street lighting for the entire city until 1922. Today, a new cogeneration power system supplies more than half of the resort's electrical needs and most of the hot water for its spas, laundry facilities, and room heat.

The original five-story structure remains in use today, complemented by two newer sections close to the beach. While the 700-room hotel has undergone only minor structural changes since its opening, each of the original rooms in the main building—about 400—has been continually renovated to maintain the comfort of the modern visitor.

The Hotel del Coronado has become a living legend, populated by thousands of celebrities, politicians including 12 U.S. Presidents, foreign dignitaries and travelers from around the world. President Benjamin Harrison was the first head of State to visit, arriving in April 1891. The hotel also was the site of a banquet honoring one of America's greatest heroes, Charles Lindbergh, following his solo flight over the Atlantic.

In September 1970, the main banquet hall was the setting for a dramatic state dinner hosted by President Richard M. Nixon for Mexican President Gustavo Diaz Ordaz. Nine years later, President Jimmy Carter hosted a reception in the grand ballroom. President Ronald Reagan, a frequent hotel guest, hosted a minisummit conference and luncheon with Mexican President Miguel de la Madrid in late 1982. And in January 1986, the hotel was chosen by the U.S. Trade Representative to be the site of a world trade summit, only the third such gathering ever held in the United States.

Probably the most infamous visitor was the Prince of Wales, who later became King Edward VIII and then the Duke of Windsor. In 1920, Edward visited the Hotel del Coronado. Sixteen years later, Edward abdicated his throne to marry the woman I love, former Coronado housewife Wallis Simpson. Although married to a U.S. naval officer at the time of the Prince's visit, it is likely she met her prince for the first time in the hotel ballroom.

The rich historical tapestry of the Hotel del Coronado also includes the glitz and glitter of Hollywood. The hotel is a familiar sight to movie and television audiences as one of the entertainment industry's most popular filming locations. Marilyn Monroe was a guest when the hotel served as the primary setting for the late 1950's film hit "Some Like It Hot" with Jack Lemmon and Tony Curtis. In addition, the Academy Award-nominated movie "The Stunt Man," starring Peter O'Toole, used the hotel for part of its production.

The magnificence of the hotel's architecture inspired the movie "Somewhere in Time" and, it is said, the enchanting Emerald City in the timeless classic, "The Wizard of Oz." More recently, the hotel has served as the site of such television hits as "Hart to Hart," "Simon and Simon," and "Lifestyles of the Rich and Famous."

In addition to welcoming foreign dignitaries and superstar entertainers, the hotel has hosted hundreds of charitable events, including a benefit dinner for Sail America, the fund raising arm of Skipper Dennis Conner's successful effort to regain the America's Cup. Since 1963, Chairman of the Board M. Larry Lawrence has guided the Hotel del Coronado through a carefully planned program of renovation and expansion, expertly weaving the beautiful historic structures of the old hotel with elegant new facilities. Nestled on 33 beach-front acres and basking in some of the finest sunshine the world over, the Hotel del Coronado remains a resort of unique historical significance and unquestionable splendor.

I extend my hearty congratulations to the Hotel del Coronado on 100 years of excellence and best wishes for a bright and successful future.

COMMENCEMENT EXERCISE FOR ARCH

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FAUNTROY. Mr. Speaker, I would like to take this opportunity to commend to my colleagues an outstanding vocational educational training program for young adults in the District of Columbia who desire to enter the construction building trades industry.

Action to Rehabilitate Community Housing [ARCH] is a program which operates under the Cooperative Employer Education Program [CEEP] in conjunction with the division of career and adult education in the District of Columbia Public Schools. As a building trades training program, ARCH provides two 26-week carpentry/drywall and weatherization mechanic programs, a 47-week Housing Rehabilitation Specialist Program, or a 16-week Gas/Heat Maintenance and Repair Program. In addition to these skills, the curriculum focuses on cultivating good work habits—ethics—healthy employer/coworker relationships, tutoring in basic skills and oral and written communication.

Any unemployed or underemployed resident of Washington, DC, male or female, 18 years of age or older who has been out of school or unemployed for 30 days or more, may apply.

On February 4, 1988, ARCH will hold its second commencement exercise and will award certificates to 37 trainees who have successfully completed the prescribed course of study. These young adults, having taken advantage of this vocational training program, which combines hands-on craft skills with classroom theory, will be in a better position to enter the highly competitive job market in this metropolitan area.

The ARCH Program will have a continuing obligation to its graduates as they pursue a career.

ARCH encourages graduates to return their services to the community through employment with community-based organizations and to thus create a complete community support system. An additional feature of the community support system includes helping small contractors by providing business consulting services, sharing capital equipment and establishing a warehouse of rehabilitation items for use by nonprofit organizations.

Mr. Speaker, I am proud to bring this worthwhile program to your attention, and I want to express the gratitude of the citizens of the District of Columbia to the D.C. government, the D.C. Public School System, Potomac Electric Power Co. [PEPCO], and the Private Industry Council for their continued support and dedication to this project. Action to Rehabilitate Community Housing is the kind of program that other cities might choose to emulate as a training model.

CONGRATULATIONS TO DONALD E. FOREMAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEKAS. Mr. Speaker, Donald E. Foreman, of Selinsgrove, PA, will receive his Eagle Award on Sunday, February 21, 1988, at the Sharon Lutheran Church in Selinsgrove before family, friends, and his Congressman.

Donald, son of Donald and Gladys Foreman, joined Boy Scout Troop 419 in August 1982 at age 12. He has always been a hard worker in Scouting and in his community. Donald has also proved his leadership abilities by serving as a patrol leader and senior patrol leader. He is a member of the Arrow and a former crew leader of the Troop contingent to Philmont Scout Ranch in New Mexico in July 1987.

For his Eagle project, Donald coordinated the delivery of life emergency tags. The tags were distributed so that parents of children 14 years or younger could sew the tag on their child's shoe or clothing. The tag would contain the child's name, address, doctor's name, allergies, and the parent's signature giving permission to take emergency action to save the child's life. The tag could also be used for identification purposes if the child is lost or missing. Over 1,000 tags were distributed in the community.

Mr. Speaker, I would like to take this opportunity to extend my personal congratulations to Donald on this very special occasion. He is excellent proof that America's future will be in great hands.

FOREIGN TRADE ZONE HELPS LAWRENCE COUNTY

HON. TERRY L. BRUCE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BRUCE. Mr. Speaker, Lawrence County residents and the residents of nearby communities received great news for the area's economy last week. After 2 years of work on its application, the county's foreign trade zone has been approved.

With Indianapolis and St. Louis being the nearest communities to also have FTZ's, there is tremendous potential to lure new business. This is welcome news for citizens of Lawrence County, who have actively sought help expanding their economy for at least 9 years.

In the past, Lawrence County has been supported by the oil and agricultural sectors, both of which lagged behind but are showing signs of recovery.

But the economy still needs to diversify. With the foreign trade zone, they will be able to compete for new industries and new jobs. For every job created in the FTZ, two will be created outside. In 1984, nearly 60,000 jobs were located in FTZ's around the country.

This is great news for the Lawrence County area and I would like to commend all of those involved in bringing the FTZ to our area. I would also like to insert into the RECORD this article from the Lawrence Daily Record which discusses the benefits of foreign trade zones.

NEW ECONOMIC TOOL READY FOR LOCAL USE

(By Daily Record Staff)

It is still a little early to assess, but local industrial leaders and industries are trying to weigh the benefits of Lawrence County's recently approved Foreign Trade Zone.

Sean Fitzgerald, manager of Lawrenceville-Vincennes Municipal Airport, where the FTZ is located, said the zone will directly benefit the business end of the facility.

"Hopefully, some businesses will want to lease some ground from us and put up a few storage buildings," he said. "This will directly help us. Plus, with more air traffic, fuel sales and services should increase."

Lawrence County Industrial Development Council Director Alfred Casals said the FTZ is "a powerful tool."

"It is an added incentive to pursue major corporations involved in international trade," he said. "It is a milestone for the county."

Casals said the next step is to hire an operator for the FTZ. A list of potential candidates has been compiled by FTZ committee chairman A.J. "Burr" Bowman. The operator will be well-versed in the operations of an FTZ and in charge of running it.

"What this means is, a lot of people are going to go to work now," IDC member Allen Kull said.

U.S. Rep. Terry Bruce, who has actively pursued the FTZ for Lawrence County, said this was "a culmination of a lot of work by a lot of people. It will be a very big boost to Lawrence County and the surrounding area."

Bruce, reading from a 20-page book on FTZs, said there are a number of benefits.

"FTZs first started in 1934 to stimulate foreign trade and create U.S. jobs," he said. "This allows companies to import and export and not go off-shore. It allows parts of products to be flown in and stored here or assembled here without worrying about paying the duty until it leaves."

Bruce also pointed out:

In 1971, there were 795 U.S. jobs directly related to FTZs, but by 1984 that figure rose to 58,895.

For each job inside the FTZ, it creates two more jobs on the outside. There are about 60,000 jobs inside and more than 120,000 related to the FTZ on the outside.

70 percent of the firms located in FTZs are small businesses—the types most likely to settle in Southeastern Illinois.

FTZ shipments have grown considerably in the past few years. From 1978 to 1982, the dollar value of the shipments rose from $743 million to $3.9 billion.

Bruce explained if an area companny wants to bring in a $100,000 component to a large machine from overseas, it can fly it into Lawrence County, assemble the finished product and export that product outside the United States without paying any duties.

"For a small or struggling business, this is a very big incentive," he said. "Look at the advantage. Without an FTZ thousands of parts can come in and the company must pay a duty on those items before they can be claimed.

"Say we're talking about bicycle forks for a bicycle plant. With an FTZ, the forks can be flown in, assembled with the rest of the bike parts and begin delivery to Sears before the duty is paid. That makes a big difference. You don't have to tie up all the money in the meantime.

"Also, with an FTZ, you don't have to worry about going to the claims office in Chicago, paying the duties and all that sort of thing," Bruce added.

Bruce said another big benefit is that the FTZ creates local jobs and does not expend any tax dollars. Plus, millions of dollars from outside the country is invested in U.S. companies dealing with the FTZs.

"It is very possible Lawrence County can become a distribution center for a number of companies," Bruce said. "Companies can store their overseas goods or goods to go overseas within the FTZ and distribute them when they need to.

"I know several companies in the Olney area are very excited about this FTZ," Bruce said. "This will help both communities."

Lawrenceville Mayor Gerald Harper said, "The FTZ was first started by former state Rep. Glen Bower and is a culmination of that nine-year effort.

"It's got to be a shot in the arm for the county's economy. With this tool, you can pursue foreign investors which can use Lawrence County as an assembly point.

"This is just a start. Now we have to make it profitable."

WELCOME TO OUR NEWLY NATURALIZED CITIZENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have chosen to become citizens of the United States with all the privileges, freedoms, and responsibilities that American citizenship entails.

Our beautiful Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join me in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Pietro Anselmo, Nita Aya, Prosper Azoulay, Eric Blanchno, Pearl Boothe, Sevinc Bridges, Sara V. Estacio, Idalia Garcia, Mario Garcia, George Hsu, Nicola Isenia, Marie Jacques, Philip Kim, Sarah Kim, Margheruta Kiselak, William Kwan, Carole Lartigue, Caroline Lee, Mi Lee, Terrence Lee, Carmen E. Lopez, and Jacqueline Montane.

Angel Urena Munoz, Yefim Myshalov, Maria Sindico Pineda, Nydia Pitta, Suresh

P. Rajpara, Zu-Pan Shih, Keisuke Shodai, Kinue Shodai, Barry Skurnik, Ronit Skurnik, Vladimir Slep, Maria E. Smith, Alfredo Somera, Sara Stancu, Joseph Steel, Andree Sterlin, Cesar Sutil, Anna Swammy, Maita Szrebrodolszki, Kornelia Szwarc, Michal Szwarc, Nong Ta, Jenny Tan, Triumfando Tan, Virginia Tan, James Thomas, and Rachel Thomas.

Whitley Thomas, Michele Toussaint, Pablo Trujillo, Fotis Tsekouras, Simon Tung, Euqene Turnier, Jorge Urra, Marie Valbrun, Lourdes Veras, Norma Victorino, Simon Viltz, Vitaly Volkov, Jeffrey Walker, Ingrid Westridge, Sylvia Whitman, Richard Winkler, Dennise Wint, July Young, Zena Zabludovsky, Nadege Zamor, Andrew Ziolkowski, Halina Ziolkowski, and Colette Zylberman.

LITHUANIAN INDEPENDENCE DAY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PEPPER. Mr. Speaker, February 16, 1988 marks the 70th anniversary of Lithuania's Declaration of Independence.

Lithuania's independence was proclaimed on February 16, 1918. In 1920, the Soviet Union recognized Lithuanian sovereignty for all time. In 1921, Lithuania joined the League of Nations and flourished in independence and economic growth: schools were built—including special schools for the country's ethnic minorities—and the nation's literacy rate increased substantially; the agricultural system was reorganized to allow for private farms; cultural centers thrived; religious life prospered. For nearly two decades, the country blossomed.

Then, in 1939, the Soviet-Nazi Pact paved the way for Soviet troops to enter the country whose independence it had recognized forever only a short time ago.

Although TASS, Moscow's news agency, announced the results of the single-slate elections—which proceeded under conditions of intense intimidation and secret police terror loosed upon the population—the facts and figures quoted were erroneous. TASS reported that 95 percent of those eligible to vote has cast a ballot, and that 99.19 percent of the voters had chosen the official slate. Unfortunately, the proclamation was published before the elections had concluded; they had originally been scheduled for July 14, but had been extended for an additional day due to an embarrassingly low turnout.

The people of Lithuania never asked to be part of the Soviet Union; they were illegally and forcefully annexed by the U.S.S.R. Since its occupation in 1940, the Lithuanian nation has continued to resist its unlawful incorporation into the Soviet Union.

Today, Lithuanians are uniting in their country's capital, Vilnius, and its second largest city, Kaunas, to commemorate their days of independence in anticipation of those to come. They are gathering despite the fact that public celebration of Lithuania's Independence Day is considered a criminal offense by Soviet authorities.

The repercussions and Soviet authority violence toward demonstrators who gathered in Lithuania's capital city of Vilnius on August 23, 1987 to commemorate the victims of the Molotov-Ribbentrop Pact of 1939 were distressing. Government actions following the November 1, 1987 gathering in Kaunas, where 8,000 people gathered to mark the 125th anniversary of Lithuania's priest-poet, Maironis, are equally disturbing.

As an American, I commend the Lithuanian nation for its peaceful resistance to Soviet rule. We, too, should not rest in our effort to bring the cause of Baltic self-determination to the world community's attention. The Baltic States were our equals in the League of Nations, and we will continue to help them in their struggle to regain their rightful place in the world community as a sovereign nation.

And to those who gather in Vilnius and Kaunas today to mark the 70th anniversary of Lithuania's Declaration of Independence, I say, "Dieve palaimink Lietuva"—God bless Lithuania.

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. COYNE. Mr. Speaker, February 16, 1988, marks the 70th anniversary of the independence of Lithuania. In 1918, Lithuania declared itself an independent nation, ending more than a century of domination by the Russian empire. I am pleased to join with my colleagues in saluting Lithuania and her citizens and commemorating this important event, acknowledging the right of humans everywhere to freedom and self-determination.

However, as you all know, Lithuania's independence was short-lived. In 1938, Lithuania was occupied by Germany. Two years later, Soviet troops occupied this independent nation and annexing it as a republic of the Soviet Union.

Fifty years later, the Lithuanian people are still struggling to regain their rights to exist as a free nation. My colleagues and I wish to send these people the message that we support them in their struggle. We have not forgotten them. The United States has never acknowledged the authority of the Soviet Union to annex the Baltic nations against their will. We will never abandon our commitment to the people of Lithuania to aid them in their quest for freedom and independence.

I join with my colleagues in commemorating the Lithuanian Independence Day of 1918 and in reaffirming our commitment to work toward Lithuanian independence in the future.

GREEK AND TURKEY PRIME MINISTERS MEET

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FASCELL. Mr. Speaker, in a world struggling for a lasting peace, it behooves us to take note of any significant move, particularly by our allies, to resolve their long-standing differences.

Such an event occurred recently when Turkey's Prime Minister Turgut Ozal and Greek Prime Minister Andreas Papandreou sat down in Davos, Switzerland and discussed their historic problems.

At this time, I want to share their joint communique which, I believe, bears reading by all of us.

THE TEXT OF THE PRESS COMMUNIQUE RELEASED FOLLOWING THE MEETINGS BETWEEN TURKISH PRIME MINISTER TURGUT OZAL AND THE GREEK PRIME MINISTER ANDREAS PAPANDREOU

1. The Prime Ministers of Greece and Turkey met twice in Davos, Switzerland, on January 30-31, 1988, and discussed issues of mutual concern in an atmosphere of understanding and goodwill.

2. The Prime Ministers observed that cumulated problems created in time due to different approaches are, at times, exploited by certain circles. It is imperative that this should not be permitted. They agreed that closing the gap between these differences will require time, goodwill and hard work.

3. The Prime Ministers gave their views of Turco-Greek relations, starting from a historic perspective and their deterioration in time. They further elaborated on the recent crisis in the Aegean which brought the two countries to the brink of war, expressed at the same time their optimism introduced as a consequence of exchange of messages between them. They agreed that from now on such a crisis should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations.

4. The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks. They noted also with regret some recent statements of officials not conducive to an improvement of relations between the countries.

5. The Prime Ministers reiterated their respective positions on issues of bilateral and regional interests.

6. They nevertheless underlined that a thaw and rapprochement between the two countries would require determination, sustained efforts and building of confidence for which two sides should move to a common ground, in order to create an environment conducive to working out lasting solutions.

7. The Prime Ministers agreed to establish two committees: one to explore the areas of cooperation such as economic cooperation, joint venture trade, tourism, communications, cultural exchanges and one to define the problem areas, explore the possibilities of closing the gap and move towards lasting solutions, the progress of which will be reviewed by the two Prime Ministers. In this regard, they agreed to initiate, encourage and increase contacts among civilian and

military officials, members of the press and businessmen and to establish a business council or a joint chamber of commerce and industry.

8. The Prime Ministers also accepted to meet at least once a year and to make reciprocal visits to their countries and agreed to set up a direct telephone line. They also agreed that the Ambassadors of the two countries to international organizations should increase contacts with a view to improving cooperations.

9. Finally, both Prime Ministers expressed their satisfaction in the frank and open discussions which took place among themselves and reiterated their conviction that creation of improved relations and confidence would require resolve, time and hard work".

NEED TO INVESTIGATE USE OF EXPERIMENTAL DRUG ON VIETNAM VETERAN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. STARK. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an excellent article by Bill Wallace in the San Francisco Chronicle of February 10, 1988, discussing the case of a Mr. Michael Rego and the failure of the various Government agencies to protect Mr. Rego from a potentially deadly drug.

The Veterans' Administration and the Food and Drug Administration need to thoroughly investigate this case, to make sure that people have not been improperly tested with this drug and that they are aware of the dangers of the drug, and of possible symptoms of delayed, adverse reaction to the drug.

The article follows:

[From the San Francisco Chronicle, Feb. 10, 1988]

EXPERIMENTAL DRUG USE ON VETERAN PROBED

(By Bill Wallace)

Federal authorities are investigating a Bay Area veteran's complaint that he contracted a deadly nerve disease after being treated with an experimental drug in a Veterans Administration hospital, The Chronicle has learned.

At the request of U.S. Representative Fortney Stark, D-San Leandro, investigators from the U.S. Food and Drug Administration have visited the Bay Area in recent weeks to examine medical records associated with the study. Two congressional subcommittees have also begun preliminary inquiries into the study.

The investigators are trying to learn whether VA patients were unknowingly exposed to 6-aminonicotinamide (6-AN), an experimental chemical that has been found in some cases to damage the nervous systems of humans and animals.

The 6-AN drug is related to niacinamide, a B vitamin that is used in the treatment of the skin disease pellegra. It was first used experimentally in the 1950s as a possible treatment for cancer and later attracted interest as a potential treatment for psoriasis and related skin conditions.

Stark believes the chemical may have induced symptoms of amyotrophic lateral sclerosis (ALS) in Michael Rego, a Vietnam veteran who lives in San Leandro. ALS is a deadly degeneration of the nervous system known as Lou Gehrig's disease.

"The literature on the testing of this drug on animals points to serious side effects—the same types of symptoms that one of my constituents who was tested with this drug now displays," Stark said in asking for the FDA probe. He said he fears that others who were tested with the drug "may be being misdiagnosed."

Experimental studies using 6-AN were conducted in the 1970s and 1980s by Dr. Herschel S. Zackheim at Fort Miley Medical Center, a Veterans Administration hospital in San Francisco's Richmond District. Zackheim and Veterans Administration officials deny that Rego's ailment is related to the experimental research.

"To our knowledge, there is no medical evidence which links ALS" and 6-AN," said Dr. Daniel H. Winship, a deputy chief medical director at the Veterans Administration.

Stark's interest in the research was sparked by Rego, who said he was diagnosed with ALS two years after he participated in Zachkeim's study.

Rego received 6-AN while being treated in 1962 for a severe skin rash he evidently developed after he was exposed to a chemical fire in Vietnam.

When conventional treatment at Fort Miley did not help, Rego was referred to Zackheim. From June 1982 until the end of that year, Rego estimates, he rubbed nine pounds of 6-AN into his skin. When his hair follicles became infected, he said, Zachkeim told him to stop using the compound.

In the years after he stopped using 6-AN, Rego began experiencing spasms that made his leg muscles twitch, and he occasionally lost feeling in his limbs. The symptoms eventually were diagnosed as ALS.

Rego said he did not connect the ALS to the 6-AN treatments until last year, when his wife found a book on herbicides that mentioned 6-AN's toxicity.

In an interview, Zackheim said there is no evidence that Rego's illness is related to the 6-AN treatments. "Obviously, anybody can claim whatever they like, but nobody knows the cause of ALS," he said.

He said his study of 6-AN had shown it to be an effective treatment in difficult psoriasis cases.

He acknowledged that 6-AN is toxic to nerve tissue but said Rego did not report any of the symptoms associated with the toxic side effects of 6-AN while he was using the chemical.

There were 40 other investigators involved in this study, and close to 500 people were treated with this drug," he said. "No major toxicity has been reported."

Rego said he did complain of some symptoms associated with 6-AN toxicity—nausea, headaches, dizziness and diarrhea—but believed they were caused by other medications he was taking, including another medicine prescribed for his skin rash.

Zackheim stressed that he instructed Rego to take daily doses of niacinamide to counteract the potentially toxic effects of the 6-AN, but Rego says he did not take it because no one told him it was supposed to prevent nerve damage.

"I thought it was just a vitamin that prevented ringing in the ears," Rego said. "I never had any problems with ringing in my ears. . . . I was taking a lot of other stuff, so I never used it."

He said he was not informed that the 6-AN study was experimental and did not learn of the risks until 1983—after he stopped using the compound.

Zackheim said all participants in the study were briefed on possible dangers and each signed a consent form before getting the drug. Neither Zackheim nor VA officials could produce any such paper signed by Rego, and Rego denies that such a document exists.

FBI: THE PRESS WAS ASLEEP DURING WEBSTER'S WATCH

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. OBEY. Mr. Speaker, recent news stories have clearly demonstrated that the FBI has once again been trampling on people's constitutional rights. The FBI certainly has an obligation to investigate realistic threats of subversion, but these most recent stories indicate that once again it appears to have overstepped the bounds and has surveilled or harrassed many people whose only crime was to disagree with established government policies.

An excellent article appeared in the Washington Post on this subject by Nat Hentoff a week ago and I commend it to my colleagues.

FBI: THE PRESS WAS ASLEEP DURING WEBSTER'S WATCH

(By Nat Hentoff)

As the press gives prominent play to the FBI's five-year dragnet surveillance of dissenters against the president's Central American policies, there is an obbligato to the coverage: a motif of the trusting press having been betrayed. No public figure in recent years has been held in such reverence by the press as former FBI director William Webster. Now it turns out that most journalists were asleep during his watch.

In 1974, Justice Lewis Powell said what the press likes to hear: "By enabling the public to assert meaningful control over the political process, the press performs a crucial function in effecting the societal purpose of the First Amendment." Yet, largely unknown to the public, there was abundant, continuing evidence during Judge Webster's tenure that the "new" FBI still operated on its vintage principle, most gracefully phrased in modern times by Attorney General Edwin Meese: "If a persson is innocent of a crime, he is not a suspect."

When Webster ascended to the CIA, variations of a headline in The Washington Post, "Webster Restored FBI's Image," could be found in just about every paper in the country. Yet in 1984, Rep. Don Edwards' subcommittee on civil and constitutional rights issued a long, carefully detailed report, "FBI Undercover Operations," which focused on the bureau's all too frequent indifference to the most basic constitutional rights of anyone who got in the way of its scams and stings—let alone the rights of its sometimes dimly selected targets.

One section of Edwards' report told of Operation Colcor in North Carolina. Setting out the honey pots for possibly corrupt politicians, undercover agents manipulated the holding of a referendum in a small town on whether liquor should be sold by the drink. The agents then covertly lobbied for its passage, spreading some cash around. In shock and outrage, the North Carolina State

Board of Elections wrote Webster to stop his operatives from corrupting the democratic processes.

There is much more in the Edwards report, including an account of great damage to the reputations of several innocent judges in Cleveland during another FBI scam. This scam was so bungled that the agents, conned by a hustler they had hired, were then fooled by fake judges using the names of real judges. But the FBI leaked the names of the real judges to the press. One of the real judges, whose record was as clear as country water, later told me: "When the FBI hurts people, the hurt them forever." He also said the FBI has never apologized.

But the report by the Edwards subcommittee was a one-day story. Except for "60 Minutes," which did occasionally explore the differences between the Webster myth and actual raw operations by the bureau, the press—in a prototypical example of herd journalism—had decided the FBI was clearly and wonderously rehabilitated. And so wrote.

Meanwhile, however, the kinds of people who were of consuming interest to J. Edgar Hoover's FBI knew a lot more than the press. In 1986, the Sojourners, a group of Christian nonviolent peace activists, noted in their magazine that "if your congregation is engaged in social justice issues, the possibility of a federal agent secretly taping everything that is said in a worship service or meeting is very real."

As the FBI record has shown for some years, the Sojourners were hardly paranoid. They were reporting facts.

In FBI documents during the Hoover era, the director used to tell his foot soldiers that those people out there demonstrating and signing un-America petitions must be made to feel as if the FBI were everywhere—an agent behind every bush is a phrase I remember. That's the way a good many nonviolent, nonconspiratorial dissenters felt in the Webster years too, and they still feel that way.

Their photographs and license-plate numbers and names are still in the files under new FBI Director William Sessions. And Sessions, even before completing his own inquiry into the documents obtained by the Center for Constitutional Rights, has declared that, as a whole: "I think that what we will find will be quite proper."

The press so far has been most respectful of Judge Sessions. But his haste in exculpating his predecessor is hardly reassuring in the face of these internal documents, which make it clear that Webster himself was pressing the field offices to find something, anything, on groups whose ideology was not to his taste. Why else go after the Fellowship of Reconciliation, one of the oldest traditional pacifist organizations in the United States? Even Hoover might have shied away from that one.

The FBI, as is its custom, is now hiding behind its classifed guidelines for these investigations. This is a venerable secret-police tactic for being able to deny any wrongdoing, while keeping the targets of controversial investigations under dark suspicion. Why must these guidelines be secret? I don't mean that methods of operation should be revealed. I mean that in a nonpolice state, the very criteria by which, say, the Women's Rape Crisis Center gets into the FBI's files on Central America matters—and stays there—should be known. Even the press ought to be curious about that.

HAITI HAS SUFFERED LONG ENOUGH

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CROCKETT. Mr. Speaker, our Nation faces the difficult question of what to do about Haiti, where a military government rules behind a civilian facade erected through fraudulent elections.

A recent op-ed piece by Abraham F. Lowenthal and Peter Hakim—executive director and staff director, respectively, of the Inter-American Dialogue—provides useful guidance. I urge my colleagues to give careful consideration to this thoughtful article.

[From Los Angeles Herald Examiner, Jan. 22, 1988]

HAITI'S SUFFERED LONG ENOUGH

(By Abraham F. Lowenthal and Peter Hakim)

Last Sunday's "elections" in Haiti decided nothing. Run by a discredited military regime and boycotted by all the leading candidates, they were a sham. Leslie Manigat, the "victor," is a decent and intelligent man, but he does not have the power base or the legitimacy needed to govern effectively. The Haitian people are likely to face continued political repression and civil violence, not an end to their sad ordeal.

The United States and the other nations of the hemisphere thus need to develop a coherent and constructive policy toward Haiti, one that looks beyond the elections to the future of the hemisphere's poorest country. Our aim should be to promote a more humane and decent society for Haiti's long-suffering population—not for reasons of power politics or superpower rivalry, but because we really care.

The first step toward such a policy would be to recognize that Haiti is in dire economic and social straits. Thirty years of the Duvalier family tyranny has left the country's economy in a shambles, impoverished most of the population and stunted the development of even rudimentary institutions of modern society. Under the best of circumstances, it would be difficult to avoid grave human suffering in Haiti.

But Haiti is not devoid of hope. A year ago, Haitians brought about the downfall of the Duvalier dictatorship. In a national referendum, they overwhelmingly approved a new democratic constitution. Later, they registered in great numbers to vote for a new president. Last November, in the face of murderous violence, they turned out to cast ballots in the early morning hours of election day, before the election was sabotaged. Sunday, with impressive courage, most of Haiti's population boycotted the bogus election.

Haiti has a democratic political opposition that, although fragmented and without strong institutional roots, commands wide popular support with its goal of ending military rule. And the commission mandated by the constitution to oversee the electoral process last November carried out its task with energy and integrity—earning the respect of democrats worldwide. All this underscores the fact that the people of Haiti want democracy.

Democracy cannot be brought to Haiti by Lt. Gen. Henri Namphy and his henchmen, who themselves undermined the November elections; they are not reliable partners for the United States. Any American effort to cooperate with Namphy, or with the regime that emerges from Sunday's farce, would dishearten the democratic opposition in Haiti, diminish U.S. influence in that country and raise suspicions about our commitment to democracy there. The United States thus should join with Haiti's democrats in withholding recognition of the illegitimate government of Haiti. We should use what leverage we have to press General Namphy and Manigat to restore an independent electoral commission that can oversee genuinely free elections.

The Reagan administration was right to cut off economic and military assistance to Haiti's government and armed forces. The more difficult decision is whether or not to halt aid to the country's poor majority, and perhaps even impose a trade embargo. Such moves would further damage Haiti's shaky economy and might well weaken Namphy's grip on power. But they would also impose great hardships on desperately poor Haitians, with no certainty at all that they would lead to the desired changes. The United States should consider such drastic measures only if we are joined by other countries and if there is a clear consensus among Haiti's democratic opposition that economic sanctions would help achieve a political opening.

American policy must also be concerned with longer-term issues. Even at best, democracy will not emerge full blown in Haiti anytime soon. A long building process—of a decade or more—will be needed to create a viable economy, root out corruption and incompetence and establish effective representative government and develop the strong non-governmental institutions essential for a functioning democracy. The United States should make an extended commitment to assist Haiti to recover from its tragic legacy and construct a more just and productive society.

Finally, the United States should make every effort to engage the Inter-American community in a concerted approach toward Haiti. We should undertake immediate consultations with Latin American and Caribbean governments to develop a joint strategy involving political, diplomatic and economic measures. If it could be accomplished, cooperative regional action would place maximum continuing pressure on Namphy and his cohorts. This would also facilitate the organization of an international peacekeeping effort that might be needed in Haiti if public order further disintegrates.

Haiti is a test case for the United States and other Western Hemisphere democracies. National security is not the issue. The East-West conflict is virtually irrelevant. The Soviet Union and Cuba have no influence in Haiti, and there is no significant internal threat from communism. What is clearly at stake is the future of Haiti's people. That should be enough to engage our concern and that of other democratic nations.

COMMEMORATING THE 150TH ANNIVERSARY OF JOHN MUIR'S BIRTHDAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MILLER of California. Mr. Speaker, today I am introducing a House joint resolution to designate April 21, 1988, as "John Muir Day." This day marks the 150th anniversary of the birth of John Muir. I am pleased that 119 Members join me in cosponsoring this resolution.

John Muir is one of the truly great conservationists of all time. Through his books and writings John Muir taught us much about the beauty of this country and the importance of protecting our wild and special areas for future generations. Part of the strong commitment we, as a nation, have toward conservation can be traced to the inspiration and teachings of John Muir.

Because of John Muir's vision, we are blessed today with a vibrant park and wilderness system. Indeed, John Muir is often referred to as the "father" of our National Park System and he was influential in efforts leading to the creation of the National Forest System. He was largely responsible for the establishment of such great national treasures as Yosemite, Sequoia, and Grand Canyon national parks.

John Muir was also a cofounder and first president of the Sierra Club. The Sierra Club strongly supports passage of this resolution. I am attaching a copy of their recent letter to me on this subject.

Like many Californians, I have a special feeling for John Muir. The John Muir National Historic Site is located in my district in Contra Costa County. In California, I believe there are more sites named after John Muir than for any other single person. We have the John Muir Trail, the John Muir Wilderness, Mount Muir, and Muir Grove to name just a few.

We owe much to John Muir. Designating April 21, 1988, as "John Muir Day" is but one small act which we can take to express our appreciation for the work of this great American. I urge those of my colleagues who haven't already done so to join with me in sponsoring this resolution.

The text of the resolution follows:

H.J. RES. 459

Whereas April 21, 1988, marks the 150th birthday of the great American conservationist John Muir, heralded worldwide for his dedication to the preservation of wilderness in this country;

Whereas generations of Americans have reveled in the wonders or Yosemite, the Grand Canyon, and other parklands set aside by past Presidents and Congresses at the urging of the Scottish-born naturalist;

Whereas a system of natural, cultural, historical, and recreational national parks which John Muir helped pioneer has grown in size to almost 80 million acres symbolizing the stewardship American's demonstrate for their precious public resources;

Whereas John Muir was the co-founder and first president of the Sierra Club, an organization which contributes in making this Nation a leader in the global environmental movement;

Whereas John Muir National Historic Site, in Martinez, California, one of 337 units of the National Park Service, was set aside by Congress in 1964 as a monument to the wildlands crusader and was the site from which Muir wrote books celebrating the natural beauty and wildlife of the United States, books that are still widely read and treasured by people of all ages; and

Whereas the important role of an ecologically sound environment in the quality of life for all people was proselytized by the tireless voice and pen of John Muir: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 21, 1988, is designated as "John Muir Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SIERRA CLUB,
Washington, DC, February 12, 1988.

Hon. GEORGE MILLER,
U.S. House of Representatives,

DEAR REPRESENTATIVE MILLER: On behalf of the Sierra Club, I want to express our deep appreciation to you for your resolution to designate April 21, 1988 as "John Muir Day," in commemoration of the 150th anniversary of our founder's birth.

Beyond his founding the Sierra Club in 1892, we feel that John Muir should be recognized for his tireless work to instill a conservation ethic in the fabric of this society, and for his efforts to preserve natural areas which he viewed as important to our heritage.

John Muir was largely instrumental in building early support for the National Park idea, and for including such important national treasures as Yosemite, Sequoia and the Grand Canyon in the National Park System. Moreover, he saw the need for preserving numerous forest reserves and influenced government officials to set these areas aside; these reserves later served as keystones for our National Forest System.

It is to John Muir's credit that we as a nation have continued to carry on his tradition and worked to protect other areas of natural beauty; the park and wilderness system which Muir helped to establish has now grown to nearly 80 million acres.

We are pleased that Americans will have an opportunity to pay tribute to John Muir's work in the conservation field, and we are most grateful to you and your staff for your efforts to make this resolution a reality.

Sincerely,

LAWRENCE D. DOWNING,
President.

VFW RESPONDS TO EDITORIALS AGAINST UPGRADING THE VA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MONTGOMERY. Mr. Speaker, on November 10 of last year, the President heartily endorsed our bipartisan effort to upgrade the Veterans' Administration to a cabinet-level department. Since that day, many of the Nation's newspaper editorial boards have taken it upon themselves to challenge this long-overdue action. Their reasons are unclear since their arguments are based on inaccuracies, misconceptions, distortions, or a combination of the three.

There is no hidden motive behind upgrading the VA; it would simply afford veterans access to their Government at its highest level and would afford the White House a valuable untapped resource for setting health care, housing, education, insurance, rehabilitation, and employment policies for the general citizenry.

Mr. Speaker, I am pleased to share with my colleagues the response of the Veterans of Foreign Wars to these editorials. The comments of VFW Commander in Chief Earl L. Stock, Jr., as published in the February issue of VFW magazine, provide a refreshing examination of the facts in contrast to the murky rhetoric of these incredibly misleading editorials.

LIES ABOUT VA AND THE CABINET

(By VFW Commander-in-Chief Earl L. Stock, Jr.)

In rare agreement, the Administration, Congress, Veterans Administration, the Veterans of Foreign Wars and all the other major veterans' service organizations support designating the VA as the Department of Veterans' Affairs.

Proposals to make the VA a cabinet-level executive department have been introduced in every Congress since at least the 88th.

Now at last, it would appear this long sought goal is to be realized. There is unanimity among experts that elevating the VA to an executive department is a good idea.

Despite this strong agreement among experts on veterans' matters, people have suddenly come on the scene who are as vehement in their opposition to the proposal as they are misinformed and misguided in their thinking.

These instant experts are shrilly voicing their distorted views in commentaires and editorials in newspapers throughout the nation.

Incredible as it may seem, they argue that veterans do not deserve or need to be represented at the highest level of government.

So I'm going to show you what some of these misguided and misinformed naysayers have been foisting on the public over the past several months.

The Washington Post revealed its opposition on the day after Veterans Day. It decried veterans' programs as "excessive" and "disproportionate to either need or just claims for past service."

Inaccurate and insulting to the nation's veterans, its assertion that too many federal dollars are spent on veterans flies in the face of the facts. As a percentage of total federal outlays, the money spent on veterans' entitlements and services has declined to only 2.6 percent as compared to 4.4 percent only ten years ago. Furthermore, when adjusted for inflation, the VA budget for health care has not increased in more than 10 years. When compared to federal outlays for health, the VA health care budget has shrunk from 11.4 percent in 1977 to 8.4 percent in 1987. This has been accomplished while providing a consistently high level of care to an increasing number of veterans.

The Washington Post also argues against payment of pension benefits to low income veterans in need. It would shunt them off to the county welfare office for help while denying these veterans VA health care and forcing them to turn to Medicaid and Medicare. This proposal is an absolute outrage. Not only would this shut out hundreds of thousands of veterans because they bear no physical evidence of the terrible sacrifices they have made on behalf of the nation, but it would place them in direct competition for scant federal and state health care dollars with other needy individuals.

A Washington Times article entitled "No Pork for Vets" presents the murky argument that ". . . a Department of Veterans' Affairs comes at a time when the President has signed a treaty he says would make war less likely than ever before . . . and the veterans' communities are enjoying long denied public support." Why the signing of an arms limitation treaty would justify cutting veterans' services, as the Times article suggests, is absolutely beyond me. The assertion that the veterans' community is now enjoying public support is dubious at best. This same Washington Times article also asserts this nonsense:

"A new department for veterans would do one thing. It would create a bureaucracy dependent on taxpayers' money and determined to spend increasing amounts of that money."

Making the VA an executive cabinet-level department is clearly not an example of government expansion. The Congressional Budget Office has stated that no significant costs are involved in upgrading the VA to a department and estimates a need for $30,000 for pay increases for top officials. The VA would simply be redesignated as the Department of Veterans' Affairs, and its principal officers would be designated without changing or expanding the VA's current internal structure. No new positions would be created. Certain positions already in existence would simply be upgraded.

An unexpected source of opposition is the Army Times. In a Nov. 30 editorial entitled "Who Needs the Flattery?", it is argued that the bipartisan effort to create a Department of Veterans' Affairs is nothing other than "shameless political pandering." The article intimates that veterans who do not support the Army Times's wrongheaded contention constitute "just another yapping, me too interest group." This point of view is both condescending and wrong. The Army Times would seem to have lost track of the fact that the VA is now assailed at every turn by Office of Management and Budget bureaucrats who have demonstrated time and time again that they care little about the history and purpose of the VA or the services it provides to this nation's deserving veterans.

Other unexpected articles and editorials against the creation of a Department of Veterans' Affairs have appeared in newspapers across the country.

An article appearing in the American Statesmen of Austin, Texas, is entitled "Cabinet Level Spot for VA Completely Without Merit." One in the New York Times is called "Veterans Stampede Congress." The Detroit News says, "Reagan Panders to Special Interests" and another one in the New York Times asserts "The End of The Affair," lamely arguing that President Reagan's support of elevating the VA to Cabinet status constitutes some kind of betrayal of his principles.

The sorry list goes on and on. But what is certainly one of the most vehement and scurrilous of these anti-veteran outpourings is an oped piece by Daniel S. Greenberg in the Nov. 20 Los Angeles Times.

This article represents itself as mere commentary on the proposal to elevate the VA. But Greenberg's is an appallingly distorted and inaccurate attack on the VA health care system. It is a misleading and mean-spirited attempt to depict this nation's largest integrated health care system as an "archiac hospital system" and a "backwater of medical service" which is "too expensive and enlists little praise." Well, let's allow the facts to speak for themselves.

The VA is clearly in the mainstream of modern medicine. The VA's 172 medical centers are engaged in more than 400 agreements to share medical research with community and military hospitals around the country. Some 19,000 private physicians regularly serve as consultants to the VA, making more than 200,000 paid visits to VA hospitals each year. VA medical centers are affiliated with 102 U.S. medical schools. Through these affiliations, the VA has provided some or all the training for half the country's practicing physicians, as well as significant numbers of allied health personnel.

From this so-called backwater have come medical advances that have revolutionized modern medicine. The VA is responsible for the scientific basis for CT scanning and the cure for tuberculosis. It pioneered kidney and liver transplants, cardiac pacemaker implant and hundreds of other developments.

Further, Greenberg's shrill contention that VA care is expensive is also totally at odds with the truth. Through the hard work and dedication of VA personnel, the VA has consistently provided more service for fewer dollars. A review based on Diagnostic Related Groups (DRG) indicates VA's per patient cost for acute care is about 15% lower than it is in community hospitals. This is especially significant in light of the fact that the VA cares for a higher percentage of expensive long-term severely and terminally ill patients than does the private sector.

The appropriateness of making the VA a Cabinet-level department, becomes clearly evident to anyone who has taken the time seriously to consider the facts.

NEW STRATEGIES FOR NECESSARY PUBLIC FACILITIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FRANK. Mr. Speaker, one of the most serious problems that affects governments at all levels in this country today is the difficulty we face in physically locating various facilities that are necessary of the public good. Public unhappiness with proximity of hazardous waste dumps, subsidized housing developments, medical facilities of various sorts, treatment plants of one sort or another for dealing with various forms of waste, et cetera, become controversial when we seek to place them in particular locations. Often, the residents who live near the sites proposed have valid arguments to make against the disruption that these projects will cause for them, especially since we in the public life have not always funded these various facilities adequately, nor run them well. In other cases, the fears that are expressed, while sincere, are unfounded. One of our most pressing responsibilities of elected officials is to deal with this problem. And one of the ways in which we should be responding to it is to use the principle of compensation.

In many cases, there will inevitably be some disruption to those who have to live near these facilities. One thing we can do is to fund the facilities adequate and run them with the best possible care. But often, other things must be done if we are to serve the dual purposes of fairness to all citizens, and advancing the important public goals that these facilities represent. In this regard, compensating communities and nearby residents for the inconvenience that may result when facilities are placed in their midst is an important principle that we have availed ourselves of too infrequently.

Thus, I was particularly pleased to read an article in the Sunday Boston Globe about the great progress that is being made by the Massachusetts Water Resources Authority, under Executive Director Paul Levy, in dealing with this problem. The Massachusetts Water Resources Authority has recently concluded agreements with two communities in the Greater Boston Area which have facilitated the placement of entities necessary if we are to proceed with the important task of cleaning up Boston Harbor, while meeting some of the legitimate needs of the people in those communities. I congratulate the Massachusetts Water Resources Authority, and its executive director, for their initiative, and I congratulate the local officials in the communities involved who have responded in the way they have.

I ask, Mr. Speaker, that the article from the Boston Globe about this be printed here, so that the excellent example which is being provided today in Massachusetts can be widely known, and, I hope, emulated.

WATER AGENCY'S NEW STRATEGY WINNING FRIENDS

(By Larry Tye)

Last year Paul Levy, the Boston Harbor cleanup chief, faced the same scene in each community he visited: Angry mayors, selectmen, legislators and citizens vowing to keep out sludge disposal or other cleanup facilities.

Last week, the scene was decidedly different: Quincy and Winthrop officials, who had been Levy's severest critics, were all smiles as they dropped their opposition to cleanup plants.

The key to the transformation was simple: Good will, backed by hard cash.

Acknowledging that the sewage and sludge plants will generate traffic, noise, odors and other problems, Levy and his agency agreed to compensate the two communities. Winthrop will get $24 million, Quincy will get $1 million a year for at least six years, and both will reap other rewards from programs to limit traffic, control odors and pay back taxpayers for fire and other services.

The arrangements, specialists say, could provide a model for resolving battles raging across New England over where to put incinerators, hazardous waste plants, or other facilities to treat, store or dispose of pollutants.

"We've got to break the back of the not-in-my-backyard syndrome, and this is a sensible way to do it," said Michael Deland, head of the Environmental Protection Agency's Boston office. "Compensating the communities makes sense."

With Winthrop and Quincy, however, feelings ran so deep that it took years for the parties to even begin talking.

Winthrop is home to the Deer Island sewage treatment plant and will house a new, multibillion-dollar treatment facility; Quincy claims the Nut Island sewage plant and a temporary sludge treatment facility planned for a portion of the old General Dynamics shipyard. Both communities also face increased traffic and pollution during and after the $6.6 billion harbor cleanup project.

When Levy took over at the Massachusetts Water Resources Authority last year, he made it a priority to work out agreements with the two communities. His board of directors made clear they would authorize the necessary funds.

Last Wednesday, the authority signed an agreement to pay Quincy $1 million a year outright and another $600,000 for traffic, fire and other services. The funding will begin in late 1989, when the sludge treatment is due to start operations at the shipyard, and will run at least through 1995.

And on Friday, the authority agreed to pay Winthrop $24 million over 12 years to insulate houses from the noise of nearby construction, build recreation facilities and otherwise make the sewage project easier to bear. It also agreed to restrict the movement of heavy trucks, ferry in construction workers to limit traffic and limit odors from the plant.

"It's a wonderful agreement," said Margaret Riley, a water authority board member from Winthrop, who has spent more than a decade pushing for her town to be treated fairly. "I always hoped we could get the powers to be to build things in a fashion that would not destroy the quality of life in our community, and now I believe that will happen.

"This is one of the most unprecedented things that has ever been done between a community and a state agency."

Levy agreed, saying, "we have an obligation to be good neighbors and recognize that some of the activities we're doing are not particularly neighborly. We have an obligation to make up for that."

Ratepayers in the 41 other communities served by the water authority, as well as those in Qunicy and Winthrop, will pay for the new programs through sewer and water charges. But Levy insisted they may save money in the long run since Quincy and Winthrop could have forced expensive delays in the harbor cleanup.

"Every week we are set back on the sewage treatment plant costs $2 million in inflation," he said. "So in Winthrop's case, if having a cooperative relationship means saving 12 weeks . . . then this agreement pays for itself."

Minnesota, Washington state and Rhode Island are also trying creative approaches to winning support for controversial environmental projects, but none appears to have shown this kind of quick and dramatic result.

POWER TO RAISE REVENUES

Part of the reason for his success, Levy explained, is that the Legislature authorized the water authority to raise its own revenues for such programs without requiring it to go through the time-consuming state budget process each time it wants to strike a deal.

Douglas Foy, director of the Conservation Law Foundation, called the water authority's apppoach "the first truly successful effort that has overcome the not-in-my-backyard principle"—but he warned there may be pitfalls.

HONORING MRS. LAVERNA WILLIAMS JOHNSON

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RAY. Mr. Speaker, I want to recognize Mrs. Laverna Williams Johnson, a distinguished lady from the Third District of Georgia who is celebrating her 50th year as a member of Alpha Kappa Alpha Sorority. I had the privilege of participating in a ceremony commemorating Mrs. Johnson's service. This ceremony was held at the Ward Chapel African Methodist Episcopal Church in Columbus, GA, which is pastored by an outstanding minister, the Reverend R.B. Bass. It was a pleasure for me to participate in an event at this historic and dynamic church.

I include for the RECORD a text of the remarks which I made at this service:

REMARKS BY CONGRESSMAN RICHARD RAY, CEREMONY FOR MRS. LAVERNA WILLIAMS JOHNSON, FEBRUARY 14, 1988

It is a pleasure to be with you today as we pay tribute to Mrs. Laverna Williams Johnson for her fifty years of service to Alpha Kappa Alpha Sorority. I am proud to join with you in honoring this dedicated woman who has played such a prominent role in this community. I also want to thank the members of Alpha Kappa Alpha Sorority for inviting me to speak at this service. Lynda McNealy of my Washington staff, who is from the Columbus area, is a member of this sorority, and she does a fine job for me. This organization's record of community service is well-known, and I want to commend them for the fine volunteer work they do.

Mrs. Laverna Johnson was born and raised in Muscogee County and has spent a majority of her life here. To say that she has been active in civic and charitable activities in the Columbus area would be an understatement.

She has demonstrated a strong record of leadership throughout her life. She helped to organize the local chapter of the Alpha Kappa Alpha Sorority over forty years ago after becoming active in the organization during her college years at Alabama State University. She has held leadership positions in numerous organizations including the American Cancer Society and the NAACP. In addition, she has been active in supporting the USO, the YMCA, the medical center, and especially this church.

Mrs. Johnson spent 34 years as a caseworker for the Muscogee County Department of Family and Children Services which she also supervised for a period of time. She made a career of caring about people and trying to help them.

It is appropriate that we pay tribute to Mrs. Johnson on this day, Valentine's Day. This is the day that we are supposed to take the time to tell those people whom we love and care for that we love them and appreciate them. Mrs. Johnson has spent her life—through her work and her volunteer activities—telling people that she cared. I am proud to join the members of Alpha Kappa Alpha in telling you, Mrs. Johnson, that we love and care about you, and we are all thankful for your lifetime of service.

TRIBUTE TO MARIA FERNANDEZ

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LEHMAN of Florida. Mr. Speaker, I have found that most Federal employees are hardworking, dedicated people who want to provide good service to their communities. Sometimes, this calls for special effort. This was certainly so in the case of Maria Fernandez, a letter carrier who lives in North Miami in our 17th Congressional District.

Maria was on her Hialeah postal route delivering mail when her quick action and selfless disregard for her own safety helped save the life of a man whose clothes had caught on fire.

This is service above and beyond the call of duty, and it is yet another instance in a long line of such acts by south Florida letter carriers who are a daily presence in our neighborhoods. Our community very much appreciates your efforts.

I would like to commend Maria Fernandez for her courage and her caring. A news article describing this incident is reprinted below.

CARRIER EXTINGUISHES MAN IN FLAMES

Maria Fernandez was delivering her Hialeah, Florida route recently when she smelled smoke and saw fire shooting from a nearby house. As she ran to the scene, a man engulfed in flames suddenly bolted from the house.

Acting quickly, the South Florida Branch 1071 carrier, aided by two passersby, smothered the flames with a jacket. Fire officials say the prompt action spared the man's life.

He had been installing formica panelling in his home when the pilot light on the gas stove ignited contact cement fumes. To exit the house, he was forced to run through the flames.

The city of Hialeah and USPS plan a commendation ceremony for Fernandez, a carrier for just over a year.

ATOMIC ENERGY LAW ENFORCEMENT ACT OF 1988

HON. HOWARD WOLPE

OF MICHIGAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. WOLPE. Mr. Speaker, we recently joined with a bipartisan group of House Foreign Affairs Committee members—including Representatives DON BONKER, CHRIS SMITH, JOHN MILLER, BOB DORNAN, and HOWARD BERMAN—to introduce the Atomic Energy Enforcement Act of 1988, H.R. 3905.

Identical legislation is sponsored in the Senate by Senators CRANSTON, MURKOWSKI, PELL, HELMS, and others.

H.R. 3905 was introduced in order to insure that Congress has an opportunity to vote on the Proposed Agreement for Nuclear Cooperation with Japan before it takes effect. It would not stop the agreement from taking effect, but would simply require that the President resubmit the agreement to Congress under conditions requiring congressional approval, as the majorities of both the House Foreign Affairs and Senate Foreign Relations Committees have requested.

The agreement itself is extremely complex. The case for congressional approval, however, is quite simple. This agreement would radically change current U.S. policy on the oversight of the shipment and use of nuclear materials and would thereby violate the Nuclear Nonproliferation Act. It would give the Japanese a 30-year blanket approval for reprocessing spent nuclear fuel and using the nuclear bomb grade plutonium recovered from it. In short, it provides a nuclear carte blanche for the processing and use of plutonium, even in facilities that have not yet been built, and for which adequate safeguards do not exist.

The Defense Department under Caspar Weinberger and the Nuclear Regulatory Commission have opposed this revolutionary shift in policy. It is ridiculous to imagine that Congress would simply act as a rubber stamp for such a radical change in policy. We have both a right and a responsibility to address the viability of this agreement directly.

I insert the January 30, 1988, Newsday editorial "Don't Abandon U.S. Restraints on Nuclear Fuel," in the RECORD.

DON'T ABANDON U.S. RESTRAINTS ON NUCLEAR FUEL

For many years, the United States has tied strings to nuclear materials sold to other countries. Now the administration wants to make a serious exception to the rule for the Japanese. That would be a mistake—possibly a disastrous one.

Under existing policy, explicit U.S. consent is required for anything done with spent reactor fuel. That's because plutonium, which can be extracted from the waste to make more fuel, is also the stuff of nuclear bombs. So this country wants to be sure that physical security is adequate if fuel is moved from one place to another or put to new uses.

But the Reagan administration is unwisely calling for a reinterpretation of the Atomic Energy Act under which the government reviews transfers. In the past, exceptions had been granted on a case-by-case basis.

With applause from the U.S. nuclear industry, last November the administration signed a nuclear cooperation agreement with Japan that has the effect of relinquishing U.S. control of the fuel for 30 years. If Congress goes along, it would allow the Japanese, who have received most of their nuclear materials from the United States, to engage in some highly dubious nuclear commerce.

What the Japanese have in mind is to send the dregs of U.S.-supplied nuclear fuel to reprocessing sites in Europe for recovery of the plutonium. Tons of plutonium would be returned by air across Canada and Alaska, both of which take a dim view of the project. Plutonium is hard to handle and dangerous enough so that the United States produces it only at military installations for use in weapons.

Japan wants plutonium as part of a vast expansion of its nuclear industry. But the United States always has discouraged the widespread use of plutonium and has no reason now to depart from this sound policy. Certainly there's no compelling economic need. Far less dangerous uranium is widely available in the world and so are enrichment services to turn it into reactor fuel.

More important, there are just too many unsolved problems about physical security for comfort about the prospect of having plutonium shuttling around the world. Crash-proof containers haven't been invented. Measures to guard against the diversion of plutonium haven't been developed. And a recent review of security measures conducted by the Pentagon points to an increasing risk that commercial nuclear materials being transported between nations will fall into the hands of terrorists.

Both the Defense Departments and the Nuclear Regulatory Commission have opposed the cooperative agreement on national security grounds. Congress should add itself to the list of opponents and see that this pact does not go forward in its present form.

CONTRA AID

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MOAKLEY. Mr. Speaker, our colleague from Arizona, Congressman MO UDALL, has long been a leader in the fight for justice and peace in Nicaragua. He has correctly asserted that further aid to the Contras would only result in more killing and bloodshed. A far better course for the United States would be to get fully behind the Guatemala peace accord.

Mr. Speaker, since the Congress will revisit this issue shortly, I urge my colleagues to read the following article that Congressman UDALL wrote for the Arizona Daily Star explaining the folly of further Contra aid:

CONTRA AID, CONTINUED FUNDING WOULD UNDERCUT CENTRAL AMERICAN PEACE PLAN

(By Morris K. Udall)

Tomorrow, the House will be asked to vote on President Reagan's request for $36.25 million in aid for the Nicaraguan Contras. The outcome will likely determine whether or not Central America can try for peace or will enter another cycle of war and destruction.

Nicaragua is the largest country of Central America in territory, but it is the least densely populated. Its population is about 3.37 million, roughly the same as Arizona's population today. Nicaragua obtained its independence from Spain in 1821 and from neighboring countries in 1838, but its history since then has been marked by long periods of internal strife, foreign domination and domestic dictatorship.

The United States has intervened in Nicaraguan affairs at least since the 1850s, when the American adventurer William Walker raised an army and made himself the country's president. Closer to our own day, the United States dispatched Marines to Nicaragua in 1909 under President William Taft and again in 1927 under President Calvin Coolidge. Even after the withdrawal of these troops, the United States maintained close relations with the strongmen who ruled the country.

The Somoza family ruled Nicaragua from the 1930s until it was overthrown in 1979. Its administrations were marked by corruption, oppression and a systematic abuse of national resources to benefit the Somozas. Although the Somozas cultivated the United States to get aid and support, revelations about their misrule generated a good deal of sympathy among the American people for the Nicaraguan people.

In 1979, after a decade of struggle, the anti-Somoza Sandinistas succeeded in taking power. Their general orientation was Marxist, and they had some ties to Cuba, but their public commitment was to democracy. Their definition of democracy differs from our own, and although they held elections, these seemed designed to keep them in power. As the Sandinistas faced a counterrevolutionary threat of their own, the regime also receives support from the Soviet Union in the form of economic aid and weaponry.

As the character of the Sandinista government became apparent, an armed opposition force, which we now call the Contras, came into existence. This group was a motley collection of brutal ex-Somoza backers, disaffected Sandinistas and poor peasants recruited in the countryside. It is this group of anti-Sandinistas, the Contras, which the Reagan administration has repeatedly termed "freedom fighters."

One of the great problems in considering the Nicaraguan conflict is that neither side has much about it to like. But the primary concern for the United States is not to find attractive allies, but to decide whether we have a good enough cause to support one side in a war against the other.

In August, the five countries of Central America—Guatemala, El Salvador, Costa Rica and Honduras, in addition to Nicaragua—signed a regional peace accord in Guatemala City. This plan, backed by Costa Rican President Oscar Arias, provided a series of steps designed to get peace on a regional basis. These steps included amnesty for political dissidents, cessation of support for the armed opposition and internal democracy.

To date, the five countries have worked to implement these provisions. Several of them, including Nicaragua, have not yet fulfilled all conditions in the peace plan, but nevertheless, all seem to be working toward full compliance.

One key aspect of the peace plan is that countries outside the region must also stop their support for armed opposition groups.

As I see it, the United States has three choices.

First, we can give the administration what it wants, the money to finance, train and direct the war against the Sandinistas. If I thought this funding would end the war and give people a little freedom and stability, I might be willing to consider it. But, in my judgment, this would only mean that the factions in Nicaragua would go on killing each other.

Second, we could escalate the war. The United States, as it did in Vietnam, could send in its own military forces or at least advisers and technicians. We did this twice in this century in Nicaragua. In 1983, we did it in Grenada. But this would mean we would have to stay in Nicaragua until our visions for it were achieved, and that would be an exceedingly long time. I don't think America is ready to face the heartbreak of casualty reports again. This choice is even worse than the first.

Third, we can change our policy. The administration's policy is to have the present government eliminated. But better than this, we can use our resources to encourage the nations of this troubled region to work together to find ways to resolve the conflict. This would end our active involvement, with its threats of escalation, and would keep the way clear for the Central American peace plan to go to work.

If we continue to support the Contras, we will be promoting a renewed cycle of violence and destruction in Nicaragua. The Contras will persist in their struggle—a fight in which both sides manage quite well to devastate the people in the countryside, but seem unable to win any substantial victory against each other. They are effectively stalemated.

Continued war will not only devastate the people of Nicaragua, it will destroy many of the resources necessary to future development of the country.

A decision to continue supporting the Contras will affect not just Nicaragua but the entire Central America region. The peace plan would almost surely collapse. War would continue in Nicaragua and El Salvador, and in time, possibly spread to the nations on their borders. This region, close to our own territory and an important trading area for the United States, will stay in a constant state of turmoil.

On the other hand, if the United States decides to stop sending aid to the Contras, they will probably cease to be a fighting force. They will, however, have the chance to become an opposition political party within Nicaragua and contest for power peacefully. This would, in fact, be a good test of their support among the people.

This would also give the Sandinistas a chance to make good on their professed desire to make their country more democratic. It is difficult to understand how harassing a country by military means will show it the wisdom of democracy or teach it tolerance for opposition parties. However, if freed from military pressure, they will have to open up their political processes or face considerable international condemnation. Both the United States in Vietnam and the Soviet Union in Afghanistan have found in our time that even the superpowers cannot impose solutions on people caught up in bitter war.

Ending aid to the Contras would help the peace process along. It would give the Central American people the opportunity to work out their own future without our military interference. This course of action cannot guarantee peace, but it can give peace a chance.

If we end our support of the Contras, the Soviets may also be willing to stop their support of the Sandinistas. I think the recent indications are that the Soviets dislike the heavy burden of providing economic and military aid to Nicaragua and would welcome an excuse to desist. This problem would be solved much easier by negotiations if we stop supporting the Contras.

However much we disagree with the government of Nicaragua, we must realize that it is unlikely to be much of a threat to us or even to its neighbors in the near future. In addition to the devastation caused by the current war, the country has longstanding economic and social problems which should occupy the attention and energy of the regime in Managua for many years to come.

Cessation of aid to the Contras, lethal and the so-called "humanitarian," and support of the Central American peace plan does, of course, involve some political risks. But the alternative course most certainly leads to more war and more destruction.

The risks are well worth taking.

CAPTIVE EUROPEAN NATIONS

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, for almost forty years, the Assembly of Captive European Nations, composed of the democratic politicians of Eastern and Central Europe forced into emigration by the Communist regimes, has been a beacon of commitment and hope for freedom and democracy for the region dominated by the Soviet Union.

The assembly has recently passed the following resolution on what could be done in the present circumstances to promote freedom and democracy:

RESOLUTION CONCERNING THE CAPTIVE EUROPEAN NATIONS

Whereas the following European nations: Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania, with an aggregate population of over 100,000,000 people, are deprived of the right to exercise the free choice of their governments in a democratic pluralistic system;

Whereas the present undemocratic ruling governments of the aforementioned nations were established and are upheld by the U.S.S.R. political control and military occupation thus establishing a new form of colonialism;

Whereas in the Trilateral Agreement of February 11, 1945, in Yalta, "The right of all people to choose the form of government under which they will live, the restoration of sovereign rights and self-government of those people who have been deprived of them by aggressor nations" was solemnly guaranteed;

Whereas on December 10, 1988 will be 40 years that the United Nations adopted the Universal Declaration of Human Rights which affirms the inherent dignity and equal and inalienable rights of all people, and so far the people of the Captive Nations were unable to exercise the most fundamental right: the self-determination.

Whereas the Secretary General of the Communist party of the USSR launched a new, so called "Glasnost" policy, which means that the rigid dictatorship will be eased for the benefit of the people.

The first significant sign of this policy should be to terminate the absolute archaic neo-colonialism over the Captive Nations, which has not any reasonable cause except to strengthen the "socialist imperialism": Now therefore be it

Resolved, That in order to achieve compliance with the terms of the agreement of February 11, 1945 in Yalta and the spirit of the Universal Declaration of Human Rights, leading to restoration of freedom, independence and democratic system of government in the afore-mentioned Captive European Nations, the Foreign Relations Committee of the House consider of paramount importance the following recommendations:

(1) The question of the Captive European Nations should be an integral and permanent item on the agenda of the General Assembly of the United Nations until the people of the Captive Nations be able to exercise their right of self-determination.

(2) The present and future international status of the Captive European Nations should be made the object of permanent consideration at the proceedings of the Decolonization Committee.

(3) The Freedom and Independence of the Captive European Nations should be part and parcel of the agenda at the next meeting of the Helsinki signatory states.

It is the sense of the Foreign Relations Committee of the House that in the future summit the President of the United States should impress upon the leader of the Soviet Union that the respect and adherence to the tenets of the Yalta agreement is the first realistic step of the "Glasnost" and should lead to mutual understanding and lasting peace.

PRESERVING AMERICA—THE DELAWARE AND LEHIGH CANALS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KOSTMAYER. Mr. Speaker, today I am introducing two bills to preserve, renovate, and rehabilitate the Delaware Canal, an important historic, cultural, and recreational resource located almost entirely in my district in southeastern Pennsylvania.

The 60-mile-long Delaware Canal is a unique environmental landmark signifying a very important period in Pennsylvania's history. It runs from Easton in Northampton County to Bristol in Bucks County, PA.

Opened in 1832, the Delaware Canal became a major transportation route and helped to transform southeastern Pennsylvania from an agrarian to an industrial region.

Today, the Delaware Canal constitutes the only fully watered towpath canal still in existence in the United States. In 1978, the canal was declared a national historic landmark. The canal flows through Roosevelt State Park, parallel to the Delaware River through some of America's loveliest countryside.

Despite efforts by both the Commonwealth and private organizations, the Delaware Canal is in dire need of repair and without some Federal assistance, we risk losing this cultural and historical resource of national significance.

The first bill I am introducing is a cooperative effort with my colleague DON RITTER. It would designate both the Delaware Canal and the Lehigh Navigation Canal in Northampton County as a single "National Heritage Corridor." Under this legislation, a commission would be established to develop a management plan for the corridor formed by the two canals as well as their surrounding environs along the Delaware and Lehigh Rivers. This commission would be made up of Federal, State, and local officials, as well as area residents. A master plan for the management of the Delaware Canal has been developed. This plan could in fact serve as the blueprint for a more comprehensive corridor management plan for the entire corridor to be made up of both canals. Implementation of the management plan would involve extensive input from private citizens and would ensure a cooperative effort from all members of the community and their elected officials.

The second bill I am introducing with my colleague DON RITTER would authorize an appropriation of $1 million under the Historic Sites Act to be divided evenly between the Delaware and Lehigh Canals. Although this represents only a small portion of what is required to rehabilitate the canals, it symbolizes the national interest in restoring these important landmarks and will help to stimulate support at the state and local level.

These two bills together constitute a "preservation package" for the Delaware Canal and will establish the necessary framework for the continued protection and restoration of this important national landmark.

I encourage my colleagues in Pennsylvania and across the country to support this preservation effort. People throughout the Delaware Valley have an intense interest in preserving the scenic and historic character of their communities.

Today's effort—along with my efforts which resulted in President Carter signing into law legislation to preserve the upper third of the Delaware River as part of the Nation's National Wild and Scenic River System—is symbolic of a larger effort to preserve the Delaware River corridor between Pennsylvania and New Jersey.

Other initiatives I have taken in this regard, Mr. Speaker, include H.R. 569, a bill to designate an additional 21 miles of the middle Delaware from Uhlerstown to Washington Crossing as part of the National Wild and Scenic River System.

Second, as another component of this preservation package, I've requested the National Park Service to conduct an inventory and study of the Delaware River Islands. More than 50 islands totalling over 2,400 acres constitute an important national resource that needs to be preserved.

Mr. Speaker, the only other existing national heritage corridors are the Blackstone River Valley corridor in Massachusetts and Rhode Island and the Michigan and Illinois Canal corridor. The Delaware and Lehigh Canals if designated will become the third national heritage corridor created by Congress. Because of rapid population growth in the New York-Philadelphia corridor we must do all we can to preserve and protect these natural areas still unspoiled.

This plan to preserve and protect much of the Delaware River, its islands, and the Delaware and Lehigh Canals can go a long way toward saving a piece of America.

SALUTING THE YOUNG HEROES FROM THE NAVAL AVIATION DEPOT IN CHERRY POINT, NC

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. JONES of North Carolina. Mr. Speaker, today I rise to honor a very select group of young heroes from the Naval Aviation Depot in Cherry Point, NC.

Heroes emerge even in times of peace. This group, despite adverse weather conditions, was willing to accept the challenge and responsibility of rescuing and repairing a crash-damaged LC–130 in Antarctica. Subsequent to their arrival in Antarctica, they were faced with a tragedy of immense proportions when another LC–130 crashed and erupted into flames about 1 mile from their base camp.

I believe the successful completion of this mission, coupled with their bravery in saving human lives, is so historic that a complete description of these events deserve to be carried as part of our RECORD. I am proud and honored to have the opportunity of sharing this important story with my colleagues and fellow citizens for their thoughtful reflection and future reference.

When the 14-member field team from the Naval Aviation Depot left for the white continent of Antarctica last November 14, the only rescue mission on their agenda was the repair of an LC–130 Hercules aircraft that crashed more than 16 years ago.

Little did they expect, however, that during their sojourn to the bleak, hostile environment, they would be making another rescue—this time, not of a stranded aircraft, but the rescue of human life from a fiery aircraft crash.

Having arrived at their base camp, known as D–59, on November 28, the men slowly began to settle in and were becoming accustomed to their harsh environment. D–59 is approximately 750 miles from the nearest U.S. air base, McMurdo Station.

Yet, their world was suddenly jolted with tragedy when on December 9 another LC–130 plummeted into the snow, bursting into flames, just about a mile from their base camp. The cargo plane, which was flown by the Navy's Antarctic Development Squadron—VXE–6, was making a routine fly over from McMurdo Station to D–59 to drop off aircraft parts, food, and supplies to the field team. Nine passengers survived and two died in the crash.

NADEP field team members and the only other people at D–59—three Lockheed Corp. representatives, a Navy corpsman, and six Antarctic Services, Inc., personnel, who provided base camp support services—rushed to the crash site. Through their heroic efforts, they helped sustain the lives of those who survived the crash.

NADEP employees helped pull the injured from the burning wreckage and then placed their coats on top of the crash victims who laid in the snow, awaiting to be taken to the base camp for treatment. Field team members also laid on top of the victims to help prevent shock and hypothermia, according to C.D. "Cannonball" Barker, NADEP field team supervisor. Victims were transported slowly one by one back to the base camp on a bobsled pulled behind a snowmobile. One field team member estimated that he laid on top of one survivor over an hour to keep him warm.

With the assistance of the Navy corpsman who had been assigned to the base camp, Brad Honeycutt, field team member and also a NADEP emergency medical technician, instructed other field team members in how to prepare splints, bandages, and the treatment of shock and hypothermia. "Without the help of everyone pulling together, the field team, the Lockheed people, the Antarctic Services, Inc., people, we would not have had as many survivors as we did," Barker recounted.

After approximately 8 hours, another LC–130 picked up the injured and transported them to McMurdo Station for further treatment.

The LC–130 which the field team had been sent to repair belongs to the National Science Foundation. It crashed in 1971, after the Navy's Antarctic Development Squadron—VXE–6 dropped off scientists to perform research. During takeoff, one of the JATO jet assisted take off—bottles broke loose from the left side of the fuselage and propelled itself upward, hitting the No. 2 engine. The aircraft was forced into a nose-down landing and damaged extensively.

Drifting snow over the years had almost completely buried the aircraft, all except for a small portion of the tail fin. Antarctic Services, Inc., dug it out of the snow in January of 1987. At that time, the damages were reevaluated and it was determined that the aircraft could be repaired. According to the NSF, the cost of a new replacement aircraft would have been $35 million. NSF's estimated final cost for the recovery operation and update modifications of the aircraft to current standards will be between $10 to $12 million.

Surprisingly, when the field team first arrived at D–59, the aircraft was again entombed with snow. According to Barker, the plane was surrounded by 8- to 10-foot drifts of snow. "Our journey began with the unexpected, and the unexpected was the predominant theme throughout the entire time we were there. About the only thing that did not surprise us was our successful repair mission of the aircraft. That expectation was right on target," Barker said.

"Not only did we successfully repair the aircraft, but we managed to complete the repairs 5 days ahead of schedule," he added.

The field team used the snowdrifts to its advantage, according to Barker. The snow served as a barrier to the prevailing 20 to 30 knot winds. The team worked on the aircraft in the hole dug around the aircraft for 3 weeks making all necessary structural repairs and installing three of the aircraft's four engines. On December 21 at midnight, the airplane was finally pulled out of the hole.

Other repairs following this included the replacement of flight controls, ailerons, flaps, the fourth engine and prop, main landing gear skis, two forward main landing gears, the nose landing gear and ski assembly. Following this, aircraft work leader Ed Foreman made operational checks on the flight controls, complete high power checks on all engines, and taxi checks.

The crew worked up to 16 hours a day, 7 days a week when the weather cooperated. The field team was deployed to Antarctica during the summer months, with daylight prevailing 24 hours a day.

The cold weather slowed down the work efforts, however, according to Barker. Team members could not work for extended periods of time without required safety breaks. Yet, said Barker, the team was equipped very well with warm clothing.

Despite the chilling temperatures, team members did on occasion have to remove their gloves to start some hardware work operations. This had to be done very quickly because if the team members left their gloves off too long—more than 60 seconds—they could easily get frostbitten. In these situations, everything needed to do a job was laid out and ready to go before team members removed their gloves.

The field team lived and slept in two 40- to 50-foot-long structures called Jamesways which were constructed at the work site by Antarctic Services, Inc., before their arrival. The Jamesways are constructed out of wood and vinyl-like material, and they are shaped similar to quonset huts.

Weather conditions varied from day to day. The coldest day they saw at the worksite was minus 72 degrees Fahrenheit with the windchill factor. The average temperatures were minus 15 to minus 20 degrees.

The Jamesways reached 67 degrees inside at times. They were heated by space heaters that burn diesel fuel made especially for use in Antarctica. For recreation, the men watched videotapes, read, listened to tape players and played board games. They ate in a third Jamesway called the galley.

The only communication the field team members had with the outside world was through letters from home which were periodically flown over by VXE-6, or through radio conversations they had with personnel at McMurdo Station.

On January 1, 1988, the men were presented with another unexpected challenge. A treacherous arctic snow storm, called a whiteout hit the base camp. Lasting for 5 days, drifts of snow, 12- to 14-feet deep, were piled around and on top of the Jamesways.

The snow forced the huts' doors shut. "We had to actually dig tunnels from the galley through the snow to get to the Jamesways. We dug for about 7 straight hours before we got to see daylight," said Steve Teague, another field team member.

"We also had to keep the stove pipes beat out in the huts to prevent ice build-up, which could result in carbon monoxide poisoning in the huts. It was an experience we will never forget. If we had not worked together as a team, I don't know how we would have survived. I have to give the men the credit for staying cool," Barker boasted.

After all the repairs were completed on the stranded aircraft, Jim Herman, a NADEP engineer flew to the base camp on January 7, to inspect and certify that the aircraft was safe for flight.

Finally on January 10, a chilling Sunday afternoon at 6 p.m., the repaired aircraft was air borne. Destination: McMurdo Station. "At that point, our mission was accomplished," said Barker. "As we flew in the chase plane beside it, the emotions I felt just cannot be described. And when we saw it finally land at McMurdo, that was perhaps the most exciting moment of the whole trip," Barker concluded.

The repaired aircraft, according to Barker, arrived at Christchurch, New Zealand, January 16 where it will undergo additional repair. "I'd say there is a good possibility that it will finally make its way back here to Cherry Point for additional modifications since we have LC-130 cognizance. Then it would be returned to VXE-6 again for operation," Barker added.

Prior to the rescue of aircraft bureau number 148321, the NADEP had two past successes in Antarctica in 1975 and 1976, when it repaired two other LC-130's for the NSF.

NADEP field team members included: C.D. "Cannonball" Barker, Donald Crumbacker, Teddy McNeal, Haywood Mills, Joe Cartisano, Ashley Garner, Johnny Howard, Billy Weeks, Steve Teague, Durwood Vinston, David Fair, Robert Eggers, Brad Honeycutt, and Ed Foreman.

According to Col. Jerald B. Gartman, NADEP commanding officer, the depot field team demonstrated through their efforts "the ability of this depot to respond to fleet needs in our never-ending quest to provide service to the fleet. Each member of this team fully demonstrated all these characteristics of service above and beyond that required to make this a very successful operation—each one is commended for a job well done."

FUTURE OF THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MILLER of Washington. Mr. Speaker, one of the most difficult questions before Congress concerns the future of the coastal plain of the Arctic National Wildlife Refuge, or ANWR as it is commonly known.

As a member of the Committee on Merchant Marine and Fisheries and its key Subcommittee on Fisheries, Wildlife Conservation and the Environment, I have participated in almost a dozen hearings and subcommittee meetings on three bills presently before Congress. I have also spent 2 days touring Prudhoe Bay and ANWR.

For every point made in favor of one position, a well reasoned counterpoint can be presented. Congressman UDALL introduced a bill making this area a national wilderness area. Congressman DON YOUNG has introduced a bill which would permit exploration and, if commercial quantities of oil are found, development of this area. Last, Congressman WALTER JONES has introduced a bill which would allow limited exploration within the coastal plain and establish special protection for the wildlife which live there.

The debate on the future of ANWR, however, is presently couched in either or vocabulary. We either preserve forever this fragile coastal plain or we make an irrevocable decision to permit exploration and development there. In this context, we must choose wisely because our choice will become national policy. Our choice of a national policy in this context is, however, not based on a clear set of facts or a clear understanding of alternatives. We have, as several of my colleagues on the Merchant Marine and Fisheries Committee have noted, been skirting the task of putting the three bills before us into the context of our national energy needs.

If we are going to justify sacrificing a vital oil reserve or despoiling a unique wilderness area on the basis of our national energy needs, we should know what those needs are. The distinguished senior Senator from Washington, DAN EVANS, has prepared an amendment for consideration before their Energy and Natural Resources Committee which cuts to the heart of this question of need. Senator EVANS correctly points out that we do not have the information we need to project national energy needs.

Senator EVANS points out that the Department of the Interior's report on developing the coastal plain does not provide adequate energy policy information for Congress to determine whether there should be oil and gas development. His alternative requires that the Secretary of the Interior submit to Congress within 2 to 3 years a study which includes: a statement of energy policy objectives; an analysis of the Nation's demand for petroleum; an estimate of domestic petroleum supply from the Arctic region, including costs of exploration, development, mitigation and reclamation; an estimate of petroleum available from ANWR, making similar comparisons to the data on the Arctic region; an indication of available alternative fuels; and an indentification of energy efficiency measures.

Under Senator EVANS proposal, the Secretary would rank all alternatives and identify the least costly alternative or alternatives.

Mr. Speaker, this proposal not only asks many important questions about our national energy policy and the future of the coastal plain of ANWR, it is also an approach used in the Pacific Northwest to help us manage our electricity needs. Senator EVANS knows this process well because he served with distinction as the first chairman of the Northwest Power Planning Council. He has applied the experience of putting the Northwest Power Act into place and helping our region manage its electricity resources. He has applied his considerable skill and knowledge to the challenge of meeting our national petroleum needs. He deserves our applause and our support.

The Merchant Marine and Fisheries Committee will be holding at least four more hearings on ANWR in February and March. The hearing on March 31 will focus on national energy policy. I intend to raise many of the questions posed in Senator EVANS' amendment at that hearing.

Mr. Speaker, there is an old expression about looking before we leap. Senator EVANS deserves credit for asking the questions which will help us see the issues raised in the current debate over the future of ANWR more clearly. I intend to pursue the same approach as a member of the Committee on Merchant Marine and Fisheries.

TRIBUTE TO DAVID L. GLENN AND RABBI MURPHY SALTZMAN

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MFUME. Mr. Speaker, on February 25, David L. Glenn and Rabbi Murphy Saltzman will be presented with the Baltimore Urban League's 1988 Equal Opportunity Awards. In all of Baltimore, there are few people more deserving of such recognition than this year's honorees.

David L. Glenn's association with the BUL dates back to 1952 when he was the secretary for the industrial relations division. His determination to expand employment and equal access opportunities has been manifested through his service as the executive secretary of the Baltimore Equal Opportunity Commission, special assistant to Mayor Theodore McKeldin, director of the Baltimore Community Relations Commission, assistant secretary for program coordination for the department of human resources, and most recently as the director of the Maryland Commission on Human Relations.

His current organizational memberships include the board of the National Conference of Jews and Christians, the Governor's Task Force on the Investment of State Pension Funds in Companies doing business in South Africa, and the YMCA of Metropolitan Baltimore.

Mr. Glenn's previous organizational affiliations include the American Council on Human Rights, the United Way of Central Maryland, the Governor's Task Force on AIDS, the Leukemia Society of Maryland, and the Baltimore Association for Retarded Children.

In addition, from 1968 to 1974, he hosted the "Opportunity Line" television program, which served as an important information source about job opportunities in the Baltimore metropolitan area.

Rabbi Murray Saltzman has been the spiritual leader of the Baltimore Hebrew congregation since 1978, and has always been a champion of better understanding and positive relations between racial and ethnic groups. A prolific writer, Rabbi Saltzman has published dozens of his works about Judaism and Jewish values in journals and magazines. In addition, his oratory skills have made him a popular guest lecturer at many colleges and universities.

Rabbi Saltzman serves as president of the Baltimore Board of Rabbis, chairman of the Black-Jewish Relations Task Force of the Synagogue Council of America, and cochair of the Maryland Coordinating Committee for the Martin Luther King, Jr. holiday.

He is also on the boards of the Rabbinic Cabinet of the State of Israel Bonds, the American Jewish Congress, and, like David Glenn, the National Conference of Jews and Christians.

Being that violence directed at racial and ethnic minorities has always been of major concern to Rabbi Saltzman, he cofounded the Coalition Opposed to Violence and Extremism [COVE]. In addition, he is an active member of the Center for Democratic Renewal which identifies organizations prone to violence.

Through their years of selfless public service, David L. Glenn and Rabbi Murray Saltzman have embodied what the Baltimore Urban League stands for—a commitment to achieving equal opportunity and freedom for all citizens. Their impressive credentials also show that both men have worked unceasingly to cultivate much-needed harmony between African Americans and the Jewish community.

I commend the Baltimore Urban League, Inc., for paying tribute to these two gentlemen, and congratulate the recipients. The pride of the occasion will also be shared by family members: Mr. Glenn's wife, Ruth, and their daughters, Connie and Sharon; and Rabbi Saltzman's wife, Esther, and their children Josh, Debra, and Oren.

The world is a much better place because of David L. Glenn and Rabbi Murray Saltzman. I ask my colleagues to join me in giving them the recognition they so richly deserve.

H.R. 5, THE SCHOOL IMPROVEMENT ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mrs. COLLINS. Mr. Speaker, one of the most serious and troubling issues we face today is child abuse. According to the Select Committee on Children, nearly 2 million cases of child abuse were reported in 1985.

I am pleased that we now have a chance to reverse this problem. The Education and Labor Committee has included language in H.R. 5 that I authored, encouraging States to use a portion of their chapter II funds for the development of child abuse curricula.

These funds will address the fact that to the extent possible, children need to know how to protect themselves by learning, for example, what is proper and improper touching; and teachers must be better-equipped to identify and deal with the problems of child sexual abuse. In my home State of Illinois, there were over 4,000 reported cases of child sexual abuse over the past 11 months.

I am not alone in advocating the need to end this tragic situation. According to the National Committee on Child Abuse Prevention, "the approach we believe will be most effective in eliminating child sexual abuse is mandated child abuse training for all educators and curriculum-based prevention education that teaches personal safety skills to all school-age children."

Indeed, this is the exact approach which is being taken in my community today. The Chicago Public Schools system has implemented a program to make all 27,000 elementary teachers better aware of children who may have been abused. In addition, all children in kindergarten through eighth grade will be educated on how they can avoid potentially abusive situations.

I hope these types of programs can be adopted nationally. And I think this goal can now be achieved if States follow the committee's recommendation, and set aside a portion of their chapter II funds for the development of child abuse curricula.

If we do this, we will go a long way toward eliminating the tragedy of child abuse. I want to commend the members of the committee and its distinguished chairman, Mr. HAWKINS, for their endorsement of my proposal. I strongly urge that the House conferees insist on the inclusion of current child abuse language in the enrolled version of this measure.

REASON MUST PREVAIL IN SOUTH ASIA

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity and a few moments of my colleagues time to discuss an issue which has been raised frequently before on the floor of the House. That issue is the sad state of affairs in the Punjab region of India.

For the last 4 years, we have been hearing a constant stream of stories of violence against the Sikhs and by the Sikhs. History teaches us that when the perpetrators of violence have the sympathies of the people, repression simply cannot normalize the situation.

The tragic results of Operation Blue Star suggest that the Sikhs may not be able to live peacably under a regime which tramples upon the sanctity of its holiest temple. Clearly, the state of events in the Punjab is no "internal affair."

The turmoil in the Punjab is increasingly causing tensions between India and its neighbors. American interests for peace in south Asia are vital. We cannot allow for clashes there to become an excuse for further Soviet intervention in the region.

For these reasons, beyond the very basic human ones, I would urge the administration to convey to the Indian Government the need to renounce violence and find an early, democratic solution. We have heard for a long time that the separatists are extremists. Perhaps it is time to test that theory with a test of the popular will.

As an alternative, serious consideration could be given to permitting the Amristar area to become a "state within a state," along the lines of the relationship between our ally, Italy, and the Vatican.

The present situation in this distant part of the world remains extremely volatile, possessing the potential to explode at any time, with almost any spark. Yet, as active participants in the greatest democracy the world has ever known, we must remain optimistic that reasonable men and women can reach a solution which ends the bloodshed, respects human dignity and religious freedom and allows the people of the region to resume a normal and prosperous existence.

TRIBUTE TO JUDGE BENJAMIN F. NOLAN

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. SCHEUER. Mr. Speaker, this week marks the retirement of an outstanding New York jurist, Judge Benjamin F. Nolan.

Judge Nolan has spent 16 years on the bench as judge of the civil court, acting justice of the supreme court and supervising judge of the Bronx civil and housing courts.

First elected in 1972 after serving as an assistant U.S. attorney and chief counsel to the New York State Commissioner of Investigation, Judge Nolan's abilities as a jurist and legal scholar were recognized by the citizens of New York, who reelected him in 1982 as the candidate of all four major political parties.

During his judicial career, Judge Nolan also achieved preeminence as a writer and lecturer. For the past 10 years, Judge Nolan conducted monthly seminars on housing issues and problems for judges from throughout New York City. He has also served as a regular panelist at annual seminars for New York City civil court judges and an instructor for judicial training programs.

The people of New York will not lose the benefits of Judge Nolan's keen legal mind, despite his retirement. Judge Nolan plans to continue in the court system, on a limited basis, as a judicial hearing officer, and he also will engage in the private practice of law.

Even with his hectic judicial schedule, Judge Nolan still finds time for civic involvement. As the founder of the Van Nest Little League and the first president of the Van Nest Civic Association and the Bronx Heights Civic Association, Judge Nolan's civic efforts were recognized by the community. His recent honors include the Brotherhood Award of the National Professional and Business Council, the Interfaith Award, and Van Nest Citizen of the Year.

Mr. Speaker, as Judge Nolan embarks on a new facet of his career, I want to congratulate him on a job well done and wish him and his family the best of luck for the future.

TRIBUTE TO FOUR MEMBERS OF THE U.S. AIR FORCE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to four distinguished members of the U.S. Air Force, SrA. Diane C. Sims, T. Sgt. Deborah L. Bates, M. Sgt. John H. Wallace, Jr., and SM. Sgt. Robert L. Burton, on their acceptance as Mather Air Force Base's annual enlisted award winners. It is an honor to salute these fine servicemen and women.

SrA. Diane C. Sims is an explosive detector dog handler assigned to the 323d Security Police Squadron, Mather Air Force Base. During her enlistment, she has distinguished herself as a superb leader and an efficient law enforcement specialist. Before tonight, she has received numerous other citations including the Air Force Achievement Medal.

T. Sgt. Deborah L. Bates is an aircraft maintenance technician with the 232d Organizational Maintenance Squadron, 323d Flying Training Wing, Mather Air Force Base. Technical Sergeant Bates list of achievements are most impressive. After serving at Wright Patterson AFB, OH, she was posted at Mather where she has received the outstanding NCO of the quarter and is president of the unit advisory council.

M. Sgt. John H. Wallace, Jr., is the avionics maintenance superintendent in the 323d Field Maintenance Squadron, 323d Flying Training Wing, Mather Air Force Base and has spent over 20 years in the Air Force. He has traveled all over the world and served his country in Vietnam. During his career Master Sergeant Wallace has been awarded some of the Air Force's most coveted distinctions including the Air Force Achievement Medal and the Air Force Commendation Medal with two Oak Leaf Clusters.

SM. Sgt. Robert L. Burton is the first sergeant assigned to the deputy commander for operations, 323d Flying Training Wing, Mather Air Force Base. Senior Master Sergeant Burton has served as the resident of the Strategic Air Command NCO Academy and the Senior NCO Academy. He is also actively involved in community activities serving as president of the Mather Top Three Association and as a permanent trustee of the Noncommissioned Officers Association. He has also received the Air Force Commendation Medal with two Oak Leaf Clusters.

Mr. Speaker, on behalf of the city of Sacramento and the State of California, I want to congratulate these four men and women for a tremendous job. Their dedication and devotion to our country is an example for us all, and I wish them the very best in their future endeavors.

SALUTING RED BARBER ON HIS 80TH BIRTHDAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. SCHUMER. Mr. Speaker, today, February 17, 1988, we commemorate the 80th birthday of Red Barber—who, for the past 50 years, has probably been the foremost sports announcer in America. Red is still active today in Tallahassee, FL, where he does a segment for National Public Radio every Friday.

Red was in his heyday as the Brooklyn Dodgers announcer from 1939 through 1953. Among the many famous games he announced was the game in which Jackie Robinson walked onto Brooklyn's Ebbets Field and became the first black major league baseball player in history.

Red was also the first to receive the Broadcaster's Award for the Baseball Hall of Fame. Always well-prepared, his objective and unbiased announcing set high standards for all those following in his profession. Today, Americans of all generations should salute one of Brooklyn's favorite adopted sons, Walter Lanier "Red" Barber, on this, his 80th birthday.

AMENDMENTS TO THE COMPACT OF THE SOUTHERN STATES ENERGY BOARD

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BOUCHER. Mr. Speaker, today I am introducing legislation to amend the interstate compact of the Southern States Energy Board [SSEB]. Fourteen members from throughout the Sun Belt have joined with me in cosponsoring this measure.

Enactment of amendments to SSEB's compact requires approval by both the Congress and a majority of the SSEB's 17 member States. Sixteen of the seventeen States have approved these changes. Only congressional concurrence is needed for the amendments to become effective.

The SSEB provides research and information on energy and environmental issues from a southern perspective to its member States and the general public. The States which are members of the SSEB are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

This legislation would grant the consent of Congress to the following amendments to SSEB's compact:

First. Change the name from the Southern Interstate Nuclear Board to the Southern States Energy Board;

Second. Specify that SSEB's scope of responsibility includes both energy and environmental policy areas; and,

Third. Change the SSEB's membership composition from one member from each State to three from each State, including representatives from States' legislatures.

As a simple ratification of action already taken by the Sun Belt States, this legislation is noncontroversial in nature. I urge my colleagues to join with me in supporting this measure.

THE UNIVERSAL VOTER REGISTRATION ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CONYERS. Mr. Speaker, I am today introducing with Hamilton Fish, Frank Horton and Tony Coelho, Mo Udall, and Joe Kennedy in the House, and Senator Cranston in the Senate, major voter registration legislation that could bring millions of new voters—Republican, Democratic, and independent—into the electoral process.

This legislation, the Universal Voter Registration Act, H.R. 3950, which has the support of over 150 voting and civil rights and public interest organizations, would allow for registration by mail, on election day, and at agencies that serve the public directly. Numerous States have already used many of these registration methods with great success.

The vigor of any democracy is most closely related to the health of the electoral system. The authority to govern is derived not from any divine right or from the sword but from the fact of election. Elections are what ensures that government responds to the people. Voting is also a fundamental and undeniable American right.

Between 35 and 40 percent of eligible Americans are unregistered to vote. For every voter that votes for the next President of the United States, two will stay at home. Studies and surveys consistently show that registering unregistered voters is the key to increasing participation—that over 80 percent of those registered to vote actually cast their ballot on election day.

In addition to new registration methods, the legislation also proposes new and comprehensive provisions to guard against voter fraud. These provisions, which go beyond the antifraud provisions that most States currently use, include comprehensively mail confirmation and followup investigatory procedures, computer cross references, strong penalties for voter fraud, fair and thorough challenge procedures, requirements for identification of eligibility, and other measures.

While the United States has extended the franchise in the 20th century more extensively than perhaps any other country, onerous voter registration requirements still keep almost half the eligible citizens from the polls. The United States is the only Western democracy that does not make registration compulsory or otherwise initiate voter registration.

THE HEART AWARD

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. BADHAM. Mr. Speaker, today I am pleased to tell my colleagues about one of Orange County's finest citizens. Thomas A. Fuentes is a community leader, a selfless volunteer and a great Californian. On February 25, he will be honored by the Costa Mesa Chamber of Commerce with the 1988 Heart Award.

Tom's service to his community spans a broad area, from religion to charity, from politics to business. To name just a few examples, he is director of communications for the Roman Catholic Diocese of Orange and chairman of the board of the Food Distribution Center, an organization dedicated to using surplus food to feed the hungry. He is chairman of the Republican Party of Orange County and senior vice president of Robert Bein, William Frost & Associates.

President Reagan appointed him a member of the U.S. Selective Service System Appeals Board for California in 1981 and he served as a special representative for the Senate Local Government Committee of the California State Legislature.

He has been a city chairman for the Orange County Christmas Seals drive and a member of the board of directors of the Orange County Chapter of the American Lung Association. He has been a member of the board of directors for the United Way of Orange County North/South and of the Saddleback Community Hospital.

Tom is known in our community as someone who gets things done. He has dedicated himself to serving his neighbors and is especially deserving of the Heart Award. I am proud to pay tribute to him today in the House of Representatives and offer him congratulations for this award and thanks for the role he plays in making Orange County a better place to live.

TRIBUTE TO THE 100TH ANNIVERSARY OF ADULT EDUCATION IN LOS ANGELES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DIXON. Mr. Speaker, it is with great pride and honor that I rise to pay tribute to the Los Angeles Unified School District's Adult Education Division as it celebrates its 100th anniversary. On March 5, the California Council for Adult Education—Los Angeles Metropolitan Section will sponsor an educational conference, the annual Tenacious Teacher Conference. Over 300 adult education teachers, administrators, and classified personnel are expected to attend the event at the Roosevelt Community Adult School.

Since 1887, the Los Angeles Unified School District has been serving the adults of the Los Angeles community with the highest level of adult education possible. As the numbers of new residents coming into the Los Angeles area continues to increase, the importance of ready access to continuing education has become evident to the citizens of our community.

For our new citizens, prospective citizens, and for those requiring the development of additional skills, adult education may be the only route available to a better life. I am pleased to say—and 100 years of operation confirms—that the Adult Education Division of the Los Angeles Unified School District not only has met the requirements of the adults of our community, it has excelled in its performance.

I want to take this opportunity to commend the Los Angeles Unified School District for the excellent service they have rendered to the adult residents of our community, and wish them all continued success in their future service to the community.

MOTION TO INSTRUCT CONFEREES ON H.R. 5 RETAIN SENATE DIAL-A-PORN LANGUAGE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. DANNEMEYER. Mr. Speaker, by adopting this motion, the House would direct the House conferees to agree to the Senate language prohibiting dial-a-porn operations.

For over 4 years, many of us in Congress have attempted to protect children from gaining access to obsenity and indecency over the telephone. This type of communication, commonly known as dial-a-porn, has been a heartache to parents who feel helpless responding to the threat it poses to their children. In response to this problem, my colleague, TOM BLILEY, introduced, and I cosponsored H.R. 1786, the Telephone Decency Act, to prohibit the transmission of obscene or indecent communications by means of telephone for commercial purposes. The Senate dial-a-porn amendment to H.R. 5, the School Improvement Act of 1987, is identical to this bill.

Legislative action to prohibit dial-a-porn began in 1983 and has continued to this day. Currently the House bill has the support of 163 cosponsors. Among these are 27 out of 42 members of the Energy and Commerce Committee which has jurisdiction over this legislation.

The original section 223,as passed in 1968, prohibited obscene, lewed, lascivious, filthy, or indecent communications by means of telephone. The law did not state that the maker of the comment must also be the maker of the call, so the dial-a-porn service, in which a caller accesses by telephone a recorded message of a sexually explicit nature, was clearly covered by the language of the statute. However, because dial-it services did not exist when the law was enacted, the FCC claimed uncertainty concerning its ability to act on complaints against these services.

A current provision in section 223(d) of the Communications Act of 1934 affirmatively authorizes the operation of dial-a-porn for consenting adults. The problem is that the telephone number for this pornography service is widely circulated among young people and widely utilized.

The Senate amendment basically removes a loophole in current law which permits dial-a-porn to operate. The loophole has two parts. The first part is that the portion of section 223(b)(2) makes dial-a-porn criminal only if it goes to a person under 18 years of age or to a person who has not consented to receive the message. Therefore the Senate amendment makes the prohibition against dial-a-porn apply to everyone, not just minors and consenting adults.

The second part of the loophole which is eliminated by this amendment is a portion of section 223(b)(2) which provides:

> It is a defense to a prosecution under this section that the defendant restricted access to the prohibited communications to persons 18 years of age or older in accordance with procedures which the Commission shall describe by regulation.

For this reason, the Energy and Commerce Committee adopted an amendment to section 223 of the Communications Act to give the FCC unquestionable authority to impose sanctions on telephone pornographers. In November 1983, a largely modified version of this language was incorporated into the FCC reauthorization legislation, H.R. 2755. This language, a mistaken attempt at compromise, legalized dial-a-porn for adults while prohibiting communications to children.

Dial-a-porn first became available in March 1983. It should have been prosecuted under existing Federal law (47 U.S.C. 223) which provided that:

> Whoever in . . . interstate or foreign communication by means of a telephone makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent . . . shall be fined not more than $500 or imprisoned for not more than 6 months or both.

The FCC and DOJ declined to enforce section 223 because they interpreted the law to apply only to persons who utter obscene words during calls that they place.

Congress became frustrated with the lack of legal action taken against dial-a-porn and in late 1983 amended section 223 making it a crime to make "any obscene or indecent communication for commercial purposes to any person under 18 years of age or to any other person without that person's consent." The FCC was charged with the duty of compiling regulations which would deny access to dial-a-porn to persons under 18. Attempts by the FCC to issue regulations have been totally unsuccessful and have been struck down as unconstitutional. Therefore, there is presently nothing in law or regulation which restricts access to minors.

The tragedy of dial-a-porn is particularly evident in the case of Brian T. and Rebecca C. in California. Opponents of this amendment claim that the law prohibits these communications except to "consenting adults." The problem with that logic is that it has proven impossible to stop children from calling these widely advertised numbers and the consequences have been devastating.

Note the following examples:

The first incident occurred on July 26, 1987, and is related below in a letter addressed to a member of Congress:

> "Dial-A-Porn" has deeply affected my family and friends . . . My 13-year-old son, Kevin called the 900 number. Kevin's friend Don, 15, was over and they were listening to the prerecorded messages. Later when I arrived home from work I immediately made them hang up. Unknown to me, Kevin's 14-year-old brother was listening on another line with his two friends. They continued to listen passing it back and forth. Their sister Jacqueline, 10 was also listening on her extension.
>
> Within 48 hours Don and his 11-year-old brother molested my daughter Jacqueline. The Clio Vienna Township Police were notified and in their investigation revealed the fact that Jacqueline had encouraged them by asking them to touch her and "Do it with her"—phrases she heard on the "dial-a-porn". Later the same day I learned that Kevin had sexual intercourse with a girl. His response when asked why was "it sounded like fun." I asked him, "What sounded like fun?" and he said "You know the phone call, the $74 phone call."
>
> This phone call has damaged our lives. It has caused strain and distrust in our family. We have had conflict with our neighbors when we had to inform them of their children's involvement. Most of all it has done permanent damage to our daughter. Somehow the proper steps must be taken to eliminate this diseased pornography that is so readily available to children . . . Please help our children to prevent such occurrence again.

A similar incident occurred in Hayward, CA, in 1987 when Brian T. filed a lawsuit against dial-a-porn alleging that defendants exposed 12-year-old Brian T. to 2½ hours of their sex message products by means of a telephone for commercial purposes. That intensive exposure incited and caused plaintiff Brian T. to act on those sex message products and on/or about June 22, 1987, in the city of Hayward, he engaged in unlawful sexual contact with 4-year-old plaintiff Rebecca C. including but not limited to compelling her to orally copulate him.

These incidents can only be called a tragedy.

In the more than 4 years during which dial-a-porn has purportedly been illegal, this service has thrived and spread from New York to many other major cities around the United States. At least five of the seven major telephone companies carry this dial-it service. According to Telemarketing, Inc., dial-a-porn telephone sex has achieved astonishing financial growth during the second Reagan administration and now grosses $2.4 billion a year. In addition, half of all phone calls using California's 976 extra-billing prefix are for pornographic taped messages or live pornographic discussion. According to the CA Public Utilities Commission, of the $64.2 million collected by Pacific Bell between July 1986 and May 1987 for 976 calls, $40.1 million went to adult services. The PUC is considering methods for complying State legislation mandating that customers be allowed to block the service from their phones for a minimal fee. Pacific Bell has refunded more than $2.3 million this year to customers who say 976 calls from their phones were made by a minor, an unathorized person, or a caller without knowledge of the extra billing.

CONSTITUTIONALITY OF THE AMENDMENT

The first objection that will be leveled at this amendment is that it violates the customer's first amendment right to receive dial-a-porn messages. This objection is without merit.

The Supreme Court has firmly established that obscenity is not protected by the first amendment—*Miller* v. *California* (1973). While the mere possession of obscene material in the home cannot be made a crime *Stanley* v. *Georgia*, (1967), there is no correlative right to purchase obscenity in the marketplace or have it distributed to your house through commercial channels—*U.S.* v. *12 200-ft Reels*, 413 U.S. 123 (1973). The Court has clearly held that there is no right to "receive" obscenity in "the privacy of the home" and no right to use "common carriers in interstate commerce" for delivery of obscene material to the home—*U.S. v. Orito*, (1973). In addition, in *FCC* v. *Pacifica Foundation* (1978), the Court specifically held that radio and TV do not have a right to broadcast indecent material into the home and rejected the contention that an individual has a right of access in the home to indecent broadcasts. In so holding, the Court reasoned that such broadcasts are "uniquely accessible to children" and that the Government interest in protecting the "well-being of its youth" justified the regulation of otherwise protected speech.

In addition, it cannot be argued that *Butler* v. *Michigan*, (1957) protects dial-a-porn. The principle enunciated in that case states that a "harmful to minors" standard cannot be applied to adults and children alike because then it would reduce the adult population to hearing only what is fit for children. This standard is inapplicable to dial-a-porn because it only applies to cases where the distributor of indecent material can readily distinguish between adults and children. This clearly cannot be done when a child calls a tape-recorded message.

Even assuming that the distribution of dial-a-porn to children could be prevented, the Supreme Court has rejected the contention that the distribution or transmission of obscene materials between consenting adults is constitutionally sanctioned. In *Paris* v. *Adult Theatre* v. *Slaton* (1973) the Court held that:

> We categorically disapprove the theory that obscene, pornographic films acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only . . . We hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even assuming it is feasible to enforce effective safeguards against exposure to juveniles and to passersby. Rights and interests other than those of the advocates are involved.

The Senate amendment to H.R. 5 passed the Senate 98 to 0 and will have the effect of stopping this abuse if retained. The changes it makes are simple and take into consideration Supreme Court decisions regarding obscene and indecent speech. The amendment does nothing more than restore the original intent of the 1983 amendment which purportedly clarified the law. It was not until 1983 that obscene and indecent communications over the phone became legal. The purpose of the amendment is to restore, not change.

SUPPORT FOR H.R. 5

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CHAPMAN. Mr. Speaker, I rise today in support of H.R. 5, the School Improvement Act of 1987. This legislation will provide much needed improvements to the education system of this Nation. I would also like to take this opportunity to support language inserted in the bilingual portion of this legislation which would put an end to the practice of dial-a-porn, that hideous industry that preys upon the sexual curiosities of both adults and children with sexual messages which are often violent and depraved. The fact that any individual who can operate a telephone can have access to this exploitive practice is an outrage that can no longer be tolerated.

Mr. Speaker, I am a proud cosponsor of H.R. 1786, the Telephone Decency Act here in the House of Representatives. I am cosponsoring this legislation because I recognize the need to terminate dial-a-porn. Because of Congress' jurisdiction over interstate wire communication, we must correct this terrible problem. The dial-a-porn industry is still in its infancy and yet there have already been far too many instances of violent, sexual crimes committed by individuals incited by dial-a-porn phone calls. We must decide when enough is enough, and the language inserted into the School Improvement Act provides us with an opportunity to rid this Nation of this disgusting and dangerous industry.

Mr. Speaker, I call on the conferees to allow the House to send a message by retaining the language to end dial-a-porn. By including the antidial-a-porn language the conferees can provide us with an opportunity to terminate this industry. By doing so we will be protecting the children of this Nation, we will be protecting the adults of this Nation and we will be protecting the moral decency of this great Nation.

OUTSTANDING GROUP OF STUDENTS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to an outstanding group of students from Penn State University. From February 19 through the 21st, abut 270 couples will dance against cancer during the school's Interfraternity Council Dance Marathon. The number of people involved and the amount of money raised makes this event the largest and most successful student run philanthropic event in the Nation.

In addition to the marathon, students will be standing on street corners and at intersections throughout the Commonwealth of Pennsylvania "canning" for donations. The money collected coupled with dance pledges is the major source of funds for the event.

Over the past 10 years, the students involved in this project have collected over $1 million; this year they hope to raise over $300,000. They have shown their awareness of the emotional heartache and financial burden placed on families who have children with cancer.

All funds raised will be used to support the Four Diamonds Fund which helps children with cancer by providing financial support for treatment, social services, research and family educational programs. The fund was established by the Penn State board of trustees in 1973 to financially assist families whose children are being treated at Penn State's University Hospital, the Milton E. Hersey Medical Center.

Mr. Speaker, the initiative and caring shown by this outstanding group of students should make all Americans proud. It is my privilege to formally recognize their efforts in the U.S. Congress.

MARCH 1988—NATIONAL EYE DONOR MONTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GUARINI. Mr. Speaker, imagine how life would be if you always had to wear steamed-up glasses—and you could not wipe them off. That is how life is for the more than 35,000 Americans, and hundreds of thousands of others from around the world, who suffer from corneal blindness each year. Vision is always severely affected and often eliminated in these individuals if the cornea—the clear surface at the front of the eye—becomes cloudy through or from swelling, injury, infections, chemical burns, or congenital disease.

There is a cure. By being an organ or tissue donor, the lives of the suffering are renewed. Thanks to medical advances and increased national awareness of the benefits or organ and tissue donation, last year more than 35,000 Americans were restored to useful vision through corneal transplants.

This procedure has a 90 percent success rate in improving sight and only can be done with donated eye tissue. The procedure helps a wide spectrum of society. Those given this precious gift and who can see today as a result range from a 9-day-old infant to a 103-year-old great-great-grandfather. However, thousands more people without vision could benefit from this operation but are not being helped because of a shortage of eye donations.

A united national effort exists to eliminate this shortage. The 93 eye banks in 42 States, Puerto Rico, the District of Columbia, and Canada belonging to the Eye Bank Association of America are committed to the goal of having a cornea readily available for anyone suffering from corneal blindness. Celebrating the 26th anniversary year of the EBAA, these eye banks are intensifying their work to preserve medical standards of the highest quality, to promote organ and tissue donation, and to encourage research into the prevention and treatment of eye disease and injury.

The major barrier to the elimination of waiting lists for corneal tissue is the lack of public knowledge about organ and tissue donation. In particular, many citizens do not realize that all eyes are acceptable for donation, regardless of the donor's age or quality of vision. There is no substitute for human eyes. No synthetic cornea currently is effective. Thus eyes not suitable for transplant are used for research projects so valuable information can be gained to help the thousands of others with diabetes, glaucoma, retinal disease, and other eye problems.

Therefore, as we in Congress have done the last 5 years, it is fitting that we once again inform the public of the need for eye donations and encourage more Americans to become organ and tissue donors. By doing so, we designate March 1988 as "National Eye Donor Month" and call on all our citizens to support this humanitarian cause with appropriate activity.

INTERIM RELIEF PLAN NO CURE FOR RETIREES' PENSION WOES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. KLECZKA. Mr. Speaker, today I would like to draw my colleagues' attention to a courtroom and a situation which will affect more than 4,000 retirees of the financially beleaguered Allis-Chalmers Co., residing in Wisconsin's Fourth Congressional District.

I would like my colleagues to know that for more than a century, the labor and sweat of thousands of men fueled the Allis-Chalmers profit-making machine. And, though once a giant among America's industrial producers, Allis-Chalmers has shrunk to a mere shadow of its former self. As foreign competition corroded America's industrial economy, years of lamentable management led Allis-Chalmers to disclosing massive financial deterioration in July 1985, when the company filed for reorganization under chapter 11 of the United States Bankruptcy Code.

Now the creditors are picking at the carcass of the wounded Allis-Chalmers. The company has already sold most of its assets, and has reduced its unionized work force to roughly 100 workers. But these "11th hour" efforts could not insulate Allis-Chalmers from first quarter 1987 losses which were double those incurred at the end of the same period in 1986. And now sources reveal Allis-Chalmers may be unable to repay its insurers. Past and future debts are overwhelming Allis-Chalmers; distress and uncertainty are the only commodities available wholesale at this once prosperous company.

Even today, the cash registers are ringing as Allis-Chalmers sells off its few remaining assets. However, the thousands of retired workers—from whose labor the company's strength was built—are unlikely to see more than a few pennies of these proceeds. Instead, the banks and financial institutions insuring Allis-Chalmers will benefit from the millions of dollars collected through asset sales. For, as secured creditors, financial institutions are at the very front of the creditors' line.

But retirees, with little or no other income apart from their employer-provided pensions, are driven to the end of the creditors' line. They have no Federal reserves or insurance to rely upon during times of adversity. The collectively bargained contracts which they signed in good faith with the company will not protect them during bankruptcy proceedings. Not even the Pension Benefit Guaranty Corporation is capable of fully protecting their pensions and health plans.

Only permanent legislation protecting their pensions and health plans against termination will ensure retirees receive a fair share during bankruptcy proceedings.

Which brings me to the reason for these remarks. Today Judge Burton R. Lifland of the U.S. Bankruptcy Court in New York City is expected to approve a petition for "interim relief" filed by Allis-Chalmers. The Retirees' Committee and the United Auto Workers, representing union and nonunion retirees, accepted the company's plea for modification of health and life insurance plans as the lesser of many evils. For, it is clear that unless retirees accepted the burden of lower benefits, they would have faced termination of essential benefits, as a result of the probable liquidation of Allis-Chalmers' remaining assets. Please note that these reductions in benefits given as "interim relief" are, in effect, an interest-free loan from the retirees to the company. The modification plan provides for "repayment" of the "loan" upon successful reorganization of Allis-Chalmers.

But even court approval doesn't bind Allis-Chalmers to its promise. In fact, the company has conveniently forgotten its promises before. Final enactment of legislation such as H.R. 2969 would ensure companies in bankruptcy act upon their promises to retirees.

H.R. 2969 is long overdue. As you know, this legislation would prevent employers from revolving retiree benefits during bankruptcy proceedings, and would support modification of those benefits if and ony if it were necessary to permit a successful reorganization of the distressed company. Congress has approved temporary legislation during the past 2 years while drafting permanent pension protection legislation. And, on October 13, 1987, this Chamber passed Chairman RODINO's bill—which was then appoved but modified on October 30 by Senator METZENBAUM in the other Chamber. Now his bill is languishing in limbo. No conferees have been appointed to draft a final version of this legislation. No conference is scheduled. And Allis-Chalmers retirees are facing what could be permanent reduction of their health and life insurance benefits.

The differences between House and Senate versions of pension protection legislation must be addressed now * * I urge Chairman RODINO to renew efforts to schedule a conference on H.R. 2969 as soon as possible. We stand together and fall together over this issue, for what is happening to the retirees of the once mighty Allis-Chalmers Co. could easily happen to the workers and retirees living in your district, too.

IN HONOR OF MR. WILLIAM C. LAKIOS

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. APPLEGATE. Mr. Speaker, today I would like to pay tribute to Mr. William C. Lakios, an outstanding citizen of the 18th Congressional District in Ohio. Mr. Lakios will be honored on February 20, 1988, for his outstanding achievements in the Order of AHEPA [the American Hellenic Educational Progressive Association]. AHEPA was founded in 1922 to help educate Greek immigrants and has developed into the conscious of Greek Americans in all matters of international affairs.

Mr. Lakios is being honored for his many philanthropic projects throughout the Jefferson County area. He has served as the president of the Holy Trinity Greek Orthodox Church, the supreme president of the Pan Icarian Brotherhood, the Worshipful Master of the Masonic Order, Lodge No. 45 and has been president of the AHEPA Stanton Chapter No. 92 of Stuebenville for the past 13 years.

Mr. Lakios was born in McKeesport, PA, but has lived in Stuebenville most of his adult life. He is married with two children and five grandchildren. he served in World War II in the U.S. 5th Army Military Police and was discharged in 1945. He attended Kent State University where he received a degree in education. He is currently an instructor at Kent State University branch in East Liverpool, OH.

It is a pleasure to honor Mr. Lakios as a man who has given so much of his time and energy to help other Greek Americans and those of his community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 18, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 19

9:30 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Judiciary

Business meeting, to consider pending calendar business.

SD-226

10:00 a.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

10:30 a.m.

Judiciary

To hold hearings on S. 1851, to implement the International Convention on the Prevention and Punishment of Genocide.

SD-226

1:00 p.m.

Joint Economic

To hold hearings on the 1988 Economic Report to the President.

SD-628

2:00 p.m.

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

FEBRUARY 22

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on the drug interdiction efforts of the Bahamas and Puerto Rico.

SD-192

10:00 a.m.

Environment and Public Works

Nuclear Regulation Subcommittee

Business meeting, to mark up proposed legislation authorizing funds for the Nuclear Regulatory Administration.

SD-406

Special on Aging

To hold hearings on the Social Security "notch" issue, and possible solutions thereto.

SD-628

2:00 p.m.

Office of Technology Assessment

The Board, to meet to consider pending business items.

EF-100, Capitol

FEBRUARY 23

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Disabled American Veterans.

SD-106

9:30 a.m.

Environment and Public Works

Hazardous Wastes and Toxic Substances Subcommittee

Water Resources, Transportation, and Infrastructure Subcommittee

To hold joint hearings on S. 20, S. 1105, and H.R. 791, bills to provide for the protection of ground water through State standards, planning, and research activities.

SD-406

Select on Indian Affairs

To hold oversight hearings to review the barriers to Indian participation in government procurement contracting.

SR-485

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture.
SD-138

Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study on S. 1989, to provide for various measures in connection with the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the United States, and S. 1695, to extend, under the Fisherman's Protection Act, provisions for certain reimbursements to owners of commercial fishing vessels seized by a foreign country.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.
SD-366

Foreign Relations
To resume hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-range and Shorter-range Missiles (Treaty Doc. 100-11).
SH-216

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on child abduction issues.
SD-226

2:30 p.m.
Labor and Human Resources
To hold hearings on proposed legislation to establish a national early childhood development and education program.
SD-430

FEBRUARY 24

9:00 a.m.
Rules and Administration
Business meeting, to consider S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution, or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.
SR-325

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on a proposed amendment to the Constitution relating to a Federal balanced budget.
SD-226

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

2:00 p.m.
Small Business
To hold hearings on S. 1929, to create a corporation for small business investment.
SR-428A

Select on Intelligence
To resume closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 25

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:00 a.m.
Rules and Administration
To hold hearings on S. Res. 260, to amend the Standing Rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.
SR-301

Select on Indian Affairs
To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on Indian programs.
SR-485

9:30 a.m.
Judiciary
To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.
SD-226

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.
SD-538

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.
SD-406

Finance
To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.
SD-215

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Transportation.
SD-124

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on speed limit issues.
SD-406

Small Business
To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.
SR-428A

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

FEBRUARY 26

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.
SD-116

Select on Intelligence
To continue closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).
SH-219

10:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.
SD-406

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1512 and S. 1515, bills to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.
SD-226

FEBRUARY 29

10:00 a.m.
Environment and Public Works
To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for

fiscal year 1989, focusing on the Federal Highway Administration.

SD-406

2:00 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 1

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.

SD-366

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to review competitive issues in the cable television industry.

SD-226

Small Business

Innovation, Technology and Productivity Subcommittee

To hold hearings to examine the use of advanced manufacturing technologies by small business.

SR-428A

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.

SD-138

2:00 p.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of Energy.

SD-366

Select on Intelligence

To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings for certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.

SD-562

MARCH 2

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold oversight hearings to review bail reform issues.

SD-226

Select on Intelligence

To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.

SH-219

2:00 p.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Small Business

To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.

SR-428A

MARCH 3

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.

SD-366

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

1:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

SD-366

Select on Indian Affairs

Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.

SD-628

MARCH 4

10:00 a.m.

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.

SD-226

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MARCH 17

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

MARCH 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (Public Law 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.
SR-253

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 11

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, February 18, 1988*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. COELHO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 18, 1988.

I hereby designate the Honorable TONY COELHO to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our eyes be open, O God, to the wonders of Your creation and the opportunities of every day. Teach us not to wait till the twilight of life to look back and appreciate the gifts of love and friendship and kindness. May we, gracious God, be aware of these daily gifts and may we be thankful for Your grace that is new every morning. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On December 16, 1987:

H.J. Res. 425. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes.

On December 17, 1987:

H.J. Res. 412. Joint resolution to congratulate King Bhumibol Adulyadej of Thailand on his 60th birthday on December 5, 1987.

On December 18, 1987:

H.J. Res. 199. Joint resolution designating April 1988 as "Actors' Fund of America Appreciation Month."

On December 20, 1987:

H.J. Res. 431. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes.

On December 21, 1987:

H.J. Res. 426. Joint resolution authorizing the hand enrollment of the budget reconciliation bill and of the full-year continuing resolution for fiscal year 1988;

H.J. Res. 427. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; and

H.R. 2672. An act to amend title 38, United States Code, to modify the amount of the Veterans' Administration home loan guaranty and to make other improvements in the loan guaranty program, and for other purposes.

On December 22, 1987:

H.J. Res. 395. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1988, and for other purposes;

H.R. 1191. An act for the relief of Jose Maria Vas;

H.R. 1390. An act for the relief of Chu Pei Yun (Zhu Bei Yun);

H.R. 1777. An act to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the U.S. Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes;

H.R. 2325. An act to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas;

H.R. 3319. An act for the relief of Susan A. Sampeck; and

H.R. 3545. An act to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988.

On December 23, 1987:

H.J. Res. 376. Joint resolution to designate the Clarks Hill Dam, Reservoir, and Highway transversing the dam on the Savannah River, Georgia and South Carolina, as the J. Strom Thurmond Dam, Reservoir, and Highway;

H.R. 1863. An act for the relief of Helen Ying-Yu Lin;

H.R. 1994. An act to amend the boundaries of Stones River National Battlefield, TN, and for other purposes.

H.R. 2416. An act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes.

H.R. 3700. An act to designate the Federal building located at 600 West Madison, Chicago, IL, as the "Harold Washington Social Security Center;" and

H.R. 3712. An act to designate the U.S. Livestock Insects Laboratory in Kerryville, TX, as the "Knipling-Bushland Research Laboratory."

On December 24, 1987:

H.J. Res. 255. Joint resolution designating the third week in May 1988 as "National Tourism Week;"

H.R. 390. An act to provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts, and for other purposes;

H.R. 2121. An act to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia;

H.R. 2639. An act to repeal the Brown-Stevens Act concerning certain Indian tribes in the State of Nebraska; and

H.R. 2689. An act to amend the Arms Control and Disarmament Act to authorize appropriations for the fiscal years 1988 and 1989 for the Arms Control and Disarmament Agency, and for other purposes.

On December 29, 1987:

H.J. Res. 430. Joint resolution calling upon the Soviet Union to immediately grant permission to emigrate to all those who wish to join spouses or fiances in the United States;

H.R. 519. An act to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000;

H.R. 3289. An act to amend the Export-Import Bank Act of 1945;

H.R. 3427. An act to allow the obsolete submarine U.S.S. *Blenny* to be transferred to the State of Maryland before the expiration of the otherwise applicable 60-day congressional review period;

H.R. 3492. An act entitled the "Rural Crisis Recovery Program Act of 1987;"

H.R. 3674. An act to provide congressional approval of the Governing International Fishery Agreement between the United States and Japan; to implement the provisions of annex V to the International Convention for the Prevention of Pollution from Ships, 1973; to reauthorize the National Sea Grant College Program Act; to improve efforts to monitor, assess, and reduce the adverse impacts of driftnets; and for other purposes; and

H.R. 3734. An act to recognize the significance of the administration of the Federal-Aid Highway System and to express appreciation to Ray A. Barnhart for his dedicated efforts in improving the Federal-Aid Highway System.

On December 30, 1987:

H.R. 2310. An act to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airport and airway improvements, and for other purposes; and

H.R. 2974. An act to amend title 10, United States Code, to make technical corrections in provisions of law enacted by the Military Retirement Reform Act of 1986.

On December 31, 1987:

H.R. 403. An act to establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes;

H.R. 2583. An act to authorize additional appropriations for the San Francisco Bay National Wildlife Refuge; and

H.R. 2945. An act to amend title 38, United States Code, to provide a 4.2-percent cost-of-living adjustment in the rates of Vet-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

erans' Administration disability compensation for veterans and dependency and indemnity compensation for survivors and an increase in the number of vocational-training evaluations of veteran-pensioners; and to amend the Veterans' Job Training Act to extend the deadline for veterans to apply for participation.

On January 2, 1988:

H.J. Res. 436. Joint resolution providing for the convening of the 2d sess. of the 100th Congress.

On January 5, 1988:

H.R. 1454. An act to permit certain private contributions for construction of the Korean War Veterans Memorial to be invested temporarily in Government securities until such contributed amounts are required for disbursement for the memorial;

H.R. 2401. An act to extend the authorization of the Renewable Resources Extension Act of 1978, and for other purposes; and

H.R. 3435. An act to provide that certain charitable donations, and payments for blood contributed, shall be excluded from income for purposes of the Food Stamp Program.

On January 6, 1988:

H.R. 3030. An act to provide credit assistance to farmers, to strengthen the Farm Credit System, to facilitate the establishment of secondary markets for agricultural loans, and for other purposes; and

H.R. 3479. An act to provide for adjustments of royalty payments under certain Federal onshore and Indian oil and gas leases, and for other purposes.

On January 8, 1988:

H.R. 145. An act to provide for a computer standards program within the National Bureau of Standards, to provide for Governmentwide computer security, and to provide for the training in security matters of persons who are involved in the management, operation, and use of Federal computer systems, and for other purposes;

H.R. 1162. An act to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order;

H.R. 1340. An act to improve the distribution procedures for agricultural commodities and their products donated for the purposes of assistance through the Department of Agriculture, and for other purposes; and

H.R. 3395. An act making technical corrections relating to the Federal Employees' Retirement System, and for other purposes.

On January 11, 1988:

H.R. 2598. An act to limit the ability of foreign-built vessels to qualify for certain benefits under the Magnuson Fishery Conservation and Management Act, and for other purposes.

On February 3, 1988:

H.R. 278. An act to amend the Alaska Native Claims Settlement Act to provide Alaska Natives with certain options for the continued ownership of lands and corporate shares received pursuant to the Act, and for other purposes.

CONTRIBUTIONS TO TAX-EXEMPT CHARITABLE ORGANIZATIONS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I have noticed in the Washington Post and the New York Times that Contra leaders are asking supporters to make contributions to two organizations they have setup here in Washington.

They have pledged to use these donations in a legal fashion, and only for nonmilitary aid.

I must raise a word of caution.

Last year, the Ways and Means Subcommittee on Oversight looked into the Federal tax rules governing the lobbying and political activities of tax-exempt organizations. We found a situation where donors and organizations either didn't bother to find out what the tax laws were, or didn't adhere to them. As a result, Congress strengthened those rules as part of the Omnibus Budget Reconciliation Act of 1987 by requiring those groups which are not eligible to receive tax-deductible contributions to clearly state this fact on their fund-raising solicitations.

Anyone who considers donating to these organizations should be very cautious. Donors should ask questions and be sure of the tax status of any such group before assuming the contributions are tax deductible.

And the organizations themselves should be forewarned that they must follow the letter of the law, dot every "i" and cross every "t." In order for these groups to maintain their tax-exempt status, according to the law, these contributions can only be spent for "charitable purposes," and not any form of military assistance.

I am not suggesting that people should not give money to these tax-exempt groups. However, Mr. Speaker, Congress and the administration should keep a close watch on these organizations to make sure they abide by the law. Based on our past experience in this area, we cannot take anything for granted.

A TRIBUTE TO WAYLAND BAPTIST UNIVERSITY'S WOMEN'S BASKETBALL TEAM

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, A journey of a thousand wins must begin with a single basket.

And so it began back in 1948 in Plainview, TX, at a college known as Wayland Baptist University, the home of the oldest continuous women's basketball team in the country.

The Flying Queens began a 39-season winning streak that culminated in their 1,000th win on February 5, 1988.

My congratulations to these 10-time national champions who have won twice as many games as any other women's collegiate basketball team in history.

As all basketball fans know, the record of the most successful men's team in America is only 17 wins per season. The Flying Queens win an average of 25 games per season, have been members of 22 national teams, and have won 143 separate all-American recognitions in these years.

Through hard work and dedication, the Flying Queens have flown into the record books, dribbled their way to stardom and slam-dunked pride into the hearts of all West Texans and Wayland Baptist University.

CHILD CARE POLICY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, as more and more mothers enter the labor force, the American family has taken on a new definition. While we can be proud of the fact that these women are taking on positions of great responsibility, we must also accept the new burden of acceptable and affordable child care.

Family issues are quickly emerging as an important national concern. In our rush to address the situation, however, it is imperative that we focus on the individual nature of the child care issue. I believe that child care policy should evolve from the bottom up, using Federal funding to support and involve parents, religious groups, businesses and local government in day care. The answer to the child care dilemma is highly individual and is best addressed by families and businesses that are most familiar with circumstances and solutions. Creating a huge social spending bureaucracy that throws money at child care from the top is neither appropriate in this day of budgetary awareness nor adequate to address the individual nature of child care.

As a participant in the child care challenge of 1987, I recently canvassed employers in my district to determine the availability of day-care facilities at places of business. I was pleased to find several facilities offering innovative programs, including those at the Santa Barbara Cottage Hospital, Santa Maria's Marion Hospital, and Ventura's Patagonia Corporation. I hope that these facilities will serve as models for other employers and encourage businesses to look at the benefits of having a child care center onsite.

The answer to the dilemma of inadequate child care is not an easy one to determine. We cannot afford, however, to lose sight of our primary objective of providing easily accessible, quality day care. Our children are our most precious resource and our future depends on them.

IN PRAISE OF THE PRESIDENT'S RECORD

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, almost everything that goes wrong with our country or in our country at any given point is blamed on the President of the United States. Maybe that is a proper way in our democracy, but the legislature ought to be balanced from time to time, so here we are again noting that in our economy unemployment is down just as the President of the United States promised it would happen when he became President, inflation is down with one of his targets right at the moment when he took office, the trade deficit is coming down with better news now than ever before, sales are up, personal incomes are up, and the Wall Street aberration that occurred last fall has not crimped the style of the American consumer or the American investor. So while those who want to blame the President for what goes wrong may have their say once in a while, those of us; that means the substantial majority of Americans, have a lot to thank the President for in staying the course of the recovery which is still with us.

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall No. 10 I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD.

The SPEAKER pro tempore (Mr. RAHALL). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LET US GIVE THE WHOLE STORY OF THE KILLINGS IN CENTRAL AMERICA

(Mr. COATS asked and was given permission to address the House for 1 minute.)

Mr. COATS. Mr. Speaker, during the recent Contra debate there were references often made to civilian casualties. Pictures were held up, and there were descriptions, some of them very graphic, about injuries and death to civilians. Sometimes the impression was left that the only civilian casualties were those caused by the Contras' indiscriminate activity in Nicaragua and that cessation of United States aid to the Contras would end civilian deaths and injuries in Central America.

Mr. Speaker, today's Washington Post details another tragic story of civilians dying, however this time not by the Contras, but civilians killed by a rebel Marxist-led Sandinista supported attack on an outpost in El Salvador by the FMLN. It seems that some of their mortar shells fell short destroying several homes, killing and wounding many civilians. Among those killed were an entire family of seven, four of them children, one 6 months old.

Mr. Speaker, as we look at what is happening in Central America let us remember that there are civilians being killed on both sides. As we present the story of what is taking place in Central America let us make it the full story. Let us detail those civilians that are dying because of Nicaraguan Sandinista supported rebel activity not only in El Salvador, but in other parts of Central America. Let us give the full story.

THE BUDGET

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there's good news and bad news in the President's proposed budget. The good news is that the budget is not dead on arrival. The bad news is that parts of the budget are seriously ill and need major surgery.

Some of the budget is worth commending. For the first time the President recognizes the need for real increases in domestic programs, such as education and AIDS research. The budget also provides proof that when the President is willing to sit down and negotiate with Congress, progress can be made on reducing the deficit.

But we cannot ignore the fact that President Reagan's proposal is, as usual, heavily one-sided and blatantly political. We cannot ignore the facts that President Reagan's budget devastates America's cities, while letting others off easy.

We cannot ignore the fact that the President has again saved his deepest slashes for his favorite whipping boy—urban America.

At the summit, Congress and the President settled on a 2-percent increase in spending on nondefense programs. That figure is below inflation; it's reasonable given the need to reduce the deficit. A 2-percent increase is something urban America can live with.

But urban America cannot live with the President's proposed cuts:

A 23-percent cut in funds for low-income energy assistance.

A 24-percent cut in funds for elderly housing.

A 42-percent cut in public housing modernization.

A 100-percent cut in mass transit operating assistance.

As bad as the President's cuts are on paper, they would be worse in the cities.

Take housing—on paper, the President's cuts are partially offset by a doubling in funds for vouchers. In other words, President Reagan's housing program calls for giving low-income Americans slips of paper and sending them out to find a home. But in much of urban America rents are high and vacancies are few, and there are no homes for vouchers to find.

We need a budget that helps provide cities packed with working poor the bricks and mortar to build homes. The President offers pieces of paper, suggesting, I suppose, that homeless Americans burn them to keep warm.

Mr. President, urban America is willing to share the pain. But urban America is not willing to bear the burden alone.

□ 1115

ESTABLISHING SNEE FARM AS A NATIONAL HISTORICAL SITE IN SOUTH CAROLINA

(Mr. RAVENEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAVENEL. Mr. Speaker, yesterday I was proud to join my colleagues from South Carolina in introducing a bill companion to one introduced by our colleagues in the other body. These bills authorizes and establish as a national historical site the property in the vicinity of Charleston, SC, known as Snee Farm.

Snee Farm was the country home of Charles Pinckney, a scion of the famous Pinckney family of South Carolina. Charles Pinckney was a signer of the U.S. Constitution and the author of the document known as the Pinckney Draft of the Constitution.

This property is one of only eight that has a primary dwelling left which is directly associated with a signer of the Constitution, and the only site that is currently unprotected. The surrounding acreage, also, is important as a reminder of our southern agrarian tradition. It would be unthinkable for all this to be loss.

Additionally, our bill authorizes the Secretary of the Interior to take such actions as he deems necessary to administer this treasure as a national historical site.

TRIBUTE TO DOROTHY GOLDBERG

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, I rise in tribute to a true, modern American heroine, Dorothy Goldberg, and to extend our sympathies to her husband, Arthur Goldberg, and to the other members of her family.

Dorothy Goldberg used her considerable talents as an artist, as a literary light and as a person skilled in organization, in conjunction with her husband's great assignments as Secretary of Labor, as Associate Justice of the Supreme Court, and as our Ambassador to the United Nations, to uplift the quality of life of all Americans.

When he was the Secretary of Labor, she had a program called Widening Horizons, for the poor and underprivileged. When he became Associate Justice of the Supreme Court she formed the Friend of the Juveniles, in the courts. And when he became U.N. Ambassador, she organized a whole area of the U.N. network, so that families and spouses who had never really met each other before, in an American contingent, were working together as great Americans in the United Nations.

Her work was recognized in the 1970's when she became a U.S. delegate to the Belgrade Conference. She followed through on all of the conferences subsequent to it in the field of human rights.

We salute this great American woman, and we are proud that she was among us.

NOW, NOT LATER: BUILDING A UNITED STATES-MEXICO FREE MARKET

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, today I am introducing a House concurrent resolution, expressing the sense of Congress that the United States and Mexico should negotiate a free trade agreement. Such an agreement, similar to that recently concluded with Canada, would reduce and ultimately eliminate tariffs and other trade barriers between Mexico and the United States.

My colleagues who have joined as original cosponsors range across the political and geographic spectrum of our country. Their sheer diversity shows that United States-Mexico trade cannot be dismissed as a "border issue" of parochial interest to a handful of Southwestern States. The facts make a very different case. Mexico is our country's third largest trading partner. Millions of American workers depend on trade with Mexico to support themselves and their families. For many of their counterparts in Mexico, doing business with the United States isn't an option. It's survival.

But a free trade agreement cannot be a one-way street. Both sides must benefit—and they will. A free trade agreement will help United States companies sell more goods and services in Mexico—and enable them to bring the productive resources of both countries to bear against competition from Southeast Asia and the European Community. A free trade agreement will help Mexico repay its overwhelming $110 billion foreign debt, much of that owed to United States banks stretched thin by the Latin American debt crisis. A free trade agreement means stronger political ties between the United States and the second most populous nation in North America.

Above all, a United States-Mexico free trade agreement would be a major step toward recognition of Mexico as a coequal economic and political partner. It would recognize Mexico's progress toward creating a freer, more open economy, an economy that can help the Mexican people bring out the best in themselves. Helping Mexico raise its standard of living is not only proper but necessary if we are to have lasting peace on this continent. But economic liberty will not be the only result. Economic liberty is a powerful engine for social change. Freedom of any kind can be contagious, and a free trade agreement with the United States cannot help but encourage Mexico to open its society in other areas.

There are people in both countries who support the concept of a United States-Mexico free trade agreement but dismiss its actual negotiation as "premature." I'll be the first to admit that it's a long way from here to there, from now to then. But I also believe we have a responsibility to look beyond the status quo, to see the United States-Mexico relationship not just as it is, but as we'd like it to be in the next century and beyond. Without that vision, the momentum both countries have worked so hard to achieve will be lost.

For many, many years, United States policy toward Mexico was characterized by benign neglect, punctuated at odd intervals by a mixture of cruel indifference or even hostile intervention. In this decade, we've set a new tone for a better, more productive relationship. Mexico has set a new tone, too. It joined the GATT [General Agreement on Tariffs and Trade], and eliminated hundreds of tariffs, quotas, and licensing requirements. Most recently, Mexico joined the United States last November in signing the most sweeping trade agreement in our history, setting up negotiations in everything from steel to textiles, from computers to copyrights.

In sum, both nations have made a new beginning that is truly remarkable. But we've still got a long way to go. I ask you: Will we go backward, or will we dare to move ahead? This generation has it in our power to decide. But we must chart our course by setting goals.

Our trade competitors are already setting goals of their own. The nations of the European Community [EC], are pressing ahead with their self-imposed plan of negotiating a Western European free trade agreement by 1992. A free market of 323 million Western Europeans would create a giant capitalist economic power, larger in population than either North America or Southeast Asia. The idea of European free market is as old as the EC itself. Yet momentum for its actual negotiation is building rapidly. Why? According to the British magazine the Economist:

> The simple expedient of setting a date to achieve it (is) working wonders. The minds of European governments are increasingly concentrated on ensuring that their countries are ready to compete in the community's open "internal market."

With plans for an economic "Fortress Europe" already well underway, a United States-Mexico free trade agreement is an idea whose time has come. Together with the similar agreement recently negotiated with Canada, the United States can take the lead in building a North American free market to challenge that of Western Europe.

There is nothing premature about letting Mexico and the rest of the world know the United States is serious about competing not just in this century, but in the next as well. What is premature is complaining that a United States-Mexico free trade agreement can't be done, while doing nothing to bring it about. It can be done, but we must begin today. This Nation wasn't meant to sit on the sidelines. Let's anticipate the future and prepare for it—not simply react as the rest of the world goes on without us.

MR. CANDIDATE: WHAT ARE YOU GOING TO DO ABOUT THE DEFICIT?

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, yesterday we had the first of our budget hearings and the Acting Director of the CBO appeared and began what I would presume will be the tack that is going to be taken by most of the witnesses that will appear from both the congressional and executive branches. And I think it is what one would phrase the "conspiracy of ostriches." That is that we had the leadership of both sides at the other end of Pennsylvania Avenue saying "Well, we cut a deal at the end of 1987; we have got a budget fix, a Gramm-Rudman fix, and we are going to stick to that deal. We don't have to worry about coming up with any new cuts or freezing any programs. We can have business as usual."

I would just warn the American public that I think those ostriches are wrong and that we are going to have to take some long, hard looks at what the exact fiscal state of this country will be, not just for 1988, but for 1989 and 1990, because I think there are some hard choices that are going to have to be made.

As everyone stomps out of New Hampshire down to Super Tuesday, we are going to hear people say "We can give you more, we won't raise taxes, we can give you this, we can expand programs, we fixed Gramm-Rudman, everything is fine." That is a myth. It is an illusion. It is a mirage.

We are going to have to get together and recognize that we have got to pull the tail feathers out of those ostriches and make them pull their heads out of the sand, and the American public must be prepared to ask their candidates for President and their candidates for all public offices: "What are you going to do about the deficit?"

It is not enough to say "it is fixed," it must be permanently repaired.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore (Mr. RAHALL) laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, DC, January 27, 1988.

Hon. JIM WRIGHT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as Members of the Board of Visitors to the United States Coast Guard Academy for the year 1988:

The Honorable EARL HUTTO of Florida;

The Honorable WILLIAM J. HUGHES of New Jersey; and

The Honorable ROBERT W. DAVIS of Michigan

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

With warmest personal regards, I am

Sincerely,

WALTER B. JONES,
Chairman.

APPOINTMENT AS MEMBERS TO REPRESENT HOUSE AT CEREMONIES FOR OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House of February 9, 1988, the Chair announces that the Speaker appoints the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on February 22, 1988:

Mr. WOLF of Virginia; and Mr. SISISKY of Virginia.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 194 of title 14, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; and Mrs. JOHNSON of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 4355 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. HEFNER of North Carolina; Mr. PICKETT of Virginia; Mr. FISH of New York; and Mr. LOWERY of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 6968 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. WILSON of Texas; Mr. MCMILLEN of Maryland; Mr. SKEEN of New Mexico; and Mrs. BENTLEY of Maryland.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 1295 of title 46, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Mr. MANTON of New York; and Mr. BUNNING of Kentucky.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 9355 of title 10, United States Code, the Chair announces that the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House:

Mr. DICKS of Washington; Mr. BARNARD of Georgia; Mr. LEWIS of California; and Mr. HEFLEY of Colorado.

REPORT ON RESOLUTION TO ACCOMPANY HOUSE RESOLUTION 380 IN THE MATTER OF REPRESENTATIVE MARIO BIAGGI

Mr. DIXON, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 100-506) to accompany House Resolution 380 in the matter of Representative MARIO BIAGGI, which was referred to the House Calendar and ordered to be printed.

BUDGET OF THE UNITED STATES GOVERNMENT—FISCAL YEAR 1989 MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-152)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, February 18, 1988.)

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GREATER INDEPENDENCE FOR THE NATIONAL PARK SERVICE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. VENTO. Mr. Speaker, today I'm introducing legislation that will provide for greater independence for our National Park Service [NPS]. This measure has been discussed before, but it has never been more important than it is today. Our national parks embrace the most outstanding natural, cultural, historic resources in our Nation. The 100-year effort to preserve and protect these resources manifested in the NPS creation in 1916 should be constant and insulated from the micromanagement of political appointees in the Department of the Interior or any other such executive political interference.

The Director of the NPS must be free to advocate, to speak up and represent the best interests of the National Park resources so revered by our Nation. Too often in the recent past numerous assistant secretaries in the Department of the Interior have undercut and confused a coherent NPS policy path, reorganizing the NPS without the approval or active participation of the Director of NPS. Interference with legitimate science, censorship of employees and even congressional witnesses. This serious political interference must end if the NPS is to effectively function and the creation of a Director nominated by the President and confirmed by the Senate for a 5 year term will be an important step to deal with a myriad of past problems dealing with the professionalism of the NPS. My proposal envisions a three member board for the NPS as well to provide balance and along with the independent Director to recommend budget, designation and enforcement of the policies articulated in the numerous laws governing the NPS and its 339 separate units.

Mr. Speaker, we owe a debt of gratitude to the National Parks and Conservation Association [NPCA] for the study which they have recently released, it is an extremely valuable report and study on the status of our national parks and many key issues that must be addressed.

Mr. Paul Pritchard, the president of the NPCA and his staff and the many volunteers have provided a remarkable study which will serve as a catalyst to spur on a renewed emphasis on good public policy as a solid framework upon which to enhance and protect our greatest natural and cultural treasures. The following is an outline of the NPCA study to guide our thinking and focus the debate on the future of our National Park System:

THE NATIONAL PARK SYSTEM PLAN: A BLUEPRINT FOR TOMORROW

The "National Park System Plan: A Blueprint for Tomorrow" is the product of three years of work by the National Parks and Conservation Association. The Plan came about as a result of a recommendation from the national State of the Park Conference held in September, 1981. At that time, then Director of the National Park Service Russell E. Dickenson noted that the NPS could not undertake such a project without its policy recommendations and the basic underlying philosophy being captured and politicized by whichever Administration was in power at the time. As a consequence, NPCA decided to prepare such a comprehensive long range Plan for the future of the national park system, and to seek review, reaction, and response to it by the Congress, the National Park Service and the public.

During the course of the Plan's preparation, hundreds of conservation professionals, citizen activists, NPS employees, academics and others have participated, providing much of the information and opinion on which the Plan's conclusions and recommendations are based. In the final analysis, however, NPCA, its Board and staff, are responsible for the over 150 specific recommendations made in the Plan.

The Plan is divided into nine major subjects, each presented in a separate Volume, with all nine Volumes summarized in an Executive Summary, entitled "Investing in Park Futures." The nine Volumes cover the following major topics:

(1) Resources management and protection.

(2) Research.

(3) Visitor use.

(4) Interpretation.

(5) Boundaries.

(6) Planning and public involvement.

(7) Land acquisition.

(8) New parks.

(9) The National Park Service, its organization and personnel.

Among the more significant recommendations of the Plan are proposals for specific boundary changes at over 200 of the 341 units of the System (with maps); 86 new areas identified and described which should be added to the System; legislative mandates for both research and interpretation by the NPS; significant increases in staffing and funding for research and resource management; and independent agency status for the National Park Service.

ECONOMIC DEVELOPMENT ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. DAUB] is recognized for 5 minutes.

Mr. DAUB. Mr. Speaker, today I am introducing the Economic Development Act of 1988, which is a comprehensive attempt to deal with the complexity of the changing economic environment in the United States. The goal of this legislation is to sustain capital formation, facilitate educational development, and continue research and development.

A popular buzzword of the eighties is change. American business, large and small, require certain tools in order to adapt to change. The Economic Development Act of 1988 contains the following tools of economic success: a capital gains tax reduction, employee educational assistance, employee educational development, and research and development incentives.

To begin with, title I of my bill contains two provisions which reduce the capital gains tax for individuals and businesses. First, it restores individual incentive to invest through the creation of special gains treatment for individuals. Second, it allows closely held businesses to reinvest in another business or in an individual retirement account [IRA] without recognizing the gain. These provisions are necessary in order to eliminate onerous capital gains taxes which discourage individual and corporate investment and essentially hamper economic growth.

Moreover, capital gains tax revision, such as title I of my bill, would provide the impetus necessary for financial market stability through long-term investment, rather than short term speculative, investment. Furthermore, sustained economic growth requires a ready pool of venture capital which a revision of the capital gains tax would provide. This capital can be used to advance technology, create new jobs, and fine tune American competitiveness.

Next, economic growth depends on an educated work force. As technology changes, the educational requirements for workers change. If industry and government are unable to adapt, then American productivity will continue to deteriorate, businesses will search abroad for educated and skilled workers, unemployment will rise, and economic malaise will become the rule, not the exception.

By allowing employers to provide their employees with tax-free educational assistance, title II of my bill will encourage an educated and skilled work force. Additionally, title III of my bill will amend the hardship exception of the Tax Reform Act of 1986 to include any distribution that will be used for a qualified educational or retraining program upon a termination from employment. In essence, title III is an educational IRA which can be used to retrain a worker in times of unemployment and hardship.

Educational development and assistance is synonymous with the growth and success of our economy. Without it, America is destined to the position of a second rate economic power.

Finally, the goal of a truly competitive American economy, able to weather the storms of economic change, may not be realized unless industry continues to spend money on research and development.

Title IV of my bill contains a provision to extend the research and development and basic research tax credit and would revise the research and development requirements of section 1.861-8 of the Internal Revenue Code regulations. Section 861-8 requires U.S. companies with foreign operations to allocate a portion of their domestic R&D expenditures to their foreign operation. The end result of these requirements is an increase in a firm's worldwide tax liability and a disincentive to the performance of R&D in the United States.

A revision of 861-8 would eliminate a disincentive to the performance of R&D in the United States which would lead to a more competitive economy. Most importantly, the permanent extension of the research and development and basic research tax credit would allow business to proactively adapt to change.

A recent Newsweek edition has the following subtitle on its cover, "Is America in Decline?" My answer is a resounding, "No." However, complacency and inaction threaten to freeze economic growth in the United States. A capital gains revision, employee educational assistance and development, and a revision of research and development tax requirements, are small steps in America's marathon toward continued worldwide economic dominance and viability. The time is now for change and Congress must be the catalyst.

CREDIT CARDS ARE NOT A GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the debt crisis in this country permeates not only our national budget, but also threatens the stability of family budgets. Yet, consumers continue to spend beyond their means with the assistance and encouragement of creditors. Credit cards are becoming more available to consumers, and the promotion of such gimmicks as so-called affinity credit cards only exacerbates this situation.

Of the more recent affinity cards to be introduced is the National Football League credit card. A consumer may now obtain a card sporting the logo of their favorite football team, and with that card, may purchase NFL merchandise at a discount. Sounds innocent and kind of fun, right?

I do not feel that obtaining and using credit is a game. This promotion sets a bad example for people regarding the seriousness of being in debt. The fun and games will be over when creditors insist upon payment.

Perhaps this gimmick will be a rousing success and, at the same time, will bring happiness to consumers who wish to show their support for their team. However, I believe that the consumers must be reminded of the responsibility involved in utilizing credit. Consumers should take much more into consideration when choosing a credit card than the picture on the front of it. Interest rates are important, as well as the annual fees and grace periods.

An article appeared on the Associated Press newswire on February 10, 1988, which makes good observations and offers sound advice about affinity credit cards. I am inserting this article into the CONGRESSIONAL RECORD to draw attention to the need for a serious attitude about credit. I ask my colleagues to consider the problems of over extended credit as we review legislation affecting consumers of banking services.

CREDIT CARDS PLAY ON AFFINITY THEME

(By Chet Currier)

NEW YORK.—A credit card isn't a proper credit card any more, it would seem, unless it bears the emblem of your union, your college, or your favorite social cause or football team.

In the past couple of years, "affinity" credit cards have become one of the hottest ideas since banks first figured out how to get people to buy things with plastic instead of paper money.

"Burgeoning is the word" to describe this phenomenon, says Robert Heady, a North Palm Beach, Fla., publisher of several banking newsletters. "Before long, we're going to have a card for left-handed welders living east of the Monongahela."

Recently, consumers have been bombarded with advertisements for Citibank's Visa cards carrying pictures of the helmets of National Football League teams.

"It's the most fun you can have with plastic," the ad declares.

The idea carries echoes of the credit union movement, in which people with a common interest join together to seek favorable financial terms for themselves. Some of the best affinity cards appear to go a long way in that direction.

To some observers, the idea also carries echoes of toaster giveaways and other marketing gambits used by banks and other institutions to sell financial products with an appeal to the emotions instead of the brain.

"The name of the game isn't whose helmet you carry on a credit card," said Heady. "It's the interest rate, the annual fee, and the grace period," which is the time between when a purchase is made and interest charges start to be imposed.

The Citibank Visa-NFL card program, in particular, has been singled out for criticism by such consumer groups as the Bankcard Holders of America.

NFL Properties Inc. has countered by pointing out that the interest rate charged on its cards, 17.8 percent, is lower than the going rate for standard cards at many institutions.

By the latest tally of Heady's Bank Rate Monitor, the nation's 50 largest banks and savings institutions have an average interest rate of 18.21 percent, with some still as high as 21 percent. But some others in various areas of the country have been cutting rates to 12 percent, 13 percent or 15 percent.

The NFL cards also give holders the right to obtain NFL merchandise such as jackets and helmets at a 20 percent discount, or at no charge, depending on the amount of other merchandise bought with the cards.

Credit cards with airline affiliations, similarly, offer holders a chance to collect frequent-flyer points.

And cards sponsored by religious, charitable or social organizations typically channel some of the revenue generated to those groups.

These "associated goodies and freebies," as Heady describes them, may have some real psychic value to cardholders. But like the toasters given to bank depositors, they can also distract from the most important questions involved in the deal.

"Figure out what the card will cost you per year," Heady says. That computation, as with all credit cards, must give consideration to how you use the card.

If you are a heavy borrower, for instance, the interest rate is likely to be the prime consideration. If you use the card mainly for convenience, paying each monthly bill in full, the grace period and the annual fee are the most important questions.

Even if you are attracted by a card affiliated with a group that has a social, charitable or religious mission, advisers say, there may be an appealing alternative: Survey the whole field of credit cards for the one that costs you the least.

Then use the money you save to make a direct contribution—quite possibly subsidized by a tax deduction—to the cause you want to support.

THE DEPOSITORY INSTITUTION REGULATORY MODERNIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 60 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation, the Depository Institution Regulatory Modernization Act, which would revise and update our system of Federal deposit insurance and depository institution regulation.

There has been much discussion in the Congress recently about the need to enhance bank powers.

There has been far too little discussion about the need to enhance Federal regulation of institutions which we would make more powerful, or of the need to strengthen our system of Federal deposit insurance.

Addressing that need is the purpose of this legislation.

Title I of this three-part bill would establish common management of the three Federal deposit insurance funds, efffective January 1, 1989.

Title II would merge the deposit insurance funds, beginning January 1, 1993.

Title III would establish the Federal Depository Institutions Commission to assume administration of all laws relating to banks, thrift institutions and credit unions, effective January 1, 1997.

I have described the details of the bill at some length during Special Orders this week.

At this point, I would like to include in the RECORD a section-by-section summary of the legislation:

SECTION-BY-SECTION SUMMARY OF THE DEPOSITORY INSTITUTION REGULATORY MODERNIZATION ACT OF 1988

INTRODUCED BY CONGRESSMAN GERALD D. KLECZKA, FEBRUARY 18, 1988

Title I: Common Management of All Federal Deposit Insurance Funds

Section 101. Would transfer, on January 1, 1989, management of insurance operations, including all regulatory functions under various sections of the National Housing Act, from the Federal Savings and Loan Insurance Corporation (FSLIC) to the Board of Directors of the Federal Deposit Insurance Corporation (FDIC) and require it and the Federal Home Loan Bank Board (FHLBB) to cooperate with each other in carrying out their duties.

Section 102. Would require the FDIC Board of Directors, after December 31, 1988, to succeed the National Credit Union Administration (NCUA) Board as manager of the National Credit Union Share Insurance Fund (NCUSIF) and would require it and the NCUA to cooperate in carrying out their duties.

Title II: Combining Federal Deposit Insurance Funds and Amending the Federal Deposit Insurance Act

Section 201. Would entitle Title II the "Federal Deposit Insurance Merger Act."

Section 202. Would clarify amendments within subtitle A as amendments to the Federal Deposit Insurance Act.

Section 211. Would establish the Federal Deposit and Savings Insurance Corporation (FDSIC) as insuring deposits of institutions eligible under the legislation.

Section 212. Would define depository institutions eligible for FDSIC insurance in terms of their connection with FDSIC or other federal regulatory agencies, including the Comptroller of the Currency (OCC).

The Corporation would be authorized to limit the aggregate amount of public funds permitted to be invested or deposited in time and savings deposits in any insured depository institution by a Government depositor on the basis of the total assets of the institution except with respect to deposits for which the Government depositor has pledged collateral required as security for such deposits.

The section would also preserve prior rights and obligations relating to the terminated Federal Savings and Loan Insurance Corporation or National Credit Union Share Insurance Fund that arose before the effective date of the termination of that Corporation or Fund.

Section 214. Would amend the FDIC Act with respect to definitions of "bank," "state bank," "District [of Columbia] bank," "national member bank," "state member bank," "national nonmember bank," and "state nonmember bank." It would define "depository institution," "insured depository institution," "noninsured depository institution," "insured state depository institution," "federal depository institution," "new depository institution," "bridge depository institution," "deposit" (in relation to banks, savings and loan associations, and credit unions, respectively), "domestic branch," "foreign branch," "federal branch," "state branch," and "insured branch."

"Appropriate federal regulatory agency" is defined in terms of OCC for national banks, District banks, and federal branches or agencies of a foreign bank; the Fed, for state member insured banks, branches or agencies of a foreign bank for purposes of applying certain provisions of the Federal Reserve Act, foreign banks not operating an insured branch, any agency or commercial lending company other than a federal agency, and any institution to which jurisdiction under certain provisions of the International Banking Act of 1978 apply; the FDIC, for any depository institution not otherwise designated to an appropriate federal regulatory agency; the FHLBB, for any federal savings and loan association; and the NCUA, for any federal credit union.

Also defined would be "federal savings and loan association," "federal association," "state savings and loan association," "savings and loan association," "federal credit union," "state credit union," "credit union," and "foreign bank."

Section 215. Would define, within the context of the former Federal Deposit Insurance Act, "Federal savings and loan association," to include savings and loan associations chartered under section 5 of the Home Owners' Loan Act of 1933, certain thrift institutions incorporated under the laws of the District of Columbia, and federal savings banks. Would also define within that context: "State savings and loan association," "savings and loan association," "Federal credit union," "State credit union," "credit union," and "foreign bank."

Section 216. Would amend the FDIC Act as of January 1, 1993. In addition to making conforming amendments to section 8, 9, 10, 11, 13, 18, 20, 21, 22, 25, and 27 and repealing section 26 (regarding conversion of state-chartered mutual savings banks) of the FDIC Act, the legislation would, with respect to insurance premium assessments, require the OCC, the Fed, any federal reserve or home loan bank, and the NCUA to release to the FDSIC, upon request, any report with respect to a regulated institution. It would authorize the FDSIC to accept such reports from the appropriate state supervisory agencies and to furnish other depository institution regulatory agencies with such reports as it possesses.

The legislation would require each insured depository institution to make four reports annually to its appropriate regulator, the dates for which are to be established by joint action of the regulators and to be the same for all institutions, two in each half of the calendar year. The reports shall address deposit liabilities and shall have their accuracy declared, in writing, by an officer of the institution and attested to by at least two directors. A copy of every report is to be given the FDSIC. It would specify that this reporting requirement is not to be construed as inhibiting the authority of the regulators to require other reports. There is also a provision that would allow the regulatory agencies to differentiate between domestic and foreign institutions in these reporting requirements to avoid hardship if such can be done without substantially increasing the risk to the insurance fund.

The measure would require the FDSIC each year to transfer 40% of the net assessment income for the year to its capital account and credit to the insured depository institutions that paid the year's assessment the balance on a pro rata basis to be applied to future semiannual assessments. "Net assessment income" would be defined as the total assessments due in any year less the total operating costs and expenses of the FDSIC during the year, plus the aggregate amount added during the year to the FDSIC Fund, and the aggregate amount of insurance losses in the year or carried forward from previous years, and the aggregate net lending costs of the year, together with any loss from previous years carried forward under a special rule applicable in case of net assessment income. 'Net lending costs" would be defined in terms of the difference between the actual interest earned and that which would have accrued during the year on loans made, after January 1, 1982, under section 13 of the FDIC Act if the interest rate were that on certain Treasury obligations for the period (with special rules for reduction in reserve and net negative assessment income in any calendar year). Certain adjustments to capital would be authorized: (1) if the ratio between the capital account and insured deposits is less than 1.1%, net investment income to be transferred to capital may be increased up to 50%; (2) if ratio of capital to insured deposits is greater than 1.25%, the net investment income to be transferred may be lowered to whatever percentage the FDSIC determines sufficient to maintain a capital-to-insured deposits ratio at least 1.25%; and if the ratio of capital-to-insured deposits is more than 1.4% the FDSIC is to reduce the percentage of net investment income to be transferred to whatever percentage the FDSIC determines sufficient to maintain a capital-to-insured deposits ratio of not more than 1.4%.

This section would also make provisions for conduct of business by insured depository institutions in the case of lack of a quorum or suspension of directors, define the powers of temporary directors, and define the effect of termination of insured status. If insured status is terminated, in the case of a national bank the OCC is to appoint a receiver in the manner provided for closed banks, in the case of a federal association the FHLBB is to appoint a receiver in the manner provided for a closed association, in the case of a federal credit union the NCUA is to appoint a receiver in the manner provided for a closed credit union, and in the case of a state member bank the Fed is to terminate membership and appoint a receiver according to the terms of section 9 of the Federal Reserve Act. The receiver in all these cases is to be the FDSIC. If membership in the Federal Reserve System ceases and insurance is not to continue, insured status ceases as of the date the bank ceases to be a member bank.

The measure would provide for appointment of the FDSIC as receiver of any insured state depository institution closed because of inability to meet depositor demands, if the depository institution were closed by its board of directors or by the state supervisory agency authority, and the appointment were tendered by the state supervisory agency and permitted under state law. It would also require the FDSIC to pay insured depositors of any institution closed because of inability to meet depositor demands. Such payment would be in cash or in the form of transferring to an insured deposit account in a new depository institution or, in the same community, another insured depository institution. Before paying such claims the FDSIC is to require proof, which proof may, if the FDSIC is not satisfied, be tested in a court of competent jurisdiction before payment. If payment is to be made to an insured depositor of a closed federal depository institution, the FDSIC is to be subrogated to all claims of the depositor against the institution; if payment is made to an insured depositor of a closed state institution, there is to be no payment of depositor claims until the right of the FDSIC to the same type of subrogation is established by express provision of state law, by the allowance of claims by the state supervisory agency, by assignment, or by any other method found sufficient by the FDSIC. Subrogation is to include the right to receive proceeds of the assets of the institution or any recoveries on account of the liability of stockholders as would have been payable to the depositor. The FDSIC may waive subrogation rights to the extent that a claim exceeds the amount remaining unpaid upon the stockholder's shares in the institution, the waiver does not increase any proceeds or recoveries of claims to which the FDSIC is not subrogated, and the waiver is made in favor of the depositor who could assert the claim. Aside from this subrogation, state law is to determine depositor and other creditor rights.

With regard to issuance of capital stock for a new depository institution, the legislation would remove the current requirement in 12 U.S.C. 1821(h)(4) (12 U.S.C. 1821(k), prior to its redesignation by Pub. L. 100-86, Sec. 503) that a "new bank" (to be changed to "new depository institution") be required to have capital stock at least equal to that required of national banks under R.S. 5138, 12 U.S.C. 51, and the requirement that the stockholders of the closed institution be given the first opportunity to purchase the stock of the new depository institution. It would modify section 19 of the FDIC Act, 12 U.S.C. 1829, by confining disqualifying offenses for employment in insured institutions to those felonies (rather than any offense), i.e., punishable by more than one-year's imprisonment, involving dishonesty or a breach of trust and limiting disqualification to positions of director or officer (rather than any employment).

Section 217. Would add a new section to the FDIC Act authorizing time and savings deposits of insured depository institutions as securities for all public funds of the United States and all fiduciary and trust funds under the authority or control of the United States or any officer thereof as well as all corporations organized under the laws of the United States (subject to any regulatory authority which might apply) without regard to any limitation of law relating to the investment of such funds or the acceptance of security for the investment or deposit of such funds. It also would provide that any insured depository may be a depository of public money and employed by a fiscal agent of the United States, subject to the regulatory authority of the Secretary of the Treasury and required to perform such duties as a depository of public monies or fiscal agent of the United States as the Secretary of the Treasury may require, including collection of taxes.

Section 218. Would make the effective date of subtitle A of Title II (secs. 211-218) of the bill January 1, 1993.

Section 221. Would terminate FSLIC as of January 1, 1993, and require the FHLBB to transfer its assets, liabilities, property, or records to the FDSIC. It provides authority for continuing existing regulations and lawsuits after FSLIC's termination. It would also terminate the authority under which FHLBB formed the Federal Assets Disposition Authority, by repealing subsection (a) of section 406 of the National Housing Act, 12 U.S.C. 1729(a).

Section 222. Would make technical and conforming amendments to section 408 of the National Housing Act, 12 U.S.C. 1730a, including requiring registration of new Savings and Loan Holding Companies within ninety, rather than 180, days, and requiring the FHLBB, to inform the FDIC in certain instances requiring a determination of an insurance risk.

Section 223. Would make the effective date of subtitle B of Title II (secs. 221-223) Jan 1, 1993.

Section 231. As of January 1, 1994, would terminate the National Credit Union Share Insurance Fund and transfer to the FDSIC its assets, liabilities, property, and records related to operation of the fund and any function assumed by the FDIC, with provision made for preserving third party rights, regulations, and ongoing suits. Title II of the Federal Credit Union Act, 12 U.S.C. 1781-1790 would be repealed.

Section 232. Would specify that the effective date of subtitle C of Title II (secs. 231-232) would be January 1, 1994.

Title III—Merger of Federal Banking and Thrift Institution Regulatory Agencies

Section 301. Would denominate the title as the "Federal Depository Institutions Commission Act."

Section 302. Would redesignate the Federal Deposit Insurance Act as the "Federal Depository Institutions Act."

Section 303. Would clarify denomination of amendments to the Federal Deposit Insurance Act.

Section 311. Would establish a Federal Depository Institutions Commission.

Section 312. Would set up the Commission with five members appointed by the President, with Senate advice and consent, and one appointed by the Chairman of the Board of Governors of the Federal Reserve System, from among the members of the Board, with 7-year terms, and with various limitations applicable to members.

Section 313. Would grant the Commission various corporate and administrative powers and would grant the United States district courts jurisdiction over all cases to which the Commission is party with certain exceptions relating to cases involving the Commission as a receiver of a state depository institution or certain rights or a State depository institution under state law.

Section 321. Would, as of January 1, 1997, transfer all functions of the Comptroller of the Currency relating to national banks to the Commission.

Section 322. Would enact technical and conforming amendments to various statutes relative to the transfer of functions of examination and supervision of national banks from the Comptroller of the Currency to the Commission. Included in these would be the authority to require reports, to be published in local newspapers, of the condition of any national bank.

It would also enact a National Bank Receivership Act authorizing the Federal Depository Institutions Commission, when acting as receiver of a national bank, to use the assets of the institution to purchase property in which the institution has an interest, if the property is being sold under any execution, foreclosure decree, or court order.

Section 331. Would, as of January 1, 1997, transfer functions of the Board of Governors of the Federal Reserve System and of the federal reserve banks, relative to the regulation of state member banks, to the Commission. Exempted would be the authority to suspend member banks' use of the Federal Reserve System credit facilities and to permit state banks to subscribe to the stock in a federal reserve bank.

Section 332. Would enact technical and conforming amendments that would substitute the Commission for the Board of Governors in statutes dealing with the transferred functions.

Section 341. Would transfer to the Commission, effective January 1, 1997, all functions of the Federal Deposit Insurance Corporation relating to the examination, supervision, and regulation of state-chartered non-member insured banks.

Section 351. Would transfer to the Commisson, on January 1, 1997, Federal Home Loan Bank Board functions relating to chartering, regulating, and examining depository institutions.

Section 352. Would make related technical and conforming amendments.

Section 361. Would transfer to the Commission, on January 1, 1997, all functions of the National Credit Union Administration Board with respect to chartering, regulating, examining, and insuring credit unions.

Section 362. Would make such technical and conforming amendments as are required to effectuate such transfer.

Section 371. Would provide for establishment of Federal Depository Institutions Commission in advance of the effective date of the legislation to carry out such functions as are necessary to be prepared to function as of the effective date of the legislation and require such Commission to consult with other federal agencies regulating depository institutions.

Section 372. Would terminate the Federal Deposit Insurance Corporation as of January 1, 1997, and authorize the Federal Deposit Insurance Corporation to conclude any of its functions; it would also effectuate administrative transfers and preserve existing rights, duties, claims, obligations, and regulations, and lawsuits.

Section 373. Would terminate the National Credit Union Administration as of January 1, 1997, effectuate administrative transfers, and preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 374. Would require the Commission to take any necessary action to ensure the efficient transfer of functions of the Comptroller of the Currency to the Commission as of the effective date and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 375. Would require the Federal Depository Institutions Commission to take any necessary action to ensure the efficient transfer of functions to be transferred from the Federal Reserve Board and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 376. Would require the Federal Depository Institutions Commission to take any necessary action to ensure the efficient transfer of functions to be transferred from the Federal Home Loan Bank Board and would preserve existing rights, duties, claims, obligations, regulations, and lawsuits.

Section 381. Would specify that the amendments made by this title would take effect on January 1, 1997.

UNITED STATES-TAIWANESE RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. HUTTO] is recognized for 15 minutes.

Mr. HUTTO. Mr. Speaker, a few days ago, I was invited to be a part of the delegation representing the President and the American people at the funeral of the late President Chiang Ching-kuo of the Republic of China. This was an honor which I gladly accepted.

Heading the U.S. delegation as chairman was former Attorney General William French Smith and included were: Senator MALCOLM WALLOP, of Wyoming; Senator FRANK MURKOWSKI, of Alaska; former Senator Paul Laxalt; Congressman BOB LIVINGSTON, of Louisiana; Congressman BILL THOMAS, of California; Dr. David Laux, chairman and managing director of the American Institute in Taiwan; and myself.

Taipei, Taiwan had not had a clear day for some time with cloudy skies and a heavy smog shrouding the city. But, as if in answer to prayer, the dawn of January 30 brought forth clear blue skies for the funeral service. Surprisingly, in a land which predominantly worships Confucius, Buddha, or ancestry, the ceremony was a beautiful Christian service and although it was in Chinese, the very familiar hymns were easily recognizable.

President Chiang Ching-kuo was, apparently, a very popular leader of Taiwan. He had been the President of Taiwan since he succeeded his father, the late President Chiang Kai-shek, when he died in 1975. President Chiang was elected to a second 6-year term in 1984 as President. He was serving concurrently as chairman of the KMT or National Party and had presided over an era of economic growth in Taiwan. The late President had moved Taiwan toward more democratization as during the past year, he had overseen the repeal of martial law as well as a new national security law. Chiang had also led the change to allow additional political parties and also to allow visits to mainland China for humanitarian reasons.

In addition to the United States delegation, there were many other delegations from nations around the world, and the funeral was attended by apparently all of the Government officials of the National Government in Taiwan. Thousands of people lined the streets and highways as the 60-vehicle funeral procession proceeded through Taipei's streets and then along the Sun Yatsen Highway to the burial site about 4 hours away. Many of those along the way openly wept for their fallen leader.

While in Taiwan, we had the opportunity to visit with several of the leaders in the Government, including the new President Lee Teng-hui, and Premier Yu Kuo-hwa. Dr. Lee, who ascended from the Vice Presidency, is the first Taiwanese-born President. Dr. Lee is a very impressive individual. He is rather large in stature at 6 feet and appears to be in exceptionally good health at the age of 65. He is an avid golfer with a handicap of eight.

A one-time farm boy, Dr. Lee became outstanding first in agrarian education and then in public administration. Before his candidacy for the Vice Presidency, he served as Minister without portfolio, mayor of Taipei, the Governor of Taiwan Province. A diligent student, he graduated with honors from high school before attending Kyoto Imperial University in Japan. At the end of World War II, he returned home to continue his studies at National Taiwan University, where he majored in agricultural economics. From his graduation in 1948 until 1952, he was an instructor at the university. He attended Iowa State University in 1952-53, again majoring in agricultural economics. Upon return to Taiwan, he went back to teaching at NTU and also served as a research fellow at the Taiwan Provincial Cooperative Bank from 1955 to 1957.

In 1957, Dr. Lee began his public service as specialist for the Joint Commission on Rural Reconstruction and served later in a number of other capacities and took time out to earn a Ph.D. at Cornell University in 1968.

As mayor of Taipei, Dr. Lee sought to build a great and progressive city by pioneering new programs and organizational methods. As Governor of Taiwan Province, the new President of Taiwan concentrated on solving administrative problems and introduced regional planning. His efforts led to a wide range of agricultural reforms, renovation of villages and construction of sewer and irrigation systems.

Dr. Lee is described in the Government-issued biography as a devout Christian, who often visits local churches as guest speaker. He appears to be very popular with the people.

The delegation's visit with President Lee was very cordial, and he was very gracious in accepting our condolences on the loss of their leader. He is obviously very pro-American and under his leadership, we will see a continued close relationship.

We had a very good visit also with Premier Yu Kuo-hwa, who, essentially, is head of the Cabinet in Taiwan. Mr. Yu, although 74, appears to be in excellent health. He speaks fluent English and our discussion with him, I believe, was quite fruitful. As are the other members of the leadership in Taiwan, Premier Yu is an avid supporter of the United States of America. He has two sons, who hold Ph.D.'s from Stanford University and who are currently living in Taiwan, working for U.S. companies.

In discussions with President Lee and Premier Yu, we spoke to each one of them very frankly about the problem of our trade imbalance. We were assured by both, as well as others in Taiwan, that Taiwan is very much aware of this problem and, unlike other nations, they are working very hard to help us overcome it. In addition to the exchange rate, which would help on the imbalance, Taiwan, last year, reduced tariffs on over 3,000 items and is planning to reduce tariffs on another 1,700 items this year. They realize that their economy, like so many others, is tied to the economy of the United States and as a very friendly trader, they have a strong desire to help the United States.

In closing, I believe strongly that the Taiwanese Government, under its new leader, President Lee Teng-hui, is going to continue to be a very close friend of the United States and will continue to lead that nation forward as a very productive society. Although because of recognition of the Government of mainland China in 1979, we cannot have official relations with Taiwan, it is good to know that through the American Institute in Taiwan, under law passed by Congress and signed by the President in April 1979, we can still maintain the closeness that existed before derecognition. I believe that all Americans appreciate the fact that Taiwan abhors communism, perhaps more than any other nation. Freedom is something very precious to these people.

DIAL-A-PORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 15 minutes.

Mr. ECKART. Mr. Speaker, yesterday was a rather interesting day on the floor of the House, and my constituents noticed with interest our debate concerning the issue of dial pornography. Sometime long before this House began its debate yesterday there was a young lady in my district, who goes by the name of Monique, who through the courtesy of a direct mail firm has flooded my constituents' homes with postcards and harassed them with blatant telephone calls soliciting her services of telephone pornography. In recent months this has not only been true in my district, but in others as well. These kinds of direct exploitation that offend so many of us on this floor have indeed also been found to be offensive to tens of thousands of our constituents in homes all across the United States.

It is absolutely imperative, from my perspective, that we act quickly to suppress this kind of sleazy solicitation, the kind of solicitations that we find offensive and that jeopardize the standards that we strive to have within our own homes. Even more unfortunately we find that through the facilities of the postal service and direct-dial computer-aided telephone services these sordid solicitations work their way into our homes without any kind of parental review.

Mr. Speaker, I am deeply concerned about this. Telephone pornography threatens and very much undermines parental authority within the home. Dial-a-porn services have already taken a terrible toll in the most valuable and vulnerable part of our society, our children. As the father of an 8-year-old boy I am particularly sensitive to it.

Mr. Speaker, two recent circumstances frighten me even more. There is the story of a 12-year-old boy who sexually assaulted a 4-year-old girl after hearing these telephone messages; a 4-year-old girl. In my own district, as reported by the Associated Press, a 15-year-old boy forcibly broke into the neighbor's home for the sole purpose of using their telephone to make a "976" Monique call. The owner just happened to walk in and catch him.

That is why I cosponsored, as many of us did, legislation by the gentleman from Virginia [Mr. BLILEY] in which he has already invested 5 long years of his effort to prohibit and campaign against this growing menace.

It amazes me how we can continue to haggle and argue for years as to whether the FCC is to blame or whether Judge Green is to blame or whether this or that answer is good or better or best overall. I believe that my constituents demand that we act now, as well and effectively as we can. We must move forward quickly and decisively given what I view to be an almost silly Federal Appellate Court decision which struck down the language that the FCC had attempted to impose. This decision, which casts a constitutional shadow on the language proposed by the Senator from North Carolina and the Congressman from Virginia, means that Congress must move forward. While our constituents are burning over this issue, we are perceived to be fiddling. More delay would only encourage further the spread of these sexually explicit services.

Mr. Speaker, the vote yesterday, 382 to nothing, on a motion to instruct the conferees to deal with this in every manner within their power, to stop both the solicitations and the practice of 976 telephone pornography was a very strong message. We are determined to root out this problem. Most of us would like to ban it outright this afternoon. None of us acting alone is in any position to do that. But what the conferees must understand, and what I understand as a Member of the Energy and Commerce Committee and the Subcommittee on Telecommunications and Finance is that we want something we can vote for soon. My constituents will not tolerate more postcards, more computer-dialed phone calls or more haggling and arguing over what works and what does not work to stop these solicitations.

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I am reminded of Franklin Delano Roosevelt's response at a press conference almost 50 years ago when asked whether one of his peculiar legislative solutions would fix a problem that was perplexing America at the time. He said, candidly, that he was not sure. "But we will try it. And if that doesn't work, we'll try something else."

Well, that is how I view yesterday's vote here on the floor. Our colleagues, Mr. BLILEY and Mr. MADIGAN, who have worked hard on this issue for a long time, acknowledge as I do that there are probably several ways to stop the problem. But we must act now. Further debate, further constitutional consultations, further delay only further allows those who profit from pursuing this sexually explicit material to establish and entrench themselves.

Our vote yesterday was a vote to stop this practice. Our vote was a vote for sanity and sensibility and an attempt to preserve and protect the integrity and the sanctity of our homes.

HUMAN RIGHTS SITUATION IN ROMANIA—AN UPDATE

The **SPEAKER** pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. **WOLF**. I thank the Speaker.

Mr. Speaker, the reason that I am speaking again today is just to update for the American people, but more importantly for everyone who is interested—and I hope that is all the American people and all the Congress and all the people in the administration—some of the latest happenings in Romania.

As the Speaker knows, this Congress proudly and rightfully so has gone on record both in the House and in the Senate to suspend the Most Favored Nation status, we give most favored nation status to Romania which is a special trade advantage, a special benefit. It will be decided by the Reagan administration whether or not they go along with the Congress, with the House, with the Senate, to suspend, to abolish or eliminate most-favored-nation status that we currently give to Romania.

Now as the Speaker knows, we had a vote in this House which passed by 49 or 50 votes, overwhelmingly bipartisan, both Republicans and Democrats. The amendment was supported by, in the lead, Congressman TONY HALL of Ohio, a Democrat, Congressman "CHRIS" SMITH of New Jersey, a Republican, and myself. And in the Senate it is cosponsored and pushed by Senator "BILL" ARMSTRONG, a Republican from Colorado, Senator "CHRIS" DODD, a Democrat from Connecticut.

So we are really talking about a bipartisan, in the truest sense of the word, a bipartisan amendment that knocks out the most-favored-nation status for Romania.

So the purpose of this special order is to update the Congress on where we are.

Now just the other day, Mr. Speaker, the State Department came out with this document, "Country Reports on Human Rights" submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations in the U.S. Senate by the State Department.

It is an indepth report on the human rights conditions around the country, around the world and of course it specifically mentions Romania.

I would like to submit, if I may for the RECORD, what this report says with regard to Romania and I would like that to appear, the complete report section on Romania, to appear at this point.

The section referred to is as follows:

ROMANIA

Romania is a highly centralized Communist state. The Constitution describes the Romanian Communist Party as "the leading political force in the whole of society." Nicolae Ceausescu, Secretary General of the party, is also President of the Republic, Chairman of the Council of State, and Chairman of the Romanian Defense Council. Through the Government, the party seeks to control every significant aspect of the country's life.

The Ministry of Internal Affairs administers the powerful Department of State Security, among whose major functions are providing security for the leadership and suppressing dissent and opposition of any kind.

Pursuing President Ceausescu's policy of repaying Romania's foreign debt obligations as soon as possible, the Government in 1987 continued to make drastic efforts to increase exports and reduce imports. A program of harsh austerity was enforced domestically, causing great hardship for the population. Shortages of food and consumer items were widespread and particularly severe during the winter months. Basic foodstuffs continued to be rationed but were frequently unavailable. Electricity was rationed, and stiff surcharges were assessed if usage exceeded prescribed limits, while cooking gas and heating facilities often ceased to function at all in many areas. Austerity on this scale, combined with wage reductions when industrial production targets are not met, appears to be causing serious damage to the physical and psychological health and welfare of the population.

The poor human rights picture in Romania in 1987 showed no improvement. Although the Constitution provides for freedom of speech, assembly, and the press, it states that these freedoms may not be used "against the Socialist order or the workers' interests." Vigorous use of these open-ended limitations by the authorities together with constant harassment by security forces have stifled formation of any opposition or dissident groups which might take issue with or question party policy.

Religious practice, although widespread and growing, is controlled and circumscribed by the enforcement of regulations governing the licensing of pastors, the importation and distribution of religious materials, and the granting of church building permits. The Government approved some applications, albeit after a lengthy and difficult process, for the construction of new churches or the renovation of old ones, while withholding approval in other cases. It also permitted, as promised, the delivery of 5,000 Cornilescu Bibles to the Baptist General Union.

Members of the Hungarian ethnic minority in Transsylvania continued in 1987 to object to government policies designed, in their view, to promote the minority's assimilation. The Government countered that it does not discriminate against member of the Hungarian minority.

The Government permitted 16,543 Romanian citizens to emigrate to the United States, Israel, and the Federal Republic of Germany in 1987, an increase over the 15,222 who emigrated to these three countries in 1986. At the same time, Romania continued to be granted Most-Favored-Nation (MFN) tariff treatment for its exports to the United States under the terms of the Jackson-Vanik amendment (1974 Trade Act) which ties MFN to the country's performance on emigration. A special case was that of Ioan Ruta who, in the opinion of outside observers, was convicted unfairly of accepting bribes and imprisoned in 1986 after applying to emigrate. Released in July 1987, he was permitted to join his wife and daughter in the United States. The Government's October 1987 amnesty may benefit some persons imprisoned on political grounds.

On the whole, despite Romania's adherence to various international accords related to human rights, its human rights abuses remained pervasive.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political killing

There were no substantiated claims of political killings during 1987. However, allegations continue to be made that prisioners are mistreated, sometimes to the point of causing their death.

b. Disappearance

There have been some unconfirmed reports of politically motivated disappearances. Family and friends of persons arrested on political charges are frequently left unaware of their arrest, their circumstances, and their location for long periods of time.

c. Torture and other cruel, inhuman, or degrading treatment or punishment

There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long perios without sleep, food, or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are reportedly subject to physical and mental harrassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons being arrested for minor infractions.

The most common complaints about mistratment cite long periods of isolation, excessive use of force by guards, cells which are badly ventilated and poorly heated, bad food in small quantities, difficult working conditions, and segregation of prisoners deemed "dangerous to the State" because of their religious beliefs or for other reasons.

Political prisoners who do not cooprate with their jailers reportedly are treated with great cruely. They are generally kept apart from other offenders and restricted to their cells. Prison guards are said to engage in abusive behavior and allow, and in some cases even encourage, favored prisoners to punish those less favored. While most political prisoners are reportedly kept in local jails and released when authorities believe their behavior has been correced, those who are not cooperative are kept for longer periods of time.

Amnesty International reported ("Romania—Human Rights Violations in the Eighties," July 1987) that there has been a decline in the abuse of psychiatric treatment as a form of punishment in recent years. Other sources, however, note that the practice continues, in particular through administration of drugs to prisoners. Some prisoners claim that they have been denied needed medical treatment; the evidence suggests that medical care in prisons is poor at best.

d. Arbitrary arrest, detention, exile, or forced labor

Romanian law provides for either a judge or a prosecutor to issue an arrest warrant. Once arrested, a person may be held without trial for up to 1 month before a hearing, but the prosecutor may obtain an extension for an additional 3 months. After this, the court may order further extensions in 30-day increments. There is no limit set by law on the cumulative length of time a person may be held prior to trial. There is no provision for bail.

The law also provides for preventive detention. Reasons detained for investigation often are held incommunicado. they are detained for varying periods of time, usually a matter of hours, and then released without charge. Such arbitrary detention may be repeated several times, and subjects may be called back for additional lengthy interrogation and threatened with further harassment or punishment. This treatment is particularly common for religious activists. Among those detained in December were Radu Filipescu and Doina Cornea, reportedly for having spoken out concerning the state of human rights in Romania on a French television program.

Romanian citizens are required to perform involuntary labor, but for the most part this seems to fall within the area of "civic obligations." For example, a 1971 law, amended in 1985, required up to 6 days' unpaid labor per year from each citizen, although an additional tax may be substituted for labor. Some men have reportedly been called up to work in undersirable industrial or agricultural jobs for periods of from 4 to 6 months, apparently in connection with each male citizen's duty to serve in the military and remain in the reserves.

e. Denial of fair public trial

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. The law states that a trial may be held in secret if a public trial would be contrary to the interests of the State, Socialist morals, or the dignity of the individual. Some former prisoners have reported they were tried in secret by military courts on essentially political charges.

The ability of an accused individual to defend himself effectively can be severely limited, especially in politically sensitive cases. Acquittals in such cases are extremely rare. Defendants are often represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. The law requires in most cases that a defendant be represented by counsel, although some sources claim that defendants do not always have an opportunity to consult with their attorneys before trial. The court may appoint an attorney to represent a defendant. The defendant has the right, in theory, to choose another attorney, but in practice this right is severely restricted. When defendants pursue their right to appeal, they sometimes receive longer prison terms from the higher courts, thus discouraging defendants from exercising this right. In the past, Western observers have also reported clear cases of suborning and intimidating witnesses by prosecuting attorneys, although no such cases were reported in 1987.

In 1987 one case reflecting apparent abuse of the right to a fair trial was that of Victor Opris. Opris, a Pentecostal pastor from Satu Mare, was initially imprisoned in 1985 on charges of bribery after he allegedly assisted four members of his congregation who were attempting to leave the country illegally. Sentenced to 5 years' imprisonment, Opris benefited from the June 1986 amnesty and was released from prison. However, in January 1987, he was retried on the same charge, reportedly by a military court, and was sentenced to 9 years' imprisonment. His case has been appealed to the Supreme Court. Many who are familiar with the case maintain that Opris was retried and given a harsh sentence because he was a popular, active pastor, suspected by the Government of involvement in smuggling Bibles and other unauthorized activities.

A number of Romanian criminal laws are open-ended enough to insure that persons coming under official scrutiny may be charged with some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal" assembly for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"—a felony—if caught attempting to transport or hand out free Bibles. Although a June 1986 presidential decree, which granted amnesty for certain offenses to most Romanians sentenced to prison terms of less than 5 years, freed a number of persons imprisoned on relatively minor charges related to their religious activities, some of those released have reportedly been retried and again imprisoned.

It is impossible to estimate accurately the number of political prisoners in Romania. Some former prisoners have estimated the number at several hundred. If the estimate includes those tried with apparent political motivation for common crimes and those convicted of attempting to leave the country illegally, the number could be several thousand.

On October 26, 1987, a new amnesty was announced, in honor of the 40th anniversary of the proclamation of the Republic. Those sentenced to less than 3 years' imprisonment, or a fine, were amnestied, and those sentenced to up to 5 years had their sentences remitted. Other sentences were shortened. Certain categories of violent and economic crimes were excluded, such as deadly assault, robbery, influence peddling, and giving or receiving bribes. It is not yet clear how many prisoners may be affected by this amnesty, or if it will affect people who could be considered "political prisoners."

f. Arbitrary interference with privacy, family, home, or correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the limitations on the resources of state security forces, by uneven application of regulations, and by official corruption.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. The authorities occasionally enter homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religious materials, or any other evidence of "wrongdoing." Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course.

Violation of privacy of the person also arises from the antiabortion campaign. Regular pregnancy tests and physical examinations are mandatory every 2 months for many female workers in order to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons of interest to the authorities often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees.

The Government has the capability to monitor domestic and international telephone calls and appears to do so frequently.

Section 2. Respect for civil liberties, including

a. Freedom of speech and press

These freedoms are severely restricted. Public expression of viewpoints at variance with official policy is almost always severely punished. While the Constitution provides for freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party. Similarly, the penal code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means . . . (or) . . .the undertaking of any action for the changing of the Socialist system. . . ." It also prohibits acts "which would result in a danger to state security." These offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Although official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as vehicles for government and party propaganda. Publications from the West or from other Communist countries are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals with government approval. The unauthorized importation or distribution of foreign publications is forbidden. In 1987 there were frequent reports of confiscations of foreign-source materials, especially religious materials, at the border. Tourists from the West regularly report that customs officials have confiscated video and audio cassettes. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. For live theater, official boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated.

On the positive side, Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people.

b. Freedom of peaceful assembly and association

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe penalties to those involved. Citizens are required to obtain permission in advance to attend functions held by non-Romanians. Secret decrees promulgated late in 1985 (never officially published and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours. In particular, Romanian writers, scientists, and professionals are reportedly forbidden to speak with their foreign counterparts without government permission.

The Constitution stipulates the right to join a union. As noted earlier, however, it also enshrines the Communist party as "the leading political force in the whole of society," which applies with respect to unions and other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right to form their own associations, elect representatives, or affiliate with international organizations except through the official unions.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories the union's chief executive is also the senior party official, and a primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts when the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes will reach the courts. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, has been harsh repression.

Brutal suppression of miners' strikes in the late 1970's led to an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards.

In 1987 Romania lost its eligibility for the U.S. Generalized System of Preferences (GSP) tariff treatment after the U.S. Government found under the standards of revised legislation that Romania was not taking steps to afford its workers internationally recognized workers' rights.

The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction. In November several thousand people, led by industrial workers in Brasov, demonstrated in the main square in protest against sharp pay cuts as a result of production shortfalls and stiff new restrictions on the use of gas and electricity. With frustrations high because of the harsh austerities enforced by the Government, the demonstration turned violent. Scores of workers were reportedly detained after the demonstrators were dispersed. More minor incidents were reported in other Romanian cities.

c. Freedom of religion

The Constitution provides for freedom of conscience, and the penal code prescribes a penalty of up to 6 months' imprisonment or a fine for anyone who impedes or disrupts any recognized religious sect. However, the Communist Party officially promotes atheism, and the Government exercises broad control over religious practice. Although many Romanians fear the open exercise of their beliefs would inhibit chances of social or professional advancement, religious practice remains very active throughout the country and at all levels of society. These are 14 recognized religions, of which by far the largest is the Romanian Orthodox Church, to which about 80 percent of the population belongs. The Government subsidizes clerical salaries (which some denominations do not accept), issues licenses to preach, controls permits for church construction or renovation, severely limits the number of new admissions to seminaries, and controls the importation and printing of religious materials, including Bibles. These powers are often used arbitrarily, especially against groups that arouse official concern.

Government restrictions are applied more severely to groups whose beliefs, in the Government's view, inspire "antisocial" or "antigovernment" behavior. Several of these are unrecognized religious groups, such as the Nazarenes and Jehovah's Witnesses. In 1987, however, there were no reports of significant restrictions on meetings held by these groups. But local and national newspapers carried articles criticizing these groups and alleging that, outside Romania, some of these sects are involved in intelligence-gathering for foreign intelligence agencies or in drug trafficking.

The Government does not recognize the Uniate Church, also known as the Catholic Church of the Byzantine Rite. This branch of the Catholic Church was outlawed in 1948, and many of its leaders were imprisoned. Despite its unrecognized status, there remain adherents to this faith throughout the country. The Government also has taken active measures to suppress a revival movement within the Romanian Orthodox Church known as "The Lord's Army." Members of this group often meet in small gatherings for prayer and Bible study, and they report being fined for holding illegal assemblies. They also report being subject to other harassment, such as loss of jobs or surveillance.

The Government remains in disagreement with the Roman Catholic Church, most of whose members are ethnic Hungarians, on a number of issues, and the church technically remains without a government-approved charter. However, the church enjoys de facto recognition and operates as if it were fully recognized.

The rapid growth of evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response has at times been harsh. Activists who are vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrest, and in some cases beatings. In December, Nelu Prodan, a Baptist lawyer who had defended those accused of illegally distributing Bibles and had helped church groups obtain building permits or avoid demolition of their churches, was arrested and held for about 2 weeks before being released. He remains under threat of being charged with accepting bribes. Prodan and his wife had been repeatedly warned by officials to stop involving themselves in the legal problems of church members.

The 1986 amnesty led to the release of a number of religious activists from prison, and some of them have been allowed to emigrate. Others, like Victor Opris, however, reportedly have been retried and imprisoned again. Still others, like Ilie Neamtu, an elder of the Ploiesti Evangelical Brethren Church, are still awaiting permission to emigrate.

Five thousand Protestant Bibles were printed for the Baptist General Union, the first such printing since 1921. Negotiations have begun regarding another printing. The shortage of religious materials overall has led some Romanians to risk severe penalties for smuggling Bibles and other religious literature.

Many religious denominations are able to publish a newspaper or newsletter on a regular basis. They are also permitted from time to time to publish other religious materials, although usually in small quantities.

All religious groups continue to be concerned over issues of maintenance, repair, and construction of church buildings. Extensive urban renewal projects undertaken in Bucharest and other cities, have resulted in demolition of a number of churches of various faiths. Several noted Romanian Orthodox churches in Bucharest of historic and cultural significance were demolished, including Sfintu Vineri and the 18th century Sfintu Spiridon. Members of the congregations and other citizens protested these actions.

The Government has often been slow to approve the purchase or construction of replacement buildings for the affected congregations. A large Seventh-Day Adventist congregation in Bucharest, whose church was demolished in August 1986, has still not received approval for a new site and has had to meet in a temporary, tent-like structure inadequate to its needs. The Government claims the church leaders have not yet proposed a suitable new site, although in fact over a dozen suitable alternatives have been proposed. The Government's Department of Religious Affairs gave oral approval for one site in April but has not followed through on its commitment.

The country's largest Baptist church, in Oradea, was not demolished, as had earlier been threatened, but approval previously granted for construction of a new church on land purchased by the congregation was revoked, leaving the several-thousand-member congregation in an overcrowded building with a decaying foundation.

Any repair or addition to a church building requires a building permit approved by both the local city council and the Government's Department of Religious Affairs. Church members state there are unreasonable delays in obtaining these approvals. A church may be demolished, or the congregation fined large sums, for infractions of the building codes. In past years, churches of various denominations have been demolished or threatened with demolition under these regulations.

Reconstruction of the Baptist church in Bistria was started. The authorities did not proceed with demolitions begun or approved in the cases of the Pentecostal church in Bistria or the Baptist church in Hilpiceni, thus giving the congregations time to negotiate a more moderate solution. A Baptist congregation in Timisoara was given permission to purchase a new and larger replacement for its current church, and a new Baptist church to serve ethnic Hungarian members opened in Tirgu Mures. Another Baptist church, in a Baia Mare, underwent significant renovation and enlargement. The congregation of a Hungarian Reformed church in Oradea, which had faced destruction as a result of urban renewal, was allowed to "trade" its old building for a new and larger one.

Seminary admissions remain extremely limited. In 1987 the Baptists were allowed only four new students. Admissions for the Seventh-Day Adventists and Pentecostals are similarly restricted. By comparison, the Baptists were permitted an average of 40 per year in the late 1970's. Their current needs are estimated at over 100 new seminarians each year.

There is an active Jewish community organization which provides religious education to its members and enjoys relatively unrestricted freedom of emigration. Jewish leaders also continue to be able to travel freely outside Romania. Jewish leaders emphasize that, due to the level of emigration to Israel permitted by the Romanian Government, their numbers are declining, and they are permitted to maintain enough synagogues to meet their needs.

Leaders of religious denominations generally receive permission to travel abroad on official business without difficulty, and most visitors to Romanian churches in 1987 were able to travel around the coutry without interference.

d. Freedom of movement within the country, foreign travel, emigration, and repatriation

Except for certain very limited military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Most foreigners, including Western diplomats, are permitted to travel freely but often are kept under surveillance.

The right of a citizen to change his place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnic mixture of the population in parts of the country with a heavy concentration of ethnic minorities, especially Hungarians. Workers are technically free to change jobs, although antiunemployment laws and government controls limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently arbitrarily withheld, even for those who can "guarantee" their return by leaving a close family member behind. Older persons wishing to visit their children resident abroad generally have few problems.

In principle, the Government continues to oppose emigration for any purpose but family reunification and seeks to discourage those wishing to emigrate. The waiting period for Romanian emigration approval is still long: successful applications generally take between 1 and 5 years. The authorities sometimes refuse arbitrarily to accept emigration applications from some Romanians. However, the Government has permitted significant numbers of citizens to emigrate to the United States, Israel, and the Federal Republic of Germany. In 1987 emigration from Romania to these three countries increased to 16,543, as compared to 15,222 in 1986.

Section 3 Respect for political rights: The right of citizens to change their government

Though the Constitution assures the right of Romanians to change their government and leaders, in practice the individual citizen has virtually no voice in shaping public policy or choosing public officials. The Romanian Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the President, the Government, the party, and the state leadership is forcefully suppressed.

The Communist Party comprises about 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are reportedly represented in proportion to their numbers within the general population but they are underrepresented at the middle and higher levels.

National parliamentary elections by secret ballot are held every 5 years. For about 60 percent of the positions, there are two candidates, both of whom are chosen by the Front for Democracy and Social Unity, a large organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are members of the Communist Party's Central Committee. The Parliament approves the President's decisions by unanimous vote.

In Romania, the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding government or enterprise posts the following spring.

In November, elections for city councils were held throughout the country; 80 percent of the seats being sought were contested by two or more candidates. However, actual differences on policy among the candidates were negligible.

In 1987 there was at least one attempt to revive one of Romania's historical political parties. A former leader of the outlawed National Peasant Party, Ion Puiu, wrote to President Ceausescu and to Western media, urging that the National Peasant Party be allowed to reemerge as a loyal and democratic opposition to the Communist Party. Puiu has been arrested twice within the past year, most recently immediately before the visit of Soviet General Secretary Mikhail Gorbachev in May. The purpose of his arrest was reportedly to prevent him from communicating with the Soviet leader. Puiu was released after about 1 month, but he has been prevented from contacting foreigners since then.

Section 4 Governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights

There are no human rights monitoring organizations operating in Romania. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which have been critical. Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and the Final Act of the Conference on Security and Cooperation in Europe (CSCE). At the same time, discussion of human rights issues is a regular feature of diplomatic exchanges between the U.S. and Romanian Governments. In August Romania received a delegation from the U.S. Congress' CSCE Commission, which was invited to certain areas with high concentrations of ethnic minorities and which met with national and local officials, as well as with individuals concerned with human rights issues.

Section 5 Discrimination based on race, sex, religion, language, or social status

According to official figures, about 12 percent of the country's population of nearly 23 million are members of ethnic minorities, including Hungarians, Germans, Gypsies (Csangos), and many smaller groups. These total about 2.7 million, with Hungarians, according to the Government, comprising the largest group at 1.7 million. The Government takes its figures from a 1977 census based on self-declaration. Various Hungarian sources claim that the true figure for the Hungarian minority is actually between 2 and 2½ million.

Most minority groups are concentrated in Transylvania, the central and northwestern part of Romania. In recent years, opportunities for minorities to have periodicals, theaters, and schools in their natives language have been eroding. The ability of members of the minority groups to visit friends and relatives in nearby countries is limited. Minority groups protest that government controls and restrictions constitute discrimination. Many observers maintain that the Government is pursuing a program of "Romanianization" in order gradually to absorb the minority groups into one unified Romanian culture, although the Government denies this.

While the economic situation of the Hungarian minority in Romania is difficult, especially by comparison with that of Hungarians in Hungary, a pattern of economic discrimination against ethnic Hungarians as a group is not evident.

There are no longer any television or radio broadcasts in the Hungarian language. Most Hungarian-language theaters now have Romanian-language sections, and some ethnic Hungarians claim that Romania eventually will replace Hungarian completely.

In the field of education, primary schooling remains available in Hungarian and German, and even in the native language of tiny minorities, such as the Czechs in western Romania, although opportunities are shrinking. The number of ethnic Hungarian children being enacted in the Hungarian language has declined significantly. Several German-language high schools still operate, although declining enrollment due to emigration may soon compel a change in their language of instruction. Several sources indicate that Hungarian-language sections in Romanian high schools have largely replaced entirely Hungarian-language high schools. Students can no longer take university entrance examinations in minority languages, except in a few faculties, and the opportunities for university study in Hungarian have also gradually decreased. Babes-Bolyai University in Cluj, formerly a Hungarian-langage institution, has increased its intake of ethinc Romanian students over the years and made Romanian the language over the years and made Romanian the language of instruction in most subjects.

Members of the Hungarian minority claim that the Government uses its controls over residence permits, employment, and study opportunities to dilute the concentration of the Hungarian population in its traditional centers. The Government maintains that demographic changes in Transylvania are natural and result on part from increased industrialization which has drawn ethnic Romania workers into urban areas formerly inhabited predominantly by ethinc Hungarians.

The Government recently released from prison several ethnic Hungarians, including Erno Borbely, Laszio Buzas, and Bela Pal, who were reportedly imprisoned for promoting minority rights. On the other hand, the authroities in 1987 prevented foreign diplomats from making any contact with Karoly Kiraly, a former senior party official and leading defender of Hungarian minority rights.

Women are constitutionally accorded the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

CONDITIONS OF LABOR

The Constitution stipulates the right to work. Unemployment is a crime ("social parasitism"). The Government closely controls the labor market, sets the wage rates for different occupations, and claims that there is no unemployment. A number of sources note, however, that economic dislocations and shifts may require transferring workers from one factory or region to another, with attendant long periods of inactivity among large numbers of workers.

The Constitution provides for an 8-hour workday (or a 6-hour day for arduous occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these promises but allows employers to override them "if conditions warrant." In 1987 there were widespread reports of workers required to perform extra, uncompensated labor to make up for lagging production or for official holidays. During two important national holidays (May 1-2 and August 23-24), many were required to report to work as factories and stores were kept open. Workers also reported that wages and salaries were cut, when an enterprise failed to meet its production quota, even though production shortfalls were often due to the lack of raw materials or insufficient electrical energy.

There is no specific minimum employment age, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for youths 14 years of age in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields or in other "patriotic work," usually as part of a school or other group activity.

The labor code ensures Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industrials and is responsible for enforcing these standards. In practice, however, observers report that conditions in many factories present substantial health and safety hazards. Although management is reportedly aware of these deficiencies in most cases, government emphasis on meeting production goals clearly takes precedence over safety and health factors in light of the party leadership's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development at all cost.

Let me just highlight a couple of the sections for the Members who are listening back in their offices. It says, "Religious practice, although widespread and growing, is controlled and circumscribed by the enforcement of regulations governing the licensing of pastors, the importation and distribution of religious materials, and the granting of Church building permits," meaning that nothing happens without the Government being involved. It went on to say, "On the whole, despite Romania's adherence to various international accords," meaning it signs the Helsinki accords and is signatory to others, "related to human rights, its human rights abuses remained pervasive," pervasive.

It went on to say, "There were numerous reports that persons are mistreated while in Romanian prisons or police custody and that police authorities act brutally to obtain information. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food or access to toilet facilities. Those caught attempting to leave the country illegally, for example, are reportedly subject to physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Reliable witnesses also report incidents in which police administered severe beatings to persons being arrested for minor infractions."

It went on to say, "The law also provides for preventive detention. Persons detained for investigation often are held incommunicado. They are detained for varying periods of time, usually a matter of hours, and then released without charge. Such arbitrary detention may be repeated several times, and subjects may be called back for additional lengthy interrogation and threatened with further harassment or punishment."

Mr. Speaker, just to digress for a moment, it is shocking and disappointing that the U.S. Government, our Government, gives most-favored-nation status, special trade advantages, special trade benefits to a country that holds its people incommunicado, beats them and does all of this.

The report says, "in 1987 one case reflecting apparent abuse of the right—" you know, Mr. Speaker, sometimes we think in terms of generalities. I want to talk about a specific person. To repeat, "In 1987, one case reflecting apparent abuse of the right to a fair trial was that of Victor Opris. Opris, a Pentecostal pastor from Satu Mare, was initially imprisoned in 1985 on charges of bribery after he allegedly assisted four members of his congregation who were attempting to leave the country illegally. Sentenced to 5 years, imprisonment, Opris benefited from the June 1986 amnesty and was released from prison. However, in January 1987, a little over a year ago, he was retried on the same charge reportedly by a military court. You cannot even get into these courts to find out what is going on. He was sentenced to 9 years. Nine years of imprisonment; I would like to urge all the Members to think of how old they are today and add 9 years to it and think of how old they are going to be then, and that is how long this Pentecostal minister is going to have to stay in prison for doing nothing but being a minister of the Gospel. His case has been appealed to the Supreme Court. Many who are familiar with the case maintain that Opris was retried and given a harsh sentence because he was a popular, active pastor, suspected by the government of involvement in smuggling Bibles and other unauthorized activities.

So I think the Members of the Congress should consider this, and the administration, and all the editorial writers and people in this great country, about people like Victor Opris who are being persecuted and at the same time we are giving most-favored-nation status for Romania. Shame, shame.

It went on to say—and we should remember, Mr. Speaker, that this is not just some group that is saying this, this is the U.S. Government, the State Department that is saying this.

It went on to say, "Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants."

Boy, it is great to live in America but can you imagine if the Government could come into your house today, Mr. Speaker, and just search whatever they wanted to, to look wherever they wanted to, to find these things and persecute you and put you in prison because you had a Bible? Just shocking. Yet here we give most-favored-nation status, benefits, special trade benefits, special benefits by the U.S. Government to this country that does these things.

It says, "The authorities occasionally enter homes on the pretext of looking for building code violations, excessive consumption of electricity," excessive consumption of electricity meaning they leave the lights on too long, "illegal use of electrical appliances." "Hey, you left the toaster on too long." Then they send them to jail.

Mr. Speaker, I will not read all of these. There are so many more I am going to just submit the entire segment, this entire section in the CONGRESSIONAL RECORD so all the Members can read it tomorrow and the people who are interested in Romania can look at it to see what the State Department said in its very well done "Country reports on Human Rights Practices" for 1987.

Mr. Speaker, I am not talking about things that happened in 1981 or 1982 or 1983. These are things that happened in 1987. So we will submit that for the RECORD.

Now, Mr. Speaker, I would like to cover a few other items about Romania. There was a New York Times article Monday, February 15 which I would like to submit for the RECORD that says, "President Nicolae Ceausescu's bristly stand toward his allies in the East and friends in the West has led Rumania to what Western and Communist analysts here say is virtual isolation." Gorbachev is saying this and the West is saying this, both sides now agree that this is a country that is isolationist and very, very oppressive, "Several Western diplomats spoke of Rumania's 'Albanization,' likening its developing attitude toward the world outside to the reclusiveness of Albania, long considered Europe's most isolated country."

It goes on to say, "There is a whole range of other things in the human rights area that are repugnant to Americans." Very interesting article which I will not take the time of the body to read but would like to submit for the RECORD.

The article referred to is as follows:

[From the New York Times, Feb. 15, 1988]

FOR BUCHAREST, A GREAT LEAP BACKWARD

(By Henry Kamm)

BUCHAREST, Rumania, February 11.—President Nicolae Ceausescu's bristly stand toward his allies in the East and friends in the West has led Rumania to what Western and Communist analysts here say is virtual isolation.

Several Western diplomats spoke of Rumania's "Albanization," likening its developing attitude toward the world outside the reclusiveness of Albania, long considered Europe's most isolated country.

Soviet and other East European diplomats, speaking in a week of interviews, expressed similar views of increasing estrangement. They said Moscow felt powerless to change Mr. Ceausescu's course.

RULED FOR 23 YEARS

The 70-year-old Rumanian Communist Party leader, who has ruled unchallenged for 23 years, was described by analysts from both camps as totally convinced of the correctiveness and ideological purity of his policies. They said only his wife, Elena, appeared to have any influence over him, and her views coincided with her husband's. She holds high Government and party positions and is the second most powerful person in the country.

Mr. Ceausescu has offended the Soviet Union since the 1960's by refusing to follow Moscow's lead in some aspects of foreign, military and economic policy. Since Mikhail S. Gorbachev introduced economic transformation and greater openness in the Soviet Union, Mr. Ceausescu has widened the distance by rejecting such policies and reiterating his belief in central economic planning and opposition to free market principles.

HALVED THE FOREIGN DEBT

Rumania's estrangement from the West, which rewarded its earlier distancing from the Soviet Union with closer ties, resulted from President Ceausescu's decision in 1983 to liquidate a foreign debt of more than $10 billion. He has halved it by a drastic lowering of his citizen's standard of living.

The resulting material deprivation of Rumanians, which recalls conditions in Europe just after World War II, is part of what the United States Deputy Secretary of State, John C. Whitehead, said was "the general repression of the population, the squeezing of every one."

"There is a whole range of other things in the human-rights area that are repugnant to Americans," Mr. Whitehead, who met with Mr. Ceausescu on Feb. 5, said in an interview.

Mr. Whitehead told an airport news conference that he left Rumania disappointed because Mr. Ceausescu had refused in a three-hour meeting even to listen to his explanation of Washington's concern over human rights and had resented the very mention of the subject.

Last month, the West German Foreign Minister, Hans-Dietrich Genscher, had a similarly fruitless discussion with Mr. Ceausescu. The Rumanian President refused to increase the yearly total of 12,000 ethnic Germans allowed to emigrate and angrily rejected Mr. Genscher's proposal that private German organizations be allowed to send food and other necessities to deprived Rumanians. He said, contrary to all evidence, that Rumanians had enough of everything.

Diplomats speak of Mr. Ceausescu's increasing tendency to persist in his views despite contrary evidence. When the visiting head of a Canadian company building Rumania's first nuclear power plant told Mr. Ceausescu that its first unit would be operational in two or three years, the President insisted that he expected it to operate this year. Mr Ceausescu continues to repeat the assertion that nuclear power will be available this year.

Rumanian analysts call Mr. Ceausescu's self-willed leadership feudal, nepotistic and corrupt.

The trend to reclusion is also reflected in Rumania's steady cutback of its academic and scientific contacts with both East and West. Soviet and Western diplomats said the Rumanian authorities increasingly refused to let students and scholars take advantage of academic opportunities abroad and had reduced the number of foreigners allowed to teach or study here.

NO LOVE FOR REPORTERS

American lecturers under the Fulbright program have dropped from 10 to 5. Rumanian lecturers and researchers in the United States numbered 38 in 1979, declined to 7 in 1985-86 and are down to 2 now. France spent only 30 percent of its allotted budget for travel by Rumanian scholars to France last year.

Rumania has sharply reduced the number of foreign correspondents it sends abroad. None are in the United States. Since last year, about 10 Western journalists have been expelled or refused entry on arrival, and those allowed in are given virtually no access to officials. Visits to critically minded Rumanians are prevented by the police guarding their houses.

In eight days, this correspondent was allowed to meet only two Foreign Ministry officials and, despite two months' notice, was granted none of the interviews requested on political and economic subjects.

Since 1982, Mr. Ceausescu has reduced Rumania's foreign debt from more than $10 billion to about $5 billion. This is a singular achievement in a period in which many debtor countries find it hard even to meet interest payments.

Yet Mr. Ceausescu has won no praise, either from his own people or the rest of the world. Not only has the financial achievement been bought at the price of depriving the 23 million Rumanians of many of the necessities and most of the pleasures of life, but it has also starved the economy of the investment capital and imports needed to keep it competitive.

Foreigners said that in several export fields Rumania remained competitive. The petrochemical industry delivers large quantities of refined products to the West. Steel, bulk chemicals, cement, textiles, furniture and food products also sell well.

A Western official said Rumania, a member of the Warsaw Pact, has for years been selling gasoline and meat products to the American armed forces in West Germany.

Rumania's indebtedness to the West derives from the machines and other manufacturing equipment that Mr. Ceausescu bought on credit in the first decade of his leadership, starting in 1965. They were to serve as the foundation for rapid industrial development.

But because of a lack of modernization and maintenance, a drastic cutback in imports and poor performance by a labor force to which little incentive is offered, production rarely attains world-market standards. The output is sold largely in the Communist bloc, which cannot pay in hard currency, and in the developing world, which does not always pay its debts.

Moreover, since Mr. Gorbachev came to power, Moscow has made clear that it will not indefinitely accept inferior Rumanian equipment in return for commodities that can be sold for hard currency. The Soviet

Union is Rumania's biggest trading partner and the source of much of its petroleum.

Western experts also reported that failure to import pesticides and weedkillers represented a serious hazard to Rumania's grain harvest.

"It's all going backward by leaps and bounds," a Western official with extensive business contacts here said. "It will soon be an underdeveloped country with a pastoral economy. If you like the 19th century, this will be the place."

Mr. Speaker, I have another article by Jackson Diehl, Washington Post Foreign Service in the Washington Post of February 2, 1988, which I would like to also submit for the RECORD but would read a couple of excerpts to my colleagues.

It says, "Dissident activists in Poland, Hungary, Czechoslovakia and the Soviet Union," which are all Communist countries, Mr. Speaker, "staged demonstrations and issued statements today protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements." Here we have Communist countries, human rights activists in Poland, Hungary, Czechoslovakia and the Soviet Union criticizing the activities of the Romanian Government. It says, and I repeat, "protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements."

As I know my colleagues know, the Warsaw Pact is a Communist group of countries, with individuals in those countries protesting repression which is going on in Romania.

It says, "In Warsaw and Budapest, hundreds of persons gathered outside the Romanian embassies in midday rallies, while in Prague, about 60 people carried out a 24-hour hunger strike. Activists in all three capitals switched off lights in their apartments in a symbolic protest of the drastic economic austerity suffered by the Romanians. The protest actions were supported in a statement by Soviet human rights activist Andrei Sakharov that was endorsed by four other Soviet dissidents." Mr. Speaker, we have human rights activists in the Soviet Union, in Poland, and in other Communist countries standing tall for human rights in Romania, objecting to the repression and yet our own country, the United States Government, Mr. Speaker, the United States Government is giving special trade benefits to Romania. I do not understand that. I am just almost to the point that here we have dissidents, activists in Communist countries who are willing to risk imprisonment and do all of this to demonstrate in solidarity with the 23 million Romanian people who have been persecuted.

So I hope this Congress and I know Congress will, if this House and the Senate are given an opportunity to vote on this, that we will send a clear message to the administration, to the White House certainly, and to the Romanian Government.

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But, more importantly, we will send a message to the Romanian people, the 23 million Romanian people, that we care, that we stand in solidarity with human rights people around the world condemning this activity.

The article went on to say this " 'We know * * * the enormous price you must pay for fighting for the right to human dignity and the right to live free of hunger and terror,' said a statement addressed to Romanians and signed by 49 Polish activists, including leaders of the banned Solidarity trade union. 'We believe deeply that our shared dream for a free and democratic central Europe will be fulfilled.' "

Mr. Speaker, if people behind the Iron Curtain feel that way, obviously and hopefully everybody in the Congress and everybody in the administration will come together. I think by doing that, we can send a message through Radio Free Europe and through the grapevine to the Romanian people that we in the United States, the Reagan administration, the State Department, and the Republicans and Democrats in the House and the Senate, stand in solidarity with the Romanian people, making sure we will do everything we can to foster human rights in Romania and, for that matter, around the world.

Mr. Speaker, I submit the full text of that article from the Washington Post of February 2, 1988, for the RECORD:

[From the Washington Post, Feb. 2, 1988]

EAST BLOC ACTIVISTS COORDINATE PROTESTS—DISSIDENTS HOLD DEMONSTRATIONS AGAINST REPRESSION IN ROMANIA

(By Jackson Diehl)

WARSAW, Feb. 1.—Dissident activists in Poland, Hungary, Czechoslovakia and the Soviet Union staged demonstrations and issued statements today protesting repression in Romania in an unprecedented instance of coordination among Warsaw Pact opposition movements.

In Warsaw and Budapest, hundreds of persons gathered outside the Romanian embassies in mid-day rallies, while in Prague, about 60 people carried out a 24-hour hunger strike. Activists in all three capitals switched off lights in their apartments in a symbolic protest of the drastic economic austerity suffered by Romanians.

The protest actions were supported in a statement by Soviet human rights activist Andrei Sakharov that was endorsed by four other Soviet dissidents, Lev Timofeyev, Sergie Kovalyov, Raisa Gogaroz and Naum Meiman. The East European groups also issued statements, and Polish activists unsuccessfully attempted to deliver a petition to Romanian Embassy officials.

"We know . . . the enormous price you must pay for fighting for the right to human dignity and the right to live free of hunger and terror," said a statement addressed to Romanians and signed by 49 Polish activists, including leaders of the banned Solidarity trade union. "We believe deeply that our shared dream for a free and democratic central Europe will be fulfilled."

The various activities, which led to the arrest of more than a dozen protesters in Warsaw, marked the first time that East Bloc dissidents in several countries have organized simultaneous demonstrations and underlined the growing links among the region's independent political movements.

During the last 18 months, organizations in Eastern Europe promoting human rights disarmament, democratic opposition to communist rule and even environmental protection have begun contacting one another and organizing activities ranging from multinational declarations and petitions to independent peace conferences and clandestine strategy sessions along international borders.

The initiatives have been facilitated in part by the climate of increased political tolerance in Hungary and Poland as well as by greater opportunities for international telephoning and travel in most Warsaw Pact countries. Contracts for events such as today's protest have been routed through foundations and exile groups in Western Europe, which translate and distribute documents and relay messages.

Key organizers of the joint actions say the development of the Soviet leadership of Mikhail Gorbachev has given Eastern European activists more common goals to pursue even as it has lessened the risks of repression.

"For the first time there is the chance of a region-wide movement for reform rather than a process in just one country like Czechoslovakia in 1968 and Poland in 1980," said Miklos Haraszti, a leading Hungarian activist, in an interview last year.

While dissident groups in Poland, Czechoslovakia and Hungary have maintained loose contacts for a number of years, the communication gained new momentum in late 1986. In October, a statement on the 30th anniversary of the Hungarian revolution was drawn up and signed by more than 125 persons from five Warsaw Pact countries, including 54 Hungarians, 28 Poles, 24 Czechoslovaks, 16 East Germans and several Romanians.

One month later, a large number of East European and Soviet activists joined West European and U.S. peace and human rights workers in signing a special memorandum to the Conference on Security and Cooperation in Europe on "giving real life to the Helsinki accords," the 1975 agreement sealing the detente process between East and West and containing a number of joint commitments on human rights.

Since then, the East Europeans have worked on several other joint statements and independent peace activists have managed to gather for two independent conferences in the last year, one in Warsaw and one in Budapest.

Today's demonstrations were prompted by an appeal last month by Charter 77, which acted following reports of rioting by workers in the Romanian city of Brasov in November. The rebellion was one of the most serious shows of protest by Romanians against the neo-Stalinist regime of President Nicolae Ceausescu, which in recent years has imposed austerity on the country while maintaining the East Bloc's most repressive security apparatus.

Only in Poland did government security forces attempt to halt the demonstrations. Militia and secret police quickly seized demonstrators when they sought to lift banners calling for "human rights for Romanians and Solidarity." Among those detained were Warsaw Solidarity chief Zbigniew Bujak and Jan Jozef Lipski, head of the illegal Polish Socialist Party.

Mr. Speaker, I would also like to submit an article called "Charter 77 Document" of the Charter 77 Group in solidarity with the people in Romania. The text of that article is as follows:

CHARTER 77 DOCUMENT: A CALL FOR SOLIDARITY WITH ROMANIA

These day, the governments of Europe, various organisations as well as many ordinary citizens, are contemplating the future of our continent, the prospects for peace in Europe, ways of overcoming the division of Europe into political blocs, and the extent and type of human rights enjoyed by the populations of various European countries. Conferences are frequently held on these topics.

All this is to the good and very important.

What is less good is that the delegates at these conferences, sitting in well-heated and well-lit conference halls tend to forget there is a country in Europe where people have neither heat nor light.

In Romanian flats and offices, the temperature in winter rarely rises above ten degrees Celsius. Each flat is allowed a maximum of two forty-watt bulbs to be burning at any given time. In Romania, basic foodstuffs, such a flour, sugar and meat are—forty-three years after the war—either being rationed or not available at all.

After twenty-two years of rule, the Romanian leader offers the people of his country only one thing: the ostentatious cult of his personality.

It is a sense of total dispair that has driven Romanian workers to demonstrations.

Romania is a curious country; not only does its government deny to its citizens elementary liberties to an extent which has no parallel in any other Soviet bloc country, but it is not even capable of ensuring what the communist regimes call their 'greatest achievement', the basic material and job security, which these regimes use as a means of self-legitimation.

We wish to hold to their word all those Europeans who feel enthusiastic about Gorbachev's statement that we all live in one European house. We call on them to realise that in this rich house there exists a nation which is forced to live in fear of cold and hunger.

This is not only a Romanian affair. Just as the peace and the freedom of Europe are common and indivisible issues of concern to all Europeans, the situation in Romania is equally of common concern. And just as the freedom of those who are indifferent to the enslavement of their neighbors becomes uncertain, the certainty of being able to rely on heat and light also becomes doubtful, if it is connected with indifference to the plight of those who are forced to live in the cold and in the dark.

We therefore call on the European public to remember Romania. We appeal to you to show publicly your solidarity with the plight of the citizens of that country. We suggest to all Europeans that on 1st February 1988 they should express their solidarity with the Romanian people by any means available to them. Let us attempt, at least for a single day, to live in an unheated and badly lit flat. Let us try to deny ourselves at least for a single day, all those things that form our material living standard and that are permanently denied to the Romanians. Wherever this may be possible, let us stage peaceful protest demonstrations in front of the Romanian Embassies. Let us appeal to our governments to help the Romanian people. Let us look for ways in which each of us could personally help.

We call on the Europeans to join Charter 77 in expressing publicly, on 1st February 1988, their solidarity with suffering Romanian society and their revulsion against the despotic ruler responsible for this suffering.

We are aware that one day of solidarity will not solve the Romanian crisis. But we are convinced that it can contribute towards its solution.

The last article that I would like to submit is the New York Times article of Sunday, February 7. I want to commend the New York Times and the Washington Post. These are two newspapers that have done extensive coverage on this issue. For some unknown reason, this issue is not being very well covered by the American press throughout the United States. It is a big issue, one that is well covered by the Western press in Europe, but for some reason, other than the Wall Street Journal, the New York Times, and the Washington Post, it just seems to be a story that is not being very well covered here in the United States.

This is a very important article, Mr. Speaker, I hope that the Members will focus on it and get a chance to read this whole article. I will not go into it in detail, but it is about the meeting that our Undersecretary, John Whitehead, had a week and a half ago with President Ceausescu when he was in Romania.

Under the dateline of Bucharest, February 6, the article says:

After meeting with President Nicolae Ceausescu for nearly 3 hours today, a visiting United States official said he had found the Romanian leader unwilling to listen to American concerns about Romania's human rights policies.

The article goes on:

"I must say in all candor that I ws disappointed at not being able to convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedom," Mr. Whitehead said.

Mr. Speaker, the American people, as we know, have deep feelings. Sometimes when we go to these foreign countries that oppress their people, they do not understand why we are interested in human rights. They ask, "Why are you interested in this?"

We tell them that we are interested in it because the American people are good and decent people and care very deeply, and when someone is persecuted in a foreign land, whether it be Asia or eastern Europe or wherever, we care very, very deeply in this country.

Mr. Whitehead said that he was unable

To convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedoms . . . He seemed to resent my mention of these subjects.

Are we going to continue, Mr. Speaker, giving MFN to a man who resents our raising the question of human rights? Are we going to continue to give them most favored nation status? Clearly the answer has to be no.

The article goes on as follows:

In an interview, Mr. Whitehead cited as the areas of American concern the "general repression" of the Rumanian people, including restraints on freedom of religion, speech and the press.

Speaking at the airport, Mr. Whitehead complained specifically about events at a reception for what he called nonofficial Rumanians, held at the United States Ambassador's residence.

Meaning that the United States Ambassador and Secretary Whitehead, appropriately so, invited unoffical Romanians, the average Romanian people, to come to the American Embassy.

The article goes on to state:

"A number of guests were discouraged by the police from meeting with me and gained access to the residence only after considerable difficulty," he said, adding that "others were prevented from coming at all."

Mr. Speaker, I want to commend Secretary Whitehead for his position here and for his toughness in standing up to President Ceausescu and letting him know the concern the American people and the American Government and the American Congress have on this question of human rights.

Mr. Speaker, I include this article from the Sunday, February 7, 1988, edition of the New York Times as follows:

U.S. ENVOY IS CRITICAL OF RUMANIA ON RIGHTS

(By Henry Kamm)

BUCHAREST, RUMANIA, Feb. 6.—After meeting with President Nicolae Ceausescu for nearly three hours today, a visiting United States official said he had found the Rumanian leader unwilling to listen to American concerns about Rumania's human rights policies.

The American official, Deputy Secretary of State John C. Whitehead, set aside diplomatic protocol to turn his airport departure statement into a blunt official American denunciation of Rumania's human-rights record.

"I must say in all candor that I was disappointed at not being able to convey successfully to President Ceausescu the deep feelings that my country has about human rights and the importance of individual freedoms," Mr. Whitehead said. "He seemed to resent my mention of these subjects."

"This was particularly disappointing to me," Mr. Whitehead said, "since I have found a positive response to such concerns in other East European countries."

In an interview, Mr. Whitehead cited as the areas of American concern the "General repression of the Rumanian people, including restraints on freedom of religion, speech and the press.

Speaking at the airport, Mr. Whitehead complained specifically about events at a reception for what he called "nonofficial Rumanians," held at the United States Ambassador's residence. "A number of guests were discouraged by the police from meeting with me and gained access to the residence only after considerable difficulty" he said, adding that "others were prevented from coming at all."

Once major issue in American-Rumanian relations involved the American practice of granting most-favored-nation trade status to nations that allow free emigration. Last year, both houses of Congress voted against President Reagan's recommendation to continue the trade advantage for Rumania, but the legislation remains in committee.

Although Rumania has been comparatively liberal in allowing Jews and ethnic Germans to leave, Mr. Whitehead said that since Oct. 31 no exit permits had been issued. "That, of course, is disturbing," he said. "Whether they like it or not, that is our law, and the President will evaluate their performance by this standard. And there are a whole range of other things in the human rights area that are repugnant to Americans."

Rumania and the United States have enjoyed relatively close ties in the past, based mainly on Rumania's willingness to pursue a foreign policy independent of the Soviet Union. Rumania did not break diplomatic relations with Israel in 1967 and it refused to participate in the Soviet-led invasion of Czechoslovakia in 1968.

Mr. Whitehead said in his statement that common views continued to exist "on a large number of issues."

Mr. Speaker, I am going to end this special order but, there is one other subject which I may make really the center of a whole different special order, and that is a new book by Nicolae Ceausescu that has come out. There is a public relations firm and lobbyist in town that has been paid—I repeat, paid—by the Romanian Government to sort of flack for the Romanian Government here in town. I find it offensive when an American company and an American citizen, paid for by a Communist government, comes up and tries to put an image on for Nicolae Ceausescu and a Romanian Government which is repressing its people and trying to give the impression that things are different. Fortunately, we have this document here. I wish that everyone would read this document, "Country Reports" by the State Department. It just repudiates all the rhetoric and the public relations press releases that come out by people who are paid by the Romanian Government. This document by the State Department and by our Assistant Secretary, Mr. Schifter, who does an outstanding job in human rights, tells the true story.

I would just urge all Members, as they are sifting through their mail and seeing these books that come in by Nicolae Ceausescu about what a great government they are, would know that a number of foreign government leaders who are quoted in that book have called and complained about the quotes that are in there, saying that they are quoted inaccurately and that they were used in an inappropriate way. I think that should be the subject perhaps of another special order.

In summary, Mr. Speaker, I just want our colleagues to know that things are not better in Romania. I got back last month from visiting Romania. I went there with the idea that hopefully maybe things had gotten better and we could drop our amendment to suspend MFN. But I am disappointed. I am disappointed to report that not only are things not any better, but they are worse.

So I hope that all the Members listening know that if we ever have to vote again on this question in the Congress, we must stand with the human rights activists in Poland and Czechoslovakia and Hungary and Russia, that we stand with Andrei Sakharov, and that we stand with Victor Opris and we stand with good and decent people of all religious beliefs and religious faiths in Romania who are being persecuted, and that we do everything we can to make sure that until there is substantial and major improvement, we can no longer give-most-favored nation status to Romania.

So, Mr. Speaker, I thank my colleagues for their time, and I yield back the balance of my time.

ASSISTING MILITARY PERSONNEL WITH HOUSING

The SPEAKER pro tempore (Mr. RAHALL). Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which directs the Secretary of Defense to establish a permanent program involving military personnel and their civilian landlords. This program will remove perhaps the largest financial burden on our military families.

This legislation makes permanent the pilot program which has been in effect at Fort Ord over the last 15 months. The program has been implemented with a high degree of success resulting in the solution of problems with military residents with respect to payment and landlords obtaining guarantees on security deposit payments.

I would like to take a few minutes to describe what this legislation would do. First of all, it authorizes the Secretary of Defense to make the program permanent. Each military service would then have the option of whether, and at which installations, to institute participation in this program in the United States. Second, civilian landlords who rent to military personnel would agree to waive security deposits when renting housing units to military personnel for the guarantee of rental deposit security from the military.

In return, the military post would agree that if for any reason the service member leaves without making final payments for rent or damage, the post would make such final payments. These payments could not exceed the amount of an ordinarily required security deposit. Any outlays of the military post would then be deducted from the service member's paycheck.

For example, a service member wants to rent an apartment for $500 per month. Under this legislation, the landlord would agree to accept only a first month's rent without any required security deposit or last month's rent. Right away, we are saving the service member up to $1,000. If the service member is transferred to another post or is assigned to on-post housing and leaves his apartment without paying his last month's rent, the post to which he is assigned would meet the last month's rent payment of $500. This $500 would then be deducted from the service member's paycheck.

All of my colleagues are aware of the tremendous financial and emotional pressures inflicted on our military personnel and their families. This already tense situation is made even worse during a permanent change of station move. Travel and relocation expenses come out of the pockets of our servicemen and women. Reimbursement comes later, although in the past only $1 out of $4 spent on a PCS move has been reimbursed according to an Air Force study. And when the military families arrive in a new location, they must meet the immediate costs of security deposits, first and last month's rent, utility deposits and more. Before you can even blink, a military family can be thousands of dollars in debt. And 2 years later, the entire process is repeated.

It is important to note that no appropriation of funds is necessary because the service member would be ultimately responsible for meeting the costs of any damage or breach of lease.

I know that the landlords on the Monterey Peninsula have benefited from the pilot program. The favorable comments from the civilian landlords show that the vacancy rate has dropped considerably in their particular apartment complexes since participating in the program. Also, a housing referral office representative available when requested during move-out inspections provided the verification necessary to resolve any disputes or misunderstanding that arose at that time.

They realize the hardships imposed on the military family and they understand the program guarantees payment for damages and breach of lease, up to the amount of the usual security deposit. This program gives landlords one point of contact for all their military tenants and a source of information regarding military personnel who may soon be transferred, thus enabling landlords to prepare for a change in the lease.

Soldiers have been very happy with the program because without it, they could not afford a place to live and would, therefore, be forced to live apart from their families until on-post housing became available. The program has also kept soldiers from getting into serious financial difficulties which is often associated with a PCS move.

I believe the success of this pilot program should be carefully considered in implementing this servicewide legislation. This measure should solve one of the major problems facing our military personnel, and do away with certainly one of their largest financial burdens. What is more, no one loses in this program; everyone wins. Landlords are guaranteed payment, our military personnel are able to use their hard-earned dollars for necessities, and the services are guaranteed reimbursement for any outlays to landlords.

When the House voted in the 99th Congress to accept many proposals to ease the burdens on our military personnel, servicemen and women all over the world breathed a sigh of relief. But this legislation will now resolve one of the most pressing and financially disabling issues by making permanent this highly successful pilot program. I urge my colleagues to support it so that one day our military men and women will not look on military service as a financially crippling experience.

H.R. 3975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. HOUSING LEASE INDEMNITY PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2835. Rental housing lease indemnity program

"(a) The Secretary of Defense may carry out a program under which the Secretary of a military department may guarantee compensation of any person who leases a rental unit to any member of the Armed Forces under the jurisdiction of the Secretary for any breach of any lease or any damage to the rental unit by the member.

"(b)(1) In accordance with action taken by the Secretary of Defense under subsection (a), the Secretary of each military department shall carry out the program established under subsection (a).

"(2) For purposes of carrying out this section, the Secretary of a military department, to the extent funds are provided in advance in appropriation Acts, may enter into an agreement with any person who leases a rental unit to any member of the Armed Forces under the jurisdiction of the Secretary. Any agreement under this paragraph shall provide that—

"(A) the term of the agreement shall not be for more than one year;

"(B) the member shall not pay a security deposit;

"(C) the Secretary (except as provided in subparagraphs (D) and (E)) shall compensate the lessor for any breach of the lease by the member and for any damage to the rental unit caused by the member or by any guest or dependent of the member;

"(D) the total liability of the Secretary for any breach of the lease or for any damage described in subparagraph (C) shall not exceed an amount equal to the amount that the Secretary determines would have been required by the lessor as a security deposit absent the agreement authorized in this paragraph;

"(E) the Secretary shall not compensate the lessor for any breach of the lease or for any damage described in subparagraph (C) until the lessor exhausts any remedies available to the lessor against the member for the breach or damage; and

"(F) the Secretary shall be subrogated to the rights of the lessor in any case in which the Secretary compensates the lessor for any breach of the lease or for any damage described in subparagraph (C).

"(3) Any authority of the Secretary of a military department under this section shall be exercised under regulations prescribed by the Secretary of Defense.

"(c) RECOVERY FROM MEMBER.—Any Secretary who compensates any lessor under subsection (b) for any damage to a rental unit or any breach of a lease by a member of the Armed Forces may issue a special order under section 1007 of title 37, United States Code, to authorize the withholding from the pay of the member of an amount equal to the amount paid by the Secretary to the lessor as compensation for the breach or damage.".

(b) CONFORMING AMENDMENT.—The table of contents of such subchapter is amended by adding at the end the following:

"2835. Rental housing lease indemnity program.".

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ARMEY) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 60 minutes, today.

Mr. DAUB, for 5 minutes, today.

(The following Members (at the request of Mr. HUTTO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ECKART, for 5 minutes, today.

(The following Member (at the request of Mr. WOLF) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ARMEY) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. BROOMFIELD.

Mr. LAGOMARSINO.

Mr. RITTER.

Mr. COURTER.

(The following Members (at the request of Mr. HUTTO) and to include extraneous matter:)

Mr. YATRON.

Mr. SMITH of Florida.

Mr. LIPINSKI.

Mr. RODINO.

Mr. MRAZEK in two instances.

Mr. RAHALL.

Mr. GUARINI.

Mr. DORGAN of North Dakota.

Mr. MARKEY.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, February 22, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2926. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the authority for special pay for psychologists in the commissioned corps of the Public Health Service; to the Committee on Energy and Commerce.

2927. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a copy of the Portugal Economic Report which discusses economic conditions prevailing in Portugal that may affect its ability to (a) meet international debt obligations and (b) stabilize its economy, pursuant to 2 U.S.C. 2346 nt; to the Committee on Foreign Affairs.

2928. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report of the committee's activities under the Freedom of Information Act during the calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2929. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2930. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2931. A letter from the Chairman, Merit Systems Protection Board, transmitting a report by the Board entitled, "Expanded Authority for Temporary Appointments: A Look at Merit Issues," which reviews the effects of a significant expansion of Federal agencies' authority to hire temporary employees, pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2932. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report providing comments and recommendations on several NRC research efforts, pursuant to 42 U.S.C. 2039; jointly to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIXON: Committee on Standards of Official Conduct. H. Res. 380. In the matter of Representative Mario Biaggi (Rep. 100-506). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VENTO:

H.R. 3964. A bill to establish a National Park System Review Board, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.R. 3965. A bill to increase the criminal penalty for disorderly conduct and certain related offenses committed in the Capitol; to the Committee on Public Works and Transportation.

By Mr. BRYANT (for himself, Mr. Bruce, Mr. Coelho, Mr. Cooper, Mr. Leland, Mrs. Collins, Mr. Eckart, Mr. Waxman, and Mr. Markey):

H.R. 3966. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, to enforce the obligation of broadcasters to meet the educational and informational needs of the child audience, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.R. 3967. A bill to amend the Department of Defense Authorization Act, 1985, to extend medical benefits for certain former spouses; to the Committee on Armed Services.

By Mr. DAUB:

H.R. 3968. A bill to amend the Internal Revenue Code of 1986 to provide for economic development; to the Committee on Ways and Means.

By Mr. DYSON (for himself, Mr. Bateman, Mr. Grant, Mr. Sweeney, Mr. Sisisky, Mr. Donnelly, Mr. Callahan, Mr. Lancaster, Mr. Mfume, Mr. Thomas of Georgia, Mr. Smith of Florida, Mr. Cardin, Mr. Borski, Mr. Saxton, Mr. Roe, Mr. Morrison of Connecticut, Mr. de la Garza, and Mr. McMillen of Maryland):

H.R. 3969. A bill to establish a program to provide financial assistance for research relating to oyster diseases; to the Committee on Merchant Marine and Fisheries.

By Mr. KLECZKA:

H.R. 3970. A bill to provide common management for the Federal deposit insurance funds, effective January 1, 1989, to merge such funds and abolish the Federal Savings and Loan Insurance Corporation, effective January 1, 1993 (January 1, 1994, in the case of the National Credit Union Share Insurance Fund), to establish the Federal Depository Institutions Commission to assume the administration of all Federal laws relating to banks, thrift institutions, and credit unions, effective January 1, 1997, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANTOS:

H.R. 3971. A bill to establish procedures to implement the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on the Judiciary.

H.R. 3972. A bill to facilitate the implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction; to the Committee on Ways and Means.

By Mr. MARKEY:

H.R. 3973. A bill to allow for judicial review of civil penalties imposed under the Export Administration Act of 1979, and for other purposes; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. MRAZEK (for himself, Miss Schneider, Mrs. Roukema, Mr. Weiss, Mr. Green, Mr. Miller of Washington, Mr. Smith of Florida, and Mr. Feighan):

H.R. 3974. A bill to amend title 18, United States Code, to prohibit the manufacture, importation, sale, possession, transfer, receipt, shipment, or delivery of not readily detectable firearms; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 3975. A bill to amend title 10, United States Code, for the purpose of making permanent a rental housing lease indemnity program; to the Committee on Armed Services.

H.R. 3976. A bill to modify the navigation project for Morro Bay, CA, to direct the Secretary of the Army to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RAHALL (for himself, Mr. Udall, and Mr. Emerson):

H.R. 3977. A bill to authorize appropriations for the Mining and Mineral Resources Research Institute Act for fiscal years 1990 through 1993; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Florida:

H.R. 3978. A bill to amend title 18, United States Code, to prohibit certain handguns which are unsuitable for lawful sporting purposes; to the Committee on the Judiciary.

By Mr. DeFAZIO:

H.J. Res. 462. Joint resolution to amend the War Powers Resolution; jointly, to the Committees on Foreign Affairs and Rules.

By Ms. SNOWE (for herself, Mr. Whittaker, Mr. Matsui, Mr. Roe, Mr. Tallon, Mrs. Bentley, Mrs. Boxer, Mr. Crockett, Mr. Dwyer of New Jersey, Mr. Fish, Mr. Fuster, Mr. Gallo, Mr. Dymally, Ms. Oakar, Mr. Smith of Florida, Mr. Kastenmeier, Mr. Bliley, Mr. Foglietta, Mr. Ackerman, Mr. Atkins, Mr. Barnard, Mr. Blaz, Mr. Borski, Mr. Campbell, Mr. Chandler, Mr. Bevill, Mr. Clinger, Mr. Coats, Mrs. Collins, Mr. Coyne, Mr. Bustamante, Mr. Dowdy of Mississippi, Mr. Saxton, Mr. Schumer, Mr. Skelton, Ms. Slaughter of New York, Mr. Solarz, Mr. Stark, Mr. Studds, Mr. Coleman of Missouri, Mr. Craig, Mr. Flippo, Mr. Florio, Mr. Gephardt, Mr. Guarini, Mr. Hall of Texas, Mr. Lehman of Florida, Mr. Carper, Mrs. Patterson, Mr. Porter, Mr. Price of Illinois, Mr. Rangel, Mr. Rowland of Georgia, Mr. Sunia, Mr. Tauzin, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Walgren, Mr. Weiss, Mr. Weldon, Mr. Wilson, Mr. Wortley, Mr. Wyden, Mr. Wylie, Mr. Yatron, Mr. Young of Alaska, Mr. Hammerschmidt, Mr. Hayes of Illinois, Mr. Dorgan of North Dakota, Mr. Espy, Mr. Grandy, Mrs. Morella, Mr. Boucher, Mr. Gunderson, Mr. Henry, Mr. Denny Smith, Mr. Kolter, Mr. Wise, Mr. Wolf, Mr. Fawell, Mr. Owens of New York, Mr. Lipinski, Mr. Bilbray, Mr. Horton, Mr. Lagomarsino, Mr. Dornan of California, Mr. Daub, Mr. Sawyer, Mr. de la Garza, Mr. Levine of California, Mr. Ford of Tennessee, Mr. Gray of Pennsylvania, Mr. Kasich, Mr. Biaggi, Mrs. Roukema, Mr. Schuette, Mr. Mrazek, Mr. Erdreich, Mr. Smith of New Hampshire, Mr. Hatcher, Mr. McCloskey, Mr. Upton, Mrs. Kennelly, Mr. Neal, Mr. Owens of Utah, Mr. Rinaldo, Mr. Rodino, Mr. Lehman of California, Mr. Leland, Mr. Lewis of Florida, and Mr. Martin of New York):

H.J. Res. 463. Joint resolution designating November 20–26, 1988, as "National Family Caregivers Week"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. Valentine, Mr. Solarz, Mr. Berman, Mr. Walgren, Mr. Waxman, Mr. Levin of Michigan, Mr. Sikorski, Mr. Markey, Mr. Matsui, Mr. Moody, Mr. Coyne, Mr. Madigan, Mr. Morrison of Washington, Mr. Bates, Mr. Stark, Mrs. Morella, Mr. Levine of California, Mr. Ackerman, Mrs. Roukema, Mr. Carr, Mr. Jeffords, and Mr. Lantos):

H.J. Res. 464. Joint resolution to designate the week beginning October 2, 1988, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. KOLBE (for himself, Mr. Udall, Mr. Gray of Illinois, Mr. Penny, Mr. Schulze, Mr. Skeen, Mr. Fawell, Mr. Lancaster, Mr. Dannemeyer, Mr. Kemp, and Mr. Lowery of California):

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that the President should immediately enter into negotiations to establish a free trade area between the United States and Mexico; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SWIFT introduced a bill (H.R. 3979) to provide for the compensation of the Clallam County Historical Society for its participation on the construction of the Pioneer Memorial Museum at Olympic National Park, WA; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. Lewis of California and Mr. Miller of California.

H.R. 939: Mrs. Smith of Nebraska.

H.R. 975: Mr. Coughlin and Mr. Mazzoli.

H.R. 2283: Mr. Lancaster.

H.R. 2647: Mr. Eckart and Mr. Levine of California.

H.R. 3382: Mr. Coleman of Missouri and Mrs. Smith of Nebraska.

H.R. 3593: Mr. Sunia, Mr. Gejdenson, Mr. DeFazio, Mr. Eckart, and Mr. Bonker.

H.R. 3603: Mr. Lowry of Washington, Mr. Ford of Tennessee, and Mr. Staggers.

H.R. 3816: Mr. Mineta, Mr. Bates, Mr. Hayes of Illinois, Mr. Biaggi, Mr. Horton, Mr. Lipinski, Mr. Ackerman, and Mr. Atkins.

H.R. 3866: Mr. Madigan, Mr. Jones of North Carolina, Mr. Hefner, Mr. Carper, Mr. Volkmer, Mr. Stenholm, Mr. Jones of

Tennessee, Mr. Bustamante, Mr. Ortiz, and Mr. Rose.

H.R. 3883: Mr. Jones of Tennessee, Mr. Panetta, Mr. Wolpe, and Mr. Daub.

H.J. Res. 383: Mr. Atkins, Mr. Grant, and Mr. Nichols.

H.J. Res. 386: Mr. Bruce, Mrs. Byron, Mr. Cardin, Mr. Evans, Mr. McCloskey, Mr. Montgomery, and Mr. Schuette.

H.J. Res. 388: Mr. Buechner, Mr. Bunning, Mr. Clay, Mr. Darden, Mr. Davis of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Jenkins, Mr. Nichols, Ms. Oakar, Mr. Owens of New York, Mr. Oxley, Mr. Parris, Mr. Perkins, Mr. Quillen, Mr. Regula, Mr. Roberts, Mr. Rowland of Georgia, Mr. Russo, Mr. Schaefer, Mr. Shuster, Mr. Skelton, Mr. Solomon, Mr. Towns, Mr. Upton, Mr. Weldon, Mr. Whitten, and Mr. Young of Florida.

H.J. Res. 418: Mr. Annunzio, Mr. Buechner, and Mrs. Meyers of Kansas.

H.J. Res. 432: Mr. Flake, Mr. Quillen, Mr. Vander Jagt, Mr. Derrick, Mr. English, Mr. Bosco, Mr. Ford of Tennessee, Mr. Foglietta, Mr. Foley, Mr. Boland, Mr. Erdreich, Mr. Fields, Mr. Anthony, Mr. Hutto, Mr. Emerson, Mr. Tallon, Mr. Kolter, Mr. Bliley, Mr. Dornan of California, Mr. McCloskey, Mr. Petri, Mr. Hayes of Louisiana, Mr. Flippo, Mr. Spence, Mr. Coble, Mr. Chappell, Mr. Robinson, Mr. Lancaster, Mr. Gingrich, Mr. Sunia, Mr. Hammerschmidt, Mr. Wyden, Mr. Rahall, Mr. Kasich, Mr. Synar, Mr. Grant, Mr. Hefner, Mr. DioGuardi, Mr. Hochbrueckner, Mrs. Lloyd, Mr. DeWine, Mr. Bateman, Mr. Montgomery, Mr. Callahan, Mr. Carper, Mr. Bennett, Mr. Brooks, Mr. Bevill, Mr. Stangeland, Mr. DeLay, Mr. Espy, Mr. Boucher, Mr. Coats, Mr. Lagomarsino, Mr. Weldon, Mr. Lott, Mr. Applegate, Mrs. Meyers of Kansas, Mr. Young of Alaska, Mr. Roth, Mr. Barnard, Mr. Ford of Michigan, Mr. Bonker, Mr. Dingell, Mr. Hayes of Illinois, Mr. Davis of Illinois, Mr. Dwyer of New Jersey, Mr. Dickinson, Mr. Gunderson, Mr. Mack, Mr. Howard, Mr. Thomas of Georgia, Mr. Donnelly, Mr. de Lugo, Mr. Dymally, Mr. Brown of Colorado, Mr. Akaka, Mr. Owens of New York, Mr. Stump, Mr. Sisisky, Mr. Manton, Mr. Wilson, Mr. Smith of Florida, Mr. Bilbray, Mr. Bonior of Michigan, Mr. Neal, Mr. Volkmer, Mr. Levin of Michigan, Mr. Clay, Mr. Schaefer, Mr. Miller of Washington, Mr. Roe, Mr. Biaggi, Mr. Traxler, Mr. Lowry of Washington, Mr. Kostmayer, Mr. Nowak, Mr. Berman, Mr. Dowdy of Mississippi, Mr. Coelho, Mr. Green, Mr. Lehman of Florida, Mr. Murtha, Mr. Studds, Mr. Schuette, Mr. Courter, Mr. Sundquist, Mr. Whittaker, Mr. Pursell, Mr. Gallo, Mr. Hatcher, Mr. Fascell, Mrs. Boxer, Mr. Kanjorski, Mr. Livingston, Mr. Gilman, Mr. Dixon, Mr. Fuster, Mr. MacKay, Mr. Horton, Mr. Henry, Mr. Martin of New York, Mr. Pashayan, Mr. Richardson, Mr. Blaz, Mr. Borski, Mr. Frenzel, Mr. Gray of Illinois, Mr. Morrison of Washington, Mr. Clinger, Mr. Hughes, Mr. Towns, Mr. Savage, Mr. Rowland of Georgia, Mr. Jenkins, Mr. LaFalce, Mr. Lipinski, Mr. Jontz, Mr. Kildee, Mr. Jeffords, Mr. Robert F. Smith, Mr. Saxton, Mr. Pickett, Mr. Crane, Mr. Lewis of Florida, and Mr. Craig.

H.J. Res. 445: Mr. Johnson of South Dakota, Mr. McDade, Mr. Bilbray, Mr. Boucher, Mr. de la Garza, Mr. de Lugo, Mr. Yatron, Mr. Richardson, Mr. Wolpe, and Mr. Bliley.

SENATE—*Thursday, February 18, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable John Breaux, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*The Lord is my shepherd; I shall not want * * * though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; * * * Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.*—Psalm 23:1, 3, 4, and 6.

Let not your heart be troubled: ye believe in God, believe also in me. In my Father's house are many mansions: I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also.—John 14:1-3.

Our Father which art in heaven we thank You for these comforting words from King David and Jesus which remind us that we are never alone—not even in death. Whether suddenly—unexpectedly—or anticipated, death always surprises us, but we are never alone. "So teach us to number our days, that we may apply our hearts unto wisdom. O satisfy us early with Thy mercy; that we may rejoice and be glad all our days."—Psalm 90:20 and 14. Hear us—help us—keep us in Your loving care, O Lord our God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 18, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John B. Breaux, a Senator from the State of Louisiana, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Chair recognizes the majority leader.

THE CHAPLAIN

Mr. BYRD. Mr. President, I thank the Chaplain again for one of the most beautiful prayers that I have heard.

I, as one Senator, receive a great deal of spiritual sustenance from these prayers. They are strengthening, and I need them.

The Chaplain is reaching out to millions and performing a service in his great mission, reaching those whom he will never see and planting in their hearts a seed that may grow to a fuller, more meaningful life.

I love the Scriptures that he has quoted this morning, from the 23d Psalm. That was the favorite Scripture of my dead grandson, and it always touches me when I hear it spoken. It has brought succor and comfort to me, and, I know, to millions of others over the years, and it will always.

And then his promise that "I go to prepare a place for you and if I go and prepare a place for you I will return again," and his promise that "In my Father's house are many mansions."

There are some Bibles that have changed those beautiful words to many "dwelling places." I will take it the way that the King James version spells it out in beautiful unmatchable English.

That is the book that my mother read to me when I was at her knee. It said, "In my Father's house there are many mansions."

I do not need any revised versions to make the language better understood. My problem is not so much in failing to understand the Scriptures. There are many scriptural passages that I do not understand. My problem is in not living up to the Scriptures that I do understand. That is my problem.

And so, I hope the Chaplain will continue to read from that inimitable King James version of the Bible. I am not here to tell him how to say his prayers. I just want to commend him and thank him. Our country needs more of that Bible.

Last night, I passed beside the blacksmith's door,
And heard the anvil ring the vesper chime,
And looking in, I saw upon the floor,
Old hammers worn with beating years of time.
"How many anvils have you had," said I,
"To wear and batter all these hammers so?"
"Only one," the blacksmith said, then with twinkling eye,
"The anvil wears the hammers out, you know."
And so the Bible, the anvil of God's word,
For centuries, skeptic blows have beat upon,
But, though the noise of falling blows was heard,
The anvil is unharmed, the hammers gone.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair recognizes the Senator from Wisconsin, Senator Proxmire.

HOW WOMEN HAVE IMPROVED THE AMERICAN MILITARY

Mr. PROXMIRE. Mr. President why shouldn't far-and-away the biggest employer in the United States give women an equal opportunity with men to work? It doesn't. Not by a country mile. Who is the biggest single employer in this country? It is the Defense Department. In all fairness, recently the Defense Department has done far better than it has ever done before in providing jobs for women. It has also done far better than military departments in any other country in the world have ever done or do now. But it is not nearly enough. Women still have only about 10 percent of the more than 2 million active duty, full-time, uniformed jobs in the U.S. military. Mr. President, just consider how outrageous this is. The military is not just some powerful private employer out of the reach of Federal Government nondiscrimination laws. The makeup of our military personnel is entirely within the control of the Federal Government. How deep is the prejudice against women? Women suffer a 10-to-1 discrimination preju-

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

dice in hiring because the Federal Government still follows policies to make our Armed Forces a nearly exclusive men-only club.

Oh, yes, indeed. Lately there has been progress in overcoming this prejudice. The Air Force, the Army, and lately the Navy have begun to open up a more complete array of assignments to women, including combat jobs. And women have not only been coming into the services in greater numbers. They have been doing extremely well. Surprsingly, on virtually every standard of comparison women as a group have actually been doing better than men. But they still face cruel and truly nasty discrimination and prejudice.

A prime example of this sadistic cruelty appeared in an article in the Washington Times on Monday, February 15, from a shocking source. Edwin Feulner is a man I have admired and respected. He is a brilliant man. He heads a great organization.

Feulner is the president of the Heritage Foundation. His article on women in the military is the most sexist, insulting, vicious, mean, and thoroughly dishonest this Senator has read and I've read plenty on this subject. I must say for Feulner he knows how to strike low blows exactly where the victim is most vulnerable—below the belt. Feulner goes for the groin like a well-trained pit bull. He never lets up. For Feulner the trouble with women in the military is that they get pregnant. The Washington Times dresses this phoney argument up in the most lurid of peek-a-boo come-ons by accompanying the article with a cartoon. In the cartoon a woman enters a travel agency office. She asks: "How can I arrange a cruise on the Love Boat?" The travel agency receptionist doesn't even look up from the headline in the paper she's reading which announces: "Naval Pregnancies Perplex Pentagon." While staring at the headline, the receptionist responds: "See your Navy recruiter."

Mr. President, this is worse than a very sick and cruel joke. It propagates the nonsense that American women who serve in the military, especially if they serve at sea spend their time in illicit casual sexual relations, frequently become pregnant out of wedlock, and then take the taxpayers' money in pay and costly prenatal, delivery, and postnatal care while being absent from duty for many months at a time.

Is there truth in this savage attack on women in the military or it is strictly a phoney appeal to the prurient? The answer is that the Feulner article is from first to last a phoney. What has been the effect of pregnancy on female attrition and absenteeism in the military? The one comprehensive study of unauthorized absenteeism by both sexes in the Navy was made in 1978. The study considered the effect of pregnancy, as well as drug and alcohol abuse, for lost time for hospitalization including pregnancy, convalescent leave, awaiting physical evaluation boards, confinement, and unauthorized absence. What did it show for women, compared to men? Mr. President, this study was a real eye opener. It showed the unauthorized absence per 100 women—and this includes pregnancy was 442 days compared to 703 days per 100 men. Now think about this for a long minute. This study showed that women were absent from duty for all reasons including pregnancy far, far less than men were absent from duty for all reasons. In fact men were absent more than 50 percent more than women. These facts should put to rest this sleezy locker room libel for American women in the military.

Some critics persist in extending this libel to women requesting and securing discharge from the military in droves because of pregnancy. Mr. President, a more recent study shows this charge too is a gross exaggeration. Here are the figures for the past 3 years for enlisted Navy women. In 1985, 1986, and 1987 there was an attrition that is a discharge before the end of the term of enlistment for cause that is for misbehaviour, alcohol abuse, drug abuse, or court martial that was two to three times higher for men than for women. Now what happens when pregnancies are added as a reason for discharge? Including pregnancies the total figure for those 3 years show that the discharge of women was less than 20 percent higher than the discharge for men. In the case of both sexes the discharge before the end of term of enlistment for all causes was substantially less than 10 percent in any year.

Now let's put the total figures together. Women do much better including—I stress including—absence for pregnancies than men during their tour of duty. Men do slightly better in serving out their full term of enlistment. So in conclusion, it is clear that the Feulner snickering that, "That real problem with women in the military is that too darn many of them are getting, to put it politely, with baby," is a cruel, unfair, and dishonest attack on women who have, in fact, greatly improved the morale, the intelligence level, the skill, and the effectiveness of our military forces. Whatever view one takes in criticizing or championing our military, it is clear that in the past 7 or 8 years women have entered the military in unprecedented numbers and the military personnel has improved by every objective criteria: intelligence tests, educational attainment, AWOL record.

That is why, Mr. President, fairness and justice to women in providing opportunities with this country's biggest single employer also serve our national interest in providing a stronger and more efficient military force.

Mr. President, I ask unanimous consent that the article from the Washington Times to which I have referred sneeringly headlined, "Lullaby With Drums and Bugles?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 15, 1988]

LULLABY WITH DRUMS AND BUGLES?

(By Edwin Feulner)

A friend of a friend is an enlisted woman in the Navy.

For the past couple of years she has been living in an apartment in a Washington suburb, drawing full pay while attending a two-year junior college. The Navy (read that: taxpayer) has been picking up two-thirds of her tuition. Presumably, the Navy feels this enlisted woman will be more valuable to the service after she receives her associate degree.

Now she's pregnant. She plans to have and keep the baby. The Navy has been providing prenatal care, and Navy doctors would have delivered the baby and taken care of the new mother had she not decided to have a home delivery, performed by a midwife. Nevertheless, this June, after the able-bodied seababy is born, mother plans to return to active duty.

I tell you this story—which is absolutely true, unlike the Janet Cooke composite of Little Jimmy the drug addict in The Washington Post a few years back—because there is new interest these days in the subject of women in the military. Is it a good idea or bad?

Despite my presumed bias, I really don't have any problem with women in the military—up to a point. Women can, and on a daily basis do, perform most of the tasks performed by men. They can operate radar, push buttons, heal the sick, shoot rifles, march in formation, salute, type, boss people around, shuffle papers, weld, paint, and practically anything else their male counterparts can do.

There are some exceptions, such as heavy lifting. And call me a sexist: but if push comes to shove, if I had to slosh through the jungle for a month with a pack and an M-16, I'd rather have guys march beside me.

There's one thing in particular that women can do that men can't: have babies. And that's what's causing lots of problems in the military—morale problems, readiness problems, economic problems.

With women-in-the military a fact of life, the debate unfortunately has focused on women in combat. As nationally syndicated military affairs columnist Henry Mohr, a retired Army general and much-decorated combat veteran, put it recently, "Nobody questions their courage, patriotism or willingness to fight if necessary." He suggests, however, that combat "discipline" would break down if men and women were fighting side-by-side—not because of any defect in the women, but because, boys being boys, the men might go out of their way "to keep an eye out for the women in their units," losing sight of the larger military objective.

This brings me back to my friend's friend. This hand-combat business is a nice diversion, but the real problem with women in the military is that too darn many of them are getting, to put it politely, "with baby."

According to a Defense Department study, uncovered by Professor Jean Yarbrough of Loyola University, Chicago, for an article in Policy Review, "Ten percent of the women in the Army are pregnant at any given time. Over the course of the year, it is estimated that 17 percent of the Army's female personnel will have been pregnant."

Whether they are radar operators, guided-missile technicians, bomb putters-together, or clerk-typists in somebody's office, it cannot be good for America's fighting machinery to have so many people unavailable for rapid mobilization and deployment to God knows where to do Heaven knows what.

This is no way to run an Army. Or a Navy.

GAO STUDY ON GLASS-STEAGALL

Mr. PROXMIRE. Mr. President, on February 10, Comptroller General Charles A. Bowsher released the results of research conducted by the U.S. General Accounting Office into many of the most critical financial institutions regulatory issues currently before the Congress.

To date, this report has been hastily considered, and misrepresented. The GAO, as it should have done, has addressed all potential problems with the repeal of Glass-Steagall, the law that separates banking and securities firms. Naturally, critics of the repeal initiative have seized upon these few passages.

But just as GAO's stature is good cause for us to weigh with gravity its concerns about repeal, it is also important for us to consider the balance of the report. To be sure, GAO's findings, set out in nine appendices and a report by the agency to the House Subcommittee on Telecommunications and Finance, parallel those underlying my decision to sponsor the Financial Modernization Act.

I think it is important that we consider this report carefully, and take special note of some of these key findings by the GAO. These include:

> *Ad hoc* integration of the banking and securities businesses has created a need for a new legal and regulatory structure * * * to better reflect the realities of today's financial marketplace * * *.
>
> The data we have reviewed indicate that both households and businesses are likely to benefit from lower prices and enhanced services, as long as the safeguards we suggest elsewhere in this report are put in place.
>
> If banks are allowed to underwrite securities in the United States, we anticipate that some business will reenter this country. This process would enhance the competitiveness of the U.S. capital markets.
>
> The repeal of the Glass-Steagall laws should increase competition in both the banking and securities industry.
>
> Although critics of Glass-Steagall repeal have expressed concerns that deregulation will prejudice small banks to the benefit of large institutions, the evidence is not compelling. Indeed, small-instate banks in Maine and Georgia have thrived following approval for out-of-state banks to enter those markets.
>
> If commercial banks can successfully enter investment banking, concentration should be reduced in that industry. For example, concentration is currently lower in those segments (such as municipal general obligation bonds and Eurodollar securities) where commercial banks are currently permitted to compete.

The GAO research also indicated that all "tiers" of the banking industry, large money-center banks, "regional banks," "community banks," and banks in "even smaller size categories could * * * benefit from repeal of the Glass-Steagall Act." The report details the particular types of new services that each "tier" of the industry could, after entry restrictions are lifted, efficiently provide to its business, governmental, and individual customers.

Finally, the report takes note of the speed with which de facto breaching of the traditional Glass-Steagall separation is occurring in the marketplace, with arbitrary and inequitable consequences, and notes the urgency of the need for statutory reform: "[I]f we delay too long, we run the risk of perpetuating inequities."

The report, and Comptroller General Bowsher's statement accompanying the report, contain several policy recommendations concerning possible specific elements of reform legislation, many of which are reflected in the Financial Modernization Act, and some of which Senator GARN and I have not adopted. However, the importance of this new GAO report is precisely the facts contained in it, and the strong confirmation they provide of the need for comprehensive Glass-Steagall reform linked to efficient and effective safeguards.

BANKS AT RISK

Mr. PROXMIRE. Mr. President, "Banks at Risk," writes the Miami Herald in one of two editorials that I submit for the RECORD. The solution, advises the editorial writers, is to modernize banking law. The advice is well taken. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 13, 1987]

BANKS AT RISK

There's no need to panic, but there's cause for concern: That's a conclusion any prudent person might reach after reading David Satterfield's Herald series, "Banks at Risk."

Athough most banks remain sound, many are in trouble—some innocently, others because of questionable practices. Worse, the Federal insurance funds that back deposits are in poor shape despite recent bailouts. In a crisis, then, the taxpayers would have to pick up the tab.

Inevitably these concerns bring calls for a return to a more-placid era. Long before automated tellers and interstate banking, smiling local bankers gave away toasters and other "gifts" because the Government capped interest rates.

The American economy does not exist in a vacuum, however. Already U.S. banks, still hobbled by anachronistic regulations, have lost ground to aggressive foreign competitors eager to supply the world's capital needs. Turning back to Depression-era policies is thus not a practical option for the 1980s. Rather, the U.S. banking system must move ahead confidently. For this to occur, the Government must take several steps.

First, economic deregulation ought to be completed, not reversed. Insurance companies and other firms now offer banking services; banks ought to be able to compete. In addition, Congress needs to eliminate other outdated regulations that place banks at a competitive disadvantage.

Second, regulations to be retained—those related to fiscal soundness—should be enforced better. This entails giving the regulatory agencies enough trained personnel to do the job.

Finally, deposit-insurance funds ought to conform to the practice in virtually every other field of insurance: link rates to risk. As things now stand, a troubled bank has every incentive to take extra risks as it struggles to survive.

Government action alone can't prevent a banking crisis in bad times. The banks themselves must act as well. Those saddled with bad loans overseas, for instance, need to show more willingness to renegotiate the terms.

Banks also need to show restraint in this debt-saturated economy. Otherwise, in their eagerness to extend credit to every comer, they may create a crisis that would make the Latin-debt problem seem like a routine car-loan default.

[From the Miami Herald, Feb. 19, 1987]

PASS BANK REFORMS

The last time Congress undertook a major overhaul of the basic laws that govern banks, Franklin D. Roosevelt was President and the nation's financial system was near collapse.

The Banking Act of 1933 served the nation well for awhile. Conditions change, however. Now there's mounting evidence that new changes are needed to let America's banks compete effectively in a radically different world.

What's in doubt is whether another crisis must occur before Congress will act. Already warning signals abound. Bank failures reached 138 last year, the most since the Depression. Worse, the insurance funds for banks and thrift institutions are suffering. The Federal Deposit Insurance Corp. (FDIC) expects a loss of $1.28 billion this fiscal year. The Federal Savings and Loan Insurance Corp. (FSLIC) is even worse off.

How can this be happening in a time of general prosperity? And if it's happening when times are good, what will happen when there's a slump?

Financial experts say there's no mystery. The banks have become victims of a law intended to protect them. They've been kept from entering fields that were considered too risky back in 1933. Meanwhile, new players—from stock firms to department-store chains—have begun offering financial services once available only from banks.

The same anachronistic restrictions put American banks at a disadvantage in international finance. Today only three of the world's 25 largest banks are based in the United States. Some of America's largest banks—Chase Manhattan, for instance—have considered forfeiting their bank charters so that they may compete more freely here and abroad.

A major overhaul of Federal banking laws is overdue. President Reagan has recommended it. So has Vice President Bush's task force on the regulation of financial services. And so has Federal Reserve Board Chairman Paul Volcker.

Bills have been introduced in the House (HR 50) and Senate (S 60) to modernize Federal laws governing a business already revolutionized by changes in technology and world trade. These bills face formidable opposition from competitors prospering at the banks' expense. Yet if Congress doesn't act, a crisis seems inevitable. That's why banking reforms ought to be a major goal for Congress in 1987.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HELMUT KOHL

Mr. BYRD. Mr. President, today, at 11:30 a.m., the West German Chancellor, Mr. Helmut Kohl will be in room 207, and I hope that we will have excellent attendance from all Senators on both sides of the aisle to hear Chancellor Kohl. He has been a leader, a strong leader, in the alliance. He has stood firm at times that were critical to the alliance. He has stood firm against tremendous opposition from within his own country; and I am referring to the decision that was made to deploy the Pershing II missiles.

The alliance agreed upon deployment. Chancellor Kohl had political problems within his own country, but he made the decision, he stuck by it, and because of this unison on the part of the alliance, it was possible to reach agreement on an INF Treaty.

The Soviets once walked away from the negotiation. But when the alliance went right ahead, made the deployment, the Soviets came back and the dual track approach worked.

So, Chancellor Kohl will have something, I am sure, that we will all want to hear. It was my privilege, and that of Senators NUNN, PELL, WARNER, and BOREN last Tuesday, the day before yesterday, to have a visit with Chancellor Kohl in Bonn, and the Chancellor talked with us for 2 hours. It was very interesting and informative, what he had to say.

So, we owe the Chancellor the courtesy. This is a strong and dependable friend and a strong and dependable ally within the NATO alliance, and I hope that Senators, as I say, will adjust their schedules in such a way that they can attend this conference.

ORDER FOR MIDDAY RECESS

Mr. BYRD. Mr. President, in the light of what I said, I ask unanimous consent that the Senate stand in recess today between the hours of 11:30 a.m. and 1 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

MEASURING THE EUROPEAN CONVENTIONAL BALANCE

Mr. WIRTH. Thank you, Mr. President. As the country is absorbed in the changing nature of our relationship with the Soviet Union and the INF Treaty, one of the significant issues that we face is the question of conventional arms control and I would like again this morning to share another good analytic piece with Members of the Senate on the conventional balance. This is Barry Posen's piece, "Measuring the European Conventional Balance," found in International Security, the winter of 1984–85 edition.

Barry Posen of the Woodrow Wilson School, Princeton University, sees static "bean count" analyses of the European conventional balance as being dangerously simplistic, and calls for a more realistic balance assessment to better understand why recent military history yields examples of armored forces both succeeding and failing in the type of blitzkrieg attack threatening NATO from the East. For Posen, the answer to this anomaly, as well as to the state of the conventional balance, lies in a closer examination of the "breakthrough" battle, in which armored attackers concentrate their best resources on narrow sectors of the front in order to effect a rupture in the defensive line. Because the Warsaw Pact's quantitative advantage is not large enough to permit it to overwhelm Western forces everywhere, a successful breakthrough battle is the key to a quick pact victory. NATO's ability to prevent such a breakthrough could not only prove decisive in war, but also significantly enhance overall deterrence in peacetime.

NATO and the pact employ radically different military doctrines. The Soviets and their allies prefer large numbers of weapons and formations to NATO's logistics, command, control, communications, and intelligence, as well as ground forces to tactical aviation. The pact extols the offensive, while NATO tries to incorporate the advantages of both the offensive and defensive. The result of these differences is that, at first glance, Warsaw Pact forces appear to be quite formidable relative to the West. However, NATO's higher military expenditures are directed to less visible but equally important fighting capabilities. In effect, NATO structures its own forces and priorities according to its own theory of victory, even though many analysts have measured the conventional balance according to Warsaw Pact criteria, under which NATO forces have no chance of reflecting their true strength. Therefore, the most important question to ask is not whether NATO has as much firepower in a certain category as its adversaries, but rather to what extent the theoretical underpinnings on which it bases its military strategy are valid.

At this point, Posen lists other variables which he feels must be taken into account to reasonably appraise battlefield capabilities. These factors, ranging from density ratios, tactical air strength and military capabilities over time to density ratio and attrition, exchange, and advance rates, lead in turn to an analytical model underscoring NATO's definite ability to deter and defend. The avoidance of overly pessimistic portrayals of NATO's abilities not only prevents the spending of scarce resources in wasteful ways, but allows the West's political leadership to respond to the Soviets in time of crisis with a full and accurate view of all policy options and military capabilities.

Mr. President, I ask unanimous consent to have a précis of Posen's "Measuring the European Conventional Balance" included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEASURING THE EUROPEAN CONVENTIONAL BALANCE

(Barry R. Posen)

If NATO is to invest its scarce resources wisely in the coming years, if it is to choose intelligently from the menu of possible conventional improvements, it must begin with a careful assessment of the current NATO-Warsaw Pact military balance in Central Europe. Such assessments can only provide useful program guidance if they focus on the most dangerous threats faced by the Alliance, and capture as fully as possible the efforts NATO has already made to deal with those threats. Most assessments, unfortunately, are too simplistic, relying heavily on simple "bean counts" and failing to take adequate account of the many other variables involved.

The distinctive characteristic of military competition in Central Europe is the large concentration of mechanized ground forces on both sides, supported by substantial numbers of attack helicopters and fighter aircraft. Most assessments give the Warsaw Pact credit for quantitative superiority in these assets. These are the same kinds of forces that are associated with the major blitzkrieg operations of the last half-century: the German invasion of Poland, France, and the Soviet Union in World War II; the Israeli victory over the Arabs in 1967; and the Israeli counterattack across the Suez Canal in 1973.

Western scholars and political leaders have tended to fixate on the powerful offensive potential of Soviet armored forces, thus creating fears that a conventional war in Europe could end in a quick NATO defeat. If the Soviets believe that they can achieve victory with conventional forces alone, then overall deterrence of Soviet aggression is surely undermined. As John Mearsheimer has pointed out, in the world of conventional deterrence, it is confidence in quick, cheap victory that causes the aggressor to attack. In NATO's case, Soviet confidence in a speedy conventional victory may also undermine the deterrent effect of the Alliance's nuclear weapons, providing hope to the Pact that NATO could be overrun before a decision to use nuclear weapons were taken.

In spite of the prevailing fears and perceptions, however, not all of the military history of the last fifty years confirms the hypothesis that armored forces enhance the offense's chances of success. Individual battles such as Kursk and the Bulge in the Second World War and the Israeli defense of the Golan Heights in 1973 all suggest that armored assaults can be stopped—that mechanized defenders can also turn in impressive performances. Indeed, the German army's overall performance during the second half of World War II, when it was substantially outnumbered, is testimony to the defensive potential of even partially mechanized forces.

A survey of the history of armored warfare also suggests that the place to begin any assessment of the current NATO-Warsaw Pact military balance is the so-called "breakthrough" battle. Armored attackers customarily have concentrated their best resources on narrow sectors of their enemy's front, hoping to achieve a degree of quantitative superiority that could cause a major rupture in the defense line * * *

Most analyses of warfare in the Central Region of Europe correctly assume a front of roughly 750 kilometers (km) and further assume that the Soviets will attempt to break through in a small number of areas where the terrain and the road net are particularly suitable for armored warfare. Most analysts agree that the Pact will mount at least one major attack in the North German plain, considered to be the best corridor. One will almost surely be launched in the Fulda Gap, if only to tie down the powerful U.S. V Corps. The Cottingen corridor running through the German III Corps sector just north of the Fulda Gap is somewhat more attractive as a third choice than the Hof corridor. Each of these corridors is roughly 50 km wide.

In spite of the often cited Soviet numerical superiority in Europe, most analyses of potential Soviet attacks expect that the Pact will have to concentrate its efforts on these three or four rather well-defined breakthrough sectors since the Pact's quantitative advantage over NATO is not great enough to permit it to greatly outnumber Western forces everywhere. Thus, the successful breakthrough battle is the key to a quick Pact victory, and thwarting Pact breakthrough efforts becomes NATO's primary conventional military task. If NATO can achieve this in war, it may ultimately be able to mobilize its superior economic power against the Pact. If the Soviet Union can be made to believe in peacetime that NATO has this capability, then overall deterrence is enhanced * * *

The Warsaw Pact's and NATO's military doctrines, which determine how each alliance builds and organizes its military forces, are quite different from each other. At the most general level, the Pact prefers large numbers of major weapons and formations (often called "tooth") over training, the experience of military personnel, logistics, and the command, control, communications and intelligence (C^3I) functions broadly defined. (Logistics and C^3I are often referred to as "tail".) Additionally, it prefers ground forces to tactical aviation, although the Soviet Union does have substantial tactical air capability. NATO, on the other hand, prefers a more balanced mix of tooth and tail, shows greater interest in the training and experience of its personnel, and places greater emphasis on tactical airpower.

In terms of military operations, Pact doctrine tends to extol the advantages of the offense. This is fairly explicit in Soviet military writings. On the other hand, partly as a function of the Alliance's political orientation but also because of the lessons it has drawn from the school of military experience, NATO tends toward a more balanced view of the relative advantages of defensive and offensive tactics. This view is more implicit that explicit in NATO doctrine, which as a whole tends to be less formal that of the Pact. Particularly at the level of the small unit engagement, Western military thinkers have long held that the defense has substantial advantage—one that can be turned into an overall strategic defensive advantage through careful planning and the skillful conduct of military operations.

The net result of these differences is that the Warsaw Pact generates military forces that, at least at first glance, look substantially more formidable than those of NATO. Although official comparisons of NATO and Warsaw Pact defense spending have consistently shown NATO outspending the Pact by varying degrees ($360 billion vs. $320 billion in 1982 according to a recent Department of Defense estimate), the tendency in both official and unofficial balance assessments has been to highlight Pact advantages in tanks, guns, places, or divisions. The possibility that NATO's higher spending might be generating less visible, but equally important, elements of military capability seldom receives much consideration. Instead, NATO's superiority in the spending comparisons and apparent equality or near-equality in manpower are ignored, or explained away with relatively cursory arguments.

In effect, then, NATO tends to buy military forces according to its own theory of victory, its own military doctrine. Analysts, however, have tended to assess the military balance according to a different—the Soviet—theory of victory. Adopting Soviet criteria for measuring the balance will always make the West look bad in comparison to the Pact, short of very substantial increases in NATO defense spending and manpower, because NATO organizes and procures its forces according to quite different criteria. Indeed, if NATO were to try to build a military force that would redress the imbalance portrayed by its current assessments, yet build that force according to its own military doctrine, it would have to increase its spending lead over the Pact still further, and probably keep even more men under arms. The fact that the Reagan Administration's substantial increases in defense spending have done very little, and will do very little, to chance the numbers of tanks, guns, and planes in military units that have provided the basis for so many pessimistic assessments of the balance in Europe supports this judgment.

NATO's political and military leaders consistently have allocated scarce economic and demographic resources according to a particular military doctrine. In spite of assaults by dedicated military reformers, this pattern of resource allocation continues. The only conclusion that can be drawn from this situation is that NATO planners believe that their theory of military outcomes is correct. It may be prudent planning to ask what could happened if most of NATO's fundamental decisions about the allocation of its military resources proved to be wrong, and to buy some insurance against this possibility. Absent convincing arguments that most of NATO's military decisions have been wrong (and I believe that the arguments that have been made fall well short of this standard), these "worst-case" analytical exercises should never stand alone. Rather, they should accompany analyses that capture the expected positive military impact of the fundamental doctrinal assumptions that guide NATO's defense decisions. If they do not, they portray such pessimistic outcomes of a NATO-Pact conflict that they make improvements in conventional capabilities seem pointless, and, if believed by NATO's adversaries, may undermine the conventional component of its deterrent posture. Therefore, estimating the consequences for NATO if its current military doctrine is correct is as important to a comprehensive assessment of the military balance as assessments that assume the superiority of Pact doctrine. Moreover, by disaggregating NATO's relatively inexplicit military doctrine into subcomponents directly related to military outcomes, critical attention can be better focused upon them. Such attention will permit clearer thinking about the adequacy of NATO's current doctrine and may reveal that some aspects seem less plausible than others.

FACTOR IN THOROUGH BALANCE ASSESSMENT

Public discussion of the conventional balance in Europe often focuses on simple force comparisons that fail to include factors that will be vital to the outcome of any real battle. The Secretary of Defense's [1984] Annual Report, for example, asserts that: "Measures of total combat potential, which take into account both numbers and quality of weapons, show that Warsaw Pact forces in the Central Region of Europe have improved by more than 90% from 1965 to the present, while NATO forces advanced by less that 40%. * * * Overall, the shift in the conventional balance has posed new challenges to our ability to offset the Soviets' quantitative superiority, and has raised serious questions about our ability to halt a Soviet advance." Such simplistic analysis represents only the beginning of a complete threat assessment. At least six other variables must be taken into account before we arrive at a reasonable appraisal of relative battlefield capabilities. Analyses that exclude these factors are incomplete and unrevealing, and provide no meaningful basis for NATO planning. These variables are:

(1) Relative military capabilities over time. At what rate can both sides move military forces into the battle area along the inter-German and Czech-West German border? What is the likely combat capability of these forces when training, maintenance,

command and control, leadership, and quantity and quality of weaponry are taken into account?

(2) The effect of tactical air forces on the ground battle. Many public assessments of the balance simply leave out "tacair," and official assessments often given each side equal credit for tactical air effectiveness. In either case, possible advantages that NATO might hold in this area are unaccounted for.

(3) Force-to-space (and hence force-to-force) ratios. Implicitly, or explicitly, the adversary is often given credit for an ability not only to close his many divisions to the battle area quickly, but to actually concentrate them on small segments of the front to achieve the very high local offense-to-defense force ratios that could produce breakthroughs. Yet, historically, armies have found that there is a limit to how much force can be concentrated in a given space. If NATO can achieve some level of density of its ground forces across the front, then it should be difficult for the Pact, even with more forces overall, to achieve very high ratios in selected breakthrough sectors.

(4) Attrition rates. At what "pace" or "level of violence" will the battle proceed? What kinds of casualties is the adversary willing to take? Does "friction" place some limits on the pace at which the battle can be forced? Historically, short periods of very intense combat can be identified in which one side or both suffered 10 percent or worse attrition to armored fighting vehicles per day. On the other hand, rarely are battles of this intensity sustained for more than a few days.

(5) Exchange rates. How many destroyed armored fighting vehicles must NATO suffer in order to kill a Pact vehicle? Given the Pact superiority in numbers of major weapons, NATO must achieve favorable exchange rates in order to defeat the Pact. If the exchange rate is not in the 2:1 range in NATO's favor, then the Alliance could find itself in trouble. Favorable exchange rates are not uncommon for defenders fighting on their own ground, particularly if that ground has been prepared with field fortifications, obstacles, and mines. Indeed, an often quoted rule of thumb suggests that the defender can hold at an engaged force ratio of 3:1 in favor of the offense. This would be consistent with a 3:1 exchange rate.

(6) Advance rates. There is a tendency to assign fairly fast advance rates to Pact forces, several tens of kilometers per day in some cases. Some of this tendency can be attributed to Soviet military literature, which calls for very high advance rates. There has also been a tendency to simply assume that the high advance rates characteristic of armored warfare's headier historical successes would be replicated by the Soviets. Finally, crediting the Pact with very large forces and very high force ratios in breakthrough sectors tends to produce relatively fast forward movement according to some widely employed dynamic analytical techniques, such as the Lanchester square laws. On the other hand, even with armor pitted against armor, and often with high force ratios, modern mechanized armies have frequently found forward movement against determined defenders to be very difficult.

Under relatively conservative assumptions, NATO's forces appear adequate to prevent the Pact from making a clean armored breakthrough. The ground forces of the Alliance seem large enough to hold the Pact to break-through-sector force ratios that are much lower than those that soldiers and military commentators have though necessary to produce success. If the Pact is given credit for an ability to make NATO withdraw at a slow pace that is consistent with the low force ratio, and Pact units are forced to pay a relatively modest price to do so (i.e., a two-to-one exchange rate), NATO still appears capable of containing the penetrations and preventing breakthroughs. Moreover, as was noted earlier, NATO still would have sizable uncommitted reserves for much of the battle, which could counterattack a successful breakthrough if occurred.

Clearly, if NATO's doctrine is correct (and I have tried to show that this is at least plausible), its forces are much more likely to defend successfully than is widely perceived to be the case. The question then is whether NATO has chosen the correct doctrine. If not, then huge new investments spent the same old way cannot rectify whatever defense problems the Alliance may actually have. If the doctrine is correct, then major new investments in capabilities may not be necessary. Rather, investments should be carefully directed towards buying more insurance in the areas of greatest uncertainty.

The practice of building forces according to a theory of victory that NATO's military planners apparently believe and then assessing their capabilities according to a very different theory of victory can only confuse NATO's political leaders and publics about the state of the military balance and what should be done to improve it. The principal result of this practice is that NATO's current position in conventional forces is made to appear very poor and the investments needed to repair the situation are made to appear very great. While this behavior might help promote some extra investments that could ultimately provide a useful margin of military safety, they may also obscure the progress that NATO has already made, and make modest improvements that lie within the realm of political and economic feasibility appear pointless to those who must find the resources. Similarly, the practice also inhibits clear thinking about NATO's future military efforts. Pessimistic portrayals of the military balance may divert scarce political and economic resources to speculative military ventures that promise quick and easy solutions to NATO's seemingly insurmountable difficulties. To some extent, NATO is already falling victim to these pitfalls.

Finally, one-sided portrayals of the conventional balance may have a pernicious effect in political crises. It is surely true that, if the Pact mobilizes, trains, and assembles its Category II and III divisions and NATO does not respond in some fashion, then the Alliance will shortly find itself in a very dangerous military situation. If, however, NATO's political leaders are convinced that no amount of mobilization will make the Alliance competitive with the Pact, then they will be more inclined to delay in a crisis, out of fear than any military action will not only appear provocative, but will not improve NATO's chances in war anyway. In short, whatever the motives, failure to account fully for the Alliance's current military effort in a NATO-Pact balances assessment has costs. These costs are not always immediately visible, nor are they necessarily incurred by those who engage in such assessments, but they are real—and they may be high.

Mr. QUAYLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

A TRIBUTE TO WAYNE AND KIM SEYBOLD, OF MARION, IN, FOR THEIR SKILL, EXCELLENCE, AND TRUE OLYMPIC SPIRIT

Mr. QUAYLE. Mr. President, the State of Indiana is truly well represented at the 1988 Olympic games in Calgary, Alberta, Canada. A unique brother and sister figure skating team from Marion, IN, has captured the hearts and minds of their fellow Hoosiers and indeed the whole world. Their story is both touching and compelling.

Wayne and Kim are the children of Jean and John Seybold, of Marion, IN. They first began as rollerskaters in their youth and demonstrated their skill by winning the State rollerskating championship. In 1976, the brother and sister team tried ice skating for the first time. Just 3 months later the Seybolds placed second in a Midwest ice skating competition.

The Seybold family has given its all to the success of Wayne and Kin. Three times a week the family traveled 112 miles to the nearest skating rink to sharpen their skills. The rewards for this hard work began to be realized when they won the junior pairs championship in 1982 before a friendly home State audience in Indianapolis.

Their success on ice was almost halted by a series of misfortunes. Wayne suffered from asthma as a young boy and teen. His condition was so bad that at times he required the attention of a physician. In 1983, Wayne experienced yet another medical setback. While working with a circular saw he nearly severed his thumb.

Despite these serious occurrences the Seybold family persevered and fought on. Three months after surgery saved Wayne's thumb, he and Kim were back on the ice.

Continued competition was financially expensive. The Seybold's made every sacrifice in order to keep the brother and sister tandem skating. The city of Marion responded when the need became desperate. Residents and friends of the family raised more than $23,000 to meet the costs of further competition.

Mr. President, Wayne and Kim Seybold have skated their way into the hearts and minds of the world. Their story of dedication, hard work, and overcoming tremendous obstacles is an inspiration to us all. Their spirit of competition follows in the true Olympic tradition and they and their family can be proud of their outstanding performance.

IN RECOGNITION OF JILL WATSON, A NATIVE OF BLOOMINGTON, IN, FOR HER OLYMPIC EXCELLENCE AND SPORTSMANSHIP

Mr. QUAYLE. Mr. President, it gives me great pleasure to bring to the Senate's attention an outstanding athlete whose skill and grace have been recognized not only by her fellow Americans, but by the entire world.

Jill Watson, a native of Bloomington, IN, is one of many winter olympians representing the United States at the 1988 games in Calgary, Alberta, Canada. On February 16, Miss Watson and her skating partner, Peter Oppegard, last night were awarded the bronze medal in the pairs figure skating competition. This is the only medal won thus far by U.S. athletes in these winter games.

This Olympic win was the product of years of tireless practice, dedication, and persistance in the true sportsman fashion. At the age of 12, Miss Watson witnessed the Olympic thrill firsthand by attending the training at the 1980 games in Lake Placid. From then on she knew that she wanted to compete in her own right in the Olympics.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, the group of four on each side of the aisle, appointed by the joint leadership, will be meeting this morning to determine whether or not there is room for accommodation between the two sides; hopefully, to find some way in which we can agree on a package and passage, a package that deals with campaign financing reform.

I hope that they will not only meet this morning, but meet again this afternoon. I hope that they will meet tomorrow, if there is any hope at all in reaching an accommodation, each with the other.

I want to extend every opportunity for compromise, meaningful compromise. I do not intend to open up an avenue for delay, but I think there is every reasonable reason, every reasonable hope, at this point, that the two groups working together, representatives of the positions taken by the minority and the majority in this Chamber, can find a way to come together and support meaningful campaign finance reform.

In my judgment, there cannot be genuine campaign finance reform unless there is a limitation on campaign expenditures—and it must be an enforceable limitation—and the limitation on aggregate PAC expenditures.

Mr. President, we have been debating the question of whether to move forward on campaign financing reform for over a year now—since S. 2 was introduced at the very beginning of the 100th Congress. In April of 1987, the Committee on Rules and Administration, chaired by the distinguished Senator from Kentucky [Mr. FORD], reported landmark legislation. That legislation would have accomplished a great deal in a number of areas to give the people of this Nation reason to believe in the integrity of campaigns for the Senate and to believe in the integrity of this institution, the lasting integrity of this institution, when all is said and done, there are two essential and fundamental ingredients of S. 2, without which there can be no true campaign financing reform. First, we must halt the staggering growth of campaign spending, which itself leads to so many other of the system's problems. We must devise spending limits which will work.

The need for this is self-evident. Campaign expenditures for general election House and Senate candidates rose from $321 million in 1984 to $390 million in 1986. Senate general election candidates spent nearly half of this amount, $182 million, up a dramatic 23 percent over 1984. The average expenditures in the years 1985 and 1986 of candidates for the Senate in the 1986 general election were nearly $3 million. Of course, in many States they were much higher than that. That was the average.

Three out of four candidates for the U.S. Senate in 1986 spent in excess of $1 million and more than one in three spent in excess of $3 million. If we project in a straight line to 1988, we can expect the average campaign to cost nearly $3.7 million.

It is instructive to note that from 1972 to 1984, the cost of congressional elections rose a staggering 485 percent, while between 1976 and 1984, the cost of Presidential campaigns under a system of voluntary spending limits linked to public financing rose only 10 percent.

Second, we must limit the role which political action committees [PAC's] are permitted to play in our system. Between 1980 and 1984, PAC contributions roughly doubled, rising by $50 million in 4 years. If PAC contributions rise at the same rate between 1986 and 1988 as they did between 1984 and 1986, we could project a $55 million increase between 1984 and 1988, raising the total in 1988 all the way to $156 million.

Mr. President, I want to interject emphatically here that I do not believe that PAC's, those who establish them, those who contribute to them, or those who run them are inherently evil. I do not believe that. Nobody maintains that. PAC's and those who contribute to and through them, have a place in the American political system; I do not believe it would be fair or desirable to eliminate the PAC construct as a means of political expression in this Nation. PAC's and their contributors are entitled to a voice just as are others. But in too many campaigns PAC's are playing a disproportionate role. Equally important is the fact that the rapid growth in the proportion of campaign funding contributed by PAC's has led to a public perception that offices in this body are for sale to the highest special interest bidder. Mr. President, when a perception like that takes hold there is an imperative to act, and the imperative rests upon us, this body. The objective is not to obliterate or emasculate PAC's, but to regain a sense of balance—so that PAC's do not exert, and are not seen by Americans to exert undue, disproportionate influence over the American political process.

I sense from all four corners of our Nation a deep-seated, emotional mandate for the Congress to address these two matters immediately and effectively.

The American people are fed up with how much money is spent on campaigns—especially given that so much of it is spent on negative advertising and mud-slinging which provide them with no help in determining which candidate is best equipped to undertake the vital work done in the people's name, and especially given that so much of the incredible sums that are spent comes from special interest groups which are seeking to mold legislation to the benefit of their members.

It is a curious argument that opponents of this bill make when they argue that a special interest group that contributes nearly $3,000,000 in a single election cycle expects nothing in return. The public knows better, and we know better.

What has been the fate of S. 2 since it was brought to the floor? A majority of Senators have demonstrated, by supporting the motions to invoke cloture, that they want to stop the filibuster being waged by some on the other side of the aisle—that they want to debate and act on amendments and then to pass a bill that truly reforms our system of campaign financing.

Sadly, a minority of Senators has chosen to try to prevent the Senate from taking such a course. We came to the very unfortunate point last year where, after a number of the members of their party spoke time and time again ostensibly in favor of campaign financing reform, the Republican conference voted to oppose not just public financing of campaigns—against which they had been arguing for several days—but also to oppose any—a-n-y—campaign spending limits.

The sad state of our system of financing Senate campaigns is not a Democratic debacle. It is not a Republican debacle. It affects all of us. It affects all citizens, regardless of party allegience. There can be no solution that does not involve the support of a number of Senators in both parties.

We cannot break this filibuster with Democrats alone. We do not have enough Democrats. We need more votes from the Republican side of the aisle. We have had three thus far. And we cannot break this filibuster unless additional Senators come forward and say it is time, it is time to vote.

One reason why we need to invoke cloture is to preclude nongermane amendments. There is one amendment pending that would provide for Contra aid, I believe, something like $270 million.

In any event, it deals with Contra aid. There is another amendment dealing with the Monroe Doctrine. Well, these amendments have absolutely nothing to do with campaign financing reform, and so cloture would rid this bill of being a target for nongermane, nonrelated amendments such as those two to which I have alluded.

Mr. President, either a Senator wants true campaign financing reform or he does not. Either he is willing to support steps that will rectify the current situation and put our campaign financing house in order, or he is not. If a Senator does truly want campaign financing reform, he will support equitable but effective campaign spending limits. That is the essence. This is the matter which separates those who are serious from those who are not serious on this issue: spending limits.

To those who have disagreed with the details of S. 2, or other components of the bill, we have offered every olive branch we know how to offer.

During earlier debates on S. 2, several Senators sought to find calamity for the union in the amount of public dollars that would be devoted to campaign financing under S. 2, as reported by the Rules Committee—despite the fact that all such funds would come from an increase in the voluntary checkoff of only $1 per taxpayer. Mr. President, let me repeat: $1 per taxpayer—and only from those who voluntarily, of their own free will, choose to check off the $1.

Nevertheless, in response to that line of criticism, Mr. President, Senator BOREN and other Senators and I determined to show our good faith, and so we devised a substitute amendment which cut the amount of public financing by more than half. By switching from a grant system of public financing to a matching system, the maximum proportion of his general election spending any candidate could receive in public funds was reduced to 40 percent, and only rarely would a candidate receive the maximum. Forty percent from what it was in the bill that was originally reported from the Senate Rules Committee.

Those of us who were sponsoring the legislation were unable to perceive any movement whatsoever on the other side of the aisle from our efforts to reach out and make this accommodation.

In the face of continued resistance after we had advanced that compromise proposal, Senator BOREN and other Senators and I devised yet another version of S. 2. This, the current version—which the Rules Committee agreed to substitute for its originally reported version of August 7, 1987 eliminates the concept of providing public financing to every Senate candidate who abides by spending limits. Instead, public funds are provided only to those candidates whose opponents exceed the State spending limits established by S. 2.

But I regret to say that our good faith attempts at compromise have not been met by the same kind of willingness on the part of S. 2 opponents to achieve a true compromise.

S. 2 establishes voluntary spending limits for the entire Senate campaign cycle in each State. These assure that the inexorable growth curve of campaign expenditures will be halted. Neither the Dole nor the McConnell/Packwood bills limits spending. Inextricably connected to these spending limits, of course, by dictum of the Supreme Court's decision in Buckley versus Valeo, is a system of public financing; that decision held that only in the context of public financing are voluntary expenditure limits acceptable.

Direct PAC contributions to congressional races increased by more than 1,000 percent between 1974 and 1986. Perhaps more important, PAC's recently have begun to heavily use sophisticated "bundling" techniques allowing the aggregation of individual contributions.

S. 2 establishes an aggregate PAC limit covering the 6-year Senate election cycle in each State, set as a percentage of the primary election spending limit and, therefore, sensitive to State population differences. It sets similar aggregate limits for PAC contributions to party committees, congressional campaign committees, and State or local party committees. S. 2 takes another very important step with respect to PAC's: It closes the "bundling" loophole by prohibiting PAC's or those associated with them from collecting or delivering any aggregate of contributions in excess of the PAC's own limit of $5,000.

The McConnell/Packwood bill eliminates direct PAC contributions to candidates, and the Stevens bill decreases the amount of direct PAC contributions permitted from $5,000 per election ($10,000 per cycle) under current law to $2,500 per election ($5,000 per cycle).

The Stevens bill which permits PAC contributions to candidates, however, fails to establish an aggregate PAC contribution ceiling for each candidate. A proliferation of PAC's could make the reduction in limits for per-PAC contributions which the Stevens bill contains totally ineffectual. More distressingly, both bills open wide the floodgate for PAC's to bundle unlimited amounts to candidates. The direct contribution limit included in each bill thus becomes meaningless.

The Dole bill reduces the amount each PAC can contribute to a candidate in each election from $5,000 to $3,000, $6,000 per cycle, but fails to establish an aggregate PAC contribution ceiling for each candidate, which makes the PAC limitations potentially ineffectual as I have described. The Dole bill does seek to curtail the practice of bundling.

None of the three proposals of S. 2 opponents deals as directly or effectively as does S. 2 with the matters of independent expenditures or the so-called millionaire's loophole whereby wealthy candidates can contribute unlimited amounts to their own campaigns. S. 2 provides the resources for candidates who are confronted by heavy negative advertising paid for with independent expenditures, or by massive spending from a wealthy opponent, to get their responsive messages to the voters. That would occur under none of the other proposals.

S. 2 was neither designed nor intended to be a partisan bill. Those of us who support it do not intend for the debate to be a partisan exercise. We just want the Senate to be permitted to get on with this vital work, consider and act on amendments, germane and relative amendments, and pass a true reform bill. If those who believe there are preferable ways to address campaign financing reform over those embodied in the current version of S. 2 will offer their proposals as amendments, then let the Senate act. That is the way the process is supposed to work.

I have some considerable confidence, Mr. President, that the attempt by some strong opponents of S. 2 on the other side of the aisle to enforce the opposition of virtually all Republicans, is doomed to failure.

I do not believe that all of our friends on the other side are at ease with that kind of posture. But the Republican conference has said no limitations on campaign expenditures.

I hope there are some on the other side of the aisle, in addition to the two original cosponsors and the third who voted for cloture in September, who are sufficiently committed to real campaign finance reform—and, in particular, to achieving reasonable limits on campaign expenditures—that they are ready and will vote to permit consideration of and action on S. 2 in its most recent form.

So, Mr. President, it is "get off the dime time" on S. 2. We had a gentlemanly 3 months of consideration last year—extending every courtesy to those who said they had problems with S. 2 and wanted to discuss those problems. It now is time to get down to business—to consider and act on any amendments—any germane amendments—to S. 2 that Senators want to offer, and then to take final action on S. 2 and send it to the House.

I hope 1988 will be the year that congressional campaigns are reformed, and that 1988 go down in history as equal in significance to the successful reform of Presidential elections and campaign financing following the sordid revelations of abuses which culminated in Watergate.

Senator **Boren** and I and other S. 2 proponents stand ready to meet at any time with those who have problems with some of S. 2's features.

This is an idea whose time has arrived, Mr. President. And it is only a matter of time before the Congress passes true campaign financing reform legislation like that currently pending before the Senate. I hope that time will be this year.

The American people are not going to put up with much more of the way we finance campaigns. They are not going to put up with much more of the amount of time we, their elected representatives, spend in fundraising. They are not going to put up with much more of the way special interests now are permitted to excessively affect the system of electing Members of the Senate and the House. They rebelled against the continued revelation of abuses and excessive spending in Presidential campaigns. The people rebelled against the continued revelation of abuses and excessive spending in Presidential campaigns. And once they are fully aware of what is going on, they will rebel against the same in congressional campaigns. And any Senator or any Congressman would be unwise not to recognize the early signals and to act on them.

I urge all Senators who have not yet supported S. 2, or who have not supported at least permitting the Senate to act on S. 2 by voting for cloture, to permit the Senate to invoke cloture, prohibit nongermane and irrelevant amendments, and act on campaign financing reform legislation now. There is no time like the present for the Senate to do something positive in this 200th year of the existence of the U.S. Senate to confront and remedy a situation that is simply unacceptable to this Nation, to its citizens, to this institution, to ourselves and to our families.

Mr. President, I hope that other Senators will come to the floor and debate this measure. The Senate will be recessing at 11:30 until 1 o'clock to permit Senators to appear with Chancellor Helmut Kohl who will be in room S-207. I should say to Senators that I do not anticipate any rollcall votes today. I want to give Senators ample time to lay on the **Record** their case for and against this legislation, and to lay on the **Record** their proposals for changes that they would like to make for the **Record**.

I also want to give the four Senators on each side of the aisle, selected by the leadership, to discuss among themselves any areas of possible compromise and accommodation so that we will exhaust every possibility and every opportunity to join hands across the aisle and come up with a measure that will hopefully have the bipartisan support of Senators.

That may be impossible. As I have indicated, I think genuine campaign finance reform has to have a limitation on overall spending, a workable limitation, and a limitation on aggregate PAC contributions.

So, Mr. President, I do not intend to offer a cloture motion today. I do not intend to have any rollcall vote unless Senators are ready for a vote on the pending amendment. I do not anticipate that will occur today.

So I think I should state that I do not foresee any rollcall votes today. I hope we will continue with those meetings, however, between ourselves and Senators on the other side of the aisle who are opposed and who have, thus far, been opposed to S. 2. I would hope the meetings would continue throughout the day and tomorrow, so that it cannot be said that we were unwilling to talk, we were unwilling to explore, we were unwilling to probe for a possible resolution of differences.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. **Graham**). The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I rise today to reiterate my strong support for S. 2, the Senatorial Election Campaign Act of 1987, of which I am an original cosponsor. I believe this is legislation that has been needed for several years, and as we approach another congressional election, the need has never been more apparent. I hope its time for passage and enactment has finally arrived.

Every Member of this body is now thoroughly aware of the incredible growth over the last decade of both campaign costs and political action committee contributions to Federal campaigns. From 1976 to 1986, the average expenditures spent by winning Senate congressional candidates has soared from $609,100 to over $3 million. This is an increase of 400 percent in unadjusted current dollars—a truly mind-boggling rise in campaign spending. The number of federally registered PAC's has skyrocketed from 608 in 1974 to 4,157 in 1986. This has led to a corresponding rise in PAC contributions. The nearly $140 million given to congressional candidates in 1986 is nearly twelvefold increase over 1974.

I believe we need to act now to control this tremendous rise in both total spending and PAC contributions, or we soon will lose control of our entire political election process. This is why I strongly endorsed the Campaign Finance Reform Act sponsored by Senators **Boren** and Goldwater that passed the Senate in 1986 by a vote of 69-30. This bill would have established these limits. Unfortunately, the measure never won final passage. I was pleased, therefore, that Senator **Boren** reintroduced this bill as the Senatorial Election Campaign Act of 1987 at the start of the 100th session of Congress. I am proud to join our distinguished majority leader, Senator **Byrd**, and 45 other Senators in cosponsoring this important legislation. The number of cosponsors in my view, is a clear signal of the substantial desire in this body for real campaign reform.

Although this measure has undergone several transformations since its introduction, its essential purpose of bringing the election process and campaign spending back under control have remained constant. As it current stands, the legislation would improve our currently election campaign laws in four basic ways, and I would like to review those very briefly.

First, it would establish specific spending limits in each State for both primary and general U.S. Senate elections and congressional elections. These limits would vary depending upon the population of the State but in no case would they exceed $2.75 million for a primary election or $5.5 million for a general election. For my own State of New Mexico, for example, the limits would be $636,500 for the primary and $950,000 for the general election.

Second, the measure would establish aggregate limits on the total amounts of contributions candidates could accept from PAC's. Again, these limits would be based upon the State's population but could not exceed $825,000 for Senate candidates or $100,000 for House candidates. These limits would dramatically reduce PAC contributions. If these limits had been in effect during the 1986 congressional elections, they would have cut PAC donations by over two-thirds.

Third, the measure would establish benefits for candidates who voluntarily meet these campaign limits. These would include substantial reductions in mailing rates and lowest unit television rates. In addition, public funds would be available to these candidates if their opponents refuse to meet these limits and actually exceed the specified caps on spending and PAC contributions. Candidates who refuse to abide by this measure would also be required to include a message on all their advertisements that they have refused to meet the limits established by this legislation. Finally, public matching payments would also be available to participating candidates to respond to significant "independent" expenditures such as we have seen in quite a few recent elections.

Fourth and last, the legislation also includes important provisions to improve requirements on so-called soft money and other campaign expenditures, and to prohibit destructive financing processes such as "bundling." I believe the "antibundling" provision is of particular importance. It is necessary to ensure that PAC's, despite the direct limits placed on their contributions, are not able to circumvent these rules by "bundling" funds contributed by their officers or employees. This bill would not only prohibit the earmarking or "bundling" of contributions by PAC's, but also by their officers or employees, or the officers or employees of a connected organization or political party committee. I believe this provision will help ensure that loopholes do not exist through which PAC's can avoid the limits placed on their contributions.

Mr. President, I cannot stress enough the essential need for this legislation. Year by year, election by election, we are losing control of our political election process. Political influence in this country is shifting further toward well-financed special interest groups represented by PAC's and away from individuals. It is also clear that Members of Congress are spending ever-increasing amounts of their time raising funds for their campaigns and less time working on the crucial issues facing this country.

As we all know, despite a record-breaking seven cloture attempts, proponents of this measure were unable to break the filibuster that kept the Senate from acting upon or even considering this important legislation, in the first part of this 100th Congress. This year, I hope we can put partisan politics aside and work together for a measure that is in the best interest of every Member of this body and in the best interest of the entire Nation. I urge my colleagues to support the legislation.

Thank you, Mr. President, and I yield the floor.

The **PRESIDING OFFICER.** The Senator from New Mexico has yielded the floor.

The Senator from South Carolina.

Mr. **HOLLINGS.** I thank the Chair.

Mr. President, on matters of partisan politics,

I go on record as a proud Democrat, one who has held public office for four decades, and one who adamantly opposes S. 2. I do not however oppose my distinguished leader's effort to bring S. 2. to a vote. In fact, I have agreed to vote for cloture so that Senators can formally pass judgment on the merits of S. 2's approach to campaign finance reform. But, in the same breath, let me state my intention to oppose S. 2 as vigorously as I know how.

I oppose this bill for much the same reason that a substantial number of very thoughtful Senators on both sides oppose it. We realize that in reality the cure provided by S. 2 is worse than the ailment it seeks to remedy.

Why are we tied in knots on this issue of campaign finance? We are tied in knots because of the very distorted, contorted decision of Buckley versus Valeo. The fact is, Mr. President, that back in 1974, Congress enacted the Federal Election Campaign Amendments. I would say a good 50 percent of the debate and the central thrust of that landmark initiative was to end the practice of wealthy candidates' upping the ante of campaign spending and, in effect, buying public offices.

We have Senators in this body from small States who have spent many millions of their own money to get here. Up until 1986, this Senator never spent more than $600,000 in a campaign. But these days a Senator doesn't dare enter a race with such modest funding. Opposition candidates have perfected a last-minute, guerilla, tackling-you-from-behind strategy whereby you don't know what to expect until the last 2 weeks of the campaign when the public is finally paying attention to the election. At that point, the opposition unloads, as the Republicans did in the past election, with upwards to $1 million poured in by Washington-based groups, and they overwhelm the incumbent. If you want a tutorial on this strategy, ask our good friend and former colleague from Kentucky, Dee Huddleston. On the first of October, 1984, he had a 25-point lead and by the fourth of November he was a former Senator. The Republican committee swamped Kentucky with money and overhauled poor Dee like a Bronx street gang strips a Mercedes. The techniques and technologies of these 11th-hour blitzes are amazing. Before you can counterattack with TV ads of your own, election day has passed and you are history.

The good-government crowd preaches a saintly, turn-the-other-check response. They say "Don't respond in kind.

"Don't get down in the gutter. The people don't like negative campaigns." And so on.

Don't fall for that bafflegab. You hear all kinds of nonsense: "Forget about the money. You have got an insurmountable lead. Don't sweat it."

Well, few candidates these days are allowed that luxury. Instead, the imperative is to raise huge warchests and to be ready with film in the can to counter any kind of negative assault, even on trivial nonissues such as how many votes you missed or how many trips abroad you took or whether your grandfather consorted with horse thieves.

But, in any event, in 1986 I had to collect and spend $2.2 million. Senator THURMOND spent a similar amount 2 years earlier and we have yet to see hide nor hair of his opponent.

My point is simply that the villain of this piece is not the people, it is the mechanism. The devices, the strategies, the techniques have overtaken us all and no one dares to conduct a modest, down to earth campaign.

Indeed, our best efforts back in 1974 to control the rich from buying office have all been for naught. And they certainly will not be remedied by S. 2, Senator BYRD's and Senator BOREN's bill.

The Supreme Court's distorted Buckley versus Valeo decision equated money with speech. That's fine and dandy and true, because if you don't have money you don't get on TV, and if you don't get on TV, you don't have free speech. If you have money, you have plenty of freedom and if you do not have money, you have freedom to shut up. A candidate with $1 million has a lot of freedom. A poorer candidate with $10,000 will appear disinterested in his own candidacy, because he won't appear on TV.

But the Court did not draw the logical implication of equating money and speech. Justice Marshall remembers that Buckley versus, Valeo was a divided decision, with four justices offering spirited dissents. Justice Marshall and three other justices understood the problem.

They said, "Wait a minute, we're saying you can't limit freedom of speech, that a person can spend as much money as he wants. But then we're turning around and limiting the freedom of speech of the contributor. You can't have it both ways." If money is equated with speech, it is illogical to control the free speech of the contributor but to hold sacrosanct and uncontrolled the free speech of the receiver, the candidate.

That is the distortion in the decision. It is absolute nonsense, and everyone realizes it. And this must be the focus of our legislative remedy. Accordingly, I advocate a one-line constitutional amendment which says that the Congress of the United States is hereby empowered to control expenditures in Federal elections. This will address our first amendment sensitivities, and then we can move ahead with campaign spending limits that actually enhance rather than restrict freedom of speech.

Regrettably, we witness the spectacle of the distinguished majority leader in the well of the Senate this morning pleading for compromise S. 2. There should not be compromise and diluted remedies, because the problem is real. Regrettably, S. 2 fundamentally fails to address it.

The sponsors of S. 2 have tried all manner of contortions as devices to entice candidates into accepting limits in return for Federal financing. You do not entice the rich. John Connolly and others have said, "I don't want your money. I've got plenty of my own." The landscape is chock-a-block with millionaires to whom the enticement of Federal funding means nothing.

It's a kind of renegade golden rule: He who has the gold ignores the rules. You just do not control these people. Nonetheless, S. 2 gives it the old college try, with its ancillary amendments about bundling, and with its stripped-down, foot-in-the-door Federal funding, all designed to induce and seduce. But they are all doomed to failure.

When the original S. 2 came before us, we said, "Wait a minute. In 1986, the Federal Election Commission reported that congressional candidates spent a total of $450 million." So that is the bare minimum cost of S. 2, and a more likely price tag is half-a-billion bucks. The inflation from that baseline will be explosive in years to come. Senator BOREN and Senator BYRD listened to these objections. They maneuver well: "We will cut the Federal funding down. We will cut this provision and we will cut that provision." I have given up trying to keep up with all the bobbing and weaving and "provided, howevers" because it just does not get to the root of the problem.

It does not impose spending ceilings as we intended in 1974. All it does is create a new spending program to finance politics in America.

This is unconscionable, in light of all the problems and unmet needs we have in America. Consider the homeless people on the grates we pass as we ride home late at night in this town. Surely, for starters, we should fund programs for the homeless before we fund welfare for politicians.

This Republic has prospered for 212 years without a Federal financing program for congressional campaigns. We have gotten good people for office. We have gotten good leadership. We are not going to buy a better Congress with public money.

Spending limits should be low, as our former colleague, the Senator from Louisiana, said, so that every mother's son can afford to run. You cannot just provide matching funds, because the original amounts rise so high that the ordinary American is dealt out of the game. Likewise, the various strictures and bounds of S. 2 will not cage the beast.

I know politicians. I understand our skill at sniffing out loopholes and stretching those elastic clauses. S. 2 will not work in its current form, but it will put us on the slippery slope toward automatic Federal funding for all comers. Then you will see Federal financing for every young law graduate who wants to get his name recognized. He will go to this or that special interest group and he will say: "If you all will raise $35,000, $40,000, $50,000 for me, I will run for office because I can get the Federal moneys. I can publicize your issue and myself at the same time." Then every mother's son will be offering himself for public office.

Will this enhance the body politic? I doubt it very seriously. That is why, in a nonpartisan fashion, many thoughtful Senators oppose S. 2. I have, from the very beginning, agreed with Senator BYRD and Senator BOREN on the problem. The problem, of course, is that there is too much money sloshing around in congressional campaigns, and candidates spend too much of their time and energy raising it.

I have run for statewide office many times. You establish a certain campaign routine. My standard campaign circuit includes the change of the Lyman mill shift, Greer, then the big country store outside of Belton on the way into Anderson County. Over the years, they look for you. They say: Hey, here he comes again. It must be election time. We haven't seen him in so many years. Of course, they are exactly right. With Senate sessions running right up to Christmas Eve, we do not have a chance to get home.

They say we have caught Potomac fever. In fact, we have caught stupidity fever around here. We cannot pay our bills, we cannot conduct our business efficiently, and yet we keep patting each other on the back about how hard we are working. It is nonsense.

The mill visits, the visits to the country stores, they become a luxury and a casualty of the system. There is no time for them.

In 1986, I did not have the time. Instead, I found myself collecting money to get on TV to collect money to get on TV to collect money to get on TV. It is a vicious cycle. Last year, after the election, I held a series of town meetings across my State, and my friends said: "Wait a minute, why are you doing all these town meetings? You just got elected. You have got 6 years."

I said, "I'm doing it because it's my first chance to get back home and meet the people who just elected me." I did not get a chance to see them during the campaign. During the campaign, the rule was, if you had money, I had time. And that is how I had to do it, because South Carolina is a poor State and it is particularly poor for Democrats. We do not have a rich Boston. We do not have a Chicago. We do not have a St. Louis. We do not have an Atlanta. The small financial centers we have in South Carolina can be slim pickin's for Democrats.

So, if you are going to raise a large sum of money you have got to put in a lot of work. We have some 12,000, 13,000 individual small contributions in a small State, and I am proud of that. I am not complaining. In our poverty is our wealth.

Nonetheless, it troubles me that in order to run for re-election in 1992, which I will do if the Lord is willing, I must begin to collect money in 1988.

I remember Dick Russell said: "They gave you a 6-year term in this U.S. Senate: 2 years to be a statesman, the next 2 years to be a politician, and the last 2 years to be a demagogue." Well, we are no longer afforded even 2 years as a statesman. We proceed straight to demagoguery right after the election because of the imperatives of raising money.

You always are traveling. You help your colleagues. Your colleagues help you. I have just come back from a west coast trip to raise money for the campaign ticket. I enjoy doing that, but we continually are having dinners and fundraisers and meetings with PAC's.

On that score, permit me a word in defense of PAC's. I said during the 1984 Presidential campaign that between Fritz Mondale and Fritz Hollings, this was the Fritz who accepted PAC money. I will never forget my Junior Chamber of Commerce community training. We put on countless programs to encourage participation in Government and we said: "Come on out and register; come on out and vote; make your voice heard."

Mr. President, you have been a jaycee and I have been a jaycee. We would visit schools and clubs and meetings in our effort to get people interested and involved in the political process. Now we have political participation by all kinds of previously uninvolved people and groups. A single teacher's $10 contribution does not speak very loudly. But pool the contributions of 1 million teachers and suddenly you have a political voice.

We live in the real world. There is nothing wrong with PAC's. In fact, I actively solicit PAC's. I value PAC's and think they ought to be respected rather than demonized around here.

PAC's have brought people into the political process: nurses, educators, small business people, senior citizens, unionists, you name it. We have encouraged them to participate, and now that they are participating we turn around and say: "Oh, no, your influence is corrupting, your money is tainted." This is a gross injustice.

There is nothing wrong with PAC's. Our friends in Common Cause, they do not give you money. They just give you the dickens. Obviously, they would like to do away with all the other PAC's so that they would end up the only PAC left, sitting pretty with their mailing privileges and tax-deductible contributions and shelters, shouting from the high rooftops that PAC's are corrupting. We recognize Common Cause's scheme, and understand it. But let's not scapegoat the PAC's. If you limit spending as does Senate Joint Resolution 21, my Senate joint resolution to amend the Constitution, you put the absolute cap on it, so much per voter, and put in the penalties, we will do like we did in Iowa and live over in another State, registered in a hotel under an assumed name. You see the pressure is for that more and more. We saw it just 2 or 3 weeks ago now.

Senate Joint Resolution 21, my proposed constitutional amendment would discipline any alleged abuses by PAC's. Once we impose overall spending limits, then it matters little whether you get all the money from the textile industry, whether you get it all from PAC's or whether you get it all from individuals, it is still a modest amount any way you cut it.

Under my constitutional amendment, Congress could impose a spending limit of, say, $700,000 per Senate candidate in a small State like South Carolina. That's a far cry from $2.2 million I spent in 1986. We can impose a strict ceiling and have it all out in the open, every dollar in and every dollar out. That will attack the root of the problem.

I repeat: PAC's are a healthy phenomenon. They have not caused the current evil. The evil is not in the total amount of participation, it is in the total amount of money. And the aggregate spending is not controlled by S. 2.

S. 2 encompasses a piecemeal, shotgun approach with gerry-built restrictions on PAC's, on bundling, on third-party expenditures, and so on. Why all those contortions and complexities? In contrast, Senate Judiciary Resolution 21, by permitting overall spending limits, will largely eliminate the whole range of abuses and excesses in the current system.

The reality is that S. 2 has become a legislative quagmire, and all the compromise and watering down in the world will not rescue it. What's more, it would be vulnerable to Presidential veto.

Again Senate Joint Resolution 21 avoids these pitfalls. It is not subject to veto. We can pass the joint resolution and submit it to the States and have it ratified. It will become the law of the land.

Incidentally, Mr. President, the chances are that we can ratify this amendment faster than we can patch together a legislative fix along the lines of S. 2.

We have bipartisan support for Senate Joint Resolution 21, with 16 cosponsors. Senator BYRD has been kind enough to agree to cosponsor this constitutional amendment. And once he gets a vote on S. 2, then we can bring up Senate Joint Resolution 21. We have support on the House side. The President does not get the chance to veto the constitutional amendment. If we submit it to, the States, in the coming months, we have it in place to govern the 1990 elections.

Mr. President, let me note that the last five amendments to the U.S. Constitution took an average of 17 months to be ratified. So let us not hear the argument, that the constitutional amendment approach takes too long.

Takes too long? We have been fooling with this issue since early 1970. It has been 18 years now.

Mr. President, we also hear the argument that spending limits will give an unfair advantage to incumbents, because challengers need to spend more money to make themselves known. Nonsense. The distinguished Presiding Officer knows the limits of incumbency.

In 1986, North Carolina replaced the incumbent; Georgia replaced the incumbent; Florida replaced the incumbent; Washington replaced the incumbent. There were others, as well.

I agree wholeheartedly with Senator BYRD and Senator BOREN on the evil of the current system. I think all of us agree. There must be limits. But S. 2 fails to right the wrong of Buckley versus Valeo, and therefore it fails to address the core problem. With all due respect to Senators BYRD and BOREN, I say that the trick is not to find "less corrupting" ways of raising the obscene sums that fuel our campaigns. The trick is to place absolute limits on how much total money can be spent by a candidate. Once you go to the root by capping spending, the various subsidiary abuses will largely take care of themselves.

You have to be King Solomon to beat the politicians. And, Mr. President, S. 2 is a gaudy tapestry of loopholes. What's more, S. 2 is an open-ended spending program whose final price tag no one dares predict. In contrast Senate Joint Resolution 21 does not cost a dime, does not cost a nickel. And in the single sentence that comprises this constitutional amendment, there are no if, ands, or buts. It is not subject to the infinite creativity of sharp lawyers.

Mr. President, the cost of S. 2 is no small matter. Out of every dollar this Government spends, we now borrow some 20 cents. We can't pay the bills. Yet S. 2 would pile on yet another siphon for borrowed dollars.

Mr. President, permit me a disgression on the matter of the budget, a digression directly relevant to the issue at hand. In the current budget debate, we are playing a fanciful game.

In the domestic summit last November, we agreed to put a cap on domestic and defense spending. We agreed to $36 billion in entitlement increases. We agreed to pay the interest cost of $150 billion. We agreed to reduce the deficit to $136 billion for fiscal year 1989, though CBO says it will be $176 billion.

In short, we need an additional $40 billion in order to get the deficit down to $136 billion.

So, Mr. President, we will now be engaged in the battle of the budget throughout 1988, and the No. 1 priority of the President and the Congress will be to mask the gap between reality and what was agreed upon. We will, along with CBO and OMB, give you the doubletalk and tripletalk, with no one understanding what we are saying. There will be the usual smoke and mirrors of asset sales and stricter tax enforcement.

We have had a 7- or 8-year exercise in spending cuts by Ronald Reagan. If you can find somebody who believes more in the elimination of the Federal Government than Ronald Reagan, then you are a magician.

So we have had the No. 1 budget cutter in the White House. Yet he still ends up with a $1.1 trillion budget and he is only willing to collect some $800 billion in taxes. We are lagging some

$200 billion to $300 billion in the red by the time you eliminate all sleight-of-hand.

Of course, it's a charade to claim even that the deficit is $176 billion. To reach that number, we have to steal from the trust funds that Gramm-Rudman-Hollings put off budget, like Social Security and Medicare.

So we have really a $240 billion deficit. But we will all keep quiet, pass our appropriations bills, and avoid arguments. This is an election year. We'll sneak home on the 1st of October and let a new administration clean up the mess in January.

We are witnessing the "Phantom of the Budget," which, in essence, really is better than the "Phantom of the Opera." Our actors have been practicing now for 7 years and they are expert performers. I admit to joining them from time to time. But for heaven's sake, amidst the carnage and wreckage of the deficits, let's not pile on yet another open-ended spending program in order to entice candidates into limits. Instead, go right to the source. Score a bull's eye by reversing the error of Buckley versus Valeo. Let us pass a constitutional amendment that empowers Congress to legislate campaign spending limits. They let us put before Congress a bill that, once and for all, addresses the campaign finance scandal simply, directly, and with finality. Then we can look around the floor of this Senate and see who truly is for campaign reform and who is not. That will be a bright day in the history of the U.S. Congress.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

SYSTEM OF REGIONAL PRIMARIES

Mr. DIXON. Mr. President, while reading yesterday's USA Today, I noticed an article entitled "The Way USA Picks Presidents is 'Insane.'" I am glad to see someone else agrees with me!

For the article, USA Today interviewed Mr. David Garth, a well-known political consultant. He believes the current front-weighted system which places such great emphasis on the results of Iowa and New Hampshire is insane. He says, "The idea that Iowa and New Hampshire can set the process for the country is ludicrous." "It just throws the entire thing out of focus."

David Garth is right. Allowing Iowa and New Hampshire to weed the field before the rest of the country gets a chance to hear from them is a crazy way to nominate our Presidential candidates.

These two States, ranking 23d and 44th in population respectively, weed out a slate of national candidiates largely on the basis of parochial concerns. This system develops candidates who are, as Mr. Garth says, "Different from the personalities of both parties."

We need to change this system. We need to establish a process which develops candidates who reflect the personalities of both parties! We need to establish a process or system or regional primaries.

A regional primary system would guarantee that the major regions of this country would be included in our Presidential nominating system. A regional primary system would guarantee that the eventual nominee's are truly national candidates.

Last October, I introduced S. 1786, the Regional Presidential Primaries Act of 1987. My bill would provide the reform our nominating system needs. It would establish a series of six regional primaries. The primaries would be held every 2 weeks and the Federal Elections Commission would draw straws every election year to decide the order of the primaries.

Will it sell in Peoria? Yes. The Peoria Journal Star, one of Illinois' great newspapers, editorialized last week that "Regional Primaries Have a Lot of Appeal." The commentary states:

> The regional approach would keep some of the small-time appeal of the single-state launch, while permitting a more representative assessment of the candidate's merits than we get in the Iowa-New Hampshire one-two.

I have requested my good friend, Senator FORD, and his distinguished colleagues on the Rules Committee to hold hearings on this matter as soon as possible Now is the time to reform our nominating system.

Mr. President. I ask unamious consent that Peoria Journal Star Editorial and the USA Today article both be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as folllows:

THE WAY USA PICKS PRESIDENTS IS INSANE

USA TODAY. Voter attention shifts to the Super Tuesday primaries on March 8 now that New Hampshire is over. Will Super Tuesday uncomplicate things for the voters?

GARTH. Our primary system of picking a president is insane. It is the only single election in which you don't have the entire universe voting in the primary. It just throws the entire thing out of focus. It tends to be different than the personalities of both parties.

USA TODAY. What do you mean?

GARTH. To get the Democratic nomination, you steer on the left-hand side of the road, and for the Republican nomination, you steer on the right-hand side of the road, even though both parties may be a lot more centrist. So what you have after the primaries is each candidate struggling to get back to the center. The idea that Iowa and New Hampshire can set the process for this country is ludicrous.

USA TODAY. So Super Tuesday is a good idea?

GARTH. It is a step in the right direction because at least it's not just a Southern primary; you're getting a couple of New England states in there also. And it comes the closest to a national or a regional primary system.

USA TODAY. Why do you prefer national or regional primaries?

GARTH. It only makes sense that you can have primaries the same day. It's much more costly this way. And with all the cliches about pressing the flesh, there were 13 candidates running in Iowa. With 13 candidates, only 22% of the people actually saw any of the candidates. So much for pressing of the flesh.

USA TODAY. Weren't they everywhere?

GARTH. They only seemed like that.

USA TODAY. What sort of strategies should the candidates be using for Super Tuesday? Should they change for the Southern states?

GARTH. I don't think that you can change the strategies. I think you really have to be very, very careful about delivering a different message.

USA TODAY. Why?

GARTH. With things like CNN and network news and C-SPAN, and superstations and your papers, the candidates' messages are carried all over this country. If somebody really changed the hard message, it would be noticed by the press and it could hurt the candidate.

USA TODAY. What kinds of advertising would be most effective? How do you feel about negative ads?

GARTH. My feeling is that negative advertising—which the press is in love with because it's something exciting to write about—works against you in a long series of primaries. Don't get me wrong: Winning is not to be sneezed at. But in the long run, you really want to come up with a pretty good, favorable point of view. And I don't think you do the vicious kind of stuff, not for any hyperextended moral reason, but because it's not smart politics.

NO MORE IOWAS

There is a good chance that 1988 will be the end of the Iowa caucuses, at least as we have come to know them. We hope so.

The idea that one small and unrepresentative state should take on the role of kingmaker has been on the verge of self-destructing for some time now. It was fun while it lasted, but the more we have seen of what has taken place in Iowa, the less we like it, and we suspect many Americans agree.

Based on the preferences of 14 percent of registered voters in a state with less than 1.5 percent of the nation's population, the analyst already have decreed that Gary Hart and Bruce Babbitt are finished and that Vice President George Bush, a serious candidate with a long record in government, is badly wounded. He was done in by a TV evangelist who has never held public office and stands no chance of being elected, but who managed to inspire a disproportionate share of religious fundamentalists to come to the caucuses.

If that's not good old Iowa hogwash, it ought to be.

Although he hasn't said that in so many words, Sen. Albert Gore Jr. thinks it is. He long ago gave up on Iowa and more recently on New Hampshire, the next stop on the road to the presidency, though still smaller and less representative than Iowa. Gore instead has invested his time and money in the 14 states which will choose more than 35 percent of delegates to both party conventions March 8, Super Tuesday. Two-thirds of these states are in the South, which permits Gore, a Southerner, his unorthodox move.

"I think people have caught on to the distortions in the process that are caused by the Iowa caucuses," said the Tennessee Democrat. "It shouldn't be magnified into the decisive moment of the 1988 campaign.

A victory on Super Tuesday would prove Gore a superb strategist, would indicate that Iowa may be akin to the emperor without clothes—and would strengthen the argument for reforming the system. A brokered convention on either side would just about guarantee a change.

The best arguments for opening the presidential race in a single small state are two-fold: (1) Because population and size are manageable, voters have a good chance of getting to know the candidates, not just their TV images. (2) For the same reasons, candidates do not need a large campaign warchest, or even a big name, to test their appeal.

But one needs only to turn on the television or open a newspaper to realize that, good intentions aside, the media continued to set much of the agenda in Iowa. One needs only to look at the millions of dollars spent by almost every candidate (Paul Simon's tab was over $4 million) to appreciate that running for president remains incredibly expensive, regardless where the campaign begins. And one needs only to have watched the presidential contenders, working the crowds as if they were running for county supervisor, to conclude that this is not the way to judge those who would seek the highest office in the land.

So what system might be better?

Regional primaries have a lot of appeal. A half-dozen could be organized throughout the country, one week apart, with the order determined by lottery.

The regional approach would keep some of the small-time appeal of the single-state launch, while permitting a more representative assessment of a candidate's merits than we get in the Iowa-New Hampshire one-two. It wouldn't prevent, but it would lessen the showtime approach that a single national primary would guarantee.

A lottery would keep one region from setting the agenda every time. If we did not make the draw until, say, three months before the first primary, we would limit the amount of time that could be spent in significant campaigning—an important goal for any reform effort. Carter won Iowa in 1976 because he'd spent three years campaigning there; George Bush did the same and triumphed in 1980. Neither was in office at the time, which was the only reason they could devote that much time to the campaign. Sitting governors can't do that, and sitting congressmen shouldn't.

We also like the idea that those who know the candidates best should have a greater role than they presently do in the selection process. In our 1960's haste to give more power to ordinary people, rather than to politicians meeting in smoke-filled rooms, we created a method of nomination that dissuades many of our best potential nominees from even running for office and rewards qualities which serve us well on the campaign trail, but not necessarily in the White House.

We need to try something else.

THE PLIGHT OF THE ALEXANDER PYATETSKY FAMILY

Mr. DIXON. Mr. President, I rise today on behalf of myself and my distinguished colleague, Senator PAUL SIMON of Illinois, to bring to your attention the plight of the Alexander Pyatetsky family in Kiev. They are the relatives of our constituents, Sarra, Michael, and Mark Pyatetsky in Chicago.

Alexander has been a refusenik for more than 13 years. Throughout this period, the only reason given for this continual denial was that he once had a security clearance. This security clearance was for a very short period of time over 15 years ago. On April 24, 1987, Alexander's security clearance was finally lifted.

Although it seemed as if the final obstacle had been removed, Alexander received another refusal from OVIR. Furthermore, he was told not to reapply until 1990.

Recently, in December, a well-publicized phone call was made by Senator SIMON to Alexander while the family was present in Chicago. We do not believe that it is a coincidence that 4 days after the call was placed, word came through from OVIR that visas had been issued for the family. Happy news, yet one essential element turned it into a mixed blessing; permission was granted to everyone in the family except Alexander.

To use Alexander's own words:

> Making their decision this way they are trying to persuade us to separate our family one more time. To tear my children away from their father and my wife from her husband. And the time when they are going to permit me to be reunited with family is not even defined. I haven't seen my own parents for more than 7 years and my only brother for 14 years. I want to see them. This is groundless, lawless and inhumane. It's not a fair decision. It is a mockery. Even Mr. Gorbachev said once that 5-10 years is quite enough but not in my case. It seems 14 years for them is not enough even when the security clearance is lifted.

The Pyatetsky family has now made its decision; Alexander's wife and two children will leave the Soviet Union without him. It is inconceivable to us that such a situation should be allowed to exist. We urge our colleagues to join us in protesting this intolerable situation. We urge that Alexander Pyatetsky be allowed to emigrate with his family.

May I say, Mr. President, that my colleague, Senator PAUL SIMON, feels very deeply about this. He asked me to personally deliver this message on the floor on his behalf, and, Mr. President, I am delighted to accommodate my friend and distinguished junior colleague in that regard while he is otherwise involved in other places.

DECLARATION OF INDEPENDENCE OF LITHUANIA

Mr. DIXON. Mr. President, on Tuesday, I spoke before the Senate in commemoration of the 70th anniversary of the Declaration of Independence of Lithuania. On Tuesday, however, the Soviet Government quelled the planned peaceful demonstrations in Lithuania. Thus, Mr. President, I ask unanimous consent that this editorial from today's Chicago Tribune to further expose the tyranny of the Soviet action be spread upon the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A SILENT OBSERVANCE IN LITHUANIA

A massive police presence in Vilnius, the capital of Lithuania, ensured that there would be no news Tuesday from that small but grand old nation, no demonstrations to mark the 70th anniversary of its independence—a freedom wrested away by the Soviet Union in 1940.

But protests of Lithuania's cruel fate were held in Chicago, Washington and New York, and across Western Europe. They served notice that the wellsprings of liberty still flow stubbornly in the face of history's dislocations.

There is a lesson in this that runs far deeper than the pallid, cynical whining of those who accept that power grows mainly from the barrel of a gun. The lesson was taught by Poles who regained their independence early this century, after 125 years in a partitioned wilderness, and will do it again someday. It is taught over and over—in Tibet, in Afghanistan, in the other Baltic republics and everywhere in the world where the strong of heart defy tyranny.

The capacity of the human spirit to cherish freedom and resist oppression is fathomless and implacable. Among us there will always be men and women, and children, waiting for the right moment to take charge of their own destinies. From Lithuania and elsewhere, that is the real, enduring news.

Mr. DIXON. Mr. President, I thank you. I thank my colleagues for this time. I yield the floor.

Mr. ADAMS. I thank my colleague, Mr. President.

The PRESIDING OFFICER. The Senator from Washington is recognized.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with consideration of the bill.

Mr. ADAMS. Mr. President, I have arrived on the Senate floor today to speak in favor of S. 2, the Senate campaign reform bill, which we were unable to pass because of the filibuster last year.

Mr. President, last year we talked about campaign funding reform, and we talked and talked but we could never break the filibuster. And as we talked and talked, millions of Americans have been demanding we do more than talk. They have been demanding we actually do something about reform of the system.

Mr. President, as you sit in the chair today, and as I rise on this floor to speak on campaign spending reform, we do not talk about this as somebody who views it in a theoretical fashion.

We have just been through campaigns, and today I want to talk about our present system, which prevents a contest; and I want to talk about S. 2 in terms of credibility of the American system. I want to talk about the fact that without a credible system, the American people will not believe in it. I want to talk about our producing a system which S. 2 is directed toward, to prevent the forcing of a candidate out of a contest because he has small money resources and, thus, is told that he is not a credible candidate, or she is told there is no real contest because "you do not have the money resources."

Here we are again at the beginning of the election cycle, both for the Presidency and for the U.S. Senate and House of Representatives. We have a chance to act. We have a chance to vote out a good bill. It is not a partisan bill. It is not an incubent's protection act.

S. 2 is an opportunity for all of us to stand up and say, "Too much money is being spent on Senate elections in this country."

Campaign finance reform is an opportunity for us to stand up and say we should spend more time legislating and less time raising money.

Campaign finance reform is a chance for us to stand up and say the electoral process belongs to the American people, not to special interests and not to simple political action committees.

A number of us who were elected in the last senatorial election did not approach this issue from a theoretical or even from an objective perspective. Last year, as we were debating this bill, I stood up and said, "The memories of what I had to do to get here are still too fresh." I have been here a year and those memories have not faded.

Let me be frank, Mr. President. It would be very easy for me to stand up here as an incumbent and say the system works. After all, I got elected—and I probably can be reelected—but I do not think that any candidate, challenger or incumbent, Republican or Democrat, should have to go through what I went through and what my colleagues in this freshman class went through last year.

From the first day of my campaign to the last, the most serious problem I faced was raising enough money to be considered a credible candidate, to simply get into the contest. What occurs in this is that they do not cut off your ideas; they cut off your money and, therefore, you never arrive at the point where you can debate the issues. Your are not considered to be in a contest.

To me, this game is an experience that I think should be shared with the American public. My case should be used as a classic example of how a candidate has an incredible problem of being considered credible, just being in the contest.

I spent 35 years in public life. I have been a U.S. district attorney under Kennedy; a Congressman from the center of the largest city in our State for 12 years; a Cabinet Secretary, the only one in living memory from my State, and I did not believe that I was a stranger to the traditional support that candidates running on the Democratic ticket in my State would have.

I found, however, that political contributors, particularly PAC's and those worried about offending the incumbent, simply cut off the money. In fact, this reluctance to offend the incumbent created a whole new campaign tactic, which is to cut off the opponent's money rather than cutting off the opponent's ideas.

I never imagined how much of my personal time would be spent in fundraising. Whether it was personal phone calls asking for contributions, meeting with potential donors of fundraising receptions in and out of the State, I spent at least 50 percent of my time simply raising money to be credible—not to overwhelm my opponent, not to match dollar for dollar, simply to have enough money so that people in the political process said, "Well, he will appear on television at the time of the final so that at least people will see it and remember and listen." Here was a candidate with some public exposure and experience and certainly someone who had spent all of his life in the State, and you who would think that fundraising would be easy, but it was not.

My mornings would begin in Seattle, west coast time, very early, to get people in their office at 9 o'clock on the east coast, with fundraising calls. Most of the time I was not talking to just constituents about contributions. I was talking with people all over the country who were removed from the voters of the State of Washington. I had to. I called all the people in the State of Washington. We had large numbers of small contributions; but because I faced an opponent who had started with nearly a million dollars in the bank and access to enormous amounts of money, I had to raise enough money, because they would report month by month whether or not I was going to have enough money to arrive at a September primary and be in the race.

Let us not kid ourselves. When I was talking to those PAC's, I was talking to individual contributors and I was talking to people who had given a few dollars in some common interest, and often to idealistic people, but far more often, I was talking to professional political people, people who made their living by figuring the odds, by looking at the reports of how much has he raised and how much does his opponent have in the bank and bidding on the percentages.

I am grateful to those who stood in and contributed to me, particularly the individual contributors and those idealistic people who really do run some idealistic PAC's, who said, "Well, we won't just go with the political pros; we think you have really got a chance and we'll give you some money."

I am grateful to the Democratic Senate Campaign Committee, which did not have any money and had to go out and borrow money to give me enough at the end to run a set of television ads.

I did win, but I wish I had been able to do it by debating the issues with my opponent rather than debating my prospects with potential fundraising political bankers. We all know how it works, and we all know we spend too much time asking for money because campaign costs have escalated beyond all reason. We need spending limits which allow us to communicate our message.

S. 2 is a bill that is built simply to provide incentives to keep the spending down and to see that there is a credible contest at the end, that the ideas of the two opponents appear at some point before the voters, and that means, in this age of electronics, some television time at the end.

This should not be a race to see who can collect the most money and who can collect it first. My opponent spent almost twice as much money as I did. At least, that is what we could count. We both could have spent a lot less and still had a vigorous campaign; but this is not just a bill to make lives of politicians easier, or lives of statesmen, if you have been here long enough to not be a politician and become a statesman. It is a bill designed to make our politics better. Our constituents look around—they saw Watergate, they see Irangate; they hear rumors and they read stories about elected officials. The net result is that our constituents believe we are a body that is up for sale. I do not believe that a single one of our colleagues would "sell" a vote for a campaign contribution. It just is not done. But as the amount of money we raise grows and grows, so does the preception that all those folks must be getting something for all the millions they contribute to campaigns.

I get letters in my office everyday from constituents who believe that any PAC that gave me $5,000 has more influence on me than they do. The point is not my honesty or objectivity—I feel comfortable with that. The point is that too many people are being turned off in the electoral process because they are not comfortable with the system. They are not comfortable with the way that the elections are run. Those letters are not an attack on my credibility—they are an attack on the credibility of our political process. And I tell you, this country cannot afford to weather many more of those attacks.

I believe that S. 2 is an important step toward true, bipartisan reform of a system, that has gone amuck. I hope that we will rise to the challenge and look beyond our interests to the general interest. We have too many people now who are not participating in the political process either by joining into the campaigns or even by voting. We have got to turn that around. We have a historic opportunity and we owe it to our constituents, to the people all throughout America, that we use this opportunity and reform a system that serves nobody.

Mr. President, I would prefer absolute limits on the amount that can be spent. The decision of the U.S. Supreme Court prevents that. It says that an individual can spend all of his or her own money that he or she wants. It is a matter of free speech.

So, therefore, this bill has had to be crafted to create incentives not to spend that money. The only reason for spending any Federal or tax moneys is to create the disincentive to prevent somebody from spending a lot of their own money or to just raise overwhelming amounts and force a candidate out.

What this bill will do in its simplest explanation, Mr. President, is to be certain that if one candidate is trying to drive another out with money instead of ideas, that the other candidate will have enough money to at least appear on the public media and present the ideas that that candidate stands for. He or she should be able to be certain that at the end of the contest, whether it be the primary or the final, the ideas of two sides are presented.

Mr. President, this is the only way that a democracy with many different currents of thought, many different constituencies, can be certain that the elected officials are representing those currents of thought and constituencies.

If we get to this point, and we are rapidly approaching it, where money is the main and only factor in some cases in the election, then we will end up with a one-party system or we will end up with a system that is always way behind the people because new ideas will never be able to be presented, and the arguments and the debates will be very limited in scope because the candidates with a lot of money will try to limit those debates and will buy their own air time, knowing they can overwhelm the other side.

Mr. President, you and I both come from small Western States. In these States the Senate seats are incredibly important because the Senate seats stand for the fact that we have wide geographic and population diversity. In these States relatively small amounts of money compared to large population States can overwhelm an opponent.

All we are asking in the formulas that are in S. 2 is that this not happen. This would probably be against the interests of an incumbent like myself, but I think it should be. I think there should be an opportunity so that the parties arrive at the election with the ability to say what they believe in, what they stand for, and what the issues facing the country are.

Mr. President, I hope we will pass S. 2. If we have to break a filibuster by the other side, I hope we break it. I hope the other side joins us. I think that they should. I hope they will, because seven times we have brought this up to try to break a filibuster before. I hope we do not have to. I hope that this time there will be agreement and we can pass the bill, but if not, I hope that we pass cloture, stop the filibuster, pass this bill, and give the electoral process back to the people of America.

Thank you, Mr. President, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

The PRESIDING OFFICER. Under the previous order, the time of 11:30 having arrived, the Senate stands in recess until 1 o'clock today.

Thereupon, the Senate, at 11:30 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BOREN).

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOREN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

MOTION TO RECOMMIT WITH INSTRUCTIONS TO REPORT BACK FORTHWITH WITH AMENDMENT NO. 1403, AS MODIFIED—AMENDMENT NO. 1405, AS MODIFIED

Mr. BOREN. Madam President, I have modified my pending motion and my pending amendment (No. 1405) with changes I now send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his motion and his amendment, and they will be so modified.

The motion to recommit with instructions to report back forthwith with amendment No. 1403, as modified, is as follows:

S. 2

I move that the bill S. 2 be recommitted to the Committee on Rules and Administration to be reported back forthwith with the following amendment:

Strike all after the enacting clause and insert the following: "That this Act may be cited as the 'Senatorial Election Campaign Act of 1987'."

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United

States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,001, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such

general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for de-

posit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom

the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multi-

candidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

AMENDMENT NO. 1405, AS MODIFIED

The text of amendment No. 1405, as modified, is as follows:

In the amendment strike all after the word "Federal" on line 3 and insert the following:

Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be

deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $150,001, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to

make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which

constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, *independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.*

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph (B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out "may refer" and inserting in lieu thereof "shall refer".

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a

direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

AMENDMENT NO. 1404, AS MODIFIED

Mr. BYRD. Madam President, I modify my amendment No. 1, which I offered yesterday and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment, and the amendment will be so modified.

Amendment No. 1404, as modified, is as follows:

In the instructions strike all after "SEC. 2" and insert the following:

The Federal Election Campaign Act of 1971 is amended by adding at the end the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) unless otherwise provided in this title the definitions set forth in section 301 of this Act, except the provisions of section 301(9)(B)(vi), apply to this title;

"(2) the term 'authorized committee' means, with respect to any candidate for election to the office of United States Senator, any political committee which is authorized in writing by such candidate to accept contributions or make expenditures on behalf of such candidate to further the election of such candidate;

"(3) the term 'candidate' means an individual who is seeking nomination for election, or election to the office of United States Senator and such individual shall be deemed to seek nomination for election, or election, if such individual meets the requirements of subparagraph (A) or (B) of section 301(2);

"(4) the term 'election cycle' means—

"(A) in the case of a candidate or the authorized committee of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election;

"(5) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(6) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(7) the term 'general election period' means the period beginning on the day after the date of the primary or runoff election, whichever is later, and ending on the date of such general election or the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first;

"(8) the term 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate, and the spouse of any such person, and any child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate's spouse and the spouse of any such person.

"(9) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, the Presidential Election Campaign Fund Act, provided that a candidate in a general election held by a State to elect a Senator subsequent to an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, shall be treated as a candidate of a major party for purposes of this title;

"(10) the term 'primary election' means any election which may result in the selection of a candidate for the ballot of the general election;

"(11) the term 'primary election period' means the period beginning on the day following the date of the last Senate election for the same Senate office and ending on the date of the first primary election for such office following such last Senate election for such office, or the date on which the candidate withdraws from the election or otherwise ceases actively to seek election, whichever occurs first;

"(12) the term 'runoff election' means the election held after a primary election, and prescribed by applicable State law as the means for deciding which candidate(s) should be certified as nominee(s) for the Federal office sought;

"(13) the term 'runoff election period' means the period beginning on the day following the date of the last primary election for such office and ending on the date of the runoff election for such office;

"(14) the term 'Senate Fund' means the Senate Election Campaign Fund maintained pursuant to section 506 by the Secretary of the Treasury in the Presidential Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986; and

"(15) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"ELIGIBILITY TO RECEIVE BENEFITS

"SEC. 502. (a) To be eligible to receive benefits under this title, in addition to the requirements of subsection (d), a candidate shall, within 7 days after qualifying for the general election ballot under the law of the State involved or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first—

"(1) certify to the Commission under penalty of perjury that during the period beginning on January 1 of the calendar year preceding the year of the general election involved, or in the case of a special election for the office of United States Senator, during the period beginning on the day on which the vacancy occurs in that office, and ending on the day of such certification, such candidate and the authorized committees of such candidate have received contributions in an amount at least equal to 10 cents multiplied by the voting age population of such State or $149,999, whichever is greater, up to an amount that does not exceed $650,000;

"(2) certify to the Commission under penalty of perjury that all contributions received for purposes of paragraph (1) have come from individuals and that no contribution from such individual, when added to all contributions to or for the benefit of such candidate from such individual, was taken into account to the extent such amount exceeds $250;

"(3) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for the primary election, more than the amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(4) certify to the Commission under penalty of perjury that such candidate and the authorized committees of such candidate have not expended for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b);

"(5) certify to the Commission under penalty of perjury that 75 per centum of the aggregate amount of contributions received for purposes of paragraph (1) have come from individuals residing in such candidate's State;

"(6) certify to the Commission under penalty of perjury that at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(7) agree in writing that such candidate and the authorized committees of such candidate—

"(A) have not made and will not make expenditures which exceed the limitations established in section 503, except as otherwise provided in this title;

"(B) will not accept any contributions in violation of section 315;

"(C) will not accept any contribution for the general election involved except to the extent that such contribution is necessary to defray expenditures for such election that in the aggregate do not exceed the amount of the limitation on expenditures established in section 503(b), unless otherwise provided in this Act;

"(D) will deposit all payments received under this section in an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(E) will furnish campaign records, evidence of contributions and other appropriate information to the Commission; and

"(F) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(8) notify the Commission of their intention to make use of the benefits provided for in section 504.

"(b) For the purposes of subsection (a)(1) and paragraph (2)(B) of section 504(a), in determining the amount of contributions received by a candidate and the candidate's authorized committees—

"(1) no contribution other than a gift of money made by a written instrument which identifies the person making the contribution shall be taken into account;

"(2) no contribution made through an intermediary or conduit referred to in section 315(a)(8) shall be taken into account;

"(3) no contribution received from any person other than an individual shall be taken into account, and no contribution received from an individual shall be taken into account to the extent such contribution exceeds $250 when added to the total amount of all other contributions made by such individual to or for the benefit of such candidate beginning on the applicable date specified in paragraph (4) of this subsection; and

"(4) no contribution received prior to January 1 of the calendar year preceding the year in which the general election involved or received after the date on which the general election involved is held shall be taken into account, and in the case of a special election, no contribution received prior to the date on which the vacancy occurs in that office or received after the date on which the general election involved is held shall be taken into account.

"(c) The threshold amounts in subsection (a)(1) shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in such section shall mean the calendar year of the first election after the date of en-

actment of the Senatorial Election Campaign Act of 1987.

"(d) In addition to the requirements of subsection (a), to be eligible to receive benefits under this title a candidate shall, on the day such candidate files as a candidate for the primary election—

"(1) file with the Commission a declaration of whether or not—

"(1) such candidate and the authorized committees of such candidate intend to make expenditures, for the primary election, more than an amount equal to 67 percent of the general election spending limit applicable to such candidate pursuant to section 503(b), or more than $2,750,000, whichever amount is less;

"(2) such candidate and the authorized committees of such candidate intend to make expenditures, for any runoff election, more than an amount equal to 20 percent of the general election spending limit applicable to such candidate pursuant to section 503(b); and

"(3) such candidate and the authorized committees of such candidate intend to make expenditures, for the general election, more than an amount equal to the general election spending limit applicable to such candidate pursuant to section 503(b).

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) No candidate who is entitled to a benefit in a general election under this title shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate who is entitled to a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million, plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population of 4 million or less, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) The limitations on expenditures in subsections (b), (d), and (e) shall be subject to the provisions of subsections (b) and (c) of section 504.

"(d) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for the primary election, more than the amount equal to 67 percent of the limitation on expenditures for the general election as determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(e) No candidate who is otherwise eligible to receive benefits for a general election under this title may receive any such benefits if such candidate spends for a runoff election, if any, more than an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(f)(1) For purposes of this section, the amounts set forth in subsections (b), (d), and (e) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase, the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"(2) The limitation set forth in subsection (b) shall not apply to expenditures by a candidate or a candidate's authorized committees from a compliance fund established to defray the costs of legal and accounting services provided solely to insure compliance with this Act; provided however that—

"(A) such fund contains only contributions (including contributions received in excess of any amount necessary to defray qualified campaign expenditures pursuant to section 313) received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate total amount of contributions to, and expenditures from, such fund do not exceed 10 percent of the limitation on expenditures for the general election as determined under subsection (b); and

"(C) no transfers may be made from such fund to any other accounts of the candidate's authorized committees, except that the fund may receive transfers from such other accounts at any time.

In the event that, subsequent to any general election, a candidate determines that the costs of necessary and continuing legal and accounting services require contributions to and expenditures from the fund in excess of the limitations of this paragraph, the candidate may petition the Commission for a waiver of such limitations up to any additional amounts as the Commission may authorize in connection with such waiver. Any waiver, or denial of a waiver, by the Commission under this paragraph shall be subject to judicial review under section 508. Any money remaining in such fund when the candidate decides to terminate or dissolve such fund, shall be—

"(i) contributed to the United States Treasury to reduce the budget deficit, or

"(ii) transferred to a fund of a subsequent campaign of that candidate.

"(g) If, during the primary and runoff period portion of the two-year election cycle preceding the candidate's general election, independent expenditures by any person or persons aggregating an amount in excess of $10,000 are made, or are obligated to be made, in opposition to a candidate or for the opponent of such candidate, the limitations provided in subsections (d) and (e), as they apply to such candidate, shall be increased for that primary or runoff election in an amount equal to the amount of such expenditures made during the period covered by such election.

"ENTITLEMENT OF ELIGIBLE CANDIDATES TO BENEFITS

"SEC. 504. (a) Except as otherwise provided in section 506(c)—

"(1) all eligible candidates shall be entitled to—

"(A) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(B) mailing rates provided in section 3629 of title 39 of the United States Code; and

"(C) payments under section 506 equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any person in opposition to, or on behalf of an opponent of such eligible candidate, as such expenditures are reported by such person or determined by the Commission under subsection (f) of section 304;

"(2) if any candidate in the same general election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of the limitation determined under section 503(b) for such election—

"(A) an eligible candidate who is a major party candidate shall be entitled to receive a payment under section 506 in an amount equal to—

"(i) two-thirds of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 100 percent of such limitation determined under section 503(b); and

"(ii) one-third of the amount of the limitation determined under section 503(b) with regard to such candidate when a candidate in the same election not eligible to receive funds under this title either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 133⅓ percent of such limitation determined under section 503(b); or

"(B) an eligible candidate who is not a major party candidate shall be entitled to matching payments under section 506, equal to the amount of each contribution received by such eligible candidate and the candidate's authorized committees, provided that in determining the amount of each such contribution—

"(i) the provisions of section 502(b) shall apply; and

"(ii) contributions required to be raised under section 502(a)(1) shall not be eligible to be matched; and

the total amount of payments to which a candidate is entitled under this subparagraph shall not exceed 50 percent of the amount of the limitation determined under section 503(b) applicable to such candidate.

"(b) A candidate who receives payments under paragraph (1)(C) or (2) of subsection (a) may spend such funds to defray expenditures in the general election without regard to the provisions of section 503(b).

"(c)(1) A candidate who receives benefits under this section may make expenditures for the general election without regard to the provisions of subparagraph (A) of section 502(a)(7) or subsection (a) or (b) of section 503 if and when any candidate in the same general election not eligible to receive payments under this section either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed the amount of 133⅓ percent of the expenditure limit applicable to

such candidate under section 503(b) for such election.

"(2) A candidate who receives benefits under this section may receive contributions for the general election without regard to the provisions of subparagraph (C) of section 502(a)(7) if any major party candidate in the same general election is not eligible to receive benefits under this section, or if and when any other candidate in the same general election who is not eligible to receive benefits under this section raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the expenditure limit applicable to such candidate under section 503(b) for such election.

"(d) Benefits received by a candidate under this section shall be used to defray expenditures incurred with respect to the general election period for such candidate. Such benefits shall not be used (1) to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate, (2) to make any expenditure other than expenditures to further the general election of such candidate, (3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made, or (4) to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506 the Commission shall certify such eligibility to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled, unless the provisions of section 506(c) apply. The request referred to in the preceding sentence shall contain—

"(1) such information and be made in accordance with such procedures, as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Certifications by the Commission under subsection (a) and all determinations made by the Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 508.

"ESTABLISHMENT OF FUND; PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 506. (a)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.

"(b) Upon receipt of a certification from the Commission under section 505, the Secretary shall promptly pay to the candidate involved in the certification, out of the Senate Fund, the amount certified by the Commission.

"(c)(1) If at the time of a certification by the Commission under section 505 for payment to an eligible candidate, the Secretary determines that the monies in the Senate Fund are not, or may not be, sufficient to satisfy the full entitlement of all such eligible candidates, the Secretary shall withhold from such payment such amount as he determines to be necessary to assure that an eligible candidate will receive a pro rata share of such candidate's full entitlement. Amounts so withheld shall be paid when the Secretary determines that there are sufficient monies in the Senate Fund to pay such amounts, or portions thereof, to all eligible candidates from whom amounts have been withheld, but, if there are not sufficient monies in the Senate Fund to satisfy the full entitlement of an eligible candidate, the amounts so withheld shall be paid in such manner that each eligible candidate receives his or her pro rata share of his or her full entitlement. The Secretary shall notify the Commission and each eligible candidate by registered mail of the reduction in the amount to which that candidate is entitled under section 505.

"(2) If the provisions of this subsection result in a reduction in the amount to which an eligible candidate is entitled under section 505 and payments have been made under this section in excess of the amount to which such candidate is entitled, such candidate is liable for repayment to the Fund of the excess under procedures the Commission shall prescribe by regulation.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a)(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 per centum of the eligible candidates of each major party and 10 per centum of all other eligible candidates, as designated by the Commission through the use of an appropriate statistical method of random selection to determine, among other things, whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements of this title.

"(2) After each special election, the Commission shall conduct an examination and audit of the campaign accounts of each eligible candidate in such election to determine whether such candidates have complied with the expenditure limits and other conditions of eligibility and requirements under this title.

"(3) The Commission may conduct an examination and audit of the campaign accounts of any eligible candidate in a general election if the Commission, by an affirmative vote of four members, determines that there exists reason to believe that such candidate has violated any provision of this title.

"(b) If the Commission determines that any portion of the payments made to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(c) If the Commission determines that any amount of any benefit made to a candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 per centum of the amount of such benefit.

"(d) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 per centum or less the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditure.

"(e) If the Commission determines that any candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 per centum the limitation set forth in section 503(b), the Commission shall so notify such candidate and such candidate shall pay the Secretary an amount equal to three times the amount of the excess expenditure.

"(f) Any amount received by an eligible candidate under this title may be retained for a period not exceeding sixty days after the date of the general election for the liquidation of all obligations to pay general election campaign expenses incurred during this general election period. At the end of such sixty-day period any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) All payments received under this section shall be deposited in the Senate Fund.

"CRIMINAL PENALTIES

"SEC. 507A. (a) No candidate shall knowingly or willfully accept benefits under this title in excess of the aggregate benefits to which such candidate is entitled or knowingly or willfully use such benefits for any purpose not provided for in this title or knowingly or willfully make expenditures from his personal funds, or the personal funds of his immediate family, in excess of the limitation provided in this title.

"(b) Any person who violates the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer or member of any political committee who knowingly consents to any expenditure in violation of the provisions of subsection (a) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(c)(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is

transferred, knowingly and willfully to use, or authorize the use of, such benefit or such portion except as provided in section 504(d).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d)(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report), to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title, or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(e)(1) It is unlawful for any person knowingly and willfully to give or accept any kickback or any illegal payment in connection with any benefits received by any candidate, or the authorized committees of such candidate, who receives benefits under this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary for deposit in the Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 508. (a) Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) The provisions of chapter 7 of title 5, United States Code, apply to judicial review of any agency action, as defined in section 551(13) of title 5, United States Code, by the Commission.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 509. (a) The Commission is authorized to appear in and defend against any action instituted under this section and under section 508 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under section 507 to be payable to the Secretary.

"(c) The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears, pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 510. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 for payment to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507, and the reasons for each payment required; and

"(4) the balance in the Presidential Election Campaign Fund, and the balance in the Senate Fund and any other account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 511. There are authorized to be appropriated to the Commission for the purpose of carrying out functions under this title, such sums as may be necessary.".

SENATE FUND

SEC. 3. Section 6096(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking out "$1" each place it appears in that subsection and inserting in lieu thereof "$2"; and

(2) by striking out "$2" each place it appears in that subsection and inserting in lieu thereof "$4".

BROADCAST RATES

SEC. 4. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: ": Provided, That in the case of candidates for United States Senator in a general election, as such term is defined in section 501(6) of the Federal Election Campaign Act of 1971, this provision shall apply only if such candidate has been certified by the Federal Election Commission as eligible to receive benefits under title V of such Act and such candidate is identified or identifiable during 50 percent of the time of any broadcast of a political announcement or advertisement by such candidate;".

REPORTING REQUIREMENTS

SEC. 5. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following new subsections:

"(d)(1) Not later than the day after the date on which a candidate for the United States Senate qualifies for the ballot for a general election, as such term is defined in section 501(6), or, if such candidate is a candidate in a State which has a primary election to qualify for such ballot after September 1, within 7 days after the date such candidate wins in such primary, whichever occurs first, each such candidate in such election shall file with the Commission a declaration of whether or not such candidate intends to make expenditures in excess of the amount of the limitation on expenditures for such election, as determined under section 503(b).

"(2) Any declaration filed pursuant to paragraph (1) may be amended or changed at any time within 7 days after the filing of such declaration. Such amended declaration may not be amended or changed further.

"(e)(1) Any candidate for the United States Senate who qualifies for the ballot for a general election, as such term is defined in section 501(6)—

"(A) who is not eligible to receive benefits under section 502, and

"(B) who either raises aggregate contributions or makes or obligates to make aggregate expenditures for such election which exceed 75 percent of the amount of the limitation determined under section 503(b) for such Senate election,

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made, or within 24 hours after the date of qualification for the general election ballot, whichever is later, setting forth the candidate's total contributions and total expenditures for such election, and thereafter shall file additional reports with the Commission within 24 hours after each time additional contributions are raised or expenditures are made, or are obligated to be made which aggregate an additional 5 percent of such limit. Such reports shall continue to be filed pursuant to the provisions of this section until such candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures equal to 133⅓ percent of the limit provided for such State pursuant to section 503(b).

"(2) The Commission, within 24 hours after each such report has been filed, shall notify each candidate in the election involved who is eligible to receive benefits pursuant to the provisions of this title under section 504, about such report, and after an opposing candidate has raised aggregate contributions or made or has obligated to make aggregate expenditures in excess of the limit provided for such State pursuant to section 503(b), the Commission shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled.

"(3) Notwithstanding the reporting requirement established in this subsection, the Commission may make its own determination that a candidate in a general election, as such term is defined in section 501(6), who is not eligible to receive benefits under section 504, has raised aggregate contributions or made or has obligated to make aggregate expenditures for such election which

exceed the amount of the limitation determined under section 503(b) for such election. The Commission, within 24 hours after making such determination, shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about such determination, and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment of any amount to which such candidate is entitled.

"(f)(1) All independent expenditures, if any, (including those described in subsection (b)(6)(B)(iii)) made by any person after the date of the last Federal election with regard to a general election, as such term is defined in section 501(6), and all obligations to make such expenditures incurred by any person during such period, if any, shall be reported by such person to the Commission as provided in paragraph (2), if such expenditure or obligation is described in such paragraph.

"(2) Independent expenditures by any person as referred to in paragraph (1) shall be reported within 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, independent expenditures referred to in such paragraph, made by the same person in the same election, shall be reported within 24 hours after each time the aggregate amount of such expenditures incurred or obligated, not yet reported under this subparagraph, exceeds $5,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain (A) the information required by subsection (b)(6)(B)(iii) of this section, and (B) a statement filed under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat. The Commission shall, within 24 hours after such report is made, notify each candidate in the election involved who is eligible to receive benefits pursuant to section 504(a)(1)(C) of this Act, about each such report, and shall certify such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(4)(A) Notwithstanding the reporting requirements established in this subsection, the Commission may make its own determination that a person has made independent expenditures, or has incurred an obligation to make such expenditures, as the case may be, with regard to a general election, as defined in section 501(6), that in the aggregate total more than the applicable amount specified in paragraph (2).

"(B) The Commission shall, within 24 hours after such determination is made, notify each candidate in the election involved who is eligible to receive benefits under section 504(a)(1)(C) about each determination under subparagraph (A), and shall certify, pursuant to the provisions of subsection (i), such eligibility to the Secretary of the Treasury for payment in full of any amount to which such candidate is entitled.

"(g)(1) When two or more persons make an expenditure or expenditures in coordination, consultation, or concert (as described in paragraph (2) or otherwise) for the purpose of promoting the election or defeat of a clearly identified candidate, each such person shall report to the Commission, under subsection (f), the amount of such expenditure or expenditures made by such person in coordination, consultation, or concert with such other person or persons when the total amount of all expenditures made by such persons in coordination, consultation, or concert with each other exceeds the applicable amount provided in such subsection.

"(2) An expenditure by one person shall constitute an expenditure in coordination, consultation, or concert with another person where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between such persons making the expenditures, including any officer, director, employee or agent of such person;

"(B) in the same two-year election cycle, one of the persons making the expenditures (including any officer, director, employee or agent of such person) is or has been, with respect to such expenditures—

"(i) authorized by such other person to raise or expend funds on behalf of such other person; or

"(ii) receiving any form of compensation or reimbursement from such other person or an agent of such other person;

"(C) one of the persons making expenditures (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled such other person in connection with such expenditure; or

"(D) one of the persons making expenditures and such other person making expenditures each retain the professional services of the same individual or person in connection with such expenditures.

"(h)(1) Every political committee, as defined in section 301(4), active in non-Federal elections and maintaining separate accounts for this purpose shall file with the Commission reports of funds received into and disbursements made from such accounts for activities which may influence an election to any Federal office. For purposes of this section, activities which may influence an election to any Federal office include, but are not limited to—

"(A) voter registration and get-out-the-vote drives directed to the general public in connection with any election in which Federal candidates appear on the ballot;

"(B) general public political advertising which includes references, however incidental, to clearly identified Federal as well as non-Federal candidates for public office; or which does not clearly identify Federal candidates but urges support for or opposition to all the candidates of a political party or other candidates in a classification or context which includes Federal candidates; and

"(C) any other activities which require an allocation of costs between a political committee's Federal and non-Federal accounts reflecting the impact on Federal elections in accordance with regulations prescribed or Advisory Opinions rendered by the Commission.

"(2) Reports required to be filed by this subsection shall be filed for the same time-periods required for political committees under section 304(a), and shall include:

"(A) a separate statement, for each of the activities in connection with which a report is required under paragraph (1), of the aggregate total of disbursements from the non-Federal accounts; and

"(B) supporting schedules, providing an identification of each donor together with the amount and date of each donation with regard to those receipts of the non-Federal account which comprise disbursements reported under subparagraph (A), provided, however, that such schedules are required only for donations from any one source aggregating in excess of $200 in any calendar year.

"(3) Reports required to be filed by this subsection need not include donations made to or on behalf of non-Federal candidates or political organizations in accordance with the financing and reporting requirements of State laws, or other disbursements from the non-Federal accounts in support of exclusively non-Federal election activities, provided that such donations or disbursements are governed solely by such State laws and not subject to paragraph (1) of this subsection.

"(i) The certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination, notwithstanding the provisions of section 505(a).

"(j) Within 15 days after a candidate for the Senate qualifies for the primary ballot under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend from his personal funds, and the funds of his immediate family, and incur personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle.

"(k)(1) Any candidate for the United States Senate who expends from his personal funds and the funds of his immediate family, and incurs personal loans, in connection with his campaign for such office, in the aggregate of $250,000 or more, for the election cycle, shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred. Thereafter the expenditures referred to in this paragraph shall be reported within 24 hours after each time the aggregate of such expenditures or loans exceeds $10,000.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each candidate in the election involved who is eligible to receive payments pursuant to the provisions of this title under section 504 about each such report.

"(3) Notwithstanding the reporting requirements in this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures from the personal funds of such candidate or the funds of any member of the immediate family of such candidate or incurred personal loans in connection with his campaign aggregating in excess of $250,000, or thereafter in increments of $10,000 during the election cycle. The Commission within 24 hours after making such determination shall notify each candidate in the general election involved who is eligible to receive benefits under section 504 about each such determination.".

(b) Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (v), (viii), (x), and (xii); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (v), (viii), (x), and (xii) of paragraph

(B) shall not be exclusions from the definition of contributions for purposes of reporting contributions as required by section 304, and all such contributions shall be reported.".

(c) Section 301(4) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"For purposes of this section, the receipt of contributions or the making of, or obligating to make expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office, as defined in paragraph (2) of this section, or of any political party, in general public political advertising; and the proximity to any primary, run-off, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(d) Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended by—

(1) inserting "except for purposes of reporting and disclosing, pursuant to section 304, such amounts in excess of $200," at the beginning of subparagraphs (iv), (vi), (viii), and (ix); and

(2) inserting at the end thereof the following:

"(C) The exclusions provided in subparagraphs (iv), (vi), (viii), and (ix) of paragraph (B) shall not be exclusions from the definition of expenditures for purposes of reporting expenditures as required by this Act, and all such expenditures shall be reported.".

(e) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the last previous general election for such office or seat which such candidate seeks and ending on the date of the next election; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next election.".

(f) Section 304(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(2)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(g)(1) Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(3)) is amended—

(A) in subparagraph (A), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,";

(B) in subparagraph (F), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,"; and

(C) in subparagraph (G), by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(3) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "calendar year," the following: "in the case of committees other than authorized committees or in excess of $200 within the election cycle in the case of authorized committees,".

(4) Section 304(b)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(h) Section 301(13) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

(i) Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE POLITICAL COMMITTEES AND SEPARATE SEGREGATED FUNDS

SEC. 6. (a) Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended by—

(1) striking out "or" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) adding at the end the following new subparagraphs:

"(D) to any candidate for the office of Member of, or Delegate or Resident Commissioner to, the House of Representatives and the authorized political committees of such candidate with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election), when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election;

"(E) to any candidate for the office of Senator and the authorized political committees of such candidate with respect to—

"(i) a general or special election for such office (including any primary election, convention, or caucus relating to such general or special election) which, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election) exceeds an amount equal to 30 percent of the amount provided in section 315(i); or

"(ii) a runoff election for the office of United States Senator which exceeds, when added to the total of contributions previously made by multicandidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the limitation on expenditures provided in section 315(j), for runoff elections; or

"(F) to any State committee of a political party, including any subordinate committee of a State committee, which, when added to the total of contributions previously made by multi-candidate political committees and separate segregated funds, other than multicandidate committees of a political party, to such State committee exceeds an amount equal to—

"(i) 2 cents multiplied by the voting age population of the State of such State committee, or

"(ii) $25,000,

whichever is greater. The limitation of this subparagraph shall apply separately with respect to each two-year Federal election cycle, covering a period from the day following the date of the last Federal general election held in that State through the date of the next regularly scheduled Federal general election.".

(b)(1) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of subsection (a)(2)(E)(i), such limitation shall be an amount equal to 67 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.

"(j) For purposes of subsection (a)(2)(E)(ii), such limitation shall be an amount equal to 20 percent of the aggregate of $400,000, plus—

"(1) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(2) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that such amount shall not be less than $950,000, nor more than $5,500,000.".

(2) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by—

(A) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "subsections (b), (d), (i), and (j)"; and

(B) inserting "for subsections (b) and (d) and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987, for subsections (i) and (j)" before the period at the end of paragraph (2)(B).

(c) Section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) in paragraph (1), by striking out "(2) and (3)" and inserting in lieu thereof "(2), (3), (4), and (5)";

(2) by adding at the end thereof the following:

"(4) No congressional campaign committee may accept, during any two-year election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which may be made during such election cycle by that campaign committee on behalf of candidates for Senator, Representative, Delegate, or Resident Commissioner pursuant to the provisions of paragraph (3).

"(5) No national committee of a political party may accept contributions from multicandidate political committees and separate segregated funds, during any two-year election cycle, which, in the aggregate, equal an amount in excess of an amount equal to 2 cents multiplied by the voting age population of the United States.

"(6) The limitations contained in paragraphs (2) and (3) shall apply to any expenditure through general public political advertising, whenever made, which clearly identifies by name an individual who is, or is seeking nomination to be, a candidate in the general election for Federal office of President, Senator or Representative; provided that this paragraph shall not apply to direct mail communications designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.".

INTERMEDIARY OR CONDUIT

SEC. 7. (a) Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate;

"(B) contributions made by a person either directly or indirectly, to or on behalf of a particular candidate, through an intermediary or conduit, including all contributions delivered or arranged to be delivered by such intermediary or conduit, shall also be treated as contributions from the intermediary or conduit, if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is a political committee, other than an authorized committee of a candidate, within the meaning of section 301(4), or an officer, employee or other agent of such a political committee, or an officer, employee or other agent of a connected organization, within the meaning of section 301(7), acting in its behalf; and

"(C) the limitations imposed by this paragraph shall not apply to—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other event in accordance with rules and regulations prescribed by the Commission by (I) two or more candidates, (II) two or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf, or (III) a special committee formed by (a) two or more candidates or (b) one or more candidates and one or more national, State, or local committees of a political party acting on their own behalf;

"(ii) fundraising efforts for the benefit of a candidate which are conducted by another candidate within the meaning of section 301(2).

In all cases where contributions are made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.".

INDEPENDENT EXPENDITURES

SEC. 8. (a) Section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding at the end thereof the following: "An expenditure shall constitute an expenditure in coordination, consultation, or concert with a candidate and shall not constitute an 'independent expenditure' where—

"(A) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person (including any officer, director, employee or agent of such person) making the expenditure;

"(B) in the same election cycle, the person making the expenditure (including any officer, director, employee or agent of such person) is or has been—

"(i) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees,

"(ii) serving as an officer of the candidate's authorized committees, or

"(iii) receiving any form of compensation or reimbursement from the candidate, the candidate's authorized committees, or the candidate's agent;

"(C) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated with, advised, or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(D) the person making the expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office;

"(E) the person making the expenditure (including any officer, director, employee or agent of such person) has communicated or consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of election to Federal office, with: (i) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or (ii) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(F) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.".

INDEPENDENT EXPENDITURE BROADCAST DISCLOSURE

SEC. 9. Section 318(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by deleting the period at the end thereof and inserting in lieu thereof the following: ", except that whenever any person makes an independent expenditure through (A) a broadcast communication on any television station, the broadcast communication shall include a statement clearly readable to the viewer that appears continuously during the entire length of such communication setting forth the name of such person and in the case of a political committee, the name of any connected or affiliated organization, or (B) a newspaper, magazine, outdoor advertising facility, direct mailing or other type of general public political advertising, the communication shall include, in addition to the other information required by this subsection, the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.', and a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization and the name of the president or treasurer of such organization.".

PERSONAL LOANS

SEC. 10. Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)), as amended by section 7 of this Act, is further amended by adding at the end thereof the following paragraph:

"(9) For purposes of the limitations imposed by this section, no contributions may be received by a candidate or the candidate's authorized committees for the purpose of repaying any loan by the candidate to the candidate or to the candidate's authorized committees.".

REFERRAL TO THE DEPARTMENT OF JUSTICE

SEC. 11. Section 309(a)(5)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(5)(C)) is amended by striking out *"may refer" and inserting in lieu thereof "shall refer".*

EXTENSION OF CREDIT

SEC. 12. Section 301(8)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(A)) is amended by—

(1) striking out "or" at the end of clause (i);

(2) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(iii) with respect to a candidate for the office of United States Senator and his authorized political committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, by direct mail (including direct mail fund solicitations) or other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period of more than 60 days after the date on which such goods or services are furnished, which date in the case of advertising by direct mail (including a direct mail solicitation) shall be the date of the mailing.".

PREFERENTIAL RATES FOR MAIL

SEC. 13. (a) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501 of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1),

provided that the total paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) shall not exceed 5 percent of the amount which is applicable to such candidate pursuant to section 503(b) of the Federal Election Campaign Act of 1971.".

(b) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates.".

BROADCASTING ACCESS PROVISIONS

SEC. 14. (a) Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312(a)) is amended by—

(1) striking out "or" at the end of paragraph (6);

(2) striking out the period at the end of paragraph (7) and inserting in lieu thereof "; or"; and

(3) adding at the end thereof the following:

"(8) for willful or repeated discrimination against such a candidate in the amount, class or period of time made available to such candidate on behalf of his candidacy.".

(b) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by adding at the end the following:

"(e) In providing access to use of a broadcasting station with respect to a campaign, a licensee shall give priority to legally qualified candidates for public office in connection with their campaigns.".

DISCLOSURE

SEC. 15. Section 318(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d) is amended by—

(1) striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(2) adding at the end thereof the following:

"(4) if paid for or authorized by a general election candidate for the Senate, or the authorized committee of such candidate who has not agreed to abide by the expenditure limits in section 503, such advertisement or announcement shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'.".

POLITICAL COMMITTEE POSTAL RATES

SEC. 16. Subsection (e) of section 3626 of title 39, United States Code, is hereby repealed.

CONSTITUTIONAL AMENDMENT

SEC. 17. (a) The amendments made by section 2 of this Act shall cease to be effective, as provided in subsection (b), if an amendment to the Constitution of the United States permitting the Congress to establish spending limits for Congressional election campaigns is ratified as part of the Constitution.

(b) The amendments made by section 2 of this Act shall be repealed and cease to be effective for any Federal election held after such Constitutional amendment is ratified as part of the Constitution, or 22 months after such ratification, whichever is later.

(c) Upon repeal of such section 2, the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"SEC. 324. (a) No candidate in a general election for the United States Senate shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, or incur personal loans in connection with such candidate's campaign for the Senate, aggregating in excess of $20,000, during the election cycle.

"(b)(1) Except as otherwise provided in this Act, no candidate in a general election for the United States Senate shall make expenditures for such general election which in the aggregate exceed $400,000, plus—

"(A) in States having a voting age population of 4 million or less, 30 cents multiplied by the voting age population; or

"(B) in States having a voting age population over 4 million, 30 cents multiplied by 4 million plus 25 cents multiplied by the voting age population over 4 million;

except that the amount of the limitation under this subsection, in the case of any candidate, shall not be less than $950,000, nor more than $5,500,000.

"(2) Notwithstanding the provisions of paragraph (1), in any State with no more than one transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, no candidate in such State who receives a benefit for use in a general election under this title shall make expenditures for such general election which in the aggregate exceed the higher of—

"(A) $950,000; or

"(B) $400,000 plus 45 cents multiplied by the voting age population up to a population of 4 million, plus 40 cents multiplied by the voting age population over 4 million, up to an amount not exceeding $5,500,000.

"(c) No candidate in a general election for the United States Senate shall make expenditures for the primary election, which in the aggregate exceed an amount equal to 67 percent of the limitation on expenditures for the general election determined under subsection (b), or more than $2,750,000, whichever amount is less.

"(d) No candidate in a general election for the United States Senate shall make expenditures for a runoff election, if any, in an amount which in the aggregate exceeds 20 percent of the maximum amount of the limitation applicable to such candidate as determined under subsection (b).

"(e) For purposes of this section, the amounts set forth in subsections (b), (c), and (d) of this section shall be increased at the beginning of each calendar year based on the increase in the price index as determined under section 315(c), except that for purposes of determining such increase the term 'base period', as used in section 315(c), means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987.

"SEC. 325. (a) In the absence of a constitutional statutory limitation on the amount of independent expenditures that may be made in a Senate election, notwithstanding the provisions of section 17(b) of the Senatorial Election Campaign Act of 1987, the provisions of section 2 of such Act which provide conditions for the eligibility for matching payments to be made to a candidate in the case of independent expenditures made by any person in opposition to, or on behalf of the opponent of, such an eligible candidate, and which provide for matching payments to be made to such eligible candidates, shall remain in effect.

"(b)(1) The Secretary shall maintain in the Presidential Election Campaign Fund (hereafter referred to as the 'Fund') established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts maintained under such section, a separate account to be known as the 'Senate Fund'. The Secretary shall deposit into the Senate Fund, for use by candidates eligible to receive payments under this title, the amounts available after the Secretary determines that the amounts in the Fund, plus the amounts of revenue the Secretary projects will accrue to the Fund during the remainder of the period ending on December 31 of the year of the next Presidential election, equal to 110 percent of the amount the Secretary projects will be necessary for payments under subtitle H of the Internal Revenue Code of 1986 during such remainder of such period. The monies designated for the Senate Fund shall remain available without fiscal year limitation.

"(2) On May 15 of each year following the year during which a regularly scheduled biennial Senate election has occurred, the Secretary shall determine the total amount in the Senate Fund, and evaluate if such amount, plus the amount of revenue it projects will accrue to the Senate Fund (based on the computation made by the Secretary with respect to the Fund, as provided in paragraph (1)) during the period beginning on such date and ending on December 31 of the year of the next regularly scheduled biennial election, exceeds 110 percent of the total estimated expenditures of the Senate Fund during such period. If the Secretary determines that an excess amount exists, the Secretary shall transfer such excess to the general fund of the Treasury of the United States.".

SEVERABILITY

SEC. 18. If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision and the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective for any election held in 1990 or thereafter.

(b) The amendments made by section 3, section 7, section 8, and section 9 shall become effective on the date of enactment of this Act.

Mr. BOREN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

MORNING BUSINESS—RECESS UNTIL 2 P.M.

Mr. BYRD. Madam President, I understand that Senator SASSER is expected on the floor at any moment. He wishes to speak as if in morning business. Has the Pastore rule run its course for the day?

The PRESIDING OFFICER. It has not yet run its course.

Mr. BYRD. I thank the Chair. I therefore ask unanimous consent there be a period for morning business not to extend beyond 1:30 p.m., and that the Senate then stand in recess until 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SASSER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LEGAL RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL

Mr. SASSER. Madam President, yesterday the House of Representatives again showed its strong support for protecting the rights of active duty military personnel. By an overwhelming, bipartisan vote of 312 to 61, the House passed H.R. 1054, legislation modifying the so-called Feres doctrine. By this action the House went far in promoting active duty military personnel from their current status as second-class citizens by allowing them to sue for military medical malpractice.

My colleagues will recall that the Feres doctrine, established by a 1950 Supreme Court decision, prohibits all active duty members of the Armed Forces from suing the Government for injuries they suffer during the course of their military service. As a result, active duty personnel are denied basic civil rights guaranteed to all citizens. I submit that this sweeping restriction has created a military medical system which lacks total accountability. That lack of accountability poses a grave threat to all active duty personnel, who comprise about one-third of all those who rely on the military medical system.

I introduced legislation in 1985 and again in January 1987, S. 347, which would amend the Federal Tort Claims Act to allow active duty members of the Armed Forces to sue the Government for injuries or death caused by negligent medical care at military medical facilities during peacetime.

I want to emphasize that, Madam President: They will only be allowed to sue the U.S. Government for medical malpractice performed on themselves or on their relatives during times of peace.

This proposal enjoys bipartisan support. Indeed, the broad base of support for this type of proposal is evident in the House of Representative's overwhelming vote yesterday.

By moving to protect the rights of active duty personnel, the House has again done its part in rectifying what all parties agree is an intolerable situation—inadequate avenues of relief for victims of military medical malpractice. It is my hope that this year will be the year that the Senate will do its part in fashioning a remedy. We simply cannot afford to ignore this very real problem.

Those of us who have worked on this issue know all too well the human suffering which has gone without redress as a result of the Feres doctrine. One tragic case which illustrates this point is that of a Navy petty officer from Memphis, TN, who suffered from a heart condition. He died after being given improper medication by military doctors. This particular petty officer suffered from a heart condition. He was given a medical preparation that was contraindicated for individuals suffering from his type of heart illness, and it was the proximate cause of his death. His family was barred from bringing any legal action. They were forced to make do with a small and inadequate award given by a board of arbitration.

Another case which comes to mind is that of Doyle A. Stanley, another Navy man, who is also from my native State of Tennessee. Doyle lost a portion of his skull due to an infection which he charges had been mistreated by Navy doctors.

I might say that his allegations were backed up by very respected and distinguished physicians in the private practice. Again, Mr. Stanley was barred from having his day in court. He is forced to live out the rest of his days wearing a protective helmet-like device. Should he bump his head at night getting out of bed, there is no frontal bone, nothing to protect his brain from the blow and he could be killed.

These are just two of the many cases across the country of alleged medical malpractice which can be traced to negligent treatment of military personnel.

In each of these cases, active duty personnel are prohibited by the Feres doctrine from bringing nil in a court of law where they could get adequate compensation for the previous damages that they have sustained.

This legislation that I have introduced would rectify this situation. S. 347 will allow lawsuits only for medical malpractice in time of peace—an important point to stress for those who contend that my legislation would undermine military discipline. Indeed, I think my legislation would improve military morale. My legislation, further, provides that the suit is to be brought against the U.S. Government, not individual physicians, nurses, or other personnel for noncombat medical damages in peacetime.

I have the utmost respect for our Armed Forces, and I am sure I speak for other supporters of this legislation when I say it is not my intention to disparage the importance of military discipline in defending this Nation and its interests. That would be foolish.

But quite frankly, I have yet to hear a convincing argument that my legislation would adversely affect military discipline. By contrast, as the cases I mentioned illustrate, I have heard very convincing arguments from my constituents and constituents of many of my colleagues—and I speak as a former member of the U.S. Marine Corps Reserve—that the quality of military medical care is inadequate on occasion and that confidence in the military medical system is very low and for very good reason in many instances.

I am encouraged by the recent efforts of the Department of Defense to improve the military medical system, and I think substantial progress is being made. We are seeing the beginning of efforts to increase accountability and to improve the quality of military medical care, and, quite frankly, we have many outstanding physicians in the military medical system.

The PRESIDING OFFICER. Will the Senator withhold?

The majority leader had obtained unanimous consent for the Senate to recess at 1:30 and to reconvene at 2 p.m. Does the Senator have a request of the Chair?

Mr. SASSER. I request unanimous consent that I be allowed to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, I want to commend the Department of Defense for the efforts they are making. However, such improvements do not speak to the separate issue of legal rights of our active-duty military personnel. We cannot continue to deny the men and women who defend the free world the right to seek legal redress—a right which other American citizens have—when they are victims of malpractice in the military medical system in time of peace.

I will continue to press for Senate action on my proposal or on the House-passed bill. We cannot be satisfied so long as active-duty military personnel are relegated to the status of second-class citizens. I urge my colleagues to join me in assuring that active-duty military personnel have the right to their day in court.

Madam President, I yield the floor.

RECESS UNTIL 2 P.M. TODAY

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 1:33 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, the time has come for the Senate to act on campaign finance reform. When the campaign finance reform bill was introduced in January of last year, it contained, among other things, a provision to limit the total amount of expenditures made by Senate candidates in each State. This was—and I believe still is—the overriding goal of campaign finance reform.

The amount and sources of money spent in Senate campaigns is an embarrassment to our country and it is a blot on the integrity of the Senate because of the appearance of impropriety. I do not believe that anyone who cares about democracy and the integrity of this body can honestly disagree with the premise that some limitation must be placed on campaign expenditures.

In order to achieve the goal of limited campaign expenditures, Senate bill 2 embraced the concept of public financing. This was required by the fact that the U.S. Supreme Court has ruled that campaign expenditures are protected by the freedom of speech guarantee of the first amendment of our Constitution and can only be limited by the voluntary action of the candidate.

To entice candidates to voluntarily limit campaign expenditures, Senate bill 2 offered full public financing to any candidate in the general election who reached a private fundraising threshhold. The estimated cost of this provision to the Federal Treasury was approximately $38 million per year through fiscal year 1992.

Many Members of this body were concerned about requiring the taxpayers of the United States to foot the bill for Federal election campaigns.

In a good faith attempt to meet the legitimate concern about the cost of public financing, the sponsors of Senate bill 2 offered a sensible compromise. This first attempt at compromise with the opponents of public financing would have granted dollar for dollar matching funds to candidates who met the private fundraising threshhold rather than granting total public funding. This proposal would have cut the cost of this legislation in half.

While this offer of compromise would have done much to meet the concerns about the cost of public financing, many Members of this body still objected.

In a second attempt to compromise with opponents of public financing, the sponsors of Senate bill 2 have proposed yet another alternative. As I understand it, this proposal would set State-by-State voluntary spending limits based on population. A candidate who agrees to this limit will get reduced television advertising and postal rates.

In addition, if one candidate agrees to abide by the campaign expenditure limit but his opponent does not, the candidate who agrees to the restriction will receive public funds. Once his opponent exceeds the expenditure limit.

I believe this is a workable compromise. This proposal would limit campaign expenditures voluntarily and would not contribute public funds unless one candidate refused to abide by the restrictions.

Mr. President, I believe it is time for us to lay all our cards on the table. This proposal meets the legitimate concerns of those Members who do not want the taxpayers of this country to be required to pay for our campaigns. The public financing portion of this bill now has been tailored so that public funds will not be used unless one candidate insists on exceeding reasonable expenditure limits.

Mr. President, I do not believe there is any subject that we have before us, and we have had it before us for several years, that reaches further in connection with our constitutional government and with the election of the individual persons who are going to serve than the growing costs of conducting political campaigns.

I say "growing costs" with great emphasis because I am familiar with it. I have seen it, year after year, grow to what is now enormous proportions and is somewhat out of control.

This problem is becoming more and more challenging and grave, affecting the very heart and soul of the election of our public officials. To the U.S. Senate and the House of Representatives.

I have observed in amazement, during the years that I have been here, the rapidity with which this problem was growing. It is more and more of a problem in each State.

It has not been ignored. There has been a great deal of effort to get a practical plan that will work and ensure fairness to all parties; fairness to any aspirant who wants to offer himself for office; and a soundness of application and a soundness of enforcement. Those that will not voluntarily live up to it will have to pay the price of being prosecuted, if necessary.

I noticed an intensity in the debates here not just for a year or two or a term or two but over and over on this subject. The problem has become greater from year to year while the scarcity of effective remedies has grown.

I remember well in 1974 we tried to bring forward an effective plan to regulate campaign financing in Federal elections, and for the first time started putting the possible penalties of a rather severe nature on those who did not obey.

The 1974 act provided that a part of the costs of Presidential campaigns would be paid out of the National Treasury, that the taxpayers would be allowed to check off a portion of their taxes to be placed in a campaign fund that would be distributed to the Presidential candidates.

I did not like that idea at all. I did not realize it might be necessary to frame a voluntary compliance mechanism to avoid the Supreme Court's prohibition on mandatory limits on campaign expenditures. So I voted to take public financing out of the bill.

I have watched the problem and I have lived to see now that my vote was a mistake. I believe that was a mistake, to try to run entirely clear of public funding in order to strengthen the law and fashion a better solution.

So I announced on the floor here some 4 years ago that I had changed my mind in the light of experience, and believed that we were going to have to resort to public financing even though we did not like it.

But after all, it is not an individual's campaign. It is a campaign for public office and we certainly are justified, as I see it now, in trying to protect that highly important phase of our system of electing Members of the House of Representatives and the U.S. Senate.

I have been proud of the way the matter has been developed and the way some Members, particularly, have exhausted their energy trying to bring about passage of this law. I have conferred with the majority leader, Senator BYRD of West Virginia—Not that I have been one of the main workers—but I have seen him as he carried on his tremendous job here on this issue as well as many others. I am proud to see him manifest such an interest, as well as a determination.

I say without any limitation, something has to be done about this problem. There has to be a plan worked out that will retain for the people back home—the people back in these districts that the Members of the House of Representatives serve and the people in the States where the Senators serve—the selection of those officers in a clean and fair manner under control of the law. We must prevent anyone coming in to a community or county or district or a State, and with the manipulations and maneuvers of money, regulate or control the election and determine their choice in a campaign.

There is just no tolerance to be had of any practice like that. Eventually, if not controlled and exterminated, it is certain to finally spoil and destroy the very spirit of the system that we have in determining a clean election, one controlled by the voters of the local area. That is a highly important point, in my view, because if you do not have the interest in that election predominating and controlling the atmosphere of things in the area for which the officer is being elected, then the process is going to fail. The process will not function. It will not result in the election of a suitable person. Such a result will be the breaking point of our system.

If we allow someone to come in from some other areas of the Nation, or some other area of a State, and in any way, with money or the effects of money, control that election, one of the bad things that will happen is that the local people feel that they are losing control over their own ballot boxes.

This local participation is the salvation of the electoral process. If the local people are not interested enough to participate in those elections themselves, then they will not prevail long and the system will not prevail long either. Just as certain as night follows day, a gradual day-to-day, year-to-year, decade-to-decade practice of what we have going on now in some places will result in the invasion of large sums of money with which the local people cannot compete with. They will not be able to control their elections because of this larger and larger money payment that comes in from other sources.

In my own State, and I have the privilege of being one of its Members here, this law has brought about a change in attitude in elections as far as money is concerned. You can just feel the prospects of more and more outside influence, even though, frankly, there has not been any great imposition yet of the will of outsiders, of someone beyond the communities or the State.

One of the most precious parts of the entire system is the idea that the people choose their own officers.

I remember in 1913 when the law was changed, when the Constitution of the United States was amended. The people of the Nation as a whole amended that Constitution, placing with the people the direct power to choose the Members of this body, the Senate, to choose them directly by their own ballot. Prior to 1913, the Constitution, as written by the great originators of that provision of the Constitution, the power to select U.S. Senators was not close enough to the people.

As time went on, decade after decade, with a long debate over it, the people had a feeling they wanted that power brought closer to them. That was not a child's thought. That was deliberate, sound judgment, repeated over and over and over. Finally there was a change in the law by amending the Constitution of the United States providing that the people should choose the Members of this body. They would no longer allow the Members of the State legislatures to choose the Senators from that State. The amendment provided that the people, in exercising their rights of citizenship, should have the power to go to the polls and make their choices.

There is not any doubt that they were pleased to respond and did respond with the utmost interest.

I am talking about things that I remember and had explained to me as a young boy. I thought it was a great triumph, a victory. It was, but I realized far more later when I saw the actual operation and the success of the plan and was myself elected and chosen directly by the people. That plan has worked wonderfully well. But it is a challenge.

We are trying to amend the law now to eliminate the problem of excessive campaign spending. It is a challenge to the entire system, to the voter who has the privilege of marking a ballot. But the use of money—money daytime, nighttime, any time, all the time, over and over again—does not mean that every candidate that uses it is a crook, not by any means. There is a great deal of money in a campaign that must be used. It takes a great deal of money on the other side to contest it. But excessive campaign money is gradually moving elections beyond the control of the people who live in those precincts.

They realize it more and more. But just as certain as night follows day, we are traveling a road now that will lead to serious disaster if not attended.

Let us tend to it now. Let us put down some rules that are fair and impartial and practical and workable and just say that there will be a limit on the amount of money that can be spent. My point is this matter cannot continue on now neglected; we disqualify a higher and higher percentage of our people who are eligible to fill these offices with distinction because we rule them out to start with, men and women, because they do not have independent means to pay for their campaigns. The results go from bad to worse.

Mr. President, we will regret the day that we continued to neglect this situation. Nobody is a criminal in the membership. I do not mean that. I mean the very opposite of it. If all the things that have made the spirit and the meaning of our citizenship and our government sound are attacked at one time—and this procedure we are now slipping into is attacking all of them—there is bound to be a wreck along the way and I am afraid it will come far sooner than we now realize.

So, Mr. President, I find concern in the hearts and minds of not only the new membership but those who have been here for years and years. Realizing what is happending and what could happen, let us clean our own house now. Let us pass an effective measure. I think this one is effective. Let us make a start and get a better law on the books. The operation of the new law will disclose any defects. Then, if necessary, we can pass it in a better form. But just as certain as night follows day, we are going to have to provide a remedy, we have to take this thing more seriously. We have to protect that which is ours by birth, that right of suffrage; the right to cast a vote which belongs to every citizen.

But the campaign financing system that is destroying the right to freely choose elected officials in our great system of government is the thing we must protect against. No one is going to do that except ourselves, and it is the responsibility of the Congress to take the lead in a way that is solid, sound, and workable, that protects the people, both the voter and the candidates and our system then will survive. Otherwise, we are flirting with a very serious chance that we could let the system itself get so far neglected, not protected by adequate law as to seriously challenge the continuation of our Government.

So with others, who are concerned about this problem, East, West, North, South I trust that the leadership here will continue the battle in reaching for the solution to these problems. If the first law we pass does not work right, does not meet the ends needed, then we will try it again.

We are going to protect the right of suffrage in this the 200th anniversary of the beginning of our constitutional Government. Just think of that. Two hundred years is a long time in many ways. The ballot has been in contention some but as a whole it has been protected, it has been utilized by the people, and by and large they have been wise in their use of that great privilege. That is the basis of our system of government.

Mr. President, I believe we must return the Senate elections to the people. We must return to the principles of constitutional democracy and we must restore the integrity of the Senate. May God help us find our way.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank the chairman of the Appropriations Committee, Senator STENNIS, for that very good statement. Senator STENNIS is a Member of this body whom we all, on both sides of the aisle, admire, very much. All of us are hard-pressed to think of any Senator that we know or have known, either a sitting Senator or a prior Member of this body, who has greater integrity and a greater sense of what is best for this institution and for this country. I am honored to be associating myself with the remarks of the chairman of the Appropriations Committee. He is a tremendous man.

Mr. President, I want to take up where the Senator left off and echo albeit perhaps without the same sense of vision and history as the Senator from Mississippi, some of his concerns. I believe that campaign finance reform is one of the most important measures that this Senate can enact this year. In fact, I will go farther. I think it is the single most important measure that we can enact this year. The Senator from West Virginia, Senator BYRD, along with the Senator from Oklahoma, have taken a giant step forward to educate the country and in many respects educate the other side of the aisle about the long-term importance of limiting the excessive number of dollars that are fueling and lubricating our political system today and are slowly, perniciously, taking it down.

From 1976 to 1984 spending on House and Senate elections rose from $115 million to almost $400 million. And the average cost of winning a Senate election rose from about $600,000 to practically $3 million.

In addition, we all know how much political action committees or PAC contributions have risen. When the Federal Election Campaign Act was enacted in 1974 there were only about 608 registered PAC's. They contributed about $12 million to congressional races. A couple of years ago there were over 4,000 registered PAC's. Just think of that, over 4,000 registered PAC's. And those PAC's, political action committees, contributed about $105 million to congressional races. PAC spending has risen faster than overall campaign spending, which itself has risen much faster than we possibly could have predicted. PAC's made 15 percent of all contributions in 1974 but double that, 30 percent, in 1984. This dramatic increase in congressional campaign spending and contributions has obviously created many deep problems.

First, Senators and challengers must spend so much time and energy raising money that they cannot focus enough on their jobs. Senators are becoming, as the Senator from West Virginia once said, part-time legislators and full-time fundraisers. That is a very significant problem.

I frankly believe that we risk undermining the stature of this body. With advances in communications technologies and other kinds of technologies, we are becoming glorified messenger men and women. And we spend less and less time addressing fundamental problems facing this country—education, foreign policy in Central America, the Mideast, competitiveness, trade legislation, and arms control.

We tend to spend too much of our time on the periphery, on the minor details, which do not get at the heart of the matter. I think Senators by and large will—I will go farther than that. Senators want to serve their country. That is why they run for office. That is why they run again for office. But it takes so much time to do so. So much of that time is spent raising contributions that we can spend even less time trying to make sense out of the deep problems that face this Nation, particularly as the world gets more and more complicated. That is the pernicious effect of all of the additional dollars necessary to campaign.

Given the current cost of campaigns, the average Senator today must raise $10,000 a week during each of the weeks of the 6-year term. That is just an average—$10,000 each week for each week of the 6-year Senate term.

I have talked to Senators from some States who tell me when they run for election in the last year they had to spend 50 percent of their time on the telephone asking for money—50 percent.

That is more true in heavily populated States because dollars are even more important there than they are in the more thinly populated States.

Let me mention another problem. That is getting good people to run for office. A few years ago I called various people around the country encouraging them to run for the Senate. We found a lot of very good people, highly intelligent, deeply dedicated to their States and to our country, who said yes, we are excited about running for office. But when they thought about how much it would cost, how much money they would have to raise, and as they were not millionaires in their own right, they began to back away.

I can tell you from personal experience most of the first people I called that I thought would be the best candidates eventually decided they would not run because it costs so much. They could not afford it. They did not want to take the time to raise the money, all the time it would take. They could see the writing on the wall and the effort was not worth it. We are losing very good people because the present system shuts them out. They do not want to spend the time and effort to raise the money, and therefore do not serve their country.

In addition, Mr. President, this intense fundraising pressure that all incumbents face makes Senators more susceptible to appeals from special, well lubricated, interests.

As Senator Eagleton, former Senator from this body, said last year, all of that money does not come from the Little Sisters of the Poor. We all know that. Maybe it is easier for Senators in more thinly populated States to have an absolute 100 percent open-door policy for all of their constituents. I know it is easier for me to do that in my State of Montana because there are not as many folks as there are in the State of New York, or Florida, or Pennsylvania, or California. In those States money tends to speak more loudly because it is more difficult for Senators to individually talk to every citizen of their State who wants to talk to them and see them. It is just more difficult.

Mr. President, I compliment Senator BYRD and Senator BOREN for their bill. They have worked long and hard. They thought about this problem. They are trying to come up with a concrete solution with no gimmicks. It is no smoke and mirrors. I think it is a very good first step.

In 1986, for example, we took an important step and the Senate approved Senator BOREN's amendment limiting overall PAC contributions and reducing the maximum contribution amount from $5,000 to $3,000. That was a couple of years ago. That was a good first step. What happened? Nothing.

It is unfortunate that even though this body approved that limitation, as small as it is, it ultimately was not even enacted into law. What's more, it really did not begin to scratch the surface.

I think we should not kid ourselves. No matter what we do about PAC's, we will not achieve meaningful campaign finance reform unless we solve the root problem, namely the escalating cost of congressional campaigns and the intense fundraising pressures that it generates.

The bill before us, the Senate Campaign Act, S. 2, as has been modified by Senators BOREN and BYRD, goes a long way. It would dramatically improve our campaign finance system. I do not stand here to say it is going to solve all the problems. I have been around here long enough to know the ways of men and women who want to get around something. They tend to find a way to do it.

Nevertheless, it is a tremendous advance over the current situation. As President Harry Truman once said, try something. If it works, great. If it does not work, try something else. Try again. But at least go with what you have. In that vein, this bill is a significant improvement on the current system which will not solve all the problems but it will go a long way.

I strongly encourage Senators on both sides of the aisle to approve it.

Mr. President, we are in kind of an awkward situation here. I think it is clear that Senators on this side of the aisle, with maybe a few exceptions, want this bill enacted. I think it is even more clear that the people of the country want this bill enacted.

There are some Senators on the other side of the aisle who threaten to talk ad nausem, to filibuster. They claim in speeches and arguments that the bill before us is going to perpetuate the present system, it is going to protect incumbents, et cetera. I think if everyone looks closely and looks clearly at what is happening here, they will realize that it is the present system which protects incumbents, not this bill.

The other side of the aisle has raised far, far more money in financing campaigns and has a lot more money at its disposal, so they like the current system. It is in their best interest to keep the current system.

There have been some negotiations. Senators on the other side of the aisle have spoken with some Senators on this side of the aisle, particularly with Senator BOREN and Senator BYRD. I hope they work out a meaningful resolution, but I underline the word "meaningful."

It would be a disservice for the Senate, just for the sake of agreement, to accept a watered-down, washed-out version of Senate campaign finance reform legislation. It would be such a disservice that I think the American people would become even more disgusted than some of them are with the present political process.

I strongly encourage the Members of this body to work for a meaningful resolution. I hope that the Senators on the other side of the aisle do not try to kill this bill with a filibuster, because I think that they will be hurting themselves if they do, they will be hurting their party, and, more important, they will be hurting this country.

I do not often get too worked up about things, but I am about this. It is critical that this Senate, this Congress, significantly limit the dollars in our political process today.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

(Mr. BAUCUS assumed the Chair.)

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I have no prepared remarks, but I feel moved to make some remarks about the pending legislation, S. 2.

I appreciate the very sound statement made by my distinguished colleague from Montana. I want to join him in expressing my profound regard for the distinguished President pro tempore, the senior Senator from Mississippi. The benefit of his political experience concerning the problem of campaign finance is enormous.

Everything he said ought to be seriously considered by Members of this body. His statement accurately reflects the condition of political affairs in this country. The escalating costs of election present a threat to everyone in public service. As the Senator from Mississippi pointed out, if we do not shortly respond in a significant way, these costs will lead us to tremendous political scandals.

I would like to state for the record that I have held elective public office continuously since the age of 21 when I was elected police magistrate of my hometown in April 1949.

In that time I have stood for election, in primaries and in generals, 29 times. I have seen the evolutionary process of politics and money unfolding in my State, and to some extent in this country, over this approximately 39-year period.

Some things have changed for the better, Mr. President, and that is a development worth remarking about.

When I was a very young man in public life back in Illinois, there were no election controls of any kind over the expenditure of public funds. I remember as a very young man in public life when contributions were generally in cash for those who sought public office. And I can remember as a very young man when precinct committeemen were paid substantial amounts of money in cash to produce the vote in their precincts, particularly in the substantially organized areas like East St. Louis and Chicago. This kind of funding led to a great many terribly, terribly serious abuses in the political process. Anyone who says that money cannot lead to abuses in the political process has not seen the political process as it really works in this country. Because I can tell you when I was a young man, illegal gambling flourished in certainly my State and many other parts of the country, largely by virtue of the fact that cash was used in those days in the political process.

I remember when Senator Estes Kefauver, who I am sure the distinguished Senator from Mississippi served with, came to St. Louis to hold hearings. PAUL SIMON, as a young reform newspaper editor, and ALAN DIXON, as a friend of his in public service, went to those hearings. The sheriff of my own county testified under oath in the Federal building in St. Louis that he did not know that a bookie shop existed across the public square when you could look out the window of the sheriff's office and clearly see it. Those kinds of things really occurred, Mr. President. Those things really occurred.

I can remember when we lost a statewide election in Illinois and the majority leader of the U.S. Senate was defeated in Illinois largely by virtue of the fact we had a candidate for sheriff on our ticket in Cook County who, before the Kefauver Committee developed, was the richest cop in the world. That scandal, Mr. President, caused the majority leader of the U.S. Senate—and this is factual; the Senator from Mississippi knows it—to lose his seat in this body not for what he had done but because he was on the ticket.

Scandals arise from the improprieties inherent in money's use in politics!

My State passed laws to control the amount of money received by candidates. Now there are reporting requirements in my State as is probably true in the rest of the country. And as a response to Watergate, the Senator from Mississippi and others affected reformation of the Federal laws. Many of these reforms worked well. Some were not so good. But the important thing is that through the evolutionary process we have now come to the place where we can see that the current law is not adequate.

My friend from Mississippi, who has seen so much, pointed out that it is not adequate any more. We all know this is true.

I cannot remember who the Congressman is, but some Congressman in the House spent $21 a vote in his district. This is indicative of a serious, serious political disease spreading in the country due to money. It will lead to scandal if it is not addressed to the shame of all of us. It is going to happen. My friend from Mississippi has pointed it out.

How can anyone legitimately argue there ought not to be a limit? You might legitimately argue how high the limit ought to be. But surely everyone would agree that you should not to be able to buy a seat in the Senate of the United States, the most powerful democratic institution in the world. There ought to be some limit.

All the arguments about not having the taxpayers pay for this are a sham. Anyone making that argument will admit, privately in the cloakroom, that it is a sham. This bill does not say that any more. If you comply with this law, there is no public taxpayers' money involved at all. Let us get that on the record.

All we are talking about here is answering the Supreme Court's statements about the right of free speech by figuring out some way to put a limit on spending.

I looked at the bill as it affects my State. I expect the Senator from Montana looked at the bill as it affects his State, the Senator from Mississippi looked at the bill as it affects his, because each of us knows our own place best. I know Illinois pretty well, Mr. President, having run a good many times in that State. I would be tempted to assert I know it as well as anyone.

The limits for my State, I say for the record, are eminently fair. The limits for my State are higher than this Senator spent in winning against the Reagan landslide when we became a minority party in 1980 and less than this Senator spent to be reelected 2 to 1 in 1986.

Now, if I can do that under the limits set in this bill, I challenge anybody to explain why there is something unfair about these kinds of limitations.

I am not one of the people working out a compromise here, but I expect most on this side are open to fair accommodations. So if anybody would say, "Look, this number is not fair," whether it would be for the smaller States like Montana or Wyoming, or for the biggest, like California, I think we are open to compromise.

I think the distinguished minority leader made a valid point last year that is entitled to be considered, States where the registration is substantially out of whack, you know, a State where there are five times as many registered Democrats or four times as many Democrats registered as Republicans need different limits. OK. I do not know many of those States. I have no doubt there are a few, Mr. President, but you take a State like Illinois, a State like Ohio, a State like New York, a State like Pennsylvania, California—I am going down the list—in most of them the registration is pretty close and everybody knows it is the independent voters who make the difference anyway. About half the people in my State holding elected offices at the county, district, and State levels are Republicans and the other half Democrats. I think we are maybe a slight majority, I will admit that, but not by much.

So if there are things like that that need to be discussed, they ought to be discussed.

But money will lead to abuse in the political process. Extraordinary amounts of it, gross amounts of it, are a cinch to lead to abuse.

We are debating this now for the second year and I think this body is at risk. I think every Member who does nothing to achieve some kind of accommodation to get a bill is personally at risk, and I hope that my colleagues, all being fair people, on both sides of the aisles understand what is at risk. Let me say, as a man in public life, I do not have any problem with somebody wanting a little political advantage. I understand that. We all want a fair advantage in golf or politics.

But I think when you come down to the basic essence of this question as to what is fair for the voters and the people of this country. The voters of this country have a right to have integrity in their system.

I am not one of those Simon pure people who says that there should not be money in politics. Obviously, it takes money to be elected to office. But what I have argued here—and I hope it has made some sense—is that there has to be some kind of limit.

I am not married to anything in this bill. There is not any word in here, comma or period, that could not be changed, or altered. My friend from Kentucky and others have made a valid case about some of the things they objected to. I give him great credit for it. I think that the first bill probably needed some working over. Some good has been accomplished here.

The only thing I am saying on this Thursday is we are getting down to the point where pretty soon either this place is going to explode in a filibuster or something frightful is going to happen that will not lead to any good and desirable result. I hope that honorable people on both sides of the aisle—and everyone here, I know, fits that definition—would work toward some kind of an honorable compromise.

I thank the Chair and I thank him very much for substituting for me for a brief period while I made these brief remarks and I thank him for his learned remarks.

I particularly thank my revered friend, one of the great Senators of all time, a man who will always be regarded as one of the giants of this body, the distinguished President pro tempore, for his very fine remarks.

I thank the Chair and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

(Mr. CONRAD assumed the chair.)

Mr. McCONNELL. Mr. President, I listened with interest to the remarks of my friend from Illinois and thank him for his interest in this most important subject. I wish to briefly give an update on the "group of eight" meeting which occurred this morning.

As my friend from Illinois will probably recall, one of the open offers that has been made on this side of the aisle since May of 1987 was that we have a leadership group on a particular issue sit down and try to write the kind of bipartisan campaign finance bill that could go through this body 90 to 10. This morning we had the first meeting. We met in Senator BOREN's office. It was a good meeting; a frank meeting. I would say that this Senator has some optimism that we can reach some accommodation.

I would say, however, that there is one fundamental difference that divides us, Mr. President, and that is the question of the virtue of expenditure limits. We already have one major election in this country which operates under a system of expenditures limits.

I listened to my friend from Illinois talk about lack of integrity in the system. In my judgment, Mr. President, the only election in this country that is totally without integrity is the Presidential election. It is the one major election we have that does have expenditure limitations; the one major election in this country that is partially publically funded.

And, as this Senator pointed out in remarks yesterday that probably went on entirely too long, it is a disaster. Every candidate for President since 1976 has cheated. I say that kindly. It applies to both sides. It is sort of like prohibition. The Presidential system has about as much success in controlling expenditures as prohibition had controlling consumption of alcohol and the making of alcohol. It just simply has not worked. Not only has spending increased dramatically, but $1 out of every $4 spent has gone to lawyers and the accountants trying to keep them straight under the limits.

I quoted the distinguished American Bob Beckel who staffed Vice President Mondale's campaign in 1984. He said that they spent $2 million in New Hampshire. The spending limit there, of course, is $400,000. I cited him not to single him out. Everybody has done that sort of thing. Spending limits will not work. All they will do is create an atmosphere in which candidates running for public office are compelled to cheat. That is not progress. That is a disaster.

Now, the current system is not without its flaws, but it does embody two principles that seem to me to make a lot of sense. One is a limitation on individual expenditures: How much I can give you if you are running for office.

Since 1974, when we passed the post-Watergate legislation, the limit has been $1,000 in the primary, $1,000 in the general; and for political action committees, $5,000 in the primary and $5,000 in the general. All of those contributions are fully disclosed. A limit on how much we can receive from an individual or a PAC, and full disclosure, so that if our opponent wants to make an issue over the fact that we got a contribution from the Arkansas chicken growers' PAC, feel free; put it in your commercial; go for it.

The system is not without integrity. It has a very high level of integrity. It spreads the contributions into a broad base because there are limits on contributions, it has full disclosure, and it has not made every candidate seeking the U.S. Senate or House of Representatives spend half his time trying to look for ways to get around the law.

It has accepted the principle that there is nothing inherently evil about money in politics. There is nothing inherently evil about that, any more than in any other aspect of a capitalistic society. Provided there are limits on what the individual can contribute, so that you know he does not have a disproportionate influence on the candidate receiving the contribution, and provided it is fully disclosed, so the public can check on the process, there is nothing inherently evil about that. So the current system is, in many respects, the right system.

So, Mr. President, I think that the philosophical point of departure in our group of eight is whether money is evil and whether we ought to put a limit on how many individuals can get involved in the political process.

As I said yesterday, the base of our party, the Republican Party, is the little businessman or physician or dentist all across America who is out there creating wealth, hiring people, making things happen in this society. This person is not the kind of person who has a lot of time to go to a telephone boiler room or walk door to door. But he cares about what happens in this country, cares about what kind of system we are going to have. The way he participates is to write out his check for 200 bucks and send it to his favorite candidate, and many of those people have sent it to candidates running on this side of the aisle. There is nothing at all evil about that.

To the extent that there is an appearance of evil in the system, it comes from the political action committees. The Senator from Kentucky last year introduced a bill that would eliminate political action committees altogether and could only get 15 sponsors. That is the kind of contribution that raises the question of undue influence on the system, not these thousands of individual contributors out there in America doing their thing by participating in the political process in that way.

So let us talk about what we ought to do. What we ought to do is do something about the cost of television. I have suggested that we require the stations to sell us the time for the last 60 days of the election at the lowest unit rate for the preceding year, the nonelection year. Because, as we know, what they typically do when you get into the election season, they raise the lowest unit rate for all the advertisers so they can take good care of us going down the home stretch, make a lot of money off of us, and as soon as the election is over, they lower the rates again.

Second, one of the growing scandals in this country is the millionaire's loophole. More and more people are going out and buying public office. You cannot entirely close that loophole because of Buckley versus Valeo, but there are some things that can be done.

No. 1, we could require a millionaire running for Congress, if he is going to spend, for example, in excess of $250,000, to so certify that to the Federal Election Commission at the beginning of the campaign, so that his opponents know what they are going to be up against. Once that certification occurs, we could provide the opportunity for the opponent to get more than $1,000 in that election from individual contributors. It would not entirely level the playing field, but it would give him a chance.

No. 2, we could, constitutionally, legislate that a person could not recover his own money once he ponied up a large amount to buy the election; whether he borrowed it or he went into his account and laid it out, he is going to have to eat it.

He cannot go out and win the election and then shake down every special interest in town and anybody he can find across the country to pay himself back after it is all over. Both of those, I would say to the occupant of the chair, might have a little impact. Maybe if the guy has all the money in the world, it would not deter him. But if you are just a little bit rich, you might think twice before putting $3 million, $4 million, $6 million in your own campaign.

Those kinds of reforms can make a difference in this body without putting a limit on the number of individual contributors who can participate in the political process, something that in my judgment is fundamental and that is what an expenditure limitation is all about. It is saying you cannot have any more than this many people participate. If we can get over that hump, then I think we can make some progress.

It has been said by several people that the cost of campaigns continues to rise. Well, it does, but not like it used to. The trend of increase is in fact slowing down. From 1976 to 1978 we went from $115.5 million to $194.8 million, a 70-percent increase from one cycle to the next in the late seventies. We do not know whether that was a real increase. We just had better reports then because of the post-Watergate legislation. But in any event, from one cycle to the next, 70 percent.

From 1980 to 1982, we went from $239 million to $342.4 million, a 43-percent increase. From 1984 to 1986, the increase was down to 20 percent.

The rate of increase has dropped over 70 percent. It is still going up, but it is not going up like it was, and we all know that what is driving that, of course, is the cost of television, and I have just suggested how we could have an impact on the cost of television without impairing the right of individual candidates to go out and get as much support as they can muster.

We have heard from Senators on this side of the aisle who have 20,000 or 25,000 contributors. There is nothing wrong with that. That should be applauded, not condemned.

That is a form of participation. Whoever thought that was evil? It is not.

So that is the nub of this debate. Do we think that money in and of itself is inherently evil and corrupts the systems? Do we think there ought to be a limit on the ability of a candidate to get as many supporters as he can, provided it does not go above the individual contribution limit?

It is the judgment of virtually all the Senators on this side of the aisle that that is the kind of activity that ought to be encouraged. When you talk about how much money has been spent, another way to look at it is how much has been raised and how many people have participated. It is not easy to raise all that money at $1,000 a pop. It comes from a whole lot of people who care enough about the political process to participate.

Another erroneous statement that is typically made is that somehow money is turning people off. I did not enter it into the RECORD today, but I will shortly—we have done research that shows the more money spent, the more people vote. There is a direct correlation between money spent and voter turnout, because the money is spent in the races that are contested.

When you have two good candidates who have got some support and are able to raise money, they are going to have a good, hotly contested race, and the reaction to that of the people in those States is to come out and contribute and vote. There is a direct correlation between money spent and voter turnout.

So, exactly the opposite is the result. Rather than what has been suggested, that somehow the expenditure of money is turning everybody off, it is turning everybody on. It is turning on not only those who are contributing and participating in the process, but also those who are viewing the television ads and receiving the direct mail and getting the telephone calls that are direct result of the expenditure of those dollars on behalf of those candidates.

So, in the process of trying to reach some accommodation, there are some things that just simply are not negotiable. I hope we can get beyond that and treat some of the real problems. We can do something about the cost of television. We can do something about the millionaire's problem. We can do something about political action committees. All of those would add up to truly significant landmark campaign finance reform legislation. We ought to get about doing it.

We can pass that kind of bill out of here 90 to 10 and be proud of it.

Mr. President, the Senator from Mississippi would like to be recognized on another subject, and I will be happy to yield to him at this point.

(The remarks of Mr. COCHRAN pertaining to the introduction of legislation will be found in the section of today's RECORD entitled "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I rise to speak in favor of S. 2. It somewhat surprises me that now, almost a year and some months later, we are back here on the same subject which all of us know is a matter of enormous urgency to people in this country. But unfortunately, for reasons that are both difficult to figure out and yet at the same time fairly clear, our friends across the aisle seem unwilling to permit this matter to come to a vote.

They talk about furthering democracy and they talk about the need not now to have campaign reform that somehow upsets democracy, and yet democracy, while it works in many ways, and certainly filibuster is one of those ways, I think we have to agree that democracy is not furthered when a majority of the U.S. Senate cannot proceed to have a vote on a matter as fundamental as campaign finance reform.

In 1974, the country made clear in the wake of Watergate that we needed campaign finance reform, and so we had limits on the amount of money that could be contributed from one individual. It used to be that an individual could put $100,000 into a campaign. We decided that was undemocratic, that that did not further the interests of the democratic and electoral process. So people were limited in 1974 to $1,000 in the primary and $1,000 in the general election. At that time most people thought that reform had worked its will and the process had been improved.

Now, here we are in 1988. In the 1986 cycle, the Democratic Senator from California, ALAN CRANSTON, raised some $14 million in his race for the Senate. That is more money than any Democrat has ever raised in history in running for the Senate. But he was outspent by his Republican opponent.

In countless races across this country—I think in the Chair's own race—the Democrats found themselves unable to raise the kinds of money that Repulicans had available to them. We were outspent in race after race. For new Senators coming into the Senate in 1986, I think almost all of them were outspent by at least $1 million. I know that in 1984, when this Senator ran for the Senate, he was outspent by the sum of two to one.

Now, people would say, "Well, it did not seem to make a difference; you folks got elected anyway." But that is not the point. The point is that there are races in which those distortions are felt, the distortions that are created by massive expenditures of money and, more importantly, we are dealing with perceptions. We are supposed to be, as public servants and as elected officials and as legislators, sensitive to the public will. It is clear that the public has come to perceive, perhaps wrongly, in many cases rightly, that money was an overbearing influence on the political process. More importantly, many people have come to feel—and I think unquestionably so—that while they might be able to contribute $10, $15, $25, they are not going to get the same response as the person who can contribute $1,000, or "max out" as we say in the terminology, or certainly not have the same clout as someone who can contribute, through a committee or otherwise, $5,000, $10,000, $15,000. I have seen countless of my colleagues come to the floor and say, quite honestly, if they had a list of telephone messages in front of them and they knew that the first of the 50 messages was the person who had raised $25,000 and contributed a "max out" to them, that is going to be the first call that gets returned—a natural instinct, a normal response to the process.

Equally as important as the perceptions that have been created by the process of increased campaign money dependency is the fact that each of us as legislators have been taken away from our duties. We saw in very dramatic terms the President of the United States at the State of the Union Message heftily lifting 43 pounds of documents and complaining about the fact that these documents got to him so late that it was a last-minute legislative process, and indeed it is.

It is, Mr. President, because so many of us on Fridays are struggling to get to California, to get to New York, to get to Miami, to get to the centers of money dependency for politics in this country so that we have the ability to raise money for campaigns, money which each and every year is driven up extraordinarily by virtue of the increase in the cost of media. It is not the increase of organizational effort that has driven these costs. It is not the increase of the efforts of individual candidates to go out and shake more hands. It is not even direct mail, though the postage has gone up, and so forth. It is the cost of television and the perception, the belief by consultants and candidates alike that if they spend a lot of money and just inundate with message, they are going to get elected.

Now, we have seen that kind of turnaround as a result of media exposure. The distinguished minority manager of the bill, the Senator from Kentucky, knows that in his own race against Senator Huddleston at the last minute there was an enormous turnaround; there was an extremely effective bloodhound advertisement which was seen on television in his State which had enormous impact.

Now, all I am saying is that I think in this process of the marketing of ideas through electronic media, whether radio, television, whatever, as well as the buying of newspaper ads, the country and the process would be better served if we were to equalize that message process. For those who talk about saving democracy, and somehow intone that Senate 2 would threaten democracy, I ask them to consider this:

If one as a candidate cannot rely on as much expenditure to buy radio and television, how will you then best serve the interests of your election? The answer is very simple. You are going to try to get to as many meetings as you can, you are going to try to meet as many voters as you can, you are going to get out to the grassroots.

I would respectfully suggest that nothing could do more to strengthen the democratic process of this country than to get us back to the ability to not be in States that are funding us, where we do not specifically represent the electorate, but get us back to our own States. Give us the ability to spend more time in our States meeting, talking, answering questions, and contributing to a personal kind of dialog that really ought to be the essence of American politics and which more and more has been voided by virtue of our ability to continually look to the imagemakers and the television and radio process to not only put out a message, but frankly to distort other messages, as well.

I hear my colleagues on the other side, and I think I am quoting fairly accurately the distinguished minority leader, the Senator from Kansas, who said, "My god, if you put a limit, a cap on campaign financing, it would be the end of the Republican Party." That is a very, very interesting comment. A fair expenditure, a cap, the same expenditure by both sides, is held by many on the other side to be of such threat that it could be the end of their party. Why?

One can only assume that there is a direct correlation in their minds between money they can spend and the ability to win votes. If that is true, Mr. President, that means there is a reliance on literally buying Senate seats, on the ability to know that if they can spend the money, then they can win the seat because they cannot organize, they cannot win on the power of the idea, they cannot go out and meet enough people and win in other ways.

I would suggest, Mr. President, that we have to literally turn away from that.

The other argument I hear is that it is unconstitutional. You cannot limit it. Well, I heard the distinguished Senator from Pennsylvania say we have to have a constitutional amendment. Well, Mr. President, respectfully, the process of the constitutional amendment is such that that is really an invitation to no campaign finance reform at all.

Second, a reading of Buckley versus Valeo indicates that it should be voluntary which is the essence of the Supreme Court's decision. If an individual has the right to spend their own money for their campaign, then they are not constitutionally restricted and that is their right. They can spend however many millions of dollars they want of personal funds. There is nothing in this legislation that limits that except a voluntary—I underscore that "voluntary"—commonsense decision.

If they spend millions of their own dollars, the candidate running against them has the right to get an equalized expenditure which will be supported by public financing. So the commonsense portion of this is, gee, it may not make so much sense to spend my millions because I am not really going to buy myself an advantage by doing it. But, if that person believes those millions are essential to that person's election and they want to spend it anyway, then they can go ahead and spend it.

Mr. President, if they decide not to spend it because of that, I cannot think of anything that is a greater argument for the process of equalization. If they decide, well, it is not worth my spending all this extra money because the other person gets to spend the same, that is in fact an admission as to the value of the equalization process. And that is precisely what this bill is seeking to achieve—equal opportunity, fairness. That is supposed to be the essence of the democratic process.

And I think Americans are sick and tired of the notion that people can go out, raise millions of dollars, hoard it in, and that somehow they have to be bombarded by this massive media exchange and pretend that is true democracy. I do not think this country would be one iota inhibited in the democratic process. Rather I think it would be encouraged if we were to have that limitation.

Mr. President, what astounds me is that I keep hearing people say, gee, I do not think we ought to have Federal dollars expended in the electoral process. We have even heard that from the distinguished Senator from Kansas who is right now busy running for the high office of the President of the United States using Federal dollars which he himself signed a letter requested that he be able to use under the law as part of the Presidential matching program.

Right now we have a system in this country for President of the United States where we think it is OK for each nominee to get a fixed number of millions of dollars and use that fixed number and go out and run for President.

And we have a basic assumption about the process that says they are going to get enough exposure, there will be enough free television time, and enough interest that their campaigns will be adequately covered and exposed.

Mr. President, that is absolutely true about a Senate campaign. There is a U.S. Senate campaign in this country that has to depend exclusively on private money in order to be able to reach the public and make people aware of that electorial process. It is only that candidates want to buy that additional advantage. That is the distortion in the process.

And I believe it is high time that finally we recognize that this is an opportunity to be able to deal with the problem of the public perception and encourage democracy.

I also hear people say, well, if you have a cap on the amount of money that you can put in, people are going to rush to contribute, you will have a distortion in the contributing process, and you will limit some people from contributing. Mr. President, that does not have to happen.

The distinguished senior Senator from Florida, who this year is retiring, even without this bill intended to run for the U.S. Senate with a limitation of $100 per person for contributions, and indeed, he had raised almost more than $1 million, $1½ million or so, by contributions from people with a limit of $100 each. It seems to me that is democracy. And there is nothing to stop any Senator or nothing to stop us as the Senate as a whole from even putting a limit on the total amount of money that people can contribute as part of their total cap.

Finally, Mr. President, we have heard from colleagues on the other side how any involvement of Federal dollars at a time that we have this budget crisis and even otherwise is a violation of the whole concept of Federal involvement, and that you should not have that expenditure. The fact is, Mr. President, that most of the Senators who were here at the time voted for a provision that gave a tax credit for contributions. And it was only last year with the tax bill in 1986 that we gave up that tax credit, which was costing the Federal Treasury $530-some million per election cycle.

So most people have been living with the system that for a long time was twice as expensive in terms of Federal participation in expenditures—twice as expensive as the entire cost of every single House and Senate seat in the entire election cycle cumulatively.

So there is a hypocrisy here. For years we had a Federal giveaway program which incidentally was only used by 5 percent of the American electorate. Five percent of the American electorate got the benefit of that credit which cost us twice as much as every election in the Nation, and now all of a sudden when you are going to have a voluntary system which might cost you a few million dollars for that person unwise enough to want to contain their own funds we are suddenly crying, oh, no, the Federal Government cannot be involved.

Well, Mr. President, I hope that before we have an enormous scandal in this country such as the Watergate which prompted the last reform we will make the judgment ourselves that the time has come to make a decision about campaign finance reform that will respond to the needs of the country, respond to the needs of this institution, respond to the needs of democracy as well as of the political process in other respects and put our campaign funding system on an appropriate and I think dignified footing which is appropriate not only to the nature of the process we are engaged in but would greatly enhance democracy in the United States.

I see my colleague is on the floor. I do not know if he wants to question everything I said but just part of it. I am delighted to yield.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I listened with great interest to the Senator from Massachusetts. I am like a kid in the candy store. I do not know really where to start. Why do I not start with the Presidential system that the Senator from Massachusetts lauds and applauds in his comments?

He is correct, of course, that the system that S. 2 seeks to create will be in many respects very similar to the Presidential system. The Senator from Massachusetts said there is scandal waiting to happen.

Yes, I think so, but it is under the Presidential system, not the congressional system. If there is going to be a scandal, it is going to be there because it has made cheaters out of everyone who has run for President since 1976. One out of every $4 spent has been spent on lawyers and accountants.

The Kennedy School of Government at Harvard had some interesting observations about the Presidential spending limit system that the Senator from Massachusetts seems to think has served us so well. I would like to go over them, because I think it provides some interesting observations on how that works.

In 1982, the Committee on Rules and Administration asked the Kennedy School of Government to study post-Watergate campaign finance and recommend changes. This is what the study group concluded and reported to the Senate Rule Committee. It said:

> Among the problems [of the post-Watergate reforms], the most troublesome are related to the attempt to restrict the money spent in Presidential compaigns.
>
> Candidates are not allowed to spend enough money, [and] the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.
>
> On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.
>
> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.
>
> Thus, our most important recommendation [is] to eliminate the limitations on expenditures made by the candidates. Spending limits have proved undesirable for a variety of reasons.

And then they tick them off one right after the other:

> Failed to equalize resources of different candidates.
>
> Failed to curtail the growth of money in Presidential politics.
>
> Failed to shorten the overall length of campaigns.
>
> Failed to reduce the emphasis on early primaries.
>
> Intrude unduly into campaign strategy.
>
> Created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement.
>
> Fostered disrespect for the law.

Well, that is the Presidential system and, boy, it sure would be progress to go out and imitate that.

Among the other points the Senator from Massachusetts made that I would like to respond to is the question of the filibuster. I point out to the Senator from Massachusetts that if cloture were invoked, most of the amendments that people on this side think are good would not be germane. Lower contribution limits for PAC's would not be germane. An amendment to provide adequate reporting requirements for soft money would not be germane. Closing the millionaire's loophole would not be germane.

Most of the things many of us think could be done we could not do in that environment.

My friend from Massachusetts decried the amount of time spent on fundraising. I suggest that now that we have 3 weeks on and 1 week off, no one should say to the majority leader again, "I need to get out tonight; I've got a fund raiser." The majority leader has set up a schedule that will allow us to plan our time in advance. That excuse should no longer be used. We have a week to do a variety of different things—visit our constituents, raise money, if that is what we choose to do, whatever. That excuse, I am sure, will not be used in the future.

The Senator from Massachusetts decries the cost of television. That is the one thing he said that I agree with. The way to get at it is not to restrict how much we can raise but to lower the cost of television. The way you do that, in my judgment, is to require the stations to sell us the time at the lowest unit rates for the preceding year—that would be a real break—and prohibit them ripping us off as we come down to the finish line by raising the lowest unit rate for all advertisers and, thereby, sticking it to us until the election is over and then lowering it back again.

It seems to me there was a strong sense in the remarks of my friend from Massachusetts that television somehow is not good, that what we need to do is get back to the grassroots.

Those who are fortunate enough to represent a very small State have that opportunity now. The occupant of the Chair represents a relatively small State. Presumably, if he goes home and spends a week, he can see a high percentage of his constituents. I think that is terrific.

I must say I can shake hands all day for the next 3 years and I will never come close to meeting the 3½ million people I represent.

Then there are California, Texas, New York, Florida, and Georgia—and, yes, Massachusetts. My goodness, how long would it take to have a meaningful exchange with those constituents? None of us would live long enough to accomplish that.

We must not forget that modern means of communications are here. We cannot put that genie back in the bottle, nor should we.

Effective use of television is a modern means of communication. Any political candidate should be able to do that, as well as any commercial advertiser or anybody else who wants to use the most effective means to reach the people of this country.

A final observation I would make is that there is the notion that somehow a cash contribution is inherently evil and that it is OK for volunteers to come to a telephone bank or to go out and walk door to door in behalf of a candidate, but it is somehow evil or corruptive if someone makes a financial contribution to a candidate. We do, after all, live in a capitalistic society, and under the post-Watergate reforms, there is a pretty severe limit on what one can contribute anyway—$1,000 per election by an individual, $5,000 per election by a PAC. By the way, speaking of PAC's, if there is any interest out in the land in campaign reform—and my own judgment is, other than Common Cause, there is almost no interest—if we want to deal with the question of the appearance of undue influence, why do we not eliminate PAC's? We are prepared to pass that today, to just eliminate PAC's because that is the only kind of cash contribution in this country today that has the appearance of undue influence.

As far as cash contributions from individuals are concerned, what is wrong with that? An awful lot of people in this country want to participate in the process, and they are too busy to go down to the telephone bank or to walk door to door. They are trying to start a small business, trying to keep people employed, trying to create wealth and, yes, pay taxes to fund the myriad of Government programs that we have in this country—including taxpayer financing of Presidential races.

Their form of participation, admittedly, is not very time-consuming, but it surely is not inherently evil. Most of us on this side of the aisle do not feel that there is any evil there that ought to be treated, and if there is a sick system at work in this country today that corrupts the process, it is the Presidential system. We see it unfolding before us. It is a disaster, and the last thing we want to do, I say to my friend from Massachusetts, is to extend that kind of system down to congressional races.

Mr. KERRY. Mr. President, will my distinguished colleague yield?

Mr. McCONNELL. I yield.

Mr. KERRY. With respect to the Presidential race, I appreciate the Senator's turning to the Kennedy School in Massachusetts as a source; but I think that what the Kennedy School is referring to—and I happen to agree there are all those problems—but the point that is being made is that those problems exist and are equally accentuated when you have an open-ended Presidential funding system at the same time.

You still have soft money. Soft money goes to the parties and the fact is that hard money, so-called dollars that are recorded under the Federal system, are the only dollars that can be contributed to a Federal candidate—Presidential, Senate, Congress.

So even if you have a candidate for the President of the United States and a candidate for the Senate receiving dollars under the Federal election system, which are called hard dollars, you still have the ability of people to raise $1 million—$100,000 from one individual, even from a corporation—and it is called soft money, and it can be put into so-called get-out-the-vote efforts, polling efforts, party structure efforts.

Whether or not you allow an open-ended Presidential system, the things that are mentioned by the Kennedy School as problems will still exist as problems.

Ask any of the Presidential candidates; I have. There is not one Presidential candidate who will not tell you that his life has been made easier by virtue of the fact that he does not have to go on an endless merry-go-round for money; that there is $18 million they raise in the primaries, and half of that, or close to half, coming from the Federal match. It is their knowledge that they can target $10 million or so and have the Federal match that allows them to go out and do the retail politics.

On the question of the State, the Senator mentioned that the State of Massachusetts has over 6 million people, twice the size of the State of the Senator from Kentucky.

I am satisfied to live with a cap. I believe that I can get around the State and by going to radio stations, by going to TV stations, by doing Sunday afternoon interviews on the television shows, by going out to the chambers of commerce, and so forth, I could reach the people, by virtue of not having to be in these other places raising money, that I could do a better job of representing my State certainly, and I would rest assured on my ability to be able to reach them with that amount of money.

Now, the third point, under this cap there is not one of us in the U.S. Senate who would not have the ability to spend as much money as we spent to get here. I spent I think close to $3 million, and under this particular plan I would still get to spend about $3 million, and it would be indexed according to the increase in costs, et cetera. So as costs go up I know I am going to have that threshold level of ability to be able to campaign.

I think it is fair to assume that the system is frankly improved by that.

I agree with my distinguished colleague, and I think we ought to try to deal with the cost of campaigning.

I sit on the committee that has jurisdiction over the FCC and the communications process, and it is incomprehensible to me that we are involved in licensing them, that we grant them the access to the airwaves, that we are the ones who give them the right to take this entity and asset of the United States of America and become millionaires on it and yet we turn around and pay a premium price in order to have access on it at a later time as part of the democratic process.

If we cannot turn around and fix that one then maybe we ought to consider whether or not we ought to be running again and raising this money.

In addition to that, I just want to come back and ask my colleague if he would explain to me where he sees the retention of the millionaire's loophole in this current bill as it is written.

Mr. McCONNELL. Because you simply opt against the system and go privately and put everything you have into it.

There are only two things in my judgment that you can constitutionally do to cure the millionaire's problem and it will not entirely cure it, and I have suggested them both.

One is to require an individual who is going to pony up to say a quarter of a million dollars or not to so notify the FEC at the beginning of his campaign so that his opponent would know what he is up against. That in turn would trigger for the opponent the opportunity to receive campaign contributions in greater amounts than under the current law, which is $1,000 in primary and $1,000 in general. The second thing——

Mr. KERRY. An assumption my colleague makes.

Mr. McCONNELL. Let me finish.

Mr. KERRY. All right.

Mr. McCONNELL. The second thing that can be done which I am advocating, and this would not entirely cure it, because you cannot constitutionally cure it, would be to say that you cannot recover it. If you are going to put your own personal money into it or if you are going to borrow and put money into a campaign that is it. You are going to have to eat it. You cannot after the election is over go around and shake down every PAC committee and special-interest group and individual in the country and pay yourself back.

That might not deter the guy with huge bucks. But for people who are just a little bit wealthy, they might think twice if they know that they are really going to have to spend it and not get it back.

So both of those I think are measures that would have some impact on the millionaire loophole problem. S. 2, 1, 2, and 3, or we are on 4 now—I am not quite sure—son of S. 2 still does not solve that problem because, of course, you have the constitutional option to choose to go privately. If you decide to just want to buy public office, you just simply choose not to do that and you write out a check for it.

So your proposal does not really do anything to solve that problem.

On the question of the Presidential system and the noncash contribution, the Kennedy School conclusion was that what was forcing money off into the other areas was the spending limits. The Kennedy School said a more serious consequence of the growth of money in Presidential elections has been the efforts by political forces to expand the flow of money outside—I repeat—outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. The constitutes a failure of the act's original purpose.

In other words, when you put a cap on the cash contribution it pops up over here or over here—soft money, independent expenditures, exploratory committees, multicandidate PAC's. In fact, there is not any way to completely eliminate money even if you thought that were desirable, and the Senator from Kentucky does not. There is not any way to completely eliminate that from the process.

The beauty of post-Watergate legislation for congressional races, not the Presidential, but congressional races, there is a limit on individual contributions and full disclosure.

It seems to me that is a perfectly sound approach.

Mr. KERRY. Let me address if I can my colleague's comment because I think it is very important here. Two things are important: The Senator from Kentucky asserts that the millionaire's problem is not involved in this bill because the millionaire can still spend money. This Senator would argue that that depends on how you define the millionaire's problem.

The millionaire's problem is not whether or not the millionaire can spend the money. The problem is whether or not he gets the advantage by spending the money.

Now if the millionaire can spend all the money that he wants but there is no advantage because the Federal Government is going to equalize it for his opposing candidate, most millionaires by virtue of commonsense are going to say to themselves, "I am not sure I am getting my value for my expenditure." And if they are getting it at least you know his opponent is also getting it.

Now, I believe that eliminates the problem. The problem is not the expenditure, per se. The problem is the advantage that accrues to the millionaire by virtue of the expenditure.

And I believe that this does solve that problem because I cannot imagine spending $25 million if you know your opponent is going to get $25 million and spend it against you. You hardly are buying much for your expenditure unless that kind of exposure is what it takes to get you elected.

Mr. McCONNELL. I might say to my friend from Massachusetts I think he essentially misunderstands the bill he supports. Let us take his case for example.

If you were running against a millionaire under S. 2, all you would get to do battle would be a modest mail subsidy and a maximum of $2 million in taxpayers' money. You better be running against a poor millionaire, because you are held to the $2 million max there, and so if somebody wants to ante up $10 million you are out of luck.

Mr. KERRY. I understand that, but I am just using a figure of speech. The cut in is at $20,000 and that is automatic. The moment you spent $20,000 there is a cut in of equal amount up to $2 million. The key is threshold, and I think the Senator knows that.

In 1986 the key to candidates across the country at least on the Democratic side was their ability to guarantee that they had enough to be able to get that threshold message out and, indeed, in every State where they were outspent two to one by virtue of having met the threshold, they got elected.

So I think that there is a telling argument about a failure of——

Mr. McCONNELL. That is a strong argument for not tampering with the current system, it seems to me.

Mr. KERRY. On the contrary, because I think every one of those Senators has come to this Senate committed to the notion that what they went through was degrading, what they went through was overly time consuming and what they went through denigrated the democratic process itself, and there is not one of those new Senators, incidentally, who came in on the Democratic side who is not supportive of this bill and strongly advocating that we ought to have finance reform.

I think there cannot be a greater statement about the need for it than that.

(At this point Mr. LAUTENBERG assumed the chair.)

Mr. McCONNELL. Just let me say I have some constituents I want to say "Hello" to.

Mr. KERRY. This Senator has an appointment.

Mr. McCONNELL. There are a substantial number of Members of this body who do not consider it degrading or inappropriate to receive cash contributions from the voters of this country.

Mr. KERRY. That is not what I said. I have long advocated broad participation and contributions by the voters, but there are not a lot of homeless, there are not a lot of hungry, there are not a lot of unemployed, there are not of kids who are able to contribute $1,000, and there are not a lot of people who are of the unenfranchised constituency financially in this country who have the ability to match the dollars and get the access that comes through them.

And what I am saying is that this Senator does not take PAC money. I came to the U.S. Senate without taking it, and I have not taken it. I am one of three Senators who does not.

I think there are ways to go out and raise money by going to coffees and going to people's living rooms and by reaching out. That takes a small amount of money to do that.

Now, I think that is important. I am not suggesting, nor is any one of my colleagues suggesting, that there is not a value to Americans contributing money to the process. I think there is.

Mr. McCONNELL. If the Senator does not accept PAC money, I wonder if he would be willing to support my bill to eliminate PAC's altogether.

Mr. KERRY. If the Senator will stop filibustering and move this process along and allow us to have a vote on this and get out S. 2, I will be happy to join with him.

Mr. McCONNELL. I will tell the Senator from Massachusetts that the process is going forward. We had a meeting this morning of the group of eight. We are trying to work out the differences. We have urged that since last May. The process now, more than any other time since we have been on this measure, is making a genuine attempt to move forward.

Mr. KERRY. I respect that and I understand that. I am aware of the meeting and I am aware there is now an effort to discuss it.

But I do also remember last year when we were on the floor trying to move forward that we kept saying "Give us an alternative; give us an alternative," and we could never get off the need to eliminate the cap as a starting position for any discussion. So I am delighted that, in fact, we are proceeding forward now and I hope we are going to produce some progress.

Mr. McCONNELL. I do, too.

Mr. KERRY. I thank the distinguished Senator for his participation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McCONNELL. Mr. President, S. 2 has followed a rather twisted path to this day. S. 2, the Senatorial Election Campaign Act of 1987, is, in one important aspect, the most notorious bill to ever come before the Senate. No other measure has been taken to seven cloture votes. And we are informed that there may be others, and that is fine. Now, S. 2 threatens to become not just notorious, but infamous.

Mr. President, there have been several occasions when no one knew what version of the bill was pending before the Senate, nor what version the sponsors wished to have us adopt. Let me give you a brief history of S. 2.

The bill was introduced January 6, 1987 and ordered to be printed. It was printed incorrectly. On February 17, a star print of the introduced version appeared. On May 14, 1987, the bill was printed as reported, with an amendment. On August 7, the reported version was modified by the chairman and another star print appeared.

On February 1, 1988, the Senate proceeded again to S. 2. The clerk reported a version of S. 2 that appears in the RECORD on page S331. That version was incorrect.

Yesterday, on February 17, what we take to be the correct version was printed in the RECORD on pages S786 to S794. A note on page S786 explained that the version of February 1 was in error.

Then Senator BOREN moved to recommit the bill, to be reported back forthwith with amendment 1403. The distinguished majority leader moved to amend No. 1403 with amendment 1404 and Senator BOREN proposed amendment 1405 to amendment 1404.

I had thought from the statements in yesterday's RECORD that the purpose of the motion to recommit, and amendments 1403, 1404, and 1405, was merely to strip off the Helms and Symms amendments and return the Senate to the version of the bill that was last before the Senate, the August 7 committee modification. The August 7 version is the official latest version that had to be reprinted in yesterday's RECORD.

It now turns out that amendment 1403, in the Record at S854-61; amendment 1404, in the Record S861-68; amendment 1405, in the Record S868-75; do not seem to track the August 7 version, but earlier versions of S. 2.

The following entire sections from the August 7 version appear missing from yesterday's Boren-Byrd amendments; section 13, preferential rates for mail; section 14, broadcast rates; 15, disclosure; 16, political committee postal rates; 17, constitutional amendment.

There are other differences as well.

The sponsors of yesteday's motion to recommit and related amendments have subsequently cured it. At 1:03 p.m. today Senators Byrd and Boren modified their amendments. It has been an interesting path to where we are, Mr. President. Perhaps this debate might have ended earlier, if we knew which bill we were arguing about.

I want to take a few moments, since we have no other speakers at the moment, and talk a little bit more about the system we seek to imitate, which is the Presidential system of expenditure limitations.

There was an interesting article in the Federal Bar News and Journal on page 70, an article by Lyn Oliphant, who served as deputy general counsel for the Mondale/Ferraro Committee. Prior to joining the committee in 1984, she was special assistant general counsel, in the Office of General Counsel, at the Federal Election Commission. She joined that staff in 1976.

A coauthor of the article is Pat Fiori, who also worked on the Mondale/Ferraro Committee. From 1978 to 1982 she served on the staff of the Federal Election Commission as assistant general counsel for regulations, and subsequently as executive assistant to Commissioner John Warren McGarry. From 1973 to 1978 she was a legislative attorney with the Congressional Research Service.

The other coauthor of this article is Michael Berman, who was at the time and may still be a partner in the firm of Kirkpatrick and Lockhart here in Washington. Berman served as treasurer of the Mondale-for-President Committee. He also was counsel and deputy chief of staff to Vice President Mondale.

I will subsequently put this entire article in the Record, but I want to read certain parts of it. This is an article where the authors describe their own personal experiences with the law that we seek to emulate and in many respects apply to congressional races. I want to read certain parts of this revealing article about the authors' experiences with a system of spending limits and public finance. The article begins:

> The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.
>
> Inside a small office, piled high with files and boxes, sit two deputy counsels of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.
>
> In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.
>
> For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended, the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

Mr. President, I am skipping over here and just reading pertinent parts, but as I indicated, I will put the entire article in the Record at the end of my observations.

The authors, again people still working for the Mondale for President Campaign, which has been over for 3 years, proceed:

> Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—DELEGATE COMMITTEES

> Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees.

Skipping over, Mr. President, the authors continue:

> Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate. These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees. However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

Skipping over:

REDESIGNATION OF EXCESSIVE CONTRIBUTIONS

> Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Skipping over:

SOURCES OF FUNDS FOR REPAYMENTS AND PENALTIES

> Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds. The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

Skipping over again, they talk about draft committees.

> Through no fault of the FEC, the status of draft committees remains unresolved.
>
> Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.

The authors go on:

> Congress, despite the FECA's repeated recommendations, has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

Under contribution limits, the authors point out that:

> The FEC limits contributions by individuals to $1,000 per election.

Presidential elections.

> Fundraising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigns to raise money. Because of the limits, potential candidates for President have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals. PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax exempt, tax-deductible foundations.
>
> The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fundraising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.
>
> If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

Skipping over again, Mr. President, the authors point out:

> Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign 2 or 3 years before the general election year if he or she is willing to register a committee at that time.

The authors make some interesting points about the State-by-State spending limits under the Presidential Act.

> The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a

presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

The authors talk about grassroots expenditures.

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979.[32]

Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

A couple of final observations:

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

Mr. President, I ask unanimous consent that this excellent article by three distinguished Americans and active Democrats who have been trying for 3 years to finally close the account of the Mondale committee, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COUNSELING A PRESIDENTIAL CAMPAIGN

(By Lyn Oliphant*)

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controler and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

A BROAD RANGE OF ISSUES

A broad range of legal issues arises throughout the course of a presidential campaign. While the primary emphasis is on election law, there are a number of other legal matters that also require attention; for example, tort liability, contracts, equal employment opportunity laws, corporate law, copyright questions and communications law. These problems range from weighty legal questions to those that sound more like the script of a television sitcom.

For example, during 1984, Mondale staffers and volunteers backed a rented truck into a cathedral in San Francisco, damaging both; clipped a wing off an airplane with another truck; broadsided a cow with a rental car (the cow was held liable); and drove another rental car the wrong way down a one-way street into an oncoming fire engine with its siren on and lights flashing. A routine day also included a request for permission to market a "Gerry" wig.

With such a range of legal problems, it is important for a campaign treasurer and the campaign's counsel to find as much volunteer legal help as possible. There is a need for those who may be able to spend large amounts of time and those with critical expertise, but who are only available for telephone consultations and an occasional meeting.

When the campaign is in full swing, in-house lawyers and campaign management can easily lose perspective. Invaluable to us were two seasoned practioners who were there to reason with or pitch in during times of crises.

One of the key questions confronting the treasurer is how to structure the internal campaign organization in order to facilitate compliance with the law. From a legal standpoint, the treasurer is the key person in the campaign because that person is responsible for FECA compliance.[2] The treasurer is, in essence, the client and, for this reason, the jobs of treasurer and counsel should never be filled by the same person.

A second key element in fostering compliance is a good accounting system. It should be in place before any financial activity occurs. Whether to maximize matching funds[3] or to stay within expenditure limits,[4] a solid accounting system is essential.

UNRESOLVED QUESTIONS

Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—Delegate Committees

Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committee.[5] One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.[6]

Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate.[7] These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees.[8] However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

The issue was not resolved in this matter because the campaign entered into a conciliation agreement with the Commission.[9] In late 1986, the Commission considered proposed staff revisions [10] to the regulations intended to clarify this question, but it has never adopted a notice of proposed rulemaking. Thus it is entirely possible that the ambiguity of these delegate regulations will not be resolved before the next campaign counsel must render advice on this question.

2.—Redesignation of Excessive Contributions

Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Campaigns frequently receive aggregate contributions from an individual in excess of the $1,000 limit.[11] One option available to the campaign is to simply return the excess amount in a timely fashion.[12] This is not the most desirable course of action if there is some other lawful way in which the funds might be used by the campaign. A second option is to redesignate the excess amount to a general election compliance fund.

The FEC manual for publicly financed campaigns [13] published in 1983 does not address the question of what procedure a campaign must use to redesignate excessive primary contributions to the general election compliance fund. Unfortunately, the FEC did not resolve this question in its regulations in time for the 1984 campaign.

The issue is whether a campaign may simply notify a contributor that the excessive amount of his or her contribution is being redesignated by the campaign or whether the contributor must sign a form agreeing to the redesignation. Both options were used by different campaigns in 1984.

Footnotes at end of article.

*Footnotes at end of article.

In our view the most sensible resolution is to permit redesignation with notice by the campaign, so long as the contributor is given a period of time to request a refund.

If the FEC fails to resolve this issue, campaigns might consider including language in the original solicitation and on the contributor card specifying how excessive contributions will be redesignated or allocated.

3.—Sources of Funds for Repayments and Penalties

Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds.[14] The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

In the aftermath of the 1984 campaign, the FEC took the position that repayments are neither qualified nor nonqualified campaign expenses.[15] Unless the Commission makes clear from what funds repayment may be made, candidates in 1988 will not know whether they will be able to make repayments from their regular campaign accounts, which include a mix of private and public funds.

The Commission has taken a clear position that civil penalties can only be paid publicly-funded campaigns from sources which do not include public funds.[16] Similarly, the Commission should take a position on the repayment question.

4.—Draft Committees

Through no fault of the FEC, the status of draft committees remains unresolved.

Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaigns refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.[16] Meanwhile, the Congress made a minor change in the FECA's reporting requirements. The federal appellate courts confirmed the lower court decisions and interpreted the change in the law as subjecting draft committees to the reporting requirements but not the contribution limits.[18]

Congress, despite the FEC's repeated recommendations,[19] has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

CURRENT STATUTORY AND REGULATORY DILEMMAS

In certain respects the FECA was not designed nor has it been modified to deal with the passage of time. Certain of the regulations adopted by the FEC seem to deny the realities of modern-day campaigns, while others beg for a rationale. The net result is that the law has become substantially more burdensome than it needs to be to meet its overriding goals.

1.—Contribution Limits

The FECA limits contributions by individuals to $1,000 per election.[20] Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.

Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals.[21] PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

2.—Primary Matching Funds

Under the Presidential Primary Matching Payment Account Act,[22] a candidate seeking nomination by a political party may opt to accept public funding to match contributions which the candidate raises privately. After meeting certain threshold requirements, private contributions are matched with public funds up to the first $250 received from each individual, up to an aggregate amount equal to one-half of the expenditure limit.[23] The $250 matching amount has not increased since the 1976 campaign. The amount of matching funds the candidate may receive has doubled.[24]

Currently, contributions cannot be matched unless they are made and received after January 1 of the year before the election and before Decemnber 31 of the election year.[25] No matching funds are distributed to candidates until after January 1 of the election year.[26]

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign two or three years before the general election year if he or she is willing to register a committee at that time.

The end of the period during which private contributions are eligible for matching, December 31 of the election year,[27] is unrealistically short. Many candidates finish the primary season in debt. The period between the national conventions, which mark the end of the primary season, and the general election is the most difficult time for most candidates to raise primary funds. Candidates who have not met the eligibility threshold for matching funds should be allowed to continue to raise contributions that qualify for primary matching funds until all debts, and winding down costs, have been met. At a minimum, the matchability period should be extended for a full year after the election.

Campaigns must be particularly mindful of the current limitations as they accumulate debts during the later stages of the primary campaign.

3.—Expenditure Limits

A presidential candidate who accepts public funds for the primary or general election is limited in the amount he or she can spend in those campaigns.[28] These limits are adequate to enable a candidate to mount a viable campaign. However, the FECA creates one limit on general campaign activity [29] (in 1984, $20.2 million) and a separate limit for fund-raising [30] (in 1984, just over $41 million).

The separate limit for fundraising serves no useful purpose. It greatly complicates record-keeping and compliance. And, candidates are encouraged to devise ways to bypass it. For example, when using the mail as a persuasion device to reach large numbers of voters, the inclusion of a pitch for funds transforms the cost of the letter into a fund-raising expense.

One limit combining the amount allowed for general campaigning with the amount allowed for fund-raising is more realistic, would void the need for such "creative" devices and, of equal importance, would ease bookkeeping.

4.—State-by-State Limits

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

5.—Grassroots Expenditures

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA In 1979.[32] Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.

Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

6.—Use of Private Aircraft

The FEC's regulations controlling the use of private, nonscheduled aircraft by federal campaigns are something to behold. By careful choice of airports and selection of aircraft based on who owns the plane (regular charter company or other corporation), the amount which a candidate pays for a trip may vary by tens of thousands of dollars.[33]

REVISION OF PUBLIC FINANCING REGULATIONS

The Commission is considering significant revisions to its public financing regulations.[34] Some of these changes can have significant impact on the audit process and on the ultimate financial position of the campaign. The proposed changes to watch include:

Shifting the burden to candidates to prove that reallocations by FEC auditors are incorrect [35]

Requiring that taxes paid on any income earned from funds invested by the campaign be counted as expenditures subject to the overall expenditure limit [36]

Considering expenditures incurred before the date of ineligibility [37] as non-qualified expenses if the goods or services are received after the date of ineligibility [38]

Considering the costs of preparing the matching fund submissions as a fund-raising cost rather than a compliance cost [39]

Requiring a campaign to have all assets appraised at the time of acquisition and at the time of disposal [40]

Using the last-in-first-out method for determing when a candidate no longer has matching funds in his or her account [41]

Changing the treatment of loans to publicly financed campaigns by various alternatives such as requiring certain types of security for such loans [42]

Requiring a 100 percent repayment of non-qualified expenditures paid after the date of ineligibility. [43]

THE COMMISSION AND STAFF

At one time or another every presidential campaign will deal with the Commission, the General Counsel's office and Audit Division.

In each instance in which the Commission, itself, has considered matters specifically relating to our campaign, its decisions have been fair and reasonable. This is not to say that we like the outcome of every encounter with the Commission. It is to say that the results were reasonable in the circumstances.

Throughout the campaign, our lawyers, talking with the General Counsel's office, and our accountants, talking with the Audit Division, were accorded courteous and helpful treatment. We encourage every campaign to establish these lines of communication. However, you must keep in mind that your comments during these communications may be noted for the record by FEC personnel and used during an audit or investigation.

The Commission and its staff acted expeditiously during the campaign, when time was of the essence, in such things as certifying and delivering matching funds. However, the post-election audit process dragged on longer than should be necessary.

It is not clear to us whether the length of the post-campaign audit process is a function of the experience (or lack thereof) of some of the auditors, their practice of going beyond sampling in reviewing certain kinds of transactions, a lack of funding, or the propensity of the audit staff to constantly be searching for new theories under which transactions are/can be deemed improper. Whatever the cause, there has to be some way to complete it more quickly.

There are several changes that would likely speed up the process. First, the FEC should adopt regulations and require adherence to strict time deadlines for the completion of audit work and the staff review. Second, the audit should not be commenced and, at least, shouldn't be brought to even a preliminary close until the bulk of the financial activity has been completed. In no case should the audit of a successful primary candidate begin until after the general election. Third, allocate less time to state limits. As much as 50 percent of staff audit time may be devoted to the state limits, which essentially means reviewing expenditures in Iowa, New Hampshire and Maine.[44] While the Commission does have an obligation to enforce the state limits, this does not seem like an appropriate allocation of audit time, given the size of the total campaign.

Because presidential campaigns are a unique animal in the election law firmament, perhaps the Commission and the campaigns would be well served by using major accounting firms to handle this audit under the supervision of the Audit Division.

SERVING AS TREASURER

The FECA requires that a campaign have at least one officer, a treasurer.[45] No contribution can be received or expenditure made when that post is vacant.[46] Oftentimes the title of treasurer is given as an honor to a prominent supporter. However, in our view, treating the job of treasurer as an honorific rather than as an operating position is a mistake for the campaign and for the individual seeking or accepting the "honor."

Treasurers will be found by the Commission to have violated the Act, in their official capacity, if the campaign committee is found to have violated the law, whether or not the individual has taken any specific action which violates the law.[47] The Commission's theory seems to be that some individual must be accountable for the activities for the campaign. With that theory as a premise, the only alternative to holding the treasurer liable would be to hold the candidate liable, and that policy would not likely last longer than the time it took the ink to dry on the document proposing it.

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

While we have written about many of the problems and frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and diligent efforts by all concerned you can avoid adverse consequences to the operation of the campaign by complying with the FECA.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

FOOTNOTES

*Lyn Oliphant is currently Deputy General Counsel for the Mondale/Ferraro Committee. Prior to joining the Committee in 1984, she was Special Assistant General Counsel in the Office of General Counsel at the Federal Election Commission. She joined that staff in 1976. Patricia Fiori is also currently with the Mondale-Ferraro Committee. From 1978 through 1982, she served on the staff of the Federal Election Commission as Assistant General Counsel for Regulations and, subsequently, as Executive Assistance to Commissioner John Warren McGarry. From 1973 to 1978, she was a Legislative Attorney with Congressional Research Service. Michael Berman is currently a partner in the firm of Kirkpatrick and Lockhart, Washington, D.C., and treasurer of the Mondale-for-President Committee. He was counsel and deputy chief of staff for Vice President Mondale.

[1] 2 U.S.C. § 431.

[2] 2 U.S.C. § 432(a).

[3] 26 U.S.C. § 9034.

[4] 2 U.S.C. § 441a(b); 26 U.S.C. § 9035(a).

[5] FEC MUR's 1667, 1704.

[6] *Id.*

[7] 11 C.F.R. § 110.14(d)(2).

[8] AO 1980-5.

[9] MUR 1704.

[10] FEC Agenda Doc. 1986-94.

[11] 2 U.S.C. § 441a(a)(1).

[12] 11 C.F.R. § 103.3(b).

[13] FEC, Manual for Candidates Receiving Presidential Primary Matching (1983).

[14] 26 U.S.C. § 9038(b); 11 CFR §§ 9038.2, 9038.3.

[15] Brief for the Federal Election Commission in Mondale for President v. FEC, No. 85-1338 (D.C. Cir.)

[16] 11 C.F.R. § 9038.4(b)(4).

[17] FEC v. Florida for Kennedy Committee, 492 F. Supp. 587 (S.D. Fl. 1979); *rev'd*, 681 F.2d 1281 (11th Cir. 1982), *reh. denied*, No. 80-6013 (11th Cir. Oct. 8, 1982); FEC v. Citizens for Democratic Alternatives in 1980, 655 F.2d 397 (D.C. Cir.) *cert. denied*, 454 U.S. 897 (1981); FEC v. Machinists Non-Partisan League, 655 F.2d 380 (D.C. cir.), *cert denied*, 454 U.S. 897 (1981).

[18] *Id.*

[19] FEC Legislative Recommendations, FEC Annual Reports, 1980 to 1985.

[20] 2 U.S.C. § 441a(a).

[21] 2 U.S.C. § 441(a)(1)(c).

[22] 26 U.S.C. § 9031; 11 C.F.R. Parts 9031-39.

[23] 26 U.S.C. §§ 9033(b), 9034; 11 C.F.R. § 9033.2.

[24] 2 U.S.C. § 441a(c).

[25] 26 U.S.C. § 9034(a); 11 C.F.R. § 9034.2(c)(4). The starting date of the period is set by statute, the closing date by FEC regulation.

[26] U.S.C. §§ 9032(6), 9033(c); 11 C.F.R. §§ 9032.6, 9037.1.

[27] 11 C.F.R. § 9034.2(a)(4).

[28] U.S.C. § 441a(b).

[29] *Id.*

[30] 2 U.S.C. § 431a(b)(vi).

[31] 2 U.S.C. § 441a(b)(1)(A).

[32] 2 U.S.C. §§ 431(8)(B)(X), (xii).

[33] *Cf.* 11 C.F.R. §§ 114.9(e), 9034.7(b)(7).

[34] 51 Fed. Reg. 28154, August 5, 1986. These proposed revisions were pending before the FEC at the time of drafting this article.

[35] Proposed § 106.2(a)(1).

[36] Proposed § 9034.4(a)(4).

[37] Under FEC regulations, candidates are no longer "eligible" to receive matching funds: (1) when they became inactive; (2) when they fail to receive at least 10 percent of the votes in two consecutive primaries; or (3) at the end of the matching payment period (for major party candidates—the date of nominations). 11 C.F.R. §§ 9033.5(a), (b), (c).

[38] Proposed § 9034.4(b)(3).

[39] Proposed § 9035.a(c)(1). This addition to the regulations would essentially ratify the approach used by the auditors in 1980 when the regulations were silent as to treatment of the costs.

[40] 51 Fed. Reg. 28154, August 15, 1986.

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] FEC Written Responses to Questions by Congressman Al Swift Concerning Fiscal Year 1987 Budget Request, February 18, 1986.

[46] *Id.*

[47] Agenda Doc. 84-79, adopted at Open Session held on May 24, 1984.

Mr. McCONNELL. Mr. President, to briefly conclude this observation, the reason the Senator from Kentucky has made several remarks about the Presidential system is simply because, A, it is timely, it is happening now before us. The New Hampshire primary was 2 days ago. And, B, it is the law often cited as the reason we should go forward with expenditure limitations and public finance for congressional races.

As I have said previously, Mr. President, the law has simply made shooters out of everyone who has run for President. It has simply ended up costing $1 out of every $4 raised to pay lawyers and accountants.

It has, in every respect, been a failure, and it seems to me it would not be in any way progress to extend that kind of nightmare any further and apply it to 535 races for the U.S. Congress. In fact, we ought to be debating changes in the Presidential campaign system.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader if the following nominations on the Executive Calendar have been cleared for action on his side of the aisle: Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission and to be Chairman of the Commodity Futures Trading Commission, vice Susan Meredith Phillips, resigned; and Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services, vice Dorcas R. Hardy, resigned.

Mr. COCHRAN. Mr. President, if the distinguished majority leader will yield, I am pleased to assure him that both of these nominations have been cleared on this side of the aisle. We appreciate his turning to the Executive Calendar to take these nominations up.

Mr. BYRD. I thank the distinguished Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Sydney J. Olson, Calendar Order No. 518, and the nomination of Wendy Lee Gramm en bloc; that the nominations be agreed to en block; that they be spread severally upon the record; that the motion to reconsider be laid on the table; and that the President of the United States be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

COMMODITY FUTURES TRADING COMMISSION

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1990.

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sydney J. Olson, of Virginia, to be an Assistant Secretary of Health and Human Services.

NOMINATION OF WENDY L. GRAMM

Mr. LEAHY. Mr. President, today the Senate considers the nomination of Wendy L. Gramm as Chairman of the Commodities Futures Trading Commission.

Since the stock market and the futures market decline the week of October 19 last year, a great deal of attention has been focused on this agency which has been without a permanent Chairman since last July. I commend the Acting Chairman, Kalo Hineman, for a job very well done.

I feel strongly that the agency needs a permanent Chairman to make long-term commitments and give the Commission the direction and leadership needed during this turbulent period in all of our markets.

The many important decisions which will be made in the coming months by the Chairman of this agency will affect not only our domestic financial markets but all foreign markets as well.

Taking these responsibilities of the new Chairman under consideration, the Senate Committee on Agriculture, Nutrition, and Forestry has voted unanimously to approve the nomination of Dr. Gramm as Chairman of the Commodity Futures Trading Commission.

Dr. Gramm has an extensive academic and public service background holding positions as the Director of the Bureau of Economics at the Federal Trade Commission as well as the Administrator of the Office of Information and Regulatory Affairs at the Office of Management and Budget. Certainly both positions will contribute to the needed administrative and regulatory experience necessary to assume the chairmanship of the Commodity Futures Trading Commission.

During her confirmation hearing, I expressed some concerns about how Dr. Gramm's lack of experience in the financial and commodities markets could affect her leadership of such an important agency during a very critical period. However, her testimony last week before the committee satisfied me that she could fulfill her responsibilities. Dr. Gramm expressed an understanding and a keen awareness of the major issues and challenges that face the Commission at this time. Dr. Gramm assured the committee of her commitment to fully maintaining the Commission's position as the expert Federal agency with regulatory authority over all futures markets. These statements and answers, along with her previous experience as an administrator and regulator at other Government agencies, have convinced me to support her nomination as Chairman of this very important agency.

NOMINATION OF SYDNEY J. OLSON

Mr. BENTSEN. Mr. President, the Finance Committee recently voted unanimously to send to the floor the nomination of Ms. Sydney J. Olson as an Assistant Secretary of the Department of Health and Human Services. She is well prepared to take on this assignment, having previously worked 5 years as an able staff member on the Finance Committee.

In her job as head of the Office of Human Development Services, she will be responsible for many of the same programs she worked on while with the Finance Committee. I know that the distinguished Republican members to whom Ms. Olson was responsible—Senators DOLE and PACKWOOD—agree that she is a very good choice.

Mr. President, I urge Senate confirmation of this nomination.

Mr. COCHRAN. Mr. President, if the distinguished leader will yield, let me again simply say that on the matter of the confirmation of Dr. Wendy Lee Gramm we especially appreciate taking that matter up since it had not officially been printed on the calendar. Dr. Gramm appeared before the Agriculture Committee just the other day at a hearing and performed beautifully. I think the vote was unanimous to recommend her confirmation to the Senate from the Committee on Agriculture. We especially appreciate his taking that matter up today.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I should state for the record, I did not intend to but I shall state for the record that I made a telephone call to Senator LEAHY, the chairman of the Committee on Agriculture and Forestry. That was the reason I had been waiting to go to the Executive Calendar. I wanted to clear with Mr. LEAHY the nomination. I talked with Mr. LEAHY on the telephone and he graciously agreed to give his approval of my going ahead with the nomination today even though it is not on the Executive Calendar.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESSING FORWARD ON FAMILY WELFARE REFORM

Mr. COCHRAN. Mr. President, 2 weeks ago the Committee on Finance held hearings on S. 1511, the Family Security Act of 1987, of which I am a cosponsor with Senator MOYNIHAN and others. At that time I testified that we have a unique opportunity this year to reform the welfare system.

I think a consensus has developed on the need for reform. There is agreement on the importance of parental support for children, the value of work, and the primary responsibility of the individual for himself; and there is also agreement on the responsibility of Government to provide adequate and sensitive help to those who are unable to provide for their own needs. I think we should take advantage of this concensus and legislate some needed changes in the welfare system.

I represent a State where an estimated one of every four citizens receives some type of welfare assistance. In Mississippi, as in many other States, we have far too large a percentage of our total State population who are potentially productive citizens but who are living and raising their children in poverty and in an environment where it is unlikely that they will gain an appreciation of the value of a job or enjoy the personal satisfaction and confidence gained from being self-sufficient. Most who are living under these conditions want a much different life for themselves and their children. But, until now, there has been little encouragement, and, for some, there was no hope at all. It is that human condition of despair and hopelessness that we must work to change.

The fundamental goal is independence. There is general agreement that continuing dependency among welfare participants is a serious problem, and that incentives, encouragement, and reform, are needed to make the transition from dependency to self-sufficiency a more likely possibility.

Doing that takes commitment—commitment of the Federal Government to set some reasonable national standards; commitment by Federal and State governments to provide sufficient funding; commitment to create better training and education programs and provide access to day care services; and commitment of welfare recipients to take advantage of the new opportunities.

Today, I am speaking for the welfare recipients in my State who want to be more self-sufficient and who want their children to have a better chance then they did; and I am also speaking for the other citizens of our State who know all too well that Mississippi's economic future depends on this change.

We start by placing primary responsibility upon parents to support their children. Too many welfare cases involve children who are not getting any support from their fathers. Of the 174,638 child support cases referred to our State welfare department, 73 percent do not have any paternal child support obligation whatsoever.

In the Nation as a whole, there are about 8.7 million mothers raising children on their own, a 300-percent increase since 1970. About 53 percent of these children receive no money from the fathers. The automatic wage withholding requirement in the bill makes a needed statement, loud and clear, that this Nation expects fathers to help support their children.

In the work training, and education component of the bill, flexibility is given to the States to design a program to fit the needs of the individuals to be served. Nationwide, about 25 percent of all welfare benefits go to young, single mothers with little education or job skills. This bill is structured to target this group and to provide them with new skills and training for a more productive life.

I think the child care provisions in this bill are very important. The child care barrier to work and education is very real, and it is essential that there be a child care component in the welfare reform effort.

Needless to say, the issue of expanding benefits has been a big part of the discussion of welfare legislation, particularly in the other body. For many in my State the cash benefits are inadequate. In Mississippi, a three-person family receives only $120 per month in cash assistance. Other noncash benefits have kept better pace with costs of living. Especially helpful are the nutrition assistance and housing programs. In some States these noncash benefits amount to over $400 per month for a family of four.

Mr. President, I believe this legislation will prove to be a big step forward in improving our Nation's social policy. I strongly urge that we consider this bill this year and work to iron out differences with the other body and the Administration to work with him and other sponsors to try to get a bill so a bill can be signed by President Reagan before the 100th Congress comes to a close.

AMBASSADOR MIKE MANSFIELD HONORED

Mr. BAUCUS. Mr. President, I want to take a moment to bring to the attention of my colleagues an honor that recently was bestowed on our former majority leader and current Ambassador to Japan, Mike Mansfield.

Last week, Mike was presented with the Joseph C. Wilson Award for outstanding achievement in international affairs. The Wilson Award is given by the Rochester Association for the United Nations in memory of Joseph Wilson, the first chairman of Zerox Corp. and a well-known humanitarian and civic leader.

The Wilson Award is just one of many expressions of honor and appreciation that have come Mike's way.

For example, the Maureen and Mike Mansfield Foundation has become a living monument to Mike and is a source of pride for all of us who are involved with it. The foundation supports the activities of two important centers. The first is the Mansfield Center at the University of Montana—an academic program that brings together scholars, government officials and others to enhance the study of modern Asia and to further an understanding of ethics in government and public affairs.

The second major activity of the foundation is the Mansfield Center for Pacific Affairs—a resource center that explores the relationship between the United States and Pacific Rim countries and works toward more productive partnerships.

Awards and centers are wonderful tributes, but we all know the greatest accolades come from the people we serve. In Mike's case, these have been the people of Montana. As Missoula, MT, newspaper columnist Evelyn King pointed out in a recent article, "no matter how prominent and busy Mike became, his concern for his people never wavered."

King is compiling stories from her readers about Mike Mansfield. She cites one story in which a visiting Montana teacher was hurt in a fall while touring the Pentagon. The tour went through a dark area where the teacher tripped on a curb. As King recounts the story, the teacher went to Mike's office. He listened to her story, sent her to his own doctor for help and then proceeded to remedy the lighting problem at the Pentagon.

This is just one small example of why Mike Mansfield has become a hero to many Montanans. For years they have been honoring him in their own personal way. That is good. But it is also appropriate that we take note in this body, where he served for so many years, of the public awards he justly deserves.

Unfortunately, Mike was unable to attend the Wilson ceremony last week because he is still recovering from heart surgery. However, I am sure I express the feelings of the award sponsors as well as all my colleagues when I say, "Congratulations, Mike. No one deserves the honor more than you."

DEFENSE ACQUISITION

Mr. GRAMM. Mr. President, we have seen an unprecedented amount of change to the defense acquisition system since the spare parts horror stories of 1983. Both the Congress and the Department of Defense have contributed to the complete transformation of the defense procurement environment. Many of these changes, such as the increased emphasis on competition, have been long overdue and promise to save the taxpayers billions of dollars over the next several years. Nonetheless, there is a growing concern that the piecemeal nature of these initiatives may cause serious imbalances in the priorities underlying our procurement of goods and services for the military. For example, some have questioned whether the increased emphasis on price competition is being implemented at the expense of quality. Questions have been raised regarding our ability to attract competent professionals to manage the defense acquisition process. Finally, industry representatives have questioned the long-term ability of the defense industry to remain innovative and profitable.

What is clearly needed is an assessment of where we are heading in the new defense acquisition environment. We need to develop a consensus on the measures necessary to ensure that our people in the military have the very best equipment at affordable prices.

A major obstacle to the development of this consensus has been the very great deterioration of Government-industry relations over the last 4 years. Recently the Congress has virtually been cast in the role of mail carrier as the dialog between the industry and the Department of Defense has broken down.

In order to begin to reach the needed consensus, Senator JEFF BINGAMAN and I sought the advice of an adhoc industry advisory panel, which was constituted under the leadership of John Rittenhouse, senior vice president of General Electric's RCA Aerospace and Defense Group last summer. This group of high-level industry executives and procurement experts has met repeatedly with the Senate Armed Services Subcommittee on Defense Industry and Technology throughout the fall of 1987 to help us identify the areas where the subcommittee should focus its attention. On February 5, 1988, the advisory group gave us a report on the issues which they considered to be the most critical to the preservation of our industrial and technology base.

We have sent out this report for widespread public review and comment. I am confident that it will serve as the point of departure for the debate necessary to reach the consensus we so desperately need on defense acquisition policy.

The 13 members of the advisory group are to be commended for giving us the time from their busy schedules for their contributions in the public interest. The subcommittee chairman, Senator JEFF BINGAMAN, is also to be commended for initiating this innovative approach to bringing consensus to a difficult and controversial set of issues.

The members of the Ad-Hoc Advisory Group are: John D. Rittenhouse, chairman GE/RCA Aerospace and Defense; Norman R. Augustine, Martin Marietta Corp.; Kent M. Black, Rockwell International Corp.; Robert A. Fuhrman, Lockheed Corp.; Paul J. Gross, Rexnord; Clifford Hall, Sunstrand Corp.; William R. Hoover, Computer Sciences Corp.; Fred Israel, Israel & Raley Chartered; Frank J. Palwlowski, Essex Electro Engineers, Inc.; William J. Perry, H&Q Technology Partners; Warde F. Wheaton, Honeywell Aerospace & Defense; Donald H. White, Hughes Aircraft Co.; Earle C. Williams, BDM International, Inc.

REPORT OF THE DEFENSE INDUSTRY ADVISORY GROUP TO THE SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. BINGAMAN. Mr. President, as chairman of the Subcommittee on Defense Industry and Technology of the Senate Armed Services Committee, I have been particularly concerned about the importance of ensuring the long-term technological superiority of the United States over potential adversaries and promoting the effective application of that technology to meet national defense needs. Last spring, our subcommittee held comprehensive hearings on the industrial and technological bases, and on the vitality of our defense industries.

The deterioration in Government-industry relations was a recurring theme throughout our hearings. There will always be points of disagreement when the Government is a major consumer in a free market economy. In recent years, however, we have seen the healthy, creative tensions which improve the system deteriorate into a hostile, adversarial relationship. As examples of this situation, witnesses before the subcommittee cited the negative impact on our industrial and technological bases resulting from practices such as reductions in profit policy, delayed and reduced progress payments, excessive and duplicative audit and oversight activities, fixed price contracts involving significant cost-sharing on high-risk R&D projects, long stretchouts in the contract awarding process, and competition focusing almost solely on price rather than on quality.

We found in our oversight hearings that the procurement system was suffering from regulatory overload—and a number of warning flags were being raised across the broad front. Implementation of changes at the field level was still underway, and there was substantial confusion and inefficiency in both industry and government resulting from proliferation and instability of rules and paperwork requirements.

Despite the eagerness of many to cure the ills of the acquisition system through further major reforms, last year we determined that the system was most in need of an opportunity to catch its breath—to implement and evaluate the numerous changes still in the regulatory pipeline. As a result, we actively sought to keep legislative changes to a minimum, focusing only on some necessary adjustments to previous legislation regarding rights in technical data, special tooling costs, small business programs, and the Truth in Negotiations Act.

Although we minimized our legislative changes, we also determined that the subcommittee should take the initiative in restoring an appropriate balance in Government-industry relationships by fostering a dialog between industry and Government. We set a goal of determining whether a consensus could be achieved as to necessary changes in statutes, regulations, and policies which would foster an acquisition system more in tune with our national strategy of relying on long-term technological superiority to overcome the numerical superiority of our potential adversaries. Last August, as a first step, we established an Ad Hoc Defense Industry Advisory Committee with a view toward identifying issues worthy of consideration.

Our work with the Advisory Committee has been a bipartisan endeavor, and I have had the close cooperation of our ranking minority member, Senator PHIL GRAMM, in this effort.

We asked the members of the Advisory Committee to identify those aspects of the acquisition process that stifle innovation, drain good talent away from the defense industries, and threaten the technological and industrial lead that underpins our Nation's security. On Friday, February 5, the subcommittee received the Advisory Committee's written report.

The report examines the acquisition process in terms of three themes:

First. The people—looking for ways to enhance the quality of the Government's procurement workforce.

Second. The process—doing more with less by cutting out the nonvalue added aspects of our procurement system, while maintaining—and increasing—our investment in the types of research and development that will enhance our technological advantages over potential adversaries.

Third. Restoring trust—creating a sense of trust and confidence in Government-industry relationships in an environment that establishes clear lines of responsibility and firm procedures for accountability.

Under these broad themes, the Advisory Committee has set forth specific recommendations for legislative, regulatory, and policy changes.

The Advisory Committee has discussed each of the issue papers in the Report, but has not sought to reach agreement on the merits of either the analysis of the recommendations in the issue papers. Each paper simply represents the views of one or more members on a subject which the group as a whole has deemed worthy of wider discussion and debate.

On Monday, February 8, Senator GRAMM and I sent the report out for comment to a broad array of individuals in government, industry, and academia. We also circulated a separate document listing illustrative legislative changes that might flow from the report.

In making this report immediately available for comment, we should note that it has been approved in whole or in part by the full subcommittee or its individual members. We have endeavored to avoid passing judgment on the merits of any of the issues discussed in the advisory group, because our goal is to promote a wider dialog within industry, and between industry and DOD, before we formally review these issues in Congress.

I want to emphasize that Senator GRAMM and I are looking for as much consensus as we can develop in this process. Having fought to give the acquisition system a breather from further legislation last year, the last thing we want to do is have ourselves become part of the problem. Our hope is that both DOD and industry now have sufficient experience with the legislation on the books that they can identify those parts of the system where improvements can be made.

The Advisory Committee's report provides a useful first step in this process. But there are many other individuals in industry, government, and academia who have much to contribute in this area, and we are looking for a broad range of comments on the report. Anyone who has not received the report and would like a copy should contact Andrew Effron or Jon Etherton of the staff of the Armed Services Committee.

In order to provide ample time for review of the Advisory Committee's report, while ensuring that we will complete our analysis before we mark up the defense authorization bill in mid-April, we have established the following schedule:

Comments on the Advisory Committee's report will be most useful to the subcommittee if received by the beginning of March.

In early March, we will review the comments with a view toward introducing any necessary legislation by mid-March. We also intend to encourage broad discussion and comments on the proposed legislation.

Hearings on the legislation will be held at the beginning of April.

Mr. President, I would like to express my personal appreciation to all the members of the Advisory Committee for their hard work and dedication. They have taken considerable time from their very busy schedules in order to participate in Advisory Committee's meetings and to prepare their report. I would particularly note the contribution of John Rittenhouse of General Electric, who took on the most arduous and time-consuming job of chairing the Advisory Committee. He and his colleagues have performed a distinct public service.

Mr. President, I ask unanimous consent that the Advisory Committee's letter of February 5 to Senator GRAMM and me be printed in the RECORD at the end of my remarks. As I said earlier, anyone wanting the complete report should contact the Armed Services Committee staff.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GE AEROSPACE,
Cherry Hill, NJ, February 5, 1988.

Hon. JEFF BINGAMAN,
Chairman,
Hon. PHIL GRAMM,
Ranking Minority Member, Subcommittee on Defense Industry and Technology, Senate Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATORS BINGAMAN AND GRAMM: The members of your Ad Hoc Industry Advisory Committee are pleased to present to you the Advisory Committee's first report.

Our purpose is to provide your Subcommittee with advice on how the problems of defense acquisition can be resolved in what we believe to be the best interest of our nation. To do this, we found it necessary to first define the goals of defense acquisition and from them derive the issues which should be of greatest concern to Congress, the Defense Department and Industry.

We believe the basic goals of defense acquisition are to provide for the needs of our armed forces in peace or war and to ensure the continued advancement of technology and industrial productivity necessary to national security. Further, those goals must be achieved within the fiscal constraints which exist. Finally, and of utmost importance, public policy must impose and maintain controls which ensure that the fiduciary relationship between government, industry, and the taxpayer is guarded carefully. There is an urgent need for Congress, DoD, and industry to reestablish a more open and collaborative (rather than adversarial) climate to achieve these objectives.

In this first report the Ad Hoc Committee has focused on those issues which can prevent our nation from achieving these goals. We have addressed eighteen issues encompassed by three basic themes: (a) people: the procurement work force, and organizational relationships within DoD; (b) the process: streamlining and stabilizing the process, including issues of contractor financing and investments; and (c) trust: the relationship among all three; Congress, the Executive branch, specifically DoD, and industry.

Within those three basic themes, our report identifies areas in which stability and reasonableness can and should be restored. We believe, collectively, that industry, Congress, and DoD must make the tough choices and commit to the difficult actions which can take these solutions and make them work.

Our issue papers focus upon some fundamental questions of how DoD should do business:

The most essential business equation, in which measurable risk is balanced by profit potential, no longer describes defense business. How can this balance be restored?

Current policies discourage investment in technology and productivity. How should they be changed?

Small manufacturing firms are forced to pay a high price for participating in the government market by having to give up the fruits of their innovation. What effect does this have on competition?

How can the quality of leadership and professionalism in the procurement work force be assured?

How can we improve our working relationships, reestablish trust and cooperation between government and industry, and make the self-governance principle really work?

We have presented both our view and the historical concerns of those who may disagree. Neither the issues stated, nor the solutions proposed, necessarily represent the unanimous view of the members of your advisory committee. We expect that some in industry, DoD, and Government will disagree with both the issues identified and the solutions proposed. We do not presume to say that the issues we have identified are the only ones which should concern the Subcommittee. We claim only the intent to identify issues which can be solved in a businesslike manner; by measuring the costs to the government and the benefits to the government of each of the solutions we propose for the benefit of America's security and the Americans we serve.

Our industry has a responsibility to the nation. We take this responsibility seriously and offer our counsel and our personal commitment to reaching the goals of public policy in which we all share. We look forward to continuing working with your Subcommittee during this important year.

Sincerely,

John D. Rittenhouse, Chairman, GE/RCA Aerospace and Defense; William R. Hoover, Computer Sciences Corporation; Norman R. Augustine, Martin Marietta Corporation, Fred Israel, Israel & Raley Chartered; Kent M. Black, Rockwell International Corp.; Frank J. Pawlowski, Essex Electro Engineers, Inc.; Robert A. Fuhrman, Lockheed Corporation; William J. Perry, H&Q Technology Partners; Paul J. Gross, Rexnord; Warde F. Wheaton, Honeywell Aerospace & Defense; Clifford Hall, Sundstrand Corporation; Donald H. White, Hughes Aircraft Company; Earle C. Williams, BDM International, Inc.

FIREFIGHTER PAY AMENDMENT

Mr. DOMENICI. Mr. President, toward the end of last session, as many of us were working through the 11th hour to assure our Government had the wherewithal to keep its doors open, I introduced an amendment to the 1988 continuing resolution that provided for the equitable compensation of those courageous and dedicated men and women who fell victim to unjust pay limitations while participating in one of the most serious forest fire seasons in modern times.

Mr. President, as you are aware, current law prescribes maximum earning limits on federally employed firefighters. This meant that approximately 2,000 of our firefighters, from 48 States, would not be paid for a large share of the overtime they spent in combating these forest fires.

Firefighting is not a 9 to 5 job. Overtime was absolutely essential to containing the blazes and ultimately saving thousands of acres of precious forest and range resources.

I'm particularly proud that this body supported the effort to pay these people for their hard work through unanimous adoption of my amendment for a one-time exemption from the pay period maximum earnings limitations for Federal firefighters.

Mr. President, I am here today to inform you that the agencies responsible for paying these firefighters are working diligently to assure that all those who qualify receive their back pay. We are hopeful that the checks will be mailed within the next 30 days.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT—PM 106

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget and the Committee on Appropriations:

THE BUDGET MESSAGE OF THE PRESIDENT

To the Congress of the United States:

As we consider the state of our Nation today, we have much cause for satisfaction. Thanks to sound policies, steadfastly pursued during the past 7 years, America is at peace, and our people are enjoying the longest peacetime economic expansion in our Nation's history.

By reordering priorities so that we spend more on national security and less on wasteful or unnecessary Federal programs, we have made freedom more secure around the world and have been able to negotiate with our adversaries from a position of strength. By pursuing market-oriented economic policies, we have uncorked the genie of American enterprise and created new businesses, more jobs, improved production, and widespread prosperity. And we have done all this without neglecting the poor, the elderly, the infirm, and the unfortunate among us.

SEVEN YEARS OF ACCOMPLISHMENT

Let me note a few of the highlights from our Administration's record of accomplishment:

The current expansion, now in its sixty-third month, has outlasted all previous peacetime expansions in U.S. history. Business investment and exports are rising in real terms, foreshadowing continued economic growth this year and next.

Since this expansion began, 15 million new jobs have been created, while the unemployment rate has fallen by 5 percentage points—to 5.7 percent, the lowest level in nearly a decade. By comparison, employment in other developed countries has not grown significantly, and their unemployment rates have remained high.

Inflation, which averaged 10.4 percent annually during the 4 years before I came to office, has averaged less than a third of that during the past 5 years.

The prime interest rate was 21.5 percent just before I came into office; it is now 8.5 percent; the mortgage rate, which was 14.9 percent, is now down to 10.2 percent.

Since 1981, the amount of time spent by the public filling out forms required by the Federal Government has been cut by hundreds of millions of hours annually, and the number of pages of regulations published annually in the *Federal Register* has been reduced by over 45 percent.

Between 1981 and 1987, changes in the Federal tax code, including a complete overhaul in 1986, have made the tax laws more equitable, significantly lowered earned income tax rates for many individuals and corporations, and eliminated the need for 4.3 million low-income individuals or families to file tax forms.

At the same time, real after-tax personal income has risen 15 percent during the past 5 years, increasing our overall standard of living.

The outburst of spending for means-tested entitlement programs that occurred in the 1970's has been curbed. Eligibility rules have been tightened to retarget benefits to the truly needy, and significant progress has been made in improving the efficiency and effectiveness of these programs.

We have begun the process of putting other entitlement programs on a more rational basis. This includes medicare, which was converted from cost-plus financing to a system that encourages competition and holds down costs.

Federal spending for domestic programs other than entitlements has been held essentially flat over the past 5 years, while basic benefits for the poor, the elderly, and others in need of Federal assistance have been maintained. This is a dramatic improvement over the unsustainably rapid annual growth of these programs that prevailed before 1981.

The social security system has been rescued from the threat of insolvency.

Our defense capabilities have been strengthened. Weapons systems have been modernized and upgraded. We are recruiting and retaining higher caliber personnel. The readiness, training, and morale of our troops have been improved significantly. Because we are stronger, enormous progress has been achieved in arms reduction negotiations with the Soviet Union.

Federal agencies have undertaken a major management improvement program called "Reform '88." This program has two main objectives: to operate Federal agencies in a more business-like manner, and to reduce waste, fraud, and abuse in government programs.

Some functions of the Federal Government—such as financing waste treatment plants—are being transferred back to State and local governments. In other instances—such as water projects—State and local governments are bearing a larger share of costs, leading to more rational decision-making in these areas.

Finally, we have made real progress in privatizing Federal activities that are more appropriate for the private sector than government. Notable examples include the sale of Conrail, the long-term lease of National and Dulles Airports, and the auction of billions of dollars in loan portfolios.

Related to this shift away from the Federal budget are our achievements on cost sharing and user fees, shifting the cost of projects and programs where appropriate to non-Federal sources.

While we have reason to be proud of this record of achievement, we must be vigilant in addressing threats to continued prosperity. One major threat is the Federal deficit.

DEFICIT REDUCTION, THE AGREEMENT, AND G-R-H

If the deficit is not curbed by limiting the appetite of government, we put in jeopardy what we have worked so hard to achieve. Larger deficits brought on by excessive spending could precipitate rising inflation, interest rates, and unemployment. We cannot permit this to happen, and we will not.

BUDGET SUMMARY

(In billions of dollars)

	1987	1988	1989	1990	1991	1992	1993
Receipts	854.1	909.2	964.7	1,044.1	1,124.4	1,189.9	1,258.1
Outlays	1,004.6	1,055.9	1,094.2	1,148.3	1,203.7	1,241.0	1,281.3
Surplus or deficit (−)	−150.4	−146.7	−129.5	−104.2	−79.3	−51.1	−23.3
Gramm-Rudman-Hollings deficit targets	−144.0	−144.0	−136.0	−100.0	−64.0	−28.0	0.0
Difference	6.4	2.7	−6.5	4.2	15.3	23.1	23.3

Note.—Totals include social security, which is off-budget.

The Congress acknowledged the pressing need to reduce the deficit when, in December 1985, it enacted the Balanced Budget and Emergency Deficit Control Act, commonly known for its principal sponsors as the Gramm-Rudman-Hollings (G-R-H) Act. This Act committed both the President and the Congress to a fixed schedule of progress toward balancing the budget.

In 1987, the budget deficit was $150 billion—down $71 billion from the record level of $221 billion reached in 1986. This was also a record decline in the deficit. To some extent, however, this improvement represented one-time factors, such as a high level of receipts in the transitional year of tax reform. Economic forecasters predicted that without action the 1988 and 1989 deficits would be higher than the 1987 level. In order to prevent this, and to preserve and build upon the 1987 deficit-reduction progress in a realistic fashion, last fall the Congress modified the G-R-H Act. Specifically, it required that the 1988 deficit target be $144 billion and the target for 1989 be $136 billion.

Last year, members of my Administration worked with the Leaders of Congress to develop a 2-year plan of deficit reduction—the Bipartisan Budget Agreement. One of the major objectives of the budget I am submitting today is to comply with that agreement—in order to help assure a steady reduction in the deficit until budget balance is achieved.

The Bipartisan Budget Agreement reflects give and take on all sides. I agreed to some $29 billion in additional revenues and $13 billion less than I had requested in defense funding over 2 years. However, because of a willingness of all sides to compromise, an agreement was reached that pared $30 billion from the deficit projected for 1988 and $46 billion from that projected for 1989.

In submitting this budget, I am adhering to the Bipartisan Budget Agreement and keeping my part of the bargain. I ask the Congress to do the same. This budget does not fully reflect my priorities, nor, presumably, those of any particular Member of Congress. But the goal of deficit reduction through spending reduction must be paramount. Abandoning the deficit reduction compromise would threaten our economic progress and burden future generations.

This budget shows that a gradual elimination of the deficit is possible without abandoning tax reform, without cutting into legitimate social programs, without devastating defense, and without neglecting other national priorities.

Under the Bipartisan Budget Agreement, progress toward a steadily smaller deficit and eventual budget balance will continue, but this projected decline rests on two assumptions: continued economic growth, and implementation of the Agreement. If the economy performs as expected, and if the Bipartisan Budget Agreement reflected in this budget is adhered to, the deficit should decline to less than 3 percent of GNP in 1989. For the first time in several years, the national debt as a proportion of GNP will actually fall. Reducing the deficit and the debt in this manner would bring our goal of a balanced budget and a reduced burden on future generations much closer to realization.

Moreover, adherence to the Agreement, as reflected in this budget, will ensure the achievement of additional deficit reductions in future years, because in many cases the savings from a given action this year will generate deficit savings in subsequent years. Given the good start made in 1987, we have an opportunity this year to put the worst of the deficit problem behind us.

MEETING NATIONAL PRIORITIES

In formulating this budget, I have endeavored to meet national priorities while keeping to the terms of the Bipartisan Budget Agreement and the G-R-H Act. In essence, the Agreement limits the 1988-to-1989 increase in domestic discretionary program budget authority to 2 percent. To address urgent national priorities insofar as possible within this overall 2 percent limit, my budget proposes that some programs—such as those for education, drug enforcement, and technology development—receive larger funding increases, while others are reduced, reformed, or, in some cases, terminated.

High-priority programs must be funded adequately. One of our highest priorities is to foster individual success through greater education and training opportunities. For example:

I propose an increase of $656 million over the $16.2 billion appropriated for 1988 for discretionary programs of the Department of Education. Although State and local governments fund most educational activity, Federal programs provide crucial aid for the poor, the handicapped, and the educationally disadvantaged.

I have proposed reform of our overcentralized welfare system through State experimentation with innovative alternatives. In addition, my initiative would overhaul current employment and training programs for welfare recipients, and strengthen our national child support enforcement system.

By emphasizing housing vouchers, I would provide housing assistance to 135,500 additional low-income households in 1989—8 percent more than the 125,000 additional households receiving housing subsidies in 1988.

Ineffective programs to assist dislocated workers would be replaced by an expanded $1 billion worker readjustment program (WRAP) carefully designed to help those displaced from their jobs move quickly into new careers.

In addition, I am proposing funds to strengthen U.S. technology and make America more competitive. For example:

I propose a continued increase in federally supported basic research aimed at longer-term improvements in the Nation's productivity and global competitiveness. This budget would double National Science Foundation support for academic basic research, increase support for training future scientists and engineers, and expedite technology transfer of Government-funded research to industry.

I would provide $11.5 billion for space programs, including: essential funding for continued development of America's first permanently manned Space Station; increased support for improving the performance and reliability of the space shuttle; a major new initiative, the Advanced X-ray Astrophysics Facility, for space science; further support to encourage the commercial development of space; and a new technology effort, Project Pathfinder, designed to develop technologies to support future decisions on the expansion of human presence and activity beyond Earth's orbit, into the solar system.

I also recommend $363 million in 1989 to initiate construction of the Superconducting Super Collider (SSC), including $283 million for construction and $60 million for supporting research and development. The SSC as currently envisaged will be the largest pure science project ever undertaken. It will help keep this country on the cutting edge of high energy physics research until well into the next century.

This budget also reflects my belief that the health of all of our citizens must remain one of our top priorities:

I continue to urge enactment of an affordable self-financing insurance program through medicare to protect families from economic devastation caused by catastrophic illness.

To attack the scourge of AIDS, I propose $2 billion for additional research, education, and treatment in 1989—a 38 percent increase over the 1988 level and more than double the Federal Government's effort in 1987. This includes $1.3 billion in funding for the Public Health Service.

Building upon the Nation's preeminence in basic biomedical research, I seek a 5.1 percent increase for non-AIDS research at the National Institutes of Health;

Our fight against drug abuse must continue, as well as our efforts to protect the individual against crime:

For expanded law enforcement, including efforts targeted at white collar crime, organized crime, terrorism and public corruption, I propose $4.5 billion—an increase of 6 percent over 1988.

For drug law enforcement, prevention, and treatment programs, I propose $3.9 billion in 1989, a 13 percent increase over the 1988 level.

To relieve prison overcrowding and adequately house a growing inmate population, I would provide $437 million—more than double the $202 million devoted to Federal prison construction in 1988.

Other areas of Federal responsibility receive priority funding in this budget:

For the Federal Aviation Administration to continue its multi-year program to modernize the Nation's air traffic control systems, I would provide $1.6 billion—a 44 percent increase over the level of 1988.

To improve coordination of Federal rural development programs and to redirect funding toward needy rural areas and program recipients, I propose a rural development initiative to be coordinated by the Secretary of Agriculture.

To carry out the joint recommendations of the United States and Canadian Special Envoys on Acid Rain, I recommend total funding of $2.5 billion for innovative clean coal technology demonstration projects over the period 1988 through 1992.

I also recommend an expansion of hazardous waste cleanup efforts, with an increase in Superfund outlays of some $430 million in 1989.

To continue filling the Strategic Petroleum Reserve [SPR] at the current rate of 50,000 barrels per day, I would provide $334 million in 1989. Contingent upon the enactment of legislation authorizing the sale of the Naval Petroleum Reserves [NPR], I would provide an additional $477 million to bring the fill rate up to 100,000 barrels per day, and an additional $208 million to establish a separate 10 million barrel defense petroleum inventory to offset the disposition of the NPR.

To improve the speed and accuracy of tax processing and expand information services provided to taxpayers, I would provide a $241 million increase for the Internal Revenue Service. These funds are designed to assure smooth implementation of the 1986 tax reforms.

Maintaining peace in a troubled world is the most important responsibility of government. Fortunately, during the past 7 years, our defense capabilities have been restored toward levels more consistent with meeting our responsibility to provide an environment safe and secure from aggression. Specifically, combat readiness has been improved, and our forces have been modernized.

The proposals for national security contained in this budget represent an essential minimum program for keeping America safe and honoring our commitments to our friends and allies. Anything less would jeopardize not only our security—and that of our friends and allies—but also would dim the prospects for further negotiated agreements with our adversaries.

As called for in the Bipartisan Budget Agreement, my budget requests defense funding of $299.5 billion in budget authority and $294.0 billion in outlays for 1989. It also provides for about 2 percent real growth in these programs in future years. Also, as called for in the agreement, my budget requests $18.1 billion in budget authority for discretionary spending for international affairs. This includes $8.3 billion in security assistance to allied and friendly countries where the United States has special security concerns.

NEEDED PROGRAMMATIC REFORMS

Incentives.—It is essential to continue to change the incentive structure for many domestic Federal programs to promote greater efficiency and cost-effectiveness. This budget proposes to create such needed incentives.

Many Federal programs offer payments without sufficient regard for how well taxpayers' money is being spent. For example, farm price support programs, under the Food Security Act of 1985, are much too costly. I plan to continue pushing for the elimination of artificially high price supports, thereby reducing the need for export subsidies. In particular, I plan to propose amendments to the act to modify the counterproductive sugar price support program that currently poses significant problems in the areas of trade policy, foreign policy, and agricultural policy. The importance of agricultural trade to the economic health of the farm sector and the Nation as a whole mandates increased reliance on free markets, not government largess.

The budget proposes certain reforms in the medicare program in order to achieve the savings agreed to in the Bipartisan Budget Agreement. First, as justified by the results of several independent studies, I propose to reduce the add-on payment for teaching hospitals under the prospective payment system [PPS] for indirect medical education from 7.70 percent to 4.05 percent, the best estimate of the added costs incurred historically by teaching hospitals. Second, I propose to limit Medicare overhead payments for graduate medical education and make consistent varying secondary payor enforcement mechanisms. To reduce escalating supplementary medical insurance costs and help slow future increases in beneficiary premiums, I propose to limit payments for certain overpriced physician procedures, limit payments for durable medical equipment and supplies, and eliminate a loophole in the payment process for kidney dialysis. In total, these reforms would reduce spending for medicare by $1.2 billion from the level that would occur if current law were continued. Spending for the Medicare program would still increase by 7 percent from 1988 to 1989.

Although the provision of needed legal services for those who cannot afford them is an important goal in our society, the current system earmarks a large portion of the funding to "National and State Support Centers" that have been criticized for political involvement. I urge Congress to disallow use of Federal funds for such "think tanks" and limit the use of funds to the direct assistance of the poor in need of legal aid.

The Government often continues programs at the Federal level that are no longer needed. This is the case with rural housing programs, the Economic Development Administration, urban mass transit discretionary grants, urban development action grants, sewage treatment, Small Business Administration direct loans, housing development action grants, the housing rehabilitation loan program, and economic development programs of the Tennessee Valley Authority. Efforts to reverse this situation have been undertaken by prior administrations as well as my own, but the limited results to date indicate the difficulty of curbing excessive government involvement in these areas.

Regulatory Relief.—For 7 years I have worked to reduce the excess burdens of government regulation for all Americans—working men and women, consumers, businesses, and State and local governments. As a result, various departments and agencies have reduced the scope and costs of Federal regulation. Federal approval of experimental drugs has been expedited, making them available to treat serious or life-threatening diseases when other treatments do not work. Excessive burdens on State and local governments are being lifted. Access to goods and services has been made easier, and at less cost. Federal reporting requirements on individuals and businesses have been eased, as well as the paperwork burden on those who wish to compete for contracts with the Federal Government. Under the leadership of the Presidential Task Force on Regulatory Relief, headed by the Vice President, the administration will continue these and other efforts to lessen the burden of excessive government regulation.

As a case in point, my budget proposes termination of the Interstate Commerce Commission, contingent upon enactment of legislation that completes deregulation of the motor carrier industry. There is no justification for continued economic (as opposed to safety) regulation of surface transportation, and there is a substantial argument against it. As a result of economic deregulation of trucking and railroads, consumers save tens of billions of dollars each year, and the industry is healthier, more innovative, and better able to adapt to changing economic circumstances. This is no time to turn back the clock.

Privatization.—The government and the private sector should do what each does best. The Federal Government should not be involved in providing goods and services where private enterprise can do the jobs cheaper and/or better. In some cases, the fact that no private provider exists is a reflection of government policy to prohibit competition—as with first class mail service. In other cases, an absence of private providers reflects a government policy of providing large subsidies—as with uranium enrichment. Invariably, the taxpayer ends up paying more for less.

Accordingly, my budget proposes that a number of Federal enterprises be transferred back to the private sector, through public offerings or outright sales. Following our successful sale of Conrail and auctioning of $5 billion in selected loan portfolios, I am proposing the sale not only of the Naval Petroleum Reserves, but also of the Alaska Power Administration, the Federal Government's helium program, excess real property, and a further $12 billion in loan portfolios. In addition, I have proposed legislation to authorize a study of possible divestiture of the Southeastern Power Administration, and plan to study possible privatization of our uranium enrichment facilities, as well as ways of making the U.S. Postal Service more efficient through greater reliance on the private sector. Such "privatization" efforts continue to be a high priority of this Administration, and I look forward to acting on the final recommendations of the Privatization Commission, which I established last September.

Privatization does not necessarily imply abrogation of government responsibility for these services. Rather, it recognizes that what matters is the service provided, not who provides it. Government has an inherent tendency to become too big, unwieldy, and inefficient; and to enter into unfair competition with the private sector.

The Federal Government should also depend more on the private sector to provide ancillary and support services for activities that remain in Federal hands. Therefore, I am proposing the development of a private mediating institution to reduce the backlog of cases before the U.S. Tax Court. I propose that the private sector be relied upon for booking functions for concessional food programs. I also encourage the complete privatization of wastewater treatment plants, certain mass transit projects, the Department of Agriculture's National Finance Center, and the Rural Telephone Bank.

In addition, our Administration plans to initiate privatization and commercialization efforts involving Federal prison industries, relying on a private space facility for micro-gravity research opportunities in the early 1990's, commercial cargo inspection, military commissaries, Coast Guard buoy maintenance, and the management of undeveloped Federal land. Moreover, my budget proposes that the work associated with certain Federal employment positions be reviewed for the feasibility of contracting their responsibilities out to the private sector as yet another way to increase productivity, reduce costs, and improve services.

One of the best ways to test the worth of a governmental program or a particular project is to shift some of the cost of that program or project to the direct beneficiaries. We have done that, for example, with water resources development projects. As a result, local sponsors and users choose to proceed only on the projects that are most important and most cost effective.

Management Improvements.—As we all know, the Federal Government has a major effect upon our daily lives through the direct delivery of services, the payment of financial assistance through various entitlement programs, the collection of taxes and fees, and the regulation of commercial enterprises. As the 21st century approaches, the Federal Government must adapt its role in our society to meet changing demands arising from changing needs and requirements. At the turn of the century, the U.S. population will exceed 268 million, with a greater proportion of elderly requiring more specialized services. The Nation will operate at a much faster pace as changes in technology and communication link the world's economies, trade, capital flows, and travel as never before.

I have asked the Office of Domestic Affairs and the Office of Management and Budget to work with the President's Council on Management Improvement to conduct an in-depth review and recommend to me by this August what further adjustments in the Federal role should be made to prepare for the challenge of government in the 21st century. This summer I will receive their report, "Government of the Future." I also intend to complete the "Reform '88" management improvement program I started 6 years ago to overhaul the administrative, financial, and credit systems in our Federal Government; to implement productivity and quality plans in each agency; and to examine the needs of the Federal work force of the future. I want to leave a legacy of good management of today's programs, with plans in place to handle tomorrow's challenges.

Efforts to improve the management of the Federal Government must be continued. We have all heard stories of the horrible waste that occurs in the Federal Government. Some of it is obvious—like the billions of dollars in unneeded projects that were included in the thousand-page 1988 spending bill that was dropped on my desk last December. Some are not obvious—like the billion dollars in unnecessary interest expense the government paid, year after year, because it lacked a cash management system, or the billions of dollars lost annually for lack of a credit management process to ensure collection of the trillion dollars in loans owed the Federal Government.

In July 1980, I promised the American people: "I will not accept the excuse that the Federal Government has grown . . . beyond the control of any President, Administration or Congress . . . we are going to put an end to the notion that the American taxpayer exists to fund the Federal Government. The Federal Government exists to serve the American people . . . I pledge my Administration will do that." I have delivered on that promise.

The first step was taken within months after my inauguration when I formed the President's Council on Integrity and Efficiency, composed of the agency Inspectors General. By the time I leave office, they will have delivered savings of over $110 billion in reduced waste, fraud, and abuse to the American people.

Then, in March 1982, I initiated the world's largest management improvement program with these words: "With Reform '88 we're going to streamline and reorganize the processes that control the money, information, personnel and property of the Federal bureaucracy." I told my Cabinet at that time that "we have six years to change what it took twenty or thirty to create—and we came to Washington to make changes!" I have followed up on that commitment. The President's Council on Management Improvement has overseen this effort, and is generating significant results.

These efforts are described in greater detail in my *Management Report*, which is being submitted concurrently. They can succeed only if all Federal managers and employees work together. Therefore, I propose in this budget a new approach to paying Federal employees who increase their productivity. I ask the Congress to modify the current system of virtually automatic "within-grade" pay increases for the roughly 40 percent of employees eligible each year to one that is based on employee performance. This will give Federal employees stronger incentives to improve service delivery and reduce costs to the taxpayer.

THE BUDGET PROCESS

As I have stressed on numerous occasions, the current budget process is clearly unworkable and desperately needs a drastic overhaul. Last year, as in the year before, the Congress did not complete action on a budget until well past the beginning of the fiscal year. The Congress missed every deadline it had set for itself just 9 months earlier. In the end, the Congress passed a year-long, 1,057-page omnibus $605 billion appropriations bill with an accompanying conference report of 1,053 pages and a reconciliation bill 1,186 pages long. Members of Congress had only 3 hours to consider all three items. Congress should not pass another massive continuing resolution—and as I said in the State of the Union address, if they do I will not sign it.

I am asking for a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means. A constitutional amendment to balance the Federal budget—and a provision requiring a super-majority vote in the Congress to increase taxes—would impose some much-needed discipline on the congressional budget process. Ninety-nine percent of Americans live in States that require a balanced State budget, and a total of 32 States already have passed resolutions calling for a convention for the purpose of proposing a balanced budget amendment to the U.S. Constitution.

Also, I am asking the Congress for a line-item veto, so that my successors could reach into massive appropriation bills such as the last one, cut out the waste, and enforce budget discipline. Forty-three State Governors have a line-item veto; the President should have this power as well. As Governor of the State of California (1967-1975), I used the line-item veto 943 times. The California State legislature upheld each of these vetos, even though both Houses were controlled by the opposition party.

In addition, I propose the following further reforms to the budget process:

(1) *Joint budget resolution.* The budget process has so degenerated in recent years that the presidential budget is routinely discarded and the congressional budget resolution is regularly disregarded. As a remedy, I propose that henceforth the Congress and the Executive collaborate on a joint resolution that sets out spending priorities within the receipts available. The requirement of a Presidential signature would force both branches of government to resolve policy differences before appropriations measures must be formulated. The budget process could be further improved by including in the budget law allocations by committee as well as by budget function.

(2) *Individual transmittal of appropriation bills.* The current practice of transmitting full-year continuing resolutions skirts appropriations committee-subcommittee jurisdictions. More importantly, it does not permit the Legislative and Executive branches to exercise proper scrutiny of Federal spending. Therefore, I propose a requirement that appropriations bills be transmitted individually to the President.

(3) *Strict observance of allocations.* During the 1980s, an unacceptable budget practice evolved within the Congress of disregarding congressionally approved function allocations. Funds regularly were shifted from defense or international affairs to domestic spending. I strongly urge that each fiscal year separate national security and domestic allocations be made and enforced through a point of order provision in the Budget Act.

(4) *Enhanced rescission authority.* Under current law, the President may propose rescissions of budget authority, but both Houses of Congress must act "favorably" for the rescission to take effect. In 1987, not a single rescission was enacted, or even voted on, before expiration of the 45-day deadline. I propose a change of law that would require the Congress to vote "up or down" on any presidentially proposed rescission, thereby preventing the Congress from ducking the issue by simply ignoring the proposed rescission and avoiding a recorded vote.

(5) *Biennial budgeting.* The current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for consideration of key spending decisions in reconciliation, and less scope for gimmicks such as shifting spending from one year to the next. I call on the Congress to adopt biennial budgeting.

(6) *Truth in Federal spending.*—As part of my Economic Bill of Rights, I will shortly transmit legislation that will require any future legislation creating new Federal programs to be deficit-neutral. In addition to requiring the concurrent enactment of equal amounts of program reductions or revenue increases, my proposal would require that all future legislation and regulations be accompanied by financial impact statements, including the effect on State and local governments.

Adoption of these reforms should enable the Federal Government to make informed decisions in a deliberate fashion that fosters rational priorities. The American people deserve no less from their elected representatives.

CONCLUSION

Looking back over the past 7 years we can feel a sense of pride in our accomplishments. Important tasks remain, however. The large and stubbornly persistent budget deficit has been a major source of frustration. It threatens our prosperity and our hopes for lessening the burden on future generations.

Two years ago, the Legislative and Executive branches of government responded to this threat by enacting the G-R-H Act, which mandated gradual, orderly progress toward a balanced budget over the next several years. My budget achieves the 1989 target of the amended Act while preserving legitimate programs for the aged and needy, providing for adequate national security, devoting more resources to other high-priority activities, and doing so without raising taxes.

My budget also embodies the Bipartisan Budget Agreement reached last November. In presenting this budget, I am keeping my end of the bargain. I call upon the Congress to uphold its end—by ensuring that appropriations and other legislation are in full accord with the Agreement. By exercising this measure of restraint and self-discipline, we can secure great benefits for the Nation: a lower budget deficit, reduced demand on credit markets, more stable financial markets, a steadily declining trade deficit, and continued prosperity with non-inflationary growth. And, by reforming the budget process, the Congress can improve its decisionmaking and garner the thanks of a grateful public. Surely, these are small prices for what is at stake.

FEBRUARY 18, 1988.

MESSAGES FROM THE HOUSE

At 2:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House had passed the following bill, without amendment:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1054. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; and

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following bills:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as a result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; and

H.R. 1612. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STENNIS).

At 3:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 4355 of title 10 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. HEFNER, Mr. PICKETT, Mr. FISH, and Mr. LOWERY.

The message also announced that pursuant to the provisions of section 9355 of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. LEWIS of California, and Mr. HEFLEY.

The message further announced that pursuant to the provisions of section 194 of title 14 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 6968 of title 10 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. WILSON, Mr. MCMILLEN of Maryland, Mr. SKEEN, and Mrs. BENTLEY.

The message further announced that pursuant to the provisions of section 1295 of title 46 of the United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. MANTON and Mr. BUNNING.

The message also announced that pursuant to the provisions of Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoints the following members on that Committee to serve as Members of the Board of Visitors to the United States Coast Guard Academy for the year 1988: Mr. HUTTO, Mr. HUGHES, Mr. DAVIS of Michigan, and Mr. JONES of North Carolina, ex officio.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1054. An act to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; to the Committee on the Judiciary.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, February 18, 1988, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments; and

S.J. Res. 122. Joint resolution to designate the week beginning October 16, 1988, as "Gaucher's Disease Awareness Week."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with amendments:

S. 1366. A bill to revise and extend the programs of assistance under title X of the Public Health Service Act (Rept. No. 100-286).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 379. An original resolution to pay a gratuity to Linda G. Mathews.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

Wendy Lee Gramm, of Texas, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 1990; and

Wendy Lee Gramm, of Texas, to be Chairman of the Commodity Futures Trading Commission.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BURDICK, from the Committee on Environment and Public Works:

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 2070. A bill to revise and repeal certain labor standards laws applicable to the Department of Defense; to revise the authority of the President to prescribe and modify stockpile goals for strategic and critical materials in the National Defense Stockpile; and to establish the Bipartisan Commission on the Consolidation of Military Bases; to the Committee on Armed Services.

By Mr. METZENBAUM (for himself and Mr. WIRTH):

S. 2071. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN:

S. 2072. A bill to amend title 23, United States Code, to authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system; to the Committee on Environment and Public Works.

By Mr. KARNES:

S. 2073. A bill entitled the "Thrift Charter Enhancement Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MIKULSKI:

S.J. Res. 259. Joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week"; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on the Judiciary.

By Mr. PRESSLER:

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD, from the Committee on Rules and Administration:

S. Res. 379. An original resolution to pay a gratuity to Linda G. Mathews; placed on the calendar.

By Mr. MELCHER (for himself and Mr. HEINZ):

S. Con. Res. 98. Concurrent resolution to authorize the printing of the annual three volume report "Developments in Aging: 1987" prepared by the Special Committee of Aging; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2070. A bill to revise and repeal certain labor standards laws applicable to the Department of Defense to revise the authority of the President to prescribe and modify stockpile goals for strategic and critical materials in the national defense stockpile; and to establish the Bipartisan Commission on the Consolidation of Military Bases; to the Committee on Armed Services.

LIMIT AMERICA'S RUNAWAY DEFENSE DOLLARS ACT

● Mr. ROTH. Mr. President, by now it must be clear to all Members of the Senate that, whether we like it or not, the U.S. defense budget has reached its watershed, at least for the foreseeable future. The future holds, at best, very limited growth and, more likely, shrinkage in our defense establishment.

However, I do not believe that those of us who have traditionally supported a strong defense establishment need necessarily despair. My own work on defense spending issues through the Committee on Governmental Affairs has convinced me that it should be possible to make many economies within the Department of Defense without damaging the national security of this Nation. The pending alterations in the DOD budget do not pose the Pentagon a resource problem so much as a management problem.

During the coming years, it will be the duty of the Congress to assist the Pentagon in this management process, not by demanding new, onerous reporting requirements or by creating further complications in an already complex acquisition process. Rather, we should be bending our efforts to simplify the procurement process. In addition, as Members of the Congress, we should sincerely ask ourselves whether, on occasion, the Congress itself has become part of the Pentagon's perennial procurement problem.

Frankly, Mr. President, I believe that we must face up to the fact that the Congress has, indeed, become part of the problem. We have injected arbitrary stipulations and limitations into the defense budget process. These unnecessary and uneconomical restrictions cost the U.S. taxpayer billions of dollars each year. If the Pentagon is to be properly reorganized, if the U.S. taxpayer is to receive true value for his/her defense dollar, the Congress cannot concentrate solely upon the abuses of defense contractors and the inefficiencies of the Pentagon procurement process. It must also pay close attention to the costly problems which emanate from Captiol Hill and move swiftly to remedy them.

Mr. President, to this end I am introducing the Limit America's Runaway Defense Dollars Act of 1988. I shall return on the floor in the near future to make a more detailed analysis of the bill's various provisions.●

By Mr. METZENBAUM (for himself and Mr. WIRTH):

S. 2071. A bill to require the Federal Communications Commission to reinstate restrictions on advertising during children's television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHILDREN'S TELEVISION ADVERTISING PRACTICES ACT

● Mr. METZENBAUM. Mr. President, I rise to introduce legislation which would reinstate FCC guidelines limiting commercials aired on children's television. Senator WIRTH joins me in sponsoring this important bill, the Children's Television Advertising Practices Act of 1988.

Children's television today is grossly overcommercialized. Flip the dial on your TV set some early morning and you will find toys like Lady Lovely Locks, Thundercats, Inhumanoids, and GI Joe starring in their own television shows.

And the not too subtle message these characters send to the children watching them? Buy me! Buy me!

These television shows are nothing more than full-length commercials, many paid for and created by the toy companies themselves.

It's a disgrace.

In recent years, more than 70 shows have been developed based on stuffed animals, action figures, games, and dolls. One program—Gummi Bears—even bases its characters in sugary candy.

The level of commercialization in children's television has skyrocketed in recent years. The problem was exacerbated in 1984 when the FCC threw out its guidelines limiting the amount of television advertising allowable per hour and included children's television in this decision.

The FCC's hands-off approach to children's television has created an intolerable situation. More commercials—hence more sales pitches—are being aired than before. And in something that's unprecedented in adult television, entire programs have been built around products simply to spur demand for these products in the marketplace. Such sophisticated marketing strategies are not aimed at adults who know better but kids.

That's absurd. That's wrong. And it could get worse.

The newest trend is interactive television. Here a child must have in his or her possession a specific toy or else they can't participate in the program. In Mattel Toy Co.'s syndicated show called "Captain Power and the Soldiers of the Future," a child can interact with characters in the program by shooting a jet-type laser at robots on the screen. The price tag for the laser gun? Around $30 to $40.

Violent and aggressive programs are bad enough. Why add insult to injury by subjecting kids to such crass commercialism? It's hard enough for parents to monitor all their children watch on TV. How can parents cope with kids who are continuously subjected to the hard sell?

These program length commercials are keeping quality programming off the air. Enough is enough. Surely, we can do better.

My bill will reimpose the FCC's 1974 guidelines limiting advertising to 9½ minutes per hour during children's prime time—Saturday and Sunday mornings—and to 12 minutes per hour on weekdays. The measure would preclude program length commercials. Finally, it would codify the FCC's current policy eliminating host-selling and tie-in practices that involve the use of program characters to promote products. There is a similar measure pending in the House.

In June 1987, the U.S. Court of Appeals for the District of Columbia ruled that the FCC had failed to adequately explain why it had lifted the guidelines limiting commercials on children's television. The court mandated the FCC to reexamine the issue and such a rulemaking is underway at the FCC. Mr. President, I hope the FCC, the broadcast industry and the toy companies are getting the message. The amount of advertising children are exposed to on television is shameful. Television should entertain and enlighten children, not just push them to buy.

The airwaves belong to the American people and parents are tired of seeing their children manipulated. The broadcasters should show leadership and voluntarily end the abuses. If the broadcasters don't act, Congress certainly will.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Television Advertising Practices Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) while Government regulation of commercial broadcasting has continuously recognized the need for advertising revenue to sustain a vigorous production of programming, the obligations of users of the public airwaves to operate in the public interest has required the avoidance of abusive advertising practices;

(2) until recently, this obligation was recognized as including the avoidance of certain practices in connection with children's television programming that unfairly take advantage of the lack of sophistication and gullibility of a young audience;

(3) in a 1970 Report to the Surgeon General, Television and Growing Up: the Impact of Televised Violence (vol. IV), it was concluded that special safeguards are required to protect children from overcommercialization and violence on television because television provides access to a younger and more impressionable age group than can be reached through any other medium of mass communication;

(4) the Federal Communications Commission has erred in withdrawing its 1974 Policy Statement concerning children's television guidelines regarding maximum levels of commercial matter on children's programming; and

(5) it is therefore necessary to require the Commission to correct these defects promptly and specifically.

SEC. 3. RULEMAKING REQUIRED.

(a) RULEMAKING REQUIRED.—The Federal Communications Commission shall, within 10 days after the date of enactment of this Act, initiate a rulemaking proceeding to prescribe standards applicable to commercial television broadcast licensees with respect to advertising in conjunction with children's television programming.

(b) MINIMUM REQUIREMENTS FOR STANDARDS.—The standards required by subsection (a) shall, at a minimum and in a manner consistent with the 1974 Policy Statement, require commercial television broadcast licensees—

(1) to limit the duration of advertising in children's programming [to not more than 9.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays];

(2) to assure an adequate separation between program content and commercial messages, by use of an appropriate visual, aural, or other device or separation; and

(3) to eliminate host-selling, the promotion of products to children within the body of program content, and tie-in practices and other practices that involve the use of program characters to promote products.

(c) TIME FOR COMPLETION OF RULEMAKING.—The Commission shall, within 120 days after the date of enactment of this Act, prescribe a final standard in accordance with the requirements of subsection (b).

SEC. 4. DEFINITION.

As used in this Act, the term "1974 Policy Statement" means the report and policy statement entitled "Children's Television Programs: Report and Policy Statement", issued November 6, 1974 (39 Fed. Reg. 39396), as reconsidered and reaffirmed (55 FCC 2d 691, 1975).●

● Mr. WIRTH. Mr. President, as I join my good friend and colleague, Senator METZENBAUM, in introducing the "Children's Television Advertising Practices Act of 1988" today, I have a sense of deja vu. One of the very first issues I addressed upon my election to the House of Representatives in 1974 was that of the fairness of television advertising and other types of advertising directed at our children. At that time, social scientists had just begun to study advertising and its impact on children, and apply their theories of child development to this topic.

Back then, we did not know the full extent of the problem, and we did not know what policies to pursue to best protect our children from advertising abuse. But I do remember reading research that described how young children simply could not tell the difference between television programs and commercials. I remember reviewing research studies that indicated children could not understand that a commercial was trying to sell them something, that it was intended to persuade them to want to buy things rather than entertain them. And I remember thinking that something ought to be done about this situation, because it just didn't seem fair to turn the Madison Avenue advertising machine loose on America's children to do and say whatever the advertising industry or the commercial sponsors choose.

In 1975, therefore, I introduced legislation to create a national research center to examine the effects of advertising practices on children and to develop potential solutions to protect the interests of children, who spend long hours in front of the television screen. Unfortunately, that proposal was never adopted.

So today, I feel a sense of deja vu because we still have not developed a way to effectively protect our youngsters from excessive and aggressive television advertising, even though we now have a much deeper understanding of its powerful influence on children than we did 13 years ago. I fail to understand why anyone would object to this effort to prevent the manipulation of our children. We have many laws on the books to protect children from being taken advantage of by other interests. For example, there are child labor laws and laws to protect our children from pornographic material. And when we deal with television, it is essential to remember that broadcasters are licensed to serve the public interest. How is it in the public interest for television stations to pad profits by squeezing in more and more commercial content during children's programs?

In this case, however, it is not just the advertisers or the broadcasting industry that are responsible for the most recent problems with children's commercials. Once again, the Federal Communications Commission [FCC] has failed to act responsibly in the area of children's television advertising. Perhaps more than anything else, the Commission's actions have created the need for the legislation that we are introducing today. After maintaining limits, for more than a decade, on the amount of commercial content that can be presented during children's programming, the FCC cavalierly discarded this protection in 1984.

How was this decision by the FCC justified? The Commission argued that the unregulated marketplace would serve to limit commercials more effectively than Government guidelines. The FCC told us that viewers would turn the television dial if a station presented too many commercials, and therefore no broadcaster would dare increase their commercial practices for fear of losing audience. Whether or not this logic holds true for adult viewers remains an open question. As far as children are concerned, however, its flaws are obvious.

How can a young child who cannot even tell the difference between a program and a commercial be expected to turn away once the commercial pitches go too far? The FCC's logic doesn't make sense, and neither does its decision in this case. The U.S. Court of Appeals returned a verdict this past summer which held that the Commission had failed to consider the special needs of the child audience in deregulating its children's advertising restrictions. The court returned the case to the FCC for reconsideration, but in the meantime, the previous guidelines on children's advertising practices remain suspended. As it has for years on a number of other children's television issues, the Commission is dragging its feet again on this matter and it is time for us to do something about it.

If the FCC will not take action to protect the interests of young viewers, then the Congress must. The legislation we introduce today will help resolve the current situation which allows broadcasters to present 30-minute commercials to children rather than just 30-second messages. It will place a limit of no more than 9½ minutes per hour of advertising content on Saturday mornings and 12 minutes per hour on weekdays when children's programs are aired. These are the limits that were in effect at the time the FCC rescinded its policies in 1984. More stringent restrictions may be in order, and the record we hope to develop concerning this proposal will explore that question. The legislation also requires the FCC to establish rules to prevent so-called host-selling and other practices that involve the use of program characters to promote products.

The proposed limitations on children's advertising practices are required by the public interest. All television advertising directed at children who are too young to understand and defend against its persuasive effects is inherently unfair. It may be necessary to allow some advertising to children simply to keep children's programs on the airwaves. It is not, however, reasonable to allow stations to provide an excessive amount of commercial content during children's programming. This legislation will help ensure that the interests of children are protected by maintaining reasonable limits on broadcasters' commercial practices during children's programming.

I urge my colleagues to join me in support of this important measure.●

By Mr. KARNES:

S. 2073. A bill entitled the "Thrift Charter Enhancement Act of 1988"; to the Committee on Banking, Housing, and Urban Affairs.

THRIFT CHARTER ENHANCEMENT ACT

● Mr. KARNES. Mr. President, today I introduce a bill that provides for the enhancement of the value of thrift institution charters. The purpose of this bill, the Thrift Charter Enhancement Act, is to create new incentives to investors to place additional private capital in the Nation's thrift industry.

A considerable portion of my professional career before joining the Senate has involved matters central to the thrift industry. As special assistant to the Secretary of the Department of Housing and Urban Development, I was fortunate to have been involved with the formulation and implementation of national housing policies. As special counsel to the Federal Home Loan Bank Board, I developed an insider's understanding of thrift industry regulation, and participated in the development of the secondary market in residential housing loans through my involvement with the Federal Home Loan Mortgage Corporation. Also, as the chairman of the Board of Directors of the Federal Home Loan Bank of Topeka, I became familiar with the important operating concerns of thrift institutions themselves. These experiences have given me a rather unique perspective on the issues facing the industry, the regulator, and the insurance fund, and some insights on promising approaches for resolving those issues.

Mr. President, I have a deep and long-standing commitment to the survival of the thrift industry. Thrift institutions fill important needs by assuring the flow of capital into our Nation's real estate economy, particularly the residential housing sector. The enhancement of thrift charters will serve to promote investment in thrifts and reinforce the commitments of those already involved in the business. New and continued investment will assure the continuation and prosperity of the thrift industry.

Last year this Congress took the necessary and important step of providing the means for the recapitalization of the Federal Savings and Loan Insurance Corporation. It is time now to turn our attention to the equally important task of encouraging the private sector to recapitalize thrift institutions themselves. The studies, investigations, and hearings that led to last year's legislation pointed out the importance, even necessity, of bringing a new infusion of private capital to the thrift industry. Without such private capital there is the very real prospect that the amount we authorized for FSLIC will be insufficient. If needed capital is to be attracted, innovative approaches will need to be taken.

Recent reports on the potential size of the problem facing FSLIC in resolving existing and threatened insolvencies are not reassuring. The bank board's estimates of the cost to FSLIC range as high as $6 to $7 billion for institutions in Texas alone. Chairman Wall of the bank board recently indicated in testimony before the Oversight Subcommittee of the House Banking Committee that the board is searching for appropriate measures to enhance the value of the thrift charter and thereby encourage the acquisition of troubled thrifts. The Congress has taken similar steps in the past, and this bill is intended to be in keeping with those approaches. My purpose in introducing the bill now is to assure a broad discussion and debate of the alternatives.

No one can say with absolute certainty what the ultimate cost will be of resolving the insolvencies of FSLIC-insured institutions. It is, however, clear that the cost will be reduced significantly if the value of the thrift charter can be enhanced. The provisions of the Thrift Charter Enhancement Act are measures that Congress can adopt to achieve that end. In light of the continuing difficulties facing FSLIC, it would be irresponsible for the Congress to ignore opportunities to pursue such measures. I believe we must be willing to consider provisions of this sort in connection with any financial services industry legislation that we act on in this session.

It is my hope that provisions of the bill will not only induce new investors to put capital to work in the thrift industry, but also encourage those already in the industry to continue operating under a thrift charter. The thrift industry has long filled a special role in the delivery of financial services to the American people. Notwithstanding the many changes that have occurred and will continue to occur in financial services, there remains an important role for thrift institutions in the mix. New investors and current shareholders alike can be expected to continue to fill that role only if the thrift charter is economically attractive relative to other investment opportunities.

The bill adopts a two-pronged approach to making the thrift institution charter more attractive to current and potential private sector investors. First, the legislation would provide some relatively limited new investment powers for thrift institutions and thrift holding companies. Second, and more importantly, the bill would remove or reduce some of the more onerous restrictions on thrift operations that exist under current law. All of these provisions have been carefully drafted to avoid changes that could threaten safe and sound thrift operation.

A few examples of these two kinds of provisions may help to characterize the legislation. With regard to investment powers, one of the bill's provisions would increase to a modest degree the authority of a federally chartered thrift institution to invest in service corporation subsidiaries of the thrift. The expanded authority would be well below levels of such investments that many State-chartered thrifts may undertake. Another provision would allow federally chartered thrifts to invest a small portion of their assets in the small business investment companies that Congress has encouraged under the provisions of the Small Business Investment Act. These investments would allow some diversification of the thrift portfolio and further the congressional purpose of making equity capital and long-term credit more readily available to small businesses.

One other provision of this sort would allow thrift holding companies to hold a limited interest in the stocks of nonaffiliated thrift institutions. The bill would allow savings and loan holding companies to acquire up to 5 percent of the voting stock of nonaffiliated thrifts. This level of ownership would allow thrift holding companies to undertake some limited investment in the industry they know best and would put them on a par with the comparable authority of bank holding companies under the Bank Holding Company Act.

As indicated, the bill also contains several provisions intended to relax or eliminate unnecessarily strict limitations on thrift and thrift holding company operational activity, including current limitations on affiliate transactions, restrictions on interlocking directorates with other financial institutions, and requirements for net worth maintenance agreements. Such provisions in the bill are intended to modify these restrictive requirements and thus remove unreasonable burdens on companies investing in the thrift industry and their affiliates. For example, the provisions on interlocking directorates would eliminate some duplicative restrictions in the National Housing Act and would allow a person to sit on the board of more than one financial institution provided there were no substantial lessening of competition. These modest changes would encourage thrift acquisitions by companies that already have experience in the financial services industry.

In addition, the bill would mandate the elimination of discriminatory regulatory requirements on de novo or newly insured institutions once they had satisfactorily established and maintained a safe and sound record of operating experience. Similarly, the bill would eliminate the severe restrictions on debt issuance by nondiversified savings and loan holding companies. There are no similar restrictions on bank holding companies, and such restrictions create significant delays that are a serious impediment to the ability of holding companies to raise funds in volatile markets. Where, as with debt issuance, market forces work well to ensure sound practices, those forces should be allowed to work.

As a final matter, while the various provisions discussed above, as well as others in the bill, are aimed at enhancing the charters of healthy and troubled thrifts alike, the bill includes specific provisions that are directed specifically at enhancing the value—and thus encouraging the acquisition—of troubled thrifts. In each case, new regulatory incentives are provided to those who acquire troubled institutions. First, Federal associations that themselves acquire, or are affiliated with a holding company that acquires, a troubled thrift would be given authority to invest an additional 5 percent of their assets in service corporation subsidiaries. Second, a holding company that acquires at least one troubled thrift would be authorized to own two healthy thrifts and still not be subject to the activities restrictions placed on multiple savings and loan holding companies and their nonthrift affiliates by section 408(c) of the National Housing Act. Third, subsidiaries of a holding company that acquires, or the subsidiary of which acquires, a troubled thrift would be allowed to engage in any transaction with a nonthrift affiliate authorized under sections 23A and 23B of the Federal Reserve Act; such thrifts would not be limited by the tighter affiliate transaction restrictions of section 408(d) of the National Housing Act. Under current law, the more flexible affiliate transaction restrictions of the Federal Reserve Act apply only when the business activities of the nonthrift affiliate in question fall within the scope of section 4(c)(8) of the Bank Holding Company Act. The section would dispense with that requirement in circumstances in which a troubled thrift was acquired by the holding company or its subsidiary.

These provisions, by improving the regulatory climate for those who would acquire troubled institutions, should help FSLIC in disposing of those institutions. As more of us have dealt directly with the problem know, the solution lies not in some magical vent. Rather, it will be achieved through a series of steps, on a number of fronts and over a reasonable time, all aimed at working the problem down to a manageable size. It is hoped that the regulatory incentives provided in the bill will reduce, at least to some degree, the amount of FSLIC financial incentives that are needed to promote thrift acquisitions. To the extent that this can be done, FSLIC financial resources can be conserved and the strain on the FSLIC fund reduced. There is no doubt that additional regulatory incentives, going beyond those included in the bill, could be devised with these objectives in mind. I would very much welcome the development of such additional provisions as this legislation moves forward.

Mr. President, I introduce this bill with the intention of bringing potential means of enhancing thrift charters before the Senate for debate and consideration. I ask my colleagues to join with me in considering these matters in order that we might ensure the continued vitality of a healthy thrift industry. We need to be willing to take a broadened approach, to think in creative ways, and to work together in order to induce substantial new investment in healthy and troubled thrifts, to prevent new failures, and to reduce the cost to FSLIC of current insolvencies. Without such action by the Congress, there is grave danger that we will face the prospect of using taxpayers' dollars to resolve the industry's difficulties. I urge my colleagues to join debating and considering the issues so as to avoid that outcome.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

(a) SHORT TITLE.—This Act may be cited as the "Thrift Charter Enhancement Act of 1988".

TITLE I—AMENDMENTS AFFECTING FEDERALLY CHARTERED AND DE NOVO ASSOCIATIONS

SEC. 101. COMMERCIAL LENDING AUTHORITY.—5(c)(1)(R) of the Home Owners' Loan Act of 1933 (12 USC § 1464(c)(1)(R) is amended by adding at the end thereof ", except that the aggregate amount of loans under this paragraph made by a savings and loan association or savings bank that has maintained capital for three of the four preceding calendar quarters at a level equal to or greater than that required under the regulations of the Federal Home Loan Bank Board shall not exceed 20 per centum of assets."

SEC. 102. INVESTMENT IN SERVICE CORPORATIONS BY FEDERALLY-CHARTERED SAVINGS AND LOAN ASSOCIATIONS.—Section 5(c)(4)(B) of the Home Owners' Loan Act of 1933 (12 USC § 1464(c)(4)(B)) is amended to read as follows:

"(B) Service corporations. Investments in the capital stock, obligations, or other securities of any corporation organized under the laws of the State in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of such State and by Federal associations having their home offices in such State. Investments under this subparagraph may not exceed four percent of assets, except that an additional one percent of assets may be invested under this subparagraph in investments primarily for community, inner-city or community development purposes, and except that an additional five percent of assets may be invested under this subparagraph by a Federal association that has acquired, or the affiliate of which has acquired, an insured institution pursuant to an acquisition under section 408(m) or section 406(f) of the National Housing Act. As used in this subparagraph the term "affiliate" shall have the same meaning as in section 408(a)(1)(I) of the National Housing Act."

SEC. 103. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.—Section 5(c)(4)(D) of the Home Owners' Loan Act of 1933 (12 USC § 1464(c)(4)(D)) is amended to read as follows:

"(D) Small business investment companies. An association may invest in stock, obligations, or other securities of any small business investment company organized pursuant to the Small Business Act of 1958 (15 USC § 681 et seq.), provided that the aggregate amount of such investments shall not exceed the greater of one percent of the association's assets or five percent of its capital and surplus."

SEC. 104. DE NOVO INSTITUTIONS.—Section 403 of the National Housing Act (12 USC 1726) is amended by adding a new paragraph at the end thereof as follows:

"(f) DE NOVO INSTITUTIONS.—Following the completion of the initial three years of insured operation substantially in accordance with all material requirements of the Corporation, a de novo or other newly insured institution shall cease to be subject to requirements based on its de novo or newly insured status and shall be subject to the laws, regulations, and policies governing insured institutions in the same manner as all other insured institutions."

TITLE II—AMENDMENTS AFFECTING REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

SEC. 201. DEFINITION OF AFFILIATE.—Section 408(a)(1)(H) of the National Housing Act (12 USC § 1730a(a)(1)(H) is amended to read as follows:

"(H) 'Subsidiary' of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person by virtue of this subsection (except that for purposes of paragraphs (1), (2), (4) and (6) of subsection (c) of this section, the term 'subsidiary' does not include a service corporation subsidiary of an insured institution or any subsidiary of such service corporation)."

SEC. 202. UNITARY HOLDING COMPANY TREATMENT.—Section 408(c)(3)(B) of the National Housing Act (12 U.S.C. 1730a(c)(3)(B) is amended to read as follows:

"(B) more than 1 insured institution, if—

(i) at least 1 of the insured institution subsidiaries of such company was acquired pursuant to an acquisition under subsection (m) of this section or section 406(f);

(ii) no more than 2 of the insured institution subsidiaries of such company were acquired or established other than pursuant to an acquisition under subsection (m) of this section or section 406(f); and

(iii) all of the insured institution subsidiaries of such company are qualified thrift lenders (as determined under subsection (o))."

SEC. 203. AFFILIATE TRANSACTIONS.—Sections 408(d)(6)(A), (B), and (C) of the National Housing Act (12 USC §§ 1730a(d)(6)(A), (B), and (C)) are amended by removing the phrase "the lesser of" as it appears in each section and placing in lieu thereof the phrase "the greater of."

SEC. 204. ACTIVITIES OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(e)(1)(A)(iii) of the National Housing Act (12 USC § 1730a(e)(1)(A)(iii)) is amended to read as follows:

"(iii) to acquire by purchase or otherwise more than 5 per centum of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or in the case of a multiple savings and loan holding company, to so acquire or retain more than 5 per centum of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section, except that, notwithstanding any other provision of law, the foregoing shall not prohibit a subsidiary investment banking firm, or broker-dealer in securities, of a savings and loan holding company, from engaging in underwriting, trading, secondary market transactions, or other customary securities activities with respect to voting shares of an insured institution, or savings and loan holding company, which is not a subsidiary of such a savings and loan holding company; or"

SEC. 205. INTERLOCKING DIRECTORS OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(i) of the National Housing Act (12 USC § 1730a(i)) is amended:

(1) by adding "or" at the end of paragraph (1);

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 206. AMENDMENTS TO QUALIFIED LENDER TEST.—Section 408(o) of the National Housing Act (12 USC § 1730a(o)) is amended:

(a) in paragraph (5)(B)(iii) thereof by striking the paragraph and inserting in lieu thereof "(iii) liquid assets held by the institution or subsidiary, which shall include assets of the type required to be maintained under section 5A of the Federal Home Loan Bank Act or other assets rated investment grade held for the purposes of both (1) increasing the liquidity of the asset portfolio, and (2) protecting against the interest rate risk inherent in holding home mortgages; and";

(b) in paragraph (5)(B)(iv) thereof by striking "50 percent of";

(c) in paragraph (6) thereof by striking "clauses (iii) and (iv)" and substituting in lieu thereof "clause (iv)";

(d) in paragraphs (1)(A) and (1)(B) thereof by striking "60 percent" and inserting in lieu thereof "the required qualified thrift investment percentage";

(e) in paragraph (2)(B) thereof by striking "60" and inserting in lieu thereof "50";

(f) in paragraph (5) thereof by inserting a new subparagraph (C) to read as follows:

"(C) REQUIRED QUALIFIED THRIFT INVESTMENT PERCENTAGE.—The term 'required qualified thrift investment percentage' means 60 percent in 1988, 55 percent in 1989, and 50 percent in 1990 and all years thereafter."

SEC. 207. CROSS MARKETING PRACTICES OF SAVINGS AND LOAN HOLDING COMPANIES.—Section 408(p) of the National Housing Act (12 USC § 1730a(p)) is amended by—

(a) striking paragraph (2) thereof;

(b) striking "(1) TRANSACTIONS WITH CERTAIN AFFILIATES.—

(c) redesignating subparagraphs "(A)" and "(B)" as paragraphs "(1)" and "(2)", respectively; and

(d) by designating clauses "(i) and (ii)" of subparagraph (A) as subparagraphs "(A)" and "(B)", respectively, of new subsection (p)(1) as amended by this section.

SEC. 208. INVESTMENT ACTIVITY OF CERTAIN AFFILIATES.—The first clause of section 408(p)(1)(A) of the National Housing Act (12 U.S.C. 1730a(p)(1)(A)) is amended to read as follows:

"(A) IN GENERAL.—Transactions between any insured institution subsidiary of a savings and loan holding company and any affiliate (of such insured institution subsidiary) which is engaged only in business activities described in subsection (c)(2)(F)(i) and transactions between any insured institution subsidiary of a savings and loan holding company and any affiliate (of such insured institution subsidiary) where either the insured institution subsidiary or any one of its affiliates has acquired an insured institution pursuant to an acquisition under section 408(m) or section 406(f)—"

SEC. 209. AMENDMENT TO POWERS OF MUTUAL HOLDING COMPANIES.—Section 408(s) of the National Housing Act (12 USC § 1730a(s) is redesignated as section 408(r) and is amended:

(a) in paragraph (5)(B) by adding the words "or stock" after "mutual"; and

(b) by redesignating paragraphs "(7)" and "(8)" as paragraphs "(8)" and "(9)", respectively, and by inserting a new paragraph (7) as follows:

"(7) COMMON STOCK.—A mutual institution that is a subsidiary of a mutual holding company shall have the power subject to regulations of the Corporation to issue to persons other than its parent holding company, an amount of common stock and securities convertible into common stock which in the aggregate does not exceed forty-nine percent of the issued and outstanding stock of the institution. For purposes of this forty-nine percent limitation, outstanding securities that are convertible into common stock shall be considered as issued and outstanding common stock."

SEC. 210. DEBT APPROVAL.—Section 408(g) of the National Housing Act (12 USC § 1730a(g)) is repealed, and subsections "(h)" through "(t)" are redesignated as subsections "(g)" through "(s)", respectively.

SEC. 211. NET WORTH MAINTENANCE.—At the end of section 408 of the National Housing Act (12 USC § 1730a) add a new subsection (t) to read as follows:

"(t) Net worth maintenance. After the date of enactment of this subsection the Corporation may not require, as a condition to the acquisition by any savings and loan holding company of a subsidiary insured institution, the execution by such holding company of an agreement to guarantee for a period greater than three years the maintenance of the reserves or other capital of such subsidiary at a specified level, and all such agreements executed prior to such date of enactment shall terminate and shall have no further force or effect three years after the date of execution of such agreement. Provided, however that if within 60 days of the end of such three year period during which an agreement has been in operation the Corporation finds either that the subsidiary has not been in compliance throughout three of the four preceding fiscal quarters with the reserve requirements established under section 403(b) of this Act and all other capital requirements of the Corporation, or that in the opinion of the Corporation the subsidiary is engaging in unsafe or unsound practices, the Corporation may require such agreement to continue in operation beyond three years until compliance by such subsidiary throughout three of four fiscal quarters is achieved and all unsafe or unsound practices have ceased."

SEC. 212. TRANSACTIONS WITH AFFILIATED PERSONS.—Section 407 of the National Housing Act (12 USC § 1730) is amended by adding at the end thereof the following new subsection:

"(u) Transactions with affiliated persons. The Corporation shall revise its rules and regulations relating to loans and other transactions between an insured institution and its executive officers, directors, insiders and other affiliated persons, to be consistent with rules and regulations relating to such transactions developed by the Federal banking agencies.

TITLE III—AMENDMENTS TO THE DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT

SEC. 301. EXEMPTIONS.—Section 205 of the Depository Institutions Management Interlocks Act (12 USC § 3204) is amended by adding the following new subsections (7) and (8) to read as follows:

"(7) A company that becomes a depository holding company by acquiring an insured institution pursuant to section 408(m) of the National Housing Act (12 USC § 1730a(m)).

"(8) Any depository institution, depository holding company of affiliate thereof, unless the Federal regulator of such institution or holding company, as set out in section 207, determines within 60 days after notice that the interlocking services of a management official with a nonaffiliated depository institution, depository holding company or affiliate thereof would result in a monopoly or substantial lessening of competition, or would lead to substantial conflicts of interest, or if the Federal regulator of the nonaffiliated entity, if different from the Federal regulator of the notifying entity, makes a similar determination."

SECTION-BY-SECTION SUMMARY—THRIFT CHARTER ENHANCEMENT ACT OF 1988

TITLE I—AMENDMENTS AFFECTING FEDERALLY CHARTERED ASSOCIATIONS

Section 101. Commerical Lending Authority

This section would amend section 5(c)(1)(R) of the Home Owners' Loan Act of 1933 to permit a Federally chartered savings and loan association or savings bank to increase its commercial loan limts from 10 percent of assets to 20 percent of assets if it has maintained reserves at a level equal to or greater than those required by the Federal Home Loan Bank Board in three of the preceding four calendar quarters.

Section 102. Investment in Service Corporations by Federally Chartered Savings and Loan Associations

This section of the bill would increase the aggregate investment permissible by Federally chartered savings and loan associations in service corporations from three to five percent. Investment in excess of four percent of assets must be used primarily for inner city and community development purposes.

In addition, associations that themselves acquired, or that were affiliated with a holding company or other holding company subsidiary that acquired, a failed thrift under section 408(m) or section 406(f) of the National Housing Act would be allowed to invest an additional five percent of assets in several corporations for any permissible purpose.

Section 103. Investments in Small Business Investment Companies

This section would permit Federally chartered thrift institutions to invest a limited portion of their assets in all types of small business investment companies permitted under the Small business Investment Act. This would permit investment activity that has proven safe and profitable and would further the congressional purpose of making equity capital and long-term credit available to small businesses.

Section 104. De Novo Institutions

This section of the bill would ensure that "de novo", or other newly insured institutions would receive the same regulatory treatment as all other institutions after successfully complying for a three year period with all material requirements of the Federal Savings and Loan Insurance Corporation.

TITLE II—AMENDMENTS AFFECTING REGULATION OF SAVINGS AND LOAN HOLDING COMPANIES

Section 201. Definition of Affiliates

The purpose of this amendment is to permit multiple savings and loan holding company service corporation subsidiaries whose parent associations are state-chartered, insured insitutions to engage in any otherwise lawful activity.

Since October, 1973, the Federal Home Loan Bank Board has limited, by regulation, the activities of such service corporation subsidiaries to the activities permitted Federal associations under 12 C.F.R. § 545.74 (to the extent the service corporation has independent legal authority to engage in such activities). *See* 12 C.F.R. § 584.2(c). The Bank Board did so by interpreting the term "subsidiary" as it appears in § 408(c) of the National Housing Act to include service corporation subsidiaries. While such interpretation was consistent with the definition of the term "subsidiary" as it appears in § 408(a)(1)(H) of the NHA and was further consistent with a literal reading of § 408(c) of the NHA, nowhere in the legislative history of § 408(c) is there any indication that Congress intended to limit the activities of service corporation subsidiaries of insured institutions. Rather, the thrust of § 408(c) was to limit the activities of the multiple savings and loan holding company and its direct subsidiaries, which prior to enactment of § 408(c), were not subject to any activities limitation.

If adopted, the proposed amendment would alter the definition of subsidiary as it appears in § 408(a) to exclude service corporation subsidiaries for operative subsections of § 408(c). The effect of the amendment will be to put multiple savings and loan holding company service corporation subsidiaries whose parent savings association are state-chartered institutions on the same footing with service corporation subsidiaries of state-chartered institutions which are controlled by a unitary savings and loan holding company or which are not part of a holding company structure as to the activities in which they may engage. There is simply no reason to treat multiple savings and loan holding company service corporation subsidiaries differently from those service corporations of a unitary savings and loan holding company or of an insured institution which is not part of a holding company. Without this amendment, a state-chartered insured institution becoming part of a multiple savings and loan holding company may have to restrict substantially the activities of its service corporation subsidiaries. This becomes particularly important in light of recent amendments to § 408 under the Competitive Equality Banking Act of 1987, which permit new interstate multiple savings and loan holding companies.

Section 202. Unitary Holding Company Treatment

This section would allow a savings and loan holding company to avoid the activities restrictions that are imposed on multiple thrift holding companies even if it owns two healthy thrift subsidiaries, as long as it has acquired at least one failed or failing thrift under the provisions of section 408(m) or section 406(f) of the National Housing Act. Under current law a holding company is subject to the activities restrictions of section 408(c)(1) if it has more than one thrift subsidiary, unless all, or all but one, of its subsidiaries is failed or failing when acquired. The section thus provides an additional incentive for holding companies to acquire troubled thrifts: to be able to operate two healthy thrifts in addition to the troubled thrift and still be free of strict activities restrictions.

Section 203. Affiliate Transactions

This amendment would allow insured institutions held by savings and loan holding companies to engage in somewhat larger transactions with their affiliate companies than under present law. Current law limits such transactions to no more than $100,000, a limit imposed in 1967. This amendment would retain the requirement of prior approval by the FSLIC for transactions in excess of the greater of $100,000 or 0.1 percent of the institution's assets.

Section 204. Activities of Savings and Loan Holding Companies

This amendment would grant savings and loan holding companies the authority to acquire up to 5 percent of the voting stock of an FSLIC-insured institution or its holding company. This places savings and loan holding companies on a part with bank holding companies, which are authorized under section 3(a)(3) of the Bank Holding Company Act (12 USC § 1842(a)(3)) to acquire up to 5 percent of the voting shares of any bank. The amendment would also make it clear that the 5 percent limitation does not apply to a savings and loan holding company affiliate that is an investment banking firm or registered broker-dealer with respect to holding securities in their inventory or conducting other activities with respect to securities in the normal course of their business.

Section 205. Repeal of Interlocking Director Provisions of the Savings and Loan Holding Company Act

This section would repeal paragraph (2) of section 408(i) of the National Housing Act (12 USC § 1730a(i)) which requires FSLIC approval for a director or officer of a holding company or any person controlling more than 25 percent of the voting shares of a holding company to serve as a director or officer of an unaffiliated institution or holding company. Since director and officer interlocks of savings and loan holding companies are also governed by the Depository Institutions Management Interlocks Act, which applies to depository institutions generally, the repeal of section 408(i) would eliminate a duplicate set of restrictions on such activity.

Section 206. Amendment to Qualified Lender Test

This section would modify the qualified thrift lender ("QTL") test that was enacted by section 104 of the Competitive Equality Banking Act of 1987 ("CEBA"), Public Law 100-86. Under the test, a diversified S&L holding company would be limited to activities permitted for bank and multiple S&L holding companies, plus certain other enumerated activities unless the S&L subsidiary meets the QTL test.

To meet the QTL test, an S&L must hold at least 60 percent of its tangible assets in "qualified thrift investments" ("qualified investments") which are basically mortgage loans, assets which meet the liquidity requirements of the Federal Home Loan Bank Act and 50 percent of the dollar amount of residential mortgage loans originated and sold within 90 days.

The amount of liquidity and loan origination investments that can count toward meeting the QTL test, however, is limited to an amount equal to 10 percent of the institution's tangible assets.

This section would amend the QTL test by: (a) providing that qualified liquidity investments of an institution's subsidiary would be counted as part of the institution's liquidity investment for purposes of meeting the QTL test; (b) permitting 100 percent rather than 50 percent of mortgage banking activities to count as qualified investments within the 10 percent basket; (c) removing liquidity from the 10 percent basket so that all of the liquidity of the institution and its subsidiary will be qualified investments under the 60 percent requirement; (d) expanding the scope of liquid assets for purposes of the QTL test to include assets held for the purposes of both increased liquidity and protection against interest rate swings; (e) expanding the scope of liquid assets for purposes of the QTL test to include assets held for the purposes of both increased liquidity and protection against interest rate swings; and (f) phasing in, over a three year period, a reduction in the percentage of tangible assets that must be held in qualified thrift investments from 60 percent to 50 percent.

Section 207. Cross Marketing Practices of Savings and Loan Holding Companies

This section would repeal the cross marketing restrictions on S&L holding companies that were enacted by section 104 of CEBA. That section amended the Savings and Loan Holding Company Act to prohibit an S&L in a holding company structure to market products or services of a holding company affiliate or permit its products to be marketed by a holding company affiliate, unless the offering of such products and services is permissible for bank holding companies or unless such products and services were being offered as of March 5, 1987, and then "only in the same manner in which they were being offered or marketed prior to that date."

Section 208. Investment Activity of Certain Affiliates

This section would authorize the insured institution subsidiaries of a holding company that has acquired, or a subsidiary of which has acquired, a failed or failing thrift to engage in those transactions with an affiliate that are permissible under sections 23A and 23B of the Federal Reserve Act for member banks and their affiliates. This authorization would be provided whether or not all of the business activities of the affiliate are permitted under regulations of the Federal Reserve Board pursuant to section 4(c) of the Bank Holding Company Act. Under current law transactions that are permissible under sections 23A and 23B of the Federal Reserve Act but are impermissible under section 408(d) of the National Housing Act may be undertaken only with an affiliate whose business activities are permitted by the regulations issued pursuant to section 4(c) of the Bank Holding Company Act. The section would relieve that requirement in circumstances in which a troubled thrift is acquired. The section thus provides an additional incentive to acquire a troubled thrift: to obtain more relaxed restrictions on affiliate transactions without submitting to the activities restrictions that are imposed on bank holding companies.

Section 209. Amendment to Powers of Mutual Holding Companies

Subsection (a) would make it clear that a mutual holding company is empowered to acquire a stock FSLIC-insured institution as well as a mutual institution.

Subsection (b) would empower the mutual institution subsidiary of a mutual holding company to issue to the public common stock or convertible securities in an aggregate amount not to exceed 49 percent of its total outstanding stock. The provision would permit the institution to raise equity capital in manageable increments while ensuring that control of the institution remains in the holding company and that the benefits of mutual operation are retained by the holding company.

Section 210. Debt Approval

Under section 408(g) of the National Housing Act, a nondiversified savings and loan holding company cannot incur debt in excess of 15 percent of its consolidated net worth without advance approval from FSLIC. No such restriction exists for bank holding companies, and there is no basis for differentiation. the new provision would repeal section 498(g).

The current debt control limits in the Savings and Loan Holding Company Act are cumbersome and outmoded. They were enacted in 1967 at a time when the Bank Board had no cease and desist powers, civil and criminal enforcement authority, or power to remove S&L officers and directors. The Bank Board now has more efficient tools to deal with any abuses relating to the incurrence of debt than it did in 1967.

More important, however, is the fact that these restrictions make it extremely difficult for nondiversified S&L holding companies to raise funds at a favorable rate in a volatile market. The marketplace is best suited to determine whether a holding company is credit worthy, not the Bank Board staff.

Section 211. Net Worth Maintenance

Under current practice, the Federal Home Loan Bank Board frequently requires a savings and loan holding company, as a condition to its acquisition of a thrift subsidiary, to execute a "net worth maintenance agreement." The agreement requires the holding company to guarantee the maintenance by the thrift of a specified level of net worth. Since the resulting liability on the part of the acquiring company is unlimited as to time, it constitutes a significant disincentive to thrift, and especially troubled thrift, acquisitions and a significant incentive to sell thrifts that were acquired subject to such an agreement. Moreover, the new Bank Board authority to set individual capital requirements on a case-by-case basis makes the potential level of liability under such agreements significantly less predictable and more worrisome.

The new section would place a time limit on such agreements. In the typical case, future net worth maintenance agreements would be limited to three years, and all existing agreements would expire three years after the date of execution. The expiration at the end of three years would be subject to a finding by the Bank Board that the thrift had complied with applicable net worth requirements in three out of the four preceding fiscal quarters and was not engaged in any unsafe or unsound practices. If these conditions were not met at that time, the Bank Board would be authorized to extend the agreement until the thrift's compliance record met the test. By so providing, the section would seek to balance the need for adequate net worth and safe practices on the part of individual thrift institutions with the desirability of removing serious obstacles to thrift acquisitions.

Section 212. Transactions with Affiliated Persons

This section would add new subsection (u) to section 407 of the National Housing Act to require the Federal Savings and Loan Insurance Corporation to conform its regulations relating to transactions with affiliated persons, generally referred to as the "conflicts of interest" regulations, to those developed by the Federal banking agencies. The banking agency rules include, but are not limited to, those issued under Section 5200 of the Revised Statutes, as amended, and sections 22(g) and 22(h) of the Federal Reserve Act relating to loans to executive officers and insiders (12 USC §§ 375a, 375b), and Section 18(j)(2), which applies section 22(h), above, to state nonmember banks.

This section would require the abolition of the confusing and complex limits and filing requirements currently embodied in the FSLIC conflicts regulations and their replacement by the banking agency rules, which preserve the protections of arm's length relationships in a much simpler framework.

TITLE III—AMENDMENTS TO THE DEPOSITORY INSTITUTIONS MANAGEMENT INTERLOCKS ACT

Section 301. Exemptions

This amendment would add new subsections (7) and (8) to section 205 of the Depository Institutions Management Interlocks Act (12 USC § 3204) which sets out exceptions to the interlocks otherwise prohibited by the Act.

New subsection (7) would add savings and loan associations acquired pursuant to the emergency assistance provisions of the Garn-St Germain Act to the list of institutions exempt from the general ban on interlocking directorates among depository institutions. The FHLBB already has discretionary authority to grant a waiver in connection with the acquisition or operation of other insured institutions (12 USC § 3207).

New subsection (8) would authorize the Federal banking and thrift institution regulators to make an exception to the prohibition of the Interlocks Act upon a finding that a particular interlock would not result in a substantial lessening of competition or substantial conflicts of interest.

If the unaffiliated financial institution or affiliate on whose board the intended management officer serves has as its primary regulator an agency other than that of the applicant, that agency would have to make a similar finding as well.

This proposal is based on the premise that most potential buyers of a failing or healthy S&L would have persons on their boards who serve as directors of other depository institutions or their affiliates and whose service on both boards would be prohibited by the Interlocks Act.

That Act currently prohibits among other things, interlocks between an institution with more than $1 million in assets and an institution with over $500 million in assets, or between affiliates of such institutions, irrespective of where the institutions or affiliates are located. As more and more institutions exceed these size thresholds and as holding company structures become more extensive, it will be increasingly difficult to find prospective purchasers that would not have on their board of directors a member who is also a director of another depository institution or affiliate.

Since the activities of a depository institution in a holding company are frequently far removed, both geographically and operationally, or both, from the activities of other affiliates in the holding company, interlocks between these entities will in many cases not result in conflicts of interest, or unsafe and unsound practices, or provide temptation for self-dealing.

This amendment simply gives the regulators a chance to make exceptions to the Interlocks Act on a case-by-case basis. ●

By Ms. MIKULSKI:

S.J. Res. 259. Joint resolution designating the week of April 24, 1988, through April 30, 1988, as "National Eating Disorders Awareness Week"; to the Committee on the Judiciary.

NATIONAL EATING DISORDERS WEEK

Ms. MIKULSKI. Mr. President, I rise today to introduce a joint resolution to declare the week of April 24, 1988 through April 30, 1988, as "National Eating Disorders Awareness Week." Anorexia nervosa—"starvation sickness"—and bulimia—"binge-purge syndrome," the two most common eating disorders, are emotional disorders that can lead to serious physical illness and even death.

Frighteningly, studies over the past decade have revealed that eating disorders are increasing at an epidemic rate. One in seven women between the ages of 12 and 25 suffers from bulimia, and 1 out of every 100 women in that age group develops anorexia. Frighteningly, studies over the past decade have revealed that eating disorders are increasing at an epidemic rate.

Eating disorders usually are secretive behaviors that are difficult to detect and diagnose. An increase in the public's awareness of the problem will lead to more effective detection, diagnosis, and treatment of the problem. It is for this reason that I have introduced this joint resolution.

Mr. President, it is my hope that this resolution will promote continued research into the causes and treatment of eating disorders. In addition, I hope it will create an awareness of these disorders within communities so those in need of treatment may be connected with the appropriate services and support. It is only through public awareness that we can put an end to the personal and family tragedies that result from this sad epidemic.

By Mr. PRESSLER:

S.J. Res. 261. Joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

NATIONAL ALZHEIMER'S DISEASE MONTH

Mr. PRESSLER. Mr. President, today I am honored to introduce a joint resolution designating the month of November 1988, as National Alzheimer's Disease Month.

Contrary to the belief of earlier generations, Alzheimer's is not a normal part of the aging process. The Alzheimer's dementia is a tragic, progressively debilitating disease. Promoting greater awareness and understanding of this disease, which currently afflicts more than 2½ million Americans, is vital to national efforts in education and research regarding Alzheimer's. Furthermore, a familiarity with Alzheimer's and related dementias provides those who have not been touched by this disease the ability to give compassionate, informed support to others.

Currently, Alzheimer's costs our nation over $40 billion a year—but approximately $70 million is expended for research into the cause and cure of this heartbreaking disease. In this age of modern science, where once fatal diseases have been all but eliminated from the population, I believe we can discover the causes and a cure for Alzheimer's. The Alliance for Aging Research, an organization composed of scientists, industry, and policy makers, released a report last fall entitled "Aging Research on the Threshold of Discovery." In this report, research scientists predicted that we will understand the "underlying genetic mechanism involved in Alzheimer's" in the next 10 years. However, this exciting prospect may not become a reality without increased national awareness of Alzheimer's and greater commitment to research.

National Alzheimer's Disease Month establishes a time for understanding the suffering of Alzheimer's victims and their families. In addition, it provides us with an opportunity to pay tribute to organizations which have developed support networks across the country. Americans should know about the wonderful work of the Alzheimer's Disease and Related Disorders Association, Inc. ADRDA has really taken the lead in providing support for the victims of Alzheimer's and their families, as well as spurring research efforts. Many of my colleagues joined me in cosponsoring a similar resolution last year, which I am pleased to say was signed into law by President Reagan on July 10, 1987. I hope they will join me again this year to battle the disease which has taken the personality, love, memories, and life of too many of the Nation's elderly.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 11, a bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 58

At the request of Mr. DANFORTH, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 1265

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1265, a bill to amend the Public Health Service Act and the Fair Labor Standards Act of 1938 to provide minimum health benefits for all workers in the United States.

S. 1600

At the request of Mr. FORD, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1731

At the request of Mr. METZENBAUM, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1761

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 1774

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 1774, a bill to promote and protect taxpayer rights, and for other purposes.

S. 1789

At the request of Mr. KASTEN, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1789, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on long-term capital gains of individuals from 28 to 15 percent.

S. 1830

At the request of Mr. SANFORD, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 1830, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as they apply to workers born in years after 1916 and before 1930—and related beneficiaries—and to provide for increases in their benefits accordingly, and for other purposes.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2022

At the request of Mr. Cranston, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 2022, a bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify calculation of available guaranty entitlement and make other technical and conforming amendments.

S. 2041

At the request of Mr. Heinz, the names of the Senator from Maryland [Ms. Mikulski] and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 2041, a bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65-mile-per-hour speed limit.

S. 2054

At the request of Mr. Cranston, the names of the Senator from Connecticut [Mr. Weicker] and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2054, a bill to amend the Peace Corps Act to authorize appropriations for fiscal year 1989.

SENATE JOINT RESOLUTION 169

At the request of Mr. Moynihan, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from South Carolina [Mr. Hollings], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 169, joint resolution designating October 2, 1988, as a national day of recognition for Mohandas K. Gandhi.

SENATE JOINT RESOLUTION 227

At the request of Mr. Hollings, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Delaware [Mr. Biden], the Senator from Arkansas [Mr. Pryor], the Senator from Ohio [Mr. Metzenbaum], the Senator from Arkansas [Mr. Bumpers], the Senator from Mississippi [Mr. Stennis], the Senator from Maine [Mr. Mitchell], the Senator from North Dakota [Mr. Burdick], the Senator from Illinois [Mr. Dixon], the Senator from Tennessee [Mr. Sasser], the Senator from New Jersey [Mr. Lautenberg], the Senator from Maryland [Mr. Sarbanes], the Senator from New York [Mr. Moynihan], the Senator from Maryland [Ms. Mikulski], the Senator from Michigan [Mr. Levin], the Senator from Texas [Mr. Bentsen], the Senator from Nevada [Mr. Reid], the Senator from Alabama [Mr. Heflin], the Senator from Washington [Mr. Adams], the Senator from Nebraska [Mr. Exon], the Senator from Georgia [Mr. Nunn], the Senator from Alabama [Mr. Shelby], the Senator from Hawaii [Mr. Inouye], the Senator from Kentucky [Mr. Ford], the Senator from Kansas [Mr. Dole], the Senator from Indiana [Mr. Lugar], the Senator from Utah [Mr. Hatch], the Senator from Virginia [Mr. Trible], the Senator from Mississippi [Mr. Cochran], the Senator from South Carolina [Mr. Thurmond], the Senator from Nevada [Mr. Hecht], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Missouri [Mr. Bond], the Senator from Pennsylvania [Mr. Heinz], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Idaho [Mr. Symms], the Senator from New Hampshire [Mr. Rudman], the Senator from Connecticut [Mr. Weicker], and the Senator from North Carolina [Mr. Helms] were added as cosponsors of Senate Joint Resolution 227, joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the names of the Senator from Florida [Mr. Graham] and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Joint Resolution 235, joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from Massachusetts [Mr. Kennedy], the Senator from Vermont [Mr. Stafford], the Senator from Illinois [Mr. Dixon], the Senator from Illinois [Mr. Simon], the Senator from Wisconsin [Mr. Kasten], the Senator from Kansas [Mr. Dole], the Senator from Kansas [Mrs. Kassebaum], the Senator from Maryland [Mr. Sarbanes], the Senator from Pennsylvania [Mr. Heinz], the Senator from Pennsylvania [Mr. Specter], the Senator from Nebraska [Mr. Exon], the Senator from Florida [Mr. Chiles], the Senator from Florida [Mr. Graham], the Senator from Virginia [Mr. Warner], the Senator from Virginia [Mr. Trible], the Senator from Utah [Mr. Hatch], the Senator from North Dakota [Mr. Conrad], the Senator from Montana [Mr. Baucus], the Senator from Arizona [Mr. DeConcini], the Senator from Arizona [Mr. McCain], the Senator from Connecticut [Mr. Weicker], the Senator from Connecticut [Mr. Dodd], the Senator from West Virginia [Mr. Rockefeller], the Senator from Idaho [Mr. McClure], the Senator from Idaho [Mr. Symms], the Senator from Iowa [Mr. Grassley], the Senator from Minnesota [Mr. Durenberger], the Senator from Minnesota [Mr. Boschwitz], the Senator from New Mexico [Mr. Domenici], the Senator from Mississippi [Mr. Stennis], the Senator from Mississippi [Mr. Cochran], the Senator from Georgia [Mr. Nunn], the Senator from New York [Mr. D'Amato], the Senator from Arkansas [Mr. Bumpers], the Senator from Arkansas [Mr. Pryor], the Senator from Indiana [Mr. Lugar], the Senator from Indiana [Mr. Quayle], the Senator from Tennessee [Mr. Gore], the Senator from Michigan [Mr. Riegle], the Senator from Oregon [Mr. Packwood], the Senator from South Carolina [Mr. Thurmond], the Senator from Alabama [Mr. Heflin], the Senator from Alabama [Mr. Shelby], the Senator from California [Mr. Cranston], the Senator from California [Mr. Wilson], the Senator from Texas [Mr. Bentsen], the Senator from South Dakota [Mr. Pressler], the Senator from Louisiana [Mr. Breaux], the Senator from Hawaii [Mr. Inouye], the Senator from Delaware [Mr. Roth], the Senator from Missouri [Mr. Bond], the Senator from Washington [Mr. Adams], the Senator from North Carolina [Mr. Sanford], the Senator from Nevada [Mr. Hecht], the Senator from Alaska [Mr. Stevens], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 251, joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 253

At the request of Mr. Cranston, the names of the Senator from Florida [Mr. Chiles], the Senator from Illinois [Mr. Dixon], the Senator from Georgia [Mr. Fowler], the Senator from Ohio [Mr. Glenn], the Senator from Tennessee [Mr. Gore], the Senator from Alabama [Mr. Heflin], the Senator from Massachusetts [Mr. Kerry], the Senator from Ohio [Mr. Metzenbaum], the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Pell], the Senator from Arkansas [Mr. Pryor], the Senator from Nevada [Mr. Reid], the Senator from North Carolina [Mr. Sanford], the Senator from Maryland [Mr. Sarbanes], the Senator from Alabama [Mr. Shelby], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], the Senator from Louisiana [Mr. Breaux], the Senator from Maryland [Ms. Mikulski], the Senator from Minnesota [Mr.

Boschwitz], the Senator from South Carolina [Mr. Thurmond], the Senator from Pennsylvania [Mr. Heinz], the Senator from Idaho [Mr. Symms], the Senator from Utah [Mr. Garn], the Senator from Wyoming [Mr. Simpson], the Senator from Iowa [Mr. Grassley], the Senator from Kansas [Mrs. Kassebaum], the Senator from South Dakota [Mr. Pressler], the Senator from Texas [Mr. Gramm], the Senator from Idaho [Mr. McClure], the Senator from Virginia [Mr. Warner], the Senator from Virginia [Mr. Trible], the Senator from California [Mr. Wilson], the Senator from Utah [Mr. Hatch], the Senator from New Jersey [Mr. Bradley], the Senator from Arkansas [Mr. Bumpers], the Senator from North Dakota [Mr. Burdick], the Senator from South Dakota [Mr. Daschle], the Senator from Nebraska [Mr. Exon], the Senator from Florida [Mr. Graham], the Senator from New Jersey [Mr. Lautenberg], the Senator from Vermont [Mr. Leahy], the Senator from New York [Mr. Moynihan], the Senator from Michigan [Mr. Levin], the Senator from Louisiana [Mr. Johnston], the Senator from Hawaii [Mr. Inouye], the Senator from Minnesota [Mr. Durenberger], the Senator from Alaska [Mr. Stevens], the Senator from Connecticut [Mr. Weicker], the Senator from Indiana [Mr. Lugar], the Senator from Mississippi [Mr. Cochran], the Senator from Missouri [Mr. Bond], the Senator from Colorado [Mr. Wirth], the Senator from Connecticut [Mr. Dodd], the Senator from Oklahoma [Mr. Boren], the Senator from Indiana [Mr. Quayle], and the Senator from Delaware [Mr. Roth] were added as cosponsors of Senate Joint Resolution 253, joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the names of the Senator from Ohio [Mr. Metzenbaum], the Senator from Alaska [Mr. Stevens], the Senator from North Dakato [Mr. Conrad], the Senator from Nevada [Mr. Reid], the Senator from New York [Mr. D'Amato], the Senator from Mississippi [Mr. Cochran], the Senator from Oregon [Mr. Packwood], and the Senator from Texas [Mr. Gramm] were added as cosponsors of Senate Joint Resolution 254, joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Health Awareness Week."

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Humphrey, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of Senate Concurrent Resolution 95, concurrent resolution to express the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE RESOLUTION 377

At the request of Mr. Lugar, the names of the Senator from Mississippi [Mr. Cochran] and the Senator from Idaho [Mr. Symms] were added as cosponsors of Senate Resolution 377, resolution to express the sense of the Senate regarding negotations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 98—TO AUTHORIZE THE PRINTING OF THE ANNUAL THREE VOLUME REPORT "DEVELOPMENTS IN AGING: 1987"

Mr. MELCHER (for himself and Mr. Heinz) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 98

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document "Developments in Aging: 1987", a three volume report, as prepared by the Special Committee on Aging of the Senate.

Sec. 2. Such document shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Special Committee on Aging.

Sec. 3. There shall be printed 3,000 copies of volume I of the report, 1,000 copies of volume II of the report, and 5,000 copies of volume III of the report.

SENATE RESOLUTION 379—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO LINDA G. MATHEWS

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. Res. 379

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Linda G. Mathews, widow of Nathan V. Mathews, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold hearings on Tuesday and Wednesday, February 23 and 24, at 9:30 a.m. and 10 a.m., respectively, on H.R. 3400, Hatch Act Amendments. The meetings will be held in SD-342, Dirksen. For further information, please call Len Weiss, staff director, on 224-4751.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a hearing on Thursday, February 25, 1988, in SR-301, Russell Senate Office Building. The committee will be receiving testimony on Senate Resolution 260, submitted by Senators Kassebaum and Inouye, to amend standing rule XXV of the Senate to improve legislative efficiency, and for other purposes; and S. 1835, introduced by Senator Evans, the Individual Appropriations Act, to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2 year period shall be presented as a separate joint resolution to the President.

Senators who wish to testify or submit a statement for the hearing record are requested to have their staffs contact Carole Blessington of the Rules Committee staff on x40278. Interested individuals and organizations who wish to submit a statement for the hearing record are also requested to contact Ms. Blessington.

Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 24, 1988, at 9 a.m., to consider pending legislative and administrative business. On its legislative agenda, the committee will be marking up several proposals to amend the standing rules of the Senate, that is, Senate Resolutions 41, 42, 43, 274, and 277, and an amendment to Senate Resolution 28—99th Congress, second session—concerning the political use of duplicate tapes of Senate floor proceedings. On its administrative agenda, the committee will be considering the policy for the use of the Senate subway system.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on x40278.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 18, to take up the nomination of Charles L. Grizzle, nominated by the President to be assistant administrator for Administration and Resources Management, Environmental Protection Agency, and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, February 18, 1988, to examine S. 1993, the "Minority Business Development Program Reform Act of 1987"; and H.R. 1807, the "Capital Ownership Development Reform Act of 1987."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 2 p.m. to hold a hearing on S. 1703, the Indian Self-Determination Act Amendments, section 209.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 1 p.m. in open session to receive testimony on the revised fiscal year 1989 defense authorization request and 5-year defense plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 18, 1988, at 2 p.m. to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Education, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, February 18, 1988, to conduct a hearing on "National Board for Professional Teaching Standards."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, TRADEMARKS, AND COPYRIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Trademarks, and Copyrights of the Committee on the Judiciary be authorized to meet during the session of the Senate on February 18, 1988, to consider S. 1301, S. 1971, "Berne implementing legislation."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection and the Subcommittee on Superfund and Environmental Oversight, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on February 18, to conduct a joint hearing on title I of the Marine Protection, Research and Sanctuaries Act, including issues related to ocean disposal at the 106-mile site.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET JACKS

● Mr. CHILES. Mr. President, I would like to take this opportunity to extend birthday greetings to a very special Floridian. This past Sunday, February 14, 1988, Margaret Jacks celebrated her 80th birthday. It is befitting that a woman who has given so much of herself to others was born on Valentine's Day—a day which is synonymous with "love" and "affection."

Mrs. Jacks, a social worker by profession, has been a formidable and outspoken advocate for elderly Floridians for more than five decades. She started her career as a public welfare social worker and went on to become the first director of Florida's Division on Aging. Since retirement, she has served on countless advisory councils and boards, through which she has influenced public policy which affects the lives of many senior citizens. Even more significantly, she has volunteered hundreds of hours successfully "educating" both the Florida congressional delegation, and the members of the Florida Legislature regarding programs, services, and funds that would benefit our frail elders who are unable to live independently.

Margaret Jacks' many accomplishments have not gone unnoticed—admired and loved by her colleagues and peers, she is an inspiration and role model to younger advocates who would follow in her footsteps. Over the years, she has been recognized for her contributions to public policy by Florida Governors, the Florida Association of Social Workers, the Florida Council on Aging, and many other groups with whom she has been affiliated.

Today, I invite the U.S. Senate to join with me in honoring this very special lady and to extend to Margaret Jacks best wishes on her 80th birthday.●

PAMELA NAIL, OF JACKSON, CROWNED MRS. WORLD

● Mr. COCHRAN. Mr. President, Mississippians are proud that Pamela Nail of Jackson has been crowned Mrs. World in the recently concluded pageant in Brisbane, Australia.

In competition with women from countries around the world, Mrs. Nail reflected great credit on our State and our Nation.

She and her husband, Steve, visited Washington last year after she was selected Mrs. Mississippi and Mrs. America, and I was pleased to be able to go with them to the White House and introduce them to President Reagan.

She is an attractive, charming, and intelligent young woman, and I know she will represent all of us very well.

I congratulate Pamela Nail upon becoming the new Mrs. World and wish her every success during her reign.●

HUNGARIAN HUMAN RIGHTS

● Mr. BRADLEY. Mr. President, within the trade bill lies a provision suspending most-favored-nation status to Rumania. I would like to draw your attention to this provision because it stands as a warning to the Rumanian Government. The United States will not stand idly by while Mr. Ceausesau callously deprives Rumanian citizens of their basic human rights.

Passage of this bill will alert Rumania to the consequences of its prolonged contempt for the rights of its ethnic minorities. Specifically, I am referring to the gross abuses showered upon the 2.5 million Hungarians living in Rumania. It appalls me that a signatory of the Helsinki accord deliberately and maliciously denies its Hungarian citizens the right to live and work together and cultivate their linguistic and cultural heritage. Temporary revocation of its MFN status will notify Rumania that such deplorable conduct is intolerable. I hope the Rumanian Government is receptive to the seriousness with which we issue this warning.

We are aware of the Bucharest government's deliberate policy or repressing the identity and rights of ethnic Hungarians. They have closed the last Hungarian school and abolished all Hungarian-language textbooks from the classroom. They issued a decree requiring all official communications to be conducted in Rumanian. Despite constitutional guarantees to the contrary, failure to speak Rumanian is now regarded as an unlawful act and violators are subject to prosecution.

Furthermore, Hungarians are systematically being dispersed to purely Rumanian regions, prohibited from settling among friends and family. Between September 25 and 27, for example, over 1,500 Hungarian workers were forcibly relocated outside their native Transylvania. At the same time, ethnic Rumanians were being offered 15,000-30,000 leis as relocation incentive for settling in Transylvania.

These examples comprise but a few of the incidences which have shredded Rumania's moral fabric. The Hungarian Human Rights Foundation reports numerous cases involving suspicious deaths. Julia Kerestely, for example, was a 25 year old biology teacher found dead after complaining that she was prohibited from speaking Hungarian at school. The official cause of death was marked as suicide, however, the arteries in her neck as well as her wrists had been severed. Georg Horn, a young German, was beaten to death by two police officers while trying to arrange for himself and his family to emigrate.

The list of those who have been harassed, tortured and murdered is long. It includes priests and poets, as well as ordinary people who want nothing more than to cultivate their ethnic heritage. President Ceausesau is, unfortunately, the provocateur of these outrages. The Hungarian Human Rights Foundation has described his rule as "tantamount to material, intellectual and moral genocide." But in his attempt to dissipate Hungarian ethnicity he has embarked on the road to self-destruction. By depriving his people of their basic human rights, of freedom and representation, he is fostering both dissent and stagnation. People deprived of a link to their past have difficulty looking forward, for without a past, there is no sense of continuity and purpose.

This deterioration is especially sad to see in a country which prides itself on its independence within the Communist mantle. Still, we can reverse this unseemly trend. By suspending its MFN status we send a message to the Rumanian Government. We would tell them to stop these human rights abuses. It is vital that this message be heard. That is why I hope the conferees on the trade bill will retain the Senate provision with respect to MFN status on Rumania.●

FRAUD OF THE DAY—PART 28

● Mr. HEINZ. Mr. President, following is another golden oldie from my office's ever-lengthening collection of famous frauds. Every fraud I have discussed to date has involved some product which has a substantial domestic industry which was being harmed by the high incidence of fraud. Today I wish to address customs fraud involving a product which is found in every home and every market in the United States, but is not produced in any significant quantity in this country. This product is coffee.

Not long ago, the Customs Service investigated Saks International, an international coffee importer. The Service found that Saks International was guilty of violating the International Coffee Agreement Act. They had been misrepresenting the country of origin in their imports and were therefore evading quota restrictions. The company would illegally claim that its coffee came from a country which had no coffee quota under the agreement, or from a country which had not yet exhausted its quota limits. Saks International paid the government a $3.3 million fine in settlement of all charges. The size of this fine clearly shows the magnitude of the fraud which had been committed.

I cannot say to Senators in this case that domestic producers of coffee were injured. Hawaii is the only State which produces coffee, and it does so at a high quality but relatively low quantity level. Rather, it is our trading partners in South and Central America and Africa that may be injured by customs fraud. This kind of fraudulent act can easily mean that a legitimate exporter could not export his coffee to the United States since the fraudulently imported coffee would register under his country's limit. Obviously, countries with no quota are not injured by such fraud. A private right of action would serve as a deterrent to this type of action, and it would allow the injured parties, if there were any, to gain some form of financial compensation.

As today's example clearly shows, customs fraud is a universal concern which does not prey solely on U.S. companies. Customs fraud has the potential to devastate all industries, both domestic and foreign. It is obvious that something must be done to stop the spread of customs fraud, and I believe that my amendment will be a major step toward accomplishing that.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Joshua Bolten, a member of the Finance Committee minority staff and Minority Trade Counsel, who participated in a program in Turkey, sponsored by the Turkish American Businessmen Association, from December 21-22, 1987.

The committee has determined that participation by Mr. Bolten in the program in Turkey, at the expense of the Turkish American Businessmen Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. James T. Bruce III, a member of the staff of Committee on Energy and Natural Resources, to participate in a program in Japan sponsored by State Department and the Japanese National Oil Corp., from February 6-13, 1988.

The committee has determined that participation by Mr. Bruce in the program in Japan, at the expense of the State Department and the Japanese National Oil Corp., is in the interest of the Senate and the United States.●

BICENTENNIAL MINUTE

FEBRUARY 13, 1953: LBJ BECOMES YOUNGEST FLOOR LEADER

(By request of Mr. SIMPSON the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, 35 years ago this week, on February 13, 1953, Senate Democrats chose the youngest floor leader in the history of this institution. He was 44 years old and still serving in his first term. His name was Lyndon Baines Johnson.

Johnson's quick rise to leadership in the Senate came as a result of a series of events. In 1950, both the Democratic majority leader, Scott Lucas, and the Democratic Whip, Francis Myers, were defeated in their races for reelection. Democrats then chose Ernest MacFarland as majority leader and Lyndon Johnson as Whip. But 2 years later, an Arizona businessman named Barry Goldwater defeated MacFarland for his Senate seat and once again opened up the top post in the Democratic leadership. In addition, Dwight Eisenhower's candidacy in 1952 helped the Republicans win back the majority in the Senate. Senate Democrats now needed to elect a minority leader.

Based on seniority, and respect, the post should have gone to Georgia's Senator Richard B. Russell, by all accounts the de facto leader of his party in the Senate. Yet Russell preferred to exercise his power and influence behind the scenes, within the party machinery, rather than at the leader's desk in the Chamber. The young and ambitious Lyndon Johnson first ascertained Russell's decision not to run, and then gained his endorsement. A challenge from a small group of liberal Democrats proved ineffective, and Johnson swept to an easy victory.

Two years later, with a shift in party control, Lyndon Johnson became majority leader and was viewed as the universally recognized master of the Senate. In another 6 years he was elected Vice President, and within 3 years had become President following the assassination of John F. Kennedy. And in 1964 he won a landslide election over Barry Goldwater, the man who just a dozen years earlier had opened the way for Johnson to become the Senate's youngest floor leader.●

SPENCER ECCLES AND THE FINANCIAL SERVICES INDUSTRY

● Mr. GARN. Mr. President, I wish to call the attention of the Congress to the views of a distinguished leader of the banking industry and a respected member of my own community, Spencer F. Eccles, chairman of First Security Corp. of Utah.

Spencer is a man whose judgment and counsel I respect, and I completely agree with the perspective on the banking industry he expressed in a recent article in the Salt Lake Tribune. I submit these views for the Record and emphasize once again that it is time for Congress to foster open, fair, and safe competition in the banking industry.

The article follows:

[From the Salt Lake Tribune, Nov. 28, 1987]

ECCLES SUPPORTS STRONGER BANKS AND LIMITS ON SOCIAL SECURITY

(By Robert H. Woody)

Things to give thanks for?

How about an independent strong central bank system!

The Federal Reserve proved itself in the dreadful hours following Black Monday, Oct. 19.

It provided the liquidity that saved the financial system in its worst crisis since the 1930s, says First Security Corp. chairman Spencer F. Eccles.

Count the Federal Reserve as a sturdy "fourth leg" of government after the Congress, the administration and the judiciary, he says.

He was back in Salt Lake City this week after meetings in Washington, D.C., of the American Bankers Association board of directors. Mr. Eccles is in the final year of a three-year term on the board.

There were separate talks with new securities and exchange commission chairman David S. Ruder and Federal Reserve chairman Allan Greenspan.

Afterthoughts:

"I come back sobered by the severity of the shock . . . and encouraged by the fact the system held up."

"We're not out of the woods yet, but we are finally focusing on remedies. Those will take hard political and economic decisions at national and international levels, and real U.S. leadership.

The president's agreeing to a "budget summit" was a right step. So was the congressional agreement to chop $75 billion from the budget, even though "there is a lot of smoke and mirrors."

But Social Security should not have been excluded from consideration, says Mr. Eccles.

Social Security's cost-of-living provisions are a major budget item. Ignoring that sends the wrong signals to Japanese and European investors: "We lack the discipline to begin living within our means."

But if there is not yet a consensus on how to discipline the spendthrift nation, there was favor from most quarters for providing new powers to banking under the Proxmire-Garn bill.

"It's been a long time coming to 'even the playing field' between banking and its competitors."

The bill, sponsored by Senate banking committee chairman Sen. William Proxmire and former chairman Jake Garn, would provide banking the power to offer the financial products its competitors—particularly the securities industry—have long offered without direct competition of commercial banking.

It would allow banking, through independent affiliates, to underwrite debt instruments, e.g. revenue bonds and commercial paper, and mortgage-backed securities.

"Banking can't remain in its traditional role of taking in money at one price and loaning at another. We have to have sources of revenue to make up for the shortfall caused by deregulation, competition and a soft economic environment."

Banks can underwrite general obligation bonds. But over the years, revenue bonds have become vital in development of municipal entities. To date, a bank may not underwrite these important instruments of change, he said.

The Proxmire-Garn bill in a sense dismantles the Glass-Steagall Banking Act of 1933, which restricted banks from involvement in the securities business, then deemed liable to compromise banking "safety and soundness."

Prior to Glass-Steagall, banks had been able to underwrite debt and equity securities.

While there had been blatant misdeeds, it was not the banks' involvement in the securities business that caused bank failures of the early 1930s, Mr. Eccles, said.

The root cause was lack of liquidity in the financial system following the market crash of 1929. In contrast to its actions in the 1987 "crash," the Federal Reserve in 1929 simply did not provide adequate liquidity.

Under Proxmire-Garn, safety and soundness of commercial banking remains inviolate, says Mr. Eccles.

Bank business would be insulated from underwriting activities.

Regulation of the securities subsidiaries would be under the Securities and Exchange Commission.

Proxmire-Garn would provide more competition and drive down prices in fields where a limited number of players are now allowed and becoming increasingly concentrated because of mergers in the securities industry, he said.

"In our industry there are more than 14,000 banks. More new banks are being formed than are going out of business either by failure or merger."

The Independent Bankers Association is resisting the bill, he said.

But most everyone else—from the administration to the ABA, from the Comptroller of the Currency to the Federal Deposit Insurance Corp., and from the Consumer Bankers Association to the Association of Bank Holding Companies, and the SEC—have given approval.

The IBA fears that big brokerages will acquire banks and begin competing with smaller community banks, he said.

The bill, so far, applies to bank-holding companies and would allow them to enter the now forbidden securities business through formation of independent subsidiaries.

The ABA is recommending that banks not part of a holding company be allowed to enter the securities business through formation of a subsidiary of the bank, and not be forced to form a holding company.

Proxmire-Garn, he said, is another important step in deregulation that began in 1980 by lifting the "Regulation Q" ceilings that had limited what banks and thrifts could pay for deposits.

Geographic deregulation followed, allowing banks to cross state lines in acquisitions of banks in like-minded reciprocity states. Utah—now with reciprocity with a dozen surrounding states, as well as Alaska—opens it borders nationwide Jan. 1.

Proxmire-Garn, he said, provides a long-awaited and long-needed authority for banks to offer financially-related products and services.

"No First Security Bank customer should be forced to walk across the street to get a financially-related product from a non-banking competitor because of a an outdated law passed more than a half century ago!" says Mr. Eccles.●

THE DELAWARE ANTITAKEOVER LAW

● Mr. ARMSTRONG. Mr. President, recently a substantial number of the 695,000 shareholders in my State of Colorado became mere pawns—reduced from their previous status as real participants and owners in America's corporations.

The difference for these shareholders is the fact that the State of Delaware succumbed to the "race to the bottom" and enacted antitakeover legislation that all but ignores the rights of shareholders. Those Colorado citizens holding shares in Delaware corporations have just been denied an effective voice in the decisions of the corporations they have invested in and this has occurred because Coloradans had no say in the deliberations in the Delaware Legislature.

Delaware's decision is an affront to the intent and application of the Securities Act of 1934 and a cave-in to the monarchs of the marketplace—the CEO's of 56 percent of the Fortune 500 companies whose companies are chartered in Delaware.

I hope the Delaware law will be set aside by the courts or by the collective will of the U.S. Congress.

The implication of this statute is disproportionate to its rightful place in this debate because so many major corporations have chosen to be chartered there, even though the headquarters and operations of the companies in question may be elsewhere. Shareholders of Delaware corporations can be found in 50 States and the District of Columbia.

Mr. President, it may not be too much to suggest that corporate Delaware has taken a course that historians might imply looks uncomfortably like nullification—a direct and clear repudiation of Federal law. Clearly they are escaping Federal jurisdiction that is established in law with regard to the rights of and responsibilities to shareholders during a tender offer.

This action, and to a greater or lesser degree, statutes of some 27 other States demonstrates the wisdom and necessity of a uniform Federal law to protect all shareholders equally, irregardless of what State they may reside in.

Such a law is already in place—the Williams Act—enacted in 1968. It establishes an appropriate policy and process to disseminate information to shareholders to prevent fraud, abuse, and provide the average shareholder an ability to gain the same information as market professionals during a tender offer. The legislation anticipates that the shareholders are to be direct participants in the tender offer process. The Delaware law provides shareholders some rights of participation but only if granted permission by the board of directors. Management is thwarting activity between bidders and shareholders. The express purpose of a tender offer is to permit such direct negotiation between bidders and the true owners of the corporation, the shareholders.

Other methods exist to accomplish a merger with the direct participation of management such as negotiated mergers and proxy contests. In those contests there might be divergent interests between management and shareholder and the advantage has to go to management. That is why the tender offer process was developed—to give shareholders a chance, the option to participate—a right that accompanies the purchase of voting shares of stock, protected by Federal law.

Some 63 legislators and one Governor of just one State will have made a decision that will substantially restrict the rights of some portion of the 47 million shareholders in every State of the Union. This is not going unnoticed in the Nation's Capital and neither is the fact that Delaware ranked 45th in the number of shares held by individuals in 1985.

Every State has a vast number of individual shareholders who, if they own voting shares of Delaware corporations, have something at stake here.

The following is a list of total individual shareowners of public corporations.

Total individual shareowners of public corporations

Delaware	142,000
Connecticut	946,000
Maine	188,000
Massachusetts	1,477,000
New Hampshire	203,000
Rhode Island	206,000
Vermont	92,000
New Jersey	1,905,000
New York	4,954,000
Pennsylvania	2,139,000
D.C.	211,000
Florida	2,343,000
Georgia	1,000,000
Maryland	936,000
North Carolina	963,000
South Carolina	406,000
Virginia	1,204,000
West Virginia	257,000
Illinois	2,565,000
Indiana	856,000
Michigan	1,786,000
Ohio	1,939,000
Wisconsin	851,000
Iowa	422,000
Kansas	400,000
Minnesota	794,000
Missouri	939,000
Nebraska	286,000
North Dakota	117,000
South Dakota	103,000
Alabama	483,000
Kentucky	462,000
Mississippi	251,000
Tennessee	655,000
Arkansas	311,000
Louisiana	633,000
Oklahoma	515,000
Texas	3,061,000
Arizona	575,000
Colorado	695,000
Idaho	158,000
Montana	112,000
Nevada	168,000
New Mexico	221,000
Utah	276,000
Wyoming	94,000
Alaska	166,000
California	6,006,000
Hawaii	256,000
Oregon	441,000
Washington	847,000

Source: Shareownership 1985. New York Stock Exchange.

The Supreme Court has passed judgment on only one State antitakeover statute, the Indiana "Control Share Acquisition Chapter" and found it to be consistent with the Williams Act. The Court also found that the law did not violate the commerce clause of the Constitution. It is important for my colleagues to appreciate the drastic differences between the law Indiana has adopted and the law recently enacted in Delaware. For shareholders it is a distinction that has enormous consequences.

The Indiana law survived the review of the High Court, as stated in the decision because:

> * * * it is entirely possible for entities to comply with both the Williams Act and the Indiana Act, the state statute can be preempted only if it frustrates the purposes of the federal law.
>
> * * * the statute now before the court protects the independent shareholder against both the contending parties. Thus the Act furthers a basic purpose of the Williams Act * * *.

The shareholder figured prominently in the Indiana law and just because one State statute has met with success has led other States to follow with statutes of their own with varying degrees of commitment to the shareholders. The Delaware law, in my opinion, provides no assurances to shareholders and cannot be considered in the same category as the Indiana law.

There are other reasons the Delaware law falls short of the Indiana law, and they add to the reasons that the shelter provided by the court to "control share acquisition statutes" should not be extended to "freeze out" statutes as Delaware has now adopted.

The Indiana law is much more precise in its application to corporations. To be covered by the Indiana law corporations must be chartered in that State, a fact pattern that parallels Delaware. But beyond that, the corporation must have its principal place of business, its principal office or substantial assets within Indiana, and, either more than 10 percent of its shareholders resident in Indiana, more than 10 percent of its shares owned by Indiana residents or 10,000 shareholders in Indiana. Few Delaware corporations would qualify for coverage under the Indiana conditions.

The Delaware statute reduces the role of the shareholder to an entirely undeserved level, below that anticipated by Federal law and below that set out in Indiana. The general principle of the law is that a business combination between a bidder and the company in question cannot occur for 3 years unless one of three conditions are met, two of which place the board of directors in between the bidder and the shareholders. The most onerous condition requires that the staff—board of directors—must first give their permission to the real owners of the corporation—shareholders—before they are authorized to vote on the question of a tender offer and then 66⅔ of the outstanding shares must approve it.

If this is shareholder protection our Nation's shareholders are in serious trouble. This is why too many shareholders in our States have been turned into pawns, providing capital to corporations but losing their voice in some very important corporate affairs.●

INFORMED CONSENT: PENNSYLVANIA

● Mr. HUMPHREY. Mr. President, I ask unanimous consent that two letters be entered into the CONGRESSIONAL RECORD. These letters were sent to me by women from the State of Pennsylvania who support my legislation to require informed consent prior to abortion. S. 272 requires informed consent in all HHS-funded facilities. S. 273 requires informed consent in all military treatment facilities. Neither of these bills restrict access to abortion services. They simply ensure that women receive essential information to help them make these difficult decisions.

The letters follow:

AUGUST 1986.

DEAR SENATOR HUMPHREY: As a victim of abortion, I feel the need to make our lawmakers aware of the fact about the practice of the abortion providers and the treatment of their patients. I would like to take this opportunity to share my firsthand experience with you.

I was 19 years old when I acquired my abortion in October of 1976 at a Boston women's clinic. I was living in New York with my boyfriend. I worked as a temporary employee for a large corporation and my boyfriend was in his second year of college.

Because of a lingering illness, my mother insisted that I go to see her physician in Boston. Upon an examination, the doctor determined that I was ten to twelve weeks pregnant. As I sat in his office with my mother, he discussed the difficulties of being an unwed mother, the stress it would put on my boyfriend, and the statistics of divorce in young students with an unplanned pregnancy. Then he simply stated that abortion was a safe, simple procedure and that we could plan a family later.

He then gave my mother the name of a local clinic and told her to call for an appointment today. I never said a word, I was still in shock. My mother made the appointment for the following Saturday and I flew home to talk it over with my boyfriend. He took it very calmly and thought that my parents were very understanding, especially because my father was willing to pay the $500.00 fee. During those 3 days I thought of nothing but the fact that I wanted to have the baby. But no one would listen to me. I did not know that there were places that would help someone in my circumstances. If I had known, I would have sought them out.

Upon arriving that Saturday morning, we discovered that the clinic was being picketed. A woman met us at the curb and asked if we had an appointment inside. We answered yes, and she explained that they were having difficulties at this location. She gave us directions to another facility. If only it would have been a pro-life counselor, I would have gone home and had the baby.

Instead, we followed her directions to an apartment building on Beacon St. The downstairs apartment was vacant except for a few chairs and about 15 women. Behind a desk in the hall, a woman took my check and had me give a nurse my arm to take a blood sample. After waiting a long time, the woman behind the desk called my name along with 10 others. We followed her to an empty room where she instructed us to read a paper and fill in the blanks and sign our names. It asked simple questions like, "How many weeks pregnant do you think you are?"; and, "What kind of birth control do you use?" I read it and signed my name.

She then called us two at a time and led us to a room furnished with 2 cots. She told us to take off our clothes and to put on the gown that was on the cot. She said that when the doctor was ready, she would take us there. She asked if we wanted a shot but warned that it made most of the girls nauseous. When she called my name, I followed her to a room with an examining table, a light, a stool for the doctor, and a cart with instruments. I got on the table and the doctor asked if I would like him to explain the procedure as he went.

He began by inserting rods to dilate my cervix. I started to feel pain and pressure, and then I heard a noise that sounded like a vacuum. Then I passed out. When I woke up, I was in the cot and very dizzy. When the woman came in to tell me to get dressed, I sat up and passed out again. She said I could rest a few more minutes. I forced myself to get dressed and walked to the adjoining room where a woman gave me a cup of juice and a cookie and a packet of pills to take home. I left feeling strange.

We never spoke about that day again. My boyfriend and I got married 6 months later. Since then I have had 3 miscarriages and 4 live births. Two of the births were complicated with premature labor and difficult deliveries. I have experienced guilt, regret, depression and other emotional and psychological effects.

I believe if I had known about the possible complications of an abortion and its affect on subsequent pregnancies, I never would have taken the chance. If this is truly a "free country," then women should have the freedom to have all of the facts on abortion before giving their consent.

ANONYMOUS,
Warren Center, Pa.

FEBRUARY 12, 1987.

DEAR SENATOR HUMPHREY: I read about an informed consent bill you are trying to get passed this year on abortion. I visited a Planned Parenthood clinic back in 1975 for what they termed a "menstrual induction" procedure. I want to let you know that little or nothing was mentioned about the living child within me. They asked me questions to check my emotional stability, possibly 15 minutes worth. Nothing was mentioned about the development of the fetus, or the effect that "scraping my uterus" would have on the baby.

But what upsets me more is what I saw at the "Women's Health Center" in Pittsburgh. I took 2 friends there at separate times for abortions in their third month of pregnancy. They move people in and out of there like an assembly line. Watching the faces of all those women awaiting their abortions, I saw no joy—only anxiety, guilt, and pain. Conversation was subdued, no one laughed—deep down inside everyone knew it wasn't right. Neither of my friends were informed about what state of life their baby was in, the baby was only referred to as tissue or fetus. The procedure was described in scientific terms, nothing being mentioned as to what exactly it would do to the baby.

God has forgiven me for my part in the loss of these children's lives. All of us who know the humanness of the unborn from conception and the pain these children go through in the various procedures before they die must make this information known.

Thank you for your voice and your commitment.

Sincerely,

JOAN TENNERELLI,
Midland, PA.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DECONCINI. Mr. President, February 16, 1988, marked the 70th anniversary of the declaration of Lithuania as an independent nation.

All of us here are familiar with the events surrounding this declaration of independence 70 years ago. Lithuania, free and prosperous, like its Baltic neighbors Latvia and Estonia to the north, was caught in a vise between the two most brutal dictatorships the world has known. The fateful Molotov-Ribbentrop Pact, whereby Hitler gave Stalin a green light to seize the Baltics in return for a free hand in Poland, was followed by the Soviet invasion in 1940, occupation by the Nazis during World War II, the return of the Red army and the illegal occupation that lasts to this very day.

And to this very day, the United States and many of the free nations of Europe do not recognize the illegal seizure and occupation of Lithuania by the Soviet Union.

But over the years following World War II much of the world seemed to forget about Lithuania. Armed resistance was finally quelled in the early 1950's. There would be occasional demonstrations, samizdat publications would reach the West, and occasionally the newspapers would report that another dissident or priest had been jailed on trumped-up political charges. But when the Western press did write about Lithuania it was mainly about one subject: the fact that Lithuania, along with Latvia and Estonia, was the place to which many Russians went in order to pretend they weren't in the Soviet Union. Lithuanians today are known for their deep devotion to their language and culture, the tenacious adherence of both clergy and laity to the Roman Catholic Church in the face of intensive atheist propaganda, the subtle mixture of national pride and European tradition in their everyday lives. In these little ways, the Lithuanian people let the world know that they have not forgotten their past and their longing for freedom.

Last year, however, the world took notice of Lithuania and its Baltic neighbors. On August 23, 1987, the 48th anniversary of the signing of the Molotov-Ribbentrop Pact, Balts took to the streets to condemn the pact, and to commemorate the victims of Stalin's brutality against the Baltics.

In Lithuania, an estimated 5,000 Lithuanians gathered in the Old Town area of the capital, Vilnius, to sing traditional Lithuanian hymns and hear speeches dedicated to the victims of Stalinism.

This year, Lithuanian activists had planned to lay flowers at significant historical sites in Vilnius and the second largest city, Kaunas. Special masses were scheduled in designated churches. Two hundred Lithuanians wrote to General Secretary Gorbachev requesting that the ceremonies not be interfered with.

Unfortunately, these peaceful demonstrations were not allowed to take place. By threats, house arrest, flooding the streets and plazas with police, and busing in progovernment demonstrators for the occasion, authorities managed to stifle the Lithuanian independence ceremonies.

Mr. President, in his book "Perestroika" General Secretary Gorachev writes:

> The new atmosphere is, perhaps, most vividly manifest in glasnost. We want more openness about public affairs in every sphere of life * * *.

Naturally, one might ask: Does that openness include the truth about what happened in Lithuania in 1940 and

under Stalin? Does that openness include the release and rehabilitation of Fathers Sigitas Tamkevicius and Alfonsas Svarinskas, two priests who were calling for moral regeneration among their countrymen long before it became permissible to broach the subject in the central press? Does openness discuss the application of article 72 of the Soviet Constitution, which stipulates the right of each Soviet republic to freely leave the Soviet Union? Does openness include those issues that Lithuanian patriots feel should be raised in public? And does openness include the right of Lithuanians to peacefully commemorate significant dates in their history?

Unfortunately, I think we have just learned the answer. For the people of Lithuania, these actions by Soviet authorities proved what many have feared: that glasnost or openness is nothing more than, to borrow from Shakespeare, "sound and fury, signifying nothing."●

COL. CHARLES H. DOLAN

● Mr. HUMPHREY. Mr. President, I wish to take a moment today to honor a courageous pioneer in American aviation—Col. Charles H. Dolan.

At the age of 21, Charles Dolan joined the French Air Service as a volunteer. He attended several schools for aerial combat and in 1917 he was assigned to the prestigious Lafayette Escadrille. The Lafayette Escadrille was a small, elite unit known for the dashing gallantry of its members. The squadron was also known for its military prowess, with 199 official enemy kills to its credit. Colonel Dolan had two official kills as well as eight probable kills which occurred behind enemy lines.

Today, February 18, 1988, is the 70th anniversary of Charles Dolan's departure from the Lafayette Escadrille. He went on to serve in the U.S. Army in Europe and the Far East where he helped to organize the first Chinese Air Force. Colonel Dolan was recalled to active service in both World War II and the Korean war. After leaving the military, Charles Dolan held various positions throughout America's young aviation industry.

I ask that information I have on Charles Dolan's illustrious career be printed in the RECORD so that others may appreciate his contributions to aviation.

The material follows:

[From the New York Times, Jan. 2, 1988]

CHARLES DOLAN, AVIATOR, DIES; LAST OF LAFAYETTE ESCADRILLE

(By Molly Ivins)

Charles H. Dolan, the last surviving member of the Lafayette Escadrille of World War I, died Thursday in Honolulu. He was 86 years old.

Mr. Dolan was one of the 38 American pilots who served as volunteers in the French air service before the United States entered the war in 1917.

The Lafayette Escadrille was known for its glamour and its gallantry as well as its outstanding military record. The small unit was officially credited with downing 199 enemy planes.

Mr. Dolan was not one of the unit's aces, those who shot down five or more German planes. In world War I, downing an enemy plane was called a "victory" rather than a "kill," as it has been known since World War II.

EIGHT PROBABLE DOWNINGS

Mr. Dolan had two confirmed victories and eight other probable victories, but because he encountered the latter planes behind the German lines they were not confirmed by French ground observers.

Mr. Dolan, a native of Boston, graduated from the Massachusetts Institute of Technology and traveled to Europe in 1915 as an aeronautical engineer.

There Mr. Dolan joined the American unit formed by Norman Prince of Boston in the French air service, which was then part of the French Army. The young pilots were threatened with the loss of their American citizenship for fighting with the armed forces of a foreign nation.

A World War I combat pilot's life span averaged less than 15 hours flying over the lines. Only six of the 38 American members of the Lafeyette Escadrille survived the war.

After the unit's adventures were reported in the American press, its members became heroes at home and the helped turn American isolationalist sentiment toward the Allies.

The unit was normally quartered in elegant villas and was famous for its hospitality. Passing French aviators often visited the Americans to sample the cuisine at the mess, whose cook had been a sauce chef at the Ritz in New York. Visitors were also served Lafayette Cocktails, consisting of equal parts of brandy and champagne.

It was the custom for military units to adopt a mascot, usually a dog. The Lafayette Escadrille acquired two lion cubs, Whiskey and Soda. One pilot once smuggled Whiskey aboard a train with the memorable explanation to the conductor that the animal was "an African dog."

Rear Adm. Edwin C. Parsons once wrote: "I shall never forget my first impression of the Lafayette fliers at the front. These men were of another world. They had fought above the clouds. They had killed Germans in the air. They had survived adventures undreamed of. To my eyes, the board at which they sat was as marvelous as the famed round table of King Arthur and his knights."

In January 1918 the outfit was reorganized in the United States Army as the 103d Pursuit Squadron. After the war Mr. Dolan was sent by the United States Government to Peking, where he helped organize the Chinese Air Force. In 1924, Mr. Dolan and his wife, the former Ramona Frances Morgan of Honolulu, moved to Hawaii where he worked for the Government, mapping possible airport sites.

Mr. Dolan, who was a first lieutenant by the end of World War I, was recalled to active service in both World War II and the Korean War and left the Air Force with the rank of colonel. He became a consultant to airplane manfacturers, a safety investigator and adviser to the United States Senate. He retired to Honolulu in 1969.

Last November, he flew with eight other World War I pilots to special Armistice Day observances in France attended by President Francois Mitterrand.

In a letter written to The New York Times in September 1940, Mr. Dolan provided a list of the original members for the Lafayette Escadrille. By the name of each deceased member he carefully placed an asterisk, and at the bottom of the page, to explain the asterisk, he wrote the euphemism that World War I pilots used for death: "Gone West."●

NATIONAL POISON PREVENTION WEEK

● Mr. McCAIN. Mr. President, the week of March 20-26, 1988, is National Poison Prevention Week. Every year the U.S. Consumer Product Safety Commission [CPSC] and the Poison Prevention Week Council—a coalition of 35 national health and safety groups and industry—urge parents and grandparents to use safety packaging and to store medicines and household products out of sight and out of the reach of young children. This is an important and worthwhile effort.

As the ranking minority member on the Subcommittee on Consumer of the Committee on Commerce, Science, and Transportation, I call my colleagues' attention to a recent Arizona Republic article dated February 7, 1988, by Chairman Terrence Scanlon of the CPSC. The article points out that these poison prevention efforts have dramatically reduced the number of deaths to children under 5 who accidentally swallow medicines and household chemicals. In 1985, there were no aspirin-related fatalities. Two fatalities that occurred in 1986 are under investigation. Deaths associated with other drugs declined from 96 deaths in 1972—when child-resistant packaging was first required—to 27 deaths in 1985. This is an important public health achievement.

I ask that the piece by Chairman Scanlon be printed in the RECORD.

The article follows:

[From the Arizona Republic, Feb. 7, 1988]

REGULATORY SUCCESS: CHILD-PROOF CAPS

(By Terrence M. Scanlon)

WASHINGTON.—Government employees, like their counterparts in the private sector, often suffer for their organization's real or perceived blunders. Our friends from the Defense Department, for example, probably hear more about $600 toilet seats than they'd like to, and Agriculture officials can hardly get out of the house without someone berating them about stockpiled cheese. If you work for Internal Revenue, of course, your life is a war.

Those of us at the Consumer Product Safety Commission take our own lumps. For instance, noted columnist James J. Kilpatrick once made light of the fact that we advised people not to dive into empty swimming pools. That, of course, is very good advice and such accidents have happened, but Kilpatrick had a point. Sometimes government tells people things that they may have already taken into consideration.

Another thing we are known for is child-resistant closures, which again are not universally celebrated. The usual complaint is that the closures are not only child-resistant, but also provide a challenge to people with highly developed manual skills—maybe even safecrackers and concert pianists. There have been slight inconveniences, which are being addressed. But the good news is that the closures have worked. In 1985, the most recent year for which our figures are complete, not one child died from the accidental ingestion of aspirin.

This is a significant victory. In 1940, 140 children died from accidental ingestion of aspirin and other headache medicines. The figure fluctuated, declining to 92 deaths in 1967. Because aspirin was the largest single agent involved in accidental poisonings, it was the first product category required to be in child-resistant packaging. Safety closures for aspirin were first required in 1972, and aspirin-related deaths continued to decline over the next several years. By 1985, we reached the magic number, zero.

The story with other drugs (excluding aspirin) is almost as dramatic. In 1972, 96 children under the age of five died from drug ingestions. Between 1972 and 1974, as use of the safety packaging increased, there was a sharp decline, and by 1984, the toll was down to 31.

There is a school of thought that insists the decline is because of other factors, such as fewer children. But even when demographics are taken into account, the rate has dropped from 5.6 deaths per million children under five in 1972 to 1.7 deaths per million children under five in 1984. Another school of thought points out that changes in the market—such as the shift in consumer purchases from aspirin to aspirin substitutes—accounts for some of the reduction in deaths. But a lot of aspirin still is sold each year, and there were no deaths in 1985. Any way you count it, the closures have been a success.

How do we test the closures to make sure they comply with our regulations? We use testing protocols to assure that most children cannot open the safety closure while most adults can. Some of the child test provisions are described here.

The children, who must have no overt physical or mental handicap or even a significant temporary illness, are taken in pairs to the well-lit testing area. If in rare instances some children become upset, they are replaced.

The supervisor hits the stopwatch, and the test begins, "Please try to open this for me," the tester says while handing identical packages to the children. The children have five minutes to try to open their package. The testers, meanwhile, are careful not to make any expression—physical or verbal—that might discourage the child. Nor can they take their eyes off the children for even a second.

This is not to say the kids can't have fun trying to foil the closures. They are allowed to bang on their package, pry at it, and do pretty much whatever else they could to get inside. If they haven't opened it at the end of five minutes, they are shown how. Then they are asked to try again. If they have not thought to use their teeth, they are told they can if they want to.

Some children are better than others at getting the packages opened. Children in more disciplined schools, for instance, seem to forgo the more spirited strategies, such as banging, smashing and biting.

The result of using child-resistant closures, however, is what counts. Stopping drug-ingestion deaths is the most dramatic example, but the good news doesn't stop there. Deaths involving all household chemicals for children under five have dropped 74 percent since 1972, from 216 that year to 56 in 1985.

TOO SUCCESSFUL?

In fact, some say safety packaging is too successful. Adults, especially older Americans, complain that they too have difficulty opening these protected packages. As a result, safety closures are left off or loose, increasing the potential for a tragic ingestion.

To address this issue, CPSC has funded grants at three universities. The objective of these grants is to develop innovative child-resistant packaging designs that are easier for all adults to use while still maintaining their child-resistant effectiveness. Technical experts from the packaging industry will be invited to participate on a panel to review the innovative designs for commercial feasibility. The designs will be in the public domain and through this cooperative CPSC/industry effort, we hope to see innovative designs in production in the near future.

On Aug. 6, the commission voted unanimously for revisions in the Poison Prevention Packaging Act testing protocols which will also address the difficulty adults have with safety closures. Among the proposals:

Consider three options—five minutes (the current requirement), one minute and less than one minute—for the time allowed adults to open and close the package.

As some of my friends in Congress can attest, mandatory standards are not my first choice in addressing consumer hazards. Regulations are often overreactions to legitimate concerns. In the case of child-resistant packaging, however, we have the right mix.●

INTERPRETATIONS OF THE HUMPHREY-HARKIN AMENDMENT TO S. 557

● Mr. HUMPHREY. Mr. President, on January 28 I joined with the junior Senator from Iowa in sponsoring a compromise amendment to S. 557, the Grove City legislation. This amendment was intended to address concerns regarding the application of the Rehabilitation Act of 1973 to situations where an employee with a dangerous contagious disease could threaten the health or safety of others. Like most compromises, the measure was not entirely satisfactory to either side, rather it sought to strike a balance that would address a legislative problem in a manner acceptable to both sides.

Those of us who drafted the amendment had hoped to avoid unproductive sparring over the fine points of its meaning by presenting a concise colloquy which addressed certain points regarding the amendment. But the intent and effect of the amendment are made quite clear by the specific language of the amendment itself.

The amendment provides that, for purposes of sections 503 and 504 of the Rehabilitation Act as they relate to employment, the term "individual with handicaps" does not include any "individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

This means that persons with contagious diseases which threaten the health or safety of others are not classified or treated as "individuals with handicaps" in the employment context for purposes of the Rehabilitation Act. As we stated in our colloquy, the underlying intent of the measure was to "assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health or safety of other individuals, or cannot perform the essential duties of the job." Obviously, the risk of spreading the contagious disease to others is the kind of threat to health and safety that we had in mind. That much, at least, was clear from the language of the amendment and the colloquy we entered in the RECORD.

A statement placed in the RECORD on February 4 inaccurately assesses the effect of the Humphrey-Harkin amendment. Without going into the details of the statement, which was made by the senior Senator from California, it was asserted that the amendment "should result in no substantive change in the law" and that contagious persons to whom the amendment applies "would have no less protection than anyone else."

Mr. President, the remarks placed in the RECORD by the senior Senator from California do not reflect my intent in offering this amendment nor the actual effect of the language approved by the Senate. If the Humphrey-Harkin amendment had not resulted in some substantive change in the law, it would have been a pointless exercise.

In fact, the amendment did modify substantive law by specifying that persons with contagious diseases creating direct health threats are not to be classified as "individuals with handicaps" under the employment provisions of the Rehabilitation Act. In that respect, I must point out that the language of this amendment is virtually identical to that contained in H.R. 1396, a measure introduced in the House by Representative DANNEMEYER dealing with this same problem of contagious diseases. Neither the Humphrey-Harkin amendment nor the Dannemeyer bill were, or are, intended merely to codify the status quo in this area. The language of these measures is quite clear, and post facto interpretations should not be construed to alter their actual intent or effect.●

BELDING HIGH SCHOOL BAND TO PARTICIPATE IN 1,000TH ANNIVERSARY OF DUBLIN, IRELAND

● Mr. LEVIN. Mr. President, it is with pride that I take this opportunity to pay tribute to the Belding High School Band, from Belding, MI. The Belding High School Band has been invited to share in the celebration of the 1,000th anniversary of Dublin, Ireland, next month.

In March, the band will participate in this once in a lifetime opportunity. The band is going to travel to Dublin, representing with pride its community, State, and country in this celebration.

The band was selected by the National Events Council because of its past accomplishments, and sterling reputation. Mr. President, this is well-deserved recognition.

The band, the band boosters, and indeed the entire community are working to raise the necessary funds to enable the band to travel to Ireland. I commend the members of the band, its director Bob Stiles, and the students and faculty of Belding High School. I am proud that a band from Michigan will be one of the representatives from the United States at Dublin's celebration.

IN RECOGNITION OF WTLC (FM) FOR 20 YEARS OF BROADCAST SERVICE TO INDIANAPOLIS AND CENTRAL INDIANA

● Mr. QUAYLE. Mr. President, this year marks a very special achievement for a unique radio station in Indianapolis, IN. WTLC, 105.7 on the FM band, is celebrating its 20th year of broadcast service to the black community in Indianapolis and central Indiana.

Since first going on the air in 1968, WTLC (FM) has provided more than just musical entertainment. Over the years the owners and managing operators have demonstrated a strong commitment to providing meaningful community services and support to their listeners.

This year, for example, WTLC (FM) is undertaking the ambitious task of providing a year-long focus on infant mortality; a problem of significant concern to the Indianapolis black community.

WTLC (FM) has been recognized on numerous occasions for its creative programming and services. Billboard magazine has honored WTLC (FM) with its Soul Station of the Year Award in 1975 and again in 1981. Also, Black Radio Exclusive magazine named WTLC (FM) as its Radio Station of the Year in 1979, 1980, and 1984.

Mr. President, WTLC (FM) has made many important and thoughtful contributions to Indianapolis radio. As this station celebrates 20 years of broadcast service I extend my sincere congratulations to all those involved and best wishes for continued success.●

LITHUANIAN INDEPENDENCE DAY

● Mr. PRYOR. Mr. President, once again Members of Congress pause to celebrate Lithuanian Independence Day and reflect on its implications in today's world.

Glasnost? How far will the Kremlin go? This month, on February 16 and February 24 respectively, the citizens of Lithuania and Estonia will mark the 70th anniversary of their independence, lost to the Soviet Union in 1940.

In recent years, citizens of the Baltic States have led peaceful public demonstrations honoring these important dates; however, an article in the February 15 Washington Post confirms the belief of many American citizens that, despite the Kremlin's policy of openness—glasnost—there is still great evidence of continued Soviet repression in these nations. Many of the human rights violations now imposed on these countries—freedom of speech, assembly, and religion—will have great difficulty ever being restored during times of continued Soviet control.

From the outset of the Soviet occupation, citizens of the Baltic States have rallied to protest Moscow's actions. Many of these citizens are exiled, imprisoned, tortured, or confined to "psychiatric" institutions for the offense of individual self-expression.

The dream of the restoration of political and human rights and of freedom from Soviet influence lives in the hearts of Lithuanians and Estonians everywhere. Their ambitions, hopes and struggle for freedom are shared by freedom-loving people all around the world.

Mr. President, I ask to insert in the RECORD the Post article of February 15.

The article follows:

BALTIC SEPARATISTS CAUSE NEW CONCERN IN MOSCOW—DEMONSTRATIONS LEAD TO FIERCE CRACKDOWN

(By Gary Lee)

TALLINN, U.S.S.R.—Packed into a small living room in this capital of the Estonian Republic, 70 members of the New World Church spent last Thursday evening in song and prayer, asking God for good health and long life, saving their most fervent plea for last: let the Kremlin free Estonia from Soviet rule.

The church, an unofficial group of 350 Estonian born-again Christians, has long annoyed the secular local Communist Party leadership with its twice-weekly sessions of Bible thumping and gospel singing.

But as nationalist sympathies rise throughout this small republic, occupied and annexed by Kremlin leader Joseph Stalin in 1939, local authorities are even more unsettled by the flat refusal of New World Church members to recognize Estonia as part of the Soviet Union.

The church, under the leadership of two Estonian evangelists, is part of the disparate movement of Baltic Separatists, political activists campaigning for the autonomy of the three republics along the Baltic coast: Estonia, Latvia and Lithuania. All were claimed by the Soviet Union in a secret 1939 pact with Nazi Germany, and all have been the scenes of mass demonstrations for independence in the past year.

While the nationalists were at first allowed to operate quietly under Soviet leader Mikhail Gorbachev's policies of greater openness and democratization, in recent weeks they have been subjected to a fierce crackdown, including media attacks, detentions and expulsions to the West. In anticipation of a demonstration in neighboring Lithuania on Tuesday in commemoration of the republic's declaration of independence 70 years ago, Soviet authorities have cut the telephone lines of dozens of local activists.

"We have even been warned against laying flowers on graves," Nijole Sadunaite, a Lithuanian activist, said in a telephone interview before her line went dead. "There are policemen and vigilantes gathering in the streets. Nobody is allowed to do anything. But we will try."

In the Soviet Union, whose 15 republics are composed of more than 100 ethnic groups, the Baltic separatists represent the tip of an iceberg. In regions such as the Ukraine and central Asia, residents have also been inspired by the Kremlin policy encouraging *glasnost*, or openness, and are increasingly public about the ethnic tensions dividing them.

By most accounts, the Estonian activists are a tiny minority in a small fishbowl, numbering no more than a few hundred in this republic of 1.5 million inhabitants, including 1 million Estonians. But in their opposition to Soviet rule they are nonetheless indefatigable. Last month, 14 Estonians officially applied to form a political party dedicated to the dissolution of the 1939 pact and to a free Estonia. They are seeking to organize another mass demonstration on Feb. 24, the 70th anniversary of Estonia's original declaration of independence. "It's clear now that either the Soviet Union is going to have to set Estonia free, or we will have to leave Estonia," Hubert Jacobs, a New World Church leader, said in an interview after services last Thursday.

Despite their fledgling status, the separatists have apparently caused alarm within the Communist Party leadership in Moscow. In recent months, they have come under heavy attack in the central state-controlled media, and according to unconfirmed reports, the ruling Soviet Politburo passed a resolution last December charging the Estonian Party with ideological shortcomings. This was widely interpreted as an order for local officials to stamp out dissidents, including the movement for Estonian separatism.

Since then, police in Tallinn and other Estonian cities have searched the homes of leading activists, detaining some and ordering others to leave the country. Earlier this month two Estonians seeking to start a new party were expelled to Sweden. When the residents of the Estonian city of Tartu gathered for a demonstration on Feb. 4, they were dispersed by policemen with rubber sticks, dogs, and tear gas, according to witnesses.

One apparent reason for Moscow's harsh response is that calls for Baltic autonomy appear to strike a responsive chord among a wide number of Estonians and other natives of the region. A rally for Estonian independence held here Aug. 23 drew at least 4,000, according to dissident sources, and at least 800 showed up for the Tartu demonstration.

Anti-Soviet sympathies among residents have also apparently been aroused by the recent official publication of descriptions of some of the nasty aspects of early Soviet rule here.

Under the Kremlin policy of *glasnost,* in the past few months Soviet newspapers have for the first time published details about the deportation of Estonians under Stalin's leadership and other long-secret issues. The Estonian public reacted with outrage: in an official meeting of the union of writers late last fall, there were bitter complaints about the mass destruction of Estonian books by Soviet authorities.

Another reason for concern in Moscow is that Estonians have been among the slowest in the Soviet Union to assimilate with Russians, the dominant Soviet ethnic group and the largest minority here.

Despite an official drive to teach the Russian language, for example, only a quarter of Estonians speak the U.S.S.R.'s official tongue fluently, according to the latest official statistics. At the same time, only one of every 10 local non-Estonians speak fluent Estonian. "I would say that these two groups lead their own separate lives," said popular Estonian writer Udo Tuulik at a conference on the Baltics here last week, sponsored by the official Soviet press service Novosti. "Like the Mississippi and the Volga, we just flow in different directions."

With an annual influx of up to 8,000 Russians and other ethnics into the republic, however, native Estonians are beginning to feel they are losing ground to outsiders. In 49 years of Soviet rule, the percentage of Estonians living here has fallen from 92 to 61 percent, according to official statistics. In the past two years alone, the percentage of Estonians living in Tallinn has dropped from 52 to 50, and by the year 2020, the number of Estonians in the republic will likely plummet another 11 percent, according to official estimates.

The need to preserve things Estonian was the main factor motivating residents to try to start their own national independence party, according to Eve Parnaste, one of the founding members.

"With the number of Estonians living here steadily declining," she said in an interview, "there is just a little time left for us to try to return Estonia to what it was and to keep it pure."

The local party, too, has responded to the threat of another surge of outsiders. On Jan. 20, the Estonian Central Committee passed a package of measures to reduce the influx of immigrants from Russia and other parts of the Soviet Union.

The key new regulation requires local firms to pay the state 16,000 rubles for every employee they bring from another republic, and an additional 16,000 for each family member. A family of four moving from Russia to Estonia would cost an Estonian enterprise 64,000 rubles—more than $100,000.

"We probably cannot cut immigration altogether," said Arvo Kuddo, a demographics expert at the Estonian Academy of Sciences, during the Novosti-sponsored conference. "But what we're trying to do is limit it."

According to interviews held last week with Estonians, the new measures may still be insufficient to combat the anti-Russian sentiment here.

Even in the New World Church, with its emphasis on Christian values, separation between Russians and Estonians is strictly observed. Church members shun Russian for instance, preferring English or German when not speaking in Estonian. With the faithful gathered around him in his Tallinn home, New World Church leader Jacobs was asked whether Russians would be allowed to join. "No," he said flatly, "But we would pray for them."

ORDERS FOR FRIDAY

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for morning business not to extend beyond the hour of 10:30 a.m. and that Senators may speak during that period for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it will not be my intention on tomorrow morning to have an early rollcall. I want the debate to continue on the campaign financing reform legislation. I hope that Senators will take advantage of the opportunity tomorrow to make their case pro and con. I do not intend on tomorrow to offer a cloture motion.

The group of Senators on both sides of the aisle met today. They are going to meet again Monday morning to see if they can find ways to come together and accommodate their problem areas.

So, for these reasons, I will not, as I say, offer a cloture motion nor will I press for a rollcall vote on this matter tomorrow. But I do hope, as I said before and I will state it again, that Senators will take advantage of this opportunity to make their statements on the bill.

It will be my plan on tomorrow to go out at around 3:30 or 4, give or take. So Senators will be cognizant of the schedule for tomorrow and they may make their plans accordingly.

Mr. President, does the distinguished acting Republican leader have a further statement he would like to make?

Mr. COCHRAN. Mr. President, if the Senator would yield, we do not have any further statements except to thank the leader for his consideration for the schedule tomorrow to accommodate the interest of Republican Senators. We thank you very much for that.

Mr. BYRD. The Senator is welcome.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate—and I see no indication of such—I move, in accordance with the order previously entered, that the Senate stand in recess until hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:30 p.m., the Senate recessed until Friday, February 19, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 18, 1988:

AMBASSADOR

DANIEL G. AMSTUTZ, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF AGRICULTURAL NEGOTIATOR IN THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS.

DEPARTMENT OF COMMERCE

WILLIAM EVANS, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, NEW POSITION.

IN THE AIR FORCE

THE FOLLOWING CADETS, UNITED STATES AIR FORCE ACADEMY, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 9353(B) AND 531, TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

ALDRU T. AARON, [redacted]
JOSEPH D. ABEL, [redacted]
TARN M. ABELL, [redacted]
JOSEPH A. UY ABRIGO, [redacted]
GEORGE C. ADKINS, [redacted]
DAVID P. AGA, [redacted]
WILLIAM C. AGISOTELIS, [redacted]
MARK G. AIKEN, [redacted]
ERIC F. ALAFITA, [redacted]
KRISTOPHER J. ALDEN, [redacted]
ALLISON A. ALEXANDER, [redacted]
STEVEN L. ALFASI, [redacted]
KEVIN S. ALLEN, [redacted]
LAUREL A. ALLEN, [redacted]
STANLEY A. ALLEN, [redacted]
MICHAEL W. ALLIN, [redacted]
DAVID T. ALUMBAUGH, [redacted]
ARTHUR W. ANDERSON, [redacted]
CHRISTOPHER S. ANDERSON, [redacted]
ALAN K. ANZAI, [redacted]
LARRETA JORGE L. ARCE, [redacted]
DAVID S. ARGYLE, [redacted]
NINA M. ARMAGNO, [redacted]
STEPHEN D. ARMSTRONG, [redacted]
TROY A. ASHER, [redacted]
TIMOTHY H. ASHLEY, [redacted]
MARY S. AVERILL, [redacted]
DAVID P. BACZEWSKI, [redacted]
BRYAN J. BAGLEY, [redacted]
NANCY J. BALKUS, [redacted]
SCOTT K. BALLARD, [redacted]
TIMOTHY D. BALLARD, [redacted]
JORGE P. FOR BARBOSA, [redacted]
RUSSELL W. BARBOUR, [redacted]
JAMES A. BARNES, [redacted]
MICHAEL J. BARNETT, [redacted]
SAM C. BARRETT, [redacted]
TYLER S. BARTH, [redacted]
REBECCA W. BARTINE, [redacted]
BRYAN C. BARTLETT, [redacted]
ERIC S. BARTLETT, [redacted]
PHILIP A. BASSO, JR, [redacted]
MARK J. BATES, [redacted]
BRENT R. BAXTER, [redacted]
DAVID B. BAYSINGER, [redacted]
MATTHEW D. BEALS, [redacted]
CHARLES L. BEAMES, [redacted]
KEITH L. BEARDEN, [redacted]
TRACEY A. BECK, [redacted]
MARY A. BEHNE, [redacted]
KRIS L. BELCHER, [redacted]
BRIAN P. BELL, [redacted]
DOVER M. BELL, [redacted]
CHRISTIAN P. BENEDICT, [redacted]
WARREN L. BENJAMIN, [redacted]
CHRISTOPHER J. BEODDY, [redacted]
JOHN L. BERGQUIST, [redacted]

BRYNNE M. BERGSAGEL, [redacted]
KEVIN L. BERKOMPAS, [redacted]
VICKI J. BESECKER, [redacted]
JAMES A. BESSEL, [redacted]
CHARLES E. BESTARD, [redacted]
IAN P. BIGGINS, [redacted]
DARRIL C. BILL, [redacted]
TRENT D. BINGER, [redacted]
MARK A. BISSELL, [redacted]
JAMES D. BLACK, II, [redacted]
JEFFREY D. BLACK, [redacted]
MICHAEL D. BLALOCK, [redacted]
SONNY P. BLINKINSOP, [redacted]
ERIC BLOCK, [redacted]
MICHAEL W. BLOCK, [redacted]
HEIDI A. BOELTS, [redacted]
MATTHEW J. BOHN, [redacted]
DANIEL C. BOLAND, [redacted]
MARGARET M. BOLDRICK, [redacted]
KELLY A. BONDARUK, [redacted]
MARK E. BOSS, [redacted]
DENNIS D. BOUCHER, [redacted]
THOMAS A. BOULEY, [redacted]
TERRY L. BOWMAN, [redacted]
JONATHAN L. BOWSER, [redacted]
LISA A. BOYCE, [redacted]
MARCUS A. BOYD, [redacted]
KURT M. BOZARTH, [redacted]
ROBERT B. BRADY, [redacted]
KEITH A. BRAHMS, [redacted]
DEAN E. BRAY, [redacted]
JOHN M. BREAZEALE, [redacted]
SAMUEL R. BREVDEH, [redacted]
GREGORY S. BREWER, [redacted]
DAVID P. BRIAR, [redacted]
DERRELL R. BROCKWELL, [redacted]
THOMAS D. BROGAN, [redacted]
WILLIAM F. BROOMHEAD, [redacted]
CHERYL L. BROWN, [redacted]
EARL D. BROWN, JR, [redacted]
GERALD W. BROWN, [redacted]
HAROLD D. BROWN, JR, [redacted]
KEVIN D. BROWN, [redacted]
PURCELL N. BROWN, JR, [redacted]
WILLIAM J. BROWN, JR, [redacted]
BRUCE F. BROWNE, [redacted]
STEPHEN M. BROWNING, [redacted]
ELIZABETH A. BROXTERMAN, [redacted]
LARRY A. BRUCE, JR, [redacted]
JAMES P. BUCHANAN, IV, [redacted]
ROBERT O. BUCHANAN, [redacted]
JOHN T. BUDD, [redacted]
ANDREW J. BUESCHER, [redacted]
JOHN J. BULA, [redacted]
JONATHAN R. BURGWALD, [redacted]
KEVIN E. BURNS, [redacted]
TIMOTHY E. BUSH, [redacted]
JAMES D. BUSHE, [redacted]
DEAN E. BUSHEY, [redacted]
GREGORY P. BUTLER, [redacted]
JEFFREY L. BUTLER, [redacted]
JEFFREY T. BUTLER, [redacted]
MARGARET C. BUTTERFIELD, [redacted]
CARL A. BUTTS, [redacted]
JOHN R. BYSTROFF, [redacted]
ANDREA D. CADDY, [redacted]
BRENT A. CALDWELL, [redacted]
KATHLEEN A. CALLAHAN, [redacted]
MARLON G. CAMACHO, [redacted]
SCOTT C. CAMERON, [redacted]
JEFFREY M. CAMPBELL, [redacted]
MARK A. CAMPBELL, [redacted]
HENRY L. CANADA, [redacted]
MICHAEL CANAVAN, [redacted]
JAMES L. CARDOSO, [redacted]
HARRY A. CARLILE, JR, [redacted]
SCOTT A. CARY, [redacted]
MICHAEL N. CASIAS, [redacted]
WADE K. CAUSEY, [redacted]
THERESA L. CAVE, [redacted]
EDWARD M. CAVELLO, JR, [redacted]
MARC G. CELLERY, [redacted]
JOHN W. CHAPMAN, [redacted]
KEVIN D. CHAPMAN, [redacted]
MARK C. CHARLTON, [redacted]
GEORGE P. REN CHASTAIN, [redacted]
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SOPHELIA E. CHERRY, [redacted]
ALLEN W. CHIN, [redacted]
PETER W. CHING, [redacted]
ANNE E. CHINNERY, [redacted]
MARK A. CHISHOLM, [redacted]
SCOTT D. CHOWNING, [redacted]
CHRISTENSEN, III, [redacted]
PATRICK W. HO CHRISTOPHERSON, [redacted]
JOHN F. CLANCY, [redacted]
MARK A. CLANTON, [redacted]
CHRISTOPHER J. CLAY, [redacted]
LARRY W. COCHRAN, JR, [redacted]
TIMOTHY P. COFFIN, [redacted]
ERIC A. COFFMAN, [redacted]
DARIN V. COLARUSSO, [redacted]
PHILBERT A. COLE, JR, [redacted]
WILLIAM L. COLE, IV, [redacted]
THOMAS W. COLLETT, [redacted]
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ROBERT L. COLLINS, [redacted]
EDWARD S. CONANT, [redacted]
TIMOTHY J. CONKLIN, [redacted]
DENNIS R. CONN, [redacted]
STEVEN D. CONNER, [redacted]
MATTHEW C. CONRAD, [redacted]
JEFFREY J. COOK, [redacted]
STEPHEN R. COOK, [redacted]
BRAD B. COOPER, [redacted]
CHRISTOPHER M. COOVREY, [redacted]
DAVID D. COPP, [redacted]
THOMAS J. CORCORAN, [redacted]
ALFRED R. CORRADO, [redacted]
ROBERT W. CORRELL, [redacted]
KEITH A. COX, [redacted]
JEFFERY K. CRAIN, [redacted]
SCOTT T. CRASE, [redacted]
ROGER W. CREEDON, [redacted]
JEFFREY J. CRESSE, [redacted]
BRIAN E. CROSS, [redacted]
STANLEY D. CROW, JR, [redacted]
CURTIS N. CULVER, [redacted]
MATTHEW L. CUSHMAN, [redacted]
JEFFREY L. CYR, [redacted]
RONALD G. DAGGETT, [redacted]
PAUL K. DALY, [redacted]
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DEAN A. DANIEL, [redacted]
JOHN B. DANIEL, [redacted]
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JAMES A. DART, [redacted]
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JON F. DAVIS, [redacted]
MICHAEL E. DAVIS, [redacted]
ROBERT R. DAVIS, [redacted]
BORGER D. AVE DE, [redacted]
LUISE C. JUD DE, [redacted]
ROCK P. DE, [redacted]
MELVIN G. DEAILE, [redacted]
MICHAEL E. DEARBORN, [redacted]
KENNETH P. DEBLASSIE, [redacted]
ALEXANDER I. DEFAZIO, [redacted]
GEORGE M. DEGNON, [redacted]
PENA E. C. DELA, [redacted]
MICHAEL T. DELUCIA, [redacted]
DAVID W. DELZELL, [redacted]
DAVID M. DEMARAIS, [redacted]
ERIK R. DEMKOWICZ, [redacted]
JAMES H. DENNEDY, [redacted]
THOMAS P. DENNEDY, [redacted]
DANIEL R. DENNIS, [redacted]
ANTHONY J. DENNISON, III, [redacted]
STEPHEN J. DERSHEM, [redacted]
FRANCIS N. DETORIE, [redacted]
ROBERT J. DEVERS, JR, [redacted]
PAOLO M. CHR DI, [redacted]
GRANT C. DICK, [redacted]
MATTHEW J. DICKERSON, [redacted]
WILLIAM C. DICKEY, [redacted]
DAVID A. DICKSON, [redacted]
DAVID G. DIDDEN, [redacted]
TODD A. DIERLAM, [redacted]
MICHAEL R. DIMENTO, [redacted]
STEPHEN J. DION, [redacted]
GERALD R. DIOTTE, JR, [redacted]
ROBERT J. DITTUS, [redacted]
JAMES W. DIXON, [redacted]
LISA M. DIXON, [redacted]
STEVEN A. DIXON, [redacted]
CHRISTOPHER P. DOBB, [redacted]
SALLY A. DOHERTY, [redacted]
MARY A. LOR DOLAN, [redacted]
RICHARD S. DOLS, [redacted]
MICHAEL K. DONAHUE, [redacted]
GARTH D. DOTY, [redacted]
SCOTT J. DOWNEY, [redacted]
DERRICK T. DOYLE, [redacted]
DAVID S. DRINKARD, JR, [redacted]
JONATHAN T. DRUMMOND, JR, [redacted]
RANGER W. MAT DUE, [redacted]
ANNMARI M. DUFFY, [redacted]
JESSE M. DUNCAN, [redacted]
DAWN M. DUNLOP, [redacted]
STEPHEN B. DUNN, [redacted]
JAMES J. DVORAK, [redacted]
KEVIN P. DWYER, [redacted]
VINCENT E. ECKELKAMP, [redacted]
BRYAN E. EDMONDS, [redacted]
DEBORAH M. EDWARDS, [redacted]
JAMES W. EDWARDS, [redacted]
RICHARD F. EDWARDS, [redacted]
LAWRENCE A. EICHHORN, [redacted]
THOMAS A. EIDE, [redacted]
THOMAS D. EISENHAUER, [redacted]
TYLER W. ELDRED, [redacted]
WILLIAM S. ELLIGOTT, [redacted]
KEVIN M. ELLIOTT, [redacted]
PATRICK W. ELLIS, [redacted]
PATRICK R. EMMERT, [redacted]
PATRICK H. ENCINAS, [redacted]
BRENDA A. ENGELSTAD, [redacted]
TERRENCE J. ENNIS, [redacted]
CHRISTOPHER M. ERNANDES, [redacted]
KENNETH G. ERNEWEIN, [redacted]
GATLIN W. ESSARY, [redacted]
CHRISTOPHER EVANS, [redacted]
MATTHEW E. EVANS, [redacted]
TIMOTHY E. EVANS, [redacted]
LORELEI FABER, [redacted]
ROBERT A. FABIAN, [redacted]
DAVID T. FAHRENKRUG, [redacted]
MARGOT E. FALCON, [redacted]
JOHN S. FENSKE, [redacted]
JOHN D. FITZSIMMONS, JR, [redacted]
SHANNON M. FITZSIMMONS, JR, [redacted]
MICHAEL F. BUC FLECK, [redacted]
CHRISTOPHER L. FLETCHER, [redacted]
CHRISTOPHER L. FONG, [redacted]
TRACY A. FOOTE, [redacted]
LANCE N. FORTNEY, [redacted]
KRISTEN L. FOSDICK, [redacted]
STEVEN J. FOURNIER, [redacted]
PATRICIA L. FOX, [redacted]
RICHARD M. FRAMPTON, [redacted]
JOHN R. FRANKENFIELD, [redacted]
RAMONA D. FULKERSON, [redacted]
WALTER A. GAGAJEWSKI, [redacted]
DAVID A. GAINES, [redacted]
RALPH R. GALETTI, [redacted]
DARRIN L. GAMBLIN, [redacted]
RICHARD K. GANNON, [redacted]
MICHAEL E. GANTT, [redacted]
ELIZABETH A. GANZE, [redacted]
MARA I. GARCIA, [redacted]
CLAY L. GARRISON, [redacted]
KATHRYN A. GARRITY, [redacted]
MARK P. GARST, [redacted]
ROBERT V. GARZA, [redacted]
HIRAM P. GATES, III, [redacted]
STEVEN E. GATES, [redacted]
DANIEL P. GENANNT, [redacted]
SCOT B. GERE, [redacted]
WILLIAM E. GERHARD, JR, [redacted]
BLAKE A. GETTYS, [redacted]
ANTHONY P. GIANGIULIO, [redacted]
GEOFFREY M. GIBBS, [redacted]
TERRY W. GIBBS, [redacted]
ROBERT C. GIBSON, [redacted]
THOMAS L. GIBSON, [redacted]
GARY G. GILBERT, [redacted]
THOMAS C. J. GILKESON, [redacted]
MARK W. GILSON, [redacted]
THOMAS C. GILSTER, [redacted]
STEVEN R. GIOVENELLA, [redacted]
ANTHONY L. GIZELBACH, [redacted]
DARRYL L. GLENN, [redacted]
JEFFREY E. GOLDEN, [redacted]
DAVID B. GOLDSTEIN, [redacted]
THOMAS E. GOODNOUGH, [redacted]
CRAIG D. GOODRICH, [redacted]
KAREN L. GOONAN, [redacted]
GARY J. GOTTSCHALL, [redacted]
BRADLEY G. GRAFF, [redacted]
RUSSELL A. GRAFTON, [redacted]
GLENN L. GRAHAM, [redacted]
JAMES R. GRAHAM, [redacted]
JANINE D. GRAHAM, [redacted]
ROGER H. GRANT, [redacted]
ERIK L. GRAVES, [redacted]
STEWART F. GREATHOUSE, [redacted]
KIMBERLY A. GREEN, [redacted]
RHONDA A. GREENBERG, [redacted]
MELISSA L. GREER, [redacted]
LINDA M. GRIGGS, [redacted]
TIMOTHY S. GRONDIN, [redacted]
CINDY L. GROVE, [redacted]
RIMY GUERRA, [redacted]
THOMAS C. GUERRA, [redacted]
HECTOR J. GUEVARA, JR, [redacted]
NEAL D. GURI, [redacted]
STEPHEN E. GURNEY, [redacted]
JAMES W. HAILEY, [redacted]
STEPHEN A. HAJOSY, [redacted]
BRYAN B. HALAMA, [redacted]
DAVID L. HALEY, [redacted]
BRUCE R. HALL, [redacted]
STEPHEN N. HALL, [redacted]
THOMAS W. HALL, [redacted]
RICHARD N. HALLER, [redacted]
BRADLEY D. HALLORAN, [redacted]
MICHAEL P. HAMES, [redacted]
LEA A. HAMILTON, [redacted]
BRADLEY K. HAMMER, [redacted]
MICHAEL C. HAMMOND, JR, [redacted]
CYNTHIA S. HANEY, [redacted]
MARK L. HANSEN, [redacted]
BROCK R. HANTHORN, [redacted]
JOHN H. HARDY, JR, [redacted]
GREGORY A. HARRIS, [redacted]
STEVEN B. HARRISON, [redacted]
RICHARD E. HARTLAUB, JR, [redacted]
MALINDA K. HARTLEY, [redacted]
JOEL P. HARVEAUX, [redacted]
ROBERT G. HARVEY, [redacted]
VIVIAN K. HATEM, [redacted]
DAVID A. HATHAWAY, [redacted]
PHILIPP A. HATTEMER, II, [redacted]
CHRISTOPHER P. HAUTH, [redacted]
LOWELL S. HAWTHORNE, [redacted]
KEVIN F. HAYES, [redacted]
MATTHEW D. HAYES, [redacted]
KERBY I. HAYNES, [redacted]
MARC D. HAYNES, [redacted]
MICHAEL R. HEBERT, [redacted]
RONDA R. HEILIG, [redacted]
CRAIG E. HEILMANN, [redacted]
CHAD W. HENNINGS, [redacted]
TODD A. HENSLEY, [redacted]
CHRISTOPHER S. HERMAN, [redacted]
ANTONINO J. HERRERA, [redacted]
RODOLFO I. HERRERA, JR, [redacted]
THOMAS P. HESTERMAN, [redacted]
JEFFREY W. HICKMAN, [redacted]
JOHN A. HICKOK, [redacted]
MALCOLM W. HICKS, [redacted]
HARLAN K. HIGGINBOTHAM, [redacted]
DOUGLAS R. HILL, [redacted]
KEVIN S. HILL, [redacted]

JOHN M. HILLYER, [redacted]
BRADLEY T. HINCE, [redacted]
SCOTT R. HINKLE, [redacted]
ELLWOOD P. HINMAN, IV, [redacted]
SALLY J. HIRST, [redacted]
JON W. HOBBS, [redacted]
GUY A. HOCKER, [redacted]
CHIQUITA J. HODGES, [redacted]
LAWRENCE M. HOFFMAN, [redacted]
THOMAS F. HOGAN, [redacted]
KENNETH G. HOLLIDAY, [redacted]
NORMAN D. HOLMAN, JR, [redacted]
THOMAS R. HOLMES, III, [redacted]
GEORGE W. HOLT, JR, [redacted]
MATTHEW L. HOLTHOFF, [redacted]
JAY R. HOPKINS, [redacted]
DAWN M. HORNER, [redacted]
JENNIFER L. HORNSTEN, [redacted]
DAVID E. HORTON, [redacted]
ROBERT R. HOWE, [redacted]
WALTER C. HOWERTON, [redacted]
STEVEN M. HUBBLE, [redacted]
CLAY E. HUBBS, [redacted]
NEIL F. HUBER, [redacted]
TIMOTHY J. MAU HUCKABAY, [redacted]
HAROLD R. HUGHES, II, [redacted]
JOHNATHAN B. HUGHES, [redacted]
MARK D. HUGHES, [redacted]
JOHN D. HUGULEY, [redacted]
KENNETH S. HULTGREN, [redacted]
JEFFREY R. HUNT, [redacted]
BRIAN D. HUNTLEY, [redacted]
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RICHARD A. HYDE, II, [redacted]
MARY L. HYNDMAN, [redacted]
JAMES M. HYNES, [redacted]
JOHN J. IWANSKI, [redacted]
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EUGENE J. MAZUR, JR, [redacted]
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RANDALL R. MCCAFFERTY, JR, [redacted]
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JOHN W. MOREHEAD, [redacted]
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OWEN P. MORGAN, [redacted]
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SHAUN Q. MORRIS, [redacted]
GRADY O. MORTON, JR, [redacted]
GARY S. MOSER, [redacted]
CORI A. MOSIER, [redacted]
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ERIKA A. MOUTAW, [redacted]
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TONY P. MUSSI, [redacted]
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MARY E. NOEHL, [redacted]
MICHAEL J. NOLETTE, [redacted]
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PARKER W. NORTHRUP, III, [redacted]
ADAM E. NYENHUIS, [redacted]
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LINDA A. PACE, [redacted]
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KREG A. PALKO, [redacted]
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SEAN P. PARRY, [redacted]
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RONALD E. PAUL, [redacted]
JOHN G. PAYNE, [redacted]
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ALEXANDER V. FR TORRES, [redacted]
MARK I. TRAFTON, [redacted]
CHRISTINE R. TRAXLER, [redacted]
JOHN R. TRICKETT, [redacted]
PEDRO R. TRINIDAD, JR., [redacted]
SEBASTIAN S. TROST, [redacted]
TROY L. TRUJILLO, [redacted]
CHRISTOPHER A. TSCHIEDER, [redacted]
KENNETH C. TUCKER, [redacted]
KIP B. TURAIN, [redacted]
ROY C. TURK, JR., [redacted]
JOHN O. TURNAGE, JR., [redacted]
SHAUN B. TURNER, [redacted]
KENNETH P. TURPEN, [redacted]
PETER P. UCHMANOWICZ, [redacted]
JOHN B. ULLMEN, [redacted]
DENISE URBANSKI, [redacted]
DANIEL URIBE, [redacted]
MARK J. VAISVIL, [redacted]
PAUL A. VALDEZ, [redacted]
OPIJNEN R. ALE VAN, [redacted]
OVOST J. DES VAN, [redacted]
JOHN C. VANDERBURGH, [redacted]
PETER D. VANDERHYDEN, [redacted]
EDWARD J. VANGHEEM, [redacted]
PAUL B. VAUGHAN, [redacted]
WADE H. VAUGHT, [redacted]
CHRISTOPHER M. VELDMAN, [redacted]
JODYNE A. VERNLUND, [redacted]
JEFFREY A. VERVILLE, [redacted]
RAFAEL A. VEVE, [redacted]
HOLLY J. VICTORIA, [redacted]
HEATHER R. VIESSELMAN, [redacted]
GEORGE L. VILLALOBOS, [redacted]
SCOTT D. VILTER, [redacted]
STEVEN A. VLASAK, [redacted]
NICHOLAS A. VOLPE, [redacted]
GILBERT G. VONDRISKA, JR., [redacted]
GARY F. WAGNER, [redacted]
HIROSHI WAJIMA, [redacted]
CHRISTOPHER S. WE WALKER, [redacted]
MICHAEL D. WALKER, [redacted]
SCOTTY L. WALKER, [redacted]
GERALD W. WALLER, [redacted]
JASON W. WALLS, [redacted]
BUI T. WANDS, [redacted]
JIM WANG, [redacted]
KEVIN D. WARD, [redacted]
SCOTT J. WARDLE, [redacted]
GEORGE H. V. WARING, [redacted]
RUSSELL M. WARNER, [redacted]
TIMOTHY S. WARNER, [redacted]
ANTHONY M. WASHINGTON, [redacted]
JOSEPH B. WASHINGTON, [redacted]
DAVID L. WASSELL, [redacted]
NATHAN K. WATANABE, [redacted]
DON R. WATSON, JR., [redacted]
RICHARD A. WATSON, [redacted]
NICHOLE V. WEAVER, [redacted]
DEAN E. WEBB, [redacted]
TIMOTHY S. WEBB, [redacted]
JOHN K. WELCH, [redacted]
ROBERT L. WELGAN, [redacted]
ANTHONY M. WERDERITSCH, [redacted]
CLIFFORD A. WESTBROOK, [redacted]
JENNIFER A. WESTIN, [redacted]
TIMOTHY L. WETSELL, [redacted]
SCOTT G. WETTERHAHN, [redacted]
JEFFERY C. WHARTON, [redacted]
CYRUS C. MAC WHINNERY, [redacted]
MICHAEL I. WHITE, [redacted]
RANDALL L. WHITE, [redacted]
FRANCIS W. WHITING, [redacted]
EMILY A. WHITTAKER, [redacted]
GARY A. WHITTED, [redacted]
RONALD J. WHITTLE, [redacted]
ERIC E. WIDIGER, [redacted]
GLEN M. WIGGY, [redacted]
ERICK D. WIKUM, [redacted]
WILLIAM P. WILKINSON II, [redacted]
AMANDA O. WILLIAMS, [redacted]
CARY M. WILLIAMS, [redacted]
KIMBERLY G. WILLIAMS, [redacted]
NOEL F. WILLIAMS, [redacted]
RICHARD A. WILLIAMS, [redacted]
ROBERT D. WILLIAMS, [redacted]
ANTHONY W. WILLIS, [redacted]
DARRYL L. WILSON, [redacted]
DWAYNE L. WILSON, [redacted]
RICHARD B. WILSON, JR., [redacted]
TERRENCE V. WILSON, [redacted]
VAN A. WIMMER, JR., [redacted]
MARTIN G. AND WINKLER, [redacted]
MARK V. WINSCHEL, [redacted]
EDWARD C. WIPSON, JR., [redacted]
DAVID B. WISE, [redacted]
JAMES H. WISE, [redacted]
JOEL L. WITZEL, [redacted]
JEFFREY S. WOHLFORD, [redacted]
MARK L. WOITAS, [redacted]
DENNIS P. WOLF, [redacted]
WILLIAM S. WOLFE, [redacted]
DEANNA C. WON, [redacted]

JERRY C. WOOD, JR., [redacted]
TIMOTHY A. WOODS, [redacted]
NORMAN M. WORTHEN, [redacted]
GREGORY A. WRIGHT, [redacted]
DANIEL M. WUCHENICH, [redacted]
CAROL C. YANNARELLA, [redacted]
ANCEL B. YARBROUGH II, [redacted]
JEFFREY K. YEVCAK, [redacted]
BRIAN B. YOO, [redacted]
JOHN P. YORK, [redacted]
DAVID A. YOUNG, [redacted]
PAUL J. YOUNG, [redacted]
RICHARD R. YOUNG, [redacted]
PETER L. ZALEWSKI, [redacted]
GREGORY S. ZEHNER, [redacted]
THOMAS ZUPANCICH, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18, 1988:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SYDNEY J. OLSON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

COMMODITY FUTURES TRADING COMMISSION

WENDY LEE GRAMM, OF TEXAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1990.

WENDY LEE GRAMM, OF TEXAS, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

NATIONAL FAMILY CAREGIVERS WEEK—NOVEMBER 20 THROUGH NOVEMBER 26, 1988

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Ms. SNOWE. Mr. Speaker, today I am introducing, along with 112 of my colleagues, a resolution establishing the week of November 20 through November 26, 1988 as National Family Caregivers Week in recognition of the contribution made by the family in maintaining frail and disabled family members in the home.

In 1986, and again last year, Congress passed and the President signed this important bill into law. It is important because it serves to recognize and honor the work of families who provide an essential system of informal care. Indeed, family care is one of the most critical factors in preventing or delaying the need for nursing home care, making family care not only humane, but also cost effective. Recent studies have shown that families provide between 80 percent and 90 percent of the medically related care, personal care, household maintenance, transportation, and shopping needed by older persons. Thus, while the myth has persisted that families have decreased the amount of care they provide, the reality is that the family remains committed to the care of the elderly, often at a great cost both financially and emotionally.

Family caregiving is of particular importance to those of us who are concerned about the growing problem of Alzheimer's disease. Indeed, the management of Alzheimer's disease is one of the great challenges that we face in the future. With Alzheimer's, there are two victims—the person with the disease and the family that must try to cope with it. Generally, one or more family members assume the responsibility of providing care for the Alzheimer's sufferer. In fact, the presence of a family caregiver is the principal reason that those who suffer from Alzheimer's and other debilitating diseases can remain in the community as long as possible.

Last year, the outpouring of support from individuals and professionals was even stronger than in 1986, when National Family Caregivers Week was first introduced. Organizations such as the American Association of Retired Persons, the Older Women's League, the National Council of Catholic Women, the National Council on the Aging, the Jewish Home and Hospital for the Aged, Children of Aging Parents, Southwestern Bell Corp., Avon Products, Inc., the Alzheimer's Disease and Related Disorders Association, the National Association of Area Agencies on Aging, the Brookdale Foundation, the National Coalition of Older Women's Issues, and many others, played an active role in supporting this bill and working on its behalf.

In order to underline the importance of National Family Caregivers Week, in November 1987, Senator JOHN GLENN and I cosponsored an enthusiastically received Policy Forum on Caregiving which was attended by over 300 people. The Director of the National Institute of Aging, Dr. T. Franklin Williams, moderated a panel discussion on the roles of the public, private, and voluntary sectors in assisting the informal caregiver. The panelists were authorities in family caregiving each of whom brought a unique perspective to the needs of caregiving families. The general consensus was that families are the key to long term. Thus, if families are to adequately cope, new approaches must be identified for funding long-term care, for informing families about available supportive services and for providing more training in specific techniques for coping with the care of the very ill or difficult to manage elderly. The panelists were unanimous in their conclusion that solutions must be developed and implemented through the combined initiatives of the public, private, and voluntary sectors.

As a nation, we are finally recognizing the significant contribution of family caregivers. To increase public awareness of the contribution that families are making, I am again proposing that the week of Thanksgiving, November 20 to November 26, 1988, be a national week of celebration and a time to reaffirm the vital role of families in providing care for our elderly. The celebration of National Family Caregivers Week will underscore the important role of families in the care of the frail and disabled and will assure caregivers that we are seeking to identify ways of sharing the care. The text of National Family Caregivers Week follows:

H.J. RES. 463

Whereas the number of Americans who are age 65 or older is growing;

Whereas there has been an unprecedented increase in the number of persons who are age 85 or older;

Whereas the incidence of frailty and disability increases among persons of advanced age;

Whereas approximately 5.2 million older persons have disabilities that leave them in need of help with their daily tasks, including food preparation, dressing, and bathing;

Whereas families provide older persons help with such tasks, in addition to providing between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons;

Whereas families who give care to older persons face many additional expenses, including the costs of home modifications, equipment rental, and additional heating;

Whereas 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, and daughters-in-law, who often must sacrifice employment opportunities to provide such care;

Whereas the role of the aged spouse as a principal caregiver has generally been understated;

Whereas family caregivers are often physically and emotionally exhausted from the amount of time and stress involved in caregiving activities;

Whereas family caregivers need information about available community resources;

Whereas family caregivers need respite from the strains of their caregiving roles;

Whereas the contributions of family caregivers help maintain strong family ties and assure support among generations; and

Whereas there is a need for greater public awareness of and support for the care that family caregivers are providing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 20-26, 1988, is designated "National Family Caregivers Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

SMALL ISSUER BONDS MISUSE

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. JENKINS. Mr. Speaker, a bond provision I sponsored in the 1986 Tax Act has been misused; and, I am announcing today that I will take whatever steps are needed to make sure the provision is only used the way Congress intended. I am referring to the $10 million exemption for bonds issued by small issuers from the provision that otherwise requires banks to forego equivalent interest expense deductions, when they receive tax-exempt interest from bonds.

I sponsored that exemption during the initial Ways and Means Committee markup of H.R. 3838, the 1986 Tax Reform Act. The objective of the exemption was, and still is, to maintain the lowest possible borrowing costs for small localities. It was adopted by the Ways and Means Committee because I, and other committee members, were aware of communities in our own districts which needed to be able to sell their bonds to supportive banks. Many communities are simply too small to enjoy a broad public market in their bonds. They must rely on selling their bonds to banks who are familiar with their finances. Those banks frequently support them out of a sense of community responsibility. Anyone who doubts the committee's concerns or its intentions need only to read the committee report: and, I quote from it:

The Committee was concerned about the effect of the new rules on smaller localities which depend upon local financial institu-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tions to buy tax-exempt bonds for bona fide governmental projects. (p. 589)

The conference agreement on the 1986 Tax Act retained and expanded the House bank deductibility exception for small communities.

I am proud to have had a role in promoting that exception. As a result, small communities in my district and throughout this country have had access to lower cost borrowing than otherwise would have been available to meet their financial needs. I want to protect that exception and would like to create additional exceptions for small communities to give them relief from burdensome bond provisions. Unfortunately, adverse publicity is making my job more difficult.

There has been a lot of recent publicity in the municipal bond community about a transaction which was concluded in Deerfield, IL, in late 1987. As I understand the transaction, Deerfield, IL, had not issued bonds in 1987, so its full $10 million of authority to issue bank-eligible bonds was available. Deerfield is reported to have issued $10 million of its own bonds, then used the proceeds to acquire higher yielding Dade County, FL, airport revenue bonds. Because the Deerfield bonds were governmental bonds which enjoyed the benefit of the exception from the bank deductibility disallowance and the alternative minimum tax, and, because the Dade County airport bonds were private activity bonds which were not eligible for that exception and were subject to the alternative minimum tax, Deerfield, IL, received a profit of $428,000 from the transaction, which it intends to use to finance road improvements.

I have been advised by nationally recognized bond counsel that even if the transaction is legal under Federal tax law, the transaction would not have been regarded as a public purpose under the laws of most States. I also have been told that not all bond counsel would be willing to render an opinion that bonds like the Deerfield bonds are tax-exempt.

Under any circumstance, the Deerfield transaction is contrary to the intent of Congress in making low cost financing available to small communities which were trying to meet legitimate financing needs. No Member of Congress voted for the 1986 Tax Act assuming that it would permit $10 million of tax exempt bonds to be issued to finance $400,000 worth of road improvements by exploiting perceived loopholes in the bank deductibility provision and the alternative minimum tax.

Today, I am asking the Assistant Secretary of the Treasury, Don Chapton, to advise me whether the Treasury Department and Internal Revenue Service interpret the law to permit tax-exempt bonds to be used in this fashion. If not, then Treasury can issue a notice to that effect. If Treasury concludes that the law permits this type transaction or is unclear, then you are on notice that I intend to seek clarification in the pending Technical Corrections Bill to say that the bank eligibility and minimum tax exception was never intended to be used like it was in the Deerfied case. I know that Congress never intended to authorize tax-exempt bonds to be issued for no other purpose than generating an investment profit. Furthermore, I am convinced my colleagues on the Ways and Means Committee would be so outraged at seeing additional transactions like this one that the entire small issuer exception would be jeopardized, if corrective action is not taken immediately.

I want to make it clear, however, that any corrective action I might propose will be narrowly crafted to close perceived loopholes, so it does not affect legitimate investments of governmental bonds proceeds or impede the continued issuance of bonds for legitimate governmental purposes.

I was very pleased that the Ways and Means Committee did approve bond provisions beneficial to small communities, whether it marked up the 1987 tax provision, which were initially incorporated into H.R. 3545, the Budget Reconciliation bill. One provision clarified that the bank deductibility exception was available to certain "issuers" who were not thought to have been included in the original 1986 Tax Act definition. Another provision doubled from $5 million to $10 million the amount of bonds which could be issued annually by communities without complying with the arbitrage rebate provisions of the 1986 Tax Act. I would like to see both of those provisions remain in any 1988 tax legislation.

It has been my experience that virtually every limitation which has been imposed on the public finance industry, since I have been in Congress, has been a response to some perceived or actual abuse of a Federal tax exemption. I believe that most Members of Congress are anxious to support State and local governments in obtaining the lowest possible costs to finance legitimate governmental needs. However, the perception which persists in Congress, and it is beginning to seem rightfully so, is that the public finance industry will abuse any loophole left unplugged in the Tax Code. What is most appalling to me is the public gloating in the trade press by some members of the bond community about Deerfield's flagrant attempt to skirt Federal law. This kind of reaction is unwise and counterproductive.

Let me repeat—persons in the bond industry who persist in this type of activity do not represent the industry at large. In fact, they are the industry's own worst enemy.

I have had the good fortune to work through the years with bond industry representatives whom I respect greatly; and they are as chagrined as I am that others in their industry are unwilling to operate within the clear intent and spirit of the laws. I understand that it is awfully tempting to exploit loopholes, once they are discovered. However, it is extremely naive to think that Congress will do anything other than plug those loopholes, and often do it with a vilifying vengeance. The bond community would be well advised to reflect on the limitations which have been imposed on its industry over the last few years before stimulating any further congressional reactions.

SUPPORT FOR SOVIET CHRISTIANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LIPINSKI. Mr. Speaker, I regret not being able to take part yesterday in the special order sponsored by Congressmen PORTER, LANTOS, and BOULTER, but want to commend them for their thoughful action and fully support their efforts.

On the occasion of Ash Wednesday, I rise in strong support of the many Christian believers in the Soviet Union. This year is especially important because it marks the millennium of Christianity in Ukraine.

It is an ironic state of affairs that while the Soviets want to portray this great milestone in Christian history as a purely Russian event, the Soviet Government does not even recognize the legality of Christianity in Ukraine—the Ukrainian Orthodox and Ukrainian Catholic Churches have no legal basis for existence in the country.

Josyp Terelya, a leading Ukrainian Catholic activist and former prisoner of conscience who left the Soviet Union in September 1987, testified before Congress about the continuing repressions against religious believers in Ukraine. He detailed the harassment suffered by Christians and the reasons why over 150 churches since May 1986 have either been desecrated, closed, or destroyed.

Sadly, this oppression of Christians exists in all occupied territories of the Soviet Union. Three witnesses from each of the Baltic countries testified before Congressional Helsinki Commission in October 1987 on the state of Christianity in their lands, among other topics.

Vytautas Skuodis told of KGB infiltration of the church in Lithuania, the difficulty for believers to worship without fear, the refusal to allow new churches to open, and the restrictions on religious instruction for children. Rolands Silaraups related now ministers active in the Latvian Lutheran Church have been systematically relieved of their duties, and how charitable church work is strictly forbidden, And Estonian Tiit Madisson testified on the heavy repression against religious activists in his native land.

Mr. Speaker, I believe religious values have contributed greatly to the moral strength of our country. What we see in the Soviet Union and its occupied territories is the ardent desire of its peoples to practice their faith freely and openly. What we see there is the failure of communism to provide a moral framework for living—for communism operates solely on a material and physical level and has no appeal to the spiritual aspect of mankind.

I urge my fellow colleagues to support House Joint Resolution 429, a bill I introduced which calls on the Soviet Government to recognize the Christian churches in Ukraine, sends greetings to the Ukrainian people as they celebrate this great event in their history, discourages American officials from taking part in Soviet-sponsored millennium events, and makes certain the remembrance of the millennium remains a uniquely Ukrainian event. Through this legislation, we have the opportunity to go on record supporting Christians who wish to practice their faith in Ukraine.

The text of the joint resolution follows:

H.J. RES. 429

Joint Resolution deploring the Soviet Government's active persecution of religious believers in Ukraine

Whereas 1988 marks the Millennium of the Christianity of Kievan Rus', adopted by Prince Volodymyr in a ceremony on the banks of the Dnieper River;

Whereas today freedom of religion is a fundamental right which is explicitly guaranteed by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas the Soviet Government has violated the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe by engaging in the persecution of religious believers in the Soviet Union, including the systematic liquidation of the historic and national churches in Ukraine;

Whereas the Ukrainian Orthodox and Ukrainian Catholic churches, both forcibly liquidated in the 1930's and 1940's, respectively, have remained outlawed while their clergy and laity have been murdered, imprisoned, or exiled for their religious beliefs;

Whereas, despite decades of severe persecution, Ukrainian Orthodox and Ukrainian Catholic believers to this day continue to practice their faiths clandestinely for fear of persecution by Soviet authorities;

Whereas the Soviet Government has, in addition, sought to restrain and undermine the spiritual mission of the Evangelical Church in Ukraine, and has established restrictive legislation in direct contravention of the Biblical precepts that undergird the evangelical movement;

Whereas many members of the Ukrainian Evangelical churches, in particular unregistered Baptist and Pentecostal congregations, are currently imprisoned and harassed for their faith;

Whereas suspected clergy and lay members of the Ukrainian Orthodox, Ukrainian Catholic, Baptist, and Pentecostal churches are victimized by job discrimination, their access to religious literature is restricted, and they are subject to various forms of harassment such as house searches, interrogations, and arbitrary arrests by Soviet authorities;

Whereas, despite the Soviet government's policies of religious persecution in Ukraine, faith in God is widespread among Ukrainians as evidenced by the underground Ukrainian Catholic movement which embraces hundreds of priests headed by a number of secret bishops assisted by more than 1,000 religious women in orders; and

Whereas Ukrainian Catholic catacomb bishops, priests, and laity have placed themselves in direct danger of persecution by appealing to the Kremlin to end its prohibition of the Ukrainian Catholic Church: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States deplores the Soviet Government's active persecution of religious believers in Ukraine, as well as the forcible liquidation of the Ukrainian Orthodox and Ukrainian Catholic Churches.

SEC. 2. On the occasion of the Millennium of Christianity in Kievan Rus', the Congress of the United States—

(1) discourages official participation by the Government of the United States in ceremonies of the Millennium in the Union of Soviet Socialist Republics, so long as individuals remain harassed and imprisoned for their religious beliefs, are denied access to religious litrature and the opportunity to receive religious instruction, and the Ukrainian Catholic and Ukrainian Orthodox Churches remain outlawed;

(2) sends its greetings to the Ukrainian people as they mark this solemn event in the history of the Ukrainian nation;

(3) voices its concern for those Ukrainian religious believers who are persecuted for attempting to exercise their rights to religious worship;

(4) urges the President of the United States, the Secretary of State, the United States delegation to the United Nations, the United States Delegation to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe to continue to speak out forcefully against violations of religious liberty throughout the Soviet Union and specifically in Ukraine during this anniversary year;

(5) calls upon the Soviet Government to abide by the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe, and release all those imprisoned for their religious beliefs; and

(6) urges, the observance of the Christian Millennium, the Soviet Government to legalize the Ukrainian Orthodox and Ukrainian Catholic Churches.

A TRIBUTE TO MR. WALTER LOCKWOOD AND MR. ALBERT V. SAMMIS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Mr. Walter Lockwood and Mr. Albert V. Sammis, two Halesite, NY, volunteer firemen who are being honored for 50 years of active service.

Mr. Lockwood joined the Halesite Fire Department in 1937. For the last 35 years, he has served as the department's sergeant at arms. His father, Frank "Pop" Lockwood, and his two brothers also served in the Halesite Fire Department.

Mr. Sammis joined the Halesite Fire Department in 1938. Since that time, he has served as chief of the department, been president of the Suffolk County Chiefs' Council and served as the fire coordinator for the county of Suffolk and the town of Huntington. In addition, Mr. Sammis was also an original member of the Halesite Fire Department ambulance squad.

Mr. Speaker, these gentleman have provided a great service to their community. For 50 years they have answered the call every time the siren blew. Many times this meant putting their own lives in jeopardy for the sake of others. They did this without hesitation or financial compensation. Many times such dedicated service goes unnoticed. But as Ralph Waldo Emerson once said, "The reward of a thing well done, is to have done it."

Mr. Speaker, I am honored to have the opportunity to pay tribute to these two fine men, and wish them all the best for the future.

TRIBUTE TO THE LATE DAN DANIEL

SPEECH OF

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. SPENCE. Mr. Speaker, I commend the gentleman from Virginia [Mr. SISISKY], for taking a special order to honor our dear friend and colleague, the late DAN DANIEL. His untimely death leaves an incredible void here in the House that will be felt for many years to come.

DAN DANIEL succeeded the legendary Gov. William Tuck as the Congressman from Virginia's Fifth District, and like Governor Tuck, DAN DANIEL achieved an enviable record as a friend of the American taxpayer and an effective spokesman for a strong national defense.

DAN DANIEL preceded me in the House by one term, and from the very beginning of my service I developed a friendship and admiration for him that was solidified by our close working relationship on the House Armed Services Committee.

It would be hard to imagine anyone not liking DAN DANIEL. He was a person without guile or mean spirit, and his courtly manners were truly reminiscent of a time when courtesy and the Golden Rule were the accepted norm rather than a convenient and temporary gesture. He believed in people, and people believed in him as evidenced by the overwhelming vote he always received in his bid for reelection.

I was always impressed by the fact that DAN DANIEL took his job as a public servant seriously. As a senior member of the Armed Services Committee and the chairman of the Subcommittee on Readiness, he showed keen and exceptional insight into the defense needs of America. He believed in military preparedness based upon giving the fighting man serviceable and operational equipment as opposed to Taj Mahal weapons systems that Einstein at his best would not understand. In fact, it was largely through his efforts that standardization of arms used by the United States and its NATO allies became a fait accompli several years ago.

DAN DANIEL was not a self-serving person. He was not given to arrogance or pretentiousness. He was not born with a silver spoon in his mouth, and like the very best in the American character, he was the epitome of the self made man. He was proud of the fact that as a youth he worked his way up by the bootstraps, and by the time he was elected to Congress, he had become a corporation executive by hard work, dedication and commitment to the American dream.

I shall miss DAN DANIEL. We will all miss his wisdom, counsel and dedication to high ideals. He was a great patriot, a wonderful friend and a gentleman of the first order. To his wife Ruby and his son I extend my heartfelt condolences and admiration for a husband and father who served his State and Nation with distinction and honor.

BAYONNE HOSPITAL OBSERVES ITS 100TH ANNIVERSARY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. GUARINI. Mr. Speaker, I would like to draw to your attention the 100th anniversary of a leading medical institution in the city of Bayonne, which I have the privilege of representing in Congress. I believe the theme of this year centennial celebration, "100 Years of Caring," is entirely fitting in observance of the magnificent job Bayonne Hospital has done. For a century, Bayonne Hospital has provided the highest quality of health care to citizens of the community. Once commonly referred to as Story Hospital, the facility has set the standard for medical technological advancement and continues to meet the special needs of its patients. A diligent hospital staff offers first-rate service to those who are in need of medical care. Because of its achievements in the health field, Bayonne Hospital has enjoyed tremendous expansion, and today it has realized its accomplishments with an eye toward future progress. Many people have given their time to make Bayonne Hospital the success story that it is today. I feel it would be appropriate to acknowledge their efforts by sharing their fascinating history, contained in the following text, with my colleagues. I am sure my colleagues would agree that Bayonne Hospital deserves high praise.

HISTORY OF BAYONNE HOSPITAL, 1888-1988

On February 20, 1988, after many months of soul-searching and discussion, eight courageous physicians, prompted by their dedication to their community and their commitment to their chosen profession, joined forces and executed the articles of incorporation for Bayonne Hospital And Dispensary.

The eight physicians, Doctors Frederick G. Payne, Solon Humphreys, Jacob F. Field, H. Mortimer Brush, John Hickman, David H. Rowland, Ezra B. Ely and Edward H.S. Man, became the members of the first Board of Directors of Bayonne Hospital and filed with the Secretary of State for authorization under the General Hospital Act to establish Bayonne Hospital.

The community, which had approximately 21,000 residents at that time, was forced to travel to Jersey City, if they were in need of hospitalization. That inconvenience, and the custom of treating all illnesses in the patient's home, further confirmed the physicians' belief that Bayonne not only needed, but deserved its own hospital.

Initially, the community was reluctant but as a more modern view of sociological problems evolved, the idea of a hospital for Bayonne was viewed favorably by most of the residents. Perhaps the most tangent evidence of community support was the donation of Story Mansion in 1890. This magnificent structure, surrounded by sloping lawns, was located on Chestnut Avenue, which is now known as East 30th Street. The building was donated in memory of Rufus Story by his daughters, Mrs. Alice Story Rowland and Mrs. Abbey Story Marshall. Rufus Story, who was a New York import-export broker had died the year before the donation. The memory of Rufus Story and the generosity of his family lived on for many years, as Bayonne residents informally referred to the structure as "Story Hospital".

On March 3, 1890, the Bayonne Hospital was officially opened to receive patients. At a cost of $17,000, the hospital was fully equipped and housed a Male Ward, Female Ward, Nursery, Maternity Ward and Dispensary. Over the fireplace hung a simple plaque which stated "In Memory of Rufus Story", and the Story Mansion served well as Bayonne Hospital until 1908.

In 1908, with the population steadily increasing, and the advances in medical technology, it became evident that an addition to the original hospital building was necessary.

The expansion of 1908 was the first of many that the hospital would undergo and provided for two additional wards, an Emergency Room, an X-Ray Room, nine private patient rooms, a Laboratory, a Delivery Room and an Operating Room. Instrumental in raising funds for this project was the Ladies' Aid Committee, which is now known as the Women's Auxiliary Board. The Ladies' Aid Committee, which was organized the same year as the hospital, has always and, in all ways, worked diligently to complement the hospital staff and the Board of Directors in achieving the goals set for the hospital. If sewing of sheets was needed, the ladies would sew; if painting was required, they accomplished that as well, but what they are best known for is the creative ways they raised funds for the hospital—teas, fashion shows, card parties, fairs and in 1959, the Women's Auxiliary Board opened the "Hospitality Shoppe". This shop is the major source for raising funds today.

In 1927, the population of Bayonne reached its peak and the community was a popular site for industry to settle. Once again, in order to meet the needs of an ever-growing population and to implement the many advances in the field of health care, the hospital again expanded. This expansion involved increasing bed capacity to one hundred ninety-one beds, with an Out-Patient Department and a nursery with thirty bassinets. In addition to the new hospital building, the Nurse's Home was erected, which in later years, was referred to as the "School of Nursing".

The School of Nursing was originated in 1891 and the first graduating class consisted of three nurses. Two of these graduates became honorees when the Cairns Pavilion was dedicated in 1970. The Cairns sisters, Margaret and Mary, were two pioneers in nursing in our community. They devoted their lives to Bayonne Hospital and their philanthropy aided in the construction of the pavilion named in their honor.

To this day, the School of Nursing continues the exemplary work started in 1891, and although the building referred to as the School of Nursing no longer exists, the School of Nursing continues in its tradition of training nurses to this very day, housed in the main complex of the hospital.

Again, in 1958, circumstances deemed that yet another expansion of the hospital was needed. And again, the community and industry, through their generosity, made possible an expansion to a two hundred and sixty bed capacity. The expansion of 1970, when the Cairns Pavilion was dedicated, allowed for space for patient services.

As the hospital looked toward the completion of almost a century of serving the community, plans were formulated to prepare the physical structure for the many changes that the challenge of the future would bring about. Disciplines that required extensive space were growing in popularity due to the successes they helped achieve. These areas included Physical Therapy, the Emergency Room, the Laboratory and Clinic Areas.

The President of the Board of Directors, Judge Horace K. Roberson, believed in Bayonne Hospital and the Community it was dedicated to serving. His belief system guided the hospital through the twenty seven million dollar building and renovation program. To acknowledge the more than fifty years of service Judge Roberson had given to the hospital, the new facility was named the Horace K. Roberson Pavilion. A portrait of the now late Judge Roberson welcomes visitors and patients alike from its place of honor in the main lobby.

The award winning edifice increased the efficiency of the hospital tremendously and allowed for the addition of a state-of-the-art fourteen bed Intensive Care/Coronary Care Unit, as well as a Psychiatric Unit.

In 1982, the Bayonne Hospital Foundation was established to assist in raising funds to enable the hospital to continue providing the high quality of health care it was known for. Bayonne Hospital, a nonprofit institution, has flourished for the past one hundred years due to the continued support of the community.

In every department of the hospital, the funds provided to the hospital can be seen at work in the form of the Cat Scan, Gamma Camera, Mammography Machine, Ultrasound Scanners, Cardiac Holter Monitors, Cybex II Machines, a Lazer, Birthing Beds, a Hematology Analyzer and A Plasma Theresis Machine.

Bayonne Hospital is dedicated to the community it serves and as that community has aged, the hospital responded to the needs of those residents who made the hospital's growth possible. The Senior Health Center of Bayonne Hospital, opened its doors in 1987, almost one hundred years after the original Bayonne Hospital opened its doors. Seniors in our community who are in need of rehabilitative medical attention, but not hospitalization, are now able to remain in the community and maintain their usefulness and dignity.

The century of providing health care has been an ever changing endeavor—growth, technology and changing needs. What has remained constant for the one hundred years is the commitment of the staff and the Board of Directors to provide the highest level of quality health care possible. The other constant has been the support the community has shown through their generosity and continued patronage. These two constants have allowed this partnership to maintain its high standards and enjoy a reputation as an outstanding community hospital.

The century since 1888 for the community of Bayonne and Bayonne Hospital has represented one hundred years of reciprocal attention to each other's needs, which is the reason for the Bayonne Hospital Centennial Celebration—"100 Years of Caring".

TV PROGRAM ACCESS FOR SATELLITE DISH OWNERS

SPEECH OF

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LOTT. Mr. Speaker, I am pleased to join this special order of the gentleman from Virginia [Mr. OLIN] on the issue of television program access for satellite dish owners. I want to commend the gentleman for taking this time to call attention to the nature of the problem and to demonstrate the degree of support in this Congress for an acceptable legislative solution.

As most of my collegues are well aware from their constituents, satellite dish owners are rapidly losing access to more and more programs due to the scrambling of TV signals. This is particulary disruptive for people living in rural areas, as in much of my own State of Mississippi, who are far removed from the signals of metropolitan TV stations and who have no access to cable. They are dependent on their satellite dishes as their sole means of receiving TV programming.

Mr. Speaker, to remedy this problem, I have joined with my good friend and colleague from Louisiana [Mr. TAUZIN] in cosponsoring H.R. 1885, the "Satellite Television Fair Marketing Act of 1987." I am pleased that this legislation now enjoys the strong support of 125 of our colleagues in the House.

This bill would require those who scramble satellite services intended for private viewing to make it available to satellite dish owners. If they sell their programming through others, the bill would require that they must also establish reasonable business criteria so others may qualify to distribute their programming.

The bill would further give the FCC authority to establish uniform standards for scrambling and initiate rulemaking to facilitate the provision of network television signals outside the range of broadcast station signals.

The FCC would also be charged with investigating the pricing and distribution terms of persons selling satellite programming to home satellite antenna owners to determine whether the market place is developing in a competitive fashion.

Mr. Speaker, I am greatly encouraged by the fact that the Senate Commerce Committee last fall reported a nearly identical bill to the Tauzin bill, requiring that programmers who scramble signals to cable owners make it available to dish owners. I am hopeful this action will prompt our own Energy and Commerce Committee to report H.R. 1885 in the very near future so that satellite dish owners will no longer be relegated to the status of second class citizens by mere fact of their geographic situation.

TRIBUTE TO ROY OTWELL

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. JENKINS. Mr. Speaker, often, we pay tribute to community leaders who have excelled in their contributions, but rarely do we have the opportunity to expound on such a legacy as Roy E. Otwell.

When Mr. Roy died February 8 at the age of 93, he was still an active community leader. Through his contributions in public service, politics, philanthropy, and business ventures he touched every life in Forsyth County in this century and into the next century.

He served the community of Cumming and Forsyth County through several political offices, including the board of education, the Georgia General Assembly in both the senate and the house of representatives, and as mayor for 30 years. Through his leadership came the first city water and sewage plant, city hall, fire trucks, hospitals, paved streets and sidewalks, electricity, pavement of major transportation routes into the area, and Buford Dam.

Called a walking chamber of commerce, he convinced doctors, dentists, other professionals, and companies to bring their services and production to Forsyth County, often by furnishing them with living quarters and a building to begin their operations. From his position as president of a local bank, he infused funds into the farming and business community, and retired as its chairman of the board only 3 years before his death.

Roy Otwell not only loaned money for starting businesses, he started a few himself. As a pharmacist, he owned a drugstore. As a car salesman, he owned a car dealership for 53 years. As a newspaperman, he owned and was editor of a local newspaper for 27 years.

And, Roy Otwell was a man of great civic pride. The charter histories of the local Lion's and Kiwanis Clubs and the chamber of commerce carry his name, as do the membership records of the Cumming First Baptist Church since he was 12. A deacon for 70 years, he was active in the Georgia and Southern Baptist Conventions, helping to establish Georgia Baptist Hospital and serving on the board of trustees of Truett McConnell College.

Even though they buried Roy P. Otwell last week, the legacy of the man lives, because he chose to give himself to his community.

THE 40TH WEDDING ANNIVERSARY OF MR. AND MRS. CARL WALKER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LIPINSKI. Mr. Speaker, it is my pleasure to bring to the attention of this Congress two fine constitutents from my District, Mr. and Mrs. Carl Walker. On November 29, 1987 the Walkers celebrated their 40th wedding anniversary.

Mr. and Mrs. Walker's marriage is a tribute to the strength and stability of family life. In a time when many marriages are short-lived, it is encouraging to see such a wonderful example of love and commitment.

I am sure that my colleagues join me in congratulating Mr. and Mrs. Walker on this joyous occasion.

TRIBUTE TO LT. COL. HAROLD LESCHZINER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Lt. Col. Harold Leschziner, of East Northport, NY, who was recently awarded the Bronze Star for Valor for his heroic actions during the Vietnam War.

Lt. Col. Leschziner was drafted to serve in the Army in 1950, but was not to report for duty until April 1951. Rather than wait that long for the opportunity to serve his country, he enlisted in the Army in January 1951. This was the beginning of a long and distinguished career of service to his country in three branches of the service: the Army, Air Force, and National Guard.

Lt. Col. Leschziner was a career military man. He saw active duty in both Korea and Vietnam. He has witnessed the horrors of war first-hand, and never hesitated to put his life on the line for the sake of fellow servicemen. To me, Lt. Col. Leschziner is clearly an American hero.

Mr. Speaker, on January 24 in a special ceremony, Lt. Col. Leschziner was awarded the Bronze Star for Valor. I would like to thank the Northport American Legion Post 694 for organizing this event. I know that Lt. Col. Leschziner is truly grateful for the time and effort the post invested to put together this gala ceremony. Although I could not attend, I am proud that my office was able to assist in obtaining the Bronze Star for Lt. Col. Leschziner, as he truly deserves it. Lt. Col Leschziner is a true patriot, and I am proud to have the opportunity to pay tribute to him on this special occasion.

LEGISLATION AMENDING THE EXPORT ADMINISTRATION ACT OF 1988

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MARKEY. Mr. Speaker, today I am pleased to introduce the Export Administration Judicial Review Act of 1988. This legislation amends the Export Administration Act [EAA] of 1979 to provide for judicial review in certain cases of its violation.

The Export Administation Act was carefully crafted to achieve important national security goals and at the same time uphold the right to due process under the fifth amendment to the Constitution. However, a recent interpretation of an important provision of the 1985 amendments to the EAA has made a mockery of this constitutional right. The Export Administration Judicial Review Act will permit those American citizens who have been denied due process under this interpretation to have their day in court. And it will prevent such abuses from occurring again.

Prior to congressional action in 1985, the Commerce Department's own regulations covered the final disposition of judicial decisions made in cases of violation of the EAA. The options open to the Secretary of Commerce included "affirming, modifying, or reversing the order of the presiding official * * *."

Thus, as it considered EAA amendments in 1985, Congress knew that the Commerce Department's rules gave the Secretary almost unlimited discretion and power to dispose of the decisions of independent judges.

Recognizing the sensitivity of the issues considered under the EAA, Congress continued to leave the final decision in the hands of the Secretary of Commerce. However, with the 1985 amendments, Congress did act to limit the scope of the Secretary's discretion. Specifically, Congress intended to prevent the Secretary from being able to arbitrarily overturn the decision of an administrative law judge.

This intent is made clear in section 13(c) of the EAA Amendments of 1985. Section 13(c) designates that in disposing of the decisions of an administrative law judge the Secretary shall "affirm, modify, or vacate the decision of the administrative law judge. * * * The order of the Secretary shall be final and is not subject to judicial review."

The word "reverse" was dropped from the legislation codifying the Commerce Department's regulations, clearly intending to limit the authority of the Secretary to affirming, modifying, or vacating a judge's decision.

But since the enactment of the 1985 amendments an Assistant Secretary of Commerce has taken the decision of an administrative law judge and reversed it.

This was done in a case where, according to the judge in his written decision, the "record failed to establish any violation of the Export Administration Regulations" by the plaintiff. Even so, the Assistant Secretary of Commerce, in a broad interpretation of the word "modify," summarily reversed the decision and imposed a 15-year denial of export privileges and a $150,000 civil penalty on the plaintiff.

Thus, an American citizen was charged with a violation of the EAA by the Department of Commerce, tried by an administrative law judge, found innocent, and then convicted by the Department, notwithstanding the judge's contrary findings and conclusions of law.

As the EAA now stands, there is no provision for judicial review in such a situation. The Export Administration Judicial Review Act of 1988 addresses this problem. The bll has three major provisions. First, it provides for judicial review in certain cases of violation of the act. The Senate has already passed legislation providing for limited judicial review—it is included in its version of H.R. 3, the Omnibus Trade Act of 1987. My legislation follows the guidelines adopted by the Senate. It gives parties a right of judicial review under the EAA when a civil penalty or other sanction would be imposed for violation of the EAA. Provisions of the EAA touching on national security or foreign policy concerns remain exempt from even this limited right to judicial review. Other sensitive areas such as the Government's right to establish a control list and make licensing decisions are also not subject to review.

Second, my legislation provides that the limited right to judicial review applies retroactively to those cases where the Secretary of Commerce has acted to reverse the decision of an administrative law judge and those cases currently before an administrative law judge which are not specifically exempted. This would not open up the court system to a flood of new litigation. Rather, it would apply to a maximum of five cases and ensure that none of those who have found themselves at a legal dead end is denied their right to due process.

Third, the Export Administration Judicial Review Act clarifies Congressional intent that hearings before an administrative law judge held in accordance with section 13(c) of the act, for purposes of the Equal Access to Justice Act, constitute an adversary adjudication.

I urge my colleagues to support the Export Administration Judicial Review Act of 1988, and prevent further violations of the right to due process.

THE CUYAHOGA COUNTY BAR ASSOCIATION 42D ANNUAL PUBLIC SERVANTS MERIT AWARD RECIPIENTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. STOKES. Mr. Speaker, on February 24, 1988 the Cuyahoga County Bar Association will host its 42d Annual Public Servants Merit Awards Luncheon. This event recognizes the exceptional work and contributions of selected county court system employees. The association has designated its luncheon as the Franklin A. Polk Public Servants Awards salutation in recognition of the 40 years that Attorney Polk served as its chairman.

I would like to salute the Cuyahoga County Bar Association and this year's four public servant award recipients.

The honorees are: Daniel R. Dugan, senior file clerk, probate court; Jon C. Kleri, probation officer, Cleveland municipal court; Brian P. Sexton, legal department, juvenile court; and Dorothy A. Tvergyak, director, index department, county clerk's office.

At this time I am pleased to share the accomplishments of the honorees with my colleagues.

Mr. Daniel R. Dugan joined the probate court 30 years ago, after a 3-year stint at Ohio Bell. His service as keeper of the court's files and records is very important to the smooth operation of the probate division, Judge Francis J. Talty noted in his nomination letter.

Mr. Dugan married Dolores Bysiek in 1975 and they hope their three children, Bonnie Piche, Christine Milburn, and Michael Dugan will be in the audience leading the applause on their dad's day in the community celebration.

Mr. Dugan was born in Baltimore, but he attended local St. Patrick's Elementary and William Dean Howells Junior High. His high school diploma was earned at Gibault, located in Terre Haute, IN.

From 1952 to 1955, Dan Dugan capped his Mediterranean area naval service winning both a National Defense Medal and the Navy Occupation Service Medal embellished with a Europe Clasp.

Mr. Speaker, the second honoree, Mr. Jon C. Kleri, commenced his Cleveland Probation Department employment in 1960, following a 15-month position as an enforcement officer with Ohio's Department of Liquor Control.

For 28 years Mr. Kleri has conducted court-ordered investigations of the social backgrounds of offenders and has participated in recommendations to the Selective Intervention Program, to the court's presentence reports and in some instances to the expungement of past offenses in the final disposition of cases assigned to him.

Mr. Kleri is a graduate of Cathederal Latin High School, 1952, Case Western Reserve University, 1958, and of Cleveland Marshall Law School, 1966. He was admitted to the Florida bar in 1973.

His army service in Okinawa from 1954 to 1956 was distinguished as chief of the fire direction control of its atomic artillery.

Mr. Kleri is the author of the January 1966 law review article at Cleveland Marshall entitled, "Judicial Notice of Scientific Facts". His cultural hobbies lure him to attendance of local productions of live theater, opera, and ballet.

Mr. Brian P. Sexton came to the juvenile court in 1962 as a probation officer and has advanced to the position of administrative assistant of its legal department, as well as acting manager of its intake department.

Mr. Sexton is a graduate of St. Joseph High, where he taught from 1960 to 1962, after earning a bachelor of science degree from John Carroll University in 1960. His legal training was obtained at Cleveland Marshall Law School.

Mr. Sexton married Janet Owens in 1963 and their three children are Daniel, 27, Sheila, 19, and Megan, 11. He was called to service in the U.S. Army as a captain from 1964 to 1966, and returned to the juvenile court upon his discharge.

Mr. Sexton continues his concern for people in his court work as well as in his private life, Judge Kenneth Rocco, his employer, advises:

> He has dedicated himself to helping the children and the families who seek assistance in our court, as well as servicing youth in his community and in his church activities.

Mrs. Dorothy A. Tvergyak, the fourth honoree, began her career in 1960 while Emil J. Masgay was county clerk in the microfilm department. In 1967, Mrs. Tvergyak was transferred to the civil division, legal section, where she worked on journals, certified documents and Soundex—index—requests. Upon Helen Auslander's retirement in 1978, Mrs. Tvergyak succeeded her as department head. County Clerk Gerald E. Fuerst reports that:

> Mrs. Tvergyak's ability to function in multidepartments on a moment's notice makes her a very valuable employee. She continues to lend an able hand to whatever department happens to be shorthanded. She is dependable, hard working, and is never late for work.

Mrs. Tvergyak is a widow, residing in Garfield Heights. She is a graduate of John Adams High School. Her children are Mrs. Joan Cort, of Miami, FL, Joseph and Mrs. Dorothy Dienes. Besides the joy of nine grandchildren she is most happy when an attorney compliments her for going out of her way to find an answer to a difficult inquiry.

Mr. Speaker, it is a special honor for me to join in the salute to these exemplary public servants. Employees such as Mr. Dugan, Mr. Kleri, Mr. Sexton, and Ms. Tvergyak make the system work for all of the residents of the Cleveland metropolitan area.

I join with the Bar Association, its president, Mr. Martin G. Lentz, and the Merit Awards Committee chairperson, Mrs. Mercedes K. Spotts, in paying tribute to the 1988 Public Servant Award recipients.

SAFETY FOR MORRO BAY HARBOR

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PANETTA. Mr. Speaker, today I am introducing a bill to direct the Corps of Engineers to take action to remedy an extremely dangerous condition at the entrance to Morro Bay Harbor in California. The bill requires the corps to dredge the harbor to a depth of 40 feet, to modify the entrance to the harbor and to take other actions necessary to make the harbor safe.

This action is critical. Extremely high waves at the entrance to the harbor regularly create dangerous navigation conditions. Since 1964, at least 15 individuals have lost their lives attempting to navigate the entrance. The most recent death occurred on November 9, 1987, and involved a man widely regarded as one of the area's most experienced and careful commercial fishermen. In addition, there have been terrifying accidents in which loss of life has been avoided only by heroic rescue efforts. The most dramatic of these accidents was the capsizing in 1983 of the *San Mateo*, a 45-foot whale-watching vessel carrying 23 schoolchildren and several adults. It is ironic, in light of these deaths and accidents, that Morro Bay Harbor is the only port of refuge between Monterey and Santa Barbara, along the often treacherous waters of the California coast.

The Corps of Engineers is nearing completion of a reconnaissance report on the harbor. It is my understanding that the report will find that dredging to a depth of 40 feet and changes in the configuration of the entrance would be a cost-effective means of improving the safety of the harbor. Under the normal practices of the corps, however, additional studies would be required and work would not begin before 1992.

This delay is not acceptable. Unless remedial action is taken as soon as possible, additional lives will be needlessly lost and endangered. In addition, concern within the fishing and boating community about the dangerous conditions in the harbor may also result in a diminution in use of the harbor, causing economic harm to Morrow Bay and those who depend on the harbor for their livelihood.

The legislation which I am introducing would direct the corps to do the work necessary to make the harbor safe again. It would also remove any doubt as to the corps' authority to do the deeper dredging work. Most importantly, it would restore the harbor as a port which can be safely used and enjoyed, and which can offer refuge to all vessels in distress. I look forward to working closely with my colleagues on the Committee on Public Works and Transportation to ensure passage of this bill.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation project for Morro Bay, California, authorized by section 2 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 2, 1945 (59 Stat. 21), is modified to direct the Secretary of the Army, acting through the Chief of Engineers—

(1) to extend and deepen the entrance channel for Morro Bay Harbor to a depth of 40 feet not later than six months after the date of the enactment of this Act and thereafter maintain such channel at such depth; and

(2) to carry out and maintain such other improvements at such harbor as the Chief of Engineers determines to be necessary to allow safe navigation into and out of such harbor.

BLACK HISTORY MONTH

HON. MICHAEL DeWINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. DEWINE. Mr. Speaker, we have all come here today to commemorate Black History Month. It is particularly fitting that we are celebrating Black History Month for the people in my district in Ohio, and across the country, because the National Afro-American Museum and Cultural Center in Wilberforce, OH is making preparations for its grand opening in April.

As you all know, in 1980 Congress passed and President Carter signed legislation to establish a national commission responsible for developing plans to create a national center for the study of Afro-American History and Culture. Since that time, the people of Ohio have done a great deal to make these plans a reality, including contributing $10 million to the project. In addition, the project staff solicited funds from a number of public and private sources to ensure that the museum had the necessary resources to be a truly national museum.

At this point, the first phase of the museum, which contains about 35,000 square feet of space, has been completed. The one-story granite structure will house a number of exhibitions. Three later phases are scheduled to be constructed to house a children's museum, a library and manuscript division, an art gallery, and support facilities.

Wilberforce is a very appropriate location for a museum which details our Nation's black history. Ohio played an important role in the underground railroad which brought black slaves to the North and freedom. Furthermore, Wilberforce has distinguished itself as a center of learning for black scholars for over a century. The museum is located near two fine historically black universities, Central State University and Wilberforce University. Both of these universities have been extremely supportive of the museum, and the presidents of the universities have played significant roles in the development of the museum.

Before now, the national history of 30 million Americans of Afro-American descent has been largely ignored. The museum in Wilberforce will redress this situation because it will be a truly national center for the study of Afro-American history and culture, chronicling the history of Afro-Americans from African villages to present-day American society. The museum will house a collection of documents, photographs, artifacts, and other examples of the Afro-American experience.

It is a project of which many Ohioans are rightly proud. But, when it opens in April, the museum will belong to all of us in this country. During Black History Month, I think it is important not only to celebrate black history, but also to recognize those who are committed to maintaining the memory of that history. Consequently, I want to take this opportunity to thank and salute all of the people who have worked so hard to build the museum and fill it with exhibits so that all of us will be able to have one national center which keeps the memory of American black history and culture alive.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

SPEECH OF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1054) to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care.

Mrs. SCHROEDER. Mr. Chairman, I support Representative BARNEY FRANK's bill, H.R. 1054, to give active duty members of the armed services the right to sue the Federal Government for medical malpractice. Our soldiers should have the same rights that civilians enjoy.

The Department of Defense opposes H.R. 1054, arguing that allowing soldiers to sue for medical malpractice would impede the performance of the military in combat. DOD's argument is wrong, because the bill is limited to medical malpractice that occurs at fixed medical facilities within the United States. Medical activities in combat zones are not covered by the bill.

The military should be just as responsible as its civilian counterparts for medical malpractice. Essentially H.R. 1054 is about fairness, and that is why I am voting for the bill.

THE LEGACY OF THE NEW JERSEY SUPREME COURT

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RODINO. Mr. Speaker, the citizens of New Jersey are justifiably proud of the important role that the New Jersey Supreme Court occupies in American jurisprudence. For law students and jurists throughout the United States, the court is an institution respected for being in the forefront of legal scholarship.

Under the leadership of Chief Justice Arthur Vanderbilt and his successor, Joseph Weintraub, the New Jersey Supreme Court's opinions became legal classics and the court emerged as a "bellweather" court for the Nation. In the past 15 years, guided by former Governor and Chief Justice Richard Hughes and current Chief Justice Robert Wilentz, the New Jersey Supreme Court has maintained its national reputation for high-caliber professionalism and leadership.

This respect was clearly evident at the recent American Bar Association Convention in Philadelphia. With your permission. I would like to include in my remarks a Star Ledger article by Herb Jaffe which highlights the enduring contributions of the New Jersey Supreme Court.

HISTORY SERVES OUR TOP COURT QUITE RESPECTFULLY

PHILADELPHIA.—For decades law school students across the country have read about New Jersey in their law libraries, where such best-sellers can be found as the works of the New Jersey Supreme Court during the Vanderbilt years and the Weintraub years, works that are held among the classics when compared to all other state supreme court opinions.

Arthur Vanderbilt, who became chief justice in 1948, and Joseph Weintraub, who followed him in that role, were towering jurists and prominent figures for more than 25 years as the nation's legal minds looked with consistant and enviable respect at the work of the New Jersey Supreme Court.

What some of the most sophisticated court-watchers may not realize is that the work of the New Jersey Supreme Court over the last 15 years, guided first by former Governor and Chief Justice Richard Hughes and for the last eight of those years by Chief Justice Robert Wilentz, is no means the record of a "back-seat" court.

The truth is that despite the New Jersey court's occasional critics, both from within and without the legal profession, the state's Supreme Court is viewed by the legal masses with a degree of respect that possesses little equal.

It only takes attendance at an American Bar Association (ABA) convention to realize the court has retained its high-caliber national reputation as a scholarly tribunal, establishing New Jersey as a "bell-wether" court for the nation.

ABA conventions bring together some of America's best-informed judges and lawyers.

It was in that environment one day last week that Professor George Annas of Boston University School of Medicine announced before a conference of 200 lawyers, doctors, psychiatrists and others, dealing with birth, death and the law: "Three cheers for the New Jersey Supreme Court for being very clear and saying it the way it had to be said."

Annas was referring to the court's Baby M surrogate-motherhood decision. Others attending the ABA-sponsored conference said many states were awaiting the ruling before their courts and legislatures would act on the surrogacy issue.

The special conference, where several participants reacted with similar respect for the way the court handled the Baby M decision—regardless of any personal viewpoints on the issue of surrogacy—drew its audience from every sector of the country and from several nations.

One of the participants was Paul Armstrong, the lawyer who represented Karen Ann Quinlan. She was the comatose young woman who in March 1976, won the right to die with dignity under a landmark decision written by Hughes.

"Do you know what's especially interesting about this whole program?" Armstrong asked of the conference entitled "Birth, Death and Law,"

"This program represents the labors of the New Jersey Supreme Court. Our court was the catalyst for most of these issues," said the attorney from Bridgewater.

"It's not just Baby M and Karen Ann Quinlan either. In 1985 the court came down with the Claire Conroy decision," he added. That ruling dealt with the question of living wills.

And last June the Supreme Court ruled on the "trilogy"—three cases which dealt with the question of whether artificial nutrition and hydration should be provided for permanently comatose patients.

The cases involved Nancy Ellen Jobes, Hilda Peter and Kathleen Farrell, and the Supreme Court said that families and physicians could withhold feeding the permanently comatose.

"All of those decisions have played a major role not only in the formation of this conference, which was about a year in the making, but also in the two days of heavy discussion," Armstrong said.

And certainly Armstrong should know. He is vice chairman of the New Jersey Bioethics Commission, a nationally recognized expert on euthanasia, right to refuse treatment and treatment decision-making, and he was moderator for a conference workshop on euthanasia and mercy killing.

"There is a historic uniformity, from the Quinlan decision right up to Baby M. It is a court whose voice is constantly being heard universally, and it is a court New Jersey can refer to with great pride," Armstrong commented.

"I have traveled to 37 states and six countries to talk about the principles enunciated by the New Jersey Supreme Court, all of which have had enormous impact," he added.

It was no easy task for a judge from New Jersey to restrain himself from commenting on some of the matters discussed during the "Birth, Death and Law" conference, especially if he happended to be Stewart Pollack.

Pollack is an associate justice of the same Supreme Court that rendered the Baby M ruling last week and most of the other decisions referred to by Armstrong. It was only as a result of the court's decision in Baby M one day before the start of the conference that Pollack was able to attend, to avoid any potential conflict.

"I'm here to listen and to be educated on some fascinating subject matter. I avoid all inquiries about any cases that we have decided," Pollack said.

"But I think it's fair to say that I feel genuinely proud of our court. There's no question, we are a bellwether court. Our work has been projected into the forefront at this conference," he added.

Pollack was putting it mildly.

JIM WHITE TO BE HONORED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SMITH of New Jersey. Mr. Speaker, on Wednesday, February 24, 1988, Jim White of Hamilton Township, NJ, will be honored at the Bishop Griffin Assembly Patriotic Dinner.

Jim joined the Knights of Columbus in 1971 and is currently a fourth degree member. A past grand knight of Hamilton Council No. 6213, Jim has been very active on various committees. Since 1982, he has served as New Jersey State Council March for Life chairman. In this capacity, he has organized thousands of knights and their families to participate in the annual prolife commemoration of the U.S. Supreme Court's tragic Roe versus Wade decision.

In 1960 Jim married the former Jill McDonough. Since that time, God has blessed them with six children: Mary Jean, John, Stephen, Gregory, Christopher, and Elizabeth. An encountered couple, the Whites are active members of Our Lady of Sorrows Parish where Jim was an extraordinary minister and is past president of the Holy Name Society. Jim and Jill were also on the planning team commissioned by the bishop to aid in the development of a pastoral plan of action for the Diocese of Trenton.

A licensed professional engineer, Jim worked for various civil engineering firms before joining the New Jersey Department of Transportation as a design engineer. After working for several years in design and later in development of computer solutions to design problems, he obtained an MBA from Rider College. Switching to the administrative field, Jim is presently assistant commissioner, management and budget, at the New Jersey Department of Environmental Protection.

In addition to his service with the Knights of Columbus and the Holy Name Society, Jim White has been involved in numerous community organizations. He has been a board member of the Mercer County Catholic Welfare Bureau, president of the Mercer County

Right to Life Committee and trustee of Citizens Concerned for Life, New Jersey. Jim has also been a member of the Diocese of Trenton Renew Committee, the Catholic League for Religious and Civil Rights, and the Cook Athletic Assocaition.

Mr. Speaker, I have had the good fortune to know Jim White and his family for many years. Jim and Jill have been tireless defenders of the sanctity of life and have consistently dedicated themselves to serving their community. The Knights of Columbus have chosen well in honoring such an outstanding individual—Jim White.

CLAIMS AGAINST THE UNITED STATES FOR NEGLIGENT MEDICAL CARE PROVIDED MEMBERS OF THE ARMED FORCES

SPEECH OF

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. LATTA. Mr. Speaker, in recent months I do not know of anyone who has not spoken out against the deficit, how we have to control it, et cetera, et cetera, et cetera, but now we come with a bill today that opens up a whole new category of claims on the Federal Treasury. It will allow active duty military personnel to sue the United States for damages for personal injury or death resulting from negligent medical or dental care provided in fixed medical facilities operated by the Department of Defense or the United States.

While the estimated cost of this bill is $25 million per year, the truth of that it is very difficult to predict the cost of medical malpractice awards. It would not surprise me if the actual cost of this legislation turned out to be a major budget figure.

Mr. Speaker, it should be noted that the administration opposes this bill and does so very strongly. According to a policy statement provided in the Rules Committee, the President's senior advisers would recommend that he veto the bill if presented to him in its present form as it is before us today.

The administration finds this bill objectionable because it would legislatively limit the Supreme Court's longstanding Feres doctrine, which holds that "the Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service." There already exists a separate, uniform, comprehensive, and no-fault compensation process for military personnel.

The administration also objects to this bill because it would involve the courts in the review of military command decisions, thereby weakening military discipline and disrupting the unique relationship between servicemen and the military.

□ 1600

Another problem is that the bill will result in an inequity by permitting service-incident claims to be determined by nonuniform local laws. The administration suggests that if Congress concludes that additional compensation should be available to service personnel injured by military medical malpractice then the administration would not object to the establishment of an administrative medical malpractice compensation program under the operation of the Military Claims Act.

This alternative would ensure an unbiased review of these claims without requiring the judicial branch to second guess military decisions.

For all these reasons, Mr. Speaker, the bill made in order under this rule should not and undoubtedly will not be enacted into law.

ACCOUNTING FOR FARMERS, WHY MAKE IT DIFFICULT?

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. ROTH. Mr. Speaker, recently I introduced H.R. 3903, the Family Farm Tax Accounting Relief Act of 1988. This measure is designed to restore simplicity and fairness in recordkeeping for our Nation's family farmers.

As the Tax Code stands, farmers raising dairy cows, beef, or horses are literally faced with a recordkeeping nightmare. Under section 263A, farmers have the choice of capitalizing their expenditures for livestock with a preproductive period of more than 2 years or risk a significant penalty for electing to use the cash accounting method. Either way, the farmer loses.

The Tax Reform Act of 1986 was intended to simplify the Tax Code; however, section 263A succeeded in complicating the life of the dairy farmer, cattleman, and horse breeder. In the past, farmers and ranchers were allowed to deduct expenses as they were incurred. To abide by the capitalization requirement, they now must keep detailed records on the feed, housing, utilities, and medical treatment allocated for each individual animal. Expenses for failed inseminations, deaths, and the sale of young male calves will have to be meticulously separated out. Clearly, this is an unwieldy provision which only succeeds in creating more problems for the American farmer.

The option of using cash accounting is available, but at a high cost. If the farmer deducts expenses for young livestock during the year incurred then he is required by law to use straightline depreciation. All the assets of the farm would be subject to straightline depreciation and not just those for replacement livestock. In some instances, tax benefits from first-year depreciation could be reduced by as much as 50 percent.

The intent in crafting section 263A was to limit tax-shelter investors in agriculture who have abused cash accounting. This abuse should be discouraged, but not at the expense of honest family farmers.

H.R. 3903 has two parts. First, it would simply repeal the capitalization requirement of preproduction expenses. Second, to offset the revenue cost of repealing section 263A for animals, estimated at no more than $550 million over the next 3 years by the Joint Committee on Taxation, my legislation would bar the use of cash accounting to farming businesses with annual sales of more than $5 million. Approximately $1.2 billion in new revenue would be generated over the next 4 years by allowing only the small family farmer to use cash accounting.

Establishing a cap of $5 million would be consistent with current tax law governing other businesses. It is reasonable to end the practice by a few large corporate farms of distorting their financial earnings. Cash accounting has provided an inappropriate incentive for large corporate farms, many with annual sales in excess of $100 million, to shelter income at the taxpayers' expense. Eliminating this inequity would be fiscally responsible and fairer for the family farmer.

Cash accounting was originally designed to ease the burden of recordkeeping for small farmers and businessmen by exempting them from calculating any changes in the value of their inventory or nonproductive livestock. It makes little sense to further handicap the small dairy farmer, whose tax liability is already increased with the repeal of the investment tax credit and capital gains exclusion, by requiring the use of a complicated and time-consuming method of accounting.

Mr. Speaker, significant savings would be realized from my proposal and I urge my colleagues to support this needed and responsible change to the tax code.

A MAN OF VISION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PACKARD. Mr. Speaker, it is indeed rare in today's society when a true man of vision comes along and during the course of his life makes a dramatic impact on his country, his fellow man and his own family.

Fortunately, there are men of the highest caliber who fit the description as men of vision and I am proud to call one such man, Fayette Birtcher, a true friend and adviser.

What makes Fayette—or F.E. as he is known—special, is that this man of vision is legally blind, the victim of retinitis pigmentosa. In F.E.'s case, victim is not the right word to describe a man who over 60 years ago started a family owned development firm that today ranks 10th in the Nation.

While building the Birtcher Co. to a place of prominence in the United States, F.E. never forgot to help others less fortunate, including counseling those afflicted with retinitis pigmentosa.

Because of his dedication to helping others, Fayette Birtcher has been selected the "1988 Man of Vision" by the Retinitis Pigmentosa International, Orange County chapter. F.E. is the first recipient of this award and he will be honored at a special benefit gala on Saturday, February 27, 1988, in Newport Beach.

One of his favorite sayings, which exemplifies his overall philosophy, is that "blindness is a poor excuse for not trying."

F.E. has accomplished much during the 60 years he has been trying his hand in the development of Orange County. His start in the real estate industry was initiated during the Depression. After studying entomology at Oregon State University and UCLA, the Santa Ana High School graduate decided he wanted a career working in the citrus groves of the county.

When banks began foreclosing on the citrus operators during the Depression, Birtcher was there, ready to buy the groves. Back then 20 acres of land sold for $1,000, a fourth of its value today. He continued operating the groves through World War II when he decided there was a future in real estate development. One major development deal followed another and before long he had built one of the most respected companies in the Nation.

One of the Birtcher trademarks is the beautiful architectural designs incorporated into many of the buildings. Unfortunately, F.E. has not been able to see many of the buildings developed by his company.

During this time he also brought his two sons, Ron and Art, into the business and they, in turn, have continued the tradition by bringing their own children into the company.

Today, F.E. is retired and is enjoying the rewards of his many years of hard work. When he is not supervising the upkeep on the family's beautiful 8-acre Rancho de Dios estate in San Juan Capistrano, the 79-year-old patriarch is on the phone counseling others who have been afflicted with the degenerative, and usually hereditary, disease that causes a progressive loss of vision and eventual blindness.

His message is always the same: Despite the drawbacks of not being able to see, you must move forward and keep on trying. Make the extra effort and you'll find plenty of room at the top.

America is indeed fortunate to have such a man of vision who through his untiring efforts, has made room at the top for not only himself, but many others.

MINING AND MINERAL RESOURCES RESEARCH INSTITUTE ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RAHALL. Mr. Speaker, in my view, the United States is fast approaching the point of no return with respect to mining and minerals education. Without continued Federal support to institutions of higher learning embodied by the Mineral Institutes Program, originally authorized by the Surface Mining Control and Reclamation Act of 1977 and reauthorized in 1984 by legislation originating in the Committee on Interior and Insular Affairs, I fear the Nation will find itself in a crisis situation in the near future.

Our coal industry continues to struggle with improving its worldwide competitiveness. We continue to be overly dependent on foreign and often politically volatile sources for many strategic and critical minerals. And, there is a great deal of room for improvement in areas involving the health and safety of this Nation's mining work force.

If we are to tackle these issues, efforts must be made today to educate students in the mining and minerals fields so that a body of trained professionals will be available in the future.

In this respect, today I am introducing legislation to reauthorize the Mineral Institute Program for an additional 4 years beyond its current fiscal year 1989 expiration date.

I am especially pleased to note that Committee on Interior and Insular Affairs Chairman MO UDALL is joining in the introduction of this bill as an original cosponsor, as is committee member BILL EMERSON.

The Mineral Institutes Program is administered by the U.S. Bureau of Mines. Through annual appropriations, Mineral Institute programs located at 32 colleges and universities are funded as well as 6 generic mineral technology centers. These centers are composed of a consortium of universities which pool their resources in a specific area of research. West Virginia University, for example, is party to the Generic Mineral Technology Center on Respirable Dust as well as the newly established National Mine Land Reclamation Center.

On March 22, the Subcommittee on Mining and Natural Resources will conduct a hearing on this matter. I expect we would then proceed to subcommittee and full committee markup during the month of April.

KIM BRECKINRIDGE "BIKES THE BIBLE"

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. RITTER. Mr. Speaker, Kim Breckinridge of Lower Macungie Township in the Lehigh Valley of Pennsylvania, is a member of Wandering Wheels, a biking club out of Taylor University. With Christian fellowship as the key basis for its founding, Wandering Wheels goes on tours throughout this country and foreign lands as well. Accompanied by professors, and by taking notes and reading about the lands they visit, 80 percent of the student-members take these tours for college credit.

Kim recently took a tour of Israel with Wandering Wheels. The group biked around the perimeter of the country from Jerusalem to the Mediterranean; to the Sea of Galilee; to the Dead Sea; and included a ride to the top of Mount Masada where the remnants of the Jewish nation made their last stand against the Roman army after the destruction of Jerusalem.

Kim relates that the tour brought her and the others close to the land and the people. They traveled through the desert, mountains, tropics, and coastlands and experienced first hand, an intimate relationship to all of these terrains. Kim also reports that the group was continually interacting with both Arabs and Israelis throughout the trip on a very friendly basis. According to Kim, the Wandering Wheels, despite early warnings from their friends as to possible danger, were low-keyed and relaxed, generating good will all along their route where it was just people meeting people in a peaceful setting.

Mr. Speaker, when we consider the turmoil and unrest in that area today, I am sure we all wish we could export the Wandering Wheels to travel regularly throughout the land. Under unanimous consent, I include an article from the February 4 issue of the Allentown Morning Call concerning Kim's trip.

CYCLIST TAKES TRIP OF A LIFETIME—"WANDERERS" PEDAL THROUGHOUT ISRAEL

(By Melanie Devault)

"Everyone told me 'you're crazy to go to Israel now. There's so much rioting,'" Kim Breckinridge said she was constantly told by friends when she mentioned her planned bicycling tour of that country last month.

"But I said if I don't go because I'm afraid I'll miss out on a lot," the 24-year-old Lower Macungie Township woman answered, time and again, with conviction.

And sitting in her kitchen last week, having just returned Jan. 22 from the three-week trip of a lifetime, Kim said she, indeed, would have missed a lot had she given into fears.

"I would have missed out on so much. The soldiers were so kind—the only time I was afraid was when we were told by our group leaders to call home after a big riot in the country to tell our families we were okay. Then we said, wow, we're in the middle of this!" she said.

According to the United Nations, the Associated Press reported earlier this week, 39 Arabs have been killed by Israeli gunfire since protests began Dec. 8. Palestinians have been demonstrating against the Israeli occupation of lands seized during the 1967 Middle East war.

Kim toured Israel with a bicycling group, Wandering Wheels, out of Taylor University in Indiana. She was the only participant from Pennsylvania (she and a friend from New York decided to make the journey together. The only other easterner was from Maryland).

"I found out about this group in high school," Kim, a long-time bicycle enthusiast, explained. With her husband, Dan, in the Navy, she and a girlfriend had planned to take a cross-country bike trip. "Then I saw this Israel tour. I always wanted to see the Holy Land. And we saw so much by bicycle," she enthused.

"It's hard to describe my feelings about going to Israel," Kim said, explaining that her religious background made the trip very special. She is a member of Faith Evangelical Free Church, Trexlertown.

She and Dan had done short-term missionary work in Japan, and Dan was pretty excited for her to make the trip, she said. Kim's mother, Dottie Brown, commented, "Our family has gone together on missionary work and all of that, I think it has helped Kim to have that adventurous spirit."

Kim and her group of about 45 left for Tel-Aviv Jan. 1, and rented touring bikes there. They traveled the perimeter of the country, up to 60 miles per day in smaller packs of six, on what she described as very difficult terrain.

"From Tel-Aviv, we were bused to Jerusalem and from there we rode our bikes to the Mediterranean Sea. We followed that north to Akko, and east to the Sea of Galilee. We hit a major windstorm heading to the Sea of Galilee.

"Then we went 100 miles down the West Bank—the rioting everyone here heard about was always behind us. We weren't afraid because we had a big group and our leader called our embassy every day to check that it was safe where we were going. We saw military all the way," she said.

The only trouble the group encountered, she added, was on the West Bank, where some little children threw stones. "One man spit at us after he asked where we were from and we said America—America had just condemned Israel for some decision that day," she said, adding that most of the people, and soldiers, they talked to were extremely friendly.

From the West Bank, the group continued down to the Dead Sea area. Kim found that climbing Mount Masada there, going up snake-like paths carrying bikes, was one of the most challenging parts of the trip.

"We got to the top and all held our bikes up over our heads," she said, pointing to a picture in her scrapbook. Some of the most fun parts of the trip, floating in the Dead Sea and taking the popular mud bath, also took place in this area.

After that, the group headed toward the Mediterranean Sea via a 12-mile uphill hike through desert to Be'Er Sheva, and on to Ashqelon.

The group toured Jerusalem, the Old City, visiting the Church of the Holy Sepulchre, where tradition says Jesus was buried; the Wailing Wall, and the Dome of the Rock (where Jews are not allowed to visit and where much rioting has taken place).

"We rode a camel. We saw the Mount of Olives, and the Israel Museum where we saw the Dead Sea Scrolls. One of the most emotional days was visiting Yad Vashem and the memorial of the holocaust."

What surprised Kim most about the whole trip was "how different one small country can be. You have desert, mountains, tropical land, beach, so much variety as far as land goes. And it's all very rocky. All buildings are rock; it's a law that they use Jerusalem stone."

All in all, she feels that this is the best trip she has ever taken. "And with my family I've been to Costa Rica, Mexico and Canada and with my husband I've been to Puerto Rico, Japan, Hong Kong, China and Korea."

It was undoubtedly the religious nature of the trip that made it so very special, she said.

"This was where Jesus lived. You can picture it in your mind," she opined.

For Kim, the Israel trip may have been one in a million, but the adventure is certainly not over. She will continue to ride her bike as often as is possible before and after work (she started a new job in Emmaus last week), in preparation for a bicycle trip across America this summer.

A TRIBUTE TO MSGR. FELIX A. LOSITO

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Reverend Monsignor Felix A. Losito of Reading, PA. On March 20, 1988, Monsignor Losito will be honored for 30 years of service in the priesthood and 20 years of service as pastor of Holy Rosary Church in Reading.

Monsignor Losito has had a long and distinguished career. He was born in Matawan, NJ, and grew up in the Philadelphia area. After his junior year in high school, he entered St. Charles Borremeo Seminary and was eventually ordained on May 15, 1948 in the Cathedral of Saints Peter and Paul by John Cardinal O'Hara. Monsignor Losito then celebrated his first mass at St. Patrick Church in Kennett Square, PA.

Monsignor Losito served in several parishes throughout southeastern Pennsylvania and was appointed as pastor of Holy Rosary Church on May 22, 1968. In recognition of his outstanding work, he was named monsignor by Pope Paul VI on May 18, 1977.

In addition to his many contributions to Holy Rosary Church and his parishioners, Monsignor Losito has been active in numerous community activities in our area. He has served as chairman of the Economic Opportunity Council, United Way director, board member of Pennsylvania State University and Alvernia College, and chaplain of the Italian Heritage Committee, Knights of Columbus and the Sons of Italy.

Monsignor Losito remains strongly committed to helping those in need. He is founder and national director of the National Society for Shut-Ins. He is also founder of the St. Joseph Catholic Soup Kitchen and a member of the Reading Shelter, the Greater Reading Council of Churches and the Berks County Food Bank. On the diocesan level, Monsignor Losito has served as regional director of the Family Movement for Berks County, spiritual director of Catholic Charities for Berks County and as a member of the diocesan fund committee.

Mr. Speaker, it is rare for one individual to have had such a profound positive effect on one community. In the Reading area, we have been lucky to have such a man in Msgr. Felix A. Losito. For 20 years, his commitment and dedication have helped brighten the lives of countless citizens in our area. On March 20, 1988, I am pleased that we will have an opportunity to thank Monsignor Losito for his many years of service. I know that my colleagues will join me in honoring Msgr. Felix Losito on this important occasion and in wishing him continued success and good fortune in the years to come.

TRIBUTE TO ASSOCIATE JUSTICE ANTHONY M. KENNEDY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MATSUI. Mr. Speaker, it gives me great pleasure to rise to pay tribute to Anthony M. Kennedy, who is to be sworn in as an Associate Justice of the U.S. Supreme Court today. This is indeed one of the highest honors that this Nation can bestow upon an individual, and it is a special day for all of us who know Judge Kennedy.

This Nation has placed a great trust in Judge Kennedy. The Supreme Court, as the highest court in our land, must interpret the words of our Founding Fathers, and help guide this Nation into the future. I know that Judge Kennedy's keen intellect and common sense will be of great value to the Supreme Court and to this Nation. As an Associate Justice of the Supreme Court, Judge Kennedy truly represents every American. Throughout his career, Judge Kennedy has been open-minded, and has listened and applied the laws of our constantly changing society. Judge Kennedy is truly deserving of this great honor.

I have had the distinct pleasure of knowing Judge Kennedy for over 30 years. We both grew up in Sacramento and I know that leaving Sacramento to come to Washington will not be easy for Judge Kennedy, his wife Mary, and their family. The McGeorge School of Law, where Judge Kennedy has taught since 1964, held a farewell ceremony, and over 1,500 people came to honor and say goodbye to Tony and his family. To all those who know Judge Kennedy, this outpouring of support comes as no surprise. He has led a distinguished career both as a teacher, lawyer, judge, and community leader.

Judge Kennedy was born in Sacramento in 1936, and he grew up in the same Land Park house where he lives today. He attended public schools in Sacramento, and later attended Stanford University, where he received his A.B. in political science in 1958. Judge Kennedy spent his senior year at the London School of Economics, and he graduated from Stanford with great distinction. He then went to Harvard Law School, where he received his LL.B., cum laude, in 1961. Judge Kennedy returned to Sacramento in 1963 to assume his late father's practice. Just 2 years later, Tony formed the firm of Evans, Jackson & Kennedy, which practiced general and appellate law.

In 1975, Judge Kennedy was appointed to the ninth circuit court by President Gerald Ford. Since that time, Judge Kennedy has distinguished himself as a man of great integrity, as a man who thoroughly reviews each case that comes before him and carefully crafts his position. The respect which he has earned in the legal community was clearly evident during the confirmation process conducted by our colleagues in the other body. Their unanimous vote to confirm Judge Kennedy was a clear indication of the highest confidence that we have in his abilities to serve on the Supreme Court.

Mr. Speaker, I know that I speak for the residents of the Sacramento area when I say how proud we are to see Judge Kennedy sworn in as a Supreme Court Justice. I am confident that Judge Kennedy will distinguish himself as an outstanding member of the Supreme Court, and that he will demonstrate the vision and integrity that have marked his career.

BEST WISHES TO TONY BATTISTA

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. PRICE of Illinois. Mr. Speaker, I would like to take this opportunity to say thank you to Mr. Anthony R. Battista, better known as "Tony." Tony will be leaving the House Armed Services Subcommittee on Research and Develoment after 14 years of dedication and hard work. He served the subcommittee well. I could always count on Tony whenever I needed anything done.

As chairman emeritus of the House Armed Services Committee, I salute you Tony and wish you the best of luck in your new endeavors.

A TRIBUTE TO EDWARD A. HOFFER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. LAGOMARSINO. Mr. Speaker, I rise today to congratulate Mr. Edward A. Hoffer on being awarded the Golden Condor Award by the Boy Scouts of America, Ventura County Council. This award, the highest that the council can bestow, was presented to Mr. Hoffer in recognition of his many years of service to the Boy Scouts.

Mr. Hoffer, a Camarillo businessman, moved to Camarillo in 1963 and has been active in community service ever since. He served as cubmaster and scoutmaster for his son's troops, first in Granada Hills and then in Camarillo. As an amateur magician/comedian, Mr. Hoffer has performed his comedy/magic show dozens of times for various scouting events. In addition, he serves on the council's board of directors and has acted as auctioneer for the annual Boy Scout auction, one of the council's biggest fundraisers, for the past 11 years.

Besides serving on the board of the Boy Scouts, Mr. Hoffer serves on the boards of the American Heart Association, the First Lutheran Church of Camarillo, the Camarillo Trade Club and the Oxnard Union High School District's Education Partnership Program. In addition, he is past president of the local chapter of the American Cancer Society, the Camarillo Noontime and Breakfast Rotary Clubs and the Camarillo Chamber of Commerce. In 1980 he was the Chamber's Man of the Year and is an honorary member of the chamber. Mr. Hoffer is a member of the Magic Castle in Hollywood, an exclusive fraternity of magicians, and is a member of the Academy of Magic Arts.

I request that my colleagues join me today in congratulating my friend Ed Hoffer on receiving the Golden Condor Award, and in saluting his outstanding contributions to the Boy Scouts and the Camarillo community.

HANDGUN VIOLENCE PREVENTION ACT OF 1988

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SMITH of Florida. Mr. Speaker, today I am introducing the Handgun Violence Prevention Act of 1988. This bill would prohibit the transfer or possession of any new handguns commonly referred to as "Saturday Night Specials."

Let me emphasize that this is not a confiscation bill. It does not affect these cheap handguns legally possessed in the United States. The bill, however, would prevent the sale or transfer of new cheap handguns and would prevent future transfer of existing cheap handguns.

As you know, Saturday Night Specials are cheap, short-barreled, concealable, inaccurate handguns. These handguns statistically are more likely to be used in crimes than average handguns. In addition, assassins favor such weapons. William McKinley, Ronald Reagan, George Wallace, and Robert F. Kennedy were shot with small, short-barreled guns. In fact, since 1835, 10 of the 15 assassination attempts against Presidents or other political figures involved these guns.

Because they tend to be poorly made—often without positive safety mechanisms, these handguns are prone to discharge accidentally without having the trigger pulled. Too often this leads to unintentional injury or death.

Finally, it is illegal to import assembled Saturday Night Specials into the United States. However, because of a loophole allowing component parts to be imported, this prohibition often is circumvented by assembling imported parts in this country and selling the weapon in the United States.

Mr. Speaker, we are approaching the 20th anniversary of the murder of Senator Robert F. Kennedy by an assassin using a Saturday Night Special. If we have the courage to do what is right, we will complete the work that Congress began in 1968 and outlaw Saturday Night Specials once and for all.

STOP DISRUPTIONS IN THE GALLERIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. BROOMFIELD. Mr. Speaker, I have introduced legislation today that would more than double the maximum penalties allowed for disrupting business in the House of Representatives, because the current penalty levels do not seem to be preventing unruly disruptions in this Chamber.

In recent years, it seems we have seen a rise in the amount of demonstrations in the Capitol, some with a clear violent intent that has threatened the safety of all the Members. Most recently, we all watched with disgust as a small band of demonstrators showed their contempt for the democratic process, and the dignity of the House, by disrupting the important debate on aid to the Nicaraguan freedom fighters.

Furthermore, the security implications of these types of demonstrations should not be overlooked. In an era where security precautions take on greater importance, and where improvements in the security of the Capitol grounds have been made, the penalties themselves must also be upgraded.

In my view, the penalties must be severe enough to decrease the likelihood of any security violations, and should make any would-be demonstrator think twice about violating the dignity and business of Congress.

My legislation would more than double the penalties currently imposed. At present, the penalty for disrupting congressional business is a class B misdemeanor, punishable by a maximum fine of $5,000, or 6 months in prison, or both. My bill would increase the penalty to a class A misdemeanor, punishable by a maximum fine of $100,000, or 1 year in prison, or both.

I believe that passage of this legislation will send a clear signal to those that would seek to disrupt the democratic process that such behavior will have serious consequences and will not be tolerated.

I also hope it will send a signal to the Justice Department that the House of Representatives wants vigorous prosecution of these troublemakers.

I urge my colleagues to join me in cosponsoring this legislation.

IN HONOR OF BLACK HISTORY MONTH

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GRANT. Mr. Speaker, as we celebrate the 62d observance of Afro-American History Month, I am proud to state that Florida A&M University in Tallahasse, FL, has celebrated this occasion since the idea was conceived by Dr. Carter G. Woodson in 1926.

FAMU is the proud home of the Black Archives Research Center and Museum, under the leadership of its founder and director, Prof. James N. Eaton. The Black Archives, in its 12 years, has become the most recognized repository for Afro-American history and culture in the Southeast. More than 1 million documents including rare books, maps, and papers—found nowhere else in the world—form a mecca for scholars and researchers who are interested in the history and culture of the largest minority group in the Nation.

Not only is the Black Archives Research Center and Museum recognized as the "Schomburg of the South," its diversified collection of archival material substantiates the archivist's philosophy that "Afro-American history is the history of America."

The Black Archives serves approximately 12,000 people annually. Its services include providing educational tours and lectures for public and private schools, senior citizen and religious groups, government officials and dignitaries and preparing and implementing traveling tours, exhibits and presentations throughout the State of Florida and the Nation.

As we celebrate Black History Month, I believe it is most appropriate that we recognize the Black Archives Research Center and Museum at Florida A&M University—a very significant Florida resource, providing information that reflects the black presence and participation in Southern, national, and international history.

BLACK HISTORY MONTH

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FORD of Tennessee. Mr. Speaker, black Americans have been an integral part of American history and culture from its beginnings. We were present during the exploration of the American continent and were the first to shed our blood for America's freedom.

Mr. Speaker, our history is long and proud, allowing no single period in the history of America to be void of contributions by black Americans. Black Americans have made extraordinary and significant contributions to the history of America and the world. Ironically, black Americans have been left out of the history books or the importance of their contributions have been grossly diminished.

As a member of the Tennessee delegation and a resident of the city of Memphis, it is indeed an opportune time for me to highlight the contributions of Memphis citizens. To assist me in this endeavor, I have made reference to a noteworthy composition entitled "Nineteenth Century Memphis Families of Color 1850-1900." This composition written by Roberta Church and Ronald Walter and edited by Charles W. Crawford (all Memphians) is an exquisite documentation of the accomplishments of black citizens in Memphis through the difficult times of the decades after the abolition of slavery in the South. This book represents an epoch of great social change and expanded opportunities for all people of color, not only of those persons that happened to be situated in Memphis, but of those persons situated all across America.

Take Ida Bell Wells-Barnett, 1862-1931, a pioneer Memphis female journalist and a courageous activist, who wrote scathing editorials in her newspaper about lynchings and organized boycotts. She led her crusade against lynchings, all across America, investigating them and publicizing her findings in the United States, England, and Scotland through speaking engagements. Among her well known publications was the "Red Record," a booklet which contained a statistical record of lynching in the United States.

When you consider the contributions of black Americans in business, one cannot overlook a self-made man, Robert Church, Sr., 1839-1912 [who] "was said to be the South's first negro millionaire." When the city of Memphis was reduced to a taxing district, as a result of the devastating yellow fever epidemics, Church was the first citizen to buy a bond to restore the city charter. When the Nation was experiencing the money panic of 1907, which brought disaster to many large and well established banks, Church bank, the Solvent Savings Bank & Trust Co., remained just that—solvent.

Mr. Speaker, when the world talks about its many distinctive art forms we in Memphis can lay claim to the birthplace of America's truest art form—The Blues, derived from the innovative genius of a Memphian known as W.C. Handy. In the field of medicine, Memphian Francis M. Kneeland, M.D. was one of the pioneer women physicians of color to practice in the city.

John N. Ruffin, a former Memphis school teacher, was one of the pioneer men of color employed by the U.S. Department of State as Consul in 1890. He served as Consul in Asuncion, Paraguay, from 1897 to 1907. Mr. Speaker, just as these great Memphians have contributed to their city and country, throughout American history, black Americans have extended their creativity to all aspects of American culture. For these reasons we remember great leaders like Dr. Martin L. King and Malcolm X, great barristers like Charles Hamilton Houston and William Hastie, great physicians like Daniel Williams and Charles Drew. We honor those who have given their lives in the protection of their country's security—from Crispus Attucks to "Chappie" James, the first four-star general in the Air Force.

The contributions of these great people are significant in our lives and should foster a sense of pride among us—a sense of pride that enables us not to lament on what has been done to us but rather what we have been able to accomplish in the face of adversity. It is important that we learn more of our past and move forward into an era where the contributions of all our people are recognized as a part of the American heritage. As we look to our past and learn from those events, let us also look to our future and our continued progress.

BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MAVROULES. Mr. Speaker, I rise today to encourge my colleagues to participate in the celebration of "Black History Month." The purpose of this month is to recognize and celebrate the numerous contributions black Americans have made to our country's culture and society.

Throughout the years, we have acknowledged many notable black citizens. I would like to take this opportunity to celebrate members of the black community, past and pesent, who have contributed greatly to society as a whole.

The fight for racial equality has gone on for centuries. In the 20th century this battle has not gone ignored. We are familiar with the all too brief accomplishments of Martin Luther King, Jr. His leadership and his lessons on nonviolent tactics changed the course of the civil rights movement. It is fitting, however, to also recognize a number of outstanding civil rights leaders and participants who do not have the same name recognition as Dr. King. The civil rights movement began with people like Rosa Parks, Ezell Blair, Jr., Joseph McNeil, David Richmond, and Franklin McCain: Ordinary citizens who stood up for their beliefs and sparked one of the greatest movements in our country.

Working alongside Dr. King were Dr. Benjamin E. Mays, James Farmer, Dorothy Height, John Lewis, Roy Wilkins, Whitney Young, A. Philip Randolph, and James Meredith. With their leadership, the civil rights movement was an organized protest—one that produced results and changed history.

In the field of politics, black Americans have made significant gains and contributions. Mary McLeod Bethune inspired a generation of black leaders by becoming an adviser and official in Franklin Delano Roosevelt's administration. Other notable political leaders have been Shirley Chisholm, the first black Congresswoman, the Reverend Jesse Jackson, Supreme Court Justice Thurgood Marshall, the influential Congressman Adam Clayton Powell, Jr., and the successful U.S. Ambassador to the United Nations and the current mayor of Atlanta, Andrew Young. These figures, as well as many other active political black Americans, have changed the face of American politics.

Black Americans have heavily participated in entertainment and athletics. Joe Louis and Muhammad Ali, two famous boxers, are known not just as athletes but also as activists. When Jackie Robinson became the first black professional baseball player, it marked a permanent change in the role blacks played in sports.

There have been a number of black individuals who have richly contributed to the field of entertainment. Marian Anderson paved the way for future black opera stars. Duke Ellington changed the direction of jazz and brought a new sound to the music world. On the business side of entertainment, Barry Gordy, Jr., founded Motown records and opened up the music industry for a number of black musicians.

This short list of notable black Americans just touches on the contributions they have made to America. Dr. Carter G. Woodson began this black history celebration back in 1926 and now, 60 years later, black history continues to be recognized. I urge my colleagues to join me in this worthy celebration of black Americans.

SATELLITE HOME VIEWER COPYRIGHT ACT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. SKELTON. Mr. Speaker, rural America is the home of approximately 63 million citizens who have chosen to live and work in a rural setting. Many of these citizens cannot receive normal television transmissions and have no access to cable television. Many have already made substantial investments in satellite dish equipment to receive the same television transmissions that urban areas take for granted. Now, with television signals being scrambled, the rural viewers face even more costs.

Currently there are two bills pending in Congress that are important to rural television viewers. H.R. 1885 promotes fair marketing practices of scrambled satellite signals to home dish owners. H.R. 2848, the Satellite Home Viewer Coyright Act of 1987, is designed to solve the copyright problems which affect satellite signal scrambling.

As a representative of a rural district and chairman of the congressional rural caucus, I support both of these measures. It is time for rural Americans, at a reasonable price, to enjoy the same viewing rights as urban citizens.

STATE VETERANS HOMES CELEBRATE CENTENNIAL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MONTGOMERY. Mr. Speaker, the Veterans' Administration and the National Association of State Veterans Homes on February 22 will observe the 100th anniversary of the State Veterans Home Program. It will be a celebration of the success of the cooperative Federal/State effort to help veterans who need nursing home, domiciliary or hospital care.

Congress in 1888 established the State Veterans Home Program, which provides Federal financing to individual States to construct and operate homes. Before the program was established, some States had independently built homes to meet the needs of Civil War veterans, patterned after homes for Union soldiers and sailors built by the Federal Government.

The State Veterans Home Program has since grown from 11 homes in 11 States in 1888 to 55 homes in 35 States today.

I am pleased that my home State of Mississippi broke ground in April of last year for a $5.1 million, 150-bed State nursing home that will deliver high-quality, cost-effective long-term health care for area veterans. Furthermore, this project will create 130 full-time jobs for Mississippians and is expected to save the State several hundred thousand dollars annually in Medicaid costs.

VA support of the State Veterans Home Program amounts to as much as 65 percent of the cost of constructing new domiciliary and nursing home buildings or renovating and expanding current facilities. In addition, the VA provides States regular payments to defray the cost of caring for veterans in State homes.

In fiscal year 1987, the VA provided State home support amounting to $40.3 million in construction grants and $66.9 million in veteran support payments.

Mr. Speaker, I know my colleagues will want to join me in recognizing the 100th anniversary of the State Veterans Home Program and the important role the VA has played in this cooperative effort to meet the long-term health care needs of an ever-increasing population of older veterans.

A TRIBUTE TO THE NORTH HUNTERDON HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. COURTER. Mr. Speaker, I rise today to bring to the attention of my colleagues an unusual event which occurred in New Jersey on December 21, 1987. On the date in question, the North Hunterdon High School girls basketball team lost a game.

Why is that unusual? It was unusual because it had not happened for quite some time. In fact, the last time it happened was during the 1985-86 basketball season. Since then, the North Hunterdon High School girls basketball team has won 84 consecutive games. On the way they garnered three Mid-State Conference girls basketball championships, the first one under Coach Pete Catanese, the succeeding two under Coach Bill Snyder.

In this era of professional athletes and million dollar performance incentives, I would like to recognize this achievement. Any team, in any sport, whether professional or amateur, would be hard pressed to match this enviable record. I offer my congratulations to the principal of North Hunterdon High School, Dr. Tom Finnegan, the athletic director, Mr. Robert Hopek, and especially to all of the coaches and players of the North Hunterdon girls basketball team.

A TRIBUTE TO WES UNSELD

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Mr. MAZZOLI. Mr. Speaker, I take this opportunity to pay tribute to Wes Unseld, of Louisville, KY, on his recent induction into the Basketball Hall of Fame.

Wes, whose election came in his first year of eligibility, came out of the University of Louisville to the Washington Bullets of the National Basketball Association in 1968 where his impact was immediate. He became only the second player to win both the rookie of the year and most valuable player awards in the same season. Ten years later, Wes was named most valuable player of the 1978 NBA championship series won by the Bullets. That victory brought the Nation's capital its first sports championship in 36 years.

But Wes' achievements extend far beyond the basketball court. In 1975, for example, he was the recipient of the Kennedy citizenship award given to the NBA player making the greatest civic contribution to his community.

Now the current and successful head coach of the Bullets, Wes continues to display the qualities of hard-work, determination and class that placed him among high school, college and professional basketball's elite.

It could not have happened to a more deserving person than Wes Unseld. He comes from a very productive, very distinguished Louisville family.

I join every Louisvillian and every Kentuckian in saluting basketball hall of famer, Wes Unseld, and wish the best to him and the team in the years to come.

CONGRESSBRIDGE—CAPITOL TO CAPITOL

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 18, 1988

Miss SCHNEIDER. Mr. Speaker, Carl Sagan, one of America's premier scientists and thinkers, recently addressed the need for "new ways of thinking" about United States-Soviet relations. The article, "A Common Enemy," reprinted below, was published simultaneously in popular magazines in both the United States and U.S.S.R.

Three times during 1987, United States and Soviet legislators also explored changing stereotypes and expanding understanding through satellite-linked televised dialogs on important topics, dialogs simultaneously broadcast, live and unedited, in both countries. These televised dialogs were the first product of Congressbridge, a unique information exchange project chaired by Representatives GEORGE BROWN and myself. More Congressbridge dialogs will be scheduled in coming months, and I invite my colleagues to view them with an eye to developing "new ways of thinking," as espoused by Dr. Sagan in the following article.

THE COMMON ENEMY

(By Carl Sagan)

If only, said the American President to the Soviet General Secretary, extraterrestrials were about to invade—then our two countries could unite against the common enemy. Indeed, there are many instances when deadly adversaries, at one another's throats for generations, put their differences aside to confront a still more urgent threat: the Greek city-states against the Persians; the Russians and the Polovtsys (who once had sacked Kiev) against the Mongols; or, for that matter, the Americans and the Soviets against the Nazis.

An alien invasion is, of course, unlikely. But there is a common enemy—in fact, a range of common enemies, some of unprecedented menace, each unique to our time. They derive from our growing technological powers and from our reluctance to forgo perceived short-term advantages for the longer-term well-being of our species.

The innocent act of burning coal and other fossil fuels increases the carbon dioxide greenhouse effect and raises the temperature of the Earth, so that in less than a century, according to some projections, the American Midwest and the Soviet Ukraine—current breadbaskets of the world—may be converted into something approaching scrub deserts. Inert, apparently harmless gases used in refrigeration deplete the protective ozone layer; they increase the amount of deadly ultraviolet radiation from the Sun that reaches the surface of the Earth, destroying vast numbers of unprotected microorganisms that lie at the base of a poorly understood food chain—at the top of which precariously teeter we. American industrial pollution destroys forests in Canada. A Soviet nuclear-reactor accident endangers the ancient culture of Lapland. Raging epidemic disease spreads worldwide, accelerated by modern transportation technology. And inevitably there will be other perils that, with our usual bumbling, short-term focus, we have not yet even discovered.

The nuclear arms race, jointly pioneered by the United States and the Soviet Union, has now booby-trapped the planet with some 60,000 nuclear weapons—far more than enough to obliterate both nations, to jeopardize the global civilization and perhaps even to end the million-year-long human experiment. Despite indignant protestations of peaceable intent and solemn treaty obligations to reverse the nuclear arms race, the United States and the Soviet Union together still somehow manage to build enough new nuclear weapons each year to destroy every sizable city on the planet. When asked for justification, each earnestly points to the other. In the wake of the Challenger space shuttle and Chernobyl nuclear power plant disasters, we are reminded that catastrophic failures in high technology can occur despite our best efforts. In the century of Hitler, we recognize that madmen can achieve absolute control over modern industrial states. It is only a matter of time until there occurs some unanticipated subtle error in the machinery of mass destruction, or some crucial communications failure, or some emotional crisis in an already burdened national leader. Overall, the human species spends almost $1 trillion a year, most of it by the United States and the Soviet Union, in preparations for intimidation and war. Perhaps, in retrospect, there would be little motivation even for malevolent extraterrestrials to attack the Earth; perhaps, after a preliminary survey, they might decide it more expedient just to be patient for a little while and wait for us to self-destruct.

We are at risk. We do not need alien invaders. We have all by ourselves generated sufficient dangers. But they are unseen dangers, seemingly far removed from everyday life, requiring careful thought to understand, and involving transparent gases, invisible radiation, nuclear weapons that almost no one has actually witnessed in use—not a foreign army intent on plunder, slavery, rape and murder. Our common enemies are harder to personify, more difficult to hate than a Shahanshah, a Khan or a Führer. And joining forces against these new enemies requires us to make courageous efforts at self-knowledge, because we ourselves—all the nations of the Earth, but especially the United States and the Soviet Union—bear responsibility for the perils we now face.

Our two nations are tapestries woven from a rich diversity of ethnic and cultural threads. Militarily, we are the most powerful nations on Earth. We are advocates of the proposition that science and technology can make a better life for all. We share a stated belief in the right of the people to rule themselves. Our systems of government were born in historic revolutions against injustice, despotism, incompetence and superstition. We come from revolutionaries who accomplished the impossible—freeing us from tyrannies entrenched for centuries and thought to be divinely ordained. What will it take to free us from the trap we have set for ourselves?

Each side has a long list of deeply resented abuses committed by the other—some imaginary, most, in varying degrees, real. Every time there is an abuse by one side, you can be sure of some compensatory abuse by the other. Both nations are full of wounded pride and professed moral rectitude. Each knows in excruciating detail the most minor malefactions of the other but hardly even glimpses its own sins and the suffering its own policies have caused. On each side, of course, there are good and honest people who see the dangers their national policies have created—people who long, as a matter of elementary decency and simple survival, to put things right. But there are also, on both sides, people gripped by a hatred and fear intentionally fanned by the respective agencies of national propaganda, people who believe their adversaries are beyond redemption, people who seek confrontation. The hard-liners on each side encourage one another. They owe their credibility and their power to one another. They need one another. They are locked in a deadly embrace.

If no one else, alien or human, can extricate us from this deadly embrace, then there is only one remaining alternative: However painful it may be, we will just have to do it ourselves. A good start is to examine the historical facts as they might be viewed by the other side—or by posterity, if any. Imagine first a Soviet observer considering some of the events of American history: The United States, founded on principles of freedom and liberty, was the last major nation to end chattel slavery; many of its founding fathers—George Washington and Thomas Jefferson among them—were slave-owners; and racism was legally protected for a century after the slaves were freed. The United States has systematically violated more than 300 treaties it signed guaranteeing some of the rights of the original inhabitants of the country. In 1899, two years before becoming President, Theodore Roosevelt, in a widely admired speech, advocated "righteous war" as the sole means of achieving "national greatness." The United States invaded the Soviet Union in 1918 in an unsuccessful attempt to undo the Bolshevik Revolution. The United States invented nuclear weapons and was the first and only nation to explode them against civilian populations—killing hundreds of thousands of men, women and children in the process. The United States had operational plans for the nuclear annihilation of the Soviet Union before there even was a Soviet nuclear weapon, and it has been the chief innovator in the continuing nuclear arms race. The many recent contradictions between theory and practice in the United States include the present Administration, in high moral dudgeon, warning its allies not to sell arms to terrorist Iran while secretly doing just that; conducting worldwide covert wars in the name of democracy while opposing effective economic sanctions against a South African regime in which the vast majority of citizens have no political rights at all; being outraged at Iranian mining of the Persian Gulf as a violation of international law, while it has itself mined Nicaraguan harbors and subsequently fled from the jurisdiction of the World Court; vilifying Libya for killing children and in retaliation killing children; and denouncing the treatment of minorities in the Soviet Union, while America has more young black men in jail than in college. This is not just a matter of mean-spirited Soviet propaganda. Even people congenially disposed toward the United States may feel grave reservations about its real intentions, especially when Americans are reluctant to acknowledge the uncomfortable facts of their history.

Now imagine a Western observer considering some of the events in Soviet history. Marshal Tukachevsky's marching orders on July 2, 1920, were, "On our bayonets we will bring peace and happiness to toiling humanity. Forward to the West!" Shortly after, V.I. Lenin, in conversation with French delegates, remarked: "Yes, Soviet troops are in Warsaw. Soon Germany will be ours. We will reconquer Hungary. The Balkans will rise against capitalism. Italy will tremble. Bourgeois Europe is cracking at all its seams in this storm." Then contemplate the millions of Soviet citizens killed by Stalin's deliberate policy in the years between 1929 and World War II—in forced collectivization, mass deportation of peasants, the resulting famine of 1932-33 and the great purges (in which almost the entire Communist Party hierarchy over the age of 35 was arrested and executed, and during which a new constitution that allegedly safeguarded the rights of Soviet citizens was proudly proclaimed). Then consider Stalin's decapitation of the Red Army, the secret protocol to his nonaggression pact with Hitler, and his refusal to believe in a Nazi invasion of the USSR even after it had begun—and how many millions more were killed in consequence. Think of Soviet restrictions on civil liberties, freedom of expression and the right to emigrate, and continuing endemic anti-Semitism and religious persecution. If, then, shortly after your nation is established, your highest military and civilian leaders boast about their intentions of invading neighboring states; if your absolute leader for almost half your history is someone who methodically killed millions of his own people; if, even now, your coins display your national symbol emblazoned over the whole world—you can understand that citizens of other nations, even those with peaceful or credulous dispositions, might be skeptical of your present good intentions, however sincere and genuine they may be. This is not merely a matter of mean-spirited American propaganda. The problem is compounded if you pretend such things never happened.

"No nation can be free if it oppresses other nations," wrote Friedrich Engels. At the London Conference of 1903, Lenin advocated the "complete right of self-determination of all nations." The same principles were uttered in almost exactly the same language by Woodrow Wilson and by many other American statesmen. But for both nations the facts speak otherwise. The Soviet Union has forcibly annexed Latvia, Lithuania, Estonia and parts of Finland, Poland and Romania; occupied and brought under Communist control Poland, Romania, Hungary, Bulgaria, Czechoslovakia, East Germany and Afghanistan; and suppressed the East German workers' uprising of 1953, the Hungarian Revolution of 1956 and the Czech attempt to introduce *glasnost* and *perestroika* in 1968. Excluding World Wars and expeditions to suppress piracy or the slave trade, the United States has made armed invasions and interventions in other countries on more than 130 separate occasions, including China (on 18 separate occasions), Mexico (13), Nicaragua and Panama (9 each), Honduras (7), Colombia and Turkey (6 each), the Dominican Republic, Korea and Japan (5 each), Argentina, Cuba, Haiti, the Kingdom of Hawaii and Samoa (4 each), Uruguay and Fiji (3 each), Guatemala, Lebanon, the Soviet Union and Sumatra (2 each), Grenada, Puerto Rico, Brazil, Chile, Morocco, Egypt, Ivory Coast, Syria, the Persian Gulf, Peru, Formosa, the Philippines, Cambodia, Laos and Vietnam. Most of these incursions were small-scale efforts to maintain compliant governments or to protect American property and business interests; but some were much larger, more prolonged and on far deadlier scales.

United States armed forces were intervening in Latin America not only before the Bolshevik Revolution but also before the *Communist Manifesto*—which makes the anti-Communist justification for American intervention in Nicaragua a little difficult to rationalize; the deficiencies of the argument would be better understood, however, had the Soviet Union not been in the habit of gobbling up other countries. The American invasion of Southeast Asia—of nations that never had harmed or threatened the United States—killed 58,000 Americans and more than a million Asians; the U.S. dropped 7.5 megatons of high explosives and produced an ecological and economic chaos from which the region still has not recovered. More than 100,000 Soviet troops have, since 1979, been occupying Afghanistan—a nation with a lower per capita income than Haiti—with atrocities still largely untold (because Soviets are much more successful than Americans in excluding independent reporters from their war zones).

Habitual enmity is corrupting and self-sustaining. If it falters, it can easily be revived by reminding us of past abuses, by contriving an atrocity or a military incident, by announcing that the adversary has deployed some dangerous new weapon or merely by taunts of naivete or disloyalty when domestic political opinion becomes uncomfortably evenhanded. For many Americans, communism means poverty, backwardness, the Gulag for speaking one's mind, a ruthless crushing of the human spirit and a thirst to conquer the world. For many Soviets, capitalism means heartless and insatiable greed, racism, war, economic instability and a worldwide conspiracy of the rich against the poor. These are caricatures—but not wholly so—and over the years Soviet and American actions have given them some credence and plausibility.

These caricatures persist because they are partly true, but also because they are useful. If there is an implacable enemy, then bureaucrats have a ready excuse for why prices go up, why consumer goods are unavailable, why the nation is noncompetitive in world markets, why there are large numbers of unemployed and homeless people or why criticism of leaders is unpatriotic and impermissible—and especially why so supreme an evil as nuclear weapons must be deployed in the tens of thousands. But if the adversary is insufficiently wicked, the incompetence and failed vision of government officials cannot be so easily ignored. Bureaucrats have motives for inventing enemies and exaggerating their misdeeds.

Each nation has military and intelligence establishments that evaluate the danger posed by the other side. These establishments have a vested interest in large military and intelligence expenditures. Thus, they must grapple with a continuing crisis of conscience—the clear incentive to exaggerate the adversary's capabilities and intentions. When they succumb, they call it necessary prudence; but whatever they call it, it propels the arms race. Is there an independent public assessment of the intelligence data? No. Why not? Because the data are secret. So we have here a machine that goes by itself, a kind of de facto conspiracy to prevent tensions from falling below a minimum level of bureaucratic acceptability.

It is evident that many national institutions and dogmas, however effective they may once have been, are now in need of change. No nation is yet well-fitted to the world of the 21st century. The challenge then is not in selective glorification of the past, or in defending the national icons, but in devising a path that will carry us through a time of great mutual peril. To accomplish this, we need all the help we can get.

A central lesson of science is that to understand complex issues (or even simple ones), we must try to free our minds of dogma and to guarantee the freedom to publish, to contradict and to experiment. Arguments from authority are unacceptable. We are all fallible, even leaders. But however clear it is that criticism is necessary for progress, governments tend to resist. The ultimate example is Hitler's Germany. Here is an excerpt from a speech by the Nazi Party leader Rudolf Hess on June 30, 1934:

"One man remains beyond all criticism, and that is the Führer. This is because everyone senses and knows: He is always right, and he will always be right. The National Socialism of all of us is anchored in uncritical loyalty, in a surrender to the Führer."

The convenience of such a doctrine for national leaders is further clarified by Hitler's remark: "What good fortune for those in power that people do not think!" Widespread intellectual and moral docility may be convenient for leaders in the short term, but it is suicidal for nations in the long term. One of the criteria for national leadership should therefore be a talent for understanding, encouraging and making constructive use of vigorous criticism.

So when those who once were silenced and humiliated by state terror now are able to speak out—fledgling civil libertarians flexing their wings—of course they find it exhilarating, and so does any lover of freedom who witnesses it. *Glasnost* and *perestroika* exhibit to the rest of the world the human scope of Soviet society that past policies have masked. They provide error-correcting mechanisms at all levels of Soviet society. They are essential for economic well-being. They permit real improvements in international cooperation and a major reversal of the nuclear arms race. *Glasnost* and *perestroika* are thus good for the Soviet Union and good for the United States.

There is, of course, opposition to *glastnost* and *perestroika* in the Soviet Union: by those who must now demonstrate their abilities competitively rather than sleepwalking through lifetime tenure; by those unaccustomed to the responsibilities of democracy; by those in no mood, after decades of following the norms, to be taken to task for past behavior. And in the United States too, there are those who oppose *glasnost* and *perestroika*: Some argue it is a trick to lull the West, while the Soviet Union gathers its strength to emerge as a still more formidable rival. Some prefer the old kind of Soviet Union—debilitated by its lack of democracy, easily demonized, readily caricatured. (Americans, complacent about their own democratic forms for too long, have something to learn from *glasnost* and *perestroika* as well. This by itself makes some Americans uneasy.) With such powerful forces arrayed for and against reform, no one can know the outcome.

In both countries, what passes for public debate is still, on closer examination, mainly repetition of national slogans, appeal to popular prejudice, innuendo, self-justification, misdirection, incantation of homilies when evidence is asked for, and a thorough contempt for the intelligence of the citizenry. What we need is an admission of how little we actually know about how to pass safely through the next few decades, the courage to examine a wide range of alternative programs and, most of all, a dedication not to dogma but to solutions. Finding any solution will be hard enough. Finding ones that perfectly correspond to 18th- or 19th-century political doctrines will be much more difficult.

Our two nations must help one another figure out what changes must be made; the changes must help both sides; and our perspective must embrace a future beyond the next Presidential term of office or the next Five Year Plan. We need to reduce military budgets; raise living standards; engender respect for learning; support science, scholarship, invention and industry; promote free inquiry; reduce domestic coercion; involve the workers more in managerial decisions; and promote a genuine respect and understanding derived from an acknowledgement of our common humanity and our common jeopardy.

Although we must cooperate to an unprecedented degree, I am not arguing against healthy competition. But let us compete in finding ways safely to reverse the nuclear arms race and to make massive reductions in conventional forces; in eliminating government corruption; in making most of the world agriculturally self-sufficient. Let us vie in art and science, in music and literature, in technological innovation. Let us have an honesty race. Let us compete in relieving suffering and ignorance and disease; in respecting national independence worldwide; in formulating and implementing an ethic for responsible stewardship of the planet.

Let us learn from one another. Capitalism and socialism have been mutually borrowing methods and doctrine in largely unacknowledged plagiarisms for a century. Neither the U.S. nor the Soviet Union has a monopoly on truth and virtue. I would like to see us compete in cooperativeness. In the 1970s, apart from treaties constraining the nuclear arms race, we had some notable successes in working together—the elimination of smallpox worldwide, efforts to prevent South African nuclear weapons development, the Apollo-Soyuz joint manned spaceflight. We can now do much better. Let us begin with a few joint projects of great scope and vision—in relief of starvation, especially in nations such as Ethiopia, which are victimized by superpower rivalry; in identifying and defusing long-term environmental catastrophes that are products of our technology; in fusion physics to provide a safe energy source for the future; in joint exploration of Mars, culminating in the first landing of human beings—Soviets and Americans—on another planet.

Perhaps we will destroy ourselves. Perhaps the common enemy within us will be too strong for us to recognize and overcome. Perhaps the world will be reduced to medieval conditions or far worse.

But I have hope. Lately there are signs of change—tentative but in the right direction and, by previous standards of national behavior, swift. Is it possible that we—we Americans, we Soviets, we humans—are at last coming to our senses and beginning to work together on behalf of the species and the planet?

Nothing is promised. History has placed this burden on our shoulders. It is up to us to build a future worthy of our children and grandchildren.

SENATE—*Friday, February 19, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Peace I leave with you, my peace I give unto you: not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.—John 14: 27

Loving Father in Heaven, there are many hurting in our large Senate family—probably many of whose sufferings we are not aware. We pray that each will experience Your comfort and peace this day. We thank You for the success of Senator BIDEN's surgery and pray for his recovery, that it will be rapid and complete. Strengthen his loved ones and his staff in his absence. We pray for Jeanette White in the tragic death of her son, Gary Robert. May Your peace fill her heart at this time of grief, and we remember all who love Vivadel and ask for Your gracious comfort in their lives. Thank You, Father, in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 19, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

VISIT OF CHANCELLOR HELMUT KOHL

Mr. BYRD. Mr. President, yesterday Helmut Kohl, the Chancellor of the Federal Republic of Germany, visited Members of the Senate in Room S-207, the Mansfield Room. He was our guest for coffee and discussion. He and other members of his party, including Foreign Minister Hans Dietrich Genscher, met with around 50 Senators, and the exchange of views was quite valuable. As the leader of an important NATO ally, Chancellor Kohl's insights are significant, and his counsel is vital to us.

The visit of the Chancellor occurs as we are in the process of considering the INF Treaty in the Senate. He understands the importance of this process and the critical role which the Senate plays under our constitutional system. We benefited from having his views on these important issues.

The INF Treaty, like the deployments of Pershing II and cruise missiles which made it possible, represents a victory for the NATO alliance, for its solidarity and cohesion; for, by standing together, our decisions were implemented, and by engaging in serious, tough, negotiations, the NATO alliance denied the Soviet Union the victories it sought both in the military arena and in the propaganda campaigns.

The steadfastness of the Federal Republic of Germany, and the courage and leadership of Helmut Kohl, were in large measure responsible for these achievements. Without his courage and tenacity, the alliance would not be celebrating its victory today.

Senators PELL, NUNN, WARNER, BOREN, and I had the opportunity to visit last week with Chancellor Kohl in Bonn. Then, as he did yesterday, the Chancellor shared his insights on the position of Germany in the NATO alliance, the importance of maintaining Western unity and—in particular—unity and cooperation between the United States and West Germany as the key to the future of Western security.

The Chancellor spoke eloquently yesterday about his memories of United States-German cooperation in the years after the defeat of Germany in World War II. He recalled favorably the associations with Americans he experienced as a youth in war-torn Germany. He noted the generosity of the Marshall plan, the courage of Konrad Adenauer in binding the Federal Republic of Germany firmly to the West and remember that the hand of friendship that was extended by the United States through the food distribution program led by Herbert Hoover, later to become President of the United States. The Germans have not forgotten that hand of friendship and they are not going to forget it. Chancellor Kohl made that clear last week, that although this new style of Soviet leadership may suddenly, momentarily, and fleetingly have an impact upon the various publics, including the Germans, those German people are not forgetting their American friends who were friends in time of need.

My conversations in Germany last week as well as Chancellor Kohl's remarks yesterday convince me that it is absolutely essential that the alliance begin now, today, to look forward and to plan for the future once the INF Treaty is behind us.

We face challenges in the future as severe as those we have recently surmounted, and we must begin to focus our attention on that future and to look forward, not back at past triumphs.

I am confident, as I reflect on the dialog with Chancellor Kohl and with other leaders in Europe, that the NATO alliance will be more than able to meet any coming challenges.

We must steel ourselves for that task. And in the coming weeks, as this body debates the INF Treaty and its ramifications, we should be mindful that the eyes of the alliance are upon us, and that we have an obligation to live up to the expectations of leadership which are placed upon us.

Chancellor Kohl made no bones about his strong support for the INF Treaty, without amendments. Without question and without reservation, his support for that treaty is clear.

The insights which we gained from the visit yesterday with Chancellor Kohl will, I trust, aid us in that task ahead.

Mr. President, I yield the floor.

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is now recognized.

SCHEDULE

Mr. SIMPSON. Mr. President, first, may I thank the leader for accommodating the Republican Members of the Senate, indicating that the Senate will recess at 3:30 today. We have a retreat for Senate Republican Members in Williamsburg, and a train going there for that purpose, and that does accommodate our schedules. I deeply appreciate it, we all on this side of the aisle appreciate that accommodation from the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. I should say at this point, too, that I expect no rollcall votes today. I want to give Senators on both sides of the aisle every opportunity to lay on the Record the case, pro and con, on the campaign financing reform bill, and I also want to give our respective groups that have been appointed by the distinguished assistant leader and myself the opportunity to continue to negotiate and, as I understand it, they will be reporting back to us Monday, as to their conclusions. Hopefully, some accommodation can be reached. I do not want to interfere, meanwhile, in any way with that effort by causing any rollcall votes today.

I thank the assistant leader for giveing me this opportunity to alert our colleagues to the fact that there will not be any rollcall votes today, but I do hope they will come to the floor and make their positions known on the pending measure.

Mr. SIMPSON. Mr. President, I would also add to the remarks of the leader, in the visit with Chancellor Helmut Kohl yesterday, I appreciate his graciousness toward me and toward our Members who had this opportunity to visit with the Chancellor, who certainly presents himself as a very impressive man: strong, firm, and yet compassionate; with a lively good humor, too.

I lived in Germany for 2 years in the last part of the Army of Occupation in 1955 and 1956, and came to know a very remarkable people, the German people. They are creative, loyal, spirited, and are fine allies in NATO.

It is marvelous to have such a fine representative as Helmut Kohl and his very charming wife, a very impressive lady. It is my pleasure to have met both of them. I met the Chancellor before, a while ago.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. SIMPSON. Mr. President, let me just say in the main part of my time that I do repeat my support for the ongoing discussions by the group of four Senators from each party in this attempt to find some middle ground on the issue of campaign reform. I commend them. But I think, unfortunately, in the initial discussions and the reporting of the discussions, there might have been a bit too much emphasis on a portion of my remarks that I think were apparently taken a bit out of context. I did not think they would be picked up and run with, as sometimes happens in this place.

I am referring to my colloquy with the majority leader on Wednesday morning, which is very clear in the Congressional Record. In response to a question of the majority leader as to whether expenditure limitations would be "on the table in the discussions", I said that, but the important point to remember that did not get reported about that statement of mine was that it was in the context of a number of items that should be "on the table in the discussions," and also in the context of a full, free, and good faith effort by parties on both sides.

Apparently, someone singled out—not in this body—some have singled out the expenditure—well, some in this body, yes, that is true—some have singled out the expenditure limitation remark and have chosen to ignore the rest of my remarks. I would reiterate clearly what I said earlier about expenditure limitations being "on the table," where indeed I believe they should be, and every single aspect of campaign finance reform must be on the table if we are to make progress in this difficult, complex, and often very contentious issue.

I emphasize most strongly that this statement of mine should only be read in the context of both sides being willing to put it all out there, to push all the chips in, and let us deal with every single aspect of campaign reform.

In trying to reform this campaign financing system, as we all agree is necessary, we cannot look only at the money part of the issue. The Republicans generally have the advantage in fundraising. Let us admit that. Let us get down to the partisan things that are really messing us up.

The Democrats do not like that. Republicans generally have this advantage of fundraising and that should be generally acknowledged. Let us put that there.

We must look at other areas where perhaps the Democratic Party has its advantages. Those areas are soft money, inkind contributions, independent expenditures, independent efforts involving other than direct contributions, phone banks during the night two nights before the election saying, "This is the jerk who took away your Social Security."

Those are things we are interested in finding out about.

In those areas, the Democratic Party may have the advantage.

It would be poor form indeed if we only addressed the one area where the Republican Party has the advantage and left those other important points unattended or uncorrected.

There is another point which must be made regarding my remarks on Wednesday regarding campaign reform. That is that the Republican Party in the Senate—and this is very important for all to recall—in its caucus last year took some official positions regarding campaign reform. That is something that our caucus does not do often. Yet on three aspects of campaign reform, we felt it necessary for the party to go on the record.

We voted to oppose public financing of congressional campaigns, to oppose expenditure limitations, and, too, and this is very important, to apply whatever reforms are ultimately adopted to both House and Senate races, to both bodies.

After those positions were taken, the minority leader, Robert Dole, wrote a letter to the majority leader informing him of those actions of our caucus.

At this point, Mr. President, I ask unanimous consent that the letter from Senator Dole to Senator Byrd, dated June 11, 1987, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Republican Leader,
Washington, DC, June 11, 1987.

Hon. Robert Byrd,
U.S. Senate, Washington, DC.

Dear Robert: Yesterday at a meeting of the Republican Conference we had the opportunity to discuss in some detail the issue of campaign financing reform.

In considering changes in the bill, I thought it would be helpful for you to know that our caucus was able to reach near unanimous support on three basic issues:

1. Opposition to any public financing;
2. Opposition to any expenditure limitations;
3. Support for applying any campaign financing changes to both the House and Senate.

I am aware that you have indicated an interest in meeting to determine if a consensus can be reached and look forward to doing so at your earliest convenience.

Sincerely,

Bob Dole.

Mr. SIMPSON. To conclude, Mr. President, I want to make it quite clear that these positions of the Republican caucus were well known by all and that we should all be well able to take my response to the leader's question on Wednesday in the context of both that conversation at the time and this background information which we all have possessed.

I trust that will make clear what should have been clear on Wednesday. I obviously and certainly did not make any commitment that is contrary or opposed to the expressed position of the Republican caucus.

Did I make a commitment to the majority leader on Wednesday that we agreed to review only expenditure limitations? No. We will discuss all aspects in our attempt to resolve this current controversy. That, I believe, is a very proper goal and a very proper position.

Unfortunately, the "spin" put on my remarks in some quarters implied that I had rather casually yielded up one of the more important parts of this issue. That is certainly not the case. I want to take this opportunity to set that record straight.

I continue to hope that we can resolve this matter. I hope that the decisions and discussions will produce some reform that we can all agree upon. But it should have been evident to all at the outset that any progress by this group will have to be presented to all Senators on both sides of the aisle before there can be a final agreement.

Certainly, any package that is contrary to these three expressed positions of our caucus is going to have to be very well crafted and sagely constructed, indeed, to get the members of our caucus to alter their strongly held positions.

I hope that such a thing is possible. I honestly hope it is. It is certainly our duty to try to resolve these issues if we can do so, rather than continue this stalemate on the issue of campaign reform and head down the road to cloture No. 8. That is what looms ahead. That is not good.

I sincerely laud the efforts of the eight who are laboring at this moment, and who will be doing so throughout the day on S. 2, the campaign reform legislation, which we all desire.

Mr. President, I yield back the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

ADMINISTRATION UNILATERAL REINTERPRETATION OF ABM TREATY—WRONG

Mr. PROXMIRE. Mr. President, why all the fuss about the testimony of the Nixon administration on the meaning of the ABM Treaty being authoritative and binding? Is the testimony not exactly that? If the testimony of the administration that negotiated a treaty is not both authoritative and binding on the meaning of that 1972 treaty, what testimony is? Does not the prospect that the administration's testimony is not authoritative and binding give the Reagan administration the power to interpret any treaty anyway it wants? Why does the Reagan administration do this?

Answer: This administration has for many months insisted on a reinterpretation of the ABM Treaty. Why? Because the interpretation by the Nixon administration originally offered in their testimony on the treaty in the early 1970's would prevent tests on SDI that the Reagan administration is determined to proceed with. The Senate majority leader, ROBERT BYRD, and the chairman of the Senate Armed Services Committee, SAM NUNN, have declared that in view of this recent experience with the administration on ABM they are determined that in subsequent treaties—beginning with the INF Treaty now before the Senate—the official testimony of administrations on treaties be considered both authoritative and binding. As a Senator, I cannot reach any other conclusion than the conclusion reached by Senators BYRD and NUNN. The Constitution gives the Senate clear authority to ratify or refuse to ratify all treaties. That authority is a critical constitutional right and power of the Senate. On what basis does the Senate decide whether to ratify or refuse to ratify a treaty? The Senate decides on the basis of its understanding of the requirements the treaty imposes on our country and on other signatories of the treaty. The Senate has no alternative in seeking an understanding of a treaty except to rely on the testimony of the administration that negotiated the treaty. After all, if the Senate cannot rely on those with the authority to negotiate the treaty, on whom can it rely?

If a future administration can ignore or deny or flatly contradict the testimony of the administration that negotiated a treaty, how can a Senator know what he is doing when he votes to ratify a treaty? The answer is obvious. The Senate cannot accept a unilateral action by any administration to repudiate or nullify the testimony on the treaty provided by the administration that negotiated the treaty. So, what can an administration do if it is convinced that the original testimony on a treaty is erroneous? How can it correct a previous administration's interpretation? At an absolute minimum such an administration can seek an expression of Senate approval for its reinterpretation. The administration can and should seek to persuade the Senate to pass a sense of the Senate resolution affirming the administration's reinterpretation of the treaty. Unless and until the Senate acts to affirm the administration's treaty reinterpretation, that reinterpretation must be regarded as invalid.

Otherwise, what is left of the Senate's authority to ratify or refuse to ratify a treaty, if an administration is free to unilaterally change the effect of a previous administration's testimony whenever it wishes to avoid the requirements imposed by a treaty? The answer is that Senate treaty ratification becomes nullified if an administration is free to unilaterally repudiate the testimony on which the Senate relied in ratifying the treaty.

The ABM Treaty is a perfect case in point. What was the purpose of this 1972 treaty that the Senate ratified by a smashing 88-to-2 vote? The purpose was clear. It was simple. The treaty was designed for a single purpose. That purpose was to confine both the Soviet Union and the United States to a limited missile defense at two locations. Why did the treaty so sharply limit defense on both sides against intercontinental ballistic missiles [ICBM's]? Answer: Because the United States understood that if the U.S.S.R. proceeded with a nationwide ABM system, such a system would be designed to nullify the United States nuclear deterrent that kept the peace.

Our negotiators persuaded the U.S.S.R. that we would develop and deploy whatever offensive nuclear missiles were necessary to maintain the credibility of our nuclear deterrent. Our negotiators persuaded the U.S.S.R. that we could and would overwhelm any strategic defense initiative [SDI] or star wars they deployed. The ABM Treaty was designed to reinforce the credibility of the nuclear deterrent of both superpowers.

Now the administration is trying to change the interpretation of that treaty to permit us to test our own SDI components so we can make an effective effort to destroy the credibility of the Soviet SDI. Obviously, this turns the ABM Treaty on its head. This interpretation reverses the ABM Treaty.

The honest way for the administration to achieve their SDI purpose is to act under the terms of the treaty. Give 6 months' notice that it repudiates the treaty. Then repudiate it. This Senator would staunchly oppose such action. I am confident that the American people and the leaders of the free world in Europe and Asia would also oppose such repudiation. But it would be direct. It would be honest. It would be in accordance with the terms of the treaty. The administration's attempt to reinterpret the ABM Treaty is none of these things.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR NEXT WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in recess until 10 o'clock on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, Tuesday next, Wednesday next, and Thursday next, it stand in recess until the hour of 9 a.m. on Tuesday next, Wednesday next, Thursday next, and Friday next, respectively.

The ACTING PRESIDENT pro tempore. Is there an objection?

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I just want to inquire of the majority leader whether the purpose of this is to proceed with S. 2. That is the item of business before this body, and it cannot be removed from being the unfinished business, and therefore we need to press forward; if consensus can be reached or if an agreement can be reached, we will proceed to that. Hopefully that can be done. But, if not, then I assume that it is the intention of the leader simply to fill the day with the activity of the business at hand.

And, of course, the majority leader could on each of those days or the night before each of those days ask unanimous consent for a meeting or convening at 9 o'clock in the morning to which I doubt very much there would be any objection. And there never has been. So he is just going to do that in a package form so that we might know that we will be addressing that issue, and if we reach accord, fine. But if we do not, we will go on to a cloture vote and see what happens. Is that the intent?

Mr. BYRD. Yes. The distinguished assistant Republican leader has put it correctly. And for the record, he is not giving away anything if this request is acceded to, because even if there is an objection to such a request, the motion is not debatable, and I could take it on a daily basis and move to go over.

So the distinguished Republican leader is not giving away anything; he is recognizing the situation for what it is. And he is correct in saying that we will spend our day in the effort to come to conclusions in respect to the campaign financing reform bill.

I would hope at some point that cloture could be invoked, one purpose of that being to preclude nongermane amendments, amendments that are not relative to the bill. It may be that the two sides could agree at some point next week to not offer nongermane amendments, and without cloture proceed to have votes on relative amendments as we attempt to work our way through.

None of us knows what opportunities may present themselves. But this colloquy does alert Senators to the fact that there will be early votes next week, and it will be my plan barring severe weather conditions—I always try to be conscious of the problems of Senators in getting to the Chamber if there are weather conditions that make it difficult. Barring such, I would expect to have early rollcall votes so that Senators on the floor are ready to go early. There will be late sessions if necessary as we proceed. And those could become late, late sessions.

I want Senators to be alert to the possibilities of lengthy sessions and frequent votes next week, not that I am saying they definitely will happen because I do not know what opportunities will present themselves as we proceed. But all Senators should schedule their days next week accordingly.

I thank the distinguished leader on the other side of the aisle for his statement.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SIMPSON. Mr. President, I do very much appreciate that review of our activities next week. Everyone surely now is on notice. It will be a very vigorous week. And there is no question about that. That goes along with our quality of life activity. We are notified of that agenda. That schedule will be adhered to, and that is helpful to us on this side of the aisle. It might not be received with paeans of praise, but it is helpful. I thank the majority leader.

Mr. BYRD. I should also say for the benefit of our colleagues that filibusters in the recent past have been carried on in a rather casual and gentlemanly fashion, and Senators have not been pressed hard to come to a vote. But in this instance, we cannot spend weeks as we did last year on this bill.

It is important to me, and, as I have attempted to explain it many times on the floor to all those of us who support this legislation, it is such that in good conscience we have to make the very best effort that we can possibly make to bring the Senate to a decision. There are those who may feel differently, and they have a perfect right to their viewpoints. They have a right to resort to the rules to keep the Senate from reaching a decision on this matter.

I hope we do not have a filibuster. I hope we can reach some accommodation on these differences that exist. I do not want to see a filibuster. If it comes to that, however, I suggest that Senators be prepared to cancel all evening engagements and to be present as long as the Senate is in session daily and nightly.

If this should develop into a full-blown old-time filibuster situation, then Senators may expect rollcall votes at any hour of the night, and numerous quorum calls, and they should prepare themselves for such an eventuality if it occurs. Hopefully, it will not occur.

But I would be remiss, and I am not saying this as a threat, but I would be remiss not to indicate the firmness on the part of those who want to see a conclusion, hopefully a positive conclusion, to the effort. I say this to indicate the firmness of those of us who will do all that we can to bring this Senate to a decision. All that we can do, of course, may not be enough. But at least we will have tried.

We think this is an idea whose time has come. We believe in the rightness of our cause, and we believe that we have no recourse except to press it as hard as we can to a conclusion. We may fail. But all Senators are now alerted to the possibility of a very difficult week ahead.

I thank the distinguished Senator.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is now closed.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (S.2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute as modified.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature, as modified.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature, as modified.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. I thank the majority leader. We had anticipated at this point a speaker on S. 2 on our side of the aisle at 10:30, who was to be myself. I have already rendered my remarks during the leadership time. So we do have, I believe, one of our fine Members, Senator COCHRAN, who may wish to address and continue the debate.

I would share with the majority leader, as to what he said during the posing of the unanimous-consent, agreement, that it will be our hope, too, to remain gentlemanly and gentlewomanly and keep our civility as we get into perhaps "upping the ante" on filibusters.

That is an important thing for a majority leader to be able to do. I hope we can see a positive conclusion. We may differ on what that might be.

I thank the majority leader and yield to the Senator from Mississippi, my friend, Thad Cochran.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I think it is interesting for the Senate to observe the situation we are in now in consideration of the proposed S. 2 bill by the distinguished majority leader and others. In looking at the situation confronting what is almost a promise for around-the-clock sessions of the Senate if the committee that has been appointed fails to reach an agreement on legislation that can be recommended to the Senate, the inevitable result of such an event is going to be to attract the attention of the entire country to what amounts to a very partisan dispute between the Democrats and the Republicans in the U.S. Senate, and to bring the other legislative business of this great institution to a halt, over what amounts to really a struggle, a power struggle, between the two national parties over the future control of the U.S. Senate. That is what this is, and everyone ought to know that.

There have been some very good arguments presented to the Senate in support of public financing of congressional and Senate campaigns. For a while, that was the main thrust, as I understood it, of S. 2. It was to change the method of financing of congressional and Senate campaigns from private contributions to public funds to pay for advertising, for direct mail, for most of the campaigning that is involved in Federal elections.

That debate now seems to have shifted, to some extent—at least that is my impression—from public financing, according to the proponents of the bill, to spending limits. Everyone is encouraged now to focus attention on the fact that this new legislation that the Democrats are urging us to adopt involves strict limits on spending that will solve all of the problems and be a better way of handling our Federal election campaigns.

I am told by the Chairman of the Republican National Committee that this would be a death blow to the aspirations of the national Republican Party for control of the U.S. Senate and for control over the U.S. House of Representatives.

I am not smart enough personally to determine whether that is really true or not, but I know that is the assertion that is being strenuously made to those of us on this side of the aisle.

I have a copy of a letter, as a matter of fact, which was written on June 23, 1987, by Frank Fahrenkopf to me, and I assume other Republican Senators received the same letter, saying that such limitations could be lethal for the Republican Party's future.

He goes on to talk about why, in his opinion, equal expenditure limits are not equal for Republicans and Democrats. He makes the observation that in the 1984 Presidential election, which was publicly financed and contained expenditure limitations for both Ronald Reagan, the Republican candidate, and Walter Mondale, the Democratic candidate, labor unions spent $10 million in the primary campaign and $20 million in the general election campaign for Mr. Mondale, expenditures which "do not require disclosure under present law."

Under present law, those expenditures, according to this letter, do not even have to be disclosed, and under S. 2, the new reform bill, they would neither have to be disclosed nor limited. But other expenditures of funds such as those of Ronald Reagan, that were raised by private contributions from individual citizens to his campaign would, under the new proposal—if he were running for the Senate—have to be both disclosed and limited, strictly limited.

So what S. 2 is proposing, as I understand it, if this letter is correct, is to require a limitation of one kind of expenditure—private, voluntary citizen contributions to campaigns—and to not limit in any way expenditures by an organized labor union, as an example of an organization that takes an active part in the political campaign in behalf of a candidate for the Senate or for the House.

The question before the Senate is, is that fair? Is that equitable? My impression is that it clearly is not, and so I am disturbed when we hear arguments advanced in support of S. 2 that it is needed reform and will clean up the Federal election process.

Frankly, I have a hard time justifying support for that legislation based on that specious argument.

What we really have here, Mr. President—if everybody would really take an objective look, which I am not suggesting is possible under the present political circumstances—is an effort to railroad a bill through the Senate with the enthusiastic support of national organizations who identify with the cause, the cause of Senate control by the Democrats, all under the guise of reform of the Federal election process.

It is interesting, too, to take another look at an aspect of this, the involvement of the process by editorial writers around the country.

In June of 1987, when we were debating the same issue, I recall the majority leader putting into the Record a stack of newspaper editorials which others claimed were clear evidence of the widespread public support that had spontaneously developed because of the alleged rightness of the cause of the proponents of S. 2.

I am not going to bother the Senate by reading all the editorials, but it is interesting to note that many of them are exactly the same.

Here is an editorial from the Congressional Record of June 9, 1987, page S7831. Here is a Pennsylvania paper, the Monessen Valley Independent. This editorial was written on March 19, and it is entitled "Congress Should Rein in the PAC's." It starts off by saying 14 Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions for their Senate campaigns.

If you look through these other pages, both before and after, you will run into the same opening statement in several other editorials.

Here is one from the Lodi, CA, News Sentinel, dated April 3. The title of it is "Boren-Byrd Bill Can Lead to PAC Reforms," and it begins by noting that 14 Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions.

As you look through the Record there are others. It leads you to conclude that somebody else wrote the editorials. That is the point. It is pretty clear that you would not have a newspaper editorial writer way out in California repeating what appeared in a weekly paper, maybe a daily, in Pennsylvania, and then the same editorial appearing in New Bern, NC, Sun Journal on April 14. Here is the title of that editorial, "Rein in the PAC's." Does that sound familiar? It starts off "14 Senators elected in 1986 raised more than $1 million each," et cetera, et cetera.

Just wander through the Record. It is interesting.

Here is one from the Napa Register in Napa, CA, dated March 16, 1987. The title of this editorial is "Reining in the PAC's." This spontaneity all over the United States based upon the eloquent arguments on the floor of the Senate in support of PAC reform is intersting, is it not? We were being told that we were changing the rules by eliminating political action committee contributions. But do you know, if you looked at the bill, if you read the bill, it did not have anything in it changing the rules about the amount of contributions that could be given to political campaigns by PAC's. There was nothing whatsoever in the bill changing those rules.

But we observed a nationwide campaign, orchestrated by some national organizations, in league with Senators here who are very interested in perpetual control over the U.S. Senate by one party, the Democratic Party, working to convince the American people through editorials that were being reproduced by people who had not read the legislation and did not know what it said—they knew what someone said it said—trying to convince the American people that they needed to write their Senators, write their Congressmen, threaten them with retaliatory action at the polls unless they supported this needed reform.

I suggest that it is time for us to level with the American people about what the real issue is here in the Senate and what the dispute is all about.

The dispute is about whether or not the Republican minority now in the Senate is going to agree that the Democrats should control the Senate for at least the rest of this century and probably beyond by changing the election law rules to make it more likely that Democrats will win in Senate elections and Republicans will lose, and that is what is happening here. That is exactly what is happening.

So to confront the Senate now with a promise that we will remain in session all night long, all day long, for days on end until we embarrass the Republicans so much by causing this impasse that they will cave in and agree to this change in the law is an interesting tactic. I predict that it will not work, Mr. President, and that enough Senators, incuding perhaps a few Democrats, will resist the efforts that are being made to steamroll this kind of legislation through the Senate.

There were seven votes last year on cloture, whether or not to shut off debate and permit a majority to pass in effect this bill without any further amendments. The effect of a vote for cloture would be to cut off debate without any amendments restricting PAC's or making any other really substantive changes in the legislation. Cloture would enable a simple Senate majority to pass this bill; with the House made up overwhelmingly of Democrats, you can predict that the bill would pass both Houses of Congress.

Mr. McCONNELL. Mr. President, will the Senator yield on that point?

Mr. COCHRAN. I am happy to yield, Mr. President, to the distinguished Senator.

Mr. McCONNELL. Just on that point.

It is important to note that if cloture were invoked an amendment to lower PAC contributions would not meet the germaneness rule. If cloture were invoked, an amendment to provide disclosure of soft money or limitation on soft money would not be germane. If cloture were invoked, an amendment to do something about the millionaires loophole would not be germane.

So the Senator is right on the mark. Cloture simply shuts out the opportunities to offer most of the amendments that those of us on this side feel would be useful additions to the bill.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Kentucky for those observations. I had assumed that was the situation we were in with reference to fundamental differences that exist between Republicans who have offered campaign reform legislation and the provisions of S. 2 offered by the Democrats. There have been Republican initiatives presented to the Senate on this issue that would require disclosure of expenditures that are not now required to be disclosed.

The letter I read from Frank Fahrenkopf indicates the amounts that were spent in the 1984 Presidential election where there were limitations by law on certain kinds of expenditures but not on others; indeed, the law did not even require disclosure of some kinds of expenditures.

The reformers here in the Senate on the Republican side feel very strongly, and I agree with them, that if we are going to disclose expenditures, all expenditures ought to be disclosed. If we are going to limit expenditures, surely you would want to limit all expenditures. But that is not what S. 2 does and to get that issue before the Senate the Senate has to resist cloture.

That is the situation under the procedure that we find governing the handling of this bill on the floor of the Senate.

So I predict and I fervently hope that the Senate will not cave in and get stampeded by editorial writers scattered all over the country who are being encouraged to reproduce and print in their newspapers editorials somebody else has written on this issue that is so fundamental to the future of American politics and certainly to the future of the U.S. Senate.

There ought to be a way to write campaign reform legislation that draws from the best that is in all of these suggested bills. I am hoping the committee that is meeting will look at some of the suggestions that are contained in the bill introduced, for instance, by the distinguished Senator from Kentucky, Senator McCONNELL, a very thoughtful piece of legislation. Senator STEVENS, the senior Republican member of the Rules Committee, is the author of a bill for reforming Federal elections as well. I am cosponsoring that bill. I think it is an excellent bill that presents an opportunity for excellent changes in the Federal election process: expenditures, campaign finances, things that do need changing. We all agree on that. That is the point. Republicans are just as interested in campaign reform here in the Senate as Democrats are.

Find that in any of these editorials. Find any description of any of the Republican initiatives—the fact that in some of those bills PAC contributions are done away with, for goodness sake.

And the Democrats have not suggested that. That is not in their bill. I am not saying that ought to be done. I am not cosponsoring that bill, but some Republicans are. They thought it up.

And so when the editorial writer in your home town talks about how Republicans are voting against and resisting the change suggested by S. 2, I hope citizens will inquire a little further and find out why and wonder whether there is an alternative. There are alternatives. And that is one reason why many of us are taking an opportunity to try to express our concerns on the floor of the Senate, in hopes that somebody out there will be listening—somebody who might write about it; it is hard to find in the newspapers of the country the real story that the Republicans are also for reform and that maybe their reform suggestions are better.

Mr. President, I yield the floor.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. I want to commend the distinguished Senator from Mississippi for his outstanding remarks and hope that he will stay on the floor for a moment and let us discuss it further.

You know, what it really gets down to is an effort on the part of those on the other side to put a limit on a certain kind of participation in our political system. The fundamental, underlying principle of S. 2 is that money in politics is per se evil and every other form of participation is necessarily virtuous. And so it seeks to put a limit on how many individual cash supporters we can get in our campaigns; put a clamp on that.

Now, there is already, under the post-Watergate legislation under which we function, a limit on how much each individual can give us and each political action committee can give us, and that has not been raised in 12 years. So it is pretty hard to argue that any one of those individuals or any one of those PAC's is going to have a disproportionate influence on any one of us because they just do not give a significant portion of what we raise and are spending today.

So the idea is to put a limit on how many contributors we can get. And, as my friend from Mississippi knows, the base of the Republican Party, by and large, across the country is the small businessman—the person who is out starting something, making a product, hiring people, creating wealth, making the system work in America. He does not have time to go down to telephone banks or to go door to door. He is out there making the system in America work. And that has been the base of our party, the growth of our party in your section of the country and my section of the country.

What they are saying to us is, "Well, we are going to let you have so many of those people. We are going to put a lid on how many of those folks you can have."

And as soon as we do that, all the myriad special interest groups that form the base of the national Democratic Party in your State and my State, the State Democratic Party, will be free to thrive and expand and do all of those things that will counter the growing base that we have had.

So I think it is the view of most people on our side of the aisle that money, per se, is not evil. This is, after all, a capitalistic society. A lot of our folks work for a living. They want to participate in the process.

Our colleague, PETE DOMENICI from New Mexico, last year—you may recall that speech—pointed out he had 20,000 contributors.

And, by golly, I agree with the Senator from Mississippi, we will just stay up all night to make the point that the law ought not to tell us how many supporters we can have. We ought to be able to get as many supporters as we can get. There ought not to be any cap on how much support a Member of the U.S. Senate can get. The more the better. After all, it is limited from each individual and it is fully disclosed.

But it is not good public policy to put a cap on how much support a person can have. That is not progress.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. McCONNELL. I yield to the Senator from Mississippi.

Mr. COCHRAN. Mr. President, on that point, I think that is really a central fact that we cannot ignore in all of this, and that is that the legislation would do that.

You know, people forget what this is really about. The Senator from Kentucky, I think, has really attracted our attention to the central point. The provisions of S. 2 put a legal limit, a limit by law, on the number of individuals who can support, with a contribution, the Senate candidate of their choice.

The large States, I am sure, would probably run into difficulties in that area. But I would guess that in States the size of Mississippi and Kentucky and certainly New Mexico, with the statement from Senator DOMENICI, that could be a very serious impediment to a candidate who does have wide-ranging support that he has maybe earned.

You know, it is assumed that financial contributions are somehow tainted with a selfish interest on the part of the contributor. I would think that 99 percent of the individual contributors to Senate campaigns are really trying to express their view and express themselves on the issue of which candidate they think is better for their State and for the country, and that it is an unselfish kind of contribution, a contribution trying to influence the election of someone they think will do something good for their State or for their country. What could be better and more noble than that? That is interesting.

Mr. McCONNELL. Will my friend yield further?

Mr. COCHRAN. I am happy to yield.

The PRESIDING OFFICER (Mr. ADAMS). The Chair recognized the Senator from Kentucky who has the floor and, therefore, the Senator has the floor, the privilege of the floor, and I assume has yielded for a question to the Senator from Mississippi. So the Senator from Kentucky has the floor.

Mr. McCONNELL. I thank the Chair.

Beyond that, it is interesting to note, as the Senator from Kentucky made a speech a couple of days ago that was probably entirely too long about the Presidential system that we seek to emulate. As we just discussed, there is absolutely no good public policy reason for putting a limit on participation.

Well, let us assume we did it. We have an example before us. We have been living with it since 1976. And, just to briefly summarize some of the things I said the other day, every single candidate for President has cheated, Republican and Democrat. All of them. One out of $4 that have been raised has been spent on lawyers and accountants and the money has oozed around the limits into exploratory committees, independent expenditures, this kind of committee, that kind of committee. And what it has turned every Presidential campaign into is an exercise in trying to figure out how to skirt the law.

I entered into the RECORD yesterday an interesting article appearing just this month in the Federal Law Journal from some of the staffers who are still at the Mondale for President Committee, 3 years after that campaign is over, trying to finally wind it down, and a quote from Bob Beckel, who managed the campaign. And I do not want to single out the Democrats. It has just been a problem across the board on both sides. It is endemic. It is a disaster.

S. 2 seeks to take that kind of system and apply it to 535 additional races. The FEC would be as big as the Veterans' Administration. We would have the biggest nightmare in town, a town already full of a lot of nightmares when it comes to Government bureaucracies.

That, in the name of progress? That, to put a cap on how many hard-working individuals can contribute to their favorite candidate and be a part of the American system?

This bill is a disgrace. We will be happy to stay up all night every night if that is what it takes to stand up for the opportunity for people in this country to participate in politics and have as many of them involved in our campaigns as we can get.

Mr. COCHRAN. Mr. President, if the distinguished Senator would yield further?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Mississippi for a question?

Mr. McCONNELL. I yield to the Senator from Mississippi.

Mr. COCHRAN. I thank the Senator. I would like to commend the Senator for the leadership that he has provided in trying to educate us on the failures of some of the provisions of the Presidential election laws. People were assuming, and maybe I was too, to some extent, that that was a new procedure that was working pretty well. Because, I think, those who are advocating the changes contained in S. 2 want us to believe that and I am talking, now, again, about the editorial writers who are reproducing canned editorials and who really are not advising the American people about these deficiencies in the current Presidential election law that ought to be changed as well.

I know this is beyond the scope of the committee that has been appointed on which the distinguished Senator from Kentucky serves, but consideration ought to be given to some reforms in the Presidential election laws as well.

If we are going to have campaign reform, maybe we should include some suggested changes that would improve the Presidential election process as well.

Mr. McCONNELL. I would say to my friend from Mississippi, that is the system we ought to be looking at. That is the one that cries out for improvement. The Kennedy School at Harvard did an excellent review some years ago, and it has only gotten worse since then. They did a study of the system in 1982 and everything has only been exacerbated since then. I mean every one of these categories is just worse, but just to give you a quick summary of what they said back in 1982: so far—and they had been through two Presidential elections—under the spending limits of public finance, failed to equalize resources of different candidates; failed to curtail the growth of money in Presidential politics; failed to shorten the overall length of campaigns—something the Senator from Mississippi has spoken about on a number of occasions; failed to reduce the emphasis on early primaries; intrude unduly into campaign strategy.

For example, why should there be a limit on what you can spend in Iowa? If it is your own decision, as a candidate for President, you want to shoot the works in Iowa, why not spend everything you have raised? History has indicated they will do that anyway.

It created thorny problems with arbitrary definitions, creative accounting and tangled enforcement and most important, fostered disrepect for the law.

That law is about like prohibition; it is about like prohibition.

Mr. COCHRAN. Mr. President, if the distinguished Senator would yield further?

Mr. McCONNELL. I yield for a question.

The PRESIDING OFFICER. The Senator from Kentucky yields to the Senator from Mississippi for a question.

Mr. COCHRAN. I have the recollection as a young lawyer in Mississippi, researching the Federal election law and the State election law relating to congressional campaigns in our State before the 1972 law was enacted. My recollection is that there were very strict limits, by law, on how much congressional candidates could spend; how much in contributions could be accepted. It was one of the most severe restrictions that I can remember in the election laws in my State.

As a matter of fact, they were so severe that I would suggest the same facts applied then to congressional elections that apply now in Presidential elections: That is that there was more circumvention, and with every candidate doing it to some extent or another, than there was compliance.

I can recall being really disturbed when I had to write a letter to a congressional candidate, I recall, to explain what the law said he could raise and spend in his campaign, knowing full well that none of the candidates that year were, probably, obeying that law.

Talking about disrespect for the law, there was no way you could respect a law that you knew was being flagrantly violated every election cycle by all of the candidates in the congressional race.

Mr. McCONNELL. And that is precisely what has developed in the Presidential system. The beauty of the post-Watergate legislation that was enacted that applied to Congress was two important principles: A limitation on individual contributions, so that no individual could have, arguably, a disproportionate effect on us; and full disclosure.

So, if the Senator from Mississippi or the Senator from Kentucky would take a contribution of the chicken growers of Arkansas and somebody finds that offensive, they are free to do a TV commercial and cut us up on it. It is a free society. It is right there on my report. Go for it.

But the theory was that money was not inherently evil, provided that it was limited and disclosed. And that has served us well.

Sure, campaign costs have grown, but they have grown because of three things and most people on our side of the aisle would be willing to treat the three real causes of the increase in campaign spending. There has been a growth in the cumulative contribution of political action committees, and there are several proposals on our side. In the case of the Senator from Kentucky, as you know, I would be more than happy to kiss the PAC's goodbye and do away with them altogether.

The bill of the Senator from Mississippi supports a lower PAC contribution, which would have an effect on cumulative PAC contributions. Second, there is a growing trend for millionaires to buy public office and it has happened here in this body and in the other body. While that is a constitutional problem, there are a couple of things that could be done that would help level the playing field just a bit when you are up against a millionaire.

First, we could require someone who is going to put, say, in excess of a couple of hundred thousand dollars of his own money into his campaign to certify that at the beginning of the process to the Federal Election Commission, thereby notifying his opponent of what is coming, that he is going to do that. When that notification occurs it triggers, for his opponent or opponents, if it is the primary, the opportunity to get larger individual contributions from contributors to their campaign. It would not totally solve the problem, but it would give him a chance.

Second, I have got a proposal that I may offer at some point that would say this: Obviously the Supreme Court has said you can spend everything you have got on your own campaign, but we are going to tell you you cannot get it back after it is over. You cannot go around town and shake down every PAC and every individual and pay yourself back.

That might not take care of the really big millionaire but a fellow or a lady who is just a little bit rich might not want to pony up $2 or $3 million if they knew they would have to eat it. So we intend to offer at some point this measure that would make the millionaire have to really pay for it if he chooses to do it; and not get it back.

The final thing that has driven up the cost of campaigning is the cost of television.

My friend from Mississippi knows what they do to us, all of us, Democrats and Republicans alike. The current rule is they must sell us the time at the lowest unit rate available for any customer. So what is typically done in the last 60 days before a hotly contested primary or a general election is they raise the lowest unit rate for everybody and they rip us off coming down the finish line. As soon as it is over they lower the lowest unit rate.

So I would suggest that we pass a bill requiring them to sell us the time at the lowest unit rate for the preceding year which, in most cases, would gear the lowest unit rate to the year before the election—not in your State or mine, but in most States—so they would give us a break going down to the finish line.

Those are the three things: more PAC's, more millionaires and more expensive television.

That kind of bill would be meaningful campaign finance reform. It would be landmark legislation. But I cannot find anybody on the other side who would want to do that. What they want to do is put a cap on how many people can participate in that process and we are not going to go along with that; are we?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum calls be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, as I walked over here this morning, I could not help but think what Madison, Jefferson, Franklin, and even Lincoln would think about this debate. If they were to walk on to the floor right now, they certainly would not understand the reasons for the debate because they would have absolutely no conception of what has happened to the political process and how we finance the election of candidates.

I suspect that they would be appalled to know that what they thought they had crafted as the ultimate in democracy had literally been corrupted by money. I have not heard anybody in this Chamber say that they think the existing system is just jakie or even close to it. I have heard various Senators say, "Well, I think we ought to cut down on this or limit that." But nobody has really suggested abolishing, which really would be my goal, this corrupting influence that money has. I do not know whether it was H.L. Mencken, or who it was, who said, "You have the best Congress money can buy."

Most of us rather bristle at that because we came to this profession for the most altruistic, ideal reasons. Maybe not everybody, but certainly nobody here is willing to admit they came into this profession for any different reason. And now, for reasons completely aside from this debate, we are about to become the first generation in the history of this country to turn the country over to our children in worse shape than it was then we found it.

I might also say that I guess every Member of the Senate had one or both parents tell them from the age of reason that their principal obligation was to leave this world better than they found it.

Why is this? Why is it that people out on the campaign trail, I think certainly strongly on one side of the aisle and maybe a little more covertly on the other side, say, "I'll never raise your taxes"? Why are they digging a hole as big as this building that will absolutely cut off one of the most significant options they are going to need as we begin 1989?

Well, you and I know why they are saying those things. Bruce Babbitt can tell you what happens to those who say someting else. Maybe that is not the total reason that Governor Babbitt did not fare well and had to withdraw. But I can tell you why people are saying "No more taxes ever." One of the reasons is because that fills their coffers. A very famous economist in this country said, "The rich will pull the roof down over their heads before they will allow themselves to be taxed."

I do not wholly subscribe to that. I had 1 of the 10 wealthiest men in this country call me not long ago and suggest that we not lower the tax rates on January 1, 1988. He said, correctly, "What sense does it make for you to be trying to deal with the deficit on the one hand and coming up with $31 billion in taxes and spending cuts and on the other hand giving $17.5 billion away in new tax cuts starting January 1, 1988?"

He said, "It makes no sense to me." But I can tell you that underlying that is this corrupting influence of money on the political process. It is tragic to hear a candidate saying, "I am in debt $500,000 and I have to be realistic. If I don't carry Minnesota, or South Dakota, or both, I am probably going to have to drop out." And I am just using it as an illustration.

Our distinguished colleague, Senator SIMON has not had a chance to campaign very much. In the Middle West in one State, in Iowa, which is sort of his area, he finished in very close second. But he cannot get the money or at least he has indicated he is having a tough time to get enough money to survive running in a region where he feels at least that he can do very well.

This bill is no panacea. It is no cure-all. But I can tell you that candidates in the U.S. Senate, in the U.S. House of Representatives, all of these Presidential candidates often very carefully craft what they say to appeal to certain money interests. I am not denigrating that. I am simply saying that is the system as it exists, and if they want to run and have the money to run, they at least feel that is absolutely necessary. And there is not a person here who has not said, and there is not a person who does not believe that the present system is erosive of the body politic in this country.

How many times have you heard Senators say, "If I can get $3 million in the bank by such and such a date I believe I can scare old so and so out of the race"? That is as much a part of politics as filing, and paying the filing fee. That is to try to get more money in the bank by a certain time than anybody thought you would get and thereby scare off your opposition.

I am an imcumbent. Incumbents always have the advantage. They have the advantage in name recognition, they have the advantage of their record which most of them are proud of, but above all they have the ability to raise money.

I was a challenger when I ran for Governor in my State in 1970 and I was running against one of the wealthiest men in America—incidentally, a man I like and who has been a good Governor in our State. I spent about $300,000 in both the Democratic primaries and in the general election. And he spent close to $3 million. It does not mean that just because you have the money that you are going to win. It takes a little more than that. But when you look down the record and you see—incidentally, you know I think there has been an underlying assumption here that Republicans can always raise more money than Democrats. I think generally that is true. But if you are an incumbent in the U.S. Senate and you are being challenged by a Republican who is virtually unknown, chances are you are going to outraise him unless the national committee and the Republican Committee here in the Senate choose to really bestow a great deal of largesse on that particular challenger.

So I have been on both sides of it. I have been a challenger against unbelievable wealth, and I have been an uncumbent with all the benefits and pertinence thereunto appertaining, as we lawyers say.

Last year when I ran for reelection I spent about $1,500,000. I never dreamed in my wildest imagination that I would ever be able to raise $1.5 million. And here is why. That was the eighth election I have been in since I ran for Governor the first time in 1970, and $1.5 million is precisely twice as much as I had spent in the other seven combined, collectively.

Do you know something else? Our polls showed we were going to win and win rather handily, and I kept telling my staff and my financiers, "Let us save some of that money. We could save $250,000 and have a little nest egg in case I decide to run again, and we can do some really good things with that money between now and the end of the next 6 years." But we did not save it. Do you know why? You do not raise it to save it. You raise it to get reelected and you have this inordinate fear that if you do not spend every dime of it, and say you have $2,000 or $3,000 left in the bag, and you lose, you really look stupid. You say "Well, if I had just spent that last money I could have won."

Mr. President, I am sure I am not saying anything new here that has not been said many times before, but I do not think at this point it would be well to insert these figures in the RECORD again because sometimes it takes a long time for these things to soak in. You can say them and say them and say them and nobody is really paying much attention. But just listen to this.

From 1976 to 1986, a 10-year period, the average cost of winning a Senate campaign went from $600,000 to $3 million—10 years. Ten years and the cost of running a successful campaign went up 500 percent. That is almost—well, it is 50 percent a year, and no end in sight. Everybody that thinks that is a good idea for campaign expenditures to continue to go up 50 percent a year, stand up. We spent a total, both sides of the aisle, of $182 million on Senate elections in 1986—$182 million. I sometimes think if you just turn this crowd loose we could go out and solicit enough money to balance the budget. The Government might not be worth saving after you did it.

Listen to this. Last year, PAC's spent $45 million on Senate campaigns. And in 1976 we spent $5 million. PAC's contributed $5 million. So in that 10-year period PAC contributions went from $5 million to $45 million. And under S. 2 those expenditures would be reduced by two-thirds. Last year's $45 million would have been $16 million. And under the Republican proposal PAC spending would be reduced not 67 percent, but 6 percent.

Now, there is one thing about the original Republican proposal—I do not know whether it is still there or not—that I like, and that was to eliminate

PAC's. I would be perfectly willing to do that.

Let me say at this juncture I do not think S. 2 is a perfect bill. And I heard the Senator from Kentucky go on and on yesterday or day before yesterday about how the Presidential campaign financing leaves much to be desired and has created a lot of lawsuits; and that is to say the laws regulating Presidential campaigns could stand a lot of improvement, "But, Senator, I am not for putting it on this bill. I want to address that separately."

Everybody has figured out some way to beat the Presidential financing campaign law one way or another, to get around it.

PAC's spent a total of $90 million on House and Senate incumbents in 1986. And what do you think their challengers got? I mentioned a moment ago a challenger in Arkansas who spent $300,000 and was outspent by the incumbent 10 to 1, $3 million to $300,000. What do you think it was in the House and Senate races last year between incumbents and challengers? The incumbents in the House and Senate got $90 million, and their challengers got $20 million—450 percent less than the incumbents. Oh, the joy of the incumbents.

According to the Washington Post of February 12, 1988, the 27 Senators running for reelection this year have raised $57.4 million in campaign funds with 30 percent coming from PAC's.

Last year alone, the same 27 incumbent Senators raised $38.7 million, and that is more than two and a half times the amount they accumulated in 1981, and more than $12 million of that came from PAC's—4 times as much as given by PAC's to the same 27 just 6 years ago.

Mr. President, it is no wonder that NBC had the lowest ratings in the history of NBC Tuesday night in their 1-hour show on the New Hampshire primary. People were tearing the knobs off their sets to get back to some movie or the "Cosby Show" or the "Jeffersons" or whatever. NBC had the lowest ratings in their history, trying to enlighten the people of this country about what was going on in the most significant event of this year, of this 4-year period, about the Presidential race in New Hampshire.

In 1986, the number of youngsters between the ages of 18 and 24 who voted was at an all-time low. How do you account for that? How do you account for the fact that probably less than 20 percent of high school graduates across America can name both of their U.S. Senators? Five to ten percent can tell you who the Secretary of State is. You do not have to be broke out with brilliance to understand that. The political process has lost its appeal, and why would it not?

If you were a wage earner and you picked up the Arkansas Gazette or the Washington Post or any other newspaper across the country during an election year, and you looked down the list of contributions people have given to a candidate—our State does not even report contributions of under $500. When I say "our State," I mean the newspapers, in listing those who contributed to various senatorial and House candidates. They do not even get their name in the paper if they do not give 500 bucks. If you were a wage earner out on the assembly line and you thought old DALE BUMPERS was a pretty good candidate, honest, had a good vision for his children, and you would like to send him $10 or $25, would you do it when you look at this long list of people—PAC's who gave $5,000, wealthy people who gave $1,000 or $500?

This is a little personal vignette. My wife, Betty, called me three afternoons ago, and I was out of the office. I called her back about 2 hours later. I said, "What do you want?"

"Well, I wanted to know if it was OK to send a check to so and so," one of the Presidential candidates.

I said, "I don't care who you want to give money to. Give to whoever you want to."

She said, "I got to thinking about it, and I don't feel we can give more than $250, and that just doesn't amount to anything."

We are not poor. We are not rich, but we are not poor. If people in the political process for 17 years, like my wife, have this sort of cynical feeling—what is $250—what do you think the rest of the people out there think?

I hate to keep using personal vignettes, but they are interesting. It is just like gossip; people like to hear it. When I ran for Governor the first time, we took in 27,000 contributions. That was long before you had to report anything, but I just had the feeling—I had always done this in my law practice—that we ought to write down the name and address of every person that gave us a dollar bill, and we did. I knew I would never have to worry about some press guy coming to me saying, "So-and-so said he gave you $10,000. You double-crossed him," all those things that used to go on.

In any event, there were 27,000 contributions, and I think the average contribution was $12. I say to the Members of the Senate, that is healthy. That is one of the healthiest things I have ever seen happen in the political process.

I have never been as exhilarated, of course, as I was when I was elected Governor of my State. I was just a country lawyer. I was pleased by that sort of prairie fire that swept across the State, and people on welfare coming up to me and pressing a $1 bill in my hand, wage earners pressing a $5 bill in my hand. That is when the political process is working. I do not think Thomas Jefferson would be terribly upset about that.

So far as I know, we are the only developed Nation on Earth, the only democracy on Earth that finances campaigns the way we do. It is not all bad. You cannot say it is all bad. There is a better way to do it, and S. 2 is not perfect. I want to make that clear.

I said earlier that I would like to see a lot of changes made in S. 2 because it is not perfect, and it is probably going to generate some lawsuits, just as the Presidential law did.

If you were a wage earner in Wenatchee, WA, or an apple picker, and you saw that list of contributions in the paper, you might ask yourself, "What does that guy who gave him 1,000 bucks or that political action committee that gave him $5,000 get for that?" Your answer is, "They don't get anything; just good government."

I found a lot of people who gave me money that I had never seen before in my life come in and hand me 10 $100 bills when I ran for Governor the first time. I never had more than $20 in my pocket. When I ran for Governor the first time and saw how much cash floats around in a campaign, I was absolutely traumatized. Most of those people would say, "Dale, here's $1,000 or $2,000." You could even take corporate contributions in my State; still can.

They said, "All I want is good government."

After I got elected, I found out some of those people wanted just a little bit more than good government.

So that apple picker out in Wenatchee or the rice farmer in the plains, the prairie of Arkansas, has a very legitimate question in his mind, and he thinks he also knows the answer to that question. What are they getting for all this money? Some say, "Well, I see him; I let him in my door." Is that all they get?

If it comes down to a vote here between a PAC whose interest is adversely affected and they have $5,000 or $10,000 in your campaign, and it is between their interest and a small group of people who never gave you a nickel, it takes a mighty powerful man to say, "I'm going to do what I think is right. I don't care who gave me 10,000 bucks."

Frankly, I think an awful lot of people in this body do that, but why have that temptation out there?

Nobody is immune, but it is not fair in a political process for those who have to be able to protect their interests so totally because of their wealth.

Now that we have this additional question of millionaires spending money, we have 32 millionaires in the Senate, and let me say on the front end that some of the wealthiest people in this body are also the best Senators in this body, and maybe that is because they are not influenced by money because they can finance their own campaigns, but when you have 32 millionaires in the Senate, that is not exactly a microcosm of America either. Thirty-two percent of the people in Arkansas are not millionaires. I would guess that maybe 0.01 percent of the people in my State are millionaires.

But, Mr. President, there are so many things wrong with the system even if we were going to stay with it, even if we were going to continue to allow people to contribute as they have in the past to finance our campaign as we have in the past, we have this problem of soft money. You have this problem of bundling.

The last year when I was running for reelection the report came out, and I do not mean to denigrate my opponent—he is a fine young man—but I look in the paper and he had $127,000 and the list of names where he got the $127,000 was that thick. All the contributions were $10, $15, $20, and all of it from outside Arkansas.

And my question was, What on Earth? How could this guy know these 3,000 people outside Arkansas that all of a sudden sent anywhere from $10 to $50 into Arkansas? The Arkansas Gazette to its eternal credit started calling these people and "Did you send so-and-so, Senator BUMPERS' opponent, $10, or $20?" And they made seven or eight telephone calls and everybody they talked to never heard of my opponent.

That was my introduction to bundling. Does that make sense to anybody? Of course, it does not.

S. 2 removes that.

Mr. President, I see everybody getting a little apprehensive, so I take it I have already spoken past my allotted time.

If I may just close, let me just say that when I was in business I had a fellow who worked for me, and one of his favorite comments was, "Let's do something even if it's wrong."

I am so concerned about the political process and the cynicism that exists in this country toward politics, Congress, and to a lesser extent the President, toward the State legislatures, toward democracy, toward the way this system is not running and not working, I am saying that money is a good big part of the problem.

If you really are serious about trying to instill a sense of pride in Government, with all people, those who can afford to give $10 as well as those who can afford to give $10,000, now is the time to start removing it.

S. 2 is not perfect, but it deserves a chance.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHELBY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, the proponents of S. 2 have offered so much grist, grist that is easily rebuttable, that I honestly do not know where to start.

But let us start first with the argument about the cost of campaigns, just the sheer cost—not does the money come from political action committees, or is it bundled together from contributors who do not know who they are giving to—just the cost. Realize, of course—and I think the public would understand—that a hotly contested race in a big State will probably cost more than an uncontested race in a small State. You will discover—forget the big State, small State argument—that some of the more expensive races are in medium-sized States where they could be won by a Republican or Democrat, and both candidates raise a fair amount of money.

As an axiom, you can say if the race is uncontested in a big State—I do not mean by uncontested that there are no opponents—anybody who looks at the race, anybody who assesses the race says X is going to win and Y does not have a chance.

If that is the political judgment ahead of time, and it is usually a judgment from the press, ironically, Y has a difficult time raising money; X does not raise very much money, and not much money is spent on the race. If, on the other hand, from a year out, 9 months out, 6 months out the press is saying this is a tight race, Y and X are locked in a tight battle, X and Y both have a fair amount of money.

Having said that, let us take a look at how much it actually costs citizens in this country to support their candidates. Let us take West Virginia, the home of the majority leader, Senator BYRD. The population of the State is 1.9 million people. He spent $1.8 million in his last election. The annual cost, annual, you have to multiply this by six because I am taking an annual cost of a 6-year term, the annual cost of that race comes out to about 16 cents per person in West Virginia. Multiply it by six, it is 96 cents, about a dollar. Over 6 years each citizen in the State of West Virginia on the average would have to put up a dollar.

Is that asking too much of the citizens? Is that saying that is too expensive a race?

Let us compare that to Oklahoma. Senator BOREN is one of the principal sponsors of S. 2. There you have a State of 3.3 million. Senator BOREN had in essence no significant opposition in the last race. He spent $1.2 million, or on an annual basis annual per citizen about 6 cents in Oklahoma.

Yet, interestingly, the annual per capita—I am talking about every man, woman, and child now—expenditures for tobacco in Oklahoma are about $16 a year, cosmetics about $98, alcohol about $235 per citizen.

Is democracy worth 6 cents per citizen?

Take even the most expensive races around—and mine was last year because I frankly spent a great deal of money on direct mail, and direct mail, as the Chair knows, is expensive fundraising. You have to pay for a lot of stamps and postage and letters. I raised about $6.2 million for the race, or on an annual basis 38 cents per citizen. My hunch is mine comes close to being one of the more expensive races. I have not figured the annual per capita expenditure for all other races, but in our small States, and in a very expensive very small State—I mean 1 million, 1.2 million, or 800,000 people—in a hotly-contested race, perhaps the per capita expenditure per citizen was higher. Let us even assume perhaps it reached 60 cents per citizen a year in one State or $3 for a 6-year term per citizen to support the process.

Is that excessive spending for democracy? I do not think so.

So let us for the moment put aside the argument about excessive spending. I do not think that argument is proven, at least in comparison to other things, that we voluntarily spend money on that probably are not as critical to the governing of free men and women as are free and open and fair political races.

Now, let us take the argument of where the money comes from because clearly it does not come in my State at 38 cents per citizen or in Senator BOREN's State at 6 cents per citizen per year. The argument is raised the money comes from powerful interests, that is, political action committees.

I could make an extended debate as to whether or not political action committees are evil or are not evil. Most of them, with very few exceptions, most of them raise their money, the political action committees, from thousands or in the case of larger organizations hundreds of thousands of contributions of relatively small amounts from the employees of the company or the members of the trade association. It is a very unusual political action committee that is supported by large donations.

Take some of the big ones, the realtors, labor, American Medical Association. The average contribution to those PAC's is relatively small. They just happen to have hundreds of thousands of members who are willing to put up a small amount of money.

Now, the real concern about the PAC's stems not from where do they get their money, but, rather, if a political action committee can give you $5,000 in the primary and $5,000 in the general election, are you so beholden to the lobbyist who gave it to you—and usually the lobbyist or the president of the trade association are the contributors—are you the candidate then so beholden to that person because he or she has given $5,000 in the primary and $5,000 in the general election, that you will make a pact with the Devil and sell your soul for that?

Bear in mind that is the most they can give you. And if these races are costly, that is, $1 million, $2 million, $3 million, $4 million, $5 million, is the fact that you received $10,000 from a political action committee going to be a disproportionate influence?

I might add as an aside here, Mr. President, there are very few political action committees that give you $10,000. It is, on average, more likely $1,000 or $2,000.

If your answer to that question is, yes, then for the moment I will argue the case that if you are going to be unduly influenced by a $5,000 or $10,000 contribution from a political action committee, there is another answer besides having to ask taxpayers to finance elections. The answer to lower or eliminate contributions from political action committees to candidates and parties.

If you want to get rid of the evil influence in PAC's, eliminate them. Pass a law that says they cannot give money to contributions.

In fairness, it should be understood that we cannot constitutionally outlaw or prohibit them from spending money independently—and I mean independently. They do not give it to the candidate, they do not talk to the candidate, there is no connection between the political action committee and the candidate's committee. We cannot constitutionally stop an individual or a committee from spending money as they want against a candidate or for a candidate. Ironically, it is more often spent against than it is for.

And the double irony of it is, with independent expenditures, they are often made by persons of great zeal and commitment who think that the entire public shares their view. And their ads are so obnoxious that it usually rebounds against the candidate that they think they are helping. But, that is another aside.

If we do not want any candidate, if we do not want any committee to receive money from the political action committee, that we can legally stop it now. And I think if that were the issue that the majority is really concerned about, then there would be room for a campaign reform bill on which 60 to 70 to 80 percent of the Republicans and 60 to 70 to 80 percent of the Democrats would join. But I do not think that is the real issue.

Second, if you want to reduce campaign spending, I think you could do that by bringing the contribution limits down. Now, here I do not think you would find many supporters of what I am about to say, but if you wanted to bring the campaign contribution limit down—and this is legal—to not $1,000 for individuals but $100 for individuals, and if you wanted to prohibit what the Senator from Arkansas referred to as bundling so that some organization in Minnesota or Wisconsin did not gather together hundreds of $10 contributions and send them on to a candidate in Arkansas, you could prohibit bundling also.

I would wager to say that if you eliminated the political action committee contributions—realizing again with this caveat, Mr. President, that they can spend on their own independently and that we cannot stop them—and if you limited campaign contributions to $100 or $200 a couple on a joint return, or something like that, you would dramatically cut the cost of campaigning and you would dramatically cut the cost of campaigning for this reason: With the exception of perhaps 5 to 10 Senators who have been in the Senate long enough to have established a record on some particular issues over a long period of time and might be able to raise money nationally by direct mail, most Senators have not established that type of a reputation. It is no fault of theirs; it just takes a long time to do it. Therefore, if a relatively unknown Senator from New Mexico, Arizona, or Oregon tried to raise money by direct mail in West Virginia or Ohio, my hunch would be you would lose your shirt, because they would not know who you were.

So, any money that you are going to raise in small amounts, perforce, you are going to be forced to raise it in your own State where you are known—hopefully you are known and hopefully the challenger is known—and you are going to have to do it not by an extraordinary use of the candidate's time because contributions are limited. Contributions are limited to $100. Candidates could raise money all day and all night and could not raise enough money to run a respectable campaign. The only way you raise that kind of money is with 500 volunteers, 1,000 volunteers, 1,500 volunteers who believe in you and they would go out house to house, block to block, rapping on doors or making telephone calls asking for money on your behalf.

That is not a bad sense of commitment. If people will do that for you, you may not be a bad candidate. And if people will do that for you, it may be a good hallmark of a good campaign. And if people will do that for you in your State, they will take an interest.

Almost all charitable organizations in this country learned long ago that, if they can do it, they are better off to have hundreds or thousands or, in some cases, millions of contributions of $5 and $10 and $20 and $50 rather than a half dozen of $1 million apiece. Because once you have a base of supporters that is not a half a dozen—but 1,000 or 10,000 or 100,000—you are immune from the vagaries that might eliminate one or two of your major donors or political irritations that have been with you all along, yet you cross them on one issue and they leave. Or if you are a charity and the charity has only five or six immense donors, and that charity decides to undertake a particular activity that one or two of the donors do not like and they quit, it absolutely devastates the charity. This does not happen if you have tens of thousands or hundreds of thousands of donors. You might irritate 5 percent, 10 percent. It is not fatal.

So, one, if you want to eliminate the influence of PAC's on committees or campaigns, zero them out. They cannot give. Two, if you want to lower the cost of campaigns, cut down the amount people can give and I think you will automatically cut down the amount campaigns will cost. You will have the additional benefit of most incumbents and all challengers having to raise the bulk of their money in their own States in small amounts with hundreds or thousands of volunteers.

All of that can be done without asking the taxpayers to compulsorily support us.

Now, I know the argument is made that it takes a lot of time to raise money. I am telling you, to raise it in small amounts, it does not take a lot of the candidate's time. It takes a lot of time, but it is not the candidate's time.

I am a little put off by this argument that raising funds takes so much time and I have got to devote a night a month a year at it or two or two nights a month a year or a week a year for 6 years. You know, we all got into this business with our eyes open. Sure it is hard work. No sooner we find how hard we work, then we ask the taxpayer who works hard to trundle up to finance our campaigns.

Any evil that has been alleged by the proponents of this bill can be remedied if they want to remedy it, Mr. President. It can be remedied without asking the taxpayer to pay for our campaigns. And if the majority wants a genuine campaign reform bill, then require what we call soft money to be reported. Soft money is money that organizations pay usually in telephone banks or direct mail campaigns to their members or get-out-the-vote drives to certain geographic areas where you know that those in the geographic area are likely to favor, by 60 or 70 or 80 percent, the candidate that you support. All of this is often done and, under current law, it does not have to be reported.

Is it campaign spending? You bet it is. Is it big money? You bet it is. Is it money spent on occasion by political action committees? You bet it is. It is usually spent by organizations that have immense membership and they will work on their members. They have 500,000, 600,000, 800,000, a million and a half nationwide and spread that around the States. They can make a big difference if they can get their members to turn out 80, 90 percent, when the average turnout might be 50 or 60 percent. And in a close race that can be the difference. Is big money spent on that? You bet it is. Not reported.

I think the majority has a misgiving about wanting to report that kind of money because most of those large membership organizations are more likely to support Democratic than Republican candidates and, therefore, I think, the majority has some misgiving about requiring that money to be reported. But if you want to find out who is spending for what and how much, it should be reported. That can be added to this bill.

Do you want to stop a rich man or woman from paying for their own campaign? Millionaires do not care if they raise any money; they just go out and spend out of their own pockets, and spend $2 million, $3 million, $12 million, $13 million. You can prohibit that in this bill without asking the public to reach into their pockets to finance our campaigns.

You want to improve the turnout? It is interesting to look at the figures in terms of voter participation. You know, the argument has been made that high spending turns off voters. However, it is interesting to look at the last series of Senate races. The top spending States in order also were the top turnout States. South Dakota had a 58-percent turnout. Spending per voter—this is a small State in a hotly contested race—$13.47 per voter; Vermont, $8 per voter, 49 percent turnout; Idaho, $7.86, 55 percent turnout. High turnouts in these States.

The States that had the lowest turnouts also had the least amount of money spent on the races. The reason for this is—and I will go back to my original premise—if it is a hot race, if there is a chance that the challenger can beat the incumbent and everyone knows it from 6 months out, that draws a high turnout and it draws money to the race.

If everyone figures the incumbent is a shoo-in, cannot be beaten, the challenger is a dodo, the result is low turnout and little money is drawn to the race.

Then, Mr. President, often quoted on this floor is the old adage that those who do not remember history are condemned to repeat it. Much of what we now are governed by—and the law is not bad now; it is much better than it was a decade ago—much of the present law comes out of Watergate, the undercover money and the efforts of the Watergate Committee and the reforms that came afterward attempting to ensure that what money was spent was reported, that limits were put on it. If there was any genesis to the way we are now governed in campaigns, it was the Watergate scandals followed by the Watergate Committee Report recommendations.

Let me quote from that report:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment.

This is most important:

> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

Do you know what ought to be the goal of this Congress? What ought to be the goal of this Congress, at least in Federal campaigns—and I would hope in State campaign, the goal should be to get 20 or 30 or 40 or maybe 50 million people in this country to give $10 or $20 apiece. That would produce more money than has ever been spent in campaigns in this country. Let us average it: If you could get 40 million people to give $20 apiece on the average, you would do more for democracy than all of the laws that we could pass because, if you could get 40 million people to give $20 apiece, they would not only give $20, they would be out telephoning one night a week, they would be out going door to door, they would be out participating in democracy.

I think it is possible to get 40 million people to give $20 apiece. In fact, I am reminded of our former colleague, Senator Long, who retired in 1986. As a matter of fact, Mr. President, he is coming in to see me today. It is the first time since he left because, of course, he was banned from talking to any of the former members of his committee for a year under the ethics laws. He has very properly and scrupulously adhered to that, but he is coming in this afternoon.

I can remember the idea he had, and it is not all that bad an idea, in fact this man seldom had any bad ideas. He was a cornucopia of energy and ideas.

He said, if you want to get people to give, I will tell you how we ought to do it. The problem in asking somebody to give you $20 or $50 or $100 is that the average man or woman cannot afford to take $50 out of his or her pocket and give it to you and then wait. Even if you have a tax credit system, they have to wait until next April to get their money back.

Senator Long said, I will tell you how to do it. We ought to figure out a system where you go up to Johnny or Jane and say, "If you give me $50, I will give you a receipt. You take the receipt down to the bank and get your $50 back that afternoon." He said, with all of these Federal Deposit Insurance Corporations and Federal Reserve Boards, we ought to be able to figure out some way that the average citizen could give money today and get their money back today. I think he was probably right. It is not beyond our capacity to figure that out if that is what you really want to achieve.

But, Mr. President, I think the difficulty in trying to work out a campaign reform bill is that reformers in the Republican Party come at it from a different view than reformers in the Democratic Party. Reformers in the Republican Party would like to have all money that is spent reported, whether it is spent by a political party, spent by a candidate, spent by an organization seeking to influence its members—whether with soft money, hard money—anybody—report it.

Second, I think the Republican candidates would be willing—I cannot speak for all of them—but they would be willing to reduce the amount that political action committees can contribute. For myself, I would be willing to reduce it to zero.

Third, I am not necessarily speaking for others, but for myself, I would be willing to reduce the amount that individuals can give from the present

$1,000 in the primary, $1,000 in the general.

Those reforms would achieve all that the Democratic reformers say they want to achieve. But I think deep down there is an unspoken motive, which is understandable. It is understandable in the sense that I think if the Republicans were in the majority in the country, we might think of the idea. I would still oppose it, but here is why I think the majority of the Democratic Party wants public financing and with it what they call spending limitations. Again, I am going to speak, Mr. President, on averages.

On average, incumbents win. It does not take any great genius to figure that out. You look at the past elections. Most Members of the Senate who run for reelection win. Most Members of the House who run for reelection win.

So, any system that says a challenger can spend no more than the incumbent automatically favors the incumbent if the incumbent starts out ahead to begin with.

Second, on average, people are inclined to vote their party registration. Not all and not as much as they did in the past, but if you look at the polls before elections and look at the polls after elections, polls that all the networks take, Democrats are more likely to vote for a Democrat and Republicans are more likely to vote for a Republican. Whether that is the way you were raised or a personal conviction you came to or you lived in a State where one party was irrelevant for a long time so the only way you could have an effective voice was to vote with the other party or not—there are a dozen reasons, in the last analysis, people are inclined to vote the way they are registered.

In this country, Democrats outregister Republicans on the average, nationwide. I mean registration. I do not mean when the pollsters ask, "Do you regard yourself as a Republican or Democrat?" You might be a registered Democrat but you might say you are Republican. More and more people are beginning to register independent. But for the moment, Democrats outregister the Republicans.

That being true, and if people are inclined to vote their party, then any system which says that the minority party can spend no more than the majority party favors the majority party, all things being equal.

With Democrats being the majority party in the country by about a 3-to-2 ratio, and in the Congress, both House and Senate, more incumbents being Democrat than Republican, couple those two facts together with a system that allows the minority party challenger to spend no more money than the majority party incumbent, and who on the average is likely to win? The incumbent majority party.

So I think what the reformers and the majority party want is a reform that will guarantee their majority status and to do so they are willing to tax the average taxpayer in this country and bundle up enough money to finance all of our campaigns so that the majority party can achieve the one thing it really wants, which is to limit the amounts of money that can be spent on the campaign.

Under the Supreme Court decisions of a decade ago, the only way they can do that is to pass a bill by which the public finances the campaigns, and if the candidates accept public funds, you can then attach a string to it that they can only spend so much.

I will conclude, Mr. President, with this: If what the majority really wants to obtain is reform in the sense of removing big money, that can be done without asking the taxpayers to finance our campaigns.

If what the majority party really wants is to reduce the amount of money that is spent in campaigns, that can be done by the simple expedient of lowering the individual contribution limits. We can do that without asking the public to finance our campaigns.

If what the majority party really wants is to allow the Republicans to spend no more than the Democrats, to allow challengers to spend no more than incumbents, then the only way you can do that is to ask the public to finance our campaigns and say that any candidate who takes public money can spend no more than the others can.

That is a fair argument. It makes a worthy argument in debate. I think that is the issue around which this debate should center.

I think it is unfair to give a majority party incumbent that advantage and I would argue against that unfairness. But I think it is a sham and would be deceiving to argue that the only way—the only way, Mr. President—that we can take big money, PAC money, evil money, selfish money, greedy money, out of the campaigns is to ask the public to finance them.

That big money, greedy money, selfish money, we can take out by amending the present law. If you want to take out the tremendous quantities of money that campaigns receive, we can do that without asking the public to pay for our campaigns. Lower the campaign limits.

I do not think, however, that the bulk of the majority really wants that.

So this debate will continue. For those who want real reform, Republican and Democrat who want real reform, who want to reduce contributions, who want to reduce the influence of PAC's, there is a majority in this body for that reform. But if in the name of reform the real goal is to ask the taxpayers to finance our campaigns, then I do not think there is going to be a consensus and I think this debate is going to go on for a long, long time.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I am pleased that the group of eight negotiating team was able to meet yesterday on the subject of campaign finance reform, and I was pleased that a very frank exchange on the central issue of the debate occurred in that meeting.

It is my hope that before we meet again Monday—and we are scheduled to meet again Monday—the Republican members of the group will meet the challenge which we have given to discuss with their colleagues how we can meet the needs of true reform which we discussed in the meeting. We look forward to getting back together again on Monday to hear additional proposals to see how we can come more closely together.

As I have said before, we are not dealing with an issue that should be a partisan issue. We are dealing with a serious problem for this country, an American problem. It think it is imperative that we get together to work on meeting this challenge together.

I have never sought to make S. 2 into some sort of partisan effort to benefit the Democratic Party. I think the negotiating group knows that. I think there is a genuine feeling on both sides in that group that we should try to come forward with a proposal which will not seek to give an advantage to one political party over the other.

Mr. McCONNELL. Will the Senator yield for a moment on that point?

Mr. BOREN. I will be happy to yield.

Mr. McCONNELL. I second the observations of my friend from Oklahoma. I thought the meeting was very frank, that it was an open discussion, probably the best discussion we have had to date on this issue.

I was encouraged, and I can tell him that we will have a proposal Monday for review, and possibly we can go forward from there.

Mr. BOREN. I thank the Senator from Kentucky. I appreciate the spirit in which he has entered into these negotiations. He is certainly one of those Senators who has spent the most time studying this issue, and I hope we will find a way to work together to solve the problems that we face.

I think we understand we have a sincere desire that we find not a bill which will solve all of the wrongs in the system—it would probably be impossible to do so—not a bill that will make one change in the law that will spark new loopholes and abuses of the system not a bill, as I have said, that carves out either a Republican advantage or a Democratic advantage, but, Mr. President, a bill that is well considered and an honest effort to correct what I believe a strong majority of this body feel: that we are dealing with a real threat to the integrity and fairness of the electoral process itself; that the system is badly out of balance and needs reforming.

I am encouraged that the group will reconvene Monday. It is not going to be an easy process, in all honesty. But I remain hopeful that we can come to some kind of agreement and that there will be a proposal from the other side of the aisle which will address the concerns expressed by the representatives of the 52 cosponsors of the current version of S. 2.

Mr. President, I hope we can come up with a proposal that will somehow address the problem of overall spending limits, and I understand this is a very difficult one. I recall when the Boren-Goldwater bill was offered in 1985—it was a bill that dealt with PAC reform—many of my colleagues felt the bill would create new loopholes. By simply placing an aggregate limit on the amount of PAC funds a candidate could receive, a "pop-up" effect could occur where money that would otherwise be directly contributed to candidates could then be used in a less direct fashion. I am speaking primarily about independent expenditures, bundling, and soft money.

Mr. President, in 1986, Senate candidates received a total of $45 million from PAC's, political action committees. Had S. 2 been the law during the 1986 election cycle, that amount would have been reduced to $16 million. The question becomes, if that were the case and there were no other limitations in place at that time, where would the other $29 million end up going?

I think it is naive to believe that somehow all PAC's would be motivated to invest those remaining funds in voter education programs. I doubt that they would have used those funds to sponsor issue forums and conferences where proponents and opponents of various issues related to that industry or that interest could discuss policy questions before the Congress. Finally, I doubt that, collectively, they would have decided to have returned all the money to those who contributed it. Mr. President, in the competitive environment of giving attention to the concerns represented by the political action committees, my guess is that a great deal of that money would still end up in the campaigns in an attempt to influence elections and to win favor with the elected.

That is why I am concerned about the proposal of my friend from Kentucky and others, which is somewhat similar to the proposal that we originally offered with Senator Goldwater, that we simply do away with PAC's or that we prohibit all direct contributions by PAC's to candidates.

As a Member of Congress who does not accept any PAC money I can only guess that my colleagues would assume that I would enthusiastically embrace such a proposal. For those of us who for years have been sending warnings about the growing dependency of Congress on PAC money it seems superficially to be the ultimate solution. But I am afraid, however, Mr. President, that it is just not that simple, and that such a proposal will not work if it stands alone without other limitations being imposed.

Let me say first that I have never accused all political action committees of being evil nor have I claimed that they do not have a rightful place in our campaign system. I do believe that they have grown so rapidly and wield so much financial power today that they severely threaten our system of grassroots democracy. With 194 Members of Congress depending upon PAC's for over half of their campaign funds I believe it is imperative that we restore some balance with an aggregate limit on how much candidates can receive from PAC's.

We run the risk of having campaigns totally financed with interest groups with little or no compact whatsoever with the home district or home States of those particular Representatives in the House and Senate. And the whole concept of grassroots democracy, the idea that it is the people back home who have representation in Congress, is threatened by the financing of campaigns by those who really have little or no contact with the home States and districts or the Members.

But my real reason for criticism of a ban on PAC's standing alone without other limitations is the impossible nature of addressing only one source of the problem.

Last year, PAC's contributed over $130 million to all congressional races, both House and Senate. Where would that money go if we simply took an action to limit the aggregate contributions of PAC's without putting other limitations in place for a comprehensive reform effort?

Let us say we pass a bill as has been suggested, a bill with no spending limits, no protection against so-called independent expenditure, no provision to stop growth of soft money, but one that bans all PAC contributions to candidates. If such a bill passed today, let us consider the result. Will those PAC's dissolve, laying off their managers, writing prorated checks to the contributors, returning the money? Or instead, might those PAC's become IEC's, independent expenditure committees, whereby they can still influence elections and gain favor with sitting Members of Congress through a $100,000 media campaign for his or her reelection as an independent committee instead of the $5,000 PAC contribution that they can give directly to the candidate at the present time. Or perhaps they would contribute that money to soft money accounts of State or national political committees where it is harder to see, harder to disclose, and harder to limit.

I need not go further with this thought to illustrate how dangerous that proposal could be and how as we are trying to cure one campaign finance problem we might create another absolutely as serious as the one we are trying to cure.

It is a very difficult area, Mr. President. It requires a lot of thought. Undoubtedly, we will not be able to fashion a perfect piece of legislation, but we should take care to close all the loopholes that we can find from our careful study of the issue. And we should do everything we can to not create new ones. We must do everything we can as we squeeze money out of one part of the political process to make sure that it does not pop up somewhere else, but it will be harder to disclose and harder to control and harder to have accountability.

We desperately need and must have reform. I realize that there are perhaps some fundamental philosophical differences between myself and some of the members of the group of eight. Yet, Mr. President, I applaud their willingness to consider the issues we discussed yesterday.

I commend the sincerity of some who feel so strongly that we should have a bill and must have a bill to protect this precious election process from abuse, loopholes and the attendant consequences of years past. I thank them for their time, their interests and their efforts.

I have no doubt that we can pass a bill that addresses the principles which must be in any bill that we pass. These were shared yesterday with the members of the group of eight. These principles were an outline of what 52 Members of this body have agreed to, and what 55 Members believe should have a chance for debate and eventually for a final vote.

I might just mention the principles which we tried to set forth from our side as negotiating principles. First, that there must be some kind of overall spending limits, that there should be a system of overall voluntary spending limits for Senate candidates which meets the constitutional constraints of Buckley versus Valeo. They must be based on voting age, population, and should be high enough to allow a challenger to adequately run a campaign in that sized State and low enough to represent some constraint and reform.

It is a careful balance that we must strike. If the limits are too low, they certainly will disadvantage those in a minority party. They certainly disadvantage challengers to incumbents. Incumbents are well known. They have access to the media. They have the franking privilege. They are already established. If the spending limits are too low, the challengers simply will not have an equal opportunity to get their message across.

So spending limits must be carefully set, carefully set so that we do not continue the present system which is really an incumbent's protection plan because after all 80 percent of all of the political action committee money ends up going to incumbent Members of Congress. It is not hard to understand why. Those Members are here in Congress. Many of them occupy key positions on subcommittees or chair committees that are of great interest, that have jurisdiction over the interests of those particular groups which are now largely funding the campaigns of Members. Access is important. A sympathetic and a fair hearing is important.

I am not here suggesting that any Member of Congress would directly accept campaign funds in order to influence his or her vote. But it is simply a fact of life that these groups concentrate on incumbents because they are already there and can be of help or at least can grant them access to gain a fair hearing.

There is always the possibility that if the incumbent loses, and we have seen this time and time again, the PAC's are fleet of foot and flexible enough to always help that winning challenger pay off his or her campaign deficit if they happen to have been on the wrong side in the race to start with.

We have seen hundreds of thousands and millions of dollars being contributed to both sides in campaigns, not always simultaneously and sometimes the contributions have been made after the decision has been rendered by the people on election day.

So we must change the system where this bill gives an advantage to incumbents. We have to change the system so that new people with new ideas who want to make a contribution of those talents and ideas in the political system of this country will know that they have a fair chance to contest an incumbent in an open election without having to worry about being submerged by a tidal wave of money coming in at the last minute from outside their home State, and outside their home district having a great influence on the selection of the officeholder in that particular State.

So it has to be fair. We have to change the system. And in changing it and in setting up a mechanism of limits it must not permit weight and advantage for either party that happens to be in a majority in that State or district, or for an incumbent. It must be fair to the majority and minority parties in that particular State and district as well.

The second major principle we set forth was that there must be some sort of enforcement mechanism or an inducement mechanism for spending limits. For such a future limit on spending limits to be effective, there must be benefits to candidates who comply with limits and disincentives for those who do not. There should be aggregate PAC limits.

Mr. President, there may be some hopeful signs on this point. As I have indicated, some agreement might be found. There should be a mandatory aggregate limit on the amount of contributions the Senate and the House candidates can receive from all political action committees, so that we would no longer have the situation where any Member of Congress elected to this body would have received more than half the principal part of all their campaign funds not from the people back home but from special interest groups controlled right here in Washington, DC. It is a matter of returning political power back to the people, where the Constitution intended it to be.

As I told my colleagues last year when we were debating this matter, I attended a meeting a few months ago in Washington, in which one person got up and seriously said: "Don't you think it is a wonderful thing? We were able to raise 80 to 90 percent of the money for campaigns right here in Washington, without the Members of the House or the Members of the Senate being inconvenienced or embarrassed, having to go back to their home districts or home States to ask the people back home to finance their campaigns? We can do all that right here in Washington, raise the money in Washington, without requiring that our elective officials ever go back home to seek financial support from the home folks to finance their campaigns."

My answer to that was, "Thank goodness the Constitution requires that the people back home be inconvenienced actually to vote in elections." Or, we can settle everything in Washington—the money for the campaign and the election itself.

Unfortunately, sadly, as we know, very often the level of spending has a great impact on the outcome of that election; and the matter of the money that can be raised in Washington has an undue impact when it comes to officeholders in other parts of the country.

The fourth matter which we feel must be addressed is protection against independent expenditures. I think there is a broad consensus in the Senate and in Congress, and I think in the country, that, by and large, independent expenditures have not been a positive influence in political campaigns.

They have made it very difficult for the candidates, themselves, to define the issues. They have allowed groups, often faceless groups, at least in the view of the people, to come forward with negative advertising, injecting themselves into campaigns and often making vicious personal attacks, without any candidate who is seeking the votes of the people being held responsible or accountable for the action of these committees. They have not been a welcome development on the American political scene.

Somehow, as we address the need to reform the way campaigns are financed and campaigns are waged in this country, we have to find a way to discourage those kinds of independent expenditures and those kinds of negative attacks. If the groups which make those attacks know they are going to face the use of checkoff funds to candidates who are attacked, so that they will have an offsetting ability to answer such charges, they are very unlikely to engage in those kinds of expenditures, in the first place.

I believe there is a strong consensus on both sides of the aisle around the principle that we must have more disclosure of the so-called soft money. If the people are going to be able to hold their public officials accountable for the ways in which they finance their campaigns, we need to have disclosure that is as full as humanly possible of the source of these funds, and that means also doing something about bundling.

Bundling is a very serious problem in which groups can get around the limits. They can give $5,000 or $10,000 by simply becoming collection agencies, so that they can bundle together the contributions and take those contributions, not $5,000, but $100,000 or $200,000, and curry favor with the candidate, by saying: "We collected all this money for you, and here it is from us." It is a way around the law, it is a loophole in the present law, and that is why S. 2 tries to close that loophole and has effective provisions.

Let me go into some of the arguments that have been raised against S. 2 and examine for a moment the facts and what S. 2 actually does.

It is often said that S. 2 does not do anything about PAC's. That is not true. S. 2 contains a mandatory aggregate limitation on PAC contributions to all candidates for the Senate and the House of Representatives.

The Senate limit is based upon voting age and population, and it ranges from a ceiling of $190,950 for smaller States to a ceiling of $825,000 for a State the size of California. The limit is $100,000 for the House.

In the 1986 elections, as I mentioned, $45 million of PAC money was contributed to Senate campaigns. Had S. 2 been the law, as I said a few moments ago, only $16 million could have been contributed by political action committees to the candidates.

No other bill proposed by those supporting the filibuster of S. 2 has aggregate limits on PAC's. There is simply a proposal to lower the amount PAC's can give from $5,000 to $3,000, or to $2,500. In 1986, that would have affected less than 6 percent of all the PAC contributions. Only 6 percent of the PAC contributions were above those limits. So we would still have had nearly all of the $45 million pumped into the system. We still, theoretically, would have had 196 Members of Congress elected, receiving more than half of all their campaign contributions from political action committees.

So it becomes extremely important that we have aggregate limits, and that is why we listed that as one of the principles around which we should try to craft some kind of bipartisan package.

Second, it is said that it is a Democrat's bill which will ensure the minority status of the other party, the Republican Party, by limiting spending. Besides, the spending limits in S. 2, it is said, do not really cut spending from last year's level. Spending limits under the revised version of S. 2 were purposely put at a high enough level to ensure, as I said a minute ago, the challenger's ability to compete with enough campaign funds. Realizing the advantage of incumbency, this is necessary in order to be fair.

In 1986, over $182 million was spent by all Senate general election candidates in the election cycle—$182 million. Ten of thirty-four States saw candidates remain within the limits of S. 2, while 24 States had at least one candidate who went over the limits set by S. 2. Of course 24, half saw both candidates spend over the limits that would be set in S. 2. Had those limits been in effect in 1986, spending would have been cut 39 percent in those States where candidates exceeded the S. 2 limits.

The goal of the spending limits in S. 2 is to be low enough to ensure that candidates do not compete solely on the basis of who can raise the most money and yet high enough to allow candidates enough recourse to get their message across.

For example, in 1986, the winning candidate in Florida spent $6 million, and the losing candidate spent $6.5 million. Under S. 2, the voluntary spending limit for that State is $4.6 million.

Most experts would contend that such an amount is certainly sufficient for both candidates to effectively campaign and to get their message across to the people of that State so that they could make a judgment based upon their ability to serve in this body, based upon the ideas they have to contribute to the public policy debate facing this country at this time, so that they can make a judgment based upon their personal abilities, their personal qualification, the levels of personal integrity. Those, after all, should be the standards by which we choose our public officials, not a selection based upon which candidate has the ability to raise the most money, which has little or nothing to do with the ability to make a contribution to public policy in a manner that is badly needed by our country today.

Another argument often raised is that S. 2 does nothing about soft money expenditures, allowing labor unions, for example, to use unlimited influence in congressional elections. What are the facts?

Soft money disclosure provisions of S. 2 affect both State and national party committees, unlike some of the bills proposed by opponents of S. 2. While many have charged that S. 2 does not do anything about labor union soft money, party committees appear to be the most effective place to track the source of those funds.

(At this point, Mr. WIRTH assumed the chair.)

Mr. BOREN. Mr. President, it should be understood that even experts who monitor expenditures which could have an indirect impact on Federal elections lack a consensus on how best to curtail or slow this abuse. Disclosure seems to be the best place to start in addressing the soft money problem.

Again, I think there is a consensus that disclosure of soft money is a very, very important matter.

Many have suggested that actual limits should be put on other entities which make such expenditures, get-out-the-vote efforts, registration drives, phone banks or party-building programs which may be organized by labor, business, or other groups with ideological or economic interests.

It would be very difficult from a free speech perspective to have arbitrary limits imposed. Efforts directly made on behalf of a particular candidate would be considered either in-kind contribution or an independent expenditure.

Again the supporters of S. 2 are open to additional ideas of how to put more constraints on soft money and how to assure more effective disclosure of soft money, and that is certainly something that I hope that the group of eight will be able to consider and find ways in which we can come forward with even a stronger package.

Fourth, as often said as a criticism of S. 2, we cannot afford an expensive public financing system for elections. But I want to point out that the substitute amendment which Senators BYRD, EXON, and I introduced on July 1 of last year and now cosponsored by a total of 52 Senators contains a spending limit provision with no automatic direct public financing. Instead of the grant or matching system previously considered, the bill now calls for limiting public financing from the tax checkoff fund only. Only when one candidate refuses to abide by the spending limits, with that enforcement of spending limits, the system simply will not work.

So when a candidate files for office and accepts voluntary spending limits, that candidate does not automatically get public funding. It is not a situation like we have, for example, in the Presidential election system where if a candidate meets the threshold requirements and other qualifications that candidate automatically qualifies for public financing. That is not true under the version of S. 2 which we are now considering.

The candidate accepts the voluntary spending limits. That candidate does not get 1 penny of public checkoff funds from the voluntary checkoff in the income tax return unless his or her opponent refuses to accept the spending limit and actually then does exceed the spending limit.

So it is only a standby enforcement mechanism and it is only if one candidate refuses to accept the limits and sought to spend an enormous amount of money to have an undue influence on the outcome of an election that any kind of triggering of money from the checkoff fund would occur.

Additionally, we added a new provision in S. 2 which would require that any funds deemed by the FEC and Secretary of Treasury to be in excess of what is needed to allow the system to function properly would be returned to the fund.

I had, in all candor, been a very reluctant supporter of previous versions of direct public financing; however, this proposal is fair, it is balanced, it is bipartisan, and it would end up costing the taxpayers absolutely nothing.

We do provide a reduced mailing rate for a candidate that voluntarily accepts spending limits. That is paid for. However, the cost of that is offset by doing away with the automatic mailing benefit now given to all political parties in this country, even fringe political parties, even Marxist political parties which now get that kind of benefit at the current time.

So we do away with that automatic benefit and use the lower mailing rate to reward those candidates who are willing to compete in our political system as we should compete based upon issues and based upon qualifications rather than simply having competition based upon which candidate can raise the most money, and there is no net cost to the Treasury because we have paid for that lower mailing rate with an offset by doing away with the political parties' current exemption.

So, Mr. President, I think we have before us a fair package and a balanced package. I understand that every Member of the Senate will want to go over this proposal with a fine-tooth comb. I have no doubt that there are ways in which this package can be improved. I think it is only natural that those on both sides of the aisle are going to look at any package, this package or any other package, that the group of eight might devise, with an eye toward trying to determine whether or not it gives an advantage to one political party or another. That is an appropriate concern.

It would certainly be a failure on our part and it would misserve this institution and the integrity of the election process itself, which we are all trying to protect, if we were to use the pressing needs for campaign finance reform to try to gain partisan political advantage for one party or another. That is not our purpose.

Mr. President, again I close by saying we must have reform. We must not just pass a bill for the sake of saying we passed a bill and call it reform. We must have true reform. It must be comprehensive so that as we squeeze money out of one part of the campaign financing process it will not automatically pop up someplace else where it may have an even more pernicious influence than a direct contribution to a candidate will have. We must restore the balance between what the people at the grassroots are going to finance campaigns for their own public officials in their own States and own districts and what are being contributed by interest groups often with a single economic interest or a single ideological perspective who rate the candidates for public office not on the totality on their service, not on whether they are broadly serving the interests of the United States of America but solely on a narrow range of votes to determine whether or not they are serving the economic interests of that particular group.

At a time in which we need to be building consensus in this country we do not need to be financing our campaigns more and more on the basis of how Members respond to the special interests of groups that are narrowly defined and are not looking at the total public service of our public officials. It is simply the wrong way to go.

Finally, we must have some kind of reasonable outer limit on the amount that can be spent.

As I said yesterday, I do not see how anyone really could stand back and say that the current system is working. It is hard for me to understand how anyone can say that it is healthy and that it is good.

We who serve in this body on the average, and some of our colleagues must raise far more than the rest of us, those from the large States with many mediums must raise far more to have the same impact, but just the average Senator has to raise $10,000 in campaign contributions every single week of every single year, 6 years, throughout the entire term, in order to raise the $3 million on the average that it takes to run a successful race for the U.S. Senate.

I do not think we should be spending our time doing that. We should be spending our time dealing with the problems that our constituents sent us here to solve, the challenges that our constituents sent us here to address, and very often the time spent to raise that money, that $3 million, is not even time that we can spend in our home State and in our home districts, particularly in the smaller States, in the States where the economies are economically depressed. It is simply impossible to raise those kinds of dollars necessary to finance a campaign in that State. And so what happens? The Members here who have to raise that $10,000 for that week cannot even go home and talk to their own constituents and listen to their problems and respond to their needs. They are having to go off to some other city, to some other State, 1,500, 2,000, 2,500 miles away from their home States and their home districts to raise the money to try to get reelected.

How does that improve our ability to do our job? How does it give our constituents a greater voice and a more representative voice in this system of democracy if we do not even have time to make those trips home to see them, tell them and to translate to them the issue with which we are interested, to get their input, to hear about their problems first hand because we have to be someplace else raising the campaign money.

And I have had Members, many Members, who served here in this body express their frustration to me about that very fact, that they are having to go all across this country, crisscrossing it north to south, east to west, and they are deprived of time—not only time here in the Senate to do their business, not only of time with their families but they are also deprived of time with their own constituents they were sent here to represent because they have to go out to what Senator Byrd has eloquently called the money chase, chasing after money, money and more money so that they can continue to render public service.

Yesterday, I referred to the young people who ably serve here in the U.S. Senate as pages. There are several Members of the House and the Senate now serving who were pages themselves at one time in their lives. I, myself, had that experience in the House of Representatives for a brief period. It was a wonderful experience. Very often it leads you to have an even stronger desire to serve the public and have an impact on the great issues of the day that determine the future of this country.

You have to stop and reflect, when you look back at the rate of increase of campaign spending over the last decade, and when you do, you realize that if the current rate continued just as it is now—no increase in the current rate of spending; just keep going right on the exact same trend like it is now—that it is going to cost an average of $15 million 12 years from now to run a successful race for the U.S. Senate. In an average size State, $15 million. It is $3 million now and in some States they are spending $20 million. Think what it is going to be in some States if the average will be $15 million. Will it be $60 million? Will it be $70 million?

I do not want the next generation who wants to perform pubic service in this country to have to sit down and start trying to think, when they are 18 years old, if they have an aim some day to serve in this body, about how they will raise $15 million so that they can try to get themselves into public service. What interest groups are they going to have to make contact with? What places are they going to have to travel to outside of their home States and their home districts? What kind of people are they going to have to make obligations to—people that do not even live in their homes States.

I do not want to see that happen. I do not want to see that happen in this country. It is happening too much already.

How much is enough? How much is enough to get a message across in the political campaign? If $3 million is not enough, is $6 million not enough? Is $10 million not enough? Is $50 million not enough? Is $100 million not enough to run a successful campaign for the U.S. Senate, to get your message across?

I heard some people say that are philosophically opposed to any limit whatsoever as a matter of policy on what you spend on campaigns. That means they cannot conceive of any number high enough, not any number can they conceive of high enough in terms of total campaign spending—not $100 million, not $1 billion—that would cause them concern or offend them or cause them to say that spending on elections has gotten out of hand.

Mr. President, I do not really know how to answer that argument. I think I know how the people of this country would answer it if you go up and down the streets, if the Members of Congress had time to go back to their home districts instead of going off to fundraisers in Boston or New York or Miami or Los Angeles or someplace. I think I know how the people would answer it. They would say:

> We want you to spend your time doing your job. We don't want you to have to sit and worry several hours each day or several hours each week on how you are going to raise campaign money. We want you to worry about the future of the country. And when you set your schedule in your office and you know you only have an hour of time to see certain people, we want a situation where you are just as apt to take the time to listen to a case made by a grassroots constituent from your home State as you are likely to spend that precious hour of time you have available listening to the manager of a political action committee that represents a special economic interest group headquartered in Washington, D.C., with no real ties to your home State whatsoever.

Mr. President, we all know there is a problem. We all know that something needs to be done. I know that we have some honest differences of opinion about how to solve the problem. But I do not think there is anyone—I have not heard anyone in this debate—that has not said that we have a problem.

Now, are we going to do something about it? Several of us started talking about this 5 or 6 years ago. Some Members of this body have talked about it before that. The answer always is, "Wait until after the next election. I am running right now. I don't want to offend those groups that contribute that money because I am going to need the money from them for my campaign. So wait until my election is over, then we will reform the system."

That is what was said in 1982. And that is what was said in 1984 when they said, "Wait until '86." And in 1986 they said, "Wait until '88." And now we are in 1988 and now they say, "Wait until '90." And when we get to 1990, they will say, "Wait until '92."

A huge number of people in the Congress—the entire House of Representatives and a third of the Senate, well over 400 Members of Congress—are always within 2 years of an election. But what happens to the system? What happens to the constitutional system that we are sent here as trustees to defend? We take an oath to uphold it. And if we do not assure the integrity of the election process itself, what have we done to the entire democratic system?

It is as fundamental as the principles that we learned in our first elementary school books about American history when those who founded this country raised the cry of no taxation without representation. And what did that mean "without representation?" They meant without having a voice, without selecting people themselves at the grassroots to represent them, to listen to them, to act on behalf of their own interests—the people back home.

And when you start to take control of the funding of campaigns and financing of campaigns out of the hands of the people back home and put in charge those from elsewhere who represent special economic interest groups, you have struck a blow against the integrity of the election system. You have struck a blow against the whole concept of representation. You have undermined public confidence in the political system itself. You have left the people to wonder: Do we really have any voice in our own Government anymore?

It is very hard to draw correlations, but I would imagine, and I think it is logical to assume, that the appearance that the average citizen really cannot have much impact on politics anymore because they do not have a huge amount of money to put in political campaigns, that that perception has caused a lot of people in this country to give up on political involvement. And what a tragedy that is.

So, Mr. President, I close by saying we cannot afford to wait any longer. We waited in 1980, we waited in 1982, and we waited in 1984. We have been waiting and waiting and waiting. We waited for 10 years. And in that 10 years, the cost of campaigns has gone up 500 percent in that decade. Are we going to wait another decade and let it have another fivefold increase?

When are we finally going to do our duty to the people who sent us here and do something to reform the system? Let us do it now. Let us have it written in the history books that, in 1988, the Congress of the United States finally had the political courage to do its duty.

Let us proceed ahead and have an opportunity to vote on this package. Fifty-two Members of the Senate have cosponsored it; over half the Senate. Fifty-five Members of the Senate have voted to shut off prolonged debate so that we can consider it.

We are not saying that we insist on enacting this bill just as it is. All we are saying is, give us a chance to consider it. If you do not like parts of it, come forward with your amendments. Get a vote on your amendments. Try to change it. Try to improve it. But the people should have a right to have their representatives vote on congressional financing reform this year.

Mr. President, I think the people are beginning to watch us on this issue and I think the people ultimately hold us accountable. They should do so. I hope and pray that we will be up to that task.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I know there has been much debate in this body lately of campaign reform, and we are all for campaign reform. But it does not do us much good, I think, to cover up a very political bill under the mantle of reform.

Let us look at the record of this matter. As an incumbent Senator I suppose I should be in favor of the original S. 2 because, under it, I would have received nearly $1 million for my next campaign of public money. I know S. 2 has been changed, thanks to the Senators who have voted consistently against it. But we have been discussing campaign reform.

Is campaign reform spending public money, adding to the deficit? If we had passed S. 2, if we had not had the cloture votes, once we were past cloture the majority party would merely have passed their bill and that would have been a very expensive undertaking, when you take all of the candidates for the U.S. Senate and House. Although the original bill only applied to the Senate, I would like to see it applied to the House.

The fact of the matter is that as S. 2 has changed, it has kept taxpayer financing in it and that means adding it to the Federal deficit. Indeed, now there is talk of a postal subsidy. But a postal subsidy is not free. It will have to be paid for. The Post Office will have to be reimbursed.

Some people say that, well, the example of the Presidential public financing is an example we should emulate. Is it really?

Let me say that I know that the moneys being given to the Presidential candidates are merely added to the Federal debt. All taxpayers are responsible. It is true that when you check off on your income taxes that $1 goes to those campaigns it does not mean you pay $1 more taxes. It means there is that much less revenue so it is being added to the Federal debt. It is being paid for by the taxpayers.

Has it really worked so well? Our two political conventions are paid for out of taxpayers' dollars. Is that necessary? I am for limitations. I am for limiting PAC's. I am for all these limits we are talking about. But why do we have to use taxpayers' dollars? Why do we have to increase the Federal deficit?

Also, let us think for a minute about the Presidential public financing. Has it reduced the power of PAC's in Presidential campaigns? No. It has probably increased them because individuals can give an individual check, which they know is going to be matched by taxpayers' dollars. Then they can contribute to a PAC which is going to contribute to the campaign, that much more. So it probably has actually increased the power of political action committees in Presidential races because you just use your matching funds to get up to a certain limit and you can have PAC funds in addition to that.

Let me say that I think my good friends BOB DOLE, GEORGE BUSH, Pat Robertson, do not need Federal funds. They could raise sufficient funds. They could be limited and so forth. But the taxpayers end up paying. And it looks like reform.

If we extend this to every House and Senate race in the United States, and what about all the primaries, what about all the parties that would suddenly have candidates for the Senate? You can be assured that there would be a proabortion and an antiabortion candidate in every race in the United States if there were postal subsidies and taxpayers' money given to the candidates.

You can be assured there would be a Socialist-Communist candidate in every race in the United States, because it would be their constitutional right.

How many millions of dollars has Lyndon LaRouche collected of taxpayers' money? Indeed, he is legally entitled to it.

We saw the spectacle of one Presidential candidate reentering this December, I think probably for the sole purpose of collecting $1 million of taxpayers' money. Is that really reform?

Then let us turn to the House and Senate. We are told that this is all going to be very easy; that everybody who runs for the Senate is going to have a postal subsidy. Now the public funds do not kick in until one side exceeds the limit. Let me say that I am speaking as a Senator who has followed limits. I have carefully followed low spending in my race for the U.S. Senate. Indeed, in my last race for the Senate we probably spent, on the campaign, between $500,000 and $600,000, and I spent less than that my first time on the actual campaign.

So I have practiced limited spending and I stand as a Senator who says you can say to your people you are going to practice it, say it to your people and there is a response.

But my spending would be doubled or tripled under these limitations. The spending would be doubled or tripled under these limitations. The spending I could do under these limitations would be much greater. Indeed, under the original S. 2 I would have gotten $1 million of taxpayers' money, twice as much as I have ever spent.

I am all for limitations. I am for limiting total spending. I am for limitations on individual's contributions. I am for a constitutional amendment if we need to have one, if we could get one done as they did several of them within a matter of months or a year or two. But why pass a bill that opens up the Treasury without any need? Why can we not find a way to do this without spending more taxpayers' money?

Every time there is a problem in this country the first reaction is to throw Federal dollars at it. We can limit the amounts given, we can limit PAC's. As far as I am concerned we can eliminate PAC's, although, let us remember, that political action committees were the big reform. When I first came to Congress back in 1974 and 1975, Washington was talking about what a big reform political action committees were. They were a result of the Watergate and some of the scandals. Now we are going to know where the money was coming from.

Then something funny happened. The business community got active and outdid labor, so suddenly PAC's became bad.

Mr. President, let us look at some other history here. How many of us remember the Watergate Reform Commission, Sam Ervin's Commission, the Watergate Senate Select Committee that held hearings and made recommendations? One of their principal recommendations was never to use taxpayers' dollars in House and Senate races. It is recommendation. You can look it up.

The reason is that they were afraid that there would be a Federal Election Commission or Federal Agency deciding who the qualified candidates and who the qualified parties are. For example, let us say that there is a dispute if one side has exceeded the limits. Who is going to decide if the limits have been exceeded? It would be bureaucrats in Washington, DC.

Let us say that some folks in my home State formed a new political party and ran a candidate for the Senate. Who would decide if that candidate were to qualify? Let us say that he represented the Sunflower Seed Growers of America. Would the sunflower party qualify for the $1 million of taxpayers' funds? Who would decide that? It would be a Federal agency in Washington, DC.

What the Watergate Commission said was that the IRS was too powerful at that time and that former President Nixon had allegedly used it to harass some citizens. All the facts that surround that I am not sure, but they simultaneously said that it would be far worse to have a Federal agency deciding which candidates for the House and Senate qualify for Federal funds.

We have a much easier task in the Presidential race because there are matching funds and so forth. But who is to decide about every proabortion and antiabortion candidate for the House and Senate? You can be assured, if there is a postal subsidy for the House and Senate, that all groups such as that will have candidates running to take advantage of the Federal funds? So will the Vietnam veterans of America, of which I am one. So will every other group. There will probably be some parties that will want to field candidates for the Senate, if there are Federal moneys involved.

So let us remember one of the great reform commissions of this time, I think it was 1974 or 1975, when the Ervin committee made that recommendation. We seem to have completely forgotten it. Nobody talks about it.

Mr. President, let me move to another aspect of this S. 2. There has been much sanctimonious talk in this Chamber about reform and so forth. This is a political bill. I am not a very partisan person and I want to have a campaign reform bill. I want to have limits. I do not want to use Federal money. But I will be happy to support a reform bill and I think we are going to pass one in this Chamber.

But let us face it: this bill is supported by organized labor; it is supported by liberal organizations. On the other side of the coin are the conservative organizations, the businessmen and businesswomen, the farmers, the individual contributors. That is the fact of the matter.

Sometimes we try to cover that over. Under the original S. 2 there was a difference in the way organizations, be they labor or large organizations, report. They say that their urging their members to vote a certain way is merely communications among their members, and it should not be counted toward the total.

That is not a fair thing because labor organizations are organized in that fashion and some of these other larger organizations would not have to report political activities on the same basis as the other side. That is just a fact of life here. That is part of the reason for the partisan fight here in the Senate, in case anyone was wondering. But you do not hear very much about that.

Also, Mr. President, another aspect of this are the so-called tax-free foundations that we see so active in politics. For example, Common Cause, is a fine organization. I do not fault it a bit. But does Common Cause report on how much its contributors contribute? Does it report on its expenditures? Can you get a breakout? I do not think so. At least, I have never been able to. Maybe somebody can show me that I am wrong. In my political campaigns, I report everything over $200, I believe, or $100 in contributions and over $200 in expenditures. Granted, these organizations are not running for office, but they are running full-page newspaper ads around the country and they are doing a lot of activities.

They seem to apply a different standard to others than they apply to themselves.

The issue of soft money in political campaigns is what I am talking about. There is no reporting of it. That is a very serious matter.

So, Mr. President, I think we should examine this bill very carefully. I think the public should know what is in it, because it is quite different from this very smooth-talking description we have heard about it being devoted to reform, and so forth.

Also, the structure of the two political parties in our society merits careful analysis. For example, I believe that the passage of the original S. 2 would have guaranteed a permanent Democratic majority in the Senate. The bill did not apply to the House where the Democrats have the majority of Members.

For example, in the South, it is just a fact of life that our party does not have the organizational support of labor, of large party organization, and the Republican candidate normally has to spend more to make up for that disadvantage.

Also, a lot of people who challenge incumbents have to spend more.

So this bill was an imcumbent's dream. It would have guaranteed a permanent Democratic majority here. It would have allowed a different type of reporting so far as labor organizations reporting than do business organizations. And it would not have required that soft money be reported in politics.

So I hope that we look very carefully at this because the ads that are being run in the paper say we are for spending limitations but do not tell you all this other stuff of public financing, taxpayer money, adding to the deficit, different types of reporting, and so on and so forth.

In conclusion, Mr. President, let me say I am for reform. I am for limited spending, and I have practiced it. I have heard about limiting or eliminating PAC's. I will not have a big argument about that. To me personally, it does not make much difference.

I am for all kinds of things that would improve our election system, but I am not for using taxpayers' money; I am not for having a different standard of reporting; I am not for the growing use of soft money which claims to be nonpolitical but turns out to be very political and I think should be reported.

So all those things I am not for. But I do hope that we come up with a good bill. I hope that the group that is working will be able to bring a bill to this floor that amounts to something, that will be true reform. But remember, so often these bills that say reform on them are not reform. Look at the tax reform bill that went through here a few years ago. Look at the other things that have gone through here that have been said to be reform but when they get out to the country and get the regulations on them, they are not reform.

Some say we should pass a bill, the public wants us to pass a bill; we should pass a bill for the sake of passing a bill.

Nothing could be further from the truth. We should do this right because it will go on for a long time. If it takes a constitutional amendment, let us do it. There have been constitutional amendments that have been started and finished in less than 18 months. There are many things that can be done. But let us not do a half-baked job just so we can go out to the country and say we voted for this bill, here it is. Let us do this one right. Mr. President, I yield back the remainder of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I would like to speak to a myth that we have heard regarding political financing in America. That was a myth that involved the U.S. Supreme Court. It is the myth that there is a relationship between increased campaign spending and the exercise of freedom of speech, that if there is more money available there will be freer speech and, therefore, a greater relationship between the candidate and the public whose vote that candidate seeks.

It may be acceptable, Mr. President, though I think it is not, for the U.S. Supreme Court to be so isolated from reality that it would succumb to that myth. It is intolerable for the U.S. Senate to be subject to that basic misunderstanding of contemporary American politics. The reality is that the tremendous increase in campaign spending, an increase which over a decade has resulted in the average campaign for the U.S. Senate moving from $600,000 to over $3 million, has not contributed to an increase in the effective, legitimate use of freedom of speech, but, rather, has resulted in the privatization of political campaigns.

I would like to discuss that privatization in three aspects of reality.

One, what this enormous amount of money allows a candidate to do is to effectively avoid the public.

In my campaign for the U.S. Senate in 1986, we received—we, the incumbent and myself—scores of invitations to meet together, to debate, to participate in open public forums on the full range of issues of interest to the citizens of our State.

When the campaign concluded, there had been one 1 hour of debate. Why? Because it was possible to avoid dealing with the public, avoid answering their questions, avoid having the public placed in the most advantaged position of determining what we stood for, what we were going to accomplish, why we sought the U.S. Senate, because we were able to hide behind a wall of a television studio and lob 30-second television spots on the air.

One debate of 1 hour in a campaign, with $7 to $8 million spent in the production and airing of essentially 30-second television spots.

Second, this enormous amount of money allows the candidates to trivialize the campaign, to render the campaign an ugly event.

A typical strategy, a strategy which is made possible by the tremendous amount of funds available for television, is to start the campaign with an airing of negative spots. These spots not only denigrate the campaign, but they also tend to focus public attention on what, in the sweep of issues, are relatively trivial matters.

Nonissues, by repetition and to the exclusion of what the public is generally interested in, become the focal point of the campaign.

Third, this enormous amount of money has the reality of warping candidate-to-public relationships.

I believe very strongly, Mr. President, that a political campaign is essentially an educational process and it is a two-way process. As candidates, we are trying to educate the public as to who we are, what we stand for, why we deserve this vote. But we should also be prepared to be educated by our public.

If I were a member of a newspaper editorial board or other panel that had the responsibility of recommending candidates, a question that I would ask each of those candidates is, "What have you done, what have you experienced, what have you learned, since you announced your candidacy, that makes you better prepared to serve in that office than on the day you commenced this campaign?"

If a candidate cannot give a responsible answer to that question, that in itself should render the candidate unacceptable for endorsement, because the campaign ought to be a growth experience. If you do not know more about your public, if you do not know more about the variety of economic, cultural, and political needs of the people you want to represent as a result of that campaign, you are not a person who has the necessary attributes to be an effective public official.

I believe an outstanding example of that learning process is represented by my colleague, Senator LAWTON CHILES. In 1970, he set about a campaign which many people thought was quixotic, almost foolish, in the extreme, and that was a campaign in which he would walk from the most northwesterly corner of the State to the Florida Keys. As a result of that walk, those of us who had known LAWTON appreciated the growth experience that he was gaining. He was not just walking. He was also realizing an opportunity to relate in a very special way to the people of our State. He was going through a personal growth experience, an experience which has made a significant contribution to the effective U.S. Senator he has been for the past 18 years.

The excessive spending which is now available allows candidates to make this educational process a stunted one in terms of the information which candidates provide to the public, an absolutely vacuous one in terms of how we use the campaign to better prepare ourselves for public service.

I believe those are the realities of what excessive spending has done to contemporary American politics. I believe that we, as those who have the responsibility for the protection and the continuation of the political process, because we have been given that right by our people, have a responsibility to deal with what this enormous change in the level of financing has done to the political process in America.

Later in this debate, Mr. President, I hope to offer an amendment which would add a requirement of candidates to participate in a certain number of public forums or debates as a condition of their participation in the benefits which S. 2 would provide. I will reserve the time to discuss that proposal in more detail at a later date.

But the basic responsibility of this Senate is to see that the benefits of democratic representative Government continue to be available. I believe that those benefits are threatened by the circumstances in which each of us participate. If we functioned as if in the marble building to the east of us, the U.S. Supreme Court, we might be able to excuse ourselves in that we were not aware of the reality of what was happening in American politics, and therefore join that slim 5 to 4 majority which reached the conclusion that there was a relationship between greater spending and greater freedom of the press, greater freedom of speech. However, we do not have any excuse to be mesmerized by that myth.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which I wrote shortly after my 1986 campaign which discusses the issue of the privatization of American politics as a result of the enormous spending which I hope S. 2 will begin to bring under control.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 11, 1986]

CAMPAIGNS DON'T BELONG TO CANDIDATES

(By Bob Graham)

TALLAHASSEE, FLORIDA.—During one of my political campaigns in Florida, I was marching in a parade and shaking hands with spectators. As I approached a man with a little boy perched on his shoulders, the child looked down and said excitedly: "Daddy! Daddy! There's the man who lives in our TV!"

That could easily have happened to any candidate running for election this year. During the campaign for Florida's United States Senate seat, my opponent and I raised and spent more than $13 million. Most of that money went for television advertising. We have all had to become the person "who lives in the TV."

But for all the money spent, what does the public really know about candidates or where they stand on important issues? It's time to redefine campaigns both to help voters make informed choices and to better prepare candidates for public service.

Congress should set campaign spending limits and provide public financing with the requirement that candidates agree to engage in debates.

Political campaigns belong to the public—not the candidates. By forcing office-seekers to debate in order to receive funds, Congress would provide strong incentive to candidates to better educate themselves about what the voters want.

The cost of running for a Senate seat is out of control. Candidates must raise hugh sums from supporters in a process that has, in effect, "privatized" campaigns, requiring candidates to distance themselves from the public in order to raise money to finance television ads.

TV advertising should be used thoughtfully and responsibly. Some candidates with sizable war chests hide behind prepared TV spots. Their commercials take the place of meeting and listening to people and answering their questions.

In the end, the cost of those commercials compels candidates to assign fund-raising a paramount role in the campaign. Time spent on the telephone asking for money and time spent at fund-raisers is time spent on a very narrow campaign trail.

What's more, the most recurrent criticism of the 1986 campaign was the predominance of negative television advertising. Negative advertising is a direct result of this "privatization" of the campaign process. What people talk about and journalists write about is action, conflict, competition. Far too frequently, however, the only conflict between political rivals is the battle of the 30-second TV spots.

During my senatorial campaign, I gave major policy addresses on more than a dozen issues. The media gave most of those speeches virtually no coverage or analysis. I heard no response from my opponent. By contrast, so-called negative political ads on both sides provided most of the drama and color in the campaign. The ads themselves became the subject of news coverage.

Until we change the rules, campaigns will grow increasingly private and uninformative. A limitation on campaign expenditures would be the single most effective lever to re-establish the public nature of campaigns. Less money to spend means less temptation to take campaigns private and focus on television advertising. That puts candidates back in contact with voters.

We already have limits on the size of individual contributions to Presidential campaigns as a condition for receiving public financing. Those limits were imposed to encourage a broader base of participation and influence. Setting a condition that all candidates for national office appear with their opponents in debates in order to qualify for public financing would open campaigns even more.

This year, TV stations in Florida were willing to run any number of debates for the Senate election. There was one. A single hour to examine the records of an incumbent Governor and an incumbent Senator, to explore the critical issues facing Florida, to explain positions on national and international policy. Multiple debates would have served the voters better.

A political campaign is a public service. It is as much a public service as holding office. It deserves the same level of commitment and respect as the offices we seek.

THE NEED TO REFORM CAMPAIGN FINANCING

Mr. BENTSEN. Mr. President, reforms in our campaign financing laws are long overdue. Campaigns cost too much, and too much time is required to raise the funds necessary to match those everrising costs.

When I ran for reelection in Texas 6 years ago, I was staggered by the $5 million which each major candidate spent, for a total of $10 million. Just 2 years later, the senatorial candidates spent a total of $20 million, a figure exceeded in the most recent gubernatorial election.

The same escalation in campaign spending has been experienced nationwide. In the past decade, spending in House and Senate campaigns has soared 278 percent. Discounting inflation, the figure has still more than doubled.

It takes more money to run for office, more money to conduct an effective many faceted, multimedia campaign, and more money to stay in office once elected.

For all of us, the costs are obscenely high and still climbing. In order to remain competitive, we have to spend inordinate amounts of time simply raising money. That is time we cannot spend on more pleasant and productive activities—with our families, meeting with people in our State, or working on legislation.

The pressure to raise large sums makes us turn to those who can legally provide large contributions, the political action committees. Now, I happen to think that most PAC's are legitimate and honorable participants in the political process. They have served to draw more people into that process and have allowed individuals to augment the impact of their political activity.

Nevertheless, I am concerned that PAC's seem to be paying an ever larger share of campaign costs, over 31 percent in the 1986 congressional elections. I am also concerned about loopholes in current law which permit bundling of contributions in excess of the stipulated contribution limit.

In addition, I have introduced legislation to bar the establishment of PAC's by U.S. companies that are more than 50 percent foreign owned. Soaring foreign investment in our country—more than 600 percent in the past decade—has placed foreign owners in control of major corporations, including ones with 10 percent of all U.S. manufacturing sales and 30 percent of the chemical industry. Many of those companies have PAC's, and contributions from such PAC's to congressional campaigns has doubled in each of the past three election cycles. My legislation would prevent foreign-owned companies from participating in our elections and avoid any potential conflicts of interest between what the U.S. employees might favor and what the foreign owners prefer.

We have come a long way from the bad old days of unlimited contributions, bagmen, laundered money, and unaccounted for cash. But we still need substantial additional reforms.

Time and again, I have supported campaign reform measures. I supported the original legislation in 1974, which included my amendment to bar contributions by foreign nationals. I supported limits on senatorial and Presidential campaign spending. I am a cosponsor of a constitutional amendment to permit expenditure limits. In recent years, I have introduced legislation to offset the impact of destructive negative campaigns by so-called independent groups and I supported the Boren-Goldwater bill, and now S. 2.

I was reluctant to support the far-reaching public financing provisions as originally contained in S. 2, but I can accept the revised version which provides voluntary tax checkoff funds only when a candidate's opponent refuses to accept spending limits and then exceeds the limit set for his State. I strongly support other features of this much needed legislation which limit PAC contributions and bundling and independent expenditures and soft money expenditures.

If this bill becomes law, senatorial campaigns in Texas would be limited to spending a total of $5.8 million during the primary and general elections. That would be about half the total of the most recent such contest. That is still a large amount, but much more reasonable than $10 to $12 million each.

Mr. President, we have to reduce our need for huge campaign war chests and our preoccupation with raising them. We need to devalue the dollar's dominant role in politics so that elections can focus on the more relevant questions of accomplishments, character and issues.

If we can do these things, our electoral contests will be more meaningful to the voters. And once elected, we will be freer to devote full time to our duties as legislators.

Mr. BURDICK. Mr. President, we have now spent hundreds of hours debating campaign finance reform in the Senate.

Our distinguished majority leader has done a fine job calling attention to this issue and trying to work out a bipartisan agreement. I think everyone in this body recognizes that there are problems with our present system, yet it is seemingly impossible for 60 of us to agree on the solutions.

Campaigns have become ridiculously expensive. Political action committees have received a lot of criticism, but they are a natural result of the current rules on campaign financing.

I am a cosponsor of S. 2, the Senatorial Election Campaign Act of 1987, because I have many concerns about our present system of raising money for elections. S. 2 would improve our system of campaigning for Federal office.

Besides lowering the limit on contributions from political action committees, the bill closes several loopholes in the present law. It also establishes voluntary spending limits on $950,000 in small States to $5.5 million in larger States, including a limit of $20,000 of a candidate's own money.

S. 2 provides financial incentives in the form of cheaper advertising and mailing rates for candidates who comply with the spending limits. Candidates would receive public funds if their opponents exceeded the voluntary spending limits, but not otherwise.

As you know, I am one of the Senators up for reelection this year. I am raising money for my campaign under the present rules, knowing that several million dollars was spent in the last Senate campaign in North Dakota.

I remember spending $2,400 on my first campaign for the House of Representatives. I was a struggling attorney with a strong interest in politics. These days, most people with an interest in politics cannot afford to run for Federal office. And that is the shame of our present system.

I have long advocated public financing of elections, since the Supreme Court has said that is the only way to set strict limits on campaign spending. I strongly support legislation calling for a constitutional amendment establishing public financing.

We should have started the ball rolling on this constitutional amendment years ago, to stop the costs of campaigns from the upward spiral.

The $1 campaign check-off on tax returns is working for Presidential elections, and I think it could work for congressional elections. The people of this country do not want to have their choices limited to millionaires of one party or another—they want to be able to choose the best man or woman for the job. That is what public financing would allow.

Again, I want to commend Senator BYRD for his efforts to change the system. I pledge my full support in the effort to make our system of elections work more democratically. Let us continue to be a Government of the people.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY SECURITY IN EUROPE

Mr. WIRTH. Mr. President, today I would like to proceed in the process that I have been pursuing over the last few weeks of commenting on some of the very good literature in the area of conventional arms control and today to include in the RECORD an article by Ambassador Jonathan Dean, current arms control adviser of the Union of Concerned Scientists and who was, from 1973 to 1981, the Deputy U.S. Representative and then U.S. Representative to the NATO-Warsaw Pact mutual and balanced forced reductions talks.

These articles have been helped in preparation by Mr. Steve Bowman, of the Library of Congress; and Mr. Michael Zarin and Mr. Joe Freeman.

Mr. President, in laying out his views on the INF Treaty and the prospects for future conventional arms control efforts with the Soviets, Ambassador Jonathan Dean declares that the Warsaw Pact's quantitative advantage in major weapons and troop divisions does not necessarily translate into superiority in actual combat. Dean cites a number of examples in support of this position: According to Ambassador Dean, the post-war era has seen the Soviets squander important political assets in Western Europe as Eastern European armed forces have continued to be of questionable strategic value given their uncertain loyalties.

Moreover, NATO air forces are widely regarded as qualitatively superior and better trained than their Warsaw Pact counterparts.

NATO's defense expenditures have exceeded those of the Warsaw Pact and convey the fact that NATO has made useful improvements in its forces.

For its part, the Soviet Union lacks the combat-ready divisions needed to successfully launch the minimum-preparation attack NATO most fears.

And perhaps more significantly, the second echelon of Soviet troops in the western U.S.S.R. capable of reinforcing such an attack within 2 weeks are not nearly as numerous as is commonly thought.

Given the clear numerical superiority of the Warsaw Pact over NATO in most classes of major conventional armaments, including heavy tanks, self-propelled artillery, attack helicopters and interceptor aircraft, the question we face in 1988 is this: would elimination of American INF weapons increase the possibility of a sudden Soviet attack or a more effective Soviet political intimidation of Western Europe? These possibilities clearly exist. But according to Ambassador Dean, they require a closer look. The real question is whether the Warsaw Pact's superiority in numbers of weapons and troop divisions converts to superiority in actual combat.

Whatever the chances were of a Soviet attack on Western Europe in NATO's formative period in the early 1950's, the passage of time has deprived the Soviet Union of some important potential assets. Moscow can no longer count on the willing assistance of West European Communist Parties. Strong and loyal in the 1950's, these parties are now much weakened—and, as in the case of the Italian Communist Party, disaffected from Moscow. And uncertain loyalities of the armed forces of the Eastern European states have converted them from a meager advantage into a probable hindrance in most potential situations of East-West conflict.

The West's main concern remains the possibility of surprise attack by Soviet forces—or, more precisely, of attack with minimum preparation. Yet Soviet capacity for such an attack may not be as great as feared, according to Ambassador Dean. NATO's expenditures on defense have exceeded those of the Warsaw Pact for more than two decades. While not all these funds have been spent in an optimal way, they have not been wasted, and NATO has made many useful improvements in its forces. In the region from the Atlantic to the Urals, active duty personnel of NATO ground and air forces are just as numerous as those of the Soviet Union and the Warsaw Pact. Exercise after exercise has demonstrated that the Warsaw Pact air forces would be incapable of gaining control of NATO airspace against qualitatively superior NATO air forces; this would be essential for successful attack.

The contingency which continues to cause the greatest concern to NATO leaders is that in the hope of securing their objectives before the United States could become fully involved in conventional battle or decide to use nuclear weapons, the Soviets would launch a minimum preparation attack against NATO's central front in Germany. The Soviet Union has increased the firepower and mobility of its ground forces in the last two decades. But at least half of the pact's numerical superiority in units and major armaments is in reserve divisions which take a month or more to ready for combat. There are too few combat-ready Soviet divisions to permit the U.S.S.R. to launch, with any confidence, the feared minimum preparation attack.

According to Ambassador Dean, only 30 combat-ready Soviet divisions in Eastern Europe are positioned for such an attack; probably a third of these would have other essential missions during the initial phases of a minimum preparation attack against NATO's vital central front. Even if augmented by over half of the East German, Polish and Czechoslovak first-category forces—of uncertain quality and loyalty—the resulting force of some 30-odd divisions would be no larger in divisional manpower than the United States, United Kingdom and Western German ground forces in the area.

The Soviet second echelon in the western military districts of the U.S.S.R., capable of reinforcing a minimum preparation attack within the first 2 weeks, is also surprisingly small—fewer than 10 ground force divisions, according to Ambassador Dean. Soviet tanks in active duty forces in central Europe number only about 8,000, not many more than those of active duty NATO forces, which would moreover have the advantage of defensive positions. The recent landing of a small West German private plan in Red Square—appearing on the front page of newspapers all over the world—flying unscathed through dense Soviet air defenses, once again raises well-documented doubts about the quality of Soviet forces, less well trained and led than those of the West German Bundeswehr and of United States and United Kingdom forces in Europe. The chances of success of a sudden attack would be slight.

Other contingencies, such as that of a slow, full mobilization of East and West, are possible. But the outcome of these is also uncertain, in part because the dimensions of the resulting conflict, including the participation of 10 or more additional U.S. divisions, would ensure that the engagement would be worldwide in scope and make it all the more likely that it would escalate to nuclear war. Soviet leaders fully realize this.

Mr. President, I ask unanimous consent that the text of Ambassador Dean's article "Military Security in Europe" from Foreign Affairs, fall, 1987, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILITARY SECURITY IN EUROPE

(By Jonathan Dean)

The spring and summer of 1987 marked the 40th anniversary of the emergence of the cold war—the falling out among the four main Allies after their victory over Nazi Germany—which divided Europe and led to enduring political conflict between East and West.

In the intervening four decades, the NATO-Warsaw Pact military confrontation in Europe has emerged as the largest peacetime military concentration in history. It now comprises over six million men in active-duty military forces on both sides, with an additional four million in organized reserves, over 200 standing ground force divisions, over 100 reserve divisions, 65,000 heavy tanks, 20,000 combat aircraft, over 2,600 naval vessels in the seas bordering Europe, and over 10,000 nuclear warheads for tactical and intermediate-range delivery systems. Adding together the expenditures of both alliances, the European confrontation consumes roughly two-thirds of the world's total annual trillion-dollar expenditures for armed forces.

Over the last couple of decades, much of the ideological steam of the cold war has seeped away. Moscow has lost its monopolistic position as the center of an expanding world network of communist parties, including those of Western Europe. For 30 years, despite persistent effort, the Soviet Union has not been able to convene a comprehensive meeting of these parties.

For the first 20 years of the cold war, the NATO states insisted that any improvement in East-West relations be dependent on progress toward German reunification and other manifestations of Soviet retrenchment in Eastern Europe. In 1975, however, they signed the Helsinki accords acknowledging the postwar boundaries in Eastern Europe and the incorporation of former German territory into Poland and the U.S.S.R. In the 1970s, too, West and East Germany concluded a treaty regulating their relations and even providing for consultation on security and arms control issues at the official level. The United States, the United Kingdom and France concluded the quadripartite Berlin agreement with the U.S.S.R.; it assured ground access to and from West Berlin for West Berliners, West Germans and other nonmilitary travelers, and removed the Berlin issue as a source of daily East-West political confrontation.

But there was no accompanying letup in the military confrontation in Europe. Continuing increases in both the nuclear and the conventional firepower of both alliances made the military standoff appear an enduring, nearly permanent feature of the international system.

Now, rather suddenly, during the past two years, wide-ranging shifts in Soviet positions following Mikhail Gorbachev's designation as general secretary of the Soviet Communist Party have raised the possibility of major change.

Prospective U.S.-Soviet arms control agreements are especially prone to derailment through negative developments in East-West relations. But it is likely that a U.S-Soviet agreement on eliminating intermediate-range nuclear forces (INF) from Europe will be concluded in the near future. In the early months of 1988, a new East-West negotiation to reduce NATO and Warsaw Pact armed forces in the vast area from the Atlantic to the Urals will probably be under way, based on a Soviet proposal of April 1986. A second phase of the European Conference on Confidence-and Security-Building Measures and Disarmament in Europe, called CDE for short, will be launched at the same time. (The first phase of CDE was concluded successfully in Stockholm in September 1986. Initial Warsaw Pact compliance with its provisions for prenotification of large force movements and invitation of observers to military exercises has been good).

Conclusion of an INF treaty during the Reagan Administration may well lead to completion of an agreement on reductions of U.S. and Soviet strategic nuclear weapons, though probably in the succeeding American administration. Agreements to eliminate chemical weapons and to restrict nulear testing are also possible within the next several years. Gorbachev continues to bombard NATO leaders with a surfeit of new arms control proposals, among them bids for the elimination of tactical nuclear weapons, for a mutual force restructuring, for nuclear-free corridors in Central Europe, and for discussion by the rival alliances of their military strategies and doctrines.

II

In the West there is considerable confusion among leaders about how to cope with the strongest, most substantive Soviet "peace offensive" of the entire cold war period. For many of them the central issue posed by these developments is whether Western policy should be based on a calculation that the European military confrontation is entering a genuine phase of de-escalation, or alternatively on the belief that recent proposals are chiefly of tactical significance, and that the confrontation will endure at least until there is profound change in the Soviet system itself.

The question of which view is right will be thoroughly debated—and probably unresolved—for a long time to come. Nevertheless, adherents of both views agree that Soviet willingness to make large-scale reducations in conventional forces of the U.S.S.R., as well as of other Warsaw Pact states, is a valid and necessary test of whether a real break in the cold war has come after 40 years.

An evaluation of the prospects for success of the pending Atlantic-to-the-Urals force reduction talks can suggest a preliminary reply to the question of Soviet willingness to make such reductions. To make this evaluation, we will first take a brief look at the potential effects of an INF agreement on European conventional force concentrations, from the viewpoints both of the proponents of an agreement and of its critics, who argue that an INF agreement will considerably worsen NATO's conventional position.

For proponents, the benefits of an INF agreement are clear: it would be the first U.S.-Soviet agreement providing for a significant reduction of nuclear armaments, and the first agreement providing for reduction of some part of the huge NATO-Warsaw Pact confrontation in Europe. It would also improve the East-West political climate and encourage further progress toward agreement on reducing strategic weapons as well as conventional forces.

The terms of trade in an INF agreement of the kind now under discussion are favorable to the West: the U.S.S.R. would be removing nearly a thousand more warheads than the United States. After eliminating the SS-20s and their precursors, the SS-4s and SS-5s, the Soviet Union will have about 600 fewer intermediate-range delivery systems than it had in 1979.

NATO countries, given continuing increases in British and French nuclear forces, will have many more intermediate-range nuclear warheads at their disposal than they had in 1979 when the initial NATO decision to deploy INF systems was taken. (Pursuant to that decison, the United States has withdrawn 2,400 short-range warheads from Europe.) Technically superior Western fighter-bombers will be untouched by the planned INF agreement. Sea-launched cruise missiles are gradually being introduced on U.S. Navy surface vessels deployed off European shores. The 400-plus Poseidon submarine-launched warheads assigned to NATO through the Supreme Allied Commander in Europe (SACEUR) will be gradually replaced by more accurate Trident D-5 missiles. Both types of missiles will be capable of hitting military installations in the U.S.S.R. currently targeted by the U.S. Pershing 2 and ground-launched cruise missiles in Europe, which would be eliminated in a U.S.-Soviet agreement on INF.

Whatever political solution is found to the complex question of short-range intermediate nuclear forces (SRINF), those of 500–1,000 kilometer range, it is also likely to improve the NATO-Warsaw Pact balance in this particular category. (It appears likely that the number of Soviet missiles of this range will be reduced to zero).

Although the verification measures which the Administration has proposed—and which the U.S.S.R. seems likely to accept—will surely be criticized for not removing all uncertainty, they will break new ground in allowing on-site inspection and will be worthwhile, both for this agreement and for application to future arms control agreements.

The surprising flexibility of the Soviet position on INF has been a source of suspicion to arms control critics in the West, who deeply distrust this sudden Soviet generosity after years of very tight-fisted bargaining. But the critics also have an important substantive worry. For many of them, especially the conservative wing of the German Christian Democrats (which represents about a third of West German public opinion on these issues), the real problem of eliminating INFS is not so much the impact such a ban would have on the overall NATO-Warsaw Pact balance in nuclear arms. It is rather the fear that pulling American Pershing 2 and cruise missiles out of Europe could reduce the possibility that an American president would decide to use nuclear weapons in the event of conflict on the continent. More accurately, it is the fear that both Soviet and West European leaders might *believe* that an INF agreement would reduce the likelihood of such an American decision. For many critics, such as the much-respected SACEUR General Bernard Rogers, just retired, this risk makes concluding an INF agreement undesirable at present. They would prefer to wait at least until the U.S.S.R. first agreed to sizable reductions of its forward-deployed conventional forces.

The critics believe that, ever since the Soviets achieved parity with the United States in all classes of nuclear weapons, the crucial factor that makes the threat of American nuclear retaliation credible to the Soviet leadership—and to West Europeans as well—has been the deployment in Europe of American nuclear weapons, especially those capable of striking military targets on Soviet territory, such as the Pershing 2 ballistic missile. The use of such American weapons against targets in the U.S.S.R. would be nearly certain to unleash strategic nuclear war between the United States and the U.S.S.R., as Soviet leaders have themselves declared. Consequently, deployment of American nuclear missiles in Europe is considered to "couple," or, better, to "lock," the defense of Europe directly into the U.S. strategic nuclear deterrent, and to guarantee, more than any amount of conventional NATO forces, that Soviet leaders will decide not to attack Western Europe.

This firmly held view is based on two major assumptions. The first is that only "visible" land-based deployment of American nuclear weapons in Europe would really convince Soviet leaders that they risked strategic nuclear war if they decided to attack Western Europe. This assumption has always seemed especially tenuous. The decision of an American president as to whether to respond to an overwhelming Soviet conventional attack on Western Europe—including an attack on the more than 300,000 American troops stationed there—with nuclear weapons would not depend solely on the pattern of deployment of U.S. missiles in Europe.

Rather, such a decision would depend primarily on the president's assessment of the overall situation at the time—especially his assessment of the strategic balance between the two countries, and of whether the Soviet attack on Europe signified an ultimate or immediate intention to attack the United States (as it probably would). The president's decision would also depend on many other factors, including his own personality. The presence or absence of land-based American missiles deployed in continental Europe would be a secondary factor in this decision—and, for that matter, in its execution; many other American delivery systems are available for the purpose. As long as the United States maintains a large troop contingent in Europe and maintains rough parity with the Soviet Union in strategic nuclear weapons, prudent Soviet leaders would have to reckon with the possibility that conventional war in Europe could escalate to nuclear war.

The second major assumption of the INF critics is that, were Soviet leaders not deterred from attacking Western Europe by their fear of unleashing total nuclear war, they would either make such an attack as soon as they considered conditions optimal, or would, by implied threats to do so, effectively use their superior conventional strength as a source of political pressure on Western Europe. Given the clear numerical superiority of the Warsaw Pact over NATO in most classes of major conventional armaments, including heavy tanks, self-propelled arillery, attack helicopters and interceptor aircraft, the question is this: Would elimination of American INF weapons increase the possibility of a sudden Soviet attack or a more effective Soviet political intimidation of Western Europe? These possibilities clearly exist. But they require a closer look. The real question is whether the Warsaw Pact's superiority in numbers of major weapons and troop divisions coverts to superiority in actual combat.

Whatever the chances were, in NATO's formative period in the early 1950s, of a Soviet attack on Western Europe, the passage of time has deprived the Soviet Union of some important potential assets. Moscow can no longer count on the willing assistance of West European communist parties.

Strong and loyal in the 1950s, these parties are now much weakened—and, as in the case of the Italian Communist Party, disaffected from Moscow. And uncertain loyalties of the armed forces of the Eastern European states have converted them from a meager advantage into a probable hindrance in most potential situations of East-West conflict.

The West's main concern remains the possibility of surprise attack by Soviet forces—or, more precisely, of attack with minimum preparation. Yet Soviet capacity for such an attack may not be as great as feared. NATO's expenditures on defense have exceeded those of the Warsaw Pact for more than two decades. While not all these funds have been spent in an optimal way, they have not been wasted, and NATO has made many useful improvements in its forces. In the region from the Atlantic to the Urals, active-duty personnel of NATO ground and air forces are just as numerous as those of the Soviet Union and the Warsaw Pact. Exercise after exercise has demonstrated that the Warsaw Pact air forces are incapable of gaining control of NATO airspace against qualitatively superior NATO air forces; this would be essential for successful attack.

The contingency which continues to cause the greatest concern to NATO leaders is that the Soviets, in the hope of securing their objectives before the United States could become fully involved in conventional battle or decide to use nulcear weapons, would launch a minimum-preparation attack against NATO's central front in Germany. The Soviet Union has increased the firepower an mobility of its ground forces in the last two decades. But at least half of the Pact's numerical superiority in units and major armaments is in reserve divisions which take a month or more to ready for combat. There are two few combat-ready Soviet divisions to permit the U.S.S.R. to launch, with any confidence, the feared minimum-preparation attack.

Only 30 combat-ready Soviet divisions in Eastern Europe are positioned for such an attack; probably a third of these would have other essential missions during the initial phases of a minimum-preparation attack against NATO's vital central front. Even if augmented by over half of the East German, Polish and Czechoslovak first-category forces (of uncertain quality and loyalty), the resulting force of some thirty-odd divisions would be no larger in divisional manpower than the U.S., U.K. and West German ground forces in the area.

The Soviet second echelon in the western U.S.S.R. capable of reinforcing a minimum-preparation attack within the first two weeks is also surprisingly small—fewer than ten ground force divisions. Soviet tanks in active-duty forces in central Europe number only about 8,000, not many more than those of active-duty NATO forces, which would moreover have the advantage of defensive positions. The recent landing of a small West German private plane in Red Square, flying unscathed through dense Soviet air defenses, once again raises well-documented doubts about the quality of Soviet forces, less well trained and led than those of the West German Bundeswehr and of U.S. and U.K. forces in Europe. The chances of success of a sudden attack would be slight.

Other contingencies, such as that of a slow, full mobilization of East and West, are possible. But the outcome of these is also uncertain, in part because the dimensions of the resulting conflict, including the participation of ten or more additional U.S. divisions, would ensure that the engagement would be worldwide in scope and make it all the more likely that it would escalate to nuclear war. Soviet leaders fully realize this.

Finally it is argued that there may be increased Soviet political pressures on Western Europe in the event of the elimination of some categories of U.S. and Soviet nuclear weapons. In fact, all past Soviet efforts at political intimidation, which have been numerous, have failed because of close cooperation and understanding between the United States and its European allies. Continued maintenance of close political understanding between European and American leaders and of rough U.S. equality with the U.S.S.R. in strategic nuclear weapons, hopefuly at reduced levels, remains the essential component for future success in this regard. Soviet leaders appear to have realized that their major squeezes on Berlin in the late 1940s and the late 1950s only added to NATO political cohesion and to a determination to strengthen NATO forces.

III

Most NATO commanders agreed that a Soviet attack on Western Europe is improbable. But it cannot be demonstrated that all possiblity of a Soviet attack is excluded. Conflict could be ignited by contingencies other than a deliberate attack motivated by a desire for conquest. There is no guarantee that the decisions of Soviet leaders—or of Western leaders—will always be rational.

A still greater assurance against war in Europe would be provided by gradually building down the military confrontation. To be effective in reducing the Warsaw Pact's potential to attack with minimum warning, however, force reductions must also be accompanied by "constraints"; that is, agreed measures that restrict the deployment and activities of military forces—for example, by limiting the size of out-of-garrison force concentrations. Reductions need to be accompanied by intrusive mutual verification. Neither constraints that leave combat capabilty untouched, nor reductions without constraints, would be adequate in themselves. War could still occur between the rival alliances even if active-duty forces were small and equal, and even if their organized reserves were reduced or eliminated. But there would be an important difference in risk and cost between today's military confrontation in Europe and even a modestly reduced and constrained confrontation.

The first and unsuccessful effort to negotiate reductions in NATO and Warsaw Pact forces, the negotiations for Mutual and Balanced Force Reductions, began in Vienna 14 years ago. These talks are now winding down without prospect of success. Soon after the MBFR talks began in late 1973, the Warsaw Pact proposed an across-the-board 15-percent reduction of ground force manpower and major equipment by both alliances. Under circumstances of a perceived equality in manpower and armaments between the forces of the two alliances in central Europe, the Warsaw Pact's reduction approach would have been the logical one. Instead, the negotiations soon became stalemated over the NATO claim that the Soviet bloc had a considerable manpower superiority which should be reduced to an equal ceiling between the two alliances, and the Warsaw Pact's contentions that the ground force manpower of the two alliances was already roughly equal. This is where the talks stand today.

In the last officially exchanged figures, those of 1980, which remain generally valid, NATO counted its ground force manpower in the area of central Europe at just over 744,000, (including 210,000 troops of the U.S. Army), and its air force manpower at just over 198,000. (50,000 French troops deployed in West Germany are not included in official NATO figures.) It counted Warsaw Pact ground force personnel in central Europe at just over 956,000 (including 475,000 Soviet ground force personnel), and Warsaw Pact air force personnel at just over 224,000. But the Pact claimed it had only slightly more than 815,000 ground force personnel, including 423,000 Soviet ground force personnel, and 182,000 air force personnel.

The discrepancy between the NATO and Warsaw Pact figures on Pact forces in eastern Europe may be caused in part by the deliberate omission by the Pact of certain categories of active-duty personnel from their count. This has already been established through discussion at the negotiating table: some categories of Polish personnel, mainly general-purpose construction units, are excluded. It is also possible that Western figures themselves may not be fully accurate, given that they must be compiled from fragmentary evidence in the face of largely effective Pact efforts over the years to maintain tight secrecy about all aspects of their military forces. In particular, it is possible that first-line active-duty Soviet and other Warsaw Pact units in central Europe are manned at lower levels than the 90 percent of full wartime strength with which Western intelligence experts have credited them.

In December 1985 NATO radically changed its approach to the numbers problem in MBFR: instead of insisting on prereduction agreement on the starting level of Warsaw Pact military personnel in the central European reduction area, NATO proposed that a small reduction (5,000 U.S. and 11,500 Soviet ground personnel) take place first. After that, the data dispute would be resolved on the basis of on-site inspections of the forces of both alliances.

Soviet negotiators failed to show much interest in this new Western proposal, even to the extent of suggesting fewer on-site inspections than NATO's rather high total of 90—enough to inspect each Soviet division in central Europe three times in the proposed three-year period. Six months later, however, the U.S.S.R. did agree in the Stockholm CDE talks to a far smaller quota of three less stringent on-site inspections per year.

Meanwhile the new Gorbachev leadership was turning is thoughts away from MBFR and toward another and different force reduction conference. Among possible reasons for this Soviet shift were Gorbachev's "new broom" approach to Soviet arms control positions—the Vienna MBFR talks were too moribund to provide new interest for the West European public, which was a major target of the Soviet disarmament campaign. France, which had declined to participate in MBFR—ostensibly because the area of coverage was too small—had proposed that force reductions be negotiated in the CDE context and in the wider Atlantic-to-the-Urals area to include French territory, an area of coverage which the Soviets had already conceded for the CDE agreement. In earlier decades, West Germany and other NATO allies had repeatedly criticized the refusal of the Brezhnev leadership to include the western U.S.S.R., with its large contingent of air force units and reserve ground force units, in the more limited area of coverage of the MBFR talks. Now it was Gorbachev's policy to recognize such criticisms when formulating new Soviet positions.

Let us look more closely at the current Soviet position on force reductions in Europe. In a speech in East Berlin in April 1986, Gorbachev proposed new negotiations for substantial reductions in all components of ground and tactical air forces. These include all the Soviet conventional and tactical nuclear armaments stationed in the entire area from the Atlantic to the Urals, more than a thousand kilometers into Soviet territory. Initially reductions would be made in the forces of the NATO and Warsaw Pact alliances. Subsequently the forces of the neutral and nonaligned European states would be covered in reductions. As amplified by the Warsaw Pact Political Consultative Committee at Budapest in June 1986, this proposal foresees that all components of ground forces, conventional armaments, "tactical strike aviation" and tactical nuclear armaments should be covered in agreed reductions. Reductions would be by units, together with their weapons (that is, reductions would focus on combat units), and would be phased on the basis of agreed timetables, to "maintain the present military balance."

The Warsaw Pact proposes that the first reductions should take place within one to two years and should consist of 100,000 to 150,000 men from the forces of each of the two opposing alliances, a reduction roughly corresponding in size to those foreseen in the MBFR negotiations. The second step, to be taken in the early 1990s, would be a further reduction in the forces of both alliances of 25 percent, or a total, according to the Warsaw Pact, of 500,000 men from each alliance. Further reductions of NATO and Warsaw Pact forces would take place later, and this stage would include forces of neutral and non-aligned European countries.

The Warsaw Pact proposal foresees "reliable and effective" verification, to include national technical means and on-site inspections, exchange of data, and an international consultative commission including all participating states. The commission could carry out on-site inspection of reductions and supervise destruction or storage of armaments, and could staff check-points at railway junctions, airfields and ports.

This new proposal has proven attractive to influential members of NATO. It addresses the French interest discussing reduction of armed forces in the second phase of the CDE talks, of which France was an originator. West German officials were especially attracted by the idea of broadening the central European zone of reductions used in the stalemated MBFR talks, to bring France into force reduction negotiations and to extend the area of coverage into the U.S.S.R. The NATO Council signaled its interest in the Pact proposals in the communiqués of its spring and fall 1986 ministerial meetings. In early 1987 preparatory discussion between representatives of NATO and the Warsaw Pact began on the margins of the Vienna Helsinki accords review conference. Within a few months of the conclusion of the conference, which may come by the end of 1987, a new East-West force reduction negotiation is likely to begin.

There has been controversy within NATO about the forum for this new negotiation, over the role of the neutrals and over the linkage between the force reduction negotiations and the recurrent Helsinki accords review conferences. Ultimately, East-West agreement will probably be reached to hold the talks between the two alliances, with some method of informing the neutrals and reporting to the review conferences.

As part of the agreement to proceed with new negotiations, the MBFR talks are likely to be closed down by mutual agreement, without recrimination. It would be in the interest of the new negotiations if, in the concluding phase of MBFR, the participants could reach agreement on the troop count issue, perhaps through a more detailed comparison of figures on Warsaw Pact manpower and a limited number of on-site inspections. The MBFR forum could have further value for stabilizing the NATO-Warsaw Pact confrontation if it were converted to an East-West forum with two purposes: reducing risks (dealing, for example, with the numerous border-crossing incidents by aircraft and also by missiles, preventing them from provoking serious miscalculations), and conducting a dialogue on the defense strategies and deployments of both alliances, such as was proposed by the Warsaw Pact in June 1987. If not in MBFR, these functions should be carried out in the framework of the new Atlantic-to-the-Urals negotiations.

IV

What can be expected from these new negotiations? Will their course provide some clear answer to the question of Soviet willingness to make significant force reductions?

Most of the underlying problems that caused the failure of the existing Vienna force reduction talks will also plague future negotiations. The greatest of these difficulties is the reluctance of military commanders and defense officials of both alliances to reduce their forces.

Today there is even more reluctance in NATO governments to contemplate force reductions than there was at the outset of the MBFR talks. Significantly, the possibility of reducing NATO forces is not mentioned in NATO's December 1986 interim reply to the Budapest proposals, which speaks only of eliminating Warsaw Pact superiorities in individual force components and thus stabilizing the East-West confrontation.

Most NATO governments, especially those with forces in the area of the most intense East-West confrontation, central Europe, do not think they can afford to reduce their forces, which are already spread very thinly over a fixed geographic defense line. Given the understandable worst-case assumption of most senior NATO officers that the NATO-Warsaw Pact military confrontation will continue indefinitely with only minor changes, they want to improve these forces, not reduce them—particularly now, given intensified worries over the post-INF future of American extended deterrence. In the United States, the Joint Chiefs of Staff fear that negotiated American withdrawals from Europe would lead Congress to mandate a reduced personnel ceiling for the entire U.S. Army.

For its part, the willingness of the Soviet Union to reduce will be strongly influenced by the fact that none of the communist governments of Eastern Europe can sustain themselves without the prop of Soviet military forces inside their countries or on their borders. Consequently, Soviet and Warsaw Pact political and military leaders are highly apprehensive about the political effects of large-scale Soviet troop withdrawals—especially from East Germany—on political stability in Eastern Europe. The Soviet system is very far from making the radical changes that would be necessary before Soviet leaders could seriously contemplate relinquishing their control over Eastern Europe.

While U.S.-Soviet negotiations on reduction of strategic armaments start from a basis of rough equality between the two countries, the second basic problem of the new talks, as it was of MBFR, will be that negotiations on NATO-Warsaw Pact force reductions start from a basis of large Warsaw Pact numerical superiorities over NATO in organized combat units and major armaments. When these Eastern bloc superiorities, somewhat exaggerated in their military significance, are taken literally, gun for gun, for negotiating purposes, they lead NATO to urge Warsaw Pact reductions that are much larger than NATO reductions. Whatever else may be said about it, this approach does not conform to customary traditions of equity and quid pro quo in negotiation.

On the other side, the Soviet and Warsaw Pact reduction approaches reflect the Soviet contention that, when all forces are included and qualitative factors taken into account, there is rough equality between NATO and the Warsaw Pact. Consequently the Pact reduction approach uses the present force balance as the basis for equal-number or equal-percentage reductions, as it did in the MBFR talks.

Thus, there is a very wide gap between NATO's insistence on proportionally larger Warsaw Pact reductions and the Pact's equal-number or equal-percentage reduction approach. In fact, NATO participants will be asking for concessions from the Soviet Union while offering little in return, at least in the military sense. Several important aspects of reductions—the amount and nature of the reductions, the manner of disposal of reduced NATO and Soviet arms, the setting of individual national residual ceilings on Soviet but not on West German forces—will require probable Soviet concessions.

Nevertheless, NATO has learned much from a decade of MBFR disputes with the Warsaw Pact over the number of Soviet bloc forces in Eastern Europe. It seems likely to follow its December 1985 approach of forgoing a prior agreement on starting figures, focusing instead on agreed post-reduction levels of forces and arms. However, continued East-West disputes over numbers seem likely, and there will be a need for data agreement of some kind for most types of stringent constraints. There will also be a requirement for intrusive verification. But if there is an INF agreement, its stringent verification requirements should open the way for measures to verify reduction of conventional forces.

V

NATO's stated objective for the new talks, reflected in its December 1986 communiqué, is to "stabilize" ther East-West military confrontation. Given that the force confrontation in Europe is already rather stable, what should this mean in more specific terms? Reasonable general objectives for the new talks would be: (1) to decrease the potential of the Warsaw Pact—and of NATO—for attack with minimum warning; and (2) to reduce the possibility of involuntary, uncontrolled escalation to conflict in the event of political crises or East-West confrontations in non-European areas.

What type of forces should be covered by reductions in a new negotiation covering Europe from the Atlantic to the Urals? In particular, what about nuclear armaments? Given worries over the possible effects of an

INF agreement, most NATO countries strongly prefer to await Soviet agreement to significant reductions of the U.S.S.R.'s conventional forces before reducing or eliminating yet another category of nuclear weapons from Europe. This is especially true of France, which is apprehensive that any discussion of reducing tactical nuclear weapons would unavoidably draw in French nuclear forces.

On the other hand, West Germany provides an important exception to this reluctance to reduce tactical nuclear weapons. German public opinion is sensitive as always to the enormous civilian casualties that would result if nuclear weapons were used on the country's densely populated territory and, after disagreements over INF, both the political right and left are pressing for reduction of tactical nuclear weapons. Despite NATO's hesitations, it would be desirable at some point in the new talks to negotiate such a reduction, using some version of the old NATO "mixed package" trade (say, reductions in tactical American nuclear warheads for Soviet Tank withdrawals). Though not successful in MBFR, trading off different armaments is one way to bridge the gap caused by NATO's insistence on larger Warsaw Pact reductions and Pact insistence on equal treatment.

In its June 1986 proposals the Warsaw Pact emphasized reduction of "tactical strike aviation," or fighter-bombers. NATO representatives have long argued in MBFR that aircraft are too mobile for mere withdrawal; in the event of conflict, they can return rapidly to their original bases, although less rapidly if entire units are removed. The U.S. Air Force continues to oppose aircraft reductions and nearly all European NATO air forces appear likely to do so as well, both because of the importance of tactical air forces at the outset of a possible East-West conflict and for institutional reasons: some West European air forces are already so small that reductions could imperil their institutional existence as separate branch of national armed services. So it seems possible that, at least initially, NATO will argue against inclusion of aircraft in reductions.

From the viewpoint of reducing the potential of the opposing forces for attack, this is unfortunate. Moreover, fighter-bombers are expensive, at $40 million apiece in the West, and neither alliance, especially NATO, will be able to maintain present levels indefinitely. In the West, the money and personnel saved from air force reductions or, rather, from cutting back purchases of still more expensive upgraded aircraft as replacements, could be used to strengthen ground forces in a defensive mode through building reserves. Therefore, NATO should give serious study to including reduction of aircraft in the new negotiations, in the context of trade-off of some NATO aircraft for a larger number of Warsaw Pact tanks and armored vehicles.

Another possible way for the West to use its superior military technology to gain negotiating leverage would be to agree to limit deployment of the modernized, improved version of the Lance missile to a low ceiling, equal with Warsaw Pact nuclear-tipped missiles of the under-500 kilometer range; the Pact now has numerical advantage of four or five to one in this category. A further trade-off might be NATO willingness to limit deployment of the new ATACOMS, accurate conventional-warhead missiles of approximately 200-kilometer range scheduled for deployment in the early 1990s, in return for large-scale withdrawals of Soviet tanks, attack helicopters and self-propelled artillery, and a ceiling on Soviet deployment of conventional-warhead missiles of this range.

The priority for ground force reductions in the new talks should be on the combat-ready, active/duty ground forces of both alliances, and should be aimed at reducing the capability for forward-moving attack with the objective of taking and holding terrain. To increase the military effect of reductions and to aid in verification, reductions should be in terms of complete units, with the focus primarily on units equipped with those ground force weapons used to move forward and take ground in an attack—tanks, attack helicopters, and self-propelled artillery.

By way of illustration, one possible reduction approach that seeks to take account of these factors would be reducing heavy armaments assigned to active-duty ground force combat units—say, attack helicopters and main battle tanks—to a lower and equal level in both alliances, with parity in central Europe as a sub-goal. Reductions would be in the form of complete units, which could be as small as battalions. If both alliances reduced the number of their tanks to an equal ceiling level of 20,000, the Pact would have to dispose of some 25,000 tanks, whereas NATO would have to remove only 5,000. In such a case, a reduction of NATO high-tech armaments could be helpful as additional leverage.

There might be other benefits from this approach, assuming Warsaw Pact leaders would be nervous over the impact of large manpower reductions in Eastern Europe. Under one version, there would be no obligatory reduction of less verifiable military manpower. Each participant would be left to decide what to do with the manpower of those heavy armament units that had been reduced; personnel might be reassigned to newly created, less heavily armed, less mobile infantry units—whose establishment would have to be reported to the opposing alliance—or units could be disbanded or reduced to reserve status. This approach could result in some useful restructuring of Soviet forces. An agreement could allow the United States to store its reduced tanks and helicopters in Germany. The agreement should require the Soviets to store their reduced arms beyond the Urals or in the western Soviet Union. However, if it were agreed that there would be equipment storage inside the Atlantic-to-the-Urals reductions area, there could be provision for on-site inspection of such storage sites, or preferably, for their permanent supervision by personnel of the other alliance.

An additional, somewhat different approach, less disproportionate in terms of Warsaw Pact reductions, might involve mutual reduction of those types of units—armored reconnaissance units and mobile antiaircraft units—without whose support heavy armored forces cannot move forward in attack. These units could be replaced on both sides by less mobile infantry and static antiaircraft units, which would effectively replace the reduced units by forces that could be used for defense, but not for attack.

VI

The conclusion of an INF agreement will probably give the proposed force reduction negotiations a new impetus. It is doubtful, nevertheless, that these new talks will make rapid progress. With all their complexity, the negotiations could barely get under way in the closing months of the Reagan presidency and would have to be resumed after review in the next administration. At least at the outset, it is unlikely that the Soviet Union will be prepared to make reduction concessions sufficiently far-reaching to meet probable NATO terms. The experience of the MBFR talks indicates that Soviet leaders and military commanders are too conservative in their assessments to allow potential outside benefits to move them from their habitual insistence on making an equal deal, even when they start with more forces and equipment.

It is possible that, at some point, Gorbachev may adopt a parallel track to his important concessions on INF and strategic reductions and show similar flexibility on conventional reductions. The prospect of reducing huge Soviet expenditures on conventional forces in order to divert resources to the civilian sector, and of improving Soviet access to the economic, technological and managerial resources of Western Europe by assuaging West European fears of Soviet conventional forces, should be attractive to Gorbachev and his advisers. But this reasoning provides no certainty. Soviet leaders have long been unable or unwilling to take actions that undermine well-entrenched Soviet military interests. The Soviet ground forces are the senior and most important branch of the Soviet armed services. Khrushchev's drastic reduction of Soviet ground forces to the benefit of the country's strategic nuclear forces ultimately contributed to his own downfall. And, for Soviet leaders, there remains the problem of political stability in Eastern Europe.

Given the known difficulties on both sides, the prospects for early agreement on large reductions from the Atlantic to the Urals appear limited. A conclusive reply to the question of Soviet willingness to make large-scale reductions in their conventional forces may not be forthcoming anytime soon.

Instead the new force reduction negotiations may result in initial agreement for a program of constraints on military activities. Possible measures include withdrawing major ammunition stocks, attack helicopter units or long-range antiaircraft missiles to a specified distance from the dividing line between the two alliances; restricting the size of out-of-garrison force activities; or restricting the amount of ammunition which can be loaded for pre-announced military maneuvers to a small percentage of the combat level. Each agreed measure would be backed by observers and verification. Faced by the need to choose between force reductions and such constraints, military commanders in both alliances might reluctantly accept the constraints in order to keep their forces intact. Their political leaders, under pressure to achieve some outcome from the negotiations, are likely to accept their advice.

Constraints will not reduce military force levels or budgets. But, if well articulated, they will justifiably contribute to increased confidence and decreased apprehension on both sides and could lead to subsequent, more successful efforts at negotiated reduction. Perhaps the new talks will shake down after a few years and both sides will become more interested in trying reduction approaches hitherto passed over. Moreover, outside the framework of negotiations, there is room for informal East-West trade-offs of Western economic credits and managerial skills for large-scale Soviet force reductions.

In the longer run, the military confrontation in Europe seems as likely to shrink through independent actions on both sides (including abstention from possible force improvements) taken to rationalize forces and to cope with economic stringencies as it is through agreed reductions. Not only the political confrontation in Europe, but the military confrontation, too, appears to have peaked.

Nonetheless, NATO governments need to make a serious effort to achieve agreement with the Warsaw Pact on negotiated force reductions. An overly cautious NATO negotiating effort based on the minimum terms agreed upon among Western governments will not be a valid test of Soviet willingness to make serious force reductions. And a minimalist NATO approach will not long have the support of the already large segment of European public opinion which holds that the threat of Warsaw Pact aggression against Western Europe has sharply decreased and that large NATO forces have become less necessary. Groups holding this view will become still more powerful if peace in Europe continues. Public opinion pressures on NATO governments, especially in Western Europe, and economic pressures on the Soviet Union have both increased since the beginning of the MBFR effort 14 years ago.

The Western coalition now appears to be reeling backward under the impact of each new Soviet arms control proposal, seeking to cope with Gorbachev's peace campaign defensively by making minimum adjustments in the NATO position and by faulting the Soviets as propagandists. Instead, NATO should develop a plan for exploiting fully the potential entailed in current Soviet proposals for lowering, in an orderly and verifiable way, the level of the NATO-Warsaw Pact confrontation in Europe. If this potential cannot be realized, then the responsibility must be shown to rest as clearly as possible on the U.S.S.R., not on the timidity or reluctance of Western governments; any other outcome would have seriously negative effects for Western cohesion. If the potential contained in the Soviet position can be realized, then some further, gradual build-down of the military confrontation in Europe could take place.

Mr. LEAHY. Mr. President, Col. Robert W. van de Velde has never cast a vote on the floor of the U.S. Senate.

But I would like to introduce this fine gentleman from Middlebury, VT, to you today—because his friendship and scholarship have guided me so many times when I have had to cast that vote for Vermont.

Professor emeritus of public and international affairs at Princeton University, Colonel van de Velde is an author who still finds time to write a column for a small, Vermont weekly newspaper. I'm sure that more than one visiting dignitary or State Department official on vacation in Vermont has been startled to discover the equivalent of a good State Department briefing in this modest publication.

Recently a biography as modest as the man himself appeared in the Valley Voice. I take a great deal of pleasure in introducing my friend Col. Robert W. van de Velde to you.

There is a great deal to be learned from him.

I ask unanimous consent that the article in the February 8, 1988, edition of the Valley Voice be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R.W. VAN DE VELDE: A FULFILLING LIFE OF SERVICE

(By Gail Ryan)

In the course of his 76 years, Robert W. van de Velde has worn several hats: husband, father, Army officer, student, professor, and writer, just to name a few. And this man, a Princeton professor emeritus of Public and International Affairs, and frequent commentator on the American political scene was born in Geneva, Switzerland. "My mother and father met on a ship. She was going to France to study French, and he was returning to Belgium after a business trip. They married in 1910 on the isle of Jersey.

"I was born in 1912 and lived in Switzerland for two months; then we journeyed back to the States so that my parents could show me off to various relatives. We came over on a steamer and landed at Montreal. From there we traveled down to Rouse's Point, New York, then finally to Ticonderoga. We visited two aunts of mine, so you can see I've been in the Champlain Valley for a long time," Mr. van de Velde said.

The van de Velde family visited the United States frequently. One of Mr. van de Velde's younger brothers was born in Chicago in 1913 but the family returned to Belgium within a few months. "We went back until World War I broke out. My first childhood memory was of returning to the United States on a blacked-out ship. We settled in Massachusetts, near Boston. We moved to New Jersey [Mr. van de Velde's mother was from New Jersey], where my brother and sister, who were twins, were born. The family moved to Madison [New Jersey], and we lived there until 1934. After that we moved to Wilton, Connecticut," Mr. van de Velde recalled.

A 1933 graduate of Princeton University, Mr. van de Velde majored in French because "I spoke it before I spoke English." But a quality education wasn't the only thing Mr. van de Velde received. He also was an ROTC cadet and he recalled, "I developed a liking for military things and people. Some of my instructors were military people and I developed great respect for them."

After Mr. van de Velde graduated he worked in New York City as an executive trainee for Macy's Department Store. The experience was not a favorable one. Mr. van de Velde said, "I worked in the city during the depths of the Depression and I disliked what I was doing. I stayed with the store for a year; then I worked for Scribner's Books [also in New York City]. They were training me to take over their office in Philadelphia.

"Around that time one of my former Princeton ROTC professors called me and said, 'You know, you wanted to go into the Army, but you couldn't get in. Now you can through a new law about to be passed by Congress, and I suggest you volunteer for active duty for the CCC' [Civilian Conservation Corps]. That was 1935."

Colonel van de Velde [he retired in 1957] was stationed in upstate New York and later on during World War II in Hawaii, Europe, and North Africa. "I was at Pearl Harbor when it happened. My wife and I had a six-month-old son, and Sunday was my day to feed him. I remember the house started bouncing when the Japanese began bombing. I ran out of the house to see what was happening. I ran down the street shooting at the enemy's planes, but I don't think the ground fire did any damage. We expected the Japanese to land so we took up our wartime positions. We charged off, ready to repel the invaders, but they never came," he said.

In 1942 Colonel van de Velde returned to the mainland and was put in charge of training an artillery battalion of the 84th Infantry Division in Texas. Later on he attended the Command and General Staff College at Fort Leavenworth in Kansas during the winter of 1942–43.

"I was then sent to North Africa, just outside of Casablanca. I was there for a month, and I can remember telling my superiors at the month's end that I was going nuts just sitting in a tent, doing nothing in a desert. I was later transferred to Algiers where Allied Headquarters was located. They left me in a room, completely uninformed. They finally came back and told me that I was scheduled to take part in the invasion of Sicily with the U.S. II Corps. But before they told me what my orders were, they had to check and make sure I wasn't a spy," Colonel van de Velde recalled.

Sicily, Colonel van de Velde said, brought war's horrors home to him. "I saw my first dead soldier in Sicily, and I remember being shocked. I had seen some dead people at Pearl Harbor, but this was different. His body lapped up on the shore, and I was amazed that no one removed the body. That's the way war is. You get used to it. War is a filthy, rotten business."

For the next two years Colonel van de Velde was in Italy and Austria. He was assigned for the next two years to the Pentagon and served in the War Department on the General Staff.

In 1947 Colonel van de Velde was sent to Athens to work as an attache. "I was assigned to the American Embassy, and I was supposed to keep track of the Greek military; it was during the civil war and a lot was going on.

"I was next assigned as a military attache to Tel Aviv. That was the most fascinating assignment because it was a brand new state and morale was high. We were in our element and it was a lot of fun," he said. Colonel van de Velde was the first military attache from anywhere to Israel.

Then it was time to return home, but there had been some changes in the colonel's personal life. His first marriage had ended in divorce and in 1949 he married the former Barbara Gray while he was assigned to Fort Meade in Maryland. In 1953 he and Mrs. van de Velde had a son, Rob.

"When I was assigned to Fort Meade I applied for Advanced Schooling. I was sure the Army wouldn't assign me to my first choice, [Yale], but I did get my second choice, Princeton. I got my Ph.D in International Affairs [in 1954], and that's what eventually made me a columnist. By that time I had seen quite a bit of the world, and I thought it needed a lot of help and I thought I could offer some."

In 1955 Dr. van de Velde got his chance to help when he was sent to the U.S. European Command in Paris. His job, Dr. van de Velde said, "was to make friends with the allies. I liked being back in a French atmosphere, but post-World War II Europe was a wreck.

"Two years later Princeton wrote to me and asked if I were interested in joining the Woodrow Wilson School of Public and International Affairs. I was absolutely in seventh heaven when I got that letter because I couldn't stand my boss, a Navy admiral. I asked for retirement and returned home. Princeton kept the position open, and we left France February 1957. I joined the faculty and remained there until I retired in June 1978."

Dr. van de Velde recalled his days at Princeton with mixed emotions: He enjoyed the students and his teaching and administrative duties, but he disliked "all the internal politics that went on. I'm a propagandist at heart. I've been imbued with a sense of public service. I believe in it, and I think that's part of the reason I joined the Army. I feel the same way about teaching. I'm an inveterate do-gooder."

As the mid-1970s approached Dr. van de Velde began a new career: newspaper columnist. One of his senior advisors told Dr. van de Velde about a freshman named Lucy White. Lucy's parents, the senior advisor said, owned a weekly newspaper in Vermont. "I always wanted to own a country newspaper and when I found out about Lucy, I said I wanted to meet her. We had lunch and when she said her parents' newspaper was in Middlebury, I couldn't believe it because that was one of the places I had picked to retire.

"I talked to John Michael and I told him I wanted to write a column called 'It's Worth Thinking About.' He liked the title and said I could do it. Something usually stirs me, whether it's watching the news, reading the paper, or getting into a discussion with people. Politics fascinates me because it's the basis for how we live. I'm interested in people, and politics are the way people arrange their lives," he said.

Dr. van de Velde said he writes his column, known for its in-depth knowledge of the national scene, in the early morning hours, and several re-writes aren't uncommon. "I sit down at 5:30 in the morning and write the column long hand. I never learned how to think on a typewriter, and I write it over half a dozen times.

"I think *The Valley Voice* plays the role John Michael wanted it to and that is to be a vehicle for the different voices in the valley. Basically, it gives other people a chance to be heard."

Since Dr. van de Velde's 1978 retirement from Princeton and his subsequent move to Middlebury, he has gone through some difficult times. His son, Rob, a Middlebury radio reporter, died in 1981 and Mrs. van de Velde died last May. "Our family and friends established an endowed lecture series at Middlebury College. The topic and speaker varies from year to year, but public affairs and broadcast journalism are tied in because Rob was a radio newsman, and he was interested in the world and politics."

Of his retirement Dr. van de Velde said, "It seems that once you're retired at times it looks like you have nothing to do, but somehow the day gets filled up and you keep occupied. Sometimes at the end of the day I ask myself what I've done for today."

According to van de Velde he "walks a lot, writes, and reads. I also maintain a house, and I'm active in the United Way."

Dr. van de Velde was notified early last week that he was nominated to be on the United Way's board of directors. His nomination is expected to be confirmed February 15.

"I'm an eternal optimist, but there are a lot of things in this world that we should not be hopeful about. For instance, those fools in Washington, D.C., are trying to sabotage the Central American Peace Plan. But I've enjoyed the things I've done very much and that satisfies me," van de Velde said.

HUNGER AND HOMELESSNESS IN AMERICA

Mr. LEAHY. Mr. President, 50 years ago, Franklin Delano Roosevelt addressed the Nation. He said that one-third of its citizens were ill-housed and ill-clad and ill-nourished—a nation on the brink of despair.

Almost two decades ago Michael Harrington raised the consciousness of the Nation to what he called "the other America"—the half of America existing in poverty in the midst of plenty.

Today experts are warning us again that there are millions of hungry Americans.

Four days ago I went to New York to survey for myself the extent of hunger in our Nation's richest city.

I was moved by the human dimensions of the hunger I encountered.

Mr. President, I used to be the State's attorney of Vermont's largest county, and I have seen poverty. But in Vermont, the instances of poverty are isolated. In fact, Vermonters often refer to the poor as "the people at the end of the road." Well, in the South Bronx, that road has no end.

In Vermont we know the names of our poor neighbors. In New York City, 1.7 million citizens live in poverty. They stop being names and they become numbers.

The number of individuals living in poverty in the Bronx is five times the population of Vermont's largest city.

As a Senator, I have seen poverty in the Third World that was worse than any I have seen in the United States. But the sense of hopelessness that I encountered in the South Bronx was as deep as any that I have encountered in South America.

I visited with poor families in their apartments, in emergency homeless shelters, and on the streets. Family after family told us they cannot buy enough food, even with food stamps, to feed their children. Let me give you some examples, Mr. President.

Gladys, a mother caring for six children, told me of the shame she feels when she must ask for food from her friends or from her neighbors when her food stamps run out before the end of the month. But, she said, her children's hungry stomachs have no shame.

I also met with Christina Walker, who gave me a citywide perspective on hunger in New York. The hotline she directs receives thousands of calls from food stamp households when they run out of food stamps. That they run out is not surprising. The average food stamp benefit is around 50 cents per person per meal. The maximum benefit is 81 cents per meal.

Just think about that. There is not a single Member who serves in the U.S. Senate who has ever gone hungry except by choice. But think what that means to those people. How many groceries do you buy with 81 cents? Not very much.

In fact, if the person buying those groceries were to spill a carton of milk or drop a carton of eggs, more than that 81 cents is gone.

Over half of the hotline calls in New York are food stamp recipients who want to know where the soup kitchens are or where they can get donations of canned foods. Think about that. They get more calls from people on the Food Stamp Program asking about soup kitchens than from people who are not on the program. And why is that? It is simple. You cannot buy enough food to feed your family with food stamps.

Since 1981, the number of soup kitchens and food pantries in New York has increased from around 30 to over 580. That is a twentyfold increase since 1981. One thousand community groups now distribute surplus commodities. And lines form, lengthy lines form, when there is cheese or butter or nonfat dried milk or rice, flour, when it is distributed.

Some might just dismiss this as a New York City problem. If they do, they are wrong. The U.S. Conference of Mayors has found that the need for emergency food assistance has increased by almost 20 percent in every one of the major cities in our country. That is on top of a 28-percent increase in demand for emergency food assistance in 1986.

What are we doing to meet the needs of the hungry? Well, to meet the needs, to feed the hungry in 1986, the Federal Government distributed nationwide 410 million pounds of cheese; 70 million pounds of butter; 93 million pounds of nonfat dry milk; and millions of pounds of flour, rice, and honey. The demand for these commodities keeps growing. During 1 month in 1986, 15 million persons received these commodities.

I also found out that neighbors are reaching out to neighbors. For example, I visited an outdoor homeless and feeding center, about 30 blocks from Wall Street. Let me tell you what is in this. This is really within walking distance; a long walk, but walking distance from Wall Street.

Volunteers had rounded up scrap wood and large plastic sheets from construction sites. They then made tents out of the scrap plastic sheets for the homeless and they set up an outdoor kitchen and neighbors, local stores and churches, provided food for them to cook. They provide one meal a day at 3 o'clock. One meal. First come, first served, until they run out, and they always run out.

Now, this is something that we see on the evening news when we see Third World nations that are so impoverished. We view these countries with smug satisfaction, saying if they only knew how to run their society like we do. Yet, I can show you the hungry and homeless in New York City and, Mr. President, I suspect I could go to many of our major cities and find the same.

I had lunch with a Sister Kelliher on the Lower East Side. She is a school board member and she is concerned about the 12,000 children in homeless shelters and welfare hotels in New York. The mortality rate of these children is double the national average. One welfare hotel alone contains 1,200 children and they are living in deplorable conditions.

Mr. President, coming from a rural State, these numbers I find staggering. The median community in my State is 2,500 people: Men, women, and children. Twelve hundred children are living in destitution in a welfare hotel in New York City.

How are the children in the rest of America doing? Thirteen million children in the richest, most powerful Nation in the world live in poverty. Forty percent of the poor in America are children.

Mr. President, nobody can stand up and say they chose poverty. Nobody can say that 40 percent of the poor in this country who are children determined that they were going to be poor.

I talked to some homeless families who came to the soup kitchen at the Broadway Presbyterian Church. One woman, Cassandra, had her baby, Amida, with her. Amida is 12 months old, a beautiful little child. Cassandra was very upset because they kept moving her from one emergency homeless shelter to another, and she does not know why. Noboby tells her. They just keep moving her.

She was told that she could not get food stamps because she did not have an address. Of course, she did not have an address because they kept moving her. And because they kept moving her, she could not get food stamps. But even if she got food stamps, she would still have a problem. Those benefits assume that the poor own a stove. Macaroni, dry beans, soybeans, eggs, and flour have to be cooked. But she does not have a stove and the emergency shelters that she goes in do not even allow hotplates because of the obvious fire hazard.

I could not help but think, Mr. President, so often these rules are set up by those of us who live in comfortable middle America. We have stoves in our homes. We have refrigerators. We have basic staples there. I mean, any one of us, if we want to demonstrate how we can go out and live for a few days on food stamps might be able to do so, because we have all the staples already at home; we have the electricity, we have the heat, we have the cooking utensils. When you are moved from one place to another; when you try to sleep in alleyways or in subway stations or in tent cities or on grates, you just cannot survive.

I mentioned one woman earlier, Gladys. She has life easier. She has a stove. But her refrigerator does not work. She cannot afford to fix it. The landlord has not bothered. She said, almost wryly, that there are advantages and disadvantages. The heat was off for 4 days last week. For those of us who live in the Northeast, they know that was a pretty cold time. She was able to keep her milk inside. The whole apartment became a refrigerator.

On Monday when I visited, the milk and the eggs and the other food she had out on the window ledge because the heat was back on. Now she is hoping it would stay cold so the milk would not go bad.

It is almost unbelievable. But she has other worries. She has a 2-month-old baby. The paint is peeling and cracking throughout the apartment. She thinks, quite logically, that it is old, lead-based oil paint.

The woman downstairs, Maria, is upset because her apartment often does not have water and there is a large hole in the bottom of her refrigerator. She is worried that the rats will eat what little food she has.

She applied for food stamps in November. She was sent a notice that she was eligible. So with her children, she went down to pick up the stamps. Then she was told there was a computer error and she would not get any help.

It has been 3 months and she still has not received food stamps for her family.

Mr. President, if I get a computer error on a bill or something, it is an annoyance and we straighten it out. I do not go hungry, but with her, it is life and death.

Today I have painted a bleak portrait of hunger and homelessness in America—How could it get any worse? It will. The U.S. Department of Agriculture has just informed me that they will eliminate cheese and nonfat dry milk distributions in the TEFAP Program for May. And just 6 weeks from now, there will be no more rice.

Surplus commodities have fed up to 15 million persons a month. Millions of Americans rely on them. Cheese provides large amounts of protein—it is the food most desired by recipients.

Let me tell you what this means, and not just in numbers. Let me tell you again what it means in reality.

Earlier, I talked about Gladys. Do you know how she knows there may be commodity foods? Every day she looks out her window and if she sees out that window lines of people, she can tell which of the lines of people are waiting for cheese. There is no notice posted; there is no regularity; you do not know that on the 10th of each month or the 15th of each month, or whatever, there will be these commodities. Somehow they appear, word gets out, crowds form, you see the line, and you go into it.

The commodities, of course, are available only about once every 2 or 3 months in her neighborhood. When she gets them, though, it is a glory day. She no longer has to ration or borrow food for her children or let them go to bed hungry.

When I think of the money this country spends just to store surplus food and then we see these people looking out the window every day hoping that once every couple of months there might be commodities in surplus food, I am very greatly disturbed.

Maria, who is caught and lost somewhere in a computer, did not get her food stamps and she is waiting for the next food distribution. But so are millions of others.

I intend to begin an effort, not just for this year but into the next Congress, and the next. I want to focus attention on the hunger in America. We have a moral obligation to find the solutions.

Beginning on March 1, the Committee on Agriculture, Nutrition and Forestry will hold a series of hearings and meetings on the status of our feeding programs. We need to listen to America—and then work together.

For example, the nutritionist at Public School 63 in the lower east side stated that for a few pennies more, per meal, that she might be able to serve eggs in the School Breakfast Program more than once or twice a week.

She wants Congress to increase the Federal reimbursement for breakfast for poor children.

The Women, Infants and Children Food Program, by USDA admission, only serves 40 percent of those pregnant women, infants and children that would be eligible—Sister Kelliher believes that all those eligible should be served. I agree with her. The evidence clearly shows that healthy pregnant women produce healthier babies.

Even if you did not consider the moral aspects of it, just consider the dollars and cents aspects, if that is the only thing that will get through to the people who determine these programs. It is a lot less expensive for society to have the children healthy in the first place.

Working with Senator HARKIN, the chairman of the Nutrition Subcommittee, I want to increase public awareness of hunger in America, and to involve the public in finding the answers. Already this year, Senator HARKIN held a subcommittee hearing and gained valuable information on the Child Care Food Program, WIC. The School Lunch Program and other nutrition programs.

In the coming months, through hearings and field investigations, I intend to examine the extent of hunger in other regions of our Nation and develop solutions to the problems that are uncovered.

I know that the budget pressures will remain with us all this year, and for the foreseeable future.

Mr. President, I was brought up in a family where my parents taught us that it was really true what is in the Bible, from those to whom much has been given, much is expected.

Mr. President, much has already been given to us. We are the wealthiest, most powerful Nation in the world. With that comes a moral obligation, to be also the Nation that worries the most about the least fortunate and the least able in our country.

Forty percent of the people in poverty are children. Mr. President, the moral issue is very, very clear. We must protect them.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HARKIN. Mr. President, as chairman of the nutrition subcommittee I would like to join with my esteemed colleague and friend, Chairman LEAHY, chairman of the full Agriculture Committee in condemning a social plight that affects our great Nation and it is called hunger. Whenever hunger raises its ugly head it increases other social outlays such as health care costs and reduces human output and human potential.

I might just add, Mr. President, that at the opening session of the Senate Agriculture Committee last year under the leadership of our new chairman, Chairman LEAHY, in his opening comments in opening the first session of the Agriculture Committee last year Chairman LEAHY talked about the hunger issue and malnutrition in America and the need for us to meet this great unmet need of so many million of our fellow citizens. He indeed made it one of the highest if not the highest priority of our Agriculture Committee.

I want to congratulate and compliment Senator LEAHY on not only his knowledge of this issue but his dedication to eradicating hunger in our country and for his commitment to the programs that we have in place to try to make sure that no American is malnourished or goes hungry.

So I want to join with my distinguished friend and chairman, Chairman LEAHY, in saying that whatever help and support as chairman of the Subcommittee on Nutrition that I can render to him in this regard, I will do. And I am sure I speak for all members of the subcommittee on a bipartisan basis that we all want to make sure that we indeed meet the needs of our fellow Americans who do not have enough food to put on their table and who are facing increasing pressures because of a lack of income.

Mr. President, I wish to point out some of the data that I think is really rather startling: 32.4 million Americans now live in poverty. For a family of four what does that mean? That means an income of $11,600 a year or less, not very much.

Out of those 32.4 million Americans, 13 million are children, and 4.5 million are over the age of 60. Mr. President, 85 percent of the poor people in this country are made up of women, children, the handicapped and the elderly, 85 percent, women, children, and handicapped and elderly. Seventy eight percent of the food stamp families in this country, the families who are on food stamps, 78 percent are single heads of households headed by women, not the so-called able-bodied man that is on the dole and not doing the work.

So what we truly see is what has been termed the feminization of poverty in our country. Twenty percent, one out of five, food stamp recipients in this country are working. They are simply not making enough money to make ends meet and for food stamps, right now food stamps provide 51 cents per meal in this country, 51 cents to try to eradicate hunger.

We have over the years, Mr. President, developed a number of programs to meet the needs of hungry Americans. We are familiar with all of them. The School Lunch Program, the WIC Program, the food stamps, the TFAT programs, Meals on Wheels, programs for the elderly, all of them designed—actually these programs were designed I think on two bases, an idealistic basis and a pragmatic basis; idealistic because we are idealistic people. We want to make sure people do not go hungry. We also have huge agriculture surpluses. What better way to get rid of the agricultural surpluses than feeding the hungry.

Mr. President, we now face a situation that could cause us some real problems in the coming months. The need for food is going up. Our ability to meet that need is going down.

I mentioned that there are 32.4 million Americans living in poverty. Well that is up from 26 million just a decade ago.

At the same time, the surpluses that we have used in the past to feed the hungry have been virtually eliminated.

I just received a letter last week from John Bode, the Assistant Secretary, USDA, for the TEFAP, the Temporary Emergency Food Assistance Program. TEFAP is a good indicator of our surplus situation, because it has no minimal level. When uncommitted surpluses are gone, TEFAP is gone.

Let me quote from Secretary Bode's letter. "Allocation of cheese and nonfat dry milk to the States for use in TEFAP will be made only to April 1988"—a month after next—"and supplies of honey and rice will sustain distribution through March 1988 only."

However, he says, "We will continue to make available flour, cornmeal, and butter at normal levels."

I might also add, Mr. President, that this drop in surplus is going to affect the School Lunch Program, too. Bonus commodities for the School Lunch Program have been capped at 1987 levels, the first time that this program has ever been capped.

In real terms this means a cut in the program. But we do not know yet exactly how this is going to affect the School Lunch Program but actually it is going to have to mean some increase in prices at the local level and what that is going to do with demand I do not know.

We had some experience with this a couple of years ago. I know, as the Senator from Montana knows, they tried to raise the prices, everybody got to pay, if you have money you have to pay for the School Lunch Program. What we found out was because of fixed costs and as students dropped out of the School Lunch Program because of the increased prices the unit price went up and we did not save a darn thing, did not save anything.

I am afraid the same thing may happen here with the lack of bonus commodities that we have to distribute to the School Lunch Program.

So there are some real ominous signs out there.

Now it is hard to believe just a few years ago we witnessed on television these caves and caves full of dry fat milk and cheese. They are all gone down to zero now. We do not have any more and Secretary Bode said they are cutting them off in April 1988, some of them in March, next month.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. HARKIN. I am delighted to yield to my friend and colleague.

Mr. MELCHER. I thank my friend for yielding because we have discussed this, the Senator from Iowa and myself. I have noted not only the letter that Assistant Secretary Bode wrote just in the past week or so, but also a notice that was put in the Federal Register in December which advised the public and States in particular that it would be unlikely that any cheese or dried powder milk would be made available for the TEFAP Program, the commodity distribution program throughout all the States and down to the community level.

However, the projection of the department for a requirement of surplus milk is still at the 7-billion-pound level for the year. That means the CCC will, of course, acquire that much milk and acquire it on the basis of it being converted into either dried powdered milk or cheese or butter.

There are two points that Assistant Secretary Bode made to my office in this past week when he visited with me on this subject, and I want to pass them on to my friend and we briefly discussed this previously.

But the point he made was how much butter do we need. Butter is rather expensive to displace the cheaper product, the margarine product. Perhaps it would be wiser to take more of the accumulated milk surplus in the forms of cheese and dry milk.

Of course, their projections are only that and we will not know exactly how much they will acquire nor will they know how much they will acquire until it actually occurs.

The uncertainty that this leads to for the States that are going to distribute the surplus commodities through TEFAP programs and the community and then the recipients who are the poor who need some food assistance, I believe we ought to remove that uncertainty as much as we can.

One of the things that Assistant Secretary Bode and I discussed was whether the statutory provision—and I was part of making that a statutory provision—that so much milk products would be sold abroad on a subsidized basis, perhaps that statutory requirement laid on the Secretary by actions taken by us in the Agriculture Committee, perhaps that should be altered.

I noted the statement made earlier by our chairman, Senator LEAHY. I appreciate those comments, as well as I appreciate my friend from Iowa's comments on the matter. I hope I can be a part of the working party.

Mr. HARKIN. I just want to thank the Senator from Montana for his contribution. I have known the Senator since I first came to Washington back in 1975 when he was a distinguished Member of the other body. And from the earliest time I knew the Senator from Montana, he was always in the forefront of this fight on the basis of these programs, food programs, making sure our poorest citizens of our country had enough to eat. I compliment him and congratulate him on that.

I know we discussed this situation the other day. What the Senator says about the fact that we have a provision in the law that mandates a certain portion of this has to be sold overseas is true. Obviously, they sell it at rock-bottom prices. I mean, they are not really making anything on it. They get a little bit, but they are not making any money on it. Yet we have people in this country that need it. As the Senator recognizes, that needs to be changed.

Mr. MELCHER. I thank my friend. I want to say that I want to work with the distinguished Senator from Iowa and our distinguished chairman, Senator LEAHY, to do the right thing for our own hungry people here in the United States. They are a high priority. Their nutritional needs are not to be forgotten or set aside for what sometimes some people think is more important business. I think this is about the most important business that we have, to make sure that our own citizens have adequate nutrition.

Mr. HARKIN. I want to pick up on what the distinguished Senator said about the uncertainty out there in the States. Last week, during our senatorial break, I was in Iowa. I am sure all of my colleagues were in their respective States. I spent a workday working with the Upper Des Moines Community Action Agency. It is up in northwest Iowa. I know the Senator is familiar with that area, up near the Sioux City, Spencer, Storm Lake area in northwest Iowa.

I spent the first part of the day weathering some homes. The rest of the day, I think at 10 in the morning they had a food distribution. When I got there at 8 in the morning, it was 4 degrees above zero at the Community Action Agency in Spencer, IA. It was advertised that they were going to distribute the food beginning at 10 in the morning, but at 8 in the morning there was already an elderly woman standing outside in 4-degree weather to get the food at 8 in the morning. She knew it was not going to happen until 10.

I went out and worked on weathering the home. I came back at about 10:15 to help distribute the food because I wanted to see who were these people and how many were coming in. I could not believe the lineup outside, the people in my own State. Iowa is the breadbasket of the world. We grow more food than we can do anything else. People lined up to get food.

Fortunately, we have a private organization called Food for Life. It is a great operation in this county, Clay County, where the farmers have gotten together and they donate animals. Let us say a hog may have a broken leg or something else wrong, they donate it, butcher it, put it in a package, freeze it, and that kind of thing, and they put it in the package of food. It is a great government-private contribution type of a setup.

These people would come in and get a package with maybe some meat in it and they would get donated cheese, some rice, maybe some honey. Already they were out of milk. And, of course, they use powdered milk for cooking and things like that.

So I was intrigued by the people that came in. These are people that came in to get this food because they needed it—single-parent households, mothers with two or three children, a lot of elderly people.

More than one elderly person came in and put down on a piece of paper that their monthly income was $360, $380 a month for Social Security. That is all they had. I remember one woman came in and said it was $340 a month, I think was her total monthly income, and 40 percent of that went for rent. Forty percent of her income went just for rent. So she came in to get food. She got the cheese and she said she had read and heard there was not going to be any more cheese. She said, "Will there be any more next month?" They said, "Well, we do not know. We do not know if we are going to have any more or not."

I tell that story just again to buttress what the Senator from Montana says about the uncertainty out there that these people have about whether or not they are going to get that food next month; whether they are going to have it.

These are not deadbeats. Some are handicapped; mostly elderly; single mothers with children; single-parent households that just could not make ends meet.

I will tell you, when people stand in 4-degree weather to line up to get free food, you know something is wrong. And that uncertainty the Senator spoke about I saw firsthand when people were asking questions about whether there was going to be any more food or not. Because for some of these people, that really fills that gap. They may be on food stamps and they do not get enough food that way. Maybe they are ineligible for food stamps for one reason or another.

We are going to try to address that problem, I hope, this year by breaking down some of the barriers to food stamp participation.

I might just talk about one of those very briefly. You know, we always try to make sure people do not cheat on food stamps and things like that. Sometimes we make it even harder for people to make ends meet. We have a regulation now that, let us say that you are a parent of two or three children. Let us say you have a sister or brother and maybe they have a couple of kids and you can save money by moving in and living together. It happens a lot out in our State. I am sure it happens everywhere else. If you do that, your combined resources are put together and you may be ineligible for food stamps if you live together.

But really what it does is it tears apart families. It makes it harder for families to try to take care of one another because they know if they bring someone in their house they lose the food stamps. So a lot of those things like that are out there and we have to break down the barriers to that participation.

Well, I say that just to again underscore what the Senator said about that uncertainty. It is devastating out there, not only to the States, but basically to the people that are getting that food.

Again, Mr. President, I compliment the distinguished Senator from Vermont [Mr. LEAHY] for his commitment. He has been a great leader in this. I know he wants to get the Agriculture Committee moving in this direction. Again, I do not want to speak for the Senator from Montana, but I know he will join with us, as he always has in the past, in trying to make sure that the people that have these needs out there get the food they need.

OF LOWER SEX AND THE LINE ITEM VETO

Mr. MELCHER. Mr. President, I want to speak for a few moments this afternoon on the subject of lower sex and the line-item veto.

Do any of us need an example of a likely candidate for the line-item veto power that the President requests?

Let me outline some recent occurrences.

Big media corporations like the Washington Post apparently assume that the Department of Agriculture Honey Program is so insignificant it should not be funded in the President's budget and, if Congress insists on continuing the program, it would likely become an item for the President's line item veto, if he had that authority.

Maybe they think the activities of busy little bees pollinating blossoms and making honey are of little significance. Not so. The annual accomplishment of bees is fundamental to mankind in a form of sexual activity. In this election year, when the national media daily deals with higher forms of sexual activity, perhaps there is room to consider a lower form of sexual activity involving the honey bee.

There are those of us on the Agriculture Committee who, in considering the Honey Program, must endure an occupational hazard in suffering the stings of the pens of pundits who like to wax eloquently about a sweet deal or a honey of a proposition. Even the Posts editorial writer wrote of "a honey-seed cake."

Despite the putdowns, I want to report that honey bees are the key instrument of pollination—for fruit trees, vegetable crops, alfalfa, clover, and flowers of all kinds. The bees bring about the pollination by their activity seeking the nectar from the blossoms.

Come spring, we will be marveling at the beauty of the blossoms of life, renewed after winter dormancy. Many of us will be putting out tomatoes, cucumbers, melons, peas, and beans. When they blossom, as well as cherry and apple trees, in order to bear fruit they must be pollinated. The bee obliges. That is the way nature works, and the honey bee is the principal actor.

While some farmers or fruit producers may raise their own bees for pollination of their own orchards or vegetable farms, the ordinary fruit or vegetable or alfalfa producers do not have their own bees. They depend upon firms that provide bees, and the honey produced by the bees is sold by the firm. We import honey from countries such as China, which subsidizes it down to a cheap price. To offset that, the U.S. Honey Program provides a loan to the bee people at a price level of 60 cents per pound. If the price remains below that level, the Government retains the honey.

At present, honey prices are high enough to have drawn down U.S. stocks. But, to save money in the future, we further reduced the loan level for 1987 through 1990 honey crops but allowed the honey companies to put more honey under loan. It appears that honey prices will be close to the new lower loan rates that we have established in the new law. We expect the market to take the honey at the lower prices, thus actually costing the Government very little. The action that the Washington Post wrote about is a sweeter deal for the taxpayers than it is for honey producers.

The real sting—whether or not there should be a Government Honey Program—is this question: Without honey bees, how do we get the apple and cherry trees, the melons and cucumbers, and the alfalfa and clover all pollinated? The Honey Program is a minor, sexy program that periodically attracts the attention of big city media, only to be quickly forgotten without any practical recommendation for an alternative method to the natural technique of honey bee pollination. Before mankind decided to produce vegetables and fruits in large quantities, bees in the wild kept up. Not so now. These company honey bees are needed more for pollination than they are for their honey.

Nevertheless, this program would be prime bait for a legislative veto, a line-item veto. How many in Congress would take the time, exert the energy and fight to overcome a veto that would end a Government program the public neither understands nor perceives as their concern? Yet the fundamental accomplishment of pollination is the basis for the Honey Program.

If there is a better way, show me. Meanwhile, Congress has reduced the cost of the Honey Program to what appears to be zero, while the busy bee continues the pollination and makes the honey, too.

The PRESIDING OFFICER. The Senator from Oklahoma.

THE DEFICIT

Mr. NICKLES. Mr. President, as all of my colleagues are well aware, the President just submitted his budget for Congress' consideration. I think we have read a lot of articles and heard a lot of statements being made; a lot of people commented on the fact that the President's budget called in 1989 for a deficit of $12.5 billion; he projects the deficit for this fiscal year, 1988, $146 billion.

I wonder, though, if very many of our colleagues are aware of the fact that for the first quarter this year we already have a deficit of $80 billion? Think of that. I talked to Mr. Miller, who is Director of OMB, and made this point. I said I hope the $146 billion is accurate. I am afraid it may be worse than that. Actually, the total deficit last year, if I remember, was right at $150 billion. Again, keep in mind my statement. I ask unanimous consent this be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGET FUNDS AND THE FEDERAL DEBT

[Transactions by Fund Group—in billions of dollars]

	1987 actual	1988 estimate	1989 estimate	1990 estimate	1991 estimate
Receipts:					
On-budget:					
Federal funds	537.8	560.8	593.2	644.8	697.3
Trust funds	216.6	231.5	247.9	261.4	276.8
Interfund transactions	−113.7	−123.0	−134.9	−144.4	−155.6
Total, on-budget receipts	640.7	669.3	706.2	761.7	818.5
Off-budget (trust funds)	213.4	239.9	258.5	282.4	306.0
Total, Federal Government receipts	854.1	909.2	964.7	1,044.1	1,124.4
Outlays:					
On-budget:					
Federal funds	760.9	805.0	835.3	873.1	914.0
Trust funds	163.6	170.8	180.4	195.6	209.2
Interfund transactions	−113.7	−123.0	−134.9	−144.4	−155.6
Total, on-budget receipts	810.8	852.8	880.9	924.2	967.6
Off-budget (trust funds)	193.8	203.1	213.3	224.1	236.1
Total, Federal Government outlays	1,004.6	1,055.9	1,094.2	1,148.3	1,203.7
Surplus or deficit(—):					
On-budget:					
Federal funds	−223.1	−244.2	−242.2	−228.3	−216.7
Trust funds	53.1	60.7	67.5	65.8	67.6
Total, on-budget surplus or deficit (—)	−170.0	−183.5	−174.7	−162.5	−149.1
Off-budget (trust funds)	19.6	36.8	45.1	58.3	69.9
Total, Federal Government surplus or deficit (−)	−150.4	−146.7	−129.5	−104.2	−79.3

Source: OMB budget for fiscal year 1989, page 6d–19.

Mr. NICKLES. This is a summary of receipts and outlays from the U.S. Government, December 1987. In the first 3 months of this fiscal year, the total deficit was $80.3 billion. That is an increase from last year, if you look at last year for the same 3 months, they had a deficit of $64.5 billion.

Last year we ended up with a deficit of $150 billion, so the first quarter, it was $64 billion of that—this year we say we are going to have a deficit of a little less than $150 billion, $146 billion is now the estimate, although we might remember that last year we said that this year it was going to be $123 billion. Now, OMB has revised that and said, well, for fiscal year 1988 it is going to be $146 billion.

But in the first 3 months of this year we have spent $80.4 billion more than we have taken in. So I am concerned and I think it is very important for us to do a good job when we are talking about fiscal year 1987, next year's budget. But I also think it is awfully important for us to look at 1988, the year that we are in. We are about halfway through, now, the 1988 fiscal year, and right now we are on a slope that in my opinion says the deficit is going to be larger than it was last year. I hope it is not the case. I hope I am proven wrong. I asked Mr. Miller—I said, do you think the estimate for this year is still accurate out of $146 billion? And he said yes. And I hope he is right. I hope it comes out less than that.

But my fear is that we have got so bogged down in the process, the summits and so on, and the great compromises, that we really do a very, very poor job of fiscal management. We really do not follow, on a day-to-day or month-by-month or quarter-by-quarter basis, of what the deficit really is. And I think that is a serious problem and we are somewhat inflexible because we are working off baseline projections that are based on 1988 figures projected to increase with inflation and usage and that is what our baseline is, the so-called CBO baseline for 1989. We are missing the 1988 targets by a significant margin.

You might say, well, that is complaining about the problem, and I think all of our colleagues complain about the budget process. I hope so because the budget process, at least in this Senator's opinion, is a disaster. But, hopefully, too, we will learn from it and maybe get some ideas for doing things a little differently and maybe a little better.

I, for one, would like to see us work off of last year's actual outlays, what we actually spent last year instead of what we are projecting we will spend in the coming years, added with inflation. Then, if you make any reduction of that future outlay that already has an inflated amount added in, everybody comes running back to Congress: "Oh, you cut the budget. You cut our funds. You emasculated this particular project which is near and dear to my heart."

If we went back to last year and said: No, we did not cut your funds. You are going to get an increase of 1987 level of so much, a certain percentage. I think that would be a lot easier to explain.

You know, a lot of people talk about COLA's. I wonder how many of my colleagues are really aware of the fact that for 1989 we actually have COLA's not just on the mandated-by-law accounts, we have COLA's in every account. CBO, when they did their baseline, assumed inflation adjustments for every single account in discretionary and nondiscretionary. They assume a COLA adjustment for every account whether it is mandated by law or not.

In my opinion that is a serious mistake. Again, let us go back to last year's figures and if we want to increase last year's actual outlay let us do it. Let us appropriate more money and let us call it an increase instead of building in this inflationary cycle that we are on that will move this spending outlay only upward and then put a whole lot of pressure on an increased deficit, a lot of pressure to increase taxes that may or may not be warranted.

So, I would hope that we would make that fundamental change. It is a simple change. It is what every private sector corporation in the country, probably in the world, would do. They do not work off projected expected increases. They work off of last year's figures.

If you read their accounts in the paper they say, well, Ford has an increase in profits from last year's figures. They did not put down, well, they had a decrease because they hoped they were even going to be higher.

So, it is an important comment.

Mr. President, I ask unanimous consent to enter the summary of receipts and outlays dated December 1987 for colleagues' and other people's information and ask that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—SUMMARY OF RECEIPTS AND OUTLAYS OF THE U.S. GOVERNMENT, DECEMBER 1987 AND OTHER PERIODS

[In millions of dollars]

Classification	Actual this month	Actual this fiscal year to date	Actual comparable prior period	Budget estimates full fiscal year [1]
BUDGET RECEIPTS				
Individual income taxes	36,537	94,005	88,830	396,121
Corporation income taxes	17,748	21,271	17,980	105,413
Social insurance taxes and contributions:				
Employment taxes and contributions (off-budget)	17,880	50,598	47,298	241,180
Employment taxes and contributions (on-budget)	4,855	13,653	12,925	65,126
Unemployment insurance	170	3,792	3,746	22,040
Other retirement contributions	457	1,252	1,266	3,500
Excise taxes	3,838	9,266	8,198	32,733
Estate and gift taxes	540	1,765	1,830	7,917
Customs duties	1,361	3,925	3,512	15,814
Miscellaneous receipts	2,141	5,340	4,428	19,185
Total receipts	85,525	204,866	190,014	909,029
(On-budget)	67,645	154,268	142,716	667,849
(Off-budget)	17,880	50,598	47,298	241,180
BUDGET OUTLAYS				
Legislative Branch	182	463	401	2,215
The Judiciary	90	258	265	1,431
Executive Office of the President	8	32	30	122
Funds Appropriated to the President	341	1,792	3,537	10,656
Department of Agriculture	3,806	16,645	16,896	46,215
Department of Commerce	243	576	561	2,427
Department of Defense—Military	28,356	74,289	66,220	289,277
Department of Defense—Civil	1,797	5,441	5,164	22,270
Department of Education	1,420	4,866	4,815	19,223
Department of Energy	941	2,832	2,783	10,864
Department of Health and Human Services, except Social Security	12,337	37,734	37,472	148,952
Department of Health and Human Services, Social Security	35,270	68,991	49,375	215,299
Department of Housing and Urban Development	1,900	5,283	4,181	19,783
Department of the Interior	439	1,437	1,519	4,598
Department of Justice	529	1,267	1,012	5,827
Department of Labor	1,896	4,510	5,224	24,508
Department of State	479	1,060	826	3,664
Department of Transportation	2,200	6,688	6,662	25,371
Department of the Treasury:				
Interest on Public Debt	30,355	61,093	55,499	204,968
Other	−1,271	−4,300	−4,139	−18,554
Environmental Protection Agency	415	1,210	1,284	4,752
General Services Administration	299	49	12	−385
National Aeronautics and Space Administration	843	2,551	1,998	9,639
Office of Personnel Management	2,324	6,918	6,253	27,115
Small Business Administration	−45	162	236	−393
Veterans Administration	3,771	8,303	7,918	28,486
Other independent agencies	−108	2,553	3,471	10,552
Allowances, undistributed				−686
Undistributed offsetting receipts:				
Interest	−16,649	−19,003	−16,053	−40,592
Other	−2,770	−8,448	−8,817	−45,311
Total outlays	109,401	285,252	254,605	1,032,294
(On-budget)	77,505	220,401	208,297	829,703
(Off-budget)	31,896	64,851	46,309	202,591
Surplus (+) or deficit (−)	−23,876	146,741	−64,592	−123,266
(On-budget)	−9,860	−66,133	−65,581	−161,854
(Off-budget)	−14,016	−14,253	+989	+38,589

[1] Based on the Mid-Session Review of the fiscal year 1988 budget released by the Office of Management and Budget on Aug. 17, 1987.

Source: Financial Management Service, Department of the Treasury.

Mr. NICKLES. Mr. President, also at the hearing we had today we had some other information come up, and this was kind of mindboggling; sometimes kind of confusing. We had several colleagues that made mention of the fact that, well, really the deficit, the operating deficit is a lot worse than even the $150 billion of last year or the $130 billion that we are projecting for fiscal year 1989. Social Security is running a surplus. The Social Security Fund, actually the Social Security taxes, exceed the outlays by a significant amount. Last year it was about $20 billion more that was paid into the Social Security Fund than was paid out. In fiscal year 1989, $45 billion more will be paid into the Social Security Fund than will be paid out. And, so, if you want to take a look at the deficit picture for 1989, when you hear people say: Well, the deficit is going to be $129.5 billion, you really have to add on at least another $45.5 billion if you do not count Social Security. Really that is only part of the exclusion. We also have other trust funds that are counted, or many times a lot of us do not think of. We have trust funds. We have the highway trust fund, we have an airport trust fund, we have civil service retirement, we have other retirement funds. We also have a hospital insurance trust fund.

For the hospital insurance trust fund, for example, in 1989, the taxes will be $117 billion and the outlays are estimated to be $94.5 billion. That is a surplus in that one trust fund alone of $24 billion.

You have, in Federal Employees Retirement Fund, income coming in of $48 billion and you have outlays at $29.5 billion. So you actually have about a $9.3 billion advantage on that side that somewhat skews the deficit picture.

The point I am trying to make is the deficits are really a lot worse than what anybody in Congress or in the administration has really been openly admitting.

If you add all the trust fund differences, in other words, what is put into the trust fund less what is taken out, you find that the total surplus estimated for 1989 is $112.6 billion.

If you really want to know what the operating deficit for this country is, you have to add that in addition to the projected total deficit, which is $12.95 billion, and you come out with a deficit projected for 1989 of $242 billion. That scares me.

Mr. President, I think far too many of our colleagues maybe do not have an appreciation for that. I think far too many of our constituents do not have an appreciation for that. They seem to think, and I think this is a misguided assumption or presumption, "Wait a minute, we have a Social Security Trust Fund. For 1989, the Social Security amount, and it is off budget—and that means not too much—says we are going to pay $258.4 billion into Social Security and Social Security will pay out $213.3 billion," a difference of about $45 billion. They say, "Well, that goes into the Social Security fund."

It is entered as a Social Security transaction, but all these funds are all commingled, all put into one big pie. They do not have a separate fund where it is invested in a bank and they say this money is invested for Social Security, where another amount is invested for highway funds and for the airport funds. They are nonexistent. The only thing they are is paper entries for accounting purposes. The money is all in one big pot. All Federal money goes into the Treasury, and all the checks are written out of that same account, the exact same account.

I think a lot of people have been confused because we talk about trust funds and everybody envisions the same type of trust funds that maybe you have in your own companies or your own bank accounts, or maybe your wife has an account and you have an account, or maybe you have worked for a company and the company has their general transactions in a general fund and then a retirement fund in a separate bank account, maybe in a separate bank, maybe in a stock market, but it is a separate account.

So when you talk about trust funds, people think that is where the highway money is, the retirement money, the Social Security money, and it is all accumulating and drawing interest.

It may draw paper interest as a transaction, but the facts are we do not have separate accounts that have separate investments that say this money is set aside for this program. That is a little confusing, maybe, but it is a fact, and it is kind of startling.

Mr. President, I ask unanimous consent to enter into the RECORD the table that I am reading from. It came in the President's Special Analyses. It is called the Special Analyses for the Budget for the Fiscal Year 1989. The table is table C-6, Outlays and Receipts of Trust Funds. I will enter that into the RECORD. It is on page C-13.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OUTLAYS AND RECEIPTS OF TRUST FUNDS

[In millions of dollars]

Description	Outlays			Receipts		
	1987 actual	1988 estimate	1989 estimate	1987 actual	1988 estimate	1989 estimate
On-budget:						
Railroad retirement trust funds	8,620	8,967	9,335	9,277	9,815	9,678
Black lung disability trust fund	643	613	729	642	610	729
Veterans life insurance trust funds	1,074	1,115	1,167	1,408	1,437	1,440
Federal employees retirement funds	26,046	27,587	29,568	44,029	46,563	48,810
Military retirement fund	18,078	19,123	20,320	31,919	33,563	35,060
Unemployment trust fund	20,527	17,500	18,500	27,613	26,200	26,100
Health insurance trust funds	81,640	87,657	94,491	90,532	102,728	117,024
Highway trust funds	13,476	14,219	14,705	14,310	15,506	15,527
Airport and airway trust fund	2,631	3,007	3,858	3,940	4,238	4,580
State and local government fiscal assistance trust fund	76					
Foreign military sales trust fund	9,910	8,572	8,204	8,504	8,417	8,062
Other trust funds (nonrevolving)	2,151	3,050	3,623	3,750	4,244	4,140
Trust revolving funds	−2,037	1,222	−830			
Subtotal	182,836	192,632	203,672	235,925	253,322	271,149
Intrafund receipts from on-budget	−10	−1	−1	−10	−1	−1
Intrafund receipts from off-budget	−2,614	−2,890	−3,009	−2,614	−2,890	−3,009
Proprietary receipts from the public	−16,656	−18,913	−20,228	−16,656	−18,913	−20,228
Total on-budget	163,556	170,827	180,434	216,645	231,517	247,910
Off-budget:						
Federal old-age, survivors, and disability insurance trust funds	208,070	220,537	234,544	227,640	257,310	279,682
Interfund receipts from on-budget	−14,205	−17,411	−21,201	−14,205	−17,411	−21,201
Proprietary receipts from the public	−33			−33		
Total off-budget	193,832	203,126	213,342	213,402	239,899	258,481
Total	357,388	373,953	393,776	430,047	471,416	506,391

Source: OMB budget for fiscal year 1989, p. C-13.

(Mr. HOLLINGS assumed the chair.)

Mr. NICKLES. Mr. President, individuals can look and see that it shows what the outlays and receipts are in each one of these individual funds for 1987 and the estimates for 1988 and 1989.

I think it tells quite a picture.

Also, if you look at the picture, it is pretty startling to think that the amount of money going into trust funds exceeds the outlays in 1989 by $112 billion. That is a lot of money. If you discount that out and look at 1988, and I mentioned in 1989 if you added that back in to find out how much the real deficit was, or total operating deficit, it is $242 billion estimated for 1989, for 1988 it was $244 billion and for 1987, and this is actual, not anybody's estimate, $223 billion.

If we actually had separate accounts for each one of these trust funds so we really did have Social Security invested, say, on the stockmarket, or in a separate bank, and we had the black lung and we had the hospitalization, Medicare trust fund, if all of those were invested in separate accounts and could not be touched for anything except those purposes, what those trust funds were created for, the deficit that we actually would have had last year in just operating the Government would have been $223 billion. That is a lot more than $150 billion, which a lot of people think the deficit was last year.

I just hope that maybe when we get on the budget discussions and we talk about trying to reform the process, that we will try to look at the total budget, try and analyze where we are going.

Some people say, "Well, maybe that is OK. Maybe it is all right to have everything in one big pot and not really to have a trust fund set aside for these purposes for which they were created," or at least a lot of people have the impression they were created for.

In Social Security, in spite of the fact that last year the Social Security trust fund in 1987 had $19.6 billion exceeding the outlays, and in 1988 it is estimated to exceed the outlays by $36.8 billion, and next year by $45.1 billion, in 1989, you might say, "Well, that is OK, look at all the money. It has more money going in than the outlays."

But if you look at the demographics, you are going to have a lot of people start retiring maybe after the turn of the century, a lot of people will start retiring and there will not be as many people writing and paying the checks and it will show a reverse. The outlays will greatly exceed the income.

Maybe if these trust funds were real trust funds and really accumulating money and there was actually a fund there, it would lend some protection, but that is not the case. That is not the case.

It is the same thing with hospitalization. You see an increase and it looks like a surplus in hospitalization, but I think all of us are aware of the demographics and the fact that a lot of people will be retiring in the future. The demand on hospitalization will increase and increase at an enormous rate.

I hope, with the attention of the occupant of the chair, that when we look at the deficit and when we talk about maybe making some reforms, we will look at the structural deficit and also look at the surpluses the trust funds are having and maybe get really serious and really honest with the American people and let them know they do not have separate trust funds that are accumulating billions of dollars, that Congress has been spending that money as soon as it gets in, and, as a result, we have been piling up enormous deficits and enormous accrued liabilities for future generations.

Mr. President, this Congress, all of the Congress, Democrats and Republicans, conservatives and liberals alike, are going to have to work together to solve this problem because this is a serious problem. It is a problem that will not get better unless we address it. It will only get worse. The longer we put off this problem, the more significant the problem will be.

I rue the day when our children and our grandchildren are going to be looking at this debt, not just the debt of $130 billion. I will tell the occupant of the chair I am talking of a deficit of $242 billion if you took out the differences in the trust funds. The trust funds have a surplus this year, for fiscal year 1989, of $112 billion. So the net operating deficit of what we are actually running the country on is a negative $242 billion estimated for 1989.

I think that is irresponsible. I do not know that much can be done this year, an election year. I hope we can. I do not care if it is an election year or not. I do not care if it is in the year I am running or not. I personally think we have to make decisions and we have to be more truthful, more direct and forward in dealing with budgetary problems.

I compliment the occupant of the chair, my good friend, the Senator from South Carolina, Senator HOLLINGS, for his leadership in this area and I hope we can work in a bipartisan fashion. This is not a Democrat or Republican problem. This is America's problem. This is a problem that our future generations are going to be paying the bill for. I hate to think of us leaving that type of debt, that type of obligation, for them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION TO TITLE 46, UNITED STATES CODE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3923.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3923) to make a technical correction to section 8103 of title 46 United States Code.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3923) was ordered to a third reading, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BICENTENNIAL OF THE U.S. SENATE

Mr. BYRD. Mr. President, I send to the desk a Senate resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 380) to amend Senate Resolution 352, agreed to April 11, 1986, relating to the commemoration of the bicentennial of the Senate of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 380) was agreed to.

The resolution reads as follows:

S. RES. 380

Resolved, That Senate Resolution 352, agreed to April 11, 1986 (as amended by S. Res. 166, S. Res. 244, and S. Res. 293, 100th Congress), is further amended in section 6 thereof—

(a) by inserting "(a)" immediately after "SEC. 6.", and

(b) by adding at the end thereof the following new subsections:

"(b) In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

"(c) In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate honoraria, transportation expenses, and per diem in lieu of subsistence.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the acting Republican leader as to whether or not the following nominations have been cleared on his side of the aisle:

On the Executive Calendar, they appear as Calendar Order Nos. 508 through 516 on page 2; and on page 4, Calendar Order No. 530.

Mr. NICKLES. Those have been cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the foregoing nominations en bloc, that they be agreed to en bloc, that the motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that they be spread severally on the RECORD.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

SUZANNE B. CONLON, NOMINEE FOR THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

● Mr. SIMON. Mr. President, I rise in support of the nomination of one of my distinguished constituents, Suzanne B. Conlon. Ms. Conlon has been nominated to a seat on the U.S. District Court for the Northern District of Illinois and has been favorably reported by the Judiciary Committee.

At the outset I would like to thank both Senator BIDEN and Senator BYRD for moving this matter in a timely fashion. Unfortunately this position has been vacant for far too long as a result of the administration's delay of nearly 2½ years in choosing a nominee. I am very pleased that we are able to take this matter up today so that the vacancy on the court will soon be filled.

Suzanne Conlon has an excellent academic and professional record. After graduating from Mundelein College, she attended the Loyola University School of Law where she distinguished herself by graduating cum laude and ranking third in her class. She then spent 3 years clerking for the former chief judge of the Northern Illinois District Court, the Honorable Edwin A. Robson. Upon completion of her clerkship she worked as an associate in two well-respected Chicago law firms, Schiff Hardin & Waite and Pattishall, McAuliffe & Hostetter.

In 1972, Ms. Conlon moved from private practice to the U.S. Attorney's Office. During her 9 years of service Ms. Conlon developed a reputation as a hardworking and fair individual. I have received letters of recommendation from both a fellow assistant U.S. attorney and defense attorneys praising her for her thoroughness and even temperament. I am pleased to note that in 1980 Ms. Conlon received a special commendation from the former Attorney General Ben Civiletti for successful prosecution of air piracy and kidnap murder cases. This honor, along with her 9 years as an assistant U.S. attorney, reflect Ms. Conlon's commitment to public service, a commitment she can be proud of.

Since leaving the U.S. attorney's office in 1986, Ms. Conlon has worked for the U.S. Sentencing Commission and is currently its executive director.

In closing I wish to note that I am particularly pleased to be able to speak not only on behalf of a fine Illinois citizen, but on behalf of a female nominee to the Federal court. As of September 1987, the Reagan administration had nominated 320 people to the Federal courts. Of these only 5 were black and 25 were women. I find this to be a very sorry record indeed.

In closing I again want to express my support for Ms. Conlon and my hope that her nomination will spark the selection of other talented women for the Federal judiciary.●

Mr. DIXON. Mr. President, I rise today to support the nomination of Suzanne B. Conlon to serve as a judge on the U.S. district court for the northern district of Illinois.

Ms. Conlon graduated cum laude from Loyola University School of Law, where she was also on the editorial board of the law review. Following her graduation, she was law clerk to then chief Judge Edwin A. Robson of the U.S. district court for northern Illinois. During her clerkship, Ms. Conlon was also an assistant professor of law at De Paul University. She taught courses in securities regulation, corporations and unfair trade practices.

In addition to this academic experience, Ms. Conlon practiced law privately for 3 years in the antitrust, trade regulation and civil litigation areas. For 10 years, she was an assistant U.S. attorney in Chicago and Los Angeles. She served as Assistant Chief of the Criminal Division and Chief of the Appellate Division. She has been both trial and appellate counsel in cases involving corruption of public officials, narcotics, air privacy, kidnapping, murder, arson, racketeering, bank robbery and fraud. Ms. Conlon supervised the Chicago phase of an international investigation of a heroin smuggling and money laundering operation conducted by one family based in Sicily, Brazil, Switzerland, and northern Illinois.

In 1980, Ms. Conlon received a special commendation from former Attorney General Benjamin Civiletti for her successful prosecution of two cases. The first trial involved a political terrorist who hijacked a commercial aircraft from Los Angeles to Havana, Cuba. The second case concerned a man who kidnapped and murdered the sister of a Los Angeles businessman. Both the hijacker and kidnapper received maximum sentences.

Since May 1986, Ms. Conlon has been employed by the U.S. Sentencing Commisssion as Deputy General Counsel and then as Executive Director.

Ms. Conlon has also been active in a number of professional organizations, such as the Chicago Bar Association, where she has served as chairman of the Federal Trial Bar Subcommittee. She is on the Board of Directors of the Federal Bar Association and has organized many continuing legal education seminars. She was on the board of editors of the "Chicago Bar Record" for a number of years. She published an article on comparative advertising which was republished in two legal journals.

In addition to her professional credentials, Ms. Conlon has been praised for her honesty and integrity by lawyers who have practiced with her and against her.

Mr. President, this review of Ms. Conlon's career demonstrates her strong qualifications for a seat on the Federal district court. I believe she will be a valuable addition to the Federal bench.

THE NOMINATION OF RICHARD J. ARCARA TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise today to support the nomination of Richard J. Arcara to be U.S. District Judge for the Western District of New York. In Mr. Arcara, New York State has a highly capable, dedicated and most qualified candidate to sit on the U.S. District Court.

We have benefited from Richard Arcara's services for almost two decades. He began in 1969 as an Assistant U.S. Attorney, worked his way up to U.S. Attorney in 1975 and in 1982 was elected Erie County District Attorney, the position he holds today. It is no small coincidence that he has been asked to serve on the U.S. District Court. It is indeed a fitting next step.

I would hope that all my colleagues agree on Mr. Arcara's qualifications and that the Federal Government stands to regain much from a man who has served New York State so well.

NOMINEES TO THE FEDERAL COURTS

Mr. LEAHY. Mr. President, on February 4, the Judiciary Committee reported to the full Senate five nominations to the Federal courts. One of these nominees, Wade Brorby of Wyoming, was confirmed by the Senate earlier this week. For the information of my colleagues, who may soon vote on the other four nominations, I offer the following brief summaries of the nominees' qualifications, and the testimony elicited at the hearing and in follow-up questions.

First, Suzanne Conlon has been nominated to be U.S. District Judge for the Northern District of Illinois. The nominee recently completed a 1-year stint as Executive Director of the U.S. Sentencing Commission, where she had previously served briefly as Deputy General Counsel. From 1976-86, Ms. Conlon served as an Assistant U.S. Attorney in Chicago and Los Angeles. She was an associate with two Chicago law firms from 1972-75, and prior to that spent more than 3 years as a law clerk for the Chief Judge of the court to which she has now been nominated. The nominee is a 49-year-old graduate of Mundelein College and Loyola University Law School in Chicago. The committee received a range of reports—positive, mixed and negative—from her professional contacts concerning her professional abilities, though the majority of reports were favorable. The majority of the ABA committee rated her Qualified, with a minority finding her Not Qualified. The Chicago Bar Association endorsed her nomination, while the Chicago Council of Lawyers concluded after an investigation that her professional skills were insufficiently outstanding to merit confirmation.

The nominee's performance at the Sentencing Commission has been particularly controversial, and was the subject of an extensive committee investigation. Committee staff interviewed nearly all the Commissioners as well as numerous present and former senior staff members. Evaluations of her grasp of substantive issues, and of her capacity for objectivity in dealing with divergent viewpoints, varied widely among those interviewed. There was a consensus that the managerial demands placed on the nominee when she was named Executive Director were formidable, and most of those interviewed believed that she had performed competently as a manager despite her lack of managerial experience, although some sources were quite critical of her performance on this score. It was generally agreed that she had competently carried out her responsibilities with respect to training Federal judicial personnel on the new sentencing guidelines.

The Judiciary Committee held a hearing on Ms. Conlon's nomination on January 27, 1988, at which Senator HEFLIN presided. The nominee was introduced by Senator DIXON. She then responded to questions on the following topics: the transition from the role of a prosecutor to that of a judge; her civil litigation experience; the negative evaluation by the Chicago Council of Lawyers; her duties as Executive Director of the Sentencing Commission, and the divergent evaluations of her performance in that role; and the importance of objectivity and listening skills. Following the hearing, the nominee responded to written questions concerning a letter she wrote to a Member of the House of Representatives on implementation of the sentencing guidelines; senior staff turnover at the Sentencing Commission; the problems Federal judges will face in applying the sentencing guidelines; and a confidential question on Sentencing Commission personnel matters. She also answered written questions from Senator THURMOND on judicial temperament and judicial activism.

Second, Paul Niemeyer has been nominated to be U.S. district judge for the district of Maryland. The nominee has spent his entire 22-year career in private practice with a large Baltimore firm, where he has specialized in commercial litigation. Mr. Niemeyer is 46 years old, and is a graduate of Kenyon College and University of Notre Dame Law School. He is a fellow of the American College of Trial Lawyers and the American Bar Foundation, and appears to be highly regarded by his professional colleagues. He was rated Well Qualified by a majority of the ABA Committee, while a minority of the committee rated him exceptionally well qualified.

At the hearing on January 27, Mr. Niemeyer was introduced by Senators SARBANES and MIKULSKI. He was then examined about his work on an extensive revision of the Maryland Rules of Procedure, his lack of experience with criminal law, his approach to sentencing decisions, and his involvement with a controversial case concerning the propriety of attorney advertising. He also responded to written questions about judicial activism.

Third, Richard Arcara has been nominated to be U.S. district judge for the western district of New York. For the past 5 years, the nominee has been district attorney for Erie County, NY. Before that, he served as U.S. attorney and assistant U.S. attorney for the western district of New York and also spent a short time in private practice. Mr. Arcara has been an officer of the National District Attorneys Association, the New York State District Attorneys Association, and several other law enforcement organizations. Although the committee received a number of negative comments from colleagues at the bar about Mr. Arcara's professional ability, a majority of the ABA Committee rated Mr. Arcara well qualified and a minority rated him qualified.

At the hearing on January 27, Mr. Arcara was introduced by Senator D'AMATO. He then responded to questions about his work on a controversial first amendment case, his handling of secret grand jury information, and his experience in dealing with the varied constituencies of a district attorney's office. He also responded to written questions about his prosecution of welfare fraud, his actions in obtaining a wiretap that was later contested, and his views on judicial activism. The committee staff also satisfactorily concluded an examination of several charges of discrimination and misconduct made against the nominee.

Fourth, Edward F. Harrington has been nominated to be U.S. district judge for the district of Massachusetts. For the past 6 years, Mr. Harrington has been in private practice with the Boston firm of Sheridan, Garrahan & Lander, where he has specialized in trial work. He has, however, spent the bulk of his career in public service, including service as U.S. attorney and assistant U.S. attorney for Massachusetts, and as Attorney-in-Charge of the Boston Organized Crime Strike Force. Mr. Harrington also ran unsuccessfully for attorney general of Massachusetts on two occasions and was twice an unsuccessful candidate for appointment to a Massachusetts Superior Court Judgeship. He is 54 years old, and is a graduate of Holy Cross College and Boston College Law School.

Mr. Harrington's nomination was considered by the committee at two hearings and also was the subject of an extensive investigation by the committee staff, which focused primarily on charges of intemperate behavior by the nominee. At a hearing on November 17, 1987, at which I presided, Mr. Harrington was questioned about some of the charges of intemperate conduct as well as about his work on a controversial murder prosecution, several significant organized crime prosecutions, and civil rights matters in the 1960's. At a hearing on December 9, 1987, at which Senator BIDEN presided, the committee heard testimony from two witnesses who charged the nominee with intemperate behavior and, in one case, with prosecutorial misconduct. The committee also heard from four witnesses who testified favorably as to the nominee's temperament, integrity, and ability. Mr. Harrington himself also testified at the second hearing, denying the charges against him.

Taken as a whole, the information the committee received about Mr. Harrington's temperament and professional conduct was mixed. Although a majority of the ABA Committee rated Mr. Harrington as qualifed, a minority of that committee rated him not qualified. In addition to the public witnesses who testified against Mr. Harrington, a number of prominent attorneys reported incidents in which the nominee appeared to lose control of his emotions, used obscene language, and engaged in harsh personal attacks. On the other hand, the committee heard testimony, spoke with attorneys, and received numerous letters vouching for Mr. Harrington's qualifications and temperament. Also, Mr. Harrington pledged in his testimony before the commmittee that he would be "vigilant in maintaining my composure throughout the rest of my career."

Questions were also raised about Mr. Harrington's dealings with women attorneys. The committee received letters from the Women's Bar Association of Massachusetts and the Massachusetts Women's Political Caucus opposing the nominee on the ground that he had engaged in abusive verbal attacks against several prominent women attorneys. On the other hand, half a dozen women attorneys who worked with Mr. Harrington wrote to the committee strongly praising his openness and fairness in dealing with women. One also noted Mr. Harrington's positive record as U.S. attorney in hiring women attorneys.

The committee also received complaints about the soundness and propriety of several actions taken by Mr. Harrington during or shortly before his tenure as U.S. attorney. One attorney charged the nominee with threatening a sequestered witness, a charge as to which the committee received contrary information from Mr. Harrington and others. Several attorneys charged Mr. Harrington with destroying cooperation between Federal and State law enforcement officials in Massachusetts and with misusing the Federal Witness Protection Program, charges which were also disputed by Mr. Harrington and others. Questions were also raised about whether Mr. Harrington while out of Government service, misused confidential Government information in appearing on behalf of a convicted criminal defendant; Mr. Harrington denied using confidential Government information or receiving a fee for such information.

Mr. President, in order to complete the record on the Brorby nomination, I offer the following summary of the issues considered by the Judiciary Committee before it reported his nomination on February 4.

Wade Brorby has been nominated to be U.S. circuit judge for the 10th circuit. The nominee has conducted a private law practice in Gillette, WY, since 1961. He has also served as a part-time prosecutor and county attorney. Mr. Brorby's practice is general, with an emphasis on the defense of civil litigation, oil and gas matters, and representation of banks. The nominee is a 53-year-old graduate of the University of Wyoming School of Law. His reputation among his peers at the bar and in his local community is mixed, but generally good. The American Bar Association's Standing Committee on the Federal Judiciary rated him well qualified for the post to which he has been nominated.

At the hearing on January 27, the nominee was introduced by Senator SIMPSON. Senator HEFLIN then questioned him on the following topics: the need for extra efforts to reduce the case backlog in the 10th circuit; his role in an investigation into alleged drug use by employees at a public hospital he represented, under circumstances that have raised questions of a possible conflict of interest; the general problem of avoiding conflicts of interest, particularly in a small-town practice; his recent litigation experience, particularly in Federal court; and his service on the Wyoming Judicial Supervisory Commission. Following the hearing, the nominee responded to written questions concerning further details of the hospital investigation of alleged employee drug use and of his recent Federal court litigation experience, and concerning his membership in all-male organizations. He also responded to questions from Senator THURMOND concerning legislative intent and constitutional interpretation.

On the whole, the nominee's responses were satisfactory. The nomination to a Federal appellate post of someone who has no prior experience as a judge inevitably gives rise to some questions, especially in light of the somewhat mixed reviews the nomination has received from some lawyers and citizens who are familiar with Mr. Brorby's record. But on balance, the record establishes that this nominee is qualified for the post to which he has been nominated, and the committee reported his nomination favorably.

Mr. President, during this Congress the Senate has confirmed a total of 50 new Federal judges. During the same time period, one nomination has been rejected by the Senate, one has been withdrawn, and one has been returned to the President under Senate Rule XXXI and not renominated. Five judicial nominations are now pending on the Executive Calendar. Twenty-five judicial nominations are currently pending before the Judiciary Committee; approximately an equal number of judicial vacancies stand unfilled, awaiting a nomination from the President. The committee will continue to give each of these important nominations expeditious, but careful and thorough, investigation and scrutiny, and to report to the full Senate on the results.

The nominations confirmed en bloc are as follows:

THE JUDICIARY

Suzanne B. Conlon, of Illinois, to be United States District Judge for the Northern District of Illinois.

Richard J. Arcara, of New York, to be United States District Judge for the Western District of New York.

Paul V. Niemeyer, of Maryland, to be United States District Judge for the District of Maryland.

Edward F. Harrington, of Massachusetts, to be United States District Judge for the District of Massachusetts.

DEPARTMENT OF JUSTICE

Romolo J. Imundi, of New York, to be United States Marshal for the Southern District of New York for the term of four years.

Daniel F. Lopez Romo, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Tony Michael Graham, of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

James Eldon Wilson, of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

Robert J. Kabel, of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

ENVIRONMENTAL PROTECTION AGENCY

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SALUTE TO HOSPITALIZED VETERANS

Mr. CRANSTON. Mr. President, last Friday, February 12, I was delighted to participate in activities at the San Diego Veteran's Administration Medical Center in connection with the National Salute to Hospitalized Veterans.

The national salute is an annual event sponsored by the VA during the week of February 14. It has four purposes: To pay tribute and express appreciation to the hundreds of thousands of veterans hospitalized at VA facilities each year—more than 600,000 last year; to establish and promote a continuing awareness of the patriotism of America's veterans; to increase community awareness of the role of VA medical centers, especially through open house activities which highlight the performance of VA health-care personnel; and to encourage Americans of all ages to join the VA's outstanding cadre of dedicated volunteers whose concern for hospitalized veterans brings them to VA medical facilities week in and week out throughout the year.

Mr. President, at the San Diego VAMC, there were opening ceremo-

nies, during which I made some brief remarks, followed by an open house during which many individuals toured the medical center and visited with hospitalized veterans. I find that visiting a VA medical facility and meeting with patients and staff there is almost always a very satisfying experience. Seeing the fruits of our collective efforts here in the Congress translated so well into action at the point at which benefits and services are actually provided is especially rewarding. The San Diego VAMC is a first-rate health-care facility furnishing good quality health-care services to eligible veterans, and I was very pleased to have had an opportunity to participate in the special events there last week.

Mr. President, I ask unanimous consent that the text of my remarks at the San Diego VAMC be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SALUTE TO HOSPITALIZED VETERANS

(Remarks of Senator Alan Cranston)

Good morning. As the chairman of the Senate Committee on Veterans' Affairs and your Senator, I am truly delighted to join with so many fellow veterans, V.A. employees, and Californians this morning in the national salute to hospitalized veterans. It is indeed a special privilege to be here at the San Diego V.A. Medical Center for today's activities, and I want to join in welcoming the members of the San Diego Chargers and other volunteers who are here to give of themselves to America's veterans.

Although we can never fully repay veterans for their sacrifices on behalf of us all—especially those injured or disabled during service or who made the ultimate sacrifice—it is nevertheless important that we make special efforts to express our gratitude for their service.

The annual national salute to hospitalized veterans is a most fitting way to recognize and express our appreciation to our Nation's veterans for their service. Indeed, this medical center itself and the 171 others like it here in California and across the country are a very tangible way in which we pay tribute to our veterans every day. Although I might be accused of being a booster because I am especially partial to V.A. facilities here in California, I am certain that no one could challenge the notion that this is a first-rate medical facility. Week in and week out, the dedicated staff and volunteers here provide high-quality care and assistance to veterans.

Protecting and improving benefits and services to our Nation's veterans and their survivors has been a top priority for me ever since Californians first sent me to the Senate in 1969. In each of my 19 years as a Senator, it has been my privilege to serve in positions of responsibility for veterans' programs.

I believe—and I know that many Americans fully share my conviction—that the costs of freedom must continue to be paid for long after the sounds of battle subside. But some in our society fail to understand the importance of the V.A.'s mission. One of the messages of our salute to hospitalized veterans should, therefore, be that providing benefits and services to meet the needs of veterans is and must be recognized as a continuing cost of war. This means that:

Adequate compensation must be provided for those with service-connected disabilities.

Health care must be furnished to heal the wounds of war.

Educational support, counseling, and employment assistance are needed to help with the readjustment of civilian life.

Programs to assist the survivors are essential to help reduce their enormous losses in the limited ways we can.

I think we have done well by our veterans over the years. But it has grown more and more clear that ahead lie challenges even greater than those we have already faced. Even in boom times, it is not clear how we might meet all of the coming challenges. But these are not boom times.

The pressure to hold down spending by the Federal Government has been very intense over the past few years, and it will surely increase in the years ahead. I pledge my firm commitment to continue my efforts on behalf of veterans and know that I have the support of all here today.

I will also be continuing my strong advocacy for legislation now pending in the Senate to make the VA a Cabinet-level department and the head of the VA a member of the President's Cabinet, but to do so without over-politicizing the VA and its medical and benefits departments. The VA Administrator has too often been ignored when crucial decisions are being made within the executive branch on government-wide matters, especially on government-wide health and budget issues. Cabinet-level status for the VA could help remedy that failing.

Today, as we pause to pay tribute to hospitalized veterans, I ask each of you to join with me in renewing the commitment to all veterans. Let us accept as our task of educating our fellow citizens that the maintenance of a strong program of veterans' benefits and services—such as is carried out at this fine medical center—is an ongoing cost of defending and preserving our Nation's freedoms and our individual liberties.

SUPPORT FOR LEGISLATION TO ELEVATE THE VA TO CABINET-LEVEL STATUS

Mr. THURMOND. Mr. President, support for elevating the Veterans' Administration to Cabinet-level status continues to grow. Legislation I have introduced to accomplish this end, S. 533, now has 61 cosponsors. Moreover, several editorials have appeared in newspapers across the country endorsing Cabinet-level status for the VA. Accordingly, I am placing these articles in the RECORD for the benefit of my colleagues.

I ask unanimous consent that these articles appear in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Columbia (SC) State, Dec. 6, 1987]

VA PLAN ACCEPTABLE

Normally, we would bridle at the creation of yet another Cabinet office in the sprawling federal bureaucracy. A plausible argument, however, can be made for a separate department to handle veterans' affairs.

The plan to give Cabinet status to the Veterans Administration is an old one. Indeed, it has been offered in each of the last 13 Congresses. Last month, the House passed, 399-17, a bill which removes the VA from under the Office of Management and Budget and establishes a new agency. Given the issue's political sensitivity, the Senate figures to follow suit, and President Reagan will sign the bill into law.

"Veterans' programs are too important to be left to mid-level decision-makers at OMB," complains Rep. G. V. "Sonny" Montgomery, D-Miss., chairman of the House Veterans Affairs Committee.

More important, the establishment of a separate VA, unlike the creation of Cabinet-level departments of Energy and Education under former President Jimmy Carter, would not substantially broaden the bureaucracy in terms of size and cost. The pending legislation would, it is true, make the 240,000-employee VA the second-largest department in the Cabinet behind Defense, but it would mean only an additional $30,000 in salaries. The VA administrator would get a raise from $89,500 to $99,500 to put him on a par with other Cabinet officers and some of his deputies would get higher salaries.

The annual budget for the VA is $27 billion, including more than $15 billion a year in benefit programs. In fact, the VA runs what may be the nation's largest health-care system, including 172 hospitals, 117 nursing homes and 230 outpatient clinics. It has regional offices and centers around the country, including one in Columbia, and operates 111 national cemeteries.

With 80 million veterans and spouses now reaching an age at which they need services and benefits—six times as many as when the VA was created in 1930—there is increasing pressure on Congress and the White House to facilitate delivery of those programs.

Beyond the political realities, however, there is a national obligation which makes the creation of a separate veterans department an acceptable decision at this time.

[From the Montgomery (AL) Journal, Nov. 12, 1987]

REASSURING VETERANS

President Reagan's about-face in favor of upgrading the Veterans Administration to Cabinet level suggests on the surface an addition to the hordes of federal bureaucrats. But it will not be that, according to authoritative sources who also say the change is fully justified.

The reasoning is to give added protection to the rights of those who serve their country in peace and war. It is fitting that the president should concur because his administration has proposed cuts in VA programs. One has already been made.

A blessing from elevating the VA: It would take the agency out from under the Office of Management and Budget. At present its funding is subject to paring by the OMB, which is under the executive branch.

With the change there would be direct access to the Oval Office. Too, there would be a substantial gain in prestige, of status, a gain which could make it easier to deal with Congress and other top levels of government.

In Washington there is a cold-blooded trend to look upon programs for veterans as no different from any others. That is dishonest, a willingness to break faith.

Veterans get benefits through commitments made to compensate them for duty which, at best, is rigorous, dangerous and dreary. There is little to compare it with in civilian occupations.

Medical benefits are extremely valuable, especially for those disabled while in service. Yet there are attempts in Washington to scale back on hospital care, to eliminate the payment of mileage for VA patients.

There has already been a setback. Because of the Reagan administration some ex-GIs now must pay part of the cost of their treatment at VA facilities.

Congress was already moving briskly toward making the VA into a Cabinet agency before the president switched his thinking. The sentiment is such among lawmakers that the transformation will take place with dispatch.

That transformation will sound a powerful note of gratitude. It will be a reassurance for those who have served and those in time to come who will be asked to stand guard over their beloved homeland.

[From the Lawrence (NY) Oceanside-Island Park Herald, Nov. 11, 1987]

Elevate the Vets

Today, November 11, grateful Americans pay tribute to our nation's 28 million brave men and women who have served our country at home and abroad as we celebrate Veteran's Day.

This year is an especially important one. We celebrate the bicentennial of the Constitution, the document that protects our rights and freedoms, a document that could not have endured without the sacrifices of the millions who have defended it, too often with their lives.

The task of caring for those who have cared for us, the veterans, is charged to the Veterans Administration. The VA is the government's largest independent agency. Only the Department of Defense employs more people. Its constituency is the vets themselves, dependents and survivors of the deceased veterans. They total 79.3 million people who are potentially eligible for benefits, a full third of the nation's population.

Considering not only the size of the VA, but its importance to our nation, we fully support the bill co-sponsored by our local representative in the House of Representatives, Norman F. Lent, which would elevate the VA to Cabinet status.

As Congressman Lent points out, this move is not solely one of image-making. He points out, "In its curent status as an independent agency, the VA's budgetary decisions are determined through the Office of Management and Budget. By giving the VA cabinet-level status, thus making the head of that agency a member of the President's executive cabinet, our nation's veterans will have greater say in the policy and decision-making processes that affect them and their families."

The Representative says that the bill would maintain the current internal structure of the VA, therefore not expanding the size of the federal government or adding any costs to the taxpayers.

We hope that the Congress and the President will heed Representative Lent's words and treat the veterans of our nation with the same unequivocal dedication and commitment with which they have served us all.

[From the News, Longview (TX), Nov. 18, 1987]

Veterans Need Representation

Now that President Reagan is behind it, there should be no trouble in establishing a Cabinet-level Department of Veterans Affairs. Such a development may give veterans the voice they have been lacking.

While Americans are grateful to the men and women who have served in the military forces, there has been an erosion of benefits—particularly to those who came back from wars impaired in body or mind, and to the families of those who died while serving their country. The nations has obligations to them which should be met.

President Reagan said he supports the proposal because "it's time to give them (veterans) the recognition they so rightly deserve." His press spokesman said the move would give the Veterans Administration "a greater say in the councils of government."

While the Veterans Administration has 240,000 employees and an annual budget of $27 billion, of which more than $15 billion is spent on direct benefits to veterans and their dependents, VA hospitals have suffered budget cuts. The reduction in those medical services indicates that veterans are getting short shrift from the government. A stronger voice may help alleviate that problem.

The some 27 million veterans now living took up arms to defend their nation and freedom throughout the world. They took care of their country; and in the main, they take care of themselves in civilian life. The establishment of a department in Washington will be another indicator that Americans care about the welfare of their veterans.

[From the Post, Bridgeport (CT), Nov. 20, 1987]

New Cabinet Post?

President Ronald W. Reagan, the consummate actor, still knows how to take his cues. That is why he chose the day before Veterans Day to declare his desire to make the Veterans Administration a Cabinet-level agency.

The idea of a Department of Veterans Affairs has a solid ring to it, particularly considering the fact that the VA is the largest independent agencies within the federal government, with more than 240,000 employees and an annual budget of $27 billion.

The prospects of Reagan's proposal receiving Congressional endorsement are positive. In fact, the House quickly approved legislation toward that end a week after Reagan made his endorsement public.

It is somewhat ironic, but not surprising, that the president should call for the establishment of a new department. He did just the opposite in 1981, when he took office.

Declaring that government was too large and criticizing former President Jimmy Carter for having created the Departments of Education and Energy, Reagan did his best, but failed, to abolish those agencies.

However, Reagan is right in his proposal for a Department of Veterans Affairs.

By having the attention of a Cabinet-level official focused on them and speaking on their behalf, all American veterans should be assured of the consideration and benefits they deserve.

[From the Enquirer & News, Battle Creek, (MI), Dec. 23, 1987]

Veterans Deserve Voice in Cabinet

Every year since 1975, legislation has been introduced to raise the Veterans Administration to Cabinet status. This year, the idea unexpectedly grew wings. Next year, it may even fly.

Well, why not? We wouldn't want an endlessly expanding Cabinet, but there's room around the table for one more chair, and the VA is a legitimate candidate. Making it a Cabinet-level department could improve the quality of services to veterans—without necessarily creating any new costs or bureaucracy.

Elevating the VA to Cabinet status looked like a sure thing this fall after the House approved legislation by a 399-17 vote.

But the issue lost some steam in the Senate. Instead of voting on the bill after hearing earlier this month, senators set further hearings in February. Still, chances of approval remain good.

It's hard to say why this perpetually inert issue suddenly is gathering momentum. The crucial factor may have been President Reagan's decision this fall to support the legislation.

Presumably, any federal agency could be made a Cabinet-level department. So why the VA and not others? Because its size and scope of services merits that status in a way others do not.

The VA's annual budget of $27.6 billion is larger than that of 10 Cabinet-level departments. It employs 240,000 and provides benefits to some 78 million Americans.

What's more the VA would bring a useful new perspective to Cabinet discussions.

Former VA Administrator Harry Walters points out that the United States recently addressed such issues as homelessness, AIDS and long-term care. The VA has significant experience in dealing with all three, but was left out of the debate.

Still, conservatives were stunned by the president's decision. After all, his 1980 campaign pledge was to eliminate two departments—energy and education—not to create new ones.

We think the critics protest too much on this one. The short-term costs of promoting the VA to Cabinet-level are negligible—no more than $30,000 by one estimate.

Of course, its the potential long-term costs that worry some Republicans, and even a smattering of Democrats. They fear Cabinet status would give veterans a greater standing from which to demand endless increases in programs and spending.

We don't deny that's possible. But we don't think it's probable. Nothing says Cabinet status automatically causes a department to bloat. In fact, the Department of Energy has seen its budget cut 6 percent, adjusted for inflation, since it was created in 1977.

America certainly owes a debt to the men and women who have served it in uniform. Our feeling is that, in terms of total federal outlays, the country is meeting that commitment. We suspect many Americans share that feeling and would not support a substantial increase in VA spending—Cabinet status or not.

At the same time, the VA is frequently criticized for the manner in which it delivers services.

Daniel S. Greenberg, editor of *Science & Government Report*, calls the VA's medical empire "the nation's biggest and worst hospital chain." And U.S. Rep. Howard Wolpe, D-Lansing, calls the handling of the Agent Orange issue a "disaster."

One thing Cabinet status would do is expose the VA to greater scrutiny. The result could be a better quality of service to veterans. That alone would be good enough reason to make this change.

[From the Near North News, Chicago, (IL), Jan. 1, 1988]

Veterans Department Needed

We do not understand why some people oppose the creation of a United States department of veterans affairs.

There are more than 28,000,000 living ex-service members in this country. If you add in the members of their immediate families, you have one of the largest blocs in the nation. Certainly these veterans and their dependents are at least as worthy of having the president's ear as are the handful of farmers who are represented by the agriculture department.

During time of war, and pseudo-war, the nation calls for volunteers to take up arms against our enemies. Millions have done so and have died. Millions of others have been drafted, wrenched from their homes and sent to fight our nation's wars. Many of them died in combat or of service-connected wounds. Others will spend the rest of their lives in hospitals.

The veterans administration is one of the largest entities in our government. Giving it cabinet status will merely elevate its influence to the same level as the departments of energy, education and defense. It should have no effect on the expenditure of tax dollars.

Our veterans deserve this recognition.

[From the Wall Street Journal, Feb. 8, 1988]

VA Will Take Its Rightful Place

I take strong exception to Rep. Anthony C. Beilenson's Jan. 14 editorial-page article in opposition to upgrading the Veterans Administration to a cabinet-level department. He is mistaken, but as one of the only 17 members in the House to have opposed the bill (399 to 17), Mr. Beilenson needs everything he can muster up.

He believes the cabinet should be reserved for policy formulation that really needs the president's attention. On this one point we agree, and I am very pleased President Reagan has determined that the head of veterans programs should be in the cabinet to help set national policy.

The Veterans Administration does not exist solely to administer benefits. Cabinet involvement by an agency as diverse and large as the VA, with 244,000 employees, will help coordinate important national activities impacting on a broad cross section of American life. The policy responsibilities of the VA cover many areas, including health care, home loans guarantees, education, life insurance, vocational rehabilitation and employment, as well as disability compensation and pensions.

Almost 80 million Americans, veterans and their survivors and dependents, are potentially eligible for VA benefits. That's about one-third of the total U.S. population. Many of these people are poor and elderly. By the year 2000, two out of three American males over 65 years of age will be veterans, and how the VA meets the challenges of an older population could point the way for the entire country.

In the area of medical research, the VA conducts world-renowned programs that have earned two Nobel Prizes and pioneered many medical advances for the benefit of all Americans. Among these are heart pacemakers, CAT scans, liver transplants and nerve regeneration.

Mr. Beilenson claims that all veterans are entitled to preferences in federal employment. This is not accurate. Veterans with service after Oct. 14, 1976, are not entitled to veterans preference in federal employment unless they have a service-connected disability.

Also, he claims that millions are entitled to disability compensation even if the need for those benefits bears no relationship to their service in the armed forces. This is not accurate, either. By statutory definition, VA compensation is a benefit earned by virtue of a service-related health, medical or physical condition.

When Mr. Beilenson says that benefits are available to veterans who have served only three months, I wonder how much he really knows about veterans benefits. While certain wartime and service-connected benefits are available with relatively short periods of service, most benefits require longer times of active duty.

Finally, he attacks the VA health-care system, stating that it is generally acknowledged as less than first-rate. He shows the weakness of his arguments when he has to cite a study that is 10 years out of date, regardless of the merits of its debatable conclusions. The fact is that all of the VA's 172 hospitals and 229 outpatient clinics are currently accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAH), the nation's most widely accepted measure of health care quality.

By comparision only 75% of private hospitals have attained JCAH accreditation. And one-half of all physicians practicing in the U.S. received all or part of their medical training from the VA. The VA's side of the story isn't told very often because good news doesn't sell, and I appreciate this opportunity to let people know that the VA is providing high-quality, state-of-the-art health care.

Veterans programs grew out of a national will to defend our freedoms and way of life. It is therefore appropriate that matters involving veterans be considered at the cabinet level. Additionally, there is widespread public recognition that service in the national defense is one of the highest fulfillments of citizenship. Our veterans through their loyal military service in war and peace, often at the risk of their lives, have earned the right to be heard at the highest level of government. Rep. Gerald B. Solomon (R., NY). Washington.

DEATH OF DON VANDERZANDEN

Mr. HATFIELD. Mr. President, this past December, Lane County, OR, lost a dear friend and respected citizen, Don Vanderzanden. Besides being a devoted family man, Don was the longtime and effective treasurer of the Eugene Water and Electric Board [EWEB].

Hailing from Forest Grove, OR, Mr. Vanderzanden graduated from Hillsboro High School and earned his B.A. in Business Administration from Portland State University in 1966. He served the EWEB from 1973, first as treasurer and then, beginning in 1984, as treasurer and director of accounting and finance. So excellent was his work that in 1980, Mr. Vanderzanden was awarded the highest financial management honor given by the Northwest Public Power Association for "Outstanding Professional Performance in Utility Financial Administration." In 1986, the Governor appointed him to a 4-year term on the State Bond Advisory Council on which he served until his untimely death.

The loss of Mr. Vanderzanden is deeply felt by his family and the Eugene community. In honor of his memory, the Eugene Register-Guard newspaper took note of his passing in an excellent eulogy that I respectfully request be printed in the Congressional Record.

The Eulogy follows.

[From the Eugene, OR, Register-Guard, Dec. 19, 1987]

EWEB Loses a Leader

The last time we spoke with Donald Vanderzanden was last week, after the Eugene Water & Electric Board had sold $10 million in bonds for its headquarters construction project. We'd heard that the utility had earned the highest bond rating of any utility in the country and called EWEB Treasurer Vanderzanden to learn more.

It was true, Vanderzanden said. The Standard & Poors investment service had given EWEB's bonds its only AA-plus rating. There is a higher rating—AAA—but only insured bonds currently qualify. EWEB and two other utilities once enjoyed AAA bond ratings, Vanderzanden said, and EWEB was the last to lose the top designation. Now it's the only untility on the next rung down.

As a result of the high rating, EWEB's bonds were sold at 7.74 percent interest. That's more than half a percentage point lower than the prevailing 8.25 percent rate for municipal bonds. Anyone who has a home mortgage knows what a big difference one-half a percentage point in interest can make. EWEB's customers will benefit from the high rating throughout the life of the bonds.

The next thing we heard about Vanderzanden was that he had died Saturday of a heart attack. It is a shock when someone dies suddenly and at too young an age—he was 49. Vanderzanden had achieved a lot in the community and in his career, winning some of the highest awards in his specialized profession. But the most meaningful judgment may have been the one delivered by Wall Street just a few days earlier.

A high bond rating reflects investor confidence in an organization's stability and soundness. Vanderzanden had a lot to do with maintaining EWEB as a utility that deserves such confidence. Last week's affirmation of the utility's leading position in the financial comunity was welcome news. The death of a man who helped establish that position is a cause for sorrow.

VIVIDELL HOLMES McDONALD

Mr. SPECTER. Mr. President, to all who knew her, the sudden tragic passing of Vividell Holmes McDonald has brought profound grief. A gracious lady of surpassing dignity, Vividell always had a smile and a kind word for everyone she encountered in her role as hostess in the Senate Dining Room.

Many a dark and difficult day was brightened for those who came within the radiance of her warm personality and unaffected charm.

She will be greatly missed by those of us who daily benefited from her many kindnesses.

TRIBUTE TO PHIL HORNBEIN, JR.

Mr. WIRTH. Mr. President, I rise today to pay tribute to a renowned and distinguished citizen of Colorado, the late Phil Hornbein, Jr., who passed away on November 28, 1987. I am sure I speak for all Coloradans when I say that Phil Hornbein and his contributions to public service will be sorely missed.

Phil was widely known as the dean of labor lawyers throughout the Rocky Mountain region. He left a legacy of service and dedication, extending by a generation of legacy that was passed on to him from his father, Phil Hornbein, Sr. This proud tradition began with the tragedy of the historic Ludlow massacre in 1914 and continued through the early development of the labor movement in Colorado. Phil Hornbein, Jr.'s record of accomplishments in labor law, and his record of devoted service to the working men and women of Colorado over nearly a half century, indicate that he served this great tradition well. Phil's reputation as the advocate for the labor movement in the region was well deserved.

Mr. President, I would like to share with my colleagues the following eulogy that was given at Phil's funeral by his law partner and friend, Mr. Donald P. MacDonald:

Eulogy to Philip Hornbein, Jr., December 1, 1987

Phil Hornbein was born to be a lawyer. He was admitted to practice 49 years ago and, throughout his career, he served with distinction. He received the Bar Association Award of Merit, its highest honor; he was elected a Fellow of the American College of Trial Lawyers; he was the Histadrut Honoree in 1985. Only 72 years old when he died, he was the son of one of Colorado's finest trial lawyers. When his father, Phil Hornbein, Sr., died in 1962, he was described by Gene Cervi as one:

"* * * who embraced the neglected causes of labor, the underprivileged, the disenfranchised, the sick and the lowly.

"He defended the beaten and rejected in bitter labor strifes; he fought management and he fought cruelty and social injustice.

"He was a lawyer's lawyer; * * * the rare man among us who could call his soul his own.

"Denver is a better place to live because of him."

That eulogy describes his son as well. John Carroll, close friend of both, praised both often for their character and integrity.

Phil took pride in never having turned away a person because their cause was lost, their character deficient, or their pocketbook empty. He believed in the right to counsel. He, too, was a lawyer's lawyer.

For years, Phil was the advocate for the labor movement. His reputation as a labor lawyer reached well beyond Colorado. He was, indeed, as his father before him, an advocate for the working man, an opponent of management, uncompromising in his effort to enhance the rights of individuals in the workplace. He was always so determined, so spirited, so inventive, so committed, so respected.

The lawyer we knew and admired is gone. Gone also is the man too few were privileged to know. Let me talk about him in that dimension for a moment, because I was his friend before I became his partner. There is no scarcity of material to convey to you the qualities of the man. The task is to decide what to speak of so that you might know him as I did. I can remind you, but not tell you more, of his love of Anne and of his twin grandchildren, Eric, and Lisa—of his pride in them and theirs in him. Of course, his sister, Marjorie, was also proud of his achievements.

Phil was worthy to be sung of with Parnell—and honored among those who subscribe to the Code of Cadoc, written by the Sixth Century Celt. It is:

"I hate the judge who loves money
and the scribe who loves war . . .
"I hate him who respects not
father and mother—those
who make strife
among friends
"I hate a country in anarchy
lost learning, and uncertain borders
journeys without safety—families
without virtue, lawsuits without reason
"Ambushes and treasons—faults in counsel
Justice unhonored.
I hate a man without a trade
A laborer without choice
"A society without teachers.
Without freedom, a false witness
before a judge—the undeserving
exalted to a high position."

I will close with a few lines from Yeats:

"Think where man's glory
most begins and ends
And say my glory was
I had such friends"

Let all of us here join in that thought—and say that we were honored by having Phil Hornsbein as a friend.

TRIBUTE TO MRS. VIVIDELL McDONALD

Mr. THURMOND. Mr. President, I was saddened to learn of the tragic death of Mrs. Vividell McDonald. Vividell was a kind-hearted person and a loyal employee of the U.S. Senate. As hostess for the Senators' dining room, she handled this position in a very professional and efficient manner. I believe each of my colleagues can recall an instance when Vividell went out of her way to make our lives a little easier, whether it was fixing a meal during a late night session or somehow always finding a seat for an additional lunch guest.

Vividell was a native of Laurens, SC. I like to think that is where she cultivated her most endearing trait—her friendly and caring demeanor. Her smile was always a cheery welcome to the Senators' dining room. Moreover, Vividell's courteousness was not only felt by Members of the Senate, but also by our families and staff as she always made a point of extending the same kindness to them.

Mr. President, it is tragic that this unfortunate instance took the life of one so caring. However, we can be thankful for the opportunity we had in knowing Mrs. Vividell McDonald. My family and staff join me in extending our deepest sympathy to her family.

CELEBRATION OF ONE OF CALIFORNIA'S MOST BEAUTIFUL LANDMARKS

Mr. CRANSTON. Mr. President, my home State is known as one of the most beautiful places on Earth. As any Californian will tell you, this is as it should be. But the abundant beauty that the Golden State offers up to residents and visitors alike isn't limited to its coastline, mountains, deserts and valleys.

No. In California, even our buildings are beautiful. Although there are many excellent examples of this, few are better loved, admired and remembered than the Hotel del Coronado on Coronado Island near San Diego. I speak from first-hand experience because I've been fortunate and visited the Del many times. I've enjoyed the hospitality offered so abundantly there, been energized by the rest and recreation opportunities provided by the beautiful beaches, and been endlessly charmed by the details that make the Del so special. Just take the tiny, 19th century elevator—one of first ever made by the Otis Elevator Co.—To see what I mean.

I bring this up because today, February 19, is the 100th anniversary of "the Del," as this extraordinary monument to vacation pleasure is known by all who love her. Few hotels in America—or anywhere in the world—can hold a candle to the Del when it comes to architecture and ambiance. Fewer still could tell the tales of romance and mystery that the Del could.

Just one example involves the origins of what's commonly considered the "romance of the century." I'm speaking of the love affair between Edward, Prince of Wales and Wallis Warfield Simpson. It's long been rumored that the future Duke of Windsor met his future Duchess at a dinner held in his honor at the hotel. Although there's no independent confirmation of this, Mrs. Simpson was a leading socialite in the small community of Coronado at the time and frequented the hotel's events. It's a testament to just how romantic the Del is that such a rumor could persist for over 60 years. Many feel, I think I can say, that if the Duke and Duchess of Windsor didn't meet at the Hotel del Coronado, they should have.

British royalty, present and future, aren't the only bright lights to visit the Del in the last 100 years. Twelve U.S. Presidents have stopped there, beginning with Benjamin Harrison in 1891 and continuing all the way up to and including the current occupant of 1600 Pennsylvania Avenue. I'm glad to be able to report that Republican Presidents aren't the only ones who've enjoyed the hotel's charms. Presidents Wilson, Roosevelt, Johnson and Carter have helped to make sure that Democrats are equally well represented on the Del's guest list.

In addition to heads of state and heads of government, astronauts, authors, actors and inventors have left their mark on the Del. In fact, America's most famous inventor, Thomas Edison, supervised the installation of the hotel's initial electrical system. Edison maintained a soft spot in his heart for Coronado; he returned in 1904 to flip the switch on the west coast's first electrically lit outdoor Christmas tree.

Hollywood's been making movies at the Del since moviemaking began. But perhaps the single most famous film shot at—and one could virtually say starring—the Del is Billy Wilder's 1959 comedy, "Some Like It Hot." More recently, "The Stunt Man," starring Peter O'Toole was shot there, as have episodes of many current television hits. The Del also provided inspiration to author L. Frank Baum, who wrote part of "The Wizard of Oz" at the hotel. If Mr. Baum modeled Oz after California—as several critics have surmised—then the Del deserves definite credit for helping create the magic that inspired Baum and has kept his works alive in the popular imagination for so long.

Years ago, Rand McNally noted that the Hotel del Coronado "enjoys more fame and historical significance than any other hotel in America." That statement is just as true today as it was then. I'm so very pleased to call attention here to the 100th anniversary of the Hotel del Coronado and to extend my very best wishes and congratulations to my friends Larry and Jeanne Lawrence who for the last 25 years have made sure the Del has retained all of her charm and beauty.

Thanks for all your friends the world over.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 107

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

My first *Economic Report*, issued in 1982 after a year in office, could look only to the future for encouraging economic news. The task of rebuilding the economy was just beginning, and hard choices were being made. Inflation had begun to come down from double-digit rates, but America was mired in recession, its second in as many years. Today, however, we can point to real, solid economic progress. The policies of this Administration have spurred and sustained a record economic expansion—the longest in U.S. peacetime. Fifteen million new jobs have been created during this expansion, with strong gains widespread across industries and demographic groups. Real gross national product (GNP) has risen nearly 23 percent during these 5 years of growth.

And the accomplishments are not all in the past. Our policies will continue to contribute to rising standards of living in the years ahead. By enhancing private incentives and opportunities for work, investment, and entrepreneurship, we have laid the groundwork for growth far into the future. To ensure that the renewed energy of the private sector remains a force for growth, we must continue our efforts to bring down the Federal deficit through restraint on spending, to resist the siren song of protectionism, to support policies that foster noninflationary economic growth, and to rein in government when it threatens to make our markets less open, our industries less responsive, or our economy less flexible.

THE ECONOMIC EXPANSION

Since November 1982, the U.S. economy has grown without interruption and without a resurgence of inflation. Only twice before in our Nation's history—but never during peacetime—has recorded economic growth continued for so long. During the current expansion a strong increase in employment, combined with low rates of inflation and higher productivity growth, have meant rising standards of living for the American people.

Employment has increased dramatically, and all demographic groups have benefited. While overall employment has risen about 15 percent since November 1982, employment of blacks has increased by more than 25 percent and employment of Hispanics by more than 40 percent. Correspondingly, unemployment rates—especially among minorities—have fallen rapidly, although those rates are still unacceptably high. I believe that all who want jobs should be able to obtain employment commensurate with their skills and abilities.

As the unemployment rate has declined by almost one-half, some have claimed that the new jobs are low-quality, dead-end positions, while others have argued that booming employment has put us on the verge of another round of inflation. Neither view is accurate. The facts show that the strongest job growth has been in the higher paid, high-skill occupations. The bulk of the new jobs created have been full-time positions in occupations that pay well. While it is true that the number of jobs in manufacturing has risen more slowly than in the service-producing sector of the economy, this is a reflection of the innovation of American business and the skill of American workers, not a sign that the United States is "deindustrializing." The share of manufacturing output in total output actually has risen over the course of the expansion, and it is now above its postwar average. However, rapid increases in manufacturing productivity have meant slower growth in employment in this sector. This strong productivity growth, in combination with the downward adjustment of the dollar's exchange rate, has lifted the competitiveness of our products on world markets. Around the globe, products "Made in the U.S.A." are becoming more common and more sought after.

Moreover, I do not believe that our economy has yet reached its full potential, or that our economic growth threatens price stability. Growth can and should continue. With sound and stable economic policies, saving and investment will be encouraged, and the Nation's productive capacity will continue to expand. I remain committed to the goal of price level stability, and I view the decline in inflation during my Administration as a major accomplishment. I would not take lightly the prospect of a resurgence of inflation. But economic growth itself will not lead to a spiral of worsening inflation; only irresponsible economic policies would do that.

Our economic projections show inflation slowing during the coming years, even as output grows at a robust average annual rate of 3.2 percent. But continued economic progress requires that policymakers adhere to forward-looking principles, pursuing the long-term best interests of the Nation through a sustained commitment to growth and stability. The prospects for growth in the immediate future have been diminished somewhat by last year's plunge in the stock market, as well as by the increase in interest rates and tightening of monetary policy during 1987. Nevertheless, I anticipate that the U.S. economy will continue to post gains in 1988, as the expansion moves through its 6th year.

The past 5 years have marked an outstanding period of economic growth in the United States. It has been unusual in its longevity, unusual for the fact that inflation has remained subdued, and unusual relative to the performance of other industrial economies. Between 1982 and 1986, American businesses, large and small, created two and one-half times as many new jobs as Japan and the major industrial countries of Europe combined. In 1987 this trend appears to have continued, as the U.S. economy again generated new jobs at a remarkable rate. The U.S. unemployment rate has fallen 5 percentage points, and now stands well below those in most other major industrialized countries, where unemployment rates have yet to recover fully from the last recession. Overall, we have not lost jobs because of foreign trade. Instead, growth-oriented policies of lower and fairer taxes, reduced interference by government, and free and open international trade have been a source of strength for the economy. Indeed, the U.S. economy has flourished, and the outlook is full of promise.

THE ROLE OF GOVERNMENT IN THE ECONOMY

It is hard to believe that at the beginning of the 1980s the prevailing attitude toward the economy could best be described as despair. Inflation and interest rates had ratcheted higher with each successive business cycle, and, as the economy suffered through its second recession in 2 years, the goal of sustainable growth appeared increasingly elusive. Amid double-digit inflation and unemployment rates, there were calls for the Federal Government to do more and more, thereby compounding the failed policies of the past. Instead, I took government policy back to the basics, and the last 5 years of economic growth testify to the vitality of free markets and the productivity of the American people. Government intrusions in the Nation's economic life have been reduced, and the private sector has responded with an explosion of activity, creating new products and new jobs at a very rapid rate.

The Federal Government has an important role to play in the Nation's economy, but it is a limited role. As a general proposition, economic decisions should be left to the private sector, which has been our economy's strength throughout its history, or to State and local governments when the issues cannot be handled satisfactorily by the private sector. Only in issues truly national in scope is there a role for the Federal Government.

We have made efforts to restrain Federal spending, to limit it to only the government's vital functions, and those efforts have borne fruit. Last fiscal year, for the first time in 14 years, Federal outlays, after adjustment for inflation, declined. Government spending on goods and services absorbs resources that might be used better by the private sector, and any Federal outlay must be financed eventually by inflation or taxes. Because there is no free lunch, we must make the hard choices, funding only those programs that are in the best interest of the Nation, not those that happen to have the most influential lobbyists. For example, while a strong national defense is rightly the responsibility of the Federal Government, a continued proliferation of pork-barrel projects is not. America's sense of fair play is violated when hard-earned tax dollars are needlessly turned over to powerful special interests.

In the conduct of macroeconomic policies, we have turned away from the stop-and-go policies of the past. My Administration has adopted a long-term view that fiscal policy determines the division of economic activity between the public and private sectors and is not meant to respond to every rise and fall in the economic data. Similarly, monetary policy should provide adequate liquidity for sustained noninflationary growth. Together, these policies create a stable environment in which individuals and businesses can plan for the future and make the most of their economic opportunities.

For too long the Federal Government has interfered unnecessarily in private economic decisions. There is a legitimate, although limited, role for the Federal Government in certain industries—for example, in ensuring the safety and soundness of the Nation's banking and payments systems. But many government regulations impede the operation of markets, inhibit competition, or impose costs on firms and raise the prices faced by consumers, without providing commensurate benefits. Regulations that interfere with the efficient use of labor, investment, and raw materials ultimately reduce our productive potential, making this country worse off.

While my Administration has been successful in reducing many regulations and intrusions into markets, much remains to be done. We must lessen remaining disincentives to work, diminish the burden of Federal regulations, and dismantle government programs that needlessly subsidize inefficient producers. In particular, we must release financial institutions from outdated legal restraints, eliminate the remaining controls on interstate trucking, deregulate natural gas, and repeal mileage standards for new automobiles. We must resist appeals for even more government intervention that would introduce additional inefficiencies, such as requiring advance notification of layoffs and plant closings. With few exceptions, the private sector is best able to allocate resources to their most highly valued uses, and it should be allowed to do so without excessive paperwork and restrictions. That is why privatization, deregulation, and private sector initiatives have been important elements of my economic program. I believe in the inherent dynamism of the private sector, and I believe that the most constructive thing government usually can do is simply get out of the way.

THE INTERNATIONAL ENVIRONMENT

This Administration has been a force for economic change in the United States and, by our example, in the world at large. Our proven market-oriented policies are being adopted in more and more countries around the globe, as they recognize the high costs of big government and the harmful effects of stifling the entrepreneurial spirit.

In order to enhance growth and economic opportunity, many nations have followed our lead, undertaking reductions in sky-high tax rates that diminish incentives to work, save, and produce. In addition, tax reform is becoming a worldwide movement. Just as in the United States, tax reform abroad promises to end many distortions and inefficiencies, allowing businesses and individuals to make decisions about production and investment in order to increase their economic well-being, rather than simply to reduce their tax bills.

From continent to continent, the benefits of privatization and deregulation are becoming appreciated. Even China, and perhaps now even the Soviet Union, appear to be edging toward freer economic systems. Instead of viewing private enterprise as the adversary, many governments now see it as their best hope for progress and prosperity. Developing as well as industrialized nations are reducing market rigidities and interferences, thereby expanding economic freedom and opportunity for their citizens.

In those developing countries that encourage investment and private enterprise, the ensuing economic growth should contribute to lessening their debt problems. The debt burden carried by developing countries is not just their problem; we all have a vital interest in finding solutions that promote growth and protect open international financial markets. And we will continue to work with all who display a real determination to deal with this difficult issue.

The United States has been a constructive force in the world economy, not only by demonstrating the benefits of private enterprise, but also by our commitment to free trade and international economic cooperation. In addition, this Nation's strong demands for imports helped support output growth abroad during much of this decade. The world economy has become increasingly interdependent, as trade has multiplied and financial markets have become essentially global.

To continue to reap the benefits of an open international trading system, we are committed to reducing further the barriers that interfere with the free flow of goods, services, and capital. To this end, the United States has entered into, and will continue to seek out, bilateral and multilateral agreements to lower impediments to international commerce. The Free-Trade Agreement recently negotiated with Canada is an historic accomplishment. Once the necessary implementing legislation is passed, it will establish the largest international free-trade area in the world. At the same time, in the Uruguay Round of the multilateral negotiations under the General Agreement on Tariffs and Trade, we have been working to lower trade barriers worldwide. In that forum, we have placed special emphasis on eliminating spiraling subsidies to agricultural production and harmful barriers to agricultural imports, on establishing and enforcing adequate protections for intellectual property, on liberalizing trade in services, and on ensuring evenhanded treatment of foreign investment. Through these avenues and others, we will continue to pursue the goal of free and fair trade, which can only expand opportunity and prosperity both at home and abroad.

THE CHALLENGES AHEAD

The American people elected me to this office with a vision of a reinvigorated economy, and I have watched that vision become reality. The resurgence of America has confirmed my optimism. The accomplishments of the last 7 years should inspire us, but not blind us to the important challenges that remain.

Foremost among our challenges is the continued high level of Federal spending and the budget deficit. Federal receipts last year were $255 billion above their level in 1981; nevertheless, the deficit has nearly doubled since then, bloated by a $326 billion increase in outlays. Although we have succeeded recently in slowing the growth of spending, and the deficit declined by $71 billion in the last fiscal year, the deficit is still too large.

Recent progress in controlling Federal outlays notwithstanding, as a percent of GNP, outlays remain well above the postwar average. The government continues to spend too much, absorbing resources that could be put to better use by the private sector. There are several essential functions of the Federal Government, such as providing a strong national defense and ensuring an appropriate safety net for those in need, but in many areas the government's presence is oppressive and unnecessary.

Tax increases are not the key to eliminating the deficit. Some taxes are unavoidable—the necessary functions of the Federal Government must be paid for. But tax reform and the cuts that have been instituted in income tax rates represent successful efforts to find less distorting, less burdensome, and more equitable means of financing government. Undoing tax reform through tax increases would affect economic activity adversely by raising uncertainty about government policy and reducing incentives to work and produce. Rather, in coming years we should look to ways to enhance incentives for investment in future productive capacity, including reducing the tax rate on capital gains.

The Gramm-Rudman-Hollings law and our recent agreement with the Congress on a 2-year budget-trimming package have charted the course for additional deficit reduction. Those are steps in the right direction. But the budget process itself remains a major obstacle to eliminating the deficit. And I am not the only one to have noticed that the budget process is a disaster; a recent survey of Members of Congress identified it as a major source of frustration. The process is not working and it must be reformed; discipline and responsibility must be restored.

Current budget practice is to deliver a pair of mammoth bills that must be passed and signed in a matter of hours—or the government has to shut down. This is not responsible government, and I will not sign another of these behemoths. This budget process does not serve the best interests of the Nation, it does not allow sufficient review of spending priorities, and it undermines the checks and balances established by the Constitution.

So that such massive appropriations bills do not have to be an all-or-nothing proposition, I have asked for the line-item veto, a power that 43 State Governors already have. With a line-item veto, future Presidents could pare away waste and enforce budget discipline. In addition, expanded rescission powers would allow the Executive to cut unnecessary spending on programs that, in many cases, have outlived their usefulness. Finally, to ensure that balanced budgets become a permanent feature of our fiscal landscape, the legislatures of 32 States have asked for—and I endorse—a constitutional amendment to force the Federal Government to live within its means. These steps must be taken, because the current budget process is impeding budget progress. By its very nature, the democratic process is often messy and unfocused. But we know that democracy works and that tough decisions can be made. We must rise to the challenge again and prove that we can craft sound budgets through a sensible process.

We also must resist efforts to push the Nation into protectionism. Our foreign trade deficit is very large, but it has turned the corner in real terms. Last year foreign trade contributed significantly to our economic growth. Moreover, further improvements are on the way. At this point especially, it would be a tragic mistake to attempt to close the trade gap by closing our markets. Isolating U.S. markets could only lead to a global downward spiral in trade and economic activity.

My Administration is committed to working diligently with the Congress to draft responsible trade legislation, but if that legislation is not free of harmful protectionist measures, I will veto it. Our goal is to see the trade deficit reduced in an environment of sustained economic growth and low inflation. To this end, we are working with the other major industrial countries to coordinate economic policies that sustain noninflationary economic growth, encourage an orderly reduction of international imbalances, and thereby foster stability of exchange rates.

We must maintain the confidence of foreigners and our citizens alike in the ability of the United States to generate profitable investment opportunities and to follow responsible economic policies. The vitality of free and open markets, full of opportunity and promise, is the best foundation for investment. We must see to it that our tax structures and regulations do not discourage saving and investing. We must encourage investment not only in plant and equipment, but also in the American people themselves. Education, skills, research and development—these are some of the most fruitful areas for investment; expanded knowledge enhances the productive potential of our most valuable resource, our people.

CONCLUSION

America is blessed with great gifts—abundant land and natural resources, a diverse and hard-working people, an unshakable tradition of democratic values. My confidence in America has been shown to be well-founded over these past few years. The economy has been revitalized, and the record peacetime economic expansion has brought with it renewed opportunities and enhanced well-being. We set ourselves a formidable task: to reduce and to rationalize the role of government in the economy. That effort has been richly rewarded. During our watch, the U.S. economy again has shown its strength.

But our job is not finished. The Federal budget must be controlled in order to build a solid foundation for future economic growth. And I will not be satisfied until all Americans share in this prosperity; there are still too many enmeshed in poverty and without jobs. We must rise to our remaining challenges, heartened by our triumphs and inspired by the resilience of a resurgent America.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1988.*

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the requirements of Section 109(e) of the Hazardous Materials Transportation Act (P.L. 93-633), I hereby transmit the Seventeenth Annual Report on Hazardous Materials Transportation for calendar year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1988.*

ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 511(a) of the Federal Mine Safety and Health Act of 1977, as amended (U.S.C. 958(a)), I transmit herewith the Fiscal Year 1986 annual report on mine safety and health activities as submitted by the Secretary of Labor.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1988.*

SECOND BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 110

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

I am pleased to transmit the second biennial report of the Interagency Arctic Research Policy Committee. The report has been prepared in accordance with Section 108(b) of Public Law 98-373, the Arctic Research and Policy Act of 1984. It is transmitted on behalf of the Interagency Arctic Research Policy Committee, which is chaired by the National Science Foundation. The report and accompanying document, *Arctic Research of the United States,* is a comprehensive statement of activities and accomplishments of the Interagency Committee and the Commission, and covers areas of national security, rational resource development, acquisition of new scientific knowledge in the Arctic, and international cooperation.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1988.*

DEFERRAL OF CERTAIN BUDGET AUTHORITIES—MESSAGE FROM THE PRESIDENT—PM 111

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Finance, the Committee on Appropriations, and the Committee on the Budget:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling $3,570,665,449 and ten revised deferrals of budget authority now totaling $4,973,643,337.

The deferrals affect programs in the Departments of Agriculture, Defense—Military, Defense—Civil, Energy, Health and Human Services, and Transportation.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

On February 9,1988:

S.J. Res. 196. Joint resolution to designate February 4, 1988, as "National Women in Sports Day."

S.J. Res. 201. Joint resolution to designate January 28, 1988, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger.*

On February 11, 1988:

S.J. Res. 39. Joint resolution to provide for the designation of the 70th anniversary of the renewal of Lithuanian independence, February 16, 1988, as "Lithuanian Independence Day."

S.J. Res. 143. Joint resolution to designate April 1988, as "Fair Housing Month."

S.J. Res. 172. Joint resolution to designate the period commencing February 21, 1988, and ending February 27, 1988, as "National Visiting Nurse Associations Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-10. Montreal Protocol on Substances That Deplete the Ozone Layer, done at Montreal on September 16, 1987, to the Vienna Convention for the Protection of the Ozone Layer (Exec. Rept. No. 100-14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BENTSEN:

S. 2074. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. ROTH, Mr. PRYOR, Mr. BOREN, Mr. ARMSTRONG, Mr. BUMPERS, Mr. EXON, Mr. BINGAMAN, Mr. WIRTH, and Mr. DANFORTH):

S. 2075. A bill to amend the Internal Revenue Code of 1986 to permit tax free purchases of certain fuels, including purchases by farmers; to the Committee on Finance.

By Mr. SPECTER:

S. 2076. A bill to amend the Inspector General Act of 1978; to the Committee on the Judiciary.

By Mr. KASTEN (for himself and Mr. QUAYLE):

S. 2077. A bill entitled the "Livestock Producers' Recordkeeping Act of 1988"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 380. Resolution to amend Senate Resolution 352, agreed to April 11, 1986, relating to the commemoration of the bicentennial of the Senate of the United States; considered and agreed to.

By Mr. KERRY (for himself, Mr. MURKOWSKI, Mr. PELL, Mr. SARBANES, Mr. CRANSTON, Mr. DODD, Mr. SIMON, Mr. SANFORD, Mr. ADAMS, Mr. MOYNIHAN, Mr. HELMS, Mr. LUGAR, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. PRESSLER, Mr. TRIBLE, and Mr. EVANS):

S. Con. Res. 99. Concurrent resolution condemning North Korea's support for terrorist activities; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 2074. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meridith Salinity Control Project, New Mexico and Texas; to the Committee on Energy and Natural Resources.

LAKE MERIDITH SALINITY CONTROL PROJECT

Mr. BENTSEN. Mr. President, today I am introducing legislation to help the people of the Texas Panhandle assure themselves of a reliable supply of quality drinking water. This bill will authorize the Bureau of Reclamation to work with the Canadian River Municipal Water Authority to reduce the salt content of the water supplied to the CRMWA's member cities. Those member cities include Amarillo, Borger, Pampa, Plainview, Lubbock, Slaton, Tahoka, O'Donnell, Lamesa, Brownfield, and Levelland. These towns have a combined population of some 430,000 people.

The Canadian River Municipal Water Authority began delivering water from Lake Meredith to its member cities in 1968, and since the beginning there has been concern about the quality of that drinking water. The salt content has shown a generally increasing trend, with drought cycles producing chloride levels as high as 400 milligrams per liter. Health and environmental agencies generally recommend maximum chloride levels of 250 milligrams per liter for drinking water. Cities which also have ground water available have in some cases mixed it with the lake water to get a more acceptable water supply, but that option is more expensive and is not available to all.

Studies by private consultants and by the Bureau of Reclamation have shown that about 70 percent of the salt entering Lake Meredith originates in a shallow brine acquifer just downstream from Ute Dam near Logan, NM. This brine acquifer is under artesian pressure and is leaking into the river.

In 1980 the Bureau of Reclamation was directed by Public Law 96-375 to study this problem and report on possible solutions. This report, completed in 1985, recommended drilling wells into this acquifer and pumping brine out to reduce the artesian pressure. The most economical method of disposing of this brine is through deep injection wells of the type used in the oil industry, and there appears to be suitable geologic strata for this purpose in the area.

This project is essential if the Texas Panhandle is to have an adequate supply of acceptable quality drinking water for the future of the region. The CRMWA and its member cities are prepared to operate and maintain the project and to pay for the cost of construction, but they need the technical expertise of the Bureau of Reclamation in designing and building the project.

The bill I am introducing today will authorize funds to be appropriated to the Bureau of Reclamation to carry out the preliminary work and to supervise the construction of the project. It will also authorize the Bureau to accept funds from the CRMWA to pay for land acquisition and construction costs. The CRMWA estimates that their part of the costs will total about $6.4 million, with the Federal portion totaling about $2 million. This is a very heavy commitment of non-Federal funds, giving a high degree of leverage to the small Federal investment which will be required if this project is to be successful.

Water is the lifeblood of our country. In west Texas water is especially scarce and valuable. The high value which the citizens of this great area of our country place on a reliable water supply is indicated by their willingness to pay for most of the costs of this project themselves. Last year they got the Texas State Legislature to enact a law enabling the CRMWA to sell tax-exempt revenue bonds to finance this project.

They understand that the alternative is to allow salt pollution of the region's water to continue, possibly rendering Lake Meredith useless eventually. Lack of a reliable water supply will make furture economic growth very difficult, and the loss of Lake Meredith would threaten the existing economic base.

The citizens of west Texas are not asking the Federal Government for a handout. They are not asking the taxpayers to carry them. They are asking the Federal Government to work side by side with them in this endeavor and to share the essential expertise which the Bureau of Reclamation has developed through years of construction projects.

Passage of this legislation will allow this local self-help project to get started. I am pleased to be able to introduce this bill, and I urge its passage by the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION TO CONSTRUCT, OPERATE, TEST, AND MAINTAIN.

The Secretary of the Interior is authorized to construct, operate, test, and maintain the Lake Meredith Salinity Control Project, New Mexico and Texas, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and Acts amendatory thereof or supplementary thereto) and the provisions of this Act and the plan set out in the June 1985, Technical Report of the Bureau of Reclamation on this project with such modification of, omissions from, or additions to the works, as the Secretary may find proper and necessary for the purpose of improving the quality of water to the Canadian River downstream of Ute Reservoir, New Mexico, and entering Lake Meredith, Texas. The principal features of the project shall consist of production wells, observation wells, pipelines, pumping plants, brine disposal facilities, and other appurtenant facilities.

SEC. 2. CONSTRUCTION CONTRACT WITH THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY.

(a) AUTHORITY TO CONTRACT.—The Secretary is authorized to enter into a contract with the Canadian River Municipal Water Authority of Texas for the design and construction management of project facilities by the Bureau of Reclamation and for the payment of construction costs by the Canadian River Municipal Water Authority. Operation and maintenance of project facilities upon completion of construction and testing shall be the responsibility of the Canadian River Municipal Water Authority.

(b) CONSTRUCTION CONTINGENT ON CONTRACT.—Construction of the project shall not be commenced until a suitable contract has been executed by the Secretary with the Canadian River Municipal Water Authority of Texas and the State of New Mexico has granted the necessary permits for the project facilities.

SEC. 3. PROJECT COSTS.

(a) CANADIAN RIVER MUNICIPAL WATER AUTHORITY SHARE.—All costs of construction of project facilities (estimated at an amount not to exceed $6,400,000) shall be advanced by the Canadian River Municipal Water Authority as the non-Federal contribution toward implementation of this Act. Pursuant to the terms of the contract authorized by section 2, these funds shall be advanced on a schedule mutually acceptable to the Canadian River Municipal Water Authority and the Secretary, as necessary to meet the expense of carrying out construction and land acquisition activities.

(b) FEDERAL SHARE.—All project costs for verification, design preparation, and construction management (estimated at an amount not to exceed $2,000,000) shall be nonreimbursable as the Federal contribution for environmental enhancement by water quality improvement to assist in improving a Federally-constructed water supply project, subject to appropriation of funds.

SEC. 4. CONSTRUCTION AND CONTROL.

(a) PRECONSTRUCTION.—The Secretary shall upon entering into a mutually acceptable agreement with the Canadian River Municipal Water Authority proceed with preconstruction planning, preparation of designs and specifications, acquiring permits, acquisition of land and rights, and award of construction contracts pending availability of appropriated funds.

(b) TERMINATION OF CONSTRUCTION.—At any time following the first advance of funds by the Canadian River Municipal Water Authority the Canadian River Municipal Water Authority may request that the Secretary terminate activities then in progress, and such request shall be binding upon the Secretary.

(c) TRANSFER OF CONTROL.—Upon completion of construction and testing of the project, or upon termination of activities at the reqeust of the Canadian River Municipal Water Authority, the Secretary shall transfer the care, operation, and maintenance of the project works to the Canadian River Municipal Water Authority or to a bonafide entity mutually agreeable to the States of New Mexico and Texas. As part of such transfer, the Secretary shall return unexpended balances of the funds advanced, assign to the Canadian River Municipal Water Authority the rights to any contract in force, convey to the Canadian River Municipal Water Authority any real estate, easements, or personal property acquired by the advanced funds, and provide any data, drawings, or other items of value procured with advanced funds.

SEC. 5. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

By Mr. DASCHLE (for himself, Mr. DURENBERGER, Mr. DANFORTH, Mr. ROTH, Mr. PRYOR, Mr. BOREN, Mr. ARMSTRONG, Mr. BUMPERS, Mr. EXON, Mr. BINGAMAN, and Mr. WIRTH):

S. 2075. A bill to amend the Internal Revenue Code of 1986 to permit tax-free purchases of certain fuels, including purchases by farmers; to the Committee on Finance.

COLLECTION OF DIESEL EXCISE TAXES

● Mr. DASCHLE. Mr. President, I am introducing legislation today to make several important changes in the procedures for collecting the diesel excise taxes.

Last year, in the Budget Reconciliation Act of 1987, Congress altered the way in which the diesel fuel excise tax will be collected. Although farmers remain exempt from the tax where they use the fuel for off-road purposes, they are now required to pay the tax at the time of purchase, then file for a refund from the Internal Revenue Service.

The new system just doesn't make sense. If we are going to continue exempting farmers from the tax where they use the fuel for off-road purposes, we shouldn't ask them to pay the tax up front and then tell them they must file for a refund that they may not receive until more than a year later.

Even more distressing is the fact that farmers may have to incur additional debt in order to cover the increased cost of diesel fuel resulting from the tax. They will pay interest on that debt, yet they will not receive interest from the IRS on the refund of their money months or maybe even a year later.

Current law allows the IRS to set up guidelines for certain other tax-exempt groups, including State and local government entities, which would enable those groups to avoid having to file for a refund. Farmers are not included in the list of discretionary exemptees. My bill would add farmers to that list.

In addition, the legislation I am introducing today would change the wording of the current law provision for discretionary exemptees and make it mandatory for the IRS to issue these guidelines within 30 days of enactment of the bill. The groups listed, including farmers and State and local governments, would then be permitted to file for an immediate refund of amounts they had already paid.

Although I believe an unfair tax procedure should be corrected even when that correction may cost the Federal Government some revenue, I believe equally as strongly that we must continue our efforts to reduce the Federal budget deficit. Therefore, I intend to have the Joint Committee on Taxation prepare a revenue estimate on the separate parts of this legislation.

In the meantime, I urge my colleagues to review this bill closely and lend their support to these essential adjustments to the diesel excise tax collection procedures.●

Mr. DURENBERGER. Mr. President, I am pleased to join the Senator from South Dakota, Senator DASCHLE, in introducing legislation that would correct an unreasonable and illogical tax burden that last year's Budget Reconciliation Act imposes on farmers and small rural community governments.

Last year's Reconciliation Act changed how diesel fuel excise taxes are collected. Under the new method, the responsibility for collecting diesel fuel taxes is shifted from retailers to wholesalers. In shifting this collection responsibility, however, Congress placed an unwarranted additional financial burden on farmers, and a potential financial burden on State and local governments.

Although farmers are exempt from paying the diesel fuel tax for farming purposes, the new law requires them to first pay the tax and then apply for a refund. Mr. President, this new collection method makes absolutely no sense and should not be allowed to go into effect.

By one estimate, a farmer who owns a 300-acre corn farming operation must purchase approximately 8,650 gallons of diesel fuel each year. If he is required to first pay the diesel excise tax and then apply for a refund, he will have to make upfront payments of more than $1,300. Many of the farmers I've talked with in Minnesota just don't have the spare cash to make these additional payments without going into debt.

Is this any way to reduce the budget deficit? In effect, we are asking farmers to go into debt to make payments to the Federal Government for taxes that the Federal Government is not even entitled to. Moreover, even if the farmer could afford to make such payments, he will have to draw on his savings to pay the tax and therefore forego interest that he is rightfully entitled to.

The legislation we are introducing today would require the Secretary of the Treasury to exempt farmers from this senseless pay-and-refund rule. At the same time, the legislation modifies the Reconciliation Act to ensure that State and local governments are also exempts from the pay-and-refund rule. Although the Reconciliation Act gives the Secretary discretion to exempt State and local governments from the rule, we believe that the Treasury Department should not have any flexibility in determining whether a local government should be exempted from this rule. All of them should be exempt.

In recent years, State and local governments, especially in rural areas, have been especially hard hit by changes that have taken place in our economy. In addition, the loss of Federal revenue sharing has been a severe blow to many local government activities.

In our system of government, the Federal Government has no right to collect excise taxes from State and local governments. Requiring these local governments to pay excise taxes and then seek a rebate will only add further strains to these already hard-pressed municipalities.

Finally, Mr. President, this legislation recognizes that Congress may not be able to repeal the pay-and-refund rule before the April 1, 1988 date when the new collection procedure is scheduled to go into effect. Therefore, we have provided a special expedited refund procedure for farmers, State and local governments, and other exempt entities.

It is my hope that we will quickly pass this legislation and obviate the need for the expedited refund mechanism. I want to commend the distinguished Senator from South Dakota for his work on this legislation.

● Mr. PRYOR. Mr. President, I am joining the Senator from South Dakota today in introducing legislation to prevent farmers from having to pay Federal excise tax on diesel fuel and then file for a refund.

The bill would require the IRS to issue guidelines for the exemption of farmers from the diesel excise tax pay-and-refund procedures within 30 days of enactment of the bill. Additionally, if it does not pass before the April 1 effective date, the bill would allow farmers to file for an immediate refund of amounts already paid at the time of enactment of the bill. Any provision which requires hard-working people to pay taxes not actually owed is ludicrous and must be corrected. As chairman of the IRS Oversight Subcommittee, I pledge to keep a careful eye on the IRS to ensure that they administer the exemption properly and on a timely fashion.

In today's economic climate, the family farm is being asked to withstand many hardships. The pay-and-refund procedures of the 1987 act would add to these hardships by significantly increasing capital costs for all farmers.

The passage of this bill should go a long way toward correcting excesses of the 1987 Tax Act. The solution provided for in this bill is practical and moderate, and should not interfere with the original legislative intent of the 1987 act. I hope the Senate will make early passage a priority.●

By Mr. SPECTER:

S. 2076. A bill to amend the Inspector General Act of 1978; to the Committee on the Judiciary.

F.B.I. INSPECTOR GENERAL ACT

Mr. SPECTER. Mr. President, the bill I am introducing today proposes a statutory inspector general for the FBI. This inspector general would be nominated by the President and approved by the Senate, similar to 18 other existing inspectors general in government today, and would have the authority and duty to inspect, investigate and audit—independently—every phase of the FBI's activities. The result of these inspections, investigations and audits would be reported to the Director of the FBI, the Attorney General, and to the appropriate committees of the Congress.

I think this new office will well serve the FBI, by promoting consistency in its interpretation and enforcement of existing guidelines for the investigation of Federal criminal acts and foreign espionage activities. Current allegations that the Federal Bureau of Investigation, in recent years, may have overstepped its bounds by investigating a wide array of lawful domestic political and religious groups raises a fundamental question about the effectiveness of the FBI's current system of internal oversight. After all of the lessons of the Hoover years at the FBI, and all of the lessons of Watergate, it is startling that we still do not have in place a statutory inspector general as we do in so many other branches of government, which in my view is essential to effective oversight.

Episodes like the embarassing one just revealed provide ammunition for critics of the FBI and of the U.S. Government, and realistically viewed undermines the activities of the FBI. We can be sure that the claims being leveled by some against the FBI are being widely circulated in the press in foreign countries and being used to undermine the legitimate activities of the FBI. In Judge Webster, and now in Judge Sessions, we have selected FBI Directors who have a proven understanding of the Constitution and the rule of law, and a demonstrated respect for the principles of individual freedom upon which this country was founded.

But it is not possible for the Director of the FBI or any one individual to manage personally the vast oversight necessary for such an organization. Judge Webster was quoted as saying that the activities involved in the recent criticism of the FBI were not of a sufficient nature to come to his personal attention. That, Mr. President, is why additional oversight within an organization like the FBI is necessary.

I am personalty convinced that, with extremely few exceptions, the men and women of the FBI share that respect for law of men like Judge Webster and Judge Sessions, and that the, men and women are loyal, hardworking Americans who are are dedicated to upholding the laws and Constitution. We owe them a debt of gratitude for their untiring fight against crime, and their enormously successful efforts to counter the growing threat of domestic and international terrorism and foreign espionage.

I personally have had the opportunity to work with many members of the Federal Bureau of Investigation as assistant counsel for the Warren Commission in 1964. I also worked with members of the FBI on the preparation of complex cases as an assistant district attorney in Philadelphia and later for 8 years as district attorney. I know of their competence, their dedication, and their capability.

Sometimes, however, a complex organization does not work as designed because the design itself is flawed. We must build more checks and safeguards into our powerful Government organizations so that we are not relying on one well-intentioned but greatly overburdened official at the top to keep an entire organization on course. We saw the problems of this, with the CIA, in the Iran-Contra affair, and the Congress is now considering an independent IG for the CIA as well. Hearings are now scheduled before the Intelligence Committee on this subject. By creating independent inspectors general, we can protect important agencies like the FBI and the CIA from embarrassing themselves and our entire Government in the process, and from realistically impeding their work.

It seems clear that there was a lack of overall direction in some of the FBI's investigations of domestic political and religious groups over the past several years. As recently as 1984, one FBI document reflected the views of the Denver and New Orleans FBI field offices that "in spite of attempts by the Bureau to clarify guidelines and goals for this investigation, the field is still not sure of how much seemingly legitimate political activity can be monitored." Why was there such confusion and what did the FBI do internally to address it? Who was watching the watchdogs, as they proceeded with their investigations, unsure of the bounds of the law?

The legislative branch plays an important oversight role with respect to the FBI, but usually after the fact. Two congressional committees from each House of Congress have overlapping responsibility for FBI activity. The two Judiciary Committees oversee FBI activity relating to criminal law enforcement, while the two Intelligence Committees oversee FBI activities relating to foreign counterintelligence and international terrorism. The dividing line is not always so neat, however, and many cases involve both of these spheres. The Attorney General's guidelines under which the FBI operates differ significantly depending on whether a criminal investigation or a foreign counterintelligence investigation is involved. The latter guideline is classified, and that is a matter which will be the subject of scrutiny and inquiry by the intelligence committees. The FBI's decision to use one guideline or the other determines which congressional committee will exercise oversight of the FBI involvement.

It is a complicated system, with many opportunities for things to go wrong. As we have seen, they do go wrong, even with strong leadership, and the largely post-facto congressional oversight which realistically viewed is structurally insufficient to catch and correct small errors of judgment and policy before they become on some occasions embarrassing disasters. Simply put, the FBI's authority is so great, its potential for abuse or miscalculation so high, and its organizational structure so complex that independent internal monitoring on a day by day basis is essential. This is the case with 108 other governmental agencies, and perhaps among that list the FBI would rank high in its requirement and the necessity for an independent inspector general.

I feel very strongly that we in Congress should protect our intelligence and law enforcement agencies from being scapegoats for every policy failure or unsuccessful venture by our Government. We can only do this, however, if our constituents are confident that these agencies are adequately monitored—the public confidence is vital—and that we in Congress are willing to take steps to correct mistakes when they are made, and make structural changes in the designs of organizations like the FBI or CIA. The current system of oversight is inherently incapable of providing us with the information we need in order to do this.

Statutory inspectors general already are providing an independent interenal system of checks and balances for more than 18 departments and agencies of the Federal Government. The Comptroller General, who inspects these IG's, has concluded that they are serving the executive and legislative branches far better than the IG's under the previous system, who were beholden to the system which they inspected. It is time to add the FBI to the list.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "F.B.I. Inspector General Act of 1988."

Establishing an office of Inspector General in the Federal Bureau of Investigation.

(1) Section 9(a)(1) of the Inspector General Act of 1978 is amended by inserting after the final subparagraph the following new subparagraph: "of the Federal Bureau of Investigation, the division of that agency referred to as the 'Inspections Division' and, notwithstanding any other provision of law, that portion of each of the divisions or offices of that agency which is engaged in internal audit activities;";

(2) The Inspector General Act of 1978 is amended by inserting at the appropriate place the following new section:

"SPECIAL PROVISIONS REGARDING THE FEDERAL BUREAU OF INVESTIGATION

"SEC. . (a)(1) Notwithstanding any other provision in this Act, the Inspector General of the Federal Bureau of Investigation shall be under the authority, direction, and control of the Director of the Federal Bureau of Investigation with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning:

"(A) ongoing criminal investigations or proceedings;

"(B) sensitive undercover operations;

"(C) the identity of confidential sources, including protected witnesses;

"(D) deliberations and decisions on policy matters, including documented information used as a basis for making policy decisions, the disclosure of which could reasonably be expected to have a significant influence on national security, or

"(E) other matters the disclosure of which would constitute a serious threat to national security or to the protection of any person authorized protection by section 3056 of title 18, United States Code.

"(2) With respect to the information described in paragraph (1), the Director may prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpeona, after the Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena if the Director determines that such prohibition is necessary to preserve the confidentiality of or prevent the disclosure of any information described in paragraph (1).

"(3) If the Director exercises any power under paragraph (1) or (2), the Director shall notify the Inspector General of the Federal Bureau of Investigation in writing of such exercise. Within 30 days after receipt of any such notice, the Inspector General of the Federal Bureau of Investigation shall transmit a copy of such notice to the Select Committee on Intelligence of the Senate and of the House of Representatives, to the Judiciary Committees of the Senate and of the House of Representatives, and to other appropriate committees or subcommittees of Congress, together with any comments the Inspector General deems appropriate.".

"(b) Section 5315 of title 5, United States Code is further amended by adding at the end thereof the following new items: "Inspector General, Federal Bureau of Investigation".

By Mr. KASTEN (for himself and Mr. QUAYLE):

S. 2077. A bill entitled the "Livestock Producers' Tax Recordkeeping Act of 1988;" to the Committee on Finance.

LIVESTOCK PRODUCERS' TAX RECORDKEEPING ACT

● Mr. KASTEN. Mr. President, today my distinguished colleague from Indiana, Senator QUAYLE and I, are reintroducing a modified version of the Livestock Producers' Tax Recordkeeping Relief Act. This legislation would repeal a provision in the 1986 Tax Reform Act that would require farmers to capitalize the preproductive expenses of raising their livestock.

Mr. President, this new capitalization requirement is a truly burdensome and unfair tax on America's livestock farmers. The 1986 law requires that livestock farmers must capitalize preproductive expenses and depreciate them over the asset's productive life. But the recordkeeping burden involved with complying with the capitalization requirement is staggering. Farmers would have to keep track of all expenses—veterinary expenses, food, shelter, electrical costs—and allocate them to each individual animal.

The impracticalities of this onerous provision are obvious. In many cases, all the bookkeeping would be for naught. First of all, at the time of conception, the farmer doesn't know the sex of the animal. Therefore, the costs associated with male animals must still be capitalized for 9 months before it is known that the calf is a bull and thus cannot be used as breeding stock. Second, replacement animals aren't chosen until they are near breeding age. Typically, only a small percentage of a herd is actually chosen as replacement stock. Yet until that time, the preproductive costs associated with all livestock must be capitalized.

A farmer may elect to expend these costs. But if they elect this option, they would have to depreciate all farm assets related to their livestock business using straightline depreciation. In some cases, this can cut a farmer's tax benefits from first-year depreciation in half—resulting in higher tax bills.

Mr. President, Senator QUAYLE and I introduced this bill on June 11, 1987. The original Kasten-Quayle bill offset the revenue lost associated with the repeal of the capitalization requirement by limiting the use of cash accounting for large farms with annual incomes in excess of $5,000,000. Unfortunately, a version of our cash limitation provisions was included in the Revenue Act of 1987.

Mr. President, the distinguished Senator from Minnesota, Senator DURENBERGER, has been working with us to develop an alternative revenue offset which would be both fair and equitable, and raise the necessary revenue to pay for repeal of the capitalization requirement. We hope to introduce another bill within the next few days.

Mr. President, the Kasten-Quayle bill is oriented toward the family farmer. It eliminates the enormous recordkeeping burden on small to midsized family farmers. It is a much-needed improvement to the Tax Code, and I urge my colleagues to join us in supporting it. I ask unanimous consent that the text of the bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CERTAIN LIVESTOCK BREEDING EXEMPT FROM RULES REQUIRING CAPITALIZATION OF PREPRODUCTIVE EXPENSES

Subsection (c) of section 263A of the Internal Revenue Code of 1986 (relating to general exceptions to capitalization and inclusion in inventory costs of certain expenses) is amended by adding at the end thereof the following new paragraph:

"(6) LIVESTOCK BREEDING.—This section shall not apply to livestock bred by the taxpayer (other than by embryo transplant).".●

● Mr. QUAYLE. Mr. President, today I am once again joining Senator KASTEN in introducing a version of the Livestock Producers' Tax Recordkeeping Relief Act. The original measure, S. 1353, we introduced on June 11, 1987, to remedy the onerous burden placed on livestock farmers by a provision originally included in the House version of the Tax Reform Act of 1986. The new tax law requires that livestock farmers capitalize the costs associated with their replacement breeding stock at the time of conception. Not only is this an unreasonable burden on livestock farmers, it would result in a great deal of subjective judgment in reporting taxes and thus is poor tax policy.

This new measure differs from the original in that it does not provide an offset for the revenues forgone from repealing the capitalization requirements on replacement breeding stock. The original bill that Senator KASTEN and I coauthored placed limits on cash accounting for large agricultural operations as a means to offset the revenue loss of restoring the old law treatment for replacement breeding stock. Cash accounting, however, was used as a general revenue raiser in the reconciliation bill passed by Congress last year and therefore, a new offset must be found. I hope to work with the chairman and members of the Finance Committee to develop an offset for this much needed relief to our Nation's livestock farmers.●

ADDITIONAL COSPONSORS

S. 232

At the request of Mr. WILSON, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 1522

At the request of Mr. RIEGLE, the names of the Senator from Nebraska [Mr. KARNES], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1766

At the request of Mr. SARBANES, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1766, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 1817

At the request of Mr. KENNEDY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from United States savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1839

At the request of Mr. MELCHER, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1851

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1856

At the request of Mr. SASSER, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. SIMON], the Senator from Maryland [Mr. SARBANES], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1856, a bill to amend chapter 25 of title 44, United States Code, to provide an authorization for the National Historical Publications and Records Commission programs, and for other purposes.

S. 1869

At the request of Mr. LEAHY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1869, a bill to amend the Agricultural Act of 1949 to protect the family dairy farm by establishing a regional dairy production stabilization program, and for other purposes.

S. 1904

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1904, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2024

At the request of Mr. BAUCUS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2062

At the request of Mr. NICKLES, the names of the Senator from Montana [Mr. MELCHER], and the Senator from California [Mr. WILSON] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2065

At the request of Mr. HEINZ, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2065, a bill to recognize the organization known as "Veterans of the Vietnam War, Inc."

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 99

At the request of Mr. DECONCINI, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Ohio [Mr. GLENN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 99, a joint resolution to express the sense of the Congress that the Special Supplemental Food Program for Women, Infants, and Children should receive increasing amounts of appropriations in fiscal year 1988 and succeeding fiscal years.

SENATE JOINT RESOLUTION 215

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 227

At the request of Mr. HOLLINGS, the names of the Senator from Texas [Mr. GRAMM], and the Senator from Florida [Mr. CHILES] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 245

At the request of Mr. Cranston, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 245, a joint resolution to designate April 21, 1988, as "John Muir Day."

SENATE JOINT RESOLUTION 246

At the request of Mr. DeConcini, the name of the Senator from Florida [Mr. Chiles] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Texas [Mr. Bentsen], and the Senator from West Virginia [Mr. Byrd] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988 "Baltic Freedom Day."

SENATE JOINT RESOLUTION 250

At the request of Mr. Grassley, the names of the Senator from Wyoming [Mr. Simpson], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of Senate Joint Resolution 250, a joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

SENATE JOINT RESOLUTION 254

At the request of Mr. Burdick, the name of the Senator from Missouri [Mr. Danforth] was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. Humphrey, the names of the Senator from Wyoming [Mr. Simpson], the Senator from South Dakota [Mr. Daschle], the Senator from Michigan [Mr. Levin], the Senator from Pennsylvania [Mr. Specter], the Senator from South Carolina [Mr. Hollings], the Senator from Missouri [Mr. Bond], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 260

At the request of Mr. Boschwitz, the names of the Senator from California [Mr. Wilson], the Senator from Florida [Mr. Chiles], the Senator from Arizona [Mr. McCain], the Senator from Illinois [Mr. Dixon], the Senator from Washington [Mr. Adams], the Senator from Missouri [Mr. Bond], the Senator from Massachusetts [Mr. Kennedy], the Senator from North Dakota [Mr. Burdick], the Senator from North Carolina [Mr. Sanford], the Senator from Michigan [Mr. Levin], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Connecticut [Mr. Dodd], the Senator from New York [Mr. Moynihan], the Senator from Florida [Mr. Graham], the Senator from Maine [Mr. Mitchell], the Senator from Alabama [Mr. Shelby], the Senator from Connecticut [Mr. Weicker], the Senator from Rhode Island [Mr. Pell], the Senator from Utah [Mr. Garn], the Senator from Rhode Island [Mr. Chafee], the Senator from South Carolina [Mr. Hollings], the Senator from Colorado [Mr. Wirth], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. Durenberger], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Michigan [Mr. Riegle], the Senator from Wisconsin [Mr. Kasten], the Senator from Mississippi [Mr. Stennis], the Senator from Hawaii [Mr. Inouye], the Senator from Arizona [Mr. DeConcini], the Senator from Hawaii [Mr. Matsunaga], the Senator from Massachusetts [Mr. Kerry], the Senator from Delaware [Mr. Roth], the Senator from Indiana [Mr. Lugar], the Senator from North Dakota [Mr. Conrad], the Senator from Alaska [Mr. Stevens], the Senator from Delaware [Mr. Biden], the Senator from Virginia [Mr. Warner], the Senator from Alabama [Mr. Heflin], the Senator from New Jersey [Mr. Bradley], the Senator from Iowa [Mr. Grassley], the Senator from Kansas [Mr. Dole], the Senator from Indiana [Mr. Quayle], the Senator from South Dakota [Mr. Pressler], the Senator from Mississippi [Mr. Cochran], the Senator from Utah [Mr. Hatch], the Senator from Texas [Mr. Bentsen], and the Senator from New Mexico [Mr. Domenici] were added as cosponsors of Senate Joint Resolution 260, a joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week."

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. Melcher, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution to facilitate the convening of a Silver Haired Congress.

SENATE RESOLUTION 341

At the request of Mr. Domenici, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Resolution 341, a resolution to permit amendments to bills implementing trade agreements under section 151(d) of the Trade Act of 1974 if such amendments relate to the domestic or foreign commerce of the United States in uranium, and for other purposes.

SENATE CONCURRENT RESOLUTION 99—CONDEMNING NORTH KOREA'S SUPPORT FOR TERRORIST ACTIVITIES

Mr. KERRY (for himself, Mr. Murkowski, Mr. Pell, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Simon, Mr. Sanford, Mr. Adams, Mr. Moynihan, Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Boschwitz, Mr. Pressler, Mr. Trible, and Mr. Evans) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 99

Whereas KAL flight 858 exploded in midair on November 29, 1987, killing all 115 passengers;

Whereas the United States Government has carried out its own investigation of the bombing of KAL flight 858, and concluded that the evidence of North Korean culpability for this action is compelling, and the same conclusion has been reached by the Government of South Korea and other nations;

Whereas North Korea has demonstrated, in incidents from destroying unarmed United States aircraft in the 1960's through raids by assassins and ax murders in the 1970's to the Rangoon, Burma bombing in 1983 which killed four South Korean cabinet ministers and thirteen other South Koreans, a disturbing and continuing pattern of disregard for human life;

Whereas North Korea has sought to disrupt South Korea's efforts to host a safe and successful International Olympics Games in Seoul this year;

Whereas the Secretary of State has placed North Korea on the United States Government's terrorism list by making a formal determination on January 20, 1988, that North Korea is a country which has repeatedly supported acts of international terrorism;

Whereas the Government of South Korea has dealt with these terrorist acts with firm, but proportional and responsible responses;

Whereas the deliberate destruction of civilian airliners is singularly despicable and represents a threat and an affront to all civilized people;

Whereas it is essential that the civilized nations of the world join together in condemning and countering such terrorist threats: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That

(a) the Congress—

(1) condemns North Korea for its bombing of KAL flight 858 and its pattern of engagement in, and support for, international terrorism;

(2) expresses its sorrow and deep sympathy to the family and friends of the 115 victims of the KAL flight 858 bombing;

(3) commends the Government of South Korea for its steadfastness in confronting the menace of North Korean terrorism, and for its many and continuing efforts to ensure a safe and successful International Olympic Games in Seoul this year.

(b) It is the sense of the Congress that—

(1) those responsible for the attack, including accomplices, should be brought to justice in accordance with the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and any nation or individuals with relevant information should cooperate with the appropriate investigating authorities;

(2) the governments of all nations should join in a unified stance against North Korea's actions, express their outrage over the terrorist attack on KAL flight 858, isolate North Korea until it ceases its sponsorship of international terrorism, and undertake appropriate measures against North Korea including the termination of trade and the implementation of sanctions;

(3) those nations with political or economic relationships with North Korea should join in steps, including the use of political and economic measures, to impress upon the Government of North Korea that the world will not accept such terrorist acts;

(4) the International Civilian Aviation Organization (ICAO) and other appropriate international aviation groups should take steps against North Korea, including consideration of efforts to suspend air service to that country;

(5) governments, organizations, and individuals should show their rejection of North Korea's efforts to undermine the International Olympic Games in Seoul by giving their full support to the holding of a safe and successful summer Olympics; and

(6) the Governments of Bahrain and Japan should be commended for their cooperation in the investigation of the bombing of KAL flight 858.

(c) The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit a copy of such resolution to the Secretary General of the United Nations, the President of the ICAO Council, and the President of the Republic of South Korea.

● Mr. KERRY. Mr. President, last November 29, Korean airlines flight 858 en route from Japan to South Korea, exploded in midair over the country of Bahrain. All 115 passengers aboard the plane were killed.

In the weeks following the incident evidence came to light which overwhelmingly pointed to North Korean agents who planted a bomb on the plane. Those agents later attempted to commit suicide, and while one succeeded, the other survived to admit to the bombing and implicate her government. The order to destroy the plane apparently came on instructions from the highest levels of the North Korean regime. It was an attempt by the Government of that country to sabotage the 1988 Olympics which are to be held in neighboring South Korea this summer. North Korea hoped that by blowing up a South Korean commercial airliner, people around the world would decide that it is too dangerous to attend the Olympic games.

This is not the first time that North Korea has engaged in state-sponsored terrorism. They have a sorry record of fostering terrorism through kidnapings and bombings including an attempt to assassinate the President of South Korea during a state visit to Burma in 1983. On that occasion four South Korean cabinet officials were killed. Our Government, under the Export Administration Act, has designated North Korea a state-sponsor of international terrorism.

I believe that this resolution is being offered at an appropriate time: just as the winter games in Calgary come to a successful close. Every 4 years the summer and winter Olympic games remind us that when countries can place their political differences aside in the name of athletic competition, the human spirit is universal.

This resolution not only commends the Republic of Korea for its steadfastness in confronting the menace of North Korean terrorism, and for its many and continuing efforts to ensure a successful 1988 summer Olympic games, but should also be viewed as a show of support for the 161 nations of the world that will participate in the summer Olympics. This peaceful assemblage of nations, this collective display of the human spirit, will not be undermined by a barbaric act of terrorism of an outlaw nation.

Finally, it is particularly important that we move forward on this resolution at this particular time. The International Civil Aviation Organization is scheduled to hold its annual meeting at the end of this month. Hopefully this resolution will encourage the international community to impose sanctions against North Korea during this meeting. We are serving notice that we expect ICAO to take strong action in response to this and other terrorist actions the North Koreans have undertaken.●

NORTH KOREAN BOMBING OF KAL FLIGHT 858

Mr. HELMS. Mr. President, on November 29, 1987, a terrorist bomb exploded aboard Korean airlines flight 858, killing 115 passengers and crew.

This bomb was planted by a trained terrorist who is the 26-year-old daughter of a North Korean diplomat, aided by a 70-year-old male accomplice. Her accomplice committed suicide, but she survived to acknowledge her role in this atrocity. They planted a time bomb aboard the South Korean airliner which was flying from Baghdad to Seoul. The plane exploded near the coast of Burma, causing the deaths of 115 innocent passengers and crew members.

The purpose of this barbaric and outrageous act was to frighten participants and potential attendees of the forthcoming summer Olympic games. This despicable act of terrorism emphasizes that if death flies the airways, then the entire world's system of travel and commerce will fall victim to indefensible terror-violence.

Mr. President, North Korea is a brutal dictatorship which has imposed the harsh and degrading doctrines of Marxism-Leninism upon a captive population. North Korea has committed major aggression in the past. North Korea has turned to assassination and terror-violence in the present. What other kinds of barbarism will North Korea undertake in the future? What does the civilized world intend to do about this Government of gangsters and thugs which seeks to hold the Olympic games hostage to the threat of death and random violence?

We must begin to strengthen international aviation agreements. We must begin to get all nations of the civilized world to quarantine the North Korean barbarians. We must begin to make state sponsors of terrorism pay for their outrageous crimes.

Mr. President, I support the resolution of the distinguished Senator from Massachusetts as an expression of moral outrage and political condemnation. However, the time has come to reevaluate our policies toward criminal governments that prey on innocent victims. I grieve for the passengers and crew of KAL flight 858. I grieve for the innocent victims of terrorism throughout the world. I am angered over the terrorist kidnapping of still another American in South Lebanon. These terrorist thugs must be brought to justice by one way or another. The time has come to deal with terrorists in a way that they will understand and in a way which will make them pay the price for these disgusting crimes.

● Mr. MURKOWSKI. Mr. President, on November 29, 1987, a Korean airlines plane flying from Abu Dhabi to Seoul blew up in mid-air. All on board, 115 innocent civilians, were killed.

The airplane was deliberately sabotaged by an agent of the North Korean Government.

This was merely the latest in a long series of North Korean sponsored terrorist activities.

In October 1983, a group of North Korean terrorists went to Burma to place a bomb designed to kill the President of the Republic of Korea. The bomb exploded prematurely and killed 4 members of the Korean Cabinet and 13 other members of the President's party.

North Korea's terrorist activities have not been confined to carrying out their grudge against the South. North Korea has trained its own agents to operate around the world and has trained terrorists from various troubled nations in its own academies of terror.

According to an article in the January 30, 1988 issue of Jane's Defense Weekly, written by Joseph S. Bermudez, North Korea currently operates an estimated 30 in-country guerilla warfare training facilities, and has a longstanding policy of providing both arms and training to terrorist groups.

Mr. President, I would like to request unanimous consent to have Mr. Bermudez' article printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTH KOREA'S SPECIAL PURPOSE FORCES

(By Joseph S. Bermudz)

Recent revelations concerning the bombing of Korean Airlines flight 858 have again focused attention on North Korean covert operations throughout the world.

Although the KAL flight 858 operation was apparently conducted by members of the Korean Workers' Party (KWP) Central Committee's Research Department, the Korean People's Army's (KPA) four reconnaissance brigades are typically those who are responsible for conducting 'supra-peninsula' special operations.

These units were first organised during the years immediately after the Korean War with the mission of conducting military/political reconnaissance and raids within South Korea. They have evolved over the years into the elite of the KPA's Special Purpose Forces (SPF), and with their highly specialised skills, equipment and elite capabilities, these units are comparable to US Special Forces and Soviet Spetsnaz.

The chain of command for the reconnaissance brigades extends from the Ministry of People's Armed Forces, through the General Staff Department's Reconnaissance Bureau and VIII Special Purpose Corps, to the individual reconnaissance brigades.

During peactime these units are subordinate to, and under the operational control of, the reconnaissance section (G–2) of the corps headquarters in which they are deployed. During wartime, control of these units reverts to the VIII Special Purpose Corps.

'Supa-peninsula' operations are normally controlled by the Reconnaissance Bureau and reconnaissance brigade personnel are seconded to the appropriate organisation (KWP Research Department) for the duration of a mission.

Because of the sensitive nature of reconnaissance brigade operations, there exists an intimate relationship between these units and the KWP Research Department, General Staff Department's Reconnaissance Bureau, General Political Bureau and the Political Security Department.

The four reconnaissance brigades have an aggregate personnel strength of approximately 16,800 and are deployed one apiece in each of the four corps bordering the demilitarised zone.

Each brigade has a strength of approximately 4,200 and is organised with a headquarters, rear services, signal company and 10 reconnaissance battalions. The basic element for combat operations is the reconnaissance team/squad of approximately 10 men. During 'supra-peninsula' special operations the basic operational unit appears to be a team of two to six.

Specific elements of each brigade are specially trained and organised for 'direct action' (company?) and diversionary (battalion?) operations. 'Direct action' operations are primarily concerned with the assassination or abduction of enemy personnel and occur both during peace and wartime.

Such operations will almost always be conducted with support from agents of the KWP Research Department or the Political Security Department.

Diversionary operations seek to seize strategic objectives before they can be destroyed, to destroy strategic objectives that cannot be destroyed by conventional means, and to create confusion and panic in rear areas.

These operations will be carried out while brigade personnel are disguised partially or completely in South Korean Army uniforms and civilian clothing. Diversionary units are trained in the use of, and are supplied with, South Korean/US uniforms and equipment.

To further support 'direct action' and diversionary operations, an unknown number of female personnel may be either organic to each reconnaissance brigade or attached from the KWP Research Department or the Political Security Department.

During operations within the Korean peninsula the reconnaissance brigades are responsible for intelligence gathering (military and political) for both the General Staff Department and corps commanders, supporting other SPF operations, and conducting special operations.

Reconnaissance operations consist of a reconnaissance team/squad conducting independent long-range patrols in much the same manner as current US long range surveillance units. They will typically be inserted with the assistance of either the navy or air force.

These teams will provide support for other SPF operations by conducting pre-mission reconnaissance, raids, ambushes, etc. Special operations will primarily consist of 'direct action' and diversionary operations.

'Direct action' teams will attempt to 'decapitate' the South Korean political and military command and control systems by the assassination or abduction of senior leaders. Meanwhile, diversionary troops, posing as South Korean troops, will conduct a variety of operations to assist other SPF operations and to spread confusion and fear throughout the rear areas.

Such diversionary operations will include, but are not limited to, the following:

Posing as military police and routing traffic along the wrong roads and into waiting ambushes.

Posing as reinforcements, these troops will spearhead special operations against airbases, strategic-theatre C^3I, and NBC warfare assets.

Capture of militarily strategic points such as bridges, tunnels, dams, hydroelectric plants, etc, before they can be destroyed by South Korean/US forces.

Due to their unique skills and capabilities it is conceivable that elements of the reconnaissance brigades may also be employed in the strategic counter-guerrilla role.

Operations beyond the Korean peninsula are currently concerned with 'direct action' and the provision of military training and assistance to foreign governments, revolutionary organisations and terrorist groups. However, during wartime this will be expanded to include special operations against US theatre global facilities in Japan, Okinawa, The Philippines, etc.

The most widely known reconnaissance brigade operation conducted beyond the Korean peninsula was the 9 October 1983 Rangoon assassination ('direct action') attempt on South Korean President Chun Doo Hwan.

During August 1983 a team from the 62nd Reconnaisance Brigade's 'direct action' unit was assembled to conduct the assassination. The team consisted of three reconnaissance personnel: Maj Zin Mo, commander, Capt Kim Chi-o and Capt Kang Min-chul, both demolition specialists.

Although details of their pre-mission training are incomplete, it is known that they received intensive mission-specific training in the city of Kaesong (II Corps) and could speak Chinese, Russian, English and Korean.

After receiving a final mission briefing by their unit commander, the team boarded the freighter *Tong Gon Ae Guk Ho* at the port of Ongjin, on 9 September 1983.

On 17 September the *Tong Gon Ae Guk Ho* entered Rangoon and five days later the team, dressed as crew members, left the ship. On entering Rangoon the team was met by a woman (possibly a KWP Research Department agent) who guided them to a safe house. On 6 October, they conducted a reconnaissance of the Martyrs Mausoleum and planted three remotely controlled explosive devices.

At 1025 h on 9 October the reconnaissance team detonated the explosives by remote control. However, the team had mistaken Ambassador Lee Kaechul's motorcade for that of President Chum Doo Hwan. Following the explosions the Burmese security authorities initiated an extensive search operation to locate and capture the team.

The next day, Maj Zin Mo was arrested after being spotted swimming across a small river. He lost one eye and an arm when he attempted to kill himself to avoid capture. Two days later, on 12 October, while waiting to rendezvous with the *Tong Gon Ae Guk Ho*, Capt. Kang Min-Chul and Kim Chi-o were located along a river bank. In the subsequent chase and fire-fight, Capt Kang Min-chul was arrested after being wounded while attempting to kill himself to avoid capture.

North Korea has a long standing policy of providing foreign governments, revolutionary organisations and terrorist groups with military training, foreign internal security and defence operations, and arms transfers.

North Korea currently operates an estimated 30 in-country guerrilla warfare training facilities. The course can last from three to 18 months and covers a broad range of subjects including urban or rural guerrilla warfare, counter-insurgency, internal security, VIP kidnap and assassination techniques, psychological warfare, etc.

Since the late 1960s these training facilities have trained in excess of 5000 foreign students. Graduates include members from the African National Congress, Popular Front for the Liberation of Palestine, Baader-Meinhof, Palestine Liberation Organisation, Mozambique Liberation Front, Red Brigade, Sandinista National Liberation Front and others.

Guerrilla warfare training outside North Korea presently consists of military advisory missions (primarily composed of reconnaissance brigade personnel) operating in at least 34 countries in Central and South America, Asia and Africa.

The size of these missions varies from a few dozen to over 100 personnel. The subjects taught are as diverse as are those taught in North Korea, but specifically tailored to the local conditions. For example, in South Yemen a 140-man military advisory mission gives instruction on the use of explosives, bomb and booby trap construction, clandestine organisation and communications, kidnap and assassination techniques, the use of small arms, document forgery, etc.

As an indication of the extent of the North Korea involvement in the international arena, since 1968 there have been almost 7000 KPA personnel dispatched to 47 country areas, and there are 62 nations which have been identified as receiving KPA guerrilla warfare training (25 are located in Africa, 19 in the Western hemisphere, nine in Asia, seven in the Middle East and two in Europe).

While conducting training abroad, the KPA military advisory missions have worked closely with Soviet, Cuban, East German and Chinese counterparts.

The North Korea willingness to support revolutionary organisations and terrorist groups and conduct special operations beyond the Korean peninsula is cause for concern throughout the international community.

The 100-plus North Korea embassies/diplomatic missions, trading corporations, trade and aid missions, and military assistance and advisory teams located throughout the world provide safe havens for these operations and pose a world-wide threat of North Korea support of terrorist activity.

Mr. MURKOWSKI. Mr. President, this latest act of terrorism deserves our most vigorous condemnation, but it demands even greater attention because of its timing.

As we reflect on the great numbers of Americans who are now in Calgary and will be journeying to Korea in September for the Olympics, it is vital that we condemn any attempt to defeat the good which the Olympics can contribute to world peace.

Mr. President, it is important that all elements of this Government condemn the actions taken by the North Koreans and warn them of the dire consequences of interfering with the peaceful conduct of the Olympics. To do less would be to condone their heinous crimes and leave in question the American dedication to the principle of free, unencumbered and safe travel in the air lanes of the world.

Mr. President, I feel strongly about this matter, that is why I have joined my colleague, Senator KERRY in drafting a Senate concurrent resolution condemning this North Korean atrocity. This resolution has been filed today with the cosponsorship of members of the Committee on Foreign Relations. I urge my other colleagues to support us in this effort. Terrorism threatens all Americans and we must condemn it wherever it occurs.●

SENATE RESOLUTION 380—TO AMEND SENATE RESOLUTION 352, RELATING TO THE BICENTENNIAL OF THE SENATE

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. RES. 380

Resolved, That Senate Resolution 352, agreed to April 11, 1986 (as amended by S. Res. 166, S. Res. 244, and S. Res. 293, 100th Congress), is further amended in section 6 thereof—

(a) by inserting "(a)" immediately after "SEC. 6.", and

(b) by adding at the end thereof the following new subsections:

"(b) In carrying out its functions, the Commission may, with the prior approval of the Senate Committee on Rules and Administration, procure the temporary (not to exceed one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services.

"(c) In carrying out its functions, the Commission is authorized to engage the services of guest speakers and provide such speakers (other than speakers who are Members of Congress or officers or employees of the United States) with appropriate honoraria, transportation expenses, and per diem in lieu of subsistence.".

AMENDMENTS SUBMITTED

POLYGRAPH PROTECTION ACT OF 1987

NICKLES AMENDMENTS NOS. 1408-1410

Mr. NICKLES submitted three amendments, intended to be proposed by him to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce:

AMENDMENT NO. 1408

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR DRUG SECURITY, DRUG THEFT, OR DRUG DIVERSION INVESTIGATIONS.—This Act shall not prohibit the use of a lie detector test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812) to the extent that—

(1) such use is consistent with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to an employee who has, or a prospective employee who would have, direct access to the manufacture, storage, distribution, or sale of any such controlled substance;

(3) the results of an analysis of lie detector charts are not used as the sole basis on which any employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; and

(4) if the test is administered to a current employee—

(A) the test is administered only in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer; and

(B) the employee had access to the person or property that is the subject of the investigation.

AMENDMENT NO. 1409

On page 28, between lines 14 and 15, insert the following new subsection:

(e) CHILD CARE EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any child care facility. This subsection shall not preempt or supersede any State of local law that prohibits or restricts the use of lie detector tests.

AMENDMENT NO. 1410

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on employees or prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or politicial subdivision thereof, or the national security of the United States, as detemined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipment or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information or property.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the sole basis on which an employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; or

(B) the test is administered to an employee or prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on February 19, 1988, on S. 1851, the Genocide Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on February 23, 1988, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the

Senate on Tuesday, February 23, 1988, to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING COLORADO CIVIL RIGHTS ACTIVISTS

● Mr. WIRTH. Mr. President, last month our Nation observed for only the third time the birthday of Dr. Martin Luther King, Jr., our Nation's greatest civil rights leader, as an affirmation of our commitment to the ideal of true equality for all citizens.

In Colorado, the work of three tireless advocates for this ideal, who also fought to establish Dr. King's birthday as a State holiday, must not be overlooked.

In 1975, Wellington Webb, then a member of the Colorado House of Representatives, introduced House bill 1100. He was assisted in this—and in all subsequent efforts—by Sheldon Steinhauser, a member of the Denver contingent in the famous civil rights march from Selma to Montgomery and by his wife—also a State legislator—Wilma Webb.

Despite the dedication of these three tireless advocates, more than five subsequent bills were required to be introduced before their remarkable perseverance was rewarded with enactment of Wilma's House bill 1201 in 1984. That achievement culminated years of hard work and unflagging faith, giving Colorado an opportunity to commemorate this great spokesperson for true justice and equality.

I believe it is fitting to recognize Wellington, Wilma, and Sheldon for their efforts on behalf of all Americans. In the 20 years since the assassination of Dr. King, this Nation has made great progress. Yet, there is still much to be done. There are many young people in our country, born just a few years ago, who have little knowledge of the achievements of Dr. King. Wellington, Wilma, and Sheldon have done much to ensure that his memory—and his dream—are kept alive.

Today we must rededicate ourselves to the cause of equal opportunity for all, to education for those who cannot read, to employment for those without jobs, and to equal justice for every citizen of our land. Wellington, Wilma, and Sheldon have shown consistent leadership and dedication for this cause. I join with the citizens of Colorado in thanking and commending them for their efforts.●

HOTEL DEL CORONADO CELEBRATES ANNIVERSARY

● Mr. WILSON. Mr. President, it gives me particular pleasure to have this opportunity to salute a veritable landmark on the California coastline, the Hotel Del Coronado, as it celebrates its centennial anniversary today.

For 100 years, the Hotel Del has graced the city of Coronado and the San Diego community as a mecca for visitors from around the world, and as the site of countless great events in American history.

Throughout its long and illustrious existence, the Hotel Del has played host to the world, fulfilling its promise of luxurious accommodations, splended tennis facilities, haute cuisine, and the luring sparkle of the Pacific Ocean at its back door. From royalty and presidents, to movie stars and giants in industry, the Hotel Del has offered its renowned hospitality with inimitable style and grace and has succeeded mightily in sustaining its reputation for excellence since its opening 100 years ago.

I join with all Californians and all who have been part of this hotel's colorful history, in celebrating this coastal landmark whose nostalgic journey began a century ago on February 19, 1888. It is my great honor to herald the 100th anniversary of the historic and venerable Hotel Del Coronado today within this Chamber of the U.S. Senate.

THE RULES OF PROCEDURE FOR THE COMMITTEE ON ARMED SERVICES

● Mr. NUNN. Mr. President, Senate rule XXVI.2 requires all committees to adopt rules of procedure and to publish their rules in the Congressional Record by not later than March 1 of each year.

I ask that the rules of procedure adopted by the Committee on Armed Services be printed in the Record at this point.

The rules follow:

Armed Services Committee Rules of Procedure

(Adopted February 24, 1987)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10:00 a.m., unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the Committee.

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall in-

clude a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witness and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.●

STATE OF THE JUDICIARY

● Mr. HATCH. Mr. President, Supreme Court Chief Justice William H. Rehnquist recently issued a year-end "state of the judiciary" report. In it he refers to over 300,000 cases acted on in the past year throughout the Nation's Federal court system.

Not only do these statistics suggest a great deal of work and dedication on the part of the Federal courts, it also shows the massive workload they struggle under—many with inadequate staffing.

Presently there are 48 vacant judgeships, many of which have been vacant for years. If the Federal courts are to receive the help they so desperately need to even keep up with the current caseload, action must be taken now to fill those positions.

In an article taken from the National Law Journal which I will submit for the RECORD, a plea is made to the Senate Judiciary Committee to "suppress its political concerns as much as possible and act in this election year to fill the vacancies that already exist." I heartily second that plea, and urge my colleagues to do likewise.

The article follows:

[From the National Law Journal, Jan. 18, 1988]

AT YEAR'S END

It has become somewhat of a tradition for the chief justice of the United States to issue a year-end "state of the judiciary" report. Such retrospectives are often self-serving, but they also serve an important function for all who practice in the nation's federal courts: The reports give some indication of the priorities that exist for those who set the agenda for change within that system.

Chief Justice William H. Rehnquist's year-ender is no exception. It reviews the accomplishments of the past year—and there were many. For example, he notes that the Supreme Court acted on 4,340 cases; the courts of appeals, 36,010 cases; and the district courts, 238,000 civil and 41,087 criminal cases. That is an achievement of which the judges should be proud. However, the recitation of such numbers points up a problem as well: The nation's federal courts have a massive work load, for which they have inadequate staffing.

There are now 48 vacant judgeships, and it is clear that even more positions should be created. Justice Rehnquist cites 1987 estimates that, in addition to those vacancies, there is a need for 56 district and 13 circuit court judgeships just to handle the current caseload of the federal judiciary. He calls on Congress to act to fill the existing vacancies and to enact a judgeship bill to create the new, urgently needed judgeships. We heartily endorse both moves, and particularly urge the Senate Judiciary Committee to suppress its political concerns as much as possible and act in this election year to fill the vacancies that already exist.

On the other hand, Justice Rehnquist also used his year-end report to refloat a tired idea: the much-discussed intercircuit tribunal. He urges Congress to create this court to resolve disputes among the federal circuits because, in his words, "The Supreme Court does not and cannot consider every conflict among the circuits that reaches its docket for review each year."

As we—and so many others—have said before, there is no need for this court, and its creation would be a mistake. Perhaps if the chief justice would drop this idea, Congress would pay much more attention to the legitimate needs of the judiciary.●

THE KLAMATH INDIANS—A BIRTHRIGHT REGAINED

● Mr. HATFIELD. Mr. President, starting in the 1950's, the U.S. Government altered the nature of its relationship with the Indian people of this country. It was reasoned that the best course of action in dealing with the affairs of native Americans was to speed their assimilation into the mainstream of American life. Ignoring the special "trust relationship" that had been established between Indian tribes and the Federal Government, we embarked on a program known as "termination."

Termination did more than speed native Americans into a foreign world that they did not desire and were not equipped to enter. Along with losing their reservations and being cut off from Federal services, terminated tribes were essentially cut off from their Indian heritage. They were no longer recognized as Indians and the treaties that promised them Government support and jurisdictional autonomy became meaningless.

Fortunately, in recent years, we have seen the error of this policy and sought to reverse its disastrous effects. Tribal restoration has renewed the cultural unity of those who once were in danger of losing their identity through termination. By reestablishing the trust relationship with terminated tribes, the Federal Government has attempted to reverse the ill-advised policies of the past. We are once again providing necessary health and educational services, tribal management and economic development funding, housing, elderly assistance, and other essentials to those whom we had earlier turned our backs on.

It is important to note that this turnaround would never have been accomplished without a generation of Indian leaders who fought to reestablish what rightfully was theirs. An example in point is Chuck Kimbol of the Klamath Tribe in Oregon. As tribal chairman, he took his case for restoration to Congress and, in 1986, was successful in seeing a bill to that effect become law.

Catherine Van Horn of Oregon magazine recently did a story on Chuck Kimbol and the Klamath Tribe. It not only reflects upon the adversity that visited the tribe as a result of termination, but also chronicles the events and people that have led to a resurgence of tribal pride and productivity. I ask that the article be printed in the RECORD.

The article follows:

THE KLAMATH INDIANS—A BIRTHRIGHT REGAINED

(By Catherine Van Horn)

Morning has rolled so clean into the Klamath Basin that the smoke from Chuck Kimbol's Marlboro is the only cloud around, a white wisp spiraling against a blue backdrop of sky. Minutes after smoking the cigarette down to a stub and dropping it into the dirt, he reaches for another. He stands there in front of a Chiloquin diner, sending smoke into the sky and scuffing his Nikes in the parking-lot dust as he looks at the land around him.

"You know, the Klamaths have been here a long time, thousands of years," Kimbol says, his voice a slow, soft drawl full of small-town Oregon and the days he spent on the reservations. "We were here even before Crater Lake." As he drops another butt to the ground and heads for the driver's seat of a Bronco, a grin settles easily on his mouth, like a cat curling up in its favorite snoozing spot. "That," says the fifty-four-year-old with characteristic humor, "is why I look so old."

Kimbol, Klamath tribal chairman, and Kathy Hill, the tribal secretary, have offered to play scout across the tribe's former reservation lands. Kimbol revs up the Bronco and aims for the eastern border of the Klamath reservation, a title mostly dead in its meaning but still alwie on Indian tongues.

Klamaths, since before Mount Mazama blew itself into Crater Lake, had ranged over some 20 million acres, and often traveled to points farther north and south. When white settlers began blanketing the area like the water lilies covering Klamath Lake, the Indians agreed to confine their descendants to a little more than a million acres. But later generations found their tribal timberland, and even their ancient culture, whittled away by government agencies and representatives. Eventually, under the Termination Act of 1953 and subsequent legislation, the Klamath reservation was sold away, the rights and services guaranteed by treaty dismissed and the Klamaths themselves declared a terminated people.

Congressional legislation, called the Klamath Restoration Act, recently has begun to reverse its 1950s termination counterpart. Under restoration, the Klamaths once again are a federally recognized tribe and are eligible for all the health, housing, educational and other services tied to that recognition.

It is this bill, submitted by Representative Bob Smith on behalf of the Klamaths and passed in August 1986, that Kimbol keeps circling back to as he treks across his ancestors' land. He knows this land like he knows his nine kids, knows every nuance and quirk and characteristic: the skinny trunks of lodgepole pine reaching for the sky; the tumbling waters of the Sprague River; the spongy grasslands of the Klamath Marsh. Not every association with the land is positive, however. He passes Fort Klamath, where soldiers hung Modoc chief Captain Jack and where Kimbol has never visited. "I have no interest in seeing where [the chief] was hung," he says seriously before adding a lighthearted punchline. "I could be next."

Kimbol points out these landmarks as he drives, showing the Klamath past as he explains how restoration will shore up the future. His loping speech accelerates, gaining force as he discusses the Klamath's coming years and shares his hopes for the next generation. "I don't see anything this tribe can't do now if it sets its mind to it and everybody works together," he says. "And there isn't anybody who can't contribute. I haven't seen the shirt sleeve yet that I couldn't roll up."

But after driving for hours across the former reservation, after peering through sunglasses at the acres of Klamath forest and marsh and sagebrush that no longer belong to the tribe, the trauma of the tribal past briefly suffocates Kimbol's spirit, sedates his wry jokes and soft laugh. Restoration, for all the healing benefits he believes it will bring his needy tribe, can do little to replace these ancestral grounds or ease decades of collective and personal pain.

"I'm no wimp or nothin'," he says, reflecting on what used to be and what is now, "but sometimes you just cry on the inside."

"And," says Kathy Hill softly from the Bronco's backseat, "sometimes you cry on the outside, too."

Ask any Oregon high school student, and he'll probably know who Lewis and Clark were. The name of Doctor John McLouglin likely is stored on his memory discs, as well as that of Fort Astoria and the role of fur trapping in the Beaver State. But quiz him about Oregon's Indian history and his mind may be as blank as a blackboard during summer.

Oregon hasn't scored well in highlighting the history of those who came before the pioneers, even though their legacy is all around us. The Willamette River, Multnomah County, the Siskiyous, the Umpqua—the names are continuing reminders of those whose land this once was. But many Oregonians don't think about these reminders, and given their Indian neighbors little thought unless they visit Kah-Nee-Ta or happen across a pow-wow at the state fair. The irony of this indifference is that while being ignored by the majority on the homefront, the Klamaths often have been under the glare of the federal spotlight.

Termination, a philsophy long before it became law, was during the 1940s the latest governmental solution to "the Indian problem." Earlier versions of the solution called for segregation and isolation on treaty reservations—often in the middle of nowhere—while children as young as four were sent away to Indian boarding schools. After World War II, the latest-model idea said Indians should be assimilated, sent into the white world to make their way.

Klamaths were one of the first Indian tribes terminated, chosen because the reservation superintendent believed the relatively well-off Klamaths were prepared for white America. "The Bureau of Indian Affairs, at least certain government officials, had kind of sold the folks on the idea that it was going to be a panacea. That termination was going to do all these good things. That now you're going to be just as good as anyone else," says Joe Coburn, a blue-eyed, gray-haired tribal member who served as chairman for the restoration committee and now works as the director of research and development for Indian education at Portland's Northwest Regional Educational Laboratory. "And I remember a lot of talk about the Klamaths being first because they're the most civilized. That was the word they used: 'civilized.'" Says Kimbol: "We were the big test case."

Termination, for most tribes, largely meant the federal government no longer assumed responsibility for their social service and other needs, and that the government no longer recognized their treaty. Unlike most other terminated tribes, however, the Klamaths owned one of the largest stands of ponderosa pine in the nation. In legislation unique to the Klamath termination bill, the tribal members also were forced to choose between selling their share of tribal lands and receiving cash or placing their tribal share under what was then an unknown Oregon trustee. Those who voted to sell became withdrawing members; those who put their fate under the new trustee became remaining members. Descendants, those born after the termination bill was signed, would have no choice to make; they would receive nothing for the loss of their ancestral homelands. And no tribal member—remaining, withdrawing or descendant—received any remuneration for the loss of health, education, housing and other services that had been guaranteed them by treaty.

Unsure of the future except for the knowledge that all federal services were gone, but sure of their checkered past under federal trusteeship, 78 percent of the tribe chose to collect the cash. Many of them felt like Irwin Weiser: "When termination came, I thought people wasn't ready for that," says the thin, seventy-nine year old. "But I withdrew because it was the only thing I can do. Because I found out that the U.S. [National] Bank was going to take over the tribe."

Withdrawing members eventually received $43,000 for their share of tribal land. Remaining members, unhappy with their new trustee, voted to terminate that relationship. Some asked for their land back, others hoped the tribe could form its own corporation. Instead, all received cash payments. In a drawn-out affair, remaining members eventually received $275,000. The entire process from 1954 until 1973, for both withdrawing and remaining members, was a fiasco, replete with lawsuits, get-rich schemes at the Indians' expense, and multiple misunderstandings between Klamaths and whites, Klamaths and other Indian tribes, and among Klamath tribal members themselves.

In effect, termination turned the Klamaths into non-Indians.

Restoration, on the other hand, was designed to put the Indian back in the Klamath name. Terminated tribes began seeking restored status during the seventies when the legislation proved to be disastrous for Indians, and the political climate had warmed up to their plight. Leading the way, the Menominnees of Wisconsin in 1973, and Oregon's own Sietz tribe in 1976, sought and received restoration and all the rights and services that came with it. The Klamaths won the same in 1986, after ten years of planning and organization centered out of a tiny town that the federal government forgot.

Chiloquin is a town on spindly legs, a place where boarded-up buildings stare with blank faces and traffic jams never happen. The nearest shoe shop, car dealer, movie theater and major grocery store lie thirty miles south in Klamath Falls. What once was the city jail now serves both as city hall and the library.

Even in its heyday as a reservation town, Chiloquin could never be mistaken for a big city. And now, hard hit by recessions, sluggish timber markets and the termination of what was once the second-richest Indian tribe in the nation, Chiloquin seems only a few breaths away from extinction. But on one corner of donwtown Chiloquin, a place that takes longer to say than drive by, there has been much activity.

The Klamath Tribal Fish and Wildlife Office sits on this corner, a faded, old facade stocked with desks, maps, employees and a computer or two. Under this office since 1975, Kimbol and other Klamaths dug themsevles out from under termination debris and reorganized their tribal government. They filed law suits to protect tribal hunting and fishing rights on former reservation lands and began a long, convoluted push for restoration that sent Kimbol to see Representative Bob Smith and Senator Mark Hatfield, and that sat him down several times in front of Congress.

Networking with national legislators was a task that crept up on Kimbol. For much of his life, he didn't shake hands well with authority. When he was a child at an Indian boarding school in Albany, he found ways to evade the nuns and made several runaway tries for home. As a teenager, Kimbol and a group of friends, all hidden by masks, handcuffed the reservation's federal police officer to a pole. Then there was the time he rode a horse into the middle of the town's roller rink. "I thought I was Tonto," he says with a laugh.

Further escapades landed him, handcuffed and shackled at the age of fifteen, in an adult federal prison in Colorado. When he left, they told him he'd be back. "I came back to Chiloquin and got married," he recalls. "Otherwise I might have been back."

Marriage and the births of his nine children, coupled with termination and the disintegration of tribal pride and rights, led Kimbol to forgo handcuffs and horses for involvement in city and tribal government.

Kimbol, whose quarter-Klamath blood surfaces in midnight-black hair touched with gray and slicked back on his head, has served as tribal chairman for ten of the past twelve years. With a bottom row of teeth that seem to have been clear-cut on one side, and a manner as gently rustic as the land on which he lives, Kimbol may seem an odd choice for tribal leader. But, say his coworkers, his dedication and strength to see an issue through make Kimbol the right choice to lead the Klamaths out of chaos and into restoration.

"I'll tell you one thing," says Kimbol. "Don't ever tell me it can't be done."

The Klamath push for restoration, like other such attempts elsewhere, was backed by statistics that told a story sad enough to make even Custer cry. "While for other people things were getting better and better, our situation was a mess," says Hill. From 1966 to 1980, more than half—52 percent—of tribal members living in Klamath County died by the age of forty. Forty percent of all deaths were alcohol related. The infant mortality rate was two-and-a-half times that for the rest of the state, equaling the numbers in many developing nations to which the United States sends aid.

Indians flush with money, confused about the loss of their identity and expected to work in a white world that still discriminated against them, often poured their money into booze. "There was a point in time where this whole termination thing really got to me," says Elnathan Davis, once a Weyerhaeuser employee, now a retiree taking classes at the local college. "I used to have a nervous stomach all the time. I couldn't sleep and I was a wreck, you might say, until I discovered that if you go down to the bar and you take a shot of whiskey, it would alleviate that."

While some Klamaths invested their money, many more used it for simple subsistence or just plain spent it—down to the last dime. The Bureau of Indian Affairs for years had issued per capita checks to Klamaths, money tribally earned through the sale of reservation timber. Klamaths were used to receiving these moderate amounts periodically, and many were overwhelmed by the size of their termination checks. Little advice on money management was offered.

"Ninety-five percent of all Indians that lived on the reservation were incapable of handling large sums of money because they never had to," says Kimbol, who invested his in homes and property. "You lived in a system where you were doled out per capita. Every transaction that involved you was done by the bureau, whether it was health or whatever. Any kind of major decision dealing with money or anything else was done by the bureau. You went through a lot of eras where you weren't even given money. It was paper purchase order. So you see, we was never really oriented to manage money. You can still see that in a lot of families."

Perhaps the most destructive effect of the Klamath termination was the interpretation of the tribe's actions. Klamath were given no notice about terminations; they simply were given the option to cash out their share or take their chances under a new trustee. But few outside the tribe understood that choice. "I remember when they got their money," says a Medford man who played baseball with some of the Klamath boys. "We were jealous. We were wishing we could have been given such a windfall."

That, says Kimbol, is a crock. "One of the biggest misconceptions of people in this country is that [the federal government] gave us this land," he retorts. "The federal govenment never gave us anything. This land was already ours. And the money we received was simple barebones payment for that land. People thought we were paid off not to be Indian, but we were just paid the appraisal value of the land."

The misconceptions that really wounded, though, were the ones harbored by other Indian tribes. Rayson Tupper, a Klamath cowboy from his boots to his hat, rodeos in his spare time, and he remembers what the rodeo circuit was like after termination. Indians from tribes still recognized by the government verbally spit on the Klamaths. "To have the government tell you you're not Indian is bad enough," he says. "Then to have other Indians tell you you're not Indian, that you sold out, really hurts your heart."

With restoration, the Klamaths have become federally recognized again, able now to participate in a range of programs denied them for thirty years. Tupper's daughter this year enrolled and was voted homecoming queen at Haskell Indian Junior College in Kansas, an Indian school she was not qualified to attend before restoration. Over $400,000 in business development grants given through the Bureau of Indian Affairs ended up on the spreadsheets of Klamath entrepreneurs, grants available only to federally recognized Indians. Last year, Klamath Indians received more than $600,000 in previously unavailable Indian Health Services.

"Restoration," says Tupper on a Saturday morning as he drains a cup of coffee and heads off to a meeting of the Klamath education committee, "is putting us back together again."

Bonnie Weiser's family is one well acquainted with the alcohol, death and poverty rates in the Klamath tribe, and one that restoration—with its goal to turn the Klamaths into a self-sufficient, smooth-running tribal organization—can help. A rounded, gentle woman, framed by dark hair and ample flesh, Weiser surrounds herself with family.

Today, her father sits at the table in her modest home on a Klamath Falls hill. Three of her six children have their own homes, but one grown daughter, Alicia Nieto, is visiting today, leaning forward in her chair, keeping an eye on her kids. Jay, Weiser's eighteen-year-old, football-jock son, sits nearby, holding a sore head bumped in a weekend game. His hair is cut in up-to-the-minute fashion, with Don Johnson-style spikes on top and sergeant stripes buzzed into the back. Other children—sons, nieces, grandchildren—move through the house among much noise and pleasant chaos.

Weiser believes strongly in family affection, probably because her own childhood provided so little. A sister brutally beat her when she was young, making doctors wonder if she would live. An ex-husband did the same. She went into foster care when her father couldn't care for her. As an adult, she once sold drugs and drank often—until the morning she woke up on the couch and found her children gone. "I thought the welfare had got my children," she says. But her children were playing at the park. Weiser quit the hard life. "From that moment on I said forget it. No more for me."

When recalling these episodes, Weiser's eyes are as dry as her bank account. But when she talks about termination killing her brothers, using alcohol as the weapon, her voice thickens and tears threaten to wet her face. "I've had brothers who died very, very cruel deaths based on house parties and drinking," she says, referring to ongoing parties that lasted for days and even weeks. "I always blamed it on people's depression from being a prosperous, rich tribe and feeling proud, and then going to—what? Just nobody. To not being Indian any more."

During the course of one of these parties, her brother was stabbed. He bled to death. She had another brother, a veteran. "That's one that still hurts," she says. Weakened by a fever and excessive drinking, her brother was resting on her grandmother's couch when an intruder attacked him, beating him to death.

Weiser pauses, tears beginning. Then she goes on. "My other brother was drinking and got rowdy. He had just got a brand new '57 Chevy and he wrecked it. He was my life at that time. I didn't have anybody else."

She wipes the tears away but more fall down her cheeks. With a sob, Weiser finishes her story. "It wasn't just my brothers, but other people. It was other people. My cousins, friends, everybody."

Jay watches his mother cry from the memories, but he has heard this tale before. Weiser shares her past with her children to keep them from following suit. "I hear all the horror stories," says Jay. "And that's what they are, horror stories. My grandpa had ten children. He only has three now. Seven have died."

Jay has entered into affairs of the tribe with an interest rarely seen among the Klamath young. He attends tribal meetings and talks often with Chuck Kimbol. "I told him I was going to apply for a job," Jay says, "and he asked me what kind. I said chairman and Chuck laughed. He said, 'Oh, you're going to fill the man's shoes, huh?' And I said, 'Yah, what size do you wear?'"

Kimbol, Coburn and Hill, as well as Weiser, look to Jay as a leader for the next generation, one that can carry out the restoration mission begun by Kimbol's contemporaries. If that pressure weighs heavily on Jay, he seems to shoulder the burden well. A high school junior, he plans to become a registered nurse and to help in tribal affairs. "I'm the future," he says. "I'm not going to let my children grow up in the atmosphere of the past years."

More than a year has passed since legislators unanimously signed the Klamath restoration bill into law and allocated a total of $1.5 million to the tribe for start-up money. Most of those funds have been plugged into administrative sockets: salary for new employees and for a BIA representative to work out of the tribal office, a time-saving move since Chiloquin is hundreds of miles from the nearest BIA headquarters; money to fund the completion of a needs assessment, a tome of medical, educational and health-related questions given to each tribal member for completion; and the creation of a newsletter to keep tribal members abreast of the times. Start-up money also helped the tribe finance an additional office, a bigger, low-rise building leased on the now-vacant site. The office, full of activity, has become a new tribal home, replacing the agency and the reservation as the gathering place.

With so little money allocated for fiscal year 1987 and money for 1988 just delivered, the tribe has yet to make much visible change. "It's been really hard on our tribe because people, they're so impatient," says Hill. "There's so much poverty, so many health problems. As soon as restoration was signed, they wanted to have everything other tribes have. They want housing. They want education. It's not that easy."

A few tribal members seem suspicious that Kimbol and his "clan" have pocketed restoration monies for a quick trip to Rio instead of plowing them into services. This discord is symptomatic of the disease that could well cripple the restoration effort, leaving the tribe to limp on as it has for the past thirty years.

Factionalism abounds in the tribe, and in fact dates back to the treaty days. In 1864, when the Klamath treaty was signed, a reservation was created not only for the Klamath but also for Modocs and the Yahooskin band of Snake Indians. The tribes had no belief that neighbors should be friends. And hard feelings between remaining and withdrawing members, and between descendants and their termination elders, still exist.

"That has been really tough to deal with," says Kimbol. "But our whole tribe has to be together. In the last four and a half years, there's no one prouder of this tribe than me. They stuck together. Without that, we'd have never got restored. But now we got to keep on sticking together.

"We have to organize ourselves," he says. "We don't have time to go off in the wrong direction."

The right direction slowly will unfold over the next years as Kimbol and the Klamaths probe into opportunities, balance need against want, possibilities against improbabilities. Kimbol hopes to bring in tourism, businesses, government contracts, any kind of economic development that will work for the Chiloquin area and give his tribe jobs. Already, the Klamath tribal fish and wildlife office has begun piecing together a fishery, located on land donated by Kimbol's sister.

Kimbol points out the land on his driving tour, speculating on future land acquisitions and businesses. "I've got a lot of ideas," he says, "but we're just going to have to identify what's going to fit in here."

Kimbol doesn't expect the restoration activities to bring in big money overnight, or even soon meet all the needs that exist among his people. As he winds up his tour across the former reservation, driving past the lakeside home where he was raised, a tiny building now decaying into the ground, he talks about the long road ahead. "I know it's not going to be easy," he says. "It's going to take an awful lot of hard work. Are we going to be self-sufficient in my lifetime? Likely not.

"But twenty years from now, I'm not going to be here. The young people of today, they and the next generation will be a lot better prepared for tribal business or whatever. A lot better prepared to succeed."

Unlike their ancestors, Kimbol believes, the next generation of Klamaths will live in a time when to be Klamath Indian in a white society will be something to celebrate. "To adapt and become a part of another society doesn't mean that you have to sacrifice and give up your own culture. We've learned that you can have both—two worlds. And now white people are even thinking that way."

Later, from his downtown Portland office that looks out both over faded buildings low to the ground and new, many-storied structures that tower above, tribal member Joe Coburn echoes the words of his childhood friend and grown-up colleague. The Klamath tribe once again is learning to be proud of its heritage and to hold on to it. "The tribal pride is back," says Coburn. "It's great to be Indian again."●

BICENTENNIAL MINUTE

FEBRUARY 5, 1862: SENATOR JESSE BRIGHT EXPELLED

(By request of Mr. SIMPSON, the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, 126 years ago this month, on February 5, 1862, the Senate expelled Indiana's Democratic Senator Jesse Bright on grounds of disloyalty to the United States. Bright, the body's most senior Democratic Member and a former President pro tempore, had earned a reputation for his knowledge of Senate procedures and for his forthright manner. Other Senators regarded him as capable of unswerving friendship to those who shared his proslavery views and as "an enemy who knew how to inflict punishment" to those who did not. One of his key adversaries was Massachusetts Senator Charles Sumner, a dedicated abolitionist. When the Democrats controlled the Senate in the 1850's, Bright as President pro tempore saw to it that Sumner received no committee assignments.

In mid-1861, in the early weeks of the Civil War, Union forces captured a Confederate arms merchant. They found among his belongings a letter of introduction from Senator Bright to "His Excellency Jefferson Davis, President of the Confederacy."

When the Senate convened in December 1861, a resolution was introduced calling for Bright's expulsion. The Indiana Senator argued that he did not recall writing the incriminating letter, but that he considered it appropriate to introduce a man who had been his friend to Davis who had been his Senate colleague. In opposition, Charles Sumner delivered a dramatic and damaging speech, demanding that the Senate purge itself of such traitors.

The proceedings, which had occupied the Senate intermittently for more than 6 weeks, ended on February 5 in a Chamber filled to capacity. Although the Judiciary Committee had recommended that Bright retain his seat, the Senate, by a vote of 32 to 14, disagreed. Of the 15 Senators who have been expelled over the course of the Senate's history, all but 1 were removed during the Civil War as partisans of the Confederacy.●

WOLF RECOVERY PLANS

● Mr. SYMMS. Mr. President, I would like to take this moment to address a Federal action of growing concern to the people who must live and work in the State of Idaho.

I refer to the U.S. Fish and Wildlife Service's "wolf recovery" plans for

Idaho. The supporters of this action have apparently been blinded to the negative effect it would have on local economies, not to mention the chaos it would cause in local ecosystems.

Following this statement, Mr. President, I would like to have inserted into the Congressional Record an article written by Marv Taylor, one of my constituents, from the November 19, 1987 Idaho Statesmen. I think that Marv's message provides an insightful look into public opinion on this issue. I urge my colleagues to examine it before jumping onboard the "wolf recovery" bandwagon.

The article follows:

TAKE A CLOSER LOOK AT PLAN FOR WOLVES

(By Marv Taylor)

Chamberlain Basin (year 2025).—The trail crosses the creek, meanders across a meadow, and disappears into an aspen grove.

The pack string is only half way through the meadow when the lead rider reins up and points towards the far end of the grassy flat.

"There," he shouts to his companions, "Just to the right of that rock outcropping. Two big bulls."

The couple—a husband and wife in their mid-50s—dismount and set up a tripod and 35mm camera. With a telephoto lens, they leisurely take their pictures. They know they won't have to hurry because the elk are almost as tame as cattle.

After taking their photographs, they walk to the shade of a pair of spruce trees and sit down.

"Just think," the husband tells his wife, "back before the turn of the century, hunters used to come to this meadow in the fall, set up camp, and hunt and kill elk."

"That's right," the guide got into the conversation, "When I was a boy, my father used to bring me on at least one hunt each year. We'd set up camp back down where we first crossed the creek and scout elk through all of the area's meadows."

"When did they stop the hunting?" the wife asks, "And why?"

"I can tell you when—about 2010," the guide answers. "But I can't tell you exactly why."

"It had something to do with protecting an endangered species. After they reintroduced the wolf in Idaho, the state got tighter and tighter with regulations in the recovery area until finally hunting had to be stopped in order to guarantee a sufficient prey base for the several hundred wolves in the area.

When the husband asked why Idaho sportsmen stood by and allowed the federal government to reintroduce the wolf and eventually eliminate hunting, the outfitter didn't have a quick answer.

"I guess," he said after a moment of reflection, "they sort of sneaked up on us."

While the above scenerio may be an exaggeration of the potential impact the so-called Northern Rocky Mountain Wolf Recovery Plan will have on hunting, there are sportsmen in the state who believe, with a deep conviction, that the reintroduction of the wolf is all part of the antihunting conspiracy.

They also believe that the Idaho Department of Fish and Game is either a dupe in the conspiracy or—even worse—a willing partner.

The Fish and Game privately blames the feds—mostly the ultraliberal eastern block.

I've yet to query many who support restocking wolves in Idaho. Stockmen and hunters certainly don't. Business interests who depend on revenues generated from hunting, shouldn't.

If outdoorsmen are eventually restricted to taking photos of their quarry during big game safaris, I can guarantee many businesses in towns like Riggins and Salmon will go under.

There will also be no need for many outfitters and guides. As popular as photography is, and will continue to be, it will always be but a fraction of the pressure hunting is.

To protect their sport of big game hunting, Idaho sportsmen need to let the decision makers know how they feel about the wolf recovery program.

Conceived by the U.S. Fish and Wildlife Service, and members of the various state fish and game agencies, including the Idaho Department of Fish and Game, the plan calls for creation of 10 packs of wolves in each of the three "recovery areas."

The zones consist of approximately two million acres each in northwestern Montana, central Idaho and the Yellowstone area. While not yet precise, the Idaho recovery zone outlined in the rough draft, lies generally east and north of Boise.

Since endangered species needs always preempt all other uses in the area, multiple use—including hunting—would be governed by the attitudes of local government agencies.

There will be those who favor the plan, who deny the charge that big game hunting will suffer if the wolf plan goes through.

They will probably charge that we sportsmen are crying "wolf" once too often.

I'm not entirely sure "once" too often will be enough.

The very least Idaho sportsmen should settle for is an in-depth Environmental Impact Statement, and extensive public hearings on the wolf recovery plan.

At some point, the preservationists who are at the forefront of programs like the wolf recovery plan, must understand that a line must be drawn prohibiting unrealistic restocking efforts.

Thank goodness there aren't enough (any) saber-toothed tigers left. After all, they did roam the North American Continent at one time.●

TRADE ADJUSTMENT ASSISTANCE AMENDMENTS

● Mr. HEINZ. Mr. President, I have previously addressed the Senate on the urgent need to provide meaningful assistance to displaced workers. As I stated earlier, the Senate version of the trade bill contains critical improvements in the Trade Adjustment Assistance Program—improvements which will allow us to return displaced workers to meaningful employment.

Mr. President, in 1986 over 90,000 workers were certified as eligible for trade adjustment assistance benefits, including 2 years of training and 1 year of income support. Yet only 8,000—less than 1 in 10—were able to take full advantage of the program. The reason for this discrepancy is very simple: the Department of Labor's regulations deliberately close workers out of the program.

Under TAA, workers have a brief eligibility period in which to draw their cash assistance. Once that eligibility period ends, most must drop out of training because they have no means of supporting themselves and their families. For the past 7 years the Department of Labor has ruled that the benefit eligibility period begins after a worker's first separation from employment.

Well, what industrial worker is permanently separated after his first layoff? Steel mills and coal mines do not simply close overnight. They fight for dear life, going from overtime, to three shifts, to two shifts, to a skeleton crew, to final closing. This process takes years, and involves repeated layoffs and recalls of workers. In my home State most workers are separated and recalled to their jobs 5 and 10 times before the plant finally closes for good.

But that is not the way the Department of Labor looks at it. When a dislocated worker applies for trade adjustment assistance, the department looks back to his very first layoff, and draws his benefit eligibility period from that time. In this way, a worker who was laid off in 1982, recalled to his plant, and then permanently separated from employment in 1986, is told that his eligibility for trade adjustment assistance began with his 1982 layoff, and expired 52 weeks after that—3 years before he was permanently separated.

Last December I received a somewhat detailed explanation of this bizarre practice from the department's undersecretary. The department claimed that regulations finalized last year cover this matter. The problem is that I can find no statutory basis for the regulation. It certainly was never my intent, as a finance committee member, to draft an adjustment program which has no regard for the needs of trade-impacted workers.

I am pleased to report that the trade bill passed by the Senate would correct the mess down at DOL. That bill requires the Department of Labor to draw the benefit eligibility period from the most recent separation. The Senate trade bill further would make the application of this policy retroactive in order to cover the workers denied benefits by the department's interpretations of the law.

These provisions, known as section 215 of the Senate trade bill, are essential to displaced workers throughout the Nation. Without these provisions workers will continue to be penalized if they worked for a plant which was forced to engage in short-term layoffs.

There is a simple word which describes current polity: Unfair. I hope that all my colleagues will join me, and the other authors of section 215—Senator Mitchell and Senator Rocke-

FELLER—and work to retain this critical amendment in any final conference agreement.●

NICARAGUA

● Mr. SYMMS. Mr. President, in a world where the free and unhindered exchange of information is the exception and campaigns of disinformation seem the rule, it is often difficult to find the truth. Further, when the truth is right before us, we often fail to recognize it as such. In spite of our best intentions in this Congress, we often fail to recognize the truth or the reality of a given situation. This would certainly be the case concerning United States policy toward Nicaragua. Recently, the House voted to delay further aid to the Democratic resistance fighting the Marxist Sandinista regime. This was done under the cry of "let's give peace a chance".

Certainly, peace is a noble and desirable goal, but is it more desirable than freedom? I think those who opposed further aid to the Contras have fallen into a trap of seeing the so-called Arias peace process as a goal in and of itself, and not as a means toward ensuring a free Nicaragua.

Mr. President, I ask that a recent article which appeared in the Miami Herald and written by Ambassador Otto Reich be reprinted in the RECORD. Ambassador Reich well knows the difference between "peace" and "freedom" and how the search for peace by well-meaning men can be subverted by tyrants and commandantes. He also clearly points out how those who seek to dominate others use disinformation and the tactic of the "big lie" until "black becomes white" and "white becomes black." Nowhere is this seen more clearly in the fact that many people view the United States as the "biggest threat to peace in the world today." Such an outrageous situation is the result of years of carefully planned and orchestrated propaganda from the Soviet Union. Propaganda which has been picked up and parrotted by many "blame America first" types here in the United States.

Mr. President, I congratulate Ambassador Reich for his insight into the Nicaragua dilemma and commend his article to my colleagues.

The article follows:

[From the Miami Herald, Jan. 31, 1988]

FROM MUNICH TO MANAGUA

(By Otto J. Reich)

(Ambassador Otto J. Reich is the U.S. ambassador to Venezuela. Reich, whose father was a Jewish refugee from Austria, was born in Cuba, then emigrated to the United States. He wrote this article for The Herald.)

Ever since I found out, as an adolescent, that my grandparents had been murdered by the Nazis, I wondered why reasonable men, acting in concert, had not stopped the Nazis before they could do so much evil. Listening to the current debate in Congress about aiding the anti-Communist resistance in Nicaragua, I think I have found some answers. The differences, of course, are many. 1938 is not 1988, Ortega is not Hitler and Nicaragua is not Germany. But some of the essential political and moral questions about the obligation of those living in freedom, to act in support of others under assault, apply today as they did half a century ago. And the need for the West to show the right amount of resolve and force at the right time to stop brutality is as relevant today as it was then.

This year marks the 50th anniversary of an event that led directly to enabling the Nazis to drag my Austrian relatives from their home in Vienna and ship them by cattle car to extermination camps: That event was the Hitler-Chamberlain meeting at Munich. Today few would defend the actions of that British prime minister who so blindly sought peace that he made war inevitable.

Today there is no politician who would describe his own policy for peace as one of appeasement. Every member of the U.S. Congress today would condemn Chamberlain's actions as naive and self-deceptive. And yet, a large number of such members are following a similar approach when it comes to standing up to totalitarian aggression in Central America.

Again, well-meaning men are desperately trying to find ways to "avoid war," desperately grasping at the straws of Sandinista promises just as Chamberlain grasped at Hitler's. Neville Chamberlain was among the best and the brightest of British society. And yet, among the questions we ask today of his actions is: "How could he have been so stupid as to believe Hitler?"

Now, as then, the real aggressor finds apologists for his actions. Those trying to help the victim become the "obstacles to peace." Thus, as Winston Churchill carried out his lonely battle to alert the British people and parliament of the danger looming from Germany, Chamberlain could say with all sincerity that "Hitler is not the warmonger, Winston is." But then, how different is that statement from that issued repeatedly by members of the U.S. Congress that it is President Reagan who has prevented peace from coming to Central America?

In their view, the "warmonger" is not the Sandinista regime, which from its very first week in power set out to militarize Nicaraguan society; to bring in Cuban, Bulgarian, Vietnamese, Soviet, North Korean and PLO "advisers." No, the warmonger is the leader of the only democratic nation with the power and the will to stop the crushing of freedom. By their flawed logic, the issue is not the two and a half billion dollars of Soviet weapons in Nicaragua, but, rather, the issue is a fraction of that in U.S. aid to outgunned freedom fighters, largely made up of peasants.

Honest, educated and intelligent people can be very wrong—even dangerously wrong—when they overlook or downplay the actions of the real aggressors, whether in 1938's Europe or 1988's Central America. And the similarities are many: the militarization; the concentration camps for ethnic minorities; the violations of human rights; the suppression of free speech and press; the subordination of all political and civil institutions under the control of the ruling party. Although in power and scale they are very different, the parallels between Nazi Germany in 1938 and Sandinista Nicaragua in 1988 are there. But what is more incredible is the similarity in the response of some political and moral leaders of the Western democracies.

Thus, when the Sandinistas crush civil liberties, administration critics have an explanation: "They are under attack by a foreign power." No, they are under attack by their own people, who have risen in arms against oppression and who are receiving help from abroad just as George Washington's army received foreign assistance. But the apologists are not very original. Fifty years ago, Western apologists justified aggression thusly: "As long as Japan, Germany and Italy feel with reason that they are underprivileged . . . war is ever menacing." So said Father Lawrence Patterson in the Jesuit magazine America.

Some opponents of contra aid labor under the illusion that theirs is the road to "peace." But so did Neville Chamberlain and his cohort in the British Parliament. Some opponents mistakenly believe that stopping contra aid is "moral," but rewarding eight years of Sandinista repression of the Nicaraguan people and aggression against their neighbors is not moral, quite the contrary. Providing lethal aid to combatants is not pleasant to some of our legislators. But stopping that aid now and allowing the Sandinistas to consolidate their Marxist-Leninist dictatorship on the mainland of the Americas is not moral—it is the exact opposite.

The unwillingness of the West's best minds to face reality brought about the most repulsive chapter of modern history—the carnage of World War II and the Holocaust. Where was the morality in the actions of the appeasers? Was it in their intentions, which were no doubt pure? Or in the result, the monuments to which now stand in Normandy, Stalingrad, Dachau, Auschwitz and Hiroshima?

No, 1988 Nicaragua is not 1938 Germany. But the Sandinistas' victims, though far fewer than the Nazis', are just as dead. And not all opponents of contra aid are appeasers or new Neville Chamberlains. But regardless of their motivation, they should be very sure of the potential results of their actions.

My grandparents were not killed by the Nazis alone. Yes, Nazis pulled the trigger, or released the zyklon gas into the chambers. But my grandparents and the millions of others who died under the Nazi boot would not have entered those extermination camps if it had not been for the well-meaning but mistaken leaders of the democratic countries who used every excuse possible to avoid using the right amount of force at the right time to stop aggression. Will Munich be repeated in Managua?●

NATIONAL SAFE KIDS WEEK

● Mr. D'AMATO. Mr. President, I rise today to support a national campaign to prevent accidental injuries among American children. This campaign of training and educational programs is being implemented by the National Coalition to Prevent Childhood Injury, which includes many organizations devoted to the growth and enhancement of our children. We can recognize the important work that these organizations do by bringing their efforts to the attention of the American people. It is for this reason that I am pleased to cosponsor Senate Joint Resolution 240 to designate the week of May 16, 1988, as "National Safe Kids Week."

Accidential injury is the leading cause of death among America's children. It is estimated that 8,000 children lose their lives to unintentional injuries each year in our country. These injuries primarily occur within the home, school, and on our roads. The primary causes of these injuries are motor vehicle accidents, drownings, injuries as a result of falls, burns, and poisoning. Tragically, many of these injuries could have been avoided through better education about accident prevention.

Leading the way in this respect are organizations like the National Safety Council, which advocates safety measures in the home such as keeping hazardous materials away from small children. They encourage parents to designate "safe zones" within the home that are inaccessible to small children. The Boy Scouts of America have likewise been active in reducing childhood injury by promoting bicycle safety, with special emphasis on the use of helmets to prevent head injuries. Also active in childhood safety awareness are the American Red Cross, Girl Scouts, and the American Academy of Pediatrics.

I am pleased that these organizations have united in a campaign to eliminate childhood injury. I commend my colleague, Senator BIDEN, for supporting this campaign by introducing Senate Joint Resolution 240. Our children are our greatest and most cherished resource. I encourage my colleagues to join us in supporting their health and well-being by cosponsoring and passing this needed legislation.●

FRAUD OF THE DAY—PART 29

● Mr. HEINZ. Mr. President, today's fraud reveals some of the creative ways criminals will attempt to smuggle goods past the Customs Service. The deliberate trafficking of counterfeit goods in the case of "Operation Grab Bag" shows that a private right of action provision would provide an effective method of allowing injured parties to seek restitution. While Customs Service enforcement maintains the integrity of our laws, it does not alleviate the injury suffered by the victims of fraud—American workers, consumers, taxpayers, and businessmen.

A copyright/trademark violation was brought to justice in Philadelphia when a shipment of three cabinets with household goods from Korea was inspected. The three cabinets, which contained the household items, had false compartments where the smuggled counterfeit goods were discovered. There were 2,742 counterfeit Luis Vuitton items, valued at $67,570, seized by Customs agents.

Subsequent investigation of the smuggling operation resulted in the conviction of the Sam Wha Sea Transportation Co. of Seoul, Korea, on conspiracy charges. The Lee family of Philadelphia had worked together with the transporters of the illegal imports, and they were also convicted of conspiracy in addition to charges of smuggling and trafficking in counterfeit goods.

Mr. President, that was a small case in dollar terms, but it demonstrates that customs fraud is not a matter of accident or innocent error filling out a declaration form. Unfortunately, we are faced with people both here and abroad who deliberately set out to violate our law for their own personal gain and who are quite creative in pursuing that objective.

Equally unfortunate is the frequently forgotten fact that this is not a victimless crime. In this case it is not only the honest merchant who suffers in competition with the one selling illegal goods, but it is the legitimate manufacturer of the product who suffers the loss of sales and the damage to his reputation in the likely event the counterfeit versions are inferior in quality.

A private right of action against customs fraud, in addition to helping Customs enforcement by providing an added deterrent to breaking the law, provides a way for the injured parties to seek compensation for their losses. Under current law the manufacturers, dealers, and consumers injured by the illegal sales of counterfeit goods have no way to obtain compensation.

Finally, the improved enforcement of our customs laws brought about by this provision will send a clear signal to the world that the U.S. market is open to those who respect our laws and are willing to sell their products honestly.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

● Mr. DIXON. Mr. President, I am very proud to serve as cochairman of the congressional call to conscience for 1988 with my friend, and distinguished colleague, Senator BOND. Sponsored by the Union of Councils for Soviet Jews, the vigil provides a mechanism by which we, as Members of Congress, can continually call attention to the plight of Soviet Jews unjustly persecuted by their government and seeking to emigrate to the free world.

The recent "thawing" of relations between the Soviet Union and United States has not changed the treatment of Jews in the Soviet Union. The 2 to 3 million Jews living in the Soviet Union are discriminated against in housing, education, and employment. Jewish cultural and religious expression has long been restricted and attacked. Fewer than 60 synagogues remain open; there are no Hebrew or Yiddish schools; Yiddish publications and language instruction are extremely limited.

Constantly faced with government-sponsored anti-Semitism, thousands of Soviet Jews have tried to emigrate. Some have waited, and suffered for over 15 years. The number of long-term refusenik cases is estimated between 20,000 and 60,000.

Eight thousand one hundred and fifty-five Soviet Jews were granted exit visas last year, But this is only a fraction of the 51,000 who were allowed to leave in 1979. While many of the long-term and high profile refusenik leaders have been allowed to emigrate, thousands of others repeatedly apply and are denied the right to leave. Many are dismissed from their jobs, harassed by the police and the KGB, and their children are expelled from schools and universities. It is for each and every one of these individuals, who desire to live in peace and pursue a better life for their children, that we must continue to pressure Gorbachev to respect human rights and allow them to emigrate. We must let these Soviet Jews know that we care, that they have not been forgotten, and that their cause will never be abandoned.

I would like to illustrate the plight of the Soviet Jews by telling you about the case of Gennady and Natasha Khassin and their family. In 1975, Gennady left his post as associate professor of mathematics at the Moscow Pedagogical Institute in order to apply for emigration to Israel. In 1976, he and his family were denied on the basis of "secrets" that Gennady was alleged to possess.

Natasha worked as a computer programmer until 1968. Ten years later, in 1978, she joined "the women's group", the first group to protest against constant refusal. Natasha was very active. She was arrested twice for peacefully demonstrating and received threats from the KGB. That same year, 1978, the Khassins applied to leave for the second time and were refused again, this time on the basis of Natasha's knowledge of "secrets" in relation to the job she left in 1968.

In December 1982, Gennady and Natasha were refused for a third time. They were told that their application was denied on the basis of insufficient kinship, even though Gennady's mother was living in Israel. Natasha was told to never apply again. In 1983, Gennady's mother died making matters more difficult for the Khassin family.

The family received good news on March 12, 1987, when the Khassin's daughter, Helena, and her husband, Mikhail, were allowed to emigrate to Israel.

But on January 12 of this year, Gennady and Natasha were refused again, for the fourth time. The Moscow "OVIR" told Natasha that the Khassin family was refused on the basis of "secrets." No other explanation was given.

The next day, Natasha went to the all-union "OVIR." She said she did not wish her entire family to be denied permission to emigrate because of her alleged knowledge of "secrets." Therefore, she asked that her husband Gennady and their 11-year-old daughter, Yehudit, be allowed to emigrate without her. They responded, "If we give permission to Gennady and Yehudit, you will complain that we have separated your family." Natasha then signed a statement stating her resolve to allow her family to leave while she remained. However, she asserted that she would continue her efforts to emigrate. The all-union "OVIR" then said they would reconsider the application of Gennady and Yehudit. However, no action has been taken yet.

The Khassin family has waited, and suffered for over 12 years. I call on the Soviet Union to let Gennady and Yehudit go.●

LOUIS HEIMBACH, MAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to join with the town of Newburgh, New York's Republican Committee to recognize a member of the community who has accumulated a long and impressive record of Government and civic service. I am pleased to honor the committee's man of the year—Orange County Executive Louis Heimbach.

An active participant in community concerns, Louis Heimbach is presently in the third year of his third term as Orange County executive. He is a member of an impressive array of organizations, boards, and commissions on the local, State, and national levels.

Locally, Louis serves as chairman of the Hudson Valley Economic Development District Board as well as the Stewart Airport Commission and the Orange County Economic Development Committee.

However, Louis's influence and efforts reach far beyond the local level. He presently serves as vice chairman of the New York State Association of Regional Planning and Development Organization, vice president of the National Conference of Republican County Officials [NRCO], and as a senior member of the National Association of Counties [NACo] Human Services Steering Committee. In addition, he is the former president of the New York State County Executives Association and the National Association of County Executives, to name but a few of his major accomplishments and contributions to public service.

Louis' years of dedicated and unselfish service have earned him the respect and gratitude of his community. He represents the quality of person and quality of commitment we need most, now and in the years ahead. It is with great pride that I recognize for the CONGRESSIONAL RECORD my good friend, Louis Heimbach, as man of the year.●

NATIONAL TUBEROUS SCLEROSIS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 212, a joint resolution designating the week of May 8–14, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a common genetic disease thought to afflict roughly 25,000 Americans. TS appears in all segments of society; it afflicts males and females equally, and occurs in all races.

The symptoms of TS vary widely. They include skin markings, seizures, motor difficulties, mental retardation, tumors, and behavioral abnormalities. In its mildest form, TS often goes undetected. However, in its most severe form, TS can cause serious disabilities, and even premature death. Unfortunately, there is no way to predict the severity of TS in children who are diagnosed with the disease.

Research is currently underway to locate the genetic marker for tuberous sclerosis. Isolating this marker would enable physicians to diagnose TS through a simple blood test. Additional research, directed toward understanding the molecular-genetic aspects of TS, is being conducted under the sponsorship of the National Institutes of Health.

Passage of Senate Joint Resolution 212 will surely reinforce research currently underway, and, more importantly, may stimulate further research into TS. I commend my colleague, Senator DIXON, for his interest in promoting awareness of this disorder, and I urge the prompt passage of his vital resolution.

Thank you, Mr. President.●

RECESS UNTIL 4:30 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 4:19 p.m., the Senate recessed until 4:30; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BYRD].

The PRESIDING OFFICER. The Senator from West Virginia, in his capacity as a Senator, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Oklahoma [Mr. BOREN].

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of S. 2.

Mr. BOREN. Mr. President, as we complete our work this week, I again want to underline the need for progress on the pending legislation on campaign reform.

As I mentioned on the floor earlier today, the group of eight, which has been appointed to negotiate on this matter, to see if we can reach a bipartisan consensus that will enable us to move forward with true reform this year, will be meeting on Monday at 1:30.

I want to assure my colleagues that we will make every effort to try to find a constructive agreement. At the same time, we must remember we should not have a bill just for the sake of having a bill unless it is true reform. To do less than to come forward with true reform would be to fail to meet our responsibility to the American people.

We are not talking here about a matter of party politics. We are talking about the fundamentals of American Government. We are talking about the integrity of the election process itself.

As I said this morning, there are certain principles of reform that simply must be in any legislation for it to deserve that particular label.

If we are to deal with the campaign financing problems of this country, we must have legislation that stops the money chase, that slows down the acceleration of campaign spending in this country. We simply cannot have another decade go by in which we, again, have a 500-percent increase in the average cost of campaigns.

We simply cannot continue to tolerate a situation in which Members of the U.S. Senate each and every week throughout a 6-year term have to struggle to find some way to raise an average of $10,000 of campaign contributions—each and every week, week in and week out for 6 years of a U.S. Senate term.

We must find a way to stop the acceleration of campaign spending. We must find a way to restore the talent, the energies, and the time of the Members of the U.S. Senate to their work here, to take care of the problems and to deal with the issues the people elect us to come here to take care of.

Any measure of true reform must include an effective mechanism for slowing down the rate of increase of campaign spending. That is a principle that has been discussed by those of us on this side of the aisle, those of us who have been cosponsoring this legislation, as we have begun our meetings in the group of eight.

We have also talked about the need in that bill to have an aggregate limit on the amount of money that special interest groups, political action committees, can contribute to candidates. It is simply not healthy for 186 Members elected to Congress this past year to have received more than half of their total campaign contributions, not from the people back home, not from the people in their home districts, not from the people in their own States, but from special interest groups with very little contact with their home States and districts.

As I said earlier in the debate, that trend threatens the very concept of grass roots democracy. We must deal with the problem of independent expenditures, negative advertising by independent groups. It is important that we take steps to provide incentives to stop that kind of practice.

We must deal with the problem of funding. We must find better ways of disclosing so-called soft money contributions. So we have a duty and we have a responsibility. People across the country will be watching to see whether we measure up to the task.

Some of the leading newspapers of the United States, more than 500 of them, across this country have spoken out on this issue. Just in the last few days, on the 15th of this month, for example, the Philadelphia Inquirer wrote a powerful editorial indicating that there is a need for change. They said in their editorial:

> The Senate's gridlock last year over campaign financing, an issue it debates again tomorrow, involved more than the insiders' resistance to anything that might curb their advantages. After due fulmination about escalating campaign costs and the excessive power of political action committees (PACs), there remains the difficulty of writing new rules that bring politicians closer to the grass roots without causing new problems along the way.
>
> Some reformers point to fund-raising mismatches between candidates and want the government to create equality. Yet, as the 1986 elections showed, a candidate with sufficient funds to wage a vigorous campaign can often beat a better-financed opponent. In the 16 tightest Senate races of 1986, Republican candidates raised on average $1 million more than their Democratic opponents, yet the Democrats won 11 of the contests.
>
> That argues for making enough federal dollars available for candidates—once they have displayed some viability by raising a threshold amount in small contributions—to have a solid financial base. But with Republican senators citing the deficit as reason enough to defeat a broad public financing measure, there's no chance of that approach. Thus the Senate Democrats are pushing a sensible alternative: placing limits on total receipts from PACs and recommending voluntary limits on total spending. If any candidate chooses to raise and spend more than the voluntary limit, his or her opponent will then become eligible for public financing.
>
> Such a system would help compensate challengers for the compulsion of PACs, which represent every special interest under the sun, to put their money on incumbents. Senate and House incumbents running in 1986 received more than $90 billion from PACs, while their challengers got less than $20 billion. Under the Senate bill, PACs still would be free to spend money independently in congressional races, but someone targeted by independent negative efforts would get federal money to respond.
>
> The Senate Democrats' bill still would allow candidates plenty of money for making their cases and allow PACs plenty of opportunity for expressing their views through donations. Based on Pennsylvania's population, a Senate candidate could spend a total of $2.8 million on the general election, $1.9 million on a primary fight, and accept just under $572,000 from PACs. That's about half of the PAC money that Sen. Arlen Specter (R., Pa.) got for his $5.4 million re-election in 1986, and it's also less than the nearly $800,000 that Mr. Edgar raised from PACs in his $3.9 million attempt to unseat Mr. Specter.
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> Admittedly, lawmakers occasionally confound the special interests whose PACs help get them elected. The 1986 tax reform bill was one dramatic example. But this Senate reform is a low-cost, low-risk change to make such events seem less miraculous.

Mr. President, it is time for us to confound those who doubt the will and the courage of people in public office to take steps that are long overdue. It is time for us to measure up to the challenge with a bill which is balanced, as the Philadelphia Inquirer has pointed out, with a bill that makes sense, with a bill that will restore more participation and greater influence to the average American at the grassroots, the average American who may not have huge financial resources but who wants to participate in the political process in a meaningful way.

Passage of this bill will help that American begin to believe once again that he or she can truly make a difference in the future course and direction of this country.

Today too many Americans without the means to make large financial contributions feel compelled to sit on the sidelines as they see the millions and millions of dollars of money that it takes to run campaigns. They begin to ask themselves, "Can we as ordinary citizens make a difference in our own political process anymore?" They begin to become disillusioned.

We have a responsibility. We have sworn to uphold the Constitution and in upholding the Constitution we simply must not avoid violating the letter of that document. We are called upon to keep its spirit vital. We are called upon to keep it alive. We are called upon to keep its institutions workable.

The fact is this country has certainly not been helped by the fact Members of Congress have to spend more and more of their time, devote more and more of their attention to the raising of money to finance their campaigns instead of doing the Nation's work. Here we are at a ctitical period of time in our country. Our people need to hear from their elected representatives. They need to understand the problems. They need to be called upon to bind themselves together in a common consensus. It is the only way we can restore the competitive vitality of this country. It is the only way we can restore the economic productivity of this country.

And at a time in which we need to be listening to the people, understanding their problems, talking with our own constituents, and conveying to them kinds of decisions and sacrifices we are all going to be called upon to make as Americans, if we are going to have the right level of opportunity for the next generation, our own energies and our own time are being spent elsewhere.

I mentioned this morning, and it is a true story, the frustration that one of my colleagues expressed to me a few months ago about the fact that he was having to go all across this country to raise money for his campaign.

We have heard some who say that they are against spending limits, say that we ought to let people spend as much as they want and raise as much as they want in campaigns because that allows the people to participate in the process.

Mr. President, that simply is not true. The raising and spending of money is not the principal way in which we should participate in the political process. Candidates should compete on the basis of ideas, ideals, qualifications, and dedication to public service.

And what happens is this, as this colleague said to me. He said, "I have not really been able to get back home very much. My State is going through difficult times. We simply do not have the financial resources available. We do not have the potential pool of large contributors available for me to raise the money that I must raise to run for reelection to the U.S. Senate. So on those weekends that I would like to be spending either doing my homework in the Senate or spending time with my family, or most importantly, being able to go back home and talk to the small businessman in my home State about his problems and talk to the farmer and the farmer's spouse about the problems on the farm and understand what is going on, and going to the classrooms in the schools in my home State and listening to the aspirations of the young people and talk to people in the church congregations and talk to people up and down the main streets and listen to them, find out what needs to be done, hear about their problems first hand, the time that I ought to be spending making representative democracy work by having a relationship with the people that elected me and sent me here to work for them," he said, "I am having to spend going to Boston, going to New York, going to Miami, going to Los Angeles, going to San Francisco, going thousands of miles in every direction, and I simply do not have the time left to go back home to talk to the people who elected me and sent me to the U.S. Senate because I have to go where I can raise the money and spend my time with those who have the financial resources to help me finance my next campaign or I simply won't be allowed to continue to be here. I cannot be successful without it."

Mr. President, how anyone can say that system is good for America, good for the political process, good for the functioning of this institution, is hard for me to understand.

I hope those who have been saying that they are against any level whatsoever, any limitation whatsoever on campaign spending will ponder that point.

It is the fact that campaign spending continues to escalate really making it more possible for the American people to participate in the political process, or is it depriving them of that oportunity even to have access to their own elected representatives and to have the time to have a two-way conversation with those who are supposed to be representing them here?

Is there no limit? It defies logic, Mr. President, to think that there is no point, no point from a philosophical point of view, at which the spending of more money on campaigns would not become self-defeating. Surely, there is some point at which it becomes a negative factor. Is $10 million enough, $50 million, $100 million? Can anyone really say that if campaign spending went to $100 million that the political process would be enhanced; that this institution would be improved?

So, Mr. President, this is not a matter of politics. And I want all my colleagues to know on both sides of the aisle, as we struggle on Monday, as we meet together, as we prepare to move ahead on the Senate floor on this legislation, we will meet in good faith. We are not seeking legislation that will give one political party a partisan advantage over another. That would be wrong. It would be wrong to use this noble cause of restoring integrity to the election process to try to gain some personal or partisan political advantage. That is not what we are trying to do. We are trying to do something for our country.

Negotiate, we will. Talk and study and reason together, we should do that. But then we must act. We should take adequate time to see if we can reach an agreement, and I hope we can. But whatever happens, we must be prepared to move ahead. We cannot drag our feet. We cannot delay.

I feel strongly, Mr. President, that while we should negotiate in good faith—and we will negotiate in good faith—we will not allow the semblance of negotiations to be an excuse for moving ahead for action. And so we will try to work something out. And I hope we can; and we should for the sake of this country. But we will keep trying and we will keep moving and we will keep pushing until something is done about this problem. The clock is running.

The distinguished occupant of the chair has the responsibility of fixing the schedule of the U.S. Senate. We have only so many weeks and so many months in which we can accomplish our work this year. We have an important treaty to consider. We have a budget to consider. We have appropriations bills to consider. We have several other important pieces of legislation, potentially a trade bill, to consider.

And so we cannot afford to drag our feet. We have to move ahead with dispatch in taking on this challenge of coming up with a bill, a true reform bill to change the disgraceful way that we now finance campaigns in this country.

Mr. President, we will work as hard as we can to meet that challenge and we will be prepared then to move forward and to offer this Senate an opportunity to go on record to the American people as to whether or not it is prepared to confound the experts and to confound the special interests, as the Philadelphia Inquirer said in its editorial, show that we can do something right; that we have the courage to do what is right; that we have the good sense to take this Senate reform, which it calls a low cost, low risk change, for the right of our country and our country's future.

Mr. President, I look forward to working with those on both sides of the aisle on this effort. It is something we should tackle together as Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOREN). Without objection, it is so ordered. The distinguished majority leader.

Mr. BYRD. Mr. President, I have listened to the distinguished Senator from Oklahoma [Mr. BOREN], as he spoke once again on the merits of the legislation pending before the Senate. I thank him for the service that he is performing on behalf of this institution and on behalf of representative democracy.

It was he who first brought this problem to the thoughtful attention of the Senate. It was he who began the process of debating it, offering amendments, offering legislation to do something about what he has very aptly referred to as the "money chase." It is he who has persistently carried on the fight. It is he who has continued to inspire the rest of us to join the fight. I congratulate him and extend to him my deep thanks. It is he who continues to lead this effort.

I listened as he spoke of two of the arguments that are used by those who oppose the legislation. One of the arguments is that there should be unlimited spending because this permits the people to "participate in the process."

Mr. President, that is a phony argument. The 17th amendment was adopted to permit the people to "participate in the process."

The 17th amendment was ratified in 1913. Until that time, the people participated in the process of election of Senators only indirectly through their elected representatives to the State legislatures. The State legislature chose the Senators. And for many, many decades, that was the method of election of Senators.

That was the process that was established by the Framers of the Constitution. But it was shown to be flawed and so, after long years of debate and repeated calls to change that system, the 17th amendment, was ratified in 1913.

Then it was and only then, that the people were given the right to "participate in the process"; directly. Since then, the people have directly elected the Members of this body.

That was when the people really began to participate directly in the process. There was not anything said in that amendment about contributions to campaigns of Senators. There was nothing said in that amendment that, in order to further the ability and the right of the people to "participate in the process," they should contribute large sums of moneys to election campaigns. There was nothing said about special interest groups or

PAC's or whatever, as necessary for the people to "participate in the process" of senatorial elections. The amendment was very simple. It merely opened the door for the people to participate in the process directly of election of their Senators.

That was 75 years ago this year. So, for 75 years the people have been "participating in the process." There was no need to add anything to the 17th amendment that in order for the people to participate in the process they would have to contribute excessive amounts of moneys to Senators' campaigns.

So that is a phony argument: "To permit the people to participate in the process we ought not have a limitation on campaign expenditures."

Then there was the other argument to which the distinguished Senator from Oklahoma made reference, and I have heard it spoken on this floor a number of times; namely, that a limitation on campaign expenditures would give the Democratic Party a political advantage over the Republican Party.

The Senator from Oklahoma appropriately addressed that argument. Mr. President, George Washington's Farewell Address was read to the Senate on Monday of this week by our distinguished colleague, the junior Senator from North Carolina [Mr. SANFORD]. The first President of our country, the Commander in Chief at Valley Forge, the man who presided over the Constitutional Convention in 1787, in his farewell address, warned us about political parties. He spent a great deal of his address in warning us about political parties. He did not think too highly of them.

We hear the argument, now, that we should not have this legislation that would put a limitation on campaign expenditures because it would give the Democratic Party a political advantage over the Republican Party.

The Senator from Oklahoma pointed out that we do not seek, in this bill, to take any advantage over the Republican Party. And so he blew that argument away. Mr. President, there is something more fundamental in our system, more fundamental than political parties and the giving of one party a political advantage over the other. Political parties serve an important function in our system of representative democracy, and George Washington, if he were living today, might recognize in this day and time the functions that are performed by political parties.

But when it is argued that this legislation would give the Democratic Party political advantage over the Republican Party it is an argument that misses the point; a more fundamental point. What the present system does do is give special interest groups a political advantage over the people of the United States; over the people with whom the sovereign power rests.

That great organic document—the Constitution—came from the people. The Senate derives its power, its authority, its very being from the people of the United States through that organic document which created the U.S. Senate.

So, while parties are important, they are not the alpha and the omega, the beginning and the end, the all-important entities in this system of ours. It is the people: Of the people, by the people and for the people; not: Of the party, by the party and for the party. Let us talk about the fundamentals.

The fundamental here is that the people are still the source of sovereign power; they are being served by those of us who are elected; it is in their interests that we serve; and special interests are not to be given "political advantage" over them.

The present system is a source of discouragement to the people, because special interests have influence far and above what the numbers of members in those special interest groups would be entitled to.

We have not yet seen this issue sweep over the country in a great wave of abhorrence at the system. But it will in due time.

I am grateful to the newspapers throughout this country. The distinguished Senator from Oklahoma quoted from the Philadelphia Inquirer. There have been similar editorials all over this country, in West Virginia, in States throughout the Union, pointing to the dangers of the current system, pointing to the flaws in it, emphasizing the need for rectifying the evils in the system. With the continued efforts on the part of the media to bring this matter that cries out for change, through the continued efforts of the media we can have hope that the people of this country will become more aware, alert, and awakened to this creeping disease.

We are much concerned about the horrible disease of AIDS that takes so many lives. The system of campaign financing that presently exists, constitutes a deadly disease of AIDS in the body politic that is going to devour and destroy this institution.

More and more it is taking the time of Senators away from their families, away from their work. Senators are elected to be here in the Nation's Capital when the Senate is in session. They are elected to be in committees, on the floor, in their offices attending to their correspondence, meeting with their people, representing their constituents.

They are not elected to spend their time in raising money. Yet, the average cost in the last election was something like $3 million to a successful Senate candidate. That should be a startling matter to every American when made aware of it.

If the American people generally knew it costs on the average of something like $3 million for the average Senate seat, and in many instances far more than $3 million for a successful Senate campaign they would be shocked. And that figure is going up. If we draw a straight line taking into consideration the increase in the average for the last campaign over what it was in previous campaigns—they would note that the average for this year's Senatorial campaign would probably be something like $3.7 million

In any event, if they would just take out their pencil and compute the amount of money that has to be raised every week by a U.S. Senator if he hopes to continue in public service, in order to meet that average, they would find that over a 6-year period—52 weeks a year, for 6 years—it requires $10,000 a week to raise $3 million. Yes, $10,000 a week.

Mr. President, that is a stunning amount. It takes an inordinate amount of time for a Senator to run here and there and everywhere else, in and out of airports, running to catch their planes, living in and out of a suitcase, going around with their hands out, "Give me, give me, give me, give me, give me your money."

As the Senator from Oklahoma has pointed out, they are not back in the schoolrooms in the States that they represent. They are not back on the street corners of the little rural towns talking with the citizens, listening to what the citizens are saying, explaining to their constituents what the legislation that has been passed means.

No. Instead, they are going all over the country, to Atlanta, to Miami, to Los Angeles, to Chicago, to Denver, to New York. And time and time and time again, they are going not to people who are their constituents but to people who believe in the party, who want to help the party. And they are also leaning heavily upon the special interest groups.

I do not say this in criticism of special interest groups. Special interest groups represent issues that are of importance to the country and are of importance to citizens who are often not members of a special interest group.

But we all know that special interest groups in making contributions, make them in the interest of legislation that they espouse.

So, Mr. President, this is a cancer on the body politic and now is the time to do something about it. It is an idea whose time has come. I hope that those who are attempting to negotiate on the bill will be successful. We will not be able to spend a great deal of time this year on this bill, and it may not happen this year, Mr. President, but it is going to happen. The American people are going to rise up. They are going to demand action. The Senator from Oklahoma may be a few years ahead of his time, but he is working in the vineyard and he will eventually be successful. The fruit of his labors will one day be harvested and he will have performed a great service to the Senate of the United States, to our system of representative democracy, and to his grandchildren and their grandchildren.

FUNERAL OF VIVIDELL McDONALD

Mr. BYRD. Mr. President, on Monday, February 22, the funeral of Vividell McDonald will occur at 11 o'clock a.m. Vividell McDonald was an employee of the Senate, and she was well liked by everyone—Senators, officers of the Senate, and employees of the Senate. She had a host of friends. The Bible says, "He that hath friends must show himself friendly." Vividell had many friends. She showed herself friendly. She was a dependable employee, a good employee, highly respected by everyone, and we all will miss her. There will be Senators and others who will want to attend that funeral. It will be held at the Baptist church located at 4606 16th Street NW., Washington, DC.

To accommodate those who can attend the funeral, I am going to change the time of convening of the Senate, which had earlier been set for 10 o'clock on Monday morning. This request has been cleared with the Republican leadership.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 1 o'clock p.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, in order that the employees of the Senators' Dining Room, who had for so many years worked with Vividell, might also be able to attend, I announce that on Monday, February 22, the Senators' Dining Room in the Capitol will be closed from 10 a.m. until 1 p.m. This will permit those employees likewise to attend the funeral of Vividell McDonald.

RECESS UNTIL 1 P.M., MONDAY, FEBRUARY 22, 1988

Mr. BYRD. Mr. President, I thank the distinguished Senator from Oklahoma for presiding at this hour. I thank all Senators.

If there be no further business to come before the Senate, I move, in accordance with the order previous entered, the Senate stand in recess until 1 o'clock p.m. on Monday next.

There being no objection, the Senate, at 5:25 p.m., recessed until Monday, February 22, 1988, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate February 19, 1988:

THE JUDICIARY

DONALD E. ABRAM, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE A NEW POSITION CREATED BY PUBLIC LAW 98-353, APPROVED JULY 10, 1984.

DEPARTMENT OF DEFENSE

ALAN MARSHALL ELKINS, OF MAINE, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1993, VICE DAVID I. OLCH, DECEASED.

DEPARTMENT OF TRANSPORTATION

ROBERT EARL FARRIS, OF TENNESSEE, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE RAY A. BARNHART, RESIGNED.

NATIONAL CREDIT UNION ADMINISTRATION

DAVID L. CHATFIELD, OF ALASKA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 2, 1989, VICE P.A. MACK, JR., RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19, 1988:

ENVIRONMENTAL PROTECTION AGENCY

Charles L. Grizzle, of Kentucky, to be an Assistant Administrator of the Environmental Protection Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Suzanne B. Conlon, of Illinois, to be U.S. District Judge for the Northern District of Illinois.

Richard J. Arcara, of New York, to be U.S. District Judge for the Western District of New York.

Paul V. Niemeyer, of Maryland, to be U.S. District Judge for the District of Maryland.

Edward F. Harrington, of Massachusetts, to be U.S. District Judge for the District of Massachusetts.

DEPARTMENT OF JUSTICE

Romolo J. Imundi, of New York, to be U.S. Marshal for the Southern District of New York for the term of 4 years.

Daniel F. Lopez Romo, of Puerto Rico, to be U.S. Attorney for the District of Puerto Rico for the term of 4 years.

Tony Michael Graham, of Oklahoma, to be U.S. Attorney for the Northern District of Oklahoma for the term of 4 years.

James Eldon Wilson, of Alabama, to be U.S. Attorney for the Middle District of Alabama for the term of 4 years.

Robert J. Kabel, of Virginia, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 1989.

HOUSE OF REPRESENTATIVES—*Monday, February 22, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for the gift of the family and for the security and love that it represents. We pray that every person would have the opportunity to express the warmth and concern that are shared by those who care for each other. We also remember those separated from those they love—the hostages, the homeless and all who do not know the freedoms we enjoy. May Your spirit, O God, that transcends every human barrier, touch the lives of all people wherever they may be.

In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2631. An act to authorize appropriations for the Bureau of the Mint for fiscal year 1988 and for other purposes.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988 as "National Fishing Week";

S.J. Res. 206. Joint resolution to designate April 8, 1988, as "Dennis Chavez Day";

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy";

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week";

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week";

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week";

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week";

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day"; and

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, February 18, 1988:

H.R. 1612, an act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990; and

S. 2022, an act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives.

WASHINGTON, DC,
February 19, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 12:10 p.m. on Friday, February 19, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the third special message for FY 1988 under the Impoundment Control Act of 1974;

(2) Said to contain a message from the President whereby he transmits the Seventeenth Annual Report on Hazardous Materials Transportation for calendar year 1986;

(3) Said to contain a message from the President whereby he transmits the Fiscal Year 1986 annual report on mine safety and health activities as submitted by the Secretary of Labor;

(4) Said to contain a message from the President whereby he transmits the second biennial report of the Interagency Arctic Research Policy Committee; and

(5) Said to contain a message from the President whereby he transmits the 1988 Economic Report of the President together with the Annual Report of the Council of Economic Advisers.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Joint Economic Committee.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1862.)

PERMISSION TO INSERT IN THE RECORD REMARKS OF MEMBERS AT WREATH-LAYING CEREMONY FOR GEORGE WASHINGTON'S BIRTHDAY OBSERVANCE AT WASHINGTON MONUMENT ON MONDAY, FEBRUARY 22, 1988

Mr. MOAKLEY. Mr. Speaker, pursuant to the order of the House of February 9, 1988, two Members designated by the Speaker attended the ceremony this morning at the Washington Monument commemorating the birthday of our first President. The two House Members laid a wreath, joining other commemorations of the National Park Service and the Washington National Monument Society.

Mr. Speaker, I ask unanimous consent that the remarks of the two Members made at the ceremony at the Washington Monument this morning be included in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massaschusetts?

There was no objection.

REMARKS OF CONGRESSMAN NORMAN SISISKY AT GEORGE WASHINGTON'S BIRTHDAY CEREMONY, FEBRUARY 22, 1988

Any Congressman who presumes to talk about George Washington on the anniversary of his birthday must do so with an extreme sense of humility, and perhaps a sense of institutional guilt.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I say that because when President Washington celebrated his 65th birthday, the House of Representatives voted 50 to 38 to not allow Members the time to call on the President to express congratulations.

It seems they were angry that an upcoming treaty gave too much power to the President and too much prestige to the Senate. I can understand the feeling.

The more I read about the Founding Fathers, and the more I read about their genius—as well as their shortcomings, the more I am reminded of what Solomon wrote in the book of Ecclesiastes:

"There is nothing new under the Sun."

When people complain that Congress moves too slowly, I am reminded that Washington was prevented from becoming President for nearly 2 months while Congress put off counting the electoral ballots.

Washington finally reached the point where he feared congressional debates would become so devisive that people would lose respect for Congress. I think that happened.

In fact, Washington once became so disgusted after listening to a Senate debate that he was overheard to say he would "be damned if he ever went there again!"

The rise of partisan spirit during Washington's second term ultimately led to the death of Alexander Hamilton in a duel with Vice President Burr. That bullet crossed the dividing line between two major aspects of Washington's political legacy.

It not only killed the author of his farewell address, it bid farewell to whatever consensus may have remained regarding Washington's vision of what the United States should be.

Since that time, we've seen a succession of parties and politicians attempt to reinterpret and redefine Washington's legacy. Obviously, some have done better than others.

Hamilton and Burr represented the tendency of our parties to emphasize Hamiltonian federalism or Jeffersonian democracy, clear cut principals that have tended to polarize our political debates at two extremes.

Like Hamilton and Burr, our parties tend to emphasize liberty at the expense of responsibility, or responsibility at the expense of liberty.

Neither solution is proper. Neither solution is true to the heritage of Washington. George Washington was the indispensable man who bridged the gap between extremes in our society.

When Jefferson told Washington: "North and South will hang together if they have you to hang on", he might well have used any other terms describing opposing sides in our society.

James Flexner wrote that Washington's greatest gift was the ability to bore down through partial arguments to the fundamental principles on which everyone could agree.

In that sense, and despite the fact that Arthur Schlesinger, Jr. used the term quite differently, I think we can also use the term "vital center" to describe George Washington.

Washington represents the "vital center" of all the things America and Americans want to be. In that sense, his monument is the zero milestone by which we measure how close we come, or far we depart from his heritage.

Washington realized that people could not pledge alliegence to both partisan pursuit and national interest, and that liberty could only be sustained by commitment to the Nation.

But even those conclusions point to Washington, the Symbol of American values, rather than Washington the man, Washington the general, and Washington the president.

In concluding that Washington was a fundamentally good and decent man, one biographer wrote:

"In all history few men who possessed unassailable power have used that power so gently and self-effacingly for what their best instincts told them was the welfare of their neighbors and all mankind."

A close look at Washington reveals a man sometimes consumed by doubt, sometimes worried about failing mental powers, and who didn't always exercise perfect judgement. In that sense, he was like other men, both yesterday and today.

But the reason we honor his memory and celebrate his birthday is that he alone, with the possible exception of Abraham Lincoln, had the courage to stand above the partisan strife of his own time and call on us to build a nation committed to both responsibility and liberty.

SPEECH ON GEORGE WASHINGTON'S BIRTHDAY BY CONGRESSMAN FRANK R. WOLF

I am honored to speak today as we commemorate the birthday of a great Virginian and great American.

George Washington is a man immortalized through the many sculptures and portraits rendered of him. The image that has been portrayed is of a man with a stern profile, his eyes always deeply set, staring straight ahead.

Whether it be the painting, "Washington Crossing the Delaware," or the chiseled features of Mount Rushmore, George Washington always is imaged as looking on ahead toward the horizon.

For George Washington, like great leaders before and after his time, his horizon was a vision etched into his soul, a vision he referred to as "the sacred fire of liberty."

Because of his uncompromising leadership, we Americans experience his vision as reality and we who contribute in directing this Nation use this "sacred fire" to light our way.

It is important that we not only hold onto the fire of liberty to light our path, but let it illuminate to help lead other nations, who know only the darkness of no democracy.

George Washington said, "Liberty, when it begins to take root, is a plant of rapid growth." We see the words of George Washington coming to life in many areas around the world. We look at the regions where the rights of citizens are now guaranteed and democracy is beginning.

However, there still remains those nations who have never been lit from the fire of liberty and who have erected barriers to block its roots from spreading to their land.

To these countries, we must be an example. As General Washington said, "Let us therefore animate and encourage each other, and show the whole world that a Freeman, contending for liberty on his own ground, is superior to any slavish mercenary on earth." We must always remember Washington's mandate and work to keep it alive.

This is the year of the Olympics and as we watch the Olympic torch passed from hand to hand and country to country, let us remember the torch of which the father of our country spoke, "the sacred fire of liberty." And may it, too, one day be passed from hand to hand and country to country.

We are here to honor a man who first honored us by being the first to light the way to liberty, who established "one nation under God." What could we do or say to repay this man or to compensate for the bountiful goodness we have experienced because of his vision?

In the 200th anniversary of the Constitution, we are blessed with guarantees protecting our liberty. George Washington fought for these liberties, he initiated them into being in Philadelphia in 1789 and as our first president, he swore to honor and uphold a government unpreceded in the history of the world.

As another whose birthday we celebrate this month, Abraham Lincoln, so aptly stated, "To add brightness to the sun, or glory to the name of Washington, is * * * impossible. Let none attempt it * * * pronounce the name and leave it shining on."

LEGISLATION TO ENFORCE BUDGET DEADLINE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the budget process has begun all over again, and there are only 306 days left until Christmas. Why do I say that? Because Christmas seems to be the unofficial deadline for the passage of a budget of the Congress of the United States. It has happened so many times in the past, that it is ludicrous to even recount them.

But there are really only 220 days left until the absolute statutory deadline for the passage of the budget; namely, September 30. We have failed constantly every year, every since 1975 or so, to pass a budget by October 1.

My proposal, and it is in the form of a bill, is that unless the Congress follows its own law and passes a budget each year by September 30, that automatically on October 1, there should go into effect the previous year's budget.

That would eliminate all the crisis atmosphere and the last-minute insertions by Members of Congress of hidden projects into a bill the day before Christmas, so that nobody on the floor at 3 a.m., like it was this past year, would know what was happening. That kind of crisis atmosphere and magician's tricks would be eliminated once and for all, if only Congress would adopt my proposal.

SECOND BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Science, Space, and Technology.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

ANNUAL REPORT ON MINE SAFETY AND HEALTH ACTIVITIES, FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

DEFERRAL OF CERTAIN BUDGET AUTHORITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-166)

The **SPEAKER** laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Appropriations and order to be printed.

(For message, see proceedings of the Senate of Friday, February 19, 1988, at page 1865.)

□ 1215

UPDATE ON CAMP DAVID MULTINATIONAL FORCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise today because I have been speaking out since 1982 on the peril confronting some 2,000 of our armed services component in the Sinai Desert in the so-called multinational team, whose purpose has never been satisfactorily explained. The reasons given on the House floor sometime around December 12, 1982, with some 14 Members of us being present, was that it was a request from President Reagan in which he was merely recognizing a signed memorandum or letter that President Carter had addressed to the former head of state of Egypt, Anwar Sadat, and the former head or minister of Israel, Mr. Begin, in which, as a result of the Camp David understanding, President Carter was evidencing his support and our country's full support by promising, if called upon, to name a multination force to make sure that the terms of that agreement were kept.

At that time the record will clearly reveal that I asked several questions on the floor. One primarily was, if these were specifically called military components, combat ready except not supplied with heavy equipment, with no air defense capability and no artillery, what if anything would be the result if one of the two nations, with the United States not being a party signatory to the agreement, accused the other of violating the terms of the agreement? Are we going to march this so-called peacekeeping treaty force or these arrangement-keeping watchdogs into either country? No satisfactory response was given to me on the floor of the House that day. Nevertheless, the Congress for the first time in its history ordered, mandated, and deployed a military contingent. I searched the records and could not find any precedent for that action. Everything lulled along, but from time to time each year I have gotten up, reminded my colleagues that the situation in Egypt and particularly with the ongoing war in the straits there between Arabic and non-Arabic nations; to wit: Iraq and Iran, the Egypt was under very heavy social pressure and that there was a growing antagonism to the United States to the amicable arrangements that had been obtained as a result of the Camp David agreement. With the emergence also of such individuals as Muammar Qadhafi and the President's action taken against him I have felt all along, and I feel strongly today, and this is what impels me to rise to speak up to my colleagues, that those troops together with whatever contingents are present now, originally all we could get was about 1,000 Fiji Island soldiers, but Fiji Island has had its political troubles, and we recalled some. We had 1,000 from Colombia, but since then Colombia had problems, and they called back about 500, but we were committed to 2,000, and they in effect have been dogged by tragedy. It was 248 of those men coming back for Christmas about 3 years ago that died in that airplane crash at Gander which gave rise to another scandal, and that was the method of transportation used and which continues to be used to the detriment and not to the best interest of the Nation. That is a separate point.

At this time, given last week's very, very aggressive utterances by the head of state of Egypt, Mubarak, that he considered the Camp David arrangements literally dead and that a new arrangement would have to be obtained, I considered these men under serious threat of bodily harm or death on account of acts of what we would call terrorists.

A TRIBUTE TO THE HONORABLE LAWSON E. THOMAS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, on January 28, Judge Lawson E. Thomas, of Miami, FL, celebrated his 90th birthday. Judge Thomas, who still practices law on a semiretired basis, is a great and noble American with an extraordinary record of public service, a portion of which I would like to share with you and my other colleagues and to have preserved in the CONGRESSIONAL RECORD for posterity.

In 1950 Judge Thomas, being appointed as judge of Miami's new Negro police court, was the first black judge to hold office in the South since the days of reconstruction. In that position, Judge Thomas was responsible for a drastic decrease in crime and juvenile delinquency in Miami's black community. The story of his unique skill in effectively influencing offenders coming before his court and some of his other meaningful accomplishments is well told in a 1951 Reader's Digest article which I respectfully request be printed immediately following my remarks. I know you and every Member of the House of Representatives will share my warm admiration for Judge Lawson E. Thomas.

His Court Is a Classroom

A year and a half ago, in Florida, the most unusual court in the country came into existence. Its mission: to convince 50,000 Negroes that the law means equal justice for all, regardless of color.

Miami's city commissioners knew that they were risking their political careers when they appointed the first Negro judge in the entire South since reconstruction days. Yet today the South's first court run entirely by Negroes fully justifies their courage. Crimes of violence in Miami's Negro areas have fallen by 50 percent; juvenile delinquency has been cut by almost two thirds.

Largely responsbile for these spectacular changes is a small, calm-voiced judge who explains his unorthodox courtroom procedures simply: "I'm not running a court, I'm running a classroom."

Lesson Number One in Judge Lawson E. Thomas's book is the futility of pleading guilty just to get it over with. Haled before a white judge, the southern Negro too often concludes that he stands convicted from the start and almost automatically mutters an abject "Guilty, I guess," hoping the court will trade a lighter sentence in return for the time saved.

To such a plea Judge Thomas replies: "You're in this court to get a trial. And in a trial we can't have guesses; we've got to know, for certain. So if you just guess you're guilty, I'm going to plead you not guilty, and then we'll hear all about what happened."

It never seems to matter how long it takes, either. Judge Thomas has Job-like patience in fulfilling the law's promise of justice.

Drunkenness cases constitute nearly half of all those that come before his court. If the record indicates a "first-time drunk" the culprit gets off with a short lecture. Court opens especially early on Monday morning so that such original-sinners, having spent the week end sobering up, can be sent off to their jobs before they lose a day's pay.

"Lots of judges forget," Lawson Thomas points out, "that somebody—maybe the kids—won't eat so good if a man is out a day's pay."

Repeater drunks get fined on a rising scale. A man whose drunkenness is not accompanied by violent disorderly conduct is sent to jail only when nothing else helps. The Judge tries especially to avoid jailing youngsters under 21 who get high on two or three drinks. "I'm trying to teach those kids to give up drinking," he says. A man with a jail record—it doesn't matter what for—has to fight it all his life."

Judge Thomas has better ways of convincing his people that excessive drinking doesn't pay. I watched him apply his methods to a youngster charged with being drunk and disorderly.

"Have you got a job?"

"Yes sir."

"Are you sure you still have a job?"

"That's what's worrying me now, Judge."

"That's right. You get drunk on your own time, but you sober up on the boss's time. If I send you to jail you surely wouldn't have a job when you came out, would you?

"But I'm not going to do that," the Judge continued. "I'll sentence you to just four hours; downstairs in a cell with the dirtiest old man you ever saw. You ask him how many times he's been picked up drunk. Ask him why he can't get a job. Ask him why his family left him. And then just look at him—see how his hands shake, how skinny he is and how terribly sad. And then say to yourself, 'That's me, if I keep up this carrying on.'"

As they led the youngster away his face broke into a tentative grin, as if he thought he's gotten off easily. Later that morning, when he left his cell, the grin was replaced by the shaken look of a man who had seen his future and didn't like it.

It was the Judge who smiled now as he nudged me. "That old man is about the worst punishment I've got. I could lecture these young bucks all day and they'd think I was nothing but a mealy mouthed preacher. But that shaking old man makes them think."

For citizens who carry pistols or switchblade knives, Judge Thomas has another—and sterner lesson: 30 days in jail plus fine. "That's one spot where I have a real advantage over the white courts," he explains. "If a white judge gave one of my people 30 days on a concealed weapon charge, he'd think he was being persecuted. But when I do it he knows he's being punished."

Formerly, when a brawl broke out in a Northwest Second Avenue bar, the police would frisk the crowd and be certain of finding a dozen or more spring-action, six-inch knives. But today, thanks to the new court, Miami policemen have a hard time collecting cutlery.

"The community has backed me up," explains the Judge. "Whenever I get such a case I explain to everybody in court—not just the prisoner—that no one can get killed by a pistol or a spring-button knife if no one carries them. In the old days a man would argue that he had to carry a spring-blade because everybody else had one. These days, when a man knows that what fighting he does he'll have to do with his fists, he wants to be sure no one else can spring a knife on him."

At first, members of the Miami bar feared that Negroes would not respect Judge Thomas's informal procedures. What they overlooked was the deep pride his people felt in the advancement the court symbolized for their race.

Judge Thomas has been a long time building prestige. His appointment, in fact, came more than 30 years after he decided to become a judge. As a youngster in Ocala, Fla., Lawson Thomas had been deeply influenced by his high school principal. "When his boy went to the University of Michigan, I had to follow. He took a medical course, so that's what I applied for.

"Then I started thinking. There were already Negro doctors; not enough, but many. I wanted to plow a new furrow, where none of my people had gone before. So I went to the registrar and switched from medicine to law."

Graduating in 1923, Thomas twice took the Florida bar examinations and twice failed. Then he tried in Michigan and sailed through a difficult exam with ease. Ten years later, after his third and successful Florida effort, he discovered the reason for his earlier rejections: an examining judge he had come to know told him the story one of his colleagues had recounted, years before, of a sassy Negro who, at his bar examination, forgot to say "sir" when answering a white man.

"I realized then," Judge Thomas recalls, "that I couldn't carry northern habits back South with me and get along. You can't change the South by wishing it changed. You've got to take it as you find it and try to push it forward from there. That's just as true for whites as it is for Negroes."

In the last 17 years Judge Thomas has been pushing, gently but steadily. He was the first to break the custom among Florida's few Negro lawyers of letting white colleagues do their pleading in court. He fought the salary equalization case of Florida's Negro teachers through to a favorable decision in the United States Supreme Court. A few years later, as defense counsel in a murder case, he raised the question of exclusion of Negroes from jury service. The trial judge sustained his contentions.

Legally Judge Thomas' new court is just another part of Miami's judicial system. In practice it has been confined to disposing of arrests in the city's all-Negro areas. This limitation provokes criticism from some Negro leaders who regard the court as an extension of the segregation system.

The Judge's reply is simple. "Of course, this court is not the final answer to our problem. But we Negroes must use the tools that are at hand. This tool at least gives us a measure of self-government within the bounds of segregation. It makes the Negro a little larger citizen, and that's all to the good."

The court represents the second stage of an experiment initiated in Miami in 1944, when that city—for the first time in the history of the South—appointed Negroes to its police force. The City Commissioners knew that they had to do something to check crime and violence in the shack-crammed blocks into which Miami's ever-increasing Negro population was crowded.

Up to then law enforcement in the area was restricted to two squad cars which seldom strayed beyond the main streets. The addition of five Negro policemen, patrolling their beats on foot, had an instantaneous salutary effect, backed as it was by the wholehearted support of the noncriminal majority. So Miami added more Negroes to its force: they now number nearly 40.

Other southern communities watched the Florida experiment, first with foreboding and then with increasing interest. One by one they began to imitate Miami. Today 77 southern cities employ Negroes on their police forces, and the list is constantly growing. Many of these cities have sent observers to study Judge Thomas's court; several of them are planning to open similar Negro courts.

Judge Thomas welcomes all this, as a Negro deeply devoted to the progress of his people and as an individual, he has no illusions that the credit rests solely on his shoulders. "The old traditions of racial suppression are falling away," he explains, "largely through the efforts of intelligent and enlightened whites. Negroes can hasten the process by pushing for change; but the change itself is inevitable."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DeLay) to revise and extend their remarks and include extraneous material:)

Mr. Dornan of California, for 60 minutes, on February 25.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Pepper, for 5 minutes, today.

Mr. Pease, for 5 minutes, on February 23 and 24.

Mr. Owens of New York, for 5 minutes, today and February 23, 24, 25 and 26.

Mr. Gaydos, for 60 minutes, on February 24.

Mr. Olin, for 60 minutes, on March 15, 22 and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DeLay) and to include extraneous matter:)

Mr. Gingrich.

Mr. Michel.

Mr. Vander Jagt.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. LIPINSKI.

Mr. ACKERMAN.

Mr. CROCKETT.

Mr. TRAFICANT in two instances.

Mr. HAMILTON.

Mr. FAZIO.

Mr. ANDREWS.

Mr. FASCELL in three instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988 as "National Fishing Week"; to the Post Office and Civil Service;

S.J. Res. 206. Joint resolution to designate April 8, 1988, as "Dennis Chavez Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week'; to the Committee on Post Office and Civil Service.

S.J. Res. 224. Joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 242. Joint resolution to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 245. Joint resolution to designate Aprii 21, 1988, as "John Muir Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1612. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990; and

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2022. An act to amend title 38, United States Code, to authorize reductions under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

February 19, 1988:

H.R. 1612. An act to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988, 1989, and 1990.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 23, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2933. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriation to the Veterans Administration for "Compensation and Pensions" for fiscal year 1988 has been reapportioned on a deficiency basis, pursuant to 31 U.S.C. (b)(2); to the Committee on Appropriations.

2934. A letter from the Secretary of Defense, transmitting the Department's annual report to Congress for fiscal year 1989, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

2935. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on increasing the use of underutilized minority thrift institutions as depositories or financial agents of Federal agencies, pursuant to Public Law 100-86, section 412(c) (101 Stat. 621); to the Committee on Banking, Finance and Urban Affairs.

2936. A letter from the Secretary of Housing and Urban Development, transmitting an interim report on the Supportive Housing Demonstration Program, pursuant to Public Law 100-77, section 427(1); to the Committee on Banking, Finance and Urban Affairs.

2937. A letter from the Secretary of Education, transmitting a copy of the notice of final funding priorities for NIDRR—research and demonstration—knowledge, dissemination and utilization, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2938. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report entitled, "Results of Research Related to Stratospheric Ozone Protection," pursuant to 42 U.S.C. 7454(e); to the Committee on Energy and Commerce.

2939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report that a guerrilla unit launched a surprise attack on the El Salvadoran 6th Brigade Headquarters at Usulatan, Usulatan Department El Salvador, pursuant to 22 U.S.C. 2761(c)(2); to the Committee on Foreign Affairs.

2940. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting the semiannual report for the period April 1987–September 1987, listing voluntary contributions by the United States to international organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on Foreign Affairs.

2941. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 1-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

2942. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original report of political contributions by Daniel G. Amstutz, of New York, for the rank of Ambassador during his tenure of service as chief agricultural negotiator in the Uruguay Round of Multilateral Trade Negotiations, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2943. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of the Presidential Determination (No. 88-9) that closure of the U.S. diplomatic and consular mission in Antigua and Barbuda is not in the national security interests of the United States, pursuant to Public Law 100-204, section 123; to the Committee on Foreign Affairs.

2944. A communication from the President of the United States, transmitting a report on the activities of the U.S.-U.S.S.R. Standing Consultative Commission [SCC], pursuant to Public Law 100-213, section 3(b) (101 Stat. 1445); to the Committee on Foreign Affairs.

2945. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of reports issued during the month of January 1988, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2946. A letter from the Comptroller General, General Accounting Office, transmitting the GAO's annual report for fiscal year 1987, pursuant to 31 U.S.C. 719(a); to the Committee on Government Operations.

2947. A letter from the Assistant Secretary of Housing and Urban Development, transmitting notification of the proposed alteration of a Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2948. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting notification that the Department's fiscal year 1987 report of actions taken to increase competition for contracts is being finalized and anticipates submitting the report by February 29, 1988, pursuant to 41

U.S.C. 419; to the Committee on Government Operations.

2949. A letter from the Acting Attorney General, Department of Justice, transmitting, a report of the Department's compliance with the competition advocacy program for the period October 1, 1986 through September 30, 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2950. A letter from the Acting Chairman, Federal Maritime Commission, transmitting the 1987 annual report of the Commission's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2951. A letter from the Secretary of Health and Human Services, transmitting the 1987 annual report of the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2952. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting the 1987 annual report of the Board's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2953. A letter from the President, Close Up Foundation, transmitting the first report on the Civic Achievement Award Program in honor of the Office of Speaker of the House of Representatives for the period July 1, 1987 to January 31, 1988, pursuant to Public Law 100-158; to the Committee on House Administration.

2954. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the annual report of the league for the fiscal year ending September 30, 1987, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

2955. A letter from the Under Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the Ninety-Sixth Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

2956. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1989 and 1990 for the operation and maintenance of the Panama Canal and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2957. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on the Delaware River from Philadelphia to Wilmington, together with other pertinent reports (H. Doc. No. 100-167); to the Committee on Public Works and Transportation and ordered to be printed.

2958. A letter from the Administrator, Small Business Administration, transmitting a copy of the findings and recommendations of the National White House Conference on Small Business, pursuant to 15 U.S.C. 631 note; to the Committee on Small Business.

2959. A letter from the Secretary of the Treasury and the U.S. Trade Representative; transmitting information regarding congressional consideration of the United States-Canada Free Trade Agreement implementing legislation; to the Committee on Ways and Means.

2960. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of the nondisclosure of safeguards information for the quarter ending December 31, 1987, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2961. A letter from the Secretary of Energy, transmitting the annual report on the Office of Alcohol Fuels, pursuant to 42 U.S.C. 8818(c)(2); jointly, to the Committees on Energy and Commerce and Agriculture.

2962. A letter from the Director, U.S. Office of Government Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for 6 years, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DE LA GARZA:

H.R. 3980. A bill to make technical corrections in the Agricultural Credit Act of 1987; to the Committee on Agriculture.

By Mr. ACKERMAN:

H.R. 3981. A bill to make section 7351 of title 5, United States Code, inapplicable to leave transfers under certain experimental programs covering Federal employees, except as the Office of Personnel Management may otherwise prescribe; to the Committee on Post Office and Civil Service.

By Mr. CRAIG:

H.R. 3982. A bill expressing the sense of the Congress with respect to needed improvements in the coordination and effectiveness of Federal and State regulation of real estate appraisal practices; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

By Mr. MAVROULES:

H.R. 3983. A bill to provide Federal assistance for economic stabilization and local community development in areas affected by defense base closures and the termination of major defense contracts, and for other purposes; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; and Education and Labor.

By Mr. RODINO (for himself (by request) and Mr. Fish):

H.R. 3984. A bill to amend titles 11 and 28 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 3985. A bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax free certain fuels for farm use, and for other purposes; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Dymally, and Mrs. Morella):

H.J. Res. 465. Joint resolution designating 1988 as "Fortieth Anniversary Year of the National Institute of Dental Research"; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY:

H. Con. Res. 248. Concurrent resolution to establish certain basic principles concerning United States policy toward Central America, including any future United States assistance for the Nicaraguan resistance; to the Committee on Foreign Affairs.

By Mr. FOLEY (for himself, Mr. Michel, Mr. Fascell, Mr. Broomfield, and Mr. Lagomarsino):

H. Con. Res. 249. Concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election to the Committee on Foreign Affairs.

By Mr. DINGELL:

H. Res. 381. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2nd sess. of the 100th Congress; to the Committee on House Administration.

By Ms. SLAUGHTER of New York:

H. Res. 382. Resolution expressing the sense of the House of Repesentatives that the Secretary of State should designate a special envoy to negotiate the release of Americans held hostage in Lebanon; to the Committee on Foreign Affairs.

MEMORIAL

Under clause 4 of rule XXII,

270. The SPEAKER presented a memorial of the 19th Guam Legislature of Guam, relative to the passage of H.R. 3471; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. BOXER introduced a bill (H.R. 3986) for the relief of Marco J. Gock; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Ms. Oakar.

H.R. 245: Mr. Weldon and Mr. Kolter.

H.R. 637: Mr. Akaka.

H.R. 898: Mr. Brown of California and Mr. Moody.

H.R. 1072: Mr. Slaughter of Virginia.

H.R. 1352: Mr. Traxler.

H.R. 1959: Mr. Nagle.

H.R. 2213: Mr. Horton, and Mr. Whittaker.

H.R. 2499: Mr. LaFalce.

H.R. 2673: Mr. Watkins.

H.R. 2879: Mr. Gilman, Mr. Nielson of Utah, and Mr. McGrath.

H.R. 2943: Mr. Rodino and Mr. Myers of Indiana.

H.R. 2944: Mr. Dowdy of Mississippi, Mr. Pepper, Mr. Wortley, and Mr. Rodino.

H.R. 3026: Mr. Bliley, Mr. English, and Mrs. Bentley.

H.R. 3057: Mr. Towns, Mr. Lagomarsino, Mr. Hawkins, Mr. Miller of Washington, Mr. Hughes, Mr. Shays, Mr. Sunia, Ms. Kaptur, and Mr. Martinez.

H.R. 3130: Mr. Conyers, Mr. Dellums, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Dymally, and Mr. Donald E. Lukens.

H.R. 3193: Mr. Dymally, Mr. Jeffords, and Mr. Traxler.

H.R. 3304: Mr. Gilman and Mr. Oxley.

H.R. 3440: Mr. Jacobs and Mr. Gibbons.

H.R. 3511: Mr. Florio, Mr. Clay, and Mr. Udall.

H.R. 3589: Mr. Kolter.

H.R. 3600: Mr. MARTINEZ and Mr. HAYES of Illinois.

H.R. 3696: Mr. DE LA GARZA, Mr. FOGLIETTA, Mr. SKAGGS, and Mr. LANCASTER.

H.R. 3742: Mr. STRATTON.

H.R. 3915: Mr. HAWKINS and Mrs. LLOYD.

H.J. Res. 390: Mr. LEVINE of California and Mr. CLINGER.

H.J. Res. 438: NIELSON of Utah, Mr. SCHAEFER, Mrs. MEYERS of Kansas, Mr. ATKINS, Mr. MCDADE, Mr. RODINO, Mr. HASTERT, Mr. FOGLIETTA, Mr. GOODLING, and Mr. MARTINEZ.

H.J. Res. 447: Mr. LAFALCE, Mr. GRAY of Illinois, Mr. PICKLE, Mr. MINETA, Mrs. BYRON, Mr. ALEXANDER, Mr. ROE, Mr. DONNELLY, Mr. MCGRATH, Mr. STRATTON, Mr. HUGHES, Mr. HERTEL, Mr. CARPER, Mr. DORGAN of North Dakota, Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. MCCLOSKEY, Mr. LEVIN of Michigan, Mr. CARR, Mr. HUCKABY, Mr. GUARINI, Mr. FLAKE, Mr. FAUNTROY, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. QUILLEN, Mrs. MORELLA, Mr. BLILEY, Mr. ARCHER, Mr. MCCANDLESS, Mr. HASTERT, Mr. JOHNSON of South Dakota, Mr. CONTE, Mrs. MARTIN of Illinois, Mr. MACK, Mr. BUNNING, Mr. MCCOLLUM, Mr. ROGERS, Mr. HYDE, Mr. LAGOMARSINO, Mr. DONALD E. LUKENS, Mr. DAUB, Mr. FAZIO, Mr. LEACH of Iowa, Mr. PORTER, Mr. PURSELL, Mr. GRANDY, and Mr. SKEEN.

H. Con. Res. 223: Mr. ARCHER, Mr. BORSKI, Mr. CARPER, Mr. CARR, Mr. COATS, Mr. ERDREICH, Mr. FUSTER, Mr. HEFLEY, Mr. HOPKINS, Mr. HOUGHTON, Mr. JONTZ, Mr. KASICH, Mr. LANCASTER, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. MCCURDY, Mr. OWENS of Utah, Ms. PELOSI, Mrs. PATTERSON, Mrs. ROUKEMA, Mr. STAGGERS, and Mr. VOLKMER.

H. Con. Res. 246: Mr. DONALD E. LUKENS, Mr. BILBRAY, Mr. YATRON, Mr. ROTH, Mr. BEREUTER, and Mr. DORNAN of California.

H. Res. 300: Mr. SOLOMON, Mr. MORRISON of Connecticut, Mr. BONIOR of Michigan, Mr. BRYANT, and Mr. LEHMAN of California.

H. Res. 364: Mr. BATES, Mr. NIELSON of Utah, Mr. CAMPBELL, Mr. SLATTERY, and Mr. UPTON.

PETITIONS, ETC.

Under clause 1 of rule XXII

125. The SPEAKER presented a petition of the National Assembly, Republic of Korea, relative to the bombing of Korean Airline Flight 858; which was referred to the Committee of Foreign Affairs.

SENATE—*Monday, February 22, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable Terry Sanford, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Make a joyful noise unto the Lord all ye lands.

Serve the Lord with gladness: come before His presence with singing.

Know ye that the Lord He is God: it is He that hath made us, and not we ourselves; we are His people, and the sheep of His pasture.

Enter into His gates with thanksgiving, and into His courts with praise: be thankful unto Him, and bless His name.

For the Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, February 22, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Terry Sanford, a Senator from the State of North Carolina, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

RESERVATION OF LEADERS' TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders may be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHAPLAIN'S PRAYER

Mr. BYRD. Mr. President, I thank the Chaplain for his excellent prayer. His quotation of the Scriptures is very much needed at this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

INF TREATY LEAVES NATO AMPLY PREPARED TO DEFEND THE FREE WORLD

Mr. PROXMIRE. Mr. President, a leading objection to prompt Senate ratification of the INF Treaty is that it would leave Western Europe open to conventional Soviet attack. For years, we have been hammered with the argument that the Soviets and the Warsaw Pact have a conventional force vastly superior to the NATO forces. We have repeatedly been told that the peace in Europe has been maintained because NATO has a range of nuclear weapons that could stop a Soviet conventional attack without provoking an all-out nuclear holocaust. But we know that U.S. INF weapons have not solely guaranteed Warsaw Pact conventional restraint. Opponents of the INF Treaty pin their main argument against the treaty on the absolute necessity of maintaining U.S. intermediate nuclear weapons on the ground in Europe. They contend that it is exactly these weapons that dissuade the Soviet Union from a Western Europe invasion. They acknowledge that NATO still has enormous strategic nuclear power. They say, "Sure, NATO could indeed retaliate with a nuclear attack that could literally level and devastate the Soviet Union. But the Soviets know that no U.S. President would order such an attack because it would mean a Soviet nuclear retaliation that would in turn utterly devastate the United States. Both sides would certainly lose and utterly lose."

Since the United States knows this, opponents of the INF Treaty contend that the Soviets could launch their conventional blitzkrieg and overrun Western Europe in a matter of a few days and promptly make Communist Russia the dominant military force on Earth.

What's wrong with this analysis? Doesn't the removal of NATO's intermediate nuclear missiles in fact offer the Warsaw Pact an open invitation to sweep through Western Europe with impunity? The answer is a loud, clear "No." The INF Treaty does not seriously weaken the NATO defense. Here's why:

First, NATO will retain its tactical nuclear weapons. These are nuclear weapons with a range of less than 300 miles. The INF Treaty, therefore, does not denuclearize Europe.

Second, NATO also has submarines and bombers with nuclear weapons that could strike Warsaw Pact conventional forces, including tanks, artillery, assembled aircraft or cities, including Moscow.

Third, the agreement to eliminate both Warsaw Pact and NATO intermediate and short-range nuclear weapons did not require either France or the United Kingdom to surrender their intermediate nuclear weapons. The intermediate nuclear forces of both these free countries are within easy range of Warsaw Pact major cities including those in European Russia. Both countries could be expected to use their intermediate nuclear weapons if faced with the imminence of a Soviet force overrunning their homeland.

Fourth, the Soviet Union has now spent 8 long years in a fruitless invasion of primitive Afghanistan. Afghanistan is right on the Soviet border. Soviet supply lines were no problem. Afghanistan has a pathetically weak economy. Their weapons technology is generations behind the Soviets. But after an 8-year struggle, the Soviets are about to quit. They have lost. And they know it. Is it logical that a military force that was unable to bring little neighboring Afghanistan under its heel would be able to take on the might of the free world and win?

Fifth, Senator Carl Levin has just issued a thorough report comparing the Warsaw Pact and NATO. It is a shocker, a real eyeopener. The Levin analysis shows that NATO and the Warsaw Pact are roughly a standoff in conventional forces. The Soviets do indeed have more tanks, planes, artillery and personnel. But their tanks are older than NATO's. Many Russian tanks go back 20, 30, and 40 years. Some are actually of World War II vintage. NATO actually has 3,000 more tanks designed and produced in the eighties than the Warsaw Pact. NATO planes are conspicuously superior. In air battles in the Middle East, United States planes piloted by Israelis have overwhelmed Soviet planes piloted by Syrians. In one engagement, 72 Soviet planes were lost. Not a single

U.S. plane was shot down. Not one. The quality of training of NATO personnel is much higher, with far more flight time, far more time at sea, much more time in maneuvers than Warsaw Pact troops. And certainly, the morale and dedication to the cause of NATO troops is way ahead of Warsaw Pact troops. This observation is specially true of those Warsaw Pact troops from nations other than the Soviet Union.

The Soviet leaders know all this. So there is virtually no chance that they will try to invade Western Europe just because INF weapons are being removed.

In summary, Mr. President, it appears very clear that the INF Treaty will leave NATO and the free world in a position of solid military strength fully prepared to defend freedom from any assault from the forces of communism led by the Soviet Union.

BANK REFORM

Mr. PROXMIRE. Mr. President, I ask unanimous consent that editorials in the Washington Post calling for congressional action to reform and improve the country's banking legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 4, 1987]

BATTLE OF THE BANKS

The battle of the banks is gathering force. At one level's merely a test of political power between the banks and the securities industry over who can do what kinds of business. But beyond this struggle looms the increasingly urgent need for fundamental reorganization of the whole financial sector—banking, securities, insurance, the works.

Three of the big New York banks appeared before the Federal Reserve Board yesterday to press their applications for the power to engage in several activities at present forbidden to them. They want to underwrite and trade in municipal revenue bonds, commercial paper and mortgage-backed securities—all of which, they convincingly argue, would be less risky than conventional bank lending. But the current rules leave those activities to the securities industry, which naturally enough is vigorously protecting the status quo.

The hearing itself was a sharp and clear example of the way not to proceed with this basic financial reorganization—piecemeal, quarreling over one subcategory of securities at a time, with much attention to narrow legalities and little thought to the broad architecture of the evolving result. The Federal Reserve Board has already said that the expanded powers at issue here are appropriate for banks. As its chairman, Paul Volcker, said, the question isn't what's right but what's legal under the controlling law, written in 1933 in the depths of the Depression. Answers that make sense will require revision of the law, he observed—and that requires action by Congress. The Senate Banking Committee under its new chairman, William Proxmire, has been holding interesting hearings, and it looks as though substantial legislation may at least be introduced this year.

The sense of urgency is rising. The rapid development of the securities markets is making it possible for many big businesses to go directly there for financing rather than depending on the bank loans that were traditionally central to most banks' profits. That's why the banks are trying to fight their way into the securities business. The 1933 law was supposed to keep them separate, but people on both sides have been chipping away at the wall and reaching through the chinks. The radical deregulation of the London financial markets last year has raised the bankers' level of anxiety here. American banks, through their British subsidiaries, can now carry on securities transactions prohibited to them here—and they fear that their business will increasingly drift abroad if the American law is not changed.

Congress usually prefers to move one step at a time in a subject as complex as this one, and that's often the wiser choice. But the restructuring of financial services is an exception. Here the circumstances require change that is profound, rapid and sweeping.

[From the Washington Post, Feb. 11, 1987]

REFORMING THE BANK LAWS

Only one thing is really clear about American regulation of banking: the present rules urgently need fundamental reform. Most of the big banks are frantically at work to find legal ways into other kinds of financial businesses that, they think, will be more profitable than conventional lending. A number of commercial companies such as Sears Roebuck are going as close as the present law allows—and that is very close indeed—to running banks of their own. A bank with a London subsidiary can do all the kinds of securities underwriting and dealing there that American law—most of it written in the Depression—forbids them from doing here. Meanwhile, bank failures continue at the highest rate since 1933, and not all of those failures are little rural banks.

Congress is going to have to act, and soon. But before it begins, it needs a sense of the system as it ought to be. The president of the Federal Reserve Bank of New York, E. Gerald Corrigan, has proposed a structure for the future financial market that splendidly illuminates the key issues.

He suggests dividing the whole financial field into three basic categories of institutions: banks (and thrifts) that take deposits, other financial businesses such as securities firms, and financial subsidiaries of commercial companies such as Sears. As he puts it, the institutions would be "free to choose their own places on the financial landscape." In this plan the distinction between the first two categories is a bit fuzzy, because he would allow banks to go into a broad range of the services now denied to them—in insurance, for example, and in securities. It's the distinction between banking and commerce that he regards as crucial. And that's a major point of difference with the Treasury Department, which sees no reason why commercial companies shouldn't own banks.

If commercial companies were allowed to go into banking, regulation would have to be very complex. Suppose a manufacturing company were to own a bank. Can the bank be prevented, as a practical matter, from discriminating in its lending against the parent company's competitors? The possibilities for conflicts of interest are manifold. Worse, is it really possible to build firewalls strong enough to insulate the subsidiary bank from the troubles of a parent that is failing? The Treasury thinks that adequate firewalls are possible. Mr. Corrigan replies that much experience has shown the great difficulty of keeping the affairs of affiliates separate from those of their parents.

These questions need to be settled on the side of caution, but they need to be settled authoritatively—and soon. The pressures on the financial system are rising. Continuing to procrastinate and muddle through in the manner of the past several years, as Mr. Corrigan also observes, would be highly dangerous to the country's economic health.

[From the Washington Post, Apr. 5, 1987]

BANKERS' LAMENT

The banks' campaign to diversify their business is not going well. They want to get into insurance, real estate and, above all, securities. Their lawyers have been pressing the regulators to let them go ahead. But the Senate has now passed an 11-month moratorium against any further expansion into these greener fields.

The Senate was responding to the shrieks of protest from the people whose turf is threatened—the securities industry, and the insurance and real estate agents. But it is also deeply uneasy about the haphazard and piecemeal way that banks' powers are being redefined. It's happening not by any rational plan but through a process of picking loopholes in obsolete laws. The senators are right to worry about the stability of the result.

The banks argue, with good reason, that conventional lending is becoming less profitable for them. Many borrowers can now raise loans by selling securities directly to investors in Wall Street. That cuts out the banks. They want to follow their customers into the securities market. Fair enough, but there's another side to the case. The economy is now in the fifth year of expansion, interest rates are (by the standards of the 1980s) low, and the stock market is booming. Yet amid all that prosperity, bank failures are currently running at the highest level since the Depression. If that many bankers have got themselves into serious trouble through misjudgments in lending, the part of the business they know best, it's fair to ask whether admitting banks to new and unfamiliar kinds of businesses will necessarily make them stronger and sounder.

In principle, there's a good case for letting the banks go into other financial businesses—but only with certain careful conditions. If banks are to underwrite securities, they should not be permitted to do it with federally insured deposits. Deposit insurance would act as a subsidy to which the other players in the securities game don't have access. The tie-in rules need to be sharper and clearer. A bank should not be permitted to make a loan to a company contingent on, let's say, getting that company's insurance business. And in these exciting new ventures, how safe will the customers' deposits be? In passing the moratorium, the Senate was saying that it hasn't thought its way through these questions. But the financial world is changing and, one way or another, the banks have to respond to those changes.

The House is apparently going to pass a bill with no reference to a moratorium, leaving the final decision on it to the conference committee. The only justification for enacting it into law would be a firm intention in Congress to proceed with broad and substantial banking reform legislation within the next year. Otherwise, this moratorium would be mere procrastination.

U.S. DEFENSE COSTS OVERSEAS

Mr. SASSER. Mr. President, 7 years ago, Europe and Japan were providing almost 50 percent of total allied defense spending. Today their share is barely 30 percent.

While America devoted financial resources to building up the free world's defense, our allies have concentrated, instead, on building up their own domestic economies.

This trend—the decreasing allied share of the common defense—simply must change in the coming years. The United States can no longer support—unilaterally—the enormous defense expenditures that are necessary to defend democracy and freedom throughout the world.

Certainly, our allies have the economic capacity to carry their fair share of defending our common interests. They are no longer war-ravaged economies. Instead, today, they account for over 52 percent of the free world's gross domestic product.

Mr. President, in past years, senior Pentagon officials have failed to take seriously the issue of defense burden sharing. Instead, they have been satisfied to defend existing levels of allied defense spending.

I am pleased to report, however, that Defense Secretary Carlucci appears to take this issue very seriously.

For the first time, a thorough report on specific burden sharing initiatives to be undertaken in the coming year is being prepared by the Department of Defense and is being fully coordinated with the Department of State and the National Security Council.

I want to commend Secretary Carlucci for his leadership and for the degree of cooperation he is demonstrating in his approach toward securing greater allied defense contributions.

Of course, a great deal remains to be done. We cannot turn around a decade of neglect overnight. But we can initiate new approaches and establish a new outlook toward the burden sharing issue.

The challenge for the next administration is to exert firm diplomatic pressure to convince our free world friends that defending our values and our interlocked economies is a common necessity.

Today, I want to urge that two new burden-sharing initiatives be undertaken.

First, the administration should seek an agreement with our NATO allies—prior to negotiating conventional arms reductions with the Soviet Union—that the United States will receive the largest share of approved weapons and troop cuts in Europe.

Here we are, almost a half century after the Second World War, with 300,000 American military personnel in Europe, supported by over 330,000 civilian employees and dependents. The cost of maintaining this Defense Establishment in Western Europe consumes well over one-third of our total U.S. defense budget.

Our goal in upcoming conventional arms talks must not only be the establishment of a more stable military balance with the Soviets, but we must also seek to reduce costly United States deployments abroad and leave Europe more responsible for the defense of its own territory.

Second, Mr. President, we are currently engaged in several military base rights negotiations, and new base rights negotiations will be undertaken next year.

I firmly believe that base rights are a tangible measure of burden sharing.

But I am sorry to say that the Secretary of State has castigated Congress for cutting foreign aid expenditures. He believes that foreign aid reductions will make base rights more difficult to secure.

Indeed, it does appear that the price of maintaining U.S. military forces in some foreign locations will be higher rent payments in the form of foreign aid.

Mr. President, I believe the time has come for the United States to seek the establishment of a new multilateral defense compact and the creation of a fund for making economic and security assistance payments to the less wealthy countries which agree to the basing of allies troops and equipment on their soil, a burden that will be shared commonly by all of the NATO allies.

Many of our allies demur from expanding their own military capabilities. Frankly, at least in the case of Japan, we do not seek the creation of a potentially destablizing military force in the Far East. Most of the countries in the Far East are not interested in seeing a remilitarized Japan.

But our allies can share in providing foreign aid payments to countries that agree to allied military base rights.

Mr. President, the formal multilateral arrangement I am recommending would operate much as the NATO infrastructure program.

The more wealthy countries would contribute a certain percentage of the cost of foreign aid payments made to the less wealthy countries that agree to maintain military bases on their soil.

Frankly, I do not foresee a public consensus in the United States for larger and larger foreign aid budgets. Quite the contrary. I think there is considerable pressure from the grassroots level of this contry for smaller and smaller foreign aid budgets, and I do not think that the argument that these expenditures are for base rights countries is going to make the argument for more foreign aid any more palatable to the average American taxpayer.

The establishment of a new multilateral financial institution for the purpose of assisting base rights countries is, in my view, a very realistic and appropriate burden sharing initiative for the United States, NATO and Japan.

Mr. President, these two suggestions are intended to be constructive and I hope will serve to urge the administration to take some new, bold, innovative approaches to this issue.

The American people are coming fast to the realization that the United States has been paying more than its fair share for the defense of the free world now over a period of many, many years. It is high time that our NATO allies and others came forward and paid their share of the common defense.

Mr. President, one of the most important tasks facing the next administration is securing a more equitable distribution of the defense burden among our allies.

Seven years ago, our European allies and Japan were providing 47 percent of total allied defense spending. Today, their share is barely 30 percent.

Those numbers tell the story of the 1980's—both in terms of defense and in terms of the world economy. While the American people have devoted their energy and financial resources to building up the free world's defenses, our allies have concentrated on building their own domestic economies.

That not only explains the steady increase of our defense budget, it also explains, in part, the steady decline of our economic might.

In my judgment, the trend of decreasing allied involvement in the common defense simply must change in the coming years.

America can no longer support—unilaterally—the enormous defense expenditures that are necessary to defend democratic freedom in a world that is growing steadily more troubled and steadily more complex.

Clearly, our alllies have the economic capacity to carry their fair share of defending our common interests. They are no longer war-ravaged economies. Instead, today, they account for over 52 percent of the free world's gross domestic product.

For serveral years, the Subcommittee on Military Construction Appropriations, which I chair, has urged the Department of Defense to take specific actions to secure an increase in our allies defense contributions.

But each year, Pentagon officials have failed to take any steps, preferring instead to defend the existing levels of allied defense spending.

Mr. President, I am pleased to report that, from what I have seen so far, Defense Secretary Frank Carlucci takes this issue very seriously. In last year's continuing resolution, my subcommittee made a number of specific suggestions for improving our allies defense contributions. Secretary Carlucci has directed the Pentagon to fully comply with the requirements of the continuing resolution. I am pleased to advise the Senate that, for the first time, a thorough report on specific burden sharing intitiatives to be undertaken in the coming year is being prepared by the Department of Defense and is being fully coordinated with the Department of State and the National Security Council. I want to commend Secretary Carlucci for his leadership and for his very forthright approach to the issue.

Mr. President, Secretary Carlucci has also responded to the requirement of my subcommittee that our NATO allies should pay the cost of moving the F-16 wing currently based in Spain. And during his last trip to Europe, I believe he made substantial progress toward assuring the integrity of the F-16 mission and southern flank defense.

Mr. President, I am pleased with the degree of cooperation and leadership Secretary Carlucci is showing in his approach toward securing greater allied defense cooperation.

Of course, a great deal remains to be done. We cannot turn around a decade of neglect overnight. But we can initiate new approaches and establish a new outlook toward the burden sharing issue.

The challenge for the next administration is to exert firm diplomatic pressure designed to convince our free world friends and trading partners that defending our values and our interdependent economies is a common necessity.

I would urge the administration, that prior to sitting down with the Soviets and Warsaw Pact to negotiate conventional force reductions, that we establish within NATO an agreement that the United States will be able to enjoy the largest share of weapons and troop cuts.

Our goal in upcoming conventional arms talks must not only be the establishment of a more stable military balance, but we must seek to reduce costly U.S. deployments abroad and leave Europe more responsible for the defense of its own territory.

Mr. President, currently we are also engaged in several military base rights negotiations and a number of others must be renegotiated in the coming year.

In my view, base rights are a tangible measure of burden sharing. The Secretary of State has castigated Congress for cutting foreign aid expenditures. He believes that foreign aid reductions will make base rights more difficult to secure. Indeed, it does appear that the price of maintaining U.S. military forces in several foreign locations will be higher rent payments in the form of foreign aid.

Mr. President, I believe the time has come for the United States to seek the establishment of a new multilateral defense compact which creates a fund for making security assistance payments to countries which agree to the basing of allied troops and equipment on their soil.

Many of our allies demur from providing more expenditures and expanding their own military capabilities. Indeed, at least in the case of Japan, we do not seek the creation of a destabilizing military establishment. But our allies can extend increased foreign aid payments to countries that agree to allied military base rights.

Mr. President, I am recommending the establishment of a formal multilateral arrangement, which would operate much as the NATO infrastructure program does. Each country would contribute a certain percentage of the cost of foreign aid payments made to the less wealthy countries that agree to maintain military base on their soil.

Frankly, I do not foresee a public consensus in the United States for larger and larger foreign aid budgets—even if those expenditures are for base rights countries.

The establishment of a new multilateral financial institution for the purose of assisting base rights countries is, in my view, a very realistic and appropriate burden-sharing initiative for the United States, NATO and Japan.

Mr. President, I urge the administration to be very forward thinking in their approach to securing equity in defense spending with our allies.

The suggestions I have made today and the recommendations of my subcommittee are intended to be constructive, and I hope will serve to urge the administration to take some bold, innovative approaches to this issue.

The Subcommittee on Military Construction Appropriations will hold a special hearing on the subject of base rights and burden sharing on Monday, March 21 in Dirksen 192 at 10 a.m. We will be taking testimony from a number of senior defense and military officials.

Mr. President, at this point in the RECORD, I ask unanimous consent to print in the RECORD those portions of the report which accompanied the Senate's military construction appropriations bill dealing with the issues I have been discussing.

There being no objection, the material ordered to be printed in the RECORD, as follows:

DEFENSE BURDEN SHARING

The Committee strongly supports House language that stresses the fact that our allies should assume a greater role in the defense of Europe and should assume a larger share of the financial cost of that defense. The United States also makes considerable investment in other areas of the world such as the Pacific and Southwest Asia, in an effort to promote peace and stability. The latest Department burden-sharing analysis indicates the United States provides 70 percent of total allied defense spending. Other NATO countries and Japan provide only 30 percent although they account for more than 52 percent of allied wealth as measured by gross national product. The United States cannot continue to shoulder such an unequal share of the financial investment required to maintain peace and stability around the world.

Past efforts by the Committee to encourage more sharing of the financial burden of the common defense have yielded little in the way of results. For the past several years, including this year, the Committee has made significant cuts to overseas construction projects. The rationale for these cuts has been, in part, to make the Department attentive to the fact that positive steps should be taken to reduce the cost of defense overseas by (1) encouraging host nations to share the cost, and (2) reducing the base infrastructure overseas. To date, these efforts have not achieved the desired results. Instead, projects previously approved for construction overseas will now cost $700,000,000 more than originally appropriated, due to currency fluctuations; the Department is steadily increasing the overseas base infrastructure; and, most importantly, American military personnel overseas are being subjected to a continual decrease in the quality of working and living conditions. The Committee, therefore, proposes the following actions:

Alternative force structure study.—For the past several years, Congress has supported many new initiatives requested by the Department of Defense to reduce the gap between Soviet bloc and Western conventional defense capabilities.

However, fiscal realities which will be faced in future years must be recognized. The probability of slower growth in future defense budgets indicates that our limited financial resources must be maximized to assure the Nation's defense posture is not eroded, especially our conventional posture, as nuclear weapons reductions are initiated.

Available resources will not likely permit substantial real growth in every mission activity. The Committee, therefore, believes that a reevaluation of the existing force structure should be undertaken by the Department of Defense. The committee believes that fiscal limitations must lead to the consideration of new force structures which provide a force mix designed to maximize defense capabilities at the lowest possible cost to the taxpayer.

The Committee is aware that conventional force enhancements are often more expensive than strategic force enhancements. Thus, in an era of fiscal limits, such enhancements will be difficult to achieve, unless the United States and our allies adopt a comprehensive, coordinated and fairly shared defense strategy.

The Committee, therefore, directs the Department of Defense to provide the Committee with a detailed report by June 15, 1988, which outlines alternative force structures, which will achieve net reductions in defense spending. The Committee directs the study include alternative structures such as reducing the number of active duty units and replacing them with National Guard and Reserve units as allies assume more Active Force military missions abroad.

The Committee believes that alternative force structures will substantially impact the programming, planning and budgeting of military construction projects, particularly overseas and in Guard and Reserve accounts. Therefore, in the formulation of future appropriations bills, the Committee will carefully consider the recommendations made in such a report.

Base closures overseas.—The Committee believes the Department has failed to sufficiently investigate the potential of closing bases overseas. As the Committee pointed out in the report accompanying the supplemental appropriations bill of 1987, the Department of Defense maintains more than 300 military installations, activities and properties in foreign countries. The Committee believes that the "Alternative Force Structure Study" will reveal that some foreign bases can be closed, with significant budgetary savings, as allies assume more military missions and U.S. force structures are changed. Specific recommendations for overseas base closures should be included in that study.

Report on burden sharing initiatives.—Last year the Committee included a general provision requiring a report from the Secretary of Defense outlining specific actions which would be taken during the fiscal year to encourage improved burden sharing by our NATO allies and Japan. That general provision became law. However, the Department failed to adequately comply with this requirement of law. The report submitted failed to identify a single new initiative which would be undertaken to improve allied burden sharing. The failure of the Department to adequately address the concerns of the Congress in this matter is one reason the Committee has substantially reduced the construction request for Germany and Japan and why the Committee has directed an alternative force structure study.

The Committee has again included the general provision in the fiscal year 1988 bill. The House has also included this provision. The Committee expects the Department to take this requirement seriously and directs that the report be forwarded by February 15, 1988.

Family housing and community support.—U.S. military families living abroad provide a substantial economic benefit to host nations. It is very expensive, however, for the U.S. defense budget to finance the construction and operations of family housing and military community support facilities.

The Committee recognizes the political difficulty of securing host nation support to increase U.S. warfighting capabilities in some foreign countries. However, the Committee believes it is appropriate to seek host nation support for U.S. military family housing and community facility construction and operations. The Committee directs the Department to seek bilateral discussions with allied countries aimed at securing such contributions.

NATO out-of-area activities.—The Committee is especially concerned with the failure of U.S. NATO allies to provide adequate support for alliance security interests outside the NATO region. Currently, there is no formal organzation within the NATO structure for developing and coordinating NATO policies outside the prescribed treaty area. The Committee urges the Department of Defense to work with the U.S. Mission to NATO to stimulate discussions within NATO on the creation of a formal consultative group on out-of-area activities.

Reporting requirement.—The Committee directs the Department should make maximum use of alternative funding sources for projects requested in overseas locations, specifically projects which are eligible for NATO Infrastructure, the Japanese Facilities Improvement Program or the Korean Combined Defense Improvement Program [CDIP]. Beginning with the budget request for fisical year 1989, the Department is required to include on the form 1391's for each project requested in Europe, Japan, and Korea, a statement indicating if the project is eligible for NATO, JFIP, or CDIP, the reason is it not eligible if it is not; if it is eligible, when it was submitted for funding; and if it was turned down for such funding, what was the stated reason.

The Committee believes such a reporting requirement will lead to better understanding of the burden sharing issue.

Master restationing plan.—United States Army units in Germany are based primarily in the same locations they were in at the end of World War II. Because many of these locations are not efficient for effectively responding to the modern Warsaw Pact threat, the Committee in 1980 endorsed a master restationing plan [MRP] which would have resulted in the relocation of critical warfighting units to better, more effective locations. Unfortunately, MRP failed to be financially supported by the West Germany Government. The failure of MRP is a glaring example of the lack of support for allied burden sharing measures.

MRP failed, in part, because senior U.S. Government officials did not assign a high enough priority to successfully concluding such burden-sharing arrangements. As a result, many U.S. Army units remain in malpositioned locations.

Since the failure of MRP, the Army has sought to unilaterally fund the modernization portions of the plan. A total $51,400,000 is included in this bill for construction of facilities at Vilseck for that purpose.

The Committee continues to support the primary purpose of MRP. Some U.S. Army units still should be relocated. However, the Committee will not continue to support unilateral U.S. financing for such relocations in future years. The Committee, therefore, urges the Department to again seek bilateral discussions with the West German Government for the purpose of developing a restationing plan which could be fully supported and shared.

Wartime host nation support.—The Committee has approved $4,500,000, the full budget request for wartime host nation support [WHNS]. Funds included in the bill are for phase 2 of a four-phase burden-sharing agreement concluded with the West German Government in 1982. Under this agreement, the Federal Republic of Germany will provide 85,000 reservists to man critical combat and combat support units during crisis or war. The United States agreed to share in the cost 50-50 of constructing facilities to support WHNS operations.

The Committee believes the WHNS agreement represents an appropriate burden-sharing arrangement and urges the Department to explore other similar opportunities for common defense financing.

NATO INFRASTRUCTURE PROGRAM

The NATO Infrastructure Program is the only pure burden-sharing program funded in this bill. It represents the kind of cooperative effort which would become more commonplace between the free world's allies.

The Committee has provided $368,000,000 to support the infrastructure program. The Committee has made a reduction of $10,000,000 as recommended in the Senate authorization bill.

The Committee believes the U.S mission to NATO should seek an additional expansion of the NATO infrastructure program. While the Committee is pleased with the current expanded 6-year slice group, the Committee believes the NATO allies have the economic ability to provide increased contributions over present levels. The Committee would enthusiastically support increased appropriations for the U.S. share of such an expanded program.

The Committee agrees with the House that the U.S. mission to NATO should press for an expansion of NATO funding criteria to reduce the amount of U.S. unilaterally funded construction. Much of the large reduction in U.S. construction in Europe was made because the Committee believes the NATO criteria can and should be expanded.

The Committee opposes any effort to decrease the percentage of infrastructure funds devoted to construction. Since the infrastructure program was first initiated in 1950 as a facilities program, the account has been increasingly utilized to fund what are essentially procurement items. The backlog of specific NATO-eligible construction exceeds $6,000,000,000. Until this backlog is eliminated, facilities should continue to receive priority.

The Committee has included bill language which prevents the U.S. share of NATO infrastructure from being utilized to fund nonconstruction projects whenever the share devoted to construction activities falls below 65 percent. The Committee has also deleted bill language requested by the Department which could be utilized to support expanded nonconstruction activities.

The Committee commends the U.S. Mission to NATO for substantially reducing the backlog of unrecouped prefinanced funds. The Committee continues to oppose prefinancing of NATO-eligible projects, except under the most urgent operational circumstances.

Torrejon Air Base, Spain.—The Committee has approved a general provision expressing the sense of Congress that any facility construction cost associated with moving the 401st Tactical Fighter Wing, based in Spain, to another country should be paid by NATO. This language is identical to language enacted into Public Law 100-71, the Supplemental Appropriations Act of 1987.

In addition, the Committee has approved a legislative provision providing that no funds appropriated to the Department of the Air Force can be spent for facility construction to support a relocation of the 401st.

The Committee believes the 401st Tactical Fighter Wing is important to the defense of NATO's southern flank and does not support its removal out of NATO's theater of operations unless the mission is assumed in full by our NATO allies.

PERSIAN GULF

Since 1980, the Committee has provided almost $1,200,000,000 for construction of facilities necessary to support deployment of forces which would be assigned to the United States Central Command during a Middle East-Southwest Asia crisis. In this bill the Committee is providing another $36,195,000 for construction of regional facilities in Diego Garcia and Oman. The Committee believes another $300,000,000 may be necessary to provide facilities adequate to preposition sufficient assets which would be needed to respond to regional contingencies.

The Committee is concerned that the United States continues to shoulder the primary responsibility of protecting the free world's oil supplies, notwithstanding recent allied willingness to locate minesweeping assets in the lower Persian Gulf and the Gulf of Oman. Europe and Japan have not provided any funding to assist in the development of the United States rapid deployment force or for construction of facilities to provide regional base access.

The economies of our European allies and Japan are much more dependent on Persian Gulf oil than in the economy of the United States. Therefore, our allies should be willing to pay a portion of future regional facility construction or assist financially in other ways, such as providing foreign assistance to partially offset the cost of defending oil supplies and building facilities necessary for regional bases access. The Department is directed to seek the initiation of bilateral discussions with the allies for that purpose.

Recent events in the Persian Gulf demonstrate that U.S. military forces are not guaranteed access to facilities which are sufficient to support contingencies in the region. As a result, throughout the upper half of the gulf, air cover is not available to protect United States naval warships escorting reflagged Kuwaiti oil tankers.

The Committee does not support the establishment of U.S. military bases in the Middle-East Persian Gulf region. However, recent events in the gulf serve to illustrate the need for additional facility access and prepositioned supplies necessary to support a range of regional contingencies. Lack of assured access and prepositioning is an Achilles heel to meeting potential military challenges in the gulf and, therefore, reduces the deterrent value of forces assigned to support the U.S. Central Command.

The Committee believes the Department should continue to seek access and prepositioning arrangements which are consistent with the sovereign interests of host nations as well as the security interests of the United States. The Committee recognizes that regional political realities may occasionally prevent specific detailed agreements from being concluded. Such constraints should not, however, prevent the United States from pursuing informal arrangements which have a significant potential for meeting access and prepositioning requirements.

The Committee also directs the Department to begin submitting construction project wedges for Central Command facility requirements to shorten the time required to accomplish regional construction. The Committee would support appropriations for such project wedges at unspecified locations with the understanding that funds appropriated for that purpose could not be obligated until the Department has notified the Committee of projects to be constructed in specific locations and 21 days have elapsed, providing the Committee review and consideration.

During fiscal year 1988, the Department is directed to utilize emergency construction authority, under existing procedures, to accomplish necessary construction not previously programmed in the Central Command's area of operations.

CONSTRUCTION IN THE PACIFIC

The Pacific region is increasingly important to the United States strategically and economically. The Soviet Union, in recent years, has vastly expanded its military activities in the region, and economic growth in the Pacific Rim has led to expanded United States trade activities. Clearly, the Pacific region is important to the military and economic security of the free world.

As in Europe, however, United States allies, particularly Japan, are failing to provide adequate funds for the defense of the region. Additional assistance must be provided by allies through expanded host nation support, base access or other creative financial arrangements.

Japan.—The Government of Japan continues to provide mimimal funding for its own defense. The Committee does not support a rearmament of Japan but believes Japan can do substantially more to reduce the United States burden of defending Japan and Japan's oil supplies.

The Committee has eliminated most funding for military construction requested for Japan, except for security and quality of life projects for the Marines on Okinawa. The Committee believes the Department should seek new bilateral discussions with Japan for the purpose of securing additional funds to offset the cost of maintaining the United States military presence. Funding from the Japanese Facility Improvement Program [JFIP] especially should be increased.

Philippines.—The Committee continues to support our strategic bases in the Philippines. However, the Committee is concerned with the continued growth of the Communist insurgency. Recent events indicate United States interests in the Philippines are no longer immune from guerrilla activity.

The Committee believes that until future base access agreements are approved and the insurgency controlled, consideration should be given to reducing accompanied tours in the Philippines. For that reason, the Committee has eliminated funding for family housing and replacement hospital construction. The Committee has approved funding only for those projects of an urgent operational or safety nature.

Korea.—Due to constraints, the Committee has reduced funding in Korea by one-third. The Committee continues to oppose increases in the number of accompanied tours in Korea. Such a policy would cost billions of dollars to support. The Committee believes accompanied tours should only be considered if the Government of Korea agrees to provide the full cost of construction and operations of housing and community facilities necessary to support United States military families.

Mr. SASSER. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S.2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren Amendment No. 1403, in the nature of a substitute, as modified.

Byrd Amendment No. 1404 (to Amendment No. 1403), of a perfecting nature, as modified.

Boren Amendment No. 1405 (to Amendment No. 1404), of a perfecting nature, as modified.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, thank you very much.

Once again I am compelled to speak in opposition to S. 2, the bill which would impose taxpayer financing of Senate elections and limit the spending of campaigns. As we all know, adoption of this legislation would radically change the manner in which citizens will be allowed to participate in the election process.

The legislation before us, S. 2, would attempt to standardize Senate campaigns across the country. It would impose spending limits which are calculated only on population of each State. As proud representatives of these States, we should each be ready to defend the unique characteristics which distinguish our respective constituencies.

Every State has a different set of voter demographics and voter attitudes. These differences will vary the effects of election laws and regulations. In addition to population differences, there are also significant differences in media saturation, population density, political culture, and constituent expectations.

This bill, S. 2, fails to address these areas of diversity. What might be too much spending in one State with a given population, would not be enough spending in another State with a similar population.

The U.S. Senate needs valid input from all Senators to best estimate the resulting consequences or benefits of spending limits for political campaigns. The legislation which we finally adopt must represent the best system of campaign finance for the collective body of U.S. Senators and for the collective population of U.S. citizens.

Though this legislation would standardize the spending constraints of all elections, it would impose a complicated system of regulations. These regulations would only serve the purpose of finding a way to justify taxpayer financing of an election. I really question whether it would be wise to make the election process any more complicated, either for the voter or for the candidates.

The election process is already fairly complicated. United States voters cast ballots for more elected officials than any other country in the world. Collectively, Americans chose half a million public officials through the ballot. From local school board directors, to State representatives, to Members of Congress, the American voter must select the office holder.

Elections and campaigns are also complicated for the candidate. As one example, it is expensive and time consuming for candidates to ensure compliance with FEC regulations. Most Federal level campaigns require at least one full time staff person to ensure that the campaign is complying with FEC reporting requirements. It does not make sense to me that, on one hand, we would want to limit the amount of spending for campaigns, while on the other hand, we would force more expenditures of time and money to make candidates comply with even more extensive regulations.

The complexity of the election process is important, but probably not as crucial as the hard policy considerations of forcing a highly controversial version of "reform" on the citizenry. Congress has been attempting to "reform" campaign finance law for decades, yet never seems to get it quite "right". The result of all of our "reform" legislation has been higher campaign expenditures, not lower.

But what, exactly, makes campaign spending so bad? Is it an evil that constituents seek to join a group to enable them to have access to information regarding candidates and issues? Is it an evil that our constituents seek to express their opinions as part of a collective voice, in addition to their individual voice?

As stated in the decision in the famous Supreme Court case of Buckley versus Valeo:

> For the First Amendment right to speak one's mind on all public institutions' includes the rights to engage in vigorous advocacy, no less than abstract discussion. Advocacy of the election or defeat of candidates for federal office is no less entitled to protection under the First Amendment, than the discussion of political policy generally, or advocacy of the passage or defeat of legislation.

This passage clearly protects the rights of individuals and groups to advocate a candidate or an issue. The decision further reads:

> * * * the First Amendment was designed to secure the widest possible dissemination of information from Diverse and antagonistic sources and to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people.

Let me reiterate part of that passage. "The First Amendment was designed to secure the widest possible dissemination of information * * *". Why is Congress now attempting to restrict the dissemination of information?

The Supreme Court decision continues with the following key point:

> No governmental interest that has been suggested is sufficient to justify the restriction on the quantity of political expression imposed by campaign expenditure limitations * * *.
>
> Moreover, the equalization of permissible campaign expenditures might serve not to equalize the opportunities of all candidates, but to handicap a candidate who lacked substantial name recognition or exposure of his views before the start of the campaign.

The writers of this decision, Mr. President, fully realized that limiting campaign spending will unfairly advantage the incumbent. I will address this issue more fully later in my statement.

I would like my colleagues to bear with me a little bit more as I relate one final passage from the Buckley versus Valeo decision:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates, and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Mr. President I doubt that campaign spending, in and of itself, is the inherent evil of politics. Perhaps contributions from PAC's should be limited further. Politial action committees are not the inherent evil either.

Let me take just a moment to briefly discuss with you the character of PAC's. "Political action committees" are not specific legal creations of Congress. In fact, "PAC" is a layman's expression to reflect the requirements of the Federal statute relating to "political committees," "separate segregated funds," and "multicandidate political committees."

Oh, I know that you all know what political action committees are. But why do I have to remind you that, quite simple, well-financed political interest groups, and their political professionals, will not be kept out of politics; not by any regulation or statute that Congress could write.

You know, the weather can turn pretty dry in Iowa sometimes; I am sure that many of you can sympathize that your home States can get awfully hot and dry, too. When it has been quite awhile without rain, my lawn starts to turn brown. But you know, the grass that grows up in the cracks of sidewalks, that grass that I am always pulling out because I want to get rid of it, never turns brown. The stuff you do not want, it seems, never dies or goes away.

If PAC's are the grass in the cracks of the sidewalk, if contributions from interest groups are the thing the supporters of S. 2 are trying to prevent, I doubt that this legislation will do it. Just like the grass in the sidewalk cracks never turns brown, citizens will always find ways to group together and influence campaigns.

One of the most obvious ways in which interest groups do now, and will continue to do, is to spend independently on a candidate's behalf. S. 2 assumes that campaign spending can be limited by the amount that a candidate reports to the Federal Election Commission. But, limits on contributions and spending will not limit independent expenditures.

I know that S. 2 provides that independent expenditures would trigger a taxpayer financed grant to the opponent of the candidate who benefits from an independent expenditure. But, it seems that this would be easy for candidates and their supportive interest groups to circumvent. Examples might run the gamut from selective voter registration drives to indirect advertising.

Besides, I am not at all sure that we really want to prevent citizens from joining together. I am not all sure that we want to cut ourselves off from comment and input from the people we represent.

Why are we determined to blame persons and associations outside this institution for wanting to influence us? Isn't that more of a reflection on us, that it is on them?

If a Senator thinks that contributions from political action committees are bad, then that Senator may refuse to accept contributions. If the public really believes that PAC contributions are bad and a candidate is accepting large amounts of PAC contributions, then the voters in that election have the opportunity to vote against that candidate.

The voters are the only true judge of the campaign finance activities. Mr. President, I suggest that we defeat this bill. I further suggest that we then let the voters decide what type of campaign financing they would like. I think they will do that in the next election, regardless of what we attempt to do in this Senate.

Mr. President, we have heard hours and hours of debate on this issue. Much of it has been directed on the advantages and disadvantages of taxpayer financing of Senate elections.

Some of my deepest concerns, however, are directed on the effect this legislation would have on the two party system of this Congress.

Thats right. I think adoption of S. 2, the Senatorial Election Campaign Act could just as well be called the Democratic Senators Election Campaign Act. The simple fact remains, and the majority party has not been able to satisfactorily refute it, that this bill would give the incumbent Democratic majority distinct and unfair advantage.

In fact, I have sometimes thought it would be a whole lot simpler and more honest if the majority party would write another substitute amendment that would simply say: "The Republican Party ceases to exist."

The Democratic incumbents' advantage would be realized in the spending limits attached taxpayer financing. Spending limits inherently favor incumbents.

Challengers do not have to spend more money than incumbents to win. But challengers must spend enough money to win. They need to spend at least enough money to bring their case to the voters.

As much as I recognize the hazards in spouting statistics, I simply cannot avoid the data which illustrate the painful truth about campaign spending. Political science research very definitely shows that money has a greater benefit to some campaigns than to others. More to the point, increased spending does not favor incumbents. In fact, political science research indicates that incumbents may actually do worse in elections if they spend too much money.

Money, however, really is the "make or break" component in the campaign of a challenger. There is a very interesting reactive trend to the money raised by an incumbent. And that is, it increases or decreases in response to the challenger. Obviously, incumbent Senators do not have to raise as much money when they do not face formidable opponents. A challenger, however, cannot begin to launch a credible campaign without spending enough money to communicate effectively with the voters.

As described to the Senate Rules Committee by Michael Malbin, professor of political science at the University of Maryland, and author of two books and many research articles on the subject:

> Incumbents are well known, and the marginal utility of a dollar spent by a well known person is less important than a dollar spent by a less well known person. Incumbents are better known than challengers * * *.
>
> It should be clear from the numbers that what separates the few close races from the rest is not the money raised by incumbents, but the amount raised by challengers. Equalizing campaign funds would do nothing to help the vast majority of seriously underfunded challengers, but limits would prevent the best challengers from making their case against incumbents who start off with more than a $1 million advantage in office account funds.

By allowing a challenger to raise enough money to deliver an election message, the better able the voter will be to make a clear cut choice. A choice between candidates, between candidates of comparable visibility and credibility, is one of the most essential components of an electoral democracy.

There is no secret that, for several election cycles, conservative political action committees have targeted incumbent Democratic Senators for defeat. The effects of targeting were very apparent in 1980, for example, when four targeted Democratic Senators were defeated. Obviously, there were many factors contributing to the success of these four Republican challengers, not the least of which is the obvious high quality of the challengers.

Such targeting, however, provides many challengers the seed money needed to initiate a creditable campaign. This is necessary, because contributors tend to direct their resources to candidates with high probability of success. Therefore, it usually takes money to raise more money.

One noted political scientist summarized the effects of incumbency like this:

> Voter "information varies with a number of factors, including challenger spending. We now see that the visibility of the challenger is directly related to the vote. While the question needs more attention, part of the recent upsurge in Senate competition may be a product of increased challenger spending.

Mr. President, the ability of the challenger to spend enough money to provide voters adequate information to make a choice is the only way to maintain the two party system in which our democracy flourishes.

I urge my Senate colleagues to oppose S. 2, the Democratic Senatorial Election Campaign Act.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Iowa.

Mr. HARKIN. Mr. President, debate has been going on for several months now, both on this floor and also in the news media across the country on S. 2, Senatorial Election Campaign Act of 1987. I want to take this time, Mr. President, to give some of my thoughts on this bill and, of course, to urge bringing it to the floor expeditiously so that we can have amendments to it, vote the amendments up or down, and, I hope vote the bill out.

I do not think there is any doubt, Mr. President, that we have the votes to pass the bill. I do not think there is any doubt any longer that the vast majority of the American people support S. 2, and certainly the vast majority of the media, in both printed editorials and editorials on television and radio, support S. 2.

Mr. President, the role of money in politics is an old problem, but the costs have escalated in recent years and, as they have, the problem has intensified to the proportions that I think truly endanger our democratic foundations. Every Member of Congress, just like every citizen, favors honesty and fairness in our electoral system. The debate today is not about honesty and fairness.

After all, like apple pie, motherhood, and education, the need for integrity in our political process is one of those things you not argue against. Sustaining our great system of democracy depends on honesty and fairness and integrity in the electoral process.

Thus, it seems to me that the need to reform our campaign financing system is as crucial as any issue that we face today. We have an opportunity, now, to take a giant step in this direction, a step that could lead not only to a saner and more honest electoral system, but also to a restoration of faith in government and politics.

As one who has been a participant in some form of government service for most of my adult life, I am dismayed by the decline I perceive in public respect for the profession of politics. Every year, it seems, fewer Americans bother to go to the polls to vote. While I am disturbed by this development, I can also understand it. The headlines are always full of stories about how elected officials are failing the American people, but they certainly are not failing the special interests.

Mr. President, it is time that we address this one weak link in our democracy. But there is something even more than just weakness of policy or character that turns people away from politicians. I believe that is that lack of confidence that we have in our electoral process. Because campaigning has become so expensive, time consuming, and almost totally dominant in the whole process of governing, many Americans perceive that government is not responsive to individuals but only to wealthy special interests. We must change both this perception and, indeed, I think, also this reality. We have to bring government back to the people and people back to the government. We can begin to achieve this now by adopting S. 2, the Senatorial Election Campaign Act.

I want to take this opportunity, Mr. President, to publicly compliment the distinguished majority leader, Senator BYRD, who has fought for this bill for a long time and who has gone on the record, time after time, saying that we have to pass this election reform bill. We had the bill before the Senate last year. We were frustrated seven times, I believe, when we tried to vote cloture. We came close, but we didn't get the votes to pass it. Yet the majority leader has hung in there because he truly understands how we must restore the faith of the American people in our electoral process and why this is the best way to do it.

I must say, Mr. President, that I do not think anything short of a national catastrophe, which we all hope is not forthcoming, will bring the American people back to the political process in greater numbers or more rapidly than the passage of S. 2. As I said, I can understand why people stay away, why they do not go to the polls, why they do not get involved in the political process.

Normal, average, working Americans have maybe a few dollars to contribute; maybe they have a little bit of time. But they are overwhelmed by the massive amounts of money that come in through the special interests, through PAC's, through bundling, through all kinds of things. So they say: What do my few dollars count? What good does the little bit of time I can spend doorknocking or down at campaign headquarters do when I am overwhelmed by the forces of special interest money? So that is why this bill is so drastically needed this year—to get the American people back involved in the political process.

Just look at the numbers. I know the numbers have been set forth here time and time again, but they have to be repeated and repeated and repeated until they finally sink in. Spending in Senate races has increased almost fivefold, from $38.1 million in 1976 to $180 million in 1986. A winning Senate candidate spent an average of just over $600,000 in 1976. Ten years later, it costs an average of $3 million

Mr. President, I can tell you in my own race in Iowa in 1984, my campaign spent about $3 million. So I guess I was about the average. My opponent spent about the same. The question is: Do you really need $3 million to run a Senate campaign in the State of Iowa? The answer is: No, you do not need that much money. But if you are going to be competitive, buying media time and having all the ads, you simply have to do it. You have to be competitive. But it does not take that much money. I would say that I could run a very decent, hard-hitting campaign in the State of Iowa in 1990 at half the amount of money we spent in 1984. I have no doubt about it. And I have no doubt that under these spending limits my opponent, whoever that opponent is going to be, will have every bit as much access to the public, to the media, and can make his or her case just as well as I made it against the incumbent in 1984; again, with half as much money.

I will tell you another thing this bill will do, Mr. President. With the limits that it has on it, it will give us a lot more time to go out and make our case to the public. I listened to Senator REID here the other day, when I was occupying the chair. He was very honest and I compliment him on his honesty. He said he spent 75, maybe 80, percent of his time raising money just to run in Nevada last time. He discussed how once you get elected to office, you have to start raising money again right away. That is true. I daresay it is going to take probably over 50 percent of any Senator's time, at a minimum, just to raise the money necessary to campaign for office.

As Senator REID so eloquently stated, that is the time we ought to be spending back in our constituencies, meeting with people, understanding their needs, debating, perhaps, with our opponents. Instead we are on the phone, day in, day out, having fundraisers here, calling this PAC, calling that PAC, trying to raise the money to buy the ads on television.

Quite frankly, I do not know anyone that likes the present system. Certainly incumbents do not like it. They spend all that time raising money. Challengers do not like it either because they have to do the same thing. They have to spend just as much time and effort raising money and going to PAC's and such. I do not think the PAC's even like it any longer. I am not saying the PAC's want to be put out of business, but I think it has gotten to the point that they are just overwhelmed by the amount of requests that come in and the amount of money that they have to raise in order to be competitive. Everybody has to be competitive here, so PAC's go out and raise a lot more money because if Senator so-and-so calls, they had better answer.

The whole thing becomes kind of a maelstrom of one person, one entity, trying to outbuy the other; whether it is one PAC or one incument Senator or one challenger. The whole thing has just degenerated into a moneymaking machine.

We have professional organizations out there now that do nothing but raise money for candidates. That is their whole goal, their whole reason for existence. They just raise money. They are professionals at it.

Well, I do not deny anyone the right to engage in a lawful business, and certainly what PAC's do is legal. But again, I have to question just what it adds to our system of government, to have entities out there whose role purpose, sole reason for being, is simply to raise money for challengers or incumbent Senators. I do not mind if they do that, but I really have to question what it adds to our process.

Mr. President, as I mentioned, fundraising does not just take a few months, not even a year. As soon as a Senator is elected here, that Senator better start raising money for the next election 6 years down the pike. Everyone here does it, and to deny that is to deny the obvious and to deny what is also on the record.

I do it. Every other Senator does it. You start raising money right away, as soon as you come here.

I think, as a result, what happens is that qualified men and women who cannot bear these kinds of time commitments and financial risks are driven away from running for office.

We all lose when good people choose not to run for public office. Clearly, we have go to get our campaign spending under control. And at the heart of S. 2 lies a provision that will effectively pull the reins—voluntary spending limits.

I do not need to go through the Buckley versus Valeo decision. I wish the Supreme Court had gone the other way in their 5-to-4 decision. If they had, we probably would have had spending limits right now. But the Supreme Court decided as they did, and so we have to go a different route.

What S. 2 does is confine itself to the constitutional balance by allowing candidates to abide by the spending limits to be eligible for certain benefits, including reduced mailing and telephone advertising rates.

Originally S. 2 provided a system of public financing as an inducement for candidates to limit their spending. As the Presidential public financing system has so well demonstrated, this method can and does work. Not only has it kept campaign spending in check; it has opened the process and broadened the campaign funding base.

Unfortunately, however, in an effort to meet objections to the bill, the public financing portion was diluted.

Now public financing from the tax-checkoff fund will be made available only when one candidate refuses to abide by the spending limits.

Even in this limited form, I think the public financing provision is an important one. I was in favor of the previous bill and the public financing provisions in that bill. I have been in favor of public financing of senatorial and congressional campaigns ever since 1976 when the first public financing for Presidential campaigns went into effect. I really believe that is the way it ought to go. Whether or not we will get to that point sometime, I do not know, but I will continue to argue for that position. I believe what we have in this bill is a good step in that direction.

I do not know if we will ever get to full public financing, probably not, but there should be some form of blended public financing and reduced PAC's.

I think PAC's should be alllowed to give to campaigns, just not as much as they are giving, and, of course, mandating the candidates go out and raise a certain amount of money in small contributions. I think those three aspects combined would perhaps be the best system.

Public financing is not a cost to the American taxpayer. I think it represents a savings. Public financing will save the Treasury and the American people many, many times more than its actual cost through reductions in favorable treatment which contributors might receive through special interest legislation.

The establishment of a limit on the total amount of PAC contributions a congressional candidate may accept is another important limit.

I want to be out front on this. I not only accept PAC money, I am the head of a PAC myself, and I certainly do not believe that PAC's are in any way evil entities.

There is nothing wrong with groups of individuals trying to advance their causes and joining together to do so. It is a first amendment right.

I think PAC's have every legitimate right and a legitimate role in exercising that right, but I do think that the current balance between the influence of PAC's and the influence of ordinary citizens is uneven. The system needs to be leveled out a little bit more in favor of the ordinary citizen.

The bill does this, not by prohibiting people from joining PAC's, not by prohibiting PAC's from giving money, but by limiting the total amount of aggregate PAC money that any one candidate can receive.

An individual PAC can still give $10,000—$5,000 preprimary, $5,000 for the general—but we limit the total amount that a candidate can receive depending upon the population of that State. I think that is an important limitation.

As I said, I do not want to do away with PAC's. I heard the distinguished Senator from Kentucky [Mr. McConnell], one of the leading opponents of S. 2, state last week that he had introduced a bill last year, to do away with PAC's. I was wondering why no one joined him on that. Some of us do not believe PAC's are inherently evil. I do not. I think it becomes bad when you do not have any limits. You can look at what happened to PAC's over the last 10 years, how they have grown from just a few PAC's to now thousands of PAC'S. That is really what the problem is.

PAC's ought to be allowed to give money, but there should be a limit on how much you can get as a total aggregate from PAC's. Again, I think that will give the people the right to join together to advance their interests and to donate money to an incumbent or challenger.

I think these provisions, voluntary spending limits and PAC limits, are essential to a meaningful campaign reform bill. In addition to these, the bill contains several other provisions which will fine tune the law.

For instance, the bill protects against the abuse of independent expenditures made against a candidate or for his or her opponent. It prohibits bundling and places disclosure requirements on the use of soft money.

Those three things, Mr. President, are all very important—independent expenditures, bundling, soft money. Those can all come in, and I have seen them used against Democrats, against Republicans, against liberals, and against conservatives. The idea of independent expenditures with some individual, maybe a group of individuals, coming into a State and just dropping a bundle of money in negative advertising against a candidate really ought to be stopped.

Again, there are certain fundamental first amendment rights that cannot be violated, but this bill does protect against the abuse of independent expenditures, and it does it in a meaningful way, and being one that does meet those constitutional guidelines.

The same can be said of bundling or soft money. Another thing that turns off a lot of people in our country is negative campaigning—where a group comes in from another State, and without having any contact with the candidate they want to support, engages in big negative advertising campaign against their candidate's opponent.

Again, I think that turns a lot of people off. There ought to be some way that we can reduce the influence of that. This bill does that.

I think you will find the vast majority of American people supportive of any efforts that we can do to stop that kind of negative campaigning.

Mr. President, I hope campaign reform can finally become a reality. It is an issue whose time has come. In fact, I think it is past due. People all over this country want something done about it.

This bill can be nitpicked and, certainly when it comes on the floor of the Senate, there will be amendments to it. I may have one or two myself. There will be amendments, and we will get a vote on those amendments, and we will fashion a piece of legislation. That is the way it ought to be done. But to hold up the bill through a filibuster so that we cannot even bring it out on the floor to debate it, to amend it, to pass it up or down, I think flies in the face of good government, what the people of this country really want us to do.

I would hope that this filibuster could be called off. I would hope that we could bring the bill out on the floor. Let the chips fall where they will. Those who do not like it can amend it, and we will see how the votes fall. I believe we ought to vote on this bill, and I believe the filibuster ought to be called off.

Mr. President, as the Des Moines Register stated in an editorial in support of S. 2 last spring, the current campaign finance system is not quite what the founders had in mind 200 years ago. I certainly agree with that. I think one of the most appropriate ways to show our respect for the Constitution would be to pass this bill and to restore representative government to fit the dream that our founders envisioned.

Mr. President, I ask unanimous consent that the text of the editorials by the Des Moines Register and the Cedar Rapids Gazette appear at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Des Moines (IA) Register, Sept. 23, 1987]

PERPETUATING A DISGRACE

Campaign-finance reform is dead for this year. There were enough votes to pass it in the Senate. But not enough to shut off a Republican filibuster.

What a bummer! Can't Congress face up to anything?

Can't Congress see how its members appear to be on the take? Can't Congress see how demeaning it is when elections become contests of a raising money from special interests who want something in return? Can't Congress see how democracy is prostituted?

Apparently not. At least not enough members can—and not Iowa Senator Charles Grassley.

Grassley, who is known for the eagerness with which he holds his hand out for special-interest cash, voted with most other Republicans in supporting the filibuster to prevent the reform bill from coming to a vote. It takes a three-fifths majority to end a filibuster.

The reform bill originally would have established a system of partial public financing of Senate campaigns, modeled after the successful presidential campaign-financing system. Candidates would quality for public financing by agreeing to limit their spending.

In an attempt to mollify the opposition, the bill was watered down so candidates would not receive any public funds unless their opponents exceeded spending limits. Candidates would be offered reduced postage and broadcast rates in exchange for abiding by limits, and there would be an aggregate cap on what a candidate could take from PACs.

It was hardly radical reform. It was more like a tentative beginning at addressing a serious problem in the American democracy, but the Republicans chose to obstruct even that.

How much more sleazy will campaign finance have to become before Congress acts? The unseemly scramble by public officials to get cash from special interests is a national disgrace. So is the failure of the Senate to deal with it.

[From the Des Moines (IA) Register, Mar. 26, 1987]

Destroying Democracy

Congress works a three-day week because it's hard to round up enough members to take important votes on Monday or Friday. But that doesn't mean members are loafing. Among other things, they need those four-day weekends to hustle money from special-interest groups.

Money has always been the mother's milk of politics, but to today's politicians it has become an all-consuming addiction. As soon as one campaign ends, money-raising immediately begins for the next one.

It's getting hard to tell who is more obscene—the lobbyists who pay lawmakers with money or the lawmakers who solicit it. Organizations that exercise their right to visit their congressman are often called a few days after the visit and asked for a donation. What price democracy?

Texas Senator Lloyd Bentsen's short-lived plan to charge lobbyists $10,000 for the privilege of chatting with him at breakfast was notable only for its excess. Other members charge less.

The politicians and the lobbyists alike are caught in a vicious spiral. The rise of political-action committees (PACs) in the last decade infused vast new money into political campaigns, but the availability of new money escalated the cost of campaigns.

Candidates in the five costliest Senate contests spent 67 cents a vote in 1974 but spent $7.74 per vote in 1984, and the cost is still rising. Some members of Congress complain that they must spend up to half of their time raising money, and some lobby groups are beginning to complain that $5,000 doesn't buy what it used to. With a proliferation of special interest groups all trying to buy the ears of members, it costs more to buy influence now.

Enough! the money-changers have taken over the temples of democracy. They have bought the right to set the legislative agenda. They undermine public trust in the system. They finance disgustingly negative campaign advertising. They speed the degeneration of the body politic into a grasping aggregation of me-first special-interest groups. They help destroy what's left of the covenant between people and their government.

It's not quite what the founders had in mind 200 years ago, but the genius of the system they established has been the ability to reform itself. Congress needs to reform campaign financing, now.

The best possibility for reform is legislation sponsored by Senators David Boren of Oklahoma and Robert Byrd of West Virginia. Iowa Senator Tom Harkin is a co-sponsor. It would establish a system of public financing for Senate campaigns, modeled after the public financing that has succeeded in keeping presidential campaigns relatively clean.

Candidates—after raising a certain "threshold" of money from private sources, mostly donors from their home states—would be eligible for public financing. Candidates who accepted public financing would be bound by campaign-spending limits; those who didn't agree would be penalized by having their share of public money go to their opponent.

No proposal on such a complex matter is perfect, but the Boren-Byrd bill seems to come closest and is drawn from the proven success of presidential campaign-finance reform.

The strongest objection is the cost, but if it can succeed in reclaiming representative government for the people it would be the best money Congress has spent in a long time.

[From the Cedar Rapids (IA) Gazette, Mar. 17, 1987]

Campaign Finances

Ever since 1867, when it passed a law prohibiting Navy Yard employees from levying assessments for "political purpose," Congress has been scratching its collective head, trying to figure out the fairest way to regulate the financing of federal election campaigns. It's been a constant balancing act. On one hand, the government encourages citizens to donate to political campaigns. On the other, government must keep wealthy individuals and special interests in check and not allow spending to get out of control.

Laws on campaign financing have grown increasingly complex, requiring an increase in the government's regulatory role. In 1972, the federal government decided the best way to ensure fair presidential election campaigns was to subsidize the candidates. It has worked well. Now, it's time to extend subsidies to legislative elections.

The U.S. Senate now faces at least five different campaign-finance reform proposals. The one receiving the most attention is the Boren-Byrd proposal, which outlines a "voluntary" system of public financing.

A public financing scheme, such as the Boren-Byrd proposal, is essential. It is the only way to get congressional campaign spending under control.

Expensive TV commercials and direct mail efforts in recent years have caused campaign spending to skyrocket. In 1980, the median expenditure by a candidate for Senate was $949,992. Last year, it soared to $2 million. There have been individual cases of spectacular excess. Sen. Jesse Helms, R-N.C., set the record by spending $16.5 million in 1984. Sen. Alan Cranston, D-Calif., waged a $10.8 million re-election campaign last year.

Senate Majority Leader Robert Byrd, whose name graces the Boren-Byrd proposal, calls the current finance system "a growing threat to our representative form of government and a growing threat to this institution." It is difficult for him to schedule votes, he said, because senators are often absent on Mondays and Fridays to raise money for their upcoming re-election campaigns.

Candidates are forced to think about cash, even when elections are distant. Iowa Democrat Tom Harkin, who spent $2.7 million to win the 1984 U.S. Senate election, toured the West Coast last month in search of re-election campaign contributions. He doesn't face voters until 1990.

Limits on campaign spending have been attempted before, in 1974, Congress capped the total expenditures a congressional candidate could make during primary and general elections. But the U.S. Supreme Court invalidated the law two years later, saying it violated the candidates' First Amendment rights.

The high court ruling didn't close the door completely. According to the way that Sen. David L. Boren, D-Okla., reads it, spending limits can be re-established if they are "voluntary" and if the government uses campaign subsidies as an incentive.

This is precisely what Boren has written into the Boren-Byrd proposal. To be eligible for public funds, the candidate first must volunteer to limit her spending. Then, if she raises $250,000 in individual contributions, she becomes eligible to receive public subsidy equal to the difference between the $250,000 and the spending limit for the state in which the election is held.

The state limits are based on voting population. In an Iowa senatorial race, for example, the limit would be $1.1 million per candidate. The money for the subsidy would come from a federal checkoff similar to the one on income tax forms for presidential election.

The measure also contains significant incentives. If one candidate eschews public funds and chooses not to limit his spending, then his opponent may become eligible to receive the public campaign money that had originally set aside for, but not used by the non-volunteer.

The Borden-Byrd proposal creates a new campaign finance system that rewards those who run solvent campaigns, punishes excessive spending and checks the influence of special interests. It would be a vast improvement.

[From the Cedar Rapids (IA) Gazette, Mar. 3, 1987]

Limits on PAC's

Sen. David Boren, an Oklahoma Democrat, has long advocated limiting the amount of money congressional candidates can accept from Political Action Committees. He introduced legislation last year stipulating that House candidates could accept no more than $100,000 in PAC money. Senators were to limit total PAC contributions to between $175,000 and $750,000, depending on the population of their state.

The senators liked Boren's general idea. After all, who doesn't view the rapid proliferation of PAC's with suspicion? So they approved the amendment by a lopsided margin of 69-30. But senators disliked the specific proposal. Even as they voted, they knew it had been crippled by an oppostion amendment and would never get to the House.

The reason for the opposition was voiced by Sen. Dave Durenberger, R-Minn. "Reforms that focus first and foremost on limiting the role of PACs in our electoral system are doomed to failure. They will fail because they deal with a symptom, and not the cause, of what ails our political process. The growth of PACs is only a reflection of a fundamental change . . . to entrepreneurial politics."

When Durenberger talks of "entrepreneurial politics," he is referring to today's costly congressional election campaigns and how they have forced candidates to spend inordinate time raising money. The demand for money has helped to create a proliferation of PAC's—from 608 in 1974 to 4,092 last year. During the 1985-86 election cycle, PAC contributions increased 37 percent from the previous cycle. From Jan. 1, 1985, to June 30, 1986, PACs raised $253 million and spent $205 million.

Boren listened to the criticism and this year returned to the Senate with a more ambitious campaign-finance reform bill, the Boren-Byrd proposal. It creates a whole new system of incentives. A candidate who volunteers to limit his campaign expenditures and volunteers to accept limits on the amount of PAC money he accepts, qualifies for public campaign subsidies.

The key incentive is the federal subsidy, which can amount to four-fifths the cost of a general election campaign. Without the subsidy, it is simply impossible to limit PAC contributions. There are too many loopholes.

Let's say Congress attempted to place a $100,000 limit on amount of PAC money any one House candidate could receive. The candidate reaches the maximum amount. Under the current financing system, a PAC can continue to assist the candidate through "independent expenditures." This means a PAC can bypass the candidate's campaign treasury and directly purchases items such as television advertising. The PAC does not have to identify itself on air as the sponsor in the advertisement—so it appears to be a part of the candidates campaign. The candidate's opponent has no recourse other than to spend more of his campaign money to combat the PAC advertising.

With Boren's bill, a candidate who has volunteered to limit expenditures and accept public financing, can use public campaign money to fight and independent PAC attack. If a PAC spends in excess of $25,000 in "independent expenditures," the attacked candidates can apply for and receive matching funds from the government. Furthermore, under the Boren-Byrd bill, a PAC must identify itself as the sponsor of the television advertising.

Boren's proposal, which last year was a weak attempt to limit PAC spending, has blossomed this year into a comprehensive reform measure. It crates a new system of financing campaigns and a new system of incentives to keep expenditures down.

For the most part, PACs represent narrow single interests of our society. With the Boren-Byrd amendment, the financial influence of the PACs will become as narrow as their politics.

[From the Cedar Rapids (IA) Gazette, Apr. 4, 1987]

SWITCH-GIVING

When Sen. Mark Andrews, the North Dakota Republican, ran for re-election last year, he was backed by the American Bankers Association. The PAC donated $10,000 to his campaign. But the warm relationship chilled significantly after Andrews lost to Democrat Kent Conrad. The bankers' PAC suddenly became enamored of the winner. Within 1½ months after the election, the bankers switched sides and give $10,000 to Conrad.

The cynical bankers' PAC did the same thing in Alabama, Washington and Georgia last year. It backed the losing Republican incumbent during the election. After the ballots were counted, it pulled the old switcheroo and contributed money to the campaign chest of the winning Democrat challenger.

The bankers aren't the only ones. Common Cause, the self-styled citizens' lobby, studied this phenomenon of "switch-giving" in seven of last year's Senate races. The group found 150 cases in which PACs backed losers, then switched to winners after the election. Among other flagrant switch-givers: the E.F. Hutton Group Inc., Marine Engineers Beneficial Association, American Hospital Association, National Beer Wholesalers Association and Philip Morris Inc.

"These PACs obviously weren't contributing because of the candidate's philosophy, ideology or political party," says Common Cause President Fred Wertheimer. "They wanted, first and foremost, to ensure that they had bought influence with a U.S. senator. PACs often argue that PAC giving represents citizen participation. Citizens, however, don't vote for both candidates, once before the election and a second time after the winner has been chosen."

It's hard to disagree with Wertheimer's aversion to PACs. Switch-giving is nothing but a shameless attempt to purchase influence in Congress.

A bill is now pending in the Senate that would go a long way toward addressing this problems. It is a comprehensive campaign-finance reform measure that would limit the amount of PAC funds congressional candidates can receive and establish a system of public campaign financing. Switch-giving is one more good reason for Congress put this package of campaign-finance reform on the front burner.

Mr. HARKIN. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. I ask unanimous consent that my speech today and any other previous speech on this subject made to date not count as a second speech with respect to the two-speech rule.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCONNELL. Mr. President, the group of eight just had a meeting this afternoon. I thought it might be helpful to bring our colleagues up to date on the progress of those discussions. It was another amicable meeting. The Republican members of the group of eight offered a counterproposal which we discussed in detail, and the upshot of the meeting was that the counterproposal would be taken to the Democratic policy luncheon for discussion tomorrow. And on our side of the aisle, we would take to our policy luncheon what we understood to be the overriding interest of the other side: to have some system that imposed expenditure limitations on races for Congress.

But, in any event, it was an amicable discussion, and we will be dealing with that issue in both policy luncheons, and we will see tomorrow where we go from there.

It occurred to me, Mr. President, that those of us on this side of the aisle had not provided for the RECORD and for other Senators an appraisal of the Boren III bill which is currently before us.

As everyone probably knows, it has been modified several times to meet objections of Members on that side of the aisle. Senator BOREN described, I believe on Friday, the details of the most recent version of that bill. I believe it is important to get our assessment of that bill, as we move further into the debate on this issue.

Boren III has been modified several times to try to reduce the cost of the public money in the measure. It is important to have an assessment of what the true cost of Boren III will be.

First, the postal subsidy: We estimate that the postal subsidy will cost approximately $17 million for Senate candidates each cycle. If the measure applied to both Senate and House races, we estimate the postal subsidy to be about $75 million per election. This would not be offset by denying the mail subsidy to political parties, which Boren III also does. That would save about only $10 million annually. It takes the Federal subsidy that goes to the American Communist Party and gives it directly to Communist candidates. In other words, it takes it out of one pot and puts it into another. The additioinal cost would represent to the taxpayers a stamp tax, a postal subsidy which I say with some humor is similar to the one levied on American colonists by the British King in 1776, but in any event, a postal subsidy.

Administrative costs under Byrd-Boren III: The Federal Election Commission estimates an additional $1 million every year for policing Senate races alone; and we think that is a conservative estimate.

Direct public financing, another provision under Byrd-Boren III: Based on CBO's estimates, that 20 percent of the candidates would choose not to participate or would violate the limits; and based on the assumption that there would be at least one third-party candidate in each election—and that is a fairly conservative assumption—S. 2 would trigger payouts from the Federal Treasury of $21 million each cycle for the Senate alone, and $75 million to $100 million for the Senate and House races combined.

There is a further circumstance that triggers a public subsidy: This is the independent expenditure payback. Under this proposal, subsidized candidates are compensated on a dollar-for-dollar basis out of Federal tax coffers, if a private citizen spends large sums to criticize them or support any opponent.

Let us take the 1986 race as an example. In 1986, independent expenditures totaled $5 million in Senate races and $11 million for Senate and House races combined. Since S. 2's contributions limits will force currently disclosed money into this uncontrolled activity, independent expenditures under this system are likely to double or triple. Thus, the drain on taxpayers likely under this particular portion of Byrd-Boren III would likely be upward of $20 million each cycle, if you combine both Senate and House races.

Therefore, looking at all the provisions of Byrd-Boren III that would trigger the expenditures of tax dollars in political campaigns, the total taxpayer-subsidized costs would be $30 million for the Senate alone, and $130 to $150 million if the bill included both Senate and House races. This would occur for each election cycle, and I might say that both of these estimates are very, very conservative. Both take into account the transfer of mail benefits from parties to candidates.

Further, under Byrd-Boren III there is a public financing penalty provision. Instead of using taxpayer's money as an incentive to follow spending limits, S. 2 punishes candidates and the citizens who support them by giving tax money to subsidized opponents, if the privately funded candidate exercises his constititional right to gather as much support as possible. In other words, the price you pay for choosing to operate outside this system and do it on your own—which the Constitution guarantees you the right to do—is that when you encroach upon a certain level of expenditure, the taxpayers must subsidize your opponent.

S. 2 also forces candidates who want no part of this politicians' subsidy program to declare in their campaign ads that they have refused to comply with the new law. If you do not want to play the game and you put your commercials on television, you have to slap right across that commerical which is attempting to reach the voter of your State that you are not complying with the new law. In my judgment, that would render the ad completely ineffective, which I presume is the reason for the requirement.

The next point I want to make is extremely important. It seems to me, Mr. President, that by and large we ought to take an approach that we in this body do not intentionally pass unconstitutional legislation. Once in a while we may do it unintentionally, but we ought not to do it intentionally. It seems to me that Byrd-Boren III is even more conconstitutional than any of the previous versions by far.

The landmark decision of Buckley versus Valeo makes clear that mandatory spending limits are unconstitutional. I repeat, Buckley versus Valeo makes it clear that mandatory spending limits are unconstitutional. At the same time, the Supreme Court allowed Congress to appropriate funds for Presidential candidates as an incentive to comply; I repeat, as an incentive to comply. But there was no penalty in there for the Presidential candidate who chooses not to participate in the system. He simply has to work harder to make his money. But he is not penalized.

For example, we have had one candidate who resisted the temptation to dip into the Federal Treasury in Presidential races. It did not work out very well. He did not get anywhere. But Governor Connolly, back in 1980, chose not to do it. His decision to choose not to accept Federal dollars did not trigger any tax dollars for any of his opponents. He just had to work harder because he did not get the extra Federal subsidy.

I think it is pretty clear that you cannot use taxpayers' money as a hammer to take away constitutionally protected political rights.

I did not say much last year to challenge the constitutionality of Byrd-Boren I even though there were several penalty aspects in that version as well. With Byrd-Boren I, II, and III, my first objection was to the selfishness and cynicism in starting a welfare program for our own reelections while the Federal deficit crushes us all. But with this most recent version, Mr. President, the one that is currently before us, this unconstitutional aspect is so blatant that it alone demands opposition.

The issue that could come before this body soon is that the invocation of cloture would prevent an amendment to cure this unconstitutionality. If cloture were invoked, this particular violation of our free political rights could not be cured by amendment. To make the third version of Byrd-Boren constitutional under Buckley versus Valeo, we would have to reinstate the taxpayer financing feature as an incentive for spending limits. But such an amendment would be nongermane under strict postcloture rules.

Therefore, for innumerable important reasons, it seems to me that cloture is a poor idea from this Senator perspective, because it eliminates the chance to raise several excellent amendments that could be offered. But we now are pursuing this issue in the appropriate way, which is to negotiate. And we hope that the negotiated settlement of this issue will still allow us to come up with a bipartisan campaign finance bill that can pass this body by an overwhelming margin.

But I think it is important to remember, Mr. President, what we are contemplating doing here to congressional races. We are contemplating creating a system akin to the Presidential system which has been unfolding before our eyes over the last three elections.

Therefore, I think it is important to take a look at the Presidential system which embodies the principles that we are talking about here: spending limitations and public financing.

The overall cost to the taxpayers under this Presidential system has been over $40 million so far in the last 2 months alone, and over a third of a billion dollars in the last three elections. It is clear that pre-system has not done much to curb campaign spending except now, the taxpayers pick up the tab.

It has brought about a myriad of extremist candidates. Half a million dollars went to Lyndon LaRouche in 1984; $200,000 went to psychologist Lenora Fulani to run for President. She just got her check a couple of weeks ago.

We have more bureaucracy, not more democracy, as a result of this system. One out of four campaign dollars has gone to lawyers and accountants under this Federal system for Presidential races. In 1980, in the Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns must process each contribution through as many as a hundred steps. Political decisions become accounting decisions when you run for President.

There has been an unprecedented growth in campaign spending since we have enacted spending limitations. I repeat: an unprecedented increase in campaign spending, after we enacted a system of spending limits. Overall spending now is increasing at the same rate as before spending limits and taxpayers financing. The difference is that far more spending now is done outside the legal limits and disclosure requirements, and therefore is less accountable. We try to put a limit on the spending here, and it is squeezed out over there.

As I indicated last week, we have had as much success in controlling spending as controlling alcohol during Prohibition. It has made every candidate for President a cheater, and that kind of law is never a good idea. Every major candidate since 1976 has been cited for serious violations of the law and has gotten bad press and large fines as a result.

One candidate spent $2 million in a State with a $400,000 limit. Delegate and pre-candidacy committees are "loopholes big enough to drive a truck through"—conduits for millions of dollars spent outside of spending and contribution limits.

Corporations and labor help circumvent the limits by paying for office rents and phone deposits, and giving overly generous loans.

There is growing disrespect for the law in the election process. Campaign managers report that the first planning priority is to identify in advance ways to circumvent limits and rules. A respected political observer and campaign staffer declared: "This whole FEC thing is a sham. It is your job to find every loophole."

Under this Presidential system that we call progress, special interests wield control by spending outside the laws. In the 1984 general election—this is that portion of the process in Presidential elections that is entirely a publicly funded—special interests spent $25 million to oppose Reagan—an amount equal to 62 percent of Reagan's $40 million spending limit.

Nearly half the money spent overall in the 1984 general election—$72 million—was outside of the candidates' direct control.

My goodness, that is not progress. That is simply pushing the money out onto the perimeters of unaccountability. At least one-fourth of the money spent in Presidential races is unreported, unlimited, and unaccountable. Soft money spending roughly triples each election cycle. Commentators are starting to say that Presidential elections look like the uncontrolled, corrupt politics of the prereform era.

Voter turnout has stagnated: It was 55 percent in 1972; it was down to 53 percent in 1984. So it certainly has not done anything to turn on the voters. Several people have argued that with spending limits, you somehow cleanse the process, and the voters come back on board as they become excited about the new regime. That has not happened. Turnout has continued to decline. There has been no correlation between spending limits and turnout, unless it is to bring turnout ever lower.

Grassroot politics and campaigns have died in Presidential races. David Broder, quite possibly the most respected political reporter in America, has said:

> Spending limits and taxpayer financing have shut down local campaigning . . . grassroots democracy has died.

Mr. President, I ask unanimous consent that my speeches today and any other speeches to date on the pending subject not count as a first speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, has the Senator yielded the floor?

Mr. McCONNELL. No, I have not.

Mr. President, there has been a lot of discussion about Buckley versus Valeo. It has been a decision that people have argued both ways since it came down. It was decided on January 30, 1976. I think it is important to remember specifically what the Supreme Court said about spending limits. It said they were unconstitutional.

Let me read pertinent parts of the decision, which I think certainly bear on Byrd-Boren III which, as I said earlier, has a punitive sanction provision against a candidate who chooses—as a matter of strategy or conviction—to opt out of the spending limits and to raise his own money. Once he gets above the spending limit, a significant amount of public money is triggered against him, so that the taxpayers, in effect, are required to punish him, if you will, for his decision to do the very best he can to raise his money and compete in his campaign in his own way.

Buckley versus Valeo in pertinent part said:

> The campaign expenditure ceilings appear to be designed primarily to serve the governmental interests in reducing the allegedly skyrocketing costs of political campaigns.

Further, the decision says:

> In any event, the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation of the scope of federal campaigns.
>
> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise.

Let me repeat, Mr. President. The Supreme Court said:

> The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Now, in a famous footnote, the Court said.

> For the reasons discussed in Part III, infra, Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

That implies, Mr. President, a voluntary decision on the part of the candidate.

Clearly, the words of the Supreme Court in Buckley versus Valeo would not sanction a punishment with a Federal subsidy, a punishment against the candidate who chooses as a matter of strategy or conviction not to spend within the expenditure limitation.

An interesting letter was written to the Rules Committee of the U.S. Senate by the Department of Justice on May 4, 1987. It addressed this issue of punitive sanctions for exercising the right to garner as many contributions as you can.

The Justice Department said:

> Although participation in the public funding program and adherence to the expenditure limitations would be voluntary, the bills impose some form of monetary sanction on those candidates who choose not to participate and who raise and expend sums in excess of the limitation applicable to participating candidates.

In other words, the fundamental difference between S. 2 in all its forms and the Presidential system is that if you are running for President and you choose not to accept public funding, you do not get punished. They do not send any of the taxpayers' dollars to your opponents.

But under each version of S. 2, and it is particularly egregious under the third version, the candidate's decision to exercise his first amendment right of free speech, and raise as much as he can from individual donors, triggers a punitive amount of taxpayers' dollars to his opponent.

Clearly that kind of provision fails the consitutional test of Buckley versus Valeo.

Referring, I assume, to S. 2 and companion measures:

> These bills seek to impose such restrictions indirectly, by placing what amounts to a penalty on a candidate's expenditures in excess of his hypothetical entitlement to public funds. This penalty amounts to a matching grant of public funds to his opponent. Expenditures by a candidate thus serve to trigger the subsidization of views with which the candidate presumably does not agree.

It further states:

> . . . the bills "exact[] a penalty," 418 U.S. at 256, for such conduct, by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own First Amendment conduct. The more the candidate does to promote his own views, the more he fosters the promotion of views he opposes.
>
> In sum, we think that the proposed provisions, by tying a candidate's funding of his own campaign to increased public funding of his opponent's likely represents an unconstitutional infringement on the right to use one's own resources to disseminate political messages.
>
> For many of the reasons outlined above, the bills may also unconstitutionally burden the rights of contributors. Under the bills, contributions to candidates in excess of the statutorily specified amounts result in the payment of additional public funds to their opponent. Thus, contributors see their contributions fostering the spread not only of the ideas they wish to support, but also of those they do not. The predictable result is a chilling effect on the right to contribute.
>
> Accordingly, all of these bills raise serious constitutional questions with respect to the rights of contributors. Since they are not even designed, much less narrowly tailored, to prevent corruption, they appear to us to be inconsistent with the First Amendment.

So, Mr. President, the point the Senator from Kentucky seeks to make today is that Byrd-Boren III, among all its other defects is blatantly unconstitutional as well. It appears to this Senator that it is clearly inconsistent with Buckley versus Valeo, and that alone should warrant a no vote, since it is our duty not to pass in this body legislation that is so blatantly unconstitutional.

Second, I would make the point again, as I have made on several previous days, that if we take a good hard look at the Presidential system of spending limitations and public finance under which we have been operating since 1976, we must conclude that this is not the kind of system we want to initiate in congressional races. It has been nothing short of a disaster.

My goodness, Mr. President, if we do that to 535 additional races, the FEC soon will be the size of the Veterans' Administration. Why, we can create a real bureaucratic monster trying to regulate and micromanage every campaign for Congress in America. That is not progress. That is a step backward.

What we ought to be doing and what I hope the group of eight ultimately will do is pass a bipartisan campaign finance reform bill that will deal with the real problems in the rise of the cost of campaigns in this country, and let me repeat them. These are three things that are driving up the cost of campaigns in America.

First and foremost, the cost of television. We have suggested, some of us on this side of the aisle, that we require stations to sell us television time at the lowest unit rate provided for any commercial advertisers in the preceding year, the nonelection year, so that political campaigns are given a break in the last 60 days of the election campaign.

What happens too often today is that the lowest unit rate is raised during the election period for all advertisers, as a way to make more off of the candidates. Clearly, as the cost of television rises, the cost of campaigns rises.

Second, I think it is important to do something about the millionaire problem. A lot of people in this body are concerned about this, on both sides of the aisle. All of us feel it is inappropriate for any individual, because, of the advantage of great personal wealth, to be able to just buy an office in the U.S. Senate.

One of the unfortunate parts of Buckley versus Valeo is that is held it unconstitutional to tell an individual how much he could put into his own race. It was constitutional to say how much he could put into another's race.

Thus, we cannot get at that problem directly, but there are a couple of things that might help. I have suggested, and this was an idea that originated with the senior Senator from New Mexico, Senator DOMENICI, that if one is going to put, more than a quarter of a million dollars of his own money into a race, he ought to so certify that to the FEC at the beginning of the race. This would provide notice to his opponents of what he intends to do, and give them an opportunity for those opponents to receive contributions from individuals above the current limit of $1,000 in the primary and $1,000 in the general. We have suggested that the limit be raised to $10,000 per election.

It would not entirely counter the millionaire's advantage, Mr. President, but it might help.

Second, I have suggested that we prohibit a candidate who puts his own resources into a campaign, or borrows from the bank and put it into the campaign, to recover it.

All too often, the pattern has been that you pony up a large amount of money to buy the election, and then as soon as your success is assured, you go around town and get repaid by every PAC or individual who will contribute.

So, Mr. President, since we cannot constitutionally keep wealthy persons from buying office, at least we ought to keep them from getting paid back, because it is arguable that special interests would have a disproportionate impact on that particular individual.

Finally, Mr. President, there clearly has been a proliferation of political action committees.

The Senator from Kentucky, along with 14 cosponsors, suggested last year that we eliminate political action committee contributions altogether. Unfortunately, I do not find much support for that position, particularly on the other side of the aisle, since we do not have a single cosponsor from the other side of the aisle on that measure.

But clearly, PAC's have proliferated and PAC contributions have increased dramatically, and I think it is entirely appropriate that we do something about that. Either we lower the amount of money that PAC's can give in a given election, eliminate them altogether, or establish an aggregate limit. It seems to me, Mr. President, when the American people think about this issue, if they think about it at all—and in my judgment it is not an overriding concern out in the land—clearly those who do care about it are thinking about political action committees, because there is at least the appearance of undue influence on all of us. If that appearance exists, why do we not do something about it?

In all three of these categories, we could improve the existing campaign finance laws significantly: Do something about the millionaire's loophole, do something about the cost of television, do something to reduce the influence of PAC's; and further, require reporting or limitations or both on so-called soft money, so that all contributions are treated the same, not just cash contributions.

The problem with S. 2 is that it presumes only cash contributions are somehow corrupt; and all other kinds of contributions are OK. They continue to be unlimited and undisclosed. We ought to address all forms of contributions, and get away from the notion that cash contributions per se are somehow unhealthy.

The beauty of the post-Watergate legislation was that it understood that cash contributions were not automatically unhealthy, that indeed nothing was wrong with them. The post-Watergate reforms limited cash contributions, and required disclosure. And that is the system under which we have operated in congressional races since that time.

So, Mr. President, that concludes my evaluation of that particular measure.

There is one other item I want to touch on before I yield the floor. There has been a good deal of talk about the advantages of incumbency. And there is no question that incumbents have advantages. This Senator is certainly aware of that. As the only Republican challenger in the country who won in 1984, I can tell you that it was not easy. It is pretty hard to beat incumbents. They have a lot of advantages under just about any system you can construct.

I think it is worthwhile, therefore, to take a look at the 1986 Senate elections. Applying the spending limits under S. 2, every single incumbent who spent within the limits set by S. 2 in 1986 won; 10 out of 10 incumbents who spent within the limits set by Byrd-Boren III won.

Ninety percent of the challengers who spent within the limits set by S. 2 lost; 18 out of 20 challengers who spent within the limits established by the most recent version of Byrd-Boren lost. So if we think we are constructing a system here that is going to take away some of the advantages of incumbency, there is no recent example you can cite to make that point.

To the contrary, 72 percent of the challengers who won spent above the S. 2 limits; 5 out of 7 of the winning candidates spent above the limits. And the Senator in the Chair was one of these.

So, clearly, for those challengers in 1986 to have had a shot to make it, they had to be able to spend more than the S. 2 limits, or they would not have gotten here.

The challenger who spent above the S. 2 limit had a 63-percent chance of winning; 5 out of 8 challengers who spent above the limits, in fact, won in 1986. A challenger who spent within the S. 2 limit had a 10-percent chance of winning. 2 out of 20 challengers who kept within the limits won.

So what does S. 2 really stand for? It stands for sealing off the Senate from future successful challengers.

It seems to me, Mr. President, that is not what we ought to be doing here. Incumbents already have a lot of advantages. But Byrd-Boren III certainly will not lessen the advantages of incumbency; it will totally insulate incumbents from successful, aggressive challengers.

Mr. President, that concludes my observations for the day. I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Tennessee, Senator SASSER.

Mr. SASSER. Mr. President, I commend the majority leader for his tenacity on the issue of campaign finance reform.

Bringing up S. 2 early this year underscores both the seriousness of this issue and the resolve of the leadership to do something about it. I further congratulate the majority leader for indicating that he will attempt to break any stalemates on this important legislation this week. I join in that sentiment.

We are all encouraged that negotiations are underway to try to move this campaign reform bill forward, but should those talks break down, the majority leader has served notice that this bill will not be held hostage to filibuster. I applaud him for that move.

I think the majority leader's resolve reflects a very simple fact. Our campaign laws go to the very core of our electoral process. They affect the very heart of our democratic system. Yet with each passing election cycle, we see more and more Americans losing faith in that system because of the growing importance of money in politics. Indeed, I hear more and more every day from constituents and others who are increasingly disenchanted with a system that has been overtaken by the quest for money.

My native State of Tennessee, in recent political events, provides chilling testimony to the increasing importance of money in our political system. In 1976, when I was first elected to the U.S. Senate, spent just over $800,000. I came through two very hard-fought campaigns—a primary and a general election; 6 years later, when I ran for reelection in 1982, I had just one election. That was a hard-fought general election, and I spent $2.1 million in that election.

By 1984, a statewide campaign for the U.S. Senate had escalated to the point in 2 years where it cost my junior colleague, ALBERT GORE, JR., just over $3 million to be elected to the U.S. Senate. By 1986, candidates running for governor in the State of Tennessee on each side spent some $4 million each in their quest to become Tennessee's Governor.

This past year, we witnessed a race in one congressional district in Tennessee where some $4.5 million was spent in a primary and general election.

Those figures are absolutely mind-boggling. What are the prospects that this trend will reverse itself in the upcoming campaign? Not that great in light of the following: Various political arms of the Republican Party, both nationally and in my State, continue to raise vast sums of money for congressional races. Potential opponents of the Republican Party have suggested that they will spend over $2 million in the quest for a Senate seat this year, and, indeed, one well-placed Republican national finance person called an individual in my State and guaranteed him, according to press reports, over $3 million if this individual will undertake a race for the U.S. Senate in Tennessee.

So I foresee another high spending campaign for statewide office in my State of Tennessee in 1988. Quite frankly, Mr. President, I cannot afford to do otherwise under present conditions than to get out and raise as much money as I can if I hope to continue serving the people of Tennessee.

The pressure is there to raise huge amounts of money for the very simple reason that if you do not, your opponent certainly will, and you will be unable to compete on even terms with the well-financed, well-heeled opponent, and the result is this: Candidates spending too much time raising money and too little time talking to voters and letting the voters know what the views of the candidates are on the great issues of the day. This is not good for democracy, and it is not good for the United States of America.

It means that the vital link between the people and their representatives is broken. Democracy is a very fragile thing. It depends not on force of arms, but on faith and trust, trust between the people and their elected representatives, and when that faith is broken, and when that trust is dissolved, then the glue that holds a democracy together fails.

The election process is the very essence of representative democracy.

But if the people have no confidence in the way their representatives are chosen, how can they possibly have any confidence in the policies that those public officials produce?

The money spent on campaigns today—those enormous, exorbitant, obscene sums—threatens to break the link between voter and officeholder.

The average citizen feels that public officials are beholden to special interests and that the voice of the individual cannot be heard above the flutter of checks filling campaign coffers. This sense of alienation, this feeling that the electoral system is no longer their system, is responsible for much of the cynicism and lack of participation by citizens in politics today.

Every election year we see the percentage of those citizens who participate going down, down, down.

The result is there for all to see: a decline in individual contributors, "debate" conducted in 30-second snatches, and wave on wave on wave of nasty and expensive TV commercials.

We saw in the last round of senatorial elections not candidates talking to voters but candidates running all across the country raising money to finance more television ads, with political reporters coming into States not talking to voters but simply looking at the television ads that were being run in those particular States and making their judgments on how the campaigns would turn out, because that is all there was to the campaigns in many States, just television and radio ads.

Well, Mr. President, I, along with many of my colleagues and the majority leader of the Senate, say enough is enough. We simply have to restore public confidence in our electoral system. That, as we all know, is easier said than done.

The last attempt at campaign finance reform arose from the stench of Watergate. Those horror stories of money stuffed in briefcases and safes, handed out at the whim of an anonymous campaign official, usually for projects of dubious propriety, caused people to sit up and take notice.

Watergate reforms were necessary and they were reasonable responses to the circumstances of the time. But in politics, as in human affairs always, every action produces an equal and opposite reaction. And in this case, the reaction was political action committees and skyrocketing campaign spending.

Since 1974, the number of PAC's has grown from less than 600 to over 4,100. In 1974, their contributions to all congressional candidates totaled $12.5 million. By 1986, that had grown to $132.2 million. In 1986, PAC contributions to Senate candidates amounted to almost $45 million and represented an average of 23 percent of a candidate's contributions.

Mr. President, I do not mean to stand here and say that political action expenditures are in and of themselves evil or unwholesome. I think the case can be made that it is perhaps more equitable and more wholesome for the political system to have some political action committees operating rather than have candidates dependent on one single, so-called angel that would write the campaign a check for $100,000 as they did in days of yore.

It is clear that the surge in PAC spending has spurred the skyrocketing cost of campaigns. The total cost of Senate campaigns has doubled in the last 6 years—from $73 million in 1980 to over $182 million in 1986. The average cost of a winning Senate campaign rose from $1.2 million in 1980 to $3.1 million in 1986—almost a 300-percent increase.

The Supreme Court's decision in Buckley versus Valeo severely limits Congress' options on campaign reform. That decision basically said that the only way to limit campaign spending is by voluntary limits. And the facts are that sure voluntary limits simply cannot work. The only way they do work is when there are incentives in the law to encourage candidates to adhere to those limits.

That is precisely what S. 2 would do, Mr. President. It would provide a strong incentive for candidates to abide by the spending limits set forth in the bill.

And let us be clear on one point, especially. This bill does not require public financing of congressional elections. That is a canard, or red herring that has been bandied about to defeat efforts at campaign reform. If both candidates agree to abide by the limits, there will be no public financing. For that matter, if neither candidate agrees to abide by the limits there will be no public financing.

The candidate would decide whether or not to agree to the spending limits. In addition, the candidate would have to meet certain criteria.

First, the candidate would have to raise a certain amount of individual contributions, largely from voters inside his or her State. Seventy-five percent of the total must be from in-State contributors, and only the first $250 of a contribution qualifies for meeting the threshold requirement.

Second, the candidate must not have spent more than two-thirds of the spending limit in the primary election.

Third, the candidate cannot use more than $20,000 of personal or family funds for the campaign. So much for the rich buying a seat in the Senate.

Finally, the candidate must agree in writing to abide by the spending limits.

Once a candidate complies with those requirements, he or she is entitled to certain benefits. First, such candidates would be eligible for the "lowest unit broadcast rate." This is a rate which is now available to all candidates. S. 2 would limit that low rate to those candidates complying with the spending limits.

Second, the candidate would be eligible for reduced mailing rates. This would be offset by eliminating the current reduced rate which the national party committees currently enjoy. Thus, there would be no additional public cost for either of these benefits.

In addition, if a candidate were the victim of media attacks by independent groups, he would be eligible for matching funds from the tax checkoff if the media campaign went above a $10,000 level.

Now, if both candidates have complied with these requirements, there will be no public financing. Only if one candidate insisted on spending exorbitant amounts of money on a campaign would public financing begin.

Mr. President, we have an opportunity here to bring some sanity to the financing of our election campaigns. The Nation is watching what we do here. And we should not let this opportunity pass us by.

I urge our colleagues on both sides of the aisle to join with the majority leader of the U.S. Senate, to join with us who are sponsoring this legislation in achieving at long last some real campaign finance reform.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee yields the floor. Is there further debate?

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the problem now before us is what to do about restricting campaign expenditures. I am very much concerned about that because I believe they should be restricted. I believe campaign spending on Senate campaigns and House campaigns is out of sight. It is much too high.

I want to tell you why I reach that conclusion, and why I watched with a great deal of concern over the past 4 or 5 years—as a matter of fact, 6 or 7 years since the last time I ran in 1982. I am up again this year. But perhaps my experiences are of some value and I shall outline them because at least it will show my colleagues why I reach the conclusion I do.

When I first started running for public office 35 years ago it was in city government, was nonpartisan, and it was considered as somewhat of a sacrifice to run for it and to serve. I was on the city council, and then I was persuaded to run for mayor. And about all there was to it was putting an ad or two in the local newspaper. And you always paid for that out of your own pocket. It was not a tough deal.

But when I kept on running for public office in the legislature and found out that in order to do that you are supposed to have some campaign literature, and let the folks know that you are in this for serious and go around asking for their vote, I found that I had to overcome my reluctance or bashfulness of knocking on people's doors and say "I wish you would consider my candidacy for the State House of Representatives" or the Montana Senate.

But what I thought was even more humbling was asking people to contribute money to pay for the brochures and to pay for the ads in the newspapers.

I think it discourages a lot of people from becoming involved in campaigns. The cost of financing these campaigns is indeed a detriment to attracting very likely looking candidates for both the House and the Senate. The first time I ran for the House seat it cost $75,000. The last time I ran for a House seat it probably only cost $90,000. So the first time I ran for the Senate in 1976 it was about a half million dollars in costs. In 1982, it was between $800,000 and $900,000. In 1988, we are estimating it will cost for my campaign $1.2 million.

When you consider the average of all the campaigns for Senate votes and all of the States that does not sound bad at all, $1.2 million. But you have to review what the population of Montana is. We have less than a million people. Population-wise, we are one of the smaller States. But I am really thinking about 1976 to 1988 of around half a million dollars in 1976, and 1982, $800,000 or $900,000; in 1988 we are estimating $1.2 million. We may be higher. We are not sure.

In Montana, with less than a million folks, we have eight television markets, we have 25 radio markets, 11 daily newspapers, 56 county newspapers, which is not all that many. But from east to west Montana is 800 miles, beginning from one side of the State and going to the other side. From north to south it is a little over 350 miles beginning on the south side and going to the north side of the State. That is a big area. Seventy-five percent of the eligible voters will probably vote in Montana in 1988.

What do they expect of the candidates? What do the people of Montana really look for from the candidates who are running for the House and Senate this year? It is no different than it has ever been, I do not believe. I believe they want us to come to their town and county, to see their problems, and then to tell them what we stand for as candidates. How is the candidate to get his message before the voter? Well, of course it is advertising. It is using the media, and costs are involved.

Mr. President, I would like to report this whole idea of what are we doing in campaign expenditures over the past 20 years; that is, I think our State and our people have viewed this properly. Before we amended the law or passed a law on campaign reform, in the early seventies Montana had a law requiring reporting of campaign expenditures. And in many respects the Federal law tracks right with our Montana law.

When we had those Federal campaign reform bills before us and successfully passed them in the early seventies. We had all of the debate that goes into why there is a need for having reporting of campaign expenditures, and why there is a need to allow the public to contribute legally in a reportable manner so that everybody can look at those records and determine for themselves whether they think this candidate or all candidates are properly approaching the electorate in an honest manner.

There is not any question, about political action committees which are recognized in the law prior to the passage in the early seventies of the Federal campaign reform. But there is also no question at all that since then PAC's have shot up in numbers, they have matched—some people think they have led, but I think that is inaccurate—in numbers the increased cost of campaigning for either House or Senate seat. Some would argue, well, there are too many PAC's.

How do you tell one group they can have a PAC and tell the other group they cannot have a PAC? I do not know how you do that

Some people argue that we should cut back on what they contribute to each candidate. Fine. I have no problem with that. If that is what it takes to pass a meaningful campaign expenditure restriction in 1988, I am all for it.

Some people complain about bundling. That term refers to a process where some group writes to a group of people and says: "Send this candidate"—or maybe they name two or three candidates—"a check made out to them directly, to their campaign committee, so that they can get reelected," or get challengers elected for the first time. It is legal. Sometimes I hear muttering about that. It raises so much money.

When I hear it from Democrats, I think it is just a natural feeling the Democrats have that Republicans are much better at it. But it is legal.

I do not think the method of getting the money is what is wrong, as long as it is done legally. I think what is wrong is that there is too much money going into it and that it behooves us in the Senate and it behooves the House, likewise, to pass legislation restricting the amount of money that can be spent in these campaigns.

I was quite surprised this morning, in reading in the Washington Post some remarks attributed to my good friend and neighbor, the assistant Republican leader, Senator SIMPSON, of Wyoming, that seemed to indicate that all this bill did was help Democrats somehow. It is hard to draw a conclusion on that, because I can hardly imagine the assistant Republican leader, my friend, AL SIMPSON, saying that the bill is just to harm Republicans. I do not know how it does that.

I think the real problem is that we need a limit on the expenditures and that we need to set it at a reasonable level and get on with the job of making the people more aware that we are not just going to spend our time as candidates 2 or 3 years before election time in gathering up money for the campaign; that we are not going to have to concentrate so much time on being involved with fundraising that we sometimes limit our activities here, taking care of our duties and responsibilities, limit our activities of actually getting out with the folks during campaign time, addressing their concerns, responding to their inquires, setting forth our reasons and our message for attracting their vote, come election day.

If there is something wrong, as perceived by the assistant Republican leader, my neighbor and friend from Wyoming, Senator SIMPSON, or any other of my Republican colleagues in this body, that there is something wrong with the legislation, this proposed bill, that it is better for Democrats versus Republicans, I would like to correct it.

I have heard the debate about the fact that there should not be government involvement with Federal funds. There need not be any Federal funds involved. If both candidates agree that they will not exceed the cap for the limitation, there are absolutely no Federal funds involved. If one candidate will not agree, then there will be some Federal funds involved, but that would be an unusual situation.

Why do we need to involve ourselves with Federal funds? Surely, I do not want any Federal funds involved. However, I have to say that there is a constitutional prohibition against dictating by law that you cannot spend any more than this amount on a campaign, and that constitutional restriction is the right of free speech. So it has to be a voluntary situation, where the candidate says, "I will not spend more than this."

Often, most candidates find themselves in a situation I have found myself in. I cannot tell you exactly how much I am going to spend in a particular race because I am not sure what my opponent is going to spend, and I may find it necessary to match that, to match the amount of advertising. So, to satisfy the constitutional requirement with respect to free speech, it has to be voluntary. In the bill before us, there would be no Federal funds, unless, for some reason, a candidate said, "I won't agree to the voluntary cap." Then it triggers the system for some Federal funding.

There is a way to curb campaign expenditures, and we need to do it. We need a bill that is no more advantageous for Republicans than for Democrats. I say that seriously. I am a firm believer that it is absolutely essential that we have two strong parties.

When the assistant Republican leader, my friend and neighbor, Senator AL SIMPSON, says that somehow this bill would harm Republican chances for their candidates, I want to correct it. I want it fair.

The political process, in my judgment, is warped right now concerning campaign spending for House and Senate seats. So I think it is imperative that we restore public confidence, give some assurance to the electorate of the United States that we are going to limit it, that we are going to hold it down, that we are going to roll it back a little bit. It is out of hand. It would not do any good, I suppose, for this election, this year. I wish it could. I very much wish it could.

I suppose it is too late for that. But it is not too late for the future, for the next election after this one. And we owe it to ourselves, to our constituency, to the people of the United States, to pass a bill this year to limit campaign expenditures.

I say very earnestly and sincerely, to all of my colleagues and most particularly to my Republican colleagues, that if there is any way to make this bill more fair from the standpoint of either party I would like to participate in that process, and then I would hope that we would join forces in prompt passage of the bill.

Mr. President, before yielding the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Maryland, Senator SARBANES.

Mr. SARBANES. Mr. President, I rise to speak briefly in support of S. 2 the bill to reform campaign financing, an issue whose time, I think, came long, long ago. I very much hope that the Senate will be able in short order to come to grips with this matter substantively, that we really will be able to consider possible changes in campaign financing and move the bill towards passage. This, in my judgment, is an issue that must be dealt with, and be dealt with expeditiously.

I want to commend the majority leader, Senator BYRD, for his leadership and perseverance in bringing this matter before the Senate and keeping it on the Senate's agenda. I also want to commend Senator BOREN for his leadership in this effort to enact truly meaningful changes in our current campaign financing system.

Mr. President, last year, during the first session of the 100th Congress, the Senate debated this bill for a total of 14 days. It is an issue that we had taken up in previous years, not in the comprehensive form that is now before us, but many of the matters embraced within this legislation has been considered on past occassions by the Senate. Last year, when we were trying to get the bill before the Senate we were unable to do so. There was difficulty even in adopting the motion to proceed.

As you will recall, we went to a cloture vote a number of times, some seven times, as a matter of fact, and while a clear majority of the Senate was in support of the bill, we were not able to command the extraordinary majority of 60 votes necessary under Senate rules to invoke cloture.

In this session, the majority leader was able to get the matter before the Senate by seeking to proceed to it at a time when there was not a debatable proposition. The matter now before us and we need to address the substance of this issue. I feel very strongly that we are at the point where we should allow the bill to go forward, consider amendments to it, vote up and down on the amendments, and then proceed to vote a final bill which addresses the very serious problems of campaign reform.

I might note that more than a majority of the Senate is cosponsoring this legislation but we have consistently run into the difficult roadblock of a minority of the Members of the body thwarting action on this very important issue.

Mr. President, let me just address a few of the elements of the legislation to underscore why I think it so important for the Senate to act on this matter. In fact, the legislation has been altered and has evolved in the course of its consideration in an effort to try to take into account objections which have been raised, primarily from the other side of the aisle. Senator BOREN and others have engaged in a good faith effort of discussing those objections and trying to see in what ways accommodations can be made. There is, in fact, now, a group of eight working on this matter. Four of our Democratic and four of our Republican colleagues are trying to see if it is possible to work out a resolution of some of the differences that exist. I wish them well in those endeavors, although I obviously would have to reserve judgment on what they produce until I can see it.

I think it is important to try to address at least four major issues in any campaign finance reform legislation. First of all, I think there need to be some limit on overall spending. Spending on elections continues to escalate by leaps and bounds and, of course, as long as you have the possibility of unlimited expenditures on political campaigns, there is a tremendous impetus for the cost of the campaigns to rise and rise. Of course, that places every Member and every challenger, everyone seeking public office, under tremendous pressure to raise large amounts of money.

Second, within the context of overall limits on total spending, I think there need to be limits on the contributions received from political action committees. The role of those committees has been debated sharply, and that, I think, is a reasonable issue for debate. This legislation does not reach to the underlying fundamental issue. It simply accepts the continued participation of political action committees in the process but places limits upon the amount of money which a candidate can receive from such committees, thereby limiting their rule. So the political action committees are not excluded from the process, an issue of importance for those who make the argument that the committee enable individuals to join together and to work collectively in the process. S. 2 also controls certain practices of the committees which really enable them to get around the statutory framework, including the practice of bundling. Bundling is used even now to circumvent the restraints in existing statutes on the amount of contribution which a political action committee can make.

Mr. President, in considering this question of limits on overall spending, it is important to recognize that the Supreme Court, in Buckley versus Valeo, has placed us in a straightjacket in addressing that issue because what the Court has said is that we cannot simply come in and legislate overall limits. The Court, in effect, has said that there must be some form of public benefits in order to establish a system of voluntary campaign spending limits.

That exists, now, in the Presidential elections. If a Presidential candidate takes the public moneys, he is then under certain limitations, which the Court has upheld in light of its previous case.

This brings us to the question of a component of public financing, which is now a minimal element in the legislation. A criticism had earlier been made about the amount of public funds that would be involved in the public financing of campaigns. The sponsors of this legislation addressed that criticism and came up with a compromise. It sought to maintain the essential legal rationale of this bill so that overall limits could be established with reference to public benefit and, yet, would reduce the amount of public funds that were needed.

The compromise put forward late last year provides that no public financing would accrue to a candidate unless his or her opponent exceeds the State's voluntary spending limit in either fundraising or in campaign expenditures and, of course, this significantly reduced the estimated amount of public funds which would be necessary under the legislation.

In fact, if every candidate agreed to the voluntary spending limitation, there would be no public funds involved at all. If a candidate refused to comply with the spending limits, then the opponent of that candidate would be able to draw on public funds to the extent that the person refusing exceeded the campaign limit.

That seems to me a sensible effort to try to preserve the legal rationale necessary for establishing the overall limits while addressing the objections some have raised regarding the degree of public financing.

Since mandatory spending limits cannot be undertaken with respect to campaigns for Federal office, you have to have voluntary limits and, to structure those, you have to provide an incentive which is, of course, what the public financing aspect of this legislation would do. In other words, it would constitute an incentive for candidates to comply with the voluntary spending limits, which the law provides.

I think those limits are reasonable. They have been adjusted. It is a question one can raise, whether the limits being established constitute a fair competitive environment in a political election, and adjustments have been made in order to address that very question. My own view is that the figures they are now using are certainly within the range of reasonableness in providing a competitive political environment.

Concerning the limitation on the contributions a candidate can receive political action committees, had this bill been in effect during the 1986 elections, the amount of contributions that the political action committees could have given would have been one-third of what was actually given. In other words, they could have contributed about $16 million instead of the $45 million which was contributed in 1986.

There is another issue which S. 2 addresses which I believe is very important. That is the question of independent expenditures. I have firsthand knowledge of the nature of independent expenditures because in 1982, the National Conservative Political Action Committee came into my State and expended almost three-quarters of a million dollars in that election, allegedly as an independent political expenditure in a highly negative campaign which has generally been the hallmark of independent expenditure effort.

This legislation provides that if a candidate complies with the voluntary spending limit and an outside group or a wealthy individual came in with a so-called independent campaign and spent over $10,000 on a media campaign, the candidate would be eligible for matching money to address this attack that was coming from the so-called independent expenditure sources. That, at least, provides some opportunity for a candidate who is under attack, not by the opposing candidate, not by the opposing party, which is the traditional framework in which our political competition has been taking place, but under assault by a so-called independent expenditure committee which simply engages in a negative campaign. At least it would give a candidate under attack some resources to counter that effort.

The legislation also addresses the issue, which a number of people have raised, of the possibility of a wealthy individual simply providing millions of his or her own money to fund the campaign without showing any appeal to a broad cross-section for political resources in order to run an election. S. 2, therefore, places a limitation on the amount an individual can spend of his own money.

Mr. President, I think it very important in addressing this question to recognize that there is a necessity to counter the growing perception of the pervasive and pernicious influence of money in politics. Last year, we marked the bicentennial of the American Constitution. We celebrated 200 years of the anniversary of our basic charter of Government, which provides the framework of our representative democracy, and I think it is important in the immediate aftermath of that bicentennial to take an important step which would greatly restore public confidence in our electoral system.

There is no question that the current system is a tragedy simply waiting to happen, and if every Member will stop and think carefully about the presssures that exist under the current arrangement, the fact that expenditures are unlimited, the sky is the limit, the nature of the pressures to try to raise huge amounts of funds for a political effort and the potential harm which exists in that endeavor, they cannot help but conclude that something must be done.

This is reasonable legislation. It is sensible legislation. The cap which it seeks to place on overall spending would, in effect, structure limits that would reduce much of the pressure that is now present. The control on how much PAC's can contribute, the restraints placed on the so-called independent committees which enter into elections almost as an alien force, not responsible, not themselves going before the electorate for the judgment of the voters, and the restraint it places on wealthy individuals—I think these are all very important.

I believe it provides an assurance to the citizens about the fundamental soundness of the elective process and restores credibility to our campaign financing laws and, therefore, will contribute to restoring credibility to our elections.

A majority of this Senate has again and again indicated its support and the necessity to take legislative action in this area. I hope that the Senate, in short order, will be able to turn its attention to the substance of this legislation and move forward with it, enact it in the near future, send it to the House of Representatives, and move it on its way to its place in the statute books of our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Ford). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN FREEDOM FIGHTERS

Mr. SYMMS. Mr. President, I want to call to the attention of my colleagues today that I have sent a "Dear Colleague" letter which they will soon receive. It deals with the important question of the victory that the Mujahidin freedom fighters are achieving in Afghanistan. The Soviet Army have been unable to achieve any kind of a military victory. From my own observations in Pakistan about 3 weeks ago, it is safe to say that the Soviet Army is being defeated on the battlefield by the freedom fighters. The Mujahidin have been very emboldened with the advent of surface-to-air missiles and other weapons that have become available to them through our efforts and other friendly nations to freedom.

This is important for the U.S. Senate to speak on.

When I was in Peshawar, Pakistan, I had the opportunity to meet with the Yunis Khalis, who is the leader of the two tribes of Mujahidin. The concern he expressed to me was that he was afraid the United States and the Soviet Union would make a deal, and leave the freedom fighters out of it. The message he wanted to send back to the United States was that the freedom fighters were going to fight on until the last Russian troop and the last vestige of the Soviet influence is pushed back out of their country. The freedom fighters would compromise and settle for nothing less.

They thought it was the responsibility of Afghanistan citizens and people to help get the 3 million refugees back in the country, and restore a government that is suitable to the wishes of the Afghan people—not something that might be suitable to the United States, the Soviet Union, or any other parties; that they wanted it suitable to their own countrymen.

So I have sent a "Dear Colleague" letter out which I ask unanimous consent that at the end of my remarks it be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Immediately following that, I ask unanimous consent to have printed in the Record the text of the resolution which I shall introduce.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SYMMS. Mr. President, I will not introduce the resolution today, because it would be my hope that in discussing this issue with the minority and majority leadership, it might be possible for the Senate to vote on this resolution without having it go to committee.

The basic text of the resolution, the action clause, is as follows:

> (b) It is therefore the sense of the Senate that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters so long as any Soviet or Soviet-bloc forces remain in Afghanistan.

I think it is important that the Senate speak to this issue. It would send a signal of confidence to those people who are fighting for their freedom in Afghanistan, against the oppression of the Soviet Army. But also for the freedom of all mankind in the world today.

It is interesting to note that the Soviet Army has killed over 10 percent of the population of Afghanistan, but they have not broken the will or the spirit of the Mujahidin. These people are fierce, freedom-loving, and independent, and they deserve the commendation of all people on this Earth.

We can be very proud, as Americans, that we have provided them with the wherewithal to carry on this victory, and we should continue to carry it on. It is a way for us to repudiate the Brezhnev doctrine, to demonstrate to free peoples around the world that if a resistance movement comes into being, we in the United States will stand beside and help them.

I will not make any comments with respect to what happened on the vote on Central America in the House of Representatives, but I think it goes without saying that that sends the wrong signal and that this would send the right signal.

Exhibit No. 1

Committee on Armed Services,
Washington, DC, February 19, 1988.

Dear Colleague: I will soon be introducing legislation concerning United States assistance to the Afghan Mujahidin. A copy of the draft legislation is attached for your review.

It is encouraging that arms control discussions have been accompanied by a serious review of regional conflicts and human rights violations. I compliment the Administration on pursuing these very important matters. Moreover, the revelation that the Soviets may soon begin withdrawal of their forces is promising.

However, I am very concerned that the State Department may place U.S. assistance to the Afghan freedom fighters on the negotiating table as a possible "bargaining chip" to foster Soviet troop withdrawal.

I believe there are two reasons the Soviets have begun discussing a timetable to withdraw their forces from Afghanistan.

First, is the courage and determination of the Mujahidin. Their will to bring about a more democratic form of government is applauded by all Western nations. And, despite the overwhelming Soviet-bloc military advantage, the freedom fighters consistently have repelled the communist offensives.

Second, is the United States' support for the Mujahidin. Without our willingness to provide military and humanitarian assistance, their fight for freedom and independence indeed would be extremely difficult and costly. In addition, U.S. support for the

Afghan freedom fighters has provided the impetus for other Western governments to openly endorse the Mujahidin's struggle for freedom.

For these reasons, it is timely and important for the Senate to go on record opposing any effort to cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters. Ending our military aid to the Mujahidin should come only in response to the total withdrawal of Soviet-bloc troops from Afghanistan.

If you have any questions, comments, or would like to cosponsor this legislation, please contact myself or Andrew Jazwick of my staff at 224-1557.

Sincerely,

STEVE SYMMS,
U.S. Senator.

EXHIBIT 2

(Resolution expressing the sense of the Senate regarding assistance to Afghan Mujahidin)

Resolved,

Section 1. Human Rights in Afghanistan

(a) Congress finds:

(1) that the Soviet Union has currently deployed approximately 120,000 Soviet troops to wage war on the people of Afghanistan;

(2) that the Soviet occupation of Afghanistan, which has continued for over ten years, has resulted in the deaths of over 1,000,000 Afghans, or 9% of the population;

(3) that 46% of all deaths have resulted from aerial bombing of civilian populations, mostly women and children;

(4) that the Soviets have engaged in a persistent pattern of torture and violation of human rights, including beatings, electric shock, cigarette burns, immersion in cold water or snow, and deprivation of water, food, and sleep;

(5) that 2.9 million refugees are currently registered in Pakistan;

(6) that the Third Committee (Human Rights) of the United Nations General Assembly has voted for three consecutive years condemning the violations of human rights in Afghanistan; and

(7) that the violations of fundamental human rights, including the right to life and liberty, represent crimes against humanity.

(b) It is therefore the sense of the Senate that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan freedom fighters so long as any Soviet or Soviet-bloc forces remain in Afghanistan.

DEATH OF CHIANG CHING-KUO

Mr. SYMMS. Mr. President, I note with sadness the passing of Chiang Ching-Kuo to his reward recently, after 77 years.

I had the opportunity in 1975, and again in 1982, to meet with President Chiang in Taiwan. I think that he left a legacy to all people to demonstrate how important a free society can be and how much stronger their economy is in free China as opposed to Communist China.

We have watched with great interest and enthusiasm, the last 2 or 3 years, the move toward market ideas on the mainland of China, so to speak, to recognize how well their colleagues have done on the island of Taiwan.

I ask unanimous consent that an article from Human Events, February 6, 1988, by Roger A. Brooks and Richard D. Fisher, Jr., be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, President Chiang was a great friend of America. But, more important, he was a great friend of free people all over the world. His legacy in Taiwan was that it made his nation a model for economic and democratic and political development in the Asia-Pacific region. He ensured that his country remained a close and a loyal friend to the United States, even when the United States betrayed that friendship with respect to the new recognition of the People's Republic of China and expelled free China from the United Nations. But he never ceased his steadfast loyalty for the United States.

As one Member of the Senate—and I know others share this view—I believe that we will be forever indebted to his memory and to his family. We mourn his loss, but we think he left a legacy which will live long past his memory and that it will be an example of freedom in that very important part of the world.

EXHIBIT 1

CHIANG CHING-KUO'S LEGACY FOR CHINA AND THE U.S.

(By Roger A. Brooks and Richard D. Fisher, Jr.)

The passing of Chiang Ching-Kuo at age 77 ends an era for the Republic of China on Taiwan. As president of the ROC since 1978, he made his nation a model for economic and democratic political development in the Asia-Pacific region. He also ensured that his country remained a close and loyal friend of the United States, even when the U.S. betrayed that friendship.

Just as Chiang's passing gives the people of the ROC a chance to review and reaffirm his commitment to economic growth and democratization, so it gives the U.S. the chance to reaffirm its commitment to the ROC as defined by decades of close cooperation and by the 1979 Taiwan Relations Act. It is this commitment which Washington must express forcefully to Chiang's successor as ROC president, Lee Teng-hui.

Chiang Ching-Kuo began the process of democratic pluralism in the ROC after he was named Premier in 1972. He allowed the creation of an opposition party and began recruiting native Taiwanese to join the Kuomintang, the ruling political party. He lived to see the dividends of this policy.

In recent local elections, for example, 80 percent of the candidates were Taiwanese. President Lee himself is native Taiwanese. Then last year, Chiang ended martial law rule. This encouraging ROC development confirms Jeane Kirkpatrick's observation that potential for evolution toward democracy stands a vastly greater chance for success within authoritarian systems than within totalitarian systems.

As the new era on Taiwan begins, Washington must maintain its legal and moral obligations to the people of the ROC. U.S. forces were based in Taiwan until 1979 and the ROC provides an alternative base should U.S. troops be forced to leave the Philippines. In the coming months, the U.S. should:

Assert the primacy of the 1979 Taiwan Relations act over the Joint Communique of 1982.

In 1979, after Jimmy Carter peremptorily broke relations with the ROC, Congress passed the Taiwan Relations Act by staggering majorities. When Carter signed the Act, it became the law of the land. The Act commits the U.S. to sell arms to the ROC indefinitely "in such quantities as may be necessary" and assist the ROC in the event of an attack. This Act, of course, takes precedence over any unilateral statement by the Executive Branch, such as the 1982 U.S.-Beijing Communique committing the U.S. to gradually reduce its arms sales to the ROC.

Maintain free trade between the ROC and U.S.

Despite a population density nine times that of the Chinese mainland and virtually no natural resources, per capita income in the ROC today exceeds $5,000 compared to roughly $400 on the mainland.

Though diplomatically recognized by only 23 states, the ROC trades with over 140 states. The ROC currently is the sixth largest U.S. trading partner. More than most other countries, the ROC is acting to reduce its surplus with the U.S. by allowing its currency to appreciate rapidly, by sending buying missions to the U.S., and by reducing tariffs on 3,500 items. The U.S. and the ROC can improve their trade relations by establishing a U.S.-ROC Free Trade Area, based on the model recently adopted by the U.S. and Canada.

Encourage Taipei and Beijing to determine their own future without outside interference.

The U.S. must remain firm that the eventual reunification of Taiwan with the mainland is a matter of Taipei and Beijing to resolve themselves and do so peacefully. Washington must avoid participation in reunification talks and let the ROC proceed with democratization without interference.

President Chiang last September demonstrated Taiwan's confidence in improving relations with Beijing by announcing the beginning of limited visitation by elderly mainland-born citizens to the People's Republic of China. Already, some Taiwanese journalists have visited Beijing. Indirect trade between the ROC and the mainland exceeds $2 billion annually.

Avoid selling weapons to Beijing that threaten ROC security

Recent arms sales to Beijing by the U.S. and other Western countries are eroding the ROC's military technological superiority that has kept the military balance in the Taiwan Strait. The U.S., in particular, should avoid selling advanced electronics and naval technology to the PRC.

U.S. friendship with the ROC has flourished through 40 years and eight U.S. Presidents. The death of Chiang Ching-Kuo, though a sad event, should provide the U.S. an opportunity to reassert its friendship and reaffirm its support for increased democracy in the ROC.

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

Mr. WIRTH. Mr. President, continuing with the series that I have been focusing on on conventional arms control, I want to speak briefly this afternoon about John Mearsheimer's article, "Why the Soviets Can't Win Quickly in Central Europe," International Security, summer, 1982.

John Mearsheimer, author of the highly regarded book "Conventional Deterrence" provides a seminal analysis of the conventional balance on Europe's central front in terms of the Warsaw Pact's ability to win quickly in a conventional conflict.

Mearsheimer contends that the conventional balance is not nearly as out of balance as is widely perceived. His aim here is to assess the Warsaw Pact's capacity to affect a blitzkrieg against NATO. To measure this capability, Mearsheimer evaluates whether the Soviet Union has the "force structure, the doctrine, and the raw ability" to implement this strategy. He further analyzes NATO's defense capabilities and the theater's terrain in an effort to determine NATO's ability to thwart such a blitzkrieg. His essential conclusion is, that while NATO certainly could not win a conventional war with the Soviet Union, it could deny it a quick victory and then hold out in a war of attrition.

As noted, Mearsheimer evaluates pact force structure, doctrine, and raw ability in his assessment of the pact's capacity for a blitzkrieg attack. Regarding force structure, he contends first, that the pact does not have overwhelming manpower advantages vis-a-vis NATO, and does not have sufficient manpower for a blitzkrieg attack; second, that the pact has irrefutable numerical advantages in weapons, but that NATO's edge in quality and training largely neutralize the pact's strength in numbers; and, third, that, while NATO's mobilization and reinforcement capabilities may not equal the pact's, NATO has the potential to maintain overall ratio of forces very close to premobilization ratios.

Regarding doctrine, Mearsheimer assumes that in a conventional war, the Soviet Union will employ a blitzkrieg attack, that is, they will amass armored forces along one or several points on the defender's front, pierce that front, and rapidly advance to the enemy's rear. What are the prospects for the Soviet Union to achieve this strategy? According to Mearsheimer, one must evaluate two important criteria: First, can the pact achieve the necessary force ratios along the main axes of attack in order to puncture NATO's lines of defense, and second, if the pact can pierce NATO's lines, can the pact then successfully advance to NATO's rear areas. Based on well-known NATO deployment patterns as well as geographic and topographical constraints, and likely Soviet deployment patterns, Mearsheimer concludes that NATO could most likely stop a Soviet blitzkrieg attack and convert the conflict into a war of attrition.

Regarding Soviet and Warsaw Pact raw ability to execute such an attack, Mearsheimer expresses considerable doubt as to the pact's prospects for success. While nothing that pact forces are configured for blitzkrieg, Mearsheimer details weaknesses in Soviet training, in the ability of lower level officers to take initiative, in overcentralized command structures, and in the uncertain reliability of non-Soviet pact forces. He remains skeptical that the Soviet Union would have the requisite ability to execute the complex and difficult blitzkrieg attacks with the necessary precision.

While Mearsheimer believes NATO could successfully meet a pact blitzkrieg attack, he specifies two important caveats for continuing these prospects for success: First, NATO must proceed with ongoing improvements in its force structure, including strengthening the sustainability of forces; and, second, NATO must mobilize, and it must attempt to do so in ways that do not provoke Soviet attack. Mearsheimer, like other analysts, assigns extreme importance to warning time and mobilization. A prerequisite for NATO success in thwarting a pact blitzkrieg is receiving ample warning time and then mobilizing immediately to meet the threat. Even a few days delay could be disastrous for NATO.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE SOVIETS CAN'T WIN QUICKLY IN CENTRAL EUROPE

(By John G. Mearsheimer)

In light of the emergence of strategic parity and NATO's manifest lack of enthusiasm for tactical nuclear weapons, the importance of the balance of conventional forces in Central Europe has increased significantly in the past decade. Regarding that balance, the conventional wisdom is clearly that the Warsaw Pact enjoys an overwhelming advantage. In the event of a conventional war, the Soviets are expected to launch a blitzkrieg that will lead to a quick and decisive victory.

The implications of this specter of a hopelessly outgunned NATO are significant. Certainly, NATO's behavior in a major crisis would be influenced by its view of the conventional balance. Futhermore, one's preception of the conventional balance directly affects his or her view of the importance of both strategic and tactical nuclear weapons for deterrence in Europe.

The fact of the matter is that the balance of conventional forces is nowhere near as unfavorable as it is so often portrayed to be. In fact, NATO's prospects for thwarting a Soviet offensive are actually quite good. Certainly, NATO does not have the capability to win a conventional war on the continent against the Soviets. NATO does have, however, the wherewithal to deny the Soviets a quick victory and then to turn the conflict into a lengthy war of attrition, where NATO's advantage in population and GNP would not bode well for the Soviets.

The aim of this article is to examine closely the Soviets' prospects for effecting a blitzkrieg against NATO. In analyzing this matter, two closely related issues must be addressed. First, one must determine whether the Soviets have the force structure, the doctrine, and the raw ability to implement this strategy. In other words, do the Soviets, when viewed in isolation, have the capacity to effect a blitzkrieg? Secondly, when NATO's defense capabilities and the theater's terrain are considered, what then are the prospects for Soviet success? It may very well be that the Soviet military is well-primed to launch a blitzkrieg, but that NATO in turn has the capability to thwart it.

Any assessment of the NATO-Pact balance is dependent on certain assumptions made about the preparatory moves both sides take before the war starts. Among the many that might be considered, three scenarios are most often posited. The first of these is the "standing start" attack, in which the Soviets launch an attack after hardly any mobilization and deliver a knock-out blow against an unsuspecting NATO. This is not, however, a likely eventuality.

Secondly, for a war in Europe to become a realistic possibility, there would have to be a significant deterioration in East-West relations. Given such a development, it is very likely that both sides will take some steps, however limited, to increase the readiness of their forces. It is difficult to imagine a scenario where an alert Pact catches NATO completely unprepared.

The second scenario is a more realistic and more dangerous one. Here, in the midst of a crisis, NATO detects a Pact mobilization, but does not mobilize its forces for a fear of triggering a Soviet attack. Surely, if NATO fails to respond quickly to a Pact mobilization as posited in this second scenario, the Pact would soon be in a position to inflict a decisive defeat on NATO.

In the third scenario, NATO's mobilization begins immediately after the Pact starts to mobilize. Here, the Pact does not gain an overwhelming force advantage as a result of NATO's failure to mobilize. It is with this third scenario that I shall concern myself in the present essay. The assumption on which I base the following analysis is that strategic warning and mobilization are acted upon by NATO; the raw capabilities of the opposing forces will thus be examined under those clearly defined conditions.

The Balance of Forces on the Central Front

There are generally two alternative ways of assessing the balance. One is to focus on the manpower on each side, while the other is to compare weaponry.

MANPOWER

Robert Lucas Fischer, in his 1976 study of the conventional balance in Europe (which is, unfortunately, one of the few comprehensive studies done on that subject), notes that NATO has 414,000 men in its divisions, while the Pact has 564,000. With this measure of divisional manpower, the Soviet advantage shrinks to 1.36:1. Fischer calculates that when overall manpower levels on the Central Front are considered, the Pact's advantage shrinks even further to 1.09:1. This is because NATO has traditionally had more men assigned to combat units which are not organic to divisions. Since the study was issued, the Pact has added approximately 50,000 men, raising the overall advantage in manpower to 1.15:1—hardly an alarming figure. These figures are clear evidence that NATO is not hopelessly outnumbered.

WEAPONS

It is not difficult to compare numbers of specific weapons on each side. Such comparisons, however, do not take into account qualitative differences within the same category of weapons nor do they deal with the problem of comparing different categories of weapons (i.e., tanks vs. artillery).

REINFORCEMENT AND MOBILIZATION

Now, consider the critical matter of comparative reinforcement capabilities. Although NATO's reinforcement capability is not as great as the Soviets' in an absolute sense, NATO has the potential to keep the overall ratio of forces very close to the pre-mobilization ratio. The notion that the Soviets can rely on some massive second echelon that NATO cannot match is a false one. However, the ratio of forces in any future mobilization will be heavily influenced by the timeliness with which each side starts to mobilize. If NATO begins mobilizing its forces before the Pact does, or simultaneously with the Pact, then the force ratios will remain close to the 1.2:1 (in armored division equivalents) and 1.36:1 (in divisional manpower), the ratios which obtained before mobilization. If NATO starts mobilizing a few days after the Pact, then the balance of forces should approach but not exceed a 2:1 ratio in the very early days of mobilization and then fall to a level close to the pre-mobilization ratios. But once the gap in mobilization starting times reaches seven days (in the Pact's favor), NATO begins to face serious problems, problems which become even more pronounced as the mobilization gap widens further.

It should be emphasized that there are definite limits to the utility of measuring force levels. Nevertheless, it is clear that if one side has an overwhelming advantage in forces, that glaring asymmetry is very likely to lead to a decisive victory. The previous analysis of the balance of forces in Europe indicates that the Soviets do not enjoy such an overwhelming advantage. They do not have the numerical superiority to simply crush NATO. In a conventional war in Europe, whether or not the Soviets prevail will depend on how they employ their forces against NATO's defenses. In other words, success will be a function of strategy, not overwhelming numbers.

Doctrine

NATO's forces are arrayed to support a strategy of forward defense. In other words, to meet a Pact offensive, the forces in each of NATO's corps sectors are deployed very close to the border between the two Germanies. How do the Soviets plan to fight a non-nuclear war in Europe? The assumption here is that they will employ a blitzkrieg. This strategy calls for the attacker to concentrate his armored forces at one or more points along the defender's front, pierce that front, and race deep into the defender's rear. The aim is to avoid a broad frontal attack and, instead, to drive a small number of powerful armored columns into the depths of the defense.

To determine whether the Soviets can successfully launch a blitzbrieg against NATO's forward defense, two key questions must be answered. First, can the Soviets achieve the necessary force ratios on their main axes of advance so that they can then open gateways into NATO's rear? In other words, given the deployment of NATO's forces as well as the terrain, how likely is it that the Soviets will be able to repeat the German achievement opposite the Ardennes Forest in 1940? Is it true, as advocates of a maneuver-oriented defense claim, that the Pact can choose any point on the NATO front and achieve the the superiority of forces necessary to effect a breakthrough?

Second, if the Soviets are able to tear open a hole or two in NATO's defensive front, will the Soviets be able to exploit those openings and penetrate into the depths of the NATO defense before NATO has a chance to shift forces and slow the penetrating spearheads? Effecting a deep strategic penetration in the "fog of war," when the defender is doing everything possible to seal off the gaps in his defense, is difficult and requires a first-rate army. How capable is the Soviet Army of accomplishing this difficult task? Although it is not possible to provide definitive answers to these questions, there is good reason to believe that NATO is capable of thwarting a Soviet blitzkrieg and turning the conflict into a war of attrition.

THE INITIAL DEPLOYMENT PATTERNS

When considering Soviet deployment patterns for a conventional European war, the most basic question is: how will the Soviets apportion their forces across the front? More specifically, will the Soviets disperse their forces rather evenly across the front, mounting attacks along numerous axes, or will they concentrate their forces at one, two, or three points along the inter-German border? In many of the accounts by Western analysts, it is assumed that a Soviet offensive will be a multi-pronged one.

It is possible that the Soviets might choose to launch an offensive along multiple axes of advance. This would be consistent with their doctrine for fighting a nuclear war in Europe, where the emphasis is on keeping the attacking forces widely dispersed so that they are not vulnerable to nuclear attacks. However, such a deployment pattern would hardly facilitate employment of a blitzkrieg, simply because it would be virtually impossible for the Soviets, given the present overall balance of forces, to achieve overwhelming force ratios on any of the axes. If the Soviets hope to defeat NATO with a blitzkrieg, they will have to concentrate massive amounts of armor on one, two or, at most, three major axes of advance. This raises the obvious questions: where are those axes likely to be? and how well-positioned is NATO to deal with the most likely Pact deployment patterns?

It is most unlikely that the Pact would place a major axis of advance in either the far north or the far south of the NATO front. In the south, this would preclude a major attack against II German Corps, simply because it would not result in a decisive victory. The Allies could afford to lose almost the entire corps sector, reaching back to the French border, and they would still be able to continue the war. Moreover, the mountainous terrain in this part of Germany is not conducive to the movement of large armored forces. In the north, a major offensive against Schleswig-Holstein is unlikely. Although the terrain is not mountainous in this sector there are still enough obstacles (bogs, rivers, urban sprawl around Hamburg) to hinder the movement of a large armored force. Furthermore, a Pact success in this region would not constitute a mortal blow to NATO. The main body of NATO's forces would still be intact and capable of conducting a vigorous defense.

CHANNELING FORCES: THE PACT'S AXES OF ATTACK IN CENTAG

The Soviets are most likely to locate their main attacks along the front stretching from the I Dutch Corps Sector in the north to the VII American Corps Sector in the south. Let us first consider the three key corps sectors in CENTAG (III German, V U.S., and VII U.S.). Generally, the terrain in the CENTAG area is very obstacle-ridden. Besides being a mountainous region, it has numerous rivers and forests. Consequently, there are a small number of natural avenues of attack in CENTAG. Actually, there are three potential axes on which the Soviets are likely to attack.

The most threatening of the three possibilities would be an attack from the Thuringian Bulge through the Fulda Gap, aimed at Frankfurt. Except for the Fulda River, the terrain on this axis should not greatly hinder the movement of large armored forces. Importantly, this axis cuts across the "wasp-waist" or the narrowest section of Germany. The distance from the inter-German border to Frankfurt is a mere 100 km. Frankfurt, because of its central location in Germany's communications network, would be a most attractive target. Capturing Frankfurt would effectively cut Germany in half, and given the importance of north-south lines of communication, would leave NATO's forces in southern Germany isolated.

The second potential axis of advance is located in the sector covered by the III German Corps. The attacking forces would move through the Gottingen Corridor, just south of the Harz Mountains. The industrialized Ruhr is located due west of Gottingen.

There is a third potential axis of advance in CENTAG, although it is less attractive than the axes which run through the Fulda Gap and the Gottingen Corridor. The axis runs from Bohemia through the area around the city of Hof toward Stuttgart: the Hof Corridor. The terrain that an attacking force would have to traverse there is considerably more obstacle-ridden than the terrain along the other axes. Moreover, Stuttgart is a far less attractive target than either Frankfurt or the Ruhr. Aside from these three axes, there are no attractive alternatives.

NATO's forces in CENTAG should be able to contain a major Soviet attack in this region. There are only a limited number of potential axes of advance, each of which is quite narrow and well defined and each of which NATO is well prepared to defend. Moreover, NATO has contingency plans to shift forces to combat Soviet efforts designed to achieve overwhelming force ratios at the points of main attack. NATO's prospect of successfully halting a Soviet attack are further strengthened by the terrain, which not only limits the number of potential axes, but also channels the attacking forces across the width of Germany. In other words, the potential axes of advance are rather narrow and do not allow the attacker to spread his forces after the initial breakthrough.

THE NORTH GERMAN PLAIN: OPEN ROAD FOR A PACT ADVANCE?

Now, consider NATO's prospects for containing a Soviet attack directed against NORTHAG. It is widely held that NATO is more vulnerable in this region than in CENTAG. The terrain in NORTHAG, because it is not mountainuous and covered with forests, is generally held to be more favorable to the movement of large armored formations. Secondly, there are doubts about whether the Dutch and the Belgians, and even the British, have the capability to withstand a Soviet attack. Notwithstanding that NATO is more vulnerable in this region than in CENTAG, the prospects for thwarting a major Soviet attack in NORTHAG are quite good. The terrain is not obstacle-free by any means and, as will become clear, the Belgian and Dutch Corps Sectors are not the weak links that they are often said to be. Approximately one-third of the front is covered by the Harz Mountains, while the terrain throughout the depth of the corps sector is laden with obstacles.

The North German Plain, above the Belgian Corps Sector, is covered by the I British and I German Gorps. There is widespread agreement that the Pact will place a single main axis against NORTHAG and that that axis will be located on the North German Plain. Athough there are no mountains and few forests in this region, there are obstacles in both the German and British Corps Sectors. In the British Corps Sector, there is significant urban sprawl centered on Hannover, which is located in the heart of this corps sector. Armored forces simply will not be able to move rapidly through those urban areas that NATO chooses to defend.

Finally, even if the attacking forces were able to penetrate through this sector rapidly, it is unlikely that NATO would be mortally wounded. Certainly, NATO would feel the loss of the ports in nothern Germany. However, since the attacking forces would exit Germany into the nothern part of the Netherlands, NATO would still have access to the most important Belgian and Dutch ports.

In sum, given the initial deployment patterns of both NATO and the Pact, it appears that NATO is reasonably well deployed to meet a Soviet blitzkrieg. Although both Pact and NATO deployment patterns have been examined, attention has been focused, for the most part, on examining NATO's capability to thwart a blitzkrieg. Now let us shift the focus and examine in detail Soviet capabilities.

Soviet Capabilities for Blitzkrieg Warfare

To ascertain whether the Soviet Army has the capacity to effect a blitzkrieg, it is necessary to examine that Army on three levels. First, one must consider how the Soviet Army is organized. In other words, are the forces structured to facilitate a blitzkrieg? Second, it is necessary to consider doctrine, a subject that has already received some attention. Finally, there is the matter of raw skill. Assuming that the problems with force structure and doctrine are minimal, is the Soviet Army capable of performing the assigned task?

Since almost all the Pact divisions that would be used in a European war are either armored or mechanized infanty, it seems reasonable to assume that the Pact is appropriately organized to launch a blitzkrieg. On close inspection, however, there are potential trouble spots in the Pact's force structure. Over the past decade, Soviet divisions have become extremely heavy units. Western analysts pay a great deal of attention to the large and growing number of tanks, infantry fighting vehicles, artillery pieces, rocket launchers, surface-to-air missiles, air defense guns, anti-tank guided missiles (ATGMs), and assorted other weapons that are found in Soviet as well as other Pact divisions. Past a certain point, however, there is an inverse relationship between the mass and the velocity of an attacking force. As the size of the attacking force increases, the logistical problems as well as the command and control problems increase proportionately. Then, it becomes very difficult to move that force rapidly—an essential requirement for a blitzkrieg, where the attacker is seeking to strike deep into the defender's rear before the defender can shift forces to deal with the penetrating forces.

Consider now the matter of doctrine. As noted earlier, it is not possible to determine exactly how the Soviet plan to fight a conventional war in Europe. This is because the Soviets themselves are not sure; there is presently doctrinal uncertainty in their military circles. Certainly, they continue to emphasize the necessity of rapidly defeating NATO, should a war in Europe break out. The Soviets recognize, however, that it is becoming increasingly difficult to do this, especially because of the proliferation of ATGMs. Moreover, they are well aware of how these organizational problems compound their task. They realize that it will be difficult to effect deep strategic penetrations against prepared defenses. Although there has been a considerable effort to find a solution to this problem, if anything, the Soviets appear to be moving closer to a strategy of attrition. This is reflected in their growing reliance on artillery and dismounted infantry. There is no evidence that the Soviets have made a conscious decision to fight a war of attrition. Instead, it appears that they are being inexorably drawn in this direction by their efforts to neutralize the growing firepower, both ground-based and air-delivered, available to NATO.

SOVIET TRAINING AND INITIATIVE

Finally, there is the question of whether the Soviet Army has the necessary raw skills. An army that intends to implement a blitzkrieg must have a highly flexible command structure as well as officers and NCOs at every level of the chain of command who are capable of exercising initiative. A blitzkrieg is not a steamroller: success is ultimately a consequence of able commanders making rapid-fire decisions in the "fog of battle" which enable the attacking forces to make the crucial deep strategic penetrations. Should the Soviets attack NATO, there is a chance that the Soviets will open a hole or holes in the NATO front. Naturally, NATO will try to close those holes and seal off any penetrations as quickly as possible. The key question is: can the Soviets exploit such opportunities before NATO, which is well prepared for such an eventuality, shuts the door? In this battle, the crucial determinant will not be how much firepower the Soviets have amassed for the breakthrough; success will be largely the result of highly skilled officers and NCOs making the decisions that will enable the armored spearheads to outrun NATO's defenses. A blitzkrieg depends on split-second timing since opportunity on the battlefield is so fleeting.

There is substantial evidence that Soviet officers and NCOs are sadly lacking in individual initiative and, furthermore, that the Soviet command structure is rigid. Their absence is largely the result of powerful historical forces. Fundamental structural change in Soviet society and the Soviet military would be necessary before there would be any significant increase in flexibility and initiative.

Other deficiencies in the Soviet Army cast doubt on the Soviets' capacity to launch a successful blitzkrieg. For example, the Soviets have significant problems with training. Overreliance on training aids and simulators is a factor often cited, and there is widespread feeling that the training process does not satisfactorily approximate actual combat conditions. Training is of special importance for the Soviets since their army is comprised largely of conscripts who serve a mere two years. Moreover, since new conscripts are trained in actual combat units, more than half of the troops in the 19 Soviet divisions in East Germany are soldiers with less than two years of experience. Any one time, a significant number of those troops is either untrained or partially trained. It should also be noted that Soviet soldiers are deficient in map reading, a skill which is of much importance for an army attempting to launch a blitzkrieg.

Finally, one must consider the capabilities of the non-Soviet divisions, which comprise approximately half of the Pact's 57⅓ standing divisions. Although the Soviet divisions will certainly perform the critical tasks in any offensive, the non-Soviet divisions will have to play a role in the operation. Otherwise, the size of the offensive would have to be scaled down significantly. One cannot say with any degree of certainly that the East Europeans would be militarily incapable of performing their assigned task or that they would not commit themselves politically to supporting a Soviet-led offensive. The Soviets, however, would have to give serious consideration to the reliability of the East Europeans.

CONCLUSION

Even if one were to discount these weaknesses of the Soviet Army, the task of quickly overrunning NATO's defenses would be a very formidable one. A Pact offensive would have to traverse the obstacle-ridden terrain which covers almost all of Germany and restricts the movement of large armored units. Moreover, there is good reason to believe that NATO has the wherewithal to thwart such a offensive. In short, NATO is in relatively good shape at the conventional level.

Two very important caveats, however, are in order. First, NATO must provide for the continuation of ongoing improvements in its force structure. There is no evidence that the Soviet effort to modernize her forces in Central Europe is slowing down. Therefore, NATO must continue to make improvements if it is to maintain the present balance. It is absolutely essential, for example, that deployment of the American Corps in NORTHAG be completed. It is also imperative that the Belgians, the British, and the Dutch continue to modernize and upgrade their conventional forces. More specifically, these forces, especially the British, must increase the firepower of their individual brigades. And, the Allies need to place more emphasis on improving the sustainability of their forces. Fortunately, the conventional wisdom is wrong; NATO presently has the capability to thwart a Soviet attack. Unfortunately, too few people recognize this.

The second caveat concerns warning time and mobilization. Given NATO's present intelligence capabilities and the Pact's force structure, there is little doubt that NATO would detect a full-scale Pact mobilization almost immediately. Obviously, NATO must ensure that it maintains this capability. Problems arise, however, in circumstances where the Pact pursues a limited mobilization which is somewhat difficult to gauge. Although there are real limits as to how much mobilization the Soviets can achieve before tipping their hand, NATO needs to be especially sensitive to such an eventuality. Moreover, NATO must be prepared to respond to a limited mobilization, even if the evidence of such mobilization is somewhat ambiguous. This leads to the critical problem of mobilization.

This article highlights how important it is that NATO mobilize its forces immediately after the Pact begins it mobilization. A favorable balance of forces in a crisis will be a function of political as well as military factors. The real danger is that NATO's leaders will not agree to mobilize in a crisis for fear that such a move might provoke a Soviet attack. The risk of pushing the Soviets to preempt can be reduced, however, by avoiding certain provocative moves and by clearly communicating one's intentions to the other side. Nevertheless, the risk of provoking a Soviet attack by initiating NATO mobilization can never by completely erased. That risk, however, must be weighed against the far greater danger that if NATO does not mobilize, the capability to defend against a Pact attack will be lost. Moreover, once the Pact achieves a decisive superiority because of NATO's failure to mobilize, it would be not only difficult, but very dangerous for NATO to attempt to redress the balance with a tardy mobilization. Seeing that process set into motion, the Pact would have a very strong incentive to attack before NATO erased its advantage. In short, it is essential that NATO plan for ways to mobilize that do not provoke a Soviet attack, but, at the same time, ensure that NATO does not lose its present capability to defend itself effectively against a Soviet offensive.

PANAMA DRUG CERTIFICATION

Mr. D'AMATO. Mr. President, I rise to share with my colleagues my total astonishment about published reports that indicate that the Bureau of International Narcotics matters at the State Department has issued a preliminary report requesting that Panama be certified as having been "fully cooperative" with the United States drug interdiction efforts.

Even though the report admits that Panama has not been cooperative, the International Narcotics Bureau recommends certification for reasons of other national interests.

Mr. President, whose national interest? Just imagine, Mr. President, how confused the people of Panama must be. One week they read that the United States is indicting General Noriega for drug trafficking. The next week they read that the United States is certifying the Government of Panama, a government under the complete control and domination of General Manuel Noriega, in the national interest.

Mr. President, it becomes even more puzzling when you consider that most of the penalties involved in decertification have already been levied against the Government of Panama by act of the Congress of the United States. We cut off aid to Panama, military and economic.

The Panamanian people have become hostages to the Colombian drug cartel; their leader, General Noriega, is a major operative of that cartel; in vivid and explicit testimony recently, it was stated that General Noriega receives $10 million a month just from one of the Colombian cartels.

What kind of policy do we have that says that notwithstanding a nation's failure to cooperate in the effort against international drug trafficking, that we will certify them because there are compelling national interests?

Mr. President, I have to ask, do we have a clear policy on Panama? And the answer is obviously not. The fact of the matter is that Noriega is a threat to the national interests of the United States of America, to his own people, to the free world.

That preliminary report could have the effect of prolonging his embattled rule; it sends just the wrong signal to the people of Panama, to say that on the one hand they indicted Noriega but they really do not mean it because they will have difficulty extraditing him. On the other hand, we sent this report from the State Department, as preliminary as it may be. What is happening with our State Department? What is happening with the very bureau that is supposed to be monitoring our so-called war on drugs?

The recommendation for Panama in this report must be reversed, Mr. President. The United States policy toward Panama must be unambiguous and clear. We have got to do everything to encourage the removal of Noriega and the establishment of democracy.

There have been questions, Mr. President, that the State Department has been involved in a deal to drop the indictments charging General Noriega with money laundering, with drug running, et cetera. I would submit to you, Mr. President, that dropping the indictment would not only be illogical but it would send the wrong signal, the wrong message. The message sent would say that if you are the leader of a drug cartel, if you are a corrupt general in an army, that all you have to do is rise to power, then agree to step aside, and any criminal charges will be laid aside.

Mr. President, given General Noriega's recent rhetoric we have got to be prepared to use any means necessary to protect the security of the Panama Canal and the thousands of Americans currently living in Panama. Certainly that is the kind of message that the State Department should be sending to Noriega. The United States should be prepared to impose a trade embargo on Panama if the situation deteriorates any further.

Earlier this month we began to uncover an incredible tale at hearings before the Senate Foreign Relations Committee of the depths to which the drug cartel has seized this country. Witness after witness detailed the intricate network of narcotic trafficking between Latin American nations using Panama as a major money center, laundering of billions and billions of dollars.

Again, Panama and its people are now under the control of one of the drug czars, General Noriega; one of the drug cartel's major people who was hired, who was paid for, who was bought, and who has delivered.

I think the evidence is overwhelming; so much so, Mr. President, that two grand juries in Florida, not one, indicted Noriega and many of his associates. The Colombian drug traffickers pay him tens of millions of dollars but they get their money's worth because they launder billions of dollars in the Panamanian banks. Now the State Department wants to certify Panama.

Mr. President, let me ask: What are we worried about?

The people of Panama are overwhelmingly opposed to Noriega's dictatorship. His rule now is literally measured in days.

The bravery of the State Department is underwhelming. It is incredible. While they are ready to certify Panama and Mexico, they recommended decertification of Iran, Afghanistan, Syria, Laos and other countries that receive little or no assistance. The recommendations are meaningless; we have no relationships with these countries.

I would suggest that maybe we save some money and eliminate the Bureau of International Narcotic Matters; the very department that is supposed to be monitoring those drug interdiction agreements and accords and leads the battle on our international effort against drug trafficking. The certification of Panama is inexcusable and illogical Mr. President. What we do is send a message around the world that we are really not committed to the war on drugs. If the Government of Panama can be certified, a government which is ruled by General Noriega, who has been proven to be a drug dealer, who has been indicted, why then should any country undertake that incredible, difficult task and battle to fight the drug lords? Why?

Why should those in Colombia who stand imperiled undertake that battle? Why should those in Bolivia? Why should those in other parts of the world? Certainly not because the United States stands up to its word and means it is going to wage a real war. Is this what our so-called war against drugs is, that we have people in the State Department right now, Assistant Secretaries of State, charged with international narcotics matters, ready to certify obviously undeserving countries for reasons of "other national interests?"

Mr. President, it is an outrage and, I daresay I think the administration would not get one vote in favor of certification of Panama if it were to send that report to the Senate of the United States.

I would hope that that decision would be changed, and changed forthwith. I would hate to think that we would send such a report recommending Panama be certified for "other national interests." It would be a disgrace, and it certainly would underscore that which many think; that the war and the commitment to fight drugs and international drug trafficking, is nothing more than rhetoric.

PLANS TO REINVIGORATE SMALL VEHICLE SPACE LAUNCH PROGRAMS

Mr. THURMOND. Mr. President, The U.S. Air Force and the National Aeronautics and Space Administration [NASA] are preparing to reinvigorate our Nation's capability in the area of small vehicle space launches.

The Scout launch vehicle was the first solid propellant system to place a payload into space. It has been operating successfully for over 25 years and has made 108 domestic and international launches. Between 1967 and 1975 the Scout set a record for NASA launch vehicles of 37 consecutive successes. During the last 20 years the Scout has had a success ratio of 98 percent.

The Scout is manufactured by LTV Missiles & Electronics Group, a fourth of the Missiles Division in Dallas, TX. LTV is now working with an Italian firm to develop an advanced version of the Scout to be known as Scout II.

Mr. President, a recent article on this subject appeared in the December 7, 1988, issue of Aviation Week & Space Technology magazine under the byline of Craig Covault.

I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. TO BOLSTER ITS CAPABILITY IN SMALL SPACE LAUNCH VEHICLES

(By Craig Covault)

WASHINGTON.—The U.S. Air Force and NASA are preparing to reinvigorate the U.S. capability for small launch vehicles with new procurement and development, just as the nation's medium- and heavy-booster programs are being revived by the Delta-2, Titan-4 and block-2 medium launch vehicle programs.

NASA expects to initiate a competitive procurement in early 1988 for up to 10 new small launch vehicles. The Air Force is evaluating a small vehicle procurement that in the early 1990s could involve either an existing vehicle or new small boosters, possibly derived from tooling prepared earlier for ballistic missiles such as the Polaris.

An additional element in future NASA-USAF work will be the planned joint development by Italy and LTV Aerospace of an Advanced Scout launch vehicle that would use two Ariane strap-on solid rocket boosters to double the Scout's low-orbit payload capability to 1,150 lb.

LTV briefed USAF Space Div. on the project in Mid-November and NASA has also been kept informed.

The USAF Space Test Program has at least 17 small science payloads, which it either has already developed or would like to develop for flight in the next few years. Those science packages could be deployed as either single payloads or combined in instrument payloads on somewhat larger launch vehicles. Other military programs are examining surveillance, relay and other missions that could be performed with spacecraft in the 500-3,000-lb class.

POTENTIAL COMPETITORS.

The American Rocket Co. Amroc vehicle, the LTV Scout, the Space Services, Inc., Conestoga and possibly others are expected to compete for the NASA procurement set for early next year, according to Paul E. Goozh, who manages NASA's Scout operations.

Any USAF procurement would follow later, and any new launchers developed from the effort would be available for commerical launched operations.

NASA expects to issue a request for proposals by March for competitive procurement of up to 10 Scout-class vehicles to support the agency's Small Explorer satellite program. The small explorers are being planned to help fly small space science instruments for astrophysics and other areas that have been hurt by a lack of shuttle launches and funding cutbacks.

The agency is planning to launch two missions per year during 1991-95, with the likelihood that the program would then be continued indefinitely.

In its procurement NASA will request a performance equivalent at least to the standard Scout vehicle, which can place 565 lb. into an 175-mi orbit. It is hoped the winning contractor would be selected by late 1988.

The Scout is currently the only operational booster in this class, and 10 vehicles are in the inventory. Nine of these vehicles are reserved for launch of spacecraft such as the General Electric Astro Div. Transit navigation satellites and Avco target balloons for USAF antisatellite weapons tests.

The remaining vehicle is set for launch of a NASA space science mission in March from Italy's San Marco Pacific Ocean platform off the west coast of Kenya. The Scout has been lauched on 108 missions since 1960, with 94 successful flights overall and only two failures in the last 54 missions extending back to May, 1967.

LTV believes it is in the best position to compete for the NASA Small Explorer program contract since the Scout is the only operational vehicle available, and the NASA procurement specifications are to be modeled after Scout capability.

The LTV/Italian project has been spurred by European commercial microgravity materials processing research in the absence of a shuttle launch capability. The initial phase of the program would be carried out under the West German-Italian Topas project using the standard Scout booster to carry recoverable reentry capasules with materials processing experiments into orbit from the San Marco platform (AW&ST July 13, p. 133). LTV projects a market for about 12 launches in this program, once it is approved by West Germany and Italy.

The joint Italian/LTV advanced Scout program will offer additional payload capability using a proven vehicle, according to Milton Green, director of space programs for LTV's Missiles Div.

Officials at both NASA and USAF said they have no plans for such a vehicle, but would reexamine their launch requirements when the advanced or "Eagle Scout" vehicle becomes available after 1990.

LTV is teamed in the program with Italy's SNIA BPD. Which builds the solid rocket strap-on boosters used by the European Ariane 3 launch vehicle.

By adding two of the Ariane solid rocket boosters to the standard Scout and replacing its third stage with a SNIA BPD "Mage" higher performance motor, the vehicle can be configured into an advanced Scout capable of carrying a 1,150-lb. payload.

LTV is completing negotiations on a memorandum of understanding with NASA regarding the use of Scout tooling and resources in a joint program with Italy for the advanced vehicle.

In addition, LTV has applied for an export license from State Dept. to allow the project to proceed. The export license process has taken several months and is being reviewed in light of recent U.S. export provisions to guard against the transfer of launch vehicle technology to foreign countries, which conceivably could use the technology to build ballistic missiles.

LTV believe final Italian approval of the project will be given after completion of export approval in the U.S.

Italy has informed NASA it is serious about pursuit of the program as a means of increasing European commercial access to space research.

In the Advanced Scout configuration, the Ariane motors would ignite as the vehicle's first stage, followed by ignition at altitude of the Sourt core vehicle.

A standard Scout mission costs $11-12 million, with about $7 million of this counting toward vehicle hardware cost. An Advanced Scout mission would cost about 50-60% more, meaning a doubling of payload capability for significantly less than doubling the vehicle cost, Green said.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a treaty which were referred to the appropriate committees.

(The nomination and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

The enrolled bill was subsequently signed by the Acting President pro tempore [Mr. SANFORD].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2602. A communication from the Assistant Secretary of Agriculture (Natural Resources and Environment), transmitting, pursuant to law, the annual report of the Forest Service for fiscal year 1987; to the Committee on Agriculture, Nutrition and Forestry.

EC-2603. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the second quarterly commodity and country allocation table showing current commodity programming plans for food assistance under P.L. 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2604. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-2605. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the annual report on each route on which the Corporation operated rail passenger service during fiscal year 1987, its 1988 Legislative Report, and its 1987 Annual Report; to the Committee on Commerce, Science and Transportation.

EC-2606. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committe on Energy and Natural Resources.

EC-2607. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2608. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2609. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2610. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2611. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the fiscal year 1987 report on the implementation of the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC-2612. A communication from the Secretary of Education, transmitting, pursuant to law, a report on program review of 376 projects funded by authority of the Indian Education Act of 1972; to the Select Committee on Indian Affairs.

EC-2613. A communication from the Executive Director of the Committee for the Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, the annual report of the Committee under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2614. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, the annual audit report of the Navy Wives Clubs of America, Inc., for the year beginning September 1, 1986, and ending August 31, 1987; to the Committee on the Judiciary.

EC-2615. A communication from the Commissioner of the Immigration and Naturalization Service, Deparment of Justice, transmitting, pursuant to law, a report on the waiver of certain grounds of admissibility in the cases of certain refugees; to the Committee on the Judiciary.

EC-2616. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2617. A communication from the Chairman of the State Justice Institute, transmitting a draft of proposed legislation to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1989, 1990, 1991, and 1992, and for other purposes; to the Committee on the Judiciary.

EC-2618. A communication from the Chairman of the National Council on Educational Research, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2619. A communication from the Executive Director of the Intergovernmental Advisory Council on Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2620. A communication from the Chairman of the National Advisory Council on Indian Education, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Select Committee on Indian Affairs.

EC-2621. A communication from the Presiding Officer of the Advisory Council on Education Statistics, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2622. A communication from the Chairman of the National Advisory Council on Women's Educational Programs, transmitting, pursuant to law, the annual report of the Council for fiscal year 1986; to the Committee on Labor and Human Resources.

EC-2623. A communication from the Assistant Secretary of Education (Vocational and Adult Education), transmitting, pursuant to law, the Annual Report of the National Center for Research in Vocational Education Advisory Committee for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2624. A communication from the Chairman, National Board Fund for the Improvement of Postsecondary Education, transmitting, pursuant to law, the Annual Report of the National Board of the Fund for the Improvement of Postsecondary Education for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2625. A communication from the Chairman, National Advisory Council on Adult Education, transmitting, pursuant to law, the Annual Report of the National Advisory Council on Adult Education; to the Committee on Labor and Human Resources.

EC-2626. A communication from the Chairman, National Advisory and Coordinating Council on Bilingual Education, transmitting, pursuant to law, the 11th Annual Report of the National Advisory and Coordinating Council on Bilingual Education; to the Committee on Labor and Human Resources.

EC-2627. A communication from the Chairman, National Council on Vocational Education, transmitting, pursuant to law the 1986 Annual Report of the National Council on Vocational Education; to the Committee on Labor and Human Resources.

EC-2628. A communication from the Chairman, National Advisory Board for International Education Programs, transmitting, pursuant to law, the Annual Report of the National Advisory Board for International Education Programs for Fiscal Year 1986; to the Committee on Labor and Human Resources.

EC-2629. A communication from the Chairman, National Advisory Committee on Accreditation and Institutional Eligibility, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Accreditation and Institutional Eligibility for Fiscal Year 1986; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-407. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Finance.

"RESOLUTIONS MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS TO ENACT LEGISLATION MODIFYING THE SOCIAL SECURITY SYSTEM TO ALLOW FOR HOME-CARE OF SEVERELY HANDICAPPED CHILDREN

"Whereas Federal supplemental security income is denied to those who would care for disabled children at home; and

"Whereas The principle of care at home for children with serious disabilities or chronic illness is a morally correct and efficient alternative to institutional care for handicapped children; Therefore be it

"*Resolved* That the Massachusetts House of Representatives hereby urges, the President of the United States and the Congress to enact legislation modifying the Social Security System to all for home-care or severely handicapped children; and be it further

"*Resolved* That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President of the United States, the Presiding Officer of each branch of Congress and to the members thereof from this Commonwealth.

POM-408. A resolution adopted by the Senate of the State of West Virginia; to the Committee on Foreign Relations:

"SENATE RESOLUTION No. 13

"Whereas the occupations of these sovereign nations by the Russians were termed by Winston Churchill as "acts of aggression in shameful collusion with Hitler" and since Churchill said, "I know President Roosevelt holds this view as strongly as I do"; and

"Whereas during World War II, the peoples of Estonia, Lativa and Lithuania were subjected to purges when invaded by the Russians, then by the Nazis and again by the Russians. "Thus," Churchill said, "the deadly comb ran back and forth, and back again, through Estonia, Latvia and Lithuania"; and

"Whereas the basic human rights of these subjugated people continue to be denied; and

"Whereas General Secretary of the Soviet Communist Party, Mikhail S. Gorbachev's policy of "Glasnost" has supposedly ushered in the new Soviet era of moral and ethical conduct: Therefore, be it

"*Resolved by the Senate,* That the Senate of West Virginia requests that The Soviet Union respect the sovereignty of Estonia, Latvia and Lithuania and free these people; and be it

"*Further resolved,* That the Senate of West Virginia requests an accounting of all the people of the Baltic States purged by Soviet interests as well as the tens of thousands of people herded into railroad cars and shipped to Siberia and never returned to their homelands or their families; and, be it

"*Further resolved,* That duly authenticated copies of this resolution, signed by the President of the Senate, and attested by the Clerk be transmitted to President Ronald W. Reagan, to the leadership of the Congress of the United States, to the Congressional Delegation from this State, to Mrs. Pia Porter and to General Secretary Mikhail S. Gorbachev."

POM-409. A resolution adopted by the Statewide Committees Opposing Regional Plan Areas requesting a redress of grievances against the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 381. An original resolution authorizing expenditures by committees of the Senate (Rept. No. 100-287).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment and with a preamble:

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial (Rept. No. 100-288).

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial (Rept. No. 100-289).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG:

S. 2078. A bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS:

S. 2079. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income tax, and to contribute others amounts, for payment to the National Organ Transplant Trust Fund; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BOREN):

S. 2080. A bill to establish an Arms Control Competitive and Economic Adjustment Commission; to provide for the functions, authorities, and obligations thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 262. Joint resolution to designate the month of March, 1988, as "Women's History Month."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 381. An original resolution authorizing expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG:

S. 2078. A bill to amend the Internal Revenue Code of 1986 to require a majority of employees to approve the establishment of an employee stock ownership plan, and for other purposes; to the Committee on Finance.

EMPLOYEE APPROVAL OF ESOP'S

● Mr. ARMSTRONG. Mr. President, self-determination, as a method of decisionmaking in a political or practical sense is an honored and respected tradition in this Nation. Votes, polls, and opinion surveys are some of the ways American's satisfy their need to know what their fellow citizens are thinking. I believe there may be a need to extend the principle of self-determination to some facets of employee benefit decisions—specifically the decision to initiate an employee stock ownership plan [ESOP].

ESOP's were conceived as a means to provide employees with a greater ability to become shareholders in the organizations they work for and both company and employee would benefit. I have come to learn that beyond this threshold there are questions to be answered such as whether a majority of those affected approve of the conditions under which the ESOP is to be adopted?

In Colorado and other States there are cases where some employees are attempting to purchase a controlling interest in the corporation over the objection of other employee groups. The formation of an ESOP is critical to the outcome of such efforts. It is important to realize that the ESOP might be formed as an addition to existing pension rules, in lieu of them or some combination thereof. In some cases the existing pension plan is terminated and excess assets might be used to fund the ESOP. The question for the employees can be quite significant as it applies to their retirement security.

These employees are asking legitimate questions: Is this a good deal? What will the stock be worth when I retire? Would I be better off with a defined benefit plan upon retirement age?

Questions like these are ones I have been asked to consider by the General Assembly of Colorado when they passed the following resolution:

Be It Resolved by the House of Representatives of the Fifty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the General Assembly, support the application of the principle of "One Person One Vote" to Employee Stock Ownership Plans which would give employees of a corporation the right to cast their votes on issues pertaining to an Employee Stock Ownership Plan.

(2) That we, the members of the General Assembly, urge the Congress of the United States to enact legislation which would require all Employee Stock Ownership Plans to be approved by a majority vote of all employees of a corporation in order to become effective.

Be It Further Resolved, That copies of this Resolution be transmitted to members of the Colorado Congressional Delegation, to members of the Labor and Human Resources Committee and the Banking Committee of the United States Senate, and to members of the Banking Committee and the Committee on Education and Labor of the United States House of Representatives, and to the management of United Airlines.

The Employee Benefit Research Institute in a recent publication had this to say about the ESOP's:

ESOP's can provide employees with substantial financial benefits through stock ownership while providing companies with attractive tax advantages and a powerful financial tool. By making employees part-owners of the business, companies may also

> realize productivity improvements, since workers benefit directly from corporate profitability and are thus working in their own interest * * * [but] there are also risks that should be considered. Because the ESOP is invested primarily in employer securities, the success of the ESOP depends on the long-time performance of the company and its stock.

Authorities, therefore, recognize the risks involved even when the plans are established with the employees best interests in mind. But there is another disturbing development occurring with regard to the establishment of ESOP's and some believe that in these cases employees are just pawns in a larger struggle—the struggle over control of the corporation.

The use of ESOP's in contests for control of a corporation was the subject of hearings in June 1987 by the Senate Committee on Banking, Housing and Urban Affairs. What became clear is this. ESOP's are frequently used in corporate takeovers by any, and every party involved.

ESOP's can be used by existing management and serve their needs by establishing a friendly market for large blocks of stock, providing a source of lower rate financing to defend against takeovers, providing tax deductions, and they can be substituted for other retirement plans.

ESOP's can be used by some or all employees to take the company private in good times and in bad. ESOP's can be used by outside bidders to assist their cause when tender offers are made for shares held by the ESOP.

Unintended though it may be, ESOP's have become a factor in corporate finance and the implication for those employees, for whom the ESOP was established, is not clear. In one instance an outside bidder favored by management was granted what is called a "lock-up" that prevented employee shareholders from entertaining additional or even higher bids from other sources. This example illustrates what little practical influence employees may have when it comes to major decisions with regard to their own shares. It also appears that employee shareholders may be denied their rights as shareholders if the ownership is within an ESOP, rights that would not be denied if they owned those shares directly.

The hearing held by the Senate Banking Committee raised troubling questions regarding the actual value to the employee, for whom the ESOP is established. The benefits can range from very good to very questionable and the committee's attention then focused on what mechanisms exist to provide employees adequate information and influence over the ESOP. The answers were not very reassuring.

The following excerpts from Mr. Randy Barber of the Center for Economic Organizing at the June 26, 1987, hearing on ESOP's provide some indication of what voting rights exist for employee-shareholders, the role of trustees and the board of directors regarding essential decisionmaking activities:

> The Tax Code requires a resolution from a company's board of directors to establish an ESOP, and by definition, only incumbent directors can grant life to an ESOP.
>
> Thus, management and the existing owners enjoy a sort of legislated noblesse oblige with respect to the terms under which they bestow ownership on their employees, even as they use taxpayer concessions to do so.
>
> Although there are requirements that participants be given the right to vote the stock in their accounts on some issues under some circumstances, management still has broad rights to severely limit the authority of participants in determining the future of the company.
>
> For instance, all unallocated stock may be voted by a trustee selected by management. In a leveraged ESOP, this could include the majority of stock in the ESOP for number of years.
>
> A trustee, following the Department of Labor's guidance may override participant votes, and in most cases, will vote unallocated shares in the ESOP as he or she deems appropriate.

The Honorable Russell B. Long, a former colleague and noted authority on ESOP's, provided the Senate Banking Committee with a request to legislate on this matter. Senator Long cited a troubling legal decision that suggests that an ESOP trustee, in responding to a tender offer, may not be permitted to rely on employees' directions. That case is *Danaker* v. *Chicago Pneumatic Tool Co.,* 635 F. Supp. 246 (S.D.N.Y.) and it involved the duty of the fiduciary to accept the highest offer for shares. In his testimony Senator Long objected to this fiduciary standard presuming that employees would favor management's intent to reject such a tender offer. That may well have been the employee position, but unless there is a direct employee-shareholder vote on the matter, free of management pressures, then I am not sure the trustee can really know the wishes of those he serves.

This addresses but one aspect of a larger question of just what is the appropriate role of the employee-shareholder at the time of the creation of an ESOP, during a tender offer and when employees themselves may wish to take a company private.

Mr. President, these statements and the statements of others call attention to the need for Congress to study this matter and determine if the laws and rules in place need to be improved so that existing and potential employee-shareholders can have a more practical role in determining if proposals related to ESOP's are, in fact, in their best interest. This, it seems to me, can only be done on a case-by-case basis which then requires the need to establish a method of effective decisionmaking for the employees.

A majority vote standard to establish an ESOP is one such method of self-determination that may be appropriate and is the method suggested by this legislation. I propose this to my colleagues not as the definitive answer but as a starting point from which more thorough deliberations may take place.

For existing ESOP's there may be other voting methods that might add a degree of fairness to those affected. Proportional voting is a method that would extend the outcome of a majority vote of shares allocated to individuals to those shares that are unallocated and voted by the trustee.

In conclusion, I believe that an effective voting method is the missing essential ingredient of ESOP's and I urge my colleagues to consider the equity that can be achieved by adopting this democratic method of decisionmaking. It will insure that all persistent information is available to employees prior to a vote on the initiation of an ESOP and that ESOP employee-shareholders do not lose rights that are otherwise available to direct shareholders of the company.

This legislation I am introducing amends the Internal Revenue Code to establish that before an ESOP is established that the following must occur:

First, notice must be provided to the employees by the employer explaining all material facts concerning the plan including (a) whether assets will be transferred to the plan from any other plan, and whether the plan will replace such other plan, (b) the terms of the plan, and (c) the terms of the plan from which the assets are being transferred, if any.

Second, a majority of the employees of the employer establishing the plan must approve of the plan by secret ballot within a reasonable time after notification to employees.

Third, the Secretary of the Treasury may deny qualification to an ESOP where the voting rights of the employee-shareholders or beneficiaries are not substantially similar to the voting rights of shareholders who hold the same class of securities directly.●

By Mr. BUMPERS:

S. 2079. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate any portion of any overpayment of income, and to contribute other amounts, for payment to the National Organ Transplant Trust Fund: to the Committee on Finance.

ORGAN TRANSPLANT CONTRIBUTIONS ACT

Mr. BUMPERS. Mr. President, today I am introducing a bill which I first offered in the 98th Congress. This bill is urgently needed by thousands of Americans in crisis—men, women, and children who have been stricken by a debilitating illness and for whom the only available recourse is organ transplant surgery. Though American surgeons are becoming much more adept at performing these complex, often life-saving operations, many Americans cannot pay for this surgery and, therefore, cannot benefit from our rapidly improving technology. The transplant fund established by this legislation will bring the promise of transplant technology to patients who would otherwise be without hope.

I became very interested in the financing of organ transplants after receiving numerous calls from constituents who desperately needed help to pay for organ transplant surgery. These constituents' lives would have been saved by organ transplant surgery, but that life-saving treatment was out of their reach because they had no health insurance; their health insurance did not cover organ transplants; or they had no private resources. I know that every one of my colleagues have received similar pleas for help.

Only one thing keeps these people from having transplant surgery—money. Their only hope is to turn to private charitable sources, and they begin by calling their friends, elected representatives, local paper, church, and other community organizations. Some are successful in raising funds in this way, but many more are not. This is an absolutely intolerable and unacceptable situation for the United States. How can we profess to value the life of every person and then allow people to die because they are not rich enough to live? Nobody's life should depend on success of bake sales.

I believe most Americans would appreciate the opportunity to help such desperately ill persons. My bill would establish a national organ transplant trust fund in the Treasury which would be funded by voluntary contributions made through a checkoff system on the income tax form. I know that makes the IRS cringe, but their cringing is infinitely less important than the saving of lives. Donations made to the fund would represent outright contributions rather than a diversion of normal tax revenues.

The funding provision of this bill is not unique. As I speak here, there are people in the State of Massachusetts who are living proof that a voluntarily funded system such as the one I am proposing can be effective. The Massachusetts program employs a checkoff on the State income tax form, much as my proposed organ transplant trust fund will do, and has already paid out over $70,000 for expenses associated with organ transplants.

Reimbursement is wisely limited to those patients whose transplant surgery is certified as medically necessary and performed at qualified organ transplantation centers with proven track records. And while I am talking about what some of the States are doing, Mr. President, I would like to mention that optional checkoff boxes have become very popular during the past 5 or 10 years. As of 1984, 34 States, or 85 percent of the 40 States which collect income taxes, had added checkoff options to their States' forms. These checkoff programs have raised millions of dollars for worthy causes, ranging from wildlife protection to the U.S. Olympic team, and this has been done without significant difficulty to their respective revenue collection agencies.

In short, optional checkoffs have been widely accepted by Americans from all regions of our country and have proven a viable method of raising funds for worthwhile causes. In my judgment the costs of emergency organ transplantation are as worthy of public attention as the preparation of our Olympic athletes or the preservation of our woodlands.

If we can bring this kind of relief to troubled families throughout the United States without costing the Treasury a penny, then who can be against it?

Although in recent years the extent of public and private insurance coverage of organ transplant medical costs has been steadily increased, many Americans still fall between the cracks. Under the Medicaid Program, 10 States still do not pay for liver transplants, 18 States still do not pay for heart transplants, and 35 States still do not pay for heart-lung transplants. And the recent decision by the State of Oregon to limit Medicaid coverage for organ transplants, in favor of prenatal and neonatal care makes clear that there will continue to be debate on Medicaid coverage issues.

On the private side, companies representing 71 percent of the Nation's group health insurance businesses will pay for kidney transplants, but only 37 percent are willing to pay for pancreas transplants. And then there are thousands of Americans who do not qualify for public assistance such as Medicaid in meeting medical costs yet cannot afford to buy medical insurance, let alone meet the costs of a $35,000 kidney transplant or a $250,000 liver transplant.

These people deserve our help. It is unthinkable that, in a civilized society, one with a value system such as ours, one that values the worth of every human being and says that each one of us counts, such unfortunate patients are allowed to die for lack of money, especially when there is a simple way to match voluntary contributions with needy people.

Mr. President, during the last Congress we passed a law that required hospitals to request the families of deceased patients to consider donating organs of their loved ones so that others might live; in effect, all Americans are being asked to join the potential donor pool. This is a positive step. Once this program is firmly in place we hope no one will die for want of an organ. It is ironic to me, however, that we can ask all Americans to give of themselves to enable another to survive and yet not make a determined and aggressive attempt to ensure that funds are available to take real advantage of that increased organ availability.

The people this bill will help are those who are critically ill, and are thus in no position to withstand a drawn-out bureaucratic process. The Secretary of Health and Human Services would be given authority to establish guidelines for patient selection, and the decisions about patient eligibility would be made fairly and quickly.

Mr. President, my proposal will not cost the Treasury a cent. It will not divert any tax dollars from other programs. It will not increase the national deficit, and it will not take anything from anyone who does not want to give. It will save many lives at a fraction of the cost of one M-X missile. What the organ transplant contributions act will do is save lives and alleviate suffering among patients who need our help. I hope Members will join in cosponsoring this bill.

I intend to have studies done by Health and Human Services and possibly by the General Accounting Office, because it is my belief that you are not talking about a significant amount of money; I would guess between $30 million and $50 million a year. It is my firm conviction that the American people would contribute much more than that on a voluntary checkoff system and then not only would we feel good about honoring our values, not only will our phones quit ringing from people who are desperately in need of $150,000 for some kind of a transplant, but as we move into this program and these surgeries become more commonplace, ultimately insurance companies will pay for them, Medicaid and Medicare will pay for them. But until that happy day, Mr. President, it is a shame of this Nation that anybody that has an organ available that they need must die because they cannot come up with the money.

I ask unanimous consent, Mr. President, the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Transplant Contributions Act of 1988".

SEC. 2. STATEMENT OF CONGRESSIONAL FINDINGS AND INTENT.

(a) Findings.—The Congress finds that—

(1) there exists an urgent national health problem in the area of human organ transplantation, and that organ transplant procedures and immunosuppressive therapy can mean the difference between life and death for some patients;

(2) advances in medical science have made organ transplantation an accepted medical treatment in an increasing number of cases, but that the costs associated with such treatment remain beyond the reach of many Americans;

(3) needy patients should neither be allowed to die nor forced into poverty due to lack of adequate funds to pay for an organ transplant, and that the Federal Government should to assist those citizens who are in need of organ transplant surgery and immunosuppressive therapy;

(4) as of this year, all persons in the United States are to be asked to join the national pool of organ donors and therefore should have an equal opportunity to benefit from expanded availability of organs for transplantation;

(5) certain organ transplant procedures are becoming commonly accepted forms of treatment, but that other procedures remain experimental and that further research in these and other methods should be encouraged with a view towards expanding the horizons of medical knowledge and improving the quality of health care; and

(6) a number of States have established programs to assist citizens in obtaining needed transplant procedures, and that a number of charitable organizations are available to assist such persons, but there remains a substantial unmet need in this area.

(b) Congressional Intent.—It is the intent of Congress that—

(1) it is necessary, as a result of the findings in subsection (a), to establish a National Organ Transplant Fund in the Treasury of the United States which shall be used to assist those Americans who are in need of transplant surgery and immunosuppressive therapy and who have insufficient means of paying for such treatment;

(2) the National Organ Transplant Trust Fund be administered under regulations promulgated by the Secretary of Health and Human Services and be funded solely by voluntary taxpayer contributions under a taxpayer checkoff system to be established by this Act; and

(3) the National Organ Transplant Trust Fund be administered by the Secretary of Health and Human Services fairly and expeditiously, taking into account the medical condition of the applicant and the financial resources of the applicant.

SEC. 3. DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR NATIONAL ORGAN TRANSPLANT TRUST FUND.

(a) In General.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end thereof the following new part:

"Part IX—Designation of Overpayments and Contributions for National Organ Transplant Trust Fund

"Sec. 6097. Amounts for National Organ Transplant Trust Fund.

"SEC. 6097. AMOUNTS FOR NATIONAL ORGAN TRANSPLANT TRUST FUND.

"(a) In General.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that—

"(1) any portion of any overpayment of such tax for such taxable year, and

"(2) any cash contribution which the taxpayer includes with such return,

be paid over to the National Organ Transplant Trust Fund.

"(b) Joint Returns.—In the case of a joint return showing an overpayment, each spouse may designate any portion of such overpayment under subsection (a)(1).

"(c) Manner and Time Of Designation.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made on the first page of the return.

"(d) Overpayments Treated as Refunded.—For purposes of this title, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed.".

(b) Clerical Amendment.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end thereof the following new item:

"Part IX—Designation of Overpayments and Contributions for National Organ Transplant Trust Fund.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 4. ESTABLISHMENT OF NATIONAL ORGAN TRANSPLANT TRUST FUND.

(a) In General.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. NATIONAL ORGAN TRANSPLANT TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'National Organ Transplant Trust Fund', consisting of such amounts as may be appropriated or credited to the National Organ Transplant Trust Fund as provided in this section or section 9602(b).

"(b) Transfer to National Organ Transplant Trust Fund of Amounts Designated.—There is hereby appropriated to the National Organ Transplant Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) Expenditures From Trust Fund.—

"(1) In general.—The Secretary shall pay, on the order of the Secretary of Health and Human Services, amounts on behalf of eligible individuals to health care facilities specified by the Secretary of Health and Human Services.

"(2) Administrative expenses.—Amounts in the National Organ Transplant Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual income tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Fund.".

(b) Clerical Amendment.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. National Organ Transplant Trust Fund.".

SEC. 4. ORGAN TRANSPLANTATION PAYMENTS PROGRAM.

(a) Establishment of Program.—

(1) In general.—The Secretary of Health and Human Services shall authorize payments by the Secretary of the Treasury from the National Organ Transplant Trust Fund on behalf of eligible individuals.

(2) Authorization of payments.—Payments under paragraph (1) shall be available—

(A) to pay the costs of organ transplantation procedures and immunosuppressive drugs for such individuals, and

(B) to pay the costs of notifying potential eligible individuals of the availability of the Trust Fund and to solicit contributions to the Trust Fund, except that payments under this subparagraph for any fiscal year shall not exceed 5 percent of the total payments from the Trust Fund for such fiscal year.

(b) Regulations.—The Secretary of Health and Human Services shall prescribe by regulations the procedures which shall be eligible for payment, the maximum amounts payable for each such procedure, and the terms and conditions under which payments will be made on behalf of an eligible individual under this section. Such regulations shall specify, at a minimum—

(1) procedures, terms, and conditions for the verification of the need for organ transplantation by an eligible individual;

(2) criteria for the determination of which individuals are eligible individuals under this section and procedures to verify the eligibility of such individuals;

(3) the types of organ transplantation procedures for which payments may be made under this section; and

(4) procedures for certification of health care facilities as transplant centers authorized to perform transplant procedures on persons eligible for assistance under this Act.

(c) Definitions.—For purposes of this Act, the term—

(1) "eligible individual" means an individual who, as determined by the Secretary of Health and Human Services by regulation, has a medical condition for which a transplant procedure is reasonably medically necessary, and who has no sufficient source of payment for an organ transplantation procedure, including sources of payment such as—

(A) the program established by titles XVIII of the Social Security Act;

(B) a State plan under title XIX of such Act; and

(C) any insurance coverage applicable to such individual;

(2) "organ" means the eye, kidney, liver, pancreas, heart, lung, bone marrow, or any other organ or tissue included by the Secretary of Health and Human Services by regulation;

(3) "transplant center" means a health care facility which has been certified by the Secretary of Health and Human Services as qualified to perform specified types of transplant procedures; and

(4) "transplant procedure" means the surgical procedures necessary to accomplish the organ transplant, as well as appropriate preoperative and postoperative treatments, including immunosuppressive drugs, approved under the Federal Food, Drug, and Cosmetic Act, furnished by a transplant center, as defined herein, in connection with a transplant procedure, but only if furnished not later than the end of the thirty-sixth month after the month in which the individual receives the transplant for which the drugs are furnished.

SEC. 5. RIGHTS TO SUE OR BENEFIT ENTITLEMENT NOT CREATED BY ACT.

This Act shall not be construed to create any private right to sue by or on behalf of any eligible individual, and shall not be construed to create an entitlement on behalf of any individual.

By Mr. HATCH (for himself and Mr. BOREN):

S. 2080. A bill to establish an Arms Control Competition and Economic Adjustment Commission; to provide for the functions, authorities, and obligations thereof; and for other purposes; to the Committee on the Judiciary.

ARMS CONTROL COMPETITIVE AND ECONOMIC ADJUSTMENT COMMISSION ACT

Mr. HATCH. Mr. President, I rise to introduce the Arms Control Competitive and Economic Adjustment Act of 1988. I am pleased that the distinguished senior Senator from Oklahoma, Senator BOREN, has agreed to join me in offering this important legislation.

TREATIES NEED WORKABLE VERIFICATION PROCEDURES

Mr. President, the INF Treaty, as we all know well, is a small but first step toward a more lasting peace. The United States-Soviet withdrawal from nuclear brinkmanship at the intermediate range level, we all hope, will be matched by a strategic arms reduction.

The current INF Treaty, and the strategic treaties that may follow, will require workable verification procedures on both sides as part of the compliance regime. Under the INF Treaty, inspectors were placed in each country, one of the major breakthroughs in our long history of negotiation with the Soviets. I am certain that future treaties will replicate this accomplishment. As effective as national technical means [NTM] are, there are some validations that must be done on the spot.

MANY STATES AFFECTED BY THE PRESENCE OF SOVIET INSPECTORS

Even the most cursory review of the treaty, its memoranda of understanding and related protocols, reveals a widespread presence of Soviet inspectors. The MOU designates nine States with installations or private facilities eligible for permanent or spot inspections by accredited Soviet representatives: Maryland, Colorado, Alabama, Oklahoma, Florida, California, Arizona, Texas, and finally, Utah—the only State where a Soviet inspection team will be in permanent residence.

In addition, there are named in the MOU several R&D sites where certain types of related work is or was done and which could be made future inspection sites, these include five States, one territory, and one island nation in free association with the United States: Alaska, New Mexico, Hawaii, Massachusetts, Virginia, the territory of Wake Island, and Kwajalein Island in the Marshals.

In all, 19 actual and potential sites are identified. They include such Federal installations as Pueblo Depot, Redstone Arsenal, Fort Sill, the eastern and western test ranges, and Davis Monthan Air Force Base. And also include such private defense industrial organizations as Martin-Marietta, General Dynamics, and, in my State of Utah, the Hercules plant at Magna where a Soviet team would permanently reside, as I mentioned earlier.

IMPACT OF SOVIET PRESENCE

Mr. President, I have been very concerned about Soviet presence from the earliest indications that the INF Treaty was nearing completion. I have met with the Secretary of Defense, as well as key negotiators and other State, Defense, and Arms Control and Disarmament Agency staff repeatedly over the past 3 months to express this concern.

Let me say for the record, that DOD in particular has responded magnificently; Frank Carlucci has from the outset accepted responsibility for the security of the American defense industrial base. He has taken steps to identify threats to it under the treaty. By consequence, Mr. President, I can stand before this body today and say without reservation that Utah may very well be the most secure place in the world to do business. The threat of potential espionage is fully known, controlled, and the potential targets of such activities "hardened" against exploitation.

My concern extends well beyond my own State, and into the 18 other regions and localities where Soviets could be allowed to visit under the INF Treaty. Again, recognizing that under a future strategic arms treaty, a Soviet presence may become more extensive still, as well as more permanent. And I remind this body, and the American people, Mr. President, of my concern not simply for our defense industries, but for the entire infrastructure of our country, this is what makes for a strong defense—and it embraces the civil governments and facilities that support defense, as well as the people who invest in and earn their livelihoods in this sector.

Who is at risk, and what is the risk if, as I have stated, we appear to have exercised reasonable and prudent precautions, The threat is not necessarily found in the potential for espionage by Soviet inspectors. Rather, a threat to these institutions is one of perceptions.

The perception of a threat posed by a Soviet presence gives rise to the potential for discrimination against firms, installations, persons, and even governments and localities.

WHY DO WE NEED THE ARMS CONTROL COMPETITIVE AND ECONOMIC ADJUSTMENT COMMISSION ACT?

Mr. President, this bill is a confidence-building, as well as preventive measure. It would reduce the prospects of turbulence in the critically important aerospace and related defense subsectors of missiles and missile components. And, it precludes the withholding of contract awards by the Federal Government to otherwise sufficiently competitive and competent persons because of the presence of Soviet inspectors. What I fear, Mr. President, is a DOD contracting officer or other official who resists a contract award because he or she feels that the work could be exploited by a foreign agent.

The aerospace industry is the immediate target under the INF and future treaties. Here we have a great investment—in my State, Hercules has placed almost $250 million into a state-of-the-art plant for the production of large rocket engines. I know that General Dynamics' facilities in San Diego represent an equally great investment. In the past 5 years, according to the Department of Commerce, missile production has increased by 65 percent, with 88 percent of its production going for defense purposes.

Job creation in this subsector has doubled from 60,000 to over 112,000 employees from 1980-85. Overall, defense consumes over 84 percent of all jobs in the missiles and space vehicles' arena.

Even a relocation of facilities offers no answer; rather, it adds to the turbulence since, at some future moment in time, that facility, too, may become a target of the threat from which it originally fled.

To place this sector at risk is to counteract the incentives for such industries to make ever greater investment in plant and equipment, so as to be able to compete not only in the U.S. defense and space markets, but on a global plane as well, where modernized production technologies make the difference.

The legislation being introduced today creates a mechanism to monitor and avert serious economic injuries related to treaty verification procedures. The bill establishes a five-member Commission with the interests of affected parties represented on it. The President, with the advice and consent of the Senate, would appoint one member from an affected State or local government, another from an affected industry, and three others, no more than two of which would be from the Federal Government.

Three broad functions are entrusted to the Commission. First, the Commission would hear claims by persons claiming to have experienced a competitive disadvantage in bidding for Federal Government awards because of a treaty's verification provisions. Second, the Commission would also hear claims from persons suffering a serious economic injury, such as a loss of contract or trade secret. Finally, the Commission could initiate its own investigations, holding informal hearings on issues generally affecting adverse competitive or economic circumstances occasioned by treaty verification procedures.

In the first two instances, the Commission would investigate and adjudicate claims, making monetary awards. The Commission would also make appropriate recommendations based upon its investigations, and in all cases, report on its activities annually to the President.

The Commission would issue written decisions. All Commission determinations would be subject to judicial review in the U.S. Courts of Appeals for the Federal Circuit. The standards by which the Commission would operate are generally those of the Administrative Procedure Act.

I have attached the full text of the bill, outlining in great detail these and other procedures covered by the legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE

This Act may be cited as the "Arms Control Competitive and Economic Adjustment Commission Act of 1988".

SEC. 2. PURPOSES

The Congress finds that establishment of an Arms Control Competitive and Economic Adjustment Commission is necessary in order to—

(1) monitor the economic effects on State and local governments, businesses, organizations, and individuals of the verification provisions of arms control agreements;

(2) minimize the competitive disadvantages resulting from the selection of certain localities, businesses, and facilities for verification pursuant to arms control agreements;

(3) ensure that the verification provisions of arms control agreements do not unduly restrict competition for government contracts and subcontracts and thereby deprive the Nation of the benefits of such competition;

(4) compensate persons suffering serious economic injury, including the loss of government contracts or the loss of the opportunity to compete for such contracts, as a result of the verification provisions of arms control agreements;

(5) assist State and local governments, businesses, organizations, and individuals affected by the verification provisions of arms control agreements in making necessary economic adjustments;

(6) avoid litigation concerning whether the placement of foreign personnel or equipment on or near private property pursuant to the verification provisions of an arms control agreement results in the taking of that property without just compensation; and

(7) advise and made recommendations to the President and Congress regarding the economic impacts of the verification provisions of existing and proposed arms control agreements and the measures that could be taken to minimize or to compensate for such impacts.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "agency" means each authority of the Government of the United States, whether or not subject to review by another agency, but does not include—

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions; and

(G) military authority exercised in the field in time of war or in occupied territory;

(2) "arms control agreement" means any treaty between the United States and any other nation or nations relating to the monitoring, control, or reduction of armaments or the components thereof, any protocol, memorandum of understanding, or other agreement related to such treaty, or any other bilateral or multilateral agreement on the part of the United States that relates to the monitoring, control or reduction or armaments or the components thereof;

(3) "competitive disadvantage in the actual or proposed procurement of goods or services by the United States" means any impairment of the ability of a person to submit a bid, offer a proposal, or compete for a government contract, or to be awarded such a contract;

(4) "government contract" means a mutually binding legal realtionship obligating the United States government to an expenditure of funds, and that, except as otherwise authorized, is in writing. In addition to bilateral instruments, government contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. The term "government contract" shall include a subcontract as defined herein;

(5) "government contractor" means the total contractor organization that is bound by the obligations of a government contract as described herein, or a separate entity of the total contractor organization, such as an affiliate, division, or plant;

(6) "person" means an individual, partnership, corporation, association, governmental entity, or public or private organization other than an agency;

(7) "subcontract" means any contract entered into by a subcontractor at any tier to furnish goods or services for the performance of a government contract;

(8) "subcontractor" means any supplier, distributor, vendor, or firm at any tier that furnishs goods or services to or for a government contractor;

(9) "serious economic injury" means the loss of profits or impairment of existing capacity caused by actions taken under U.S. law that will obligate the United States to disarm or to limit the Armed Forces or armaments of the United States; and

(10) "verification provisions" means any provision, including but not limited to a provision governing the actual or potential presence of proximity of foreign personnel, equipment, or facilities, that relates to monitoring, or means of ensuring, compliance with an arms control agreement.

SEC. 4 ESTABLISHMENT AND COMPOSITION OF COMMISSION

(a) There is hereby established an Arms Control Competitive and Economic Adjustment Commission, hereinafter referred to as the "Commission", which shall consist of a Chairman and four other members.

(b) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, to serve on a full-time basis for a term of five years, and shall be compensated at the rate for level V of the Executive Schedule under section 5366 of Title 5 of the United States Code. The other members of the Commission shall be appointed by the President, by and with the advice and consent of the Senate to serve on a part-time basis for a term of five years, and be compensated on a per diem basis at a rate of compensation equivalent to the daily rate for level V of the Executive Schedule under section 5316 of Title 5 for each day that such member is employed in the performance of official business of the Commission as may be directed by the Chairman. Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5 for persons in Government service employed intermittently.

(c) The President shall choose a Chairman and members of the Commission that fairly reflect the interests of persons, including the interests of State and local governments and businesses, affected by the verification provisions of arms control agreements. At least one member of the Commission must be appointed from a sector of the defense industry that is or may be affected by the verification provisions of an arms control agreement, and at least one member must be appointed from a State or local government that is or may be so affected. No more than two members of the Commission may be employed by the United States Government in any capacity other than in his or her capacity as a member of the Commission, and no more than three members of the Commission may be of the same political party.

(d) The Chairman and other members of the Commission may be removed by the President for cause after notice and opportunity to be heard.

(e) Three members of the Commission shall constitute a quorum, and the agreement of a majority of the members present and voting shall be necessary to any and all determinations by the Commission.

SEC. 5. JURISDICTION

(a) The Commission shall investigate, hear, and determine, in accordance with the procedures established in section 6, claims against the United States by any person who has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement.

(b) The Commission shall investigate, hear, and determine, in accordance with the procedures established in section 7 below, claims against the United States (other than claims specified in subsection 5(a)) by any person who has sustained serious economic injury because of the verification provisions of an arms control agreement.

(c) In addition to the jurisdiction granted by subsections 5(a) and (b), the Commission shall have jurisdiction to investigate and make recommendations to the President and Congress regarding the economic effects on State and local governments, businesses, organizations, and individuals of the verification provisions of any existing or proposed arms control agreement and the measures that could be taken to minimize or to compensate for those effects.

SEC. 6. COMPETITIVE DISADVANTAGE CLAIMS PROCEDURES

(a) Any person who has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement may file a claim with the Commission at any time within one year of the date such competitive disadvantage was or should reasonably have been discovered. The claim shall be in writing and shall specify the actual or proposed procurement involved, the agency that conducted such procurement, the nature of the competitive disadvantage, and the verification provisions of the arms control agreement that allegedly caused such competitive disadvantage.

(b) No later than fifteen days following the receipt of a claim pursuant to subsection (a), the Commission shall notify the affected agency in writing of the receipt of the claim and shall provide the agency with a copy thereof. The agency shall have fifteen days from the date it receives such notification in which to submit a written response to the Commission. The response shall state whether the agency agrees that the claimant has suffered competitive disadvantage in the actual or proposed procurement of the goods or services specified in the claim as a result of the verification provisions of an arms control agreement. In the event the agency does not so agree, it shall state the reasons for its disagreement.

(c) In the event the agency agrees that the claimant has suffered competitive disadvantage in the actual or proposed procurement of goods or services as a result of the verification provisions of an arms control agreement, the Commission shall recommend to the agency the modifications, if any, that could be made to the actual or proposed procurement to reduce or eliminate the problems created by the verification provisions of the arms control agreement. In the event the agency determines that no such modifications could practically be made, or if the contract which is the subject of the procurement has already been awarded, the Commission shall issue the report required by subsection (e).

(d) In the event the agency disagrees with the allegations of the claim, the Commission shall institute an investigation to determine whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The agency shall cooperate with the investigation by making available to the Commission all relevant documents, by responding to written questions submitted by the Commission, and by making available for interview by the Commission the agency personnel responsible for the procurement.

(e) Following the investigation conducted pursuant to subsection (d), the Commission shall issue and serve upon the claimant and the agency a written report setting forth its findings regarding whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The report shall include a statement of the bases for the Commission's findings, but shall not disclose without the agency's consent confidential or privileged documents or information provided by the agency.

(f) Within 30 days of receipt of the report specified in subsection (e), the claimant or the agency may submit to the Commission a written request for a hearing for the purpose of presenting evidence regarding the findings contained in the Commission's report and the appropriate remedy or remedies for the competitive disadvantage, if any.

(g) Following the receipt of a request for hearing pursuant to subsection (f), the Commission shall conduct a hearing at which the claimant, the agency, and any other interested person may present testimony and documentary evidence regarding the matters specified in the request for hearing. The Commission may preside over the hearing or may delegate that function to one or more members or to a hearing officer to be designated by the Commission. The hearing shall be conducted in accordance with sections 555 and 556 of Title 5 of the United States Code, except that subsection (b) and (d) of section 556 shall not apply.

(h) In the event a hearing is requested on the findings contained in the Commission's report, the claimant shall bear the burden of establishing by a preponderance of the evidence that it has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. Upon the establishment by the claimant of a prima facie case, the agency shall have the burden of establishing by a preponderance of the evidence that the claimant suffered no competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement.

(i) Following the hearing provided by subsection (g), the Commission shall determine on the record, in accordance with section 557 of Title 5 of the United States Code, whether the claimant has suffered competitive disadvantage in the actual or proposed procurement as a result of the verification provisions of an arms control agreement. The Commission's determination shall be set forth in a written decision that shall include a statement of the bases for the determination, the appropriate remedy or remedies for the competitive disadvantage, if any, found by the Commission, and the factors considered by the Commission in selecting the remedy or remedies. The Commission shall serve its decision upon the claimant, the agency, and any interested person who participated in the hearing.

(j) As used in this section, the term "agency" shall include the government contractor in the case of a government contract that is a subcontract.

SEC. 7 PROCEDURES FOR DETERMINING OTHER SERIOUS ECONOMIC INJURY CLAIMS

(a) Any person who has sustained serious economic injury (of a type not covered by section 6 of this Act) as a result of the verification provisions of an arms control agreement may file a claim with the Commission within one year of the date such injury was or should reasonably have been discovered. The claim shall specify the nature of the injury sustained and the verification provisions of the arms control agreement that allegedly caused the injury.

(b) No later than fifteen days following the receipt of a claim pursuant to subsection (a), the Commission shall notify the Attorney General of the United States in writing of the receipt of the claim and shall provide him with a copy thereof. The Attorney General shall have sixty days from the date he receives such notification in which to submit a written response to the Commission. The response shall state whether the Attorney General agrees that the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. In the event the Attorney General does not so agree, he shall state the reasons for his disagreement.

(c) In the event the Attorney General disagrees with the allegations of the claimant, the Commission shall institute an investigation to determine whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The Attorney General shall cooperate with the investigation by making available to the Commission all relevant documents and by responding to written questions submitted by the Commission.

(d) Following the investigation conducted pursuant to subsection (c), the Commission shall issue and serve upon the claimant and the Attorney General a written report setting forth its findings regarding whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The report shall include a statement of the basis for the Commission's findings, but shall not disclose without the consent of the Attorney General confidential or privileged documents or information provided by him.

(e) Within 30 days of receipt of the report specified in subsection (d), the claimant or the Attorney General may submit to the Commission a written request for a hearing for the purpose of presenting evidence regarding the findings contained in the Commission's report and the appropriate remedy or remedies for the serious economic injury, if any.

(f) Following the receipt of a request for hearing pursuant to subsection (e), the Commission shall conduct a hearing at which the claimant, the Attorney General, and any other interested person may present testimony and documentary evidence regarding the matters specified in the request for hearing. The Commission may preside over the hearing or may delegate that function to one or more members or to a hearing officer to be designated by the Commission. The hearing shall be conducted in accordance with sections 555 and 556 of Title 5 of the United States Code, except that subsection (b) and (d) of section 556 shall not apply.

(g) In the event a hearing is requested on the findings contained in the Commission's report, the claimant shall bear the burden of establishing by preponderance of the evidence that it has sustained serious economic injury as a result of the verification provisions of an arms control agreement.

(h) Following the hearing provided by subsection (f), the Commission shall determine on the record, in accordance with section 557 of Title 5 of the United States Code, whether the claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement. The Commission's determination shall be set forth in a written decision that shall include a statement of the bases for the determination, the appropriate remedy or remedies for the serious economic injury, if any, found by the Commission, and the factors considered by the Commission in selecting the remedy or remedies. The Commission shall serve its decision upon the claimant, the Attorney General, and any interested person who participated in the hearing.

SEC. 8 REMEDIES.

(a) In the event the Commission finds—

(1) pursuant to section 6 of this Act, that a claimant has suffered competitive disadvantage in the actual or proposed procurement of goods or services by the United States as a result of the verification provisions of an arms control agreement, or

(2) pursuant to section 7 of this Act, that a claimant has sustained serious economic injury as a result of the verification provisions of an arms control agreement,

the Commission shall, after consideration of the factors specified in subsection (c) of this section, determine the appropriate remedy or remedies for such competitive disadvantage or serious economic injury pursuant to subsection (b) of this section.

(b) Appropriate remedies shall include, depending upon the factors set forth in subsection (c), one or more of the following—

(1) compensation equal to the economic loss, including the loss of profits (in the case of an individual or business) and the loss of tax revenue (in the case of a State or local government), sustained by the claimant, to the extent such loss can reasonably be measured;

(2) compensation equal to the capital investment made by the claimant in the reasonable expectation that it or another party would be awarded in contract for the goods or services in question or would have the opportunity to compete for a contract to provide such goods or services;

(3) compensation equal to the amount necessary to enable the claimant to reduce or eliminate the competitive disadvantage or serious economic injury as a result of the verification provisions of an arms control agreement; and

(4) in the case of a claimant who is a government contractor, a recommendation to the President that the claimant be given a countervailing competitive advantage in the award of or competition for government contracts of equivalent value to that subject to the actual or proposed procurement.

(c) In determining the appropriate remedy or remedies pursuant to subsection (a), the Commission shall consider the following factors:

(1) The extent of the impact on the claimant of the verification provisions of an arms control agreement;

(2) The economic adjustments made or planned by the claimant as a result of the verification provisions of an arms control agreement;

(3) The types of adjustments available to the claimant to eliminate or mitigate injury resulting from the verification provisions of an arms control agreement;

(4) The magnitude and importance of the government procurement at issue to the claimant's total business;

(5) The likelihood that the claimant would be denied future government contracts or the opportunity to compete for such contracts as a result of the verification provisions of amrs control agreements;

(6) The likelihood that claimant would be able to obtain government contracts or other business to replace the contract (or opportunity to compete for such contract) denied as a result of the verification provisions of arms control agreements; and

(7) The diminution in value of the claimant's property, if any, resulting from the verification provisions of arms control agreements.

(d) A determination by the Commission to award monetary compensation as the appropriate remedy pursuant to subsection (a) shall have the effect of a final judgment of the United States Claims Court, and payment of such an award shall be made in the same manner as is payment of a final judgment of the Claims Court. There is authorized to be appropriated such sums as are necessary to pay for such an award.

SEC. 9. JUDICIAL REVIEW.

(a) Judicial review may be had of a determination or action of the Commission only as provided by this section.

(b) Any person who has requested a hearing pursuant to subsection (f) of section 6 or subsection (e) of Section 7 of this Act, or any interested person that has participated in such hearing, may appeal a determination of the Commission under subsection (i) of section 6 or subsection (h) of section 7 to the United States Court of Appeals for the Federal Circuit within 90 days of the date such determination is issued.

(c) To the extent necessary to decision and when presented, the Court of Appeals for the Federal Circuit shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of a determination made by the Commission pursuant to subsection (i) of section 6 or subsection (h) of section 7 of this Act. The court shall—

(1) compel any action required by subsection (i) of section 6 or subsection (h) of section 7 that is unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside any determination made by the Commission pursuant to subsection (i) of section 6 or subsection (h) of section 7 found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; or

(E) unsupported by substantial evidence.

In making the foregoing determination, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(d) Any claimant, interested person, or the Attorney General (on behalf of the United States or any agency thereof) may obtain a writ of mandamus from the United States District Court for the District of Columbia to compel the Commission to perform an act that the Commission is required by statute to perform.

SEC. 10. AUTHORITIES

(a) The Commission shall have the power to adopt rules of procedure that are consistent with this Act.

(b) The Commission is authorized, in accordance with civil service laws and with Title 5 of the United States Code, to appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Commission. The Commission is authorized to employ experts and consultants in accordance with section 3109 of Title 5 without compensation or at rates of compensation not in excess of the maximum daily rate prescribed for GS-18 under section 5332 of Title 5. The Commission is also authorized, with the consent of the head of any other department or agency of the Federal Government, to utilize the facilities and services of such department or agency in carrying out the functions of the Commission. Officers and employees of any department or agency of the Federal Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions, and the Commission shall reimburse such department or agency for the pay of such officers or employees.

(c) The Commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any documentary evidence of any person, and the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or hearing by the Commission. Any member of the Commission may sign subpoenas, and members and examiners of the Commission may administer oaths and affirmations, examine witnesses, and receive evidence.

(d) Attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. Any of the district courts of the United States within the jurisdication of which such hearing is carried on may, in case of contumacy or refusal to obey a subpoena issued to any agency or person, issue an order requiring such agency or person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(f) Upon the application of the Attorney General of the United States, at the request of the Commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any agency or person to comply with the provisions of this section.

SEC. 11. REPORTS TO THE PRESIDENT AND CONGRESS

(a) The Commission shall submit a written report to the President and Congress on the first day of March of each calendar year that shall set forth the Commission's findings and views regarding—

(1) the effects of the verification provisions of arms control agreements on state and local governments, businesses, organizations, and individuals;

(2) the adjustments made by State and local governments, businesses, organizations, and individuals because of the verifi-

cation provisions of arms control agreements;

(3) the Commission's effectiveness in assisting State and local governments, businesses, organizations, and individuals to adjust to the verification provisions of arms control agreements;

(4) the revisions that could be made to this and other statutes to increase the Commission's effectiveness in assisting State and local governments, businesses, organizations, and individuals to adjust to the verification provisions of arms control agreements; and

(5) the likely effects on state and local governments, businesses, organizations, and individuals of the verification provisions of any proposed arms control agreement.

(b) The report submitted pursuant to subsection (a) shall specify the findings made and remedies granted by the Commission with respect to each claim of competitive disadvantage or serious economic injury filed pursuant to sections 6 and 7 of this Act during the one year period immediately preceding the date on which the report is required to be submitted.

(c) The Commission may hold an informal hearing for the purpose of receiving testimony and other evidence relevant to the subjects on which it is required to report to the President and Congress pursuant to subsection (a).

(d) The Commission shall, upon request by the President or any Member of Congress, report to the President and Congress on any matter specified in subsection (a) or on any other matter within its jurisdiction.

SEC. 12. PUBLIC INFORMATION AND RECORDS

(a) Information shall be made available to the public under this Act in accordance with section 552 of Title 5 of the United States Code.

(b) Material submitted by a claimant shall not be withheld from any interested party outside the government or from any federal agency which may be involved in the claim except to the extent that the withholding of information is permitted or required by law or regulation. If the claimant considers that the claim or related documents contains or involves material which should be so withheld, a statement advising of this fact must be affixed to the front page of the document and the allegedly protected information must be indentied wherever it appears.

SEC. 13. EFFECT ON EXISTING LAWS

(a) Nothing in this Act shall affect in any way the right of any person to protect a procurement action pursuant to Subchapter V of Title 31 of the United States Code of to bring an action protesting such action before the United States Claims Court or of a district court of the United States.

(b) Nothing in this Act shall affect in any way the right of any person to bring an action alleging the taking of property without just compensation pursuant to section 1491 of title 28, United States Code, notwithstanding any other provision of law.

SEC. 14. SEVERABILITY

If any provision of this Act, or the application thereof, is held invalid, the remainder of the Act, or other applications of such provisions, shall not be affected.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS

There are hereby authorized to be appropriated for purposes of this title such sums as may be necessary.

By Mr. HATCH:

S.J. Res. 262. Joint resolution to designate the month of March 1988 as "Women's History Month"; referred to the Committee on the Judiciary.

WOMEN'S HISTORY MONTH

Mr. HATCH. Mr. President, I am pleased to introduce a resolution proclaiming the month of March 1988 as Women's History Month. I believe it is appropriate that we set aside March 1988 to pay tribute to the varied contributions made by women to our society.

Historically women have worked to initiate social reforms and improve the quality of life. Women have expanded their fields of endeavor until, today, we have women honorably serving in all segments of society. It is not uncommon to see women serving not only in traditional roles but as corporate executives, university presidents, or as a Supreme Court Justice. We must not forget the women who made the acceptance of women in these positions possible.

Utah has the honor of having many historical firsts for women. Utah was the first territory to allow women the vote. Utah had the first woman to be mentioned as a candidate for the U.S. Supreme Court, Florence Allen, who was considered by Franklin Roosevelt when he was President. The first woman State senator in the United States was a Utahn, Martha Hughes Cannon. An interesting aside to this election was that her husband ran for the State senate in the same election, but lost.

The first all-woman city government was elected to office in Kanab, UT. The first woman to chair a major political party was a Utahn, Jean Westwood. And the first woman delegate to a national political convention came from Utah, J.M. Cohen. She made the seconding speech for the nomination of William Jennings Bryan and used a well-chosen 55 words for her talk.

Women all across our country have been involved in the shaping of the history of this Nation. These women deserve to be recognized and remembered for their contributions. I urge my colleagues to join with me in supporting this important resolution.

Mr. President, at this point I ask unanimous consent that the text of this joint resolution be printed in full in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 332

At the request of Mr. DeConcini, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 533

At the request of Mr. Thurmond, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 542

At the request of Mr. Armstrong, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 552

At the request of Mr. Cranston, the names of the Senator from Texas [Mr. Bentsen], and the Senator from Maryland [Mr. Sarbanes] were added as cosponsors of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes.

S. 675

At the request of Mr. Mitchell, the names of the Senator from Washington [Mr. Adams], the Senator from Illinois [Mr. SIMON], the Senator from Iowa [Mr. HARKIN], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1776

At the request of Mr. ARMSTRONG, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1776, a bill to modernize U.S. circulating coin designs, of which one reverse will have a theme of the bicentennial of the Constitution.

S. 1817

At the request of Mr. KENNEDY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Florida [Mr. GRAHAM], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from U.S. savings bonds which are transferred to an educational institution as payment for tuition and fees.

S. 1904

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1904, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

S. 2022

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2022, a bill to amend title 38, United States Code, to authorize reduction under certain circumstances in the downpayments required for loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures and to clarify the calculation of available guaranty entitlement and make other technical and conforming amendments.

S. 2067

At the request of Mr. CONRAD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2067, a bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes.

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 247

At the request of Mr. BRADLEY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 247, a joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

SENATE JOINT RESOLUTION 250

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of Senate Joint Resolution 250, a joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

SENATE JOINT RESOLUTION 253

At the request of Mr. CRANSTON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 253, a joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. HUMPHREY, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Nebraska [Mr. EXON], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 258

At the request of Mr. THURMOND, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 381—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 381

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1988."

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $47,856,813, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1988 through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4 (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856 of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,490,812, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,690,000, of which amount (1) not to exceed $1,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,022,846, of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,379,375, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,446,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,381,014 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the

Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,529,719, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal acitivity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives.

(F) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processing as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectivness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the managment of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out is powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February

28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,336,859, of which amount (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out is powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,549,148, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of such Act).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,043, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department of agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department of agency.

(b) The expenses of the committee under this section shall not exceed $972,617, of which amount $1,500 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,001,553.

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,094,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,105,072, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,770,746, of which amount (1) not to exceed $205,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

(c)(2) For the purpose of this section the special committee is authorized from March 1, 1988, through February 28, 1989, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(c)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(d) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings:

Tuesday, February 23, 1988, beginning at 9:30 a.m., in Senate Russell 485, an oversight hearing on the barriers to Indian participation in Government procurement contracting;

Thursday, February 25, 1988, beginning at 9 a.m., in Senate Russell 485, an oversight hearing on the fiscal year 1989 Budget for Indian programs; and

Thursday, March 3, 1988, beginning at 2 p.m., in Senate Dirksen 628, a markup on S. 721, the Indian Development Finance Corporation Act; S. 1236, reauthorization of the Navajo-Hopi Relocation; and, S. 802, a bill to transfer ownership of certain lands held in trust for the Blackfeet Tribe.

Those wishing additional information should contact the committee at 224-2251.

ADDITIONAL STATEMENTS

CALL TO CONSCIENCE

● Mr. BENTSEN. Mr. President, so long as people in the Soviet Union are denied their basic human rights, we must not forget their suffering. Indeed, we must speak out on behalf of those who cannot freely speak for themselves. Today, I want to add my voice to the Call to Conscience Vigil.

Whatever glasnost and perestroika may mean for the Soviet economy, they have not yet led to openness toward religious expression, nor to a restructing of the police state system. The Soviet Union still deifies atheism and confines clear-thinking dissidents to so-called psychiatric hospitals.

Only in emigration has the situation improved noticeably, to the highest figure since 1981, nine times the number in 1986. Even so, last year's total was only one-sixth the 1979 record. There are still tens of thousands of Soviet Jews who are denied permission to leave, and countless more who would probably apply if they thought they would not be punished for doing so.

The credit for the increases in emigration belongs not to Mikhail Gorbachev, but to the millions of Americans who have shown their solidarity with Soviet Jews. The modest improvements in emigration would not have occurred without the pressure from those of us who have made this issue a high priority in United States/Soviet relations. The 200,000 Americans who marched peacefully in Washington last December bore witness to our continuing commitment to human rights for all peoples.

We want better relations between the nuclear superpowers, but not at the price of religious oppression. We want the Soviet Union to honor its international obligations. We want people everywhere to be free to worship and free to travel and free to unify their families. And until that day arrives, we want all to know that we shall not forget them and their suffering.●

BICENTENNIAL MINUTE

FEBRUARY 20, 1794: FIRST PUBLIC SESSION OF THE SENATE

(By request of Mr. SIMPSON, the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, 194 years ago this weekend, on February 20, 1794, the Senate held its first public session. The Constitution's framers had assumed that the newly created Senate would follow their own practice of meeting in secret. The remarkable feature of the newly created Congress was not that Senate meetings would be secret, but that House meetings would be open.

In the first few years of the Senate's existence, defenders of secrecy looked with disdain on the House where members were tempted to perform for the gallery, whose occupants routinely cheered and hissed as issues were debated. Nonetheless, from the very beginning, some Senators advocated an open-door policy. In particular, minority party members believed public scrutiny would expose various schemes of those in the majority. Also, State legislators realized that they had no way to keep tabs on the behavior of the Senators they elected.

Eventually, the Senate's Federalist majority recognized that their views could more easily win popular support if aired publicly rather than concealed. The spreading notion of the Senate as a lurking hole in which conspiracies were hatched against the public interest had to be put to rest. Additionally, press coverage of the House helped popularize that body's role and the public began to use the words "House" and "Congress" interchangeably. The Senate was in danger of becoming the forgotten Chamber.

A dispute early in 1794 over whether to accept the credentials of a newly elected Pennsylvania Senator provided the shove that opened the Senate's doors. At that time, the capital was located in Philadelphia. Senators recognized the delicacy of moving, behind closed doors, to reject a man just selected by that State's legislature. Consequently, the Federalist majority agreed to open the doors just for that occasion. Shortly afterward, the Senate decided to make the change permanent.●

GUATEMALA

● Mr. HATFIELD. Mr. President, "The savagery for which this country has become infamous still dominates public and private life," writes correspondent Stephen Kinzer in the February 17 New York Times of the desperate country of Guatemala. While we are debating the threat of communism in Nicaragua with myopic and relentless vigor, the people of Guatemala are dying: 170 in December alone, the last month for which this grisly statistic is available.

When Vinicio Cerezo was elected President 2 years ago, the first civilian to occupy the office in several decades of brutal Guatemalan history, we thought things would change. I know, Mr. President, because I was an official observer of the election that brought him to power. We thought the brutal military repression that had plagued the country for so long and had claimed the lives of many thousands of civilians finally would end.

It did not. There have been changes, mostly legal changes that some hoped could strengthen civilian oversight of the military or enhance efforts to investigate past torture, "disappearances," and extrajudicial execution. But as Mr. Kinzer points out, "the number of victims has declined * * * but the pattern remains unchanged." Says a religious worker from the countryside: "Nothing has changed around here. The soldiers are in complete control and no one can question them. Innocent people are still being killed and planes are bombing all the time."

The most amazing thing about all this, Mr. President, is that there are a large number of people in the administration and in the Congress who tell us that the best way to encourage democracy in Guatemala today is to provide military aid. Not humanitarian aid—military aid. The administration regularly cites Guatemala as one of this hemisphere's proud democracies when the facts clearly suggest that President Cerezo is serving at the military's behest. To this day, Mr. President, not a single soldier has spent time in jail for the thousands of summary executions in Guatemala.

To those supporters of military aid, I respond with the words of a European ambassador posted in Guatemala: "If there is another country in the world where human life is so cheap, I don't know what country it would be." United States military aid would make it cheaper still.

I ask that Mr. Kinzer's article, "With a Civilian in Charge, Guatemala Still Can't Fully Rein in the Brutality," be printed in the RECORD.

The article follows:

WITH A CIVILIAN IN CHARGE

(By Stephen Kinzer)

SANTIAGO ATITLAN, GUATEMALA, Feb. 12.—Set providentially beside one of the world's most beautiful volcanic lakes, yet shaken by unending cycles of terror and death, the village of Santiago Atitlán is an apt metaphor for Guatemala.

The inauguration in 1986 of a civilian President, Vinicio Cerezo, raised hopes that Guatemala might be emerging from its hell of street-corner murders and midnight abductions. But the new era has yet to dawn, and the savagery for which this country has become infamous still dominates public and private life.

In Santiago Atitlán, a death list with the names of more than 100 local residents began circulating late last year. It was reputedly drawn up by Marxist guerrillas, but many here say they believe it was the work of experienced killers tied to the army or the police.

3 ON LIST ARE KILLED

At least three people whose names were on the list have been killed and others have fled. So many teachers abandoned the nearby hamlet of Cerro de Oro that the school there has been closed.

"There is violence and fear of violence everywhere," said the local school superintendent, Gerardo Méndez Avila, who admits being afraid even though his name is not on the death list. "I just tell myself that my job is to educate children, and I try to do it as best I can under the circumstances."

Across the town square, the Mayor of Santiago Atitlán was less forthcoming and perhaps more prudent. In an interview that he was plainly anxious to end, he said he had not heard of a death list, did not know how many local residents had been murdered this year, could not guess who might be responsible, and had no idea why the school in Cerro de Oro was closed.

Soldiers normally stay off the streets of Santiago Atitlán, an artisan town where foreign tourists often arrive by boat to buy native handicrafts. But a few miles down the dirt highway at San Lucas Tolimán, soldiers dressed in camouflage uniforms and carrying Israeli-made Galil assault rifles are a common sight. Today an army helicopter landed six times on a soccer field there, each time disgorging a full load of supplies while an officer warned a photographer against taking pictures.

Other parts of the country are also heavily militarized. In the northern province of Quiché, a major anti-guerrilla offensive began in October, and more than 2,000 terrified Indians have decended to Nebaj and other towns for fear of what might happen to them in the countryside.

"Nothing has changed around here," said a religious worker based in the area. "The soldiers are in complete control and no one can question them. Innocent people are still being killed and planes are bombing all the time."

The Guatemalan terror has traditionally been a mixture of mass killings in the countryside and selective assassination in cities. The number of victims has declined since Mr. Cerezo took office, but the patterns remain unchanged. A death list began circulating in Santiago Atitlán last year; at least three residents named on the list were killed and others have fled.

Today family and friends buried Ana Elizabeth Paniagua, 25 years old, at a cemetery in the capital. She had been grabbed off the street a few days earlier by armed men driving a van with darkened windows and no license plates. Her tortured body was found in a ravine soon afterward.

Like many victims here, Mrs. Paniagua had been associated with the country's main institution of higher learning, the University of San Carlos, which rightists consider a hotbed of subversion. Labor organizers and school teachers also figure prominently among the disappeared and killed.

MOTHER ACCUSES THE POLICE

Mrs. Paniagua's mother has no doubt who was responsible for the murder. "The men who kidnapped her were members of the national police," she said in a statement before the body was found.

For years, Guatemalan security forces have maintained that they must be able to act freely to combat the guerrilla threat. The scale of that threat is a matter of debate, since even the army agrees that the guerrillas, thought to number fewer than 1,500, are not strong enough to endanger the country's political or economic stability.

Some Guatemalans expected Mr. Cerezo to challenge the power of the army, but instead he has chosen to reinforce it. He is rarely seen in public without at least one officer at his side, and he has tacitly recognized the army's right to set its own standards of conduct.

The Minister of Defense, Gen. Hector Gramajo, confirmed in an interview that the Government was bombing suspected guerrilla hideouts.

"We've done a lot to remove the population that was under guerrilla control," he said. "We are using artillery and we are using aviation. We drop bombs, but only where we know there is no population."

"Even though nothing changes from black to white in a single day, our army is following a new military doctrine," General Gramajo said. "We used to be confused, and we were using the techniques of an occupation army in our own country. When the guerrillas killed one of our people, we would find a collaborator of theirs and shoot him at night. Now we operate strictly within the law."

SUPPORT FROM THE ARMY

In exchange for his vigorous support of the army, Mr. Cerezo has won crucial protection against landowners and businessmen seeking to overthrow his administration. "Every eight days there is an attempted coup," a presidential aide said.

Mr. Cerezo's efforts to revise Guatemala's tax structure have aroused venemous opposition from the well-organized private sector. Despite his success in stabilizing the currency, curbing inflation and starting to bring Guatemala out of its international isolation, many business leaders fear he is opening a door to Marxism.

In an effort to introduce modern police techniques in Guatemala, the Government is retraining police officers and issuing them new equipment. In one case, a local police chief and several officers under his command were dismissed after strong indications that they were involved in killings. But such cases remain the exception.

In December, the last month for which figures are available, there were more than 170 killings in Guatemala, making it the most violent month since Mr. Cerezo assumed the presidency. Human rights workers estimate that one-third to one-half of the killings are political in nature.

Guatemala's campaign to emerge from its notoriety has been hindered not only by the continuing killings, but also by the fact that more than 100,000 refugees, nearly all of them Indians, remain in camps in Mexico, afraid to return to their homes. Most fled during the early 1980's, when a brutal counter-insurgency campaign took more than 10,000 lives and resulted in the destruction of several hundred villages.

REFUGEES URGED TO RETURN

The Government is urging the refugees to come home, and Mr. Cerezo's wife has traveled to camps in Mexico to transmit the invitation personally. A few small groups have returned, including 118 Mam Indians who arrived a few days ago under the auspices of the United Nations.

"We came because we want to be in our homeland, and because the First Lady told us things were different now," said one of the Indians, Jacobo Jiménez Gerónimo, who spent five years in a Mexican refugee camp. "Most of the others are still afraid."

Foreigners who work with the refugees say that some parts of the country are, at least for the moment, safe for those who want to return. But where the army is no longer killing Indians, the age-old question of land, which is a matter of life or death in Guatemala, is still overwhelming. Three percent of Guatemalans own half the country's arable land, which by some estimates makes the distribution of land here more unequal than in any other country in the Western Hemisphere.

When Indians fled to Mexico, much of their abandoned land was given to others, usually impoverished peasants from other parts of the country. As the refugees begin to return, they often find new tenants unwilling to give up the land that now sustains them.

"Many of the villages in the north are heavily fortified, and the refugees are afraid to go back there," a relief worker said. "But in other places, land is even a bigger problem than security."

The town of Auguacatan in the Guatemalan highlands is typical of places where peasants try to eke a living from the rocky and infertile soil that is left to them. Lack of land and a fear of repression are the two dominant facts of life there, according to the Mayor, Gaspar Velázquez Escobar.

'THERE IS NO EXCAPE'

"There have been terrible killings here and almost all the victims were killed by security forces because someone who had a personal grudge denounced them as guerrillas," Mr. Velázquez said. "There is no escape for these people. They have no land here and nothing else anywhere. If the Government offered them land in some other part of the country, everyone in this town would volunteer to leave immediately."

In the western provincial capital of Hueheutenango, a young businessman named Carlos Palma is trying to build his grandmother's weaving shop into a business that can support his family. He is frustrated with the slow pace of change in Guatemala and, like most of his countrymen, fears the army and the police. But he believes Mr. Cerezo is acting wisely.

"Many people are impatient because the President is so friendly with the army and doesn't seem to be doing much for the poor," Mr. Palma said as he sat surrounded by brilliantly colored fabrics. "But we have to realize that if he moves to fast, he will provoke a reaction and the whole democracy will crash. Then we will be back where we were five years ago."

A European ambassador who has been posted in Guatemala for several years said he had seen "a good deal of progress in human rights" since Mr. Cerezo took office. But he said new attitudes had yet to take root here.

"If there is another country in the world where human life is so cheap," the ambassador said, "I don't know what country it would be."●

BEN F. HALL, PAST CHAIRMAN OF THE NEW MEXICO STATE ASC COMMITTEE

● Mr. DOMENICI. Mr. President, today I wish to share with my colleagues my sincere gratitude for the dedicated service of a fellow New Mexican—Mr. Ben F. Hall.

Ben served as chairman to the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee since 1981. Ben was an excellent chairman. He served unselfishly with New Mexico agriculture's best interest at heart.

During his 7-years tenure, New Mexico agriculture saw good times and bad. Our farmers and ranchers saw drought and flood. They saw profitability and losses. And Ben served through it all in a level-headed and fair manner. He played no favorites and did what he thought was best for all concerned.

In my opinion, New Mexico agriculture will miss his common-sense leadership. I am hopeful that Ben will consider serving New Mexico's agriculture in another capacity when the next opportunity come along.

Ben took over the operaton of his family ranch at age 19. The ranch has been in his family's ownership since 1895. Through his careful stewardship, he has developed a successful ranching operation.

Since 1972, Ben and his wife, Frances, have raised longhorns on their 40,000-acre Canyon Blanco Ranch in Taiban, NM. They have about 140 purebred Texas longhorns and another 150 or so crossed with other breeds. In addition, they run about 600 head of commercial yearling steers.

Ben is a member of the New Mexico Farm and Livestock Bureau, the New Mexico Cattle Growers' Association, as well as the New Mexico and national associations of Texas Longhorn Breeders. Ben is also a very active member of his local Episcopal Church.

He has served as commissioner of De Baca County for the past 12 years and chairman of the board of De Baca General Hospital for the past 38 years. At various times he has also served on the De Baca County ASC Committee, the SCS County Committee, as well as on the local soil and water conservation district board.

Ben is a past chairman of the Republican Party in De Baca County. He served on the school board in Fort Sumner, NM. He also served as warden and on the bishop's committee at St. John's Mission in Fort Sumner.

Ben is currently a director of work at the Scottish Right Consistory in Santa Fe. He is also a 33d degree Mason.

I am sure Ben's wife, Frances, and his children, David, Susan, and Mary, are as proud of Ben as the New Mexico congressional delegation is for all his noteworthy accomplishments and endeavors.

I feel particularity close to the Hall family because of their son, Eddie, who passed away last year. I know Eddie would have been just as proud of Ben.

My congratulations to Ben for a job well done. He served New Mexico farmers and ranchers well for the past 7 years. Ben will be missed but certainly not forgotten.●

THE MINORITY BUSINESS DEVELOPMENT ACT OF 1987

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of the Minority Small Business Development Act of 1987, S. 1848.

Small businesses are the backbone of America. They provide services that are essential to the economy of this country. Having recognized the importance of small business, the Federal Government created the Small Business Administration to help small business development.

Minority small businesses are faced with different concerns than are other small businesses. In 1969, the Minority Business Development Agency was created by executive order under the jurisdiction of the Department of Commerce. S. 1848 would make the MBDA a permanent agency under the Department of Commerce and would better clarify the roles of both the MBDA and the SBA with respect to minority business promotion.

The successes of MBDA are numerous. The services it provides differ from those provided by the SBA. The MBDA operates its minority development through national accounting and business management firms striving for eventual financial independence, while SBA's programs offer no specialized assistance to minority businesses. MBDA also offers assistance to minority firms in identifying potential foreign markets, while SBA does not. In order for the MBDA to continue helping minority small businesses, it needs to be made a permanent agency under the Department of Commerce.

It is clear that MBDA has been a champion of minority small business. A special consideration under MBDA is that it recognizes Hassidic Jews as a socially and economically disadvantaged minority. The Hassidim have been engaged for years in convincing the SBA to follow MBDA's enlightened policy, but to no avail. Recognition by the SBA would allow the Hassidim the opportunity to qualify for the section 8(a) program. Under the auspices of the MBDA, many Hassidic-owned businesses have had the chance to flourish and grow. They have made a real contribution in economic terms and to the quality of life of their community. If the MBDA were to be abolished or transferred to the SBA, the Hassidim would not be availed of all of the opportunities that they now enjoy under the MBDA.

The MBDA is a successful program that deserves a future that is free of uncertainties so that it may best accomplish its mission. S. 1848 is the legislation that will do just that.●

RURAL HEALTH AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of legislation affecting those individuals who live in the rural areas of this Nation. I am pleased to support my colleague from Kansas, Senator DOLE, in an effort to address the health care needs of rural families and individuals.

One-quarter of the population in the United States resides in rural areas. One-third of these individuals are elderly. The elderly are the greatest user of health care services in this Nation.

In addition, there are fewer health care providers in rural areas than in urban areas. This means that access to health care becomes a key issue to those individuals who are seeking health care in rural communities. Many individuals who need health care services must drive hours to see a physician, nurse, or other health care provider.

The numerous problems that are currently affecting our health care industry nationwide seem to have a disproportionately greater affect on our rural communities. The nursing shortage is particularly great in the rural areas, as well as is a lack of obstetric care. Transportation services and costs are a major factor affecting access to health care for rural citizens.

I am pleased to support an occasion which acknowledges the importance of such a major issue—the need for all citizens of this Nation, urban and rural, to have access to affordable health care.●

ROBERTA "BOBBIE" MORROW, PAST MEMBER OF THE NEW MEXICO STATE ASC COMMITTEE

● Mr. DOMENICI. Mr. President, today I wish to share with my colleagues my sincere gratitude for the dedicated service of a fellow New Mexican—Mrs. Roberta "Bobbie" Morrow.

Bobbie served as a member of the New Mexico State Agricultural Stabilization and Conservation [ASC] Committee since 1981. Bobbie was an excellent member. She served unselfishly with New Mexico agriculture's best interests at heart.

During her 7-year tenure, New Mexico agriculture saw good times and bad. Our farmers and ranchers saw drought and flood. They saw profitability and losses. And Bobbie served through it all in a level-headed and fair manner. She played no favorites and did what she thought was best for all concerned. In my opinion, New Mexico agriculture will miss her common sense perspective.

Bobbie and her husband, Joe, farm about 520 acres of irrigated land around Hatch, NM. The crops they grow include cotton, wheat, grain sorghum, onions, alfalfa, lettuce, chili, and cabbage. In addition, they own a feedlot for about 2,000 head of cattle.

Bobbie is a member of the New Mexico Farm and Livestock Bureau, as well as the New Mexico Cattle Growers' Association. Bobbie is also a very active member of her local Episcopal church.

She has served on the board of directors of the Hatch Area Health Council. Bobbie is a graduate of Arizona State University with an education degree. She taught first grade in Hatch for 2 years.

Bobbie is presently attending New Mexico State University's business school. She is an avid sportswoman and likes to ski, windsurf, play racquetball, and do aerobics. She also enjoys playing the guitar.

I am sure Bobbie's husband, Joe, and their children, Harvey, Mary Beth, and John, as well as their grandchild, Nicole, are as proud of Bobbie as the New Mexico congressional delegation is for all her noteworthy accomplishments and endeavors.

My congratulations to Bobbie for a job well done. She served New Mexico farmers and ranchers well for the past 7 years. Bobbie will be missed but certainly not forgotten.●

NEUROFIBROMATOSIS AWARENESS MONTH

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Joint Resolution 237, a joint resolution designating May 1988, as "Neurofibromatosis Awareness Month." I commend my distinguished colleague, Senator DOLE, for promoting a cure for this disorder through greater public awareness.

Approximately 100,000 Americans suffer from neurofibromatosis [NF], a neurological genetic disorder that causes tumors to form on the nerves of those it afflicts. This disease discriminates against no one—striking all races and both sexes. Although it is a genetic disorder, half of those who have NF have no family history of the disease.

Tragically, there is no known cure for NF. The tumors associated with this disease can only be removed through surgery, and, once removed, will usually grow back. The effects of NF range in severity from curvature of the spine to disfigurement, blindness, and deafness. In its most severe form, NF can be fatal.

The Neurofibromatosis Foundation has done outstanding work both in promoting needed research into NF and in providing public education about this disorder. We must assist them in their effort to alleviate the physical and psychological impact felt by the victims of neurofibromatosis.

Mr. President, we need to bring more attention to the need for accelerated efforts toward finding a cure for NF. Through increased biological research, I am hopeful that we will someday develop a cure for NF. I am pleased to join my good friend, Senator DOLE, in cosponsoring Senate Joint Resolution 237. I encourage my colleagues to join us in this effort, and I urge the immediate passage of this resolution.●

BALTIC FREEDOM DAY

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution, introduced by my good friends, the distinguished Republican leader and the Senator from Michigan, designating June 14, 1988, as "Baltic Freedom Day." The purpose of this measure is to express Congress' outrage over the Soviet Union's continued subjugation, oppression, and Russification of the Baltic people of Lithuania, Latvia, and Estonia.

June 14, 1988, will mark the 48th anniversary of the United States' nonrecognition policy toward the Soviet's illegal occupation of Lithuania, Latvia, and Estonia. This policy shall remain a sensitive issue of United States-Soviet relations until the Kremlin's hegemony of the Baltic States is relinquished. I can only hope that we will continue to be as steadfast in this policy as our Baltic friends have been in their pursuit of freedom.

Lithuania, Latvia, and Estonia each proclaimed their independence in 1918 and for 22 years they nurtured their newly found freedom—a freedom previously denied them for centuries by more powerful, aggressive neighbors. In 1920, the Soviet Union promised to recognize their independence.

By signing peace treaties with each Baltic State, the Soviet Union promised to "voluntarily and forever" renounce its sovereign rights over the territories of Lithuania, Latvia, and Estonia and to recognize without reservation their "independence, autonomy, and sovereignty." The Soviet Union's promise, however, was as hollow as any they have made before or since that time.

In 1940, the Soviet Union began its attempt to smother Baltic freedom. The Red Army stormed into Lithuania, Latvia, and Estonia, and seized control of all three nations. The Soviets established in each nation a puppet regime which unanimously passed a "request" for incorporation into the Soviet Union. Late in 1940, these "requests" were enacted in Moscow.

The Soviet occupation began with a series of arrests and imprisonments that swelled into the tens of thousands. On the evening of June 14, 1941, with the Soviet terror gathering momentum, they began a massive deportation program. Between 1944 and 1949, hundreds of thousands of Baltic people were herded into freight cars and exiled to distant parts of the Soviet Union. Those countless native Balts who were considered potential foes of Soviet imperialism were branded "enemies of the people" and were replaced by new settlers from the Soviet Union.

Under Stalin, Khrushchev, Brezhnev, Andropov, Chernenko, and now Gorbachev, thousands of Lithuanians, Latvians, and Estonians have been slaughtered, deported, exiled, and imprisoned in slave-labor camps or committed to psychiatric institutions. These ruthless dictators have pursued a Russification policy which has denied the Baltic people the most basic of human rights. For the time being, the Soviet Union may have control over the people of Lithuania, Latvia, and Estonia. But, without the consent of these freedom-loving people, the Soviet Union inevitably will regret its illegal and forced incorporation of these proud nations.

What the Soviets have done clearly flies in the face of the United Nations Universal Declaration on Human Rights and the Helsinki Final Act. Despite repeated professions of support for the principles embodied in the final act, the Soviets have continued blatantly to violate the rights of self-determination guaranteed the Baltic people. As this act affirms, "all people always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social, and cultural development."

While great, the degree and depth of Soviet denial of basic human and civil rights is not as deep as the Baltic people's desire for freedom and independence. The Balts' deeply rooted love of freedom and steadfast belief in the principles of independence have enabled them to endure Communist hegemony and suppression. They have lasted through years of Soviet subjugation, oppression, and Russification. Their spirit will not be broken, and their struggle for self-determination will not subside.

Mr. President, as a member and former chairman of the Commission on Security and Cooperation in Europe, I remain deeply concerned about the Soviet Union's continuing human rights violations in Lithuania, Latvia, and Estonia. As a party to the U.N. Charter and as a signatory of the Helsinki accords, the Soviet Union has pledged its respect for human rights and fundamental freedoms. As such, the Soviet Union must accept the political and legal obligations that these agreements require.

When we celebrate June 14, 1987, as "Baltic Freedom Day," it is fitting and proper that we remind the Soviet Union of these obligations. I urge my colleagues to join me in support of this resolution to reaffirm our love for freedom and our commitment to the principles of independence for all peoples, for ourselves, and especially for our Baltic friends who have been forced to live their absence.●

NATIONAL OSTEOPOROSIS WEEK

● Mr. D'AMATO. Mr. President, I rise today in support of legislation designating the week of May 8-14, 1988, as "National Osteoporosis Prevention Week." I commend my colleague, Mr. GRASSLEY, for promoting increased awareness of this widespread disease.

Osteoporosis is a degenerative bone condition which afflicts more than 16 million Americans. The risk of developing osteoporosis is greater for women than for men, and this risk increases with age. Up to 90 percent of all women in the United States over the age of 75 suffer from some form of osteoporosis.

Individuals afflicted by this condition are highly susceptible to bone fractures. Every year, more than 1.3 million persons age 45 and older suffer a fracture due to osteoporosis. For the elderly, fractures—especially fractures of the hip—can be debilitating, and, in many cases, life-threatening. Approximately 50,000 elderly women die annually due to complications resulting from hip fractures.

Fortunately, osteoporosis can be successfully prevented. Among the primary measures used to combat osteoporosis are estrogen replacement and calcium supplementation, with exercise and nutrition as important adjuncts.

The fact that osteoporosis can be prevented is a compelling reason to support Senate Joint Resolution 250. By designating a "National Osteoporosis Awareness Week," we will help foster the kind of recognition and understanding that can lead to reduced incidence of this widespread condition. I urge my colleagues to join me in this effort.●

IN SUPPORT OF NATIONAL OSTEOPOROSIS PREVENTION WEEK

● Mr. LEAHY. Mr. President, I rise today in support of Senator GRASSLEY's resolution to designate May 8 to 14, 1988, as "National Osteoporosis Prevention Week." Osteoporosis is a major public health problem that affects the elderly population and costs the United States between $7 to $10 billion annually in acute and long-term care. Research shows some of the causes of this debilitating disease. Good nutrition throughout childhood and young adulthood as well as moderate exercise, and heredity are all important factors in this disease.

It is my hope that this resolution introduced by the distinguished Senator from Iowa will help educate and draw national attention to a disease that affects our ever-growing aging population.

Mr. President, I ask that the following letter from a concerned Vermont organization be included in the RECORD.

The letter follows:

DAIRY COUNCIL
OF VERMONT, INC.,
Williston, VT, February 4, 1988.

Senator PATRICK LEAHY,
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR LEAHY: Dairy Council of Vermont urges you to sponsor the proposed bill designating May 8-14 as National Osteoporosis Prevention Week. Because bone disease is very prominent in elderly populations and more people are reaching advanced age, bone health has become an important concern in Vermont and throughout the U.S. Osteoporosis is the most common bone disease. In osteoporosis bone mass is reduced to the extent that risk of fracture is high.

Osteoporosis is 8 times more common in women than men, but fractures occur in both sexes with increasing frequency with advancing age. One out of 4 women over the age of 65 have osteoporosis. It is estimated that 90 percent of all fractures sustained past age 60 are due to osteoporosis. In the United States, 5.3 percent of all hospitalized patients over age 65 have the diagnosis of fracture, and this increases to 10.2 percent after 85. After age 85 nearly 4 percent of the population sustain a serious fracture each year. Over one billion dollars are spent annually in the acute care of hip fractures in the U.S., to which must be added the costs in terms of suffering, physical disability, and mortality associated with the disease.

Because current investigation has begun to show that some of the risk factors for bone loss are amendable to control or change, it is extremely important that we have an osteoporosis prevention week to call the population's attention to those factors. Won't you lend your support to this important endeavor?

Sincerely.

SHIRLEY PRUSHKO, M.S., R.D.●

NATIONAL NHS-NEIGHBORWORKS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation which would elevate public awareness and increase private sector support for Neighborhood Housing Services [NHS] and its affiliated partnership organizations—neighborhood residents, local governments, and businesses. Together they comprise the neighborworks network which is at work in 239 neighborhoods revitalizing declining neighborhoods and preserving decent affordable housing for low- to moderate-income Americans. This resolution sponsored by the distinguished Senators from Wisconsin and Utah, Senators PROXMIRE and GARN, would recognize NHS and the neighborhood networks for their extraordinary accomplishments and designate June 5-11, 1988 as "National NHS-Neighborworks Week."

Young people across the country have encountered a phenomenon new to this era—they cannot afford to buy a home. With rising interest rates and a slower increase in income relative to housing costs, individuals and families between the ages of 25 and 40 simply cannot afford to purchase a home in today's market.

The statistics in the New York metropolitan statistical area illustrate this problem. The 1987 median income in the New York area is estimated at $29,500. Assuming a 11-percent interest rate, a 5-percent downpayment, a 30-year term with 25 percent of income available for principal and interest, an individual or family with this income would be able to afford a home which is valued at $68,000. Unfortunately, the average purchase price of a home in this area is over twice this amount—$147,000. Consequently, an individual making approximately $30,000 a year is unable to provide a home for the family. This individual or family is forced to look for rental housing.

One way to alleviate this major problem plaguing our cities is to continue our support of the NHS/Neighborworks Network. With 16 years of accomplisments—the network partnerships have reclaimed 60 neighborhoods, are actively revitalizing 230 others, and have leveraged over $4 billion in reinvestment neighborhoods once suffering from severe disinvestment. Local governments and the private sector must work together to keep the neighborworks partnership organizations strong, thus enabling them to serve additional neighborhoods. Recognizing "National NHS/ Neighborworks Week" will strengthen this local public/private partnership.

I urge my colleagues to cosponsor this legislation.●

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

GRATUITY TO LINDA G. MATHEWS

Mr. BYRD. Mr. President, I inquire of the distinguished assistant Republican leader as to whether or not Calendar Order No. 540 has been cleared on his side.

Mr. SIMPSON. Mr. President, that calendar item has been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I thank my friend.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 540.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 379) to pay a gratuity to Linda G. Mathews.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the resolution.

If there is no further debate, without objection, the resolution is agreed to.

The preamble was agreed to.

The resolution, and the preamble, are as follows:

S. RES. 379

Resolved, that the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Linda G. Mathews, widow of Nathan V. Mathews, an employee of the Senate at the time of his death, a sum equal to two months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT

Mr. BYRD. Mr. President, I ask unanimous consent that report No. 100-284 to accompany S. 1904, the Polygraph Production Act of 1987, be star printed to reflect the change that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 100-14

Mr. BYRD. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the treaty with Canada on Mutual Legal Assistance in Criminal Matters (Treaty Doc. No. 100-14), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of Canada on Mutual Legal Assistance in Criminal Matters, with Annex, signed at Quebec City on March 18, 1985. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter more effectively criminal activities. The Treaty should be an effective tool to prosecute a wide variety of modern criminals including members of drug cartels, "white-collar criminals," and terrorists. The Treaty is self-executing and utilizes existing statutory authority.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the treaty includes: (1) the taking of testimony or statements of witnesses; (2) the provision of documents, records and evidence; (3) the execution of requests for searches and seizures; (4) the serving of documents; and (5) the provision of assistance in proceedings relating to the forfeiture of the proceeds of crime, restitution to the victims of crime, and the collection of fines imposed as a sentence in a criminal prosecution.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 22, 1988.*

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, having consulted with the majority leader, I ask unanimous consent that rule 6, paragraph 2, of the Standing Rules of the Senate, be waived for Senator PHIL GRAMM, for official business, through Friday of this week, to attend the inaugural ceremonies of the new President-elect Roh Tae Woo, of South Korea, at the request of the President of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the convening hour for tomorrow be changed to 10 o'clock from the hour of 9 o'clock as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders, or their designees, are recognized on tomorrow under the standing order, there be a period for morning business for not to exceed 20 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIDDAY RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess on tomorrow from the hour of 12:45 p.m. until the hour of 2 o'clock p.m. to allow for the two party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does my good friend Senator SIMPSON have anything further?

Mr. SIMPSON. Mr. President, no.

I do hope that the S. 2 eight will continue to labor in their difficult task of trying to resolve and reach an accord perhaps on S. 2, and I know that the four Members from the Democratic side of the aisle and four Members from our side of the aisle I believe are trying diligently to do that.

The majority leader has been gracious in allowing them to continue to do that.

I hope they can reach some appropriate resolve to speed that process through here.

Mr. BYRD. Mr. President, I thank the distinguished assistant leader on the other side of the aisle. I believe that all Senators should be alerted to the possibility that tomorrow will be a very long day; the possibility that we might have a night session tomorrow night, and that we might have future sessions that will run around the clock. This will be in connection with S. 2 in the event we cannot reach a breakthrough by, say, tomorrow at 2 o'clock.

I hope that it will not be necessary to have such lengthy sessions, but it is very clearly a possibility at this point and I should alert all officers of the Senate and all employees of the Senate so that everyone will be prepared.

Mr. President, does the assistant Republican leader have anything further?

Mr. SIMPSON. Mr. President, I know that all of us remember the languid days in August and days in December and January when those particular comments were made and that those days would come, and apparently they are coming. So, enough.

I have nothing further.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Michigan [Mr. LEVIN] to the Advisory Commission on Intergovernmental Relations.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 6:10 p.m., the Senate recessed until Tuesday, February 23, 1988, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1988:

THE JUDICIARY

SHANNON T. MASON, JR., OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA VICE D. DORTCH WARRINER, DECEASED.

EXTENSIONS OF REMARKS

SCIENCE POLICY AND THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. HAMILTON. Mr. Speaker, on February 6, 1988, I addressed the Association of American Publishers on the topic of "Science Policy and the Congress." I would like to insert into the RECORD the text of my remarks:

SCIENCE POLICY AND THE CONGRESS

(Address by Congressman Lee H. Hamilton)

INTRODUCTION

I am pleased to be here today to talk to you about science policy and the Congress.

I am especially pleased to see my good friend, Nick Veliotes. Nick has served our country well in a variety of important positions, both at home and abroad. He has been a true public servant in the very best sense of the word. I have benefitted immensely from his wisdom and counsel over the years. I know he is serving the Association of American Publishers with equal commitment and skill.

I. IMPORTANCE OF SCIENCE TO PUBLIC POLICY

One of the biggest changes I have noticed in the Congress in recent years has been the growing importance of science to public policy. Policymakers are being increasingly called on to make judgements based on fairly technical information, a trend which will only accelerate in the future.

Members of Congress now must deal with policy questions ranging from the impact of biotechnology on farming and of robotics on the workforce, to the feasibility nuclear fusion energy and the software for SDI.

More than ever, Members of Congress are being called on to help shape the advances emerging from science and technology, sort out conflicting scientific assessments, and set funding priorities among worthy science projects.

This presents some real challenges for Members of Congress. Despite the growing complexity of the science policy issues, many of the fundamental concepts and methodologies of science are not well understood by policymakers. Only a handful of Congressmen are trained as scientists, with the vast majority being lawyers and businessmen. Many of the most controversial science policy questions deal with subject matters that have developed since most Members and staffers graduated from college.

To deal successfully with science policy, Members of Congress should not be expected to become science experts, but they do need to develop a basic scientific and technological literacy. I find Members increasingly willing to take the plunge and become knowledgeable about science. The worlds of superconductivity, superstrings, and superclusters may be familiar territory to you, but to many politicians, including this one, this is new ground.

II. IMPORTANCE OF SCIENCE TO AMERICA'S FUTURE

Perhaps the greatest reason why Members of Congress are becoming more interested in science is the importance of science to America's future.

America is in the economic fight of its life. We are beset by a declining international competitiveness that threatens the underlying strength of our economy. In a recent survey of world business executives, America was ranked only the 5th most competitive nation.

There is a broad recognition in the Congress about the importance of science to America's future. As much as one-half of our economic growth over the past several decades can be attributed to scientific and technological advances. Advances in military technology have enabled us to maintain a strong deterrent force, even when confronted with numerically superior forces. Our competitive edge and our national security hinge on a solid foundation of science and technology.

Yet we are starting to lose that edge. We are falling behind in some frontier areas of science; we have fallen behind other countries in developing the commercial applications of our discoveries; and we are devoting a smaller percentage of our gross national product to civilian R&D than our major competitors.

Policymakers are concerned about the training of our next generation of US scientists and engineers. Recent studies indicate that US high school and undergraduate science education is bad and getting worse. Interest among students is flagging: The percentage of freshmen intending to major in science has fallen sharply over the last decade. In many of our universities, well over half of our science graduate students are foreign nationals. University instrumentation and equipment is often obsolete and outmoded—lagging well behind that found in industry or in European universities. We must ensure that there will be future generations of scientists and engineers to bolster America's scientific and technological expertise.

Our long-term strength in the world depends, in a word, on investment. We need investment—both public and private—in research and technology, basic skills, and science education. Investment in our future is probably the most important long-term step we can take to improve US competitiveness.

III. FEDERAL ROLE IN SCIENCE

The Congress supports strong funding for science.

The federal government has a wide variety of science programs. Consider the range of major Science Committee issues likely to be taken up this year: upgrading university laboratories and equipment; improving the transfer of federally-funded technology into the marketplace; assessing the flow of technology out of the US; improving math and science education; rebuilding the space program; monitoring human-induced changes to the global environment; and making funding decisions on the Superconducting Super Collider and the space station.

Yet the largest share of federal science activities involves funding scientific research and development. I want to focus on that topic today—briefly summarizing the scope of federal R&D activities, and then discussing some of the problems science funding is facing.

IV. FEDERAL ROLE IN SCIENTIFIC RESEARCH AND DEVELOPMENT

In 1988, the federal government will provide some $65 billion for scientific research and development, about half of total US R&D expenditures.

Some 14% of federal R&D funds go for basic research in a wide variety of fields, including the physical sciences, life sciences, and the social sciences. The rest is more specific—such as research on missile systems, space transportation, acid rain, cancer, and AIDS.

Investments in scientific research have paid clear dividends. Numerous advances made possible by research—from disease-resistant grains and polio vaccines, to computers and satellites—have boosted our economy and enriched our lives.

Under President Reagan, overall federal research and development funding levels have increased significantly, up 96% since 1981. This is a remarkable increase, occurring at a time when many other areas of federal discretionary spending have cut back sharply.

Yet some areas have fared better than others. The President has generally put more emphasis on military R&D, basic research, and research that will contribute to economic growth, and less emphasis on near term commercialization which he feels the private sector could support.

Surely you would agree with me that the federal government must maintain its strong commitment to science and research. It improves national security, advances the training of science graduate students, enhances national prestige, and drives economic progress. As we face the challenge of maintaining US world leadership in the decades ahead, continued federal funding for scientific R&D is one of the best investments we can make in America's future.

V. MAJOR CHALLENGES TO ADEQUATE FEDERAL SCIENCE FUNDING

Maintaining that investment will not be easy. Let me give an overview of three major challenges the Science Committee faces in trying to provide adequate funding for scientific research.

A. Challenge from overall Federal deficit reduction efforts

The first major challenge is trying to provide adequate science funding during an era of ever-tighter federal budgets. Our federal deficit crisis is a major one. Since 1981, the federal government has annually spent around 20% more than it has raised in revenues. That has increased our national debt from $1 trillion of $2.4 trillion in just 7 years. One out of every seven dollars federal spending now goes just for interest on the national debt—money that could be used for productive investment in our future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Overall, federal funding for scientific research and development has done remarkably well, increasing, as I indicated, 96% since 1981. Yet even science is starting to feel the pinch. For example, last year the President called for doubling NSF's budget by 1992, and he requested a 16% increase for NSF in 1988. The actual increase was 3%. Overall funding levels for federal R&D activities in 1988, which the President initially wanted to increase by 8%, went up 2%.

This year we could face an even tougher problem. We will have to cut $46 billion—and possibly more—in order to reach the Gramm-Rudman deficit target of $136 billion. If we do not meet that target by October, then the Gramm-Rudman across-the-board cuts automatically go into effect. These cuts could be devastating for federal science programs. While 80% of the federal budget is protected from the across-the-board cuts, science programs are not.

Non-exempt programs like science could be very hard hit, with the Congressional Budget Office estimating this week that they could face across-the-board cuts of 13%. We must do all we can to avoid the automatic Gramm-Rudman cuts.

Overall, I am optimistic that we can avoid a Gramm-Rudman sequestration this year. The budget summit agreement reached in November outlined the broad features of this year's deficit reduction package, and it was agreed to by both the President and leaders of the Congress.

Yet federal deficits will pose a major problem for adequate science funding in the years ahead. We are generally not making the structural changes in federal programs needed to get the deficit on a downward path. We are still tinkering with the programs, making changes on the margins, rather than making the tough choices of restructuring or eliminating programs no longer needed. Until we get the deficits under control, it will be very difficult to make the increases in science funding that I believe we need.

A major problem is that too great a share of the federal budget is going for consumption—like pension and social services payments—and not enough is going for long-term investment in America's future—such as for science, education, and infrastructure (highways and water projects). Each time we go into budget negotiations between the President and the Congress, between the House and the Senate, between Republicans and Democrats, each side begins by taking major programs off the table. That approach cannot work much longer. The only way we will get the deficits under control is through a broad package of shared sacrifice.

Overall, I view 1988 as mainly a transition year, without any bold new effort to make structural changes in the deficit problem. The tough choices will be left to the next administration.

Let me make two other observations about science funding:

1. Importance of Stable Funding

First, although I support President Reagan's call for more science funding, what we need is stable and uninterrupted federal funding for science education and scientific research. In the long-run, predictable funding at a reasonable amount is much more beneficial and efficient than peaks and valleys of intermittent support, even if some of the peaks reach extraordinary heights—a lesson hopefully learned from our boom/bust cycles in defense spending.

2. Eliminate Wasteful Science Funding

Second, while we must try to preserve strong levels of science funding, we must not take the position that every federal science dollar is being well-spent. The current deficit crisis should goad us into frankly assessing federal science dollars, and eliminating the waste—whether it be an outdated research program, redundant federal laboratory, or unproductive scholar. We must rein in "pork-barrel" science—doling out research funds as special favors rather than through the traditional peer-review system. And we should do a better job of establishing funding priorities, focussing on areas with the greatest potential impact. By cutting back on the wasteful federal science programs I believe we will be able to disarm program critics and strengthen our case for an overall increase in funding levels.

Science is the keystone of our nation's progress and the backbone of our military security. America's science enterprise is a national treasure and an investment in our future. It warrants strong support from the federal government, even in times of deficit reduction.

B. Challenge from the recent militarization of Federal research and development

Let me now turn to the second main challenge facing continued strong funding for scientific research.

In my view, one of the biggest threats to a strong US science program is the recent militarization of federal research. Throughout the 1970s, federal funding for research and development was basically split 50/50 between civilian and military; today defense R&D outstrips civilian funding by almost 3 to 1. Since 1981, federal support for defense R&D increased by 162% while support for civilian R&D increased only 19%, less than needed to keep up with inflation. Increases in military research have accounted for 90% of the growth in federal R&D since 1980.

Although defense R&D is certainly necessary and has produced important advances, the recent militarization of science can harm our nation's competitiveness in several ways. More of our military research is being done on specific weapons systems, which have limited commercial spin-offs. Much of defense R&D is classified, making it unavailable to American industry. Military R&D in many areas is draining off the best and the brightest of our scientists and engineers.

My basic concern is that while we are developing more and more attention to military research in order to stay ahead of our military competitors, we could get clobbered by our economic competitors. We must recognize that our national security depends not only on military advances but also on economic advances.

Japan, for example, has adopted the position that world influence derives mainly from economic strength. With only minimal military programs to absorb investment capital and scientific talent, Japan is moving toward a position of global economic supremacy. Already, its per capita income is almost double that in the Soviet Union, and by 1990 it could surpass the US in world trade. By some economic indicators, Japan now leads both military superpowers.

In civilian research and development—the key to economic growth, job creation, and productivity gains—we are spending less of our gross national product than our major economic competitors. Moreover, while Japan invests about 4% of its governmental R&D budget on defense-related R&D, and West Germany invests about 12%, some 70% of the US R&D budget goes for defense.

Already we are losing our research lead in key areas, including high-speed electronics and high-energy physics. If we expect to retain our traditional pre-eminence in scientific research, we must maintain a proper balance between our federal civilian and military research efforts.

When the US had a technological edge over its international competition, we could be somewhat more relaxed about diverting investment funds and science talent to military efforts. We cannot afford that attitude today.

Remaining a world leader in defense research is important for our national security, but so is being a leader in civilian research. Both ought to receive equally high national priority.

I am hopeful that we may see a better balance in military and civilian research, though much will depend upon who is elected the next President.

C. Challenge from Big Ticket science projects

A third major challenge facing the Science Committee is trying to determine how to pay for several big science projects in the works—projects which could easily cannibalize traditional federal science efforts.

Increasingly, the next generation of major scientific projects involves multi-billion dollar endeavors. Current projects under consideration include: a $4 billion nuclear fusion test reactor to help develop a safe, unlimited source of energy; the $6 billion Superconducting Super Collider to probe the fundamental building blocks of nature; a $3 billion project to map the millions of genes in a human being; a $25-30 billion space station to be in orbit by the late 1990s; and a possible $50 billion manned mission to Mars by the year 2010. In several fields of science today, the days of major advances being made by individual researchers using relatively inexpensive instruments are long gone.

A legitimate case can be made for such big-science projects on the grounds that they will help to revitalize our sagging national science effort, and attract and train our future scientists. Yet their huge costs will put unwelcome strains on federal budgets.

Various big-science projects already account for some $9 billion in the government's $65 billion research and development budget. As large efforts, such as the space station, move into the development stage, their costs will increase significantly. Given current budget contraints, it is difficult to go ahead with these projects while cutting back other important, though less glamorous, programs.

We should try a variety of ways to ease the budget impact of worthy projects, including coordinating the projects so that their major cost years are staggered; accepting assistance from the states wanting the projects based there; purchasing proven technologies from other countries; and adopting the "no-net-cost" approach of finding specific new revenues to pay for particular projects.

One approach increasingly being eyed by US policymakers is pursuing international cooperation in carrying out these ventures. Other countries have similar interests and projects, so it makes sense to consider the possibility of combining efforts.

Such cooperation has been used successfully in the past. We are cooperating with other countries on a variety of projects, ranging from space science to AIDS research and pollution control. The value of past foreign contributions to NASA's programs alone has been nearly $4 billion.

International cooperation has several benefits. A major benefit is that it allows the US to go ahead with expensive projects without having to gut the rest of the federal science budget. But is has other benefits. It can: advance important foreign policy objectives—strengthening ties with our friends and lessening tensions with our adversaries; generate foreign interest in US goods and services—as in the case of communication satellites; and keep the United States up to date on many of these technologies in which we have, unfortunately, fallen behind.

Yet we must be cautious about the extent of our cooperation. Although recent studies indicate that little significant technology has been transferred to the Soviets through past scientific cooperation, careful checks must be made against important technology falling into the wrong hands. We must carefully decide whether cooperation with our economic competitors, like the Japanese, could give them commercial advantages. International cooperation must be a two-way street, and the benefits must flow both ways. Overall, we must make sure that international cooperation works for us rather than against us.

My sense is that international cooperation on major scientific projects will increase substantially in the years ahead. As the technological capabilities of the leading nations have become more equal and as the costs and complexity of projects have increased sharply, more cooperation seems inevitable.

The question is not whether we will have international cooperation, but how much we will have—and that will depend to a large extent on how much priority the next President gives to science and technology funding.

CONCLUSION

Science and technology are so much a part of our national life that we have come to take them for granted. We must recognize that they cannot benefit our lives or our nation unless we proceed with a sense of purpose and planning to gain optimum advantage from them.

The years ahead could be tricky ones for federal funding of scientific research and development. Continued strong funding faces major challenges from overall federal belt-tightening, the militarization of federal R&D, and the possibility of being squeezed out by a variety of big-ticket science projects.

Science programs continue to enjoy strong support in the Congress, and my sense is that we will continue to keep science high on the national agenda. Yet it will take some careful planning to ensure that these programs receive the funding they deserve.

CALL TO CONSCIENCE VIGIL: THE LEINS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FASCELL. Mr. Speaker, it is with renewed hope that I join our colleagues today in expressing tribute for the extraordinary spirit of Soviet Jews, who encounter grave difficulties in their efforts to seek freedom and liberty. I commend Representatives COLLINS and MILLER for organizing this special order, and I pledge my continuing support for the aims of the vigil.

Since the first Call to Conscience Vigil, I have worked tirelessly in my efforts to help Vladmir and Maria Slepak receive the right to emigrate. Finally, after 16 years, the Slepaks shall be reunited with relatives in Israel, and I rejoice in their success. The release of the Slepaks has given me new hope for the many other Soviet Jews awaiting permission to emigrate. We must work even harder now in pursuit of our aims, so that it does not take 16 years for every family to be granted the right to live in peace.

Mr. Speaker, I now call the attention of our colleagues to the plight of a valiant and indomitable family, Evgeny and Irina Lein, and their children, Sasha and Alexey. The Leins have been waiting to emigrate since July 1978. Evgeny, a mathematician, and Irina, a chemist, both lost their jobs on the day they applied for permission to leave. They applied to leave because of the anti-Semitism directed at them and because their daughter was not allowed to attend a university. The Lein family has since paid a high price for their efforts to emigrate. They have experienced many acts of anti-Semitism. Evgeny's protests led to his unfortunate arrest and imprisonment in 1981. He was held for 2½ months with no contact with his family, and then sentenced to 3 years of hard labor. Since his release, he has been beaten severely by authorities and was told that if his protests did not cease, his hands would be broken. His son, Alexey, was forced to attend the lowest rated school in the Soviet system, having no chance of acquiring higher education. Alexey was once forced to stand before his class and listen to his teacher's condemnation of his father, Evgeny.

Fortunately, the Leins' daughter, Sasha, her husband and two daughters arrived in Israel in July 1987. It is my hope that perhaps by July 1988, Evgeny, Irina, and Alexey may be reunited with Sasha and her family. We in the Congress must persist in our efforts on behalf of Soviet Jews and all those everywhere who are denied basic human rights. The Soviet Government must come to realize our genuine commitment to this issue. The Soviet leadership must strive to abide by its international responsibilities in the area of human rights.

I join with our many colleagues in reaffirming my support for Soviet Jewry. In the words of Evgeny Lein, "I intend to go to the very end." I pledge to participate in the Call to Conscience Vigil until our goal of freedom for Soviet Jews has been realized.

TRIBUTE TO THE NORTHEAST OHIO ASSOCIATION OF SCHOOL BUSINESS OFFICIALS AND THE GREATER CLEVELAND SCHOOL SUPERINTENDENTS ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I pay tribute to the Northeast Ohio Association of School Business Officials [NEOASBO] and the Greater Cleveland School Superintendents Association [GCSSA].

These two organizations cohosted the School Board Members Night on January 21, 1988. I was honored to have received and accepted their invitation as guest speaker for the evening. Superintendents, businessmen, support personnel, and school board members were among the distinguished persons present.

This annual event serves to honor the Ohio School Board members for their untiring service and dedication to maintaining the quality and integrity of Ohio's school system. Among their many functions, board members oversee the budget, construct school district legislation, and serve as elected officials representing the people of Ohio. I am indeed honored to serve as their representative in Washington.

It is with great pride and appreciation that I pay tribute to the Northeast Ohio Association of School Business Officials and the Greater Cleveland School Superintendents Association.

ALARM OVER FOREIGN INVESTMENT IN UNITED STATES SOUNDED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FLORIO. Mr. Speaker, I would like to call my colleagues' attention to comments of Malcolm S. Forbes, in the January 25, 1988, edition of Forbes magazine.

Citing the large dollar reserves that Japan and other countries have accumulated as a result of America's perennial trade deficit, Mr. Forbes calls for the establishment of "a Presidentially appointed Board of Knowledgeables whose approval would be required before any foreign purchase of any significance would be allowed of any consequential United States company—regardless of size."

Mr. Forbes' concern is well-founded. The House-passed trade bill contains two provisions that would address this problem. First, the bill gives the President much-needed authority to block foreign takeovers of U.S. companies that threaten the national security and essential commerce of the United States. Second, the bill provides for the public disclosure of significant foreign investment in the United States so we can begin to get a better idea of how and where foreign investment is taking place.

Mr. Speaker, I agree with Mr. Forbes that we need to take action now to ensure that skyrocketing foreign investment in the United States does not destroy the wealth of our economy on which the standard of living for future generations depends. I believe the trade bill provisions that I have referred to are a first step in this direction.

The material follows:

FACT AND COMMENT

(By Malcolm S. Forbes)

Before Japan buys too much of the U.S.A. we must instantly legislate a presidentially appointed Board of Knowledgeables whose approval would be required before *any* foreign purchase of any significance would be allowed of *any* consequential U.S. company—regardless of size.

The President could review their decisions.

And Congress could review his.

The first and instant order of business for the returned Congress is to hammer out the requisite law. While the trade bill now in the works addresses a few aspects of the problem, it doesn't go nearly far enough.

It's one thing for the Japanese and Germans and others to buy U.S. government bonds to finance our huge trade imbalances with them.

But it's a whole and totally impermissible other thing for them to use their vast billions of dollars to buy great chunks of America's big businesses, or take over the high-tech, medical or other strategic, vital U.S. concerns.

Do you realize that, by using just last year's trade surplus with the U.S. of $60 billion, Japan could buy enough stock in a half-dozen of our biggest companies, such as GM, Exxon, IBM, Mobil, Sears, Roebuck and GE, to in effect control 'em?

Japan's investment banks have additional capital resources that could easily pick up dozens more.

American companies don't have free rein to buy Japanese companies.

No one can buy any French company who doesn't have the French government's approval.

It should be likewise in the U.S.A.

BLACK ENGINEER OF THE YEAR AWARDS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MFUME. Mr. Speaker, today I pay tribute to the Second Annual Black Engineer of the Year Awards. On February 27, 1988, in Baltimore, MD, the 1988 Black Engineer of the Year Awards will recognize the significant contributions that black engineers have made and continue to make to this ever challenging profession.

While making significant contributions in the field of engineering, blacks account for only 1 of every 25 engineering students. And they receive only 1 of every 35 undergraduate engineering degrees. However, that can change and the Career Communications Group, Inc., of Baltimore—publishers of US Black Engineer magazine—together with the Council of Engineering Deans of the Historically Black Colleges and Universities, and the Mobil Corp. are nobly striving to help inspire and direct more black students toward a career in the exciting field of engineering and are proud sponsors of the annual awards.

The glory and the promise of our Nation has been nurtured and enhanced as a direct result of our engineers and as blacks continue to make their presence felt in the engineering community, the time has come to pause and recognize their achievements. I am pleased to pay tribute to the following Black Engineer of the Year Award winners for 1988:

Black engineer of the year: Erroll Davis.

Outstanding achievement in the government: Commander Anthony J. Watson, USN; Dr. Christine M. Darden.

Professional achievement award: Grady C. Wright, Barbara A. Sanders.

Technical contribution award: Dr. Donald O. Frazier, Dr. Marc R. Hannah.

Student leadership award: Brian M. Argrow, Paula S. Wellons.

Most promising engineer award: Dr. L. Kerry Mitchell, Robert I. Lee.

Entrepreneur of the year award: Eugene Jackson.

Higher education award: Dr. M. Lucius Walker, Jr.

Lifetime achievement award: Dr. W. Lincoln Hawkins, Mr. Cordell Reed.

President's award: Donald Watson.

Outstanding corporate support: Alvin Cooper, Mosetta Blackmon, Donald Washington, Milt Fletcher, Sally Fernandez.

THE PEACE PROCESS IS TRICKLING DOWN

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. CROCKETT. Mr. Speaker, the Government of Nicaragua and YATAMA, the umbrella organization of Atlantic coast indigenous groups in Nicaragua, recently held talks in Managua in order to develop a framework for "reconciliation, a lasting peace, and the development of the Atlantic coast."

The talks were arranged by the Moravian Church and the Evangelical Commission for Relief and Development [CEPAD]. Initial agreements were made, including an agreement to halt offensive military activities while the negotiatons are proceeding.

Mr. Speaker, this process is clearly an offshoot of the Guatemala peace agreement signed by the five Central American Presidents in August 1987. It is important that we continue to support and advance the peace process, but not only the agreements made between governments and military rivals. We should also take note of the efforts being made to promote reconciliation within the region. This is an example of such an effort. I would like to share the entire text of the communique with my colleagues.

From: The Government of Nicaragua and YATAMA.

To: The people of Nicaragua, particularly those of the Atlantic Coast, and the international community.

Aspiring to reconciliation, a lasting peace, and the development of the Atlantic Coast, the Government of Nicaragua and the indigenous organizations YATAMA have held candid, friendly, and cordial peace talks in the city of Managua from January 26 to 28, 1988. These talks are the result of prior arrangements made by the Moravian Church and CEPAD, who established the following framework for these negotiations:

1. To be an effort within the spirit of Esquipulas II.
2. To be conducted bilaterally.
3. To be held with representatives at the highest level from both sides, without preconditions, and with an open agenda.
4. YATAMA to participate in these negotiations as an independent organization, and without ties to other forces.

In the first round of talks we have reached the following agreements:

1. To name a conciliatory commission comprised of the Moravian Church and CEPAD that will have the functions of: facilitating communication, formally chairing meetings, making recommendations, overseeing the positive progress of the talks, and bearing witness to compliance with the agreements.
2. To invite Canada, Costa Rica, Cuba, Denmark, Finland, Holland, Norway and Sweden to witness the implementation of the agreements and give moral and material support to the peace process and the development of the Atlantic Coast. To this end, it was agreed to invite the Ambassadors of said countries or their representatives, to an informal meeting on Thursday, January 28 on the agreements made to date.
3. To respond affirmatively to a call made by the Moravian Church and CEPAD to instruct the respective forces to temporarily halt their offensive military activities while the negotiations are going on.
4. To make a trip to Puerto Cabezas and Bluefields in order to publicize this peace initiative, and the fact that some agreements have been reached regarding the rights of the indigenous peoples and the Atlantic Coast peoples as a whole.

Released in Puerto Cabezas on January 29, 1988.

For the Government of Nicaragua,

TOMAS BORGE.

For YATAMA,

BROOKLYN RIVERA.

THE 40TH ANNIVERSARY YEAR OF THE NATIONAL INSTITUTE OF DENTAL RESEARCH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. HOYER. Mr. Speaker, I am pleased to be joined today by our colleagues MERVYN M. DYMALLY, of California, and CONSTANCE A. MORELLA, of Maryland, in introducing a joint resolution to designate 1988 as the "40th Anniversary Year of the National Institute of Dental Research." The Congress, 40 years ago, approved the National Dental Research Act, and established the National Institute of Dental Research [NIDR].

A military problem led to the passage and enactment of this legislation. Learning that the major cause of rejection of young men for military service was missing teeth, Congress created the NIDR to conduct research to improve the oral health of the American people.

Because tooth decay was so widespread and serious, NIDR's early research focused on elimination of this problem. NIDR studies led to one of the most successful public health efforts in history—community water fluoridation. This public health program has contributed to as much as a 50-percent decline in tooth decay among the schoolchildren in the United States.

The return to society in financial terms has been tremendous. The decline in tooth decay resulting from the combined use of fluoride and tooth sealants has resulted in an annual savings of $2 billion in the Nation's dental bill. This annual figure represents nearly twice the total budget allotted to NIDR in the past 40 years. As tooth decay has declined, so has the loss of teeth. Indeed, between 1974–81, Americans have saved an estimated $5.5 billion in the cost of what they would have incurred for full or partial dentures.

Dental research has also had a substantial impact on the Nation's oral health in other areas as well. During the 40-year history of the NIDR, dentistry has developed from little more than a trade to a science.

Dentists are no longer simply "drilling and filling." They are now "physicians of the mouth." Our well-educated, well-trained, and highly skilled dentists diagnose and treat a wide range of diseases and conditions with oral and dental symptoms. In addition, dental investigators are researching such diseases and maladies as acquired immune deficiency syndrome, cancer, arthritis, cystic fibrosis, diabetes, herpes, craniofacial anomalies, bone and joint disorders, and pain.

For the future, NIDR will increasingly focus on our older population, citizens whose problems with toothlessness, tooth decay, and periodontal diseases require immediate attention. Research conducted by the NIDR will also center on high-risk individuals, such as those who are handicapped, institutionalized, or most susceptible to developing tooth decay and periodontal diseases.

Mr. Speaker, I am pleased to be the original sponsor of this joint resolution commemorating the NIDR on an outstanding first 40 years of existence. I encourage my colleagues in the House of Representatives to join with us in recognizing the National Institute of Dental Research for its continuing commitment to promoting disease prevention and improving oral health.

The text of the joint resolution follows:

H.J. RES. 465

Whereas the National Institute of Dental Research was established on June 24, 1984, by the National Dental Research Act;

Whereas the National Institute of Dental Research is today the leading Federal agency supporting oral health research worldwide and the third oldest of the National Institutes of Health;

Whereas the National Institute of Dental Research conducts biomedical and behavioral research in its own laboratories and supports the research of scientists in dental schools, universities, medical schools, hospitals, and other public and private institutions;

Whereas the National Institute of Dental Research is the principal source of support for the research training and the research career development of dental scientists;

Whereas the National Institute of Dental Research exercises leadership in the international community of dental research and, as a result, its research efforts have a global impact on oral health;

Whereas the National Institute of Dental Research facilitates international communication by convening assemblies of United States and foreign dental research investigators and by promoting international exchanges of dental research investigators and scientific information;

Whereas research initiated and supported by the National Institute of Dental Research has led to dramatic declines in dental caries in school children and to significant improvements in the oral health of the American public;

Whereas the National Institute of Dental Research initiatives have led to annual savings of several billion dollars in the cost of dental care to the American public, as well as to reduced pain, suffering, and tooth loss;

Whereas the National Institute of Dental Research continues to emphasize research to prevent dental caries, periodontal diseases, and other conditions leading to tooth loss and fosters research to prevent or reverse a wide range of oral health problems, including birth defects, facial injury, chronic pain, soft tissue lesions, oral cancers, bone and joint diseases, and the oral mainfestations or serious systemic disease such as diabetes, rheumatoid arthritis, and acquired immunodeficiency syndrome;

Whereas the National Institute of Dental Research works closely with the American Dental Association, the American Association for Dental Research, the American Association of Dental Schools, and the dental manufacturing industry in promoting the transfer of research findings to dental practitioners and other health professionals and engages in comprehensive oral health promotion and disease prevention activities of direct benefit to the public at large; and

Whereas the long and impressive history of the National Institute of Dental Research in reducing the burden of oral and dental diseases and in development, aging, repair, and regeneration of human tissues is worthy of special commemoration by the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1988 is designated as "Fortieth Anniversary Year of the National Institute of Dental Research", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

MARKING A NEW COURSE FOR TRADE POLICY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. GINGRICH. Mr. Speaker, Secretary of Treasury James Baker recently indicated an important change in the administration's international trade policy. He suggested exploring a "market liberalization club" approach if the Uruguay round of trade talks aren't successful in bringing down international trade barriers.

He advocates the use of the United States-Canada free trade agreement as a lever to achieve more open trade. I hope all my colleagues will read Secretary Baker's comments on this issue:

REMARKS BY SECRETARY OF THE TREASURY JAMES A. BAKER III, BEFORE THE NATIONAL COTTON COUNCIL OF AMERICA

THE UNITED STATES-CANADA AGREEMENT: MARKING A NEW COURSE FOR TRADE POLICY

This agreement is visionary in aim, but realistic and often incremental in approach. It will assist our two nations in moving toward a more open trading system through a strategy of actions on various international fronts, bilateral and multilateral. As some of these actions bear fruit, they should enhance domestic political support for other actions and thwart defeatist cries for economic retreat. This is the spirit embodied in the Canada-United States Free Trade Agreement. And it could become stronger because of that agreement. The accord accommodates and enhances future trade liberalization efforts in several ways.

First, the agreement respects GATT and is careful not to undermine the successes of the multilateral approach. Canada and the United States are lowering barriers between themselves, not raising barriers to others. As Secretary of State Shultz observed, we are not splintering multilateralism into bilateral agreements. Instead, we are seeking a healthy, dynamic linkage between bilateral and multilateral initiatives so as to prod and reinforce the GATT.

Second, the Canada-United States agreement extends the reach of an open, cooperative system by negotiating solutions in the areas of services, investment, and technology—while respecting national sovereignty. International progress on these fronts is especially important to the United States and Canada because they are areas of likely comparative advantage for our future.

Third, we have lowered the cost of initiating international liberalization in these new areas by breaking ground with only one nation at a time. When more nations are involved, it is often harder to arrange a satisfactory compromise. Each nation prefers to wait for commitments from others, so it can either delay its contribution or, better yet, have a free ride.

Fourth, the rewards of this agreement offer an incentive to other governments. If possible, we hope this follow-up liberalization will occur in the Uruguay Round. If not, we might be willing to explore a "market liberalization club" approach, through minilateral arrangements or a series of bilateral agreements. There are voices in other nations—including Japan, South Korea, Taiwan—that have indicated that they do not wish to be left behind.

Fifth, this agreement is also a lever to achieve more open trade. Other nations are forced to recognize that the United States will devise ways to expand trade—with or without them. If they choose not to open their markets, they will not reap the benefits. By employing this lever together, the United States and Canada may be able to dislodge obstacles in special areas of common concern—such as agriculture.

Sixth, this Canadian-United States accord could prove to be an important catalyst for a domestic political coalition that wants an activist, yet constructive and internationalist, United States trade policy. Indeed, during the final week of negotiation, the encouragement and ideas of a number of Senators and Representatives, Democrats and

Republicans, were instrumental in completing the agreement.

This agreement, and others it may engender, has the potential to tap a broad base of support. It attracts those who want government to foster growth and opportunity by breaking down obstacles to achievement and fair competition. In particular, I urge this audience to carefully consider the advantages of this agreement. I hope that having done so you will then lend your influential voices in support, just as leading men and women have inspired landmark progress in our nation's past.

A TRIBUTE TO NYLE ERSKIN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. VANDER JAGT. Mr. Speaker, 25 years ago, Nyle Erskin was elected clerk for Montcalm County, MI, and every 4 years since that first election he was returned to office to serve the people of the county. On December 31, 1987, he retired as clerk, but his accomplishments have ensured that his distinguished tenure will remain a shining example of what can be accomplished through hard work, dedication, and love of community.

Those that have worked with and know Nyle best see him as a dedicated public servant, a family man, and a leading and energetic force in Montcalm County. As a public servant, he has served long and well. As a family man, he had his wife, Norma, have three children, nine grandchildren, and two great-grandchildren.

I know my colleagues will join me in wishing Nyle Erskin all the best in his future endeavors. I am certain that he will find happiness and great pleasure in his retirement years ahead. The following newpaper article from the Greenville Daily News, Greenville, MI, of January 21, 1988, features some of Nyle's many accomplishments. I commend this article to your attention, Mr. Speaker, and that of my colleagues:

[From the Greenville (MI) Daily New, Jan. 21, 1988]

Erskin's First Campaign for County Clerk Was His Toughest

(By Sylvia Warner)

STATON.—Nyle Erskin ran for the office of Montcalm County Clerk 25 years ago. That first campaign proved to be his toughest and closest race, even though he has sought election to the same post every four years since.

Erskin's historic career in county government came to an end Dec. 31 when the longtime Vestaburg resident retired from the clerk's office. But that first clerk's campaign in 1962 was not the beginning of his involvement in local government.

Erskin was appointed supervisor of Richland Township in 1953. Later he ran successfully for election to that supervisor's position, and held the post for 10 years.

In 1962, then county clerk, Art Montgomery, decided to not seek reelection, thereby ending his 30-year career in that position.

"In those days the township supervisors sat on the county board and I was chairman," Erskin recalls "Art took me aside and told me he wasn't running again and said he thought I would like the job."

But Erskin had a fulltime business, a grocery store in Vestaburg.

"Just to show you coincidences do happen," he said, smiling, "a fellow I knew came into the store about a week later and asked if I was interested in selling by business; a week later I was out of the business."

After that, Erskin's campaign for county clerk got under way in earnest.

Erskin said the election was actually decided in the August primary since no Democrats were running for the job. One of the two other Republicans Erskin ran against, Riley Clark of Greenville, gave him a tough race, Erskin recalled.

"Election night, the first five precincts to come in (at the courthouse in Stanton) were from Greenville, and Clark won all of those," he said. "I won all the other precincts, but it took all night, until the last two precincts were in, before I moved into the lead in vote totals."

Erskin won the Republican nomination and the clerk's seat by 220 votes.

Although he lost the Greenville precincts, Erskin credits the help he had from residents of the Greenville area with helping his campaign.

Erskin said he spent lots of time on the campaign, including all over the county, usually accompanied by local township folks—both Republican and Democrat—who knew him.

In the Greenville area, his campaign got a boost from Pearl Lewis and her son, Earl Petersen, of the radio station, and present-day commissioner Jack VanHarn, as well as Greeville attorney Robert Price.

"As a result of all that campaigning and help from so many friends," Erskin said, "I was able to get elected and I've never had to campaign that hard since, except just lately when I've had some people like Bob Marston run against me."

All those years as clerk have turned Erskin into a walking encyclopedia of county government information.

There are, he said, more than 2,000 laws determining how the county clerk's office functions and what its duties are. Among the basic constitutional duties defined by state law, the county clerk is required to serve as clerk of county board of commissioner meetings, as clerk of the circuit court, and keeper of all vital records such as birth and death certificates and marriage licenses.

The clerk's office handles half the financial bookkeeping for the county, a duty shared with the county treasurer's office, and is the chief elections officer for the county.

The clerk also is required to serve as secretary to several other county boards, including the allocation board and the board of canvassers.

The office also has a direct link to numerous state offices, such as the Secretary of State Elections Division and the state Department of Public Health in the matter of vital records.

The clerk's office also maintains the circuit court records.

"It's really diversified," Erskin said, "and that's why most clerks are a pretty independent cuss."

And just as in other government offices, the volume of work has increased each year as new laws are written and the number of lawsuits escalate.

"That's the biggest change I've seen in the clerk's office," Erskin said. "There has been a tremedous increase in the volume of work."

He cites such laws as the Campaign Finance Act that requires political candidates to file financial statements with the elections division through county clerk's offices and other court reporting matters that have added to the work load in clerk's offices.

Despite the work load, Erskin said he will miss the job.

"I have felt very fortunate," he said, "to have a job where I could feed my family, accumulate some retirement benefits, and still enjoy what I was doing." Erskin's varied background certainly has contributed to the contentment he feels with what he has accomplished.

Born in St. Louis, Mich., and raised in Vestaburg, Erskin joined the U.S. Navy after graduating from Vestaburg High School. He was sent to Hawaii before being medically discharged after only a few months when doctors discovered a heart murmur. Then he returned to Vestaburg and married his sweetheart, the former Nora Sherwood.

The Erskins have three children, Jane King of Palo, Grace Shaffer of Crystal and Jim of Vestaburg. They also have nine grandchildren and two great-grandchildren.

Over the years he worked in a factory in Lansing, as a meatcutter at a Kroger store in Lansing, and after some schooling was named meat department manager at the store.

Later Erskin worked at the Lansing Motorwheel plant and after World War II was over, spent a year in the trucking business in Ohio.

In 1947, the family returned to Vestaburg and purchased a grocery store. Three years later they sold that store, now known as "The Spot," and purchased a store in the business area of Vestaburg. They operated that business for 12 years before Erskin decided to run for county clerk.

Now that he's retired as county clerk, would Erskin consider running for any other public office? If you ask that question, all you'll get is the famous Erskin grin.

He has, he said, no immediate plans except to get caught up on some work at home, spend a little more time at his favorite sport, bowling, and perhaps do a bit of traveling.

REPRESSION OF NICARAGUAN TRADE UNIONISTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FASCELL. Mr. Speaker, during the debate on the President's request for additional United States assistance to the Nicaraguan Contras, I noted—in support of the President's request—that the Sandinistas have had it within their power to implement all of their promises under the Central American peace plan since the day Daniel Ortega signed that plan last August. That so far they have failed to live up to their commitments to democratization and full respect for freedom of association and freedom of the press is abundantly clear. Despite the positive impact of the Arias plan, Nicaragua under the Sandinistas is still marked by repression of those patriotic Nicaraguans who refuse to submit to one-party rule.

I want to draw the attention of our colleagues in particular to the treatment of Nicaragua's independent trade unionists, who are generally grouped within the ICFTU-affiliated Nicaraguan Confederation of Trade Union Unity [CUS]. Jose Collado, president of the Dade County, FL, Chapter of the Labor Council for Latin American Advancement of the AFL-CIO, recently alleged that the following are examples of arrests and attacks against CUS members after the peace treaty was signed:

First. On August 8, 1987, one day after the signing of the peace accord, 16 members of the CUS were arrested: Ricardo Gutierrez, Juan Gutierrez, Luis Garcia, Eduardo Garcia, Eusebio Garcia, Santurnino Gutierrez, Francisco Garcia, Santos Garaica, Jacinto Olivas, Arnulfo Gonzalez, Solmon Vallecillo, Ronaldo Gonzalez, Concepcion Munoz, Pedro Perez Ricardo Contreras, and Alberto Contreras.

Second. On November 1, Julio Bustamante, of the Office Workers Union of El Viejo, was taken from his home at 10 p.m. by three men in army uniforms and beaten in front of his neighbors.

Third. On November 19, at midnight, Miguel Salas, a CUS machinist union member, was shot four times by a Sandinista official, Wilfredo Dominguez.

Fourth. On December 16, the leader of the CUS retail clerks union was arrested in Chinandega.

As the House continues to debate on United States policy toward Nicaragua, and considers future United States assistance to the Contras, it is important to keep this pattern of continuing repression in mind, as well as the vivid contrast between Sandinista promises designed for consumption abroad and Sandinista actions in Nicaragua.

TRIBUTE TO THE NEW HOPE BAPTIST CHURCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to the New Hope Baptist Church of Youngstown, OH.

The New Hope Baptist Church, organized in 1918, now celebrates 70 years of community service. This church has the distinguished honor of being one of the first black churches located on the East Side of Youngstown. During the past 70 years, the congregation has built two other churches, the latest structure was dedicated in December 1978.

For 70 years, this institution has been dedicated to serving the surrounding community. Their contributions to the welfare and happiness of the people of Youngstown is greatly appreciated and should be given special recognition. Let the New Hope Baptist Church stand as an example of the giving and caring we are all capable of. I am indeed honored to represent such a fine group of citizens.

It is with great pride and appreciation that I pay tribute to the New Hope Baptist Church of Youngstown, OH. May God's light shine especially bright on their congregation.

ROBERT L. MESSICK, OUTSTANDING BUSINESS AND CIVIC LEADER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FLORIO. Mr. Speaker, I would like to commend a highly respected community leader in the First Congressional District of New Jersey, Mr. Robert Messick. The Camden County, NJ, Democratic Committee will honor this week Mr. Messick for his long and tireless dedication to public service.

As a life-long resident of New Jersey and a graduate of the University of Pennsylvania School of Law, he has earned the well-deserved attention and gratitude of the community in which he has so graciously served and the respect of his colleagues in both public service and the legal profession.

Mr. Messick has maintained for the last 27 years a private legal practice in Camden City and Haddonfield, NJ, and has provided distinguished service to the county of Camden as an assistant prosecutor between 1967 and 1970.

Throughout the many years, Mr. Messick has continually lent his professional expertise to many civic and business organizations. Among those activities are the following:

Chairman of the Camden County Democratic Committee;

Chairman of the Bellmawr, NJ, Board of Education;

Member of the Bellmawr Borough Council; and

Chairman of the board of directors, Continental Bank.

Although these are just a few examples of Mr. Messick's accomplishments, they are reflective of a man who is an outstanding business and civic leader. We, as I am sure I speak for all who have had the pleasure of working with Mr. Messick, owe him a great debt of gratitude.

Mr. Messick will be honored for his many years of service at a dinner sponsored by the Camden County Democratic Committee on Thursday, February 25, at the Woodbine Inn located in Pennsauken, NJ. I am certain that my colleagues will join with me in wishing Mr. Messick many more years of continued service and success.

BLACK MAYORS AND THE CHALLENGE OF URBAN GOVERNANCE

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MFUME. Mr. Speaker, on February 24, 1988, Morgan State University and the Joint Center for Political Studies are sponsoring a 1-day conference entitled "Black Mayors and the Challenge of Urban Governance." It is with great honor that I rise to pay tribute to our Nation's African American mayors, and to discuss the significance of the event.

In the 23 years since the passage of the Voting Rights Act, African Americans have made significant strides in the political arena. Much of the evidence is in city halls throughout the country. For example, in 1970, there were 48 African American mayors whose combined constituency was 1 million people. Today, there are close to 300 mayors representing 20 million citizens. I am especially pleased that 20 percent of the African American mayors are women.

While their geographic locales and backgrounds may differ, the challenges faced by urban mayors bear important similarities. The February 24 conference will provide an excellent opportunity to examine what we have learned and gained from two decades of African American governance at the municipal level. In addition, it will be a forum to discuss how today's problems are being addressed, and what the expectations and prospects are for African American political leadership in the future.

Hon. Kurt Schmoke, mayor of Baltimore City; Hon. Wilson Goode, mayor of Philadelphia; and Hon. Richard Hatcher, former mayor of Gary, IN, will join leading scholars of urban politics for this timely and intellectually stimulating program.

With its impressive Institute for Urban Research, Morgan State University has always been in the forefront of efforts to bring attention to the problems, concerns, and accomplishments of our Nation's cities. I ask my colleagues to join me in commending the university for combining forces with the Joint Center for Political Studies to make the "Black Mayors and the Challenges of Urban Governance" conference possible.

TURKEY AND GREECE ARE TALKING, GIVING HOPE FOR THE FUTURE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FROST. Mr. Speaker, in the wake of the optimistic, long overdue meeting in Switzerland last month of the Prime Ministers of our NATO allies, Turkey and Greece, we read press reports that Turkish Prime Minister Turgut Ozal will go to Athens this spring for an historic meeting with Greek Prime Minister Andreas Papandreou.

The Turkish Government's position that problems between Turkey and Greece are not of an irreconcilable nature, that they can be solved peacefully and equitably through negotiations conducted in good faith, appears now to have struck a responsive chord in Athens. This is good news for both counties and for Western and regional interests generally.

It is gratifying that Prime Minister Papandreou decided to grasp Prime Minister Ozal's extended hand and take advantage of Mr. Ozal's frequently declared willingness to meet with him "anytime, anywhere" to begin the process of improving relations between their two countries. Prime Minister Ozal, since taking office in 1983, has been emphatic in his conviction that cordial and stable relations between Turkey and Greece were of utmost importance to each and to Western security.

Both leaders deserve our praise for the efforts. But, we can serve them best in their quest for resolution of their differences by confining our involvement to moral support, and leaving them the responsibility to work out their problems. Any partiality of our part, even the appearance of partiality, could bring to a halt the momentum of the two leaders' search for solutions. Partiality is an incentive for intransigence by the apparent beneficiary.

So, let us cheer our allies on in the hope that they will soon resolve their differences.

Mr. Speaker, I insert in the RECORD and editorial from the Christian Science Monitor of February 18, giving a discussion of the issues confronting these two nations.

[From The Christian Science Monitor, Feb. 18, 1988]

WHEN GREEKS AND TURKS TALK

When feuding neighbors agree to talk things over, it's generally a good sign. The dialogue often eases tension and reduces problems.

The recent summit meeting in Davos, Switzerland, between Turkish Prime Minister Turgut Ozal and Greek Prime Minister Andreas Papandreou marked the first face-to-face talks between the two NATO nation's leaders in many decades.

The results were hardly dramatic. Still, by meeting six times in two days, chatting comfortably with each other in English, and setting a new cooperative tone, the leaders made an important beginning. They agreed to meet at least once a year, and Prime Minister Ozal has already amended his travel plans for the next NATO meeting in Brussels to include a stop on his way home in Athens March 5.

Relations between Greece and Turkey have historically been prickly. A major disagreement has evolved over territorial and mineral rights in the Aegean. Numerous Greek islands lie just off Turkey's west coast. If each island has a right to territorial waters, as Greece claims that international law ensures, Turkey becomes virtually landlocked on the west. Turkey insists the situation is exceptional and wants to divide the Aegean.

Turkey has long been ready to talk. Greece, which has more to lose from a change in the status quo, set conditions for talks: removal of Turkish troops from Cyprus and graphic signs that Turkey is moving toward full democracy. But such criteria were dropped after a heated dispute last March over oil drilling rights almost led to war the two leaders began an exchange of letters which led to the Swiss summit. Mr. Papandreou had added reason to seek a rapprochement. He is running for a third term in June 1989 and wants to be viewed as a man of peace; he also gains new leverage from Turkey's desire to become a member of the European Community.

The leaders set their summit sights on modest accomplishment: They set up a joint economic council to promote trade and tourism, agreed to install a direct telephone "hot line," and vowed that last year's close brush with war must never be repeated.

The Aegean issue, which Greece wants to submit to the World Court, was left largely untouched. So was the dispute over the future of Cyprus, where the Greek majority and Turkish minority live behind sharp dividing lines. Greece wants Turkey's 30,000 occupying troops on the northern side of the island out before the two communities negotiate their future under United Nations auspices. Turkey, which sent its troops in during a 1974 Greek-backed coup attempt, wants an agreement before removing its troops.

Turkey and Greece thus still have much to resolve. But the fact that their leaders are now talking, pledging themslves to a goal of "lasting peaceful relations," can only be seen as a step in the right direction.

CONGRESSMAN DALE E. KILDEE PAYS TRIBUTE TO DR. CLARENCE B. KIMBROUGH, M.D.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. KILDEE. Mr. Speaker, I rise to pay tribute to an extraordinary man of exemplary accomplishments who has given so much of himself to my hometown of Flint, MI—Dr. Clarence B. Kimbrough, M.D. On February 24, the Flint branch of the U.S. Postal Service will host a luncheon to honor this fine man for his many years of leadership and service.

Dr. Kimbrough has been a leader and a pioneer throughout his life, beginning with his college education at Tennessee A&I State University where, as president of the student council, the National Honor Society, and the Alpha Phi Alpha Fraternity, he graduated with the highest honors. He received his medical doctor degree from Meharry Medical College where he graduated with high honors and was elected to the Kappa Pi National Medical Honorary Society.

Dr. Kimbrough continued his pioneering ways while receiving his hospital training at Hurley Medical Center and McLaren General Hospital. He was one of the first black physicians to serve on the house staff at Hurley Medical Center. He was also the first black physician on the house staff at McLaren General Hospital. Dr. Kimbrough has been director of the department of general practice, vice chief of staff and a member of the executive committee at Hurley Medical Center. He has also been an associate professor of community medicine at Michigan State University. Dr. Kimbrough has become an emeritus member of the staff of Hurley Medical Center, St. Joseph and McLaren General Hospitals.

Dr. Kimbrough has been a leader with numerous community organizations such as Mott Children's Health Center, Flint College and Cultural Center, National Association for the Advancement of Colored People, Urban League, Flint Institute of Arts, Flint Institute of Music, Hundred Club, Kiwanis Club and Alpha Phi Alpha Fraternity. He has also received numerous awards for his community involvement, such as the Martin Luther King Drummer Boy Award from the NAACP and the Liberty Bell Award for Community Service from the Genesee County Bar Association.

Dr. Kimbrough was also chairman of the board for the first black-owned radio station in Flint, which was only the second black-owned radio station in the State of Michigan.

Mr. Speaker, in this month of February, as we celebrate Black History Month, it is fitting and proper to honor one of Flint's most prominent black citizens of Flint through his tireless efforts to make Flint a great city.

NATIONAL 1988 BIG BROTHERS/BIG SISTERS APPRECIATION WEEK JACK THOMPSON—BIG BROTHER OF THE YEAR

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FAUNTROY. Mr. Speaker, on February 21-27, 1988, Big Brothers/Big Sisters of America [BB/BSA], and Big Brothers of the National Capital Area [BBNCA], will be celebrating its National Big Brothers/Big Sisters Appreciation Week. This year marks the 85th anniversary of the Big Brothers/Big Sisters of America Movement. Big Brothers of the National Capital Area, an affiliate of BB/BSA, takes great pride in commemorating this week by paying special tribute to the many volunteers and contributors who have helped hundreds of children in Washington, DC, Maryland, and Virginia.

As you know, BBNCA is a nonprofit social agency serving the needs of fatherless boys by matching them, one-to-one, with a positive adult male volunteer who provides friendship, companionship and guidance. BBNCA has been serving the community for over 38 years and has grown into a multibranched organization serving boys in the District of Columbia, Northern Virginia jurisdictions and Prince Georges and Montgomery Counties.

"Big Brothers Appreciation Week" is celebrated annually throughout the United States. Nationally, there are more than 460 Big Brothers/Big Sisters affiliated agencies in 49 States. Locally, BBNCA provides services through more than 1,400 volunteers.

I join with a grateful city in recognizing the Big Brothers/Big Sisters of America Movement, National Appreciation Week, BBNCA's Big Brother of the year Jack Thompson and BBNCA's many years of service to fatherless boys in the metropolitan area. Today because of Big Brothers/Big Sisters there are future teachers, doctors, lawyers, leaders and solid citizens who might never have been if Jack Thompson, and others like him, had not so generously given of their time and talent.

We are indebted to Big Brothers/Big Sisters and the caring hearts that nurture our young and challenge us to continued diligence.

RECOGNITION FOR ROBERT PICCININI

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Robert Piccinini who will be honored with the Anti-Defamation League's Torch of Liberty Award on March 22. This award is given annually to an individual who has personified the noblest traditions of the United States and the Anti-Defamation

League, and who has upheld those principles which make our Nation strong. As an active and highly respected member of the Modesto and Central Valley communities, Bob Piccinini clearly fits that definition.

Bob prefers to make his charitable donations anonymously, so it is difficult to enumerate his many contributions to the Modesto community. However, those who know him agree that he is a caring individual who consistently gives back to the community more than he receives. Bob's most notably philanthropic activities—and the few that he will actually acknowledge publicly—have been through his business. He has used to distribute the resources of his business, Save Mart Supermarkets, to distribute food to the less fortunate. Whether through an ongoing surplus giveaway program or through holiday food baskets, Bob's generosity can always be counted on.

Bob Piccinini is president of Save Mart Supermarkets, which was started by his father and uncle in 1952. Bob joined the family business as a courtesy clerk, and worked his way through the various levels of management: store manager, warehouse manager, and manager/developer of all Save Mart real estate. After he was named president in 1980, Bob initiated a massive expansion plan. By 1984, his leadership yielded the biggest growth in the firm's history. If his record thus far is any indicator, he will certainly achieve his goal of expanding Save Mart into the largest and best regional grocery store chain in northern California.

In addition to Save Mart, his business endeavors include Yosemite Express Co., better known as SMART Refrigerated Transport, and Sunnyside Farms Dairy of which he is founding partner and member of the executive committee. Bob is currently director of the Pacific Valley National Bank, officer/director of the California Grocer's Association, director of Pacific Rim Corp., and a partner in La Loma Properties.

Although business and family commitments do not leave him much spare time, Bob has managed to pursue his hobbies. Bob is an avid golfer and automobile collector. His collection includes Mercedes, Porches, a Jaguar, and even an extremely rare 1931 LaSalle Roadster.

Bob has also been involved in a variety of baseball organizations. He was the owner of the Sacramento Solons, Modesto A's, and the Fresno Giants. He served on the board of directors for the Pacific Coast Baseball League and the California Baseball League.

Again, I would like to congratulate Bob Piccinini for being selected for this prestigious award. His energy, leadership, and community service are truly commendable.

BLACK HISTORY MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FASCELL. Mr. Speaker, I would like to join our colleagues in commemorating Black History Month. The month of February is a month of recognition for contributions to the greatness and development of American society, by black Americans. Throughout this month, Americans of all races, colors, and creeds look at their society and remember the accomplishments of black Americans and honor those who may not have been individually recognized for their invaluable contributions.

History is perhaps our best means of education and, by looking back over the past, we gain knowledge from the experiences of others. Future generations will not forget the triumphs of black Americans by recounting events of black history during Black History Month. A milestone in the life of black Americans was the establishment of the National Association for the Advancement of Colored People, founded by W.E.B. DuBois in 1909, to help blacks eliminate racial problems facing them. In the latter half of this century, courageous Rosa Parks took a stand in 1954, for what she felt was injustice; her actions initiated what later became the civil rights movement. People, events, and dates like these are what Black History Month is all about—remembering—so not to forget how our great society developed; remembering those Americans who contributed to the richness of this society.

Without the contributions of the American black community, our society could not have become the great society it is. Each February, we call special attention to the history of black Americans, and how they have enriched our world. Today, their active involvement in American society goes beyond equality; it strives and reaches for new heights in the daily challenges of national problems.

TRIBUTE TO BRIG. GEN. JOHN F. PHILLIPS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. WILSON. Mr. Speaker, on December 15, 1987, the promotion of three outstanding members of the Air Force team to brigadier general was announced. I would like to take this opportunity to recognize and congratulate one of those men, John F. Phillips.

General Phillips is a fellow east Texan, born and raised not too far from my home town. He has had a distinguished career in the Air Force—one that I hope will continue for many years. The entire country can be proud of this man for his service to the United States, but I am sure that this pride and respect is immeasurable among his friends, neighbors, and family back in Anderson County, TX.

Gaining the rank of brigadier general requires many years of hard work, dedication to duty, and exemplary qualities of leadership and character. It is not a prize won easily, it must be earned. It is an honor to know that this Air Force "top gun" is from my district. I am confident that as long as General Phillips and other good men and women like him are in the military, we can feel more secure in a strong future for our country.

SPANISH HERITAGE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. RICHARDSON. Mr. Speaker, I want to bring to the attention of my colleagues the insightful observations of New Mexico's leading Hispanic historian, Edmundo Delgado, in regard to former Secretary of the Interior Stewart Udall's recent book, "To the Inland Empire". Mr. Delgado is a historian of great renown and his comments on the book are both timely and important as Americans begin to recognize the tremendous contributions of Hispanics to the culture and history of the United States. I want to personally commend Mr. Delgado for his foresight in further highlighting these contributions. He is to be complimented for his scholarship and dedication in making all Americans more aware of the rich heritage of the Hispanic culture.

The article follows:

FINALLY, THE TRUTH ABOUT SPANISH HERITAGE: UDALL'S "TO THE INLAND EMPIRE" DECRIES IGNORANCE OF SOUTHWESTERN HISTORY

(By Edmundo Delgado)

Those who have registered the history of Hispanics have been guilty of a deception worse than direct misstatements. Guilty as well are those Hispanics who have failed to respond to these injustices.

The history of the Americas, particularly of the Southwestern United States, generally has been written by individuals who perpetuated the "Black Legend" designed by the Reverend Richard Hakluyt, a 16th-century English geographer who instituted the anti-Spanish campaign from which the world is still reeling.

For those of Spanish heritage, it is providential that just as we near 1992, the most important date in modern Hispanic history, a respected former Secretary of the Interior has written a courageous book which proclaims that the evidence is indisputable that Spanish, not "European," explorations were predominant in the West in the 50-year period that followed the landfall of Columbus.

No historian can afford to ignore "To the Inland Empire," by Stewart Udall, with spectacular photography by Jerry Jacka, published by Doubleday and Company.

The reader is taken across a time portal of history as the author points out the coming together of the Mormons and the Spanish. Udall, himself a Mormon, cries out against the prejudice that made Mormons outcasts and caused the Spaniards to be despised by newcomers because of their blood and religion.

The book is marked with prickly words, which chastise the New England historians who completed the burial of the Spanish heritage with what the author calls "The Yankee Tilt."

Any child who has studied grade school history is familiar with such names as Bancroft, Hildreth, Motley, Parkman, Palfrey and Sparks, who dominated our historical writing in the 19th century.

Udall calls attention to the first English-speaking historian who dared to ignore the "Black Legend" nonsense, W.H. Prescott, who saw the positive accomplishments of the early Spanish settlers.

It is enlightening to read a book wherein an author praises the true American "for having lived face-to-face for over two centuries with the same power that overwhelmed native cultures in Mexico and Latin America." Udall says that in spite of all adversity the American Indians have "maintained the core of their way of life against the inordinate pressures of a dynamic U.S. civilization."

Many authors have written about Francisco Vasquez de Coronado (they even changed his surname from Vasquez to Coronado) and his quest for Quivira, but few have told that by 1540 the Spaniards were following an Indian trail from the Pecos Pueblo to Quivira, which would become the most famous trade path in the West, the Santa Fe Trail.

The author answers penetrating questions, including the fact that some attempted to hide the acknowledgements and contributions made in one of the most important periods of American history, the history of the people with Spanish surnames.

Udall states how this distorted history "resulted in histories that glorified English accomplishments, ignored Spain's climatic epoch and spawned English fables that obliterated Spanish facts."

He points to the concept of a "European experience" that was accepted as truth; for example, English writers who depicted Francis Drake as a contemporary of the Spanish mariners Magellan and Cabrillo apparently did not know Magellan and Cabrillo were dead before Drake was born.

One cannot miss Udall's answer to the early propagandists who claimed that the Spaniards were inherently inhuman. Nor can the reader ignore the fact that only one cultural group forcibly marched our native Americans on to the reservation.

Pineda, Ponce de Leon, Cabeza de Vaca, Esteban, Cabrillo, Melchor Diaz, Vasquez de Coronado, De Soto—they left their footprints on our American soil. When Francisco Vasquez de Coronado set out from Compostela, it was exactly 192 years before George Washington was born.

Udall suggests that the "Mayflower folk move over and allow the authenic first families of our 16th century to share their symbolic front-row pew at our national processionals."

Yes, Mr. Secretary Udall . . . the lion lives!

A TRIBUTE TO CHUCK HAYTAIAN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. COURTER. Mr. Speaker, I rise today to share special tribute to Chuck Haytaian, the majority leader of the New Jersey Assembly. Chuck Haytaian represents the best of two worlds, combining a successful business career with a true devotion to public service. He epitomizes what is best about a dedicated public servant and what is best about New Jersey. Chuck Haytaian is a man for all seasons.

Born in New York City on January 28, 1938, Chuck Haytaian attended public schools in the Bronx and graduated in 1961 from the University of Alabama, with a degree in electrical engineering.

Chuck Haytaian has had extensive and varied experience in the political arena. He has served on the Mansfield Township Economic Committee, and as an executive committee member of the Warren County Republican Committee. A member of the committee that drafted the 1981 Republican State platform, Chuck was elected a Warren County freeholder in 1976, and served as freeholder director in 1977 and 1980. He was first elected to the New Jersey State Assembly in 1981, where he presently holds the position of majority leader.

These activities have not stopped Chuck Haytaian from making outstanding contributions to many worthy causes. In 1981, Chuck Haytaian served as chairman of the United Way campaign for Warren and Northhampton (Pennsylvania) Counties. He has also played a principal role in the fundraising campaigns of the March of Dimes, the Cancer Society, and the Heart Association.

I realize how important leadership in government can be. Chuck Haytaian exemplifies the principles of good government. His leadership has made the New Jersey Assembly a strong body, responsive to the needs of its constituency. That is why I rise today, to pay tribute to one of our Nation's outstanding State legislators, Chuck Haytaian.

GOOD CORPORATE CITIZENSHIP IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FUSTER. Mr. Speaker, I rise to point out to my colleagues a remarkable example of good corporate citizenship undertaken by the Puerto Rico Manufacturers Association that shows what private industry can do when it genuinely wants to get involved in the community and its public school system. In particular, I should like to cite Syntex Puerto Rico Inc., which, under the Puerto Rico Manufacturers Association's "Adopt-a-School Program," has converted the Juan de Dios López Elementary School of Humacao, into a model school.

This is a fine example of civic responsibility. Syntex has not only improved the school physically, making a considerable financial investment in the process, but has also made a commitment to work on a continuous basis with the students, teachers, and parents. This public spiritedness is a good example of how industry can help to solve social problems and indicates again that in Puerto Rico there is a renewed climate in which the public and private sectors are working together for the common good.

Because of the success of the Syntex project, the Puerto Rico Manufacturers Association has encouraged its other members to promote the "Adopt-a-School" concept, noting that "The excellence of public education is necessary to maintain Puerto Rico's economic and social development." Our Commonwealth Department of Education cannot bear the entire burden and still maintain the level of excellence in education needed by society at large. Hence, the "Adopt-a-School" concept.

That concept has obviously worked well with Syntex and the Juan de Dios López School. I am sure my colleagues will join me in congratulating the Puerto Rico Manufacturers Association for this commendable effort of good corporate citizenship.

THE CELEBRATION OF WOMEN'S HISTORY MONTH IN YOLO COUNTY, CA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. FAZIO. Mr. Speaker, I rise today to recognize a very special celebration taking place during March of this year in Yolo County, CA. In that county, which I am proud to represent, a variety of people and organizations have come together to honor women, as part of National Women's History Month, "Reclaiming the Past, Rewriting the Future." Throughout the month the people of the county will be listening to lectures, joining in group discussions, watching presentations and sharing other experiences to recognize women and the important role they have played in the history of our Nation and Yolo County.

We must recognize that women from every walk of life helped found this great Nation in countless recorded and unrecorded ways. Women have and continue to play critical economic, cultural, and social roles in every sphere of this Nation's life. In Yolo County, alone, there are thousands of women who are leaders in business, education, medicine, government, and many other fields. Women are heading groups such as the chamber of commerce and the farm bureau, among many others. Women are also leading groups and committees which are tackling numerous social issues and community problems. In Yolo County and across the Nation, women are making history. Yet, despite these contributions, the role of American women in history is often overlooked and undervalued.

Let us hope that the month of March becomes a time to recapture some of that history, but we must not stop there. Let this March be the beginning of a new era in which women are recognized for the history they have made, for the strides they are accomplishing and for the dreams they seek to achieve. And let us congratulate the people of Yolo County for recognizing the importance of such a beginning and for organizing an outstanding array of activities to celebrate this very special time—Women's History Month.

A SPECIAL EVENT FOR ANTONIA MARIA FALINA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to offer my congratulations to Mrs. Antonia Maria Falina of Corona, NY, who will celebrate her 100th birthday on March 5, 1988. Mrs.

Falina immigrated to the United States from her native Italy in 1907.

Mrs. Falina arrived at Ellis Island after a 23-day boat journey from Naples and with her husband, Antonio, settled in the lower east side in New York City. A few years later, the family moved into a house they built in Corona, Queens County, NY. She has resided in that home for over 75 years.

Mrs. Falina has instilled a deep love and respect for America in her 5 children—Filomena Campanielle, Michael Falina, Daniel Falina, Frank Falina, and Christina DiStasi; 8 grandchildren—Janet Campanielle, Ann Theresa Relyea, Antoinette Scisa, Michael Falina, Jr., Margaret Ann Hanna, Carolyn Salamone, Nicholas DiStasi and Anthony DiStasi; 18 great-grandchilden—Ann Marie Fisher, Bernadette Loheac, Elizabeth Lugo, James Relyea, Raymond Relyea, Patrick Relyea, James Scisa, Kathy Scisa, Paul Scisa, John Scisa, Antoinette DiStasi, Gina Marie DiStasi, Thomas DiStasi, Frank Salamone, Anthony Salamone, Andrew Salamone, James Hanna, and Melissa Hanna; 14 great-great-grandchildren—Danielle Breslin, Jaime Breslin, Theresa Lugo, Christofer Lugo, Patrice Lugo, Jessica Lugo, James Lugo, Bryan Fisher, Brendan Fisher, James Scisa, Michael Scisa, Paul Scisa, Victoria Scisa, and Brad Scisa; and 2 grandnephews—James Golia and Joseph Golia.

She is an unwavering source of inspiration to them and people of all ages.

Turning 100 years old is an extraordinary event. I wish Mrs. Falina many more birthdays celebrated in good health with her loving family and friends.

WAIVER FOR 5 PERCENT VA LOAN DOWNPAYMENT REQUIREMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. ANDREWS. Mr. Speaker, I rise in support of the approval of S. 2022, the Veterans' Home Loan Program Emergency Amendments of 1988. This bill will grant an urgently needed waiver authority from the 5-percent downpayment requirement for vendee loans, which are used for the purchase of foreclosed properties from the Veterans' Administration. This 5-percent requirement became effective January 22, 1988.

This requirement will ruin the VA foreclosure resale market in Houston and other areas throughout the country that have depressed economies. Houston has tens of thousands of homes on the foreclosure market. The intense competition has driven down payment requirements to 3 percent and frequently no down payment.

VA vendee loans will not be competitive. A decline in resales has already started to add more properties to a backlog of over 8,000 properties. The result is that the Federal Government will have to bear millions of dollars in holding costs until local markets improve, which could be months or years from now.

Home buyers, real estate agents, and the communities will also be hurt. VA properties are favored by first time home buyers. Many real estate agents have made VA foreclosure properties their primary business. As the number of unsold foreclosed properties grows in a community, deterioration of these unoccupied homes increases and drags down the value of other homes.

I do not disagree with the intent of the 5-percent requirement. The nationwide foreclosure rate for vendee loans is double to triple the rate for regular VA loans. The drain of these foreclosures on the Federal deficit must be stopped. But a 5-percent requirement in the Houston market at this time does not benefit the buyer, the agent, the community, or the Government.

S. 2022 is a good solution to the varying market conditions in each part of the country. It gives the Veterans' Administration the authority to waive the 5-percent requirement in regions where it is doing more harm than good. I urge the President to sign this bill quickly so that the waiver can be implemented.

A HALF-CENTURY OF VOTING

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. BORSKI. Mr. Speaker, I rise today to congratulate three residents of Northeast Philadelphia who have each voted in over 50 consecutive elections.

One of the great privileges of American life is the opportunity to participate in our democratic process. Unfortunately, fewer and fewer people are taking advantage of that priviliege, and fewer still feel dutybound to vote. It is therefore significant to find one individual—let alone three—who have voted year in and year out for over 50 years.

Edna and James Grant are lifetime residents of Philadelphia. Mrs. Grant first voted in 1937. She has voted in every primary and general election since. In addition, she has been a Democratic committeewoman for the last 6 years.

Edna's husband, James has been voting since 1934. Mr. Grant was a Democratic committeeman for 25 years. Together, Edna and James Grant have been voting for over a century. They cast their first Presidential ballots for Franklin Delano Roosevelt.

Jesse Vanni has compiled an impressive record of citizen participation. Mr. Vanni first voted in 1928, when Alfred Smith ran against Herbert Hoover. He will vote in his 60th election this year, "If," as he says jokingly, "I live long enough." Mr. Vanni has also been a committeeman since 1972.

Mr. Speaker, few in this body knew the candidates which Mr. and Mrs. Grant and Mr. Vanni supported. Most members are familiar with the public officials Edna, James and Jesse cast ballots for only from history books.

I am proud that three residents of my district have been so dedicated to participating in this Nation's democratic process. I am pleased to pay tribute to three patriotic and public-spirited Americans, Edna and James Grant and Jesse Vanni.

FEAST OF SS. CYRIL AND METHODIUS PATRON SAINTS OF THE SLAVS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic National Committee's Council on Ethnic Americans, I am pleased to commemorate February 14 as the feast day of Cyril and Methodius, the patron saints of the Slavic people.

These brothers were outstanding scholars and linguists. They are credited with creating the Cyrillic alphabet, upon which the modern Ukrainian, Russian, Bulgarian, and Serbian alphabets are based. Their purpose in creating a written version of the Slav's language was to facilitate Slavic Christianization. More than 1,000 years ago, Cyril and Methodius set out upon this task, translating the Holy Scripture into Old Church Slavonic, rather than into the customary Latin.

Mr. Speaker, it is indeed sad that today in most of the countries to which these brothers brought Christianity, their feast day cannot be celebrated. The oppression that prevails in these Eastern European nations prevents Christians from freely worshiping and practicing their faith.

It is fitting that we in this Congress show our support for all persons in oppressed lands. To that end, Senator DECONCINI and I introduced House Joint Resolution 429, deploring the Soviet Government's active persecution of religious believers. I urge all of my colleagues to join us in support of this bill.

SAFETY RECORD OF ILLINOIS-AMERICAN WATER CO., PEORIA DISTRICT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1988

Mr. MICHEL. Mr. Speaker, I'd like to advise my fellow colleagues of a safety milestone reached by the Peoria District of the Illinois-American Water Co. In January of this year, the company completed 2 million man-hours without a lost time accident, a remarkable safety record for a plant in an industry noted for its dangerous work. The average disabling frequency rate for the water utility industry is approximately 34 accidents per million man-hours, with an average of 912 lost time days per million hours worked.

It has taken the plant about 8 years to reach this safety goal, an accomplishment which owes much to the dedication and commitment to the safety management systems employed by the company and its employees. They have set an example to business and industry throughout the State and should, indeed, be commended for their safety efforts and for achieving this important milestone. My sincere congratulations and best wishes to them as they begin their ninth accident-free year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 23, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:00 a.m.

Armed Services

To continue hearings on the Intermediate-range Nuclear Forces (INF) treaty.

SR-222

Rules and Administration

Business meeting, to consider S. Res. 41, to provide for germaneness or relevancy of floor amendments, S. Res. 42, to limit legislative amendments to general appropriations bills, S. Res. 43, to establish a procedure in order to overturn the Chair on questions of germaneness under cloture, S. Res. 274, to limit sense of the Senate or Congress amendments, S. Res. 277, to require that amendments must be offered to a bill, resolution or other measure in the order of the sections of that bill, resolution, or other measure, and other pending legislative and administrative business.

SR-301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Paralyzed Veterans of America, the Blinded Veterans Association, the Military Order of the Purple Heart, and the Veterans of World War I.

SR-325

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

To hold hearings on the President's proposed budget of the United States Government for fiscal year 1989.

SD-192

Banking, Housing, and Urban Affairs

To hold hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

Foreign Relations

To continue hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-216

Governmental Affairs

To continue hearings on H.R. 3400, to provide for participation of Federal employees in political activities.

SD-342

2:00 p.m.

Armed Services

To resume hearings on strategy and capabilities for NATO defense, including the implications for the Alliance of the Intermediate-range Nuclear Forces (INF) treaty.

SR-222

Small Business

To hold hearings on S. 1929, to create a corporation for small business investment.

SR-428A

FEBRUARY 25

9:00 a.m.

Armed Services

To hold hearings on resource policies for NATO force improvements.

SR-222

Rules and Administration

To hold hearings on S. Res. 260, to amend the Standing Rules of the Senate to revise current committee structure and designations, and S. 1835, to establish a procedure for consideration of conference reports on a bill or joint resolution making continuing appropriations for a period of 30 days or more.

SR-301

Select on Indian Affairs

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on Indian programs.

SR-485

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending Calendar business.

SD-366

Judiciary

To hold hearings on the nomination of Bernard H. Siegan, of California, to be United States Circuit Judge for the Ninth Circuit.

SD-226

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Pennsylvania Avenue Development Corporation, National Capital Planning Commission, and the Holocaust Memorial Council.

SD-192

Banking, Housing, and Urban Affairs

To continue hearings on the Federal Reserve's first report on the conduct of monetary policy for 1988.

SD-538

Commerce, Science, and Transportation

To hold hearings to review developments in drug and alcohol testing.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 1979, to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

SD-406

Finance

To hold hearings on the nomination of Mark Sullivan, of Maryland, to be General Counsel for the Department of the Treasury.

SD-215

Foreign Relations

To continue closed hearings on the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

S-116, Capital

2:00 p.m.

Armed Services

To hold hearings on compliance with, and enforcement of, the Intermediate-range Nuclear Forces (INF) treaty.

SR-222

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on speed limit issues.

SD-406

Small Business

To resume hearings on S. 1993, to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and H.R. 1807, to set forth specified small business eligibility requirements with respect to the Small Business Administration's small business and capital ownership development program and the award of Government procurement contracts under the small business set-aside program.

SR-428A

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

2:15 p.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Transportation.

SD-124

3:00 p.m.

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on the nomination of Eugene J. McAllister, of Virginia, to be Assistant Secretary of State for Economic and Business Affairs.

SD-419

FEBRUARY 26

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.

SD-116

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.

SD-406

Governmental Affairs

To hold hearings on the nominations of Frank E. Schwelb, to be an Associate Judge of the District of Columbia Court of Appeals, and Cheryl M. Long, to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1482 (Sec. 614), S. 1512, and S. 1515, bills to make certain improvements with respect to the Federal Judiciary.

SD-226

FEBRUARY 29

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Federal Highway Administration.

SD-406

Judiciary

To hold hearings on pending nominations.

SD-226

2:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 1

9:30 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.

SD-366

Governmental Affairs

To hold hearings on proposals to establish a national nutrition monitoring and related research program.

SD-342

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to review competitive issues in the cable television industry.

SD-226

Small Business

Innovation, Technology and Productivity Subcommittee

To hold hearings to examine the use of advanced manufacturing technologies by small business.

SD-428A

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Services.

SD-138

2:00 p.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of Energy.

SD-366

Select on Intelligence

To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings for certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.

SD-562

MARCH 2

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.

SD-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold oversight hearings to review bail reform issues.

SD-226

Select on Intelligence

To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.

SH-219

2:00 p.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Small Business

To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.

SR-428A

MARCH 3

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.

SD-366

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

1:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

Select on Indian Affairs
Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.
SD-628

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

10:00 a.m.
Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991–1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans' programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the De-

partment of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.

SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.

SD-192

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.

SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.

SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.

SD-138

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).

SD-124

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.

SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.

SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.

SD-192

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.

SD-138

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.

SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.

SR-253

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.

SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.

SD-138

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.

SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.

SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.

SD-116

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.

SD-124

APRIL 15

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).

SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.

SD-116

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army

military construction and family housing programs.

SD-124

APRIL 21

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.

SD-124

APRIL 26

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 27

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.

SD-124

APRIL 28

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.

SD-124

APRIL 29

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.

SD-192

MAY 11

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

CANCELLATIONS

FEBRUARY 24

9:30 a.m.

Judiciary

Constitution Subcommittee

To hold hearings on a proposed amendment to the Constitution relating to a Federal balanced budget.

SD-226

2:00 p.m.

Select on Intelligence

To resume closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 23, 1988.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, for the strength to do the tasks that are before us, aware of our responsibility to use our abilities to ease the hurt of humankind and also aware of Your loving spirit which encourages, directs, and sustains us along life's way. May Your strong hand of grace and peace be upon us and enable us to do the works of justice and of mercy. This we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

APPOINTMENT AS MEMBERS TO THE NATIONAL ECONOMIC COMMISSION

Mr. MICHEL. Mr. Speaker, pursuant to the provisions of section 2101, Public Law 100-203, I have today appointed the following individuals on the part of the House to the National Economic Commission:

From the House of Representatives, Mr. FRENZEL, of Minnesota;

And:

Mr. Donald H. Rumsfeld, of Wilmette, IL.

AN INVITATION TO THE ENERGY EFFICIENCY TECHNOLOGY EXHIBIT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I would like to invite you and other Members to attend the Energy Efficiency Technology Exhibit, displayed this week in the rotunda of the Cannon Office Building. On display are some of the most unique and innovative energy-saving technologies available today, made possible by Department of Energy-sponsored research and development projects. This opportunity for getting hands-on knowledge of energy efficiency technologies, for use in industry and in the home, should not be passed up, especially at a time when energy security is among the top national priorities. Energy conservation, more accurately termed "energy end-use efficiency," is the most cost-effective and fastest growing U.S. energy resource. Energy efficiency improvements over the past decade have reduced America's energy bills an estimated $100 to $150 billion. I urge my colleagues to stop in and view these exhibits, ask a lot of questions, and attend the reception tonight at 6 in 210 Cannon.

CONGRATULATIONS TO BILLY BLOSE OF SAPULPA, OK

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, 9 years ago a baby boy was born to a family in Sapulpa, OK, in my congressional district. Three months later doctors told the parents that their little boy, named Billy, had a serious heart ailment. He needed a pacemaker immediately, the doctors said, but even with the device Billy could not be expected to live beyond the age of 5.

For Billy's sake, and as it turns out for his father's sake, it's fortunate the doctors were wrong about Billy's life expectancy. Last month, 9-year-old Billy Blose, with a pacemaker still regulating his weak heart, rescued his father from a terrible accident.

Billy is a small boy without much physical strength. But his will is strong and his mind is quick. Billy had the presence of mind to disengage the gears of a truck that had pinned his father to a concrete wall near their home. Little Billy saved his daddy.

For his young act of heroism, for his clearness of thinking in a time of tragedy, and for his strength and desire to beat the medical odds, I extend my admiration and praise to Billy Blose.

Mr. Speaker, this young man represents the very best of human nature—the fortitude of spirit, the strength of character—that we should all strive to replicate in our own lives.

Thank you, Billy Blose, for giving us a model of inner strength and outward courage.

RIGHT ON, MR. CARLUCCI

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Secretary of the Navy has resigned. He is mad at Frank Carlucci, the new Secretary of Defense, because he is making cuts at the Pentagon. Thank God.

Let us take a look at the last 7 years. We have an MX missile that cost $21 billion and it cannot fly straight; a B-1 bomber that was shot down by a pelican; $5,000 toilet seats; $700 coffee pots; tanks that hit everything except their targets.

Now I will concede one point. Mr. Webb, it is true we cannot defend America with the Neighborhood Crime Watch, but we must admit that we do not need a nuclear missile for every barroom brawl either.

I say "Right on, Mr. Carlucci; your pragmatic program at the Pentagon will make America safer and stronger."

Good luck, Mr. Secretary, and I hope the President is watching.

And finally, now, maybe we might even get some spare parts for our military.

SUPERCOMPUTER SYSTEMS, INC., CHOOSE EAU CLAIRE, WI

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUNDERSON. Mr. Speaker, the Third Congressional District of Wisconsin is known traditionally as the home of the largest dairy production district in the country, the major boundary of the Mississippi River and a district that is premised on higher education with universities and technical colleges.

Today it is my privilege to share with you the announcement made yesterday by Steve Chen, and Supercomputer Systems, Inc., of their decision to locate their effort to develop the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nation's supercomputer in Eau Claire, WI, within the Third Congressional District and to make us the home of high technology supercomputer industries for all of the United States. Supercomputer Systems, Inc., is engaged in the research, development, production, marketing, and support of the advanced computing systems essential to our national interests.

In essence, what they are trying to do is to develop the first of an entirely new generation of supercomputers. With 64 separate high-powered processors, collectively, these processors could crunch numbers at least 100 times faster than anything that is in use today.

On behalf of all of western Wisconsin, we want to welcome Steve Chen and Supercomputer Systems, Inc., to Eau Claire and staying in our district, and I would like to insert the press release of their decision to stay in western Wisconsin in the CONGRESSIONAL RECORD at this time.

The document referred to is as follows:

SUPERCOMPUTER SYSTEMS, INC., CHOOSES SITE

Supercomputer Systems, Inc. announced today the selection of Eau Claire, Wisconsin as the site of its research, development, and manufacturing operations.

"This was a difficult decision because both the Illinois and Wisconsin proposals are excellent and provide the financial assistance we may need," said Steve Chen, President and CEO of SSI. "Our project schedule was the deciding factor. By staying in our existing facility in Eau Claire, we are best able to meet our project goals without disruption during the critical research and development stage."

All SSI members are very grateful for the excellent support provided by Governor James R. Thompson of Illinois, his staff, the University of Illinois, and the cities of Champaign and Urbana. In the future, SSI will pursue a strong relationship in that area, which is a leading center for supercomputing research, application technology, and advanced engineering and science education.

SSI deeply appreciates the warm support of the people of Eau Claire and the outstanding efforts of city officials and leaders from the community and university. We also wish to acknowledge the personal efforts made on our behalf by Governor Tommy G. Thompson, his staff, and our senators and representatives. Dr. Chen said, "This is an unprecedented, unified effort involving the community, state, university, and industry. It establishes a new model of entrepreneurial 'partnership' for pursuing emerging technologies with shared resources and vision. SSI will apply these precious resources efficiency and achieve its product development goal at the earliest possible time. Our success will result in economic benefits that will be shared by all 'partners' at the local, state, and national levels."

Supercomputer Systems, Inc. is engaged in the research, development, production, marketing, and support of the advanced computing systems essential to the national interest.

AUBURN UNIVERSITY FISHERIES DEPARTMENT RECOGNIZED

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, it is my pleasure to come before this body today to announce that the fisheries program at Auburn University. Alabama's largest State university which is located in the Third Congressional District, has been rated as the best warm water aquaculture and fresh water fisheries management program in North America.

Auburn received this recognition from the School of Fisheries at the University of Washington which surveyed 22 institutions that have fisheries teaching programs. The ratings were based on various criteria including publication record of students and faculty, faculty diversity, and background of students from individual schools.

Graduates of the Auburn fisheries program are making significant contributions all over the world. They have played a major role in expanding the aquaculture industry in the United States and they are also helping to improve the quality of life for people in many of the world's developing nations.

Mr. Speaker, I would like to take this opportunity to recognize Dr. E. Wayne Shell, head of the Department of Fisheries and Allied Aquaculture at Auburn, and his very dedicated staff for all the contributions they have made in the field of fisheries management.

I would also like to submit for the RECORD an article from a recent edition of the Auburn Report, the university's official faculty and staff publication, which further details the recent recognition bestowed upon Auburn University's Department of Fisheries.

FISHERIES PROGRAM VOTED TOPS

AU's fisheries program, which emphasizes warm water aquaculture and fresh water fisheries management, has been rated the best of its kind in North America, according to a survey completed recently by the School of Fisheries at the University of Washington.

Washington's program was judged best overall. That program has more than 55 Ph. D. holders on its teaching and research faculty and emphasizes marine fisheries management and cold water aquaculture.

W. Wayne Shell, head of the Department of Fisheries and Allied Aquaculture, said Auburn officials are pleased with the survey and recognition by others in the field, but that he places more emphasis on results generated by his department.

"High rankings are great," he said. "But we are much more pleased that our graduates are making significant contributions literally all over the world, that our research has played a major part in the development of the rapidly expanding aquaculture industry in the U.S. and that our technology transfer program has provided some opportunities for an improved quality of life for people in many of the world's developing countries."

Washington fisheries officials questioned representatives of the 22 institutions listed in Peterson's Guide as having fisheries teaching programs. Responses were based on criteria including publication record of students and faculty, faculty diversity, and background of students from individual schools.

Other institutions receiving high marks include Virginia Tech, Texas A&M, Cornell, LSU, Michigan State, Mississippi State, and Oregon State.

ILLEGAL FISHING PRACTICES COST AMERICAN COMMERCIAL FISHERS MILLIONS OF DOLLARS IN LOST SALES

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, in January, the Alaska Factory Trawlers Association provided conclusive evidence of extensive illegal foreign fishing in the North Pacific. These illegal practices are costing American commercial fishers millions of dollars in lost sales and call into question our ability to prevent the theft of one our most important natural resources.

My colleagues from Washington State and Alaska have been trying to figure out how to stop this thievery—how to stop foreign factory ships from slipping into our fishing grounds under cover of darkness. We have considered establishing complicated check point systems. We have considered stepping up Coast Guard surveillance and patrol flights.

But Mr. Speaker, a check point system in the vast waters of the North Pacific would invariably spring leaks. And the Coast Guard already has a full plate and a tight budget. We need a system that works and one that works now.

We do not need new legislation. The best solution already exists. The laws are in place. We now have the right to require transponders—electronic tracking devices—on vessels fishing the North Pacific from nations with which we have governing international fishing agreements [GIFA's]. All nations, including Japan, now fishing in our waters have signed GIFA's containing this provision.

The transponders can be coded so we can track by satellite each individual foreign fishing, fish processing and fish tender vessel. The Coast Guard and National Marine Fisheries Service can monitor the entire foreign fishing fleet with existing resources. Enforcement of the Magnuson Act—the Americanization of our fisheries resource—will be more effective and more efficient.

And Mr. Speaker, placing these devices is not a matter for negotiation. According to text of the GIFA with Japan, the United States can require that "appropriate position-fixing and identification equipment, as determined by the Government of the United States is installed and maintained in working order on each fishing vessel of Japan." This reference is repeated in annex 1 to the GIFA with Japan. Similar language is contained in other GIFA's with nations fishing the North Pacific. Moreover, no new legislative authority is required from Congress as the Magnuson Fisheries Conservation and Management Act in 16 U.S.C. 1821(c)(2)(C) gives the United States authority to require transponders if they are permitted in GIFA's with other nations.

Mr. Speaker, yesterday, I wrote the Secretaries of Commerce, State, and Transportation urging them to act now. The solution to the problem of illegal foreign fishing is self-evident. The laws are in place. We have but to enforce them to stop the widespread theft of our natural resource.

BILL TO EXEMPT DRIVERS OF FARM VEHICLES FROM OBTAINING A COMMERCIAL DRIVER'S LICENSE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation that will exempt drivers of farm vehicles from having to obtain a commercial driver's license.

My bill will amend the Commercial Motor Vehicle Safety Act to exclude drivers of registered farm vehicles driven less than 15,000 miles a year from commercial license requirements.

The Department of Transportation's plan to require drivers of farm vehicles to get a commercial driver's license would only inconvenience farm families and overburden State testing stations.

The very nature of family farming means that from time-to-time family members are called on to help. To require every farmer's wife, daughter, or son who lends a hand during harvest to get a commercial driver's license is totally unnecessary.

I strongly support the Department's efforts to improve highway safety. However, further regulation of farm vehicles is not the answer.

Instead of taxing our States' limited resources by requiring unnecessary testing and licensing of farmers, we should be using our resources to keep alcohol and drug abusers off our roads.

BALANCED BUDGET AMENDMENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, anniversaries celebrate events; 1987, for example, was the 200th anniversary of our Constitution. The Constitution has remained the cornerstone of our democratic foundation since 1787; 1988 is now the 19th anniversary of the last time this country had a balanced Federal budget.

Unlike the festivities that accompanied the celebration of the Constitution, no one seems interested in rejoicing over the 19 years of deficit spending. In fact, many of us in Congress are doing everything we can to keep the balanced budget year of 1969 from being a once in a lifetime event; 1988 is a year when another special event can occur, the passage of a balanced budget amendment.

The last time we enjoyed a Federal budget surplus was under the leadership of a Republican, and may I add a Californian. Californians are currently enjoying a healthy economy. Part of the credit is due to the fact that the State of California is prohibited from running up unlimited debts. In fact, many other States also have a constitutional requirement for a balanced budget. The time is now for the Federal Government to follow the States' lead and adopt a balanced budget amendment. The time is now to stop the deficit from growing.

AIDS FUNDS OF $715 MILLION WILL NOT BE SPENT IN 1989

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, late last week the President submitted his budget proposal for fiscal year 1989. One item which was touted as a large increase in funding was the newly created consolidated account for AIDS. In fact, several days before the budget's release, administration officials leaked news that the AIDS budget would reach nearly $2 billion in fiscal year 1989. Closer scrutiny revealed that almost $700 million of that figure were Medicaid payments which would be paid regardless of administration action on AIDS.

The sad fact is that even the remaining $1.3 million figure is grossly misleading. Budget documents I have reviewed indicate that the administration intends to spend only about 45 percent, or $585 million, in fiscal year 1989, and to carry over the balance of $715 million for later years. This is a far different story than the White House has publicized.

The American people deserve more than a quick-handed shell game from the White House on AIDS.

In past years the Congress has had to take the lead in the fight against AIDS, at least as to funding levels for Government activities. Each year congressional appropriations have been based on the professional judgment budgets from the Public Health Service, and have far exceeded Mr. Reagan's budget requests.

This year, we may have a tougher time adding to the President's AIDS request due to the numbers games being played by the administration's budgeteers. Nevertheless, I am hopeful that we in the Congress will again be able to provide the resources needed to meet the AIDS challenge. The thousands of people with AIDS and those who will be coming down with the terrible illness should not be subjected to additional suffering because of the budgetary callousness of their Government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TRAFICANT). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

H.R. GROSS POST OFFICE BUILDING

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3689) to designate the U.S. Post Office Building located at 300 Sycamore Street in Waterloo, IA, as the "H.R. Gross Post Office Building."

The Clerk read as follows:

H.R. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 300 Sycamore Street in Waterloo, Iowa, is hereby designated as the "H.R. Gross Post Office Building". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be reference to the "H.R. Gross Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I many consume.

Mr. Speaker, this bill, H.R. 3689, will honor the late H.R. Gross, Representative of Iowa's Third District from 1949 to 1975. This legislation provides for the designation of the U.S. Post Office at 300 Sycamore Street in Waterloo, IA, as the "H.R. Gross Post Office Building."

I want to commend the efforts of Chairman BILL FORD and Congressman GENE TAYLOR, the ranking minority member of the Post Office and Civil Service Committee, for their thorough attention to this legislation. In addition, I want to commend Representative DAVID NAGLE from the Third District of Iowa for sponsoring this bill to honor H.R. Gross.

During his 26-year tenure, Congressman Gross earned the reputation of being "the watchdog of the Federal Treasury." H.R. Gross never forgot that every dollar spent by the Federal Government comes from the pocket of the American taxpayer. His colleagues and biographers have estimated that the Iowan representative personally prevented millions of dollars from being spent on unnecessary projects. In each of his 13 terms in Congress, H.R. Gross introduced bills to require a balanced budget and provide for the systematic repayment of the Federal debt.

In addition to being a vigilant overseer of the Treasury, H.R. Gross was a master parliamentarian who insisted that Congress live up to its own rules. Although I never had the honor of serving in the same Congress as Representative Gross, I appreciate his dedication to responsible and thrifty Government.

H.R. Gross never held a chairmanship or other leadership position. He realized when he first came to Congress that he was not going to attain any leadership posts or win any popularity contests if he did the things he felt compelled to do. However his perseverance and intelligence made him a definite force in this House for over two decades. H.R. Gross also earned an unusual measure of affection among his colleagues for keeping them on their toes.

In this current era of fighting the Federal deficit, it is fitting to pay tribute to a man who spent his congressional service challenging unnecessary and wasteful Government spending. Mr. Speaker, I urge my colleagues in the House to support passage of H.R. 3689.

Mr. Speaker, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all of us who knew H.R. Gross, who sat here for so many years right at the end of this table, know of his sincerety to help protect the integrity of this House and, most important, the country. He was Mr. Conservative. He always made sure that the rules of the House were followed, but, most importantly, he was always concerned about how the taxpayer's dollar was spent.

If he were here today, I know he would say, "Oh, I don't really have it coming to me," because he was a very humble person. But he was a person who certainly did serve his country in many capacities, including his service in uniform for his country and the many years he served here in the House of Representatives.

So, Mr. Speaker, it is altogether proper and fitting that we do honor the memory of a great, great American, one who certainly contributed so much to the House of Representatives.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Representative Gross was a Member of this House when I first came here. Anyone who knew him, even for a short period of time, will never forget him. As the gentleman pointed out, he was here every day, all day long, making sure that things went the way they were supposed to go. He made a lot of people uncomfortable, but he certainly earned his pay and he certainly made important contributions to his country.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I would like to add my comments and appreciation for this legislation, and I would like to share just one of the many, many encounters that H.R. Gross had with many of us as Members. Mine was a very opportune and favorable one that occurred during a suspension period. The chairman of the subcommittee was called from the Chamber, and he left me here as a very young first termer.

I knew very little of procedure and less of the legislation, and when I moved to suspend the rules, H.R. Gross stood up and started questioning me. So to the first question, I replied , "I don't know." To the second question, I replied, "I don't know." To the third question I replied, "I don't know."

Then he said, "Well, I withdraw my reservation. I appreciate your honesty."

So that is how we passed the bill. From then on we became very good and dear friends.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, anyone who knew H.R. Gross certainly loved him. I know he caused many of us extended hours here, but he always did his homework. He read every bill, every letter of the bill. That is one thing many Members do not do. But H.R. Gross always read thoroughly every bill that ever came to the floor, and he would often bring up questions, and with a little chuckle he would look over and smile a little bit. He would give us a rough time sometimes here on the floor, as the gentleman has said. He always had a smile, and he was friendly about it. He was not vengeful at any time. He was really an outstanding fellow.

If you did not know H.R. Gross and just knew of him, you might not understand him. I know people back home often would tell me, "That guy H.R. Gross, doesn't he cause you lots of problems?"

Well, sure he did, but he kept us honest and he kept this House honest.

I just think this is a very, very important way, but a small way, to remember one of the outstanding Members who has ever served in this House of Representatives.

So, Mr. Speaker, I certainly offer no objection, and I hope everyone who did not know H.R. Gross will take the word of those of us who did. It is certainly altogether fitting that we do this.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Indiana [Mr. MYERS] for his very appropriate comments about the H.R. Gross Post Office. I did not know the gentleman for whom the post office is being named, but I know that his reputation was such that he was called the conscience of Congress, and I know that at budget time he took the budget book every year with a measure, a ruler, and measured the growth of the budget that way. So I think it is very appropriate that he should have the recognition afforded by this particular piece of legislation in this naming process.

Mr. McCLOSKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. NAGLE], the sponsor of the bill.

Mr. NAGLE. Mr. Speaker, I thank the committee for making this legislation possible.

I am the successor in interest to H.R. Gross, who served from the Third Congressional District of Iowa from 1948 to 1974. Many people do not realize that Mr. Gross had a distinguished career as a journalist prior to coming to this body. He also served in the First World War and took part in two of the major battles in France.

H.R. Gross was in politics because he was like all of us: he wished to be liked and he wished to be respected. He wanted the approval of his public and of his peers. That is a characteristic that is consistent with all of us within this body.

What is most remarkable about H.R. Gross, when he came here in 1948, he challenged the conventional wisdom that to get along you had to go along. He stood and questioned very early in his career the procedures on the floor of the House of Representatives, and from that day forward he seemed to have cast himself in a role different from any who had served before him or any who has come since him. He had an ability to stand here and make sure the House followed not only the rules but the best interests, in his judgment, and the best intentions of the country. It is easy to stand and be popular, and it is easy to follow the admonition that to get along you have to go along.

Today we can reflect on his career and reflect on the distinction with which he served and on how much he is respected. But in those dark days, from 1948 to 1970, he was challenged and questioned and condemned and swore at privately under the Members' breath for his conduct of questioning everything that came here. He even voted against the dedication of the eternal flame for President Kennedy after his assassination. Members then did not praise him, but by the time he was done, in the course of his service, through the courage of being able to stand against prevailing winds, when he retired, Members from both sides of the aisle recognized him then, as we do today.

I am of the opposite political party, but I have no hesitancy in recognizing the courage and the capacity of one man from Iowa who on many occasions stood on the floor of this House and saved the U.S. taxpayers literally millions and sometimes billions of dollars with his questioning. We shall not see the likes of him again soon in this House. We need someone like him, and we miss him.

Mr. Speaker, we mourn his passing, and I urge the passage of this bill naming the post office at Waterloo for Mr. Gross. This bill comes from the committee on which he served as ranking member, and it is an appropriate tribute to his memory. I urge adoption of the bill.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I commend the gentleman from Iowa [Mr. NAGLE] for his sponsorship of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. MYERS] that the House suspend the rules and pass the bill, H.R. 3689.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 3689, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AGRICULTURAL CREDIT TECHNICAL CORRECTIONS ACT OF 1988

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3980) to make technical corrections in the Agricultural Credit Act of 1987, as amended.

The Clerk read as follows:

H.R. 3980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Credit Technical Corrections Act of 1988".

SEC. 2. REFERENCES.

(a) FARM CREDIT ACT OF 1971.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.).

(b) THE 1987 ACT.—As used in this Act, the term "the 1987 Act" means the Agricultural Credit Act of 1987.

TITLE I—AMENDMENTS RELATED TO TITLE I OF THE 1987 ACT

SEC. 101. AMENDMENTS RELATED TO SECTION 101 OF THE 1987 ACT.

(a) Section 4.9A, as in effect immediately before the enactment of the 1987 Act, is hereby repealed.

(b) Section 4.9A(a), as added by section 101 of the 1987 Act, is amended by striking out the second sentence.

(c) Section 4.9A(c), as added by section 101 of the 1987 Act, is amended to read as follows:

"(c) INABILITY TO RETIRE STOCK AT PAR VALUE.—If an institution is unable to retire eligible borrower stock at par value due to the liquidation of the institution, the receiver of the institution shall retire such stock at par value as would have been retired in the ordinary course of business of the institution, and—

"(1) during the 5-year period beginning on the date of the enactment of the Agricultural Credit Act of 1987, the Assistance Board shall direct the Financial Assistance Corporation to provide the receiver with sufficient funds to enable the receiver to carry out this subsection; and

"(2) after such 5-year period, the Farm Credit System Insurance Corporation shall provide the receiver with sufficient funds from the Farm Credit Insurance Fund to enable the receiver to carry out this subsection.".

(d) Section 4.9A(d)(2)(B), as added by section 101 of the 1987 Act, is amended—

(1) by striking out "required" and all that follows through "made" and inserting in lieu thereof "issued or allocated"; and

(2) by striking out "4.9B" and inserting in lieu thereof "4.3A".

SEC. 102. AMENDMENTS RELATED TO SECTION 102 OF THE 1987 ACT.

(a) Section 4.14A(a) is amended by striking out "(other than in sections 4.17 and 4.18)".

(b) Section 4.14A(a)(6)(B) is amended—

(1) by striking out "2.3(a)(2)" and inserting in lieu thereof "1.7(b)(1)(B)"; and

(2) by striking out "2.3(a)" and inserting in lieu thereof "1.7(b)(1)".

(c) Section 4.14A(e)(1) is amended by striking out "a qualified" the second place it appears and inserting in lieu thereof "such qualified".

(d) Section 4.14A(g)(1) is amended by striking out "farm credit district" and inserting in lieu thereof "bank".

(e) Section 4.14A(g)(3) is amended by striking out "district board" and inserting "bank board".

(f) Section 4.14A(1) is amended by striking out "Federal intermediate credit bank" and inserting in lieu thereof "Farm Credit Bank".

(g) Section 4.14B(a) is amended—

(1) by amending the heading to read as follows:

"(a) FARM CREDIT BANK.—";

(2) by striking out "a Federal land bank" and inserting in lieu thereof "a Farm Credit Bank"; and

(3) by striking out "the Federal land bank shall" and inserting in lieu thereof ", to the extent provided for in the bylaws of the bank relating to its capitalization, the bank shall".

(h) Section 4.14C(b)(1) is amended by striking out "district board of such district" and inserting in lieu thereof "Farm Credit Bank board".

SEC. 103. AMENDMENTS RELATED TO SECTION 106 OF THE 1987 ACT.

(a) Section 4.14(b)(1) is amended by striking out "by a" and inserting in lieu thereof "before the".

(b) Section 4.14(d)(1) is amended by inserting "or (2)" after "(b)(1)".

SEC. 104. AMENDMENTS RELATED TO SECTION 108 OF THE 1987 ACT.

(a) Section 4.36(b)(2) is amended by striking out "15" and inserting in lieu thereof "30".

(b) Section 4.36(b)(3) is amended by striking out "30" and inserting in lieu thereof "15".

(c) Section 4.36(g) is amended by striking out "former borrower" and inserting in lieu thereof "previous owner".

TITLE II—AMENDMENTS RELATED TO TITLE II OF THE 1987 ACT

SEC. 201. AMENDMENTS RELATED TO SECTION 201 OF THE 1987 ACT.

(a) Sections 6.3(a)(12) and 6.24(a)(12) are each amended by striking out "(as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))".

(b) Sections 6.3(b) and 6.24(b) are each amended by striking out "original" and inserting in lieu thereof "exclusive".

(c) Section 6.4 is amended by redesignating the second subsection (c) and subsection (d), as subsections (d) and (e), respectively.

(d) Section 6.5(d) is amended by striking out "No" and inserting in lieu thereof "Except as provided in section 410(c) of the Agricultural Credit Act of 1987, no".

(e) Section 6.5 is amended by striking out "the appropriate provision of" each place it appears.

(f) Section 6.6(a)(8)(B) is amended by striking out "under sections 5.5 and 5.17(a)(15)".

(g) Section 6.6(a)(9) is amended by striking out "may".

(h) Section 6.6(b)(1) is amended by striking out "(a)(8)" and inserting in lieu thereof "(a)(9)".

(i) Section 6.6(b)(2) is amended by striking out "the appropriate provision of".

(j) Section 6.7(d) is amended—

(1) by inserting a comma after "material"; and

(2) by striking out "under terms" and all that follows through "acceptable" and inserting in lieu thereof "under such terms and conditions, acceptable".

(k) The heading of section 6.9(a) is amended by inserting "ASSETS AND" before "LIABILITIES".

(l) Section 6.9(e)(5) is amended—

(1) by inserting "activation of" after the first comma; and

(2) by striking out the close quotation mark and the period that follows.

(m) Section 6.12 is amended by inserting "to the Assistance Board" after "provided".

(n) Section 6.13(d) is amended by inserting ", for return to the revolving fund established under section 4.0," before "the full".

(o) Section 6.22(a)(1) is amended by striking out "Act" and inserting in lieu thereof "subtitle".

(p) Subsections (c)(2)(D) and (d)(1)(D) of section 6.26 are each amended—

(1) by inserting "and Federal land banks" after "credit banks"; and

(2) by striking out "production credit".

(q) Subsections (c)(2)(D) and (d)(1)(D) of section 6.26 are each amended by striking out "Federal intermediate credit banks and Federal land banks" and inserting in lieu thereof "Farm Credit Banks".

(r) Section 6.26(c)(5) is amended—

(1) in each subparagraphs (B) and (C)(i), by striking out "interest payments" and inserting in lieu thereof "payments under this paragraph"; and

(2) in subparagraph (B), by striking out "issued" under subsection (d)(1)(C) and inserting in lieu thereof "referred to in subsection (d)(1)(E)".

(s) The heading of section 6.26(d) is amended by inserting "; DEFAULTS" after "PRINCIPAL".

(t) Section 6.26(d)(1)(C) is amended—

(1) by striking out "referred to in" and all that follows through "1987," and inserting in lieu thereof "issued to provide assistance under section 410(c) of the Agricultural Credit Act of 1987 and section 4.9A(c) of this Act, or issued to provide funds to cover the expenses of the Assistance Board under section 6.7(a) of this Act,";

(2) by striking out "such principal" and inserting in lieu thereof "such obligation";

(3) in clause (i), by striking out "bank" and inserting in lieu thereof "institution"; and

(4) in clause (ii), by striking out "banks" and inserting in lieu thereof "institutions".

(u) Section 6.26(d)(1)(E) is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(v) Clauses (i) and (iii) of section 6.26(d)(3)(A) are each amended by striking out "this subsection" and inserting in lieu thereof "subsection (c)".

(w) The third sentence of section 6.26(d)(3)(B)(iii) is amended by inserting "is prohibited from redeeming or" after "If such institution".

(x) Section 6.26(d)(4)(B)(iii) is amended by striking out "5.60" and inserting in lieu thereof "5.60(c)(2)(B)".

(y) Section 6.27(a)(1) is amended by striking out "(a) or (b)".

(z) Section 6.27(a)(2)(B) is amended—

(1) by striking out "Reserve Account Board" and inserting in lieu thereof "Farm Credit System Insurance Corporation"; and

(2) by striking out "Board purchases" and inserting in lieu thereof "Insurance Corporation purchases".

(aa) Section 6.27(b) is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsection (a)".

(bb) Section 6.28(b)(2) is amended—

(1) by striking out "this paragraph" and inserting in lieu thereof "paragraph (1) equal"; and

(2) in subparagraph (A), by striking out "subsection (c)(1)(D)" and inserting in lieu thereof "section 6.26(c)(2)(D)".

SEC. 202. AMENDMENT RELATED TO SECTION 202 OF THE 1987 ACT.

Section 4.0 is amended to read as follows:

"SEC. 4.0. REVOLVING FUND.

"The revolving fund established by this section (in effect immediately before the date of the enactment of the Agriculture Credit Act of 1987) shall be available to the Farm Credit Administration and the Assistance Board during the periods, and for the purposes, provided for in sections 6.13 and 6.7, respectively.".

SEC. 203. AMENDMENTS RELATED TO SECTION 204 OF THE 1987 ACT.

(a) Section 4.9 is amended by adding at the end of the following:

"(f) SUCCESSION.—

"(1) ASSETS AND LIABILITIES.—The Corporation shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor Federal Farm Credit Banks Funding Corporation (hereinafter referred to in this subsection as 'the predecessor corporation') chartered under this Act, or any court, succeed to the assets of and assume all debts, obligations, contracts, and other liabilities of the predecessor corporation, matured or unmatured, accrued, absolute, contingent or otherwise, and whether or not reflected or reserved against on balance sheets, books of account, or records of the predecessor corporation.

"(2) CONTRACTS.—The existing contractual obligations, security instruments, and title instruments of the predecessor corporation shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor corporation, or any court, become and be converted into obligations, entitlements, and instruments of the Corporation.

"(3) STOCK.—The stock of the predecessor corporation issued before the date of the enactment of this section shall, by operation of law and without any further action by the Farm Credit Administration, the predecessor corporation, or any court, become and be converted into stock of the Corporation established by this section.

"(4) TAXATION.—The succession to assets, assumption of liabilities, conversion of obligations, instruments, and stock, and effectuation of any other transaction by the Corporation to carry out this subsection shall not be treated as a taxable event under the laws of any State or political subdivision thereof.".

(b) Section 4.9(b)(3) is amended by inserting "predecessor Federal Farm Credit Banks" before "Funding Corporation".

(c) Subparagraphs (B) and (C) of section 4.9(d)(2) are each amended by striking out "Federal Farm Credit Banks Funding".

(d) Section 4.9(e) is amended to read as follows:

"(e) TRANSITIONAL AUTHORITY.—Until a majority of the voting members of the board of directors of the Corporation is elected, which shall occur as soon as is practicable after the enactment of this section—

"(1) the finance committee established under section 4.5 in effect before the date of the enactment of this section, and the fiscal agency established under section 4.9 in effect before such date of enactment, shall continue to operate as if this section had not been enacted; and

"(2) the board of directors of the predecessor Federal Farm Credit Banks Funding Corporation shall be the board of directors of the Financial Assistance Corporation.".

(e) Section 4.2(e) is amended—

(1) by striking out "their" and inserting in lieu thereof "the"; and

(2) by striking out "fiscal agent" each place it appears and inserting in lieu thereof "Federal Farm Credit Banks Funding Corporation".

SEC. 204. AMENDMENT RELATED TO SECTION 205 OF THE 1987 ACT.

Section 5.19(b)(2) is amended by striking out "this section" and inserting in lieu thereof "the third sentence of paragraph (1)".

SEC. 205. AMENDMENTS RELATED TO SECTION 207 OF THE 1987 ACT.

Section 5.17(a) is amended by redesignating paragraphs (9), (10), (11), (12), (13), and (14), as paragraphs (8), (9), (10), (11), (12), and (13), respectively.

TITLE III—AMENDMENTS RELATED TO TITLE III OF THE 1987 ACT

SEC. 301. AMENDMENTS RELATED TO SECTION 301 OF THE 1987 ACT.

(a) Section 301(a) of the 1987 Act is amended—

(1) in paragraph (1)(B), by striking out "be" and inserting in lieu thereof "apply to an institution";

(2) in paragraph (2), by striking out "5.17(b)(2)" and all that follows through "proposed" and inserting in lieu thereof "5.17(c)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2251(c)(2)) with respect to the issuance of the"; and

(3) in paragraph (3), by striking out "(1)(C)" and inserting in lieu thereof "(1)(D)".

(c) Section 4.3A(a)(1)(B) is amended by striking out "4.9B" and inserting in lieu thereof "4.9A".

(d) Section 4.3A(c)(1) is amended—

(1) in subparagraph (D)(i), by striking out the third comma; and

(2) in subparagraph (G), by inserting "voting" before "stock issued".

(e) Section 4.3A(c)(1)(H) is amended by inserting ", except as otherwise provided in this section" after "the borrower".

(f) Section 4.3A(c)(1)(I) is amended by striking out "standards issued under".

(g) Section 4.3A(d)(1) is amended—

(1) by striking out "and in section 4.9A"; and

(2) by striking out "or allocated equities".

SEC. 302. AMENDMENTS RELATED TO SECTION 302 OF THE 1987 ACT.

(a) Subparagraphs (A) and (B) of section 5.51(3) are amended to read as follows:

"(A) on or before January 5, 1989, on behalf of any System bank; and

"(B) after such date, which, when issued, is issued on behalf of any insured System bank."

(b) Section 5.51(5) is amended by striking out "to liquidate" and inserting in lieu thereof "for".

(c) Section 5.55(d) is amended by striking out "loans made by a Federal intermediate credit bank" and inserting in lieu thereof "intermediate term loans made by a Farm Credit Bank".

(d) Section 5.55(d)(2) is amended by striking out "2.3(a)(2)" and inserting in lieu thereof "1.7(b)(1)(B)".

(e) Paragraphs (2) and (3) of section 5.55(d) are each amended by striking out "Federal intermediate credit bank" and inserting in lieu thereof "Farm Credit Bank".

(f) Section 5.56(a) is amended by striking out "of such" and inserting in lieu thereof "of the".

(g) Section 5.57(b)(1) is amended—

(1) by striking out "made any report of condition required under section 5.55 or"; and

(2) by striking out "make any such report or".

(h) Section 5.57(b)(2) is amended by striking out "made or".

(i) Section 5.58(5)(A) is amended by striking out "to" each place it appears.

(j) Section 5.60(b)(1) is amended by striking out "(in effect immediately before the date of the enactment of this part)".

(k) Section 5.60(b)(2) is amended by striking out "Beginning 5 years after the date of the enactment of this part, the" and inserting in lieu thereof "The".

(l) Section 5.60(c)(2)(B) is amended to read as follows:

"(B) ensure the retirement of eligible borrower stock at par value under section 4.9A.".

SEC. 303. AMENDMENT RELATED TO SECTION 303 OF THE 1987 ACT.

Section 4.4 is amended by redesignating subsection (e) as subsection (d).

TITLE IV—AMENDMENTS RELATED TO TITLE IV OF THE 1987 ACT

SEC. 401. AMENDMENTS RELATED TO SECTION 401 OF THE 1987 ACT.

(a) Section 1.3(a) is amended by inserting ", as provided in section 410 of the Agricultural Credit Act of 1987," before "shall".

(b) Section 1.3(b) is amended to read as follows:

"(b) CHARTERS.—The Farm Credit Administration shall, consistent with this Act, issue charters for, and approve amendments to charters of, the Farm Credit Banks.".

(c) Section 1.4 is amended by striking out "from its voting stockholders".

(d) Section 1.5 is amended—

(1) by amending paragraph (9) to read as follows:

"(9) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers, employees, and agents;

"(ii) acquire, hold, and transfer property;

"(iii) make loans and discounts;

"(iv) conduct general business; and

"(v) exercise and enjoy the privileges granted to it by law;";

(2) in paragraph (11), by striking out "or securities of" and inserting in lieu thereof "of securities or";

(3) in subparagraphs (B) and (C) of paragraph (12), by striking out "participate with";

(4) in paragraph (14), by striking out "as defined in section 3 of the Federal Deposit Insurance Act" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))";

(5) in paragraph (18), by striking out "Federal land bank";

(6) in paragraph (22), by striking out "as authorized by the Farm Credit Administration; and" and inserting in lieu thereof "in accordance with generally accepted accounting principles, except as may be authorized by the Farm Credit Administration;";

(7) in paragraph (23)—

(A) by striking out "and approved by the Farm Credit Administration Board"; and

(B) by striking out the period at the end and inserting in lieu thereof "; and"; and

(8) by adding at the end the following:

"(24) operate as an originator and become certified as a certified facility under title VIII.".

(e) Section 1.7(a) is amended to read as follows:

"(a) REAL ESTATE LOANS AND RELATED ASSISTANCE.—

"(1) REAL ESTATE LOANS.—The Farm Credit Banks may make or participate with other lenders in long-term real estate mortgage loans in rural areas, as defined by the Farm Credit Administration, or to producers or harvesters of aquatic products, and make continuing commitments to make such loans under specified circumstances, for a term of not less than 5 nor more than 40 years.

"(2) FINANCIAL ASSISTANCE.—The Farm Credit Banks may provide and extend financial assistance to, and discount for, or purchase from, a Federal land bank association any note, draft, or other obligation with the endorsement or guarantee of the association, the proceeds of which have been advanced to persons eligible and for purposes of financing by the association, as authorized under section 7.6(a).".

(f) Section 1.7(b) is amended—

(1) in paragraph (2), by striking out the second sentence;

(2) in paragraph (3)—

(A) in the heading, by striking out "ASSISTANCE" and inserting in lieu thereof "services"; and

(B) in subparagraph (3), by striking out "herein contained" and inserting in lieu thereof "described in subparagraph (A)"; and

(3) in paragraph (4)(A), by striking out "section" and inserting in lieu thereof "subsection".

(g) Section 1.8(a) is amended by striking out "interest at a rate or rates, and" and inserting in lieu thereof "such rate or rates of interest or discount, and be".

(h) Section 1.10(a) is amended—

(1) in paragraph (2), by striking out "approved by" and inserting in lieu thereof "prescribed by regulations of"; and

(2) in paragraph (3)—

(A) by striking out "appraisal" the second place it appears; and

(B) by striking out "and approved by" and inserting in lieu thereof "in accordance with regulations of".

(i) Section 1.10(b) is amended by striking out "harvester" and inserting in lieu thereof "harvesters".

(j) Section 1.11(c)(2) is amended—

(1) by inserting "equipment or" before "facilities"; and

(2) by inserting "or title II" after "title".

(k) Section 1.12 is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Farm Credit Banks";

(2) by striking out "each district" and inserting in lieu thereof "the"; and

(3) by adding at the end the following new subsection:

"(b) AUTHORITY TO PASS ALONG COST OF INSURANCE PREMIUMS.—Each Farm Credit Bank may assess each production credit association and other financing institution described in section 1.7(b)(1)(B) in the district in which the bank is located to cover the costs of making premium payments under part E of Title V. The assessment on any such association or other financing institution for any calendar year shall be computed on the same basis as is used to compute the premium payment and shall not exceed the sum of—

"(1) the annual average principal outstanding for such year on loans made by the association, or on loans made by the other financing institution and discounted with the Farm Credit Bank, that are in accrual status, multiplied by 0.0015; and

"(2) the annual average principal outstanding for such year on loans made by the association, or on loans made by the other financing institution and discounted with the Farm Credit Bank, that are in nonaccrual status, multiplied by 0.0025.".

(l) Section 1.15 is amended—

(1) by inserting a comma after "therefrom" the first place is appears; and

(2) by striking out "742(a)" and inserting in lieu thereof "3124".

(m) Section 2.0(b) is amended—

(1) in paragraph (1), by striking out "title" and inserting in lieu thereof "subtitle";

(2) in paragraph (3)(B), by striking out "part" and inserting in lieu thereof "subtitle";

(3) in subparagraphs (B) and (C) of paragraph (3), by striking out "the" the first place it appears; and

(4) in paragraph (8)—

(A) by striking out "or by approval of bylaws of the association"; and

(B) by amending subparagraph (D) to read as follows:

"(D) approve amendments to the charter of the association.".

(n) Section 2.1 is amended by striking out the sixth comma.

(o) Section 2.2 is amended—

(1) by amending paragraph (16) to read as follows:

"(16) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers and employees;

"(ii) acquire, hold, and transfer property;

"(iii) conduct general business; and

"(iv) exercise and enjoy the privileges granted to it by law;";

(2) in paragraph (17)—

(A) by striking out "elect by the board of directors of the association" and insert in lieu thereof "provide by its board of directors for"; and

(B) by striking out "be elected or designated" and inserting in lieu thereof "serve as";

(3) in paragraph (19), by striking out "and";

(4) in paragraph (20), by striking out the period and inserting in lieu thereof ";and"; and

(5) by adding at the end the following:

"(21) operate as an originator and become certified as a certified facility under title VIII.".

(p) Section 2.4(b)(1) is amended—

(1) by striking out "title" and inserting in lieu thereof "subtitle"; and

(2) by inserting "or" before "planned".

(q) Section 2.4 is amended by adding at the end the following:

"(d) SPECIAL DISTRICT RULE.—

"(1) PROVISION OF CREDIT AND TECHNICAL ASSISTANCE OUTSIDE SERVICE TERRITORY.—Notwithstanding any territorial limitation in the charter of a production credit association located in a district in which there are only two such associations, the Farm Credit Administration Board, on request of such association, may permit such association to provide credit and technical assistance to any borrower who is denied credit by the other production credit association in the district if the Board determines that such other production credit association in the district is unduly restrictive in the application of credit standards.

"(2) TIMING OF DETERMINATION.—If the Farm Credit Administration Board approves the extension of credit and technical assistance under paragraph (1), the association shall approve or deny the application for credit within 90 days after receipt of the application from the borrower.".

(r) Section 2.6 is amended—

(1) by inserting a comma after "interest"; and

(2) by inserting ", except that interest on such obligations shall be subject to Federal income taxation in the hands of the holder" before the period.

(s) Section 2.10(b) is amended—

(1) in paragraph (1), by inserting "under section 1.7(a)" before the first comma; and

(2) by amending paragraph (2)(D)(i) to read as follows:

"(i) the individual's eligibility and request for a Farm Credit Bank loan;".

(t) Section 2.10(c) is amended to read as follows:

"(c) FCA AUTHORITY ON ORGANIZATION.—The Farm Credit Administration shall have power, in the terms of the charter, under rules and regulations prescribed by the Farm Credit Administration—

"(1) to provide for the organization of the association;

"(2) to provide for the initial amount of stock of the association;

"(3) to provide for the territory within which the association may carry on its operations; and

"(4) to approve amendments to the charter of such association.".

(u) Section 2.12 is amended—

(1) in paragraph (7)—

(A) by striking out "elect by its board of directors" and insert in lieu thereof "provide by its board of directors for"; and

(B) by striking out "be elected or designated" and inserting in lieu thereof "serve as";

(2) by amending paragraph (8) to read as follows:

"(8) prescribe, by its board of directors, its bylaws that shall be consistent with law, and that shall provide for—

"(A) the classes of its stock and the manner in which such stock shall be issued, transferred, and retired; and

"(B) the manner in which it is to—

"(i) select officers and employees;

"(ii) acquire, hold and transfer property;

"(iii) conduct general business; and

"(iv) exercise and enjoy the privileges granted to it by law;";

(3) in paragraph (12), by striking out "or delegated to" and inserting in lieu thereof "by";

(4) in paragraph (20), by striking out "and";

(5) in paragraph (21), by striking out the period and inserting in lieu thereof "; and"; and

(6) by adding at the end the following:

"(22) operate as an originator and become certified as a certified facility under title VIII.".

(v) Section 2.14 is hereby repealed, and the Farm Credit Act of 1971 shall be applied and administered as if such section had not been enacted.

(w) Title II is amended by redesignating sections 2.15, 2.16, and 2.17, as sections 2.14, 2.15, and 2.16, respectively.

(x) Section 2.16, as so redesignated, is amended—

(1) by inserting a comma after "therefrom" the first place it appears;

(2) by striking out "banks" and inserting in lieu thereof "associations"; and

(3) by striking out "742(a)" and inserting in lieu thereof "3124".

SEC. 402. AMENDMENTS RELATED TO SECTION 410 OF THE 1987 ACT.

(a) Section 410(a) of the 1987 Act is amended—

(1) by inserting "Farm Credit System" after "each"; and

(2) by adding at the end the following: "The mergers required by this section shall be implemented without regard to title VII.".

(b) Section 410(b) of the 1987 Act is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 1.6 (as added by section 401 of this Act), the".

(c) Section 410(c) of the 1987 Act is amended—

(1) by inserting "established under section 6.0" after "Assistance Board"; and

(2) by inserting "established under section 6.20" after "Assistance Corporation".

(d) Section 410(d) of the 1987 Act is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 1.4 (as added by section 401 of this Act), the".

SEC. 403. AMENDMENTS RELATED TO SECTION 411 OF THE 1987 ACT.

Paragraphs (2) and (3) of section 411(b) of the 1987 Act are each amended by striking out "6-month" and inserting in lieu thereof "12-month".

SEC. 404. AMENDMENTS RELATED TO SECTION 412 OF THE 1987 ACT.

(a) The section heading of section 412 of the 1987 Act is amended to read as follows:

"SEC. 412. CONSOLIDATION OF DISTRICT FARM CREDIT BANKS.".

(b) Section 412(a)(2) of the 1987 Act is amended—

(1) by striking out the second comma;

(2) by striking out "System banks" and inserting in lieu thereof "Banks";

(3) by striking out "farm credit banks" and inserting in lieu thereof "Farm Credit Banks".

(c) Section 412(b)(1) of the 1987 Act is amended—

(1) by striking out "(b)(2)" and inserting in lieu thereof "(a)(2)"; and

(2) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)"; and

(d) Section 412(b)(2) of the 1987 Act is amended by striking out "Proposals" and inserting in lieu thereof "The proposal".

SEC. 405. AMENDMENTS RELATED TO SECTION 413 OF THE 1987 ACT.

(a) Section 413(a)(2)(A) of the 1987 Act is amended by striking out "subparagraph (C)" and inserting in lieu thereof "paragraph (1)(C)".

(b) Section 413(a)(3) of the 1987 Act is amended—

(1) by striking out the open quotation mark;

(2) by striking out "and subscribers to the guaranty funds"; and

(3) by inserting "for cooperatives" after "banks".

(c) Section 413(b)(1)(A)(i) of the 1987 Act is amended by striking out ", or a subscriber to the guaranty fund of".

(d) Section 413(b)(4)(A) of the 1987 Act is amended by inserting "for cooperatives" after "district banks".

(e) Section 413(b)(6)(A)(ii) of the 1987 Act is amended by striking out the comma.

(f) Section 413(b)(6)(B) of the 1987 Act is amended by striking out the first comma.

(g) Section 413(b)(6)(C) of the 1987 Act is amended by striking out "(a)" and inserting in lieu thereof "(b)(1)".

SEC. 406. AMENDMENTS RELATED TO THE FIRST SECTION 414 OF THE 1987 ACT.

(a) Subsection (a) of the first section 414 of the 1987 Act is amended by striking out "(a) INITIAL BOARD.—The" and inserting in lieu thereof "Notwithstanding section 3.2, the".

(b) Subsection (b) of the first section 414 of the 1987 Act is hereby repealed, and the 1987 Act and the Farm Credit Act of 1971 shall be applied and administered as if such subsection had not been enacted.

SEC. 407. AMENDMENTS RELATED TO THE FIRST SECTION 415 OF THE 1987 ACT.

(a) Section 3.20(a) is amended—

(1) by striking out "in this section"; and

(2) by inserting ", established under section 413 of the Agricultural Credit Act of 1987," before "shall".

(b) Section 3.20(b) is amended by inserting "except" before "as otherwise".

(c) Section 3.21(b)(2) is amended by adding at the end the following:

"(C) THIRD MEMBER.—The nomination and election of the third member from each district shall be carried out in accordance with procedures prescribed in the bylaws of the consolidated bank.".

(d) Section 3.21(b)(2)(B)(i)(I) is amended to read as follows:

"(I) at the close of the immediately preceding fiscal year of the consolidated bank; or".

(e) Section 3.22 is amended—

(1) by striking out "United Bank for Cooperatives or the National Bank for Cooperatives" and inserting in lieu thereof "consolidated bank"; and

(2) by striking out "merger" and inserting in lieu thereof "establishment of the bank under section 413 of the Agricultural Credit Act of 1987".

(f) Section 3.25 is amended to read as follows:

"SEC. 3.25. CAPITALIZATION.

"In accordance with section 4.3A, each consolidated bank shall provide, through bylaws and subject to Farm Credit Administration regualtions, for the capitalization of the bank and the manner in which bank stock shall be issued, held, transferred, and retired and bank earnings distributed.".

(g) Section 3.27 is amended by striking out "taxable institution" and inserting in lieu thereof "cooperative".

SEC. 408. AMENDMENTS RELATED TO SECTION 416 OF THE 1987 ACT.

(a) The title heading of title VII is amended to read as follows:

"TITLE VII—RESTRUCTURING OF SYSTEM INSTITUTIONS".

(b) Section 7.0 is amended—

(1) by striking out "Two or more" and inserting in lieu thereof "The"; and

(2) in paragraph (3), by striking out "in accordance" and all that follows through "by" and inserting in lieu thereof "with each association entitled to cast a number of votes equal to the number of its voting".

(c) Section 7.1 is amended to read as follows:

"SEC. 7.1. BOARD OF DIRECTORS.

"Each merged bank shall elect a board of directors of such number, for such term, in such manner, and with such qualifications, as may be required in its bylaws, except that at least one member shall be elected by the other directors, which member shall not be a director, officer, employee, or stockholder of a System institution.".

(d) Subtitle A of title VII is amended by striking out sections 7.3 and 7.4 and inserting in lieu thereof the following:

"SEC. 7.3. CAPITALIZATION.

"In accordance with section 4.3A, each merged bank shall provide, through bylaws and subject to Farm Credit Administration regulations, for the capitalization of the bank and the manner in which bank stock shall be issued, held, transferred, and retired and bank earnings distributed.".

(e) Subtitle A of title VII is amended by redesignating section 7.5 as section 3.29, and by transferring such section, as so amended, to the end of part B of title III.

(f) Section 7.6(a) is amended—

(1) by striking out "ASSIGNMENTS.—" and inserting in lieu thereof "VOLUNTARY TRANSFERS.—";

(2) by striking out "assign" and inserting in lieu thereof "transfer";

(3) by striking out "sections 1.6 through 1.9" and inserting in lieu thereof "this Act";

(4) by striking out "assignment" and inserting in lieu thereof "transfer"; and

(5) in paragraph (3), by striking out "7.6" and inserting in lieu thereof "7.8, respectively".

(g) Section 7.6(b) is amended—

(1) by striking out "an assignment described in subsection (a)" and inserting in lieu thereof "a transfer described in subsection (a) or (d)"; and

(2) in paragraph (2), by striking out "Federal land" the first place it appears.

(h) Section 7.6(c) is amended—

(1) by striking out "assignments or"; and

(2) by striking out the second sentence.

(i) The section heading and text of section 7.7 are amended to read as follows:

"(d) MANDATORY TRANSFER.—On the merger of one or more production credit associations with one or more Federal land bank associations, the bank supervising the Federal land bank association shall transfer all of the direct lending authority of the bank in the territory served by such Federal land bank association to such merged association.".

(j) The provision amended by subsection (i) of this section, as so amended, is hereby transferred to the end of section 7.6, where such transferred provision shall become a new subsection (d).

(k) Section 7.8(b)(2) is amended by striking out the second sentence.

(l) Section 7.8 is amended by striking out paragraphs (2) and (3) of subsection (c) and subsection (d) and inserting in lieu thereof the following:

"(2) CAPITALIZATION.—In accordance with section 4.3A, each merged association shall provide, through bylaws and subject to Farm Credit Administration regulations, for the capitalization of the association and the manner in which association stock shall be issued, held, transferred, and retired, and association earnings shall be distributed.".

(m) Subtitle B of title VII is amended by redesignating chapter 3 as chapter 4, and by inserting before section 7.9 the following:

"Chapter 3—Reconsideration".

(n) Section 7.9(a) is amended—

(1) in paragraph (1), by striking out "section 5.17(a)(2)" and inserting in lieu thereof "this Act";

(2) in paragraph (5), by inserting "or 7.13" before the semicolon;

(3) in paragraph (6), by striking out "and" and inserting in lieu thereof "or";

(4) in paragraph (7), by striking out "7.13" and inserting in lieu thereof "7.12"; and

(5) by redesignating paragraphs (5), (6), and (7), as paragraphs (4), (5), and (6), respectively.

(o) Section 7.9(b)(2) is amended—

(1) by striking out the third comma; and

(2) by inserting "banks or" after "such".

(p) Section 7.11(a)(1) is amended—

(1) by striking out "or assignment"; and

(2) by striking out "such institutions" and inserting in lieu thereof "the institutions involved".

(q) Section 7.12(b) is amended to read as follows:

"(b) POWERS AND CAPITALIZATION.—Sections 7.2 and 7.3 shall apply to banks merged under this section.".

(r) Section 7.12(c)(2)(B) is amended by striking out "members" and inserting in lieu thereof "directors".

(s) Section 7.13(a)(4) is amended by striking out "Bank" and inserting in lieu thereof "Banks involved".

(t) Section 7.13(b) is amended by striking out "(b), (c), and (d)" and inserting in lieu thereof "(b) and (c)".

(u) Title VII is amended by adding at the end the following new subtitle:

"Subtitle E—Taxation of Merger Transactions

"SEC. 7.14. TRANSACTIONS TO ACCOMPLISH MERGERS EXEMPT FROM CERTAIN STATE TAXES.

"No State or political subdivision thereof may treat the merger or consolidation of two or more institutions of the Farm Credit System under this title or title IV of the Agricultural Credit Act of 1987 as resulting in a change of ownership of any property owned by any of such merging or consolidating institutions, for purposes of any law of such State or political subdivision providing for reassessment of property on the occurrence of a change of ownership or imposing a tax on the ownership or transfer of property.".

SEC. 409. AMENDMENTS RELATED TO THE SECOND SECTION 414 AND SECOND SECTION 415 OF THE 1987 ACT.

(a) Subtitle B of title IV of the 1987 Act is amended by redesignating the second section 414 and the second section 415, as sections 417 and 418, respectively.

(b) The table of contents of the 1987 Act is amended by striking out the items relating to the second section 414 and the second section 415, and inserting in lieu thereof the following:

"Sec. 417. Nondiscrimination.

"Sec. 418. Conforming amendments.".

(c) Subsection (c) of section 418 of the 1987 Act (as so redesignated by subsection (a) of this section) is hereby repealed, and the Farm Credit Act of 1971 shall be applied and administered, and the amendments made by sections 430 and 802(u) of the 1987 Act shall take effect, as if such subsection (c) had not been enacted.

(d) Sections 5.1 through 5.6 are hereby repealed.

(e) Section 5.17(a)(2) is amended—

(1) by inserting "approve" before "the consolidation"; and

(2) by striking out "that they serve" and inserting in lieu thereof "of institutions".

SEC. 410. AMENDMENT RELATED TO SECTION 421 OF THE 1987 ACT.

Section 3.8(b)(1)(C) is amended by striking out "make" and inserting in lieu thereof "makes".

SEC. 411. AMENDMENTS RELATED TO SECTION 422 OF THE 1987 ACT.

(a) Section 4.29(a)(1) is amended by striking out "sections 1.11, 1.15, 2.5, and 2.16" and inserting in lieu thereof "titles I and II".

(b) Section 4.29(a)(2) is amended by striking out "Federal intermediate credit banks" and inserting in lieu thereof "Farm Credit Banks".

SEC. 412. AMENDMENTS RELATED TO SECTION 426 OF THE 1987 ACT.

(a) Section 1.9(b) is amended by striking out "approved by" and inserting in lieu thereof "prescribed by regulations of".

(b) Section 1.9(c) is amended—

(1) by striking out "appraisal" the second place it appears; and

(2) by striking out "and approved by" and inserting in lieu thereof "in accordance with regulations of".

SEC. 413. AMENDMENTS RELATED TO SECTIONS 427 AND 428 OF THE 1987 ACT.

Part H of title IV is amended by redesignating section 4.37 (as added by section 427 of the 1987 Act) and section 4.38, as sections 4.38 and 4.39, respectively.

SEC. 414. AMENDMENT RELATED TO SECTION 430 OF THE 1987 ACT.

Part D of title IV is amended by adding at the end the following:

"SEC. 4.21. COMPENSATION OF DIRECTORS.

"No member of the board of directors of a System bank may receive more than $15,000 per year under this Act as compensation for serving as a director of such bank.".

SEC. 415. AMENDMENTS RELATED TO SECTION 431 OF THE 1987 ACT.

(a) Section 5.11(c)(2)(C) is amended by striking out "5315" and inserting in lieu thereof "5373".

(b) Section 2.15(c)(1) is amended to read as follows:

"(b)(1) Notwithstanding any territorial limitation in the charter of a production credit association located in a district in which there are only two such associations, the Farm Credit Administration Board, on request of such association, may permit such association to provide credit and technical assistance to any borrower who is denied credit by the other production credit association in the district if the Board determines that such other production credit association in the district is unduly restrictive in the application of credit standards.".

SEC. 416. AMENDMENTS RELATED TO SECTION 432 OF THE 1987 ACT.

(a) Section 5.15(a)(2)(A) is amended by striking out "such assessment" and inserting in lieu thereof "the assessment described in paragraph (1)(B)".

(b) Section 5.15(a)(2)(C) is amended by striking out "specified" and inserting in lieu thereof "described".

(c) Section 5.19(a) is amended by striking out "5" and inserting in lieu thereof "three".

SEC. 417. AMENDMENTS RELATED TO SECTION 433 OF THE 1987 ACT.

(a) Section 433(a) of the 1987 Act is amended—

(1) by striking out "this Act" and inserting in lieu thereof "law"; and

(2) by striking out "the Agricultural Credit Act of 1987" and inserting in lieu thereof "this Act".

(b) Section 433(b) of the 1987 Act is amended by striking out "subsection" and inserting in lieu thereof "section".

(c) Section 433(c)(2)(B) of the 1987 Act is amended by striking out "such adjoining district" and inserting in lieu thereof "the adjoining district bank".

(d) Section 433(c)(2)(C) of the 1987 Act is amended by inserting "Farm Credit System" before "Assistance Board".

TITLE V—AMENDMENTS RELATED TO TITLE V OF THE 1987 ACT

SEC. 501. AMENDMENT RELATED TO SECTION 501 OF THE 1987 ACT.

Section 501(b) of the 1987 Act is amended by striking out the first comma.

SEC. 502. AMENDMENTS RELATED TO SECTION 503 OF THE 1987 ACT.

(a) Section 503(a)(1)(B) of the 1987 Act is amended by inserting "effective beginning" before "on".

(b) Section 503(a)(2) of the 1987 Act is amended by striking out "paragraph (1)" and inserting in lieu thereof "section 501".

TITLE VI—AMENDMENTS RELATED TO TITLE VII OF THE 1987 ACT

SEC. 601. AMENDMENTS RELATED TO SECTION 702 OF THE 1987 ACT.

(a) Section 8.0(9)(B)(ii) is amended—

(1) by striking out "hold" and inserting in lieu thereof "holding"; and

(2) by striking out "and" the first place it appears.

(b) Subsections (a)(1) and (b)(3) of section 8.2 are each amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

(c) Section 8.3(c)(4) is amended by striking out "the persons" and inserting in lieu thereof "such persons".

(d) The penultimate sentence of section 8.4(a)(1) is amended—

(1) by inserting "and" before "that are entitled"; and

(2) by inserting ", including national banking associations (which shall be allowed to purchase and hold such stock)" before the period.

(e) Section 8.4(e)(1) is amended by striking out "Association" and inserting in lieu thereof "Corporation".

(f) Section 8.6(a)(1) is amended—

(1) by striking out "in, or obligations" and inserting in lieu thereof "solely in, or obligations fully"; and

(2) by striking out "any pool of qualified loans" and inserting in lieu thereof "any pool consisting solely of qualified loans which meet the standards established under section 8.8 and which are".

(g) Section 8.6(e) is amended—

(1) in paragraph (1), by inserting "and" at the end;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(h) Section 8.6(f)(1) is amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

(i) Section 8.8(a) is amended by inserting "permanent" before "Board" the first place it appears.

(j) Section 8.9 is amended by striking out "and 4.37" each place it appears and inserting in lieu thereof "4.14D, and 4.36".

(k) Section 8.12(a)(1) is amended by inserting ", or obligations backed by," before "a pool".

(l) Section 8.12(b)(2) is amended by striking out "effective date" and inserting in lieu thereof "date of the enactment".

SEC. 602. AMENDMENT RELATED TO SECTION 703 OF THE 1987 ACT.

Section 9105(a)(4)(B)(i) of title 31, United States Code, is amended by striking out "Association" and inserting in lieu thereof "Corporation".

SEC. 603. AMENDMENTS RELATED TO SECTION 704 OF THE 1987 ACT.

Paragraphs (1) and (3) of section 704(a) of the 1987 Act are each amended by striking out "title" and inserting in lieu thereof "subtitle".

SEC. 604. AMENDMENTS RELATED TO SECTION 705 OF THE 1987 ACT.

Sections 1.4(23), 1.15(22), 2.1(21) and 2.12(21) are each amended by striking out "to".

SEC. 605. AMENDMENTS RELATED TO SECTION 711 OF THE 1987 ACT.

Section 338(f) of the Consolidated Farm and Rural Development Act is amended by adding at the end the following:

"(5) The Secretary may contract for goods and services to be used for the purposes of this subsection without regard to the provisions of titles 5, 40, and 41, United States Code, and any regulations issued thereunder.".

TITLE VII—AMENDMENTS RELATED TO TITLE VIII OF THE 1987 ACT

SEC. 701. AMENDMENT RELATED TO SECTION 802 OF THE 1987 ACT.

Subsection (d) of section 802 of the 1987 Act is hereby repealed, and section 1.9 shall be applied and administered as if such subsection had not been enacted.

SEC. 702. AMENDMENTS RELATED TO SECTION 805 OF THE 1987 ACT.

(a) Section 1.15(12) is amended by inserting "by" before "the association".

(b) Subsections (q), (s), and (x) of section 805 of the 1987 Act are hereby repealed, and sections 4.3(c), 4.14, and 5.11 shall be applied and administered as if such subsections had not been enacted.

(c) Title IV is amended by redesignating parts G and H as parts F and G, respectively.

(d) Section 5.28(e) is amended by striking out "(d)" and inserting in lieu thereof "(c)".

(e) Section 5.29(b) is amended by striking out "may" the second place it appears.

TITLE VIII—AMENDMENTS RELATED TO TITLE IX OF THE 1987 ACT

SEC. 801. AMENDMENTS RELATED TO SECTION 901 OF THE 1987 ACT.

Section 901(b)(2) of the 1987 Act is amended—

(1) by inserting "et seq." after "2201";

(2) by striking out the fourth comma; and

(3) by striking out "title" the second place it appears and inserting in lieu thereof "Act".

TITLE IX—OTHER AMENDMENTS TO THE FARM CREDIT ACT OF 1971

SEC. 901. OTHER AMENDMENTS.

(a) Sections 1.21 and 2.8 are each amended by striking out "742(a)" and inserting in lieu thereof "3124".

(b) Sections 2.1(12) and 3.1(12) are each amended by striking out "as defined in section 2 of the Federal Deposit Insurance Act" and inserting in lieu thereof "(within the meaning of section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813))".

(c) Section 3.0 is amended by striking out "one or more" and all that follows through "this Act" and inserting in lieu thereof "another bank".

(d) Subsections (a) and (b) of section 3.2 are amended to read as follows:

"(a) Each bank for cooperatives not merged into the United Bank for Cooperatives or the National Bank for Cooperatives shall elect a board of directors of such number, for such term, in such manner, and with such qualifications as may be required in its bylaws, except that at least one member shall be elected by the other directors, which member shall not be a director, officer, employee, or stockholder of a System institution.

"(b) The board of directors of the Central Bank for Cooperatives shall consist of one member elected by the board of each bank for cooperatives, including the United Bank for Cooperatives if the Central Bank for Cooperatives is not merged into such bank, and one member appointed by the Farm Credit Administration.".

(e) Section 3.8(a)(4) is amended by striking out "district board" and inserting in lieu thereof "bank board".

(f) Section 4.12(a) is amended by striking out "district board" and inserting in lieu thereof "board of the supervising bank".

(g) Section 4.15 is amended by striking out "district" the first and second places it appears and inserting in lieu thereof "bank".

(h) Section 4.17 is amended by striking out "pursuant to section 2.3 of this Act" and inserting in lieu thereof "and Farm Credit Banks".

(i) Section 4.19(a) is amended by inserting "Farm Credit Bank" after "district".

(j) Section 4.19(b) is amended—

(1) by striking out "The Federal land bank and the Federal intermediate credit bank" and inserting in lieu thereof "The Farm Credit Bank";

(2) by striking out "their" each place it appears and inserting in lieu thereof "its";

(3) by striking out "of this section";

(4) by striking out "banks" and inserting in lieu thereof "bank"; and

(5) by striking out "a joint" and inserting in lieu thereof "an".

(k) Section 4.28 is amended—

(1) by inserting "or associations" after "exempt banks"; and

(2) by striking out "1.22, 2.8," and inserting in lieu thereof "1.15, 2.17".

(l) Section 5.16 is amended by striking out "district" and inserting in lieu thereof "bank".

(m) Section 5.17(a) is amended—

(1) in paragraph (1), by striking out "district boards" and inserting in lieu thereof "district banks";

(2) in paragraph (2), by striking out "boards of the district" and inserting in lieu thereof "district bank boards"; and

(3) in paragraph (3), by striking out "Federal land banks" and all that follows through "of this Act" and inserting in lieu

thereof "Farm Credit Banks under section 4.19(b)".

(n) Section 5.17(d)(1) is amended—

(1) by striking out "of this Act" each place it appears; and

(2) by striking out "2.3" and inserting in lieu thereof "1.7(b)".

(o) The title heading of title V is amended to read as follows:

"TITLE V—FARM CREDIT
ADMINISTRATION ORGANIZATION".

(p) Title V is amended by striking out the heading of part A.

(q) Section 5.0 is amended—

(1) by striking out "Sec. 5.0. Creation of" and inserting in lieu thereof "(b) Farm Credit"; and

(2) by striking out "district boards" and inserting in lieu thereof "boards of the banks in each district".

(r) The provision amended by subsection (q) of this section, as so amended, is hereby transferred to the end of section 1.2, where such transferred provision shall become a new section (b).

(s) Section 1.2 is amended—

(1) By inserting "(a) Composition.—" before "The Farm Credit System shall"; and

(2) by striking out "the regulation" and inserting in lieu thereof "regulation".

TITLE X—EFFECTIVE DATES

SEC. 1001. EFFECTIVE DATES.

(a) General Rule.—Except as provided in subsection (b), the amendments made by this Act shall take effect as if enacted immediately after the enactment of the 1987 Act.

(b) Exceptions.—The amendments made by sections 102(b), 102(f), 102(gf) 102(h), 201(q), 302(c), 302(d), 302(e), 401, 402(b), 409(d), 411, and 901 (other than by subsections (a), (b), (c), (e), (f), and (g) thereof) of this Act shall take effect immediately after the amendment made by section 401 of the 1987 Act takes effect.

The SPEAKER pro tempore. Is a second demanded?

Mr. COLEMAN of Missouri. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. de la Garza] will be recognized for 20 minutes and the gentleman from Missouri [Mr. Coleman] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge the House to approve the adoption of H.R. 3980. This bill will simply make a number of technical corrections to the provisions of the Agricultural Credit Act of 1987. The bill does not change, at all, the conference agreement on the 1987 act. In other words, it is not a technical improvements bill, but literally a technical corrections bill.

The need for the legislations was occasioned by the fact that, late last December, the joint conference committee staff had only 48 hours, working around the clock, to draft the conference agreements in bill language to enable the Committee on Agriculture to take the conference report to the floor before adjournment. The conference agreement, in some instances, varied substantially from both the House bill and the Senate amendment. As a result, there are numerous erroneous cross-references and possibly ambiguous provisions.

The bill does nothing more than attempt to put the finishing touches on bill language that would have been done earlier had there been sufficient time.

Summary of H.R. 3980

Following is a summary description of the technical amendments to the Agricultural Credit Act of 1987 (Public Law 100-233) to be made by H.R. 3980. For the most part, the amendments are drafted as amendments to the Farm Credit Act of 1971 (since the 1987 Act consisted, primarily, of amendments to the 1971 Act).

The amendments are only of one or the other following types: (1) corrections of provisions that do not accurately reflect the conference agreement on the 1987 Act (see the conference statement of managers in H. Rept. 100-490), and

(2) corrections of drafting errors, such as erroneous cross-references, grammatical mistakes, and unintended inconsistencies and ambiguities.

(Note.—Unless otherwise noted, section references are to sections of H.R. 3980.)

AMENDMENTS TO ACCURATELY REFLECT THE CONFERENCE AGREEMENT

(1) Merger—taxation: Add language agreed to by the conferees (but inadvertently left out of the bill) on the exemption, from State transfer taxes, of transactions to accomplish mergers within the Farm Credit System. (See. 408(u).)

(2) Stock guarantee: (A) As agreed to by conferees, insert substitute language (rather than the House language) into the borrower stock guarantee provision of the 1987 Act—specifically, by deleting the language relating to the coordination of the stock guarantee with activities of the Assistance Board and inserting substitute language ensuring that, through access to funds from the Assistance Board and the Insurance Corporation, each FCS institution will be able to meet its obligation to retire stock at par value. (Secs. 101(b) and 101(c).)

(B) Clarify that the borrower stock guarantee is applicable to allocated equities of borrowers, even though, by their nature, they are not required to be purchased. (Currently, the applicability of the provision appears to be restricted to equities required to be purchased.) (Sec. 101(d)(1).)

(3) Right of first refusal: Correct the dates reflecting the timing of certain requirements under the right of first refusal provision of the 1987 Act to reflect the conference report. (Secs. 104(a) and 104(b).)

(4) Vote on association mergers: Change the date in the 1987 Act by which association merger plans must be submitted to the Farm Credit Administration—from six months to twelve months after enactment—to accurately reflect the conference agreement. (Sec. 403.)

(5) FLBA audits: Change the maximum time during which Federal land bank associations may go without FCA audit—from five years to three years—to accurately reflect the conference agreement. (Sec. 416(c).)

(6) Special district rule: The 1987 Act authorized the production credit associations in certain farm credit districts to extend their lending territory. Under the conference agreement, this authorization is to apply only to PCAs located in districts that have no more than two PCAs. The bill will change the number—from three to two—of production credit associations in the phrase "located in a district in which there are not more than three such associations", in section 2.15(c) of current law and section 2.4 of new title II that will go into effect in 5 months, to reflect the conference agreement. The bill also will make grammatical improvements in the provisions. (Secs. 401(q) and 415(b).)

OTHER NEEDED TECHNICAL CHANGES

(1) Repealer: Old section 4.9A (FCS reserve fund) of the Farm Credit Act of 1971, which was replaced by the new insurance provisions of the 1987 Act, must be repealed. (Sec. 101(a).)

(2) Third quarter assessments; suspension of preservation agreements:

(A) Add a clarifying phrase to ensure that, of pre-existing quarterly assessments, only the Third Quarter 1986 assessment is suspended. (Sec. 201(1)(1).)

(B) Revise section 6.12 of the Farm Credit Act of 1971 (added by the 1987 Act) to clarify that the authority for the repayment of the amounts contributed by the Farm Credit System to replace the Third Quarter 1986 assessment does not expire in five years. (Sec. 201(m).)

(3) Section 4.0 fund: Redraft ambiguous provisions relating to where and when the money in the section 4.0 fund is used and transferred, so as to reflect the conference agreement that the money will be available to provide initial assistance to System institutions under the 1987 Act, later replaced by FAC bond funds, and then transferred to the FCS insurance fund on January 6, 1989. (Secs. 201(m), 202, and 302(j).)

(4) Repayment of assistance: (A) Clarify the provisions of section 6.26 of the Farm Credit Act of 1971 (added by the 1987 Act) relating to repayment of the funds used for FLB-FICB mergers under section 410 of the 1987 Act that describe the repayment obligations. (Secs. 201(r)(2), 201(t)(1).)

(B) Clarify that, under 6.26 (repayment of Assistance Board assistance), assistance provided to FCS institutions to retire eligible borrower stock at par value and funds used to cover the Board's expenses, will be repaid by the System as a whole. (Sec. 201(t)(1).)

(C) Clarify that the provisions of the third sentence of section 6.26(d)(3)(B)(iii) (permitting FCS institutions, at the time financial assistance bonds come due—in 15 years—to defer principal repayment) apply to institutions that are prohibited from repaying, as well as those that elect not to repay. (Sec. 201(w).)

(5) New Funding Corporation: And necessary transition provisions to section 4.9, as revised by the 1987 Act. Under the 1987 Act, the functions of the old finance committee under section 4.5 of the 1971 Act and the old Federal Farm Credit Banks Funding Corporation under section 4.9 were assigned to the new Funding Corporation established under revised section 4.9. The new Funding Corporation will have a new board of directors. The added transitional provisions will ensure that assets, liabilities, contracts, and stock of the old Funding Corporation are automatically conveyed to the new Funding Corporation when it begins operation (that

is, when a majority of the new board of directors is elected) that the board of the old Funding Corporation serves as the FAC board until the new Funding Corporation board is elected; and that the new board is elected as soon as is practicable. (Sec. 203(a) and 203(d).)

(6) Capital adequacy standards: Clarify that the provisions of section 4.3A of the Farm Credit Act of 1971 giving FCS institutions discretion in establishing minimum borrower stock percentage requirements will be subject to the specific 2 percent minimum purchase requirement also set out in section 4.3A. (Sec. 301(e).)

(7) Farm Credit System Insurance Corporation: (A) Revise the definition of "insured obligation" to clarify that, until new System bonds of FCS "insured banks" begin to be covered under the insurance provisions (that is, January 5, 1989), all System bonds will be covered. (Sec. 302(a).)

(B) Delete references to "reports of condition", to reflect the fact that an earlier House provision requiring reports of condition was not included in the 1987 Act. (Secs. 302(g), 302(h).)

(C) Delete a provision, in the House bill but not part of the conference agreement, that FCS insurance premiums are not to be deposited into the new Insurance Fund until five years after the enactment of the bill. (Sec. 302(k).)

(8) Long-term real estate lending: Add conforming provisions to new section 1.7(a) of the Farm Credit Act of 1971 (which is applicable to Farm Credit Banks) to clarify that the Farm Credit Banks will be able to discount long-term FLBA real estate loans, in cases in which the FLBAs are transferred to the long-term lending authorities of Farm Credit Banks, as authorized under new section 7.6 of the 1971 Act. (Sec. 401(e).)

(9) Boards of directors: Delete requirements that members of Farm Credit Banks, and bank for cooperatives boards of directors be elected from among "the voting stockholders", since the only stockholders of these institutions are associations, not individuals. (Secs. 401(c) and 406(b).)

(10) Authority to lease equipment: Combine a sentence in section 1.7(b)(2) of the Farm Credit Act of 1971 (added by the 1987 Act) allowing Farm Credit Banks to lease equipment to borrowers with a sentence that is substantially the same content, with respect to facility leasing in section 1.11(c)(2) (also added by the 1987 Act). (Secs. 401(f)(1) and 401(j).)

(11) Liquidation of FLBAs: Delete section 2.14 of the Farm Credit Act of 1971 (added by the 1987 Act), providing for a liquidation procedure keyed to an approach to capitalization that at one time was required of Federal land bank associations, but has since become obsolete. This was recommended by the Department of the Treasury. (Secs. 401(v) and (w).)

(12) Consolidation of districts: Clarify that the merger of Farm Credit districts, as required under the 1987 Act, will involve the merger of Farm Credit Banks (because under the other merger and related provisions of the 1987 Act, the current three-bank district structure will be terminated and the banks for cooperatives will have previously voted on merging into larger consolidated banks for cooperatives under the bill). (Secs. 404(a), 404(b)(2), 404(b)(3), 404(d).

(13) Consolidated BCs: (A) Clarify that the third member of the board of directors of a consolidated bank for cooperatives (of the three board members elected by the stockholders at large) will be selected in accordance with procedures prescribed in the bylaws of the bank. (Sec. 407(c).)

(B) Conform the capitalization provisions of the 1987 Act relating to each consolidated bank for cooperatives to conform to the conference agreement on section 4.3A of the Farm Credit Act of 1971 (added by the 1987 Act) providing for each system institution to develop capitalization bylaws in accordance with new seciotn 4.3A. (Sec. 407(f).)

(14) Merger authority—unlike banks and associations: Revise new sections 7.0 through 7.4, and 7.8, of the Farm Credit Act of 1971 (added by the 1987 Act) to reflect new section 4.3A, and to eliminate out-of-date references to district boards and provisions of the 1971 Act that are repealed. (Secs. 408(b), (c), (d), (1), and (q).)

(15) District boards: Reverse—for six months—the repeal of the 1971 Act provisions relating to district boards, because it was intended that the district boards remain in existence until the FLB-FICB mergers are completed. (Secs. 409(c) and (d).)

(16) Board member compensation: Extend the $15,000 per person annual limit on compensation for service on FCS district boards—so that it applies also to successor Farm Credit Bank and bank for cooperatives boards. (Sec. 414.)

(17) Secondary market: (A) Clarify that national banking associations may purchase and hold stock of the Federal Agricultural Mortgage Corporation. (Sec. 601(d).)

(B) Delete an authority for the FAMC board to adopt standards regarding registration requirements for the secondary market securities. (Sec. 601(g).)

(C) Expand the exemption of secondary market pooled loans from certain FCS borrower rights provisions added by the 1987 Act to include an exemption from the acceleration prohibitions of section 4.14D of the 1971 Act. (Sec. 601(j).)

(18) FmHA secondary market: Add a clarifying provision, requested by the Department of Agriculture, to facilitate contracting under the FmHA guaranteed loan secondary market program established under section 711 of the 1987 Act. (Sec. 605.)

THE CLERICAL AND CONFORMING AMENDMENTS ARE AS FOLLOWS:

(1) Correction of erroneous cross-references: Secs. 101(d)(2), 102(a), 102(b), 103(b), 201(a), 201(e), 201(f), 201(h), 201(o), 201(u), 201(v), 201(x), 201(y), 201(aa), 201(bb), 204, 301(a)(2), 301(a)(3), 301(c), 301(g)(1), 302(l), 401(d)(4), 401(f)(3), 401(l)(2), 401(m)(1), 401(m)(2), 401(p)(1), 401(x)(3), 404(c), 405(a), 405(g), 408(f) (3) and (5), 408(n)(1), 408(n)(2), 408(n)(4), 415(a), 502(b), 603, 702(d), 802(3), 901(a).

(2) Correction of typographical and grammatical errors and non-substantive conforming changes: Secs. 102(c), 102(g)(3), 103(a), 104(c), 201(b), 201 (d) and (h), 201(g), 201(i), 201(j), 201(l)(2), 201(p), 201(r)(1), 201(t) (2)-(4), 201(x), 201(y), 201(z), 203(b), 203(c), 203(e), 301(a)(1), 301(a)(2), 301(b), 301(d), 301(f), 301(g)(2), 302(b), 302(f), 302(i), 302(l), 303, 401(a), 401(d)(1), 401(d)(2), 401(d)(3), 401(d)(5), 401(f)(2), 401(g), 401(h)(2)(A), 401(i), 401(l)(1), 401(m)(3), 401(n), 401(o)(1), 401(o)(2), 401(p)(2), 401(r)(1), 401(s), 401(u) (1)-(3), 401(x)(1), 401(x)(2), 402, 404(b)(1), 405 (b)-(f), 406, 407(a), 407(b), 407(d), 407(e), 407(g), 408(a), 408(f) (2) and (4), 408(g), 408(h), 408(k), 408(n)(3), 408(o), 408(p), 408(r), 408(s), 409(e), 410, 412(b)(1), 415(b), 416(a), 416(b), 417, 501, 502(a), 601 (a)-(c), 601(e), 601(f), 601(h), 601(i), 601(k), 601(l), 602, 604, 701, 702(a), 702(b), 702(e), 801(1), 801(2), 901(c), 901(d), 901(k)(1), 901(q).

(3) Amendments to conform other parts of the Farm Credit Act of 1971 to new titles I and II, added by the 1987 Act: Secs. 102(d), 102(e), 102(f), 102(g), 102(h), 201(q), 302(c), 302(d), 302(e), 401(w), 411, 901 (e)-(j), 901(k)(2), 901 (l)-(n).

(4) Correction of incorrect section or title designations: Secs. 201(c), 201(k), 201(s), 205, 408(e), 408(f)(1), 408 (i) and (j), 408(m), 408(n)(5), 408(q), 409(a), 409(b), 413, 702(c).

(5) Conforming amendments to new titles I and II: (A) Application, to titles I and II, of the "pre-approval" amendments made to comparable provisions of other parts of the Farm Credit Act of 1971: Secs. 401(b), 401(d)(6), 401(d)(7)(A), 401(h)(1), 401(h)(2)(B), 401(m)(4), 401(t), 412(a), 412(b)(2).

(B) Amendments to conform new titles I and II to other changes made by the 1987 Act: Secs. 401(k), 401(q), 401(r)(2).

(C) Amendments regarding the secondary market provisions of the 1987 Act: 401(d)(7)(B), 401(d)(8), 401(o) (3)-(5), 401(u) (4)-(6).

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am personally somewhat in a quandary here, and I want to be upfront with the chairman of my committee about the position I find myself in.

It is my understanding that the staffs in both the House and the other body have been working on this bill for some time, and that the chairman introduced a bill yesterday, I believe, which would finalize the legislation and give us the version of what we are correcting with this technical amendments bill today. Then about 10 minutes ago we were given an amendment in the nature of a substitute for H.R. 3980 which I assume the chairman of the committee is going to introduce or move to have considered.

□ 1230

The staff person who was involved with these conversations up to and through I guess the weekend has not and was not involved yesterday with this type of discussion, and it puts me in somewhat of a quandary because my colleagues are asking me questions that I cannot answer right now. Maybe if the questions are going to get asked, and I think the gentleman from Pennsylvania [Mr. WALKER] may be the one asking them, I am going to have to refer those questions to my chairman. I do not want to surprise him with this, but I do not know, because unfortunately the time or something did not give him a chance to give this to me prior to 10 minutes ago.

I just want everybody to know what kind of situation we are in. I did not come over there to oppose this bill, but I cannot stand up and support it unless I know what is in it. That may be somewhat refreshing to some people around here, but I am not going to do it.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to my chairman, the gentleman from Texas, to clarify exactly where we are.

Mr. DE LA GARZA. Mr. Speaker, I apologize to the gentleman if there were any staff omissions. The work has been done and it has been cleared. Maybe more time should have been allowed to the gentleman, but it has been presented to the staff.

I will be happy to answer any questions that the gentleman might have, or any other of our colleagues.

Mr. COLEMAN of Missouri. Well, I appreciate that.

I assume the chairman is in fact stating correctly that this is a technical amendment bill that basically in the rush to get this bill passed last year, we were rushed and it was part of the final avalanche that occurred, that not all the bill was in proper form in the sense of dotting all the "i's" and crossing all the "t's", and I take the chairman's word at that. I do not question it.

I also know that we read things in the newspaper about what was in the CR that we did not know was in there when we passed it, too, and that the staffs of this institution were involved with.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. Yes; I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I will be happy to inform the gentleman again, the gentleman knows that our staffs had only about 48 hours working through the day and through the night to finalize the version.

This again, I repeat, is not someone saying that you should have done this or you should have done that. It has no additions. It is just limited to technical corrections. A word was left out, a line was left out over there. The wrong language was put in, because the wrong note was in the hands of the staff. That is all it does. There is nothing new, nothing that was not discussed, nothing that was not agreed upon. It is not a technical improvement, as I mentioned, but merely corrections.

Mr. COLEMAN of Missouri. Well, let me ask the chairman this, if he could highlight the differences, if there are any differences, as to why the gentleman introduced the substitute today, as opposed to the credit bill that we had yesterday? Could the gentleman tell us what the main distinction between those bills are?

Mr. DE LA GARZA. The changes are grammatical, again.

Mr. COLEMAN of Missouri. From the bill the gentleman introduced yesterday?

Mr. DE LA GARZA. Yes.

Mr. COLEMAN of Missouri. Let me ask the gentleman, on page 22, one has been brought to my attention wherein a PCA located in a district where there are two such associations that the Farm Credit Administration Board could provide the opportunity for a member who is turned down in one PCA to go to the other PCA in that district to be extended credit for technical services.

I was wondering if that is something that was in fact omitted from the previous bill that we are correcting. Was that something that the conference agreed to and that we are just reconfirming what the conference did on this bill originally that was omitted?

Mr. DE LA GARZA. That is section 22?

Mr. COLEMAN of Missouri. Well, page 22 of my copy.

Mr. DE LA GARZA. I think that is one of the rewrites of grammatical language.

Yes, these were grammatical changes, and the author of the amendment has informed us, he has seen the copies and it was cleared by Mr. McCLURE.

Mr. COLEMAN of Missouri. Well, I guess the thing gets a little more complicated. I was given one thing that had this on page 22, but now we have a new clean version of the new substitute which would have it on page 21, and it has to do with special district rules. That is what I was referring to.

Mr. DE LA GARZA. On page 21?

Mr. COLEMAN of Missouri. Yes, at the bottom. Is that a new addition based upon an omission by the original conference report and language in the bill, or is that something substantive?

Mr. DE LA GARZA. This is one of the grammatical changes, no substance.

Mr. COLEMAN of Missouri. This is a grammatical change, so in fact that language was in the original bill?

Mr. DE LA GARZA. Yes, it was a grammatical change.

Mr. COLEMAN of Missouri. Well, this is the type of confusion we are getting into because of the fast pace way this was given to us.

Mr. DE LA GARZA. All the staff was invited to the meeting yesterday, if the gentleman will yield, and the staff that was there worked on this.

As the gentleman well knows, our committee operates in the open. It is bipartisan.

Mr. COLEMAN of Missouri. That is why I do not want to oppose the bill. I just want to make sure for the record this explanation.

Mr. DE LA GARZA. I am glad to accommodate the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to my friend, the gentleman from Pennsylvania, if he has any questions.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I, too, am concerned in the same manner the gentleman from Missouri is concerned, because as I read through this, I will tell the gentleman that at least it gives the appearance of making some policy changes.

I would like to explore a little bit the point the gentleman just raised about this special district rule. As I have it, it is on page 23. I understand that the bill I have here, H.R. 3980, there is a substitute now, that we are considering that rather than H.R. 3980?

Mr. DE LA GARZA. That is right, if the gentleman will yield.

Mr. WALKER. All right, but is the language that I have on page 23 of H.R. 3980, called the "special district rule," is that the same language that appears in the substitute?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield, the gentleman is correct. It is substantially the same language.

Mr. WALKER. All right, fine. Let me raise my question then.

Up above, we are amending and making technical corrections in section 2.4 of the bill and we strike out certain words and we put new words in, so those are correcting grammar; however, when we get down here to this part (d) it says "special district rule," and above that it says, "Section 2.4 is amended by adding at the end the following:".

So this is new language that is being put in to section 2.4 based upon the bill I have before me.

I am assuming it says the same thing in the substitute we have, so I have to assume now that this is new language that is being added over and above what presently exists in law and there is little doubt in my mind as I read through this that there is a substantial policy involved here with regard to how borrowers can go about receiving credit.

I would appreciate the gentleman explaining to me if I am in error on that.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. It is very simple. You have to relate back to the conference report. What this is is that section 2.4 phases out in 6 months. It was put in one section and not in the other section of the bill, so that the bill is technically correct in its entirety. That is why this addition is to make it technically correct.

I would refer the gentleman to page 97 of the conference report, that the gentleman, of course, knowing his usual interest read. He might not recall it at this point, but that is all it is. The part that should have been in two places was only in one. Now it is reinserted so that it is technically correct.

Mr. WALKER. All right, so in fact that is the policy.

Again, I am operating off the bill that I had to read.

Page 18. Real estate loans and related assistance. There it says section 1.7(a) is amended to read as follows, and then it goes down through considerable language here on real estate loans, on financial assistance, that again appear to be policy matters that are being discussed and where we are amending a section of the bill.

Can the gentleman offer me an explanation for that one?

Mr. DE LA GARZA. This is another one of the omissions. This was authorized in section 7.6, but it was left out of the merger part below, so then it is brought down to be put in the merger so that it follows from one section to the other, doing the same thing.

Again, I repeat to my colleagues, I stand here telling you that there are no policy changes from the original act. It is not intended. If it is here, it is again by error. The only intent is to make the legislation technically correct and compatible in all the sections so that it can move and be a workable section.

Mr. WALKER. Reclaiming my time, Mr. Speaker, there is no question here about the chairman's integrity on that. We are just trying to figure out what it is we have before us, because in all honesty, I have not had a chance to read it until a little bit ago. When I go down through here, there appear to be a few things in here that went further than technical corrections. I appreciate the gentleman's explanation.

If I can, let me refer the gentleman to page 10. On page 10 we are amending section 4.9 by adding at the end the following, and then there is a whole "succession" procedure. First there is assets and liabilities, contracts, stock, and taxation. Can the chairman tell me what is involved in those policy matters in the rest of the bill?

Mr. DE LA GARZA. This is the amendment of the gentleman from Iowa [Mr. GRANDY] to the legislation. The amendment did not continue and transfer the assets as liabilities, so the amendment as presented again was faulty to fit into the rest of the bill, so this is to make the amendment of the gentleman from Iowa [Mr. GRANDY] applicable so that it is incorporated in the needed entirely to work with the legislation.

Mr. WALKER. All right. On page 2 of the bill, we are also amending section 4.9A(c) there with language about "inability to retire stock at par value."

Can the gentleman explain to me what that particular provision is and how that came to be in the bill?

Mr. DE LA GARZA. This again, the information I have is that the agreement was reached in the conference to retire stock at par value at sections 101B and 101C. Again, by deleting the language relating to the coordination of the stock guarantee activities of the Assistance Board and inserting substitute language insuring that through access to the funds from the Assistance Board and the Assistance Insurance Corporation, each FCS institution will be able to meet its obligations; so again it was agreed to in the conference and a part of that was omitted and is being reinserted.

Mr. WALKER. That then does involve a policy change——

Mr. DE LA GARZA. No, no, if the gentleman will yield.

Mr. WALKER. Over what we actually voted on in the House.

Mr. DE LA GARZA. No, not a policy change. The language inserted was not in the bill that the House approved.

Mr. WALKER. One final question. On page 38, section 4.21 talks about compensation of directors. We are adding a section there that no member of the board of directors may receive more than $15,000 per year. Is that a policy change?

Mr. DE LA GARZA. No, again, if the gentleman will yield, the same problem as with section 2.4. It was done in the part that expires in 6 months, but then it was not put in the section that continues, so it is two different sections and the language had to be in the two different sections; what happened, if I might venture a guess, is that when they inserted it at the top where it expires in 6 months, they did not follow up and insert it into the permanent section. That is what we are doing now.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I think one thing it does point out, and I thank the gentleman from Missouri for yielding me some time to look at this, but I think the one thing it does point out is that the original bill was done fairly hurriedly. We evidently have a rather hurried process here that produced this bill. It would certainly help the membership if on matters that are very complicated, and the Farm Credit System is certainly one of those that involves a lot of complications that are beyond the understanding of most Members, including this one, but it would be very helpful to have a little more time to consider some of the policy options that we have.

I was on the floor when we were moving the Farm Credit System and we had to do some unanimous consent requests and everything else to get it through here and we obviously ended up with a bill that needs an awful lot of correcting. We have about 50 pages of corrections here. That is not a situation that we ought to have, and I think the gentleman from Texas would agree with me.

□ 1245

Mr. DE LA GARZA. Mr. Speaker, reclaiming my time, I agree wholeheartedly with the gentleman from Pennsylvania [Mr. WALKER]. It has never been our intention for this to happen, but unfortunately we do not have control of the scheduling and the time. This is one of the bills where it is a frustrating situation at best for us, but we are given the allocation of time and we are nearing the end of the session.

The gentleman was here and all of us remember that. This is not how I would choose to handle legislation. It is not the intent of the chairman or the members of the Committee on Agriculture to handle it in this manner but unfortunately we are working with the other body and we have two sets of staffs, and the scheduling is conducted by the leadership, and we have no control over it.

Mr. WALKER. Mr. Speaker, if the gentleman will continue to yield, let us have the word go out from all of us, that when we do have these situations arise that we ought to have a little better system of scheduling so that the Members are not put in these rather ludicrous positions along the way.

Mr. COLEMAN of Missouri. Mr. Speaker, I reserve the balance of my time.

Mrs. SMITH of Nebraska. Mr. Speaker, would the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture, be willing to engage in a brief colloquy?

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume, and I am happy to yield to our distinguished colleague, the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I have been alerted by the Nebraska Department of Revenue of an oversight in the 1985 farm credit amendments (Public Law 99-205) that has technically exempted Production Credit Associations and Banks for Cooperatives from property taxation. Section 205, under the heading technical and conforming amendments, amends sections 2.17 and 3.13 of the Farm Credit Act (12 U.S.C. 2098 and 12 U.S.C. 2134) by striking out the last two sentences in both sections. Is this the gentleman's understanding?

Mr. DE LA GARZA. The gentlewoman is correct.

Mrs. SMITH of Nebraska. It is my understanding that these changes were made to delete references to the Governor of the Farm Credit Administration to conform to changes made elsewhere in the 1985 Farm Credit Amendments Act. Is that the gentleman's understanding?

Mr. DE LA GARZA. That is my understanding as well.

Mrs. SMITH of Nebraska. The sentences that were deleted pertained to the taxation of real and tangible personal property held by Banks for Cooperatives and Production Credit Associations. The amended sections I have referenced stated that property, income, capital, and reserves of such associations are exempt from all taxation except that any real and tangible personal property would be subject to Federal, State, territorial, and local taxation to the same extent as similar property.

Mr. DE LA GARZA. That is the way those sections read before the technical corrections were made in 1985.

Mrs. SMITH of Nebraska. Were these changes made with the intent to exempt real and tangible personal property held by such associations from property taxation?

Mr. DE LA GARZA. To my understanding, that was not the intent of my committee, nor of the committee of conference on the 1985 farm credit amendments.

Mrs. SMITH of Nebraska. Is it your understanding that although local governments are not given specific authority to levy property taxes on property owned by such associations, they are not prevented from doing so?

Mr. DE LA GARZA. Mr. Speaker, I would inform the gentlewoman from Nebraska [Mrs. SMITH] that that is the advice of our legal counsel and certainly consistent with my understanding of the conference.

Mrs. SMITH of Nebraska. Mr. Speaker, I thank the gentleman from Texas [Mr. DE LA GARZA] very much for this answers.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do want to say to the leadership, because I think the chairman of the Committee on Agriculture is caught in the same problem and bind that we are, but they still control the apparatus here, but I would like to say to the leadership that the leadership is going to have to provide us an opportunity to digest these bills and review them before bringing them to the floor because this procedure is not the right way to do business. I rely on my chairman's position. He is a man of considerable integrity and I know he is not trying to slip anything through here, and as a result I am not going to oppose this bill, but this is not the way to conduct business.

Mr. Speaker, we do not conduct a whole lot of business on the floor these days, but the business we do conduct ought to be conducted in such a way that we have enough chance to review the documentation we have at hand so that when colleagues ask us questions we can respond with appropriate answers instead of just that we are catching up like we are here today.

Mr. COELHO. Mr. Speaker, I rise in support of the Agricultural Credit Technical Correction Act of 1988 now before us.

This package of corrections to the Farm Credit Act of 1987 is necessary to allow for the implementation of this act which was hastily brought before the House in the final days of our first session prior to the House adjourning for Christmas break.

As we all know, the House and Senate conferees and the committee staff worked around the clock in their successful effort to get the final conference report ready for consideration on the House floor.

Inevitably, several inconsistencies were found in the bill signed into law by the President on January 6, 1988, upon later examination.

Most of these mistakes corrected in this bill consist only of changes made to grammar, spelling, cross-references, and similar provisions which comply with the original intent of the Farm Credit Act agreed to in conference.

One such provision regarding the taxation of consolidated properties was inadvertently excluded from the language passed by both Chambers and signed into law. This particular provision was agreed to by the conferees without objection. Therefore, when it was realized that this provision had not been included in the final draft, I became involved in the formulation of a technical corrections bill to rectify this, as well as other mistakes contained in the Farm Credit Act of 1987 passed by the House and the Senate on December 18 and 19, respectively.

Since this time, approximately 100 changes have been consolidated in this package. However, all proposed changes represent simple technical corrections to the Farm Credit Act.

The Agriculture Committee staffs of both Chambers have done an exceptional job of ensuring that the provisions included in the package before us exemplify only those necessary corrections which conform to the spirit of the Farm Credit Act. We purposely excluded any provision which would have broadened the bill's intent.

These corrections seek to enhance the implementation of the act as intended by Congress. As we seek the speedy implementation of final regulations on this act, I ask that we apply these changes as soon as possible.

Under such conditions, I urge my colleagues to unanimously consent to the inclusion of these corrections to the Farm Credit Act.

Mr. ST GERMAIN. Mr. Speaker, I rise in support of H.R. 3980, making technical corrections to the Farm Credit Act of 1987.

Your Committee on Banking, Finance and Urban Affairs has worked with the Committee on Agriculture and the Committee on Energy and Commerce to craft technical amendments to the 1987 act. These amendments correct erroneous references and ensure that the act's implementation is consistent with congressional intent.

I can assure my colleagues that there are no new issues raised by the amendments to the secondary market provisions. The vast majority of amendments are purely technical and conforming changes. There are, however, two amendments which would correct inadvertent omissions in the act. In both instances it is clear that failure to correct these omissions could result in the operation of the Federal Agricultural Mortgage Corporation in a manner inconsistent with the intent of the conferees.

The first amendment would require that any pool guaranteed by the Federal Agricultural Mortgage Corporation consist solely of qualified loans. Certainly, Congress did not intend that this new entity would guarantee pools which contain nonagricultural loans. While the act sets standards for the loans to be included in a pool, without this amendment, nowhere in this act is the Corporation expressly prohibited from guaranteed pools which contain loans other than qualified agricultural loans.

The second amendment would clarify that national banks could purchase and hold shares in the Federal Agricultural Mortgage Corporation. It was clearly the intent of the conferees that national banks along with bank holding companies, insurance companies, Farm Credit System institutions and other agricultural lenders could own shares in the Corporation, vote for members of the board of directors and participate in establishing corporate policy. Current law permits all of the above-named agricultural lenders, except national banks, to own shares in the Corporation. Without this second amendment we would be left in the bizarre situation where the local small bank, in many cases the most important source of agricultural credit for farmers, would be the only agricultural lender not represented on the board.

Indeed, it is conceivable that national banks could be precluded from originating loans to be placed in pools guaranteed by the Corporation. The act requires that the Corporation obtain its operating funds partially by contributions assessed upon originators. In consideration of these contributions, originators receive stock. If rural national banks are prohibited from receiving stock, they cannot make contributions and therefore cannot be originators of loans placed in guaranteed pools. Certainly the House and the Senate would not have passed legislation to assist farmers and agricultural lenders that would deliberately exclude rural national banks from participation.

Mr. Speaker, I can assure my colleagues that all the provisions of this legislation within the jurisdiction of the Banking Committee are technical or clarifying. They serve to ensure an accurate interpretation of congressional intent. They are supported by both majority and minority members of the committee. I urge my colleagues to support this resolution.

Mr. LENT. Mr. Speaker, I would like to offer a few comments on these technical corrections to the Agriculture Credit Act.

The Energy and Commerce Committee has had continuing interest in this legislation because it contemplates the creation of a billion dollar securities market under the auspices of Farmer Mac. This secondary market is expected to benefit farmers, investors, and the public.

The farm credit bill last year was the culmination of many hours of work by Members and staff to provide needed improvements to the Nation's agricultural finance system. The Energy and Commerce Committee played an important role in that effort, contributing to the creation of a secondary market for securitized agricultural loans. This effort included the chartering of Farmer Mac—a new entity to oversee and facilitate the new secondary market.

Today we are approving a number of purely technical amendments to the secondary market provisions of the Agriculture Credit Act. Few bills as complex as this bill pass the Congress without needing to go back and dot the "i's" and cross the "t's", I support these purely technical amendments to the Farmer Mac portion of the bill and urge my colleagues to do the same.

While these changes are merely technical, our action on them today demonstrates a continuing interest in the Farm Credit Program. I intend to pay careful attention to the development of the secondary market for agricultural loans to be sure that it achieves the objectives we established in the original legislation.

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 3980, the Agricultural Credit Technical Corrections Act of 1988. This legislation is a truly technical package of amendments to the Agricultural Credit Act of 1987, which the President signed into law earlier this year. It will permit the smooth implementation of this law, which provides needed relief to the Farm Credit System and creates a secondary market for agricultural real estate loan-backed securities to be administered by the new Federal Agricultural Mortgage Corporation, or Farmer Mac.

As chairman of the Subcommittee on Telecommunications and Finance, I have been concerned throughout the process of enacting the Agricultural Credit with the securities law elements of the new secondary market. The final product assured the full protections of the Federal securities laws governing registration and disclosure by issuers and activities of brokers and dealers who sell these securities. At a time when public focus on our financial markets is at its height, we must remain vigilant in our efforts to protect our investing public.

The securities law elements of H.R. 3980 represent no more than a fine-tuning of the product passed by Congress at the end of the last session. These technical corrections clarify the types of loans intended to be included within the securitized loan pools and otherwise ease administration of the secondary market. I urge my colleagues to support this legislation to permit the early and effective implementation of the new secondary market as well as the assistance for the Farm Credit System.

Mr. COLEMAN of Missouri. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to make technical corrections to the agricultural credit laws.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DE LA GARZA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ALEXANDER, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUNDERSON) and to include extraneous matter:)

Mr. FISH.
Mr. WEBER.
Mr. BROOMFIELD.
Mr. FAWELL.
Mr. GILMAN.
Mr. MICHEL.
Mr. CONTE.
Mr. MILLER of Washington.
Mr. KONNYU.
Mr. LOTT.
Mr. YOUNG of Alaska.

(The following Members (at the request of Mr. DE LA GARZA) and to include extraneous matter:)

Mr. HOYER in two instances.
Mr. MRAZEK.
Mr. GARCIA.
Mr. SOLARZ.
Mr. FAUNTROY.
Mrs. KENNELLY.
Mr. EDWARDS of California.
Mr. SWIFT.
Mr. MATSUI.
Mr. ROYBAL.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 3923. An act to make a technical correction to section 8103 of title 46, United States Code.

ADJOURNMENT

Mr. MURTHA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 24, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of Feb. 22, 1988]

2933. A letter from the Deputy Director, Office of Management and Budget, transmitting a report that the appropriation to the Veterans' Administration for compensation and pensions for fiscal year 1988 has been reapportioned on a deficiency basis, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

[Submitted Feb. 23, 1988]

2963. A letter from the Architect of the Capitol, transmitting a report on the study of the presence, extent, and hazards of asbestos contamination in the Capitol complex; to the Committee on Appropriations.

2964. A letter from the Assistant Attorney General, Department of Justice, transmitting the Attorney General's report on the administration of the Equal Credit Opportunity Act for calendar year 1987, pursuant to 15 U.S.C. 1691f; to the Committee on Banking, Finance and Urban Affairs.

2965. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2966. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting the fiscal year 1989 arms control impact statement, pursuant to 22 U.S.C. 2576(b)(2); to the Committee on Foreign Affairs.

2967. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report of the Commission's actions to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2968. A letter from the President, National Endowment for Democracy, transmitting the Endowment's report for 1987 of activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2969. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1987, through December 31, 1987, pursuant to 2 U.S.C. 104a (H. Doc. No. 100-168); to the Committee on House Administration and ordered to be printed.

2970. A letter from the Secretary of the Interior, transmitting a copy of an application from the State of Montana for a loan and grant under the Small Reclamation

Projects Act, as amended, which has been approved, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

2971. A letter from the Secretary of the Interior, transmitting, a report of the Fish and Wildlife Service on the administration of the Marine Mammal Protection Act of 1972 for the period January 1, 1986 to December 31, 1986, pursuant to 16 U.S.C. 1373(f); to the Committee on Merchant Marine and Fisheries.

2972. A letter from the Secretary of Transportation, transmitting the first status report of the demonstration projects authorized in section 149(a) of the act, pursuant to Public Law 100-17, section 149(j)(1) (101 Stat. 202); to the Committee on Public Works and Transportation.

2973. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

2974. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of RFE/RL, Inc., because of adverse fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committee on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. Horton, Mr. Young of Alaska, Mr. Leland, Mr. McCloskey, Mr. Pashayan, Mr. Myers of Indiana, Mr. Gilman, Mr. Clay, Mr. Burton of Indiana, Mrs. Schroeder, Mrs. Morella, Mr. Solarz, Mr. Garcia, Mr. de Lugo, Mr. Dymally, Mr. Ackerman, Ms. Oakar, Mr. Yatron, Mr. Sikorski, Mr. Udall, Mr. Buechner, Mr. Coleman of Missouri, Mr. Emerson, Mr. Gephardt, Mr. Wheat, Mr. Skelton, and Mr. Volkmer):

H.R. 3987. A bill to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. McCandless, Mr. Gallegly, and Mr. Miller of California):

H.R. 3988. A bill to authorize the Secretary of the Interior to provide water conservation opportunities by lining the All-American Canal, Boulder Canyon project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. de la GARZA (for himself and Mr. Madigan):

H.J. Res. 466. Joint resolution to proclaim March 20, 1988, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.J. Res. 467. Joint resolution designating January 30, 1989, as "National Day of the Disabled"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself and Mr. Broomfield):

H. Res. 383 Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. PEPPER (for himself and Mr. Quillen):

H. Res. 384. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 2d session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Rodino.

H.R. 592: Mrs. Morella and Mr. Russo.

H.R. 1003: Mr. Bosco, Mr. Robinson, Mr. Clay, Mr. Clarke, Mr. Jontz, and Mr. Davis of Illinois.

H.R. 1049: Mr. Feighan.

H.R. 1398: Ms. Pelosi and Mr. Flake.

H.R. 1606: Mr. Frenzel.

H.R. 1620: Mr. Davis of Illinois.

H.R. 2051: Mr. McGrath.

H.R. 2611: Mr. Vander Jagt and Mr. Gilman.

H.R. 2737: Mr. Pickle.

H.R. 2762: Mr. Obey, Mr. Feighan, Mr. Bonker, Mr. Moody, Mr. Huckaby, Mr. Hammerschmidt, Mr. Akaka, Mr. Atkins, and Mr. Nelson of Florida.

H.R. 2870: Mr. Flake and Ms. Pelosi.

H.R. 2898: Mr. Fauntroy, Mr. Smith of Florida, Mr. Roe, Mrs. Patterson, Mr. Frost, Mr. Crockett, Mr. Schuette, Mr. Foglietta, Mr. Torres, Mrs. Boxer, Mr. Howard, Mr. Smith of New Hampshire, Mr. Akaka, Mrs. Collins, Mr. Hyde, Mr. Owens of Utah, Mr. Dornan of California, Mr. Buechner, Mr. Herger, Mr. de Lugo, Mr. Wortley, Mr. Martinez, and Mrs. Meyers of Kansas.

H.R. 3053: Mr. Denny Smith.

H.R. 3250: Mr. Schulze, Mr. Barnard, and Mr. Hubbard.

H.R. 3312: Mr. Akaka.

H.R. 3361: Ms. Pelosi, Mr. McCloskey, Mr. Ford of Tennessee, Mr. Alexander, Mr. Swindall, and Mr. Nagle.

H.R. 3375: Mr. Vander Jagt.

H.R. 3455: Mr. Mfume, Mr. Clay, Mr. Coelho, Mr. Sikorski, Mr. Gilman, and Mr. Sunia.

H.R. 3553: Mr. Dannemeyer, Mr. Tallon, Mr. Owens of Utah, and Mrs. Vucanovich.

H.R. 3724: Mr. Weldon.

H.R. 3764: Mr. Lowry of Washington.

H.R. 3800: Mr. Tallon and Mr. Spratt.

H.R. 3826: Mr. Dyson.

H.R. 3842: Mr. Borski, Mr. Quillen, Mr. Hughes, Mr. Roe, Mr. de la Garza, Mr. Lagomarsino, Mr. Horton, and Mr. Stratton.

H.R. 3882: Mr. Lagomarsino, Mr. Owens of New York, Mr. Bates, Mr. Hyde, Mr. Smith of Florida, Mr. Upton, Mr. Hughes, Ms. Kaptur, Ms. Pelosi, Mr. Whittaker, Mr. Courter, and Mr. Green.

H.R. 3892: Mr. Applegate, Mr. Synar, Mr. Upton, Mr. Hall of Ohio, Mr. Robinson, Mr. Mavroules, Mr. Harris, Mr. Mazzoli, Mr. Hammerschmidt, Mr. Montgomery, Mr. Jones of North Carolina, Mr. McCloskey, Mr. Donald E. Lukens, Mr. Barnard, Mr. Owens of Utah, Mr. Jones of Tennessee, Mr. Markey, Mr. Lent, Mr. Price of Illinois, Mr. Dowdy of Mississippi, and Mr. Hefner.

H.R. 3893: Mr. Jontz, Mrs. Smith of Nebraska, Mr. Livingston, Mr. Chandler, Mr. Combest, Mr. Grandy, Mr. McGrath, Mr. Regula, Mr. Schaefer, and Mr. Lightfoot.

H.R. 3937: Mrs. Smith of Nebraska and Mr. Lightfoot.

H.R. 3939: Mr. Nielson of Utah, Mr. Inhofe, Mr. Roberts, and Mr. Miller of Washington.

H.R. 3969: Mr. Carper, Mr. Bennett, Ms. Pelosi, Mr. Hoyer, Mr. Fields, and Mr. Fascell.

H.J. Res. 55: Mr. Garcia, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Olin, Mr. Towns, Mr. Lewis of Georgia, Mr. McDade, Mr. Henry, Mr. Packard, Mr. Gunderson, Mr. Stenholm, Mr. Swindall, Mr. Perkins, Mr. Barnard, Mr. Clay, Mr. Schuette, Mr. Gallegly, Mr. Rodino, Mr. Grant, Mr. Hatcher, Mr. DioGuardi, Mr. Kleczka, Mr. Coleman of Missouri, Mr. Pepper, Mr. Nichols, Mr. McCloskey, Mr. Thomas of California, Mr. Morrison of Washington, Mr. Regula, Mr. Saxton, Mr. Green, Mr. Bliley, Mr. Bruce, and Mrs. Saiki.

H.J. Res. 96: Mr. Harris, Mr. Dellums, Mr. Valentine, Mr. Stratton, Mr. Mazzoli, Mr. McDade, Mr. Panetta, Mr. Hansen, Mr. Carper, Mr. Fazio, Mr. Torricelli, and Mr. Robinson.

H.J. Res. 383: Mr. Lehman of California and Mr. Flake.

H.J. Res. 391: Mr. Garcia, Mr. Green, Mrs. Roukema, Mr. Tauzin, Mr. Guarini, Mr. Sikorski, and Mr. Martinez.

H.J. Res. 415: Mr. Porter, Mr. Lewis of California, Ms. Pelosi, Mr. Florio, Mr. Mazzoli, Mr. Ray, Mr. Roe, Mr. Fascell, Mr. Chandler, Mr. DeFazio, Mr. Dixon, Mr. Dornan of California, Mr. Espy, Mr. Campbell, Mr. Early, Ms. Kaptur, Mrs. Johnson of Connecticut, Mr. Henry, Mr. Konnyu, Mr. Mfume, Mr. Ireland, Mrs. Morella, Mr. Tauke, and Mr. Gephardt.

H.J. Res. 421: Mrs. Bentley, Mr. Bevill, Mr. Biaggi, Mr. Blaz, Mr. Borski, Mrs. Boxer, Mr. Brooks, Mr. Chapman, Mr. Coelho, Mrs. Collins, Mr. Cooper, Mr. Crockett, Mr. DeFazio, Mr. DeWine, Mr. DioGuardi, Mr. Dixon, Mr. Duncan, Mr. Dymally, Mr. Early, Mr. English, Mr. Erdreich, Mr. Fascell, Mr. Fauntroy, Mr. Flippo, Mr. Florio, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frost, Mr. Gallo, Mr. Gonzalez, Mr. Gordon, Mr. Hammerschmidt, Mr. Harris, Mr. Hatcher, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mr. Jeffords, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. Kasich, Mr. Kleczka, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lehman of California, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Levine of California, Mr. Lipinski, Mr. Livingston, Mr. Mack, Mr. Martin of New York, Mr. Miller of Washington, Mr. Moakley, Mr. Montgomery, Mr. Mrazek, Mr. Murtha, Mr. Neal, Mr. Nielson of Utah, Mr. Owens of New York, Ms. Pelosi, Mr. Perkins, Mr. Quillen, Mr. Rahall, Mrs. Roukema, Mr. Scheuer, Mr. Schumer, Mr. Skelton, Mr. Smith of Florida, Mr. Smith of Iowa, Mr. Stump, Mr. Tallon, Mr. Traficant, Mr. Traxler, Mr. Valentine, Mr. Weiss, Mr. Whittaker, Mr. Whitten, Mr. Wolf, Mr. Wortley, Mr. Wyden, Mr. Young of Florida, and Mr. Young of Alaska.

H.J. Res. 422: Mr. Ackerman, Mr. Biaggi, Mr. Bilbray, Mr. Bilirakis, Mr. Carper, Mr. Chapman, Mr. Coleman of Texas, Mr.

Conte, Mr. Darden, Mr. de Lugo, Mr. Dorgan of North Dakota, Mr. Dornan of California, Mr. Dymally, Mr. Early, Mr. Erdreich, Mr. Fascell, Mr. Florio, Mr. Fuster, Mr. Gray of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hefner, Mr. Horton, Mr. Howard, Mr. Hughes, Mr. Hutto, Mr. Kasich, Mr. Lagomarsino, Mr. Lipinski, Mr. McCloskey, Mr. Manton, Mr. Matsui, Mr. Miller of California, Mr. Mrazek, Mr. Neal, Mr. Nowak, Mr. Owens of New York, Mr. Owens of Utah, Mr. Quillen, Mr. Regula, Mr. Rodino, Mr. Roe, Mr. Skelton, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Studds, Mr. Traficant, Mr. Visclosky, Mr. Volkmer, Mr. Wheat, and Mr. Wolf.

H.J. Res. 440: Mr. Mrazek, Mr. Hertel, Mrs. Meyers of Kansas, Mr. Dornan of California, Mr. Owens of Utah, Mr. Mack, Mr. McCloskey, Mr. Towns, Mr. Fazio, Mr. Anthony, Mr. Lipinski, Mr. Hatcher, Mr. Matsui, Mr. Atkins, Mr. Rogers, Mr. Donald E. Lukens, Mr. Guarini, Mr. Foglietta, Mr. Hughes, Mr. Hiler, and Mrs. Martin of Illinois.

H.J. Res. 448: Mr. Ritter, Mr. Smith of Florida, Mr. Levine of California, Mr. Courter, Mr. Atkins, Mr. McGrath, Mr. Lagomarsino, Mr. Hastert, Mr. Lipinski, Mr. Quillen, Mr. Moorhead, Mr. Inhofe, Mr. Bliley, Mr. Weiss, Mr. Solomon, Mr. Dingell, Mrs. Martin of Illinois, Mr. Conte, Mr. Sikorski, Mr. Early, Mr. Bonior of Michigan, and Mr. Markey.

H.J. Res. 453: Mr. Buechner.

H. Con. Res. 246: Mrs. Meyers of Kansas.

H. Res. 283: Mr. Stratton.

H. Res. 374: Mr. Nielson of Utah, Mr. Inhofe, Mr. Roberts, and Mr. Miller of Washington.

PETITIONS, ETC.

Under clause 1 of rule XXII,

126. The SPEAKER presented a petition of J.H. Lewis, Chester, PA, relative to a writ of habeas corpus; which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, February 23, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Our prayer today will be offered by Rev. Edwin S. Harper, pastor of the Staunton Street Apostolic Church in Huntington, WV. Reverend Harper is sponsored by the majority leader, Senator BYRD.

PRAYER

The Reverend Edwin Stephen Harper, D.D., pastor, Staunton Street Apostolic Church, Huntington, WV, offered the following prayer:

Let us pray.

Unto Thee Our Mighty God Jesus Christ, we come to thank You, praise You and seek Your favor for our humble request today.

We thank You for the bountiful provisions You have given, allowing this world to be blessed by the presence of these United States of America. This land is Your witness to the world that righteousness exalts a nation. Here, regardless of persuasion, righteous faith has been honored and You have opened the window of Heaven and poured out blessings our barns cannot contain. Receive our heart given worship.

Praising Thee who art worthy to receive worship. Your Holiness humbled to help our faltering steps. Power metered to keep us in our weakness without destruction. Peace that overlooks our turmoil and heals our differences that we can enjoy Your unlimited grace.

To You our unmatched God we make this request today. By Thy Holy Spirit unleash the composite wisdom of these servants of this Republic. Bring to their minds forgotten truths tried by time and taught by experience. Let fear dissipate and the challenge of this day succumb to Your influence ministered through these vessels in this Chamber of law.

The records of the words of this prayer will be lost in the volume of the record of the Nation, Oh God, but the decisions made here today choose life and death, feast and famine for America and the world. For the subjects of this Senate's deliberation let this prayer become the advocate for purity in the reasoning of this day. To this burden we prostrate our hearts, seek Your favor and invite Your presence to transform this house into a cathedral of safety and strength for all.

In the name of the Lord Jesus Christ,

To Thee be glory and honor forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 23, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

TODAY'S GUEST CHAPLAIN

Mr. BYRD. Mr. President, I want to thank our guest chaplain, the Reverend Mr. Edwin S. Harper, for his uplifting prayer.

In addition, I welcome him and his family to the Capitol today, and I hope that their visit with us will be enjoyable and enlightening.

The Reverend Mr. Harper is the pastor of the Staunton Street Apostolic Church in Huntington, WV. A native West Virginian, Mr. Harper studied at the Texas Bible College prior to accepting his first pastoral charge, which was in Dupo, IL. From Dupo, he went next to Morgantown, WV, where he served a church until moving to his current ministerial duties.

Besides his church work, Mr. Harper has also served as chairman of the United Way for the River Cities, headquartered in Huntington, WV. He is also the president of the West Virginia Jobs Foundation, Inc.

Accompanying Mr. Harper to Washington today are his wife Sharon, and his three daughters, two of whom are twins.

May I say that I have visited in the church of Mr. Harper on more than one occasion. He is a minister who leaves one feeling spiritually renewed and filled, after one hears his sermons. They are great sermons.

His wife accompanies his singing. He sings well, may I say to our Senate Chaplain, who also sings well. I have had the privilege, upon one occasion, of hearing our dear Chaplain sing Amazing Grace, which is one of my favorites and a favorite of a good many of our Baptists from West Virginia, although we love all the old songs. But the Reverend Mr. Harper is also excellent in singing the old hymns and his wife accompanies him on the piano.

They are both very accomplished musicians. I wish that our Senators could hear this man deliver a sermon from the pulpit. They would never forget it. I am still benefiting by having listened to him in Huntington. It must have been at least a year ago. He brings a spiritual message. It comes from the Bible and it cannot help but touch the hearts of those who listen.

I am delighted, as a Senator from West Virginia, in having this good man visit the Senate today and open the Senate with prayer. I welcome the Harper family to Capitol Hill today and I trust that they will all return to Huntington rewarded and informed by their visit here.

DO THE SOVIETS REALLY PLAN TO LEAVE AFGHANISTAN?

Mr. BYRD. Mr. President, earlier this month, Soviet General Secretary Gorbachev announced that if Pakistan and Afghanistan reach agreement by March 15 at the upcoming round of U.N.-sponsored negotiations in Geneva, the Soviets could begin withdrawal of their troops from Afghanistan on May 15. Mr. Gorbachev also said that withdrawal could be completed in 10 months. Is it possible that more than 8 years after they invaded Afghanistan the Soviet Union really, really intends to leave Afghanistan? Do they really intend to leave Afghanistan?

I do not know the answer to that question. I do not think anyone knows what the Soviets really intend to do. It may be that they have taken a firm decision to get out of Afghanistan regardless of the cost. I know that some of the administration leaders are convinced that Mr. Gorbachev has really made a decision to get out of Afghani-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

stan. But when? And under what circumstances? "Thereby hangs a tale."

After all, the Soviets have lost nearly 35,000 to 40,000 dead and wounded. It may be that it has become too costly for them to stay, but they will withdraw only if they are able to maintain a proxy government in Kabul or if they are able to accomplish their goals through subversion rather than fruitless and costly fighting. Or it may be that they have no intention of withdrawing, but are gambling that final agreement at Geneva will be so difficult to reach, that Mr. Gorbachev could gain in the public relations arena where he is very good, and still welsh on his earlier announced withdrawal.

What I do know is that the United States did not create this mess and it is not our responsibility to solve it for the Soviets. It is not our responsibility to reward the Soviets for getting out.

There is a very simple bottom line here: in December 1979, the Soviets invaded Afghanistan, they have brutally occupied it for over 8 years, and they must leave. They do not need our help to leave Afghanistan. All they need to do is turn their troops, their divisions, their guns, their planes, around and head north, back to the Soviet Union where they belong. It's as simple as that.

So if they want to get out, what is holding things up? According to the Soviets, the problem now is that Pakistan will not sign the Geneva accords with the Soviet puppet leader. The Pakistanis are insisting—rightly, I believe—that an interim government acceptable to the resistance be formed before they are willing to sign. They also suggest that the signing be delayed until the end of March to allow more time to form a coalition government. Why should we ask Pakistan to endorse the credibility of the Afghan puppet rulers? Why should we legitimize the partners of the Soviet occupying force?

The Pakistani Government should not be put under any pressure to agree to Soviet terms for a settlement. The future of Afghanistan should not be driven by some United States-Soviet summit schedule.

Let us watch that very carefully. Are we going to be driven by a summit schedule? Let us hope not. We are on the summit binge, it seems, and many, many people are questioning as to whether or not we may make some deal, either on the table or under the table, make some deal, directly or indirectly, in order to further a summit meeting, in order to have a summit meeting soon on nuclear arms.

I suggest that we have a summit meeting when we are ready, and certainly that we have a treaty when it is ready; that we not be guided by any deadline in dealing with the Soviets anent the START Treaty. Time deadlines are not important. Let us have the treaty when it is ready. Contents of the treaty and the security interests of the United States and her allies are what should drive us.

The Soviets naturally seek opportunities to negotiate with the West under circumstances where the West is under some pressure of deadline, be it political deadline, summit deadline, or election deadline. The Soviets, of course, do not operate under deadlines. They can string the Afghan question out as long as they like.

The next round of United Nations-Geneva negotiations between Pakistan and Afghanistan is scheduled for March 2. There is still much to be negotiated at Geneva, and there are a number of very critical problems which must be addressed outside the framework of the Geneva negotiations. One of the four documents being negotiated at Geneva is a declaration of guarantees by the Soviets and the United States, stating our support for a political settlement and ensuring that there is nonintervention by Pakistan and Afghanistan in each other's affairs. But the United States would be foolish to sign up to such a declaration without the settlement of some very troublesome issues. First, in the context of the Geneva negotiations, the exact terms and conditions of the Soviet withdrawal still must be addressed. The Soviets are talking about withdrawing over a period of 9 or 10 months, a quite leisurely pace for withdrawal. The Pakistanis have suggested a 3-month timeframe, which is closer to the mark. After all, Mr. President, what is the purpose of an Afghan settlement? It is to get the Soviets out, first and foremost. Second, it is to ensure that Afghanistan can take its place as a neutral and nonaligned country, with its own political integrity, able to exercise self-determination. Third, it is to allow such an Afghanistan to absorb the refugees which now reside in Pakistan and Iran.

There are a number of issues separate from the specific Geneva accords which demand attention. These include aid to the resistance, the status of Soviet advisers, the future of the nearly 400 bilateral treaties the Soviets have made with the puppet Afghanis, and the positioning of Soviet troops across the Soviet-Afghan border. None of these issues have been resolved.

What about the aid question? The Soviets have been silent on the question of assistance to the regime and supporters in Afghanistan during and after a political settlement, and during and after a military withdrawal. Yet, they are demanding the U.S. terminate its aid to the Mujahadeen at the first sign that Soviet forces seem to be withdrawing.

Are we silly? Are we foolish? Are we dumb?

This, in my view, is an absurd proposition. I oppose it strongly. Why should the United States terminate assistance to the resistance the day the Soviets begin their withdrawal, the Soviets are under no reciprocal requirement to terminate their assistance to the puppet regime? That is a recipe for disaster. Under those terms, the Soviets would have 9 or 10 months to continue to equip the Afghan military and prepare it for a bloody civil war, while the resistance would be cut off.

American aid should stay in place until it is absolutely, indubitably and unquestionably clear that the Soviets are mainly out and that they are not redeploying their forces to be inserted again, and that the Mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Furthermore, what are the Soviets leaving behind, even if they withdraw their regular troops? They have made it clear that they are going to leave some 9,000 to 10,000 advisers in Afghanistan. What are they going to be advising on? They ought to come out as well. What would be the Soviet Government's reaction to a proposition that the United States now put 10,000 of its own advisers into Kabul? That would not be a very welcome proposition in the exciting talks leading up to another superpower summit.

Pakistan is worried that if it signs peace accords with the puppet regime, it will be granting that puppet government international legitimacy. More to the point, from the Pakistanis'perspective, if the Sovietspull out with the puppet regime intact, the resistance will continue fighting and Pakistan will continue to be stuck with the 3 million Afghan refugees who will be unable to return home. In the eyes of the Pakistanis, that would be a sham settlement. I agree.

The Soviets have attempted to colonize Afghanistan. They have revamped the educational system, they have exported young Afghan children to the Soviet Union for indoctrination.

Imagine that! How would you like to have your own children ripped up by the roots, taken to the Soviet Union for indoctrination? Would you feel like taking that rifle off the wall and using it?

They have established a secret police, and they have remade the Afghan Army in their own image. Why should the United States be expected to support the proposition of allowing the Soviet puppet regime to remain in place after the Soviets withdraw? I understand the Mujahadeen have reluctantly agreed to allow some elements of the PDPA party, the party now in power in Kabul, but not its current ruler, Mr. Nujibullah, to remain in place. In other words, the makings of an interim coalition with some elements of that party is available. That is quite a concession on the part of the Mujaheddin, and they should not be pressured to go further.

What exactly is it that the United States is being asked to guarantee? We cannot guarantee anything in that part of the world. We were not able to guarantee that the Soviets would not invade in the first place, and we will not be able to guarantee that they will not reinvade. Are we being asked to guarantee that we will not provide assistance to the resistance if the Soviet Union undertakes yet another brutal invasion and occupation of Afghanistan once it gets out, if it gets out?

Are we putting ourselves in the position of guaranteeing a medal of good behavior to the Soviets for withdrawing their military units, with the bonus of being able to maintain an overbearing presence, and to continue an aid program to be the primary force behind events in that nation? I see no sense in that at all.

Mr. President, there have been suggestions that a U.N.-sponsored peacekeeping force would be useful to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out. Such a force might also help keep the peace in the major cities while an interim government organizes the nation's political future. I would suggest that it might be helpful for the Soviets to seriously consider the creation of such a force. I believe it would be in the interests of all parties if such a force were to be included in the fourth Geneva accord which deals with withdrawal.

Mr. President, we can expect the Soviets now, after a decade of warfare against the Afghan people, to claim that the United States and Pakistan are holding up their withdrawal from that country because of unreasonable demands on the Soviets. We have to be prepared for that kind of disinformation, and we have to give the Government of Pakistan all the support possible to hold firm against the expected Soviet negotiating and disinformation tactics.

The Soviet Union invaded Afghanistan and carried out a scorched Earth war against a nation with little more than the courage to defend itself. After nearly a decade and 1 million deaths, the Afghan people have refused to collapse. With public opinion mounting, casualty lists, and finances running against further engagement, Mr. Gorbachev is looking for a graceful, easy way out. His hope is to make the Soviet withdrawal appear to be an act of generosity, good will—rather than a necessity. We should not reward the Soviets for having failed to devour Afghanistan, nor must we let the Soviets quit Afghanistan wrapped in clouds of glory. Their brutal occupation has not been honorable. Their defeat should not be rewarded. They should simply get out.

Mr. President, there was an excellent article in the Sunday, February 21 edition of the Washington Post in the Outlook section. The article was titled "Does Moscow Really Plan on Leaving Afghanistan?" by Lally Weymouth.

I ask unanimous consent that that article appear in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Does Moscow Really Plan on Leaving Afghanistan?

(By Lally Weymouth)

Islamabad, Pakistan.—"I have never seen a test case like this," says French diplomat Jean-Francois Deniau of the proposed Soviet pullout from Afghanistan. "It's the only way we can see if Gorbachev can do what he says. It's so important for freedom and for hope. It's like D-Day. . . . We can't accept that a question like this will receive a false solution."

A real solution, says the French special envoy on Afghanistan, would be the complete withdrawal of Soviet troops and the creation of a truly independent country—as friendly with Pakistan as with the Soviet Union.

The French diplomat is asking the right questions: Is Mikhail Gorbachev's announcement that the Soviets will withdraw from Afghanistan—trumpted around the world this month—for real? Does Moscow plan a "real solution," or just a cosmetic one that maintains a Soviet proxy government in Kabul? And will the Reagan administration, anxious for a foreign-policy success, accept a false solution?

Answers to these questions could begin to surface tomorrow, as Secretary of State George P. Shultz holds talks in Moscow on Afghanistan. Conservatives worry that he may accept a deal that would halt U.S. aid to the mujaheddin at the start of a 10-month period of promised Soviet troop withdrawal. Such a deal, made without the participation of the Afghan resistance fighters who waged the war, could well collapse—with the resistance fighting on and Afghanistan becoming a second Lebanon.

A clear picture of what's at stake in the current diplomatic debate over Afghanistan emerges from conversations with some of the key players—in the Soviet Union, Afghanistan, Pakistan and China. What comes through above all is a sense of uncertainty about what really lies ahead in Afghanistan. Many of those most closely involved are skeptical about Soviet intentions and doubtful that it will be possible to create the neutral, nonaligned Afghanistan that nearly everyone proclaims as the goal. These comments provide a healthy antidote to the optimistic expectations prevalent now in Washington that a lasting settlement of the Afghan conflict is in sight.

Here's a summary of what some of the key officials told me in interviews during the last two months:

The Soviet Union. Soviet First Deputy Foreign Minister, Yuli Vorontsov, claims that as a result of the so-called "new thinking," the Soviets have decided to withdraw their troops from Afghanistan and to arrive at a political settlement. But Vorontsov insists that withdrawal from Afghanistan does not mean defeat. Indeed, he notes that "we haven't used all the military power we could have applied."

Anatoliy Dobrynin, head of the Soviet International Department, says he favors withdrawal but warns that if the withdrawing Soviet troops come under attack, "it will make the process of withdrawal more difficult. We are not prepared to withdraw at any cost."

The future Afghanistan that Dobrynin says he envisions is a "neutral or nonaligned country with no foreign bases." (The Soviets use the words neutral and nonaligned interchangeably, ignoring the differences between Austria, a neutral, pro-West country, and Angola, a Marxist regime that describes itself as nonaligned.) Asked where the neutrals will come from—in a country where one side has been killing the other for the last eight years—Dobrynin admits it is difficult to say.

The Soviets expect that the Geneva accords between Pakistan and Afghanistan will stop western aid to the *mujaheddin* from coming across the Pakistani border. But Iran, home to another 1.5 million Afghan refugees, is another gateway for aid, and Iran is not part of the Geneva talks. Vorontsov says the Soviets are hoping to get the Iranians to seal their border, too.

Even if the Soviets withdraw their troops, says ambassador-at-large Nicholai Kozyrev, they will continue "to provide assistance to Afghanistan." Economic relations, he said, have good prospects. After all, the Soviet Union has signed about 300 economic treaties with the Soviet-backed Afghan government and it is hoping that the next government will assume the obligations in these treaties. One treaty is thought by Pakistani intelligence to cede the Wakhun corridor to the Soviet Union.

Both Kozyrev and Vorontsov say that Soviet advisors will remain in Afghanistan even if troops are withdrawn. At present there are said to be 9,000 Soviet advisors in Afghanistan—directing every aspect of Afghan life.

Afghanistan. In Kabul, signs of Soviet control are evident everywhere from the moment you land at the airport. My Aeroflot plane was encircled as it landed by other Soviet planes that dropped flares to distract the Stinger missiles the *mujaheddin* possess.

It's easy to spot Soviet convoys rolling down the road. And you can't overlook the large KGB headquarters, which is centrally located. The KGB, and its Afghan counterpart, known as KHAD, are said to rule the city. Remarks one western diplomat: "Here, there is not one centimeter of change."

"It's a complete and methodic colonization," explains one diplomat in regard to the Sovietization of Afghanistan. Since 1980 when the invaded, the Soviets have taken about 60,000 young Afghans to the Soviet Union to be "educated." "All the main officers in the Afghan administration were formed in the USSR," says a knowledgeable western source in Kabul.

In Kabul, I found the diplomatic community surprisingly united in their conviction that the Soviets aren't likely to withdraw from Afghanistan—and that even if they do withdraw some troops, Soviet influence will not disappear.

One senior western diplomat in Kabul made the case most effectively. "The Soviet Union doesn't want to abandon Afghanistan," he says. "The Soviets want you, by diplomatic means, to help them stay in Afghanistan. . . . They want to deceive your country. . . . Afghanistan isn't Vietnam. Afghanistan is at the border of the Soviet Union. They want to stay and they want the guarantee of the United States that they can stay."

The West is overestimating the *mujaheddin*, says this veteran diplomat in Kabul. He insists that western analysts are wrong in predicting a bloodbath if Soviet troops withdraw, as the *mujaheddin* take their revenge on the puppet Afghan regime: "Even if the Soviet troops pulled back, the Kabul regime will be aided by advisors, weapons and money. It is possible that it is strong enough to resist and the *mujaheddin* are divided and will not succeed."

Pakistan. There is pressure on Pakistan to agree to a settlement at the upcoming Geneva meeting with the Afghan government, scheduled for March 2. Gorbachev said a week ago that if an agreement is signed by mid-March, then the Soviets will start to pull out their troops in mid-May. With a summit coming in June, American officials would like to have the Afghan war settled so that it won't obstruct disarmament talks.

The Geneva negotiations have been underway since 1982. So far, Pakistan and Afghanistan have managed to agree on three points: reciprocal assurances of non-interference and non-intervention by Afghanistan and Pakistan; guarantees of this non-interference by the Soviet Union and the United States; the right of Afghan refugees to return to their homeland. A fourth item that would provide a time-frame for withdrawal of Soviet troops hasn't yet been resolved.

Gorbachev's recent proposal of a 10-month withdrawal period seemed to close the gap, and some analysts thought a settlement was near. Then Pakistan's President Zia ul Haq introduced a new element when he told me in an interview last month that he would not sign the Geneva Accords with the Soviet backed president of Afghanistan, Najibullah. Zia said he would sign the accords with a coalition government formed of and by Afghans and controlled by the *mujaheddin* and Afghan exiles.

The reason for President Zia's demand for an interim government is that he wants to be sure that an agreement is a real agreement—that it will insure both the withdrawal of Soviet troops and the ability of the 3.5 million Afghan refugees housed in Pakistan to return to their homes.

A former senior Pakistani official explains that Islamabad is worried that if Pakistan signs the Geneva accords with Najibullah, it will achieve what Deniau calls a false settlement—one in which the *mujaheddin* are excluded and continue to fight, one that gives Najibullah the legitimacy he has been denied for so long and one which leaves Pakistan stuck with the Afghan refugees, who won't return home as long as Najibullah reigns.

The present Soviet strategy, explains one senior Pakistani official, is to improve relations with both Iran and Pakistan so that "sandwicked between the two, Soviet security in Afghanistan can be insured." In five to 10 years, according to one knowledgable Pakistani, the Soviets expect to have pro-Soviet governments in both Tehran and Islamabad: "That could be not an unreasonable expectation," he says. "Then Soviet influence could extend into India, Pakistan, Iran and Syria, and you would have a whole belt."

As for Afghanistan's future, a Pakistani defense analyst explains "I think the Soviets will withdraw but leave Afghanistan in a state of civil war like Lebanon so they retain the option of returning."

Summing up Afghanistan's future with an analogy, one Pakistani official asks: "Is it possible for Mexico to have any other influence than the United States? A superpower expects its shadow to fall on Afghanistan."

China. Although President Zia is often portrayed as a hardliner, Chinese officials and analysts take an even tougher position—skeptical of Soviet intentions to withdraw from Afghanistan and convinced that increased aid to the resistance is the key to removing the Soviets from Afghanistan. (An end to the conflict in Afghanistan has been one of China's three conditions for improving relations with the Soviet Union.)

Chinese defense analysts at the Beijing Institute of Strategic Studies express doubt that the Soviets are sincere in their stated intention to withdraw from Afghanistan. "The Soviet condition is that the United States and other countries stop interference,' says one expert. "For the United States and China to cut off the resistance is a condition that must not be accepted."

The Chinese analysts agree that the so-called "southern strategy" of the Soviet Union—the drive to control warm-water ports—hasn't changed. "It started back in the Czarist period," says one. "It's their dream. They won't give up what they have achieved: They have got Afghanistan and it's a springboard for the Soviet Union."

President Zia of Pakistan had disclosed in our interview that Chinese aid to the resistance was as important as U.S. aid. A senior Chinese official, speaking anonymously, confirmed Beijing's role: "We have been helping the Afghan resistance forces for many years now with arms and money and are still continuing to do that." The defense analysts advocate increased aid to the resistance from both the United States and China as the most effective way to persuade the Soviets to withdraw from Afghanistan. Argues one: "The right approach isn't to reduce our bargaining position but to reduce theirs. We should increase our aid to the Afghan resistance and not stop until after the Soviet Union withdraws its troops."

One senior foreign ministry official warns that "some U.S. friends are too optimistic about the Soviet withdrawal." Huan Xiang, a senior official, puts it this way: "I guess the Soviets do want to withdraw but how to withdraw is the question. They want to leave a pro-Soviet government in Afghanistan and are finding it difficult."

The Mujaheddin. The last word belongs to Younis Khalis, one of the leaders of the Afghan resistance, and it doesn't bode well for a negotiated settlement. "We said the Russians should leave Afghanistan. This is our suggestion," says Khalis. But he isn't interested in Zia's idea of forming an interim government that would give even a minor role to Najibullah's party, the People's Democratic Party of Afghanistan, or PDPA: "We will never accept any communist element in a future government of Afghanistan."

Khalis says the resistance groups "reject the Geneva negotiations because the real parties [to the conflict], the *mujaheddin* and the Russians, were not participating. Any outcome to such a negotiation would not be acceptable to the *mujaheddin.* The Russians, if they really want to leave Afghanistan, should suggest negotiations with the *mujaheddin.* Then we will be ready to sit down and negotiate about a peace settlement. There is nothing in between."

Mr. President, I apologize to the distinguished acting Republican leader for the time I have taken this morning, and I also apologize to the occupant of the chair.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting Republican leader is recognized.

THE REMARKS OF THE MAJORITY LEADER

Mr. SIMPSON. Mr. President, it is a pleasure always to hear the majority leader speak on things for which he has a passionate belief, and that is obviously one, and I understand that. It is certainly no transgression upon my time. I was well worth hearing.

THE REVEREND EDWIN S. HARPER

Mr. SIMPSON. I do want to thank Rev. Edwin S. Harper, of the Staunton Street Apostolic Church in Huntington, for certainly a fine opening prayer. I am certain that Reverend Harper is, indeed, an inspiration to his congregation, and the words of the majority leader, being as commendatory as they are, will certainly give that every credence. I thank the reverend.

Momentarily, we will have morning business. Senator BOND is here, Senator REID is here, and Senator PROXMIRE, of course, the occupant of the chair, is here for his daily remarks, which are actually read by me. I greatly admire the man who is the occupant of the chair, and have since he came here, because of his spirit and honesty and zeal.

THE SOVIET PRESENCE IN AFGHANISTAN

Mr. SIMPSON. Mr. President, the remarks of the majority leader about the Soviet presence in Afghanistan should be heeded by us. We do have that need for healthy skepticism about the proposed pullout until the Soviets are truly out, I certainly agree, with all their forces. Certainly we cannot go wrong when we approach our relationships at this time with the Soviets with skepticism. That does not mean cynicism but certainly skepticism. History has shown us that our efforts, indeed, have been undertaken with good faith with regard to arms reduction and that good faith, seasoned with the skepticism of these latest Soviet moves, will, as the majority leader has indicated, serve us well.

CAMPAIGN FINANCE REFORM

Mr. SIMPSON. Mr. President, just one other thing. We are obviously laboring along with S. 2. Maybe we can get there, maybe we cannot. But the issue is this, and I want to get it crystallized in the minds of those on both sides of the aisle: The ordinary amendment process in the Senate is usually very open and very free.

There is in our usual deliberations a very loose test of germaneness, and even if an amendment is ruled out of order, the Chair can be reversed on a simple majority vote. But please heed that in this current situation the amendment tree is filled, in a very, very skilled way, and we are all aware of that, nothing sneaky about it, nothing of that nature, but it is filled.

Now, both on the bill itself and on the motion to recommit with instructions, the practical effect actually is S. 2 is not really amendable at all at this point. Of course, once an amendment is agreed to or after the bill is reported back pursuant to the motion to recommit, further amendments would be in order.

(Mr. BYRD assumed the chair.)

Mr. SIMPSON. But if cloture is invoked—and I hope all are heeding this—then a very different situation is created with regard to S. 2. In addition to the limitations on debate, cloture makes it exceedingly difficult to go to any other amendments. Only amendments filed by certain times are in order; a much tighter test of germaneness is applied. Amendments must be not only germane to the subject matter, they must be germane to provisions actually in the bill. No "new matter" may be introduced. I think that since most of the amendments of those opposed to S. 2 would be considered as "new matter," the effect of cloture would be effectively to prevent us from offering amendments.

That is the law of the land right now. Amendments to raise or lower the spending limitations, amendments to omit or include soft money, amendments to deal with in-kind contributions or not would very likely be ruled nongermane.

I think that needs to be said. Anyone opposed to this basic bill should not be led to believe the plea of just helping to get it before the body, to help us get it before the body, to assist us with cloture to do that. But a cloture vote in this situation with the tree built as it is, all done very adroitly and honestly, pretty well closes up shop for the opponents.

So I know the majority leader has indicated to the fourth estate that there are some on his side of the aisle who have never had the pleasure of all-night sessions, at least 20. I have not done a poll on our side as to how many have been unable to savor the joy of an all-night session, but it must be a similar number. We hope they have their knapsacks and sleeping bags and will be prepared, because it might come to that. I do not think the majority leader wants it. We do not want it. But it is obviously one of those gut hard issues that come before a legislative body where you struggle and then you do the usual procedures you need to do, and then you do something which is the most extraordinary thing, you vote. And that is the reason we spend so much time in this place doing other things, because usually one side or the other does not want to vote and that is something we eventually have to do.

WILL BALL

Mr. SIMPSON. Just in my remaining 2 minutes, let me comment on Will Ball, who is a former staffer here in the Senate and who now will become the nominee for the Secretary of the Navy, as Mr. Webb resigns.

Certainly Mr. Webb served with distinction. I came to know him when I was on the Veterans' Affairs Committee. He is a distinguished veteran and author. He will go on to great things. He is a splendid man and I wish him well. I do not know the circumstances of his leaving.

But I do know that we will miss Will Ball. He served here for Senator John Tower. He went on to serve in the executive branch at the Pentagon, and most recently served with distinction as congressional liaison for the White House where we have all come to know him on both sides of the aisle. I have a great respect for his actions and integrity in what is surely a most difficult post, being strung out between the sometimes contentious forces of the executive and legislative branches of our Government.

So I have found him to be a very pleasant and able man, an unflappable type of individual, always with good grace and good humor, and ultimate patience. I have watched that in him. I shall personally miss him. I know the minority leader shares my views. Senator DOLE worked with him very closely on so many issues.

So he is a very special man. He is very well qualified for the new position for which he has been nominated, and he is a known quantity to all of us. I trust he will be swiftly confirmed as Secretary of the Navy.

I believe that concludes my remarks, Mr. President. I thank the majority leader.

I thank the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DASCHLE). Under the previous order, there will now be a period for the transaction of morning business for not to exceed 20 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin.

TIME FOR UNITED STATES-SOVIET CONVENTIONAL ARMS REDUCTION HAS COME

Mr. PROXMIRE. Mr. President, at long last we are beginning to recognize the true basis for United States-Soviet arms control. Thanks to Senator CARL LEVIN's recent thoughtful analysis of Soviet and United States military strength and weakness we are beginning to understand the truth about the superpower conventional military forces. The Soviets are not 10 feet tall. Neither are we. Both countries have massive nuclear arsenals. Each superpower can utterly devastate the other in a nuclear attack, and I mean utterly. The National Academy of Science tells us that if 1 percent of the Soviet nuclear arsenal should strike American targets, we would suffer between 35 and 55 million dead Americans. That's right, I said 1 percent. The Soviets would suffer similar devastation if we should initiate a nuclear strike. President Reagan and Secretary Gorbachev are absolutely correct when they recognize this threatened devastation and both say that a nuclear war can never be won and must never be fought.

So both superpowers have infinitely destructive offensive nuclear juggernauts. Now how about the conventional military power of both sides. Frankly, as offensive threats, both are pathetic. The United States found out the limits of our conventional power in fighting a conventional war with a little third-rate power, Vietnam, 10,000 miles from our shore. Sure we had every kind of technological advantage. We had aircraft carriers. We had air domination. We had total control of the seas. We had the infantry equipment. We had the great technological power; and we lost. We failed ignominiously. We failed completely. Our offensive conventional military power couldn't knock over a little army fighting with relatively primitive weapons. Sure our supply lines were very long. Yes, indeed, our democratic country was at best divided, at worst downright hostile to the Vietnam war. But all that matters is that this great world military power lost.

So what does this tell us about our chances against a Communist alliance led by the Soviet Union? Let's take a look at the Soviet Union's recent performance. For the past 8 years the Soviet Union has been at war with little third-rate Afghanistan. In this case the Soviets unlike the United States in Vietnam, did not have a 10,000-mile supply line to worry about. Afghanistan is right on the Soviet border. And sure there may have been muttering by some Soviets against the Afghanistan war, but keep in mind that the Soviet Union is not a democracy. It has no free press. The only mass protest any Soviet citizen can hear about, the Afghanistan war, is one the Politburo wants him to know about. In prosecuting its war against Afghanistan for 8 years, the Soviet leaders didn't have to worry about a critical press or critical TV commentaries. President Lyndon Johnson is said to have remarked that when he lost Walter Cronkite, he lost the Vietnam war. The Soviets have no Walter Cronkite. Oh, yes there have been recently reported Soviet citizen criticisms of the Afghanistan war and pleas to end the fighting and bring the boys home. You can be sure those protests were scripted and orchestrated by the Politburo. Gorbachev and his Kremlin team want out of Afghanistan. The protests serve their purpose.

So what do these two defeats of the world's preeminent military powers tell us about the limits of modern day super technological power in conventional war? They tell us that neither country fighting a conventional war outside its own territory—that is an aggressive war invading another country's homeland—that neither of the superpower has the power of a butterfly's hiccough. Can anyone really believe that a Soviet Union that in 8 long years was unable to overcome the little neighboring country of Afghanistan could sweep through western Europe and overwhelm a North Atlantic Treaty Organization that has fewer but far better war planes, far more experienced pilots, fewer but far newer and better tanks, fewer but far newer and better artillery, and a far better and more cohesive military alliance in NATO than the Warsaw pact? The Levin study shows the Soviet Union generally superior in number of tanks, planes, artillery pieces, and personnel, but inferior in quality and specially deficient in the training, readiness, morale, and cohesion of their alliance. The Soviet forces are also weak in the very areas such as the German front where conflict is most likely to begin. Senator LEVIN sees the conventional forces in Europe as "roughly equal." He's right.

Here is the ideal situation for an agreement for both sides to reduce—in concert—the conventional forces that represent such a painful economic burden on the United States and the Soviet Union. Mutual, verifiable negotiations could free tens of billions of dollars of resources for improving the economic life of people in both countries, while strengthening the national security of both. Both sides fully understand that a war between NATO and the Warsaw Pact would swiftly become a nuclear war and that therefore such a war is a very distant possibility. Even that most unlikely possibility would be clearly reduced by an agreement for conventional arms reduction on both sides. The United States misadventure in Vietnam and the Soviet disaster in Afghanistan should have convinced both sides of the folly of waging conventional war on foreign soil. Thanks to that understanding the time for conventional arms control has come.

BANKING LAWS AND THE CONSUMER

Mr. PROXMIRE. Mr. President, as the Detroit Free Press stresses, it is high time that Congress address the needs of the consumer as we consider banking law. This, in the editorial writer's mind, means that banking services should be expanded while regulation is strengthened.

As the author of the legislation that does exactly this, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Aug. 18, 1987]

CAVEAT: NEW BANK LAW DOESN'T DO MUCH FOR CONSUMERS—OR BANKS

A lost opportunity: Congress passed and the president signed major new banking legislation that does little to modernize the antiquated laws regulating the nation's banking industry. Competition among various financial institutions remains severely restricted and U.S. banks, excluded from some profitable areas of business at home, are likely to watch their position continue to deteriorate in the global market. This result is not only a setback for major banks and a political defeat for the Reagan administration, but a loss for the consumers as well.

In essence, Congress succumbed to pressure from the securities underwriting, brokerage and insurance industries to bar banks from competing in those areas. While the existing laws—the most important of which were passed in 1927, 1933 and 1957—sought to divide the financial business by product and geography, many banks have been exploiting the loopholes. The new law orders banks not to start any new such ventures until next spring, when Congress will decide whether to make the ban permanent.

Congress also moved to prevent nonbank companies from competing with banks on their traditional turf; newcomers won't be able to offer checking accounts or make commercial loans. "Nonbank banks" already in existence, such as Sears or Merrill Lynch, have had a seven percent cap put on their annual growth.

The legislation includes minor improvements in the consumer protection department: Beginning in September 1988, banks will have to clear checks faster, and they will have to adivse in advance the buyers of adjustable rate mortgages on how high the rate can climb. On balance, however, the new law denies Americans the benefits of increased flexibility and competition.

The issue of bank powers is back in the Senate Banking Committee now. There is faint chance, however, that the committee's hearings will lead to prompt action unless the potential beneficiaries of deregulation—and there are many of them—begin to speak out and better organize their lobbying efforts.

Mr. PROXMIRE. I yield the floor.

(The remarks of Mr. BOND and Mr. REID relating to the introduction of legislation are printed later under Statements on Introduced Bills and Joint Resolutions.)

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

SOUTHEAST ASIA REFUGEES AND U.S. FOREIGN POLICY

Mr. HATFIELD. Mr. President, events over the past several weeks in Southeast Asia have exposed all of the weaknesses of our current foreign policy there, and the most unlikely and unwelcome of outcomes looms possible: a weakening in the friendly, important relationship between the United States and Thailand. I rise today to discuss these events, to state my hope that no damage will be done to our relationship with Thailand, and to discuss a strategy that would avoid a recurrence of such problems in the future.

The point of confrontation involves the fourfold increase in Vietnamese boat refugee arrivals in the Trat Province of Thailand, the majority of these refugees being escorted across Cambodia and to a coastal area only an hour or two boat ride from Thai shores. It is a big cash business in Vietnam and it has led to tens of thousands of refugees paying their way out of Vietnam; perhaps more accurately, bribing their way out of Vietnam because of the corruption of the whole system.

In January, the Ministry of Interior in Thailand attempted to stop this wave of refugee migration by pushing the boats back. These pushbacks led to scores of deaths, and now hundreds of refugees are marooned on little islands off the coast of Trat Province in Thai territory. Some of these refugees went days without food and water, and all of them are living in danger this very moment.

I do not suggest that I have a solution to the problems of first asylum. But the United States and Thailand have joined hands for a decade in dealing with the Indochinese refugee problem, and today we must renew our vow to be compassionate and humanitarian when people reach out to us from countries that are mired in hellish economic and political conditions. We have stuck together for 10 years in this unprecedented response to the misery and suffering pouring out of Cambodia, Vietnam, and Laos, and we cannot walk away from the problem now.

It appears that the worst is over, and the Thai National Security Council announced last Friday that it does not endorse a policy of pushbacks. They do want the world to know that the Thai cannot bear the refugee burden alone, and the United States must be the leader in the international effort to mitigate the suffering of Indochinese refugees and to assist the Thai Government.

I have been assured that food and water will be given to the refugees, that sick refugees will be evacuated to the shore, and that soon the refugees will be moved to a more secure location. I met with the Thai Ambassador and expressed my grave concern over the disturbing events of the last month and affirmed the Senate's clear position of opposition to pushbacks at any place: on the coastal shores, up in the north along the Mekong, or anywhere else in the area. In light of Thailand's extraordinary record in providing asylum to refugees and its loyal forbearance with vacillating U.S. policies, I am confident that the worst is over. When the Thai see thousands of refugees arriving at a time when resettlement countries are becoming increasingly reluctant, they become concerned that no one cares. That is why the United States must live up to its commitment to maintain a humane and generous refugee resettlement and protection policy in Southeast Asia. That very issue was debated and voted upon last October and passed the Senate by a 2-to-1 margin, and became part of the continuing resolution adopted 2 months ago.

But today there are three major problems which must be addressed if the United States is to honor its commitment to Thailand, Malaysia, and Hong Kong and the region's refugees.

First, the United States must maintain an active embassy operation that processes refugees smoothly and monitors protection problems vigorously. The Appropriations Committee last year put report language in the Foreign Operations Appropriations bill mandating a vigilant protection effort at the several refugee camps in Thailand. This language stemmed from a hearing chaired by Senators INOUYE and KASTEN a year ago when the committee lambasted the Department of State for the slack monitoring efforts in northern Thailand when scores of Hmong were pushed back across the Mekong, many presumably to their deaths.

So it is nothing less than disgraceful that after the first reports of interdiction and death surfaced January 25, and after hundreds of refugees were stranded on the 50 little islands in that area, with no food or water, that it was not until February 10 that the first American embassy protection officer took the 5-hour car ride to Trat province to see firsthand what was happening. And this took place the day after I personally called the Department to ask what our people had learned on site. It took 2 weeks for the Department to judge the situation serious enough to send one of the nine refugee office personnel to the scene.

Mr. President, we targeted moneys in that budget, in that appropriation, to provide additional refugee officers in the first place to deal with pushbacks and other inhumane actions.

Mr. President, the Congress is being left with no choice but to set up an earmarked account for refugee protection in Thailand like we did with our successful antipiracy project—that appears to be the only way the Department of State will respond to the very clear outcry from Congress for enhanced refugee protection monitoring. At a time when trained eyes were needed to report on the developments endangering first asylum, again our refugee office was sound asleep. That has to change.

My second concern is best presented by a New York Times editorial published last week. Somehow the Department of State is toying with "reallocation," the idea of pitting Southeast Asian refugees and Iranian refugees against Soviet Jews and Armenians. The mere suggestion of transferring from Southeast Asia numbers, particularly at this volatile moment when the Thai have grown weary of conflicting signals from the United States, is not only an affront to the two-thirds of the Senate, it is a breach of promise to the Thai. The emergency powers of the Refugee Act can be exercised, and Congress can work with the administration to fund new refugee numbers from the Soviet Union this year or next year. So it is not an either/or; it is not pitting one against the other so that we have to make a choice.

Now is not the time to be nickel and diming Thailand on numbers.

Mr. President, my final point goes to the heart of the problem, and that involves our overall U.S. foreign policy in Southeast Asia. My friend ALAN SIMPSON articulates this point best—the refugee problem will not be solved until we deal with the "source" of the problem and that is the Vietnam Government and its pursuit of the war in Cambodia and its pursuit of other policies.

Last February, I met with President Reagan and Secretary Shultz and suggested technical offices be established in Hanoi and Washington to facilitate progress on the settlement of the humanitarian problems separating our two governments, such as the MIA and the POW and other such humanitarian problems.

Mr. President, 20 Senators joined me in April by cosponsoring Senate Concurrent Resolution 54 which I submitted after General Vessey was designated the President's personal emissary to Vietnam to elevate the discussions on settling these humanitarian problems.

Mr. President, General Vessey visited Vietnam last August, and after the initial wave of optimism surrounding his mission, the very familiar pattern of infrequent, lower level meetings snarled by tremendous logistical problems, has returned again. Let me cite but just one such problem, and that is the American technical person trying to work out these problems must commute from Bangkok, Thailand, for every meeting and return after such meeting.

I might also add that I brought back the information from my trip to Hanoi a year ago last January to the effect that other embassies, such as our friends from Australia, indicated that they would be very happy to facilitate those hearings and to diminish the problems of logistics by considering the possibility of our technical person to live in their embassy so it would not even take us down the road of even having to identify any formal relationship by getting our technical person housed in independent housing.

In a nutshell, it appears the Vessey mission has broken down, and I quickly add, through no fault of General Vessey, who is a very honorable and a very outstanding leader.

So today I rise with the simple question: why in the world, 15 years after we left the region, are we continuing a policy of the bare minimum, of the least possible, of the most improbable, with respect to the Government of Vietnam and the resolution of MIA-POW issue and other humanitarian matters? We self-impose logistical restraints, we make followup to the infrequent top-level meetings between our two governments so difficult, and so dependent on the perspectives of the precious few upon whom we rely for their interpretation of these meetings, and then we act shocked when misunderstanding ensues and mistrust develops further.

I went to Hanoi in 1987 and so I have no illusions about the Government of Vietnam. It is a Communist government and it is dedicated to pursuing its own agenda and its own interests. But if the United States treated every Communist government the way it treats Vietnam, we would be redefining the term "isolationist." Our policy of isolating Vietnam has only isolated ourselves. It has left us bound and gagged while the question of the resolution of Cambodia is brokered by China and the Soviet Union. We have become a guilty bystander while China arms the Khmer Rouge and legitimizes Pol Pot and shamelessly curries favor with Thailand and all of the ASEAN countries. And most of all, our policy has meant for the families of our missing in action that their agonizing wait for an answer must linger further because of the aforementioned structural problems in current negotiations with the Vietnamese.

Mr. President, three Sundays ago, in the Washington Post, Frederick Downs wrote an op-ed piece which I believe is the singlemost persuasive and articulate presentation of the dilemma facing the United States in its relationship with Vietnam. He is a veteran who lost a limb and nearly his life in the war, and if ever there were an individual who could justifiably argue against any improvement in relations with Vietnam, it would be Frederick Downs.

But something happened. He went to Hanoi and saw what had happened to the country in the two decades since his departure. His observations of modern Hanoi were identical to mine when I visited Hanoi for the first time since my time with the Navy there in 1945. He saw the terrible poverty and the victimization of the powerless civilians. It seemed to me Hanoi hadn't seen a new coat of paint since my last visit. I ask unanimous consent that Mr. Downs' article and one from the New York Times appear in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, there may be some who believe that the question of the future of United States-Vietnamese relations can be tabled for the next administration to decide. I am not one of those. Such a policy would contribute to the suffering of the innocent victims of the Vietnam war's ugly aftermath: the families of MIA-POW's in America who deserve more frequent, higher level contact between our two governments; the reeducation camp inmates; the refugees in the region's camps; the Amerasian children and the other American families broken in two by separation; and the Vietnamese civilians who have been singled out from the world's population as a people to whom the United States turns a deaf ear to their cries of hunger and despair.

Last year Congress remained silent on the question of United States-Vietnamese relations. Many of us felt that it would be imprudent for the Senate to interfere with General Vessey's incipient diplomatic efforts. It is my strong belief that the Senate now should consider adopting a posture on the question of United States-Vietnam relations similar to that seen in this Chamber on the question of Central America or other areas where United States interests are at stake—a posture of open debate.

I believe the United States Senate should take a vote this year, up or down, on the question of whether the United States should support any regional initiative which includes the murderous Khmer Rouge and Pol Pot in a Cambodia resolution strategy. Let's face it: the Khmer Rouge are alive and well today because the United States has not seen fit to pressure China to do what should have been done immediately after the news of the killing fields reached the civilized world—place Pol Pot in the history books next to Adolf Hitler.

Second, the United States Senate should vote on whether we believe the current stalemate in United States-Vietnam relations is serving the interest of the families of the MIA's in America and our much broader foreign policy interest in Southeast Asia.

The United States Senate should vote on what the speed limit should be on the "two-way traffic" arrangement that General Vessey and the Vietnamese leadership have characterized as the current relationship. Right now things are moving at a snail's pace. This matter cannot wait until next year.

I am not advocating a full diplomatic relationship with Vietnam. No, I am not advocating that. Until the MIA-POW issue and Cambodia are dealt with, that step should be premature, but there are many intermediate steps which would further United States interests, help United States families, and assist Thailand as it bears the weight of a decade of refugee migrations.

Until these steps are taken, the United States will continue to apply patches to the predictable and periodic ruptures that burst in the refugee camps and in our relationship with our strategic and loyal friend in the region, Thailand.

EXHIBIT 1

VIETNAM: MY ENEMY, MY BROTHER

(By Frederick Downs, Jr.)

Twenty years ago this month, in Tam Key, Vietnam, I stepped on a land mine. It was a type we called a "Bouncing Betty," because when you stepped on it, it bounded into the air and exploded waist-high, so that it would do maximum damage. My left arm was blown off; grievous damage was also done to my right arm, both buttocks, both legs and both feet. Five of the men in my platoon were wounded along with me.

Within a four-week period after that, my platoon—already reduced from 40 men to 27—was destroyed. All but seven of those remaining 27 were killed or wounded, and the platoon, Delta 1-6, my family and my responsibility, ceased to exist as a fighting unit. I had given my all to Vietnam. I was proud to have been an infantryman. I was proud of my men. I wept when South Vietnam fell.

So I had good reason to be carrying a lot of hate when I returned to Vietman for the first time last August, as part of a team sent by President Reagan to explore greater cooperation with Vietnam on a range of humanitarian issues. The leader of our group was retired Gen. John W. Vessey, Jr., a former chairman of the Joint Chiefs of Staff. I was included because I am head of prosthetic services for the Veterans Administration. My job was to study the needs of disabled Vietnamese and see how we could help, particularly in the area of prosthetics. It was a trip that changed the way I think about Vietnam—and maybe about America, too.

We let down through a clear sunny sky. Hanoi was off to the left. As we descended, we could see "Uncle Sam's Duck Ponds," our slang for bomb craters, scattered across the landscape. I was surprised at the large number and by the fact that they hadn't been filled in so many years later. Some were spaced haphazardously, others in neat rows spread from the American aircraft that had dropped the bombs 15 or more years ago.

Flying into Hanoi was a confusing experience for me. When I first got off the airplane and stood on the tarmac, I was surprised and slightly embarrassed to realize that my knees were weak and my hands were trembling. The adrenalin was pumping through my body and I felt the way I had long ago as I waited for the helicopters to take us into battle.

I could not suppress the feeling that I was in enemy territory. The shock of this after two decades was strange and unexpected. "What the hell am I doing here?" I asked myself. I had lost my arm fighting against Hanoi! In the years since, I had stayed angry at the Hanoi government for a number of reasons: their mistreatment of the South Vietnamese, their meanness on the POW/MIA issue, their arrogance and intractability on everything to do with America, and the simple fact that they had won the war.

And yet, driving from the airport into Hanoi, that hard edge of hatred seemed to soften. So little had changed in this land in 20 years. The women wore the same black pajamas and conical hats; bicycles still clogged the roads; water buffalos toiled in the rice paddies; fish traps stood at every drainage point in the fields and ditches; children played alongside the road; adults squatted in the doorways of their dwellings.

Here and there along the road, I could see cemeteries, graveyards for the soldiers who died in the war with America, each tombstone bearing a large red star.

We crossed the Red River on the bridge next to the one so frequently bombed during the war. It had taken 20 years but we were finally in the city limits of Hanoi. The city looked poor but reasonably neat. It could be called shabby. Streets, curbs, sidewalks and buildings are in need of repair. None of the buildings was taller than the trees. In the tropical heat and humidity, the entire city looked faded. But it takes money to keep paint looking good, and this is a desperately poor country. According to the United Nations, Vietnam ranks 162nd out of 164 countries in the world in per-capita income.

What I saw over the next few days turned my thinking about Vietnam upside down. We checked into the government guest house and were allowed to go where we wanted in the city. What happened to me, to put it in the simplest terms, was that I began to see the Vietnamese as a people.

My impressions of Hanoi were of an impoverished city, one drained of all resources by 50 years of war. A city too poor even to generate much trash. The North Vietnamese had finally won their war, but at the expense of consuming practically everything they had. A true Pyrrhic victory! Their problems were compounded by an economic policy which for the last 15 years was, by their own admission, a dismal failure.

The signs of poverty were everywhere. Women stood in line to buy a single smear of lipstick; street vendors used hypodermic needles to refill ballpoint pens; fixing flats was a constant activity on the streets. There was very little soap in the country (which perhaps accounts for the gray drabness of the clothing). Cigarettes were sold one at a time. Practically no one had a watch, so they all seemed to depend on the big clock on the main post office for telling time. What a sound it made. Not a bell but a gong.

We often walked in the park observing the people and in turn being observed by them. The kids were fascinated by my hook. They gathered around us, their faces full of curiosity and wonderment. They followed along for a short distance until their parents called. I was fascinated by the number of fathers who had their children on outings or spins around the lake. I did not expect to see this from hard-core Vietnamese. Maybe I hadn't imagined that these men I had hated for so long could love their children. That is what war does to us: It prevents us from seeing our enemies as human beings. But there was a great deal of love and pride evident in the faces of these Vietnamese fathers.

I walked over to the lake to see what the water looked like. I had watched a father squat by the edge and cool himself and his child with water be scooped up in his hands, and I was curious whether the water was clean. It was filthy; cloudy with the look of sewage and run-off from the gutters. I learned later that malaria and other infectious diseases are rampant throughout Vietnam. And I thought: The Vietnamese, my old enemies, suffer the afflictions that plague so much of the world—polio, typhoid, diarrhea, the whole host of microorganisms that inflict mankind.

Because the Vietnamese are so poor, they lack the medicine to combat disease and infection. In one operating room we observed a 7-year-old girl with polio being prepared for surgery. There was no disinfectant on her skin or in the operating room and there were no antibiotics. The infection rate in the operating rooms was over 50 percent, we were told. To put this in perspective, the international standard which countries try to achieve is 3 percent. And I thought: This Vietnamese girl's mother and father don't love their child any less than I love my own two daughters.

One night I walked into a cafe with Bill Bell, a colleague who speaks Vietnamese and has been coming to Vietnam since 1973 as part of the official team that has been trying recover POWs and MIAs. A group of about 15 older men were sitting around a couple of tables. They stopped talking immediately when we entered and watched us suspiciously as we walked to the bar. "Old cadre," remarked Bill, as we leaned against the teak bar.

Bill told me about one old veteran he had met a few years ago who related his travel along the Ho Chi Minh trail. During one trip while driving a truck full of supplies, he had been strafed by American planes three times. Each time the bullets punctured his tires. He did not have any patching material so he improvised by hunting round the jungle and killing frogs. He skinned the frogs and used the hide to patch the tires.

Bill told me other stories: of editorials in the Hanoi newspapers raising hell with the government for not living up to the promise made to its veterans. The Vietnamese vets were complaining that they were not getting prosthetic limbs to replace the real arms and legs they had lost while fighting for their country. And younger veterans were complaining that the older veterans had all the good jobs.

I knew exactly what those Vietnamese vets were talking about. Certain problems are universal in nature, and veterans of any country voice much the same type of complaints. And I realized that I was beginning to feel a sense of kinship for their problems.

The odd thing was, the people I met seemed to genuinely like us, too. When we were out walking, they usually assumed we were Russian, since there are plenty of Russians around, and they seemed wary of us. But when they learned that we were Americans, their coldness turned to friendliness and curiosity. Maybe it's that we all share the same horrific experience of the Vietnam War.

This sense of kinship bothered me, to be honest, I had spent 20 years thinking of the North Vietnamese as the murderous ghouls who degraded our dead soldiers by holding them as ransom. Like my fellow Vietnam Vets, I believed that they received some perverse pleasure from torturing the unfortunate families of gallant American men lost in battle. I hated the Vietnamese and believed they hated Americans just as much.

But here I was in the middle of Hanoi relating to these people as human beings—discovering that I did not hate them as people. What was even more unsettling was that these people did not seem to hate us. As I walked around the lake in the evening or in the hot humid noonday sun watching the busy streets full of Vietnamese I felt a sense of freedom. Not politically but spiritually. I was actually enjoying myself for the most bizarre of reasons: I was taking a walk in Vietnam and I wasn't on guard for my life.

As a soldier in Vietnam 20 years ago, I had always wanted to be able to take a walk, to go for a stroll and look around without having to worry about getting shot or blown up by the Vietnamese. Now here I was in the middle of Hanoi, among friendly people, having a good time. I could relax. The war was over.

One evening, the Vietnamese delegation hosted a dinner for us. At the dinner I spoke to a Vietnamese official. He represented to me the quintessential North Vietnamese. He had been a prisoner of war under the Japanese, he had been shot in the stomach in 1952 while he was a Vietminh fighting the French and he was in charge of "Clandestine Affairs in Urban Areas" in the fight against the Americans. His brother was killed in a B52 raid in 1972. Surely this man would hate me.

As we relaxed and conversed in comfortable surroundings I thought to myself that my dinner companion was no pilgrim. He was a hardcore soldier who had been fighting for his country's freedom from foreign domination all his life. Whether I agreed with his political philosophy or his definition of freedom or not, I respected the man for his determination and sacrifice. He had fought hard because he had wanted his countrymen to have a better life.

So I began to ask myself: Who will help these people achieve the goals they fought for so long and hard? Certainly not the Soviets. We saw nothing—in any area of civilian life—that the Russians have done to help the people of Vietnam achieve that better life. The North Vietnamese know they need help from someone. What country is rich enough to help them? And what country, in their eyes, owes them that help?

For years I have been reading about Vietnamese claims that we owe them war damages for what we did to them. I thought they had it backwards; my concern had been with the damage Vietnam had inflicted on America—the dead and wounded, the POWs and MIAs and the psychological damage inflicted on literally millions of other Americans. I didn't pay much attention to their demands for help.

Americans are a generous people. When we finish our wars, we usually try to help the other side back on its feet, no matter how many casualties we suffered or how hateful our adversaries. We helped create the modern economic miracles of Japan and Germany. But for Vietnam, we have done nothing. And if we're honest, we know why. It is because they won the war, and we still hate them for it.

When we left Vietnam, our delegation recommended that humanitarian aid be provided to Vietnam by non-governmental organizations. As medical experts, we knew this was the right thing to do because the medical needs are enormous. We did not like the politics of Vietnam but we liked the people. I came to believe that they deserved the assistance of the people of America. There will always be differences between our two countries, but there is a lot of common ground to work with.

Let me put it another way: Twenty years ago, when I lost my arm in Tam Key, I thought that I was fighting for the people of Vietnam. Today, although the government in Hanoi is not what I would like, the people still need our help. The North Vietnamese we fought and the South Vietnamese who were our allies are all under one government now. There are hundreds of thousands of our former friends and enemies who were left disabled by that war. They all share a common plight now. Do we leave these people handicapped with no hope for rehabilitation, no hope of recovering either physically or economically? Or should we try to help them?

Any soldier who has been in combat knows that there comes a time after the battle, when the smoke has blown away and the dust has settled, when you must lean down and give your foe a hand. For in that moment of generosity, the war is truly over.

CRUEL, AND NEEDLESS, CHOICE OF REFUGEES

Thailand's patience has snapped. After years of receiving refugees from Communist neighbors, it is now experiencing an unexpectedly large new flow from Vietnam. Officials and deputized fishermen are pushing the boats full of newcomers back to sea. More than 100 refugees have died—and now the U.S. State Department is considering an idea that would make the tragedy even worse.

The State Department now anticipates that Mikhail Gorbachev's policies will bring an upsurge in Jewish and Armenian refugees from the Soviet Union. Since the number of refugees routinely admissible to this country is limited by law, the department is thinking of reallocating some of the slots scheduled for Southeast Asian refugees, among others, to accommodate the expected Soviet refugees. It's a cruel choice, and an unnecessary one.

Thailand has for a dozen years provided first asylum to hundreds of thousands from Laos, Cambodia and Vietnam. It has grown increasingly impatient with other nations' lack of commitment to their part of the bargain: to provide final resettlement. Now the

> Thais say they will take no more Vietnamese until the total of more than 12,000 already in the camp that receives Vietnamese is reduced by resettlement. Public passions in Thailand are rising against the refugee influx.
>
> This year, the United States has agreed to admit 29,500 Southeast Asians. More than ever, Washington needs to show its commitment to upholding its end of this bargain. Yet State is pondering the opposite policy instead, cutting the number of slots for Asian refugees to make room for Soviet refugees.
>
> There's no need to choose. The Refugee Act of 1980 provides that in "an unforeseen emergency refugee situation" the limits for various refugee categories can be changed. With Vietnamese dying off Thailand's shores and Soviet refugees increasing, this is plainly an emergency.
>
> If the number of slots available to Soviet refugees were simply increased rather than taken from other regions, the total would grow by no more than 15,000. Compare that with the 68,500 refugees the U.S. has agreed to take this year, and the half-million legal immigrants. The numbers are hardly overwhelming.
>
> Two important humanitarian concerns are involved here; both can be met at one.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATORIAL ELECTION CAMPAIGN ACT

Mr. BYRD. Mr. President, has the unfinished business been laid before the Senate?

The PRESIDING OFFICER. It has not. The clerk will report the unfinished business.

The legislative clerk read as follows:

> A bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Boren motion to recommit the bill, with instructions to report back forthwith, with Boren amendment No. 1403, in the nature of a substitute as modified.

Byrd amendment No. 1404 (to amendment No. 1403), of a perfecting nature, as modified.

Boren amendment No. 1405 (to amendment No. 1404), of a perfecting nature, as modified.

Mr. BYRD. Mr. President, I know of no matter that is more important to the integrity of this institution or the integrity of our political and electoral process than the matter of campaign financing reform.

I shall cite some examples of abuses in campaign financing. These are taken from press accounts. As to bundling, the Wall Street Journal on October 24, 1986, said:

> BUNDLING: The Wall Street Journal (Oct,. 24, 86) GOP Panel's Bypass of Federal Aid Cap Totals $6.6 Million for Senatorial Races
>
> A new tally shows the National Republican Senatorial committee has quitely funneled nearly $6.6 million extra into coffers of GOP Senate candidates, using a technique that effectively nullifies federal limits on financial aid parties may provide. Big Bundle—Contributions funneled to Republican Senate candidates by National Republican Senatorial Committee through "bundling.": Total (all candidates) $6,599,855.

A quotation from the New York Times on October 10, 1985, on the subject the independent expenditures:

> Californian Spent $1.1 Million on Illinois Race [headline]. Michael R. Goland, the largest independent spender in the history of elections, according to new Federal Election Commission figures, is a publicity-shy California entrepreneur. He spend $1.1 million last year in a personal campaign, not organized or coordinated with any candidate, to bring about the defeat of Senator Charles H. Percy of Illinois.

One the subject of PAC's the New York Times under date of August 4, 1987, had this to say:

> PAC's Aided Legislators on Banking Panels [headline]. Members of the banking committees that drafted legislation now before Congress to aid the savings and loan industry received nearly $3.5 million in 1985 and 1986 from political action committees with a direct stake in the legislation.

Again on the subject of PAC's quoting from hearings on campaign finance reform, the Committee on Rules and Administration, November 5, 1985, testimony of Philip Stern, former assistant to Senator Paul Douglas, founder of the Center for Public Financing of Elections in 1973:

> A decade ago, only 28 percent of House winners relied no PAC's for a third of their campaign money. Ten years later, that figure had leaped to 82 percent. * * * In 1984, the PACs gave nearly six and a half million dollars to incumbent representatives who had no general-election opponent.
>
> That was more than three times what they had given to unopposed candidates just four years earlier.

On the subject of campaign spending, from the campaign finance reform hearings, Committee on Rules and Administration, January 22, 1986, testimony of Mark Green, President, Democracy Project:

> "If you take inflation into account, campaign spending has increased only 20 percent or so in the last five years." So wrote Robert Samualson in a review panning Elizabeth Drew's book in The New Republic. Actually campaign spending has skyrocketed. Between 1972 and 1982, while the Consumer Price Index doubled, spending for House races increased 450 percent and for Senate races, 500 percent. In 1972 the average first-term representative spent less than $100,000; in 1982, about $300,000.

On the subject of PAC's campaign financing in Federal elections, a guide to the law and its operations by Joseph E. Cantor, specialist in American Government in the Congressional Research Service of the Library of Congress, August 8, 1986, revised July 20, 1987:

> Number of Registered Political Action Committee [has grown from] 608 [in] 1974 [to] 4157 [in] 1986. * * * Financial Activity of Political Action Committees, 1972-1986: Contributions to congressional candidates: $8,500,000 [in] 1972 [growing to] $132,179,611 [in] 1986. * * * PAC Contributions as a Percentage of Congressional Candidates' Overall Receipts in General Elections: 1972-1986: Percent Given by PACs: 13.7% [in] 1972 [growing to] 31.3% [in] 1986.

On the subject of campaign expenditures by Joseph E. Cantor in Campaign Financing in Federal elections, A Guide to the Law and its Operations—he is a specialist in American national government in the Congressional Research Service of the Library of Congress—"Total Campaign Expenditures in House and Senate Elections: 1972 through 1986, $77.3 million in 1972 growing to $450 million in 1986."

Mr. President, there are some very important and interesting additional facts that I would like to state for the record concerning the need for campaign financing reform legislation. And I have consistently maintained, so has Senator BOREN and others on this side of the aisle, that unless there is an overall limitation on campaign expenditures, unless there is an effective mechanism to enforce that limitation on campaign expenditures, and unless there is a limitation on the aggregate PAC contributions which may be received by any candidate there can be no genuine campaign financing reform.

Now, as to the rising cost of congressional elections, Will Rogers once remarked "Politics has got so expensive that it takes a lot of money even to get beat." It was about that time that Franklin Roosevelt spent $2.2 million to win his first Presidential election.

In 1986, losing Senate candidates spent an average of $2.3 million each. In other words, it now takes more money to lose a statewide Senatorial election than it did to win a national election just 50 years ago.

Consider the extent of the increase in campaign spending. Total senatorial campaign expenditures in congressional elections from 1972 to 1986, in 1972, the total campaign expenditures in senatorial elections were $30.7 million. By 1986, they had risen to $211 million; in other words, a 700 percent increase, or a little less than 700. In other words, in 1986 Senate campaigns cost $211 million, seven times as much as the 1972 senatorial elections of about $31 million. All this data comes from the Congressional Research Service.

Mr. President, the average campaign expenditure by Senate candidates rose from $437,000 in 1974 to $2.6 million in 1986. In 1984, the five costliest elections, Senate candidates spent $7.74 per vote, and in the five most costly elections in 1974, 10 years before, they spent 67 cents a vote. So in other words, between 1974 and 1984, the average amount of money spent per vote by Senate candidates increased from 67 cents a vote to $7.74 a vote. Some political scientists believe that data for the winning candidates provide the truest gauge of the level of funding needed for congressional races—that is, what it costs to win a Senate seat.

The average campaign expenditure by winning Senate candidates in 1976 was $609,000. In 1986, it was $3,099,000.

In 1986, losing Senate candidates spent an average of $2.3 million. In 1986, the winning Senate candidates spent an average of $3.01 million on their election campaigns.

The February 1987 issue of Conservative Digest reported, and I quote, "According to current projections when the new class—get this—when the new class of Senate freshmen runs for reelection in 1992 * * *"—see, the last class that has come to the Senate was in 1986. When the new class, when that class runs for reelection in 1992, get this: "* * * the average Senate campaign will cost $9 million". It was an average in 1986 of $3 million. But when those same candidates, those same Senators who were elected in 1986 run for reelection 6 years later in 1992, the average is not going to be $3 million. It is going to be $9 million. Now, how is that for an increase in the amount of money needed to run a successful campaign for reelection to the United States Senate?

That means that during the 6 years, these individuals who are in the Senate will have to raise $125,000 every month for their next election. They will have to raise $28,846 every week. They will have to raise $4,109 per day, Saturdays and Sundays included. That boils down to $171 per hour of every day, 24 hours a day, 7 days a week, for 6 years straight. How are they going to have the time to do anything else?

From where does the money come for these campaigns? More and more of it is coming from political action committees, PAC's. Since 1974, there has been nearly a 600 percent increase in the number of PAC's—as I have already indicated, from 608 PAC's to 4,211.

PAC contributions to congressional elections in 1986 were over 1,000 percent higher than in 1974, 12 years before; and they were 1,500 percent higher than in 1972, 14 years before.

In 1986, PAC's contributed 27 percent of what winning Senate candidates collected. In 1976, it was 15 percent. This comes from the Augusta, Maine, Kennebec Journal, February 9, 1987.

Furthermore, PAC giving has outpaced the overall increases in candidate receipts and spending. In 1972, PAC's contributed 13.7 percent of what Senate and House candidates collected. In 1986, PAC's contributed 31 percent of what Senate and House candidates collected. In 1986, the top three PAC's contributed $2.8 million, $2.1 million, and $2.1 million respectively, to Federal candidates. Indeed, the top 10 PAC's all contributed more than $1.3 million each to Federal candidates in 1986, with an average contribution of more than $1.7 million, according to FEC records.

The combination of spending limitations and public financing in Federal elections is not a novel idea. For 12 years, such a system has operated with great success in our Presidential elections. An incredible rate of expenditures in Presidential campaigns has been stemmed. In 1972, when there were no spending limits, President Nixon financially overwhelmed his opponent by spending $62 million. Adjusted for inflation, a comparable amount in 1984 would have been more than $150 million. But with spending limits and public financing, President Reagan spent $68 million—in other words, just $6 million more than Mr. Nixon had spent 12 years before. President Reagan's expenditure of $68 million in 1984 represented a 10-percent increase in 12 years. During that time, the cost of congressional campaigns rose 485 percent.

The law limiting spending and public financing for presidential campaigns has been so successful that 34 out of the 35 candidates for the presidency since the law went into effect have participated in the public financing system. In the 1988 elections, this year, all the major candidates of the Republican and Democratic Parties have accepted spending limits and public financing—all of them. President Reagan accepted public financing in the 1976, 1980, 1984 Presidential campaigns.

The spending limits and public financing of Presidential elections has made elections more competitive as well as less subject to abuses. This system of financing has not proved to be an incumbent's protection plan. In two out of the three Presidential elections under public financing, the challengers have defeated incumbents. In 1976, a challenger defeated a Republican incumbent for President. In 1980, a challenger defeated a Democratic incumbent for President. In 1984, a Republican incumbent won.

Mr. President, it is interesting to note in the February 14 edition of the Charleston, WV, Gazette an article by a Richard L. Burke, New York Times Service. Here is the headline: "PAC's Found Resentful of Greedy Lawmakers." Let me read just a little from that article, headlined Washington:

> Political action committees say they are increasingly resentful of greedy lawmakers, and yet they go along on their demands for contributions, for fear of losing vital access to Congress.

This is the PAC's talking.

> This bitterness repeatedly comes to the surface in a new study based on extensive interviews last year with officials of 50 political action committees that represent business, labor, trade and ideological groups. The study, to be made public within the next few days, was conducted by the Center for Responsive Politics, a bipartisan organization that examines political trends. It is the first detailed examination of attitudes among PAC directors and lobbyists working for them.
>
> Although the study did not make specific recommendations for changes in the relationship between political action committees and legislators, it concluded: "Underlying our interviews was an undercurrent of fear, anger and frustration at the way the congressional campaign finance system operates."
>
> In the interviews, the directors of the political action committees recounted how legislators keep black books that listed their contributors; how the lawmakers were offended when PAC representatives did not attend their fund-raising events, and how the committees were constantly badgered by members or their aides for contributions.
>
> The 65-page report, titled "PACs on PACs: The View from the Inside," is filled with quotations from officials of large and small political action committees, all of whom consented to interviews with the center on the condition that they not be identified.
>
> The PAC directors sought to debunk the notion that officials of the committees enjoy the neverending stream of Washington fund-raising meals and cocktail parties for which members of Congress serve as hosts. Many said they felt they had no choice but to attend.
>
> "They're a real hassle for me," one PAC official said of the fundraisers, "The reception breakfast circuit is backbreaking. They're bad on your cholesterol level and everything else. Some of the receptions are five, six or seven a night and it's impossible to make them all. Then you just end up sticking your head in and out, hoping the member is there when you are."

Mr. President, the bill before the Senate will cure all that, and the American people should rise up and demand that the Senate act on this legislation.

They will do that. Whether they will do it this year or not, I cannot say. But, sooner or later, they are going to do that.

The framers of the Constitution provided that the Members of the Senate should be elected by the members of the State legislatures. That became a widely perceived mechanism as being flawed and as leading to corruption. It continued to be the mode for selection of Senators until 1913. A resolution was introduced in the House of Representatives as early as 1826 providing for popular election of Senators, and in the late 1800's the people of this country began petitioning the House of Representatives to pass resolutions to provide for the popular election of Senators. The House, between 1893 and 1902, passed several of these resolutions, but they got nowhere in the Senate.

I think it was about 1887 the first time that a Senator attacked the mode of election of Senators, and he was Charles Van Wyck, of Nebraska.

William Randolph Hearst became a Member of the House of Representatives in 1903. He took on this issue. He bought Cosmopolitan Magazine and, with his large chain of newspapers and Cosmopolitan, he made it a goal to attack the then system of misconduct and corruption at the State level where State legislatures elected the Senators who would serve. And so the Senators were the pawns of large corporations, investment companies, so on and so on and so on, William Randolph Hearst attacked that system.

But it was 1913 before the constitutional amendment was adopted, the 17th amendment. The State of Connecticut was the State that finally made the three-fourths of the States necessary to ratify a constitutional amendment. In April 1913, the State of Connecticut ratified that amendment. On May 31, 1913, William Jennings Bryan, Secretary of State, certified that the amendment was a part of the Constitution, so that the people finally became directly involved in the election of their Senators.

So since 1913, for 75 years now, the people of the country have been the electors; not through some indirect process as the framers originally established, but the people became directly involved. It was a great victory for the people, this amendment providing for the popular election of Senators.

And now we are witnessing a system under which the same cloud of corruption hangs over this Chamber and the other Chamber, the House of Representatives, by virtue of the campaign financing system under which we operate.

The large contributions that Senators are receiving from PAC's are not illegal. What is being done here is not illegal. It is legal. We are playing by the rules, and those of us who want to continue in public service have no alternative but to raise money to be able to compete with opponents who will raise money and with negative advertising that will be carried on by independent organizations that come in the States, just as NCPAC came into my State of West Virginia in 1982 and spent $270,168 spreading negative, distortive, unfair disinformation and misinformation about my voting record.

So this is the system. It is corruptive. It has all of the aspects of being corruptive. The American people have to perceive it as a system in which the special interests have the advantage.

And so I ask the question: Is this Senate the cornerstone of the Republic, or is it the fortified castle of the special interests? Is it the chief protector of the people in this Republic, or is it becoming the chief menace to the interests of the American people?

So the question becomes very important: How do men and women come to membership in this overpowering body—a body that has powers that go beyond the legislative powers; powers that are executive, judicial, investigative as well as legislative; this powerful body which under the Constitution has what one might say is an equal part with the President in the making of nominations and in the making of treaties—by what method do men and women become members of this overpowering body? That is the question. And even though they are elected, the method of election is popular election, that method of election is undermined unless it is the people who are fully cognizant, fully vigilant and fully able to exercise their collective views in the selection of Members of this body; whereas, once upon a time the people indirectly elected the Senators and whereas, for many, many years special interest groups in the State legislatures dictated the selection of Senators to this body.

Everyone thought that by the adoption of the 17th amendment in 1913 those dangers were put aside and past. And yet today, more and more and more special interests again are influencing beyond their numbers the selection of the Members of this body.

Mr. President, this is an idea that is not going to perish. It is an idea that is not going to die, because too much is at stake.

The integrity of this institution is at stake. The integrity of the electoral and political process is at stake. The integrity of representative democracy is at stake. And the integrity of the people's choice, the people's choice in the selection of Senators, is at stake.

Sooner or later, the William Randolph Hearsts of this country—going back to the early 1900's in my reference—the editorial writers of this country, commentators, the columnists, the media, are going to arouse the people to the danger to the institution of representative democracy.

It is happening right under the noses of people and they need to be awakened to it and we, who are supporting this bill, are doing everything that we know how to awaken the people.

I hope the people can see through the flimsy arguments that are being made against this bill. Campaign financing reform cries out for enactment and until there is a limit on campaign expenditures—and our friends in the Republican caucus say: no—until there is a mechanism to enforce that limitation and until there is a limitation on the aggregate contributions that can be received by any candidate, campaign financing reform will not be genuine.

But our friends in the minority caucus draw the line and they say never; no. They will not agree to any limitation.

Mr. President, I hope that there are those on the other side of the aisle who are our friends who will decide to stand against the conference, if it continues to maintain that position, and in the interests of good government will decide to join those who are proposing and who are dedicated to genuine campaign financing reform. We welcome them and we hope that this year we will take this all important step which is in the interests of good government.

There should not be a "for sale" sign on this place, but the American people are going to believe there is and if we do not do something about it we cannot blame them.

CAMPAIGN FINANCE REFORM

(By request of Mr. SIMPSON, the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, here we go again on campaign finance reform. We're all familiar with the issue by now. As the distinguished assistant Republican leader, Mr. SIMPSON, pointed out recently, the 100th Congress has set a record—the distinguished majority leader has filed seven cloture motions on S. 2. Each of those motions failed, and I am hopeful that, if another cloture motion on this so-called reform bill is made, the eighth will too.

Let's face it. If you attach the word "reform" to anything it sounds good; it looks good; it even feels good. But, attaching "reform" to S. 2 won't hide the fact that this bill is anything but reform. It is unfair and unbalanced.

RESPONSE TO THE CRITICS

I have been criticized by some special interests, including Common Cause, for not caving in to their demands that I support S. 2. Let me set the record straight.

Now, the special interests suggests that in opposing S. 2, Republicans are acting as obstructionists—that we are acting as critics rather than participants in the process: but that's just not truth in advertising. Look at the record: Campaign finance reform began in earnest with the introduction of the Boren-Goldwater bill in 1986, when I was the majority leader. The bill introduced at that time had something that S. 2 doesn't have: a balanced, bipartisan approach.

In the words of Archibald Cox and Fred Wertheimer, chairman and president of Common Cause, "The Boren-Goldwater bill [had] * * * garnered support from a wide-ranging, bipartisan group of cosponsors, whose views span ideological and party spectrums and who represent every region of the country."

A CONSTRUCTIVE ALTERNATIVE

On September 9, 1987, a number of my colleagues joined me in introducing the Congressional Campaign Finance Reform Act, S. 1672. This legislation is similar to the Boren-Goldwater bill. In my view, it is a much more balanced effort at reform than S. 2. It attempts to bring the individual back into the political process by limiting PAC contributions and adjusting the limit on individual donations—first imposed in 1972—for inflation.

It requires full disclosure of so-called soft money expenditures through which corporations, labor unions, and nonprofit organizations may influence the outcome of Federal elections. It attempts to close the millionaire loophole so that wealthy individuals will not have such a tremendous advantage in financing their own campaigns, and, most importantly, it keeps the door open for all challengers in all congressional elections, House and Senate.

In addition, S. 1672 provides for future reform under the auspices of a bipartisan commission which would make periodic recommendations to Congress based on their own study and the recommendations of the Federal Election Commission.

S. 2—IS THIS REALLY REFORM?

Mr. President, everyone will agree that campaign spending is out of hand. But, in my view, S. 2 goes about solving the problem the wrong way.

TAXPAYER FINANCING

Under S. 2, it is the taxpayer who shoulders the burden of this so-called reform. The American people are not demanding that we increase their taxes or increase the deficit just to pay for political campaigns. They are demanding a voice in the political process.

As I have stated, the original campaign finance reform bill was a bipartisan proposal introduced by Senator Barry Goldwater and Senator BOREN. But, as soon as taxpayer financing was added to the bill, Senator Goldwater pulled his name off the bill. He said, "One of the surest ways I know to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part, or all, of campaigns." I think Barry has raised a valid point.

SPENDING LIMITS—EFFECT VERSUS INTENT

On the surface, spending limits sound like a good idea. I do not question the intentions of S. 2's sponsors. But, as a legislator, I have a responsibility to examine the effects that spending limits might have on the electoral process. In my mind, a number of problems arise.

You might as well call S. 2 the incumbent protection act. Pass this bill and you can tell the competition to stay off the field.

Members of Congress already enjoy advantages such as franking, free media, and professional staff, which, conservatively, are worth $200,000 per year. Most also enjoy relatively high name recognition within their home States. One study estimated that a challenger in an average Senate race would have to spend almost $300,000 just to neutralize his opponent's name recognition.

In disallowing any effort to offset these advantages, S. 2 would make it even more difficult for a challenger to win a Senate seat.

Let's face facts: The Democrats enjoy the privilege of having a majority in both the Senate and the House. It follows that an incumbent protection bill favors the Democrats.

This is one Republican who insists on broadening the party, the Republican Party. But, we are outnumbered in many parts of the country. In the South, for example, registered Democrats outnumber Republicans by a 4-to-1 margin. How in the world are we going to compete—or even hope to get our message out—if we are not allowed to wage an aggressive, fair and square fight.

So, this does become a partisan issue. But, the problems don't stop there. I also believe that if S. 2 were enacted, candidates would focus more of their attention on the big contributors and the PAC's than on their grassroots fundraising efforts. Why? The answer is money.

If S. 2 were enacted, fundraising expenses would count against the overall spending limits for each candidate. Campaigns currently spend somewhere between 22 and 33 percent of their money raising more money. With the limits in place, candidates would naturally focus more of their attention on the big contributors and the PAC's, and less on the average voter.

We are having a hard enough time convincing Americans to participate in the electoral process. Across the country, voter participation is down. In fact, the Federal election commission estimates that it dropped to 36.3 percent in 1986. S. 2 would alienate voters even further. In my view, it is the man on the street, who should ultimately have the influence in the electoral process.

PAC'S

Many of those critical of the current system, including common cause, consider PAC's a corrupting influence. If PAC contributions are corrupting the system then cut their contribution limits directly, as the Republican bill does, or eliminate PAC's altogether, as Senators PACKWOOD and MCCONNELL have suggested.

There is a misconception that S. 2 would cut overall PAC spending; it won't. PAC's will simply shift their emphasis to so-called "independent expenditures" which are not subject to the bill's spending limits.

S. 2 would also effectively increase the influence of specific PAC's by imposing an aggregate limit on PAC spending without reducing individual PAC contributions. Under this system, the best organized PAC's will have even more political clout than under current law. No one has been able to convince me that a $5,000 PAC contribution under S. 2 would have less influence than a $5,000 PAC contribution under current law.

COSTS

As an added incentive for a candidate to abide by the spending limits imposed under S. 2, a postal subsidy with an estimated cost of $70 million per election cycle—House and Senate combined—has been provided. This subsidy would be paid for by the U.S. Postal Service with the likely outcome being increased postal rates.

The Congressional Budget Office has conservatively estimated that 20 percent of all qualified candidates will not opt to comply with S. 2's spending limits. At an average cost to U.S. taxpayers of $20.5 million per Senate race, this legislation could be astronomically expensive. In addition to these costs, the FEC has estimated that its annual administrative costs would increase substantially.

INDIVIDUAL CONTRIBUTIONS

By indexing both the current $1,000 limit on individual contributions and the $5,000 PAC contribution limit, S. 2 fails to make the individual a real participant in the political process. A prominent concern of those supporting campaign finance reform has been that individuals no longer feel that they can make a difference.

Many of those same critics charge that the Republican bill S. 1672, favors the wealthy. They're wrong. The $1,000 contribution limit has been in place since 1972, and it has never been adjusted for inflation. By combining an increase in individual contributions with a reduction in PAC contributions from $5,000 to $3,000, the Republican bill goes much further than S. 2 in giving the individual a meaningful voice in the political process.

PUBLIC FINANCING

A few special interests question my decision to accept public funding for my Presidential campaign when I oppose this provision in S. 2. My answer is simple: I voted against public financing in 1971. But, as a candidate who wants to win this race, I must play by the rules of the game, as they now stand. I will not voluntarily give my opponents an advantage. As I recall, another Presidential candidate, Senator PAUL SIMON, has said the same thing.

Mailings and advertisements by Common Cause single out PACS as special interest groups which are able to distort and control elections. Why then has Common Cause chosen to endorse a bill which does nothing to reduce the maximum contribution which individual PAC's are allowed to make to each Senate campaign? S. 2 would give PAC's more influence at the expense of the average American.

In recent years, the Democrats have relied more heavily on big contributors and PAC's than the Republicans. The yearend reports on House and Senate campaign fundraising for 1987 will back me up on this. An analysis of these reports supporting this claim was written by Brooks Jackson and appeared in yesterday's Wall Street Journal.

Mr. President, I ask that this article be inserted in the RECORD immediately following my statement.

(See exhibit 1.)

S. 2 also hurts Republicans precisely because it favors large contributors and PAC's. There is a myth out there that the Republican party is the party of the wealthy and the special interests. I have stated repeatedly that the facts disprove this characterization. If you study the year-end reports I just mentioned, you will find that it is the small donors who are at the heart of the Republican Party. We want to keep it that way.

THE PROBLEM WITH CLOTURE

Before closing I would like to discuss one more point: The solid reasoning behind our cloture vote strategy. Many of those who are unfamiliar with Senate proceedings and many of those covering this issue in the press have failed to understand why we have been so adamant in our opposition to cloture.

If cloture is invoked, only amendments which are "germane" to the bill will be in order. Under the Senate rules, I would not be able to offer amendments which would correct many of the flaws I see in S. 2, for example, amendments which lower the individual PAC contribution limits, increase disclosure requirements on "soft money" expenditures or address the "millionaire loophole" in current law would not be considered "germane" under the Senate rules. And that means potential candidates, the Republican candidate and the American people would be the big losers.

CLOSING

In closing, I would like to address the critics. My response is simple: I want reform. But, it has to be fair. I have indicated from the very beginning a willingness to negotiate on this issue, but, unfortunately, we have not been able to reach an agreement so far.

In my view, the Dole bill—"The Congressional Campaign Finance Reform Act"—addresses each of the problems that the critics of the present system have identified. Those who have joined me in cosponsoring this measure have played a constructive role in the legislative process.

We, as legislators, have an obligation to do more than criticize. We must participate, and I think we have. But we also have an obligation to vote responsibly.

For me, the choice is clear. I believe in a two party system, and I am willing to take a little heat to ensure that we have one.

Mr. President, I urge my colleagues on both sides of the aisle to join me in calling for a fair and effective campaign reform bill.

EXHIBIT 1

[From the Wall Street Journal, Feb. 22, 1988]

GOP INCOME FALLS SHARPLY AS REAGAN ERA ENDS; BIG GIVERS, PAC'S SPUR RISE IN DEMOCRATIC GIFTS

(By Brooks Jackson)

WASHINGTON.—Campaign-financed reports show Republican Party income is dropping sharply as the Reagan era draws to a close, reflecting a rapid decline in both large and small gifts.

Democratic contributions meanwhile are rising bullishly, but entirely because of gifts from big donors and special-interest groups. Small gifts to the Democrats are slipping a bit.

The GOP's three main national committees still maintained better than a 3½-to-1 advantage over their Democratic counterparts last year, but that lead was down from the nearly 6-to-1 edge they enjoyed in 1985, the previous non-election year.

Republicans took in $68.5 million during 1987, a 29% decline from the earlier period. The decrease ushered in unaccustomed austerity; the National Republican Congressional Committee, for example, cut its staff by half in 1987, to about 60 people currently. Its rival, the Democratic Congressional Campaign Committee, expanded its staff to 65, making it the larger of the two for the first time.

Democratic committees took in $19.3 million last year, a 20% increase from 1985. But there was a 4% decline in gifts from people giving less than $200 during the year. Gifts from large donors soared 61%, and income from political-action committees rose 33%.

The increased income allowed Democrats to spend $125,000 last year to purchase a microwave link connecting their elaborate television studio here to a commercial ground station. This enabled 43 Democratic House members to feed political commentary back to hometown TV stations via satellite immediately after President Reagan's State of the Union address last month.

AGGRESSIVE OUTREACH

The Democratic congressional committee's chairman, Rep. Beryl Anthony of Arkansas, says more than 50 Democratic House members solicited funds for the committee. Speaker James Wright traveled to fund-raising events in 19 cities last year.

Even so, the committee's income rose mainly because of a 62% increase in PAC donations, which Rep. Anthony said was mostly the result of an "aggressive outreach program" by the committee's former chairman, Tony Coelho of California, in 1986. PACs pay $15,000 a year to join the "Speakers Club," which entitles lobbyists to meet socially with Mr. Wright and other senior House Democrats during the year.

The congressional campaign committee got 30% of its income from PACs last year, up from 20% two years earlier. And as Senate Democrats unsuccessfully tried to pass a bill to limit campaign spending and PAC donations, their own senatorial committee took in more than $1 million from PACs, accounting for 20% of its total. Overall, Democratic Party groups got 18% of their funds from PACs, compared with only 1% for the GOP.

Republicans got 61% from small donors in 1987, a slightly lower percentage than before. Democrats got 45% of their money from small givers, down sharply from 56%. The Democratic Senatorial Campaign Committee more than doubled its income from large donors, who accounted for 56% of its revenue. Many wealthy givers rushed to make donations just before the end of the year, so their gifts wouldn't count against annual limits for 1988. (Federal election law forbids individuals from giving more than $25,000 a year to federal candidates, party committees and PACs.)

Regaining a Senate majority helped Democrats financially. "There are people from the business community who I'm sure are giving more now that we're in control," says Robert Chlopak, executive director of the party's senatorial committee. On the Republican side, falling into minority status demoralized donors and "took the wind out of our sails," says Jann Olsten, executive director of the National Republican Senatorial Committee. Small-donor income plunged 49% in 1987, though Mr. Olsten says it is rebounding now.

NORTH'S COATTAILS

The Iran-Contra hearings also hurt, Mr. Olsten says, by creating a poor political environment for Republicans. Even so, Rep. Guy Vander Jagt, chairman of the GOP congressional committee, capitalized on the brief surge of "Olliemania" following the televised testimony of Lt. Col. Oliver North. He sent a fund-raising letter announcing the committee would make a $50,000 donation to Col. North's legal defense fund. It produced more money from the committee than any letter sent in the previous two years, the congressman says.

Mr. Vander Jagt fears his donors have grown complacent. "People are thinking, the conservative Republicans, that Regan has done it all, he's solved the problems, he's lowered inflation and interest rates and put people back to work," he says. He cheerfully predicts that donors will reopen their checkbooks as campaigns heat up: "Things will get better in 1988."

Meanwhile, to compensate for the decline, Rep. Vander Jagt last September set up a National Advisory Board whose members each pledge to raise $50,000 a year in large gifts. And a spokesman said the GOP senatorial committee recently began a program to increase its income from PACs.●

Mr. BYRD. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

SAM J. ERVIN, JR.: A MARKER IS ERECTED TO A STATESMAN WHO LEFT HIS MARK ON HISTORY

Mr. HELMS. Mr. President, as in the morning hour, there was a ceremony in Morganton, NC, back in November that deserves to be noted in the Record. On November 8, 1987, an historical marker was dedicated at the birthplace home of our late colleague, the able and distinguished Senator Sam J. Ervin, Jr.

The ceremony was conducted at 517 Lenoir Street in Morganton, the site of Senator Ervin's birth. At that ceremony, meaningful remarks were made by T. Harry Gatton, of Raleigh, who served as assistant to Senator Ervin here and who was the Senator's good friend and confidant.

Mr. Gatton's remarks about Senator Ervin were eloquent—and accurate. Sam Ervin was a statesman. Sam Ervin loved this country with an unyielding fervor. And he believed the U.S. Constitution was the greatest document, as he often put it, "ever conceived by the mind of man."

Mr. President, I ask unanimous consent that Mr. Gatton's tribute to Senator Ervin be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Sam J. Ervin, Jr.: The Broadening Shadow of Intellectual Competence

President Katie Snyder, Judge Claude Sitton, ladies and gentlemen:

You deserve much appreciation today for this significant action to designate the birthplace home of U.S. Senator Sam J. Ervin, Jr. by an historical marker. The marker is further evidence of the broadening shadow of his intellectual competence. Moreover, it is very appropriate that this is being done in the Bicentennial Year of the United States Constitution. I am quite certain that Senator Ervin would salute his native Burke County for the work that has been done to observe the Bicentennial.

"The Constitution is the wisest instrument of government the Earth has ever known," he wrote in an article published a month before his death in 1985. "If America," he said, "is to endure as a free republic as ordained by it, Presidents, Supreme Court Justices and other public officers must do what they have sworn to do, that is, support it."

He believed that the Founding Fathers had indeed produced a miracle in Philadelphia. As a youth he memorized the document and used it gingerly and effectively for the rest of his life.

"I love the Constitution and the freedom it enshrines," he wrote in his remarkable autobiography, Preserving the Constitution. You of his family, friends and neighbors know of his contributions locally. My purpose is to state briefly a sketch of the magnitude of his influence on North Carolina and the nation. It is obvious, of course, that this statesman's life and services cannot be adequately chronicled in a few minutes.

I believe that it was at Chapel Hill in 1913-1917 that men such as William B. Umstead and Albert Coates first gauged the capacity and character of this unusual student from Morganton. Many years later—in 1954—Governor Umstead appointed then Supreme Court Justice Ervin to the Senate of the United States.

Next was his heroism in World War I. On a battlefield in France, seriously wounded, he was believed dead. That lonely night as he lay wounded, he was aware of the cries of another young man, mortally wounded, begging for water. It was a young German—the enemy—and Sam Ervin shared his canteen's contents. Ervin survived, and veterans remembered his valor and his high awards for it.

Graduating from Harvard School of Law, he was elected to the North Carolina House of Representatives, serving in the sessions of 1923, 1925 and 1931. One of his colleagues was the late Willis Smith, who later also became a United States Senator. His colleagues quickly learned that young Ervin was a person who never shirked his duties as a public servant, who prepared for legislative debate, and one who sprinkled his position with wit and humor. His reputation for intellect, honesty and common sense spread across North Carolina.

Governor Clyde R. Hoey appointed Sam Ervin to the Superior Court bench. Holding courts throughout the state, his reputation for wisdom, fairness, wit and judicial temperament became his hallmarks.

And in 1948, when Governor R. Gregg Cherry appointed Judge Ervin to the Supreme Court of North Carolina, the appointment was applauded. At the time, many political leaders suggested that Sam Ervin was the logical candidate for Governor, but he did not seek the office.

His willingness to serve for a brief time in the U.S. House of Representatives, following the tragic death of his brother, demonstrated his standing in the district and his desire not to make service in the House a career.

So it was in 1954 that Sam Ervin went to Washington to begin his long service as a Senator of the United States.

What an impressive record!

His competence and impeccable reputation were quickly recognized. He was selected for some of the most responsible assignments. He was on the Watkins Committee that investigated the McCarthy matter. He argued scholarly and masterfully for his views on constitutional principles for years. He became widely known for his chairmanship of the Watergate Hearings.

Senator Ervin occupies a unique, revered and heroic place in the annals of this state and nation. In our memories we can see him—a tall gentleman in so many ways—physically strong, morally sound, intellectually honest, compassionate and competent. We can remember the warmth of his smile, the sincerity of his greeting, and the capstone of his life, his love for "Miss Margaret," his family and friends.

He missed the 200th birthday of the U.S. Constitution by twenty-nine months, but his role as an honest-to-goodness modern-day Founding Father is clearly established. I have often thought that had Sam Ervin been a delegate to the Constitution Convention, his notes would have been carefully and fully documented.

On September 27, 1896, this fifth child of Sam J. Ervin, Sr. and Laura Powe Ervin was born at this place, 517 Lenoir Street, Morganton. From his earliest years he was fearless in the performance of duty.

After Senator Ervin's death in 1985, the Detroit News published an editorial tribute to him that recites some of his fine characteristics known by so many:

"To folks in North Carolina, he was Senator Sam. To his neighbors in the mountain town of Morganton, he was the Senator or the Judge. And to millions of Americans, Samuel James Ervin was the 'country lawyer'. . . . Of all the people involved with the Watergate scandal, none made a more endearing or indelible impression on America than Senator Sam because he sought no political or financial benefit from the ordeal. . . . Although he spoke with a slow backhills drawl, he knew the constitution and American history better than most of his Senate colleagues. He believed fiercely in the rule of law, and defended it endlessly against the ravages of fad and corruption. . . . He was unpopular in some parts because he was a thinking man . . . and was deeply concerned with preserving the distinctive values that made America prosperous, vigorous and untamed."

The editor concluded:

"Perhaps the finest tribute one can pay is that no one will have to distort history to make Sam Ervin a legend. It's all there in print and on tape. And in years to come, when people survey his works and deeds, they will slap their knees in delight and say, Now that was a life!"

Senator Ervin was a gentle person. He could make a trivial matter blossom with the adornment of his prose and his use of poetry. Fearless in combat and advocacy, he could shed a sympathetic tear for the sorrows of humanity.

In 1958, upon the death of U.S. Senator W. Kerr Scott, he spoke in the Senate: "Mr. President," he said, "I shall indulge at the outset in some reflections rather personal in nature. On an occasion such as this, I am acutely aware of the number of those I have known and loved who have journeyed to the undiscovered country from whose bourn no traveller returns. In the words of Mississippi's poetic son, William Alexander Percy, 'they were the bulwarks, the bright spires, the strong places.' "

The same applied to Senator Ervin. We are all proud to remember him as a son of Burke County, a fellow-North Carolinian and we rejoice that we lived in his day. To have known him is a memory of great value.

As is clear, his intellectual competence is a lengthening and broadening shadow that shows the bigness of the man. I am sure that history will rank him with Vance in popularity and with our most able scholars and judges. He will be remembered for his love of the Constitution and for the freedoms it provides.

Table Rock and the South Mountains proclaim the majesty of Burke. Sam Ervin's life proclaims the majesty of the human spirit.

THE RESIGNATION OF NAVY SECRETARY WEBB

Mr. BENTSEN. Mr. President, it is relatively easy to apportion an expanding budget. Tough decisions are required, however, when the budget is steady or shrinking.

That is the situation we face now as a nation. Many worthwhile programs and activities by the Federal Government are being subjected to close scrutiny, and even some worthwhile ones are being deferred or canceled.

Throughout my service in the Senate, I have been a strong supporter of national defense. I think that President Carter was right in recognizing the deterioration of readiness in our military strength and starting, in the last 3 years of his term, the current build-up which has also been supported by President Reagan. We have achieved a much stronger defense force as a result.

But now it is time to level off that build-up. We have seen the national debt more than double in the last 8 years, and we are facing enormous budget deficits.

This great country's future can be put at risk either through military conflict or through economic bankruptcy. That is the tightrope that must be walked. It will take a team effort to achieve the right balance.

I do not envy the difficult job confronting Defense Secretary Frank Carlucci. He has to trim the rapid growth planned by the Pentagon to fit within our national consensus on deficit reductions. He has to keep us strong and ready with less money than he, or I, or the Joint Chiefs, or the President would prefer.

I believe that Secretary Carlucci is off to an excellent start. He has accepted the new economic realism and has been willing to work with us to build a strong defense. He has established priorities and has made decisions consistent with those judgments. For example, he has said that America is better off with a "smaller, effective force than a larger, ineffective force."

That is an appropriate decision under the circumstances. We do not want a hollow Army, an unready Air Force, or a Navy tied up at the dock. We want and we need a tough, combat ready force and well-managed programs to give us better weapons in the future.

Secretary Carlucci has demonstrated leadership above and beyond the call of duty. He has clearly enunciated his goals and his constraints, and he has brought his subordinates into line.

Except for one. Except for the Secretary of the Navy, James Webb, who suddenly announced his resignation yesterday.

Secretary Webb told President Reagan, in his letter of resignation, that he was "unable to support—Secretary Carlucci—personally, or to defend this amended budget during budget deliberations."

I am sure that some people will praise Mr. Webb's action as a resignation on principle, as an honorable way to deal with a situation he could not tolerate.

I do not agree. Instead, I see a pattern of conduct by Mr. Webb and his predecessor, John Lehman, which is shortsighted, closeminded, and parochial.

The two Secretaries were ardent advocates for their service and unwilling to subordinate it to our national interest. Both had intense loyalty to their Department, and not to the overall national defense or higher ranking civilian leadership. Secretary Lehman was a loose cannon, undisciplined and unwilling to listen to those who disagreed with him. Defense Secretary Cap Weinberger, unfortunately, chose to let Mr. Lehman march to his own drummer. Both Lehman and Webb prided themselves on a Lone Ranger attitude which I consider irresponsible.

Only a few weeks ago, Mr. Webb alarmed our European allies suggesting withdrawal of some United States forces from Europe in order to concentrate more on naval power. Statements such as that undermined United States foreign policy just at a time when the United States has been boosted by our successful conclusion of the INF Treaty with the Soviet Union.

Mr. Webb reportedly quit because the Defense Secretary rejected his proposal to keep some 16 frigates in the fleet while denying Navy personnel the planned 4.3-percent pay raise. I cannot judge the full range of military consequences of such a choice, but it seems to me that it is better to give our sailors decent pay rather than heedlessly pursuing the arbitrary goal of a 600-ship Navy.

It is the sailors who are separated from their families for multimonth missions in the Persian Gulf or on our nuclear submarines. It they lose faith in our support for them, they will return to civilian life and our Navy will have to rely on less experienced people.

Mr. President, the Navy has been the favored service of this administration. With one exception, 1984, the Navy received more funds than the Army or the Air Force throughout the Reagan years. For fiscal year 1989, however, the President agreed to a 33.2-percent share for the Navy, slightly less than that requested for the Air Force.

One budgetary silver medal does not cripple the Navy. They should not expect a gold one each time. The loss of one round in the never-ending debate over resource allocation should not prompt the team captain to grab the ball and go home.

Admiral Crowe, Chairman of the Joint Chiefs of Staff, obviously would have preferred a larger budget, but he accepted civilian leadership and Presidential guidance and supported the budget. In his congressional testimony last week, he made an eloquent defense of the priorities in that budget.

He said:

> The budget elects a slightly smaller force in order to protect quality throughout and strives to protect our ability to fulfill alliance commitments. Its main priorities * * * are people, readiness, and efficient acquisition.* * * The most precious assets the Services have are people—trained and skilled people. In times of stringency they become even more important, because we traditionally depend on our personnel to compensate for drawdowns.

We can disagree and debate these priorities, but tough choices cannot be ignored or run away from.

Mr. President, I strongly support Mr. Webb's reported successor, Will Ball. He represents a different tradition in public service. He has always been a team player, putting our common goals and national interests ahead of his personal preferences. He also has uncommon leadership skills and a unique appreciation of the way our Government functions, and how to make it work effectively. I am sure that he will be a fine Secretary because he, like Secretary Carlucci, exhibits quiet strength and intelligent toughness.

Those are the qualities the Navy needs, and the Pentagon needs, and our Nation needs if we are to make it safely through this difficult period.

PETER McGUIRE

Mr. KENNEDY. Mr. President, the first session of the 100th Congress was winding down, as a Washington institution died December 11 at age 81 in Fort Lauderdale, FL. He wasn't the Peter McGuire who some claimed founded Labor Day in this country and he wasn't Tip O'Neill or Eddie Patton, of New Jersey, both for whom he was frequently mistaken in this town. He was instead the Peter McGuire who represented the Hotel Employees and Restaurant Employees [HERE], the Transportation, Communications Union, now TCU and formerly called the Brotherhood of Railway and Airline Clerks, and a variety of other labor and retiree organizations.

A large affable Irishman with distinctive growl in his voice he had the advantage of being once met, always remembered. Even after only knowing him briefly all had to be impressed with other qualities. He was the kind of human being for whom the words honesty, decency, and loyalty were invented to describe. He "gave a damm." As a recent article in the January 1988 article of "The Catering Industry Employee" said "Pete believed there still was room in life for compassion and consideration for the little people."

Peter was born in New York City in 1906. He spent most of the last 25 years of his life away from New York, in Washington representing working people and retired working people. Nevertheless, he remained the quintessential West Side Irishman. He was raised in Manhattan's Hell's Kitchen and he relished explaining to the uninitiated that it was more accurately Held's Kitchen named after Held, the German proprietor of a frequently visited watering hole on the West Side.

Before his move to Washington, DC, he worked intensively with volunteer groups, to preserve the idea among young people that decency was right, and delinquency wrong. To the people in his old neighborhood, he became "Mister Volunteer." Because of this he was subsequently recognized by the West Side Businessman's Association as the Honorary Mayor of Hell's Kitchen.

When Pete graduated from Blessed Sacrament Elementary School on the West Side, he went to work, out of necessity, as an electricians' helper wiring the luxury mansions of uptown Manhattan. Then he joined the fledgling movie industry, and joined the International Alliance of Theatrical Stage Unions [IATSE], local 52, which was established in 1924. When he died he had a paid up book in IATSE.

When the movie industry left for Hollywood in 1929, Pete drove armored cars, then became chief of guards and guides in the newly built Empire State Building. He worked there 9 years, and said that the best fringe benefit of the job was the people he met. One of them, Kathleen Liebner, Pete said in a recent interview for the New York's Irish Echo newspaper, was "pretty bright. She married the boss." That was Pete, of course, and they were married in 1936. Kathleen died in 1961. To this day if you visit the Empire State Building, just before you are admitted to the tour you'll be greeted by a large picture of Peter with Fay Wray taken around the time of the filming of the original King Kong movie.

Pete next worked as a laborer's foreman for the 1939-40 New York World's Fair. When the fair closed Pete made the move that determined the rest of his career. In 1941 he took a job with the New York Central Railroad and was involved quickly in union affairs with the Brotherhood of Railway and Airline Clerks [BRAC]. By 1950 he was vice chairman of BRAC's New York State Legislature Committee.

In the late 1960's, he was called to Washington to serve as BRAC's national legislative representative.

Jim Kennedy, now the executive secretary treasurer of the Railway Labor Executives Association and one who worked and lived with Pete a la the Odd Couple during Pete's years in Washington said:

> There's an expression often said and rarely justified "he's a living saint" but it was true about Peter. If there is a heaven and I know there is, Peter is there growling at Saint Peter and arguing for better working conditions for the angels and even Hell's angels for that matter.

During his very productive years as legislative representative for TCU/BRAC and HERE, Pete played a key role, sometimes the key role, in guiding legislative victories for working people through the U.S. Congress. His personality and his compassion carried him to a close working relationship with a generation of U.S. Senators and Representatives.

During the last years of his career, though he never experienced a twilight era, Peter joined the Washington legislative office of HERE to help newly appointed Bob Juliano establish contacts and initiate a legislative/political program. Pete's tutorial skills are demonstrated in Bob's emergence in the last decade as one of the most widely respected and effective lobbyists in Washington.

Somehow also during these 20 years in the District of Columbia Pete managed to represent often for a song or a gold badge the interests of the Concerned Seniors for Better Government, the National Association of Retired and Veteran Railroad Employees, and the International Union of Police Association. He truly believed he was doing God's work in all these endeavors. As HERE President Ed Hanley said in a recent tribute to Peter "There's no way Pete's special brand of Irish charm and fellowship can be duplicated."

Pete is survived by his sister, Marie Gitto, of Pompano Beach, FL, a brother, Charles, of New York City, and several related nieces and nephews and scores of adopted ones who all came to know and love him as "Uncle Buster."

We have all lost a lot by his death but we all gained so much more because he lived and worked among and for us.

THE RETIREMENT OF DR. LUCILLE JORDAN

Mr. NUNN. Mr. President, I rise today to honor Dr. Lucille Jordan upon her retirement from the Georgia Department of Education. She has served for 10 years as the associate superintendent for instruction. Her many years of dedication to academic excellence have contributed significantly to the strength of Georgia's educational system. In particular, I want to recognize her national leadership in the area of parental involvement in citizenship education. Her refusal to accept voter apathy and her tireless efforts to excite young people about the political process are hallmarks of her brilliant career. Today, the National Student/Parent Mock Elections is honoring Dr. Jordan for her support of civic education.

I know that her skill and leadership will be greatly missed by all who have known her. I offer my best wishes to Dr. Jordan for happiness and prosperity in the years ahead.

CHILD CARE

Mr. REID. Mr. President, the family unit as we knew it 30 years ago, and as remembered in such television classics as "Ozzie and Harriet" and "Leave it to Beaver," is fading fast. It increasingly is being replaced by single-parent families and those in which both parents must work outside the home.

I found out about this firsthand a week ago when I conducted a field hearing in my home State of Nevada on the issue of child care. This was done under the auspices of the Senate Appropriations Committee. Through 3 hours of informative and often moving testimony, I learned that many of these families are finding it difficult to survive. If working parents can find suitable child care, they often have to spend more than half of their salaries to pay for it.

The statistics I heard from experts in the fields of juvenile delinquency, education, social work, and child care were staggering. For instance: divorce often plunges custodial mothers and their children into poverty. Did you know that the income of custodial mothers after divorce drops by 70 percent?

Here is another statistic. Single mothers with children are unquestionably the most visible growing group of poor in Nevada. About 65 percent of single women with children living in poverty are working, but three-fourths of them are employed only part-time. They are usually young women with limited job skills. That creates a difficult situation with the cost of housing, energy, food and child care.

Yet another statistic shows that roughly 35 percent of those who drop out of the Clark County Community College single-parent program cite child care as the reason why. This is 21.3 percent of the total dropout rate at the college level.

Single-parent families in Nevada have more than doubled from 1970 to 1980. In 1970, there were 9,600 single-parent families and by 1980, this number increased by 146 percent—that is right, 146 percent—to more than 23,000 single-parent families. That is up to 1980. We do not have any idea of what it now is, but it is now over 50,000 in the State of Nevada. This is in a State with a population of little more than 1 million people.

The National Commission on Working Women states that no more than 10 percent of gross income should be spent on child care. In Nevada, the average child care costs range from $50 to $75 a week for each child under 6 years of age. That translates into roughly $2,600 a year. If a family in this case were to try to go by the 10-percent rule, their income would have to be $26,000 a year to afford child care.

Mr. President, I could go on and on. I could cite more statistics on the problems of unsupervised children, as longtime Clark County Juvenile Court Judge John McGroarty outlined at the hearing. He spoke literally with tears in his eyes about the problems he faced on a daily basis, relating most of the problems to a lack of supervision when the child got out of school.

I could relate about community child care services, a child care center in Reno that helps low-income families with their child care needs. They now care for about 45 children at the facility—but have a waiting list of more than 200. The list would be much larger, but people do not try to get on it because it is almost impossible.

I could talk about little Lashona Henry, a 12-year-old girl who has to pass by drug pushers on her way home from school—only to be greeted by an empty house because her mother does not get home until after 5 o'clock.

Mr. President, these people are looking for leadership on an issue that is rapidly coming to affect us all. That leadership is provided by Senator DODD'S Act for Better Child Care, which I have cosponsored.

I congratulate the Senator from Missouri [Mr. BOND] and Senator HATCH for recognizing this area as a problem. As we recognize that in legislation, there must be compromise, and I am glad to see that this need for child care is a bipartisan move.

ABC, the Act for Better Child Care, is a comprehensive child care bill that will help low- and moderate-income families as well as child care providers. It is a profamily, prochildren and probusiness piece of legislation.

Child care has become a national issue. Lack of it is forcing many families into poverty, and unsupervised children into trouble. For too long, we have been guilty of enduring a national policy of child carelessness. With the Act for Better Child Care, we now can be responsible for endorsing a national policy of child care.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. I ask unanimous consent in my capacity as a Senator from Alabama that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. REID].

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, I ask unanimous consent that I might make some introductory comments about the pending matter, S. 2, without it counting against the number of speeches that I may give on this issue.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BOREN. Mr. President, we have just completed party caucuses on the pending question, the campaign reform proposal. Yesterday we had a meeting of the group of eight Senators who have been working to try to negotiate a bipartisan consensus on this matter. That group of eight, as my colleagues will remember, includes Senator MCCONNELL, Senator PACKWOOD, Senator STEVENS, and Senator BOSCHWITZ on the Republican side of the aisle; and Senator EXON, Senator MITCHELL, Senator LEVIN, and myself on the Democratic side of the aisle. We have been meeting in good faith trying to reach a bipartisan consensus on this important problem because we feel very strongly we are facing an American problem, a fundamental problem with the way we finance campaigns in this country and that we should try to find a solution to that problem in a manner that will not tilt and give a partisan advantage to one party over the other in the political process.

Yesterday at that meeting of the group of eight, Senators MCCONNELL, PACKWOOD, STEVENS, and BOSCHWITZ presented a plan on behalf of that side of the aisle. It was entitled "The Campaign Spending Reform Act of 1988."

I have long said that if any bill does not include in some way a limit of overall campaign spending it could not be considered to be a real reform; that any bill that did not have some form of aggregate limits on political action committee campaign contributions would not be a real reform; and that any bill that did not have some effective mechanism of enforcement to keep candidates within those limits and also to assure that independent expenditures would not get out of hand with negative advertisements aimed against Members of the Senate and the House and candidates for office could not really constitute real reform.

Before I mention what was in the proposal, let me state that I was disappointed that there were no overall spending limits or a way to enforce them in the proposal. There were no aggregate PAC limits. I do not believe sincerely that there are adequate protections against the pop-up problem which could surely result when you try to squeeze some of the money out of one part of the system only to have it pop up someplace else in the rest of it.

I was pleased, however—and I think my colleagues on this side of the aisle were also pleased—that there were several recommendations patterned after the proposal that Senator BYRD and I, Senator EXON, and others had made in the latest compromised version of S. 2.

There were several things included in that proposal that we welcomed, including closing the bundling loophole. That was proposed by the group of negotiators on the other side of the aisle. There is a provision stating that any group or person who independently finances a political ad must disclose the name of the person or organization paying for it and carry that disclaimer throughout the ad. That certainly is a proposal that wins great support, I think, on both sides of the aisle. I commend them for including that provision in their proposal.

There is a provision tightening the definition of independent expenditures to stop consultation and coordination between candidates and agents of expenditures, so-called independent agents. This also is certainly a welcomed proposal.

There is disclosure of independent expenditures above a $10,000 threshold level, as well as prior notice of independent ads. This also is a very meritorious proposal and one which has a good deal of support, again, on both sides of the aisle; one which we could accept and would support.

There is disclosure of all soft money contributions to national political party committees, something that, again, we support and have attempted to include in S. 2.

So there are a number of things here with real merit that have been proposed. But, again, let me say there simply are a number of areas where we do not go far enough.

First of all, the proposal on the millionaire's loophole just is not sufficient. The proposal by Senator McCONNELL will allow candidates whose opponents spent more than $250,000 of their own money in their own campaigns to receive contributions from individuals in the amount of $10,000, up from the current $1,000. And I am afraid this practice would just lead to a further arms-race type of competition for money.

S. 2, on the other hand, deals with the ability of wealthy candidates by limiting personal wealth in the form of a direct contribution or a loan to their campaign level at $20,000 instead of the $250,000 threshold that has been proposed and by allowing a limited grant of funds from the voluntary tax checkoff account to candidates who abide by the spending limit but whose opponent does not abide by it, whether through the use of personal wealth or otherwise.

We have an effective means to combat extensive spending by another candidate, whether it be from personal wealth or from contributions. Spending of personal funds by candidates cannot be directly limited except through constitutional amendment to overturn Buckley versus Valeo or some kind of mechanism as we have adopted.

There is also included in the McConnell proposal that we adopt a provision that would define the lowest unit rate cost for advertising. That would require that the broadcasters give the lowest unit rate to candidates based upon a 1-year average of rates for the prior year. Again, we think this is a very meritorious proposal and one that many of us feel should and could be included in a final compromise package.

I would point out that I think, again, absent the overall spending limits, it will not, by itself, cure the increasing and escalating costs of campaigns or of campaign financing, but it is something that would be helpful.

It was also the proposal that we lower the PAC contribution from the present $5,000 to a maximum limitation of $1,000. Again, this is something that simply will not solve the problem that we have been talking about on the floor of the Senate. Less than 6 percent of the total PAC money that is contributed comes from PAC's that are contributing the maximum allowed now of $5,000. The vast amount, the millions of dollars of PAC money coming into campaigns, is coming from PAC's that are giving in the neighborhood of $1,000 or less.

We also have this concern: That if there is not a limit on the aggregate amount that a candidate can receive from PAC's there will simply be an easy way for PAC's to get around the provision of lowering the maximum contribution from $5,000 to $1,000. They will simply create more PAC's. A company will simply create a separate PAC for each of its subsidiaries. So, instead of having one PAC giving $5,000, they will now have five PAC's giving $1,000 each. Instead of having 4,000 political action committees in the country, we will end up with 20,000 political action committees in the country.

So we simply do not see how we can control the effect of this imbalance that now exists between grassroots contributors and the special interest groups, the political action committees mainly controlled in Washington, DC. The problem is that we have almost 200 Members of Congress that have received a half or more of their total contributions from these groups instead of from the people back home. The only way to restore some coherent balance to that and to put campaigns back to the grassroots level to be financed is to have some sort of aggregate limit.

In our bill, we set a dollar limit figure by State based upon a formula that works out roughly to about 20 percent of the current cost of campaigns. It means it would be thrown back to individuals, hopefully in your home State, hopefully at the grassroots, to raise the bulk of the contribution.

Under our system, we require a sizable proportion of qualified amounts of contributions will have to come from inside the home State and they have to be $250 or less.

I think we also have to be concerned about the need for overall spending limits. We are simply not going to be able to squeeze the money out of the campaigns that would be squeezed out from the direct contributions of political action committees and not have it pop up someplace else if we do not have some kind of overall limitation and if we do not have some kind of effective means for making sure there is a way to offset the independent expenditures.

If we were to drop the political action committees, let us say, from being able to contribute about $46 million, as they did to the Senate candidates in the last election, and say they can only contribute about $16 million, as would be the case under our bill, the question arises: What happens to the other $30 million? Will it disappear? Will it be returned to the contributor? Will it be donated to charity? It is not likely that will happen.

What might well happen is those groups will simply call themselves independent committees and use the $30 million to begin independent negative campaigns on behalf of groups against candidates. That is why we have a provision in our bill that allows for funds from the checkoff fund to be used as a disincentive to groups. If a candidate is attacked unfairly by these groups, they would get checkoff funds to match and to offset the negative advertising. It makes it very unlikely that those groups would ever seek to form and to put forward that advertising in the first place.

So we have some inadequacies here in the proposal and some good points in the proposal which has been received with a good deal of enthusiasm on this side of the aisle: The idea that we should define the annual and average advertising rate, that we make that provision of the lowest unit rate a meaningful one; the idea that the very wealthy candidates should not be able to loan his campaign a vast amount of money and then go around afterward or give his campaign a vast amount of money and then go around raising contributions later to pay themselves back.

There are some very meritorious provisions. There is a willingness on our part to discuss additional possible disclosure of soft money if we can find practical ways to do it. And I would say this: We want to continue our negotiations. We are here now at a point in which we must push ahead with the Senate's business.

We have to make sure that negotiations do not become a method by which we defer action. We have only so many weeks on the Senate Calendar, and therefore we must press ahead and, therefore, as I understand it, the leadership intends to push ahead. We are ready to vote on this side of the aisle on the package. The motion is pending. We are not going to hold the floor. We are not going to continue to give our arguments. We are ready to vote.

After that vote, of course, that proposal would be open to amendment from the other side of the aisle or to anyone on this side of the aisle that sees a way to improve it, and we hope, since 52 Members have sponsored this bill, since up to 55 Members have already indicated last year their desire to bring debate to a close, that there will not be an effort made to prolong debate, there will be a willingness to let us go ahead to go to a vote and then go to consideration of individual amendments to change this proposal.

But let me say again, we discussed this matter in our caucus today. We have the strong feeling on this side, and I would say it is the feeling of the vast majority of the sponsors of this legislation who constitute a majority of the Senate that it is not healthy for campaign spending to be increasing at the current rate, that we simply should not be in a position of having to raise $10,000 every single week for 6 years, week in and week out of a 6-year Senate term to raise the amount of money that on the average—not in a big State but on the average—is needed to run a successful campaign for the U.S. Senate. It is not healthy. It is not healthy for the next generation to allow campaign costs to continue to escalate 400 percent, 500 percent and 600 percent every decade.

Where is it going to end and what is it going to do to the process and what is it doing to this institution? We do not have time to deal with the problems because we are too busy using our times and our energies, out having to raise the moneys to run for election.

So we would say that the proposal so far, made on the other side, simply does not really constitute true reform. It resists the idea that we try to get campaign spending under control. It resists the idea thus far that we could have any kind of aggregate limit on PAC's. It sets in motion a plan that would be very easily evaded by simply creating more PAC's and having the same $46 million or $50 million or $100 million pumped back into the system, but this time $1,000 at a time for more PAC's instead of $5,000 at a time from fewer.

So we feel we must go back to the drawing boards and try again. So let me just state for this side of the aisle our willingness, as we have the debate proceed here, to continue. I hope that the other side will be willing to continue these good-faith efforts. Let me say, Mr. President, that in the best tradition of this body even at moments where we have had the strongest of philosophical differences about this matter, we have been able to have those differences, I think, with tolerance and with much respect on both sides and they have been handled in the best tradition of tolerance and open debate, not getting into personalities or personal feelings.

I want to thank both those that have been on my side of the aisle and those on the other side of the aisle. I see the Senator from Kentucky and I will yield to him in just a moment. He is on his feet. I appreciate very much the spirit in which those negotiations have gone forward.

Let me just say that in light of the fact that there has not been an overall spending limit agreed to or proposed from the other side and in light of the fact that there has not been any aggregate limit on the amount that PAC's could contribute, we would have some additional proposals, counterproposals. We look forward to discussing these informally.

First of all, we began, again, with the basics of the latest compromise version of S. 2. It is a version which as my colleagues remember does not include any automatic public financing. It includes public financing only as an enforcement mechanism that comes into play from the voluntary checkoff fund if one of the candidates exceeds the spending limit. If no candidate exceeds the limit, there would never be $1 spent from the checkoff fund and we all hope that will happen.

But, in addition to the provisions now in S. 2, we would propose accepting the provision of the Senator from Kentucky and his colleagues on that side of the aisle on defining the lowest broadcast unit, the lowest broadcast rate for purposes of providing it to candidates with the voluntary spending limits. We would propose accepting that provision about how much wealthy candidates can loan and give to their campaigns and not be able to go out afterward and try to recover the money. We accept that. We would be willing to talk about more disclosure in the area of soft money contributions. We would be willing to talk about that particular provision. We would hope that they would come to us with an agreement to look at aggregate PAC limits. We think that is very important.

Finally, let me say this. We are willing to sit down on another matter that I think is extremely important and perhaps this is the most important one of all. There seems to be perception on the other side of the aisle that somehow we are trying to seek some kind of partisan advantage with this legislation. Senator Goldwater and I had the same experience when we were offering our first bill several years ago. The Republican Caucus in essence told Senator Goldwater they were afraid that he had been taken in by the Democrats and was trying to help them inadvertently. I was told by the Democratic Caucus that they thought I was well-meaning but I had been taken in by a Republican plot to help the Republicans.

I think whenever you start talking about campaign changes and campaign reforms, especially in the way that we finance campaigns, there is always a suspicion on both sides of the aisle that an attempt is being made to craft a package with partisan advantage.

That honestly and sincerely is not our point. It has been mentioned here several times and I have had these discussions with Senator DOLE, who has raised this point with me in private as well as in public. There is a real concern in areas of the country where there is an historic imbalance between the parties, either an imbalance in registration, or in those States which do not have registration, by party; an imbalance in the historic outcome where two or three times as many people over, say, a three or four decade period are elected to Congress from one party than are elected from the other.

Mr. President, our colleagues from our side of the aisle, and the group of four from this side, are willing to sit down and talk about that. Specifically, we are willing to offer a change in the formula for the overall spending limits to make it higher in those States where there is an historic imbalance in either party registration or where there is a historic imbalance in the number of people elected to Congress from those States, by party.

We are willing to do that. We would welcome a proposal from the other side of the aisle as to the amendment by which they think the ceiling should be raised in those States so that the challenging candidate from a party that has historically been in the minority in those States would be able to raise an adequate amount of money to be sure that they could make their case against a sitting incumbent of the other party. We are willing to talk about that.

We do not seek a partisan advantage and we want to make that very clear.

So we have several points that we can accept now and accede to. We have additional willingness to sit down to talk on soft money disclosure; we have additional willingness to talk about changing the formula as long as we keep an overall spending limit, to revise that limit upward in small States or in States where we have a historic imbalance between the parties. So that we make it crystal clear, no one here is seeking a partisan advantage.

What we are seeking to do is something beneficial to this country and that is have politics which competes on the basis of issues and candidates and their qualifications and not on the basis of which candidate is able to raise the most money in a campaign. It has simply been unhealthy and unwholesome and all of us know what is happening to the political process in this country.

I think many of us have a feeling of great concern when we are forced to spend so much of our time and when we are forced to go to interest groups who have pending legislation in front of us to try to raise money for campaign funds. It puts us in a very awkward situation and when the amount of money involved is so high it also means we have to spend more and more of our time not in our home States, because very few of us come from States that have the financial resources available in this day and time with which to finance campaigns.

It means the Senators and Congressmen are having to go increasingly to other States where they do not live and that they do not represent, to try to raise money from people there with financial means instead of spending time with their own constituents at the grassroots.

So there are problems we think, very sincerely, and the proposal has been made from the other side of the aisle in one of the limitations they propose. They propose not only disclosing soft money but actually limiting what can be done in a volunteer way in terms of volunteering time or advice to candidates and I do not think we can really do that. There we really do get in, directly, into the problem of free speech. We also get into mechanical problems. You have some organization that has a statewide get-out-the-vote effort, let us say, on behalf of the Republican Party or Democratic Party. How in the world could you possibly give an exact proportion of the benefit drive to the candidate for the U.S. Senate or House or Governor or county sheriff or county judge or something else? So that becomes difficult.

But I think in the area of disclosure we can talk more and we are going to make it clear that we are willing to come to the table and talk again, especially with an eye toward making sure that the overall spending limitation would not be at the disadvantage of any one party and we would welcome a proposal from the other side as to how much they would believe the ceiling should be adjusted upward in States where there is a traditional imbalance, historic imbalance between the parties.

So, as we press ahead, let me say to my colleague, and I will yield the floor now, we press ahead but we still want to leave the door open. We are ready. We want to have further discussions. These discussions have been conducted in good faith by both sides; they have been conducted in good spirit by both sides, and I hope while the leadership which has an obligation to push ahead with the schedule of the Senate does so, I hope the other side will simply allow us to have a chance to vote and will offer their amendments that they sincerely believe should be adopted. We are ready to vote on the amendments that they have, discuss them in a brief and timely fashion, and vote on them and then try to move us toward a general solution. I hope they will do that instead of deciding to mount a filibuster to keep us and the people and the majority of the Senate from working its will.

But whatever happens on that score, procedurally on the floor, we do hope to continue our negotiations and I, again, have summarized the points that we are willing to adopt out of their proposal and the further steps that we are willing to take or to discuss with them as we try to move toward some end, positive result.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, let me first comment that I appreciate the efforts of the Senator from Oklahoma on the pending legislation, and I enthusiastically support the legislation concerning this money chase we have seen in these campaigns.

In the last Senate race in my State, the two candidates spent over $10 million apiece. The last Governor's race, they spent over $10 million apiece. I am looking at my own reelection. The estimates are we will have that kind of expenditure in my Senate race.

We have to put some limits on it, and we ought to do it right now. I strongly support efforts to accomplish just that.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that my remarks not be included under the two-speech rule.

Mr. BYRD. Mr. President, I reserve the right to object. I will not object in this instance. I do not know when or whether we will start enforcing the two-speech rule, but would the distinguished Senator allow me to make just a few comments before he proceeds?

Mr. McCONNELL. I will be happy to accommodate the majority leader, if I could just make one observation. My colleague, Senator BOREN, has performed the same function on that side as I am. He made precisely the same unanimous-consent request a few moments ago before he reported on his policy luncheon, and I was seeking recognition simply to do the same thing.

Mr. BYRD. Yes.

Mr. McCONNELL. And not to make very lengthy remarks.

Mr. BYRD. I certainly will not object. I will await the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Senator BOREN also wanted to return to the floor, and I have asked a page to get him. So I am hoping he will be here momentarily, as he was in the cloakroom.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. I would say to my friend from Nebraska——

Mr. EXON. Will the Senator yield so that I might make an inquiry of the Chair?

Mr. McCONNELL. The Senator from Kentucky will be happy to yield for that purpose.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Since it has just been granted, as I understood the discussion between the majority leader and the Senator from Kentucky, that the remarks the Senator from Kentucky is about to make will not be counted under the two-speech rule, I ask unanimous consent that the same rule apply to the previous remarks today by both the Senator from Texas and the Senator from Oklahoma.

The PRESIDING OFFICER. That order has previously been entered.

Mr. McCONNELL. I might say to my friend the Senator from Oklahoma had made such a request.

The PRESIDING OFFICER. I am sorry. I thought the Senator said the Senator from Oklahoma.

Mr. EXON. Did the Senator from Oklahoma make the request that the Senator from Kentucky just made?

Mr. McCONNELL. Yes.

Mr. EXON. Then I ask unanimous consent that any speeches made on this subject previous to this particular time not be counted as part of the two-speech rule, up until now. And, of course, the Senator from Kentucky has already been granted an exemption in that case.

The PRESIDING OFFICER. Is there objection to the Senator's request? Hearing none, that is the order. The Senator from Kentucky has the floor.

Mr. McCONNELL. I thank the Chair.

I listened with interest to the report of my good friend from Oklahoma about the proceedings at the Democratic policy luncheon and would like to make a similar report with regard to the Republican policy luncheon.

First, let me say we discussed, again as the group of eight indicated its desire that we do, the question of expenditure limitations in congressional races, and I would like to respond to my friend from Oklahoma that our position on that issue remains the same. It is the feeling of the Senator from Kentucky that is not one of the negotiable items.

Having given the bad news, let me respond with the good news. I am pleased at the response of my friend from Oklahoma to a variety of the proposals that we offered to the other side yesterday at the meeting of the group of eight. As I understood the comments of my friend from Oklahoma, he indicated with regard to our suggestion that PAC contributions be lowered from $5,000 per election to $1,000 per election, it would simply encourage PAC's to spend their money elsewhere. I think I can safely say this with regard to our position on PAC's. We are open to doing something about PAC's. As you know, the Senator from Kentucky introduced a bill last year that would have eliminated PAC contributions altogether. I am certainly open to any suggestions on PAC's including, I might add, the recommendation of the Senator from Oklahoma with regard to some kind of aggregate limit. I think that is something we are open on and I gather that is why he was standing.

So we are more than happy to do something meaningful about PAC's. Clearly, if there is any interest out in the country on this issue—and we have had some discussion about whether there is, but if there is any—I think it is clearly related to the PAC contribution. We are certainly open to doing something meaningful about PAC contributions.

With regard to the recommendations we issued yesterday on the millionaires problem, I think I am totally safe in saying that any way we can get at the millionaire problem consistent with Buckley against Valeo we are open to. I think it is a growing problem, the expenditure of personal funds in great amounts to buy, if you will, public office.

I was pleased that my friend from Oklahoma liked our proposal, that you at the very least prohibit the millionaire from getting his money back by going around town and shaking down, if you will, every political action committee or individual he can find to help him get out of debt after he won the race. I gather that is an acceptable proposal. I gather the Senator was not quite as sanguine about the other proposal requiring one to certify to the FEC at the beginning of the elections—was that acceptable as well.

Mr. BOREN. If my colleague will yield, yes, that is acceptable as well.

Mr. McCONNELL. Good.

Mr. BOREN. There is some concern, and I think something we have to talk about further, I think legitimate concern about raising the limits of contributors. We were afraid that might spark an additional money race. But as to the original notification of intent to spend more than a certain amount or loan more than a certain amount and inability to get that paid back later through raising contributions to do it, there was agreement on that.

Mr. McCONNELL. Suffice it to say then that there is substantial agreement for whatever we can do consistent with the Constitution to solve the millionaire problem.

I gather from the observations of my friend from Oklahoma that soft money reporting is not a problem on that side of the aisle, and I think that is a significant step forward. We both realize that with regard to the limitation of soft money contributions, it is pretty complicated to figure out how to do that. But I think as our discussions continue, we ought to at least discuss that, because there is a pretty widespread feeling on this side of the aisle that if it is OK philosophically to limit and disclose cash contributions, why not disclose and limit soft money contributions? And one of the frustrations, as many know on this side of the aisle, is that we do not do as well with soft money contributions, and so the feeling is if you are going to limit and disclose cash contributions, why not soft money contributions. So at least we ought to continue the discussion of the possibility of limitation, but we are very pleased that it is acceptable to require disclosure.

On the broadcast rate issue, I was very happy to hear my friend from Oklahoma indicate receptiveness on that issue. That is what is driving the cost of campaigns, the cost of television. It is the single most important way we reach the voters in this modern age. We cannot go back to the horse and buggy. We can never shake enough hands or have a meaningful exchange with enough voters to get there the way they used to in the old days. We have to use television, and so the broadcasters have us, have us, and the rates have gone up dramatically, and so I was extremely pleased to see that that was an area of agreement.

Further, I gather that the suggestions of our side and the group of eight on the limitations on independent expenditures were largely acceptable; also on the bundling issue.

So, Mr. President, we have made some progress. I say to my friend, the majority leader, we really have made some progress here. We think that discussions have been useful. I think that there has been a total absence of hostility and rancor in those sessions as we have discussed our differences rather frankly. It seems to me we have come a long way. I hope we can continue and possibly reach some kind of agreement.

But I would say once again that clearly limitation on participation in the form of limited and disclosed cash contributions to campaigns is something that this side is simply not going to agree to.

Mr. President, I yield the floor.

Mr. BOREN. Mr. President, I wonder if I might ask unanimous consent to respond to the comments of the Senator from Kentucky without having it count as a speech under the two-speech rule.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN. Mr. President, I again what to thank my colleague and commend him again for the spirit in which these negotiations have been conducted; and his colleagues with him. I think all of us realize we are dealing with a very difficult problem. It is intellectually a challenging problem to determine how to reform the campaign laws and not have unintended consequences.

I think we all realize, and to me we have come a long way from where we were 5 years ago and 10 years ago. We have all realized there is something wrong with the current system. It is obviously something that is just not working as it should; that it is broken and it does need fixing. I think that is a very important start.

We have also, as has been outlined in this colloquy back and forth, found some very strong common points of agreement. I would say that having just heard my colleague, it sounds like we are in some fundamental agreement on several points and potential agreement on one of the two major areas of reform as we have outlined them here on this side of the aisle; that is, the possibility of talking about aggregate PAC contributions. We feel that is a very important part of any final agreement.

Let me go back again to the fundamental question where we obviously do have some very strong disagreement. I think again if you went back to the polls of the American people, if you talk to people around the country, they are concerned about the imbalance between the PAC contributions and the amount of money and number of contributors that are coming from the grassroots and the people back home. They are worried about the people back home being displaced out of the financing of campaigns because special interest groups are controlling elsewhere. They are concerned about that.

But I think there is probably an even higher level of concern, and I would say it is a level of concern reflected again in all honesty on this side of the aisle; that is, that the cost of campaigns are simply going up too much.

If we are going to put together an effective package, we have to have a mechanism that deals not only with aggregate PAC contributions or the percentage of money coming from PAC's. We have also to have to deal with the problem that there is just too much money pouring into the campaign process period.

Part of the problem is the matter of where the money was coming from. We seem to be reaching or moving toward some pretty good agreement on tackling that problem of where the money is coming from. There are many of us who sincerely believe there is also a problem about how much money is coming in. I guess there is a fundamental difference of opinion. We might simplify it, and say this: There are those on the other side of the aisle—and I do not draw this distinction because I do not think it is purely partisan—there are clearly others on that side of the aisle who agree with us. Senator THURMOND, for example, a very respected member of the Republican Party, has joined with Senator HOLLINGS, a respected member of our party, to propose a constitutional amendment to give Congress the authority to limit the American campaign spending. I have had many others on the other side of the aisle say to me philosophically they are not opposed to limits on campaign spending.

So when I say the difference between the two sides of the aisle I do not by any means mean to draw that exclusively in party terms. Let us just say there is a philosophical difference between those in the Senate and we who feel there is nothing wrong, nothing alarming, nothing bad about the fact that the cost of campaigns has gone up roughly 500 percent in the last 10 years.

Mr. McCONNELL. Would the Senator yield?

Mr. BOREN. They do not see anything wrong with that. They do not think it is bad for the country. There are many of us who feel it is bad for the country. If it went up another 500 percent, it would be worse. If it went up another 500 percent, it would be worse still.

If the average cost, which has already gone from $600,000 to $3 million in just 10 years that I have had the privilege of serving in the Senate, is going up to $15 million, another fivefold increase, some say that it would be good. I do not see it as a positive good. I see it as an evil. I say that very sincerely. I do not think it is good for the country that it costs more and more to run for public office.

I do not think it is good for the country that more and more competition is on the basis of who can raise the most money. I do not think it is good for the country for Senators to have to spend time to raise $10,000 each and every week, and in some States it is more like $50,000 to $100,000 each and every week, in order to run for the U.S. Senate or to seek reelection to the United States Senate.

Mr. McCONNELL. Will the Senator yield for a question?

Mr. BOREN. I will yield in just a moment.

So I think there is a fundamental difference on that point. In the debate now, it is clearly revolving around that point, and I do not mean to say they are not very worthwhile areas of agreement that we have reached. There are. I hope it will set the stage for us to work out some kind of formula by which we can crack open this problem that we are now trying to deal with and find some way to have a meeting of the minds.

I think unless we have reform in a comprehensive way, and I am one that started out attempting piecemeal reform. Senator Goldwater and I, in all sincerity, started out on that path together several years ago. It was a privilege to work with him, a person for whom I have very great respect in that cause.

We kept coming up against problems. They shut off the right of PAC's to give certain amounts of money to candidates. Why would they just want expenditure councils, go out and spend that $30 million, and then go to candidates on independent expenditures?

So we came up with a checkoff system which under the constitutional decision, the Supreme Court and the Buckley versus Valeo case seemed to be the only way we could devise to make sure we had something really effective to keep these groups from going into independent expenditures. It would be foolish for them to do so if they knew the candidate they attacked was going to get funds sufficient to answer them. They would really have no purpose to, especially if you add to it the kind of provision we have agreed upon here, some sort of a disclsoure throughout the advertisement of who is paying for it, and so on. Notice is being given in advance that the expenditure is going to be made. All are good things. But you still have to have an effective means for getting that money from popping up. Unless you have comprehensive reform, you do not.

I think you still have to have an effective means for assuring, as I have said several times, that these young people who serve as pages in the U.S. Senate, if they ever want to run for the U.S. Senate themselves, and we hope they will. The experience I had briefly in the House of Representatives certainly inspired me to want to do that. They would not have to start thinking about how they are going to raise $15 million. That is what it is going to take in about 12 years at the current rate to run. That would not be something they will have to spend their time thinking about. They can think about their aspirations for this country and their hopes and dreams for the future.

There comes a time in which we have to consider and care more about the future of the next generation than we care about our own political success at the present. We have that responsibility to the next generation. And many of us feel passionately that should happen.

So at the same time I understand there are those on the other side of the aisle saying, "But wait. You are building in a partisan disadvantage." I agree there is a potential if the limit is set too low in the State where one party clearly has an advantage over another. It is also true of incumbents. Incumbents generally have an advantage over challengers. They have name recognition, franking privileges, and many other privileges to keep their names before the public.

If the limit is set too low it really puts the challenger or the minority party at a disadvantage.

Mr. President, we are really willing to talk about that point. We do not seek a partisan advantage. We seek an overall end to this money raising. Yes. We think that is an issue that the American people would vote with us on.

If we went out of here, I am convinced, and ask the American people, "Do you think it is good for the cost of campaigns to have gone up 500 percent over the last 10 years; do you want the cost of campaigns to go up another 500 percent over the next 10 years" I think the American people by a resounding, near unanimous vote would say, "No, that is not good for the country."

So I would just urge again. It is a matter of sincere philosophical feeling that we would very much like to talk to those on the other side about this particular issue, and we would hope that holding out the olive branch to show we do not seek a partisan advantage; that we are willing to talk about formulas; to have higher spending limits in States where there are historic imbalances between the parties that we demonstrate we do not seek a partisan advantage; that is a true philosophical commitment; a feeling on our part that the money chase is bad; that the cost of campaigns continuing to go up is not good for the country, is not good for this institution, and it is not good to take Senators away from their jobs and from meeting with their constituents. It is not good in terms of the appearance it creates to the American people that we are on the auction block. We spend too much time and energy trying to decide how to raise money for our campaigns. I hope we can find some way around that, because I am convinced the American people agree with us.

When those on the side decide to stop talking on this matter, we are ready to vote. We are ready now to vote on this package. As soon as I sit down, we will be ready to vote, and we have 55 Senators who have said they are ready to vote right now. As soon as I sit down in this chair, we are ready to vote. If no one wants to continue the debate or the filibuster, the question will be put, and the American people will have their chance to have their representatives vote.

Those on the other side who do not like the current form of this proposal will have a chance to offer amendment after amendment after amendment. There is no limit on how many amendments they can offer and how many votes they can get on changing this package. We have already indicated on this side that we will vote for some of the proposals that have been made for changing this package. There can be real bipartisan consensus on several amendments that will be offered.

I say again to my colleague that I hope he will let us vote on this package and that he will then offer the amendments he has, make improvements where we can, and in the meantime we will talk. We will talk whatever happens on the floor. We will try to negotiate in good faith.

I say that in good spirit to my friend, and I thank him for the cooperation with which he has conducted this discussion.

Mr. McCONNELL. Mr. President, I will spare the Senator, the Chair, and the listeners my response to the arguments about spending limits. We have made those arguments a number of times.

My question to the Senator from Oklahoma is simply this: When shall we meet?

Mr. BOREN. I am available.

Mr. McCONNELL. Why do we not work that out?

Mr. BOREN. We will try to figure out what time we can meet and discuss this. So far as I am concerned, we can meet later today. I have not heard from the majority leader. We could arrange for postsupper, perhaps, this evening. I understand that we may be spending a lot of time with each other. Hopefully, we will not. Hopefully, they will be prepared to vote on the other side. We are ready. I have talked with my three colleagues on this side of the aisle, and they share the desire to continue these negotiations.

I thank my colleague.

Mr. BYRD. Mr. President, may I ask that somebody get the distinguished Senator from Kentucky back on the floor?

I want the Senator from Kentucky on the floor.

Mr. President, I ask unanimous consent that I may speak for not to exceed 3 minutes, without it counting as a speech against the Senator from Nebraska under the two-speech rule.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I sought the attention of the distinguished Senator from Kentucky for this reason: This Senate is in a full-fledged filibuster. We have been on this bill now for 5 days, not including the many days of last year which spanned from the date of June 3, 1987, to the date of September 15, 1987.

Of course, the Senate took up many other measures during that time last year. On this occasion, this bill has been before the Senate and has been debated on February 17, 18, 19, 22, and 23. That is 5 days.

We sought to reach some accommodation by having two groups of colleagues meet, and I and others on my side have come to the conclusion that we cannot go on spinning our wheels. In the first place, we do not have the time to spend this year.

We have, hopefully, a trade conference report that will come along within a few days or weeks. We will have the catastrophic illness conference report. Around April 1, give or take a little, I would say that we should be ready to take up the INF Treaty.

There will be other legislation, such as polygraph legislation, Price-Anderson, intelligence oversight. There will be the budget resolution in due time. These matters are not ready for action yet. Until the budget resolution is passed, we cannot take up appropriation bills.

So, in due time, there will be a heavy workload here.

Having experienced last year the futility of engaging in many, many weeks of debate, and going through seven cloture votes, and finding that little interest was stirred because we had a very casual filibuster that lasted from 9 o'clock in the morning until 5 or 5:30 in the afternoon, and in the meantime we would take up other measures, and so forth, it is the conclusion reached by a consensus on this side of the aisle that the attention of the country needs to be called to the fact that there is a filibuster going on; that our good friends across the aisle, with the exception of three on that side of the aisle, are bound and determined that they will not let this bill pass as long as it has in it a limitation on overall campaign expenditures, as long as it has in it a mechanism to enforce that limitation on overall campaign expenditures, and as long as it has in it a limitation on aggregate contributions from PAC's that may be accepted by candidates for the House and the Senate.

There the line is drawn. There is no point in having a nice, easygoing filibuster here, carrying on a slow filibuster in the back rooms. Let us have it out here on the floor. That is where it ought to be, where the American people can see it, right through those cameras; where they can see, through the representatives of the fourth estate, that this is a filibuster. The American people need to know what it is about, and they need to know who is keeping the Senate from coming to a vote on this.

As the distinguished Senator from Oklahoma has said, we on this side are ready to vote. The minute I sit down here, I am ready for the Chair to put the question. The Chair would have put that question had I not called the distinguished Senator from Kentucky back from the cloakroom.

Ordinarily, we protect each other here. I am a strong advocate of comity between the two sides, fairness in dealings and protecting the other side, and not taking advantage of the other side if a back is turned.

So no Senator on the other side has ever been fearful of walking out of the Senate and having something happen to him. If no Senator is on that side, it will not happen. A Senator on this side will put in a quorum or some such and alert Senators on that side.

But, we have to deal with a filibuster a little differently because a filibuster is something that is quite out of the ordinary. And so, during this filibuster, the Chair is going to put the question. At any time a Senator does not seek recognition, it is the duty of the Chair, whether there is filibuster or not, it is the duty of the Chair to put the question. Anytime a Senator sits down and no Senator seeks recognition, it is the duty of the Chair to put the pending question before the Senate. That is the rule. That is the precedent. But we do not ordinarily press that rule for reasons I have already said.

But, the next time a Senator on the other side of the aisle walks into that cloakroom and leaves nobody on that side of the floor to protect him, the Chair will put the question. I have instructed the Chair to put the question.

I told the very distinguished acting leader Mr. SIMPSON, yesterday, that this would be the case, and that I was telling him at that time so that he could bring the matter before the Republican Conference today and they would all be alerted, so that they would protect themselves.

I say this for the last time so that all Senators on the other side may hear and understand that if they want to protect themselves, they have to do so themselves because the Senate needs to vote on this question that is before it.

We are ready to vote. I am willing to enter into a time agreement to vote on the Boren amendment in the second degree before this day is over, or tomorrow, or whatever. We are willing to enter into a time agreement to vote on the bill. And, as far as I am concerned, on the amendments that the other side of the aisle wishes to push, we are willing to enter into a time agreement and include their amendments in that time agreement.

Let the chips fall where they may. Let the Senate vote on whatever amendments they have to propose. They say, "Oh, we don't want to invoke cloture because we wouldn't be able to get to call up our amendments."

One of the advantages of cloture is that it precludes nongermane and nonrelated amendments. And there are amendments pending right now in the lines of amendments to this bill that are nongermane. One deals with contra aid; another deals with the Monroe Doctrine. They have nothing to do with campaign financing reform. So those are the kinds of amendments we want to preclude.

As far as I am concerned, we can have an agreement to include certain amendments that the other side wishes to vote on and we will vote on them. But let's vote.

But, Mr. President, the only way that this Senate can pass a genuine campaign financing reform bill is to include limitations on spending. Now if a party is so bereft of ideas—and I do not believe the Republican party is bereft of ideas. It has produced good Presidents. It has produced good Senators. It has produced good men and women at all levels of government. But surely the Republican party is not bereft of ideas. Why, then, the argument that they cannot win in certain regions of the country unless they can spend unlimited amounts of money? I do not believe that the Republican party is bereft of capable, able, attractive candidates in any region of the country.

And so why not have a limitation on campaign spending? Let us stop the money chase. Let us stop the perception that this Senate is the fortified castle of special interests, the stronghold of special interests.

The American people are the special interests that we Democrats are interested in—the American people, the whole people, nothing but the whole people.

So, Mr. President, the other side says this is the line: "There will be no limit placed on campaign spending. We will fight it out on that line if it takes all summer." That is the attitude that the minority side is taking.

Well, let the American people hear that; let them know that; let the American people ponder that. Do they want their U.S. Senate seats to be up for sale? Is that what the American people want? That is going to be the perception if this bill is not passed and the current system prevails.

So, Mr. President, we on this side are ready to vote. And we are drawing a line also, and that line is there can be no genuine campaign financing reform in this country without a limit on campaign spending. This is a matter that cries out for reform, and there can be no reform unless we address the crux of the issue: namely, a limitation of campaign spending.

Having drawn the lines in the sand, we have decided that we will just go around the clock. Now it may be that our friends on the other side will prevail in the end. They prevailed last year. They rejected cloture seven times. And at some point I will offer a cloture motion again. I may offer a second one; who knows? But, I am willing to spend this week and next week in the effort. And I would not forswear using the week after the March break if the circumstances recommend it.

But there is no point in continuing the casual, gentlemanly, good-guy filibuster because it will just turn out as it did last year: Have a few cloture votes, everybody just takes it easy, everybody has a break for supper, everybody goes home and gets a good night's sleep, and everybody protects everybody else.

The American people will understand this is a filibuster. They will understand who is not willing to let the Senate vote on the bill.

Mr. EXON. Mr. President, I ask unanimous consent that the remarks I am about to make on this subject not be considered under the two-speech rule.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. EXON. Mr. President, I have listened with great interest to the remarks of my colleague from Kentucky and my colleague from Oklahoma, who have been carrying the ball pro and con on this issue. I have been with them, I think, each time they met with regard to trying to work out a compromise, and I endorse their efforts to keep talking.

Mr. President, the majority leader has said a great deal of what I was about to say. Therefore, there is no use repeating that. I think he said it very well.

The point that I wish to make is that I believe that my friend from Kentucky has been negotiating with us in good faith. We have had several meeting. The results of those meeting were highlighted in the report to the Senate given by the Senator from Kentucky and the Senator from Oklahoma.

The last comment by the Senator from Kentucky was that, well, he was pleased that we had accepted or tentatively agreed to accept some of the suggestions they have made and that maybe if we go on talking this evening, we can accomplish something. Let us not mislead the American people. There has been no give on the central issue of S. 2 as just outlined very adequately by the majority leader, and that is simply whether or not that side of the aisle will accept reasonable campaign spending limits. The answer has been no, no, no. We will talk about other things, but we will not compromise on the central issue of S. 2.

So, therefore, I simply say that, while I want to talk and while I am willing to compromise, I am not willing to be part of a so-called campaign reform bill that does not reform what is centrally wrong with the political campaigns of the United States of America today, and that is simply the fact that we are spending an obscene amount of money—obscene, Mr. President. I do not know whether the people of the United States are upset about this yet, but I assure you they are going to be.

If they are not concerned about it, they should be. Because I think what we are talking about here is the very fiber of this body: The respect that I think U.S. Senators are entitled to as elected by their people in their State to come here and represent them.

I would think back, Mr. President, to a time a few years ago, 1974, when the Federal Election Campaign Act of 1974 was passed. It was passed by an overwhelming vote of both Democrats and Republicans in the U.S. Senate and in the House of Representatives. In fact, the conference report passed the U.S. Senate 60 to 16, with the vast majority of both Democrats and Republicans voting in support of it. That campaign report passed the House of Representatives by 365 to 24. Just so that we can keep this in perspective, what did that 1974 act do? That 1974 Campaign Act recognized that we thought we were spending too much money on campaigns then and it has gone up dramatically since 1974. That Campaign Act of 1974 set a limit on how much money could be spent on a per capita basis for election to high public office. That was the act, of course, Mr. President, that the Supreme Court later threw out on the basis that a millionaire, or someone of whatever means, had the right to spend whatever amount of money they wanted to get elected to public office and that prohibition by the Supreme Court is what we think we have successfully gotten around by making the arrangement that we did in S. 2 before us.

So I am simply pointing out that in 1974 the vast majority of Democrats and Republicans in the U.S. Senate and in the House of Representatives thought campaign spending limits were a good idea. What has happened in the meantime? I suggest, Mr. President, that we may have forgotten, some of us. Maybe the American people have forgotten. I would simply say that that Campaign Reform Act passed at another time, in another era, when this country was shaken to its foundation or shortly thereafter, when we had a resignation of a President of the United States, and it had to do, that resignation, with a political campaign from another era.

The majority of the U.S. Senate and the majority of the House of Representatives could not afford to not be for true campaign reform at that time. I say that their wisdom then is just as telling as their wisdom should be today and I want to assure all that this is not a partisan matter in any way, shape or form by this U.S. Senator except that I am very, very worried, Mr. President, that some time in the possibly not too distant future there is going to be another political shakeup, a political fallout of some type that will bring this institution to its knees in terms of the respect for it given by the people at large. And then, Mr. President, when the heat is on in the countryside, then we will all rush in here and we will say, "Is this not time for campaign reform?"

No, the time for campaign reform is now. I assure you that those of us on this side are anxious to reach a workable, reasonable compromise but those of us on this side feel that a workable, reasonable compromise cannot be reached unless we can have some reasonable campaign spending limits.

Therefore, I say, Mr. President, that the filibuster that was mentioned by the majority leader a few moments ago is not a filibuster on this side of the aisle. I say, again, what Senator BOREN and the majority leader just said: We would be willing to enter into some kind of an agreement, time agreement, a number of hours that we would debate this. We do not want to vote right now? Maybe we could vote this evening at 9 o'clock? Or the day after tomorrow at 11 a.m.? Or a week from Thursday at 2 p.m. in the afternoon? Just so we can get to some time agreement and not have the use of the filibuster, which we suspect is about ready to take place on that side of the aisle, to prevent the majority of this body from working its will.

I would hope that reason would prevail, Mr. President. I would hope that we would not become involved in a shouting match, this side of the aisle against that side of the aisle, and vice versa, about who is all right and who is all righteous. I would simply say that I would think that as reasonable people who have an ability to agree on most things, let us at least come to a vote and let the U.S. Senate work its will.

We would agree that entirely too much money is being spent for political elections and reelections these days. I think it is becoming a national disgrace and is going to become more of a national disgrace in the future than it is right now unless we have the courage to do something about it.

So I appeal to all of my friends and colleagues on both sides of the aisle, for whom this Senator has a great deal of respect and for whom I get a great deal of respect, more and more, as I serve in this body each and every day despite the fact that we do not move things along as rapidly as many of us would like. There is a good group of people here representing their States as best they can. I would just hope that in this instance we would protect this institution. Get away from the business of expending an excessive amount of time on raising money for reelections, clean up our campaigns so that even we politicians could be proud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Would the Senator from Nebraska yield for a question or, since he has yielded, respond to a question?

Mr. EXON. I have already yielded the floor, but I certainly would not object if my colleague has a request, if that talk he is about ready to give would not be carried under the two-speaker rule?

Mr. PACKWOOD. As a matter of fact, I am not ready to start giving a talk now, although I may, but I was hoping the Senator would respond to a question or two.

Mr. EXON. I would be glad to.

Mr. PACKWOOD. If we want to reduce the amount of money that is raised and spent in campaigns, why not just reduce the contribution limit to a dramatically smaller amount?

Mr. EXON. I would not object to reducing the campaign spending limits. In fact, had the Senator from Oregon been here a few moments ago he would see that, indeed, we agreed tentatively to reduce the PAC contributions, during the negotiations that were carried on between the pack of eight or whatever we are called.

Mr. PACKWOOD. I mean more than just that. Why not reduce the individual spending limit to $100 instead of $1,000? Why not force the costs of campaigns down by cutting down the amount people can give in campaigns?

Mr. EXON. I have no reason to believe that that would necessarily be bad. In fact it might very likely be in keeping with what the Senator from Nebraska was just proposing. The only thing that I would say in response to that question is that once you plug a loophole here, something else is going to pop up over here. It might well be that we could have some kind of a joint arrangement where we would dramatically reduce the amount of contributions that could be made by an individual or a group or organization to a considerably lower amount than today, so long as we still could agree on some kind of a reasonable total expenditure of funds.

Mr. PACKWOOD. Why? If you reduce the amount that people can give and if you force candidates to go out and raise their money and you have a low enough limit, you would have to do most of it in your home State. What is wrong if you could get 20,000, or 30,000, or 40,000, or 50,000 people in your State to give you $20 or $30 apiece or $40 apiece? Is that bad for democracy?

Mr. EXON. I do not think that is bad but I would also suggest that with the experience we have had with bundling, that I am sure the Senator from Oregon knows a great deal about, there are all kinds of ways to bundle and bundle and amass funds that both the Senator from Oregon and this Senator are quite familiar with.

Mr. PACKWOOD. I think on both sides, as I understand, we have agreed to do away with bundling. The Senator from Nebraska made a good point, that you try to write a perfect law. Somehow you do not contain everything. At least, you can make a good start. We can try to eliminate bundling.

Bundling, I might say, simply means that one person of an organization goes to a thousand of their members and says, "Give me a check for Senator EXON," and he collects a thousand checks from a thousand people. But, in essence, it is one person giving them to you. That is bundling.

We can pass a law saying that is illegal. I think we have agreed we can do that. I am talking about your going to Nebraska and my going to Oregon and having to finance our campaigns with thousands of donations of small amounts. That is what I would have to do.

We can, as I suggested, put a $100 limit on contributions. That would get your spending costs down and get thousands more people involved in democracy because we are an imaginative people. If we have to raise the money, we can make sure our organization does it.

It will, at the same time, and I sympathize with the majority leader's problem with Members having to be gone to raise money, cause other concerns. "I have a fundraiser in Florida," in Oregon, in New York, "do not look for me after 4 o'clock."

One of the toughest jobs around is the job of the majority leader, Republican and Democrat, with those kinds of requests.

I think I can assure my good friend from Nebraska if you had a $100 limit on contributions, you would effectively limit the time we could raise money. We could not raise enough money, personally, with $100 limits. Our organization of volunteers would have to do it. That is good for democracy. But you can achieve this without a spending limit. So what is the need for the spending limit?

Mr. EXON. I beg your pardon?

Mr. PACKWOOD. What is the need of the spending limit? You can put the spending down by putting a limit on contributions. You can force us to raise money in small amounts, which would be good, I think, by lowering the contribution from $1,000 to $100.

If we are worrying about the contributions of PAC's, I would be willing to limit them altogether, to zero, so that they cannot give to our campaigns. Why would that not achieve 99 percent of the end the Senator from Nebraska wants to achieve?

Mr. EXON. I think in response to the question, and I have answered this time and time again, I would say to my friend from Oregon that so many people are very much concerned about not what the total amount raised would be, but how the money is raised and where it comes from.

To answer the question of the Senator from Oregon, I would agree with what I think is his basic thesis. That is that if we had no more than a $100 limit, that any person, individual, or group could give to a campaign, that would be a whole lot better than the other extreme where $1 million was raised and given by one individual. I would agree with his basic thesis.

I am not sure that I would agree, though, that limiting expenditures to $100 or $50 or $500 would necessarily come about.

Mr. PACKWOOD. Limiting contributions to $100, not expenditures.

Mr. EXON. Contributions.

Mr. PACKWOOD. Contributions. Did I hear the Senator from Nebraska say that in his experience the public is not so much concerned about how much we spend but where we get the money?

Mr. EXON. No, you did not hear him say that. I said my view is that it would be better if we had whatever is donated in a campaign to come from a larger group of people rather than a smaller number of people. That is what I said.

Mr. PACKWOOD. We can agree on that. Would that be achieved, in your judgment, by lowering the contribution limit?

Mr. EXON. It might be achieved by lowering the contributions so long as you could legislate some kind of a bill that did not provide for organizations of various persuasions going about the country and calling for grassroots political contributions from those in Nebraska to elect a Senator in the State of Oregon.

Mr. PACKWOOD. You are back to bundling, again, I sense.

Mr. EXON. I guess so. I think bundling is a very serious matter and I think the Senator has agreed that it is. How we could outlaw bundling, per se, and still stay within the general guidelines of the Constitution, I am not sure.

Mr. PACKWOOD. Well, I think both sides are operating on a presumption.

I see the majority leader here and I would be happy to have him interrupt. Mr. President, might I also say a word of appreciation to the majority leader. I was watching when he called for Senator McCONNELL to come on the floor. That was very generous of him. I appreciate it.

I might say in the 18 or 19 years I have been here, this has been the habit of the majority leader, even before he was leader, that he has never taken advantage of a Senator who was not present. I appreciate that.

Let us say in Nebraska or Oregon, and our populations are not that far apart, that it was going to cost you $2 million to run a campaign, or whatever. Under the present limits, political action committees can give you up to $10,000. Most of them do not, but they can. Individuals can give $1,000, or $2,000 for the primary and general. So we could raise our $2 million.

I want to say again I spent a great deal more than that in the last campaign. I am using this for purposes of discussion now.

Let us say that we would have had 5,000 donors from whom we raised $2 million with those limits. If we were to get rid of PAC contributions altogether, they are out, and lower the contribution for individuals to $100, I would assume that in order to raise $2 million we would have to have a lot more than 5,000 donors. Perhaps 10,000 or 20,000.

I would also expect if you cannot bundle that you would have a dickens of a time raising money in small amounts in Oregon and I would have a tough time raising money in small amounts in Nebraska. The likelihood of my going door to door, my volunteers going door to door, in Omaha and getting people to give $20 to my campaign in Oregon, I think would be pretty slim. I think yours would be practically the same in Oregon.

Mr. EXON. I think that would probably be very difficult, but I would simply say, let us not underestimate the demonstrated talents of raising money for all kinds of purposes due to the very sophisticated direct mail techniques.

Mr. PACKWOOD. I am very familiar with direct mail techniques, and we should in the future deal on it. Direct mail fundraising is not cheap fundraising. It is expensive fundraising. I would say there are 5 or 10 Senators in this body who can raise money nationwide by direct mail, but most of us are just not that well known outside our own States. As much as we would like to think we are that well known, we are not.

All I am saying, and I say this in good faith because on our side we honestly think it—and this is not being benevolent—spending caps favor, and you can spend the same amount as your opponent, the majority party and favor incumbents. That is our fear. We do not mind lowering the contribution limits, and I think, frankly, what would happen if they were low enough, and this would be a reverse of the advantage, if they were low enough so that the bulk of the money raised, almost perforce, would have to be raised in your State, it would probably flip the advantage of the purpose of raising money to a home State challenger who is on the ground in the State all the time instead of here in Washington 8, 9, 10, or 11 months of the year.

But that difference on spending limits I think is a modest difference of opinion.

What I am saying is that what you want to achieve with spending limits, and it can only be done with some form of public financing under the present Supreme Court decision, some measure of public financing, can be achieved without going that route, and I fail to understand the unwillingness of the majority to accept another alternative to achieve the end they want to achieve.

Over and over and over it has been—if there are no spending caps, we are going to fight this out; we will be both U.S. Grants and fight it out on this line all summer, but if we will not agree on the Republican side to spending caps and therefore some public funding, because of the Supreme Court decision, there will be no bill, and we will take this to the public and we will let the public know who stands for reform and who does not. I am saying we can achieve that same reform without the public funding and without the spending caps and what is wrong with that alternative?

Mr. EXON. I would simply say to my friend that he may—I do not know whether he is making it or not—be offering a compromise that is worthy of consideration that so long as you would agree that you would reduce the total amount anyone can give, we would also put on a reasonable spending cap. It is possible to have the best of both worlds.

Mr. PACKWOOD. No. I think the majority leader has stated it well. A spending cap on the Republican side I think is simply unacceptable, and there are enough votes, because we feel it would put our party at an unfair disadvantage.

Now, if you lowered the limits dramatically, maybe you could spend as much as you spend now—maybe, if you lowered the contribution limits dramatically—but to do it the Senator would have to raise his money in Nebraska, I would in Oregon, not from 5,000 people, probably 50,000 people, 75,000 people at $10 or $15 or $20 apiece, and I think that is better for democracy because they are going to have to give it voluntarily. We are not going to compel them to give it. I think it is better than partial public financing of campaigns and an automatic spending limit, and I say in all good conscience that if you want to improve democracy, if you want to cut the cost of campaigns, if you want to spread out this process so that more people participate, I think the answer is to cut out the PAC's altogether, although I think we all agree under the present Court decision they can spend on their own without any talking to us. There is nothing we can do to stop that. But if you want to achieve the reduction in spending or, in the alternative, you want to achieve a much broader base of giving, why not just go the route of reducing the contribution limit.

Mr. EXON. If the Senator will allow me to respond, I would simply say to the Senator from Oregon I hope he knows that this Senator did not back the original version of this measure and came on board and has been a leader in putting it through only after we came up with a formula that I had a considerable amount to do with that would eliminate all public funding if and when candidates would agree that a reasonable spending limit would be in order. So I would simply say that part of the argument that the Senator from Oregon is using with regard to public financing of campaigns is not in S. 2 as this Senator views it today.

Mr. PACKWOOD. I am fully aware of that, but I think all of us are also aware that if S. 2 in its present form should pass, there will be some public financing in the first election because you are going to have some who will say, "We are not going to agree with those spending limits." And as the Senator knows, there is then public funds involved. And I think if you pass S. 2 in its present form you are on the way down the road of reasonably large-scale public financing and spending limits for congressional races.

Mr. EXON. I do not happen to agree with the Senator from Oregon, but I respect his point of view.

Mr. PACKWOOD. I thank my good friend from Nebraska. I might say to the majority leader I am not going to stay here. I think somebody else will be coming to cover the floor in 10 minutes. I have a half-hour meeting in my office, and I will be back probably by 20 to 5 and will be prepared to spend as long here tonight as indeed the majority leader thinks it necessary to stay. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this I think is a matter which requires the attention of Senators. Another way of conducting this filibuster, of course, is to have one Senator come to the floor, all his colleagues go home or stay in the offices, he comes to the floor, he speaks for a little while and puts in a quorum.

I should alert Senators that when they do that, I may ask to have that quorum called off, and if it is, unless a Senator seeks recognition, the Chair will put the question. So we are kind of at the beginning of the filibuster I guess as we are now calling a real filibuster. But I would suggest that if Senators really want to talk, they come to the floor and talk and that we may have to enforce the two-speech rule.

I am not advocating that right at this minute. But it will not be a filibuster in which a distinguished Senator, like the very distinguished Senator from Oregon has just done, comes to the floor, participates in a little colloquy, puts in a quorum and every body sits down and the clock continues to run and nothing happens.

Now, we are either going to talk or we are going to vote. The Senator is certainly capable of talking, I am sure, but I do not want us to get the idea that this is just going to be a matter where one Senator can look out for colleagues on his side of the aisle and he will come over and make some remarks, and he will put in a quorum and sit down and we will just beat around here and have a quorum that will last 15, 20 minutes. As he said, he will be back in 10 minutes, but where are all the other Senators?

Mr. PACKWOOD. If the majority leader will yield, the majority leader raises a good point. I did not mean to give the impression that I singly was going to try to conduct a filibuster by quorum call.

Mr. BYRD. No; I am not implying that.

Mr. PACKWOOD. I will let the majority leader continue and then I have a few more remarks to make.

Mr. BYRD. I have finished.

Mr. PACKWOOD. Well, I was going to say that years ago—and my good friend from West Virginia will recall Senator Williams from Delaware, a wonderful gentleman who overlapped 2 years here with me. He retired in 1970. When I first came here in 1968, we had a debate on whether or not we should change the rules for shutting off a filibuster.

The Senate will recall it was two-thirds present and voting and we moved it to 60 percent. I supported that. He opposed that.

Mr. BYRD. That was my proposal.

Mr. PACKWOOD. Yes.

Mr. BYRD. That it be 60 votes—three-fifths.

Mr. PACKWOOD. At the time, though, I do recall—and refresh my memory on this—we did not change the requirement for shutting off a filibuster on a rules change. That is still two-thirds, is it not?

Mr. BYRD. That is correct.

Mr. PACKWOOD. On a rules change.

Mr. BYRD. It takes two-thirds to shut off a filibuster on a rules change.

Mr. PACKWOOD. The majority leader will recall the famous ruling we had from Vice President Rockefeller when he was in the chair that angered some people on both sides a bit. But when I was here in 1969 as a young Member, I probably thought and would have been willing at that time to reduce the margin for shutting off a filibuster to a majority vote. I might have stayed with a normal parliamentary requirement in Europe where the majority shut it off. And I remember the counsel that Senator Williams gave me at the time. He was opposed to the change. He said, "Bob, after 21 years here, I have come to the conclusion we make more mistakes in haste than we lose opportunities in delay. If something should pass, it will one day pass." He said, "It may take two or three Congresses, that is not a long time in the history of the Republic, but if something shouldn't pass, then the right to delay it is not only a legitimate right, but it is probably a wise right."

I have, indeed, changed my view about the filibuster over the years. I think if I had my choice now, I would go back to the two-thirds present and voting. I do not expect that is going to be an issue, and I do not think anyone is suggesting that now, but I think I would go back to it as one who has used the filibuster on occasion, not on this issue before us, as a matter of fact, but I have used it many times in the area of women's rights and abortion. As I recall on one occasion I spoke for 4½, 5 hours on the floor reading from a book called, "The History of Abortion in the United States," and I have only gotten to 1833 in that book. If necessary, I may even on this bill take up 1834 and onward and go forth with that history, which is something that I think the Senate would really fully want to know about.

So I am prepared to talk, I am prepared to negotiate, and I would be willing to negotiate, reduce spending limits, PAC's out the window, although—as the majority leader is fully aware, and he is a good constitutional scholar—I do not know how you can stop them from spending. We can stop them from giving. I do not know how we can stop them from spending.

Unfortunately, most of the money is spent against rather than for these independent expenditures. But that is an issue for another day, constitutional amendment or something like that. There is nothing we can do by law to stop them from spending.

But I wish the majority leader and the majority party would be willing to consider some other alternative to the spending limits, spending cap, which this side honestly thinks is unfair, and thinks if candidates A and B can spend the same amount, then the favored incumbents and the favorites of the majority party, and as we are neither, would not have great misgivings about it.

Mr. BYRD. Well, I think when we look at the experience that has been gained under the campaign financing reform that took place with respect to Presidential campaigns, that has not failed the Republican party. The Democratic incumbent defeated the Republican incumbent the first election after that. Mr. Carter defeated Mr. Ford the first go around; the Republican challenger, Mr. Reagan, then defeated Mr. Carter. The next time around, Mr. Reagan, the incumbent won. So the Republicans have fared very well under that experience.

Surely they ought to fare as well under campaign financing reform that has a limitation on the campaign expenditures for Senate seats. After all, they have the same opportunities.

I just cannot understand why they would not want to have a limitation on campaign expenditures. They are able to raise more money. That is obvious. They have shown that. They can raise more money than the Democrats can raise.

The distinguished Senator has talked about lowering the limitation to giving $100. There will be all kinds of ways that can be found around that.

Mr. PACKWOOD. How? How do you get around that?

Mr. BYRD. The distinguished Republican Senator knows that his national campaign committee and the people on his side of the aisle are light years ahead of the Democrats when it comes to raising money by mail. They can do it. I say, why not put a limitation, a reasonable limitation, on campaign expenditures? That would be as fair for the Senator's side as it is for this side of the aisle.

Mr. PACKWOOD. I think now it begins to come into focus a little bit. The Republican Party has been much better than the Democratic Party in raising money by direct mail from small contributors. The Democratic Party, probably in terms of the total amount of money they raise, is much more dependent than the Republican Party on political action committee money and big money. There has been enough articles on that now. I think on occasion it is news to the public.

But to put it in the crassest terms, the Democrats have depended upon the fat cats, the Republicans not nearly to the same degree. But we raise a lot of our money by direct mail; lots of it, and direct mail is expensive fundraising.

So if what you do is you put a limit on how much can be spent—and I think you can effectively put a limit on how much can be raised because part of the cost of the campaign is the raising of the money—what you do is very effectively limit the Republican's most effective way of raising money which is thousands and thousands of small contributors through direct mail. And the reason you make that very difficult is because we would not be able to afford the cost of raising the money. We have a spending limit. What you do is favor the method of raising money that is the less expensive which is raising it from the rich; raising it from the PAC's. Through a fundraiser, it is a thousand-dollar-a-plate and costs you $25 a plate to put it on.

So of course again that favors the present method that the Democratic Party uses to raise money which is from the rich. That to us seems not only unfair but the wrong way of democracy.

Mr. BYRD. Let us lower the limitations that an independent group or person can give, and put an overall limitation on the total campaign expenditures.

Mr. PACKWOOD. Why?

Mr. BYRD. Why not? Is the Senator saying to me that, in order for the Republican Party to survive, that those candidates who came into this Senate 2 years ago and will be looking to run again in 1992—the average Senate seat having cost $3 million in 1986, and projected to cost $9 million per Senate seat in 1992—is the Senator saying to me that in order for those Senators on his side of the aisle to run a successful campaign for re-election in 1992 they should be forced to raise $9 million on the average to win, and he does not want to put a limitation on such spending?

What are the American people to perceive out of this kind of argument that the Republicans are bereft of ideas, bereft of candidates who are articulate, who are attractive, who are able? Of course, that would be the wrong perception. But the perception is forced to remain that they are so bereft of those attractive elements that are needed to compete for the hearts and minds of the American people that they have to fall back upon money to buy votes. That is not what the Senator would be saying, I am sure.

Mr. PACKWOOD. No.

Mr. BYRD. Mr. President, Senator Jennings Randolph and I ran in 1958 for the U.S. Senate. Two Senators from West Virginia, both, ran the same year. I ran for the full term, and he ran for the unexpired term. It cost us a combined total of around $50,000, and $50,000 for two Senators, two Senate seats from West Virginia. In 1982, when I ran, it cost me almost $2 million. In 1986, it cost on the average, for the Senators, almost $3 million. This is a money chase. And we are attempting by this bill to limit campaign spending.

I will tell you as the majority leader, I will tell you one reason why I would like to limit campaign spending. I would like to limit the time spent away from their Senatorial duties by Senators who want to remain in public office and who are having to run hither, thither and yon, from East to West and South to North, back and forth, and over and over again, living in and out of suitcases, staying away from their families, staying away from their work in order to raise money. Money. Why not put a cap on that?

Mr. PACKWOOD. I would respond again. Let us take the $9 million, hypothetical $9 million that it is going to take to run. Let us take a hypothetical of a $100 contribution limit, although, as the Senator is well aware, the contribution is much below the maximum limit because everybody is not giving the maximum. You raise money by direct mail; your average contribution is about $20. That may be off $1 or $2, one way or the other.

In order to raise $9 million with a $100 contribution limit, you assume an average contribution of $20, you have to have 450,000 donors. As I indicated earlier to the Senator from Nebraska, I think 90 percent of the Senators have to raise the bulk in their home State.

I put this to the majority leader: I think it would be good for democracy if you in West Virginia, I in Oregon, and the Senator from Nebraska had about 400,000 contributors in our home States give $20 apiece. That is not bad; that is good. I do not think we should put a limit on Nebraskans or West Virginians being able to give $20 apiece, and it is a good test of whether or not we have a good organization. You and I cannot go out and ask 400,000. We could not do it. There is nothing wrong with encouraging that many people to give.

We used to have a tax credit which encouraged people to give, and unfortunately we got rid of it. I think that rather than public financing and taking money out of the Treasury for candidates, if you want to have public financing, we would do better to go back to the tax credit of $50 or $100.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. BYRD. The Senator makes two points I would like to address.

First, he talks about public financing. The so-called public financing we are talking about is the voluntary checkoff by taxpayers when they file their income tax forms—voluntary, of their own free will.

Milton referred in "Paradise Lost" to man's freedom of the will.

Taxpayers make this checkoff of their own free will. Here, I give a dollar. Here it is. Nobody held a gun to my temple. That is of my own free will.

The distinguished Republican leader last year was very much against public financing, but he is now accepting it. That is the law and he is acting under it.

Mr. PACKWOOD. Let me ask——

Mr. BYRD. Let me continue my point. The Senator said he would yield to me, and I will not take advantage by being overlong.

That is public financing, and it has proved its worth, its merit, in the Presidential campaigns.

We are talking about a voluntary checkoff. Senator BOREN and others have modified the original stand twice, so that it is merely there now as an enforcement mechanism. It is an insurance feature.

Now, the next point: What the distinguished Senator says sounds good. Goodness, I would like to have him as my lawyer in a case before a jury, with his persuasive eloquence. Make it $100. Sounds good. All you would have to do is have 450,000 contributors. Are you kidding? In West Virginia? With a little over a million registered voters, Republicans and Democrats? You are going to get 450,000 contributors to give $20 each in West Virginia, to raise that average of $9 million? What about Senators from States that have populations of more than 2 million?

Mr. PACKWOOD. I say that the Senator is making my point. I do not think I could raise $9 million in Oregon, either.

What is the population of West Virginia?

Mr. BYRD. 1.9 million-plus.

Mr. PACKWOOD. Oregon has about 2.5 million.

So you could not do that in West Virginia, and I could not in Oregon. With a $20-average contribution, what is going to happen to the cost of campaigns? It is going to go down.

Mr. BYRD. Let me ask the Senator: What is wrong with this bill? Do you know what the limitation on expenditures under this bill would be in West Virginia? Something like $950,000.

Mr. PACKWOOD. From the way the majority leader talks, he would end up, with his contribution limit of $100 and $20 averages, roughly with that amount.

Mr. BYRD. The Senator is going to require 450,000 West Virginians to raise $9 million. It sounds good. It almost swept me off my feet.

Mr. PACKWOOD. I was taking the 450,000 that you said would be necessary at 20 bucks apiece.

Mr. BYRD. I did not say it. The Senator said that.

Mr. PACKWOOD. You said it would cost an average of $9 million to run a campaign if we were going the way we are.

Mr. BYRD. In 1992, under the current system.

Mr. PACKWOOD. I said that with a $20 contribution, you would have to have 450,000 contributors. I do not think I or the majority leader could get that in our States, so the cost of the campaign is not going to be $9 million. It will be much less than that, because we will not be able to get 450,000 contributors at $20 apiece.

Mr. BYRD. The Senator has not answered my question.

Why is he unwilling: Why is the Republican Party, on that side of the aisle unwilling? Some of our greatest Presidents, some of our greatest Senators have been Republicans, and three of the Republicans on that side of the aisle support our proposal. Why is it that the Republican Party, on that side of the aisle, is so dug in against having a limit on campaign expenditures based upon the populations in each of the various States?

Mr. PACKWOOD. I thought I answered that several times in previous speeches last year and this year.

On average, I say once more, incumbents beat challengers. More incumbents win than lose. On average, the majority party beats the minority party, all other things being equal. The Democrats are a majority in Congress, overwhelmingly so in the House, slightly so in the Senate. The Democratic Party is the majority party in this country, on average. Some States more so, some States less.

So the feeling on this side is that if you say here is a spending bill that allows the incumbent in West Virginia, who probably starts with 99 percent name familiarity—it is hard to get 100 percent, but if anybody could, the majority leader may approach 100 percent—starts with high name familiarity, it is an incumbent's advantage.

If we then say that the incumbent Democratic leader, who is well known in a State with a heavy Democratic majority, can now be challenged by somebody who can spend no more money than he can, you almost automatically guarantee an advantage to the incumbent majority party member. That is our objection.

I do not know how the argument can be refuted that more incumbents win than challengers and the majority wins more often than the minority party. Therefore, if we start from a deficit position and a challenging party starts from a deficit position vis-a-vis the incumbent, how is that going to do anything but favor the incumbent?

Mr. BYRD. The Senator is, in essence, saying that ideas and individuals do not count; money counts. That is what he appears to be saying. I do not mean to put words in his mouth. I do not presume to do that.

He talks about the majority leader as being the incumbent and a challenger as not having the advantage that the minority leader has, or any other incumbent. This majority leader has over 11,000 rollcall votes to be picked apart, misrepresented, distorted by any challenger. I have a challenger in the primary; I have a challenger in the fall. The challenger in the primary has no voting record that I can criticize, but I do have one. That may not be an advantage to an incumbent. So there are advantages and there are disadvantages to being incumbents and to being challengers.

The distinguished Senator says that Democrats, on the average, are the majority party. Is that because they have been able to raise more money, or is it because of their ideas? Is it because of the individuals who are running? Is it because of the record, the programs that the Democratic Party has advocated—education, health services, scientific research, programs to help people?

I am willing to let the party stand on its record, on its program, and I am willing to stand on mine. But let us not believe that the Democrats, because they have been in control all these years in the Senate or the House or whatever, it is because they were able to raise more money. They were just able to produce more bodies. More bodies went to the ballot boxes because more bodies believed in the programs that were being espoused by the Democratic Party in the Congress.

I see my friend has left the field, so I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Alaska.

Mr. STEVENS. I have been asked to come and sort of stand in for a while for those who are more actively involved in the debate. I am delighted to be here with my good friend from West Virginia.

I am constrained to say that, in view of the very extreme difference of opinion in terms of limitations on expenditures as far as Federal campaigns are concerned, it appears that it would not be possible to work out the kind of compromise that the Senator from West Virginia seeks. And yet if we look at the history of recent years, the campaign laws that we have operated under have found that the Republicans were able to elect a majority in 1980 and the Democrats were then able to elect a majority in 1986.

An old friend of mine used to make quite a point out of the fact that if the watch is not broken, it should not go to the repairman. This law is working. There are some severe attacks against it but, as I have analyzed those attacks, they are not against spending limits per se. They are against some of the abuses of the system which we have indicated we are perfectly willing to work on and attempt to resolve.

We, for instance, are very concerned about soft money. I think all parties involved in the election process ought to be concerned about soft money.

There are several problems that are involved in the current law in view of the inflation since the time that the limits were put into effect. We have strange circumstances now that individuals can contribute $1,000 per election. The political action committees can contribute $5,000. We have suggested that that be equated and that the political action committees be limited to $1,000 and the individuals be limited to $1,000. That would make the task of raising more money more difficult. It may even be that, if the amount the political action committees could contribute were reduced down to 20 percent of their current level, that the actual money available for the expenditure would be limited and achieve a portion of the goal that the majority leader seeks.

But, in my judment, we ought to look at some of the very basic problems and some of the solutions we were prepared to agree with. I was in hopes—and I am still in hopes, because I am meeting with the Members on the other side appointed by the majority leader, attempting to work out some agreed solution to the overall problems of S. 2—that we can deal with soft money.

Mr. President, a friend of mine, who is in the labor movement, the other day said to me there are three things that an individual can do in this country to really be active in campaigns short of becoming a candidate. One is to vote—and we hope that more people will vote; the second is to participate in the election process; and the third is to help finance it.

This bill, obviously, does not seek to put any limits on people voting. We ought to encourage more, as I said. It does not do a thing about the involvement of individuals in campaigns. It seek to limit the amount that people can contribute.

In some areas of my State, we have a great amount of voluntarism, substantial participation in elections. In other portions of the State, those portions that are more related I would say to the metropolitan type economics, where people have apparently less time to participate in politics, we have greater financial support.

What this bill does is it says there is really a necessity to put greater restrictions around the financial participation in campaigns and it completely ignores the personal aspects of campaigns.

We have sought to reduce campaign costs and spending. We have sought to control soft money. I, personally, made a comment about that last year, about the incidence of soft money in the elections of 1984 and 1986.

I firmly believe that we ought to agree now—even if it was passed this year, it could not affect this year's election; we are talking about the 1990 election probably and in all probability it really would not have a real impact on elections until 1992—and what we ought to do is to see if we can get a bipartisan group, both in and out of the Congress, to get together and see if there is any way that the limits that the other side seeks to impose could be imposed consistent with the difficulties that that would place upon those who rely more upon financing of campaigns than they do upon the individual participation of people in campaign activity.

Senator GLENN and I have just been through a series of hearings concerning the problems of transition for the new President this fall. One of the great problems we have was what do we do in terms of putting a value upon the voluntary participation of individuals who just want to help that newly elected President, to be part of a transition team, to provide people who have expertise and knowledge to prepare briefings on particular issues, to attempt to work out the transition for the Presidency.

The strange thing is we can come closer to having an agreement as to how we would value that volunteer activity after the election than we can before. We have no way to value volunteer activity before the campaign.

As a consequence, when we place limitations on the expenditures of dollars in a campaign for someone whose campaign is built upon an advertising structure, a different type of get-out-the-vote campaign than one that is based solely on voluntarism and individual participation—incidentally, Mr. President, I prefer the latter, rather than the former—but there are people whose circumstances are such that they have to rely, their communities are such they have to rely upon dollar expenditures. Where that exists, to not value the volunteer activity and to put a limit upon the activity that can be financed through cash contributions is tilting the playing field. It is not a level playing field and in my opinion we have to do something about it.

I would prefer to have a commission take a look at the overall concepts of financing in both limits on contributions and expenditures and the method of participation in Federal elections by individuals and see if a study would bring to us some new innovative ideas of how to structure Federal campaigns.

In Britain and in Canada, one of the ways they structure them is they prohibit any kind of campaign activity before a specific date prior to the election. We do not practice that. I make no bones about the fact that I am not up until 1990 and I am constrained to start raising funds now for that campaign.

In my last election, as I told somebody the other day, I think I spent 50 weekends away from my family, raising money for that election. And then I spent a substantial number of weekends away from my family participating in the election process, traveling back and forth to my State.

I see my good friend from Nebraska is here. He can get home and back in the same day. I could not do that, to Alaska. In order to get home to campaign, it takes me 12 hours from my home here to my home up there or from my office here to my office up there. And that is just to begin with.

Once I get to my State, I can travel 2,000 miles to the west, 1,200 to the east, about 1,000 to the north, or 950 miles south. I can travel further after I get home than he has to travel to get home, Mr. President. And yet this bill would equate my problems with his in terms of financing, and would attempt to impose the same kind of expenditure limitations on me as it would on him, despite the fact that he could drive home if he wanted and be home tomorrow.

If I started driving home today, I would be home 6 days from now.

I think the problem with this bill is it is attempting to put national standards on campaigns, both from the point of view of campaign activities, campaign expenditures, and restrictions in terms of what the national ethic ought to be in campaigns rather than accept the fact that disclosure ought to be the key word in terms of national campaigns.

We can very easily limit the amount that we can receive from a particular source. That has already been done. We have limitations on political action committees, limitations on individuals. I am one of the few and I think the distinguished occupant of the chair was also here at the time that we passed a series of laws, one of which was ruled unconstitutional by the Supreme Court. The case was brought by a former Member from New York, Senator and now Judge Buckley. I was disturbed at that time that the concept of the expenditure limitations was, in effect, knocked out by the Court decisions.

But now, as I look at what has happened since that time, the rapid development of technology in the fields of electronics, the new methods of advertising, I wonder, sometimes, if we could have lived with the law that the Supreme Court declared unconstitutional in part. Had the Court ruled otherwise, what would we have done with those people who could afford these new technologies, but we would have been living in a financial straitjacket at the same time?

Had the Court not ruled as it did in the Buckley case, this Senate would be filled with either total paupers or multimillionaires, and there would be none of us in between because there would have been no way for people to have any kind of financing activity in the normal sense of the development of the political process since that time.

I believe that the offer we have made to prohibit bundling, to limit independent expenditures, to tighten controls on party and special interest campaign activities, to control soft money spending, to reduce the impact of what we call millionaire spending, to give an opportunity for a candidate who faces the expenditure of personal funds by a candidate who is able to spend only his personal funds—I do think we all agree that there is a defect in the current law even after the Buckley case in that regard—and to deal with the limitations on PAC spending, that we have made an offer that is worthwhile and ought to be reviewed.

The issue that separates us, and it will continue to separate us, is the issue of limitations, total limitations on campaign spending. That, as I said, attempts to put into an individual, subjective, State by State campaign an additional standard that is unworkable. It assumes that a State that has the same population as mine, Vermont, roughly, would have the same campaign expenditure problems that I would face in Alaska yet my State is one-fifth the size of the United States. We travel primarily by air. We deal with individual television and radio markets and not a statewide market as a Senator from Vermont would. It is just totally unfair for us to face a national standard with regard to campaign activity in Alaska that is designed for some mythical standard operation throughout the United States.

Similarly, we do not have a primary concept like the South does. I find it very interesting that this proposal sort of overlooks the differences in the United States geographically, brought about by the influence of the primary process, where one party or another is predominant. That means, in effect, that there is one campaign, not two. In our State there are two: the primary and then the general. In a State that has the dominant party, the primary settles the election. This bill does not reflect that at all, nor does the concept about campaign expenditure limitations deal with it as it should.

Mr. President, I am saddened by the continued difference in the Senate over this bill because I think we could agree, now, on a campaign reform proposal that could actually apply this fall. I am certain we could devise one that would be in effect by 1990 and work and improve this system. But if we are to continue to battle over the question of whether expenditure limitations are the sine qua non, the essence of a bill without which the majority will not support the concept, then I think it is going to be a long, long debate.

The PRESIDING OFFICER. The question is on the amendment.

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on the amendment.

Mr. STEVENS. Again, I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 4]

Armstrong
Boren
Burdick
Byrd
Exon
Packwood
Stevens

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed——

Mr. PACKWOOD. Mr. President, I was going to move that the order for the quorum call be rescinded.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent

I further announce that the Senator from Delaware [Mr. BIDEN] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Nevada [Mr. HECHT], the Senator from Nebraska [Mr. KARNES], the Senator from Kentucky [Mr. McCONNELL], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Virginia [Mr. TRIBLE] are necessarily absent

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 18, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—71

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cochran
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Harkin
Hatch
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Warner
Wirth

NAYS—18

Bond
Chafee
Cohen
Durenberger
Evans
Grassley
Helms
Kasten
Lugar
McCain
Murkowski
Nickles
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—11

Biden
Dole
Gore
Gramm
Hecht
Hollings
Karnes
McConnell
Pressler
Simon
Trible

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, as we struggle with S. 2, I inquire at this time: We have had a vote which is instructive of perhaps where we are headed. We have people on both sides of the aisle interested in where we are headed with regard to our activities on this day and through the week, and all of us know that the committee of eight—the four from the Democratic side of the aisle and four from the Republican side of the aisle—have been meeting. I understood from Senator BOREN that they were ready to continue to discuss things. I understand that Senator McCONNELL, who represents that group on this side, indicated that they wished to discuss it further. I do not know that they have a time set or what.

We do not consider ourselves at this time—I speak on behalf of the opponents to S. 2—as being in a filibuster. Senator PACKWOOD is next to speak, and he will speak for 45 minutes or perhaps an hour, or 35 minutes. His is not a scheduled tag team match at this point with regard to filibustering. We are prepared to do that.

Just as a courtesy—and I know that the majority leader is very attentive to the membership—I ask what the majority leader foresees with regard to our activities on this bill.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader for his question.

The objective here is to reach a vote on the pending question and on the bill itself. It is obvious that our friends on the other side do not intend to let the Senate vote, or at least that has been obvious up to this point.

I am not pressing to enter a cloture motion at this time, but I do think we ought to get on with the debate on this measure and, once there is no inclination to debate, the Chair will put the question. We tarried with this bill for a period of many months last year, off and on, and at this point this year we have been on it 5 days, without any interruption for other business.

So I would have to say to my good friend that it is my intention to have the Senate stay in tonight until it reaches a vote, if it can do so; and if it cannot do so, then we will simply stay in, and Senators should debate the measure.

I think we ought to invoke the two-speech rule. Senators have had plenty of time to speak on this measure. There have been times today and yesterday, especially yesterday, and last week, when the Senate was on this bill, that quorum calls occurred, and Senators did not seem to be in a great hurry to come to the floor and speak on the bill.

If Senators want to speak on the measure, they have that right, and I think they should do so. But if they do not wish to debate it and they do not seek recognition, then the Chair will put the question.

On the other hand, I do not think that the Senate should be in here tonight—midnight, 1 or 2 o'clock in the morning—hearing speeches that are not germane to the subject matter. Of course, there is no rule on germaneness at this point. The Pastore rule has run its course for this day, and the Senate is not operating under cloture. That being the case, since there is no rule on germaneness at this point with regard to the subject matter of speeches, I think we ought to invoke the two-speech rule.

If Senators want to use one of their speeches in talking about Afghanistan or country music or whatever, they may do so; but that leaves only one speech. When they have spoken twice, then that is all on the pending question. In this way, I hope we can move the Senate along to a decision, to a final vote on the pending matter before the Senate.

So I say to my friend that we will be in session tonight. If Senators have something to say about the pending question before the Senate, they have a right to say it. They have a right to stand on their feet as long as they want to stand, if they want to speak 2 hours, 4 hours, or whatever.

At this point I am proposing that we have the two-speech rule, that we invoke it; and of course Senators know that if they sit down and do not seek recognition, the Chair will put the question. Everybody knows what his rights are, and everybody, of course, can work within the rules.

Last Friday, I indicated the possibility that there would be all-night sessions, and yesterday I did so again. If Senators want to talk, they can talk; but when they have finished talking and debate had ended, then the Senate ought to vote.

I hope I have answered the distinguished Senator's question.

Mr. SIMPSON. Mr. President, I do understand and grasp the significance of all that.

Let me just say that this is not quite a raw partisan issue. Two Members of the other side of the aisle are on our side. Three on this side of the aisle are on the other side. So it is not quite one of those usual, direct, rip-them-up partisan issues.

But it does look as if we will continue into the evening hour and if so we are ready to do that on this side. We are ready with debate and perhaps quorum calls as well.

I certainly respectfully say that I personally cannot see the point in any way—I respectively say this as I would in private to the majority leader—in going through the night. We will not accomplish anything except distress of the membership on both sides of the aisle and nothing more, because we have a situation where we cannot vote on the bill in its present form for the reasons that you have heard in some very pure debate in the last few days, good debate, thoughtful debate, some of it plain partisan, some of it seemed protective of the Republican minority.

We cannot change the bill by amendment. Our amendments would be voted down by the same party line vote that has characterized seven cloture votes that we have had on this measure last year.

So we know what happens when we relinquish our position. Everybody else should know. There is no trick involved. We are presenting it that way, in an honest way. This is an issue for many of us here, especially southern Republicans and other Republicans. You have heard the arguments that this in effect will create a situation where we will not ever attain majority status in this body for many years. Now that is the issue. So our only option is to force some negotiation on the bill itself. We have not even tried to force that. That is going forward. It is still going forward. We can only do that by exercising our rights as a minority to keep this bill from being finally acted upon.

We are going to go to the two-speech rule, which in my time here in 9 years has been honored more in the breach than in the observance, and which is routinely ignored. If that is suddenly to be enforced then we must do things on our side which are just as arcane and wasteful and tedious as that, among them, changing the question, and have to make most of precedent to postpone to a time certain which certainly can be done not only ad infinitum but ad nauseum.

So in our honesty with each other, which I enjoy with the majority leader, we are ready. We are ready to go all night, we are ready to go all day. But I cannot for the life of me understand how that can be productive because everyone here knows exactly what the orders are and everyone here knows exactly what the vote will be on cloture, and that is the way it is.

I just think we ought to keep that to the forefront. We have not been destructive or disruptive in these past weeks on this side of the aisle.

I commend the leader. They were tough issues, Grove City, Contra aid. We have smoked through those things and did our work. This is one that has ensnared us and high centered us seven times and No. 8 is just around the corner. There is not anyone who has any kind of information on the bill who knows that this is not going to be the next result.

So, as I say, we are prepared and we will have our sturdy SWAT teams and people on vitamin pills and colostomy bags and Lord knows what else we will have to have to improve our ability to stay here. But I would never, and this is the harsh thing, I would never want to impinge upon the prerogatives of the leader any more than he ever wanted to do that when Senator DOLE was the majority leader, but if we must in this time of extremity for those who feel so strongly on this issue, then I would have to do that and notify the leader that that was coming and that would be through the making of those types of motions; rather unfortunate. I would not like to be doing that.

But this is the lay of the land. I think it is important that we just not talk about corruption and bloated treasuries and, you know, all that stuff. Let us talk about we know how you get elected and you know how we get elected and if you will give up some, we will give up some. Until that happens, we will just go on this feckless, sturdy approach into the next week and the next week, into the recess, and we are fully prepared to do that because of the deep feeling that is generated on this side of the aisle, and I share that with the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished acting leader for his frank appraisal of the prospect for reaching any agreement on this bill, and I also appreciate his candid statement as to what the minority party will do to keep the Senate from coming to a final vote on this matter. I expect the minority party to use the rules and the precedents. Of course, as the Senator has stated, the question can be changed. Of course a motion can be made to postpone action on the pending question until tomorrow or until next week, and then a Senator will not have spoken twice on that question. I am aware of all that.

What the distinguished Senator is saying is that the minority party is ready to resort to the use of the rules—which they have a right to do—but they are determined not to come to a vote on the question as long as it contains a limitation on overall campaign spending, and as long as it contains a limitation on the aggregate contributions of PAC's, which may be received by any candidate. I do not find fault with their right to do this.

But I do feel that it is the responsibility of mine to attempt to do the best I can to focus the attention on this question and on why the Senate cannot act on it. We could go on in the casual way that we did last year having a cloture vote in a day or so, and coming in at 9 and finishing at 5 and we could do that and we would not get anywhere again. We tried that approach. It failed. We saw that the minority party in the Senate was absolutely opposed to the limitation on expenditures. We feel that the American people support us in this and we feel that we have to do our best to try to get to a Senate vote on the bill.

The acting leader is exactly right when he talks of the cooperation that he and others on that side of the aisle have given on Grove City and other measures, and that time will come again; I am sure of it.

So I am not going to carry any animus, any ill will beyond this battle, and I am sure that my colleague and friend on the other side also will not. But his party is taking a determined position on this. They are absolutely opposed to the fundamental principles that we on this side believe are absolutely necessary if we are going to have genuine campaign financing reform. We do our best; they do their best. And we will all accept the outcome.

It may be that we will not win. But the American people will know who kept the matter from going to a vote. Let them make the judgment in the long run. Perhaps this idea will not prevail today or tomorrow. But I believe that it is an idea whose time has come, and I believe that, sooner or later, the American people are going to make their representatives in this body understand that they want this progressive change.

I ask unanimous consent that the speech made by my distinguished friend across the aisle, the acting leader, not count as a speech under the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, let me conclude if I can, because I would have hoped that we would not have reached the aspect of, you know, the American people. That is not the issue here. There is not a soul in this body that does not want campaign financing reform. Now that is the issue. And to put an unfortunate spin on this that somehow those of us on this side of the aisle are not interested in campaign reform—this bill started as a PAC bill, to limit PAC's. And there is nothing in it right now to limit PAC's.

Our proposal, as presented by this side of the aisle—and this is not a partisan issue; that is to say, there are two Democrats on our side and three Republicans on the other side—we are ready to limit PAC's. We are ready to go from $5,000 down to $3,000. Some want to go to $1,000. Some want to get rid of PAC's on our side of the aisle. So, please, I hope that we will not find that this side of the aisle somehow is missing the fundamental principles of what we are all trying to do.

I think it is very important to recall here that in the minority we are doing nothing more than the very able minority under the then minority leader who is now the majority leader. There is no one more skilled in the ability to use the rules of the Senate to protect the minority than the present majority leader—no one. There has never been more of a master of that.

So now we are doing it and we are doing it within the rules and it should not have anything to do with the American public or perceptions because there is not a soul here that I have talked to of the 100 of us that is not interested in doing something with regard to campaign reform.

But I will tell you this, one of the things that is generating throughout the country is the ad of Arch Cox and Common Cause. That is the full-page fare at every breakfast table of most districts. And if this bill passes, you can have more of that for breakfast and it will never be even on the scorecard. That is what we do not like. That is called cheap shooting. That is called independent financing, aside and apart from the real issues of this.

Now the American people, they are sobering up. They are hearing this. My mail room is not breaking down any more. I told them that Arch Cox's ad was a cheap shot because I told them I was in favor of campaign reform and I told them under S. 2 that kind of expenditure would just be off the table.

Now they will know the true story on campaign reform if they will know all of it, because these ads that are appearing throughout the Nation are not models of accuracy. They are self-serving and merely stirring people up. I thought we had enough of that in an incident that happened here in this Chamber a few months ago and I will not even target it.

But if that is the way we are going to run the U.S. Senate on ads in papers, then certainly we have missed something with regard to the remarkable stability of this deliberative body.

So those are the things we are talking about. That is what we are speaking of. It means a great deal to us and to two of your colleagues on that side of the aisle. And I am ready to talk about all things. These fine gentlemen we have appointed are ready to talk about all things—aggregate PAC limits; no PAC's. I have not heard anybody on the other side of the issue talk about no PAC's.

But, if we are talking about the rules, then, of course, we remember that the majority is using the rules to force this measure upon us just as diligently as we are appropriately using the rules to avoid having it be imposed upon us. That is called legislating and it is called fairness. The American people understand fairness. And to this point on this issue we have been treated very fairly.

But we are at a point where there is not a soul here that needs to refer to anything but the need for reform. And we are all ready to do that. But, as I say, it is a tough point. The pushing of the button is simply we know where you get your scratch and you know where we get our scratch and neither of us like it. And that is the way it is going to be. If that is the way it is going to be, then we are going to hang here for a long time with all of the skills and abilities we possess under the rules and wait a long, long time because we know that under cloture it will be eight out of eight instead of seven out of eight.

Mr. BYRD. Mr. President, I apparently got under the skin of my good friend. I perhaps should not have referred to the American people, but I happen to believe that the American people want to see an end of the "money chase" and I happen to believe that in due time we will all see a change in it. That is what we on this side are striving to bring about.

My good friend says that if this bill passes, then every day for breakfast they will have a bit more of Archibald Cox and his ad.

Well, you know we can say if this bill does not pass, then every day will be just a continuation of the aristocracy of the moneybag and an intensity of the money chase. The money chase is the predominant thing that guides us in our efforts here and interferes with us in our work.

I do not think that the distinguished Senator said anything that would necessitate further response from me. The distinguished Senator asked what we might expect for the evening and I have responded.

He has indicated that his party is ready to resort to the rules and the precedents to avoid coming to a final decision on this matter. The Senator has that right.

I think we ought to know that the people on this side are ready for a vote. I am going to yield the floor. If anyone wants the floor, they can have it.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I did not know the majority leader was going to invoke the two-speech rule. Of course, if that is going to be the situation, we will have to accommodate ourselves to live with it.

Would the majority leader be good enough to at least let me ask unanimous consent that the previous speeches I have made today—because I did not know you were going to invoke this—not count against the two speeches?

Mr. BYRD. Yes, I would have no objection to that. As far as I am concerned, we could go for another 6 hours without invoking it. But at some point I think we should invoke it because, otherwise, Senators are just going to come to the floor and take the time of the Senate in making extraneous speeches. If we are serious about a vote on this matter, then we ought to be serious about addressing our remarks to this question.

When Senator Russell and the Southern bloc used to filibuster against the civil rights bill, they stuck to the subject. They were well organized, well disciplined. I hope we will stay on the subject as much as possible and get to a decision on the bill. I am suggesting that we may want to invoke the two-speech rule soon.

Now, if this seems to get under the skin of my good friend from Wyoming, this is the rule and it can be resorted to. It can be invoked. Of course, as Senator Russell told me one time, for every rule, there is another rule.

So, yes, my friend can move to postpone to another day and that will be another question before the Senate. That will not catch this Senator by surprise. I may try to table such a motion. So, as Senator Russell used to say, for each move, there is another move.

I am not going to be rancorous about this. I do not want to be rancorous about it. I will use the rules to the extent that I can to bring this matter to a head. And the distinguished Senator, the acting Republican leader, can do the same on his side of the aisle. If he does not want to bring this matter to a head, if he does not want this Senate to act on this question, he has every right to resort to the rules and precedents to accomplish this end.

I am not going to be angry with him about that. The rules in this body favor the minority. They were meant to favor the minority to prevent the majority from running over the minority. That is why there is a Senate. That is why this Senate ought to remain a Senate and not become a second House of Representatives.

I am very cognizant of the rights of the minority and I will engage in this battle in the very best of spirit and good will and if, in the end, we have done our best and we do not prevail, the Senator from Wyoming will have my good will, I shall shake his hand and put this behind me and go on to the next item.

But I am not disturbed when I hear that the minority is ready to dig in its heels and ready to have a shootout at the old corral and that, if the two-speech rule is invoked, they may resort to something else. That is all right. They can resort to whatever they want to resort to. The rules are here, and precedents.

But the idea is to get a vote. I would be happy to enter into a time agreement and vote on final passage after 3 days of debate and allow such and such amendments to be called up. Perhaps that is a way out. I do not relish staying here all night. I am not happy about that at all. It will be as hard on me as on anybody else.

But let us get on with the debate. I am ready to yield the floor, ready to shake hands with the distinguished Senator from Wyoming. I hope he has no hard feelings because I mentioned the two-speech rule.

Mr. SIMPSON. Indeed not.

Mr. BYRD. It is there in the book. I am not creating anything new. And if the minority wants to resort to whatever tactic, dilatory or otherwise, to keep this Senate from reaching a decision they have the means to do that.

The American people will know who is doing it.

The majority here is trying to press forward to a conclusion on a bill that is important. Senators have a right to disagree with the bill; to vote against it.

I have no objection to the Senator speaking for the moment without the invocation of the two-speech rule. I am willing to go, as far as that is concerned, until midnight without that.

I have the utmost patience. I have always been able to demonstrate it and I am happy to demonstrate it again.

But I am saying that there will come a time, if not at this moment, when Senators who come to the floor and talk about the introduction of bills—they have a right to do that because if the Pastore rule has run its course and they want to count that as one of the two speeches, it is perfectly all right. But we have to narrow this thing and continue to narrow it, if we can, so that the focus is on the matter that is before the Senate. Hopefully, we will reach a decision one way or the other on that.

The PRESIDING OFFICER. The Senator from Oregon had requested unanimous consent that his previous speeches not be counted under the two-speech rule.

The majority leader indicated he did not object. Are there other objections? Are there other objections to that unanimous-consent request?

If not, it is so ordered.

Mr. PACKWOOD. I would be happy—I will yield the floor for the moment and let the acting leader talk before I do.

The PRESIDING OFFICER. The Senator from Oregon—are you yielding the floor?

Mr. PACKWOOD. I will yield the floor until the acting leader is done.

The PRESIDING OFFICER. He has yielded the floor until the acting leader has completed his presentation.

Mr. SIMPSON. Mr. President, I thank the Senator from Oregon and I will just take a moment. We can do this exercise with civility, and I pledge to do that and we will, I think, assure that it will be done. We will not only shake hands now but we will shake hands when we finish. That is the way the system works.

It is a curious system; you do not have time to savor victory or anguish in defeat. It moves fast and I like legislating. That is something I enjoy and this is legislating and this is the way it is done. It is kind of ghastly to watch but it is all legislating.

Indeed, I look forward to trying to do it with a good spirit of civility and good humor and good taste.

So, with that at least everyone should be informed as to what the schedule will be. We need not review that once again. We will be on call.

So I yield now, yield the floor—just yield the floor, to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Chair and let me assure the majority leader that I have no intention of deviating from the subject tonight into some other subject that I threatened earlier I might discuss at length. I might do that on another day, another time, but at the moment I will confine my comments to campaign finance.

So that everyone, I guess, understands the futility of what we are doing, this is what we are up against eventually, and the majority leader was right and the majority leader is perpetually generous in his courtesies to me when he said he will not be taken by surprise. No one need worry. No one has ever taken the Senator from West Virginia by surprise since I have been here. He is a master of the rules. It is just that we each understand the rules and how to attempt to use them to our benefit.

Now, as to a filibuster, per se, he says all we want to do is get to a vote. My first experience, actually, with the filibuster was not so much the rules change that we made in 1969; that we made. But the majority leader will recall, the distinguished senior Senator from Wisconsin, Mr. PROXMIRE, filibustering on SST right up until the time that Congress had to adjourn. I suppose that was January 2 or January 3, or whenever it is that we had to go out. It was very close to midnight.

As I recall, the House had passed the SST bill; this is Government funding of the supersonic transport. The argument was, if we did not do this, the British and the French had their Concorde, America was going to fall behind in terms of technology in space, and we just had to put many billions of dollars into a government-financed supersonic transport. I think there was a majority to pass it in the Senate. As I recall it had passed the House. I cannot recall what the position of the President was, whether he would have signed it or not.

But the Senator from Wisconsin thought it was a terrible idea, a waste of money. There were arguments about bad for the environment, a whole host of arguments and the Senator from Wisconsin very well filibustered the issue of the SST, the supersonic transport, up until midnight or so close to it that it did not make any difference, on the last day of the second year of the session and we had to go out at midnight because the Constitution said that was the end of the Congress and the new Congress came in the next day. And that was a filibuster.

In retrospect it turns out that the Senator, the senior Senator from Wisconsin, was right and, in haste, we might have passed a bill putting forth hundreds of millions or perhaps it was billions, I cannot recall, of money to develop an SST so that the British and the French did not beat us, to be first with the Concorde.

How well I remember what the argument was. The plane will fly 1,300 or 1,400 or 1,500 miles an hour. For years, America has been paramount and primary in aerospace. And we must not let the Europeans or anyone else get ahead on the cutting edge of what was to be this new development.

Now it is 18 years later, the Concorde is not an eagle; it is a turkey. There are a few of them that have been built. They fly at a loss every time they go up in the air. They are not being built anymore. It is now ironic that if we are having any serious competition from the British and the French it is not on the Concorde, it is on the airbus, which is a much slower plane with a bigger body and it runs reasonable competition with our DC-10 and Lockheed 1011's. But the Senator from Wisconsin was right and he used the filibuster to stop something that he was convinced was wrong and by and large the entire environmental community supported him. So that was a filibuster wisely used.

Are there filibusters unwisely used? I suppose so. I guess it is in the eye of the beholder because anyone who conducts a filibuster conducts it only because the person is reasonably convinced that, if put to a vote at the moment, the person conducting the filibuster would lose.

If you thought you were going to win, you would not conduct the filibuster. You would put it to a vote. But you are convinced that you have enough time to speak to the public and enough time to inform editorial writers and enough time to appear on "Meet the Press" and "Face the Nation" and mornings with David Brinkleys and enough time to educate the public that you will be able to change public opinion.

Indeed, on the SST that delay caused that effect. We never financed it. It turns out to have been a wise decision.

I think deeply that the majority is wrong on the public financing of campaigns. Make no mistake, there is public financing on this bill. There are postal subsidies. A postal subsidy is public financing. Call it what you want. It may not be straight out of appropriations of "Here's money to the candidate." It is back-door public financing.

We eventually end up subsidizing postal rates, and if you say to the candidate, "You can have reduced postal rates," that is public financing. Then we compel the radio and television stations to give away time to the candidates at a very low amount. That is not exactly public financing. This is just to say we will take it out of the hides of the radios and broadcasters.

Then there is the provision, which is clearly going to come to the floor, of straight-out money to the candidates because anyone is foolish if they look at the bill, as it is currently written, and thinks that there is not going to be a situation where one candidate goes over the spending limit and the other candidate gets money, and we all know that is coming.

So in fairness, I think even most of the majority party would prefer not to have public financing if they could have the expenditure limits without a public financing. It is just that they are caught on the horns of a dilemma because of the 1976 Supreme Court decision in Buckley versus Valeo in which the Supreme Court said you cannot limit spending, and the only way you can limit it is to hold out the carrot of public financing, and if the candidate takes the financing, then the candidate is limited in his spending.

It is unfortunate that we do not learn by past experience. First, if I might, let me quote from the Senate Watergate Select Committee because, early on, the majority leader and others made reference to the scandal that grew out of the Watergate and the campaign reforms that grew out of Watergate, and that this bill we now operate under in financing of the President grew out of Watergate.

Let us read what the Senate Watergate Committee recommended:

> Recommendation No. 7: The commiittee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

I am continuing. That was a quote of the Committee of Jefferson. Everything I have said so far is actually quoting the committee, and I continue quoting the committee:

> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically and guaranteed by the first amendment.
>
> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.

Here is the critical point:

> What seems now appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

This is a quote from the committee that investigated Watergate and all of the abuses that stemmed from the 1972 campaign.

Second, let us go to a report 8 years later, and this report was the findings of the John F. Kennedy School of Government at Harvard. They were asked by the Senate Committee on Rules and Administration to study the post-Watergate campaign finance reforms and to recommend changes.

Now, I suppose in retrospect, maybe the Rules Committee, or at least a majority on the Rules Committee, wished they had followed the admonition that all trial lawyers follow, and that is, you do not ask a question to which you do not know the answer because you might get the wrong answer, and then you wish you never asked it.

In any event, the Senate Committee on Rules and Administration asked the John F. Kennedy School of Government at Harvard to study the method of Presidential campaign financing.

This is public financing of the campaigns. What did they find out?

> Among the problems of the post-Watergate reforms, the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns.
>
> Candidates are not allowed to spend enough money, and the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.
>
> On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

Let me make an aside here. This is not quoting part of the report, but I want to make sure that those listening understand what that paragraph means.

What the Harvard study was saying is this: You say to a Presidential campaign, you can only spend $20 million or $30 million. That has not resulted in that much money being spent and only that much money being spent.

What it has resulted in is organizations totally outside the candidate's committee spending money for a candidate or spending money against a candidate so that the total amount of spending in Presidential campaigns has not gone down. As a matter of fact, it has risen as fast since we passed public financing of the Presidency as it had risen before. In many cases, it is what we call soft money, money that does not even have to be reported as campaign spending; although in word, deed, and fact, it is campaign spending.

It is money often spent by large membership organizations to get out their members to vote after that organization has endorsed a candidate, and to get them out to vote for that candidate, and yet it is done without any connection with the Presidential campaign and it is not even reported. It is done with organizations running registration drives to register voters, interestingly, run only in areas where they know the overwhelming bulk of the voters likely to be registered are going to support the candidate or party that the organization prefers.

These are usually run through what we call 501(c)(3)'s 501(c)(4)'s or 501(c)(5)'s. These are tax-exempt organizations receiving money and paying no taxes. They are charitable organizations, in essence, undertaking partisan political activities and not reporting the money and still claiming to be charitable organizations.

Let me go on back now, continuing to quote the Harvard study.

> To make matters worse, most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should not be encouraged by the campaign laws.
>
> Thus, our most important recommendation [is] to eliminate the limitations on expenditures made by the candidates. Spending limits have proved undesirable for a variety of reasons:
>
> Failed to equalize resources of different candidates;
>
> Failed to curtail the growth of money in Presidential politics;
>
> Failed to shorten the overall length of campaigns;
>
> Failed to reduce the emphasis on early primaries;
>
> Intrude unduly into campaign strategy;
>
> Created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement; and
>
> Fostered disrespect for the law.

That is what the John F. Kennedy School of Government at Harvard says the present method of electing our Presidents has resulted in. And what the majority leader, the Senator from Oklahoma, and the others who are pushing this bill say is, we want to expand this system to the entire Congress.

Think to yourself again if you are interested in America, in power, if you want to influence government, and if you want to have a control of government.

You are the president of an organization outside of government, be it Common Cause or a labor union or whatever other large membership organization may exist. What is one way, Mr. President, to heighten your power?

Well, one way to heighten your power is to limit what candidates for office can spend without limiting what you can spend. That is exactly what this bill does. At the moment it is questionable whether or not the majority even wants to put into this bill absolutely severe limits on what we call soft money, so that you can trace the money.

You cannot prohibit it being spent, but at least you would like to know that it is being spent and how. We require parties to do it, candidates to do it. Why not require other organizations to do it that are in fact involved in partisan elective politics even though they are not a political organization.

But my hunch is you would not, even if we put in these limitations on soft money, stop these organizations from spending it, nor do I think you should. I think they have a constitutional right to spend it. At least we would know what they are spending. But again you think to yourself if you limit or reduce the amount of money that candidates for Congress can spend, just as with the Presidential race you limit what the candidates can spend, you have not succeeded in reducing the total spending for running for office. What you have succeeded in doing is pushing most of the control outside of the candidate who has to report under the Federal election laws, who is held accountable under the Federal election laws, and you push it into the hands of organizations that at the moment do not have to report under the Federal election laws. And even if they did have to report, I think they would. But the balance of power would tip to those organizations that are not responsible to the public. They do not have to run for office. They are responsible only to their members and often to members who have a very narrow and specific view of what Government ought to do, an organization that has to answer only to its members who share that relatively narrow and often parochial view as opposed to a candidate that has to at least answer to a spectrum of voters across the State.

Well, let us not make any mistake. We are not going to succeed in reducing the amount of money that is spent. We may succeed in pushing it outside the system of candidates reporting to organizations that do not. We may succeed in pushing it outside of the candidate's control who has to answer to all of the voters of their State and into the hands of organizations that have to answer only to their members who share a like-minded view. But we will not have reduced the spending.

Now, let me respond, if I might, to the argument of the majority leader when he and I were talking about the relative cost of running for office and he said under this bill in West Virginia limits would be about $950,000 and, first, was that not enough and do I not think that ideas count? And is that not enough to get your ideas across?

You bet ideas count. Over a long period of time—and I do not mean 6 months or 3 months or 9 months—over a long period of time ideas count and you fight for them. Gradually this country changed its idea about slavery. Gradually this country changed its idea about separating blacks and whites in the public school system. And gradually, although not completely or we would not be debating from time to time the equal rights amendment, this country is changing its idea about the role of women in society. And we are coming, thank goodness, to the place where we are going to regard women as equals in the marketplace or elsewhere, although we are not there fully yet.

You bet ideas count. But now let us take a practical situation. You are the majority leader of the U.S. Senate, or you are the Senator from Oregon or the Senator from Nebraska. All of us have been in the Senate for some period of time. My hunch would be that name familiarity with our voters—and by name familiarity I simply mean if you say to the voter, "Have you heard of Senator BYRD? Have you heard of Senator EXON? Have you heard of Senator PACKWOOD? they would say, "Yes" 90 percent of the time. In Senator BYRD's case I bet it is 99 percent. So as an incumbent you start out with one tremendous advantage. You have been in office for a long period of time and at least the voters know who you are; they have been able to hear your ideas for a long period of time, and I might add hear your ideas paid for frequently at public expense via the use of the frank when we send out our newsletters to all of our voters with our ideas in them. Obviously, of course, we send them out very selectively. We try to find groups that will agree with our position and send to that group our position. Maybe we mail to those over 65 our position on why Social Security should not be tampered with. Maybe we mail to the membership list of the National Rifle Association in our State our views as to why there should not be one smidgen of Federal control of guns. Maybe we mail to the environmentalists in our State our position as to why the Columbia Gorge or Hells Canyon in the case of Oregon should be preserved and saved, or maybe we mail to them why we think there should not be any oil drilling in the Arctic, an issue that is coming up now—mailed I might emphasize to these groups at the public expense, the taxpayer expense because we are an incumbent.

Our challenger does not have that advantage. Do you know what we have done to equalize the advantage? We have said that for the 60 days prior to the election, we, incumbents, cannot send out franked mail—now, if you have been in the Senate one term, by that time you have been here 5½ years. If you have been here more than one term, you have been here 11½ years or 17½ years—in order to equalize the advantage of the hundreds of thousands or in the case of a large State millions of dollars of publicly paid mail that we have sent out, telling every group in our State what we think and only telling those groups that want to hear what we think when we know we will agree with them. A tremendous advantage for the incumbent.

What do you do next as a matter of practicality? As an incumbent you can go to any radio station, television station, and tell them you are going to be in town. They will put you on live on the afternoon news at 5:30 or 6 o'clock. Radio stations will put you on any time. They will accept a tape and put it on.

In addition to sending our franked mail, we can also send out video tapes paid for by the public purse, radio tapes paid for by the public purse. All of our radio and television stations will put us on for 5½ years, 11½ years, 17½ years. In my case it is now going on 20 years. But if you are the challenger, you have a dickens of a time getting on the television news at 5:30 at night. Oh, maybe you can a month before the election, 6 weeks before the election when the campaign finally heats up. But if a year and a half ahead of time, 2½ years ahead of time, say, I am going to challenge Senator PACKWOOD or Senator EXON or Senator BYRD, you think you can go to the local radio and television station and get the same kind of coverage that the incumbent has, then you have not yet tried to be a challenger running against an incumbent.

Do you know the difference? The difference is called news. When you are covering the news in the broadcast industry, you are not subject to any of the so-called content doctrines like equal time. It is an exception. And the incumbent, of course, always creates news. The challenger does not always create news. Another advantage.

Let us go to one more. You would like to travel out through your State examining Coast Guard bases or to see how reforestation is going.

So you call up the Coast Guard, the Forest Service, and you say, "Gentlemen, I would like to look at the bases and chat with the personnel." You call up the Forest Service and say, "How are you doing on your reforestation? Could you get me a helicopter and take me?" It is done just like that. It is justifiable because they want you to see what they are doing. I do not blame them. They want to show off the best they have.

So they pick you up in a helicopter in the main city or your town, of course, after you cut a little morning press conference, and they fly you 100 or 150 miles each way. You take a look at some reforestation, and they drop you down in the second biggest town at noon in time for a news conference, pick you up again, take you someplace else, drop you off at 4 or 4:30 in the afternoon in the second biggest news media center in your State in time to get you live on television in that medium-type market at public expense. You have been hauled around.

I am not complaining that this is illegitimate. Some of the best ways you can see what your Government is doing for us is to go out, hands on on the ground, watch the trees being planted. I have nothing but regard for the Forest Service. They do a whale of a job. I am convinced we get more bang for the buck out of the money spent on the Coast Guard than any other branch of the military. I am delighted to see their bases, and I am proud of them.

But do you think the challenger can do the same thing? Do you think the challenger can call up the Forest Service and say, "Hey, I would like to fly around and see your tree planting"? Do you think the challenger can call up the Coast Guard and say, "Hey, how about letting me see your bases"? No. What you have is a situation where the incumbent has 95 percent name familiarity—in Senator BYRD's case I will bet 99—free access to the frank, unlimited access to the news media, access to the governmental facilities to travel you about the State and then you say, now we are going to have a campaign limitation law that allows the challenger to spend no more money than the incumbent.

When the incumbent starts out with every incredible advantage you can think of, and you are a poor State legislator and in most States a State legislator starting out to run for statewide office will be lucky to start with 5 to 10 percent name familiarity. And from that they have got to build to 80, 90, or 100 percent in order to challenge the incumbent.

On occasion one of those unknown State legislators will win, yes, although more often than not it is because the incumbent somehow shoots himself through the foot through no fault of the challenger during the campaign. On occasion it has happened since I have been here. The incumbent drops dead in the middle of the campaign. Suddenly you are left with an unknown challenger now to be faced with another unknown challenger.

Those things can happen. But if you mean the normal circumstance, the poor unknown challenger is doing everything he or she can, driving themselves until they drop dead overnight in order to get to a speech with 20 people in the morning in a town 200 miles away that the news media does not cover.

I am not blaming the news media. But that is what the challenger is up against. It is an unusual challenger that happens to be the Governor of the State who is well known against the Senator of the State who is well known. It happens on occasion. It is not the usual situation.

A Member of Congress is not as well known as a Member of the Senate. So if it is a Congressman or Congresswoman challenging the Senator, while they start with some degree of name familiarity, it is nothing like the Senator.

Dr. Gallup every year asks the question, "Can you name your Member of Congress in the district?" On the average it has run the same for years. With or without broadcasting, it is the same in 1938 as 1988—about 45 percent can name their Member of Congress, not what party they are, not anything they have ever voted for, just name them. It is a little more in urban, and maybe a little less in rural areas. But that is a Member of Congress. It is not a State legislator, it is not a mayor of a town of 40,000 or 50,000, or county commissioner of a county of 60,000 or 70,000, but a Member of Congress representing a district of about 500,000 people. They still start out at a disadvantage.

Now let us consider the further advantages if you are an incumbent in the majority party. I first indicated all of the advantages that all incumbents have, whether you are in the majority or the minority, with the frank, the travel, the news. But, in addition to everything else, you find out that on average—I am emphasizing again average because there are exceptions—on average people vote their party. Do they make exceptions? Of course they do. But I mean on average Republicans are more likely to vote for Republicans than they are Democrats and Democrats are more likely to vote for Democrats than they are Republicans.

(Mr. ADAMS assumed the chair.)

So put two and two together. If you are an incumbent, Democratic Member of the U.S. Senate or the House, you have the advantage of incumbency, and with it all the concomitant access to the frank, news media and everything that goes with it. If you are a member of the majority party, the Democratic Party, what better will ensure your reelection than to say to a challenger you can spend no more money than I can. Do not worry that you are unknown. Do not worry that you cannot get in the news. Do not worry that the Government will not ferry you about the State. Do not worry that you have access to the free postage like I do.

In addition to having tied now both of your arms and legs behind your back, we are going to say that you cannot spend any more money than I can. It is clearly an advantage for the incumbent Democratic Member of the House or the Senate.

Now let us add one more thing on top of that. The majority leader was here when I mentioned it some hours ago. For whatever reason—I think I know the reasons but I am not going to get into the argument as to why—the Republicans have been infinitely more successful than the Democrats in raising money by direct mail in small quantities. And by small quantities, I mean if you are lucky on a good direct mail piece, the average contribution of those who respond is about $20. A direct mail fundraising is quite expensive. It may have changed a bit since I was more expert at it years ago when I was chairman of the Republican Senatorial Campaign Committee and we did lots of direct mail fundraising. But this is what we presumed then and I do not think it has changed much now.

If you can break even on what we call prospecting—prospecting is when you mail from a cold list. You rent the Time magazine subscribers, Fortune magazine subscribers, or you rent membership lists. They are available to rent for anyplace from $55,000 to $75,000.

If you can break even on prospecting, that is regarded in direct mail as good. If you spent $1 million and you raise $1 million, you consider that you have done well. The reason being that once a person has given you money they are likely to give money again.

So let us say you mailed out 1 million pieces of mail. You get a 2-percent return, 20,000 people respond, $20 apiece, you have raised $400,000, the mailing to 1 million people has cost you about 40 cents to mail it out, you have spent therefore $400,000 mailing it out, you have broken even, now you have a list of 20,000 people that have given to you once and direct mailers know now that you can mail those people four, five, six times a year, and they will give one or two more times. That becomes relatively inexpensive to do once you have the list.

For reasons I say we do not need to discuss here, the Republicans have been immensely successful at raising money in these small amounts by direct mail. The Democrats have tried it and it has not worked for them. It has been an uphill struggle to get millions, and it is millions of people now. It has been an uphill struggle for them to get millions of people to give them $20 apiece.

So ironically, despite the publicly held perceptions of the parties—that is of course the publicly held perception that the Democrat is for the little person and the Republicans are for the fat cats—the inverse has happened in terms of contributions to support the party.

The Democrats—there are articles in the Washington Post, the New York Times, the Wall Street Journal on this—are infinitely more dependent upon donations from political action committees and donations from large donors, that is, fat cats, than are the Republicans. Raising money in large amounts is cheaper than raising it by direct mail.

For example, put on a $1,000-cocktail party, which are common here now, common around the country. If you want to come to the cocktail party to reelect Senator PACKWOOD or Senator BYRD or Senator EXON, come down to the Washington Hotel for a $1,000-cocktail party, and it will cost you perhaps $25 or $35 per person to put it on. So let us say that for $30 you raise $1,000, and you make $970. That is inexpensive fundraising.

So, if you put a limit on what can be spent and therefore what can be raised—there is no point raising more than you can spend—what is the kind of fundraising that you encourage most? You encourage large contributions from political action committees and fat-cat donors, because that is the cheapest money to raise, and it gives you that much more to spend on your campaign; whereas, if you raise it by direct mail, you would have to spend a lot of it just in raising it; and as you do direct mail all around the country, that is not money you can spend in your State on the campaign. It is the latter technique that the Republicans have been successful in.

What better way to attempt to limit Republican successes than, in essence, to cut off the principal method that we, as Republicans, have discovered to raise money—hundreds of thousands and millions of contributors giving us $20 apiece on the average? Cut that off, and instead encourage the method of fundraising that the Democrats have found most successful—the fat-cat, large, political action committee donor.

Is it any wonder that the Republicans are inclined to think that this bill perhaps may have been designed to perpetuate the Democratic majority in Congress? I emphasize again—I am sorry to repeat it—but it is the old salesman's adage: Tell them what you told them.

Incumbents have an advantage, and there are more incumbent Democrats than incumbent Republicans. The majority party has an advantage throughout the country, and there are more Democrats than there are Republicans in the country.

If the bill limits what you can spend and therefore limits what you can raise, you will try to raise it in the most cost-efficient way possible, and that is from the large, fat-cat donor, and that is the way the Democrats have been most successful in raising money. So, what is a Republican to think?

The argument has been made that the average cost of campaigning in 1976 for the Senate was, I think, $600,000, and last year it was $3 million; and if it keeps going like this, it is going to be $9 million in the next campaign; and then how much is enough—$90 million, $900 million, $9 billion? These arguments have been made over and over. "No," they say, "We have to stop that by putting a limit on spending."

I suggest that there is another way to put a limit on spending, and that is to do two things. I emphasize the limit on spending by the candidates. Do not forget the point I made earlier that any money not given to candidates will go to organizations outside the candidacy and it will be spent the wrong way, and S. 2 does not address that.

At least, if you want to cut down what the candidates have to spend, first let us zero out the PAC's. They cannot give any money to campaigns for the Senate or for the House—cannot give any money.

That at least will remove the principal argument that Common Cause has used in its advertisements and its campaign about the evils and the greed of special interests aggregating their money together in political action committees and giving it in an unseemly way in order to gain an ear. I have suggested that. I will vote for that.

It meets with little favor on the other side. It meets with little favor on the other side because that is the principal way they raise their money. That have the majority of the votes. Why should they vote for an amendment that will disadvantage their principal way of raising money, big money—political action committees?

So I say that if we want to get rid of the evils of political action committee money, zero—they cannot give it.

Let us go to a second idea—the fat-cat donor. Today, individual donors can give $1,000 in the primary and $1,000 in the general election. Often, you will find that it is a husband and wife. They will give $2,000 in the primary and in the general election give $1,000 each—$4,000. Again, the Democrats are much more successful than the Republicans in raising money in that quantity from donors of that size.

So I suggest that if you really want to cut the cost of campaigns, why do we not do the following? Why do we not lower the limit from $1,000 to $100? That would have the following effects.

One, with the very few exceptions of some Senators who may have been in this body a long time and are well-known, the likelihood of raising in any significant quantity $100—do not forget, I am talking about a maximum; their contribution is not a maximum—but the likelihood of raising $100 from an individual who does not live in your State is relatively slight. For a $100 contribution, they are not trying to buy you. They may give it because they believe in a position of yours. It is given in a sense of belief.

So, the first thing it would do for most of us—not for everybody, but almost everybody—is that most of the small money we would have to raise in our own State, not out of State. If you limit it to $100, I think it would automatically have the effect of reducing the total amount of money you would collect.

The majority leader and I were discussing his State of West Virginia sometime ago, and we were using this argument of $3 million for campaigns and assuming $9 million for campaigns.

I said, "$9 million in West Virginia, if you were to raise that in average contributions of $20, you would have to raise it from 450,000 people."

He said, "450,000 people? That is ridiculous. We could not raise that much in West Virginia. We only have 1.9 million people. You could not possibly raise $9 million, with a $100 limit and an average contribution of $20."

I said: "Exactly. That is my point."

Do you want to make sure these campaigns do not go to $9 million? I do not know about his State. I would be lucky to get 50,000 or 60,000 people to give me an average of $20 each. If you want to cut down the cost of campaigns, cut down the amount they can give and eliminate PAC's. Then the only way you are likely to do it in your State is to have an extraordinary organization that is willing to go door to door, knocking on doors, saying: "Hi. Will you give $5, $10, or $15 to BOB PACKWOOD?"

"No."

Next door: "Will you give $5, $10, or $15 to BOB PACKWOOD?"

"No."

Next door: "Will you give $5, $10, $15 to BOB PACKWOOD?"

"Yes. Here's 10 bucks for BOB PACKWOOD."

He would have to raise it on that kind of a basis. Do you know who that would advantage, because as a former Speaker of the House, Tip O'Neill, once said all politics is personal? That would advantage the person that is actually in his or her State all year long as opposed to the U.S. Senators who have to stay in Washington 8 months, 9 months, 10 months, 11 months depending on how long the session runs.

So while we have an advantage in getting publicity and we have an advantage in getting the frank, you still find that personal loyalty commitments come out of face-to-face meeting, shaking hands, being there spending time, and that a local politician can do better than one who has to spend the bulk of his or her time in Washington, DC.

So not only would a $100 limit cut the cost of campaigns, it would give an advantage to the challenger who is in the State all year rather than the Senator who is in Washington all year. No wonder that does not meet with much favor.

No; I say to my colleagues it is very clear that if what they want to do is what they say they want to do it can be done without tapping the taxpayer's pocket. It can be done by eliminating political action committee contributions. It can be done by lowering the total contribution that an individual can give. It can be done in a dozen ways. But all of them from the standpoint of the majority party have the disadvantage of either hindering the incumbent or hindering the majority party because, as I said before, it is the Republicans more than the Democrats who have had the success at raising money from smaller donations.

So the majority wonders why the minority is debating this bill and if necessary is prepared to filibuster it, and we are. There is no question about it. It is because we think it is unfair to the Republican Party. We think it is unnecessary to tap the public purse in order to achieve the ends that the majority says they want to achieve because if they really want to do that, they can do that without tapping the public. They can do that without spending limitations. They cannot do that without disadvantaging themselves.

So I perfectly understand why, if I were in the majority, I would favor the bill unless I had some moral misgivings about tapping the taxpayer. Do not worry about a $150 billion deficit. This will add another $30, or $40, or $50, $60, $70 million. No one knows what this is going to really cost. We will add another amount to our deficit so that the taxpayers will have to finance our campaigns. There is no need for us to work hard to raise the money for our campaign. Let them work hard and we will take it from them. It is a lot easier for us. Of course, is that not the purpose of all this—to make things easier for us? That is not the purpose.

I say again we can achieve anything they want to achieve. But what they want to achieve is a permanent legislated mandated majority status in the Congress at the taxpayer's expense to the detriment of the Republican Party.

So like Senator PROXMIRE, 16 or 17 years ago, I think we in the minority are prepared to stand here like Ulysses S. Grant, fighting it out on this line all summer if necessary to make sure that this pernicious system which is unnecessary, unneeded, whose only function is to perpetuate at public expense the Democratic majority in the Congress, we are prepared to stay here all night tonight, all this week, all this month, all next summer to see if it is stopped.

Now is it futile? Of course the majority knows it is futile. If by some imagination, and I do not foresee it, they manage to peel off—and there are two or three Republicans who might go with them—they manage to peel off enough to get 60 votes for cloture—that is what it takes to shut off a filibuster—if they have 60 votes to shut off the filibuster, I am assuming they have 50 votes to pass the bill. Then it goes to the House. It is hard to tell what the House is going to do because if anything the House Members have even a greater advantage than the Senators in terms of incumbency for the simple reason that at least when you are running for the Senate it is a statewide office, and if you are a challenger you might get some little modicum greater of publicity from the news media than you get if you run for the House. They even have a great advantage.

Let us assume it goes to the House, same battle over there that you had here, but there they have no rules of cloture. Finally after some extensive debate it is jammed through the House and goes to the President. He vetoes it. He said he is going to veto it. He is not going to allow these lowered postal rates and that is in the bill that candidates get lower postal rates, public money. He is not going to allow this to become law. He will veto it and there is clearly the votes in the House and the Senate to sustain that veto.

So, the point of all this is not to pass a bill in this Congress. It may be to lay some groundwork. It may be to get public attention. We on the minority side are perfectly happy to argue the public merits on our side before the public. We think our side is the better position.

Let us not talk about this bill's passing, becoming law this Congress. Who knows what another Congress, another President will bring?

I do not think my views on this issue will change, but maybe the Democrats will pick up four or five more seats in the Senate next election. Again, I do not think so. Maybe they will pick up 20 or 30 seats in the House. Maybe they will win the Presidency. I do not think so. But they might, in which case they can jam the bill through in the next Congress unless by that time the Republicans have been sufficiently successful in bringing to the public's attention the evils of this bill, the unfairness of this bill, the fact that the bill is unnecessary to achieve what the public wants.

Now, Mr. President, I am going to turn my attention to the argument that this has worked well in funding Presidential races and, therefore, we should use that as an example in funding congressional races. That argument has gone somewhat without rebuttal until Senator Mitch McConnell, of Kentucky, brilliantly, in my judgment, shot it down as to whether or not that should be the example we should follow.

Mr. President, I ask unanimous consent to print in the Record a list of the points that I will make at length in my speech, but I would like to print them in the Record at the moment.

There being no objection, the material was ordered to be printed in the Record, as follows:

Spending Limits and Taxpayer Financing in Practice: The Failure of the Presidential System

OVERALL COST TO TAXPAYERS

$40 million so far in last two months alone.

Over a third of a billion dollars in last three elections.

PROLIFERATION OF EXTREMIST CANDIDATES; WASTE TAX DOLLARS

Half a million dollars to Lyndon LaRouche in 1984.

$200,000 to psychologist Lenora Fulani to run for President.

MORE BUREAUCRACY, NOT DEMOCRACY

1 out of 4 campaign dollars goes to lawyers and accountants.

In 1980 Presidential race, $21.4 million spent on compliance alone—as much as the most expensive race in Senate history.

Campaigns must process each contribution through 100 steps.

"Political decisions have become accounting decisions".

UNPRECEDENTED GROWTH IN CAMPAIGN SPENDING UNDER "LIMITS"

Overall spending now increasing at same rate as before spending limits and taxpayer financing.

The difference is that far more spending now done outside legal limits and disclosure requirements—less accountability.

EVERY CANDIDATE A CHEATER

Every major candidate since 1976 has been cited for serious violations of the law; bad press and large fines result.

One candidate spent $2 million in a state with a $400,000 limit.

Delegate and pre-candidacy committees are "loopholes big enough to drive a truck through—conduits for millions of dollars outside of spending and contribution limits.

Corporations and labor help circumvent limits by paying office rent and phone deposits, and giving overly generous loans.

GROWING DISRESPECT FOR LAW AND ELECTION PROCESS

Campaign managers report that the first planning priority is to identify in advance ways to circumvent limits and rules.

A respected observer and campaign staffer declared "this whole FEC thing is a sham . . . it's your job to find every loophole".

SPECIAL INTERESTS WIELD CONTROL BY SPENDING OUTSIDE THE LAWS

In 1984 general election, special interests spent $25 million to oppose Reagan—62% of Reagan's $40 million spending limit.

Nearly half the money spent in the 1984 general election—$72 million—was outside the candidates' direct control.

At least one-fourth of all money spent in Presidential races is unreported, unlimited, and accountable.

Soft money spending is roughly tripling each election cycle.

Races resemble uncontrolled, corrupt politics of pre-reform era.

VOTER TURNOUT HAS STAGNATED

55% in 1972; down to 53% in 1984.

GRASSROOTS POLITICS AND CAMPAIGNS HAVE DIED

David Broder: "spending limits and taxpayer financing have shut down local campaigning . . . grassroots democracy has died".

Mr. PACKWOOD. Now, let us begin to talk about cost alone because you remember the argument that this would limit cost in the Presidential campaign.

First, we have had in terms of overall cost to the taxpayers over $40 million spent so far in the Presidential races, a grand total in the last three elections of public money over one-third of a billion dollars for the Presidential elections, public money, and I will call your attention to what I said earlier about the report from the John F. Kennedy School at Harvard about we have not even cut down the amount of money that is being totally spent in the campaigns. We now finance well over one-third of a billion dollars in the last three elections from the public and we have pushed all other kinds of money out into other sectors. So we have not reduced the cost. We have simply pushed it out under organizations that have less responsibility to account to the public than do political parties or candidates.

We have not succeeded in reducing the cost of Presidential elections. What we have succeeded in doing is reducing the amount of money that the candidate organizations spend on Presidential races and dramatically increased the amount of money that non-Presidential candidate organizations spend on the election in support of or in opposition to one of the candidates.

We have encouraged fringe candidates and the bill for the Congress will do the same, fringe candidates who might not have any other appeal to get into the races in the hopes of minimally qualifying and it does not take much to qualify to get public funds, candidates who might not otherwise get into it but when they see the wonderful candy of money from the public, why not?

Lyndon LaRouche, this is a candidate that perhaps you have heard of. He has had tremendous legal difficulties recently. He got a half million dollars in 1984. Lenora Fuyani, a well-known, New York psychologist, she got $200,000 a few weeks ago to run for the Presidency.

I have no objection to these people getting in. But what has happened is a good many people are getting in because they can become supported by the public. It is their privilege. The law allows it. The question is: Do you, the public, want to pay for it?

And let us take a look at who is getting the money. One out of four campaign dollars in campaigns for the Presidency, one out of four, Mr. President, goes to lawyers and accountants. In the 1980 Presidential race, $21.4 million was spent on compliance, as much as the most expensive race in the history of the U.S. Senate.

George Bush's campaign has now indicated that they process each contribution through 100 steps to make sure that they have not violated the law. So we have the public money going to the campaigns so it can go to the lawyers and accountants so that they can make sure that no one has spent more than they should have spent.

Except that is not really what they end up looking for. What they end up looking for is ways to get around the spending limits. And, my fellow Senators, they have succeeded in getting around the spending limits. I should rephrase that. When I say "getting around," it assumes they have gotten away with it and if they get away with it, you do not know that they have got around the limit.

But every major candidate, every major candidate since 1976 running for President has been cited for serious violations of the law. They have gotten bad press. There have been large fines as a result. One candidate was found to have spent $2 million in a State with a $400,000 limit. How do you do it? You are campaigning in New Hampshire and you rent cars in Massachusetts. You advertise on a Boston television station and charge that amount to your Boston limit because you have limits in your Presidential campaign as to how much you can spend in each State. The fact that Boston television covers New Hampshire, is that not coincidental?

In one case, one candidate was found to have spent over $60,000 in Massachusetts to rent cars—cars that never left Iowa or New Hampshire—and attempted to charge it to his Massachusetts limit. What you end up with are private groups.

And former Senator and former Vice President Mondale ran up against this in 1984 when, I thought, GARY HART's lawyers brilliantly challenged him successfully. You may recall those independent delegate committees. Vice President Mondale said, "Gosh, I didn't know about those. I don't know where they came from. I don't understand how they are spending all this money."

Of course, Senator Mondale, Vice President Mondale was not taking political action committee money, but all these independent committees were taking political action committee money and they were going out hustling up delegates for Vice President Mondale and he goes: "Who me? I didn't know anything about that. I don't know how that happened." Until GARY HART's lawyers took him to court. It turns out they were part and parcel of a campaign and the legal wits in the Mondale campaign had been caught attempting to avoid and evade the law.

You have corporations and labor attempting to help both candidates. Organized labor spent untold millions of dollars on behalf of the Mondale campaign in 1984. The Teamsters spent a great deal of money on behalf of President Reagan. In neither case did it count against the limits which the Mondale or the Reagan campaign could spend. It was independent money and, in many cases, not required by the law to be reportable.

In the 1984 general election, special interests spent $25 million to oppose President Reagan, which was 62 percent of the $40 million that the President could legally spend.

My fellow Senators, we have not seen half of it, not a third of it, not a tenth of it. As this law goes on and as more and more organizations discover how they can spend money on their members, for their members, by their members, contacting the public and never having it be counted as part of the Presidential spending limit, it is going to grow and burgeon and I predict it will grow and burgeon if we pass a law requiring them to account for it. They will continue to do it.

So this is the example that the majority party gives for us to follow: gross and crass violations of the law by campaign managers, campaign lawyers, campaign accountants advising Republican and Democratic candidates running for the Presidency how to get around the law, a quarter of the money in the Presidential campaign going for compliance, going for lawyers and accountants.

I hope that is not what this Senate wants. I hope that this Senate only wants to pass necessary laws to ensure clean campaigns. That, we can do. But what the majority wants is a partisan law to assure a partisan majority into the indefinite future.

So if the majority leader wonders why the Republican Party intends, if necessary, to filibuster—and I use the word in the best sense; and I am happy to say that I learned a lot from Senator PROXMIRE 17 years ago—if necessary, we will be filibustering this bill until this Congress runs out on January 3, 1989.

I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I also would like to join with Senator PACKWOOD and Senator MCCONNELL and others who are talking about this bill. I want to talk about a number of aspects of the bill and about campaign financing in general, just as my friend Senator PACKWOOD has, giving the examples of the Presidential campaigns and really the sorry state of affairs that has come to exist there, and also giving other examples with respect to campaign financing where the money comes from and perhaps correct some misapprehensions with respect to both the position of Republicans and Democrats as it regards campaign financing.

First, Mr. President, I would like to discuss whether or not it is self-interest on the Republican side that is leading us to filibuster this bill. Most of the votes against cloture clearly will come from this side. Not all, however, will come from this side. And so it may be concluded that there is some self-interest and it is true.

As my friend, the Senator from Wyoming, remarked in a newspaper report that I saw in yesterday morning's paper, the Republicans should not be seen as legislating themselves into a permanent minority status. I believe he said that in the event we were to establish limits we would probably be in a minority status for the next 40 years, perhaps even more. Clearly, we would eliminate any possibility of our gaining seats in the southern part of the United States, the so-called Southern States.

For many years, the Senate and the House of Representatives was represented virtually exclusively by the Democratic Party from the South. Every 2 years you would turn on a faucet and of the 110 Members of the House of Representatives, out would come 108, 109, some years 110 Democrats, with absolute regularity.

When you consider that the majority in the House of Representatives is 218, half of that majority would be provided with great regularity from the South. That, of course, is a carryover from the Civil War and it meant, too, that we had to take three-quarters of all of the congressional votes in the North in order to have control of the House of Representatives. Beginning in 1930 it simply became an impossibility with one 2-year exception, or perhaps two 2-year exceptions; once in 1946 and once in 1952, were the Republicans the majority party. During the entire 58 years, only in 4 years did Republicans control the House of Representatives. And largely because in the South with great regularity, all 110 or at least 108 of the 110 Members of the House of Representatives would automatically be produced each 2 years. Because of that the Members from the South, through the seniority positions, gained great power in the House of Representatives and, indeed, still have it to this day; much more so than in this body.

So it was here in the Senate that each 2 years—and of course our terms are staggered—the Senate would have two dozen Members from the Southern States, fully a quarter of this body, who would automatically be produced as members of the Democratic caucus. For most of that time, until 1980, only 2 years, I believe, from 1930 to 1980, were we the majority party on this side of the aisle.

To now pass a piece of legislation that would effectively preclude us from becoming the majority party at any point in time would be irresponsible and not in the best interests of our Nation. To pass a piece of legislation that would effectively preclude us from having strong candidacies in an entire region of the country, where the Republican Party still does not have any real infrastructure, where every county courthouse, where every sheriff, where the vast majority in the State legislatures are controlled by the other party, by the Democratic Party, to deny ourselves a full quarter of the Senate would be irresponsible and not in the interests of our Nation.

So I suppose that one would have to say that there is some self-interest in this. We as a party want to survive. We as a party want to be the majority party just as much as the other side. And we as a party, in the interests of the American people and in our self-interest, simply cannot be expected to legislate ourselves out of a majority status or out of the possibility of becoming the majority once again and create, in effect, a one-party system in the United States much as has been done in the House of Representatives.

The Democrats, of course, have control over the State mechanisms of government and have allowed the congressional district lines to be drawn in such a way that they are able to maintain their majority over a long period of time. But here there is no redrawing of lines, unless a new State were to come on. The lines are established. That kind of manipulation cannot be done. So it is here that the battle must be fought. It is here that the possibility for majorities exists. And it is here, if we are going to defend the idea of a two-party system in the United States, that the battle must be fought. It is here, if our self-interest is going to be protected, that it must be put forward.

Another reason that we feel so strongly about the idea of not establishing limitations, of not reducing the ability to provide funds, is more people participate in the political process, Mr. President, through making contributions to the system, contributions to the political process, than they do in any other way. In my campaign, Mr. President, I had 65,000 contributors. We had approximately 110,000 contributions. Many people contributed more than once, very obviously.

One lady, now in her eighties, from Rochester, MN, contributed, if I recall, 20 or 24 times with great regularity, each month, from her Social Security check. She would send a small contribution which over the period of 2 or 3 years amounted to several hundred dollars. That was her way, one of the ways in which she contributed to the political process, and a most meaningful way indeed.

I felt that in the process of raising funds for my campaign that I wanted to get a broad base of contributors. I wanted such a large number, so dispersed throughout our State from every corner, in every county, in every town, in every city, that if the farmers got together in the morning for coffee or ladies got together in the afternoon for bridge or pinochle, or if the guys got together at the American Legion club or other clubs in that town to play a little poker in the evening, I would always have an advocate in that group. Very often talk turns to the political process. It is a great source of conversation. And it is important that one have advocates out there because that is the way you win votes.

In my judgment, winning votes is not just done by virtue of running a 30-second TV ad. As a matter of fact, many of our candidates in the last election were defeated because they thought they could address their constituency in 30-second TV ads rather than addressing them in person and getting them involved in the political process.

One of the fortes of my political efforts, Mr. President, about which I am the proudest, is the large number of people whom I have gotten involved in the political process. The idea of grassroots politics, in my judgment, is the whole strength or one of the basic strengths of our political system. Indeed, it is one that should be continued.

So that part of the whole purpose of financing campaigns is for the purpose of grassroots politics. And, very frankly, to get the large number of contributors that I got in my campaign, it requires an extensive mailing effort. The principal beneficiary, perhaps, of my campaign, was the post office. We mailed out a lot of stuff in order to get 65,000 contributors, 54,000 of them from the State of Minnesota. The process of mailing became a large expense; I believe the largest expense of my campaign. But it is part of the process, Mr. President, to increase involvement. Mailings not only involve individuals, but it sends out a message on an ongoing basis in America that is understandable, and that also is an important element of the political process.

Reduce the amount or limit the amount that can be spent in any particular area, as S. 2 does, and you limit the amount of grassroots participation that is possible.

Worse than that, when you limit the amount of money, when you push it down over here, it pops up over here, because that, too, does nothing whatsoever about so-called soft money. I must say in honest admission, Mr. President, that soft money is better utilized by the other side of the party, by the Democratic Party, than by ourselves.

Soft money, of course, is money expended by others in behalf of the candidate. It has been done on our side by conservative institutions, such as NCPAC. It brought no glory, very frankly, to the political system. It was part of the institution of negative campaigning which has not served our system well and has not done credit to our Nation's political institutions.

But just as independent expenditures are made in that manner, so they are made by others. As Senator PACKWOOD pointed out in his remarks, many, many millions of dollars were expended by unions in behalf of Senator Mondale and not a penny of it had to be reported. Not a penny of it is required to be reported under this legislation. The same will be said in future years about political action committees.

Now that political action committees have learned the ropes of how to raise money, they will find a way to continue to do that. They have built up organizations. They have built up bureaucracies. Somehow, as in government and other things in life, such bureaucracies have a way of perpetuating themselves. PAC's will perpetuate themselves. They will raise money and they will have independent expenditures. If a particular PAC is small and has no independent expenditures, new PAC committees will be formed and the small ones will give to the large ones and they will band together for independent expenditures. These sums will in no way be reported under the provisions of this bill. Indeed, they are not required to be reported at this time.

I do not think that the political process can be so easily controlled. I do not believe we really can effectively control the amount of money that flows into the political process. When you push it down, the law of independent effect comes into effect and it goes up, and the law of independent effect is indeed the problem that is sought to be dealt with by S. 2.

As you know, Mr. President, political action committees were themselves reforms. They were reforms that came out of the 1972–74 period. In the 1972 Presidential race, huge amounts of money were given to the Republican side of the aisle, and amounts that really should have been limited and that we have since limited.

Today, the maximum an individual can give to a Senate candidate is $1,000 for the primary and $1,000 for the general election. That amount has not been changed for a number of years, as a matter of fact. No inflation has been added to that number.

In 1972, hundreds of thousands, in some instances $1 million or $2 million, was given to the campaign of Richard Nixon and in that way he had quite an advantage. It was an effective fundraising effort without question. But it offended the public image, and it offended the political process. I, too, would have voted for reform.

One of the reforms that came out of that was political action committees. Political action committees were very little used prior to that time by anyone other than the unions who early on discovered through COPE and other vehicles their usefulness in the political process. Indeed, they have been useful.

The beneficiaries of political action committees today are thought to be the Republican Party.

I would like to review a little bit how the political action committees do give money to the political process. As a matter of fact, it is so disproportionately in favor of the other side of the aisle, the Democrats, that it is very tempting to want to limit the political action committees, and I have seen some packages put together that would limit political action committees.

Political action committees come in various groupings according to a book entitled "Almanac of Federal PAC's," that comes out every 2 years.

In 1985, the cycle that just ended, political action committees gave $132,179,661 to the political process. That is a lot of money, Mr. President, and better that it should be raised through the private sector of the economy than it should be added as an additional burden for the taxpayers. The idea of having taxpayers pay for the electoral process, in addition to everything else they pay for, really is offensive.

One would think that with $132 million in PAC dollars, in round figures, at least half of that, $66 million, would have gone to Republicans. In fact, Republicans received somewhat over $57 million and Democrats received $75 million.

In percentage terms, the Democrats received 56.5 percent of PAC contributions and Republicans received 43.5 percent of PAC contributions.

I might say only in recent years have we on the Republican side crept up over the 40-percent mark. I think this is the third election cycle where we have been up over the 40-percent mark in terms of the moneys that are given to the political process.

In the House of Representatives we are a long way from being at the 40-percent mark. In the House of Representatives, as other Senators may have already indicated, scores of Members of the House—I forget the exact number—as I recall almost 150 Members, about one-third of the total House of Representatives, receive more than 50 percent of the moneys that they use to campaign from political action committees.

Certainly, I would be in favor of some type of limitation because it is important, in my judgment, that people go out in their State and solicit money, present their views and make themselves known to their constituency.

However, it is important also to add that those who attack political action committees should keep in mind that more people give to the 4,000 or so political action committees than give to all the Senate candidates put together so that indeed many people are involved in the political process by virtue of the political action committees.

If you look at the Senate in the last election, in 1986, we on this side of the aisle received more from political action committees, $25 million, almost right on the head, and the Democrats received $20 million, right on the head. So we certainly received more.

However, if you look at Democratic challengers they received $8 million and Republican challengers received only $2 million. So political action committees on our side need a little education and they have to take a few chances. Let us say that those political action committees that contribute to the other side of the aisle are more risk oriented. Our political action committees, those who tend to look at our side, look at the whole political process as horse trading. They do not have a philosophy they want to present. They do not have a philosophy they want to defend. They do not have a philosophy they want to further. Their philosophy is winning, to get on the horse that you think will win so that you will have access when he or she does indeed win. That is really the goal of their giving.

I must say, quite to their credit, that political action committees, particularly union political action committees, represent the philosophy and follow the philosophy of their members far more so than do corporate political action committees. Although in the Senate in 1986 I must say we led the Democrats quite markedly. However, overall, because of other PAC's, labor union PAC's, trade groups, nonconnected PAC's, so-called ideological PAC's, these PAC's which have an ideology other than winning, which have an ideology other than just playing it like a horse race, have preferred the other side of the aisle to ourselves.

Mr. President, I ask unanimous consent that this page of Federal PAC contributions of 1985 and 1986 be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL PAC CONTRIBUTIONS: 1985–86[1]

	Number	All PAC's	Corporate	Labor unions	Trade groups	Nonconnected	Other PAC's
All candidates	(1,868)	132,179,661	45,926,975	29,843,517	32,799,275	18,710,423	4,899,420
House	(1,606)	87,179,011	26,807,569	22,629,156	23,364,783	11,085,807	3,291,696
Senate	(262)	45,000,600	19,119,406	7,214,361	9,434,492	7,624,616	1,607,725
Democrats	(968)	74,633,227	17,590,743	27,664,754	15,949,594	10,806,610	2,621,526
Republicans	(688)	57,540,019	28,335,482	2,177,713	16,849,681	7,899,498	2,277,645
Others	(212)	6,365	750	1,050	0	4,315	250
Incumbents	(423)	89,451,992	34,477,165	16,885,180	25,006,224	9,210,199	3,873,224
Challengers	(870)	19,213,871	3,653,553	7,447,013	2,870,216	4,788,322	454,767
Open seats	(363)	23,513,748	7,796,257	5,511,324	4,922,835	4,711,902	571,430
House Democrats	(841)	54,631,391	12,825,077	21,041,367	12,221,838	6,612,093	1,931,016
Incumbents	(235)	40,962,642	11,727,013	13,239,721	10,515,900	3,743,730	1,736,278
Challengers	(430)	6,652,409	264,176	4,299,059	612,743	1,428,935	47,496
Open seats	(176)	7,016,340	833,888	3,502,587	1,093,195	1,439,428	147,242
House GOP	(596)	32,542,970	13,981,992	1,586,739	11,142,945	4,470,614	1,360,680
Incumbents	(161)	24,864,949	11,100,005	1,481,229	8,795,712	2,359,792	1,128,211
Challengers	(319)	2,434,499	747,086	18,500	646,275	947,469	75,169
Open seats	(116)	5,243,522	2,134,901	87,010	1,700,958	1,163,353	157,300
House others	(169)	4,650	500	1,050	0	3,100	0
Senate Democrats	(127)	20,001,836	4,765,666	6,623,387	3,727,756	4,194,517	690,510
Incumbents	(9)	7,277,444	2,471,890	1,622,056	1,732,517	1,146,856	304,035
Challengers	(75)	7,944,268	1,417,750	3,128,154	1,250,256	1,873,670	274,438
Open seats	(43)	4,780,124	875,936	1,873,177	744,983	1,173,991	112,037
Senate GOP	(92)	24,997,049	14,353,490	590,974	5,706,736	3,428,884	916,965
Incumbents	(18)	16,346,957	9,178,167	542,174	3,962,095	1,959,821	704,700
Challengers	(46)	2,177,580	1,223,791	500	360,942	534,933	57,414
Open seats	(28)	6,472,512	3,951,532	48,300	1,383,699	934,130	154,851

FEDERAL PAC CONTRIBUTIONS: 1985–86[1]—Continued

	Number	All PAC's	Corporate	Labor unions	Trade groups	Nonconnected	Other PAC's
Senate others	(43)	1,715	250	0	0	1,215	250

[1] The table summarizes contributions by PAC's to congressional candidates during the 1985–86 election cycle.

Note.—Other PAC's category includes PAC's sponsored by cooperative and nonstock corporations under the FEC's categorizing system.

Source: Federal Election Commission.

(Mr. HARKIN assumed the Chair.)

Mr. BOSCHWITZ. So, Mr. President, this bill does not do anything to promote grassroots politics. This bill does nothing to end really the scourge of soft money in the political process. This bill limits the amount and is a bill that can best be called an incumbent protection bill.

Think of it for a minute, Mr. President, that an incumbent has a press secretary, has great access to the press, has a staff of people to keep him or her advised of the legislation that is going through, a staff of people who can keep him or her advised of the issues of the day. None of this staff, of course, is counted toward the amount of money that can be spent by a challenger. In addition to that, the incumbent also has the franking privilege that is of no small consequence in the whole business of the electoral process. Yet the challenger is limited to the amount of money that can be spent against an incumbent who has all these advantages.

So when one says that S. 2, the campaign reform bill, is an incumbent protection bill, indeed, it is. When one looks further and says that this bill, in addition to being an incumbent protection bill, is also a bill that would effectively preclude the Republican Party from having any elected official in the Southern States, one has to conclude that it is not in the national interest, not in the interest of a bipartisan system, of a two-party system, one of the very strengths of our country, to pass the bill. Nor is it in the interest of grassroots politics.

Mr. President, let me address another question, if I may. Is the Republican Party the party of big bucks? Is the Republican Party the party of the large contributors, of the so called fat cats? Is the Republican Party the party that relies on the rich?

In October 1986, an article appeared in the Washington Post. I do not have its exact date. The article was written by Thomas B. Edsall. The first paragraph of that article starts off by saying:

> The Democratic Party, which has traditionally claimed to represent the working man and woman, depends substantially more than the Republican Party on the contributions of special interest groups, corporations, and on the large donations of rich individuals.

Think of that, Mr. President. That certainly is not the common perception. It is the Republicans who are supposed to be the party of the rich individuals. It is the Republicans who are supposed to be the party of the special interests. But when you look at the organizations, you come to the conclusion that the Democratic Party is the party which relies on the contributions of special interest groups, corporations, and on the large donations of rich individuals.

Further on in the article, it points out that while givers to both parties are far richer than the national average, "more than half of the Democratic donors earn more than $100,000 a year." An amazing statement, Mr. President. Over half of the donors to the Democratic Party earn more than $100,000 a year.

I thought all those folks were supposed to be over on our side of the aisle, not on the Democratic side of the aisle. And as I read the popular press, I am led to believe that, gosh, we are the party of the rich; we are the party of the big corporations. We are the party that believes in free enterprise and somehow free enterprise is perceived as a collection of large corporations. That is not how I perceive free enterprise. Free enterprise means that I or any other American will have access to the economic wheel; that I or any other American can seek out the so-called American dream, seek out self-fulfillment by earning money and achieving economic reward; that free enterprise means when one succeeds not all of it is taxed away. Free enterprise means that people will have the right to keep a reasonable share of what they produce, and if they can keep a reasonable share of what they produce, they produce more. And free enterprise in this country means a collection not of large corporations, but of millions of small businesses, millions of entrepreneurial types of businesses, millions of small businessmen and women, main street businessmen and women. They are the people who, indeed, support the Republican Party.

Further on in this article, it states:

> The Democrats tend to draw pretty much from national-level bigwigs, while the Republicans, in their direct mail campaigns, reached right down into Main Street across the country.

I agree with that, Mr. President. That is what I tried to do in my campaign. I must tell you I am proud of the fact that 54,000 Minnesotans, 65,000 people overall, contributed to my campaign. That, in my opinion, is what political participation is all about.

Mr. President, I ask unanimous consent that the entirety of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRMS, LOBBIES AND THE RICH PROVIDE MUCH OF DEMOCRATS' FUNDS

(By Thomas B. Edsall)

The Democratic Party, which has traditionally claimed to represent the working man and woman, depends substantially more than the Republican Party on the contributions of special-interest groups, corporations and on the large donations of rich individuals.

Much of the money the Democrats raise from these sources is "soft money"—direct donations from corporations, lobbying firms and union treasuries, or from persons who have already given the maximum allowed under federal law.

Money from these sources would be illegal if used to promote the candidacy of anyone running for federal office. But the two parties have used a loophole in a 1979 law, designed to encourage the growth of state and local political parties, to raise millions in soft money from corporations, unions and big individual donors.

Raising soft money from corporations and unions, which are not permitted to make direct contributions to political campaigns for federal offices, has been attacked by such reform groups as Common Cause and the Center for Responsive Politics, and by some present and former staff and members of the Federal Election Commission. But the FEC, a politically appointed body, has rejected suggestions that it issue new rules to govern the raising and spending of soft money.

Soft money contributions now account for 28 percent of the annual receipts of the Democratic National Committee (DNC). The Republican National Committee (RNC), by comparison, raises less than 5 percent of its considerably larger budget in soft money.

For the Democratic Senatorial Campaign Committee (DSCC) and the Democratic Congressional Campaign Committee (DCCC), money from political action committee (PACs)—most of which have been set up by trade associations, corporations and unions to influence legislation—now accounts for 27 and 22 percent of reported contributions respectively.

PAC contributions to the two Democratic campaign committees have grown from $271,000 in 1979-80 to $3.3 million in 1983-84, a twelvefold increase.

Today the Senate is scheduled to vote on legislation that would limit PAC contributions to House and Senate campaigns. One proposal to be considered in the Senate would prohibit PAC contributions to the Republican and Democratic parties and would mandate public disclosure of all soft money contributions.

The three major Democratic committees collect at least thirty-five percent of their funds from PACs and soft money contributors for their Republican counterparts, those sources provide less than 5 percent of total receipts.

All three Democratic Party committees have been able to raise increasing amounts of money from direct mail solicitations, but each receives a far higher percentage of support from PACs and large donors than their GOP counterparts, which raise much more in small contributions from individuals. And in the last 18 months, according to Frank O'Brien, director of direct mail for the DNC, the number of direct mail contributors to the national committee has ceased to grow.

Democratic dependence on special-interest money has had an impact on the substantive positions adopted by the party and its candidates on controversial issues.

In the 1984 presidential campaign, for example, the adamant opposition of real estate developers, a major source of Democratic cash, to the depreciation provisions of tax reform proposals was a significant factor in the decision of officials of Walter F. Mondale's presidential campaign against endorsing tax reform legislation, according to reliable sources within the campaign.

That decision effectively allowed the Reagan administration to gain credit for what has been a Democratic legislative proposal sponsored by Sen. Bill Bradley (D-NJ.) and Rep. Richard A. Gephardt (D-Mo.).

Real estate developers were among the most important fund-raisers and donors to the Mondale effort: Nathan Landow of Bethesda, William Batoff of Philadelphia, Thomas Rosenberg of Chicago, Jess Hay of Dallas, Robert H. Smith of Arlington, Va. "I would say half of the money from our list was from real estate," Landow, who emerged as one of the premier Democratic fund-raisers in 1984, said recently.

In addition, the fund-raising process has prompted key Democratic leaders to take on unusual roles for elected politicians.

The chairman of the DCCC, Rep. Tony Coelho (D-Calif.), for example, sometimes performs the same functions as a lobbyist, providing access to members of the House for campaign contributors, as an integral part of his drive to raise money for the DCCC. Coelho is now the leading candidate to become House Democratic whip after the 1986 elections.

Coelho, whose DCCC expects to raise $2 million to $3 million in soft money during this election cycle and which has already raised $1.6 million from PACs, also takes pride in acting as a broker, joining contributors who want representation on Capitol Hill with favored lobbyists seeking additional clients.

Coelho argued that the services he provides for campaign contributors are the same as he would give anyone "important to the party, be it contributors or noncontributors." He argued that he has pushed hard to increase donations from PACs and from soft money contributors in order to build a television production facility, a headquarters building and to buy computers.

These expenditures have allowed the DCCC to expand its direct mail operations significantly so that they now produce 48 percent of all funds raised, compared with 12 percent of receipts in 1980, according to a Coelho aide.

Along with its dependence on special interest groups, the Democratic Party raises money from individual contributors who are significantly richer than Republican contributors, according to John C. Green, a political scientist at Furman University in Greenville, S.C., who has conducted extensive surveys of campaign contributors.

While givers to both parties are far richer than the national average, Green said his research showed that "more than half the Democratic donors earn more than $100,000 a year and it was only around 43 percent for Republicans. The Republicans reach down lower. The Democrats tend to draw pretty much from national-level big wigs, while the Republicans, in their direct mail campaigns, reached right down into Main Street across the country."

Moreover, according to Green and James L. Guth, a colleague at Furman, their surveys reveal wide divisions among different groups of Democratic donors on basic issues. For example, contributors to trade union PACs are much more enthusiastic about national health insurance than the Democrats' big donors. Indeed, almost as many Democratic donors are hostile to labor unions as favorable to them, Green and Guth have found.

Terry Michael, DNC spokesman, contended that there is no way "to square what is our financial base with our political base."

He pointed out that political contributors—both major givers and those who respond to direct mail appeals—tend overwhelmingly to be upper middle class or affluent, and any substantial effort by the Democratic Party to raise money from "keypunchers or steelworkers" would be futile.

Perhaps the most telling sign of Democratic dependence on special-interest money is reflected in the pattern of major—$500 and more—contributions from individuals reported to the FEC.

During the past year alone, the percentage of large contributions going to the DNC from donors in the Washington area has grown to 19.7 percent of the total, compared with 11 percent from California, 9.7 percent from New York and 6.4 percent from Texas.

This represents more than a doubling of the proportion of Washington-area major contributions, signaling a much stronger presence for the "inside the Beltway" lobbying community in Democratic Party finances. In the 1983-84 election cycle, Washington-area contributors made up 9.1 percent of the major donations from individuals. In that period, California dominated with 20.4 percent, in part because the party chairman, Charles Manatt, was from California, but New York was also much more important, providing 18.1 percent, along with Texas, which supplied 8.3 percent.

In contrast, Washington-area major donations to the Republican National Committee—though greater in dollar terms than the Washington-area donations to the Democrats—amounted to 7.3 percent of the GOP total in 1985, the most recent period for which figures are available from the FEC, and to 5.1 percent in 1981-82.

C. Victor Raiser II, DNC finance chairman, said he and Paul G. Kirk Jr., DNC chairman, are making a concerted effort "to develop new sources of support outside the Beltway." Raiser contended that this drive is beginning to pay off, particularly in the South.

Meanwhile, the party is doing well raising soft money from special interests. For the first seven months of this year, a total of 28 percent of the DNC's budget, or $1.6 million out of $5.7 million, came from unreported donations of soft money. The DNC does not disclose the identity of contributors of soft money.

Soft money is illegal if it is spent on behalf of a party's nominees for federal office. How it can legally be spent is a matter of intense debate among the small group of lawyers who follow the election law. It is accepted that corporate and union money can be used for building party headquarters, buying computers and similar capital expenditures not connected to a specific campaign.

Both the DNC and RNC also raise soft money for state and local candidates and for state parties where there are no restrictions on contributions. In 1984, Mondale backers used the DNC to raise $5.3 million in soft money for get-out-the-vote and voter registration programs, much of it channeled to state party organizations. If the cash had gone directly to the Mondale campaign, it would have violated the law.

The DCCC, under the leadership of Coelho, has aggressively sought out soft money support. In this election cycle, according to DCCC officials, the committee will raise $2 million to $3 million in soft money, out of a total budget of $15 million.

In contrast to the DNC, which gives general figures but refuses to identify soft money donors, the DCCC does list soft money contributors who donate specifically for capital projects. The DCCC also gave a reporter copies of campaign expense reports filed in California, where the committee used soft money to fight Republican efforts to kill the state's redistricting plan.

The names of those DCCC donors provide a glimpse of who is giving the party this soft money. Major contributors include Merchant Sterling Corp., which was chaired by W. Averell Harriman, who died last month, $150,000; International Brotherhood of Painters and Allied Trades, $50,000; Phillips Petroleum, $15,000; Chevron Corp., $10,000; Atlantic Richfield, $20,000; the Tobacco Institute, $40,000 and the lobbying firm of Camp, Carmouch, Palmer, Barsh and Hunter, whose clients include many major oil companies, $55,000. These contributions are, in most cases, made in addition to individual and PAC contributions reported publicly under federal election law.

Figures provided by the DNC showing general sources of soft money (committee officials declined to identify specific donors) show that over the past five years, corporate money has become far more important than union money.

In 1982, the DNC received a total of $2.92 million of soft money, of which $1. . . . million, or 61 percent, came from corporations; and $218,519, or 8 percent came from rich individuals.

So far this year, union contributions to soft money accounts have dropped to just 34 percent of the total, or $542,381 out of $1.56 million; while corporate contributions have grown to 57 percent of the total, and individual contributions remain virtually the same at 9 percent.

In 1984, when the Mondale campaign and the DNC raised $5.3 million in soft money, just under half—$2.37 million, according to campaign documents obtained by the Washington Post—came from labor unions, particularly the Operating Engineers $225,000; the International Ladies Garment Workers, $150,000; the Sheet Metal Workers, $250,000; the Steelworkers $303,000; and the United Auto Workers $372,800.

Mr. BOSCHWITZ. Continuing on in this article, Mr. President, it is interesting to see from where the contributions come: 19.7 percent of all the large contributions come from the Washington, DC area, people who undoubtedly have a vested interest in government, 11 percent are from California, which really is not disproportionate. I think they have 11 percent of the population. Ten percent are from New York, and 6.4 percent are from Texas. Perhaps that is more representative of their populations. So it is not open to criticism.

I quote from the article once again: "A much stronger presence from the inside-the-beltway lobbying community is Democratic Party finances than Republican finances." We rely principally on main street. That is where the action is. That is where we want to be.

There was also an article that appeared in the Wall Street Journal yesterday. There, too, it points out that the income of the Republican campaign committees, including the committee of which I am chairman, the Senate Republican Senatorial Campaign Committee, is down. We lost the majority and our income is down. I suppose that is to be expected. In contrast, party income increased after the 1984 election and the great successes that we had at that time. So I suppose it is logical that they should now be down. We do not like it. But nevertheless it happens.

On the other hand, the Democrats most recently are the winners. So perhaps there is some logic to their contributions rising. The headline of the article says, "GOP Income Falls Sharply as Reagan Era Ends; Big Givers, PAC's Spur Rise in Democratic Gifts." The article says in the second paragraph, "Democratic contributions meanwhile are rising bullishly, but entirely"—I underline the word "entirely"—"because of gifts from big donors and special interest groups. Small gifts to the Democrats are slipping a bit."

And, indeed, that is a continuation of the story that has existed and that was reported in 1986. Republicans still are the party of small donations, with well over half of the donations, indeed, I believe over 60 percent of our donations coming from small donors. And that is the way it should be. We have a good base of support and that is the way we want to keep it. We want to increase the broad base of support that we have.

Our support after the 1986 election has gone down. We have received less from small contributors. I call upon them to renew their efforts because we need the money. And indeed, the people of the United States should participate in the political process. Many choose to participate by contributing their money, rather than their time. That is a privilege that we should in no way hinder, that we should in no way withdraw.

I ask unanimous consent, Mr. President, that at this juncture, the Wall Street Journal article from February 22, 1988 be entered in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 22, 1988]

GOP Income Falls Sharply as Reagan Era Ends; Big Givers, PAC's Spur Rise in Democratic Gifts

(By Brooks Jackson)

Washington.—Campaign-finance reports show Republican Party income is dropping sharply as the Reagan era draws to a close, reflecting a rapid decline in both large and small gifts.

Democratic contributions meanwhile are rising bullishly, but entirely because of gifts from big donors and special-interest groups. Small gifts to the Democrats are slipping a bit.

The GOP's three main national committees still maintained better than a 3½-to-1 advantage over their Democratic counterparts last year, but that lead was down from the nearly 6-to-1 edge they enjoyed in 1985, the previous non-election year.

Republicans took in $68.5 million during 1987, a 29% decline from the earlier period. The decrease ushered in unaccustomed austerity; the National Republican Congressional Committee, for example, cut its staff by half in 1987, to about 60 people currently. Its rival, the Democratic Congressional Campaign Committee, expanded its staff to 65, making it the larger of the two for the first time.

Democratic committees took in $19.3 million last year, a 20% increase from 1985. But there was a 4% decline in gifts from people giving less than $200 during the year. Gifts from large donors soared 61%, and income from political-action committees rose 33% or 62%.

The increased income allowed Democrats to spend $125,000 last year to purchase a microwave link connecting their elaborate television studio here to a commercial ground station. This enabled 43 Democratic House members to feed political commentary back to hometown TV stations via satellite immediately after President Reagan's State of the Union address last month.

AGGRESSIVE OUTREACH

The Democratic congressional committee's chairman, Rep. Beryl Anthony of Arkansas, says more than 50 Democractic House members solicited funds for the committee. Speaker James Wright traveled to fund-raising events in 19 cities last year.

Even so, the committee's income rose mainly because of a 62% increase in PAC donations, which Rep. Anthony said was mostly the result of an "aggressive outreach program" by the committee's former chairman, Tony Coelho of California, in 1986. PACs pay $15,000 a year to join the "Speakers Club," which entitles lobbyists to meet socially with Mr. Wright and other senior House Democrats during the year.

The congressional campaign committee got 30% of its income from PACs last year, up from 20% two years earlier. And as Senate Democrats unsuccessfully tried to pass a bill to limit campaign spending and PAC donations, their own senatorial committee took in more than $1 million from PACs, accounting for 20% of its total. Overall, Democratic Party groups got 18% of their funds from PACs, compared with only 1% for the GOP.

Republicans got 61% from small donors in 1987, a slightly lower percentage than before. Democrats got 45% of their money from small givers, down sharply from 56%. The Democratic Senatorial Campaign Committee more than doubled its income from large donors, who accounted for 56% of its revenue. Many wealthy givers rushed to make domations just before the end of the year, so their gifts wouldn't count against annual limits for 1988. (Federal election law forbids individuals from giving more than $25,000 a year to federal candidates, party committees and PACs.)

Regaining a Senate majority helped Democrats financially. "There are people from the business community who I'm sure are giving more now that we're in control," says Robert Chlopak, executive director of the party's senatorial committee. On the Republican side, falling into minority status demoralized donors and "took the wind out of our sails," says Jann Olsten, executive director of the National Republican Senatorial Committee. Small-donor income plunged 49% in 1987, though Mr. Olsten says it is rebounding now.

NORTH'S COATTAILS

The Iran-Contra hearings also hurt, Mr. Olsten says, by creating a poor political environment for Republicans. Even so, Rep. Guy Vander Jagt, chairman of the GOP congressional committee, capitalized on the brief surge of "Olliemania" following the televised testimony of Lt. Col. Oliver North. He sent a fund-raising letter announcing the committee would make a $50,000 donation to Col. North's legal defense fund. It produced more money for the committee than any letter sent in the previous two years, the congressman says.

Mr. Vander Jagt fears his donors have grown complacent. "People are thinking, the conservative Republicans, that Reagan has done it all, he's solved the problems, he's lowered inflation and interest rates and put people back to work," he says. He cheerfully predicts that donors will reopen their checkbooks as campaigns heat up: "Things will get better in 1988."

Meanwhile, to compensate for the decline, Rep. Vander Jagt last September set up a National Advisory Board whose members each pledged to raise $50,000 a year in large gifts. And a spokesman said the GOP senatorial committee recently began a program to increase its income from PACs.

Mr. BOSCHWITZ. Mr. President, the junior Senator from Oregon, Mr. Packwood, has spoken at some length about the Presidential races. I confess that I did not listen to his entire speech, and in the event I am repetitious, I apologize.

Starting 10 or 12 years ago, the Presidential races were opened up to public financing. And the rules under the Presidential races are so complex that, as my friend from Oregon has pointed out, $1 out of $4 that is spent is spent for lawyers and accountants. You normally think of tax bills to be relief bills for the lawyers, but now we must add to that campaign reform bill act because lawyers have profited the most.

But not only the lawyers have profited. We have with great regret financed some candidates who really are not worthy of the name. In 1984, Lyndon LaRouche, for example, received $½ million from the American taxpayers. One half million dollars in tax dollars in order to run his Presidential campaign; a campaign that really brought no credit to the American agenda.

This year we have Lenora Fulani who is not exactly a household word in American politics. She is a psychologist from New York. Three weeks ago she received $200,000 from the Federal Election Commission to match funds that she had raised, I believe, at a couple of concerts, where at least as has been related by my colleague from Kentucky, Senator McCONNELL, many of the people did not even know that they were at a political fundraiser. They were there for the concert. But the price of admission was matched by the Federal Treasury. How many of these people will become involved in the race? It is not terribly difficult to qualify for matching funds under the existing law or under S. 2. In fact, it is even easier under S. 2 than under existing law.

That really is not the way that we want to go in this process. This is not a reasonable way to finance campaigns. The American taxpayers should not be taxed to do something that is now being privately subscribed to. Presidential races have not really had any success at public financing.

David Broder, who is perhaps the most respected political correspondent in America, has written in the Washington Post:

> There is a cost to public financing. Public financing in Presidential campaigns has meant the virtual shutdown of local headquarters financed by small contributions.

In other words, when you put a limit on campaign spending, you also put a limit on grassroots involvement. The people who will consult and the people who will plan these campaigns will try to take the largest portion of campaign dollars and put it into even more expensive TV commercials. Then they will take large portions of the stipulated amount that can be spent on campaigns and make more and more beautiful and more and more complex TV commercials that will cost more and more. The ability to spend moneys or to direct moneys at grassroots campaigns, at storefronts throughout the United States, the amounts of money that are required to involve people simply will not be there.

It is not cheap to involve people in the political process. It does not come free. Some people who are regular members of the Republican Party or Democratic Party, perhaps they come time and again. But the candidate cannot rely on only them. And in many parts of the country, there is not a strong party. This fact returns me once again to the South where there is not a strong Republican Party. By limiting the amounts of money that can be spent in those regions, particularly, you will absolutely preclude a Republican from gaining statewide political office. That is something that will undermine the political system.

The distinguished President of the Senate looks up as I make that statement. I must say to my friend, the Presiding Officer, that earlier on I pointed out that in that area of the country where approximately a quarter of all the Members come from, we have no infrastructure. The Republican Party has no infrastructure. If we are limited to a sum certain, and that limitation would be stacked up against the Democrats limited to that same sum certain, we will effectively preclude and eliminate our ability to represent an entire segment of the United States.

Grassroots democracy will be severely undermined by this bill, because grassroots involvement in the political process will be severely limited.

As a matter of fact, Mr. Broder said in the article I earlier referred to about the Presidential process: "Grassroots democracy has died."

Indeed, limiting the amounts that can be spent in the political process will effectively exclude grassroots type of participation. More and more money will be spent. But it will be found to be a more efficient use of the funds in the mass media. It will not be found to be an efficient use of the funds to build a grassroots operation. A choice will have to be made. Both will not be possible under the limitations of this bill. A choice will have to be made. For a person who is challenging an incumbent, if that person has no name recognition, the choice, of necessity, will be that he or she runs his or her campaign on TV. Grassroots democracy will be undermined. Grassroots democracy will suffer a severe blow, as it has, in my judgment in the Presidential process.

If that is to be avoided, then some of the things that my friend from Oregon mentioned, some of the subterfuge that has taken place with every major political candidate since the law was put into effect, gross violations of the law, will become the order of the day. Loss of respect for the process becomes the order of the day. It is the only way.

If you go to Iowa, then you stay overnight in Moline, IL, on the other side of the line, and charge it to the Illinois campaign. It is a far larger State in population and a far larger amount of money can be spent. It also comes later. You may never get to Illinois.

Or, if you are over in the western part of Iowa, you stay overnight and rent your car in Omaha. Then during the day you do your business in the western part of Iowa.

Further, you spend your money on Omaha TV, and you charge the funds to Nebraska.

I believe the Senator from Oregon spoke about New Hampshire. Most of New Hampshire gets its television from Boston, so the moneys are spent there. You write it up against the limit you can spend in Massachusetts, when indeed you are addressing the voters of New Hampshire. In fact, there is no election at that time in Massachusetts. Yet, there is this enormous amount of money that is spent on Boston TV—all charged to the Massachusetts race, when in fact it properly should be charged to New Hampshire.

Perhaps my State of Minnesota gains a little bit as people campaigning in Iowa come up and stay across the border and charge the cost of their lodgings and the cost of their transportation and meals to the Minnesota race. Then in the daytime they slip across the line and work the precincts of Iowa. Is that the kind of law enforcement and respect for the law that we want to engender? Certainly not. But that is what has happened.

One of the candidates on the other side of the aisle spent the entire appropriated amount he was allowed to spend in Iowa on a TV campaign. But in addition, he had as many as 120 paid employees in the State of Iowa, canvassing every county, in order to win a victory. Yet, he stayed within the limitations in a legal way, perhaps, but certainly not within the intent of the law.

Such manipulation makes a mockery out of the political process. We really should call a spade a spade and say that you cannot hold down the amount of money that is spent in the political process.

If you say that a committee can only spend a certain amount, then more committees are formed. If you say that a political action committee cannot give $5,000 to a candidate but only $1,000 or $2,000, then more political action committees will be formed, so that the same amounts of money will be present.

If you specify a total contribution of a political action committee to a particular campaign, a sum certain, then those political action committees will learn to raise money and will give their money to a new political action committee that will gather moneys together from other political action committees and use it for independent expenditures that will not be charged to the candidate. That, of course, is possible. We now see these large independent expenditures on the political scene. Our best efforts to reform the system often are frustrated in one way or another.

Again, Mr. President, the whole business of political action committees, the whole business of PAC's, has been developed for the purpose of reforming the system. PAC's, or political action committees, developed out of the period of 1972-74, as I indicated earlier, and they were a reform. Now we find ourselves reforming the reform that reformers cast upon us some years ago.

I say again, in defense of political action committees, that more people give to political action committees than give to all the Senate races combined. I am told that people who give to Senate races, however, have more interest and have more knowledge and are better informed than people who give to political action committees. I cannot contest that. I do not know if that is the fact or not, and I suppose the person making the statement does not know if it is a fact or not, either; but it is hard to contest something like that. But are we supposed to gauge involvement in the process in degrees now, or is the very fact of involvement enough?

My experience in life has been that interest normally follows a person's money; that if the person makes a contribution to the campaign, no matter how small, that person will follow his or her money with a vote, and that person will also become more interested in the political process.

Indeed, PAC's have interested millions of people in the political process who were not involved in it before. That, in my judgment, is quite an accomplishment. That was the purpose of the reform when it was instituted and when it was voted for in this body some years before I arrived here.

But that is good politics, Mr. President, involvement of more people. It strengthens our democratic institution. It strengthens our Republic. It strengthens the very fiber of our Nation.

Mr. President, one of the things that I spoke about on the floor when I last spoke about this subject some months ago was the law of unintended effects. That you simply are unable to hold down the influence of funding in the political process. By trying to hold it down on the one side, it pops up on the other side. That has been the history of trying to control political funding.

We see that happening now in the Presidential races, as I have indicated before. Money is expended in one State and charged to another State.

Senator Packwood pointed out that $50,000 worth of automobile expense were charged to other States and the cars never saw the roads of those States. They were charged on credit cards in other States. All kinds of evasive means are found to bring money into the political system. As I have indicated, this is a probable, unintended effect of reform legislation. If you have PAC's who have raised $132 million in this past cycle, and you now must recognize that PAC's are capable of doing that, and then you limit the participation of political action committees in the political process so they can only spend $80 million of that $132 million, the other $52 million, Mr. President, will not go away. It will somehow be funneled into the political process and it will not be reported as it is today. It will not be done in a manner that the public can observe. It will be done in an unreported way. It will be done as a soft money expenditure which this bill that we oppose in no way controls.

Earlier I gave the example, Mr. President, of PAC's giving to other PAC's, of new political action committees being formed with contributions of existing political action committees. Let us say an existing political action committee raises $400,000 or $500,000. It cannot give it all away or chooses not to give it all away and says, well, we will give some money to another PAC, a newly formulated PAC. Further, that PAC collects together moneys from other PAC's and now has enough to make an independent expenditure, none of which has to be reported and none of which will come to the public eye.

Those are the kinds of unintended effects about which I speak.

I would be in favor, Mr. President, of a campaign reform law that expanded the reporting of political contributions, that brought out into the sunlight political contributions from whatever source, which brought out into the sunlight not only the hard political dollars given directly to a candidate or to a campaign, but also the soft money that enters into the political stream. The soft money has just as much influence and gains just as much access and does the same damage that is claimed, perhaps even more than is claimed for the reported money.

I think that a bill that brings sunshine into the process, that opens up the process, that reports every dollar that comes into the process, will be a more constructive measure of reform, rather than trying to limit the exact spending, which would effectively preclude my party from many States of the Union and would put an intolerable burden on a challenger.

That is not the object and the purpose of reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. What is the question before us?

The PRESIDING OFFICER. The pending question is on amendment No. 1405, as modified.

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I have a paper entitled "Academicians on Expenditure Limitations." I am going to read for some length from it, but I ask unanimous consent that the entire paper be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Academicians on Expenditure Limitations

August 4, 1987.

There are three basic reasons why expenditure limits are bad policy as recognized by the leading academicians in this area:

I. EQUAL EXPENDITURE LIMITS ARE NOT EQUAL

A. Labor Unions

Herbert E. Alexander, in his generally recognized authoritative book, "Financing the 1984 Election," estimates the worth of union activity on behalf of the Mondale campaign during the pre-nomination period ranged between 10-20 million dollars. In the general election campaign, he estimates approximately 20 million more dollars were spent by labor unions on behalf of the Mondale-Ferraro ticket. In 1976 at least 11 million was spent by unions for the Carter-Mondale ticket.

The "success" of an equal expenditure limit and public financing in the Presidential campaign is often cited as the reason it should be extended to Congressional elections. Clearly unequal resources were available during both the general election and primary periods because of the vast union expenditures. These are in no manner restricted by the Boren proposal nor is any significant disclosure required.

"COPE and other labor groups have vigorously pushed for public financing. . . ." (COPE's director John Perkins is frank to say why: "We'd just like to stick to registration and voter contact; that's what we're best at, and if we could put all our resources there, we could make a far greater contribution to our candidates."—Dr. Larry J. Sabato, University of Virginia, PAC Power, p. 178.

B. Incumbency

It is universally recognized by political scientists who specialize in this area that equal campaign expenditure limits between incumbents and challengers are unequal.

"A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent. Moreover, a ceiling restricts the flow of communications between candidates and voters, . . ."—Dr. Larry J. Sabato, University of Virginia, PAC Power, p. 179.

"Enough for both sides to mount a respectable campaign does not require equality of resources or equality of expenditures. Non-incumbents in fact require more. So do those running against famous names. Candidates are frequently unequal in so many ways. Requiring equality of finance merely emphasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up.

"Suppose one candidate spends a great deal more money? Chances are it will be mostly wasted: the law of diminishing returns applies here. In addition, attempts to buy an election can become a political issue in and of itself."—Dr. Nelson W. Polsby, Professor of Political Science, Univ. of California, Berkeley, Kennedy School of Government, Harvard Univ., Commonsense, Dec. 1983, p. 37.

"In technical terms, the marginal return on campaign expenditures (in the form of votes) is much greater for challengers than for incumbents. This means that if spending by both the challenger and the incumbent increases by the same amount, the challenger's share of the vote will increase; if spending by both candidates decreases by the same amount, the incumbent's share of the vote will increase. The crucial variable in either case is the amount spent by the challenger.

"What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."—Dr. Gary C. Jacobson, Professor of Political Science, Univ. of Calif. San Diego, LaJolla, CA—Hearings, Task Force on Elections, U.S. House of Representatives, Sacramento, CA, August 22, 1983.

". . . Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts."—Dr. Michael J. Malbin, American Enterprise Institute, Money and Politics in the United States, p. 240.

"A major advantage of incumbency is control of official resources for reaching and serving constituents. The estimated value of official resources available to Members of the House is approximately $1 million over a two year period. . . . Professor Gary Jacobson, a leading expert on congressional elections, estimated in 1978 that the average House challenger would have to spend "in the order of $320,000 to become as familiar [to constituents] as the average incumbent" (The Politics of Congressional Elections, 1983, pp. 54-55).

"Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition.—Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competition bias.

"Candidates are often unequal in many ways (e.g., name identification, partisanship of the constituency). Public financing/expenditure limit regulations, by requiring equality of finance, would merely emphasize these other inequalities and prevent less well known candidates from gaining access to the key resource that might enable them to catch up.

"Fostering Citizen Participation.—Political science research has shown that voter turnout is encouraged by competitive elections. Therefore, if voter turnout in congressional elections is to be encouraged, it is essential that no unduly severe limits be imposed upon candidate spending—particularly nonincumbent spending. Such limits disadvantage nonincumbents and thereby hold down competition. Voter turnout in the United States is already below that of other Western democracies and nothing should be done in the name of electoral reform to worsen that situation."—Dr. John F. Bibby, University of Wisconsin-Milwaukee, Statement before Subcommittee on Elections, House Administration Committee, June 16, 1987, excerpts from pp 2, 3, 5, and 7.

II. HOW MUCH IS TOO MUCH MONEY?

It is a common misperception that elections in the United States are more expensive than in most other countries. Dr. Howard Penniman has conducted some studies in this area reaching exactly the opposite conclusion

"Calculating campaign costs on the basis of expenditures for eligible voters makes it possible to compare costs for units that are identical in all democracies. Comparing the absolute costs of campaigns in different countries only points up the obvious fact that it is more expensive to send messages to many people than to a few.

"The cost per eligible voter in the United States is considerably less than in Venezuela, the Federal Republic of Germany, Israel, and Ireland for comparable elections. The cost in Canada is higher than in America, if the value of free television and radio are included. Because of the absence of data, it is not easy to know how United Kingdom costs compare to ours.

"In preparing this essay it was striking to find that in most of the twenty countries with 1.5 million voters and twenty-five years of continuous democratic practice, there is neither adequate financing data nor recognized experts with the knowledge and experience to make informed and generally accepted judgments of costs. Nearly half of the countries require *no* reports from parties or candidates. Half of the remainder have laws requiring limited information, or enforce their laws so casually that the reports are incomplete, implausible, or both.

"Under these circumstances, any inclusive assertions that electoral campaigns are conducted at a much lower cost in all other democracies are made without sufficient data or by using criteria that are clearly inadequate. If the six countries whose expenditures were examined here are indicative, it is probable that the per eligible voter costs are less in the United States than in most other democracies."—Dr. Howard Penniman, American Enterprise Institute, resident scholar. Article in The Mass Media in Campaign '84, p. 55.

"Compared with some other categories of spending, however, spending for political campaigns is low. The amount spent in 1983-1984 is substantially less than the $2.4 billion that the nation's three leading commercial advertisers—Procter and Gamble, General Motors, and Sears—spent in 1984 to proclaim the quality of their products. It represents a mere fraction of 1 percent of the $1.4 trillion spent in 1984 by federal, state, and local governments. And, as one journalist noted, it is 'just a fraction of what we spend on cosmetics, pet food and illegal drugs.'"—Herbert E. Alexander and Brian A. Haggerty, Financing the 1984 Election, p. 81.

III. UNENFORCEABILITY

". . . As long ago as 1926, political scientist James Pollock wrote that imposing limits on the size of campaign contributions was futile 'because the regulation, being unreasonable, will be circumvented, just as similar requirements have almost always been circumvented.'

"In a political system such as that of the United States, animated by a variety of competing interests each guaranteed freedom of expression, a tightly drawn system of campaign contribution and spending limits will inevitably encounter great difficulties."—Herbert E. Alexander, Financing the 1984 Election, p. 411.

"Among these problems, we feel the most troublesome are related to the attempt to restrict the spending of money spent by those seeking to influence the outcomes of presidential campaigns. . . . The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of definition, allocation and enforcement. On the other hand, the effort to control total spending in presidential races has not succeeded."—Executive Summary, p. 1, Financing Presidential Campaigns, Inst. of Politics, John F. Kennedy School of Government, Harvard Univ., Jan. 1982.

"The FECA has not succeeded in limiting the growth of money spent in presidential contests. While the Act has, in fact, limited spending by those actually contesting the election, it has not been able to hold growth in the total amount of money finding its way into presidential elections.

"The Act restricts both campaign organizations and political parties, in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions.

". . . The Act has not succeeded in arresting the upward spiral in campaign spending.

". . . Increases have come about, therefore, through conduits which are not under the control of the candidates, although in some instances this spending may be 'coordinated' with the campaign organization. . . . Spending by labor unions and corporations for 'internal communications' is also outside the candidate's direct control. Moreover, we cannot be sure if these expenditures are increasing, since by and large they do not have to be reported to the FEC."—Financing Presidential Campaigns: Recommendations of Camp. Finance Study Group, ed, By Christopher Arterton, Chm, Chapter 1, excerpts fr. pp 4, 6, 15, & 16.

Mr. PACKWOOD. Mr. President, I would also ask that this speech not be counted as a speech within the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, this paper is entitled "Academicians on Expenditure Limitations."

There are three basic reasons why expenditure limits are bad policy as recognized by the leading academicians in this area:

I. EQUAL EXPENDITURE LIMITS ARE NOT EQUAL

A. Labor unions

Herbert E. Alexander, in his generally recognized authoritative book, "Financing the 1984 Election," estimates the worth of union activity on behalf of the Mondale campaign during the pre-nomination period ranged between 10-20 million dollars. In the general election campaign, he estimates approximately 20 million more dollars were spent by labor unions on behalf of the Mondale-Ferraro ticket. In 1976 at least 11 million was spent by unions for the Carter-Mondale ticket.

The "success" of an equal expenditure limit and public financing in the Presidential campaign is often cited as the reason it should be extended to Congressional elections. Clearly unequal resources were available during both the general election and primary periods because of the vast union expenditures. These are in no manner restricted by the Boren proposal nor is any significant disclosure required.

And I would quote now from Dr. Larry J. Sabato, University of Virginia, in his book PAC Power, page 178.

> "COPE and other labor groups have vigorously pushed for public financing * * * *" (COPE's director John Perkins is frank to say why: "We'd just like to stick to registration and voter contact; that's what we're best at, and if we could put all our resources there, we could make a far greater contribution to our candidates.")

The second reason why expenditure limits are bad and unfair is incumbency, and here again I am quoting from a variety of academics:

> *B. Incumbency*
>
> It is universally recognized by political scientists who specialize in this area that equal campaign expenditure limits between incumbents and challengers are unequal.
>
> "A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent. Moreover, a ceiling restricts the flow of communications between candidates and voters. * * *"

There I am quoting again from Dr. Larry J. Sabato, University of Virginia, PAC Power, 1979.

Next Dr. Nelson W. Polsby, professor of political science, University of California, Berkeley, and Kennedy School of Government at Harvard University, in a book Commonsense, December 1983:

> "Enough for both sides to mount a respectable campaign does not require equality of resources or equality of expenditures. Non-incumbents in fact require more. So do those running against famous names. Candidates are frequently unequal in so many ways. Requiring equality of finance merely emphasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up.
>
> "Suppose one candidate spends a great deal more money? Chances are it will be mostly wasted: the law of diminishing returns applies here. In addition, attempts to buy an election can become a political issue in and of itself."

Next from Dr. Gary C. Jacobson, professor of political science at the University of California, in San Diego, on the hearings on the task force on elections before the U.S. House of Representatives.

> "In technical terms, the marginal return on campaign expenditures (in the form of votes) is much greater for challengers than for incumbents. This means that if spending by both the challenger and the incumbent increases by the same amount, the challenger's share of the vote will increase; if spending by both candidates decreases by the same amount, the incumbent's share of the vote will increase. The crucial variable in either case is the amount spent by the challenger.
>
> "What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."

Mr. President, I plan to go on a bit further, but I want to digress from the quote.

Mr. ARMSTRONG. Mr. President, if the Senator will yield, I do not wish to interrupt his statement, but it sounded to me as if he had reached a point in his discussion of this matter that a question would be appropriate.

Mr. PACKWOOD. I am happy to yield for a question.

Mr. ARMSTRONG. My question is that, as I understand it, we have before us a motion to recommit the bill and then a lengthy tree of amendments.

Mr. PACKWOOD. That is correct.

Mr. ARMSTRONG. The scuttlebutt around the cloakroom is that this is going to be an evening of thought and reflection and discussion, possibly punctuated by a series of essentially meaningless procedural votes. The probability is that at some point we will have a vote to instruct the Sergeant at Arms to recall absent Senators and there might be, at least according to rumor, some of the sponsors of amendments may move to table their own amendments in order to obtain rollcall votes on them and, thereby, sort of stir the pot. But I am wondering if the Senator could enlighten us. Is it the Senator's belief that I have accurately summarized the situation, that from now until tomorrow or at least until tomorrow that what would occur would be speeches and votes of essentially a nonsubstantive character?

Mr. PACKWOOD. I think so, unless you were to count—and I see the majority leader coming on the floor. The majority leader, obviously, can get recognition and get priority if he wants it. I suppose if he were to move to table the amendments, and I assume vote against them, that might be thought of as a substantive vote. There is nothing we could do to prevent a vote like that. But, short of that, I think the likelihood of a substantive vote tonight is de minimis.

Mr. ARMSTRONG. The reason I ask the Senator that, may I explain, is simply to sort of plan my own schedule for the balance of the evening and through the dark hours of the night and into tomorrow morning, and also to be helpful to other Senators who may be going through the same thought processes. My own conviction is that a vote to instruct the Sergeant at Arms is actually not a meaningful vote. It is an official vote and, for those who are concerned about maintaining a high-percentage attendance, it would be counted against them if they failed to respond to that matter.

My own feeling is that at this stage a vote to table the pending amendment would fall into the same category. But then each Senator could decide that for himself. But if the Senator has a view of the status of things, then, in your opinion, would it be correct to say that what we are looking forward to is a night of speeches and votes on procedural matters?

Mr. PACKWOOD. I think that is my opinion. But I do see the majority leader here and I would be happy, for the moment, to yield if he could respond to the question the Senator from Colorado is posing.

Mr. BYRD. The Senator did not ask me the question.

Mr. PACKWOOD. That may be your answer.

I would be happy to go to a cloture vote tonight; now, half an hour from now, an hour from now.

Mr. ARMSTRONG. May I ask the Senator, would it require unanimous consent to do that?

Mr. PACKWOOD. It would require unanimous consent.

Mr. ARMSTRONG. I, for one, would have no objection to that. And, in fact, if the Senator from Oregon would propound such a unanimous consent request, I would lodge no objection to it.

Mr. PACKWOOD. I think I would talk to the majority leader before I would propound that. But I might say I think most of the people on this side would be happy to have a cloture vote.

Mr. ARMSTRONG. Mr. President, I do not want to try the patience of the Senator from Oregon.

Mr. BYRD. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. BYRD. For a question?

Mr. PACKWOOD. Yes.

Mr. BYRD. He can only yield for a question.

Is there a cloture motion pending?

Mr. PACKWOOD. To the best of my knowledge, there is not a cloture motion pending. Is there?

Mr. BYRD. The Senator has answered the question.

Mr. ARMSTRONG. I note the Senator from Oregon has what appears to be a very extensive statement and I do not want to delay him in his presentation of his thoughts on the bill, but just to confide to him my own plans. They run along this line: At 9 o'clock, from 9 until 11, the third——

Mr. BYRD. Mr. President, I ask for the regular order. The Senator can yield only for a question.

The PRESIDING OFFICER. The majority leader is correct. Regular order is called for.

Mr. ARMSTRONG. Mr. President, I am in the process of stating still another question. I have propounded two or three questions to the Senator from Oregon. I believe I am proceeding within the regular order.

The PRESIDING OFFICER. The Senator may state his question.

Mr. ARMSTRONG. Mr. President, my question is this: The plan I have in mind for my schedule this evening is from 9 to 11 there is a television broadcast of the third installment of a miniseries which I found very interesting called "Noble House." I kind of would like to be home to watch that, although I could watch it here. My question is this: Does the Senator need me to speak sometime during the night and, if so, at what hour? I would be glad to come back. I have a couple of hours worth of material that probably would be deserving of the attention of the body and I would be glad to do that tonight or tomorrow morning. But being one Senator who would not regard a vote on a motion to instruct the Sergeant at Arms as something I would particularly like to lose a night's sleep over, I will either stay or go depending on the advice of the Senator from Oregon. Or would he prefer to consult me later on that?

Mr. PACKWOOD. No, I think, on balance, in terms of the very good material that I know the Senator from Colorado will have, I think we will probably use it more usefully at a later time than this evening.

Mr. ARMSTRONG. I thank the Senator. On that cheery note, I expect I will disappear shortly and see you tomorrow.

Mr. PACKWOOD. I think we will need it at some time, I might add.

Mr. ARMSTRONG. If the Senator will yield further, let me just say, I would not miss the opportunity to comment further on this bill.

Mr. PACKWOOD. Now, Mr. President, I was reading from the memorandum "Academicians on Expenditure Limitations." I finished two pages of it; the last paragraph I will read again. This is a quote from Dr. Gary Jacobson, professor of political science at the University of California in San Diego, in which he is commenting on the effect of campaign limitations and equal expenditure limitations for the incumbent and the challenger. This is what he says:

> What are the implications of these findings for campaign finance policy? One obvious conclusion is that, in general, any policy that increases the amount of money available to candidates will help challengers. And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office.

Now, deviating from the article, it is understandable why that is true. Earlier today, I talked about some of the advantage that incumbents have, but I would like to cover that ground again. One is just sheer name familiarity. Once you are a U.S. Senator or a Governor, you develop a great deal of familiarity. You are on the news, in the newspaper, you are at home speaking. And, finally, after you have been in the Senate 5 years and you are ready to run for reelection after your first term, if you were to pose the question, the pollster who asked this question: Do you know who BOB PACKWOOD is, do you know who MARK HATFIELD is, the two Senators in the State of Oregon? When posed that way, perhaps 90 percent of the people would say "Yes, I have heard of MARK HATFIELD or I have heard of BOB PACKWOOD."

Or, you can pose it: "Do you know who DANIEL INOUYE is?" And they would say, "Yes, we know who DANIEL INOUYE is."

I earlier postulated that my hunch would be that if you were to ask that question in West Virginia about the majority leader, Senator BYRD, I would imagine the answer would be close to 99 percent or almost close to 100 percent of the people in West Virginia that would have heard of Senator BYRD.

So if you are an incumbent, you have very, very high name familiarity and the longer you are in office the higher up it goes. Whereas, on the other hand, if you are a challenger, and unless perhaps you happen to be a Governor—a Governor can perhaps match a U.S. Senator in terms of name familiarity. But, short of that, the attorney general in the State could not, the secretary of state, the State treasurer, by the time you drop down to the members of the State legislature or the mayor or county commissioner, that candidate starting to run would be lucky to start out statewide 10 percent in name familiarity.

So, absent anything else, what is the situation if you have an incumbent—and I am assuming that the incumbent has not shot himself in the foot, has not done some terrible transgression that has simply turned the public against that incumbent. That happens every now and then in politics. We have all seen recent examples of it. There is no point in dwelling on them here. But most incumbents do not do that.

There is an old adage:

> Get along, go along. Don't offend anybody. Keep your head down. Don't undertake controversial stands. Don't irritate your seniors. Keep your mouth shut and, by the seniority system, you will advance.

So long as most incumbents follow that and their name familiarity goes up, they are reasonably safe. Now they are running against a challenger who has served two or three or four terms in the State legislature; a couple of terms as mayor of a medium sized city. That poor devil starts off with 10 percent name familiarity.

All other things being equal, the incumbent beats the challenger hands down. Doubly so, if you say that the challenger can spend no more money than the incumbent. The incumbent already has a tremendous advantage. Now, in addition to that, you give the incumbent the advantage of spending as much money as the challenger; the challenger starts from below and can never catch up under normal circumstances.

The second advantage of an incumbent: public financing of our campaigns when we are not campaigning.

One, the frank. We are allocated, by our own vote, a rather large sum of money to mail out at public expense, taxpayer expense, newsletters to our constituents; almost all of the Members of the Senate do it. It would be an unusual newsletter that you would mail out to constituents, telling them you did not like them or did not like their position.

What you are more likely to do is to get mailing lists, mailing lists of the elderly, mailing lists of gun owners, mailing lists of environmentalists, mailing lists of fishermen or fisherwomen, mailing lists of people in the timber industry.

Then you mail to them over the 5½ years you are here before you are running for reelection newsletters on issues of concern to them, usually phrasing your position in accordance with theirs so that they will be happy with you. It is very seldom that you would send a letter to gun owners saying I have decided to come out for gun registration. Very seldom would you mail a letter to environmentalists saying: I have decided to come out for unlimited oil exploration in the Arctic Wildlife Refuge. It is just the other way around. If by chance you do not agree with them, you do not mail to that group on that issue. So we have the advantage of the frank.

Third is the access that we get. I am not here being critical of the media in any sense but the access we have to media in our home State a challenger simply does not have. An incumbent is news or usually is news. So when an incumbent goes home for one of our work periods—and we are now operating thanks to the majority leader and I am appreciative of it, we are here 3 weeks and go home 1 week, here 3 weeks and go home 1 week.

You go home and it is not difficult to get a meeting with the editorial boards of your newspapers, not difficult to appear live or taped on the evening news show, not difficult to appear on radio shows. They are happy to have the incumbent.

If, by chance, the challenger, a year, year and a half out, decides to challenge the incumbent, frankly the challenger just has more difficulty getting on the evening news, getting on radio shows, getting a meeting with the editorial board. He might get a meeting with one of the people on the editorial board but not likely the whole editorial board. It is just the way the system works.

Do not forget, I do not mean to be critical. You have been a Senator for one term, two terms, three terms; you have probably arrived at a position of some consequence and you are somebody that can make some difference in the Senate, you are newsworthy, and the news media covers news.

Or you want to investigate Federal activities in your State. You are in Hawaii. You might want to look at some of the Coast Guard bases. If you are in Iowa, you might look at some of the agricultural experiment stations. If you are in Oregon, you might want to examine some of the different U.S. national forests in one form or another. You will usually discover that the Government agency involved will be happy to provide you with transportation to and from the thing you want to look at. Understandably the agency is happy to have you look at it. They want you to see their work. Indeed, it is wise for us to see their work.

It is one thing to stay here and listen to witnesses. It is another to go out, go home and actually go out on the ground, see the ground and feel the ground and see what is going on. So they are happy to provide a car, happy to provide a helicopter, transport you out and back to their place and you manage to work out your schedule so that you get back, just coincidentally, at the airport, as the television cameras from the local stations at that city happen to be at the airport. Purely coincidental, of course, that they would be there when you are getting off of the helicopter but there they are taking your picture and you are commenting upon the excellent work that the agriculture experiment station is doing or the Coast Guard is doing.

Everyone, frankly, is happy. The news media is happy. Government agencies are happy. Certainly the incumbent is happy.

But now let us assume that you are the challenger. He or she is not likely to get a helicopter provided. He or she, maybe, if they want to go see the agricultural experiment station, Coast Guard station that is 300 miles away, they can go and take their own helicopter, rent a helicopter. Interestingly renting a helicopter in a campaign requries a fair amount of campaign money, money that the incumbent doesn't have to spend. The Government will provide the helicopter.

The challenger will have to rent it at his or her own expense to do exactly the same thing that the incumbent does for nothing. Then the challenger will be lucky if given exactly the same circumstances the television cameras from the local broadcast media happen to be there when the candidate paid for helicopters arrive at the airport. It is just coincidental. They happen to be there when the incumbent is there, but not the challenger.

(Mr. SANFORD assumed the Chair.)

Mr. PACKWOOD. So, in every possible situation, the incumbent has tremendous advantages. That is why most incumbents win.

Let us take a look at the last elections and they are most interesting, the 1986 Senate election. Every single incumbent who spent within the spending limits set by S. 2 won; 10 out of 10 incumbents who spent within the limits of S. 2 won. Conversely, 90 percent of the challengers who spent within the limits set by S. 2 lost. Eighteen out of 20 challengers who spent within the limits lost.

Seventy-two percent of the challengers who spent above the limit, five out of seven challengers won. Therefore, a challenger who spent above the limit had a 63-percent chance of winning, five out of eight challengers altogether. A challenger who spent within the limit had a 10-percent chance of winning, 2 out of 20.

So, is it any wonder that incumbents like a system that precludes a challenger from spending any more on the campaign than the incumbent? It makes absolutely rational sense to the person who is the incumbent.

What did Dr. Michael Malbin, of the American Enterprise Institute, say in his book "Money and Politics in the United States"?

> Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts.

What does Dr. John Bibby, of the University of Wisconsin—Milwaukee, say in a statement before the House Subcommittee on Elections on June 16, 1987?

> A major advantage of incumbency is control of official resources for reaching and serving constituents. The estimated value of official resources available to Members of the House is approximately $1 million over a two year period. . . . Professor Gary Jacobson, a leading expert on congressional elections, estimated in 1978 that the average House challenger would have to spend "in the order of $320,000 to become as familiar [to constituents] as the average incumbent.
>
> Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition. . . . Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competiton bias.
>
> Candidates are often unequal in many ways (e.g., name identification, partisanship of the constituency). Public financing/expenditure limit regulations, by requiring equality of finance, would merely emphasize these other inequalities and prevent less well known candidates from gaining access to the key resource that might enable them to catchup.
>
> Fostering Citizen Participation Political science research has shown that voter turnout is encouraged by competitive elections. Therefore, if voter turnout in congressional elections is to be encouraged, it is essential that no unduly severe limits be imposed upon candidate spending—particularly nonincumbent spending. Such limits disadvantage nonincumbents and thereby hold down competition. Voter turnout in the United States is already below that of other western democracies and nothing should be done in the name of electoral reform to worsen that situation.

The next point in this treatise, How Much Is Too Much Money?

> It is a common misperception that elections in the United States are more expensive than in most other countries. Dr. Howard Penniman has conducted some studies in this area reaching exactly the opposite conclusion.

Now quoting from Dr. Penniman's study, Mass Media Campaigns, published in 1984:

> Calculating campaign costs on the basis of expenditures for eligible voters makes it possible to compare costs for units that are identical in all democracies. Comparing the absolute costs of campaigns in different countries only points up the obvious fact that it is more expensive to send messages to many people than to a few.
>
> The cost per eligible voter in the United States is considerably less than in Venezuela, the Federal Republic of Germany, Israel, and Ireland for comparable elections. The cost in Canada is higher than in America, if the value of free television and radio are included. Because of the absence of data, it is not easy to know how United Kingdom costs compare to ours.
>
> In preparing this essay it was striking to find that in most of the twenty countries with 1.5 million voters and twenty-five years of continuous democratic practice, there is neither adequate financing data nor recognized experts with the knowledge and experience to make informed and generally accepted judgments of costs. Nearly half of the countries require no reports from parties or candidates. Half of the remainder have laws requiring limited information, or enforce their laws so casually that the reports are incomplete, implausible, or both.
>
> Under these circumstances, any inclusive assertions that electoral campaigns are conducted at a much lower cost in all other democracies are made without sufficient data or by using criteria that are clearly inadequate. If the six countries whose expenditures were examined here are indicative, it is probable that the per eligible voter costs are less in the United States than in most other democracies.

And now quoting from Herber E. Alexander and Brian E. Haggerty, Financing the United States Elections, page 81:

> Compared with some other categories of spending, however, spending for political campaigns is low. The amount spent in 1983-1984 is substantially less than the $2.4 billion that the nation's three leading commercial advertisers—Procter and Gamble, General Motors, and Sears—spent in 1984 to proclaim the quality of their products. It represents a mere fraction of 1 percent of the $1.4 trillion spent in 1984 by federal, state, and local governments. And, as one journalist noted, it is "just a fraction of what we spend on cosmetics, pet food and illegal drugs."

The next point, Mr. President, is unenforceability, by Herbert E. Alexander in Financing the 1984 Election, page 411:

> . . . As long ago as 1926, political scientist James Pollock wrote that imposing limits on the size of campaign contributions was futile "because the regulation, being unrea-

> sonable, will be circumvented, just as similar requirements have almost always been circumvented."
>
> In a political system such as that of the United States, animated by a variety of competing interests each guaranteed freedom of expression, a tightly drawn system of campaign contribution and spending limits will inevitably encounter great difficulties.

Quoting from the executive summary, page 1, Financing Presidential Campaigns, from the Institute of Politics, John F. Kennedy School of Government, Harvard University:

> Among these problems, we feel the most troublesome are related to the attempt to restrict the spending of money spent by those seeking to influence the outcomes of presidential campaigns. . . . The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of definition, allocation and enforcement. On the other hand, the effort to control total spending in presidential races has not succeeded.

Quoting from Financing Presidential Campaigns: Recommendations of Campaign Finance Study Group, edited by Christopher Arterton, chairman.

> The FECA has not succeeded in limiting the growth of money spent in presidential contests. While the Act has, in fact, limited spending by those actually contesting the election, it has not been able to halt growth in the total amount of money finding its way into presidential elections.
>
> The Act restricts both campaign organizations and political parties, in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions.
>
> . . . the Act has not succeeded in arresting the upward spiral in campaign spending.
>
> . . . increases have come about, therefore, through conduits which are not under the control of the candidates, although in some instances this spending may be "coordinated" with the campaign organization. . . . Spending by labor unions and corporations for "internal communications" is also outside the candidate's direct control. Moreover, we cannot be sure if these expenditures are increasing, since by and large they do not have to be reported to the FEC.

On this unenforceability aspect, what the various academicians are talking about is the fact that if we say we can only spend *x* amount of dollars in a Presidential campaign, $20 million or $30 million, and somebody wants to spend money on a Presidential campaign, prior to the limits they would give it to the campaign committee. Once we put limits on the Presidential campaign committees, the person instead of giving it to the Presidential campaign committee gives it to an independent committee and the independent committee goes out and spends it.

Now, if it is an independent political committee, at least that committee has to report the spending that it is doing, and most independent committees, in fairness to them, do, if they are independent political committees. The extraordinary abuse that is growing and growing is de facto political spending by what we call section 501 (c)(3) or (c)(4) or (c)(5) organizations. These are charitable, educational, eleemosynary institutions. They are tax exempt. If you make a contribution to them, you can take it as a tax deduction. They do not have to pay any taxes on any money they earn or money they get. These organizations, and labor unions are one, spend money in de facto politics, by de facto I mean actually on politics, in calling up the members.

Let us say the union has endorsed Walter Mondale. This is the 1984 election. They then called up their members and see which of their members are supporting Walter Mondale. Let us say 70 percent of the union are supporting Mondale, and 30 percent are supporting President Reagan.

The union is then perfectly free to use its money to recontract the 70 percent who are supporting Walter Mondale and get them out to vote on election day and never call the 30 percent. And they can do all of that and it is not counted as political spending. It does not even have to be reported.

That is why we have these academic estimates of the extraordinary quantity of money that was spent by organized labor in the past few elections that is never reported.

I must say, on some occasions, to be bipartisan, the Teamsters Union spent an extraordinary amount of money. They had endorsed President Reagan in 1984. But try to get the exact amount of the money that these 501(c) (3)'s, (4)'s, and (5)'s spent and it is difficult because in most cases they do not report it.

I talked about unions. Those are traditional organizations, and corporations are traditional organizations. Corporations would not have to report it if they contacted their employees and found out who they were for and got them out. What we are seeing is a growth of new eleemosynary, charitable organizations, new ones that are formed that get a tax-exempt 501(c)(3), 501(c)(4), or 501(c)(5) status, who are formed for no other purpose, Mr. President, than for getting out the vote for a particular party or candidate.

And these are growing, frankly, because of limits that we have put on spending in the Presidential race. If you cannot give your money to your favorite Presidential candidate in the general election, give it to your favorite 501 (c)(3), (c)(4), or (c)(5) organization that will get out the vote for your favorite candidate.

So the limits have not worked. The limits have simply pushed the money outside the process into organizations that are not responsible to voters, into organizations that in most cases do not have to report to the Federal Election Commission, are totally unresponsible to any rational political accountability. At least when a candidate runs, the candidate has to file with the Federal Election Commission and know from whom he or she receives his or her money. If they received 80 percent out of State running for the U.S. Senate, fine, tap that candidate for taking 80 percent out of State money. If they received 50 percent, tap them for receiving 50 percent from the political action committees. It is reported. You know it. And then in addition to that, when you are running for the Senate, whether you are running in Idaho or Oregon or New York, you have got to appear before a wide spectrum of voters who are liberal and conservative, who support gun registration and do not support gun registration, who want more wilderness and who do not, and they are going to pin you down with questions and you are accountable to all of them. And they may elect you or they may not. And part of the reason they may or may not vote for you is because of from whom you got your money, and they know from whom you got it. But these so-called soft money organizations are not accountable to anybody. They do not have to report to the public. You do not know where they got their money.

And by and large they are made up of those who have a single-purpose agenda. These organizations are not accountable to prowilderness and antiwilderness people or progun and antigun people. These are very narrow special interest, parochial groups, the sole interest of which is electing or defeating a candidate who may or may not further their issues. And you as the voter do not know what they spend or how they spent it. And we are encouraging these kinds of organizations more and more and more.

Now, Mr. President, I have indicated earlier why I understand the majority party supports this bill. As I indicated by the academic studies I read earlier, it clearly favors the incumbent. I suppose from a pure standpoint of personal selfish interest, I probably ought to support the bill, too. I have been in the Senate 20 years. I do not have to run again until 1992. My name familiarity is high. I think I could succeed in reelection against a challenger who was equally well financed who had to start from a very, very difficult underdog position.

But I would ask the Senator to remember this in considering this bill, and I would ask the public to remember it so that they would understand why the Republicans oppose this bill so terribly. First, incumbents have an advantage over challengers and most of the incumbents in the Senate are Democrats, 54 Democrats, 46 Republicans. So all things being equal, if averages work out, and incumbents have an advantage, the Democrats will keep control of the Senate, especially if you can make sure that a challenger, a Republican challenger, cannot spend somewhat more money than the incumbent to make up for the disadvantages that the unknown challenger has.

Second, party registration. On average, and I am speaking about averages—there are exceptions—people will vote the party in which they register. It is more likely that Democrats vote for Democrats than Republicans. It is more likely that Republicans vote for Republicans than Democrats. That is not new. We have known that for years. Every poll I ever see, every exit poll, every poll ahead of the election indicates that most of the people, most of the time, vote for the candidate of the party in which they are registered. It is also no secret that since about 1940 the Democrats have been the majority party in this country. The Republicans were from roughly the Civil War to the Depression. Democrats have been from roughly the Depression to now.

So if on average the minority party—that is the Republican challenger—can spend no more money than the majority party incumbent Democrat, that is another advantage for the incumbent Democratic Senator. So it is no wonder that you do not want to have a bill or law that would allow your challenger to spend more than you would spend.

Now let us come to some of the complaints, some of the allegations of the majority as to the evils of the present system and how their bill would cure them and how only their bill would cure them.

The first argument is the political action committees. They are evil is the argument, they are evil, they are special interest, they give big money if they want to buy your ear, if they can they want to buy your vote and we see perpetual stories of the growing influence of the PAC's and a higher percentage of candidates depending on them, and more and more the money comes pouring in and that is bad for the process. If that is the complaint, that is easy to remedy. Just change the law that now allows political action committees to give $5,000 to a candidate in the primary and another $5,000 in the general, $10,000. Change that law to zero. The political action committee cannot give any money.

Now, the political action committee may go off and spend it on its own. It may give to one of these 501(c)(3) organizations. It may do something else with it. But if the alleged evil is the political action committee giving to the candidate, just change the law so the political action committee cannot give to the candidate. We can solve that without the bill sponsored by the majority which requires public financing of elections. We can do that without tapping the purse of the taxpayer in this country.

The second issue in addition to the one I have just mentioned—well, let me go back because I missed the point on incumbents that I should have mentioned while I was talking about incumbents. An argument will be made that the PAC's will give more money to the incumbents than they will give to challengers. This is true only to a degree, although it applies to Republican incumbents as well as Democratic incumbents. This is true only to a degree that the political action committee is convinced that the incumbent will win. As most incumbents win, most political action committee funding goes to incumbents. The argument is that happens, of course, so they can keep the ear of the incumbent. They can get rid of that by going to zero.

The second argument that is often raised in addition to the evils of the political action committees is that we are spending too much money on campaigns generally. Now, forget for the moment the source of where they say it came from. They spend too much. The campaign in 1976—and I am paraphrasing. This is what the proponents say and I might be wrong—was $600,000, by 1986 it had grown to $3 million, and if it kept growing at that rate, in another 10 years it will be $9 million and then what is the limit, $90 million, $900 million, $9 billion? Is there no limit to what people will want to spend?

If that is the complaint, then that is easily cured without asking the public to finance our campaigns. First let us say we have changed the law so that the political action committees cannot give, so we have removed altogether that source of money. Second, we take the limits on individuals. At the moment, it is $1,000. An individual can give you $1,000 in the primary, $1,000 in the general election, $2,000 for the campaign.

Change that limit to $100 instead of $1,000, $50 instead of $1,000, it is not wedded to 50 or 100. But we cut it way down.

That will have one or two effects. That may dramatically lower the amount of money that you raise for a campaign there by achieving the goal that the reformers say they want of lowering the cost of campaigns. It may have that effect. The other effect it might have, and frankly I think it would be a better effect than lowering the cost of campaigns, instead of raising your campaign fund to 5,000 people you would now have to raise it from 50,000 or 100,000 people in small amounts.

I think that is good for democracy. If we could get 20 or 30 or 40 people in this country to give $20, or $30, or $40 apiece to campaigns, once they gave that $20, $30, or $40, they would have an interest in the campaign. They are not going to give $20, $30, or $40 because they want to buy your ear or vote. They give it because they believe in you. If they believe in you and they will give you that much, they will work for you.

If participation in democracy is what campaign laws ought to be all about, then that is what we ought to be doing.

Do you know the reason I think the Democrats have some misgivings about that? Ironically—this is contrary to formal public image of the parties—the Republicans have been more successful than the Democrats in raising money from small contributors. Both parties have tried it. Candidates from both parties have tried it. The normal method of doing it is by direct mail, and almost everybody in this Senate has tried it at one time or another. I would wager half of this country received these direct mail solicitations of one kind or another.

For whatever reasons—I have some theories but I do not need to discuss those theories here—the Republican Party has succeeded at it, and the Democratic Party has not. That accounts for the stories that you have seen in the papers over the last year or so—I think it even surprises on occasion the reporters that do the research—that indicate that it is the Democratic Party, not the Republicans that are financed principally by PAC's and major donors, the fat cats as they are often called in the trade.

The Democrats are much more dependent on those big contributions. Interestingly, those big contributions are relatively cheap to raise. You have a $1,000 cocktail party at the Washington Hilton Hotel from 6 o'clock to 8 o'clock at night. You send out letters all over the city, all over the country, "Please come to my cocktail party," $1,000 a head; it costs you maybe $30 a head to put on the cocktail party.

So a person gives $1,000 to come to the cocktail party, costs you $30 to entertain them, you make $970, relatively inexpensive fundraising, very low cost to the amount raised. This is the way Democrats principally raise their money—large contributions from relatively fewer donors.

The Republicans on the other hand raise a much greater proportion of their money from these $20 and $30 contributions that you raise by direct mail.

The problem is that is expensive fundraising. A normal rule of thumb is if you can get a 2-percent return on what we call prospects, and these figures are taken, and it has been 3 or 4 years now since I was chairman of the Republican Senatorial Committee but I do not think from what I have read that they have changed much—if you can get a 2-percent return on prospects at $20 a return, that is good prospecting. By prospecting we mean rent a cold list. You rent from Fortune magazine, National Rifle Association; you rent some commercial list that is available that normally costs you $50,000 or $60,000 to rent it. You have all kinds of associated costs in the direct mail, the postage, printing, return envelope and all of that.

Let us say you send out a million letters, costs you about 40 cents apiece, $400,000, you get 2-percent return, 20,000 come back in, you raise $20 apiece, it raises $400,000. It breaks even. The reason it is worth doing is because those 20,000 people who have given you money experience indicates will give to you again from subsequent names and it is relatively inexpensive to mail that 20,000 once they have given. The expense is mailing to the first million.

Any bill that puts a limit on campaign spending, and I therefore would presume campaign fundraising because there would be no point in raising more money than you need—any bill that puts an artificially low limit on campaign spending automatically favors the most cost-efficient method of raising money. And that is raising money from large donors, large contributions, that are relatively inexpensive to raise, the $1,000 cocktail party with the $30 expense, favors that rather than raising thousands and thousands of dollars from thousands and thousands of donors at $10, $20, $30 a crack by direct mail.

Is it not interesting that a bill sponsored by the leadership of the majority party that what they would be attempting to achieve—maybe they do not intend it, but I think they do—is to push campaigns toward raising money by the method that has proven most successful to the Democratic party; that is, raising it from large contributors and large donations instead of pushing it toward the method that has proved so successful for the Republican Party, small donations from numerous contributors.

This bill is understandable. It favors incumbents. There are more Democratic incumbents than Republican incumbents. It favors the majority party. Democrats are in the majority party. And it favors raising money from large donors rather than small donors, which benefits the Democratic Party rather than the Republican Party.

I think if I were in the majority party, Mr. President, not from the standpoint of the good of the country, but from the standpoint of the good of myself, I would support this bill. From the standpoint of the good of the country, from the standpoint of the good of the taxpayer, this bill is not needed. I think the Republicans are prepared to fight it out here all week, all month, all spring, all year.

Mr. President, I yield the floor.

QUORUM CALL

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. PACKWOOD. Mr. President, I object.

Mr. SYMMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Byrd
Cohen
Helms
Leahy
Levin
Mitchell
Packwood
Proxmire
Roth
Sanford
Simpson
Symms

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move to instruct the Sergeant at Arms to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Michigan [Mr. RIEGLE], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. HECHT], the Senator from Indiana [Mr. LUGAR], the Senator from Kentucky [Mr. MCCONNELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Vermont [Mr. STAFFORD], and the Senator from Virginia [Mr. TRIBLE], are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM], is absent on official business.

I further announce that the Senator from Missouri [Mr. BOND], is absent due to illiness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. WEICKER. Regular order, Mr. President.

The PRESIDING OFFICER. The clerk will tally the roll.

Mr. WEICKER. The clerk, I know well. Believe me, he can tally very fast. If we are going to follow the rule around here, let us follow it for all.

Regular order.

Regular order, Mr. President.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

Are there other Senators who care to vote?

Mr. WEICKER. Regular order. Regular order.

Mr. President, regular order.

The PRESIDING OFFICER. The clerk will tally the roll.

The result was announced—yeas 57, nays 17, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Proxmire
Pryor
Reid
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Warner
Wirth

NAYS—17

Armstrong
Cohen
Durenberger
Garn
Helms
Karnes
Kasten
McCain
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—26

Biden
Bingaman
Bond
Boschwitz
Chafee
Chiles
Cochran
D'Amato
Dole
Evans
Gore
Gramm
Hatch
Hecht
Hollings
Kennedy
Lugar
McConnell
Nunn
Pressler
Riegle
Rudman
Simon
Stafford
Stennis
Trible

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The question is on the second-degree amendment.

Mr. SIMPSON. Mr. President, I wish to be recognized.

The PRESIDING OFFICER. The acting Republican leader.

Mr. SIMPSON. Mr. President, obviously we are at an impasse which could go on. It is not our intent to disrupt Members on both sides. I am going to have a meeting with the members of the S. 2 coalition right after these remarks and also with the leadership of the Senate. We will be able to tell perhaps what we will do tonight with some better clarity.

But we have some spirited people that feel if they are going to be here everyone should be here. That is a theme here with some; others thinking that we will meet our hour quota and rest and save ourselves for these next days.

So I will be able to report back on that in a few minutes. Senator McCain will then proceed with the debate on our position.

But at this point I would ask for the yeas and nays on amendment No. 1405.

Mr. BYRD. Mr. President, is that the pending amendment?

The PRESIDING OFFICER. That is the pending amendment.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, let me also propose this—and I have not talked with the majority leader, but obviously I can discuss it—I ask unanimous consent that it be in order to order the yeas and nays on each amendment and the motion to recommit S. 2 and have that done at this time with a proper showing of seconds.

Mr. BYRD. I would object to that.

Mr. SIMPSON. Then we will make that at a timely point on each occasion.

Mr. BYRD. That can be done

Mr. SIMPSON. Yes.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield the floor?

Mr. SIMPSON. Mr. President, I yield the floor, if I have the floor, to Senator McCain.

Mr. BYRD. Mr. President, the Senator cannot farm out the floor. If he wishes to yield the floor and if Senator McCain wishes to seek recognition, he may do so.

Mr. SIMPSON. That is perfectly appropriate. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to address the issue again of S. 2, which we have been addressing for what appears to be ad infinitum; certainly, without a doubt, in the minds of many Members ad nauseam.

Mr. President, I happen to be singularly blessed in that I have been one of those selected Senators, one of those in the enviable position who has been selected by the organization named Common Cause—some of us call them "Uncommon Cause" due to some of the various causes and issues they have been associated with—but I have been singled out, Mr. President, for full-page ads to be taken out in every newspaper in my State castigating me for failing to allow this piece of legislation to go through—filibustering, defying the will of the people. And even to add credence to these unusual charges, Mr. President, it is signed by that common household name, Archibald Cox, a man who I know is very familiar to most Arizonans and most Americans.

What business Archibald Cox has in telling the people of the State of Arizona how they should judge my conduct is not something I understand at this time, but at the same time we are always pleased when Common Cause will spend a great deal of money in my State supporting the print media and thereby helping with the employment and the livelihood of so many members of the press. And so I must extend my appreciation to Common Cause for their taking out these full-page ads, pumping this considerable sum of money into the State of Arizona, and I urge them to continue perhaps on a weekly basis if not monthly.

It provides for interesting reading. It also arouses one's curiosity and sometimes stimulates my humor when I see the way that these ads are shaped, particularly since in every single one of these ads there has yet to be a single mention of public financing.

Mr. President, that seems to have escaped either the notice of Archibald Cox or perhaps it does not concern him, since it is my understanding that Mr. Cox is an independently wealthy man and what happens to his tax dollar may perhaps not concern him as much as it does many low- or middle-income Americans today who are shouldering such an immense tax burden.

But Mr. Cox's missive to Arizonans is one which spends most of its content in attacking me for my failure, in fact almost singlehandedly—I do oftentimes appreciate the credit that Mr. Cox gives me for having an enormous amount of influence and clout in this body, because in reading this advertisement one would think John McCain singlehandedly was holding up the passage of this legislation and indeed defying the will of the American people. I certainly am flattered by not only the attention but the great credence that he gives the influence I have in this body.

But I think it is very important that we really get some understanding of this issue rather than spending time taking out full-page ads in certain Senators' States. In fact, although I hope that these full-page ads do continue because it is very good for the economy in my State, I would like to assure Mr. Cox and his friends that they have stimulated my interest in this issue, they have stimulated my opposition, and they have caused me to take a rather firm stand on this issue since the more research that I do into this ill-founded piece of legislation, the more convinced I am of how disastrous this would be, not only to the Republican Party, but to the political process as we know it.

Now, our distinguished acting minority leader, my friend from Wyoming, Mr. Simpson, stated it very well. What this legislation is all about in its present form is who is going to be in the majority for the next 40 years. Face it, my friends, we are not talking about the nuances of campaign reform. We are talking about whether the Democratic Party will maintain the majority in this body for the next 30 or 40 years. That is why we are seeing the commitment of most of the Members on this side of the aisle to extended debate.

I think that it is very important also that we look at what is happening today in the area of Presidential campaigns.

Now, I know that many Presidential candidates that have entered the race have a great deal of credibility, particularly in their own minds and that of their wives and perhaps of their immediate family. But I think that most objective observers of the political scene would suggest that a number of candidates for President of the United States have very little, if any, chance of succeeding to the Presidency. In fact, as unpredictable as Presidential campaigns are, it would be impossible to believe that some unmentioned great Americans could have the slightest opportunity of actually achieving their party's nomination for the Presidency. That is true with both parties.

Mr. President, besides considerable egos which are certainly not confined to Presidential candidates, what motivates people to run, to seek the nomination for the Presidency of their country?

I would suggest that one factor, and this has been well documented in the media, is the knowledge that if they are able to get a certain amount of money, that that money will be matched by taxpayers' dollars.

I hope someplace in the course of this debate we will be able to discover exactly how much of the taxpayers' dollars has been expended on Presidential losing campaigns since we revised the campaign laws in 1971. I would suggest to you that it runs into the hundreds of millions of taxpayers' dollars. I would suggest that I have not met a single person in my State who says that they would like to see their tax dollars spent for Presidential campaigns for candidates that they may not even know nor to support views with which they disagree.

When I ask my constituents, those who have read those stirring full-page advertisements in the media, if they support expenditures of their tax dollars in this era of enormous deficits, if they support spending their tax dollars on funding someone's political campaign, I have yet to meet a single person who has told me: "Please, Senator, please, take some more of my taxes, would you, and spend it on some politician's campaign who is seeking a public office." I have not met a single one.

Perhaps I have not traveled in the right circles. Perhaps I have not met and confided with the members of Common Cause in the quiche-eating establishments in which they congregate.

Perhaps I have not had the opportunity to travel at those high intellectual levels of people like members of Common Cause who think that the needless expenditure of taxpayers' dollars on political campaigns is not only fitting but extremely appropriate.

Let me also point out that I have questioned my esteemed friends—and indeed I do have very good friends whom I respect enormously who are supportive of this legislation—why do we have to have taxpayers' dollars expended in order for us to get a true campaign reform? And of course the response is: Well, it all goes back to a Supreme Court decision that mandates that we cannot have spending limitations unless there is a provision for taxpayers' dollars being expended on these elections.

I do not think that that is appropriate enough a reason, I say to my colleagues. I not only do not think it is appropriate enough a reason, I think perhaps we might be putting the cart before the horse and what we ought to do is try to change the constitutionality aspects of campaign finance reform and then move forward and pass legislation which would bring about the kind of reform that we need.

Let me also point out something. In the full-page ads taken out by Archibald Cox and his friends, there is a great deal to say in that about political action committees. According to Common Cause, and I believe that I am stating their views accurately since I have been bombarded with them from so many directions, political action committees are a corrupting influence on the process and that political action committees are, somehow, a way for "special interests" and groups of some evil and diabolical intent to have an inordinate impact on the political process.

Well, I would suggest to the proponents of S. 2: let us do away with political action committees. I am prepared to propose an amendment, if it would be accepted by the opponents of S. 2, that we would do away with all political action committees of every kind.

Why is it that my friends who support S. 2 and are so concerned about the influence of political action committees will not agree to such an amendment? Let us take it right out of the legislation. We do not even have to have an amendment on the floor to this bill. Why is it?

Well, frankly, I can only draw one conclusion and that conclusion might be that certain organizations such as labor political action committees would not sit still for this. And, also, we have not addressed the whole issue of soft money.

We are all very aware of the 1984 Presidential campaign when organized labor spent some $10 million on the candidacy of the Democratic candidate for President of the United States. None of that, of course, was in any way counted against the campaign spending limitations nor even reported.

But I think that if we are concerned, as I think we all are, about the influence of political action committees, and if it is, indeed, an inordinate influence on the political process, can we not just do away with them?

I wonder what is so objectionable about that and I would look forward to hearing the justification for keeping the PAC's, since that seems to be the focus of a great deal of discontent that my colleagues and the American people have expressed who are in support of this legislation.

Let me just talk for a minute about spending limits. Spending limits, according to S. 2, in my view are too low.

(Ms. MIKULSKI assumed the chair.)

Mr. McCAIN. As leading academicians have written of the Presidential spending limits and public financing scheme: The limits "restrict * * * campaign organizations * * * in a way that unduly dictates their political strategies. What should remain political decisions have, in effect, become accounting decisions." I quote from Financing Presidential Campaigns: Recommendations of the Campaign Finance Study Group.

> The limits are not high enough to enable a challenger to mount an effective campaign against an incumbent or to enable an incumbent to get his campaign message across fully.

The limits are based on the taxpayer financing allotments of S. 2. But there would have been no fundraising costs under the public financing plans, while there will be under the current S. 2.

> Under the revised S. 2, candidates will have to spend money to raise money up to the state's limit. These fundraising costs are money off the top that cannot be used to make the candidate's views known.

> The average Senate campaign spends between 25% and 33% on fundraising.

The spending limits of S. 2 do not make sense because the costs of campaigning vary from state to state based on factors other than the voting age population. Of greater importance, for example, is the cost and location of media markets.

I happen to come from a State that has two major media markets. The State of Texas has approximately 22 major media markets. How can we adequately compare the State of Texas with the State of Arizona, simply as it regards to voting age populations? Because media markets are often dictated by geography as opposed to the number of voters.

Spending limits are unenforceable and I intend to get into that a little later on.

One of the greatest disgraces, I think, is that so many campaigns have been called short by the FEC because of their failure to adhere to present laws as they are.

The costing of S. 2. Let us talk about the costs of this legislation. We are talking about a period of dramatic attempts to reduce our deficit.

We are talking about an era where we are having to reduce our defense budget rather significantly and yet we are now considering a bill that I think has significant costs associated with it. Our distinguished majority leader, Senator BYRD, said during the floor debate, "even the slight potential cost of this legislation is more than fully offset within it. The amendment ends preferential mailing rates for political parties."

I beg to disagree because of the S. 2 postal subsidy administrative cost for FEC to administer S. 2, cost of public financing for candidates whose opponents exceed the spending limit; the cost of subsidizing candidates hit by independent expenditures, and, finally, the compliance costs allowed by S. 2.

The postal subsidy. The current postal subsidy for political parties that S. 2 would eliminate is about $10.6 million annually. The postal cost for candidates under S. 2 is approximately $130 million per election cycle. That is a factor of 10 increase. Administrative costs: FEC costs to administer S. 2 would increase dramatically due to the expanded workload of implementing and interpreting the new law. While precise costs are impossible to pin down, the FEC has estimated based on current figures that the annual additional cost of administering S. 2 would approach $1.65 million.

That is just for the FEC to administer this new law.

$1 million is not a lot of money in a $1 trillion budget. I would be one of the first to admit that. But the fact is, do we need to spend an additional $1 million? I think the answer is clearly no.

Inquiries from the candidates and the public would increase. In fiscal 1986 the FEC responded to over 110,000 inquiries. Fifteen thousand of these inquiries required substantive research to provide a response. The average response time for these 15,000 inquiries was 15 working days. This is from the FEC response to questions from the House Administration Committee for the fiscal year 1988 budget.

We enact a new law, a rather complex law. What is it going to do with those inquiries? I would suggest it is going to double and triple the increased numbers of advisers required to clarify the new law.

In fiscal 1986, FEC staff workers worked on four revised projects at an average cost of $1,642 with each taking an average of 87 staff hours.

If we pass this legislation, we may have one of the largest bureaucracies in Washington. We may have to move them to the Pentagon building. This is an incredible, I think, and terribly unnecessary burden on the taxpayers, not only from the direct aspect of campaign financing, but so many hidden costs such as I am describing now.

In fiscal year 1987, the two FEC divisions responsible for handling public inquiries cost $743,000. Both divisions would obviously have to be expanded to cover implementation of the new law. In addition, there would be increased audit costs to ensure that the taxpayers' money was being spent properly by the candidates. Increased personnel costs with an inflation of about 5 percent would also have to be added.

Public financing. This has been a subject of discussion on this floor on this bill, and I think it is important for us to understand exactly what cost this would be to the public.

The cost to the taxpayers of funding candidates whose opponents exceeded the spending limits would be approximately $20,502,000. The Congressional Budget Office has estimated that 20 percent of the candidates would not comply, meaning $10,251,000 in tax entitlement checks for major party candidates whose opponents exceed the limits and $10,251,000 to third-party candidates whose opponents exceed the limits assuming one third-party candidate per election.

Independent expenditures. Independent expenditures against the candidate who is abiding by the spending limits would trigger dollar for dollar payment for any independent expenditures of more than $10,000 against the limit. Based upon the total independent expenditures in 1986 for the Senate races this would cost the taxpayers $4,476,000 per election.

Compliance costs. S. 2 provides a compliance cost fund of 10 percent of the State's spending limits for candidates who require legal and accounting help to comply with the law. Based on 66 candidates needing this legal and accounting help, the cost would be $10,251,000. Suppose only half of those 66 Senate candidates would need this legal help. That would only be $5,150,000. My friends, the costs mount up. What it means is because of the abilities to receive taxpayer financing in some cases and indeed spending limitations we have had what we have seen in Presidential campaigns, a proliferation of candidates. I think that would be a natural consequence of this kind of legislation and that, of course, causes the expenses, the projected expenses, to rise exponentially.

Now let us talk about the evil political action committees, the thing that Archibald Cox uses to fire up the American people so they can be aware of the terrible and insidious aspects of political action committees.

First of all, as I said before, if political action committees are part of the problem. Let us get rid of them. Let us incorporate that in S. 2 as soon as possible in the negotiations that are going on as I speak, if, indeed, political action committees represent the evil distortion of the process as has been portrayed by Mr. Cox and his friends.

Let me also mention something about political action committees, if I could.

Political action committees are a way of political participation, in my view.

You know, a number of companies and corporations in the State which I represent which have political action committees seek contributions to those political action committees from their employees and family and friends.

I did a little study as far as the average contribution of several of the political action committees that contributed to my campaign. The average contribution to that political action committee was somewhere around $25. When an employee of Motorola, the largest private employer in my State, gives $25 to the political action committee which is, in turn, donated to my campaign or that of another candidate seeking public office in the State, is that really distorting the process? Is that really something that we need to be terribly concerned about?

Well, I would suggest that if there is a problem in America today, it is not because of political action committee participation; it is because of lack of political participation on the part of all of our citizens.

I would suggest that a law urging people to vote, urging people to be involved in campaigns, urging people to stand for public office, urging people to be involved in political action committees is another way that they can make their influence felt in the political process.

After having said all that, however, if the general perception is that somehow political action committees are a great and overriding evil in political campaigns today, then I would be one of the first to inquire further, and I have since the beginning of this exhausting and rather unpleasant debate. It has been something I suggested from the beginning.

But let us talk about what S. 2 does to political action committees since it is clear that S. 2 does not do away with political action committees.

S. 2 fails to reduce the amount a PAC can contribute to a campaign for the Senate. It simply limits the amount a candidate may receive in aggregate from all political action committees. This does not deal with the problem Democrats suggest political action committees pose, the actual or apparent undue influence over a particular special interest. What we are going to do is not do away with the evil but just kind of reduce it. OK, I understand that.

S. 2 in no way reduces the perceived problem that a Member of Congress may be unduly influenced for a $5,000 fee. S. 2 would allow an individual PAC to give the same amount as under current law and thereby have the same amount of influence.

It seems to me that in the event S. 2 were enacted into law in its present form, political action committees would be lined up to be first to donate in order that they would get under the ceiling which would be enforced under S. 2.

Republican proposals limit the size of the contribution from a special interest to a candidate and I believe is a more direct way to deal with the actual or apparent undue influence by the PAC. Democrats have rejected that approach because they realize their candidates are more dependent on large contributions from special interests than are Republican candidates.

There was a very interesting article in the Wall Street Journal which I think clearly defined the differential as it exists today from large contributions to Democratic candidates as opposed to Republicans.

In the 1986 elections, Democratic Senate and House candidates received 55 percent of all contributions made by PAC's to 45 percent for Republican candidates. In addition, PAC contributions accounted for an average of 37 percent of the money raised by Democratic Senate and House candidates to 28 percent for Republican candidates.

I must tell my colleagues in all candor I have questioned my Republican colleagues as to why they feel it is so necessary to defend the political action committee system when it is clear that the majority of PAC money is now going to Democratic candidates as opposed to Republicans. But no one has ever accused the Republican Party of always taking the wisest and safest course.

Furthermore, S. 2 has to some degree an opposite effect from that desired. A political action committee, as I mentioned earlier, is a collection of individuals with common goals and concerns banded together to better participate in our electoral process.

More people now give through PAC's than through direct contributions. In the 1984 election cycle, almost 5 million people are estimated to have gotten involved through PAC's. We should encourage this involvement, which is fully reported and a matter of public record. Let me repeat that. This political involvement through political action committees is fully reported and a matter of public record. S. 2 would limit this public participation by only allowing some PAC's to contribute to candidates. This would work to the advantage of large powerful political action committees based in Washington. Grassroots PAC's without a Washington presence are the likely losers.

Let me say something else about PAC's if I could. I have the same problem that many of my colleagues do. Too much of their funds go to the incumbent, whether that incumbent be Republican or Democrat, and it does not give, in my view, the challenger an equal playing field quite often. I think it is abundantly clear from examining the records that that is the case.

But does that mean, because to some degree political action committee funds are misused, therefore, we do away with the entire concept? No. I would suggest that one of the answers is for people like ourselves to cultivate and encourage political action committees at the grassroots level in our respective States and communities rather than be solely dependent upon the political action committees which are Washington based. I also suggest that it is very discouraging to see a political action committee contribute to both candidates in a race. It is certainly their privilege to do so, and I do not see where S. 2 would prevent them from doing so. But at the same time I personally, and I think most of us, think it is not a fair expenditure of those contributors' funds when both candidates, major candidates receive their largess.

If candidates are limited in what they can accept, those PAC's which have the information to move quickly will be the ones which get to contribute. This may not be S. 2's intent, but it is its result. For example, if a Senator knew he could raise only a limited amount from PAC's, he would do things differently. He would not have to bother meeting with a number of PACs—and familiarizing himself with their issues and concerns. He could simply hold a single PAC event at which PAC's could contribute to his campaign on a first come, first served basis, up to the legal limit.

Now let us talk for a few minutes about the enforceability of S. 2.

Proponents of S. 2 assume the ability of the FEC to move speedily to certify breaches of the spending limits and independent expenditures and to provide the payment of taxpayers' dollars to the injured candidate. But the facts are that the FEC's performance record and "due process" considerations make the chances of such payments in a timely fashion nearly impossible.

The best current estimate from the FEC is that requests for taxpayer funds would take at least 40 days from date of receipt to process. This suggests there is no way to counter violations of S. 2 in the crucial last weeks of a campaign.

We all know that expenditures during the last weeks in a campaign are generally the crucial part of any political campaign.

I would suggest that S. 2 in its present form would be so cumbersome to the bureaucracy that it would be almost impossible for the FEC to redress violations in a timely fashion. I am sure it would be very comforting to the losing candidate to know that justice is done after election day, but unfortunately I doubt if it would serve to reverse the results of the will of the people.

Other workloads at the FEC under current law I think are worthy of note. Advisory opinions take a minimum of 60 days. Audit reviews on a threshold basis take about 2 weeks to complete but an additional week for certification. The Commisson must approve an audit before the staff can commence it.

Informational responses usually take no more than 1 day largely because they are not binding. Remember that we are in two entirely different ballgames when we are talking about an advisory opinion which is binding and an informational response which, of course, could be retracted or contradicated with extreme ease.

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The provisions of S. 2 are no more enforceable than the state-by-state spending limits of the current Presidential Public Funding Act. These require a precision and timeliness not usually found in campaigns. The present enforcement process at the FEC takes years to complete, meaning it can have no effect on the outcome of an election and is no deterrent. The list of violations in recent years makes this obvious.

In 1976, now President Ronald Reagan was a violator in New Hampshire. My dear friend and colleague and revered Arizonan, MORRIS UDALL, was also a violator in the State of New Hampshire. In 1980, Carter in New Hampshire, Iowa, and Maine; KENNEDY in New Hampshire and Iowa; LaRouche in New Hampshire; Reagan in New Hampshire. I would have thought that President Reagan might learn in New Hampshire. In 1984, Mondale in New Hampshire, Iowa, and Maine; GLENN in New Hampshire and Iowa; CRANSTON in Iowa. And I might add that all of these individuals are decent, honest individuals who I am sure had no intention of violating the FEC campaign laws. I am convinced of that, knowing these individuals as I do. However, that does not change the fact that action was not taken in anything near a timely fashion.

Let us talk about the constitutionality of S. 2.

The constitutional standards by which S. 2 must be measured were set out by the Supreme Court in *Buckley*, v. *Valeo*, 424 U.S. 1 (1976).

In order to survive a first amendment challenge, S. 2 must either advance constitutionally compelling Government interests to justify the restriction in speech caused by spending limits or provide a voluntary restriction agreed to as a condition for public financing. The Court found that spending limits did not advance any compelling Government interest, and were unconstitutional. The Court stated: "[T]he mere growth in the cost of Federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of Federal campaigns."

Accordingly, S. 2's authors have attempted to craft a bill that provides voluntary spending restrictions as a precondition for receiving public money. But S. 2, in my opinion, cannot pass constitutional challenge just by calling its spending limits "voluntary" since it is, in reality, an attempt by the Government to impose indirectly a restriction on speech that it may not accomplish directly.

S. 2 is not truly voluntary since a candidate must declare by a prescribed time whether he will abide by the spending limits. Once declared, a participating candidate may not change his mind and spend above the limit without incurring sanctions, even though the candidate has not received any public benefit. Thus, the Government is punishing an individual for exercising his constitutional right to free speech, without providing the mandated benefit.

A candidate who agrees to the spending limits has, at best, only a chance to receive public financing. If his opponent also agrees to the spending limits, there is no public financing. Thus, the first candidate has given up his right to free speech without being able to receive the constitutionally mandated reward. The only thing a candidate gains by giving up his right to free speech is the assurance that his opponent will not receive taxpayer money.

S. 2 mandates the Government to repress speech by funding the opponent of a candidate who exercises his right to free speech.

If a candidate chooses not to participate by fully exercising his constitutional right to speak and not observe the spending limits, he is punished by the Government because his opponent will receive taxpayer money to expound his contrary views. Thus, the Government enters the political debate by subsidizing one candidate simply because the other candidate has opted to exercise without restriction his right to free speech. This exacts an unconstitutional penalty by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own first amendment conduct.

Now let us talk about the money myth.

The Republicans all have more money, the Republicans all are receiving more PAC money, Republicans are always better financed. I think it would be well to note that the reason Republicans are better financed is because we get significantly higher individual donations from Americans all across this country.

As I mentioned earlier, and I am searching for the number again, in the 1986 elections Democrats, Senate and House candidates received 55 percent of all contributions made by political action committees to 45 percent for Republican candidates. In addition, PAC contributions accounted for an addition of 37 percent of money raised by Democrats, Senate and House candidates, to 28 percent for Republican candidates.

The fact is, my friends, that that percentage is increasing in 1988 probably due to the fact that the Democratic Party is in control of both Houses of Congress. So where does the Republican Party get its money?

I see my esteemed friend and colleague, the Senator from Minnesota, here, Senator Boschwitz, who keeps a very close eye on where Republican contributions come from.

I would ask that I could yield a moment to my colleague from Minnesota who would be glad to illuminate us as to the amounts of money that Republican candidates are receiving and from whence they came so that we can talk about this myth about who gets the most money where.

Mr. BOSCHWITZ. I would say to my friend from Arizona that in 1986 the Democrats received 56.5 percent of PAC money, and the Republicans 43.5 percent.

Mr. BYRD. Madam President, I make a point of order that the Senator can only yield for a question.

The PRESIDING OFFICER. The Senator from Arizona can only yield for a question.

Mr. BOSCHWITZ. I would say to the President, Madam President, that he asked me a question and I am now answering it.

Mr. BYRD. Madam President, the Senator who has the floor cannot ask a question and hold the floor. He can yield for a question.

The PRESIDING OFFICER. The point of order is made and it is correct.

Mr. McCAIN. I appreciate, and I am sure we will have an opportunity later in this debate hearing from my distinguished friend from Minnesota who is indeed the chairman of the Republican Senatorial Campaign Committee. He keeps up with these numbers and figures very well.

But the fact is that the overwhelming majority of the money that the Republican candidates receive are from small contributions. I am sure that there has been some narrowing of that gap, but let us not have any allusions as to where both parties come from.

Does my distinguished acting leader request that I yield to him?

Mr. SIMPSON. Madam President, I do not believe——

Mr. McCAIN. May I conclude my remarks so we can have a quorum?

QUORUM CALL

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 6 Leg.]

Bingaman
Boschwitz
Byrd
Cranston
Domenici
Durenberger
Exon
Hatfield
Levin
McCain
Mikulski
Mitchell
Packwood
Proxmire
Quayle
Simpson
Thurmond

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SIMPSON. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Burdick
Conrad
Glenn
Heflin
Sanford
Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Adams
Bensen
Boren
Chafee
Danforth
Dixon
Dodd
Ford
Graham
Grassley
Karnes
Leahy
McClure
Moynihan
Nickles
Pell
Riegle
Rockefeller
Sasser
Shelby
Specter
Wallop
Wirth

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Georgia [Mr. Fowler], the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from New Jersey [Mr. Lautenberg], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent on illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. Cochran], the Senator from New York [Mr. D'Amato], the Senator from Kansas [Mr. Dole], the Senator from Washington [Mr. Evans], the Senator from Nevada [Mr. Hecht], the Senator from Indiana [Mr. Lugar], the Senator from Kentucky [Mr. McConnell], the Senator from South Dakota [Mr. Pressler], the Senator from New Hampshire [Mr. Rudman], the Senator from Vermont [Mr. Stafford], the Senator from Virginia [Mr. Trible] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The result was announced—yeas 57, nays 21, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—57

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Exon
Ford
Garn
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kerry
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stevens
Thurmond
Wirth

NAYS—21

Armstrong
Chafee
Cohen
DeConcini
Domenici
Durenberger
Hatch
Helms
Karnes
Kasten
McCain
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Warner
Weicker
Wilson

NOT VOTING—22

Biden
Bond
Chiles
Cochran
D'Amato
Dole
Evans
Fowler
Gore
Gramm
Hecht
Hollings
Kennedy
Lautenberg
Lugar
McConnell
Pressler
Rudman
Simon
Stafford
Stennis
Trible

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The distinguished minority leader.

Mr. SIMPSON. Madam President, I ask unanimous consent that it be in order at this time to request the yeas and nays on amendment 1404.

Mr. BYRD. Madam President, I object. When it comes to the point where that amendment is before the Senate, I will have no objection.

The PRESIDING OFFICER. Objection is heard.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Madame President, I would ask for a few moments of attention from my colleagues on this subject that has quite rightly occupied so much of our time. It is not a subject that is of recent interest to anyone on this floor. It is certainly not of recent interest to me. In fact, my interest in this subject of campaign reform predates my service in the U.S. Senate. It goes back many, many years to my days when first in office as mayor of San Diego. But I get ahead of myself.

For the moment, let me just review for the purpose of illustration why it is that we are taking the time and expressing in such energetic terms our different views of the need for campaign reform. It is no secret, whether anyone has turned in just this moment or whether they have been following this debate from its inception, that campaigning has become a very expensive proposition. And that is true not simply in the U.S. Senate, it is becoming more true at every level.

If you look at State legislative campaigns, they used to be waged for relatively little money. Now they are getting quite sophisticated and quite expensive; some might argue unnecessarily so, that the sophistication exceeds the need to communicate with the voters in more direct fashion.

But, of course, when it comes to the U.S. Senate and those who represent our 50 States here on this floor, because we represent States so different in size and with such different opportunities for communication to our constituency, it becomes very difficult, indeed, for a generalized prescription that can apply equitably in every situation.

Still, there are certain fundamental principles that do excite the interest of all of us here who are concerned with the functioning of Government as it should function, which is to say with both the fact and appearance of fairness, absent undue influence.

The elements of campaign reform, Madam President, are, roughly speaking, an effort to limit contributions so as to avoid taking too much money from a single contributor. Why? Obviously, because we wish to avoid both the fact and the appearance of undue influence.

Other efforts have centered on requiring disclosure, as indeed we do in Federal law and as most, now, State and local ordinances worthy of the names, also require disclosure.

Finally, there is the subject that is occupying so much of our time and attention in connection with the proposal that we have described as S. 2, which has to do with the imposition of spending limits and also, although there seems some reluctance to confront the issue head-on, public financing of election campaigns in contrast to the situation where now we are compelled, each of us, to raise his or her own funds, to spend them for our election or reelection.

If those are the elements, Madam President, then, again, what are the purposes? Why do we take such time and effort? Why do we concentrate? And why have we had seven cloture votes? Well, it is because it is important. The fact of undue influence clearly is important, and something that cannot be tolerated. Its appearance is unhealthy. So we are right to be as concerned as we have been on this floor.

A moment ago I said that my interest goes back to the time when I was first mayor of San Diego. It was a somewhat simpler setting. The undue influence about which I was concerned had to do with the influence of real estate developers upon local government. It became rather clear that the major source of funds available to local candidates, candidates for city council, for county office, came from those who were involved in development of real estate.

It became clear, too, that there had been abuses; that there had been a little less than care exercised by a great many people as candidates for office. They had not seen to it that there was only a modest amount, or a reasonable amount taken from any one source. Instead, some had taken much too much from a single source, and a source in which they would inevitably be involved in voting to give or to withhold some needed legal permission in order for that contributor to go forward with an economic expectation.

A whole myriad of decisions, obviously, flow from those local land use decisions. The rate of growth in a community; the ability of taxpayers to provide the necessary level of support for new and growing infrastructure needs occasioned by new development proposals. So, obviously, Madam President, it is not surprising that in the living laboratory of a city experiencing dynamic growth, focus would quickly come to rest upon the election campaign process.

Well, to make a very long story short, I became concerned with both the fact and the appearance of undue influence. In my own campaign for mayor I announced that accordingly I would take no more than $300 from anyone engaged in real estate development. It was to develop that that was a somewhat academic and unnecessary admonition. But the fact of the matter is, I think it was a good thing to do and later, after I had become mayor, I sought to enlist the support of my city council on a proposal which I sponsored that proved to be something of a precursor, if not a model, to Federal law as we know it today in the following respects.

It first limited campaign contributions. It said that only individuals could contribute; no corporation, no partnership, no labor union, no one but an individual could make a contribution to a candidate for mayor or for the city council. And these individual contributors were limited in the amount that they could contribute. Indeed, many argued that the limitation was too severe and that we should have been more realistic; that in our efforts to broaden the base and compel candidates to go far and wide in search of support, we made their burden unduly difficult by making that limit so unreasonably low. That certainly was arguable but I am not convinced that it was right. It may be today. It has not been changed very much if any. And certainly the costs of campaigning have continued to rise.

But, what we did was to say: There will have to be that effort on the part of candidates, whether they like it or not, and it will be a good and healthy thing because we will thereby eliminate both the fact and the appearance of any undue influence. No one who is a developer will be seen to have anyone in his or her pocket because it will be impossible for them to give enough money to create that impression.

In addition to that limitation, we also sought to impose a spending limit upon what an individual candidate could spend. The reasoning, very simply, was that some very wealthy candidates with large personal fortunes would be in a position to compete unfairly with those of modest means; those with talent and energy and conviction but without great personal resources.

The other things that we did, we said in connection with there being a prohibition against corporate or union giving with only individual contributors being allowed to contribute, there could be no problem of the kind that we have heard described on this floor as that relating to soft money. A labor union could not make available through its funds a bucket shop, an operation of telephones. It certainly was not illegal for members of that union or for employees of a corporation, as volunteers, to undertake voluntary effort whether it be going from door to door, doing precinct work, distributing literature, registering people, getting them out to vote; that was obviously not to be discouraged and on the contrary was encouraged. But expenditures of the kind that are not required under Federal law to be reported, and which therefore are only occasionally evaluated by some energetic and curious reporter, were forbidden under that ordinance.

There was no permission for PAC's, for political contributions by political action committees, to be made under that ordinance. Indeed, it was described at the time, which was in advance of the enactment of the present Federal restrictions, as the toughest campaign election reform ordinance in the Nation. It was described by Newsweek magazine in those terms. I think that was clearly true then and it seems to me that that ordinance, if it was not a model for Federal law, might well stand as one today because it does limit contributions to individuals. Corporations may not contribute. Labor unions may not contribute. Partnerships may not contribute. Political action committees may not contribute. And there can be no soft money expenditures. Only individuals who care enough to give up to the limit, which is stated in the law, can do so.

Now, on the spending limit. Well, on that proposal we lost. We lost in the Supreme Court of the United States in the celebrated Buckley versus Valeo decision. The Supreme Court as you have been told before found that first amendment rights outweighed whatever public good might inhere or be thought to inhere by a city council such as ours, in limiting expenditures by a wealthy candidate.

You can argue the point, but we argued and lost. So that spending limit was shot down.

Madam President, I should tell you that before we decided to impose that spending limit, we abandoned an earlier notion, which was to have overall spending limits as a second brake in addition to the limits upon campaign contributions, but we finally decided that that really would not work, that it would result in the kind of thing which, in fact, we have seen with respect to spending limits in the Presidential candidacies, and that is a wonderfully imaginative and energetic effort to inveigh them.

This campaign ordinance, of which I speak with some pride, was the result of an effort by a group that consisted of our city attorney, the then chairman of Common Cause for that county, later to be the State chairman, at a time when elaborate State reform was undertaken, representatives of the district attorney's office, private attorneys. It was a thoughtful group, and they finally concluded that those spending limits simply would not work.

Madam President, we come to the present moment and S. 2. It is not the original version of campaign reform that was brought before us last year in which there was outright direct, explicit public financing as a cardinal point and feature. That has yielded to indirect public financing and, once again, we are told that there must be limits upon undue influence and, therefore, that there must be limits upon PAC's and there must also be spending limits. We are told that there must be spending limits because it distracts those of us on this floor from doing our job. We are compelled to spend too much time and energy engaging in the business of fundraising for our campaign.

Anyone who has run for public office knows that it does take energy, that it does require a tremendous expenditure of personal time and effort, but, I must say, that we also know that we understood that coming in. We are all volunteers. No one drafted us for public office. In fact, we all struggled mightily and competed with very good people in order to have the privilege of holding these seats.

Let me come back to the arguments that have been made by the eloquent proponents arguing on behalf of S. 2. I read with some interest an argument that I heard only partially the other day when I was called to other duties. I went back to the CONGRESSIONAL RECORD and read the remarks of my good friend, the distinguished Senator from Oklahoma [Mr. BOREN] one of the proponents and one of the chief sponsors of S. 2.

At great length and with his customary eloquence, he recited the facts that had to do with the "skyrocketing costs of campaigning," as he put them. He said, "The cost of campaigning is skyrocketing at an alarming rate," and he, thereafter, recited statistics that certainly vindicates that judgment.

He went on to say, "Mr. President, that is not a healthy thing for our political system. It distracts us. It conveys an image to the public that we are being unduly influenced by those who are in position to give large campaign contributions and the time that should be spent in these challenging days in which we live, in which we grapple with ways to restore the productive competitiveness of this country so we do not become a second-rate economic power." He went on at some length, and he said finally that we should not do that.

But let me come back to his point about being unduly influenced by campaign contributions that are too large.

Madam President, we have already addressed that particular problem. We do limit campaign contributions. There are only two classes of persons who can give—individual contributors and political action committees. We limit individuals to $1,000 in the primary election and $1,000 in the general election, and that is true whether we are talking about Rhode Island or Louisiana or whether we are talking about California.

It is true in a State with a small population. It is true in a State with an enormous population, like my own, a mini-nation with 27 million people, going on 28 million. It is true, whether we are talking about a State with media markets that charge a relatively modest rate, or it is true of those that have the most expensive media costs in the world, like those, unhappily, in my own State in which Los Angeles County boasts the dubious distinction of being the most expensive in the world.

In fact, I can relate, to make the point, an anecdote. Going back to my own 1982 campaign, we had one 30-second television spot during the primary which we thought was particularly effective. In order to share that with the audience in the greater Los Angeles area, we thought it would be a marvelous thing if we could afford to spend enough to put that 30-second spot on prime time just once in the Los Angeles market on a major station.

So we priced the cost of one 30-second television spot on 60 Minutes just for the Los Angeles market area. The cost turned out to be $30,000 for that 30-second spot. That was in May of 1982.

Ever since then, every time that I see the show 60 Minutes, and I see it open with their logo, the stopwatch clicking off the seconds, I understand what it means. It is $1,000 per second in the Los Angeles market area. At least it was in May of 1982.

Yes, the costs are enormous, but we have done the thing that we were supposed to do. First, Madam President, we have limited campaign contributions and, as I say, only two classes can make contributions: Individuals, and clearly we do not wish to prohibit that, and, secondly, political action committees.

We come back to Senator BOREN's point about undue influence. Political action committees are limited in what they can give, but they can give $5,000 per primary election per candidate and $5,000 per candidate in the general election.

I am not going to take the time to rehash what has been said at great length and, in particular, by the proponents of S. 2 having to do with the abuses that arise from political action committee giving. Whether you agree or do not agree with that, it is certainly true that there has been enough written, enough printed and enough said about it so that now political action committee giving has, in the minds of the public—at least many citizens—become tainted.

While I do not think that fair, if that is the case, if, Madam President, we are necessarily concerned with not only the fact, but the appearance, of undue influence to keep our process healthy, then I say, let us not simply wring our hands and inveigh against the evils of that system. It seems to me the cure is readily at hand and very simple—let us do away with political action committees; let it be no longer possible for political action committees to contribute to political campaigns for Members of Congress. It is that simple. We can do it quickly.

My saying so will, undoubtedly, irritate many people, and it certainly is true that until we have legally eliminated political action committees, most of the people on this floor will, of necessity, in order to compete, continue to take money from them. But why should we not simply eliminate political action committees and have done away with this thorny problem of the appearance of undue influence from special interests about which we hear so much?

S. 2 does not propose to do that, Madam President. It would retain political action committees. I say let us have done with this problem. Let us have done with political action committees. And, of course, the Republican alternative that has been proposed by my colleague from Oregon, by Senator MCCONNELL from Kentucky, proposes to do just that.

So it seems to me, Madam President, that what we want to do is we want to make it possible for the public to believe that we are not distracted from what we do, certainly not by undue influence.

Yet, I will tell you it would make my life much easier as it would any candidate if we had public financing, either direct or indirect. And frankly, there has been such a hue and cry raised about public financing in a direct fashion that it does not surprise me that our colleagues proposing S. 2 have sought now to propose it indirectly. But the costs will be essentially the same. It would make my life easier, it would make it much more convenient, but, Madam President, is that an urgent public priority? Does that rank with spending the money instead for research into a cure for AIDS or Alzheimer's? Should we cut $117 million, as the House of Representatives persuaded the conferees to do just this past December, from the Coast Guard budget so that they are now so curtailed in routine drug interdiction missions that they really can no longer perform them?

What is more important, Madam President, interdicting the supply of drugs into this Nation and keeping our children and law enforcement agents far freer of the threat of drugs on the streets of America than they are today because of the tremendous curtailment of that interdiction mission or is it more important that we honor our own convenience and make life easier for candidates?

Well, I think there is no comparison. Others have gotten into the costs. They have looked at the Presidential experience.

I will only say this: If we were to go to what S. 2 proposes, the costs would be hellish. They would greatly exceed those of even the Presidential experience, and those are mounting with each time. We would encourage candidates to become "imaginative" or to put it in more blunt terms, "to find ways to evade the law." It has happened recently in Iowa. One candidate, a successful candidate, appears to have deliberately broken the law because it was worth it to pay the fine.

Madam President, this is an ill-considered piece of legislation. It should not be passed. I can only hope that this Senate has the courage to do what is right. Our convenience is not an urgent public priority. Let us get about the public's business.

Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I appreciate the remarks of the Senator from California and also the remarks of others of our Members who have spoken on this issue tonight. We apparently have a large agenda of those speakers tonight and on into the morning. That is regrettable but that is the test I guess that confronts us. But awaiting some Members, I suggest the absence of a quorum.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. I ask unanimous consent, Madam President, that the order for the quorum call be rescinded.

Mr. SIMPSON. Madam President, I object.

The PRESIDING OFFICER. The objection is heard. The clerk will call the roll.

The assistant legislative clerk continued the call of the roll, and the following Senators answered to their names:

[Quorum No. 7 Leg.]

Adams
Breaux
Byrd
Conrad
Cranston
Dixon
Exon
Graham
Harkin
Heflin
Johnston
Mikulski
Simpson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to request attendance of the absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], the Senator from Pennsylvania [Mr. HEINZ], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr.

Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from Oregon [Mr. Packwood], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], the Senator from Alaska [Mr. Stevens], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], the Senator from Virginia [Mr. Warner], the Senator from Connecticut [Mr. Weicker], and the Senator from California [Mr. Wilson], are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm], is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond], is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. Chiles], the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Illinois [Mr. Simon], are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden], is absent due to illness.

I also announce that the Senator from South Carolina [Mr. Hollings], is absent because of a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 1, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—47

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stennis
Wirth

NAYS—1

DeConcini

NOT VOTING—52

Armstrong
Biden
Bond
Boschwitz
Chafee
Chiles
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gore
Gramm
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

The PRESIDING OFFICER. On the motion to instruct the Sergeant at Arms, there are 47 yeas; there is one nay. The motion is agreed to.

The Clerk will continue the call of the roll for the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Illinois [Mr. Simon] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chaffee], the Senator from Mississippi [Mr. Cochran], the Senator from Minnesota [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Hatfield], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Humphrey], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr. Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from Oregon [Mr. Packwood], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Pennsylvania [Mr. Specter], the Senator from Vermont [Mr. Stafford], the Senator from Alaska [Mr. Stevens], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], the Senator from Virginia [Mr. Warner], the Senator from Connecticut [Mr. Weicker], and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The result was announced—yeas 45, nays 3, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—45

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stennis
Wirth

NAYS—3

DeConcini
Heflin
Shelby

NOT VOTING—52

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Evans
Garn
Gore
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simon
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

Mr. SIMPSON. Mr. President, how much time is yet remaining?

The PRESIDING OFFICER (Mr. Adams). Time has just expired.

Mr. SIMPSON. I would ask that regular order be invoked.

The PRESIDING OFFICER. Regular order.

Mr. LEAHY. Mr. President, am I recorded?

The PRESIDING OFFICER. The Senator from Vermont is recorded in the affirmative.

On this vote, the yeas are 45, the nays are 3, and the motion is agreed to.

The clerk will continue to call the names of the absentee Senators and the Sergeant at Arms will execute the order of the Senate.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MOYNIHAN. Mr. President, the Senator from Mississippi seeks recognition.

The PRESIDING OFFICER. A quorum call is in progress. Has the Senator from Mississippi been recorded? The Senator from Mississippi is recorded.

Mr. STENNIS. Thank you.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the roll of the absent Senators.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. The Chair will announce a quorum is not present.

The assistant legislative clerk resumed the call of the roll.

Mr. PACKWOOD. Here.

The PRESIDING OFFICER (Mr. BREAUX). Fifty-one Senators having answered the quorum call, a quorum is present.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, this is the second time in my service in the Senate as a Member of the leadership that I have been compelled to move that the Sergeant at Arms arrest Senators. In both instances, of course, I was reluctant to do that, sorry to do it, but I felt I had a duty to do it.

I want to compliment Senator PACKWOOD for the fine spirit in which he has accepted the inevitable and I want him to know that I regret that this had to be done, but he has shown the finest of examples by his smile, his good humor, and I want to thank him for helping the Senate to get a quorum.

Mr. PACKWOOD. Might I say to my good friend I did not come fully voluntarily. The Sergeant at Arms and all of his stout men surrounded my office. Let me simply say I am transferring the colors to another ship and shall fight on in some other fashion.

Mr. BYRD. Mr. President, the distinguished Senator is a very valiant and formidable fighter, may I say.

I also want to thank our Sergeant at Arms. I think we can all sense the situation that the Sergeant at Arms is put in when he is called upon to arrest the Senators. But he did his duty. He did his duty.

And I know he feels badly about having to carry out the order of the Senate, but that is precisely what it is, not an order of the majority leader. It is an order of the Senate of the United States, and I commend him highly and thank him.

I regret, Mr. President, that this had to happen. But it is not something of my making.

Were I a Senator and the Senate ordered my arrest I would come and the Sergeant at Arms has as much authority to arrest a Senator if he is carrying out the order of the Senate as does any police officer or other law enforcement officer in this land. The Senate is clothed with that authority.

Let me read first the rule of the Senate. I think the record should be the full record.

Rule VI, paragraph 2:

> No Senator shall absent himself from the service of the Senate without leave.

Paragraph 3:

> If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

Paragraph 4:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; . . .

Now, there is a higher rule, Mr. President, than rule VI of the Standing Rules of the Senate. Let me read from the Constitution of the United States, the organic instrument that created this institution and which derives its being and its power from the sovereign will of the people of this country. Section 5, article I, of the Constitution.

> Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

So, there it is in the Constitution of the United States.

Senators might do well to refresh their memory of that, I would say, sacred document.

So, I hope that Senators will understand that there is some of us who have a duty to carry out our responsibilities, and I have never shirked from mine.

We have seen that the opposition is not willing to vote on meaningful campaign financing reform, not willing to talk on the pending legislation, and ultimately not willing to stay on the job.

Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.
>
> Senators Brock Adams, J.J. Exon, Edward Kennedy, Daniel K. Inouye, David Boren, Harry Reid, Howard Metzenbaum, Wendell H. Ford, Terry Sanford, Carl Levin, Jay Rockefeller, Dale Bumpers, Tom Daschle, John Glenn, George J. Mitchell, Bill Bradley, Paul Sarbanes, Albert Gore, Jr., Max Baucus, and Robert C. Byrd.

Mr. BYRD. Mr. President, I also want to thank Senator SIMON for responding to our call. We had one Senator who could not be present because his wife's mother died, Senator HOLLINGS. We had two Senators who could not be present because they were physically unable to come, Senator BIDEN and Senator KENNEDY.

We have one Senator who is out campaigning for the Presidency, and one Senator on the other side of the aisle, Mr. DOLE, of course is out campaigning for the Presidency and could not be here.

Every Senator knows his duty. It is not up to me to tell any Senator what his duty is. Each Senator takes an oath to uphold this Constitution of the United States. Every Senator knows his duty to his people, and every Senator will have to answer to his own constituency for his conduct here.

MOTION TO PROCEED TO EXECUTIVE SESSION TO CONSIDER KOROLOGOS NOMINATION

Mr. BYRD. Mr. President, I move that the Senate go into executive session to consider the nomination of

Tom C. Korologos, Calendar Order No. 523, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to proceed in executive session.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

QUORUM CALL

Mr. SIMPSON. I suggest the absence of a quorum, Mr. President,

The PRESIDING OFFICER. The Senator from Wyoming makes a point of order a quorum is not present.

The clerk will call the roll in order to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators answered to their names:

[Quorum No. 8]

Adams
Boren
Breaux
Byrd
Domenici
Leahy
Mitchell
Moynihan
Simon
Simpson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the roll of those Senators who did not answer the first call.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8]

Baucus
Bentsen
Bingaman
Bradley
Bumpers
Burdick
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Garn
Glenn
Graham, Florida
Grassley
Harkin
Hatch
Heflin
Humphrey
Inouye
Johnston
Kerry
Lautenberg
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stennis
Stevens
Warner
Weicker
Wirth

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], and the Senator from Massachusetts [Mr. Kennedy] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from Nebraska [Mr. Karnes], the Senator from Kansas [Mrs. Kassebaum], the Senator from Wisconsin [Mr. Kasten], the Senator from Indiana [Mr. Lugar], the Senator from Arizona [Mr. McCain], the Senator from Idaho [Mr. McClure], the Senator from Kentucky [Mr. McConnell], the Senator from Alaska [Mr. Murkowski], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Quayle], the Senator from Delaware [Mr. Roth], the Senator from New Hampshire [Mr. Rudman], the Senator from Vermont [Mr. Stafford], the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

I further announce that the Senator from Missouri [Mr. Bond] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 9, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Stevens
Wirth

NAYS—9

Domenici
Garn
Grassley
Hatch
Humphrey
Packwood
Specter
Warner
Weicker

NOT VOTING—40

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Durenberger
Evans
Gore
Gramm
Hecht
Heinz
Helms
Hollings
Karnes
Kassebaum
Kasten
Kennedy
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Roth
Rudman
Simpson
Stafford
Symms
Thurmond
Trible
Wallop
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second on the request of the majority leader?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader to go into executive session to consider the nomination of Tom C. Korologos to be a member of the U.S. Advisory Commission on Public Diplomacy.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona [Mr. DeConcini], the Senator from Tennessee [Mr. Gore], and the Senator from Massachusetts [Mr. Kennedy] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of a death in the family.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Maine [Mr. Cohen], the Senator from New York [Mr. D'Amato], the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Evans], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Heinz], the Senator from North Carolina [Mr. Helms], the Senator from New Hampshire [Mr. Hum-

PHREY], the Senator from Nebraska [Mr. KARNES], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. QUAYLE], the Senator from Delaware [Mr. ROTH], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Vermont [Mr. STAFFORD], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. TRIBLE], the Senator from Wyoming [Mr. WALLOP], and the Senator from California [Mr. WILSON] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 0, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—64

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Johnston
Kasten
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stennis
Stevens
Symms
Warner
Weicker
Wirth

NAYS—0

NOT VOTING—36

Armstrong
Biden
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
DeConcini
Dole
Durenberger
Evans
Gore
Gramm
Hecht
Heinz
Helms
Hollings
Humphrey
Karnes
Kassebaum
Kennedy
McCain
McClure
McConnell
Nickles
Pressler
Quayle
Roth
Rudman
Stafford
Thurmond
Trible
Wallop
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I hope that Senators will accede to this request. It is my plan to ask unanimous consent that the yeas and nays on Mr. Korologos be withdrawn, that we voice vote that nomination. I will then move to go back into legislative session, not ask for a rollcall vote, just voice vote it, or I will ask unanimous consent to go back to legislative session so there will be no rollcall vote on that and we will be back on the campaign financing reform bill.

There will be Senators on the other side of the aisle who will speak until 10 o'clock tomorrow. There will be no quorum calls, no motions, no rollcall votes, but there will be continued debate carried on by our friends on the other side of the aisle. And Senators can get some sleep, those who are not speaking over there, and we will need one or two on this side to have a respectable showing for the majority. So I hope nobody will object.

Mr. President, I thank Mr. SIMPSON for helping to work out this approach which will give Senators an opportunity, the most of us, an opportunity to get a little rest.

Mr. President, I ask unanimous consent that the call for the yeas and nays on Mr. Korologos be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the nomination.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

The bill clerk read the nomination of Tom C. Korologos, of Virginia, to be a member of the U.S. Advisory Commission on Public Diplomacy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? The Senator from Wyoming.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

Mr. SIMPSON. Mr. President, let me kind of review the bidding here, if I may, for a moment. I thank the majority leader for reaching a concurrence on a result which prevents us from having two additional rollcall votes this evening—this morning, which would have been assured, while many of our Members are not present. Realizing that the majority has furnished their quorum, and that was something that was intended as we deal with the activities of the evening; regretted but intended; so with this we have avoided that result of two more rollcall votes and avoided, too, what would have been a continuing debate on the nomination of Tom Korologos from this side—an old procedure, which would have been presented. So we have avoided that.

We now will go into our continued ritual here until the morning hour of 10 under the unanimous-consent agreement. And so let me say, Mr. President, I most certainly do not enjoy employing these tactics. As the acting leader, that is not the finest hour for me. That is not the way I like to do business.

I think it is unbecoming to the Senate, also. And, as I say, not seemly for this Senator.

But the majority leader, as is his right, is insisting that members of this side of the aisle remain here around the clock to prevent final action on S. 2 and we felt, or at least a great majority of those on this side of the aisle, or on this side of the issue, because there are two on that side of the aisle who are on our side of the issue and three on our side of the aisle who are on that side of the issue, that it was felt by the majority of our persons that it was only fair that we insist on the members who are the opponents of the issue providing the quorum that is necessary for transacting business. That was done to the disruption of most of us in the evening hour.

Then, of course, rather than forcing this on through to yield to these tactics, the majority leader had an alternative available, which he has now exercised, and that is to file cloture.

At one time during the debate another member of the opponents of the legislation even agreed to propose a unanimous-consent request which would have provided that it would have been determined that a cloture petition had been filed and that the 2-day rule would have been waived and a time certain for a vote on cloture would have been obtained. That, of course, was not received because, of course, the petition had not been filed. But in its mythical context it was an interesting proposal because it would have gotten exactly where the majority leader would have intended to get and that was a vote on this issue because the majority leader speaks often and sincerely about voting on this issue. There is a way to vote on this issue. It will, apparently, come Friday and it will be a motion on cloture and it will fail just like it has failed seven consecutive times.

I want at least the RECORD to disclose to what benumbed members of the American public can possibly be watching that we have had a most feckless exercise and that is why we have fecklessly gone to 3 o'clock and will fecklessly go to 10 o'clock without further quorum calls; because when we get to Friday there cannot possibly be more than 57 votes for cloture.

Our fine colleague, Senator BIDEN, and we all wish him Godspeed and complete recovery, will not be here. Perhaps there will be others who will not be here. But in any event the high water mark in seven previous votes has been 57.

I do not want anybody to miss that, as we call for votes on this critical issue before the American public. The critical issue before the American public is top dog-underdog. That is what the critical issue is for the American public to watch and pay attention to and I, too, want to commend Henry Giugni, our Sergeant at Arms.

That must be the toughest duty that anyone ever has had to perform. With sweat on his brow he went forward and searched these warrens and caverns for our colleagues and he performed that very well. I say, too, that Senator PACKWOOD made quite an entrance. Many of you missed that. That was quite impressive indeed.

Indeed, I shant forget it. And I am sure he will not. It was done in good humor. We needed that at this hour. To Henry Giugni I certainly can understand his reluctance and his reticence to perform the task that he had to do. But let us say that there was no dysfunction of those who are opposed to this bill. We knew exactly what we were doing. We were doing it within the scope of the previous debate, and the activities that have preceded this legislation.

And so we will be able to explain ourselves fully as to what we were doing on this issue because in a sense it is very simple. As the majority leader cited from the rules, and from even the Constitution of the United States, there is an ever more important rule that has been elevated to status in the United States, and it is called tyranny of the majority. That is the essence of this effort. And I do not think it is very becoming and I think the American people understand it perfectly. That is what it is. That is not a nasty statement. It is a true statement. And the members of my party were here doing their business and doing it as required under the rules of the Senate. Indeed that is why there is such a thing as a motion to seek the arrest of absent Members, but to impugn that I think is a grave mistake. And for one who cherishes the rules as the majority leader, and I wish he were here and I am sure he will be here, I would cite rule XIX, paragraph 2:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

That is a rule. That was validated tonight when we were addressed as not being on the job, willfully not being on the job. That is a violation of that rule.

So I am sure that in these next hours and days we will be hearing about violations of the Senators on this side who refused to answer the warrant and the subpoenas, or whatever they may have been, and so we will come back and cite that and other things. That is too bad because the real issue to the American people is very simple.

We beat them back seven times and they have not picked up a single horse since, and they are going to get beat the eighth time and we have to go through this exercise for 3 more days. That is what I call top dog-underdog. It is not becoming.

So I just wanted to express that with hope not an intensity, but a clarity, because now I am sure that we will hear various descriptions of what occurred. What occurred is what has occurred seven previous times and every time with a hollow thud. This will be the eighth hollow thud on Friday, and we will have exercised and exorcised ourselves for 3 more days and after 10 o'clock tomorrow morning the fun and games will reach dramatic and rainbow proportions. We will have motions to arrest and to become unarrested, and we will have this and that, and we will have people in extremity, people who are unable to humor their functions while standing in debate, and Lord knows what else.

But let the record show that it did not have to be in any way, not one bit of it. So with that, I would yield under the unanimous-consent agreement and under the conditions of that unanimous-consent agreement to Senator WEICKER.

I yield the floor.

Mr. BYRD. Mr. President, would the distinguished Senator——

Mr. WEICKER. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The majority leader.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Wyoming indicated that he wished I were here.

Mr. SIMPSON. I did.

Mr. BYRD. I am here.

Mr. SIMPSON. I am pleased.

Mr. BYRD. So if he would repeat what he had to say a little earlier, I would be glad to listen.

Mr. SIMPSON. I would be very pleased to do that, Mr. President.

I was citing what was said by the majority leader earlier this morning as he related the conduct of those who are opposed to this bill, and have submitted that as a very clear item through seven consecutive cloture votes last year and now this one which is doomed to the same fate. And in the course of the debate, the comment by the majority leader, I believe the phrase was used that those who were opposed to the bill, and the RECORD would show that, and I would like then to insert those remarks in the RECORD once again as they were originally stated, that to the effect—I do not have it, I have not gone to the reporter—that we were willfully not on the job or some connotation of that essence, if I recall, and as we were citing and as the majority leader was citing from the rules of the Senate, and from the Constitution of the United States a higher form, I am simply saying that to me, to this Senator, that under the rules of debate under rule XIX, paragraph 2, I felt that was a breach of that rule.

And that rule says this: "No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator." That is what I shared and I shared that then, and I share that with the majority leader in person at this time. That was my comment in its entirety.

Mr. BYRD. The Senator did not say anything other than that?

Mr. SIMPSON. That is right.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I am surprised that my good friend would take the occasion when I walked off the floor to make these remarks about me in person. I will say what I said earlier. I have it written down.

Mr. SIMPSON. Please.

Mr. BYRD. "We have seen that the opposition is not willing to vote on meaningful campaign finance reform, not willing to talk on the pending legislation, and ultimately not willing to stay on the job." And I repeat that now. That was said in the context of the circumstances which had just occurred when only one Senator, the distinguished Senator from Wyoming, was here on the floor. All other Senators of the minority had left the floor. And exercising not only my right, but more importantly my duty, to try to keep this Senate going and operating, I made the motion to instruct the Sergeant of Arms to arrest Senators. And I quoted the Constitution, which gives the Senate that authority and that power. I never singled out any Senator by name.

Let me read the Senate rule:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators—

I never named any Senator.

any conduct or motive unworthy or unbecoming a Senator.

Mr. President, it takes a great stretch of the imagination to apply what I said earlier and what I have just said again to that rule. That is stretching the rule and I am surprised that the distinguished Senator from Wyoming would do that.

Mr. President, if I ever have anything to say about another Senator, use his name or refer to him as I understand the distinguished acting Republican leader referred to me, the majority leader, I will not say it until I have called that Senator and sent word for him to come on the floor.

I have proof of that on this floor right tonight. I once had something to say about the distinguished Senator from Connecticut, Mr. WEICKER. I did not say it until he was on the floor. I do not go behind a Senator and I do not wait until he walks out that door and then impugn or impute to him——

Mr. SIMPSON. Mr. President, will the Senator yield for a moment there?

Mr. BYRD. I will yield just when I finish my sentence.

Mr. SIMPSON. All right.

Mr. BYRD. But if I have anything to say critically about a particular Senator of such nature that I feel that he ought to be here to defend himself and to respond, then I will send for him. And the Senator from Connecticut on that occasion came on the floor. We had a little colloquy. It all ended in a very friendly way. I think it was the very next morning I showed up in his office. I went to see him.

I did not violate the rule. I did not name any Senator. The facts speak for themselves. The minority Senators were not here. They were not here. "Ultimately not willing to stay on the job," I said. They did not stay on the job. We even had to enter an order of the Senate to get them on the job. I did not state anything but the fact. I did not single out any Senator, I did not impute to any Senator any conduct unworthy of his being a Senator. And I did not impugn any Senator's character or his integrity.

I am sorry that the distinguished Senator from Wyoming feels that way about it. I did not realize, when we entered into this understanding, that when I walked off the floor, things were going to be said about me.

Mr. SIMPSON. Well, if I may——

Mr. BYRD. I yield without yielding the floor.

Mr. SIMPSON. Yes. That is fine.

Mr. President, when I was making my remarks I was here and as I started my remarks the majority leader was there. That is how——

Mr. BYRD. Here?

Mr. SIMPSON. You were right there.

Mr. BYRD. I was there talking. I did not hear the Senator.

Mr. SIMPSON. I know you were in this Chamber.

Mr. BYRD. I went out. Had I heard the Senator, I would have come back here.

Mr. SIMPSON. I know. I would like to finish my explanation of how I saw that.

Mr. BYRD. All right.

Mr. SIMPSON. If I may, I allowed you to do that, sir.

Mr. BYRD. I have the floor.

Mr. SIMPSON. Fine. We can go play box 'em up all night long.

Mr. BYRD. I am not going to play "box 'em up." Go ahead.

Mr. SIMPSON. I am saying when I spoke you were on this floor.

Mr. BYRD. Mr. President, I ask for the regular order, that the Senator address this Senator in the third person.

Mr. SIMPSON. Mr. President, I always do that.

Mr. BYRD. No. Just then he did not.

Mr. SIMPSON. I do that when I am in the Chair or outside the Chair. I say, Mr. President, I want to finish my remarks. I am entitled to do that.

Mr. BYRD. Just now he used the personal pronoun "you."

Mr. SIMPSON. Mr. President, I do not need instruction after legislating 24 years.

Mr. BYRD. I ask for the regular order, Mr. President.

Mr. SIMPSON. Mr. President, let me finish my remarks, and I hope the Chair will allow that. I certainly allowed the majority leader to do it. As I gave my remarks from this podium, the Senator from West Virginia was in this Chamber. He was right over there. I saw him. As I got to that point in my remarks, he was leaving the Chamber and I said I am going to say this, and I wish the majority leader were in the Chamber.

He is not. And I am going to go ahead and I made my remarks and when I finished my remarks, I stayed right here because I knew the majority leader would return and I have no intent to leave this Chamber. And he did return and he has given his explanation.

So we do not need to go into an orgy of contrition, but let me say I have personally paid some compliments and respect to the Senators in apology a few years ago. That was good. But I do not intend to spend a lot of time doing that. Once was enough. It is not becoming to spend much time doing that.

I can tell you that the remarks were made, and I cited rule XIX, paragraph 2, and if you really think about it, I believe the majority leader has said, Mr. President, that this is the first time he has invoked the motion to arrest Senators. Maybe this is the second time. Perhaps he will develop that.

Mr. BYRD. Second time.

Mr. SIMPSON. The second time in his career——

Mr. BYRD. That is right.

Mr. SIMPSON [continuing]. In the U.S. Senate, a distinguished career of 30-some years.

The very act of sending the Sergeant at Arms to arrest your colleagues to me is a direct effect in itself on the conduct or motive unworthy or unbecoming to a Senator. That is enough. That is called arrest.

I do not know how the majority leader cares to read that. I know how this person reads it as a man who practiced law for 18 years and has done a little legislating, never to the degree this gentleman would do, would not even attempt to match that prowess, but when you see a person use a move like that twice, this is the second time in his entire career in the Senate, it seems to me that that in itself is an impugning of something. That is the way I read that.

So add that about the actual act of moving to arrest fellow Senators, which is a pretty tough cookie approach to what was said, and that is what was said apparently—I am sure the record would disclose that exact language. I am sure it will. And to say that we were willingly not on the job, we were right here, we were all sitting in this cloakroom just as I have seen members of that party when they were in the minority sitting in that cloakroom to avoid meeting a quorum, and that is where they were, in the U.S. Senate on the job, right there, and then when they found that they were to be arrested, which we really did, we knew that was a possibility, but we really never dreamed that that one would pop out of the hat because there are about only four motions you can make when you do not get to a quorum. You can move to adjourn. You can move to compel. You can move to arrest and maybe one other.

And so they then left their area and went to their cubicles on the job. That is where we all spend our time here when we are on the job in our cubicles and that is where Senator PACKWOOD was when they went to his door and opened it with a passkey and pushed it open into his injured arm and now he had to go get another x ray for that, and came here with the best of humor and did that.

Let us leave that out. That is done. It was done with good grace, better grace than this Senator would have ever expressed.

So, that is what I am talking about and that is I guess what I will continue to talk about when I think that things happen that look to me like tyranny of the majority, and I say that that is what that looks like to me and it looks certainly like impugning or imputing a motive unworthy or unbecoming. When you have to arrest someone they must have done something, especially when we never use it in this place.

So with those dovetailed facts to me it fits well to this Senator, it fits very well into the interpretation of my interpretation of rule XIX of paragraph 2, and I certainly would be glad to debate that further.

Mr. BYRD. I am not interested in debating it. I really am not.

Mr. SIMPSON. Good. I am not either.

Mr. BYRD. But I must say, Mr. President, I am shocked at what I have just heard.

All one has to do is read a little about the history of the Senate and one will find that this order by the Senate to arrest Senators had been made long before ROBERT BYRD ever became a Member of the Senate. I did not originate the precedent.

I have done it twice during my 22 years working in the leadership, and on both occasions I did it when I thought that was the last resort. The distinguished Senator says Senators were on their job and they were in the Cloakroom or they were in their cubicles. There was a rollcall. They chose not to answer that rollcall. They chose not to help the Senate to get a quorum so that it could do business. As majority leader, I had a responsibility to do exactly what I did, because if the majority is going to let a minority stop the Senate from operating and force it out, force the Senators to go home, then the majority is not doing its duty. The majority has not run over the minority tonight.

The majority has tried to keep this Senate in session so it could do its work.

Now, many Senators do not agree with the campaign financing reform bill. They can speak against it. They can vote against it. They can use the rules of the Senate and precedents. They can take dilatory actions, if they want to. But for the minority just to leave, nobody shows up except the acting Republican leader, I had no other recourse. The able Senator has said what he personally thinks about some things here. I personally think that it was bad judgment on the part of the minority to take the action it did in staying away from the floor when the vote was taken to establish a quorum so that the Senate could conduct business.

I know that there were some on that side who did not agree with the approach that was taken by the minority. They could have kept the Senate from voting on campaign finance reform. They have been able to do it for days, but instead they chose another means. I had to act accordingly, and I may do it again some day.

I do not resort to it casually. It is only in such extremities. After all, we on this side tonight could only produce 50 bodies. That is all we had. Two Democratic Senators were out ill. One Senator was out because of a death in the family. And the other Senator was out running for the Presidency. Only 50 Senators on this side. They were all here, but we could not produce a quorum. It is easy for the minority, if it wants to, to stop the Senate from operating when the majority can produce only 50 Senators. All they have to do is stay off the floor, leaving one Senator here to protect the minority from having the Chair put the question.

Well, I will let the public judge as to whether or not the minority conducted itself appropriately or responsibly. That is what I had reference to in saying, "ultimately not willing to stay on the job."

I have no personal animus against any Senator on the other side. I stated when Senator PACKWOOD came into the Chamber that I regretted having had to make the motion. I did not enjoy it. I do not enjoy being here at 3:30 in the morning. There are many Senators who are probably better able to be up all night than I am able. But it is my duty. And I have always taken the viewpoint that people expect me to do my duty. I have done it.

If I had said anything that merited an apology, I have never been hesitant to apologize to any Senator or to any other person, because I know I can do wrong. I often do wrong. But when I wrong a person I do not want the Sun to set until I go to him and apologize if I have done him wrong. I do not have any apology to make here. I think the Senator is misreading the rule, and I am sorry that he spoke about me when I had left the Chamber. He said I was standing right there. I was not standing there listening to him. If I had been, I would have come back and sat in this Chair, just as I came back when I was told outside what was said by the acting leader.

I was talking to certain Senators about manning the floor for the rest of the evening. I went on up the aisle and continued to talk with Senators about it. I knew Senator SIMPSON was speaking, but I did not listen to what he was saying. I know one thing: If I had had that to say about the Senator and if he were talking over there, I would have paused, I would have said, "I would like to have the attention of the Senator from Wyoming."

But the Senator did not do that. I simply say if I ever have anything critical to say on the floor about Senator SIMPSON, I will send for him, and I will wait until he gets here, and I will then say it.

So I have stated what I said before. I have read it into the RECORD again. Senators can make their own judgment. I have stated the basis for that motion to arrest from the Senate rules, and I have quoted the higher basis in the Constitution of the United States. The framers of that Constitution must have known what they were doing.

Much of our Constitution really goes back to the old English law. If we go back to English history, we will find a good many things in our own Constitution that originated hundreds of years ago and for good reason.

Mr. President, I am sorry the Senator said what he did. I am sorry he feels that way. I am sorry. But I do not have any qualms of conscience for anything I did. If I did have, I hope I would be man enough to apologize. I have always tried to be fair.

So if the distinguished Senator has anything further, I do not want to debate the matter more. He has had his say. I have had mine. If he wants to say anything else, I would be glad to listen.

I am willing to let bygones be bygones, turn our backs on this occurrence, and go on. We have to work together. And I can say to the Senator that when the Sun comes up on this morning, as far as I am concerned, it will be a new day.

I would be happy to yield to the distinguished Senator if he has anything further to say on this subject. And I apologize to the Senator from Connecticut for keeping him waiting. Perhaps I am giving him a rest.

Mr. SIMPSON. Mr. President, I do hear what the majority leader is saying. We will have this bit of combativeness and move on. I, in this situation, do not feel an apology is something that should be tendered by me nor by him. It is called what happens when you get into something that is so feckless, because this is a loser. It cannot be won. This is not the great issue of our time. And it surprises me that we put this import on it, calling it the last resort. That is extraordinary. This is an issue that we have addressed seven previous times.

And I say respectfully that denying a quorum is certainly considered part of the job of the Senate because there is no one more masterful in doing that as a Member of the minority than the majority leader. It is the essence of Senate activity. At times you tell your people, "We must deny them a quorum." That is the business of the Senate that we are sworn to do in our activities. It may subject Senators to proceedings of the Senate, but that is our duty as we see it.

The majority leader often says that we should let the Senate work its will, and I believe that. But when the Senate has worked its will seven separate times, there is really not much more will to work. And that is what is frustrating. And to think that that would have generated the most awesome of motions—a motion to arrest fellow Senators. And it was done with good humor and we kept our good humor. But it is an awesome motion twice made in 22 years.

My duty is to represent my party in the U.S. Senate. I am the acting leader. I take that responsibility seriously. I am very proud to have worked with the majority leader as we grappled with some pretty tough stuff—Grove City, as I brought up today; Contra aid. And we got through that without a lot of stuff and we will get through everything else without a lot of stuff, except this turkey because it cannot go anywhere. It will never be. And if it ever did go out of here to the House of Representatives, they would tear it to shreds with their bare hands, because it is the antithesis of everything they do over there—PAC's. It "ain't" quite their bag over there. But nobody is reading that.

All we know is that by the invoking of cloture we will not be able to debate. We will be through because of the skill, all legally done, of setting up this extraordinary tree.

So, that is part of it. Let that shine through so clearly—the terrible frustration of dealing with something which is not earthshaking. If the bad judgment that is going to be visited, or at least we will be referred to on this side as bad judgment for what we did in withholding a quorum, I can only think I will let the American people judge the bad judgment of calling for a motion to arrest. And we will just let the case rest out there, because this is an extraordinary debate.

We are always talking about the American people. They do not know about this issue. They have been reading Arch Cox's ads. But, other than that, when I go back home and tell them what we are trying to do, which is hopefully to see that our party is represented in maybe a majority status long after I have gone, that is worth scrapping about, regardless of what Arch Cox does. And the ultimate irony is the kind of ads Arch Cox did are the kinds of things that are not covered in the bill. So, I am not going to go on with that.

But, you know, bad judgment is not limited to this side of the aisle on this issue. And the reason it is so hectic and so bizarre and so ghastly is that we have dealt with it seven times. There is not another issue I have ever seen in 24 years of legislating where you have batted the ball over the fence seven times and threw the player out every time, and we are back here with one more shot and it is going to be worse. And that is the frustration. There is no further reality.

I am ready to go on. You do not have to have time to savor victory or anguish in defeat in this place. Now I am ready to go on, and thanks to the majority leader. He could have called two more rollcall votes tonight among our sleeping legions. They would have ripped my shorts off because they would have wondered why we did that. The majority leader saved me some pain by not having two more rollcall votes.

But we will go to 10 o'clock in the morning and we are ready to do that. But if anyone could tell me what is served by that, it escapes every possible faculty of my being.

I thank the majority leader.

Mr. BYRD. Mr. President, I am not going to debate the bill at this point. The Senator calls it a turkey. That is the way he feels about it. That is the way a lot of people feel about it. That is all right. There are a lot of bills I have voted on around here that I thought were turkeys, but that is part of the job. There is nothing mysterious about that. I just take it as it goes, vote for it or vote against it, do my best and go on to the next item.

So, I respect the Senator for opposing something he does not like. I do not carry any ill feelings about that.

But the Senator will have to get accustomed, if he has not already gotten accustomed, he will have to get accustomed to voting on measures he does not like. He may think they are turkeys and they may be brought up again and again. He will have to kind of get accustomed to that. He may think it is foolish, but some of us think otherwise. Each thinks his own way here. And I hope we can do that and do it in good humor and with good feelings.

And I never thought of asking the Senator for an apology. I simply wanted to come back and straighten out the record and be able to defend the position I took. The Senator owes me no apology. I have straightened out the record. I am confident that the record and the history of this institution, the rules and precedents, and the Constitution, support what I did.

I can assure the Senator of one thing: That I will never say anything about him in a derogatory manner on this floor unless I call him first to come to the floor. If it is anything that I would think that he would not like to read the next morning, I will send for him. And then I will say what I have to say. And if I err in saying it, I will be the first to apologize. And I hope the Senator will accord me the same courtesy.

Mr. SIMPSON. Mr. President, I do not want to be tedious, but I am going to say it one more time because it keeps coming up one more time. When my remarks were made, the gentleman from West Virginia was in the Chamber right there. I knew he was there because I saw him. As I completed my statement, he must have exited the door. And then I looked and I saw him gone and I said, "I wish the majority leader were here," and I adopt the same part of the RECORD, the end of my remarks, right now. "He is not"—and something else. I wish he was or whatever.

And so I remained. The same colloquy took place that would have taken place if I had said, "Will the Senator please give me his attention?" No one was denied that colloquy. We both had our licks, and that is the way we do our business. And that is the way I will always do my business with this gentleman. I have shared things with him that I did not even have to share from this side of the aisle during my time as acting leader. I said, "Here, here is surprise No. 1 coming your way about 2 o'clock this afternoon like a fast freight." And I will do that again. I may be naive, but I will do it.

So, let us kind of get away from this issue about me saying something as if it were secretive when I waited for the majority leader to leave the floor. We have tangled a lot worse than this without ever exiting the Chamber.

I have the greatest respect for him and admiration. He is tough, fair, and a hardy man to deal with. And I enjoy it. And I think he likes it too. And I will continue to work with him because I enjoy it and I enjoy him.

That pretty well concludes my remarks.

Mr. BYRD. Mr. President, I have already responded to the same statement earlier, and so that concludes my remarks.

I yield the floor.

Mr. WEICKER addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Connecticut.

Mr. WEICKER. Mr. President, I am glad to see my good friends, the distinguished Senator from West Virginia and the distinguished Senator from Wyoming, state their positions so clearly and ultimately with such goodwill.

I also have to say that if anybody should have drawn offense from the recent events on the Senate floor it is the Senator from Connecticut, because it is my understanding that some Member of this body, who we shall leave unnamed, suggested to the Sergeant at Arms that if he were to arrest the Senator from Connecticut that he should be equipped with a steel net and three tranquilizer guns. But I accept that in the humor in which it was given and, indeed, if that is the perception, let it stay that way because I do not want to be arrested by my good friend, the Sergeant at Arms, under any set of circumstances, tranquilizers or not. He is a gentleman and I think we are all proud of him in this body.

Mr. President, I have only a few minutes left before I have to go take my children to school and I want to get to the substance of the bill before us. It is not a good piece of legislation. Regardless of how it is sold to the

America public, be it under the guise of reform or the coloration of good government, it violates many historical and constitutional precepts.

Now the one aspect of this bill that I think should be knocked down at the outset is that it is a continuation of the Watergate reform of our election financing laws. I have no objection to calling it anything that its authors want to, but, as one of the surviving members of the Watergate Committee, I do not care to have an appellation given to it which indeed could not even have been given to the first reform legislation.

Why do I say that? Because it is probably a little known fact now that the Watergate Committee itself voted against the public financing of elections.

Let me state exactly what the committee said:

> The commmittee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. The select committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution.
>
> Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."
>
> The committee's opposition is based, like Jefferson's, upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971 and requiring full public disclosure of contributions of the 1972 campaign still was funded through a system of essentially unrestricted private financing. What now seems appropriate is not the abandonment of private financing but rather reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses in earlier campaigns.

Now, that was the official position of the Watergate Committee and here we are. Actually, to be completely accurrate on this, 14 years later, we are totally ignoring the lessons of the greatest scandal of our times. We are totally ignoring the advice of those of us who had the responsibility of investigating that scandal and proceeding with recommendations to avoid repetition in the future.

Let me repeat what the committee said and then I can expand on it.

> The committee's opposition is based, like Jefferson's, upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the 1972 campaign and unearthed by the select committee were perpetrated in the absence of any effective regulation of the source, form or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971 and requiring full public disclosure of contributions of the 1972 campaign still was funded through a system of essentially unrestricted private financing. What now seems appropriate is not the abandonment of private financing but rather reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses in earlier campaigns.

Why did the committee say that? Well, the committee said it, and I intend over the course of the next day to be very specific because it was, in essence, the nature of my entire minority report. The committee said it because the matter of Watergate was not so much a burglary or the illegal actions of the President as it was a Federal Government run amok; a Federal Government, not a handful of Cubans breaking into the Watergate, not the wrongful deeds of the President, but an entire Government.

When I say entire Government I mean, for example, the Internal Revenue Service, the Commerce Department, the Federal Bureau of Investigation, the Central Intelligence Agency. I go right down the whole checklist of bureaucracies in this Government. That was the ill of Watergate. And the committee was unwilling to put more power as to the election process in the hands of the Government which almost dragged the entire free election process into the gutter to stay.

I am appalled that we have so soon forgotten that lesson.

The one experience that we have is the experience of Federal financing of Presidential campaigns. This was one of the initial reforms. Take a look at what we already know about that.

Already the violations are myriad, in the sense of overspending in State after State by the candidates and disguising it and waiting until the reporting period is over and then it does not make any difference. Or those violations which are less easy to identify, whereby the only reason the candidates are in there is so they can go ahead and get the money and pay their debts. This has happened in several elections in the past since the law was enacted.

So, whether it is the experience that we gained in a general sense from malfeasance by Government during the Watergate era or whether it is the specific that occurs under the laws as they now exist, certainly Federal financing does not seem to be the way to go.

The Federal financing of Presidential campaigns is a bad law; a bad law. Its track record is miserable. And yet we are being asked here in S. 2 to go ahead and duplicate it when it comes to the election of other Federal officials.

Has anybody conceived of the mischief that can be caused by the Federal Government in the free election process when, in effect, it has its hands on the purse? There are obviously serious constitutional problems, also, involved in the legislation. I am going to get to that later. But for purposes of this morning I am going to revisit July 1974 and make the point as to why I do not think any further power should be put in the hands of the Federal Government when it comes to our election process, hoping that by reviewing the lessons that we learned from Watergate we will not repeat them here on this floor with the passage of S. 2.

These were the additional views of Senator LOWELL WEICKER to the final report of the Select Committee on Presidential Campaign Activities in the U.S. Senate in July 1974. What I tried to do in this minority view was to accentuate or focus in on the abuses of the Government as a whole, rather than the abuses of Mr. Nixon, or to give the details of the burglary at the Watergate. I started off with a chapter, "A Stillness."

In the early 1970's, several independent events took place in the United States of America. On the surface they appeared to lack a common bond.

In June 1969, a Louis Harris poll found that 25 percent of all Americans felt they had a moral right to disregard a victim's cry for help. Over the next several years, this mood took the form of countless incidents of "looking the other way" when men and women were assaulted and murdered in full view of entire neighborhoods.

On May 4, 1970, at Kent State University in Ohio, a group of students who refused an order to disperse were fired upon by the National Guard, killing William Schroeder, Sandy Scheuer, Jeffrey Miller, and Allison Krause, and wounding nine others. Ten days later, at Jackson State University in Mississippi, police who had been called in to protect firemen from violence, opened up a 28-second fusillade into and around a dormitory killing Phillip Gibbs and James Earl Green, and wounding 12 others.

During 1971, a decision was reached by the administration to conduct the President's reelection campaign with a special committee totally separate and insulated from the political party which would renominate that President.

In early 1972, a young radio reporter in Miami stood outside a supermarket trying to get people to sign a copy of the Bill of Rights. Seventy-five percent refused, many saying it was "Communist propaganda."

In February of 1972, it was revealed that International Telephone & Telegraph had allegedly offered a campaign contribution of $400,000 in return for the Justice Department dropping an antitrust suit against ITT. The suit was dropped on Presidential order, but when the Attorney General was questioned about the President's role by a Senate committee in March, he lied.

On June 17, 1972, burglars employed by the Committee to Reelect the President were arrested inside the headquarters of the Democratic National Committee with bugging equipment and large sums of cash.

In December of 1972, having failed to get congressional approval for a reorganization of the Cabinet, the administration moved autonomously to establish three or four "super Secretaries" and to place various Executive Office employees in key sub-Cabinet posts. The obvious goal was to create a White House-directed network of decisionmaking and reporting quite different from the formal Cabinet structure which remained subject to congressional scrutiny.

In February of 1973, the White House held a Peace-with-Honor reception to celebrate the end of the Vietnam war. Only those Congressmen who had supported the President's Vietnam policies were invited, implying that those who had questioned our involvement in Vietnam were either against peace or were dishonorable men and women.

Some of these incidents were matters of life and death and were well publicized. Others were matters of principle and were little noticed at the time.

In each instance a significant outrage had taken place.

What was common to all?

In each instance no one complained.

A constitutional stillness was over the land.

The next chapter was entitled, "the Uproar."

That American decency, idealism, honesty and reverence for the Constitution that some thought bought off has been stirring and reasserting itself for many months now.

Yes, a few still shout treason when questions are asked.

A few still espouse the end as justifying the means.

A few still goggle at an American title rather than the title of American.

But it was only yesterday, June 17, 1972 to be specific, that today's few were part of a large American majority.

Why the turnaround?

The truth!

Because Frank Wills discovered taped doors at the Watergate, America's doors didn't close in all our faces.

The next chapter is "Constitutional Democracy in the Era of Watergate."

For this Senator, Watergate is not a whodunit.

It is a documented, proven attack on laws, institutions, and principles.

The response to that attack was and is a nation of laws at work, determining whether men shall prevail over the principles of a constitutional democracy. It has been and will be the testing of a great experiment in Government begun some 200 years ago.

Laws, institutions, and principles were squarely before this committee, to be debated, probed and documented, in order to assert remedies and reassert time-honored concepts. Guilt or innocence was not an issue. This was a fact-finding body; it was a legislative body; and those duties go to the heart of what Watergate was all about.

In keeping with the committee's duties, this is a report of facts and evidence, leading to legislative recommendations, one of which, I might add, I just read to this body here, being against Federal financing of elections.

To document the abuse of laws, institutions, and principles, the facts and evidence are presented, first, as they bear on the basis of our laws, the Constitution; second, as they relate to the institutions of our Government; and third; as they affect the principles of our political system.

I. THE CONSTITUTION

One of the most disturbing facts about the testimony presented to this committee is that so much of it went relentlessly to the heart of our Constitution.

To appreciate what happened to the Constitution, it is useful to divide the seven articles and 26 amendments into substantive versus procedural provisions. The substantive sections lay out rights, powers, and duties. The procedural areas address somewhat more technical and administrative matters. The important point is that the essence and strength of the Constitution springs from its substantive areas, primarily the first three articles, the first 10 amendments and the 14th amendment.

A. THE EXECUTIVE

Of all the issues confronting the Constitutional Convention at Philadelphia, the nature of the Presidency ranked as one of the most important. The resolution of that issue was one of the most significant actions taken.[1]

Most state constitutions prior to that time had weak executives and strong legislatures.[2] The decision to create a President, as opposed to plural administrators,[3] was a reluctant recognition of the advantages of a strong executive.

Nevertheless, the Convention took steps to contain presidential power. Only after deciding the method of selecting a President, his term, mode of removal, and powers and duties did the Convention agree to the concept of a strong President.[4]

This bit of history, indicating that the delineation of the President's office and powers preceded the creation of his position in the Constitutional scheme, is quite important. It demonstrates that executive power is to be exercised within the framework of the Constitution, and particularly, within the guidelines of Article II, which lays out the powers and duties of that office.

This is much of what Watergate is all about, and it bears a close look at Article II.

The issue at stake is the exercise of potentially awesome Presidential power. As to that issue, Article II contains two points of significance.[5] First, its opening words state: "The executive Power shall be vested in a President of the United States of America.[6] This grant of executive authority, with no words of limitation, has, from the time of Jefferson, been the basis for expanding the presidential office and activities.[7]

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[1] Congressional Research Service, Library of Congress, "The Constitution of The United States of America" (1973), p. 429. Background on the Convention from C. Thach, "The Creation of the Presidency, 1775-1789" (Baltimore: 1923).

[2] As a result of experience with the royal governors, not only did most states have weak executives, but the Articles of Confederation (which was the agreement by which the national government was functioning at the time of the Constitutional Convention) vested all powers in a one-body Congress. C. Thach, chs. 1-3. The Virginia Plan, which was the basis of discussion, offered a weak executive, with only power to "execute the national laws" and to "enjoy the Executive rights vested in Congress." Id., ch. 4; Congressional Research Service, p. 430.

[3] It was not until the closing days of the Convention that there was any assurance the executive would not be tied to the legislature, devoid of power, or headed by plural administrators. Although the discussion about the executive opened on June 1, 1787, as late as September 7, 1787, eight days before the final Constitution was ordered printed, the Convention voted down a proposal for an executive council that would participate in the exercise of all the executive's duties. M. Farland, "The Records of the Federal Convention of 1787" (New Haven: 1937), 21 and 542.

[4] The eventual basis of Article II was the New York Constitution. On June 1, 1787, James Wilson moved that the executive should be one person. A vote on the Wilson motion was put off until the other attributes of the office had been decided. The decision resulted largely from experience with the Articles of Confederation "that harm was to be feared as much from an unfettered legislature as from an uncurbed executive and that many advantages of a reasonable strong executive could not be conferred on the legislative body." Congressional Research Service, p. 430.

[5] According to Alexander Hamilton, "The second Article of the Constitution of the United States, section first, establishes this general proposition, that 'the Executive Power shall be vested in a President of the United States of America.' That same article in a succeeding section, proceeds to delineate particular cases of executive power." 32 "Writings of George Washington," J. Fitzpatrick ed. (Washington: 1939) 430; 7 "Works of Alexander Hamilton," J.C. Hamilton ed. (New York: 1851) 76.

[6] U.S. Constitution, Article II, Section 1.

[7] The practice of expanding presidential powers has continued steadily but was irrevocably set when the "Strict constructionists" came to power in 1801 and did not curb executive power, but rather enlarged it. The modern theory of Presidential power was conceived by Hamilton, but it is interesting to

However, the initial broad authority is offset by a second significant factor, the enumeration of executive powers later in Article II.[8] These declare in part that the President is to be Commander-in-Chief, make treaties, appoint ambassadors and other officers, grant pardons, and take care that the laws are faithfully executed.

It is worth noting that experience has eventually placed limits on the general powers. The President has been allowed, as a practical matter, to exercise those additional powers that fall naturally within his range of activities.[9]

The important point, however, is that no President has been, or can be, allowed to conduct the executive branch in conflict with the Constitution taken as a whole, and certainly not in conflict with express sections of the Constitution, such as the Bill of Rights, or Article I (the legislature), or Article III (the judiciary). This then is the proper context for examining facts.

Article II of the Constitution, by which the Presidency was created, was violated from beginning to end by Watergate.

There is massive evidence of misuse of the awesome general powers that reside in the executive department.

There is equal evidence documenting abuses of the enumerated duties.

1. General powers and duties

The facts show an executive branch that approved a master intelligence plan containing proposals that were specifically identified as illegal,[10] that proposed setting up a private intelligence firm with a "black bag" or breaking and entering capability as secret investigative support for the White House,[11] that set up its own secret police,[12] that used its clandestine police force to violate the rights of American citizens,[13] that hired a private eye to spy on its enemies, including their personal lives, domestic problems, drinking habits, social activities and sexual habits,[14] that circulated an enemies list,[15] that developed plans to use the available federal machinery to screw our political enemies,[16] that knew of an illegal break-in connected with the Ellsberg case and concealed that fact rather than report it to appropriate authorities,[17] that used a presidential increase in milk support prices to get $5,000 from the milk producers to pay for the Ellsberg break-in,[18] that recruited persons for that break-in on the false pretense of national security,[19] that offered the presiding judge in the Ellsberg trial the FBI Directorship at a clandestine meeting in the midst of the trial,[20] that ordered a warrantless wiretap on a news columnist's telephone,[21] that wiretapped 17 newsmen and government officials in an operation that was outside proper investigative channels,[22] that suggested firebombing the Brookings Institute,[23] that set up an Intelligence Evaluation Committee outside the legitimate intelligence community to disseminate information that should have been restricted to individual agencies,[24] that used the Secret Service to wiretap the President's brother,[25] that kept $350,000 in left-over 1968 campaign funds in a safe in the Chief of Staff's office,[26] that used most of those funds as "hush money" for the Watergate burglars,[27] that approved a large contribution from the milk producers association after being told it was meant to gain access to and favors from the White House,[28] that received and passed on information about an IRS audit of one of the President's friends,[29] that arranged for a tax attorney for the friend.[30]

That contacted the IRS as well as the Justice Department in a number of other tax cases involving friends of the President,[31] that planned and possibly carried out a break-in at the office of a Las Vegas publisher,[32] that suggested a break-in at the apartment of the man who attempted to assassinate Governor Wallace,[33] that contemplated a break-in at the Potomac Associates offices,[34] that tried to rewrite history by making up bogus State Department cables to falsely connect the Kennedy Administration with the assassination of President Diem,[35] that attempted to get reporter William Lambert to use the phony cables in a story,[36] that tried to plant false stories connecting the President's opponent with communist money and the crimes alleged in the Ellsberg case,[37] that installed an elaborate system of taping conversations between the President and his staff or visitors,[38] that told federal investigators to stay out of the Ellsberg matter,[39] that undertook a clandestine operation to hide a key witness in the ITT case in a Denver hospital where she was interrogated by Howard Hunt in disguise,[40] that authorized and funded from within the White House a dirty tricks operation including scurrilous literature, late night telephone campaigns and advertising designed to offend local interests, seemingly sponsored by Democratic candidates, and physical disruptions directed against Presidential opponents,[41] that planted spies, hecklers, and pickets in the Muskie and Humphrey campaigns,[42] that participated in discussions of a campaign against Democrats to include prostitutes, mugging, kidnapping, bugging, and burglary,[43] that pressed for adoption of Liddy's Watergate plan,[44] that was told of the authorization and budget for Liddy's plan,[45] that believed

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note his qualification "that the executive power of the nation is vested in the President; subject only to the exceptions and qualifications, which are expressed in the instrument." 7 "Works of Alexander Hamilton," 80-81; see Congressional Research Service, 433 and 437.

[8] U.S. Constitution, Article II, sections 2-4.

[9] See note 7 supra.

[10] See Vol. 3, Ex. 35, p. 1319. This is a plan submitted by Tom Charles Houston to the President and approved in July, 1970. Presidential Statements, May 22, 1973. Part D., entitled "Surreptitious Entry," reads: "Use of this technique is clearly illegal: it amounts to burglary." Id., at 1321.

[11] Operation Sandwedge, drawn up by John Caulfield in late 1971, to infiltrate campaign organizations, with a "Black bag" capability, "surveillance of Democratic primaries," and "derogatory information investigative capability, world-wide." See. Ex. and pp. —, Campaign Practices, supra.

[12] See, the Intelligence Community, infra. (discussion of the establishment and functions of the secret so-called Plumbers unit in the White House).

[13] On June 21, 1974, Mr. Charles Colson, was sentenced to one to three years in jail for, among other things, activities of the Plumbers "to influence, obstruct, and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg."

[14] See, the list of investigations by Anthony Ulasewicz, The Intelligence Community, infra; see also, Ulasewicz testimony, Vol. 6, pp. 2219-2277.

[15] See, Vol. 4, Exhibits 44, 48-65.

[16] Vol. 4, Ex. 48, p. 1689.

[17] When the prosecutors finally learned of the break-in 18 months after it occurred, they were told by the President, "you stay out of that," even though it was a crime for which at least one defendant has been convicted. Vol. 9, p. 3631.

[18] Ellsberg Break-in Grand Jury Proceedings, 652-656.

[19] Testimony of Bernard Barker, Vol. 1, p. 358.

[20] Testimony of John Ehrlichman, Vol. 6, p. 2617-2619.

[21] At Ehrlichman's instructions, Caulfield had John Regan tap columnist Joseph Kraft's home telephone. John Caulfield Executive Session, March 16, 1974.

[22] See, testimony of Robert Mardian, Vol. 4, pp. 2392-2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920.

[23] John Caulfield Executive Session, March 23, 1974; testimony of John Dean, Vol. 3, p. 920.

[24] Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, they were called upon to evaluate domestic intelligence-gathering by other agencies, when the Intelligence Evaluation Committee was set up. Testimony of John Dean, Vol. 4, p. 1457.

[25] In a Press Conference on November 17, 1973, the President stated: "The Secret Service did maintain a surveillance. They did so for security reasons, and I will not go beyond that. They were very good reasons, and my brother was aware of it."

[26] Testimony of H.R. Haldeman, Vol. 7, p. 2879; Gordon Strachan, Vol. 6, p. 2442, 2461.

[27] Testimony of Fred LaRue, Vol. 6, p. 2343.

[28] Mr. Kalmbach testified that he reported the original milk producers' contribution, and their request in return for 90 percent parity, a Presidential address at their Convention, and a Presidential audience, to Messrs. Ehrlichman, Flanigan, Gleason, and Dent. Herbert Kalmbach, Executive Session.

[29] Gen. Alexander Haig, White House Chief of Staff, was called by William Simon of the Treasury Department and told that Mr. Rebozo was to be audited. Gen. Haig met with White House attorneys on the matter, resulting in a decision to tell the President and volunteer to use the White House attorneys to find a tax lawyer for Mr. Rebozo. Gen. Alexander Haig, Executive Session.

[30] Id.

[31] This help was extended to Dr. Kenneth Riland. Testimony of John Dean, Vol. 4, p. 1530, 1559. It also went to the Rev. Billy Graham and actor John Wayne. Id., at 1529-1530.

[32] Testimony of Howard Hunt, Vol. 9, p. 3687. See also, Transcripts of Presidential Conversations.

[33] Testimony of Howard Hunt, Executive Session, July 25, 1973, p. 129-133.

[34] A White House memo, dated July 6, 1971, from John Caufield to John Dean, stated: "Building appears to have good security with guard present in lobby during day and evening hours. However, a penetration is deemed possible if required."

[35] Testimony of Howard Hunt, Vol. 9, p. 3732.

[36] *Id.*, at 3672.

[37] Vol. 10, Ex. 194, p. 4259 (A memo from Pat Buchanan recommending, "The Ellsberg Connection, tying McGovern to him and his crime—as soon as the indictment come down.") A Dean to Haldeman memo stated, "We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern. . . ." See, Vol. 8, p. 3171.

[38] Testimony of Alexander Butterfield, Vol. 5, p. 2074.

[39] Testimony of Henry Petersen, Vol. 9, p. 3631.

[40] Testimony of Robert Mardian, Vol. 6, p. 2359; Testimony of Howard Hunt, Vol. 9, p. 3752-53.

[41] See, the Electoral Process, infra (description of the Segretti operation).

[42] See, Executive Session, Herbert Porter, April 2, 1973 (the activities of Sedan Chair I and Sedan Chair II).

[43] Testimony of John Mitchell, Vol. 5, p. 1610.

[44] Testimony of Jeb Magruder, Vol. 2, p. 835. (phone call by Mr. Colson to Mr. Magruder, to "get on the stick and get the Liddy project approved so we can get the information from O'Brien.")

[45] For example, on March 30, 1972, a few days after the Liddy plan was allegedly approved, a memo from Strachan to Haldeman reported, "Magruder reports that 1701 (CPR) now has a sophisticated political intelligence gathering system with a budget of 300." Testimony of Gordon Strachan, Vol. 6, p. 2441. An April 4, 1972, talking paper for a meeting between Mitchell and Haldeman included the intelligence plan and its $300,000 budget. Id., at 2454.

it had received transcripts of illegal wiretaps and never reported that crime,[46] that was warned of the planned break-in at the Watergate and did nothing to stop it,[47] that knew the full scope of Liddy's activities shortly after the Watergate arrests and kept those facts from proper authorities,[48] that shredded Watergate evidence in the Chief of Staff's files,[49] that tried to use one of its executive branch agencies as a "cover" for the Watergate operation,[50] that was the scene of meetings at which high officials plotted to use the power and influence of the presidency to cover up crimes and obstruct justice,[51] that saw advisors invoke the power of the presidency to use an FBI Director in ways that would eventually cause him to resign.[52]

That used the President's fundraising powers to collect illegal corporate contributions,[53] to raise funds to finance a crime,[54] and to collect bribes for a criminal case,[55] that discussed using the President's clemency prerogatives as early as July 1972, to keep the lid on Watergate and other crimes, while misleading the American people by calling Watergate a "third rate burglary,"[56] that made offers of clemency for improper purposes,[57] that announced, in a Presidential statement, a Dean investigation clearing the White House, when there had in fact been a coverup not an investigation and the President had never, ever talked to Dean about Watergate,[58] that discussed, in the Oval Office, unethical out-of-court contacts with the presiding judge in one of the Watergate civil suits,[59] that purposely lied to the FBI and a federal grand jury,[60] that encouraged campaign officials to commit perjury and plead the Fifth Amendment to obstruct justice,[61] that used the President's personal attorney and White House staff to pay criminal "hush" money,[62] and to pay for a private eye operating out of the White House,[63] that used its influence to get raw FBI files for improper purposes,[64] that prevailed upon the FBI not to interview certain witnesses,[65] that used patriotic concern for the presidency to pressure defendants to plead guilty in a criminal case,[66] that used its influence to get special treatment for high officials before a federal grand jury,[67] that plotted to cover up the Segretti story and denounced in the harshest terms those who uncovered the story.[68]

That noted "it would assuredly be psychologically satisfying to cut the innards from Ellsberg and his clique,"[69] that obstructed Congressional investigations of Watergate and related matters,[70] that filed Watergate counter suits for the distorted purpose of using subpoena powers to delve into the financial and sexual activities of political opponents,[71] that made numerous misleading or false statements about Watergate to the American people,[72] that failed to promptly inform proper authorities about knowledge of crimes involving White House officials,[73] that forced the resignation of a special prosecutor, Attorney General, and Assistant Attorney General when their Watergate prosecution took an independent position,[74] that suggested using the Attorney General's powers to keep a Republican opponent off the primary ballot in Florida,[75] that used the executive's authority over the media's regulatory agencies to intimidate the media,[76] that ordered a personal tax audit, surveillance by an FBI agent and Secret Service agents, and an anti-trust action, all in response to a newspaper article about one of the President's friends,[77] that tried to punish foundations with views different than White House policy by pressuring the IRS to review their tax exempt status,[78] that set up a program to insure that government contracts, grants, and loans would, as a matter of government policy, be political rewards,[79] that treated the Presidential pardon as a political tool,[80] that used its power over the tax collection agency to gather intelligence on and harass political opponents,[81] that issued instructions to hire a shaggy person to sit in front of the White House with a McGovern button, and counter demonstrators at the funeral of J. Edgar Hoover,[82] that infiltrated a Quaker vigil in front of the White House,[83] that used the agency that is supposed to guard the President to spy on the President's political opponent,[84] that ordered 24 hour surveillance of a political opponent.[85]

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[46] Mr. Strachan testified, "I did not tell Mr. Dean that I had, in fact, destroyed wiretap logs, because I was not then sure what they were, I only had suspicions." Testimony of Gordon Strachan, Vol. 6, p. 2442. Mr. Strachan had also had access to all the Watergate wiretap transcripts. Testimony of Jeb Magruder, Vol. 2, p. 827.

[47] Mr. Strachan, according to Mr. Magruder, was as well briefed, on the evening of June 16, 1972, on the intelligence operation (including the plan for a second break-in on June 17) as anybody at the Committee to Re-Elect. Testimony of Jeb Magruder, Vol. 2, p. 827.

[48] The White House counsel, among others, was fully briefed by Liddy himself three days after the break-in, and given the full story of Liddy's Plumbers' activities as well. Testimony of John Dean, Vol. 3, p. 933.

[49] Testimony of Gordon Strachan, Vol. 6, p. 2458.

[50] Both Mr. Helms and Gen. Walters of the CIA testified that at a meeting on June 23, 1972, with Mr. Haldeman and Mr. Ehrlichman, they were instructed to use the CIA to interfere with the FBI investigation of Watergate. Testimony of Richard Helms, Vol. 8, p. 3238; testimony of General Vernon Walters, Vol. 9, p. 3405.

[51] As soon as Mr. Dean returned to Washington after the break-in, he began meeting with White House officials, such as his meetings on June 19, 1972, with Messrs. Ehrlichman, Colson, and others to discuss how to handle Liddy and the contents of Hunt's safe. Testimony of John Dean, Vol. 3, p. 934.

[52] Patrick Gray testified that he took the Hunt files and destroyed them because the order came from "the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States." Testimony of Patrick Gray, Vol. 9, p. 3467.

[53] See, testimony of eight corporate executives convicted of illegal corporate contributions, Nov. 13-15, 1973. Vol. 13.

[54] Not only was the Ellsberg break-in financed by milk producers' money (see, note 18, supra), but the Watergate break-in was financed by money from the Committee to Re-Elect. Testimony of Hugh Sloan, Vol. 2, p. 539; testimony of Maruice Stans, Vol. 2, p. 795.

[55] Mr. Kalmbach was asked to raise funds for the Watergate burglars. Testimony of John Dean, Vol. 3, p. 950; confirmed by Transcrips of Presidential Conversations, April 14, 1973, p. 494.

[56] Presidential Statement of August 15, 1973, p.3; testimony of John Ehrlichman, Vol. 7, p. 2848-2849.

[57] On at least three occasions Watergate defendant James McCord received offers of executive clemency if he would remain silent and plead guilty. Testimony of James McCord, Vol. 1, pp. 131, 132, 135, 139-141.

[58] Testimony of John Dean, Vol. 3, p. 955.

[59] Testimony of John Dean, Vol. 3, p. 958. "He (Judge Ritchie) has made several entrees off the bench—one to Kleindienst and one to Roemer McPhee to keep Roemer abreast of what his thinking is. He told Roemer that he thought Maury (Maurice Stans) ought to file a liber action." Transcrips of Presidential Conversations, September 15, 1972, p. 60.

[60] Herbert L. Porter pleaded guilty, on January 28, 1974, to one count of making false statements to FBI agents. Gordon Strachan testified that he was expressly asked to do something he knew was improper related to his grand jury testimony of April, 1973. Testimony of Gordon Strachan, Vol. 6, p. 2443. See, also testimony of Jeb Stuart Magruder, Vol. 2, pp. 801, 802, 804, 831-832.

[61] Dean attempted to get Sloan's lawyers to have Sloan take the Fifth Amendment. Testimony of Hugh Sloan, Vol. 2, pp. 585, 586. Herbert Porter testified that he was asked to perjure himself by Magruder concerning the amount given Liddy—asked to say he gave $100,000 to pay surrogates. Porter, subsequently, perjured himself to the grand jury and in the trial. Testimony of Herbert L. Porter, Vol. 2, pp. 635-637.

[62] Testimony of John Dean, Vol. 3, p. 950. Kalmbach recollected that Dean stressed secrecy with respect to raising funds for the defendants, that he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and cause misinterpretation. Testimony of Herbert Kalmbach, Vol. 5, p. 2098.

[63] Mr. Caulfield worker on his intelligence projects with Mr. Ehrlichman and Mr. Kalmbach. He hired Mr. Ulasewicz on July 9, 1969, who was paid on a monthly basis through the Kalmbach law firm. Testimony of John Caulfield, Vol. 1, p. 251.

[64] Testimony of John Dean, Vol. 3, pp. 944-945. Testimony of L. Patrick Gray, Vol. 9, p. 3479.

[65] At the request of Mr. Dean, Mr. Gray held up FBI interviews with such valuable witnesses as Mr. Dahlber, Mr. Ogarrio and Kathleen Chenow. On June 28, Dean requested Gray to hold up an interview with Kathleen Chenow on grounds of national security. Testimony of L. Patrick Gray, Vol. 9, p. 3455.

[66] Testimony of Bernard L. Barker, Vol. 1, p. 358.

[67] Petersen testified that he received a telephone call from Ehrlichman asking that Mr. Stans be excused from going to the grand jury and telling Petersen to stop harassing Stans. Testimony of Henry Petersen, Vol. 9, p. 3618.

[68] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[69] Memorandum of July 8, 1971, from Patrick L. Buchanan to John Ehrlichman.

[70] Mr. Mitchell testified that there were many discussions of preventing the House Banking and Currency Committee hearings from getting off the ground, including possible use of assistance from the Justice Department. Testimony of John Mitchell, Vol. 5, p. 1897. The Lacosta meetings, which discussed the use of executive privilege to prevent testimony of people from the White House, could well be concluded to evidence an intention to prevent the facts from becoming known, according to Mr. Dean. Testimony of John Dean, Vol. 4, p. 1460.

[71] Testimony of John Dean, Vol. 3, p. 957.

[72] For example, a meeting on October 15, 1972, at the White House, with Ehrlichman, Ziegler, Buchanan, Moore, Chapin, and Dean was held to prepare a press response to Segretti stories. It was decided to attack and deny the stories, even though an intense investigation within the White House had already established the basic truth of the stories. The same denial was issued again in succeeding months. Testimony of John Dean, Vol. 3 pp. 1202, 1206, and 1209; notes of the meetings, Vol. 3, p. 1200.

[73] Aside from the coverup in general, the President claims to have learned of crimes on March 21, 1973, but did not tell the prosecutors about this evidence until they came to him on April 15, 1973. Testimony of Richard Kleindienst, Vol. 9, pp. 3579-3580; testimony of Henry Petersen, Vol. 9, p. 3628.

[74] On October 20, 1973, Attorney General Richardson and Assistant Attorney General Ruckelshaus resigned in response to the President's demand that they fire Special Prosecutor Cox, who wanted to appeal a court decision involving Watergate evidence to the Supreme Court. See also, Executive Session of General Alexander Haig.

[75] Memo to the Attorney General from Mr. Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under this law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot." Vol. 10, Ex. 177, p. 4194.

[76] Memo from Charles Colson to H.R. Haldeman, September 25, 1970, recommending that he "pursue with Dean Burch the possibility of an interpretive ruling by the FCC . . . this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks. . . ."

[77] When the newspaper Newsday decided to run an in-depth article on Mr. Rebozo, the reporter writing the story was audited at White House request, an FBI agent investigated the newspaper's offices, an anti-trust suit was recommended, and the Secret Service investigated the reporters activities while they were writing the story. Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 7).

[78] Memo to the President from Patrick Buchanan, March 3, 1970. Vol. 10, p. 4114.

That used the Departments to dredge up potentially embarrassing information on presidential contenders, and then leaked it to the press,[86] that used White House influence to obtain CIA equipment for the Ellsberg break-in,[87] that used its entrustment with our national security to convince four Cubans to burglarize a political party,[88] that ordered an FBI investigation of an unfriendly newsman to harass him,[89] that proposed leaking confidential FBI files to embarrass the producer of a satirical movie,[90] that used its control of important Watergate evidence and the privilege known as executive privilege to aid those supporting the President and to deprive or delay those in opposition,[91] that made plans to eliminate professionals in government service who placed their professional responsibilities above questionable White House political demands,[92] that participated actively and formally in a campaign organization while drawing White House staff salaries,[93] that ran secret letter-writing campaigns against Republican Senators, and that generally emasculated the Republican Party.[94]

That, all of that, violated the consent of Executive power in article II of the Constitution. Excerpts from the record only, selected examples. It certainly is not what our Founding Fathers had in mind when they envisaged the Presidency.

I might add for every one of the statements that I made here there is a specific footnote. This is not just a generality. I have not read the footnotes here this evening but they will be part of the committee report.

I think you can see that in what was quoted in that chapter. I am now going to move on to other chapters. It was not just one man. It was an entire Federal Government. It was an entire Federal Government that was being misused in the political process. And with that lesson in hand, you now want to give to the Federal Government through S. 2 even more power in that process.

What a field day it would have been for this bunch had we had public financing of Federal campaigns. Not only would they have had the IRS, the CIA, the FBI, the Commerce Department, and everybody else, but they would have been able to use the financing tool against their opponents.

What in Heaven's name is it that has us disregard these lessons or not take to heart the admonition of the Watergate Committee, which on the basis of the experience that we had as investigators and on the history of what had transpired said no Federal financing, no public financing? Additional disclosure yes, and then when it came to the matter as to how much, we were rather loath to go ahead and start invading people's constitutional rights as to what they can or cannot do within the selection process.

Going on to the so-called "Enumerated Powers and Duties of the President's Office," which are set forth beginning with section 2 of article II:

2. ENUMERATED POWERS AND DUTIES

The so-called enumerated powers and duties of the President's office are set forth beginning with Section 2 of Article II. That Section grants the President direct power over Cabinet officers,[95] and much testimony before this Committee demonstrated how those officers were used on behalf of the President's office.

An Attorney General, for a significant period of time, ran the President's re-election campaign while still in office at the Justice Department.[96] His reason for this role was that, "it is very, very difficult to turn down a request by the President of the United States," [97] even though the Attorney General himself later testified that he felt such a role in politics while still in office was wrong.[98]

I might add, who is in charge of enforcing our Federal laws, S. 2 included, should it become law but the Attorney General?

Memos from CRP, such as one entitled "Grantsmanship", suggesting an effective method of "insuring that political considerations" be used in Federal programs,[99] were sent to the Attorney General from May 1, 1971, onward.[100] At one point, it was even suggested that the Attorney General wield the power of his office to keep a Republican contender off the primary ballot in Florida.[101] That campaign role also included an extraordinary meeting in the Attorney General's very office, to review plans for bugging, mugging, burglary, prostitution, and kidnapping.[102]

Another Attorney General was placed in the awkward position of being asked immediately after the Watergate break-in to help get Mr. McCord out of jail before he was identified. He was soon thereafter warned of White House concern with a too aggressive FBI investigation.[103] He was then asked to provide raw FBI Watergate files, perhaps improperly, to the White House. That same Attorney General was later used as a secret contact with this Committee's investigation of Watergate, and was then removed from office in an apparent connection with the Watergate affairs.[104] He eventually became the first Attorney General in history convicted of a crime, for his testimony about the ITT matter.[105]

A third Attorney General was forced to resign his office when he backed the Special Prosecutor's procedure for obtaining Watergate evidence from the White House.[106]

An Assistant Attorney General was also asked to provide raw FBI Watergate files, again improperly, to the White House,[107] and was later told by the President not to investigate the Ellsberg break-in.[108] Another Assistant Attorney General was forced to resign when he backed the Special Prosecutor's decisions in the Watergate case.[109] Still another Assistant Attorney

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[79] Memo from Fred Malek to H.R. Haldeman, March 17, 1972, entitled "Increasing the Responsiveness of the Executive Branch."

[80] For example, a request that a prominent Jewish figure in Florida be pardoned for political benefit. In a memo to John Dean, Charles Colson recommends, "If there is anything we can do properly, we should . . . this has to be handled with extreme care." Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974. The pardon was granted and a $30,000 contribution followed. Interview with Calvin Kovens, October 25, 1973.

[81] See, Vol. 4, Ex. 44, p. 1682, 1694, 1695.

[82] Testimony of Robert Reisner, Vol. 2, pp. 500, 512.

[83] Interview with Jeb Magruder, August 8, 1973.

[84] White House memo from Steve Karalekas to Charles Colson, August 16, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean. Vol. 3, pp. 923, 1071.

[85] "It was my understanding, based on my discussion with John Dean, that there was to be a 24-hour tail on Senator Kennedy." Testimony of Gordon Strachan, Vol. 6, p. 2492.

[86] See, memo from Fred Malek to H.R. Haldeman, entitled "Increasing the Responsiveness of the Executive Branch, dated March 17, 1972.

[87] On July 7, 1971, John Ehrlichman called General Cushman, Deputy Director of the CIA, to arrange CIA assistance to Howard Hunt for disguise purposes. Hunt told Cushman that he (Hunt) had been charged with a "sensitive mission" by the White House to "interview a person whose ideology he was not certain of." Testimony of General Robert Cushman, Jr., Vol. 8, pp. 3290–92.

[88] Testimony of Bernard Barker, Vol. 1, p. 358.

[89] Mr. Haldeman ordered an investigation of newsman Daniel Schorr. See Vol. 4, p. 1490.

[90] Memo from John Caulfied to John Dean, dated June 25, 1971, subject: Emile de Antonio, producer of "Millhouse;" New Yorker Films, Inc.; and Daniel Talbot, film distributor. "I recommend that it is time to move on the above firm and individuals, as follows: (A) Release of de Antonio's FBI derogatory background to friendly media. (B) discreet IRS audits of New Yorker Films, Inc., de Antonio and Talbot."

[91] Mr. Haldeman testified that he had access to various tapes of presidential conversations. (See Vol. 8, pp. 3050-51); compare with testimony of John Dean, Vol. 4, p. 1503.

[92] See Vol. 4, Exhibit 44, p. 1682.

[93] Testimony of Robert Odle: "those people who were at the White House had influence over the (Committee for the Re-Election of the President), they gave it direction, they assisted it." See Vol. 1, p. 23.

[94] See, the Party Process, supra.

[95] U.S. Constitution, Article II, sec. 2.

[96] Mr. Mitchell testified that he "had frequent meeting with individuals (from CRP) dealing with matters of policy," before he resigned as Attorney General. Testimony of John Mitchell, Vol. 5, p. 1653.

[97] Testimony of John Mitchell, Vol. 5, p. 1859.

[98] Id.

[99] Vol. 1, Ex. 1. p. 449.

[100] See, testimony of Robert C. Odle, Vol. 1, p. 40-41.

[101] See, note 75 supra.

[102] Testimony of John Mitchell, Vol. 5, p. 1610.

[103] Testimony of John Dean, Vol. 3, p. 936.

[104] See, testimony of Richard G. Kliendienst, Vol. 9, p. 3597.

[105] Richard G. Kliendienst pleaded guilty, on May 16, 1974, to one count of refusing to testify about ITT; sentenced June 7, 1974 to one month unsupervised probation.

[106] On October 20, 1973, Attorney General Richardson resigned in a dispute with the President over the firing of Special Prosecutor, Archibald Cox.

[107] Testimony of John Dean, Vol. 3, p. 944-945.

[108] Testimony of Henry Petersen, Vol. 9, p. 3631.

[109] On October 20, 1973, Assistant Attorney General William Ruckelshaus resigned in response to

> General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.[110]

Is the point starting to come through? Take the last one there.

Still another assistant on;

> Still another Assistant Attorney General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.

And we want under S. 2 more power to go to the Federal Government in this reelection process? This is the one check that we have as a people on these types of things not happening is that our vote and our resources and our energies are not restricted in any way by any entity of Government.

> Three Attorney Generals and three Assistant Attorney Generals. And all this was done on behalf of the presidency, which has a Constitutional responsibility to "take Care that the Laws be faithfully executed."[111]

And I bring that back into focus because we say around here of course obviously we are all obligated so is the President to see that the laws are faithfully executed.

No. No. That is not the way it happened and that is not the way it can happen.

Things can go wrong, very wrong but as long as the last repository of power is in the hands of the people, then the whole system is saved from collapse.

> A Secretary of Commerce with all the authority as to corporate affairs that goes with that position, was placed in charge of raising funds for the President's re-election, including, as it turns out, a number of illegal corporate contributions.[112] A Secretary of Treasury met with a milk producers association and supported their request for higher price supports. After the President granted higher support prices, the milk producers arranged for him to be offered at least $10,000 in cash for his personal use.

Now we have both the Commerce Department and the Treasury Department getting into the act.

> He later aided them in tax and antitrust matters at a time when a large contribution to the President from the milk producers was being arranged.[113]
>
> The Commissioner of the Internal Revenue Service was criticized because "practically every effort to proceed in sensitive areas is met with resistance, delay and the threat of derogatory exposure."[114] The Director of the CIA, according to his own testimony and that of his assistant, was called to the White House and asked to use the CIA to cover up Watergate.[115] The Acting Director of the FBI was brought to the White House and given material from the safe of one of the Watergate burglars, to keep it hidden, an act which resulted in his eventual resignation.[116]

Now, Mr. President, my time has expired but I will be back on the floor if I can. I hope the distinguished acting minority leader will allow me to continue to refresh the memory of this Nation as to what transpired which caused the Watergate Committee to recommend against what is being proposed to this body in the year 1988.

The original reform was not Watergate reform and neither is this reform anything associated with experience of the past.

It is the little public relations dabbling is what it is and having spent a good 2 to 3 years of my life in the consequences of others dabbling in the Federal system I do not think I care to expand the list of dabblers or those who can be influenced so as to pervert our free election system.

Is it not ironic that we sit here debating a reform of the reform and that only a few years after the reform was enacted.

In any event I repeat as to why I feel so deeply about this matter. It is that I have seen firsthand a government, not a man, but a government run amok in the perversion of our free election system, and I am not about ready to give one iota more of power to government when it comes to that election process and neither should the American people do it.

The distinguished acting minority leader has well described the deep feelings that run on this side. I am sure that others have different reasons. But, believe me, I speak from the heart and from a good portion of my career on this matter.

If you want to call this bill—I do not know—I am not the one that devised it, but call it anything that you will, but please at least let us have the facts and the memory of Watergate stay intact. This is not Watergate reform nor was the legislation that it intends to reform. It flies directly in the face of that experience.

And for that reason I will use any parliamentary means to go ahead and oppose it and hope that it is not passed and I absolutely do not understand how a political party would want to be associated in the majority any way in a move such as this, nor, I might add, all the editorials that glowingly report on this legislation. Has the media forgotten our history? For anybody that wants I will be glad to send them a copy of this report. Every single one of these abuses by government is documented, footnoted, so it is not a question of my imagination or speculation. It happened. And it happened only a short time ago in terms of the history of this Nation.

Whoever said it, those who forget history are to be condemned by it and if we ever had a classic example of that it is here today.

So I would hope that we reject this legislation. I might add also I have to also lend my voice to the distinguished Senator from Wyoming. I do not think I could be wrong. I have been here now 18 years. I do not recall that we have had seven cloture votes on one issue. I certainly remember three and four and five. I do not think I remember seven. Anyway, it is going to be eight by Friday. I certainly do not remember eight. If it has happened, maybe it has happened only once before. But certainly also on matters of great principle and substance this little piece of trash that is dragged out here in the name of reform, you know reform is not something that any of us have a monopoly on.

There are good, decent, honest people on that side of the aisle as well as on this side of the aisle. There are lots of things that need to be reformed in this election process. If you want to really grab onto this chunk of meat, get into the business of negative advertising. It is a disgrace to the Nation, an absolute disgrace. All you have done in negative advertising is sort of legalize the dirty tricks of Watergate.

There is something we can really sink our teeth into.

But this dabbling could have a disastrous effect in some future election as to if the Federal Government turns itself on a candidate or candidates plural a la Watergate.

I am bound and determined to see as long as my legs are underneath me that that will not happen.

I yield the floor in the hopes—not only the hopes but I am sure there will be time when I will continue this recitation of fact which brought the Watergate Committee to the conclusion—and I repeat again the committee recommendations against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.

That was the decision of the committee. That should be the decision of this Senate.

Mr. SIMPSON. Mr. President, I want to thank my colleague from Connecticut, LOWELL WEICKER, for the very powerful statement. Indeed, he obviously feels deeply about this issue, and I think that all of us that know him that have come to know him that has been my great pleasure for 9

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the President's request to fire Special Prosecutor Archibald Cox.

[110] With the approval of the Attorney General John Mitchell, Mr. McCord testified that he received information, on a daily basis, from the Internal Security Division of the Justice Department, which information included FBI data and data on individuals of both a political and non-political nature. Testimony of James McCord, Vol. 1, pp. 178-183.

[111] U.S. Const., Act. II, sec. 3.

[112] Testimony of Maurice H. Stans, Vol. 2, p. 734.

[113] See, Milk Fund Investigation, supra.

[114] Transcripts of Presidential Conversations, Sept. 15, 1972.

[115] Testimony of Richard Helms, Vol. 8, p. 3238. Testimony of Lt. Gen. Vernon Walters, Vol. 9, p. 3405.

[116] Testimony of L. Patrick Gray, Vol. 9, p. 3467. Testimony of John Ehrlichman, Vol. 7, p. 2674.

years, this remarkable compassionate gentle giant of a man who can be tough and fair and firm. You want to listen to what he is saying because I do not know of many Members who have the deep social conscience that he does. It is a part of him. It abides in him and he is a very fair man.

What he is saying in his depth of feeling is worth reading. When you hear him say that he is ready to scrap, you want to pay attention because I know that when he says that, he means that. And he will be right back in the trench with us as get past the hour of 10 o'clock into all sorts of new extraordinary motions and dial a prayer and everything else when we get to that point, and he will be there and he is fun to have on your side.

I want to thank him because it was marvelous and I listened to it and anyone who knows the Senator from Connecticut and knows an issue knows that they should be listened to.

And there is a fairness to him which runs as a thread.

So, I thank him very much. I appreciate his participation in these efforts.

Now, I shall continue into the evening, no, into the morning. It falls upon me since I have been knighted with the task of acting minority leader to do a little more than I had anticipated when that befell me. And it always somewhat reminds me of, you know, when you get elected president of the rotary club or the chamber of commerce, or whatever, in a little town they say "We will help you, Al," and I see at this hour at 4:30 there are few people here unless the Senator from Colorado is going to join here in this remarkable effort. If so I would certainly appreciate that. We are under unanimous-consent agreement of various motions and so on.

Does the Senator from Colorado wish to dabble as the Senator from Connecticut called it?

Mr. WIRTH. If the Senator is yielding the floor, the Senator from Colorado would appreciate being recognized.

Mr. SIMPSON. Mr. President, let me do that. There are now three of us here at this hour, the occupant of the chair and the Senator from Colorado, and there are no motions that can be made, no moves to suggest the absence of a quorum. And, whatever the Senator from Colorado would have, may I inquire is there a time that the Senator from Colorado would intend to speak? We have others coming to the floor and I can spare them the anguish of the morning hours if you wished to do that, I inquire of the Senator from Colorado.

Mr. WIRTH. If the Senator from Wyoming yields the floor, when he does, the Senator from Colorado will seek recognition for only a short period of time just for the purposes of making sure the record is clear on some of the things that were said earlier.

Mr. SIMPSON. Sure.

Mr. WIRTH. I think it is appropriate that the record be made clear. But it is your filibuster, not ours, and the Senator from Colorado will only be talking for a few minutes for the purpose of clarifying the record on behalf of the majority.

Mr. SIMPSON. Let us go forward with that, Mr. President. We can have a colloquy. If there is an explanation coming from there, we can have a clarification coming from here.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I just wanted to make three very short points. First, the distinguished Senator from Connecticut has spoken eloquently of his very distinguished role in the Watergate Committee's investigation. The Senator from Connecticut played a notable role in that wonderful moment of the Congress exercising its responsibility.

I am sure that the Senator from Connecticut had no intention whatsoever of implying that the sponsors of S. 2 in any way, shape, or form are to be equated with the perpetrators of Watergate.

There were a number of people in the Nixon administration who were transgressing the law in all kinds of ways, and were abusing the privileges of public office, and the Senator from Connecticut has laid that out in a very understandable manner.

Many of us who are sponsors of this legislation were closely watching the events of Watergate unfold, as Members of Congress or from other positions, and understood those problems. Many of us were involved in securing enactment of the campaign finance reforms of the mid-1970's in order to prevent the replication of some of the abuses we witnessed. For many of us who support S. 2, the desire to eliminate some similar problems in congressional campaigns is a key determinant of our support. Above all, we certainly do not want to leave any impression that being a sponsor of S. 2 or an advocate of S. 2 suggests in any way that we approved or condoned what the perpetrators of Watergate were doing, and I am entirely confident the distinguished Senator from Connecticut meant nothing of the sort. That was just the first point for clarification that I wanted to make.

The second point I wish to address concerns the distinguished Senator's comments about spending limits in Presidential campaigns. I think one of the strongest conclusions in the minds of the American people that emerged from the unfolding of the Watergate episode was the conclusion that massive amounts of money were being spent in Presidential campaigns, and that there should be limits placed on the amounts of money being spent in those campaigns. I believe history and objective statistics show conclusively that the existing law relating to Presidential campaigns, which was enacted following the Watergate revelations, has been extremely successful in that way.

Let me cite a few numbers. In 1972, when there were no spending limits, President Nixon financially overwhelmed his opponent by spending some $62 million, a great proportion of which came from a handful of contributors. Adjusted for inflation, the comparable amount in 1984 would have been more than $150 million. There is every reason to believe that at least $150 million would have been spent in 1984 had there been no limit established before that election. However, with spending limits and public financing in place in 1984, President Reagan spent $68 million, or less than half of what President Nixon spent in real dollars.

So we see that the campaign finance law, which established voluntary spending limits in exchange for partial public financing, has effectively limited expenditures in Presidential campaigns. President Reagan accepted the spending limits and public financing in his 1976, 1980, and 1984 campaigns, as have 34 of 35 candidates for the Presidency since the law went into effect. What we have seen is that the spending limits that have been put into effect for Presidential campaigns indeed have had a salutary effect. I believe strongly that most people would agree that having less money rather than more spent on Presidential campaigns has been good for the process.

Unfortunately, as has been pointed out in the debate over and over and over again, we have not seen any kind of spending limits in congressional campaigns. The amount of money in congressional campaigns has increased almost 500 percent, 450 percent for House races, 500 percent for Senate races in this same general timeframe—from 1972 through 1982—during which inflation only doubled prices. We advocates of S. 2 firmly believe we ought to put a ceiling on House and Senate campaign expenditures, and believe doing so would be as beneficial and successful as was placing limits on Presidential campaign costs.

Finally, the suggestion was made in the distinguished Senator's remarks that enactment of S. 2 would shunt an enormous amount of public money, tax dollars, into Senate campaigns. That simply is not the case, and the facts of the legislation in front of us will bear that out.

S. 2 in its current form is primarily a bill to establish voluntary spending limits and limits on political action committees contributions to campaigns. It does not authorize tremendous outlays of public funds for congressional campaigns.

S. 2 provides for public funding in only three cases: First, candidates who agree to spending limits will be entitled to reduced postage rates, with public funds used to make up the difference. The cost of these reduced postal rates will be more than offset by the S. 2 provision eliminating the existing reduced postal rates for political parties. In other words, the net effect of these two provisions taken together is to actually return money to the Treasury. The cost will be less than today's cost in public funds.

Second, direct public funds will be provided to a candidate only when he or she agrees to spending limits and his or her opponent in the general election exceeds the spending limits. In such a case, the individual who agrees to spending limits is given public funds in order to minimize the ability of the free-spending candidate to buy the election, as an equalization device.

Third, a candidate in a general election campaign who is the target of independent expenditures by one individual or group, or coordinated independent expenditures, exceeding $10,000 will be provided an equivalent amount to assure he or she can reply to the message for which the independent expenditures paid.

These very limited public financing provisions are in the legislation in order to enable establishment of voluntary but effective spending limits which will satisfy the Supreme Court's Buckley versus Valeo standard. In order to have spending limits that meet the Supreme Court's first amendment standard, the spending limits must be voluntary, and compliance achieved by providing incentives.

I think it was important to make these three points at the conclusion of the remarks of the distinguished Senator from Connecticut. We will hear, I am sure, a great deal more debate, but I just wanted to assure that the RECORD was clear. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, that was important. Those comments are very valid in connection with this debate. I thank the Senator from Colorado and appreciate that very much.

The comments of the Senator from Connecticut, knowing him, I feel quite sure, I would not think were in any way to cast aspersions on those sponsors of S. 2. That is a remarkable list of sponsors and cosponsors of S. 2. I think certainly that is not the issue.

The issue is not the Watergate issue. The issue is seven cloture votes and one more coming. And that is what the real issue is. There really is not another issue on this whole case. The issue is when you will a snake and snip it in seven sections, you would think it would be dead. But in this case we are going to have to lop the eighth stroke, to sever the snake one more time, which we will do Friday. I am not going to bet on it. I quit that business in this place. But that is the frustration, that is the essence of this thing that we are involved in at 20 minutes to 5.

But there is an interesting thing, I do not know if any of you saw it, about the spending limits. And this is one page. This is not really filibuster material. This is rather fascinating. "Spending limits and taxpayer financing in practice; the failure of the Presidential system." This is current, February 1988. This is just one page. It is fascinating. Overall cost to taxpayers so far, $40 million in the last 2 months alone is what the taxpayers have paid; over a third of a billion dollars in the last three elections. That is what the taxpayers have paid.

We have had a proliferation of extremist candidates and wasted tax dollars. We had half a million dollars go to Lyndon LaRouche in 1984—half a million. We had $200,000 to psychologist Lenora Fulani to run for President. I do not know how well she did. I had not heard of her before. But anyway she ran and we paid for it. And we paid for Lyndon too.

And then we got more bureaucracy and not democracy. One out of every four campaign dollars—now we are talking about the Presidential races—one out of every four campaign dollars goes to lawyers and accountants. In the 1980 Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns now must process each contribution through about 100 steps. And what really has happened is that "political decisions have become accounting decisions."

There is an unprecedented growth in campaign spending these "limits." Overall spending is now increasing at the same rate as before, as before the spending limits and taxpayer financing.

Remember what we were supposed to be doing. We were supposed to limit the expenditures in Presidential campaigns. We did not do that. The overall spending is now increasing at the same rate as before. So here we go.

The difficulty now is that far more of the spending is done outside the legal limits and the disclosure requirements where there is less accountability than more accountability.

I think some of you read the article the other day on how you do it in Iowa. They have certain restrictions. You can only spend so much. So they get the rent-a-car and plane out and on the weekend they fly away from Iowa, both parties. They go out and they come back. Now, really, that is the most absurd exercise. And that is what we do with the Federal on the Presidential level.

Every candidate now, in a sense, for President becomes a cheater. Every major candidate since 1976 has been cited, Democrat and Republican alike, for serious violations of the law in which they have obtained bad press and large fines. That has happened. One candidate spent $2 million in a State with a $400,000 limit and his campaign manager reported that a year or two later and said that is the way it was. "We had no choice. We wanted to win." And Democrats and Republicans alike do this various dabbling.

Delegate and precandidacy committees are "loopholes big enough to drive a truck through"—I do not know whose quote that is; I have heard that somewhere—conduits for millions of dollars outside of spending and contribution limits. Corporations and labor both help circumvent limits by paying office rent and phone deposits and giving overly generous loans. That is the way that works. And that is a sham.

Campaign managers now tell us there is an absolute growing disrespect for the law and for the election process. Campaign managers report that the first planning priority is to identify in advance the various ways to circumvent the limits and the rules. That is the first object of a campaign as it gathers for the Nation to a Presidential candidate. Sit down and figure out how to get around the rules.

A respected observer and a campaign staffer declared "This whole FEC thing on the Presidential races is a sham * * * it's your job to find every single loophole."

I do not know who made that quote.

Special interests wield control by spending which is far outside of the laws. Here is an interesting statistic. In the 1984 general election, special interests spent $25 million to oppose Ronald Reagan—62 percent of Reagan's $40 million spending limit. Fascinating; $25 million to defeat him and that was 62 percent of his entire limit. Now that is disturbing to me.

Nearly half the money spent in the 1984 general election, $72 million was outside of the candidate's direct control. I think that is extraordinary. Half the money was outside the candidate's direct control.

At least one-fourth of all money spent in Presidential races is unreported, unlimited, and unaccountable.

Some of the money, which we have described in this debate in various ways but I think we all know what it is—it just is a different way of getting the money to the same source without going through the reporting which would have limited it if it had been "hard" money—soft money spending is roughly tripling in each elections cycle. The races really resemble uncontrolled, corrupt politics of another era of prereform era. And yet the people think that they have got reform.

And voters must be a little turned off by it or at least they are turned off by something but we do not know what. But 55 percent in 1972, down to 53 in 1984.

And then I think a final comment is very worthwhile by the dean of the fourth estate in political wards, political activities and political savvy, David Broder said:

> Spending limits and taxpayer financing have shut down local campaigns. Grassroots democracy has died.

That is a quote of David Broder, whom I have the greatest respect for. We have to heed his words.

Then in this kind of orgy of activity with regard to reform, as we talked about corruption and polluting the system, all the things that sound good when uttered or seen in print are really not the issue here because we really do not get at the things that the Senator from Connecticut was talking about. Negative advertising; I do not know how you would ever get at that. We are going to have to address that.

But certainly the independent expenditure person is not covered under this bill. That is one of the most egregious things that I have ever seen. I was going to touch on it but it would be personal to the occupant of the Chair whose father-in-law was one of the most able U.S. Senators in this body. I was privileged to serve with him; sat right there at that desk. Chuck Percy of Illinois. He cast all of the tough votes and he knew he was coming up for reelection. There were times we would say, Chuck, do not do that. That vote is 67 to 30. You really do not have to dive off the cliff on that one. And he would say, "I feel strongly on that," and he would cast the vote.

I am not challenging what the outcome of that race was. His successor was PAUL SIMON, one of our finest Members, a Presidential candidate. But I can tell you he faced one of the cheapest shots that have ever been fired at any living U.S. senatorial candidate by one man, one embittered—I do not know how else to describe him. There must be a lot more. There are more descriptions to a guy who would spend $1.3 million of his own money to defeat Chuck Percy. Some of the nastiest, crudest, racist, in a sense; stirring the pot, bringing up the specters of anti-Semitism. A bizarre character. And he is still loose.

He was in the Chamber one day when we voted on some kind of campaign reform, and I said I would like to see a guy like that. I would like to visit with him face to face. I do not think guys like that like doing face-to-face business very well. I have not seen him yet. He called my office and babbled into the vapors: SIMPSON can't say that about me. So I just said it again. And I would love to visit with him sometime. He is an interesting fellow.

I do not know what he will be doing in the next campaign, what Republican or Democrat he might pick, but he has got a lot of money and he apparently knows he has got power because it worked.

In fact, he went up to the wife of one of our colleagues, a California colleague, at a social event one night and he said: I am the guy that beat Chuck Percy. And the wife of one of our colleagues said: I like Chuck Percy, and I am offended by the way you did that. That kind of startled him.

Well, let me tell you. S. 2 will not even take care of him. It will not even lay a finger on him. Is that right? Of course it is not right. You do not want those kinds of guys polluting the system and that is what they do, and that is what he did, and he was totally effective, and he is totally loose and ready to do it again under S. 2.

That is not right. That is just one way gaps have occurred in this piece of legislation.

So I would hope we would do something with those and, of course, it will always be said that that was his right, that was his constitutional right of first amendment expression: to spend all the money he had, if he wanted to, to defeat a candidate. OK, that is fine. The Supreme Court has dabbled in that area, made some interesting decisions: Buckley versus Valeo.

Probably if his situation went to court, they would preserve it. It is still not right. Especially when it is late in the campaign, when you have expended your money in a thoughtful way, warding off your opponent in an honorable race, and then to have this phantom enter the fray with all the bucks he can pump into it out of some type of vindictiveness or pleasure that is beyond my particular grasp at this early hour of the morning.

But he will revisit himself upon the political scene and a lot of people will be ready for him the next time. There would be even a better way to get ready for him or her, whoever is out there, and that would be to do something about it right here in S. 2. But we have not.

There are a lot of things we have not done in S. 2. Another thing we have not done in S. 2 is to prevent those remarkable calls that are placed by a phone bank on the edge of town, set up in trailer houses. They call the Bell operation and say, "We will need you about October 29, and we want you to get set up," and they will be paid, you need not worry. They will be staffed and the dials are set up and the lists are set up; and they were there in three races this year where we lost Republican incumbent U.S. Senators, which is kind of one of our interests that we preserve that fragile specie, just as you would, as the Senator from Colorado would, as the occupant of the chair would for your party. So how did they disappear from the scene here? There were some good, tough scraps. Their opponents are here and voted and are proving to be splendid colleagues, it appears. But I do not know that they were a part of this. I am not even suggesting that. But I am saying it took place and it was placed for about 3 or 4 days and the phone banks hummed and it was simply: You do not want to vote for Senator So and So. He took away your Social Security. And the calls were made to a select list of people who were in their sixties, demographically selected. And that was the question.

It was not a question. That was the statement placed in their mind by a recorder or by a fellow human being. That is a pretty good way to get the troops juiced up. And that happened to three, and I am saying that those three were probably not even involved in that. But it happened. And S. 2 does not even reach that. It does not reach that at all. It does not get to that in-kind kind of contribution.

It does not get to soft money as others of the debate have shared, and I am sure it is repetitive, but at this hour anything is repetitive, the Democrats get more money from the "big guys" than the Republicans. That is a curious statement, but it is true.

Republicans get more money from the "little guys." If you look at the breakdown of the $5 and $10 and $15 and $20 versus contributions of corporations, labor, and wealthy individuals. That is a fact. It was reported. It has already been placed in the RECORD, Thomas Edsel wrote a fascinating article on that in the Washington Post.

So that is a myth. There are so many myths here that it is difficult to discern the truth and the truth is, and honesty I say this in, hopefully, not a total partisan way, the truth is that the Democrats know how we raise our money and win and the Republicans know what the Democrats do with their money and win, and we are both trying to do a number of the other.

We do our number through a bill and you on that side, or those on the other side of supporting S. 2, do their number in their bill. That is unfortunate because we both know where the soft underbelly is. We both know where the abuses are and we are not dealing with it. And I do commend this group of eight, I really do. They are trying.

Perhaps one of the reasons that there was less action today by that group is that one of the central members of that group, Senator MCCONNELL, was unavoidably called away by business activities in Kentucky. He will be here in the a.m. And he and that group will meet again with Senators BOREN, LEVIN, and that core group and we will see where we go from there. I think there may still be hope. I hope so.

In any event, the reality is that we both know what we are doing if we are very up front and honest on this bill. And then the other part, as I say, which is total frustration, is that we have done it seven times and we are going to do it again.

The Senator from Minnesota has come here for his shift. The Senator from Wyoming intends to repair to his chambers to rest his gangly body until my return at 10 a.m. and fecklessly rip through another day. I shall be here.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. I thought before the Senator from Wyoming repaired to his chambers, and begins to think about the myths of the evening and whatever myths and others that may float across his mind in the deep sleep that he well deserves, we might talk about some of the myths raised in the comments of the Senator from Wyoming.

First among these is the myth that there is something bizarre and unusual about the majority in the Senate attempting on a number of occasions to invoke cloture on the same measure. That has been done in the past. In 1968 the Senate had to vote on cloture four times before it was secured and the Senate was able to pass the open housing bill. In 1979, I believe, the Senate tried to invoke cloture, four times on the windfall profits tax legislation before succeeding. In 1980, on legislation to recognize the rights of institutionalized persons, the Senate had to vote for cloture four times. And, in 1981, before the Department of Justice authorization was passed, the Senate had five cloture votes. So this is not an unusual practice, to continue to go at it when legislation is obviously supported by a majority of the Senate until the requisite 60 Members of the body permit the Senate to work its will on the measure.

Another one of the myths that has been advanced this evening consists of various claims that public financing of Presidential campaigns is evil or undesirable. Mr. President, if public financing of Presidential campaigns is such a bad thing and the law is as detestable as suggested, why have those expressing their displeasure with the law not put forward proposals to change that law or to eliminate that law? And if that law on which so many Republicans are heaping criticism is so bad, why is that all of the Presidential candidates this year, all the Republican candidates as well as all the Democratic candidates, are accepting public financing and abiding by the spending limits? And since the law was passed in the midseventies, why has every Presidential candidate except John Connally agreed to participate?

Another one of the myths is that this bill does not do anything about independent expenditures. I am very familiar with the issue of independent expenditures, having been one of the prime targets of independent expenditures in 1986. A number of groups, from the NRA to the realtors to the Committee for the Survival of a Free Congress, and a couple of others come in to my State and ran just exactly the kind of negative campaigns that the Senator from Wyoming has described so eloquently this evening. What the legislation in front of us does within the constraints of Buckley versus Valeo—within the constraints of the first amendment—is to provide to the candidates who are attacked equal funding to enable them to reply after the amount of opposing independent expenditures reaches a significant level.

So within the constraints of the first amendment, S. 2 attempts to address the independent expenditure issue, though the Senator from Wyoming is absolutely correct in saying it remains a major problem no matter how we address it.

Finally, there was a brief discussion about snakes, of cutting up snakes in a variety of ways. I learned a lesson from a long time ago from my mentor in the House of Representatives, Congressman JOHN DINGELL from Michigan, who had a wonderful expression related to snakes. He did not cut them up. He said "If you want to kill snakes, squash the eggs." It seems to me that we have the opportunity here in the form of S. 2 to really squash the eggs of excessive and inappropriate campaign spending and fundraising by putting a lid on campaign spending, taking a first step toward limiting independent expenditures, and limiting aggregate PAC contributions to each candidate. The Senator from Wyoming and I both are interested in killing snakes. I guess we would have a different way of going about doing it, or are focusing on different snakes.

In any case, Mr. President, the Senator from Wyoming deserves to retire to his chambers to rest, and we look forward to seeing him at 10 o'clock tomorrow morning. Some of us have drawn watch duty for the remainder of the evening. I know he is going to miss us. We are going to miss him. We look forward to the dulcet tones of the Senator from Minnesota momentarily.

I yield the floor.

Mr. SIMPSON. With that, Mr. President, I leave this now to my good friend, and I thank the Senator from Colorado for his remarks which are well worth hearing, but the Senator from Minnesota has been aroused from his bed. I appreciate very much his coming here. Obviously I feel he has met a personal need. I am going to leave. I thank him very much. I know of great instruction in his day. I thank my friend from Minnesota very deeply.

Mr. DURENBERGER. Mr. President, I welcome the opportunity to speak, for a few minutes on this subject. Obviously, it is a great opportunity to be here at this time of the day. It is one of those unique chambers in which you cannot tell the time of the day except by the condition of the occupants. It is quite clear that from the President on down to the managers on both sides that some people have been on their feet discussing this subject for a fair long period of time.

Many of the people who are in this Chamber from time to time are all experts on the subject that we deal with because campaign financing and changes in collection law in this country are really not so much a matter of squashing the eggs of a moneyed evil as it is the way in which good people in this democracy of ours are represented in the election process.

That is a combination of how does the constituency as we call it in this Republic, articulate its own desires and its own wishes and aspirations in public policy while choosing not to be a candidate for public office? And how do those of us who have made that vocational choice accurately reflect the views of that constituency?

I think at the heart of the whole debate over election law reform, campaign financing reform, when we find the common values that bind both sides of the aisle in this case and those who are proponents and opponents of the legislation before us, the common bond is our desire as those who have chosen to go through the electoral process to more adequately and accurately represent the needs and the wishes and the desires of our constituents.

That is the common ground I think that brings us together, and that brings me here at 5:05 in the morning. And I will continue to come back from time to time as needed to speak to this issue because I think it is an extremely important one in this democracy.

One of the things that I have learned, Mr. President, as a sort of a late blooming politician, one who never really sought this office until several months before the opportunity presented itself, is that oftentimes our views on what ought to be is reflected by the present rather than adequately reflected in the past and the future. And it seems to me that we have been living for much of my adult lifetime in the reform era, and reform is a wonderful thing and great organizations with great names like Common Cause and others have risen over the issue of reform.

Sometimes it gets a little bit confusing as to whether or not it is the reform that is carrying the day, the organization like Common Cause for example that is carrying the day, or there is a particular need like improving the way in which we in elected office represent our constituents that really is important.

And as I have observed perhaps too often from the sidelines on this debate, this debate over the last year or so on S. 2, and prior to that 1986, 1985 and so forth, I have been getting the impression that we have been carried a little bit too far along by the institutional arrangements and the desire for reform that has brought us to this debate, and not enough by our sense of the basic realities of the need to have good people doing their best in the representation of a constituency that in large part probably more accurately views what we need to do here than often we do.

Now, Mr. President, having indicated that I am a late-blooming politician, let me say that while I did not seek public office until the middle of 1978, I am no stranger to elected politics nor am I in particular a stranger to the whole issue of election law reform and campaign finance reform. As has often been stated on the floor in connection with this particular issue, we have been in the reform mode since the early 1970's.

We in Minnesota are, if there are good reformers in this country, probably the best. As the present occupant of the chair well knows, who is one of our neighbors, we in the upper Midwest or the middle Northwest or whatever the case may be are constantly trying to find better ways to do things which has a lot to do with our northern European heritage, which rises from permanent winter and the effort to constantly find a better way to keep warm or whatever the case may be. But there is something about us that constantly seeks a better way to do things.

As you, Mr. President, are aware, in the old days of reform, it was the populous, the nonpartisan movement, this grassroots prairies are burning kind of era of let us get rid of the special interests, and let us bring equity and fairness and all that sort of thing back to the farm.

So it is those roots that have brought many of us to reform, and in the case of Minnesota, I think we were one of the first States in this Nation to adopt major campaign finance reform in the early seventies. We did it as I recall under a Democratic Governor and a Democratic legislature, and it brought us a variety of very interesting reforms in Minnesota, all in the name of getting rid of the special interests and raising the value of the general interests, cutting down the trees so that we could see the forests. We probably did one of those usually good jobs of questioning whether it was really a forest we were looking at or something else. But the reality is that Minnesota went through this period in 1971-74 of changing everything.

We made arrangements for public financing in our State so that people could check off somebody else's money on their tax return, get the good feeling that they were making a contribution without making a contribution and creating public financing of elections in the State of Minnesota. We made arrangements so that those who are enthused about the political process could get out early, arrange for shared rides for those who were less enthusiastic to make sure we could get people to the polls, something that in Republican eras we thought smacked a little bit of undue influence on the process, that is calling up people you did not know saying "Can I come pick you up at the house at 7 in the morning and drag you to the polls?"

Well, the reformists looked at that very differently, and they said, of course, these people would not vote unless someone came and gave them a ride. So, the Government ought to legislate rides. So, we make it possible in Minnesota for people to be picked up at home, driven to the polls, so as to convenience their participation in the process. It it probably a very good thing, one of the things that contributed to the fact that Minnesota always votes more of its eligible voters than any other State in the country. Seventy-five, seventy-six, seventy-seven, seventy-eight percent of the people vote in the State of Minnesota. That was facilitated by the campaign finance reform. When the people got off the bus at the polls and walked in, it did not really make any difference whether they had been in the State for 5 days, 50 days, or a lifetime because the reformists had also arranged for people to be registered right on the spot. All you had to do was bring the bus driver or some other fairly knowledgeable person along with you, who would vouch for the fact that, yes, you had lived at such and such an address for the required 30 days and therefore are eligible to vote.

We watched from the seventies as college students from all over the country would march in and lay claim to being lifelong residents of Minnesota and a variety of other wonderful things that raised the level of participation in the electoral process in our State.

There probably are some other reforms along this line that I should be able to think of at this hour of the morning to remind my colleagues of, but it is enough to say that my State made a major effort to franchise the vast majority of the electorate; again, the notion being that everyone ought to participate in the process, we ought to cut down the trees of special interests so that the forests of the general interest might be better represented in this process.

Mr. President, again back to my own personal involvement in this process, in the late sixties I had the opportunity to be the chief of staff to one of the last Republican Governors we had in the State of Minnesota, sort of lived first hand through the experience that all of you have had of watching government up close and seeing the influence on the process of a lot of the so-called special interests.

At the end of that period was the beginning of the campaign reform era, and that is the time when we were getting the scandals—I do not recall the name of the President at that time, but there was a famous President and some of the elections that he was involved in were apparently tainted with scandal of one kind or another in relationships between ambassadorships and campaign contributions and things like that. It is sort of foggy in my memory, Mr. President.

(At this point, Mr. CONRAD assumed the chair.)

Mr. DURENBERGER. But the reality is that the era began right about the time we were leaving office in Minnesota. I noticed at that period of time some of the efforts on the part of the larger companies in the State of Minnesota who had ventured out into what was then called political action committees but it was a legal arrangement by which companies could get their employees involved in the political process. All of these companies were starting to fold up all of these committees because apparently a number of the contributions made to the then-President of the United States came from these things called political action committees. Therefore, they became tainted and by association anybody who had any of these political action committees that endeavored to get citizens of my State involved in the political process by making a contribution, following that contribution up in some way, all became tainted by the scandals of this period. So, I noticed as I was leaving the Governor's office, or the assistant to the Governor in about 1970 that a lot of these companies were starting to fold up their interests in the process. No longer did you see anybody but the lobbyists for the company standing around the halls of the legislature. You did not see the employers any more. They folded up the political action committees. They folded up the process because all of us were and had been in one way or another tainted by this broad brush of illegal in some cases or special interest consideration.

So, Mr. President, a number of us, both Republicans and Democrats, at that time got together, and I suppose it began, I cannot recall its specific genesis, but it began as simple as sitting around someplace after work bemoaning the fact that government was going to be left to the real special interest or the single interest, unless somehow this broad base of support for the process were saved from all of the reform that was going on at that time.

So, a couple of people at that time got together. It was the chairman of the Democratic Party in my State, called, as the President knows, the Democratic Farmer-Labor Party and the chairman of the Republican Party, which is now called the Independent Republican Party. I can tell you something about Minnesota. We get very hyphenated in our efforts to distingished ourselves from other Democrats and other Republicans. But the leadership of both the parties got together in the period around 1970-71, to deplore the fact that broad-based political participation in the election process was disappearing, that in the aftermath of all of this scandal in campaign, illegal and otherwise financing, the people were pulling out of the process and, of course, the party people recognized that if people got away from the process there would not be any political parties because political parties obviously are sustained by broad-based contributions to the political systems through political parties and those of us who were not officers of the political party but were involved in the government also saw that broad-based participation in this process was the only way you are going to get two, three, four, five sides of an issue.

So, we put our heads together, Republican and Democrat, to talk about what we were going to do about it. The net result was that we began an effort for a couple of years at that period of time to encourage people in the community at large, the business community, the professional community, and so forth, to broaden the base in their own memberships, employees in the case of businesses, members in the case of professional and other associations, to try to continue to broaden the base of participation in the political process, and believe it or not, in a nonpartisan or a very bipartisan way we went out, held conferences, seminars and all that sort of thing trying to push the notion of political action committees because we felt in this very progressive State of Minnesota the political action committee and/or whatever it may have been called in those days probably the best way to make sure you had a lot of trees in the forest and not just a few so that you could get a wider interest represented.

So, with that process I think a couple of things happened in Minnesota. One, we sustained some modicum of interest on the part of large associations, membership associations, employers in some kind of involvement in the political process, and some of us who were involved in trying to sustain this effort also got drawn into the implementation of the campaign finance reform in my State of Minnesota.

So, when the Democratic legislature got around to passing all of its reform legislation and when they as part of this reform legislation created a Senate Ethics Commission, as they called it at that time—I think it then became the Ethical Practices Board—that gave this commission responsibility principally for implementing the new campaign and election law financing legislation in the State of Minnesota, together with some small amount of ethics at work, that is lobby registration, lobbyist registration, an all of that sort of thing.

But the principal job was the task of setting up this new public financing system making sure that it worked and all of the proper registration, and so forth, was done.

So that is my recollection. That happened in 1973-74. And because, I suppose, there was still a modicum of bipartisanship in the legislature at that time even though one party controlled both Houses, there was a requirement that if the Governor chose a Democrat as a Chair, which he did, that he would have to choose a Republican as the Vice Chair of the committee. And I just happened to be lucky or unlucky enough to have been fingered by the then Democratic Governor of the State who used to occupy a seat in this Senate for several years to be the Vice Chair of that committee.

So from the time that campaign finance reform and election law finance reform came to Minnesota I came to second Chair the process of reform.

All of that, Mr. President, is only by way of background as to why I rise to comment on this issue and also to indicate as I have previously that each of us is an expert on this subject, but we come from a particular different view and I wanted everyone to know what colored my particular view on this subject.

We spent an interesting couple of years putting this whole program together, spending the other people's checkoff money in one way or the other, and I think during that process learned some important things and some important lessons that this Senator has not lost sight of as he has watched during the eighties the national efforts to move in the direction of restraining the growth in campaign expenditures by exploring constitutional means for that restraint, much of which in one way or another involves what is so-called public financing.

Now, Mr. President, my experiences as I recalled them with the system in the early seventies and into the mid-seventies were while they were enjoyable in one sense, I guess I would have to admit that to some degree they may color my judgment about the legislation before us in its various amended forms, much more so than my personal experience in electoral politics, which I would, if we have the time, be glad to share with my colleagues as well since I am one of the more expensive candidates for one reason or another to have graced the halls of this Senate.

But I think it is the early experiences that we have with reform that stick with us the longest, and it is for that reason that I have probably dwelt or will dwell more on those experiences than my own personal election experiences.

But we were there doing the implementation of campaign finance and election law reform in the heart of the reformer era. We were there with Gene McCarthy. We were there with Bill Buckley. We were there with the famous 1977 Supreme Court case that I am sure has been mentioned in the course of this debate frequently, the case of Buckley versus Valeo.

And while Buckley versus Valeo just like Roe versus Wade and a variety of other now very famous constitutional decisions of the seventies may well be changed in the era of the eighties and the nineties, we still live as we all know with Buckley versus Valeo as the sort of iron hand that guides our efforts to reform and it is a difficult one. It was difficult for us in 1977 because Democrats and Republicans alike found it incredibly difficult to deal with the realities of Buckley versus Valeo.

I still find it difficult to deal with the realities of it.

My colleague from Colorado has referred to independent expenditures. I would refer to running against a $7.5-million man and that sort of thing, so we all know that there are sort of built-in constitutional limitations to doing this reform business the right way.

But I raise that, Mr. President, because I think it is important when you play around as some may say with changing the election financing, you play around with the process of elections; and when you play around with the process of elections, you are fooling around with the people's right to choose.

So I think it is very important that those of us who engage in this debate acknowledge to our constitutents who care deeply about reform that we and they have some built-in limitations in these efforts, that we do not agree with them and we do not think they would agree with them. One of those limitations is that Supreme Court decision of 1976 because it sets some parameters to what can be done in our efforts to equalize access to this process that most of us, I think—I obviously cannot say everyone—but practically everyone I run into who discussed this issue agrees that that decision has some unreal limitations on reforming the process.

But that was the era in which we were building a new election financing process in the State of Minnesota and we started off from 1974 to 1976 going down one track of implementing this legislation. When Buckley versus Valeo came along, we obviously adjusted that track.

Again, Mr. President, strictly by way of informing my colleagues from whence I come to this issue and from whence I come to my fairly strong opposition to the efforts on the part of my colleagues in this body to reform via an amended S. 2 this whole election process.

Now, the experience that we enjoyed in this period of time in the seventies was valuable to me from several respects. First, it showed me more deeply than I had probably previously seen that changing the rules in political campaigns can be kind of a risky endeavor. It is sort of like the proverbial putting your finger in the balloon because when you push in on one side of the system, something comes out on the other side.

We were talking about Buckley versus Valeo. If you want to dissect that decision, you can find one of those typical balloon situations where you push in here and it comes out on the other side. And at some point the Court quit pushing on the balloon because it could not handle the fact that balloons are spherical. And I cannot describe what air does inside a balloon in physical terms, but it just has one of those incredible consequences that we mere humans have not been able to figure out a way to deal with. And so in much the same way this hour are we going to permit people to spend money, or how are we going to require people to spend money in the process of elections, too, is very difficult.

But as others on this floor have indicated also in the period of the seventies—and I think it was my colleague from Connecticut who spoke fairly strongly, the former member of the Watergate Committee spoke quite strongly to the fact that one of the things that came out of the Watergate era was sort of a new view of political action committees and PAC's and so forth. And that one of the things that the reformists of the Watergate era wanted to be sure happened was that we had some kind of a broad-based constituency under a campaign financing.

And so we in Minnesota, as we approached that issue, we also found that we were struggling with how do you restrict the interests on the one hand and how do you broaden them on the other hand and found that that was difficult to accomplish unless at some point you trusted the public to make judgments about the electoral process.

So as a sort of an original free enterpriser, consumer choice, "don't let the Government make the decisions for you" person, I came to this process acknowledging that if you want to do public financing in one way or another, you could. Certainly, there is nothing per se wrong with public financing of elections. What was wrong or seemed to be wrong with this process was how we actually set the process up. Public financing is something most of us, I think, have participated in at the Federal level, until those of us on the Finance Committee, in our relatively poor judgment, in 1986 eliminated the opportunity to take a $100 deduction for a $100 political contribution. So we have been at public financing for a long time, and there is nothing wrong, in this Senator's view, with a tax policy or some other Federal or governmental or public policy that enables us to broaden the responsibility for our individual decisions about where our money ought to go.

By the same token, it has been my experience that the efforts of others to broaden the base under this system through, for example, the political action committees which encourage people who otherwise would not contribute to contribute. And there is nothing wrong with them. What seems to be wrong in any system is not telling the electorate what you are up to.

So if we go about this process and leave to occasional newspaper disclosure the fact that the members of such and such an association put $5,000, or $10,000, or $20,000, or $30,000 into Senator DURENBERGER's campaign and this comes as a once every 2-year or every 6-year disclosure, and it comes from some bold headline in some newspaper, then of course we raise public suspicion about the influence on the process. Just as in the sixties and the seventies we were alarmed at the disclosure that so and so in such and such a city contributed a million dollars one way or another to President so and so's campaign and as a result ended up being ambassador to such and such country. So as the disclosures come to us in the form of an exposé, along with the murder and the drug running or the whatever the case may be, the illicit behavior, we react and we react adversely.

So one of the principles that all of the reformists have adopted, those who believe in campaign limitations, those who do not, it seems to me one of the common principles that we have all adopted in this process is public disclosure as part of this process. And, Mr. President, that is, of course, where I come down in sort of my bottom line when I quit sticking my finger into this balloon before us. The one place that I keep it in is in the area of public disclosure.

If we set up limitations on how much an individual contributes, OK. If we can set up limitations on how much a group can contribute, that is fine. But I do not think in and of itself those limitations make the system work any better.

What makes the system work better is that John Q. or Jane Q. Citizen has before them constantly, in some cases with a little inquiry, most of the time without the necessity of inquiry, has before them access to accurate verified information who is giving what and in what amount to whom.

Disclosure makes available to everyone the dollar denominated amount of a contributor's influence on this process. It does not tell them how much that influence is, which is one of the unfortunate things about this process. But influence often gets aggregated and then a variety of implications arise.

The reality is that if you trust your constituents to come to judgment about you and if you trust your constituents to come to judgment about those who participate in your efforts to make public policy, then you almost have to come to the conclusion that giving all of those constituents access to accurate information about the dollars that are involved in the election process, the dollars that are involved in individual contributions to this process, then you really have to at some point say: "Well, I don't trust them to make the right judgment with that information. That is why I want to go and engage in additional limitations in the system." Or you are going to have to just say, "Well, I trust them. Give them the information. They can come to a judgment. They can come to a determination about whether it is the money that influences the process or whether it is something else that influences the process."

So I think, Mr. President, it is important to bottom line a lot of this discussion of reform by trying to reach some agreement between ourselves as to the issue of disclosure. Because it seems to me that those who would take the current election financing laws beyond where they are today in one way or another have to agree that disclosure is an important part of this process. Where they disagree, it would seem to me, is as to whether or not disclosure in and of itself is an adequate way in which we can take influence or undue influence out of this whole process.

So I would begin by making the argument that disclosure in and of itself does most of the job. We can go beyond that in a variety of ways and say in addition to that we ought to put $1,000 per election limitation on individual contributions or we ought to put a $5,000 per election contribution limitation on political action committee contributions. We can step beyond disclosure and put other kinds of limitations on this process. And, of course, we have already done that. And I do not know that there are a lot of arguments as to how best to accomplish that in this body today nor has there been among our predecessors.

Where the argument, Mr. President, seems to arise most frequently, as we have acknowledged many times here on the floor of the Senate and in other fora, is with the size of the total dollars that are expended in campaigns. I do not know how many times I have heard people refer to the amounts of money that either I have raised or I propose to raise in a campaign as being obscene. And in one sense they seem obscene.

I can recall helping my law partner run his first and only campaign for Governor or any other statewide office, 22 years ago. He won it. And it strikes me, it is my recollection at least, and I think this is approximately correct, he ran a statewide campaign which ran through 18 ballots at a Republican convention, running against three other better-known candidates, including a former Governor. He ran through that process and then he ran against the incumbent Governor of the State for election and won by just a very slim majority in a very hotly contested campaign in 1966. But I think the total expenditures in that campaign were something in the neighborhood of $400,000 or $500,000.

Well, my first election 12 years after that cost something in the neighborhood of $1 million. And my opponent spent over $2 million of his own money. So we spent together, in a relatively brief campaign—mine began around the 1st of May and ended on the 2d or 3d of November—together we spent over $3 million in the same State. We do not have a lot of population influx into Minnesota, so it is not like we were going from a million population to 4 million. We were roughly 3.7 to 4 million in 1966 and 1978. So you are going from a $400,000 statewide campaign, hotly contested over a year and so forth, to a 6-month campaign that cost over $3 million on both sides.

And then only 4 years after that, in an effort to seek reelection, I found myself spending $4.3 million. And I spent $4.3 million, not because I felt like spending $4.3 million or that was the most I could raise. I spent $4.3 million because that was the most I could raise against a person who spent $7.2 million of his own money to try to unseat me at that particular point in time.

So together we spent $11.5 million, $12 million or something like that, maintaining representation from the State of Minnesota in 1982 in the U.S. Senate.

In 1984 my colleague in this body up for reelection for the first time was not lucky enough to run against a self-financed campaign. He ran against a Secretary of State who had been in office for a long time and was fairly well know, was able to raise maybe $1.5 million, $2 million and my colleague raised something in excess of $6 million. That was his judgment, I guess, about what it would take to win an election and his judgment proved right. He won the election. I would suggest it was a lot easier year in which to run but it was one of those judgment calls that everybody has to make. The process then raised, again, between the two of them something between $8 to $9 million and in a State with 4 million people in which a few years previously it had cost less than a million to run statewide.

So, on and on, people look at those figures out there in Minnesota, in the good government State where you think everything comes free and "where the women are strong, the men are good looking and all the children are above average" as Garrison Keillor made famous about folks in Minnesota and you say why should it cost so much? This is terribly obscene that all of this money should get spent on elections.

It is only obscene, though, Mr. President, in the sense that we here wish, we who are willing to get up at 4 in the morning to come and debate this issue, wish with all our hearts that we did not have to raise all of this money and we would like to couch that in terms of: why should elections cost so much? But the reality is we would like not to have to do all of this work. Most of us enjoy coming here at reasonable hours, debating some of the great issues of the day—this may be one of them in the judgment of many of our colleagues—and not spend a lot of our time between 6 and 8 every evening at fundraising receptions and/or other parts of the day, asking people to provide financial security for our campaign.

But the reality as I have observed it, Mr. President, over the years that I have been near public office, involved deeply in campaign financing reform, and then as a participant in this process, now, in three elections, the reality is that compared to everything else that Americans spend their money on in my book there just ain't nothing obscene about a $6 million campaign by my colleague or a $6 million campaign by me or anybody else. It is not the totality of the money we raise in these campaigns that is obscene.

People who are better equipped at this debate than I can take you through the amount of money that we spend on advertising everything from chewing gum to, you know, Lord knows, all the other things we do not need in our society. Just find out how much money, hard-earned cash, Americans will spend on the useless things that are spent by a consumptive society and its advertising genius and compare that with the relative pittance that we spend on election campaigns. I think to the degree we are willing to make those kinds of comparisons, we would, most of us, have to come to the judgment that it is not the dollar amount that goes into elections that is obscene.

So I guess that particular word, in association with what I do or what I spend, I find inappropriate. Again, I would say from my personal preference I would rather not spend a lot of my time raising money. I would rather be a statesman than a politician. I would rather spend my time listening to my constituents, digesting them through this well-trained brain of mine, and then coming down here and shaping the future of America.

But the reality is that what makes America really something, a special place, is not so much what goes on here in the shaping of policy as it is in the way that the politicians of this country are shaped. I would like to suggest, despite the limited audibility of this message at this particular time of the day, one of the things that we lose sight of in this process is that particular point. It is not the shaping of policy, particularly today, that is as important as the shaping of policymakers and those in the election process.

Many of us who have come to this process in midlife, so to speak, I think, look about us at the high quality of the people in this place. And yet we also have the experience of pleading with others to run for public office. We find it, and I am sure others have shared this experience with me, we find it very discouraging to see around us in our constituencies, people who are unwilling to participate in this process for one reason or another.

Much of it is a discouragement, not with the election process, not with what you have to do to get elected, but a discouragement with what you have to do to be a shaper of public policy.

So it seems to me that if we put more of our effort into shaping the politician and the election process and less of it into the numbers involved in campaign finance and how we are going to go about it, we would all be substantially better off.

I find that the process of raising the money that I need to run a good campaign is for me a very healthy process. I was on the floor here a few months ago in a little discussion with the majority leader on that subject. He was decrying, as he has many times, the schedules that Senators have to keep. They cannot be here on the floor when he would like to see them on the floor because so and so has a fundraising scheduled here and so and so has a fundraising scheduled there and so forth.

The allusion at the time that I drew, and I will admit that it was implied, that somehow or other going to a fundraiser or exposing yourself to the opinions of those who were potential contributors, somehow was either degrading to the process around here or was something less than a proper influence on the shaping of this system.

At the time, and today, I strongly disagreed with that theory. I remember saying back in 1982 all over the State of Minnesota that I thought there is something arrogant about a multimillionaire saying: "I am going to get myself elected on my inheritance." I mean, if that is the case, well, let us populate this place with those of inherited wealth. This would, in effect, be the House of Lords. Let us put restrictions on all contributions and say that no one can spend anyone else's money. The only way you can get to this place is on your own.

I found that while I do not think the man I ran against is arrogant, in fact I like him a great deal, but I think the experience that I had of running for a year and a half, having to go out and raise $4.3 million from, I don't know, 40,000, 50,000, maybe 60,000 contributors—that is a large number in my State, larger I suspect than a lot of other States—led me to believe that there is an arrogance in somebody saying: "I do not have to do that sort of thing, and I will not do that sort of thing."

If I walk into the XYZ Co.'s cafeteria where a couple of hundred members, contributors to their political action committees, are gathered and tell them what kind of job I am doing as a U.S. Senator and ask for their continued support, I find that a very important and integral part of this political process because they can say, "No." And if they say "No" I am not going to get their support. I am not going to have the financial support to my campaign and I am not going to be in the U.S. Senate.

So, it is rather arrogant for an opponent who does not depend on his constituents for his election to walk by that same place, watch me talking to all of the employees who are also voters as well as contributors, and say: phooey to all of you. I do not need your money. Which is, obviously, what those folks do. They do not need the money. They make the decision they are not going to take political action contributions.

Well, all they are saying is they do not want the support; they will not take the support; they do not care about the involvement of all of those people. They want them to turn out at election time. How do they get them to turn out at election time? That is very easy. They go down to the bank and draw out a check on their own account and they buy 30-second ads on television and tell them what an awful person I am and what a wonderful person they are, and they inflame their desire to come and change the system by changing the Senator.

That, Mr. President, is an experience that all of you should have to go through. It is one thing to run against a candidate or an opponent who operates on the same rules you do; who has the same kind of financial parameters around him or her that you do; who has to go to the same people you do, not only for the vote but also for the contribution to run that campaign compared with running against somebody who does not have to do that. While I am not advocating that all the millionaires in the country get to work running against my colleagues here on the floor of the Senate, I suggest that when it does happen to you it is going to be a healthy experience and one that you ought to have before you come here, prejudging the opponents of S. 2 and our views on the restrictions that would be placed on this process.

Now, I am talking about the so-called obscenity of campaign spending, Mr. President. Let me remind my colleagues that, after talking a little bit about chewing gum and some of the other things we spend money on, that the Supreme Court has ruled that campaign spending is free speech. We have talked about Buckley and Valeo in the past here and I think we have also, at least I have argued that some of the interpretations of free speech in Buckley versus Valeo I do not agree with because I think that they are outside the realm of, sort of, the reality of the way things work in this society.

I have just addressed myself to one of the principal problems with Buckley versus Valeo and it is a commitment to free speech and that is the right of those of independent wealth and means to flaunt the electorate in a sense in their participation in financing campaigns and to reject their participation.

But the reality is that if we stick with this notion of free speech that limitations on the amount of money that can be spent in a campaign are also a limitation on the right of free speech. If I take away from the millionaire his right to spend his millions, that is a limitation on his right of free speech.

If I take away the right of the independent expenditure—maybe I should limit it in some way—but if I take totally away that right guaranteed in Buckley and Valeo, I have placed a limitation on a free speech in this country.

So, Mr. President, to the degree that you say to someone who comes from a State in which the spending levels in a Senate campaign have gone from $1 million to $2 million to $4 million to $6 million, whatever I was just describing, that from now on in that same State you can only spend $2 million per election, you are limiting not only my right of free speech; not only my opponent's right of free speech; but you are limiting the right of a lot of other Minnesotans' way and manner of speaking to you that can only be articulated at the time of an election through someone like me or through my opponent.

We decry, today, the lack of issues in the Presidential campaign. It is all about feelings. It is all about who said what about whom, not about what. So we have a tendency today, perhaps, not to look at political campaigns as a forum in which the great issues of the day are decided.

But, to many of my constituents and to practically all of my contributors, the reason they make contributions and the reason they participate in a more direct and financial way in this campaign, is it their way, not of influencing an election, but of influencing public policy.

It is their way of interfacing with the great debates and the little debates over the issues that are important to them and business, professional and ethical, social, moral, or economic sense.

So to the degree that you limit me in this election process and to the degree that you place financial limits on the amount that I can spend, you also limit the rights not only of my free speech but my speech on behalf of a lot of those contributors.

Another observation that I have relative to the amounts that are being spent in campaigns is simply that it strikes me as I look back at the data that campaign spending grows not with the avarice or the fundraising capabilities of candidates as much as it does with the cost of advertising in the economy as a whole.

It also strikes me, and probably the person who has influenced my thinking on this as much as anyone is my oldest son, who is now 24, that there is a direct relationship between the amount of money that we spend on campaigns and the medium which dominates all life in America. That is the medium of television. Frankly, when I asked my son on or about the time that he finally got his degree in political science, which was not a degree to be any expert, I trust, nor to follow his parentage, but sort of his intense interest in the political process—when I asked him how would he do reform of this political system, if he did not like the amount of money that was spent in a campaign for some reason or other, if he shared the feelings that some of the proponents of S. 2 have, certainly the folks in my State who have gathered around to make a common cause on this issue, how do we change the system, he said, "Well, it is very simple." He said, "My observation is that the worst part of the campaign is the 30-second commercial." He said, "Dad, you are kind of long winded like a lot of your colleagues, and I don't know of anything that you can say that makes sense in 30 seconds."

So you end up hiring somebody else to get a message that you have to deliver down to 30 seconds, and that often comes out often not sounding a lot like you but sounds like what folks want to hear. So he said he had come to the conclusion that the best way to elevate the debate, the best way to increase the amount of genuine information about the candidates and about the policies of campaigns, was to increase the amount of time that we who are candidates spend in discussing the issues of the day or defending our records, and the best way to get us to do that was to keep us off of 30-second or 60-second ads on television.

So when I asked him "How would you reform the system?" He said "Just pass a law that says that you can't spend any of that campaign money on television commercials of less than 3 minutes or less than 5 minutes." That will give you a double whammy. It will put good stuff on television, newspapers, radio, public forum of one kind or another. It will force debates over issues in the political process and it will automatically lower the cost of campaigns since the driving force in the dollar amounts that get spent on these campaigns usually is the cost of television advertising.

I guess I cannot disagree with him. Obviously, I have been kind of quiet about passing that suggestion around because those who are beneficiaries of the free speech and who bring us a variety of commercial media in this country would object to any notion of limiting access by politicians to this process. Yet a lot of them are the same people that agree that we ought to limit the dollars spent on this campaign.

Mr. CHAFEE. I wonder if the Senator will yield.

Mr. DURENBERGER. Yes. Mr. President, I certainly immensely enjoyed this opportunity, particularly at this time of the day. There is nothing I would rather have done than to be here to share some of these very preliminary thoughts with my colleagues. But as I say, they are preliminary thoughts, and I am just sort of beginning to whet my appetite on this subject.

I will be glad to come back at a later time hopefully in daylight and discuss some of these thoughts that I have had on the subject for a long time and my own experiences further. But I have a colleague who, when I was just sort of learning this game at the knees of a Governor in the State of Minnesota, was already practicing it in his own State as a Governor of Rhode Island, and one of these people I have always looked up to in many ways in not only the way in which he makes policy but which he in a heavily Democratic State manages to be a Republican policymaker.

So I would be very happy to yield the floor at this time to my colleague from Rhode Island.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first I do want to thank my distinguished friend and colleague from Minnesota for those kind remarks. He has served in this body now for some 8 or 9 years, and it has been my pleasure to work with him on several different committees, principally the Finance Committee, where he does such an excellent job.

Mr. President, I just would like to address the subject for a few minutes, if I might. I feel badly that we are undergoing this present process. I must say I cannot quite understand it. I voted last year for cloture seven consecutive times on this measure. And I have been one of two Republicans that has voted for cloture every single time. It is obvious that cloture is not going to be achieved. Nothing has changed.

So I just cannot understand the tactics that the distinguished majority leader has chosen to follow in this instance. I might say that he is a man of whom I have great respect and have had the privilege of working closely with on many separate occasions. But the question, it seems to me, before the body now is: Do we want a cause or do we want a bill? If we want a bill, then this business of cloture votes, unsuccessful cloture votes—as took place last year, when no bill emerged and, as a result, the chance for meaningful reform, not the total reform that the majority leader would like or that indeed I have supported, was lost—this practice of cloture votes is not the way to go.

In the best of all worlds, everybody would get exactly what they want. But that is not the world of government. That is not the world of politics.

As legislators, we must compromise settling for half a loaf or three-quarters of a loaf in order to make some progress and move ahead. But unfortunately, that is not taking place in this instance. There is such insistence on the public financing of the campaign spending limitations that the other chances for significant reform are foregone. This is very, very unfortunate. Apparently, that is the process that again is going to be followed this year.

What am I talking about with significant other reforms? Well, I think I personally strongly feel there should be a limitation on the political action committees. We all recognize that in nearly every State a political action committee can give a candidate $10,000. This is absolutely ridiculous. And the contributions that the individual can make to the PAC are sizable.

It just does not make any sense. That is what I find my constituents are most indignant about, the so-called power of the PAC's. The argument is that if you limit PAC's to, say, $5,000 or $3,500 or some amount like that, that they will then just split like a meatloaf and instead of having one PAC, you have two PAC's and one PAC not being able to give $10,000, you have two PAC's giving $5,000, or three PAC's each giving $3,500.

Well, that can be addressed. The technique of limiting the PAC's themselves, of limiting the overall contribution of the PAC's can be addressed. But unfortunately those issues are not being considered and enacted into law.

As a result, that type of reform is being deferred later and later because clearly those candidates running in 1988 have already exceeded any possible limitation that would be in a bill on the total PAC contributions. And they are not going to unscramble the eggs at this time which would be too complicated. And those who are running in 1990, I am convinced, have already exceeded any limitation that we might put into legislation for PAC contributions. So it is too late for that group.

Whether the class of 1992 that has already been out there and has exceeded the limitations that we might put in for PAC contributions I do not know but I would not be a bit surprised if aggressive candidates just elected 2 years ago or a year ago are on out there seeking more campaign funds, and probably have at least come up near the ceiling, potential ceiling, that we might enact on PAC contributions. They probably already may well have reached it or exceeded it.

So what is happening here, Mr. President, is that we are deferring the enactment of meaningful reform by this process that is being followed here and was followed last year as well.

Let us review the bidding if we might. It was Senator BOREN and the distinguished former Senator from Arizona, Senator Goldwater, who started with the whole campaign reform measure. While there was no overall spending limitation in their proposal, it did contain restrictions upon PAC's, addressed to some degree to the so-called soft money problem, but principally it was a PAC limitation bill. If I recall correctly, it also addressed the problem of the individual contributor.

That took place in 1986, and it was not enacted.

Then came 1987 and the Boren bill was changed. The Boren bill then had these total limitations added to it. I signed on to that bill.

In 1987, as we recall, there was not one, there were not two, there were not three, not four, not five, not six, but a total of seven votes on cloture. That is the most votes on cloture that has ever been taken in the history of this body on a single bill to the best of my memory and judgment, certainly since I have been here. There has never been anything approaching it.

As a rule of thumb, usually if cloture is not invoked after three votes, the effort is withdrawn.

Not in this case. Seven votes. In all seven votes I voted for cloture and, as I said, I am only one of two Republicans who did that, the other being my distinguished colleague from Vermont and since then the distinguished junior Senator from Kansas has joined in voting for cloture.

But that is it and it is clear, it is absolutely clear that there are not enough votes in this body for cloture. A valid, energetic, vigorous try has been made, and now it seems to me is the time to turn to something less than the whole loaf.

What is happening here in pursuit of what some view as the perfect—and I might say there are legitimate arguments on the other side by those who are leading the battle against certain provisions of this bill—is that those of us who have have been supportive of the Byrd-Boren approach, are losing the chance to achieve the good. The good is being defeated by the search for the perfect. And to me that does not make sense for our country.

I feel very bad that the distinguished majority leader persists in this effort instead of turning his attention to some meaningful reform.

What are the meaningful reforms that might be achieved? Well, we have talked about the PAC's, how much the PAC's are able to contribute to a candidate. Clearly, that should be limited. We should talk about the so-called soft money. Is it fair for one candidate to be able to marshal assistance in organizing the phone banks, getting out the vote—not just get out the vote, but get out to vote for candidate X—without having any kind of disclosure or reporting or any form of limitation. Yet that is not touched. That is the so-called soft money provision that could be well enacted, and it seems to me, Mr. President, that the thrust in all campaign spending laws should be disclosure. That is what we want. Let the public know what is happening, where the money is coming from.

I must say I personally have run into a situation where I think a reform could be made and that is disclosure of the appropriate names of PAC's. Currently, a PAC, in its name, has to indicate what its principal purpose is, but apparently there is a grandfather clause in there that permits these PAC's with the vaguest of names, for instance "Citizens for a Better Los Angeles," to pour money into candidate A or B. Any individual examining a reporting sheet has no idea in the world what this PAC is for and if it is a PAC for clean water or if it is a PAC pressing for nuclear power or if it is a PAC to encourage the use of tobacco or a PAC to discourage the use of tobacco. In some way the name should indicate what the PAC is all about. Clearly that does not exist now.

The current law for those who are forming PAC's is that they must indicate their purpose, but why the law does not apply to all PAC's so that we could get some indication of what each and every PAC is all about. There is a reform that clearly should take place following the thrust or disclosure.

Now, what about other possible reforms? One of them has been the so-called millionaire's loophole, and that works as follows: One of the things that currently takes place is you have very, very rich candidates who are able to practically finance their own campaigns. What they do is they loan themselves the money. They loan themselves $2 million, and that is far more than the opponent can raise or has available and we cannot do anything about the ability of an individual to use his or her own money. That is clear in the Constitution as interpreted in Buckley versus Valeo.

All right. But then the candidate, having been elected with this vast amount of his own money which he has secured through subterfuge, then has a massive fundraiser after his victory and repays himself so he is not out a nickel.

One of the provisions that has been discussed and to me makes a great deal of sense is closing this so-called millionaire's loophole and provide that anybody who lends himself or herself money will not be able to seek repayment subsequently from any type of fundraiser. He cannot repay himself.

Now that puts a great damper, I might say, on these individuals who have the wealth and proceed to lend it to themselves and then go out and have a fundraiser thereafter to pay themselves back. Those are three significant reforms.

I think we ought to look at the individual contributions. I recognize that the limitation is $1,000—$1,000 for the primary and $1,000 for the general election—but I think we all recognize that certainly in most States anyway it ends up to be $2,000. There is some type of a primary somewhere that permits the candidate to qualify for the extra $1,000.

Now, is that the correct amount? Should it be more? Should it be less? I think that is a subject that clearly could be reviewed. I do not have any strong views on it one way or the other. I frankly do not feel it is too much. I do not think anybody given the cost of current campaigns, is going to attain influence over a candidate because of $2,000. But these are things that should be examined.

Let us take a look at the arguments that have come from the opponents of this legislation, and I do not denigrate those arguments at all. As a matter of fact, it seems to me this is one case—I do not want to say it is the only case—but it is clearly a case where extended debate has indeed enlightened those who have taken the trouble to listen to it.

I think the arguments of the junior Senator from Kentucky have been very, very good.

Now, I have no reason at the present time to deviate from the support that I have given to the majority leader's position. That is as far as cloture and the bill goes, but nonetheless, I can see the validity in the arguments that are presented by the junior Senators from Kentucky and from Oregon. Both of them have made a lot of sense and have caused us to pause and think about the points they have brought forward.

Of course, one of the arguments that we who are in favor of some spending limitations use is, "Look at the spending laws for Presidential campaigns, is anybody seriously proposing that we repeal that legislation?" I have not heard it.

Now, let me take a look at this particular argument. It says, in one of the points that the junior Senator from Kentucky made that every major candidate, since 1976 has been cited for serious violations of the law. Large fines result. One candidate, and I believe this was in New Hampshire, in 1984, spent $2 million in a State with a $400,000 limit. I do not know how that can take place. But apparently it did, and if the individual candidate is just cited for violations of law, it does not seem to me the law is being enforced appropriately. Now, that particular candidate lost, and I suppose there is no point in beating a dead horse in trying to fine him, as it were. Probably he had no money left from the campaign anyway.

But, something is wrong if that takes place.

Another point that he makes, is that overall spending for Presidential campaigns is now increasing at the same rate as before spending limits and taxpayer financing was enacted.

Again, I am not quite sure how that takes place, but it is worthwhile looking into it and I am not sure that those points have been addressed on the floor. But I have heard, and these are people who I have been allied with, mind you, the great concern over the increased spending that has taken place, the mammoth amounts, the time that is consumed and I believe those are legitimate points.

I am up for reelection next fall and I have found that I have spent some time in raising money. Whether it has been more or less than in other years, I do not know. I think perhaps a bit more, but again in past years I did not spend a total of a great deal of time and so the amount that I am spending now is not that much time and clearly it has not interfered with senatorial activities, especially, I might say under the schedule that the majority leader has adopted for this body this year with 3 weeks on and 1 week off. Any fundraising that we choose to do can be done in that week off. As everyone recalls previously, if we had fundraisers, we would have them on a Monday when the Senate was in session because that was usually a very quiet time.

There is one other point I failed to address in the significant reforms that might be undertaken that we are losing a chance at, and that is the unaccountable, outside contributions and unaffiliated contributors.

Now the way the law currently works is if candidate X is running in Rhode Island for reelection, somebody from California unaffiliated with X's opponent can come in and spend any amount of money he or she wants in that campaign, both pro the incumbent or anti the incumbent, and to me that is just plain unfair.

Now, what can be done about it? I do not know. I am not sure. I suspect, again going back to the Buckley case which, of course, concerns an individual contributor to his own campaign, that under the constitutional provisions for freedom of speech, an outside individual cannot be prohibited from spending as much money as he or she wants in an attempt to defeat or provide for the reelection of a candidate.

I wish we would spend time addressing that problem. It is a legitimate one. We have seen it come up. We have seen it come up in one notable race in Illinois. I think we ought to address it, and undoubtedly it is possible to address it.

But those are things that I think we ought to be dealing with here instead of this driving attempt to achieve these campaign spending limitations that are not going to take place. And I can say, from my point of view, that this is unfortunate, because, as I mentioned, I voted for cloture.

I have listened to the arguments of those who have been against these limitations. Up in our region of the country where it is very, very hard to get Republican candidates to run, public financing is not all that bad. We have rather solidly entrenched Democratic incumbents, in many instances—I am talking about the whole New England area. The ability to attract candidates is always discouraged by the fact that the candidate is not going to have any money and probably is not going to be able to raise any. So, from where I come from, the Byrd approach would be helpful to us.

But that is not true apparently in other sections of the country. What is good for us is not necessarily good for others who feel so strongly about this legislation.

Thus it seems to me we ought to get on with it. And I have expressed those thoughts to the majority leader, but it is his view that he wants to press on, as is indicated by S. 2 being the dominant item on the calendar, not only for so many rollcall votes last year, so many cloture votes, but apparently we are starting over this year. How long this will continue, I do not know.

But what worries me is we might go this week and next week and then comes a week off. Then we are going to be into other matters. Pretty soon the INF Treaty is going to come along. Clearly the trade bill has to be considered. The Canadian trade bill is going to come after that. We have got the catastrophic insurance conference report that will come before us. And there is not going to be time for real campaign reform to be considered if we persist in the direction we are currently going. I believe that is very, very unfortunate. I just do not see where it is going to fit.

Now, as we all know, there have been meetings arranged between four Senators on the Democratic side and four Senators on the Republican side. I had something to do with urging the setting up of those conferees, if we want to call them that. They have been trying to reach some kind of an agreement, but the sticking point has been this public financing and the Republicans have made it clear that they are not going to change.

Well, if that is the situation, then the legitimate tactic is to try to impose cloture. But there is no reason in the world to believe that anything has changed from last year.

Last year, we had 54 Democrats total. Two of those voted against cloture, so that makes 52. A total of three Republicans voted for cloture, so that made 55. And that is it. That is the high point.

If every single Member of the Senate is present, that is what the vote is. Now, if anybody knows of any changes, they certainly have not brought it out.

To the best of my knowledge, there have been no changes. Certainly—and I have not made a canvass of the Republicans on this—my belief is that there have been no changes. Maybe there have been some changes on the Democratic side, but I have not heard of them.

So, thus, it appears, particularly under the present situation with the Senate's two Presidential candidates who have voted for cloture in the past out campaigning—that the vote for cloture would not be 55 but would be 53, perhaps one less if somebody were out for unavoidable reasons such as illness or recovery or whatever it might be.

So cloture is not going to be invoked. And, thus, I feel very strongly that we are in a good position to move ahead and achieve some reform.

I mentioned four points: the limitation on the millionaire's loophole; outside contributors; limitations on the PAC's; and soft money disclosure, and perhaps limitations. All of those are very, very important items that I wish we would take up.

Now, I have here an article on campaign finance reform which is in a printed booklet entitled "Commonsense." Now, who publishes Commonsense? Well, it turns out it is called A republican journal of thought and opinion, published by the Republican National Committee and its Chairman Frank Fahrenkopf, right here in Washington, D.C., and the Republican National Committee can be identified as the national operating arm of the Republican Party.

This article is entitled "Homogenizing Congress." It is written by BILL THOMAS, a Representative from the 20th District of California.

I think it touches on this subject and I will just read some of the paragraphs in it.

> During the past decade, political reformers have enacted numerous measures to purge Federal election campaigns of various evils, both real and imagined. These reforms vastly changed the landscape of political campaigns but not always with predictable results.

That certainly is true.

> While frequent attempts to regulate political participation have yielded some of the desired outcomes, they have also affected the kind of candidate who can succeed in this new environment. This unintended consequence holds considerable implications for the future of our representative democracy and raises the question: How healthy are such frequent campaign reform crusades for our political system? As the 98th Congress considers further campaign finance limitations and the possibility of taxpayer-financed congressional elections, policymakers should pause to consider the unintended effects which past reforms have spawned.

It is interesting to note that in the legislation we have before us, S. 2, only deals with Senate campaigns. It does not deal with House campaigns. Now I think any reforms that are enacted should deal with both.

I have heard it said that if the Senate enacts these limitations, then the House would follow. Well, I do not know whether that is true. I wish that S. 2, which as I say I supported, were broadened to include the House because what we are seeking in all of this legislation is fairness, equity. You can well have a situation where representative candidates, that is Members of the House, have been able to spend large sums of money getting themselves known in reelection campaigns, particularly in relatively small States where they are without limitations. They, in their reelection campaigns, can get well known all over the State to a greater degree than a senatorial candidate who is limited in his campaign could. And then, lo and behold, one day the Representative decided to run for the Senate. And, having achieved this far greater exposure, he branches out and takes on the incumbent Senator who has been restricted.

Now, to me, that does not seem very fair. I hope that in any campaign reform, whatever is finally done, that it is broadened to include the House. I know the argument is put forth: "If you ever try that, they will never pass it in the House." However, if that is true, then what makes us believe that if we pass it the House will subsequently pass it themselves. That is taking a chance.

So I do not see why both bodies are not included. If we can work out a formula to restrict the number of dollars that a senatorial candidate can spend, why can we not work it out the same for House Members? And, frankly, the House situation should be a lot easier since each of their districts is relatively similar in population. In the United States now it is probably closer to 500,000 in each representative district. That is man, woman, and child, not voters.

The proliferation of political action committees (PACs) is a prime and well-documented example. PACs are direct products of the limits slapped or individual contributions by the 1974 campaign finance law. Faced with this restriction on their participation in the political process, individuals banded together and continued to raise funds and contribute to candidates, all within the confines of the new law.

Some groups, however, have not exercised all their options under the laws which they themselves, in many cases, helped to create. Now that their earlier efforts to contain the so-called evils of money in campaigns have been largely superseded by public support of PACs, these groups want to make further adjustments in campaign law. They refuse to face the reality that a politically-active public will continue to be so—despite further regulatory efforts.

Attempts by reformers to "bottle reality" through various strictures and complicated regulations have had consequences beyond the PAC phenomenon. Not only have the type and manner of public participation changed, but the characteristics of elective candidates for Congress are also undergoing a metamorphosis, and campaign reforms are partly responsible. Other factors have contributed to changes in the kind of candidate who is more likely to be successful today, but campaign reforms are chief among them. If current proposals to limit campaign contributions and to establish taxpayer-financed congressional campaigns are successful, I believe such efforts will serve to accelerate the trends which are reshaping the "electability" traits of Members of Congress.

Some tremendous changes in the demographic profile of the House of Representatives are already evident. The average age of House Members, for example, is considerably younger than at any time in history, a trend set in motion by the 93rd Congress which convened a decade ago. House Members of the 93rd Congress averaged 51.1 years of age. The average for today's 98th Congress, however, is 45.5 years and the median age of an entering Member of Congress is now less than 40 years.

Other demographic trends were set in motion by the 93rd Congress. For the first time in the Twentiety Century, Blacks represented southern constituencies, and Representative Barbara Jordan of Houston became the first Black woman to represent a southern congressional district. Another maxim of southern politics was broken in that election—for the first time since Reconstruction, Mississippi sent two Republicans to Congress and Louisiana elected its first Republican congressman in this century.

These trends are continuing in the 98th Congress. There are 37 Jewish Members, an increase of four from the 97th Congress. The number of Black Members increased from 19 to 21. There are 11 Hispanic Members, an increase from seven in 1981. The 98th Congress began with 23 women—the same number that was present at the end of the 97th Congress, which started in 1981 with 21.

The snapshot then of the current Congress shows a much younger, seemingly more diverse group of individuals. Nevertheless, in many respects this new group is more homogeneous than past Congresses. The typical new Member of Congress is wise in the use of electronic media; better educated in the complicated myriad campaign rules; more willing to wage long campaigns, as well as repeated campaigns, in order to get elected; and, is more independent of political party support than ever before. A pipe-smoking Millicent Fenwick or a flamboyant Bob Eckhardt will become increasingly rare in Congress. Instead, the typical Member of Congress is becoming more and more a product of both an electoral and technological revolution which has taken place in the last decade.

Well, I am not so sure I agree with that conclusion. I think that as times change, so the approaches of the candidates are going to change. And I do not think that the, if you want to call it, rugged individual, those who are different via the pipe-smoking Millicent Fenwick or a flamboyant Bob Eckhardt are ruled out from taking office today. Indeed, in the past they stood out as individuals because there were not many like them, and I think similar individuals could be elected today.

Now, here we address the problem of spending limitations.

Now, here he addresses further limits: decline of parties, splintering of consensus.

How will the proposals for further limits on campaign contributions and for taxpayer-financed elections affect the pool of candidates from which Congress is chosen? One immediately evident result is that candidates would become even less dependent on political party support and influence in their campaigns. With the parties placed under strict contribution limits and with public money available, the traditional roles of political parties—formulating public policy and recruiting and electing candidates who share their broad philosophies—will become obsolete or, worse, meaningless.

Nor will candidates necessarily forge closer ties with their district constituencies under public financing. I believe the opposite would result.

It is not me speaking. It is the author.

Candidates would no longer be required to seek periodic support in the form of campaign funding primarily from their constituents; rather, they would rely on taxpayer funds channeled from Washington, D.C. To the extent public financing permeates congressional elections, the public interest would become further and further removed. By "public interest" I do not mean that amorphous label which is so often invoked by proponents of campaign reform, but the public interest as represented by people with a wide range of concerns and opinions, who seek to participate in the political process by supporting candidates who reflect their views. The linkage between this public interest and the Member of Congress would be broken by public financing of campaigns because taxpayers (most of whom oppose such plans) would have no control over who received the funds.

Well, I think that is a scare line that I do not subscribe to. As I say, I have supported public financing and there may be reasons against it and I think the strongest reasons have been set forth by the junior Senator from Kentucky, that it just plain does not work; that it is expensive. One of his points is that it encourages a proliferation of extremist candidates. That may be. There is more bureaucracy on the Presidential level. The figures he cites, I was going to say, I find astonishing. One out of four campaign dollars goes to lawyers and accountants.

In the 1980 Presidential race, $21.4 million was spent on compliance alone. That is as much as the most expensive race in Senate history. Campaigns must process each contribution—again we are talking about the Presidential system now—through 100 steps.

I do not know how he ever gets up to 100 steps, but in any event it is complicated. Political decisions have become accounting decisions.

Well, all that may be true, but I do not subscribe to the points that are made here by Mr. Thomas in his article in Commonsense where he sees the dangers of Federal financing of congressional—in this case Senatorial campaigns that would distance the candidates from their constituents. Because they do not raise money from their constituents any more. They just go to the public trough in Washington, DC.

There may be objections that can be raised to campaign financing, but I do not think that is one of them.

Now, I do commend to those who are interested in the whole subject, this booklet which was published in December of 1983, just 4 years ago. There is a rather interesting description of major campaign finance reform legislation, which deals with legislation introduced by Senator Paul Laxalt, whom we all remember so well, and Representative BILL FRENZEL and others.

Now, just so we can get a broader view of this, let me commend to individuals who might be interested, an article on page 77 of this booklet, "Major Campaign Finance Reform Legislation," where it deals with legislation introduced by Senator Mathias in the House, JIM LEACH, DAN GLICKMAN, and DAVID OBEY, all Congressmen; legislation introduced by Representatives MATT MCHUGH from New York and BARBER CONABLE and the legislation that I talked about earlier namely, the legislation that was the foreruner of S. 2, Senator BOREN's legislation.

That bill limited—just to touch on the Senate—limited Senate candidates' acceptance of funds from all multicandidate committees to an amount varying with the population of the State ranging from $75,000 to $500,000.

All right. There are a series of other articles on that subject there.

Now, let me turn once again to the points raised by the junior Senator from Kentucky, in why he feels so vigorously about the campaign spending limitations as they would apply to the U.S. Senate races. He uses, as his takeoff point, what is happening on the Federal level for the Presidential campaigns. He makes the following points:

First, addressing solely the Presidential system, which most of us think has worked relatively well. And I will say that that has been my view also. But one has to pause to think when we read these points, that the junior Senator from Kentucky has made, which I am sure have been carefully researched: $40 million has been spent in the last 2 months in the Presidential race. Now, this is a document that is dated February 1988; $40 million has been spent in the last 2 months. Since the funding of Presidential elections began and apparently three elections have been federally funded, one-third billion dollars, that is $330 million has been spent on these national campaigns.

Well, I do not think we have to say it is one-third billion dollars. It sounds like a lot more than $330 million. So, $330 million has been spent on three Presidential races. I do not think that sounds like so much.

The next point he makes is the proliferation of extremist candidates. A half a million dollars went to Lyndon LaRouche in 1984; $200,000 to psychologist Lenora Fulani to run for President. I am not familiar with Lenora Fulani's campaign for President. And if she received $200,000, I am amazed. I suppose there should be some qualification requirements, whether it is signatures or individual fundraising, before one is entitled to receive the Federal money. And indeed that is true. Ms. Lenora Fulani must have raised substantial sums by herself. You have to raise a certain number of dollars from most of the States before one qualifies for the Federal funds.

But I must say I do worry about the extremist candidate charge. Would that take place under the legislation S. 2 that I have been supporting? Are we encouraging extremist candidates to get into the races?

One of the great virtues, it seems to me, of American democracy, as it has evolved—is not provided for in the Constitution—is the fact that, though in the two-party system the candidates tend to move toward the middle, toward the moderate center whereas in the multiparty systems you have candidates on the fringe who achieve excessive power unrelated to the amount of votes that they have been able to obtain. We have a winner-take-all system and that encourages moderation. Every candidate has to go out and appeal to as broad a spectrum as possible, whereas in those countries that have proportional representation, which I consider to be a disaster, fringe candidates make demagogic appeals to limited sectors with the belief, and often the realization, that by this appeal to this limited group, which might be only 10, 12, or 14 percent of the people, that the individual will ensure, through the proportional representation system, that he or she can be elected to the parliament or whatever the governing body is.

We have not had that in our country and I am deeply concerned that we might. I do not want in any way to encourage it.

So this charge by the distinguished junior Senator from Kentucky that there will be a proliferation of extremist candidates as a result of the public financing of senatorial candidates may be a serious one.

I would like to hear further discussion, I might add, and I do hope that the junior Senator from Kentucky, who undoubtedly will be addressing this matter in the future on this floor, will address that particular point. It is one that I would worry about. However, as I say, it has not come to my attention before and has not been enough to discourage me from support of S. 2. But I would like to hear it addressed to a greater extent.

I see that the distinguished junior Senator from Alaska is here who undoubtedly has some views on this subject. I would be glad to yield the floor to him.

Mr. MURKOWSKI. I thank my friend from Rhode Island.

Mr. CHAFEE. I thank the Chair.

Mr. MURKOWSKI. Good morning, Mr. President.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Alaska seeks recognition in his own right?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. I thank my colleague from Rhode Island whom I wish a good morning, and, Mr. President, good morning.

The PRESIDING OFFICER. Good morning.

Mr. MURKOWSKI. Obviously, I find myself before this body at this early hour with the issue before us of S. 2 about which this body has heard a good deal for the last many hours. Personally, as a Senator from Alaska, I would be pleased to take this opportunity to educate my fellow colleagues on the merits of an issue which is of great interest to our Nation, of great interest to the State of Alaska; that is, the issue of opening the Arctic wildlife reserve to oil exploration. But in the spirit of the time, for the time being at least, the Senator from Alaska will stay on the subject of S. 2 and attempt to highlight for the benefit of the President the specific points that are of grave concern to those of us on this side of the aisle.

One of the major concerns that often is not brought out on the merits of public financing is just what is it going to cost the taxpayers of this country? Well, an estimate that has come into my hands on spending limits and taxpayers' financing obligations suggests that in the last 2 months alone over $40 million has been expended in public campaign financing costs, and over one-third billion dollars in the last three elections alone.

The question of proliferation of extremist candidates, the issue of wasted dollars, is very much appropriate for this body to reflect on. It is estimated that in the 1984 campaign one-half million dollars was given to Lyndon LaRouche, and approximately $200,000 to psychologist Leona Fulani, who at that time was a candidate for President.

So, Mr. President, it appears that we are contemplating building more bureaucracy and not more democracy. An interesting note for those of my colleagues who happen to be of the legal profession is one out of four campaign dollars, that is dollars that are given by the taxpayers, goes to lawyers and accountants. It is estimated that in 1980 in the Presidential race $21.4 million was spent in compliance alone, as much as the most expensive race in the Senate's history.

Campaigns must process each contribution through nearly 100 steps. So in reality, Mr. President, political decisions have also become in this bureaucracy accounting decisions. We have seen under the experiences that we have had unprecedented growth in campaign spending under "limits." Overall spending now is increasing at the same rate as before spending limits and taxpayer financing. The difference is that far more spending now is done outside legal limits and disclosure requirements and there is less accountability.

Some would suggest, Mr. President, that the system mandates that every candidate becomes a cheater. Figures indicate that every major candidate since 1976 has been cited for serious violations of the law. Needless to say, bad press and large fines resulted. One candidate spent $2 million in a State with a $400,000 limit.

The Senator from Alaska hopes, Mr. President, that the significance of these figures even at this early hour may penetrate the open minds of those who are still undecided on the issue and would reflect again on the merits. So as we consider the realities of what S. 2 mandates, it is corporations and labor that help circumvent limits by paying office rent, phone deposits, and giving overly generous loans.

There are those who would suggest that this provides for growing disrespect for law and the election process. Campaign managers report that the first planning priority is to identify an advanced way to circumvent limits and rules. One observer, a campaign staffer, declared this whole FEC thing is a sham. It appears to be "your job" to find every loophole. We have special interests that will control by spending outside the law. In the 1984 general elections, special interests spent $25 million to oppose President Reagan, this represents 62 percent of Reagan's $40 million spending limit; and nearly half the money spent in the 1984 general election, $72 million, was outside the candidates' direct control.

At least one-fourth, Mr. President, of all the money spent in Presidential races is unrecorded, unlimited, and unaccountable.

In soft money, which we have heard a great deal about, spending is roughly tripling under each election cycle. Races resemble uncontrolled corrupt politics of a pre-reform era.

Another thing that should concern us all, if we reflect on the merits of public taxpayer financing, is what effect has it had on the voter? Well, statistics tell us that voter turnout has stagnated; 55 percent in 1972, and in 1984 it is down to 53 percent, a 2-percent decline. Some have suggested that campaigns have lost their identity, they have lost their enthusiasm, they have lost their imagination. Spending limits and taxpayers' financing have shut down local campaigning, and the unique attribute of American politics—that is the grassroots democracy—has to a large extent died.

Mr. President, I have a number of references in regard to status of S. 2 because S. 2 is really not the answer. The Senator from Alaska is in favor of campaign reform but not at the expense of the taxpayer.

The junior Senator from Alaska supports the efforts of this body to bring about this needed reform. But, Mr. President, it must be done in a fair and equitable manner. And this legislation, S. 2, is not the appropriate way to accomplish that reform.

As has been pointed out by a number of my colleagues and others that will follow me, the bill as currently written has many serious flaws. As I have stated, the legislation would initiate a system for using taxpayers' money in funding Senate elections. If a candidate violates voluntary spending limits, the money to combat excessive expenditures, make no mistake about it, would come from public funds raised through checkoff on probably tax returns.

The problem is that a true measure of national support for such financing is the tax checkoff for the Presidential campaigns. Only approximately 20 percent of all taxpayers annually "vote" to spend their tax dollars in this fashion. Eighty percent vote "No."

One would ask what if the checkoff system does not work? If the checkoff system does not raise sufficient funds, what is going to happen then? Why, it is obvious Congress is going to have to appropriate money, appropriate adequate money, for our own reelection effort. To me, there is something very wrong, very inappropriate about that kind of a situation.

Some have said in this debate there is an evil association with PAC's. S. 2 would allow candidates to continue to accept funds from political action committees. Only the total amount a candidate could receive from all PAC's would be capped.

Some are asking if PAC's really are the problem. Small voluntary contributions of like-minded individuals really make up a majority of PAC funds.

Does not this PAC process actually help to preserve the rights of individuals to freely choose the ways they want to participate in our election process?

Mr. President, I have mentioned soft money and S. 2 does not address this issue. We have seen union get-out-the-vote drives phone banks, et cetera, significant noncash contributions which are not accounted for nor from all appearances limited.

Now, under current law there are dollar limits on the size of contributions that can be made by political action committees or individuals. Additionally, there are strict reporting requirements for the candidates and large donors.

But as I have stated, there is little control of the soft money.

An example might be a labor union turning out volunteers to make telephone calls for a candidate or some advocacy group of volunteers with its members addressing and mailing letters or other organizations which might provide door-to-door canvassing.

These are not always reported as contributions. Yet, they clearly have a monetary value.

Also, consider third-party indirect assistance for a candidate. Say, a teachers' union, and NEA mails a message to its members and runs newspaper ads against one candidate for another. The question comes up as to whether or not the dollar value of that effort should be included in the limits placed on a campaign.

Many of these third-party interest groups have a nonprofit status. They enjoy special mailing rate privileges. Should not a campaign reform plan include the registration of these privileges when they are used for campaigning?

The Senator from Alaska thinks that they should.

This side of the aisle may be somewhat successful in raising money, but I think if we reflect on the records and the figures we have available the other side of the aisle is just as successful at raising the soft money.

Now, Mr. President, let us talk about spending limits. As we have all heard limits would inhibit any party's ability to compete in what is traditionally a one-party State. Also, the limits would hinder candidates who have to mount a campaign in a State such as mine, in Alaska.

The limits are based on a State's voting age population. My State may have one of the United States smaller populations. Yet the area of my State is two and one-half times the size of the State of Texas. I know that creates a little competition as we reflect on the size and magnitude of our home areas but in reality in Alaska the transportation costs alone are extremely high. Just to get out and meet the voters in my State requires an expenditure of thousands and thousands of dollars.

Finally, Mr. President, where does the news media fit in on a reform of the campaign process? For instance, is there a dollar value that could be assigned to a paper's declared editorial support for a candidate? A rather interesting speculation, Mr. President.

Should the value of that support be filed with the Federal Elections Committee just like an oil company's employees are required to file their PAC contribution? Or, Mr. President, does our Constitution intend that newspaper publishers be exempt from the limit placed on other individuals?

These are among the questions that I think deserve more attention by the public.

Mr. President, I would like to take this opportunity to share with those of my colleagues who are up this early hour some of the letters I have received from around the Nation in opposition to S. 2. The first is from Dr. Geraldine Morrow of Anchorage, AK. It reads:

> DEAR SENATOR MURKOWSKI: The American Dental Association has notified me of the seriousness of S. 2, the Senatorial Election Campaign Act of 1987 and its impact on the amounts of money political action committees could contribute to candidates. Along with the information they sent a cosponsor list. May I express my deepest appreciation to you at not seeing your name on this list? There are many of your colleagues who have offered cosponsorship. Hopefully your missing name indicates your opposition to this proposed legislation.
>
> I want to speak to opposition and sincerely urge you to continue in nonsupport.
>
> Currently there are 4,000 political action committees representing all interests in our country. PAC's have proven effective in aiding candidates, yes but also in greatly increasing citizen interest and involvement in government and the political process.
>
> The alternative proposed—partial public financing—does just the opposite, and may, in fact discourage citizen involvement because publicly contributed funds cannot be earmarked to a favored candidate.

One of the promoting ideas of this legislation is alleged political action committee abuse. Current disclosure laws assure full knowledge by the public of all PAC activities. Protections are in place. If abuses are discovered, certainly they should be addressed. But the solution should not be elimination of the incentives for citizens' involvement.

How could concerns with campaign costs be appropriately addressed? Dr. Morrow suggests the following: The creation of an independent commission to be established to study the overall issue. Items suggested for the study would include the length of campaigns, should the period of fundraising basically be limited, the overall cost of elections. Should candidates be permitted to retain unused campaign contributions? Should elected officials continue to be permitted to establish PAC's in addition to those used for their own campaigns so they can assist other candidates? And can the role of major political parties be strengthened?

Once again Dr. Morrow states:

> I do acknowledge, Senator Murkowski, your restraint in this matter and I am grateful for your understanding of the seriousness of a greater concern.
>
> I would strongly urge your opposition to this legislation and sincerely appreciate your ongoing efforts.
>
> Best regards,
>
> DR. MORROW.

I think the point in this letter that strikes me is how the involvement of citizens have been encouraged in the electoral process through the concept of the PAC's.

We have, of course, seen letters come in from the U.S. Chamber of Commerce, the National Right To Work Committee, organizations, corporations with PAC's such as Texas Industries, the Eaton Group. We have also seen an expression of genuine concern on the part of the public with regard to the need for campaign reform.

But as we reflect on the type of campaign reform that is in the interest of the public it is important to understand the reality of the issue of soft money, Mr. President.

I would ask my colleagues to reflect on the soft money issue and as to why they do not feel it is appropriate that this issue be reported.

There is a problem of inequity when you have one candidate running in an election and reporting his funds in the conventional manner and an opponent who has the benefit of an organization working for him through the contribution of personnel, phone banks, and letter writing. These efforts are very effective as I know from personal experience in my own campaign of 1980 and later in 1986. This is an issue that in fairness should be addressed. That contribution can be identified in dollars and cents. It can be identified in the same way in which under the procedure established here in the Senate one addresses the reimbursement of transportation in a private aircraft to accommodate a Senator's schedule. Under our rules, the appropriate contribution is determined to be equal to a conventional first-class fare on a commercial airline between two points. It is quite possible to ascertain what it would cost to hire a number of people, 10, 15, 20, whatever, at an hourly rate, rent phones, pay the installation costs, and add up the number of hours that the particular function, telephone, polling, a mail-out costs is performed, and then file a report on that cost with the appropriate reporting agencies.

Now, this, Mr. President, seems to the Senator from Alaska to be an equitable and appropriate procedure. It is unbelievable to the Senator from Alaska that some of my colleagues have a difficulty with the issue of soft money. I look forward to those who would care to address that particular aspect of S. 2 to enlighten me a little further as to just what the difficulties are with a declaration of the soft money issue.

Now, we have seen in this particular issue the effects of an organization called Common Cause, a rather interesting group in our country. It is a special interest group. It claims approximately 280,000 members nationwide. It is an integrated entity, enjoying a status under the 501(c)(4) tax-exempt provision under the Internal Revenue Code. It has placed legislation changing financing laws on the top of its legislative agenda.

The Democratic leadership and all but two of the Senate's 54 Democratic Members, I understand, support its call for taxpayer financing elections and spending limits in congressional races. It is no secret that Republican Senators view the bill as nothing more than a political ploy by our friends across the aisle to lock in their control of the U.S. Senate. Not surprisingly, given the high partisan stakes, the bill faced tough going, with Common Cause and the Democratic Party unable to break a filibuster, a record up to this time after we have had, I believe, a record of seven cloture votes.

Now, Common Cause's role and that of the Democratic Party in this debate has yielded communications that are the subject of complaints that have been filed in various parts of the country. Common Cause, as we have seen in various areas, has seen fit to take out a series of full page newspaper ads against some Republican Members of this body not supporting Common Cause's position on S. 2.

The feeling of the Senator from Alaska is that the aim of Common Cause is obvious. Since Republican Senators who are the subject of the ads have not wavered on this point, Common Cause wants them defeated in the upcoming 1988 elections so that the makeup of the Senate will have fewer Republicans.

In addition, Mr. President, Common Cause has taken out an advertisement against the Presidential candidacy of our own leader, Senator ROBERT J. DOLE. And this occurred at the height of the national Presidential primary season which we are in.

To this end, Common Cause is expending substantial sums in an attempt to weaken the electoral system and, in my opinion, the strength of certain Republican Senators facing election in 1988. The ads are an attempt to affect the 1988 senatorial elections so that the special interest legislation pushed by Common Cause and benefiting the Democratic Party can pass this body.

I feel that the FEC needs to investigate to determine the extent of Common Cause's coordination of its advertising efforts with those who are planning the policy in the Democratic

Party's Senatorial Campaign Committee.

We have seen ads, as I have referred to before, on standing Members of the Senate. The text of the ads, which are similar, demonstrate why they are highlighting reportable expenditures whose purpose it is to influence Federal elections. The ads we have seen identify a specific Senator running for election in 1988 and criticize him for lack of integrity if his views are opposed to those of Common Cause.

Now, the ads that we have seen are from newspapers, either published or widely circulated, and they depict Republican incumbents running in 1988. The ads that I have seen make repeated references to "congressional campaigns" and "candidates" and suggest that those who do not vote Common Cause's way are somehow "fundamentally corrupt."

Now Common Cause is obviously making these expenditures in the hopes that voters will be swayed. If the aim was to make Common Cause's views known to the Senator, a mere letter would certainly suffice.

Now ads supporting Democratic Senators facing reelection in 1988 contained similar factors demonstrating why they should be reelected. Of ads supporting various Senators, one praises a Senator for voting the right way on Common Cause's bill. The ads ran in newspapers published in the States where Democratic Senators were facing election or reelection in 1988. The ads compare these Senator's positions favorably with what they might get if someone else was serving the voters. The ads make repeated references to congressional campaigns and candidates and suggest that the only way to work toward restoring honesty and integrity in Government is to compare the merits of the Senator supported by Common Cause and the one who is not.

Now, Common Cause's aim is obvious. It is to tell the voters in the Senators' States that these Senators who have the support of Common Cause are worthy of the support of the electorate. If the aim was to tell the Senators that they were doing a good job, why Common Cause could have written a letter.

The ad targeting our own Senator DOLE was published in the Washington Post, no stranger to this body, on January 25, 1988. It was done right in the heart of the crucial nationwide Presidential nominating season. The ad is a reportable expenditure since it is plain wording discussing Senator DOLE's Presidential candidacy and its funding.

The ad makes reference to the following. "You are also saying you oppose S. 2 because you object to its spending limits and public financing provisions. Yet when it comes to your own bid for the Presidency," referring to Senator DOLE, "you have accepted spending limits and more than $5 million in public funds to advance your campaign." This ad directly criticizes an ongoing political candidacy and is paid for by an incorporated entity.

Now, Mr. President, this is precisely what the Federal Election Campaign Act is supposed to regulate and prevent.

It is my contention, Mr. President, that Common Cause ads are designed to influence Federal elections. The Federal Election Commission has developed a test for whether this sort of communications are subject to the FECA, its reporting requirement as well as its limitations.

In its ruling, the Commission has consistently taken the position that expenditures are subject to the act where they are made for the purpose of influencing a general election to depict a clearly identified candidate and convey an electioneering message. These ads by Common Cause fall squarely within the articulated test.

Common Cause, perhaps because it feels it enjoys a position of moral superiority as a 501(c)(4) corporation, has chosen to ignore the legal tests.

Nonetheless, Common Cause's actions are designed to influence Federal elections under the FEC's tests. These ads are paid for by a corporation. This, Mr. President, is against the law. The FEC needs to enforce the law and make Common Cause play by the same rules as other groups attempting to influence Federal elections.

The Commission addressed this issue in Bulletin A01985-14 and concluded that expenditures by the Democratic Congressional Campaign Committee were reportable expenditures allocatable to each candidate who benefited from the communication under the 11 CFR 1061.

The proposed communication at issue identified by name specific Congressmen and would go to part or all of the districts represented by the identified officeholders. The Commission determined that the communication, either with or without a partisan "vote-Democratic" statement, would be subject to the act's limitation. In reviewing the communication's language, the Commission looked to the requirement set out in the advisory opinion 1985-14, Federal Election Campaign Finance Guide, paragraph 5766 (1984). In that advisory opinion, the Commission concluded the act would apply where the communication both depicted clearly identified candidates and conveyed an electioneering message. Electioneering messages, according to AO 1985-14, which was cited in *United States* v. *United Auto Workers*, 352 U.S. 567, 587 (1957) includes the statement designed to urge the public to "elect a certain candidate or party."

It is important to note, Mr. President, that there is no requirement in either of these two regulatory bulletins that the advertisement to be attributed must contain expressed advocacy, a term of art under the act.

Well, Mr. President, in AO 1984-15, the Commission recognized that an advertisement was attributable where it "effectively" advocated the defeat of a candidate.

In AO 1985-14 the FEC interpreted that particular ruling, stating the requirements that an allocable communication included an electionary messsage. On the facts of that particular case, the SEC identified clear electionary message in direct mailings which identified a Member of Congress and which were distributed within the Member's district.

Mr. President, the Commission reached its conclusion even though the question asked indicated that there might not yet be a Democratic candidate, either announced or qualified under the act, in the congressional district which received the communication at issue.

The next propounded by the Commission centered on whether the expenditures were made "for the purpose of influencing the outcome of the general election." As the FEC made clear in this ruling, expenditures made with a genuine election purpose count, regardless of whether a nominee has been selected or even clearly identified. And, as the FEC stated, whether a specific nominee had been chosen or a candidate assured of nomination at the time the expenditure is made, is immaterial.

Thus, Mr. President, Common Cause was contributing under the act, whether there was as yet a Democratic candidate opposing the Republican Senator criticized or a Republican candidate opposing the Democratic Senator criticized.

The proposed mailer examined included reference to "rhetoric" by a named political party. The Common Cause mailer does not make reference to any political party by name. This difference may not be significant. On one hand, the regulation does not state what aspect of the proposed mailer constituted an electionary message. It may be that the mailing as a whole conveyed an electionary message.

Similarly, the Common Cause communication conveys an electionary message constituting an expenditure under the act by Common Cause.

A proposed mailer included references to an election by its inclusion of a list of campaign contributions from, in this case, an oil group to the named representative. The Common Cause communication refers to the way our congressional campaigns are financed and that too much money is given to candidates by special interest PAC's. Too much money is spent by candidates.

The ad also states obstructionist tactics, to preserve a fundamentally corrupt campaign finance system, have no place in our democratic process. And the ad further states that the Senate's integrity is at stake.

It asks the question: What will Senator X do? There are references to an election in which one way to restore the Senate's integrity would be to vote the named Senator facing reelection out of office, the Republican Senator, or leave the praised Democrat pending to the office.

Common Cause ads at issue are similar to the proposed communications in AO 1984-14 in several respects. The Common Cause mailer identifies by names specific Republican or Democratic Senators, just as proposed in the regulation referenced to named specific Republican Congressmen in its adversarial opinion request.

Communications criticized the record of the officeholder. The Common Cause communication criticized a Republican Senator for forsaking the integrity of the Senate if he does not vote Common Cause's way or praise a Democratic Senator for voting the Common Cause way.

The DCCC mailer criticizes named industries for views on culture, environment, oil industry or other issues. Indeed, Mr. President, the similarity of the Common Cause communication to those in the Commission's previous rulings is striking, to say the least. The ads involved an attack on or certainly testimony to the record and positions of a clearly identified candidate of the opposition party for a single office, an office to the U.S. Senate. Although made before an official nominee had been selected, Mr. President, by either party, the clear purpose and the effect of the ads concerning the Senators is to influence the general election since voters will not have an opportunity to decide between Democratic and Republican nominees until the general election. And the ad that I mentioned earlier against Senator ROBERT DOLE is, similarly, against his candidacy.

Commission rulings are unequivocal. A communication such as I have referred to, directed by Common Cause against the incumbent Republican Senators or in support of the incumbent Democratic Senators, comes under the act when it identifies by name the candidate under the act and argues either for or against his or her performance in office or position on the issues and is distributed to the voting constituency.

It is therefore felt that the Office of the General Counsel and the Commission should find that, indeed, Common Cause itself is in violation of the Federal Election Campaign Act.

Now, Mr. President, the merits of this particular debate, which have caused many of us to be up a good portion of the night, and I recognize my good friend from Kentucky, who is kind enough to listen intently to my statements, too, is something tired of this issue. It is the hope of this Senator that this particular evening session will not have been for naught, that something of a positive nature will occur.

But I think it is fair to say that between the two sides of the aisle we are, indeed, at a substantial impasse.

I think the references that I made, the organization, Common Cause, the particular position it has taken in the area of campaign disclosures, the reference to the issue of soft money, all bear on the matter of fairness and equity as we reflect on just how this body will reach a conclusion on some type of a compromise.

We have all reflected on the merits of this being the most deliberative body. I think the actions of last evening do not necessarily bear out the merits of deliberative and thought-provoking actions because I think there is room and it is appropriate that we reflect on each other's concern over election reform.

I do not think you will find, Mr. President, a Senator on this side of the aisle that does not support election reform. But, again, we are not going to stand and watch the Republican Party, as a consequence of the inequity as proposed in S. 2, be relegated to a minority in perpetuity. And that would certainly be the case based on a prudent analysis of the issue of the soft money.

Now, when we reflect on the issue of the Federal Election Commission and its responsibility in addressing the activities of organizations such as Common Cause, it is appropriate that the Federal Election Commission hold Common Cause and other organizations to the same laws as all others out there who are attempting to influence Federal elections. Exceptions that do not conform should be prosecuted on an expeditious basis to ensure that there are no additional illegal contributions that shape the elections in the interim between the time when the complaint is brought forward and election day.

We have all seen instances where the momentum of the charges grows the ability of the Federal Election Commission to address the irregularity is not timely and the damage is done, Mr. President. And it is very difficult to reverse that damage.

Mr. President, the law is quite clear. Organizations such as Common Cause must be held accountable under the Federal election law of this country. Organizations that spend to influence Federal elections must be aware that this will be viewed as a willful violation of the law requiring the FEC referral to the Justice Department or the imposition by the agency of remedial action proscribed in 2 U.S.C. 437g(d)(1).

So as we attempt in this body to resolve our differences, we must recognize that we have an obligation to the public to observe this process, and I trust not all of them are watching this extended debate because I am sure they would wonder just what this mature senior body is doing in its inability to reach a consensus on differences. Is it based on the pure political might of the numbers of one party against the other? Is it not conceivable that compromise is in the interest not only of the two-party system but of the public who, very frankly, expects a response that addresses the issue of equity and fairness?

It is really extraordinary, Mr. President, that we find ourselves at 8 o'clock in the morning on Wednesday having debated this issue all night, having had the extraordinary experience of the Sergeant at Arms proceeding with warrants for the arrest of Senators to mandate at quroum call. Obviously, we failed to reach a compromise and extreme measures have resulted, although I was not physically in the Senate at the time. It is my understanding that one Senator was brought in, carried into this Chamber by the Sergeant at Arms and his comrades—physically. And that presence constituted a quorum.

Further, it is my understanding that this particular Senator had already severely sprained his left arm. It may have been his right arm. In any event, that arm was in a cast, the fingers were in a cast. In the transportation which was a physical transportation, namely, the four gentleman from the Sergeant at Arms Office bodily removed the Senator from his office to this body, the process further injured that arm. And those Members who have been called out to come in for a vote requiring absentee Senators appear, one wonders in all due respect just how those actions will be perceived by those who observe the process of the U.S. Senate.

Obviously, there is a numerical difference within our membership, and the power and influence of the party in power is no secret. But are we not expected to be above this almost childish, immature ruckus? It is almost like a case of whose football is it really? And if you are not going to play the game my way, why perhaps I will take my football.

Perhaps that is not the best example of what occurred during the evening. But I think it is fair to say that it was the opinion of some that a very strong message be sent to those of us on the other side of the aisle.

I do not think it is any secret that we were all very much aware that we had reached a stalemate on the issue of S. 2, but to bring this body into that kind of arena hardly reflects on the best traditions of the Senate, and I think it causes us all to reflect not just on the issue of the inconvenience of being up all night but, indeed, on perhaps a more important issue, and that is the role of the Senate from the standpoint of its respect in the minds of the public for our ability to get on with the problems and the debate in a manner befitting of this body.

I think it is fair to say, Mr. President, that we departed from that last night, and that is indeed unfortunate.

We have an opportunity today. It is a new day. This Senator hopes that reason will prevail, that the leadership will again meet, that there will be efforts to sensitize each party to the concerns of the other as we look at the valid need for campaign reform in these United States.

Mr. President, there has been a great deal said, and there will be more. And those who follow this debate with any degree of finality are probably going to be subject to the same arguments being presented again and again in regard to the merits of either side. But it is a serious situation when we find ourselves unable to in reality reach such a compromise, and have to bring ourselves down to a situation where we stand before the President, stand before the television audience, those who perhaps have followed this for reasons that perhaps bear some examination as well, and find that we are still unresolved; that we still cannot reach a satisfactory conclusion.

In my State of Alaska, Mr. President, there is a genuine concern for campaign reform. It is evident in editorials. It is evident in evaluations from senior special interest groups that formulate public opinion. But I think it goes deeper. It goes to a reflection on why we as a mature deliberative body have to go to this extreme to resolve our differences.

I think, Mr. President, if anything undermines the credibility of this body, it is instances such as these where we subject ourselves to an extraordinary amount of not only self-examination but physical torture in one sense of the word. And one asks the question quite logically "What is it going to take to resolve such an issue?"

Well, we go back to the various points that we have. We go back and examine issues that are pertinent to this consideration, issues that deserve further evaluation. But the real key question is can we reach a compromise or will this body continue this process to mandate to the other side of the aisle just what the terms and conditions of campaign reform must be?

Mr. President, there is an article that has been included in the New Republic, and it is entitled "The Reform Fiasco." It is an expression by the author, Robert J. Samuelson, and it covers the issue of why campaign finance rules fail.

Mr. President, I would like to share a portion of this with you this morning.

Let me read as follows:

> The United States invented modern democracy and has practiced it longer and more successfully than any other nation. For all its flaws, it works remarkably well. While mediating among the jumbled interests of a geographically, ethnically, racially, religiously, and economically diverse nation, it has preserved both freedom and stability. When asked about their political leaders, Americans (according to public opinion polls) often hold their noses. But when asked about their political system, they overwhelmingly express intense pride.
>
> Any discussion of money's role in politics needs to start with these fundamentals, because the critics of the status quo do not simply argue that the current system of campaign financing is imperfect. Increasingly, they contend that it menaces the American democratic achievement itself. As Elizabeth Drew concludes in her short book, Politics and Money: "We have allowed the basic idea of our democratic process—representative government—to slip away. The only question is whether we are serious about trying to retrieve it."
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> To advance this argument is to shoulder a heavy burden. It does not suffice to demonstrate that money plays an important and not always healthy role in politics. No one has ever doubted that. Nor does it suffice to show that the current system is flawed. Almost everyone concedes that. The burden that Drew and other reform advocates assumed is to persuade that money has attained unprecedented leverage over government behavior. And more that there are possible reforms that would represent substantial improvements without aggravating current deficiencies or creating new ones.

Well, I think we would all agree, Mr. President, that the argument fails utterly.

> The argument fails—utterly.
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> If Drew's is the reformers' best case, then there is no case. The Washington correspondent for The New Yorker (where most of this book first appeared). Drew has a reputation as one of Washington's most intelligent and reflective journalists. To judge from much of her work, it is surely deserved. But she has obviously made campaign finance reform a crusade, and this book is less reportage (though it involved considerable interviewing) than polemic. It lacks any balanced view of the influences that move legislation. Drew asserts or implies that money is the prime driving force, even while providing only a few instances where money played a role at all. There is no reference to the substantial amount of scholarship on campaign finance, including Herbert Alexander's comprehensive studies of the last six Presidential elections. Much of the evidence consists of quotations from partisans who agree with Drew or who make sweeping assertions that lack any historical perspective. And virtually none of this commentary is subjected to critical analysis.
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> There are two reasons, nevertheless, for treating Drew's tract seriously. The first is that it elicits agreement from large numbers of influential people. Many journalists, congressmen, and lawyer-lobbyists—all powerful opinion-makers about Washington—seem to accept that money is corrupting politics. Typical is this prepublication plaudit from Washington Post reporter Bob Woodward: "No one else has had the guts or the determination to open up this subject. Briliant reporting. As a reporter, I am embarrassed I didn't find this story myself."
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> Even if the "story" is untrue—which it is—its constant repetition gives the appearance of truth and shapes public opinion. Drew's New Yorker series is but one example of a general media drumbeat of criticism. (See, for instance, Mark Green's "Political PAC-man," TNR, December 13, 1982.) Played often enough and loud enough, the theme of corruption acquires respectability. It aggravates the very problem the reformers purport to be curing: the loss of public confidence in elected officials and governmental institutions. The aim, of course, is campaign reform.
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> And therein lies the second cause for concern. For the logic of campaign reform implies fundamental, not cosmetic, changes. It strikes at a basic constitutional tenet: free speech. If free speech includes the right to seek political influence, it involves the right to spend. The Supreme Court took this position in Buckley v. Valeo (a 1976 case challenging the 1974 election law), and it is simply common sense. If I am unhappy with my legislator, am I to be prevented from spending money in an effort to convince others of my position? If I want to influence my government, am I to be prevented from spending money to do so? And what more natural way than working to elect people who share my views?
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> Problems obviously surface. Representative democracy presumes to represent people, not dollars. Moreover, people do not speak only as individuals but also as organized groups—interest groups. And interest groups are unequal in size, wealth, and, usually, influence. This part of the problem is not new. James Madison recognized it years ago. Calling interest groups "factions," he argued that their power would be limited by natural conflicts and the mechanics of government. The division of power among two legislative houses and the executive and judicial branches would require compromise, groups acting "in unison with each other." But if the provisioning of money has now become so vital to politics that Madison's balance is lost, then irreconcilable conflicts arise among traditional values. Either free speech (including free spending) is compromised or the representative nature of democracy is eroded.
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> Drew is convinced that we have reached this juncture and, therefore, entertains radical revisions in free speech. She argues that we need to "redefine what we mean by 'freedom of speech,' and (to) uncouple the marketplace of ideas from the idea of the 'free market.'" In practice, she favors more public financing for campaigns and tighter controls on private campaign spending. Justifying these, she approvingly summarizes an argument made by former Solicitor General Archibald Cox, a chairman of Common Cause who has argued campaign law cases. Cox, she writes, "suggested that one way to deal with proposition that spending money equals free speech would be to say that there are lots of different kinds of expenditures, and perhaps money is speech in the instance of a person spending money to publish or broadcast his own thoughts, while it

is an entirely different thing when an organization raises money from all over the country and spends it to broadcast. The difference, he said, is that the money is collected nationally, and that it is used for much speech but few ideas."

A measure of reformers' obsession is that they have descended to these meaningless and essentially antidemocratic distinctions. Individuals may have a right to "free speech," but organizations (collections of individuals) may have a lesser right. Some speech is good, but speech devoid of "ideas" (whose ideas?) may not be. Organizations locally financed may be more deserving than those nationally financed. Happily, however, we have not reached the juncture that Drew and other reformers suggest. To be sure, the political system is changing—it always is and always has—but the changes have not demolished representative government, including Madison's safeguards.

No one seriously disputes that campaign (as opposed to legislative) politics needs more money than ever before. The critical questions are whether money's new role fundamentally distorts politics and the opportunities for representation and influence.

Depending on the standard of comparison, the amount of money now spent on elections is huge, reasonable, or small. In 1980, it totaled $1.203 billion, according to Alexander. Of this, almost half was spent on federal elections, $275 million for the Presidential campaign, and $239 million for congressional campaigns; the rest went for state and local races. As Alexander points out, the total equals about one-tenth of 1 percent of taxpayer money spent by government in fiscal 1980 ($958.7 billion)—which seems a small price—and only twice the advertising budget of Procter and Gamble ($649 million). On the other hand, campaign spending has outraced inflation and, compared with the recent past, totals are huge. By Alexander's estimates, campaign spending increased by 759 percent between 1952 (when it totaled $140 million) and 1980, while general prices rose only 210 percent; campaign spending increased 183 percent between 1972 (the total $425 million) and 1980 against a general price rise of 97 percent.

These increases stem from basic changes in the political system. Since early in the century, party control over the election process has steadily diminished, and this trend has accelerated sharply since World War II. Party organizations were once almost entirely responsible for the selection of candidates and the running of campaigns. Political competition occurred within the party itself. Candidates fought strenuously for the party endorsement or the support of party chieftains. With the endorsement came huge organizational support—the big city "machines" being the best examples—and the automatic votes of thousands and millions of intense party loyalists.

This system's disintegration is an ofttold story. Central city political machines crumbled before suburbanization and the assimilation of first-generation immigrants for whom the parties provided patronage and a sense of identity. Depression-era political loyalties faded as government embraced the welfare state and the electorate changed.

By 1980, two-fifths of the potential electorate was thirty-four or younger—that is, they hadn't been born at the end of World War II. Finally, party organizations lost their legal prerogatives. Beginning early in the century, primaries (the first Presidential primary occurred in Florida in 1904) undermined their ability to control candidate selection.

This turmoil produced a different style of campaign politics. Candidates were increasingly independent operators, shorn of well-oiled party organizations and reliable political loyalties. More voters considered themselves "independents," and the party attachment of nominal Democrats and Republicans weakened. Ticket-splitting increased and so did the importance of ideas and personalities in campaigns. To compete for voters' attention and allegiance, candidates relied increasingly on radio, television, direct mail, and newspapers; advertising now amounts to more than half the cost of most campaigns. To calibrate their media messages, candidates hired campaign consultants and the campaign consultants took opinion polls. All this costs money. Money—and all the things it can buy—has largely substituted for the lost organizational and psychological bases of campaign politics.

At the same time, government was involving itself in more aspects of American life. In addition to new social welfare programs, laws were passed affecting the environment, job safety, civil rights, pensions, product safety, and the handicapped. Programs were created to finance highways, mass transit, college buildings (and student loans), housing, scientific research and development, synthetic fuel plants, solar energy, hospitals, public television, and cultural events. Federal spending, as a proportion of the gross national product, rose from less than 4 percent in 1929 to more than 24 percent today; the number of pages in the Federal Register jumped from 2.355 in 1936 to 87,012 in 1980. As government became more narrow and detailed, so did interest-group politics. Groups mobilized to maximize the benefits from government programs or to minimize adverse side effects.

So there emerged, on the one hand, politicians needing more money—to respond to the new realities of campaigning—and, on the other individuals and groups wanting more political influence—to respond to the new realities of government activity. That political contributions and spending began to march upward together is wholly unsurprising.

The complexion and complexity of politics changed. Politicians reared under the old system reacted to the new pressures of money with disgust—a disgust amplified in the emotion-charged atmosphere of Watergate and the illegal contributions to the Nixon White House. Congress passed campaign reform laws and produced a crazy quilt of restrictions and practices:

—Individuals can give up to $1,000 to a candidate in each primary and general election. An individual can also give up to $20,000 to a political party and up to $5,000 to individual political action Committees (PACs). All these limits are subject to an overall individual ceiling of $25,000 in gifts annually.

—PACs can contribute $5,000 to a candidate per election, with no overall ceiling. Nor are there limits on how much an individual or group, including PACs, can spend on activities—for example, television advertising—to elect a candidate, as long as the spending (known as "independent expenditures") isn't coordinated with the candidate.

—Congressional candidates can spend as much as they raise, and there are no limits on how much a candidate can spend from personal funds.

—Presidential elections operate under partial public financing. In the primaries, similar individual contribution limits exist, but candidates can qualify for matching federal subsidies if they achieve a specified level of individual giving. Once they accept subsidies, though, they face an overall spending limit, $17.7 million in 1980. In the general election, both candidates are entitled to federal subsidy, and if they accept, they can't spend anything else. In 1980, the payment was $29.4 million each.

The restrictions are so intricate because some of the stricter limits imposed by Congress in its 1974 law were struck down by the Supreme Court—in the *Buckley* v. *Valeo* decision—as violations of the First Amendment. Individual contribution limits were upheld on the grounds that Congress could prevent the appearance of undue influence by contributors on legislators, but, at the same time, the court said that total spending limits—on "independent expenditures" by individuals or total spending by congressional candidates—would impair free speech. But if candidates accepted public funds for their campaigns (they could, of course, refuse), they then subjected themselves to the spending limits imposed by Congress as a condition for receiving the funds. That's why there are limits in Presidential, but not congressional, elections.

Whatever the limits, both Drew and Alexander agree that many are evaded and that the law's spirit is easily subverted. One escape involves "independent expenditures." In 1980, according to Alexander, 105 PACs and thirty-three individuals reported $16.1 million of this spending. Most of that ($13.7 million) was spent in the Presidential primary and general election, with Republicans benefiting from almost all of it. Typically, independent expenditures finance television, radio, or direct-mail advertising. The "New Right" National Conservative Political Action Committee is probably the best known user of independent expenditures.

Although this spending isn't supposed to be coordinated with the candidate, Drew shows that this separation can be—and probably often is—a sham. Anyone wanting to aid a Presidential candidate needs to know the candidate's latest poll results: that is, where the candidate is weak. Drew quotes Lyn Nofziger, the White House's former chief political operative, about how the head of an "independent committee" in 1980 could find out: "I wouldn't have to talk to Bill Casey [Reagan's 1980 campaign director]. I'd have a friend of mine talk to Bill Casey. I wouldn't have any problem getting that done. There's no way in the world that if I'm running an independent campaign I'm not going to get the information I need, or Dick Wirthlin's [the Reagan pollster's] data."

Another easy evasion lies in the states. Federal election laws don't (and constitutionally can't) regulate contributions to state and local parties for state and local elections. But, as Drew contends, the line between local and federal activity is often thin or nonexistent. If the state party registers voters during the year of a federal election, is that local or Federal activity? When a local party increases television advertising—knowing a large turnout will help its congressional and senatorial candidates—is that local or Federal? Many states (California is one) allow unlimited contributions, so individuals can skirt the restrictions imposed by Federal law. The national political parties can then shift their funds to other states. Drew correctly argues that this and the effect of "independent expenditures" mock the legislative intent of the 1974 law to limit spending in Presidential campaigns.

If easily evaded, the laws also have had perverse side effects. One probable consequence is an acceleration of campaign contributions and spending. By limiting individual contributions to candidates, the 1974 law almost certainly diverted giving to PACs. The few (mostly labor) PACs before 1974 had been established to abide by the prohibition, enacted early in the century, against direct campaign contributions from corporate and union treasuries. With separate organizations financed by separate contributions, the labor PACs—the best known is the A.F.L.-C.I.O.'s Committee for Political Education (COPE)—skirted the restrictions. But the PACs' legal status was ambiguous, and both labor and business—many large firms were terrified by the disclosures of illegal contributions in 1972—wanted their standing codified. The 1974 law did this. PACs subsequently multiplied like rabbits, from six hundred at the end of 1974 to about thirty-four hundred by the end of 1982. This created an entirely new industry of fundraisers. Whereas parties and politicians had been primarily responsible for fundraising before, now there are armies of PAC professionals nurturing whole new markets of contributors. Even considering the restrictions, then, the 1974 law probably raised the level of political contributions.

All this has changed the flavor and sociology of politics. Washington is awash in political fundraisers. Direct mail is a new high art of campaigning. Power has passed from party bosses and fabulously wealthy contributors to the shrewd operatives who can mobilize lots of contributors. To Drew, former Democratic National Chairman Robert Strauss brags: "There hasn't been anyone who can reach rich people the way I can." But the serious questions about money's effects on politics lie elsewhere. Drew knows the questions, but answers them with lax standards of evidence and logic.

One clear question is whether money systematically and permanently distorts elections. One difficulty in answering this is that no one can easily say what constitutes distortion. Elections can be free and fair without being equal. In fact, they are rarely equal. And money is only one factor—and not always the most important factor—promoting inequality.

Districts are often deliberately rigged to favor one party or the other. Well-known incumbents—with access to government contracts and power—face unknown challengers. Some candidates enjoy more party or interest group support; some candidates have a better press. Unequal contributions may sometimes offset other sources of inequality: for example, an incumbent's better name recognition. In the end, the voters still decide.

But, with money becoming more important, a showing that one party could clearly outraise and outspend the other, say by a margin of 3 or 4 to 1, would create serious doubts about whether the system is working as intended. This, however, is simply not the case. In 1982, Democratic candidates in House elections raised an estimated $93.9 million, Republicans $90.9 million; in the Senate, Democrats raised $62.2 million, and Republicans $54.7 million. Since 1976, Democrats have outraised Republicans in three of four Senate elections. But, generally, the differences have not been huge. (These figures exclude spending by candidates defeated in primaries, and the preliminary 1982 figures will probably be revised slightly downward later.)

Balance, of course, does not characterize all individual contests. But although money can sometimes be decisive, it clearly isn't the only thing that is decisive. In last year's congressional election, twenty-nine House incumbents (twenty-seven of them Republicans) were defeated. In twenty-one of those races, the winning candidate spent less than the loser. On the Senate side, winning candidates spent more than losers in twenty-four of thirty-three contests. But, in many close contests, the results were mixed. There were three open seats (California, New Jersey, and Virginia). All were won by the candidate who spent the most. On the other hand, two challengers won (those in Nevada and New Mexico) and both were outspent by the incumbent losers.

What this signifies is that, for all the hoopla about advertising, consultants, and polling, campaigns haven't yet deteriorated into scientifically programed combats where victory goes to the candidate with the largest war chest.

Challengers almost certainly need to attain at least a high-spending threshold to offset incumbents' name recognition; in almost all the 1982 races where Republican incumbents lost, their opponents' spending exceeded the Democratic average ($216,000). But once the threshold is passed, extra dollars don't necessarily guarantee extra votes; diminishing (even negative) returns can easily set in. Campaigns are usually crazy. Mistakes are made, money is wasted. Incumbents' reputations count heavily, but so does the national political mood. If money has changed campaign politics, it has hardly destroyed democracy.

Granting this, it's still possible that the sources of campaign money have become so skewed that legislative politics is corrupted. Votes may not be bought and sold at the ballot box, but on the floor of Congress. Because this is the core of Drew's case, you might reasonably expect her to devote the bulk of her book to its documentation. Not so. A relatively small part (perhaps 10 to 15 percent) of the book concerns itself with the allegedly decisive role money played in legislative outcomes. More to the point, campaign contributions alone hardly dictated the results.

Like most campaign reformers, Drew is most agitated by the rise of PACs, especially business and trade association PACs. It's true that these PACs have assumed a larger share of total campaign financing. But this is partially the doing of the campaign reform law itself. Aside from legitimizing PACs, it also restricted, probably unintentionally, even modest individual giving. Between 1974 and 1982, prices roughly doubled, meaning that 1974's $1,000 contribution was worth only about $500 in 1982. This almost certainly made it more essential for Congressmen to accept money from PACs and more attractive for politically active individuals to give to them.

Even so, PACs' total share of campaign funds has probably not risen as quickly as commonly assumed. Individual fundraising still accounts for the lion's share of congressional funds. In 1982, PACs accounted for about 29.3 percent of the total for winning candidates, up from 22 percent in 1976. In the House, the proportion rose from 25.6 percent to 34.2 percent; the comparable Senate figures were 14.8 percent in 1976 and 21.9 percent in 1982. And even these figures do not imply anything about legislative influence, because PACs are remarkably diversified.

They come in all sizes, shapes, and flavors. In 1980, corporate PACs accounted for about a third of the total and labor PACs for about a quarter but there were also PACs from trade associations (also about a quarter). PACs set up by independent political groups, agricultural cooperatives, and members of Congress (including Republicans and Democrats, liberals and conservatives). In total, Democratic candidates received slightly more from PACs than Republicans—$42.8 million against $36.4 million—because labor PACs favored Democrats by an 18 to 1 margin.

The acid test lies in legislation. What happens in Congress? An example of Drew's tunnel analysis involves oil provisions in the massive 1981 tax cut. As she portrays it, these resulted primarily from a "bidding war" for oil campaign contributions. Although the original White House tax bill contained a small pro-oil section, the Democrats sweetened it considerably. They hoped, Drew says, to reclaim their share of oil money, which she says had shifted heavily to the Republicans. The Republicans retaliated by sweetening the proposal even further. When the bidding was over, the bill contained tax relief, rising to $3.6 billion in fiscal 1986, for oil interests. Thus, money moves legislation.

There was indeed a bidding war, but of a different sort: over votes more than contributions. At the time, the House was torn between White House and Democratic tax bills. Both contained significant individual and business cuts, although the amounts and the distributions differed. The real question was power: could the Democrats control the House, where they were nominally the majority party? Once the House leadership decided it wanted a Democratic bill at all costs, the swing Congressmen who would determine the bill's fate acquired enormous bargaining power. And this group—consisting heavily of conservative Democrats, quickly labeled "Boll Weevils," and including many from oil states—used its power accordingly.

Of the forty-eight Democrats who ultimately voted for the Reagan tax bill (the Republicans ultimately prevailed), twelve came from Texas, Louisiana, and Oklahoma. In 1980, these three states accounted for 61 percent of U.S. oil production. Although Drew discusses the bill as if it benefitted only oil producers, much of the tax relief went to royalty owners, who own land on which oil is produced for a fee.

As one Hill staffer puts it: "Oil filters down throughout the whole district. Even people who don't have a direct interest in oil have an indirect interest, because of its economic importance. You get a political orientation that is pro-oil." But had the Democratic leadership contested the White House tax proposal with a philosophical alternative—conceding tactical defeat, instead of being bludgeoned into submission—the Boll Weevils would never have acquired negotiating leverage.

An even more important omission mars Drew's account. No one denies that independent oil producers have long used campaign contributions to further their own ends. But if anything, their influence was waning in the 1970s. For most of the decade, the government controlled domestic oil prices and prevented producers from reaping most benefits of higher world oil prices. When controls were finally removed—having been opposed by most economists and by Europe and Japan, which saw low prices feeding America's oil gluttony—Congress limited producers' gains by imposing a windfall-profits tax in 1980. The entire 1981 struggle was to lighten, not eliminate, provisions of the windfall tax. The independent producers and royalty owners were fighting a rearguard action. They did influence policy—but only at the margin. In the 1981 tax bill, the oil provisions accounted for 1.5 percent of the total estimated revenue loss.

Most of Drew's other examples founder on similar complications. She cites the efforts of the American Medical Association to have Congress prevent the Federal Trade Commission from reviewing potentially price-fixing practices of professional associations. But, as Drew offhandedly notes, the A.M.A. proposal failed. She cites an effort by maritime interests to have more oil transported in American vessels. But that failed, too. She cites passage (also as part of the 1981 tax law) of the All Savers Certificate for savings and loans associations, a scheme she rightly describes as ill conceived. But its approval stemmed not so much from campaign contributions as other factors: first, the indentification of the savings industry with housing; and second, widespread fears that, if the industry wasn't helped, numerous bankruptcies would result. In case after case, the actual story is more complicated than Drew's story.

Her list also omits most major issues: Social Security, defense policy, Medicare and medical costs, overall economic management. No one has yet seriously contended that campaign contributions dominate policies in these areas, though surely "special interests" are involved. The issues are simply too entangled in popular passions, prejudices, and conflicting political philosophies. Individual defense projects may subsist on vested interests—nothing new—but overall defense spending clearly reflects other pressures.

Far from being "brilliant" journalism, Drew's reporting is precisely the kind that young reporters ought to be warned away from vigorously. It involves selective and misleading use of evidence, an overreliance on self-serving quotes, and an absence of critical analysis. She approvingly quotes a favorite one-liner by Senator Robert Dole, Republican of Kansas: "There aren't any Poor PACs, or Food Stamp PACs or Nutrition PACs or Medicare PACs." But, of course, there is a food stamp program, a Medicare program, and a substantial array of welfare programs. They were enacted because they were thought to be good ideas and, even if recently trimmed, they survive because people still believe them to be good ideas and because they have substantial constituencies.

Just because moneyed interests swarm all over Capitol Hill (and they do) does not mean that money rules the roost. In fact, PACs tend to check each other. When one interest organizes a PAC, competing interests do likewise. Even then, there are other checks on their power. One is the spotlight of public attention focused by the press, groups like Common Cause, and other politicians. Another is the obstacle course of enacting any legislation. American democracy is still working to accommodate conflicting interests and ideals. It is not perfect, but the Madisonian mechanisms have survived.

A charitable observer might convict Drew and fellow reformers of nothing more than sloppy analysis. Like Drew, most reformers are intelligent and well intentioned. Their numbers include energetic and reflective younger members of Congress. Nor is their unease and outrage difficult to understand. Their analysis springs from their nerve endings. Just as some people dislike fast-food restaurants, they detest the taste and feel of the new politics.

Drew does not like Washington's nightly fundraisers. She thinks it demeaning, degrading, and distracting that elected representatives spend their time dealing with anything so crass as money. She abhors the lobbyists infesting Capitol Hill with their wads of PAC funds. It simply offends her sensibilities.

But this distaste produces a mentality far more threatening to the national political tradition than the sins of campaign finances. The attempt to deny money's new place in politics is futile—just as it was futile to deny the emergence of big city machines—but the effort entails heavy costs. The most obvious is the smothering of campaigns in bureaucratic tedium. Alexander drily observes that federal election law increasingly resembles the tax law, with the Federal Election Commission "doing for politics what the Internal Revenue Service does for taxes." This, he notes, "increases the need for professionals—accountants, lawyers and other skilled individuals—to help candidates" comply with complex regulations, and it may "chill enthusiasm for citizen participation . . . since non-knowledgeable amateurs may easily violate the law."

A more serious defect is to undermine the moral authority of political leaders and the political process. If one lesson emerges clearly from Drew's account, it is the impossibility of enacting campaign reform laws that will not be speedily subverted. The ease with which the limits on Presidential spending were evaded—via "independent expenditures" and state party spending—underscores that. Because politics now increasingly requires spending (as opposed to volunteer efforts or organizational commitment), legislated restrictions invite circumvention. If spending through one channel is curtailed, it will simply pop up—with some delay and difficulty, perhaps—elsewhere. The capping of individual contributions and the skyrocketing of PAC spending is but one example.

To enact laws whose failure can be predicted is an act of extreme political and legal irresponsibility. It means government creates unrealistic and unmaintainable moral standards. Candidates and political professionals are immediately thrust into unavoidably compromising positions. They can strictly abide by the letter and spirit of the law—an act of high virtue and possibly political suicide. Or they can examine the law to see how it can be stretched, twisted, and avoided.

Perhaps, in the first flush of reform, virtue prevails. But as time passes and evasions become more widespread, the taboos against them diminish and the necessity of conforming increases. The participants in this process become steeped in either cynicism or guilt. When the public recognizes the gap between enacted standards of behavior and actual practices, esteem for elected officials suffers. Reformers fan the disillusion, declaring politics "corrupt" and proclaiming they are trying to reestablish the government's moral authority. Actually, they are unwittingly destroying it.

In practice, reform risks enactment of politically self-serving or destructive legislation. Current proposals follow two strands: limits on campaign spending, and public financing of congressional elections. If you are an incumbent, you have an obvious interest in spending limits. This is not immediately apparent, because, on average, incumbents have traditionally raised and spent more than challengers. For incumbents to create a limit, then, seems a self-imposed handicap. But average results are not what matter. In most congressional elections, only a portion of the races (typically, many fewer than half) are genuinely competitive, involving either open seats or vulnerable incumbents. In these races, extra spending is one way—but not the only way—that a challenger might actually win. To choke off this possibility is to provide incumbents with extra insurance in a game where they already are overwhelming favorites. In recent elections, roughly nine of ten House members and seven of ten Senators seeking reelection actually have won.

The other extreme solution—barring private campaign spending and relying on public financing—runs an opposite danger. It subsidizes challengers, penalizes incumbents, and, therefore, risks unsettling the process of legislating. By trying to equalize spending, it deprives the incumbent of advantages—support by satisfied constituents, pleased interest groups—that a conscientious representative might reasonably expect. At the same time, it makes challenging more attractive by removing one large obstacle: fundraising. And, finally, it enhances the challengers' prospects of victory. No one can say whether more challengers would actually win, but, almost certainly, incumbents would become more obsessed—if that is possible—with electioneering as opposed to legislating.

Inevitably, Congressmen would seek to win the loyalty of groups that might finance independent election efforts on their behalf. This suggests new levels of sham, exertion, and influence brokering. Drew, among others, seems concerned that the current system of campaign finance claims too much of a representative's time and psychic energy. But public financing is likely to mean less continuity, reflection, and independence in government, not more.

One common proposal is to limit the amount of contributions a candidate could accept from PACs to, say, $90,000 for House candidates. It is not clear, of course, whether this would limit the influence of individual PACs. Suppose, for example, that I am on the banking committee and have received money from banking PACs. Suppose, then, that PACs for brokerage houses (whose interests often conflict with banks') want to contribute but I have already reached my limit. When my committee considers legislation affecting both banks and brokers, am I more or less beholden to banks than if I had accepted contributions from both sets of PACs? In any case, PAC restrictions seem likely to spur other campaign activities on the part of spurned groups. The most obvious are greater "independent expenditures" or more contributions to state parties.

Coping with these contradictions risks intruding on free speech, a subject Drew treats casually. At some points, she ambiguously suggests limits on political groups that, simply put, she just doesn't like. For example, she deplores the activities of the National Conservative Political Action Committee and the Congressional Club, a PAC maintained by Senator Jesse Helms, Republican of North Carolina. The massive activities of these groups, she argues, go "beyond political expression . . . they manipulate people's desire for political expression, and in a way that deliberately distorts the issues." These groups, she says, "are not the same as grass-roots movements that form around an issue. These committees are highly skilled, directed organizations that use people's feelings about certain issues to gain influence.

This is a mind-boggling train of thought, NCPAC and the Congressional Club differ from "grass-roots movements that form around an issue," yet they "use people's feelings about certain issues to gain influence." Can anyone make sense of that? To follow Drew's thinking to its logical conclusion is to suggest rules for restricting what she believes is demagoguery (as opposed to legitimate political expression) and inappropriate "highly skilled, directed organizations" (as opposed to appropriate "grass-roots" groups). Somehow, one suspects, these are distinctions never contemplated by the Founding Fathers.

Ultimately, the cause of reforming campaign finances leads to dead ends because it clings to a primitive, unrealistic, and even undesirable view of representative government. "Special interests" is one of those over-used phrases that is simultaneously descriptive and deceptive. It is descriptive in the sense that the interests of these groups are usually narrow and often selfish. It is deceptive in the prejorative implication that the term naturally carries. The burden—and the glory, too—of modern American democracy is the proliferation of these groups. Their expansion is the natural result of the post-Depression growth of government spending and authority. If democracy is people's right to be heard on issues that engage their interests and emotions, then government's growth could have had no other effect. Because government interferes more, it is interfered with more. Because the nature of its intervention has become more narrow and detailed, so has the nature of the political reaction.

The inevitability of special interests and their political activism underlines the permanent importance of one campaign reform enacted in the early 1970s: disclosure of election contributions. Secret free speech is an illogical and almost comical concept. The disclosure of contributions not only exposes the motives of politicians to public scrutiny but also enables competing interests to mobilize. But, otherwise, most campaign reforms represent a futile effort to reverse irreversible trends. Supposing, against all logic, that the campaign activities of "special interests" could be curbed, would that end the problem? Of course not. It would simply intensify Washington lobbying and grass-roots campaigns to influence specific decisions. Banks' successful effort to repeal the withholding of interest and dividends may be a forerunner of this sort of effort.

More important, the prejudice against special interests strikes at the heart of the democratic process. One person's special interest is another's crusade. The function of politics is not only to govern in the general interest and to reconcile differences among specific interests; it is also to provide outlets for political and social tensions. People often accept governmental outcomes with which they disagree if they feel they had a chance to influence the process. In a nation as diverse as the United States, it is unhealthy to place too many restrictions on these outlets. The risk is making people believe that government is even more inaccessible and unresponsive than they already do.

(In late 1982, one Congressman described Congress's inability to revise the Clean Air Act to Drew this way: "The stalemate has been caused 50 percent by industry and 50 percent by environmentalists. Congressmen on the committee say, 'Hey, do we really have to act on this this year?' ") On the other hand, there looms the sort of pervasive contradiction that compels government to act in ways that are ultimately self-defeating. The clearest illustration is the tax system: the proliferation of special tax provisions has reduced public confidence in the system, while simultaneously spurring new demands for more special relief which, once enacted, further erode public confidence.

The picture can be dispiriting. In part it reflects the inability of political leaders—of both parties—to find new themes that cut across the special interests of individuals, groups, and corporations and provide a new basis for building coalitions. This is the ongoing drama of government, but it should not be mislabeled. The system is struggling, but it is not corrupt.

Mr. MURKOWSKI. Mr. President, I see that my friend and colleague, the Senator from Pennsylvania, is on the floor and I would yield at this time.

The PRESIDING OFFICER. The Senator from Alaska yields the floor.

Mr. MURKOWSKI. The Senator from Alaska yields the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I compliment my distinguished colleague, the Senator from Alaska, for his erudite comments delivered at a time of considerable limitations in light of the fact that most of us have been up most of the night.

As I prepare to comment on the pending issues shortly after 8 a.m. this morning, less than 5 hours after those of us left the Senate Chamber, there are many matters of concern to me as I address this body, depopulated as it is with only the guardians of each party present on each side of the aisle to see to it that undue advantage is not taken of the other.

The pending issue is 6.2, campaign finance reform, but I suggest, Mr. President, that there is brooding in the Senate Chamber this morning a much more important subject and that is the operation of the U.S. Senate itself and the operation of the U.S. Government.

We witnessed in the course of the last several hours in this Chamber a historic event, an event where there was deadlock between the Democrats and the Republicans representing their respective parties on the underlying issue of campaign reform, followed by a deadlock on the procedure which the U.S. Senate was following, which was again followed by certain tactics undertaken in order to express a sense of concern on the part of the Republicans. Certain responsive tactics were then taken by the majority, or perhaps more accurately stated, by the majority leader which really raises very fundamental questions about the operation of the U.S. Senate and the U.S. Government.

During the course of just a few hours having elapsed from these events, I would not want to draw firm conclusions in what is the heat of this pitched battle or perhaps more accurately described as a war. It is more than a filibuster in the U.S. Senate at the present time, but I would choose instead to raise a series of questions about what has occurred in the U.S. Senate during the course of the past 8 hours.

We have seen deep concerns about an underlying bill. S. 2 raises many, many questions. It has been portrayed in a simplified form in the media and on editorial pages, but it is a bill with very profound implications. It sets out to restructure the procedure for electing U.S. Senators and its ultimate import, as characterized by the assistant majority leader of the Republican Party, is if S. 2 were to be passed, it would be the end of the possibility of a Republican majority in the U.S. Senate.

Partisanship has its appropriate place. But there are few, if any, who would contend that the structure of the U.S. Senate ought to be geared to preclude the possibility that one party could one day gain control. However wondrous the majority party may be, which is in power at the moment, the essence of a democratic society is that there ought to be competition and the second party ought to have an opportunity to acquire control if it can appeal to the voters.

But the structure of S. 2, as the Republican leader has articulated on this floor, as have others, is to preclude with finality or at least in the foreseeable future, the possibility that the Republican Party will have a majority in the U.S. Senate.

That is true because in so many States, it is necessary under our democratic process in robust advocacy to carry the message to the people through campaign finances. This is true because the beneficiaries of the Democratic Party involves a great deal of so-called soft money so that there are services, phone banks, and door-to-door canvassing, providing a unique advantage. As a matter of basic fairness, it is the Republican position that those soft services ought to count.

The issue of public financing draws deep philosophical objections from many people in our society, which includes some Democrats as well as the majority of the U.S. Senate Republicans. We do not feel that it is wise at a time of budget constraints and at a time of cutting very many important programs in this country, many vital social programs, that there ought to be public financing for election of U.S. Senators or Members of the House of Representatives.

S. 2 in its original form provided for public financing that could have run up to $5 million for a Senator from my State, the Commonwealth of Pennsylvania. Had a similar program been available to the House of Representatives, the annual cost to the U.S. Treasury would have exceeded $300 million. This is a considerable sum of money when you take a look at the various appropriations bills, where you see the cuts on Federal funding for housing, the limitations on the Food Stamp Program, or the restrictions on WIC, funding for women, infants and children. The litany is virtually endless of Federal programs that have been hard hit by budget constraints.

There are other ways of solving the problem of unlimited expenditures by individual candidates from his or her individual wealth and that process is a constitutional amendment.

The decision of the Supreme Court of the United States in Buckley versus Valeo in 1976 was different, surprising, unique, perhaps even odd, where the Supreme Court said that it was unconstitutional to limit the amount of money an individual could contribute, $1,000, but you could not limit the amount of money an individual could spend of his or her own personal wealth, and that has injected into the campaign system what this Senator considers to be an element of unfairness.

I personally had a direct experience in 1976 with this issue when I decided to run that year for the U.S. Senate. I took a look at the Federal law of 1974, saw that the maximum that could be spent in a Republican primary in a State with the population of Pennsylvania was $35,000, examined my slim bank account, saw that I qualified for that amount, filed the papers and then, as I recall it, on January 29, 1976, the Supreme Court of the United States said that the limitation as to what an individual could spend was unconstitutional.

My colleague and now my colleague in the Senate from Pennsylvania was my primary opponent. That decision of the Supreme Court of the United States was not inconsequential in the course of that particular campaign.

There is a way to deal with that issue, however, and that is through a constitutional amendment. Given the national concern on this issue it is my judgment that it would not be too difficult to have a constitutional amendment which would give the Congress the authority to structure campaign financing and would limit the amount of money an individual could spend of his or her own wealth.

About a year ago this Senator met with the assistant majority leader of the Democratic Party and the chairman of the Constitution Subcommittee of Judiciary, I being the ranking Republican on that subcommittee. We discussed an approach for a constitutional reform to deal with the problems raised by Buckley versus Valeo.

This Senator pledged support to process that effort as promptly as possible.

Nothing has been done on that subject because there has been a tactical decision by the Democratic Party to press S. 2 as opposed to proceeding with the constitutional amendment. My thought was, and is, fine, if you want to suppress S. 2, why not proceed with the constitutional amendment at the same time? However, that has not been the choice of my colleagues on the other side of the aisle.

The problems which some address on campaign financing can be dealt with effectively through a constitutional amendment, as opposed to S. 2 which has public financing as its essential ingredient.

We simply do not need to have public financing to solve this problem. There is ample area where agreement can be reached on this subject. I was hopeful that we might have been on that track when, in the course of the last several days, four Senators were appointed by the Republican leader and four Senators by the Democratic leader to try to work out a compromise on the issue of campaign reform.

Unfortunately, at least up until the present time, those efforts to work out a compromise have not been successful and that has brought us to this impasse on S. 2 and to the events of yesterday, which culminate 1 year of debate on the Senate floor. Since that time seven motions to invoke cloture, that is to cut off debate and end the filibuster, have been defeated.

It is said that seven votes constitute a record on that particular subject. If so, or even with seven votes on the record itself, it is a strong showing of a very firm position on the part of some 45 Senators in this case that those Senators are unwilling to proceed to have votes taken on S. 2.

Mr. President, the votes on cloture, as you know, and as everyone who serves in the U.S. Senate knows, and as many Americans know, constitute a very important part of the Senate procedure and the right of unlimited debate exists to stop 51 Senators from controlling every issue by a simple majority vote.

The cloture rules, therefore, say that there have to be 60 Senators to vote for cloture, where it is considered by 41 or more Senators that the issue facing the Senate is one of fundamental importance, one of importance sufficient to stop the business of the Senate from coming to a vote. That judgment has been made not by 41, not by 42, 43, or 44, but by 45 U.S. Senators, significantly above the number required under our rules to say that the Senate will not take up the matter on the merits.

There could have been an opportunity in the course of the past 7 days in the U.S. Senate for the majority leader to again test the cloture issue. We were on this bill every day last week. We are now on Wednesday of this week and have been on this bill for the last 3 days. As yet, we have not had another cloture vote because it is apparent what that conclusion will be. Although because a cloture motion has been filed, one is scheduled later this week.

Yesterday afternoon, after a day of debate, the majority leader chose to keep the Senate in session and proceed with a series of votes denominated as motions to compel the attendance of absent Senators. Now, what was the purpose of that proceeding?

As I see it, none. The negotiators had not been able to reach any agreement. It was apparent that the lines were hardened and becoming harder each minute as to the position on the underlying merits. If they were hard yesterday, as the expression goes, "You ain't seen nothing yet," until today. Gauging by the feelings of this Senator, and gauging by the feelings of the Senators who were then assembled in the Republican cloakroom, the events of last night will turn concrete into granite and steel into molybdenum in terms of what the responses will be to what the majority leader has chosen to do in the U.S. Senate.

The process, the questions raised, a series of meaningless rollcall votes and a session which would be round the clock, appear to many to be demeaning to the Senate and demeaning to the individual Senators.

What was the purpose of having the world's most famous deliberative body in session all night? What was the purpose of bringing Senators to the floor every few minutes, every half hour, every hour to respond to motions to compel the attendance of Senators? If it had the effect of advancing discussion or trying to help break the deadlock, then there would have been some purpose.

But Senators in this Chamber have worked willingly around the clock, past midnight, past 2 a.m., past 4 a.m. to 9 a.m. the next day and into the next night during my tenure in the U.S. Senate, and they have done so willingly when there was a purpose for what was being undertaken.

It seemed to many of us that the process was demeaning, demeaning to the Senators, and demeaning to the Senate and ought not to be complemented to the extent that the rules permitted an expression by the Republican side of the aisle.

So the Republican Senators last night, made a judgment to express their concerns, perhaps their sense of outrage—Mr. President, may we have order in the Senate?

The **PRESIDING OFFICER.** The Senate will be in order. The Senator from Pennsylvania.

Mr. **SPECTER.** The decision was made to express our concern and our protest over the position taken by the majority leader by absenting ourselves from the Senate Chamber because there was not likely to be the requisite quorum necessary to proceed with the Senate's business under the Senate rules.

May we have order in the Senate, Mr. President?

The **PRESIDING OFFICER.** The Senate will be in order. The Senator from Pennsylvania has the floor. The Senate will be in order.

Mr. **SPECTER.** One of the concerns which this Senator has, and I say so with some forcefulness, is the unequal enforcement of the rules in the U.S. Senate. A topic which has concerned many of us with the advent of the 15-minute precise rollcall vote is the failure to enforce for collateral reasons. Having spent most of the night up—Mr. President, may we have order in the Senate?—having spent most of the night up, I think I am entitled to have a Senate which is in order, even if not populated this morning.

The **PRESIDING OFFICER.** The Senate will be in order. Necessary conversations will please go to the cloakrooms.

Mr. **SPECTER.** Mr. President, as I was saying, the Republican minority decided that it would express itself in the face of what our assistant majority—minority leader; a slip of the tongue, a Freudian slip, a wish. Last night our assistant minority leader took the floor after 3 a.m. and made a brilliant speech characterizing the tyranny of the majority, or the tyranny of the majority leader.

In response to the tactics which were being undertaken last night past the hour of midnight the judgment was made that the minority would not submit to the unreasonable approaches being taken by the majority leader. Therefore, the minority absented itself from the vote which was taken around midnight on a motion to compel the attendance of Senators. That motion passed, as I recollect, by a vote of 47 to 1, but there was not a quorum present. That led to a motion to arrest absent Senators, a highly unusual proceeding and one which, according to my review of the rules of the Senate, is highly questionable. Even more highly questionable was the way and the manner in which that motion was carried out.

Senator PACKWOOD was brought to the floor of the Senate last night past midnight with the use of physical force. Senator PACKWOOD was in his office, and he had it locked thinking that it was his office and his lock, but he was surprised, because representatives of the Sergeant at Arms, perhaps the Sergeant at Arms himself, we have not yet identified all the players—and I hope we will have a searching investigation and a searching inquiry of everything that was done last night in this regard, the kind of an inquiry which is made when the most heinous of criminals in our society are subjected to arrest, search and seizure police action without meticulous compliance with constitutional rights.

But as reported to me by Senator PACKWOOD himself—or was told to me by Senator PACKWOOD, it was not a report, I was interested. He said that he was in his office and had his door bolted, and he thought that assured him privacy. Then a key was placed in the door and a forceful intrusion was made by the Sergeant at Arms. In the course of the physical force used by the Sergeant at Arms Senator PACKWOOD more seriously injured his left hand.

We have seen Senator PACKWOOD over the course of the past 10 days in this Chamber wearing a cast on his hand. He has broken a finger, I believe. It was required, Senator PACKWOOD said last night, that he seek additional hospitalization and medical care for this injury as a result of what happened. During the course of Senator PACKWOOD's conversations with those who took him into custody, he raised an objection to the force which was being used and to the arrest, and a telephone call was made. While Senator PACKWOOD was only on one end of the conversation, he thought that the Sergeant at Arms, or representatives of the Sergeant at Arms, were calling the Secretary of the Senate. It was further believed that the Secretary of the Senate received his instructions from the majority leader, and those instructions were to take Senator PACKWOOD to the floor of the U.S. Senate forcefully so that a quorum would be present and the U.S. Senate could continue through the night conducting its nonbusiness, making a charade of the rules of the U.S. Senate and making a charade of the operation of the U.S. Government.

There are meticulous rules which are available for any individual in the United States of America, whether he is a citizen, whether he is an alien, whether he is a felon, as to what his rights are. Perhaps those rights ought to be accorded even to U.S. Senators who are exercising their own rights and living within the rules.

The knock on the door and the forceful entry into Senator PACKWOOD's office smack of Nazi Germany, smack of Communist Russia, but are hardly characteristic of the United States of America and should be even less characteristic of the operation of the U.S. Senate.

After the procedure last night, I question whether or not this Senate can function in that climate and with that conduct. The operation of this body depends indispensibly on comity, on good will, on respect, and on consent. The two most frequently used words in this body are "unanimous consent."

It is possible for any Senator at any time to tie up the U.S. Senate by choosing to withhold that unanimous consent.

This body adjourns when the last Senator is finished speaking. The unanimous-consent requests occur again and again and again on the floor of this Senate and, should any individual Senator choose to object to the operation of this body, it would be very, very easy to do so. You do not have to have 41 Senators or 45 Senators. Any single Senator can accomplish that.

So, I question, Mr. President, what is the long-term effect or what is the immediate effect of the events which occurred here last night.

The bill itself, S. 2, has enormous implications of public policy and is subject to debate and disagreement. Forty-five U.S. Senators have said that they, we, do not believe debate should be brought to a close, and the rules indicate that that is an impasse and a blockage and that ought to be respected.

Beyond the subject of the substantive matter itself, there is the issue as to what occurred here last night with arrest warrants being issued and arrest warrants being served in a way which did not even comport with the constitutional rights which are accorded to those accused of the most heinous crimes in our society.

Mr. President, again in the line of questions which this Senator is raising, I question the propriety of the procedures used by the majority leader last night. The Constitution of the United States provides for compelling the attendance of U.S. Senators. But it does not say anything about warrants of arrest. It does not say anything about the kind of tactics which were used last night in bringing Senator PACKWOOD to the floor.

Article I, section 5, of the Constitution provides:

> Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Now, the language "to compel the attendance" of Members says nothing about a warrant of arrest. The framers of the Constitution were well aware of the use of warrants, and probable cause and the procedural requirements which they saw fit, as evidenced by other sections of the U.S. Constitution. But this provision specifies "in such manner, and under such penalties as each House may provide."

The U.S. Senate, Mr. President, has no rule on compelling the attendance of absent Members and has no rule on the issuance of warrants of arrest. The provisions of rule VI, section 4, provide only that:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order enetered by unanimous consent, shall be in order.

Rule VI, subsection 4, as is obvious from the face of the rule, makes no mention about warrants of arrest, none whatsoever.

There are some precedents which have reference to the issuance of compulsory process. But they are very limited indeed, Mr. President, and hardly articulate a process such as that which was used yesterday in bringing Senator PACKWOOD to the floor of the U.S. Senate by force.

On page 1174 of the book on Senater procedure, there is a section denominated "Attendance of Absent Senators—Procedure for Compelling in the Absence of a Quorum." It reads as follows:

> [The last order adopted by the Senate to arrest absent Senators occurred on November 14, 1942. On that occasion when the Senate found itself without a quorum, it first adopted an order to direct the Sergeant at Arms to request the attendance of the absent Senators. After some time had elapsed, the Majority Leader, Mr. Barkley, made another motion, which was agreed to, to direct the Sergeant at Arms to compel the attendance of absent Senators. This order having been in operation for some time and a quorum still not being present, the Majority Leader asked that the Sergeant at Arms make a report to the Senate upon his efforts to compel the attendance of absent Senators. The report having been made as to the absent Senators who were out of town and those who were in Washington, the Majority Leader, Mr. Barkley, made another motion, which was agreed to, authorizing and directing the Vice President to issue warrants of arrest of the absent Senators then in Washington.]

This precedent, Mr. President, to the extent that it is valid, calls for the Vice President to issue warrants of arrest.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. Mr. President, the precedent of having the Vice President of the United States sign a warrant of arrest was not followed last night. I have not been able to obtain a copy of Senator PACKWOOD's warrant of arrest, although I do, in fact, have a document which was served on Senator WEICKER in an interesting sequence where, for reasons which have yet been explained, the representatives of the Sergeant at Arms chose not to exert bodily force on Senator WEICKER. But, I believe it is fair to represent that the Weicker warrant is identical with the Packwood warrant. Certainly they were issued at the same time. We can obtain the Packwood warrant and see precisely what it says.

When I heard that Senator PACKWOOD had been arrested subject to that warrant, I questioned what his response would be the next time—well, Senator PACKWOOD may never again fill out an application for employment since he is so securely ensconsed in the U.S. Senate—but what would Senators under similar circumstances reply the next time they faced a questionnaire: Have you ever been arrested? If so, state the circumstances. Not a pleasant question to answer. But back to the question at hand.

The document which was served on Senator WEICKER reads as follows: To, and then the Sergeant at Arms at that time, which was a long time ago because the document is dated 195- with a blank so as to be used in the 1950's. It reads, U.S. Senate, Washington DC, a line 195- with the year to be filled in, to, and then there was a name filled in—but it was whited out—Sergeant at Arms, United States Senate.

> The undersigned presiding officer of the Senate by virtue of the power vested in me hereby command, in pursuance to the order of the Senate this day made to forthwith arrest and take into custody and bring to the bar of the Senate L. Weicker, who was absent without leave, to wit——

And there is nothing in the "to wit" blank.

Then there is printed language, "hereof fail not and make due return of this warrant. In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate this 23d day of February 1988. Brock Adams, Presiding Officer," attest, what appears to be the signature of Mr. Stewart, as Secretary.

Mr. President, a fundamental issue arises as to the authority of Senator ADAMS to execute this document when the rules of the Senate call for the Vice President to do so.

A substantive question arises because, on the issuance of a warrant of arrest or any warrant, there is supposed to be the intervention of a dispassionate magistrate who looks at the facts and who makes an independent determination, above and beyond that which the representatives have made who have asked for the warrant. If you are seeking a warrant of arrest you have to state established facts and probable cause for a certain warrant. You have to have an affidavit which recites probable cause. An affidavit, too, on a warrant of arrest. The magistrate is an intervening official to guarantee that there is a detachment, or a sense of objectivity, in evaluating the underlying facts. That is a cardinal principle in the issuance of these documents, which are intrusive into the lives of citizens and Senators. And a question arises here as to whether the presiding officer, who was there last night, presumably—we do not know all the facts, and I hope we get them—was acting at the request, or perhaps the suggestion, of the majority leader. That hardly has the imprimatur of the detached magistrate making a determination that this compulsory process ought to issue.

There is a further fundamental question, Mr. President, about the authority of the Presiding Officer, and I will not go into this in any great detail because my time grows short. Anyhow, time flies when you are having fun, and I have sufficient time to face even an overnight filibuster. There are elaborate rules which set parameters for the appointment of Presiding Officers of the U.S. Senate. They are made by the President pro tempore, either in open Senate proceeding, which I believe was not done, or by written direction which was not done. In the intervening several hours, we will inquire into this further, but the appearances are that the procedures were not followed.

Mr. President, in our laws on the execution of documents, the courts have established the most meticulous requirements for compliance and authority before there is a warrant of arrest, a search-and-seizure warrant or any warrant under our system which mandates compulsory process. This document raises many questions on its face. This document does not have the identification of the party to whom it is issued. This document does not have a fill-in of the blank "to wit" where it recites someone is asked without leave, to wit requiring a specification of detail.

On the reverse side of the document there is no specification about who was appointed and empowered to serve this subpoena. And on the face of the document, it is internally inconsistent because it is not a subpoena. It is a warrant. On the face of the document it recites, "Command you to forthwith arrest." On the reverse side of the document, it recites, "Subpoena." And there is all the difference in the world between those two legal documents. So on the face of this document, Mr. President, there is much to question as to whether there was compliance with some of the very basic and fundamental principles of law.

I would suggest that in the United States of America, the courts have observed meticulously the rights of those who were subject to compulsory process. The case books are filled with decisions since United States versus Weeks—I believe decided by the Supreme Court of the United States in 1916—which require meticulous compliance before search warrants are valid. Volumes of evidence were suppressed, hundreds, thousands of those where guilt was obvious because of the quality of evidence were freed, because compliance was not made with those constitutional, mandatory requirements. Again, there are hundreds, thousands, perhaps tens of thousands of cases on State prosecutions where warrants were invalidated under the mandate of Mapp versus Ohio. I know the date of that decision because I was there at the time, June 13, 1961, where the Weeks rule, applicable to Federal courts, was enforced upon State criminal prosecutions by virtue of the applicability of the due process clause of the 14th amendment picking up the requirement of the fourth amendment on unreasonable searches and seizures. I could regale this Chamber at some length, perhaps will to some extent, since my replacement has not arrived as of this moment, where those conclusively guilty were set free because of the importance of this requirement.

I recall very well a case called Hickey versus the Commonwealth of Pennsylvania where a defendant was taken into custody on a charge of murdering a cab driver and the evidence obtained from his house was conclusively shown to be that of the cab driver. The murder weapon, as I recall this case—it goes back to 1967—was identified conclusively, and there was no question that Mr. Hickey was guilty of the offense as charged, and the charge was first degree murder, robbery-murder. The case came to court and Mr. Hickey was released because the requirements of procedural due process were not followed.

The decisions of the courts of the United States have imposed these provisions with meticulous care because of our judgment as a society that these procedural rules have to be followed before there will be intrusion into the apartment of an obvious murderer. What less protection is a U.S. Senator entitled to when he is in his office in the U.S. Senate after midnight on a Tuesday night, taking care of his business with his door locked and thought to be exercising his own rights as an individual, let alone as a U.S. Senator?

Mr. President, there was considerable dismay last night in the Republican cloakroom when it was announced that the locks on the doors do not work because there is a master key, including the dead bolt. There may be today quite a few carpenters on the premises of the U.S. Senate, Russell, Hart, and Dirksen Buildings, and the hideaways in the Capitol where Senators may choose to have their own locks on their doors. I know of no rule in the books to prohibit that kind of procedure, and that may follow because of the events as to what happened last night.

I would suggest, Mr. President, that the events of yesterday are matters really of enormous importance. I believe that this body, this august body, this allegedly august body, has to do some considerable soulsearching and inquiry into our internal procedures to see if we can continue to function and do our job as U.S. Senators in the U.S. Senate in terms of being the world's most deliberative body, in terms of carrying out our responsibilities.

Last night was substantial evidence that if those practices continue, there will not be the basic comity and respect necessary to carry on the workings of the U.S. Senate. We are engaged in a dispute which has become a filibuster, which has become a controversy, which has become a battle, which has become a war. It has become a war where physical force is used to bring a U.S. Senator to the floor after a legitimate exercise of minority rights. And minority rights were recognized in the U.S. Senate perhaps before minority rights were recognized to the extent that they are today in the U.S. Constitution. Well, maybe not. Maybe minority rights have always been present for everyone in this country, but at least no less for Senators than for others.

Last night we saw an event where under the existing and recognized rules of the U.S. Senate, more than 41 U.S. Senators said, repeatedly—seven times ought to be sufficient evidence that 45 Senators are exercising their rights as U.S. Senators under established and unchallenged rules not to permit an issue, a bill, S. 2, to come to the floor for debate. In the face of that declaration, and in the face of gridlock, deadlock among the eight Senators designated, four by the Republican leader and four by the Democratic leader, being unable to solve the issue of S. 2. In the face of what was considered to be an inappropriate procedure, a procedure which was demeaning to the Senate and to the Senators, where we were called to this floor for repeated pointless votes, Republican Senators decided to exercise their rights, and that led to a response which, I would suggest, reaches a new low in proceedings in the U.S. Senate—where a Senator's office was invaded forcibly with a master key and the Senator was taken into custody.

Mr. CHILES. Will the Senator yield? I do not want to interrupt his chain of thought.

Mr. SPECTER. I could not be accused of having a chain of thought. In the course of this extended speech, I would be delighted to be interrupted, and I would be delighted to discuss this issue with the distinguished Senator from Florida, second only to discussing the issue with the majority leader.

Mr. CHILES. I heard some of the Senator's remarks and I heard the Senator was saying that another Senator, Senator PACKWOOD, in this instance, was entitled to such courtesies as the constitutional rights of being able to make a phone call and have counsel.

I have to say I was sort of surprised and shocked to hear that.

Mr. SPECTER. The Senator did not hear that. I did not say that he ought to be able to make a phone call or have counsel. I did not say that at all.

Mr. CHILES. I stand corrected then. I was shocked to hear that the Senator from Pennsylvania would think that a Senator here had any rights. I found that out a long time ago. The Senator has not been here that long.

Mr. SPECTER. I did not find out until last night.

Mr. CHILES. A Senator enjoys some of the rights that ordinary citizens do. I think we understood that a long time ago. That is one of the reasons that I want to go back and get some of those rights of citizens again. So I would hope the Senator from Pennsylvania is not trying to let the American people know that Members of the U.S. Senate enjoy any of the basic rights, protections that ordinary citizens do. I hate to have him put that kind of myth out in the countryside.

Mr. SPECTER. Well, I think the distinguished Senator from Florida raises an interesting point and a valid point. The conclusion may be that U.S. Senators ought to enjoy some rights. If Senators had some rights, perhaps Senator CHILES would not be exiting the floor of the Senate now, perhaps exiting the Senate permanently at the end of this year.

We have very important public business to conduct. That goes without saying. We have conducted that public business all night long, in good cheer on important legislative matters, on the campaign finance bill, on a variety of bills. On the continuing resolution, at 3 a.m., 4 a.m., there were 60 Senators on the floor and 40 Senators more in their offices ready to come to the Senate floor to discuss matters, to vote and to carry on the business of the Senate. But there is a certain objection when Senators are subjected to what is essentially demeaning and pointless; where Senators have expressed themselves seven times in insisting that an issue, S. 2, will not come to a vote because there are fundamental disagreements. The rules of the Senate have long been established in respect to the rights of the 41 Senators. It used to be 34. It used to require two-thirds of the Senate to cut off a filibuster and close debate.

When those rights have been exercised and then one step beyond, when there is a sense of concern, perhaps a sense of outrage that Senators are not being treated fairly, not being treated appropriately to retire from the Chamber, to retire to the privacy of a Senator's office and find the intrusion of the Sergeant at Arms, who makes a call apparently taking instructions from the Secretary of the Senate and maybe taking instructions directly from the majority leader, questions which I hope will be answered on the floor of this Senate, under a document which is not provided for in the rules, where there is a precedent for issuance by the Vice President but not by any other Senator, where there is a real question about the authority of the Presiding Officer last night to sign this document because of the issue of compliance with either the direction by the President pro tempore in writing or in the open Senate, those questions have to be answered. The document which has many defects on its face certainly, if it were isssued for a common criminal, would be struck down as being insufficient. But a Senator being brought forceably to the Chamber of the Senate, a Senator who sustained injury—how serious I do not know, but a report as of a few hours ago was he would have to go back to the hospital for additional medical attention to a broken finger, which injury was aggravated in the course of a scuffle—those are really very, very important issues and I would suggest this transcends the substantive issue embodied in S. 2.

S. 2 is very important in and of itself, but what happened here last night is even more important, and I hope that in the course of this day, we have the answers to these questions. I hope, even more, that we can reinstitute in this U.S. Senate a sense of comity and a sense of respect so that this body can function and perform its very important obligations to the people of the United States of America. I thank the Chair. I thank even more my distinguished colleague from Utah for appearing to relieve me and I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to be here this morning, and of course happy to have participated last evening as well. This is a very important debate which I think has gone on too long. As a matter of fact. I think it is a travesty to use the Senate's time with all the work that the Senate has to do to play around with this type of, I think, shameless legislation. I think we should reach a point in our lives where we realize that you have lost on this legislation, and even if by some miracle this legislation would pass, I guarantee the President is going to veto it and we are going to sustain his veto.

So this is an exercise in futility, to require Senators to stay in all night last night on something like this that has had seven cloture votes, the most in the history of the Senate on a substantive issue. I know a little bit about that because I was the Senator, along with Senator LUGAR, who conducted the filibuster back in 1978 that went to six cloture votes on labor law reform. It was hardly reform. It was just like this bill: Let us just have one party in America, let us make it the Democratic Party, and let us stack all the rules so that only the Democrats have advantages in this body. And that bill went down by really one vote after approximately 6 weeks and really 2 full years of battle, and I have to say the majority was right in pulling it down after the sixth cloture vote when they lost. Now, here on something that is even more heinous than that, because it is stacked in favor of one party in America and one-party rule in America, which we virtually have had in the Congress for most of the last half century, we find ourselves being treated like we were last night.

This works both ways. The minority does have some rights. That is what makes this the greatest deliberative body in the world. There is no other body I know of that has that filibuster right. It is a protection to the minority. It is a way of preventing garbage legislation from passing, and it may be a way of preventing legislation that may be good. But this is not good legislation. As a matter of fact, it is one sided; it is partisan; it is Democratic Party oriented; it is against the Republican Party. Any Republican who has any sense is going to stand up and fight this legislation tooth and nail, right down to its bitter end.

If there is a chance of passing this and passing it in such a way that it would benefit the country, that it would benefit both parties, that it would be fair, then I think there would be cooperation from this side, and I think there would have been offers of cooperation from this side. But there is no chance in the world, based upon the present language in this legislation.

Therefore, what really bothered me last night was that we keep up everybody. Some of the Senators are younger and can take all-night sessions on something that is frivolous and not worthy of our time. A lot of us can do that. Some of us have been through it time after time after time. Some of us understand the use of the filibuster rule.

I have upheld the rights of Senators, on legislation that I totally disagreed with, to take on the whole Senate because I felt strongly about an issue.

I know that my distinguished colleague from Ohio, who is on the Labor Committee and the Judiciary Committee with me has conducted very effective filibusters in conjunction with other Democratic Party members, on items that I felt were very unworthy of Senate consideration. But I have upheld his right to do that; because anybody who has the guts to come out and stand on this floor and take the time and take the beating necessary for a filibuster should be commended, no matter whether we agree with him or not.

This is a rule of freedom, and I will fight for it as long as I am in the U.S. Senate. I will fight for Senator METZENBAUM's rights as much as for Senator SIMPSON's rights or anybody else.

What happened last night, I think, was a little bit inexcusable. The Constitution provides that each House may be authorized to compel the attendance of absent Members.

The majority leader, for whom I have a great deal of respect, procedurally and substantively, came to the floor and spoke about obeying the Constitution. I felt that the rules were violated last night by the majority.

The Constitution provides that each House may be authorized to compel the attendance of absent Senators—article 1, section 5. Pursuant to this grant of power, the Senate adopted rule VI of the Standing Rules of the Senate, authorizing the direction to the Sergeant at Arms to compel the attendance of absent Members, absent Senators.

The precedents of the Senate state that an order adopted by less than a quorum authorizing the issuance of warrants of arrest for absent Senators not sick or excused is in pursuance of the rule of the Senate and is not debatable. That is in Senate Procedure, page 175.

That is not to say that the events of last evening were not extraordinary. The appendix to Senate procedure states that this power to arrest was last used in 1942. That is how much it was used. This was accurate at the time it was published, until the present majority leader used the power in his first term as majority leader, and now a second time in his second term. That this rarely used power was used to justify the breaking into of a Senator's office—a Senator whose injured arm was severely jostled and hurt—and have that Senator physically transported to the floor of the Senate, I think takes on the aura of a banana republic and not the greatest deliberative body in the world. I thought it was a disgrace.

I do not blame the Sergeant at Arms. He is a wonderful man. I have a lot of respect for him, and I like him personally. But I think he should have done what was done in the past on these things after they had a debacle here. There are Senators who will never forgive the people who did it to them. They took the warrants out and walked the Halls, but did not arrest anybody or try to haul them in bodily to the Senate floor.

I think that those who participated in this Kafkaesque episode brought no credit to themselves and no credit to this institution. It bothers me a great deal that that type of treatment occurred, and I think the minority was in their rights. The majority could not produce a majority. They just could not do it. We know what a lousy bill this is, and we know how unfair and partisan and really downright hostile this bill is to the Republican Party.

If the American public could really find out what is in this bill—there are some editorials written by people who only care for the Democratic Party or for the more liberal point of view—they would be shocked that one side is trying to put this charade on the other.

If Senators who are unwilling to vote for cloture are to be subjected to this type of harrassment, then the protections of the minority, so often remarked upon in this Chamber, are just a sham and a pretense.

It has been said that the worm has had a habit of turning in this Chamber, so it is true that there will be other days when maybe those who are so proud and haughty members of the majority will know the rigors of defending themselves in this Hall. Perhaps then they will remember this overbearing approach and their overbearing ways and wish they had respected the minority just a little more.

A great statesman once remarked that if the marble pillars of the Capitol were to fall, they could be built up again, if all we see around us were to be utterly destroyed, it could be reconstructed. But who is to build the pillars of justice and right if they be pulled down?

I think the Senate is more than just its physical surroundings, and those tangibles are the more difficult to construct once the curtain of comity has been rent.

I say let us see no more of this type of incivility. My colleagues in the Republican Party deserve better than this. I am a little concerned about the way it was done. I want to know who signed those warrants with regard to Senator PACKWOOD and whether that was right, whether any Senator sitting in the Chair can sign those warrants.

I want to know if they were directed to Henry Giugni, the Sergeant at Arms, if they just nebulously went to the Sergeant at Arms. I do not believe they were directed to the Sergeant at Arms by a person. I want to know if the procedures were really followed constitutionally, since the issue has been raised.

I think the distinguished Senator from Pennsylvania raised a number of very good points. Even U.S. Senators have constitutional rights. They have a constitutional right not to vote, if they do not want to. They have a constitutional right to filibuster if they want to. They have a constitutional right to come on this floor and talk as long as they want to, if they can hold the floor. They have a constitutional right, it seems to me, to be treated fairly, just like anybody else in our society. They have a constitutional right to due process. I think they have a constitutional right not to have their physical person hurt just because there is some order from this body. It seems to me that it would have been better for them to find somebody to bring in who did not have a bad arm.

Now, I have to put myself in the shoes of the Sergeant at Arms, who was directed to do this type of travesty. He has no choice. His job depends on it. I do not particularly blame him; although when a Senator is in his own chamber, locked in his own chamber, I question whether it is constitutionally sound for anybody, especially somebody lesser than that Senator in position in this body, to break into his office and force him out of his office and carry him here to the floor—that Senator has a right to say, "I am not going to vote"—and then force him to vote. Where is the constitutionality for that?

Let me tell you something: I have been here for 11 years, and I have been in some of the worst battles we have ever had here, and I have led our side in some of the worst battles we have ever had here; and I, personally, have never been treated like that. I am not going to tolerate other members of my party being treated like that. And I will be honest with you: I will not tolerate members of the Democratic Party being treated like that. It is a disgrace.

Let us understand something. If this type of stuff continues, this place is going to shut down until there is civility here and respect for the minority. If you do not believe me, just keep it up.

I think there are a number of us who feel very deeply about this who basically have not participated as strongly as we could because we know that, frankly, it is not going to go anywhere, anyway. To make that kind of a big show last evening, just so that the media might be able to say that the Republican Party is against campaign reform—they call it campaign reform when it is really campaign travesty—it seems to me borders on stupidity.

Let me just say this: I am very offended by what happened last night, and I think my colleagues on this side are very offended by what happened last night. I think my colleagues on the other side ought to be offended.

I do not always agree with Senator PACKWOOD, but he is a terrific Senator who acts very properly in his own beliefs, for his own purposes. I think he has distinguished himself as one of the great Senators in the U.S. Senate. He and I have fought each other on this side of the aisle, but every time we have, it has been, if not an enjoyable experience, certainly an enlightening one, because he is one of the most intelligent and articulate people in this body. He sides a lot on some important issues with people in the majority. It seems to me that he was very badly mistreated, and the minority in general has been very badly mistreated.

I question the constitutionality of what happened last night. I do not think that because the rules say you can arrest Members, that allows you to abuse Members and force them to vote against their will. Maybe it does; and if it does, then this body does not have constitutional protections; and I suspect that if they are tested in the Supreme Court, they would say it is a political question. That still does not justify the unconstitutionality of the very nature of what went on last night.

Maybe in the zeal to make political points, we do some things in excess. I perhaps have been known to do that myself, and so we will probably all forgive and forget. But I think there comes a time when this very, very poor bill ought to be recognized for what it is—a very, very poor, one-sided, partisan, biased, pro-Democratic Party bill, and it ought to be pulled down. I think we are at that time, and I think we were there at the end of last year when they were contemplating bringing this type of poor legislation to the floor.

I want to make a few points on the bill itself, although I really would like to go on about the unconstitutionality and the mistreatment of one of my colleagues.

If this bill may have a chance of becoming something, I could see this type of fight, but it really does not. Frankly, there is no real desire to reform, except in a very partisan, one-sided way.

I look at every time I am up for reelection. I am one of the few Members in Congress who came up through the ranks. I earned my spurs. I worked 10 years in the building and construction trade unions with my union brothers, and I am proud of it.

I went through a formal apprenticeship and owned my own union card. I think unions are crucial to our country in many ways. I think union leaders, in many ways, act not in the best interest of their union members. Some union leaders do not, and they are constantly acting in a very partisan way.

Sometimes the things they bring to the floor have to be fought because they are one-sided, very partisan, and, invariably, pieces of legislation that seek power. Not just power, but power that will give them authority over anybody else.

They are searchers after power sometimes. Sometimes we have to fight against that legislation. Every time I come up for reelection, there are millions of dollars, even though I am a union brethren, because I have to fight against these power-grabbing bills from time to time which are one-sided, one-party oriented bills, and really contrary to our system and, in some instances, actually pushes toward socialism, and I have to fight against them.

Every time I come up for reelection, I can count on millions of dollars being brought in that are never, never, listed by my opponents in their Federal election returns. If I have a nickel that comes in that is required to be reported, I have to report it. Of course, I never handle it myself. Other people handle it, but if they make a mistake, I am going to get clobbered for it. It is really disconcerting every time to see one segment of our society have a complete and open right to come in and do whatever they want to do without ever reporting a nickel of that to the Federal Election Commission.

So you can count in any election that I am in, double or triple what my opponent actually lists as the donations made to him through political action committees or individuals. You can double or triple it, because that is really what the undisclosed union-backed money really is in that campaign, and that happens to Republicans all over this country, and it happens to conservatives all over this country. It is unfair. It is not only unfair, I think it is unconstitutional.

The fact of the matter is, it happens every time. People like myself just have to raise a lot more money, and it always looks like we have raised more than the other guy, even though, in reality, they bring in political operatives and they run shows against us—picking people up, taking them to the polls, telling them how to vote, registering people, and spending countless dollars in other ways to advance the cause of their chosen candidates against us conservatives or against generally us Republicans.

The unions are right there to find me on their side, and they have. I do have some union support because they have taken time to look at the issues and realize that I am fighting for higher principles than just one special-interest group having a given presence over another, but this bill just enhances that. There is nothing done about that. Not a thing. Not one thing.

Let us talk about increased campaign costs. Campaign expenditures have increased at an alarming rate since the 1970's, exceeding the overall increase in cost of living. In congressional elections, the aggregate cost of House and Senate campaigns have risen to almost four times between 1976 and 1986, from $115.5 million to $450 million in 1986. This compares with an overall cost-of-living increase of roughly double in that same period.

The increases in aggregate campaign costs were even greater for the average winning candidates. The campaign costs for the winner of the average House race rose from $87,200 in 1976 to $355,055 in 1986. The average for a successful Senate campaign increased from $609,100 to $3.1 million during this very same period.

The costs listed above do not include increases in independent expenditures or in political party support of candidates or support from outside groups beyond the direct contributions from political action committees and individuals.

Why have PAC's become so predominant? The rising costs of getting elected to office are closely linked to increased candidate reliance on contributions from political action committees.

Fundraising pressures tend to focus a candidate's attention on wealthy individuals and PAC's as opposed to the broad electorate, although I have to admit, there are hundreds, if not thousands, in various PAC's, little people making donations to the PAC hoping that the administration of the PAC would give the money to, basically, the people they would support.

I would say fundraising pressures tend to focus a candidate's attention on wealthy individuals, and, I might add, on PAC's as opposed to the broad electorate. As a result, the role of political action committees itself in the context of the relative role of other funding sources have become a major issue.

Statistics reveal a significant increase in the importance of PAC's, in terms of number, money contributed to candidates and the ratio of PAC support relative to other sources of funding.

The number of federally registered PAC's grew from 608 in 1974 to 4,211 in 1987.

The amount contributed by PAC's to House and Senate candidates during this period increased from $12.5 million to $132.2 million. That is more than a 400-percent rise, even factoring for inflation.

Critics of the present system say the PAC's have too much influence over a candidate, that they hinder an elected official's ability to serve his or her constituents.

Others contend that average Americans are being shut out of the political process. Given the strong inclination of PAC's toward incumbents, accounting for some 68 percent of political action committee contributions in 1986, PAC spending may hinder electoral competition by adding to an incumbent's natural political advantage.

Those who defend the role of PAC's in elections argue that they reflect the pluralism inherent in our political system. PAC's should be viewed as, one, representing a wide variety of interests; two, giving voice to many who were previously uninvolved in politics; and, three, promoting competition in elections by funding challengers in the more closely contested races.

What are the policy options?

Two primary considerations serve to frame this debate: What changes can be made that will not raise first-amendment objections, given the Supreme Court's rulings in Buckley and other cases, and what changes will not result in new, unforeseen, and perhaps more troublesome campaign finance practices in the future?

The latter point is underscored by the experience with previous amendments to the FECA, such as the growth of political action committees following, among other things, the 1974 limits on contributions.

Most legislative proposals have tried to curb the perceived influence of political action committees. These proposals seek to achieve this either directly, through new limitations or through reductions in existing ones, or indirectly, through augmenting the opportunities for other sources—notably individuals and parties—to fund campaigns.

One can argue that current law favors political action committees over individuals in that there is no aggregate limit on contributions by a PAC while there is a $25,000 limit on contributions by an individual.

There are two primary methods of directly curbing political action committees which have been proposed in legislative form: lowering the current $5,000 limit, as the Republican alternative bill—S. 1672—does, or placing an aggregate limit on the amount of PAC contributions a House or Senate candidate may accept, as S. 2 does.

Mailings and advertisements by Common Cause single out PAC's as special interest groups which are able to distort and control elections. Why then has Common Cause chosen to endorse a bill which does nothing to reduce the maximum contribution which individual PAC's are allowed to contribute to each Senate campaign? S. 2 would give PAC's even more influence.

So where is their great justifiable reasoning for election reform here? The fact of the matter is, if you follow Common Cause, which always talks in high sounding, far flying wonderfully ethical terms, if you really look at it, it is basically an organization that supports the liberal point of view in this society, and, therefore, the Democratic Party in this society.

I do not think anybody looking at it carefully would really tend to deny that statement, if they are honest.

The fact is, a lot of people do feel, and I think there may be some reason for that, that the organization called Common Cause is really just a front for the Democratic Party; certainly, in the very least, a front for the very liberal point of view in our society. They do not like conservatives being elected in either party, and they do not like the conservative point of view. They do not like some of the things conservatives stand for.

They have a right to do that, but they should not try to pass them off as the ethical institution that is really looking into these things through a bipartisan standpoint, unless you say bipartisan-liberal standpoint, because that is what they are doing.

The current system provides a number of Americans with access to the political process. Access they wouldn't have under S. 2. In addition, the current system requires public disclosure of all contributions to candidates. That is, except the soft money contributions which have been discussed at length here on the floor, and mainly which occur for and on behalf of, again, liberal candidates. Very seldom do you see any soft money from these sources go to a moderate candidate. They go basically to liberal candidates.

S. 2 fails to address the issue of PAC spending directly. If PAC contributions are corrupting the system then cut the size of their allowed contributions, as the Republican bill does, or eliminate PAC's altogether as Senators PACKWOOD and MCCONNELL have suggested. S. 2 won't cut overall PAC spending. PAC's will simply shift their emphasis to so-called independent expenditures which are not subject to the bill's spending limits.

I do not think there is any question about it. Again, you have to question why this bill, if it not just a bill to elect Democrats, which, of course, it is.

S. 2 will effectively increase the influence of specific PAC's by imposing an aggregate limit on PAC spending without reducing individual PAC contributions. Under this system, the best organized PAC's will have even more political clout than under current law. The argument that a $5,000 PAC contribution under S. 2 would have less influence than a $5,000 PAC contribution under current law is not convincing.

I think Common Cause has been clouding the issue, which is not unusual for them. They are very biased, partisan, and one sided in their support of the liberal policies in our society. I just say they have clouded the issue. The reality is that Democrats rely more heavily in big contributors and PAC's than do Republicans.

It has been a myth the Republicans are the party of the rich. If you look at the average contributions to the Democrats, you find they are very, very high contributions, and you will find, from a special-interest standpoint, nobody can exceed the Democratic Party in subservience. They love special interests, and they are supported by at least five of the major special interests of this country like nobody is. In fact, that is an absolute true statement.

Again, I make the point Common Cause is clouding the issue. The reality is, as I have said, Democrats rely more heavily on big contributions from PAC's than Republicans. Check the campaign finance reports for 1987. They support this statement. S. 2 hurts Republicans because it favors large contributors and PAC's and squeezes out the small donors who are at the heart of the Republican Party. They are our principal donors.

So the Republican alternative, as much as I have some disagreement with it, is a better alternative. If we really want to do something that is right, bipartisan, and really helps everybody, that makes the playing field level, my gosh, let us do the Republican alternative.

The Congressional Campaign Reform Act, S. 1672, it seems to me, is a much more significant effort at reform than S. 2. It attempts to bring the individuals back into the political process by adjusting the contributions and adjusting the limit on individual donations imposed in 1972 for inflation.

It attempts to close the millionaire loophole so wealthy candidates will not have a tremendous advantage in financing their campaigns. It requires disclosure of so-called, again, soft money expenditures for the corporations, labor unions, and nonprofit organizations which influence the outcome of Federal elections.

It is a far preferable bill and what we are trying to do is to do what is right here. The Republican bill also requires future reform under the auspices of a bipartisan commission, which would make periodic recommendations to Congress based on their own study and the recommendations of the Federal Election Commission. Some have suggested that embracing the individual contribution limit, the Republican bill favors wealthier individuals.

I did not make that argument. I certainly disagree with that. The $1,000 contribution limit has been in place since 1972. It has never been adjusted for inflation. Our costs have quadrupled in running. When I ran back in 1976, I spent a little less than $570,000. The last time I ran, it was in the millions, and I had to raise that kind of money just to compete with the soft money that came into that State. My campaign in 1982 was the number 1 targeted campaign by both the Democratic National Committee and the International Trade Union leadership. Not by my fellow union brothers, but by those who made the unions. They poured money into that State like it was going out of style. We had to raise a lot of money. It was, in my book, a real shame, nationally.

I might add that this $1,000 contribution limit has never been adjusted for inflation, and yet the costs have gone up four times, and in some cases, in my case, they went up almost eight times. It is ridiculous.

By combining an increase in individual contributions with reductions in PAC contributions, the Republican bill brings the individual contributor back into the political process.

To me, there is just not any question that the Republican bill is a far superior vehicle than the Democratic bill. I wish we had a bipartisan bill. But I can tell you this: I do not see any real desire for a bipartisan bill. I see a desire to gain an advantage. And I see a desire to do so knowing that they cannot gain advantage because this bill will never, never become law. There is no way that this President will sign it. There is every reason for him to veto it. He will, and we will have enough votes to sustain the veto. So why are we wasting this time after seven cloture votes? Again, the votes that I know of will defeat this in the Senate.

Again, it is tremendous waste of taxpayer dollars and a tremendous travesty, what is going on here. To keep people up all night long under those circumstances has to be very irritating to everybody, but certainly to my side. That is a just a joke, and it is a joke to cater to some of these people who will write as though this is really campaign reform when, it fact, it is campaign deformity.

What about the overall taxpayers? We estimate it will be $40 million so far in the last 10 months alone. Over a third of a billion dollars over the last three elections. We have a proliferation of extremists, a waste of tax dollars under the present system. A half million dollars to Lyndon LaRouche in 1984, $200,000 to psychologist Fulani to run for President. It has resulted in more bureaucracy, not democracy, these spending limits and taxpayer financing in practice.

One out of four campaign dollars goes to lawyers and accountants. It is incredible. In the 1980 Presidential race, $21.4 million was spent on compliance alone, as much as the most expensive race in Senate history. Campaigns must process each contribution through 100 steps. The political decisions have become accounting decisions.

We have to be more concerned about accounting and lawyers than we have to be about running for reelection.

True, I think it is important that people be honest in their dealings in these matters. It has become almost impossible to know what to do under the many rules and regulations unless you have a lawyer looking over everything that happens.

Some think that every candidate under this present system of spending limits and taxpayer financing in Federal elections becomes a person who cheats. Every major candidate since 1976 has been cited for serious violations of the law and in some cases large fines resulted for many.

I have had frivolous charges brought against me that have cost me all kinds of legal expenses and accounting expenses. Every time they have been frivolous. Frankly, who knows whether it is going to be fair or not. It is a little bit like a Republican conservative being indicted in this town. It is almost impossible for them to come out of that a free person. It makes you wonder.

There are some very, very sad things, some very, very bigoted things against the conservatives, and Republicans in particular, that come from this whole atmosphere engendered in this particular town.

I can cite one candidate who spent $2 million in his State with a $400,000 limit. Delegate and precandidacy committees are loopholes big enough to drive a truck through, a conduit for millions of dollars outside of spending and contribution limits. Corporations and labor can circumvent limits by paying office rent, phone deposits, and giving a generous allowance. If this should happen, I do not know that corporations do that very much, but I know it is done otherwise.

I think there is growing disrespect, may I say, for the law and the election process. Campaign managers have reported that their very first planning priority is to identify in advance ways to circumvent the limits and the rules. I do not condone that. I think that is wrong. But many of them try to do that, certainly in Presidential elections. Look at what happened in this election.

One observer and campaign staff member declared "This whole job is a shame. It is your job to find every loophole."

I think this would turn all of this process over to the special interests, which will be running rampant. It will allow them to exert control by spending outside the laws.

In 1984, in that particular general election, special interests spent $25 million to oppose Ronald Reagan; 82 percent of President Reagan's $40 million spending limit was spent by special interests to oppose him. Nearly half of the money spent in the 1984 general election, that is, $72 million, was outside the candidate's direct control. At least one-fourth of all the money spent in Presidential races is unreported, unlimited, and unaccounted for.

Soft money spending that I have been describing as I chatted has roughly tripled in each election cycle. Races resemble uncontrolled, corrupt politics of a prereform era. All of these things are true. Look at these things and it will make your blood curdle.

In fact, as I remember, back in 1982 when I was up for reelection, a group which was antiabortion decided to come in and interfere with my reelection. It was really offensive to me. Everybody knows my position on abortion. So these people thought they were doing me a favor. I did not want them to do me a favor. I did not want them in my State. I did not want their help. If they wanted to help me, they could have arranged to donate to my campaign or set up a PAC and donated directly. I preferred that, even though there were limitations on what they could do. But there was not a thing I could do. You could not talk to them because you were afraid if you did you would be accused of being in a conspiracy with them and you would be violating the law. There just was not anything you could do. You had to sit there and let knuckleheads come in and start running your campaign for you.

People do not understand your State, do not understand the people therein, and do not care. They think they are doing you a favor and, in fact, they are doing you a great injustice. It is really one of the really frustrating things about being in politics today, that you have people in these independent expenditure campaigns who come in and think they can do just about anything they want to do. I can tell you it was very, very frustrating to me even though at one time I considered these people friends, people who were allies. It was one of the most difficult times in my life to have to put up with that kind of stuff. I got burned up about it. It was just awful.

They thought they were doing it out of the goodness of their hearts, but they were not.

In spite of all this, all of this soft money and all of this independent expenditure approach, and all of this special-interest control of the election process, it certainly is not going to be stopped or alleviated by the Democratic bill, and that is what it is. This is not a bipartisan bill. There may be some good things in it, but it is a Democratic Party bill, to build the Democratic Party, to strengthen them and provide some sort of an election-year vehicle to have their friends in the media report it is Republicans who are against election reform.

Calling something reform is one of the sure ways of knowing it is bad.

I go back to the labor law reform of 1978. Just calling it labor law reform triggered in everyone's mind that this must be bad legislation or they would not be using labor law reform. It was. That was the reason they were defeated. There were 62 Democrats and 38 Republicans then. Those who sponsored and pushed that bill said they were going to walk all over us. They tried and it was hard. There were people who were really hurt physically as a result of that lengthy debate at that time. I know who they were.

It was difficult, but that is the way it was.

In spite of all this, special-interest money, soft money, independent expenditure money, the voter turnout has stagnated. It was 55 percent in 1972. It was down to 53 percent in 1984. Grassroots politics in campaigns has died. David Broder said, "Spending limits and taxpayer financing have shut down local campaigning and grassroots democracy has died."

That is a pretty strong comment, coming from the leading political writer in this town, especially one who certainly is not known for support of conservatives or moderates, even.

I have to confess, he is a great writer and a very intelligent man.

Well, I could go on and on. It is easy to see why Republicans are getting worked up about this legislation. It is easy to see why we get upset when we see the media unfairly reporting that this is really campaign reform. It is really upsetting when you see Common Cause presenting itself as a body that represents all the people when, in fact, it represents all the liberal people and primarily one party.

Like I say, there are many who feel that it is a Democratic Party bill, and I think that feeling is sometimes justified, in spite of the high, wonderful, and ethical statements that occasionally come out of the lips of the leaders of Common Cause.

I have to confess, I have not seen much bipartisanship. Occasionally you do, but not very often.

Let me just end by again citing my dissatisfaction with what happened last night. I know that it is a very difficult job to be majority leader in this body. I learned to appreciate that over the years, and I know that I have, from time to time, made that job even more difficult, and sometimes I have been wrong. As I look back over it, I do not think many times but sometimes I have been wrong. I have made the majority leader's life difficult. It is difficult when you are trying to push something that is worthy, and people assert their rights and stand up and fight against it.

But this is not even worthy. If this was worthy, even then I would not justify what happened last night. But it is not even worthy. This is a bill that is so poor that literally, even if some miracle occurs and they pass this bill, and there are those of us on this side who will do everything we can to make sure it does not pass, but even if it did it is going to be vetoed and we are going to have without question the votes to sustain that veto. So we are really spending hundreds of thousands of dollars needlessly and wasting the time of this great body. For what? For political gain desired by some people? That is what I think it really comes down to. I think that is really pathetic. To have done what happened last night I think is reprehensible. I have to state that in spite of my sympathies with the difficulty of serving as leader of this body.

With that, Mr. President, I yield the floor.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. Breaux). The Senator from Minnesota.

Mr. DURENBERGER. Thank you, Mr. President. I must indicate to my colleague from Utah that I have enjoyed listening to his comments this morning, and I do certainly understand his frustrations and probably the frustrations of everybody on both sides of the aisle in dealing with the very difficult subject probably at a very difficult time.

One of the things that I find somewhat difficult about justifying to any constituent that might ask me why I was not arrested last night or why, while all of my constituents were at their present caucuses, I was trying to figure out how much of my life I was going to commit to another filibuster on this issue, is explaining why we are doing this in an election year rather than some other point in time. And I suppose the honest answer to it is that the proponents tried to do it in a nonelection year so here we are in an election year trying to finish off the work.

But those same constituents ask you, "Well, aren't there more important things to be done in this country other than to push this bill?" And I think I have some difficulty as a present candidate for reelection as I look at what is on people's minds in my constituency and across this country justifying the amount of time, the amount of energy, and the amount of effort that has been put into this, including the effort last night to arrest all Republican Members of the U.S. Senate.

Fortunately, most of the commentators in this country are going to be busy commenting on Pat Robertson's references to GEORGE BUSH's activities in Louisiana or other things, and they may not be paying much attention to BOB PACKWOOD trying to keep his door from being broken down in the middle of the night, but there is a certain aura of unreality about this as I felt this morning driving into the Capitol at 4:30, to begin to make some arguments that I want to continue making as long as I have an opportunity to make those arguments against S. 2 and its most recent amended form.

First, I would like to say I heard some reference somewhere, sort of I guess by way of a characterization of some of the supporters, and I want to say on behalf of at least most of the people in Minnesota who have contacted me over the last year or two in support of S. 2 and against my position on it, they cannot be easily characterized other than to say that they are all very honest, very sincere people who have committed some part of their lives to trying to make this system work better. It is just that many of these people, most of whom seem to be associated with an organization called Common Cause, as I said this morning in my remarks, seem to be approaching this problem from the wrong end because if the solution to this problem is to get more representative democracy, then I cannot find anything from now 20 years of experience with election law financing, I cannot find anything in any of these versions of S. 2 that is going to make this place more representative than it currently is. In fact, one of the interesting things is to try to get 100 Members of this body here at one time and ask them just to look around this body and find out who should not be here or who would not be here if somehow or other this campaign financing system worked differently. I do not think that the kind of changes that are being proposed in S. 2 would change the makeup of this body.

So then the second argument very clearly is, well, it changes your behavior, the current system somehow or other changes your behavior. That is the argument that is often made to me, most recently the week before last. I spent much of the week in Minnesota holding hearings on ground water, which is probably the most serious environmental problem in my State, in the rural areas of my State in particular. Ground water is one of those unique environment problems that is not prevalent across all sectors of society and it is not an urban problem, so we do not read much about it, we do not take pictures of it. It does not flow down the Monongahela so that it can frighten people down river from Pittsburgh. It just goes right through the ground into the water supply and poisons all the water of farmers and folks in small towns.

But anyway, I am going all over the rural part of my State with a series of hearings on this subject and at each of the hearing sites there are members of Common Cause gathered to pass out literature saying somehow or other I am standing in the way of reforming the election laws in this country to make the system work better, and make it more representative, and so forth.

But in one of these stops, the blizzard was going on outside and the temperatures were down below zero, and it was one of those days when Minnesotans usually stay indoors, but there were a couple of members of Common Cause who, after they patiently sat through an hour and a half of ground water talk, came up to me and said, "Senator, tell us, why is the present form of campaign financing good for us as your constituents?" And I had to think very quickly. I did not know what they were going to ask me about. I said, "Well, I think the first thing is that it makes the system more representative. Since political action committees, for example, as one part of the current system that you object to have become more prevalent, I have seen a lot more people involved in this system." Folks are amazed to find out that RUDY and I have something like 65,000 to 75,000 contributors to our campaigns in Minnesota.

Well, in part that is because a lot of the activity carried on by political action committees, and companies and professional associations and business associations in my State have gotten more people involved in the political process. It is always an amazement, to those of us who have been in politics for a long time, how hard it is to get any money out of anyone for a politician. It is like I gave in my paycheck when my payroll taxes were deducted, or my income taxes were deducted. Why should I give some money to a politician. So it has always been hard for those of us who consider ourselves in some form a public servant to understand why so few people are willing to make contributions.

One of the things that I observed in Minnesota, and I made some more observations about this morning, is that the growth of the activity generated by political action committees has gotten a lot of people to put $5, $10, $15, $25 in the pot at work, sort of like nobody would give to the Heart Fund or cancer or the Children's Crusade or something like that until the United Way came along and became an institution inside an association or a company and annually you had to cough up your contribution to the United Way. Now there is more of that kind of activity taking place in associations of people, so there are more people contributing to the process.

I did not give them all that explanation. I just said the reality is there are probably two or three times as many people contributing today to political campaigns as there were in the pre-Watergate period. Maybe it is four times, maybe it is five times as many individual contributions being made to campaigns. And what happens when somebody makes a contribution regardless of size, they insist on telling you how to spend the money and so they become instant experts on a variety of issues and they want the Senator to come to the company and explain what he is doing, and they get on the phone and they write the letters and they get on petitions and all of a sudden people are more a part of this process.

As a result, I said to these two people, "If you are concerned that we can't see the forest because of these single issues or these special interest trees, be assured that this need to get more financing under the political system has in effect represented a lot more of the trees in the forest and it may still be that it is hard to see the forest, but I do not think that is because more of the trees are not standing up and asking to be heard. So if you are interested in more participation in the process, you are getting a lot more under this system than you would if you turned the system over to the taxpayer to be financed at public expense or if you limited the number of dollars that could be put into a campaign."

The second answer sort of came off the top of the head also and that probably was not going to be persuasive, but the second thing I thought of is that to the degree that these united or federated kinds of giving such as you see in the political action committees can be encouraged, you cut down the cost of fundraising very substantially.

One of the unfortunate things that I have noticed over the years in this political fundraising business is that the cost of collecting the money, whether it is telemarketing, which is one of these latest inventions—everybody is on the phone at night catching you when you are trying to doze off or have a conversation with your spouse—or the direct mail campaign—mailing lists get run all around the country so everybody gets your mailing—whatever the case may be, the costs of spreading the base under the system are rising. So I said to the degree that somebody else can help in the collection process, all of us benefit. In other words, more money goes into the message than goes into the fundraiser.

Those are two things that came quickly to mind, but then they got to the heart of the problem as I am trying to get out of the door because I have got to get in the car and go through the blizzard and get in the airplane and fly to the next town where it is going to be 30 below. They said, "But, Senator, can you deny that if we had public financing of elections, we would not level this playing field among all of these Senators and all of these Congressmen, and so forth? Isn't it a reality that if we would limit these expenditures, have public financing of the system, that everybody would be sort of equal?" And I said, "You are absolutely right, absolutely right." I said, "You would not be able to tell—it would be so level, it would be so even, you would not be able to tell whether your Senator was one of those Senators who comes here for an hour and a half on ground water this week, comes back on rural development next week, comes back to save your rural hospital next month, worked on long-term care last week or whether your Senator is one of those guys who comes every 5½ years, picks up a check from the Government and sells you his so-called accomplishments in 30-second televison commercials."

And with that, I had to leave, but the message clearly is that if you want to homogenize this system there are ways to do it. If you want to distinguish between the committed public servant, who is responsive to a constituency because he needs that constituency for more than a vote, you can do it. You can use tax-paid financing, you can have everybody check off somebody else's dollar on the tax form and then every 5½ years we will go around and we will pick up our check just like they do every 4 years in these Presidential races, go and pick up a check and go out there and use television or some other media to try to sell themselves.

Now that I have made some reference to the Presidential race and public financing—and I did not want to deal a lot today on the issue of public financing, but I spoke earlier about my experience putting the Minnesota public financing together, and I think I was on that commission as I indicated from its inception in 1974 until I resigned in the latter part of 1977 or 1978, but I indicated to my colleagues in my previous comments that I had as vice chair of that bipartisan committee lived through all of the growth of public financing in Minnesota and through Buckley versus Valeo and so forth, and one of the things that always sort of astounded me in the level playing field business is that practically anybody can get into the game and that I suppose it is some advantage, people would consider that an advantage that anybody can get in and anybody can get some notoriety and they they can go off and use that notoriety for whatever purpose. But there is a lot, in proportion to the dollars that are being spent on campaigns, of public or taxpayer money going into financing the activities of people who in this year at least seem to have other resources to commit.

Bruce Babbitt, as of February 10, 1988, has picked up a check from the taxpayers for $870,133.58, and that will contribute to Bruce's education and to our education, and he is now back in Arizona.

Pete du Pont, who I think is back in Delaware, picked up a much larger check. It seems kind of incongruous writing out a tax check to a Du Pont, but we did: $2,300,502.23, written to a Du Pont for a campaign that I think got him 3 or 4 percent of the vote, at the most. Obviously, Pete du Pont, I think, would have been a candidate with or without the matching funds. Whether some of these other people would or would not, I really do not know.

The point of my comment, however, is that there is a lot of money going into campaigns that are not going to result one way or another in the Presidency.

There is another fellow by the name of Fulani. Is there really that kind of person? Someone by the name of Fulani picked up a check for $262,676.23 to run for President of the United States. If I am wrong, I will correct the record.

I have been looking for Harold Stassen on here. I guess Harold did not seek to qualify, although he is a candidate. But Fulani must have, and you all out there made it possible for him to spend $262,676.23 of your money.

Mr. BOSCHWITZ. She.

Mr. DURENBERGER. She.

DICK GEPHARDT collected over $2 million.

Al Haig, in addition to the speaking fees, and so forth, that he is going to pick up as a result of this candidacy, will also pick up $439,384.65, which should go a long way to keeping his tennis game in good shape.

Gary Hart: Others, I am sure, have commented on this one before, in terms of the incongruity of a person who left the 1984 election in second place with a lot of debt and coming back a couple of times into this campaign and picking up a check for $1,116,881.99, to be precise.

JACK KEMP, $3,908,813.66.

Pat Robertson, $6,596,447.28.

PAUL SIMON, $1,876,016.71.

A total of $17,370,856.33.

So, that is sort of the national record, if you need a current record of how creative we can be when we go to tax-paid financing of these campaigns.

The issue of public financing or tax-paid financing of a campaign, as I say, is one that I have some experience with—some of it good, some of it not so good. But I do not think that is really the heart of the issue before us with regard to S. 2. The heart of the issue, as I have said a couple of times, is whether or not you are going to improve the operation of this election system or if you are going to improve the quality of the representation we get.

I do not know that any of us can judge what it is going to take to improve the quality of anything around here. I see people I serve with in this body—I do not think that if I set out to do it, I could assemble a better cross-section of America or a more highly qualified group of men and women than gather each day and each week in this body.

I think the system today works pretty well. In fact, much as I have spent time as a reformist, trying to figure out other ways to do this system, I have never been able to come up with anything.

The attack on the system, however, never ceases, and most of the attack is around money and the influence money has, one way or the other, in election campaigns, and the influence money has in making decisions around this place. Where are you going to put your efforts? Where are you going to put your time? Where are you going to make your commitments in terms of your vote, your efforts in committee, choice of committee assignments?

Mr. President, I remember the first 4 years I was here, and I reminded my colleagues this morning that I never wanted to come to this place.

I did not have the benefit that the Presiding Officer, the Senator from Louisiana [Mr. BREAUX] had of observing the Senate from the House and finding from that perspective something more attractive about this place. I do not know how he feels. I am sure he does. Some have come from the House and said the view is different from reality. I am sure that my colleague from Louisiana thinks it is different. I am sure that if anyone has had the benefit of looking at this place from the House, it looks sort of attractive. I did not have that.

I did not want to be in the U.S. Senate. I got here somewhat by accident. I wanted to be a Governor, and it was not working out, and there happened to be an opening, and folks shoved me into the direction of the opening.

So, I spent a lot of time in the first 4 years I was here responding to the question: "Does the fact that you have to run for reelection have a big impact on how you make your decisions? Isn't the need to spend a lot of money in your campaign a clear factor in how you make your judgments?"

I said: "Well, on the first one, I can answer it right off the bat. On the second one, you will have to wait until after my first reelection and I can talk about it."

I said: "The first one is easy. There are two ways to come into this body. One is figuring that you are going to keep your finger wet all the time and try to know which way the wind is blowing, and the other is to do the best with what you have."

That is the way it works back home. The wind comes from many different directions around this place, so that was not much help.

Most of my colleageus on this side of the aisle have settled down to do their best with what they have. We have parochial interests. I have a Minnesota interest. The Presiding Officer has a Louisiana interest, as I notice in his activities in the Committee on Environment and Public Works. Each of us has that kind of parochial interest. That gets reflected in the committee assignments we take on. That is reflected in the kind of a presentation we get involved in. That is reflected in the kind of financial support that comes to us from a variety of political action or other kinds of committees.

So, I did not have a lot of problems with the notion that, in one way or another, I was not going to be influenced in my decisionmaking by the fact that I had to run for reelection. But people would always point to my races and say that it cost $4 million in Minnesota, $6 million in Minnesota, whatever it is—"You have to go out and raise that money yourself. You're not a millionaire. So, can you in fact tell us if that makes some difference?"

Well, when I got through with the 1984 campaign, in which I ran against a person who financed his own campaign, without even touching his spouse's inherited wealth, I was in a good position to answer the question, because I had to raise $3.4 million to stay in the race, and I had to raise it from poor people.

I can honestly say, as a result of that, yes, having to raise money does influence where you put your time and effort. There is no question about it. Those who are interested in the political system, those who care enough about the political system to get involved in one way or another, as either contributors, potential contributors of information, of education, of pressure, in terms of the mail room—all those who are interested enough to get in the process through the fundraising are the ones you pay attention to.

My mail room clogs up with 15,000 or 30,000 letters a week. I have to pay attention to what is clogging up that mail room. By the same token, if I am not a self-financed politician and I have to go out and raise the means whereby I can take my message to the electorate, I have to pay attention to the sources of potential contributions.

I went to the Rules Committee, I believe, at the end of January 1983, when the Senate was holding one of its very first hearings since Watergate, on the issue of political action committees and their influence on the political process. I think some members of the Rules Committee had experience in the old Watergate Committee. I obviously did not, because I was not around here. I think that probably a lot of them, because of the pressure from those who assumed that money translates into pressure—that the need for it translates into susceptibility—assumed that one of the recommendations that must have come out of the Watergate Committee in the Nixon era was that we get rid of political action committees, that we get rid of the special interests, that we chop down the trees so we can see the forest, that we bring in tax-paid financing, public financing, into this system, to level the playing fields, which these two people from Rochester told me it would do.

Let me read specifically one of the recommendations of the Watergate Committee with regard to election financing. This is called campaign financing recommendations. It begins at page 563 of the final report of the Senate Select Committee of Presidential Campaign Activities. The specific reference to public financing is not very long. It begins on page 572 and goes to page 573. It is their recommendation No. 7 on campaign financing. Remember, this committee is bipartisan, and I think it probably has a predominance of the then-predominant political party, which was not mine.

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes the various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a sytem of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

Mr. President, as I remarked earlier in the day, down at the relatively obscure level in the State of Minnesota, I was in the middle of doing precisely that, reforming the system to expand the involvement of voluntary private contributions. Today, I am the beneficiary in my campaign of that effort.

I probably have a base under my campaign that might amount to maybe 150,000 individual contributors. I am not sure of the number. Many of those people are direct contributors, but a very substantial number of those people, maybe as many as half of them, have contributed through political action committees.

The interesting thing to me is that the individual contributions are smaller that come in through the political action committee than are the contributions that come in directly from private givers.

In my campaigns, three now—1978, which was a $1 million campaign against a $2 million millionaire, the 1982 campaign, which was a $4 million campaign against a $7.5 million millionaire, and the campaign in which I am currently engaged—there has been, and I think probably my colleague from Minnesota might bear this out as well, a sort of uniform proportion, about 25 percent of all of the money raised in our Senate campaigns in Minnesota comes in the form of checks collected from employee, professional association members through a political action committee.

While it is true that the contributions of these political action committees are characterized by Common Cause news releases or Ralph Nader news releases as "Durenberger Number 2 in Oil Money," "Durenberger Number 1 in Chemical Money," "Durenberger Number 3 in Dairy Money," the reality is that the contributions reflect the constituencies inside my State.

Just like you, Mr. President, I am sure it is true your contributions reflect the constituencies in the State of Louisiana. It does not mean that some contributions do not come from California or some contributions do not come from Maine, but they reflect the particular interests that dominate the constituencies in your State, as they do in mine.

Agriculture is No. 1. Health is right up there. Chemicals, in the sense of pesticides and insecticides and fertilizers, is a big part of agriculture. It is not my votes on windfall profits taxes, and things like that, which are generally sympathetic to a lot of interests the Presiding Officer may have an interest in. It is because there are other ways in which chemical interests have an association with my State.

So each of us in this particular case finds that in the base under our financing. People who have a strong interest in formulating public policy through a particular constituency, and a servant who can serve that constituency, have an opportunity to make these contributions. But the point, again, is not a dominant factor in my campaign. It is a pretty consistent 25 percent.

It is interesting to me, when you get over into Democratic House races in Minnesota, and I must say, because this is the reality, and this is one of the things that mystifies me about why we are debating on S. 2 which only takes care of the Senate and does not touch the House and which seems to make PAC's out to be a selfish interest, in my State, JIM OBSERSTAR, who represents the Eighth Congressional District, which I do not think has ever elected a Republican, has over 75 percent of his campaign contributions coming from political action committees. BRUCE VENTO represents the Fourth Congressional District and has for a long time. Before that, it was represented by Gene McCarthy who spent a long time in this body. I think the last time that district elected a Republican was probably a fellow by the name of Ed Devitt, I remember this, in the 1947-48 Congress.

BRUCE VENTO has nearly 80 percent of his campaign contributions coming from political action committees. I could go through some of the other Members of the House as well. I might as well. It has been handed to me.

This is from today's Federal Page. While we were busy down here talking and submitting ourselves to humilities, the Post was doing a story called, "They 'PAC' a Wallop," PAC P-A-C. It appears on page A23 of the Washington Post, Wednesday, February 24, 1988, right above the wonderful picture of Will Ball taken many years ago, I think.

In the little box entitled, "They PAC a Wallop," it indicates the amount of money going to House Members up for reelection has jumped 44 percent, and it shows here, for the purpose of these comments, the percentage of money that is coming from political action committees.

TONY COELHO, a famous name in Democratic fundraising circles, 51 percent of the contributions to his campagin come from political action committees. BYRON L. DORGAN, a famous name in my neighboring State of North Dakota, a Congressman who represents the whole of the State of North Dakota, a Congressman who, unlike the Presiding Officer, chose not to come to the U.S. Senate because of the way he was barred by fellow Democrats. He represents the whole of the State of North Dakota. He gets 68 percent. Again, another Democrat, 68 percent of his money comes from political action committees.

BERYL ANTHONY, JR., who I think replaced TONY COELHO as the Democratic leader of the campaign committee on the House side, represents the State of Arkansas. I guess my picture of the State of Arkansas is not full of selfish interests, special interests, big oil wells, and lord knows all the rest of that sort of thing. I guess if anybody had a broad base support in the campaign, it would be the Congressman from the State of Arkansas. Not so. BERYL ANTHONY has already received $207,187 from political action committees, or 74 percent of his contributions come from political action committees.

I could go on through the list. I see BILL GRAY here, the chairman of the Budget Committee, from Pennsylvania, 79 percent of his contributions come from political action committees. I do not know, but all I have heard about BILL GRAY, and what I know of him personally, is that he is a man of the highest stature, a very capable person, a person who you would not, because of the fact he has taken on something as impossible as the budget, think could be accused of being a tool of the special interest. Here he is, 79 percent of his contributions from political action committees.

That is only to say that I think it is, one, difficult to come to judgment on the process by coming to judgment on either the amount of money or the source of money that goes into campaigns.

Second, you are not going to change BILL GRAY, you are not going to change JIM OBERSTAR or BRUCE VENTO. You are not going to change this Senator, or anybody else that I know in this body, by adopting S. 2, by eliminating this so-called special interest and substituting for it the biennial or every-sixth-year trip to the Treasury to pick up a check from the taxpayers in order to finance these elections.

Mr. President, I use this occasion not to accuse the authors of S. 2 of some particular selfish interest of their own. I do not think that is true. As I said earlier, whatever characterizations of Common Cause, or some of the other supporters of this bill, that I may have heard on this floor do not apply to the members of that organization in my State.

I think that we have more common cause in what we are doing here than meets the eye, but our frustrations ought to be taken out on some part of the system, other than the financing of elections.

The bottom line in a lot of this is whether or not campaigns really need to be reformed, and the test of whether or not we ought to reform the system, I suppose, at least in an election sense, is whether or not Senate races are competitive or is this an establishment from which the incumbents cannot ever be ousted.

I guess it was my impression that at one time in the history of this body, probably back in the pre-Watergate era, back in the 1960's, the 1950's, the

1940's, that once you arrived here, you stayed forever.

I currently enjoy going to, as I did this morning, the weekly Senate prayer breakfast where a number of our colleagues get together and are often joined by some of our former colleagues. It was a pleasure, once again, this morning to hear our former colleague from West Virginia, Jennings Randolph, tell us about his very first Democratic Convention, which was in Baltimore, in 1916 when he went with his father, who was a delegate to that convention which eventually chose Woodrow Wilson, over Champ Clark, to be the Democratic nominee for President, eventually the President of the United States. So it is my impression that once Jennings Randolph, and I believe he told us he came here with Roosevelt in 1933, got here, he stayed here. That is the way it has always been in this place.

I guess the realities, as we know very well, are quite different. This Senate has changed hands twice in 6 years and, it seems to me, as I have watched this process at work, the incumbents are getting knocked off right and left. I look at the little blue license ID tag in the window of my car every morning, because I have to take it off my visor so it does not kill me, which my colleague from Colorado advised I do, and put it on my dashboard so I can get through the flower pots out here, and it says S. 45. I am amazed at how far I have come in a short period of time, and I think that is because the elections for the Senate are clearly competitive. There is no evidence that I can find that the system is broken.

As I stand for reelection for only the second time, 55 out of the Senate's 100 Members have less seniority than I. In January 1989, depending on how things go, I may be in the top one-third in this body. At least 16 of the Members below me got to the Senate by beating sitting incumbents. So I ask, how level does the playing field have to get?

I would conclude my remarks with a few observations on what I think we ought to be doing.

If we are going to do some reform to the system this year, next year, or whatever, I have a couple of thoughts as to what we ought to be doing.

I do not think first of all we should change the campaign rules in this country, particularly for a body like the U.S. Senate, by a party line vote. You sure do not do it when that party line vote is as close as we currently have.

The first thing I would do would be to convene a bipartisan commission to study campaign reforms, just like we did in Minnesota back in the 1970's. I would find a consensus approach and a consensus solution to this problem.

The second thing is I feel equally about the House and the Senate. I have just gone through some examples of what is going on on the House side. If it is sauce for the goose here, it has to be sauce for the gander over there. I do not have to agree with that theory. Well, I agree with the theory that what is sauce for the goose is sauce for the gander, but not the theory that there is anything wrong with the sauce. Anyway, if we are going to do it on the Senate side, why not on the House side?

The third thing is to adjust the contribution limits for inflation.

The fourth thing is to try to get rid of the millionaire's loophole.

The fifth thing I would do is encourage more voter turnout participation. Rather than just spending taxpayer money on the Liz Fulani, Alexander Haig, and Pete duPont, I would be spending it on other people coming into this process, so that more people like Minnesota could be voting 75 or 80 percent of their electorate.

Finally, and I have said this many times before, the main reform that needs to take place in this system is with regard to the participation of political parties. Until we change the contribution limits so that political parties can participate in elections, you are not going to get anything other than 100 of certain Members in the Senate and nothing more than a great deal of difficulty in making decisions in this place.

Probably, the ultimate reform is the notion that in a $6-million campaign only $300,000 can come from the Republican Party, not making me in any way beholden to the Republican Party.

I think that is unfortunate. I think that is unfortunate for all of us. It lends an air of lack of will, a lack of discipline in this place, and of the areas where we want to go to make some changes in this system in addition to the ones I have already mentioned I would recommend that as such an area.

Mr. DURENBERGER. Mr. President, while I think of it, having been here since early this morning, I express my appreciation to all Members of the majority who willingly or not, or cosponsors or not, have to sit in the Chair up there and listen to all of us so-called experts during the course of the debate. We are certainly grateful to them as well.

Mr. KERRY. Mr. President, I was interested in the comments of the distinguished Senator from Minnesota. I believe he has made some good suggestions which I am sure the majority sponsors would want to entertain in some real discussions, whether adjustment for inflation or other reforms which he has suggested.

But I was also struck by his listing of the candidates who accepted this money and without motives, et cetera. I wondered how he would respond to the fact that the minority leader, Senator DOLE of Kansas, is running for President and remains adamantly opposed to this bill. He talks about the evils of accepting public money. He says that is a terrible concept. And yet he sent a letter to the Federal Election Commission asking for Federal funds. He is currently running for President using the very system that he abhors. I wonder if he does not find a level of hypocrisy or talking out of both sides of the mouth in that particular approach.

Mr. DURENBERGER. No. I do not find hypocrisy in that at all. If I were BOB DOLE or in a BOB DOLE situation I would not want to say I will be a big hero, I will sacrifice my running for President on the grounds of consistency. That is one of the problems of running for President. You have to live with the current rules. As long as Pete du Pont will get $3 million and Pat Robertson will get $6.9 million, I think it is all right for BOB DOLE to say, "Even though I do not agree with public financing, I will go along with this." I do not find that particularly inconsistent.

Maybe there will be a day and an opportunity when he will be President to say we ought to change the way we do public financing of the Presidential elections.

Mr. KERRY. One other question, if I might ask my colleague, if he will yield further.

Mr. DURENBERGER. Yes.

Mr. KERRY. I listened also to his assertion that most of the money that comes to each of us as candidates comes to us as a representation of the constituencies we represent. If it is Senator DURENBERGER with oil or Senator DURENBERGER with Medicare or whatever, I want to ask my colleague if he truly believes that a Senator who comes from a State which has nothing to do with communications but finds himself on the Commerce Committee, or a Senator who comes from a State in the Southeast has no particular interest in the committee which he or she is on, does the Senator really want to say that this system does not find an enormous gravitation of particular interests within committees directing money towards Senators on those committees?

Mr. DURENBERGER. I will be glad to respond to that.

Mr. President, first I ask unanimous consent that my statement before the Rules Committee on January 26, 1983, pertaining to this matter, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR DAVID DURENBERGER BEFORE THE SENATE RULES COMMITTEE CONCERNING FEDERAL ELECTION FINANCE LAWS, WEDNESDAY, JANUARY 26, 1983

I appreciate the oppportunity to come before the Committee this afternoon. And I want to congratulate the Chairman for having the foresight to begin this Congress by looking back at some of the lessons we learned in the 1982 campaign.

We are all elected officials, and we have all had personal experience with the workings of today's campaign finance laws. My experience is simply more unique than most.

In both my 1978 and 1982 campaigns, I faced political opponents with immense personal resources, and a willingness to invest those resources in the pursuit of public office. In 1978, my opponent spent $2.1 million, the great majority of those funds from his own resources. In contrast, my campaign raised and spent $1.09 million.

The numbers from my 1982 race are simply overwhelming. My opponent Mark Dayton, spent in excess of $7.1 million. All but a few hundred thousand dollars of that war chest came from his own personal fortune. When the final FEC Report is released next week, it will show that between 1978 and 1982, my campaign raised a total of $4,147,547.00. Of that total, $2.8 million came from 34,200 individual contributors who gave an average of $90.00 apiece. $1,068,467.00—25 percent—came from 688 political action committees, and $275,000.00 came from party funds.

These figures make the Durenberger-Dayton campaign the most expensive in American political history—something of which I am not proud. But the figures also demonstrate that there is something very right about the current system of campaign financing.

That system, with its emphasis on individual participation, enabled an individual with no appreciable personal resources to compete successfully against these immense sums of personal wealth.

It provided voters with detailed information on where each candidate raised his money, so voters could make their own judgment on the candidate's support and independence.

With its limits on individual and PAC giving, it provided an incentive for tens of thousands of individuals to become stakeholders in the campaign—a terribly positive development in an era when the need for citizen participation in government has become so apparent. Yet at the same time, it limited the degree of participation to prevent any one individual from gaining a financial influence over any candidate.

For all their magnitude, the fact that I am before you today is solid evidence that the weight of these dollars did not decide the election. Nor did they discourage voter participation, as a near record 62 percent of the voters came to the polls—the highest turnout in the nation.

I am not suggesting that today's system is a perfect system. I believe strongly that campaign reporting laws need to be strengthened, so they can be more accurate in reflecting indirect expenditures that benefit a candidate, and more timely in their report of last minute expenditures that can so easily change the character of a campaign. History has proven the wisdom of the tight limits placed on PAC and individual contributions, and those limits should be retained. We need to broaden the concept of limitation to include both the length of campaigns and the total amount a campaign can spend. And we must find a constitutionally acceptable mechanism to insure a level playing field by making these limits applicable to all candidates, whether they finance their campaign through contributions or a combination of contributions and personal wealth.

I am certain that other witnesses will outline other areas where present laws can be refined. But as the Committee considers these proposals, it is essential to keep in mind that we are dealing with a system that has proven in practice to be fundamentally sound. We should adopt change for the sake of improvement, but not change for the sake of change. Many of the more strident charges levied at our system of election finance are more rhetoric than reality. And I think that is particularly true in the area of political action committees.

Although my campaign was well below the national average in the percent of its funds raised from political action committees, I suspect that the final FEC Report will place it first or second in the all-time list of PAC recipients in absolute dollars received. And in my case, I can assure the Committee that the 24 percent of my funds that came from PACs—like the 75 percent that came from individual donors—played a critical role in opening the political process by enabling me to compete on a fair basis against the immense resources of my opponent.

I do not buy the argument that the influence of a Senator can be purchased with either PAC or individual contributions. The existing contribution limits preclude that possibility. In my campaign, the 688 PACs contributed an average of $1,553.00 each—in a $4.1 million campaign. In other words, the average PAC contribution amounted to 3/100 of 1 percent of my total campaign expenditure; even the largest PAC contribution was no more than 2/10 of 1 percent of my campaign funds. Under no circumstances could these legally limited contributions be deemed significant enough to make any Senator "beholden" to the contributor, or for that matter, any more thankful to the PAC than to any of the 34,200 individual contributors who also supported the campaign.

Nor do I believe there is a qualitative difference between PAC contributions and individual donations. PAC funds come from individuals, large numbers of individuals who contribute to their political action committees. I do not understand why a $1,500 contribution from the Acme PAC can be deemed pernicious, while a contribution of equal size from the President of Acme or several of its stock holders is not.

I am no more impressed by the argument that the proliferation in the number of PACs establishes a need for reform. Actually, it suggests precisely the opposite conclusion. The increase in the number of political action committees reflects a general increase in the interest and involvement of millions of Americans in their system of government. That increase is itself a function of a better educated public, and better systems of mass communications. It would have asserted itself in one form or another even if there were no PACs.

Furthermore, a system in which elected representatives are being supported by a diverse, pluralistic collection of 3500 political action committees is far superior to the system it replaced—in which a small handful of "fat cats" with access to Washington Lobbyists had a corner on access to the legislative process. The period from 1976 to 1982 has been an era of participation, an era in which the base of the political process has broadened considerably. The law creating political action committees did not cause this change. It came about because the people of this nation were tired of a system of government dominated by a few centers of power. They demanded a more open system, and the political action committee provided a working mechanism through which they could open up that system and broaden its base.

It is a serious mistake to suggest that political action committees act as one monolithic group. Their positions are as diverse as the citizen interests they represent. My own campaign received financial support from sources as different as corporate political action committees and social action PACs, such as "KIDPAC." Even within the corporate world, political action committees reflect the same diversity of opinion that characterizes their corporate sponsors—large and small business, banking and thrift institutions, trucks, railroads, barges, and airlines.

The truth, Mr. Chairman, is that political action committees have had a positive impact on the political process in their own way. Through their own organizing efforts, tens of thousands of American citizens have become active, contributing stakeholders in the political process for the first time in their lives. These contributions open the door to individual contributions of time and financial resources in the future. Candidates seeking PAC funds have been forced to go outside the traditional Washington "money community" and explain their views to a broader cross section of their constituents.

Several times during my campaign I visited associations at the invitation of a political action committee. What I usually found was a room filled with working people who wanted to know why the money they had collected through their political action committee should go to me instead of my opponent.

For their small individual contributions, these people had the opportunity to ask their United States Senator how he felt about social security, what he would do to put more people back to work, how he would end the arms race.

What they saw was a United States Senator asking men and women for their votes, and in return being asked to consider their views. In other words, it was a Senator taking his record to the people and asking to be judged on that record.

We have all heard the charges that "out-of-State" political action committees divert the loyalty of elected officials from the best interest of the people they represent. But in practice, Mr. Chairman, the interests of the people in our States are mirrored in the pattern of contributions we receive, as they are in all other forms of political support we generate.

It is certainly true that Senators often receive a large aggregate of contributions from PACs and individuals in given trade or issue areas. But if you look closely at the breakdown of those contributions, I suggest you will find that they reflect the interests of the States those Senators represent. My own campaign is a case in point.

I am not ashamed to tell this Committee that 11 percent of my political action contributions came from agriculture. However the members of this committee might feel about dairy issues, price supports and agricultural trade, these issues are critical to a very large share of my constituents. They are Minnesota interests I am proud to represent. And the large share of my financial support that came from agriculture is a direct reflection of the needs and concerns of my State.

Another significant percentage of my funds came from basic industrial, such as steel and rail. Steel is one of the largest employers in my State, and I am equally proud of the efforts I have made to help that industry create jobs for tens of thousands of unemployed Minnesota steel workers. The high percentage of contributions that I received from that industry reflect the high stake Minnesota has in its future. I could go on, but I think the point is clear. The concentration of PAC support for candidates within certain trade and business groups is a function of the same forces that influence all other forms of political support, financial and nonfinancial. They follow and reflect the interests of the candidate's constituency, they do not clash with those interests.

It is also essential to bear in mind that a significant percentage of the Nation's political action committees are association PACs—groups like the realtors and the automobile dealers. They provide an avenue of political involvement for millions of small firms and individual proprietors in States like yours and mine. The dollars contributed by association members in my State help build these funds. And the opinions expressed by my constituents play a decisive role in determining whether these associations will support my candidacy or the candidacy of anyone choosing to run against me. Their voice is Minnesota's voice, and their judgment is the judgment of my constituents.

Yes, Mr. Chairman, these contributions are a way for people to influence the political process—in the same way as organization endorsements, volunteer help, and 35,000 letters on interest and dividend withholding influence the process. And by giving the American people more effective ways to become stakeholders in the political process, these mechanisms have strengthened the process itself. We have now discovered that there are more than two sides to an issue, that there are more possible answers, and that people care about what we do and how we do it. They understand that they have a right to influence our thinking, and that an election is a test of our listening ability.

Where the political system has failed, it has failed because those of us elected to serve in that system have failed to demonstrate consistent leadership. Let us not blame those failures on political action committees or the people who comprise them. Instead let us work together with those people to bring more Americans into the political process and strengthen our government from within.

Thank you, Mr. Chairman.

Mr. DURENBERGER. Nobody goes to the committee by accident. You might get to certain third-level committees in this place by accident, but your first and second committee choices are usually your choices. I know on your side it will be very hard to get to those committees and most of the time, depending on what side or the other you may have been of the majority or minority leaders, you will get those. On our side, the first come, first get here, first choice in the selection in the system.

You naturally gravitate in the first instance to the committee whose jurisdiction represents either your personal strong interest or your constituency. I had the opportunity to go to the Finance Committee because I have a strong interest, both constituent and personal, in issues like health policy as reflected in the Social Security Act, Medicare and Medicaid, and a broad range of tax policies cause me to want to go to the Finance Committee or something else. After that, of course, comes the opportunity to interface with a variety of legislation. I would imagine that there are a lot of people who have interests before that committee whose interest in policy may also be reflected in their contributions. You cannot deny there is a relativity there. But it is also personal to you on your committee and it is personal in my interests and in the interests of my constituents as well.

Mr. KERRY. If the Senator will yield further for a question, I wonder if the Senator is not really answering my question exactly in the affirmative as I posed it. The Senator is saying there is a direct relationship between the committee, and maybe you get there because it is your interest and maybe you get there because you are adequately reflecting that that is the interest of your constituents. But I think the Senator is acknowledging that that is where the particular money of that interest gravitates. That is precisely the point we are making, that there is a direct relationship between the money on the committee and the Senator on a committee.

If the Senator is on the Finance Committee, it is rare that the maritime industry is knocking on the door, unless there is a maritime industry tax issue in front of it. I think the Senator is underscoring the linkage between money and donations, which is precisely what this legislation is trying to get at. Would the Senator not agree that that linkage is there?

Mr. DURENBERGER. I do not agree that it is there at all. What do you think this place is about? If, in fact, you want to insulate the constituency from participating in this process, then as I said in my remarks this morning, let us let 100 people get here by way of the House of Lords routine, which would knight us into this job or give it to us by inheritance and we can all choose to do the things we want to do, rather than what the people of this country think need to be done.

I would certainly expect that the Finance Committee, with what Bob Dole has characterized as the Gucci lobby outside the room in the Dirksen Building, attracts a rather strong interest, from strong special interests all over the country.

But by the same token, the fact that the most any of these people can contribute to my campaign or Bob Dole's campaign is $1,000 per person or $5,000 per election hardly dictates the decision that you are going to make in changing the Tax Code in favor of an entire industry one way or the other. You also learn, at least I have learned from experience on that committee, as some of my other colleagues have, that for every friend you make you make 10 ingrates because you did not solve their particular problem at that time and those people are off either sitting on their money as may often be the case, or sitting on their interest in your election. There is no way to deny the fact that there ought to be a relativily between what we do here and the willingness of people to make contributions.

Earlier today I commented on the experience of running against a self-financed campaign. Very few people in this room have had this experience. Somebody says, "I am going to get your seat no matter what it costs," and you know he does not have to spend time in fundraising.

But what he does, while you are in there talking to your special interests, whether they may be maritime or fisheries or Route 128 high-technology companies, or whatever your interests may be, and you are at Raytheon or someplace like that talking to their employees, this fellow who runs against you, is driving by on the highway out there signaling to you, caring less what they may think. Even though they are a strong constituent interest, he is not dependent on them in any particular direct sense. I cannot deny that relationship at all. I think it is healthy for the Republic, and the fact that perhaps as a result of Watergate we have put limitations on the dollar amount of that interest in effect taking away the concern that the Senator may express his question for the undue influence of one of these interests over the other.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I thank my distinguished colleague from Colorado, Senator Armstrong, for deferring his remarks to enable me to make a few additional comments beyond the ones which I had made earlier this morning.

Mr. President, about 8 o'clock this morning when my turn came to speak on the pending bill, I made some comments about the propriety of the procedures used last night in the issuance of the arrest warrants.

Since this morning I have had an opportunity to study the matter in some additional detail, although not with finality, and inquired into some of the underlying facts, although again not in any conclusive fashion.

Mr. President, I pointed out this morning that there is no authority directly for the issuance of a warrant of arrest to compel the attendance of a Senator; that the Constitution has a provision about compelling attendance. It refers to such rules as the Senate may make. But there is no rule which authorizes a warrant of arrest.

There is some precedent, which I cited this morning, at page 1174 of the Book on Senate Procedures, which refers to an incident, according to the text here, of the last order adopted by the Senate to arrest the absent Senators occurring on November 14, 1942. This book was published in 1981.

There may have been other arrests. I heard about one in 1960, but I am not sure. In any event, the reference here is to the last arrest in 1942, and it refers to the proceedings authorized by the Vice President of the United States, and the last part of this Senate procedure quotes:

> The report having been made as to the absent Senators who were out of town and those who were in Washington, the majority leader, Mr. Barkley, made another motion which was agreed to authorizing and directing the Vice Presidsent to issue warrants of arrest for the absent Senators in Washington.

The authority of the Vice President is therefore spelled out on that instance.

That may or may not be compelling authority but it is limited on its face to what the Vice President had done. Rule 1, paragraph 3, provides that:

> The President pro tempore shall have the right to name, in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair including the signing of duly enrolled bills and joint resolutions.

Now, here again it is not conclusive about the authority of the President pro tempore to act on a warrant of arrest, but to the extent that the authority exists beyond the Vice President—and there is a question as to whether even the Vice President has the authority—to the extent that it exists, it goes to the President pro tempore, and the rule is specific in terms of setting forth authority for others.

When Senator PACKWOOD was taken into custody early this morning, in what was an extraordinary event in the history of the Senate. Senator PACKWOOD was accosted in his chambers when the Sergeant at Arms and representatives of the Sergeant at Arms entered Senator PACKWOOD's chamber by use of a key, forcefully took him into custody and brought him with physical force to the Senate floor. Senator PACKWOOD directly told me this early this morning. Senator PACKWOOD thought that he had rights of privacy there. He had the deadbolt on. The key was inserted. The key was turned. The Sergeant at Arms and or representatives entered forcefully. Senator PACKWOOD reinjured his broken finger and shortly after midnight, earlier this morning said to me and others that he expected to get hospitalization for that injury. The fundamental question arises as to what authority there was for this extraordinary use of force and invasion of the chambers of a sitting U.S. Senator.

I have before me a photostated copy of the document signed by Senator BROCK ADAMS which recites that the undersigned Presiding Officer of the Senate "by virtue of the power vested in me hereby command you, in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate BOB PACKWOOD who is absent without leave, to wit:" And there is a blank for insertion of information.

As I said today, Mr. President, there are quite a number of reasons why this document is invalid on its face. It refers on the front side to a warrant. It refers on the reverse side to a subpoena, and a subpoena is very different from a warrant. A subpoena commands a person to appear at a time and place certain, whereas a warrant authorizes the holder to take physical custody of the person on whom the warrant is served. There is no insertions made on the "to wit" clause. These are all important considerations.

But the most fundamental one, Mr. President, is the appearance that Senator ADAMS, the Presiding Officer, had no power vested in him to sign this document.

I had an opportunity to talk briefly with Senator ADAMS this morning, and he said to me that he knew of no writing which authorized him to perform the duties of the President pro tempore. He said that there had been prior occasions when he had been authorized in writing earlier in the session, but he knew of nothing which contained an authorization for him to do so yesterday. And it appears—this is subject to further confirmation and I do not state this with assurance because we have yet to check out all the facts, but on the statement of Senator ADAMS there is a strong presumption that there was not the kind of authority required by rule 1, paragraph 3. So that when Senator PACKWOOD was taken into custody, it was done in flat derogation of the rule, and that Senator ADAMS as the Presiding Officer did not have the authority to issue this warrant of arrest.

Mr. President, the issue here is more than mere technicality, because a fundamental rule on the issue of warrants has always been the intervention of the detached, objective magistrate, who takes a look at the facts presented to him by the applicant from a warrant and then makes that kind of detached, impartial determination. You have here the activities of the majority leader yesterday. The assistant Republican leader on the floor this morning shortly after 3 a.m. spoke of tyranny. I am not sure whether it was the tyranny of the majority or the tyranny of the majority leader. But you have this application, the majority leader's request for warrants of arrest. You have the matter presented to the Presiding Officer, who realistically sits there on a rotation established by the majority leader, and you do not have the detached magistrate, detached official, the Vice President or the President pro tempore of the Senate. Those offices have a separate and distinct function from that of the majority leader, and where the Vice President has authorized the warrant of arrest on the one precedent cited in 1942, there is a high-ranking public official of the United States of America who brings a different perspective from someone who is an advocate on the floor of the U.S. Senate and where you have the President pro tempore, in this case the distinguished Senator from Mississippi, who has been in this body for more than 40 years, you have an independent authority with a different perspective than the majority leader. They may agree but not necessarily. Magistrates may agree with police officers on issuing arrest warrants but not necessarily, so this is more than a matter of hypertechnicality. It is a matter which goes to the essence of the detached view.

Mr. President, I spoke at some length this morning, and I shall not repeat the arguments which I made, on what seems to this Senator to be the extraordinary and unseemly conduct which occurred last night on the issuance of warrants of arrest presumably for 45 Republican Senators. I do not know, I had not seen one which names me, but I presume that all those who were absent were treated equally, if unfairly. Senator PACKWOOD, if he ever has occasion to apply for another job—I do not suppose he will, his position is so assured here, but if he ever should and faced the question, "Were you ever arrested?", he might face some rather embarrassing moments; it is never easy to explain, even if you are a U.S. Senator, why you were subject to an arrest warrant.

I spoke this morning about the constitutional rights which have been enforced in this country and hundreds of thousands of guilty felons freed since the famous Weeks case, United States versus Weeks in 1916 where defendants are conclusively guilty as a result of evidence obtained, not obtained legally, and the guilty were set free, and as later applied in the case of Mapp versus Ohio, in 1961, hundreds, thousands, probably tens of thousands of men and women who were conclusively guilty on the basis of evidence presented were set free because of the failure to observe constitutional rights. I recited some cases that I knew about personally as district attorney of Philadelphia—in one case a man accused of murdering a taxi driver, where there was a confession and tangible evidence from the defendant's apartment, was set free, exonerated because his constitutional rights were not observed.

When I spoke this morning shortly after 8 o'clock I had not had occasion to read the mroning press, but a lead story in the Washington Post today relates to the confession excluded in a hijack case. Overwhelming international importance on the hijacking led to a warrant of arrest being issued by the U.S. Government under extraterritorial jurisdiction, and in a Federal court yesterday Fawaz Yunis had a confession thrown out of court because his constitutional rights were not observed.

The judge in that case said that it was not sufficient that there was a national security interest, it was not sufficient that there was the interest of a fight against terrorism, that the constitutional rights had to be observed. What egregious conduct was Senator PACKWOOD more guilty of than Fawaz Yunis? Senator PACKWOOD was exercising his right as a Senator, perhaps even his right as a citizen, by being in his chambers, which were unceremoniously broken into in the way that I have already described.

Mr. President, I believe that these matters are matters of enormous importance that I hope the Senate will address and that I hope the majority leader will address yet today. We are proceeding here on S. 2, which is legislation that has enormous areas of disagreement on the question of soft money, the question of the propriety and wisdom of public financing. There exists agreement by many Senators on this side of the aisle to eliminate totally PAC contributions, since there may be a public perception on PAC contributions, but that bill is fraught with controversy. Beyond the issue of controversy itself, there is the very important fundamental rule, unchallenged in this body, that when 41 U.S. Senators decide that a matter will not come to the floor for debate, that is that. It used to require 67 Senators to impose cloture, but this body decided over the years, for good and sufficient, reason, that if 41 Senators say "No vote" on the substance, then have no vote shall occur on the substance. This is a protection of minority rights. We know that for seven cloture votes, said to be a record in the U.S. Senate, not 41 but 45 United States Senators have said S. 2 cannot come to the floor because there are some matters so fundamental that the U.S. Senate has decided in its institutional wisdom, which is considerable, certainly more than the wisdom of those of us who are here today, and certainly much more than those of us who were here last night, that a majority of 51 Senators, or a majority of 55 Senators, cannot carry the day if at least 41 Senators say debate will not stop, cloture will not be imposed. In the face of that, Mr. President, we had an extraordinary, really historical event last night. It was plain that those who had been appointed, four Senators by the Republican leader, four Senators by the Democratic leader, could not come to an agreement.

I had a talk on the floor of the Senate yesterday afternoon with Senator BOREN and personally heard it from him. So then what was the purpose in scheduling an evening session? What was the purpose of scheduling an all-night session? Mr. President, I raise these in the form of questions because there is passion on the Senate floor today. There was passion in the service of the warrant of arrest last night and it may be that tempers ought to cool before we answer these questions, but there are very important questions for the future operation of the United States Senate and the future operations of the U.S. Government.

Was it harassment to bring in 90-some Senators—I will not say 90-odd Senators, but 90-some Senators to respond on a question which was irrelevant, which was nonbusiness?

Was there any doubt at all that 45 Senators stood firm, at least more than 41 Senators, and that cloture was not going to be imposed? Was it a form of harassment? Did it have any purpose?

Republican Senators decided last night that we would absent ourselves from the Chamber because then there would not be a quorum, and Senate business could not be conducted because, in fact, there was no Senate business to be conducted. What we were engaged in was non-buisiness. There are other characterizations in front of "business" which would be less complimentary that I might use. But there was no business to be conducted, because it was plain that there was no compromise in the offing.

It was plain that 41-plus Senators had decided that the matter would not come to a vote. Never mind the underlying merits, which I think were substantial, on soft money and financing and the rest of it. That had been decided. So Republican Senators decided to absent themselves from the Chamber because of a proceeding they considered to be demeaning personally and demeaning to the U.S. Senate.

Then what was the response? The response was the issuance of warrants of arrest which have all the appearances and presumptions of being illegal, unlawful, null and void, and really constituting a false arrest of a U.S. Senator, taken from his chambers and sustaining some physical injury to a broken finger, and being removed bodily to the floor of the U.S. Senate.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I will, in just a minute.

Mr. President, I now come to the most important issue—and I will be glad to yield to my distinguished colleague from Arkansas—involved here, and that is the issue of comity and courtesy, without which the Senate cannot function.

The two most frequently used words in this body are "unanimous consent." Without unanimous consent, the United States Senate cannot function. Any 1 Senator, let alone 45, can tie up this body interminably. The Senator adjourns when the last Senator is tired of speaking.

Last night, the majority leader, after he had undertaken the action he chose, asked for unanimous consent to vitiate the yeas and nays on the pending business on the Executive Calendar.

I am sure that many, like I, were tempted to object. Why? Not for any purpose. It was past 3 a.m. Everybody here was human, I think. Certainly, I was tired.

Then he asked unanimous consent for a number of other items. The temptation to object is strong, and they will reach the point where Senators may object, just to say to the majority leader: "You started it; you finish it. We are here."

It is pretty hard to go to bed at 3:30 a.m., especially if you have to get up shortly after that to make a speech at 8 o'clock.

What is the point? If we are in the midst of it, why continue? Everybody was here all night last night until this morning. Perhaps we will not repeat it tonight, not as a matter of a Senate rule but as a matter of human endurance. We are bordering on the edge of that kind of response in every quarter and in every corner of this body.

Mr. President, it seems to me that, in a sense, the Senate is falling apart. In a sense, the Senate is disintegrating or has disintegrated, because without comity and courtesy the United States Senate simply cannot function, and that is our status today. I believe there are issues which are much more important than S. 2. I believe that campaign finance reform is of utmost importance as a substantive matter for the American people, but the operation and function of the United States Senate is even more important. The United States Government cannot function unless the Senate functions, and the United States Senate cannot function without comity and courtesy; and the United States Senate cannot function if United States Senators are to be arrested in the middle of the night for no reason whatsoever.

I am glad to yield for a question.

Mr. BUMPERS. Mr. President, let me ask the distinguished Senator from Pennsylvania this question, with this prefacing remark.

One of the most distinguished constitutional scholars we ever had in this body was the distinguished Senator from North Carolina, Senator Ervin. Everybody remembers that Senator Sam was chairman of the Watergate Committee, and he was placed in that position by then majority leader Mansfield because of his knowledge and his reputation as a constitutional scholar.

Senator Ervin used to say that English is the mother tongue, and it means what it says.

So, my question to the distinguished Senator from Pennsylvania is this.

Section 5 of Article I of the Constitution reads as follows:

> Each House shall be the judge of the elections returns and qualifications of its own Members, and a majority of each shall constitute a quorum to do business. But a smaller number may adjourn from day to day, and a smaller number * * *

Those are my words. This is not repeated in the Constitution.

> * * * a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent Senators in such manner and under such penalties as each House may provide.

The Senate has provided in its rules as follows, on page 577 of Senate procedure:

> Motions to proceed to the consideration of an appropriation bill prior to the expiration of two hours in a new legislative day are determined without debate but motions to consider made after that time are debatable.

Mr. SPECTER. The Senator is reading from Senate Procedure?

Mr. BUMPERS. The bottom of page 577 and the top of page 578.

Then, pursuant to that rule, the Senate, under the rules, established a warrant to be signed by the Vice President or the Presiding Officer—a warrant to compel the attendance of absent Senators. Here is what it says. This is directed by the Presiding Officer or the Vice President to the Sergeant at Arms.

"The undersigned Presiding Officer of the Senate.

"By virtue of the power vested in me, I hereby command you, in pursuance of the order of the Senate this day made, to forthwith arrest and take into custody and bring to the bar of the Senate"—blank name of Senator—"who is absent without leave."

Let me just say that if the Senate last night had said, "Go out and arrest absent Senators and cut off their little finger," I think you have a constitutional problem. But when you have every Republican Senator hiding in order to impede the work of the Senate—they may not agree with it, may not like the majority leader, may not like S. 2, may not like staying in all night and may feel that it is all foolish and a waste of time. But that is not the decision of individual Senators to make. They are here pursuant to the Constitution and the Rules of the Senate, and the Supreme Court has ruled over and over again on that point.

If the Senator has read the Adam Clayton Powell case in the House of Representatives, he will find that the Supreme Court has said this is not a constitutional issue, this is not a legal question, this is not a political problem. The House has the right to determine its own rules; and if they want to place the Sergeant at Arms at the door and deny Adam Clayton Powell admission to the House of Representatives, they have that right.

Mr. SPECTER. I think I have the question.

Mr. BUMPERS. Fire away. I started to ask a question, and I was going to ask the Senator how he can make the arguments he just made in the light of the sequence of events.

Mr. SPECTER. I have the question and the speech.

The Supreme Court decision on Adam Clayton Powell involved the seating of Congressman Powell. It did not involve the arrest of Congressman Powell. If the distinguished Senator from Arkansas thinks we have to cut off a little finger to invoke a constitutional right, then I would suggest that he consult beyond Senator Ervin, to hundreds of court decisions on enforcing constitutional rights which involve being brought before a magistrate.

I referred a few moments ago to the case of the terrorist Fawaz Yunis, who was kept in custody for 9 hours, and that was the basis for the Federal court throwing out his conviction. They did not have to engage in torture, they did not have to cut off his left little finger to invoke constitutional rights.

If a suspect in a case is not given detailed Miranda warnings and then exercises detailed waivers, he has a standing in court. You do not have to cut off somebody's left little finger.

Frankly, I am glad the Senator mentioned the little left finger, because that was precisely what was involved with Senator PACKWOOD.

Mr. BUMPERS. I understand that he got an injured finger.

Mr. SPECTER. I wonder if that was intended.

Mr. BUMPERS. The Senator——

Mr. SPECTER. I am in the process of making an answer. Senator PACKWOOD had a broken little left finger. We have all seen the cast he has worn in this Chamber for the last 2 weeks.

During the course of the physical, forcible entry by the Sergeant at Arms last night, Senator PACKWOOD's little left finger was reinjured.

He said to me and a number of other Senators—and not in hiding, by the way, but in the Republican cloakroom, where we have a right to be—that he had to go to the hospital this morning to get his finger repaired.

So, if you have your little left finger involved, then, even by the standards of Senator BUMPERS, I think Senator PACKWOOD qualifies.

Now, as to the business of being in hiding, let me say flat out that I resent that. I was one of the Senators, and I was not in hiding. I was attending to the Senate's business, and I was exercising my rights as a citizen, perhaps even as a Senator.

I was on the floor of the United States Senate most of the evening. I was in the cloakroom of the United States Senate.

I then decided to go home, and I went to my office and I got my coat, and I went to the bottom of the Hart Building garage, and I drove the most direct way to my house. I had to deviate a little to drop off Senator HEINZ.

Then I was at home and available for a telephone call, or available for a request, or available to talk—candidly, not available for an arrest warrant, especially an illegal arrest warrant.

So I was not in hiding. I do not hide. The last place to hide is in the United States Senate. We are subject to surveillance at all times. If our spouses want to know where we are, all they have to do is turn on cable television and they can see us—see me or us—at all times of the day and night, and check the CONGRESSIONAL RECORD. We are congenitally not in hiding, by virtue of our positions.

I repeat: I resent that.

Now, to the point, because all of what I have said so far is not to the point.

The point of the question was in response to a speech by the distinguished Senator from Arkansas, and I respect his right to make that. He is an avowed friend of mine. I do not think he has to quote Senator Ervin as a constitutional authority. I think Senator BUMPERS is a constitutional authority. He is a first-rate lawyer, a first-rate Governor, and a first-rate Senator.

To the point now, when Senator BUMPERS rose and said, "What do the rules provide," I am glad Senator BUMPERS brought that up because that is where I started earlier this morning.

I started with the rules. I started with article 1, section 5, the same rule that you started with, and that is, the operative language, "each House" and a smaller number of Senators may adjourn from day to day and may be authorized to compel the attendance of absent Senators. That says nothing about a warrant of arrest, absolutely nothing. If the framers wanted to talk about warrants, probable cause, et cetera, they knew how to do it because they had done that in other sections of the United States Constitution, and that further provides "under such penalties as each House may provide."

I want to express my apologies to the Senator from Colorado, whose time I have taken here, and I thank him.

Mr. ARMSTRONG. Not in the slightest.

Mr. SPECTER. The United States Senate, which is a reference to each House, has not provided any rules in such manner. When Senator BUMPERS quotes page 577, and I will come to that in a minute, that is not a rule, that is a commentary on the rule. There is a big difference between a rule and a commentary on a rule. That is a discussion about a wide variety of things. Simply stated, it is not a rule. A rule is where you set forth a specific statement of principle or policy.

Immediately preceding page 577, there are a lot of rules stated.

On page 572, they start off, "Rule XIV, paragraph so and so." It is not like page 577 which has a discussion or a commentary about rules, practice, and custom. Simply stated, it is not a rule.

But what does the rule provide?

There is another rule, and I quoted it this morning shortly after 8 o'clock. It is rule VI, paragraph 4, and it says:

> Whenever upon such rollcall it shall be ascertained that a quroum is not present, a majority of the Senators may direct the Sergeant at Arms to request, and when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn,

et cetera.

There simply is nothing in the rules about a warrant. Where you come to the commentary, and there is a reference to the issuance of warrants of arrest, that turns on the precedent on page 1174 of the Senate Procedure that I have already refered to, and that is on the authority where the Vice President issued a warrant of arrest in 1942, which was a matter of practice as opposed to any rule.

The distinguished Senator from Arkansas then cited the document in question, but that document, and the citation which the Senator makes, really undercuts the force of this authority.

That document recites that:

> The undersigned Presiding Officer of the Senate, by virtue of power vested in me, hereby commands you to take Bob Packwood into custody.

And it is signed by BROCK ADAMS.

I would return the question to the distinguished Senator from Arkansas. You heard the recitation of the rule that only the President pro tempore may designate someone in writing, or the Senate. You heard my statement where I recounted the conversation that I had with Senator ADAMS, who is the party signatory here, that he knew of no such writing. I think there is a grave question as to whether even the Vice President can sign a warrant of arrest. I think there is an even graver question as to whether a President pro tempore can sign a warrant of arrest.

I think most gravely there is a question about whether the designee of the President pro tempore can sign a warrant of arrest. There is no question, however, that any Senator, naked of power and authority, has no right to sign a warrant of arrest to bring into custody a fellow Senator from this body, any more than I can sign a warrant of arrest for Sentor BUMPERS, Senator BYRD, or any other Senator in this body.

That is what the rule says, and, on the basis of this record, there is no authority for Senator ADAMS to sign this document.

As reluctant as I am to allow the distinguished Senator from Arkansas to speak, because he is so eloquent and forceful, I will put that question to Senator BUMPERS. What authority did Senator ADAMS have?

Mr. BUMPERS. Mr. President, I am not familiar with the precise rule, except the rule that says the Vice President is the constitutionally designated Presiding Officer of the U.S. Senate. And in his absence, the President pro tempore and, if I am not mistaken, it says, "or his designee."

Mr. SPECTER. If I may interrupt, let me give the Senator the rule specifically.

Mr. BUMPERS. All right.

Mr. SPECTER. I will use the Senator's book, Senate Procedure.

Mr. BUMPERS. Where is that rule?

Mr. SPECTER. Rule I, paragraph 3, genuine bona fide rule, page 657, says the President pro tempore——

Mr. BUMPERS. Is the Senator reading from procedures?

Mr. SPECTER. No. I am not reading from procedure and calling it a rule. I am reading from a rule and calling it a rule.

Mr. BUMPERS. Which page?

Mr. SPECTER. Page 657. Rule I, paragraph 3.

> The President Pro Tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly-enrolled bills and joint resolutions.

The including does not delimit from the generalized authority, theretofore stated, to perform the duties of the Chair. On the basis of the evidence that I have, as I have outlined it today, there was no designation by the President pro tempore, Senator ADAMS. The President pro tempore had designated Senator PROXMIRE, and Senator PROXMIRE, according to the information provided to me, had not designated Senator ADAMS. I recount, again, a conversation I had with Senator ADAMS who said to me he knew of no such designation. To elaborate, he said he knew of a designation earlier in the session, but none yesterday.

My question is, when you are dealing with the authority to issue warrants of arrest and dealing with an intervening magistrate, different from the majority leader, what authority does Senator ADAMS have to authorize a body warrant, an arrest of Senator PACKWOOD?

Mr. BUMPERS. Well, Senator, let me answer that question in two or three ways. Number one, the Senator has been here now for 12 years. How long has the Senator been in the U.S. Senate, 8 years, 7 years?

Mr. SPECTER. Yes.

Mr. BUMPERS. And during that 7-year period, has the Senator ever challenged the right of any presiding officer to sit in that Chair?

Mr. SPECTER. No, but that is irrelevant.

Mr. BUMPERS. Well, it is not necessarily irrelevant. The Senator surely understands that we also operate by precedent here and oftentimes——

Mr. SPECTER. Are you talking about custom?

Mr. BUMPERS. Custom.

Mr. SPECTER. That is different than precedent. There is no precedent.

Mr. BUMPERS. If I may just answer the question and proceed. Quite often, when a parliamentary question is raised here, the Parliamentarian and the Presiding Officer confer on it, and that Presiding Officer makes the final decision as to who is right or wrong by parliamentary inquiry.

Now, the Senator, I do not believe, is seriously suggesting that every order that has been issued and, I would say, that probably somewhere between 90 and 98 percent of the hours that have been presided over the Senate since I have been in the Senate have been by people who were not the first designee by the President pro tempore, if the Senator really believes this, if he believes that is the custom and the precedent of the Senate for literally 100 years, if he wants to suddenly challenge that, last night when Senator ADAMS was presiding and issued the warrants for arrest, it would have been a golden oportunity for the Senator to challenge and make the point he is making right now.

Mr. SPECTER. I am doing it, and very promptly, very timely.

Mr. BUMPERS. The distinguished Senator from Alabama, Senator SHELBY, is now the Presiding Officer. He was not the officer designated by the President pro tempore. So why does not the Senator right now challenge his right to sit there and preside over the U.S. Senate?

Mr. SPECTER. Because it is irrelevant and because this debate is too important and because we are making too much headway, in my judgment, on exposing the fallacy, the illegality, and the impropriety of what was done last night. Let me respond really to the substance of what you are saying.

It is not germane, not relevant, not important that Senator SHELBY, or others, may sit in that Chair and may parrot the words of the Parliamentarian on rulings of the Chair. Most of us who sit there are conduits for language which is fed to us by somebody else, and none of it is earth shattering. None of it amounts to going into a Senator's chamber and bodily removing him and bringing him with physical force to the floor of the United States Senate.

What authority does it—and I ask this rhetorically and not for an answer because I am not finished with my answer yet—but what authority is there by way of custom for a nonappropriately designated Presiding Officer to issue a warrant of arrest? That is the question. Not whether he has sufficient capacity to parrot the words of the Parliamentarian and speak them into the microphone.

On rule I, paragraph 3, there are two illustrations given which require a formal designation by the President pro tempore. They are the signing of duly-enrolled bills, and I know that of all the times I sat and presided over the course of some 6 years, I never signed a bill—and I doubt that Senator SHELBY has—or a joint resolution. I would suggest when you are dealing with something as important as a body warrant where you do not even have a Senate rule, where you have the authority by precedent in the Vice President, not even in the President pro tempore, that compliance is necessary.

There are now thousands of cases where murderers, major felons, have been set free with much less compliance with the rules, a flat-out written rule, which says how you get the authority to do something from the President pro tempore.

Mr. BUMPERS. If the Senator would go back to rule I, which you recited a while ago, let us go through that again.

Mr. SPECTER. OK.

Mr. BUMPERS. You read the first two sections of that rule, but I do not believe you read the third section. So let us read it all together so everybody watching—

Mr. SPECTER. Now, which rule are you on?

Mr. BUMPERS. On rule I, Standing Rules of the United States Senate.

Mr. SPECTER. Fine. Proceed.

Mr. BUMPERS. Here it is for the record:

> In the absence of the Vice President, the Senate shall choose a President pro tempore, who shall hold the office and execute the duties thereof during the pleasure of the Senate and until another is elected or his term of office as a Senator expires.

Mr. SPECTER. What page are you on, Senator BUMPERS?

Mr. BUMPERS. Well, I have that small Standing Rules of the Senate. It is a small document. It is not the big one. If you have the Senate rules there, just turn to Senate rule I.

Mr. SPECTER. Do you have the citation of the book you used before of Senate procedures?

Mr. BUMPERS. Standing Rules of the Senate and Congressional Budget and Impoundment Control Act of 1974 as Amended.

Mr. SPECTER. Bear with me while I use the index and appendix to find the rules.

Mr. BUMPERS. Does the Senator have the Senate rules?

Mr. SPECTER. I have the Senate procedure. I have not had an assistant handing me documents on the floor, Senator BUMPERS.

Mr. BUMPERS. I do not know what to do about this, except to just read to the Senator and hope he will pay careful attention. This is the rule.

Mr. SPECTER. I will try.

Mr. BUMPERS. This is the rule, and I think the Senator will trust me to read it to him exactly as it is printed, section 2:

> In the absence of the Vice President, and pending the election of a President Pro Tempore, the acting President Pro Tempore or the Secretary of the Senate, or in his absence the assistant Secretary, shall perform the duties of the Chair.

Here is paragraph 3:

> The President Pro Tempore shall have the right to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions, but such substitution shall not extend beyond an adjournment, except by unanimous consent;

Here is the key phrase:

> And the Senator so named——

That is, the Senator who has been named by the President pro tempore,

> —shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent.

So every hour on the hour the Senate has, now for at least 7 years, watched various Senators replace the Presiding Officer. For example, Senator SHELBY, who is now presiding, will probably be replaced at 12 noon and the Journal will reflect that his designee is the person who follows him pursuant to section 3 of rule I.

That has been the rule of the Senate, I suppose, for 100 or more years.

Does that answer the Senator's question?

Mr. SPECTER. Absolutely not. Let us start with the beginning.

You started with subsection 2 as if there were some importance to subsection 2 of rule I.

Mr. BUMPERS. No, there is not really much importance to this debate in section 1 or section 2, either one.

Mr. SPECTER. That is what I was about to say. I had read paragraph 3 and I just want those who may be following this on television to understand that when this Senator cited the relevant rule and subsection, it was rule I, paragraph 3. Then when Senator BUMPERS got the rule book out and started to go to another rule, subsection 2, I thought there was going to be some relevancy, but there is absolutely not.

Mr. BUMPERS. I am sorry. I had read rule I before you got the copy you hold in your hand. The reason I did not reread it was because it was not relevant to the debate we are having here.

Mr. SPECTER. That is the point I want to make. The governing rule was the one I read initially, rule I, paragraph 3. That is cited on page 67. When we go to the other rules in the other document which has them all together, it has nothing to do with what we are talking about.

Mr. BUMPERS. Let us review the bidding so we are all on the same wavelength.

Mr. SPECTER. Let me go to the specifics of paragraph 3, which is the one with relevancy and the one I put before the body and the television audience, to the extent there is any, at the present time.

When you talked about Senator SHELBY taking the Chair—well, let me put a question to the Presiding Officer.

Senator SHELBY, did your predecessor say, "I hereby designate you" anything when you took the Chair?

Mr. BUMPERS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. BUMPERS. Will the Senator yield?

Mr. SPECTER. I do not.

The PRESIDING OFFICER. It is not customary during the session to make the designation. The designation is generally done specifically at the beginning of the day when the Senate is opened.

Mr. SPECTER. Let me thank the distinguished Presiding Officer. Let me note for the record for those who did not see the Parliamentarian whisper into the ear of the Presiding Officer the answer which the Presiding Officer just gave, that was an interesting answer, but to a different question.

My question was, did the Presiding Officer say anything to you by way of designation? I shall not repeat the question, but I will withdraw the inference that he did not.

The PRESIDING OFFICER. The answer is an emphatic no, he did not.

Mr. SPECTER. Nobody has ever designated me anything.

Mr. BUMPERS. My presiding is the same as if the Senator from Pennsylvania were presiding.

Mr. SPECTER. I asked that question and I know I do so dangerously because I did not know the answer. I violated all the rules of cross examination. It puts to rest the question Senator BUMPERS last raised, which is not relevant in any event but assuming arguendo that it was. The latter part of section 3 says:

> The Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair.

Nobody named you in open session to do anything.

Mr. BUMPERS. But when the Republicans were the majority they did the same thing.

Mr. SPECTER. Wait a minute. I have the floor. Let me finish.

If that governed, which it really does not, it would not establish any authority on your part, Senator SHELBY, and it is a totally insufficient, gratuitous answer which the Parliamentarian offered you, that it is not customary to have it done. Custom has some importance but not in flat contradiction to a written rule. You cannot substitute custom for a written rule. In the absence of a written rule or some established law, custom may have relevance to established procedure or substance.

But where you have a flat written rule, it does not mean a thing.

So nobody named you to do anything. But the reality here is that the Senator who was designated in writing, according to the informtion provided to me, was Senator PROXMIRE, who was designated in writing from Senator STENNIS, and nobody else. Where you are dealing with something as fundamental as the issuance of a warrant of arrest, and you are looking for an attached magistrate, you may not be looking for one of the newest Members of the United States Senate. They customarily do not have committee chairmen presiding, and I say that in no disrespect to Senator SHELBY or Senator BUMPERS, and I did a lot of presiding in my first year of the Senate, or Senator ADAMS, who is now in the second year in the Senate, and it does not have quite the detachment that the Vice President does.

Do you disagree with the majority leader, Senator SHELBY? Perhaps you would, but many second-year Senators would not have been disposed to state it. The President pro tempore, in this case the designation of Senator PROXMIRE, who may be next in line to Senator STENNIS and in terms of succession probably is, might have more the mind of a detached magistrate in taking the view of what the majority leader as an advocate, a partisan, in these proceedings had done, asking should we have a warrant for arrest for Senator PACKWOOD? It is late. It is past midnight. Senator PACKWOOD may have a broken finger. Who knows? He was taken bodily to the Senate Chamber. I have talked to other Senators today who expressed amazement with what went on.

I do not think the Democrats had high ground on S. 2 to start with. Whatever ground they had I think has eroded, has disintegrated, has been the victim of a landslide, of impropriety and illegality in the issuance of this warrant of arrest, not to say what is really important about the comity of courtesy that this place runs on.

My replacement, Senator WALLOP, has arrived.

Does the Senator from Arkansas have a question?

Mr. KERRY. Will the distinguished Senator yield?

Mr. SPECTER. I asked if the Senator from Arkansas had a question.

Mr. BUMPERS. I will make one brief statement and one inquiry of the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does the Senator yield?

Mr. SPECTER. By unanimous consent, without losing my right to the floor, I would like to yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator may be, from a purely legal standpoint, correct. But I also want to note that for perhaps 100 years there is a precedent in the United States Senate. It was a precedent when the Republicans were in control. The Senator is making an argument which could conceivably invalidate every single action the Senate has ever taken, and I think the rule may be as old as the Senate, because the person who was the second and those in sequence who presided did not get up and say, "I now designate Senator SHELBY to replace Senator PROXMIRE," who will exit, and Senator SHELBY takes the Chair. That is the argument of the Senator from Pennsylvania.

But every time there has been a question raised like this, the Parliamentarian has always ruled according to precedent. In this particular case, when you had somewhere between 100 and 200 years of precedent, I do not believe the Senator would prevail with his argument.

Having said that, let me go back to one other thing.

Incidentally, as I say, the Constitution is clearly written. Sam Ervin said the mother tongue was English and I have never seen English more clearly written than the section on the rules of the Senate providing for the attendance of Senators. It does not say they should not come; it does not say you cannot touch them if they have a bolt on their hideaway; it does not say anything about what you will do to compel their attendance. The Senate is the judge of that. It says they will compel their attendance. Alvin Barkley, in 1942, signed warrants of arrest and sent the Sergeant at Arms out to compel people and request their attendance. I think the language is absolutely clear.

Incidentally, the Sergeant at Arms tells me Senators were running from him last night. What a spectacle. United States Senators seeing the Sergeant at Arms coming taking off in a sprint to keep from being compelled to come here and do what the people of their States expected them to do.

Mr. SPECTER. When did that happen?

Mr. BUMPERS. This morning.

Mr. SPECTER. Before PACKWOOD?

Mr. BUMPERS. Before PACKWOOD. It was in a dead sprint. They should have been in Calgary at one of the Olympic events.

But the spectacle of United States Senators running from the Sergeant at Arms in order to keep from being compelled to attend the United States Senate is an outrage.

Let me just ask this question.

Let me lower my voice a couple of decibels. I thank the Senator for his nice remarks about me. I will reciprocate by saying there is not anyone in the Senate for whom I have a greater affection or whom I respect more on constitutional issues. The Senator knows that. We are close friends.

Let me ask: If you cannot compel the attendance of Senators who choose to absent themselves without leave as happened this morning at 2 o'clock, or whatever hour it was, and any time Senators know that they can absent themselves and bring the Senate to a halt so that the Senate cannot function and you cannot do anything about it, where does that leave the U.S. Senate?

Mr. SPECTER. I think it leaves the U.S. Senate in a much better position than the United States Senate is in today.

Mr. BUMPERS. Well, why——

Mr. SPECTER. May I answer?

Mr. BUMPERS. yes.

Mr. SPECTER. I believe that Senators ought not to be subject to arrest, except under extraordinary cause, any time, perhaps never, unless they have committed a crime, if there is probable cause to believe they have committed a crime.

I say to arrest a U.S. Senator at 1 a.m. in the middle of the night is unconscionable.

I would say there would have to be some extraordinary emergency for the majority leader of the U.S. Senate to take action to arrest U.S. Senators in the middle of the night on the allegation of performing Senate business. If you take back the curtain, there was no business to be performed for reasons I specified earlier.

There was not going to be any result of these motions to compel.

The negotiators had reached an impasse. Forty-five U.S. Senators had absolute rights not to have the matter come to the floor for a debate on the merits.

What was going on last night, in the instance of the majority leader, was harrassment and demeaning. Senator PACKWOOD was within his rights of being within his chambers. There was no situation to justify arresting him in the middle of the night.

There are rules even for criminals on no-knock warrants when they are home in the middle of the night which limit the authority——

The PRESIDING OFFICER (Mr. CONRAD). If the Senator will suspend.

Mr. SPECTER. Right in the middle of my important issue. I suspend.

Mr. BUMPERS. The prayer of the Chaplain is much more important.

The PRESIDING OFFICER. The hour of 12 noon having arrived, and the Senate having been in continuous session since yesterday, pursuant to the order of the Senate of February 24 of 1960, the Senate will suspend until the Chaplain offers a prayer.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The fear of the Lord is the beginning of wisdom.—Psalm 111:10.

The fear of the Lord is the beginning of wisdom: and the knowledge of the holy is understanding.—Proverbs 9:10.

The fear of the Lord prolongeth days.—Proverbs 10:27.

*In the fear of the Lord is strong confidence * * *. The fear of the Lord is a fountain of life.*—Proverbs 14:26-27.

Eternal God, full of wisdom and love, manifest Yourself in this place today. You reminded the prophet Samuel that "man looks on the outward appearance but God looks on the heart." (I Samuel 16:7.) You know all things, infinite and infinitesimal. Rule in our hearts. Mighty God, let Your peace descend, Your love infuse, Your will prevail—in His name Who is incarnate love.—Amen.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill (S. 2).

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania continues to have the floor.

Mr. SPECTER. As I was saying in responding but there has been intervention of the prayer, and I think that the prayer just given gives us some insights to Senator BUMPERS' questions. The fear of the Lord is an appropriate fear. The fear of the majority leader is not. An arrest in the middle of the night has no place in the business of the U.S. Senate under any circumstance that I can conceive. If we were in the middle of a continuing resolution and some vital payments were about to expire, the Senators would be here; nobody would have to be arrested. If there was some emergency and we had to work all night as we have had to do so often, the Senators would be here. But where we have a bill on which there is deepseated disagreement and established beyond any question through seven cloture votes that debate is going to continue, and you have a series of motions to compel the attendance of Senators which are meaningless and nonbusiness, there is absolutely no justification for arresting anyone. If you had business before the Senate to be conducted and you had a motion to compel the attendance of Senators during normal business hours and there were 50 Senators who would not appear to constitute a quorum, then I would say under that circumstance, which is inconceivable, the majority leader would be within his rights in arresting Senators to bring them to the floor during business hours. But, as I was saying before the prayer time came, there are special rules governing no-knock provisions, special rules governing procedures of police in the middle of the night. Why not special rules governing what the leadership of the Senate can do in the middle of the night.

Mr. KERRY. Will the distinguished Senator please yield for a moment?

Mr. SPECTER. I do. For a question?

Mr. KERRY. For a question. For a question. The question is: I have been listening both on the floor and in my office to this debate, and I am troubled—I think all of us are troubled, but I am deeply troubled by the Senator's notion about comity and how this institution works, and my question with the preface of a few remarks is since when does the minority, any minority, by virtue of its judgment that a particular vote is meaningless, stop the process of a majority, from allowing that vote to go forward and the business of the country and of this institution to be carried out?

I would document that question, if I may, by pointing out that at 9:50 p.m. at night, not a late hour by the standards of the U.S. Senate in recent times, there was a vote, vote No. 21, and the vote was 57 to 21. Many of the 57 were Republican votes. Messers. BOSCHWITZ, CHAFEE, COHEN, DANFORTH, DOMENICI, DURENBERGER, GARN, GRASSLEY, HATFIELD, HEINZ, HELMS, HUMPHREY, KARNES, KASSEBAUM, KASTEN, MCCAIN, MCCLURE, MURKOWSKI, NICKLES, PACKWOOD, QUAYLE, ROTH, SIMPSON, SPECTER, STEVENS, SYMMS, THURMOND, WALLOP, WARNER, WEICKER, and WILSON all voted.

Mr. SPECTER. Specter is not in that list.

Mr. KERRY. All voted as part of—excuse me, you are absolutely correct. You were underlined but you are on the other column.

Mr. SPECTER. Thank you.

Mr. KERRY. But all of the others—as I look through here, Mr. QUAYLE was not. Other than that, they were Republicans who were here. The point I am making is they were here. They were on the floor. They voted. Republicans were here at 9:50 p.m. A scant 45 minutes later, 10:45 p.m., not again a late hour by the standards of business in the U.S. Senate, within that span of time suddenly the Republican Party had vanished, vanished.

Now, I was here. I saw Senate Republican faces staring out the door of the cloakroom looking at that vote take place, a conscious decision not to vote. A conscious decision not to vote. I know for a fact that on the Republican hotline word was going out, "Don't come." That was the message. So when Senator BUMPERS says hiding, I think that is accurate. There was a conscious decision; within the span of 45 minutes, the entire Republican Party in the U.S. Senate with the exception of one, the designated leader, vanished into the night, deciding to abdicate responsibility and not participate or choosing perhaps, as the Senator from Pennsylvania rephrased it, to exercise their responsibility differently, to see their responsibility in a different light, a light that somehow said the more responsible minority decision is not to participate. But the majority, which is the way this country is run, made a decision. The majority of the Senators present voted according to the rules of the Senate to say this institution will continue and not have a lot of Senators running off into the corridors and into the night like the headmaster chasing schoolchildren somewhere, trying to get them to come back to the classroom and participate—frankly, a shameful display, a shameful display. This institution has ample ways of working its will—by voting, by doing exactly what the Senator has said, which is coming together, compromising.

Mr. SPECTER. Does the Senator have a question? If not, I am going to——

Mr. KERRY. The question is——

Mr. SPECTER. Mr. President, I ask for regular order and my right to the floor.

Mr. KERRY. The question is——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. KERRY. The question is——

Mr. SPECTER. I do yield for a question and for a short speech.

Mr. KERRY. The question is how can the Senator assert that the minority has that right and that that is representative of real comity and of the interests of this institution working properly?

Mr. SPECTER. First, I agree with you about a shameful display, but it come from your side of the aisle. Second, you are dead wrong when you say that the majority is the way this country is run. That flies in the face of the Bill of Rights to the U.S. Constitution, which guarantees minority rights. When you say this country runs on majority, you are dead wrong. Minority rights distinguished this country from Nazi Germany and from Communist Russia where you have knocks on the door in the night and you have forceable entry like that which happened to Senator PACKWOOD.

When you say majority is the way this country is run, referring to the Senate, you are again dead wrong. The rules of the U.S. Senate provide that 41 or more U.S. Senators say that a bill will not be brought up for a substantive vote. That is a fundamental rule of this body. And if you say that a majority is the way the Senate is run, you cannot count. Forty-one Senators can stop debate from coming to an end. There were 45 Senators who have said that seven times. How many times does it have to be said for the majority leader and the majority Members of this body to hear it?

You talk about a conscious decision not to be present. You do not have to draw an inference about that. I started with a conscious decision. We met in the Republican cloakroom and we talked it over. What is the difference between 9:50 and 10:45? Fifty-Five minutes. We had had enough. Perhaps we should have done it earlier. But why wait until 2 a.m. to assert some rationality in the U.S. Senate? The real question you asked, Senator KERRY, and I think it is a good question, is when you say you are troubled by comity, and I think you should be troubled by comity, because when you strip down everything that has been said, I do not place great reliance on the subtleties of the substance of S. 2 and I do not place great reliance upon an interstitial reading of rules of the Senate that you had authority to do what—I think is not a small matter. Senator PACKWOOD's fingers will heal, but I do not know if the U.S. Senate will heal. The scar tissue is going very deep at this time in the life of the Senate as a result of what happened yesterday.

That is the real issue as to how we are going to function. The question you asked that I thought was really on target was your question, when can the minority decide that a particular vote is meaningless? I think that is a real question. I believe that that time comes when it is beyond rationality, when it is beyond the range of discretion, when reasonable men cannot differ about it. I submit that if you took a secret ballot among the 54 Democrats about the propriety of a warrant of arrest and the process to which Senator PACKWOOD was subjected, the vote would be 53 to 1, it is that bad, and that is when we drew the line. And I think we are right.

Mr. KERRY. Will the Senator yield?

Mr. SPECTER. I was not hiding, and I was not running, and I was not peering around anywhere.

Mr. KERRY. Will the Senator yield for one quick comment plus a question in respect to his answer? And I respect the Senator's position and approach on this. But I think that all of us know that we were in the minority a short 2 years ago, and there were times when there were filibusters and people had a responsibility to stay here and conduct it. There was never a challenge to the ability of the Senate to continue. I do not question the minority's rights. The Senator is absolutely correct. Of course, there are minority rights. And the minority has the ability until cloture is invoked to continued debate. And it could have continued debate last night, which I think would have been the more honorable way of carrying out the designated repsonsibilities of this institution.

Mr. SPECTER. Why?

Mr. KERRY. I think that is the issue.

Mr. SPECTER. Why?

Mr. KERRY. Because there is a balance, there is a process. This is supposed to be the world's greatest deliberative body. What is this institution deliberating when there is no discord because 40-some people have decided to walk out into the night and go home?

Mr. SPECTER. Senator KERRY, what were we deliberating about?

Mr. KERRY. Had there been debate, we would have perhaps been able to talk about the merits of S. 2, the problems with S. 2, why there is a legitimate opposition on your side to the current proposals, and I think incidentally——

Mr. SPECTER. Senator KERRY, do you think that there was one chance out of 1 million that any mind would have been changed after midnight given the attitudes of the Senators, given the frames of mind, given the hostility, given the anger, given the wrath?

Mr. KERRY. If that is true, and it may be, then this institution as a body, according to this book, and according to years of practice, has the right to make that decision.

Now, the distinguished Senator keeps saying that the majority leader somehow arrested Senator PACKWOOD. That is wrong. The U.S. Senate voted to compel Senators to be here to conduct the business of the Senate. That was not the majority leader's decision. Those Senators present, under the rules which you have debated with the distinguished Senator from Arkansas, under the process which we have been given by history and by luck and all the rest of the precedent that builds this institution, voted. We voted that it was more important for the institution to be able to continue than to see the work brought totally to a stop by a minority that walked out.

Mr. SPECTER. Why? Why was there anything to be done in the U.S. Senate at midnight last night, or at 1 o'clock this morning, when Senator PACKWOOD was arrested and taken into custody, in the context of seven votes against cloture, in the context of a hardening of position, in the context of not one chance in a million that anything would have been accomplished?

Mr. KERRY. Let me tell you why, respectfully. Because the majority of U.S. Senators present and voting so decided. A majority of U.S. Senators present and voting so decided.

I have never understood when it was that the minority had the ability to decide what the majority present and voting do.

That is essentially what happened—anarchy, a form of anarchy, last night.

Mr. SPECTER. Well, I disagree.

Mr. KERRY. I know the Senator disagrees.

Mr. SPECTER. It was not a form of anarchy. It was a form of extreme pride. It was a form of saying that we will not subject ourselves to the kind of embarrassment——

Mr. KERRY. Subject yourself to debate? Is debate embarrassing?

Mr. SPECTER. There was no debate. There were a series of motions that constituted harassment. It was a situation which was demeaning. There are rules beyond which——

The PRESIDING OFFICER. If Senators who wish to question the speaker will address themselves through the Chair and seek the right to yield, I think we will maintain better decorum in the Chamber.

Mr. KERRY. The Chair is correct, and the Senator stands corrected.

Mr. President, I ask my colleague, because I must leave for a moment——

The PRESIDING OFFICER. Has the Senator from Pennsylvania yielded for a question?

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I do, for a question, not for a speech.

Mr. KERRY. Was it not possible and was it not, in fact, anticipated originally that Members of the minority would speak and had the right to speak and that there could have been a debate, had the minority so decided to stay here and debate? Is that not accurate?

Mr. SPECTER. No.

Mr. KERRY. It is not accurate? There could not have been a debate?

Mr. SPECTER. The Senator's question was, was it anticipated by the minority that we would participate in a debate? The fuller answer is that there was no debate. There was a series of speeches scheduled where the minority was to occupy time; and whenever there was any interruption by a quorum call, that was followed with a vote, and it was apparent to the minority that the Republicans did not act precipitously.

The Republicans met and decided that the rules of the Senate was being flouted, whereby more than 41 Senators had said we would not vote on the matter, that the majority leader had made a series of statements about keeping the Senate in all night, which we thought went beyond the bounds, and we exercised our rights to be absent, and we have those rights.

If the Senator from Massachusetts is seeking to defend the issuing of warrants of arrest past midnight and taking Senator PACKWOOD into custody under the circumstances which were done, I think that is wrong. I think it is wrong because it goes to the basic way we operate. I am somewhat repetitive, but it is important in terms of comity and courtesy, without which this body cannot run, and this body is not now running.

Mr. KERRY. Mr. President, will the Senator yield further for a question?

Mr. SPECTER. I yield.

Mr. KERRY. Mr. President, I ask the Senator how it is that he can allude to a process with votes to somehow delay the Senate, when each and every time there was a quorum call, the Democratic floor manager asked to have the quorum call called off so that it would not result in a vote, and the objection came from the Republican side? How can you say that we were responsible for a vote? We tried to stop it, did we not?

Mr. SPECTER. The majority leader made a motion to compel the attendance of Senators.

Mr. KERRY. Did not the majority leader continually ask for the quorum call to be dispensed with so the debate could continue?

Mr. SPECTER. That is not the issue. The issue is whether the majority sought to engage in debate.

When a Republican speaker had concluded, had there been any real interest in debate—which there was not—or had it been meaningful Senate business, or had it been calculated to lead to some result, somebody from your side of the aisle could have stood and debated.

We were here all night, not with Democrats debating. We were here all night with Republicans speaking to an empty Chamber and to no ears. We were here all night in what was essentially a degrading and demeaning process. Why we did not suggest the absence of a quorum is sort of beyond me. I was asked to come in at 8 o'clock. I left this Chamber about 3:30. Do you know what it is like trying to get to sleep at 3:45 in the morning? You cannot do it. There is no sleep. There is time for a shower and to come back.

The Democrats were not debating. The Republicans were speaking on a prearranged order. There was no debate. It was a farce.

Mr. KERRY. Mr. President, I ask if my distinguished colleague will yield further for a question?

Mr. SPECTER. I do.

Mr. KERRY. Mr. President, I ask my colleague if it is not the rule of the Senate that if debate is exhausted or one side does not wish to debate and the other side has completed debate, it is the responsibility of the Chair to put the question, and the body should vote. Is that not the rule of the Senate?

Mr. SPECTER. It is not the rule of the Senate. What is the rule of the Senate is that when the debate has ended, there is a quorum call, and we wait interminably for some other speaker to come to the floor to offer amendments. Third reading does not commence when there is no activity on the floor of the U.S. Senate.

Mr. KERRY. Mr. President, a parliamentary inquiry: Is not the rule of the Senate——

The PRESIDING OFFICER. Will the Senator from Pennsylvania yield for the purpose of a parliamentary inquiry?

Mr. SPECTER. No.

The PRESIDING OFFICER. The Senator from Pennsylvania retains the floor.

Mr. SPECTER. I yield the floor, and I thank the Chair.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me pick up where we left off.

Last night, the majority was no longer a majority. They had left. They were able to muster 48 votes, not 50. But, more important, the claim of the Senator from Massachusetts, who now left the floor, that we were doing meaningful business is absurd on its face. What we were asked to be voting on was to establish a quorum that the majority, as a majority, could not itself establish.

The Chaplain's prayer was astonishingly appropriate: Fear of the Lord prolongeth days, he said. The trouble is that in the U.S. Senate, the majority leader prolongeth days—to absolutely no end, except to try to humiliate the Republican Party and the minority. If there were a debate, you would find this side debating.

The amendment tree is filled. The majority leader is in search of surrender, not a parliamentary process. He is putting pride, not principle, as the guiding force of the Senate.

During the course of the last year and a quarter, we have seen the changes in the procedures of the U.S. Senate, based not on any good for the Senate, but good for the majority leader. It started with his interrupting a rollcall vote in progress and getting the Parliamentarian to rule it was permissible, when clearly every Senator in the Chamber knew that it was not.

It was suggested that somehow or other we should have been debating. I ask, what is there to debate? The majority leader is seeking to impose his will.

I point out again that the amendment tree is full; it is complete. We have nothing to do except to surrender.

It is curious in its extreme that the thing which triggers debate now is the arrogance of the majority party last night in demeaningly seeking to arrest Senator PACKWOOD. That is why we are getting some response in debate. It is not about S. 2, under which the Democratic majority seeks to assure its ascendancy throughout the rest of this century. It is not about the details of that bill which limit campaign expenditures but do not limit those expenditures in soft money, which is the root cause of dirty campaigning.

It is not an issue as to whether or not those Democratic offices with different names, all having the same address in Chicago, write out scurrilous op-ed pieces and call senior citizens, also in the middle of the night, to terrorize them to think that somehow or other a party is in search of putting them into eternal penury, so that they die in poverty and shame. Those moneys are not part of this limitation of funds, and they are not sought by the majority party because they are the principal beneficiaries.

There is no debate on the bill because it is closed off. There is no interest in any of the words that are being spoken on this side.

There is an assertion that somehow or other the traditional rule of the Senate, spoken of by the Senator from Pennsylvania [Mr. SPECTER], is to be no longer a part of the principles guiding the Senate of the United States.

We cannot even get to a cloture vote. Why? Because the Democratic Party has too many people out campaigning for President and cannot afford to have a vote, because it would show a decline in their position.

So, what was the solution of the majority leader? It was to try to keep some Republicans here all night, speaking to an empty Chamber, to America's insomniacs, but not to Democrats, not to the point that we were going to try to change anybody's mind. It was just to fulfill a rote function in the hope that surrender would be the final act in all of this. That, on its face, is absurd.

Those legalities so well articulated by Senator SPECTER are important. I believe that what he said is right, and I believe that what he said America should hear.

I believe we were victims of an arrogant pursuit of pride last night, not of the legislative process. We even offered to assume that there had been a cloture motion filed and that a cloture vote occur at a time certain, trying to see if the rights of the minority to conduct an extended debate had run because sufficient minds had been changed. There were not interested in seeing if sufficient minds had been changed—only interested in a situation in which some of them could go out—we saw them in their dinner jackets and finery—out on the town.

I have no quarrel with that. But to claim that by absenting ourselves from this process we were absenting ourselves from something meaningful is absurd on its face. Nothing meaningful was going on, nor was it the majority's intention to have anything meaningful going. The meaningful actions were closed off, both as a vote on cloture and as the means to amend S. 2. So there was not a meaningful process, nor was there ever even the remotest intention to have it meaningful.

We, the Republicans, are accused of walking out on our duties to Americans. Is it our duty to our constituents to sit here and participate in what the majority party knows to be a charade? It is clearly not that purpose for which we feel we were elected. It was our role, and is our role, and is our intention, to call the notice of America to that process.

Nobody is interested in the complaints that we have. Nobody is interested in real reform of this process. There were yesterday afternoon, time after time, statements made as to how this bill could be amended so that real reform would take place and campaign limitations would be real.

There is no interest in that because, principally, and principally alone, it is the purpose of the majority party to put campaign expenditure limits on Senators, and Senators alone to spend the public's money.

Yes, I hear the majority leader say this is voluntary to check off. The checkoff does not come with it as extra dollars. It is a dollar spent out of the taxes owed. It has to be appropriated here.

We are going to be spending tax dollars in the period of time in which everybody is giving lipservice to the principal thing that is most on the public's mind, and that is, getting a handle on the deficit.

This bill commits $100 million or more. It does not go to limit campaign expenditures, except of individuals. It was pointed out that the public campaign support on the Presidential elections was a success. Nothing could be further from the truth. There has not been a Presidential candidate who has not been challenged under that law. Vice President Mondale was complete in his willing admission that he had spent $2 million in a State where only $400,000 was permitted. He paid the fine, but the result of the election was not changed.

So it is just another campaign expenditure? Pay a fine to break the law. That law is not working, and this law is not limiting the expenditures in the Presidential campaigns, and neither will the one that is in front of us as S. 2.

But is there interest in bringing that point out to America? Absolutely not. There is interest only in the achievement of a surrender. All over America, allies of the majority party are putting lies in the papers, some illegal, in the form of ads from Common Cause, the one who spent more than any other lobby interest in America last year, seeking to assure their interests, but no one else's.

Ralph Nader's cute little group, Public Citizen's Congress Watch I think they call it, putting op-eds in papers all over America, one in my own State, one in the State of the Senator from Nevada, one in the State of the Senator from Delaware, and others—I cannot remember them all. Nine, I think, to date—little op-ed pieces looking as though they had been written by responsible Americans. All over America, the same thing applies. The only difference is the name is changed with a cute little phrase in it that says. "Senator WALLOP is the willing servant of the corporate lobby." Now, what in heaven's name is the corporate lobby? But it sure sounds good when it goes in the paper.

These are the expenditures that will not be controlled, nor have they any intention of controlling them. These are political actions. These are not actions of a group of patriotic Americans in search of a cleaner election process. These are the actions of a group, certain of only one thing: Their desire for power and the power alone in the American political process, to weed out any other voice that Americans may seek.

So what do we get? Finally, we get a debate, not because of the bill and what it will not do and what we are not permitted to do, but because of the arrogant abuse of power last night, and somehow or another this hope that we can persuade Americans that the Republicans were irresponsible for not participating in the process, which was no longer a process, nor was there any intention for it to be.

I do not think the public will buy off on that. Mine will not, and I know of no other that will. It was demeaning and humiliating, not to the Republicans. That action last night was demeaning and humiliating to the Senate of the United States. It was demeaning and humiliating to the process which tries to bring this group together which loves to call itself one of the world's greatest deliberative bodies and has not deliberated in years.

There will no longer be debate on issues. If you try to impose will or you get some marvelous little thing like that continuing resolution that comes up here with arrogant insertions in the dark of night, how can you debate that? Nobody knows what is in it.

So what we are doing, we are posturing, once again. And, finally, we get something we can debate about. What is it we can debate about? The humiliation of the body as it sits in its entirety.

There was no humiliation of Republicans last night. There really was not. There was a humiliation of Americans at this institution, in which they seek to put their trust and hope somehow or another it will serve their interest in a responsible way and could not.

The rights and rules of the Senate, the traditional processes, sense of comity, the ability to try to make this body work, those were shuffled aside in pursuit of pride, shuffled aside in pursuit of an abuse of the whole concept of American poitics, as defined by the Senate, which is for the very same reason that the State of Wyoming has two Senators, the State of California has two Senators. It is the very same reason that the protections were put into the whole process; to avoid the abuse of power by a majority of one.

That abuse of power by a majority of one was not even available to the majority party last night. They were home, gone, campaigning or in bed and could not muster their own majority. And so in order to get their will, they send out arrest warrants for Republicans, and then claim they have the right to serve them.

I am surprised at that, Mr. President. I am surprised the Senate put up with it, and, I hope, somehow or another, out of all of this there is the realization that the public's business is more important than the pride of any single individual who seeks only a victory and is willing to go to any extent to achieve it.

Going to any extent is not the way the Senate was designed. It was not the way it was conceived. It is not the means by which our rules are written. It is not the procedures which we have always followed, but it is the procedure and purpose and practice, apparently, in this Senate. I regret it, and I am certain America will, too.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I just have a few remarks to make. I ask unanimous consent my remarks not be considered a second speech under the rules.

Mr. BRADLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I will make my remarks anyway.

Mr. President, the Constitution gives many explicit powers to the Congress and the U.S. Senate. It is clear that the Congress has the power to regulate commerce, to raise and support armies, to lay and collect taxes, and to compel the attendance of absent Members. It is equally clear that Congress and the U.S. Senate may not exercise those constitutional powers in a manner that violates other provisions of the Constitution. The Constitution must be read as a whole and no single constitutional provision must be allowed to override other guarantees within that document.

When this body exercises one of its powers in a manner that offends the Constitution and its guarantees, the Senate has an obligation to correct the offense. This brings us to events that have occurred recently in this body that I have decried this morning.

No one questions that the entire Senate has the power to compel the attendance of absent Members. This provision is found in article 1, section 5. No one should question either that the Senate may not do this without guaranteeing to the absent Senators full due process rights, under the 5th and 14th amendments, full rights against unreasonable seizures under the 4th amendment, full rights against seizure without warrants under the 4th amendment, full rights to be informed of the nature of the accusations against the Member under the 6th amendment, full rights against unusual punishments under the 8th amendment, and all the other rights protected by the entire body of the Constitution.

So when we lecture on constitutional law, we ought to consider the Constitution and not just our own personal sociological preferences with regard to constitutional law. I think that is what has been happening through the years, as we place people on the court, as they express their own biases and prejudices about the law.

Last night, I think, that happened.

So when the Senate exercises its power in a manner that offends these constitutional powers, that power needs to be reconsidered. This has occurred. Due process prior to the deprivation of liberty entails many standards that were not met when Senator PACKWOOD was taken into custody. For instance, no warrant was issued for that arrest by a detached and impartial magistrate or judicial officer. The need for such detached review of warrants for arrest has always been a hallmark of constitutional protection under due process and the 4th amendment.

Accordingly, I propose today that the Senate repeal the rule permitting the Sergeant at Arms to compel the attendance of Members by arresting them. Instead, the Sergeant at Arms could be sent to request the attendance of members, but no authority to arrest would be permitted.

Mr. President, We need to look closely at the Constitution. Article 1, section 5 says that Senate's power with respect to absent members is to be exercised "in such manner, and under such penalties as each house may provide." Thus, the Senate does not need to empower the Sergeant at Arms to arrest Members, but may choose any number of other remedies to ensure Members attend sessions. The Senate may wish to suggest, by a vote after the fact, an ethics investigation for dereliction of duty in the event that a Senator ignores the Sergeant at Arms' request to come to the floor, but if they do that, they better not be playing politics.

Others might be considered by the Senate if it became necessary, but arresting Senators without due process must never happen again, with an accompanying Senate lecture on constitutional law that is totally wrong, false, and I think offensive.

This Senate stands as an example of how the Constitution must operate. If this body allows due process protections to be flaunted, then I shudder to contemplate the example we have set.

Last night, we flaunted the Constitution of the United States in the approach that was taken. Once again, the solution is to eliminate any authority of the Sergeant at Arms to arrest Senators. I introduce such a change in the Senate rules at this time. I send this amendment to the desk.

Let me just read it before I do. This is a resolution which says:

To remove the power to arrest Senators from the Sergeant at Arms.

Resolved, That paragraph 4 of rule VI of the Standing Rules of the Senate is amended by striking ", and, when necessary, to compel".

Mr. President, the Senate operates in full view before the entire Nation. What are the implications of flaunting the Constitution, arresting Senators without valid warrants or due process of law?

I will be happy to suspend for a second.

The PRESIDING OFFICER. Is the Senator offering a resolution for assignment to committee?

Mr. HATCH. Yes.

The PRESIDING OFFICER. Without objection, the resolution will be received and referred to the appropriate committee.

Mr. HATCH. I am also putting the Senate on full notice that the resolution will be brought up in a formal amendment if this bill goes any further. Let me make that point again.

The Senate operates in full view before the entire Nation. What are the implications of flaunting the Constitution, arresting Senators without valid warrants or due process of law? What lessons does this teach our children, our courts, and our citizens?

Article I, section 5, says the Senate may compel attendance, but not in an unconstitutional manner.

Nor can article I, section 5's powers be used solely to gain political advantage or to make partisan gains. The Constitution is abused whenever it is twisted to gain partisan advantage. It is a further abuse of the law and of the document, meaning the Constitution, to abuse due process. These points need to be made. I think I have made them. When the time comes, I am going to bring that amendment up at one time or another to make sure that this type of officious action will never occur again.

I do not want it to occur to Democrats and I do not want it to occur to Republicans. I want the principle of comity and civility to prevail in this body. If we have a cause to cause Senators to come in, let us make sure it is a good cause and not some claptrap bill such as this bill amounts to. That is what it amounts to. There is only one reason that all the Republicans vote against this bill and the Democrats vote for it. That is that it is a Democratic bill, to enhance the power of the Democratic Party to the disadvantage of everybody else, but especially the Republican Party. There is not a Republican alive who should not be suspicious of that kind of meddling. It is just that simple. This bill amounts to that, even though there are some aspects of the bill where you might point to them and say they might be good if the bill were enacted. But on the whole, the bill is a travesty. I think everyone knows it. With that, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, those of us who were here all night had a very spirited evening. I will not go into it. It is all in the RECORD. The majority leader was very fair in allowing us to avoid two additional rollcall votes which would have been required if anyone were absent on either side of the aisle. We were able to vitiate those. But let me just review where we were as I left the Chamber at 5 a.m. this morning. Our people were here and the bargain was made and the deal was kept. The two votes were vitiated and we did not do any obstructive activity. We did not suggest the absence of a quorum. So for those who may have missed the scenario, let me review it, I think correctly. The majority leader certainly can assist in correcting it if I have missed something.

The bill is still unamendable at this point. The amendment tree is filled.

The leader has wanted to get to a vote on this bill. We have, too. The only difference is that he wanted a vote on the measure; we want a vote on cloture because they would succeed on the former and we will succeed on the latter. So let it be known that indeed the issue is joined.

Then the majority leader filed cloture on this bill after midnight last night, very correctly, happily, and in perfect order. As I understand, that vote will be on Friday, 1 hour after convening. The convening hour was previously set by unanimous consent at 9 a.m. through the week. That vote on cloture, therefore, would be at 10 a.m. Friday.

At this present point in the proceedings, if we were to allow the bill to proceed, and if the Chair were to move the question or pose the question, then one of us on the floor would seek recognition, and that would have to be given. The Chair would have to give recognition to whoever was on the floor so that the motion to move the question would not go any further to a vote because one of us would be here at all times to assure that that did not take place.

Once a Member of our side is recognized, then they may go forward for an hour or 2 or 3, and probably there would be no votes. But there might be.

In any event, if we were to allow the bill to proceed, and that is why I just want to review this, and to try to amend it in that situation, after opposing the ability to go forward, then it is clear that any of our amendments would be defeated on perhaps a mostly party line vote, although there are two Members on that side of the aisle who are assisting us in this cause and three Members on our side of the aisle who assist the proponents of S. 2.

The majority leader has advised us that this is a very vital issue to him and that those who oppose S. 2 remain on the floor in active debate pending the resolution of this matter. We are doing that. That is the majority leader's option and his right. That was the situation we faced last evening.

After a meeting of the leadership, now I as acting leader in behalf of our fine leader, Senator **Dole**, and three members of the group of four are negotiating this issue for us and still doing that. The negotiating is going forward and I am very pleased with that.

Senator **Boren** heads up the four from that side of the aisle with Senator **Levin**, Senator **Mitchell**, and Senator **Exon**, and on our side it is Senator **McConnell**, Senator **Packwood**, Senator **Boschwitz**, and Senator **Stevens**.

They are going to meet again today. So they are working. Let the American people know that a bipartisan group is working and that it is not a bipartisan issue, and that it is not the proponents alone who seek reform of campaign; it is all of us who seek reform of campaigns.

We are coming down to PAC's, independent expenditures and soft money, things of those kinds. They have been debated very well here. We feel strongly and they feel strongly.

Last night after a leadership meeting we decided to proceed with a procedural defense of our position on the bill, and fully within our rights and under the rules we instructed our Members to remain off the floor and not to make a quorum in an effort to have the proponents provide the quorum necessary to conduct late-night and early-morning business. That, of course, took place, and all of us did late night-early morning business, except some of us on this side who we substituted who carried the day from about 3 o'clock or 2:30 until this morning at 10, pursuant to the agreement between the majority leader and myself. That was carried out with comity.

At the time of the vote, the majority leader, with regard to suggesting the absence of a quorum, felt it was very important to do a dramatic thing that has been exercised only twice in his 22 years of leadership, which was to move and second the arrest of the absent Senate Members. That motion was one of only two that could have been made in that atmosphere of procedure—a motion to adjourn, a motion to arrest or a motion to compel. He chose that one and we went forward.

I do want to commend the Sergeant at Arms, Henry Giugni. It was a terrible task for him. He knows us all. He selected his staff people to go through this building, through the hideaways with passkeys checking on the troops, and he found one. Some fled, apparently. Of course, we know that Senator **Packwood** came in. That was done in great good humor. The majority retained his humor and Senator **Packwood** retained his. It was a sight I will never forget. He was lifted into the Chamber at approximately 3 o'clock a.m. At which time, hardly the doors had shut when they said a quorum was present, and indeed it was. We did our business. Of course, the ritual can be repeated again and again and again and will be today, repeated again and again and again.

I just want to share that.

I commend the Sergeant at Arms for his patience, his equanimity, his good skills in not letting the situation get to what could have been an absurd situation. I thank him for that. And the staff of the Sergeant at Arms office.

We on our side promised those who wished to go home that we would see that what votes they missed were procedural only, that they might miss votes, that they would be procedural votes and not on the substance of the bill.

The majority leader was perfectly within his rights under the rules to move to go into executive session to consider the nomination of Tom Korologos to the Civilian Advisory Board.

We all know who Tom Korologos is. He is a most extraordinary gentleman with a very good reputation. So there would not be very many votes against Tom Korologos at that hour or today.

However, that was a motion to go to the Executive Calendar and that was not debatable. But that was still one more vote. Then going to the nomination itself was debatable. At that point, we determined that we would debate the nomination of Tom Korologos most all night, which would have been another exercise, but there are not any of us who are unskilled in that.

So we did avoid that by the majority leader's willingness to vitiate that and the other motion to go into executive session.

But I would say that it seemed rather an inappropriate time to go to the Executive Calendar at 2:30 a.m. to consider the nomination of Tom Korologos. It seems to me that might have been done in a more timely fashion at perhaps some other time in the session. All of that was within the rules and rights of the majority.

We did indeed have three votes last evening and the night for all Members on procedural matters in relation to a quorum and one vote on proceeding to an executive session. At that point, since the proponents demonstrated that they needed a quorum present, and every single one who was within the 2,000-mile radius of the Capitol with any ability to be here was here, they met the required number of Members to make a quorum. So we made our arrangement to have Members on our side continue the debate without votes until 10 a.m. this morning, not just as an accommodation to this side or the opponents but to all Members who had gone home last night and had missed procedural votes that could have occurred on very short notice.

So that is where we are. I just wanted to kind of review that. We are now prepared to go forward. It is our duty apparently to go forward. We have no choice but to go forward with a long string of voting activity. That is within our right to do.

We have had discussion as to the legality of the warrants that were presented to the Chair last night and whether those were valid. We will discuss that later in the day. That is my hunch.

At this time I do not want to foreclose the majority leader, who is now on the floor. I will cease. I would like to retain the floor for the purpose of further activity. I will certainly let the majority leader comment. I greet him on the morning hour and look forward to perhaps getting some semblance of reality. At least we know that at Friday at 10 o'clock we will reach ultimate reality.

(Mr. WIRTH assumed the chair.)

Mr. BYRD. Mr. President, I thank the distinguished acting leader for yielding to me. Of course, I was not on the floor and I have not heard his statement, except the very closing of it. I understood him to say that we, meaning, I presume, the opposition to the bill, had no choice but to go forward with a number of votes or voting activity, whatever.

I might respectfully suggest that we do have a choice. I would hope that we would follow the choice that I will recommend.

I recommend that we go forward with the debate on this legislation and not pursue the approach that has been taken overnight of having quorum calls, instructions to the Sergeant at Arms, and votes that are not on the substance of this bill. I know that there are Senators who are not only opposed to the bill but who are vehemently opposed, and I do not question for a moment the wisdom of any Senator as he views this legislation or any other legislation in his own lights based on his own experience, view of things, philosophy of government, or whatever.

But, Mr. President, this is a forum in which I would hope that we can have civil discussions and express our opposition to this or any other measure and express it in persuasive terms, hoping that they will be persuasive, without resorting to tactics that contribute nothing to a meaningful and enlightened debate of the substance of this bill.

One of the purposes of the resolution which I introduced to provide television and radio coverage of the Senate was to help the people to better understand the substance of legislation or treaties or nominations that are called up before the Senate.

We can have substantive discussions of this bill. The opponents can defeat this bill. The Democrats are unable in and of themselves to produce 60 votes for cloture. We cannot do it. We only have 54 votes, if we would produce them all. Two last night were very ill, two of our Democratic Members, one was away because of a funeral, a death in the family, and the other one is out campaigning for the Presidency. That leaves us with only 50. There is no way under the old math or under the new that 50 can ever be a majority of 100 Senators. And so the opposition need not resort to tactics such as those that were resorted to last night.

Of course those tactics are within the rules and precedents of the Senate, but the actions that were taken by the majority in attempting to respond to those tactics are also within the rules and precedents of the Senate and within the authority of the United States Constitution, which is the bedrock of our liberties and which is the organic instrument that created this body.

I hope that we will not live over and yawn in yesterday, that we go forward with a reasonable, civil debate on the substance of this bill. And let us hear those who are opposed to it. They have a right to speak their objections to it. They have a right to try to persuade those who are not of their persuasion at the moment. We have the same right and duty, I think, to persuade our colleagues of the rightness of our position.

We certainly owe a duty to the American people to try to enlighten them as to our view of the substance of this bill, our support of the substance, our opposition to the substance. Perhaps there are changes that can come about. We have the amendment process available. We Democrats are ready to vote, and we have had the support of three Members on the other side of the aisle. We are ready to vote on the amendment, the pending amendment that is before the Senate. It can be voted down, thus opening the way for additional amendments. A move at any time can be made to table this bill. Who knows, maybe it can be tabled.

So I urge our friends who are the opponents of this legislation not to resort to tactics that obstruct working the will of the Senate. I urge them not to resort to quorum calls, which lead to the necessity on the part of the majority of the Senate to instruct the Sergeant at Arms to request the attendance of absent Senators, to compel the attendance of absent Senators, or in the extreme to arrest absent Senators. I hope we do not have to resort to that. We do not need to if Senators will only debate the bill. I for one am willing to enter into a discussion of having a time agreement on the bill, of avoiding a cloture vote, a time agreement for final vote, a time agreement that would include germane amendments that the opposition may want to offer. I certainly have no objection whatsoever to the Senate working its will on amendments that are germane and relative which I may oppose. I have no desire to do that. I may do what I can through debate and through voting to reject amendments that I am opposed to. That is our duty. We all know that. But there is no good reason to continue in the kind of guerrilla warfare that we are going through which serves no good purpose, which does not help us to change the legislation, modify it, amend it, pass it, or reject it.

So may I close by thanking the distinguished acting Republican leader for yielding to me, and I urge with him most respectfully that both of us do what we can to urge our respective constituencies within this Senate and our colleagues to not look backward, if we can possibly avoid it, look ahead and try to deal with this legislation. It will not be before the Senate forever. But the Senate does have a right, if it can do so, to work its will on the legislation.

I have said before and I say again I think the legislation is good legislation. It can be improved. I think it is an idea whose time has come. My side may not prevail in this matter on this occasion, but I have faith that ultimately the Senate will one day take action to enact genuine campaign financing reform.

So I urge that we all attempt to restore some civil equilibrium here and stop the making of charges and countercharges and rehashing the unfortunate and regrettable events that have occurred, pick up from here and try in a positive way to bring some sense of positive direction to the Senate as it concludes its work on this bill and goes on to other things.

I thank my distinguished friend and I do respect him as my friend.

Mr. SIMPSON. Mr. President, that is a given. I have the deepest respect for the majority leader. I have shared that with him privately and publicly. We are very much alike—sensitive. I know I get too sensitive sometimes. At least that is speaking for me. Sometimes I get defensive, especially in my role as acting minority leader, realizing that it has fallen upon me to do that, realizing I have a task to do to meet the needs and views of my colleagues. And I have just come from a meeting with my colleagues so I know what I have to do and, as Senator BYRD said yesterday in an aside to me, a very cordial aside, he said, "You know, you have to do what your Members instruct you to do when you are in leadership." And I said, "I know, it is tough sometimes because the other side of me is wanting to do something else, perhaps." But we are going to go forward in this way. I hope the American people will understand what is happening. I think they do.

I am one who has always believed the American people are really smarter than their elected officials, and that is why the system works so beautifully. They have a great innate wisdom and a remarkable common sense, and we gain from that when we go home and they say to us, "Hey, what are you doin'? What are you up to?" And you say, "Well, I tell you what we are doing. We were romancing rocks and we were doing this and we were explaining this and we were moving under rule so and so." They say, "Well, why don't you do your business?"

There is business to do in the U.S. Senate. That is what the American people know. The crush is on. The American people surely know by now, they know one thing and it must be seared on their minds. We have had civil discussions on this measure several times. The occupant of the Chair last night gave us a very good review of how many times we have used cloture in the last 8 years, or 10, I cannot recall which. The high water mark was five on one bill. The other three instances were four each where there had been cloture invoked four times on three separate occasions and cloture invoked one time on five separate occasions, and there has never been anything in the history of this body where we have voted seven times on one issue and not one word of it has been—oh, yes, I take that back. There have been words changed in it as it has been submitted and star printed and it has a checkered history that looks like a heifer that has changed hands about 30 times with a brand on every part of the anatomy.

So that is what we have done. Those have been civil debates. Now we are on the eighth go-round, with a lesser opportunity to invoke cloture than ever before, because of the demographics and illness of our dearly respected colleague, Senator BIDEN. We all wish him well and Godspeed. He is a splendid chairman, and I am one of the members of his committee.

So the slippage is there. No one is going to go over to their side. No one is going to come from their side to us. They are all locked in. They are battened in. They have the hatches down on them. They could not possibly change.

So we are going to go until Friday, at 10 a.m., doing nothing, absolutely nothing. There is no other way to describe it. I wish I could think of a better word. But nothing times nothing is nothing.

Then we are going to vote on cloture at 10 a.m. on Friday, and the vote at the high water mark will be 57, and they need 60, and that is it. School is out. Off for the weekend. Come back next week, and then the weeks shorten and collapse in on themselves: INF, trade bill, catastrophic health care.

I will tell you, the American people care a lot more about that than this, because the American people know full well that everyone of us here wants campaign reform. I, personally, am ready to cut PAC's from $5,000 down to $1,000. I will vote on that. But if this bill clips along here without going to cloture, I will not get a chance to put in that amendment. It will be squeezed out.

I am ready to do independent expenditures along the lines of what the occupant of the Chair was talking about last night. Excellent. I am willing to do something with soft money and in-kind contributions and still allow the proponents to have their ability to do that. We are ready to do that.

In the course of the debate today, some stunning figures will be presented. The new quarterly reports are out on all of us. We are public record. It will disclose that some of the proponents of this legislation have taken three-fourths of their money from PAC's—three-fourths of their entire quarterly report financing coming solely from political action committees, while they then speak of the necessity for reform under S. 2, which does not touch PAC's.

I will tell you, the American people understand that stuff so clearly. We have a word for it in Wyoming, and I am not going to leave it here. My mother has given me a serious charge about that. But that is what we are talking about, and that is going to be presented, because the records just came out this week or last week. We all filed.

It is very difficult to understand why proponents who want to avoid corruption and the bloated system and the whole business of filling their coffers with PAC money would then vote for a bill which the only thing it does to PAC's is to limit the aggregate but does not limit the $5,000 each they can put in the kitty. That cannot be. That is called fairness.

So let me share with you that the debate that the majority leader would like to take place without disruptive behavior will be from our side only. The American people know that that is not fair. The debate from our side has already demonstrated very clearly the fallacy of calling this reform. We are beginning to hear the American people, and they are saying, "We didn't know that. We didn't realize what was being said. Arch Cox led us astray."

Arch Cox did lead us astray with an ad which would not even be covered under S. 2. I understand that litigation is being prepared against Common Cause. I know that is a hideous thing to do, to bring litigation against such an organization. I used to be a member of Common Cause. I think they do great things—they did—but in this one, they have lost the linkage system somewhere between reality and myth.

I would love to debate anyone, anywhere, with regard to the activities of Common Cause on this one, when the proponents of S. 2 choose to do nothing with PAC's.

So we are not in a position, as opponents, to let it go forward, because we would not prevail. We will prevail on Friday, at 10 o'clock.

So we are ready to go all night, and we will, but we have pushed all our chips in. We have done that.

The debate, if it is to continue without any further activity, is a burden only on us. Any further debate in this Chamber on this bill is just on us, the sleepless ones, and votes on procedural matters are a method of sharing the burden, if you will, among all, including those who are insisting on our side carrying the debate alone. That is a reality of legislative life.

In our arguments, and we will have some good ones—we will not be reading from old Ma Perkins' radio tapes—we are going to be telling the story about what is happening in this bill, especially since we whacked it to death seven times and are going to whack it to death again the eighth time on Friday. As I say, nothing times nothing is nothing.

We are beginning to get the message out regarding the true nature of this bill and especially its remarkable shortcomings and the hypocrisy couched in it.

I say that the group is working. I commend them. I will visit with them. I know that the majority leader feels the same way, and more power to them. But we are no longer willing to shoulder the debate on into the night again. We are going to see some surcease and allow others to participate.

Therefore, I respectfully suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold that?

Mr. SIMPSON. I certainly do.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I am sure that the distinguished Senator from Wyoming and I could carry on this debate through the long afternoon; and he could carry it on longer than I could, I am sure. But as long as it is a meaningful debate, perhaps that will be all right. But there are others, I hope, who would participate in such debate.

I believe the distinguished Senator has said a few things to which I should briefly respond.

To begin with, he spoke of the fact that our illustrious colleague, Senator BIDEN, is ill, and he did so, I believe, by way of emphasizing in his view the futility—I will use that word—of our continuing to debate this, saying, of course, there is no chance for the

Democrats, about all of whom support cloture and the bill, to invoke cloture.

Mr. President, I cannot be guided by that fact—that one of our distinguished colleagues has been hospitalized and will be recuperating for quite some time.

I indicated last year to the American people, and I indicated again at the beginning of this year to the American people and to our colleagues, that the Senator would try again, that it would be my intent to bring before the Senate again the campaign financing reform bill. I made a commitment to do that, and I am attempting to live up to that commitment.

As to the destiny of the bill, the final destiny of it as being one of its demise, it may be an accurate prediction and it may not. I think the only way we can truly find out is to let the Senate render its judgment; let it vote. So that is what I seek to do.

The distinguished acting Republican leader mentions that there are so many other very important issues that the American people, in his viewpoint, feel are more important than this bill. He has mentioned catastrophic illness, and so on.

Mr. President, may I say that catastrophic illness cannot be brought before the Senate today or next week. Even if I were to displace this bill on the calendar within the next 60 seconds, which I can do, catastrophic illness could not be brought up before the Senate. It is in conference. The conferees are working on it. Yesterday, I asked Mr. BENTSEN, who plays a very important part in the conference on that bill, because it is a matter that comes within the jurisdiction of his committee, and he informed me that the conferees are working on the trade bill and they would not be ready to bring up the catastrophic illness conference report until they have completed their work on the trade conference report. So catastrophic illness cannot be brought before the Senate at this time, no matter what.

The distinguished acting Republican leader mentioned the INF Treaty as being more important to the American people. That treaty has not been reported from the Foreign Relations Committee. I am not telling the Senators anything they do not know. But in view of the fact that things are said on the record which, to some extent at least, could be inferred as being a wrongful judgment on my part in calling up this bill, as to whether or not it is more important or less important than the INF Treaty or more important or less important than something else, I think I have to state for the record—to be read by my grandchildren and theirs—that the INF Treaty could not possibly come before the Senate at this time. I have already stated the same with respect to the catastrophic illness legislation. I can say the same with regard to the trade bill, which I have already at least impliedly stated. The same can be said with regard to the budget resolution.

If there is anything I would put ahead of the INF Treaty or ahead of this bill, it would be the budget resolution, if it were ready to be called up; because until we get that budget resolution right—my distinguished friend from New Mexico is the ranking member on the Budget Committee and he nods his approval—until we get that budget resolution adopted, we cannot call up the appropriations bill.

It is my hope that we send the appropriations bills to the President this year in due time rather than in an omnibus appropriations bill. That was my viewpoint last year.

So, Mr. President, as the majority leader, I have to look at the overall year of activity before the Senate. I have to attempt to crank into the session these various measures when they are ready to be called up. It was my judgment that the time was now to fulfill my commitment to the American people and to the Senate that the campaign financing reform bill would be again called up.

Yes, Mr. President, the distinguished Republican leader has mentioned the reports with respect to contributions, fundraising, and so on, by Members of the Senate, and he mentioned specifically the proponents, the fact that they have taken money from PAC's.

Mr. President, we all know that the proponents have taken money from PAC's. I have taken money from PAC's, and it is the rule, it is the system that we now have, and I have to live by the system, as I find it today. It is a bad system, and I have to prepare for my own reelection. I want to continue in public service. I think I have something to contribute still, and so I have to be prepared for opposition which may be well heeled.

I have noted that my opponent in the fall was brought to Washington in an airplane and talked to by certain powers that be in the capital here who have some voice in the disbursement of funds, and he was promised that he would be given funds and be provided with help by way of research. It was reported, it has been said, that President Reagan would go into West Virginia and speak on behalf of my opponent at fundraisers.

And, by the way, I welcome Mr. Reagan in West Virginia at any time, even speaking to a fundraiser for my opponent. Let him come, let him come to West Virginia.

But I have to be prepared. I, unfortunately, in 1982, did not prepare adequately for a very vigorous campaign against me, not only by a millionaire opponent, who was a Member of the House of Representatives at that time who had a good springboard thereby, but also was the subject and the target of vicious attacks by an outfit from outside the State called NCPAC.

I tried to take protective measures in this instance by raising funds, as other Senators have to do. But I have to work within the system, and this is the reason why I so vehemently support this legislation, so strongly support it. I want to change the system, and the only way I can change it is to work within it to change it. So I am doing that.

I happen to believe that the legislation before the Senate will change the system. It is not perfect legislation. But I say to my distinguished friend, the assistant Republican leader, let us try to change it. If there are flaws in it, perhaps we can work out an agreement whereby we can have votes on the amendments that are being proposed. But we will not be able to get to those amendments if we continue to see a continuation of the tactics that have been resorted to in the last few hours.

We are on an important matter, and it is fundamental to our way of government. It is fundamental to the public trust in this institution. We have to get the big money out of politics. We have to clean up our own house. It is not a partisan issue. It is an institutional issue. It is a good government issue. Good government, that is what it is.

Now, the ways are open, the rules are open to changes in this bill. The opposition says that it will kill the bill. I would invite the opposition which says it will kill the bill to help to bring about ways by which the amendments which the opposition would like to offer, if they are germane and relative, would be called up. Let us work out an agreement whereby amendments on both sides will be called up, and we can have a final vote on this bill on a given date. That, seems to me, should be fair, and I welcome, hopefully, an opportunity for us to do that.

We cannot allow this money chase to continue as it is going. It is going ever upward into the stratosphere already, and public trust is going to continue to erode. Mark my words.

So why can we not get the bill up? Why can we not get the bill up and discuss it? The bill is up, but why can we not discuss it in a rational way? The vote will come on cloture. In the meantime, let us debate this bill. Perhaps we can find ways to change it, to modify it, to improve it. What is wrong with that approach? We do not simply have to put our foot down and say, "We're going to kill it," and in the meantime we are going to use obstructionist tactics, we will resort to guerrilla warfare, we will prevent the Senate from acting on amendments or anything else. We will not even have civil debate. We will just put in quorum calls, we may boycott the vote, and we are just going to stubbornly and obstinately refuse to cooperate in trying to improve this bill and have a vote on it.

So why are some of the Members so afraid to discuss it? Why are they afraid to discuss it? This is vital reform legislation. They have a wealth of talent that they could contribute to reform legislation, a wealth of talent that they can contribute to modifying or improving this legislation. It is a voluntary system that we are proposing, and Senators ought not be afraid to discuss it. So I know that the distinguished acting Republican leader will proceed as he feels he has to proceed, and, in the final analysis, may I say again, that this is not the omega, the alpha and the omega. It is not the end-all and we should not, I hope—let me apply this to myself—become so passionately and so partisanly enraptured or involved in this that I carry enmities, ill will, or that I injure the feelings of others.

If it came to a vote on tabling this bill today, and it were rejected, I would say I think the Senate made the wrong decision and forget about it. That is gone. Let us get on to the next item.

This is not a Democratic bill. It is not a partisan issue. I do not know how I can say more than I have said hoping that what I have said will help us all somehow to lower our voices and try to approach the bill with a view toward debating it, its flaws, its merits and having a final vote on it.

The opponents are so sure that they are going to reject it. Maybe they will. But there is no surer way to find out than to vote on it. That is all we ask.

Mr. President, I thank the distinguished Republican acting leader again. He has been most patient and very courteous in yielding to me. He did not have to yield to me. He could have at any point refused to yield further. I thank him, and I respect his viewpoint. I respect his opposition to this bill. I respect his criticism of it, and I will respect any way in which any advice that he would have toward moving ahead in a positive and reasonable manner to a conclusion of debate and action and, hopefully, an improvement of the bill in the meantime.

Let us put aside yesterday and last night. I would hope we would not mention it and go on with this bill, and criticize this bill. Those who are opposed to it, let them speak most vehemently and passionately against it, but always they will find this Senator, and I intend to live up to what I am saying with my hand out and ready to extend that hand of goodwill in the hopes that we can, indeed, come to together and reason together and let this Senate make its decision.

If I can be helpful in participating in any meetings, working out any time agreements that will further the action on the bill, amendments thereto or whatever, this Senator stands ready all day and night, any hour of the day, any hour of the night. I do not know of anything further that I can say, and I apologize to the Senator for my verbosity, my circumlocutions and my long-windedness.

Mr. SIMPSON. Mr. President, but not his eloquence. There is no apology necessary there, and that is an extraordinary part of my friend from West Virginia.

I know how the majority leader and I work. We say we are going to be quite, but we just cannot resist the one more shot.

That is part of my training.

Mr. BYRD. Will the Senator kindly yield?

Mr. SIMPSON. Yes.

Mr. BYRD. I am going to listen with great patience and understanding, eagerness and admiration to what the Senator says. When he finishes, I am going to remain in my seat no matter what the urge may or may not be.

Mr. SIMPSON. What an extraordinary blurb, Mr. President, to have that. I must then temper my remarks.

Let me say this: I have come to know you. You enjoy this. You are a chess player. I do not want to be discourteous and speak directly to the Member.

I would say, Mr. President, the majority leader is an extraordinary chess player. There is no one that I enjoy watching work through an issue more. You can almost hear the whirring of the engine when he is pacing here, thinking of which approach to take in view of the approach taken by someone in the opposition. It does not matter about partisanship. It is an astounding thing to watch. He is the ultimate, the quintessence of a legislator. He has the mind of a Parliamentarian, the voice of an elocutionist, and a magnificent intellect. It is all self-developed. That is an extraordinary thing. He is a Horatio Alger living. I know that. Anyone who has read history of the man knows the persona of the man.

But we do box each other around and I guess I have lived and always lived under the phrase—not a phrase, I have ingested it—hatred corrodes the container it is carried inside. I never carry that. There are those who use that phrase, especially in Washington, do not get mad; get even. I always say add one more, get sick, because that is what happens when you play that game of do not get mad; get even. You want to add get sick. That is a truly wretched, shrivelled way to live. That is not the way I live or the way the majority leader lives or he would not be a fiddle player and a story teller. That is the way it is.

So I would conclude, because remarks have been made about the American public and I understand we need to do that while we are here in the morning or midday while people are watching the proceedings. It is a good Government issue, one that I am just as interested in.

I remember the independent campaign against you was scurrilous, but this bill will not reach that. It will not reach it the way you would like to reach it or I would like to reach it, or the man who beat Chuck Percy. It will not reach him. It will not reach the person the majority leader had unleashed on him.

That is what is important. We can say we can make the amendments, but we would not have that opportunity. Seven times we have had that opportunity and seven times we have won the day. It is really a fairness issue.

If we were just to go on and discuss and debate, then I assure you we have no illusions about what would happen if we were to allow the pending question to come to a vote, or if we were to offer amendments to the bill when those amendments may be in order. They are not in order now. We have no illusions. We would lose.

But the minority and the opponents in resisting a bill that it opposes and blocking the imposition of cloture is also another way that the Senate works its will. The majority leader knows that better than anyone here.

So for us, the majority leader need not continue the around-the-clock activity. It serves no purpose, none, other than perhaps to, I think, lessen a little the stature of what we are trying to do here.

The majority leader is right, we cannot go to certain things. But we have a calendar which is very thick. Here it is. However, there are objections in there from my side of the aisle and his side of the aisle. But Price Anderson might be one we can deal with. That is a very important issue. The leader has indicated that. It is about liability insurance of commercial nuclear reactors. I do not know if that is ready, but that is one.

That book is stuffed full of things, but, you know, everybody has a little hook in there.

I do not think that this strengthens the public's attitude toward the Senate and what we do here. I think it lowers it a bit and tires us all.

We will now be working out shift work because we have to go forward and that is what we are going to do, the Members, the staff, the police. All are involved here, not just me. I have a constitution like a horse.

But if we go ahead here and just go to this debate that the majority leader speaks of, then only us, only we here, will be losing, like the horses that were rode hard and put away wet. That is not a thrilling prospect for us. So we want everybody to join in equal amounts of pain.

The majority leader, and I do not want to misquote him at all, and I will give him the opportunity when I make the suggestion of the absence of a quorum, told us two or three times, and at least twice that I remember, that this, if it developed, was not going to be a gentleman's filibuster. That was the phrase. I do not want to misquote a bit of it. That this would not be a gentleman's filibuster and, in essence, there would be elements of hard ball. Hard ball is a team sport and the way you play a team sport is that two teams play it. So hard ball, on that aspect of the proponents, is hard ball on our side. It will not be done with enmity, hatred, disgust. The majority leader and I would never allow that to occur. We do not let that occur on our own level of being in our own lives, with our families, so why should it occur out here.

We are in it and I have had my meeting with my people, and the leader knows my people.

QUORUM CALL

Mr. SIMPSON. Mr. President, I now respectfully suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll and the following Senators answered to their names:

[Quorum No. 9]

Armstrong
Byrd
Dixon
Exon
Graham
Inouye
Johnston
McClure
McConnell
Metzenbaum
Mitchell

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER (Mr. Dixon). Without objection, it is so ordered.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Yes, there is, Mr. President, an objection for reasons that I have already disclosed to the majority leader. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The bill clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

Mr. BYRD. Mr. President, at 3:45 p.m. today Secretary of State Shultz will be in room S-402 of the Capitol to discuss with Senators his recent trip to Moscow, and I would hope that—I do not want to stand in recess for an hour, but I would hope that debate could go forward during that hour so that certainly most Senators can attend the meeting with Mr. Shultz.

Mr. President, I thank the distinguished Senator for yielding, if he would like now to suggest the absence of a quorum.

Mr. ARMSTRONG. Mr. President, I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk resumed the call of the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their name.

[Quorum No. 9]

Domenici

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] and the Senator from Massachusetts [Mr. Kennedy] are necessarily absent.

I further announce that the Senator from Delaware [Mr. Biden] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. Hollings] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Danforth], the Senator from Kansas [Mr. Dole], the Senator from South Carolina [Mr. Thurmond] and the Senator from California [Mr. Wilson] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—55

Adams
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stafford
Stennis
Stevens
Wirth

NAYS—36

Armstrong
Bond
Chafee
Cochran
Cohen
D'Amato
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Symms
Trible
Wallop
Warner
Weicker

NOT VOTING—9

Biden
Danforth
Dole
Gore
Gramm
Hollings
Kennedy
Thurmond
Wilson

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The question is on the amendment No. 1405, as modified. The yeas and nays have been ordered.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was wondering if the majority leader was seeking recognition. It seemed to me that he was.

Mr. BYRD. No.

Mr. SIMPSON. He was not. Since the majority leader is not seeking recognition, we are back where we were before, which is an old location. And so we are ready to proceed. A quorum is present. And we have one of our Members who I believe wishes to speak.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Might I say to my friend from Wyoming, the acting minority leader, would he remain on the floor for a moment and on my time with me engage in a series of questions that I would like to ask him since he has been here and we have been having debate. I presume that this bill has been discussed, although I have heard most of it discussed on this side. Could I ask the Senator three or four questions just to see if I am right about what this——

The PRESIDING OFFICER. If the Senator from New Mexico will withhold, may we have the conversations off the floor.

The Senator from New Mexico.

Mr. SIMPSON. Mr. President, I believe the situation with regard to the floor is that I have the floor, and I, therefore, can accept questions from my colleague from New Mexico and I will surely do that.

I ask unanimous consent I be allowed to yield to him for a question, for a series of questions.

Mr. DOMENICI. Mr. President, could we have order, please?

The PRESIDING OFFICER. May the Chair once again ask Senators and their staffs to have their conversations off the floor.

The Senator from New Mexico.

Mr. DOMENICI. Now, Mr. President, let me preface my few questions to my good friend from Wyoming by saying that it has become very easy here in the Senate to, regardless of the issue, introduce a measure and if it is going to change something, we have a tendency to call it reform. I am not sure that this measure is reform, at least the one that is pending that you cannot amend because procedurally that is the position we are in. You cannot amend it. Because it appears to me that to be reform you ought to be rather sure that it is better than what you have, or if it is a process as important as electing U.S. Senators and Congressmen it is going to help the Democratic process work in America. And I believe on both scores from what I have read, the bill fails. I am not at all sure that other than some changes in the current law, it is reform in the context of making better, improving, whatever the synonyms are.

Now, let me see if a few questions and a few comments on my part for the next 40 minutes or an hour could at least make my point. I say to my friend, "Question No. 1," is it correct that the limit, current limit of $5,000 per year in PAC contributions is unchanged in the bill pending before us, the majority leader's version of what has become election reform?

Mr. SIMPSON. Mr. President, that is absolutely correct. The amount of PAC contribution limits, $5,000, is absolutely unchanged in this legislation.

Mr. DOMENICI. Now, let me proceed. Some have said, "If you do not like this measure"—I do not even like to call it reform—this measure, "what do you suggest?" Now, let me ask this: is it accurate that Senate bill 1308, the McConnell-Packwood bill, would eliminate PAC contributions to individual candidates and that Senate Bill 1672, the Dole bill would reduce PAC limits from $5,000 to $3,000?

Mr. SIMPSON. Mr. President, that is correct, with regard to the interpretation of both of those measures. They would limit PAC's.

Mr. DOMENICI. I thank my friend. Now, let me use my State as an example. It could be used by anyone, but let me ask the Senator, is this statement correct.

Let me assume that I have to run in a State which has the limit under this amendment that is pending that we cannot amend, which has the limit of $950,000, which is the case for New Mexico. Let me assume that I decided that I need to spend more than that limit to get my message effectively to the people, a right I have under the Constitution.

Let us also assume that our opponent for any number of reasons decides to abide by the limit.

I ask my friend from Wyoming: I spend $951,000 instead of $950,000. Is it accurate that my opponent, under section 504 of this bill, will receive a Treasury check equal to two-thirds of our State total allotment, namely $633,000, raising his or her spending limit to $1,583,000?

Mr. METZENBAUM. Mr. President, regular order, please.

The PRESIDING OFFICER. Will the Senator state his question?

Mr. METZENBAUM. The rules of the Senate permit a question to be asked of a fellow Senator but do not permit a speech to be made in connection therewith. I have no objection to any question that the Senator from New Mexico may want to ask the acting minority leader, but my understanding is that the questions are being phrased as speeches.

The PRESIDING OFFICER. The Senator from New Mexico was recognized after the Senator from Wyoming had yielded for a question.

Mr. SIMPSON. Mr. President, these are predicates for a question. That is a common procedure in this place.

The PRESIDING OFFICER. The Senator from New Mexico is recognized to ask a question.

Mr. DOMENICI. Mr. President, as a predicate to my next question, I will say that I am most appreciative of the rule of the Chair and that the Senator from New Mexico has a small amount of discretion as to how he asks questions. I thank the Chair.

The PRESIDING OFFICER. The Chair has ruled that the Senator from New Mexico is recognized to ask a question of the Senator from Wyoming.

Mr. DOMENICI. And now I ask my friend from Wyoming, let me assume that I decide under the same facts I just gave him a moment ago before the Senator from Ohio raised his question, and I now decide to spend one-third more than the $950,000 limit for a total of $1,267,000. Is it accurate that my opponent then receives an additional $315,000 from the Treasury of the United States, giving my opponent a total of $1,900,000 to spend, half of it provided by the taxpayers?

Mr. SIMPSON. Mr. President, that is absolutely correct. Those are the figures under the formula.

Before the inquiry of the Senator from Ohio, I did not fully respond to the previous question. His question previously posed is exactly correct as to what would happen if he received $1 over the $950,000.

Mr. DOMENICI. My fourth question is this, and it refers to the spending by independent groups. Let us talk about spending by an independent group that is supposed to be campaigning for me or against my opponent, because that is described in the bill, I say to my friend from Wyoming.

Even though I have no control over this spending or the content of such a campaign, is it accurate that under the amendment my opponent would receive in cash from the American taxpayers the value of the outside campaign which could be $1 million? Is that a source of great mischief? Does it concern you? I would ask you, what happens if that campaign that is supposed to be on my behalf, which I did not solicit, is really a sham created by people who want to help my opponent? What happens if they do not spend all the money they have obligated to spend, or what happens if they spend it in ways that are really detrimental to my campaign, "Vote for Domenici. He favors taxes communism. He favors taxes." The latter is one that some might use. It is a subject today. "He favors to balance the budget." That is the line. "Vote for him."

Would that aspect of the bill pending provide my opponent with an added benefit, double-barreled, half of it at the expense of the taxpayer resulting from an alleged favorable independent group?

Mr. SIMPSON. Mr. President, that is absolutely correct. That is rather a multiquestion, but, indeed, yes on the first part of it, that the opponent would receive in cash $1 million. The answer to the next part of it is yes, it would be great mischief. That is why we are insisting that it is. And as you have described, the campaign supposed to be on your behalf is a sham created by people who really want to help your opponent. That could happen. If they do not spend all the money they are obligated to spend, they could use it in some other form and use it in areas detrimental to your campaign. That is a double-barreled benefit, half of it at the expense of the taxpayer. Indeed, that is true.

Mr. DOMENICI. I have only one more question to ask and then I will use my own time if I am recognized and if it is appropriate.

Is it correct that under the amendment that is pending that a candidate can spend an additional two-thirds of his State limit on a primary campaign whether the primary campaign is serious or not?

Mr. SIMPSON. That is correct.

Mr. DOMENICI. I thank the distinguished acting Republican leader.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. SIMPSON. I believe the Senator from New Mexico, Mr. President, may have another question or two. I know these are not dilatory questions. I believe he has two or three more. I ask if that is correct.

Mr. DOMENICI. I certainly do. Let me proceed with them.

The PRESIDING OFFICER. The Senator from New Mexico is recognized to further question the Senator from Wyoming.

Mr. DOMENICI. What limits are imposed by this amendment on soft money spending? Let me ask you, since you have been on the floor listening to the debate and you have been concerned with this legislation for a long time, is that not a major failing of this amendment, the fact that there are no limits imposed on soft money spending, if that is the answer?

Mr. SIMPSON. Mr. President, I submit to the Senator from New Mexico that is one of the prime grievances of this legislation. Indeed, that is correct.

Mr. DOMENICI. Is it accurate that the so-called minor party candidates, receive matching grants up to 50 percent of the State total, minor party candidates can receive matching up to 50 percent of the State total?

Mr. SIMPSON. That is exactly correct, Mr. President, without question.

Mr. DOMENICI. Might I ask my friend from Wyoming, does that present any constitutional issues, in your mind, as you think of that, how we are going to determine one set of candidates, because they are Republican or Democrat and thus perceived to be majority, and another group, because we set an arbitrary number of some kind, are minority, and we are only going to let them send half as much or furnish them with half as much tax dollars support?

Mr. SIMPSON. That is a very troubling aspect of the entire matter. That should trouble us all as part of this debate. It is one of the serious flaws.

Mr. DOMENICI. Mr. President, I thank my good friend from Wyoming for his responses and for his generosity in permitting me to ask these questions at this time.

It should be obvious, without a great deal of explanation, that if there is any doubt out there among anyone that there is a legitimate, bona fide reason to oppose this measure we have just stated at least six or seven, any of which could disturb a Senator, and he need not at all be against campaign reform. He could just conclude that that bill, as it is, unamendable, which is sitting at the desk, does not deserve to be supported in the name of reform.

I thank my friend and I yield the floor.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will suspend temporarily, no business has been transacted.

Mr. SIMPSON. Mr. President, the Chair ruled on a request of the Senator from Ohio and we transacted business. I insist upon that ruling.

The PRESIDING OFFICER. The Chair stands corrected. The Chair did rule on a point of order by the Senator from Ohio that it was business. The Senator from Wyoming is correct.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. EVANS. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Washington. The clerk will continue the call of the roll.

The bill clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that I be permitted to rescind the quorum call for 1 minute for the purpose of making a statement, after which I will yield the floor for any Senator to restore the quorum call.

The PRESIDING OFFICER. Is there objection? The Chair must rule that an additional request to suspend the call is not in order. The quorum call is in order.

Mr. EVANS. There is no request from a Senator.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 10]

Boren
Byrd
DeConcini
Dixon
Evans
Metzenbaum
Mikulski
Simpson

The PRESIDING OFFICER. A quorum is present.

The clerk will call the names of the absent Senators.

Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent due to illness.

I also announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of death in family.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays were announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kassebaum
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Stennis
Wirth

NAYS—42

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Stevens
Symms
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—7

Biden
Dole
Gore
Gramm
Hollings
Kennedy
Thurmond

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, we have had a good deal of discussion during the morning, as I have listened to it, about what the debate is all about. I think it is important that we return to the purposes for which we began this discussion. This discussion is not about all-night sessions; it is not about the loss of sleep; it is not about the motion to instruct——

Mr. BYRD. Madam President, may we have order in the Senate? A Senator is making an important statement, and I hope he will be listened to.

The PRESIDING OFFICER. The majority leader is correct.

Senators wishing to converse will please retire from the Chamber.

Mr. BOREN. I thank the Chair.

Madam President, as I was saying, the discussion of the last several hours might lead those who happened on to this discussion without hearing what came before to think that we were discussing whether or not we should have all-night sessions, discussing the virtues of getting more sleep, discussing the fine points of parliamentary motions, how motions to instruct the Sergeant at Arms to compel the attendance of absent Senators should appropriately be carried out or should not be carried out.

Madam President, that is not the issue we are discussing. What we are discussing here is really a very simple question, whether or not we shall have real reform of the way we finance campaigns in this country. That is the issue. And whether or not the Senate of the United States, a majority of whose Members have clearly indicated that they want to have an opportunity to vote for real campaign reform, will have that opportunity. That is what is happening here.

Fifty-two Senators signed on to a proposal, S. 2, to reform the campaign finance laws of this country. Fifty-five Senators, perhaps more, have indicated a desire to vote.

That is what this debate, this prolonged debate, is all about. If I might be more specific when I talk about what we mean by campaign finance reform. We have been negotiating, and as I have said before, negotiating in good faith, over the last several days. We are continuing to talk about, as far as this Senator is concerned, and we will continue to try to negotiate, to see if we can find a way to thread this needle, to find a way out of this impasse.

We have been able to reach agreement on a number of what I would call very important but, nonetheless, minor points when compared to the overall problem of what is happening with the way we finance campaigns in this country. We have had some agreement of what to do about millionaire candidates, about independent expenditures. We had partial agreements on what to do about the undue influence of special interest groups to finance campaigns.

But there is one single issue now confronting the Senate, and it is an issue that the American people should understand because the American people should be heard from on this issue. The issue is a very simple one, Madam President. The issue is this: Should we put some outer limits in place to stop the rapid escalation of campaign costs that have been going on in this country over the past two or three decades? Is it good for the U.S. Senate and, more important, is it good for the United States of America and our constitutional system that the cost of running for office in this country continues to go up and up with no limit in sight? Is it good for this country that the cost of running for the U.S. Senate in a successful race on the average in the last 10 years has gone up 300 percent.

It is good for this country where, on the average, it would take a sitting Senator to raise $2,000 every week of his or her term to raise the amount of money necessary to run for reelection? That was the case 10 years ago. It now requires, on the average, every Member of the U.S. Senate to raise at least $10,000 each and every week for 6 years that that Senator serves in the Senate. Over 300 weeks in a row, $10,000 every week for over 300 weeks just to raise the minimum amount of money necessary to run a successful race for the U.S. Senate.

Mr. STEVENS. Will the Senator yield?

Mr. BOREN. I will not yield at this time.

That is the issue that confronts the country. Do the American people believe that it is good for this country for that to be happening? Do the American people want their representation in the U.S. Senate to have the burden of raising $10,000 of campaign money each week, spending their time raising that money, going across the country to other States that they do not represent where the constituents do not live in order to raise that money, spending the time, raising the money, talking to contributors in other States instead of listening to the people back home? Is that what the American people want?

If the American people want that to continue to happen, if they want that figure to not be $10,000 a week, but $50,000, because that is where it is headed if you just use the trend over the last 10 years and project it forward, it is going to be $50,000 a week. It was $2,000 a week 10 years ago. It is $10,000 a week now. It will be $50,000 a week if the current trend continues at the same mathematical rate.

If that is what the people of the United States want, then they should applaud those who are preventing us from having a chance to vote on this bill because that is the one unresolved issue. That is the one thing, the only thing, that the people who are opposing this effort say is not negotiable, it is not on the table, we will not even talk about putting a limit no matter how high the figure. The sky is the limit. We do not want anyone to say we cannot spend as much money, as hundreds of millions of dollars, as we can raise to try to buy an office in this country.

Madam President, that is what this debate is all about, and it is time that the American people across this great country of ours woke up and realized what is happening because of the cancerous presence of too much money being pumped into the political system in this country.

Mr. STEVENS. Madam President, will the Senator yield at this point?

Mr. BOREN. Madam President, I would just like to complete my thought, and then I will be happy to yield.

I do not believe that is what the American people want, and if the American people ever had the opportunity to turn their attention to this issue, if the American people ever stopped to ask themselves, "How do we want this week to be spent by our representatives in the U.S. Senate?" I think they would say we want those Senators to be there grappling with the problems we face, problems of reducing the threat of war and conflict, the problems of getting productivity restored in our economy so we can do something about our trade imbalance, the problems of improving the educational standards and educational system so that our children will be better equipped to live in the complex world in which they are going to have to operate.

Madam President, I think they would say, "We want to have our Members of the U.S. Senate have the opportunity to come home so we can talk with them, so we can share with them the everyday problems that we have on our farm, the everyday problems we have running our small business, the everyday problems we have as a man or woman that works in a factory trying to save the money to buy the house or to educate our children."

That is what the people of the United States of America want. They want representation in the Congress that will work to grapple with the problems that affect them in their everyday lives. They want representation in the Congress that has time to listen to them and listen to their problems. They do not want the time of their Congressmen and Senators taken up instead raising money from other people and other places. They want to have the right to be heard from themselves.

And so it is extremely important. Public opinion polls have been taken. The Harris survey, for example, in 1983, and there has not been too much update, unfortunately, because we have not had enough attention paid to this in this country, and it is a tragedy, but we had a poll made in 1983. They made this statement:

"Candidates should be elected based upon how good they would be in office, not according to how rich they are or how many commercials they can put on television." Do you know what the American people said to that? Ninety-four percent agreed. Five percent disagreed. One percent were not sure.

And then this statement was made in the same survey: "The U.S. Supreme Court has ruled that there is no limit on the amount of money which an independent political committee can spend on behalf of a candidate. This has resulted in large amounts of money being spent on negative TV and radio commercials which attack the opponent of the candidate these groups favor. Do you feel that a strict limit ought to be put on the amount of money independent political committees can spend for a candidate or not?" Eighty-four percent agreed, favored strict limits, 13 percent disagreed.

And then they were asked, "Do you feel that excessive campaign spending is a very serious problem, only somewhat serious, or not a serious problem at all?" Sixty-two percent said very serious, Madam President, 29 percent said somewhat serious—that is a combination of 91 percent—and only 8 percent thought it was not a serious problem.

Madam President, if we will listen to our constituents, and it should not surprise us how they feel, they want us to compete in politics on the basis of issues and qualifications, not on the basis of who can raise the most money. They do not think this influx of millions and millions of dollars into campaigns is helpful to their ability to participate. In fact, they are concerned that it might be squeezing them out, that it might be squeezing out the average person, that it might be depriving them of time with their own representatives who have to go elsewhere, to other States to raise the money necessary. They are concerned by what is happening. And I am convinced if the attention of the American people could be focused upon this issue, we would find exactly what was found in these polls, that the overwhelming majority of the American people want to see something done about this problem. Madam President, that is what this is about.

Mr. STEVENS. Will the Senator yield at this point now?

Mr. BOREN. Just 1 moment. That is what this debate is about. Because we have talked about the other issues. I think we can find a way to reach some sort of agreements, agreements that would at least satisfy to some degree both sides on political action committees, and I do not underestimate the importance of that. It is important. We could find some ways to reach agreement on advertising rights, and that is important. That is not to be underestimated in terms of its support. We could find some way to reach agreement on a host of other issues, what millionaire candidates can do in terms of loaning money to their own campaigns and then going out to raise money to pay it off. All of these things are available, but, Madam President, we are not going to get the genie back in the bottle, we are not going to address the problem that the American people are concerned about, we are not going to address the problem that is at the heart of our political system, the integrity of the election process itself and the perception of that election process, until we find a way to do something to stop this rapid escalation in the cost of campaigns and campaign spending.

Madam President, I do not know whether we will find a way to thread through this needle right now or not. I do not know if we will find the magic formula in the next 2 or 3 days and nights. I hope we will. I want to say I honestly and sincerely—and I say this to my friends on the other side of the aisle; I am not making this statement for any political purpose or any rhetorical purpose or partisan purpose. I believe there are others on the other side of the aisle who are just as passionate and sincere about this problem as I am. I recall the days when Senator Goldwater, whose service in this body I greatly respect, was a Member of this institution. I remember the many hours we talked together on what was happening to campaigns in this country and how the cost of campaigns were absolutely out of control. And I think about our good friend JOHN STENNIS, the senior Senator from Mississippi, who served in this body longer than anyone else. And I understand the great concern that he has as he has announced his impending retirement to want to see something done to change the system because he loves this institution and he loves this country and he sees the problems that are going on.

Madam President, let me say if we do not deal with this problem, I do not know when it is going to happen, I do not know if it is going to be 1 year from now or 5 years from now, we are going to rue the day that we missed the opportunity, and the American people are going to call us to account, and when something happens that creates a scandal in this country—and one is bound to happen; it is a scandal waiting to happen; the amount of money that is sought and pumped into the political system at this point invites the greatest opportunities for the perception of public scandal and the loss of public confidence—when that happens and when the attention of the American people is finally fully engaged in this matter, they are going to look at each and every one of us and say, "Where were you? Why were you derelict in your duty? Why were you asleep at the switch? What did you do to try to stop the corrupting influence of this tidal wave of money that is pouring into the political system? What did you do about it? And when the next generation comes along and——

Mr. STEVENS. Will the Senator yield there?

Mr. BOREN. I will be happy to in a moment. I have to say to my good friend from Alaska——

Mr. STEVENS. I might say to my friend I have tried five times. I will speak later. I think the problem with this debate, Madam President, is the series of monologs and no willingness to really debate the problem.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. BOREN. Madam President, this Senator was trying to get the floor earlier and was not even allowed to have the floor, so I think the Senator has the right, having listened to other people for 25 hours, I believe, as the principal authority of the bill to speak for about 15 minutes. I do not think that is an unreasonable request at all. And as my food friend from Alaska knows, I have not only been talking to him on the floor, I have been talking to him off the floor. He is a very valued Senator. I am sorry he has not stayed to listen to this. But he is a very valued Senator. His ideas on this pending matter are certainly respected by me. I am not trying to avoid engaging in a dialog with him. I want to listen to him just as I have been listening to the Senator from Kentucky both on and off the floor and the Republican leadership and many others because I know people here sincerely care about this. The Senator from Alaska is one.

But I am speaking because it is important, Madam President, that we engage a broader audience in this discussion. It is very hard to get professional politicians—that is a term not very much in vogue. None of us want to call us that in this day and time. I doubt that many people get to the U.S. Senate without some professional expertise in the field of politics, Madam President. it very hard to get professional politicians to set aside the impact that any change in the political system will have upon any of us individually. And I do not make this in a self-righteous way. I include myself in that comment. It is very hard for any of us to stand back and look at changes and reforms that need to be made in the political process in an objective way.

Madam President, there are some issues of the day that honestly cannot really be dealt with solely in terms of the feelings within this room or the impact that changes the system will have upon the people who sit in this Chamber. What we are debating today is not an issue that just affects sitting U.S. Senators. It affects every citizen of this country. It affects every person in this country who does not have the financial means to make huge contributions but still wants to participate in their election process. It affects every person, young or old, in this country who has an ideal to want to perform public service but does not have the means to raise hundreds of thousands, millions of dollars to have an opportunity to run no matter how qualified they might be or how good their ideas might be or how sincere their desire to serve the public.

Madam President, that is not right. It has an impact upon the next generation of this country that is going to be faced with almost an impossible situation regarding an ability to run for office unless they are persons of immense personal wealth.

It affects all of us in this country who are concerned about public confidence in their own government. It affects everybody in this country who is concerned about why people are dropping out of the political process and not voting in elections.

It affects all of us. It affects every person in this country. The American people need to begin to understand what it is doing to them, what it is doing to that farmer in the rural area of Oklahoma or South Dakota, what it is doing to that auto worker in Detroit, MI, what it is doing to that cotton planter in the delta of Mississippi, what it is doing to the cowboy in the State of Wyoming, what it is doing to that person who works in Silicon Valley in California, what it is doing to that retiree who has now gone to live in Arizona. It affects every single person in this country, Madam President, because it affects the basic building block of our whole form of government.

What was the cry of the colonists when they began the revolution which created this country? "No taxation without representation." We want a system of government. We want an election process that allows us to pick our own elected representatives to speak for us, people who know how we feel, people who will reflect our views, people who will speak for us.

What has really happened when almost 200 Members of Congress get more than half their campaign contributions from people outside their own home States and their home districts and they have to do that because it cost so much to run for office they have to go elsewhere to get it? Do the people back home in those home States, in those home districts really have grassroots representation? Do they have government decisions made by people who represent them? And why is it necessary? Because the cost of campaigns is so high the people cannot usually find the financial resources within their home States and districts to be on equal footing with the opposition.

So, Madam President, we are talking about fundamentals. The issue is very simple. If you feel that it is good for this country for the cost of campaigns to continue to skyrocket, if you think it would be good for this country if they went up another 500 percent, if you think if is good for this country that we spend our time raising money and panhandling for campaign funds instead of doing our job as Senators, representing and talking to our own constituents, then you should be on the side of those who want to prevent us from having the opportunity to vote for this bill. You should be on the side of those who say we are not even going to put that issue on the table.

Madam President, I am not saying that you have to be for S. 2 as it is now written to be for campaign reform. I would not say that at all. That would be a most arrogant statement, for me to say this bill is so perfect that if you are really for campaign reform you have to be for this and for nothing else. That is not what I am saying. I am saying we are willing to talk about modifying any provision in it. All we ask is that we have an indication from the opponents that they are willing to talk about some way to put some outer limits on the increasing costs of campaigns, which is a growing scandal in this country. That is all we ask. We do not say let us write it. We do not say let us pick what the limits will be. We do not say let us set the limits so we can get some partisan advantage. We just say join us in this noble cause to put some outer constraints on this runaway cost of campaigns before it absolutely cripples and destroys our political system.

Now, I close again with this, Madam President, and I apologize to my colleagues for talking their time. If we do not do it, mark my words, the next generation of Americans and the next generation after that are going to say, "Were you in the U.S. Senate when you had an opportunity to do something about this problem? Were you there when you had an opportunity to remove this cancer that is eating away at the political heart of this country? What did you do about this?" All I can say, Madam President, is I will say, "I tried to give us an opportunity to get a vote, to get this matter under consideration so we could not only vote on it but move to amend it and improve it, change it, have the conversations with those on the other side who did not agree with us on this particular bill and improve it."

Mr. RIEGLE. Will the Senator yield at this point?

Mr. BOREN. I will be happy to yield for a question.

Mr. RIEGLE. I thank the Senator for yielding. Let me, before posing the question, compliment the Senator from Oklahoma for his leadership on this issue. Clearly this is a major issue that confronts the country. As the Senator has said so well, if there are no limits at all we get into a situation where the whole process starts to break down. It breaks down in a way that is sometimes hard to understand, but it takes it further and further out of the reach of the citizens every day.

Let me ask the Senator this question. In my own race in Michigan—we are the eighth largest State, and I have been through that race twice before and am in the process of running again—in a State of our size, with about 9.5 million people, the cost of waging a Statewide campaign, the cost of television and everything else is now in the range of about $4 million. We raised pretty close to that figure in the last Statewide race of this scale. It could conceivably be higher this time.

One of the things we are noticing in our State is that the candidates running now, for the most part, tend to be self-described multimillionaires, and certainly they have a right to run. But the thing I am concerned about is that the pattern seems to be that unless a person has enormous personal wealth, particularly in the larger States, by and large they are finding it very difficult to run. On the other hand, those with great personal financial resources, who face no spending limits today, can spend as much of their own money as they wish. They are in a position to go ahead and run, and that tilts the process against the overwhelming majority of the American people.

So it seems to me the point that the Senator has made about the need to establish some reasonable limit—we can debate the limits, and in fact if we could get to a vote here, we could decide with our colleagues on the other side of the aisle where the limits go, and I am open to the question as to where those limits are established, but if we establish reasonable limits, then what we are doing is putting these races more on an even footing, on a fair footing. We are saying to a greater number of people in the political process that they have an opportunity to come forward and compete on an equitable basis.

I happen to favor, in addition to public financing, components such as we have in the Presidential race, and as we have in the race for Governor of my State, because they have proven to work very well. It opens the process to a greater number of prospective candidates that would like to run. If we could establish some reasonable limit on overall campaign spending and make it possible for a greater number of candidates who are not personally wealthy to be able to run and have effective campaigns and have a chance to run winning campaigns, we hold out the possibility of reinvigorating and continuing to invigorate our whole self-governing process.

The thing that worries me is that if we do not do that, if we continue to let this system become lopsided in the way that the Senator and I and others have described, we are going to find that the vast majority of the American people will not be able to run for public office. They will not be able to mount a competitive race for the U.S. Senate unless, as I say, they are wealthy or they are connnected to some kind of a fundraising apparatus, a party apparatus or others that shower enormous sums of money on them. That is just not right.

Mr. BOREN. I thank the Senator from Michigan for his comments. I certainly agree. I would express my agreement with him. That is the case. We are simply going to foreclose people from the political process. That is why I have been saying what I have been saying. I know that we have had these sessions that have gone into the night. I know there have been points scored back and forth, and there is the parliamentary process.

We have had heated debates. People can begin to say, "Well, let us forget it. Let us not try to work together any more. Let us not try to work out solutions."

That is why I appeal to those who have been opposing this bill. I appeal to them in all sincerity, as I did a while ago. It is not to try to score any political gain for myself or my party or anybody else out of this process. I appeal to them one more time to try to work with us, to work out a solution, so that we can work out an agreement.

This is a time of conflict, yes. It is a time when the strong and opposing views have been expressed, yes.

But it is also a time, Madame President, when we have brought this issue to a boil. It is my experience, and I am sure the experience of my colleagues around here, when that is a time, when the issue has been brought to a boiling point, when it has become the focus of national debate, when it is on the agenda for national discussion and discussion in the Senate, that is also a time of opportunity, a time for us to try to find a way to make some real progress.

I think it would be a shame and a tragedy, indeed, if we missed this opportunity now to make some real progress. I think it is close at hand. I think it is time to put everything on the table. That is all I would ask, that the other side say, "We are willing to put on the table the questions we want to discuss," some kind of limit that would restrain this runaway growth of campaign spending in the future.

I would ask the other side again, and I would appeal to them, to come to us with a proposal that they favor, and we will make absolutely sure that they are not put in any kind of partisan disadvantage. Come to us with a proposal that raises the limits in the States where they think it should be raised in order to ensure their ability to compete on a fair and equal basis.

I think they will find great willingness on this side of the aisle to not only look at it and fairly consider it but probably agree to it. I do not think we should have partisan advantage in this issue.

It is so important. Amidst all of this heated debate, the one thing that encourages me is that we are finally talking about this issue in the Senate. For year after year I have looked on with frustration while this issue was not part of the national agenda, while it was not considered important enough to talk about, where when you said to people something is wrong in the way we finance campaigns, people would say, "We are political realists. Do not tilt at windmills. You will not change it. It will stay the way it is. There is nothing you can do about it. It is the way it is."

We have come to that point, Madam President, after this matter has been placed on the national agenda and viewed by everybody, recognized by everybody on both sides of the aisle as a problem. There is something wrong with it that needs to be fixed. There is something badly wrong and gravely wrong, with which we have to deal. That is progress, Madam President.

We cannot begin to think about solving the problem until we realize the problem exists. We have indeed progressed that far in the course of that discussion of this matter in the body politic.

So progress has already occurred. We are much closer to the solution then we were a year ago or 5 years ago. Certainly, much closer to the solution than we were when Senator Goldwater and I first introduced our bill and were greeted with a resounding chorus of light laughter by those who thought we were embarked upon something that never would come to fruition.

It was an idealistic cause that no realistic person thought we would ever really try to do anything about. So we have come a long way already. We are on the brink of doing something of exceeding importance to this country and making a great contribution to the next generation concerning the integrity of our electoral system.

We are launching our lives together under the Constitution for the second 200 years in a way that will ensure the same vitality that guaranteed the first 200 years of our life for people under that great document. That is important.

Some people have said, "Well, with all important bills that come through here, why take the time on this?"

There are a lot of important bills—budget bills, farm bills, trade bills. But, Madam President, I think very few things are more important to our life as people than the preserving of the constitutional system itself. It enables us to continue under the framework by which we write the policies in all the other areas that affect us.

If we do not have confidence in our political system, confidence in this institution, the ability for this institution to work, we are not going to write the right energy policy, defense policy, foreign policies, farm policies, trade policies, or anything else.

So, Madam President, I again indicate our willingness, our willingness, to continue to work with, to continue to talk to, to continue to share thoughts with, to continue to try to deal in a creative way with those who have different views about the details of this legislation so that we can find a formula for doing something important for our country.

But it all boils down to this: for us to make progress at this point there must be a willingness to put on the table for discussion some way to put outer limits on campaign spending. That is the beginning of the debate right now; that is the end of the debate right now. That is the smallest unresolved issue and the unresolved issue. That is the unresolved issue.

We have seen a willingness on both sides to work out and make substantial progress on all the other issues. Now we have to deal with the main event. We have cleared the way for other matters and we have to find a way to deal with the most essential problem and that is the fact that spending on elections has gone out of sight and out of reason and must be brought back within bounds once again.

Again I apologize to my colleagues who have been waiting to speak. We are imposing upon their time. However, I felt it was important to again define the issue and to again indicate why this is not a matter of political games, why this is not a matter of partisan politics. Many of us on this floor, and I would say most of us on the floor, on both sides, of both parties, have it as a matter of great passion, of strong feelings because it is a matter of urgent importance. I think as long as we can respect each other and commit to continue to work together we can find a way to resolve the impasse with which we are now confronted. I thank the Chair and I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, my friend from Oklahoma makes a very persuasive argument in support of real reform of the Federal election process.

Many of us in this body are strongly interested in bringing to the Senate various options for real reform of the Federal election process. But to hear the argument just made and to concentrate only on the provisions included in S. 2 would be to overlook some very important changes being suggested, changes I consider to be true reform and not mere efforts to perpetuate control of the Senate by the party controlling the Senate today.

Madam President, I am suggesting that Senate control by one party would be the result of the passage of S. 2. I say that for several reasons.

One reason was brought to my attention last summer when this matter was on the floor of the Senate for discussion. I received a letter, and I think other Senators on this side of the aisle received the same letter, dated June 23, 1987, from Frank Fahrenkopf, chairman of the Republican National Committee.

I quote from that letter: "I strongly urge the Republican Members of the Senate to reject any compromise that includes expenditure limitations."

Notice the use of the words "expenditure limitations." That is what S. 2 contains.

Mr. Fahrenkopf also warned, "Such limitations could be lethal for the Republican Party's future."

I am not pretending to know whether that statement is true or false. I am not gifted enough to predict that as an outcome of the passage of S. 2. It is very clear, however, that the kinds of expenditures that are not limited and restricted in S. 2 benefit Democratic Party nominees in senatorial elections and in the Federal election campaign process generally.

(At this point Mr. DASCHLE assumed the chair.)

Mr. COCHRAN. The reason that is true is that there is no limit in S. 2 on the amount of money that can be spent in a campaign by organized labor unions who are spending money on behalf of a candidate in the election.

The bill restricts only the amount that can be spent by the principal election committee of the candidate himself.

Most Republican candidates raise money from private voluntary contributions of individual citizens. Most of the money for the senatorial campaigns for Republican candidates are in that form and they are financed by contributions in that form.

Many candidates on the other side of the aisle benefit from direct expenditures by organizations who are involved in the process but who are not covered by S. 2 as far as the amount of money they can spend is concerned; there are no limits on what those organizations can spend.

In the letter I just referred to, for instance, there is this sentence: "The 1984 Presidential election was publicly financed with an expenditure limitation," the same general kind of expenditure limitation that is contained in S. 2 for Senate races.

And the letter goes on to say, "But in 1984 labor unions spent $10 million in the primary campaign and $20 million in the general election for Mr. Mondale, expenditures which do not require disclosure under present law. Equal funding and equal expenditure limits were not equal."

That is the point, Mr. President, that is confounding the process here in the Senate today as we debate and discuss the issues involved in S. 2. We are being asked on the Republican side to cave in to the pressures of the majority, when to do so would legislate perpetual control of the Senate by the party that is now in power in the Senate.

I am convinced that is true and I think the evidence is very clear that is true.

So to hear the arguments advanced by some of the proponents of S. 2 that to adopt the bill presented to the Senate is really reform is not really hitting the nail on the head, Mr. President. It is true that it is change. It would be different under S. 2 than it is today. There would be sharp limitations and restrictions on expenditures of those funds raised from individual voluntary contributions from ordinary citizens. But there would be no restrictions whatsoever on the individual contribution limits of political action committees. There would be no restrictions on the amount that could be expended by independent organizations such as labor unions and others interested in the same cause as those pushing for the adoption of S. 2, that is, control of the U.S. Senate by the party that is now in the majority.

If we are going to have reform, Mr. President, it ought to be equitable to the extent that all contributions given and all expenditures made are disclosed as to both the source and the candidate benefited.

Now, that does not seem to be unreasonable, does it?

But that is not in S. 2. That is in the Republican alternative which emphasizes disclosure and calls for reduction in the contribution allowed by political action committees to individual companies.

It would be very difficult, however, to learn this by reading newspaper reports of the Senate on this issue. Some of the editorials around the country have given the clear impression that the Democrats are in favor of reform because they want to reduce the influence in Federal elections of political action committees. That has been the central theme of much of the writing about this issue.

But there is not one word in S. 2 that restricts by as much as a dollar the amount a political action committee can contribute to a campaign of a U.S. Senator.

On the other hand, the alternative legislation proposed by Senator STEVENS and others—Senator STEVENS is the ranking Republican member of the Rules Committee which has jurisdiction over the legislation—cuts in half the legal allowable amount that a political action committee can contribute to the election of a Senator. Under current law the limit is $5,000 per election. Under the Republican alternative reported in the Rules Committee the limit would be $2,500. There is no similar change offered by S. 2.

There is another Republican alternative that is being urged by the Senator from Kentucky [Mr. McCONNELL], and the Senator from Oregon [Mr. PACKWOOD], which completely eliminates political action committee contributions. That is a Republican alternative. If you relied only on the newspapers, however, you would not know that the alternative has been introduced, even though it is one of the principal vehicles for true reform before this body.

Instead, what do you read about?

Last year as we were engaged in this debate the majority leader came to the floor one day and put in the CONGRESSIONAL RECORD a stack of newspaper editorials from all over the country urging citizens in effect to put pressure on Senators urging them to support S. 2, because it would control political action committee contributions.

At that time, there was no provision in S. 2 that would deal with restricting those contributions.

It is interesting to look at the RECORD, Mr. President. I think the date was June 9, 1987. The majority leader presented for inclusion in the RECORD a number of editorials, and it was said by some who spoke that day and later that this indicated spontaneous support was developing around the country for the proposal before the Senate—public financing of Senate campaigns. That was the other theme of the legislation at that time.

Let us not let individuals choose whom they may support. Let us have the Federal Government parceling out money to candidates from the Treasury. It was the theme then that this would be a more wholesome and more equitable way to conduct the Federal election campaigns of U.S. Senators.

I looked through the RECORD to see what the newspaper writers were saying, and it was really interesting to see that so many of the editorials were just alike. Some even had the same title. Now I know there are newspaper chains, and it is not unusual for an editorial in one town to appear in a newspaper in that same chain in another city. And there are many chains like that around the country today.

But I doubt that all of these newspapers are in the same chain. Maybe they are.

Here is one of the first ones. It is on page S7795. It is entitled "Hedging Their Bets", and it was published in the Aiken, SC, Standard, dated March 30, 1987. The editorial starts off this way, Mr. President:

> Political action committees as fickle as fortune itself, know how to back a winner. According to a study released recently by the public-interest lobby Common Cause, dozens of PAC's involved in last year's U.S. Senate elections covered both sides.

And then the writer goes on to discuss that in more detail.

Looking on that same page, here is another editorial from the Anderson, IN, Daily Bulletin, dated March 30, 1987. The editorial is entitled "Hedging Bets." It starts off:

> Political action committees, as fickle as fortune itself, know how to back a winner.

And then on and on virtually the same editorial.

I thought that was an interesting coincidence.

Here are papers published on the same day, one in South Carolina, one in Indiana, with almost exactly the same editorials except one has the title "Hedging Bets," the other "Hedging Their Bets."

And then I kept going and I thought I came across a new editorial. Here was one published in Athens, GA, in the Messenger, dated March 17, 1987. The title of this editorial is "Rein in the PAC's—Reform Bill Offers Way to Curb Fundraising Abuses." It starts off this way:

> Fourteen Senators elected in 1986 raised more than $1 million each in political action committee, or PAC, contributions for their Senate campaigns. That more than doubled the number of PAC millionaires in the Senate from 10 to 24. PAC candidates in 1985-86 totaled $45.7 million.

Then I happen to notice on the same page in the Record are two other editorials, one from the Anderson, IN, Daily Bulletin—remember it?—entitled "Rein In The PAC's," dated March 19, 1987. It begins in basically the same way as the editorial that just preceded it from the State of Georgia.

The next editorial is from the Alpena, MI, News, dated March 31, 1987. It, like the editorials that I first read is talking about PAC's hedging their bets.

As you turn through here you come across others that are just exactly alike or very similar to the previous editorials.

Here is one from the Illinois Star Daily of Beardstown, IL, talking about political committees being fickle as fortune itself. Here is another one entitled "Rein in the PAC's," from the Courier News of Bridgewater, NJ.

What we see through here are basically two editorials, obviously not written by the same editorial writer working every day for each of those papers.

The Southside Idaho Press of Burley, ID: "Fourteen Senators elected in 1986 raised more than $1 million each in political action committee."

Well, you go through the editorials, and many of them are just like that, and you get to the end and it says "What we have now is a mess. The Boren-Byrd measure could be a way out."

Well, you know the tragedy of all this is that these editorials were suggesting that the Byrd-Boren bill had provisions that would restrict the contributions made by these political action committees described in the editorials as being the root of the evil in the process. The fact then as now, however, is that S. 2 does not reduce the legal limit of an individual political action contribution in a Senate race. Republicans have that in their bill, but that fact is not found anywhere in their entire stack of editorials, supposedly written by folks who have looked at the subject and are competent to explain to readers of their newspapers the issues of campaign reform.

I am not pretending to know how these editorials came to be published by these papers, who wrote them, or who continues to push on to the public inaccurate statements about this issue. Did you hear the distinguished Senator from Oklahoma talking about how Barry Goldwater and he had developed this legislation and had introduced it? And did you see in the newspapers in Arizona the ads purchased by Common Cause that discussed Senator Goldwater's support for the Byrd-Boren bill and criticized John McCain, the Senator from Arizona, who is urging that a Republican alternative be adopted? Did you know about that? Everybody pretty well knows about that here in the Senate now. Some people around the country are being told that Senator Goldwater supports S. 2. I happen to have had the privilege of being with him out in Colorado soon after the debate got going last year.

Larry Pressler and I, the Senator from South Dakota, served together on the board of the U.S. Air Force Academy. We were talking about that at lunch. He said he did not realize that S. 2 had been converted into a public financing bill. And at that time the central theme being pushed by the proponents was that we were going to go into the Federal Treasury and allocate money to candidates. Well, Senator Goldwater wrote a letter to Larry Pressler. I have a copy here. He sent a copy to Ted Stevens clarifying his position.

Mr. President, I ask unanimous consent to put in the Record a copy of the letter from Senator Larry Pressler to me enclosing a copy of former Senator Barry Goldwater's letter on this subject.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Committee on Environment and
Public Works,
Washington, DC, September 1, 1987.

Hon. Thad Cochran,
U.S. Senate, Washington, DC.

Dear Thad: Recently I had the opportunity to visit with our distinguished former colleague, Barry Goldwater, while I was attending the U.S. Air Force Academy Board of Visitors meeting in Colorado Springs.

During our visit we discussed campaign reform legislation. You will recall that during prior debate on this issue some confusion evolved regarding Senator Goldwater's support of S. 2. Following up on my visit with Senator Goldwater, I received the enclosed letter from him, in which he states his position on this proposal. As you will see, Senator Goldwater states in his letter that he cannot go along with federal government financing in part, or all, of campaigns. As he requested, I did insert his letter into the Congressional Record on August 7th.

In order to clarify Senator Goldwater's position on S. 2, I wanted to share his letter with you.

Sincerely,

Larry Pressler,
U.S. Senator.

Barry Goldwater,
Scottsdale, AZ, August 4, 1987.

Hon. Larry Pressler,
U.S. Senate, Washington, DC.

Dear Larry: At the Air Force Academy, this last weekend, you told me you had not received a letter from me relative to my position on what was once the Boren-Goldwater Bill.

This letter will explain my position. I was very happy to cosponsor Senator Boren's Legislation, but when he introduced federal support, at any level, or any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, federal or local, would be to have the federal government finance part, or all, of campaigns.

I would appreciate your putting my position in the Record, so that my friends, who think I still support the Boren-Byrd approach, can be properly informed, and act accordingly.

It was great seeing you at the meeting the other day. That was a good turnout, and I think we did a lot of good.

With best wishes,

Barry Goldwater.

Mr. COCHRAN. What is clear from this correspondence, Mr. President, is that Senator Goldwater is his words says:

> I was very happy to cosponsor Senator Boren's legislation but when he introduced Federal support at any level or in any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part or all of campaigns. I would appreciate your putting my position in the Record so that my friends who think I still support the Boren-Byrd approach can be properly informed and act accordingly.

In spite of Senator Goldwater's very clear statement disavowing support for the measure before the Senate, we continue to hear that he supports S. 2. It was just stated. It is being promulgated in newspaper ads around the country, at least in the State of Arizona, creating the impression that the sitting Republican Senator from Arizona is in conflict with his predecessor, the former Senator Barry Goldwater, on this issue.

I think it is instructive, Mr. President, in trying to determine where the emphasis is for real reform, to look at the views that were published in the committee report attributed to most of the minority members who sit on the Committee on Rules and Administration.

They looked at the comparison of the legal limits of individual contributions versus PAC contributions and tried to decide, is there a need to change the balance? Is there too much political action committee involvement in election campaigns? If so, what do you do about it? It was noted in the report, and I am reading from page 73 of Report 100-58, Calendar No. 128:

> Under the Federal Election Campaign Act, as amended, individuals may contribute up to $1,000 in a primary, and an additional $1,000 in a general election to a candidate for election to Congress. This limit was set in 1974, and has never been raised despite the erosion caused by inflation over the intervening 13 years. Political action committees on the other hand have been allowed to contribute up to $5,000 per election to a congressional candidate. This figure was also set in 1974, and has never been altered. We propose that these specific limits be amended with the individual limit being raised from $1,000 to $1,500 per election and the PAC limit being lowered from $5,000 to $2,500 per election. Changing the mix of contribution limits will result in congressional candidates becoming more inclined to rely on individuals and less inclined to rely on PAC's to fund their campaigns. We believe that altering the contribution mix so as to increase the value of an individual's contribution and decrease the value of a political action committee contribution will cause candidates for Congress to return to the historic source of their funding and will curtail to some degree the influence of political action committees. Reorienting congressional campaigns back to individual contributors is a goal shared by all Senators.

Well, obviously those who signed and subscribed to those views were wrong about one thing; that is, that reorienting congressional campaigns back to individual contributors is a goal shared by all Senators. We have found out in debate on this bill that that is not true, that rather than do anything about reducing the amount a political action committee can contribute to a campaign, the proponents of S. 2 are arguing against making any change there. They are instead urging us to change the law to impose a limit on the expenditure of those funds as well as individual contributions so that we have a cap on overall spending.

Now, that cap on overall spending is only applicable to the campaign committee of the candidate. This is where the problem comes with that expenditure limit. It would not apply to any organization or other committee that expends money in behalf of that same candidate. If it is a national organization, for instance, that has picked out several races around the country and they have decided to use the resources by hiring telephone bank operators, people who are going to make phone calls to citizens to help get them to go to the polls that day to vote for a specific candidate, if they want to spend in a Senate campaign $100,000 or $500,000 in a State for that purpose, under current law, as I understand it, those efforts not even have to be reported. And under S. 2 there will be no expenditure limit for that contribution or that expenditure to the election campaign for that Senate candidate.

Now, that is the problem, because in Senate campaign after campaign we have seen more and more organizations outside the control and outside the structure of the candidate campaign committees become involved to the extent that they are hiring telephone bank operators, recruiting people to go door-to-door, handing out campaign literature, working at the polls, buying time at the local radio station to advertise against one candidate or on behalf of another. These expenditures would not be restricted under S. 2.

If S. 2 were to pass, I believe that we would see even more of these independent groups not answerable to a candidate, but involved nonetheless just as vigorously as if they were in a candidate's own organization, trying to influence the outcome of elections, and spending whatever they cared to spend from whatever source while the candidate himself would be strictly limited by the S. 2 cap on what the candidate himself raise from individual voluntary contributors. That is the problem, Mr. President. And that is a big problem.

More and more we are finding that organizations that are nationwide, some of them labor unions, some not, are getting very actively involved in the political process to help Democratic candidates. And they have been very successful.

So if you have as your cause, if you have as your goal the perpetuation of control of the United States Senate by the Democratic Party, then you will support S. 2 because that is what you get if you enact S. 2.

One other thing that I think you would get would be the development of independent organizations on both sides of the political aisle, with the practical result, if not the avowed purpose, of getting around the spending limits. If your campaign committee were restricted by law, but you were not restricted to the benefit you could obtain outside that structure from other organizations, your supporters might be tempted to encourage the development of those organizations in the hope that they might support your campaign.

The final result would be more support, more advertising, more help on election day in behalf of your campaign.

I have a suggestion for an alternative that is probably not new, but it occurred to me when I was a candidate for reelection to the Senate in 1984. I was about halfway through the campaign, maybe it was in April or May or June, I have forgotten, but it seemed to me it was over in the middle of the election year and I happened to notice that in Canada they had dissolved Parliament and they were having parliamentary elections. All the members of Parliament had to stand for reelection; Brian Mulroney was reelected Prime Minister. And all of that occured in a period of time that was about 6 weeks. And I thought: Is that not an interesting difference in their system from ours?

Our campaign in Mississippi that year had begun in February, I believe. Election day, as we all know, is in November. And, as a candidate in the race, I was looking to the necessity of having to campaign almost the entire year. And I thought: Would that not be a nice change if we could somehow limit the amount of time in which our campaigns were conducted?

And I thought about the debate that was then going on in the Senate about capping expenditures, turning to the Federal Treasury for campaign money, other changes that were being urged by those who were supporting Byrd-Boren. I thought that shortening campaigns might be an answer.

I do not know how we would do it. When I asked the Congressional Research Service of the Library of Congress to look into the constitutionality of such a statutory change, I was told it would probably require more than a statute, maybe a constitutional amendment. But I think we ought to look at that and think about it. Do we spend as much money as we do in the campaigns because we want to or we like to? Who decides really when to start? Every year campaigns are beginning earlier and earlier and earlier.

Look at this year. Candidates for the Presidency were advertising their candidacies on radio and television in 1987 in Iowa and in New Hampshire, maybe South Dakota, for an election that is really going to be held in November 1988. And just look here in our own body. I know of Senators who are up for reelection this year with an election date in November who have already begun advertising their campaigns for reelection on television in their home States. I am not criticizing that.

I am just wondering: Would it not save an awful lot of money if we had a rule or a law that prohibited the advertising of one's candidacy until 90 days before the election or some other period of time before a primary election or a convention or a caucus or a general election? I would suppose, without having any proof of it, that that would save a lot of money. And I am talking about restricting all advertising. But the Congressional Research Service, as I point out, says that we might have to ask that the Constitution be amended to get that change made.

But, nonetheless, I recall when we were debating the matter last summer, we were required, if we had an amendment to S. 2, to file it, have it printed in the RECORD, or we would not be able to offer it. We had been foreclosed under the rules of the Senate from offering an amendment unless our amendments were printed in the RECORD on a certain day. Do you remember that? And so, I filed my amendment and it was printed in the RECORD.

Another reason why we are resisting cloture, Mr. President, is that other potentially good amendments cannot be offered on S. 2 if cloture is invoked. Under the rules as I understand them, an amendment that I might offer to change the legal limit of a contribution to a Senate campaign by a political action committee would be out of order.

I read from the committee report the minority suggestion of Senator Stevens and others that the individual contribution limit be increased to $1,500 and that the political action committee limit be reduced to $2,500.

I personally think they ought to be the same. Now that is just my personal view. I urged that when some were exchanging ideas about what ought to be in this bill and my view was not included. But I still have that opinion.

If you are concerned about the extraordinary amount of influence in the process by political action committees, why not just make the contributions the same, limiting both PAC's and individuals to the same amount in an election? That would certainly increase the value to a candidate of individual contributions as compared with PAC contributions.

Now, as I pointed out a moment ago reading from the report, the legal limit in an election campaign is $5,000 from a PAC. A PAC can give $5,000 in a primary election and then, if you win the primary and you are in the general, they can give you another $5,000, bringing the total legal contribution from that PAC in that election cycle up to $10,000. For individuals, under the current law, you can get only $2,000.

If I wanted to offer that amendment after cloture is invoked, it would be out of order.

Now I am asking you: Is that fair? Is that the way the Senate should conduct its business, shutting off the right of Senators to offer certain kinds of amendments?

And they wonder why the Republicans are resisting the cloture effort by the majority leader. They wonder why we are trying to explain that there are two sides to this story and only one side is getting out. One side is being told by the editorial writers, one side is being advertised in paid advertisements in newspapers, albeit inaccurately, and the other side is not getting out. Now it may very well be that some organization ought to advertise the other side. I do not know if that is the answer.

I think one answer, though, is simply to continue to try to tell the story and to give the full facts to the American people on the floor of the Senate by discussing why we would like to have some amendments to S. 2 considered; why we would like to have an alternative at least considered. But, no, the vote will be on S. 2 and on amendments to S. 2 that are considered appropriate and in order by the majority under the rules of the Senate that restrict some amendments from being considered or offered.

We also have to recognize that the Republicans are outnumbered in this body right now. Is it not interesting that since 1980, we have had the Senate tied up on this issue only now, only in 1987, when those in the majority now want to perpetuate the majority by the adoption of this bill?

Now, it has been urged as an alternative in various forms for a good while—everybody has their own ideas about how to change this process and improve it. I think it is in need of reform. I think it ought to be changed.

I just mentioned one of the suggestions that this Senator has personally. Let us make the PAC contributions and the individual contributions the same in terms of the legal amount that can be contributed in each campaign. I think that would deemphasize PAC's and it would increase the value of the individual activity and support in a Senate campaign. I think that has value.

I think we ought to consider figuring out a way to shorten the time in which campaigns can be conducted. If you think about it from this standpoint, I think the American people get tired of election campaigns. I do not really think that they enjoy the drumbeat of advertisements, of campaign speeches, of media events all over the country in either the Presidential election campaigns or Senate and House campaigns. I do not see why we cannot turn our attention to focusing on that means of reform and see if we cannot work out a way to change the laws in that respect. I think that would be an important change that we should consider.

The Senator from Oklahoma, in his discussion, talked about how wealthy candidates are benefited under the current system. And they are. If you happen to be a very wealthy person, you have a clear advantage over someone who is not.

Do you know that the Republican alternative has a provision that is designed to deal with that imbalance to try to make it a more level playing field—to use a worn-out cliche, for which I apologize—but the Democratic alternative, S. 2, does not? And that is a big loophole. And the Senate has wrestled with that and has had a hard time coming up with a constitutionally acceptable change in the law.

The Supreme Court, in the case of Buckley versus Valeo, made a ruling that to inhibit or restrict by law a person's own right to contribute to a campaign in his own behalf is an unlawful restriction of his right to free speech. And so we have a problem that we must deal with in designing a change in current law to try to even up the imbalance that now exists between the power of a wealthy individual in a campaign against one who is not.

That is just another example, Mr. President, of the difference between these two bills, these two versions of election reform legislation before the Senate.

What I think we need to have understood today is that it is not just Democrats who want reform. Republicans want reform, too. And a great amount of effort and hard work and thought have gone into the development of alternatives that have been before this body for the last year-and-a-half.

I hope, Mr. President, as we continue to discuss the issue, that we explain to the American people that there are two sides to the story and that it is time that the other side be told.

The **PRESIDING OFFICER**. The Senator from Wisconsin.

Mr. **KASTEN**. Mr. President, a number of us feel that this whole process has gone on long enough. Periodically, for the last 8 or 10 months, we have been debating or debating around S. 2, the bill providing for public financing of campaigns and making other changes in the Federal election law. And, as was pointed out I think very ably by my colleague from Mississippi, we have been debating only a very narrow part of this overall process. There are alternatives. There is more than just S. 2. There are Republican positive, constructive alternatives, and yet we have been debating a very narrow set of issues, simply around one particular bill, and we are in the process of debating, now, all sorts of different sides of this bill.

Actually, through this all, one thing has become clear. Mr. President, the Senate is not going to pass this bill, S. 2. The body is not the House of Representatives. It is not governed by a simple majority rule. Controversial legislation in this body, in the Senate, cannot be casually debated and shouted through as it can in the other body.

The minority in the Senate cannot be treated as if it did not exist or as if its views deserve no consideration, as is sometimes the case in the other body. I do not think the legislative procedures of the other body, especially the treatment of the minority, is anything that we ought to be trying to copy in the Senate, and I am, frankly, shocked and concerned that the leadership on the other side of the aisle appears to disagree with that basic premise and, instead, through a process of trying to force votes through clotures and through other efforts, are forcing something through rather than debating all of the sides of this issue and getting the balance and the deliberation that, in general, distinguishes this body, the United States Senate.

This business of sending out the Sergeant at Arms to break into Senators' offices in the middle of the night and physically dragging them to the floor to force them to vote against their will does more than subject this body to public ridicule; it does more than take up the Senate's time in a year where we have many vital pieces of legislation to act on. It really amounts, Mr. President, to a kind of childish and futile display of impatience with the rules and realities of the Senate and how we ought to be deliberating and working and compromising and coming up with constructive legislation.

There are some pieces of legislation favored by the majority that will not pass this body. That is the nature of the Senate. That is what the Senate is here for.

I want to make it clear that I am no fan of the current system of campaign financing. Senators have to spend far too much time raising money. They do have to make too great an effort, I believe, to stay in compliance with even the existing regulations, with the lawyers and the accountants and all the kinds of work that we must go through and that whole process of raising and spending and accounting for money takes away from time that Senators could spend on legislation and time that Senators could be spending serving in active constructive roles in a campaign.

If it were not that way, every unfair or foolish piece of legislation favored by any majority—not necessarily a Republican or a Democratic majority, any majority—could be railroaded through this body just as it sometimes is, as I said, in the House of Representatives.

To rail against this reality, against this fundamental aspect of the Senate's nature, just to make a partisan political point, because this bill is not going to pass, I think does discredit to the entire body. It is a discredit and it is an embarrassment.

Turning to the content of the legislation, the bill itself, we have to ask ourselves: Why are we doing all of this? It is not on behalf of historic legislation like the civil rights bill of 20 years ago. We are not standing up here deliberating and spending this time on issues like the Panama Canal Treaty or on arms control or the INF agreement which is coming before us. So what is the key issue? Why are we finding ourselves doing this? Why go through all this?

Well, one way of looking at it is that proponents of this bill, the majority in this body, are trying to establish another spending program and, in effect, that is what public financing is right now.

I can justify spending more money on some things to my constituents in Wisconsin. We may have to cut spending elsewhere to pay for spending increases, like for the spending increases that would be included in this legislation, and we might end up by cutting money for very, very important programs. It could be AIDS research, it could be the women's and children's programs, it could be targeted export assistance, it could be research on ways to protect our ground water; these are issues that the people of Wisconsin and the people of this country want us to be spending money on and, because of Gramm-Rudman and because of other restrictions and restraints, we do not have the money that we would like to be spending on these important issues and yet at the same time we have people who are trying to come here and pass a program that is going to be spending millions of dollars. And who will be the recipients of those millions of dollars? Us; the United States Senate; politicians, instead of AIDS research, targeted export assistance, ground water help and the other kinds of issues.

I cannot justify spending millions of dollars of my constituents' money to pay for my reelection campaign or the reelection campaigns of my fellow Senators. I cannot justify it because it violates a fundamental principle of our political system, that people should not be forced to contribute to candidates against their own will.

People should not be taxed in order to contribute to a candidate whose views and positions they might not support. People should not be required, through this system, to contribute to political candidates of either side, if they were to choose not to spend their money supporting the political process through contributions.

There are a large number of people who would prefer to just, simply vote and not be contributing money. This bill means that everyone through the tax system would be contributing money to politicians and Senators for their own reelections.

I had a lot of independents and Democrats in Wisconsin who contributed money to my last campaign and voted for me and supported me. They did it because they liked me and thought I was doing a good job and their help meant a lot to me but what is important is they contributed money to me out of their own free will. They were not forced, they were not taxed, they did not have their arms twisted, they were not conned to having that tax dollar used paying for someone that they did not see reelected. They made the choice.

There is nothing wrong with candidates for public office rising or falling on their own merits. That idea, I think, is central to our democracy. There is no reason that candidates who cannot generate support for their campaigns should be assisted in support by the taxpayers. One of the responsibilities of a candidate for public office, whether it is this Senate or the House or the common council or the assembly or any public office, one of the responsibilities for any candidate for any office is to be able to generate financial as well as voter support for their campaign. That is a job of the campaign and the candidate. That is not a job of the U.S. Government or the taxpayers.

There is no reason that candidates who can generate support should have their task made easier by the taxpayers and if we have got a group of people who have demonstrated over the past years that they can generate financial support, from individual people, it is the people who have gone through the last several election cycles because they have become more and more expensive and more and more difficult and the people who have made it here have been able to generate that kind of support.

We are in the process, now, of taking the group of candidates and incumbents who have already demonstrated the ability to raise money and asked the taxpayer, now, to come in and supplement even those amounts. I want to emphasize that point. Which candidates for public office have the greatest capacity to raise funds? Is it the unknown person who has never run for public office before? Obviously the candidates who occupy public offices already, the incumbents, are the candidates that have the greatest capacity to raise funds. In other words, S. 2 as is written right now does not help the outsiders. What it does is fatten up the war chests, the already fat war chests which incumbent Senators have been able to build up.

Which candidates get the greatest share of special interest contributions? Look at the facts. Especially in the House of Representatives but in our body as well, which candidates get the greatest share of special interest contributions? It is the incumbents in the House and in the Senate. That is one of the reasons why most incumbents are re-elected.

Which candidates already have the advantage of free publicity? Which candidates already have the advantage of Government-financed travel? Which candidates already have the advantage of the franking privilege? Again, it is the incumbents. This bill is saying: take all of those advantages and then tax the people of the United States of America in order to put more money into those advantages which incumbent politicians already have.

Public financing simply gives incumbents one more advantage, an extra leg up. The incumbents would not have to work as hard at finding the minimal support for their campaigns because the Government matches the money they raise with a check from the taxpayer.

Under S. 2, if a candidate accepted public money for his campaign, he would have to abide by the spending limits. Leave aside for the the moment the question of whether too much money is spent on political campaigns; all I would note in passing is that a substantial amount of the money that is spent is going to pay people whose main functions are accounting and legal questions having to do with the compliance with this complex group of laws that we have right now.

But the fact is that there are many cases in which the only way that a challenger would have a chance to defeat an incumbent Senator or an incumbent Congressman is by making a major effort to raise a lot of money, to raise more money than that incumbent raises. The point is that that franking privilege, that free mail is worth a certain amount of money and in order to match it, the challenger has to raise money to match the public funds. In order to match the travel back and forth to the district which an incumbent has, the challenger has to raise money to pay for that travel. The Government is financing that travel. Just to be even, the challenger has to raise more money than the incumbent U.S. Senator in every single one of the races in order to match off the benefits that are already being provided.

Yet, here we are in the process of adding still more to that advantage. I think, under S. 2 it will become nearly impossible for most challengers. People talk about it as an incumbent's bill, and it clearly is. Challengers that declined to abide by the spending limit, that is challengers who decided they had to raise more money in order to match the incumbent's already built-in advantages, those challengers who went over the spending limit specified in S. 2 would find their opponents given, first of all, the public funds that they were denied. So this is money on top of money, taxpayer dollars on top of taxpayer dollars. The incumbent opponent would also be guaranteed the lowest unit rate for television and radio advertising and special first- and third-class mail rates, guarantees denied to the challenger.

There are two exceptions to the rule that S. 2 would block challengers from outspending incumbents, and they are very, I think, interesting exceptions. The Senator from Mississippi alluded, I think, to one. This whole issue of wealthy candidates and how much money individual wealthy candidates can spend on their own campaigns, this issue involves the exception that I was referring to a moment ago. It involves candidates who can raise truly staggering amounts of money relative to the size of that State and with the limits on individual and PAC contributions that we now have, this really means candidates who are themselves very wealthy.

A Republican alternative is trying to deal with that issue.

The second exception to S. 2 involves cases where a challenger has available to him large numbers of people willing to work on his or her campaign. This can happen if a challenger is able to generate some kind of spontaneous enthusiasm among large numbers of people who decide for one reason to go to work for him or her on their own, and this does sometimes happen.

But much more common is the case of a challenger supported by outside groups and particularly by labor unions. Labor unions have a ready-made organization. They can organize their members. They are already organized and they can organize their members for volunteer work on a particular candidate's campaign. They can poll their members as to which candidate those members intend to vote for and then make sure that those members intending, vote for their union leadership's choice, get organized and get to the polls.

Labor unions, in fact, can make many so-called soft money contributions in many ways difficult to monitor.

Again, here is an issue that we are trying to deal with in our alternative dealing with not only the campaign contributions that are presently dealt with individual contributions and with PAC's but also with the so-called soft money, and our alternative discusses and addresses the problem of the soft money but labor unions can make the so-called soft money contributions many different ways and right now under present law most are difficult to monitor. They have that right under our system. There is nothing wrong with what they do, so long as union members are not coerced in supporting candidates they do not wish to support.

But the fact is labor unions, generally speaking, support Democratic candidates most of the time. And it is no coincidence that these kinds of contributions by labor unions are not effectively regulated by S. 2 and no approach is made to regulate them.

Our alternative does not deal with labor unions but with this local soft money group that is tying to address that problem and address it in a thoughtful and I believe a helpful way.

(At this point Mr. ROCKEFELLER assumed the chair.)

Mr. KASTEN. The bottom line is that a system already weighted heavily toward incumbents—and that is what we have got today—would be tilted still further in that direction by legislation which would mandate taxpayer financing of political campaigns.

And the biggest exception to the spending limits that go along with these taxpayer-financed campaigns would be major interest groups that work primarily for Democratic incumbents in most cases.

This is not just an incumbent protection bill. It is a bill that I believe would drastically shift the neutrality right through between the two parties that the present system has heavily in favor of the Democratic Party. I think it is wrong.

There are a number of important differences when people talk about S. 2 and Presidential election funding. Some have said on the floor that, "Heck, it works, it is wonderful and it works very, very well for the Presidential campaigns. Why don't we simply put the same system in place for the Senate campaigns?"

S. 2 proponents argue that the so-called success at the Presidential election funding means congressional public financing and spending limits will be successful.

This, Mr. President, is falacious.

As section 4 points out, the assumption that Presidential public funding and spending limits have been successful is arguable at best. Even if it were a success, I do not think it follows that a similar scheme would be successful for a Senate campaign. Presidential and Senate races are fundamentally different. The advisability of Presidential candidates is very, very high and clearly we have all seen that over the past few weeks as the primary season has begun. The campaigns of major Presidential candidates during the general election period had nearly 100 percent name identification and we are seeing close to that in some of the key public primary States already. Such statistics are a dream for most challengers to the U.S. Senate campaigns and especially to congressional campaigns. They simply do not have that kind of recognition. You simply cannot get that kind of name identification. You do not have that kind of visibility in newspapers, the television, or on the radio.

Presidential campaigns receive extensive news coverage in the print and broadcast media daily. This is not true for Senate campaigns. This is not true for House campaigns. Senate campaigns must achieve visibility through personal campaigning by the candidates and importantly through paid advertising.

Paid communications are a principal informational mechanism in congressional campaigns to a much greater degree than they are in any Presidential campaigns.

As section 4 also points out, the quagmire of enforcement problems creating in the public violation in enforcement has actually increased the public system about the election process.

In fact, Presidential public financing has served to destroy direct public participation in campaigns, reducing the citizen's role to a kind of a passive watcher of the TV advertisements.

David Broder, a senior political analyst for the Washington Post, recently observed and I quote:

> There is a cost to public financing. Public financing of Presidential campaigns has meant a virtual shutdown of local headquarters financed by small contributions. Grassroots democracy has died.

There is another argument that is being worked through here having to do with undisclosed expenditures. Spending limits are premised on the fallacy that by limiting spending, they will reduce the money spent on campaigns. This also is wrong. This same amount of money is likely to be spent. It will just be spent on projects that will not count against the spending limits and in certain cases will not be reportable. In other words, soft money will proliferate.

Our Republican alternative recognizes that and tries to deal with that fact.

If we are going to look at spending, let us talk about the entire amount of money spent. A top priority of spending limits in effect will be ways to find help for the candidate that is not allocable against spending limits and is not reportable.

Is that good? Do we want to switch these Senate campaigns to the same kind of exercises that the Presidential campaigns are now going through? Do we want to end up in the position in order to avoid an Iowa limit, for example, certain people spent 1 night in Omaha, out of every 5 days. They can say they are in one State when they are in fact in another.

Do we want to have all the cars rented for Iowa campaigns be rented in Illinois so they be allocable to the Illinois campaign limits, not to the Iowa campaign limits?

Do we want to see what we have been doing in working around the limits in New Hampshire as people are working to spend money in surrounding States and end up virtually every candidate in one way or another running for President has serious FEC violations filed against him and in certain cases have been found to be in violation of the law?

That is where we are going if we start to take this Presidential system and move it into the Senate campaigns.

A top priority, as I said, of spending limits in effect will be simply spending more time to find ways around the spending limits and to find issues that are not reportable or expenditure that are not allowable. I do not think that is good.

If spending limits for candidates exist the impact of expenditures will be much greater.

Again one of the issues which we as Republicans are trying to address is how to work with these independent expenditures, particularly the negative ads that come on with little or no attribution to or by the candidate himself. If we start putting spending limits on our campaigns the impact of independent expenditures is likely to accelerate. The amount spent on elections again will not be reduced but if the candidates are limited in what they can spend themselves independent expenditures will become relatively more and more important.

The amount of money spent on independent expenditures will be a greater proportion of the electoral pie, if you will. We have got *x* numbers of dollars and see that independent group grow as we see the regular campaign being chopped back or limited.

The system is better off if the money that is going to be spent on elections, all of the money that is going to be spent on elections is challenged through candidates and parties rather than through special interest groups and particularly rather than through these independent expenditure groups which are specialized generally speaking in irresponsible, negative ads.

What we want to do is to see the system channeled through the campaign committees not a growing system that is working out here.

A leading study on the funding of Presidential campaigns has noted the following:

> The limitations upon expenditures have become increasingly restrictive and have spawned a whole series of serious problems of the definition, allocation and enforcement. On the other hand, the efforts to control total spending in Presidential races has not succeeded.

A further quote:

> The act has not succeeded in arresting the upward spiral in campaign spending, increases have come about therefore through conduits which are not under the control of the candidates although in some instances this spending may be coordinated with the campaign organization. Spending by labor unions and corporations for so-called internal communications is also outside of the candidates' direct control but ought to be at least part of this overall process.

We are not talking about simply limiting a campaign. We are talking about limiting the dollars spent in the process of electing public officials and if we just take and deal with one tiny bit of it as S. 2 does we do not solve the rest of the problem.

Moreover, if I go back to my quote now, "We cannot be sure if these expenditures are increasing since by and large they do not have to be reported to the FEC."

Those quotes are from a study entitled "Financing Presidential Campaigns, The Recommendations Of The Campaign Study Group" by a gentleman named Christopher Alderton.

Another argument that has been raised talks about the political process and how I believe the discussion has been twisted. S. 2 alone I think would hurt the political process, not help it. The reforms there being proposed I think would block true reforms that could come out of either this eight Senator committee that is supposed to be working even this afternoon they may be meeting, if we were to pass S. 2 I think we would block or hinder efforts for true reform in the future.

Spending limits damage the American political process as much as public financing. Money allows candidates to present their views to the voters. That should not be restricted by either spending limits or by public financing. It is especially important I believe that challenger candidates have enough money to become available to the public so they get their message across. Spending limits make that difficult. Spending limits in general would benefit the Democratic party. The Republicans can raise more money through Democrats through small grassroots contributions. This has been discussed last night, discussed again. Smaller contributions and a greater number at least so far is somethig that the Republican candidates in general have been able to do well at. The fact is that the Democrats as of right now have very few small donors among the American public they do have more larger donors and particularly in the House overrepresents significantly more special interest or PAC contributors than do the Republicans.

Spending limits are therefore the Democrats' way of overcoming their inability to raise money from average people who would like to contribute to campaigns. Spending limits would eliminate from the American political system the role of the small donors and help the other political party by not hurting their PAC groups and their special interest groups.

I said that if we were to pass S. 2 and I am certain that we will not, that we would block true reform. I believe that this bill would hurt our ability to look at the entire package. In other words, I believe that this would be difficult once we passed S. 2 for us to go back and to look at a comprehensive bill which I think is what we need to do, a bill that would cover all of the bill that would cover all the spending.

For the purposes of making the point I ask unanimous consent that a list of both Republicans and Democrats 1988 incumbent Senators' PAC contributions listed from January 1, 1987 through June 30, 1987 be inserted in the RECORD at this point.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

1988 Incumbent Senators PAC contributions

[Jan. 1, 1987 through June 30, 1987]

Bentsen (D)	$1,128,770
Sasser (D)	444,580
Hatch (R)	426,211
Byrd (D)	410,330
Riegle (D)	370,615
Mitchell (D)	353,850
Lautenberg (D)	313,800
Bingaman (D)	304,737
Burdick (D)	275,952
Melcher (D)	248,238
Moynihan (D)	237,900
Heinz (R)	237,057
Danforth (R)	228,405
DeConcini (D)	227,050
Trible (R)	226,609
Metzenbaum (D)	209,285
Hecht (R)	193,950
Wilson (R)	190,050
Chafee (R)	168,550
Durenberger (R)	166,450
Roth (R)	166,276
Sarbanes (D)	158,750
Lugar (R)	147,590
Wallop (R)	140,716
Weicker (R)	118,813
Karnes (R)	48,600
Jeffords (R)	38,800
Matsunaga (D)	31,000
Kennedy (D)	28,300
Evans (R)	2,350
Chiles (D)	0
Stennis (D)	0
Democratic Senatorial Campaign Committee (Kerry)	573,967
National Republican Senatorial Committee (Boschwitz)	[1] 128,973

[1] Ninety-five percent from receipts from The President's Dinner

NOTE.—Democrat Total: $4,743,157 (65%)—average: $316,210 (15 candidates take PAC money). Republican Total: $2,500,427 (35%)—average of $166,695.

Mr. KASTEN. Mr. President, in making this point further I think it is important to recognize where we stand today in terms of the political action committees. It has always been the case in the House of Representatives in certain cases because the PAC's contribute to incumbents and there are more incumbents who are Democrats in the House of Representatives, in certain cases because the PAC's contribute to leadership and there are more Democrats in the leadership of obviously as chairman of the committees and subcommittees but the fact is that Democrats outstrip Republicans in PAC funds not only in the House of representatives but in the Senate as well.

There was an article recently by Brooks Jackson in the Wall Street Journal in which he pointed that out:

[From the Wall Street Journal, Aug. 18, 1987]

DEMOCRATS OUTSTRIP REPUBLICANS IN PAC FUNDS AS INCUMBENTS HOARD $94 Million in War Chests

Democratic House and Senate members have raised $12.6 million from political-action committees so far this year, nearly twice as much as the $6.4 million raised by Republican lawmakers, latest campaign-finance reports show.

The reports show also that incumbents have hoarded a record total of $94 million with which to scare off or defeat potential challengers. Democratic lawmakers hold 51% more campaign cash than Republicans.

The reports, filed by candidates with the Federal Election Commission, cover the first six months of the year. The FEC provided a computer-aided tabulation. Figures are preliminary; tardy and amended reports will be trickling in for weeks. But they provide the first substantially complete look at how incumbents are financing their 1988 re-election campaigns.

The money chase is accelerating even as the Senate continues a partisan debate over revising the campaign-finance laws. Democrats favor and Republicans so far refuse to accent legislation to limit spending by congressional candidates, and to restrict the totals that candidates may accept from PACs.

Such a bill, applying to Senate candidates, is being pushed strongly by Senate Majority Leader Robert Byrd (D., W.Va.) Despite weeks of debate and behind-the-scenes maneuvering, Sen. Byrd was unable to muster the 60 votes needed to break a Republican filibuster against the PAC-limit measure. The Senate will take it up again after Labor Day.

Meanwhile, Sen. Byrd has reported getting $410,329 from PACs, the fourth-highest total amount among Senators and more than double what his bill would allow. His special-interest money came mostly from labor unions, including gifts from the Teamsters, construction trades and various public employee unions.

BUSINESS SUPPORT FOR BYRD

But business interests gave heavily, too. A total of $20,000 came from two PACs representing Chicago-based commodity traders. The Association of Trial Lawyers of America, seeking to prevent limits on jury awards to plaintiffs, gave $10,000. Military contractors, insurance interests, energy and transportation companies gave thousands more through their political-action committees, political war chests fueled by individual contributions. Sen. Byrd's main money-raiser is a Washington lobbyist, Patrick Griffin, who until 1985 had been an aid to Mr. Byrd in the Senate. Mr. Griffin said Sen. Byrd plans to raise at least $2 million for his re-election.

The overwhelming amount of it will be from out of state," Mr. Griffin says. "West Virginia just cannot support it."

Another leading proponent of the spending-limit bill, Democratic Sen. George Mitchell of Maine, also exceeded the PAC limit he is proposing. He raised $353,850 from PACs, though the formula in this bill would limit Maine Senate candidates to $190,950.

Sen. Mitchell concedes that exceeding his own proposed limits opens him to "charges of inconsistency and hypocrisy," but says doing otherwise would be political suicide. "Unless all candidates are bound by the same rules, before long no senators supporting such limits will remain in office," he says.

The latest reports show that Democratic incumbents continue to be more dependent on special interest money than Republicans. Democratic senators got nearly 34% of their money from PACs during the first six months, compared with 28% for Republican senators. Democratic House members got 45% from PACs compared with 42% for GOP House members.

BENTSEN LEAD ALL OTHERS

In fact, a Democratic senator easily outdistanced all others in PAC receipts for the period. Sen. Lloyd Bentsen of Texas, chairman of the Finance Committee where both tax and trade bills are written, reaped $1.1 million from PACs.

Sen. Bentsen suffered earlier this year from publicity about a "breakfast club" of lobbyists with whom he agreed to meet regularly over eggs and bacon, in return for $10,000 PAC donations. Sen. Bentsen admitted to "a doozy" of a mistake and refunded the money. But many of the same donors had given again by June 30, the last day covered by the latest reports.

Another Finance Committee member, GOP Majority Leader Robert Dole, raised PAC money this year in a variety of ways.

His presidential exploratory committee got $174,659 and his own political-action committee, Campaign America, got $189,454 from other PACs. Meanwhile, just to be safe, Sen. Dole also set up a "Dole for Senate '92" committee, which took in $5,570 from PACs.

Republican Sen. Orrin Hatch of Utah raised $426,211 from PACs, almost all of them sponsored by corporations or trade groups, the third-highest total of any senator. And House Republican Leader Robert Michel of Illinois raised $149,80 from PACs, placing third among House members.

Incumbents of both parties often raise money long before they have any real need for it, openly hoping to frighten away challengers. As of June 30, more than 17 months before election day, 10 House members reported more than $500,000 each, and 11 Senators reported $1 million or more.

DREIER LEADS IN CASH ON HAND

Republican Rep. David Dreier of California reported the highest total of cash on hand of any House member: $964,376. He has won his last two elections with more than 70% of the vote, and Congressional Quarterly's "Politics in America" yearbook says "he is about as safe as he can be" from any political challenge. Yet Rep. Dreier says he's planning another of his yearly California fund-raising events in September.

I think it's important to build and maintain a strong base of support, said Representative Dreier. "As a Boy Scout, I was always prepared."

But the point here is what we are seeing is a large number of incumbents, a large number of people, who already are piling in the money, and frankly we are also seeing some real problems in terms of the direction we want to go.

What are we going to do about these PAC's? What are we going to do about articles such as the one that I just read from, and what does S. 2 do about PAC's? What does S. 2 do to address the problems that I just outlined here citing examples from both sides of the aisle? S. 2 fails to reduce the amount a PAC can contribute to a candidate for the Senate. Some people think that is not the case.

There was a paper in my home State of Wisconsin which thought we were in the process of limiting PAC contributions. They are wrong. S. 2. fails to reduce the amount of money a PAC can contribute to the candidate for the Senate. It simply limits the amount a candidate can receive in the aggregate from all political action committees.

S. 2 in no way reduces the perceived problem that a Member of Congress may be unduly influenced for a $5,000 fee. S. 2 would allow an individual PAC to give the same amount of money as under current law and thereby the same amount of influence under the logic of those who say we should be the main PAC's.

Republican proposals which limit the size of the contribution from a special interest to a candidate is a more direct way to deal with actual or apparent undue influence by a political action committee. The proponents of S. 2, the opponents of our Republican alternative, have projected this approach because, I believe, they recognize their candidates are more dependent upon large contributions from special interests than our Republican candidates.

In 1986 elections, Democratic Senate and House candidates received 55 percent of all contributions made by PAC's, compared to 45 percent for the Republican candidates. In addition, PAC contributions accounted for an average of 37 percent of the money raised by Democratic Senate and House candidates, 28 percent for Republican candidates.

So far in 1987, Democrats are raising nearly twice as much PAC money as Republican Senate candidates, as I pointed out in my article, and are making special interest money the centerpiece of a large number of their fundraising efforts.

Furthermore, S. 2 has to some degree the opposite effect from that which is desired. A PAC is a collection of individuals, political action committees, a collection of individuals with common goals and concerns who band together to better participate in our electoral process. More people now give through PAC's than through direct contributions.

In the 1984 cycle, almost 5 million people are estimated to have gotten involved through PAC's. We should encourage this involvement which is fully reportable and a matter of public record. S. 2 would limit this public participation by only allowing some PAC's to contribute to candidates. This would work to the advantage of some of the large powerful political action committee, PAC's, based in Washington. The grassroots PAC's without a Washington presence are the likely probable losers.

If the candidate is limited to what they can accept, those PAC's which have the information to move quickly would be the ones that would get to contribute and those would be the big power PAC's right here in Washington. It might not be S. 2's intent but it is a likely result.

For example, if the Senator knew he could raise only a limited amount of money from PAC's, total aggregate, he might do things a little bit differently. He would not have to bother with meeting with a whole number of PAC's across the country, going out into the grassroots where the smaller political action committees are and familiarizing himself with those issues, and those people. Instead, he would simply hold one big PAC event, one big night in Washington, and contribute to his campaign that night, the big ones would be there on a first come, first serve basis, and he would be up to his legal limit and his efforts of fundraising would be ended.

I think it is important to recognize that we simply are not doing what we say we intend to do. Complying with the provisions of S. 2 could be as difficult as complying with the Presidential campaign law. As I pointed out before, this has been very, very difficult. Listen to this account from the 1984 Mondale campaign.

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission.

Remember, this is 4 years after the day the Mondale campaign registered the first time with the Federal Election Commission, 26 months, over 2 years, after the campaign.

These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

A BROAD RANGE OF ISSUES

A broad range of legal issues arises throughout the course of a presidential campaign. While the primary emphasis is on election laws, there are a number of other legal matters that also require attention; for example, tort liability, contracts, equal employment opportunity laws, corporate law, copyright questions and communications law. These problems range from weighty legal questions to those that sound more like the script of a television sitcom.

For example, during 1984, Mondale staffers and volunteers backed a rented truck into a cathedral in San Francisco, damaging both; clipped a wing off an airplane with another truck; broadsided a cow with a rental car (the cow was held liable); and drove another rental car the wrong way down a one way street into an oncoming fire engine with its siren on and lights flashing. A routine day also included a request for permission to market a "Gerry" wig.

With such a range of legal problems, it is important for a campaign treasurer and the campaign's counsel to find as much volunteer legal help as possible. There is a need for those who may be able to spend large amounts of time and those with critical expertise, but who are only available for telephone consultations and an occasional meeting.

When the campaign is in full swing, in-house lawyers and campaign managers can easily lose perspective. Invaluable to use were two seasoned practioners who were there to reason with or pitch in during times of crisis.

Mr. President, I would like to at this point ask unanimous consent to have this article by Lyn Oliphant, Pat Fiori, and Michael Berman, which appeared in the Federal Bar News & Journal entitled "Counseling a Presidential Campaign" appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Federal Bar News & Journal, February 1987]

COUNSELING A PRESIDENTIAL CAMPAIGN

(By Lyn Oliphant, Pat Fiori, and Michael S. Berman)

The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.

Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.

In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign fi-

nancing. Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended,[1] the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

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With such a range of legal problems, it is important for a campaign treasurer and the campaign's counsel to find as much volunteer legal help as possible. There is a need for those who may be able to spend large amounts of time and those with critical expertise, but who are only available for telephone consultations and an occasional meeting.

When the campaign is in full swing, in-house lawyers and campaign management can easily lose perspective. Invaluable to us were two seasoned practioners who were there to reason with or pitch in during times of crises.

One of the key questions confronting the treasurer is how to structure the internal campaign organization in order to facilitate compliance with the law. From a legal standpoint, the treasurer is the key person in the campaign because that person is responsible for FECA compliance.[2] The treasurer is, in essence, the client and, for this reason, the jobs of treasurer and counsel should never be filled by the same person.

A second key element in fostering compliance is a good accounting system. It should be in place before any financial activity occurs. Whether to maximize matching funds[3] or to stay within expenditure limits,[4] a solid accounting system is essential.

UNRESOLVED QUESTIONS

Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

1.—Delegate committee

Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees.[5] One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.[6]

Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate.[7] These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees.[8] However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

The issue was not resolved in this matter because the campaign entered into a conciliation agreement with the Commission.[9] In late 1986, the Commission considered proposed staff revisions [10] to the regulations intended to clarify this question, but it has never adopted a notice of proposed rulemaking. Thus it is entirely possible that the ambiguity of these delegate regulations will not be resolved before the next campaign counsel must render advice on this question.

2.—Redesignation of excessive contributions

Another issue that was resolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

Campaigns frequently receive aggregate contributions from an individual in excess of the $1,000 limit.[11] One option available to the campaign is to simply return the excess amount in a timely fashion.[12] This is not the most desirable course of action if there is some other lawful way in which the funds might be used by the campaign. A second option is to redesignate the excess amount to a general election compliance fund.

The FEC manual for publicly financed campaigns[13] published in 1983 does not address the question of what procedure a campaign must use to redesignate excessive primary contributions to the general election compliance fund. Unfortunately, the FEC did not resolve this question in its regulations in time for the 1984 campaign.

The issue is whether a campaign may simply notify a contributor that the excessive amount of his contribution is being redesignated by the campaign or whether the contributor must sign a form agreeing to the redesignation. Both options were used by different campaigns in 1984.

In our view the most sensible resolution is to permit redesignation with notice by the campaign, so long as the contributor is given a period of time to request a refund.

If the FEC fails to resolve this issue, campaigns might consider including language in the original solicitation and on the contributor card specifying how excessive contributions will be redesignated or allocated.

3.—Sources of funds for repayments and penalties

Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds.[14] The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

In the aftermath of the 1984 campaign, the FEC took the position that repayments are neither qualified nor nonqualified campaign expenses.[15] Unless the Commission makes clear from what funds repayment may be made, candidates in 1988 will not know whether they will be able to make repayments from their regular campaign accounts, which include a mix of private and public funds.

The Commission has taken a clear position that civil penalties can only be paid publicly-funded campaigns from sources which do not include public funds.[16] Similarly, the Commission should take a position on the repayment question.

4.—Draft committees

Through no fault of the FEC, the status of draft committees remains unresolved.

Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.[17] Meanwhile, the Congress made a minor change in the FECA's reporting requirements. The federal appellate courts confirmed the lower court decisions and interpreted the change in the law as subjecting draft committees to the reporting requirements but not the contribution limits.[18]

Congress, despite the FEC's repeated recommendations,[19] has not chosen to take further action, leaving the FEC essentially powerless to extend its control over draft committees.

CURRENT STATUTORY AND REGULATORY DILEMMAS

In certain respects the FECA was not designed nor has it been modified to deal with the passage of time. Certain of the regulations adopted by the FEC seem to deny the realities of modern-day campaigns, while others beg for a rationale. The net results is that the law has become substantially more burdensome than it needs to be to meet its overriding goals.

1.—Contributions limits

The FECA limits contributions by individuals to $1,000 per election.[20] Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.

Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals.[21] PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and

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Footnotes at end of article.

spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

If we are not careful, over time the FECA will go the route of all those campaign finance laws which preceded it.

2.—*Primary matching funds*

Under the Presidential Primary Matching Payment Account Act,[22] a candidate seeking nomination by a political party may opt to accept public funding to match contributions which the candidate raises privately. After meeting certain threshold requirements, private contributions are matched with public funds up to the first $250 received from each individual, up to an aggregate amount equal to one-half of the expenditure limit.[23] The $250 matching amount has not increased since the 1976 campaign. The amount of matching funds the candidate may receive has doubled.[24]

Currently, contributions cannot be matched unless they are made and received after January 1 of the year before the election and before December 31 of the election year.[25] No matching funds are distributed to candidates until after January 1 of the election year.[26]

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. A candidate should be permitted to begin a campaign two or three years before the general election year if he or she is willing to register a committee at that time.

The end of the period during which private contribution are eligible for matching, December 31 of the election year,[27] is unrealistically short. Many candidates finish the primary season in debt. The period between the national conventions, which mark the end of the primary season, and the general election is the most difficult time for most candidates to raise primary funds. Candidates who have met the eligibility threshold for matching funds should be allowed to continue to raise contributions that qualify for primary matching funds until all debts, and winding down costs, have been met. At a minimum, the matchability period should be extended for a full year after the election.

Campaigns must be particularly mindful of the current limitations as they accumulate debts during the later stages of the primary campaign.

3.—*Expenditure limits*

A presidential candidate who accepts public funds for the primary or general election is limited in the amount he or she can spend in those campaigns.[28] These limits are adequate to enable a candidate to mount a viable campaign. However, the FECA creates one limit on general campaign activity [29] (in 1984, $20.2 million) and a separate limit for fund-raising [30] (in 1984, just over $41 million).

The separate limit for fundraising serves no useful purpose. It greatly complicates record-keeping and compliance. And, candidates are encouraged to devise ways to bypass it. For example, when using the mail as a persuasion device to reach large numbers of voters, the inclusion of a pitch for funds transforms the cost of the letter into a fund-raising expense.

One limit combining the amount allowed for general campaigning with the amount allowed for fund-raising is more realistic, would void the need for such "creative" devices and, of equal importance, would ease bookkeeping.

4.—*State-by-State limits*

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds.[31] These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickle he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter, of the Act.

5.—*Grassroots expenditures*

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979.[32] Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.

Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process, is lost.

6.—*Use of private aircraft*

The FEC's regulations controlling the use of private, nonscheduled aircraft by federal campaigns are something to behold. By careful choice of airports and selection of aircraft based on who owns the plane (regular charter company or other corporation), the amount which a candidate pays for a trip may vary by tens of thousands of dollars.[33]

REVISION OF PUBLIC FINANCING REGULATIONS

The Commission is considering significant revisions to its public financing regulations.[34] Some of these changes can have significant impact on the audit process and on the ultimate financial position of the campaign. The proposed changes to watch include:

Shifting the burden to candidates to prove that reallocations by FEC auditors are incorrect.[35]

Requiring that taxes paid on any income earned from funds invested by the campaign be counted as expenditures subject to the overall expenditure limit.[36]

Considering expenditures incurred before the date of ineligibility [37] as non-qualified expenses if the goods or services are received after the date of ineligibility.[38]

Considering the costs of preparing the matching fund submissions as a fund-raising cost rather than a compliance cost.[38]

Requiring a campaign to have all assets appraised at the time of acquisition and at the time of disposal.[40]

Using the last-in-first-out method for determining when a candidate no longer has matching funds in his or her account.[41]

Changing the treatment of loans to publicly financed campaigns by various alternatives such as requiring certain types of security for such loans.[42]

Requiring 100 percent repayment of nonqualified expenditures paid after the date of ineligibility.[43]

THE COMMISSION AND STAFF

At one time or another every presidential campaign will deal with the Commission, the General Counsel's office and Audit Division.

In each instance in which the Commission, itself, has considered matters specifically relating to our campaign, its decisions have been fair and reasonable. This is not to say that we like the outcome of every encounter with the Commission. It is to say that the results were reasonable in the circumstances.

Throughout the campaign, our lawyers, talking with the General Counsel's office, and our accountants, talking with the Audit Division, were accorded courteous and helpful treatment. We encourage every campaign to establish these lines of communication. However, you must keep in mind that your comments during these communications may be noted for the record by FEC personnel and used during an audit or investigation.

The Commission and its staff acted expeditiously during the campaign, when time was of the essence, in such things as certifying and delivering matching funds. However, the post-election audit process dragged on longer than should be necessary.

It is not clear to us whether the length of the post-campaign audit process is a function of the experience (or lack thereof) of some of the auditors, their practice of going beyond sampling in reviewing certain kinds of transactions, a lack of funding, or the propensity of the audit staff to constantly be searching for new theories under which transactions are/can be deemed improper. Whatever the cause, there has to be some way to complete it more quickly.

There are several changes that would likely speed up the process. First, the FEC should adopt regulations and require adherence to strict time deadlines for the completion of audit work and the staff review. Second, the audit should not be commenced and, at least, shouldn't be brought to even a preliminary close until the bulk of the financial activity has been completed. In no case should the audit of a successful primary candidate begin until after the general election. Third, allocate less time to state limits. As much as 50 percent of staff audit time may be devoted to the state limits, which essentially means reviewing expenditures in Iowa, New Hampshire and Maine.[44] While the Commission does have an obligation to enforce the state limits, this does not seem like an appropriate allocation of audit time, given the size of the total campaign.

Because presidential campaigns are a unique animal in the election law firmament, perhaps the Commission and the campaigns would be well served by using major accounting firms to handle this audit under the supervision of the Audit Division.

SERVING AS TREASURER

The FECA requires that a campaign have at least one officer, a treasurer.[45] No contribution can be received or expenditure made when that post is vacant.[46] Oftentimes the title of treasurer is given as an honor to a prominent supporter. However, in our view, treating the job of treasurer as an honorific rather than as an operating position is a mistake for the campaign and for the individual seeking or accepting the "honor."

Treasurers will be found by the Commission to have violated the Act, in their official capacity, if the campaign committee is found to have violated the law, whether or not the individual has taken any specific action which violates the law.[47] The Commission's theory seems to be that some individual must be accountable for the activities for the campaign. With that theory as a premise, the only alternative to holding the treasurer liable would be to hold the candidate liable, and that policy would not likely last longer than the time it took the ink to dry on the document proposing it.

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will be at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibilities under the Act, the last report is filed, the last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

While we have written about many of the problems and frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and diligent efforts by all concerned you can avoid adverse consequences to the operation of the campaign with the FECA.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

FOOTNOTES

[1] 2 U.S.C. § 431.

[2] 2 U.S.C. § 432(a).

[3] 26 U.S.C. § 9034.

[4] 2 U.S.C. § 441a(b); 26 U.S.C. § 9035(a).

[5] FEC MUR's 1667, 1704.

[6] *Id.*

[7] 11 C.F.R. § 110.14(d)(2).

[8] AO 1980-5.

[9] MUR 1704.

[10] FEC Agenda Doc. 1986-94.

[11] 2 U.S.C. § 441a(a)(1).

[12] 11 C.F.R. § 103.3(b).

[13] FEC, Manual for Candidates Receiving Presidential Primary Matching (1983).

[14] 26 U.S.C. § 9038(b); 11 CFR §§ 9038.2, 9038.3.

[15] Brief for the Federal Election Commission in Mondale for President v. FEC, No. 85-1338 (D.C. Cir).

[16] 11 C.F.R. § 9038.4(b)(4).

[17] FEC v. Florida for Kennedy Committee, 492 F. Supp, 587 (S.D. Fl. 1979); *rev'd*, 681 F.2d 1281 (11th Cir. 1982); *reh. denied*, No. 80-6013 (11th Cir. Oct. 8, 1982); FEC v. Citizens for Democratic Alternatives in 1980, 655 F.2d (D.C. Cir.) *cert. denied*, 454 U.S. 897 (1981); FEC v. Machinists Non-Partisan League, 655 F.2d 380 (D.C. Cir.), *cert. denied*, 454 U.S. 897 (1981).

[18] *Id.*

[19] FEC Legislative Recommendations, FEC Annual Reports, 1980 to 1985.

[20] 2 U.S.C. § 441a(a).

[21] 2 U.S.C. § 441a(1)(c).

[22] 26 U.S.C. § 9031;11 C.F.R. Parts 9031-39.

[23] 26 U.S.C. §§ 9033(b), 9034; 11 C.F.R. § 9033.2.

[24] 2 U.S.C. § 441a(c).

[25] 26 U.S.C. § 9034(a); 11 C.F.R. § 9034.2(c)(4). The starting date of the period is set by statute, the closing date by FEC regulation.

[26] U.S.C. §§ 9032(6), 9033(c); 11 C.F.R. §§ 9032.6, 9037.1.

[27] 11 C.F.R. § 9034.2(a)(4).

[28] 2 U.S.C. § 441a(b).

[29] *Id.*

[30] 2 U.S.C. § 431a(b)(vi).

[31] 2 U.S.C. § 441a(b)(1)(A).

[32] U.S.C. §§ 431(8)(B)(X), (xii).

[33] *Cf.* 11 C.F.R. §§ 114.9(e), 9034.7(b)(7).

[34] 51 Fed. Reg. 28154, August 5, 1986. These proposed revisions were pending before the FEC at the time of drafting this article.

[35] Proposed § 106.2(a)(1).

[36] Proposed § 9034.4(a)(4).

[37] Under FEC regulations candidates are no longer "eligible" to receive matching funds: (1) when they became inactive; (2) when they fail to receive at least 10 percent of the votes in two consecutive primiaries; or (3) at the end of the matching payment period (for major party candidates—the date of nomination). 11 C.F.R. §§ 9033.5(a), (b), (c).

[38] Proposed § 9034.4(b)(3).

[39] Proposed § 9035.a(c)(1). This addition to the regulations would essentially ratify the approach used by the auditors in 1980 when the regulations were silent as to treatment of the costs.

[40] 51 Fed. Reg. 28154, August 5, 1986.

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] FEC Written Responses to Questions by Congressman Al Swift Concerning Fiscal Year 1987 Budget Request, February 18, 1986.

[46] *Id.*

[47] Agenda Doc. 84-79, adopted at Open Session held on May 24, 1984.

Mr. KASTEN. I thank the Chair. The point of this article is that the campaign process which some are now saying works at the Presidential level clearly does not work in the way that many had hoped it would work when the bill was passed. And it is almost incredible to think but 26 months after the Mondale campaign has ended, 4 years after they first filed with the FEC, we still have two lawyers and an accountant in two different offices going back and forth trying to deal with the problems of their campaign.

There is one other article that I ask unanimous consent to have printed in the Record. It is from the Washington Post, August 10, 1980. And I think the headline is important with regard to the issues that we are faced with. The question here is "Are the Candidates Worth Your $100 Million in Taxes?" That is the headline. The subheadline is: "The booze, balloons, junk mail, limousines, nepotism and boring convention speeches that your dollars paid for."

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 10, 1980]

Are the Candidates Worth Your $100 Million in Taxes?

THE BOOZE, BALLOONS, JUNK MAIL, LIMOUSINES, NEPOTISM AND BORING CONVENTION SPEECHES THAT YOUR DOLLARS PAID FOR

(By Mary Meehan)

Hey, there, taxpayers! If you turn on the TV tomorrow to watch the Democratic convention, you should realize that you are paying for the big show. Gavel to gavel, you're footing the bill for the podium design, the balloons, the banners, the music, the security, the sound system and the convention staff.

If the Democrats put on a dull show, you will have every right to complain, because each day of the convention will cost you more than $1 million. This should at least buy good entertainment, speeches equal to the best of William Jennings Bryan, and a presidential ticket worth voting for. If you get none of the above, you will know that another government program doesn't work.

Your tax money, moreover, is still paying leftover bills from the Republican convention that so many of you didn't bother to watch. You're also paying a large share of the bills from the primary campaigns of both parties—including tabs for booze and limousines and the like—and you will pay all costs of the Democratic and Republican presidential campaigns this fall. In 1976 the candidate and convention subsidies cost you about $76 million; this year, with a postal subsidy added and the price of nearly everything going up, the political subsidies will cost you at least $105 million, probably more.

Now, that may not be much by government standards, but I bet it seems like a lot of hay to you. Especially when you consider what you are getting for your money.

Perhaps you're among the roughly 70 percent of taxpayers who do not check off a dollar on their tax returns for the Presidential Election Campaign Fund. So you may think that you're not paying for Ronald Reagan's pollsters or Jimmy Carter's TV ads. I hate to shatter what may be your last illusion, but you are paying for those items.

You see, the people who check off a dollar do not sent an extra dollar to the IRS to pay for campaigns and conventions. They pay the same taxes they would normally pay, and so do you. All of their dollars and all of your dollars go into the U.S. Treasury. Then part of their money—and part of yours—goes to the special campaign fund. In other words, the 30 percent of taxpayers who do check off appropriate money for the 70 percent who do not. If this doesn't sound very democratic to you, just ask the people at Common Cause. They say it's a reform.

Anyway, back to the main point: What are you getting for your money? First, you might consider the quality of candidates this year. Are they worth $100 million? (Are they worth $100, you might ask.) Perhaps we judge contemporary leaders too harshly; maybe we should look to history as a comparative guide. But sometimes history is even tougher.

During the 1980 primary season, historian Barbara Tuchman said of the various presidential candidates: "Look what we're offered! God! The country that produced George Washington has got this collection of crumb-bums!" Mort Sahl offered similar views a few years ago. Sahl noted that during the American Revolution, when our population was far smaller than it is today, we had leaders such as Thomas Jefferson, Samuel Adams and Thomas Paine. Now, he said, we have leaders such as Gerald Ford, Ronald Reagan, Jimmy Carter. His conclusion? "Darwin was wrong."

Actually, the folks at Common Cause never promised us that public funding would buy us smarter, more competent or nobler presidents. But they did suggest that it would buy us presidents less beholden to "special interests." The ideas was that the taxpayers (willingly or unwillingly) would outbid the special interests. So we taxpayers invested more than $25 million in Jimmy Carter in 1976.

Yet the National Education Association, with a much lower bid, bought itself a Department of Education. The maritime interests, also low bidders, won Carter's support for a cargo preference bill. Democratic Party fat cats did not contribute nearly as much as taxpayers, but several of the fat cats won diplomatic posts.

Anne Cox Chambers and her husband contributed $51,000 to Democratic candidates and committees from 1973 through 1977; Carter appointed Chambers ambassador to Belgium. Milton Wolf and his family donated nearly $50,000 to Democratic candidates from 1974 through 1976; Carter made Wolf ambassador to Austria. Marvin Warner and his family gave $57,000 to Democratic candidates and committees in 1973-76; Carter appointed Warner ambassador to Switzerland.

A cynic might say that, thanks to the election law's contribution limits, ambassadorships cost less than they used to; but some of them, at least, are still for sale. So much for the Common Cause theory about public subsidies—which Common Cause and the Democrats would now like to extend to congressional candidates as well.

You may think that the 1980 candidates aren't much to write home about, or perhaps you are reserving judgment until the fall campaign. In either case, you probably hope that you are getting something else for your money. How about the conventions?

You are paying $6 million to $8 million for each major-party convention. Your Presidential Election Campaign Fund (the dollar check-off kitty) gives each party up to $4.4 million for convention expenses, balloons and all, and the Law Enforcement Assistance Administration (LEAA) grants each host city up to $3.5 million for "security assistance." (The LEAA program, which started with the 1972 conventions, pays mainly for police officers' overtime.)

All of this add up to the more than $1 million a day for each convention while it is in session. And that sum doesn't even count the many costs picked up by the host cities. Are conventions worth that price?

There are several ways to judge. You can view them as conferences in which the Great Issues of the Day are discussed—although not necessarily debated. Convention managers learned a lesson from the '68 Democratic convention debate on Vietnam and from the '72 Democratic convention debates on everything else. About the last thing they want on their prime-time TV shows is a live issue. The Republicans managed to get through their July convention without any platform debate. The unlucky Democrats seem unable to do the same; but I doubt that their platform debate will be worth $1 million a day.

Alternatively, you can judge each convention as a huge party in which the delegates booze it up and whoop it up and generally have a good time. The only problem is that you're not invited to the party. Even if you were, watching adults wear silly hats or use strange noisemakers may not be your idea of fun. Is a national New Year's Eve party worth $1 million a day?

Finally, you might rate each convention strictly as a form of television entertainment. Is the Billygate sideshow as good as "Archie Bunker's Place"? Did Grandpa Ronnie read his lines well enough to compete with "Little House on the Prairie"? Perhaps, as a new reform, we should establish a Taxpayer Board to Judge the Entertainment Value of the Conventions and to raise or lower the public subsidies accordingly.

The GOP might receive a bonus for the Great Ford Flirtation at its convention, If the Democrats stage a spectacular family fight, with broken dishes and blood all over the floor, they too, would win a bonus, On the other hand, negative points would be assigned for the most boring speeches. An alternative would be to provide an automatic rise or fall of subsidies according to the Nielsen ratings.

The subsidy for junk mail is lower than the others; this year it is $4 million. I suppose it is not very charitable to call party fund raising letters "junk mail," but I have received a couple of the Democratic letters and find it hard to call them anything else. For some reason, I'm not on the Republican sucker lists.

The two major parties slipped the postal subsidy through Congress in 1978, by making party committees eligible for the nonprofit bulk rate. Then last year, after realizing that several of the minority parties were taking advantage of it, they voted to exclude the minority parties but keep the subsidy for themselves.

This year the minority parties struck back with a lawsuit in federal court, charging discrimination. (John Anderson's independent campaign joined the suit late in the game.) The minority parties and Anderson won their case, though they are still excluded from the other political subsidies.

Now there's an effort in the House to cut off the postal subsidy altogether. The subsidy is worth about a nickel for each letter in a bulk mailing; so it's worth bushels of money to the Republicans, who send out huge volumes of direct mail. You can expect to hear moans of pain and grief if the effort to end the subsidy is successful; the party fund-raisers will sound like banshees.

But I think the opponents of the subsidy have a point: It's bad enough to have junk mail overflowing from your mailbox when the sender pays for it, but it really hurts when you have to pay for it. (Nobody knows the trouble you've seen; nobody knows the sorrow.)

You should also know about the waste factor. Even if you don't think that all of the political subsidies are a waste, some aspects of them may bother you. Since you are forced to pay for the subsidies, you should at least have the right to demand no-frills campaigns. That is not what you are getting now. In fact, I have a sneaking suspicion that federal subsidies are leading politicos to pay for services that used to be volunteered, and to buy things they would have to skip under a private-financing system.

In the old days, for example, campaigns had plug-in coffee pots; now they have coffee services. Back in January, Howard Baker's campaign paid a firm nearly $240 just for coffee service. In the old days, campaign volunteers decorated a headquarters. The chic thing now is to pay professional decorators for the work, as when George Bush's campaign paid $231 to the Freeman Decorating Co. of Des Moines to spruce up a campaign headquarters. But that was small potatoes. The Carter-Mondale committee listed on its June FEC report a debt of $19,250 to National Maintenance & Construction of Beltsville, Md., for "Office Alterations." In the old days, that would have been a do-it-yourself job.

The Carterites also apparently had a big party, perhaps a fundraiser, in Nashville early this year. As of June, they still owed the Nashville Tent & Awning Co. $561; owed the Famous Brands Liquor Store of Nashville $785; and owed Party Rental Services, Inc. of Nashville $524. That must have been some party. Don't you think that you should have been invited, since your matching funds will cover about one-third of the costs. Perhaps we should write into the law a guarantee that you may attend any political party you helped finance. If that were to come about, I fear they would offer you lemonade instead of bourbon, but at least the principle of fair play would be established.

I don't know what the Carter-Mondale volunteers do, but they certainly don't sweep the floors or dust the desks at headquarters. By June the Carter committee owed $4,730 to a Washington firm for janitorial services. And their leaders don't travel second-class either; they owed $903 to a Brooklyn firm for limousine service. And $261 to an El Paso firm for "Meetings-Drinks."

The Carter committee also provides employment for some of the president's relatives. Annette Carter received a mere $972 in take-home pay for June, but Chip Carter received $1,316. Jeff Carter received $1,750 in June for consulting contracts having to do with "computer service management." If they had only thought of it, the Carter high command might have kept brother Billy out of trouble by adding him to the campaign payroll, too.

How about the Republicans, those good fiscal conservatives? Surely they are more frugal with the taxpayers' money? Well, no not exactly. Republicans, I'm sorry to say have become big spenders from the East when it comes to their conventions. (Republicans as well as Democrats in Congress voted last year to increase the convention subsidies. This may sound a little bit like a conflict of interest to you, but Common Cause says it's OK.)

Late in 1979, and early this year, the Republican convention committee paid $15,000 to Mark Ambruster of Los Angeles for "program script for the convention." In the good old days, conventions didn't *have* scripts. But that was just the beginning. The GOP paid $20,000 to Water Mill Productions, Inc. of New York City for a design and development contract having to do with "podium design." Water Mill received another $85,000 of your tax money in the spring for construction supervision, a large-screen projection system, and other items.

But Syd Vinnedge Productions Inc. of Los Angeles has received a lot more of your money. By June 30th they had been paid $200,000—and were owed another $50,000—for the "convention theme presentation program." whatever that was.

The Republicans paid a fair amount of tax money for films, too. By the end of June they had forked over $45,000 to Palisades Communications of Santa Barbara for an "Auxiliaries Film;" and they still owed Palisades another $20,000. They sent $37,000 to A.B. Productions, Inc. of Los Angeles for a convention. I don't know about you, but I'm beginning to think that the GOP should have held its convention in Hollywood instead of Detroit.

There's more, much more, about the Republican convention that might dismay you. They paid $493, for example, for a "timer, etc. for hearings." That was either a mighty expensive timer or a mighty big "etc."

But enough of that. The question now before the house is: Will Ronald Reagan, that fierce opponent of big government, box some ears or whack some fannies and get the Republicans into line? You would like to think that, and so would I, but the outlook is not encouraging.

Although Gramps is philosophically opposed to public funding of campaigns, he accepted $4.4 million in matching funds for his 1976 primary campaign. In 1980 he has received nearly $7.3 million in matching funds—far more than any other primary candidate. And just after the Republican convention, he applied for and received $29.4 million for the fall campaign. That comes to a total of $41 million in campaign subsidies for a man who does not believe in them. Gramps is no dummy.

Mr. KASTEN. Mr. President, this legislation would mean that the taxpayers would be financing campaigns. I think on that basis alone it deserves to be defeated.

QUORUM CALL

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will continue calling the roll.

The legislative clerk resumed the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. I object.

The PRESIDING OFFICER. Objection has been heard. The clerk will proceed with the call of the roll.

The legislative clerk resumed the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I object.

The PRESIDING OFFICER. Objection has been heard.

The legislative clerk resumed the call of the roll, and the following Senators answered to their names:

[Quorum No. 11]

Burdick
Byrd
Cochran
Exon
Ford
Fowler
Johnston
Kasten
Leahy
Nunn
Rockefeller
Simpson
Specter
Symms

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absentees.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of the absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Delaware [Mr. BIDEN] is absent due to illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER (Mr. BINGAMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—51

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stennis
Stevens
Wirth

NAYS—41

Armstrong
Bond
Boschwitz
Chafee
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatfield
Hecht
Heinz
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Simpson
Specter
Stafford
Symms
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—8

Biden
Dole
Gore
Gramm
Hatch
Kennedy
Simon
Thurmond

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

AMENDMENT NO. 1405, AS MODIFIED

The PRESIDING OFFICER. The pending question is amendment No. 1405, as modified, offered by the Senator from Oklahoma.

The yeas and nays have been ordered.

Is there additional debate?

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. A quorum call is not in order since a quorum has been established. No business has been transacted.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inquire what is the status? You have now reported on an amendment before the body. What amendment was that, under previous unanimous-consent agreement?

The PRESIDING OFFICER. The pending amendment is amendment No. 1405, as modified.

Mr. SIMPSON. Mr. President, the majority leader is not present upon the floor. We are working on various thoughts about how to proceed in a rather civil manner tonight and tomorrow night but at this point since I have the floor, I would yield to Senator SPECTER. He is on the floor seeking recognition. He was on the floor seeking recognition. I cannot yield to him.

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. SIMPSON. No, it is not.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized if he is seeking recognition.

Mr. SPECTER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPECTER. In the circumstance where a warrant of arrest has been issued and according to the appendixes of Senate procedure, there is an entry on a form for return of service by the Sergeant at Arms, what is the Senate rule with respect to that return of service in cases where the warrants of arrest were served?

The PRESIDING OFFICER. The Chair has not had a chance to study this matter and will require some time before we can respond to that parliamentary inquiry.

Mr. SPECTER. While the Chair is studying that parliamentary inquiry, let me put another parliamentary inquiry. What is the obligation of the Sergeant at Arms on warrants of arrest which are not served to maintain those warrants of arrest?

Now, I would expect the Chair to need similar time to study.

And let me give some of the background for the purpose of my parliamentary inquiry. There were many Senators who were absent last night at a time when the motion was made to instruct the Sergeant at Arms to arrest the absent Senators. There were some 45 Republican Senators and there were some six Democratic Senators who were absent at that time.

According to a press report today from the Associated Press, warrants of arrest were issued for the 46 Republican Senators.

I have made an inquiry of the Sergeant at Arms and have been advised that there were warrants of arrest issued for Democratic Senators, but I have not gotten a full answer as to which Senators, and I have been further advised by the Sergeant at Arms that the warrants of arrest were destroyed.

Now, this Senator is considering a number of procedural moves on the issue of the procedure taken in the issuance of a warrant of arrest. So that Senators may be on notice as to what may eventuate and the purpose of the request for a ruling on the appropriate procedure for the return of service and the appropriate handling of the records, I may raise the issue that the warrants were defective in three important particulars.

When the majority leader made his motion last night it was in this language, "Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion."

Mr. President, the Sergeant at Arms does not have any authority under any interpretation of Senate rules to arrest absent Senators and bring them to the Chamber in the absence of a warrant of arrest.

It simply is not fathomable that this motion would be sufficient under the rules without a warrant of arrest and this language of the majority leader does not ask for the issuance of a warrant of arrest.

There is a second obvious problem with these warrants. The Presiding Officer was not authorized under the Senate rules which are explicit in that they call for the President pro tempore to handle a variety of matters, authorize his designee who was Senator PROXMIRE, and authorize that designee to make a further designation which was not made.

According to factual information which I have discussed at length today, discussions with Senator ADAMS who I believe is on the floor and can make any disagreement that he sees fit on the fact there was no designation to him and also Senator PROXMIRE who I believe is on the floor, or was a few minutes ago that there was no designation.

So that the warrants were not properly executed in terms of there not being anyone who was duly authorized under the Senate rules.

A third issue arises where the form of a warrant for Senator PACKWOOD specified "who was absent without leave, to wit," in a large blank to be inserted with a statement of fact as to why he was absent, and there is no specification there.

The Sergeant at Arms informed one of my staffers, Paul Michel, Esquire, that a warrant had been issued for Senator KENNEDY, but in the CONGRESSIONAL RECORD there is a notation that Senator KENNEDY was necessarily absent.

So the form of the warrant of arrest requires specification which is not present in the Packwood warrant or in the Weicker warrant—two warrants which are available which this Senator obtained from Senator PACKWOOD and from Senator WEICKER.

Mr. President, I raise these issues because of the very serious import of the process on the issuance of warrant of arrest, and on the research which I have undertaken in the course of the day during which I have found no record of any warrant of arrest having been issued and executed since 1942. The CONGRESSIONAL RECORD going back to 1942, page 8905, contains a very strong protest from Senator McKellar, who stated that a warrant served on him was the "most shocking performance the like of which I have not known so far as I can recall during the 26 years I have been a Member of the Senate." And at an appropriate time the details of that process may be inquired into. But it was quite a cause celebre, and the issuance of a warrant of arrest is obviously a matter of enormous importance.

Before this matter can be evaluated in its entire context, we need to know precisely what the rules of the Senate are. As I read the form, and the return of service line, it appears to me that there is a mandatory requirement that when a warrant is served that there be an execution by the Sergeant at Arms. This is a form which appears at page 1175 of Senate Procedure, which reads: Washington, DC, to be dated, "I made service of the within warrant through my deputy", with their name, time and place, and signed by the Sergeant at Arms.

So that at least as to the warrant for Senator PACKWOOD and the warrant for Senator WEICKER there ought to be a return of service.

That is the purpose of my inquiry there which I understand is pending. And the issue about the other warrants, they are Senate records. It would seem to this Senator that they would have to be maintained as warrants are generally. But I make that inquiry as well so that there may be an appropriate pursuit of the important issues which I have discussed here which resulted in the arrest last night or early this morning of Senator PACKWOOD.

I thank the Chair. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, last night I was peering out of the window of our Republican cloakroom at the beginning of the fifth rollcall of the day. At the moment, for some reason, the famous words from T.S. Eliot's "Murder in the Cathedral," came to my mind for in a sense I did not know whether I was being prevented from coming out or from going in.

T.S. Eliot said these words:

> Unbar the doors throw open the doors. I will not have the House of Prayer, the Church of Christ, the Sanctuary, turned into a fortress. The church shall protect her own, in her own way, not as oak and stone; stone and oak decay, give no stay, but the Church shall be open even to our enemies. Open the door.

While we can argue about the symbolism of this quotation, and whether last night the Senate was turned into a fortress denying entry to enemies either to a bill or to the Chamber or to the hideaways or to the private offices, or whether quite the contrary was the case, I do not believe now is a suitable time to reflect on the play as much as it is important to reflect upon what is happening to the U.S. Senate as an institution and to each of us as individual Senators.

Mr. President, I have served in the Senate now going on my 22d year. My term in office here has constituted the majority of my political life. I have been on this Senate floor when the great statesmen such as Senator Dirksen, Senator Mansfield, Senator Fulbright, and Senator Javits have delivered unforgettable speeches on war and peace, on civil rights, and upon domestic needs. It would only be a modest exaggeration to say that there have been moments of paralyzing drama in this Chamber.

I recall 3 years ago when Senator WILSON was wheeled through these doors just hours removed from major surgery to cast the decisive vote on the budget. I remember, Mr. President, when Senator Hubert Humphrey returned from cancer surgery and therapy, a man greatly reshaped in physical form, but not changed at all in spirit. He came through those doors, Mr. President, slowly, here to the well of the Senate. I can remember Senators standing in great ovation, and Senator Barry Goldwater, from over on this side of the aisle, began to move slowly with his hip problem down into the well. The symbolism war of a member of the left and the right of political thinking, or of the liberal and conservative of political thinking, these two old warriors as they saw each other, embrace each other with open arms here in the center of the well. And the warmth and love and the affection that has been so historically typical of the great ones of the Senate shown forth.

Mr. President, the legislative process, with its intricacies and its intrigue, is still a source of fascination to the relatively few of us who remember "the old days" when bills were handwritten in time, debates were spirited and staffs were not a roaming army of junior Senators.

In my opinion, this Chamber has provided moments that present all of the mystery and the majesty of Grand Kabuki.

So it is with sadness that I stand here this evening to reflect upon the last 24 hours' activities, events which had all of the majesty and mystery of a professional wrestling match between King Kong Bundy and Hulk Hogan. What took place last night was not guerrilla warfare as has been referred to. It was simple gorilla theater.

We want to convince ourselves that what took place last night was a partisan dispute between zealous advocates from the Democratic and Republican Parties. We want to believe that there is a perception among the public that the Senate is so concerned about the issue of campaign finance reform that it will resort to any and every tactic to preserve the Republic from cash-and-carry campaigning. However, it is my sense from the conversations with my constituency today, telephone conversations from many sources, that the public sees it differently.

Mr. President, in the history of the Senate, last night's confrontation was not the first outbreak of raw emotion. Our leader, Senator DOLE, on February 3, of this year, placed in the RECORD a very interesting vignette that took place on our Senate floor February 28, 1902. Senator DOLE placed in the RECORD the story of Senator Benjamin Tillman, who accused Senator John McLaurin, both of South Carolina, of allowing his vote on the Philippine Treaty to be "improperly influenced." Senator McLaurin called the accusation a "willful, malicious, and deliberate lie." The two gentlemen engaged in fisticuffs, with some heavy punches received. The Senate considered that it was worthy to suspend both Senators for a week from the floor.

Mr. President, in 1856 a great speech was made by an abolitionist-minded Senator, a Senator from Massachusetts, Senator Charles Sumner. He made this in such a powerful manner that the Senator from South Carolina, Senator Butler, Andrew Butler, was very offended.

Senator Butler had a cousin sitting over in the House of Representatives by the name of Preston Brooks. Congressman Brooks decided that there had to be a revenge for this rather personalized speech by Senator Charles Sumner. He selected a cane that he considered to be light enough not to kill Senator Sumner but sufficient to bring him some discipline.

He came over to wait for Senator Sumner to leave the Senate floor. And whether Senator Sumner knew this or not no one is quite sure, but he did not exit the Senate Chamber and, therefore, Congressman Brooks came to the floor and attacked Senator Sumner.

He caned him down, and got so enthused with his discipline that he went a little bit beyond his expectations or plans, whereupon Senator Sumner was taken to the hospital for care, and did not return to the floor of the Senate for 3 years. The exile was not one in which he was spending full time recovering. In fact, he was traveling in Europe.

When he did decide to return to the Senate floor it seemed as though he got a headache each time he left Massachusetts. Some thought perhaps there was a psychological fear in coming to the Senate, and this was picked up by the southern gentleman who reminded not only their Senate colleagues but the people of the world that Senator Charles Sumner was, in effect, a chicken not to come back to the Senate. Now they did not use that slang term, I am sure, in that day, but that was the message that was conveyed.

Mr. President, going back even a few years prior to 1856, we have a year, 1850, in which to see again raw emotion explode here on the Senate floor. Senator Thomas Hart Benton of the State of Missouri, who also was a man of great stature, over 6 feet, weighing a couple hundred pounds and more, had engaged in a very spirited debate with Senator Henry Foote of Mississippi who happened to be a man of very small stature. In the middle of this rather spirited debate, the Senator from Missouri, Senator Benton, loomed heavy into the horizon in a gesture of attack upon the little Senator from Mississippi, who fell to the floor. But reaching into his pocket he immediately produced a pistol and in a rather defensive manner indicated he was willing to use the pistol, whereupon when his colleagues rushed to intervene, Senator Benton, out of his great lung capacity, shouted "Stand aside. Let the assassin fire."

Well, they not only were separated without the firing of the pistol, but the Senate had a rather interesting debate about whether this kind of action should produce certain discipline. And they decided that no, they would not take action on Senator Benton.

So the issue was unresolved as to any kind of recrimination.

Mr. President, I only use history to say that we have survived, and we will survive even now, those moments that may not be the finest hours of the Senate. But certainly I do not in any way want to indicate we should not seek ways to avert this kind of outbreak.

In talking to my constituents, both this morning and this afternoon, I think it is very important to note that at least from my area and from other States of the West that I talked to, the procedural instrument of the filibuster is often we see as the catalyst for some more heated exchanges that take place on the floor of the Senate. And in fact, these people I think in general like so many of us who come here as a freshman are anxious to see reform in the filibuster rule.

I have resorted to the filibuster procedure twice. They were very obviously most worthy causes to draw me to use the filibuster. The first time was in 1979 when President Carter sought to reinstitute the draft. I am a bitter opponent of the draft.

The second time was when the line-item veto slithered its way to the floor with its familiar appeal to eat of the forbidden fruit of unconstitutional budget reform. By the way, that snake is still loose in our midst and we may have to kill it again with the filibuster. I hope not.

But it was with a great deal of reservation and reluctance that I chose the course of the filibuster, and it was with a great deal of respect for the institution of the Senate that I exercised it.

Mr. President, I do not want to rehash the details of last night's events and talk about who was chased where; who carried whom; or who hid and who did not; and what Senate rules have to say about all of this. My colleagues Senators SPECTER, BUMPERS, KERRY, WALLOP, and others have spoken at some length about this, and I listened intently to their comments.

Instead, I want to address the politics of the matter. I define the term "politics" as an exercise in human relations. Last night and this morning we had a breakdown in human relations—as perceived by many of my constituents—or put more colorfully, a breakdown in civility and basic courtesy.

What happened in this Chamber is happening all over the United States as our country becomes increasingly confrontational and combative. More and more the instinctive response to fight back is the preferred method to right a wrong. Last year about 15 million lawsuits were filed in America, which works out to about one for every 16 Americans. Every year 2 million Americans settle their marital differences with a divorce decree. Statisticians tell couples standing at the altar that they have about a 50-50 chance of ending up in divorce court.

But the question of conflict resolution between individuals is merely a reflection of the question of conflict resolution within individuals and, therefore, within institutions. Adult suicide is up, and nearly 2 million high school seniors attempted suicide at some time during their schooling. My home State of Oregon last year was cited as the "suicide capital of the United States"—not a very pleasant title, but an indication, again, of the growing inability of people to resolve conflict from within.

A Gallup poll last April told us that the number of American families affected by alcohol-related problems has doubled since 1974, and so every fourth house in every neighborhood has someone drinking to escape life's problems. And this escapism spills over into predictable places. For example, since 1981, reports of child abuse have almost doubled. We are a people who often resolve conflicts within ourselves and between our neighbors with forceful, fearful means.

Mr. President, the world is also resorting to forceful, fearful means to resolve disputes. The world spends in 2 days for weapons what the UN spends in 1 year to alleviate human suffering. The world spends in 2 weeks for arms an amount more than the annual cost to provide clear water, adequate food, housing and clothing for every poor person on the face of the Earth.

And we are teaching our children to do what our Nation does. The most successful application of this administration's peace through strength philosophy has been seen in the lives of our toddlers. Sales of war toys have skyrocketed 600 percent since 1983. In 1986 alone, action and fantasy figures—the terms the toy industry uses to sidestep accountability for selling violence to impressionable children—in 1986 war toy sales crossed the billion dollar mark for the first time ever.

And so our children, our Nation, and our world are becoming increasingly more confrontational, increasingly more fearful of others and the future, and increasingly more dependent upon the tools of strength and force to defend ourselves and resolve our disputes.

Mr. President, there is another way to resolve conflict, but first we must redefine what constitutes strength. There is a weapon far more powerful, far more effective and far more worthy of the human being, and that weapon is forgiveness. There are wrongs committed and there must be accountability for these wrongs—we all agree—but there can be no healing, no reconciling differences, no moving forward together, until the balm of forgiveness is applied. And right now the wounds of conflict in the Senate are in need of understanding and forgiveness and mutual agreement to try not to wrong each other again.

Mr. President, in my capacity as a member of the Appropriations Committee, I have witnessed during the frenzied, hectic hours of negotiation and debate, times when the drive to get even, the urge to strike back, the desire to correct with anger, and the passion to punish when you have the strength and authority to do so—I have seen how paralyzing these forces can be on the body politic. And I think most all of us have seen those examples. But as Senators we must exercise leadership, model leadership, moral leadership, and we fail in this task when "eye for an eye" conflict resolution takes hold.

My friend LAWTON CHILES is leaving the Senate, and that is a true shame for this institution. He is leaving, in part, because the quality of life in the Senate has reached a level where he will end up doing more harm to himself than he can do good for the country, by continuing his distinguished public life in Washington. His premature exit, and the exit of other able legislators who left the Senate because the institution was no longer an appealing place to work, are signs of the time which we must heed if we are to do the people's business in a fashion that brings credit to our form of government and to our constituencies.

So I am presenting to my colleagues my hope that a spirit of forgiveness and reconciliation will replace what viewers through television have said to me they view as recrimination and parliamentary brute force as the spirit of the Senate.

Mr. President, we are faced with a very serious problem—the cost of political campaigns. And I do not think any one of us in this Senate on either side of the aisle denies the importance of this issue and the need to address it. I believe also that most everyone in this Senate agrees that the skyrocketing cost of campaigns now threatens the integrity of our democracy. In the not-too-distant future it is very possible that public office could be for sale to the highest bidder. I think we all agree that something must be done before that happens. But instead of sitting down together like statesmen to craft a solution to the problem, there has been a perceptible partisan drift to the debate and now we are facing a legislative gridlock.

Now, I want to suggest again a vignette of history. I am not suggesting it as a total parallel to the circumstance we now face, but I think there are lessons that we can learn from the period of 1905 and the Great General Strike that took Czar Nicholas II by surprise. A weak leader wholly unprepared for the challenges of the 20th century, Nicholas was suddenly faced with a very serious problem that demanded a response—his country was falling apart around him. So he tried a bold move, a move which could have laid the groundwork for a bright future in Russia. On October 30, he issued the October Manifesto, granting Russia a constitution and creating the duma, a legislature with real power. This was the first duma. It was an exciting time: after hundreds of years of Czarist rule, total autocracy—cruel, inhumane—and certainly one that had been condemned by Western culture and Western values, it seemed that Russia really was changing. But then Nicholas got scared, and retreated back into the partisan, and once-powerful, world he knew. Even before the first duma was convened, he declared that no law could be changed without his consent. Autocracy still, but to be tempered now by a little constitutionalism.

The result was chaos. When the duma did convene, radical parties were absent, having chosen to boycott the assembly. For those who were there—524 elected members in all—it was hardly a time for historic change: it took 2 weeks before the government submitted its first bill—to establish a laundry at the University of Dorput. Within a year, the duma had been dissolved. But the time the second duma convened, the radicals had decided to participate—but this time the reactionary members insisted on a return to the simple autocracy czarist Russia had known for so long. Eventually, it too was dissolved. There were two other dumas in the years to follow—the third duma even served for its entire 5 years. But their records were little different than those of the first two, and so it went for 12 years—12 long years of provisional government under the guise of constitutionalism, infighting and grandstanding.

No leaders, no reconcilers, no visionaries. Nicholas had failed to provide the leadership and no one was willing or able to fill the void.

We know what happened, Mr. President, because the Union of Soviet Socialist Republics sprang forth from the infighting and grandstanding and favoritism of those years. The 70-year history of the Soviet Union is full of repression and aggression and real human tragedy. That history is, in large part, a result of the inability of the government—Nicholas, his ministers, the duma—between 1905 and 1917 to address any but the least significant issues and, more importantly, the inability of that government to come together to craft a vision of the future. Whether it could have been avoided—whether statesmen and leaders could have worked together in those years to craft a viable vision and a government—is a question we can never answer. But it is beyond a doubt that the infighting and pettiness of those years contributed directly to the 70 years of suffering which followed.

Of course even more immediate suffering came as a result of those years, too. The famine which gripped Russia in 1921—just 4 years after the Bolsheviks had come to power—might well have been avoided if previous leaders, genuine leaders, had had a little less ambition and a little more vision. Had it not been for Herbert Hoover, the Secretary of Commerce who went on to become our 31st President, the tragedy would have been even worse. For almost 2 years, he and 180 other Americans supervised the feeding of some 30 million men, women, and children in 25 Russian provinces. Some

540,000 tons of food and desperately needed medical supplies were distributed out of the generosity, the hearts of American citizens and Western countries.

Mr. President, still hundreds of thousands of people died. In fact, later the head of the Communist regime in the Soviet Union, the Great Comintern passed a resolution thanking Secretary of Commerce Hoover for saving the lives of 18 million Russian citizens.

I might digress for just a moment because, having been a history buff of this particular period, it was a very interesting political situation that took place within my party. Mr. Harding, who was the President, later followed by Mr. Coolidge, were both very conservative Republicans and, therefore, they were very unhappy with the advent of the influence that the Secretary of Commerce exercised in the country. The prevailing attitude amongst conservative thinking in America was: This is God's judgment visited upon the Soviet Union for its devilish, evil system of government. Let them die. Let them die of starvation.

Well, that public opinion was turned around by the Secretary of Commerce who said: We cannot let political ideology nor national boundaries determine our response to people who are hungry and people who have needs in the world.

Hoover's establishing that particular position, as well as having been a member of the Wilson wartime Cabinet, and having campaigned for a Democratic Congress in the congressional elections of 1918, all trailed the Secretary of Commerce into the White House. And they were the foundation points of the difficulty, not with the Democrats of the Congress so much as with the Republicans of the Congress, in getting his programs through the Congress. For they even had to compromise with that wing of the party in the 1928 nominating convention by nominating a rightwinger, the Senator from Kansas, Charles Curtis, to placate that wing of my party because they had nominated the liberal progressive Secretary of Commerce, Mr. Hoover.

This is one of our less understood periods of American history, a period of American history which has been most communicated by bias and partisan smears over the years. I am very hopeful that the New Left historians will accomplish their tasks in reevaluating this period of American history and particularly the Hoover role in that period of American history.

Mr. President, I have digressed, but I want to say that it takes a bit of talent to be able to work Herbert Hoover into this particular issue. Nevertheless I am proud to be able to do so.

Of course, I do not mean to suggest that Vladimir Lenin is waiting outside our doors. But I do mean to suggest that we are facing many great and deadly threats to our democracy throughout our country and the inability to meet some of the problems that we do have. I suggest that we should be about the business of dealing with those issues and I think that we can do that and we can do it with leadership. We have the reconcilers. We have the vision to work together to address these great dangers.

I need not go into a long enumeration of them but let me mention some. I hate to say this but my State is increasingly becoming recognized as one of the greatest sources of drugs—from either growing the drug marijuana, producing and manufacturing amphetamines, or the ability to transfer from the source of those drugs, the development of those drugs, to a market. I think increasing drug use that could be seen in most areas of our country.

We used to be concerned about adults utilizing drugs. Then we became concerned as they swept our colleges and universities, and then as it drifted down into our high schools and secondary education. And now we are looking at the situation having penetrated our elementary schools.

That, in itself, to me is one of those problems that we must address in a far more effective way. Our energies, our vision, our togetherness, our cooperative attitudes have to be applied to that.

I am concerned about our growing numbers of American citizens on the streets. Many of us participated in the fight for homeless legislation. But I also am mindful that when we authorize a program that is but a hunting license for an appropriation. We in the Appropriations Committee have tried, and others joining with us, to provide the resources necessary to deal with the homeless of this country.

I am sorry to say that we are not keeping up. We are taking one step forward and maybe three backward in terms of the numbers and the difficulties of a less-than comprehensive analysis and program. It is rather ironic when, in Washington, DC, the Nation's Capital, two people die on the street at a time that another homeless person is bringing suit for having been forced into a place of care and shelter. That, in part, is because we have an estimated 2 million mentally disturbed people that have been dumped on the streets, in part, from our mental hospitals and centers which themselves have had difficulty in maintaining the resources to care for these people in those institutions. Well, that is another issue that is a cancer in our society.

I think we should be deeply concerned, as well, when we begin to look at the problems facing us in education—Mr. President, let me illustrate it in a simple illustration.

Two years ago we were funding SDI researchers that made up about an army of 5,100 researchers. In the current year the administration asked for an increase in funding that would produce 18,600 researchers in SDI. We did not grant that number, but that was the request.

About 2 years ago we funded AIDS researchers; about $300 million was appropriated for that purpose. That jumped, last fiscal year, to $600 million. In the current fiscal year we will have committed $1.1 billion for AIDS research and battling that problem. Now, all of these researchers whether you are talking about AIDS research or SDI research, all demand, components of math and science in their educational experience and background, to some degree or another. I am not suggesting that all must have a doctorate in math and science but certainly they must have some basic science and math, both collegiatewise and perhaps even postbaccalaureate.

This year in hiring new teachers for secondary education in America, as an average across this country, almost 50 percent of those teachers were temporarily certified because they were not educated to teach math and science. We had to put a warm body in the classroom.

When you begin to look at that issue of the eroding foundation for developing the person power pool to provide, at the other end, those increased demands in the market place for R&D, in the science of SDI research, and in health science for AIDS research, we will soon recognize that appropriating dollars is not going to get the job done because we do not have the persons necessarily trained or properly trained to perform the duties.

I could go on and give many other examples. We are going to become more competitive in international trade markets and that is going to demand R&D.

Over 50 percent of the products—the Hewlett-Packard Co., which is one of our primary producers in the market today are the results of technology that has been developed out of their R&D in the last 4 years. That indicates, again, the fast-changing picture in products coming out of science. So that is a very basic problem.

I am very pleased to see the administration for the first time in 8 years of budget presentation offer and suggest an increase in the education budget rather than decimating the education programs through the proposal to abolish the Department, and through the excising of vocational education programs, special education programs, student loans and student grant programs for higher education. I am still of the opinion that that turn-around has to be somewhere related to the fact that even with the preoccupation with increasing military spending for this quest for new weapons, not only in quantity but in quality and technical sophistication of weaponry, finally a light turned on that even to operate these particular new weapon systems it will take a better and more solidly educated person than we are able to attract now, through the failure to meet those educational problems. This is only one manner in which our problems confront us on this matter of education.

I could go on with many other areas in which we need to develop solutions and resolve the conflicts and inadequacies by which we become victimized. Let me just cite briefly one other and that is in the field of Alzheimer's disease. We are reaching the figure now, Mr. President, of about $30 billion a year that it costs to take care of and support victims of Alzheimer's. That is reaching the figure of $20,000 to $25,000 a person.

Increasingly, families are bereft of the resources and the ability to do this. Yet a handful of years ago we were only providing a handful of dollars for research. Our research is still far from a point where we could hope for some relief from this increasing enemy of our aging people.

We cannot redistribute the medical research money from cancer, from neurological disorders, from all these other areas where we have reached levels of breakthrough in order to meet the unmet needs of Alzheimer's and to crank that research up to a level of adequacy.

Mr. President, these problems are going to come home one of these days in such dramatic fashion, and we are going to regret the wasted hours, the wasted time that we did not address them as a priority issue.

Mr. President, I would be willing to bet that not a single person in any of those Russian Dumas between 1905 and 1917 wanted what happened in subsequent years. I really do not think they did. Even those who followed after some of the radical parties could not foresee that they would be betrayed. But their refusal to sit down and address the realities of their day all but handed their country over to the Bolsheviks.

While I do not want to suggest that the Bolsheviks are outside these doors, I want to say that there are hungry, hurting, wounded, desperate people outside of these doors, our American citizens, who are hoping for some kind of relief from either their economic, their physical, their mental, or their spiritual problems.

At a time when our economy and our foreign policy and our system of democracy must respond to the demands of this newer era, I do not believe that the United States Senate can afford to be bogged down in battles that separate us, that squander our precious time, and that create wounds that will be difficult to heal.

Now, Mr. President, I wish I had a simple answer, and although I do not have a simple panacea, I know that the goodwill in this Senate exists. I see people who have been toe-to-toe in strong, perhaps loud debate, go out through these doors arm and arm and join each other in a soothing cup of coffee.

We have that glue in the Senate. Let us not squander it. Let us not waste it. There is that wonderful glue that transcends our differences.

Let not this incident or this particular issue continue to the point where it becomes more difficult for that glue to operate, for that healing balm or that sense of transcending friendship to overcome differences of political opinion.

The **PRESIDING OFFICER** [Mr. ADAMS]. Has the Senator from Oregon ceased? I do not wish to take the floor from him if he is still speaking.

Mr. **HATFIELD**. Would the Chair repeat the question?

The **PRESIDING OFFICER**. Has the Senator from Oregon completed, and is he yielding the floor? I will not take the floor from him if he has not completed.

Mr. **HATFIELD**. I yield the floor, Mr. President.

The **PRESIDING OFFICER**. The Senator from Indiana.

Mr. **QUAYLE**. I thank the Chair.

I want to congratulate my friend from Oregon on a very fine statement and one that only he can make from time to time, talking about healing, and about this institution.

I have noted in my brief tenure here very important times during critical debates that the senior Senator from Oregon rises to the occasion to show us where we ought to be going, and I think he certainly did again here tonight and particularly in his conclusion because if you want to look at civility and you want to look at how this institution ought to work last night is certainly not an example. I mean that was an act of absurdity. I mean the very idea of moving to arrest Senators. I just had a conversation with my 11-year-old son who is the second son of three children that I am blessed with. I phoned to tell him to tell his mother, my wife, that I would once again not be coming home for dinner. It was not any great shock to them. They were watching television and knew that the Senate was bogged down in another filibuster.

But what was on his mind was he asked me about this arrest warrant that his mother had told him about and he had found out through the news media. He wanted to know how it affected me, and I tried to tell him that it did not affect me, inasmuch as they did not find me. He thought that was OK, too. He did not really appreciate his father or thinking of his father getting arrested, but then he is a very sensitive and compassionate person, particularly for a young age of 11.

He wanted to know and made an inquiry about Senator PACKWOOD, whether he was all right, and I told him he was and we got on to another subject that I would not be home and to make sure to relay that information.

But, Mr. President, I believe that you cannot just let bygones be bygones. We can forgive, as the Senator from Oregon has said, but actions do speak very loudly and that type of an action last night of having to resort to an arresting of Senators which had not been used for a considerable period of time and used on an issue that everybody knows has no chance of becoming law—I mean if this were a Civil Rights Act, where the President was involved, or this was a major piece of legislation that there was any hope at all of becoming law perhaps, perhaps draconian and drastic measures ought to be implemented, but I really think that this is an act and we talk a lot about lameducks in this town, that was clearly an act of a lameduck. I do not believe that this was an act of something of trying to instill some semblance of a quality of life in the U.S. Senate. We can always speak of quality of life and we do that a lot around here.

But this legislation that is before us that we stayed up all night last night and will be up all night tonight people will be here speaking and they will be instructing the Sergeant at Arms and it is the majority's responsibility to produce the majority in the quorum. It is not the minority's responsibility.

The minority is engaging in what is proper responsibility in conducting this unlimited amount of debate, but having not one iota of a chance of passing, and yet we go through all these shenanigans that certainly appear to be an act of a lameduck.

People say I know a lameduck when I see it, it acts like one, it talks like one, does things like one, and I certainly think this is probably very fitting.

Mr. President, I think what I do is to concentrate on the issue before us for a while and then I may get into some other matters that I think are, quite frankly, more pressing than the issue before us.

I have a great deal of interest in the INF Treaty and where we are going and the whole area of armed services and foreign policy.

I see the Senator from Ohio is on the floor, and he and I heard a very good testimony this afternoon from Dr. Kissinger.

Unfortunately, I did not have the chance to read the testimony. I was there to ask questions. Since I did not have that opportunity, I may get the chance and just read it later on tonight and explain it to everybody because I thought it was brilliant, his presentation was brilliant and the Senator from Ohio, Senator GLENN, commented that he had a lot of time during this filibuster to read it, not only once, but he read it twice, so it might be a good redundancy for Senator GLENN when he gets into that topic, but it would not be redundant for others. As a matter of fact, it might be a bit refreshing to get off of the topic that we have been on for quite some time.

But let me for the moment, Mr. President, focus on the issue at hand:

Mr. President, it seems like every year someone comes up with a new way to reform the political process and that reform is sometimes to keep people from taking part in the political system by putting new constraints on our rights to express our political views freely.

Every year we go back to the question that somehow manages to remain with us no matter how much we reform the system.

How do we preserve the integrity of our democratic electoral process? That is always the question.

We always want to put the word "reform" on there for somehow reform means that things are getting better.

You know, we tried to reform the process of the Congress about a little over a decade ago. It was called the reform of the budget process and how that the Congress was really going to get a hold of things and put the label "reform" on there. And we said we are going to be able to reform this process. We are going to let Congress really get ahold of it and what we did we created a budget committee and by creating a budget committee in the name of reform we now have the budget committee, the appropriations committee, and the authorization committee.

And quite frankly I think in the name of reform in trying to get ahold of the budget problem, that we reformed ourselves into a process and a system that has not only not produced a balanced budget but I daresay that the reforms that we instituted in 1974 that has now led to these grand continuing resolutions where we pile on 13 appropriations bills at the end of one Congress, that we have really gone backward in many respects.

We have gone backward in the fact that our Government and the process of our Government today is far less open to public scrutiny, public debate, than it has been in recent modern-day history.

We do not have that debate. I have lamented that fact. We do not even have the debate. As a matter of fact, I thought and Senator Baker used to say, "By golly, if we just get television in the Senate we will get better debate here. We will get out and we will start debating the issues."

Well, we have the situation where we have these appropriation bills all put into one because we do not have time to do our job. The authorization processes, except for the defense authorization bill, are basically nonexistent. They are always tacked onto a continuing resolution.

But in the name of reform, we created the Budget Committee and in the name of reform after Vietnam and Watergate, by golly, we are going to open up the process—Freedom of Information Act, sunshine laws, let the public know what the public representatives are doing.

We took that reform and we went on and on and on and we campaigned for it. We took it to the people. We took votes on it. Sure enough, sure enough, we reformed the situation back in 1974 and 1975, but we reformed the situation now where we have a far more secret government today than we certainly did in 1974 and 1975 and more secret government than what we had in modern-day history.

The reason we have a secret government is that we do not debate what is in those bills. You get that continuing resolution here and a Senator may know about what 3 or 4 percent is in that bill. That is about the extent of it. The other 95 percent, 96 percent, they have not a clue. We have to wait on down the road to find out what is in there. The press will point it out. Staff will point it out. We always have to have technical amendments, correct bills, things of that sort.

But we do not debate it anymore. We do not debate the issues. We do not debate the issues that we are going to act upon. We are not debating foreign policy here today. We are not debating armed services. We are not debating the INF Treaty. We are not even debating the budget. We are not debating education. We are not debating job training. We are not debating on how we can lower the interest rates. We are not debating on what we ought to do about competitiveness. We are not debating what we ought to do about productivity.

I guess those things are not important because the leadership has decided that the thing that is important that is going to take all the Senate's time is campaign reform, namely, campaign reform.

But let me tell you what campaign reform is: Campaign reform is the taxpayers paying for our elections. Wonderful.

You ask that question on a poll or survey how many taxpayers want to pay for Senators and Congressmen elections? Let me see those results.

You go out and the next time you are at a chamber of commerce or the UAW hall or out at a farm bureau meeting and you have 100 people there or more or less and ask them the question, say "Do you think that the taxpayers ought to foot the bill for my election and my colleagues for Congress election?" Unless you have somebody that is a member of a special interest group that happens to be pushing this for perhaps their own agenda and own reason, you will probably have a total unanimity that nobody is interested in it. Nobody is interested in it. They are not interested in a new entitlement program. People I talk to are interested in balancing the budget, reducing the budget deficit. There is a lot of cynicism out there. A lot of cynicism going on out there and I cannot blame them.

I cannot blame the American people for being cynical of what Congress is doing. And I join them in that cynicism. And I join them in a personal type of frustration because we are going to spend many more hours, tedious, boring, nonenlightening except for what I have to say and perhaps others, a few others might have to say, debate, debate on the taxpayers, debate on the taxpayers paying for our elections.

So we always come up with some new grandiose idea. Just put "reform" on it. Put the name reform on it. Is anybody against reform? Nobody is against reform because somehow reform means progress.

I daresay how the Congress reformed itself with the budget process in creating a Government that is more secret today than has ever been in modern contemporary times, is a kind of reform that we can do without; the kind of reform that we can in fact do without.

This year the new scheme that is outlined in the Boren-Byrd bill is to force the taxpayers to pay for our elections, set limits on how much candidates can spend, and restrict the roles that organized groups can play in our campaigns.

Let me state that again. The Boren-Byrd bill is to force the taxpayers to pay for our elections, set limits on how much candidates can spend and restricts the roles that organized groups can play in our campaigns.

So as we continue to talk about reforming the political process which I am not convinced that we ought to be doing just now, I am not convinced that it needs reform and reform is either taking a step forward or taking a step back. And before we jump to this conclusion, but everybody knows this bill is not going to pass, it is not going anywhere. It is not going to become law. I do not think anybody who has stood up says that, if they are I would have to say they are not speaking for reality if they think this bill has any chance whatsoever of becoming law.

But as we talk about reforming the political process, there are some important questions that we need to ask. I do not want to get too provocative in asking questions about this legislation or what it is all about. But I will try to proceed with as much restraint as I can.

Why, for instance, is the Senate deliberately trying to limit access to the political system? Why is the Senate deliberately trying to limit access to the political system? This political system of ours is the greatest in the world, and it is great and this country is great for one very important reason. And that is that we are free.

You ask people around the country, and you ask Americans and what sets them apart from any other country in the world and what makes this country to be able to generate the wealth and productivity and have the standard of living that we do, and time and time again the answer that will come back is that the reason we are able to do that is because we happen to be free Americans. You talk to people around the world about why they want to come to this country. Why do they want to come to this country? They come to this country because we are the freest nation in the world, and yet the political system that is responsible for preserving that freedom, the sponsors of this bill apparently want to limit, to limit the access to that political system.

What is wrong with getting more people in the political system? What is wrong with that? I thought we wanted more people in the political system. More people are contributing in a financial way in the political system than ever before. And I might add it is in small amounts because of the campaign limitations that we have, the limitations of political action committees and the limitations of individuals.

Now, what we are trying to do is say, no, what we want to make sure of is that the political system is open. But we want to make sure that it is not too open. We do not want to get carried away with the freedom, we do not want to get carried away with openness, we do not want to get carried away with the competition. I would say that those are pretty good, fundamental principles that we ought to have.

Why is the Senate about to step on the first amendment in the freedom of political speech by keeping these organizations from making a contribution to the political system? Why? Why do they want to have these inhibitions on the first amendment? That is why we are here because of the court case in the Supreme Court that rules you cannot limit individuals in how much they are going to spend on their campaigns. The Supreme Court says you cannot do that. So if the Supreme Court says you cannot to that, you have to figure out a way to muzzle these folks, get around that Supreme Court decision.

Actually, I do not know why the Senate would try to limit the freedom of speech of anyone in this country. What is wrong with freedom of speech? Where are my civil libertarians, and all the civil rights people on this issue? Why should we force taxpayers to fund candidates whom they either do not support or whom they oppose?

Unfortunately, many people in my State oppose it. It is part of the system. Why should they be forced to pay for my election? Why should we make those taxpayers that go out there and work hard to pay for something that I want to do in life like run for public office? Why should they be forced to use their hard earned money? We ought to think of that.

Think of the individual in rural America that is out there and gets up early in the morning, works hard, comes home, has a family, tries to produce and then all of a sudden here we go. He is going to produce and he is going to have to pay whether he likes it or not for the elections of Senators and Congressmen. He does not have a choice. It is going to be a tax. The taxpayers will be funding the candidates.

I suggest that we ought to think about that. We always are interested in looking at polls on how many people in America really support taxpayers financing of Senate congressional campaigns. I do not think you will find too many people. As a matter of fact, in this day of reform, and we reform things, post-Vietnam, post-Watergate, we created political action committees. And if the problem is political action committees, we will find a lot of support on this side of the aisle. Political action committees, if you want to vote to limit it, or if you want to vote to eliminate political action committee contributions, you will have a lot of support on this side of the aisle if you want to limit PAC's involvement in the campaigns. And if that is the desire, if that is the desire, then we ought to talk about it. I doubt if that is the desire.

One of the sponsors of this bill I am told gets about 70 percent of his money from political action committees. Obviously, one who is going to get 70 percent of their money from political action committees does not have a whole lot of incentive to limit political committees. But if that is the problem, political action committees are the root cause of why we are here, strike a deal. We will go and look at the problem with political action committees, and if we want to have limits we will limit it. We will make it $2,000 instead of $5,000, or we will make it $1,000, if you want to limit it to the overall amount the person can get from political action committees. Do you want to get rid of political action committees? That is not the issue in this bill.

Many people think that is the problem. Many people think it is just the political action committees. Sign up, join the parade, and we will make you a deal real fast. That is not it. It is only what we talk about. We get up here, we rant, we rave about all of those nefarious political action committees. I do not see this bill trying to do away with political action committees. No. It is something else. How can we build in a political advantage? How can we figure out a way to, and what this bill really does is help out incumbents. I am an incumbent. I probably ought to be for that. But unfortunately my party is in the minority. So it would not help the party overall. It would help me individually. This bill would actually help me. It would be easier for me in election. It would be tougher for my opponent. It would be far more difficult for my opponent who would be limited to the same type of campaign spending, yet I as one Senator have access to thousands of dollars, legitimately, to spend in fulfilling my responsibilities as a Senator from Indiana.

And it is impossible to tell, particularly in an election year when you are making a speech and you may not even make one political overture or say one thing about your opponent, you show up in an election year, that is a political event, and it has the overtones of a political event.

So this is really the incumbents' protection act of 1988. It protects incumbents, but I suppose that is all right in the spirit of trying to limit political access, in the spirit of not caring about if you get 80 percent of your money from political action committees, in the spirit of stepping on the first amendment. While you are at it, while you are trashing all of those things, why not just throw in a little bit of good, old-fashioned incumbency protection?

I wonder why we are creating yet another costly government entitlement program, one exclusively dedicated for a handful of men and women in this country when our budget deficit is to put it mildly out of control.

The budget deficit is out of control, and here we are in Congress arguing about a bill to create another entitlement program, one more entitlement program, one more time. This is reform. So this entitlement program is OK as long as we put the word "reform" on it. It does not matter if it costs taxpayers more.

We ought to ask the taxpayers if they like reform if they are going to be paying more. And I would say that they do not and would not.

Why has the spotlight been so tightly fixed on PAC's supported by business groups? Should there be an equal spotlight on the massive use of labor union resources and other self-styled independent groups on behalf of political candidates? I mean, if we are going to talk about expenditures in campaigns, let us talk about expenditures in campaigns. This is a very self-serving, selective piece of legislation that is devised to gain political brownie points.

But I think the longer that we talk and the more that the American people find out what is in this bill, that they will be writing letters, they will be talking to Senators when they are home, they will be making comments at town meetings. They will be doing various things when we are back here debating this taxpayers subsidy bill.

And I would imagine that when we go home this weekend—if we do; we may still be here. We will go home in a week or so. When you go back to your respective districts, respective States, go to the rural part of the State. Ask those folks what they think about picking up the tab for our next election. Ask the American people what they think about a new entitlement program, a new entitlement program that has the label "reform" on it. Well, this little reform bill has a little catch and that catch is that you, John Q. Citizen, are going to be picking up the tab.

Mr. President, the fact that public financing of Senate and House races could cost us $500 million every 2 years is all by itself enough to oppose the Boren-Byrd amendment.

Let me say that there are other reasons why such a scheme simply does not make sense. For one, public financing would distort elections by imposing the same system on 50 different States with different degrees of competitiveness in individual races. The problem of getting elected is a personal one in each State with each candidate's constituents. It is not a national problem. What works in California does not necessarily work in Indiana. What is accepted practice in New York might be an inappropriate practice in Indiana.

When Senators go from Washington, DC to Virginia to campaign, or go to Maryland, there are not that many costs involved. Going back and forth from here to Indiana could cost in a campaign year as much as $50,000. Going to California would be much more; going to Alaska would be more; going to Hawaii would be more.

Public financing would also sever a violent link—a voter's right to financially support a Senate candidate in his or her own State.

By instituting a national checkoff on IRS forms for Senate races, tens of thousands of voters from one State would be donating money for Senate races clear across the country in other States. In effect, this would remove one of the direct links between a representative and the constituent he serves.

But I guess that does not bother the proponents of this legislation that that link may be taken away; that what we are doing is in essence nationalizing these elections, letting the taxpayers pick up the bill.

You know there are always schemes on how we can nationalize and centralize things. Most of those schemes have never seen the light of day because this system of ours is a representative democracy that is very pluralistic. We are decentralized. We really believe that the power is not vested in the Government or in Washington, DC but the power is vested in our people; that we do not govern because we are the Congress and the Government of Washington DC, we are governing because we have consent from the people to govern—the people of this country.

And I can say that in traveling back in my State—and my State is no different than Ohio or Arkansas or any other State; it is just a small Mideastern State filled with a lot of good people, a lot of good folks. And when I go home and ask them what is on their minds, I guarantee you something that is not on their minds, and that is creating a new entitlement program to pay for Senators' and Congressmen's elections. I can guarantee you that is not on their minds. I will tell you what is on their minds is this budget deficit. That would be the first thing that would come up. And if they thought for one moment that this bill had a chance at all to see the light of day in passing legislation, they would be on my back telling me to vote against this bill. If they really thought and knew that this bill had a chance, they would be all over me. And they should be. They would say, "Have you lost your senses? Have you absolutely come uncorked?"

I am not supporting this bill. I am going to talk about it and other things until it goes away. And it will go away. It will fly away. We have had seven, I think seven, votes on cloture. And I predict that probably this one, because civility and things of that sort have broken down a bit, I imagine this time around the vote will probably be worse; that the proponents will be going in the other direction as far as picking up support; that the arresting of Senators does not get more votes.

While the Boren-Byrd bill does set a minimum threshold of individual contributions that Senate candidates must receive before becoming eligible for public funds, it would discourage any candidate from raising any more than he needs to meet his threshold.

Perhaps it is no coincidence that the threshold fundraising requirements favor those who raise money from large donors—not the little guy, but the big fat cat that we hear so much about. Large donors, not small donors.

Let us rely upon large donors, fewer of them. Let us not get too many people involved in this political process, but fewer of them. But make sure that the big boys and the big girls are heard from. The guy that works, the guy that gets up, the guy that puts in a legitimate week's work, sweats, has a family, tries to raise his children, do not let us get him involved. Let us just leave it to the large donors.

Senator Packwood yesterday explained, in what I thought was frightening detail, why it is easier to raise money in large donations under the Byrd-Boren bill. The simple fact is that it takes more money to raise money in small donations than it does to get a few large checks. The Washington Post has pointed out that the majority party in the Congress gets the vast majority of PAC donations and that over one-half of all Democratic campaign donors make more than $100,000 a year.

Let me repeat that. Someone might have missed it. It is an important point.

The Washington Post has pointed out that the majority party in the Congress gets the vast majority of PAC donations and that over one-half of all the Democratic campaign donors make more than $100,000 a year.

I suppose that we might describe this legislation as "The Fat Cat Protection Act of 1988." Make sure the big boys and girls are taken care of.

I do not want to hear again about this country club business. I think we know who the country clubbers are and who the rich folks are and who the fat cats are and who the large donors are.

Some of us just want to raise money from the people, from the folks back home.

Financial support can be as important as votes. It is part of the political process, a way for individuals who feel strongly about a candidate to become personally and directly involved.

So why are we even thinking about discouraging voters' rights to financially support Senate candidates from their own States? And why would we want to give even more power to PAC's and large donor fat cats in the fundraising process? Why do we not do something to encourage small donors?

Why do you not think about, in the name of reform, perhaps the elimination of PAC's or reintroduce a tax credit for small donors? Ha. We do not want small donors. It takes time.

If we are going to have small donors contribute, by golly, I might have to have a breakfast fundraiser, I might have to have a lunch fundraiser and a dinner fundraiser when I could sit down at the table with some of my few selected rich friends and raise that money in an evening; have wine, have steak, have a nice, great big dinner, raise a lot of money with a few people there. But, by golly, do not go back home; do not be forced to go back to your State and to have a breakfast for $10 and try to get 100 people there so you might raise $1,000 because you can get $1,000 just sitting out there making a phone call. Heaven forbid if we would put that kind of a burden on Senators and Congressmen that they would have to go home and raise money in their home State.

Think of that. Think of how preposterous that would be, to have Senators and Congressmen raise money in their home States.

If we are interested in reform why do we not talk about reform and make Senators and Congressmen raise money in their home States and make them do it from $100 or less and put a limit on that. Limit it to contributions of $100 and you have to raise it in your home State or, if you want, say just raise 80 percent in your home State. That would be reform. I do not see that in this piece of legislation.

I mean, holy mackerel, do not ask me. I mean, I am a Senator. By golly, I want to figure out a way where I can, you know, not spend as much time with the folks to raise money. I mean I am too important. By golly, I mean I am a U.S. Senator, 1 out of 100. This is the most deliberative body and, boy, we are deliberative. We are deliberating on taxpayer subsidies of elections, deliberating, arresting Senators. Boy, this is a great club.

But I mean to tell you: Please, please, I do not want to think that Senators would have to go home and raise money from small donors in their State. I mean, gee, some might not get reelected if we would have to do that. Raise money from their home State? No, I am going to have to set up something where we do not have to spend any time doing that. I will make a few phone calls out here to a few of the political action committees and get a few political fat cats on the phone, have a nice dinner and raise the money and put the ads on TV.

But, come to think of it, I do not want my opponents to be able to raise too much money either, so I will just have a ceiling so I will be here for a long time because this is really a nifty place. I would not dare think of having Senators go home and raise money from their constituency. Mercy, mercy, mercy.

Financial support can be as important as votes. It is a part of the political process, a way for individuals who feel strongly about a candidate to become personally and directly involved. So why are we even thinking about discouraging voters' rights to financially support Senate candidates from their own States? Why would we want to give even more power to PAC's and larger far cats in the fundraising process? Why would we not do something to encourage the small donors?

As I said, why do we not think about reintroducing a tax credit for small donors? In addition, the public is apathetic at best about the thought of financing national elections. Apathetic at best. I would say that they are. And if they really thought that they were going to get hooked for the bill for us running, many of my constituents would be downright hostile. Only a quarter of all the taxpayers check off a dollar for Presidential elections, so why do we suppose they would support funding congressional elections as well?

Mr. President, during this debate I have heard the amount of money we spend on congressional campaigns called a national embarrassment, a national disgrace, a corrupting influence. As a matter of fact, we have even heard worse. But, is there something inherently wrong about spending money in campaigns? The point has been made before but it bears repeating: The amount of money spent to elect the President and Congress in 1984 was less than the amount spent by the Nation's leading advertiser, Procter & Gamble for its products that same year.

Surely educating the electorate about those who make critical national decisions is at least as important as one company's annual advertising budget for soap and toothpaste. We ought to remember that it was James Madison who warned against the "tyranny of factions" and suggested that the best way to avoid such tyranny would be to let them multiply and flourish.

In age of centralization it is important to remember Madison's celebration of pluralism. The tyranny of factions Madison warned us of; and how to make sure that did not happen was to go ahead and to let them multiply. What he was talking about was a few ideas, a few people, a few factions getting ahold of our Government and the future of this country.

Madison was not afraid of competition of ideas. We should not be afraid of the competition of ideas. What is wrong with competition? We have it in the marketplace that produces jobs and opportunity and hope for the future. Why can we not have that kind of competition in the political process? Why do we want to exclude folks from the political process? Why do we want to say no, we want to have our campaigns funded more from the large donors than the small donors? Why is that? Why is that?

Additionally, as de Tocqueville argued, "America was founded as a nation of people who gladly joined in the democratic process." It is precisely this civic involvement and beneficial competition that has allowed our democracy to flourish.

In fact, people will always find ways to express their own self-interest politically, no matter how hard the Congress tries to close off those avenues.

It is not hard to prove that point. Just look at some of the loopholes in existing campaign laws: soft money, independent expenditures, bundling for unlimited private contributions by wealthy individuals. Tried them all. Tried them all.

Some of my colleagues have already pointed out the laws and the public financing schemes that give rise to increasing influence by soft money and independent expenditures.

Professor Alexander has estimated that the Mondale campaign, in spite, or perhaps more correctly because, of the public financing laws, saw between $30 and $40 million spent on his behalf by labor unions in the 1984 election.

I would just point out that the so-called soft money is so pernicious an influence that a 1980 Kennedy School of Government study counseled against public financing. The Harvard study reasoned that public financing in its commitment to spending limits gave rise to and encouraged spending unlimited amounts of money through conduits other than candidate campaign committees.

To make matters worse, the Harvard study concluded, most of the means through which money is now being poured into the Presidential politics are inherently less accountable to the electorate and should not be encouraged by campaign laws.

Mr. President, before we go off on yet another campaign reform adventure we really ought to take a closer look at some of the reasons why our campaigns become expensive. Perhaps the greatest reason for the high cost of elections is something the Senate simply cannot control, the rapid growth in the cost of TV and radio advertising. Both media are central to Senate campaigns. Fifty percent of a typical Senate campaign budget goes toward broadcasting media advertising.

Coming from a newspaper background, I consider myself a newspaperman, that is unfortunately the case and one that I am sorry is fact. Trying to regulate, even to keep costs down, would clearly be unconstitutional. It would be unconstitutional, certainly, to try to limit that.

A second reason for expensive Senate campaigns, ironically, is in the high cost of fundraising, a development that clearly can be traced right back to the stringent limits on contributions set out by our earlier efforts to reform the Federal election process.

Because Senate incumbents and candidates alike are forced to raise smaller amounts of money from more people, the fundraising process has become both expensive and time consuming. As we pointed out earlier, putting limits on overall spending will simply discourage the solicitation of small donors because of the high costs involved.

Washington Post political writer David Broder concluded that spending limits and taxpayer financing have shut down local campaigning. "Grassroots democracy has died."

But that is all right. We are all in the Senate now. Senators evidently, like it out here. They do not want to have to worry about grassroots democracy. But before we are willing to legislate away grassroots democracy we ought to think about how we got here.

We ought to think about the people that put us here. We ought to think of those folks back home that have worked hard to put us here. If grassroots democracy did not put us here, what did?

Now what we are talking about doing is legislating away grassroots democracy. Let the taxpayers pick it up. Have the taxpayers foot the bill. But we will all talk about democracy. We will talk about the representative form of government that we have. But, boy, let us not have to get back into that thicket of grassroots democracy.

Look at what has happened. Look what grassroots democracy has produced. We want to attempt to legislate it away. It has been argued that one of the reasons that we want to have this taxpayer subsidy subsidizing elections is to spend more time in the Senate or spend more time on the so-called quality of life. I do not know what we would be doing if we did not have this dynamic turkey before us.

Maybe we might be talking about the Federal budget deficit. Maybe we might be talking about education. Maybe we might be talking about the drug problem that infests our constituency in our inner cities. Maybe we might be talking about how we could lower interest rates.

If this is any indication how we are going to spend our time, I am not sure we need more time, spending time on legislation trumped up in the name of reform that has absolutely no chance of going anywhere.

The third reason is the plain fact that a dollar goes about half as far today as it did when we overhauled the political system last time, so it costs more to get the same result.

I also might add that another huge cost in campaigning comes from the so-called consultants. My wife happens to be one of my chief political consultants. Her advice, which I solicit a lot, is free. I do not have to pay for that. But there are a lot of other consultants that you do have to pay for. You have to have your media consultant. Sometimes people think you ought to have a political consultant. And you also need a pollster. We always have to take polls. They are sort of like an addict that gets his fix. That is the way the politicians get their fix. They have to take polls. Those are expensive.

I suppose what we will probably do is in due time let the taxpayers pay for consultants and pollsters, too. I mean, I do not know where this ends. This would be the reform of 1988. I do not know what the reform of 1996 will be like.

Mr. President, the most recent villian in the campaign reform drama is something this body brought into being, the good old political action committee, PACman. That is it PAC's.

Despite the PAC hysteria created by Common Cause and others, however, I think we ought to remember that these political action committees generally represent a wide diversity of interests, and diversity is vital to the democratic process. There are now over 4,000 labor and business PAC's competing for our attention. Our Founding Fathers knew very well that ours is a nation of competing interests, and that is why they set up our federal system based on checks and balances.

Despite criticism that PAC's somehow buy votes, anyone with even a modest knowledge of how Congress works knows it just is not so.

It is ludicrous to think that a contribution from any of the thousands of PAC's could be decisive. More often than not, a candidate or incumbent has received a contribution from a PAC with a competing interest.

PAC money, by and large, is not spent to influence votes. It goes to Senators and Congressmen whose voting records are generally in line with their own interests.

I think it also ought to be pointed out that any attempt in Congress to limit PAC spending, directly or indirectly, is likely to backfire by encouraging these groups to simply switch gears and make independent expenditures in races.

I do not know how often I have heard in this body complaints about independent expenditures. Republicans complain, and Democrats complain about all these independent expenditures.

The problem is that we have a free country and yet what we are trying to do is to limit the political process, limit the political process, rely on major donors rather than small donors, have the taxpayers pick up the tab, and yet there is not anything we can do about independent expenditures.

If a millionaire wants to come into my State and spend millions of dollars in an attempt to defeat me, he or she can do that. We cannot do a darn thing about it.

So what we would be doing by this bill is taking away a possibility for me to respond to that independent expenditure and the outcome would be that that independent expenditure would have far more clout than it has today. That is the situation.

I do not think I have to remind anyone in this body that the Supreme Court has quite clearly told Congress that it cannot restrict independent expenditures.

Finally, I would note that the Byrd-Boren bill clearly advantages large PAC's with a ready cash flow, because the bill would put a premium on early and large donations. So the first PAC's to contribute would be given more prominence in terms of total contributions merely by virtue of getting there first. Clearly, this is not the desire of those self-styled public interest groups that are pushing the Congress to reform its campaign finance procedure. Nor is it my idea of how to encourage broad political participation.

But as David Broder has said "Spending limits and taxpayers financing have shut down local campaigning. Grassroots democracy has died."

Grassroots democracy has died. We do not want to have to pay attention to the grassroots. We do not want to have to go back to our origins. We do not want to have to go back to our States to raise money from small contributors. We do not want to have to go back and to have $10 events. No. What we want is a big, fat check from the taxpayers, take money from political action committees, rely on the big givers, the easy money.

Well, I suppose that you could say from some of you, not me, some must think that it is far more entertaining, far more exciting, conversation is probably more stimulating, that you learn more at a Washington restaurant with the beef tenderloin and capriole and all the trimmings, in Washington, DC, than it is to go back and to eat at the local restaurant in your respective State and have a chili dinner at $10 apiece and to sit down with the people that sent you here.

Grassroots democracy is dead. Grassroots democracy, the folks that sent us here—let us not forget where we came from. And maybe for some I would concede that fancy dinner in Washington is more fun than the chili dinner at home. Not for me. As a matter of fact, I sort of enjoy going home. I enjoy sitting down with people that can afford to give $10 to my campaign. I will be honest with you. I learn a lot more about life and their problems and the problems and the challenges and the confrontations of life from somebody that can give me $10 than some millionaire that gives me $1,000. I can learn a lot more about the things that are important in life like families, religion, business, neighborhoods, from people back home at a chili dinner than I can sipping champagne at some big reception in Washington, DC. And yet what we want to do apparently is to make life easy for Senators in the area of fundraising. Do not go to those chili dinners. Do not go to those $10 breakfasts. They are a pain.

They are not a pain. They are an enjoyment. As we try to legislate away grassroots democracy, before we get carried away with too much, we ought to really think about what we are doing.

I know it is perhaps difficult after being up all night, going on another being up all night. It might be difficult. It might be almost out of the question to ask someone to think. Everybody is tired. People's minds are made up. We know how the vote is going to come out. We also know that we can continue to talk and probably hopefully be able to persuade the American public by explaining to the American public what is in this bill.

The American public is probably wondering what is going on besides Senators' being arrested. The public is probably wondering what this great deliberative body is deliberating on tonight in the great tradition of Daniel Webster and all the other great Senators before him and after him.

And the American public is listening to a debate on how the Congress is going to create another entitlement program for themselves. This day and age of megadeficits, one more entitlement program, and as you pass the envelope, let us make this entitlement program for the Congress.

I suppose that this would be somewhat indicative as generations go on. I suppose that this is somewhat indicative of "take care of me first, and we will take care of you next."

This is somewhat indicative that, yes, I better make sure that I get reelected. That is important and how you get re-elected and particularly if we can figure out a way to do it easily because what we do not want to do is we do not really want to have a lot of small fundraisers. We do not want to get a lot of that participation. We want easy street and we want the easy road.

Maybe we ought to put forth a bill that would force a Senator or Congressman to raise 80 percent of his moneys or her moneys from their home State or home district. That would be reform. Only 20 percent would come from outside of the State.

But heaven forbid, we might have to go to those chili dinners. We might have to go to those $10 breakfasts.

I tell you as I examine the priorities of this Senate today it would do us well to go back home and to ask the folks what are the problems confronting this Nation, ask the folks back home the major challenges that confront the Congress.

And I daresay that we would ask the major issues of the day, the taxpayers' opinions of elections, would be a long, long way down the list.

Finally, Mr. President, there are some very serious first amendment questions that ought to be uppermost in our minds as both sides work toward a compromise on this issue.

Since 1976, the Supreme Court has clearly said that both contributions and expenditures are political speech and protected by the first amendment.

Restricting such activities is constitutional only when it is needed to prevent corruption or the appearance of corruption.

The most significant Court case, Buckley versus Valeo, said that limits on expenditures are unconstitutional because they impose direct restraints on the quality of political speech.

But there have been other cases as well where the Court has carefully preserved the rights of political speech when money is involved.

The Court, for instance, has said that while corporate contributions to individual candidates can be restricted, corporate expenditures on referenda cannot.

And, in the FEC versus Massachusetts Citizens for Life, the Supreme Court ruled that nonprofit corporations with ideological agendas can't be barred from contributing to campaigns.

Because special interest groups that incorporate are created to disseminate political ideas—not to make money—their expenditures don't pose a danger to the integrity of the system, the Court said.

Finally, Mr. President, we should all remember what Thomas Jefferson had to say at the founding of our Republic: "* * * To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical." And that is exactly what we would be doing should we use taxpayer money to finance our own campaigns.

Mr. President, campaign reform isn't a new idea. The Senate rejected the idea of public financing in the 95th Congress. And the House has rejected the same idea on three separate occasions—in the 93d, the 94th and the 95th Congresses.

So the talk about an "imminent threat" to our system rings just a little hollow. We've been here before. And we've rejected public financing before, and we will reject taxpayer financing again.

The only way to preserve the democratic process and avoid the tyranny that Madison foresaw is to let the factions of society have their say in the process. We should encourage the broadest possible dissemination of political ideas—not repress them.

Mr. President, I have not even addressed the questions raised by the clear advantages given to incumbents by the Byrd-Boren bill. These provisions have been eloquently explored by Senator PACKWOOD and Senator MCCONNELL. I touched on them, but I did not get into them in any detail.

But we should all pay attention to the problems presented to a democratic society whose leadership strives to protect itself. Soon it begins to lose all perspective and become arrogant in its disregard of the needs and desires of the electorate. I would submit that this is one of the great challenges of modern democracy. We should do everything we can to encourage constant renewal in our ranks—lest we sink into the complacency and myopia which leads to a slow erosion of our freedom.

The issue here isn't about who can raise the most money during Senate campaigns and how much is "too much."

The issue is about limiting participation. It's about a fair competition of ideas in a free marketplace.

Let's let the people of this country make their own decisions about political ideas based on the best possible information. I trust them to make the right judgments—just as they have for the last 200 years.

I see my dear friend and colleague from Kentucky is on the floor. Before I yield the floor, I want to first pay my deep admiration for the job that he has done over these months in bringing this issue to the attention of not only his Republican colleagues but the entire Senate. He has performed a very valuable service here in the Senate, and I daresay around the Nation, of telling the American people what is in this bill, what this means for them, what it means for our political system. He has really in fact done a truly remarkable job in this and other areas, but particularly this area. And he has been in the forefront and knows probably more about this legislation than perhaps anybody in the Senate. He is perhaps our most articulate spokesman on why the taxpayers should not have to pay for our elections.

I had intended to, but he is ready to speak, and I want to yield the floor so he can get the floor—I had intended to read a statement of the Honorable Henry Kissinger that he made before the Armed Services Committee today. I really wanted to talk about something far more important than the entitlement programs of Senators and something far more important that confronts this country; that is, where this Nation ought to go in a post-INF environment.

Dr. Kissinger talks about NATO strategy; he talks about INF and NATO modernization; he talks about the future of the Atlantic Alliance; he talks about an arms control policy; he talks about the East-West relations, and conflicts outside of the NATO area. And I believe it would be important that at least this be inserted in the Record. I had intended to read it into the Record and to talk about it.

I am far more knowledgeable about the intricacies of the INF Treaty and what we ought to be doing in that than I am about the details of taxpayer financing of congressional elections.

I ask unanimous consent, Mr. President, that a statement of Henry Kissinger made before the Armed Services Committee of the U.S. Senate, Wednesday, February 24, 1988, be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Hon. Henry A. Kissinger

Mr. Chairman, I would like to take this opportunity to sketch briefly the main tasks facing the Atlantic Alliance.

Any discussion of the state of NATO must begin with the recognition that it represents one of the great success stories of the postwar period. For more than forty years Europe has known no wars—the longest period of peace in Europe since the creation of the modern state system. While it is never possible to prove conclusively why something has not happened, the Western democracies have every reason to take pride in their collective achievement.

Success breeds two contradictory dangers however: on the one hand complacency and on the other a temptation to tinker that takes the achievement for granted and seeks to combine it with basically irreconcilable objectives.

The Atlantic Alliance faces both dangers: complacency in the reluctance to come to grips with the major political and technological changes that have occurred; tinkering in the restless quest for negotiating formulae often heavily influenced by domestic considerations that will in the long run undermine the cohesiveness of the Western democracies.

Part of the cause for this state of affairs lies in the failure to resolve contradictions that have beset the alliance since its early days. These contradictions were tolerable so long as the democracies possessed a vast military superiority. But the growth of nuclear stockpiles on both sides and the resulting nuclear balance requires that they be dealt with if the achievements of the postwar generations are not to be jeopardized.

NATO STRATEGY

The present NATO deployment of five American divisions and supporting air and naval forces evolved in the 1950s, when NATO's doctrine was massive retaliation. The strategy then was to react to aggression with an immediate and overwhelming nuclear blow against Soviet territory. From the perspective of massive retaliation this deployment had a political, not a military rationale. On the one hand NATO did not wish to tempt Soviet conventional aggression by doing anything to suggest that a Western response would be limited to nonnuclear means. On the other hand the European members of NATO sought for political reassurance: they wanted to make sure America was organically committed to nuclear retaliation even in the face of conventional aggression. Both European and American conventional forces were conceived as a trip of NATO a full conventional defense has been part neither of its strategy nor of its efforts. A substantial non-nuclear establishment was created nevertheless to give credibility to the nuclear threat.

This situation became precarious when the growth of Soviet strategic forces altered the credibility of the nuclear threat. Yet NATO deployment has been essentially unaffected by the change. NATO has improved its conventional defenses but not as fast as the Soviets have improved corresponding capabilities; hence the gap in conventional forces remains and is perhaps greater than ever. As the current NATO commander made clear recently, even counting the five American divisions that have remained in Europe, the alliance is still unprepared to withstand a major Soviet ground attack for more than a few weeks. Ambivalence continues 35 years after NATO's creation. Our allies remain unwilling to develop forces strong enough to provide an alternative to nuclear weapons; the United States would surely not reintroduce the draft. Yet much of public opinion and many leaders shy away from even thinking about the practicalities of nuclear deterrence. Indeed they constantly affirm the unthinkability of nuclear was while basing their security policy on its deterrent effect.

The need to build up NATO's conventional capability has been passionately affirmed for a long time; for an equal period the goal has proved elusive. This is partly because our European allies have less confidence in conventional defense than some American systems analysts. History teaches them that deterrence with conventional weapons is a chancy enterprise. For hundreds of years Europeans have seen wars break out between armies that were thought to be evenly matched. (Even at the outset of World War II the French army was considered to be—and in fact was—superior in numbers and equipment to the German army.) In conventional war, leadership, concentration of force, and tactics, play a role which make systems analysis calculations a hazardous guide. It can be no accident that all wars in the postwar period have broken out where there were no American forces and no nuclear weapons.

NATO has never solved its perennial problem: the proper mix between conventional and nuclear forces and the appropriate strategy for the use of nuclear weapons albeit as a last resort. The doctrine of flexible response was to resolve these issues. But NATO is still some distance from a conventional capability that could sustain itself for even the thirty days envisaged in some scenarios. And the elaboration of a doctrine for the use of nuclear weapons runs into two obstacles: Some anti-nuclear groups insist that nuclear war must necessarily be all-out extermination of civilians lest governments be tempted into nuclear adventures. Some of our allies start at the opposite end of the political spectrum but reach the same conclusion: that anything less than the threat of all-out war would weaken deterrence.

However, statesmanship and morality both demand that so long as nuclear weapons exist governments seek ways to limit their use and to terminate any war before it turns into a world holocaust. In a world of tens of thousands of nuclear weapons, it is reckless to teach that any nuclear incident must automatically escalate into a cataclysm. If the worst happens—for whatever reason—governments have an obligation to humanity and to history to limit the consequences. Only nihilists or abstract ideologues can shirk that duty.

The situation is made more complex because in nearly every NATO country the consensus on defense and foreign policy has broken down. As a result, national security policy is too often overwhelmed by domestic politics. The result has been an unworthy debate in which for example the recent American proposals on modernization are presented by critics as a means of shifting the risks of nuclear devastation to Europe.

Competitive avoidance of nuclear risk cannot possibly be the basis of NATO strategy. It is essential to develop a strategy that distributes risks equitably but effectiveness must be the ultimate outcome. This is why the issue of modernization should become the occasion for a careful and bipartisan reappraisal of NATO strategy and arms control policy. Otherwise the Alliance will be left with a precarious combination of the formal NATO doctrine of flexible response which, however, now has to be applied under conditions of nuclear stalemate, growing nuclear pacifism, a subtle Soviet strategy to separate the US and Europe—especially in the nuclear field—and continued inadequacies in conventional forces.

INF AND NATO MODERNIZATION

Divisive trends have been magnified by the INF agreement. This is not the occasion to analyze the merits of what will soon be an accomplished fact. If the Senate were to refuse ratification, domestic pressures in all European countries would force the withdrawal of these missiles in any event. The current choice is between unilateral withdrawal or the quid pro quo envisaged in the agreement.

To understand the impact of this state of affairs some discussion of the background of INF is important. The formal justification for INF as a counterbalance to the Soviet SS-20's was always a mistake and led directly to the so-called zero option. The INF weapons were never aimed at the SS-20's. Their ultimate justification was to prevent the nuclear blackmail of Europe by linking the strategic defense of Europe with that of the United States. With intermediate range American weapons in Europe the Soviets could not threaten Europe selectively; any nuclear attack and any successful conventional attack would trigger an American counterblow from European installations since the Soviets would have to calculate that the United States would use its missiles before they were overrun. Hence the Soviets would have to attack the missiles if they used even conventional weapons in Europe; that in turn would trigger a counterblow on Soviet territory. Were the war confined to Europe this would inflict an unacceptable level of damage on the Soviet Union. But the Soviets could escape this challenge only by initiating general nuclear war against U.S. territory—a decision out of proportion to any likely objective. Hence the defense of Europe and the U.S. were "coupled."

INF in short was a reassurance for defense-minded Europeans that America would use its nuclear capability on behalf of Europe's survival. But the defense-oriented leaders in Europe faced bitter opposition. In the end the INF missiles were introduced only after riots and demonstrations that shook the domestic tranquility of many countries for months. It is impossible to understand the psychological impact of the INF agreement without considering what the current leaders went through when the missiles were installed.

The NATO challenge can thus be summed up as follows:

The INF agreement and the pressures it generates against the remaining nuclear systems places the predominant burden of nuclear defense on weapons based in the United States or at sea.

In the process, many Europeans are convinced a gap is being created that in time will enable the Soviet Union to threaten Europe while sparing the United States. In technical terms, the defenses of the two sides of the Atlantic may be "decoupled."

This fear is all the greater because the Soviet conventional superiority has not been reduced. The threat that generated NATO in the first place remains intact.

The modernization of NATO's short-range nuclear weapons must be seen in this context. The Atlanticists in the Federal Republic have been traumatized by the removal of intermediate range weapons. They fear another change in American position while the critics of U.S. policy feel confirmed in their view. Both now tend to unite against a scheme that can be represented as making Germany a nuclear battlefield. Sentiment is therefore being generated for the removal of these missiles—the third zero option. And modernization of short-range weapons is likely to face the same domestic opposition as the intermediate range weapons a decade ago.

On the other hand, the denuclearization of the Federal Republic—the nearly inevitable consequence of the third zero option—would create profound splits in the Alliance. A nuclear free zone logically implies the adoption of a "no first use" concept, because otherwise the zone would still be under nuclear threat from weapons outside. And once the Alliance has proclaimed that it would not use nuclear weapons first, it is committed to accepting defeat with conventional weapons rather than escalating to nuclear war. Once the principle of defeat is accepted the neutralization of Central Europe, the goal of Soviet policy for 40 years, will be nearly complete. The nuclear armed members of NATO would be asked to assume risks on behalf of the Federal Republic which that country is not prepared to run for itself—an impossible state of affairs.

THE FUTURE OF THE ATLANTIC ALLIANCE

A single statement can do no more than outline directions. A complete policy must emerge out of a detailed debate within the United States as well as within the Alliance. But restoration of the unity of the Atlantic Alliance must be a prime objective of American foreign policy; without it a continuation of current East-West negotiations will lead to the unravelling of all that has been achieved by forty years of bipartisan foreign policy.

a. A coherent NATO strategy

The ambiguities that have beset NATO for forty years—some of which have been outlined above—must be overcome. On the part of the United States it requires an end to the rhetoric that America's goal in East-West negotiation is the total elimination of all nuclear weapons. Such a goal is neither possible nor desirable and Western leaders do their publics a disservice if they shrink from avowing this truth. Tens of thousands of nuclear weapons have been produced by the superpowers; hundreds by medium-sized countries; dozens by recent entrants into the nuclear club. No scheme of disarmament could account for all these weapons. Nations would insist on residual forces to protect themselves against cheating, or against the fact that the factories that produced the weapons would remain, or, should by some improbable chance these too be destroyed, against the knowledge in the minds of men from which these factories and weapons sprang in the first place. Mankind cannot unlearn the secret of the atom. For the immediate future—even assuming forseeable reductions—that level will remain quite high; the real issue before us will be the nature of deterrence, and its components.

At the same time our European allies have an obligation to face strategic and technological realities. Too many of them create the impression that deterrence can be separated from defense and that it depends entirely on the vastness of the threat. But deterrence in fact is the product of the threat and credibility. If credibility is zero even the most devasting threat will amount to nothing. Europe has a right to insist that the United States use all the means necessary to stop Soviet aggression. It can have no interest in a strategy that has the end of all civilized life as its inevitable corollary. The elaboration of other options is in the interest of both sides of the Atlantic.

It is therefore urgent to end the demoralizing debate over which side of the Atlantic is seeking to escape what risks and responsibilities. The goal must be an effective defense at tolerable cost. The deterrent threat cannot be separated from what the Alliance is prepared to implement without opening a psychological gap which sooner or later will tempt aggressive conduct.

b. Arms control policy

The idea of arms control is novel, if not revolutionary. Developed in its present form in the 1950's arms control strove explicitly for stability by reducing the incentive for surprise attack not through arms but through agreement. The historically extraordinary notion emerged that a country's vulnerability was a strategic asset; with the civil populations of both sides at risk—so the argument ran—neither side would dare to launch its weapons. Arms control theory contributed—in the West—to an aversion to defensive weapons; it also caused every offensive system to be subjected to extended scrutiny lest it somehow "destabilize" the military equation. Never before in history had military policy been judged by such criteria; the Soviets for their part have shown no such inhibitions in their unilateral weapons decisions.

This is not the place for an analysis of arms control theory which included many valuable and indispensable insights. However, arms control, to be effective, requires an unusually delicate understanding of the elements of strategy. Nations had often suffered catastrophe in the past even when they fancied themselves superior; negotiating equality with an adversary calls for an unprecedentedly sophisticated analysis. The measurement of equality has been maddeningly complicated by the novelty of the weapons, by the asymmetry in the design of the weapons systems of the two sides, in their geostrategic positions and in the unpredictability of technological developments. Thus even were the Soviets ready for a serious effort, negotiations would be difficult because the weapons of the two sides are designed by different criteria and serve different strategic ends.

Since its early days, arms control theory has developed a life of its own. It used to be argued that arms negotiations should be an essential complement to broader strategic and foreign policies. Today the tail comes close to wagging the dog. Care must be taken lest esoteric arms control schemes become an end in themselves thereby eliminating any relationship to defense strategy.

The issue of NATO modernization illustrates the point. Before the INF agreement modernizing the Lance weapons stationed in the Federal Republic was considered an internal NATO matter not subject to international discussion. The INF agreement has turned it into an East-West issue. Modernization is opposed by the Soviets with the argument that it violates the non-circumvention clause of the INF agreement. And it is opposed by significant segments of German political opinion because it allegedly singles out the Federal Republic for nuclear risk. The so-called "compromises"—linking modernization to some new arms control measure—nevertheless accept the principle of denuclearization of the Federal Republic; the controversy concerns the price.

All this repeats the INF experience. None of the schemes account for the fact that the Soviet Union as a nation state will retain the capacity for nuclear threats while NATO as an alliance in need of 16 sovereign decisions gradually loses that capacity as nuclear weapons are being delegitimized while the conventional inferiority remains. Even assuming full compliance with foreseeable agreements the Soviet Union will always retain categories of weapons on that part of its national territory outside the agreement from which it can launch a threat to Europe. But the removal of categories of weapons in NATO denuclearizes nations—not parts of a national territory. Hence it throws an increasing burden of decision on the United States and elaborates different perspectives between the US and Europe and between the nuclear and non-nuclear countries within Europe.

This is all the more worrisome because NATO depends on nuclear weapons more than the Soviet Union. Finally, large reductions in START work against the discriminating use of nuclear weapons and hence underline the declining credibility of the threat of general nuclear war at a time when the INF negotiations force ever greater reliance on a nuclear strategy founded on weapons based in the United States or at sea. In short, arms control policy and alliance strategy must be brought into harmony lest they paralyze each other. Or else arms control becomes a device by which the Soviet Union gains a veto over Western defense policy without meaningful reciprocity.

c. A larger role for Europe

In the early days of NATO the United States had first an atomic monopoly and later a huge nuclear superiority coupled with economic predominance. It was inevitable in these circumstances that the Alliance structure came to be dominated by America. But since then Europe has recovered economically and restored some of its military strength. Britain and France have developed nuclear forces of their own. In the process, existing arrangements have become unbalanced. When one country dominates the alliance on all major issues—when that country chooses weapons and decides deployments, conducts the arms-control negotiations, sets the tone for East-West diplomacy and creates the framework for relations with the Third World—little incentive remains for a serious European effort to redefine the requirements of security or to coordinate foreign policies. Such joint efforts entail sacrifices and carry political costs. Leaders are not likely to make the sacrifice or incur the cost unless they feel responsible for the results.

An imbalance such as the one now existing cannot be corrected by "consultation," however meticulous. In the long run, consultation works only when those being consulted have a capacity for independent action. Then each side takes the other seriously; then each side knows that the other's consent has to be won. Otherwise consultation becomes "briefing." Agreement reflects not conviction but acquiescence for want of an alternative.

Moreover, military dependence on another nation has a cumulative impact. When dependence no longer results from wartime destruction but from a policy choice, made under conditions of relative prosperity, it can breed guilt, self-hatred and a compulsion to display independence of the senior partner wherever doing so is safe, especially with regard to some Third World issues, the Middle East and certain aspects of East-West relations.

For all these reasons the United States has a positive interest in encouraging the evolution of a more autonomous European voice in security matters. During the entire postwar period it has been an axiom of American policy that for all the temporary irritation it might cause us, a strong, United Europe was an essential component of the Atlantic partnership. We have applied that principle, insofar as it depended on American actions, in all areas except security. With respect to defense, the US has been indifferent at best—at least since the failure of the European Defense Community in 1954—to any sort of Europeanization. Many seem to fear that a militarily unified Europe might give less emphasis to transatlantic relations and thus weaken the common security.

The opposite is almost certainly the case. In the economic field, integration was bound to lead to transatlantic competition, even to some discrimination. What defines a Common Market, after all, is that its external barriers are higher than its internal ones. In the field of defense, by contrast, increased European responsibility and unity would almost certainly promote closer cooperation with the US. A Europe analyzing its security needs in a responsible manner would be bound to find association with the US essential. Unity in defense matters would also enable the Federal Republic to escape the fear of isolation and enable the Atlanticists to resist nationalist tendencies.

Greater unity in defense would also help to overcome the logistical nightmare caused by the attempt of every European nation to stretch already inadequate defense efforts across the whole panoply of weapons. For example, there are at least five kinds of battle tanks within NATO, different types of artillery and different standards for calculating the rate of consuming ammunition. In a major conflict, it would be a herculean task to keep this hodgepodge of forces supplied.

Thus the paradox: the vitality of the Atlantic Alliance requires Europe to develop greater identity and coherence in the field of defense. I am not talking about traditional "burden sharing", paying more for the existing effort. I have in mind something more structural—a more rational balance of responsibilities. The present allocation of responsibilities fails to bring the allies to reflect naturally about either security or political objectives. Everyone has been afraid to take the initiative in changing the present arrangement, lest doing so unravel the whole enterprise or antagonize the United States. There is no foreseeable East-West conflict in which Europe will not be better off with American support. This is why, if the British and French can agree on coordinating their nuclear forces, the United States should encourage it as an important first step toward a greater European role in the joint nuclear defense. Above all the United States should make clear that European union on defense matters will be viewed as strengthening not weakening Atlantic ties.

EAST-WEST RELATIONS

Too many in the West seek to escape their dilemmas by taking refuge in the personality of Gorbachev. Without entering into the debate as to the long range purposes of the Soviet leader, the democracies cannot make themselves dependent on a single personality, especially as every Soviet leader except Lenin has been disavowed by his successor.

Gorbachev's personality is no doubt striking. But is it wise to treat his person as the deus ex machina to solve all the West's dilemmas—a communist leader who will bring peace and tranquility without any real effort on the part of the free countries? Do these attitudes do justice to the actual choices facing the Soviet leadership? It is easy to forget that Gorbachev has emerged at the top of what must be the toughest competition in the world—one in which losers are rarely heard from again. He has never wavered from basic communist doctrine. And how could he, never having held any position other than as a member of the communist hierarchy?

Reality no doubt imposes at least a respite on Soviet foreign adventurism, perhaps even an end to it no matter who governs in Moscow. But Gorbachev, as any prudent leader, is unlikely to court unnecessary domestic problems. He will not volunteer changes in political and strategic arrangements that powerful factions within his bureaucracy would find unpalatable. Obviously, he will push those programs most advantageous to his own country.

More fundamental issues must be addressed. What exactly is it that the West wants the Soviet Union to stop doing? What is the American and Western notion of cooperative conduct? In the contemporary situation is glasnost or human rights progress enough, or are other changes necessary? Can four centuries of Russian expansionism be due to personalities, or do they reflect more permanent geopolitical and strategic elements? The absence of criteria causes domestic disputes to fester. The reluctance to endow peaceful coexistence with political content produces an overemphasis on numerical nostrums and threatens to open up a gap between strategy and arms-control policy in which each checkmates the other.

I do not know how Gorbachev would react if presented with a comprehensive program that would reduce nuclear and conventional weapons simultaneously. Or how he would respond to a serious attempt to discuss the US-Soviet role in the world a decade or so ahead of us. I am convinced that he has the intelligence and imagination to make a significant and constructive response. And if he refused, we would at least understand the nature of the challenge better than we do now.

CONFLICTS OUTSIDE THE NATO AREA

The North Atlantic Treaty Organization was a response to the fear of Soviet aggression against Europe. At that time, 40 years ago, the United States had a huge nuclear superiority and was dominant economically, while Europe was only beginning its recovery from the war. Conflicts outside Europe were produced by the process of decolonization; the Soviet role in them was relatively minor. The United States, reluctant to be involved in colonial wars, insisted that the obligations of the Atlantic Treaty did not extend outside of Europe.

Since then, conditions have changed dramatically. Europe has recovered its economic dynamism and is moving, although fitfully, toward political unity. The fear of Soviet invasion has diminished. American nuclear superiority has been replaced by rough parity with the Soviet Union, and European allies increasingly question the credibility of the nuclear deterrent.

But on the issue of relationships towards third area conflicts the early problem remains almost unchanged, although the two sides of the Atlantic have exchanged their roles. Now it is Europe that insists that the treaty's obligations do not extend to the developing world. And it is Europe that feels free to dissociate itself from US actions where indigenous upheavals and Soviet efforts to outflank the alliance produce contemporary crises.

That process of dissociation has been accelerating for at least 15 years. During the 1973 Israel-Arab War, Britain and West Germany refused to grant the US permission to use American bases for reconnaissance—or blocked American arms shipments to the Middle East from their territories. Allied governments almost unanimously opposed American policy toward Iran during the hostage crisis, on Central America and Grenada. To be sure, cooperation in the Persian Gulf has been much better. But as Europe develops its own autonomy explicit arrangements for third area conflicts and tolerable dissociation become more important. The Alliance will be weakened if interests considered vital by one partner are consistently neglected by the other.

CONCLUSION

This is a vast agenda. And it cannot possibly be accomplished except in a bipartisan setting. The national security interest of the United States does not change every four or eight years. That possibility makes us a factor of instability. Weapons decisions, arms control strategy and serious diplomacy have a lead time longer than the term of office of a single Presidency. There will always be disagreements over tactics; but the fundamental issues must be settled. It should be the highest priority of a new Administration and of both sides of the Congress.

Mr. QUAYLE. Mr. President, I have said about all I am going to say tonight. There will probably be another time to speak on this or another couple of times. I have a lot more information to share. But as I said, I am going to yield the floor. Again, I certainly want to congratulate my dear friend from Kentucky. He is a dear friend, and even though we are competitive in basketball and other things that spiral across the river—and speaking of across the river, places like Jeffersonville, the Red Devils.

I believe the Red Devils, of Jeffersonville, all those that probably the Presiding Officer does not know about—the importance of Jefferson

High School and the Red Devils. If he wants to find out, he can ask me sometime or ask the senior Senator from New York. He can tell you of all those fond moments down there in Jeffersonville, IN, as they looked across the river, and we looked sometimes I might have to say to my dear friend maybe with disdain. But even though we did that from time to time in our little Hoosier hospitality, to our dear friends from Kentucky——

Mr. McCONNELL. Would the Senator yield on this most important matter that he raised at the conclusion of the speech?

Mr. QUAYLE. I am glad to yield without losing my right to the floor to my dear friend from Kentucky.

Mr. McCONNELL. Was it the Senator's position that the Indiana University was playing basketball this year?

Mr. QUAYLE. We have a team called Purdue in West Lafayette. Purdue as a matter of fact has done quite well. As a matter of fact, it has even done quite well against Louisville, and unfortunately from my viewpoint Indiana. But I want the distinguished Senator from Kentucky to remember where Purdue comes from. It is not just an engineering school. It is that too. It is a great engineering school, a land grant college, one of the first very, very fine schools. But this year I will have to confess that they are taking over the Hoosier tradition and I say that in the general sense of the whole State, not confining it to Bloomington, IN. And I daresay that we might be out in, what is it, Kansas City, MO.

Mr. McCONNELL. Kansas City.

Mr. QUAYLE. I do not know how Syracuse is going to be doing this year or any of the other schools from that State. How is University of Kansas doing?

Mr. MOYNIHAN. Would my friend from Indiana yield for a comment?

Mr. QUAYLE. I am glad to yield for a question without losing my right to the floor.

Mr. MOYNIHAN. I will comment only as the Senator from Texas might say, "I don't have a dog in this particular fight," but I wish it to be understood that any time I am on the floor I wish to join the Senator from Indiana in speaking on unending affection for and pride in the Red Devils of Jeffersonville High School in Jeffersonville, IN.

Mr. QUAYLE. I thank my colleague.

Mr. MOYNIHAN. It was intended to indicate great enthusiasm for the team.

Mr. QUAYLE. I will tell my friend from New York, they have not forgotten you there. As a matter of fact, I remind them that sometimes if they really might need some help, and I might not be able to provide it, that they have a third Senator from Indiana that comes from Jeffersonville and Clark County that I might say is somewhat overwhelmingly a Democratic constituency of mine, though they are trying to do better. So I use his name sometimes down there to sort of let them know, you know, they can talk to me, too. But the Senator hails from that area of the Red Devils. We take note of that.

Mr. President, with that and having noticed that the Indiana-Wisconsin game started at 8 p.m. on channel 50, I shall with enthusiasm relinquish the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Kentucky.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Before the Senator from Indiana leaves, I would note that he answered the Senator from Kentucky's question about whether or not the Indiana University was playing basketball this year with the speech about the virtues of the Purdue team. We have experienced the agony of defeat against Purdue, the University of Louisville has. But I would respond that the University of Kentucky is in the top 10 and we expect both Louisville and Kentucky to be headed toward Kansas City and we hope to see the Senator there.

Mr. QUAYLE. Will the Senator yield for a question?

Mr. McCONNELL. I am happy to yield to my friend from Indiana.

Mr. QUAYLE. We will see whoever we see there. We intend to make it.

I will say one thing, that it appears you may have drafted one of our better basketball players this year, our standout from Richmond, IN, who somehow I think signed up to go to the University of Kentucky. He was in the running for Mr. Basketball of Indiana, I might add, but now it has publicly come out that he is contemplating and, as a matter of fact, I think he might have even signed a letter of intent to go to the University of Kentucky down in Lexington, or somewhere in the vicinity.

Mr. McCONNELL. Yes, that is the place.

Mr. QUAYLE. Across the river. As at least Senator MOYNIHAN and I know, it is across the river somewhere. We are exactly sure where that location is, but we know that it is across the river and that is good enough for us to be against it.

(Mr. PRYOR assumed the Chair.)

Mr. McCONNELL. I thank my friend from Indiana for his kind observation about the Senator from Kentucky on this issue and his kind observations about our respective favorite basketball teams.

Mr. President, I think, as we look at this issue seemingly on and on, it is important to note those areas of agreement. The so-called group of eight has met twice and, as the Senator from Oklahoma, Senator BOREN, and I pointed on the floor of the Senate I believe yesterday, there were substantial areas of agreement—areas of agreement that would be almost any standard add up to a significant campaign finance reform bill.

The group of eight, for example, was unanimous in desiring to do something about the millionaire's loophole, something that the distinguished Senator from New York is concerned about and something we have talked about on frequent occasions. The Democratic members of the group of eight agreed to a suggestion that I had made and discussed again with my friend from New York recently that we simply make it impossible for someone who puts his own money or borrows money and puts it into a campaign in the effort to buy public office to retrieve it. That was an area of agreement by the group of eight.

The group of eight agreed that it was not fair not to have disclosure of so-called soft money. And certainly that was a step in the right direction. We did not agree on the limitation on soft money contributions but at least disclosure moves us in the right direction.

We agreed on the need to provide a meaningful broadcast rate discount on television time. We agreed on a variety of different efforts to limit as much as you can, consistent with the Constitution, independent expenditures, and we agreed on an effective provision to prohibit bundling.

So, Mr. President, we really came a long way toward writing the kind of bill that could go through this body 90 to 10 and truly be a bipartisan campaign finance reform measure. But apparently it is not going to happen. It is not going to happen, Mr. President, because we have broken down over one fundamental issue, and that is the question of whether it is appropriate to put a limitation on the number of participants one can have in running for the Congress.

Because, after all, Mr. President, that is what a spending limit is. It is saying to a candidate, "You can only have this much support and no more." To us, that is a very fundamental question. It is saying, "You can't have any more support than just this much." It is to us not a negotiable item and it is upon this point that the negotiations have broken down and it is upon this point that it appears that this debate will end for this year.

With regard to the events of last night, I think, without belaboring it too much, my friend from Pennsylvania, Senator SPECTER, had done an excellent job, it seems to me, in laying out the various legal arguments which could be made with regard to the activities of last evening in arresting and bringing to the floor absent Senators. There is really not much I could add to what the Senator from Pennsylvania said other than to make the point that it seems to me quite sad that we have deteriorated to that level here. We operate with a great deal of comity. We make a real effort, even when we are disagreeing totally on issues, to smile at each other and refer to our colleagues as "my friend from" and it has a way of taking the edge off.

But it seems to me last night we went too far, and I hope that we are not going to see further such activities. It has a way, I think, of poisoning the well, turning us from frustrated to angry. It seems to me it adds nothing to the proud history of this institution. So I hope we will not have any more of that.

Mr. President, I want to take a few moments to summarize some points that I made the other day about the Presidential spending system, but first I want to comment on what I heard the Senator from Indiana, Senator QUAYLE, talking about in trying to explain to his 11-year-old what was going on here in the Senate. It is pretty difficult to explain what we are currently engaged in.

I called my 15-year-old, who is at home tonight doing her homework, I hope, and explained to her what we were doing. This is a kid, I might add, Mr. President, who since age 6 has been able to name all of the President's first, middle, and last name and in chronological order; a kid who has some considerable interest in the process, but did have, I think, some difficulty with the filibuster.

I explained to her that in the U.S. Senate this is the way we protect the rights of a relatively determined minority when it can get up into the mid-forties and this was part of the tradition of this body and that we were protecting a most basic right in the process here—the right, as we see it, for as many people as possible, provided the contributions are limited and fully disclosed, to participate in the political process; to encourage the candidates to go out and get just as many of those folks as they can, just as many as they can.

So I hope that my daughter will understand this exercise and wish her well on her homework. I suggest that she go to bed shortly because her father is going to be here for a while.

Mr. President, in looking at the Presidential system, some have said, "Why talk about the Presidential system? We are here debating and discussing campaign finance reform for congressional races."

Well, the reason it is important to look at the Presidential system, Mr. President, is that that is the example we have before us. That is the example we have before us of spending limits and public finance. We tried it in 1976, in 1980, in 1984, and we are trying it in 1988. This is our fourth Presidential election with this system. We have tried it out and now we can examine how it has worked. And the reason we ought to do that is because what we are contemplating here is applying a similar approach to congressional races.

Now let me first say, Mr. President, before I go into describing how the Presidential system has worked or failed to work, I think it is a reasonably conservative estimate that if we applied a system of spending limits and public finance to 535 additional races—100 in the Senate and 435 in the House—that the FEC would shortly be bigger than the Veterans' Administration. That is about how many employees it would take to police all of these restrictions on the rights of people to participate in politics.

So let us take a look at what happened over the last three Presidential races. What was the cost to taxpayers? So far this year, looking at the 1988 election, in the last 2 months alone the taxpayers have coughed up $40 million. Looking at the last three Presidential elections—1976, 1980, and 1984—over one-third of a billion dollars, tax dollars—tax dollars—coughed up to pay for the Presidential races. We have had a proliferation of what some would argue are extremist candidates.

Now in this country you have got a right to run for public office no matter how outrageous your views. We fought wars over that concept. But one could suggest that you might draw the line before you let the public fund such races.

Lydon LaRouche got a half million dollars in 1984, tax dollars, public money. And this year that great American from the State of New York, a household word around the country, Lenora Fulani has gotten $200,000 of the public's money. Now I know since she is from New York she must be a great New Yorker and a great American, but we are wondering about the Lenora Fulani campaign.

The big news of the 1988 elections is, of course, that Lenora Fulani has thrown her hat in the ring. She is the nominee of the New Alliance Party. We are all familiar with the New Alliance Party.

And other big news is that she just got, as the Senator from Kentucky said earlier, $200,000 of the taxpayers' money to do it from that wonderful system of spending limits and partial public financing that some would like to extend to congressional elections.

Now, a word or two about Candidate Fulani. Ms. Fulani has never held political office before. In fact, she is a psychologist. But that means she ought to know what the people of the country are thinking. So I would like to wish her the best of luck, and I hope that she gets the most out of these taxpayer dollars.

There is only one problem, Mr. President. Ms. Fulani is not planning to win. In fact, right in her campaign literature she says she does not even want anyone to vote for her.

Now, this is an odd candidacy indeed, Mr. President. I thought I had seen it all over the years. I know the folks who ran for jailer in Letcher County and constable in Grayson County. We have got some interesting characters in my State that run for public office. I cannot ever recall any of them announcing and saying do not vote for them.

Her campaign is not even called Fulani for President. It is called Lenora B. Fulani's Committee for Fair Elections.

If you are a little mystified, Mr. President, so am I. What does the Fulani Committee want if it does not want your vote? According to the campaign literature, what the Fulani Committee wants is your money. What the Fulani Committee wants, Mr. President, is your money.

Why? Because, as one Fulani flier boasts: "Every dollar is worth two." What a wonderful concept. I bet that most of our taxpayers would like it if every one of their dollars was worth two.

But what wonderful financing miracle is available only to those who say they want to be President. What is this thing? Apparently, however, this two-for-one deal is available even if you do not want to be President.

The Lenora B. Fulani Committee for Fair Elections is not a Presidential campaign, it appears. Instead, according to its own literature, this committee was set up to "create a lobbying presence in the very center of the Presidential campaign." Its object, Mr. President, is not to win but bring issues to the forefront. Thus, Ms. Fulani is not only a great American, she is a shrewd American. She has figured this out. Ms. Funali is using this two-for-one cash to fly around the country following the real Presidential candidates around and lobbying them on the opinions of her group.

As her flier explains, this lobbying for democracy concept has yet another benefit. "Run as a Presidential campaign, every dollar we raised is matched by the Federal Government."

Now, every citizen has a constitutional right, and it is an extremely important right, to try to meet and talk with candidates for public office about their views and concerns. But, Mr. President, it is only in this wonderful Presidential system, that some in this body would like to extend to Congress as well, that folks can tap the taxpayers' pocket to spread any view or idea they have, whatever they want. We will just have the taxpayers foot the bill.

Mr. President, I can confidently predict that there will be a lot of great Americans, just as shrewd as Lenora Fulani of New York, who, if they look in the mirror in the morning, saw a Congressman or a Senator and said, "by golly, I think I see a Senator in that mirror. I am going to go out and file for public office and get me some of that tax money to expound my particular point of view."

Well, Mr. President, there is not any question that there would be a proliferation of such candidates under any system that provided the opportunity to dip into the pool of tax dollars to run for public office. I do not think we want to do that, Mr. President. I do not think we want to imitate the Presidential system.

Let us take a further look at what has happened over these last three elections for President. One out of every four campaign dollars has gone to lawyers and accountants. The first thing you do when you run for President is you bring in your lawyers and accountants. You are going to have to pay them a lot to keep you straight or tell you how to keep straight and play by the rules. And they are the big winners in this process.

Take the 1980 Presidential race as an example: $21.4 million spent on compliance alone. That is more than the most expensive Senate race in history; $21 million to the lawyers and accountants, Mr. President. They really love this law.

Some campaigns, I cited one the other day, one of the campaigns this year for President, processes each contribution through 100 steps to try to comply with the myriad of requirements and I expect all the campaigns go through some similar procedure.

Why, the political decisions have become the accounting decisions. That is how it is working out. This was a system designed, if we recall, Mr. President, to put a limit on spending and provide a partial public finance. What has happened? Why, since we have had this system of spending limits there has been an unprecedented growth in campaign spending. If that sounds like an oxymoron, let me repeat it. Since we have had spending limits, we have had an incredible increase in spending. Overall spending now is increasing at the same rate as before spending limits and taxpayer financing. The difference is that far more spending is now done outside of legal limits and disclosure requirements so there is less accountability. Put a limit over here and it pops out over here.

This law has been about as effective as prohibition, Mr. President. About as effective as prohibition. That is how we were going to wipe out the demon rum, if you recall.

What else has the Presidential system done? Well, it has had a really marvelous effect on all the candidates of both parties. Every single major candidate since 1976 has been cited for serious violations of the law. He has gotten bad press and large fines and, in fact, it has made every candidate a cheater. We created a system here that has made everybody running for President of the United States a cheater.

It is a sad commentary on a disasterous law. One candidate in 1984 spent $2 million in a State with a $400,000 limit. His campaign manager admits it somewhat proudly, I suppose, because the game is to get around the rules, not to comply with them.

Then there are delegate and precandidacy commitments. Why, their loophole is big enough to drive a truck through, Mr. President. Conduits of millions of dollars, millions of dollars of outside spending and outside contribution limits.

Corporation and labor unions have circumvented limits by paying office rents and phone deposits and giving overly generous loans. All this, Mr. President, I am describing is the great progress we have achieved in this country under the Presidential system of spending limits in public finance which we seek to emulate if we pass it.

What else have we got with the Presidential system? Well, we have gotten a growing disrespect for law and the election process. Campaign managers candidly report that the first planning priorities are to identify in advance ways to circumvent limits and rules. A respected observer and campaign staffer declared, "This whole FEC thing is a sham. It is your job to find every loophole."

What has happened to special interests under the Presidential system, Mr. President? If the American people have any interest in campaign finance reform at all, and I would question whether they do outside of Common Cause—if they have any interest at all, it is related to the influence of special interests. That is why the Senator from Kentucky and others have suggested that we eliminate political action committee or PAC contributions altogether. But let us see what has happened to special interests in the Presidential system.

In the 1984 general election, special interests spent $25 million to oppose President Reagan. Sixty-two percent of Reagan's $40 million spending limit; 62 percent of the President's spending limit was spent against him by special interest groups in the general election. Nearly half the money spent in the 1984 general election, $72 million, was outside the candidate's direct control. At least one-fourth of all money spent in Presidential races today is unreported, unlimited, and unaccountable. Soft money spending is roughly tripling each election cycle. Races resemble uncontrolled corrupt politics of the pre-reform era.

What has happened to voter turnout? Why, it is down. It was 55 percent in 1972; down to 53 percent in 1984. Clearly it has not had much of an impact on voter turnout at all. It has actually gone down. And the quote a number of speakers have used, including myself last week—David Broder, he is quite possibly the most respected writer about politics in the country, said "Spending limits and taxpayer financing have shut down local campaigning. Grassroots democracy has died."

A number of speakers, Mr. President, have said the campaign finance system is a scandal waiting to happen. I would most respectfully suggest, Mr. President, the scandal waiting to happen is in the Presidential system not in the congressional system. That is why the scandal is waiting to happen. That is where the lawyers and accountants are getting all the dollars. That is where the candidates are spending all their time to get around ridiculous limitations on their right to express themselves. We have created a monster and the last thing we ought to do, Mr. President, is make that monster even bigger by extending it to 435 additional races, by publicly funding the Lenora Fulanis of the world, by creating a FEC as big as the Veterans Administration. My goodness, that is the last thing that we want to do.

The Kennedy School of Government at Harvard, which a number of us have quoted over the last week, is really a good source for drawing some conclusions about how the Federal system has worked.

In 1982, our own committee here in the Senate on Rules and Administration asked the JFK School of Government at Harvard to study the post-Watergate campaign finance reform and recommended changes. This is what the study group concluded and reported to the Senate Rules Committee.

First, the JFK School said, among the problems of the post-Watergate reforms the most troublesome are related to the attempt to restrict the money spent in Presidential campaigns. Candidates are not allowed to spend enough money, and the expenditure limits have spawned a whole series of serious problems of definition, allocation, and enforcement.

On the other hand, the effort to control total spending has not succeeded. Those involved in Presidential politics are able to raise and spend unlimited amounts of money through conduits other than the candidates' campaign committees.

To make matters worse, the Kennedy School said:

> Most of the other means through which money is now being poured into Presidential politics are inherently less accountable to the electorate and should be encouraged by the campaign laws.

Mr. President, this is the JFK School of Government at Harvard:

> Thus, our most important recommendation is to eliminate the limitations by expenditures made by the candidate. Spending limits have proved undesirable for a variety of reasons.

And the Kennedy School listed them.

> First, the spending limits failed to equalize resources of different candidates. The spending limits failed to curtail the growth of money in Presidential politics. The spending limits failed to shorten the overall length of campaigns.
>
> The spending limits failed to reduce the emphasis on early primaries. The spending limits intrude unduly into campaign strategy. The spending limits created thorny problems with arbitrary definitions, creative accounting, and entangled enforcement and finally and most importantly, the spending limits fostered disrespect for the law.

The Kennedy School of Government report went on:

> A more serious consequence of the growth of money in Presidential elections has been the effort by political forces to expand the flow of money outside the constricted budgets of the actual contenders. These funding sources are all less accountable to the electorate than are the candidates. This constitutes a failure of the Act's original purpose.

(At this point, Ms. MIKULSKI assumed the chair.)

Madam President, the report recommended that an effort should be made to bring on the public record a better accounting of the money spent by labor unions and others for election related communications with members.

So there you have it, Madam President, and my colleagues in the Senate. The presidential system has failed in virtually every significant respect. Yet we would have before us a bill which would seek to impose upon 535 additional races such a system.

My goodness, can we not learn from experience? Can we not learn from experience?

There was an excellent article, Mr. President, done in February 1987, a year ago this month, in the Federal Bar News and Journal. Now let me just give you a little background. These are three folks who wrote this article who have been working for over 3 years for a Presidential campaign. By the way, I think it is interesting to note that it is still going on. This was a 1984 campaign and it is still going on, at least it was as of the date which was February 1987. Hopefully, it is now ended and these three able staffers trying to work with an impossible situation are gainfully employed elsewhere.

But the article was called "Counseling a Presidential Campaign." It was coauthored by Lyn Oliphant. She was at the time of the writing of this article in February 1987 the deputy general counsel for the Mondale-Ferraro Committee. Prior to joining that committee in 1984 she was special assistant general counsel in the Office of General Counsel at the FEC. She joined that staff at the FEC in 1986. So this is a person who has worked from the beginning at either the Federal Election Commission or with the Presidential campaign.

The second coauthor, Madam President, is Patricia Fiori. She was at the time of the writing of this article, February 1987, with the Mondale-Ferraro Committee, still trying to wrap that thing up, years after the election was over. From 1978 through 1982 she had served on the staff of the Federal Election Commission as an assistant general counsel for regulations and subsequently as Executive Assistant to Commissioner John Warren McGarry. From 1973 to 1978 she was legislative attorney with the Congressional Research Service. The third coauthor of this article is Michael Berman. At the time of the writing of the article he was a partner in the firm of Kirkpatrick & Lockhart here in Washington and treasurer for the Mondale for President Committee. He was counsel and deputy chief of staff of Vice President Mondale.

I give all those credentials, Madam President, for a reason. These are three individuals coauthoring this article who are steeped in Presidential campaign election law, some of the true experts in this field, not only from a FEC perspective but also from a campaign perspective for a Presidential candidate trying to comply with this nightmare that we created.

Let me point out certain pertinent parts of this article. The article begins:

> The date is January 3, 1987. It is four years from the day that the Mondale for President Committee registered with the Federal Election Commission (FEC) and 26 months since the campaign was over.
>
> Inside a small office, piled high with files and boxes, sit two deputy counsel of the Mondale campaign. A few miles away in another office the committee's treasurer periodically meets with his lawyers and reviews documents passing to and from the Federal Election Commission. These three people (the authors of this article) plus a part-time controller and a part-time secretary are all that is left of the Mondale for President campaign, a campaign which for most people has been long since over.
>
> In the past, we have all been reasonably confident that the Federal Election Commission Act (FECA) is a workable solution to the admitted and potential problems which plague the area of the campaign financing.

Now, the author said:

> Now we are troubled by a campaign finance law which is used as a campaign weapon; spawns "creative" efforts to comply with—really evade—its limits; has made presidential campaign fundraising increasingly burdensome; and has led to rules which in our view sometimes make no sense and inhibit healthy campaign activity.

The authors go on:

> For those of us responsible for the campaign's compliance with the Federal Election Campaign Act of 1971, as amended, the path from registration of the committee in 1983 until today has been a long and frustrating one. It is our hope that by sharing some of our experiences and highlighting some of the unresolved questions, the trail will be easier for future campaigns.

Skipping over, Madam President, the authors continue:

> Campaign organizations tend to push the limits of permissible election finance activity. Practices and legal interpretations adopted in one presidential cycle become the new jumping off point for the next cycle, raising new questions concerning the reach of the federal election laws.

DELEGATE COMMITTEES

> Frequently these new frontiers of campaign activity are the subject of FEC compliance actions, often when a candidate's opponent files a complaint. This happened to the Mondale campaign and the much-publicized delegate committees. One of the central questions posed in that matter before the FEC concerned the permissibility of delegate committees engaging in the same activities as individual delegates under the FEC's delegate regulations.

The authors go on:

> Under the regulations, delegates may make expenditures for grassroots activity such as the production of literature which advocates their own selection as delegates and also advocates the election of their candidate. These expenditures are not considered contributions to the candidate, nor are they subject to the candidate's expenditure limit. The Commission had previously issued an advisory opinion interpreting the grassroots activity provision as applicable to individual delegates and delegate committees. However, in this instance in considering the delegate committee complaint the FEC was unable to reach a consensus as to whether the activity of the Mondale delegate committee fell within the parameters of the regulation.

Second problem:

REDESIGNATION OF EXCESSIVE CONTRIBUTIONS

> Another issue that was unresolved prior to the 1984 campaign and remains unresolved concerns the disposal of excessive contributions to the primary campaign.

A third problem:

SOURCES OF FUNDS FOR REPAYMENTS AND PENALTIES

> Neither the FECA nor the regulations make clear what funds can be used to make required payments of public funds. The issue has been before the Commission on several occasions since 1976, yet remains unresolved.

Problem No. 4, Draft Committees:

> Through no fault of the FEC, the status of draft committees remains unresolved.
>
> Persons involved in the Draft Kennedy movement prior to the 1980 presidential campaign refused to comply with subpoenas issued by the FEC on the grounds that the activity of the draft committees was beyond the purview of the FECA.
>
> Congress, despite the FEC's repeated recommendations, has not chosen to take fur-

ther action, leaving the FEC essentially powerless to extend its control over draft committees.

Further problems: Again, Madam President, Members of the Senate, this is an article by three Mondale staffers who used to work for the Federal Election Commission and who spent 3 or 4 years with the Mondale for President Committee trying to comply with this maze that we have constructed.

And these Mondale staffers went on.

Contribution limits:

The FECA limits contributions by individual to $1,000 per election. Had the contribution limits been indexed in the same manner as the expenditure limits, the individual limit in 1984 would have been more than $2,000. Fund raising is no longer a test of viability, it is a test of stamina. Candidates are forced to divert attention from issues and campaigning to raising money.

Because of the limits, potential candidates for president have turned to vehicles other than campaign committees to finance activity at the very early stages. First, it was the creation of independent multi-candidate political action committees (PAC's), which may accept $5,000 per year from individuals. PAC expenditures do not count against any limit. Now, it is the organization of think tanks, which are tax-exempt, tax-deductible foundations.

The FECA does not serve its goals, and the real public interest does not benefit, when unrealistically low limits cause candidates to wear themselves out with fund raising and finding new vehicles to attract and spend money. Respect for the law and confidence in the integrity of campaigns is in no way enhanced by these activities.

"If we are not careful," says these Mondale staffers, "over time the FECA will go the route of all the campaign finance laws which preceded it."

The Mondale staffers go on:

Presidential candidates should not be constrained by the campaign finance laws from beginning their campaigns early if they so choose. Candidates should be permitted to begin a campaign 2 or 3 years before the general election if he or she is willing to register a committee at that time.

Their choice. State by State spending limits. This is a particularly interesting section, I think.

The Presidential Primary Matching Payment Account Act and the FECA limit the amount that can be spent in each state by a presidential primary candidate who has opted for matching funds. These state-by-state expenditure limits create an accounting nightmare, serve no useful purpose, and have no practical effect except in Iowa, New Hampshire, and perhaps, in Maine. These states have political and media importance well beyond their size but expenditure limits commensurate with their size.

If a candidate wants to spend every nickel he or she can raise, in a small, early state on the theory that a win there will carry him or her much farther than a war of attrition, that should be his or her choice. These limits spawn the most creative efforts to evade the spirit, if not the letter of the Act.

GRASSROOTS EXPENDITURES

Provisions permitting certain grassroots activities by state and local party committees were added to the FECA in 1979. Essentially, they permit political parties to engage in traditional party volunteer activities without the expenditures for those activities counting against the candidate's limits.

Some have suggested that the current grassroots provisions are being exploited as a loophole. Moreover, the requirements of this law are so difficult to follow that they curb healthy campaign activity. Add to this the fact that state laws and federal laws usually differ. It is easy to see why well-meaning volunteers get frustrated, and much spontaneous participation, so important to the process is lost.

And the Mondale staffers go on.

The fact of the matter is that no campaign treasurer can maintain sufficient day-to-day control over the operation of a large campaign spread over 50 states, so as to assure that no provision of federal law is violated.

Anyone who accepts the position of treasurer should assume that there is a better than 50/50 chance that he or she will at least be cited in his or her official capacity, for violating the FECA. The day may come when no reasonable person will accept this responsibility.

CONCLUSION

Eventually, every campaign completes its responsibility under the Act, the last report is filed, that last box of records is placed in storage and it is over. In our case that may well occur just about the time this article is published.

While we have written about many of the problems of frustrations inherent in financing a presidential campaign, the fact of the matter is that with thoughtful planning and dilgent efforts by all concerned you can avoid adverse consequences to the operation of the campaign by complying with the FECA.

For us the bottom line is very simple. The time has come for the Congress to take a hard look at the way in which we are regulating presidential campaigns, or one day we may find that these laws have in fact subverted the process.

This article, Madam President, is by three experts on campaign finance. They not only worked with it at the Federal Election Commission, but worked with it for Presidential campaigns. Their conclusion is it is a failure. And to extend that kind of system to 535 races would be a double disaster.

Madam President, there has been some discussion about spending limits as an incumbent protection strategy. We did a little figuring on the 1986 Senate elections; the most recent elections. And I think it is important to take a look at this analysis.

In the most recent version of S. 2 there are certain spending limits by State set out by each State. Every single incumbent in 1986, Madam President, every single incumbent who spent within the limits set by S. 2 won. Ten out of ten incumbents who spent within the limits of S. 2 won.

Point 2: 90 percent of the challengers who spent within the limits set out by S. 2 lost. Eighteen out of 20 challengers who spent within the limits of S. 2 lost.

Point 3: 72 percent of the challengers who spent above the S. 2 limits—that was five out of seven winning challengers, spent above the limits. A challenger who spent above the S. 2 limit had a 63-percent chance of winning. Five out of eight challengers who spent above the limits won their races. A challenger who spent within S. 2 estimates had a 10-percent chance of winning; 2 out of 20 challengers who kept within the limits won.

So I think it is important to look at the real facts about whether S. 2's spending limits are incumbent protection stragey. They are.

It is not going to make it any more likely under this bill that a challenger can win, no more likely at all.

So it clearly does not, Madam President, diminish the advantages of incumbency.

One thing I think it is safe to say is most everybody in this body, maybe not every single individual, but most of them, agree that there is something dreadfully wrong when a person who through accident of birth or through great ability to accumulate wealth is able to spend whatever he or she may wish to spend on attempting to personally buy a political office. It is what I have dubbed the so-called millionaire's loophole.

Buckley versus Valeo was in my judgment in most respects a sound opinion properly interpreting the Constitution. But one of the areas that I find troublesome if not from a constitutional point of view, at least from a practical point of view, was the conclusion that it was perfectly all right constitutionally to put a limit on what you could contribute to someone else but it was impermissible from a first amendment point of view to put any limit on what you could spend in your own race. In other words, it was an encroachment on your right of free speech.

I have a new piece of legislation which I think would help deal with that problem. It has attracted some interest on the other side of the aisle. It would help close the millionaire's loophole in a constitutional manner, and help reduce campaign spending. It would prohibit wealthy candidates from recouping personal campaign expenditures or loans from contributors.

We all know what typically happens now, Madam President. If a person has a lot of money, they simply pony up millions sometimes knowing full well that once it is over, assuming they are successful and many are, a growing number are, they will be able to go around town to all the political action committees and all their favorite individual contributors and get themselves paid back.

The bill the Senator from Kentucky will introduce does not say the millionaire cannot put all the money up because you cannot do that constitutionally, but it does say this: If you put it up, you will have to eat the whole thing. That might not defer somebody with really big bucks but just a little millionaire, Madam President, might think twice if he knew that he had no prospect whatsoever of getting it back once it was spent.

All of us, I think, almost without exception, think we need to do something about this millionaire problem. That is clearly one way to get at it. There is another way. It might not work, but it might have some impact. We could require someone to certify at the beginning of the election when he filed with the FEC that it was his or her intention to spend, let us say, more than $1¼ million.

That notification would be a warning to others seeking that office of what was coming. Under that provision, it would trigger for the opponent an opportunity to raise money above the current limit. The current limit is $1,000 in the primary and $1,000 in the general. If you know you are going to be up against a millionaire, one way to counter is have the limit go up some. We suggested $10,000 in the primary and $10,000 in the general. Again, it does not entirely solve the problem, but is another way to try to level the playing field against the millionaire candidate.

Make no mistake about it, Madam President, millionaire spending is bidding up the cost of campaigns. Let me give you some figures on that.

From 1978 to 1986 personal spending, spending out of the candidate's own pocket on campaigns swelled by $30 million. I repeat, during that 8-year period from 1978 to 1986, personal spending on campaigns swelled by $30 million.

It is now the number three cause of explosive campaign spending right after individual contributions and PAC's.

I would bring down the cost of campaigns. As this Senator said repeatedly over the last 8 or 10 months of this seemingly endless debate, if the American people have any interest in this issue at all, and some would argue they do not, it seems to me it is focused on Pac's.

I would be happy to eliminate PAC contributions altogether for the candidates or the parties, just eliminate them. I personally do not have a whole lot of problems with political action committees but it certainly could be argued that if there are special interest contributions to candidates it certainly is the PAC contribution.

Simply eliminating PAC contributions could have a single impact. It would reduce campaign spending by $140 million each year or 30 percent. Some would argue the money would find its way in the system some other way. I would certainly encourage that. I encourage individual contributions. That is what this debate is all about, the protection of the right of the individual to contribute. But the money coming in that process labeled special interest could be eliminated.

As I said, I support restrictions on personal campaign spending by wealthy candidates. This could reduce campaign spending by up to $40 million each year, another 9 percent. Right there, Madam President, a total reduction in overall campaign spending of almost 40 percent every year by trying to treat the millionaire problem and the PAC problem. If we could do that with the deficit we would be in great shape. In fact, it is a lot better than S. 2 would do.

We ought to report soft money contributions and maybe we ought to limit them. A lot of people on this side of the aisle, maybe it is because we do not get much soft money support, do not see much contribution between a cash contribution and a soft contribution. A cash contribution is limited and disclosed. Soft money contributions are unlimited and undisclosed. We ought to disclose and arguably we ought to limit.

But any further restriction on individual contributions is unproductive, undemocratic, and in my opinion unconstitutional.

With regard to the millionaire problem, S. 2 does not really solve that problem, because it cannot, any more than any of the other provisions. It triggers a certain amount of money to the opponent of a millionaire out of tax dollars. But there is no way you can constitutionally get at the problem totally.

Take the Senator from Maryland, the occupant of the chair. Let us assume that she faced a wealthy candidate who did not want to obey the so-called spending limits. Under S. 2, what you would get in public funds to fight that millionaire would be $1.4 million. Now, you would be OK if you had just sort of an ordinary millionaire. But if you had a big millionaire, even the influx of tax dollars up to that limit of $1.4 million would not protect you.

So we are all kind of wrestling with this millionaire problem and there is not any foolproof way to do it consistent with Buckley versus Valeo. But I think it is safe to say that an overwhelming majority of the Members of this body would like to do something about that problem. I mean, it is an area of concurrence.

I see the Senator from Michigan on the floor. He was in the group of eight. We talked about that. That was one of the areas, I think, we had pretty substantial agreement on. If there was anything we could constitutionally do to cut down on the growing tendency of people of great wealth simply purchasing offices in the U.S. Senate, we wanted to do that. And I hope some day, when we get back to this issue in a less intense and more rational way, we can explore every creative avenue we can thing of to do something about the millionaire's loophole.

You know in some of the discussion that has been engaged in over the course of this debate, I think there is a tendency in the area of campaign finance to sort of pick up a notion and repeat it because the assumption is that it is just a fact; if you have heard it once, you assume the person that said it the first time knew what they were talking about and therefore it must be true.

It almost reminds me of the time when I was a kid and I was around the courthouse square and I heard two old fellows discussing a proposition. The proposition was this: If a thing were in print, it had to be true. And so there was a good deal of discussion about that proposition. That was the issue on the courthouse square that Saturday morning as people whittled and people chewed. If a thing is in print, does it have to be true? It was hotly debate for 2 hours.

The conclusion, Madam President, was if it is in print, it must be true—it must be true.

And so I think in this debate when somebody says something first, we assume that that is a well-researched notion and therefore it must be true.

One of the most oft-repeated assertions in this body—and I do not think anybody who said this has intentionally tried to mislead Senators or the public—but one of the most oft-repeated assertions is that money in politics is turning people off; it is turning people off.

I have heard speaker after speaker get up and say: "Why this increase in spending all this money in politics is turning off people and that is the reason for lower voter turnout."

Well, in fact, Madam President, just the opposite is the case. The money is turning people on, not off, and there is a direct correlation between money spent in races and turnout. And if you think about it a minute it stands to reason, because the races in which significant amounts of money is spent are usually well-contested races in which you have two vigorous, attractive candidates who are able to garner support. Two vigorous, able, attractive candidates who are able to garner support can run aggressive campaigns and aggressive campaigns turn the voters on, not off.

The average turnout in the 1986 Senate elections was not anything we are all that proud of overall, 37 percent. But States which spent the most per voter in campaigns tended to have the highest turnout and States which spent less per voter tended to have the lowest turnout.

As I just said, the explanation is that the high spending races tended to be the ones that were hotly contested, with good candidates, great competition for votes and contributions. What did this high spending pay for? It paid for more communication, reaching out to voters, more discussion of the issues. That is what it paid for.

To fund the spending, more people contributed. When people contribute, they get involved. They have a stake in the election. They want to make a difference.

Time and time again over the last 10 months of this debate, people have cited the 1986 South Dakota Senate race as a race in which an obscene amount of money was spent on a small electorate and how despicable all that was.

Well, Madam President, it is interesting to note that the South Dakota Senate race had the highest turnout in the Nation. Fifty-eight percent of the people in the South Dakota Senate race in 1986 came out to vote. The best in the Nation. The best in the Nation. Why? Because they were turned on, not turned off, by a hot contest with a lot of money raised and lot of money spent.

And you could go on down the list. Vermont was No. 2 with a 49-percent turnout. The money spent per voter in South Dakota was $13.47. That produced a 58-percent turnout. The best in the Nation.

In money spent per voter, Vermont was second, Idaho third, North Dakota fourth. Those States came in fourth, second, and North Dakota was tied with South Dakota for first in turnout.

Let us look at the other end of the scale, the lowest spending States. We had Ohio at 33d, Illinois at 32d, Kentucky at 31st. The turnout was 40 percent, 37 percent, 25 percent.

What was the spending per voter in those States? In Ohio, where you had a 40-percent turnout, 25 cents per voter spent. In Illinois, where you had 37-percent turnout, 33 cents per voter. In Kentucky, my State, unfortunately, we had a 25-percent turnout; we spent 46 cents per voter. Indiana, 39-percent turnout, 53 cents per voter. New York, 32-percent turnout, 72 cents per voter. Utah, 41-percent turnout, 73 cents per voter. Kansas, 46-percent turnout, 85 cents per voter. And so on down the list.

Now, Madam President, show me a race in which not much money is spent and I will show you a race in which there is not much interest, because it is not vigorous, it is not contested and people are therefore not interested. So let us get away from this mistaken motion that the money spent in politics is turning the voters off, because it is in fact turning the voters on.

On the matter of spending and whether it is good or bad, it is interesting once again to quote the Kennedy School of Government at Harvard, a particularly enlightening paragraph I think. This is the Kennedy School report to the Rules and Administration Committee, U.S. Senate, January 1982. The Kennedy School report says the public believes that too much money is spent in election campaigns.

> The public also believes that too much money is spent in election campaigns. Our analysis differs from this accepted wisdom. The amounts of money spent by candidates should be sufficient to provide voters with a reasonably good probability of learning something about the policy proposals, the personal characteristics and the abilities of the contending candidates. The creation of an informed citizenry is unduly circumscribed if the funds available to candidates are not sufficient for them to communicate their messages to the voters. In short, for the educational processes of elections to take place, candidates require ample financial resources.

There is nothing wrong with that, nothing immoral about that, an entirely appropriate way to express yourself in a free society.

The report goes on.

You know, this statement, again, that we make that there is too much money being spent on politics, I think it is important to ask: Compared to what? Compared to what? In fact, the trend of increases in campaign spending is slowing down. All evidence is that it is beginning to cap out.

From 1976 to 1978 Senate and House races together, the spending went up from $115.5 million to $194.8 million, a 70 percent increase over that 2-year period. From 1980 to 1982, it went from $239 million to $342.4 million, a 43 percent increase. From 1984 to 1986, $374.1 million, to $450 million, a 20 percent increase. It is clear that campaign costs tripled in the last 10 years, but the rate of increase dropped over 70 percent. In other words, it is just not going up like it did earlier.

So these suggestions that some have made that it is going to cost $20 million to $30 million to run for the U.S. Senate a few years down the road in small States, there is absolutely nothing to bear that out. The rate of increase is dropping off substantially.

Also, when we say we are spending too much money in politics, I think we have to ask: Compared to what? Compared to what? We are spending too much money in politics. Compared to what?

We spent $23 billion—billion, that is with a "b;" that is big money even by Federal Government standards—$23 billion for cosmetics last year. We spent $55.4 billion for alcohol; $121.4 billion for eating out; $230 million on bottled water; $883 million was spent on advertising cosmetics. That is just the top six companies. Twenty million dollars spent on Kennel Rations and Kibbles and Bits ads.

Now, you know we do spend some money in politics, but it does come from a whole lot of folks, a whole lot of folks. So when they say we are spending too much money on politics, I ask: Compared to what? Compared to what? We are informing the voters—except for the millionaire problems—with dollars raised by a whole lot of others and it is a pittance, it is a pittance compared to end what is spent in this communication's conscious society.

Mr. ARMSTRONG. Mr. President, will the Senator yield to me for a moment?

Mr. McCONNELL. Yes, I yield to my friend for a question

Mr. ARMSTRONG. Let me explain to the Senator from Kentucky who has done such a brilliant job in his management of this issue that, while he has been speaking, behind the scenes there has been a discussion under way which would relate to the schedule for the balance of tonight and tomorrow and into Friday. The acting Republican leader and others have come up with an idea which they are eager to discuss with the Senator and, therefore, the hope is that he would be willing to yield to me for a few minutes, perhaps for 10 minutes, and if he would be willing to yield to me for that period of time, I would propound a unanimous-consent request that he be permitted to yield the floor but to regain it without it counting as a second speech so that, in effect, he would just be permitted to be off the floor for a few mintues and not lose his right to speak further later in the evening.

Mr. McCONNELL. With that understanding, I yield to the Senator from Colorado.

Mr. ARMSTRONG. That is my unanimous-consent request, that I be allowed to address the Senate replacing the Senator from Kentucky and that he have the right to recognition again following my remarks and it not be counted as an additional speech. This request has been cleared with the Democratic leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? Without objection, the Senator—there is no objection. The unanimous-consent request is agreed to. The Senator from Colorado may proceed.

Mr. ARMSTRONG. I thank the Chair, and I thank the Democratic leader, and I thank my friend from Kentucky. I see that he has already gone to the cloakroom to consult and it is my hope that the result of this consultation will in fact be an arrangement under which most Senators if not all will be able to go home for the evening while the debate continues. But with the assurance that there would not be a series of rollcall votes.

Indeed, without trying to announce in advance an agreement which has not yet been reached, the essence of it is that we would restore the traditional consideration for the rights and sensibilities of Senators; that the debate would go on in a more relaxed and less tense manner; that there be some understanding that the substance of the debate through the night would be limited to the topic which is before us, that is to say the bill, S. 2; and that on tomorrow we would have a series of speakers and wind up at a reasonable hour and then have a cloture vote on Friday morning.

Personally, Madam President, I hope that understanding, or something like it, can be reached for a lot of reasons. First of all because I very much regret the episode which occurred here last night. Things did get a little out of hand and I am not going to comment in any detail on what transpired at this time. In fact, the Republican leader has asked me to withhold my observations about the parliamentary situation which arose during last evening and at the right time——

Mr. BYRD. Would the distinguished Senator yield?

Mr. ARMSTRONG. Yes, of course, I would be happy to yield to the leader.

Mr. BYRD. Mr. President, I thank the Senator for yielding. The distinguished Senator has described in some detail a proposal that is being discussed at some length. I would hope that Senators who are listening understand that that proposal has not been agreed to and that Senators will stay around until we can announce whether or not there is any agreement.

I share the hope that something can be worked out whereby there will be debate. It will be on substance and only the substance. However, Senators should not leave the Hill until we are certain that we have that understanding worked out.

I thank the distinguished Senator, and I ask that the time I have taken not come out of his 10 minutes and that he not be charged with the second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Madam President, I thank the leader and, of course, I share his understanding that this is only a hoped-for agreement. It is not an actual agreement at this point.

Madam President, I would like to take a few minutes to discuss something about the bill itself. Since, as I have already mentioned, I am going to withhold my comment about the parliamentary situation, I would like to just ask Senators to think seriously about the substance and content of this bill.

I am convinced, myself, that neither this bill nor nothing like it is going to be enacted during this session, not just this week or this month; I do not think 1988 is the year in which Congress is likely to present to the President for his signature a bill of this general character and I have a hunch that if by some misadventure legislation along these general lines were to come to the President's desk, that he would veto it so fast that it would make your head spin, as well he should. Because this is a bill which attempts to abridge some fundamental rights, not only of candidates but of the general public. It is an attempt to shut down the right of certain individuals and certain groups to participate fully in the political process.

There are really two themes of the underlying proposal. One is to say let us have the taxpayers pay for the conduct of political campaigns, and the other is to say that there ought to be limitations on the amount that can be spent, either by candidates or in some iteration of the bill: How much can be spent by political action committees or somebody?

Madam President, someone may think that it is highly desirable to limit the opportunity for people to spend money to express their political point of view, but, upon reflection, I hope that a majority of Senators would think that a most unwise idea. I do not have in front of me the exact numbers of how much was spent to nominate and advertise and elect Senators during the last cycle, but I think it was something less than $200 million; $180 million is the figure that sticks in my mind, but if that is not accurate, with precision, at least it is a pretty good approximation of what it costs to run all of the campaigns of all of the Republican candidates and all of the Democratic candidates during the last biennium.

Just to put that figure in perspective, that is the amount which, as I understand it, was paid for all of the fliers, all of the brochures, all of the posters, all of the rent, all of the telephones, all of the staff salaries, the printing, the publication, the advertising in the newspaper, the ads on the radio and the television spots that were used together with any billboards, travel expense, and associated paraphernalia.

Now, $200 million is not an inconsequential amount of money but I would point out to my colleagues that there are any number of large commercial concerns that sell widgets and soap and automobiles that would spend far more than this amount for advertising alone.

In fact, I believe it is correct to say that there are a number of large advertisers that would spend, each of them, as much as four or five times this amount during a biennium.

So the threshold question that I would suggest Senators think about when somebody says: well, we are spending too much for this process; or that elections cost too much, campaigns cost too much; is where do we get off with the idea that a couple of hundred million dollars combined total costs for every political campaign for the U.S. Senate in a year is excessive when we have Proctor & Gamble or General Foods or Ford Motor Co. or any of the big ones spending several times that amount to advertise their products.

Indeed, I think the advertising of political ideas and political candidates is not something that we want to limit but is something that is worthy and is well worth encouraging. One of the notions that quickly surfaces when we talk about campaign finance limitations is the idea which we have heard expressed here in this Chamber on many occasions, that Senators are really too busy to spend their time raising money and that somehow this is a big distraction from their work.

I would like to discuss that notion at length but I notice that the Senator from Kentucky has returned and looks as if he is revved up and ready to say something and since I am only filling in and will have an opportunity I guess at some future time to discuss this I would be happy to yield the floor, if he wishes to resume his remarks.

Mr. McCONNELL. I thank the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Kentucky has the floor under the previous order.

Mr. ARMSTRONG. I thank the Chair and look forward to an opportunity to continue my part of this discussion at the appropriate moment.

Mr. McCONNELL. I thank my friend from Colorado. Having had an opportunity to be briefed by the Republican leader on what we hope will be an agreement I will resume the decision.

When I left off, Madam President, we were talking about our favorite subject, campaign spending and whether it was too much. I was comparing it to some other expenditures that we make in this country on advertising and that is, for the most part, what campaign spending is going for these days: Advertising. It is pretty clear that we are not spending very much at all to communicate with our constituents, to give them an opportunity to make an intelligent choice in political races.

We probably ought to be spending more. But the increase in campaign spending is beginning to abate.

What are the real causes of higher campaign costs? As I have said repeatedly, far and away the biggest problem is the cost of television. Those of us who have sought public office, major public office statewide, know exactly what happens. You are in a hotly contested race, you move into the last 60 days toward the finish line and what happens? Why, our friends at the television stations for the most part raise the lowest unit rate they will charge all customers so that they can get more out of us, the candidates, going down the homestretch. They will make a lot more money off of us. That is a major source in the increase in campaign costs, the cost of television.

About the cost of television, I might say one of the areas of agreement in the group of eight was a proposal made by this Senator that we require the broadcasters to sell us the television time at the lowest unit rate they charged any commercial customer the previous year. In most States that is the nonelection year. In my State, I might say parenthetically, we have an election every 6 months. We find it an art form and we like to do it frequently. But in most States they give the voters relief every other year.

So, typically if you had a situation where the broadcaster was required to sell the time to you at the lowest unit rate of the preceding year, it would be a genuine break and, therefore, hold down to some extent the cost of campaigns.

What does higher spending usually mean? Well, leaving aside the millionaire problem which we wish we could solve, and we are going to try to, higher spending usually means the following: Obviously the candidates can spend only as much as the people contribute. If the candidate raises a lot of money, under our limitations and disclosures, assume he did not put a lot of his own money into it, it means he has a whole lot of support. That is not something we should condemn. That is something we should congratulate.

The money raised in campaigns allows us to use the modern means of communication. We have heard frequently speakers on this floor long for a simpler day, a day when you could go out and meet and talk with your constitutents, or your would-be constituents, in the case of the campaign; where you could maybe make a speech on the courthouse steps and somebody would care, somebody would listen and somebody would show up.

I would wager in this day and age a typical candidate can make a speech on the courthouse steps and nobody would be there but his family. People do not have an abiding interest in listening to politicians make speeches. Believe it or not. It is a shocking conclusion to reach but they do not.

So we went back to a simpler era, and we went back and made these speeches on the courthouse steps and spent a lot of time—we still do this, by the way, spent a lot of time shaking hands at the plant gates. I have run for office a couple of times. I cannot recall having a detailed meaningful experience working through a factory gate shaking hands like this down the line. I do not think anybody is particularly in a mood on the way into work or on the way out of work to have a detailed discussion of the arms race.

So this notion that somehow going out and meeting the voters, speaking on the courthouse steps, shaking hands at the factory gate—all of which we do, you understand—is somehow a better way to communicate with our potential supporters, astounds me because I cannot recall but having had very many detailed discussions of the great issues of the day standing there blurry-eyed at 4:30 a.m. working the plant gate.

For those who have not tried it it is a fascinating experience.

I do not mind doing it, but I do not think it is particularly enlightening and to assume that using television is somehow a step backward it seems to me is patently absurd.

Clearly every television commercial is going to paint his candidate in the best way or paint the opposing candidate in the worst way but it is sort of like a lawsuit. The plaintiff has the lawyer and the defendant has a lawyer and they put them in the ring and they go at it and somehow out of that vigorous competition the jury in the case of the courtroom or the voter in the case of the election is able to make a decision about the relative merits of the candidates.

So we ought to encourage that kind of vigorous exchange and we ought to encourage it in the most modern and effective way and that is the use of media.

We cannot go back to the old-fashioned way because nobody is interested in doing it that way. If the American public is watching television and listening to the radio, then, by golly, the candidates have to be using television and using radio. We have to reach our potential voters and our constituents in a way that they want to be reached."

One of the other arguments frequently made around this place during the course of the debate is that this fundraising is just too time consuming.

Let me say that a candidate—let us take an incumbent because that is what we are talking about here in terms of that argument in this body—does not make sense to put a limit on participating just because some of us do not like to raise money.

It does not make sense to have the Treasury pick up the tab for our campaign just because some of us do not like to raise money. It seems to me, Madam President, that is sort of like throwing the baby out with the bath water, changing the system that allows maximum participation by a lot of people simply because we do not like to ask.

Now, we, under the leadership of the distinguished majority leader, have a very, in my judgment, sane schedule this year. We are allowing 1 week a month for Senators to go to their States and to work their constituencies or if they are running for office to do things like raising money.

So no longer should any Senator go to the majority leader and say oh, protect me. I have a fundraiser. We have a week set aside for that kind of thing. We know it in advance. We can plan.

It should not be used as an excuse ever again that somehow raising money is getting in the way of doing our job here.

I think it is also important to note that that was never a good excuse. I do not think any of us should ever use that excuse.

Our first responsibility is here doing our job in this body, on behalf of the constituent who sent us.

Raising money early which many have decried is simply a tactic. Nobody makes us raise money early.

Some Senators do it, as we all know, and try to scare off opposition to try to earn interest on the money because if you raise it early and properly invest it over a period of time, it will indeed grow. But we do not have to do that. Nobody makes us do it. I know several Senators on this side of the aisle who just simply choose not and they have been able to get reelected quite easily. It is a strategy matter. You can do it or not do it, depending upon our particular situations and how we want to structure the campaign.

I choose to spread this kind of activity over a whole lengthy period of time rather than putting it off to the end. I have many bad qualities, but procrastination is not one of them. So I choose to do it early or spread it out rather than not have it come down on my head at the end. But either approach is appropriate. It is a strategy decision that each of us makes, but nobody makes us raise money and there is no set amount that any of us have to raise. There is no set amount.

If you do not have a tough opponent, you will not need much money. If you do, you will, because the race will be competitive and you will be attacked and you will need it to defend yourself because after all we do not own these seats. We get a 6-year lease and when that 6 years is up, if we want to keep it, we have to fight for it. Sometimes you are lucky enough to get an easy opponent and have a lot of folks in your State who really like your work and love you so much they just would not give anybody running against you a chance to get off the ground. That is a wonderful experience for anybody who has it.

But we do not own it. We do not have a perpetual right to sit here and it is not un-American for us to have to go out and fight to keep it every 6 years or to have some upstart who looked in the mirror and saw a U.S. Senator and said, "By golly, I am going to go challenge that fellow and that lady." That is part of the process.

And if we have a good challenge it is going to be somebody who can get some support, raise some money, get on TV and jump on us and that is the way it goes—politics in America.

So we should not be offended by the process that requires us to do something to stay here, do something politically as well as our jobs. And it seems to me for somebody who is reasonably energetic, they can both walk and chew gum at the same time.

Now, Madam President, going back for a moment to the issue that divides us and it is really too bad that it does, but it is a deep-seated difference both philosophically and in terms of the positions of our two parties in the American political process and that is the spending limit issue.

The Supreme Court in Buckley versus Valeo basically frowned upon spending limits. In fact, the Supreme Court in Buckley versus Valeo said that mandatory spending limits are unconstitutional.

It did allow Congress, however to appropriate funds for Presidential candidates as an incentive to comply.

There was, however, no penalty on nonparticipants. You just had to work harder.

Now, we have one candidate who tried that. He did not get anywhere, but Gov. John Connally ran for President in 1980 and said, "I am not going to take any public money; I am going to do it privately." He did not get very far. He did not take any public money. He only got one delegate. But when he made that decision, Madam President, to refuse to accept public money, he did not trigger for any of us opponents additional public funds.

His exercise of his constitutional right to avoid taxpayer dollars and spending limits did not trigger for any of his opponents a payout from the Treasury.

The problem with all three versions of S. 2 is that they use taxpayer money as a hammer to take away constitutionally protected political rights.

Under each version there is a punitive payment to the participating candidate as a result of the nonparticipating candidate's decision to do it his own way and to avoid to deny to refuse to accept spending limits public finance.

In the most recent version of S. 2, this unconstitutional aspect is so blatant, so blatant as to be apparent.

There is a significant amount of money triggered out of the Treasury to anyone who decides as a matter of principle or strategy or whatever to simply not accept spending limits and not accept public money.

Now, Buckley versus Valeo is oftentimes a misunderstood decision. It was handed down January 30, 1976. The decision said in pertinent part:

> The campaign expenditure ceilings appear to be designed primarily to serve the governmental interests in reducing the allegedly skyrocketing costs of political campaigns.

The decision went on:

> In any event, the mere growth in the cost of federal election campaigns in and of itself provides no basis for governmental restrictions on the quantity of campaign spending and the resulting limitation on the scope of federal campaigns. The First Amendment denies government the power to determine that spending to promote one's political views is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the government but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Now the famous footnote in this decision says:

> For the reasons discussed in Part III, *infra*, Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

What does that mean, Madam President? What that means is that the public money can be used as a sweetener or inducement to a candidate to accept a limitation on expenditures and that is what has happened in the Presidential system.

All but one of the Presidential candidates have found it irresistible to dip into the taxpayer's pocket for public funding. Not because it triggered any kind of punitive payment to any of their opponents but simply because you do not have to work as hard if by raising a certain amount of private dollars it triggers public dollars. And so each of the candidates in spite of the fact that the law is a disaster and that one out of four dollars is spent on lawyers and accountants has found it irresistible and have accepted the limits but there has been no punitive aspect to it. S. 2 to the contrary in all three versions sets up a punitive payment to your opponent. If you decide as a matter of conviction or strategy to go your own way, to raise your own money, to do that as best you can, and to spend it all in your election, your opponent receives a huge taxpayer subsidy to punish you in effect for exercising the right that Buckley versus Valeo gives to each candidate in its interpretation of the first amendment as it applies to campaign expenditures. Punishment.

Now, the Department of Justice in an opinion written to the Senate Committee on Rules and Administration in May of 1987 made some of these points. And it said with regard to monetary sanctions;

> Although participation in the public funding program and adherence to the expenditure limitations would be voluntary—

That is the Justice Department opinion on S. 2 the constitutionality of it—

> The bills impose some form of monetary sanction on those candidates who choose not to participate and who raise and expend sums in excess of the limitation applicable to participating candidates.

The opinion goes on these provisions pose grave constitutional problems.

Further, the opinion says:

> Direct limitations on a candidate's right to expend his personal resources on his own political campaign plainly violate the First Amendment. See *Buckley* v. *Valeo*, 424 U.S. 1, 50-54 (1976). See 424 U.S. at 53. These bills seek to impose such restrictions indirectly, by placing what amounts to a penalty on a candidate's personal expenditures in excess of his hypothetical entitlement to public funds. This penalty amounts to a matching grant of public funds to his opponent.

It is not the way the system works:

> Personal expenditures by a candidate thus serve to trigger the subsidization of views with which the candidate presumably does not agree. While this type of indirect restriction does not fall within the precise holding of Buckley, we believe it is clearly embraced by its reasoning. Congress plainly cannot forbid candidates from expending resources on their campaigns. Rather than directly doing so, the bills "exact[ ] a penalty," 4187 U.S. at 256, for such conduct, by making the size of the public subsidy to the candidate's opponent dependent upon the candidate's own First Amendment conduct. The more the candidate does to promote his own views, the more he fosters the promotion of views he opposes.[2]
>
> In sum, we think that the proposed provisions, by tying a candidate's funding of his own campaign to increased public funding of his opponent's likely represents an unconstitutional infringement on the right to use one's own resources to disseminate political messages.

The DOJ opinion goes on to say:

> For many of the reasons outlined above, the bills may also unconstitutionally burden the rights of contributors. Under the bills, contributions to candidates in excess of the statutorily specified amounts result in the payment of additional public funds to their opponent. Thus, contributors see their contributions fostering the spread not only of the ideas they wish to support, but also of those they do not. The predictable result is a chilling effect on the right to contribute.
>
> Accordingly, all of these bills raise serious constitutional questions with respect to the rights of contributors. Since they are not even designed, much less narrowly tailored, to prevent corruption, they appear to us to be inconsistent with the First Amendment.

Madam President, let us talk a little bit about what can be best described as getting and spending under S. 2.

In the primary election—let us talk first about where the money comes from under the most recent version of S. 2.

First, there is a postal subsidy which we estimate to cost the Government, the Federal Government, about $17 million for Senate candidates each cycle. If the bill were to apply to both Senate and House races, we would estimate the cost of the postal subsidy to be about $75 million per cycle. That is more money than would be gained through offset by denial of the mail subsidy to political parties. That would raise only about $10 million annually.

But another way, under the current system as we know the Federal subsidy for the American Communist Party along with other parties, it sort of takes it away from them and gives them to the Communist Party candidates just like any other party. It is sort of paid for by the taxpayers through a tax stamp similar to those levied on the colonist under the British King in 1776.

Other costs under the S. 2 in addition to the postal subsidy are administrative costs. The FEC estimates an additional $1 million a year for the Senate alone. That is we believe a conservative estimate.

Then there is direct public financing under certain circumstances. CBO estimates that 20 percent of the candidates seeking public office in each cycle would not comply with the spending limits. And if you assume in addition one third party candidate each election given the fact that third party candidates get a chance to get into the public kitty, it is estimated by CBO that this would trigger payouts from the Federal Treasury of $21 million each cycle for the Senate alone and $75 million to $100 million if the Senate and House races were both covered by the bill.

Further, there is an independent expenditure compensation provision in the most recent version of S. 2 such that candidates are compensated on a dollar-for-dollar basis out of Federal tax coffers if a private citizen spends a large sum to criticize them or supports an opponent.

Let us take the 1986 cycle as a way of maybe getting a handle on this. In 1986, in terms of independent expenditures, there were $5 million in independent expenditures for the Senate, $11 million for the Senate and House combined, people who went out and made independent expenditures either supporting or opposing candidates for the Senate and the House in America in 1986.

Since S. 2's contribution limits will force undisclosed money into this uncontrolled activity, independent expenditures in the future would likely double or triple. So the drain on taxpayers is likely to be under this system upwards of $20 million under each cycle if the Senate and House were combined.

So what does the total taxpayer subsidy add up to, Madam President, in the most recent version of S. 2? We estimate $30 million a year for the Senate alone, $130 to $150 million per cycle if the Senate and House were combined. Both of these are very, very conservative estimates. Both take account of the transfer of mail benefits from parties to candidates. That offset is included in the figure.

That is where the money would come from under the most recent version of S. 2. Now, let us get a sense of what the estimated spending would be. Bear in mind that the notion behind these proposals are to try to limit campaign spending.

I pointed out at some length earlier that that has not happened in the Presidential system, the only system we have available to compare or to take a look at. It has not worked out that way. So let us take a look at what is likely to happen on spending under the most recent version of S. 2.

Under S. 2 in the primary, a total spending limit for 99 candidates and 66 primary elections, we are assuming here 1 candidate in the incumbent party and 2 candidates in the opposing party, the spending allowed under this bill would be $101,151,200. In the general election under S. 2, the most recent version, total spending limit for 66 candidates and 33 general elections, that is assuming two candidates in each election, Republican and Democrat, spending allowed under this proposal would be $102,509,333.

So under the most recent version of S. 2, we are talking about a total primary spending across the country of an estimated $101 million, total general election spending across the Nation estimated at $102 million.

Then there is the independent candidate in the general election. Under S. 2, the independent candidates in the general election we have to assume there will be some. Let us assume 33 independent candidates and 33 general elections. That is one independent per State funded by S. 2 matching funds. There would be an expenditure in the general election by independent candidates in the amount of $51,254,666.

In addition to the spending allowed in the primary election, the general election, by party candidates and the general election by independent candidates, we have to estimate the S. 2 independent expenditure defense allowance: S. 2 allows dollar-for-dollar matching funds to 66 candidates against independent expenditures. Based on the total independent expenditures of the 1986 independent Senate races, we estimate that the Federal tax dollars triggered to defend against independent expenditures would be about $4.4 million.

The the most recent version of S. 2 has the technical compliance cost fund. The technical compliance cost fund: S. 2's total allocation to 66 candidates for compliance expenses, 10 percent of the State spending limits would be about $10.2 million.

So the total S. 2 spending allowed—this is the most recent version of S. 2—in each State election cycle is $269,642,000.

Madam President, I repeat: The total spending allowed under the most recent version of S. 2 for Senate election cycle is about $270 million. Let us compare that to the total spending in the 1986 Senate election cycle, the most recently completed cycle: only $211 million was spent in those elections without any spending limits, and without any public finance.

So the anticipated increase in campaign spending under S. 2 is $58.6 million, a 28-percent increase in spending if we adopt spending limits.

It does sound absurd but the only thing we have to compare it to is the Presidential system. And of course we know that under the Presidential system of spending limits and public finance, we have seen a great increase in spending, and a great expenditure on an increasing basis of tax dollars.

So there is no reason to believe that this measure designed to limit spending will limit spending. And if a measure designed to limit spending will not limit spending, why pass it? Why pass it?

We think this is a pretty conservative estimate of the cost under S. 2. That is a 28-percent increase in spending under the spending limit proposal.

The way to get at reducing spending, Madam President, is not all that complicated. There are certain things that are driving the cost of campaigns: the cost of television, more and more millionaires putting their own money into races, and the proliferation of PAC's, political action committees. If we could do something about all three of those areas we could have a dramatic impact on reducing the cost of campaigns. But ironically, the one approach least likely to produce the desired result of reducing the cost of campaigns is the spending limit measure because they do not work.

They just do not work. There is no way you can construct a spending limit measure that will not force the money out in some other direction. And so all it fosters is cheating. All it fosters is the proliferation of the expenditures of money outside the system to get around it.

So if we really want to do something about campaign spending, we could lower PAC contributions. This Senator and 14 other Senators, unfortunately all just on this side of the aisle, are willing to eliminate political action committee contributions altogether—

kiss them goodbye as a worthwhile experiment that did not work out too well.

There are some who would say that, "Well, if you cut out the PAC's making direct contributions to party and candidates, they will simply make independent expenditures." I do not know about that; it is possible. But at least if the idea is to diminish the influence of special interest contributions on political campaigns, we would eliminate them altogether. Unfortunately, we have not been able to get a single solitary cosponsor of that bill on the other side of the aisle. I would like to. Maybe next year.

We can reduce millionaire spending. We talked about that a lot tonight and there is no sense in rehashing all of that. But the growing number of wealthy people trying to buy public office is a problem. There is a clear increase in spending by millionaires to buy public office. We are not happy about it. We ought to do something about it.

We ought to control soft money spending. We do not get much of that on this side of the aisle but it is out there and it is unreported and unlimited. And it seems hardly fair. Spending is spending. It does not make any difference whether it is a cash contribution or a soft money contribution, a contribution is a contribution is a contribution. And if we think it is desirable to limit and disclose cash contributions—and I happen to think that it is; we have not advocated even raising the contribution limit although it has not been raised in 12 years—then why not have soft money disclosed and soft money limited?

We could provide a real discount for television; a real discount. You know that the stations do not have an unabridged right to charge us to rip us off in the last 60 days of an election. They get a license to operate. The public airways are considered public property. But, on the other hand, for 60 days or so every 2 years, it does not seem to this Senator to be unconscionable to require them to sell us the time at the lowest unit rate for the preceding year, the nonelection year. Give us a break. We are trying to reach the voters.

We could tighten controls on party and special interest campaign activities. We could require full financial disclosure by national political party committees, candidate draft committees of all receipts of independent expenditures and soft money activities.

And even though there are constitutional difficulties, there are some things we can do about making it just a little bit tougher to engage in independent expenditures. We could require that any independently-financed political ad disclose the personal organization financing the ad. We have to do that in our races. At the end it has to say "Paid for by friends of MIKULSKI." I do not think that is inappropriate. The voters are entitled to know who paid for it. That is not currently the case with ads which are placed independent.

The next thing we could do, and some would argue this may be going too far, but we could require notice to other candidates to the contents and placement of any independent financed political communication. It will probably buy us a lawsuit that it is unconstitutional, but we could try. It just may give the regular candidates a sense of what is about the happen to him as the attack commercial hits the air.

We could require reports to the candidates who are being opposed by the FEC of independent expenditures totaling more than $10,000 and for each additional $5,000 so we would have a sense of how much was being spent in independent expenditures in a political campaign.

We could have a strict definition of independent expenditures stopping consultation or coordination with any candidate or his agents. And we could prohibit bundling by counting bundled contributions against both the bundler and the original donor unless the bundler is retained or authorized by the candidate for fundraising or is the national committee of a political party.

All of those things, I might say, Madam President, would do something about the cost of campaigns. And in the areas where it would not treat the costs, at least it would give us a better view or perspective of what is in fact being spent, get a better sense of what has happened through disclosure.

On the issue of soft money, on October 9, 1986, there was a complaint with the FEC against an AFL-CIO, and this was the response that I think bears some bearing on that issue:

> This letter constitutes the response of the Missouri State Labor Council, AFL-CIO ("the Labor Council") and MRV, Inc. ("MRV") to the complaint filed with the Commission alleging that the Labor Council and MRV ("respondents") have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").
>
> The gist of that complaint is that respondents are proposing to sell "voter lists" to federal candidates for less than those lists' fair market value and are therefore making inkind contributions to such candidates in the amount of the difference between the fair market value and the price charged in violation of 2 U.S.C. § 441b. Specifically, the complaint alleges that respondents are proposing to sell Missouri voter registration lists for approximately $7.00 per thousand names, a price which complainant alleges is "far below any reasonable and acceptable market charge". Complaint at 5. The complaint also alleges that respondents are violating the Act "by withholding the voter lists from those candidates who refuse to 'toe the Labor line'."
>
> The Missouri State Labor Council regularly communicates with its members regarding political issues and urges all of its members to register and to vote in all elections. In connection with these communications, it is necessary for the Labor Council to know which of its members are registered to vote. In the past, the Labor Council has been required to spend approximately $100,000.00 to $120,000.00 every two years to compile a current computerized list of AFL-CIO union members in Missouri who are registered to vote.

The response goes on:

> Aware that other organizations and individuals also needed the registered voter information that the Labor Council had been compiling, the Council, along with others, began investigating alternate methods for compiling, and making use of, a computer tape of Missouri registered voters. This investigation revealed that a complete list of registered voters could be assembled and stored on magnetic computer tape and that the list so stored could be enhanced with additional information, such as birthdates and telephone numbers, derived from public records.
>
> MRV, Inc., was therefore established for the purpose of assembling, owning and marketing a computerized list of registered Missouri voters. MRV is a not-for-profit corporation organized pursuant to Chapter 355 of the Missouri Revised Statutes. MRV has no shareholders or members. The Board of Directors of MRV is composed of the individuals serving as president and secretary-treasurer of the Missouri State Labor Council, AFL-CIO, and of the Greater St. Louis, Missouri Labor Council, AFL-CIO.

Now, the charges and services provided by the labor organizations to party voter registration committees, selections, and options. No charge, party affiliation; $4 per thousand can provide information on the ethnic background of the voters, the party registration, past voting history, all of those kinds of activities provided at a lower than market rate.

As the affidavit of Daniel J. McVey points out, it says:

> I am the President of the Missouri State Labor Council and the President and a Director of MRV, Inc.
>
> In the past, the Labor Council, in order to determine which of its members were registered to vote, has spent between $100,000.00 and $120,000.00 every two years in compiling a list of registered voters in the State of Missouri. Those sums were expended to purchase lists of voters in those counties and cities where such lists are maintained in computerized form, to pay for the handgathering and keypunching of the voter registration information lists in counties where that information is not computerized, to convert all that information to a form compatible with the Labor Council's computer files, and to match all the information gathered with Labor Council's list of members. The voter registration list was then discarded. This process was repeated every two years.
>
> MRV, Inc., was organized to assemble and maintain a complete list of Missouri registered voters.

Now, this kind of expenditure, Madam President, is all unlimited and undisclosed; unlimited and undisclosed. This is what we call soft money. And that is every bit as relevant to the political process as the cash contribution which is limited and disclosed by any individual to a candidate of his or her choice. And so this is the kind of money in the political process that we are talking about that needs at the very least to be disclosed and, in the view of many of us, limited just like a cash contribution. It is indistinguishable from a cash contribution. And yet that sort of thing is outside the system.

I am told that New York City recently decided to go to the system of spending limits, but not without a fight. Here is what Walter J. McCaffrey, a Democrat who represents the 21st District of Queens on the New York City Council, had to say in the New York Times op-ed piece of January 12 of this year. Mr. McCaffrey said:

> The New York City Council is considering legislation—

And I am told they subsequently passed it—

> To use tax money to finance political campaigns. Under it, candidates who choose to participate must accept a spending cap and limit the private contributions they accept to certain maximums. Each contribution would be matched by city tax dollars. Most political analysts estimate that this would cost about $30 million.

This is just for the city of New York.

> I am not against campaign financing reform, but the Council proposal would not keep its promise to clean up corruption and does not reflect economic realities.
>
> Paul Dickstein, New York City's Director of Management and Budget, recently said that the October stock market crash endangered the city's financial stability. Even crucial programs, such as police protection, may be cut. Is this the time to spend $30 million on political campaigns?
>
> The money for publicly financed campaigns must come from a tax hike, which would be unwise, or from cutting municipal programs and services. People would not like it if New York City in effect told some youngster, "We took away your hot meals because the borough president faces a primary election and we need the money for television commercials."
>
> Thirty million dollars would put 600 more police officers on the beat. It would pay for eight or nine mini-schools to alleviate classroom overcrowding in Elmhurst or Washington Heights-Inwood. Or we might spend it on permanent housing to move homeless mothers and their children out of mid-Manhattan's welfare hotels.
>
> A dishonest politician will not become honest through a baptism of tax dollars for his election campaign. Furthermore, the State Commission on Integrity in Government, appointed by Governor Cuomo, has found no link between corruption and campaign contributions. To rationalize public financing of campaigns, the commission is reduced to pleading the mere appearance of impropriety.
>
> The Council legislation cannot stop special-interest political-action committees from independently campaigning for or against candidates. We have learned that from Federal experience with PAC's.
>
> Moreover, the legislation would, unfairly, constitute an incumbents' protection act. Several Council members have argued for setting very low campaign spending ceilings. Some seriously suggest that Council candidates should be allowed to spend only $40,000 in the primary and $60,000 in the general election.
>
> This means that a challenger, without the benefits of incumbency, would be limited to spending the same amount. Public financing should place challengers and incumbents on the same level paying field. The Council legislation would not achieve that goal.
>
> Each Council member currently receives $24,000 a year from tax monies to publish and mail newsletters twice a year. Over four years, this amounts to nearly $100,000 in free publicity sent to every registered voter in each members's district. Council members also get publicity simply by being public officials, and enjoy the benefits of full-time staffs for service to constituents, which also builds voting support.
>
> In community meetings, I've encountered considerable opposition to public financing of political campaigns. My constituents believe that using their tax money to pay for campaigns is absurd. A recent poll of New York City residents showed that 78 percent oppose public financing for New York City elections.
>
> My constituents are already displeased by Mayor's Koch's plan to increase taxes on their homes. To then take some $30 million of these funds to finance political campaigns would be a disgrace.
>
> City legislation modeled after the Federal laws governing Congressional elections, which restrict contributions without spending public funds, would be a much better approach to campaign reform. In fact, under those laws an individual's contributions to candidates for Congress would be considerably smaller than the city legislation would allow.
>
> Finally, a major rationale for public financing is that it would restore confidence in the city government. That's foolish. The public's trust is earned foolish. The public's trust is earned over time. It can't be regained in a flash through public financing. The people are smarter than that.

Now, Mr. President, the Washington Post Outlook Section of August 10, 1980. There was an interesting piece, a rather amusing piece, actually, entitled, "Are the Candidates Worth Your $100 million in Taxes?" The headline says, "The booze, balloons, junk mail, limousines, nepotism, and boring convention speeches that your dollars pay for."

This is by Mary Meehan, who is a freelance writer who has long followed the consequences of public campaign financing.

> Hey, there, taxpayers! If you turn on the TV tomorrow to watch the Democratic convention, you should realize that you are paying for the big show. Gavel to gavel, you're footing the bill for the podium design, the balloons, the banners, the music, the security, the sound system and the convention staff.
>
> If the Democrats put on a dull show, you will have every right to complain, because each day of the convention will cost you more than $1 million. This should at least buy good entertainment, speeches equal to the best of William Jennings Bryan, and a presidential ticket worth voting for. If you get none of the above, you will know that another government program doesn't work.
>
> Your tax money, moreover, is still paying leftover bills from the Republican convention that so many of you didn't bother to watch. You're also paying a large share of the bills from the primary campaigns of both parties—including tabs for booze and limousines and the like—and you will pay all costs of the Democratic and Republican presidential campaigns this fall. In 1976 the candidate and convention subsidies cost you about $76 million; this year, with a postal subsidy added and the price of nearly everything going up, the political subsidies will cost you at least $105 million, probably more.
>
> Now, that may not be much by government standards, but I bet it seems like a lot of hay to you. Especially when you consider what you are getting for your money.
>
> Perhaps you're among the roughly 70 percent of taxpayers who do not check off a dollar on their tax returns for the Presidential Election Campaign Fund. So you may think that you're not paying for Ronald Reagan's pollsters or Jimmy Carter's TV ads. I hate to shatter what may be your last illusion, but you *are* paying for those items.
>
> You see, the people who check off a dollar do not send an extra dollar to the IRS to pay for campaigns and conventions. They pay the same taxes they would normally pay, and so do you. All of their dollars and all of your dollars go into the U.S. Treasury. Then part of their money—and part of yours—goes to the special campaign fund. In other words, the 30 percent of taxpayers who do check off appropriate money for the 70 percent who do not. If this doesn't sound very democratic to you, just ask the people at Common Cause. They say it's a reform.
>
> Anyway, back to the main point: What are you getting for your money? First, you might consider the quality of candidates this year. Are they worth $100 million? (Are they worth $100, you might ask.) Perhaps we judge contemporary leaders too harshly; maybe we should look to history as a comparative guide. But sometimes history is even tougher.
>
> During the 1980 primary season, historian Barbara Tuchman said of the various presidential candidates: "Look what we're offered! God! The country that produced George Washington has got this collection of crumb-bums!" Mort Sahl offered similar views a few years ago. Sahl noted that during the American Revolution, when our population was far smaller than it is today, we had leaders such as Thomas Jefferson, Samuel Adams and Thomas Paine. Now, he said, we have leaders such as Gerald Ford, Ronald Reagan, Jimmy Carter. His conclusion? "Darwin was wrong."
>
> Actually, the folks at Common Cause never promised us that public funding would buy us smarter, more competent or nobler presidents. But they did suggest that it would buy us presidents less beholden to "special interests." The idea was that the taxpayers (willingly or unwillingly) would outbid the special interests. So we taxpayers invested more than $25 million in Jimmy Carter in 1976.
>
> Yet the National Education Association, with a much lower bid, bought itself a Department of Education. The maritime interests, also low bidders, won Carter's support for a cargo preference bill. Democratic Party fat cats did not contribute nearly as much as taxpayers, but several of the fat cats won diplomatic posts.
>
> Anne Cox Chambers and her husband contributed $51,000 to Democratic candidates and committees from 1973 through

1977; Carter appointed Chambers ambassador to Belgium. Milton Wolf and his family donated nearly $50,000 to Democratic candidates from 1974 through 1976; Carter made Wolf ambassador to Austria. Marvin Warner and his family gave $57,000 to Democratic candidates and committees in 1973-76; Carter appointed Warner ambassador to Switzerland.

A cynic might say that, thanks to the election law's contribution limits, ambassadorships cost less than they used to; but some of them, at least, are still for sale. So much for the Common Cause theory about public subsidies—which Common Cause and the Democrats would now like to extend to congressional candidates as well.

You may think that the 1980 candidates aren't much to write home about, or perhaps you are reserving judgment until the fall campaign. In either case, you probably hope that you are getting something else for your money. How about the conventions?

You are paying $6 million to $8 million for each major-party convention. Your Presidential Election Campaign Fund (the dollar check-off kitty) gives each party up to $4.4 million for convention expenses, balloons and all, and the Law Enforcement Assistance Administration (LEAA) grants each host city up to $3.5 million for "security assistance." (The LEAA program, which started with the 1972 conventions, pays mainly for police officers' overtime.)

All of this adds up to the more than $1 million a day for each convention while it is in session. And that sum doesn't even count the many costs picked up by the host cities. Are conventions worth that price?

There are several ways to judge. You can view them as conferences in which the Great Issues of the Day are discussed—although not necessarily debated. Convention managers learned a lesson from the 1968 Democratic convention debate on Vietnam and from the 1982 Democratic convention debates on everything else. About the last thing they want on their prime-time TV shows is a live issue. The Republicans manage to get through their July convention without any platform debate. The unlucky Democrats seem unable to do the same; but I doubt that their platform debate will be worth $1 million a day.

Alternatively, you can judge each convention as a huge party in which the delegates booze it up and whoop it up and generally have a good time. The only problem is that you're not invited to the party. Even if you were, watching adults wear silly hats and use strange noisemakers may not be your idea of fun. Is a national New Year's Eve party worth $1 million a day?

Finally, you might rate each convention strictly as a form of television entertainment. Is the Billygate sideshow as good as "Archie Bunker's Place"? Did Grandpa Ronnie read his lines well enough to compete with "Little House on the Prairie"? Perhaps, as a new reform, we should establish a Taxpayers Board to Judge the Entertainment Value of the Conventions and to raise or lower the public subsidies accordingly.

The GOP might receive a bonus for the Great Ford Flirtation at its convention. If the Democrats stage a spectacular family fight, with broken dishes and blood all over the floor, they too, would win a bonus. On the other hand, negative points would be assigned for the most boring speeches. An alternative would be to provide an automatic rise or fall of subsidies according to the Nielsen ratings.

The subsidy for junk mail is lower than the others; this year it is $4 million. I suppose it is not very charitable to call party fund-raising letters "junk mail," but I have received a couple of the Democratic letters and find it hard to call them anything else. For some reason, I'm not on the Republican sucker lists.

The two major parties slipped the postal subsidy through Congress in 1978, by making party committees eligible for the nonprofit bulk rate. Then last year, after realizing that several of the minority parties were taking advantage of it, they voted to exclude the minority parties but keep the subsidy for themselves.

This year the minority parties struck back with a lawsuit in federal court, charging discrimination. (John Anderson's independent campaign joined the suit late in the game.) The minority parties and Anderson won their case, though they are still excluded from the other political subsidies.

Now there's an effort in the House to cut off the postal subsidy altogether. The subsidy is worth about a nickel for each letter in a bulk mailing; so it's worth bushels of money to the Republicans, who send out huge volumes of direct mail. You can expect to hear moans of pain and grief if the effort to end the subsidy is successful; the party fund-raisers will sound like banshees.

But I think the opponents of the subsidy have a point: It's bad enough to have junk mail overflowing from your mailbox when the sender pays for it, but it really hurts when you have to pay for it. (Nobody knows the trouble you've seen; nobody knows the sorrow.)

Well, this interesting article goes on, Mr. President. I ask unanimous consent that the remainder of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

You should also know about the waste factor. Even if you don't think that all of the political subsidies are a waste, some aspects of them may bother you. Since you are forced to pay for the subsidies, you should at least have the right to demand no-frills campaigns. That is not what you are getting now. In fact, I have a sneaking suspicion that federal subsidies are leading politicos to pay for services that used to be volunteered, and to buy things they would have to skip under a private-financing system.

In the old days, for example, campaigns had plug-in coffee pots; now they have coffee services. Back in January, Howard Baker's campaign paid a firm nearly $240 just for coffee service. In the old days, campaign volunteers decorated a headquarters. The chic thing now is to pay professional decorators for the work, as when George Bush's campaign paid $231 to the Freeman Decorating Co. of Des Moines to spruce up a campaign headquarters. But that was small potatoes. The Carter-Mondale committee listed on its June FEC report a debt of $19,250 to National Maintenance & Construction of Beltsville, Md., for "Office Alterations." In the old days, that would have been a do-it-yourself job.

The Carterites also apparently had a big party, perhaps a fundraiser, in Nashville early this year. As of June, they still owed the Nashville Tent & Awning Co. $561; owed the Famous Brands Liquor Store of Nashville $785; and owed Party Rental Services, Inc. of Nashville $524. That must have been some party. Don't you think that you should have been invited, since your matching funds will cover about one-third of the costs. Perhaps we should write into the law a guarantee that you may attend any political party you helped finance. If that were to come about, I fear they would offer you lemonade instead of bourbon, but at least the principle of fair play would be established.

I don't know what the Carter-Mondale volunteers do, but they certainly don't sweep the floors or dust the desks at headquarters. By June the Carter committee owed $4,732 to a Washington firm for janitorial service. And their leaders don't travel second-class either; they owed $903 to a Brooklyn firm for limousine service. And $261 to an El Paso firm for "Meetings-Drinks."

The Carter committee also provides employment for some of the president's relatives. Annette Carter received a mere $972 in take-home pay for June, but Chip Carter received $1,316. Jeff Carter received $1,750 in June for consulting contracts having to do with "computer service management." If they had only though of it, the Carter high command might have kept brother Billy out of trouble by adding him to the campaign payroll, too.

How about the Republicans, those good fiscal conservatives? Surely they are more frugal with the taxpayers' money? Well, no, not exactly. Republicans, I'm sorry to say, have become big spenders from the East when it comes to their conventions. (Republicans as well as Democrats in Congress voted last year to increase the convention subsidies. This may sound a little bit like a conflict of interest to you, but Common Cause says it's OK.)

Late in 1979, and early this year, the Republican convention committee paid $15,000 to Mark Ambruster of Los Angeles for "program script for convention." In the good old days, conventions didn't have scripts. But that was just the beginning. The GOP paid $20,000 to Water Mill Productions, Inc. of New York City for a design and development contract having to do with "podium design." Water Mill received another $85,000 of your tax money in the spring for construction supervision, a large-screen projection system, and other items.

But Syd Vinnedge Productions Inc. of Los Angeles has received a lot more of your money. By June 30th they had been paid $200,000—and were owed another $50,000—for the "convention theme presentation program," whatever that was.

The Republicans paid a fair amount of tax money for films, too. By the end of June they had forked over $45,000 to Palisades Communications of Santa Barbara for an "Auxiliaries Film," and they still owed Palisades another $20,000. They sent $37,000 to A.B. Productions, Inc. of Los Angeles for a film to be used on the first day of the convention. I don't know about you, but I'm beginning to think that the GOP should have held its convention in Hollywood instead of Detroit.

There's more, much more, about the Republican convention that might dismay you. They paid $493, for example, for a "timer, etc. for hearings." That was either a mighty expensive timer or a mighty big "etc."

But enough of that. The question now before the house is: Will Ronald Reagan, that fierce opponent of big government, box some ears or whack some fannies and get the Republicans into line? You would like to think that, and so would I, but the outlook is not encouraging.

Although Gramps is philosophically opposed to public funding of campaigns, he accepted $4.4 million in matching funds for his 1976 primary campaign. In 1980 he has received nearly $7.3 million in matching funds—far more than any other primary candidate. And just after the Republican convention, he applied for and received $29.4 million for the fall campaign. That comes to a total of $41 million in campaign subsidies for a man who does not believe in them. Gramps is no dummy.

He reminds me of the Walrus in Lewis Carroll's poem about "The Walrus and the Carpenter." You may remember that the Walrus felt a little guilty about helping the Carpenter eat the oysters. He even wept for the victims. Upon hearing this story, Alice said that she liked the Walrus best, "because he was a little sorry for the poor oysters." The storyteller responded: "He ate more than the Carpenter, though. You see, he held his hankerchief in front, so that the Carpenter couldn't count how many he took * * *"

I suppose Gramps can say that he really has no choice about accepting the subsidies. Carter accepts subsidies and, because of the contribution limits, Reagan could not compete with him by using private money alone. Maybe Gramps has an out on this one.

But as for John Anderson—who enthusiastically voted for the subsidies from which he is now excluded—and Common Cause leaders—who wonder why the subsidies haven't brought us to the Promised Land—they are like a candidate in Edwin O'Connor's "The Last Hurrah." Charlie Hennessey said of the young man that "when he adds up two and two he gets five and a half for an answer." He was, said Charlie, "a good-looking youngster with nothing upstairs but a mass of floating custard."

Mr. SIMPSON. Mr. President, I might at this time relieve my colleague. The gentleman's agreement at this point is that there would be no further voting or activity or chicanery, and therefore I think that I will take the floor and continue with the remarks. I think soon the majority leader and I will be able to pose something that may be able to resolve our difficulty and we will know that shortly.

So I thank the Senator from Kentucky. He has indeed performed yeoman service. He serves in a sense as the chair of our delegation, the group that we appointed to try to resolve issues with regard to S. 2.

He had been the direct contact with the proponents' informal chair of S. 2, Senator BOREN of Oklahoma, and the two of them have worked diligently with their groups to see if we could not resolve this issue. If there is a failure to resolve it, it certainly does not reside with them. Today, I have watched Senator BOREN and Senator MCCONNELL meeting privately. I have watched them gather their groups together, and I am sure it has been frustrating for them and, indeed, I commend them. I have been deeply impressed to see how the Senator from Kentucky has entered the issue, learned the issue, done his homework, and been able to influence the colleagues in the manner in which he has done. That is what the Senate is about, and I greatly commend the Senator. I have seen the Senator grow and, indeed, participate in Senate activities in a very remarkable way, and I thank him and commend him for his efforts in every way.

Mr. BYRD. Mr. President, will the distinguished acting Republican leader yield?

Mr. SIMPSON. I yield the floor.

SCHEDULE

Mr. BYRD. Mr. President, the able acting Republican leader and I have discussed with our respective colleagues the following schedule for the rest of the night until 10 o'clock tomorrow morning. Senators on both sides will be discussing the substance of S. 2 and the committee substitute, pending committee amendment. All debate will be on substance only, and there will be no rollcall votes. There will be no quorum calls. The fact that there will be no rollcall votes carries with it the explicit element of the agreement that the Chair will not put the question. That could necessitate a rollcall vote. So there will be no rollcall votes, no quorum calls. There will be debate, speeches, limited to the substance only of the pending business before the Senate, no discussion of tactics, no discussion of yesterday, the day before, tomorrow, or the day after because that can come tomorrow, but until 10 o'clock tomorrow morning, we have a gentleman's agreement that all debate will be on the substance. This will allow those Senators who have not been asked to do floor duty, chair duty, presiding over the Senate, to go home and get some rest and be back at 10 tomorrow. There could be a rollcall vote beginning at 10 o'clock tomorrow morning. We expect rollcall votes throughout the day tomorrow, hopefully good continued discussion of the substance. I would say that I expect to go until, say, 5 or 6 o'clock tomorrow afternoon and the Senate would not be in then tomorrow night. The vote would occur on cloture on Friday morning, and I ask unanimous consent that the cloture vote occur at 10:30 a.m. on Friday.

The PRESIDING OFFICER (Mr. LAUTENBERG). Is there objection to the request?

Mr. SIMPSON. Mr. President, I believe the Senator from Arkansas rises.

Mr. PRYOR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. And I will not object, I was listening to the distinguished majority leader. Did the majority leader give that time certain for a vote tomorrow morning, on Thursday morning, a first vote? Did the distinguished leader say there will be no vote before 10, or do we know when a vote might occur?

I am on night watch duty and I was just wondering about that.

Mr. BYRD. The Senator asked a pertinent question. I meant to say, if I did not, and probably did not say it—I will say it this way—there will be no rollcall votes prior to 10 o'clock tomorrow morning but beginning at 10 o'clock Senators are on notice that rollcall votes will in all likelihood occur. I would say at 10 o'clock there probably will be a vote of some kind.

Let me just assure that there will be because that gets everybody in. We have been operating on that kind of a basis in normal times. Of course, we are in abnormal times right at this moment. But at 10 o'clock we can expect a rollcall vote.

Mr. PRYOR. I thank the majority leader.

Mr. SIMPSON. Mr. President, reserving the right to object, and I shall not object, I would inquire of the majority leader that under the cloture petition that vote was to occur 1 hour after convening, which would have been 10 o'clock and now the request is to set that for 10:30; is that correct, I ask the majority leader?

I believe that that is what I had recalled. I had told my people that it would be 10 a.m. I am sure that this 10:30 time could be accommodated easily enough. I just inquire.

Mr. BYRD. My problem is I am confusing days of the week. I was thinking that Friday was the next day.

Mr. President, the rollcall vote will occur on tomorrow——

Mr. SIMPSON. Friday.

Mr. BYRD. I was right the first time.

Will the Senator repeat his question so I may get my thoughts in order?

Mr. PRYOR. Mr. President, I had just proposed the question to the distinguished majority leader as to what time we might expect the first vote. Those of us who on night watch tonight are interested in that, trying to maximize our sleep.

Mr. BYRD. Yes. Tomorrow morning, circa 10 o'clock, but not before 10 o'clock.

Mr. PRYOR. Right. And I think the other question, if I might interrupt, related to the vote on cloture.

Mr. BYRD. The vote on cloture will be Friday morning and I had said 10:30, but if the distinguished assistant Republican leader has made assurances, statements to his colleagues that it be at 10 o'clock, why, we will say 10 o'clock.

Mr. SIMPSON. Mr. President, I greatly appreciate that. I think it would be helpful. It is difficult to contact people. I had expressed that that would be a 10 o'clock vote, 1 hour after convening, on a motion for cloture. I also ask the majority leader, would we waive the automatic quorum call?

Mr. BYRD. We would have to waive the automatic quorum call.

I must point out that in waiving an automatic quorum call, it does not necessarily mean that a Senator cannot put in a quorum call, unless that is explicitly included in the agreement.

Why do we not have an understanding? I will ask consent that the vote occur at 10 o'clock on Friday morning on the motion to invoke cloture and that that be a 30-minute rollcall vote.

Mr. SIMPSON. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. BYRD. I thank all Senators. I especially thank the distinguished leader on the other side of the aisle, the acting leader. He is doing a good job.

Mr. SIMPSON. Mr. President, I thank the majority leader. It is a pleasure to do business with him. He has been sincere and candid. This is a very honorable approach, and it is done in the form of a gentleman's agreement. In the West, as we say, that is good enough for me.

One other thing; I know we discussed it: that on Friday, everyone should be aware that after the cloture vote, I believe you expressed what you intended to do, whether it is successful or whether it is not. Would that be something you would convey?

Mr. BYRD. Of course, if it is successful, all other business would be excluded until completion of action on the business which had been clotured.

If the cloture motion fails, then I would hope that we would proceed to other legislation and have votes and make progress thereon.

This would be in keeping with our schedule of 3 weeks in and 1 week out, with 5 days of activity, full activity, on each of the 3 weeks in, in all instances, except under extenuating circumstances.

Mr. SIMPSON. Mr. President, would that include then, the premise that if the cloture vote is unsuccessful, the bill would then be taken down?

Mr. BYRD. Yes; as I have indicated to the distinguished leader and to my colleagues, the bill will be taken down, because we will have made our case. We will have done our best to get votes on the bill and on amendments thereto. It not being within our power under the rules to force a vote on a bill or an amendment except by moving to table—and cloture is the last resort to gain such a vote—if cloture fails, I will put the bill back on the calendar.

Mr. SIMPSON. Then I would want our Members and all Members—and I believe this is correct, and I ask if this is part of this informal agreement, which is perfectly acceptable business, in my mind—that then we will go to another legislative item, some bill. We really do not know what that might be at this time. But everyone should be alert to the fact that there will be the regular Friday business and very likely a vote or two in the course of our business day on Friday, with whatever the majority leader may determine to lay down.

Mr. BYRD. Yes.

Mr. President, I think we all should live by the understanding we entered when I put forth the proposal that was well received on both sides, that we have 3 weeks in and 1 week out, and that during those weeks the Senate is in, everybody is expected to be here and to be prepared to vote—early and late, if necessary—Mondays through Fridays.

This Friday is no exception. There does happen an occasion once in a while. It happened the other day, when our friends on the other side had a retreat and we said we will not have any rollcall votes. Now the Democrats are having a retreat, or something going on, on Monday. I am not asking, nor am I saying, that there will not be any rollcall votes on Monday, but we may seek to not have too many on that occasion. But it is only when an occasion like that comes along that we try to accommodate each party here.

As to this Friday, there is no reason not to have a full day's work, and I would hope that we could call up one of the several bills, and there could be some Executive Calendar business.

I have mentioned the polygraph legislation as a possible bill. I have mentioned Price-Anderson legislation as a possibility.

I know that the distinguished assistant leader, as he has in the past, will do the best he can to assist me in getting some legislation or business before the Senate on Friday.

Mr. SIMPSON. Mr. President, in view of this remarkable court here, that makes that ever more attainable.

I assure you that we will be attentive to your need to schedule us properly. That is your right and your duty, and we will assist you in that.

This has been the singular sticking point of many weeks, and I have a genuine feeling that we can get to our agenda, whatever the majority leader feels.

We have discussed informally, between ourselves, what we have to do and what is priority, and I will leave that to the majority leader to share with the Members. I understand the import of it and the priority of it, and I assure you that I will pledge to assist in reaching that, and so will the others on this side of the aisle.

Mr. BYRD. Mr. President, I thank the distinguished Senator, and I thank all Senators who have worked with us in developing this understanding and this gentlemen's agreement for the rest of this evening and up until 10 o'clock tomorrow, when business will be as usual, on this very difficult bill. We will continue to try to make our case for it, hoping that somehow we can have a vote on the bill or on the pending amendment tomorrow, fully expecting that those in opposition will, unless there is some change of heart between now and then, probably try to avoid having such a vote.

I thank all Senators. I especially thank those who have spent their hours presiding in the Chair. I thank the Chair, the Senator who is presently in the Chair, Mr. LAUTENBERG.

I yield the floor.

Mr. SIMPSON. Mr. President, I thank the majority leader. Again, I feel privileged to have a unique relationship—or at least I feel it is such—with the majority leader. I think it is evident in the way we do our business.

We do like to get into spirited dialog; there is no question about that. We have very similar traits in that area—spirited, not exactly reticent to wade in.

He has shared this with me this evening, as he presented this basic scenario, and we were able to put that together, and we need not go into further formality. It will be done, and we will have people on the floor from midnight to 10 a.m., both sides of the issue, proponents and opponents, speaking on substance only.

We will not be referring to what has been or might be. Those things can all take place during the oridinary course of our activities from 10 a.m. until our adjournment at no later than 6 p.m. tomorrow.

The evening's activities will go on without tricks, snares, or delusions on either side; and as certain exigencies come up, they will be handled in the same gentlemanly manner that we have accomplished this agreement.

Well, now, if we were playing baseball, you would want to issue a walk until midnight. That is impossible.

Mr. McCONNELL. Mr. President, will the distinguished Senator from Wyoming yield?

Mr. SIMPSON. I yield to the distinguished Senator from Kentucky.

Mr. McCONNELL. It is my mission to drone on until midnight, and I am more than happy to do that. It is my understanding that someone from the other side will be here promptly at 12, and I will be glad to——

Mr. SIMPSON. Mr. President, I inquire of the Senator from Kentucky if he has rested.

Mr. McCONNELL. I think I am quite chipper once again and prepared to forward until midnight.

Mr. President, I ask unanimous consent that this not be considered a second speech. It is my understanding that I yielded for the purpose of working out the agreement and stating that for the Record. So, to be certain, I ask unanimous consent that my resuming speaking until midnight not be considered a second speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCONNELL. I thank the distinguished Senator from Wyoming for the kind remarks about my work on this issue.

It has been a pleasure to be involved in it. We have had a number of outstanding performances on both sides of the aisle. It is too bad that we could not reach an accommodation on what I felt would have been meaningful campaign finance reform on a bipartisan basis, but it appears that that will not be achieved at this time. Maybe on another day.

Mr. SIMPSON. Mr. President, from what I have observed in watching the Senator from Kentucky and the Senator from Oklahoma, seeing in writing some of the proposals that have been made in this last day or two, that in itself is extraordinary progress, when we consider that we have had seven very serious locked-up situations.

I am not even going to comment on what movement was made or in what area. That would bring down clouds of activity from all areas.

It seemed to me that you had indeed finally put everything on the table and discussed it in ways which neither side said we will not under any circumstances even brush upon the issue. I am not saying it penetrated it, but certainly you brushed upon that. I think that was an admirable approach, and that was necessary because campaign reform is necessary, and it is critical that we do it. We must do it in a way in which we are totally up front.

We know so well the strength of the Republicans, and we know so well the strength of the Democrats. It is our duty, if we are really going to have campaign reform, to kind of dig a little into each one of the secret trenches they have.

So I think that augurs well for the future. Whatever happens with regard to the cloture vote on Friday, that at least things were placed there and there were requests and overtures of cooperation in support and assistance and trying, and that could not have happened in any way without the Senator from Kentucky and the Senator from Oklahoma [Mr. BOREN] doing their work.

Again, I commend you. You have broken the ground that has not been broken before.

I yield the floor to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished acting Republican leader. It is true. We are ever so close. We had agreed on pursuing every constitutional method. We agreed on soft money disclosure. We did not agree on limitations on soft money contributions. Frankly, that is something that we had hoped to see. We had agreed on a meaningful broadcast rate discount for campaign advertising, and there is no question that is what is driving the cost of campaigns more than anything else, the cost of television. We had agreement on that.

We had agreed on pursuing every avenue that we could pursue to make it tougher for regular party candidates to be blindsided by independent expenditures, and there were a variety of different approaches we thought were appropriate. We had agreed on a bundling provision.

In summary, Mr. President, we agreed on really quite a lot. We could have passed a landmark piece of campaign reform legislation, and, I hasten to add, there is one area where we had reached agreement on in principle, and that was that there ought to be some kind of limit on political action committees, or either a lowering of the amount of individual PAC contributions, some kind of aggregate limit on what PAC's could give on some kind of acceptable formula, but, in any event, some effort to inhibit the growth of PAC's and restrict, to some extent, the influence of PAC's.

All of that would have been a meaningful, significant landmark piece of campaign reform legislation.

But alas, the sticking point, which we were unable to overcome, was the issue of a limitation on participation in campaigns by those contributing limited and disclosed contributions.

It is upon that issue that the discussion broke down. That is a terribly important issue on this side of the aisle. There are two strong concerns. One is that it is not, in our judgment, desirable, as a matter of public policy, to put a limit on how many people can participate in the process. Provided the contributions are limited and disclosed, we ought to be encouraging candidates to go out and raise as much as they can because it comes from people who give, and we ought to be happy they are participating in the political process.

To the extent that the number of individual contributors have grown over the years, we ought to commend them, not condemn them. That is progress, progress that more and more people are participating in the process.

And so that is the fundamental difference between the two sides, and it is what keeps us from passing a meaningful campaign finance reform legislation this year.

This is an issue that this Senator has had an interest in for a long time. I was never a college professor on anything, other than on a part-time basis, but in the mid 1970's, I taught a course at the University of Louisville called "The American Political Parties in Elections." It was an interesting time to be teaching because that was about the time the law, about which we are having such lengthy discussions this year, was enacted.

I remember making a number of projections about how it was all going to play out over the years. Some of those projections were right and some were wrong. One projection that was absolutely wrong I mention at the moment really apropos of nothing, but just to point out the irony.

I said confidently to those students in the mid 1970's that the advent of the business PAC, the business-oriented political action committee, was going to really be a boon to the Republicans.

I said, "You know, organized labor has been clear, it has been consistent, it has always been on one side. You knew where they stood, and you really had to commend them for taking a position and sticking to it." I said to my students in those days, "You know, the business people are kind of reluctant to get involved in politics. They have always thought it was sort of an unseemly business. Some have contributed, but most have not done anything one way or the other."

And I said to those students back in the mid 1970's, "I bet you, with the advent of the political action committee, that business is going to get involved in politics and is going to provide some counter to organized labor. And you can just write it down those business PAC's are going to be contributing to those Republican candidates."

Mr. President, that was not a very good prediction. Labor has continued to be, of course, 95 to 99 percent in the Democratic column, but we do find that business is mostly in the Democratic column, too. So the Senator from Kentucky's predictions about the behavior of business PAC's has not been borne out.

That, in and of itself, does not make them evil. The fact they choose not to support the Republican candidates, in my judgment, just shows they made bad decisions.

It is interesting how that worked out. To the extent the American people are interested in this issue in any big way, and I do not think they are, of any list of priorities I have seen in this country, this rarely appears and certainly nobody will list it on any kind of open-ended survey as an important issue confronting the country.

But to the extent that people do think about campaign finance reform, I think what they think of is the PAC, the political action committee, the appearance that is raised by PAC contributions of some undue influence.

Mr. SARBANES. Will the Senator yield for a moment? We would like to make a unanimous consent.

Mr. McCONNELL. Yes, I yield to the Senator without losing my right.

Mr. SARBANES. Without losing the Senator's right.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that no speech be considered as counted under the two-speech rule until 10 o'clock tomorrow morning. So the two-speech rule would not apply. We would not have to worry about interruptions or speaking again, and that would apply, of course, to speeches being made from either side of the aisle. I think it would help to expedite matters.

Mr. McCONNELL. Would that apply from this point forward, including the Senator from Kentucky?

Mr. SARBANES. Absolutely.

The PRESIDING OFFICER. Is there any objection to the request? The Chair hears none, and it is so ordered.

Mr. SARBANES. I thank the Senator for yielding.

Mr. McCONNELL. Mr. President, the nub of the issue, of the issue, of course, is how to look at the cash contribution. It has been interesting to listen to some of the speeches on the other side that equate money with evil in politics. It seems to me that in a capitalistic society like ours, money is not necessarily evil in politics. Provided it is limited and disclosed, it seems to me it is not evil at all.

Robert Samuelson, who is one of my favorite writers, in Newsweek last summer, when we were earlier waltzing around this issue, had a fascinating column which appeared, as I said, in Newsweek, July 13, 1987. The headline was, "The Campaign Reform Fraud." And the subheadline was, "Money Is a Necessary Evil in Politics. Spending Limits Would Create Greater Evils."

Samuelson goes on as follows:

> The Founding Fathers are growling in their graves. The Senate is now debating campaign-finance "reform": a respectable-sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.
>
> Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign-spending restrictions and public financing—is built on half-truths. He says that campaign contributions of "special interests" have corrupted politics. They haven't. The Founding Fathers knew that special interests were inevitable. Their government of checks and balances requires compromise; competing groups check each other. The system isn't perfect, but it curbs the undue influence of campaign contributors.
>
> Wertheimer is a genius at obscuring this. He harps on the huge rise in congressional campaign spending—up from $195 million in 1978 to $450 million in 1986—and its simplest implication: because congressmen need more money, they're more beholden to donors. The obvious answer is to limit dependence on the donors. The logic fits popular prejudices about special interests, and most editorialists and journalists accept Common Cause's claims uncritically. They shouldn't.
>
> For starters, money doesn't determine who wins elections. Winning candidates are often outspent. In last year's Senate election, says political scientist Michael Malbin, six of the seven Democrats who ousted incumbent Republicans were outspent by an average of about 75 percent. There are too many other influences to make money decisive: the economy, party loyalties, personalities, issues, national mood. The 1986 election results, Brooks Jackson of The Wall Street Journal wrote later, suggested "that much . . . money was spent with little practical effect."
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> Paradoxically, campaign reform could make it tougher for challengers to unseat incumbents. If money doesn't settle elections, serious challengers need adequate minimums to gain name recognition and project campaign themes. It's these threshold amounts that campaign reform threatens. The spending limits in the bill before the Senate are below what five of the winning Senate Democratic challengers spent. In North Carolina, Terry Sanford spent $4.17 million to beat former senator James T. Broyhill. The bill would have allowed Sanford $2.95 million.
>
> No one is smart enough to set "correct" spending limits based on population or anything else. States and congressional districts differ radically in political characteristics. California races require lots of media spending. That's less true in Chicago. Spending in hotly contested races is typically higher than average. Because Congress—that is, incumbents—would control spending limits, the bias would be against challengers.

I might just say parenthetically before finishing this article, we have done a little study which I referred to earlier tonight which would fit in right here. That is how S. 2 spending limits provide incumbent protection strategy.

In the 1986 Senate elections, every single incumbent who spent within the limits set by S. 2 won, without exception. Ten of ten incumbents spent within the limits.

Ninety percent of the challengers who spent within the limits set by S. 2 lost.

Ninety percent of the challengers who spent within the limits set by S. 2 lost, 18 out of 20 challengers who spent within the limits. Seventy-two percent of the challengers who won spent above the S. 2 limits. Five out of the seven winning challengers spent above the limits.

A challenger who spent above the S. 2 limit had a 63-percent chance of winning. Five out of eight challengers who spent above the limits won. A challenger who spent within S. 2's limits had a 10-percent chance of winning. Just 2 out of 20 challengers made it.

Back to Samuelson's article, he goes on:

> Likewise, Wertheimer's assertion that campaign contributions corrupt the legislative process is similarly weak. You hear lots of talk about the dangers of political-action committees (PAC's). What you don't hear is:
>
> PAC's remain a minority of all contributions. In 1986 they were 21 percent for the Senate (up from 17 percent in 1984) and 34 percent for the House (level with 1984).
>
> The diversity of the 4,157 PAC's dilutes their power. There are business PAC's, labor PAC's, pro-abortion PAC's, anti-abortion PAC's, importer PAC's and protectonist PAC's. Contributions are fairly evenly split between Democrats ($74.6 million in 1986) and Republicans ($57.5 million).
>
> PAC's give heavily to senior, powerful congressmen, who are politically secure and not easily intimidated. According to Common Cause, Democratic Rep. Augustus Hawkins of California is the most dependent on PAC contributions (92 percent). First elected in 1962, he won last year with 85 percent of the vote.
>
> Of course special interests mob Congress. That's democracy. One person's special interest is another's crusade or livelihood. To be influential, people organize. As government's powers have grown, so has lobbying by affected groups; old people, farmers, doctors, teachers. The list runs on. But PAC's are only a minor influence on voting. Political scientist Frank Sorauf of the University of Minnesota reports that in 1984 the average PAC contribution to House incumbents was less than one-third of 1 percent of the average congressman's total receipts. Congressmen vote according to their political views, constituents' interests, party wishes and—yes—their consciences. Special interests were supposed to block tax reform. They didn't.
>
> Free speech: About half the rise in campaign spending since 1978 reflects inflation. Much of the rest stems from the emergence of younger politicians who use expensive campaign consultants, television and direct mail. In 1984 Democratic House Speaker Thomas P. O'Neill Jr. of Massachusetts spent $213,000 winning re-election. In 1986 Democrat Joseph P. Kennedy II spent $1.8 million to win the same seat. But the expense of modern communication makes it no less vital for free speech.
>
> That's why the Supreme Court held in 1976 that madatory campaign-spending limits on candidates violate the First Amendment. Public financing of election spending aims to make "voluntary" limits more acceptable. But even if voluntary limits on candidates were enacted, the problem of "independent spending" remains: if I want to buy TV time to support Joe Blow, the Supreme Court says that that's my right. Candidate spending limits would prompt special interests to raise independent spending. The Senate bill tries to deter this by subsidizing responses: my $10,000 praising Joe Blow would entitle his opponent to $10,000 of public money to answer me.
>
> Suppose this were judged constitutional (unlikely), what's the point? In our diverse society, one role of politics is to allow the venting of different opinons and pent-up frustrations. Groups need to feel they can express themselves and participate without colliding with obtuse rules intended to shut them out. Our politics is open and free-wheeling. Its occasional excesses are preferable to arbitrary restraints. Wertheimer's

brand of reform is misconceived. The Senate would dignify the Founding Fathers by refecting it.

Robert Samuelson is right on the mark, Mr. President. Not only are spending limits offensive on their face by limiting the number of people who can participate in the process; they will not ever work. They have not worked in the Presidential system. There is not any scheme that the mind of man can devise that will successfully limit spending on political campaigns. So why try? It is not good public policy and it will not work.

Why not accept the notion that there is nothing inherently evil about a limited and fully disclosed campaign contribution? There is nothing inherently evil about a limited and fully disclosed campaign contribution. Candidates ought to be encouraged to get as many contributions as they can. The only reason these campaigns have been able to spend this kind of money is because they have been able to raise this kind of money, leaving aside the millionaire problem which everybody on both sides of the aisle would like to solve.

The astounding thing is how much money has been raised and how many people are participating, and it has grown dramatically. It has grown dramatically.

But we would like to cut the cost of campaigns and we can do it by treating the real problem in the growth of campaign spending. The cost of television, limitations of PAC's. I am not overly fond of them. Regardless of what Samuelson said, it seems to me there are some things we can do about PAC contributions.

The cost of television is really outrageous. The stations have ripped us off by raising their lowest unit rate chargeable to all customers during that period and then lowering it as soon as the campaign season is over.

All of those kinds of measures were part of the bill that the group of eight was close on. But we broke down. We broke down because we had a fundamental difference of opinion over whether it was appropriate—appropriate—to limit the number of people who can participate in the political process by making a cash contribution.

Beyond the public policy there is the practical problem with it. The base of my party across America, Mr. President, is the fellow on Main Street and the lady on Main Street who has a small business, who struggled to start it, who struggles with the myriad of different problems to keep it going, and who, as a result of that effort, is able to employ people, who create wealth and who pay taxes to keep this system going.

It has been the success of my party in attracting the support through an average cash contribution of about 300 bucks. It has been the success of my party in attracting those kinds of contributors and supporters that has allowed us over the last 10 or 12 years to go from a party which appeared to be a perpetual minority in the low twenties to a party which has risen in terms of public acceptance to the low thirties, the Democrats being in the low thirties and the independents being in the low thirties. In other words, a position of relative parity in America.

We did not do it in any immoral or unholy way. We did it by going out and getting a whole lot of support.

Our support tends not to come from the organizations. This fellow or lady out on Main Street that I am talking about typically does not belong to anything. They may belong to the Kiwanis Club, but they do not belong to an organization that has a particular interest to promote before a legislative body. Essentially they like to be left alone. They think we have enough government and they participate in the process in the hopes that we will leave them alone and let them function, let them hire those folks that create that wealth and pay those taxes. That has been the base of our party.

So we will not accept—not now, not later, not ever—a limitation on how many of those people can participate in the process. It is not only bad public policy; it does not work. And, if it did work, it would be a disaster for the two-party system in this country.

So that is where we broke down. Hopefully, we can visit this issue on another day. The Senator from Oklahoma and I talked earlier this afternoon about continuing our discussions after this matter has passed from the scene, as it probably will Friday, in the hopes that we can come up with the kind of bipartisan campaign finance reform bill that we were so close to coming up with which could pass this body 90 to 10, or maybe 95 to 5, that would not tilt the playing field in anyone's direction, and be a landmark, meaningful piece of legislation.

But that is for another day. It will not be passed this week. It is really too bad, because the current system has some flaws. This Senator has talked about it off and on for 10 months now. We can do better. We can fine tune the system. But we do not want to ruin it by putting an arbitrary limitation, which will never in any event be followed, on how many people can participate in the process.

So, Mr. President, that really concludes my observations for the evening. I was in the hopes that we would have a speaker on the other side of the aisle about this time. I wonder if the Senator from Maryland can enlighten me on that.

Mr. SARBANES. Will the Senator yield for a question?

Mr. McCONNELL. Yes.

Mr. SARBANES. It is not clear to me why the Senator asserts the position that if we arrive at reasonable limits on a campaign that that could not be enforced, could not be followed, could not be complied with.

Mr. McCONNELL. The only thing I can say to the Senator is that the only experience we have with this is the Presidential approach, which we have operated in three Presidential elections and the one we are in the middle of. Every major candidate has cheated; $1 out of $4 has gone to lawyers and accountants.

Mr. SARBANES. In the general election?

Mr. McCONNELL. In the general election as well. As a matter of fact, on the general elections, you may be interested in some figures I have. In the 1984 general election, special interests spent $25 million to oppose President Reagan. That was 62 percent of the President's $42 million spending limit. Nearly half of the money spent in the 1984 general election, $72 million, was outside the candidates' direct control. At least one-fourth of all money spent in Presidential races is unreported, unlimited, and unaccounted for. Soft money spending is roughly tripling in each election cycle and the races resemble the uncontrolled politics of the prereform era.

I am not going to go over it again, but just in summary, I cited several passages done about a year ago in the Federal Bar Journal by three employees of the Mondale campaign who had previously been at the FEC. And I will be glad to give the Senator a copy if he is interested. But just to make the point that they made, these were three people who worked at the FEC for a number of years, then went over to the Mondale campaign and were writing the article in the Federal Bar Journal in February 1987, about 3 years after the campaign was over. And I do not want to overstate this, but I think it is clear that they think the Presidential system is a disaster.

I will be happy to give the Senator a copy of it. I am not going to read all this into the RECORD again, but these are people who worked with it. They worked with it both from the FEC perspective when they were on the staff there, then worked with it with a Presidential candidate.

Their article can speak for itself, but I think the conclusion is that spending limits are not working and will not work.

My own view, I say to my friend, is that if we extend a system similar to the Presidential race to 535 additional races, the FEC is going to be about as big as the Veterans' Administration.

Mr. SARBANES. Well, I simply say to the Senator—I know he is going to leave the floor and I see my colleague is arriving—the notion that these expenditures can continue to go where the sky is the limit places, it seems to me, an enormous strain on the political system. And I know it is the Senator's assertion that if you have an overall limit you are in effect then limiting the number of people who can participate by making a contribution.

But what is happening with this system is with the limited expenditure possible candidates end up spending most of their time raising money.

Mr. McCONNELL. The reason for that, I say to my friend, is not the limit. I have not advocated raising the $1,000 limit even though we have had it in the same place since the mid 1970's. But the reason is because the amount you can receive has not kept up with inflation. That is the reason. The other reason we are having to spend as much money as we are is that the television stations are absolutely sticking it to us in the last 60 days of an election cycle. That is one of the things, by the way, that the group of eight agreed to, that we should require a truly meaningful broadcast rate discount by attaching that maybe to the previous year, saying that they have to sell us the time at the lowest unit rate available for the previous year.

But even on the point of spending in general, the rate of increase is beginning to drop off. We had some dramatic increases in the seventies but it is beginning to drop off. As to the predictions that we were going to end up having $25 million Senate races in October, there is no evidence that that is going to happen and if we do something about the cost of television and if we concluded that we would raise maybe just a little bit what individuals can contribute, it would not be nearly so time consuming.

Mr. SARBANES. Does the Senator concede that expenditures can be at such levels that he would regard them as a problem?

Mr. McCONNELL. I just cannot see any evidence that that is happening. Compared to what our society is spending on almost everything else, we are spending a pittance on politics.

The Kennedy School at Harvard did several different studies on this issue and it is their conclusion that we are really not spending that much at all. The important thing to remember is that it is coming from people who are participating in the process. That is not bad; that is good, and I think an important part of participating in politics in the modern era.

Mr. SARBANES. Would the Senator carry that reasoning further and say that the more you spend, the better?

Mr. McCONNELL. Provided it comes from individual donors whose contributions are both limited and disclosed.

Mr. SARBANES. What does the Senator mean by limited?

Mr. McCONNELL. Well, they are limited now, $1,000 per person and fully disclosed.

Mr. SARBANES. As I understand what the Senator just said, he thought that figure should be larger.

Mr. McCONNELL. I have not advocated it, but if we are concerned about time, the time involved—several people have said they are spending a lot of time raising money—you cut down on the time if you raise the limit. But the public policy tradeoff, of course, is that you end up getting larger amounts from individuals. I have not advocated that because, frankly, I do not find the press of raising money very offensive. It does not take much of my time and it is going to be particularly easy, I think, now with the 3 week in and 1 week out schedule that the leader has given us. I think surely no one will ever again say to the leader, "Please protect me; I have a fundraiser." We have a week. We know in advance for the whole year when we can do other things other than Senate business, and so I do not think we are going to hear that argument any more. And if we do hear it, the leader should not listen to it because he has taken care of that problem.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before I begin, although our friend from Kentucky has left the floor, let me say anyway that I have been one of those Members of the Senate who has been working with him and a number of other of our colleagues to try to come up with some substantive resolution of this dispute. We have been unable to do so, but that in no way detracts from the real pleasure that we received from working with our friend from Kentucky, even though it has not worked. The key is the spending limit dispute. We just cannot resolve that one. To us it is at the core of this bill. But again, even though we were not able to reach a compromise on this bill, it was nonetheless a pleasure to work with this group of eight of our colleagues, and in particular I commend the Senator from Kentucky for his efforts at least in seeking a solution despite the fact that it failed.

Mr. President, the corrosive and commanding influence of money in politics has eroded the public's confidence in government. And that is the basic problem we face. We can run from the fact but we cannot hide from it for very long. There is no true objective standard perhaps to prove it, but that fact is a real one in the public mind. The public perception of government in this democracy is critical to our survival. And so I want to repeat: The commanding role and influence of money in politics has eroded the public's confidence in government. It is a terrible indictment of the present system. It is a command to us to change it, or at least to try to change it. And when I hear our friend from Kentucky say that no scheme in the mind of man can be devised to successfully limit campaign spending, I have a different answer to that point later, but my point at the moment is we at least can try—I think we can succeed—in devising limits on the corrosive, intrusive and at times obscene influence of money in the body politics of this country.

Now, we all know in our hearts and our minds just how much time we have to spend to raise money. And each one of us has to decide whether or not that is the way a Member of the Senate should spend such a large amount of his or her time. Each one of us knows the answer to that question. Perhaps we answer it differently. But at least all of us know the answer in our heart.

I am not the one who is saying that the influence of money in politics has eroded public confidence and that it is too commanding and corrosive. It is the public that is saying that.

The American people were asked the following question in a Harris poll late last year: "Do you feel the excessive campaign spending in national elections is a very serious problem, only somewhat serious, or not a serious problem at all?" They were given three options in this question, and 62 percent of the American people said it is very serious, 29 percent said somewhat serious. So 91 percent of the American people said that it was either very serious or somewhat serious. And when that large a percentage of our public has reached the conclusion that excessive spending is a problem in national campaigns, we have a problem. We have a problem of public confidence.

As people who represent the American public, we have an obligation to try to do something about it. Are we sure we will succeed? No.

Are we obligated to try? You bet. Because when there is a public perception that this body and the body down the hall is dominated by money, we better address it, and we better address it fast if we are going to be worth our salt.

Some of the editorials that we read reflect the feeling of the American people.

The Washington Post on July 1, 1987, noted the following:

> The average Senate election now costs $3 million. To amass that much, a Senator must raise $10,000 a week, 52 weeks a year, every year of his term. Let him miss a week for some reason—could it be the press of legislative business?

The editorial asks ironically—

> Then he must raise twice that much the next week, three times as much the week after that. If he represents a large State or

> fears a strong opponent or wants to scare such an opponent off, he must also raise more than average. And they do.

The editorial continues:

> The system has become obscene. Its defenders argue that the money now in politics is a sign of vigor, a healthy form of participation. Yes, up to a point. But that healthy point is passed. The ceaseless quest for money absorbs the entire Congress not only in election years. The National Journal recently compiled the amounts that Senators not due to run until 1988 or 1990 had raised by 1985 and 1986. By the end of last year—

In other words, by the end of 1986—

> four of the Senators likely to run in 1990 had already raised more than $1 million, one was only $15,000 away, two more had raised more than $700,000. What notion of good government is served by that?

Asks the editorial. It goes on to say:

> The Democrats seek to restore a sense of proportion to this process. They would impose spending limits. The Supreme Court has said that to satisfy the First Amendment, spending limits must be voluntary. As a practical matter, that means they must be in return for Federal funds. Republicans object to public financing of congressional campaigns. The Democrats therefore moved successively to minimize the role of public funds. Their latest proposal is that a candidate could get such financing only if he agreed to abide by the spending limits for his State and his opponent did not. The public money would only be an insurance policy. It was easy for Republicans to block the Democratic bill when it contained a large measure of public finance. They could stand on principle.
>
> Now the issue is more clearly delimited. Hard liners still resist the bill on the grounds that Republicans, who are better fundraisers, would be condemning themselves to permanent minority status. But money is not what will deliver the Senate to Republicans, nor in the long haul can it be healthy for the Republicans to link themselves to this iron lung.

Let me quote from another editorial in the Post on July 29, 1987:

> The excess of the present system of Congressional finance will in the long run stain those who support it . . . At some point in a process such as this, a candidate is no longer running for office so much as trying to buy it. The amounts are not just obscene; they are insane.

The February 1987 edition of Conservative Digest reported the following:

> When our current "class of Senate freshmen runs for reelection in 1992, the average Senate campaign will cost $9 million."

This means that during the 6 years these individuals are in the U.S. Senate, for their next election they are going to have to raise $125,000 every month, $28,846 every week, $4,109 every day—Saturdays and Sundays included—$171 every hour of every day, 24 hours a day, 7 days a week, for 6 straight years.

Mr. President, that is not why we are in the U.S. Senate, to be raising $125,000 on the average, each month for our reelection 6 years hence.

We have heard S. 2's proposed public financing for congressional campaigns labeled a raid on the Treasury. Listen to what some Senators said about public financing of Presidential campaigns, which is now an accepted part of our election process, when that proposal for public financing of Presidential campaigns came before this body 17 years ago.

Senator Bennett of Utah doubted "whether the Federal Treasury and the U.S. taxpayers should be called upon to bail out the Democratic Party from its present financial crisis."

Mind you, this is 17 years ago, talking about Presidential campaign financing, which is now an accepted part of our Presidential elections.

Former Senator Tower said: "This so-called reform effort is nothing more than an attempt by a group in Congress to grab taxpayers' money for their own end."

Our own distinguished Republican leader, our good friend, Senator BOB DOLE, said that "the public financing plan was a blatant partisan attempt to fund the Democratic opposition to President Nixon" and "to ensure the success of this effort to fund Gov. George Wallace's third party, and thereby take away from the President as many votes as possible."

That was all said in 1971—again, about the Presidential election reform that we adopted and which now has a broad consensus. Times change; innovations and reforms once thought radical become integral parts of the system. I believe that within a few years, the current system of congressional election financing will be nothing but a bad memory, and some kind of limitation on campaign expenditures will be seen as American as apple pie and the Presidential campaign checkoff. We do not have any alternative but to reform the current system.

Senator BOREN, whom I commend for his fine work in drafting this legislation and for his effective defense of its provisions, has pointed out that the average cost of a successful Senate campaign was $600,000 in 1974 and $3 million in 1986. It went up 500 percent in just 12 years, and he predicts that without spending limitations, that $3 million will be $15 million 12 years from now for the average-sized State.

In California, just a few years ago, Senator CRANSTON was forced to raise $10 million and his opponent spent almost $12 million. Using Senator BOREN's projections, a successful candidate for the Senate from California in 1998 will be spending over $50 million. To put it simply, Mr. President, I do not think we can allow this to happen. Long before it does, we must do something about it, and we should do it now.

Some opponents of S. 2 refer to it as a giveaway of taxpayers' money. One of our colleagues said some months ago that he did not think the American taxpayer is interested in putting up $95 million or $100 million to finance campaigns of Senators. Under the provisions of S. 2, we no longer have that form of public financing. Public financing is only a standby provision in S. 2. It is only triggered if the opponent does not accept spending limits. It only comes into play to keep the playing field level.

When polls are taken showing that Americans oppose public financing, those polls, so far as I know, have not asked the question which is relevant to this bill, which is whether or not Americans would support standby public financing in the case one's opponent goes above the limits which are set by law in order to equalize the battle.

Americans have an inherent sense of fairness, and I believe they will support, if they are asked the accurate question in a public opinion poll, a question which is put this way: If limits are set on campaign expenditures and if one side goes above those limits, would you then support the use of a voluntary checkoff in order to equalize the battle?" I believe the answer to that question would be a resounding "Yes."

As I have indicated, public financing of Presidential elections is now an accepted part of the American political scene. In a 1986 study—and here I am quoting an editorial of the Grosse Pointe News, Grosse Pointe, MI, in May 1987—in a 1986 study of the Presidential election system, the Commission on National Elections, headed by a former Secretary of Defense and ex-Republican Congressman, Melvin Laird, and a former chairman of the Democratic National Committee, Robert Straus, came to this conclusion:

> Public financing of Presidential elections has clearly proved its worth in opening up the process, reducing undue influence of individuals and groups, and virtually ending corruption in Presidential election financing.

Surely, if it has accomplished that in Presidential elections, we can give it a standby function in congressional elections, to be triggered when, and only when, one side in the battle goes above the limits which are set by law. That form of financing Presidential campaigns is proven. Thirty-four of the thirty-five candidates for the Presidency since the law went into effect have participated in the public financing system.

In the 1988 elections, all of the major candidates have accepted spending limits and public financing. President Reagan accepted public financing in his 1976, 1980, and 1984 Presidential campaigns.

In a moment, I will comment on the question of whether or not spending limits favor incumbents; but at this point let me simply say, relative to the public financing and spending limits in Presidential elections, that the system has not proven to be an incumbent's protection plan at all.

In two of the three Presidential elections under public financing and spending limits, incumbents have been defeated by their challengers. In 1976, both sides accepted limits and public financing, and the challenger defeated a Republican incument. In 1980, both sides accepted limits and public financing, and the challenger defeated a Democratic incumbent. In 1984, the Republican incumbent won, and again both sides accepted limits and public financing. In two of three cases where public financing has been used in Presidential elections, the challenger has defeated the incumbent. Hardly an incumbent's protection measure.

There is an additional point on this question of public financing. I agree that many Americans do not particularly want to spend hundreds of millions of dollars on congressional elections. As I point out, we do not know whether any money would be spent, because it is only a standby proposal in order to level the playing field, in case one side goes above the statutory limits.

In any event, there is a possibility that some public funds could be used to finance one or more campaigns. I am not arguing that anybody is thrilled about that, but I have to say that I do not think most Americans are very happy with a system where hundreds of millions of anybody's dollars are spent on Senate elections.

Does anyone really believe that many Californians find it appropriate to spend $21 million of private money in a Senate election, or that $100 million will be appropriate for the same election 1998?

In a few years, we could be spending several billion dollars to elect a Congress. How is the public interest served by that, even if there is no public funding at all in those billions?

I quoted a poll before, and I just want to quote one other question from that poll at this point. This question addressed the question of whether or not one candidate who is adept at raising money should thereby have an advantage over another candidate in the eyes of the public. This goes to the question of the innate fairness of the American people and their determination that there ought to be a level playing field in the area of campaign finance. This is a basic assumption and belief that is embedded in S. 2, in the standby public financing, which would only be triggered in the event one side went above the limits.

Here is the question that was asked of the American public in this poll. The sample was asked whether they agreed or disagreed with the following statement:

"Campaign spending is now an area of legitimate competition, and if one candidate is better at raising money than another, that candidate deserves an advantage." Only 27 percent of the public agreed with that statement. Seventy percent disagreed with it. So the American people want competition all right in politics, like in everything else, but they want competition to be fair in politics like in everything else; just like in trade, by the way, assuming that we are going to be addressing it at great length, hopefully, this year to try to insist on some fairness in trade. Sure we want competition between us and foreign competitors, but we want fairness in that competition, too.

And in the area of campaign spending, Americans want competition, but they want it to be fair; 70 percent disagreed with the statement that if one candidate is better at raising money than another, that that candidate deserves an advantage.

I think we underestimate the American people by some of the arguments that have been heard in opposition to this bill.

I have talked about whether this bill is an incumbent proctection act. It has been argued that it is. As a matter of fact, I believe that the status quo is the incumbent protection system. It is the current system that protects incumbents, not this bill. In 100 campaigns over the last 6 years, the 100 campaigns that brought us here, the incumbent was outspent by a challenger only seven times, and in only two of the seven did the challenger win.

Perhaps the most significant cause of this disparity in favor of incumbents is the way political action committees chose to allocate their funds. in 1986, PAC's contributed $132 million to congressional campaigns, up from $12 million, by the way, in 1974. Eighty percent of PAC contributions in 1986 went to incumbents. Why? Because obviously an incumbent is usually a safer bet than a challenger. Besides, I guess, if the challenger can win, the PAC can always write him or her a check after the election.

Not only is this present system unfair to challengers, it is also unfair to the electorate. In the 1986 elections, there were a number of Senate incumbents who had easy reelection campaigns because strong would-be opponents were scared away by PAC money that the incumbent had accumulated over the previous 6 years.

It is no secret that both of our parties had to scamper around looking for candidates in a couple of instances where no one wanted to challenge a well-financed incumbent. It is not good for the Senate, and it is not good for the American people.

So it is not this bill which is an incumbent protection act. It is the status quo which protects incumbents.

Let us take a look at how the limits in this bill would have affected elections over the last four election cycles. Incumbents: 45 incumbents went over the limits of this bill in the last four cycles; 45 incumbents. Challengers, 19.

We will start with that figure, and we will take it one step further. But just looking at that figure alone, 45 incumbents went over these limits in the last four cycles.

By the way, those 45 spent over $64 million over S. 2's proposed limits.

Sixty-seven incumbents stayed under these limits, assuming these limits had been in effect. Challengers, only 19 went over these limits. Ninety-one challengers spent less than these limits.

So just looking at that figure alone, you have got over twice as many incumbents going over these limits as you do challengers; again assuming that these limits have been in place in the last four cycles.

But then you look at the 19 races where challengers went over these limits, and, in 18 of those 19 races, the incumbents went over the limits, too. So we have only one case in the last four election cycles, only one case that I know of, where a challenger exceeded the limit that this bill would have set but the incumbent did not also go over the limit. In only one case.

And if you look at the total amount of money, the total amount of money in those 19 races that these challengers went over these limits and compared to the total overage that the incumbents went over these limits, you find another part of the story.

Incumbents exceeded the limits in those 19 races where the challengers exceeded the limits by $41 million. Challengers went over by $27 million.

So where is the incumbent protection act in this bill? It is the status quo which protects incumbents.

Mr. President, I want to spend the remaining time that is available to me, under our gentleperson's agreement, by talking about PAC's and the provisions in this bill relative to PAC's.

The plain truth is, as many of our colleagues know, that a good many Americans believe that most politicians are corrupt. The headlines link that corruption to our continual search for campaign funds. "PAC's Hold Mortgage on Congress." Now, that headline did not come from the National Enquirer. That headline came from the Christian Science Monitor. If we do not worry about headlines like that, and there are many, then we are not carrying out the responsibility that has been entrusted to us.

Many papers are more restrained than that headline. They do not draw the explicit link between contributions and votes. They just simply allow, or perhaps encourage, their readers to draw those conclusions.

So we see the Wall Street Journal tell readers, "Insurance Industry Boosts Political Contributions as Congress Takes Up Cherished Tax Preferences." And the Washington Post reports that, "PAC's Donated $16 Million to Tax Bill Writers." Those are the news stories.

When you want to see a point of view more explicitly expressed, just take a look at some of the editorials: "Congress Still for Sale," suggests the Albuquerque Journal. "Limit PAC Receipts Now or Put Democracy at Risk," warns the Globe Times in Bethlehem, PA. "PAC's Buy Too Much Influence in Congress," claims the State, a newspaper in Columbia, SC. And how about this simple and direct evaluation of PAC power from the Greensboro News and Record in North Carolina, and this was really pungent: "Buying Congress."

No matter what we do and no matter how we behave, the truth of the matter is that the appearance, and it is an appearance issue when we are talking about PAC's, the appearance is less than pristine, and we ought to worry about those appearances. By the way, it is not just the media which creates these appearances. We do it as well, sometimes unwittingly in some of the rhetoric that we use.

This is some of the language from a "Dear Colleague" letter which was circulated a couple years back when we were still debating the question of PAC limits, and here is what the writers of that "Dear Colleague" letter said about the threat of putting some limits on PAC contributions in an amount which was being considered:

> The amendement's limits will confer a disproportionate advantage * * *

That is the word that was used by our colleagues:

> * * * upon the largest, best financed interest groups by permitting those with larger amounts of ready cash to move quickly and contribute where they choose before limits are exhausted.

So people who are then opposing the PAC limits in the Boren amendments, people who are opposing those limits were acknowledging the advantage which these contributions confer.

Now, what is that advantage we are giving to those who contribute more and early which we are denying to those who contribute late and less? Even those of us who know better begin to adopt the language of influence peddling.

To some degree, we actually have a vested interest in suggesting that contributions can affect behavior, because that suggestion is what gets many PAC's to make their contributions.

I am not suggesting that there is a link between our behavior and PAC contributions. I am not suggesting that because I do not believe it. Not all Americans are skilled in detecting the existence of the post hoc, ergo propter hoc fallacy. They see one thing happen, then they see something happen after that, and they believe there must be a causal link between the two. We know the logic is fallacious. But we also know that a lot of people believe that if they walk under a ladder or break a mirror, they will have bad luck, and the fact is that PAC's, like individuals, tend to support people whose views they identify with. In other words, PAC's do not buy votes, they support candidates whose voting records they like or whose philosophies they share. But too many people believe that unlimited special interest contributions buy the vote and support of politicians.

We must, in our national interest, end that kind of a corrosive belief. The continued belief that Congress is up for auction destroys the public's faith in government, and that ultimately can destroy our form of government.

S. 2, does not prohibit PAC contributions, but it puts some limits on them. It establishes aggregate limits on the total amount of contributions which candidates can accept from PAC's during any election cycle. For Senate candidates, the limits would vary based on the size of the State, ranging from $190,950 in smaller States to $823,000 in larger States.

For House candidates, the limit would be $100,000.

The critical point is this: Had these limits been in effect in the 1986 election, PAC contributions to Senate candidates would have been cut by two-thirds, from $45 to $16 million.

Well, maybe it is a modest step to put some limit, just some reasonable limit, on PAC contributions to campaigns, but it is a step that should be taken. And I believe one step in this matter will move us toward renewed public confidence in the political process.

The problem that has been caused by the growth of PAC's in these elections again, Mr. President, is principally a problem of numbers as the number of PAC's has tripled and tripled again over the last 10 years from 600 to around 4,000. As PAC contributions to Senators and Representatives increased to over $130 million more and more often we have been portrayed as being for sale. Virtually all PAC's represent groups of organizations concerned only about a single issue or a narrow set of related issues. To the general public it just simply looks too often as though issues are being decided not by the merits, not by the merits of the arguments presented by different sides, but by the weight of the dollars spilling into congressional campaign coffers.

There may be no real difference between 10 lawyers each giving a Senate candidate $1,000 at a lawyer' reception, and a lawyer's PAC giving that candidate $10,000. But there sure does appear to be a difference to the public for at least two reasons:

First, individual donors are far more likely to consider a candidate's entire record and personal integrity in deciding who their dollars will support, while PAC's generally consider only how they voted or how they would vote and support the PAC's narrow self interest.

Second, PAC contributions can be and are linked by numerous commentators and observers to votes on issues in which the PAC is interested. The public reads of those linkages and is disgusted, and understandably so. Is the linkage fair? Maybe not, but it corrodes democratic institutions.

Do PAC contributions buy votes any more than individual contributions? No. Are they made more easily to appear that way? They sure are. We just simply cannot ignore those newspaper, magazine, and TV reports which detail the PAC receipts of Members of Congress who act on legislation that those very PAC's are most concerned with.

Every time one of those articles appears—"PAC's Hold Mortgage on Congress," "PAC's Donated $16 million to Tax Bill Writ" "One-third of House Members Relied Mainly on Interest Group Donations," "Congressional Candidates Were Given $104 Million by Special Interests"—every time one of those articles appears, the integrity of the Congress slips another notch, for much of the public believes that elected officials, politicians, are often less than reputable characters. New evidence is provided thereby for that proposition.

The fact is that in the election before last, 163 Members of Congress received over half of their campaign contributions from PAC's. I think that elevates the problem's appearance to a whole new order of magnitude. More and more it is made to appear that special interests are taking over and that this Congress is for sale.

We are not. Those of us who work here, who struggle here, who labor here, know we are not. We have an obligation to prove we are not and we have to eliminate any appearance that we are. We have to care about appearances. We deal in appearances every day, and appearances become real. It is our obligation to deal with them.

We cannot simply say, "Well, that is an appearance problem." It is an appearance problem which corrodes the foundation of this institution and we have to do something about it.

We have to do something about the time we spend, by the way, in raising all this money. It is not just that these linkages can be drawn between the single-interest PAC's and how we vote, linkages which I believe are unfair but linkages which are drawn, nonetheless.

We spend just too darn much time in raising money and we have to end that. We have to reduce the amount of time. We cannot end it. We know that. We are realists. But we have to reduce the amount of time that we spend in raising money.

(Mr. SANFORD assumed the chair.)

Mr. LEVIN. Again, the average cost of winning Senate campaigns increased in 8 years from $600,000 to about $3 million. That is almost a 400-percent increase in just 6 years.

In my own case, I spent less than $1 million in 1978 but spent more than $3.5 million in 1984.

One other provision of this bill that is an important one and related to PAC's is the provision which would prohibit the practice of bundling, whereby PAC's serve as conduits for individual contributions which they solicit and collect and then present to a candidate without having those contributions counted against the PAC's own contribution limits.

Mr. President, without some kind of limits, without some reasonable kind of overall PAC limits, public cynicism is going to grow and Congress' reputation and credibility are going to decline. We must address appearances when they shape public attitudes, particularly when those attitudes provide the basis for public support. That support is critical if democratic institutions are going to prevail.

We ultimately depend on public confidence. And that public confidence is shaken. The poll figures that I have read indicate that over 90 percent of the American people think that excessive spending on Federal election campaigns is either very serious or serious as a problem.

When the appearances have gotten to that point, when the problem is that severe, we have an obligation, I believe, to address it, and address it we must.

One of my State papers in April 1985 put it this way:

> It is very seldom one could say that any Member of Congress voted a certain way on controversial legislation because it was in the interest of a friendly PAC contributor. But the appearance of that kind of influence buying in Congress is clearly there and is growing in terms of dollars donated in each new election campaign.

The editorial closes with this question: "Does anybody care?"

That was almost 3 years ago now. We still have not answered the editorial "yes." I hope this week we will answer yes. If we do not, the problem will not go away. Public confidence will continue to decline in this institution, in this Congress, because the public perceives us as too often being for sale. That should hurt us. It should move us. It should make us mad. It should infuriate us. It should energize us. It should motivate us. Not just to try to persuade the public, "Wait a minute. There is no difference between a lawyer's PAC giving us $10,000 and 10 individual lawyers giving us $1,000."

There is a difference. Indeed, there are two differences which I see, and that is that the PAC has a single, focused interest, whereas 10 individuals have many interests. They look at our character, they look at our integrity, they look at our position on a varying range of issues individually, whereas most PAC's look for one thing: What is our position on a particular area of interest to them?

Is it legitimate? Of course it is legitimate. Does it create a problem? It does create a problem. And we must address it.

I hope we carry out our obligation to address it. This bill is not a cure-all. I might have written parts of it a number of different ways. That is not the point. It is an honest effort to try to put some lid on campaign spending; to bring those of us who are out raising money too often, with too much of our time, back into these halls and to these committee rooms, because this is where we belong, all of us, just about, except for those who do not spend any money on campaigns. All the rest of us just spend too much time raising money for campaigns. That is not what we are here for.

Again, this bill is not the cure. The cure is a lot deeper than this. But it is an important beginning. It will at least tell the public and reassure the public we are trying to do something about a problem which all of us recognize, by the way. I think many people, perhaps most people who even oppose this bill, recognize that we have a serious problem of public confidence in this institution.

We know that those public opinion polls showing that huge percentage of people thinking that money has too big an influence on national elections is reflected in our own States. It is in mine. This bill will do something about it. I hope we do something about it.

Mr. President, I note the absence of a quorum.

Mr. President, I withhold that request.

Mr. EVANS addressed the Chair.

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. EVANS. Thank you, Mr. President.

Gratitude to the President and the other distinguished Senator in the Chamber, the Senator from Michigan.

Why are we here? I really wonder sometimes why at 1 o'clock in the morning with virtually no one around we are attempting to carry out the great function of unlimited debate in the Senate. As I came over here from my office, I was really struck by the fact that we have elevator operators, people running the subway, security officers, a number of them, staff who are sitting here inside the Chamber, and the staff outside the Chamber, young pages who are awaiting our needs, and now dedicated and cheerful each one of them was as I greeted them.

As I stand here now, I am reminded of only one quote, and that is of Abraham Lincoln in his famous speech at Gettysburg when he said "The world will little note, nor long remember, what we say here." And all I can say is Amen for what is now going on, and I suspect they will little note what we do here as well.

Let me for some period of time at least talk about my own perspective and history and views of campaign finance and perhaps some of campaign finance excesses.

Perhaps in the later part of the time I have been given I might even revert back to a little history of previous times in the Senate because they might be instructive to all of us, not specifically on the issue of campaign reform but perhaps on what we are doing here and what we should be doing here.

It seems to me that every time we try reform, especially in an area like this, we create yet another evil. With great fanfare, more than a decade ago, we tried campaign finance reform. We thought at that time the amount of money spent was growing out of proportion, that we would, if let go, find ourselves in terrible shape in terms of the equities of campaign finance, in terms of the fairness of campaign finance, in terms of who might get elected, who might sort of own the country. Interestingly enough, one of the reforms of that era was to allow people inside a company or an association or an organization to join together in their campaign donations. The idea then was to give people a chance to find a way to bring their campaign donations, small as they might be, together in sort of a conduit, if you will, to various campaigns throughout the country.

That was viewed as a reform at that time. And of course, that reform was the invention of political action committees. And now here we are more than a decade later talking about the evils of political action committees and deciding that somehow we have gotten way out of bounds, that evils surround us. I suspect, although I have not done it, if we went back and looked at the speeches given in the mid 1970's, we would find many of the same words being used today, many of the same potential problems being expressed as today. It is sort of the cycle we go through on many issues.

I had an occasion during research on a bill not too many months ago to go back and read the speeches given on that issue about a generation ago. On a bill I introduced to suggest that people ought to get paid what they were worth, the idea of measuring one job against another on its value and paying people under what is called comparable worth, the U.S. Chamber of Commerce and the National Association of Manufacturers and other organizations erupted in a paroxysm of opposition. They said, of course, we ought to pay people equal wages for equal work but you certainly could not go around that and measure work in some comparative sense. It just simply was not logical. And so I went back and looked at the speeches which had been given and the testimony which had been presented a generation ago when the bill equal pay for equal work came before the Congress.

Interestingly enough, in the committee reports, the National Association of Manufacturers, the U.S. Chamber of Commerce, and others of the same organizations were saying you simply cannot have equal pay for equal work; it would devastate the country. It is almost as if they reached back into history and pulled out those same arguments to be used a generation later when the issue just shifted a little and then, interestingly enough, they based their case on what they had opposed a generation before.

I think there is something of that nature going on today in campaign finance reform. We talk about the evils, how extraordinary they are, and yet the evils are the very same things we created more than a decade ago as the solution for previous evils we say.

So what is going to happen if this bill, as it now sits, passes? Are we going to come back another decade from now, have our speeches and our actions pulled out and examined and find that we are being pointed at as the producers of an evil that will exist some time in the future?

Well, I hope not. And that is why I think we ought to be very careful of what we do. I am a great believer that we ought to examine history and examine history very carefully before we take action in almost any direction.

Let me first talk about political action committees. Are they inherently evil? Have they become evil in the course of a 14-year period when they wee touted at their beginning as being a correction for evil?

Well, I am not so sure that they are so absolutely evil, for what are political action committees anyhow? They are a collection of people representing an interest. It can be a business interest, it can be a labor interest, it can be an environmental interest, it can be an interest of almost any kind of the thousands of what some people call "special interests."

But we all have special interests. We all have special interests because we are individuals and we choose to focus on certain things that are of particular interest ot us.

Unfortunately, in this drive for reform, we have made the term "special interest" in itself an evil term. There is no inherent evil in a special interest. Certainly those who espouse the cause of a handicapped child and who have joined together in an interest in that cause and who may even raise campaign moneys and who may even create a political action committee and who may even donate to a candidate are then thrown in the cauldrin of special interest.

Well, I can substitute almost anything for handicapped child and the same thing applies.

I remember vividly the very first political action committee donation I received when I ran in the special election for the Senate in 1983. I was invited to a dinner of a medium-sized company close to the city of Seattle. It was a dinner honoring people in the company who had taken part in political activity, and they had taken part in political activity on both sides of the political spectrum. They had taken part in political activity in causes that had no particular partisan orientation, and among the other things they had done was contribute to the political action committee of their company. When I say their company, this was an audience of several hundred employees of a company that might employ 1,000 people but probably not.

So it was a pretty good and substantial cross-section from top to bottom of people who were participants in that company in the political process. Would they have been if that company had not taken an extra effort and had created a political action committee and had opened up the conduit and the opportunity for those people to contribute? I do not know. They might have. But I think the chances are probably smaller that the same number of people would have gotten involved.

At any rate, the program was an interesting program, not partisan or politically oriented particularly. It was devoted to trying to help those people who had first to recognize what they had done in being involved in the political activities of their community, but it was designed to inform and to broaden their opportunities to participate. I think it was done in a very fine way.

Well, maybe the reason I thought it was such a fine way is that, among other things, they had chosen to support my candidacy and so they presented me with their political action contribution. And it was for the maximum that they could give for this election campaign, or at least as I remember it, it was $2,000. But it did not come in one check. It came in probably 50 to 60 checks of varying sizes, each from the individual who had chosen to make that political action contribution.

Now, is that evil? Is that bad? Is that tearing apart the fabric of America? I think quite the contrary. It may be helping by bringing that many more people into the political process, giving them a chance to contribute in relatively small amounts but have the feeling that those small amounts were gathered together to represent an interest that they thought was important, and that interest was their own company and their own activity.

I do not think for 1 minute that they contributed to me because they thought that was buying something, they thought they were buying support for everything for which that company stood. No, I think quite the contrary. They provided that particular contribution for the same reason I believe an overwhelming percentage of contributions of all kinds are given to any political candidate, and that is because they believe that that candidate already in his or her fundamental beliefs and past practice has shown they are in harmony with or have some association with the beliefs and the ideas of those who contribute. Frankly, I get very upset when I see people waving their arms and expounding on the buying of candidates and the buying of office holders as if this was a large mart in which the chance to have your bill or your issue go through was up to the highest bidder, and that everyone sitting in this Chamber, all 100, would wave in the wind, would go this way or that way on a particular issue, being bought by a political campaign contribution. There is not a Senator here who really believes that. Certainly, they do not believe it for themselves, and I do not believe they think it is true for others, either.

They know very well, from the campaign contributions that come to them and from the campaign contributions that come to others that, as I have said, for the overwhelming part, our campaign contributions come because they believe the candidate they support already represents the kinds of policies and the kinds of fundamental political principles that they would hope someone would have in public office. I even think that there is a pretty good share of those who contribute to political campaigns who ask for not much more than that an officeholder be honest, straightforward, speak and vote on the basis of those principles that they believe this candidate has. That is what we all seek in those we send to public office.

Are political action committees any better or any worse than an individual who contributes to a political campaign? Just draw the parallels between individuals and political action committees. The very same people who contributed in the political action committee of the company I mentioned could have contributed those small checks to me separately, and no one would have thought that was bad. All those who are working so hard for this bill or for campaign reform would have thought that is the way campaign financing ought to occur.

Of course, there is nothing that prevents any of us, as candidates, from putting those voluntary requirements on anyone who contributes.

I could have said: "I'm sorry, I can't accept this group of checks which comes to me as a campaign contribution from the political action committee of this company. But if you will just separate them out and have each one give them to me separately, that is OK." Just what in the world is the difference?

Or, you can have an individual who chooses to give a bigger amount. Individuals cannot give quite as much as a political action committee, but they can come pretty close; because the limit we have placed on one election, $5,000, for political action committees can be matched, and often is, by an individual of considerable wealth who chooses to give $1,000 campaign contribution on his behalf, $1,000 which comes from his wife, and $1,000 which comes from each of several grown children. It can be easily as much as a political action committee donation.

Is that evil? Is that bad? No. I think we ought to really start talking about evils, if there are any, and try to find the real evils and the real problems rather than the imaginary ones, the ones that make convenient demons for all of us in this debate.

Some suggest that public financing is a good idea. I recognize very well that there has been a sharp change in direction in the concepts of public funding in S. 2. In fact, S. 2 has had as many different faces as almost any piece of legislation I have seen in this Chamber in recent years. It regularly changes its face, seeking to go one way and then another, in an effort to gain sufficient strength. But the aura of public funding has always hung over this particular piece of legislation. Now it is being used as an effort and a way to try to, well, keep people under campaign limits, and that is all we are doing.

Let us look a little bit at the current use of public funding. Many on this floor—and I have listened to a number of them—have talked about the validity of public funding of Presidential campaigns and what a grand thing it is, and it has cut down what otherwise would be large spending. Maybe it has had some benefits. It is hard to say that there is much of anything we do around here where you cannot perceive some small benefits. So I think you have to measure the benefits against the problems that arise along with them.

Candidates who accept Presidential public funding put themselves under some stringent campaign limits. They can only spend a certain amount of money in each primary State. They are limited to spending a certain amount of money in a total campaign.

Look at the spectacle of what has been happening during this primary season in 1988. Campaign workers fly in and out of Iowa, under no perceptible pattern. Why would someone come into Iowa, devoted to working in that State, stay there for up to 5 days, and suddenly fly off for a day or 2, only to come back in? One reason: because by doing so, they escape having that particular salary assigned against that particular State, and thus they can sneak around those campaign limits.

Or, if it looks like you are getting up very close to the limit and you still have an intense amount of campaigning you would like to do in that State, you end up going to the nearest border city, over the line in a neighboring State, and you rent your cars there and then drive them into the State and use them for campaign purposes and drive them back and turn them in, in that bordering State. It does not apply to that State that has those limits.

Every time we put in a limit, we tend to create those who will find a way around, through, over, and under the limit, to carry out their particular purposes and to meet what they perceive to be their particular needs.

We have created campaign staffs, one after the other, each one bringing into the political system new, young people devoted to a candidate and devoted to a campaign. And what are we teaching them with this campaign fund limit? What are we teaching them? We are teaching them to cheat, constantly, and in every way possible, in order to get around that limit. Is that the kind of thing we want to do? Is that the legacy we want to leave, to just spread that whole concept, so that we can teach a whole new generation how to get around the campaign limits which have been set?

It is easy to say, "Well, that is not what we should be doing." Of course. If limits are put on there, we ought honestly to live up to them, but it is always a gray area. Some people can say it is perfectly legitimate to come in, since you have set the limits and the rules, and you say that if you stay more than 5 days, you have to assign the salary to that particular State. It is not breaking the rules. It is not really doing anything bad to come in with that limited time and then back, in and out. But I am not sure it is that kind of marginal morality that we ought to be promoting in the Senate on this issue or on any other issue, for that matter.

Mr. President, I am getting tired of the constant concept that keeps getting quoted, that somehow money is equated to crookedness. It is not often said in that blunt an equation; but, boy, do the statements reek with that kind of inherent understanding: Too much money leads almost inevitably to excesses, and excesses lead to evil, and evil leads to crookedness and immorality, and that almost no one who has a campaign financed, in whatever way it is financed, by small contributions or large, by broad or narrow, but a campaign that is financed with a substantial amount of money, can therefore not be honest.

I have heard my distinguished colleague from Michigan a little earlier this evening read poll after poll, talking about precisely that, about people and their perceptions of campaigns and money used in campaigns, and whether people are influenced, and whether people are influenced or crooked as a result of the amount of money spent on a campaign.

Well, of course, the polls will show that, when there is a steady drumbeat of charges from those they listen to who assert that.

Mr. President, we have seen in the course of the last month or so one of the most blatant misuses of a charitable organization's charter to conduct an open political attack, and that was done by an organization devoted to reform, an organization very strong in its support of S. 2; and that organization, of course, is Common Cause.

Mr. President, John Gardner, the distinguished founder of Common Cause, a number of years ago—in fact, shortly after its founding—called me and asked if I would serve on the national board of Common Cause. I was proud to do so and did for a short period of time. Then I left office as Governor and did other things.

Mr. President, I fear that an organization which I felt was one of the finest in the country at that time has come to a point where, unfortunately, I believe the emphasis today is far more on the "common" than on the "cause." When an organization such as that blatantly misuses the funds which have been contributed to them by the supporters of Common Cause in a raw, political power play, I think that goes far beyond the bounds of an organization purporting to represent the high standards that Common Cause purports to represent.

Those full-page ads aimed at particular Senators—not all, just particular Senators who have chosen to oppose S. 2—are done with a political intent in mind. Interestingly enough, while more Senators—many of them, at least—who have opposed S. 2 have been subject to these ads, to my knowledge, at least so far, I have not.

Interesting. I have not. Virtually all of the other Senators who are in this class and up for election in 1988 have been subjected to those ads, and yet I, like others, for reasons I think are proper and appropriate, have opposed the current version of S. 2, although I would be delighted to join in appropriate campaign reform.

Why do you suppose that I have been spared the intensity of those full-page ads? Do you suppose it could be that I have chosen not to run for reelection and that they see no particular political value out of using their money in the State of Washington? Well, I would not make that kind of an assertion. Others might. But I certainly would ask some questions.

An organization like that devoted to the broad range of political good, and they have done an extraordinary amount of good over the years of their existence, suddenly turns to this kind of pure political advertising, and that is what I would call it, then the questions ought to be raised, especially to an organization that believes so much in openness: Who raised the funds? How much was spent on this campaign advertising? For that is what it is. Would they agree to a voluntary open disclosure of the particular funds used for those ads? Did contributors to the general support of Common Cause understand what their contributions might be used for? Were they aware of the partisan onslaught that their organization would embark upon?

They might respond to those kinds of questions, but I am not so sure they would.

No, it is time for us to look at the facts as they relate to not only S. 2, but the whole arena of campaign financing. Let me start with the very first, and that is the question of costs.

We have all sorts of statistics and trends and potential and future trends in terms of campaign costs, but almost all the ones I heard miss at least a good share of the point, because we could go back and look at the rising costs of almost anything in our society and make an extraordinary point out of it.

I remember vividly when I first became Governor. The general fund budget in the State of Washington at that time, as I remember it, barely exceeded a billion dollars. And the total budget of the State was something like 1.7. That was for a biennium, not for a year.

Whatever the figure was, it was somewhere in that neighborhood. As each year went by, during the 12 years I spent as Governor, the State's budget went up, and it went up faster than the cost of living went up during that period of time.

I winced regularly as editorialists and reporters and political opponents talked about the spending spree of the Governor of the State of Washington and how our budget was growing out of proportion and how each year there would be the story, we are now spending at a recordbreaking level.

I sometimes thought that reporters in their busier times, unable to think of a new story, would go back into the morgue from the year before on the same day and say, "Oh, yes, that was the story on the recordbreaking budget." And so a year later, inevitably, they could write the same story because, of course, the budget was larger than the year before, and most years it was even larger than that increase in the cost of living.

I did my best to try to point out the reason and the rationale for that increase. I do not think I ever succeeded very well because it is too easy for someone, on the one hand, to say recordbreaking budget and use the two total figures, this year versus last year, and as long as they stop there, they are absolutely right in what they say.

It takes a long time and a lot of detail, a lot of listening, and a lot of understanding to get, as Paul Harvey says, "what is behind the real story."

The real story is that in those years while the population went up 10 percent and the cost of living might have gone up a few percent, the number of schoolchildren was rising by 20 or 22 percent. We were going through the period of Lyndon Johnson's Great Society revolution where the amount of money spent at the Federal level and the new programs set out at the Federal level, in almost every case, required some partnership with State government.

We began in the mid-1950's an interstate highway program, and by the mid-1960's, it was really rolling. We were spending new money each year for that extraordinary investment in the future of the United States.

We could go through each of the separate areas of government and point out that it was the combination of the unique pressures of the particular citizens we were funding, coupled with the broad increase in the cost of living that made the total budget increases.

And year after year, we were able to show, when you took those things into account, that there was precious little and, in many years, nothing that really represented new money or loose money or money that went beyond just trying to keep up with the needs of the new people and the things that they required from the State government and the increased costs of providing that.

Let us turn that right back to campaigns and campaign financing. Sure there has been a big increase in the cost of campaigns. It has grown faster than the cost of living.

Let me return, if I might, first for one final statement on budgets because I am reminded that the President was himself a Governor, and I expect that during his term as Governor, each year the total budget rose and was larger than the year before. It would be a strange State where that was not the case.

I left office as Governor, of course, after 12 years as the big recordbreaker, the huge budget which represented the last one I submitted. It was something like $6 billion, as I remember. That pales into insignificance because now, 12 years later, the budget for the State of Washington is over $14 billion, and the huge spending practices of the past were forgotten. But they are still writing the same articles about the new Governor. The very same articles that we have a recordbreaking budget and it is bigger than the year before, and they do not go beyond that.

In campaign financing, it is often the same. We have had the rise in costs. Let me read a little from a report from a conference sponsored by the Citizen's Research Foundation. This was done a couple years ago in May of 1986. It was prepared for financing congressional campaigns, contributors, PAC's and parties. They talk about the increases in campaign financing.

They say at the beginning:

> For some observers, the almost 500 percent increase in spending from 1972 through 1984 has caused great concern. Those disturbed by this trend often describe campaign spending as out of control and feel that many talented individuals are being priced out of running for office. They maintain that the ever-larger sums of money required to mount credible campaigns, coupled with the system of strict contribution limits enacted in the Federal Election Campaign Act amendments of 1974 favor——

And let me repeat that: "They maintain," those who are concerned by this huge increase in spending, maintain that:

> ever-larger sums of money required to mount credible campaigns, coupled with the system of strict contribution limits enacted in the Federal Election Campaign Act amendments of 1974 favor wealthy candidates willing to help fund their own efforts or force candidates to turn to political action committees whose contributions may be used to advance the political action committees sponsor specific legislative interests.

They go on. "Others point out," they say, "that when spending figures from 1972 through 1984 are adjusted to account for inflation"—now, when you adjust it to account for inflation, spending has increased by 125 percent rather than 500 percent. Already, just by understanding that there is inflation in campaign spending, just like there is inflation in State government, just like there is inflation in family budgets, just like there is inflation in a loaf of bread, we simply suffer, or some might even say benefit, from a steady inflationary spiral that, over the years, adds to the cost of anything.

So if we take the cost-price index and put that against this increase in spending, we have already reduced it from 500 percent down to 125 percent. That is three-quarters of that increase in spending. But I do not think you can stop there, because it is too easy to use a broad cost-index and not to focus on those particular elements that are the elements going into campaign spending.

Just as I found out when I was president of a college and had to deal with the various elements of the college, and they would come in for their budget presentations to me, we would always try to take into account inflation so that we could get a better sense of what it would really cost in next year's dollars to fund the same programs that we had the year before.

I shall never forget the first year that I was president of the college. The librarian came in and I tried to apply that same cost-price index to their budget. She said:

> Now, wait a minute. Wait a minute. You cannot legitimately apply that cost-price index to our particular function because a great share of our budget goes into the purchase of books and other reference material. The costs of those books and those reference materials are going up much faster than the general cost of living. If you only apply the inflation that is general, you are underestimating and you are underestimating substantially what we will be able to do next year.
>
> We cannot buy the same amount of material, reference material, periodicals, books, films, that we bought the year before. You will be steadily eroding away that base.

That was a pretty good lesson and we all ought to learn it; we all ought to understand it. When you apply that to campaign financing, I believe if an honest study were done—not that this was not an honest study but it did not go far enough—if a study really went far enough and examined what is happening in terms of campign spending when you relate it to the particular cost of campaigns, you would probably find that we are not buying a whole lot more today for our campaigns than we did a decade ago. Why? Well, I did a little looking into my own circumstance. I felt like Rip Van Winkle when I ran for the special election to the Senate in 1983. It had been 11 years since my previous election to public office. I ran three times for Governor and each time spent just about $500,000. Since those elections were 4 years apart, that meant that each successive election I was actually spending less money in what I could buy than the election before. But I figured that that was probably appropriate because I was an incumbent and for all the bad that that might bring you there is some good that goes along with it. That good is in total name familiarity—you do not have the expense and the responsibility of trying to get people to at least know who you are.

You do have an expense of trying to tell them that you really have been doing a good job rather than what they might otherwise have thought.

But suddenly, in an 11-year period, I have a special election for the U.S. Senate and find that within 60 days of the special election we raised and spent just over $2 million.

I am very proud of the fact—in fact, I will not run a campaign in any other way—that we had a balanced budget. I have told every one of my campaign committees from beginning to end that we will spend no more than we take in and if we get to the point where there is no money left we stop running.

Fortunately, at the end of each of those campaigns we have had a balanced budget and even a little left over.

I was still concerned. How in the world could we spend that much money? What happened in that 11 years of political sleep of this Rip Van Winkle?

So we went back and looked at what had happened. We found that the cost of television advertising in that period of time had gone up 400 percent. The cost of radio advertising had gone up more than 250 percent. The cost of newspaper advertising had gone up about 200 percent. These fundamental elements of political campaigning that take up a very large share of what we spend to get a message across had gone up on the average far faster than the cost-of-living index.

So if we go back to this study, when they say if you only measure it by the average cost-price index, that is three quarters of the reason for an increase in campaign spending.

I suspect that a more detailed look at the increased costs of the particular elements that go into campaign financing would find much of that remaining 125 percent being eliminated.

It may be that there is still something left, that campaigns have risen in cost, but it is simply wrong and if people understand and know these facts and continue to say that campaign costs are rising out of control and they are way beyond expectations. Then they are not telling people the whole truth.

I have had an opportunity from time to time to talk with members of the press in my State. I have gotten to the point now where every time I am asked about the increase in the cost of campaign spending, why in the world we are spending so much money now for campaigns compared with the past, I have said I have a beautiful answer, I think one of the finest limits we could place on campaign spending. They eagerly have their pencils out ready to write down this marvelous new idea.

I said, "If you who are representing the press would cut your costs of political advertising, put a lid on those, put a voluntary lid, like you would like us to put on campaign financing generally, then we might have something."

Better yet, we might do like the British do.

I was there during an election period a decade ago and found, to my surprise and interest, that in that country on television each night for several weeks before an election, they set aside half a hour free—free. One night for the Conservative Party; the next night for the Labor Party; the next night for the Liberal Party, in that way; and then back to the same rotation. Those parties can use that half hour in any way they choose to use it to espouse the cause of their party.

I am not sure we would end up doing the same things that they do, but I was not only interested in that particular way of campaigning and getting word across to their citizens, but I was deeply impressed by the relative civility and the positive nature of the content of those presentations.

It is relatively easy in a 30-second spot to really zing somebody and to engage in negative advertising, and to leave that subliminal or not so subliminal message that this opponent is bad on this particular issue. It is quite another thing to engage in a half hour of unmitigated negative muckraking of the opposition. That is self-defeating. I think people in political life are wise enough to understand that. The end results are campaign presentations which tend to be much more positive than the campaigns we end up with.

Well, I am under no illusions that free, independent, and private communications channels of this country are going to do any such thing and we probably should not ask them to.

The British have a different system with the government-run television operation, but it does allow us to understand a little better why campaign costs are rising. They are rising because there is competition for the use of the airwaves. And they claim that their costs are going up; that their profits are not so extraordinary. They just simply have to keep their noses above water and it is necessary, as a result, to increase that particular cost of campaign advertising.

Let us understand, then, really what is going on in terms of costs, and try, at least, not to be excessive in our arm waving and our finger pointing on the costs of political campaigns but instead understand why, what has caused the cost of campaigns to rise, at least what has been one of the major influences on the rise in campaign costs, and then go from there. I think even when you go from there, I would agree that some redirection, some way of slowing down the intensity of a political campaign, is worthwhile.

Mr. President, I think there is another fact that we ought to understand more than we seem to in this set of arguments. I believe much of what we are doing is we are really taking wrong aim and we are hitting the wrong targets, if we are hitting any targets at all, and we are leaving out, or at least we are only getting at in an indirect way, in an awkward way, some of the real problems in our campaigns today.

I know that some of them are difficult to get at. We find that it is almost impossible to get at some without running across the first amendment to the Constitution, and it will probably take a constitutional amendment to ultimately get at some of the real evils, which I believe exist, and evils which will be even more potent if we pass campaign fund limitations of the type inherent in S. 2.

If we limit campaign funding, if we put a squeeze all the way around, and expect good and honest candidates to stay within those limitations, and we think that by putting limits on PAC's, which, incidentally, we do not do very well in this act, and limits on all sorts of other campaign funding, that we are going to resolve all of the problems; that we are going to keep that evil group out there, whoever they are, that evil group who are trying to influence the Senate and the House, we are going to get rid of all of that, what do you suppose all those evil people out there are going to do?

If, in truth, they are really evil and if they have some awful motives, are they just all going to suddenly blithely turn honest or disappear?

Come on. They are going to do precisely what we would expect them to do if, in fact, they are that evil. That is to say to themselves, "All right, how can we now influence compaigns? What will we do now because there are campaign limits here and there is the threat of public financing, and there are all of these other intricate webs to keep us from using this ungodly influence on a political campaign?"

Mr. President, do you know what they will do? In this Senator's view, they will engage in the broadest and the unhealthiest kind of campaigning which I see on the horizon. That is the independent expenditure.

We have seen what an independent expenditure can do. One individual—one individual—who, because he believed Chuck Percy was anti-Semitic, a grossly false charge but nonetheless that was his belief, was able to go into the State of Illinois—and he lived in California, not in Illinois—and was able to spend $1 million of his own money in that campaign, certainly not on behalf of a Democratic candidate, for he had nothing to do with the campaign of that candidate, he was zeroing in on an incumbent. He was going to do everythng he could to defeat Chuck Percy.

He bought billboards all over the State of Illinois, which, in blunt terms, said, in essence, "Chuck Percy is anti-Semitic."

In a very close election which may be decided by those last-minute ads and by that last-minute expenditure, Chuck Percy lost.

Have we anywhere in S. 2 corrected that? Of course not, because we have been advised time and time and time again that you really cannot keep someone from utilizing the first amendment to express their own opinion.

We have tried. We have gotten a lot of elements. I think everyone in this Chamber is trying to find a way to get at that particular problem. But I do not think we have found an effective way yet.

If we just put the limits on things over here and we think we have resolved the problem, we are going to be sadly mistaken. Instead of money given directly to a campaign and openly declared and at least out there for everyone to see, to understand, and to make up their own mind as to whether this campaign is too heavily funded or not heavily funded enough, or by the right people or the wrong people, we will see a rise in independent expenditures that will cause us once again to come back for another round of campaign finance reform.

We will have found one more time that in our effort to reform we put limits in one place and create an aberration that leads to an even greater evil somewhere else.

Mr. President, I think there is another element of campaign reform, or campaign misappropriation, if you will, that is perhaps more important than much of what we are dealing with. That is the extraordinary advantage we retain as incumbents through the use of the frank, the opportunity for those of us who are in office during the entire course of our term in office, through newsletters and response to constituents and whatever other clever way we come up with to communicate with those voters. And of course it is nice to do so, maybe even important to do so. But it is an advantage which is reserved for incumbents. And if you want to look at something that really has grown beyond all bounds, which really has exceeded the cost-of-living index, which really has exceeded even a particular cost index applied to the costs of mailing, and the costs of printing, and the costs of paper, then look at what we are doing for ourselves in the newsletters and polls and other nice little things we send out to our constituents.

There is not anyone here who does not understand that a pretty fair share of that plethora of mail is designed to carefully create in the minds of the recipient that this Senator or this Congressman is taking care of their needs, is responding swiftly and well to their concerns over legislation, is asking their opinion through a series of polls, most of which are polls designed carefully to bring the answers that the Members of Congress wants to have on a particular issue.

I have never seen so many questions that are so nonsensical in their makeup than the silly questions which are asked by Members of Congress of their constituents and designed to get the kind of results that support what they are already going to do anyhow or would like to do. They are not professionally put together, designed to really find out anything. They are designed for one purpose, and that is to convince the electorate that they are interested in their opinion. And then when the results come back in, they get one more shot to give them the results of the poll, which says by some huge margin on this issue you have spoken and, incidentally, I am out there fighting right alongside of you on the same side of that issue.

Well, of course, they are because that question has been designed in the first place to bring that answer.

That is a real scandal in campaigns, but we leave that totally aside, or almost totally aside. I think it is time to look very carefully at what is happening. I would love to see a complete laying out of the number of millions of pieces of mail that go out of this Congress each passing year and to see what those trends are and how rapidly they are rising.

It is especially prevalent in the other House, in the other body. But in S. 2 we are kind of going a little further, at least in another way. We are getting at this question of subsidy of mail to potential voters.

S. 2 and the sponsors of S. 2 really in essence want to compel stamp buyers now and taxpayers to subsidize the mail costs of Senate candidates. The way the sponsors propose to pay for this is a gimmick which really reveals some considerable cynicism, it seems to me.

If we are going to create savings by killing a subsidy, let us put the savings to the purpose of deficit reduction and not the perks of political office.

Let me just go into some detail on this particular question. In an effort to induce Senate candidates to sign up for the purported benefits of S. 2, candidates are offered or dangled out in front of them preferential mail rates.

Now, who is paying for this? Who is paying for this? The persons who actually pay for these subsidized rates are not volunteers who frequently check off a box on their tax form. Oh, no. Oh, no. The people who pay for this political perk are the taxpayers and the stamp buyers of the United States.

The committee modified version of S. 2 provides that:

> All eligible candidates shall be entitled to mailing rates provided in section 3629 of title 39 of the United States Code.

Now, if we sent a copy of S. 2 to any citizen and asked the citizen to really examine it and if they really supported that bill, what in the world would they think of that particular clause. They would have absolutely no idea what it meant.

Well, what does it mean? Mr. President, when you turn to section 13 of the bill you find the mail subsidy which is included.

> Participating Senate candidates will be entitled to send their campaign matter by first-class mail—

Understand this, by first-class mail—

> for one-quarter the cost of regular first-class mail.

How many citizens would like a subsidy like that? All of us would. And second, they can send it by third-class mail for 2 cents per piece less than their special first-class rate.

Well, the first-class stamp now cost 22 cents and it is my understanding that it is likely to go up sometime soon, and if S. 2 passes participating candidates will be paying 5.5 cents for their first-class stamps and 3.5 cents for each third-class piece.

Now, if the cost of running the mail service today—and it is supposed to run at least at a balance, if not a small profit, no more overall subsidies to the mail service as in the past years, supposed to run as a business—well, if it cost 22 cents to send a first-class piece of mail, who subsidizes the 5.5 cents at which a political candidate will be able to send their mail? Well, who subsidizes it? The stamp buyers and the taxpayers, of course. Who else could? I doubt there is a Member in this body who has not heard the outcry when even the first whisper comes through that we might have a postal rate increase.

How many of those really believe that this calls for a plea for subsidized junk political mail? How many of those who are supporters of S. 2 are going to voluntarily put out to their constituents the thought that yes, I believe so much in this bill and the reform that it supplies that I am willing to allow all these candidates to send to your mail box and to your house the kind of political junk mail you already get too much of and they are only going to pay a quarter of the cost to send it to you first-class mail, and you are going to pick up the difference? Send a poll like that out to your constituents and see what kind of answer you get back. I would be surprised if there were less than 90 percent of the people who would send it back saying spare me the privilege of getting that kind of junk political mail at my expense.

But that is exactly what S. 2 does. Now, it purports to pay for its subsidized rates for participating Senate candidates by repealing another subsidy for other politicians. Under current law, third-class rates are extended to a national or State committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic Congressional Committee, and the National Republican Congressional Committee.

Now, this provision of the law is about 10 years old. It was a straightforward effort to promote political communication by subsidizing the postal costs of broad political parties and campaign committees. Now, a decade later the sponsors of S. 2 say well, that is not important any more. That is not important any more.

They may be right. In fact, I think they probably are right. But, Mr. President, if there are any savings to that, the savings should be put to reducing the extraordinarily large Federal deficit we have, not subsidizing Senate candidates. Eliminating the subsidy of political parties will not save billions of dollars. In fact, it is estimated to save only $12 million annually. But if the time for that subsidy has ended, if we really believe that that is no longer necessary, let us save the money, not squander it by just building another postal subsidy.

Consider what it has done. It is, of course, admirable that the sponsors of S. 2 sought to find offsetting savings to pay for the bill's costs. Look carefully, however, at what the sponsors did. To subsidize the third-class and the first-class postage costs of candidates for only the United States Senate, the sponsors of S. 2 proposed to repeal third-class subsidies for all the national committees of all political parties, State committees of all political parties, both House campaign committees, and both Senate campaign committees.

Well, I suppose if we are in the business of subsidizing, if we really want to do that, if anyone ought to be subsidized it seems to me it ought to be the national parties and the State parties and the broad House and Senate committees, those that at least in the overall are trying to present the cases for political parties and their philosophies and their platforms rather than dropping all of that just so Senate candidates, just so that we can be subsidized for our own campaign purposes. The idea is to drop everyone's subsidy but our own.

Mr. President, that really is cynical.

Mr. President, a few days ago, the Washington Times published an article entitled "Postal Service Quits Processing Mail on Sunday." That describes some of the changes taking place in the Postal Service. That article is pretty interesting. It said, among other things, that we have had Sunday service forever, since Ben Franklin, the first Postmaster General, who laid the foundation for a postal system in 1775.

It is a first in postal history. The elimination of Sunday service is the result of 430 million dollars' worth of cuts, congressionally mandated cuts, in operational spending. The Postal Service is also required to slash $815 million in capital spending.

We mandate that the Postal Service makes broad cuts. We say, "You have to find ways to make the Postal Service more efficient."

It is easy to say to anybody: "Don't cut any service. Don't do anything that would make people feel bad. Don't do anything that would bring one letter into our office. But cut a huge amount out of your budget."

When you are asked how, they say: "Oh, waste, graft, and corruption, and productivity increases." We will say that forever, never giving a clue as to where there is waste, where there is corruption, where productivity increase might be found.

We can always excuse our seemingly crazy system by saying, "Don't cut the service over here, but cut the budget over here." You can do that to a degree, but you cannot do it forever; and you should not say, all at essentially the same time: "Cut your budget here, don't cut service over here, and, by the way, while you are at it, give those of us in the Senate who are running for reelection a nice little subsidy." About the only thing we have not done is to try to tuck it into the folds and the hidden crevices of a continuing resolution, as we do everything else.

Two hundred years ago, we rose in revolt against the stamp tax laid on the colonies by the British. This, in at least a small way, is a political stamp tax of the 1980's and is just as onerous; and if citizens were given the opportunity to see and understand what we were trying to do, they would rise up in the very same fashion their colonial forefathers did.

Mr. President, let me talk for a moment about public financing itself. I understand that in the various iterations of S. 2 as time has gone on, we have moved slightly and steadily away from the original concepts of public financing, but we continue to use it as a club. It is the thing that is going to keep everybody in line; and if someone goes a penny over the limit—and others have talked about the many inadvertent ways that can happen—then an opponent suddenly is showered with thousands of dollars of taxpayers' money, because that is all you can say public financing is; it is taxpayers' money.

Many have talked about the marvels of Presidential financing and what public financing has done for the Presidential campaigns. One of the most distinguished political writers in the United States—I think one of the most straightforward and perceptive—is David Broder of the Washington Post. In an article not long ago, he spoke out on this issue. He said that public campaign financing has helped to slow down—listen to this—helped to slow down grassroots campaigning. We have tended to shift away from the kind of grassroots campaigns of years past, which included as a major share of that grassroots campaigning the need to seek out and to gain the kind of political support, including money, that now is left to the taxpayer through the public funding. Even though it is a voluntary taxpayer funding currently at the Presidential election level, it is still, nonetheless, taxpayers' funding.

Frankly, I think there was something to be said in years past for the necessary efforts of people to seek out friends and acquaintances, to try in every way to engage the interests of people, to make sure that they fully engaged in the political process.

I was very proud that in the first campaign I ran, there were more than 13,000 separate contributors, most of them small. Those contributors were fulfilling one of the important functions of being a full citizen, because I do not think you can be a full citizen in this country unless you fully partake of the system of free government that our forefathers gave us just 200 years ago. An essential part of that system was the opportunity to freely choose our representatives—to vote, in other words; and for the first time in this history of the world, to create a government which was of the people. If there was any ownership of that government, it was not by kings and emperors or by dictatorial tyrants or czars. The ownership of this government was to be by the people; and, as Abraham Lincoln, of course, said less than a century later, not only by the people, but of the people and for the people. How can it be by the people unless people, themselves, are actively participating as shareholders in that enterprise?

The framework of politics is participation. I often refer back to the dictionary, read the definition of politics, just to make sure I have not forgotten it. The direct and most forthright meaning of politics in most dictionaries I have read is that politics is the art and science of government. Under the definition, to be a politician is to be a practitioner of the art and science of government.

Under that definition, I am proud to be a politician. I believe that I was a politician long before I ever ran for political office, and I will continue to be a politician long after I retire from political office, just as I believe every full citizen of this Nation ought to be a politician; because the only way we can fully carry out the heritage left to us by our forefathers is to be a shareholder, by being a politician, by fully participating in the art and science of government.

What is the most fundamental way to do that? Some would say it is to vote, and certainly that is as fundamental as any participation, but it is an incomplete participation.

It is terribly important that people become involved early on, that they be the participants in political campaigns, that they seek out, listen to, and understand better what those who are running for political office really stand for; and, better yet, go out and help find people they believe would represent them well and encourage them to run for political office, and provide the best encouragement possible by saying, "I'll help you in your quest for political office," So that active participation in the political campaigns of a candidate is a terribly important second element of being a full citizen.

A third one is for everyone to contribute, not only the time they contribute but also the money necessary to help make political campaigns as broadly financed as they can be. I think we would all agree that ultimately that is by far the best way to end whatever perceived evils there are in campaign funding. It is the best way possible to ensure that we have broad support from the many rather than narrow support from the few.

I think there are at least three other elements to that citizen's involvement in government which are really important if they are to be a full citizen and, in the best sense of the word, a full politician. Not only voting. It is participating in a political campaign, to not just wait until you get to the point where the primaries have passed or the candidates have chosen to step forward, and you are faced with only the last of the choices among those remaining.

If, in fact, there are evil special interests out there, they would be overwhelmed by the people voluntarily engaging in the political grassroots work and the political grassroots fundraising that is necessary to be a full citizen.

When I hear from one of the most distinguished observers of the American political scene that the public financing we have engaged in for the Presidential races has resulted in a slowdown of grassroots campaigning, that is a big warning sign. The alarm bells sort of go off all over the place, which would tell me we should look pretty carefully at what we want to do in our limitations, to try to ensure that those limitations do not act further to slow down grassroots campaigns.

After you have gone through the contribution of whatever money you can to a political campaign, engaged in the active work of helping a candidate during that campaign, going in and voting to help that candidate get into public office, the fourth element is to not then say, "We have done our job, and we can now go on to other pursuits and leave the responsibility in office to that person we have elected."

No, there is still one further thing we must do, and that is to keep track, to follow closely what our officeholders are doing. Let them know, in whatever way we can, how they are doing.

It would be nice on occasion if people would even write a letter saying, "You're doing a good job," rather than, "You're doing a bum job," or, "I want something." But it is the nature of all of us that we too seldom take pen in hand to write to anybody telling them they have done a good job. We are quick to take pen in hand to write to someone saying: "Hey, why are you doing this?" Or, "I need something." Those are the elements of being a full citizen.

Mr. President, as we go through this effort—and I think it is an important effort—to try to find ways to make campaign funding a better part of our total political system, let us be very careful that in doing so we do not inadvertently cut out or reduce or diminish the interests of people in participation.

That has happened far too often in the course of the last few years. Why is it that in every single election in this generation we have seen successively smaller percentages of our population engaged in voting? And if there are successively smaller percentages engaged in voting, then along with it there are almost certainly successively smaller percentages engaged in working for political candidates, engaged in giving money, even small amounts of money, and those who are interested enough in what is going on so that they will continue to be in touch with the political candidate after that person takes office.

Mr. President, I think there are some things that we can do and should do. I have mentioned some of them a little earlier—independent expenditures, which I believe are one of the largest current evils and could be one of the overwhelmingly biggest evils of the future. Personal wealth is another element which we will find difficult to get around. We are trying to do it in various ways in S. 2, I think probably inadequately, and I am not sure there is any way we can really get around the problems of personal wealth, except that we find, interestingly enough, that candidates of extraordinary personal wealth who have put huge amounts of money into political campaigns in recent years have, more often than not, been defeated.

I feel the American people are smart enough to know. They are able enough to understand what is happening. If they perceive that a candidate is, no matter how honest, putting in an enormous amount of their own money in an attempt to overwhelm the opposition and to buy an election, the reaction is negative. That is why I would say that the most important thing we can do is try to be as honest, straightforward and open as we can be in getting people the knowledge of what is happening in terms of campaign financing. That is the current law.

But what happens? We require by our law that people follow carefully a long list of regulations and that they file within certain time limits the amounts of money that have come in and who they have come in from, and those are reported faithfully to the Federal Election Commission.

It is interesting that even with all of those regulations on full disclosure, that really does not keep people who, for whatever reason, choose to cheat, from finding ways around those regulations. Look through the list sometime of those who have contributed. See if you can distinguish what real interest is represented.

You, of course, have to assume that those are evil interests, those PAC interests. See, if you look down through the list of any candidate, if you can tell accurately just who they represent.

Even more so, look down through the lists of donations from individuals, large ones, maximum ones, and find out who they represent.

Frequently, they will represent one or another of the partners of a very large firm. Now, are they representing the law firm, or are they representing one of the clients of the law firm, or an interest of the law firm?

You can take all sorts of interests, and we find that if you really want to cheat, if you really want to mislead, it is impossible for us to write an act that will keep that kind of thing from happening.

So we look at the evils out here, and we try to draft legislation that will end the evils. We have no more chance of really doing that than by passing any other law and expecting that we will immediately end any criminal act in violation of that law.

We have sometimes even gone to the extent of thinking we can end what we perceive to be an evil by passing a constitutional amendment. And at one time, we thought that drinking and alcohol was evil, and so we passed a constitutional amendment. How high can you go in passing a law than passing a constitutional amendment, enshrining it in the Constitution of the United States saying, in essence, that it was illegal to buy, sell, transport, make alcoholic beverages? We sure did not keep the drunks from drinking, and we found out within a decade that we might as well repeal the constitutional amendment because it simply would not work.

I think we ought to spend our effort and our time on really examining what it is that would help to make our system work better. If there is any way to broaden the information, the full disclosure information to try to see how well we can move toward at least letting people understand who it is that is supporting candidates, to more clearly set forth the interest or the background interest of those who are providing the money, I think that would be a help.

But it is not much help if the only way citizens know or understand what is happening is to go down to the Federal Election Commission and ask to see a file and to ruffle through the file yourself.

No, the real problem is that we have full disclosure, but it stops in the vaults of the Federal Election Commission. The only thing people ever see are those selected bits and pieces which are chosen to be transmitted to us by the press, and what do they transmit? Do they transmit a whole comprehensive list of all of the contributions to a political candidate? Oh, no, not at all. It is much more fun, much more interesting, and it probably is the kind of thing that titillates the imagination of people who are reading, to get only the exotic or the large, or it is always fun for a reporter to find someone who has contributed to both candidates, running one against the other. That is always worth publicity. But that gives a incoherent view of what is really happening.

Mr. President, we have not even taken the first step on laws we already have to make sure they are working to produce what we thought they would produce, and here we are, again, trying to go further, to write more laws, to put in more regulations, to carve out more territory against those "evil influences" out there.

I think we just might do even more good if we found ways to ensure that there were clear and consistent and complete public explanations of the campaign financing that came to each candidate.

If we really think that people find excess campaign donations are bad, if we are trying to stop an evil on this side through S. 2, we are saying we are going to stop it by preventing campaign donations. We are unwilling to believe that if we disclose completely and can somehow get into the hands of the voter complete information on the kind of money and where it is coming from and the amounts and from what sources, especially what evil sources that money is coming from, we do not think that is enough. Why do we not think it is enough? Because we do not trust the good sense of the American people? Well, I think that is probably a pretty good interpretation of what we are doing right now.

Let us see if we cannot find a way to broaden that public knowledge. If there is a contribution the press collectively could make, it would be to see how comprehensive, completely and quickly for all candidates they could print the campaign donations, not just the partially, not just the interesting, not just the bizarre, but all so that everyone could see where the money is coming from.

And I have enough faith, Mr. President, in the American people to believe that they, given full information, will make good decisions. They do not need someone artificially making a decision for them as to what constitutes good or bad donations. They certainly would not ever understand what is being done to them by a bill or a law which, on the one hand, says you are going to put some stringent limitations on campaign financing, and you are going to take money from the taxpayers' pocketbook to make this thing work. But, on the other hand, there are a lot of soft contributions out here, not as easily measured, that we are not going to do anything about.

I think if the people knew the full story on all of that, they would really wonder what in the world we were doing and why we were doing it this way. I think they would say with complete honesty, or they would ask with complete honesty, the question: "If you are going to put limitations on, why don't you do a complete job of it? Why don't you put them on across the board? Why don't you put them on the soft as well as the hard campaign contributions? Why don't you really wrap a tight burden around those political candidates?"

No, we are not doing that. We are being selective in our coverage. I am not quite sure why. Maybe it is because we think we cannot get at some of those ways of campaign fundraising or the equivalent of campaign fundraising. Maybe it is because we think those who support S. 2, that it is to their particular advantage to leave that kind of limitation out because they may think that they get more than their opponents might get of that particular kind of help. And, of course, there are those who are opposed to S. 2 who have the very same thing in mind.

We have to be careful of this kind of limitation. We are OK on the other kind of limitation because we somehow think we may get a benefit or the other guy may get a benefit, depending on which way the campaign financing bill is written.

I come back, Mr. President, to my belief that if we want to do something worthwhile we can get at independent campaign expenditures; we can get at better and broader and fuller disclosure; we can try to get at the problems of personal wealth.

I think we should be doing all of those things: Letting people know what is happening, but also spending more of our time and more of our effort and more of our leadership in trying to help people participate in the political system to make sure that every citizen possible is fully a politician, to make sure that every citizen possible is not only working on campaigns but contributing to campaigns and in telling the officeholders after the campaign is over what they think, instead of passing legislation that cuts back on grass roots campaigning, that cuts back on the kind of thing that we ought to be encouraging.

Let me turn, Mr. President, to a rather specialized element, one that I think might do some good in a campaign piece of legislation. It is not in S. 2 currently, although I have offered it as a separate bill. It is designed to try to get at the kind of problem I see too often in negative advertising.

It is one thing to talk about political campaign financing. Wherever we end up, whatever kind of limitations we put on, wherever we come out, there is going to be a certain amount of money set aside for campaign finances. Even under the limitations of S. 2 it is a large amount of money, so there is going to be a lot of opportunity for people to get their message across to the voters.

How do they get it across? They get it across in the ways that they believe are going to be most successfully in electing them to political office. They have a whole new group of professionals that we did not have a generation ago. We did not even have them when I first ran for office, or in the second or third term. It is a brandnew group that has now come along. They are the gurus of selling candidates.

Frankly, Mr. President, I think they have done more harm than good to the American political scene. They have crassly taken candidates and, in fact, told some candidates, "Look, we can take you and mold you and create you and sell you and, in fact, if we do it just right you do not even have to make much, if anything, in the way of personal appearance. We will just put on the tube, carefully done in the right ways," and like a whole bunch of Max Headrooms we end up as nonpersons.

We are all two dimensional, flat on a television tube, instead of real people out there campaigning and talking and running campaigns in the way we used to. These gurus, who now take a lot of the money, have found that one of the best ways to ensure your candidate's success is to find that negative political advertising that will really skewer your opponent and convince the voter not that you are the best person for political office, but that the other guy is not good enough for political office.

It seems to me, Mr. President, that that is one of the most evil things that has happened to our political scene as time has gone on.

It is not new. We have had negative political advertising in the whole 200 years of American political history. But negative political advertising in past years was at least mixed with the personal appearances of candidates, their speeches in front of hundreds, sometimes thousands, of people who would turn out to listen and to hear from a candidate as to where they stood and what they believed. It was harder for them than it is now. They had to get in their buggies or ride their horses and go distances to arrive at where the candidate was going to be. It took time and effort and they took that time and effort and they learned, and they ended up knowing a whole lot more about what that candidate stood for than most citizens know about candidates today in this time of instantaneous communication.

It should not be that way, but it is, and it is because these gurus of political wisdom have told us that negative advertising is the way to political success.

Mr. President, I do not quite know how to stop that, but I have an idea that I hope might be added to whatever kind of bill might ultimately emerge from this Congress, and I hope a bill does emerge from this Congress. It would do just this: It would revise the Federal Communications System interpretation of "use."

We now have a proposal where a candidate is entitled to the lowest unit charge for advertising, and no censorship protection, by appearing in a media spot.

Well, that is a pretty good idea. We say if the candidate appears, then he gets the lowest rate. There is some real benefit attached to that. I would be willing to bet—I do not know it, but I would be willing to bet—that the sponsors of that law when it was proposed in the Congress hoped that it would mean that candidates themselves would appear on media spots. It was a way to encourage candidates to speak for themselves.

Well, how do they do it? That law had a hole big enough to drive a Mack truck through. I would rather say a Kenworth truck, because that is a product of the State of Washington and the highest quality of truck. But, nonetheless, they do it by appearing for a fleeting instant in a television ad, sometimes in a fleeting instant not even recognizable as the candidate but as the participant in some kind of message that the advertisers are putting out, or on a radio spot right at the end where it says, "This spot paid for by the "XX Committee." That is carefully read by the candidate. Nothing else in the spot is read by the candidate. The candidate is not involved at all in the rest of the message.

Mr. President, I am suggesting that the bill I have introduced would redefine the use requirements. It would mandate that the FCC define "substantial appearance" so that the candidate would be required to be identified or identifiable for 100 percent of the media spot.

Some may say, "Well, what good is that? What does that really do?"

Well, I think it does a lot. It does several things.

In the first place, people would get an idea of who their candidate was, what that candidate looked like, how that candidate sounded. It would be a modern-day equivalent of that citizen getting on the horse and riding into town, or whatever distance was necessary, to listen to and to view and to look in the eye of a political candidate.

It was important then and people thought it was important. It is important today. If they will not get out of the house and get into the car and go visit a political forum to see and listen and talk to and question a candidate, at the very least, as they sit on their couch in front of the television set, they ought to have the opportunity to listen to the candidate speak to them and not some fancy political ad designed in 30 seconds to give a negative view of an opponent.

The other thing I think would happen, Mr. President, is something perhaps even more important.

I think if you required a candidate to be in the ad 100 percent of the time, if every 30-second or 60-second spot that that candidate put forward required the candidate to look the voters right in the eye and tell his or her message, there would be a lot less negative campaigning.

It is one thing to have a fancy, artificial kind of whirling weathervane. That is a popular one now, where the weathervane flips one way and then the other to indicate that your opponent is wishy-washy or changes policy. There is not an officeholder among us who cannot be subject to that kind of political ad, unfairly most of the time, vastly unfairly some of the time. But it is a popular ad and it seems to work.

I doubt very much that it would work half as well if a candidate faced the people and looked them in the eye night after night in political ads and did nothing but talk about how wishy-washy his opponent was. That candidate, in my view, most of the time would lose an election. You cannot personally look out at your audience and constantly negatively attack your opponent and hope to win.

So I think, Mr. President, in that small way we might do more than a lot of the other things we are talking about doing because when you get right down to it when we talk about campaign financing all we are talking about is the means to get a message across.

We are not doing a darn thing about the message itself. It is the message itself, I think, that more than anything else is destroying the American voter's interest in the political process.

How can it be any other way, when all that the voter sees day after day after day for every campaign, for every level of office, is a negative, negative, negative political campaign?

That is why, Mr. President, as I said at the beginning of these remarks some minutes ago, we are shooting at the wrong target and we are hitting the wrong target. I think we are missing some of the facts as they truly exist in the increased costs of campaigns and why they are increasing and how much in real dollars they are increasing.

We are not touching at all the message, and we probably cannot, by law. We can only do that through our own leadership, our own leadership which I think ought to be utilized to fire a whole bunch of these gurus, to start campaigning more personally and more positively to change the face and the map of American politics. We would not worry so much if that happened about political campaign financing and campaign reform.

If the message were a positive one, if we were spending our time speaking out on issues, and if the message that we were buying with political donations was a message that helped educate people on issues, put forth positively our own stand on issues, helped us engage opponents in a legitimate debate where we differ on issues, then we really would have done something.

But if all we do is tinker around the margins with campaign financing, try to put limits here, almost certainly by instituting almost every new limit we create a new brand of cheater and we also give ourselves another place where perceived excesses will erupt and lead us to yet one more round of campaign financing.

I wonder sometimes, Mr. President, where we will be a decade from now on the next round, with another set of evils or ills, not having done anything about correcting the message but merely aiming at the means. I fear for the kind of political system we will have at that time.

So I hope that we can all join, and I am sure we could in a bipartisan way if we only knew the means and only knew the method where we could join in building a more positive message to send to people, a broader message, a message that would encourage rather than discourage grassroots campaigning, a message that somehow would give to every citizen the added impetus to be a politician, to fully engage in the art and science of government, to not only vote but to work on political campaigns, to help tell an officeholder what to do after they are elected and in a very real sense to be a full participant by contributing to political campaigns. It is not evil to do so. This Senator for one does not believe that there are an extraordinary number of evil influences in political campaigns. We have got to do more to change the message than change the means. Thank you, Mr. President.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER (Mr. Graham). The Senator from Connecticut.

Mr. WEICKER. Bon journo. The distinguished Senator from Washington concluded his eloquent remarks exactly at the point I would like to start because the first thing I am going to do is to read an article that was published in 1977, almost a decade ago; it was published in U.S. News and World Report. "Pro and Con—Use Tax Dollars To Elect Congress?"

Congressman Mo Udall of Arizona went ahead and advocated: "YES—we have to respond to evolving conditions," and an interview with Senator Lowell Weicker, Jr., Republican of Connecticut, "No—the whole idea of public financing stinks!" So I am going to pick right up as to what my comments were on amendments to the original act which we are trying to reform again today, and as the Senator from Washington says if we got through the reform, which I do not think is going to happen, believe me, 10 years from now we would be reforming the reform of the reform.

Q. Senator Weicker, why are you against using public funds to finance congressional campaigns?

A. I think the whole idea of public financing stinks. What you'd be doing is subsidizing mediocrity. You'd be taking away from the people of this country one of the checks which they have on their Government: specifically, the power to politically utilize their resources.

What particularly nettles me is that I've heard federal financing of campaigns referred to as a Watergate reform. This is absolutely wrong. The Senate Watergate Committee explicitly opposed public financing in its final report. I can only say that if there is to be "Watergate reform" of our election process, more power should be put in the hands of the people—not less.

Q. Your view is that public financing increases the Government's power—

A. It is a raid on taxpayers' money for the support of failing politicians. Politicians should get out and earn their votes, earn support. A time of declining faith in politicians is no time to reward them financially. In essence, you are eliminating competition in our election process; you're saying that a warm body is enough to get money.

I see the distinguished Senator from Maine eagerly receiving these remarks along with his colleague, Senator Harkin. And I am delighted that two such good friends should be on the floor during the course of these remarks. They are, I can assure you, more than warm bodies. These are two of the finest Senators that enter this body, and I assure you that whatever financial rewards come to them at election time, are well deserved.

Mr. MITCHELL. Will the Senator yield?

Mr. WEICKER. I yield the distinguished Senator.

Mr. MITCHELL. One of us was going to leave now, but given those remarks we are going to be reduced to staying.

Mr. WEICKER. These remarks only come at 3 o'clock in the morning, let me assure the Senator.

Mr. MITCHELL. I want the Senator to know that I eagerly await the Senator's remarks.

Mr. WEICKER. I thank the distinguished Senator from Maine.

Q. But wouldn't the proposals for congressional-campaign subsidies require a candidate to demonstrate he has support before he can qualify for public money?

A. I agree, but the fact is the requirements aren't that stiff. What is the argument for giving this power to the Federal Government? I don't understand it in light of the track record of the Federal Government, which has been one of chicanery and corruption.

The real story of Watergate was the story of the Federal Government gone haywire—of federal institutions being used politically. Now, what are you doing with a federal-financing concept? What you're doing is to say, "O.K., we're going to punish those who had nothing to do with the situation—the people—and we're going ahead and putting additional power in the hands of that institution which was involved in the wrongdoing.

Look at the two major parties: The people have less and less faith in them. That's a statistical fact. Yet the representatives of the major parties are trying to make sure that, regardless of declining support in numbers, they're going to have the money to continue operating.

Q. The backers of public subsidies for congressional races argue that private financing leaves open too many opportunities for wealthy special interests to buy influence—

A. Sure, there have been attempts to buy elections. We saw that in 1972, when massive amounts of money were poured into Nixon's campaign by people trying to buy an Administration. Attempts have been made in congressional races.

But how do you deal with it?

The answer is you give the electorate the facts, and let the electorate decide whether or not an election is being bought. The answer is disclosure.

Another answer is limiting the amounts of individual contributions and group contributions. This is a good reform. It seems to me that when you've limited the amount of contributions to $1,000 from an individual and $5,000 from a group, as we have, this

> pretty well stops the "buy" aspects of private financing.
>
> Q. The Supreme Court has ruled that spending limits can be placed on candidates only if they accept them voluntarily as a condition for getting public subsidies. Isn't this a good argument in itself for extending subsidies to congressional campaigns?
>
> A. This goes back to the question of buying elections. Disclosure is the answer, and we're getting there. In 1945, you probably could have spent 10 million dollars on your campaign and nobody would have known it. Today, everybody's going to know. The public can decide whether an election is being bought.
>
> The issue of buying elections has come up in several races of recent vintage. In some, the candidates were tossed out; in others, though the spending obviously assisted in a victory, the public was not solely concerned with the spending issue. What I'm saying is that as long as the facts are on the table, I'm not worried.
>
> Q. Does the high cost of campaigns concern you?
>
> A. Yes, it does. But what I propose is shortened campaigns. It is the length of campaigns that drives up the cost. There is no reason why the primary and general-election campaign can't be held to 5 months at most, instead of 10 to 12 months for a House race, or a year and a half to 2 years for a Senate race, as it often does now. I'm going to offer this concept as a substitute for public financing when the issue comes up in the Senate.
>
> Q. Just how could you shorten campaigns? What would you prohibit?
>
> A. I would not permit any raising or expenditure of funds except during that five-month period for campaigning. Before that, candidates could speak all they wanted to, but no money could be raised or spent.
>
> Q. Wouldn't such limits favor the incumbent, who usually is better known than his challenger?
>
> A. Look, there is nothing I can devise that isn't going to favor the incumbent to some degree—just absolutely nothing. You've got to legislate on the norm and not the oddball exception.
>
> Q. Suppose you see that Congress isn't going to accept your proposal to shorten campaigns and is going ahead with an extension of public financing. Are you going to try to alter the legislation in some other way?
>
> A. No. I can't accept any part of public financing. I intend to fight tooth and nail to block passage of this political meadow muffin.

Again, that was an interview with U.S. News & World Report in 1977. So as my colleagues can see, even then I was opposed to the legislation which brings us here this morning, the feeling that that legislation was entirely inadequate for the task, which indeed it has proven to be.

I mentioned disclosure in the article, and I really think that disclosure and the concept of shortened campaigns is the answer to our problem. But the concept of disclosure also came up in the Senate Ethics Act which we passed on this floor and again which I opposed and again to which I offered a substitute, amendment, one calling for full disclosure. The issues are very, very similar.

Let the constituency, not an ethics committee which we now have, not a Federal Elections Commission, which associates with the Campaign Financing Act, let the constituency decide what is permissible or not; what is acceptable in Maine might be considerably different than what is acceptable in Connecticut, considerably different than what is acceptable in California or Oregon.

Let the constituency within each State decide what it is that they will accept in terms of both the amounts and the sources when it comes to campaign financing.

I wrote an article on the matter of disclosure for the New York Times. Again this was in 1977. I will now read from that article which was called Full-Full-Disclosure by Lowell P. Weicker, Jr.:

> Seventy-four years ago, the British philosopher George Edward Moore wrote of the "difficulties and disagreements" that arise over the subject of ethics. The problems, he wrote, "are mainly due to a very simple cause: namely, the attempt to answer questions without first discovering precisely what question it is which you desire to answer."
>
> The United States Senate, now considering a new code of ethics, provides living proof of Moore's thesis. Members know full well that they must answer the public cry for stringent rules of conduct; the issue can no longer be ignored. Yet, they are rushing to meet the challenge without a clear perception of what the so-called reforms will remedy.
>
> The Senate ethics plan under consideration is an amalgam of arbitrary restrictions and incomplete regulations whose only claim to the title "reform" stems from its public relations value.

Very much akin to what we are doing here and what we did in 1977.

These two came up simultaneously in 1977 vis-a-vis campaign financing.

> The proposal proclaims tough, new financial-disclosure provisions for senators and top Senate aides. But it stops well short of revealing all financial interests. No tax returns need be revealed. No specific amounts of assets or liabilities need be listed.
>
> When the Senate and House approved the $12,900 pay raise (recommended incidentally not by the Senate and House but by an independent commission), lawmakers drew criticism. Their response was to promise "reform" and to limit the amount of a senator's outside earned income to 15 percent of his new salary.
>
> Ignoring the fact that one cent paid a public servant demands proper conduct in return, the new reform bill implies that a $57,500-a-year senator requires improved ethics over the $44,600-a-year model. There is no magic to the 15 percent ceiling. Even the bill's sponsors admit that it is pulled from thin air.
>
> But some type of income limit is vital to the integrity of the institution, they argue. Senators making more than $8,625 a year giving speeches, writing books or maintaining an outside business interest might appear to be in the pocket of special interest groups or shortchanging the American people—

You see the very argument that is being presented out here today—

> by failing to devote enough time to their Senate work.
>
> No consideration is given to those senators whose profits from stocks, bonds or family wealth far exceed the earned income of their less-wealthy colleagues. In essence, this "reform" rules out outside income for less well-to-do senators while permitting rich lawmakers to get richer.
>
> Would not the potential for legislative conflict of interest be greater for a senator holding 1,000 shares of stock in a major corporation than for another lawmaker who earns $1,000 delivering a speech to an educational institution?
>
> Instead of scurrying for public favor through artificial and illogical restraints on officeholders, the Senate should consider the effectiveness, not the cosmetics, of its ethical standards.

This is the issue here.

> If the question of ethics hinges on a faltering public trust in its elected officials, there is one best way to restore confidence: Let the American people police their own politics.

Let the American people police their own politics.

> Instead of senators' judging the propriety of their fellow senators, give the public all the facts and let the voters decide what is a conflict and what is proper,

Then I go on in the rest of the article to advocate a system of full disclosure.

For those who are seeking avenues of accountability in this matter of the financing of Federal election campaigns, they do not have to look any further than to the people of this Nation.

In March 1977, I wrote an article in the Congressional Digest on a question of Federal financing of congressional election campaigns—this is 11 years ago—"Should Federal Subsidies Be Provided for Congressional Election Campaigns?" I wrote the "con" argument.

> From the debate of March 17, 1976, on the floor of the U.S. Senate during consideration of S. 3065, the Federal Election Campaign Act Amendments of 1976. Sen. Weicker's remarks center on an amendment to the pending bill which he had introduced which would have had the effect of repealing provisions of the FEA relative to Federal funding of presidential campaigns.
>
> From the start, I have believed that public financing of national election campaigns—whether presidential or congressional—would be a mistake. I have long believed that such public financing, rather than being a reform, is a dangerous step toward decontrol of the Federal Government, and decontrol in the sense of the control exercised over us by the sovereign people of the United States.
>
> For several years, efforts have been mounted in the Congress to broaden the present provisions, under which the campaigns of presidential candidates are financed from tax revenues, to include funding for the campaign expenses of candidates for the Senate and House of Representatives. As my colleagues know, I have expressed grave reservations about the action

of Congress which authorized Federal funding of the presidential campaigns, and have expressed my undisguised concern over damage to basic and vital principles of our American system which would result—and, in my view, have resulted—from such a method of financing. I feel, if anything, even more strongly about proposals to devise a similar method of financing candidates for congressional office.

I understand the motivation behind public financing. It was deemed a reform measure to reduce the role of money in the American political process, and to diminish the amount of money spent in the course of an election. But I suggest that, in effect, all we did when we enacted public financing was to accept the problem and merely find a way to finance it.

What am I talking about here? I am specifically saying that the reason why so much money is expended is the length of our political campaigns.

Why then did we not attack the basic problem, reduce the time? Because, indeed, if we had done that, we would have reduced the funds to be expended. Instead, we accept the inordinately long length of campaign time.

Believe me, unless the funds are coming from some source other than individuals, it does demand a sort of financing scheme.

With the best intentions, the Congress enacted campaign reform legislation calling for direct Federal subsidies to Presidential candidates. However, that accommodates rather than eliminates the problem. The problem is long translating into big money. Public financing only pays the blackmail imposed by that sin.

Matching funds have kept floundering Presidential campaigns afloat beyond their time.

I said that in 1977, and it has happened several times since then.

They have allowed one issue candidates and those with only a marginal chance of success to overspend their budgets, knowing a taxpayer bonanza waited in the wings. Allowing the Federal Government to bankroll everybody who wants to be President is a subsidy that can only sap the vitality of a free society whose excellence depends on the survival of the fittest ideas.

One measure of a candidate is his or her ability to generate contributions for public office. Candidates should sell their ideas to win, not just be a warm body and rely on the Federal dole. Worse, public financing gives Congress control of the campaign war chests of Presidential challengers. The Campaign Reform Act was drafted in 1974, with the Congress and White House controlled by different parties. Under these circumstances, each candidate of a major political party would receive $20 million in a general election. Were the Nation to elect a President with a large majority of his own party in the Congress, who can say that the formula for allocating funds would remain the same? And what of enforcement? Once we hand the Congress the political purse strings, the people will no longer have the final say. Instead, politicians will be monitoring politicians. And that is not a healthy situation.

The dangers of public financing were recognized by the majority of the Watergate Committee when they opposed enactment of that decision. In a brief filed by the appellants for the Supreme Court, in the case James L. Buckley against Francis R. Valeo, these dangers were clearly described:

"Grave dangers to the future of democratic government result from direct payments to parties and candidates. Democracy depends largely on free political competition and the freedom to form, join or leave political organizations. Once a party becomes officially sponsored by the government or government begins to determine the allocation of political resources, that freedom is endangered."

The experience to date with the tax checkoff to finance Presidential campaign funds indicates little interest and enthusiasm among the people. Only 10 percent of the taxpayers chose to direct the $1 of their taxes owed for 1972 to the campaign fund. The total amount designated for 1972 was $12.9 million. For the taxable year 1973, approximately 14 per cent of the taxpayers exercised this option, accounting for $17.3 million. Approximately 20 per cent of the taxpayers submitting returns for 1974 funneled moneys into the Presidential campaign fund. The total amount for that year was $31.9 million. As of February 25, 1976, approximately $6.1 million has been accumulated. The total funds received since 1971 is approximately $68 million.

With 80 per cent of the American people saying no to checkoffs, it is time the Congress reexamined the policy of paying checks out to Presidential candidates.

I understand that there are those who would want to extend the Federal financing principle to senatorial and congressional campaigns. Then how long will it be before nondesignated general funds are used when indeed the pot becomes too small for the numbers desiring to run or participate?

I confess that with today's myriad of unresolved needs, I find financing political campaigns rather far down on my priority list. If we have become so devoid of initiative, ideas, and courage that the American people are walking away from today's politicians, then it is time to get out, rather than to monetarily assure a continued presence. If we want to reduce the role of money in politics, reduce the time of politicking. In so doing we will preserve the rights of Americans, while getting better men and women to serve.

I have heard comment that in fact these are not general funds, that these are designated by various taxpayers.

Well, now, let us examine that just for a minute. I do not have the right, neither does any American taxpayer, to designate that a certain amount of my tax shall go to HUD, or that a certain amount of my tax shall go to Defense. So, in effect, we are giving a special privilege here. It is money that does come out of the general fund. It is money not going into the general fund but, rather, into the business of politics and financing of campaigns.

I think, and this is all the amendment is stating, that if we are going to take this step, both in the sense of its effectiveness in reducing the ills of our political system and in the sense of what it does to the basic rights of Americans, this is something we should tread into with a light step. It makes eminent sense to examine our experience, as we will the experience of the election of 1976, before we impose such a system forever on the American people. It would be very hypocritical, indeed, for this Congress to demand a zero budget-type base for all the other agencies and programs of Government if we are not willing to do it to ourselves.

I hope the American people understand what is at issue here. I have always thoroughly objected to this public financing being labeled as Watergate reform. It was no such thing. It has no relationship to the facts of Executive abuse, no relationship whatsoever. Indeed, what we have done with this type of reform is to put more power into the hands of the Executive; more power into the hands of the Congress.

One thing the American people still have to themselves is their vote, their support, their contributions. This is their one check on the Government, and it is one that I feel they should preserve. But certainly, since the Congress, the representatives of the people, deemed it advisable to give a new system a chance, let us try it out, but then let us put an affirmative responsibility on our shoulders to justify its continued existence.

I have made the statement that I thought in this country what we should do is have the candidates file the first Tuesday in September, let there be direct primaries the first Tuesday in October, and then let the general election take place the first Tuesday in November, letting the whole process consume 60 days. Believe me, then we will reduce the role of money in campaigns and we will also, I think, achieve a very affirmative result. I think most peoples' attention span is quite good, if we are talking 60 days. I think in two years it sort of wavers.

There is no question in my mind that in this way ideas will be at a premium and they will count. By the same token, obviously, the funds expended will nosedive. But what we in effect have done is just to go ahead and accept a bad situation and figure out not how we are going to pay for it, but how the American taxpayers are going to pay for it.

There you have all the remarks made in the year 1977, and here we are right back at it, moving, just as I predicted then, away from public financing of just Presidential campaigns to include those for Congress, for the House and for the Senate. I might add that I will stick by my resolution of shortening campaigns.

Let time be the disciplining factor. Do not discipline the freedom that the American people have of expressing themselves, whether by virtue of their resources or their energies.

Mr. President, yesterday and again in the articles which I have read today, I referred to the recommendations of the Watergate Committee. I referred to them because they have a direct application to what we are considering on the floor of the Senate this morning. It does little good to write the pages of history if, in a short period of time, we are to ignore our own writing.

Watergate was not a media event. It was not a miniseries devised for the entertainment of the American people. It happened. The facts were ascertained to the minutest detail. Unlike some of the matters which confront us today, where we do not know all the answers, we got all the information. We knew exactly what transpired. The Nation was shocked.

I might add that, unlike the House of Representatives, the Senate committee was authorized not in the sense of an impeachment process but, rather, to look at the election, to look at that election that had taken place, ascertain the facts and then given recommendations. What was the name of the committee? The name of the committee was the Select Committee on Presidential Campaign Activities. That was the name of the committee. Now listen to the full title: The Select Committee on Presidential Campaign Activities, the U.S. Senate, pursuant to Senate Resolution 60, February 7, 1973, a resolution to establish a select committee of the Senate to investigate and study illegal or improper campaign activities in the Presidential election of 1972.

This is completely different from what it is the House accomplished. It was the actual impeachment process itself, or at least a portion of that process, the process never having been completed in the sense of coming to the U.S. Senate.

So this body authorized this committee to find out what went wrong and to make recommendations. I do not think there is any debate over the fact that the Senate, the House, the Nation, was aghast at what it was this committee found out, and, on the basis of what it found out, it made its recommendations. One of those recommendations went to the heart of what it is that comes before us at issue now.

Recommendation 7, and I now quote:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.

Now, can you have anything more direct to the point at hand than that?

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.
>
> The Select Committee opposes the various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriation solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment.
>
> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.
>
> The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.
>
> What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

We can all speculate as to what might transpire from our legislation here on the floor of the Senate, but this conclusion, which I have just read, is no speculation. It was based on a track record of abuse by governmental agencies, not just by one man, Richard Nixon, but by governmental agencies. And here we are right back in the same old corner saying let us give more power to these agencies or let us create another agency and give new powers to it. I think that a little bit foolish.

The other track record you have is the track record now, as far as Presidential campaigns are concerned. Again, that track record is nothing of which to be proud: People overspending their limits, extending campaigns, as I suggested might happen, just to receive Federal funds.

What is the impetus behind new reforms? As I indicated earlier, if you want new reform, let us have election campaign consume 60 days. Now there is something new. Sixty days, primary process, election—60 days instead of the year to 2 years to 3 years, in some instances, 4 years that is involved in the present process.

What is it that we are tinkering with in S. 2? I suspect that some of it has to do with PAC's, and I do not quite understand that. What is the actual problem with the PAC's here? What are PAC's? They are not just something out there in the air by themselves. It is the result of a joint effort of many people to give some clout to their contribution. What is wrong with that? I know it is fashionable, on both sides of the aisle here, to say PAC's are awful. What is a PAC?

It is people, plural, getting together to have their voices heard as 1 rather than as 10 or 100 or 1,000. And the PAC's come from across the spectrum of activity in this Nation. There are environmental PAC's, educational PAC's, scientific PAC's, in addition to those of labor, working men and women, business, every conceivable concept where people want to have their voice heard, where they find it is far easier to have their voice heard when they speak as one rather than as a myriad of individuals.

So I do not even go along with the badmouthing that associates with the word PAC.

But be that as it may, I get back to the recommendations of the Watergate Committee, why it recommended against public financing and, in that regard, will now recite the individual views which I expressed as a part of that report. Those individual views are merely a recitation of the facts of government abuse as to why we said the government should not have more power. I do not think anything can cite my case more strongly than what actually happened in America in the early 1970's.

If anybody wants a copy of this report of July 1974, my office will be glad to supply it.

In the early 1970's, several independent events took place in the United States of America. On the surface they appeared to lack a common bond.

In June 1969, a Louis Harris poll found that 25 percent of all Americans felt they had a moral right to disregard a victim's cry for help. Over the next several years, this mood took the form of countless incidents of "looking the other way" when men and women were assaulted and murdered in full view of entire neighborhoods.

On May 4, 1970, at Kent State University in Ohio, a group of students who refused an order to disperse were fired upon by the National Guard, killing William Schroeder, Sandy Scheuer, Jeffrey Miller, and Allison Krause, and wounding nine others. Ten days later, at Jackson State University in Mississippi, police who had been called in to protect firemen from violence, opened up a 28-second fusillade into and around a dormitory killing Phillip Gibbs and James Earl Green, and wounding 12 others.

During 1971, a decision was reached by the administration to conduct the President's reelection campaign with a special committee totally separate and insulated from the political party which would renominate that President.

In early 1972, a young radio reporter in Miami stood outside a supermarket trying to get people to sign a copy of the Bill of Rights. Seventy-five percent refused, many saying it was "Communist propaganda."

In February 1972, it was revealed that International Telephone & Telegraph had allegedly offered a campaign contribution of $400,000 in return for the Justice Department dropping an antitrust suit against ITT. The suit was dropped on Presidential order, but when the Attorney General was questioned about the President's role by a Senate committee in March, he lied.

On June 17, 1972, burglars employed by the Committee to Reelect the President were arrested inside the headquarters of the Democratic National Committee with bugging equipment and large sums of cash.

In December 1972, having failed to get congressional approval for a reorganization of the Cabinet, the administration moved autonomously to establish three or four "super Secretaries" and to place various Executive Office employees in key sub-Cabinet posts. The obvious goal was to create a White House-directed network of decisionmaking and reporting quite different from the formal Cabinet structure which remained subject to congressional scrutiny.

In February 1973, the White House held a Peace-with-Honor reception to celebrate the end of the Vietnam war. Only those Congressmen who had supported the President's Vietnam policies were invited, implying that those who had questioned our involvement in Vietnam were either against peace or were dishonorable men and women.

Some of these incidents were matters of life and death and were well publicized. Others were matters of principle and were little noticed at the time.

In each instance a significant outrage had taken place.

What was common to all?

In each instance no one complained.

A constitutional stillness was over the land.

The next chapter was entitled, "The Uproar."

That American decency, idealism, honesty and reverence for the Constitution that some thought bought off has been stirring and reasserting itself for many months now.

Yes, a few still shout treason when questions are asked.

A few still espouse the end as justifying the means.

A few still goggle at an American title rather than the title of American.

But it was only yesterday, June 17, 1972 to be specific, that today's few were part of a large American majority.

Why the turnaround?

The truth!

Because Frank Wills discovered taped doors at the Watergate, America's doors didn't close in all our faces.

The next chapter is "Constitutional Democracy in the Era of Watergate."

For this Senator, Watergate is not a whodunit.

It is a documented, proven attack on laws, institutions, and principles.

The response to that attack was and is a nation of laws at work, determining whether men shall prevail over the principles of a constitutional democracy. It has been and will be the testing of a great experiment in Government begun some 200 years ago.

Laws, institutions, and principles were squarely before this committee, to be debated, probed and documented, in order to assert remedies and reassert time-honored concepts. Guilt or innocence was not an issue. This was a fact-finding body; it was a legislative body; and those duties go to the heart of what Watergate was all about.

In keeping with the committee's duties, this is a report of facts and evidence, leading to legislative recommendations, one of which, I might add, I just read to this body here, being against Federal financing of elections.

To document the abuse of laws, institutions, and principles, the facts and evidence are presented, first, as they bear on the basis of our laws, the Constitution; second, as they relate to the institutions of our Government; and third, as they affect the principles of our political system.

I. THE CONSTITUTION

One of the most disturbing facts about the testimony presented to this committee is that so much of it went relentlessly to the heart of our Constitution.

To appreciate what happened to the Constitution, it is useful to divide the seven articles and 26 amendments into substantive versus procedural provisions. The substantive sections lay out rights, powers, and duties. The procedural areas address somewhat more technical and administrative matters. The important point is that the essence and strength of the Constitution springs from its substantive areas, primarily the first three articles, the first 10 amendments and the 14th amendment.

A. THE EXECUTIVE

Of all the issues confronting the Constitutional Convention at Philadelphia, the nature of the Presidency ranked as one of the most important. The resolution of that issue was one of the most significant actions taken.[1]

Most state constitutions prior to that time had weak executives and strong legislatures.[2] The decision to create a President, as opposed to plural administrators,[3] was a reluctant recognition of the advantages of a strong executive.

Nevertheless, the Convention took steps to contain presidential power. Only after deciding the method of selecting a President, his term, mode of removal, and powers and duties did the Convention agree to the concept of a strong President.[4]

This bit of history, indicating that the delineation of the President's office and powers preceded the creation of his position in the Constitutional scheme, is quite important. It demonstrates that executive power is to be exercised within the framework of the Constitution, and particularly, within the guidelines of Article II, which lays out the powers and duties of that office.

This is much of what Watergate is all about, and it bears a close look at Article II.

The issue at stake is the exercise of potentially awesome Presidential power. As to that issue, Article II contains two points of significance.[5] First, its opening words state: "The executive Power shall be vested in a President of the United States of America.[6] This grant of executive authority, with no words of limitation, has, from the time of Jefferson, been the basis for expanding the presidential office and activities.[7]

However, the initial broad authority is offset by a second significant factor, the enumeration of executive powers later in Article II.[8] These declare in part that the President is to be Commander-in-Chief, make treaties, appoint ambassadors and other officers, grant pardons, and take care that the laws are faithfully executed.

It is worth noting that experience has eventually placed limits on the general powers. The President has been allowed, as a practical matter, to exercise those additional powers that fall naturally within his range of activities.[9]

The important point, however, is that no President has been, or can be, allowed to conduct the executive branch in conflict with the Constitution taken as a whole, and certainly not in conflict with express sections of the Constitution, such as the Bill of Rights, or Article I (the legislature), or Article III (the judiciary). This then is the proper context for examining facts.

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[1] Congressional Research Service, Library of Congress, "The Constitution of The United States of America" (1973), p. 429. Background on the Convention from C. Thach, "The Creation of the Presidency, 1775–1789" (Baltimore: 1923).

[2] As a result of experience with the royal governors, not only did most states have weak executives, but the Articles of Confederation (which was the agreement by which the national government was functioning at the time of the Constitutional Convention) vested all powers in a one-body Congress. C. Thach, chs. 1–3. The Virginia Plan, which was the basis of discussion, offered a weak executive, with only power to "execute the national laws" and to "enjoy the Executive rights vested in Congress." Id., ch. 4; Congressional Research Service, p. 430.

[3] It was not until the closing days of the Convention that there was any assurance the executive would not be tied to the legislature, devoid of power, or headed by plural administrators. Although the discussion about the executive opened on June 1, 1787, as late as September 7, 1787, eight days before the final Constitution was ordered printed, the Convention voted down a proposal for an executive council that would participate in the exercise of all the executive's duties. M. Farland, "The Records of the Federal Convention of 1787" (New Haven: 1937), 21 and 542.

[4] The eventual basis of Article II was the New York Constitution. On June 1, 1787, James Wilson moved that the executive should be one person. A vote on the Wilson motion was put off until the other attributes of the office had been decided. The decision resulted largely from experience with the Articles of Confederation "that harm was to be feared as much from an unfettered legislature as from an uncurbed executive and that many advantages of a reasonable strong executive could not be conferred on the legislative body." Congressional Research Service, p. 430.

[5] According to Alexander Hamilton, "The second Article of the Constitution of the United States, section first, establishes this general proposition, that 'the Executive Power shall be vested in a President of the United States of America.' That same article in a succeeding section, proceeds to delineate particular cases of executive power." 32 "Writings of George Washington," J. Fitzpatrick ed. (Washington: 1939) 430; 7 "Works of Alexander Hamilton," J.C. Hamilton ed. (New York: 1851) 76.

[6] U.S. Constitution, Article II, Section 1.

[7] The practice of expanding presidential powers has continued steadily but was irrevocably set when the "Strict constructionists" came to power in 1801 and did not curb executive power, but rather enlarged it. The modern theory of Presidential power was conceived by Hamilton, but it is interesting to note his qualification "that the executive power of the nation is vested in the President; subject only to the exceptions and qualifications, which are expressed in the instrument." 7 "Works of Alexander Hamilton," 80–81; see Congressional Research Service, 433 and 437.

[8] U.S. Constitution, Article II, sections 2–4.

[9] See note 7 supra.

Article II of the Constitution, by which the Presidency was created, was violated from beginning to end by Watergate.

There is massive evidence of misuse of the awesome general powers that reside in the executive department.

There is equal evidence documenting abuses of the enumerated duties.

1. General powers and duties

The facts show an executive branch that approved a master intelligence plan containing proposals that were specifically identified as illegal,[10] that proposed setting up a private intelligence firm with a "black bag" or breaking and entering capability as secret investigative support for the White House,[11] that set up its own secret police,[12] that used its clandestine police force to violate the rights of American citizens,[13] that hired a private eye to spy on its enemies, including their personal lives, domestic problems, drinking habits, social activities and sexual habits,[14] that circulated an enemies list,[15] that developed plans to "use the available federal machinery to screw our political enemies,[16] that knew of an illegal break-in connected with the Ellsberg case and concealed that fact rather than report it to appropriate authorities,[17] that used a presidential increase in milk support prices to get $5,000 from the milk producers to pay for the Ellsberg break-in,[18] that recruited persons for that break-in on the false pretense of national security,[19] that offered the presiding judge in the Ellsberg trial the FBI Directorship at a clandestine meeting in the midst of the trial,[20] that ordered a warrantless wiretap on a news columnist's telephone,[21] that wiretapped 17 newsmen and government officials in an operation that was outside proper investigative channels,[22] that suggested firebombing the Brookings Institute,[23] that set up an Intelligence Evaluation Committee outside the legitimate intelligence community to disseminate information that should have been restricted to individual agencies,[24] that used the Secret Service to wiretap the President's brother,[25] that kept $350,000 in left-over 1968 campaign funds in a safe in the Chief of Staff's office,[26] that used most of those funds as "hush money" for the Watergate burglars,[27] that approved a large contribution from the milk producers association after being told it was meant to gain access to and favors from the White House,[28] that received and passed on information about an IRS audit of one of the President's friends,[29] that arranged for a tax attorney for the friend.[30]

That contacted the IRS as well as the Justice Department in a number of other tax cases involving friends of the President,[31] that planned and possibly carried out a break-in at the office of a Las Vegas publisher,[32] that suggested a break-in at the apartment of the man who attempted to assassinate Governor Wallace,[33] that contemplated a break-in at the Potomac Associates offices,[34] that tried to rewrite history by making up bogus State Department cables to falsely connect the Kennedy Administration with the assassination of President Diem,[35] that attempted to get reporter William Lambert to use the phony cables in a story,[36] that tried to plant false stories connecting the President's opponent with communist money and the crimes alleged in the Ellsberg case,[37] that installed an elaborate system of taping conversations between the President and his staff or visitors,[38] that told federal investigators to stay out of the Ellsberg matter,[39] that undertook a clandestine operation to hide a key witness in the ITT case in a Denver hospital where she was interrogated by Howard Hunt in disguise,[40] that authorized and funded from within the White House a dirty tricks operation including scurrilous literature, late night telephone campaigns and advertising designed to offend local interests, seemingly sponsored by Democratic candidates, and physical disruptions directed against Presidential opponents,[41] that planted spies, hecklers, and pickets in the Muskie and Humphrey campaigns,[42] that participated in discussions of a campaign against Democrats to include prostitutes, mugging, kidnapping, bugging, and burglary,[43] that pressed for adoption of Liddy's Watergate plan,[44] that was told of the authorization and budget for Liddy's plan,[45] that believed it had received transcripts of illegal wiretaps and never reported that crime,[46] that was warned of the planned break-in at the Watergate and did nothing to stop it,[47] that knew the full scope of Liddy's activities shortly after the Watergate arrests and kept those facts from proper authorities,[48] that shredded Watergate evidence in the Chief of Staff's files,[49] that tried to use one of its executive branch agencies as a "cover" for the Watergate operation,[50] that was the scene of meetings at which high officials plotted to use the power and influence of the presidency to cover up crimes and obstruct justice,[51] that saw advisors invoke the power of the presidency to use an FBI Director in ways that would eventually cause him to resign.[52]

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[10] See Vol. 3, Ex. 35, p. 1319. This is a plan submitted by Tom Charles Houston to the President and approved in July, 1970. Presidential Statements, May 22, 1973. Part D., entitled "Surreptitious Entry," reads: "Use of this technique is clearly illegal: it amounts to burglary." Id., at 1321.

[11] Operation Sandwedge, drawn up by John Caulfield in late 1971, to infiltrate campaign organizations, with a "Black bag" capability, "surveillance of Democratic primaries," and "derogatory information investigative capability, world-wide." See. Ex. and pp. —, Campaign Practices, supra.

[12] See, the Intelligence Community, infra. (discussion of the establishment and functions of the secret so-called Plumbers unit in the White House).

[13] On June 21, 1974, Mr. Charles Colson, was sentenced to one to three years in jail for, among other things, activities of the Plumbers "to influence, obstruct, and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg."

[14] See, the list of investigations by Anthony Ulasewicz, The Intelligence Community, infra; see also, Ulasewicz testimony, Vol. 6, pp. 2219-2277.

[15] See, Vol. 4, Exhibits 44, 48-65.

[16] Vol. 4, Ex. 48, p. 1689.

[17] When the prosecutors finally learned of the break-in 18 months after it occurred, they were told by the President, "you stay out of that," even though it was a crime for which at least one defendant has been convicted. Vol. 9, p. 3631.

[18] Ellsberg Break-in Grand Jury Proceedings, 652-656.

[19] Testimony of Bernard Barker, Vol. 1, p. 358.

[20] Testimony of John Ehrlichman, Vol. 6, p. 2617-2619.

[21] At Ehrlichman's instructions, Caulfield had John Regan tap columnist Joseph Kraft's home telephone. John Caulfield Executive Session, March 16, 1974.

[22] See, testimony of Robert Mardian, Vol. 4, pp. 2392-2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920.

[23] John Caulfiend Executive Session, March 23, 1974; testimony of John Dean, Vol. 3, p. 920.

[24] Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, they were called upon to evaluate domestic intelligence-gathering by other agencies, when the Intelligence Evaluation Committee was set up. Testimony of John Dean, Vol. 4, p. 1457.

[25] In a Press Conference on November 17, 1973, the President stated: "The Secret Service did maintain a surveillance. They did so for security reasons, and I will not go beyond that. They were very good reasons, and my brother was aware of it."

[26] Testimony of H.R. Haldeman, Vol. 7, p. 2879; Gordon Strachan, Vol. 6, p. 2442, 2461.

[27] Testimony of Fred LaRue, Vol. 6, p. 2343.

[28] Mr. Kalmbach testified that he reported the original milk producers' contribution, and their request in return for 90 percent parity, a Presidential address at their Convention, and a Presidential audience, to Messrs. Ehrlichman, Flanigan, Gleason, and Dent. Herbert Kalmbach, Executive Session.

[29] Gen. Alexander Haig, White House Chief of Staff, was called by William Simon of the Treasury Department and told that Mr. Rebozo was to be audited. Gen. Haig met with White House attorneys on the matter, resulting in a decision to tell the President and volunteer to use the White House attorneys to find a tax lawyer for Mr. Rebozo. Gen. Alexander Haig, Executive Session.

[30] Id.

[31] This help was extended to Dr. Kenneth Riland. Testimony of John Dean, Vol. 4, p. 1530, 1559. It also went to the Rev. Billy Graham and actor John Wayne. Id., at 1529-1530.

[32] Testimony of Howard Hunt, Vol. 9, p. 3687. See also, Transcripts of Presidential Conversations.

[33] Testimony of Howard Hunt, Executive Session, July 25, 1973, p. 129-133.

[34] A White House memo, dated July 6, 1971, from John Caufield to John Dean, stated: "Building appears to have good security with guard present in lobby during day and evening hours. However, a penetration is deemed possible if required."

[35] Testimony of Howard Hunt, Vol. 9, p. 3732.

[36] *Id.*, at 3672.

[37] Vol. 10, Ex. 194, p. 4259 (A memo from Pat Buchanan recommending, "The Ellsberg Connection, tying McGovern to him and his crime—as soon as the indictment come down.") A Dean to Haldeman memo stated, "We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern. . . ." See, Vol. 8, p. 3171.

[38] Testimony of Alexander Butterfield, Vol. 5, p. 2074.

[39] Testimony of Henry Petersen, Vol. 9, p. 3631.

[40] Testimony of Robert Mardian, Vol. 6, p. 2359; Testimony of Howard Hunt, Vol. 9, p. 3752-53.

[41] See, the Electoral Process, infra (description of the Segretti operation).

[42] See, Executive Session, Herbert Porter, April 2, 1973 (the activities of Sedan Chair I and Sedan Chair II).

[43] Testimony of John Mitchell, Vol. 5, p. 1610.

[44] Testimony of Jeb Magruder, Vol. 2, p. 835. (phone call by Mr. Colson to Mr. Magruder, to "get on the stick and get the Liddy project approved so we can get the information from O'Brien.")

[45] For example, on March 30, 1972, a few days after the Liddy plan was allegedly approved, a memo from Strachan to Haldeman reported, "Magruder reports that 1701 (CPR) now has a sophisticated political intelligence gathering system with a budget of 300." Testimony of Gordon Strachan, Vol. 6, p. 2441. An April 4, 1972, talking paper for a meeting between Mitchell and Haldeman included the intelligence plan and its $300,000 budget. Id., at 2454.

[46] Mr. Strachan testified, "I did not tell Mr. Dean that I had, in fact, destroyed wiretap logs, because I was not then sure what they were, I only had suspicions." Testimony of Gordon Strachan, Vol. 6, p. 2442. Mr. Strachan had also had access to all the Watergate wiretap transcripts. Testimony of Jeb Magruder, Vol. 2, p. 827.

[47] Mr. Strachan, according to Mr. Magruder, was as well briefed, on the evening of June 16, 1972, on the intelligence operation (including the plan for a second break-in on June 17) as anybody at the Committee to Re-Elect. Testimony of Jeb Magruder, Vol. 2, p. 827.

[48] The White House counsel, among others, was fully briefed by Liddy himself three days after the break-in, and given the full story of Liddy's Plumbers' activities as well. Testimony of John Dean, Vol. 3, p. 933.

[49] Testimony of Gordon Strachan, Vol. 6, p. 2458.

[50] Both Mr. Helms and Gen. Walters of the CIA testified that at a meeting on June 23, 1972, with Mr. Haldeman and Mr. Ehrlichman, they were instructed to use the CIA to interfere with the FBI investigation of Watergate. Testimony of Richard Helms, Vol. 8, p. 3238; testimony of General Vernon Walters, Vol. 9, p. 3405.

That used the President's fundraising powers to collect illegal corporate contributions,[53] to raise funds to finance a crime,[54] and to collect bribes for a criminal case,[55] that discussed using the President's clemency prerogatives as early as July 1972, to keep the lid on Watergate and other crimes, while misleading the American people by calling Watergate a "third rate burglary,"[56] that made offers of clemency for improper purposes,[57] that announced, in a Presidential statement, a Dean investigation clearing the White House, when there had in fact been a coverup not an investigation and the President had never, ever talked to Dean about Watergate,[58] that discussed, in the Oval Office, unethical out-of-court contacts with the presiding judge in one of the Watergate civil suits,[59] that purposely lied to the FBI and a federal grand jury,[60] that encouraged campaign officials to commit perjury and plead the Fifth Amendment to obstruct justice,[61] that used the President's personal attorney and White House staff to pay criminal "hush" money,[62] and to pay for a private eye operating out of the White House,[63] that used its influence to get raw FBI files for improper purposes,[64] that prevailed upon the FBI not to interview certain witnesses,[65] that used patriotic concern for the presidency to pressure defendants to plead guilty in a criminal case,[66] that used its influence to get special treatment for high officials before a federal grand jury,[67] that plotted to cover up the Segretti story and denounced in the harshest terms those who uncovered the story.[68]

That noted "it would assuredly be psychologically satisfying to cut the innards from Ellsberg and his clique,"[69] that obstructed Congressional investigations of Watergate and related matters,[70] that filed Watergate counter suits for the distorted purpose of using subpoena powers to delve into the financial and sexual activities of political opponents,[71] that made numerous misleading or false statements about Watergate to the American people,[72] that failed to promptly inform proper authorities about knowledge of crimes involving White House officials,[73] that forced the resignation of a special prosecutor, Attorney General, and Assistant Attorney General when their Watergate prosecution took an independent position,[74] that suggested using the Attorney General's powers to keep a Republican opponent off the primary ballot in Florida,[75] that used the executive's authority over the media's regulatory agencies to intimidate the media,[76] that ordered a personal tax audit, surveillance by an FBI agent and Secret Service agents, and an anti-trust action, all in response to a newspaper article about one of the President's friends,[77] that tried to punish foundations with views different than White House policy by pressuring the IRS to review their tax exempt status,[78] that set up a program to insure that government contracts, grants, and loans would, as a matter of government policy, be political rewards,[79] that treated the Presidential pardon as a political tool,[80] that used its power over the tax collection agency to gather intelligence on and harass political opponents,[81] that issued instructions to hire a shaggy person to sit in front of the White House with a McGovern button, and counter demonstrators at the funeral of J. Edgar Hoover,[82] that infiltrated a Quaker vigil in front of the White House,[83] that used the agency that is supposed to guard the President to spy on the President's political opponent,[84] that ordered 24 hour surveillance of a political opponent.[85]

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[51] As soon as Mr. Dean returned to Washington after the break-in, he began meeting with White House officials, such as his meetings on June 19, 1972, with Messrs. Ehrlichman, Colson, and others to discuss how to handle Liddy and the contents of Hunt's safe. Testimony of John Dean, Vol. 3, p. 934.

[52] Patrick Gray testified that he took the Hunt files and destroyed them because the order came from "the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States." Testimony of Patrick Gray, Vol. 9, p. 3467.

[53] See, testimony of eight corporate executives convicted of illegal corporate contributions, Nov. 13-15, 1973. Vol. 13.

[54] Not only was the Ellsberg break-in financed by milk producers' money (see, note 18, supra), but the Watergate break-in was financed by money from the Committee to Re-Elect. Testimony of Hugh Sloan, Vol. 2, p. 539; testimony of Maruice Stans, Vol. 2, p. 795.

[55] Mr. Kalmbach was asked to raise funds for the Watergate burglars. Testimony of John Dean, Vol. 3, p. 950; confirmed by Transcripts of Presidential Conversations, April 14, 1973, p. 494.

[56] Presidential Statement of August 15, 1973, p.3; testimony of John Ehrlichman, Vol. 7, p. 2848-2849.

[57] On at least three occasions Watergate defendant James McCord received offers of executive clemency if he would remain silent and plead guilty. Testimony of James McCord, Vol. 1, pp. 131, 132, 135, 139-141.

[58] Testimony of John Dean, Vol. 3, p. 955.

[59] Testimony of John Dean, Vol. 3, p. 958. "He (Judge Ritchie) has made several entrees off the bench—one to Kleindienst and one to Roemer McPhee to keep Roemer abreast of what his thinking is. He told Roemer that he though Maury (Maurice Stans) ought to file a liber action." Transcripts of Presidential Conversations, September 15, 1972, p. 60.

[60] Herbert L. Porter pleaded guilty, on January 28, 1974, to one count of making false statements to FBI agents. Gordon Strachan testified that he was expressly asked to do something he knew was improper related to his grand jury testimony of April, 1973. Testimony of Gordon Strachan, Vol. 6, p. 2443. See, also testimony of Jeb Stuart Magruder, Vol. 2, pp. 801, 802, 804, 831-832.

[61] Dean attempted to get Sloan's lawyers to have Sloan take the Fifth Amendment. Testimony of Hugh Sloan, Vol. 2, pp. 585, 586. Herbert Porter testified that he was asked to perjure himself by Magruder concerning the amount given Liddy—asked to say he gave $100,000 to pay surrogates. Porter, subsequently, perjured himself to the grand jury and in the trial. Testimony of Herbert L. Porter, Vol. 2, pp. 635-637.

[62] Testimony of John Dean, Vol. 3, p. 950. Kalmbach recollected that Dean stressed secrecy with respect to raising funds for the defendants, that he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and cause misinterpretation. Testimony of Herbert Kalmbach, Vol. 5, p. 2098.

[63] Mr. Caulfield worker on his intelligence projects with Mr. Ehrlichman and Mr. Kalmbach. He hired Mr. Ulasewicz on July 9, 1969, who was paid on a monthly basis through the Kalmbach law firm. Testimony of John Caulfield, Vol. 1, p. 251.

[64] Testimony of John Dean, Vol. 3, pp. 944-945. Testimony of L. Patrick Gray, Vol. 9, p. 3479.

[65] At the request of Mr. Dean, Mr. Gray held up FBI interviews with such valuable witnesses as Mr. Dahlber, Mr. Ogarrio and Kathleen Chenow. On June 28, Dean requested Gray to hold up an interview with Kathleen Chenow on grounds of national security. Testimony of L. Patrick Gray, Vol. 9, p. 3455.

[66] Testimony of Bernard L. Barker, Vol. 1, p. 358.

[67] Petersen testified that he received a telephone call from Ehrlichman asking that Mr. Stans be excused from going to the grand jury and telling Petersen to stop harassing Stans. Testimony of Henry Petersen, Vol. 9, p. 3618.

[68] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[69] Memorandum of July 8, 1971, from Patrick L. Buchanan to John Ehrlichman.

[70] Mr. Mitchell testified that there were many discussions of preventing the House Banking and Currency Committee hearings from getting off the ground, including possible use of assistance from the Justice Department. Testimony of John Mitchell, Vol. 5, p. 1897. The Lacosta meetings, which discussed the use of executive privilege to prevent testimony of people from the White House, could well be concluded to evidence an intention to prevent the facts from becoming known, according to Mr. Dean. Testimony of John Dean, Vol. 4, p. 1460.

[71] Testimony of John Dean, Vol. 3, p. 957.

[72] For example, a meeting on October 15, 1972, at the White House, with Ehrlichman, Ziegler, Buchanan, Moore, Chapin, and Dean was held to prepare a press response to Segretti stories. It was decided to attack and deny the stories, even though an intense investigation within the White House had already established the basic truth of the stories. The same denial was issued again in succeeding months. Testimony of John Dean, Vol. 3 pp. 1202, 1206, and 1209; notes of the meetings, Vol. 3, p. 1200.

[73] Aside from the coverup in general, the President claims to have learned of crimes on March 21, 1973, but did not tell the prosecutors about this evidence until they came to him on April 15, 1973. Testimony of Richard Kleindienst, Vol. 9, pp. 3579-3580; testimony of Henry Petersen, Vol. 9, p. 3628.

[74] On October 20, 1973, Attorney General Richardson and Assistant Attorney General Ruckelshaus resigned in response to the President's demand that they fire Special Prosecutor Cox, who wanted to appeal a court decision involving Watergate evidence to the Supreme Court. See also, Executive Session of General Alexander Haig.

[75] Memo to the Attorney General from Mr. Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under this law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot." Vol. 10, Ex. 177, p. 4194.

[76] Memo from Charles Colson to H.R. Haldeman, September 25, 1970, recommending that he "pursue with Dean Burch the possibility of an interpretive ruling by the FCC . . . this point could be very favorably clarified and it would, of course, have an inhibiting impact on the networks. . . ."

[77] When the newspaper Newsday decided to run an in-depth article on Mr. Rebozo, the reporter writing the story was audited at White House request, an FBI agent investigated the newspaper's offices, an anti-trust suit was recommended, and the Secret Service investigated the reporters activities while they were writing the story. Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 7).

[78] Memo to the President from Patrick Buchanan, March 3, 1970. Vol. 10, p. 4114.

[79] Memo from Fred Malek to H.R. Haldeman, March 17, 1972, entitled "Increasing the Responsiveness of the Executive Branch."

[80] For example, a request that a prominent Jewish figure in Florida be pardoned for political benefit. In a memo to John Dean, Charles Colson recommends, "If there is anything we can do properly, we should . . . this has to be handled with extreme care." Testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974. The pardon was granted and a $30,000 contribution followed. Interview with Calvin Kovens, October 25, 1973.

[81] See, Vol. 4, Ex. 44, p. 1682, 1694, 1695.

[82] Testimony of Robert Reisner, Vol. 2, pp. 500, 512.

[83] Interview with Jeb Magruder, August 8, 1973.

[84] White House memo from Steve Karalekas to Charles Colson, August 16, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean. Vol. 3, pp. 923, 1071.

[85] "It was my understanding, based on my discussion with John Dean, that there was to be a 24-hour tail on Senator Kennedy." Testimony of Gordon Strachan, Vol. 6, p. 2492.

That used the Departments to dredge up potentially embarrassing information on presidential contenders, and then leaked it to the press,[86] that used White House influence to obtain CIA equipment for the Ellsberg break-in,[87] that used its entrustment with our national security to convince four cubans to burglarize a political party,[88] that ordered an FBI investigation of an unfriendly newsman to harass him,[89] that proposed leaking confidential FBI files to embarrass the producer of a satirical movie,[90] that used its control of important Watergate evidence and the privilege known as executive privilege to aid those supporting the President and to deprive or delay those in opposition,[91] that made plans to eliminate professionals in government service who placed their professional responsibilities above questionable White House political demands,[92] that participated actively and formally in a campaign organization while drawing White House staff salaries,[93] that ran secret letter-writing campaigns against Republican Senators, and that generally emasculated the Republican Party.[94]

That, all of that, violated the consent of Executive power in article II of the Constitution. Excerpts from the record only selected examples. It certainly is not what our Founding Fathers had in mind when they envisaged the Presidency.

2. ENUMERATED POWERS AND DUTIES

The so-called enumerated powers and duties of the President's office are set forth beginning with Section 2 of Article II. That Section grants the President direct power over Cabinet officers,[95] and much testimony before this Committee demonstrated how those officers were used on behalf of the President's office.

An Attorney General, for a significant period of time, ran the President's re-election campaign while still in office at the Justice Department.[96] His reason for this role was that, "it is very, very difficult to turn down a request by the President of the United States," [97] even though the Attorney General himself later testified that he felt such a role in politics while still in office was wrong.[98]

Memos from CRP, such as one entitled "Grantsmanship", suggesting an effective method of "insuring that political considerations" be used in Federal programs,[99] were sent to the Attorney General from May 1, 1971, onward.[100] At one point, it was even suggested that the Attorney General wield the power of his office to keep a Republican contender off the primary ballot in Florida.[101] That campaign role also included an extraordinary meeting in the Attorney General's very office, to review plans for bugging, mugging, burglary, prostitution, and kidnapping.[102]

Another Attorney General was placed in the awkward position of being asked immediately after the Watergate break-in to help get Mr. McCord out of jail before he was identified. He was soon thereafter warned of White House concern with a too aggressive FBI investigation.[103] He was then asked to provide raw FBI Watergate files, perhaps improperly, to the White House. That same Attorney General was later used as a secret contact with this Committee's investigation of Watergate, and was then removed from office in an apparent connection with the Watergate affairs.[104] He eventually became the first Attorney General in history convicted of a crime, for his testimony about the ITT matter.[105]

A third Attorney General was forced to resign his office when he backed the Special Prosecutor's procedure for obtaining Watergate evidence from the White House.[106]

An Assistant Attorney General was also asked to provide raw FBI Watergate files, again improperly, to the White House,[107] and was later told by the President not to investigate the Ellsberg break-in.[108] Another Assistant Attorney General was forced to resign when he backed the Special Prosecutor's decisions in the Watergate case.[109] Still another Assistant Attorney General gave confidential Justice Department and FBI intelligence information to the President's re-election campaign, at the direction of the White House.[110]

Three Attorney Generals and three Assistant Attorney Generals. And all this was done on behalf of the presidency, which has a Constitutional responsibility to "take Care that the Laws be faithfully executed." [111]

A Secretary of Commerce with all the authority as to corporate affairs that goes with that position, was placed in charge of raising funds for the President's re-election, including, as it turns out, a number of illegal corporate contributions.[112] A Secretary of Treasury met with a milk producers association and supported their request for higher price supports. After the President granted higher support prices, the milk producers arranged for him to be offered at least $10,000 in cash for his personal use.

He later aided them in tax and antitrust matters at a time when a large contribution to the President from the milk producers was being arranged.[113]

The Commissioner of the Internal Revenue Service was criticized because "practically every effort to proceed in sensitive areas is met with resistance, delay and the threat of derogatory exposure."[114] The Director of the CIA, accordingly to his own testimony and that of his assistant, was called to the White House and asked to use the CIA to cover up Watergate.[115] The Acting Director of the FBI was brought to the White House and given material from the safe of one of the Watergate burglars, to keep it hidden, an act which resulted in his eventual resignation.[116]

That same Acting Director turned over raw FBI files on Watergate to the White House [117] perhaps illegally,[118] when assured it was at the President's request,[119] which request the President has confirmed in public statements.[120] He was rewarded by being left to "twist slowly, slowly in the wind"[121] while his nomination to permanent Director was pending before the Senate, even though the President has reportedly already abandoned him.[122]

This is how the officers in the departments and agencies were used by the White House, and it is clear that those activities did not pertain to "any subject relating to the Duties of their respective offices."[123] as the Constitution requires in its grant of Presidential authority in this area.

Immediately following the Section in Article II granting authority over departments and agencies, is a section giving the President the "power to grant Reprieves and Pardons for Offenses against the United States."[124]

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[86] See, memo from Fred Malek to H.R. Haldeman, entitled "Increasing the Responsiveness of the Executive Branch, dated March 17, 1972.

[87] On July 7, 1971, John Ehrlichman called General Cushman, Deputy Director of the CIA, to arrange CIA assistance to Howard Hunt for disguise purposes. Hunt told Cushman that he (Hunt) had been charged with a "sensitive mission" by the White House to "interview a person whose ideology he was not certain of." Testimony of General Robert Cushman, Jr., Vol. 8, pp. 3290-92.

[88] Testimony of Bernard Barker, Vol. 1, p. 358.

[89] Mr. Haldeman ordered an investigation of newsman Daniel Schorr. See Vol. 4, p. 1490.

[90] Memo from John Caulfied to John Dean, dated June 25, 1971, subject: Emile de Antonio, producer of "Millhouse;" New Yorker Films, Inc.; and Daniel Talbot, film distributor. "I recommend that it is time to move on the above firm and individuals, as follows: (A) Release of de Antonio's FBI derogatory background to friendly media. (B) discreet IRS audits of New Yorker Films, Inc., de Antonio and Talbot."

[91] Mr. Haldeman testified that he had access to various tapes of presidential conversations. (See Vol. 8, pp. 3050-51); compare with testimony of John Dean, Vol. 4, p. 1503.

[92] See Vol. 4, Exhibit 44, p. 1682.

[93] Testimony of Robert Odle: "those people who were at the White House had influence over the (Committee for the Re-Election of the President), they gave it direction, they assisted it." See Vol. 1, p. 23.

[94] See, the Party Process, supra.

[95] U.S. Constitution, Article II, sec. 2.

[96] Mr. Mitchell testified that he "had frequent meetings with individuals (from CRP) dealing with matters of policy," before he resigned as Attorney General. Testimony of John Mitchell, Vol. 5, p. 1653.

[97] Testimony of John Mitchell, Vol. 5, p. 1859.

[98] Id.

[99] Vol. 1, Ex. 1. p. 449.

[100] See, testimony of Robert C. Odle, Vol. 1, p. 40-41.

[101] See, note 75 supra.

[102] Testimony of John Mitchell, Vol. 5, p. 1610.

[103] Testimony of John Dean, Vol. 3, p. 936.

[104] See, testimony of Richard G. Kliendienst, Vol. 9, p. 3597.

[105] Richard G. Kliendienst pleaded guilty, on May 16, 1974, to one count of refusing to testify about ITT; sentenced June 7, 1974 to one month unsupervised probation.

[106] On October 20, 1973, Attorney General Richardson resigned in a dispute with the President over the firing of Special Prosecutor, Archibald Cox.

[107] Testimony of John Dean, Vol. 3, p. 944-945.

[108] Testimony of Henry Petersen, Vol. 9, p. 3631.

[109] On October 20, 1973, Assistant Attorney General William Ruckelshaus resigned in response to the President's request to fire Special Prosecutor Archibald Cox.

[110] With the approval of the Attorney General John Mitchell, Mr. McCord testified that he received information, on a daily basis, from the Internal Security Division of the Justice Department, which information included FBI data and data on individuals of both a political and non-political nature. Testimony of James McCord, Vol. 1, pp. 178-183.

[111] U.S. Const., Act. II, sec. 3.

[112] Testimony of Maurice H. Stans, Vol. 2, p. 734.

[113] See, Milk Fund Investigation, supra.

[114] Transcripts of Presidential Conversations, Sept. 15, 1972.

[115] Testimony of Richard Helms, Vol. 8, p. 3238. Testimony of Lt. Gen. Vernon Walters, Vol. 9, p. 3405.

[116] Testimony of L. Patrick Gray, Vol. 9, p. 3467. Testimony of John Ehrlichman, Vol. 7, p. 2674.

[117] Testimony of John Dean, Vol. 3, p. 945.

[118] John Dean pleaded guilty to an "information" charge that included a conspiracy to obtain FBI Watergate files. (U.S. v Dean, D.D.C., No. 886-73).

[119] see testimony of L. Patrick Gray, Vol. 9, p. 3479-81.

[120] Presidential statements of March 2, 1973, April 5, 1973, and October 19, 1973.

[121] Testimony of John Ehrlichman, Vol. 7, p. 2679.

[122] See, Vol. 7, Ex. 102, p. 2950.

[123] U.S. Const., Art. II, sec. 2.

[124] U.S. Const., Art. II, sec. 2.

There is undisputed testimony that defendants in the Watergate criminal case were offered clemency in exchange for their silence.[125] Aside from the issue as to who authorized the offers, they were particularly firm in the case of one defendant who was apparently ignoring the "game plan."[126]

There is the well-documented case of a request from a former Senator, and close friend of the President, for a pardon on behalf of a prominent jewish figure in Florida, because of the political advantage that would follow.[127] That pardon was granted. The beneficiary then gave the President's campaign $30,000.[128]

Article II also gives the executive the power to appoint ambassadors. Whereas this has often been a source of political reward, there is substantial evidence of an unusually well-organized and enforced program of "ambassadorships-for-sale," in return for specific support in the 1972 Presidential campaign.[129]

Along with appointive power for ambassadors, the executive has appointive power over lesser "Officers of the United States."[130] This power was used, for example, as a reward for at least one participant in Watergate, who received a prominent position in the Department of Commerce.[131] Another CRP official in charge of certain spy activities pointedly reminded the White House of the work he had done when he applied for employment after the election.[132] Plans were also drawn up to use this appointive power in the President's second term to get rid of officials, across the board, who rightfully placed their professional responsibilities in the way of White House political demands.[133]

These enumerated powers and duties of the executive are followed with the duty to "take Care that the Laws be faithfully executed."[134] Evidence was presented to this Committee of a break-in by a White House unit, which break-in contributed to a mistrial in a major national security case, the Ellsberg Case. Illegal use of wiretaps and agent provocateurs by the administration was the direct cause of mistrials or dismissals in most major conspiracy cases brought by the federal government during this same period.[135]

This was an executive branch that conspired to present perjury, lie to the FBI, and pay for the silence of key witnesses in the Watergate case. This was the executive that knew of a break-in related to the Ellsberg case and failed to take any action or report that fact.[136] This was the executive that told an Assistant Attorney General not to investigate the Ellsberg matter.[137] This was the administration that learned of the Watergate planning sessions, budget approval, that received illegal wiretap transcripts, and covered up or failed to promptly report White House involvement in Watergate as those facts became known.

This is the White House that pressured the IRS, the Antitrust Division of Justice, the CIA, the FBI, the Secret Service, and the FCC to enforce laws not "faithfully," but "selectively." [138]

This is the same White House in which the President said in a conversation with John Dean on September 15, 1972, "We have not used the power in the first four years as you know. We have never used it. We have not used the Bureau (FBI) and we have not used the Justice Department but things are going to change now." The following months may or may not have been a change from what had been going on in 1970, 1971, and 1972, but they certainly were a sad chapter for our system of laws.

And again, Mr. President, I repeat a necessity to cite all these examples is that they are the background for the recommendation of the Watergate Committee which stated:

> The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. The Select Committee opposes various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office.

This is the committee that said:

> Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns. The abuses experienced during the '72 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions.

We recognized, in other words, that this was a government run amok and we were unwilling to go ahead and create another agency and another Federal power with which to abuse the political process.

B. SEPARATION OF POWERS

The separation of powers between three constitutionally equal and mutually independent branches of government is one of our foremost Constitutional doctrines.[139] It is often expressed as the concept of "checks and balances." Its success depends to a large degree on self-adherence and restraint by those in a position to upset the balance.

The record of Watergate reflects a conscious attempt to undermine the responsibilities of the other two branches, as set forth in Article I, which established the legislature, and Article III, which established the judiciary.

The first Congressional body to take an interest in the Watergate matter was the House Banking and Currency Committee. Every attempt was made to use executive power and influence, not to legitimately respond to that Committee's investigation, but rather to obstruct, block, and actively mislead it.[140] The executive branch had sole possession of critical evidence necessary to that investigation. Its overt attempts to undermine the Committee's work were therefore of great significance.

A different type of obstacle to the exercise of Congressional powers occurred when nominees for high executive branch positions were sent before Senate Committees for confirmation. In a number of instances, those nominees consciously misled Committee inquiries and prepared testimony in such a way that relevant facts would be concealed.[141] To the extent that the nomination process was subverted, those who participated or were responsible deprived the Congress of a fundamental Constitutional duty, the duty to advise and consent.

Discussions by senior White House officials of what were termed Watergate tactics, and meetings at LaCosta, California, focused on ways of obstructing an investigation of Watergate by the Senate. This included tactics such as the use of executive privilige to prevent the testimony of people from the White House,[142] efforts to influence members of the Senate Committee conducting the investigation, and the compiling of campaign financing data from those members' past campaigns in an effort to embarrass them. The attack group, a media-oriented White House group, arranged to meet with people from North Carolina thought to have embarrassing information about the Chairman.[143] Members of the administration were used as clandestine contacts with Republicans on the Committee to either give "guidance" or gather intelligence on what facts the Committee possessed.[144] John Dean was suggested as a liaison with the Committee after he had admitted wrongdoing in the coverup,[145] and efforts toward having a "White House" minority counsel were put forward.[1456]

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[125] McCord testified that Mr. Caulfield assured him of executive clemency, support for the family and rehabilitations after prison on numerous occasions. Testimony of James McCord, Vol. 1, p. 131.

[126] On January 13, 1973, Mr. McCord met Mr. Caulfield and another message was conveyed as to clemency, along with statements that the President's ability to govern was at stake, another Teapot Dome scandal was possible, the government may fall, and everybody else was on the track but McCord, who was not following the "game plan," and who should get "closer to your attorney" and keep silent. Testimony of James McCord, Vol. 1, p. 139-140.

[127] See, testimony of Senator Lowell Weicker, Jr. Hearings on Warrantless Wiretapping and Electronic Surveillance, p. 151-155.

[128] Interview with Calvin Kovens, October 25, 1973.

[129] See, Use of the Incumbency—Responsiveness Program, supra.

[130] U.S. Const., Art. II, sec. 2.

[131] Jeb S. Magruder was appointed to the office of Deputy Director of Communications in the Department of Commerce after numerous discussions, with H.R. Haldeman and John Mitchell among others, as to the sensitivity of the administration and its need to take care of Magruder. Testimony of Jeb Magruder, Vol. 2, p. 806.

[132] Testimony of Herbert Porter, Vol. 2, p. 653; see also, testimony of Jeb Magruder, Vol. 2, p. 806.

[133] Vol. 4, Ex. 44, p. 1682.

[134] U.S. Const., Art. II, sec. 3.

[135] On May 13, 1974, in an unanimous ruling, the Supreme Court affirmed a decision prohibiting the use, against more than 600 defendants in Federal criminal cases of evidence obtained under wiretapping applications that were improperly signed by executive assistant rather than the Attorney General. (No. 72-1057, United States v. Girorando).

[136] Testimony of Henry Petersen, Vol. 9, pp. 3630-3631; see also, testimony of Richard Kleindienst, p. 3574.

[137] Testimony of Henry Petersen, Vol. 9, p. 3631.

[138] See, note 77 supra; testimony of Howard Hunt, Vol. 9, pp. 3752-53; testimony of Patrick Gray, Vol. 9, p. 3467; and note 84 supra.

[139] It is an historic concept of government derived from Aristotle and Montesquieu, based on the contention that "men entrusted with power tend to abuse it." For a good discussion of this concept, see Locke, *The Second Treatise on Civil Government*, section 141; Duff and Whiteside, 4 *Selected Essays on Constitutional Law*, 291-316 (1938).

[140] Testimony of John Dean, Vol. 3, pp. 961, 1575.

[141] Testimony of John Dean, Vol. 3, pp. 1007-1008.

[142] "The White House will take a public posture of full cooperation, but privately will attempt to restrain the investigation and make it as difficult as possible to get information and witnesses." Testimony of John Dean, Vol. 3, p. 984.

[143] Dean testified that there was a discussion that one of the ways of pressuring the Ervin committee was to review contributions made by the White House to members of the committee in the 1970 election, and that with this in mind records of those contributions were placed by Mr. Colson in Mr. Dean's safe so they could be looked into. Testimony of John Dean, Vol. 4, pp. 1501-1502. Dean recalled a conversation with Mr. Baroody, of the attack group (media-oriented White House group), in which Baroody told Dean that either that night or the next night he was meeting with some people from North Carolina who thought they might have some interesting information on Senator Ervin. Testimony of John Dean, Vol. 4, p. 1534.

Separation of powers also encompasses Article III, the judiciary. Here again, the executive subverted the Constitutional balance. As an example, on September 15, 1972, in a conversation in the Oval Office, the President was told by Mr. Dean that ex parte (out-of-court) contacts had been made with the judge in one of the Watergate-related civil suits.[147] These contacts were for the purpose of obtaining an advantage in the case by keeping apprised of inside information, and they could well be unethical.[148] There was no evidence that the White House took any steps to stop that activity.

Still another abuse of the separation between the executive and judicial branches, was a contact made with the presiding judge in the Ellsberg case. That judge was asked if he would be interested in becoming Director of the FBI. Significantly, the offer was made in rather clandestine circumstances, at the very time the Ellsberg case was being tried, and at a time when it was becoming ever more possible that the break-in at Ellsberg's psychiatrist might become known to the judge and jeopardize the case against Ellsberg.[149] A contact under such circumstances, by one of the top White House officials and briefly by the President himself,[150] once again threatened the concept of mutual independence intended by the separation of powers.

To leave the report for a minute, why is it that with such a record of abuse, not just by the President of the United States, but also by the Internal Revenue Service, the Treasury Department, the Commerce Department, the Justice Department, the Federal Bureau of Investigation, the Central Intelligence Agency, the Federal Communications Commission—why is it that the people of this Nation should give to the Government the power over the election process itself, the one check which the people hold over all of us, be we Senators, Presidents, or Congressmen? There is nothing in the record to assure that any such process would be free from tampering, so why this rush to a Federal financing scheme?

I think it is because of what I referred to earlier as a desire to prop ourselves up. It has nothing to do with bettering the system. The system is fine as long as it remains in the hands of the people. If we do not have the ideas or the ability to communicate those ideas, we do not deserve support, either in terms of votes or money.

That, to some degree, is exactly what the American public is saying right now, because it is not voting. It is turned off. It is turned off by the contradictions that take place daily in terms of our words and our actions. It is turned off by the fact that we do not address ourselves to the real issues, to the real opportunities for the people of this Nation, to the real problems of the people of this Nation. It is turned off by election campaigns that go on and on and on and on.

Instead of trying to address all this, we are merely trying to find a way to pay for it and, in trying to pay for it, put this free election process, this check on government, into the hands of government.

I do not accept the argument, "Well, nothing bad will really happen." It can happen insofar as a Federal financing scheme of politics is concerned, just as it happened in terms of the execution of the Office of the President of the United States.

To get back to the report:

C. THE BILL OF RIGHTS

Unlike other amendments to the Constitution, the Bill of Rights was drawn up as something of a cohesive declaration of rights. It comprises the first ten amendments, and represents a guarantee of individual freedoms that are fundamental to democracy.

The First, Fourth, Fifth, and Sixth Amendments are the bulwark of the substantive guarantees in our Bill of Rights. They were, without exception, attacked and violated by Watergate and related events.

That attack focused on the First Amendment, which by its very words, as well as the prominent role it has taken in our history, mark it as a profoundly important statement of individual rights. Specifically, it protects freedom of expression in four forms—freedom of speech, press, assembly, and petition.

Those who spoke out against the administration, whether it was the Chairman of the Democratic Party or Senators expressing their opposition, whether it was a prominent or unknown citizen, or whether a member of the administration itself, often found themselves the target of official retaliation for having exercised their freedom of speech.

"People who were most vocal and could command some audience were considered enemies or opponents." [151]

One witness testified that the White House was continually seeking intelligence information about demonstration leaders and their supporters that would either discredit them personally or indicate that the demonstration was in fact sponsored by some foreign enemy. There were also White House requests for information regarding ties between major political figures (specifically Members of the U.S. Senate) who opposed the President's war policies and the demonstration leaders.[152]

Interference with the freedom of speech of such opponents took a wide variety of forms. It included a program run by Donald Segretti, in which his operatives were asked to "obtain hecklers," to be used to disrupt the speeches of Democratic presidential candidates.[153]

According to Mr. Haldeman, the "enemies list" was drawn up to deprive those "who were expressing vocal opposition" to the White House of any "platform for getting extraordinary publicity for their expression of opposition." [154] Thus, they were labeled as "enemies," their names circulated through the government, and as a group, identified for semi-official executive branch action.

Aside from the enemies or opposing candidates, selected individuals who expressed opposition were subjected to questionable tactics. As an example, Alfred Baldwin conducted surveillance of various outspoken Senators and Congressmen, including Representatives Abzug, Chisholm, Koch, and McCloskey, and Senators Javits, Kennedy, and Proxmire.[155]

Senator Kennedy was not only subjected to the Baldwin surveillance. He was also a target of Anthony Ulasewicz and John Caulfield, who investigated his political contributors, his accident at Chappaquidick, and a trip to Hawaii on official buisness.[156] Howard Hunt was asked by Mr. Colson to get information from a Kennedy friend in Rhode Island, and was provided with a CIA disguise for the operation.[157] Mr. Haldeman, according to multiple testimony, asked that Senator Kennedy be subjected to 24-hour surveillance. Literally dozens of citizens who spoke out in opposition were targets of Ulasewicz investigations, which were paid for by the President's personal attorney, supervised by Mr. Ehrlichman, and conducted outside law enforcement channels, because legitimate law enforcement was not involved.

The Watergate break-in itself, according to Jeb Magruder, was an attempt to find embarrassing information about Lawrence O'Brien, because "Mr. O'Brien had been a very effective spokesman against our position on the ITT case." [158] Magruder testified that because of O'Brien's effectiveness in speaking out, "we had hope that information (from the illegal break-in and wire-tap) might discredit him." [159] This is an interesting use of the power and influence of the presidency, in light of the First Amendment. It has what is often called, in Supreme Court, First Amendment cases, "a chilling effect." To the extent government actions intimidate free speech, they violate the Constitution.

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[144] Attorney General Kleindienst was directed to meet with Senator Baker and provide guidance. Transcripts of Presidential Conversations, March 22, 1973.

P. "John, you would have no problems to talk with Pat Gray and ask him what the hell Weicker is up to. Do you mind?

E. Not at all."

Transcripts of Presidential Conversations, March 27, 1973 (discussion between the President and Mr. Ehrlichman).

[145] "Mitchell: I think it would be appropriate for your Counsel to be present.

Dean: That's right.

President: Alright. Now that that is done let's get down to the questions—"

Transcripts of Presidential Conversations, March 22, 1973.

[146] Testimony of John Dean, Vol. 3, p. 984.

[147] See, note 59, supra.

[148] Canon 7 of the Code of Professional Responsibility, Ethical Considerations, pp. 7-35.

[149] Testimony of John Ehrlichman, Vol. 6, pp. 2617-2619.

[150] Id.

[151] Testimony of John Dean, Vol. 4, p. 1459.

[152] Testimony of John Dean, Vol. 3, p. 915.

[153] Testimony of Robert M. Benz, Vol. II, p. 4404.

[154] Testimony of H.R. Haldeman, Vol. 8, p. 3155.

[155] Testimony of Alfred Baldwin, Vol. 1, pp. 396-397.

[156] Testimony of John Dean, Vol. 3, pp. 922-23; see also, testimony of Howard Hunt, Vol. 9, pp. 377-78. This resulted in a written report by Caulfield of Senator Kennedy's trip to Honolulu in August, 1971. See, Vol. 3, Ex. 34-4, p. 1117.

[157] Executive Session of John Caulfield, March 16, 1974, p. 85.

[158] Testimony of Jeb Magruder, Vol. 2, p. 790.

[159] *Id.*

Those who chose to exercise constitutionally recognized "symbolic" speech, such as displaying a placard, were likewise interfered with. There was testimony that "during the late winter of 1971, when the President happened to look out the windows of the residence of the White House and saw a lone man with a large 10-foot sign stretched out in front of Lafayette Park," [160] Mr. Higby told Mr. Dean of the President's displeasure with the sign. Mr. Haldeman said the sign had to come down, and when dean came out of Higby's office he "ran into Mr. Dwight Chapin who said that he was going to get some 'thugs' to remove that man from Lafayette Park. He said it would take him a few hours to get them, but they could do the job." [161]

This was the White House, and its apparent version of First Amendment rights of free speech. It also is indicative of the White House attitude to the First Amendment's "right of the people to peaceably assemble, and to petition the Government for a redress of grievances," [162] an attitude that likewise runs through much of its attack on the press.

The press, however, came in for especially intensive intimidation. A memo from Mr. Magruder to Mr. Haldeman, entitled "The Shot-gun versus the Rifle,"[163] set out a plan for influencing news coverage of the White House. It gives some idea of the executive branch concept of our free press.

Among its specific suggestions was a recommendation to "utilize the anti-trust division (of the Justice Department) to investigate various media relating to anti-trust violations. Even the possible threat of anti-trust action I think would be effective in changing their views." [164] Such a recommendation is clearly wrong, an abuse of government, and an abuse of the First Amendment. In at least one case, involving an in-depth story on Charles G. Rebozo, an anti-trust action was recommended against the Los Angeles Times, which owned the paper doing the story.[165]

Another recommendation in "The Shot-gun versus the Rifle" was "utilizing the Internal Revenue Service as a method to look into the various organizations that we are most concerned about. Just the threat of an IRS investigation will probably turn their approach." [166] It would again be illegal. And again in the Rebozo story, the newsman in charge of the story was in fact audited, at the specific request of the White House.[167]

Newscaster Chet Huntley wrote a piece in Life magazine, containing what were considered unfavorable remarks. The suggestions for retaliation against Huntley, in a White House memo by Mr. Higby, contained a telling statement of broad philosophy: "What we are trying to do here is tear down the institution." [168]

The broader tactics used against the press included meetings between Mr. Charles Colson and media representatives. In a summary of his meetings with the three network chief executives, he observed that they were terribly nervous about the Federal Communications Commission. He stated that, "although they tried to disguise this, it was obvious. The harder I pressed them (CBS and NBC) the more accommodating, cordial and almost apologetic they became." [169] He concluded by observing that "I thing we can dampen their ardor for putting on 'loyal opposition' type programs." [170] One of the bassic guarantees of a free press is that government power not be used as prior restraint on the content of news.

Individual newsmen that were apparently critical of the administration were likewise intimidated. One such newsman, Daniel Schorr of CBS, was investigated by the FBI. When the investigation became known, the false story that he was being considered for a high administration position was put out, and Mr. Malek took the blame for the investigation even though it had been ordered by Mr. Haldeman.[171]

Newspapers and reporters that uncovered the Watergate story were publicly attacked and ridiculed. In one case, four months after the break-in, the "official White House position" was that stories about Donald Segretti were "stories based on hearsay, character assassination, innuendo or guilt by association." [172] That statement was later called "inoperative," after the White House had been unable to cover up the truth in the story.

Newspapers were exploited, by using them to put out stories known to be misleading, improper, and in some cases totally false. For example, Mr. Hunt testified that he used confidential FBI files to prepare a derogatory article on Mr. Leonard Boudin, an attorney in the Ellsberg case, which information Mr. Colson passed on to the working press.[173]

A memo from Mr. Haldeman stated that "we need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern and thus to the Democrats as part of the peace movement.[174] Even though there was no evidence to support such stories, the memo went on to recommend, "we could let (columnists) Evans and Novak put it out and then be asked about it to make the point that we knew and the President said it was not to be used under any circumstance." [175]

Falsely tying Senator McGovern to Communist money was not the only false connection that was suggested. Mr. Patrick Buchanan recommended a number of campaign news strategies including, "The Ellsberg connection, tying McGovern to him (Ellsberg) and his crime," because "if the country goes to the polls in November scared to death of McGovern, thinking him vaguely anti-America and radical and pro the left-wingers and militants then they will vote against him—which means for us." [176] This is a clear abuse of executive power as to the press.

One of the most cold-blooded memos to come out of the White House during this period was written by Patrick J. Buchanan. It analyzed the pros and cons of a press attack on Dr. Ellsberg.

The memo begins, "having considered the matter until the early hours, my view is that there are some dividends to be derived from Project Ellsberg." Giving his personal view, Buchanan stated, "To me it would assuredly be psychologically satisfying to cut the innards from Ellsberg," an attitude which has brought his fellow White House staffers, Mr. Colson, a jail term.

Nevertheless, Buchanan concluded that the Ellsberg issue would not "be turned around in the public mind by a few well-placed leaks." Lest there be any doubt about his position, he then stated, "This is not to argue that the effort is not worthwhile—but that simply we ought not now to start investing major personnel resources in the kind of covert operation not likely to yield any major political dividends to the President."[177]

No legal or moral problems for Buchanan; just an objection to the management end of it.

Mr. Buchanan also testified, as to documents surreptitiously taken from the Muskie campaign and photographed by "Fat Jack." Buchanan testified that he "did get the material on two occasions, and (he) did recommend that it be sent to columnists Evans and Novak. Evans and Novak did print, on two occasions, I believe, material from Muskie's campaign." [178] Here again was a high official, using the credibility of the White House, to peddle wrongfully obtained confidential information.

Material obtained secretly from the Commerce Department relative to Senator Muskie's apparently legitimate attempts to help the Maine sugar beet industry as their Senator was leaked to the press, for political purposes, when that industry began to fail.[179]

Information from the Department of Defense as to Senator McGovern's personal and confidential war records was recommended for leak to press.[180]

Testimony was received that Mr. Colson ordered the fabrication of State Department cables relative to the Kennedy Administration's handling of President Diem's assassination, and recommended that this false information be leaked to Mr. William Lambert of Life magazine.[181] All this was a blatant attempt to improperly use government power and responsibilities to distort the constitutional role of the press.

Finally, the official press spokesman for the White House consistently told the press and the American people versions of Watergate that were not true, when he and those who prepared him were in a position to know, or in fact knew, that his statements were untrue. The President himself misled the press in news conferences and official statements, as to the investigation, its results, and the substance of evidence involving himself and the Watergate matter.

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[160] Testimony of John Dean, Vol 3, p. 917.

[161] *Id.*

[162] U.S. Const., Amend. I.

[163] Memo from Jeb Magruder to H.R. Haldeman, October 17, 1969.

[164] *Id.*, at 2.

[165] Memo from David Wilson to John Dean, December 1, 1971.

[166] Memo from Jeb Magruder to H.R. Haldeman, October 17, 1969.

[167] Testimony of Senator Lowell Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974, (Ex. 7).

[168] "The point behind this whole thing is that we don't care about Huntley—he is going to leave anyway. What we are trying to do here is tear down the institution. Huntley will go out in a blaze of glory and we should attempt to pop his bubble." Memo from L. Higby to Jeb Magruder, July 16, 1970.

[169] Memo from Charles Colson to H.R. Haldeman, Sept. 25, 1970.

[170] *Id.*

[171] Testimony of John Dean, Vol. 4, p. 1490.

[172] Testimony of Clark MacGregor, Vol. 12, p. 5019.

[173] Testimony of Howard Hunt, Vol. 9, p. 3673; see also, Executive Session of Howard Hunt, pp. 121-122.

[174] Memo from John Dean to H.R. Haldeman, Vol. 8, p. 3171.

[175] Id., at 3172.

[176] Vol. 10, Ex. 194, p. 4259.

[177] White House memo from Patrick Buchanan to John Ehrlichman, July 8, 1971.

[178] Testimony of Patrick Buchanan, Vol. 10, p. 3921.

[179] Memo to Charles Colson from Thomas Thawley, Deputy Assistant Secretary of Commerce, April 16, 1971.

[180] Memo from Richard Howard to Fred Fielding, May 12, 1972 (this memo had an unusual instruction at the top: "PLEASE BURN BEFORE READING").

[181] Testimony of Howard Hunt, Vol. 9, p. 3672.

The Fourth Amendment fared no better.

It guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . ." [182] It was expressly violated by burglaries and warrantless wiretaps.

As an example, this constitutional safeguard was at the center of illegalities contained in the so-called 1970 Intelligence Plan. In a colloquy during the course of this Committee's hearings, the Chairman and Mr. Dean discussed the elements of that Intelligence Plan. It was described as recommending 1) techniques for removing limitations on electronic surveillance and penetration, 2) the use of mail coverage, 3) a technique designated as surreptitious entry, 4) development of campus sources of information, and 5) the use of military undercover agents. The Chairman rightly noted, and the witness concurred, that resort to burglary, electronic surveillance and penetration without a court order is a clear violation of the Fourth Amendment.[183]

Nevertheless, on July 5, 1970, a memo written by Mr. Haldeman indicated that the President of the United States gave his approval to the plan.[184] There is additional evidence that events took place which closely parallel the recommendations in the 1970 plan. In contrast with the evidence that the plan was approved, there is no documentary evidence that the plan was at any time officially withdrawn, although one witness claimed it was.[185]

The instances of burglaries and wiretrapping have been well-documented. They include the break-in at Ellsberg's psychiatrist's office, the possible break-in at publisher Hank Greenspun's office, the four attempts and two successful break-ins at the Democratic National Committee headquarters, the plans to break-in at McGovern's campaign headquarters, proposed penetrations of the Potomac Associates and The Brookings Institute, questionable wiretaps of newsmen and government officials, wiretaps of Spencer Oliver, Lawrence O'Brien, and columnist Joseph Kraft. This disregard for the Fourth Amendment proceeded in spite of apparently severe warnings and objections by one of the most experienced figures in law enforcement in this nation's history, J. Edgar Hoover.[186]

The Fifth Amendment was likewise violated. However, it is more appropriately discussed along with the Fourteenth Amendment in the next section examining Due Process of Law.

The Sixth Amendment guarantees the right to a speedy trial, the right to the evidence of witnesses, and the right to subpoena evidence from witnesses,[187] an important principle in our system of justice.

While it may be temporarily obscured by the plight of high officials in Watergate, history will record that seven men were brought to trial in 1973 for the Watergate break-in. Six of those men spent considerable time in jail. To date no persons have paid a higher price for Watergate, through the justice system. When history judges our system of laws, the fairness of the trial those men went through will be at the fore.

Viewed in that light, the so-called coverup takes on somewhat different significance. It was nothing less than a massive interference with the constitutional right of seven American citizens to a fair trial. They were categorically denied the testimony of witnesses who possessed evidence that was critical to their defense. Perjury was planned and orchestrated from within the White House itself. Evidence was destroyed. Key witnesses were excused from giving testimony before the grand jury, avoiding their constitutional duty. A speedy trial was opposed, not because it would result in greater justice, but because it served the political ends of the White House. Even the defendants themselves were paid to not give testimony, thereby denying any hope to at least one of them who might have preferred a fair trial. Offers of clemency, family support, and rehabilitation were used for the same purpose.[188]

In an opposite sense, the Sixth Amendment's guarantees of a witness' testimony were again subverted when counterlawsuits were undertaken against Democratic officials partly to use the power of taking witnesses' depositions, to get at embarassing information.[189] Here the tactic was to put political opponents under oath and use the circumstance and power to elicit confidential information. Those who denied witnesses to their own, could not apparently resist enforcing and invoking the Sixth Amendment's guarantees when it came to their opponents.

D. DUE PROCESS OF LAW

The concept of due process put simply means the right to fair and just treatment under the law.

It is rooted in Chapter 39 of the Magna Carta, in which King John declared that "no free man shall be taken or imprisoned . . . except by the lawful judgement of his peers or by the law of the land." [190]

Recent Supreme Court cases have described due process, which is guaranteed by the Fifth and Fourteenth Amendments, as embodying "a system of rights based on moral principles so deeply imbedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history." [191]

Due process has been even more succinctly described by the Supreme Court as "that which comports with the deepest notions of what is fair and right and just." [192] It is the backbone of justice in America, and it was dramatically missing in the evidence of not only the Watergate criminal proceedings, but in the Ellsberg case and countless other cases with political overtones in the period directly leading to Watergate.

The particular phraseology associated with due process has been generally used in close association with precise safeguards of accused persons. Nevertheless, it is equally a restraint on action by the government that unfairly discriminates against our citizens or the exercise of their rights. Those two guarantees have often been called procedural and substantive due process. Both were violated by the events leading to and including Watergate.

The obvious example of procedural abuses were the trials. In the Ellsberg case, information for use against the defendant was sought by means of a warrantless break-in, an act that eventually contributed to that case being dismissed. In addition, the presiding judge in that case was offered an attractive job, as FBI Director, in the midst of the trial.[193] The offer came from Mr. Ehrlichman, who was responsible for supervision of the so-called Plumbers, at a time when Ehrlichman knew about the break-in by the Plumbers, and presumably knew of its potential consequences. Dr. Ellsberg's right to a fair trial was also jeopardized by tactics that attempted to destroy his public image, discredit his associates, and attack publishers who printed the Pentagon Papers. One of the President's closest advisors has been sentenced to one to three years in jail for that tactic.

The direct interference with a fair trial for the Watergate defendants has already been documented. In addition, those defendants were subjected to prejudicial public statements that they were "third rate burglars," "blackmailers," and even "double agents." The important point is that the accusations came from the White House, and that the White House was in a position to remove those labels by following its legal duty of providing all relevant evidence.

Perhaps of even greater significance is the vast number of cases involving those accused of conspiracies against the United States. The improper use of wiretaps, agent provocateurs, and informers resulted in the dismissal of most of those cases.[194] While this was not directly a focus of the Watergate investigation, it became relevant in examining the climate and attitudes that led to the Watergate plan.

Criminal cases were not the only instances of due process violations. The "fair and right and just" application of our laws suffered when anti-trust actions were generated on the basis of political considerations, when income tax audits were ordered because a newsman wrote an article the White House did not like, when an enemies list was complied so that the laws could be applied more strictly or to the disadvantage of opponents, when White House staff members had access to FBI files pertaining to their own investigation, when they were given special treatment before a grand jury, when the intelligence gathered by the various agencies of our government was collected, evaluated, and distributed in apparent violation of the agency statutes, when the military was used to spy on American citizens working for the Democratic Party.[195] All of this violated the Fifth Amendment and, in some cases, the Fourteenth Amendment. In the process, Watergate and its predecessor activities violated one of the broadest principles of our system of laws, a concept so fundamental that it is the basis of fully one quarter of all litigation that comes before the Supreme Court of the land.

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[182] U.S. Const., Amend IV.

[183] Vol. IV., p. 1455.

[184] Memo to Mr. Huston from H.R. Haldeman, July 14, 1970, Vol. 3, Ex. 36, p. 1324; Presidential Statement, May 22, 1973.

[185] Mr. Haldeman testified that the President approved the Huston plan, and that it was rescinded five days later with notification of the agency heads. Testimony of H.R. Haldeman, Vol. 8, p. 3030.

[186] Testimony of H.R. Haldeman, Vol. 7, p. 2874. Mitchell also expressed his disapproval of the 1970 Domestic Intelligence Plan to Mr. Hoover and Mr. DeLoach of the FBI and he "talked to both Mr. Haldeman and the President about the subject matter." Testimony of John Mitchell, Vol. 4, p. 1604.

[187] U.S. Const., Amend. VI.

[188] Testimony of James McCord, Vol. 1, p. 131.

[189] Dean testified that the counter suits against the Democrats in the fall of 1972 demonstrate "the willingness to commence counteractions to avoid further prying into the situation at the White House." Testimony of John Dean, Vol. 4, p. 1473.

[190] Text and commentary on this chapter may be found in W. McKechinie, *Magna Carta—A Commentary on the Greater Charter of King John* (Glasgow: 1914).

[191] Solesbee v. Balkcom, 339 U.S. 9, 16 (1950).

[192] Id.

[193] Testimony of John Ehrlichman, Vol. 6, pp. 2617-2619.

[194] In the White Panthers case, it was illegal wiretaps. In the Camden 28 case, it was the use of an agent provocateur; and in the 11 gambling, narcotics, and bribery cases in Miami it was illegal wiretaps.

This is apparently what happens when the witness who was the Attorney General during most of that period can be asked whether he "exaulted the political fortunes of the President before the President's responsibility to perform his constitutional duties to see that the laws are faithfuly executed," and he responds, "I think that is a reasonable interpretation." [196]

II. THE GOVERNMENT

One of the significant patterns of evidence that emerged from this Committee's investigation relates to the operation of government.

In the climate of Watergate there is a tendency to dismiss any thing short of crimes. But there is great value to the facts that follow, not because they contain sensational crimes, but because they confirm a misue of the intended functions of important institutions. It reflects a departure from legitimate government that if allowed to persist would be of far greater significance, over time, than any short-term criminal event.

A. THE INTELLIGENCE COMMUNITY

The attitudes and policies that led to Watergate had a profound impact on the intelligence community, from the FBI and the CIA to the lesser intelligence sections of other agencies.

Soon after the new administration took office in 1968, there seems to have been a basic dissatisfaction within the White House as to our existing intelligence capabilities. They were variously considered too timid, too bound by tradition, and generally incapable of acting effectively with respect to what the White House perceived as necessary intelligence.

One of the responses by the White House was to set up a plan, an intelligence plan, so that the objectives, methods, and results of the intelligence community would coincide with the White House. This plan was drafted by Tom Charles Huston in early 1970,[197] and came to be known as the 1970 Domestic Intelligence Plan, or the Huston Plan.

Much of the plan, which has been described previously,[198] was illegal, either in its objectives or in the methods it proposed. Nevertheless, there are numerous indications, in evidence received by this Committee, that the types of activities recommended in the plan were carried out in the following years. The net effect was to subvert or distort the legitimate intelligence functions of the government.

The plan recommended an expanded use of electronic surveillance. However, the expanded wiretapping that took place in succeeding years was done outside legitimate channels, such as the 17 so-called Kissinger taps,[199] the tap on Joseph Kraft,[200] the Watergate wiretaps, and even the wiretap on the President's bother.[201]

The second element of the plan called for surreptitious entries. Burglaries in fact took place at the office of Dr. Ellsberg's psychiatrist,[202] at the Democratic National Committee, at the office of publisher Hank Greenspun, according to multiple evidence;[203] were suggested or planned for the offices of the Potomac Associates, The Brookings Institute,[205] and Senator McGovern's campaign headquarters.[206]

Mail sent to an affiliate of the Democratic party was opened and photographed by the United States Army, in a well-documented and apparently massive operation,[207] and military agents spied on the Concerned Americans in Berlin, a group of McGovern supporters who were officially recognized by the Democratic party.[208]

The specific actions proposed by Huston are only one aspect of the plan. Equally important are the policy recommendations. The heart of this new policy was better coordination and use of existing intelligence from all areas of the government.[209] The means of carrying it out was to be a new intelligence "Committee" sitting above all the agencies. Again, the plan was carried out.

On September 17, 1970, an Intelligence Evaluation Committee was set up in the White House.[210] It was to receive information from the CIA, the FBI, the National Security Agency, and other intelligence sections. Notwithstanding the fact that the statutes prohibit the CIA from participating in any domestic intelligence function, it was called upon to evaluate domestic intelligence-gathering by the other agencies when the Intelligence Evaluation Committee was set up. This intelligence was to be digested by the CIA experts and then disseminated for use wherever useful, regardless of the statutory limits placed on the agency that collected the information.[211]

What was important about setting up that Committee was not the work it actually did, but rather the legitimization of a concept. That concept was that intelligence functions of the various agencies were there for whatever purpose the Executive decided it wanted, not for the purposes Congress decided by statute.

As an illustration, Mr. McCord testified that he eventually received information for use by CRP from the Internal Security Division of the Justice Department, on a daily basis.[212] It included information from the FBI, pertained to individuals, and was of a political as well as non-political nature.[213] This arrangement was made pursuant to a request sent to Mr. Mitchell from Mr. McCord, which led to a call from Assistant Attorney General Mardian in which he relayed the Attorney General's approval and told McCord to work through the Internal Security Division.[214]

The Internal Security Division of the Justice Department also provided political legal assistance to the White House. For example, it provided information regarding demonstrators, and information that would embarrass individuals in connection with their relationship with demonstrators and demonstration leaders.[215]

Another illustration of misuse of intelligence was the request made to the IRS, on July 1, 1969, by Mr. Huston, to set up a means of "reviewing the operations of Ideological Organizations." [216] Soon the IRS had set up an "Activists Organizations Committee," [217] collecting intelligence to "find out generally about the funds of these organizations." An internal memo pointed out that "its activities should be disclosed generally only to those persons who need to know, because of its semi-secretive nature." "We do not want the news media to be alerted to what we are attempting to do or how we are operating because the disclosure of such information might embarrass the Administration." "The type of organization in which we are interested may be ideological . . . or other." "In effect, what we will attempt to do is to gather intelligence data on the organizations in which we are interested and to use a Strike Force concept." [218] This was not tax collection; it was the IRS being converted into an intelligence agency; and it was stopped in the midst of this Committee's hearings in mid-1973.

The next step was when the IRS began gathering intelligence from other parts of the government, with no attempt made to restrict this to tax-related information. Arrangements were made with the military, the Internal Security Division of the Justice

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[195] See, General Powers and Duties, notes 10-94 supra. and accompanying text; see also, testimony of Senator Lowell Weicker, Jr., hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974.

[196] Testimony of John Mitchell. Vol. 5, p. 1895.

[197] According to Mr. Haldeman, "the President set up an interagency committee consisting of the Directors of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency," and "Mr. Huston, the White House staff man for this project, was notified by a memorandum from me of the approval of the President." Testimony of H.R. Haldeman, Vol. 7, 2875.

[198] See, notes 183-186.

[199] Testimony of Robert Mardian, Vol. 4, pp. 2392-2393; John Ehrlichman, Vol. 4, p. 2529; and John Dean, Vol. 3, p. 920

[200] Testimony of John Dean, Vol. 3, p. 919. In June, 1969, Ehrlichman directed Caulfield in lieu of the FBI to place a national security tap on Kraft's home phone. Caulfield contacted Jack Regan, former FBI agent, who ultimately installed the tap. Executive Session of John Caulfield, March 23, 1974.

[201] Presidential Press Conference, November 17, 1973.

[202] Testimony of Howard Hunt, Vol. 9, p. 3663.

[203] Testimony of Howard Hunt, Vol. 9, p. 3687. See Transcripts of Presidential Conversations, Sept. 15, 1972.

[204] White House memo, July 6, 1971, from John Caulfield to John Dean, stating in part, "a penetration is deemed possible if required."

[205] Testimony of John Dean Vol. 3, p. 920; Executive Session of John Caulfield, March 23, 1974.

[206] Testimony of Howard Hunt, Vol. 9, p. 3686.

[207] See, testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping an Electronic Surveillance, relating to intelligence activities of the United States military directed against "The Concerned Americans in Berlin," an affiliate of the American Democratic party (Exhibit 8).

[208] Id.

[209] This was the final section of the 1970 Domestic Intelligence Plan, entitled "Measures to Improve Domestic Intelligence Operations." Vol. 3, Ex. 35, p. 1323. See testimony of John Dean, Vol. 4, p. 1457.

[210] The memo to the Attorney General describing the setting up of the IEC was quoted in full in the text of the hearings. Vol. 3, p. 1063.

[211] Testimony of John Dean, Vol. 3, p. 916-919, 1057-1074, and Vol. 4, p. 1457.

[212] McCord received information, including FBI data, from the Internal Security Division of the Justice Department, upon his request to Attorney General Mitchell. Mitchell told Mardian to direct McCord to I.S.D., where McCord's contact was John Martin, Chief of the Evaluation Section. Testimony of James McCord, Vol. 1, p. 178.

[213] Id., at 181.

[214] Id., at 178.

[215] Testimony of John Dean, Vol. 3, pp. 916-919.

[216] Memo from Tom Huston to Roger Barth, Asst. Commissioner of IRS, August 14, 1970.

[217] See testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974 (Exhibit 1, memo by D. O. Virdin of the IRS; report of meeting to set up an "Activists Organizations Committee").

[218] Id.

Department, and the Secret Service to turn over information on individuals or groups.[219] So long as the IRS has the power to be a potential harassment for the average citizen if audits are not conducted on an objective basis, this procedure of developing files on dissenting citizens must be questioned. The more important point is that IRS duties and responsibilities are spelled out by the Congress, and such an intelligence operation is not one of them.

The IRS and the Justice Department were not the only agencies pressured into assisting White House intelligence demands. A Secret Service agent spied on Senator McGovern,[220] when supposedly protecting him during the campaign. When the White House was informed of this, no objection was made.

An FBI agent was used by a White House staff member to spy on a Long Island newspaper doing an article on one of the President's friends.[221] The Commerce Department was called on to provide commercial information in a project that it was hoped would embarrass Senator Muskie.[222] The Department of Defense was used to find out information as to Senator McGovern's war records, at a time when there were public charges that he may have acted with cowardice.

There was testimony to the effect that there was nothing short of a basic policy to use any governmental agencies to seek politically embarrasing information on individuals who were thought to be enemies of the White House. The so-called "enemies list" was maintained in the White House for this purpose, and a memo was prepared to implement a means of attacking these enemies.[223]

Apparently it was not enough to maneuver the intelligence community and related agency functions. Plans were made to take what is clearly a function of government outside the government, to set up an independent intelligence operation.

The first plan was put forth by Mr. Caulfield, in proposals to Messrs. Dean, Mitchell and Ehrlichman. He suggested a private security entity that would be available for White House special projects, thereby insulating the White House form its deeds. It was called Operation Sandwedge.[224]

Mr. Caulfield rejected the Sandwedge plan, and it was apparently replaced with an operation that came to be known as the "Plumbers." In the meantime, Caulfield began conducting intelligence functions from a position on the White House counsel's staff, functions that properly belonged in the agencies, if anywhere.

Caulfield was instructed, for example, to develop political intelligence on Senator KENNEDY, including instructions from the Assistant Attorney General to obtain certain information about the travels of Mary Jo Kopechne.[225] When he took the job, he told Mr. Ehrlichman that he would hire an ex-New York City policeman to do investigative work.[226]

Mr. Ulasewicz was then used to collect information on various enemies, political, ideological, and personal. A sample of his activities reveals not only why intelligence should not be outside the checks of a professional organization, but also the rather broad scope of what the White House was in fact doing. His investigations included such things as Richard Nixon's old apartment in New York, a Kennedy official trip to Hawaii, name checks on White House visitors, the President's brother, political contributors to a dozen Senators who opposed the administration, Jefferson Hospital in Philadelphia, Louis Harris Polls, the Businessmen's Education Fund, the House of Mercy home for unwed mothers, the U.S. Conference of Mayors, a comedian named Dixon, Mrs. Rose Kennedy's secretary, and Birmingham, Alabama City Council, Mayor, and Executive Staff.[227] And that is just a sample of the much larger number of his investigations. Many of them are clearly the responsibility of established agencies, if they are anybody's responsibility at all.

Eventually, a semi-official unit, the Plumbers, was established within the White House, with a combination of police and intelligence duties. It conducted what Mr. Mitchell referred to in his testimony as the "White House horrors." [228] According to Mitchell, these operations were so wrong that if the President had heard about them he would have "lowered the Boom", even though there is other evidence that the President did know about them and didn't lower any boom.[229]

The legitimate intelligence agencies were used to support this operation, specifically by providing materials for their operations. General Cushman of the CIA testified that after a personal request from Mr. Ehrlichman, CIA technical services people provided Mr. Hunt with a drivers license, social security card, wig, and speech altering device, which were delivered to a "safe house" off CIA premises per Hunt's instructions.[230]

Around August, 1971, Hunt began to make additional demands on the CIA: first, for a stenographer to be brought in from Paris, which Cushman and Director Helms considered merely a face-saving move and rejected. Later demands were made for a tape recorder in a typewriter case, a camera in a tobacco pouch, for film development, and for an additional alias and false papers for another man ("probably Liddy"), which requests came to Cushman's attention after they had been granted by the technical services people.[231]

After Hunt's additional demands and a subsequent request for a New York address and phone services, Cushman and Helms decided Hunt's requests had exceeded his original authority. On August 31, 1971, Hunt made a final request, for a credit card, which was denied.[232]

Mr. Young of the Plumbers unit asked the CIA to do a psychological profile of Dr. Ellsberg. It was clearly a domestic project, the only one of its type ever requested, according to Gen. Cushman of the CIA, who also testified that such profiles are reserved for foreign leaders. Nevertheless, it was done, but Mr. Young considered it unsatisfactory, so another profile was prepared and sent.[233] Other projects spanned a broad range, such as spiriting Dita Beard from the East Coast to a Denver hospital, and a subsequent trip to Denver by Hunt in disguise to question her about the ITT affair.[234] To bring the full influence of the White House to bear on this extraordinary activity, Mr. Ehrlichman testified that he personally introduced Messrs. Krough and Young, who headed up the Plumbers to the heads of various agencies, such as the Secretary of Defense, the Attorney General, and the Director of the CIA.[235]

Members of the Plumbers eventually went on to similar work for the Committee to Re-Elect. Although they were clearly outside the government, they again used the legitimate agencies. Ex-CIA employees were recruited on the basis of their loyalty to the CIA. National security responsibilities were misused. Mr. Barker was even told that the interests of national security he was serving were above the FBI and the CIA.[236] To reinforce this position, classified and critical information about the mining of Haiphong harbor was relayed to Barker the day before the President's announcement.[237] This was not only a misuse of secret Defense Department intelligence, but it also furthered a misuse of national security entrustment in the executive branch.

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[219] For example, on December 4, 1969, D.W. Bacon, Asst. Commissioner, IRS, contacted Colonel Heston C. Cole, Counterintelligence Division, Directorate Office of Special Investigations; and on January 26, 1970 the IRS contacted Director Rowely of the Secret Service, in both cases to coordinate intelligence-gathering operations through the Activists Organizations Committee. See, testimony of Senator Lowell P. Weicker, hearings on Warrantless Wiretapping and Electronic Surveillance, April 8, 1974.

[220] White House memo from Steve Karalekas to Charles Colson, August 16, 1972, referring to the activities of Agent Bolton. See also, testimony of John Dean, Vol. 3, pp. 923, 1071.

[221] John Caulfield testified that he requested a New York City FBI agent to go out to the *Newsday* offices. This was done, and included a report of the newspaper's confidential publication schedule. Executive Session of John Caulfield, March 23, 1974.

[222] Memo to Charles Colson from Thomas Thawley, Deputy Asst. Secretary of Commerce, April 16, 1971.

[223] White House memo from John Dean, August 16, 1971, entitled "Dealing Without Political Enemies." Vol. 4, Ex. 48, p. 1689.

[224] Drafted in late summer 1971, Operation Sandwedge called for an offensive intelligence-gathering operation for infiltration of campaign organizations and headquarters with "undercover personnel, surveillance of Democratic conventions and meetings, derogatory information-seeking investigations, and "black bag" activities. Though dropped from active consideration by late 1971, Operation Sandwedge can be seen as a precursor of the Gemstone Plan which achieved the capabilities championed by Caulfield. See, Caulfield Executive Session, March 23, 1974; See also, Campaign Practices Section of Select Committee Report, exhibit of memorandum of Caulfield to Dean entitled "Operation Sandwedge." See also, Vol. 2, p. 786; Vol. 3, pp. 924-6; Vol. 6, p. 2537.

[225] In the summer of 1969, when Dean was working at the Justice Department, "then Deputy Attorney General Kleindienst called (Dean) into his office and told (him) that the White House wanted some very important information . . . regarding the foreign travels of Mary Jo Kopechne." Dean was directed to obtain the information from Mr. De Loach, Deputy Director of the FBI, and give it to John Caulfield from the White House. Vol. 3, p. 922.

[226] Ehrlichman apppointed Caulfield to the White House staff on April 8, 1969, as a liaison with various law enforcement agencies, with the understanding that the services of Mr. Ulasewicz, a retiring New York detective, would be obtained. Commending July, 1969, Ulasewicz reported on his investigatory activities to the White House through Caulfield, on the orders of Mr. Ehrlichman and Mr. Dean. Vol. 1, p. 251.

[227] See, Committee interviews with Mr. Ulasewicz, Mr. Dean, Mr. Caulfield, Anne Dawson, Tony LaRocco.

[228] Mr. Mitchell described the Plumbers' activities which he learned of from Mr. Mardian and Mr. LaRue, as the "White House horror stories." Vol. 4, pp. 1624-25.

[229] On March 22, 1973, the day after Mr. Dean told the President of the Watergate-related White House horrors and other facts, the President, according to Mitchell, discussed the possibility of using Dean as a liaison with the Ervin Committee, rather than lowering any boom. Vol. 5, p. 1894.

[230] Vol. 8, pp. 3292-93.

[231] Id.

[232] Id.

[233] Id., at p. 3311.

[234] Shortly after the ITT memo was published in February, 1972, Mr. Liddy transported Dita Beard from Washington to a hospital in Denver. In his interview there, Mr. Hunt elicited from Dita Beard a public statement that the memo was a fraud. Testimony of Robert Mardian, Vol. 6, p. 2359; Howard Hunt, Vol. 9, pp. 3752-53.

[235] Mr. Ehrlichman testifies further that Mr. Krough and Mr. Young described the function of the special unit" (the Plumbers) to the heads of the various agencies. Vol 7, p. 2691.

In a different type of situation, Mr. Haldeman was appointed "the Lord High Executioner of leaks". This technique of attacking and solving the leaks problem illustrates the contempt for normal government functions. It resulted in Mr. Caulfield, by his own testimony, being directed by Ehrlichman to wiretap a newsman's telephone (Joseph Kraft) in pursuit of a leak,[238] outside the safeguards of government wiretap procedures and regulations. There are capabilities within the legitimate operations of our government for handling such a problem. The attitude that these problems had to be treated independently was the same attitude that led to the 17 Kissinger taps being installed outside normal FBI channels and Mardian's instructions from the President regarding the disposition of those wiretap logs "that related to newsmen and White House staff suspected of leaking,[239] and that led to unusual and perhaps illegal White House involvement in the Ellsberg case itself.

There is a reason for demanding that government officials use only the tested and accountable facilities of government. It has been illustrated by the kind of projects undertaken independently by the White House.

The final contempt for the intelligence community can be seen in efforts to exploit them in the coverup. Mr. Ehrlichman said that he and Mr. Haldeman had spoken to General Walters and Mr. Helms of the CIA shortly after the Watergate break-in.[240] Ehrlichman further said that Walters was a friend of the White House and was there to give the White House influence over the CIA.[241] Dean testified that Ehrlichman asked him to explore the possible use of the CIA with regard to assisting the Watergate burglars.[242]

On June 23, 1972, Mr. Haldeman and Mr. Ehrlichman met with Director Helms and General Cushman of the CIA. According to Director Helms, Haldeman said something to the effect that it had been decided that General Walters was to go talk to FBI Director Gray and inform him that "these investigations of the FBI might run into CIA operations in Mexico" and that it might be best if they were tapered off—or something like that.[243] According to General Walters, Haldeman directed Helms to inhibit the FBI investigation on grounds that it would uncover CIA assets in Mexico. Haldeman also indicated he had information the CIA did not have, and that five suspects were sufficient.[244] When Director Helms and Director Gray of the FBI scheduled a meeting between themselves on June 28, 1972, Mr. Ehrlichman intervened and canceled the meeting, thus preventing any independent contacts.

At a later time, Mr. Dean discussed with General Walters the possibility of using covert CIA funds to pay the Watergate defendants.[245] In February 1973, the CIA was asked by the White House to take custody of Justice Department files on Watergate, but the request was denied.[246]

Mr. McCord testified that at the time of the Watergate trial, pressure was brought on himself and other defendants to claim for purposes of a defense that Watergate was a CIA operation.[247]

The FBI was likewise abused in numerous ways. Some of these, such as turning over Hunt's files to Mr. Gray, have been well documented. But there were other examples. The FBI set up the so-called Kissinger wiretaps outside channels, effectively insulating them from routine discovery and accountability, and at the President's instructions, Mr. William Sullivan (who had supervised the wiretaps) turned over all evidence of them to the White House when it was reportedly related to the President that Hoover might use them to preserve his job.[248] The FBI ran an investigation of CBS newsman Daniel Schorr, in what was a White House tactic to embarass him, according to one witness.[249]

Mr. Ehrlichman testified that he was instructed after the Watergate break-in to see to it that the FBI investigation did not uncover the Ellsberg break-in or get into the Pentagon Papers episode.[250]

In the end, the wake of Watergate left a distorted intelligence community whose historic professionalism had been badly damaged.

B. LAW ENFORCEMENT AGENCIES

The primary responsibility for law enforcement falls to the Department of Justice. To the extent that White House or political considerations interfered with that responsibility, it interfered with a critical part of our government.

There was considerable evidence of White House contacts, including pressure and interference, with respect to the Watergate investigation. It began almost immediately after the break-in, with a request to the Attorney General that he try to obtain the release of Mr. McCord.[251] In the following days, he was warned about a too aggressive investigation, he was warned in mid-1972 that Magruder might have to plead the Fifth Amendment, he was asked to provide raw FBI files on the case, and he was asked to be the White House secret contact with this Committee.[252] As noted earlier, an agency of the Justice Department, the FBI, was consciously lied to, was asked for raw files, its Director was given potentially embarrassing evidence from the safe of one of the Watergate burglars, with instructions he interpreted as a request to destroy that evidence.

The White House counsel testified that he in fact received information from the Justice Department and the FBI on the Watergate case. Mr. Dean stated that he was asked by Mr. Mitchell, after Mitchell had left CRP, to get FBI 302 reports of interviews with witnesses, and that Mr. Haldeman and Mr. Ehrlichman also thought it would be a good idea to get those reports. Mr. Mardian, attorneys O'Brien and Parkinson, and Mr. Richard Moore all viewed those files after Dean obtained them. Dean pleaded guilty to an "information" charge in October 1973, which charge included a conspiracy based on White House access to those files.[253]

There were similar pressures as to the whole Ellsberg matter. When Assistant Attorney General Petersen advised the President of the Ellsberg break-in, he was told, "I know about that," and "You stay out of that"[254]

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[236] Testimony of Bernard Barker, Vol 1, p. 360.

[237] Mr. Hunt testified that he was "in very general terms aware of" the President's speech announcing the bombing of Haiphong harbor prior to the speech. Hunt requested that Mr. Barker "attempt to have as many telegrams as possible sent to the White House. . . . manifesting approval of the President's move." Testimony of Howard Hunt, Vol. 9, pp. 3745–46.

[238] See, note 21, supra.

[239] The President instructed Mr. Mardian in the fall of 1971 to transfer the logs from Mr. Sullivan, Assistant Director of the FBI, to Mr. Ehrlichman, who kept them in his safe for over a year. Testimony of John Dean, Vol. 3, pp. 920–21.

[240] Ehrlichman and Haldeman were instructed to insure that covert CIA activities were not exposed by the Watergate investigation being conducted by the FBI. Vol. 6, p. 2557.

[241] On June 26, 1972, Mr. Dean on Mr. Mitchell's suggestion, sought through Mr. Ehrlichman to contact the CIA as to the Watergate break-in. Vol. 3, p. 946.

[242] Mr. Dean indicated to Gen. Walters that witnesses were wobbling and could cause problems, and asked if the CIA could raise bail for some of these defendants. Testimony from John Dean, Vol. 3, p. 1037; Vol. 4, p. 1461.

[243] Testimony of Richard Helms, Vol. 8, p. 3238.

[244] Memorandum of General Walters, Vol. 7, Ex. 101, pp. 2948–49.

[245] Testimony of John Dean. Vol. 3, p. 1037.

[246] On February 9, 1973, Mr. Dean called the new Director of the CIA, Mr. Schlesinger, and suggested that the Justice Department be required to return to the CIA a package of all the materials turned over to Justice regarding Hunt and the break-in at Dr. Fielding's office. Mr. Schlesinger and General Walters decided this was "out of the question". Testimony of General Walters, Vol. 9, pp. 3417–19.

[247] Testimony of James McCord, Vol. 1, pp. 193–98.

[248] In July, 1972, Mr. Sullivan, Associate Director of the FBI, informed Mr. Mardian of the existence of "some very sensitive national security surveillance logs that were not . . . in-channel", that Mr. Hoover might use to preserve his job. Mr. Mardian then flew by courier plane to see the President in San Clemente, who directed him to obtain the reports from Mr. Sullivan and deliver them to Mr. Ehrlichman. Testimony of Robert Mardian, Vol. 6, pp. 2392–93.

[249] Mr. Haldeman requested Mr. Higby to direct the FBI to investigate Daniel Schorr. But "to the dismay of the White House, Mr. Hoover proceeded with a full field wide-open investigation" which became apparent and "put the White House in a rather scambling position to explain what had happended." Ultimately the White House attempted to explain that Mr. Schorr was being considered for a Presidential appointment in the environmental field. Testimony of John Dean, Vol. 3, p. 1071.

[250] Testimony of John Ehrlichman, Vol. 6, p. 2544.

[251] On the suggestion of Messrs. Mitchell, LaRue, and Magruder, then Attorney General Kleindienst was contacted at the Burning Tree Country Club, while playing golf, by Mr. Liddy and Mr. Powell Moore, to "see if there was any possibility that Mr. McCord could be released from jail. The Attorney General rebuffed this request." Testimony of Jeb Magruder Vol. 2, p. 798.

[252] Between July 7 or 8, Ehrlichman called Kleindienst to tell him that Petersen had refused Ehrlichman's order to "not harass" Secretary Stans with respect to interrogations. Kleindienst told Ehrlichman to never again give orders to Justice Department personnel, and if this was the President's desire, then Kleindienst would resign as Attorney General. Testimony of Richard Kleindienst, Vol. 9, pp. 3564–3565. Ehrlichman testified that, based on what Dean had told him about "the unfolding of this thing, that Mr. Magruder may have some involvment and that culminated in a meeting with the Attorney General at the end of July, on July 21 . . ." Testimony of John Ehrlichman, Vol. 6, p. 2554.

[253] U.S. v. Dean, D.D.C. No. 886–73.

[254] Mr. Petersen was so concerned about the President's directive that he consulted Attorney General Kleindienst and both of them considered going to the President and threatening to resign unless the Justice Department was allowed to investigate the Ellsberg matter. Testimony of Henry Petersen, Vol. 9, pp. 3631–2.

The Anti-trust Division of the Justice Department received requests, which have been reviewed earlier as to the media, to go after targets of White House dislike.

After the association of milk producers pledged $2 million to the President's campaign, a grand jury investigation of their association was halted by the Attorney General.[255] Nevertheless, anti-trust violations were allowed to be pursued as a civil, as opposed to criminal, suit.[256] The anti-trust suit was in fact brought in February, 1972, in spite of much White House concern by Messrs. Colson and Haldeman.[257] The milk producers discussed their anti-trust suit with Treasury Secretary Connally in March, 1972, resulting in a call to the Attorney General.[258] Other contacts with the Attorney General were made on behalf of the milk producers, and an attempt was made to give additional contributions in return for dropping the anti-trust suit.[259]

A similar pattern of efforts to obtain favorable treatment from the Attorney General in an anti-trust matter followed the transfer of $100,000 by the Hughes Tool Co. to a friend of the President. The Hughes Corporation was involved in anti-trust problems related to pending purchases of a hotel in Las Vegas and an airline corporation.[260] At the time the money was being transferred, a representative of the Corporation met with the Attorney General. The anti-trust problems were subsequently resolved.[261]

The grand jury system, an essential element of the prosecution process, was subverted by members of the administration and CRP, even to the point of special favors for such officials when they were to be called before the grand jury. According to one witness, Mr. Ehrlichman attempted to prevent former Commerce Secretary Stans from appearing before the Watergate grand jury by directing Assistant Attorney General Petersen not to call Stans. Stans' testimony was eventually taken in private, as was the testimony of Messrs. Colson, Kehrli, and Young.[262]

It should be recalled that the Attorney General doubled as a campaign manager from July 1971, until he resigned in April 1972. When asked if it wasn't improper "for the chief law enforcement officer of the United States to be engaging in, directly or indirectly, managing political activities," the Attorney General responded, "I do, Senator," [263] He held this dual role while a number of large campaign contributors, such as the association of milk producers, the Hughes Tool Co., and International Telephone and Telegraph had important cases under investigation by the Justice Department. The Attorney General who succeeded him pleaded guilty to a charge pertaining to the ITT matter.[264]

The prestige of the Attorney General's office was misused. Mr. McCord testified that a very important reason for his participation in the Watergate operation was "the fact that the Attorney General himself, Mr. John Mitchell, at his office had considered and approved the plan, according to Mr. Liddy." [265] Mr. Baldwin was told that if at any time he had trouble establishing his authority for being in a certain place or for having a weapon, he was to mention John Mitchell.[266] In an outrageous insult to our law enforcement institutions, it was in the Attorney General's office on January 27, 1972, and on February 4, 1972, that Liddy's plan was presented, including expensive charts outlining mugging, bugging, burglary, kidnapping, and prostitution.

The Justice Department was not alone.

Some of the most blatant attempts to pressure an agency charged with enforcing laws were aimed at the IRS. The conversation between the President and Messrs. Dean and Haldeman on September 15, 1972, states this clearly, criticizing the IRS for not being sufficiently "responsive" to personal and political demands.[267] It is buttressed with evidence that the IRS was contacted in relation to cases involving friends of the White House.[268]

The confidential tax return information of Mr. Harold J. Gibbons, vice president of the Teamsters, was turned over to Mr. Colson. It is significant that the memo discussing Gibbons' taxes points out that he supported Senator McGovern; [269] in fact, he was the only major Teamster official to support McGovern, and the only one whose taxes were apparently sent to the White House.

The tax data for a prominent Jewish leader in Rhode Island was given to Mr. Dean's office, along with confidential tax return information on a number of prominent entertainers. Tax audits of Democratic party Chairman Lawrence O'Brien were sought in an attempt to come up with damaging information. In contrast, IRS contacts were used to help in audits of the President's friends, including actor John Wayne, the Reverend Billy Graham, and Mr. Charles G. Rebozo.[270]

A close friend of the President's, according to Mr. Dean, "thought he was being harassed by the agents of the Internal Revenue Service". Dean raised this with Mr. Walters (Commissioner of the IRS) who said that could not be the case. Dean kept checking the status of the case, because he "got questions on it with considerable regularity." Dean stated that "it was Rosemary Woods who kept asking me the status of the case because this individual was seeing the President a good deal." The case was referred to the Criminal Division of the Justice Department. Dean was told he had to do something about it, so he eventually saw Mr. Ralph Erickson at the Justice Department, who said "there is one more thing we can do; there are some weaknesses in the investigation and we may send it back to the Internal Revenue Service for one last look to see if this follows, it really is a solid case," which to Dean's recollection was done.[271]

Nevertheless, the President was not satisfied and suggested that changes be made at the IRS after the 1972 election. In addition, Mr. Dean prepared a briefing paper for Mr. Haldeman with respect to a meeting with the head of the IRS, to make the IRS more responsive to the White House.[272] Mr. Strachan testified that Mr. Haldeman discussed a more politically responsive commissioner of the IRS so that it could be used against political opponents such as Clark Clifford.[273]

The IRS was not only contacted with respect to individual cases, it was also the focal point of certain questionable policies. One of these policies was to "punish" groups, tax exempt groups in particular, who were thought to hold ideological views different from the White House. There was no evidence that these organizations advocated or did anything illegal or unconstitutional, or that they in any way violated the tax laws. Nevertheless, they were singled out for challenge as to the tax exempt benefits they enjoyed under the law. Groups enjoying the same benefits who were sympathetic to the administration did not receive the same attack.

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[255] See Affidavit of Bruce Wilson to the Senate Select Committee on Presidential Campaign Activities.

[256] See Letter from Richard W. McLaren to David M. Dorsen, Assistant Chief Counsel, Senate Select Committee on Presidential Campaign Activities, dated May 10, 1974.

[257] See the Milk Fund Investigation, Part VI, Milk Producer Contribution Activity in 1972 prior to April 7—and the Justice Department anti-trust suit against A.M.P.I., (supra.) particularly Strachan Exhibits 7-10.

[258] Id., Part VI (D) (2).

[259] Id., Part VI (E) (1, 2).

[260] See, Hughes-Rebozo Report, Dunes Hotel case, of the Senate Select Committee on Presidential Campaigns (Supra.)

[261] Id.

[262] Mr. DASH. You said you did agree on a concession. Could you tell us where was Mr. Stans interrogated?

Mr. PETERSEN. He was interrogated in my conference room by the prosecutors on the case with a reporter present and no one else.

Mr. DASH. And not before the grand jury?

Mr. PETERSEN. No, sir.

Mr. DASH. Who else, by the way, was given a similar concession during the investigation?

Mr. PETERSEN. Colson, Kehrli, and Young.

[263] Testimony of John Mitchell, Vol. 5, p. 1856.

[264] Former Attorney General Richard Kleindienst pleaded guilty on May 16, 1974, to one count of refusing to testify, a misdemeanor in the ITT case, receiving a suspended sentence of one month in jail and a $100 fine.

[265] Testimony of James McCord, Vol. 1, p. 128.

[266] Mr. Baldwin further testified: "I felt that I was in no position to question John Mitchell;" and Baldwin therefore did not question the legality of his own Watergate-related activities. Testimony of Alfred Baldwin, Vol. 1, p. 409.

[267] Mr. Dean testified that on September 15, 1972, he discussed with the President "using the Internal Revenue Service to audit the returns of people," and that this was in keeping with earlier discussions with Haldeman wherein Dean was requested that "certain individuals have audits commenced on them." Dean replied to the President that the IRS had not been happy with the prior requests and, according to Dean, the President told him to keep a good list, so that "we would take care of these people after the election." Haldeman added "that he had already commenced a project to determine which people in which agencies were responsive and were not responsive to the White House." Testimony of John Dean, Vol. 4, pp. 1480-81.

[268] Mr. Dean testified to several requests made to him to intervene on behalf of "friend" tax reports. One case involved the Justice Department, and two other cases resulted from complaints by John Wayne and Billy Graham, who felt they were being harassed by the IRS. Dean's assistant, Mr. Caulfield, contacted the IRS, which allowed him to see Graham's Sensitive Case Report out of Atlanta and which forced the local agent to justify his audit of Wayne. Testimony of John Dean, Vol. 4, pp. 1530, 1559; Executive Session of John Caulfield, March 23, 1974, pp. 47-48; interview with Mike Acre, September 27, 1973, p. 7.

[269] Mr. Colson's memo not only mentioned "that there are income tax discrepancies involving the returns of Harold J. Gibbons," but was also interested that "if there is an informer's fee, let me know." Vol. 4, Ex. 45, p. 1686. It is worth pointing out that none of the official duties of Mr. Colson at the White House would legally justify him having access to citizens' tax returns, except upon specific request of the President.

[270] Sensitive cases, such as the President's friends, large contributors, or prominent political figures, were sent to the White House. Testimony of John Dean, Vol. 4, p. 1529. Roger Barth, Assistant to the IRS Commissioner, would also call John Ehrlichman directly, and the Secretary of the Treasury would contact the President directly, in the process of bringing Sensitive Case Reports to White House attention. Interview with Roger Barth, July 31, 1973, pp. 7-8.

[271] Vol. 4, pp. 1530, 1539, 1559. This case involved Dr. Kenneth Riland. Dr. Riland was subsequently acquitted of income tax evasion by a federal jury.

[272] One document submitted by Mr. Dean (Exhibit 44) is a briefing paper for H.R. Haldeman for a meeting with the head of the IRS, to make the IRS more responsive to the White House. Vol. 4, p. 1349.

[273] Testimony of Gordon Strachan, Vol. 6, pp. 2486-2487.

Use of the Secret Service to spy on Senator McGovern has already been reviewed.

The misuse of the CIA and the FBI have likewise been examined earlier.

It is quite a record for a "law and order" administration.

C. REGULATORY AGENCIES

The regulatory agencies, as much as any other area of government, fit the references in a White House memo which addressed the general problem of how to use the "incumbency" and power of the White House against opponents, or "how we can use the available federal machinery to screw our political enemies."[274]

We have already reviewed numerous misuses of the IRS against political opponents. We have likewise reviewed evidence of plans to make the IRS more responsive to White House problems and demands.

A prime example of the distortion of regulatory power is contained in the record of the administration's plans to attack the media. The agency at the center of this plan was the FCC.

The Federal Communications Commission licenses radio and television stations, and is thereby in a unique position to hurt the networks or any other organization such as a newspaper that owns a local station. The memos on this subject which have been reviewed previously, were frightening at best. They demonstrate clear contempt for statutory restraints on the power given to the FCC by Congress.

A good sample of the attitude toward agencies is a memo from Mr. Jeb Magruder to Mr. Ken Reitz which notes that ACTION, the agency that coordinates government volunteer programs, "is an agency that we should be able to use politically." The memo recommends a meeting with ACTION's director to discuss how "we used their recruiters (who talked to 450,000 young people last year), advertising program, public relations effort, and public contact people, to sell the President and the accomplishments of the Administration. We should be involved and aware of everything from the scheduled appearances of ACTION's recruiters to the format and content of its advertising."[275]

D. THE DEPARTMENTS

The variety and scope of evidence bearing on the functions of the Departments stretches all the way from fabricating a false historical record of the State Department in the Vietnam war to using the Department of Interior to punish a newscaster.

The State Department incident shows the extremes that were followed to achieve the political ends of the White House. In apparent anticipation that Senator Kennedy would be the opposing nominee for the presidency, an attempt was made to falsify President Kennedy's role in the assassination of President Diem early in the Vietnam war.

The strategy used to implicate President Kennedy in Diem's death was to make up phony telegrams between the White House and South Vietnam during that critical period. One particular telegram indicated that Kennedy did not offer safe refuge to Diem, thereby insuring his assassination. To be able to do this, the State Department was contacted by Mr. Young of the White House Plumbers, resulting in Hunt's authorization to go over and review the appropriate cables between the United States and Saigon. Arrangements were made to "leak" the story to appropriate news persons.[276] When Hunt's safe was opened on June 20, 1972, the bulk of the papers, according to testimony, were classified cables from the State Department relating to the early years of the Vietnam war.[277]

The Department of Commerce was more directly used. The Secretary of Commerce attended meetings on campaign matters and campaign contributions while still in office.[278] In order to put out a story demonstrating that help provided to the Maine sugar beet industry by Senator Muskie was going to cost taxpayers $13 million in defaults by that industry, the Department of Commerce was requested to provide the research material for that story. The correspondence flowed between the White House and Commerce, until the White House feared that their respective roles might be discovered.[279]

Because of a rather hostile comment former newscaster Chet Huntley once made regarding the President, there was an effort to make it as difficult as possible for him to get his Big Sky project in Montana moving. Apparently, Huntley needed assistance from the Interior Department, which was periodically contacted by the White House in this regard. For whatever reason, Huntley eventually agreed to back the President in the 1972 campaign and the attack was called off.[280]

The Department of Agriculture announced, on March 12, 1971, that price supports for milk would not be increased.[281] Board members of the Commodity Credit Corporation, which has responsibility for clearing such a decision, was unanimous in its recommendation not to increase supports.[282]

On March 25, 1971, the President reversed the decision of the Agriculture Department. There is much evidence of White House awareness and attention at that time to a $2 million campaign pledge by the milk producers.

Whether or not the President's decision was the result of a dairy industry bribe, it is important to note that the legitimate functions of the Agriculture Department were circumvented and interfered with. In the reversal process, none of the Assistant Secretaries at Agriculture or their staffs were consulted. These were the professionals who had the expertise, who knew the reasons for the initial decision, who would have to enforce and live with the new decision by the President. Their opinion or expertise as to the President's reversal was never given; it was never solicited, even indirectly.[283]

Instead, at 10:30 a.m. on March 23, 1971, the President met with the milk producers, saying, "I know, too, that you are a group that are politically very conscious. . . . And you are willing to do something about it."[284] After a flurry of meetings between other administration officials and milk producers representatives, the President changed the Department of Agriculture's position on March 25, 1971. Thus, regardless of other issues involved, the acceptable processes of government were evaded for apparently personal and political interests.

A memo was presented which revealed a Cabinet session in which Mr. Fred Malek told the assembled Cabinet members of a plan to make the Departments more "responsive" to the political needs of the administration. It was this program that led to some of the more unique abuses of the Departments and agencies.

It was this program that led to evidence of quid-pro-quos for the contracts from the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Department of Labor, the Department of Interior, the Office of Economic Opportunity, the Office of Minority Business Enterprise, the Federal Home Loan Mortgage Association, the General Services Administration, ACTION, and the Veterans' Administration.[285]

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[274] White House memo from John Dean, August 16, 1971, entitled "Dealing with our Political Enemies." Vol. 4, Ex. 48, p. 1689.

[275] Memo from Jeb Magruder to Ken Reitz, Director of Young Voters for the President, November 28, 1971.

[276] Testimony of Howard Hunt, Executive Sessions, July 25, 1973 and Sept. 10, 1973; also Vol. 9, pp. 3672, 3733, 3772, 3780.

[277] Testimony of John Dean, Vol. 3, p. 937.

[278] While still Secretary of Commerce, Mr. Stans met in several instances on campaign-related matters in January and February, 1972. Testimony of Maurice Stans, Vol. 2, pp. 733–4.

[279] See, note 179 supra.

[280] In a memo to Lawrence Higby, on July 16, 1970, Jeb Magruder expressed a need to get some "creative thinking" going on an attack on Huntley for his statements in *Life*. "Huntley will go out in a blaze of glory and we should attempt to pop his bubble." Vol. 10, Ex. 166, p. 4127.

In a memo to H. R. Haldeman, on October 19, 1971, Lyn Nofziger notified Haldeman that "Huntley claims to be a Republican" and would support the Republican Senatorial candidate in Montana. John Whitaker, the White House liaison for the Department of Interior then ordered the Department of Agriculture to quit "dragging its feet on Big Sky." Vol. 4, p. 1703.

[281] On March 12, Department of Agriculture announced Secretary Hardin's decision to maintain price support level at $4.66. Since in 1970 the Secretary granted the largest increase at the beginning of a marketing year, which led to increase in production, Secretary Hardin, after a careful review, felt the retention of price support levels was in the long term best interests of dairy producers. News Release, United States Department of Agriculture, March 12, 1971.

[282] The Division of the Agricultural Stabilization and Conservation Service drafted its recommended decision in the form of a docket. The docket, based on recommendations of economists and superiors, recommended the $4.66 figure and supported it with a four page justification. The docket was then passed up the line before going to the CCC Board of Directors for approval and undergoes "pre-Board clearance" by others in USDA. On March 3, 1971, the Board of Commodity Credit Corporation approved the docket. The recommended decision then went to the Secretary of Agriculture for final action.

[283] Assistant Secretary Palmby stated that he was unaware of any reconsideration of the March 12 decision. Palmby summarized his role by stating: "I was part of the March 12 announcement. I was not part of the later announcement." Interview with Palmby, p. 22. Furthermore, Assistant Secretary Richard Lyng indicated that his first knowledge of the reversal in decision came one hour before the formal announcement.

[284] From, motion for Immediate Production of Records for Which Privilege Has Been Waived, at 2, Nader v. Butz, C.A. 148–72 (D.C.D.C., filed January 11, 1974).

[285] An "Administrative Confidential" memo from Mr. Marumoto, Mr. Malek's Assistant in the responsiveness program, to Rob Davison, also of Mr. Malek's staff, July 19, 1972 (concerning a Washington, D.C., consulting firm under consideration for contracts from DOL and HUD); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, Vol. 13, Ex. 262–28, p. 5615. (DOL grant applicants who were "unfriendly toward the Administration were being

For example, a June 3, 1971, White House memo noted that the head of the Federal Home Loan Bank Board "has given a great deal of thought to, and designed, a sound economical plan to use federal resources (projects, contracts, etc.) for advantage in 1972."[286]

A June 23, 1971, White House memo recommended that "In addition to designating 'must' grants from pending applications there may be occasions in which political circumstances require a grant be generated for a locality."[287] This, of course, is in direct contravention of equal treatment under the laws that control federal awards, which are supported by taxpayer funds and are to be distributed only on the basis of merit and need, by law.

By March 1972, this program, according to a memo to Mr. Haldeman citing success at the Commerce Department as an example, had "resulted in favorable grant decisions which otherwise would not have been made involving roughly $1 million.[288] It was then recommended that someone was needed to take "the lead in the program to politicize the Departments and Agencies . . . and closely monitor the grantsmanship project to ensure maximum and unrelenting efforts."[289]

A December 23, 1971, memo to Mr. Haldeman noted that "this program, even if done discreetly, will represent a substantial risk. Trying to pressure 'non-political' civil servants to partisanly support the President's re-election would become quickly publicized and undoubtedly backfire. Consequently, the strategy should be to work through the top and medium-level political appointees who exercise control over most of the Departmental decisions and actions."[290]

By June 1972, Mr. Malek reported he had "reviewed the program with each Cabinet Officer (except Rogers) and with the heads of the key Agencies," and "had them name a top official who would be the political contact for this program," as well as "educate loyal appointees . . . thus forming a political network in each Department."[291] Aside from abuse of the laws which authorize federal grants, there are numerous indications that this program violated the Hatch Act.[292] That Act specifically protects against politicizing the government, and makes such efforts criminally illegal. In addition, much of this conduct has involved a conspiracy to defraud the United States, under the criminal laws of Title 18, United States Code, Section 371,[293] as well as criminal violations of at least three sections of the campaign laws.[294]

So much for our independent Departments and Agencies.

The executive department diverted a substantial portion of its payroll, privileges, and power into non-governmental activities. Mr. Frederick Malek, for example, held an official position at the Committee to Re-Elect the President as of June 1972, while on the White House payroll until September 1, 1972.[295] Mr. Gordon Strachan likewise was employed as a liaison to CRP, while being paid as an assistant to the White House Chief of Staff. Political advertising was supervised from the office that was supposed to be White House Chief of Staff.[296] Mr. McCord testified that he took part in Watergate partly because "the top legal officer in the White House" had participated in the decision to undertake the operation.[297]

The prerogatives granted the executive were misused, as has been detailed earlier. The effect is well summed up by Mr. McCord's testimomy that he was told the President of the United States was aware of meetings offering him payoffs and clemency, that the results of the meetings would be conveyed to the President, and that at a future meeting there would likely be a personal message from the President himself. This supplemented threats that "the President's ability to govern is at stake," and "the government may fall" if Mr. McCord did not follow the "game plan."[298] Mr. Caulfield confirmed that when he met with Mr. Dean that Dean wanted to transmit the message to McCord that the offer of executive clemency was made with the proper authority, and that he made such representation to McCord.[299]

Not only were the department functions abused, but the executive power of appointing department officials was likewise used. It was Herbert Porter who testified that he reminded the White House of the things he had done in the campaign when they dragged a bit in finding him a new job after the election.[300] It was Jeb Magruder who was awarded with a high ranking job at the Commerce Department for his misdeeds in the re-election campaign.[301]

These examples are minor compared to the general plans that were discussed to restaff the departments after the election to make them more subservient to the White House.[302]

As a final, rather tragic note, this is the White House that used its power over department appointments to nominate Mr. Gray to the FBI Directorship, decided not to support him any longer, and rather than tell him of that fact, decided to let him "hang there, and twist slowly, slowly in the wind.[303]

III. THE POLITICAL SYSTEM

Watergate challenged the very underpinnings of American politics and the American political condition. It happened in the natural clash and confusion of a free and open system of self-government; the same condition that despite its risks and vulnerability has given us many more moments of magnificence.

Nevertheless, whenever the nation approaches a Presidential election year we

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identified); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, May 5, 1972, Vol. 13, Ex. 262-15, p. 5572 (concerning a $70,000 DOT grant to Joseph Reyes, National Hispanic Finance Committee, authorized by the Finance Committee for the Re-Election of the President; J. A. Reyes Associates also received a $200,000 sole source non-competitive contract from OEO in July 1972); an "Administrative-Confidential" Weekly Report from Mr. Marumoto to Mr. Colson and Mr. Malek, May 19, 1972, Vol. 13, Ex. 262-17, p. 5581 (a $200,000 grant from the Office of Minority Business Enterprise); a "Confidential" memo from Harry Flemming of CRP to Mr. Malek, March 29, 1972 (concerning a Philadelphia Republican ward leader's complaint that his Democratic counterpart was being favored with Fannie Mae mortgage disclosure fees); an affidavit of John Clarke to the Senate Select Committee on Presidential Campaign Activities (indicating the process whereby architectural engineering contract awards by G.S.A. were given political clearance by Mr. Clarke of the White House staff); a memo by Dan Todd, director of the CRP Older Americans Voter Bloc group, entitled "Proposed Communications Support Program For the Older Americans Division Committee for the Re-Election of the President," April 14, 1972 (indicating federal agencies, such as ACTION, should prepare brochures on their senior citizen programs for frequent release during the two months prior to the election); "Final Report" of CRP Veterans Division, from CPP files ("The Campaign staff's effectiveness was significantly enhanced by its close liaison with The Veterans Administration and coordination of campaign activity with the agency.")

[286] A "Confidential—Eyes Only" memo from Mr. Magruder to William Timmons of the White House staff, June 3, 1971 (indicating that Preston Martin, head of the FHLBB, was a "California-Nixon Republican" and "was a little put out that nobody has sought his political advice").

[287] A "Confidential" memo by William Horton of Fred Malek's staff entitled "Communicating Presidential Involvement in Federal Government Programs" (which appears to be a "first draft" of the Responsiveness program).

[288] Apparently the efforts of Mr. Gifford of the White House staff had influenced favorable decisions on a dozen contracts worth $1 million "which otherwise would not have been made"—"politically these actions have been most favorable." An "Extremely Sensitive-Confidential" memo from Mr. Malek to Mr. Haldeman entitled "increasing the Responsiveness of the Executive Branch," March 17, 1972.

[289] A "Confidential" memo from Mr. Malek to Mr. Haldeman entitled "My Role in Support of Re-Election," January 28, 1972.

[290] Mr. Malek sought "to minimize any direct links to the President," and therefore proposed "we stop calling it politicizing the Executive Branch and instead call it something like strengthening the government's responsiveness." A "Confidential" memo from Mr. Malek to Mr. Haldeman entitled "Redirecting the White House staff to support the President's Re-Election," December 23, 1971.

[291] A "Confidential Eyes Only" memo from Mr. Malek to Mr. Haldeman entitled "Responsiveness Program—Progress Report," June 7, 1972.

[292] For example, an unsigned "Confidential memo on CRP stationery addressed to Attorney General Mitchell, concerning "heavy exploitation of the Cabinet Committee on Opportunity for Spanish-Speaking Peoples," vol. 13, Ex. 362-3, p. 5534; a memo from Mr. Marumoto to Mr. Colson and Mr. Malek, April 28, 1972, concerning reorganization of the Cabinet Committee's media section to support the campaign, Vol. 13, Ex. 262-14, p. 5569; Manual for the Surrogate Program Advance School, directed by Brad Porter for "Schedule C" government employees subject to Hatch Act, supra.

[293] *Hammer Schmidt, et al v. United States*, 265 U.S. 182 (1923); also, *Dennis v. United States*, 384 U.S. 855, 861 (1966).

[294] Title 18, sections 595, 600, 602, 603, 607, 611, 1505; see, also, Use of the Incumbency-Responsiveness Program, supra.

[295] Mr. Fred Malek according to Mr. Odle, became head of the citizens division of CPR between March and June 1972, exercising supervisory control, and had an office at CPR, even though he did not leave the White House until September 1, 1972. Testimony of Robert Odle, Vol. 1, pp. 31-32.

[296] Mr. Odle's testimony was that Mr. Strachan (Mr. Haldeman's Assistant) participated rather actively in matters over at the Committee to Re-Elect. Vol. 1, 0. 31.

[297] Testimony of James McCord, Vol. 1, p. 129.

[298] On January 13, 1973, Mr. McCord met Mr. Caulfield and another message was conveyed as to clemency, along with statements that the President's ability to govern was at stake, another Teapot Dome scandal was possible, the government may fall, and everybody else was on the track but McCord, who was not following the "game plan," and who should get "closer to your attorney" and keep silent. Testimony of James McCord, Vol. 1, pp. 139-140.

[299] Testimony of John Caulfield, Vol. 1, p. 266.

[300] See note 132, supra.

[301] See note 131, supra.

[302] A December 23, 1971, "Confidential" memorandum from Malek to Haldeman entitled "Redirecting the White House staff to Support the President's Re-Election."

[303] In a telephone conversation with John Ehrlichman, Mr. Dean made reference to the fact that the President said he was "not sure that Gray's smart enough to run the Bureau." Vol. 7, Ex. 102 p. 2950-51. And yet the President apparently had no qualms about nominating a man not "smart enough to run the Bureau" to be a Permanent Director of the FBI.

have especially good reason to recall our founding fathers' warnings against the "danger of factions." History teaches us that no matter how much a President may insist otherwise, an incumbent begins to measure policy decisions by their effect on his re-election and wieldspower in pursuit of his most advantageous position.

The system is designed to absorb this, but without question there is a line that cannot be crossed if the process is not to be abused.

The best way to observe how this happened to our political system in 1972 is to examine it in three component parts: the political party, the electoral process, and the democratic system.

A. THE POLITICAL PARTY

Political parties in America have their own life and status. They were expressly excluded from our Constitution, yet they have persisted since the nation's first generation.

The party has come to serve as a link between constituencies and men chosen to govern. They serve a valuable function, drawing competitive forces together to seek the reconciliation so essential to intense issues. When the parties do not function well, individual citizens feel a loss of control over politics and government. They find themselves powerless to influence events. Voting seems futile; politics seems pointless. The political process crosses the line . . . and things go badly for America.

By any measure, the process that led to Watergate emasculated important party functions. It began with the decision to take the party's leader, and his re-election, out of the Republican party and into an independent entity, unresponsive to the checks and balances of party politics. From that point on, the Committee to Re-Elect the President was a political disaster.

There was a rationalization of CRP's existance, in some testimony, to the effect that it was needed for the primaries.[304] A number of Republican candidates entered the primaries, and it was considered unfair to use the Republican National Committee on behalf of the President. This theory ignored the President's massive popularity in the party at the time.

The fact is that CRP remained in operation throughout the campaign, long after it would have been proper for the Republican party to take over.

Significantly, all available evidence indicates that the traditional party organizations at the national level, the Republican and Democratic National Committees, did not undertake illegal or improper activities in the 1972 campaign. After 16 months of investigation, the staff of this Committee reported conclusively that there was no evidence of wrongdoing, directly or indirectly, by the Republican National Committee or its Chairman, Senator Robert Dole (R-Kan.) during the 1972 campaigns.

Evidence as to CRP's operation is in direct contrast.

By setting up an exclusive organization, concerned only with the President, the party was excluded from being properly aided by its titular head. The President was well-financed, and he won in a landslide. The Republican candidates for Congress and state offices did not have similar success in financing and campaigning against their Democratic opponents.

A good example of the tactics that hurt the party was the list of 100 Democratic Senators and Congressmen, "primarily from the South, who had supported the President on the crucial votes on the Vietnam war," who would "not receive very strong opposition" from the White House.[305] Clearly this would not have been possible if the party had been involved in the President's campaign.

Not only did the White House undermine the Republican Party by supporting Democratic candidates. It likewise undermined the party from within, by attacking Republican candidates. A memo from Mr. Haldeman in October, 1969, outlined a letter-writing campaign to silence Republican Senators Percy, Goodell, and Mathias.[306] It consisted of "sending letters and telegrams, and making telephone calls to the Senators, blasting them . . ."[307]

A few days later it was reported to Haldeman that local groups in Illinois had begun sending critical telegrams and letters to Sen. Percy.[308] A handwritten note by Mr. Haldeman disclosed "this was an order . . . I was told it was being carried out and so informed the President."[309] Incredible as it may seem the Party was writing letters to itself, leaders of the Republican Party were being attacked by the head of their own party . . . in disguise.

An incident of serious significance was the suggestion by Mr. Patrick Buchanan that the Florida Republican State Chairman and the United States Attorney General attempt to use a provision in Florida law to keep a Republican challenger off the primary ballot, not because of legal considerations but for political advantage.[310] Earlier, that same challenger had been subjected to a bogus contribution to his New Hampshire campaign, in the name of the Young Socialist Alliance, staged by Mr. Colson, and leaked to the press to discredit his candidacy.[311] Again, a fellow Republican.

Negative politics were even taught to the young.

Mr. Ken Rietz organized the Young Voters for the President as part of CRP and designed projects for them such as the "McGovern—Shriver Confrontation" project.[312] This project used the Young Voters to confront democratic candidates, to generate adverse press, and "upset the candidate."[313] The result was that by September, 1972, they had "learned the McGovern organization and/or the Secret Service has reacted to our activities . . . the street walk was canceled and McGovern spoke in an area that was barricaded off."[314]

The Committee to Re-Elect the President violated the principles of good politics, beginning with its structure and staffing.

The separation between partisan politics and government was violated by the participation of White House staff, as well as department and agency officials, in the campaign operation of CRP. Testimony as to the structure was to the effect that "people who were at the White House had influence over the Committee, they gave it direction, they assisted it," and that the campaign director "came from the Justice Department."[315]

The role of the Assistant to the White House Chief of Staff "was to try to find out all of the things that were going on at the Committee and make Mr. Haldeman aware of them."[316] Mr. Fred Malek, according to the individual in charge of personnel at CRP, became head of the Citizens Division of CRP between March and June 1972, exercising supervisory control, and had an office at CRP, even though he did not leave the White House staff or payroll until September 1, 1972.[317]

Mr. Mitchell at the Justice Department and Mr. Haldeman at the White House "jointly made decisions in advertising."[318] In citing instances of so-called blame-taking, one witness cited an example where Mr. Colson took the blame for ads of questionable political ethics, whereas Mr. Haldeman was actually responsible.[319]

Campaign recommendations from CRP were sent to the Attorney General for his decision as early as July 3, 1971. That particular campaign memo was written by a staff member in Mr. Malek's White House office, with the assistance of an individual in the Office of Management and Budget and an individual in Mr. Harry Dent's White House office.[320] Mr. Mitchell himself testified that he "has frequent meetings with individuals (from CRP) dealing with matters of policy" and staffing of CRP while he was still Attorney General.[321]

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[304] Mr. Odle justified the need for CRP because the President was but a candidate for nomination prior to the Convention. Though, according to Odle, there was little doubt the President would triumph, there was a distinct possibility of a challenge from Congressman Ashbrook and Congressman McCloskey. Odle felt it was not proper for the National Committee to work for President Nixon, with two challengers anticipated. Vol. 1, p. 23.

[305] Testimony of Gordon Strachan, Vol. 6, pp. 2483-2484.

[306] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969.

[307] Memo from H.R. Haldeman to Jeb Magruder, October 11, 1969.

[308] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969.

[309] Memo from Jeb Magruder to H.R. Haldeman, October 14, 1969. (handwritten note on the face thereof)

[310] Note 75 supra.

[311] Herbert Porter called Roger Stone and suggested that Stone travel to New Hampshire and contribute money to McCloskey's campaign under the name of an extremist group. Staff Interview with Roger Stone, pp. 2-3.

[312] Memo from Edward Failor to Jeb Magruder, Sept. 23, 1972.

[313] In a Sept. 22, 1972 progress report, Ken Rietz, Director of Young Voters for the President, cited daily orchestrated demonstrations using YVP personnel to confront candidates McGovern and Shriver, in an attempt to generate adverse press coverage. Memo from Ken Rietz to Jeb Magruder, Sept. 22, 1972.

[314] Memo from Edward Failor to Jeb Magruder, Sept. 23, 1972.

[315] Testimony of Robert Odle, Vol. 1, p. 23.

[316] Id., at 31.

[317] Id., at 23, 31-32.

[318] With respect to advertising, Mr. Odle stated that "Mr. Haldeman had an interest in advertising without any question," and Mr. Mitchell, or Mr. MacGregor "and Mr. Haldeman jointly made decisions in advertising." Vol. 1, p. 35.

[319] Dean testified that Colson took the blame for ads of questionable political ethics which had been placed by a Mr. Shipley, whereas Mr. Haldeman was actually responsible. Vol. 4, p. 1490.

[320] Memo on: Grantsmanship, dated July 3, 1971, from Magruder (CRP). It states: "Enclosed is a copy of a proposal to insure that the President and his Congressional supporters get proper credit for Federal Government programs. This proposal was written by Bill Horton in Fred Malek's office with the assistance of Bill Gifford, OMB, and Peter Millspaugh in Harry Dent's office. If implemented this should be an effective method of insuring that political considerations are taken into account." Odle testified that these types of memos were sent to the Attorney General from May 1, 1971, onward. Vol. 1, Ex. 1, p. 449.

[321] Mitchell testified that he "had frequent meetings with individuals (from CRP) dealing with matters of policy" and staffing of CRP while he was still Attorney General, even though in a colloquy with Senator Kennedy during the Kleindienst confirmation hearings (which was entered into the record) Mitchell had testified that at that time he

The hiring of personnel for the Committee was "cleared by Mr. Magruder (CRP), Mr. Mitchell (Justice Department), and Mr. Strachan, who would be looking out for Mr. Haldeman's (White House) interest in the clearance process." [322]

The Assistant to Mr. Haldeman was even well briefed on the Liddy plan long before the break-in, and in fact was called on June 17, 1972, to alert him to the pending break-in.[323]

The temptation and opportunity to abuse executive power thus existed, and the fact that such abuses took place has been demonstrated earlier in the report. For example, the use of government agencies to seek politically embarrassing information on individuals who were thought to be enemies of the White House, which was testified to repeatedly, was certainly facilitated by the presence of White House and agency staff within a non-party campaign committee. These tactics extended beyond the departments and agencies. Mr. McCord testified to phone calls and personal contacts to the effect that there would be executive clemency, financial support for the families, and rehabilitation after prison.[324] This was possible only through the facilities of the Presidency; little if any of it could have been offered by a political party.

A second aspect of staffing that caused problems and that could have been avoided by using the Republican Party, was the use of personnel that had little or no experience in elective politics. The danger with such a staff can be illustrated in the intelligence-gathering area. Candidates and campaign organizations have collected intelligence for generations. In the past, however, there has been something akin to an unwritten code as to the methods and content of information sought.

It is interesting to contrast Mr. Ehrlichman's description of discreet investigations, as intended to develop questionable facets of the personal lives of those being investigated, checking into domestic problems, drinking habits, personal social activities, and sexual habits.[325]

Somehow Mr. Ehrlichman tried to make a connection between the type of undercover prying into private lives of Ulasewicz and his "own knowledge" of Members of Congress who "totter onto the floor in a condition . . . of at least partial inebriation." [326]

Not only did Ulasewicz not investigate the behavior of officials while performing their public responsibilities, but Mr. Ehrlichman offered no evidence to substantiate his "own knowledge."

When Mr. Ehrlichman then testified that it was proper to have ad hoc investigators going into sexual habits, drinking habits, domestic problems, and personal social activities and then provide that information to the electorate, this Senator responded, "You definitely have two different concepts of politics in this country meeting head on." [327]

Significantly, the American people passed judgment on this issue shortly thereafter. A Harris poll exactly two months later reported: "By 83 to 8 percent, the public is massively critical about the hiring of private detectives by the White House to spy on the sex life, drinking habits, and family problems of political opponents." [328]

Whether caused by a lack of experience or by a lack of proper leadership, the staff of CRP had a tragic history. One employee recalled that "when you find that a person you trust and respect is in jail for doing something and that man worked for you, it is quite a serious thing." [329] It was summed up by Mr. Robert Odle, who testified that during his association with the Committee he came in contact with more than 400 of its national staff, and "it now appears tragically that some of those people have acted unethically." Indeed at the time he testified on May 17, 1973, the opening day of hearings, two former members of the staff had been convicted of crimes.[330] To date, in mid-1974, seven former members have been indicted for or convicted of criminal conduct.[331] This is not what politics should be or has been about.

The second area in which CRP took over normal party functions was campaign financing.

Money was not properly raised.

Instead, it was allegedly raised by Mr. Rebozo, a friend of the President, who had no official campaign responsibility. Money was raised by the President's personal attorney. During the 1970 campaigns, he was directed on three separate occasions by the White House staff to disburse funds from a trust fund in his control at the Chase Manhattan Bank in New York. He successively took $100,000, $200,000, and $100,000 from a safe deposit box, on which one of the signatories was a family relation of the White House Chief of Staff.[332]

The beginnings of the administration's relationship with the milk producers association, according to their testimony was a $100,000 contribution to the President's attorney to gain "access" to the White House, and to lay the groundwork for favorable treatment in certain specified ways for the milk producers and the dairy industry.[333] Messrs. Haldeman, Ehrlichman, and Colson, all of whom were senior White House advisors, held meetings to discuss fund-raising, including the $2 million pledge from the milk producers.

Money was raised by a Secretary of Commerce and a Secretary of the Treasury. All of which would have been unnecessary if financing had been left to the professionals in the Republican Party.

The handling of money was equally bad. Large amounts of cash were transferred and used. Secret funds were set up. Financial records were destroyed, on a number of occasions.[334] People with no campaign responsibility were receiving and distributing money. Illegal corporate contributions were given to CRP and accepted.[335]

Even though CRP represented itself as a Presidential re-election organization, it gave $25,000 to a congressional campaign in Maryland.[336] It gave $50,000 to a Vice Presidential donor in Maryland to make it appear that a Vice Presidential fund-raising event was more successful than it was, in what turned out to be an illegal transaction.[337] Mr. McCord's salary from the Committee was continued from July 1972, through January 1973.[338] One witness understood that in Governor Wallace's gubernatorial campaign in Alabama, Mr. Kalmbach provided Wallace's opponent with between $200,000 and $400,000.[339]

The intelligence activities of CRP were the greatest distortion of the political system undertaken by that Committee. The Republican Party had an information-gathering function of a research nature, but it was considered inadequate by the White House which had become used to the sophisticated techniques of law enforcement, national security and government intelligence. Unfortunately, by combining systems, they weren't able to draw the distinction between law enforcement and politics.

As a result, CRP found itself collecting and using secret intelligence from the FBI, and the Internal Security Division of Justice.[340] They developed a Security Unit that burglarized, photographed and wiretapped, that staked out Senator's and Congressmen's offices, and cased the Democratic headquarters.[341] They planned illegal acts against the Democratic Party chairman, at his residence and subsequently at his office. Similar plans were made for Senator McGovern's headquarters in Washington and at the Democratic Convention.[342] Elec-

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did not have any re-election campaign responsibilities. Exhibits 74 and 75 consist of a number of documents wherein Mitchell was "exercising his responsibility as director of the campaign" in June 1971, and January 1972, while still Attorney General. Vol. 4, pp. 1653-1655.

[322] Testimony of Robert Odle, Vol. 1, p. 72.

[323] In his regular "political matters" memo to H.R. Haldeman, Strachan wrote: "Magruder reports that 1701 now has a sophisticated political intelligence gathering system with a budget of 300. A sample of the type of information they are developing is attached at tab "H"." Testimony of Gordon Strachan, Vol. 6, p. 2441.

[324] Testimony of James McCord, Vol. 1, p. 131.

[325] Ehrlichman considered private investigators going into sexual habits, drinking habits, domestic problems and personal social activities are a proper subject for investigation in political campaigns. Vol. 7, pp. 2774-2775.

[326] Testimony of John Ehrlichman, Vol. 7, p. 2777.

[327] Id., at 2779.

[328] *Wash. Post*, Sept. 27, 1973.

[329] Testimony of Robert Odle, in reference to the arrest of Mr. McCord, Vol. 1, p. 29.

[330] James McCord and Gordon Liddy. This refers only to employees of CRP.

[331] James McCord, Gordon Liddy, Jeb Magruder, John Mitchell, Herbert Porter, Robert Mardian and Fred LaRue. This again refers only to employees of CRP.

[332] Mr. Kalmbach delivered these funds, left over from the 1968 campaign, to a man he did not know, but could identify by means of clandestine signals at the Sherry-Netherlands Hotel in New York. Testimony of Herbert Kalmbach, Vol. 5, pp. 2142-44.

[333] Mr. Kalmbach understood the $100,000 contribution from AMPI in 1969 to be tied to "access" to the President and administration approval of new price supports for dairy farmers. Affidavit of Herbert Kalmbach, to the Senate Select Committee on Presidential Campaign Activities, supra.

[334] Testimony of Herbert Kalmbach, Vol. 5, p. 2111; see also, testimony of Hugh Sloan, Vol. 2, p. 572.

[335] See, testimony of eight corporate executives convicted of illegal corporate contributions Nov. 13-15, 1973. Vol. 13.

[336] Testimony of Hugh Sloan, Vol. 2, p. 541.

[337] Testimony of Maurice Stans, Vol. 2, p. 756.

[338] Mr. McCord testified that he received $25,000 for legal fees and a continuation of his $3,000 monthly salary (through January 1973) from the Committee to Re-Elect the President via Mrs. Hunt, Vol. 1, p. 130.

[339] Testimony of John Dean, Vol. 4, p. 1536.

[340] Testimony of James McCord, Vol. 1, pp. 178-181.

[341] This refers to the White House Plumbers (Vol. 3, pp. 919-924), the surveillance of Alfred Baldwin (Vol. 1, pp. 396, 397) and the aborted attempt of the Liddy-McCord team to break-in to McGovern headquarters, as well as the successful Watergate break-ins (Vol. 1, pp. 125-247).

[342] These were the initial targets specified by Mr. Liddy to Mr. McCord. Testimony of James McCord, Vol. 1, p. 128.

tronic surveillance of Senator Muskie's campaign office was discussed as a future target, according to McCord, but instead an office in an adjacent building was leased under the false name of John B. Hayes.[343]

Transcripts of illegally wiretapped phone calls were available to the Committee to Re-Elect.[344] The person transcribing the wiretaps was paid by payroll check from the Committee.[345]

A secretary on the CRP payroll typed up illegal wiretap transcripts, assisted Mr. Liddy in preparing a pass to enter McGovern headquarters, and eventually took part in the shredding of illegal intelligence documents.[346]

CRP built a capability to intercept and photograph memos in the Muskie campaign, and infiltrated not only Muskie's campaign but McGovern's suite at the Democratic Convention and Senator Humphrey's campaign (with an infiltrator known as Sedan Chair).[347] CRP became a group that had a .38 snub-nosed, Smith and Wesson revolver in its files that it handed out to one of its spies,[348] that was purchasing spy equipment from bugging equipment to microfilm machines for viewing its stolen documents, that was falsifying credentials, and shredding incriminating documents. Expensive charts were purchased, to display plans for bugging, mugging, burglaries and the like to the Attorney General. After that briefing, Liddy reported that Mr. Dean had asked him to destroy them, but because the charts were so expensive, Liddy decided not to. It found itself with an arrangement for two attorneys, Mr. Caddy and Mr. Rafferty, to appear at the second precinct following the Watergate arrests, when the participants did not return home from their night's work.

At one point the Committee was even instructed by the White House to hire a shaggy person to sit in front of the White House wearing a McGovern button.[349] This could only be matched by the hiring of counter-demonstrators for the funeral of J. Edgar Hoover,[350] hardly a political event.

The Committee to Re-Elect the President not only undermined the national Republican Party, but the proper functioning of the Democratic Party was likewise subverted. The intelligence functions previously described were designed, among other things, to influence the choice of the Democratic nominee for President. As part of that tactic, the illegal or unethical capabilities that were set up were consistently focused on the strongest contender. The early attack was against Senator Kennedy. It shifted to Senator Muskie. As Muskie's strength diminished, instructions came from the White House to shift the attack to Senator McGovern. This included not just intelligence, but the so-called dirty tricks operation as well.

The attempts to undermine the Democratic Party went beyond the candidates. A memo entitled "Counter Actions" and dated September 11, 1972, noted that depositions could be taken in a civil suit against Larry O'Brien, covering "everything from Larry O'Brien's sources of income while Chairman of the DNC to certain sexual activities of employees of the DNC. They should cause considerable problems for those being deposed." [351]

Mr. Dean recalled Mr. Haldeman telling him that he hoped O'Brien would be Senator McGovern's campaign manager, "because we have some really good information on him. (Dean) believed he was referring to tax information at that time." [352]

B. THE ELECTORAL PROCESS

A whole range of activities during the 1972 campaign, including so-called dirty tricks, were aimed at the voter. To the extent that improper or illegal methods were used to influence votes, they interfered with the electoral process.

The task of influencing the final vote for President had its beginnings early in the campaign process. It was a complex operation, not simply questionable tactics to get people to vote for Mr. Nixon. Rather, its thrust was negative, to get people to vote against strong contenders.

To take away votes from Senator Muskie in New Hampshire, Mr. Colson (stating that he had the President's approval) drafted a letter urging a write-in campaign for Senator Kennedy. Between 150,000 and 180,000 of the letters were sent out, a press conference was staged in support of the bogus campaign, along with appropriate advertising. All at a cost of some $10,000, paid for by contributors to a Republican President, not a Democratic write-in candidate.[353]

The President's campaign funds were also given to Democratic contenders Eugene McCarthy and Shirley Chisholm.[354]

Along this line, there was a project to finance the candidate for the Democratic nomination for Governor who was opposing former Governor George Wallace. This was to be financed by surplus funds from the 1968 campaign, which Mr. Haldeman testified that he "requested or approved . . . for funding support to a candidate for Governor in Alabama."[355]

Mr. Haldeman also approved "the funding of Donald Segretti."[356]

The story of Segretti and his henchmen illustrates more dramatically than anything else the efforts of the White House in the 1972 election to subject the voting privilege of American citizens to gutter politics.

Whether Segretti had any significant or measurable effect is not the question. It was an example, straight from the White House, of the worst in American politics.

It included informers planted in opponents' campaigns, stinkbombs unleashed against voters attending a campaign picnic, against volunteers in a telephone bank operation and inside a campaign headquarters, a letter on a replica of Muskie stationery accusing Senators Jackson and Humphrey of sexual improprieties in the most vile language, flyers inviting voters to a non-existent open house at Muskie headquarters, a flyer advertising a free all-you-can-eat lunch with drinks at Humphrey headquarters, a small plane circling the Democratic Convention advertising "Pot, Peace, Promiscuity, Vote McGovern," adverse press that forced cancellation of a Muskie fund-raising dinner, printed cards with "if you like Hitler, you'll love Wallace—Vote for Muskie," stinkbombs thrown into a campaign headquarters, a forged letter on McCarthy stationery urging McCarthy delegates to switch to Humphrey, a letter on Yorty stationery blaming the McCarthy letters on Yorty, hired hecklers, pickets, and informers to disrupt, infiltrate, and spy on Senators Humphrey, Muskie, and Jackson, a false press release with the information that Muskie was using Government-owned typewriters and Federal employees not on leave of absence, a series of false anti-Muskie advertisements in the University of Miami campus newspaper, the local Cuban newspaper, and on the local Cuban radio station insulting the Cuban people, a false press release on Muskie stationery with a vague stand on aid to Israel which did not go over well in Miami Beach, a flyer claiming Muskie favored busing while sending his children to private schools, rats and birds released at a Muskie press conference, a naked woman to run in front of Muskie headquarters yelling "I love Muskie," a flyer falsely advertising the appearance of Lorne Greene and Mrs. Martin Luther King at a Humphrey rally, hundreds of dollars' worth of flowers, chicken, and pizzas delivered to Muskie headquarters, a set of invitations to Black Panthers, the Gay Liberation Front, the Hare Krishna movement and African diplomats for a Muskie fund-raising dinner, a chauffeur for the Muskie campaign, code-named "Ruby 1," who would turn over documents being delivered so they could be surreptitiously photographed, and eventually shown to Mr. Mitchell, a rented office near Muskie's headquarters to facilitate copying of documents, a group of infiltrators in Muskie headquarters in Milwaukee, Humphrey headquarters in Philadelphia, McGovern headquarters in Los Angeles, Washington, and Miami, a ploy to get campaign workers to drink beer and skip work, and an operation to switch phone-bank call sheets so the same people would be called repeatedly or the wrong message would go to selected groups.[357] This is not to mention similar operations by persons known as "Sedan Chair 1" and "Sedan Chair 2"; [358] and "Ruby II." [359]

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[343] Testimony of James McCord, Vol. 1, p. 153.

[344] Testimony of Jeb Magruder, Vol. 2, p. 827.

[345] Alfred C. Baldwin operated as an employee of the Committee to Re-Elect the President, was paid by payroll check from the Committee and was given an identification pin by the Committee. Testimony of Alfred Baldwin, Vol. 1, p. 393.

[346] Testimony of Sally Harmony, Vol. 1, p. 463.

[347] Interview with Herbert Porter, Aug. 20, 1973. Interview with Roger Greaves, Aug. 21, 1973.

[348] Mr. Baldwin was given a .38 snub-nosed revolver, Smith and Wesson, from the first or second drawer of a file cabinet at the Committee to Re-Elect the President. Testimony of Alfred Baldwin, Vol. 1, p. 392.

[349] Robert Reisner testified that Charles Colson instructed Magruder to hire shaggy person to sit in front of White House with McGovern button. Vol. 2, p. 512.

[350] Robert Reisner believe it was Charles Colson who initiated the hiring of counter-demonstrators at the Hoover funeral. Id. Hunt testified to enlisting the aid of Mr. Barker and associates during Mr. Hoover's funeral. Hunt was informed by Liddy that in conjunction with demonstrations, an effort would be made to desecrate the catafalque of Hoover in the Capitol. Vol. 9, p. 3712.

[351] Vol. 4, p. 1471.

[352] Id.

[353] Interviews with Jeb Magruder, August 18, 1973, p.3, and October 1, 1973, p. 11.

[354] Interviews with Gordon Strachan, August 13, 1973, p. 8; interview with John Mitchell, June 27, 1973.

[355] Testimony of John Dean, Vol. 4, p. 1536.

[356] Testimony of H.R. Haldeman, Vol. 7, p. 2876.

[357] This list was complied from the testimony of Donald Segretti, Vol. 10, pp. 3980-4054; Martin Kelly, Vol. II, pp. 4376-4402; Robert Benz, Vol. 11, pp. 4403-4434; and John Buckley, Vol. 11, pp., 4435-4477.

[358] See, interview with Herbert Porter, August 20, 1973; interview with Roger Greaves (Sedan Chair 1), August 21, 1973; testimony of Michael McMinoway, Vol 11, pp. 4478-4535.

[359] Testimony of Marc Lacritz, Vol. 11, p., 4636 (describing the activities of Thomas Gregory, a student hired by Howard Hunt).

It was nothing short of a massive operation to deprive the American voter of information about Democratic candidates for President. It was significant not so much as an attack on politicians, but as an attack on voters and their opportunity to cast a fully-informed vote.

Dirty tricks were not the only means used to influence the electoral process improperly.

Misleading the voter by official conduct and statements was equally in evidence. This kept critical information hidden from voters, when there was a legal obligation to disclose it, thereby preventing a proper judgment of the incumbent administration.

The Watergate break-in was called a "third rate burglary at a time when the White House knew better, based on its briefings and discussions, including a discussion of executive clemency with the President in July 1972.[360]

Mr. Mardian testified that he even complained to Mr. Clark MacGregor, who had succeeded Mr. Mitchell as campaign manager, that statements being made regarding non-involvement of campaign personnel were untrue, and that he unsuccessfully attempted to brief MacGregor about the tremendous exposure of certain people in the campaign.[361]

On August 29, 1972, the President assured the nation that an investigation by John Dean had cleared the White House of any involvement. This statement was made in spite of the fact that the President had received no report from Dean, and never, ever talked with Dean about Watergate.[362]

In mid-September 1972, the President discussed possibly unethical out-of-court contacts that had apparently taken place with the judge in one of the Watergate lawsuits, as part of a strategy to keep the process of justice from operating.[363] Delay or obstruction of this process again insured that voters would not have the legal record before them in November.

In mid-October 1972, high level staff meetings at the White House were convened to decide how to handle news reports about Segretti. Even though those participating knew or had access to the full Segretti story, the decision was made to issue tough denials, and what Mr. Richard Moore described as "weasel words." [364] The story was basically correct, yet it was denied as "hearsay, inuendo, and character assassination." No effort was made to tell the truth. The voters were kept in the dark.

Perhaps this tactic was best summed in testimony by Mr. John Mitchell. He was interviewed by the FBI on July 5, 1972, and stated that all he knew was what he read in the newspapers, despite testimony that he had been extensively briefed about Watergate by Mardian and LaRue. His explanation: "at that particular time, we weren't volunteering any information." [365] His reason: "the re-election of the President, this particular President, was uppermost in my mind without question." [366] One man was thereby elevated above the fundamental principles of this nation.

TRANSITION (FROM FACT TO OPINION)

At the conclusion of the fact-gathering phase of the Committee's mandate, I met with legislative assistant, A. Searle Field, and assistant minority counsel, H. William Shure, to discuss what shape our report on Watergate should take. We settled upon the following "woulds" and wouldn'ts":

1. We would emphasize the known in order to impress upon the reader the importance of its implications rather than explode new facts of scandal. We were convinced White House strategy was (is) geared to numbing America past concern by innundating America with one White House horror after another.
2. We would report within a framework of principles and institutions rather than people.
3. We would opine and editorialize but separately from the factual presentation.
4. We would recommend remedial legislation.

1. We wouldn't try and resolve conflicting testimony.
2. We wouldn't make judgements on individual guilt or innocence.
3. We wouldn't cite "shaky" material as proof.

If what you've read up to now in these pages is not new, neither is it susceptible to argument.

The indisputable ugliness of Watergate is of such scope as to categorize it as a sheer insanity; either for those who participated in it or have since defended it.

I don't know, except as the courts have already passed judgment, who is guilty or who is innocent.

But I do know that to accept the *White House* version of your Constitution, your government and your politics is to counterfeit America.

UNDERSTANDING WATERGATE

Alright, what to do with the raw data of Watergate? Unless positive understandings and actions emanate from this negative sequence, then it seems to me nobody really was caught breaking into Watergate.

The gut question this summer is what do Americans now know and what are they going to do about it? By way of dramatizing the need for a proper answer to that question, let me cite the following example. I recently received a critical letter which read:

"Really, Senator, all is fair in 'love and war'."

American elections—war?

Member of another party—enemies?

Politics—fear?

Is that the lesson America is taking home from the Watergate? Because if such is the case, then a whole new era in American politics will have dawned and Gordon Liddy will be recognized not as peculiar but as a visionary. Also at such time we of the Select Committee would have failed. Though a year has gone by between the time of the Senate Watergate hearings and this Senator's Watergate conclusions, it is a matter of Constitutional life and death that the American people make a connection between those two events.

What about the Constitution? Is it up to our times? Certainly it never before has obtained such visibility. But how about acceptance?

I. THE CONSTITUTION

Later in this section I intend to editorialize on the abuses to our governmental and political institutions. However the pivotal struggle of Watergate is one between men who play for the moment and look upon the Constitution as a 4th of July interruption to their own charter and men who play for tomorrow and understand it to be the force that has given America success beyond America's natural abilities for success.

Never first in population, land mass or natural resources, why have we attained a national greatness and personal affluence beyond that achieved by any country or people?

Because we perjured? Because dissent was disloyalty? Because justice was political? Because our concern was developing fear? Because we burgled? Because we thought the worst of each other?

Or, because

"All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. . . ."

Or, because

"Congress shall make no law . . . abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Or, because

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. . . ."

Or, because

"No person shall be deprived of life, liberty or property without due process of law. . . ."

Or, because

"In all criminal prosecutions the accused shall enjoy the right . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor. . . ."

Or, because

"The President . . . shall take the following Oath: 'I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

I catch none of the "everybody's doing it" or "transcripts" spirit in any of those words.

The Constitutional history of Watergate to this date has been that of a President and his Ministers who de facto have tried to "yes—but" most sections of the Constitution.

I feel Article V to be preferable to Administration amending methods.

Several years ago many Americans were willing to silently tolerate illegal government activity against militants, terrorists or subversives as an expeditious way to circumvent the precise processes of our justice system. Though quick, it also proved to be only a short step to using such illegal tactics against any dissenting Americans. The result was we almost lost America. Not to subversives, terrorists or extremists of the streets but to subversives, terrorists and extremists of the White House.

That is why there can be no acquiescence, now, to a few "yes—buts" to the Constitution. To do so would be just as big a cop-out as those who espouse violence in the name of peace.

American Constitutional democracy is not the tidiest, most orderly, most efficient, most expeditious, quietest political system on earth. It is in fact raucous, off in a thousand directions of concern, involved with millions of individuals rather than a mass, revolutionary and querulous. But what some deem as flaws are precisely its genious. For those who have made it, it's a pain. For those who haven't, it rebuts predestination.

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[360] Presidential Statement, August 15, 1973, p. 3; testimony of John Ehrlichman, Vol. 7, p. 2848-2849.

[361] Testimony of Robert Mardian, Vol. 6, p. 2430.

[362] Testimony of John Dean, Vol. 3, p. 955.

[363] Id., at 958; Transcripts of Presidential Conversations, September 15, 1972, p. 60.

[364] Testimony of Richard Moore, Vol. 5, p. 2038.

[365] Testimony of John Mitchell, Vol. 5, p. 1926.

[366] Id., at 1827.

Our greatness will always be in direct proportion to our freedoms. Yes, that includes the freedom to be wrong.

Free spirits, not measured freedom, has been the promise of the Constitution. We can have peace in Vietnam, on campus and in the neighborhood without forfeiting that promise and no man or group of men deserve leadership if they would put the nation to such a choice.

II. GOVERNMENT

The offices of government in this nation are complex and awesomely powerful. Even if engaged on legal pursuits. It's not an exaggeration to state that a United States Senator needs every bit of his clout to move effectively within the bureaucratic maze. Insofar as the 99.9% of Americans who are not Presidents, Congressmen or Senators, if anything goes wrong with either end of the governed-government equation, the mismatch of the century ensues. And that's so even though the slip-up is innocently legal. Fully 50% of a Senator's time and staff are devoted to resolving the innocently legal slip-ups between his constituents and their government. And I'm sure those who speak up are no more than 5% of those being wronged.

What then if agencies and officers of the United States government become involved, not in innocently legal mistakes, but purposefully illegal vengeance? In light of the facts already presented, the greatest danger of this section is for me not to overeditorialize the case so as to engender disbelief. Of those who read this report, 99% of them know Senators, Congressmen, successful lawyers and other powerful persons. But America is not supposed to be about the powerful—rather the frail. And they're the ones who will eventually suffer the most if the White House record on using the government agencies politically to bring about conformity is allowed to go unchallenged.

The "enemies list", revealed in the dialogue I had with John Dean, has received much hoopla. But aside from the fact that today it has become a badge of honor, have you ever thought what it feels like to be an American and have the highest office in the land look upon you as an enemy? To be spied on, to be investigated, to be harrassed, to be reviled by your own country? It may be a badge of honor when revealed but it's frighteningly disheartening while it's going on and no one believes that these things are happening in America.

Oh, yes, I've heard the excuses for the illegal use of the federal law enforcement/intelligence community. National security, domestic security, terrorists, law and order, subversives, militants. But let me put the White House record in the proper factual context.

No administration within my lifetime has a worse record of convictions in relation to indictments than the Nixon Administration. Why? Because it tried to achieve law and order by lawlessness. It was the courts that said no, not the Justice Department.

In the matter of the Special Compliance Division of the IRS and their keeping tabs on "militants, subversives, terrorists, ideological and other organizations," it is fact that in all the IRS files that came into White House possession, there is not one militant, subversive, terrorist individual or organization. That is the lesson of a White House gone ape. Our lesson is that you can't protect the rights of anyone unless you protect the rights of everyone.

The differences between myself and this Administration on Watergate are not philosophical, political, historical, personal or regional. They are Constitutional, pure and simple. A better summation of our differences could not be found than the surreptitious entry language of the "1970 Spy/Huston/Sullivan Plan" and again in the words of the President on September 15, 1972:

"Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

You can't have that and democracy.

"I want the most comprehensive notes on all those who tried to do us in. They didn't have to do it. They are asking for it and they are going to get it. We have not used the power of this first four years as you know. We have not used the Bureau (FBI) and we have not used Justice. But things are going to change now. And they are either going to do it right or go."

You can't have that and democracy.

Remember what Pat Gray said?

"I said early in the game that I thought that Watergate would tarnish everyone with whom it came in contact and I am no exception. *I had a responsibility not to permit myself to be used, not to permit myself to be deceived* and I failed in that responsibility and I have never failed in anything that I have undertaken until this point in time. And it hurts."

The Congress and the American people, with more facts in hand than Pat Gray ever had, have an even greater responsibility not to be used or deceived in this matter of abuses to our governmental agencies and political processes.

Because most elected officials or citizens haven't had the FBI, IRS, CIA, MI, SS, Justice Department, Defense Department, Commerce Department, "Fat Jack" or Tony Ulasewicz on their train does not mean the abuses of Watergate passed them by. It only means that if they don't speak out now, they've got no complaint later. A little less spectating Watergate and a little more speaking out is very much in order.

Admittedly to speak out is tough. Just as the Bill of Rights and democracy is tough.

But speaking out is a patriotism far better suited to 1974 than 1972's wearing of flag lapel pins by White House and CREP employees while they advocated burglary, wiretapping, committed perjury, politicized justice, impugned the patriotism of those who disagreed with them and threw due process in the shredder.

Americans of all generations have suffered and died at their best because they were uncompromising in the idealism they wished for their country. Who of this generation, then, wants to declare a lesser truth for America?

It is the answer we give to that question which matters. It will decide America.

III. POLITICS

In November, 1962 I was elected to my first public office—State Representative to the General Assembly in Hartford, Connecticut.

Now, some 12 years and 8 elections later, I am rounding out my first term in the United States Senate—a boyhood dream come true.

Yes, it's time consuming and rough on the family life. To that extent it's tough. But each dawn for 12 years has me looking forward to the day. Politics is a clean business with dedicated people. The terms "9-5" and "5-day week" are seldom heard. The winning politician is in the business of love and not hate. The average politician takes the cost of serving out of his pocket and not the public's taxes.

These things need saying to challenge the "end justifies the means" image, the "everybody's doing it" image that the White House knowingly and a few ignoramuses unwittingly would give politics.

We're replete with failing personally as I, my staff and my family know all to well. But with the public trust given us by our constituencies—we'd no more see that in the mud than the American flag.

Can I prove the above? Sure. Look at your America as I've asked the people of Connecticut to look at their State.

The truth of American politics is in the schools of this country, not a wiretap; in the hospitals, not a burglary; in the housing projects, not a scurrilous letter; in the parks, not in hush money; in facilities for the retarded, not in spying; in people who volunteer in a thousand ways, not in dirty tricksters; in politicians who reach for the weak first, the strong second, not in hatchet men. In short, dirt does not conceive so much tangible excellence as we have in our country.

The truth of America is not in the deeds of men and women at their worst but rather at their best. Government with its politicians and the people are not apart in a democracy. They are one.

And so it is we will not get any better ethics or more idealism in the Oval Office or on the Senate floor than we do in the voting booths.

Watergate was conceived in an ignorant apathy of the electorate and was executed in semi-conscious apathy. Its greatest danger is that it will be forgotten in an apathy of total knowledge. That kind of voting booth acquittal means that American politics has officially joined the Administration on the dark side of the manhole.

Thank you, no!

PEOPLE AND POWER

Watergate is not the story of one powerful man. It is a story of people. Though my efforts have been directed toward the principles and institutions of this nation, I am well aware that their existence or disappearance reflects human behavior.

It is no source of pride to me as an American that the coinage of responsibility has been in inverse measure to rank and power. I was taught early on, first by my Dad and then by the United States Army, that rank has its privileges because rank has its responsibilities.

Yet in the case of this President, I've heard the word "privilege" used over and over again as a dodge of responsibility.

The word "stonewall" has been used to describe the President's defense. Believe me, it has been and continues to be a "human wall."

REPUBLICANS

Obviously this has been rough duty in a Republican sense. However, from the outset I've operated on the basis that the best investigation was the best politics. I couldn't change the facts. I couldn't silence those who knew the facts. All I could do was to make sure that a Republican spoke the facts if not before, then simultaneously with a Democrat.

On page 103 of the "Transcripts", President Richard Nixon is talking to John Dean:

"I don't know what we can do. The people who are most disturbed about this (unintelligible) are the (adjective deleted) Republicans. A lot of these Congressman, financial contributors, et cetera, are highly moral. The Democrats are just sort of saying, "expletive deleted) fun and games.' "

Richard Nixon understood the strong base of integrity that is a Republican heritage. Because he rejected it then is no reason for any Republican to do so now.

Because the Republican National Committee and its Chairman, Senator Robert Dole of Kansas, were in the traditional Republican mold of decency and honesty is exactly the why of a Committee to Re-Elect the President. At an executive session of the Select Committee held on Wednesday, June 19, 1974, I inquired of the staff and the Committee whether after one year of investigation there was evidence of wrongdoing by either the RNC or Senator Dole. The answer was a clear-cut "no" in both instances. Republicans who now state that "everybody does it" dishonor the men and women of their own official party organization and Bob Dole who didn't do it and wouldn't have done it.

One last comment.

The record establishes that:

1. The White House took a dive on the Congressional races of 1972 insofar as many Republican candidates were concerned.[367]

2. Democratic candidates were actively assisted in some instances.[368]

3. The White House expended considerable resources and energies zapping Republican Senators and Congressmen.[369]

4. The Justice Department was consulted as to how to keep a Republican off the Florida primary ballot.[370]

Along with a will to pursue the truth, I would hope the will to win for the Republican Party is slightly stronger and fairer in its next titular head.

TOMORROW

No, this won't be the Watergate to end all Watergates.

Other men will tape the doors of America in other times.

Whether they succeed will be a matter of spirit.

For them as now, the state of our spirit will determine the state of this Union.

RECOMMENDATIONS

The necessary legislative and/or Constitutional steps should be initiated to:

1. Make all forms of domestic electronic surveillance, including wiretapping, illegal.

2. Have the Office of Attorney General of the United States be an elected office.

3. Make all nominations for Federal elective office by direct, primary, with unaffiliated voters free to participate in the party primary of their choice.

4. Establish a joint congressional committee, with complete investigative powers and rotating membership, to monitor domestic intelligence-gathering and law enforcement activities throughout the executive branch, and be able, under appropriate safeguards, to obtain and provide access to relevant materials requested by any Member of Congress. Similar oversight functions now held by congressional committees should be transferred to the joint committee.

5. Grant the Supreme Court original jurisdiction over disputes as to any privilege asserted by the President with respect to the Congress or Federal law enforcement agencies, thereby making the Supreme Court the first and final arbiter of the issue.

6. Subject senior White House staff personnel to confirmation by the Senate.

7. Prohibit White House staff from making recommendations, inquiries, or exchanging classified information with any department or agency as to any case, action, or funding except upon written authority of the President, which authority shall be immediately transmitted to the appropriate congressional committee, along with a description of each instance in which the authority is used.

8. Draft a code of candidate responsibility, with appropriate disciplinary rules and grievance procedures, to be enforced through a Federal elections commission.

9. Provide for "accredited campaign representative", exchanged by opponents for nomination or election to Federal office, to be accorded the privileges of travel, interviews, and news releases granted to accredited press representatives in general.

10. Require Federal candidates and officeholders to fully disclose all sources of income and assets or liabilities over $1,500, to be submitted by February 15 of each year, for the calendar year preceding, for publication in the CONGRESSIONAL RECORD. This to supersede any present statutes relative to congressional financial disclosure.

11. Require campaigns for the presidency, after a nominee is selected, to be run by the party of the candidate.

12. Require that campaigns for nomination or election to Federal office be conducted between the first Tuesday of September and the first Tuesday of November.

13. Designate election day as a Federal holiday, in order that the voting franchise not be restricted by competing concerns about jobs.

14. Require that candidates for Federal elective office report all collections and expenditures two weeks before election day, with no collections thereafter.

15. Prohibit candidates for Federal elective office from accepting cash contributions over $50 or spending more than $10,000 in personal funds.

16. Restrict candidates for Federal elective office to only one campaign committee.

17. Open all congressional hearings and sessions to the public, except with respect to national security, proprietary information, or personally defamatory matters. The present rule, leaving such open sessions up to each committee's discretion, should be made mandatory and uniform.

A. SEARLE FIELD.
WILLIAM WICKENS.
H. WILLIAM SHURE.
RICHARD MCGOWAN.

Thank you.

Mr. President, I now want to leave the recitation of this report, which has been included in the RECORD in its entirety, to once again examine what it is that is being debated here on the floor.

What is being debated is to, in effect, have the Federal Government inject itself, in a massive way, in our free election process. It has already done so in terms of Presidential elections. And we have seen how even in the course of that narrower exercise, abuse has already taken place.

What do you think it does for the moral fiber of this Nation and the definition of truth when the young people read article after article as to how spending limits are meaningless, are violated day in and day out by the campaigns of the various candidates in the several States during this primary season?

The premium is not how to go ahead and make the law better or make the selection process better, but rather how to end run the law. Who can come up with the best idea that, in effect, will end run the law and so the candidates can spend more money and everybody gets away with it.

How many times have they seen candidates, and I put that in the plural, that merely have campaigns out there with no appeal in terms of the substance of the campaign, but are out there to collect Federal campaign funds. Who is to say that the interminable process that we are being put through now is good for the democratic process. We have a real problem, and do not think we are not impacted by it on the Senate floor.

Our problem specifically is that the American people are getting tired of politics, tired of the election process, dispirited and discouraged by its frailties and its illegalities. As they are being turned off, they do not vote, and as they do not vote, more and more of the positions of responsibility are being filled by those inadequate to the task, or those who are the spokesmen for one-issue groups, and less and less we do the business of the Nation here on the floor of the Senate. Rather, the Senate has been reflecting those narrow, one-issue campaigns and candidates.

I do not worry about how the country will fare, as long as everyone is participating. We will have high-quality individuals serving. We will have high-quality laws, high-quality rules. But the problem does exist, in other words, here in the U.S. Senate. It is a direct reflection of how the American people's lack of participation in the process finds its way into this Chamber and the Chamber down the way and the building down at the other end of Pennsylvania Avenue.

This is the problem we should be addressing. How do we stimulate the interest which brings everyone into the political process? It is not by going ahead and financing mediocrity or guaranteeing that you do not have to have a good idea to get elected. We are only trying now to find out how we pay for the rottenness that exists. We are blaming the fact that people want to get together to give their moneys, saying it is their fault. The fact they get together and form a PAC, that is what is bad. No, that is not what is bad.

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[367] Gordon Strachan testified that there was a list of approximately 100 Democratic Congressman, primarily from the South, who were not to receive active opposition from the White House. Vol. 6, p. 2484.

[368] Carmichael/Eastland campaign in Mississippi for the United States Senate, 1972.

[369] As part of a White House campaign against Senators Percy, Mathias, and Goodell, a confidential memo by Mr. Haldeman on October 11, 1969, ordered a program of: "sending letters and telegrams, and making telephone calls to the Senators, blasting them . . ."

[370] Memo to Attorney General Mitchell from Jeb Magruder, August 11, 1971: "Pat Buchanan suggested that maybe we could have the Florida State Chairman do whatever he can under the law to keep McCloskey (Rep. McCloskey, R-Calif.) off the ballot."

What is bad is we cannot generate any enthusiasm, either by the nature of our candidates, their character, or ideas. And so we want the Federal Government to pay for it, and I say nuts.

That is what this debate is about. The Federal Government does not need any more power vis-a-vis the election process. There are the issues that are being debated out here on the floor. It is not just a simple old campaign financing reform bill. It gets to the heart of what we are supposed to be about in this democracy. We have failed miserably in terms of that election process, and it eventually is what is going to bring us to our knees. This country can do many things, but you cannot put it on automatic pilot. As Franklin put it, the people rule, and we are in good shape as long as they are ruling, but they are not ruling.

They feel that they have no stake in the process or in the outcome and they are going away in droves. What we do not need is a subsidy of wretched performance.

To digress for 1 minute, I will give you a good analogy. It concerns another issue which I have stood on the floor and talked about, this business of merging religion and politics. Do you know why people want to merge religion and politics right now? Because both institutions are failing. The congregations diminish, as the voters diminish. So salvation is seen as merging these two institutions rather than having each one stand on its own feet and compete for excellence. Rather than have them stand up and attract their own constituency, the ministers and politicians look to each other rather than those they are supposed to serve.

There is no salvation in merging religion and politics. Each has to derive its own strength from what it proposes, from the problems that it solves, from the opportunities that it presents.

But instead of coming to the understanding that both these institutions are out of date, the leadership looks to each other with some sort of misty-eyed nostalgia, even though both institutions in many instances have become irrelevant to the needs of those they are supposed to serve.

Well, the same is true right here. We are trying to enhance the democratic process and we are afraid to do what is necessary in terms of the courage of decision, for example.

Has anybody conceived of the fact that maybe one of the problems that we have is we do not make any decisions anymore? We are trying to hone to a fine art and gettng lost in the fog. We wonder why people are not excited about politics. Where are the ideas that are supposed to be conflicting and competing? How can people make choices anymore when everybody stands for the same thing and usually the same thing means nothing or the lowest common denominator?

Now, I think we are talking about the problems of the free election process and of politics and of government, not where do we find the money to carry us through our banality, our mediocrity, our nothingness. Where do we get the money? This legislation says: Let us go and get it from the Federal Government. But if we do get it from the Federal Government, we have given up another very important power of the people of this country, really their last power, to place a check on all of us.

I think we have a job to search for new ideas to further stimulate growth in this great democracy of ours, but they are not to be found in this kind of legislation.

Just take the principle I cited, which I offered as my reform. My own feeling is that rather than worry about the amount of money, worry about the length of campaigns, the length. How about using that as the self-disciplining factor?

If you cut down the length you are going to cut down the money, but you will not give away people's constitutional rights and you will not put the process in the hands of a constitutional government.

Why should a congressional campaign be longer than 60 days? Please tell me. Do you think anyone is honestly tuned in except for the months of September and October?

Maybe we are a free source of entertainment for the media. Fair enough. The various television stations, newspapers and magazines pay enormous fees for entertainment; we are free.

But I do not want to be entertainment. That is not my purpose here on the Senate floor. It is to try to represent effectively 3 million people in the State of Connecticut. They do not have any voice down here. I am their power. It is the power that I represent that has the opportunity, at least, to bring hope.

Sure, I think we should be reforming the system. I think we ought to shorten the term of election campaigns. This is not an entertainment event. It is very serious business. During the last 60 days is when all the people are tuned in. We know that from our own campaigns. We know that advertising advisers say that is when you want to put on the big push, in September and October, after Labor Day.

Well, let us do it. You will not have to have any Federal financing if you have 60-day campaigns. If somebody tries to get out and blitz with a big sum of money, I believe it would stick out like a sore thumb and people would vote that person out.

I have confidence in people. The electorate can make judgments on how much is being spent, where it is coming from and the impact it would have on their own interests.

In my own State of Connecticut, I tried over the years to have independents participate in the primary process of the Republican Party. I was fought every step of the way by the Democratic incumbents and the State government in Connecticut. I based my argument on free association, that the Republican Party has the right to make its own decisions as to who shall and who shall not participate in its deliberations.

I took that fight, and the Republican Party of the State of Connecticut took that fight, all the way to the Supreme Court, because we were up against an entrenched Democratic Party in the State of Connecticut, and we won in a 5-to-4 decision.

So far as the Democrats are concerned, do they believe people have a stronger reason for voting in a general election if they have some say as to who the candidates are going to be? Is that another approach we ought to take?

I read in the papers the ads about these various convoluted processes called caucuses and the primaries themselves, concerning whether they are representative or what. How about letting the American people, whether Democrats, Republicans, or Independents, get into the primary process and let it truly be a primary process and let them say who the candidates will be. Will that get more money and interest into politics in the sense of greater individual participation?

I have thrown out three ideas which may be good, bad, or somewhere in between.

What they do not do is thrust upon the taxpayers of this Nation the burden of paying for our mediocrity. They try to get the American people involved, not to have socialized politics.

Everybody is so scared of socialized medicine, socialized transportation systems, socialized education.

Do you know what this is? This is socialized politics, pure and simple.

I believe in competition. I believe in the excellence of ideas, in the excellence of people, in rewarding those who make hard choices. Not in figuring out a way to pay for the brand of politics that both parties have been practicing over the past decade.

I would be delighted to work with any of my colleagues on a campaign reform bill. I think it would be just great. But to come at it by trying to twist around the final act? You have to come on the stage in the first moments of the first act.

Mr. President, I would hope that the pending legislation be defeated. I might add that as some seek to finance our mediocrity or socialize politics, I do not think they have done it in any particularly dignified or edifying way. I do not think we have to go and arrest Members and I do not think we have to stand here and talk after seven cloture votes. We have spoken. The Senate has spoken. The American people, therefore, have spoken. It is going to be defeated again on Friday.

Certainly, I think everybody has the opportunity to push their point to the limit. I have been in that boat too many times than to try to deny it to anybody else. But, you know, you win some and lose some. I realize the prevailing attitude around here in the last several years is you have to win them all or you will bring everybody to a grinding halt. Maybe a little live and let live might be in order, a little win some and lose some might be in order, so that everyone has a chance to speak on issues that concern themselves and their constituents.

How do you think we look? We have used weeks and weeks of time on ourselves, on the subsidization of ourselves, the socialization of the political process, while some other people have some rather important problems out there that need resolution.

For years I had to plead for Grove City to come to this floor. It finally did. Even now we have AIDS legislation out there for those who are suffering and dying and in fear of this disease and it cannot come to the floor. But we discuss ourselves.

We have a budget problem that multiplies day after day but we are going to discuss ourselves.

We have a problem coming over the hill relative to the aging of this Nation, the elderly. But we want to talk about ourselves.

I think enough time has been spent upon ourselves. If we would go ahead and make the decisions that are imposed upon us by circumstances and by law we would not have to worry about how to finance campaigns. The American people would take care of it.

But they are disinterested in a rather lackluster performance and I do not blame them.

I am not prepared to go ahead and socialize politics in America, and I am not willing to subsidize mediocrity, and I am not willing to go ahead and enhance the power of the Federal Government which, on occasion, can run amok itself.

I spent the better part of my early years in this Senate revealing the facts of a government run amok, and participating in the decision that was against any sort of Federal financing of election campaigns. I revere that experience and that recommendation too much to come around to the year of 1988 and deny it all by virtue of this legislation.

I have great respect for those who are the authors of the legislation, those who have been pushing for it. But enough. But enough. Neither history nor the votes as they now sit on the floor of the U.S. Senate auger well for the passage of this legislation. Hopefully, we will be able to get on to other business.

Mr. President, there are some people I have a high respect for in this body. I am not engaging in either hyperbole or sarcasm but rather in the reality of the situation.

I think the distinguished Senator from Maine has been a great positive voice for good in this body. He has the courage of his convictions. He has expressed them many times on the floor. When I talk about mediocrity, I am afraid that too much of it associates with the body, but there are individual flashes of brilliance, and an example of that is the man who I understand will now speak to the issues involved.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Maine.

Mr. MITCHELL. Mr. President, I thank my friend and colleague, the distinguished Senator from Connecticut, for his kind words, and also for the very interesting and informative discussion in which he has engaged for the past 2 hours.

It is not easy for anyone to stay awake from 3 until 5 in the morning, but for those of us here who were present during the Senator's comments, he did keep us awake and, as always, he did so with a combination of intelligence, wit, and informed discussion.

I do not agree with the Senator's conclusions, but I respect his view and the orderly processes of mind which led him to it.

I do not believe the issue is public financing. I believe the issue is whether or not there will be limits on the amount spent in election campaigns for the Senate. Indeed, it is clear to anyone who reviews the pending legislation that the public financing aspect of it is limited to the absolute minimum necessary to permit the campaign spending limits to be constitutional within the framework established by the Supreme Court in the landmark case of Buckley versus Valeo.

The likelihood, indeed the probability, if not the absolute certainty, is that if this legislation were adopted there would be little or no public funds expended. And so while my distinguished colleague's argument was interesting, it did not go to what is the heart of the problem. That is made clear if one reviews just a few numbers.

Total campaign expenditures in elections for the Senate between 1972 and 1986 lie bare for all to see what is the crux of the problem before us.

In 1972, candidates for the U.S. Senate spent—and I will round out all numbers I use—$30 million; in 1974, $34 million; in 1976, $44 million; in 1978, $85 million; in 1980, $102 million; in 1982, $138 million; in 1984, $170 million; in 1986, $211 million. Thus, in the space of 14 years, there has been a sevenfold increase in total campaign expenditures for the U.S. Senate, from $30 million in 1972 to over $211 million in 1986. If that same rate of increase continues into the future, the first American election of the 21st century will see the expenditure of nearly $1 billion to $1.5 billion in campaigns for the Senate. It is that which must be checked. It is that which must be controlled. It is that which S. 2 will do. It is that which this debate is about.

Let no one be confused or deceived or misled by the rhetoric we have heard by opponents of this legislation over the past several days. There is at bottom one issue before us, whether the Members of this Senate wish and have the will to control the amount of money being spent to be elected to the Senate. There are very few public policy issues which have been debated as much as this one. The bill before us has been thoroughly considered by the Senate in 14 days of debate last year. The Senate has voted seven times to cut off debate on this legislation which a clear majority of the Senate supports. Seven times the opponents of campaign finance reform, themselves a minority of the Senate, have defeated the will of the majority by means of a filibuster. The American people should know that a majority of the Senate agrees with a majority of the American people that something must be done about the cost of Senate campaigns. But a willful, determined minority, using the weapon of the filibuster, succeeded in preventing the will of the majority of the American people and the will of the Senate from prevailing.

The bill has undergone major modifications on the floor to respond to every argument that opponents have raised about campaign finance reform. The willingness of the majority to modify the bill has exposed what is a fundamental objection of opponents. They simply do not want a limit on campaign spending. That is the issue now before the Senate. It is the only issue now before the Senate.

The method by which we finance campaigns for Federal office goes to the very essence of our system of government. While the authority of our Government is based on a written Constitution, the observance of Government power depends ultimately on the continuing trust of the people in a democracy.

If the American people do not have faith that their Government fairly represents them in the overall best interest of the Nation, the authority of Government will be undermined. There is no more certain way for Government to lose the public confidence and with the substance of its authority than for Government to appear to be holding to narrow, special, and favored interests separate from the common good.

Nowhere do we risk eroding public faith and undermining public confidence more than through the manner in which we finance election campaigns.

With each successive election cycle, the public and Members of Congress alike see a degeneration of the process. The system is out of control. The modern campaign for the Senate has too often become virtually a nonstop fundraising effort. It is a spectacle that erodes public faith both in election campaigns as contests based on issues and ultimately in the legislative product as well.

Each year, Senators must devote more and more time to financing campaigns for ourselves and for our colleagues. The process is disliked by all participants—Members of Congress on whose time fundraising imposes enormous demands and demeans them and their public office, voters who now wonder whether that small contribution or volunteer effort or even their vote means anything at all, and even the lobbyists themselves will force the bid against each other in an ever-rising cycle of contributions demands. Something must be done to reform the manner of raising funds and most importantly to control the costs of running for elective office in America. The legislation before us today offers a fair and effective solution which imposes no cost on the Treasury, gives no party an advantage over the other, and gives far greater opportunities for challengers to win elections.

The essential element of campaign finance reform, the ingredient which permits it to fairly be called reform, is an overall limit on the amount of money which can be spent to run for elective office. Unfortunately, the Supreme Court in 1976 decided in the case of Buckley versus Valeo that the Constitution does not permit Congress to impose mandatory spending limits on campaigns for Federal office. As one who has read many judicial opinions and has written a few, I believe the Supreme Court decision in Buckley versus Valeo to be one of the most poorly reasoned, loosely written, internally inconsistent judicial opinions which I have ever read. But under our system, it is the law of the land, and therefore, we must observe and obey it unless it can be changed through accepted procedures for doing so. But as a result of that decision, campaign spending limits can be imposed only on a voluntary basis. That leaves us with only one alternative—to provide public financing as an inducement to candidates to agree to overall spending limits.

Opponents of this legislation have consistently decried the use of any Federal funds, no matter how minor, no matter how speculative, in the Senate election process. That argument ignores the substantial Federal funds used in the Federal election process financed from the voluntary income tax checkoff.

In my opinion, the nominal funds which may be required to publicly finance Senate election campaigns would be well worth the cost if they restore even a measure of public confidence in our election system.

Nevertheless, in an attempt to meet, in good faith, every objection by opponents of this legislation, the bill has been changed to remove all public financing from Senate campaigns unless an opponent violates the spending limit in the law. Even this minimal cost, speculative in nature, would be fully financed by repealing certain preferential mailing rates for political parties. Therefore, the tears we have seen shed here for the taxpayers are crocodile tears, because this bill will not cost the taxpayers a single penny.

Opponents of the legislation have raised the false argument that it is somehow designed to keep the Democratic Party a majority in the Senate. This argument is based on the belief and the argument stated here many times that the public financing of Senate campaigns will protect incumbents. I hesitate to even legitimize these arguments by responding to them, but they are so fallacious, so contrary to the evidence, that they cannot go unanswered.

Public financing of congressional campaigns enjoys widespread and bipartisan public support, and it has for years. Senate Democrats, myself included, have worked for years to put in place a system of public financing that would limit spending for certain campaigns. We did this while we were the minority party in the Senate, and we continue now that we are the majority party. Why? Because public financing is in the national interest.

There are a number of Senators on the other side of the aisle who agree that they have been constrained by the leadership to stay away from this legislation—not because the bill would confer some special advantage on the Democratic Party, but because they perceive that it would limit an advantage the Republican Party now enjoys from its wealthier contributor base.

The argument that public financing of Senate campaigns is somehow going to protect incumbents is offered as a reason to oppose campaign finance reform, and it has been repeated here over and over again. In theory, that could be true if the limits on campaign spending were set so low that challengers could not have the ability to get their names across. But that is not the case with this legislation.

In many States the spending limits have been set so high that some observers have questioned whether the bill goes far enough to control the costs. I would like to see more stringent spending limits, but I recognize the importance of giving challengers sufficient funds to mount a challenge.

Under the current system, incumbents have an overwhelming advantage in raising campaign funds over their challengers. Every PAC in Washington can attest to that. They are simply reluctant to give contributions to challengers running against incumbents who vote almost every day on legislation affecting the interests of their PAC; and the numbers, the evidence, by which that has been so noticeably lacking in the arguments of the opponents of this legislation bear that out.

In the last Senate election, in 1986, incumbents raised almost twice as much as challengers in total campaign receipts. Incumbents raised almost 2½ times as much from PAC's as did challengers. Most of that PAC money was raised by candidates who are incumbent Members of the House of Representatives and thus more able to depend on PAC's than are challengers, who are not incumbents.

Of the 68 candidates for the Senate in the last election, 42 were sitting Members of either the Senate or the House. Thirty-nine of those forty-two incumbents raised more contributions from PAC's than would be permitted under this legislation.

By contrast, of the 26 challengers running for the Senate who were not Members of Congress, only 10 raised enough contributions from PAC's to be affected by the limits in this bill.

These numbers bear repeating. Stated in another way, this bill would have reduced the PAC contributions received by 93 percent of the incumbents running in the last election but would have limited the PAC contributions of only 30 percent of the challengers. The same story can be told comparing the spending limits in this bill to the actual amount of money spent in the 1986 elections by incumbent Members of the House and Senate, as compared to their challengers.

Of the 42 incumbents running for the Senate, 31 spent more than would be permitted by this legislation. In other words, 74 percent of the incumbents would have been limited by this bill in the amount they could spend. That is 3 out of 4. By contrast, only 6 of the 26 nonincumbent challengers, 23 percent, would have been limited by the bill. That is less than 1 in 4.

So, if the bill had been in effect in 1986, 3 out of 4 incumbents would have been limited in the amount they could have spent. Only 1 in 4 challengers would have been so limited.

The conclusion is inescapable: The spending limits in this legislation will not protect incumbents. Rather, the legislation will restore a balance to the election process by imposing far tougher limits on the spending of incumbents than on the spending of challengers.

I would like to make a prediction here: The Republican Members of the Senate have repeatedly argued, on and off the Senate floor, that if this bill is passed, they will become a permanent minority. I say that the surest guarantee that they will become a permanent minority is if this bill is not passed, because what we are seeing is the Democratic Party now with 54 percent of the Senate. After this election, it is likely to be somewhere between 55 percent and 60 percent.

Increasingly, incumbents, particularly Democratic incumbents, have been able to establish themselves and, through the enormous fundraising advantage of the incumbents, have virtually ensured their continued reelection. I predict that if this bill or something like it is not passed, there will not be a Republican majority in the U.S. Senate again in this century.

The singular feature of the current system of campaign finance, the most notable effect of the current system, is the enormous advantage it provides to incumbents over challengers, and that advantage will increase as the costs accelerate rapidly. Therefore, I believe that the members of the Republican Party are acting contrary to their actual interests.

That is not without precedent. Democrats did the same thing a decade ago. It stems from the almost institutional inability of political parties and other human institutions to see beyond their narrow immediate interests as defined by the recent past.

In the late 1970's, Democrats controlled the Presidency, the Senate, and the House. They regarded themselves as in a position of comparative advantage, and they were. They thought that comparative advantage would continue into the foreseeable future, but they were wrong. It did not.

Within a matter of just a few years, half a decade, the comparative advantage was lost, and Democrats found themselves in the minority. The refusal of the Democratic Party to look above its narrow political interests to the broader national interests a decade ago led them to make a grievous error for themselves and for the American people. By an ironic twist of history today, a decade later, Republicans are doing the same thing. Having learned nothing from history, they are intent upon repeating the mistakes of their opponents, because they are viewing this issue through the very narrow prism of their political self-interest. But they are handicapped, as were Democrats a decade ago, by the inability of humans to predict the future, by the almost unfailing regularity with which we expect the immediate past to be repeated in the immediate future, despite decades and centuries of history that tell us that the contrary is true.

So I appeal to my Republican colleagues to consider their true self interest; and if they do, they will support this legislation. I have no hope and expectation of persuading them, so I repeat my prediction: If this bill or something like it does not pass, we will see a Democratic majority in the Senate for the remainder of this century. Costs will escalate rapidly. The enormous advantage which incumbents possess in fundraising will increase, and a decade from now the error being made today will be made, as clear as the error of a decade ago by Democrats is today clear.

Opponents of campaign finance reform have proposed alternative legislation which they claim represents true reform. Those substitutes have been offered to give opponents what appears to be a positive alternative to campaign finance reform. One measure proposed by the Senators from Kentucky and Oregon purports to solve problems with the current system while, in fact, it would further liberalize current restrictions, create new loopholes and lead to increased spending.

Two provisions are essential to any meaningful campaign finance reform: limits on the overall amount of spending in campaigns, and limits on contributions that can be received from political action committees. The pending bill S. 2 would do both. The substitute offered by the Senators from Kentucky and Oregon would do neither.

The substitute purports to eliminate PAC contributions to candidates while requiring the full disclosure of soft money contributions. Neither claim is accurate.

The substitute would eliminate only direct contributions by PAC's to candidates. It would make lawful the bundling loophole that is increasingly being used to evade the present limits on PAC contributions. This loophole occurs when PAC's or other intermediaries collect checks from their members made payable to a particular candidate. The checks are then bundled and forwarded on to a candidate. Current law does not count the bundled contributions against the $5,000 contribution limit of the PAC.

If bundling is used today by candidates to evade the $5,000 per election contribution limit on PAC's in current law, it would be used to an even greater degree to evade the purported contribution ban in the McConnell-Packwood proposal. PAC's would change their method of making contributions but would not reduce of their giving. The McConnell-Packwood PAC restriction is made meaningless by the bundling loophole.

By contrast, S. 2 would close the bundling loophole by counting bundled contributions against the limit of the individual or committee, serving as the intermediary, which forwards the contributions to the candidate. The McConnell-Packwood bill purports to close this loophole but in fact it would legitimize the practice by requiring only that the bundled checks be made out directly to the payee.

If the substitute had any teeth—if it would actually result in the elimination of all PAC contributions to candidates—I believe it goes overboard. S. 2 does not eliminate PAC's. It does not suggest that PAC's are not a legitimate part of the campaign finance process—only that there should be limits on such contributions. It strikes a balance. S. 2 limits campaign spending and provides for public financing but the role of individual and PAC contributions is preserved.

There has been considerable discussion on this floor about the evils of soft money. To hear the Senators from Oregon and Kentucky speak, one would think they have proposed tough new restrictions on soft money which represent significant reform. In fact, they are proposing the exact opposite.

Soft money is money donated by individuals, PAC's, corporations, and labor organizations to State and national party committees which is used for certain exempt Federal election activities or non-Federal election activities. Such money is exempt from the contribution and expenditure limitations and restrictions of the present campaign finance laws.

The Packwood-McConnell purports to reform this area by requiring that all soft money contributions be reported to the FEC. In fact, it would open up major new loopholes for the national party committees by exempting from the law's restrictions their administrative-solicitation costs and by extending the present volunteer activity exemptions to the national party committees.

Their proposals would require that such contributions be disclosed. That is appropriate; S. 2 would do the same and, in fact, go much further by requiring such disclosure for all party committees including those at the State, local and national level. The McConnell-Packwood proposal, however, would only require that soft money contributions to the national party committees be disclosed. This is artfully designed to minimize the impact of the proposal because the bulk of such contributions would flow to State party committees. Thus, under the substitute, most soft money would not be disclosed, and the result woud be the very opposite of what the proponents of the substitute say is there intention.

Another part of their proposal would open up a major new loophole by permitting soft money to fund the administrative and solicitation costs of political parties. In other words, for the first time a national political party, or a State or local committee of the party, could accept unlimited contributions from any corporate, labor or individual source to fund its general operations.

This would severely undermine the current contribution limits for individuals and PAC's, the flat ban on corporate funds in Federal campaigns that has existed since 1907, and a similar flat ban on labor union funds that dates back to 1947. These bans were enacted to reduce the potential for corruption posed by the direct use of corporate or labor union funds in Federal elections.

This proposal represents an unprecedented invitation to corporate and union support for party organizations, and it will further contribute to an accelerated level of spending through national party organizations for Federal election purposes. The disclosure requirement will not sanitize this major new loophole.

For the last several months there has been considerable debate about the merits of the proposal reported out of the Senate Rules Committee. The modified bill now before this body is an attempt to respond to every argument raised by the opponents. In my judgment, S. 2 is a good bill that will restore confidence in our election system by removing the taint of undue influence.

It is a carefully constructed proposal that represents many months of hard work to produce a balanced bill which is politically neutral.

Campaign finance reform enjoys widespread and bipartisan public support, and it has for years. Yet, there has been this filibuster on this bill. It is an attempt to prevent enactment of campaign finance reform even though a majority support its enactment.

Why? Not because the Members of this body aren't in agreement that the current system is out of control and badly in need of change. But because each of us perceives this issue through the prism of our personal interest or what we believe to be the interest of the political party of which we are Members. Rather, because the stakes are so great, there is a fear of change.

But this issue demands more. For once, we should put aside our self interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We ought not again let that opportunity pass.

Mr. President, during the course of the debate, opponents have made several arguments against S. 2. The organization, Common Cause, which has been a leader in the fight for campaign finance reform, recently distributed a publication identifying some of those arguments and responding to them. And I would like now to quote from that publication: Argument:

> Taxpayers' dollars should not be used to pay for political campaigns, especially given the Federal deficit.

Response:

> A system of campaign spending limits and public financing is the best investment our country can make in the health and integrity of our electoral and political processes. Nevertheless, the current version of S. 2 pending in the Senate has minimal costs and would in no significant way affect the Federal deficit.
>
> Under S. 2, if both candidates agree to abide by spending limits, no public financing would be provided. Candidates who accept spending limits would be eligible for reduced mailing rates; these benefits would be paid for by repealing preferential mailing rates for political parties. The public financing provisions of S. 2 are, as the Washington Post said, "an insurance policy" to protect candidates from free-spending opponents. They only come into play if one candidate agrees to spending limits and the candidate's opponent does not accept spending limits and then makes expenditures in excess of the limits.
>
> The original version of S. 2 would have cost $50 million a year—less than the amount the military spends on marching bands. The new version will cost far less. Exact estimates of the cost of S. 2 are not available since there is no way of knowing how many candidates will become eligible for public funds. However, the experience under the Presidential campaign finance system, on which S. 2 is based, shows that 47 of 48 major party candidates have agreed to spending limits since the system became law.
>
> If a similar percentage of Senate candidates agreed to the spending limits, the costs of the public financing provisions would be minimal.

Mr. President, I digress from the publication from which I am quoting to respond further to the repeated suggestion made here that the Presidential campaign finance system is a failure and, therefore, ought not to be repeated in Senate campaigns.

First, I strongly disagree with the assertion that the system used to finance Presidential campaigns is a failure, but I note significantly that all of the arguments made against it are based upon the experience in the Presidential primary process in which one candidate must compete in several States and the problems that arise in enforcing the law relate primarily to allocation of limits to the various States.

There has been very little criticism of the general election system used in Presidential campaigns. The system suggested in S. 2 is more closely analogous to that system than it is to the primary system in Presidential campaigns.

So I think the criticism is not well taken in two respects: first, its characterization of the Presidential system as a failure is incorrect. Although that primary system clearly has deficiencies which must be corrected, I do not believe it can thoroughly be characterized as a failure.

And, second, because the more close analogy is between general election campaigns for the Presidency and this bill.

I return now to the Common Cause document citing opponent arguments to S. 2 and responses.

> Argument: S. 2 is an incumbent's protection bill. Spending limits will prevent challengers from mounting a viable campaign.
>
> Answer: It is the current system—not the reforms in S. 2—which give congressional incumbents an enormous advantage over their opponents. Under the current system, incumbents substantially outraise and outspend challengers. In the 1986 elections, Senate incumbents as a group spent $92 million, while challengers as a group spent only $49 million. These same Senate incumbents received $25 million from PACs compared with the $11 million that PACs gave to Senate challengers. In the 1986 election, the average Senate winner spent $3 million, up nearly 500 percent from 10 years earlier.
>
> In the 1986 House races, incumbents outspent challengers by $121 million to $38 million and PACs gave incumbents $65.5 million compared to the $9 million they gave to challengers.
>
> Today it is incumbents who have a powerful base from which to launch high-profile fundraising efforts to raise the enormous sums being spent on campaigns. For most challengers, the battle is to raise enough money to even approach the expenditures allowed under S. 2, while many incumbents—absent the spending limits—would be able to spend far in excess of these limits.
>
> Opponents of the 1974 legislation establishing spending limits in presidential campaigns advanced the same "incumbent protection" arguments against expenditure limits being made today, yet in two of the three presidential elections under this system, challengers defeated incumbents—the first incumbent presidents to be defeated since 1932.
>
> The S. 2 limits on aggregate PAC contributions also would reduce significantly the advantages incumbents have under the current system since PACs give so disproportionately to incumbents. Had S. 2 been in effect in the 1986 elections, for example, PAC contributions to Senate candidates would have been cut by two-thirds, from $45 million to $16 million, with most of the cuts made in PAC contributions to incumbents.
>
> Argument: Spending limits are a partisan attempt by Democrats to disadvantage Republicans, particularly in the South.

Answer: The spending limits in S. 2 would allow both Republicans and Democrats, challengers and incumbents, to run competitive elections. The argument that the bill would disadvantage Republicans in the South is not supported by the evidence—indeed, there is evidence to the contrary.

In 1980, four Southern Republican Senate candidates—all non-incumbents—won election to the Senate while spending far less than the limits in S. 2, even when inflation is taken into account. In 1986, three of those Senators sought re-election as incumbents. Each Senator spent substantially more than the S. 2 limits and each Senator lost.

More importantly, the "Southern Republican" argument is spurious. It is an argument which essentially tells the American people that the nation must tolerate and preserve the present corrupt campaign financing system in order to allow Republican candidates to make unlimited expenditures in Southern states.

If I may again digress from this document, once again we see that the arguments advanced by the opponents of this bill are unsupported by any evidence, and where there is evidence, where there has been experience, where empirical data is available, without exception it contradicts the assertion of the opponents of this legislation and supports the need for S. 2.

I return now to conclude this document.

Argument: S. 2 doesn't cut PAC contributions.

Answer: This statement is patently untrue. S. 2 would establish an aggregate limit on the total amount of PAC contributions a candidate could accept. Had S. 2 been in effect in the 1986 election PAC contributions to Senate candidates, as noted above, would have been dramatically cut, from $45 million to $16 million, as a result of the aggregate PAC limit.

By contrast, alternative campaign finance bills introduced in the Senate, including one authored by Minority Leader Robert Dole (R-KS), would have only a minimal impact on the PAC problem. These bills do not contain an aggregate PAC limit, instead, they provide for cuts in what an individual PAC can contribute. Senator Dole's bill, for example, would reduce what an individual PAC could contribute from $5,000 to $3,000 per election. Had Senator Dole's proposal, S. 1672, been in effect in the 1986 Senate election, it would have cut overall PAC contributions from $45 to $40 million, compared to the S. 2 cut from $45 to $16 million.

Argument: S. 2 does not deal with the "soft money" problem.

It is simply not correct that S. 2 does not deal with the soft money problem. Section 5(a) of S. 2 requires the disclosure of the receipt and expenditure of soft money by national, state and local political parties, as well as by PACs. This provision is a very important step which—for the first time—would subject these soft money expenditures to public scrutiny.

Mr. President, I note the presence on the floor of my friend and distinguished colleague from Louisiana. I will, in a moment, yield the floor.

Before doing so, Mr. President, I want to repeat what I said at the outset. The issue before the Senate, the only substantial issue before the Senate, is whether there are to be any limits at all on the amount of money spent in election campaigns for the U.S. Senate. All of the other arguments raised by the opponents are purely smokescreens intended to obscure the central issue, to divert public attention away from what is the crux of the problem facing us.

I will not repeat all the figures I cited at the outset, but merely summarize them by noting that in 1972 total campaign expenditures in elections for the U.S. Senate were $30 million. Seven elections later, in 1986, the total was $211 million. Where will it end? How will it stop?

The answer is, unless we pass this bill, there is no end, there is no stop in sight.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I will start by congratulating the distinguished Senator from Maine for the time he has spent on the floor and the presentation of his arguments. He speaks not as a person who is merely engaged in an esoteric discussion on this legislation; he speaks as a person who had been in charge in the last campaign cycle of various difficult and I would say sometimes thankless jobs of having to go out into the field and raise the funds necessary to conduct not only his reelection but to help assist, as the chairman of the Senate Campaign Committee, to raise money for all the Democratic candidates in the last cycle.

I would say to the distinguished Presiding Officer that the Senator from Louisiana has benefited from this chore and the endless hours of help and assistance in raising money that the Senator from Maine provided me and so many other Members of my class of the 100th Congress.

So when he speaks on campaign reforms, he knows of wherein he speaks. His tireless effort to try to bring this message to the people of the United States is one that we all owe him a deep debt of gratitude for. We thank him for the completion of his task.

A colleague of ours yesterday told me of a story of coming to an early morning breakfast yesterday morning. He walked into that breakfast and he was weary-eyed and red-eyed and looking somewhat disheveled. And he told in response to what happened to the group he was speaking to at an 8 o'clock breakfast that he had been up all night on the Senate floor. This group of Washingtonians who make their living here in the city by following the work of the House and the Senate said, "What are you doing up all night?"

He said, "We are in filibuster."

They said, "What are you filibustering?"

He said, "We are filibustering campaign reform."

My colleague was astounded that this group of distinguished Washingtonians did not even know what we are doing over here.

What we are doing over here is trying to bring a message to the people of the United States that something is wrong in Washington, something is wrong in how we get here. And that is really what we have been talking about overnight and early this morning.

So my colleague made the comment that, well, it is a Washington issue. Nobody outside of the beltway knows what in the world you folks are talking about and most of them do not care what you are talking about.

To a certain degree, that is very true. People in Louisiana, I guess, are concerned about agricultural problems, farmers losing their family farms, with very little hope of optimism about things improving in the very near future. People in the oil and gas industry are concerned about the literally thousands of Louisianans that have had to move to Atlanta, to Memphis, and to Nashville and have had to leave our State because this administration has no energy policy.

The average small business owner is worried about bankruptcies. People who are engaged in banking and savings and loan institutions are worried about the record number of defaults.

So, yes, it is true that there is not a tremendous lying awake at night in Louisiana agonizing over the question whether the U.S. Senate is going to give us a campaign reform bill titled S. 2. There is not a lot of interest.

I dare say that most States like Louisiana, my home State, are finding the same thing. There is not a tremendous amount of mail or telephone calls or telegrams or do we have any lobbyists sitting outside of our offices urging us to get on with this crucial piece of legislation.

The new Governor of Louisiana who takes office in a couple of weeks said during the campaign that if in life we are what we eat then in politics we are what we get our money from.

I think that there is a certain amount of truth to that, and one of the reasons that I think this bill is so critically important is because money has become a qualification for holding public office.

You know if you look at the Constitution, or the rules of the House or the rules of the Senate or even indeed, of course, the qualifications that our Founding Fathers put into the Constitution as being the qualifications to hold public office, guess what you do not find? What you do find is very clear, age limitation, you have to be a certain age, 25 or 30, to be in the House of Representatives or to be in the U.S. Senate. You would assume that among those qualifications, including being a citizen born in this country for the Presidency, assuming other qualifications that our forefathers were thinking about, you would think the qualifications of talent, education, of integrity certainly of honesty, but nowhere in any of those qualifications that I have ever looked at do I ever see a qualification or a requirement that says you have to raise a lot of money.

But is there a Member of this body or of the House of Representatives or of the Presidency of the United States that would not tell you, having been elected, that one of the qualifications today is in fact the ability to raise money?

I know when I considered running for this seat after the retirement of our distinguished former colleague, the former senior Senator from the State of Louisiana, Russell Long, the first thing that I had to consider and the very first thing that professionals in this business came to me and asked was, "Can you raise the money? Do you have access to huge amounts of money that it is going to take to run a Statewide campaign in the State of Louisiana, a very active political State?" And my first task in considering whether I would have the opportunity one day to serve in the U.S. Senate was not whether I was old enough, constitutionally or whether I was smart enough to handle the job, whether I was intelligent enough to be able to handle the complicated issues before the Senate or whether I had any ability to legislate, which is the duty of this very august body. The first question I had to decide was how I was going to raise enough money, how much of my life did I want to commit, not to reading about how to write and author bills, but how much of my life was I going to commit in a campaign that lasted 676 days. How much of my life and family life was I going to have to commit to raising enough money before I would be able to have the opportunity to exercise any talent or ability or education to be a good Member of the U.S. Senate.

I was told in some of my first meetings that, well, you are going to have to raise about $8,000 a day—I think that is what the figure was—in order to be a Member of the U.S. Senate. I said that is ridiculous. You do not have to do something like that. I cannot afford it. How am I in a State that is literally in a depression with 13 percent unemployment going to raise $8,000 a day in order to be a Member of the U.S. Senate?

I was told, well, you have to get out of Louisiana and, of course, they were right.

So I found myself, Mr. President, during my early stages of our campaign in California, New York, Chicago, and Miami, and people would say, well, you are not going to get elected in those States, in those cities. What are you doing? Why are you all over the United States when you are supposed to be running and tell the people of Louisiana why you could be a good U.S. Senator and Representative the interests of our State in this body?

The reason I was in all of those cities was because I was not independently wealthy. I did not have access to millions and millions of dollars of funds. So I have to travel throughout the United States like a person with a tin cup. I really felt like a person who passes the collection basket in church as I traveled to all these cities and met with people who are very sincere and thank goodness for them. I had to go into hotels and living rooms and fancy homes all over the United States and tell these people that I needed them to give me money so that I could go back to Louisiana and campaign and ask the people of Louisiana to support me.

My opponent did the same thing, a good fellow who I served in the House with.

It was a well-run campaign, I think, on both sides. We would be criss-crossing the United States, running into each other in cities that had very little to do with my home State of Louisiana, doing the same thing, raising money, running around the United States with a tin cup in our hand saying that we needed money so that I could be elected to the U.S. Senate.

Why should money be the main criteria is the point I am making. There is a message here and the reason we are here at this ridiculous hour and have been here all night with people, the officers of the Senate and the employees of the Senate, weary as we are, more so, because they have not been relieved, why are we here, because like my colleague when we walked into the room at 8 o'clock, what are you doing had no idea. Had we been debating the the INF Treaty or a jobs bill, or a major health legislation, I think people would say, that is really something that the U.S. Senate is doing, trying to force the issue to the American public.

This issue, Mr. President, I would say is probably more important than all of those issues because this issue determines to a large extent our opinions, our thoughts, and our ideas on all of those other subjects that we consider here in the U.S. Senate.

Politicians are where we get our money from. I think that the majority leader, Senator Byrd, in insisting that this debate go on is trying to show to the American public that there indeed is something wrong with the system that requires a candidate to leave his State and to travel all over the country with a tin cup in his hand in order that he or she may be elected to this body and provide the service that our constituents expect.

People do not understand, I think, how bad it is. People do not understand how much of our time is spent not legislating, not reading up on critical issues of the day, but becoming a beggar of sorts. How many times are we as candidates as we travel around raising money for the first time asked what committee are you going to be on, and there are various committees that I would dare say any one of us could rank as the easiest committee to serve on as far as raising money. If you are on some of the committees in the Senate or in the House of Representatives, you have heard many, many times, "Well, you never have to worry about raising any money, why don't you get on that committee? Boy, that is the committee to raise the money on."

Is that the purpose of the committees in the U.S. Senate and the House of Representatives, to see how much money we can raise? Of course not.

That is how tainted, I would say, however, that the system has become.

When I ran, my opponent outspent me 2 to 1. The parameters of the spending were like $6 million to $3 million.

The very fact in the beginning of the campaign that my opponent was able to raise so much more money than I did became a credibility factor. I could go out and argue, man, I am smarter than that guy, I am more talented than this guy. Certainly all of this is open for debate. But I could make those arguments. But the most profound argument he would make was that he had twice as much money and how could Breaux win because this other fellow was so well financed?

The point I am trying to make is what in the world does the ability to raise money, the millions of dollars that are now being required before you could even run, what does that ability have with the real qualifications to serve in this distinguished body, the qualifications of talent, education, integrity, honesty, and ability to understand the legislative process? Those are the qualifications by which we should be judged. Those are the qualifications by which our people should select the best and the brightest, not the richest or the wealthiest. And that is what this legislation tries to do.

I said time after time during my campaign that this is not an auction. It is an election. It is not a question of who has the strongest financial statement, or who has the best bottom line as far as money is concerned. It is not an auction. It should be an election process. That is what S. 2 attempts to do.

It attempts to bring it back to an election process and get away from the idea that we are only going to be successful if we can raise millions and billions of dollars.

The process is broke. The process needs fixing.

I am interested in the arguments from our colleagues in the minority party. If you would listen to what they are trying to get outside of this Chamber to the American people, I would say that what they are trying to get out is that this legislation is an attempt by the Democrats to destroy the Republican Party.

Now, I was interested in that argument, and I said, you know, what this legislation must have if their argument is true. It must be that the bill only applies to Republicans, and lo and behold, I looked up the legislation and it does not just apply to Republicans. The same rules, the same regulations, the same spending limitations, the same everything applies to the Members on this side of the aisle as it applies to Members on that side of the aisle. Republicans are treated exactly like Democrats and Democrats are treated exactly like Republicans and independents would be treated exactly like all of the rest of us. The legislation is across the board. There is no different treatment of the Republican Party.

Our Republican colleagues who make the argument, and I think they have done so well, that we spend too much money. Well then why should they be against an effort that tries to put some reasonableness back into the process of running elections?

What do they fear with this legislation that treats us exactly as it treats them with regard to spending limitations? There is nothing sinister about this legislation in that sense. We establish aggregate limits for PAC contributions. We do not eliminate PAC contributions in this legislation. It establishes for Republicans and for Democrats aggregate limits on the total amount of contributions which candidates can accept from PAC's.

I am one person who participated in the process as aggressively as I possibly could and will continue to do so. I do not think that PAC's are inherently wrong. PAC's are people. PAC's are citizens of this country who, through the political action committee process, perhaps for the first time in their lives have been able to contribute to candidates who agree with their philosophy of government. I certainly see nothing wrong in accepting $1,000 from an agricultural political action committee for instance any more than accepting $1,000 from some individual person who has an interest in agricultural matters before this Congress. In fact, if you want to make the argument of money influencing votes and people trying to buy access by money, can you not make a legitimate argument that would say that a Member of Congress is going to remember more the individual that walks up to him and says, "Here, Senator, I would like to give you $1,000 and I want you to do what is right on agricultural matters when they come up before the Senate. I am a farmer in South Louisiana." I am going to remember that person probably more than I am going to remember the XYZ PAC that sends me a contribution from some innocuous post office box thousands of miles away from Louisiana. I am probably not going to see that person. But I will be contacted probably by the individual who gives me the $1,000.

So if the argument is influence, I see the better side of the argument, that there is certainly nothing wrong with the PAC's contribution. It has allowed millions of people to become involved in the process for the first time. I think that is good.

This bill does not eliminate political action committees. But it tries to put some restraint on them. They should not become the total determining factor in raising money for political elections. But they should not be eliminated and excluded.

To our colleagues on the other side who work with PAC's very well, as some of us on this side do, I would say this legislation clearly protects the political action committees and what they can do, but it also tries to put some limits. Let us be reasonable. The proliferation in growth of PAC's is growing even faster than the Federal deficit, I would say, which is not a small achievement. So what we have tried to do with this legislation is to put some restraints, and I would say the restraints are reasonable.

For Senate candidates, limits would vary on the size of the State of course; again a degree of fairness. Candidates in California would not be subject to the same limits as candidates in Rhode Island. It makes sense; fairness, nothing wrong with that.

Are we giving PAC's a limit that is reasonable? Good heavens. This is what we have here. For Senate candidates the limits would vary on the size of the State ranging from $190,000 for the smaller States to $825,000 in larger States.

The House candidates' limit would be $100,000; $825,000 from PAC's, is that not enough to make a dent and input and be still involved in the process? This $825,000 is not an insignificant sum of money. And I think that, or at least should be, is an acceptable amount to consider a fair amount.

Some people have said, well, you know, out there we should not have people with millions and millions just to be able to come in and purchase a Senate seat or a House seat. I agree with that. These seats are not for sale and should not be. Persons of tremendous individual wealth, legal gain, should not have an undue advantage over other candidates. So the legislation attempts to address that by establishing a limit on campaign spending and the use of personal wealth. I think that is good.

Spending limits. For our colleagues on the other side who have said time and again we believe there should be some spending limits, the bill does that in exactly the same way for Republicans as well as Democrats. It is not an effort by establishing spending limits not to pertain to both sides of the aisle. That certainly does not reflect an effort to eliminate the Republican Party. I do not see how they can make that argument.

But limits we have in general elections again would vary according to the size of the State. It makes sense to me. I think it should make sense to everyone. The smallest States have a spending limit of $950,000 and $5.5 million in the largest State. A person that does spend $5.5 million and cannot get his message out, I would suggest that there is something wrong with the message, not that there is not enough money to get that message out.

I dare say, give anybody in this Chamber $5.5 million to spend as far as a ceiling, and the talent that I have seen in this body on both sides of the aisle will allow that candidate to have ample funds plus to get his or her message out to the American people, $5.5 million being the cap, of course, for the largest States.

That is for the general election. The spending limit for primary elections would go all the way up to $2.75 million for the largest States in the primary election plus an additional $5.5 million in the general election. I would say that a sum approaching $8 million is enough to get your message out even in the largest State in the United States of America.

Candidates are restricted under the legislation to $20,000 in personal funds to finance their election. That would not be a problem for me, I know, and probably not for the distinguished Presiding Officer. I am not a person of tremendous personal wealth. I do not have any problem with having a limitation on my own spending. That, of course, is not the reason to say that it is a good idea. I think it is a good idea because people in this country would like to see everybody represented.

The Senate and the House should not become a club of millionaires, not to say that it is moving in that direction, but certainly there is an incredible advantage, I would say, to a person of immense personal wealth when he or she says, "I will use and spend whatever it takes to buy this seat." The message is that seat is not for sale. And the steps that have been taken in this legislation to try and put a sense of fairness into the process I think merits our favorable consideration and strong support.

Candidates who agree to abide by these rules, Republicans and Democrats alike, get some other assistance that helps them deliver the message because the message is what we should be judged by, not by the balance sheet. And what this bill provides is that if you are a candidate and agree to these spending limits we are going to make it easier to run your campaign, to get the message out so that you do not have to run around the country with a tin cup.

Candidates who agree to abide by the spending limit and to limit their own personal wealth are entitled and would be eligible for substantial reductions in mailing rates, and the lowest unit rates for television and radio advertising. That is an important feature I would say to this legislation. What that simply means is when we put this new set of rules into being which affect Republicans and Democrats equally, that in order to encourage candidates to abide by those limits we are going to sweeten the pot by making it easier for them to get their message to the people.

Those who say "I don't like spending limits" I will answer that, "Well, if you agree to abide by them you will have more time to spend addressing the issues, and we are going to make it cheaper and less expensive for you to get your message to all of the people." How and the way we do it by requiring in the legislation that there be a substantial reduction in mailing rates and the lowest unit rate for television and radio advertising, the principal medium by which we get our message delivered, which is radio and television by and large.

So we are encouraging people to follow the law and to participate in the spending reductions and restrictions by saying we are going to give you a little extra. And that little extra is having to pay a lower rate for television. So you have more time to get your message across and in essence will be getting a bigger bang for your buck.

I think that is a very important feature of the legislation.

It provides that public funds would be available. This is a controversial part of the legislation, and I had people to say "You know, I support those spending limits and I think we are having to spend too much money and I think the system really needs to be fixed and, man, I want to have it fixed but I sure don't like that public financing."

And I want to say this morning that that has been a portion of the bill that has given me a little concern myself. I took a poll in Louisiana, and I daresay many States are probably the same, that said, "Would you like your tax dollars to be spent to help political candidates?" "Not a good idea," I would think that many people would respond in a time of $1 trillion, long-term national deficits, in a time when the budget continues to be so far out of balance, at a time when States and Federal legislative bodies are having to consider and to discuss tax increases and revenue increases. To pose the general question, "Do you want to open up the Treasury to candidates?" The answer generally comes back from the people that I represent "No." But that is only a part of the question. The question is more detailed than just do you want to open up the Treasury because this bill certainly does not, will not, cannot and should not do that.

The bill provides that public funds would be made available to candidates who agree to campaign spending limits if their opponents refused to accept the spending limits, and actually make expenditures or raise funds which exceed the spending limits. I bet you that if this bill went into effect that we could see a changed way of doing business in America with regard to the industry of getting elected to public office. I say it is an industry because a multimillion dollar effort is indeed a business. When you pay thousands of dollars to people to tell you how to look and talk on television, when you pay thousands of dollars to people to tell you how to deliver your message, indeed it is an industry. And I would say that the industry of getting elected has dramatically changed because I would predict and I think many will join me in this prediction that when candidates agree to publicly say "I am willing to limit my spending under the Federal law" there is not going to be a lot of your opponents who are going to say "The heck with it, I am going to do what I want to do regardless of any standards that the Congress has adopted."

What that will mean is that if all candidates agree to abide by the spending limits under this legislation there indeed is no, repeat, no public funding. There is no crack in the door of the wall surrounding the Treasury. There is no outflowing of public funds in any sense whatsoever if indeed all the candidates abide by the spending limits. I predict that is what is going to happen.

I tell you what. I would love to have an opponent that would run against me in a Federal election with this rule being in effect that would say I am going to spend whatever I want, I am not going to abide by the standards, the principles and the philosophy behind the Campaign Reform Act pertaining to this legislation. I would need to do a lot more than that or do a lot more than have the opportunity to keep providing information to the people of my State that this candidate refuses to abide by these set of standards and principles that have been agreed to by the majority of the Members of the House and the Senate that both of us are trying to serve with.

So I would predict that when the legislation goes into effect, there will be minimum, if any, public financing involvement, because I think the candidates will agree to abide by these limitations. It says very clearly that public funds will be made available to candidates who agree to the campaign spending limits if, if, if, and only if, their opponents refuse to accept the spending limits and in fact go out and spend more.

So for those who say it is a raid on the Treasury, I would say that there are protections built in here. To those who say that it is a raid on the Treasury, I would remind them that the money would come only from those in this country who are concerned enough about the process to voluntarily check off on their income tax forms a box that allows $1 of their contribution to go to public financing of elections.

Those who argue eloquently against public financing, some of them are the biggest beneficiaries in the Presidential election of public financing. There is nothing wrong with that. But I think it is a little bit inconsistent to say how terrible the system is and to be one of the first to stand in line to participate in the system. If there is a matter of principle here, should not they say, "I will not participate in something that I disagree with so totally"?

I think that is a good question. I think that is a question that must be asked, because if the system is so contrary to their personal beliefs and the system of public financing is so contrary to their public beliefs, eloquently stated, why, then, do they so eagerly seek to participate in a system which they so loudly condemn? Is there not a question of priority? Is there not a question of principle here as far as how we conduct our elections?

So I would say that we have restricted and put safeguards on public financing that I think are solid. I think that they are good. They certainly have addressed my concerns about being an opening of the Treasury to just shovel money out to anybody who wants to run. That is not the case. That is not the case at all. There are very strict requirements with regard to public financing. I would predict that it would be extremely limited because all candidates would abide by the spending limitations. And if all candidates abide by the spending limitations contained in this bill, there is in fact no public financing at all.

The legislation also protects against independent expenditures by improved reporting requirements and a new and tighter definition of when an expenditure is in fact independent. Candidates who agree to the spending limits would also receive matching payments to enable them to respond to significant independent expenditures made in opposition to them or in support of their opponents.

Independent expenditures are something that we have to deal with very carefully because there is a first amendment that is the law of this land that protects freedom of speech. And it is inappropriate, improper, and probably illegal for the Congress of the United States to say to citizens of this country that they cannot speak freely for candidates for public office. That is a right of free speech, a very essential right of free speech. There is probably no clearer right of free speech than the right to speak in the political process for candidates that we happen to think are important.

One of the reasons we left Europe to locate in this country, and had a revolution for it so that we could stand up and freely speak in the political process without having the fear of being run off to a deep dark dungeon somewhere for the rest of your life, was you could participate. If you did not like the leader, you could say that; stand up on the street corner and shout from the highest building that you did not like who was in charge. That is what free speech is all about. So when we try and limit the ability to speak freely in the political process, we have to do so very carefully.

So we are protecting in this legislation clearly the right of independent expenditures but we sure are trying to prevent somebody who is willing to spend millions and millions of their money just to constantly argue against a candidate for public office. The protections are very clear.

The bill is also self-financing. That means we offset a modest cost increase by repealing certain preferential mailing rates for political parties. I think that is important. To those who would argue this is going to be a big spending bill, the argument to counter that is very clear: it is self-financing. I am not talking about major authorizations or appropriations to carry out this bill. It is self-financing by its very nature.

It requires the disclosure of soft money expenditures by PAC's and political parties. Boy, that is a good one. You are looking at a person who knows what soft money is. I never got hit so hard by something that was supposed to be soft as I did during my campaign, I assure you. And getting hit by soft money can be a very hard and difficult experience.

Soft money, for people outside the beltway, is simply money that is undisclosed, money that is slipped through the night, through dark channels, that you have to watch being spent against you on television.

You know, you think we have public disclosure. And if it is money given to me as a candidate, it is publicly disclosed. But, boy, this little category called soft money can really be a real torpedo to a candidate in the sense that in my race I would dare say that billions—millions, not hundreds, not thousands, but millions—of dollars were spent in this category of soft money; money that was raised throughout the United States that no one in the public knows where it came from or who is responsible for it; money that was given to the State party, the Republican Party, that was used to finance their political activities which were aimed at and geared to defeating me.

The Louisiana Democratic Party, I would say, in order to be completely fair, also sought and received and spent this "soft money." Not nearly as much; not nearly as much. I wish we had the ability to try and equate the amount of soft money being spent. But let me tell you what we were able to do paled in comparison to what the Republican Party did. The point is that this legislation addresses that tremendous potential for abuse and in fact actual abuse of the process. Because it is wrong to have money sneaked through the night, unreported, coming from where we have no idea to be used in an election process that we say should be public and we should know where the money is coming from.

This legislation addresses the soft money issue and does so by requiring the disclosure of the soft money expenditures by the political action committees and by the political parties—a major improvement, addressing something that was a major cause for legitimate concern by anybody interested in improving the process.

The legislation also closes the bundling loophole in the current law. Now, bundling is a system whereby we encourage people to give to candidates, whereby they can exceed the limitations on their contribution amounts. This legislation closes the bundling loophole by requiring that the contributions made directly or indirectly to a candidate through a political action committee or some other conduit be counted toward that contributor's limitations on how much they can contribute, as well as the contribution limit of the original contributor. It is an abuse. It is not right. It violates all principles of restricting how much an individual can give through the use of this bundling process.

You know we write a rule or a bill in Congress and the next day there are literally hundreds of attorneys, accountants, CPA's in this city that are looking for legitimate ways to get around what we have done the day before. And, boy, are they effective. They are talented. They are paid extremely well to find the loops and the loopholes and the ways to do something the law was trying to do or to say that you cannot do. And bundling is one of those little carved out exceptions whereby they figured, "Hey, they missed this one. We can get somebody to give a whole lot more money than the law on its face says they can give by using the bundling process."

So, yes, this is one of those cracks in the wall or holes in the dike, if you will, that needs to be plugged up. And this legislation does that with regard to the bundling process.

So all in all I would say that the package that has been put together by our distinguished authors, that this package that has been compromised and compromised and compromised in order to meet the arguments of the Members of the other party, is a good piece of legislation.

Is it a piece of legislation that is being debated outside of the Halls of Congress? Not really. Is it being debated within the corporate offices and labor halls within the Washington community? Of course it is.

If I walked down the streets of the average town in my home State and ask people how they feel about S. 2, I am not going to get a lot of people telling me how they feel. It is not that type of issue. It is not an emotional issue, although I think it should be because we are talking about the way we elect men and women to run this country. Is that not something that we should be emotional about? I think so.

So the effort here is to try to create the public perception that we are correctly trying to correct a cancer that is getting worse and worse on the system of American politics; that we are trying in this manner to try to provide medication, if you will, to correct a sickness, and the sickness is the money that has been added as a requirement to serve in public office.

If you ask the question of the people back home do they support S. 2, they will say, "What is it?" If you tell them it is campaign reform, they will say, "Yes," because who is against reform? If you ask them if this is the most important top five issues that they are concerned about, they will probably tell you no. But if they understood, and as they understand more through the process of this debate and through the process of education that we are trying to provide by these long and tedious discussions, I think that the American people will demand that we do something to change the system; that when they totally understand what is now at the heart of getting elected—money—that they will march to Washington and say, "Do a better job in reforming the system than you have;" that they will sit outside of your offices and lobby as hard for campaign reform as they lobby for farm programs, education programs, health and welfare programs, and all of the other endeavors that we are constantly being lobbied for by our constituents and the people of this country.

I served this year and would note that the Presiding Officer serves with me on the Democratic Senate Campaign Committee. It is a privilege and an honor and I am pleased to do it. I am pleased to try and help make it easier for the challengers, like I was in 1986, to have the funds to deliver their message. But it should not be that the message will be delivered by the person who has the most money. It should not be that the person who gains access to this Chamber as a Member is the person had the best balance sheet of all of the candidates.

As a member of the Democratic Senate Campaign Committee, I and all of us are asked to travel throughout the United State, putting on these fundraisers—and thank God there are people there who are willing to contribute their time and their effort and their talents to doing it. But why should we be required as we are to travel all over the United States and meet with people we barely know and impose upon their generosity, so that we have the privilege of serving in this body? I think that is wrong.

There are more groups for which, every day, I sign my signature to have a fundraiser for someone in this city than I can keep track of. It is like alphabet soup and it is like that on both sides of the aisle. There is the RNC on their side; there is the DNC here; there is the DSCC here; there is the Republican counterpart over there. There is the DCCC on the House side. There is probably the RCCC on the House side.

There are friends of this and friends of that; supporters of this and supporters of that. At the bottom line, it is all a funnel. At the bottom line, it is all a big basket that we carry around with these initials saying: throw the money in here and we will filter it down through the funnel so that some person may have the right and privilege of serving in the United States Senate or the House of Representatives.

Is this a novel approach that we are advocating today? Is this system of campaign reform and campaign financing that we are asking our colleagues on the Republican side of the aisle to support a radical or an extreme, untested procedure that we are asking them to blindly accept? The answer to that question is very clear. No, it is not. It has already been tried and it has already been tested and it is in effect. That is how we run our Presidential elections. The standard has already been tested and it is working.

Is there any Presidential candidate, Democratic, Republican, or Independent, who has run under the system of public financing for Presidential elections who has ever stood up, one time in their campaigns, in this election cycle or in the last election cycle when the law was in effect, and said that this system does not allow me to get my message out? The answer to that is no.

The candidates who have run for President, Republicans and Democrats alike, have agreed with the system because they have participated in it. They all are seeking limited public financing from a voluntary checkoff. They all have agreed to abide by spending limitations in order that they have a test of ideas, a contest of intelligence and ability and persuasiveness rather than a test of money.

The system that was put into place for Presidential candidates is working. The system that we are asking our Republican colleagues to accept today is one that is patterned after the system that we have in effect for the Presidential candidates, a tried and tested and proven system of running our election campaigns in a different manner, a manner that truly brings back a test and a contest of ideas, rather than a test merely of who can raise the most money.

If I have to predict the outcome of this effort I will say that we will probably not get cloture when we vote to cut off the filibuster of the Republican Party, when we vote tomorrow. And that will be a defeat. But I think that it will be a defeat only in the sense of losing a skirmish or losing one of the battles. But I will say that we will not lose the war, because while we may lose the cloture vote, as Republican Members say that we do not want to bring this legislation up, I would say that we have made great strides in winning the larger question and that is the war of trying to do something about campaign reform.

I say that because I think gradually the people of America are beginning to understand a little about the cancer that is engulfing the Congress of the United States, a cancer that requires us to spend more time raising money than thinking of new ideas, a cancer that requires us to travel throughout the United States in areas that we do not directly represent rather than spending the time with the constituents who have problems that are our first priority.

So, while the cloture vote may go down despite the great efforts of so many who have been far more involved than I, while we may not win that cloture vote, I think we have gone a long way toward winning the ultimate war which is that elections should be a contest of ideas and thoughts and standards and principles rather than a contest of who can borrow the most money, who can raise the most money, who is the wealthiest candidate that we can possibly find.

So, at some point there will be additional efforts. Perhaps there will be an effort to say that we should limit, just simply, how much we spend. Why would that be a wrong idea, if the amount that we would agree to is sufficient to allow adequate public debate? How can the Republican Party, as an institution with the traditions that they have stood for, object to a limitation on spending that is the same for both sides? Are they bankrupt of ideas, that they have to supplement the lack of ideas with huge sums of money? I am not willing to make that charge at all. But I think that those who would say spending limits are not fair even if they are evenly applied are admitting that, given the same amount of money, that their positions are not as strong as those of the other side. I truly believe that some day we, perhaps, will have an opportunity to vote again on this question.

Perhaps the issue can be framed so that we can really see how people feel by having the issue framed clearly that we are spending too much and that there should be a way of restricting the amount that is spent. Just a clear question: Are we willing to say that we will all spend less? That is an approach that perhaps needs to be considered. Get away from the clutter that is contained in this bill, as someone argued, and just have a clear-cut question of whether all of us are willing to join together and to say that all of us, equally, will be limited by the amount that we spend in Federal elections. I think perhaps that that is an approach that needs to be brought before the Senate so we can say that there is a clear-cut choice.

We have heard arguments here about how this is an effort to abolish the Republican party. We have heard arguments about how we do not like public financing. I think the clear reading of the bill answers all of those questions clearly and precisely with the restrictions on public financing, with the across-the-board applicability of the spending limitations, with the way that PAC's are treated—all of this clearly adds up to equal treatment.

The other side would try, I think, to make the argument that we on this side are engaged in an effort to give ourselves an unfair advantage. How can you argue that when the document that will apply to Democrats is the same document that will apply to Republicans? The same words, the same phrases, the same standards, the same spending limitations, the same individual contributions? The way we report the funds are identical for the

Republicans and the Democrats. Yet the arguments that I have been getting as to why this bill is not appropriate range from the fact that we are trying to eliminate the Republican Party in the South, trying to eliminate the Republican Party nationally. How can that argument be made when we treat Democrats exactly as we treat Republicans with regard to every provision that is contained in this legislation? I fail to see that argument.

Going back and reviewing what we have all been through, every one of us that has been elected to this body or to the House of Representatives, all of us have been through that same process and all of us, really, I think, dislike it. I do not know a lot of people that thoroughly enjoy raising money.

Oh, maybe there are a few. We have had some great fundraisers in this body. Some from my State were absolute masters of the ability of raising funds and I respect their ability. But I daresay that if we took a poll of Members of this body and of the House of Representatives and asked them the simple question: "What is the least enjoyable function of your office?" the answer would be: "Raising money."

I do not like calling up some of my friends and saying send me $1,000. I about fainted when they told me I had to start calling people and tell them to start sending $10,000. Where you say you need $10,000 to send to the DSC, DCCC, or XYZ, man, that really takes gall. It is really frightening to have to start calling people for $10,000. Members of the Congress have had to start clubs. We have to form breakfast committees. We have to ask people to pay to have breakfast with us. Is that not ridiculous? What does that have to do with having the qualifications of being a Member of the U.S. Senate?

But that is how far we have come, where we have clubs and PAC's that help me and I have PAC's that help other candidates and I have friends of mine that help other friends of mine. When we have all of these meetings there is not a lot of discussions about philosophy. There is more discussion about what committee do you serve on? How can it help?

Then I have to tell my staff that I am heading out in the hustings to spend my recess when I really would like to spend it doing a lot of other things. There are a lot of things I would like to do in life other than raise money. But I have to say: well, plan the first week in March, I have to be in California and be on the circuit with tincup in my hand because I have to start raising money for my 1992 election—1992? I have to raise money in 1988 so I can have the right to run for public office in 1992? I am having to give up weekends, and weeks, like everybody—I am certainly not implying that I am any different. I am running into my colleagues in airports carrying their tincups to the same cities that I have just left. Everybody has to do it if you are going to survive in the process.

The point that I make is that the process is broken and that we should not have to spend that time raising the millions of dollars that somebody has decided is necessary to serve in the U.S. Senate or the hundreds of thousands, of even millions, to serve in the U.S. House of Representatives.

We have corrected the problem in Presidential elections and it is working well. Why is it that one party refuses to allow the Congress of the United States to make the same corrections that apply to us? You know, the Congress seems very good at making laws that affect somebody else. We are very good at applying labor standards or working conditions that apply to other people and exempt ourselves.

In essence, that is what we have done with campaign finance reform. We have made it apply to Presidential candidates but we have not made it apply to us. We have exempted ourselves. I honestly believe that not a single Member of this distinguished body, Republican or Democrat, really like what we have, really think that it is a good system.

I dare say that some would say well, I have to keep it going because of political advantage, perhaps. But I dare say that everybody would like to see it changed, that everybody would like to be able to stand up and honestly say that elections are contests of ideas, and not contests of balance sheets, that the real challenge is to show that a candidate can be a better Senator instead of just being a better fundraiser, that everybody would want to be able to say with truthfulness that the contest is not an auction, that it truly is an election.

And unless and until we adopt a campaign reform bill such as contained in S. 2 it will continue to be auctions, it will continue to be a process whereby we run around airports in this country with tincups in our hand, when no one thinks the process is working but a majority is not willing to do something about it.

So I would hope that the effort that we have made that the majority leader has made that so many have participated in at ridiculous hours does not go unnoticed by the American people, that there is an effort in this Chamber to improve the system, that while it may not be successful tomorrow, it eventually will be, a venture that we can look to the qualifications of serving in political office as having eliminated being the richest or having raised the most money as one of the qualifications.

I notice that my distinguished colleague from the State of Colorado who has contributed so much and given so much of his time is here once again to engage in presenting the case to the American people and I will be pleased if he is ready to go ahead and yield the floor at this time.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Colorado is recognized.

Mr. WIRTH. I thank you, Mr. President.

I thank the distinguished Senator from Louisiana and associate myself with his remarks and also associate myself with the experience that he has had in many long years in the House of Representatives and now as a new Member of the U.S. Senate.

Those of us who have been through the battles over campaign finance laws for more than a decade today are more aware than ever before of the extraordinary need to change this system to reform the way in which we finance campaigns.

I think it is fair to say that this is not a new issue by any means. At times during the debate here in the last few days, the impression was created that people are startled to discover this issue again is current, and are surprised that it has not been possible to work out an acceptable compromise of issues in contention.

This issue has been around for a long time, and this issue, I suppose, has been somewhat polarized for a long time as well.

I know that the previous speaker is as aware as I am of the number of pieces of legislation in which we have tried to change the current system of financing campaigns since 1975 when I think the first piece of campaign finance reform legislation stimulated by the Watergate revelations was considered in the House. Every 2 years thereafter, at least once such bill has been introduced in an effort to find the formulation which would both remedy the growing problems in our system of campaign financing and secure sufficient support to pass both Houses of the Congress and gain enactment into law.

Today we find ourselves in something of a partial crescendo of this issue. We have been debating this issue in the Senate for just over a year. I think it has been shown repeatedly that a majority of Senators favors a system of public financing tied to voluntary spending limits. More than half of the Members of this body want to change the system.

The bill with which we started a year ago was reported by the Rules Committee after the committee heard numerous witnesses provide their views on the subject of campaign finance. That legislation was carefully constructed to be fair to all, and yet the committee reported to halt this appalling, staggering spiral of growing campaign costs, to limit the role of moneyed special interest groups in campaigns in order to regain the public's trust, and to reengage ourselves in the process debating the great issues rather than just to engage ourselves in the processes of begging for money.

Most distressingly, I think the public perceives that the corrosive influence of money on campaigns has tainted the political process and, overall, skews the outcome toward the benefit of those who possess a little more influence because they happen to have a lot more money.

That kind of perception by the public certainly is not something with which we could be comfortable. That kind of public perception—plainly, simply, starkly—is a cancer on our precious democratic political process. This cancer will not extinguish our political system overnight. Its deadly work often is barely visible. But the perception that influence in our democratic institutions is for sale slowly, surely eats away the confidence and trust in our democratic system because the eventual result of failing to get rid of this cancer is that the people's trust in their Government is going to erode to an even greater extent.

That is a pretty frightening prospect and that is pretty strong language, but is not hyperbole. Our system of campaign finance is an integral ingredient of the stability of our political process, which in turn is such a critical, irreplaceable component of our way of life and the guarantor of freedom which is its bedrock.

Let us look at S. 2. S. 2, the legislation before us, was devised as an antidote to the poison of eroding trust in our system caused by the effects or the perceived effects of special interest money on both the political process and its outcome.

S. 2 admirably addresses the most distressing sources of the public cynicism that surrounds campaigns and campaign financing. The key sponsors, our distinguished colleague from Oklahoma, Senator BOREN, and our majority leader, and all other Senators who have contributed to the version of S. 2 now before the Senate, are certainly to be commended, and I am proud to associate myself with them in support of this legislation and to be a cosponsor of this measure, as I have been a cosponsor of many of the measures over the last 14 years to change the way in which we finance campaigns.

Unfortunately, a sufficient number of Senators opposed to that legislation has kept the majority which favors it from cutting off a filibuster designed to prevent its passage.

The principal objection raised by opponents when S. 2 first was taken to the floor by the majority leader was to the public financing.

That is why we heard the cacophony of screams and yells about this legislation. The opponents claim that they could not support using tax dollars for Senate campaigns, even if those funds were voluntarily allocated for that purpose by the taxpayers themselves. Even if those funds were voluntarily allocated, there were screams that this was a "a raid on the Treasury."

They claimed they could not support using tax dollars for Senate campaigns—even if those funds were voluntarily allocated for that purpose by the taxpayers themselves. The opponents also said we could not afford the projected cost, even though it amounted to less than 25 cents per U.S. citizen per year.

We did the best we could in trying to rebut the arguments that this was an enormous "raid on the Treasury." But when their opposition remained, in good faith we tried to figure out a way to take care of their concerns. As a result, a compromise proposal was put forward which utilized a matching funds construct and which cut by more than half the cost of the public financing provisions. The new proposal also cut the maximum proportion of the total 6-year election cycle costs that a candidate could receive in public funds to less than 25 percent. Were we willing to compromise? Were we willing to move?

Of course, we were. We did our best to try to assemble a different kind of construct. It was our hope that a least some of those who initially had been opposed would meet halfway those Senators who were supporting S. 2.

Was our effort to compromise successful? No. It was at that point—in the summer of last year—that the Senate Republican conference, in a step that many thought was ill-advised and ill-considered, took a firm stand against any legislation containing any provision for campaign spending limits or any public financing. They rejected any kind of limits on campaign spending and rejected any kind of public financing of congressional campaigns. This is especially interesting when one realizes that every Republican Presidential candidate but one since the Presidential campaign finance system was reformed prior to the 1976 elections has accepted that reformed system's spending limits and public financing, as have all the Democratic candidates in the same period.

In addition to rejecting the fundamentals of true reform, this action took a large and ominous step toward turning what should be a nonpartisan determination to address a nonpartisan problem, and turned it into a mean partisan contest.

Once again, however, S. 2's supporters—and more than half of the Senate's membership supports S. 2—tried to devise an acceptable compromise. We tried once, but it did not work; we tried a second time.

So the third version of this legislation, S. 2, was prepared. That third version contains all of the essential, immutable ingredients of campaign financing reform. But it does not rely on public financing for all Senate campaigns. Contrary to the claims that have been presented here, the third version of S. 2 does not rely on public financing for all Senate campaigns.

This bill before us has the following major features: First, it retains the aggregate PAC contribution limit. The claim has been made that there are no limitations on PAC in this legislation. Wrong. Aggregate PAC contribution limits are continued in this legislation.

Second, this legislation establishes voluntary spending limits and limits on the use of personal wealth.

Third, the legislation contains no, I underline, "no" public financing grants for Senate general elections so long as opposing candidates abide by the voluntary spending limits. Let me repeat: As long as candidates abide by the voluntary spending limits there will be no public financing grants for Senate general election candidates.

Fourth, the legislation establishes incentives for candidates to abide by the spending limits it establishes by making only those candidates who agree to abide by those spending limits eligible for preferential postage rates, and lowest unit broadcast time rates, and by providing that candidates who exceed the voluntary spending limits will trigger compensating payments to opponents who agree to remain within those limits.

So the incentives are there to encourage people to stay under the ceiling, to control their expenditures, and that, after all, is the key to this whole process.

Fifth, the legislation is front of us assures that candidates who are targeted by independent expenditures against them or for their oppponents will be able to respond effectively—by increasing the primary spending limits of participating candidates when such expenditures are made during the primary period and by providing a compensating payment to participating candidates when such expenditures are made during the general election period.

This addresses the debilitating, often nasty, and unaccountable, independent expenditures which pay for ads telling you and your neighbor how to vote, often in a negative fashion by castigating a candidate rather than by indicating support of a candidate.

Continuing with the central features of this legislation: It will establish the voluntary spending limits that it contains as mandatory spending limits if a constitutional amendment is ratified permitting the establishment of such mandatory limits. At that time the provisions that I described previously, which are intended to serve as incentives for candidates to abide by the voluntary limits, will disappear. In other words, there is a trigger in this. If and when we pass a constitutional amendment to bypass the Buckley versus Valeo problems, to permit the Congress to establish spending limits for political campaigns, then all of the incentives that I have described above will disappear.

The proposal in front of us also contains a full offset for even its very slight potential cost by ending the current preferential mailing rates for political parties. I earlier noted that opponents have claimed this is a raid on the Treasury. Nonsense. The Republican Party, the Democratic Party, State parties, and other parties are already receiving support from the public. Let us not fool ourselves and suggest that is not there. Republican Party mailings and Democratic Party mailings already receive a preferential mailing rate. What we are doing is transferring that to candidates who agree to abide by spending limits. And we actually save the Treasury a little money in the process. Quite possibly we can see out of this a reduction in the Federal budget deficit if all candidates live within the spending limits for their States.

Those of us who sponsored this legislation have tried in every way that we know how to move meaningful campaign finance reform legislation on a nonpartisan basis. We have reached out, as I have described, again and again to our colleagues on the other side of the aisle to try to forge a way in which we can break this terrible upward spiral of campaign spending. Yet, our opponents, as far as I can see, have not moved an inch from their adamant opposition to spending limits and an aggregate limit on the amount PAC's can contribute to any single candidate during any election cycle.

The most vitriolic of our opponents would have us believe, and try to convince the American people, that there is no way to devise a means to halt the stunning growth in the amounts of money poured into congressional campaigns. The implication of their position is that they either fail to see or acknowledge the problem, they do not mind watching the American political system be put up for sale to the highest bidder, or they are just unwilling to invest the energy and effort to devise a method of controlling campaign spending.

I do not think campaign spending is uncontrollable by any means. I firmly believe that the American public, a large majority of the American public, rejects the conclusion that we are helpless. It rejects that conclusion and wants us to move on this issue.

If some of the opponents of spending limits fail to see or fail to acknowledge the problem, they ought to take off their blinders and open their eyes. If they believe it is proper and acceptable for public offices in this land to be sold to the highest bidder and for those who occupy the offices to be beholden to moneyed special interests, then they should admit it and face their constituents. I think we know what their constituents would say in response.

I hope the opponents are not simply too preoccupied to devise a means they find acceptable for controlling campaign spending in congressional elections. We are sent here to this body to face and resolve national problems and this is one of the most distressing.

Let us face it and call it what it is. Whether out of ignorance or laziness or conscious determination, those who are the "principal opponents" of spending limits effectively are proponents of absolutely unlimited, sky-high spending in campaigns.

The illogic of all this is something to behold. I cannot believe that there is not some amount of money that each Senator in this Chamber would agree is too much to spend on a Senate campaign in his or her State. Even conservative analysts looking at this situation are saying that campaign spending is getting totally out of control.

I want to refer to the February, 1987 issue of Conservative Digest which, as the distinguished Presiding Officer knows, we all spend a good deal of time reading and analyzing very carefully. The Conservative Digest reported that, according to current projections, when the new class of Senate freshmen—of which the distinguished Presiding Officer and I are privileged to be a member—runs for reelection in 1992, the average Senate campaign will cost $9 million. The average campaign will cost $9 million. Based on the Conservative Digest's number, in the 1992 election a Senator seeking reelection from an average State will have to raise $125,000 every month, $28,000 a week, $4,000 every day, Saturdays and Sundays and holidays included, and $171 every hour of every day, 24 hours a day, 7 days a week for 6 straight years—$9 million for the average Senate campaign for 1992.

Is there no limit that we ought to place on this? Of course there is. The idea that we should allow this kind of thing to continue is preposterous.

While I think S. 2 incorporates a fair, desirable methodology for determining what State-by-State spending limits should be, I am prepared to agree that there surely can be differences of opinion concerning at what level spending limits should be set, and what methodology should be used to set them. I cannot believe that willing people could not negotiate acceptable compromises on levels and methodologies.

But, Mr. President, one cannot negotiate anything if one side will not even come to the table. By rejecting on grounds of principle even the concept of spending limits, the Republicans have ended the conversation before it begins.

When I first ran for the House of Representatives in 1974, I spent around $135,000, and I understand that was well above average for that year. In just a 12-year period of time that $135,000 escalated to $600,000 to $700,000. This is for just one House district, albeit a contested, highly competitive House district. I see nothing that justifies a fourfold increase in campaign spending there in 12 years. Then, looking at the election of 1986 in which a number of us were fortunate to win election to the Senate, the amounts of money spent in those campaigns also were out of control.

Further, the amount of time we candidates spent fund-raising escalated dramatically. Unavoidably, we had less and less time to engage in discussions with our constituents. Is that good for the process? I think not. Many of us got to know major fundraisers and their telephone numbers a lot better than just about any other people or facts involved in the campaign. The spending cycle rolled on: I spend dollars, so you spend dollars, so I spend more dollars, so you spend more dollars. Everybody trys to neutralize everybody else, and what is the result? I think the result likely is enormous fatigue on the part of the voters who watch this process unfold.

Our system of financing campaigns certainly is fouled up. It needs change. It has to be done. I would hope that my colleagues would recognize the need to break into the never-ending spiral of costs to make the change that we and the American people know ought to be made. That is our responsibility, not to sit back, not to do nothing, not to allow ourselves to be paralyzed by this, but to change things for the better.

Mr. President, I see that our next distinguished speaker is here, the junior Senator from the State of Montana, with whom I had the privilege of entering the House in 1974, whose experience is not dissimilar to that of so many of us who arrived in that time of reform and change when there was a wonderful spirit that in fact the legislature could make a difference. And we did make a difference on a lot of issues.

Before us is another issue in which a lot of difference still has to be made.

That difference can be made if we pass the legislation in front of us.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana, Mr. BAUCUS.

Mr. BAUCUS. Mr. President, I want to thank the Senator from Colorado for his statement. He, frankly, touched on a point which I think is very critical and central to this issue. In 1974, a good number of us across the country ran for the U.S. Congress in large part because of the aftermath of the Watergate era. Some of us felt that it was our time to contribute whatever we could to public service and I, along with others, particularly the Senator from Colorado, ran for Congress that year.

I must say that when I arrived in Washington, DC, I was overwhelmed by the degree of intelligence, the degree of dedication to public service, and the degree which the group that got elected—I must, to some degree, except myself from this category—want to serve their country.

I will never forget that we stood around in a room, all of us who got elected in 1974, and each of us went around the room and explained for 3 minutes why he or she ran for Congress that year and what he or she intended to do. The Senator from Colorado was in that room and I could think of lots of Members in the House now, most of them are still there, some have run for the Senate, some have run for Governor, some are Governors. But when each went around the room, I was awestruck by the degree to which each of these people, wonderfully intelligent people, was going to help make this a better place.

I had assumed, like a lot of the American public, that Members of Congress were a bunch of buffoons. They do not know very much. They go to cocktail parties and they do not work very hard.

When I arrived back here, and particularly with this group, I was very pleasantly surprised. And it is that spirit of reform that overwhelmed this group that really made the difference. And as the Senator from Colorado pointed out—he was almost a leader of that group—this is an opportunity for us—by "us" I mean the entire Senate—to reform present campaign financing. We know we have a problem. It is a severe problem.

Many speakers have indicated how much campaigns have increased over the years, the cost of the campaigns have increased. I do not have the precise figures from my campaigns, but I know that since I first ran for Congress in 1974 and for reelection in 1976 and the U.S. Senate in 1978 and reelection in 1984, that the cost of my campaign has gone up, I would guess, three or fourfold just in those few years. But the national figures are even more alarming, Mr. President, as you well know. I think House races since 1972 increased in cost six times and Senate races on the average have increased seven times—a sevenfold increase since 1972. And the cost of campaigns is therefore increasing at not only a rate much faster than the Consumer Price Index or the cost of living in America, but at drastically faster rate.

What does all this mean? First, it means that there is a great proliferation of political action committees, called PAC's. In 1972, I think there were a few hundred of them. How many of them are there today? There are about 4,000 political action committees today. That is about a tenfold increase since 1972. Why? Because basically most of us in the political arena who want to work run for election will work hard, do our very best to try to earn enough money to get enough contributions so that we can get reelected. The same with the challengers. They will go out and get as much money as they possibly can and spend it on the TV ads or whatever because they want to get elected. Most of them, by far, for the right reasons. They want to serve America.

The first amendment says there is no limit on expenditures so we go ahead and we work as hard as we possibly can. Well, that has had several effects in my experience. One is that it takes so much time away from our job.

Mr. President, in my experience around here, we spend more and more of our time, unfortunately, on the periphery of what is really going on in this country and really not trying to use our time to solve some very basic problems. I am not saying we do not solve many, but at best we do not spend the gut core of our time on the very basic problems facing this country—education, international trade, the Middle East, Central America, you name it. We basically, in the number of hours we spend in the debate on the floor of the Senate, the number of hours we spend in committees, tend to spend time on peripheral little amendments on the edges that do not really have much to do with what is going on.

I think that is in large part due to increases in the communications technology in our country and the world experience. We know so much about everything; we would like to think we do. But the fact is we have so much access to so much information and the groups therefore have tremendous access to us. It is very complicated. I do not profess to have the precise answer. But it is clear, to me anyway, that we spend less time on addressing very basic core issues. To complicate it, to make it worse, we have to spend even more time raising money to get reelected because most of us want to serve our country. We want to get reelected, reelected for the right reason and, therefore, that is even more time away from the basic fundamental points that face out country.

I know that when I run for office—and I have heard many Members of the House and Senate say when they run for office that they are spending more and more time just trying to raise money.

I spoke with one Senator, a sitting Senator, who told me in his last reelection in the last 6, 7, 8 months, he spent 50 percent of his time on the telephone raising money—50 percent. Fifty percent of his time on the telephone just making telephone calls asking for money.

Now if he has to spend 50 percent of his time just asking for money, something is wrong. Something just does not make sense here.

And that is the trend. More and more challengers, more and more incumbents are spending a greater proportion of their hours that they are awake on the telephone or at fundraisers trying to raise money.

We all know the mindless, inane ritual around here on both sides of the aisle of the fundraising cocktail parties. By gosh, Washington, DC, is just full of evening fundraisers. What is accomplished at those fundraisers? Nothing very constructive in my judgment. First of all, you stand around in that inane cocktail chatter that is more degrading than it is constructive. Second, it tends to be that knicky-knacky food which is not very good for you anyway and then there is obviously the booze and the alcohol which is not very good for anybody. It is just wasting time, time we could be spending with our families, our wives and children; time trying to think great thoughts, trying to solve the problems that fact the country. No, we spent all this time going to all of these fundraising receptions. Why? We do not ask for any money at these receptions. We go and somehow organizations raise the money and so forth and somehow it is just done.

The fact of the matter is that a lot of these PAC's that are proliferating in great numbers, they go to all these receptions, too. They go to three, four, five, or six a day. It just does not make any sense. The fact of the matter is they tend to contribute to both sides of the race, contribute to the challenger more often than not, and also to the incumbent because they want to cover their bets. Does that make any sense? Money is supposed to be contributed to candidates they want elected. Basically they are contributing money because they want to hedge their bets, not because they particularly are interested in getting anybody elected. It is dumb. It goes on and on.

The more we continue along this route, the more pernicious, the more invidious it becomes and the more it has a numbing influence on all of us here in the Senate, our offices, and basically the apparatus that is supposed to be legislating and solving some of the Nation's problems.

Mr. President, I think all of this money turns off voters. It turns off voters for a lot of reasons. One is that they just smell a problem brewing. I personally believe that where there is an excess of money there is a scandal waiting to happen. That is what happened in Watergate. There were a lot of reasons for Watergate, but I strongly believe that one of the causes of Watergate was all of that money. The Nixon administration that ran for election at that time just had so much money. And when there is so much money, that money is going to go someplace and somebody is going to do something with all that money. And when there is an excess of money, there is a scandal brewing.

Mr. President, as sure as I am standing here, I know that if the present system is not checked, if the present system continues, if there is exponential increases and the number of dollars continues to grow in congressional campaigns, mark my words, there is going to be a campaign finance scandal in America. Unfortunately, it may take the scandal to finally get the voters' attention enough to put enough pressure on our recalcitrant Members of the Senate who are delaying and filibustering this legislation to get some result.

I hope that is not the case, but as I grow older and get a couple of gray hairs and start looking at life, sometimes a little bit of skepticism and cynicism creeps in once in a while about human nature. And there is that part of human nature that you have to get hit in the head with a sledgehammer before you realize something is happening, something is going on. I hope that is not the problem we face here. I hope we do not have to have a crisis. But all of this money that is slushing around in the political system I think is going to cause a scandal. I do not know when it is going to happen, but, if left unchecked, I guarantee you it is going to happen and here we have an opportunity to try to prevent it and do something about it.

There is another effect of all of this money. It discourages good candidates from running for office.

Not too long ago, 3 or 4 years ago, I helped the Senator from Maine, Senator MITCHELL, who was then chairman of the Senate Campaign Committee, to try to recruit good candidates to run for the Senate. I made quite a few phone calls scouring various States to see who might be interested in running for the Senate. It was a very interesting experience for a lot of reasons, but one that particularly strikes me is that we found a lot of super people, a lot of good people who wanted to run for the U.S. Senate because they had a burning desire to try to help make this a better country. They were all charged up and excited. I can think of several right now. We talked about it. Sure, there were a couple of little questions they asked. Sometimes their families were not sure they wanted to move to Washington. We talked about that for a while, the pluses and minuses of family life in Washington, DC.

Then we would get to how much this campaign is going to cost. Well, first, they know those large numbers were a problem, but more often than not the more they thought about the cost of running for office compared with how much the other side automatically had, because we all know the campaign committee on the other side of the aisle maxes out so early and has all those additional dollars. It has a whole treasury there of dollars for the candidate on the other side in the Republican Party. The Democratic challengers began to recognize this and they started to back off and were not sure they wanted to run for the U.S. Senate.

There is that foreboding, awesome task of trying to raise money in the face of the avalanche of money on the other side. That not only caused them to back off a little bit, Mr. President, but I can tell you among all the candidates I talked to, I would guess about 60 or 70 percent of them said no. They are not going to run. And it is because of money.

These are people who are not millionaires. These are people who are not wealthy. They are average American citizens who would like to serve their country. And most of these people decided not to run for office, not to run for the U.S. Senate because of all the money that the other side is automatically going to have; how hard it was going to be for them to raise the money.

Mr. President, I do not think that is a system this country wants. More important, I think that that is a system that tends to undermine the basis fiber of our country. There is a small part of this, too, in that this bill that is before us also limits the wealthiest persons from going into their personal wealth to run for office. I think any American should run for the U.S. Senate who wants to, whether he is a millionaire or not. But I also think a millionaire should not be able to buy an election, and that is a trend that is happening in the Congress. That is, the wealthiest people can dip into their own personal treasuries and run for office but other people who are not so wealthy, sure, they can dip into their treasuries. Their treasuries tend to be bills or mortgage payments or house payments or tuition payments for their kids. They do not have the personal wealth to run for office and that is not right.

This country is based on equality. It is one of the basic principles in our country and it seems to me if we truly believe it we have to have a system where anybody who wants to run has a pretty good chance to run for public office. That is not the case today because money greatly tilts the present system away from average Americans with just average incomes.

Mr. President, there is another pernicious effect of this present system that we have and that is that money talks. That is the wealthiest contributors, that is the largest contributors to a Senate campaign, have more access than do other Americans who have not the means and therefore have not contributed as much to a particular Senate candidate.

I know all of us here think, well, no, we are insulated from all of that; that we Members of the Senate, after we are elected, we treat everybody equally. But we all know that as much as we assiduously attempt to insulate ourselves from contributors that there is a tendency for Members of the Senate, for Members of the House, for anyone who receives a major political contribution to at least provide more access to that person than to someone else. That is to listen more readily to try to determine what that person's political point of view is rather than that of somebody else who has not contributed at all to the campaign.

Obviously that is a generalization. Obviously there are many exceptions to that generalization but I think it is a generalization that, fairly, has a lot of truth in it.

It is even more pernicious, from my point of view, for those Senators from the largest, most populous States. Why do I say that? Because it is easy for me as a Senator from Montana, a thinly populated State, to give absolutely equal access to all people in my State. It is much easier for me than it is for a Senator from a much more populous State.

I have a policy in my office where I take all telephone calls from my State of Montana unscreened. I do not care who it is. I have instructions to my personal secretary, anybody calling from Montana I personally take that call if it is from Montana, regardless of who it is and what the issue is. If it is a Montana call, I take the call.

Sometimes I am not in my office, I am at a meeting, but I have firm instructions to my secretary: Make sure I return that call that day. I can do that more easily than can a Senator from a more populous State because there are not so many folks in my State. Montana is not California with a population of what, 25 million, approximately? Other States have populations over 10 million. But I can do that in Montana and I can do that in my office.

I have another policy. When any group of Montanans comes to Washington, DC, I see them. If it is someone from Montana, if they want to see me, I see that person.

When it comes to both those telephone calls and the folks from my State who want to visit me, it makes no different whether they contribute to my campaign or not. I do not ask. They do not tell me. It is irrelevant. But I can do that because I come from a thinly populated State; States like Idaho, Montana, Wyoming, some of the Western, more thinly populated State. If I were a Senator from a more populated State, I could not do that. It is logistically impossible. I cannot do it.

Therefore, I suspect there would be a tendency for me, as there might be for Senators from more populous States, to try to decide, "Who are you going to see and who are you not going to see? What telephone calls are you going to take and which ones not take?" I am not going to predict or guess as to how Senators make those decisions but I will say I suspect that the larger the contributor is, that the more dollars a caller has contributed to a campaign, the more likely it is that person is going to be listened to by a U.S. Senator or the more likely it is that that person from that State who walks in that office is going to be seen by the Senator. I just suspect that is probably the case and it is another effect of money. Money does talk.

Most Americans do not have near the amount of money that some of the major contributions have; again it is a very pernicious effect, I think, that affects America.

Mr. President, this bill before us today, S. 2, a bill to limit campaign expenditures, is just that. It is a bill that sets limits. I think that is good for a couple of reasons.

No. 1, as we all know, there is just too much money in the political system today. We have to limit the number of dollars in campaigns today. It is clear that with the increases, unless something happens, for all the reasons that I and others mentioned, there are going to be some real problems here.

But there is another reason and that other reason is a symbolic reason. It is a psychological reason. I think too many of us in America since World War II, because our country has been such a wealthy country, have been a little bit undisciplined. It is sort of: live now and pay later. We are an instant consumption society compared with some other countries. We tend, compared with other countries, to be more of an instant gratification society. We think in the short term more than some other peoples. That is true both in private and public life. As individuals we tend in that direction and certainly we know that the Federal budget deficits we have today in our country indicate that is true in public life.

The U.S. Government has borrowed so much money, with no limits on the deficits that face us, that we are now in a position where we are going to have to worry about paying the piper at a very near date.

So I think it is important to set limits, not only to limit campaign spending but also to begin to set the psychological tone; to begin to set an example; to begin to put in place the symbolism of limits.

You know, most of us are parents. We know when we raise kids there are basic principles that are right and make sense. Basically it is love and limits. We love our children but we also know we have to set some limits on our children's activities and behavior. And we also know that kids want those limits. It is a question of where you place the limits. Sometimes they are placed too strictly, sometimes too loosely. But limits are necessary.

I think that we as Members of the Senate should begin to limit ourselves; begin to limit the number of dollars that we spend on campaigns. We should begin to show to the American people that we, Senators, cannot only set limits but we can set limits on ourselves. That is, self-discipline.

(At this point Mr. DASCHLE assumed the chair.)

Mr. BAUCUS. Ultimately it is self-discipline, I think, that determines the worth of a person. It is the degree of self-discipline and it is how that self-discipline is arrived at and how it is exercised.

Mr. President, those limits, I think, would be very, very helpful.

Some criticize this bill for various reasons, and I am not going to stand here and say this is the perfect bill, because it is not. Nothing is perfect. But it is certainly a major effort to try to do something about the present system. Some criticize the bill because they say, "Oh, there is all this public financing; it is taxpayers' dollars. Not only does that increase the budget deficit, it is kind of an entitlement program," et cetera.

Mr. President, those charges are inaccurate. It is true that earlier versions of this bill contain large components of public financing. But the bill before us does not. The bill before us has very, very limited public financing money in it that is available to candidates; very minimal. It only triggers in when an opponent goes over limits that are prescribed in the bill; only then. In those instances, it is very, very nominal. This is essentially a bill to set limits on the number of dollars raised and the number of dollars spent in Senate campaigns. That is what this bill is about. And only when those limits are exceeded, certain limits are exceeded by an opponent, in that instance are there some public dollars. I guarantee you, they are very minimal.

In fact, this bill is essentially self-financing, too. That is the number of dollars that this bill will cost will be offset by the elimination of the checkoff system that is presently on the income tax forms. That loses dollars that would otherwise go to the Treasury. That checkoff will be eliminated. Those dollars, therefore, the taxpayers would pay, will go into the Treasury and that essentially finances the minimal amount of public financing here.

But that is a red herring, when people talk about public financing. The chief critical core thrust of this bill is limits on expenditures. Mr. President, we have got to set those limits. We have to. There are all kinds of reasons that were discussed all night, last—yesterday, the day before. We know the reasons. I am not going to reiterate them here now. But this bill is essentially a bill to set those limits.

I think it is important to do so for an additional reason I have not mentioned and that is that our system government is a bit different than the systems in some other countries. I am referring here to the parliamentary governments. One reason that campaigns are less expensive in Great Britain is because they do not have a constitutional form of government with separate coequal branches of government. Rather, they have a parliamentary system where the government elected is also the government that is in power in the executive branch. More importantly, they have shorter campaign periods because the party that is in power will call an election sometime within 5 years after it is elected but nobody knows when that election date is going to be until parliament dissolves and then the election is usually 6 weeks later. The beauty of that is it shortens campaigns. They are only about 6 weeks. Whereas the America they are getting close to 6 years.

Certainly in Presidential campaigns, and Senate and House races, virtually they are on a 2-year basis. Six weeks is a lot shorter. That effectively limits the number of dollars in political campaigns.

The only point I am making here is we do not have that system. We have an extended, open-ended system and, as a consequence, all the incentives are to spend more dollars, not only because the campaign period is that much longer, but for all the other reasons I mentioned earlier.

In addition to that, Mr. President, we have a weak party structure. That is another reason why candidates have to go out and raise so much money and spend so much money. Both parties, Republican Party and the Democratic Party, is it a fact of the matter, let us be candid and honest about it, have less and less power over the years. That is the party itself has less power to raise money as a party for the candidate over the years. A party also has less organizational power to get out the vote over the years. Parties are becoming more and more parties in name; less and less parties in fact. It is just a fact of life.

This is due to increases in communications technology, instant access to any information by anyone for anyone. The party structure and all institutions, that is parties, tend to lose their authority because, again, that is part of that instant access to information.

So parties are breaking down. I think they are, and I think everybody will agree that they are. That means that the candidates have to go out more on their own, set up their own organizations, raise their own dollars, and spend their dollars basically in the way each candidate sees fit. That is also happening in America today.

That is another reason why we have to set some limits. I do not say set limits so we can strengthen parties. That may be a consequence of limits. I doubt that would actually be a consequence of limits.

What I am saying is due to the system we have, a nonparliamentary system, the advances in technologies, the first amendment right to spend money any way you want to or say anything you want to say—for all these reasons and because a candidate will do anything to get elected, incumbent or challenger, therefore, raise more dollars to get the message out, all incentives in the wrong direction, more money, less time for the job, discourages good candidates from running. All those lush dollars increase a scandal waiting to happen.

There are all these reasons.

Mr. President, I strongly urge us to take a step. There is a popular slogan, give peace a chance. I am suggesting let us give campaign and campaign finance reform a chance.

President Harry Truman once said if something does not work try something else, if that does not work, then try something else again.

I am not saying it is a perfect bill. Of course it is not perfect, but it is a very honest, legitimate, good faith attempt to try to get a handle on the problem to try to set some limits on these excesses. That is all this bill is.

I suggest we try it and, yes, we are going to modify it as we move along as we experience little twists and turns, but we should not shy away from it because we do not know if it is perfect. We should try it.

I suggest that if we do try it we are going to be surprised and kind of like it. We do not have to go around all these receptions raising money, do not have to spend all this time and money grubbing. The American votes are going to like the psychological message it is sending. Senators are trying to exercise self-discipline and therefore Congress can exercise self-discipline which I think is necessary as we move into the eighties and nineties and next century.

Therefore, modify it as we go along.

Mr. President, I am about to yield the floor here and just urge us to give it a whack and give it a try and take it from there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, good morning.

Yesterday about the same time I was recognized and my colleagues who have spoken prior to my returning this morning obviously have been filled with wisdom and insight as we continue to address the issue of S. 2.

I wholeheartedly agree that reform is needed, but I do not agree that the proposal before us as conceived is by any means the best way to do it.

As I have stated before this body, S. 2 would only address part of the problem. Why do we only have to address part of the problem when the problem is far more significant?

In my opinion, it would create new and more serious problems than those that we currently face. To begin with much of the emphasis of this debate seems to be preoccupied with the large amounts of dollars raised by senatorial candidates in order to run a campaign. That is important but our preoccupation is with that point.

Let us try and set the record straight as to just where the money goes in order to run a campaign and why it is necessary for candidates to raise contributions in the first place.

Millions and millions of dollars that go to campaign committees each election do not end up in the candidate's pocket. The money is spent on the media throughout this country, the television, the newspapers, the brochures and the like. Candidates do not determine the price of a full-page ad or a 30-second television advertisement. The media does that. Those large sums of money that are criticized are the amounts that candidates must raise in order to pay the media bills.

One could ask the question, Why do candidates have to advertise in the first place?

Various countries have campaign limitation, times in which they can expend funds and limitations on specific type medias that can be utilized. We do not have that situation in this country. Perhaps we should.

But clearly the traditional answer up until this point is that paid advertising is one of the principal ways to get to tell our side of the story.

Now, it may be true and I think we have all had experiences with this, that the news media does attempt to objectively inform the public about the candidates, about the positions, but we have all experienced the occasion when the media chooses to take a side, to promote a favored candidate or a political position. The only alternative for a candidate then is to purchase advertising if he or she wants to be very sure of getting his or her point of view across.

We have all had examples. In our State recently a newspaper ran a series of stories and editorials, panning our Congressmen for missing votes. They also ran a series against the senior Senator from our State on an offhand comment that he could earn more money outside the Senate.

The question is, What options do these elected officials have to defend themselves if they so choose against what they might view as an attempt to degrade their character?

(At this point, Mr. BAUCUS assumed the chair.)

Mr. MURKOWSKI. So I ask you, Mr. President, what options are available when the media decides to get involved in a campaign?

There are no controls on how much campaigning they can do editorially for or against a candidate and rightfully so our Constitution gives them that privilege.

What we can do as candidates is to buy space to put in our side of the story.

So advertising truly during a campaign is the principal option available to us to correct attacks on our record that we choose to respond to.

Now, I could not agree more than the campaign process has gotten out of hand. Of course, we should put limits on it. However, just capping the dollars contributed and spent as S. 2 would do, as I indicated in my opening remarks, only addresses part of the problem.

Monetary contributions from political action committees, PAC's as they have fondly become to be known as, as well as contributions from individual contributors are, of course, an important part of the successful campaign.

And this is an area that is a bit sensitive with our colleagues on the other side of the aisle. So too are the so-called soft money contributions. The latter category consists of the voluntary efforts that certain organizations can deliver to a candidate, and I emphasize the word "certain" organizations.

Under current law, there are limits on PAC's and individual campaign contributions to a candidate as there certainly should be.

Additionally, candidates and contributors file public record reports on the amount of funds received or contributed.

But what about soft money, should that not also be included in the money limits placed on a campaign? Say, a labor union turns out volunteers, it may turn out those that are on the so-called bench that are in the hall, that are awaiting to be called on a job, it turns out these volunteers to make telephone calls for a candidate or an advocacy group, again individually volunteers, its members to address and mail letters, perhaps Common Cause or other organizations goes out and provides door-to-door canvassers.

These usually are not reported as contributions, yet they very clearly have a monetary value. And the monetary value is what it would cost the candidate that does not have that capability to go out and hire people to do that job.

One could quickly calculate what it would cost to figure a minimum wage applicable to hundreds of these volunteers for a few months before a campaign. Well, we all know, Mr. President, that that value far exceeds a $5,000 check from the PAC or for that matter dozens of PAC checks.

What about what is referred to as the third party assistance? This is assistance for a candidate, and it was also included in the general category or reference of soft money. Perhaps a teacher's union, the NEA, mails its members and runs newspaper ads against one candidate and for another. Should not that dollar value be computed in the campaign list for a candidate? This Senator thinks it should, and unfortunately the bill before us, S. 2, is unamendable. It cannot accommodate those of us who are concerned legitimately with these areas of third party assistance, soft money. The Senator from Alaska would be happy to see the PAC contributions reduced or eliminated, but in doing so, let us balance the equation.

Why are we so reluctant on the other side to address the issue of soft money, the issue of third party assistance?

Let us stand up to what we have initiated here in the area of campaign reform and address these concerns too.

Mr. President, what if say the Sierra Club does a fundraising mailing for a certain candidate and asks members to send contributions to the candidate? Should not the cost of the original mailing be required to be within the contributon limits set for PAC's or individuals and added to the total spending a candidate can make? Should these third parties be allowed to retain tax exemption and to be able to use special mailing rates for their mailings?

What about the contributions from the news media itself? Should we try and structure some way of placing a dollar value on the obvious campaigning that a media outlet conducts during a campaign?

Further, Mr. President, one would ask whether our Constitution intends that we place limits on freedom of speech for individuals and groups of individuals or PAC's but exempt newspaper publishers? We are not here to debate the constitutional merits. I am simply laying before my colleagues the inconsistencies that are in existence as we consider campaign reform under S. 2 and the fact that newspaper publishers obviously are free as they should be to express their opinions but indeed their opinions have political consequences, political consequences that oftentimes are the difference between one candidate successfully achieving an election and another in defeat.

I do not know about this. But these are certainly legitimate questions that deserve more consideration by the American public.

S. 2, as I have stated time and time again, ignores the soft money contributions, and I do not believe that is the best approach. We have heard time and time again that the Republicans are the ones that are holding up campaign reform, we are the ones fighting S. 2. And I have heard the suggestion, which to me is incredible, that the reasons may be because we have some sort of advantage by being able to raise more money than our Democratic colleagues. Well, I would ask the question: If this assertion were true, would not the Republicans be in the majority in the House and the Senate? They certainly are not. In other words, might it be that the soft money advantage enjoyed by our Democratic colleagues offers more of an advantage than the dollars that the Republicans raise? I am not going to attempt to answer that question in any more detail, Mr. President, but I think it is obvious that the allegation has no foundation. And as I say, if it did, why one would assume that Republicans would control both the House and Senate, and we know, of course, that is not the case.

Is it not possible that if S. 2 were to restrict the Republican ability to raise money, while at the same time do nothing to restrict the other side's ability to get their volunteers, that ultimately we could see ourselves drifting into a one-party system? I think after observing the activities of the last several days, my colleagues would agree that that certainly would not provide a stimulating atmosphere in this body such as we have seen.

Is this really something that America wants? The Soviets, of course, have a one-party system. We have seen its activities, its actions, we have seen its application on the public. They are citizens, true. They get to vote. They vote for the one person the party selects. Of course, we do not want to emulate that system. I would urge my colleagues that we send S. 2 back to the drawing boards, that we open it up for amendments, and that we restructure it. We can do collectively what we want to do to address the inconsistencies in S. 2. If we agree to set limits on campaigning, fine. But let us at the same time figure out how to account for all the money that is spent, all the money that is involved, both the hard cash and the soft money.

I have not mentioned yet all the reasons why I oppose S. 2. But they relate to my feeling that the bill would initiate a system for using as its base taxpayers' money to fund Senate elections. I abhor basically that concept. I think it is the worst possible direction that our democracy can take.

We are experiencing the use of public funds for the Chief Executive race of our Presidents. But is it appropriate that Americans want to fund their broad base elected representatives that way? We all live with this growing bureaucracy. We are all responsive to the difficulties that it has because of its size to respond to the individual citizen. We all have many, many friends in Government, dedicated people, people whom we respect. We know that they work hard, but generally because of the nature of the beast Government agencies get a C or C-minus, or maybe a B-minus, and a few of them get a B for really meeting, in the minds of the people, the needs of the people. I do not think we have to dwell on that. That just happens to be the nature of the political system. It generally equates to a level of both capability and general response.

Let us look up and recognize another reality we have in this country. That is associated with an example of public perception of whether we think the IRS, say, is being fair or unfair, or other agencies taking too long to process applications, or whatever. There is very little that the citizen can do about that. We get our letters. We have our case work. Oftentimes, the average person, if he becomes discouraged, form an opinion of Government. We, of course, are happy to help those constitutents who come directly to us.

The point I am making, Mr. President, is we in the legislative branch still have a handle over the executive branch because we control their budget. That is how basically each Member of this body is able to effectively go into an agency and say, "Hey, I have a request from a constituent that hasn't been answered, or there was an answer but it did not really address the concerns of the problem." It did not indicate how to make the particular constituent response a positive response. It was more structured that on the one hand or the other hand with an additional filing, an additional application, your request will be considered.

Well, Mr. President, we have that leverage of going into that agency because we do control the executive branch budget. And they do respond to us. And that gives us leverage. I think my colleagues would agree a good deal of our work is similar to that of an ombudsman. Of course, that is the person that helps individuals solve problems through the Federal bureaucracy.

I am concerned about what might happen if tax money were used to fund these congressional races because whether it is cash or soft money, candidates of both parties have to appeal to the public at large or these special interest groups to get support. That means really the candidates have to be responsive to the people who help elect them. If we change this process and allow instead the Government to take the money from public in the form the taxes and then distribute to candidates running for office, one has to ask what kind of elected officials we would eventually end up with and one would have to ask to whom would they be responsible? Then where would the private citizen go to turn for help?

Mr. President, I think these are some legitimate and some serious shortcomings. Think about the inequity as well of placing an arbitrary limit on Senate races based on the population of a State. Alaska is the 49th State in population. Yet, we are 2½ times the size of Texas, we are one-fifth the size of the United States. If you overlay my State of Alaska on a proportional scale of the United States, the extremes of southeastern Alaska will go from Florida on the one end to the Northwest and touch the coast of California, the very northern part of my State will touch Canada, and the very southernmost part, the Mexican border. It is hard to share with my colleagues the realization of this vast piece of geography known as Alaska. The State is populated with approximately 550,000 people.

To campaign in Alaska requires a great deal of expense, charters, lots of advertising. We have individual markets. I cannot place an ad in one city and expect residents 1,000 miles away to see it.

I have to run individual ads all over the State. Unlike my colleagues in Maryland, they go home to their State every night. They do not have to charter to Maryland. Then can drive to every community. I cannot drive to every community. We do not have roads connecting all of our cities. We have to fly and what it costs is much, much more than it costs anywhere else in the United States.

So as you contemplate in S. 2 the inequities of placing an arbitrary limit on Senate races based on population, I have to stand up and say it is unfair. There are no exceptions in S. 2 for my State of Alaska.

Mr. President, I could go on on this subject. But you know I have been listening to my colleagues and they have pretty well said it all. There are a lot of things wrong with S. 2, yet we are faced with a choice of either voting for it, or talking about it. Hopefully, America is listening.

I see my colleague and good friend, the senior Senator from Alaska has joined us and will be speaking on the subject. So, Mr. President, I will yield to the Senator from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am pleased to be here this morning to follow my good friend, my longtime friend from home, Senator MURKOWSKI. I know he has stated a position with regard to this bill as it affects those of us who try to campaign in a State that is one-fifth the size of the United States as compared to those who campaign, say, in Rhode Island and have the same limits and the same rules apply to all Senators from all States as far as expenditures are concerned.

It is an interesting thing. But let me first start off, Mr. President, by saying on the way down here today, and I might say it is due to the kindness of my friends that I was not here during the early hours of the morning of last evening because I caught a cold. So I have been given the opportunity to have a full night's sleep and see if I can get over my cold.

But as I was coming down, I thought, isn't it great to live in this country? You know, we had a major dispute here last evening. This is the crucible of democracy. And we have had the minority delay and thwart for the time being the desires of the majority to pass legislation which some national lobbying organizations say ought to be passed.

We had an arrest, but my good friend from Oregon did not go to jail. He is not a political prisoner, and we do not have any lasting animosity as a result of this dispute.

We have just witnessed, in my opinion, the fullest sense of why we are celebrating the 200th anniversary of our Constitution, the full exercise of the right to free speech and the full exercise of the right of free debate. I think that is something to celebrate as far as our country is concerned.

So I am delighted to have a chance to be among the last of a series of speakers on this side to try to explain to the Senate and to the country why we are opposed to this bill.

Mr. President, I would like to go back to the time during the 99th Congress that my good friend from Oklahoma, Senator BOREN, and my other dear friend, former Senator Goldwater presented us with the Boren-Goldwater bill. Senator BOREN had first introduced the bill and Senator Goldwater joined him later with some changes. That bill was referred by a vote on the floor of the Senate to the Rules Committee for study, and the Rules Committee did study it.

By the time we came to the 100th Congress, however, it was clear that the majority had decided there was one important feature of the new bill that would have to be added that was not in the original Boren bill, was not in the Goldwater-Boren bill, and that is the expenditure limitations that are in this bill.

I have a letter—I do not know if my good friend, Mr. Canfield, this morning can find that letter—but I have a letter from Senator Goldwater, who is no longer a Member of the Senate but is my great friend of many years, who told me in the letter that he could not support S. 2. In his letter, Senator Goldwater says that he is not in favor of the public financing and he is not in favor of this bill as it is presented to the Senate. If he were here he would be part of the group of Senators who are opposing the passage of this bill.

I think it is incumbent upon us to explain why. This is not a philosophical matter.

I also have been one who has been a cosponsor of the constitutional amendment to reverse the Buckley case. Yesterday, I announced that I would no longer support that Senate resolution and I want to explain to the Senate why.

Our new Senator from Kentucky, Senator MCCONNELL, presented a statement here last week that I listened to. It is a very interesting statement. I think the Senate as a whole ought to go back and read it. He presented a statement which shows that every Presidential candidate since 1976 through his campaign committee has been charged with violating the existing Presidential limits on spending under the campaign financing law as it applies to Presidential candidates. Now just think of that. Every single one.

In the campaigns since that time, one out of every four dollars that has been contributed to a Presidential candidate has been paid to lawyers and accountants. In the 1980 race alone, $21.4 million of the taxpayers' money was spent on compliance with the limitations under the law. Now the interesting thing to me, as I listened to the statement, was every major candidate has been cited for a violation of the law and has been attacked in the press and, what is more, has had large fines assessed to the candidate.

I thought about that. You know, Mr. President, a winning Presidential candidate is President of the United States. He does not have any ethics committee to come to talk to him. He does not face the ongoing inquiry of the Federal Election Commission. And his campaign people become Cabinet officers.

What happens to the volunteers in our campaigns? If we had this type of law applied to the Senate campaigns, if we had the same experience under this law as the Presidential candidates have had, every single one of us would be charged with a crime because of what our campaign staffs had done.

In other words, the current law, which I thought was working so well in financing Presidential campaigns, is actually failing. We have produced two separate bureaucracies that are hounding Presidential candidates over the minute details of the law we passed to help them.

In one case, one candidate thought he was going to lose New Hampshire. His campaign spent $2 million. He won. The State spending limitation was $400,000. We now know they all knew it. He could not have won without the $2 million expenditures.

We now have statements from campaigns that loopholes applicable to delegate and precandidacy committees are big enough to drive a truck through as far as Presidental campaign spending limits are concerned.

It is interesting to note that, in the 1984 election, special interests spent $25 million to defeat President Reagan, to oppose him. They spent 62 percent of the amount of money that was given to the President under the current spending-limit system. Nearly half of the money spent in the 1984 general election for the Presidency, $72 million, was not under the candidate's control and therefore not subject to the limitations which we imposed via the Presidential campaign law of 1974.

Now, as I listened to those things that Senator McCONNELL was saying, I asked myself: Why should we attempt to impose that on the Senate? And, surely, if we put it on the Senate, it will go into effect for the House. Is it workable?

We went to a meeting last week with the Members of the other side that had been appointed by my good friend the majority leader, to talk about whether we could work out a compromise, and the Republican Members presented a suggestion. We said, "Let us appoint a commission to establish the parameters of proper conduct for Senatorial elections to determine if we can change the system so that the expenditures are not required."

This bill, S. 2, would make potential criminals out of every candidate for the Senate because of conduct of enthusiastic volunteer supporters who would spend or collect beyond the spending limits. It imposes upon each candidate the responsibility for the money that is raised and spent in his name or her name.

But why do we raise that money? Becuase the current campaign system requires the money.

I, for instance, fly home. As my colleague just said, it costs a lot of money for us to fly home. Unless we can plan in advance, it costs well over a thousand dollars to make a round trip to Alaska.

As I said the other day, after I get to Alaska, I travel further within my State than either of my good friends here on the floor travel to get home. And it costs me twice as such per mile to travel within the State as it does to travel to Alaska because the availability of commerical air travel is less and the costs are higher. I can go 2,400 miles to the west, 1,200 miles to the east, a little over 1,000 to the north, 950 to the south and still be within my State. The majority of that travel is by chartered plane.

In my last campaign, I chartered a twin-engine jet for the last 5 days and I was exposed to about 50,000 people directly and through the media. But can you imagine that? Can you imagine me having the money coming out of a Federal financing system to pay for that? Can you imagine me being able to pay for that under the spending limitation of this bill which says the average cost of campaigning in Rhode Island ought to be sufficient for use in Alaska?

It is not just me. What about the mountains of West Virginia? I would be willing to bet the distinguished Senator from Montana, the present occupant of the chair, has some tales of what the cost of campaigning in Montana is. Some of our friends from east of the Mississippi, and particularly those who live east of the Hudson River, do not really understand the cost of campaigning in the West.

But the real point I am trying to make is that S. 2 is designed to find a way to limit contributions and to limit expenditures. But the expenses of campaigning will still be there. And I know that my friends who want to see me elected, just as your friends who want to see you elected, are going to find some way to do it; just like that candidate's campaign committee for the Presidency in New Hampshire found a way to spend $2 million in seeking success in that critical primary.

Now, I think to put us in a position where we get criticism for trying to find the legal means to campaign to meet the current costs is wrong.

Let me tell you again, Senate Republicans have offered to support and we will unanimously support the most far-reaching reform bill in history, today, if we could get it to a vote. Our proposal would reduce costs. It would lower PAC contributions to the same level as the individual—lower them from $5,000 to $1,000.

We would reduce the impact of millionaire spending by giving an individual, whose opponent refuses to say that he will limit his personal contribution to his campaign to less than $250,000, the right to raise additional money.

It would prohibit a person who loaned his or her own campaign money from personal or family sources from recovering those loans via contributions after the election from other parties.

It would for the first time impose controls on soft money—soft money; that is the money that is out there in the political process that is being spent by corporations, by labor unions, by nonprofit organizations that is not currently subject to disclosure. Soft money is a major abuse. We all know it. It is the worst problem in the election process for Federal offices. There are no limits on it at all. We would clear the air on the soft money activities of corporations and labor unions and nonprofit groups by requiring disclosure of that spending. We would not put any limits on it. We would require disclosure of it, and we would require that the people involved in that disclosure reveal to the public how much they are receiving from these various funds themselves.

We would tighten controls on party and special interest campaign activities by requiring full financial disclosure by national party committees and by candidate draft committees of all receipts, independent expenditures and soft money activity.

Now let me point out that is a tough area, too. Soft money is coming in through the party activities of both major parties and even some of the independent parties and individuals. It is coming in. It is corporate money. It is nonprofit money. It is tax deductible money. Soft money is contributed by labor unions under the plans of the labor unions directly to the party committees and national committees and is being spent in campaigns. We know that. It is being spent in get out the vote campaigns and telephone banks that have an impact on our campaigns, and it is being spent to hire people who travel from State to State as campaign consultants.

It is not disclosed. Some of these so-called consultants get paid every year from these funds. They do not have to disclose where they get their contributions or how much money they are making.

These are millions and millions and millions of dollars, totally undisclosed, and we want to disclose it. We want to find a way to limit independent expenditures and we believe we can effectively limit them, again by requiring disclosure.

We would prohibit bundling. Let me tell you, my friends, that is further than BOREN and Goldwater sought to go last year when the Senate, rather than take up the bill and pass it as we should have, referred the bill to committee and asked the Rules committee to study it and give it back to the Senate.

We ought to compliment Senator **Boren**. He was the one who started this. As I said before, he comes from a different type of State then mine. They have a lot of people who have made a lot of money in the oil industry individually. Our State has a lot of money in the State coffers but we have very few individuals that have that kind of money. And they have almost an anti-PAC feeling in Oklahoma.

I think many of us thought, originally, that S. 2 was anti-PAC. We understand it better now and while we think that Senator **Boren** brought a good idea to the Senate last Congress, Senator Goldwater was right to join him, S. 2 is not what they originally sought to do. They sought to bring into parity the contributions between PAC's and individuals.

Mr. President, the efforts of Senate Republicans are not properly viewed, I think, in the Nation's press. We are viewed now as being against reform. While I think that it is appropriate that the first amendment gives people the right to say that; as a practical matter, it is wrong. We have proposed and we are prepared to support, as I said, the most far-reaching campaign reform bill that has been presented to the Senate to date. However we are unwilling to deal with limitations on expenditures or Federal financing and I think it is time for us to give full study to the implications of the research that was done by the Senator from Kentucky.

We are now going into, another campaign year. We have already had charges on both sides, and even within each party, of abuses of the Federal Presidential campaign system. That system so far has cost the taxpayers a third of a billion dollars for just one office over the last three elections. This system, if it was imposed on every Member of the House and Senate, would exceed that cost in every election. But the principal problem about it would be that we would create another monster, another group of people hired by the taxpayers—and incidentally, the cost to the taxpayers does not include the cost of hiring all those people who are doing the review of expenditures of candidates in the Presidential system—but we would have to have a whole new group of people to survey compliance with this campaign expenditure limitations law and compliance with the voluntary limits. I too, believe in trying to reduce expenditures in campaigns. But I just wonder how bright the people really think I am.

If I am campaigning in a State one-fifth the size of the United States, can I really create a system that would totally maintain the limits that I voluntarily accept if this bill passed? Could I say that, for sure? Could I come before the Senate and swear that none of the people who campaigned in my behalf spent money that I did not know about and that I had not faithfully reported within that voluntary limit? I think that we should not go in that direction and that is what we are saying. We are saying: Let us try to correct the evils that people have identified.

Mr. President, I sat through those hearings in the Rules Commitee. The proposals that we were presenting in this compromise and that we were willing to support, were supported by Republicans and Democrats. There was not one person that came before us that did not say: Control soft money. That the worst thing in campaigns today, is soft money. They all said control soft money.

How do my friends on the other side propose to control soft money under S. 2? It just is not sufficient. I do think that the impact of the Federal Presidential system is something that we should look at. I will tell you this: If my party regains control of the Senate in this election and I am chairman of the Rules Committee next year, which I assuredly would be, we will look at the Presidential system. We will have oversight hearings that will be in depth, and we will find out why that system is not working.

I think it is a smear on our society and our capability to enact laws that are fair, to be able to show that every Presidential candidate since 1976 has had his campaign committee criticized for a violation of this law that we thought was so good and so helpful for the Presidential process.

Again, I ask every Member of the Senate to understand the difference between candidates for the Senate and the Presidency. We are subject to strict ethics rules. I am a former chairman of the Ethics Committee, and I can assure you that if the defeated candidate would present to the Ethics Committee an allegation of violation by the successful one, notwithstanding the fact that had he won, he would have had the same thing presented against him. Why should we create such a system? Why can we not really reform the system?

I had a discussion last evening with a distinguished member of the press at a social function. It was an off-the-record discussion but I tried to explain to him the whole background of our feeling about campaign expenditure limitations. In the first place, the limitations always have some way of shifting the burden of the current costs of campaigns somewhere else. If S. 2 were passed, the effect would be, in my State, that the money would have to come from somewhere. It would probably come from the party people or from independent expenditures. It would come from the soft money trail into Alaska. Currently, I can tell you, to my knowledge I have never been involved in the soft money trail.

That has not reached out to our State, to my knowledge. It may have through the party campaign activities because of the national system that is developing. But I would much rather have a full disclosure system. I would much prefer to be able to tell my campaign volunteers, and those we are compelled to hire, that we have to report every dollar we receive and every dollar we spend or every dollar we know someone has received and someone has spent, and we are required to maintain one campaign account.

That is much better. When I first came here we dealt with cash. You only had to report contributions of over $5,000. Anything under $5,000 was not even reported. And the whole concept of reform at that time was to bring disclosure and accountability; to let the public know who was bringing money in. I feel we can now go further than that and find ways to bring a greater public support of our system.

I would hope that Members would look at some of the comments that we have made in our minority views to the Rules Committee report. The fact that we would oppose this bill should have come as no surprise to anyone in the Senate. The bill came out of the Rules Committee on a strictly partisan vote. All members of the majority party voted for it. All members of the minority party voted against it.

There has been some surprise expressed here in recent days that we have been so adamant in our opposition when S. 2 came to the floor. It has not been changed sufficiently to meet any of the objections that were raised in the minority report. We have not been able to have a single vote on a single amendment to try and change this bill in the direction of the comments that we have made. When the country is so narrowly divided in terms of political concepts, when we have a four-vote difference that would change control of the Senate, it would seem to me that the public as a whole and the majority ought to look at some of the comments we made as to why we were going to oppose this bill.

I would call your attention to the report that is on the desk of every Senator. On page 63 we set forth totally the outline of our objections. We delivered the opinion of the Department of Justice. We dealt at length with PAC contributions and the impact of the criminal penalties in the bill applying, as they do, to the allegations of wrongdoing that would come up under this bill.

As I said, it was the realization of what that means as applied to the record as exposed now by Senator Mc-

CONNELL, concerning Presidential elections. Again, I would urge anyone who wonders why are we opposing this bill to go back and look at the report that was filed almost a year ago now by the minority of the Rules Committee which had voted unanimously opposed to the bill as it came to the floor.

There is no question that this bill is the wrong solution to the wrong problem offered at the wrong time.

(At this point Mr. BINGAMAN assumed the chair.)

Mr. STEVENS. It attempts to address the problem that is perceived, actually two problems, and they are the role of political action committees and the amount of money that is required expended to be elected as a Member of Congress. As I said before, those are not the problems that need to be solved. The problem that needs to be solved is the change in our overall national economy and a system that constantly increases to cost of campaigns. Let me point out, for instance, that I talked about my cost of flying home.

That is because we are in session prior to elections until at least October. My opponent takes a leave of absence from his or her job probably sometime in August and is at home every single day campaigning.

One of the solutions that was suggested was that we mandate that the Congress not be in session from October on in an election year, that we find some way to prohibit any kind of campaigning for congressional office until the 1st of August. Think what that would mean? We would go home and we would not have to run back and forth every weekend. I might say sometimes I have gone home twice in 1 week to Alaska, 12 hours each way, door to door, and have come back to be in the Senate for an important vote and have gone back again. Why? Because I had to go to a debate that was lined up by some group that knew my opponent was available and did not see why I could not come up on Tuesday night or be there on Thursday morning, and I either go or I see the reports of an empty rocking chair on the television screen because I could not come to meet my opponent in debate.

Why should not we look at this system and say let us get out of here the end of July?

Did you know there is a law on the books today that says that Congress should not sit after July 31?

Some people who came before us had a lot more intelligence about such matters than we do, but at that time it took them all that time to get home.

My predecessors would have gone across the country by train, gotten on a boat and gone up to Seward and gotten on a train, gone again up to Fairbanks. They would have been there about a week or 10 days after they left here. They could not go home twice in 1 week. Those are the changes in our national system, our society, in our economy that have taken place. My immediate predecessor, Senator Bartlett, used to travel home by boat. I have never had that luxury once since I have been in the Senate.

We can look at this system and change it. If I did not have to go home all those times, I would not be spending that money and would not have to collect money from somewhere else to have to pay the costs because that is political transportation, it is not official business.

When you get into the further concepts, let us think of television. We ought to think anew about television.

Every suggestion I have heard so far about television is that we should require broadcasters to give us campaign time, and they say, look over in Europe, that is what happens.

The governments over there own those systems. My little stations in Alaska would not survive if every candidate for the Senate and House was entitled to time in an election year free. They barely survive now.

We have, incidentally, the best system of communication in the country, if not the world. We have cities of less than 100,000 that have two, three, or four competing media: three television stations, two or three AM, two or three FM, one public station in that kind of a market. If we said each one of you have to give political candidates free time, those guys would literally head for the hills and decide to turn into trappers again. They would not be able to survive.

So I have opposed that. I opposed the concept of telling the media they have to give time to candidates. But we all know we have to be on those media if we are going to take our message to the people, and particularly I want to remember the time when I was a challenger. I am one of the few people in the Senate who had two unsuccessful Senate races. I know what it means not to be elected after a tough campaign.

Challengers have a harder time raising money, and we know that. If we are honest about it, we know it. On the other hand, they have some advantages, as I said, because I remember when I was campaigning against my late friend, Senator Gruening, he was back here and I was there, and I took time off from my office, as I said, and I was all over the State. I did not need as much money as he did. I did not spend as much. As a matter of fact, I could not collect as much.

But as a practical matter, what we ought to look at now is how to find a way to buy time nationally. We could find a way, and I would suspect that it is just like the Government buying a fleet of cars. When we buy a fleet of cars for the Government, we get them at a price no one could get individually because we buy so many. Why should we not buy time through some system that is organized and it is available to each of us? If our campaign committees put up the money, we can have our share of it, but buy it on the guaranteed basis we get the lowest rate rather than mandating by law that they have to give it to us free.

I think there are ways to get that and that is again why I suggested let us get a commission, get some people who have lived through this, get some people who have been finance chairmen, get some of the people from the special interest groups like Common Cause and see if we cannot look at this system and come up with some innovative changes with the full knowledge that probably by the turn of the century the system would have changed so much we have to have another commission to look at it to see how technology is developing then. Technology is developing so fast that I believe before we leave the Senate will have direct delivery of Senate television from satellites. I believe we will be able to have messages delivered from one source directly to every home in the country. I believe we will see a system that will mean that we will be able to stand here in the well and transmit directly to my State and vice versa. I really believe that we will have a video screen here, and there on that side, and this will be the Republican side and Democratic side, and I can speak to the Senate from Anchorage or Point Barrow, and I could have my debate, have my rights and protect my rights through the use of the electronic media.

The Constitution says I will have to be here to vote and we will comply with that. We will have periods of voting but we will be more back to the concept former Senator Howard Baker talked about, about "being citizen legislators." We will be able to have two or three periods a year when we are here and the rest of the time we will be home and be citizens of our State and be part of our State and be more knowledgeable about the problems of our State. We try with the system we have now, to have a week every month to go home—and most of us do go home—and we are trying to improve our capability to keep up with our States, but I say, Mr. President, technology is evolving so quickly that we do not even know what the cost of that will be. I would be willing to believe that before I leave we will have systems like that.

Who would have thought when I first got here that you would have a system in the House where you put in a card and vote and they could tabulate the House vote immediately.

I remember sitting in the gallery of the House at the time the Alaska statehood bill passed in the 1950's and they used to take a lot of votes just by standing. They were in the Committee of the Whole and would have vote after vote and come back and have one or two recorded votes. The reason was it took so long.

We have not gone to the electronic system yet. If a few more of us get caught in that subway and miss a vote simply because we cannot get here within the time allotted, pretty soon we are going to have some sort of a system where we have a notice that says 15 minutes from now there will be a vote. We walk in here and all vote at the same time.

There will be a different concept around here one of these days. That is not so far away.

What I am saying is this bill, S. 2, tries to bring about reform by locking us into the evils of the past and fails to see the problems of the future in terms of campaigning. The problems of the future are going to be great. Currently, it is fairly easy to get to my State because most planes on the way to the Orient will stop somewhere in Alaska. Pretty soon we are going to have extended range planes. We already have them. We have a plane now that will fly directly from New York or Chicago all the way into Tokyo. We have some that are going from Dulles all the way into the Orient. They are not stopping in Alaska. Fairly soon we will be back in the situation where unless we have some reason for people to go to Alaska with a different type of economy, we will be back into a one-flight-per-day situation. Then what will we do with campaign limitations?

I think we are going to have to look at the future and see what can we do to make this system respond to the problems we perceive in the future. We need to try to see if we can avoid the complaints that have come about from the reform system that is in place now. I was on those conference committees that created these bills very soon after I came to the Senate. It finally passed in 1972. I think we had it up before the Senate every year. It was 1969, 1970, and it finally passed in 1972.

Now, it is totally under attack. So that is the reason for S. 2.

Mr. President, let us not forget that we do have a basic conflict here between the two parties on the subject of public financing of elections.

I do not say that to cause any difficulty with my friends on the other side of the aisle. But I just perceive a genuine disagreement. I am one of those who believes that we should not use public money to finance campaigns for the Congress. It comes from a basic, populous, inbred feeling on my part that the public at large should either by the voluntary contribution of their time and effort or their money give their support to the candidate of their choice. Many people cannot spend the time and they contribute money. A great many contribute through the political action committee process which was spawned from the success of the labor movement of this country. We adopted in 1972 the labor created PAC system for the whole country, for everyone to have the ability to form political action committees. The political action committees in my State enable people who want to be involved in the political process to put their money into a central fund and have the fund contribute and have it reported.

Now, I think that the concept of using public financing as proposed by S. 2 is wrong. It says we are going to have voluntary limits but if someone avoids the voluntary limits, money comes out of the Treasury of the United States to help his opponent.

It is just a simple matter of provoking your opponent into making that mistake so you get the money.

The concept of public financing that is to be used as the hammer for compliance to voluntary limits will not work. Why should we expect incumbants and opponents to be more faithful to the law than any other Presidential candidate since 1976? Why should we expect those who come to volunteer in elections that are Statewide or districtwide to have more ability to comply with complex Federal laws than those who surround a Presidential candidate? That is the presumption of this bill, that somehow or other we can find people that will not only live within voluntary limits but will protect the system not only through limits on contributions but through limits on expenditures. Incidentially, Mr. President, it has been the limits on expenditures that have gotten most of the Presidential candidates' committees in trouble.

I think some of us who participated in the 1979's reform that brought about political action committees ought to be more defensive of that system. The comments that have been made even this morning in the paper indicate that we have got to do something about the political action committees, the role of special interests. What do they want to do?

Do they want to go back and give control of campaign committees back to the few, to the wealthy of the country? Would they rather see us go back to the point where we deal with cash? One Senator told me—he is no longer here in Washington—of the time when he was a campaign chairman and he had the duty of carrying a briefcase full of money around the country so that the campaign committees' money could be distributed among the candidates that were not in Washington. And it was legal money, by the way. It sort of raises your hackles to even think about it, does it not?

How do you think soft money is distributed today? How does the Senate think soft money gets to candidates today? In suitcases, in briefcases, in brown envelopes. It is totally unreported. The people that deliver it skim a little bit off the top for themselves, or maybe they skim a lot off the top and give what remains to candidates. We do not know. "Soft money" expenditures are excessive, unreported and GOP Senators are today willing, because we oppose public financing and we oppose limits on expenditures, to address that problem immediately.

The worst problem we face in politics today is "soft money". Why should someone who is running a nonprofit corporation, which we allow to be created under our tax laws for the purpose of providing assistance to the needy, why should they be able to come up with some fancy name, get qualified, and get contributions that are tax deductible and make expenditures that impact a campaign? These contributions are totally unreportable, totally untraceable, and we do not have any reports from them as to what they do with their money—nothing.

We have people who are accusing us of being against reform who are sitting in even this city drawing their salaries from nonprofit corporations, far in excess of what we get paid to be Members of the Senate. They do not have to report their contributions and they do not have to report their salaries. And they are actively involved in the political process, and we know that. We can prove that. The work of the distinguished Senator from Wisconsin, Senator KASTEN, is going to prove that absolutely.

My people who give me money in campaigns, individuals contributing to me contribute their after-tax dollars. At least a quarter of their income is taken first and put in the Federal Treasury, and from the remaining three-quarters they decide to make a voluntary contribution to me.

The people that give to the nonprofit corporations, donate pretax dollars, the corporation does not pay an income tax, and such money is going into campaigns. You want to talk about public financing of campaigns? Let us talk about the taxpayers' money that has to be paid into the Treasury to support the Government because those people that are making tax-deductible contributions to these nonprofit corporations, which do not have to pay a tax on the money that they earn, are making contributions which they know are going to go into the political process. If there is evil in the political system today, it is "soft money". It ought to be addressed, and shame, shame on the majority now that they are unwilling to address that problem. We announced, Senator

Goldwater announced, in the last Congress, we announced again as early as April of last year, "we have two things we will not support: Federal financing of campaigns and limitations on expenditures".

I call upon my friends on the other side of the aisle in the spirit of friendship—and they are my good friends—to look at this problem, and before we finish this tomorrow to once again come back to a compromise meeting.

We had an interminable meeting Mr. President. I would swear to the good Lord that since the beginning of this Congress I have been in more conversations in more rooms about campaign reform than I have in the previous 18 years in the Senate, despite the fact I served on both of the committees that tried to reform the campaign laws in the early seventies.

The work which we have undertaken ought not to be just forgotten because of this dispute and our failure to accept the two principles that the majority knew we were against, which were not in the original Boren bills, and were not in the Goldwater-Boren proposals. They were not in the Boren-Goldwater bill that the Senate said we needed to study last Congress.

Why should we lose momentum from all of the work we put in, the great work of our staff, night after night, week after week, month after month? We now know the complexities of these problems. We have solutions. I want to say that in these meetings with the negotiators, with the majority party, I feel they agreed on many of our points; I do not think there is a disagreement on soft money. I do not believe there is a disagreement on the necessity to try to deal with the "appearance" of the PAC contribution problem. I do not think that a PAC contribution is wrong. But I think there is an appearance of something wrong because PAC's can give $5,000, individuals can only give $1,000.

Someone suggested that we raise the original contribution level to $5,000; others said no, let us reduce the PAC contribution down to $1,000. Originally our position as a party was raise the individual limit. The majority party said no, let us reduce that. That was the original Boren position; reduce PAC contributions. He wanted to reduce the $5,000 level to $3,000. We have now agreed in our conference to reduce it from $5,000 to $1,000. Did you know that? As a result of all these meetings we have a position where all Republicans would agree that we will reduce the PAC limits from $5,000 to $1,000. We also have an agreement on millionaire spending.

We also have an agreement on "soft money." We have an agreement on party and special interest campaign activities, I think, pretty close anyway. We certainly have an agreement on independent expenditures and bundling. Bundling is in S. 2, as a matter of fact. We are so close, so close to a fantastic bill but we have vote after vote after vote on cloture.

I do not criticize the leader for that. He has obviously united membership on his side saying why can we not get this bill passed? This is what we want. And the Constitution gives the minority the right to say you cannot pass that as long as it has these things in it. We just had our little skirmish over that. I think it is going to be fairly sure that this bill is not going to pass with those things in it. But why should not a bill pass that we all agree on?

Again last evening and this morning I was thinking about the fact that we had some real great goals for the Alaska statehood legislation in the late 1950's. Alaskans thought we knew exactly how the bill ought to read. It just absolutely ought to have certain points in it, and we were about ready to say we were not going to have statehood unless these matters were in the bill. We learned a big lesson in the House. When we got to the Senate we said please pass the bill as it passed in the House without change. The Senate did.

The following year when Alaska had representation in the House and Senate, we came to the Congress and asked for a transitional act for statehood that contained many of the things that were left out of the original statehood bill. In that regard, I wonder why is it so important that this bill, S. 2, have precisely everything in it that the majority party wants including those things that are diametrically, just absolutely contrary to the philosophical position of this side of the aisle?

As a matter of fact, if any political scientists were to weigh this bill, they would agree that 95 percent of the content of the bill is subject to immediate resolution between the two parties in this body before the cloture vote tomorrow. If we take out Federal financing and take out campaign expenditures—both of which are used as means to try to achieve the goal of reform, I think we would be in agreement about the goal. We just disagree with those concepts and that they are necessary—just allow us to make one primary addition; that is the bipartisan commission to determine the whole or to look at the whole problem of society as relates to Federal elections, and I think we could have a good bill.

Mr. CONRAD. Would the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. CONRAD. Is the Senator's position that if soft money were included in S. 2, if there were a limitation, restrictions on reporting, that the Senator would then be willing to support overall spending limitations?

Mr. STEVENS. No, I am sorry to say. That is not our position. As I said here before, it was my original position. Even as this debate started last year. I might say one of the reasons I am not manager of the bill—although I am ranking member of the committee was—that I told my side that I would not oppose expenditure limitations as strenuously as others and in other words, I thought they needed an articulate spokesmen for that position.

During this debate as I have said I now have come to the conclusion that they are right, that because of what has happened in the Presidential elections spending limitations per se breed more problems than they solve.

Mr. CONRAD. Would the Senator further yield?

Mr. STEVENS. Yes.

Mr. CONRAD. I heard the Senator say earlier that he would not consider expenditure limitations until and unless soft money reporting, soft money restrictions were included. I mistook apparently the Senator's position. He is not saying as I understand it now that if soft money were included that there would be any chance that he would accept overall campaign limitation?

Let me just, before I conclude that question, say that I find the Senator's position on soft money very persuasive. I have just come through an election campaign in which on the reporting side I was outspent 2½ to 1. I spent about $900,000; my opponent about $2.3 million. I do not know on the soft money side. I spent about $100,000 and from what we can see my opponent probably spent three times as much on the soft money side as I did. So I think the Senator makes a very good case.

I think soft money disclosure ought to be included. I think there ought to be some limitations there too. But it seems to me that still will not get at the problem. We have a situation now in which people have been campaigning for a Senate seat with paid television advertisements in my State for 2 years. Something has gone terribly wrong. I do not see any way to deal with that problem. I would be interested to hear the Senator's response.

How do we deal with the problem of campaigns that have paid advertising going over a 2-year period? It is not a partisan matter. It is happening on both sides. It wears out the electorate, that demeans the process, that leads to all kinds of shenanigans because when you have this money endlessly flowing into campaigns, people look for ways to spend it. You get off into negative campaigns that go beyond the bounds.

I would be interested. How do we deal with that set of problems if we do not have some overall limitation?

Mr. STEVENS. Let me say to my friend, Mr. President, if I led the Senator to believe that there was the potential for a potential deal to be made between expenditure limitations and soft money, I apologize for that.

I do not use a text as you know and if I have left that impression, I appreciate my friends correcting me because I did not intend to leave that impression. I believe that we can get controls on soft money and ought to by virtue of disclosure.

As far as the basic question, however, the Senator has, I think, put his finger on the essence of the problem related to campaign expenditure reform.

As I said, I believe that the way to do that is to look at the changes in society that are driving increasing campaign expenditures, not to put limits on the amount of money that a candidate can spend to deal with those problems. Look at the problems themselves.

When I first ran for office, my campaign statewide cost me a little bit more than $30,000. The last campaign in the same State cost me $1.3 million. I want you to know that in the original campaign I traveled to as many places, I saw as many people as I did in the last campaign. The differences primarily were based upon three things: electronic media, the cost of travel, and the cost of services that are associated with campaigning.

One of the things I have not mentioned, I say to my good friend, and I am sure he is aware of it, is the cost of polling and interpretation of polls to determine and get ready for the kind of negative advertising that has become so prevalent in our society. And that negative advertising, to a great extent, does not come from an opponent. It comes from independent groups that want to be involved and express their opinion as they have a right to do under our system in the political process, the single issue groups mostly in my State.

Now, I do not think we should limit their right to express themselves. I do not think we ought to find a way to contain the media time. I see no reason why there ought to be a race for the time on television. The only reason to tie up time 2 years in advance is to prevent the opponent from getting key time.

A simple answer to that would be, as far as I am concerned, that the networks could come in and change a time scheduled for one of the key programs and all of that time would be irrelevant to the viewers. I mean, the whole idea of spending the money to get the spots that are closest to the high density viewers is so you can get your message across.

I do think we ought to study the campaign financing system, as I said, to see whether or not we should place some time limits upon the Senate being in session. I am told—I have been here long enough now—that once you are in office for a period of time, you have an advantage of name identification. I can remember those days when I was a challenger and did not have name identification. But name identification is brought down to size if my announcements are not coming from Washington. If I am operating out of my office in Anchorage or Fairbanks or Ketchikan or Juneau, there is a different concept. I still believe we ought to force Members of the Congress to leave this town to go home and start the campaign, start everybody at the same time.

Now, there is a lot of disagreement with that. You know, in the British system, as I understand it, you do not know when the election is going to take place. As soon as it is announced—and that does give the incumbent a little bit of an edge to pick the date—then everybody has so many days to initiate the campaign.

We cannot quite do that. We are not going to vary our system because ours is constitutionally established. But I think we could put an impediment on campaign expenditures before a date, and we could say that neither the House nor the Senate can be in session during that period except for an emergency. We can do major things.

Mr. Canfield reminds me that one of the major increases in the costs of campaigns is the requirement to have attorneys and accountants and computers to comply with existing law. The passage of S. 2 would not decrease that cost, it would increase that cost.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. STEVENS. Yes.

Mr. CONRAD. It just seems to this Senator that there is one way to deal with the myriad of problems that are associated with what is currently happening and that is to put some limitation on overall expenditures. Now I would be the first one to say that we ought to include everything. The soft money ought to be up front. Every dollar ought to be reported, ought to be clearly indicated where that money is coming from, who the beneficiaries are, how it is being spent. That is reasonable and that is fair.

But after going through a campaign—an intense campaign, I might say—I have come to the conclusion that there is only one way to deal with all of the potential for abuse that is out there, and that is some way to restrict the overall amount of money that is being spent.

Now the Senator makes a powerful case for the differences between a State like Alaska and a State like Rhode Island. We have to take note of those differences here in the Senate in terms of the expenditures for each office. It would seem to me we could arrive at some way of determining caps based on differenes that exist between States for travel cost and some of the other things.

But I honestly do not know, absent dealing with overall expenditure levels, how you prevent a 2-year-long campaign. And it is not going to end.

I have had colleagues tell me they are going to start going with paid media in the first year after election to the U.S. Senate. They are going to start with paid media the first year after their election to the U.S. Senate. That is when I think the American people are really going to get fed up, when they see people start running paid advertising 5 years before their reelection.

If I might ask the Senator one other question. On the PAC question, you indicate there is a proposal that would reduce banks to the same level that individuals can contribute. Is that not just going to lead to five times as many PAC's? I mean, will not the individual PAC's simply go out and form five PAC's so that they can give $5,000?

Mr. STEVENS. Well, Mr. President, PAC's have been proliferating. Originally, the PAC's were primarily associated with national concerns I think PAC's will continue to proliferate because many have become focused upon local or narrowly defined concerns and I think that there is nothing wrong about that.

Incidentally, it is even more costly under the system to take those $10, $15, $20 contributions and run them through individual campaigns. It would be much easier to run them through a PAC and have a contribution that is reported. And, incidentally, they would be reported if they came from a PAC of any amount. They would not be reported if they came under $100 from individuals. So PAC's actually give us greater reporting.

But let me go back to your basic comment. The interesting thing about the last election, when we lost control on this side, was that each of you that defeated one of my former colleagues on this side spent less; not more, less. Spending per se did not bring about the result. As a matter of fact, those who say that you need more money to offset the value of incumbency ought to look at those results, because it is not necessarily so. The incumbency carries some burdens, and I have already mentioned them in terms of travel and absence. I could discuss some of those, too.

Mr. CONRAD. And record.

Mr. STEVENS. Yes. Well, a voting record is often a matter of image when it comes down to electronic media. When someone jumps up on the campaign and says, "Didn't you vote against S. 2022-A?" The first thing I say is, "What was that?" But they have got the record of the vote and say, "Didn't you vote that way?" So one of my assistants hurries off and will press the buttons of a computer and go through and get to the Library of Congress and will pull out of my record and come back. And that happens while we are still there, within the same timeframe. And I can say, "You were talking about a motion to table a bill that had something else in it." Now that is illustrative of the change in campaigns for an incumbent.

My opponent does not have to pay that cost. But I had a system that we had available to us on a 24-hour basis that could go through a private telecommunications system and pull voting records out and identify them so I could defend my record. I do not know how many votes I have cast now in 20 years here. But challengers have the liberty and the right under our Constitution to that. We have the obligation to be able to answer those and in order to answer them it costs a lot of money.

I think there is a greater cost today to running as an incumbent than as a challenger. And that is another part of the debate I would like to be in sometime.

Let me tell you this one other thing I do. As I said, it costs over $1,000 to go to Alaska. I have been invited to a number of places. I remember one time I was invited to be at a presentation to a group in Valdez. Now that is the terminus of the great Alaska pipeline. I think the Senator has been there. He knows where it is. It was a weekday. We had business going on here and I could not do that, so I hired satellite time. I got a private group—you cannot use the Senate facilities now in a campaign—I got a group to come in with a camera and we uplinked to the satellite and we dropped this down into the Valdez station that I had hired some people for. They connected into the meeting hall and put up a little screen and I appeared at that by electronic media. It cost about the same as flying home.

Mr. CONRAD. Did it help or hurt?

Mr. STEVENS. Well, I am here. I am here. And the difference is, had I not made that effort, I might not be here. But it certainly is a cost that my opponent did not have to pay and it certainly indicates that incumbents need more money at times to conduct campaigns, to defend their records, to make up for the distance of again being here.

But it comes back to what I am suggesting. We have suggested a commission. Let us look at what is driving the costs of campaigning for Federal office. What are the changes in our society that have brought about these increased cost? High technology, the need to hire accountants and lawyers to comply with existing law, the whole problem of name identification, so many things are involved. We should see if we could suggest to the Congress, have suggested by the Commission, some changes in the system itself which would reduce the costs and in effect bring about the reducing of expenditures that you are seeking. Expenditure limitations in S. 2 that put a limitation on me to the same extent as you, because we have roughly the same population, would mean that I would necessarily miss about all the votes after July because I could not afford to campaign and be in the Senate at the same time.

Now, I say to you that I do not think a system is fair that is based on a "postage stamp concept" that the cost ought to be the same in Rhode Island or in the Rocky Mountains or Alaska, per voter, in dealing with such complex problems.

Mr. CONRAD. Would the Senator yield for a question on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. I think you make a very good case, but are you further saying that under no circumstances would you accept the notion of some overall limit on campaign expenditures?

That is, let us assume for a moment that we could work out a way of adjusting for the differential in costs because of the geographic vastness of your State, the distance from Washington, DC; that we could deal with those differences, that we could find a way to create a formula that would be fair as between the States. Would the Senator from Alaska then be opposed to some overall restriction on campaign expenditures so that your opponent and you would be restricted in some way to the amount of money that can be spent in a campaign for the U.S. Senate from Alaska and the other States of the Union as well?

Mr. STEVENS. I would say to my friend, in terms of campaign expenditure limitations, based upon my feelings now after this debate that has gone on so long, the only limitation that I would accept today would be one that would say that if the candidates involved in the campaign agree to voluntarily establish and expenditure limitation for that campaign, then there would automatically be expenditure limitations placed upon the independents' expenditures and the soft money expenditures in that State and that either candidate could pursue the remedies available under our systems today if his opponent violated the voluntary agreement.

One of our candidates has asked his opponent, who is a Member of the Senate, to sit down and agree to a limit. The difference is that under current Federal law there is no protection for that limit. But it also does not go to the independent expenditure and soft money concept.

I think we could trigger a limitation and I think we ought to do it. I had one of the Members of the Senate on your side of the aisle in the last election come up to me and say: why are you raising this money? You have been here for a long time. Since you have been here you have not received less than 70 percent of the vote. He said, why should you collect and spend that money?

I told him two things. One thing is in this business you never know, do you? You just never know. And if you are not ready for the uncertain things that might happen, then it would be possible for you to let a lot of people down because you had felt that you did not need to be ready. And, second, when it comes right down to it in a State like mine and yours, strangely enough, part of the electronic media's survivability comes about because every 6 years I bring in money to that State and spend it in the election process. Is not that strange? It is really true.

Expenditure limitations ought to be in response to the basic question of the increased costs of campaigning rather than an arbitrary decision as to what a person should spend to meet those costs.

If we still had airplane tickets that cost me $300 roundtrip instead of well over $1,000; or if the costs of a 30-second spot on the television in my State was back to $18 instead of—I do not know, it is well over $3,000 now, I am sure, a 30-second spot; then I would say that the limitations that take us back to the good old days of not spending so much money might be in order.

I still urge you to look at the other side of the coin. Why can we not address the costs? Why cannot we have someone study the costs? Take, for instance, the costs of the computers and accountants and lawyers to file my FEC reports. Those are not just filed in an election year, by the way. They are filed every 6 months for 5 years and then they are filed quarterly and then weekly during elections. The costs of FEC compliance alone is more than my original campaign.

Mr. CONRAD. Would the Senator yield on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. I think the Senator makes a good point. Again I think you make a very good point. I have heard the point made before that we ought to address the costs.

Senator McCONNELL has made this point. But it seems to me that our side makes a valid point as well and that is restriction on the overall level of campaign funding. For the life of me I do not know how we will end this money chase and how we will end campaigns that are too long and how we will end the increasingly negative nature of campaigns unless we have some overall restriction on how much is spent. I think it is laudable to talk about costs. It makes good sense. We ought to do that.

But absent some overall limit, the money that you save by the costmeasures will simply flow into some other type of campaigning. It seems unavoidable to me.

So we save money on the electronic media; then the excess funds will simply flow into some other type of campaigning: Negative newspaper ads or negative some other type of campaign.

What concerns this Senator is the spiraling cost of campaigns that leads to what I see as abuse; that is negative campaigning, campaigning that goes on over much too long a period and as a result wear out the electorate. They wind up having less respect for everyone that is involved in the process.

So, again I would just ask the Senator if we have cost savings but no overall limit, do you not just push the expenditure over into some other area of campaigning?

Mr. STEVENS. Yes. I think you do. But I would like us to think anew. Maybe we ought to think back to the Constitution.

The original Constitution says, "The Senate of the United States shall be composed of two Senators from each State chosen by the legislature thereof for 6 years."

Do you want to cut down the problem? Let us repeal the 17th amendment which says we are elected publicly. We could deal with costs and reporting and the whole problem.

My State legislature, God save them, I am sure, would return me and I feel confident, since I was the majority leader of the legislature at the time I came here, that I probably would have made it at that time, too.

Mr. CONRAD. Which House of the legislature would make this determination?

Mr. STEVENS. At the time it was "the legislature," however it was composed. We have one that is unicameral, you know.

All I am saying to you is we are hidebound by the argument now. Take PAC's. I asked my good friend—and I do want to again compliment Bill Canfield, who has been working with me so hard on this. He came to the Rules Committee at my request to work on this issue because I knew what good work he had done on the Ethics Committee when I was chairman of that committee.

One of the things I asked Bill Canfield to review was this: Who are PAC's? In the 1984 cycle, which was the last one we had available at the time we did this, there were 4,000 registered nonparty PAC's. Three thousand of them contributed to a congressional race, 369 made a $5,000 contribution to at least one Senate candidate. One hundred and seventeen—only one hundred and seventeen, nationally—contributed $10,000, $5,000 each in the primary and general election.

Mr. CONRAD. What was that number? How many?

Mr. STEVENS. 117.

Mr. CONRAD. Out of the 4,000?

Mr. STEVENS. Thirty were labor, twenty-seven were corporate PAC's, twenty seven independent PAC's, nineteen were connected with trade or health, three were cooperative PAC's, one was a nonstock corporate PAC.

Incidentally, the record shows that your side got 62.3 percent of all PAC money in 1984 and we got the balance.

Now, all I am saying to you is, as I read in the media about this debate we are having, it is portrayed that I am protecting those vicious things, those terrible innovations on the political scene, the PAC's. Who are they? I think it is incumbent on people to say, who are they?

They are people from all walks of life that are contributing to an entity that Congress created in 1972, in the spirit of reform. In the spirit of reform we said: Let us limit cash. You have to report everything. You have to have centralized accounting. And we are not going to have any more of this money coming in from these groups that comes in in the form of cash. It has to come by check. They have to keep records. They have to file reports, where they got the money from and what they gave it to. We have to file reports where we got the money from and where we spent it.

I still think that was reform. Now, based on those reports we have organizations that say: Do away with PAC's.

Mr. CONRAD. Will you yield on that point?

Mr. STEVENS. Yes.

Mr. CONRAD. Let me give you an example from my campaign. I have been somewhat mystified about the focus on PAC's, frankly. Let me give you an example from my campaign.

My opponent had a very close association with a major corporation. That corporation had a PAC. They gave him $5,000 in the primary, $5,000 in the general election, which they have the right to do. That was the limit, $10,000.

But aside from that, they gave him $24,000 additionally, by officers of the corporation writing out a check, family members of the head of that corporation writing out a check. So, really he got 2½ times as much from individual contributions that were associated with that corporation as he did from the PAC.

Really, I frankly do not see much difference. The bottom line is the overall amount of money that is coming from an interest. I think that is what concerns people. Whether it comes from a PAC or whether it comes from individual officers of the corporation or budgeting of members that belong to some organization that goes out and raises money, I do not see the difference. That takes us back to the central question: Is the bottom line problem not the total amount of money that is going into these campaigns on both sides? You speak quite correctly. I think our side in the last cycle probably did better among PAC's than your side, frankly because of incumbency. In the House side we have a lot more incumbents.

Mr. STEVENS. On the contrary, between 1980 and 1986 we had the majority at the time. We still did worse with respect to the amount of contributions which we received from PAC's as opposed to the level of PAC support which was given to your party.

Mr. CONRAD. I am saying you look at the House side and the Senate side incumbents, we have many more incumbents on the House side. But total dollars, I do not think anybody would disagree, your side has a decided edge.

As you indicated in this last campaign cycle every Democratic candidate spent $1 million less, every challenger, spent $1 million less, or more, than the person on your side.

Mr. STEVENS. That was just the challengers. If you add it all up, I have to say to my friend, you really did spend more. In terms of PAC contributions, as a matter of fact, in this cycle now, for 1987, PAC contributions as I understand it for the last year, for 1987, for the total year there were $7,891,991 for Democratic candidates; $3,687,515 for—these are PAC contributions to incumbent Senators. We are candidates from the day after we are elected, as a practical matter. That is one of the difficulties of the system, because we have people who are collecting money to pay off debts or to prepare for the next election. So we are candidates for 6 years.

All I am saying is if you look at this PAC contribution system, even in this year, 1988, it is running roughly two to one in terms of Democratic contributions from PAC's versus Republicans.

I am not commenting upon the total. I think part of it is the fact that some people are more active earlier in campaigns than others. The real thing I would like to talk about with regard to PAC's is that they are a means to meet the costs. PAC's exist as a reform to the old system where, more and more people were bringing more and more cash into the campaign in a way that was unreportable, unaccountable, and left the impression of illegality.

Mr. CONRAD. Is not that the problem? Have you not just put your finger on what really is the problem? And that is overall spending? This overall spending has skyrocketed.

Mr. STEVENS. Overall costs. My friend keeps going to spending. I do not think people spend money unless they have costs.

As a matter of fact, I just asked Mr. Canfield, I think we can state there are more Senate candidates who end up in debt than end up with money in the bank, in terms of their campaigns, which shows the problem I think that we have. We still have more Presidential candidates under the system of Federal financing of Presidential campaigns having campaign debts from three elections back than we did before we started Federal financing of Presidential campaigns.

For years people used the Presidential campaign as the model, saying should we not do this? Should we not find some way to finance Senate campaigns and House campaigns from a checkoff, for instance?

As a matter of fact, I have to tell you when I was first in the Senate I almost succumbed to that idea myself because it appeared that the Presidential system was working.

Now I think that the interesting thing about this year is that we can stand in the Senate today and challenge those of you who disagree with us and assert, and I think we can prove, that the Presidential financing system is not working. If what we tried to do was to correct the abuses of the system by providing taxpayer's checkoff money it has not worked. We have more candidates being accused and committees being accused of violating the law than before. We have more candidates ending up in debt than before. We have more people being accused of irregularities than before. The system cannot be working, cannot be as good as we thought it was in view of the known facts.

Now my point to the Senator again, and I think we are about down to the point where we are both going to yield to someone else, my point to the Senator is I hope that in the time left between now and the cloture vote, we again go back and see if we cannot get a bill. I think we can get a bill, and I would urge it.

I see my good friend now from West Virginia. He always gives me a smile in the morning and I am delighted to see him here. I ask him, let us take all the subjects of the bill and I put two subjects up at the top. Expenditure limitations and Federal financing are not acceptable. You take two other concepts which you oppose. Let us take the remainder of the bill and work it out and I will give you a bill by tomorrow that would be the most historic Federal reform bill affecting campaigns in history. One that would be workable. And it will include a provision by which we will appoint a commission to look at the whole system and see how can we bring about a reduction in cost. If we bring about a reduction in cost, the evils of the system of collecting the money to meet the costs would be met.

Mr. CONRAD. Mr. President, will the Senator yield for a final question and comment?

Mr. STEVENS. Yes.

Mr. CONRAD. Let me just say when the Senator says campaign limitation is off the table. That really is the nub of the disagreement.

Mr. STEVENS. That is right.

Mr. CONRAD. Because we on this side sincerely believe that you do not have campaign reform unless you have some overall limits.

My final question to the Senator would be on the question of the PAC's versus the individual contributions. What difference is it really when my opponent has gotten $10,000 from the company PAC and $24,000 from the company officers? What difference did it make whether it was in the form of individual contributions from the officers of the company?

Mr. STEVENS. The difference, as I understand it in the PAC's I am familiar with, is that the PAC's have a much broader base of contribution than the individual officers themselves.

My good friend Bob McNamara of Ford was the one who started the whole concept of executive contributions in the 1960 Presidential campaign when he urged members of his executive group at Ford Motor Co. to contribute to a particular Presidential campaign and be identified as such.

I think we have had increased giving from executives and officers of corporations.

I might say I get some rather substantial contributions from individual officers of organized labor who make substantial money now, a lot more than I do, and they do contribute to my campaign.

I think, as I mentioned before, in Oklahoma it is my understanding that PAC's are almost nonexistent. Most of the large campaign contributions do come from individuals.

Incidentally, the existing limit of $1,000 makes no sense in view of the fact that PAC's can give $5,000. That is why we finally came to $1,000 as a proposed limit for future PAC contributions.

I enjoyed the visit with my good friend.

Mr. CONRAD. I enjoyed my visit with the Senator.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, on another matter—and I propose to go into it at this time; it is 10 o'clock—if it is not out of order and I ask unanimous consent not to be out of order, I would like to make a statement concerning the trip that Senator D'AMATO, Senator RUDMAN, and I made to the Persian Gulf and to present to the Senate a report that we have already conveyed to the chairman of the Appropriations Committee in early January.

THE PERSIAN GULF

Mr. STEVENS. Mr. President, last month Senators D'AMATO, RUDMAN, and I traveled to the Persian Gulf region under the authority of the Committee on Appropriations. Our objective was to assess the cost of our national policy to provide U.S. naval escort for U.S. commercial flag shipping in the region.

I ask unanimous consent that the report from our delegation be printed for the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. STEVENS. Mr. President, our delegation came away from the trip with a very clear understanding that U.S. naval presence in the region has lent a stabilizing influence to an otherwise volatile area. At an estimated cost of $450 million in fiscal year 1988, the price to pay for this stability is not insignificant. But, given the political and economic significance of this region of the world, our involvement is justified if not imperative, if we are to contribute meaningfully in the international balance.

The attendant risks to this policy cannot be understated. One need only recall the U.S.S. *Stark* incident last year to be reminded of the terrible price we have already paid in our endeavor to maintain international order in this volatile sector of the world.

Our delegation's assessments and findings are contained in the report, as well as our reservations. It remains troublesome that our policy is not only costly, but seemingly open-ended.

There are, however, indications that tensions in the gulf may be slackening somewhat. Recent reports over the past few weeks would suggest that our European allies are assuming a greater share of the risk and extending their protection in a more concerted manner. Concurrently, the U.S. Navy has begun to reassess the number and capability of ships required to carry out our policy. I ask that a February 18, 1988, Christian Science Monitor article and two articles from the February 21, 1988, New York Times be printed immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENS. In the coming months the Senate will be asked again to assess its measure of confidence in a continuation of this policy. In the interim we should remain mindful of the progress which has been made to achieve some stability.

Our unqualified support of the United Nations endeavor to implement an international trade embargo on Iran would be a significant step in the effort to suspend hostilities in the region. Motivation of the moderate Arab States in the gulf to provide for their own defense and lay pressure on Iraq to suspend air strikes on Iranian shipping would equally serve to ease tensions.

In summary, Mr. President, we have found that our continued presence in the gulf serves a very valuable objective. Our assertion and protection of the right of free passage in international waters serves notice to any belligerent state that the United States is prepared to protect its interests. Continued encouragement of our international partners to do the same in defense of this common principle assures that we need not "to go it alone" in this task.

EXHIBIT 1

REPORT ON U.S. PRESENCE IN THE PERSIAN GULF—COST AND POLICY IMPLICATIONS

INTRODUCTION

The United States has had a naval presence in the Persian Gulf since World War II to protect its own interests, and those of its allies, in the region. Our interests include the maintenance of an unimpeded flow of oil through the gulf, continued security and stability of the relatively moderate states of the gulf and the surrounding region, and a limitation or reduction in the Soviet Union's influence in the region. These interests are likely to outlast any near-term changes in the political equation of the gulf, and our presence, therefore, is likely to continue. The delegation firmly believes that the United States cannot abandon its long-term commitment to the region without serious damage to our interests there and in other parts of the world. There are legitimate questions, however, about present policy in the gulf as it relates to operation of the U.S. Navy and the escorting of reflagged Kuwaiti tankers, and how the evolution of that policy may affect the long-term interest of the United States and the gulf nations.

The January 3-11, 1988 trip to the Persian Gulf was undertaken based on the suggestion and under the the authority of the chairman of the Committee on Appropriations, Senator John C. Stennis. The delegation included committee members Senators Ted Stevens, Alfonse M. D'Amato, and Warren Rudman, accompanied by Frank Sullivan, Keith Kennedy, and Sean O'Keefe, professional staff members of the committee and Capt. Francis Holian from the U.S. Navy. Five other members of the committee has planned to be part of the delegation but were constrained by other commitments. The delegation visited Bahrain, Oman, Kuwait, Egypt, Israel, and Belgium, and held meetings with the officials listed below:

Itinerary—Bahrain

Shaikh Isa bin Sulman al-Khalifa, Amir of Bahrain.

Shaikh Mohammad bin Mubarak al Khalifa, Minister of Foreign Affairs.

Tariq 'Abd al-Rahman Almoayed, Minister of Information.

Yousuf Ahmad al-Shirawi, Minister of Development and Industries.

The Honorable Sam H. Zakhem, U.S. Ambassador to Bahrain.

Rear Adm. Dennis M. Brooks, Commander, Joint Task Force, Middle East.

Rear Adm. Harold J. Bernsen, Commander, Middle East Force.

Cmdr. Steve Smith, Commanding Officer, U.S.S. *Chandler*.

Yusuf bin Alawi bin Abdullah, Minister of State for Foreign Affairs.

Air Marshal Erik Bennett, Commander, Sultan of Oman's Air Force.

The Honorable G. Cranwell Montgomery, U.S. Ambassador to Oman.

Kuwait

Saud Mohamad al-Osaimi, Minister of State for Foreign Affairs.

Shaikh Ali Khalifa al-Athby al-Sabah, Minister of Oil.

The Honorable W. Nathaniel Howell, U.S. Ambassador to Kuwait.

Egypt

Field Marshal Muhammad Abdel Halim Abu Ghazala, Deputy Prime Minister and Minister of Defense and War Production.

Israel

Yitzhak Shamir, Prime Minister.

Shimon Peres, Vice Prime Minister and Foreign Minister.

Yitzhak Rabin, Minister of Defense.

Belgium

Lord Peter Carrington, Secretary General of NATO.

Marcello Guidi, Deputy Secretary General of NATO.

Mack Mattingly, NATO Assistant Secretary General of Defense Support.

The Honorable Alton Keel, U.S. Ambassador to NATO.

Gen. John Galvin, Supreme Allied Commander, NATO.

U.S. NAVAL ESCORT PROCEDURES

Current conditions

Tasked with the responsibility to protect U.S. flag shipping in the gulf, the U.S. Navy evaluated the level of conflict in the region to be an extension of the Iraq-Iran war which had previously been confined to land engagements north of the Persian Gulf.

During 1987, a total of 162 ship attacks were recorded. The number of instigations are divided almost equally between Iraq and Iran. The U.S. Navy notes a pattern of Iranian attacks against commercial shipping of various international origin in direct response to Iraqi air strikes against Iranian shipping.

U.S. convoy tactic

Based on the seemingly indiscriminate targeting of commercial shipping by the Iranians, the U.S. Navy elected to escort U.S. flag vessels in the gulf by convoy. This procedure calls for alignment of commercial and military vessels in a column for transit from the Gulf of Oman, through the Strait of Hormuz and northwest through the Persian Gulf to within 50 miles of Kuwaiti ports. For the 11 reflagged Kuwaiti tankers, the Government of Kuwait agreed to bear responsibility for protection for 50 miles from port of embarkation or destination in Kuwait.

The convoy tactic extends to all U.S. flag vessels. Thus far, the only other U.S. flag shipping in the region has been vessels chartered or owned by the U.S. Government carrying cargo under contract with the Military Sealift Command. By circumstance, other commercial shipping in the region have benefitted from the convoy procedures by joining the column formation. But U.S. Navy officials in the region assert that not more than two or three foreign flag carriers "piggy-back" to the column for each convoy mission.

Through December 1987, the U.S. Navy conducted 23 convoy transits with a total of 56 ships since July 1987. Other than the Bridgeton mine strike incident which occurred on the first convoy in July, there have been no other incidents of attack on commercial vessels escorted by the U.S. Navy.

Iranian mine-laying operations also appear to have taken a downturn since the seizure of a mine-laying vessel last fall. A senior U.S. naval officer in the region viewed the absence of mine incidents to be an Iranian attempt to "bore us to death." U.S. Navy officials in the region are concerned that the comparative calm not give way to a relaxing of alert and readiness conditions aboard military vessels.

The U.S. Navy's rules of engagement for convoy vessels are clear. If any vessel in the convoy is fired upon, the Navy escort vessels are authorized to respond accordingly. The Navy's preference for the convoy tactic permits timely response in such instances. Any foreign flag vessels attacked within range of the convoy are not similarly protected.

Scope of U.S. naval presence

Since convoy operations commenced last summer, the Navy now maintains approximately 30 surface combatants in the region. This includes an aircraft carrier and battle group in the northern Arabian Sea and convoy escort vessels in the Persian Gulf and the Gulf of Oman. By numbers, roughly one-half the vessels assigned are deployed in the Persian Gulf or outside the Strait of Hormuz in the Gulf of Oman. The other one-half of the fleet is deployed in the northern Arabian Sea. In addition to the convoy escort vessels in the Persian Gulf, the U.S. Navy also stations destroyers to patrol particularly active segments of the gulf around the Strait of Hormuz and the northern gulf near Kuwait.

In general, the ships operate on a 6-month rotation schedule which includes 1 month each for transit from and return to home port. On average ships assigned to the region will spend 4 months on station.

The following table lists the types of U.S. surface combatants in the region in early January 1988:

U.S. naval forces in the gulf region

Aircraft carriers	1
Battleships	1
Minesweepers	6
Guided missile cruisers	4
Guided missile destroyers	2
Destroyers	2
Guided missile frigates	5
Frigates	2
Auxiliary landing ships	2
Auxiliary support ships	5

Other international practices

In addition to the United States, there are five other western alliance nations operating military forces in the region: the United Kingdom, France, Italy, the Netherlands, and Belgium. The extent of naval presence for these nations ranges widely from aircraft carrier group commitments to minesweeping units.

The various western alliance forces communicate regularly, but specific escort tactics are not coordinated. In short, each nation's military presence is dedicated to its commercial shipping.

The United States is the only naval force which adheres to convoy procedures. Most of the other western alliance forces either accompany its commercial shipping through the most hostile areas, particularly the Strait of Hormuz, or simply patrol sections of the gulf. The U.K. forces frequently station ships within range of commercial shipping in a picket formation. As commercial shipping passes through each sector, responsibility for protection transitions to each unit.

Few of the other western alliance forces operate continuously in the Persian Gulf. Most transit from the Gulf of Oman into the Persian Gulf only when commercial shipping protection requirements arise.

The Soviet Union also operates naval combatants in the region. No particular tactical patterns are evident to characterize Soviet escort procedures. Recent observations include accompanying flag carriers through particularly hostile sectors of the gulf and normal patrol maneuvering.

Other allied nation presence

Aircraft carrier	1
Destroyers	6
Frigates	6
Minesweepers	14
Auxiliaries	6

COST OF U.S. NAVAL PRESENCE

Prior to reflagging the 11 Kuwaiti tankers, U.S. naval presence in the gulf and the northern Arabian Sea numbered 3 to 4 capital surface combatants on average. Since the tanker reflagging and concurrent decision to escort with combatant ships, the presence has expanded to approximately 30 ships. The number of vessels in the Persian Gulf and northern Arabian Sea will vary depending on the number of tankers within each convoy movement and rotation of U.S. Navy ships between the gulf region and U.S. coastal or Mediterranean ports.

Similarly, the number of Navy personnel varies depending on the fleet configuration. But as a representative sampling, nearly 10,000 naval personnel were recorded as having collected imminent danger pay in the fall of 1987.

At the start of fiscal year 1987, the Office of the Navy Comptroller estimated costs of $6,000,000 to $8,000,000 per quarter for operation of the Middle East task force operating in the Persian Gulf region. Coincident with the reflagging decision, costs were revised upward. Estimated cost incurred for the fourth quarter of fiscal year 1987 was $115,200,000. Of this amount, the Navy Comptroller determined roughly half the costs would have been expended to operate vessels under normal operating schedules regardless of location. Actual incremental cost absorbed within the Navy's operating appropriations account was $60,000,000 for the fourth quarter of fiscal year 1987.

In addition to Navy incurred expenses, the Air Force estimated a cost of $7,700,000 for reconnaissance and refueling aircraft to support convoy operations in the fourth quarter of fiscal year 1987.

An as yet unknown cost which may be substantial is the additional maintenance expense for Navy ships and aircraft operating in the Persian Gulf region. The primary expense will accrue from the accelerated operating time which has been more than three times the rate planned.

Normal ship operation schedules include steaming time of usually not more than one-third the days of each quarter. The convoy and patrol duty not assumed by Navy ships in the region require virtually continuous operation throughout the quarter. Consequently, the maintenance requirements for ships returning from the region are expected to be much more expensive than under normal operational schedules.

A secondary factor which may add to maintenance costs is attributed to the environmental conditions of the Persian Gulf region. Wide temperature variances and the presence of sand in the air over the region have exacerbated equipment conditions. Spare and repair parts consumption account for about 20 percent of the incremental costs incurred. This indicator causes some concern to Navy planners that maintenance and repair costs may be understated in the fiscal year 1988 budget.

INCREMENTAL COSTS

Based on the fourth quarter 1987 experience, Navy Comptroller estimates for fiscal year 1988 approach $450,000,000 assuming the level of operations remain the same through the year. Of this total cost estimate, the Navy considers $179,000,000 to be the incremental cost estimate above expenses which would be incurred under normal fleet operations. At the time of printing for this report, indications were that this estimate may rise $10,000,000 or more.

But these initial estimates assume some reduction in steaming time over the year and account for some offsets to the total cost. Based on ship rotation schedules, the Navy expects monthly incremental cost increases of $15,000,000 to $17,000,000 through fiscal year 1988.

The following table summarizes actual fiscal year 1987 and projected fiscal year 1988 costs by element of expense:

MIDDLE EAST FORCE INCREMENTAL COSTS

[Actual fiscal year 1987 costs]

	July 1987	August 1987	September 1987	Cumulative
Aircraft operations	$1,848,000	$3,559,000	$1,915,000	$7,322,000
Ship operations	1,779,000	17,314,000	7,588,000	26,681,000
Airlift	3,800,000	2,617,000	413,000	6,830,000
Travel—indirect	123,000	83,000	20,000	226,000
Travel—direct	371,000	735,000	115,000	1,221,000
Other	120,000	2,467,000	268,000	2,855,000
Transportation		10,095,000	3,532,000	13,627,000
Imminent danger pay		553,000	713,000	1,266,000
Total	8,041,000	37,423,000	14,564,000	60,028,000

ACTUAL FISCAL YEAR 1988 COSTS

	October	November
Aircraft operations	$2,738,000	$757,000
Ship operations	8,584,000	8,991,000
Airlift	667,000	20,000
Travel—indirect	28,000	13,000
Travel—direct	1,275,000	1,158,000
Other	1,414,000	999,000
Transportation	1,333,000	2,007,000
Imminent danger pay	1,063,000	1,015,000
Total	17,102,000	14,960,000

PROJECTED FISCAL YEAR 1988 COSTS

Aircraft operations	$1,915,000	$5,745,000	$22,980,000
Ship operations	7,588,000	22,764,000	91,056,000
Airlift	413,000	1,239,000	4,956
Travel—indirect	20,000	60,000	240,000
Travel—direct	115,000	345,000	1,380,000
Other	268,000	804,000	3,216,000
Transportation	3,532,000	10,596,000	42,384,000
Imminent danger pay	1,063,000	3,189,000	12,756,000
Total	14,914,000	44,742,000	178,968,000

POLICY CONSIDERATIONS

Increased U.S. Navy presence in the gulf in 1987 resulted from the attack on the U.S.S. *Stark* and the decision to agree to the request of Kuwait to put 11 Kuwaiti ships under U.S. flag for escort by U.S. warships, ostensibly to assure the free passage of oil down the Persian Gulf through the Straits of Hormuz, and into the Gulf of Oman. With the exception of the *Bridgeton's* encounter with a mine, the escorting operation has been successful. However, it is clear that the U.S. presence in the gulf has far less to do with oil than it does with the politics of the region.

OIL SHIPMENTS THROUGH GULF

The 11 reflagged Kuwaiti ships consist of 1 crude oil carrier, 4 liquefied petroleum gas carriers, and 6 petroleum product carriers. U.S. Embassy personnel in Kuwait advised the delegation that these 11 ships carry approximately 5 percent of total Kuwaiti export volume. The value of petroleum products shipped on reflagged vessels as a percentage of total Kuwaiti exports was unavailable, but it is unlikely that the percentage would be significantly higher than the 5 percent of volume. Information supplied in briefings by U.S. Navy personnel in the gulf further supports the conclusion that the United States has established a very significant presence relative to the amount and value of petroleum products under the protection of the escorting operation. Through December, the Navy had escorted 56 ships in 23 transits of the gulf. This compares to annual traffic through the Straits of Hormuz of about 12,000 ships.

SUPPORTABLE LOSSES

Furthermore, officials of the Sultanate of Oman contended that shipping losses of approximately $250,000,000 prior to the initiation of the U.S. escort operation were supportable in comparison to the total value of the oil economy of the gulf states, and could be endured.

The Kuwaitis, of course, do not view the shipments of oil under U.S. escort to be insignificant, and indicated that they would turn to other nations, notably the Soviet Union, if the United States were to withdraw its protection. In fact, the Kuwaiti Government asked all five permanent members of the U.N. Security Council for assistance prior to the U.S. decision to reflag and escort Kuwaiti tankers. But it is the view of the delegation, supported by officials in other gulf states, that the primary goal of the Kuwaiti Government, and the benefit of the United States involvement, is not economic protection but political stability.

Notwithstanding the different views of the escorting of oil shipments as a rationale for the increased U.S. presence in the gulf, it is clear that increased presence has been welcomed and is widely supported. Government officials in the gulf states of Bahrain, Oman, and Kuwait, as well as in Egypt and Israel, expressed the view that the increased U.S. presence has achieved a number of beneficial political and military results.

IMPROVED REGIONAL STABILITY

There is widespread fear, particularly in the gulf states with significant Shi'a Moslem populations, that the Iranian revolution will be exported to other nations in the area, and the increased regional stability resulting from U.S. presence has enabled the moderate Arab nations to make common cause in countering the Iranian threat. In this context, perhaps the most remarkable benefit of the renewed U.S. commitment to the gulf region was expressed in the flat assertion of Egyptian officials that only the U.S. initiative in the gulf has allowed Egypt to reopen relations with the gulf states, evidenced in Egyptian President Hosni Mubarak's recent visit to the Persian Gulf region. It should be emphasized that this development is strongly supported by the Government of Israel, whose Prime Minister and Foreign Minister repeated to the delegation prior public statements of Israel's support for the U.S. presence in the gulf and the resulting stability of the moderate Arab nations.

U.S. RESPONSE

While attacks on tankers and production facilities in the gulf have not ceased, they have diminished, and there have been no attacks on ships escorted by the United States since the *Bridgeton* mine incident, and there is generally increased confidence in the security of oil shipments in the gulf. The credibility of the United States was further bolstered by the destruction of the Rashadat oil platform in retaliation for the attack on the *Sea Isle City* by an Iranian gunboat in October 1987. This measured response is viewed as precisely appropriate to Iranian provocation—effective, but not confrontational.

ROLE OF IRAQ

As much as the moderate gulf states welcome the U.S. presence and its beneficial effects on regional stability, however, there remains a concern that Iran not be totally isolated. The delegation often heard the view that, "Iran will be with us for many years to come, but we do not know how long the United States will stay." Government officials noted that of the 162 successful attacks on shipping in 1987, 78 were made by the Iranians and 84 by the Iraqis, and the suggestion was made in all three gulf states visited by the delegation that the United States should do more to discourage Iraqi attacks in the hope that the Iranians would desist as well. U.S. Navy personnel in the area supported this view in expressing the opinion that Iranian attacks were primarily reactive, and an Omani official declared that he could "guarantee that if the Iraqi attacks stop, the Iranian attacks will stop."

A cessation of Iraqi attacks on shipping in the gulf would also substantially reduce the necessity for an increased number of American personnel and ships in the area. The risk of accidental air strikes is just as significant to the U.S. Navy as premeditated attacks. According to U.S. Navy officers serving in the gulf, "The Iraqi air force in the northern gulf is a major threat to the U.S. Navy," a threat clearly demonstrated by the unintentional attack on the U.S. *Stark*.

In the crowded conditions of the gulf, there is little time to distinguish friend from foe and determine the intentions of oncoming aircraft. Clearly, a reduction in Iraqi air missions would reduce the risk to the U.S. escort operation and help temper the conflict with Iran in the gulf.

GULF STATES LIMITED ROLE

A more vivid example of the moderate Arabs reluctance to antagonize Iran was made known to the delegation during an official visit. The delegation was informed that the Kuwaitis have an observation post within artillery range of the Iranian Silkworm missile site from which attacks have been launched on Kuwaiti targets, but that to date the Kuwaitis have only watched as attacks have been launched and have made no attempt to destroy the site themselves. The delegation also learned that Saudi Arabia has several new minesweepers that could be deployed in the gulf, but those ships have not been committed to date.

DEPENDENCE ON GULF OIL EXPORTS

U.S. interest and motivation for seeking peace in the gulf are linked to the enormous petroleum reserves in the region. The gulf OPEC states produce better than 22 percent of world fuel consumption needs. Last year, 6 percent of our national oil consumption was met by Persian Gulf exports. By contrast, 25 percent of Europe's and over 60 percent of Japan's fuel requirements were drawn from gulf reserves. Clearly, U.S. interests are served by stability in the region, but Western European and Japanese oil demands suggest the criticality of unimpeded exports.

Recognizing their oil dependence in the region, five nations of the Western European Union have deployed naval forces to the gulf while the remaining two countries of WEU have taken compensatory action with the other five nations to assist in this effort. While reluctant to formalize a cooperative agreement for military activities in the gulf, WEU nations are making some commitment to protection of shipping. This is further substantiated by indications that some members of the WEU will coordinate minesweeping activities.

Roughly 20 percent of Japan's consumption of oil from the gulf region is met by Iranian reserves. In response to Western calls for an economic boycott of Iran, Japan's Ministry of International Trade and Industry has ordered a 242,000-barrel-per-day limitation on imports of Iranian oil. This is a decline from an average 300,000 barrels per day imported from Iran in 1987.

There is some indication of Western alliance nation requests for financial support of gulf activities, but no other signs of Japanese involvement in the region are evident.

BALANCED U.S. POLICY

The reluctance of the gulf states to do more to protect their own interests is frustrating, but their reluctance to prove Iran should serve as a reminder to the United States and the nations of the Western European Union that are involved in the Persian Gulf to pursue a balanced, measured approach. The wariness of the gulf states may also lead the United States to reexamine its present method of operation. If the issue is political stability in the region and not the protection of the 11 reflagged Kuwaiti tankers per se, should we devote such significant resources to that effort? If we are to expand our role beyond that of our escorting operation to the protection of all shipping in international waters, should we do so alone or in cooperation with other nations in the gulf? Most importantly, under what circumstances are we prepared to reduce our presence in the gulf?

OPTIONS FOR CONSIDERATION

The primary military objective for U.S. Navy presence in the Persian Gulf has been to assure protection of U.S. flag carrier shipping. No attacks have been launched against such vessels since the policy was initated.

The narrowly defined policy has had the effect of limiting U.S. military risk and commitment while indirectly moderating violence in the region overall. The incidents of attacks have not increased overall and military observers continue to see a pattern of Iranian retaliation only in response to Iraqi air strikes against Iranian shipping.

While the "tanker war" in the gulf appears to have been contained, without question, violence in the region does persist. The existing U.S. policy is achieving the desired results, but continues to be open ended. Expansion or contraction of U.S. presence is scenario dependent. The following options detail possible alternative strategies for U.S. activities and describe the desired circumstances.

U.S. MILITARY WITHDRAWAL FROM THE PERSIAN GULF

U.S. presence in the region could revert to conditions existent prior to the Kuwaiti tanker reflagging if the conduct and response to the Iran-Iraq war changed. Clearly, a cease fire between the belligerents could eliminate the need for continued protection of shipping.

Alternatively, a conclusion to the "tanker war" segment of the ongoing conflict would also present opportunities to draw down U.S. naval presence. Commercial shipping attacks seem to have negligible impact for either Iraq or Iran. Despite Iraqi air strikes, Iranian shipping continues to be profitable. Conversely, Iranian attacks on international shipping have registered no discernable impact on the Iraq war effort.

If the gulf states assumed more responsibility for protection of commercial shipping in the region, this condition could also help diminish U.S. military involvement in the gulf. Entreaties to Saudi Arabia to use its minesweeping assets and to Kuwait to actively respond with its air defense emplacements could help ease U.S. responsibilities in the region.

UNITED NATIONS PEACEKEEPING FORCE

Absent a cease-fire in the gulf tanker war, each nation with commercial shipping interests in the region must assess its willingness to protect its right of navigation in international waters. Given the universal commitment to this principle, U.S. presence and risk in the region could be altered by an international decision to establish a U.N. peacekeeping force to respond to aggression against any commercial shipping attacked outside the war zone. While philosphically appealing, movement toward such a decision should clearly define rules of engagement against acts of aggression. This is particularly important in light of the nature of any cooperative agreement between western alliance and Soviet alliance nations.

At a minimum, any U.N. agreement should incorporate endorsement of an arms embargo to the belligerent nations.

WESTERN ALLIANCE COOPERATION

Under the auspices of the Western European Union, several of the western allies have resolved to establish an active presence in the Persian Gulf region. Expansion of this example to a formal NATO policy appears unrealistic since the gulf problem is out of the NATO sphere of interest. However, a better defined policy among western alliance nations to protect commercial shipping of mutual interest could contribute to a toning of the U.S. policy in the region.

Promising signs of such cooperative agreements have surfaced in recent weeks. The French, Italian, and United Kingdom minesweeping coordination effort is further indication of progress in this area.

UNILATERAL U.S. EXPANSION

While a contained policy at present, U.S. commitment to the region applies exclusively to U.S. interests. Adherence to a policy of protection of any commercial vessel's right to free passage in international waters is a more expansive application of universal principle. Absent a similar adoption of principle by other nations of the world, however, would create extensive risk and staggering cost to the United States.

CONCLUSIONS

The delegation's primary focus on the Persian Gulf was to examine the costs involved to maintain our military presence in the region. The cost estimates are heavily influenced by the direction of our foreign policy in the region and the manner in which it is carried out.

Continuation of the present policy by the means established since July 1987 is expected to cost upward of $450,000,000 in fiscal year 1988. Incremental expenses beyond estimates to operate the ships deployed under normal conditions are expected to be $179,000,000 through the balance of the year. By contrast, it would cost $14,400,000 to maintain a presence in the gulf comparable to conditions which existed prior to naval expansion last summer.

U.S. economic dependence on the gulf region is minimal when contrasted with the other world industrial nations. While U.S. investment in the Persian Gulf presence is not linked to our vital economic interest, it has lent a stabilizing influence to the region and, thereby, a benefit to other world economic interests. Similar commitments from other nations would signal international resolve to the belligerents of the region that economic interests will be protected.

The underpinnings of our policy are linked to the principle of freedom to navigate in international waters. At present, a national willingness exists to bear the financial burden in support of this principle. But support may yet prove to be frail if the cost is to be paid in human life from our military personnel assigned to carry out the policy. More commitment by other nations to this common international principle may not lessen the human risk involved, but it would share more equitably.

The United States has accrued other benefits from our presence in the form of improved relations with moderate Arab states in the gulf. But these strengthened ties are contingent upon continuation of an open-ended policy to remain in the region for as long as the threat persists. We may elect to incur these costs in support of principle and in pursuit of continued benefit, but must be mindful of the associated risks. Assessment of risk and willingness to rethink the policy must remain on Congress' agenda for the foreseeable future.

[From the Christian Science Monitor, Feb. 18, 1988]

U.S. RESOLVE STAYS HIGH IN GULF: MISSION UNCHANGED THOUGH NAVAL FORCE IS REDUCED

(By Warren Richey)

MANAMA, BAHRAIN.—The withdrawal of four United States warships from the Gulf region is a routine adjustment that doesn't undercut US resolve to protect its commercial shipping here. That is the official US line, and one the Arab states of the Gulf seem to accept.

Still, Iran is using the force reduction for propaganda purposes, suggesting on Radio Tehran that the US is retreating from the Gulf. "After the defeat of its militaristic policy in the Persian Gulf, Washington is looking for a face-saving way to get out of this international waterway," Radio Tehran proclaimed Wednesday.

Last month's visit to the region by US Defense Secretary Frank Carlucci was in part designed to prevent any US "friends" on the Arab side of the Gulf from coming to such conclusions.

But what does concern the Saudis and Kuwaitis is the unresolved issue of whether US forces will eventually also protect neutral commercial ships under threat of unlawful attack in the Gulf's international waters—as France has announced it is prepared to do. The other naval powers in the region—including the US—have so far been cool to the idea, stressing that their missions are strictly limited to protecting only ships flying their own flag.

Just by their presence, the warships in the Gulf serve as a calming and protecting influence, which benefits all shipping in the vicinity. But such spillover protection hasn't prevented the Iranians from stepping up attacks this year against unescorted ships trading with Kuwaiti and Saudi ports.

The Iranians are not expected to gain tactical advantages as a result of the withdrawal of the four US warships.

As described by US Defense Department officials, the redeployment will permit the US Navy to lower marginally its high profile in the tense region. Also, the move will reduce the cost—$20 million per month by some estimates—of maintaining the large naval task force.

With the pullout last weekend of the US battleship Iowa and two escort ships—a cruiser and a destroyer—and later this month the helicopter carrier Okinawa, the US naval force will stand at 24 ships, down from more than 40 vessels last fall. The US task force will remain, nonetheless, the most significant and potent concentration of military power in the rgion.

US officials stress that the remaining naval ships will be more than enough to continue protecting Kuwaiti tankers reregistered last year under the US flag and the small number of other US-registered ships that call in Gulf ports. They note that while the threat of mines in Gulf waters has diminished, US and Western European mine hunters stand prepared to resume operations if needed.

Along with the announcement of the US force reduction, the US has announced its intention to iron out an arrangement with Iraq to prevent any repeats of last weekend's close call when an Iraqi bomber fired two anti-ship missiles in the vicinity of a large US-escorted convoy of tankers in the southern Gulf.

The missiles are said to have flown within eight miles of a US warship at the rear of the convoy before exploding on the horizon. The warship's crew went to battle stations in preparation to shoot down the incoming missile, if necessary.

The incident was the closest encounter between an Iraqi pilot and a US convoy since the accidental May 17 Iraqi missile attack on the US frigate Stark in the central Gulf. Thirty-seven US servicemen died in that attack.

A US military team is expected to visit Baghdad later this week to press home to the Iraqi regime the need for greater care by its fighter pilots in identifying potential targets for missile attacks.

Some Iraqi pilots are said by military analysts to anxiously fire their missiles at any large "blip" on their cockpit radar screens, simply assuming the blip to be an Iranian tanker or other war target.

[From the New York Times, Feb. 21, 1988]

WHAT PRICE U.S. PATROLS IN THE GULF?

(By Richard Halloran)

WASHINGTON.—Amid conflicting calculations by officials over the cost of United States military operations in the Persian Gulf, it is clear that costs have risen and that little relief is in sight, despite the decision last week to reduce the naval force there slightly.

Only a basic policy change would end the American presence in the gulf, and neither President Reagan nor any Presidential candidate has espoused that.

Many military officers and political officials maintain that even if Soviet forces were withdrawn from Afghanistan, this would not lead to an American revision of the commitment to retain Western access to gulf oil.

Nor would peace between Iran and Iraq, now in their eighth year of war, do much to change the deployment of American warships, the United States would continue to patrol the vast region including the Arabian Sea and Indian Ocean.

Last week, 18 ships were on patrol inside the gulf and eight, including the aircraft carrier Enterprise, were steaming just outside. In the Indian Ocean were 16 more ships, including the carrier Midway and her escorts heading for the Pacific.

But there is an apparent contradiction in American policy. On the one hand, it calls for continued spending of large sums for operations in the gulf. On the other, the President and Congress have agreed to hold down military spending, which is reflected in the defense budget the White House submitted last week to Congress.

The present commitment to the Persian Gulf began after the Soviet Union sent troops into Afghanistan in 1979; President Carter proclaimed that a Soviet attempt to control the gulf "will be repelled by any means necessary, including military force." Two years later, the Reagan Administration expanded the commitment when the Pentagon's strategic plan, in a directive called Defense Guidance, outlined a "disproportionately larger investment" in forces for gulf operations.

"The Soviet Union must be confronted with the prospect of a major conflict should it seek to reach the oil resources of the gulf," the plan said. "We would be prepared to introduce American forces directly into the region should it appear that the security of access to the Persian Gulf is threatened."

The former Secretary of the Navy, John Lehman has estimated the total cost of the gulf commitment—forces, training, operations, bases, support—to be 20 percent of the military budget, or about $40 billion a year.

In contrast, the Defense Department has said that naval operations in the gulf in 1988 will cost the taxpayers only $175 million more than would be spent if the ships were someplace else and not operating at such a high tempo. In between are varying calculations.

William Kaufman, an economist at the Massachusetts Institute of Technology who specializes in defense budgets, has estimated that 6.6 percent of annual American military spending goes to protecting United States interests in the gulf. Applied to the 1988 budget, that would come to $19.2 billion.

The Center for Defense Information, a research organization critical of defense spending, estimated naval operations at $1.4 billion a year. Brian McCartan, an analyst at the center, figured that it cost $2.50 to bring $1 worth of oil out of the gulf.

Senators Ted Stevens of Alaska, Alfonse M. D'Amato of New York and Warren B. Rudman of New Hampshire, all Republicans, toured the region in January and cited $450 million in direct naval costs for this fiscal year.

The General Accounting Office said costs would be increased because of "sand in the air." Sailors who have served there said machinery needs three times as many spare parts because the blowing sand wears them out faster than in other places. In the warm, shallow waters of the gulf, moreover, pumps must be run faster than normal to cool computers and living spaces.

IRAQUI MISSILES FEARED

Another hidden cost has been operations elsewhere that have been reduced to make ships—or funds—available for gulf operations. "We're coping with this now," said one officer. "But the leadership around here is worried about the future. We're pushing those guys out there pretty hard."

The heat takes a toll and a lack of port calls means little time off during a six-month tour. The Iran-Iraq war adds to the tension. Last May, an Iraqui pilot killed 37 American sailors when he hit the frigate Stark with a French-built Exocet missile. Another such incident during the Presidential and Congressional campaigns could be damaging to Republican candidates.

That possibly came vividly to mind last weekend when an Iraqi bomber fired a cruise missile that flew near the American destroyer Chandler before veering away to explode in the distance. The Pentagon said it would send officers to Baghdad in an effort to teach Iraqi pilots to tell the difference between American warships and other vessels.

[From the New York Times, Feb. 21, 1988]

SOVIET AGREES TO WIDER U.N. TALKS ON IRAN EMBARGO

(By Paul Lewis)

UNITED NATIONS, February 19.—The five permanent members of the United Nations Security Council have taken a significant step toward imposing an arms embargo on Iran as part of their attempt to end the Persian Gulf War, according to diplomats involved in the negotiations.

The Soviet Union has agreed that the five nations should bring the 10 other Security Council members into the informal discussions that the five have been holding on a draft for a mandatory arms embargo against Iran.

The Soviet Union, which has been the most reluctant of the permanent members to move against Iran in this way, made it clear that its agreement on Thursday to widen the discussions did not mean that it accepted the draft for the arms embargo, diplomats said.

But the three permanent Western members of the Council—Britain, France and the United States—who all favor an immediate embargo, regard the Soviet move as a significant step forward. Secretary of State George P. Shultz was described as delighted when told about the Soviet decision, according to American diplomats.

China, the Security Council's fifth permanent member, is expected to go along with any decision agreed by the others, Western diplomats said.

Some Western diplomats said they hoped that as a result of the Soviet decision, the 15-member Council would now be able to make further progress toward an arms embargo and perhaps reach final agreement next month.

They said they believed that the Soviet Union was reluctant to permit any further progress in the embargo talks this month because the United States has the rotating presidency of the Council and could claim the diplomatic credit. Yugoslavia takes over the presidency next month.

The other Council members who will now be brought fully into the embargo debate are West Germany, Italy, Japan, Zambia, Argentina, Algeria, Yugoslavia, Brazil, Nepal and Senegal.

In an unusual display of unity, the Security Council agreed in principle last July to impose an embargo on arms deliveries to Iran and Iraq unless both nations accepted its call for an immediate cease-fire and peace negotiations.

NO CLEAR REPLY FROM IRAN

While Iraq has said it is ready to accept the United Nations plan if Iran does too, Teheran's revolutionary Islamic Government has refused to give a clear answer one way or the other.

The draft embargo plan being discussed provides for a two-way ban on the sale of arms to Iran by all United Nations members, unless the Council decides to shorten it, diplomats say. The draft also provides for regular reviews of the embargo by the Council and requires its members to agree on steps to insure that it is enforced.

In the past the Soviet Union has said that while it is ready to impose an arms embargo on Iran in principle, it favors delaying a decision to permit more time to persuade Teheran to agree to a cease-fire. Moscow has also pressed for the introduction of a United Nations peacekeeping fleet in the Persian Gulf to protect civilian shipping there, and the withdrawal of the United States warships now patrolling the gulf, although it has not made this a condition for agreeing to an Iran embargo.

Western officials said they thought Moscow was reluctantly coming to the view that the Security Council must take sanctions against Iran to safeguard its own credibility after many private attempts at persuading Teheran to make peace have failed.

Nevertheless, imposing sanctions on Iran is a difficult decision for Moscow, Western officials said. The Soviet Union has a long border with Iran and is reluctant to damage relations. It may also fear that Iran's fundamentalist Moslem leaders could stir up trouble among the roughly 60 million Soviet Moslems and disrupt Moscow's efforts to make peace in neighboring Afghanistan, Western diplomats say.

The United States, Britain and France also say they are not getting as much support for an arms embargo against Iran as they would like from some of the Council's rotating members. In particular, they say West Germany, Italy and Japan are reluctant to jeopardize their trade with Iran.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I was going to proceed for about an hour unless there was some understanding here between the leaders that any motions be made at this time at which point I would be delighted to yield the floor.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. RUDMAN. I am pleased to yield.

Mr. BYRD. If the Senator wishes to speak, I have no intention of having a vote, and the Senator has the floor. I could not have a vote if I wanted one unless he yielded for it. There is no desire to have a vote just to have a vote.

As long as the Senator wishes to speak, I think that serves each side to have an opportunity to put our case into the record, those who are for the bill and those who are against it, and a quorum call serves no such purpose.

I thank the Senator for offering, however, to yield.

Mr. RUDMAN. I thank the majority leader.

I yield to the distinguished Republican leader.

Mr. SIMPSON. Mr. President, I thank the Senator from New Hampshire for yielding for a moment.

I would add to what the majority leader has said. The gentleman's agreement provides simply that we come to this hour of 10 o'clock and then go into what is described as regular order of the first order, I would suppose, at this time, and I think until our adjournment time of approximately 5 or 5 o'clock this evening the arena is subject to all the motions and activities that have taken place in the days past.

The Chair could move to consideration of the issue, moving the question. Those in opposition could be suggesting the absence of a quorum. Motions and activity would be taking place. That is all I would add to the activity.

There is nothing concerted here, but some will very likely make that motion saying there is the lack of a quorum, so I think everyone should be alert that there would be rollcall votes surely during the day, even though the debate will remain hopefully clearly directed.

Mr. BYRD. Mr. President, will the distinguished Senator yield for a brief comment?

Mr. RUDMAN. I am pleased to yield.

Mr. BYRD. I want to compliment Senators on both sides of the aisle who remained on the floor throughout the night and concentrated their comments on the substance of the legislation before the Senate—those who are opposed; those who are proponents. I was here a good bit of the evening and so was the distinguished assistant leader. He is the acting leader. He is the leader for all intents and purposes at this point. I say we were here and the Senators who were chosen by him and by me understood that the debate would be on the substance.

As I understand it they have had that kind of good debate.

I personally want to compliment them on both sides of the aisle and on both sides of the question for the service that they performed in directing their comments to the bill.

I thank the Senator for yielding.

Mr. SIMPSON. Mr. President, will the Senator yield an additional 1 minute?

Mr. RUDMAN. I yield.

Mr. SIMPSON. I, too, wish to thank very sincerely those who participated from our side of the aisle and the other side, Senators EVANS, WEICKER, STEVENS, and MURKOWSKI. They stayed within the subject matter as did those who represented the proponents of the legislation. It was very helpful. It was helpful to us all. It gave some of us an opportunity to get a full evening's rest and now we proceed into the activity according with the agreement, and I thank the majority leader for his courtesies an extraordinary willingness to extricate us from what would have been only further delay and further activity and further dazzling things.

Thank you very much.

Mr. RUDMAN. Mr. President, I made the inquiry only because earlier this morning I had been told that there might be a vote here this morning probably, for the sole purpose of getting Senators who are somewhat groggy from the past 2 days more awake by the invigorating walk from the offices to the Chamber.

Since we are not going to have that kind of vote, I would be pleased to proceed.

I was talking to the television critic of the Washington Post yesterday, who called me on another matter, and I asked him if he had been watching C-SPAN II which carries the deliberations of this body and he said he had not. I told him he missed a great deal. I thought the events of the last 48 hours were a curious blend of "Dallas," "Dynasty", "The Last Buccaneer" and the Friday night fights.

But I am glad to see that civility has returned to the Chamber and as far as those matters of procedural due process, I would just make a parliamentary inquiry, Mr. President.

I am curious as to whether or not the questions asked by the junior Senator from Pennsylvania [Mr. SPECTER] addressed to the Chair yesterday afternoon, which I would describe as procedural due process questions, have ever been answered by the Chair?

The PRESIDING OFFICER. The Parliamentarian is working with Senator SPECTER on that matter currently.

Mr. RUDMAN. Then, would it be fair to assume by that answer that at some point those questions will be answered so the body would have the ruling of the Chair.

The PRESIDING OFFICER. I am sure that will be done.

Mr. RUDMAN. I thank the Chair because, being a lawyer and a former attorney general, I am interested in procedural due process. I obviously plan to be here for a few more years and, if such events transpire again, I might want to have my defenses ready so I will be very interested in what the Parliamentary advises.

Mr. President, I want to start out my comments this morning with a quote from Robert Samuelson, an economic and political analyst for the Washington Post.

This is a quote from a piece that he had in the Post not too long ago. It is not all that long.

> The Founding Fathers are growling in their graves. The Senate is now debating campaign finance "reform": a respectable sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules, and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.
>
> Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign spending restrictions and public financing—is built on half-truths.

The reason that that particular quotation is appealing to me is I daresay that no one in this body—I say this with all due humility—is in a better position to talk about campaign reform with some credentials than the junior Senator from New Hampshire. For those who do not know it, I was the only candidate in 1980 to run without any out-of-State PAC money whatsoever. As a matter of fact I believe when I did that in 1980, the only two Members of the U.S. Senate that did not take PAC money were the Senator from Oklahoma [Mr. BOREN] and the Senator from Wisconsin [Mr. PROXMIRE]. There is a little history as to why I cannot take PAC money in New Hampshire.

I was running against a very good man, a Democratic incumbent, Senator John Durkin in 1980. Senator Durkin had been elected in a highly disputed election in 1974—actually two elections. One was hotly contested, then a second election which he won handily. And then finally he ran for reelection in 1980.

What I am about to say is not a criticism of him because he is a friend. It is a criticism of the system. I noticed, sitting as attorney general of New Hampshire in 1974, something that bothered me a great deal. New Hampshire is not known particularly as a big labor State. Yet as I watched campaign contributions in that election, Wyman versus Durkin in 1974, I found an enormous amount of labor PAC money coming into the State of New Hampshire, a very small State in which that kind of PAC contribution can have a real effect.

I do not know the precise number but I believe that in a campaign that probably cost $700,000 or $800,000, maybe as much as 35 or 40 percent came from labor PAC's and another substantial amount of money came from other political action committees. Curiously, a relatively small portion of the funds for Senator Durkin's 1974 campaign came from people who resided in New Hampshire.

This is not unusual, I might say, if you went across the entire country. That bothered me.

As I go back to the basic constitutional provisions creating this Congress, and to the amendment in which Senators become popularly elected, it occurred to me that although we certainly represent a national interest and vote on matters that affect the entire country, the Presiding Officer represents the people of Alabama, the majority leader represents the people of West Virginia, and the Senator from New Hampshire represents the people of that sovereign State. There is something essentially wrong with a system in which the bulk of contributions electing a candidate are coming from political action groups that have little base or interest in the State in which the election is taking place.

My advisers told me back in 1980 that I was probably out of my mind, that it would be impossible to run a campaign without PAC money. But I decided to make that an issue. I decided, although I could raise far less money, that the people in New Hampshire, in a State of that size, could be reached by the media, both paid and free, and convinced that they ought to be concerned about the special interest money, be it labor money, business money, whatever, that did not have a community of interest in that State.

I won that election. And I am convinced that that issue had a great deal to do with it.

Curiously, I would just add as an aside something that is a matter of public record. The present executive director of Common Cause, who I referred to in Mr. Samuelson's quotation, came to New Hampshire about 6 months after my election to address a Common Cause meeting in New Hampshire. During the question-and-answer period that followed, he was asked by a member of Common Cause of New Hampshire about my efforts to resist PAC money. Rather than saying anything nice about that, Mr. Wertheimer proceeded to blast me, which became a front-page story in all of the State papers, for not doing more to bring campaign reform to the U.S. Senate.

I had been here by that time, I think, roughly 5 months when that all appeared. I did not react very well to that. As a matter of fact, it occurred to me it was a little like court-martialing Sergeant York for not killing enough Germans. But be that as it may, I have had nothing to do with Common Cause as a national organization since that time. I believe any leadership that does a thing like that to a Senator, one that ran without PAC money, in his own State is somewhat irresponsible.

As a matter of fact, I would like my colleagues to know that I discussed this bill or a similar bill at a Common Cause meeting in New Hampshire several months ago, I believe it was last fall.

When the Common Cause membership in New Hampshire understood some of the problems with this bill, they suddenly recognized that their national leadership was selling them a bill of goods that I do not think they necessarily agreed with. To say this is a Common Cause bill is an overstatement. This is a piece of legislation that Common Cause at the national level is pushing, and as we all know, we have spent enough time around here, what the national organizations lobby for down here sometimes has little resemblance to what their membership really would like.

So I am not sure the people in Common Cause really want this kind of legislation adopted because, you see, the real problem that this country faces today in elections, in my view, has little to do with the amount of money that is spent and has a lot to do with where that money comes from.

In the last Congress I was a sponsor, very proud original cosponsor, of the Boren-Goldwater bill. That bill was a bill to curb the power of political action committees. It had strong bipartisan support here in the Senate. It passed in September of 1986 by a vote of 69 to 30. There was an amendment offered to that bill, I might add, which would have eliminated all PAC contributions to political parties. The amendment passed. I would point out that 40 out of 42 Members of the current majority voted against that amendment, which is not surprising considering where PAC contributions go today.

Ironically in the 6 years of Republican control of this body not once do I recall any initiative from the other side's leadership pushing any sort of campaign reform. But now, in the 100th Congress, we no longer have a bipartisan bill. We have a very, very partisan bill in my view. And this bill will not pass. It will not become law. Maybe there will be useful purpose served by the last 3 or 4 days and maybe we will get together and finally pass campaign reform that is truly reform.

I would point out that I offered, along with Senator BRADLEY and Senator Eagleton, a proposal for a bipartisan commission modeled after the Social Security Commission to address the whole issue of campaign reform. That bill is still kicking around here. Unfortunately, it hasn't received any reaction. In my view, we will not receive significant campaign reform until both parties get together and do something in the interests of the country. It is inconceivable to me that the Democratic Party will allow any bill to be passed that will seriously impinge their ability to run their elections. And, it is not any more conceivable for anyone to assume that the Republicans will allow a bill to become law, if they can possibly stop it, if it will impinge on the way they get reelected.

If you want to really talk about campaign reform, I would like to talk about several ideas that are not new. I would certainly hope that the majority leader and the Republican leader might get behind a bill that I have offered which is known to the Rules Committee. If you really want campaign reform, and the first idea of campaign reform is to get more participation in the process and, second, to limit the power of special interests, then I have a solution for you. It is called the 50-30-20 bill. It works very simply. The Rules Committee has heard of this, a lot of people in this body like it, it is not unfair to Democrats, it is not unfair to Republicans, and it is a bill that will move the process.

That bill essentially says that 50 percent of all of your fund can come from individuals, and I raise the personal contribution limit from $1,000 to $1,500 or $2,000 because the $1,000 limit goes back to 1974.

I might point out that the Governor of New Hampshire is limited by State statutes to a contribution of no more than $5,000 whereas a Senate or House candidate can only receive $1,000. It does not make much sense in 1988. At any rate, 50 percent could come from individuals, 30 percent could come from the political parties.

Mr. President, I believe if there is one feeling that we have in this political sysem, it is that the Democratic Party as a party and the Republican Party as a party have lost power, have lost the right to have discipline within their parties, and that is because in my view they have lost control of some of the fundraising.

So I say, allow the parties to contribute up to 30 percent of expenditures to the candidates.

I would add that bill will allow no pass through money, no bundling, a true and honest 30 percent of the money they raise, of the money that a candidate can spend, could be given by his party and no more than 20 percent can come from PAC's. It seems to me, in an election in my State costing $1 million, that $200,000 worth of PAC money, although I do not happen to like it, probably is acceptable. But $400,000 or $500,000 is not.

So that is the 50-30-20 bill, a bill that would be fair to everyone. Somehow, it has not received the support I believe it should. I will give you two or three other ideas if we really want campaign reform. I heard a dialog a few moments ago between the Senator from Alaska and the Senator from North Dakota about the enormous amount of money we are spending on campaigns. Well, that may be true and it may not be true. I want to make a couple of observations.

I spent $700,000 to get elected in New Hampshire in 1980. My colleague on this side of the aisle—I pick him because I know the number, Senator PETE WILSON of California—spent $6 million to get elected to the U.S. Senate from the State of California. You talk about $700,000, nobody gets upset; you talk about $6 million, that is a lot of money.

I will have to make a confession. I spent 70 cents a citizen vote, and he spent 25 cents a citizen, because California is 23 times larger than New Hampshire. So when we simply talk about money, we are talking in a vacuum. We have to relate it to something.

The real reason campaigns have gone out of sight in costs is the cost of television advertising. I see the Senator from Alabama is presiding. The Senator from West Virginia, and the Senator from Oklahoma are on the floor. I do not know what the rates are in their States. I am going to tell you something very interesting.

In the State of New Hampshire, which is dominated by Boston television, a 30-second commercial on prime time during my 1986 campaign was between $7,000 and $9,000, one commercial, 30 seconds. When the playoffs in the American League were in Boston that year, and we thought it would be nice to buy a commercial just on local television, not on the network, on the break, during that game, and the figure came back $12,000 to $15,000—one 30-second commercial.

So let us be honest with each other, and the real reason that the cost of political campaigns have gone out of sight is simply because the cost of advertising has gone out of sight.

I have a solution for that also. I proposed it to the Senator from Oklahoma back last year but I do not really recall what his position was on it. But I know others did not like it at all. Here is my suggestion. If you really want to get the amount of money down in campaigns, I will give you an easy way to do it.

Who owns the television airwaves in this country? The people who have the licenses do not own them. They have licenses to use them. The American people own those airwaves. Let me tell you, those are pretty valuable commodities. I noticed a television station sold the other day for $235 million, one station. And the price is going up, not down.

So here is my proposal. Let us say to the television licensees that they will be required to furnish x amount of time to any legitimate candidate, and we can qualify a legitimate candidate during the 30 days preceding a primary and during the 30 days preceding a general election.

I am sure that the people in the country and the people in the gallery will say, "That is a prefectly reasonably idea. Why don't we do it?"

I am going to tell you why we do not do it. We are not going to do it because the broadcasting industry is very powerful and they do not want it. Why do they not want it? Because it will cost them money from their bottom line.

I am willing to vote for that kind of a bill. I will vote for it tomorrow. I will vote for an amendment like that. As a matter of fact, I would offer such an amendment. But, if we should vote for cloture, under the rules of the Senate, we will be foreclosed from offering that reasonable amendment. No wonder Republicans on this side are unwilling to vote for cloture and have an up-or-down vote when we are precluded from offering amendments which, in fact, are reasonable and rational.

And if you want to talk about special interests, it is in the interest of the American people to force television licensees to furnish free time to legitimate candidates. It is not in the interest of the television licensees. And, who wins? The television licensees. That is what special interest is all about.

You know, I have heard more talk on this floor about campaign reform during the past 4 or 5 days and I have been trying to find the reform. The legislation before us does not eliminate special interest money. It substitutes a form of public financing for some special interest contributions directly to candidates, and it places limitations on what people can spend.

I want to talk about those limitations because I asked my staff and, I believe, Senator MCCONNELL's staff to look into the statistics of what this is all about. I came up with some startling numbers which I want to relate now because I think they are quite interesting.

Every single Senate incumbent who spent within S. 2 limits in 1986 won reelection. Everyone. Every incumbent who spent within what these limits would be won reelection. Ninety percent of the challengers who spent within the limts lost.

Now, let us think about that for a moment. You talk about an incumbent's protection act. I mean, I think the American people ought to be outraged to hear that we are putting together legislation which, if it became law—which it will not, but if it would—essentially grants in perpetuity for all intents and purposes the incumbency of 100 men and women who sit in the chairs on this floor.

Everyone in politics knows incumbency is a very valuable weapon. We are on television every night in our home States. We are on radio. We have total access to the media. We are on this floor making news, occasionally.

Let us look at the challenger. Let us say the challenger was a very able young person with enormous motivation, not much personal money, cares deeply about the country, and wants to make a difference.

In my State of New Hampshire—and this is a figure which I hope people might pay some attention to—in my State of New Hampshire, we found out something very interesting which stunned me when I learned about it because it is a State of only 1 million people, with only two congressional districts. It is 100 miles across and about 160 miles north and south. It is a small State. It costs nearly $300,000 to start getting somewhere in the vicinity of 40-50 percent name recognition. Just name recognition. Never mind what you stand for, just mind that you exist.

I had been attorney general in New Hampshire for 6 years, from 1970 to 1976. Then I left office voluntarily. I ran for the Senate in 1980. Oh, how people forget. My name recognition in 1980 was about 20 percent, and I had been a very active attorney general. It took $350,000 to get my name recognition up to 65 percent and by the time the election came about it still was only 75 to 80 percent. What we do with these limitations, Mr. President, is absolutely saying to most challengers, "you have had it" and to most people in this body "You can stay here as long as you want to."

Two other very interesting statistics. To repeat them, everyone who ran in this body who was an incumbent and within the limits won. Ninety percent of the challengers who ran within the limits lost. Sixty-three percent of the challengers who exceeded the proposed limits won, most of them on the other side of the aisle because they won the majority back this past year. And, 72 percent of the challengers who won exceeded the limits.

I mean, if anybody needs any more proof about the power of the incumbency and the problem with the limits—I do not know what to do. I heard my friend from Oklahoma—and he is my friend; we have done a lot of things together—I heard him speak with passion yesterday about people on this side not wanting any limits whatsoever. Well, I guess technically the Senator from Oklahoma is correct. The problem is, how do you define those limits with fairness? That is what we are having difficulty doing.

I will give you a proposal which I will bet gets 100 votes against. I am going to make a hypothetical here that the incumbency is worth 50 percent. So we will make a deal. We will have an amendment, if the majority leader would waive the cloture rule and let me offer it, and the amendment will say incumbents can spend x, let us say, in the State of New Hampshire $1 million—and the challenger can spend x plus 50 percent. Have a level playing field. How many votes do we have for that in the room here? Zero. I will not even vote for it. Because incumbents would say, "Wait a minute; $1.5 million of advertising. They spend it all on television, strong negative advertising"—which, unfortunately, works—"against $1 million of advertising," which could not be negative because the fellow you are running against did not do anything; he has no record. It would not work, so you cannot do that. That would not pass.

I would agree to some kind of limits if I knew how to do it. I have tried with the Senator from Oklahoma last year to come up and fashion a solution, but I did not find one on limits.

I also find this bill fatally flawed because it does not do anything about political action committees. Now, the Senator from Oklahoma and the Senator from New Hampshire has something in common. We do not take PAC money. I think the Senator from Oklahoma would agree that makes it very, very tough.

I will never forget coming here in January 1981 and having my administrative assistant come in and say, "We have a problem here. We have got all of these letters from all of these PAC's." And the letters all read the same: "Dear Senator Rudman, somehow we overlooked your campaign"—they sure did in 1980—"and we would like to enclose a check for $5,000 toward your next campaign and toward your debt."

At that time, we had a debt, I think I am stating it correctly, of $160,000. And, if memory serves me correct, the checks from the PAC's between election day and a few weeks after I was sworn in amounted to probably more than half of that. I think it was in excess of $100,000. They were all returned because we made a pledge to the people in New Hampshire and I believe if you make promises you ought to keep them. The pledge was that we will not take non-New Hampshire PAC money.

But if we really want to have reform around here, we ought to get the special interests. I call them wolfpacks. Sure, the PAC's can only give x

amount of dollars, but you can take 10 PAC's who are interested in defense or 10 PAC's interested in energy or 10 PAC's interested in agriculture or 10 PAC's interested in trade issues, and put them together and you have $100,000 between the primary and the general election.

That is what is wrong with the system, not how much we spend.

I guarantee you that either we cut the cost of television advertising or the next cycle will cost even more because television advertising is going up, I believe, at double the rate of inflation or maybe more.

So I would say, Mr. President, that I think it is really a mistake to call this a reform bill.

You know, I have heard a lot of accusations on this floor that this bill is designed to end the Republican Party. I really do not believe anybody planned to do that. Maybe it looks that way. I think the majority leader would have no fun at all if we got rid of the Republican Party. Let me simply say that, although I do not think it started out that way, to many of us on this side of the aisle it kind of feels that way because we tend to raise more money in smaller amounts, which may be a surprise to the American people. The Republicans raised more money in smaller amounts and that is because we have been much more efficient at direct mail and direct mail raises small amounts.

You know, I do not have a problem if, in the State of New York, 3 or 4 million people want to give $5 each to a candidate. I think that is good. In the State of New Hampshire, if we could get 10,000, 15,000, 20,000 people to contribute $30 each, that is a lot of money. I do not have a problem with that.

What I do have a problem with is special interest groups bundling that money and concentrating it in small States where it makes a difference. Three or four hundred thousand dollars of PAC money makes very little difference in California, New York, or Michigan. It makes a whale of a difference in Alabama. And it makes even more of a difference in New Hampshire. And that is where reform is needed. This bill does not address that. It does not do a thing about PAC money. Essentially it would eliminate the chance of many middle-income Americans, in my view, to become active in the process.

It creates subsidies to help counteract independent expenditures. I would agree, this is a tough problem, but I am not sure this is the right way to deal with it, or even an effective way. It creates postal subsidies which I totally disagree with.

You know, I talk to a lot of people in my State on all sides of this issue, and I do not find much support for public financing. You know, the attitude of people is, "Look, you get elected and now you want us to help you get reelected with our tax money."

Now, I think that there is a real possibility that we can work this out. And, if nothing else, this 3-day period ought to reinforce the fact that the only bill that is going to pass is a bill that is truly reform and that does not gore the oxen of either party.

I would plead with my friend from Oklahoma, who has been a leader in this, and my friend from Alaska, Senator STEVENS, who has been a leader in this, to take another look at 50-30-20. It is a good piece of legislation. It encourages the participation of the American people in the political process. It limits special interests.

I would be willing to do away with PAC's completely. But I do not think there are the votes to do that on this floor. So why not do it in some reasonable, rational, and small way?

Finally, let me just go through a few numbers here which may already be in the RECORD, but I want to make sure because they are just illustrative.

Curiously, 20 percent of the contributions in 1984 for the Democratic candidates came in amounts of under $200. Roughly a third of the Republican contributions came from people in amounts of under $200. In the last election cycle, Democrats raised about $75 million in 1986 from PAC's; Republicans about $57 million. In the current cycle, 10 of the 11 leading Senate PAC recipients and 13 of the leading 16 PAC recipients in the House are Democrats. The Democratic Party, according to this report, relies very heavily on PAC contributions.

So I think that I understand, that being a political reality, why the people on the other side of the aisle are not willing to accept our proposal, which is to limit PAC contributions or to do away with them completely.

I think the Senator from Oklahoma would be willing to do that because that is what he does himself. But I do not think there is support for that in large amounts on that side of the aisle.

So I would simply sum up, Mr. President, by saying that this legislation is not reform. It does nothing about special interest money at all. It raids the public Treasury to run our reelection campaigns. It is an incumbent's protection act which essentially would establish in perpetuity most of us who want to stay here for as many terms as we would like. It defeats the incentives to challengers who are able and willing to fight hard for a U.S. Senate seat, which is something to aspire to, and makes it more difficult for them. It seriously impairs upon the ability of Republicans to raise money from middle America and it spends Federal tax money against their will.

Those are good reasons to vote against the bill and, of course, we probably will not get to vote on this bill because cloture, in my view, will fall short.

So I hope, Mr. President, that as we move into the rest of the legislative year, that we might have more light than heat on this subject. The nice thing about the Senate that I have found, is that although people get upset about things, and I think this side had a right to be upset the other night, we recognize that the business of the Nation is too important to allow those things to continually be remembered in a vindictive way. So I think we have to get on with this. But I do think that this is a matter that people of good will ought to be able to get together on and do something about.

So, let me conclude, Mr. President, by saying that I stand willing and ready to help anyone who wants to work on this kind of a bill. I would hope the Chamber would take another look at my 50-30-20 bill. I would like us to revisit the idea of forcing broadcasters to grant some time to qualified candidates. And I would hope that the idea of limits would be further explored; but it has to be fair, it must in some way recognize the disparity of registration, the power of the incumbency, and the fact that, today in America, the escalating cost of advertising has absolutely gotten out of hand to the point that that is the real scandal in America. It is not the amount that is being spent on campaigns—that is why I used the California-New Hampshire example; $6 million sounds like a lot, $700,000 does not; but there was a lot more spent per capita in New Hampshire than in California.

The basic problem is the costs have skyrocketed, whether it be for polling, direct mail, or particularly television. That is why it is such a scandalous-appearing sum of money, although in my view, compared to what we spend for other things in this country, it is not so scandalous. After all, we are trying to inform the people on whom they should elect to represent them in critical times. I hope we can move on and have progress. I thank the Chair and yield the floor.

The **PRESIDING OFFICER**. The Senator from Oklahoma.

Mr. **BOREN**. I thank the Senator from New Hampshire for his very thoughtful speech, and I use that term with due thought. It was a thoughtful speech, and that does not surprise me that we would hear those kinds of words from the Senator from New Hampshire. He has indicated we have worked together on many projects. In fact, we have had many discussions on this very issue.

I would say that I think he comes to this issue with a degree of commitment, sincerity, and intellectual honesty that is not exceeded on either side of the aisle in this Chamber on this particular issue, and I applaud him for that. I appreciate the spirit with which he has made these comments today because I know that he, too, wants to do something meaningful and in a constructive way to make some changes in the current system, which is simply not operating as it should.

The indication which he has given here on the floor that he, again, is one of those Senators that does not accept political action committee money is an indication of his feeling that he wants to keep politics as close to the grassroots, to the people that he represents, as possible. We share that common commitment.

I say to him that I hope we can resume our discussion. One of the things that has disappointed me, quite frankly, in the current situation is that it has become so polarized. It becomes very difficult, sometimes, to discuss these matters without it becoming polarized. I remember back when Senator Goldwater and I first introduced a campaign reform bill—I know the Senator from New Hampshire recalls this—we had a meeting of the two caucuses on a Tuesday, as we always do.

It was very interesting as Senator Goldwater and I exchanged reports on what happened in each caucus after it was over. I am sure the Republicans in the Republican caucus thought that the Democrats were all praising me for having introduced a bill, for having helped the Democratic Party, because, as I understood it, the Republicans were really giving Senator Goldwater a working over, saying, "How in the world could you have fallen into the trap of introducing a bill that is obviously aimed at helping the Democrats?"

But I had to laugh to myself and say, well, it would certainly have been ironic if each side could have heard the caucus of the other because at the very same moment the Democratic caucus was giving me a working over for having fallen into the Republican trap authoring this bill with Senator Goldwater that was obviously aimed at the demise of the Democratic Party.

Each one of us has a unique experience with the campaign financing laws. There is not any one campaign for the U.S. Senate that is exactly like any other and so, if we look at proposals for change and reform, we measure them against our own personal experiences. We see intents behind proposals that are simply not there.

It is absolutely the truth, when we got together to try to write S. 2, there was no intent to try to slant that bill toward the advantage of one party or the other. That was simply not our intent. Our intent was to deal with a very, very serious problem for this country and it is a serious problem. The system cries out for change. As I told somebody who was questioning me about it this morning, when I signed on to be an author of that bill with Senator Goldwater several years ago, in signing my name to that bill I knew I was not signing my name to a proposal that was going to have full consideration within the next 2 or 3 months.

I knew I was not signing on to a short-term project. I knew that I was signing on for the duration; that I was signing on to a project that was probably a decade-long project, not a short-term project.

I had the same experience when I was in State politics in Oklahoma and would begin to author bills for open meetings on committees and recorded votes on amendments and campaign disclosure and conflict of interest. I was greeted with the same enthusiasm that Senator Goldwater's bill and my bill was greeted with when it was first introduced here: a mixture of scorn, derision, agitation, alarm, but mostly a kind of a knowing smile that such proposals would never go anyplace.

I said then that, ultimately, we were going to win on those proposals that I introduced when I was at the State level. Ultimately we were going to win because the people themselves would come to understand the issues and I said that that system that was going on then was a scandal waiting to happen. Unfortunately, those familiar with the history of my own State and the politics of our State know that scandals did occur and they occurred at about the same time that the Watergate scandal was occurring nationally.

The people of the State fixed their attention on the need to reform the State political system and all of a sudden those proposals that people had smiled at with condescension because they knew they would never go any place were presented on my desk for my signature, as I had moved from the State legislature to the Governor's office during that period of time.

In the course of a very few months these proposals were adopted. There are some issues and some bills and some proposals that can be passed simply by marshaling support of people within the capital building, be it at the State level or at the national level. There are other major proposals for reform which go to the basis of political institutions themselves; changes that affect the sitting members of legislative bodies, and any change in the campaign law affects every single Member of the U.S. Congress, House and Senate.

It has been my experience in reading history about these fundamental changes going back to the time of Theodore Roosevelt and Woodrow Wilson and others who helped bring about basic reforms, and LaFollette and others who served here, who brought about basic reforms, that those reforms did not come until the people themselves became engaged. Because those who are a part of the system find it very difficult to be the architects for change.

That is why we have always heard, and I thought, I wonder how long is it going to be in this debate, during this week when we have had this matter up that I am going to hear it again: "You are right; there is a real problem, but let us wait until after the next election to make the change because I am running this year. I have to go to the political action committees to raise the money. I am facing the need to raise $3 or $4 or $5 or $6 million. I cannot raise it in my home State so I have to go to other places in order to raise that money."

"I agree with you," my colleagues would say, "that something needs to be done. Something needs to be changed. But wait until after the next election because I cannot afford to offend those out-of-State givers, those secretaries or managers of the political action committees who represent lobbying groups here in Washington. I cannot afford to offend them because I have to finance my own campaign because the other side running against me will have millions of dollars to spend and I must have millions of dollars also. Let us wait until after the next election."

So, Mr. President, we have waited and we have waited. When campaigns on the average cost $600,000 to run for the U.S. Senate, people said it is getting too high but let us wait until after the next election.

When the average campaign for the U.S. Senate started suddenly costing $1.5 million, people said, "It is serious. it is bad. We should not put public offices on the auction block to be decided, not on the basis of the qualification of the candidates, but on the basis of who can raise the most money. Something ought to be done about it, but let us wait until after the next election."

And now, Mr. President, it costs $3 million on the average to run a successful campaign for the U.S. Senate. In many States it costs many more millions of dollars than that. We have States where almost $3 million has been spent between two candidates running for the U.S. Senate. Here we are and what is being said again this year? "Oh, there is a problem. But since no one has come up with an absolutely letter perfect solution to the problem, let us wait until after the next election because we do not want to disturb those almost 500 Members of Congress running for reelection this year. There are almost 500 running every 2 years. One-third the Senate and the entire House of Representatives. We do not want to disturb the contributors. We do not want to rock the boat. Let us wait."

Mr. President, if campaign spending keeps going up at the same rate, and it already is requiring us to raise $10,000, this has been said over and over again on the Senate floor, $10,000 every week, 52 weeks a year for 6 long years, the length of a U.S. Senate term, Senator must raise $10,000 each and every week to raise the $3 million total necessary to finance the average campaign.

The time that ought to be spent dealing with the Nation's problems and the time that ought to be spent back home listening to the people to understand their problems, the time dealing with our constituents, the time thinking about the future and what needs to be done for the next generation, time even with our own families, is spent crisscrossing the country, raising that $10,000 per week.

Last night, even, when we were discussing this bill many Members had to absent themselves to attend various fundraisers that were going on around town. We are all caught up in that and we are all a victim of circumstance and even the groups are victims of circumstance now. One industrial group, one labor group has to form a political action committee and give a contribution to a candidate because the opposing interest group has given money and formed a PAC. So to hold your own you have to do the same thing. It is like the arms race. One side escalates. The other side escalates. Neither one wants to be in this dangerous situation but no one seems to know how to get off this merry-go-round; this money merry-go-round that we are on in political campaigns. No one knows how to get off.

People have even learned to play the game. You get a poll that shows you are going to win. You go to one group, let us say to the banking association, and you say: "We are going to win. Get on board early. You will be remembered."

They get on board, and then you go to the competing interest groups. Maybe it is the savings and loan. You say: "Oh, my, the bank has got on. That fellow is going to win. You better get on board too, or he will tilt toward them." Then the savings and loans get on.

Then they go to the insurance company and they say, "You know, there is a big dispute about whether or not banks should be able to get in the insurance business or savings and loans, too. Those two have given. You better get on board or your competing interest won't be heard."

Round and round it goes, and everybody is victimized by it. The elected officials are victimized by it. They wanted to perform public service. They had an idealistic desire to come here and do their job for the American people, and they have to go out hat in hand and spend their time, effort, and energy raising money and raising it under circumstances that oftentimes have appearance of compromise of one's position even if, in reality, the compromise is not there.

And the people having to give the money are victimized, the interest groups that form the political action committees, whether they are business or labor, whatever their background, they are being victimized because they are being played off against each other.

People get notes from PAC managers to send back and, "Enclosed is my check, yes, I want to support Senator So and So and Congressman So and So." Maybe he is a chairman of a key committee or subcommittee they need to have for their own line of work. They get a reply card to send back, "Yes, enclosed is my $5,000. We want to help," or, "Yes, we want to give $1,000," or, "We want to help." Or, "No, we are not for his reelection." Those are the kinds of choices.

Anybody who does not think that people get the point when that person is already in a key position has to be naive.

So the people giving the money are being victimized. The Senate as an institution is being victimized, and the quality of our work is going downhill.

It makes it more difficult to form a consensus on any issue we deal with, whether they are talking about the budget or education policy or foreign policy.

This is one of the reasons Members are so busy that they hardly even get to know each other and they have to talk to each other through the staff members. It is a rare thing in this institution anymore for two or three or four Senators to sit down together for as much as an hour to really talk about the substance of an issue in an institution that is supposed to be the greatest deliberative body in the world. Part of the reason is the financial pressure necessary to serve is so great that it takes so much time and effort and energy in organizing that we are not even able to sit down and reason together and work out the kind of bipartisan consensus on bringing these two aisles, narrowing the gap in this aisle here so that we can work together as Americans to solve the Nation's problems.

And there are many people on the other side of the aisle who I have been privileged to work with on one issue or another, and I know from working with them that they are good Americans with a sincere desire to serve the country and they are reasonable people, and I am sure they find the same about many people of this side of the aisle, and the shame and tragedy of it is we too seldom sit down person to person, Senator to Senator, to work out an approach to problems facing this country in a way that we could work them out if we ever had the time and the opportunity to sit down together.

But most of all the American people are being victimized by what is going on with the campaign spending today. They have a right. They have a right to elect people here and to send people here to deal with the problems which they face. They have a right to expect from us that we are going to be doing our best to serve them. They have a right to expect that when we have time to go out and see people we will come to see our own constituents and listen to them. They are getting shortchanged because so much time is spent raising the millions of dollars that it takes to run for office that we neglect our other work. They are getting shortchanged because those weekends that we ought to be able to spend back home in Oklahoma or Kansas or Texas or South Dakota or Arizona or Kentucky or wherever it happens to be, too many are having to rush to Los Angeles, or New York, or to Boston, or to Miami, FL, or someplace else where there is a money center where there are a large number of people who have the financial means to make large campaign contributions, and you have to say to that small town business person or that little farmer, who might be able to give you a $5 contribution "I am sorry we don't have time to listen to your problems. We've got to raise $3 million. Don't you know we have to raise $3 million? I haven't gotten my $10,000 this week. I can't raise that $10,000 in Wayne, OK, or Brundage, AL. I've got to go off to Boston. I don't have time to listen to your problems because I have to raise $3 million."

Mr. President, that is wrong. It is wrong. It is eating away at the strength of our political system. Something has to be done about it. And it should not wait until after the next election and one of these days—I do not know when, I do not know if this debate we have been through the last couple of days has yet aroused the American people but one of these days the American people are going to wake up and they are going to start asking questions and they are going to ask themselves has it been good for this country that the cost of running for the U.S. Senate has gone from $600,000 to $3 million in 10 years? Would it be good for this country if that trend continues exactly on the same trendline so it will cost $15 million to run for the U.S. Senate just 10 years from now, as I have said about the time that the pages who serve here now might be eligible to run for the Senate should young people who want to perform public service have to think about not what they want for their country but how could I raise $15 million to serve.

Would that be good for our country? Is it good for our country that under the present system almost 200 Membrs elected to Congress received over half of their campaign contributions not from the people back home but from special interest groups controlled mainly here in Washington, DC, mainly run by lobbyists who hand out the money on the basis of who has influence and who is in a position to help them. Is that good? Is that good for this country? How can we say that? How can we say that it is having a good impact on grassroots democracy?

When you analyze where that money is going, 80 percent of it is going to incumbents.

I agree certainly with what the Senator from New Hampshire was saying a while ago. While I do not agree with his analysis of this bill I agree with what he said about the fact that we have too much of an incumbent's protection plan under the current system. Not only do we have the franking privileges and newsletter privileges and a lot of other privileges, which I have supported efforts to curtail, so that we have a fairer balance, but we also have the fact that the political action committees because they know we are here they have to deal with us, they are giving 80 percent, more than 80 percent, of all their campaign contributions: $46 million went to Senators last year. Twice that amount went to Members of the House of Representatives. It goes to incumbents, 80 percent of it. Why? Because if they misjudge and that incumbent loses they can always contribute to the new winner after the election, after they know they are going to be here sitting on a committee that they need access to.

Is that good for the country, Mr. President? Is it good for the country that we are discouraging new people with new ideas from becoming challengers in political races because they know they are going to have to face huge amounts of money from other parts of the country if they do that?

It is not good for the country, Mr. President.

That is why we have introduced S. 2. That is why as part of the proposal of S. 2 we have put overall spending limits in place in the bill.

I ask unanimous consent to have printed in the RECORD at this point what the State spending limits would be per candidate under the provisions of S. 2 if it were adopted into law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE SPENDING AND PAC LIMITS UNDER S. 2

[In dollars]

State	General	Primary	Cycle	Threshold	PAC limit
Alabama	1,271,200	851,704	[1]2,122,904	290,400	255,511
Alaska	950,000	636,500	1,586,500	150,000	190,950
Arizona	1,093,600	732,712	1,826,312	231,200	219,813
Arkansas	950,000	636,500	[1]1,586,500	171,300	190,950
California	5,481,250	2,750,000	8,231,250	650,000	825,000
Colorado	1,110,100	743,767	1,853,867	236,700	223,130
Connecticut	1,125,400	754,018	1,879,418	241,800	226,205
Delaware	950,000	636,500	1,586,500	150,000	190,950
Florida	2,807,500	1,881,025	[1]4,688,525	650,000	564,307
Georgia	1,679,500	1,125,265	[1]2,804,765	431,800	337,579
Hawaii	950,000	636,500	1,586,500	150,000	190,950
Idaho	950,000	636,500	1,586,500	150,000	190,950
Illinois	2,709,000	1,815,030	4,524,030	650,000	544,509
Indiana	1,597,900	1,070,593	2,668,493	399,300	321,177
Iowa	1,033,300	692,311	1,725,611	211,100	207,693
Kansas	950,000	636,500	1,586,500	178,500	190,950
Kentucky	1,210,900	811,303	2,022,263	270,300	243,390
Louisiana	1,337,800	896,326	2,234,126	312,600	268,897
Maine	950,000	636,500	1,586,500	150,000	190,950
Maryland	1,388,500	930,295	2,318,795	329,500	279,088
Massachusetts	1,714,500	1,148,715	2,863,215	445,800	344,614
Michigan	2,251,250	1,508,337	3,759,587	650,000	452,501
Minnesota	1,316,200	881,854	2,198,054	305,400	264,556
Mississippi	950,000	636,500	[1]1,586,500	182,400	190,950
Missouri	1,510,600	1,012,102	2,522,702	370,200	303,630
Montana	950,000	636,500	1,586,500	150,000	190,950
Nebraska	950,000	636,500	1,586,500	150,000	190,950
Nevada	950,000	636,500	1,586,500	150,000	190,950
New Hamsphire	950,000	636,500	1,586,500	150,000	190,950
New Jersey	2,880,000	1,929,600	4,809,600	570,000	578,880
New Mexico	950,000	636,500	1,586,500	150,000	190,950
New York	3,953,500	2,648,845	6,602,345	650,000	794,653
North Carolina	1,766,500	1,183,555	[1]2,950,055	466,600	355,066
North Dakota	950,000	636,500	1,586,500	150,000	190,950
Ohio	2,567,750	1,720,392	4,288,142	650,000	516,117
Oklahoma	1,113,100	745,777	[1]1,858,877	237,700	223,733
Oregon	992,800	665,176	1,657,976	197,600	199,552
Pennsylvania	2,844,000	1,905,480	4,749,480	650,000	571,644
Rhode Island	950,000	636,500	1,586,500	150,000	190,950
South Carolina	1,127,500	755,425	[1]1,882,925	242,500	226,627
South Dakota	950,000	636,500	[1]1,586,500	150,000	190,950
Tennessee	1,459,300	977,731	2,437,031	353,100	293,319
Texas	3,493,000	2,340,310	[1]5,833,310	650,000	702,093
Utah	950,000	636,500	1,586,500	150,000	190,950
Vermont	950,000	636,500	1,586,500	150,000	190,950
Virginia	1,665,500	1,115,885	2,781,385	426,200	334,765
Washington	1,368,700	917,029	2,285,729	322,900	275,108
West Virginia	950,000	636,500	1,586,500	150,000	190,950
Wisconsin	1,447,300	969,691	2,416,991	349,100	290,907
Wyoming	950,000	636,500	1,586,500	150,000	190,950

[1] States with primary runoffs—allowed a higher spending limit in the primary equal to 20 percent of the General Election limit.

Mr. BOREN. Mr. President, let me clarify where we are. We wish we were in a position to do exactly what the Senator from New Hampshire talked about and that is continue to have real negotiation between the two sides to see if we could work out a compromise on this bill. I would like to do that. I do not want to see us miss this opportunity to do something meaningful for campaign reform.

Mr. President, we have seen a willingness on the other side of this issue, and I do not use the term "other side of the aisle" because I do not think of this as a Republican and Democratic issue.

There are Senators like Senator KASSEBAUM, Senator STAFFORD, and Senator CHAFEE, who have been supporting this bill. There are other Senators on that side of the aisle like Senator RUDMAN, who just spoke, who have indicated time and time again a real willingness to sit down and negotiate with us on meaningful campaign reform and be a part of it and bring very creative ideas into the process.

There are other Senators. I see my good friend from Arizona here, who holds the seat now occupied by my dear friend, Senator Barry Goldwater, for whom I have such immense regard. He has been an inspiration to me as a person with his political courage.

Likewise, I have great respect for the current occupant of that seat from Arizona, and I know from talking with him that he has sincere concerns about what is happening to the present system. I know he does not support continuing the status quo. He may disagree with some of the points in S. 2, but I know basically he does not want to keep the status quo. He wants something to happen. He wants some changes, some reforms to be made.

I can name many others. Senator STEVENS has had his own proposals. He has had his own concerns. He tried to change things.

Senator EVANS, with whom I served as a Governor, has had suggestions in this area for a long time. It was partly out of frustration with what has happened to this institution that he has decided to retire from the U.S. Senate. I have to say that even if he does sit on the other side of the aisle, I think that is a loss to this institution that he had decided to retire.

A great Senator from Maryland, Senator Mathias, who previously served on that side of the aisle, was a loss to the Senate when he decided to retire, and he made it very clear that he was retiring principally because he decided he did not want to waste 2 years of his life to raising $4 million to run his reelection campaign instead of using that 2 years to deal with the issues that he thought he was elected to deal with.

I saw him just this week. He is now retired from the Senate. He said, "Keep your spirits up. Do not ever give up on this issue, because if you give up on this issue you really are giving up on the future of the U.S. Senate to serve the people."

So, Mr. President, I would like to be able to continue these negotiations and put everything on the table, and we offered to put everything on the table, soft money disclosure, everything, when the other side said we are worried about the South, for example, that the Republican Party might be locked into the minority status permanently in the South if these spending limits are as low as they are in S. 2. We said that is not our intent and if that is the effect of this bill we are ready to change this bill. Come to us with a proposal. Come to us and tell us what do you want the limits to be. How much do you think they need to be increased?

As Senator RUDMAN points out, there is an advantage to incumbency. There is an advantage to even the fringe part that has a registration advantage. We will recognize that. Work with us on the machanics and the details on how to do it. As Senator RUDMAN said, we need to work on it. We are willing to work on it.

But, Mr. President, unfortunately, we finally heard from the other side. There is one thing we just will not even talk about, and that is putting overall limits on campaign spending or overall constraints or overall ceiling on how fast campaign spending can go up. We are just against putting overall restraints on total campaign spending, and we will not even talk about it. We will not even talk about changing the formula by State to make sure it is fair to the Republican Party or the Democratic Party in the particular State. We just will not even talk about it at all.

So, Mr. President, that is the issue and that is where we have come around in the negotiation.

If the other side would say we are willing to talk, we want to make sure that formulas are written in a way to be fair to Republicans, I think this side would bend over backward to change the formula. If anything, we would probably go so far as to put ourselves at a perceived disadvantage in order to demonstrate our fairness on that point.

Mr. President, when they say we will not talk about limiting campaign spending that is like saying you can go swimming, but do not go near the water. You can have campaign reform but cannot do anything about all this money coming into the system.

Mr. President, I just fail to see how it is good, if anybody can explain to me it is good. The cost of many campaigns have gone up 500 percent in the last 10 years. If anybody can say to me the people themselves at the grassroots had a greater say in the process, if anyone can say it, increased confidence in the American politics, that the campaign spending has gone up that much, if anyone can point out to me it is good for me to say to the graduating students this year when I give my commencement addresses, you should get involved in public service; you have to raise $15 million to run for the U.S. Senate. If anyone can tell me how that is really good for the country, and that is the issue, that is the only issue, as I said yesterday, the issue before the country and it is a little disappointing to me that the media to some degree focuses on the sideshow and not on the main event, focusing on what has gone on in the trapeze way at the end of the big top, but no one paid any attention to what is going on in the center stage or main event. It is not about the rules of the Senate, how the Sergeant at Arms should compel the attendance of absent Senators. It is not about costs being brought out. It is not about how many hours of sleep we have lost. It is not about the colorful happenings as I was asked again and again, "Well, did anything amusing happen during the night, any tall tales told, any kind of experience you can pass on?"

Mr. President, that is not what this is about. That is not what it is about. Those are all tangential events. It is about one thing now because we have shown we can probably reach agreements on many of the recommended issues to campaign reform doing something to define average advertising rates that are very, very important to the Senator from New Hampshire, who talked about that. We can work on that, and I am convinced we can come to a solution, so we get a balance back into what PAC's and individuals give.

We should have aggregate PAC limits so we can get a balance back between what PAC's give and individuals give, leaving parties room for growth, and strengthening. And the Senator from New Hampshire is right. That is something that needs to be done. We can work on those things: Millionaire's loopholes, so the millionaires spend unlimited amounts of their own money to buy alliance, something ought to be done. We can work on that. Independent expenditures by committees that run negative ads and do not really identify who is running the ad, what their cause is, we could do something about that.

Mr. President, it all boils down to this. The negotiations have fallen apart because there has not been a willingness to put on the table, to even put on the table the question of overall limits on the amounts of money that can be pumped into campaigns. Surely, there is some logical point at which everyone could agree it is unhealthy. I look at spending and I see $30 million spent in races. I think to myself immediately, what is wrong? Should not we be competing on ideas, on qualifications? Should not our people have campaigns that cost within bounds so they can stay mainly in their home States and be able to raise enough money to run those campaigns so they can talk to the people that elected them about their problems so they do not have to go to other places and deprive them of time from their constituents and time away from work.

So, Mr. President, that is the issue. That is what we must deal with. All I can say, Mr. President, is I don't know how the vote will come out at 10 o'clock tomorrow morning. I keep hoping that there will be some, frankly, six people who have not voted for cloture before who will decide to vote for cloture this time. Maybe not because they think S. 2 is perfect but because they would like to get on with trying to fashion a solution, because if we get a cloture, and we vote on this package, it will then be subject to amendment.

Those who are opposed to it in the form in which it now is will have every opportunity to offer any amendment that they want to offer. This Senator as manager of this bill promises to allow them to have every opportunity to consider legitimate, relevant amendments on the subject of campaign reform, any and all of them that they wish to offer to make changes or improvements in this bill.

So, Mr. President, that is the issue. Is it good for America to allow an unlimited amount of money to be spent on campaigns, unlimited? Would it be good for America to put no limits on the rate at which campaign spending is going up? Would it be good for America if within the next 10 years campaign spending went up another 500 percent? Would that be good for America? Would that be good for our people? Would it be good for our political system? That is the answer.

The American people in poll after poll by over 90 percent says that is not good for America, that it is a serious problem, and something should be done. Fifty-two Members of this Senate have signed onto this bill as a vehicle, not as the perfect solution, not as the last word, not as something that should not be subject to amendment, but as a vehicle for reform. Fifty-five Members of this Senate have gone on record in the past of saying give us a chance to vote on it. Ninety percent of the American people have said it is a serious problem, and we ought to do something about it.

Mr. President, we should. I hope we will have a chance. I hope we will take up the offer to continue to work in good faith, but I hope those who are opposing this bill now will give us a chance to go forward and work on this. Vote for cloture. Give us the chance. It is not over when cloture is invoked. It is the beginning. It is the beginning of working together.

As I said, we will narrow this aisle hopefully. I would not care if the desks were all pushed up, right up against each other to show we should work on this problem together as Americans because it is an American problem.

So no matter what parliamentary maneuvers have been made, and how cranky all of us may get from loss of sleep or how anybody felt about what has gone on in the course of this debate, I hope it can be put aside in the last 24 hours for us to find a way, Mr. President, to find a solution and find the solution that will put some restraint on this runaway growth of campaign spending. We are concerned about the arms race. We ought to be concerned about the arms race. We ought to be. It threatens our security. It threatens our physical security.

Mr. President, let me tell you that the political money race threatens our political security in this country. It threatens our political security. And the political security is stability for our children. We ought to devote ourselves to doing something about it. And we ought not wait until after the next election. One of these days we are going to be called into account.

I saw it happen in my State about the reforms that we were slow in making, and finally I saw those reforms speedily adopted. It was speedily adopted when the people said where were you, what were you elected officials doing, why have you not taken care of this problem? Finally they were embarrassed and jumping on a bandwagon to do something about it.

I hope we will all go on the record of saying we want to do something about it now. We will have that chance at 10 o'clock on Friday morning by voting yes, just say yes, to paraphrase what the First Lady has said, but in the reverse. Just say yes to giving campaign reform a chance. Just say yes to talking about putting some limits and restraints on overall campaign spending. Under our rules there are so many ways that, if the form of the bill does not finally please people when it is over, they will be preventing us from voting on the final bill. But just say yes to commencing on this. Just say yes to over 90 percent of the American people who view this as a serious problem. Just say yes to getting on with the work of stopping the campaign cash raising that threatens our political security.

Mr. President, to close I see my colleague here. I appreciate his patience in being a captive audience at this point to these remarks.

I say again he is the kind of Senator that we had the opportunity to work without any constraints. I think we can work together on something that would be significant. I hope we will have that chance.

I would like to insert into the Record some remarks that I made about a proposal which came from the other side which would limit soft money, not just disclose it but limit it. Negotiators from the other side have advocated placing actual limits on what constitutes certain soft money expenditures. I think we all realize soft money can be abused and that there needs to be more disclosure. This proposal would suggest that their definition of soft money is really illegally contributed hard money. That is really not the case.

Let us consider an example. Let us suppose there is an ideological group which is running a national direct mail campaign highlighting all Senators who support aid to the Nicaraguan Contras. As I have supported such legislation, I thought that might be a good example to use. Let us assume that this group is spending $12 million nationally to send newsletters to voter lists and in certain congressional districts. Let us assume that this newsletter is a 16-page color tabloid, the kind of mailing which identifies key Senators and Congressmen who have supported Contra aid, pictures them with the President, has quotes from national leaders who applaud the statesmanship of these several Members of Congress in a very favorable light. Under current law this is considered a free expression of political opinion basically saluting Members of Congress for a particular view on an issue that they held or on votes they have made.

It may be just as easily that expression could have been made in a tabloid commending those who were against Contra aid. We could use the example either way. Different groups would want to do this. The question becomes if we are to limit this kind of activity which would be limited under the proposal of the four negotiators from the other side, the Senator from Kentucky suggested this when he proposed limiting soft money expenditures, how do we do it? Who decides if this is a political endorsement of an individual candidate or a free expression of opinion?

Even if it is to be disclosed, how is the benefit to be allocated on behalf of each candidate? They send this out nationally. Some people are running for election that are mentioned, some are not; some are in closely contested races, some are not. Does the pro-Contra aid group disclose their presumed subjective value of such an endorsement? Does the FEC decide this Member of Congress got this much financial benefit from this tabloid, which is on the subject of Contra aid either for or against it? How do you divide it? How much of the financial value of that went to Senator McCain, how much went to Senator Boren, and how much went to Congressman Jones or Smith? You have to figure that out.

Mr. President, I am disturbed to hear that some in the group of eight felt that the Buckley case was properly decided because it protected free speech. They were saying you ought to be able to spend money in any amount on your campaign because that is free speech. And then to hear some of the same Senators suggest that we should put actual dollar limits on free speech by curtailing what any group of persons could say about a subject because it might have an indirect effect on political campaigns. There is testimony from the Rules and Administration Committee last spring which told us even the experts who track soft money and review it and analyze its effects admit that you cannot limit something like that because it has first amendment implications, nor can we limit an area in which we do not know actually what is being spent.

I think proper disclosure of political money being used to influence elections will certainly help us deal with that. But I think that we have to consider that it would be very, very difficult to get in the business of actually limiting what is called soft money expressions. Even if you had groups that set up, for example, phone banks to call over a State saying, "Vote Republican," or "Vote Democrat" on election day, you have hundreds of candidates, you have the candidates in any State. We have 77 counties, we have candidates for sheriff in all of those counties. We have 150 people running for the State legislature. We have Senators, we have six Congressmen, we have a Governor race, Lieutenant Governor, secretary of state, attorney general, and all these people are running.

When you have a phone bank calling people saying vote Republican or vote Democratic, how do you allocate that down to sheriff "Z" in one of the 77 counties, saying that was equivalent to $47.50 worth of value to him? It is pretty difficult to do. It gets to be even more difficult when it is a group just talking about an issue as under my example like Contra aid. We salute everybody who is for it. Here is the list of it. Here it is all listed in our little newsletters or tabloid. How do you translate that into some financial value that has been received for a campaign that is maybe a year and a half off from somebody that is mentioned in that tabloid.

Do you discount it by the figures in a district? Maybe one would be praised for being for Contra aid in one district where 80 percent of the people are for it. Maybe one would be praised for being for Contra aid in a district where 25 percent of the people are for it. Do you give the same values? Is it the same political benefit? Obviously, not.

So there are real problems here. I simply wanted to put that into the Record because this has been a matter of discussion, and I think again in light of the fact that we have more things to talk about in the future in this area, that I thought I should raise that point as a matter of discussion now.

Again, I thank the Chair. I thank my colleague and I relinquish the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to express my appreciation for the very articulate and indeed persuasive argument that my friend and colleague from Oklahoma, Senator Boren, has just made on behalf of S. 2. I would like also to state that, if there is a person who can forge a bipartisan agreement on this very divisive issue in this body, it is indeed my colleague from Oklahoma. As I have had the opportunity of working with him on many other very difficult issues, I certainly would look forward to sitting down with him on this one. If he would also identify for me that district where 80 percent of the people are in favor of Contra aid, I would like to know that because maybe I would like to move there.

But I do appreciate his willingness to sit down with anyone who is interested, and indeed committed to solving this very difficult problem. And those of us who are in opposition to S. 2 certainly might, as we have time after time, indicate that we believe there must be repairs made to the system. We indeed spend too much money, and indeed some forms of campaign financing have distorted and perverted the process.

I would like to follow up on exactly what one of the major concerns that we have is, an issue that my colleague from Oklahoma just talked about, the so-called soft money. He discussed a hypothetical case where a tabloid might be sent out which named various Senators or Representatives who were in favor or opposed to, in the example he gave, Contra aid.

I think there are a couple of different examples that I find outrageous and that the American people find are as distorting to the process as any other aspect of campaign financing. I would like to mention two.

The reports are that $10 million was spent in behalf of the Republican nominee in the primary process in 1984.

None of that money was ever reported. Now, we think that is wrong. We think $10 million worth of expenditures on behalf of any Presidential candidate ought to be reported.

Let me also add to that another story that I think was a perversion of the process. There was in a Midwestern State, a small State, a senatorial contest that took place in the 1986 elections, and there were hundreds of thousands of phone calls made into this small State, and the call went as follows:

> Who are you going to vote for United States Senator?
>
> I'm voting for So and So.
>
> Oh, yeah, he is a nice guy, but do you know he voted against Social Security five times?
>
> Oh, he did?
>
> Yes, he did.

Do you know that none of those calls were ever reported as contributions to that Senator's opponent in a small State, a very close race? Many view his defeat to be directly attributable to that unaccounted-for contribution.

Mr. President, I want to make it clear I am not denying the right of any organization to involve themselves in any race anywhere in the country. But I do believe that involvement must be reported, just as any campaign contribution is reported, just as any political action committee contribution is reported, or anything else. But this S. 2 has a glaring hole in it that is about a mile wide and will get a lot wider if we place limits on the legitimate funding. That hole is failing to address soft-money contributions. This is going to lead to more and more and more of these contributions.

We are already seeing this in the Presidential campaigns. We are already seeing ludicrous examples where the Presidential candidates met or were about to exceed the amount of money they could spend in the New Hampshire primary. They would go to Massachusetts to rent a car. They would contract in Maine for brochures to be made. They would contract with Boston television stations, et cetera, et cetera, so that they could avoid the arbitrary, or at least in my view unenforceable, limits on the amounts they could expend in that State. Soft money is a major, major issue.

And, as optimistic as my friend from Oklahoma is—and he is a wonderfully optimistic individual by nature which is one of the reasons why he is so extremely popular on both sides of the aisle—as optimistic as he might be about the invocation of cloture tomorrow at 10 o'clock, I think the prospects of that are extremely dim.

I would also like to point out another aspect of this debate that I think will ensure that at least on Friday we will not proceed with this bill in the invocation of cloture. Of course, that is that the degree to which the atmosphere around here has been poisoned by sending our marshals in the middle of the night to arrest Members of this body.

You know, I served, Mr. President, on the other side of the Congress for 4 years. One of the aspects of this particular body that I enjoy more than anything else is the atmosphere of comity and the atmosphere of congeniality that has characterized open and honest disagreement between colleagues.

None of us appreciate the spectacle of one of our colleagues being dragged into this Chamber in an arcane and almost unprecedented fashion. I would suggest any hope for agreement in the short term on this issue has pretty well been done away with.

I would also suggest that the American people might feel that, as important an issue as this is—and it is, indeed, a terribly important issue—there are other imporant issues which this body needs to address, including the burgeoning budget deficit by which we are mortgaging our children's futures.

I admit, when we discuss S. 2, there is great appeal to this idea. I am bothered by the time I have had to use and any other Member of this body has had to use in order to raise sufficient campaign funding.

My colleague from New Hampshire pointed out very well the major reason why we have to spend so much money is the cost of the media. He mentioned the price of a television commercial during his latest race. I might add that in mine, in Phoenix, AZ, it was $3,500 for a 30-second commercial prime time and that requires an enormous amount of contributions. I am indeed bothered by the expense of elections as is every Member of this body.

Recently, Mr. President, we have had the entry of an organization into this debate which has been rather interesting to me personally, because they have chosen to target me for reasons which are not entirely clear to me. But, recently, full-page ads were again taken out throughout my State with a picture of a rather scholarly looking gentleman who is identified as Archibald Cox, chairman of Common Cause. Archibald states in block letters: "Stop blocking campaign finance reform, Common Cause, 2030 M Street Northwest, Washington, DC."

Mr. Cox, in his personal letter to me by way of the media, tells me that the way our congressional campaigns are financed is a national scandal and the Washington Post has written—the Washington Post has a lot of influence in Arizona—that our congressional campaign financing system is fundamentally corrupt.

Then he goes on to review my record. He then states how important it is that these scandals be brought to an abrupt halt and all that could be achieved if I would stop making the filibuster.

Mr. Cox, as in previous advertisements that were taken out in Arizona, first of all shows a degree of unfairness. And I would ask that Archibald and his friends might show a little more fairness and give the visual and audio media some of their money. We are very, very pleased that they have spent so much money in the State of Arizona. I hope that they will take out these full-page advertisements on a daily basis, because there has been ups and downs in our copper industry, and we always appreciate a lot more money coming in from Washington, DC.

I would ask Archibald and his friends if they could perhaps spend a little money on radio because some of our radio stations could use those funds and also for television, as well.

Archibald perhaps then could get a better feel for how much it costs for us to run campaigns, since so much of our campaign money is devoted to television advertising.

But what Archibald and his friends do not mention in any of their advertisements—I am sure it was a mere oversight—they do not mention the issue of campaign financing with taxpayers' dollars.

You know, I travel all around my State as frequently as I can. I go literally every weekend to the State. And now, with this very fine schedule that we have of 3 or 4 weeks on and 1 week off, I have the opportunity to spend a great deal of time with my constituents. And, you know, I have never, ever met a single constituent who has said to me: "Senator McCain, please spend my tax dollars to finance the campaign of someone I have never met or never heard of." I have never heard a single constituent of mine say that. Maybe I am not in touch. I willfully admit I just go to Rotary Clubs. I have town hall meetings. I visit with chambers. I was down serving Christmas dinner for the homeless on Christmas Day. And, perhaps I do not associate with the same people that Archibald and Common Cause do here at 2030 M Street, NW., Washington, DC.

But I would suggest that Archibald and his friends leave Washington, DC, and perhaps go out into the countryside and explain fully what S. 2 is all about—taxpayers' money for congressional campaigns. And perhaps if Archibald and his friends could get the kind of support for taxpayers' dollars being spent on campaigns, then I certainly would be more understanding of such a thing.

I also wonder whether given the fact that we are running the largest deficit in our history—the spending hemorrhaging continues in a dramatic fashion—whether the American people want to see more of their taxpayers' dollars spent running up deficits. Some estimates are that it could mean only as little as $30 million a year. Perhaps that is an accurate estimate. I have never seen an estimate of any program passed by this body, no matter what kind, including defense, including entitlements, that did not dramatically exceed its original estimates. But let us suppose it is only $30 million. That may not be much money to Archibald, but it certainly is a great deal of money and an enormous expenditure to the working men and women in the State I represent.

Now, we fully understand the response to it. Well, it is not possible to enact campaign spending limits unless there is a provision for public financing. And, indeed, that is the result of Buckley versus Valeo. Does that mean it is incumbent upon this body to approve a program of expenditures of taxpayers' dollars in which, in the view of many of us, it is a very dangerous precedent in order to cure a perceived illness? I do not think so.

Let me also mention that there is an example for this, and it is in the story of the Presidential campaigns. The expenditure of taxpayers' dollars in Presidential campaigns has far exceeded original estimates, without a doubt.

I think it would also be reasonable to conclude that perhaps some people may be entering the Presidential campaigns for their parties' nomination who really do not have much of an opportunity of gaining that nomination, but they have enormous incentive to do so because of matching taxpayer funds. And when we look at the millions of dollars that have been expended and will be expended on behalf of the candidacies of Presidential candidates who have no chance of winning, I think it is just another reason to question this whole issue of public financing.

Let me return for a minute to Archibald and his friends, because I know he is free to take out advertisements, and we understand all the aspects of what can be printed in the paper and what cannot. I would like to refer to a previous full-page ad that was taken out by Common Cause in the newspapers in Arizona. It had a very interesting statement in it. It said: "Former Arizona Senator Barry Goldwater is a supporter of S. 2."

Let me repeat that. "Former Arizona Senator Barry Goldwater is a supporter of S. 2."

Now, I know Barry Goldwater pretty well. He is a founder of our party not only in our State but in our country. Barry Goldwater was elected to the U.S. Senate in 1952 when my State had a 5-to-1 Democrat to Republican registration. I have read "Conscience of A Conservative."

You know, it puzzled me to read that because the one thing that has characterized the long history of service of Barry Goldwater to his country has been his reluctance, in fact, his outright opposition, of using taxpayers' dollars for almost any program unless it was absolutely necessary to do so.

I called Barry Goldwater and asked him about this. Barry Goldwater, of course, was astonished. But Barry Goldwater wrote a letter to Larry Pressler, who had also contacted him. I would like to read this for the Record, at least part of it. He said:

> This letter will explain my position. I was happy to cosponsor Senator Boren's legislation but when he introduced Federal support at any level or any amount, I just could not go along with it. One of the surest ways that I know of to raise havoc with our election system, Federal or local, would be to have the Federal Government finance part or all of our campaigns.

I think that is pretty clear. I hope that in the future Archibald and his friends would not take the liberty of using Senator Barry Goldwater's name in such, I think, a really unhelpful fashion.

But I do urge Archibald and his friends to continue purchasing advertisements in Arizona. We do need the money. We are very appreciative that they would take out full-page ads. But, please recognize my admonition to give some fairness.

Now, Common Cause is a fair organization. Please be fair and give money to both the radio and television people so that they can share in your largesse.

Let us take a look at the reality of this situation. Why are all these Republicans against good government and campaign integrity and opposed to cleaning up the scandal, and so forth? They are not. They are against a proposal that would vest added power to incumbents. That hurts Republicans because we are in the minority at this time. Our distinguished acting leader, Senator Simpson of Wyoming, described it very well a few days ago. This is not an argument over finance reform. This is an argument over who will control the majority of this body for the next 40 years.

If S. 2 is passed in its present form, there is no doubt who will maintain a majority, and it will be the Democratic Party, unless we address such issues as the soft money, independent expenditures, and other aspects of this bill which give an enormous and, in my view, unconscionable advantage to the Democratic Party.

It hurts all Americans if we do not level the playing field between candidates and between parties. It is bad policy and bad government no matter who is in control. And incumbents, I might add, do not need more security. Let us look at some of the facts about the limits that are proposed in S. 2.

Incumbents have significant financial and political advantages arising from their media exposure, from their use of the office and franking privileges, et cetera. It has often been said that, if there is something that the Congress of the United States has not voted for themselves for free it is because they have not thought of it yet.

We look at the newsletters, the trips home, the offices, the mailings, the postcards announcing town meetings—all of these enormous advantages are incredible. I do not know anyone who has ever calculated and translated all of these advantages that an incumbent has into actual dollars, but I would suggest, if we should do that, that the answer would be in the millions of dollars.

Now, how can a challenger get on a level playing field with an incumbent if he is not allowed to spend more money? At the same time, how can we cap campaign spending like S. 2 does and leave all of these freebies for the incumbent. It simply does not make sense. Some people have called S. 2 the Incumbents' Protection Act of 1988.

I do not make that statement. What I would suggest though is this business of giving challengers and incumbents a level playing field involves a lot more than just spending. Part of it, I would suggest to my colleagues, is this aspect of all of the advantages an incumbent has, not only by virtue of his office but those advantages in the way of free mail and free phone calls, free news letters, et cetera, et cetera, which are bound to give a hard working incumbent an enormous advantage. So if you put an artificial cap on what a challenger can raise, make that cap the same as the incumbent's, I do not see how we are creating a level playing field.

Let us look at S. 2 limits as applied to the 1986 election cycle, our most recent election period.

If you were a challenger in the U.S. Senate in the 1986 election and you spent above the S. 2 limit, you probably won. Five of seven winning challengers in the 1986 elections for the U.S. Senate won those races.

If you are a challenger who spent less than the S. 2 limit, you probably lost; 18 out of 20 challengers whose expenditures fell below those limits lost those races.

What does that say on the effect of these limits on incumbents' survival? I think it is obvious. It ensures them.

Now, I would like to address another false message that the proponents of S. 2 are raising—that the Senate is "up for sale." That somehow those that will raise more money will win. That is not the case.

Ten of our colleagues who are here today as a result of the 1986 election were outspent and won. Dollars are indeed important. There obviously is a minimum level of expenditure, that would vary from State to State needed in order for a challenger to get his message out. But I would suggest to you that, indeed, if dollars were the answer, this body would have the Republican Party in the majority as opposed to the Democratic Party.

Time spent. Yes, it is inconvenient. It is terribly inconvenient. Not only inconvenient, but it is uncomfortable to have to ask people for money. The one thing I dislike about political campaigning, in my view, is having to request money from people.

But there are a lot of things that are inconvenient in campaigns. Eating barbeque seven times a day is indeed inconvenient. I have had that experience on several occasions.

Having to travel from one end of the fifth largest State in America to the other in 1 day is indeed inconvenient.

Walking the streets of Phoenix, AZ, in the month of August when the temperature is 115 degrees is inconvenient.

I do not know any of us who are drafted into these positions. And there are certain things we have to do, a lot of them, in order to arrive at this, in my view, the most honorable position that any man or woman in our country could hold.

The real problem with fundraising in the eyes of the American public is not getting large numbers of people financially involved in a campaign. Nobody is objecting to $100 contributions. Nor is anyone objecting to thousands of individuals giving $100. It is the very large donors and the PAC's, and the perception that special interests are buying access or influence, that has got the American people upset.

I think that we now come to the part of campaign financing that is the most onerous and most bothersome to the American people—and that is the influence of the political action committees.

I do talk to my constituents about campaign reform. I do talk to them about how spending has gotten out of hand, and the difficulties involved in purchasing sufficient media to get our message across.

The message I get back from the people that I talk to and the letters I get is they are worried about the inordinate influence of political action committees.

What is interesting about S. 2 is that S. 2 preserves political action committees. I would suggest to my distinguished friend and colleague, Senator BOREN, of whom I have the utmost admiration, that if political action committees are perceived by the American people are the corrupting aspect of political campaigns today, let us legislate them out of existence. Let us put it into S. 2 that there will be no more political action committees allowed.

Then I think you would probably resolve about 80 percent of the concerns of the American people about this whole situation. Because they do not think that a person who comes to a barbeque for me and pays $25 and contributes to my campaign is corrupting the process. They do not even think that a person who comes to a dinner that I have and pays $100 is corrupting the process. But what they do believe is corrupting is a $5,000 primary contribution from a political action committee and a follow-up $5,000 general election contribution.

I would like to say a couple of words about political action committees, just to make the record clear. I think that political action committees are a method of political involvement on the part of the people. I think it should be of interest to the Members of this body that the average contribution to a political action committee in this country is about $25. They contribute their money to a political action committee which their company or their organization represents, and then representatives of their organizations or companies donate that money to a candidate or candidates who share their views, their agenda, who they feel will help them in the goals that they seek for themselves in this country.

They range across the board, as we know, including organized labor, patriotic organizations, to companies and corporations.

The fact is that in this country the biggest problem we face today is not to many people involved in the political process. It is too few people involved in the political process. In fact, perhaps part of the reason why my own home State is in such a severe state of turmoil and unrest is because we did not have enough Arizonans involved in the primaries and the general election. When some 10 percent of the eligible voters of my State are the only ones who vote in a primary election, we have got a serious problem.

I would suggest that a case can be made, and I subscribe to it, that participation in political action committees is a way of citizen involvement. Yet there is the perception, and perhaps it is an accurate one—I am not here to debate the point—that political action committees are corrupting to the process. I say, Mr. President, if political action committees are viewed by the American people as corrupting the process, let us do away with them.

I would also like to point out I speak from a somewhat parochial viewpoint. I have some figures I will go through in a few minutes. The majority of the political action committee money today goes to Democratic candidates—labor PAC money by an overwhelming margin and business PAC money by a significant margin. The majority of the contributions to the Republican Party and their candidates come from small contributors. So, as I say, I am not entirely selfless when I recommend this.

If we are going to be fair about this issue I think the political action committee issue has to be addressed.

Take for example the big political action committees who maximize their contributions all over the Hill that are not touched by S. 2. There is nothing in S. 2 to stop any political action committee from giving any candidate $10,000 just like they do now. The only differences is that there will be a race to the trough very early in order that they can get in before the PAC contribution limitation is reached. Yet Common Cause, with its now-famous monopoly on integrity, truth, and fairness, tells all of us in full-page advertisements that this Nation is suffering from those Senators who oppose S. 2 as "defenders of special interests and defenders of the national scandal".

Moreover, Common Cause circulates lists of Senators who have voted against S. 2 with PAC contributions next to their name, insinuating that we have been "bought" by PAC's.

Let me repeat that. Common Cause circulates lists of Senators who have voted against S. 2, not for, but against S. 2, with political action committees' contributions next to their names.

I have a list here which is very interesting; the latest from the FEC reports with total figures as of February 9, 1988. It might be of interest to my colleagues to know that five—the top five—recipients of PAC money as of February 1988 are of the Democratic Party. Eight out of the top 10 of the major recipients of money from political action committees are of the Democratic Party. Eleven of the top 15 are of the Democratic Party.

The lead is held by my esteemed friend and colleague, Senator BENTSEN of Texas, who has been able to amass this early in the season $1,380,407.91. I would be curious who the 91-cent contributor was. But he is followed by Senator SASSER. Our distinguished majority leader, Senator, BYRD, has been able to acquire $663,379.63.

There have been races this cycle where the challenger has sought from the Democratic incumbent an agreement to limit the amount that both candidates would expend, and unfortunately those proposals have been rejected.

But the fact is that I respect and admire my friend, Senator BOREN, who has worked so hard on this issue. He is a honorable man, a decent man, in fact one of the finest that I have ever known. These objectionable tactics by Common Cause are not his.

I have never known Senator BOREN to accuse anyone who disagrees with him on this issue of anything but the highest motives. But I do object when public interest groups portray those of us who are opposed to S. 2 as being bought by political action committees, and yet makes no mention of those who have received enormous amounts from PAC; significantly more than those opposing S. 2, and make no mention of them.

You know, so far in this election cycle, more than 62 percent of the incumbent PAC money has gone to Democrats. The top 10 Democratic incumbents have already exceeded the S. 2 PAC fundraising limits, if S. 2 were in effect, by over $2.5 million before the calendar even turned to 1988, the year of their election.

Friends, we cannot have it both ways. Either you believe PAC's are special interests undermining the integrity of the Senate, in which case S. 2 should abolish them, or you believe PAC's are OK. I do not quite understand how we can condemn the process and yet propose legislation which keeps the corrupting part of it in existence.

I think that the American people, when they learn these aspects of S. 2, will be less enthusiastic than perhaps they might have been.

The other area that I mentioned earlier that is indeed troubling about S. 2, and is an area that neither Common Cause nor its Senate proponents advertise prominently. As I mentioned, it is the use of taxpayers' dollars to fund congressional campaigns. We do not deserve it. This is the Congress that brought the people staggering budget deficits and overspending. This is the Congress that passes bills with almost no debate that contain literally pounds of new spending. This is the Congress that every time it hits a Gramm-Rudman deficit reduction target, moves the target.

(At this point Mr. BREAUX assumed the chair.)

Mr. McCAIN. Now, do the American people want to reward us by setting up a new program where the Federal Treasury pays into our reelection campaigns? I do not think so. Candidates for office in my opinion should be required to depend on the people they want to represent for support, not special interests, and not the U.S. Treasury either.

The Watergate Committee addressed this, and I think this is an important part of the record, Mr. President. After the terrible scandals of Watergate, part of the committee's task was to review the reasons why the Watergate scandals came about, and they reviewed various campaign law reforms after that terrible chapter in our Nation's history. They said, and I quote:

> The Committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government. * * * The Committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed that "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."
>
> The Committee's opposition is based, like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.

That is the view of the Watergate Committee.

Mr. President, I am told that I should stop for a minute while the Senate pauses for a prayer, and for that I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

[The following proceedings occurred at 12 noon, Thursday, February 25, 1988:]

The hour of 12 o'clock having arrived and the Senate having been in continuous session since yesterday, pursuant to the order of the Senate of February 29, 1960, the Senate will now suspend while the Chaplain offers a prayer.

The Senate will be in order.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Come unto me, all ye that labour and are heavy laden, and I will give you rest. Take my yoke upon you, and learn of me; for I am meek and lowly in heart: and ye shall find rest unto your souls. For my yoke is easy, and my burden is light.—Matthew 11:28-30.

Gracious Lord, thank You for this gentle invitation at a time when bodies and minds are weary—emotions raw—frustration growing as strong wills clash. In this busy, pragmatic world of politics, it is easy to think of You—if we think about You at all—as irrelevant—a God of the sanctuary and not the marketplace. Help us to perceive Your reality—Your nearness—Your love—Your boundless resources at the time of need—and give us the grace to come to You and find rest and renewal. Thank You, Patient Lord.—Amen.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I know my colleague from California, my colleague from Washington, and my colleague from Minnesota are all here, perhaps wanting to speak on this issue, so I will conclude.

I will be very interested, as always, in the comments of my colleague from California, who has such an enormous fundraising challenge. Perhaps only he and his colleague, Senator CRANSTON, have the problem of some 50 media markets and multimillion dollar campaigns.

So I will conclude, Mr. President, by saying that we all know the reason for this filibuster, and the reason that S. 2 is being pushed so very hard by the other side. S. 2 would maintain the Democratic Party in the majority for the next 40 years. We know that. It is very clear and unless changes are made to S. 2 that will bring about a level playing field, you are going to see a continuation of this kind of a filibuster.

I think it is worthy of note that we spent 25 days now debating S. 2. We were given less than 24 hours to consider last year's megabillion dollar continuing resolution.

Does it make sense to devote 25 times more floor time scrutinizing what campaigns spend than what we, the Congress, spend on the operation of the entire U.S. Government? I don't think so.

We did not pass one single appropriation bill into law last session. We have not spent 1 minute of floor time on the Clean Air Act reauthorization, a bill that truly affects every American and our quality of life. And there is a long agenda of legislation that I believe this body needs to bring up.

I would also say, Mr. President, that it would do far more good for the American people on this issue—and indeed there needs to be repairs made in the system—if we could sit down together as honorable men and women and arrive at the kind of compromises that are necessary. We should make the compromises that are necessary, compromises that address the issues of soft money, compromises that address the issue of independent expenditures, the compromises that indeed address the role of political action committees in the political process, rather than just some kind of arbitrary limitation.

These compromises are going to have to be made. Indeed, after the vote at 10 o'clock on Friday, we will again prevail and cloture will not be invoked. I hope that we will get our gang of four, as we call them, four dedicated Republican Senators and four Democratic Senators, who are willing to sit down and arrive at a reasonable and honorable conclusion that we can all support. We must restore the confidence and faith of the American people in the electoral process of this Nation so that they can be sure that they are indeed electing their representatives, and the most qualified representatives, rather than that selection being made by some special-interest groups.

I would again like to thank my friend and colleague from Oklahoma, Senator BOREN, who has handled this issue with integrity, candor, honesty, and dedication.

I am sure his reward for all the thousands of hours he has put into this issue will be in Heaven rather than here on Earth, but there are many of us who are deeply appreciative of the labor that he has devoted on this very important issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona yields the floor. Who seeks recognition?

The Senator from Washington, Senator EVANS, is recognized.

Mr. EVANS. Thank you, Mr. President.

I had the opportunity to speak at some length last night, but since the time was from 1 a.m. to 3 a.m. there were only a few hardy souls in the Senate Chamber ready to listen. I thought I would come back at a much more civilized time at noon so that I could speak with many more of my colleagues.

I find to my dismay that there are precisely the same number of Senators in the Chamber now as there were at 3 o'clock this morning, different Senators, but the same number.

Mr. President, let me say that the events of the last few days have troubled me greatly. I have had many questions asked over the last several months as to why I have chosen not to run for reelection and why I am leaving the Senate.

The actions of the last several days may be a pretty good example of precisely why that is true. We have had a massive overkill in terms of actions in the Senate. I have never, either in my political career or in my private life, in either adolescence or adulthood, ever before in my life been subjected to an arrest warrant.

And, frankly, I am more than distressed and dismayed and personally offended by that fact.

I happen to have not been aware, and perhaps that was my fault at 1 o'clock in the morning not being aware that there happened to be a request for absent Members.

I find it frightening almost that on this issue at this time for this purpose for the first time in several political generations this was found to be necessary. I do not believe I need anyone, even people as distinguished as the leadership of this Senate, to tell this Senator his Senate responsibility.

It has been said on several occasions during the course of this debate during the last several days that the American people know who kept this bill from passage.

This bill is controversial and we have had a plethora of speeches on one side and the other, but it is interesting to note that every time we reform in a situation like this of campaigns, every time we reform campaigns, we seem to create another evil which we then turn around and attempt to reform a decade later, and in doing so we are in grave danger of simply creating new evils.

What will we be doing 10 years from now? What will we be doing when the Senate comes back in the year 2000 saying we need campaign reform?

Will it be to correct the very things that some would advocate in S. 2? I fear so because if we look back at the corrections we made in 1974 they were corrections designed to correct the evils perceived at that time. And so what did we create? As a correction for these evils we invented the political action committees and now we are saying that somehow they are evil.

Mr. President, I think we too often aim at the wrong targets, misunderstand what we are doing with new legislation, and end up failing to reform but merely change.

Today some would suggest that public funding—this is the new thing—public funding is the be all and end all, that somehow if we only could have public funding that we would correct the evils in the Senate campaigning.

Well, Mr. President, let us take a look at some of the results of public funding as carried out in the Presidential campaigns and particularly the primary campaigns of 1988.

We have seen strange things done, strange things indeed, in some of the early primaries and caucuses. In Iowa, people fly in and fly out of the State rather than staying for extended periods of time. There are staffs of the various candidates. People rent automobiles in nearby States rather than in the State of Iowa itself, which does not appear on the surface to be a very logical thing to do. And then when you dig a little deeper you will find out why and the why is because with public financing and the limits placed on expenditures in each of the primary States, people bumping up against those limits find that they can evade or get around or use the rules in a way that makes evasive, sometimes dishonest people out of those who would otherwise be a lot more straightforward and honest, and so they fly in for a few days and then fly out for a day or two and fly back because they can ensure by doing that that the money for the salary will not be counted against the State's allocation. They rent a car in another State but use it in the State they are focussing on and that will not be counted.

In this combination of public financing and of campaign limitation we are in real danger of just creating, especially in the minds of the young campaigners, the next generation of office holders and of leaders in this Nation, a whole new morality and that morality is to find out how you can use the rules, evade the rules, get around the rules and sometimes, when it is necessary, even break the rules because they are attempting to force you into actions.

One of the most distinguished political reporters in the United States, David Broder, said that public financing as it is now applied has had the impact of deteriorating grassroots campaigning in this country.

Is that reform by doing something that really deteriorates grassroots campaigning?

No, Mr. President.

I think that when we are focusing on reform, we ought to thoroughly understand each change we propose and determine whether it in fact really is reform or merely change.

I am tired of assumptions and the thundering of many on the floor of this Senate that somehow political money is equated with crookedness, that all of those who receive it are somehow evil or perhaps even illegal.

I do not believe that for one instant. I believe it is much more common for people to support those who are running for political office because they believe from the beginning that that person has the philosophy and stands for issues that are compatible with their own interests. They are not just shoveling out money to someone hoping that by doing so they are going to change their philosophy, reverse their interests and somehow with a fraction, a small fraction, the largest campaign donation of anyone, a very small fraction of 1 percent of a total campaign finance, and somehow you can buy any 1 of the 100 of us in the Senate. I just thoroughly reject that.

It is time, Mr. President, for facts. It is time to recognize that the real focus and the place that we ought to be emphasizing reform is to do an even better job than has been attempted in S. 2, to get at the problems of wealthy candidates, those who use an extraordinary amount of their own money to come in and literally attempt to buy an election on their own behalf.

Fortunately, that does not seem to work too well. Recent experience of that shows that those who have used an extraordinary amount of their own money, more often than not, have lost.

We attempt to get at that to a degree with this bill, but not well enough. And we cannot do a very good job at all because of constitutional prohibitions of getting at independent expenditures, those expenditures made not on behalf of the candidate but very likely in opposition to a candidate without the candidate's knowledge or the knowledge of the candidate's opponent.

I think that is the real scandal of campaign financing, independent expenditures, which, Mr. President, believe me—if we put limitations on PAC contributions, put limitations on campaign spending if in fact all of this money out there is evil, what in the world do we think those evil moneybaggers are going to do? Just pack up and go away? Well, of course, they will not.

If in fact they are evil, and they are seeking undue influence, they will merely turn their emphasis to independent expenditure; independent expenditures which can be virtually limitless, which are almost always negative in their impact and which are among the very worst of our campaign problems.

Mr. President, I think there is another thing. We could easily and readily do something about it right here in this Congress; that is, to cut back the scandalous advantage incumbents have by the use of franked mail, the excessive use of newsletters, and polls and the other communications we send out to constituents.

A certain amount of that is appropriate. But there is no one among us who does not realize that much, if not most, of that money is utilized for reelection campaign purposes. It may not be put in exactly those terms, but that is the end result, that is the end goal sought. We could do something about that. But what do we do in place of that? In S. 2 we instead institute a brand new postal subsidy which will be financed by the taxpayers and the stamp buyers of this country.

It is a ridiculous expectation that we should give this special subsidy to just enhance the very same thing that we already give free to all incumbents.

Mr. President, the true answer is not in much of what we have been aiming our sights at. The true answer is in several of these other arenas where we have not done much of a job. I would hope that at least in one small way we could add to whatever bill comes out, if one does, an element that I think would go a long way toward changing the nature of political campaigning from negative to positive. That is adding to the current requirement or incentive, I might say, that gives the lowest rate for political advertising to those who have the candidates involved in the radio or television campaign.

Now, how much are they invoved? It is common for the candidate to be only involved by reading the last little squib, "This ad paid for by the So and So Committee." That is the candidate's involvement. That is what qualifies that candidate to get the lowest possible rate. But the rest of the ad, or the rest of the representation, all too often is negative in its connotation, is focused on an opponent and says little or nothing about that candidate's ideas, philosophy, or rationale for being elected to office.

The proposal I have introduced is one that would require a candidate, in order to get the lowest rate, to be in the ad 100 percent of the time, that the ad would really be a candidate speaking out to the voters telling them what that candidate believes and thinks about. I think that in itself would do more to cut out negative campaigning than virtually anything else we could do.

It is one thing to have these clever ads thought up by the gurus of politics of today, clever ads that virtually always are aimed at tearing down an opponent, but it is quite another thing for a person to stand up, running for political office, and day after day after day in the political advertising they put out speak up personally and use that time to negatively go after their opponent time after time after time.

People in this country are too smart for that. I think there would be a rejection of candidates who sought office in that way, and nothing would do us more good in switching from negative to positive campaigning than to require candidates to speak up personally, directly, all of the time, when they are engaged in political advertising.

That is what we need, Mr. President. We need to devise a system that enhances positive campaigning, that reinvigorates people's willingness to participate in the political process; that gets us to the point where we once again start rising in the pecentage of people who choose to take part in elections rather than seeing a slow, steady erosion of citizen interest.

The true answer, Mr. President, is to once again make every citizen of this country a politican, to make them politicians in the true sense of the word, politics being the art and science of government, and to be a politician, to be a practitioner in the art and science of government.

To that degree every citizen need to be and ought to be a politician. Their involvement in political campaigns requires them to do more than vote. It requires them to take part in the political campaign, to participate actively, and give of their own time. And it requires them to devote whatever money and time they can to support their political candidate and also requires, after an election, the involvement of citizens in telling their officeholders what they think, how they believe and how they would have those officeholders act.

What is the best way to reinvigorate that interest of citizens in politics? Well, it is to enhance, not degrade grassroots politics. And I fear that what we are aiming to do would tend to not enhance but degrade grassroots politics as David Broder has pointed out. I think we can move a long way toward enhancing positive campaigning by requiring candidates to fully participate in whatever means they are using to get across to the citizens.

I do not think, Mr. President, we need S. 2 with all of its limitations and artificialities, at least as it is now written. I do not think we need to create a system that encourages, makes almost necessary the actions of campaign teams and candidates themselves to look at the rules, the expansive, extensive increasing number of regulatons we are about to lay on our campaigners, and say how can we get around those rules? How can we work the system that you are regulating us under?

That is no way to create a better campaign system and a better democracy and a better country. That is where I think our focus is wrong. And it is about time we ought to return it, to bring it back in an appropriate direction. And I hope we can do that, by people on both sides of the aisle working together for an appropriate campaign reform bill that will not require us to come back a decade from now saying My Lord, what did we create a decade ago?

I thank the Chair.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, if the Senator from Washington would stay just a moment, I would like to engage in a short colloquy because, first of all, I have an immense admiration and respect and long friendship with him as a Governor. I served as Governor many, many years ago, longer than either one of us would like to admit.

Let me just start off, Senator, by asking this simple question: Does the Senator think that the existing system of financing political campaigns for the Senate, for example, is a good one?

Mr. EVANS. I think that it is a reasonable one, not as good as it could be, but not as bad as some would suggest. There are as many different ways of financing political campaigns for this Senate as there are Senators. Some have chosen voluntarily to not accept political action committee donations and they have been very successful. Others have chosen not to accept any donations over $100. They have been very successful. At least one Senator here to my knowledge gains reelection by overwhelming majority spending virtually nothing in terms of political campaign donations.

So the system is how you would like it to be, but I do not think it is as bad as some would suggest.

Mr. BUMPERS. The Senator has heard these statistics bandied around here many times in the past few weeks or the last few days anyway as we have debated this issue. But the cost of running for the U.S. Senate for example has gone up about 100 percent over the past 8 years so that this year the average cost of a successful campaign, be it incumbent or challenger, this year is anticipated to be a mimimum of $3 million, and that means that every United States Senator if he is going to spend that much—some spend much more than that—the average cost is $10,000 a week.

Does the Senator find it offensive in the least that the Members of this body have to spend that much time raising that much money in order to retain their seats?

Mr. EVANS. As I have just said, it may or may not be necessary for every candidate to raise that much money. That is up to each candidate and each incumbent, and it depends on each State. I think in many cases we may raise more money than is necessary just because we have gotten into the game. I raised in my special election $2 million in 60 days. But that was from 10,000 people. When you divide that out, that is broadly based support from an awful lot of people who cared a lot about that campaign and while it is a lot of money. I do not feel that I was bought by any one of those donations. I do not feel that it was a distorted campaign in that respect.

But I would tell my good friend from Arkansas that there is a reason for campaigns rising in cost as fast as they are. Last night I had the opportunity between 1 and 3 a.m. to speak up on the issue. I said then that while campaigns in 12 years or 14 years had increased by 500 percent, that when you took into account the cost-of-living increase it was down to 125 percent. Three quarters of that was just simply the increase in the cost of living. But there is something else at stake.

The cost of living does not really measure the true cost increases in campaigning. I went back and looked, and found that in my own campaigns 11 years apart, from 1972, the next one in 1983, the cost of political advertising has gone up 400 percent on television, 250 percent on radio, 200 percent in the newspaper.

I think if we wanted to do something to really limit the cost of political campaigning we ought to suggest to our good friends in the media who complain so much about the cost of political campaigning that they ought to offer free advertising. We would not have to spend too much money on political campaigns.

Mr. BUMPERS. Well, Senator, it is true that no Members of this body or anybody who chooses to challenge a Member of this body in a campaign, they do not have to raise any money. It is obviously their call as to whether they are going to raise money and to some extent it is their call how much they are going to raise. But in practice, the statistics are overwhelming, absolutely overwhelming, that nobody is opting to walk the distance of a State and hope that the publicity they get by walking across the State will be a substitute for that $2 or $3 million they can spend on television. And the real fact of the matter is that virtually everybody—I spent $1.5 million in 1986 and the Senator may have heard me say that it was twice as much money as I had spent in the preceding seven campaigns I have been involved in over the past 15 years. Twice as much.

Now, $1.5 million, I will tell you where that ranked me. Out of the 33 Senators running for reelection last year, I scored 26th. I am saying that 25 Members of this body spent more on their campaigns than I did. Now I would like to have been 33d or 34th or I forget how many of us were running. I would have liked to have been on the bottom of the ladder.

My opponent, totally unknown—probably did not have over 5, 10 percent name recognition when he announced against me—raised $1 million, a good part of it from people who never heard his name, through the bundling process.

Incidentally, on that point, does the Senator agree with me that we ought to stop bundling?

Mr. EVANS. Well, it depends on what you mean by that.

Mr. BUMPERS. Let me describe what I mean.

Mr. WILSON. Will the Senator from Arkansas yield for a question?

Mr. BUMPERS. If the Senator would withhold for just a moment.

Let me say, when I talk about bundling, I am talking about in this case where people all over the United States sent the Republican Senatorial Campaign Committee thousands of contributions from $10 to $100 and the Republican Campaign Committee sends that money out to whichever candidates they want to. That is what bundling was in this case. Because all of a sudden we get a finance report with about 1,000 or maybe 2,000 names in it. The newspapers began to call those people and asked, "If you live out in Washington or Oregon someplace, why are you contributing to Mr. So and So?" And the answer every time was, "What are you talking about? I never heard of him. I just sent $10, or $25, or $100 to the Republican Campaign Committee." That is what bundling is to this Senator.

With that definition, accept it for just a moment, does the Senator agree that that is a good way to finance campaigns?

Mr. EVANS. You bet I do. I will tell the Senator why. Because I think it is a lot more honest and straightforward to develop the strength of the political parties of this Nation to allow people to contribute money to political parties, political parties which by their very nature are umbrellas designed to bring in people under some very broad principles, to support and advance those principles. And if a person contributes money to a national political party or a State political party and that party in turn chooses to support candidates of that party all over the State, in the case of a State party, but the person who donated happened to come from a particular county or city in that State but was donating to a party because he believed that party stood for something that was important—they in turn used it to help advance the cause of the party and the candidates of that party and you do the same thing at the national level—what in the world is wrong with that? What in the world is wrong with that?

Mr. BUMPERS. Senator, we have a big, big difference on that. I think there is a lot wrong with that.

But let me ask you a second question then. Let us take the case of where Mr. Gotrocks says to his neighbor, who is Gotrocks II, "I have given all I can give to old so-and-so"—we will say up in New York. "I have maxed out. Now you don't know him but you have got a candidate," we will say, "in West Virginia that you have been supporting and you have maxed out on him. I will raise $5,000, $10,000, or $100,000 among my friends and send it to your man in West Virginia if you will raise $100 grand and send it to New York."

How about that? Does the Senator think that is an ethical way to finance a campaign?

Mr. EVANS. Well, I would say to the Senator that there is no set of rules and no law we can pass that will ensure ethical action on the part of every person covered by a law. It will not work in campaign financing. It does not work in criminal law. It does not work anywhere else. Otherwise, we would have the easy end result of passing criminal legislation and making sure that everyone lived up to criminal law. We could end crime in a minute if we could do that.

I do not condone everything that happens under the current system. What I am saying is that let us make sure before we do a new job and create a new system that we do not end up just having a whole new area and a whole new arena of things that will prove to be just as bad or just as evil or just as troublesome as the things we have today.

I would say to the Senator from Arkansas, as I mentioned in my remarks, I think political action committees are a perfect example. They came about as a reform, a reform of the election laws prior to 1974. They came about as a way to bring people together and give them a way to collectively put their money to use in political campaigns. Now we are saying somehow they are evil. Are we going to end up with the bill in front of us just creating a whole new set of barriers that will teach people to evade the law in a whole new set of ways and come back 5, 10, or how many years from now saying, "What in the world did we do? What kind of new devil did we let loose on the American political scene?"

Mr. BUMPERS. So the answer to my first question to the Senator—which was, do you think the present system of financing campaigns is just jakie—I take it the answer to that is yes?

Mr. EVANS. No; I answered it once before and I said I did not think it was as bad as portrayed by some and not as good as it might be. I am not opposed to legislation. I think we can craft legislation that would be worthwhile, that would have the best chance of being legislation that would be used by people as positive and would continue to be viewed as positive over the years, legislation that would be easily lived up to and would not deteriorate our opportunity for grassroots campaigning. There are lots of things we can do. But I am not suggesting that S. 2 is any answer the way it is currently written.

Mr. BUMPERS. Let me say I agree with the Senator. I am not suggesting that S. 2 is a perfectly crafted bill. There are some questions about it I suppose that all of us would ask and there are probably some provisions in it that can be circumvented by a very wise lawyer or a gifted candidate.

But the one argument that I do not understand and I would just like for the Senator to comment on if he would, the only argument here that I cannot fathom is that somehow or other limiting the amount of money you can spend on a campaign favors the incumbent.

Now I recognize that if you are an unknown challenger you do have to spend more money to get known. But the Senator himself pointed out a moment ago that a lot of people are successful in ways other than just spending tremendous sums of money. I ran against one of the wealthiest men in America who spent about $3 million when I ran for Governor the first time. And I think all of my primary campaigns and general election combined cost me one-tenth of that and I won almost by a 2 to 1 majority. So money does not always work.

But my point is this: The present system, the reason it is so corrupting and politically erosive of people's confidence in our political system is because it is the incumbent who can raise massive sums of money as opposed to a challenger. You go back, Senator, and look and see who is being defeated and you will find that the incumbent, the big percentage of them, are being reelected and they are not just being reelected because they are fairly well known in their home States. They are being reelected because they can literally raise millions of dollars. And the reason they raise millions of dollars is because the people who are giving it find it to their advantage.

Will the Senator agree with at least that part of the argument?

Mr. EVANS. I wish I could agree with that part of the argument. Because if in fact those who have raised the most money in political campaigns for the Senate in 1986 had won their races, we would still be in control of the Senate.

But I would suggest to the Senator that if he looks carefully at the results of the 1986 senatorial election, he will find that in most of the cases where incumbents were defeated and where seats were changed in this Senate—a sufficient number to change the majority—the challenger spent less money than the incumbent.

So I wish I could agree with the Senator, but the facts do not bear him out.

Mr. BUMPERS. Then why does the Senator fear this bill?

Mr. EVANS. It is not a question of fearing the bill so much as it is a question of wondering whether it advances anyone's cause very much in the way it is now written. And I have spoken on it at more length than I really cared to last night because I was asked to. But I came at 1 o'clock in the morning with lots of material, figuring that I would, after a short period of time, have to go on to other things just to fill the space. I found, as I got more and more into it and enthused about what I was saying and working on the various aspect of campaign reform, that the 2 hours went past very rapidly and I did not miss a trick in talking about campaign reform during that entire period of time. And I would commend that short novel to my good friend from Arkansas.

Mr. BUMPERS. Senator, I will not belabor this any further. But let me just ask you this simple question. Does the Senator believe that the present system, which allows political action committees to give $5,000 and individuals to give $1,000, does the Senator believe that that has any kind of cause and effect so far as cynicism toward politicians and the political process in this country is concerned?

In short, do you think a guy out on the assembly line making $10 an hour, which is more than assembly line wages in my State, do you think that that person has any interest in collecting $10 or $25 to a candidate when once about every 2 months he picks up the paper and he sees where Senator BUMPERS has raised $1 million in the last 3 months. And it is so much that the newspaper will not even present your name in my State unless you gave at least $500. Now, to a guy working on an assembly line who would like to be a part of the political process—and we would like for him to be a part of it; we want to encourage him to vote; we want him to believe in the politicians that represent his country—how do you think he feels when he sees all the rich people in that community, most of the names familiar to him, who have contributed heavily to a candidate? Why would he want to give a $5 or $10, knowing that his name will never be mentioned to that candidate? No way, that nobody, that his name will ever be mentioned by that candidate.

Now, when you get a $5,000 contribution from a political action committee, I promise you every Member of this body knows who that political action committee is because $5,000, as W.C. Fields used to say, "ain't beanbag." We are told that this political action committee has given $5,000. We are told who gives $1,000. You are never told who gave $5 or $10, because it just is not enough for a candidate to mess with.

Do you think that has any erosive effect on the cynicism toward the political process in this country?

Mr. EVANS. Let me say to the Senator from Arkansas, my good friend and colleague, I have enjoyed this colloquy. I will answer his question. I know there are a number who wish to speak, and I would like to yield the floor after this response so Senator SPECTER might begin his turn, or whoever seeks recognition.

Of course, there is cynicism. There is cynicism because people are told constantly through the newspapers and elsewhere and by some in political office that this is an evil system and that giving money is bad and giving a lot of money is worse. Of course, they are conditioned and told constantly that this is a bad thing to do.

I would say to the Senator I cannot think of anything that would be better than not only to have the full disclosure that we have but to ensure, somehow and in some way that that full disclosure of all campaign donations could be put in the hands of every citizen.

You know, there is one thing we do not have. We talk about full disclosure. We do not have full disclosure. We have censorship. The censorship perhaps of necessity, but it is the censorship of the press who looks through the lists that are sent to the Federal Election Commission and they pick out the juiciest and the most interesting and perhaps the biggest. But in doing so they miss the real story.

The real story, at least in this Senator's experience, is that every single election campaign has had thousands upon thousands of campaign donors.

I am proud of that and I think that is the case with most people who run for the Senate. People get a mistaken understanding because, you are right, they never see that $5 and $10 donation. They never see how many there are, like that person who are contributing $5, and $10, and $15, and $20. It would put things in a lot better perspective if, instead of only seeing those people up at the top with fairly large campaign donations, they say the whole pyramid. They would understand a lot better that campaigns are made up, by and large, of that broad base of public support. I think that would help encourage them to give their small donations, knowing that to the degree they gave small donations, it makes unnecessary excessive dependence on large donations.

I think we ought to appeal to the best instincts of Americans and not simply continue to tell them, because we only give them partial information, that the system is evil and it is bad and it is corrupt and it is controlled by big money when I do not think for one instant that that is true for the broad base of Senators here and the campaigns they have most recently run. It certainly would not have to be true if we can somehow regenerate, be more positive in our approach to people and their responsibilities and the chances they would have to contribute their small amounts.

If every citizen in this country in their approach to Senate races contributed $5 or $10, we would have an overwhelming increase in the amount of political campaign money available and not one dime of it would have to come from large donations.

Mr. President, I thank the Chair and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Just to be totally candid, I am not going to belabor the time of the Senator from Washington, but I want to say in the interest of candor, before I yield the floor, that I think there are times when an administrative assistant walks into a Senator's office and says: Mr. So-and-so just dropped by out in the outer office. I have checked and he and his wife each gave you $1,000 last time you ran.

I have heard—I cannot verify this—but I have heard that that sort of thing happens around here from time to time.

I have also heard that administrative assistants sometimes will take a stack of phone calls in to the Senator and say, "Here are a list of phone calls." "Did you ever hear of this guy?" "No, I did not." "OK, I will hand that to so-and-so to handle that."

"Here is a call from Mr. So-and-So. He is head of a political action committee."

"Give me that one."

"He wants you to call him back within the next 10 minutes."

"Here is Mr. So-and-So. He and his wife gave you $2,000." "Let me have that one." "And here is Mr. So-and-So, who gave your opponent $2,000."

You say, "I ain't returning that one."

I am just telling you that I have heard—I cannot validate this—but I have heard that things like that happen in Senators' offices in this capital city and in these buildings around here. I know that is hard for people to believe but that happens. And for anybody to say that we are improving people's images of the political process and to convince them that money is not buying access if not votes, is naive in the extreme.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. Mr. President, I have sought recognition to address the subject of the issuance of warrants of arrest on the matter which arose in the Senate after midnight on February 23 and to seek a procedure to establish rules to govern such conduct in the future. What I essentially seek are standards to bring some rationality to the practice where it may be necessary, under extraordinary circumstances, to issue warrants of arrest for U.S. Senators.

The Constitution speaks about compelling the attendance of Senators. There is nothing in the Constitution or in the rules which talks about warrants. And there may be extraordinary circumstances where warrants of arrest would have to be issued. But I submit that we ought to establish some standards and some rules. And I propose that four rules be established and will outline a procedure where the Senate may, today, take action to correct the practices of yesterday morning.

Those standards, I submit, should be as follows. First, no middle of the night warrants. There are rules, Mr. President, which limit nighttime activities of enforcement procedures in a wide variety of ways, including no-knock statutes. It is different to seek a warrant of arrest during business hours. There are differences in requiring a Senator to be present during business hours and perhaps as late as 10 o'clock, perhaps as late as 11 o'clock. But there should not be middle of the night warrants.

Second, that there should be compliance with rules that warrants be signed by the Vice President or the President pro tempore or the designee of the President pro tempore, as specified by the Rules of the Senate, so that there can be an independent review of the application for a warrant very much as there is an intervening magistrate who takes a look at and authorizes any warrant of arrest or any search and seizure warrant or any warrant calling for compliance; to put that level of scrutiny and objectivity into the process.

Third, that there be a written statement establishing the reasons for the arrest so that there will be a requirement that someone sit down in a thoughtful manner and write out why someone is being subjected to arrest.

The current warrant form has a blank which approximates that requirement, where it states: "Bring to the bar of the Senate blank" given Senator, BOB PACKWOOD on one, L. WEICKER on another, "who is absent without leave," colon—"to wit" and then a blank appears. It wasn't filled in in the Weicker or Packwood warrants.

So that there would be the thoughtfulness as to why a Senator is being brought in under a warrant of arrest.

And, fourth, that there be equal treatment of Democrats, Republicans, or whatever party the absent Senators may belong to so that when warrants are sought, we do not have a situation, as recorded in this morning's Philadelphia Inquirer, that, "Senator BOB PACKWOOD, a filibuster leader ranked high on the Democrats' most wanted list was sought out to have a warrant of arrest served."

I raise this point at this time, after having sought information from the Chair yesterday late in the afternoon, about the requirements of the Senate that there be a return of service on warrants as specified in the rule book and that there be information from the Parliamentarian as to the requirement that warrants be maintained in the Senate records.

I said yesterday that I had inquired of the Sergeant at Arms who is present in the Senate Chamber at the moment and can make whatever addition to what I have to say, correct me if he feels it necessary, that he had destroyed all of the warrants which were issued and I had made the inquiry yesterday afternoon and have consulted informally—or formally—with the Parliamentarian, Mr. Frumin, who is present on the floor of the Senate who can make any addition or correction if that should be warranted. He said he thought that such records should be maintained and we had a discussion about rule XI which called for the maintenance of such records.

Mr. President, I have consulted, I have referred to the rules, and find that if, as, and when I seek to make a motion to reconsider the vote on which the warrants were issued, that that would be in order since I was not a Senator who voted on that motion. I am further advised that, if the Senate votes to reconsider the motion on which the warrants of arrest were issued, that it would be appropriate under Senate procedure to seek a point of order that warrants could be issued hereafter only under specified conditions. The conditions which I have just enumerated are the ones which I propose, and—it would be appropriate that that point of order then be submitted for action by the Senate. If the Senate voted to affirm that point of order, then those conditions would hereafter govern the conduct of the U.S. Senate and those who execute its orders, the Vice President, the Sergeant at Arms, and so forth, in the issuance of such warrants of arrest.

The analogy was brought to my attention about action taken by the majority leader in seeking a point of order which has clarified the provisions relating to the two-speech rule.

That is the essence of what I seek to do, and I would now like to state the reasons that I propose to accomplish that, if this body chooses to do so.

Mr. President, my view is that it is imperative that the Senate clarify the procedure, the practice, and the standards for warrants of arrest. I say this because the Senate has long been known as the greatest deliberative body in the world, and I am concerned that the practices of this week may be making the U.S. Senate the laughingstock of the world.

We have undertaken a process here which, I believe—and I say this respectfully—requires scrutiny of the Senate. We have had a record number of votes on motions to invoke cloture. It is plain that there are 45 Senators who were in concrete in the past and now I would say are even more firmly fixed in their views as a result of what has happened.

We had the most extraordinary situation where the Republican Senators absented themselves from the Chamber on a thoughtful conclusion that that was the appropriate conduct because of what was happening in the United States Senate the day before yesterday, and that the Republican Senators would not stand by and be a party to providing a quorum for action in the United States Senate which the Republican Senators considered to be demeaning to the Senate and to the Republican Senators themselves. That action was taken with care and with thoughtfulness and not unaware of what might occur. We did not contemplate that there would be execution of warrants of arrest. We did not necessarily contemplate that there would be a motion for warrants of arrest. But had there been a motion for warrants of arrest, it was, indeed, surprising that a warrant was executed in the manner which then did occur. As a result of that, the front page of the Washington Post today has photographs of the arrestee and the arrestor and a caption of "Midnight Manhunt in the Senate." That appears on the front page of the Washington Post. In the Philadelphia Inquirer, there is a headline saying "Byrd," referring to the majority leader, "Byrd Sends Posse to Nab Errant Senators."

The recitation of what occurred is hardly flattering the reputation of the U.S. Senate, reciting that "Capitol Police forced their way into the office of Senator BOB PACKWOOD, arresting him and carried him feet first into the Senate Chamber in a flamboyant climax to a bitter all-night filibuster fight." That is in the Post.

The Inquirer says, "Posse of lawmen armed with warrants stalked unsuspecting Senators in the predawn hours at the U.S. Capitol yesterday. One senior Republican locked himself behind barricaded doors only to be captured and carried feet first into the Senate Chamber."

Mr. President, the action in the issuance of the warrants of arrest did not comport with the most basic standards of decency and the most basic standards of rights which are afforded the most heinous criminals in our society. Constitutional rights are elaborately set forth under our laws, and there are protections which this Senator submits ought to be equally available to U.S. Senators as they are to those suspected of murder where the evidence is overwhelming. Yesterday at some length I spoke about such cases and about the requirements of individual rights, and I shall not repeat them here today.

Mr. President, the issuance of the warrants of arrest I submit were defective in very material ways, and at the conclusion of my statement I will ask unanimous consent that the detailed statement of those reasons be printed in the Record, some of which was articulated yesterday and the essence of which was that the motion calling for the arrest was deficient in that the motion did not specify that the warrants of arrest should be issued.

When the motion was made on February 23 at page S 1152, "Mr. BYRD. Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber," note the absence of any request that "warrants of arrest be required," contrary to the motion made by Mr. Barkley in 1942, the last time that a warrant of arrest was executed, where it appears at page 8839 of the CONGRESSIONAL RECORD. This is Mr. Barkley speaking.

> I therefore move that the Vice President be authorized and directed to issue warrants of arrest for absent Senators and that the Sergeant at Arms be instructed to execute such warrants of arrest upon absent Senators.

I am informed that while there may be some disagreement with the requirement that there be a specification for warrants of arrest, there was no known motion having been made without that specification. I would submit that the requirement that a warrant of arrest be specified is sufficiently important that you cannot have the authority of the Senate to call for that action unless it is explicit.

This is not a casual or unimportant detail. The Sergeant at Arms does not have the authority to bring Senators into custody in the absence of a warrant. Where the majority leader seeks to have a warrant of arrest authorized by the Senate, I submit as a matter of rule, practice, and of law that there has to be that kind of a specification.

Second, Mr. President, the warrant was signed by someone not authorized to do so, signed by Senator ADAMS. The rules are explicit that that is not sufficient. In precedent on the matter, on the one warrant which was executed, the warrant was signed by the Vice President in 1942. The rules call for documents like bills or resolutions to be signed by the President pro tempore or by the Senator whom he or she designates or by a designee of that designee.

On the day in question, a letter was filed by the President pro tempore, Senator STENNIS, designating Senator PROXMIRE, and that was the end of it.

I would submit, again, as a matter of plain interpretation of rules that, where Senators may assume the role of the Presiding Officer, if there is a specific rule that governs the practice, he or she may fill in interstitially as to what a rule may be but not where there is a specific rule to the contrary.

And third, there was an insufficient statement in the body of the warrant. Whereas I had referred to earlier, there is a spot for setting forth the reasons for taking into custody an individual, the reasons for Senator PACKWOOD's being taken, or the reasons for his absence were not so filled in.

Mr. President, the technical defects, while important, are not the most important aspect of this matter. The real issue turns on what is fair and just and reasonable, more importantly as to what is going to happen in the future, but also a matter of importance as to what happened in the early morning hours of yesterday morning. Our Senate is a body which operates really as a matter of comity and as a matter of courtesy. The two most frequently used words in this body, as I said at some length before and shall not go into great length now, are "unanimous consent" and that without unanimous consent this body cannot function. This body concludes when the last Senator stops speaking, and if any Senator seeks to stop the operation of the Senate by making objections to unanimous consent it would be a very, very different organization.

When you have the considerations which are present in Senate bill 2, there is a very, very material difference of opinion as to what ought to be done.

I respect what the sponsoring Senators have sought to do in reforming the campaign laws, and I have spoken at length and repetitively on the floor of the Senate stating my agreement that there ought to be reform of the campaign laws, stating my willingness to vote to eliminate political action committees completely, stating my concerns about so-called soft money, and it is very important that there be campaign finance reform in this country. But when there are 45 U.S. Senators who feel so strongly about this issue to undertake all-night sessions and to vote seven times in opposition to cloture, that is a matter which has to be respected in terms of the rules of the Senate.

(Mr. BREAUX assumed the chair)

Mr. ARMSTRONG. Mr. President, I am wondering if the Senator from Pennsylvania will yield for a question or two.

Mr. SPECTER. I do.

Mr. ARMSTRONG. Mr. President, the issues which the Senator from Pennsylvania brings to our attention, it seems to me, are among the most important which have ever been considered here and I would like to ask a few questions simply to clarify the issues which he has so thoughtfully and ably raised. First of all, in his statement, the Senator has pointed out that this legislation, S. 2, was considered at great length last year. It was the subject of, I believe, no less than seven cloture votes, an unprecedented number.

Is it the Senator's belief that having gone through a number of cloture votes and a prolonged period of debate, it has been established beyond reasonable doubt that the bill was simply not acceptable to the Senate, that it was not going to be clotured and was not likely to pass in anything like that form?

Mr. SPECTER. I would respond to my distinguished colleague that votes on those seven cloture motions constituted very strong evidence that that would be repeated on the next cloture vote, but there was in addition additional evidence. There has been an effort made to work out a compromise, with the leadership on both sides appointing four Senators on both sides, and those Senators had met. I discussed on the floor of the Senate on Tuesday afternoon with Senator BOREN, the principal sponsor of S. 2, what the progress was and was told there was no progress. And then I discussed the matter with Senators on this side of the aisle and was told the same thing.

So that in the course of the extended discussion last week and what happened on the Senate floor on Monday of this week and then again on Tuesday of this week, it was made plain to this Senator that S. 2 was not going to be acted on; that under our rules and for good and sufficient reason historically—and there is a strong sense of 41 Senators, and that number was increased to 41 as my colleague from Colorado knows; it used to be that you required 67 out of 100 Senators. We did not have 100 Senators then, but it was the two-thirds rule and that number has been dropped to 60, but good reason established historically in this Chamber if that many Senators feel that strongly about an issue, it simply does not come up.

I might say by way of amplification there are other remedies; there is political pressure, and those who have supported the bill have not been hesitant about full page advertisements which have been printed in many States directed at specific Senators, including this Senator from Pennsylvania, a subject that I have talked about on another occasion. It was the conclusion of the Republican Senators who assembled in the cloakroom on late Tuesday night that nothing was going to happen and that the so-called drawing of the line did not constitute legitimate business of the Senate. This Senator and the other Senators realized that it is not up to any single Senator or group of Senators to make that judgment absent some really extraordinary circumstances. And there was a discussion which I had with Senator Kerry yesterday on a number of issues, and I conceded that his point there was a very good one but that we felt we had passed the point; that it was beyond the range of discretion; that it was really a matter which was demeaning to the Senators who were being called upon to stay all night and to respond to a series of rollcall votes; that it was conclusive there was no reasonable purpose, no legitimate purpose, and that is why the Republican Senators took the extraordinary step of absenting themselves from the Chamber, perhaps unprecedented in this body.

So that it was strongly felt that that action was necessary because there was no purpose being served. And when we had a session last night and Senators stayed here all through the night debating this issue, under what had been worked out as a gentleman's agreement with a time parameter having been established, again it was an exercise in abject futility, to keep Senators here all night debating an issue for absolutely no purpose except perhaps for someone to say, "Well, we had a hard-line filibuster."

Mr. ARMSTRONG. Mr. President, if the Senator will yield further, he is addressing precisely the object of my concern. The Senator has said that no purpose was being served. The Senator has pointed out that it seemed to be clear beyond any reasonable doubt this bill is not going anyplace.

The Senator has pointed out that we have had an unprecedented number of cloture votes on it. I am wondering if the Senator is aware of the widely-held belief that, if we consider further this legislation, to have it remain before the Senate day after day, let alone through prolonged night sessions, actually is a form of harrassment. Is the Senator aware that that is a widely-held opinion among Senators and others who have observed this process?

Mr. SPECTER. I am aware that that is a widely-held view, not only by Senators on this side, on the Republican side of the aisle; that it is a widely-held view beyond the Senate Chamber and a source of wonderment as to why the Senate is not moving on to other business and a source of wonderment as to why Senators are being called back in the middle of the night. Yesterday, Senator Stennis was on the floor of the U.S. Senate, and the only purpose I could see was for an expression to adjourn.

Senator SIMON was on the floor of the Senate, and I do not know the details as to where he was called from, but his activities have been in places other than the U.S. Senate.

So that I would answer my distinguished colleague in the affirmative.

Mr. ARMSTRONG. Mr. President, in that situation, the question then that naturally arises is, what recourse Senators would have after many months of debating this issue, after seeking, both publicly and privately, to reach an accommodation on a very serious piece of legislation, after being treated to the appointment of negotiators for both the majority and the minority—then the question that arises is, what opportunity, what way of expressing themselves, was available to Senators? Particularly, I wonder if the Senator from Pennsylvania is aware of the fact that earlier this week, a notice was publicly given in this Chamber that it was the end of the gentlemanly filibuster. Does the Senator recall that, in effect, the Republican Members of this body were told that there were no Marquis of Queensbury rules; that, in fact, we were put on notice that we were not going to filibuster from 9 to 5 but that this was going to be an endurance test; and, in effect, does the Senator recall that what we were told was that the issue was no longer the passage of the bill but a contest of wills?

Under those circumstances, does the Senator readily suggest other courses of action that might have been available to Senators in the minority, other than to absent themselves from the Chamber?

Mr. SPECTER. I do not know, I respond. That was a matter which was considered at some length by Republican Senators, and this Senator is well aware, as were all our colleagues involved in the discussions, that the line was drawn; it was not to be a gentlemenly filibuster anymore.

That is why I believe it is necessary that there be set forth reasons for arresting Senators.

If there is some legitimate Senate business to be performed and if Senators are absenting themselves from the Senate Chamber and not conducting themselves in a reasonable manner, then maybe, under those extraordinary circumstances, there would be an occasion to arrest. But It was precisely these circumstances—that there was no earthly reason to be served—that we Republicans took that extraordinary step of absenting ourselves.

I might add this, because it is relevant to the question which my colleague has raised: In 1942, the only other occasion where a warrant of arrest was executed in modern times, there was a enormous furor over the service of a body warrant, and that was done in the daytime. It was done on Saturday afternoon, and it led Senator McKellar, an arrestee, to respond, to comment:

> Last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. . . . The action taken, therefore, was unusual, quite remarkable, and unexpected. I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own members here and maintain a quorum.

The Record goes on and on and on, indicating the unprecedented nature of a kind of situation which the Republican Senators faced late Tuesday night.

Mr. ARMSTRONG. Is it the Senator's position, then, that the absenting of Senators from the Chamber was an unusual response to a highly unusual situation—that is, the insistence on pursuing a bill which obviously was not in prospect to passage? I do not want to put words in the Senator's mouth.

Mr. SPECTER. You are doing a great job.

Mr. ARMSTRONG. Would it be the view of the action taken by the Senators, far from being a dereliction of duty, as some would characterize it, but in fact be a form of expression and an entirely proper form of expression under the circumstances? I take it that would be his view.

Mr. SPECTER. I say to my distinguished colleague, absolutely.

We were seeking alternatives. We were seeking other ways to make our point. There had been communication directly to the other side that we were fixed in our positions; that we would be glad to talk about compromise; that we would be glad to try to reach an accommodation on campaign reform legislation; that many of us on the Republican side were willing to give up PAC contributions completely; that we were prepared to find ways to limit the amount of money an individual could use of his or her wealth, which is the source of the unlimited amounts of money which are spent; that we were prepared to find a way to have an accommodation here on views strongly held by some 45 Senators.

Absent any other approach, but simply being told that we were to spend the night; that we were to respond to motions to compel; that we were to undertake activities in the middle of the night, totally unrelated to anything reasonable; and finding no alternative, we resorted to that approach.

Mr. ARMSTRONG. Mr. President, the Senator from Pennsylvania has been generous to yield to me.

I would like to just ask a final question or two, just to be sure that I have a understanding of his viewpoint.

Would I correctly summarize the Senator's point of view in the following terms:

First, that to insist upon prolonged consideration of this measure, that it had the subject of lengthy—indeed, very prolonged—debate last year and an unprecedented number of unsuccessful attempts to cloture, was it, in itself, an abuse of the process?

Second, that under that unusual circumstances, Senators were justified in absenting themselves from the Chamber, and that by doing so they were not be derelict in their duty but, in fact, responding in an appropriate manner to an highly unusual if not entirely unprecedented situation.

Third, that it is the view of the Senator from Pennsylvania that, bad judgment having been exercised in attempting to arrest Senators, this bad judgment was compounded by a process which is in his view legally defective; that it simply did not, even for one who thought the arrest was justified and well advised and in good judgment—that the process, the issuance of the warrant, and so on, simply did not fulfill the Constitution and the rules of the body.

Finally, I gather that is the view of the Senator that some reforms along the lines he has already discussed are necessary.

Is that a sort of brief summation of the Senator's views?

Mr. SPECTER. It is. It is a brief summation, and it is well put.

On the specifics which you have raised, I believe that the process had gone beyond the point of no return. There was no other recourse available to 46 U.S. Senators, constituting a very sizable majority of this body. We acted as we thought we must, that the processes which were being followed were not appropriate and were processes on which reasonable men could not differ, and that we had expressed ourselves in the only way which we saw possible.

Mr. ARMSTRONG. Mr. President, I am grateful to my colleague from Pennsylvania for yielding for my questions, and I look forward to his further discussion of these issues.

Mr. SPECTER. Mr. President, I have sought the floor for the stated purpose that I have outlined, because I believe this matter is one of great importance for the future of the U.S. Senate.

We have very, very important responsibilities to fulfill. Perhaps at no time in the recent past have the eyes of the world been on the U.S Senate as they are on the pending ratification process of the INF Treaty.

We have very important work to do for this country, and I do not believe that it is possible for us to proceed unless we come to grips with what has happened in the course of the last several days.

The Washington Post this morning carries the report of a news conference by the majority leader as saying that—and this appears in the paper without a direct quote but attribution to the majority leader. It appears in the paper as follows: "He said he regretted his action but added 'I would take it again if I had to. * * *'."

In light of the statement that the action could be repeated, it seems to me that this body has to have before it a mechanism of seeking to avoid this kind of action in the future.

Mr. BYRD. Mr. President, will the Senator yield without his losing his right to the floor?

Mr. SPECTER. I will yield for a question, or I will yield so long as I may retain the floor when the majority leader concludes.

Mr. BYRD. Mr. President, there is no intention on my part to seek the floor at this moment.

Mr. SPECTER. Under those circumstances, will the Chair rule that I retain the floor?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. You have my word for it, whether or not the request is granted.

Mr. SPECTER. Your word is good by me, Senator BYRD, but I have observed you for many years seek a ruling from the Chair, and I think that is a sound practice.

Mr. BYRD. It is a sound practice.

Now, the Senator quoted me from the newspaper story. Would he repeat that quote again?

Mr. SPECTER. I will be pleased to.

The Washington Post says—perhaps it is best to read the full text.

"Byrd"—referring to majority leader ROBERT C. BYRD, of West Virginia—"held a news conference yesterday to contend that he was driven to the arrests by the Republican boycott and other stalling tactics to block a vote on the campaign-financing bill. 'Senators are supposed to be grown-up people, not kids,' he said, adding that they are 'paid to vote * * * not to run and hide.' He said he regretted his action but added, 'I would take it again if I had to. * * *'"

Mr. BYRD. I thank the Senator for reading into the RECORD the full quote.

I do not regret the action I took. I regretted the circumstances, the calculated circumstances, that drove me to take that action as my responsibility as majority leader of the Senate.

I thank the Senator. I regret that it had to happen.

Mr. SPECTER. Well, I am very interested to hear the majority leader's amplification of what appears in the Washington Post this morning, and I think that lends emphasis, considerable emphasis, for the importance of the U.S. Senate reviewing the standards by which the majority leader thinks it is appropriate to act.

I disagree—respectfully, always—with the majority leader about the propriety of that comment. We have a situation where there is gridlock in the Senate. There is no possibility of any constructive action being forthcoming from a continuation of the process.

You have perhaps an unprecedented situation where a large majority, 46 Republicans, not all present, decide to absent themselves. You then have a process where a warrant of arrest is issued. You have many questionable circumstances as to whether there was compliance with the rules, and you have the issue about a leader on the Republican side against S. 2 being singled out.

He is in his room. He had the door locked. He concludes that he is there as a matter of right. The Sergeant at Arms comes and uses a passkey to enter. As I said yesterday, Senator PACKWOOD said to me that a call was made. There was an issue as to whether the Secretary of the Senate was consulted or whether the majority leader was consulted. We do not know. But the Sergeant at Arms then pursued the matter.

As the news reports, and as other reports have them, physical force was used by the Sergeant at Arms, and his men entered the Chamber. Senator PACKWOOD came along until he came—well, without the details, he was carried into the Senate Chamber.

I will say this about Senator PACKWOOD: He has responded in good cheer on the matter. I would say that it was wise of Senator PACKWOOD to lighten up the matter.

It was not an easy thing for the constituents of this State of Oregon or the people of the Nation, to see Senator PACKWOOD arrested. So it is advisable to try to lighten it up.

We do know that after S. 2 is concluded, however, it comes out, that we will be in this Chamber, 100 of us, to carry on the business of the Senate, and we want to maintain civility and proper decorum and a working relationship all the way around.

Senator BYRD and I are on different sides of this issue, but tomorrow or next week we will be called upon to work together for the interest of Pennsylvania and West Virginia, where the southwestern part of my State meets the northwestern part of his State. A congenial working relationship is very important, and I commend Senator PACKWOOD for the action which he has taken.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. Without the right to lose the floor, of course.

Mr. BYRD. Yes.

The Senator mentioned my name. The distinguished Senator from Pennsylvania can be assured of that congenial relationship between him and me after this battle is over, and also during the battle, as he can be sure that he is standing on this Senate floor today.

I have been around here for a long time. I have engaged in many difficult and complex debates, quite a few filibusters, and I have yet to carry any enmity in my heart toward any participant in any debate, whether on that side of the aisle or on this side of the aisle.

This bill, as I have said before, is not the alpha and the omega of our work here. I have great respect for the Senator. I have a great respect for his knowledge of the law based upon his experience, which highly qualifies him. That respect is not in any way, up to now, at least in the slightest, affected.

I reassure the Senator that our interest in working together for our respective States, and for the Nation, will not be weakened, as far as I am concerned. "Sufficient unto the day is the evil thereof."

I appreciate his yielding, and I appreciate the congeniality that does exist between us, and I appreciate the mutual repect that we have for the interests of our two States, which do adjoin.

Our interests, as elected representatives to the Senate from those two States, are often common interests, and I assure the Senator that nothing that has happened up to this point, offends my affection for him.

Mr. SPECTER. I thank the majority leader for those comments. They are reciprocated by this Senator to the majority leader, and I think it is important that those who watch the disagreements which we may have on issues of principle, on issues of procedure, not misunderstand the congeniality which is so important in this body.

I must say that aside from the good relationship which will be maintained between Senator BYRD and myself, for many reasons, including the important interests of our adjoining States, that I do have some concern for what is happening in the Senate. I am concerned that there may be some scars, if not on Senator PACKWOOD's finger, then on the Senate body policy. It is out of the concern for those scars that I am making the proposal, which I am today, that we try to improve our procedure.

When I refer to Senator PACKWOOD's good humor, which he displayed yesterday as he recounted the incident, I do so because his good humor is part of his personality, and that is a wonderful personality and is part of the approach of the Senator in the U.S. Senate. But it does not, in any way, diminish the seriousness, the importance, or the impropriety of what was done to Senator PACKWOOD personally when he was brought into this Chamber feet first, when physical force was used to bring him in, when his injuries were not major on his broken finger, but he had another x-ray.

What the majority leader says, as I believe he did, that Senator SPECTER was not affected by what happened, referring presumably to the issuance of the warrants of arrest, I would disagree, again, respectfully. I was affected.

Mr. BYRD. Mr. President, would the Senator repeat that?

Mr. SPECTER. I thought I understood you to say, Senator Byrd, that Senator Specter was not affected by what happened, apparently referring to Senator Packwood. Did I misunderstand?

Mr. BYRD. Mr. President, I will be glad to have the transcript read back, but I think the Senator will take my word for it. I have not said that.

Mr. SPECTER. I accept that.

Mr. BYRD. I did not say it, nor did I say anything anywhere like it. No such inference could possibly be drawn from anything that I said.

Mr. SPECTER. I accept that, Senator Byrd.

Mr. BYRD. I thank the Senator.

Mr. SPECTER. That is what I though I heard, but, needless to say, it was to the contrary.

Mr. President, the future conduct of the U.S. Senate for future actions here are very important to the operation of our Government for the welfare of our people, and we really have to know how we are going to proceed.

I have made the comments just articulated in response to Senator Byrd's statement that he regrets the circumstances which led to the issuance of the warrants, but he does not regret the issuance of the warrants themselves.

As I was saying, that puts the majority leader and this Senator in direct conflict in terms of what the rules of the Senate ought to be.

At the present time, we do not have rules of the Senate which establish the procedure for issuance of warrants of arrest. We have very little on the subject. There is the statement in the Constitution about compelling Members of Congress to appear under rules which they may establish. There are some statements in the rules about a motion to instruct and then a motion to compel, an intermediate step which was not taken, and the warrent procedure as established by practice, the last one having been issued and executed in 1942.

It seems to this Senator, and I have discussed this with a number of my colleagues who agree, and I believe that there is considerable sentiment on the other side of the aisle, that there ought to be standards for the issuance of warrants of arrest.

As I said at the outset, and perhaps some of my colleagues who may be listening did not hear, there was a procedure which I have studied and have been advised upon that if I choose to make a motion to reconsider the vote seeking the warrants of arrest, and if that motion to reconsider is passed, then I may make a point of order.

While the issue then is pending on the propriety of the issuance of the warrants, that for future conduct of the Senate, the warrants not be issued unless certain standards are met. That would be expected and customary practice for the issue then to be put to the Senators as to whether these standards ought to be followed.

The standards which I have articulated, which I would put at the appropriate time, are, first, there be no middle-of-the-night warrants. The reason for the change on the middle-of-the-night warrants is that there are few circumstances so extraordinary, and different rules apply even on search and seizure and no-knock provisions. Warrants issued in the middle of the night ought not to be the practice here, absent some really extraordinary circumstances.

Really, that sets the general rule for no middle-of-the-night warrants. Second, that there be compliance with the rules, that the warrants be signed by the Vice President or President pro tempore, or appropriate designees, in order to have that level of impartial review. Third, that there be a written statement justifying the reasons for the arrest. And, fourth, that there be equal treatment of Democrats or Republican Senators, or whatever party a Senator may belong to.

Because of the concern that Senator Packwood was singled out and because of the concern that the warrants of arrest were destroyed by the Sergeant at Arms, in apparent violation of rule XI, and I do not attribute any deliberate wrongdoing to the Sergeant at Arms, but the rules call for the retention of those official Senate documents.

MOTION TO RECONSIDER VOTE BY WHICH SENATE ORDERED ARREST OF ABSENT SENATORS

Mr. President, accordingly, at this time, I move to reconsider the vote by which the Senate ordered the arrest of absent Senators, and I am eligible in that I did not vote on the motion. I ask for the yeas and nays.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second, and the yeas and nays are ordered.

Mr. BYRD. I ask the Senator to put this motion in writing.

Mr. SPECTER. I will be glad to do so.

The PRESIDING OFFICER. The Senator has a right to request the motion be made in writing and submit it to the Chair.

Mr. SPECTER. One moment, Mr. President, while I, again, check the precise language.

Mr. President, before sending the motion in writing to the desk, I ask unanimous consent that a statement elaborating on certain aspects of the rules, along with attachments of the Packwood warrant and the Weicker warrant and the return of service, be printed in the Record at this point.

There being no objection, the material as ordered to be printed in the Record, as follows:

Statement by Senator Specter on Motion to Reconsider Rollcall Vote No. 23

Mr. President, I move to reconsider Rollcall Vote No. 23, Congressional Record, February 23, 1988, at S1153, on the motion that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Senate Chamber.

By now, everyone has heard and reheard the sordid details of the events that took place in the early morning hours of February 24, culminating in the entry without consent into a Senator's personal office, the forcible arrest of that Senator, and the physical injury that resulted to that Senator as he was being physically compelled to return to the Senate Chamber. I was astounded, quite frankly, that members of this body would attempt to justify such conduct at all. I was even more surprised, however, that Senators would suggest that the events in question were pursuant to a valid exercise of Senate authority. The facts do not appear to be in dispute. Purporting to act pursuant to Senate rules of procedure pertaining to orders of arrest to compel attendance of absent Senators, arrest warrants were signed by the junior Senator Brock, who at that time occupied the presiding officer's chair. The Sergeant at Arms, who could not have been expected to know that such warrants were unlawful and invalid, then proceeded to act pursuant to the warrant and the above-mentioned outrageous conduct ensured.

I believe that the warrants were invalid on several grounds. First, the Sergeant at Arms does not have the authority—under any interpretation of Senate rules—to arrest absent Senators and bring them to the Chamber in the absence of a warrant of arrest. The Senate, however, never voted in favor of warrants being issued. When the majority leader made his motion for the rollcall vote, he made no mention whatsoever of warrants. His entire statement was: "Madam President, I move that the Sergeant at Arms be instructed to arrest the absent Senators and bring them to the Chamber, and I ask for the yeas and nays on the motion."

This motion simply is not sufficient under the Senate rules to justify issuance of arrest warrants, which it nowhere refers to, and arrests could not lawfully be made without such warrants. The entire procedure was fatally flawed from the outset.

The manner in which warrants nevertheless were issued raises a number of other important questions. Many Senators obviously were absent when the Majority Leader made the motion to instruct the Sergeant at Arms to arrest the absent Senators. While at least 6 Democratic Senators were absent at the time, February 24 Associated Press report indicated only that warrants of arrest were issued for 46 Republican Senators. In response to my inquiry, the Sergeant at Arms has indicated that warrants of arrest also were issued for certain Democratic Senators, but I have not yet been apprised as to which ones. We are not likely ever to know for sure, because the Sergeant at Arms also has advised me that these warrants of arrest—official documents affixed with the seal of the United States Senate—were intentionally destroyed later in the day. Such documents should have been committed to the Senate Archives, of course, just as they have been in the past.

It is clear to me that the warrants would have been invalid even if the Majority Leader's motion had—as it did not—called for warrants to be issued, because they were not signed by a Senator duly serving as presiding officer. Rule 1 of the standing rules of the Senate, which governs "Appointment of a Senator to the Chair," is explicit: In the absence of the Vice President, "the President Pro Tempore has the right to perform the duties of the Chair." The President Pro Tempore has the right "to name in open Senate or, if absent, in writing, a Senator to perform the duties of the Chair." The impact of Rule 1 is plain. The warrants in question lawfully could have been signed by the Vice President of the United States, by the senior Senator from Mississippi, or by a Senator named in open Senate or in writing to perform the duties of the Chair. It is beyond dispute that they were not so signed.

On February 23, 1988, the President pro tempore of the Senate appointed, in writing, Senator Proxmire as Acting President pro tempore. Senator Stennis' letter to the Senate read as follows:

"Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable William Proxmire, a Senator from the State of Wisconsin, to perform the duties of the Chair."

As is customary—but not authorized by the rules—the position of Presiding Officer was filled by various other Senators throughout the day, without any of them being named to do so in open Senate or in writing. Senator Adams was occupying the Presiding Officer's Chair at the time the arrest warrants were presented, and he signed them.

Mr. President, based on my discussions with Senator Proxmire and Senator Adams, it is clear that the arrest warrants were not signed by a Senator duly serving as presiding officer pursuant to Senate Rule 1. That they were not so signed comes as no surprise to any of us, of course, because we simply do not follow the practice of having the President pro tempore name in open Senate or in writing other Senators to perform the duty of the Chair. I have never known this to occur in my tenure in the Senate and none of my colleagues—many of whom have served much longer than I—has indicated to me that he or she can recollect this ever having occurred. To illustrate this point, I inquired on February 24 of Senator Shelby, who then was presiding over the Senate, whether he had in fact been named in open Senate or in writing to perform the duties of the Chair. He acknowledged that, of course, he had not. While some Senators have observed—correctly—that it has not been the "custom" of the Senate to follow Rule 1, this is not determinative of the issue of whether the warrants of arrest were lawfully signed. The customs and practices of the Senate, no matter how long-standing or well engrained, cannot alter explicit rules which govern the Senate. Customs and practices are relevant, in the absence of an applicable rule, as evidence of what is appropriate; they are not relevant when they flatly conflict with a valid rule which is clear on its face. No one, thus far, has questioned whether Rule 1 is such a rule—although I do not underestimate my colleagues' capacities for imaginative interpretation of written words.

This is not a trivial or unimportant matter. While it may not be essential to have the Vice President or the President pro tempore presiding over the typical discussion on the Senate floor, the execution of an arrest warrant is a matter of a significantly different nature. Article I, Section V of the U.S. Constitution authorizes each House of Congress "to compel the attendance of absent Members in such manner and under such penalties as each House may provide." Rule 1 is this body's undertaking, pursuant to that provision of the Constitution, to establish the manner in which we will issue warrants of arrest to compel attendance. While we do not frequently follow the literal command of Rule 1, we must do so in the extraordinary circumstance of issuing an arrest warrant. Our legal system recognizes the extraordinary nature of issuing an arrest warrant and the even more extraordinary nature of executing such a warrant by physical force, as was done with one of our colleagues. On February 24, yesterday, when millions of Americans opened their newspapers to read that an international terrorist may well go free because our law enforcement officers did not follow the strict mandates of the law regarding arrest procedures, we would do well to refrain from defending our own failures to follow Senate rules on the basis of customary practices.

Mr. President, in addition to all of the defects already noted, the arrest warrants also were invalid on their face. The warrants were taken from a form included in the Appendix of Senate Procedure, by Parliamentarian Emeritus Floyd Riddick, at page 1175. The form contains blanks for the date of issuance, the name of the Senator to be served, a statement of fact as to why the Senator is absent, the date when the seal of the United States Senate is affixed to the warrant, the signature of the Presiding Officer, and the signature of the Secretary of the Senate.

Numerous discrepancies appear in the various warrants issued on February 24, that I have been able to review. I suspect that those which have been destroyed bore similar defects. Senator Packwood's warrant, for example, included no statement of the alleged reason for his absence. Senator Weicker's warrant lacked not only this necessary information, but also the date of issuance. While Senator Packwood's warrant included the name of the Sergeant at Arms as is required, Senator Weicker's warrant did not. Mr. President, I submit for the Record, copies of the arrest warrants issued to Senator Packwood and Senator Weicker.

There appears also to have been confusion about who was subject to the majority leader's motion. The Sergeant at Arms informed Paul Michel, Esquire, of my staff that an arrest warrant had been issued for Senator Kennedy. The February 23 Congressional Record, however, indicates that Senator Kennedy was necessarily absent.

Mr. President, at a minimum there is a pressing need for the Senate to study the proper procedures for drafting and issuing arrest warrants to Senators, and to ensure that the Sergeant at Arms understands them. The Senate Procedures Appendix includes a return of service form (page 1175), which seems to impose a mandatory requirement that a return of service be executed by the Sergeant at Arms when a warrant is served. While there ought to have been a return of service at least for Senator Packwood's and Senator Weicker's warrants, there is not evidence that any such returns ever existed.

Mr. President, to facilitate the Senate's review of the arrest warrant procedures and forms, I submit for the Record, a copy of the return of service form.

Mr. President, it is difficult to catalogue the defects in the arrest warrants issued to Senators on February 23 because most were destroyed. Those of us who have practiced criminal law know that the appropriate procedure is that all warrants be maintained on file because disputes such as these may arise. Can any of us doubt the uproar that would arise if officials in our states were disclosed to have destroyed warrants of arrest that had been issued? Moreover, the warrants—like any official United States documents—probably should have been routinely archived. I raised this issue as a parliamentary inquiry on February 24, and look forward to the Chair's ruling regarding the preservation of such documents.

Mr. President, I am moving for reconsideration of Rollcall Vote Number 23 because of the very great importance to this institution, symbolic and otherwise, of the events precipitated by that vote. I have researched the matter in the last two days, and have found no record of a forcible arrest of a Senator pursuant to a Senate motion since 1942, when warrants were issued for the arrest of several southern Senators.

On November 4, 1942, Senator Barkley, the majority leader, after failing to gain a quorum under a motion to instruct the Sergeant at Arms to request the attendance of absent Senators, moved that the Sergeant at Arms be directed to compel the attendance of absent Senators. The motion was agreed to, and the Sergeant at Arms executed the order of the Senate.

Senator Connally of Texas, who was on the Senate floor when the motion was made, expressed his outrage at the Senate's conduct. Senator Connally stated: "I understand some things are being done, or are about to be done, in the name of the Senate, which the Senate has never authorized, and which pertain to the high privileges of the Senate. I understand that the Sergeant at Arms, under the direction of the majority leader, or someone here, is assuming the authority to deputize, or appoint as a deputy, one of the Senate custodians, with instructions to break down Senators' doors, enter their offices, and drag them out."

Senator Connally continued: "I simply want the Senate and the country to know the kind of tactics which are being forced upon Senators in the Chamber. It is a perfect outrage. It is in line with the unconstitutional, the unwarranted, and the absolutely outrageous action of a group in the Senate."

Subsequently, five United States Senators were arrested and brought to the Senate floor on that Saturday afternoon in 1942. On November 17, 1942, Senator McKellar, one of those arrested, was recognized and stated: "Last Saturday there occurred in the Senate a most shocking performance, the like of which has not been known, so far as I can recall, during the 26 years I have been a Member of the Senate. . . . The action taken, therefore, was unusual, quite remarkable, and unexpected." In a colloquy with Senator Smith, Senator McKellar continued: "I have never known such a thing to happen before. I think when we have had contests which were vigorous and active and, let us say more or less determined, each side would keep its own members here and maintain a quorum. . . . Has that not been the history of the Senate since the Senator from South Carolina has been here?"

Senator Smith responded: "Yes; but everything has changed now."

Mr. President, I find the McKellar incident instructive for several reasons. First it is worth noting that no such forcible arrests had occurred in the memories of those Senators, and—until February 24—none had occurred since. In the 45 years that have passed, virtually all of our current constitutional doctrine regarding warrants, arrests and seizures has developed. Suffice it to say that many practices considered lawful and appropriate in 1942 are now acknowledged to be badly unconstitutional.

Second, it is worth noting that, while our colleagues in 1942 did not have the benefit of modern constitutional doctrines, they had a healthy understanding of the need to follow the letter of the Senate rules. When the Senate passed the motion to compel attendance in 1942, the arrest warrants were signed by the Vice President (see statement of Senator McKellar, Congressional Record of November 17, 1942, at page 8905).

Third, after his arrest in 1942, Senator McKellar noted on the Senate floor that his attendance record was far superior to those of most of the senators who had voted in favor of the motion leading to his arrest. Likewise, I would note for the record that my distinguished colleague from the State of Oregon, who was forcibly arrested in his office on February 24, has an extraordinarily good attendance record and has missed far fewer rollcall votes in this Congress than a number of members who cast votes on the motion to compel which led to his arrest.

After he was forcibly returned to the Senate floor in 1942, Senator McKellar expressed his profound regret that his own colleagues would arrest, humiliate and put him in "an ignominious position merely to carry a little point." The historians tell us that Senator McKellar did not speak a word for many years to the Senator whose motion had led to his arrest.

Not only were the events of February 24 embarrassing to this body and unlawful, they similarly jeopardize the spirit of collegiality without which this body cannot function.

Accordingly, I urge my colleagues to join me in supporting this motion to reconsider Rollcall Vote No. 23.

U.S. Senate,
Washington, DC, February 23, 1988.

To: Henry K. Giugni:
Sergeant at Arms, United States Senate:

The undersigned, presiding officer of the Senate, by virtue of the power vested in me, hereby command you in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate Bob Packwood, who is absent without leave, to wit:

Hereof fail not and make due return of this warrant.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate, this 23 day of February 1988.

Brock Adams,
Presiding Officer.

U.S. Senate,
Washington, DC, February 23, 1988.

To: Henry K. Giugni:
Sergeant at Arms, United States Senate:

The undersigned, presiding officer of the Senate, by virtue of the power vested in me, hereby command you in pursuance of the order of the Senate, this day made, to forthwith arrest and take into custody and bring to the bar of the Senate L. Weicker, who is absent without leave, to wit:

Hereof fail not and make due return of this warrant.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the United States Senate, this 23 day of February 1988.

Brock Adams,
Presiding Officer.

Washington DC, ———, 19——

I made service of the within warrant through my Deputy ———, by ———, the within-named ———, at ——— ——— at ——— o'clock ——— m., on the ——— day of ———, 19——. *Sergeant at Arms, Senate of the United States.*

Mr. SPECTER. Mr. President, I sent the motion in writing to the desk and ask that it be made a part of the Record.

The PRESIDING OFFICER. The clerk will report the motion of the Senator from Pennsylvania.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. Specter] moves to reconsider the vote No. 23 by which the Senate voted the arrest of absent Senators.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this motion is not a debatable motion. Under the circumstances, I move to table the motion and I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested on the motion to table. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent—and I intend to resume the quorum call—that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have called the quorum off to say this only, and I ask unanimous consent that I may speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senators Boren, Pell, Nunn, Warner, and I have an appointment with the President of the United States at 2 o'clock today. We should be on our way. This will not be a live quorum for quite a while. We intent to keep our engagement with the President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dixon). Is there objection? Without objection, it is so ordered.

The pending question is on agreeing to the motion to lay on the table the motion to reconsider rollcall vote No. 23, the motion to instruct the Sergeant at Arms to arrest absent Senators and bring them to the Chamber. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Massachusetts [Mr. Kennedy], the Senator from Nevada [Mr. Reid] and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. Chafee] and the Senator from Kansas [Mr. Dole] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER (Mr. Breaux). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 45, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—47

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Stennis
Wirth

NAYS—45

Armstrong
Bond
Boschwitz
Cochran
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—8

Biden
Chafee
Dole
Gore
Gramm
Kennedy
Reid
Simon

So the motion to lay on the table the motion to reconsider was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I suspect that many of my colleagues feel as I do, a certain awkwardness or unease as we debate the campaign finance reform issue. For implicit in the criticism of the present system is the growing perception that we are, as the biting cliche goes, part of "the best Congress that money can buy."

Mr. President, whether or not one agrees with this collective indictment of the institution, an indictment that I believe is heavy on rhetoric and very light on substance, the mere appearance of impropriety or undue political influence stemming from campaign contributions is by itself sufficient justification for this debate.

Mr. EXON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Nebraska is correct. The Senate is not in order. The Senate will not be able to conduct business until those Members desiring to engage in conversation retire from the Chamber.

The Senator from Maine.

Mr. COHEN. Mr. President, when a growing number of our fellow citizens lose respect and confidence in our electoral system and when over half of the eligible voters in this country feel it is not worth the time and effort to go to the polls to elect our national legislature, when more and more voters believe that money buys political access, if not an occasional vote or favor, then I think it is time to take stock of what has gone wrong.

Now, the widespread displeasure with the present system of financing of our election campaign provides us with a potentially fertile environment for putting to rest a good deal of this suspicion and for restoring pride in our electoral system.

It is an opportunity that will be lost if we allow this debate to further degenerate into a self-protective contest for partisan advantage. I think we owe ourselves and the Nation a better fate on such a critically important question.

Mr. President, a public relations campaign is being waged. It is a campaign that consists of half truths and distortions. It is being waged rather effectively, I might add, and I must say that we Republicans are on the losing side of that public relations campaign, at least temporarily.

The way in which the campaign finance reform issue is being portrayed is that Democrats are for honor, Republicans are for dishonor; Democrats are for honesty, Republicans stand for corruption.

Now, I think we have seen this kind of tactic before and we have paid a price for it, I must say, as individuals as a party trying to do what we believe is right for the country.

Let me just go back historically and give you a couple of examples. I am referring specifically to the debate surrounding the Social Security system. Back in 1981, when President Reagan first took office, he pointed to the Social Security system as being in deep financial trouble and he proposed several corrections to that system. Several of us, a number of us in the Republican Party, thought the solution that he had was wrong.

Nonetheless, we felt that he was right in drawing attention to the need to correct the deficiencies of that system. Well, we paid a price for even hinting at our support for some kind of reform of the Social Security system. Members of the Democratic Party at that time were very effective; they went on national television. They tore up Social Security cards. They said, "This is what Republicans want to do to your checks." It was unfair, but it was very effective.

And then, of course, after the elections were over, they came forward to Senator DOLE and others and said, "Look, we recognize we have a problem. Why don't we now put together a bipartisan panel and correct it." Long after the elections were over, they were willing to come forward on a bipartisan basis and put together recommendations to make the Social Security Trust Fund solvent.

So we lost that one. We lost heavily in my State. Across the board, I think across the country, Republicans suffered because of that perception that was generated by an unfair tactic.

I think we also saw it during the course of the nuclear freeze debate because the nuclear freeze was very simple, and it sounded very fair. We have enough nuclear weapons; let us just freeze it exactly where we are right now. It was very difficult to deal with that particular issue. It was difficult to deal with because it had the allure and the appeal of simplicity and equity. It was neither. And it took a lot of people on this side of the aisle to resist the temptation of succumbing to that kind of simplistic sloganeering.

I mention this today because just a few weeks ago several of my colleagues on both sides of the aisle were in Munich at a nuclear disarmament conference in which the leader of the SPD Party in West Germany said he supported the double zero option and he was glad to endorse it.

Well, let me tell you what an act of hypocrisy that was, because the SPD did not support the INF deployment. They supported the nuclear freeze at that point and, had they been successful, they would have frozen in place a great disparity with some 1,400-plus nuclear warheads targeted at Europe with zero in response targeted at the Soviet Union. It was the courage of people like Chancellor Kohl and others within West Germany and our NATO allies who resisted the temptation to succumb to tremendous public pressure to adopt a simplistic approach. As a result, we now have an INF Treaty which at least removes an entire class of missiles and purports to give us some sense of equity and stability in the deployment of nuclear weapons.

So we were faced with a campaign of distortion because of a simplistic approach. Now, I think we have been faced with a campaign of distortion once again, one that is captured on a bumper sticker which says that Democrats are for honor and honesty and Republicans, once again, are for corruption. It is a lie, and I might say a damnable lie at that, but one that is being spread across the pages of the newspapers of this country.

I have taken this floor today to take offense at this campaign of distortion. I am offended by those groups or individuals who are wrapping themselves in a flag of honor and hurling stones from glass houses and those who are masquerading as disinterested citizens victimized by the corrupt forces in our society.

I refer specifically to a couple of ads that have been running in my State's papers. One is by a group called Congress Watch. I want to cite it, to tell you the kind of practices that have been going on in the name of equity and fairness.

One of the items says that Cohen raised $1.1 million for his 1984 reelection, has become a part-time lawmaker and a full-time fundraiser who raises an average of roughly $3,500 a week for a 6-year term.

I think my attendance record compares favorably with other Senator's in the Chamber. And I make no apologies for my legislative output. Yet, this article implies that somehow I have become a part-time Senator, and I resent it.

Second, they point out that I accepted more than $410,000 in campaign funds from political action committees, mostly representing large corporations, professional and trade groups, insurance, banking, utility, and other companies. These statements imply that because, Cohen got money from Maine insurance companies, he must be in the pocket of the insurance industry. What an insidious implication. But that is not enough; they want to go further. It is not enough to say that I am in the pocket of certain industries in my own State. They want to go further and say,

> Especially disturbing are the contributions to Cohen's campaign coffers from PACs outside of Maine. Minnesota Mining and Manufacturing PAC, Delaware Valley PAC and the Massachusetts Congressional Campaign Committee PAC, to name a few, thought it in their interest to assist Cohen's re-election effort. These out-of-state gifts raise the question: is Cohen still primarily responsible to his Maine constituents?

This article was written by two people I have never heard of, who probably reside somewhere down here in Washington, this city surrounded by marble, asking Maine citizens whether I still represent them. I resent it. These two people had never set foot in my State, to my knowledge. Later I learned that the same article had been sent to various newspapers around the country. Senator ROTH was the subject of a similar piece. Just change the name and the amounts. The identical article appeared across the country as part of a rather insidious campaign. MALCOLM WALLOP, BILL ROTH, CHICK HECHT, who else?

I resent the implication contained in that particular article.

Now I would like to turn to something else, because an advertisement has appeared in my State, not just in one newspaper, but in every daily paper in my State. I hold it up so you can see it. There is a wonderful picture of Archibald Cox, great coverage so far as my name is concerned. It says, "Won't you please stop backing the filibuster that is protecting the current corrupt campaign financing system?"

Mr. Cox goes on to say the following: "The way our congressional campaigns are financed is a national scandal. As the Washington Post has written, our congressional campaign financing system is 'fundamentally corrupt. Every citizen knows that. So does every legislator.' "

The problem I had with Mr. Cox's quotation is that it is only half a quotation, a partial quotation. I think we all know that a text torn out of context is only a pretext. We all know that from some of our past experiences in this body and elsewhere.

Let me read from an editorial written by the Washington Post. I may sound familiar:

> We continue to think that disclosure is the best way to avoid corruption in campaign financing. Political contributions are reported in great detail and publicized widely. If the voter knows that a member accepts contributions from real estate and oil interests and later supports tax laws favorable to these industries, that voter can object at the polls. Because the press and Common Cause, for example, carefully monitor and report these connections, citizens have far more information than they did 15 years ago.
>
> The prospect of the government's setting increasingly stringent limits on political spending is not in itself appealing, and this is all the more true when its benefits are apt to be so slight. The same may be said of restrictions on independent expenditures and on broadcasters' freedom. In other words, it seems to us that a complicated set of new regulations on campaign expenditures has some inherent drawbacks and won't produce a commensurate gain.
>
> If the history of campaign spending regulation has provided any lesson it is that the politicians and their legal advisers and would-be purchasers never run out of ingenious ways to turn the new regulations to their advantage. Full disclosure and vigorous debate remain the best hope for an honest process.

Why wasn't that quote in Mr. Cox's ad placed in every paper in my State? A nice piece of selective quotation from the Washington Post.

The Washington Post says it all. That was an editorial written in 1985. They gradually evolved to support the bill before us, but I would like to see a little more honest reporting by groups supporting S. 2. I think their ad is fundamentally unfair and false in trying to create the impression that I am somehow protecting a corrupt system, while those sponsoring S. 2 are wearing the badge of honor.

I have enjoyed the support of Common Cause over the years. I have supported most of their causes. I think my record in the Senate and in the House has been such that whenever I found a piece of legislation that I believed to be fair, it did not matter to me whether a Democrat sponsored it or a Republican sponsored it. I have joined with Democrats as often as I have joined with Republicans, and I have received criticism for it, as a matter of fact. But I have never hesitated in doing so. I resent the implication contained in this campaign of vilification that I am somehow supporting a corrupt system.

I have enjoyed the support of Common Cause. But if they think that I am somehow preserving a corrupt system and therefore I am corrupt, then obviously I do not deserve their support. But the corollary is also true: To the extent that they continue to support tactics like this, frankly, I do not think they are worthy of our support.

Mr. President, I have heard it said by the proponents of this bill—or some of them at least—that we must hang a sign out now that says, "The Senate is no longer up for sale." I resent the implication that somehow this institution and the House are for sale.

Who among us right here will stand up and say that he has sold his vote? To whom have you sold it? Have you sold it to the PAC's? Have you sold it to individuals? Have you sold it to the party, the Democratic Party, the Republican Party? Have you sold your ideas? Or have you sold out to your constituents? The issue is important. It makes a difference. We are living in an age of attribution, so let me attribute something to a colleague, Senator HOLLINGS. He pointed out a serious problem, one of philosophic schizophrenia—call it hypocrisy if you want.

He told a story, and I am going to read it. It is about a veteran returning from Korea, who went to college on the G.I. bill, and he bought his home with a VA loan. He started his business with an SBA loan. He got electricity from the REA and soil testing from the USDA. When the farmer became ill, the family was saved from financial ruin by Medicaid and his life was saved by a drug developed at the National Institutes of Health. His kids participated in a school lunch program. They learned physics from teachers who were trained by the National Science Foundation. They went to college with guaranteed student loans.

He drove to work on an interstate highway, moored his boat in a channel dredged by the Army Corps of Engineers.

When floods hit, he took Amtrak to Washington to apply for disaster relief. He spent sometime in the Smithsonian Museums. Then one day he wrote an angry letter, to his congressman asking the Government to get off his back, complaining about paying all those taxes for all those programs for ungrateful people.

That points out the problem that all of us have dealt with since we have been members of this institution. The problem lies not with PAC's or with individual contributions but with whether or not we are measuring up to our own responsibilities and resisting the pressures put upon all of us.

Special interest groups: I remember coming back from Maine one time on an airplane, back in the mid-1970's. As I approached the flight attendant, she said: "Congressman Cohen, are you bothered by all those special interests, those lobbyists down in Washington?"

I paused for just a second and said, "No, as a matter of fact, I'm not bothered by any lobbyists. The only people who bother me are airline attendants who are constantly lobbying me every time I get on an airplane to protect their tax-fee travel benefits."

BOB PACKWOOD and others perhaps were considering taxation at that time.

But the point was this: Every group is a special interest. Whether we are talking about farmers who want subsidies, or homeowners who want deductions for interest on mortgage payments, or businesses who want accelerated depreciation, or flight attendants who want to retain their tax-free status on travel benefits. They are all special interests. I resist the notion that somehow PAC's are inherently evil. But if that is the case, we ought to deal with that. I must tell you that the suggestion that my political future or that of my party lies in preserving the status quo, in resisting any change to the existing campaign finance system, is a falsehood, a great deception, and a disservice to all of us.

I want to point out to Mr. Cox and others that: If the Republicans wanted to preserve what Mr. Cox calls "the current corrupt campaign financing system," then we would resist lowering the amounts that PAC's can give to candidates. The fact is that we do not. The Democratic Party is opposed to reducing the amount PAC's can give to individual candidates, not the Republicans. If the Republicans wanted to preserve a corrupt system, they would resist expanded public disclosure of direct donations from corporations, lobbying firms, and union treasuries to the national party committees—so-called soft money. The fact is, we do not. We are for expanded disclosure, and the Democratic Party is opposed to it. That, apparently, does not impress Mr. Cox. It does not appear in his ads.

If the Republicans wanted to preserve a corrupt system, they would resist changes in the existing law that would reduce the influence of the Washington-based lobbying community. We do not, even though that message, again, happens to be absent from Mr. Cox's paid ads.

In fact, the Republicans are just as interested as Democrats in reforms that are constitutional, that are fair, that are capable of winning broad support of the American people and compatible with maintaining a competitive two-party system in this country. We owe neither Mr. Cox nor the American public any apologies for opposing passage of S. 2, which is at best poor policy and at worst a blatant political power move that will ensure minority status for the Republican Party for the foreseeable future.

As this debate goes forward, let us also not lose sight of several factors.

Under existing law, we who run for Congress decide how much we will spend to get elected and reelected, where that money will come from, and how much time and effort we are willing to expend to raise it. No one puts a gun to our heads and says the PAC's, or the devil, or the law made me do it. Each Member can accept PAC's or reject them—set limits on spending or reject limits.

In fact, it is interesting to point out that the two cosponsors of the bill have taken a different approach. One does not accept PAC money; the other does; and they are both honorable people. But some proponents of S. 2 continue to shovel in the PAC dollars as fast as they can. As their campaign coffers fill, I am reminded of the words of St. Augustine: "Give me chastity and continence, but not just now."

By contrast, some opponents of S. 2 have never accepted a dime of PAC money. WARREN RUDMAN of New Hampshire is one. Is he corrupt because he does not support S. 2? Is he defending a corrupt system? That is the implication that is being put forward by certain advocates of S. 2. It is unfair, and it is a great insult to every one of us in this Chamber.

Mr. President, we decide how long our campaigns will be, what medium will be used to convey our message to the voters and, to a great extent, whether the political climate engendered by that message will be positive or negative.

We hire the political consultants, commission the polls, and approve the campaign literature and television spots.

Finally, we know, or should know, which contributions create potential conflicts of interest, when fundraising conflicts with our elected duties, and when overdependence on certain contributors potentially creates doubt in the minds of our constituents as to whether our judgment and integrity have been impaired or compromised.

In short, very little happens during our campaigns without our knowledge and consent. So let us abandon the popular fiction that we who compete for seats in Congress are the victims of a campaign finance system over which we have little or no control. Clearly, there are steps that each of us can take to restore that essential confidence in our electoral system in the absence of any changes in existing law.

Let me turn to the broader context that shapes this debate.

The present-day realities of campaign politics—the growing role of political action committees, independent expenditures on behalf of a candidate of cause, the decline of party control over the election process, increased reliance on radio, television and direct mail advertising, sophisticated and costly public opinion polls, a more informed electorate—have all had a hand in driving up campaign costs and shaping the campaign finance system we have today.

And to this list, let me add one other, perhaps the most important factor of all, the Constitution of the United States. Our democratic system draws its very life, its strength, its vitality, its diversity, its promise, its enduring value from this great and timeless document. The 45 words that constitute the first amendment confer upon every one of us the most fundamental rights a government can provide and guarantee its citizens—the right to freedom of speech, the right to assemble, the right to freely communicate ideas, the right to worship in our own way, and the right to petition our Government for redress of grievances.

That is the essence of representative democracy. The first amendment is every citizen's standing invitation to be heard on the public issues that capture his attention and to motivate him to action, either individually or as part of a voluntary association with others who share similar views.

There is nothing inherently sinister in such associations, and we should proceed with extreme care in regulating political expression, regardless of its source or point of view. That those of us who have accepted and fully disclosed campaign contributions from PAC's have committed no wrong, no sale of our integrity seems not to matter to those who are waging this campaign of distortion.

On the contrary, in the eyes of PAC critics, such as Common Cause, we have committed an offense worthy of moral censure, and by accepting PAC money, we have allegedly compromised our independence and integrity, we have violated the public trust, and we have placed in jeopardy our system of representative democracy. But it's selective moral outrage on the part of Common Cause and its Senate allies. It is so disturbing, and ought to be disturbing, to this Chamber.

Nowhere have I seen the organization apply the same critical standards to the sponsors of S. 2 who have already accepted contributions from PAC's well in excess of what would be allowed under S. 2. Perhaps I misjudge Common Cause, and perhaps those paid ads are being prepared as I speak.

When we speak derogatively of "special interests," and that is what this debate is all about, who are we talking about? Is the term synonymous with political abuse, as the pejorative connotation usually implies? What interests or influences are we seeking to curb that will leave us with a campaign finance system that we can be proud of?

There are a lot of other questions we have got to answer. Are Common Cause and other similar organizations "special interests." Are our constituents, individual or corporate, ever "special interests" or does the term only apply to those political forces that operate beyond the geographic boundaries of our States or congressional districts or within the boundaries of the District of Columbia?

Is it possible the term usually identifies those individuals or groups whose views are philosophically incompatible with those that we hold? Is the public interest so easily identifiable that there can be no doubt that the political activities of certain "special interests," PAC's perhaps, are so corrupting and offensive as to warrant the added restriction on their activities? Or are some PAC's good and others bad? Who decides? Or is $200,000 in PAC contributions—allowed under S. 2—soul-saving but $225,000 corrupting? Who decides whether or not one can be sold for $200,00 and not for $225,000?

Mr. President, the Boren-Byrd bill asks us to accept the premise that the present campaign finance system is in such a state of disrepair and disrepute that, first credibility and accountability can only be restored by attempting to silence certain voices in our political debate in order to enhance others; second, that confidence and trust can only be bought by using public funds to finance congressional elections; and third, that without expenditure limits tied to public financing, the cost of electing the Congress will continue to soar to unconscionable levels.

I respect the point of view of those who have concluded that good outweighs the bad in this particular bill, even though I, after giving very thoughtful consideration, have reached a different conclusion.

I believe this bill will make it even more difficult for challengers to overcome the enormous advantages of incumbency, that its reporting and disclosure provisions are wholly inadequate and that it will only further encourage independent expenditures at the expense of electoral accountability.

Mr. President, I reject the view that ideas matter less than money in today's Congress; that compassion and concern are routinely overridden by greed and parochialism; that individually and collectively we are unable to see beyond the next election; and that I, or any other Member of this body, is sufficiently prescient to know what level of spending is right and proper for every congressional district in this country; that our shared interest in restoring credibility to our electoral process necessitates that we start down the uncertain path of public financing; and finally, that the voters of this Nation are unable to discern on their own whether the judgment, independence, and integrity of their elected officials have been compromised by the campaign activity of that individual.

The Boren-Byrd reforms, limited as they are, do not guarantee that less money will be spent on political campaigns. They will not shorten campaigns. They will not reduce the amount of time that candidates devote to fundraising. But if increased legislative accountability is the justification for adopting this bill, then we will be disappointed.

Instead of fewer PAC's, we will end up with more. Rather than checking the growth of independent political expenditures, this legislation will provide a powerful incentive to increased activity in this area.

Is it possible to legislate balance and good taste in political advertising? Can we assure that? I doubt it. But the Boren-Byrd bill believes that such an objective can be accomplished by legislation. Most importantly, if adopted, we have to ask the question, will S. 2 bring us the desired level of public confidence in the campaign finance area or will the law of unintended consequences reassert itself and overwhelm the good intentions of this bill's supporters?

Some have quickly and conveniently forgotten that the explosive growth of PAC's, the emergence of so-called hard and soft money, the practice of bundling, and other campaign finance oddities constitute the legacy of an earlier campaign reform, effort.

Will the Boren-Byrd bill breathe life into some new and even less acceptable conduit for campaign contributions? The possibility should not be lightly dismissed.

So which way do we turn? Are we chasing a demon that we will never catch up with? Are we seeking in the name of reform an unattainable ideal in a democracy that is as open and diverse as ours? Or should we simply accept the fact that special interests have always been with us, that some elected officials handle the pressure better than others, that our political system is not, and never will be as blemish free as others would like? Clearly, we can do better.

In addition to doing a vastly better job of policing our own campaigns, full disclosure of receipts and expenditures—thereby opening up the process to greater public scrutiny—is an essential ingredient of reform.

Common Cause does not recognize this. Common Cause would simply paint us all into this dark corner of corruption and let those who are supporting S. 2 walk around like Diogenes saying, "Find us an innocent man in this institution."

It is an outrage what is being done, and I resent it.

Mr. President, if reducing the role of PAC's in financing congressional campaigns is the price that we have to pay to restore public confidence in our electoral process so be it. There are plenty of Republicans, including this one, who will support such a change.

A good case can be made for raising the limits of contributions for individuals and enhancing the role of our national political parties in campaign financing. We can, and we probably should, take steps to restrict what candidates can raise in off-election years. I might point out, the accumulation of large campaign warchests by sitting Members of Congress, or those with only token opposition, has become a common practice, representing, in my view, an abuse of incumbency.

There is no one in a better position than our constituents to insist that our fundraising efforts be principally focused in our own States, and that our campaigns address their legitimate concerns.

And the media has a vital and continuing role to play in lending dignity and substance and objectivity to the electoral process. It is a role that demands great sensitivity and balance in the interest of civic responsibility.

Mr. President, there is no panacea for the present ailments that afflict our campaign finance system. There is no comprehensive solution that we can put in place that will suddenly provide absolute assurance that money will never taint the legislative process.

We cannot buy our way out of the problem by tapping the Federal Treasury, and we cannot expect others to save us from ourselves. But we can make the system better than it is today, better than the imperfect one that we have. But we have to set aside this attempt to construct a bill that enjoys the support of only one party, and we must get on with the job of passing a bipartisan piece of legislation.

There are others in the Chamber who wish to speak. I was going to go on at some length.

I ask unanimous consent that an article by Robert J. Samuelson, Washington Post, dated July 8, 1987, be included in the RECORD in full. It is a rather strong article, entitled "Why the Campaign Reform Effort is a Fraud." I think that should be included so that those who are following this debate will have the benefit of its point of view.

I would like to include an article by David Broder. Mr. Broder is one of the most perceptive and respected journalists in this country. He wrote a piece back in June 1987 called "Money and the Moralizers." Again, this was not quoted in any of the Common Cause literature, but he talks about progressivism. I will take a moment to read a section of this, if I might. He says:

> Progressivism faded as a political force 50 years ago, but it remains alive and well in American journalism and in many self-styled reform organizations. The Progressives' belief in the corrupting power of money is the assumption underlying most of the current efforts—led by Common Cause and endorsed by many leading newspapers—to cut down on contributions by interest-group political action committees, to introduce public financing of congressional campaigns and to place ceilings on overall campaign spending.
>
> Reformers and journalists tend to share that Progressive tradition. Reformers and journalists also know our influence derives from our presentation of information and ideas, not from our wealth. We may be right when we say that dollars corrupt politics while ideas enlighten it. But there is enough of a coincidence between our assets and our arguments to justify a degree of skepticism.

And Broder again saying:

> I happen to think that the rapidly rising costs of many Senate races do not justify an effort to slow down this form of political inflation, at least temporarily. I agree with Sen. David Boren (D-Okla.) that a limit on the share of the campaign budgets PACs can provide would have the healthy effect of pushing candidates to seek more individual contributions in their home states.

Here is something I think is terribly important. He said:

> But there's an excess of moralism in the Common Cause and newspaper preachings on this topic. A pluralistic society properly should allow many channels by which people can seek to influence decision-makers. And you can see more than a tinge of intellectual elitism in the notion that only the money channel corrupts.

Mr. President, I will not carry on any further. I have a lot more to say on this subject matter. I have an article I would like to introduce by William Saxbe, a former Attorney General and a former distinguished Member of this Chamber. Another one by Mr. John Lott, which appeared last year in the Wall Street Journal. I ask that they and others be included without my taking the time to read them.

There being no objection, the articles were ordered to be printed in the Record, as follows:

PAC Money: Source of Evil or Scapegoat?

(By Alen Ehrenhart)

In the Congress of the 1980s, a debate about campaign finance is a debate about corruption—nothing more and nothing less.

A few weeks ago, when the Senate discussed a proposal to limit contributions from political action committees, members from both parties took turns identifying PACs and their campaign gifts as the root of modern congressional evil.

"PAC money is destroying the electoral process," said Republican Barry Goldwater of Arizona. Democrat Gary Hart of Colorado said PACs represented the "toxic waste of American politics."

There is no question that something is wrong in campaign finance. American voters ought not to feel the public office is for sale to the highest bidder, and in the current climate, many of them do. Restricting the flow of PAC money may be a reasonable way of dealing with that problem.

But is is also reasonable, as senators compete with each other to tell PAC horror stories, to wonder whether there isn't a little bit of scapegoating going on.

The last decade of congressional history has written a record of disturbing policy failures. Throughout most of the 1970s, Congress argued endlessly about how to reduce energy imports, but no action was taken and the country imported more oil—and more inflation—with each passing year.

Since 1980, there has been a bipartisan consensus that the federal deficit is out of control, and yet the deficit has grown to $200 billion. In 1985, Congress conceded its inability to solve the problem and passed legislation putting budget cuts on automatic pilot.

Given the seriousness of all this—and the rhetoric about PAC money destroying the political system—it seems fair to ask what role political action committees have played in creating our recurrent legislative paralysis.

A moment's reflection supplies the answer: hardly any role at all.

It is PAC influence that makes members unwilling to raise taxes, or trim entitlement programs, or pull the plug on federal subsidies to their states? Of course not.

It would be silly to insist that PAC money never turns the outcome of a House or Senate vote. But when it comes to crucial policy decisions—and policy failures—the source of the corruption is somewhere else.

Congress fails to solve problems because members routinely sell out to a set of interests more respectively and yet more dangerous than the PACs. They sell out to the pressures of public opinion in the places they represent.

It may seem unfair to talk of members "selling out" to the voters. They are elected, after all, to give oridinary people a voice in public policy.

But the conflict between the demands of leading people and the temptations of pandering to them has been a fact of legislative life as long as Western democracies have existed. It has been more than 200 years since Edmund Burke told his constituents that a member of Parliament owed them "not his industry only, but his judgment."

In Congress, the pendulum swings back and forth. At some moments in history, members have been crippled by slavish devotion to the prejudices of those who elected them. At other times, the desire to lead and make decisions has won out.

One has to look back only to the 1950s to find a Congress whose dominant figures felt free to make policy as they wished. Senators such as Harry F. Byrd of Virginia and congressmen such as Clarence Cannon of Missouri did what they thought was right, and depended on constituents to accept it.

Much of what they thought was right does not look very good in retrospect. The Congress of the 1950s condoned legal segregation in the South and ignored legitimate demands for some federal role in areas ranging from education to health care. Those legislators carried autonomy to a fault.

Now we have the opposite problem. Members of Congress win election through the ceaseless monitoring and cultivation of voter desire. They keep that process up once they are sworn in. It is no accident that the overwhelming majority of staff people in any congressional office work on constituent service, not legislative research.

The Congress of the 1950s failed for lack of responsiveness. The current Congress fails for an excess of responsiveness. At no point in recent times has there been so wide a gap between what members are willing to propose in private—whether it is a tax increase on one side or a reduction in Social Security benefits on the other—and what they are willing to endorse in public.

Given the way congressional careers have evolved since the 1950s, perhaps a hyper-responsive Congress is inevitable. Those who decide to run often give up many months of their time and too much of their own money for a job whose year-round responsibilities all but require them to sever any ties to private life or jobs back home. It is no surprise that people who go through a process like that emerge desperate to stay in office, and timid about saying or doing anything that might turn a fickle electorate against them.

This—not the prevalence of PAC money—is what has rendered Congress so weak in dealing with hard national problems. Corruption is the right word for it. To thunder against the evils of the PAC system is to magnify a small problem—and to ignore a huge one.

Pressure Is a Reality; Know How to Handle It

(By William B. Saxbe)

Mechanicsburg, Ohio.—Political influence is a fact of life at all levels of government. All branches, all governors, senators, prosecutors, and judges are subject to its influence every day. Some can handle it. Some can't.

When I first went to the state legislature 40 years ago, I observed that when a legislator was picked up for drunk and disorderly or some other indiscretion, his name never appeared on the docket or in the newspaper. These affairs were handled by a police lobbyist who obviously had clout with the prosecutor, the judge, and the press.

When I became attorney general of Ohio, legislators, state and local officials, and political figures trooped through the office on matters of land appropriation, law violations, employment, tax abatement, favors, and recognition, using what political influence they presumed to hold.

The classic response (seldom used unless the request was outrageous) was to rise in righteous indignation, point to the door, and denounce the caller as a scoundrel.

What usually happened was an explanation of your responsibility and an accommodation if it could be accomplished without weakening your position or strengthening theirs.

This is the maneuver that some officials can handle and some can't. The "by-the-book" official usually doesn't last long, but neither does the "soft touch" who responds readily and favorably to unfair, illegal, or against-public-interest propositions. If you can accommodate without violating your oath or weakening your responsibility, you tend to do so.

In the U.S. Senate, I discovered to my dismay that a good part of your office is devoted to running errands, doing favors, and performing social work. In other words, using your political clout.

Some of this had to do with law enforcement, much with government handouts. Just to let an agency know you were interested focused its attention wonderfully. I didn't care much for this part of the job.

I became U.S. attorney general at a time of extremely low morale in the Justice Department as a result of continued and effective political influence from the executive branch. There were strong recommendations from congressional leaders that this influence could only be stopped by making the department an independent agency of government. By the end of my term, this suggestion was no longer heard and hasn't been raised since.

I spent 30 years of elective office dodging political bullets. I am firmly convinced that an official who responds to illegal or unreasonable political pressure doesn't last long—and he shouldn't.

But all pressure is not illegal or irresponsible, and citizens expect their elected officials to advance their case. Pressure is a relative term. What is pressure to one passes unnoticed to another. Part of the job is knowing how to handle it, because it's not going to go away.

[From the Wall Street Journal, June 10, 1987]

Incumbents Benefit if Spending Caps Are Equal

(By John R. Lott, Jr.)

The record $260 million of campaign spending by the winners in last year's midterm congressional elections has sparked a movement in the Senate to reform the federal laws governing such outlays. A bill to limit total spending in congressional races, sponsored by Majority Leader Robert Byrd and Oklahoma Democrat David Boren, went before the full Senate last week, where it provoked partisan fire and threats of a long filibuster. A vote to end the filibuster was defeated yesterday.

The Democrats' spending-limit measure, if passed, would have serious side effects, at least in the form proposed. While such spending limits can prevent the wasting of resources on political "arms races," the proposal also would make it harder for challengers to overcome the advantages incumbency provides and might end up making our representatives even less responsive to voters.

Incumbents have had their names advertised in previous elections. Also, they have had free media exposure and franking privileges during their tenure. This creates a great advantage, protecting them against newcomers who are potentially more representative and efficient. Unless challengers are free to solicit substantially larger contributions than the incumbents to offset this advantage, they may have little chance to win, leaving less competent individuals in office.

Because incumbents already have these inherent advantages, any government regulation should attempt to offset this bias. For instance, if campaign expenditure limits are a good idea, they could be put at lower levels for incumbents than for challengers. For incumbents to claim that they are acting in the name of "fairness" when they are at the same time ensuring their future employment in Congress is hypocritical. It is unfair to pretend that incumbents and challengers are starting on an equal footing.

Americans' concern over the power of incumbency is nothing new. It has caused us to place limitations on the number of terms that politicians can serve (such as for the presidency and for many governorships and mayoralties). However, this is a rather blunt instrument for avoiding the problem of incumbents who are no longer effective. After all, there are some politicians who are capable of effectively representing the voters term after term.

If we were to introduce low, uniform spending limits on congressional races—not recognizing the need for challengers to be able to raise relatively large sums—we would see incumbents stay in office longer and become less responsive to voters' opinions. The immediate effect would be to lower the current expenditures of incumbents and challengers alike, while leaving the incumbents' large past investments unchanged. In the short run, such a limit can only help protect incumbents.

An analogous question arises with regard to corporations. Should the government regulate an industry so that newcomers get a "fair chance" compared with an established company that has advertised and invested in customer relations over the years?

The answer is no. But there is a fundamental difference between politicians and corporations. We do not need to limit the advertising budgets of established companies to give newcomers a chance or to accomplish efficiency in the economy: More-efficient entrepreneurs will make offers to take over a less-efficient older firm; and the highest offer will probably be accepted, since the owners realize that the value of their business, as currently run, is less than that price. Since the business can retain the name after the takeover, and most customers are unconcerned by the changed ownership, the firm's reputation is simply inherited by the new owners.

In contrast, when a popular politician becomes less effective at representing his voters, someone else cannot buy his name and reputation. While Campbell's Soup, say, can be sold to a competitor, with the customers still considering it Campbell's Soup, politicians such as Ronald Reagan cannot sell their names and faces to a better, lesser known challenger.

Transfers of political reputation occur only to a small extent, such as when a popular politician endorses a candidate or when children of a popular politician run for office. Because competing politicians are prevented from "purchasing" each other's brand name, the political arena lacks the competitive "takeover" mechanism seen in the market for goods and services.

While our political system may not work as well as the market for soup, we can at least try to make it work as fairly and efficiently as possible. It is important that we get the very best people to represent the voters at any given time, and that incumbents do not stay on merely because they are well-known. This may be even more important than keeping campaign expenditures to a minimum, and we should therefore resist the simple "remedy" of setting uniformly low ceilings for everyone.

If we do adopt ceilings, then for the sake of fairness and representatives government we should at least make the spending limit for the challenger substantially higher than that for the incumbent. Unfortunately, it is probably unrealistic politically to expect members of Congress to support a more representative system when it runs counter to their self-interest.

[From the Washington Post, Dec. 3, 1985]

PACs Reconsidered

Sen. David Boren (D-Okla.) is one of a handful of national legislators who refuse to accept PAC money. That choice is one that protects him from charges that he is unduly influenced by organized interest groups that have the ability and the resources to make large campaign contributions in order to affect legislation. His colleagues, however, have not followed his example in droves: PAC spending in federal elections has gone from $12.5 million to almost $100 million in the past 10 years.

Sen. Boren wants to put strict new limits on these political contributions, and a bill he has offered toward this end is scheduled for a Senate vote today. Believing as we do that the current system is far from perfect, we have come to believe nevertheless that further limitations on campaign spending are not the answer. We no longer believe that current law, which combines the benefits of some regulation and full disclosure, can be significantly improved by further restricting political contributions.

Unions began the PACs. For a long time they mounted the only organized efforts to collect individual campaign contributions from people with common objectives and make group gifts to political candidates. The device enabled a number of small givers to have a significant impact, and it increased the group's influence with the candidate. Now, numerous organizations from anti-abortion to anti-pollution groups organize political giving, though business interests have far outpaced all the others; these have caused the most concern because of their skewed giving to incumbents and, in particular, to members of tax-writing committees. One former government official compared the legislators raking in this money to pigs feeding at a trough.

Sen. Boren wants to put a $100,000 cap on PAC receipts by House candidates and a similar limit—varying according to the size of the state—on contestants for the Senate. He would also require broadcasters to give free time to candidates to counter expenditures by independent groups opposing them, and would bar PACs from tramsmitting "bundles" of individual checks made out to a specific candidate. This scheme would be hard to put into practice: Would there be a race to make PAC contributions before the limit was reached? Would broadcasters be reluctant to take political ads of any kind? Wouldn't thousands of lawyer-hours be spent devising new and circuitous methods to get around the regulations?

We continue to think that disclosure is the best way to avoid corruption in campaign financing. Political contributions are reported in great detail and publicized widely. If the voter knows that a member accepts contributions from real estate and oil interests and later supports tax laws favorable to these industries, that voter can object at the polls. Because the press and Common Cause, for example, carefully monitor and report these connections, citizens have far more information than they did 15 years ago.

The prospect of the government's setting increasingly stringent limits on political spending is not in itself appealing, and this is all the more true when its benefits are apt to be so slight. The same may be said of restrictions on independent expenditures and on broadcasters' freedom. In other words, it seems to us that a complicated set of new regulations on campaign expenditures has some inherent drawbacks and won't produce a commensurate gain.

If the history of campaign spending regulation has provided any lesson it is that the politicans and their legal advisers and would-be purchasers never run out of ingenious ways to turn the new regulations to their advantage. Full disclosure and vigorous debate remain the best hope for an honest process.

[From the Washington Post, Nov. 4, 1985]

Campaign Reform

For the first time since 1974 there is talk that Congress may consider bills calling for major changes in campaign finance regulation. It isn't that the current legislation was defective from the start. It's that there is a hydraulic pressure behind money in campaigns, and when the inevitable loophole is found, the money comes gushing through. Not only the Democratic Study Group but conservative senators such as David Boren and Barry Goldwater are ready to tackle the subject again.

The sense that the system needs repair is strong in a DSG study showing an increase in PAC spending and a decrease in individual contributors. Legislators are uneasy lest it seem that organized interests are buying up Congress while the more diffused intersts of ordinary voters are not being as well served. PACs gave more than $100 million to congressional candidates in 1984, up from $12.5 million in 1972.

A new Boren-Goldwater bill would limit House candidates to $100,000 and Senate candidates to limits based on the size of their state. It would lower the maximum contribution for PACs and raise it for individuals. It would bar PACs from acting as conduits for individual contributions ("bundling") and tighten limits on spending by independent campaigns.

The DSG is preparing a bill that would provide a 100 percent tax credit on contributions up to $100. The current 50 percent credit on contributions up to $50 has just been deleted by the House Ways and Means Committee from its tax bill.

These proposals are in their formative stages. Congress, as it ponders them, should keep three things in mind. First, the key to any campaign finance law is full disclosure. Ensuring full disclosure may require tightening up the soft-money loophole and prohibiting practices such as bundling.

Second, reforms should not unduly restrict the amount of money that candidates, including challengers to incumbents, can raise. The system suffers not from a surfeit of campaigning but from a perception that the politically adept and economically interested have unfair advantages.

Third, reforms should not impinge on freedom of political expression. The argument of PAC organizers that PACs are only a vehicle for voters' self-expression is self-serving but cannot be casually dismissed. While Congress could further regulate that particular form of self-expression, it would be unwise to prohibit it altogether.

After such a long interval, Congress is wise to consider serious proposals for reform. But it should tread carefully, aware how difficult it is to anticipate all the consequences of change in the campaign finance law. The details matter.

[From the Washington Post, July 8, 1987]

WHY THE CAMPAIGN "REFORM" EFFORT IS A FRAUD

(By Robert J. Samuelson)

The Founding Fathers are growling in their graves. The Senate is now debating campaign-finance "reform": a respectable-sounding idea that's a fraud. Campaign reform would cure problems that don't exist with solutions that would restrict free speech, smother elections in bureaucratic rules and hurt candidates' chances of beating incumbents. It's an odd way to celebrate the Constitution's 200th birthday.

Blame that on Fred Wertheimer of Common Cause. His crusade for reform—campaign-spending restrictions and public financing—is built on half-truths. He says that campaign contributions of "special interests" have corrupted politics. They haven't. The Founding Fathers knew that special interests were inevitable. Their government of checks and balances requires compromise; competing groups check each other. The system isn't perfect, but it curbs the undue influence of campaign contributors.

Wertheimer is a genius at obscuring this. He harps on the huge rise in congressional campaign spending—up from $195 million in 1978 to $450 million in 1986—and its simplest implication: that because congressmen need more money, they're more beholden to donors. The obvious answer is to limit dependence on the donors. The logic fits popular prejudices about special interests, and most editorialists and journalists accept Common Cause's claims uncritically. They shouldn't.

For starters, money doesn't determine who wins elections. Winning candidates are often outspent. In last year's Senate election, says political scientist Michael Malbin, six of the seven Democrats who ousted incumbent Republicans were outspent by an average of about 75 percent. There are too many other influences to make money decisive: the economy, party loyalties, personalities, issues, national mood. The 1986 election results, Brooks Jackson of The Wall Street Journal wrote later, suggested "that much . . . . was spent with little practical effect."

Paradoxically, campaign reform could make it tougher for challengers to unseat incumbents. If money doesn't settle elections, serious challengers need adequate minimums to gain name recognition and project campaign themes. It's these threshold amounts that campaign reform threatens. The spending limits in the bill before the Senate are below what five of the winning Senate Democratic challengers spent. In North Carolina, Terry Sanford spent $4.17 million to beat senator James T. Broyhill. The bill would have allowed Sanford $2.95 million.

No one is smart enough to set "correct" spending limits based on population or anything else. States and congressional districts differ radically in political characteristics. California races require lots of media spending. That's less true in Chicago. Spending in hotly contested races is typically higher than average. Because Congress—that is, incumbents—would control spending limits, the bias would be against challengers.

Likewise, Wertheimer's assertion that campaign contributions corrupt the legislative process is similarly weak. You hear lots of talk about the dangers of political action committees (PACs). What you don't hear is:

PACs remain a minority of all contributions. In 1986 they were 21 percent for the Senate (up from 17 percent in 1984) and 34 percent for the House (level with 1984).

The diversity of the 4,157 PACs dilutes their power. There are business PACs, labor PACs, proabortion PACs, antiabortion PACs, importer PACs and protectionist PACs. Contributions are fairly evenly split between Democrats ($74.6 million in 1986) and Republicans ($57.5 million).

PACs give heavily to senior, powerful congressmen, who are politically secure and not easily intimidated. According to Common Cause, Democratic Rep. Augustus Hawkins of California is the most dependent on PAC contributions (92 percent). First elected in 1962, he won last year with 85 percent of the vote.

Of course special interests mob Congress. That's democracy. One person's special interest is another's crusade or livelihood. To be influential, people organize. As government's powers have grown, so has lobbying by affected groups: old people, farmers, doctors, teachers. The list runs on. But PACs are only a minor influence on voting. Political scientist Frank Sorauf of the University of Minnesota reports that in 1984 the average PAC contribution to House incumbents was less than one-third of 1 percent of the average congressman's total receipts. Congressmen vote according to their political views, constituents' interests, party wishes and—yes—their consciences. Special interests were supposed to block tax reform. They didn't.

About half the rise in campaign spending since 1978 reflects inflation. Much of the rest stems from the emergence of younger politicians who use expensive campaign consultants, television and direct mail. In 1984 Democratic House Speaker Thomas P. O'Neill Jr. of Massachusetts spent $213,000 winning reelection. In 1986 Democrat Joseph P. Kennedy II spent $1.8 million to win the same seat. But the expense of modern communications makes it no less vital for free speech.

That's why the Supreme Court held in 1976 that mandatory campaign-spending limits on candidates violate the First Amendment. Public financing of election spending aims to make "voluntary" limits more acceptable. But even if voluntary limits on candidates were enacted, the problem of "independent spending" remains: if I want to buy TV time to support Joe Blow, the Supreme Court says that's my right. Candidate spending limits would prompt special interests to raise independent spending. The Senate bill tries to deter this by subsidizing responses: my $10,000 praising Joe Blow would entitle his opponent to $10,000 of public money to answer me.

Suppose this were judged constitutional (unlikely), what's the point? In our diverse society, one role of politics is to allow the venting of different opinions and pent-up frustrations. Groups need to feel they can express themselves and participate without colliding with obtuse rules intended to shut them out. Our politics is open and free-wheeling. Its occasional excesses are preferable to arbitary restraints. Wertheimer's brand of reform is misconceived. The Senate would dignify the Founding Fathers by rejecting it.

[From the Washington Post, June 21, 1987]

MONEY AND THE MORALIZERS

(By David S. Broder)

I was listening to a presidential candidate—it happened to be Joe Biden, but it could have been any one of them—talk the other noon. He mentioned an all-day meeting with some economists. He repeated some of the ideas he had gotten from them. And suddenly I was reminded of a peculiar slant in the coverage of politics in this country.

Suppose Biden had said he had spent the day with his big contributors. The reporters around the table would have been scribbling notes furiously, pummeling him with questions about what these "fat-cat, special-interest" guys wanted in return. But because he was talking about idea-merchants, no one blinked an eye.

When it comes to campaigns, dollar contributions are deemed to be potentially or actually corrupting. The view is that they need to be limited—as the Senate is again struggling to do—or at least made subject to strict rules of disclosure.

But no such taint attaches to other vital campaign ingredients, notably manpower and ideas. People who make their contributions by volunteering to walk a precinct or, as with Biden's group and its counterparts, by offering to write a position paper or conduct a briefing for a candidate, are deemed to be performing a generous act of good citizenship.

Why is it dangerous to contribute dollars, but not to contribute labor or thoughts? The answer has to lie in the eye of the beholder.

When it comes to influence on policy, few would seriously maintain that a $1,000 contributor exerts more leverage than the person who drafts a speech for a contender or gives him his briefing on trade policy or the Persian Gulf.

But the people who write about politics—like myself—are far closer in spirit to the briefers and the ghost writers than we are to the big contributors. So when organizations like Common Cause, which provides the lobbying muscle behind the recurrent drive for "campaign reform" sound the alarm, we in the press tend to respond.

Frank J. Sorauf, a professor at the University of Minnesota, has just demonstrated that point nicely in an article in Political Science Quarterly. He analyzes news coverage, not editorials, on three recent campaign-finance developments in The New York Times, Los Angeles Times and The Washington Post.

In every instance, he makes a convincing case that the coverage reflected, not a partisan or an ideological bias, but a particular strain of American thought: the Progressive tradition, which was a powerful force in our politics from the 1890s to the 1920s. The Progressives, political scientist Austin Ranney once wrote, believed that "the great enemies of society are the big political machines, the business trusts, and the other special interests that try to advance their selfish goals at the public's expense by buying elections and corrupting public officials."

Progressivism faded as a political force 50 years ago, but it remains alive and well in American journalism and in many self-styled reform organizations. The Progressives' belief in the corrupting power of money is the assumption underlying most of the current efforts—led by Common Cause and endorsed by many leading newspapers—to cut down on contributions by interest-group political action committees, to introduce public financing of congressional campaigns and to place ceilings on overall campaign spending.

Reformers and journalists tend to share that Progressive tradition. Reformers and journalists also know our influence and derives from our presentation of information and ideas, not from our wealth. We may be right when we say that dollars corrupt politics while ideas enlighten it. But there is enough of a coincidence between our assets and our arguments to justify a degree of skepticism.

I happen to think that the rapidly rising costs of many Senate races do justify an effort to slow down this form of political inflation, at least temporarily. I agree with Sen. David Boren (D-Okla.) that a limit on the share of the campaign budgets PACs can provide would have the healthy effect of pushing candidates to seek more individual contributions in their home states.

But there's an excess of moralism in the Common Cause and newspaper preachings on this topic. A pluralistic society properly should allow many channels by which people can seek to influence decision-makers. And you can see more than a tinge of intellectual elitism in the notion that only the money channel corrupts.

Mr. COHEN. Mr. President, if it is a question of PAC's being perceived as an evil in our campaign financing system, then I say let us do away with them. Let us just prohibit any further PAC contributions to our campaigns.

I am prepared to do that today and have been in the past.

If PAC's are, in fact, the evil that they are perceived to be, let us stop allowing them to contribute to our national parties. Let us just put a stop to this and say, "No, no more contributions."

I want to know why is it that our position is not presented by Common Cause and in other publications to show that Republicans support reform, too.

It is, I think, a sad commentary that we are the subjects of a campaign of distortion, a campaign of half truths, a campaign of absolute lies.

There are reasonable differences in this Chamber on this issue. Just today Common Cause put out a press release to the wire services quoting the text of a telegram. I will see if I can find it before I conclude. In essence, it said:

> Senator COHEN. "Stop defending corruptions in Washington". There is no justifiable reason for you to hold Congress and the country hostage to the corrupt Congressional Campaign Finance System.
>
> Senator Cohen, you owe it to the citizens of Maine to allow the Senate to act on S. 2 and to clean up the terrible ethics mess in the Senate.

The implication, of course, is that I am defending corruption.

Well, that went out to the wire services and is on the wires today. I just want to say that I resent the tactic. I think that this particular debate we are having is a good way to see if we can agree on reform acceptable to both parties. If we succeed you will see me lending my support to that. But I will not succumb to an intimidation campaign. I am prepared to take my record to my people and let them judge what they think. I know of no vote or action that I have taken in the course of 16 years of service that was a consequence of a contribution or was a dereliction of my duty. I am prepared to take that to my people in Maine.

Mr. McCONNELL. Will the Senator yield?

Mr. COHEN. I yield.

Mr. BYRD. The Senator can only yield for a question.

Mr. McCONNELL. I wanted to make a 30-second observation about the Senator's speech, but I will have to make it at another time.

Mr. BYRD. I have no objection to the Senator making a 30-second observation on the speech. But I have been waiting and I want to make some comments. I have been waiting. I understood that Senator COHEN wanted to speak so I suggested that he seek recognition. I know the Senator wants to be fair. I do not object to the Senator taking the 30 seconds, but I would like to get 5 minutes at some point. I have no objection.

Mr. McCONNELL. I thank the majority leader.

As the manager of opposition to this measure, I have listened to a lot of speeches over the last 10 months, some of which have gone on for hours. I want to say to my friend from Maine that was a truly brilliant discourse on this most important issue. I thank him.

Mr. COHEN. I thank the Senator.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I want to add my voice complimenting the Senator from Maine who has, in my judgment, delivered one of the most eloquent speeches that I have heard on the Senate floor for many a year. I think he has summed up the case in a very complete manner. I must say that I compliment him. I think it is one of the finest speeches I have heard on the floor of the U.S. Senate. I hope other Members of this body will take the time to read it. I will certainly see that it is reprinted and sent to many friends and opponents of this piece of legislation because I think it says it all.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the Senator from Maine has sat down, therefore yielding the floor.

Mr. DOMENICI. Will the Senator permit me for no longer than 30 seconds to address the same issue while the Senator from Maine is here?

Mr. BYRD. Mr. President, I yield to the Senator from New Mexico for that purpose.

Mr. DOMENICI. May I say to my friend from Maine, I just want to thank you. I think you have done the Senate a service. Most of all, I want to say that knowing what you stand for and what you are, you did right today, exactly what was right, because some groups thought to intimidate you with falsehoods, with half-truths.

I think you showed the absolute best of the traditions of this Senate in coming here to the floor, standing up to it, and in a remarkable way, justifying the position you were taking in the Senate and on the Senate floor, and that we have been taking.

I thank you for that and for all of us who do not believe there is only one way to enhance better campaigns, and that that is a bill that Common Cause supports called S. 2. Thank you very much.

Mr. BYRD. Mr. President, may I say to the distinguished Senator from Maine, I do not think anyone could believe that the Senator from Maine is corrupt. I certainly would not believe it. I have the very highest regard for the Senator from Maine, and I have said so before. He is a man of courage. I have seen him take a stand on his own side that was not partisan when he could easily have been partisan.

I hope he does not concern himself too much about the implications that he is a corrupt individual simply because he is opposed to this bill. I do not believe that. There is not a Senator in this body who would think that of him.

Many of us on this side of the aisle have been the targets of ads, ads by the conservative caucus, NCPAC, and various other organizations at one time or another. So this is not a one-way street. In this particular instance, I can understand the umbrage of the distinguished Senator from Maine. But I think what we have to keep in mind here is the real issue—not a campaign of a particular organization, Common Cause or any other organization. That is not the central issue here in this debate.

Many of us take umbrage against things that have been said against us. But I think we all understand we can expect that from time to time.

That ad did not, in my judgment, influence anyone, and would not influence anyone, that the Senator from Maine is corrupt because he is opposed to this bill. I respect him for his opposition.

Mr. COHEN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. COHEN. The telegram reads:

> Common Cause press release on telegram sent to Bill today:
>
> "Senator Cohen, stop defending corruption in Washington. There is no justifiable reason for you to hold Congress and the country hostage to the corrupt congressional campaign finance system. Sen. Cohen, you owe it to the citizens of Maine to allow the Senate to act on S. 2 and to clean up the terrible ethics mess in the Senate."

That is a statement which to me has to be one of the most despicable tactics I have seen in 16 years, when it says that the Senate is corrupt, when it says the system is corrupt, and S. 2 will cure the corruption.

"You do not support S. 2, therefore you are corrupt."

That is a kind of smear tactic. The claim of the organization is that it is disinterested.

Mr. BYRD. I understand the Senator's strong feeling and I can understand his taking umbrage. The majority leader of the U.S. Senate, who does not get many plaudits from that side of the aisle, stands and, of his own free will, states that he has complete faith in the Senator's honesty, his integrity, his character, his courage. I say that directly and forthrightly.

I did not have to say that. I am not seeking plaudits from those on the other side who from time to time like to castigate me. But I say that without any hesitancy.

I will yield to the distinguished Senator from Oklahoma.

Mr. BOREN. I thank the leader. I simply want to add my voice as another principal author of this legislation to what has just been said by the majority leader. It is my privilege to work with Senator COHEN day in and day out. He serves as the vice chairman of the Intelligence Committee and I serve as the chairman. There are many people of integrity in this body, many people for whom I have great respect, who are sincerely devoted to this country. But let me say there are not any in this body who exceeds, in my opinion, the integrity and patriotism demonstrated by my colleague from Maine. I am in position to view that day in and day out.

Let me just say that I personally disassociate myself from any kind of implication that anyone has made that Senator COHEN would ever intentionally defend corruption in any manner whatsoever.

It is an unfortunate statement. I want to personally disassociate myself from it.

I have strong feelings about this issue before us. I have tried to convince the Senator from Maine before and I will continue, being from the southern tradition to seek that one more time in hopes that he would see this issue as I do.

Many of us are sincerely convinced that we must find a way to wring as much money out of politics as we can to prevent the expenditures for growing.

I have never heard anyone question the integrity of the Senator from Maine. Certainly, this Senator would be the first to jump on his feet to invite anyone to settle that kind of accusation in any manner this Senator could settle it, if they ever had that to say about my good friend from Maine.

I think it is unfortunate that this has been worded in this fashion. I want to publicly disassociate myself from it.

It is an important issue. It is an important issue for the country. I hope that we can focus attention in the debate on the merits of the case before us, on the issues before us.

As I said last night, this is not a matter of how much sleep people get or what is said in newspaper advertisements or anything else. It is a matter of importance to the country, to the future of the country. I hope we will find a way before all of this is over to come together and do something to improve the current system, and I know the Senator from Maine also feels like that.

I would be remiss, after having the privilege of working with the Senator from Maine day in and day out, if I did not express myself on this point.

I thank the majority leader for yielding. I know he shares my view as an individual Senator.

Mr. BYRD. I thank the Senator.

Mr. COHEN. Mr. President, I want to thank my colleagues from Oklahoma for his kind words. The point I was trying to make was that this kind of an ad could be placed against the Senator from Wyoming, against the people in Nevada, South Dakota, across this country.

Frankly, what is troubling to me is that all of us are inundated by "special interests." There are special interests in this country.

But if PAC's are the problem, we can eliminate them, if they are so powerful that we do not have tax reform legislation, for example. Somehow we have allowed ourselves to accept the position that PAC's are the cause of evil which has given credence to the sort of tactic that says that those who are in opposition to this particular formulation of campaign reform somehow are those who wish to preserve a corrupt system. The implication, therefore is that we are corrupt.

I resent on behalf of my colleague from Wyoming as much as for myself or my colleagues from South Dakota or Nevada or in whatever State this is being run.

I had somewhat of a deja vu experience this noontime because I have always had enormous respect for Mr. Cox. I had lunch today with Elliott Richardson. We went back to the Watergate time of the firing of Mr. Cox and the resignation of Mr. Richardson. I was somewhat moved by the notion that somehow I had to come to the floor and strenuously object to the type of tactic employed by Mr. Cox.

I thank the distinguished Senator, the majority leader, for his comments. He did not have to say them, though I appreciate them. They were not for me, of course, but for all my colleagues.

Mr. BYRD. Mr. President, I was not asked to say it but I felt I had to say it because I wanted to say it.

I disassociate myself also from what the Senator has just read, as did the Senator from Oklahoma, the chief sponsor of this legislation.

Having said that, I want to thank Common Cause and any other organization that supports this legislation.

I do not approve of any effort to impugn the integrity of any individual Senator or imply that he is corrupt because he is opposed to this bill. There should not be any such inference drawn from his opposition. I regret that such as the case.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. BOSCHWITZ. Do you think, Mr. Majority Leader, that the press release that was put out by Common Cause casts that kind of light of corruption on the Senators? I have received similar telegrams. I am not sure a press release was put out in my State. Perhaps there was.

Do you believe that the press release that the Senator from Maine read did or did not cast some light of corruption?

Mr. BYRD. Mr. BOSCHWITZ, I have already stated as to how I feel about Mr. COHEN. I think I stated it rather plainly. The senior Senator from Montana, I understand, has an ad put out by a conservative caucus at one time targeting him. I deplore all such ads from which hurtful inferences may be drawn about the character and integrity, the honesty and patriotism, of any Senator, whether he is a Democrat or Republican.

I do not approve of it. I hope that the campaign that is going to be waged against me this fall by the Republican candidate—who was encouraged to run against me by the distinguished Senator from Minnesota, Mr. BOSCHWITZ, according to news reports—will be a clean campaign, and I hope that I will not again be the target of the kind of attacks that I endured in 1982 when that lousy outfit, NCPAC, came into West Virginia and attacked me scurrilously, distorted by voting record, and spend around $270,000 trying to defeat me.

I do compliment Common Cause for supporting what I conceive to be a good government bill. On the other hand, I do not countenance any actions, words, advertisements, or whatever, that in any way impugn a Senator's integrity, his honesty, his patriotism, simply because he opposes this bill. I respect Senators who oppose it, although I believe they are wrong in opposing the bill.

I hope that answers the Senator's question.

Mr. BOSCHWITZ. I ask the majority leader, may I comment on that?

Mr. BYRD. Yes.

Mr. BOSCHWITZ. I have some familiarity with the campaign that was waged against the Senator from West Virginia last time. I was not involved in that campaign or the committee at that time. It worked to the disadvantage certainly of the Senator's opponent, as it should have, and I must tell the distinguished majority leader that I have told NCPAC, when they want to come into my State, they should stay out.

I have spoken out against the tactics of NCPAC and have often said that they were perhaps the leader and perhaps the originator of some of the negativeness that has arisen in campaigns today.

This release and these ads on the part of Common Cause, which certainly has a right to speak up about this issue or any issue they choose to, I think are as heinous and as inappropriate as some of the works I have seen by NCPAC, and I again say that the Senator from Maine has not only directed his comments against those ads or against the actions of Common Cause as they apply to him and to others on this side of the aisle, but has directed his comments to all of the elements of S. 2 and I think has done so just brilliantly.

I thank the Senator for allowing those comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I wish that I had had such rejections of the obnoxious tactics and ads by NCPAC used against me in 1982, I wish I had heard those same rejections, from the other side of the aisle of such tactics in 1982. I spoke about it on the floor at that time. But I am pleased that the Senator rejects NCPAC in his own State at least.

Now, Mr. President, I think we are changing the subject again. The real problem is the perception of big money in politics, and we have to address that perception, or the trust in all of us will suffer. It is a system that is corruptive. That is just what we have been hearing. It is a system that is corruptive.

That is not to imply that any Senator who opposes this bill is corrupt, but the system is corruptive. And that is what we are trying to correct here. The system is corruptive, and the perception of Senators and House Members who have to raise funds in order to stay in public service and, in doing so, have to live by the rules of the current system, the perception by the voters can rightly become one that beholds us all as corrupt—all of us.

Politicians have a bad name. Politics has a bad name. And this system only adds to that unfortunate perception of politics and politicians.

I take offense at that. I take offense at this system, but we have to live by it until it is changed.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. BYRD. Yes. I will be happy to yield. But first, my distinguished friend from Oklahoma wants me to yield.

Mr. BOREN. I was going to ask a question of the majority leader. Is it not true that one of the reasons why we are pushing this bill so hard is because we are concerned that when Senators, as known by the people of this country, have to raise campaign contributions an average of $10,000 every single week for 6 weeks, to raise a sufficient amount to run for reelection, and when it is known that more and more of that is coming from groups that rate us on how we vote on their own special interest economic legislation, that is causing the kind of disillusionment and the kind of appearance of corruption and wrongdoing that disillusions people about their own government? Is that not one of the very reasons why we are working heart and soul to try to get some limits on the amount that can be spent in campaigns so we will not be put in this position of appearing to compromise ourselves by going out in this endless search for money, money, and more money? Is that not one of the very reasons why we are doing that?

Mr. BYRD. It is. Exactly, it is. And it is not just Common Cause that may have the wrong perception; I think we ought to understand that the perception of the average voter is going to be that this Senator, that Senator, and every other Senator are all corrupt because we have to spend so much of our time running around the country with our hand out asking for money for our own election campaigns.

How can any individual in this country be blamed for having a perception that we are all corrupt? It is a corruptive system that creates such a perception.

One should not have to go around all the time proving his honesty. That ought to be a given. But the system is corrupt, and we who support this bill are trying to change it. Common Cause is trying to change it.

Now, Mr. President, let me get back to the vote we had a little while ago. I intended to speak immediately following that rollcall vote, but I wanted the Senator from Maine to first have an opportunity to speak. I knew that he was greatly offended and I wanted him to have that opportunity to speak first.

Mr. DOMENICI. Mr. President, before the majority leader proceeds with what he wants to do, could I inquire of him, we have no right to a schedule at all because we are in a situation where the Senator has the floor and obviously I am not entitled to it for awhile, but we sort of had a schedule, not knowing that the Senator desired to speak this evening on this issue and obviously the Senator did not know he was going to. I wonder if the Senator might tell us how long it would be. I think we are going out at 6, are we not?

Mr. BYRD. Mr. President, I said yesterday that we would go out, hopefully, by 5 or 6 o'clock, barring some unforeseen happening here or some unforeseen development. I intend to speak, say, 5 minutes, and I still hope to go out by 5 or 6 o'clock.

Mr. DOMENICI. I thank the distinguished majority leader.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I want to get back to the vote. I am glad that the Senate rejected the motion to reconsider the vote on the arrest order by supporting my motion to table that motion to reconsider.

What we saw, with all due respects, was a red herring to distract the public's attention from the real issue—campaign finance reform. That has been the issue and it will continue to be the issue until it is one day resolved.

Running from the issue will not make it go away. We should squarely face up to it. There have been a lot of speeches in the last day about the tactics of yesterday and the day before that and yesteryear and all these things. That sideshow is shifting the attention away from the real issue of campaign finance reform.

Let me also say that whatever happens on this particular bill, Senators should not assume that we are through with the issue of spending limits. Senators cannot run from this issue. They cannot hide from it. It is there and it will be addressed.

There has been quite a lot of attention focused on some of the tactics that have been used in the course of these last 2 or 3 days.

I think we ought to get the focus back on the main issue, on the central issue, and the central issue is campaign financing reform.

Mr. President, the Washington Post story concerning the arrest of Mr. PACKWOOD appeared today, and it was referred to earlier by another Senator.

The Washington Post has been a supporter in its editorials of S. 2, a strong supporter. So has the New York Times.

With particular reference to what happened the other night in connection with the arrest, I have an editorial in my hand that was in today's New York Times titled "Reformbusters in the Senate." I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BYRD. Mr. President, this filibuster should not obstruct the central issue of the debate. The little guy is being pushed out of our political system. The Senate should not be an aristocracy of the money bag. Campaign financing reform will give the little guy an equal share.

We Democrats have been ready to vote on the substance of the bill. It provides a voluntary checkoff system and an overall spending limit, and we have waited and waited for over a year to vote on the substance of it.

This business of the "golden handshake"—no one likes it. Senators do not want to spend all their time raising money. They do not want to be beholden to special interests, going from fundraiser to fundraiser, with their hands out, begging for money. It is demeaning.

Some have said, with reference to the arrest order, that it was demeaning. What is really demeaning is this issue we are discussing—the money chase. If that is not demeaning, I do not know what is demeaning.

It is demeaning for me to have to go around the country and raise increasing amounts of money for the purpose of staying in public service. That is demeaning. And it is demeaning to every other Senator.

The people did not elect me to do that. They elected me to do the work of a Senator. But, more and more, it is consuming my time and every other Senator's time. That is what is demeaning. That is what we are trying to get away from by enacting S. 2.

I have said that I regret having had to make the motion to order the arrest of absent Senators and bring them to this Chamber. Now we hear all of this crying, weeping, gnashing of teeth.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BYRD. Let me finish my thought; then I will yield.

They sound like a bunch of crybabies. We are all adults. We all know what we are sent here for. We are sent here to work and to conduct the business of the Senate, the business of the people.

Some of us believe strongly in the bill that is before us. I know that it has been said here by some Senators that they do not have to be lectured on what their duty is. Nobody is attempting to lecture Senators on their duty. I do not have to be lectured on my duty, either, as majority leader of the Senate, but I have been listening to a lot of advice on it from the other side of the aisle.

That whole episode was demeaning, and I acted as I did because I was forced to do it, to get a majority of the Senate present, so that the Senate could do its business. This Senate cannot operate without a quorum. A quorum is 51 Senators out of the 100.

Every legislative body has to be able to produce a quorum, else all business will come to a halt. It is the responsibility of a majority to produce a quorum if a quorum is shown to be not present. And that responsibility is shared by the minority. The Constitution of the United States vests this body with the authority to compel absent Senators to come to the Chamber. The rule of the Senate, rule VI, provides for the compelling of Senators to attend in order to secure a quorum, because without a quorum, this legislative body cannot do any business. The Senate rule provides the authority. But the higher authority is the Constitution of the United States, the organic instrument that created this institution of which we are Members. I will read from it, article I, section 5:

> Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum—

Fifty-one here—

> to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

So there is the full force of authority that is required for this legislative body to function. And the order for arrest springs from that authority.

When a legislative body cannot or will not compel the attendance of Senators, then it cannot enforce the requirement of a quorum, without which there can be no business transacted. When there is no quorum, all the Senate can do is take action to get a quorum or adjourn—or recess, if a previous order to recess has been given. That is fundamental to the very being of this body.

So regarding all of this weeping and crying like a bunch of crybabies who brought it upon themselves—it was a calculated decision. We heard that stated today from Senators on the other side—that they decided that they would resort to deliberately staying away to prevent establishment of a quorum. They were flying in the face of the Constitution of the United States, which created this body.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. BYRD. That was a calculated decision.

Mr. NICKLES. Mr. President, will the Senator yield?

Mr. BYRD. I will yield shortly, but I am going to finish my statement.

After all, there has been a big deal made out of this business of the majority leader's motion that Senators be arrested and brought to the Chamber. Now, I shall have my say. I do not intend to keep the Senate long on this subject. But this majority leader intends to do his duty, and I did my duty.

Senators made a calculated decision to not let the Senate establish a quorum. Senators on this side had 50 bodies that night. If not for one Senator on the other side, the distinguished acting leader, we would not have had a quorum of 51 Senators.

How demeaning can we get, when grownup men who understand their responsibilities as Senators make a calculated decision that they will stay away from the Senate when there is a vote going on to establish a quorum! Then, they take umbrage at a motion to arrest absent Senators and bring them to the Chamber. They understood what they were doing, and I understood what we were doing. Demeaning? Senators running when they saw the Sergeant at Arms approaching? Barricading themselves in offices? Placing chairs against the doors? Locking themselves in? How demeaning is that picture of Senators?

Mr. President, I moved on one occasion before, in 1976, that there be an order for the arrest of Senators. On that occasion, the Senators who had avoided the quorum came to the Senate before the order had to be executed. First there was the order to request. They did not come. Then I believe on that occasion there was the order to compel. They did not come. Then I moved for the order of the Senate to arrest Senators. They came voluntarily.

I might not like it because the Senate votes to arrest Senators, but I will be here to cast my vote against it if I do not like it. If the Senate enters an order to arrest Senators, you will not catch me running in the other direction.

You will not catch me running in the other direction. I will run in this direction. Here is where my duty lies.

Mr. President, a great deal has been said about that arrest order and written about it. Of course, every attempt has been made to make it the central issue, to make it the focus of attention. But the real center stage is the issue that is responded to in S. 2. And that is a clean, good-government issue.

The Democrats have been ready to vote on the bill and on the pending amendments, and we are ready to vote now. But our Republican friends across the aisle have not wanted to vote. They have not dared to vote on the bill or on the pending question. They are waiting for the cloture vote on tomorrow.

I do not question any Senator's opposition to the bill. He has many appropriate ways of registering that opposition. He can speak against the bill, he can vote against the bill, and I have offered time and time again to see if we could work out a time agreement, which would allow for other amendments—which would not be, otherwise, allowed, if cloture were invoked—to be in order after cloture. And I still stand ready and still make that offer if cloture were to be invoked, as long as they are not the kind of nongermane amendments which have been positioned in one of the parliamentary lines to the bill.

So we could have votes on germane, relative amendments. I will be happy to sit down and try to work out an agreement that will provide for such amendments, provide for a final vote on the committee substitute, and meet the issues up and down.

As far as I am concerned, I will be happy to agree to give Senators an up and down vote on their amendments. Not tabling motion, provided there is an overall agreement to wrap up a final vote on the bill and the amendments thereto.

If the opponents really want to have a vote on their amendments, they could do so, in a time agreement that allows for a final vote on the bill also.

So they can vote, they can speak, and they can register their opposition to this bill, and they can vote against cloture, and they can defeat cloture. So there are many ways in which Senators can oppose this bill and defeat it.

I must say, however, that to resort to boycotting the vote and attempt to prevent the Senate from establishing a quorum to do business was an act of very bad judgment.

That extreme action was not necessary to defeat this bill. I had no doubt as to where my duty lay in that instance, and I had no hesitancy to do my duty. I did it then, as I saw what my duty was, and I shall do it again if the circumstances, in my judgment, ever require it.

At any time I do something that I think is wrong, I will be the first to go to any Senator, if I have wronged him, and say that I was wrong. But I am willing to stand before any audience, anywhere, any group of Senators in either party, anytime, and I can defend my action in the arrest matter. I do not need anybody else to defend me, because what I did was right.

Mr. NICKLES addressed the Chair.

Mr. SARBANES. Will the majority leader yield?

Mr. BYRD. Yes, I yield. Would the Senator allow me, the Senator from Oklahoma did ask me to yield earlier. I will be happy to yield to him and then to the Senator from Maryland.

Mr. NICKLES. I might ask the majority leader a question. Some of us have been waiting for some time. I know the majority leader earlier had indicated we would be leaving, trying to get out by 6 o'clock. There are a number of people wishing to speak. Is that still the majority leader's intention?

Mr. BYRD. It is my intention to stay here as long as Senators want to speak.

Mr. NICKLES. I appreciate the majority leader's response to that question.

The question I want to ask in regard to filibuster, you mentioned the idea of compelling Senators was something that has been done before. It has been done in 1976. It is the first time in my 8 years in the Senate that it has been done that I can recall. I was going to——

Mr. BYRD. Well, 1976 was more than 8 years ago.

Mr. NICKLES. That is correct. The majority leader was in the Senate prior to 1976. He has a great deal of seniority in the Senate. He was also involved in previous filibusters, historic filibusters, the civil Rights Act of 1964, and others.

Did they employ a tactic that I understand is a tactic that was used before in disallowing a quorum, if possible, back in filibusters in the 1960's?

Mr. BYRD. Mr. President, I do not recall any occasion in the 1960's when a political party in the Senate decided to stay away to prevent a quorum in the Senate.

Mr. NICKLES. Not——

Mr. BYRD. Now, I am answering the question, and then I will be glad to take another question. I am attempting to answer the Senator's question. I do not remember that either political party in the Senate during the 1960's or since made a calculated decision to the effect that only one Senator in that party would answer the call for a quorum of the Senate, previous to this occurence. That is No. 1.

No. 2, the filibusters in the Senate in the 1960's were conducted mostly around the civil rights issue. And I was one who participated in the 1964 filibuster. I voted against the 1964 civil rights bill. I think I voted for the 1958 civil rights bill, the 1960 civil rights bill, the 1962 civil rights bill—I think that dealt with the poll tax.

I voted against the 1964 civil rights bill, explaining my reasons and have, upon several occasions since, stated that had I to do it over again, I would vote for it. I wish I had voted for it. I have my own personal reasons for my change of heart that I do not need to relate here, and they are very, very personal. They have something to do with this wonderful happiness of having grandchildren.

Senator Russell was the leader of that Southern bloc, and those Southern Senators took the floor. They did not run and hide. They took the floor and they spoke, and their speeches were germane to the subject, and they were well organized. They took their turns. Why, Senator Russell would have been ashamed if his group of Senators had they made a decision or had they even suggested that they go to their offices and with an order for an arrest out, "lock your doors, barricade them and do not go."

Mr. NICKLES. Will the Senator yield for a further question?

Mr. BYRD. I am completing the answer to the Senator's question. The answer is that that tactic was never employed by that Southern bloc of Senators, joined in by a few Senators from other regions of the country. Now, I hope I have answered that question.

Mr. NICKLES. I appreciate it. One final question. Has the majority leader participated, seen or witnessed on both sides of the issue—and this Senator in my short tenure of 8 years, I have seen and participated in filibusters, and a lot of different tactics have been used. Can you recall in previous filibusters where a minority had elected to deny the majority potentially a quorum as one of the tactics used in the filibuster?

Mr. BYRD. I never recall any minority going to the extent that the opposition did in this instance. That is what brought about the order for the arrest.

If we are going to talk about the sideshow, there were a number of occasions this week when the minority did not do very much to help us get a quorum. They voted against the motion. Time after time, I had to move to instruct the Sergeant at Arms to request the attendance of absent Senators. A great number of Senators on the other side voted against that motion each time it was made. They voted against getting a quorum.

That was all right. But when it came to just deliberately staying away as a party and not coming to the Chamber to even vote against the motion, that is quite a different matter.

If they had come and voted down the motion, then all I could have done would have been to have gone out for the night. They have that right to come and vote against a motion to instruct the Sergeant at Arms. And if a majority of the Senate votes down that motion, then all I can do is move that the Senate adjourn, and the next morning I could come in and complain about Senators not helping to get a quorum, but here we had no Senators on the other side casting a vote on that motion. Only one Senator on the other side was here, and there was a calculated, willful decision that everybody stay away; just leave one Senator out there so that the Chair cannot put the question.

That is what we are talking about. That is the kind of conduct with which I had to deal.

I have been listening to all of this cry-baby stuff since, and all of this business about how we have to "save the Senate."

It is a remarkable thing to me that there are many Senators who come here and want to save the Senate—and they have not been here very long, in many instances. I admire them and respect them for wanting to improve the operations of this Senate.

How many of those Senators who want to "save" the Senate showed up that night and voted on that motion? We cannot have it both ways.

A good many Senators have been quite liberal in their criticism of the majority leader for having made the motion. But the majority leader knows what his duty is, and the majority leader will abide by that Constitution without failure and by the Rules of the Senate without failure.

I do not have any regret whatsoever in what I did. I only regret that I had to do it.

When a majority leader quails in the face of criticism when he has done his duty, then he ought to take a seat and say he is no longer the majority leader.

I do not take any pride in staying here all night. I did not like it on Tuesday night. I got 3 hours of sleep. There may be some who got less. But this was a calculated effort to obstruct this Senate from doing its work, because it cannot do its work without a quorum. When a party, a majority party, in this Senate, be it Republican or Democrat, does not show the fortitude and the backbone and the steel and the guts to take whatever action is necessary under that Constitution and the Rules of the Senate—whatever action is authorized under the Constitution and in that rulebook—whenever that majority party quails or shrinks from that duty to establish a quorum, then that party forfeits its right to be the majority party.

And I would forfeit the confidence that has been placed in me by my colleagues who selected me to be the majority leader.

Mr. President, that is precisely where I stand on the question. "Come one, come all, this rock shall fly from its firm base as soon as I."

Mr. President, I yield to the distinguished Senator from Maryland.

EXHIBIT 1

REFORMBUSTERS IN THE SENATE

How far will Senate Republicans go to resist limits on campaign spending by candidates for the Senate? One answer is 5 feet 11 inches. Normally, that's how tall Bob Packwood, the Oregon Republican, stands. At dawn yesterday he wasn't standing; he was carried into the Senate, feet first, by Capitol police officers. He was one of the Republicans, resisting a campaign finance reform bill, who had walked off the floor and had to be brought back under warrant.

Another measure of Republican opposition will be evident tomorrow, when the Senate votes—for the eighth time—to end Republican filibusters against the reforms. Citizens disturbed by the influence of big money on politics will observe with interest the votes of Republicans like Alfonse D'Amato of New York and Lowell Weicker of Connecticut. By ending the filibuster and passing the bill, the Senate could control campaign costs and scrub away some of the suspicion that has settled, like polluted air, on Washington's marble halls.

Why do the Republicans risk stigma as the Big Bucks party by so stubbornly opposing the reform measure? The bill, sponsored by two Democratic Senators, David Boren of Oklahoma and Robert Byrd of West Virginia, has three goals: to limit contributions from PAC's, the special interest political action committees; to close the legal loopholes through which millions of dollars now pass, and, most important, to create voluntary limits on total campaign spending.

It's these limits that drive the Republicans to their dawn delinquencies. They contend that spending limits favor incumbents and thus the Democratic majority. Challengers often require large campaign funds, they argue, to offset the advantages of incumbents' name familiarity. Reformers cite numerous examples to the contrary; the point could be argued indefinitely.

But what can't be denied is that the present system creates a poisonous impression: that money can buy influence on Capitol Hill. Worse, money does buy such influence; at least it guarantees that a senator will give the contributor a hearing. It's hard to forget an acid wisecrack from a huge Washington trade association last spring: "I know you can't buy a Congressman. But what's wrong with renting a few?"

Given the charges of sleaze arising almost daily against the Reagan administration, Republicans ought sensibly to want to dissociate themselves from the poisonous climate. Tomorrow's anti-filibuster vote will give all senators, and particularly Republicans, their chance.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. SARBANES. Mr. President, I think it is very important to understand the position the majority leader has taken is explicitly grounded on a provision in the Constitution. Is it not the case the Constitution provides that each House is authorized to compel the attendance of absent Members in such manner and under such penalties as each House may provide?

Mr. BYRD. Those are the precise words.

Mr. SARBANES. So that the action the majority leader took the other evening was directly pursuant to a constitutional provision, a provision that has been invoked on prior occasions in this body.

In fact, Mr. President, there is an extended section in the precedents of the Senate that deal exactly with this matter, with the question of the order of arrest, which says it may be adopted by a majority of the Senators present, with or without a quorum, and that orders of arrest may be issued in the absence of a quorum directing the Sergeant at Arms to bring certain Senators before the bar of the Senate.

So the action the majority leader took was not a personal action of the majority leader. It was an action of the leader of the Senate consistent with the constitutional precedents of the Senate, which set out how to address a situation in which, in this instance, a group explicitly decided, consciously decided, to boycott the Senate and bring the institution to a halt.

Mr. BYRD. Mr. President, if the distinguished Senator would allow me to do in this situation as I required of other Senators, I wish to state that I will only yield for a question, except by unanimous consent.

As far as I am concerned, I am ready to yield.

Mr. EXON. Will the Senator yield for a question?

Mr. BYRD. Mr. President, I yield the floor.

Several Senators address the Chair.

The PRESIDING OFFICER. The Chair will state that he has noted the Senator from Oklahoma has been here for an hour waiting to speak. For that reason, he is recognized.

Mr. NICKLES. I thank the Chair. I thank the majority leader for responding.

Mr. DOMENICI. Mr. President, America needs balanced election reform.

I support that, and am distressed by amendment 1405 and other suggestions from the other side of the aisle that would use tax dollars to squeeze individuals out of the election process.

The American voters deserve a fair-shake-for-all election law, one that places its emphasis on people-to-people campaign, not one where the candidates put their hand into the public treasury.

We need to stress people, not PAC's.

It is for that reason that I am supporting dramatic changes in the Federal election law, changes embodied in legislation such as S. 1308 and S. 1672.

The American public dislikes the sharp rise in campaign spending. I do not like that trend. Some calling for "reform" now want some of the costs of campaigning taken from the pockets of the taxpayers.

Yet the public focus is PAC's, not taxpayer dollars or spending limits. PAC spending on races for Congress jumped by more than 25 percent from the 1984 campaign to the 1986 campaign. While personal contributions were up too, they rose by much less, about 18 percent.

So I have concluded that one effective way—probably the best way—to resolve the problems caused by the deluge in campaign spending is simply to drain some or all of the PAC cash out of campaigns. Let individuals decide who gets campaign dollars.

The first three words of the Constitution are key: "We the people." Politics is people; let's encourage that. Individual—and voluntary—participation builds a successful campaign; it builds a successful government.

When I first ran for the U.S. Senate, I used a slogan, "People for PETE." I used it again in 1978, then again in 1984. I intend to use it when I run again.

Why? First, it does possess a nice, catchy alliteration. But the real reason I use the phrase "People for PETE" is that I believe it expesses what politics is all about, or what politics should be all about. And yet, as the Senate debates S. 2, the major alternative is a plan that could well mean that a significant portion of every future Senate campaign is paid for directly with tax dollars; that would convert my next campaign into "Taxpayers for PETE."

That is wrong. Daniel Webster spoke of "the people's government, made for the people, made by the people, and answerable to the people." How can you achieve that with a campaign bankrolled largely with taxpayers' dollars?

When I ran for reelection in 1984, I was supported with some 20,000 individual contributions, the most in the history of New Mexico. Personal contributions ranged from $1 to the legal limit, $1,000. I raised over $1 million in this way, most of it from my friends in New Mexico. Some may argue that no one else can match that enthusiasm in New Mexico. Maybe, maybe not. But is not that what the political process involves?

I have joined in sponsoring three basic election reform bills: S. 1308, sponsored by the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Oregon [Mr. PACKWOOD]; S. 1326, written by the Senator from Alaska [Mr. STEVENS], and most recently, S. 1672, introduced by the distinguished Republican leader, Mr. DOLE.

Each is a good bill. Each would shift the emphasis back toward individuals. Each is far better than the various versions of S. 2, offered by the majority. Each curtails PAC spending; the majority's approach does not.

Why do I support legislation that would lessen the reliance on PAC's, while emphasizing individual contributions?

I am not doing it because I think PAC's are evil, or that PAC's use influence in an unhealthy manner. I do not believe that. But I do believe PAC's are farther from the people, and, given the decisions of the Supreme Court, PAC control appears to be the only constitutional way that is fair and responsible to hold down the cost of congressional elections.

There is no doubt that campaign spending is out of hand. During the 1986 elections, business and labor PAC's poured $45 million into Senate campaigns. That is about $1.3 million per race, a staggering total. Those same PAC's spent $87.2 million on campaigns for the House of Representatives.

Our bills control PAC's; S. 2 does not.

I believe it is also very significant that the Dole bill and its predecessors tackle the danger posed by the superrich candidate. As a result of a Supreme Court decision, candidates may lavish family treasure onto a campaign to buy a Senate seat, despite limits on other givers. Millions in family money has been spent by some wealthy Senate candidates, men who are Members of this body.

Following the plan in my own election reform bill, S. 625, the Dole, McConnell, and Stevens bills place a practical limit of $250,000 on self-funding by wealthy candidates.

These bills also require additional public disclosure, particularly on the financing of get-out-the-vote drives by business and labor.

Best of all, S. 1308, S. 1326, and S. 1672 make these improvements without spending a dime of our tax dollars, and without arbitrary limits on the number of individuals who can become financial supporters of a candidate. The Dole bill, the McConnell-Packwood bill, and the Stevens bill leave congressional campaigns where they belong, in the hands of individual members of the public, outside the grasp of the tax collector and the superrich, while sharply curtailing the influence of PAC's.

These are the strengths of each of these bills. And they are the weaknesses of the reported version of S. 2, as well as various substitutes offered by Senators BYRD and BOREN. These variations of S. 2 simply seek to solve all our election problems and distortions by reaching into the pocket of the taxpayers.

The irony, of course, is that S. 2 started through the legislative process as a PAC-control bill, not a taxpayer-financed scheme. Through a little sleight of hand, S. 2 suddenly emerged as a tax-financed bill, without much in the way of PAC controls. Under all versions of S. 2, a PAC can continue to donate $5,000 yearly to a candidate.

Is that really the kind of so-called election reform we want?

If S. 2 fails to control the top-dollar PAC giving, what does it do? First, it will require an expenditure of an unknown sum every 2 years in tax dollars for Senate elections, then recycle that money back in a deluge of TV ads and bumper stickers. Do we really want that kind of "reform."?

I know, I have heard the argument that S. 2 is "voluntary." It is about as voluntary as paying your taxes every April. What it really creates is the potential of a new Federal entitlement.

Do we not have enough problems with entitlements without the prospect of putting Senate candidates on the dole?

But I would agree that S. 2 offers an ingenious approach. Let me describe how it would work, as I understand the various redrafts of the legislation offered by the distinguished majority leader, Mr. BYRD, and the Senator from Oklahoma [Mr. BOREN].

I should note that I share the distress of my friend from Kentucky, Mr. MCCONNELL, over the specifics in whatever is the latest version of the majority's proposal.

I say that because a number of versions have been printed of late, and each time we look, another modification is presented, usually without much effort to explain the intent and specifics of the modification. Reading these amendments forces one into some of the most convoluted legislative language that I have ever seen.

Therefore, should I misstate a specific provision in the majority's version of S. 2, I hope they will at some point come to the floor to state with specificity just what it is their latest proposal does and what it does not do.

One thing we know it does not do is control in any way the spending of "soft money," the mother's milk of the Democratic candidates to the U.S. Senate. These expenditures are the inkind services provided by labor unions and others, expenditures outside the current election law and outside the scope of S. 2.

I know, we will hear that this spending is outside the control of the candidate, or really cannot be valued, therefore it should not be at issue.

But every single person who serves in this body knows perfectly well that "soft money" contributions provide to Democratic candidates a tremendous boost. And if other types of spending were controlled sharply, the importance of "soft money" would become greatly magnified.

So the issue is not really dollars. The issue is accountability. The issue is assuring voters that they get an honest picture of what is going on, who a candidate is supported by, what kind of people want the candidate to win.

I will take the State of New Mexico as an example, a good one since 19 States would have the exact same limits. In New Mexico, a $950,000 spending limit is set for a Senate candidate.

In return, they get new, special subsidized mail rates, special TV advertising rates, and the prospect of big taxpayer bonuses, should the opponent exceed the spending limit.

Taxpayer money would be pumped into the campaign once a candidate spends $950,001 or an outside group starts spending money on behalf of a candidate in the race.

Amendment 1405 contains language that provides candidates up to another $950,000 in taxpayer cash if the other candidate exceeds the $950,000 limit in New Mexico; in States such as California, the taxpayer exposure could exceed $5 million.

In addition, the taxpayer has an exposure, on a dollar-for-dollar basis to offset spending by outside groups, ones that would be independent of the candidate. This money could go to either or both campaigns, and permits legal spending by either over and above the $950,000 limit.

It seems to me that these matching funds against outside spending is the fatal link in the majority's proposal. There is absolutely nothing that I can find that restricts all sorts of fake campaigns designed purely and simply to unlock the Treasury for a particular candidate.

Under amendment 1405, if a committee totally outside the control of the candidate decides to get involved in the campaign on the candidate's behalf, the opponent of that candidate will receive an entitlement of cash equal to the value of that outside campaign.

Section 504(a)(1)(C) of amendment 1405 provides tax cash "equal to the aggregate total amount of independent expenditures made or obligated to be made, in the general election involved, by any opponent of such eligible candidate * * *."

Can you imagine the mischief that will be possible under this kind of a provision?

That will be cash over and above the $950,000 he or she already has in the bank, in our small State example. So one candidate gets cash, and the other receives the possibility—the possibility—that the outsiders actually have helped.

What happens if a dummy independent committee is set up to support me with a proclaimed intent of bolstering the Domenici campaign? I have no control over that committee, but my opponent receives cash he or she can use against me. And that dummy committee could spend it in ways that really turned out to be a slap at me.

What an absurd approach. Yet that is at the heart of the proposal from the majority leader.

Mr. President, amendment 1405 and S. 2 are proposals that are flawed, seriously flawed. They are proposals that need to be redrawn along the lines of the Dole bill, a bill that offers realistic election reforms, legislation that achieves reforms without picking the taxpayers' pockets.

I urge my colleagues to work to develop legislation that reforms campaign financing laws to hold down spending, but to do it in a way that stresses individual givers, not the taxpayers.

Mr. BYRD. If the Senator will yield, I ask unanimous consent, without the Senator from Oklahoma's losing his right to the floor, and without it being counted against him as a speech, that the Senator from Maryland, who was quite summarily cut off by me because I was living up to the rules—and were it to have happened to a Senator on the other side this request would have also been made—I ask that the Senator from Maryland be permitted to proceed for at least 2 minutes to finish his thought. I have done what I have done with regard to other Senators. In doing so, I have shut off my own colleague.

I ask unanimous consent that the rights of the Senator from Oklahoma be fully protected.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the Senator from Maryland is recognized for 2 minutes.

Mr. SARBANES. I thank the Chair and I appreciate the courtesy of the Senator from Oklahoma.

Mr. President, I simply wanted to make the point that I did on the action that the majority leader did take was pursuant to the Constitution, pursuant to the precedents, which was within the framework of the procedures of the institution.

If one stops and thinks about it, the Founding Fathers obviously anticipated the possibility of a situation in which a faction or element in the body might seek to deny a quorum, prevent the institution from doing its work, and explicitly provided that less than a majority of the institution could seek to compel the attendance of those Members.

This procedure has been invoked in the past when it has been found necessary.

What was confronted the other evening was a concerted decision to prevent the institution from having a quorum. It seems to me the action the majority leader took was, in effect, provided for pursuant to and in a sense made necessary by the constitutional provisions and the precedents under which we have operated.

Once someone thinks about it for a moment, obviously you have to have some means of recourse to prevent a faction from completely closing down the institution.

Suppose you had 10 or 15 Members absent on business, ill, a whole range of possibilities, and then you take a minority of the institution who withhold their presence, prevent a quorum from being present, a majority of the membership, and prevent the institution from doing its work.

The provision in the Constitution is obviously designed to address that very situation. In fact, in the past it has been found necessary to invoke that provision. There are precedents in the Senate procedures that provide exactly for such a situation. That was what was done on the other evening by the majority leader who had a responsibility to the Senate as an institution and to the Constitution to take the action which he pursued.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I thank the Senator from Maryland and I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, there has been an interesting dialog in the past hour concerning the Senate's procedures and I will make only a brief comment. I would say as one Senator I was embarrassed. I was embarrassed that we were engaged on this bill again, even though we have spent weeks on the bill not only last year but also this year.

I happen to be one who thinks we have many serious problems in this country to confront, problems such as trade deficits, budget deficits, and whether or not to fund the democratic resistance in Nicaragua.

I personally place so-called campaign reform very low on the list. But we find ourselves spending a lot of time on it.

We have had a record seven cloture votes on this bill. The bill that is now before us is very similar or has many of the same elements as the previous bills that were defeated on cloture votes.

The reason why they were defeated and the reason why cloture was not invoked was because many of us felt like the legislation left a lot to be desired.

Everyone talks about campaign reform. If you go to your constituents and you ask them, "Are you in favor of campaign reform; do you think we are spending too much money on campaigns; do you think something should be changed?" you will probably get a high percentage that would say yes.

But then if you start asking more questions—if your constituents were aware of the details—I think you will find a majority will say no. Let me give you a couple of examples. You may ask, do you support campaign financing for senatorial elections? Do you think that the Federal Government, the taxpayers, should be funding and financing senatorial campaigns? I think you will find the majority in most States will say no, they do not agree with public financing for senatorial campaigns. They might support it for Presidential elections, but I think you will find out that a lot of them will say no to congressional races.

And then if you explain to them that one of the provisions in this legislation would enable Senators who participate to have their campaign postage subsidized—one-fourth the cost for anyone else. You would get a first-class stamp for 5½ cents. That means the taxpayer is going to be paying 16½ cents for every letter that comes out from a Senator running for reelection or as a challenger. The third-class rate would be 3½ cents. The taxpayers are going to get it in the ear every single time a letter is mailed. The deficit is going up. I do not think they are interested in adding to it. I do not really think that they want to see their tax dollars being used to subsidize U.S. Senate campaigns.

Yes, campaigns do cost a lot. I was involved in what I felt was a very expensive race in Oklahoma last time. It cost about $3 million apiece for myself and my opponent. A significant portion of it was from political action committees. As a matter of fact, I will enter into the RECORD the total PAC rankings and receipts of the top 50 candidates and challengers for 1986. I ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1985-86 Senate rankings—PAC receipts

Symms (R-ID)[1]	$1,369,168
Broyhill (R-NC)[3]	1,321,230
Cranston (D-CA)[1]	1,319,606
Bond (R-MO)	1,316,556
Specter (R-PA)	1,270,951
Daschle (D-SD)[3]	1,203,901
Zschau (R-CA)[3]	1,202,975
Gorton (R-WA)[1]	1,162,761
Kasten (R-WI)[1]	1,093,147
Abdnor (R-SD)[1]	1,058,553
Moore (R-LA)[2]	1,031,362
Mattingly (R-GA)[1]	1,027,993
Dole (R-KS)[1]	1,022,433
Andrews (R-ND)[1]	1,006,388
Jones (D-OK)[3]	980,305
Hawkins (R-FL)[1]	973,814
Packwood (R-OR)	966,759
Dixon (D-IL)[1]	958,639
Grassley (R-IA)[1]	958,431
Graham (D-FL)	924,127
Hollings (D-SC)[1]	912,917
Kramer (R-CO)[2]	900,780
D'Amato (R-NY)[1]	858,368
Nickles (R-OK)[1]	856,385
Shelby (D-AL)[2]	856,184
Quayle (R-IN)	850,849
Wirth (D-CO)[2]	832,288
Ford (D-KY)[1]	831,368
Leahy (D-VT)[1]	826,894
Breaux (D-LA)[2]	823,717
Reid (D-NV)[2]	808,272
Santini (R-NV)	768,648
Woods (D-MO)	747,368
McCain (R-AZ)[2]	747,083
Dodd (D-CT)[1]	721,189
Evans (D-ID)	676,406
Denton (R-AL)[1]	669,398
Adams (D-WA)	658,396
Mikulski (D-MD)[2]	653,568
Sanford (D-NC)	628,691
Glenn (D-OH)[1]	628,333
Garn (R-UT)[1]	593,242
Murkowski (R-AK)[1]	586,256
Fowler (D-GA)[2]	574,101
Inouye (D-HI)[1]	571,777
Edgar (D-PA)[2]	557,987
Bumpers (D-AR)[1]	504,831
Conrad (D-ND)	484,731
Garvey (D-WI)	462,844
Chavez (R-MD)	282,499

[1] 1986 incumbents.

[2] Candidate had a House campaign committee registered in addition to a Senate campaign committee. Some PAC contributions which were reported given to the House campaign may have been part of a transfer to the Senate campaign, but because of the way they were reported, they have not been included in these totals.

[3] Prior House campaign committee of candidate became Senate campaign committee. Therefore, all PAC contributions reported to the candidate have been attributed to the Senate campaign.

Mr. NICKLES. I see that 14 candidates received more than $1 million, 2 from South Dakota and 11 other States. In my State, I received $856,000 and my opponent brought in $980,000. I will tell you, as the Senator from Maine did earlier in his speech, I do not think that because somebody received this amount of money from a PAC or because their name happens to be on this list they are corrupt, or that they made any type of pact with the devil or any particular special-interest group as a condition of receiving money.

In most cases I think we get so busy and we are working so hard either trying to get reelected or getting elected the first time you really have a hard time knowing exactly who has contributed and who has not. This does not mean that the campaign system could not be reformed or should not be reformed. I personally think that some of these PAC receipts are very high, very high indeed. If we want to limit these amounts, I think that is fine. If we want to eliminate them, I think that is fine. Right now PAC's can give $5,000 per candidate in an election cycle. In a primary and general election they could actually give $10,000. I am in favor of letting PAC's have the same limitations as individuals. Let us say that PAC's cannot contribute any more than $1,000 per election. That would significantly reduce these figures if we think that the current levels are too high.

And lest I penalize somebody by the scrutiny of putting this in the RECORD, I will later place into the RECORD a table listing receipts for candidates who are running in this election cycle. And it also has some interesting amounts. Senator BYRD and I have been debating. He has $663,000 from PAC's in 1988. I do not think that that impugns his integrity. Again, some of these receipts are too high and are going to many members. I am bothered by some people implying that if this money is received, it must be wrong. If individuals do not want to receive this money, they can turn it down. My colleague, Senator BOREN from Oklahoma, does not take PAC money. A couple other Senators do not take PAC money—such as Senator PROXMIRE. That is their choice. That is their decision. Fine. If we want to make sure we have a level playing field and say nobody can take PAC money, that is fine. If we want to say that PAC money should not exceed 20 percent of all contributions, that would be an excellent amendment. If we want to say that PAC money should not exceed 10 percent of all contributions, that would also be an excellent amendment. I would like to see that type of legislation.

As a matter of fact, the original Boren-Goldwater bill actually did have restrictions on PAC's and it stopped ther. Let me tell the majority leader if that was the bill before us today, I do not think you would have needed seven cloture votes and probably another cloture vote defeat tomorrow in order to pass this bill.

But what you have now is not just a limitation on PAC's. The original Boren bill reduced the PAC allowance from $5,000 to $3,000. It also had a limitation on aggregate PAC contributions. That was a good amendment. As a matter of fact, a majority of Senators voted in favor of that approach, including myself.

But what we have before us is public financing in campaigns. There have been several versions of this legislation which were enormously expensive for the taxpayers. I wonder how many taxpayers really know how expensive some of these proposals can be.

I hear a lot about limitation on spending in Senate races, and everybody says, "that is a kind idea; they are spending too much money. I get tired of those commercials." But what about some of the provisions they do not know about? For example, I have heard individuals state, "This bill is voluntary, so Senator NICKLES, if you object to it, you can opt out, you do not have to participate." My response is, what is the penalty if I do not participate? I may not want to be involved in this kind of limitation.

In connection with my campaign, I have a large grassroots committee. I have 1,000 people who have signed up for my Senatorial Club at $1,000 a year. They contribute $250 a year for 4 years, and I am proud of it. These are Oklahomans.

We raise the vast majority of our money from Oklahoma and I am proud of that as well.

If I opt out of the system, what is my penalty?

Well, I find out that my opponent will automatically receive $1.1 million of taxpayer's money by the time I have exceeded 133 percent of the State limit. In my last race I would have easily exceed it. My Oklahoma opponent would get a gift from the taxpayers of $1.1 million. Not only that, but he gets this giant postal subsidy that allows him to mail all of his mail for a nickle a letter.

No one in Oklahoma gets to mail all their postage for 5.5 cents.

Do we really want to have the taxpayers picking up 75 percent of the cost of mail under Senate elections? Have our constituents been knocking on our doors and saying, boy, I want to finance your campaign, I want to write a big check.

I have heard this bill referred to as the incumbent protection plan, and I happen to agree, I think it would make it very, very difficult for challengers. There are many inequities, and that is one of the reasons why you have a partisan difference on this bill. Most Republicans have evaluated the bill and they have determined that it would make it much more difficult for them to be elected.

But let us talk about PAC's. I mentioned that I would favor reducing PAC's. It was interesting; in the original Boren-Goldwater bill we did reduce PAC's. We reduced the total amount and the individual amount PAC's could give.

Mr. President, I ask unanimous consent that this chart be put in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

1988 INCUMBENT PAC CONTRIBUTIONS

[Total year to date 1987]

	Amount	Percent
Bentsen (D)	$1,380,407.91	29.0
Sasser (D)	710,394.00	42.0
Byrd (D)	663,379.63	74.0
Mitchell (D)	642,113.82	43.0
Riegle (D)	632,414.44	38.0
Wilson (R)	563,513.24	17.0
Hatch (R)	569,982.00	44.0
Lautenberg (D)	544,742.66	24.0
Bingaman (D)	492,950.00	42.0
Metzenbaum (D)	446,158.15	15.5
Danforth (R)	439,467.83	28.0
Burdick (D)	431,352.45	59.5
DeConcini (D)	431,162.84	34.0
Moynihan (D)	420,100.98	30.0
Heinz (R)	414,432.66	26.5
Durenberger (R)	382,130.00	25.0
Hecht (R)	373,200.00	42.0
Melcher (D)	367,215.11	80.0
Wallop (R)	363,786.88	67.0
Chafee (R)	340,110.00	46.0
Weicker (R)	336,765.36	39.0
Roth (R)	273,825.66	40.5
Lugar (R)	273,825.05	20.6
Kennedy (D)	263,050.00	20.0
Sarbanes (D)	260,549.50	40.0
Trible (R)[1]	245,423.00	31.0
Matsunaga (R)	205,000.00	41.0
Jeffords (R)[1]	153,624.00	73.0
Karnes (R)	103,100.00	19.0
Evans (R)	3,350.00	
Stennis (R)	1,000.00	
Chiles (D)		
Proxmire (D)		
Total	12,718,527.17	

[1] Not incumbent.

Note.—Democrats: Total, $7,891,991.49; average, $438,443.97; percent of total 62.05. Republicans: Total, $4,826,535.68; average, $321,769.05; percent of total 37.95.

(Mr. GRAHAM assumed the chair.)

Mr. NICKLES. My President, this sheet shows the 1988 incumbent PAC contributions total year to date for 1987. It shows what candidates who are running in this election cycle have received from PAC's. We find that Senator Bentsen has raised $1,380,000 in PAC's. He was the leader. That is 29 percent of his contributions. Senator Byrd raised $663,000 from PAC's which is 74 percent of his contributions. Senator Melcher has raised $367,000. Eighty percent of his money has come from PAC's. As a matter of fact, if you average it all—and I have Democrats and Republicans, and I am not picking on anybody. I am not saying any of this is all that wrong. I am not saying that they have violated any ethical standard or that they would vote one way or another because they received $1,000 or $5,000 from a particular PAC. We hear people say how evil they are, if they are so evil, they can say no. They do not have to receive or take PAC money. It should not be that difficult; if they are bothered by these PAC's, they should just say no or they should limit them.

But when we find several instances where people receive 60, 70, 80 percent of their money from PAC's, I think that is an abuse of the system and I think it would be a good amendment to limit PAC's. The Senator from Oregon Mr. Packwood, has done a lot of work on this. We may want to say that PAC contributions could not exceed 20 percent of your total contributions. Maybe that would be a legitimate proposal. To me it makes sense. If we cannot do that, surely we could limit PAC's and say, well, instead of the $5,000 limit let us make it $1,000. I believe that would be a good reform. And then you would see these figures scaled down substantially. I look at my Democratic colleagues and they have raised in this year $7.9 million from PAC's. This represents 62 percent of total PAC contributions in 1987. I noticed for the Republicans, there is $4.8 million, and that is right at 38 percent of the PAC money. I personally think those amounts are too high. And so if we are going to talk about PAC reform, if we are going to talk about campaign reform, let us bring them down. Let us limit PAC contributions to $1,000 per person. This type of limit was along the same guidelines as the Boren-Goldwater bill.

But now what we have, instead of the original Boren-Goldwater bill, what we really have is very expensive public financed, taxpayer financed campaigns. That is what I object to, and I object very, very strongly. If a person wants to participate with limitations and so on, if the two opponents wish to get together and say let us not exceed $1 million or $5 million or whatever, I think that is fine. But if they choose not to, a candidate should not be in a situation where the taxpayers are going to be financing his opponent. And that is in this bill. I think there should not be a situation, as in this bill, which is if you elect not to participate the taxpayers are going to be subsidizing your opponent's mail costs, picking up three-fourths of the cost of the mail. I do not think that is right. I do not think political candidates should be able to mail for a nickel. Why should taxpayers subsidize the cost of a direct mail piece at 16½ cents for every piece that goes out first class? The taxpayers will not buy it. We have not heard very much about it. Maybe if people would hear a little bit more about some of the details in this bill, they would object to it. I hope they do.

Somebody says well, you guys have been filibustering this bill. You are strenuously opposed to it. Why? I mentioned we have had seven cloture votes, a record number in the Senate. I might say well, yes, we are objecting to it.

I will give you another example and I will put this in the Record. We did a little spreadsheet that shows the amount of money that a person could receive from taxpayers and what they would have to have to qualify under one of the previous proposals. Let me give you an example. Let me start with Alabama, being the first State alphabetically. It said if a candidate in the election raised $290,000, he could receive a total Federal payment of $1,761,000. In other words, he would receive six times as much taxpayer money as what he had raised in the minimum threshold.

This was in the proposal, or a version of this in several of the proposals that we have been voting on. So, again, this is not the original Boren-Goldwater bill. This is after it became the Byrd-Boren bill, where you started getting all this public financing.

In my State of Oklahoma, it is kind of shocking to me; a person with a threshold under this proposal of $237,000—not too hard to raise probably—as a result he could receive a total amount of money from the taxpayers of $1,550,000. In other words, seven times what his minimum threshold would be.

I would object to that. Again, I think taxpayers would reject the idea of candidates putting in a little bit of money, raising a little bit of money from their States and then having the taxpayers finance that kind of proposal.

I guess I would call this Byrd-Boren No. I and No. II, but it is one of the proposals. We rejected it. We debated it. We spent a week or so on the floor of the Senate last year. We brought it up and we defeated it. The proponents were not successful in obtaining cloture. And were not successful in moving it forward.

I know that the Senator from Nebraska wants to speak, so I will not take much longer.

The proponents of the legislation are aware that public financing was really what was generating a very strong opposition in this bill. So if they were to take public financing out, take the limitations out, and put some reforms in it, some reforms we could live with on a bipartisan basis, limit PAC's, limit soft money, this Senator could support it.

Somebody said: "Senator NICKLES, why would you be opposed to a limitation?"

Well, if you have no limitation on soft money how can you afford to have a limitation on what you receive from private individuals? That would cause an inequity. That is one of the proposals with S. 2 today.

So if we do something on soft money and do something on limiting PAC's, we can pass the bill, keep public financing in the bill and you are not going to get a bill. So we are going to have our eighth cloture vote, and I predict that you are not going to get cloture tomorrow morning.

I tell my friend from Nebraska, that your limitation is $950,000. If you elect not to participate in Nebraska, your opponent can get $950,000 of taxpayers' money. As a taxpayer, I object to it.

I also have reservations about financing Presidential campaigns. Maybe the majority of the body thinks it is the best thing happening. My guess is that we have a lot of candidates in the race because you have taxpayer financing of Presidential races.

Does anybody know how much it costs? I will tell you how much it costs. For 1988, it is estimated to cost $150 million. I think you have a couple of candidates that are in the race right now only so they can draw Federal funds. If you did not have Federal money, they would be out of the race. Maybe some of them did not get a high enough voting percentage, so they will be getting out of the race because the Federal funds will be cut off. They were in the race as long as the money from the taxpayers was coming in. When the taxpayers' money is off, I think you will find a lot of candidates off as well.

You have to question, is that a good process?

I heard the Senator from Kentucky, Mr. MCCONNELL, say that 24 percent of that money was used for compliance, for lawyers and accountants, in trying to figure out whether they were legal or not.

Then I heard, as everyone else did, how all the candidates who are running in New Hampshire were manipulating the laws in trying to figure out how they could put more money than was legal in those races.

Another reason to be opposed to this bill is that it excludes the House of Representatives.

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post earlier this week which shows PAC recipients in the House.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THEY "PAC" A WALLOP

The amount of money going to House members up for reelection has jumped 44 percent, Common Cause reports in a new study. The citizens' lobby group said the 412 members expected to seek reelection this year received a total of $24,286,261 in political action committee (PAC) contributions, up from the $16,866,976 the same candidates received in 1985.

This list shows the 16 House members who received more than $150,000 from PACs in 1987. Column two shows the total amount each House member received from PACs. Column three shows the percentage of money raised that came from PACs.

	PAC receipts	Percentage from PAC's
Tony Coelho (D-Calif.)	$223,058	51
Byron L. Dorgan (D-N.D.)	207,846	68
Beryl Anthony Jr. (D-Ark.)	207,187	74
Martin Frost (D-Tex.)	200,924	48
Dan Rostenkowski (D-ill.)	198,298	42
Robert H. Michel (R-Ill.)	197,490	60
William H. Gray III (D-Pa.)	187,102	79
Robert T. Matsui (D-Calif.)	186,200	45
James H. Quillen (R-Tenn.)	178,100	73
Wayne Owens (D-Utah)	172,800	76
Mary Rose Oakar (D-Ohio)	157,625	71
William V. Alexander Jr. (D-Ark.)	155,374	40
Ronnie G. Flippo (D-Ala.)	153,465	75
Henry A. Waxman (D-Calif.)	152,941	69
Charles B. Rangel (D-N.Y.)	152,575	49
Joseph DioGuardi (R-N.Y.)	150,850	22

Source: Common Cause.

Mr. NICKLES. Mr. President, I will not read this whole article, but mention a few Members. Here is WILLIAM GRAY, who gets 79 percent of his money from PAC's. HENRY WAXMAN gets 67 percent of his money from PAC's. MARY ROSE OAKAR gets 71 percent of her money from PAC's. WAYNE OWENS, 76 percent. On and on. TONY COELHO, 51 percent. Top PAC recipients. I think that is an abuse. The bill before us does not even touch the House of Representatives.

You will have a lot of Senators running against House Members. There will be a lot of races where House Members are going to challenge Senators. They do not have a limitation. They can raise all the money in the House races, and maybe at the last second will run for the Senate. It leaves a lot to be desired. This whole bill leaves a lot to be desired.

I hope the majority leader and the proponents of the bill will pull the bill down after cloture, if cloture is not invoked tomorrow. Then I hope they will look anew to trying to get a bipartisan bill. This bill is doomed. Even if the proponents take this bill in its present form and get it passed, there is no question that the President would veto it, and we have the votes to sustain the veto.

I would pull it down and see if we can get real reform. Let us limit the amount PAC's can give—maybe from $5,000 to $1,000, $2,00, $3,000, whatever this body could agree on. Let us come up with a bipartisan bill, with a bill that does not favor Democrats or Republicans, with a bill that has significant, real reform.

I will mention one other reform that needs to be made. If we ever get to the process where we actually have the amendment process, we need to have an amendment whereby Members who were Members before 1980 would not be entitled to keep their excess campaign funds and report that as ordinary income. That is an abuse in the system.

At present, there are 221 Members who still qualify, who are still eligible, who can take some of their campaign money and use it for personal purposes. We are all going to retire at some point, either voluntarily or involuntarily. I think most of us know of individuals, Democrats or Republicans, who have retired with significant campaign excesses that they have used or are entitled to use for personal benefit. I think they should not be entitled to use that for personal benefit. It is not part of this bill, and it should be.

Mr. President, I am not here to make a long speech. I just urge that when this bill is defeated, the proponents of the legislation will step back. I know they have had meetings in good faith, and I compliment them for their efforts. They should take out public financing of senatorial campaigns. I think that as long as you have it, you will have vigorous opposition, at least from this Senator and others as well, and you probably will not end up with a bill.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I am going to say it, and I mean it, I am not here to talk for a long period of time. I ask the Chair to advise the Senator if I should go beyond 10 minutes.

First, Mr. President, I want to say that history will record the fact, somewhere along the line, that the courageous action taken by the majority leader the night before last to bring some semblance of balance and understanding out of chaos for the U.S. Senate was one of those marks of courage that in future years the U.S. Senate will look back on and say there was a case where the majority leader stood when he had to stand and had no other option. Therefore, Mr. President, I want to salute the majority leader for the courageous action he took the other night.

Also, I have been somewhat taken aback by some of the comments, or at least implications from that side of the aisle, that somehow ROBERT BYRD, the majority leader, took advantage of a situation, was mean-spirited, did something that he should not have done.

You might not always agree with ROBERT BYRD, but I would hope that all would recognize that if there is a parliamentary gentleman in the U.S. Senate now, or if there ever has been a parliamentary gentleman in the U.S. Senate in its history, ROBERT BYRD of West Virginia would have to stand foremost among them.

I remember well 2 or 3 days ago when this filibuster was started by those on that side of the aisle. The Chair knows, the Parliamentarian knows, both the Republican and the Democratic desk know, and all Senators know, that if there was no one here on that side of the aisle to protect their interests, the filibuster could be promptly brought to an end; because all that has to be done would be for a call of the question on the motion before us, which was the amendment by the Senator from Oklahoma, which, by and large, was the heart and soul of S. 2.

The Republican Member of the Senate who was assigned to protect the Senate at that particular time left the floor. I was here; the majority leader was here. Had the majority leader wanted to, he could have put the question at that time, but he did not. In fact, he stopped the proceedings of the U.S. Senate, we will recall, and he asked for the Republican Member, who I believe went into the Republican cloakroom, to come back on the floor, to protect the Republican interests. But at that time he sent the warning that if that happened again, we will take advantage of our option.

What the majority leader did the other night was not taking advantage of anybody. By walking off the floor of the U.S. Senate in a body, save for one Member, the Republican minority in this body said, "We are going to close this place down."

I guess all of us now have read that part of article 1 of the Constitution which says it is clear that the Founding Fathers recognized that this would be a problem. So they gave the majority leader an option to require the attendance of Senators when things happened in an organized way, planned on that side of the aisle the other night.

I am fearful that the national news media and the local news media did not do a good job in reporting that, and I am wondering how it was understood by the people at large. History will record and state it correctly.

So I salute the majority leader for what he did the other night. I hope that there is a clear understanding in the country as to what he did, why he had to do it, and that no one was abused in that process, despite the "banana republic" statements that we have heard made in that regard on the floor. I think that was all done and advantage was taken in that situation because there is an old saying, "If you don't have the facts on your side, then bring up something else to take away from the issue."

The central issue in this debate is whether or not we are going to allow expenditures for Senatorial campaigns to continue to skyrocket beyond belief so far as collections and expenditures are concerned, and that is the issue. Everything else that has been brought up here are side issues and cloud the basic issue.

As I said during debate yesterday and the day before that, as one of the "gang of eight" appointed by the leadership to try to work out a compromise, there was no chance to compromise, because that side of the aisle said, "We do not want nor will we accept any limitation on campaign expenditures."

I just heard my friend from Oklahoma talk a great deal about how he wanted a cap on political action and how political action expenditures greatly benefitted the Democrats. It is a thing with them. It is a thing with those on that side of the aisle that those of us over here are trying to pass this bill because it will somehow cripple the Republican Party. Nothing is further from the truth.

These arguments advanced by the Senator from Oklahoma and others would mistakenly leave one to believe that if S. 2 passes, the PAC contributions would go on and on to skyrocket and skyrocket, higher and higher than they ever have before and, of course, they obviously say that would benefit the Democratic Party. Nonsense.

The facts of the matter are, if S. 2 were law in the last senatorial election, PAC spending, which totaled $46 million for the Senate race, would be reduced to $16 million, about two-thirds. But listening to the Republican arguments, you would think that it was vice versa, that we were increasing spending.

They have made a great hue and cry, Mr. President, about taxpayer financing of campaigns, and when this bill was originally introduced it was, indeed, a major consideration in the bill. It is the reason this Senator would not support it. I insisted on some changes. If people will live with a reasonable spending limitation, then there would not be a single penny of the taxpayers' money spent if S. 2 became law, if both sides agreed to the fair, equal, and reasonable spending limits contained therein. But they are not going to let that happen, Mr. President. I can only draw one conclusion, and maybe it is not fair, but I can only draw one conclusion. Since those on that side of the aisle have been successful on seven cloture votes and, unfortunately, I predict they are going to be successful tomorrow, the only conclusion that I can reach, Mr. President, despite their position, they really believe that their party will benefit in the long run, if they have unlimited amounts of money that they can raise from whatever source, to buy elections.

I just say, and I think it has been made clear by many speeches here, if the American people are not concerned now about the obscene amount of money that is going into Senate races and other races around the country, then they are delinquent and they are negligent because it should be on the minds of every concerned citizen of America.

Sooner or later, mark my word, there is going to be a major problem, a major scandal, and the stench of that is going to come floating down on all of us because we failed to act.

In conclusion, just let me say, that I hope we can pick up the five votes that is necessary tomorrow on cloture. I would point out to all that there are 52 cosponsors of this measure. It is clear that the majority of the people elected to serve in the U.S. Senate—Democrats and Republicans, or a combination of those—are cosponsors of this legislation, and this legislation would become law if the majority had their way and could work their will. They have been prevented by the filibuster. I hope we can pick up the 60 votes to invoke cloture tomorrow and let the Senate work its will.

Mr. President, I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BYRD. Would the Senator yield to me just to thank the distinguished Senator from Nebraska for his kind remarks.

Mr. EXON. Thank you.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I will take just a very few moments of the Senate's time. In April 1951, at the end of this building in the House of Representatives Chamber, Gen. Douglas MacArthur made his farewell address to the American people. In that particular and momentous and historic address, Gen. Douglas MacArthur stated in the last paragraph of his message to the American people, "I now close my military career, an old soldier who has tried to do his duty as God has given him the light to see that duty."

That was a historic moment for this country, Mr. President. It was a time of great emotion, a time of great controversy. It was a time when the people of this country probably could have been ignited to have marched on the White House, to have hung then President Harry S. Truman who had fired General MacArthur from the U.S. Army.

We have had another historic situation this week. And that situation presented itself when a Member of this body was "arrested," and I put arrested in quotation marks because it was a friendly arrest, by the authority ordained by the Constitution of the United States of America.

I think when great leaders come and go that our country and our people will look back, not at the moment, but at the past and the present, and they will attempt to ascertain as to that leadership whether it was great or small or weak or strong, as to how that particular leader saw his particular and respective duty at that particular moment.

I think we have probably arrested one too many Senators this week. I will admit that. I also hope we do not plan to arrest any more any time soon. I do not think there are any plans to do so.

Let us all attempt to agree on one thing. This particular leader, the majority leader of the U.S. Senate, saw his particular duty at the moment of that particular situation, and he exercised that duty as he felt the Constitution of the United States of America gave him that duty. He exercised it without equivocation. He exercised it without reservation. And whether it might have played wrong or right in the press, the next day and the next days to come, I think will be largely irrelevant because it will go down in the history books and in the books of precedent of this institution as a decision that will guide future decisions in the future.

A lot of people have made a lot of fun at this. I am sure cartoonists across America, as our American institution not only encourages but certainly permits, will have a lot of fun doing some editorial cartoons in the future. But I think when it is all said and done, we will look back at this moment and we will see, one, that the arrestor and the arrestee today are in very good shape, both as the majority leader stated the other night with very good humor and good nature about this situation. I think the difficulty will be attempting to capture the real spirit that we felt in this Chamber that particular moment and try to explain the true situation to the American people. A lot of people will take this incident, they will take this arrest and they will try to politicize it. I do not, in all due respect to my colleagues on either side of the aisle who might disagree with what the leader did, in any way think that this should be one of those issues that is politicized.

I hope it will not, and I hope all will bear in mind that what our leader did, he felt was his duty in behalf and for and the advocate of this particular institution, and he did it, and he did it at a moment when many people did not know exactly what to do.

He felt at that moment that his duty was to get on with the business of the Senate. He felt at that time at that moment it was his duty to do whatever he could to have a quorum so that we could do business so the majority or the minority might make a decision on the issue of campaign finances.

A lot of people say, "Oh, this is the first time this has ever happened. What is going to happen to the Nation? What is going to happen to the Senate?"

Let me say, I think we should be a little easy in our fears about that concern tonight. I do not think we should lose any sleep about it. I remember just a few years back when I was a Member of the other body, and I say this in all due respect to the late Speaker, John McCormack when he was attempting to get a quorum, just like our leader was attempting to get a quorum 48 hours ago in this Chamber. Speaker John McCormack, in order to keep a quorum on the House of Representatives floor literally ordered the Sergeant at Arms to lock the doors of the House Chamber. He forbade any Member of the House of Representatives from leaving the doors of the House or the confines of the House without the care and under the care of a deputized member of the Sergeant at Arms staff.

If we left that body, we had to go out of there with a deputy deputized by the Sergeant at Arms and the Speaker of the House.

So I think this Nation is going to survive. I think this institution is going to survive. This is one of those moments when, once again, we have to examine this place as a body and ourselves as its trustees. Once again, it is time when we have to look as to whether or not a filibuster is right or wrong, and we have got some time, I assume, to discuss that in the days ahead.

But I feel when the history books are written that they will be written most accurately by those who said that this majority leader exercised his duty at that moment as he saw the right to fulfill that duty and his responsibility as the majority leader of the United States Senate.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arkansas for his exceedingly kind remarks.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I almost hesitate to rise to speak now. I came over to speak 1½ hours ago, and so many eloquent and wise things have been said that I am reluctant to take the floor. I did not participate substantially in this debate on S. 2. I made a speech earlier in the week, but I felt we should let the other side talk and perhaps reach a conclusion to the filibuster thus allowing us to get on with the important business of acting on this bill.

I certainly do not want my lack of taking the floor to talk on this bill to indicate any lack of interest with either the bill itself or the proceedings that have taken place on the Senate floor surrounding this measure.

Indeed, I feel very strongly about it. In fact, I feel probably as strongly about this one issue as I do anything else that has been presented before this Senate since I have been here, starting in 1985.

I guess I thought, perhaps, that we would reach a resolution, that somehow we would get this bill out, that we would be able to let the Senate work its will, that we would be able to amend it and let some form of this legislation gain passage. I guess that is not going to be the case.

I also want to follow up on the comments made just previously by the Senator from Arkansas. I would note for the record the presence of the distinguished majority leader on the floor. I want to say this to him personally and to the body.

If I have heard once, I have heard a half a dozen times within the last 48 hours, one or more Senators commenting that the majority leader may have exceeded his bounds in ordering the arrest of Senators. I have heard Senators say that it was the majority leader who had ordered this arrest. Like Senator SARBANES from Maryland, I read the Constitution: Article I, section 5. I have also read standing rule 6 of the Senate which empowers the Senate to compel the attendance of Members. It was not the majority leader. I again say for the record, and I know the majority leader has said this himself, it was the Senate who ordered the arrest. It was the majority of the Senators present acting under rule 6 and article I, section 5 of the Constitution of the United States that ordered the arrest of Senators. Not the majority leader.

So if any Senator has a gripe, if any Senator has a case to make on why arrests should not have been ordered, it should be made to the Senate as a body, not to the majority leader. It is the rest of us who were here and ordered that arrest to take place under the Constitution of the United States.

I think that should be made clear. I think the majority leader is getting a bum rap from a lot of people who are saying it was he who ordered the arrests, when it was the Senate that ordered the arrests.

I just wanted to make that clear. I know it has been said before but I wanted to say it again myself because I have heard it said time and time again that it was simply the majority leader, disregarding the fact that we had a vote on that very issue.

Again, I want to compliment our distinguished majority leader for taking the lead in the campaign finance bill for over a year. It has been a long struggle.

Perhaps tomorrow when the cloture vote is taken we will see the handwriting on the wall and that in fact the Republican Party in concert will not allow the Senate to work its will on this bill.

But I believe the actions of the majority leader I believe that what he has done on this piece of legislation, fighting against all odds, represents really the finest in what it means to be a representative of the people of this country. What the majority leader is doing is fighting the fight for the people.

We know who do not want to put limitations on campaign financing: the forces of wealth, the forces of power, the forces of privilege. They do not want any limits, because in this game that we are playing now, they reign supreme. Those who have the money, those who are privileged, those who have power, who were born into it or acceded to it one way or another, they reign supreme in the game we play now of running for office.

It is the little people who are shut out, the common folks who are shut out.

That is what this battle is. It is the same battle that Thomas Jefferson spoke about one time when he said society has always been and always will be divided into those two classes: that class who believes that all power ought to reside in a few because they have the money, because they have the privilege, because they are more learned; and those who believe that there is a genius among the common people that can be tapped, that power ought to reside among all people, and that even the lowest person, the lowest person in terms of wealth or status or privilege, ought to have an equal say in his or her government.

Those are the two classes at work right here, the same two classes Thomas Jefferson spoke about. Harry Truman spoke about it, too.

So the fight the majority leader has waged has been indeed in the finest tradition of those who fight for the little people of this country, who want to make sure that those little people who do not have that wealth, power or privilege have as much say about who sits in this body as the power brokers downtown and the big PAC's.

The Senator from Oklahoma a little while ago said he was embarrassed that we were on this bill. I am sorry I had to leave the floor and did not catch the rest of his remarks but I wrote that down.

I think we have to be very embarrassed about what has happened and the fact that we are saying that those who have the money, privilege and power will continue to call the shots on the way we conduct our campaigns.

I am embarrassed. I am embarrassed about a party that has a proud tradition in our country, the Republican Party. I fought Republicans and obviously fought hard against the Republicans. But the Republican Party has done a lot for this country. It is the party of Lincoln, of Teddy Roosevelt, the party that did so much in the early days of this country to help the common people. The trustbusters of Teddy Roosevelt, trying to get the little people a little more say so in their government.

To now have the Grand Old Party preventing us from having a meaningful campaign finance reform bill—that is what I am embarrassed about. I am embarrassed that one of the two major political parties in this country has taken that position.

Again, I do not mean to paint all of them with the same brush, but it has been their party position as enunciated by the minority leader of that party in this body. That minority leader has led the filibuster to prevent this bill from coming up. I think that should be an embarrassment, too.

I think the Senator from Nebraska hit it right on the head. When it is all said and done, I think the Republican Party feels down deep inside that they will be better off without any limits than they will be with some limits.

I heard it said the other day on the floor by a Senator on the other side that if this bill were to pass, the Republican Party would be the minority party for the next 40 years. I could not understand why. I engaged the Senator in a private conversation. "Well, it takes money, and where the Republican Party is not in the majority it takes money to do these things."

Mr. President, I have run for office several times. When I first ran for office I did not have a nickel. I had no benefactors, but I had some ideas and I had the strength and feeling about certain issues. I ran against an incumbent who had all kinds of money. But I got a group of people around me, friends, neighbors, relatives, and we conducted a campaign.

Do you know what, Mr. President? I lost. I was outspent 10 to 1 and I lost. But, I did get 46 percent of the vote when the other party was landsliding the State.

I ran again 2 years later and got outspent 2 to 1, but that time I won.

You can win if you do not have much money as long as you have the right ideas. If you go out and meet the people and campaign before the people, you can win.

I note that Senator PROXMIRE spent some $12,000 last time in his campaign and he won. So you can do it.

Do not tell me that somebody is going to be in the minority simply because they do not have a lot of money. If you come out with programs and policies that benefit the common people of this country you will win elections.

Sure, you have to have enough money to be competitive, but it does not take these unlimited, obscene amounts of money we have seen in campaigns in the last few years.

In my own State of Iowa, my campaign in 1984 was $3 million. I think that is obscene, but I spent it and my opponent spent a little bit more than that. That really has to be called to a halt.

Unless and until we can get these limits, we are going to continue to do it. We are going to have to be competitive and the PAC's will have to be competitive and the power structure will have to be competitive. We will just keep spending more and more money.

As the majority leader said a little while ago, people are losing faith in their electorate, in politics and politicians because they see all this money flowing in.

Well, I just feel, Mr. President, that those who say this is not the big issue are wrong. I have heard that said in the dining rooms, in the hallways. They say it is not a big issue. I have heard it talked about in the polls. But they say back home they are not talking about it.

Well, that may be true. But, doggone it, when you are out of work, when you do not know how you will feed your family, when you have kids growing up and you want to send them to college even though you are not making very much money, perhaps just over the minimum wage, when you are 1 of the 36 million Americans who do not have health care insurance and you do not know if you get sick the next day or how you will go to the hospital or not, of course you will not think about campaign reform.

But I can tell you this, if you talk to common people and you ask them if they like the present system, the way we elect people to office, if you ask them whether they think it is right the way we raise money, if that is a fair way to do it, Mr. President, you and I know what the answer is to that.

I do not think I have talked to one person in the State of Iowa about this issue who does not feel strongly that some limits have to be placed on campaign spending. And limits have to be placed on the amount of money that we raise and the influence of political action committees.

We don't have to wipe them out. The bill does not do that. But it does put meaningful limits on them.

I do not cotton to the idea that simply because people are not talking about it every day that they do not feel deeply and strongly about it. They do.

Mr. WILSON. Will the Senator yield for a question?

Mr. HARKIN. I am about finished and then I will yield for a question.

I believe as Jefferson did, that deep within the heart of the common people of this country there resides a genius, an understanding of fairness and equity about what affects them in their daily lives and how those decisions are made here in the Senate of the United States.

They may not be most eloquent in expressing them. They may not be able to write learned letters to the editor. But they feel it deeply and they understand it and they know it is not fair. They want something done about it; they want it changed.

So to those who say it is not an issue, I say beware, beware of the genius of the little people of this country to understand more fully and more thoroughly and more deeply this issue than what I think most people are giving them credit for.

It is going to be an issue, as rightly it should be an issue, this year, in the election, this year on where you stand on campaign finance reform, putting limits on spending. It will be an issue. And I say beware, beware to those who say it is not an issue and say we can just ignore it and maybe it will go away. That issue is going to come by to bite very hard, I believe, in the election this year.

I yield for a question.

Mr. WILSON. Mr. President, my question was prompted by an observation by my friend from Iowa, that there is something wrong specifically with our taking too much money from PAC's. I would not undertake to debate the merits of that proposition. I am willing to accept at face value that he is correct. But, if that is true, Mr. President, then I would ask my friend from Iowa a rhetorical question: if that be true, then why not totally eliminate the PAC's? That is what the Republican proposition would do.

Mr. HARKIN. I am willing to respond to that.

Mr. WILSON. We are willing to totally eliminate PAC's, which the democratic version does not do. We are willing to have disclosure of so-called soft-money expenditures. I hope my friend will agree that one of the great advances of campaign reform has been disclosure insofar as it exists. Why not go further and see to it that we exempt no one and that all activity that contributes to the election of a candidate is fully reported, fully evaluated.

The PRESIDING OFFICER. Does the Senator wish to respond?

Mr. HARKIN. I am pleased that my friend from California brought this up because I responded the other day on this. I will respond again.

There is nothing inherently wrong with political action committees. There is nothing wrong with a group of people who want to advance their interests here in the Halls of Congress and join together to pool their money to give to political candidates. I see nothing wrong with that.

What is wrong is that there is no limit. You can get $5,000 in the primary and $5,000 for the general. That is just from one PAC. Look how many PAC's we have now. Back in the 1970's we had less than 100. I think it is well over a couple of thousand now and the number is going up every day. You can raise unlimited amounts of money from PAC's. What we want to do is to limit the total amount of money that you can receive from all PAC's.

I see nothing wrong with that. I believe those who say, "Do away with all PAC's," again are throwing up a straw man to shoot down.

It is not PAC's, per se, that are wrong; it is the unlimited amounts of money they pour into campaigns that is wrong.

I do not favor eliminating PAC's but we certainly ought to put limits in them. That is what this bill does.

With regard to the second part of my friend's question on the disclosure of soft money, that is why we want a bill on the floor. Let us have the amendments come up. If the Senator offers an amendment to the bill to require disclosure of all money that comes into the campaign, he will have this Senator's vote. I did not mean to say that this bill is the be all and end all and that I will not vote for any amendments. There might be a lot of good amendments that I might support. But you cannot improve the bill if you do not bring the bill up on the floor.

I will ask the Senator, and I will yield for an answer, why will the Senator not let the bill come up on the floor so we can have the amendments?

Mr. WILSON. I will be delighted to tell the Senator why. It is a bad bill. The amendments would fail. The Senator from Iowa might support it but your colleagues would not.

Mr. HARKIN. How does the Senator know?

Mr. WILSON. We know very well because of the 52 signatures on that bill. Let us be honest about it. This has become a very partisan issue. We are talking about a bill that has been labeled reform, which is not reform, which does not go to the gut issues that are disturbing people, at least those who know about them. Now, if my friend is concerned about campaign reform, and I take at face value his protestations that he is, then I would wonder why it is that we are unable to get support for a bill that really is reform, one that would eliminate all problems with PAC's by eliminating PAC's, one that would bring about full disclosure of all soft money expenditures, but one that would not seek to foist upon the American taxpayer the enormous costs of financing our campaigns.

Now, earlier today our friend and colleague from Arkansas asked the Senator from Washington whether or not he was not offended by the fact that so much time had to be spent by Senators in raising money for their campaigns. I did not get a chance to answer that question, but I will do so now. I will say to my friend from Iowa, I am not nearly so offended by being inconvenienced in that way, although it is a big pain, it takes a lot of time and a lot of effort, including the effort to see to it that you are careful that you not take money from a source that would give rise to an unfortunate appearance. But I am not nearly so offended by the inconvenience to me in having to do that as I am by the fact that there is unreported soft money and that it leads to certainly the appearance of some very gross abuses of the public's confidence. One of them very topically today under consideration in the Senate Commerce Committee had to do with why it is that a bill which the Senate has passed, and passed handily, is unable to get action by House conferees.

Well, the answer apparently is that the provision that offends the House conferees is one that is stoutly opposed by a labor union, and that labor union has been known to contribute mightily to the campaigns of those who are now seeking to obstruct the passage of that piece of legislation. It has to do with mandatory random drug testing of locomotive engineers and other safety personnel.

Now, if you want to talk about something that gives rise to a lack of public confidence, here we have a situation in which we do not under existing Federal law require disclosure of soft money expenditures, all the money spent on phone banks, all the other things that are not reported.

Mr. HARKIN. If I might——

Mr. WILSON. Let me just make the point and then I will be happy to yield the floor.

The PRESIDING OFFICER. The Senator has yielded for a question. Has the Senator propounded the question?

Mr. WILSON. I am about to propound a question to the Senator. Since the Senator asked me why we would not come forward and allow this, I would have to say there has been ample debate. I think it has been a fairly wholesome debate, certainly a spirited debate. That is as it should be, and I do not know if the public is exercised about this issue or not. I am not aware of polls on the subject, but we are, and rightly so. I would only say to my friend from Iowa that I admire his stance in saying that we should do away with soft money. There are other abuses that should be done away with. Frankly, the Republican bill does that. It would eliminate PAC's. It would eliminate the soft money expenditures without disclosure. I am far more offended by those things than I am the inconvenience of having to go out and raise money, and it is not fun. If the question is, do you like it, would you be happy if you could avoid doing it, the answer to that is yes, but not at the cost of heaping an incredible new expenditure upon the Federal taxpayers, particularly at a time when Presidential public financing has not proved a great success; as was pointed out, every candidate since 1976 has been cited by the FEC for some major violation.

Mr. HARKIN. If I might take back just a little bit of my time, I again would respond——

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HARKIN. I will be glad to yield.

Mr. BYRD. With the understanding that it not be counted as a second speech; I do not think there will be any need for us to think about it in those terms now with a cloture vote coming tomorrow, and that the speech in the record not show an interruption.

Mr. President, there will be no more rollcall votes tonight, in case any Senator is waiting around with the apprehension that there might be.

I thank the distinguished Senator for yielding.

Mr. HARKIN. I thank the distinguished majority leader.

Again, the Senator from California talked about the Republican bill, the Republican bill does this, the Republican bill does that. Let us bring S. 2 right out and offer it as a substitute, offer parts of it, offer bits and pieces of it. That is what we are trying to do.

Yes, we have had a debate on this issue, but we have not been able to really bring substantive measures to the floor for debate and for voting on those measures. That is what I find objectionable. If the Senator from California believes his measure to be better, bring it up so we can vote on it.

No, the Senator said, there are 52 signatures on this bill. I know the Senator from California has cosponsored other bills just as the Senator from Iowa has. Does the Senator from California mean to say, on any bill he would cosponsor, that he would never contemplate ever changing one bit, would never vote for an amendment to it? That the way it is initially drafted is fine and perfect?

I dare say that would not be the case. I will yield. I did not want to put words in his mouth, but I doubt that he would ever want to take that position.

Mr. WILSON. I am happy to say to my friend from Iowa if he can persuade 51 or 52 of his colleagues to follow his leadership in supporting the disclosure of soft money, if he is willing to find 51 other votes to join the Republicans who are proposing the elimination of PAC's, then we have something to talk about.

Mr. HARKIN. I will not vote to eliminate PAC's I have already stated my position on eliminating PAC's. I am not in favor of it. Maybe some are. Let us have the votes out here and see how they go. But I am not in favor of it. And, yes, I will join the Senator in trying to persuade Senators to vote for disclosure of soft money. I think we ought to. I cannot twist anybody's arm. I cannot force any votes. I can use whatever little power of persuasion I might have, but bring it out and debate it. Let the chips fall where they will.

You might be surprised. You may have 51 votes for disclosure of soft money. You may have 51 votes for bits and pieces of the Republican bill. I do not know, maybe you will have 51 votes for the whole thing. But if we do not get past the filibuster, you see, we will never get to it, and that is what we keep coming back to. Are we going to have debate as we are having now or are we going to have a debate leading to substantive votes on these issues.

That is really the point I was trying to make. And I do not know for the life of me why, if the Senator from California feels strongly about these measures, we do not bring them out for a vote and see what happens out here. That is the way that will work. I do not believe that the 52 Senators who signed that bill—I am one of them—will not vote for any amendments. That is nutty. Of course, I will vote for amendments. I may vote for some, vote against others. I may have a couple of my own I want to put on the bill, but I am not going to take the bill exactly as it is. I signed the bill because I think basically the thrust of it is good. But again I would say I do not want anyone to think that simply because somebody is a cosponsor, they are not going to support amendments. I think it is ridiculous to think that. Of course, we will.

I have taken my time; I have had my say. I appreciate my friend from California for engaging in a colloquy with me. We can have debate on this. It is not personal. People feel strongly about these issues, but we ought to have a substantive vote on them and see which way we are going to go.

I close my remarks by saying I believe a great opportunity has passed for us to make some meaningful changes in limiting the amount of money, the obscene amount of money that we spend in these campaigns, by limiting the amount of money that comes from PAC's, by doing a lot of things that open up the system to the little people, the common folk, to take away the power—the inordinate amount of power that comes into the process by those who have a lot of money. We passed up a golden opportunity to do that.

We are not losers here, but I think the American people are the losers because I think our failure to act degrades us all, it degrades this institution, it degrades the whole profession of politics in helping to try to govern this country.

I am sorry it has had to come to this. But, again to those who stood at the gates and would not let this bill come up for a vote because they do not think it is an issue with the American people, I close by saying, beware of the people of the United States because they have had enough. They have had enough of this excessive spending on campaigns and the way we run them. I believe that they are going to make that an issue in the elections coming up this year.

I ask unanimous consent that an editorial from the Cedar Rapids Gazette in support of S. 2 be included with my remarks.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Iowa for his very kind remarks concerning me.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAP PAC DONATIONS

Do-good Democrats and Common Cause members aren't the only ones who would like to see changes in the way congressional campaigns are financed. It turns out the directors of much-maligned political action committees have a few misgivings, too.

The PAC directors' apprehensions are detailed in a study prepared by the Center for Responsive Politics, a bipartisan organization that examines political trends. In interviews conducted for the study, PAC directors said they have grown resentful of greedy lawmakers. They recount how legislators keep black books that list their contributors, how the lawmakers become offended when PAC representatives fail to attend their fund-raising events and how the committees are constantly badgered by congressmen and senators (or their aides) for contributions.

"Sometimes it is impossible not to give to members even if they don't need it," one PAC director said. "Congressmen will absolutely dog you to death."

It's hard to find anyone who is particularly happy with the role PACs play in congressional campaigns. Many congressmen, both Democratic and Republican, complain that the current fund-raising system forces them to spend too much time aggressively soliciting for money from PACs. Other critics worry that PACs have grown too influential in Congress and that the amount of money the committees give to legislators has become excessive.

Even with all this criticism of the system, Congress has been slow to deal with the problem. It doesn't take a genius to figure out why. Lawmakers had a golden opportunity last year to enact reform legislation, but the bill died in a filibuster organized by many of the same greedy legislators of whom PAC directors complained.

In the next few days, the Senate is scheduled to reconsider a campaign finance bill that would, among other things, limit the amount a congressional candidate can accept from PACs. Senators should check their greed and put a cap on PAC contributions.

Mr. PACKWOOD. Mr. President, as we discuss the issues of campaign spending, we tend to talk in either ideal abstractions or on the basis of our own down-to-Earth experiences. Of the two, I find "down-to-Earth" more useful in the current debate.

All of us on the floor and in this debate are campaign veterans. I am a veteran, too, of Oregon legislative politics as well as four statewide Senate races now. When you are on the ground in a campaign, you learn a great deal about the extraordinary value of volunteers and also about the costs of campaigns, particularly the growing expense of advertising.

Let me first explain Oregon is unique in a lot of ways. I know each of us believes our home State is exceptional, and no doubt, each of us is right. However, I assure you Oregon has a unique political tradition, beginning with our pioneering the primary system at the turn of the century. Now that we are headlong in the midst of a monstrous Presidential primary season, I sometimes wonder what Oregon unleashed. But Oregon-style politics, and the primary system especially, represent the value of encouraging people to take direct, active, hands-on part in electing their representatives.

In my first race for the Senate, I imagine we worked with over a thousand volunteers. I am talking about school kids, women and men, seniors, college students who walked door-to-door, hammered in lawn signs, leafletted, stuffed envelopes and staffed phone banks. You all know what a "boiler room" looks like. And in 1968, our average contributor gave less than $40.

Interestingly, 18 years later, we find things have changed. But fortunately, not in the numbers and enthusiasm of volunteers. In 1986, instead of 1,000 lawn signs, we assembled and distributed over 14,000 lawn signs, distributed over 200,000 pieces of literature. Of course, these weren't the same volunteers. Often, they were the daughters, sons and even grandchildren of our volunteers in 1968.

The cost of running a campaign, of course, changed dramatically over nearly two decades. Inflation grew by bounds, along with rents, mailing expenses, and above all advertising costs. The cost of a 30-second television spot in 1968 in metro Portland was a fraction of that cost in 1986. The same can be said for radio—even more so.

Yet even with the changes in the cost of campaigning, there was something that hardly changed at all: the size of our average contribution. Individual contributors continued to give, on average, $39.

That is a point I just cannot emphasize enough. Sure, campaigns are costly. Running a business or keeping a nonprofit afloat are both costly. Almost without exception, any enterprise costs more today than it did 18 or 20 years ago. And that simply leaves us with two choices: either raise a lot of money from a handful of contributors, or raise smaller amounts from many small givers. I make no secret which direction I choose, and which direction I think makes far better public policy. And I know what works in a campaign, and that is direct involvement: the involvement of countless volunteers and small donors.

In all my campaigns, we have purposefully worked to recruit as broad, and as diverse a base of contributors as possible. It takes time, it takes work and it takes expense, but consequently, the one tried and true fact is that our average contribution remains low. In 1986, roughly 87 percent of our contributions were from individuals. We started early, worked hard and recruited a broad base of individual givers. We had more than 165,000 individual donors by campaign's end.

Looking to 1992, we again start out with the belief that early is better and the more small contributors the better. I believe we can show that a broad base, with thousands of contributors, is possible, and for the time being we do not intend to accept contributions from political action committees. As we get closer to 1992, we will again assess the circumstances and the possible challenges we will face, including whether my opponent refrains from accepting PAC contributions, to decide if PAC funds are necesary. In any event, small contributions—$10, $20, $30 gifts—will once again make up the vast bulk of the campaign funds.

For the better part of the last 2 weeks we have debated reforming the way we fund campaigns and we have talked about the political process and the role of the candidate. I fully support reform. But adopting reform means putting the voter first and keeping the voters involved in the political process—not by a taxpayer-funded checkoff but by genuine, direct participation. That is the kind of reform I will support but unfortunately that does not describe the provisions of S. 2.

REGARDING CAMPAIGN PRACTICES

Mr. D'AMATO. Mr. President, one would think that, in the course of a week in which the Senate has been in continuous session since Monday morning—not a record, but more than long enough—just about everything has been said on the subject of campaign finance reform that could be said.

But after all this time, I find much of the focus of this debate still strangely misplaced.

ALREADY OFFERED TO ABOLISH PACS

For myself, Mr. President, I am not here to argue for or against PAC's. My own position about political action committees has been clear throughout this Congress. I remain unconvinced that PAC's are evil; but if the American people think they might be, then we should do away with them. No fiddling with this or that technical requirement. No adjustment of contributions or expenditure units. Large or small, up or down. Just get rid of them.

I know many of my colleagues on this side of the aisle agree with me. Senators PACKWOOD and MCCONNELL have submitted alternatives that would zero out PAC's. I am an original cosponsor of those bills.

But the proponents of S. 2 have found those PAC-eliminating amendments unacceptable. While railing against the supposedly pernicious influence of PAC's, it is they who refuse to do without them. If PAC's are the problem, Mr. President, why not just do away with them? We are willing. We've said so. We've offered. It is the other side that has refused to do so.

TAX EXEMPT ABUSES

I would, however, like to draw my colleagues' attention to a form of abuse that I find particularly outrageous—that is, the abuse of tax exempt organizations for political purposes.

I am referring to the activities of a number of so-called 501(C)(3) and 501(C)(4) organizations. I find these abuses particularly outrageous, Mr. President, because they are already illegal. They are illegal under the election law; they are illegal under the Internal Revenue Code and regulations.

And yet, Mr. President, such activity by these organizations was pervasive in the last senatorial election.

That activity took many forms. It included:

Direct mail and advertising against specific Federal candidates.

Provision of mailing lists to candidates.

Provision and recruitment of volunteers.

Provision of trained professional staff assistance.

Availability of phone banks.

Voter education, membership contact, and voter turnout programs.

Issue development and research.

Provision of office space and other facilities.

What's wrong with these activities? Not a thing—except that the law is very clear on who can engage in them, and with whose money.

In order to obtain their tax exemptions, these organizations must be incorporated. Mr. President, the election law is murky on a lot of points. Corporate participation in Federal elections is not one of them. If the law is clear on any thing, it is that the involvement of corporations in elections is illegal. They may not contribute, they may not underwrite election-related activity on behalf of or in opposition to any candidate (2 U.S.C. 441(b)).

Further, it is equally, if not even more clear, that taxpayers' dollars cannot be used to underwrite such activity. Those organizations granted tax-exempt status—in essence, a subsidy from the American people—must refrain from partisan political activity in order to keep that status. I think even my friends in this body who advocate public financing of campaigns would agree that this is not a proper kind of taxpayer support for political activity.

And yet, that is exactly what has been going on. In well-documented instances in the last cycle alone—in Missouri; in Wisconsin; in Pennsylvania; in Washington; and in my own race in New York in 1986—the law was ignored and tax-exempt privileges abused in the cause for partisan political ends.

Candidates—incumbents and challengers alike—found that rallies were organized and publicized, fund-raisers held, and volunteers recruited, all under the auspices of supposedly nonpartisan, tax-exempt entities. What a cynical abuse, Mr. President. If we truly want reform; if we are truly concerned about the integrity of the electoral process, then we need to curb these abuses already in violation of the law—rather than haggling through the night, sifting through the technicalities to see where our respective advantages might lie.

Let me just take a moment to describe the instance with which I am most familiar.

In my own reelection campaign, my campaign staff noticed a remarkable overlap between donors to my opponent's campaign and contributors to a 501(c)(3) organization of which he was the President. Nothing automatically wrong there. But it did start us thinking.

When we looked a little further, we found that the campaign and the foundation shared the same address. Imagine our surprise, Mr. President, when we called the campaign's phone number and were answered by someone identifying the line as the foundation's.

It was so blatant, Mr. President, it was almost comical. Almost. What wasn't, and isn't, funny, is the deliberate and cynical use of a taxpayer subsidized organization to provide staff and office space, at ridiculously reduced cost, to a partisan political effort. In legal terms, this and other conduct, such as the ready availability of mailing lists and phone banks, constituted unlawful and unreported corporate electoral contributions.

I cannot resist adding that postelection materials sent out by my opponent brazenly confirmed this illicit relationship, inviting the faithful to stop by the foundation's offices as "there's still work to be done on the Senate campaign—and— * * * maybe the next campaign?"

Fortunately, my campaign was on a sound enough footing that this illegality did not critically disadvantage us. The same was not true of other campaigns. Whatever these organizations called themselves—the citizen action group; the Wisconsin action coalition; the democracy project; Washington fair share—their illegal impact could be felt.

Mr. President, these groups are not PAC's. No change in the contribution or expenditure limits will affect them. Nothing in S. 2 addresses their conduct, or the new note of cynicism and abuse they inject into the process.

We have heard the word "reform" in this Chamber in the last 36 hours more times than I would care to count. But how can there be any reform, Mr. President, so long as candidates and parties continue to countenance—or even encourage—illegal campaign activity, and violations of the election and tax laws on their behalf?

Mr. President, I yield the floor.

THE EUROPEAN CONVENTIONAL BALANCE DEBATE

Mr. WIRTH. Mr. President, today I wish to share with my colleagues another sound analysis of the conventional balance the United States and the U.S.S.R. faces in Europe.

In this article:

Stephen Biddle criticizes the way the European conventional balance has come to be viewed, and calls for a reorientation of analytical thought away from measuring the balance of material implements of war towards a view of how the actual dynamics of combat itself are likely to unfold. More specifically, Biddle contends, it is vital to strive for a better understanding of what circumstances engender combat stability or instability, defined as under what conditions battle will reduce or magnify initial imbalances between warring armies.

Such an understanding of how combat works, and whether force ratios will converge over time toward an equilibrium or diverge toward larger imbalances, brings with it enormous consequences for NATO strategic planning. If a situation of combat instability exists, any imbalance from the proper equilibrium of force ratios will result in increasing imbalances as combat progresses, and marginal changes at present in Alliance defense spending will have little impact on the course of future hostilities. On the other hand, if a situation of combat stability can be brought about, there is little argument for large spending increases or major changes in military doctrine of Alliance strategy. Simply put, it is much more effective for NATO to try to shift the nature of the combat process toward stability rather than increasing material wherewithal in a situation of combat instability.

According to Biddle, the widely diverging estimates of the conventional balance one encounters indicate that nearly all of these assessments presently assume there to be a situation of combat instability. If correct, this is a matter of great concern for all, regardless of one's position in the analytic debate over material adequacy. If not, these assessments do little to clarify the actual state of the balance. Whatever the case, the consequences of basing policy on an incorrect judgment are severe, as the resultant policy recommendations will do little good and inflict possible harm. The present situation of ignorance can be resolved only through a broad-based process of study and debate within the Alliance.

Combat can be viewed as a process with inputs—in the form of men, material, and supplies—and outputs—in the form of casualties, and ground gained or lost. Input measures are analytic methodologies that describe the first of these. Output measures are methods for predicting the latter. Of course, it is the result—the outputs—of combat that matter, so any assessment must somehow reach a conclusion as to likely outputs. For output measures, however, the prediction of outputs is formal and explicit. For input measures, such prediction is a process that takes place entirely outside the formal methodology. Input measures simply describe the input forces in greater or lesser detail, for example, by measuring their numbers, their size, their speed, or the weight of steel they can fire in a single volley. The methodology itself makes no statement as to which of the sides it has thus described would win if it came to a fight, or by how much, or how quickly. The analyst must use his own judgment to reach these conclusions. Output measures, by contrast, produce formal estimates of how a battle would turn out in terms of the two sides' losses and the movement of the front.

There are two basic types of input measures: simple bean counts and effectiveness index methods. Bean counts simply tally the number of weapons or formations of a given type available to the two sides.

Bean counts, however, pose difficult problems of interpretation. Weapon quality, for example, cannot be reflected by simply counting systems. Bean counts also provide different "balances" for each weapon type. The balance of antitank missiles is more favorable to NATO than the ratio of main battle tanks, which is itself more favorable than a comparison of available artillery tubes. It is not clear how these assessments should be integrated into an overall picture of the balances.

Effectiveness indices, by contrast, produce a single value, or index, to represent the aggregate combat power of a heterogeneous force. Typically, that aggregate score is then divided by the value of a single reference formation—usually a U.S. armored division—to produce an estimate of the Armored Division Equivalent strength of the force, or its "ADE score".

Only a few of these variable assumptions can be assigned particular values with high confidence. For most, it is impossible to know what values they will take on in the event of an actual war. The decision of the French, for example, to participate in defending West Germany will hinge on political conditions that cannot be predicted in advance, including the nature of the crisis, the state of intra-Alliance relations prior to the crisis, and the relative success of Soviet diplomacy in driving political wedges between NATO governments. Nor can one predict the Soviets' willingness to accept risk on their eastern border in order to send forces to the West, or whether NATO will respond promptly to warning of Soviet mobilization.

The balance of input forces available to the two sides is subject to large, inherent uncertainties to a degree that the public debate has thus far failed to acknowledge.

As for simple bean counts, these are typically interpreted in time-series form, showing that the numerical ratio of weapons has worsened for NATO in recent years. In conjunction with descriptions of Soviet technological improvements over the same interval, this is often cited as evidence for a pessimistic view of the balance. The key question here, however, is not simply the pace of Soviet modernization and weapons acquisition, but rather the resulting effectiveness of the fielded arsenal relative to NATO's. This cannot be discerned by simply counting weapons.

Most official assessments of the conventional balance have been conducted using variations on a model created by Frederick William Lanchester in 1914. Lanchester's work focused on attrition (as opposed to movement), and in particular, on the casualty-rate implications of the ability to concentrate fire. Lanchester argued that where the fire of several shooters can be concentrated on a single target, the result would be a disproportionate advantage for the numerically larger side.

The larger the initial divergence, the sooner the smaller side is destroyed, but even small advantages will eventually produce total defeat for the weaker side. Moreover, any given input imbalance will be telescoped into a larger output imbalance as a result of combat. Mathematical systems displaying this property are sometimes called unstable equilibrium models.

Models with this structure can thus predict surprisingly rapid defeat for powers which are only moderately inferior to their opponents in combat inputs. It is not necessary to assume an overwhelming Warsaw Pact superiority in material to produce a pessimistic assessment of the balance on the basis of such an analysis. As long as the input force ratio is higher than the equilibrium value, Lanchestrian output measures can predict decisive defeat for NATO.

Conversely, some of the most optimistic assessments in the current debate are also the products of output measures. Dr. Joshua Epstein of the Brookings Institution argues that ". . . NATO has the material wherewithal [today] to stalemate the Warsaw Pact." This conclusion is based on the results of his own output methodology, the adaptive dynamic model.

While the adaptive dynamic model is different in many respects from either simple or extended Lanchestrian models, it shares one crucial characteristic: it displays unstable equilibrium behavior. Pessimistic Lanchester analyses assume an input balance slightly above the model's equilibrium—with the result that the force ratio gets worse over time. Epstein's optimistic adaptive dynamic analysis uses an input ratio slightly below the model's equilibrium. The initial force ratio likewise diverges from equilibrium, but since Epstein's input ratio is less than the equilibrium value, the balance improves over time, until NATO actually outnumbers the Warsaw Pact after 40 days of combat.

Modest differences of opinion between analysts can produce radically different balance assessments, if they push the initial balance of forces across their models' equilibrium ratios. Analysts who broadly agree that the force ratio in Europe is between 1.5:1 and 2:1—the same range that produces a consensus of guarded optimism for effectiveness index analysts—can still disagree radically over the results if they assume instability, and if the equilibrium ratios they use fall generally in the same range.

Perhaps more importantly, instability implies that any given analyst will often predict dramatic changes in his baseline combat outcome as a result of plausible variations in scenario conditions.

The extreme variance in assessments of the conventional balances is thus the result of applying unstable equilibrium models to a relatively narrow range of disagreement between analysts as to the balance of combat inputs. Unstable equilibrium models imply a volatile balance. Small differences in inputs produce larger differences in outputs. This means that any analytic disagreements over the precise balance of military material can result in larger differences in assessments, and that small shifts in scenario conditions can change success to decisive defeat, or vice versa.

If this assumption of instability that underlies current output measures is correct, however, there are larger implications for NATO which are potentially very unfavorable—regardless of one's position in the analytic debate over material adequacy. Instability implies extreme sensitivity to variation in the input balance of forces. If NATO could be confident that the input balance would be below equilibrium, instability could produce very favorable combat results. Unfortunately, NATO cannot be confident that a favorable balance will obtain in time of crisis. Yet, if the balance comes out even slightly above equilibrium, the volatility of an unstable combat process produces a rapid defeat.

There are two reasons why NATO cannot be confident that the input balance will be below equilibrium in a crisis. The first is the scenario uncertainty inherent in the nature of European politics and inter-alliance diplomacy.

Even if political fortunes are only slightly unfavorable, it does not require a large change in the input balance under instability to produce either a hopeless situation or a successful defense, and that input balance is inherently variable . . . the uncertainty introduced by this input variation is not evenly distributed, however. NATO is a strategically defensive alliance. In a crisis, it is not likely to attack the Soviets, if it is the beneficiary of Soviet political misfortune. On the other hand, the risks to NATO should political fortunes go the other way, could be severe, and we cannot be confident that diplomacy will favor us in all potential future crises.

Political uncertainty is not the only way that input force ratios could fall below the equilibrium threshold of an unstable combat process. It could also occur as a result of differential concentration of forces. If it is easier for an attacker to concentrate than it is for a defender to counter-concentrate, then it is possible for an attacker to create a local advantage, even if he is outnumbered theaterwide. Under instability, this advantage can produce a rapid breakthrough, if it pushes the local force ratio above the equilibrium threshold. Of course, to obtain this local concentration, the attacker must accept relative weakness elsewhere. To succeed, the attacker's concentration must pay off before any of his weaknesses produce defeat. By magnifying the consequences of small differences in force ratios, however, instability permits a small difference between the sizes of a local advantage and a surrounding disadvantage to produce a large difference in breakthrough rates. That is, if the attacker's local advantage is any larger than the disadvantage he gives up elsewhere, instability allows him to break through in the key sector long before any of his (smaller) weaknesses produce decisive results.

Of course, this is only a problem if the Soviets can concentrate faster than NATO can counter-concentrate, and NATO does have command-and-control advantages of the Soviets that could make it easier to respond. On the other hand, the Soviets have one crucial advantage simply by virtue of being the attacker: the initiative to choose the time and place of the attack. As a strategic defender, NATO cedes to the Soviets the advantage of the first move, and the potential benefits of surprise and deception. If a NATO commander should misread a Soviet feint, or respond too slowly to a properly identified concentration, an unstable combat process could produce a decisive defeat for NATO. Such a defeat could result even if the nominal theaterwide force ratio is below equilibrium, and even if crisis diplomacy works out to NATO's advantage. To be confident of its defenses under instability, NATO must, therefore, be confident that political uncertainties in future crises will always break in its favor, and that NATO military commanders will not misstep in responding to Soviet concentration attempts. Either possibility could mean disaster, if the nature of combat is unstable.

It is not clear that instability is the only alternative, however—or even whether the current balance is best described by an unstable model of combat. Two other possibilities can be discerned: a combat process in which the equilibrium ratio is stable, and one in which it is dynamically neutral.

[In] a stable combat process . . . as with instability, an equilibrium force ratio exists for which the two sides suffer equal fractional losses and for which the force ratio thus remains the same over time. The difference is that force ratios above or below equilibrium converge toward that value, rather than diverging away from it as they do under instability. Initial imbalances thus become smaller over time rather than larger. An attacker may still overwhelm a weaker defender if his input superiority is large enough, but a given difference in inputs always produces a smaller difference in outputs.

[If] a dynamically neutral combat process [takes place] . . . input force ratios neither diverge nor converge over time. Instead, initial imbalances are roughly equivalent to outcome imbalances. Conventional balances assessments using input methodologies typically imply an underlying, intuitive model of combat that corresponds to a dynamically neutral process. Under a neutral process, if the initial balance is slightly unfavorable, the results will be slightly unfavorable. Given a moderate Soviet input advantage, the implication of such a process is that NATO can be reasonably hopeful—while the balance is not ideal, neither is it catastrophic.

Which, then, of these three alternatives best describes the modern battlefield? Unfortunately, the current conventional balance debate offers us no guidance. This discord in this debate is largely a result of the effects of unstable equilibrium models on moderate discrepancies in input, but the participants themselves have never addressed their underlying assumptions with respect to stability, much less defended them systematically. Moreover, there is no prima facie reason to exclude any of the three as a serious possibility. Indeed, twentieth century military history provides some support for each.

Instability, for example, is consistent with blitzkrieg warfare of the sort encountered in the German invasion of France in 1940 or the Israeli victory over the Egyptians in 1967. Extreme instability, if combined with conditions that favor differential concentration, amounts to a form of offense-dominance; such attackers are able to defeat a reactive defender without the benefit of overall numerical superiority.

Stability, on the other hand, is consistent with stalemates such as the trench warfare on the Western Front between 1915 and 1917, the ongoing Iran-Iraq War, or even some battles of the Second World War such as Kursk on the Russian Front in 1943. Extreme stability implies defense-dominance, since the longer a numerically superior attacker fights, the weaker he becomes relative to his opponent, and since an outnumbered combatant has no option for victory by attack. Conditions intermediate to these two extremes can be seen in engagements such as the Lorraine campaign of 1944 or the invasion of Sicily in 1943, in which numerically superior attackers made slow but steady progress.

Each of these conditions is thus plausible. This implies, however, that it is at least possible that the current balance can either be as pessimistic as official estimates suggest, or as optimistic as outside critics argue, or even that the balance has properties of stability that neither group currently recognizes. Without a better understanding of the determinants of stability, we cannot know.

The consequences, however, of basing policy on an incorrect judgement are potentially severe because the policy recommendations implied by each of these states are largely contradictory. Under stability, for example, the primary policy objective is simply to avoid getting in the way of the system's inherent bias in favor of defenders. There is little argument here for significant increases in spending, or major changes in military doctrine or Alliance strategy. Most important, a stable combat process also insulates NATO against much of the uncertainty inherent in the sensitivity of the input balance to political circumstances, since only a very large imbalance poses a real threat.

Conditions between a stability and instability create different recommendations—principally for spending increases as the primary response to today's balance of input forces. Here, however, political and strategic uncertainties are again a problem for NATO. While less catastrophic in effect than they would be under instability, these uncertainties suggest that if NATO wishes to be reasonably confident in the performance of its conventional defenses under a neutral combat process, it must overinsure to some degree. Inasmuch as the Soviets are likely to at least somewhat increase their own expenditures, the results can be substantial pressure for major spending increases.

Under instability, on the other hand, it is unlikely that increase spending could ever be sufficient to provide confidence in the Alliance's ability to defend itself. Higher expenditures would certainly be helpful, but they can neither guarantee diplomatic success nor fully ensure against the potential for error in responding to Soviet strategic initiative. Instead, if the combat process is highly unstable and if differential concentration is a serious threat, a strategic defender has a substantial incentive to combine increased defense spending with an offensive military doctrine. Offensively-oriented doctrines are, in fact, becoming increasingly popular among NATO militaries. A more offensive NATO doctrine, however, makes NATO's posture more provocative in a crisis. Moreover, unless NATO is prepared to attack preemptively, offensive action is inherently more difficult, since the Soviets are granted the advantage of the first move. Instability thus implies a fragile security at best, and at worse a nearly hopeless problem for a strategically defensive alliance in a politically uncertain world.

Given the inherent problems of instability, the primary policy recommendation stemming from such a condition must be to avoid it, if at all possible. To the extent that the current balance is unstable, our first priority should thus to be to shift the combat process in the direction of greater stability. (Indeed, greater stability constitutes the only recommendation which makes sense, whatever the current state of the combat process.) Unfortunately, however, we as yet have no systematic understanding of the determinants of stability to guide such an attempt. Indeed, there is at present no way to know even whether such a shift is possible.

The only way to develop such an understanding is through a broad-based process of study and debate within the Alliance. The current NATO dialogue on the conventional balance, however, is unlikely to produce such an outcome. While we dispute analytic differences whose magnitude is small relative to political uncertainties which we can neither predict nor control, the crucial questions of stability and the feasibility of a stable battlefield go unexamined. It may be that the determinants of stability cannot be known with certainty. On the other hand, we operate today in an environment of nearly complete unawareness of the implications of the nature of the combat process for Alliance defense policy. At the very least, the result of this unawareness has been a conventional balance clouded by the failure to recognize the underlying causes of analytical disagreement, and consequently, a debate argued over the wrong issues. If we are to make progress toward real security, it is essential that this debate be redirected, and that the crucial issues of stability and the implications of offense and defense in conventional warfare receive the attention they deserve.

REQUEST FOR INVESTIGATION INTO CIA ACTIVITIES WITH RESPECT TO PANAMA

Mr. HELMS. Mr. President, disturbing allegations were made during sworn testimony before the Subcommittee on Terrorisim, Narcotics and International Operations, on Tuesday, February 9.

Jose I. Blandon, a former confidant of Panama Gen. Manuel Antonio Noriega included in his testimony before the subcommittee that the Central Intelligence Agency and the National Security Council prepared "intelligence reports" on certain Members of Congress and their staffs and furnished these reports to General Noriega. General Noriega is head of the Panama Defense Forces and is the de facto head of government in Panama. I am concerned by these accusations, especially inasmuch as I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

On February 18, during a closed hearing with CIA Director William Webster, I presented Judge Webster with a written request for an internal investigation of Mr. Blandon's charges. Specifically, I asked that an internal investigation be conducted and all employees in contact with Panamanian Government or military officials be questioned.

It was interesting, Mr. President, to note that on the day of Mr. Blandon's charges, the CIA denied that it furnished any information to Noriega. However, I have learned that after this denial was issued, the agency made inquiry to its field offices about whether such actions indeed might have taken place.

These are serious charges, and they raise significant questions about the integrity of U.S. intelligence operations. Indeed, many of Mr. Blandon's charges bring into focus questions about the CIA's involvement in other aspects of United States-Panama relations.

In all likelihood, these issues will need to be addressed by the Committee on Foreign Relations in future hearings with appropriate representatives of the intelligence community.

Mr. President, I ask unanimous consent that a copy of my letter to the Director of Central Intelligence and a similar letter to the Director of the Federal Bureau of Investigation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 17, 1988.

Hon. WILLIAM WEBSTER,
Director of Central Intelligence,
Washington, DC.

DEAR DIRECTOR WEBSTER: As you know, the Committee on Foreign Relations received very significant sworn testimony last week that indicated that the CIA and the National Security Council have maintained, and/or furnished to certain Panamanian officials, information on certain Members of Congress and their staffs. Since you are charged with responsibility for all agencies under the National Security Act of 1947, as amended, I am writing to you to address these issues.

Inasmuch as Mr. Jose Blandon has appeared at the request of U.S. law enforcement agencies as a witness in major criminal procedures, his credibility appears to be high. Additionally, I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

I have no fear of correct information maintained on me; nonetheless, it is improper and illegal for the CIA to maintain such files. This is especially so inasmuch as the CIA has access to background check files, which include much uncorroborated data, for all security clearances.

Should a situation ever develop in which information, particularly unevaluated information, is transferred to another government, thereby interfering with the constitutional responsibility of Members of Congress and their staffs, it calls into question the integrity of our intelligence security institutions.

For these reasons, I submit the following questions, answers to which I hope can be provided in unclassified form. In answering these questions, please do not rely on files alone, since the information allegedly passed may have been passed back channel, without files being maintained. It is imperative that an internal investigation be conducted and all employees in contact with Panamanian government or military officials be questioned.

Has any employee, contract employee, or agent of the CIA—or any other entity associated with it, including other agencies under the National Security Act of 1947, as amended—ever maintained information—including biographies, reports of activities, summaries of political philosophy, or other information—on Members of Congress or their staffs? If so, which persons, when, and under what circumstances?

Has any employee, contract employee, or agent of the CIA—or any other entity associated with it, including other agencies under the National Security Act of 1947, as amended—ever furnished verbal or written information officially or unofficially on Members of Congress or their staffs to any official of a foreign government, and specifically to the government of Panama or the Panama Defense Forces under General Manuel Noriega? If so, which persons, when, and under what circumstances? (Interestingly, I understand that after the CIA publicly denied Blandon's testimony, an inquiry was made to CIA field offices and to NFIB agencies querying whether the denial was accurate. Please include a copy of this message and all responses.)

Because of your previous association with the Federal Bureau of Investigation, I would also ask the following questions, also to be answered in unclassified form to the maximum extent possible.

Did the FBI ever turn over to the CIA or other intelligence agencies any information on Members of Congress or their staffs?

Has the FBI ever initiated wiretaps or surveillance on me or members of my staff, with or without warrant? If so, when, for what reasons, and under what legal authority?

Sincerely,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 17, 1988.

Hon. WILLIAM SESSIONS,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR DIRECTOR SESSIONS: As you know, the Committee on Foreign Relations received very significant sworn testimony last week that indicated that the CIA and the National Security Council have maintained, and/or furnished to certain Panamanian officials, information on certain Members of Congress and their staffs.

Inasmuch as Mr. Jose Blandon has appeared at the request of U.S. law enforcement agencies as a witness in major criminal procedures, his credibility appears to be high. Additionally, I have received similar reports coming from sources in other countries which parallel the sworn testimony with regard to the CIA furnishing similar information on other Senators.

Because of these concerns, I ask you the following questions, answers to which I hope can be provided in unclassified form.

Did the FBI ever turn over to the CIA or other intelligence agencies any information—including biographies, reports of activities, summaries of political philosophy, or other information—on Members of Congress or their staffs?

Has the FBI ever initiated wiretaps or surveillance on me or members of my staff, with or without warrant? If so, when, for what reasons, and under what legal authority?

Sincerely,

JESSE HELMS.

S. 1586, THE TECHNOLOGY TO EDUCATE CHILDREN WITH HANDICAPS ACT

Mr. ADAMS. Mr. President, I rise today in support of S. 1586, the Technology to Educate Children With Handicaps Act. I applaud the work of Senator KERRY and his staff in developing this legislation and support their commitment to promoting a discussion of efforts for improving access to assistive technology.

While it is often said that there are few things more fascinating than the potential of the human mind, it is also true that there are few things more tragic than the failure to develop this potential. It is truly tragic, therefore, that the tremendous resource represented by the capable minds of millions of handicapped individuals goes untapped due to the inability of educators and loved ones to achieve a sufficient level of communication. Still, other handicapped individuals are unable to participate in a normal environment due to disabilities that prevent them from maintaining the necessary posture for following classroom activities.

Fortunately, recent advances in modern science have lead to the development of technology which assists disabled individuals in overcoming these barriers as well as assisting them in the pursuit of educational achievement. This new technology includes everything from specially adapted computers that give disabled individuals the ability to read, write and speak to computerized voice synthesizers that read aloud the messages printed on a video screen. Further advances in specialized equipment, wheelchairs and assistive apparatus have made it possible for handicapped individuals to participate in the classrooms of public and private institutions on an equal basis with the rest of our Nation's student population.

With the advent of this advanced technology, we must now focus our attention on the need to improve the access to and use of these devices. Presently, handicapped students and parents are blocked by a number of barriers which prevent them from gaining access to assistive technology. While it is often the case that the cost of such equipment is prohibitively expensive for families, more children suffer from limited access because neither they nor their teachers nor their parents have been exposed to the availability and application of developing technology. This legislation addresses these issues through the establishment of a network of assistive device resource centers in each State. These centers are designed to coordinate information, and provide training and financial mechanisms that will expose students and educators to the availability of assistive devices and the means for applying this technology to their educational environment. Followup counseling will also be available through the resource centers which will assist children to readily adjust to this advanced technology.

In order to help individuals with handicaps to achieve their greatest degree of independence and productivity, we must ensure that they receive an education that best reflects their future working and living environments. Access to assistive technology provides disabled students the opportunity to participate in regular classroom activities and exposes them to other handicapped and nonhandicapped students. Such interactions are essential to the development of critical interpersonal skills that are necessary for adjustment to life beyond the classroom. The ability to practice implementation of these assistive devices in an educational environment will assist them in applying their skills to future employment settings and independent living situations. Most significantly, access to assistive technology will help bridge the educational gap that many disabled children face and aid them in developing the depth of their intellectual capacity.

While I feel we must address the need to improve access to assistive technology for disabled individuals of all ages, I appreciate Senator KERRY's efforts on behalf of handicapped children. I am happy that we have begun to entertain a positive discussion in this area and I look forward to adding my voice in support of future initiatives that promote the use of assistive technological devices.

THE SPIRIT OF DAKOTA AWARD—A TRIBUTE TO THE WOMEN OF SOUTH DAKOTA

Mr. PRESSLER. Mr. President, this Friday evening in Huron, SD, a special tribute will be held honoring the many women who helped build South Dakota. The occasion is the presentation of the first annual "Spirit of Dakota" award to Winifred Lorentson of Miller, SD.

The Spirit of Dakota award will be represented by a 9-foot statue of a pioneer woman, sculpted by Dale Lamphere, a South Dakota artist from the Black Hills. The unveiling of this statue on Friday evening is the first statewide recognition of the important role women played in shaping South Dakota. I personally feel this recognition is long overdue and commend all of those responsible for putting this event together.

Mr. President, over 70 women from across South Dakota were nominated for this prestigious award. These women are all winners in their own right. I rise today to honor Mrs. Lorentson in particular, and all of the nominees who have contributed so much to the great State of South Dakota and its citizens.

Mr. President, I ask unanimous consent that an article which appeared in the October 25, 1987, Huron Daily Plainsman be printed in the RECORD. It describes the life and many contributions of Mrs. Lorentson in further detail and includes a list of all of the nominees who were considered for this prestigious award.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LIFE OF GIVING TO OTHERS DESCRIBES FIRST SPIRIT WINNER—WINIFRED LORENSTON

The Spirit of Dakota sculpture portrays a pioneer woman facing the future, undaunted by adversity.

The first woman to receive an award reflecting this spirit in South Dakota is Winifred Lorentson, a former county school superintendent and single parent who still serves as a role model in the Miller community.

"I have always thought of her as the perfect lady," recalls Loretta King, who served as a teacher under Lorenston's administration.

Like the image in the sculpture, Mrs. Lorentson has been swept by the winds of the prairie and of life.

While teaching at St. Lawrence High School from 1922 until 1924 she spent 35 minutes walking from her home in Miller to the school—even through the cold winter months.

Her husband, Carl "Edwin," died early in their marriage and Mrs. Lorentson went on to raise their two sons as a single parent while serving as Hand County Superintendent of Schools for 36 years, founding the Miller Business and Professional Women's Club in 1942 and helping establish the county library.

Members of the Spirit of Dakota award committee selected the recipient from a group of 70 women nominated throughout South Dakota.

The committee included Donna Christen, chairman, and Marilyn Hoyt, vice chairman, both of Huron; Martha L. Baker, Sioux Falls; Renee Doyle, Yankton, Susan Edwards, Pierre; Carole Hillard, Rapid City; Beverly W. Lowrie, Watertown; Mary McClure, Redfield, and LInda Mickelson, Pierre.

The judging criteria required that the nominee be a "woman with roots deep in Dakota whose courage and strength of character has developed her family and community. She should also be a woman who has represented social, cultural and educational advancement for others."

The recipient was born Nov. 12, 1893, five miles south of St. Lawrence to Mr. and Mrs. William James (Lillie Williams) Davey, one of their five children. Davey came to South Dakota in 1884 and laid claim to 131 acres of land in the St. Lawrence area.

The pioneer daughter graduated from St. Lawrence Grade School in 1908. Her family later moved to Mitchell where they operated a rooming house. She graduated with a B.A. degree from Dakota Wesleyan University in 1917 and then completed post-graduate studies at the University of Chicago that summer.

Three years later she married Carl "Edwin" Lorentson while they were both teaching at Highmore High School. He became principal of Ree Heights Public School in the fall of 1921.

Due to the tuberculosis he had contracted during World War I, the couple moved to California in 1926 and then to Arizona before he died in 1930.

Mrs. Lorentson says the greatest happiness in her life was the birth of her sons, even though her first son was stillborn in 1921.

Edwin "Carl" Lorentson, born in 1926, graduated from Harvard Medical School and is a surgeon in Chicago. And William "Davey" Lorentson was born three years later. He graduated from the University of South Dakota and received an MBA degree from the University of Minnesota. He has been employed with the General Electric Company in California as a manager in finance since 1954.

Mrs. Lorentson has eight grandchildren and is looking forward to great-grandchildren in the future.

After the death of her husband, Mrs. Lorentson returned to Miller to live with her mother whom she credits with helping raise her sons.

Leaving her young sons at home, the mother began teaching home economics (her favorite subject) in Highmore in 1917 and then in Ree Heights in 1920. She then taught in St. Lawrence during 1922–24 and 1932–34.

Mrs. Lorentson received a Life Professional Diploma from the South Dakota Department of Public Instruction in 1928, the highest grade teachers credential issued by the state for individuals with a four-year degree and eight years of teaching experience.

She was elected superintendent of schools in Hand County in 1935 and was responsible for oveseeing 107 one-room schoolhouses and two parochial schools. She was honored in 1971 at the final County Superintendent's Conference in Pierre as one of two superintendents to have 36 years of service.

Her advice for today's women who are raising families by themselves is to "have a very strong church connection." Mrs. Lorentson, a member of Miller United Methodist church, says the people in her church and her faith have strengthened her.

The 93-year-old woman, who served as Sunday school superintendent for 10 years, still attends Sunday school weekly and meetings of Hope Circle. She taught Sunday school, served on the church board during two decades and served on the committee to build the new church from 1959 until the building was completed.

After more than 50 years of membership in several clubs and organizations, Mrs. Lorentson still attends meetings regularly, declaring "that every one is different."

Mrs. Lorentson has been a member of Delta Kappa Gamma Society, a society for educators, since 1950. In addition to being founding president of the BPW, she has been president of the Miller chapter of PEO, Miller American Legion Auxiliary and the Annie D. Tallent Club, an honorary society for educators.

She was worthy matron of the Miller Order of the Eastern Star Chapter and served as grand Electra of the state chapter.

Mrs. Lorentson was named delegate to the President's council on Youth, Washington, D.C., in 1950, and Merit Mother of the Year by the Miller Jaycettes in 1970.

She was admitted to Dakota Wesleyan University's Century Club in 1979 and Matthew D. Smith Club in 1976.

The educator began serving as a trustee of the Miller Public Library in 1945 and saw it converted from a city to a county library in 1948. She also served on the committee to build a new library, which was completed in 1969.

Mrs. Lorentson was presented the "Trustees of the Year" award from the South Dakota Library Association in 1978.

The community-spirited woman served as chairman for Hand County Christmas Seal Society from 1934 to 1972.

This woman of achievement credits her success as an education administrator to the loyalty and cooperation of the teachers. "The people made it as least difficult as possible. They helped in every fashion they could," recalls Mrs. Lorentson with the serenity and efficiency remembered by the teachers and pupils.

Mrs. Lorentson beams as she speaks about the country schools: "it was a wonderful learning place. A wonderful place where children learned to help each other."

One of her former students recalls "we never were afraid to have her come visit our school. In fact, we loved to have her come."

The only grimace to cross the face of Mrs. Lorentson occurs when she tells of the two-year elections required of the county superintendents.

"But it was just a formality for Mrs. Lorentson," Mrs. King praises. "No one had the nerve to run against her."

Glorian Blackburn of Miller, a former teacher, tells of how the administrator saw to the needs of her teachers. "I remember her efficiency and how she kept current in education. She provided us with workshops and updated curriculum."

James Hart of Miller grew up next door to Mrs. Lorentson who still lives in her own home, the same one she has lived in for more than 50 years.

"I remember my parents talking about her," said Hart, who was among her nominators. "They would comment on her walking to St. Lawrence every day to teach school and how she raised two outstanding sons by herself. I have never heard anyone say anything derogatory about her, in fact, when people talk about Mrs. Lorentson, all they have is praise. I have never heard her criticize anybody. She always has nothing but good to say, regardless of the situation."

The Miller woman, who has been admired by people throughout her life, says her own role model was her mother's sister. Flora Williams, who was also her schoolteacher.

Although teaching was about the only career open to young women during Mrs. Lorentson's youth, she says the teaching field still appeals to her today. "There's so many ways you can open the world up to children now."

Mrs. Lorentson is still going strong although she admits to slowing down a little during the past year. She has help with housekeeping, receives Meals on Wheels and has someone stay with her overnight as well as check on her frequently during the day.

A person whose life has and still does revolve around people, Mrs. Lorentson says she has no hobbies. What others might see as hobbies today were a matter of living for her. For example, she has always sewn. "But that was for me and my family," Mrs. Lorentson dismisses.

The award recipient is modest about receiving the Spirit of Dakota Award, the first such recognition for any woman in the state.

"You can't live to be almost 100 without doing something good," chuckles the woman who says her goal in raising her sons was to "keep them happy." And the way she has kept herself happy is "not to think of myself too much."

An incident that occurred when Mrs. Lorentson was trekking through the snow as a young teacher best expresses her perseverance and positive outlook on life.

"Sometimes the snow got awfully deep. One day I met a man who told me 'I don't think I would go any further if I were you.' I said 'If it's any worse than what I've been through I want to see it.' "

1987 "Spirit of Dakota" Award

Mrs. Carol Ahlfeldt, Volga; Marie P. Anderson, Hurley; Helen Fischer Aplan Maryhouse, Pierre; Rose Marie Austin, Centerville; Doris Becker, Humboldt; Anna Haugan Berdahl, Sioux Falls; Joanne Bieber, Bowdle; Catherine Bischoff, Huron; Florence M. Bruhn, Watertown; Florence M. Carman, Carthage; Marian Cramer, Bryant; Lynne DeLano, Springfield; Lucille Disbrow, Centerville; Mrs. Lenore Foster, Golton; Adeline Gnirk, Lucas; Blanche Grossenburg, Winner; Hazel Harmon, Huron; Marie Halverson, Milbank; Linda Hasselstrom, Hermosa; Nettie R. Hauck, Mobridge; Dr. Julie Hegstram, Sioux Falls; LaVonne Hofer, Huron; Margie Hovorka, Tyndall; Mrs. Rosella Jackson, Mobridge; Willmeta Johnson, Keystone; Mildred S. Johnston, Sioux Falls; Marjorie Kittlesland, Melette; Alice Kundert, Pierre; Nancy Lammers, Madison; Frances "Peg" Lamont, Aberdeen; Virginia Lardionis, Huron; Marcella R. Ryon LeBeau, Mobridge; Mary Jewel Ledbetter, Pierre; Winifred Lorentson, Miller; Edna Lucklum, Platte; Marian Lundeen, Bristol; Jeannette C. Lusk, Huron; Mrs. Vincent Madden, Huron; Vera Marghab, Watertown; Emily Madetzke, Jasper; Carol (Martin) Mashek, Sioux Falls; Rita Matthews, Wessington; Mrs. Dwight Miller, Watertown; Donna L. Mitchell, Rapid City; Hazel Murphy, Watertown; Rose Marie McCoy, Sioux Falls; Sandra McLain, Rapid City; Arleen Dare Nelson, Watertown; Betty Noem, Bryant; Lavina Norman, Burke; Barbara B. Ohleen, Webster; Bev Paschke, Redfield; Marjory Marshall Prchal, Burke; Gladys Pyle, Huron; Mrs. Mable Read, Winner; Vivian Rearick, Wolsey; Hildegard Amanda Rother, Huron; Ester Serr, Rapid City; Mrs. Cecelia Shalley, Estelline; Virginia Driving Hawk Sheve, Rapid City; Doris J. Schumacher, Brookings; Monica Slocum, Redfield; Wynn Huybler Speece, Yankton; Kay Riordan Steuerwald; Keystone; Margery A. Tauber, Watertown; Lucy Thingelstad, Holabird; Mrs. Hildreth Venegas, Sisseton; Mrs. Margaret Wingen, Canova; and Mrs. Eudora Zellers, Flandreau.

COME ON, SAM DONALDSON! SURELY YOU WEREN'T SERIOUS

Mr. HELMS. Mr. President, I was astonished last night to hear a well-known broadcast newsman use the term "freedom fighters" to describe the ANC, the African National Congress, during President Reagan's televised news conference. That description of the violent, brutal ANC by ABC's correspondent, Sam Donaldson, disclosed a fundamental lack of knowledge about the ANC, and I wondered how many unsuspecting Americans might have been misled by such false description.

Mr. President, I ask unanimous consent that the relevant episode from the President's news conference, be printed in the the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Sam Donaldson. The white minority government of South Africa has now effectively banned activities by dissenting organizations, even when those activites are peaceful. What is your view on that, and what can you do, if anything, to reverse it?

The President. Well, the State Department has already contacted them about that, and we are making our feelings clear that they should be working toward a multiracial democracy and not oppressing organizations, political organizations there. And we've made our feelings clear about that.

Mr. Donaldson. Have you considered sending aid to the "freedom fighters," the ANC [African National Congress] or any other organization against this oppression, just as you send aid to other freedom fighters around the world?

The President. No, we have not involved ourselves in that other than things such as the sanctions and so forth. We have tried our best to be persuasive in this very difficult problem and to find a, to encourage a, better solution.

Mr. Donaldson. What's the difference?

The President. Well, the difference is that we don't have an armed insurrection going as we have in some other countries, and we have a great division even among the people who are being oppressed. It is a tribal policy more than it is a racial policy, and that is one of the most difficult parts here.

Mr. HELMS. Mr. President, let's clear up any misconception in the mind of Mr. Donaldson about the African National Congress:

The ANC at its founding in 1912 was a nationalist, but non-Communist, organization for blacks in South Africa. However, in the 1940's it was transformed into a front organization for the South African Communist Party. It is widely recognized that the South African Communist Party is a Soviet line orthodox Marxist-Leninist Party completely under Moscow's guidance and control.

A declassified biography of the executive committee of the African National Congress, released in 1986, demonstrated that over half the membership of the ANC executive committee were Communists.

The flavor of the contemporary ANC—which can hardly be described as freedom loving—was provided last fall by the National Forum Foundation, a research organization originally established under the auspices of our forrmer colleague, Senator Jermemiah Denton, Republican of Alabama.

The National Forum Foundation did an excellent research paper which catalogued statements made by various members of the African National Congress with respect to the ANC's views on the Soviet Union, its relationship with the South African Communist Party, and revolutionary violence. The paper presents the ANC's views in its own words, and was carefully researched with newspaper and other sources footnoted.

Perhaps Mr. Donaldson and other journalists would be considerably enlightened by these statements which clearly reveal the violent, pro-Soviet, pro-Communist, nature of the African National Congress.

Mr. President, this is the organization, lest we forget, that has engaged in the horrible practice of "necklacing," by which hundreds and hundreds of South African blacks have been subjected to the most brutal and gruesome deaths—tires, filled with gasoline, placed around their necks, and then set afire.

Mr. President, I ask unanimous consent that the article, "The Ideology of the African National Congress and the Future of South Africa," be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

October 1987.

The Ideology of the African National Congress and the Future of South Africa

In the ongoing debate over the situation in South Africa, much attention has been focused on the brutal and repressive nature of the South African regime. Little attention, however, has been given to the ideology of the opposition, specifically the most vocal and radical of the opposition: the African National Congress (ANC).

Using numerous sources, we have compiled a collection of ANC statements, all of which are identified to allow verification. These statements have been classified into 3 areas, allowing an examination of the ANC's views on: (1) the Soviet Union; (2) the ANC's relationship with the South African Communist Party (SACP); (3) revolutionary violence.

This collection is not intended to be a comprehensive survey of ANC ideology. However, we believe that the consistent and unambiguous nature of these statements warrant serious attention when addressing the beliefs of the ANC.

SELECTED QUOTATIONS

"In Soviet Russia genuine power of the people has been transformed from dreams into reality."—Winnie Mandela, *Pravda*, February 14, 1986.

"The CPSU [Communist Party of the Soviet Union] program calls for the further broadening of cooperation between the Soviet Union and the other socialist countries. This is of tremendous importance in strengthening the entire socialist community, which is the bulwark of peace on earth."—Alfred Nzo, *Kommunist*, No. 6, 1986.

"The ANC speaks here today, not so much as a guest invited to address a foreign organization. Rather we speak of and to our own."—Oliver Tambo, Speech at the 60th Anniversary of the South African Communist Party; *African Communist*, No. 87, fourth quarter, 1981.

"Those who dream of breaking the life-giving alliance between the ANC and the SACP [South African Communist Party] will strike rock."—*Sechaba*, September, 1985.

"All true South African democrats refuse to denounce the Communist Party."—Oliver Tambo, in *New York Times*, June 24, 1986.

"With our necklaces, we shall liberate this country."—Winnie Mandela, in *Washington Post*, April 13, 1986.

"If there were four million of us [black South Africans] left [out of 17 million] after the revolution, that would be better than the present situation."—Johnny Makatini, in *New York Times*, October 9, 1986.

I. THE SOVIET BLOC

"Within this last 60 years and before our very eyes, the Great October Socialist Revolution broke out to change the course of human history for all time."—Oliver Tambo, *The Building of a Nation*, 1972.

"Long live the Communist Party of the Soviet Union!"—Oliver Tambo, March 1976 Speech in Moscow; in the *New York City Tribune*, February 25, 1985.

"South African Revolutionaries deeply appreciate the all-round assistance rendered them by the socialist countries headed by the Soviet Union."—Yusuf Dadoo, *World Marxist Review*, December, 1982.

"The ANC has been a consistent champion of the cause of world peace, and voices its full support for recent Soviet peace initiatives which are aimed at making this planet a secure place."—Alfred Nzo, *Sechaba*, January 1984.

"The Socialist countries remain a solid pillar of support to our national liberation struggle."—Oliver Tambo, *Sechaba*,—March, 1984.

"We recognize instead that the Soviet Union and other socialist countries are our dependable allies, from whom no force is going to succeed in separating us."—*Sechaba*, August, 1984.

"Cuban internationalism is at this very moment helping to defend our popular revolutions in Angola, Ethiopia, Nicaragua, to mention but a few, and the blood of Cuban patriots and internationalists flowed recently on the same soil as that of Grenadian patriots in defense of the honor and sovereignty of the heroic island of Grenada against the criminal invasion of that small island by American imperialism."—Alfred Nzo, *Sechaba*, September, 1984.

"The ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad, are friends we can rely on."—Alfred Nzo, *World Marxist Review*, December, 1984.

"* * * the democratic, anti-feudal and anti-imperalist revolution in Afghanistan has been saved with the support of the Soviet Union."—Oliver Tambo, Political Report to the Second National Consultative Conference of the ANC, June 16–23, 1985.

"The ANC has received and continues to receive international support and solidarity from a variety of sources. We must today acknowledge especially, with appreciation, the very significant support we receive from the socialist countries. You have mentioned many of these countries—all of them without exception have given freely by way of supporting our struggle and meeting our demands."—Oliver Tambo, Political Report to the Second Consultative Conference of the ANC, June 16–23, 1985.

"As a movement, we need to be conscious of this all the time and protect our friendship and cooperation with the socialist community of nations very jealously."—Oliver Tambo, Political Report to the Second National Consultative Conference of the ANC, June 16–23, 1985.

"It would be a grave error on our part if we did not, at this point, refer, however briefly, to the socialist countries. The period we are discussing once more confirmed these countries as allies we can always rely upon, a secure rear base without which our struggle would be even more difficult and protracted."—Documents of the Second National Consultative Conference of the ANC, June 16–23, 1985.

"To this day, the socialist countries continue to play an important supporting role in many aspects of our work. Always willing to consider and respond to our requests, every day they demonstrate an unwavering commitment to see our revolution through to the end."—Documents of the Second Consultative Conference of the ANC, June 16–23, 1985.

"We highly appreciate the fraternal assistance and support rendered to us by socialist countries."—Oliver Tambo, TASS News Service, July 8, 1985.

"The Great October Socialist Revolution [Bolshevik Revolution] introduced and unleashed new forces in the world, including within South Africa itself, and the African National Congress was to enrich itself from the experience of the people who carried the banner of that revolution."—Oliver Tambo, Radio Broadcast Maputo; Foreign Broadcast Information Service, August 24, 1985.

"A determined effort was set afoot to roll back socialism, to reverse the victories of the national liberation movements and to force the peoples of the world to succumb to the wishes of imperialism. Hence we saw the complicated situation that arouse in Poland. The offensive against Democratic Afghanistan continued and intensified."—*Sechaba*, January, 1986.

"Official contact between the ANC and the Soviet Union goes back as far as 1927."—Oliver Tambo, *Umbesenzi*, vol. 2, no. 1, 1986.

"In Soviet Russia genuine power of the people has been transformed from dreams into reality."—Winnie Mandela, *Pravda*, February 14, 1986.

"I have waited for long years to personally send my militant salute to the land of the Soviets and thank it for its fraternal support."—Winnie Mandela, TASS interview; in The *Wall Street Journal*, February 18, 1986.

"Our fight for freedom is inseparably linked with the world-wide movement for peace, the standard-bearer of which is your great country. We, as a peace-loving and freedom-cherishing people, have launched an offensive against the most vicious enemy of peace—imperialism—whose guard in our part of the world is the criminal apartheid regime. Our just struggle pursues a humane aim—to create a peaceful democratic state which would stand in the ranks of the forces of progress. The Soviet people's support for our course is inspiring and revitalizes strength."—Winnie Mandela, TASS interview; quoted in *Moscow News*, no. 14, February 18–21, 1986.

"The CPSU [Communiust Party of the Soviet Union] program calls for the further broadening of cooperation between the Soviet Union and the other socialist countries. This is of tremendous importance in strengthening the entire socialist community, which is the bulwark of peace on earth."—Alfred Nzo, *Kommunist*, no. 6, 1986.

"The entire significance of the efforts of the Soviet Union and other members of the socialist community who, despite the obstacles erected by the aggressive imperialist circles, are trying to protect mankind from the threat of nuclear catastrophe, are particularly clear against the background of the imperialist policy of arms race and threat to peace."—Alfred Nzo, *Kommunist*, no. 6, 1986.

"In my view, it is necessary to emphasize above all in it [the CPSU programme] as in its previous edition, the task of further growth of the well-being of the Soviet people remains pivotal. This is the permanent trend of the entire social policy of the Soviet Union. All of this is in sharp contrast with the situation of the working people in the capitalist world.—Alfred Nzo, *Kommunist*, no. 6, 1986.

"We receive this high and honorable distinction, aware that it represents the confidence that the Communist Party, government and people of Cuba have bestowed on the African National Congress."—Oliver Tambo, receiving the Playa Giron Award from Fidel Castro; *Sechaba*, June 1986.

"The ANC went throughout the world asking for weapons. The socialist countries gave us weapons, training facilities and all other things."—Francis Meli, in *The New York Times Magazine*, October 12, 1986.

"We discussed forms of diplomatic support and material assistance and training for our cadres. Material assistance must include wherever possible the supply of weaponry to us."—Oliver Tambo, on his discussion with Mikhail Gorbachev; in *The Independent* (U.K.) November 10, 1986.

II. THE SOUTH AFRICAN COMMUNIST PARTY

"But finally, let us once again greet our South African Communist Party [SACP]. Long live the SACP!"—Oliver Tambo, Speech at the 60th Anniversary of the

SACP; *African Communist*, no. 87, fourth quarter, 1981.

"The ANC speaks here today, not so much as a guest invited to address a foreign organization. Rather we speak of and to our own."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"It is often claimed by our detractors that the ANC's association with the SACP means that the ANC is being influenced by the SACP. That is not our experience. Our experience is that the two influence each other." —Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"And members of the ANC fully understand why both the ANC and the SACP are two hands in the same body, why they are two pillars of our revolution."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"The relationship between the ANC and the SACP is not an accident of history."—Oliver Tambo, *African Communist*, no. 87, fourth quarter, 1981.

"It [the SACP] fully supports the same programme of liberation as the ANC for the seizure of power."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"Ours [the ANC and the SACP] is not merely a paper alliance . . . it is a living organism that has grown out of struggle."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"Our history [ANC and SACP] has shown that we are a powerful force because our organizations are mutually reinforcing."—Oliver Tambo, Speech at the 60th Anniversary of the SACP; *African Communist*, no. 87, fourth quarter, 1981.

"I have the great pleasure today of repeating on behalf of the African National Congress and our people in general, our congratulations to Comrade Moses Mabhida General Secretary of the SACP. We utter these congratulations with a sense of confidence, knowing his background, knowing his role in our struggle especially in the discharge of his tasks in the ANC, his absolute loyalty to his understanding—profound understanding—of the character of the South African situation and its problems."—Oliver Tambo, *African Communist*, no 87, fourth quarter, 1981.

"Our Party's relationship with the ANC is based on mutual trust, reciprocity, comradeship in battle and a common strategy for national liberation. Our unity of aims and methods of struggle are a rare instance of positive alignment between the forces of class struggle and national liberation."—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"Comrades, our policy is based on a long association with the ANC which reflects our Party's attitude towards national liberation. We are clear about the priorities of our struggle, first National Democratic Revolution and then an advance toward socialism."—Moses Mabhida, *African Communist*, no 87, fourth quarter, 1981.

"Our Party's stand as far as national liberation goes in South Africa is quite clear. It fully supports the same programme of liberation as the African National Congress, for the seizure of power and black majority rule. The National Liberation Movement, to quote Lenin, 'is a necessary ally of the proletarian revolution.' "—Moses Mabhida, *African Communist*, no. 87, fourth quarter, 1981.

"* * * by then [1969] no significant differences existed between the two organizations [the SACP and the ANC] on the immediate content, strategy and tactics of the South African revolution."—Sol Dubula, *African Communist*, no. 87, fourth quarter, 1981.

"Today the ANC and the SACP are embraced in the common front of liberation. In the words of the ANC at the 1969 joint meeting of representatives of the two leaderships, these organizations constitute 'the two pillars of our struggle.' "—Sol Dubula, *African Communist*, no. 87, fourth quarter, 1981.

"The national liberation movement in South Africa largely owes its present scope and clarity of perspectives to our party's tireless activity in the organizational, political and ideological spheres. The well-thought out and clear-cut concepts and tenets based on the theory of scientific socialism are now no longer the exclusive asset of the communists, but have been variously spread to broad sections of the fighters of liberation. Many communists have risen to leading posts in various sectors of the national liberation movement. We were also a party to the decision to go over to armed struggle. There are many communists among the Umkhonto We Sizwe combat units, including their commanders."—Yusuf Dadoo, *World Marxist Review*, December, 1982.

"Individual members of the Communist Party are like any member of the ANC."—Oliver Tambo, interview with *The Guardian* (U.K.), August 6, 1983.

"Today the ANC and the SACP have common objectives . . . we share the strategic perspectives of the task that lies ahead."—*Umsebenzi*, vol. 1, no. 1, 1985.

"The national revolution . . . is the special province of the oppressed nationalities; the socialist revolution takes the form of class struggle led by the working class of all national groups. The two revolutions co-exist . . . They interact . . . They are closely knit as Siamese twins. To separate them would need a surgical operation which might kill or cripple both."—*Sechaba*, June, 1985.

"From the earliest days communists have worked unstintingly to strengthen the ANC."—Message from the SACP to the ANC Consultative Conference; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"Dear Comrades and Brothers: your victories are our victories. Let us march forward side by side to freedom. Long live the ANC."—Message from the SACP to the ANC Consultative Conference; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"The South African Communist Party has a long history of association with the ANC—an alliance which has now developed into a brotherly alliance."—Message from the SACP; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"The South African Communist Party sends warmest fraternal greeting to the 1985 Consultative Conference of the African National Congress and wishes it every success in its deliberations. Your conference marks an historical milestone along the road to liberation and will speed up the pace of the liberation forces in their forward march to inevitable victory."—Message from the SACP; Documents of the Second National Consultative Conference of the ANC, June 16-23, 1985.

"Those who dream of breaking the life-giving alliance between the ANC and the SACP will strike rock."—*Sechaba*, September, 1985.

"The alliance between the Communist Party and the ANC has no secret clauses."—Joe Slovo, in *Washington Post*, February 1, 1986.

"The communist Party is the only party that stands behind us."—J.J. Gumede, *Umsebenzi*, vol. 2, no 1, 1986.

"The ANC was established in 1912 and the South African Communist Party in 1921 and so there has been an overlapping of membership all along the line."—Oliver Tambo, in *New York Times*, June 24, 1986.

"It is true that the ANC has members of the Communist Party."—Oliver Tambo, in *New York Times*, June 24, 1986.

"All true South African democrats refuse to denounce the Communist Party."—Alfred Nzo, in the *Washington Post*, August 2, 1986.

"There isn't such a fundamental divide between what people call nationalists and Communists in the South African scene."—Joe Slovo, in the *New York Times Magazine*, October 12, 1986.

"If, today, the South African Communist Party can look back with pride at its contribution to the struggle, it is precisely because its history, with all of its ups and downs, is a reflection of this process. It is a process which did not unfold in a vacuum, and, more especially, it is one which cannot be separated from the emergence and growth of the African National Congress."—Joe Slovo, in *Washington Post*, February 1, 1987.

"Those who know something of our history will also know that cooperation between the ANC and the SACP began long before they were both driven underground. During the days of legality neither Communists who were also active in the ANC nor ANC members who were active in the CP had reason to hide their political identities."—Joe Slovo, in *Washington Post*, February 1, 1987.

III. VIOLENCE

"Our movement, as other revolutionary movements before it, has a responsibility to take advantage of such moments when the activity of the masses is increased a thousand-fold, when the masses are prepared to fight to the finish for the destruction of their adversary."—Documents of the Second Consultative Conference of the ANC, June 16-23, 1985.

"Indeed, the Conference has been described as a Council of War precisely because it charted the way forward to the intensification of armed struggle. It decided that the distinction between 'hard' [military] and 'soft' [civilian] targets should disappear. This is not a new idea."—Documents of the Second Consultative Conference of the ANC, June 16-23, 1985.

"But what I have said here is that in the course of intensification of the struggle the distinction between soft [civilian] and hard [military] targets—buildings and people—will naturally disappear. In the intensified situation, in the intensified conflict, in the course of escalation, that is not going to be avoidable."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"I will summarize the position taken by the conference in these terms: that the struggle must be intensified at all costs."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"The distinction between 'soft' [civilian] and 'hard' [military] is going to disappear in an intensified confrontation, in an escalating conflict."—Oliver Tambo, Communique; Second National Consultative Conference of the ANC, June 16-23, 1985.

"We hope that this is a very, very solid beginning of the era of popular war—the people's war that must involve large numbers of the masses participating with them, playing a definite role."—Oliver Tambo, Radio Freedom; Foreign Broadcast Information Service, July 25, 1985.

"White residential areas are the next target in the battle against apartheid."—Oliver Tambo, in *London Sunday Times*, September 8, 1985.

"The ANC will no longer try to prevent death or injury to white civilians in South Africa and expects a bloodbath there."—Oliver Tambo, in *Newsweek*, September 9, 1985.

"Life in townships is no longer like it was before . . . here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their home and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess . . . lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes."—Cassius Mandela, *Sechaba*, November, 1985.

"With our necklaces, we shall liberate this country."—Winnie Mandela, in the *Washington Post*, April 13, 1986.

"Whatever the people decide to use to eliminate those enemy elements is their decision. If they decide to use necklacing, we support it."—Alfred Nzo, *London Sunday Times*, September 14, 1986.

"If there were only four million of us [black South Africans] left [out of 17 million] after the revolution, that would be better than the present situation."—Johnny Makatini, in the *New York Times*. October 9, 1986.

"It is also vital that each mass revolutionary base must have its combat forces, which will act both to defend the people and to mount armed attacks against the enemy beyond the given area and throughout the country."—Oliver Tambo, in the *New York Times*, January 9, 1987.

"We cannot say we won't attack 100 soldiers because there are 10 civilians there. There's nothing new in a war situation about civilians being killed."—Oliver Tambo, in *Washington Post*, January 29, 1987.

IV. SOURCES

African Communist is the official journal of the South African Communist Party.

Sol Dubula is the General Secretary of the South African Communist Party.

Yusuf Dadoo is a leader in the South African Communist Party.

Foreign Broadcast Information Service is a U.S. government organization which monitors foreign radio and television broadcasts.

Kommunist is the theoretical journal of the Central Committee of the Communist Party of the Soviet Union.

Johnny Makatini is the African National Congress Representative to the United Nations.

Cassius Mandela is the daughter of Nelson Mandela and a youth leader in South Africa.

Winnie Mandela is the wife of ANC leader Nelson Mandela, and is considered one of the major leaders within the African National Congress.

Francis Meli is a member of the National Executive Committee and Editor of the ANC's official magazine *Sechaba*.

Moscow News is a publication of the Soviet government.

Alfred Nzo is the General Secretary of the African National Congress.

Pravda is the daily paper of the Communist Party in the Soviet Union.

Pretoria News in an independent liberal newspaper in Pretoria, South Africa.

Radio Freedom is the official ANC radio station, based in Addas Abbis, Ethiopia.

Sechaba is the official publication of the African National Congress, published in the German Democratic Republic.

Second Consultative Conference of the ANC was a meeting of high-level ANC officials. All text taken from ANC publications available from ANC offices in London. Joe Slovo is the former Chairman of the South African Communist Party and is a leading military strategist for the military wing of the ANC.

Oliver Tambo is the President of the African National Congress.

TASS is the official Soviet press agency.

Umkhonto We Sizwe is the military wing of the African National Congress.

Umsebenzi is an occasional newsletter of the South African Communist Party.

World Marxist Review is a monthly journal published in East Germany.

INAUGURATION OF SOUTH KOREAN PRESIDENT ROH TAE WOO

Mr. ROCKEFELLER. Mr. President, this is an historic day in South Korea—the inauguration of President Roh Tae Woo.

After a divisive and bitter election campaign last year, Roh Tae Woo emerged as the victor with a plurality of only 36 percent. In a break with tradition, he immediately established national reconciliation as his principal goal. He extended himself to the losing candidates, attempting to draw them into the transition process. He has signaled repeatedly to the Korean people that he would not be a President removed from the citizenry. Through simple gestures such as carrying his own briefcase, as well as more substantive measures such as naming as his Prime Minister former Seoul National University President Yi Hyon-chae, a nonpolitician of indisputable integrity, Roh Tae Woo has demonstrated his commitment to humanizing and democratizing the Presidency. The response to the Korean people during this period of dramatic change has been extremely positive and constructive.

The next step in the political process will be National Assembly elections. I look forward to a hard-fought campaign and, once again, free and honest elections.

Of great concern to the United States is our bilateral relationship with South Korea. I can say that it has never been stronger or more important. This is a critical time for both countries, and the emergence of a democratic government in Korea can only serve to strengthen our bonds and contribute to stability on the Korean Peninsula which is so vital to us.

I met with President Roh Tae Woo in Seoul last month and found him most impressive. He was deeply concerned about Korea's relationship with the United States, yet saw great opportunities for us both. I look forward to working together with President Roh and his new government to further our mutual interests in the Asian region.

NORIEGA'S DISMISSAL

Mr. HELMS. Mr. President, today the President of Panama has formally asked Panama's military dictator, General Noriega, to step down. At the moment, the situation is uncertain. It is not clear whether General Noriega will relinquish power, and return Panama to the Panamanians.

I hope for the sake of the people of Panama that General Noriega goes peacefully. He has trampled upon the hopes of the Panamanian people for freedom and democracy, using his position of power for his own personal accumulation of illegal wealth. He has catered to the international banking system on the one hand, and to the Marxists and Communists of Central America on the other. He has callously indulged in drug trafficking, gun-running, and every other kind of illegal activity for private gain.

Mr. President, it is now clear that General Noriega has lost the support of every segment of the U.S. Government, with the possible exception of the Central Intelligence Agency. The CIA has consorted with this notorious individual for a decade or more, even though his aims and methods were clear to any decent observer. It is time for the CIA to review its policies and methods in supporting corrupt, left-of-center power brokers in the Third World. Such activities undermine freedom and strengthen the grip of Marxist regimes around the world.

I have long been deeply concerned, for over a decade, about the criminal and subversive activities of Panama's dictator, General Noriega.

The damage that General Noriega has done to the security of the United States and to the security of the hemisphere as a whole may never be fully known. The damage that Noreiga has done is massive and may never be repaired in full.

Mr. President, it is no exaggeration to say that General Noreiga has betrayed the security of the American republics to the masters of the Kremlin and their Cuban viceroy, Fidel Castro.

Not only has he betrayed the military security of the hemisphere, he has betrayed millions of the families throughout the hemisphere who suffer from the terrible effects of drug abuse. General Noriega has compromised the public health of every republic in the New World through his dealings with the Colombian based cocaine-Mafia.

On February 5, the U.S. Attorney for the Southern District of Florida announced the unsealing of a 12-count indictment returned the day before by a Federal grand jury in Miami.

The indictment charges Noriega with exploiting his official position as head of the intelligence section of the Panamanian National Guard and then as commander in chief of the Defense Forces of the Republic of Panama to receive payoffs in return for assisting and protecting international drug traffickers in conducting narcotics and money laundering operations in Panama.

According to the indictment, Noriega protected cocaine shipments flown from Medellin, Colombia, through Panama to the United States; arranged for the transshipment and sale of ether and acetone, including such chemicals previously seized by the Panamanian Defense Forces, to the Medellin Cartel; provided a refuge and a base for continued operations to the Medellin Cartel after the murder of the Colombian Minister of Justice; agreed to protect a cocaine laboratory being constructed in Darien Province, Panama; and assured safe passage of millions of dollars of narcotics proceeds into Panamanian banks.

Among the specific acts of racketeering charged in the indictment are the movement through Panama of in excess of 2,000 kilograms of cocaine destined for the United States and the transshipment of ether and acetone to a laboratory at a location known as "Tranquilandia" in Colombia.

Mr. President, a similar indictment was returned by a Federal grand jury in Tampa, FL, on the same day, February 5 of this year. Taken together, these indictments are serious in themselves, but do not begin to reflect the overall criminal and subversive activities of General Noriega during his career.

The distinguished Senator from Massachusetts [Mr. KERRY] and I have been working together in a bipartisan spirit on the matter of drug trafficking in the Western Hemisphere for some months. I would add that as chairman of the Subcommittee on Western Hemisphere Affairs, I held field hearings during 1984 on the matter of drug trafficking. These hearings revealed deep and serious problems confronting our Nation and the need for dramatic action.

Back in 1986, we continued our hearings and focused on Mexico and Panama. At that time, the media said the Senator from North Carolina was "Mexico bashing." They said the Senator from North Carolina was "Panama bashing." There was no end of editorials and television commentary bashing the Senator from North Carolina for having dared to examine the corrupt behavior of the Mexican and Panamanian regimes.

Mr. President, who was right? The media or the Senator from North Carolina? Events have proven this Senator was fully justified in his investigations of the Panamanian dictator and his role in international drug trafficking. I have no doubt that events will do likewise with respect to Mexico.

I should point out that the distinguished Senator from Massachusetts [Mr. KERRY] attended these hearings and indicated that he shared my concerns about Mexico and Panama. We agreed to work together in a bipartisan spirit in order to get to the bottom of the drug trafficking crisis in the hemisphere which is destroying family after family here at home. We agreed that we should pursue our investigations to the fullest extent and let the chips fall where they may.

Mr. President, the chips have fallen all over General Noriega, and the whole world is aware of it. He is a menace to the security of this hemisphere. He is a menace to the youth of this hemisphere.

It is time that we get the Noriega years behind us and begin to do whatever we can to help in the reconstruction of Panama. Panamanians deserve democracy. Panamanians deserve domestic tranquility and economic progress. We need to move forward together into the next century as friends, as neighbors, and as partners in the Americas.

DEMONSTRATIONS IN ARMENIA

Mr. RIEGLE. Mr. President, after 70 years, the Kremlin is finally being forced to deal with the injustices imposed by its harsh ethnic policies. In the wake of continued ethnic unrest, General Secretary Gorbachev has called for a Central Committee plenum to develop a new policy addressing the nationalities question in the Soviet Union. It's about time.

This morning's New York Times and Washington Post carry front page stories about major nationalist demonstrations in the Soviet Armenian Republic, involving tens of thousands of citizens—the latest in a series of public protests which have broken loose in the Soviet Union.

Within the last year or so, riots in Kazakhstan over the promotion of a Russian official, the proliferation of independence groups around the country, and a series of demonstrations in the Baltic states, including one occurring today in Estonia, all point to mounting nationalist feelings which are sweeping through the Soviet Republics.

In Armenia, where the largest protests ever reported in the Soviet Union are occurring, demonstrators are demanding action to address the serious pollution problem affecting their Republic. Apart from Chernobyl, pollution there from chemical factories is believed to be the most serious in the Soviet Union. They are also asking that they be reunited with their Armenian brothers and sisters in the neighboring Republic of Azerbaijan.

For 25 years, the Armenian majority living in Nagorno-Karabakh, located in the Republic of Azerbaijan, has appealed to the Soviet leadership protesting economic and cultural discrimination by the Azerbaijanis, and requesting that Nogorno-Karabakh be restored to Armenia.

Earlier this month, the local government council again asked that the region be made a part of Armenia, citing the constitutional guarantee of the right of self-determination. The Kremlin rejected the request.

Although the Armenian demonstrations differ in important ways from those occurring in the Baltic States, the common thread that connects them all is a strong sense of ethnic nationalism and a growing desire on the part of the Soviet citizens to assert greater control over their destinies.

Just last week, General Secretary Gorbachev stated that the need to develop a new nationalities policy is "the most vital, fundamental issue of our society." So far, his glasnost policies have emboldened the people to speak up for their rights, and we will be watching closely to see what this new policy envisioned by Gorbachev will bring. All freedom-loving people hope it will lead to greater respect for the rights of ethnic minorities in the U.S.S.R., and not a retrenching of the gains they have made this past year.

Mr. President, I ask unanimous consent that a series of articles concerning the Armenian demonstrations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 24, 1988]

SOVIET SAYS ARMENIAN UNREST BROKE OUT IN SOUTHERN AREA

(By Philip Taubman)

Moscow, Feb. 23—The Soviet Union today reported major Armenian nationalist disturbances in an ethnically volatile area in the southern part of the country.

The actions, including a rare show of defiance against Soviet policy by local government officials, appeared to be the most serious outbreak of nationalist protests since two days of anti-Soviet rioting shook the central Asian city of Alma-Ata in December.

The press agency Tass said there had been a "breaching of public order" in the Nagorno-Karabakh Autonomous Region, a remote mountainous area within the Azerbaijan Republic near the border with Iran.

NATIONALIST PROTESTS ARE BUILDING

Tass said part of the Armenian population, the predominant ethnic group, was demanding that the territory be attached to the neighboring Armenian Republic. The region has long been a source of dispute between the two republics.

The protests are the latest in nationalist demonstrations around the Soviet Union that have alarmed party leaders in Moscow. The protests apparently led Mikhail S. Gorbachev, the Soviet leader, to call last week for a Central Committee meeting devoted to nationalities policy, which he described as "the most fundamental, vital issue of our society."

The Government newspaper Izvestia said the Armenian protests began 10 days ago and included public rallies and school boycotts. It said they had spread to the Armenian capital, Yerevan, where a "noisy" demonstration demanded the transfer of Nagorno-Karabakh to Armenia.

Unofficial accounts reaching Moscow said that large demonstrations were held in Yerevan the last four days and that the local party leader, Karen S. Demirchyan, had appealed for calm on television Monday evening.

In an indication of Moscow's concern, Izvestia said two nonvoting members of the Politburo, Pyotr N. Demichev and Georgi P. Razumovsky, had been sent to Stepanakert, capital of Nagorno-Karabakh. There were unconfirmed reports that Vladimir L. Dolgikh, a nonvoting member of the Politburo, and Anatoly I. Lukyanov, a Central Committee secretary had been sent to Yerevan.

DEMANDS ARE REJECTED

Tass said the Central Committee had rejected demands for uniting Nagorno-Karabakh with Armenia and had called for maintaining order. Soviet officials said the decisions were made last week in a full meeting of the committee.

Izvestia reported that a group of members of the Nagorno-Karabakh Soviet, the region's legislature, approved a resolution Saturday calling for high-level consideration of the transfer of the region to Armenia.

Several factors apparently prevent the unification of Nagorno-Karabakh with Armenia, including Azerbaijani objections and a reluctance by the authorities in Moscow to adjust internal political boundries. Giving in to nationalist pressure would also be considered a dangerous precedent.

The Soviet Union is composed of more than 100 ethnic groups that were united under Soviet control in the 1920's, in some cases by force. Many remain hostile to Moscow and, encouraged by Mr. Gorbachev's calls for increased openness and democracy, have agitated for greater autonomy.

Armenians, along with Jews and ethnic Germans, have sought to emigrate to the West in greater numbers than other Soviet national groups. More than 1,000 Armenians a month have been receiving permission to emigrate since late last year. Many have moved to the Los Angeles area, where there is a large Armenian population.

Russians make up 51.5 percent of the Soviet population, but Soviet experts expect Russians will be a 49 percent minority by 2000.

The force of nationalism is viewed by some Western analysts as the most serious long-term threat to the integrity of the Soviet state.

The Government has reported incidents of nationalist protest during the last 18 months in the Baltic cities of Vilnius, Riga and Tallinn as well as the central Asian cities of Alma-Ata and Tselinograd and the Siberian area of Yakutia.

The Government today temporarily closed a Baltic republic, Estonia, to foreign diplomats and journalists. Estonia nationalist groups have called for demonstrations in the republic Wednesday to mark the 70th anniversary of Estonia independence day. The republic was independent for 20 years between the World Wars. Estonia and its sister republics, Lithuania and Latvia, were annexed in 1940.

The disturbances in Nagorno-Karabakh began Feb. 11 when leaflets started appearing around the region calling for unification with Armenia, Izvestia said.

The region is an area of arid mountains that is known for the longevity of many residents and the production of sheep, pigs, grapes and tobacco. It is composed of 126,000 Armenians, who are predominantly Christian, and 37,000 Azerbaijanis, who are Moslem.

Although the vote of the local Soviet on Saturday favoring a review of Nagorno-Karabakh's status was declared invalid because of unspecified procedural violations, a text of the resolution was printed in Russian and Armenian in the region's main newspaper, Soviet Karabakh, according to Izvestia.

Izvestia reported that Mr. Razumovsky, who is also a Central Committee secretary, said at a meeting of the local party organization in Stepanakert on Monday evening that any attempt to break Nagorno-Karabakh away from Azerbaijan was unacceptable.

The local part organization adopted a resolution that conformed with his statement, Izvestia said. Tass said the demands for secession "contradict the interests of the working people in Soviet Azerbaijan and Armenia and damages interethnic relations."

[From the Washington Post February 24, 1988]

SOVIET ARMENIANS PROTEST THEIR SEPARATION

(By Gary Lee)

MOSCOW, Feb. 23—In one of the largest nationalist protests ever held in the Soviet Union, tens of thousands of Armenians demonstrated in the streets of their regional capital last night to demand that they be joined with their compatriots in a neghboring republic, dissident sources reported today.

It was the second ethnic protest in the Soviet Union this month and came only days after Soviet Leader Mikhail Gorbachev told a Communist Party plenum that nationalist tensions were "the most fundamental, vital issue of our society."

According to the Soviet government newspaper Izvestia and the official news agency Tass, demonstrations erupted in the streets of the Armenian capital, Yerevan, and in Stepanakert, in the neighboring republic of Azerbaijan, as Armenians in both areas protested the 1923 decision to divide them by setting up an autonomous region in Azerbaijan.

The official Soviet media did not provide estimates of the number of protesters, but Armenian dissident sources in Moscow said that at least 50,000 were involved.

The demonstrations had grown so much by Monday that Armenian Communist Party leader Karen S. Demirchyan appealed on television and in newspapers for calm to be restored in the region and gave assurances that the Armenian nationality problem would be addressed.

Armenia and Azerbaijan are two of the 15 Soviet republics. The demonstrations taking place are part of a wave of nationalist protests that started in late 1986 when a violent riot broke out in Alma Ata, capital of the Central Asian republic Kazakhstan. Last week a peaceful nationalist demonstration was broken up by Soviet police in the Baltic republic of Lithuania.

Activists in another Baltic republic, Estonia, have urged residents to gather on Wednesday in the streets of the Estonian capital, Tallinn, and four other cities to demonstrate their desire for autonomy.

The Armenian demonstrations started in Azerbaijan's autonomous region of Nagorno-Karabakh two weeks ago, eventually spread to Yervan and continued until today, Soviet dissident Alexander Ogorodnikov said in an interview in Moscow today.

The squabble dates back to before the 1917 Russian Revolution. Nagorno-Karabakh, 95 percent Armenian, became an autonomous republic at the beginning of Soviet rule. But the region, which now has a population of 160,000, was made part of Azerbaijan by a Kremlin decree in November 1923, according to an official Soviet encyclopedia.

The new protests were touched off on Feb. 11, Izvestia reported today, when Armenians in Stepanakert, the largest city in Nagorno-Karabakh, pasted up posters with their demands to be rejoined to the Armenian republic. Schoolchildren and students began to boycott classes and demonstrations broke out, Izvestia said.

Last Friday thousands of Armenian demonstrators, in solidarity with protesters in Nagorno-Karabakh, gathered around the opera house in Yerevan, according to Ogorodnikov, a former Soviet political prisoner who lives in Moscow but maintains close contact with sources in Armenia.

Daily demonstrations in Yerevan continued through the weekend and Demirchyan made his appeal to the public yesterday.

Relations between Azerbaijan and Armenian are usually tense because of religious differences. Azerbaijan is largely Shiite Moslem while Armenia is predominantly Christian. Protests in the region have occurred before, but have always been contained in a limited area.

The Kremlin leadership, in reaction to the flare-up, sent nonvoting Politburo members Georgi Razumovsky and Pyotr Demichev to the area early this week and passed a resolution calling on local party leaders there to resolve the conflict. In a message to party leaders in Nagorno-Karabakh, Razumovsky said that the Soviet Central Committee had found the demands of the protesters unjustifed.

According to Izvestia, however, local party leaders acknowledged that the demands of the demonstrators should be addressed. Deputies of the party committee in Nagorno-Karabakh had passed a resolution calling for a reexamination of the question, Izvestia said.

But, in a signal of a rift between Moscow and local leaders over the issue, Razumovsky told party officials in Stepanakert yesterday that "the party Central Committee considers actions and demands directed at a review of the existing national territorial situation [to be] against the interests of the workers of Azerbaijan and Armenia," Izvestia said.

The dispute is similar to a continuing disagreement between Crimean Tatars and the Kremlin leadership over whether the Tatars should be allowed back into their own autonomous republic, which was taken from them after World War II.

The Crimean Tatars, who staged a major demonstrated in Moscow last summer to protest their ouster from the Soviet Crimea, are among several nationalities who have attracted attention here in the past year. At a Central Committee meeting in Moscow last week, Gorbachev proposed that a special Central Committee plenum be held on the issue.

A TRIBUTE TO OLYMPIC GOLD MEDALIST BONNIE BLAIR

Mr. DIXON. Mr. President, I rise to congratulate Bonnie Blair of Champaign, IL, who won America's second gold medal in the 15th Winter Olympics. Bonnie's rival in the women's 500-meter speed skating, East Germany's Christa Rothenburger, skated first in the event and set a new world record with a time of 39.12. Bonnie remained confident, however, because she had beaten that time in a practice lap earlier in the week. Bonnie started quickly and skated with determination. When she crossed the finish line, she had broken Rothenburger's record by two one-hundredths of a second and won the gold medal.

Twenty-three-year-old Bonnie Blair has lightened the heart of every American who has watched the American team at Calgary. She is a source of pride to her family, her town, and every citizen of the United States. Her feat exemplifies the true spirit of the Olympics. As she said herself, "I think I got it on guts." Winning the gold medal was an outstanding achievement which she considers the greatest moment in her life and we can all share her glory and happiness.

Further, I would like to commend the Champaign Police Benevolent Association, who sponsored Bonnie Blair. Without their support and generosity, and the support and generosity of all the sponsors, great athletes like Bonnie would not be able to compete with the best amateurs in the world in an event as unique as the Olympic Games.

Bonnie is still scheduled to skate in the 1,000 and 1,500 meters. I wish her and the rest of the American team the best of luck.

Thank you.

THE VIETNAM WOMEN'S MEMORIAL PROJECT

Mr. CRANSTON. Mr. President, the Committee on Energy and Natural Resources Subcommittee on Public Lands, National Parks, and Forests held a hearing on Tuesday, February 23 on S. 2042, a bill to authorize the Vietnam Women's Memorial Project [VWMP] to construct a statue of a woman Vietnam veteran at the Vietnam Veterans Memorial site here in Washington. As a coauthor, with Senator DURENBERGER, of S. 2042, which is now cosponsored by 54 Senators, I deeply regret that a scheduling conflict with the INF Foreign Relations Committee hearing at which Henry Kissinger was testifying on Tuesday afternoon prevented me from testifying on behalf of S. 2042 before the subcommittee.

Mr. President, I ask unanimous consent that the text of my prepared testimony for Tuesday's subcommittee hearing be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ALAN CRANSTON

Mr. Chairman and members of the Committee, as a coauthor of S. 2042, I am delighted to appear before you today to urge your Subcommittee and the full Committee to report this legislation favorably in order to authorize the Vietnam Women's Memorial Project (VWMP) to establish a statute of a woman Vietnam veteran at the Vietnam Veterans Memorial (VVM) in Washington, D.C. I congratulate the Chairman for scheduling this hearing in such a timely manner—just as he said he would last December.

I am delighted to note that S. 2042 is now sponsored by 54 members of the Senate

The goal of the VWMP is to recognize the sacrifices and contributions made by women who served in the Vietnam conflict and to educate the public about the role of these women. As a charter member of the VWMP Congressional Advisory Panel, I have great admiration and respect for the commitment, effort, and fine work of the individuals associated with the VWMP in working to attain their goal.

As the Chairman of the Veterans' Affairs Committee, I know that the women who served in and with our Armed Forces with honor, strength, and commitment are often overlooked when our Nation recognizes its veterans.

And women veterans are still much less likely than their male counterparts to use veterans' benefits such as home loan guaranties and VA health care—in part because they are not aware that such benefits are available. Many women veterans do not realize that some of their stress-related symptoms may have been caused by their service in Vietnam. I believe that the VWMP proposed statute, by acknowledging the sacrifices made by women during the Vietnam conflict, would accelerate the healing process for the women who served their country during this very difficult time.

Unfortunately, the efforts of supporters of the VWMP to complete the VVM with a statute of a woman veteran have been stymied. Late last year, Secretary of the Interior Donald P. Hodel endorsed the VWMP proposal and concluded that it was authorized by Public Law 96-297, the law providing for construction of the VVM. With the support of Secretary Hodel, every major veteran's organization, including those who are testifying before the Subcommittee today, and many members of Congress, the VWMP proposal was presented to the Commission of Fine Arts (CFA) for consideration. Despite the very strong support for the project, on October 22, 1987, the CFA rejected it.

CFA Chairman J. Carter Brown, in a letter to Secretary Hodel explaining the CFA's rejection of the VWMP's proposal, said "the Commission believes that any added elements such as the proposed statute will have the appearance of an afterthought." I disagree.

Since I began working with the VWMP, I have been impressed by the project's dedication to ensuring, through careful planning, that the addition of the proposed statue would complement the existing Memorial. The bronze statue proposed by the VWMP is similar in appearance and demeanor to the statue of the three combat soldiers already in place at the Memorial. The proposed placement of the statue at the end of the Wall opposite to the end where the existing statue is placed, would, as Secretary Hodel has pointed out, provide a sense of completion and balance to the Memorial, allowing visitors to walk in a full circle as they visit the different elements of the Memorial site.

Mr. Brown has further said that women are recognized through the symbolism in the statue of the combat soldiers and by the inscription on the Wall of the names of the eight women who died in Vietnam. I do not agree that women veterans are sufficiently represented at the VVM. The "Three Fighting Men" statue has eloquently captured the emotions felt by many men who were involved in combat in Vietnam. However, because women were and are legally barred from combat, this statue does not represent the contributions made by women veterans. In addition, few visitors to the Wall have the opportunity to note the 8 women's names among the 58,146 names inscribed there. A statuary representation of the 10,000 women who served would provide a vivid reminder of the sacrifices and contributions made by these women during the Vietnam conflict.

I was deeply disappointed by the CFA's shortsighted decision. It prompted the introduction of separate bills last year by Senator Durenberger and me—S.J. Res. 215 and S. 1896—with the common goal of authorizing construction of the VWMP proposed statue but providing for different approval processes for the proposal. We have now merged our view points and developed a new proposal which resulted in S. 2042. As I proposed in S. 1896, S. 2042 includes the CFA in the approval process. I believe that bypassing the CFA, which has advised the President, Members of Congress, and various governmental agencies on matters pertaining to the appearance of Washington since the Commission was established by Congress in 1910, would send the wrong signal as to the value and merit of the proposed statue.

S. 2042 would also provide a timetable for the approval process. Under this measure, the Secretary of the Interior would be required within 30 days after the date of the enactment of this act to decide whether or not to approve the design and plans for the project. Should the Secretary fail either to approve or reject the plans within that 30 days, Secretarial approval would be considered, by operation of law, to have been given, and the VWMP proposal would be forwarded to the Fine Arts and National Capital Planning Commissions. Then, under the bill, if either Commission failed to report to the Secretary their approval or rejection of the proposal within 90 days after the plan is submitted to them, the approval of one or both of the Commissions, as appropriate, would be deemed, by operation of law, to be given.

Our bill further would express the sense of the Congress that establishment of the VWMP is a fitting and appropriate way to help complete the process of recognition and healing for the men and women who served in the Vietnam conflict. In addition, the bill expresses the sense of the Congress that establishment of the statue is well within the scope of Public Law 96-297 and that the Secretary of the Interior and the Commissions should give weighty consideration to the sense of the Congress that a statue of a woman Vietnam veteran should be constructed at the Vietnam Veterans Memorial site.

S. 2042 also expresses the sense of the Congress that with the addition of the VWMP statue the Vietnam Veterans Memorial would be complete and that no further additions to the site should be authorized or undertaken. This provision should help alleviate concerns expressed by CFA Chairman Brown that the VWMP's statue would become the first in a long string of additions to the VVM. I believe that with the addition of the servicewoman the VVM would fulfill the original intent of the authorizing legislation enacted to honor the dedication and sacrifices of the women as well as the men who served on behalf of this nation during the Vietnam conflict. If your Subcommittee believes it would be appropriate and desirable, I urge that you seriously consider converting this sense-of-the-Congress language into a statutory direction as to the completeness of the VVM with the addition of the VWMP statue. Both Senator Durenberger and I would strongly support such a statutory direction.

Finally, I would like to address the issue of the commercialization of memorials. During the recent controversy over the VWMP, the copyright agreement for the "Three Fighting Men" statue—the statue that now accompanies the Wall—received a great deal of publicity. According to a November 11, 1987, Washington Post article, the sculptor had, as of that date, collected $85,000 in royalties from the sale of souvenir reproductions of his combat soldier statue. In contrast, the designer of the Wall receives no royalties and holds no copyright for that exquisite, extraordinary design. I am deeply concerned that other sculptors of national memorials will also seek royalties and commercialize memorials designed to honor individuals who have served our country. For example, the sculptor of the "Lone Sailor" statue which is now part of the Navy memorial cited the "Three Fighting Men" copyright agreement when he negotiated the royalty arrangement for his sculpture and has received $100,000 in royalties from the sale of small reproductions sold to raise money for that monument.

To prevent commercialization of the VWMP statue, I strongly urge that the Committee consider adding a provision to S. 2042 that would specify that any copyright agreement for the VWMP statue must provide that all royalties from the sale of reproductions of the statue be paid to the United States Government. In the event you do so, a similar generic provision should probably also be added to the Commemorative Works on Certain Federal Lands in the District of Columbia Act, Public Law 99-652.

It is my hope that S. 2042 will serve as a rallying point in our effort to establish a woman Vietnam statue. Proponents of the VWMP must work together to convince the CFA and the National Capital Planning Commission of the desirability and merit of this project. I recognize that that may not be easy. But with the strong support of Congress, as evidenced by the 50 Senators sponsoring S. 2042, a greater coalescing of support at the grassroots level, the existing support of every major veterans' organization, and the endorsement of the Secretary of the Interior, I believe agreement can be reached with the two Commissions on the site and plans for this most fitting and appropriate addition in much the same way as the original proponents of the VVM had, to overcome and take into account similar opposition over the fundamental design of the memorial.

I urge your Subcommittee to favorably report S. 2042 to the full Committee and to consider carefully making the modifications I have raised today. I offer you the full cooperation of the Veterans' Affairs Committee and its staff as you proceed with consideration of this legislation.

THE CONVENTIONAL FORCES OF NATO AND THE WARSAW PACT, THE MILITARY BALANCE, 1987-88

Mr. WIRTH. Mr. President, each year, the prestigious International Institute for Strategic Studies [IISS] publishes its highly regarded The Military Balance. This year, recognizing the diminishing utility of traditional numerical balances, IISS departs from past practices, and offers a thoughtful essay regarding alternative means to assess the conventional balance in Europe. The essay, reproduced below, examines several reasons for assessing the balance, discusses various considerations that one should include in such assessments, and describes different methodologies for making these assessments.

IISS offers several reasons for studying the balance. Among them are evaluating relative force effectiveness, determining priorities for defense expenditures, identifying possible arms control measures to reduce tension and promote stability, and even rallying public opinion to support a country's foreign or defense policies.

Regarding the considerations of which one must take account in these evaluations, IISS notes the utility (especially for arms control) while stressing the limitations of numerical comparisons. Among other things, one must consider respective strategies, that is, for what purpose are the weapons intended, in order to evaluate the balance between them. Furthermore, the assumptions one must necessarily make in assessing the balance dramatically affects one's conclusions. One must ask, for example, what forces to include in the balance; how to aggregate the forces for comparison; whether and how to address readiness and combat capability; what will be the conflict scenario; what will be the political reactions to enemy mobilization; and how to factor in nonsuperpower forces.

ISS further argues that one must consider numerous intangibles. Examples include: "quality of units or equipment, geography, doctrine, military technology, deployment, training, logistical support, morale, leadership, tactical initiative, terrain, weather, political will, alliance cohesion, and interoperability."

IISS, as noted, discusses alternative approaches to evaluating the balance. According to IISS, these approaches fall into two broad categories, both of which progress beyond simple static "bean counts." These categories are numerical comparisons that attempt to provide sophisticated measures of force capability, and dynamic comparisons that examine the interaction between opposing forces in combat scenarios. While the methodologies included in these categories are generally superior to simple numerical comparisons, they too have limitations. Any assessment of these methodologies must by definition include constantly changing and difficult to quantify factors, for example, the intangibles noted above and differences in equipment, mobilization, resupply capabilities, and deployment patterns. Examples of dynamic measures include the following approaches: Investigations of force ratios necessary for successful attack (or defense); analyses of relative combat potential, a measure that includes pace of combat, time to mobilize and reinforce, and ratio of forces to space; examination of relative tactical effectiveness and efficiency indices; and various sophisticated "war-gaming" analyses.

Unlike previous editions of The Military Balance, IISS has chosen this year not to offer any overall evaluations of the conventional balance in Europe. Consistent with past editions, however, IISS does conclude that "under a wide range of circumstances, general military aggression is a high risk option with unpredictable consequences, particularly where the possibility of nuclear escalation exists." The IISS essay follows:

[From The Military Balance, 1987-88]

THE CONVENTIONAL FORCES OF NATO AND THE WARSAW PACT

For twenty years the IISS has included in The Military Balance a section on the East-West conventional balance in Europe, presenting levels of forces and equipment on the two sides and, since the 1981-1982 edition, providing force ratios. This comparison has been much quoted, but also at times misrepresented. Recent events—including progress towards the signing of an INF agreement, the prospect of a new round of negotiations on conventional force reductions in Europe, debates over NATO's military spending and modernization requirements, and proposals for modifying or even radically altering NATO strategy—have all focused increased attention on the issue of the balance of forces in Europe.

In the light of these developments, the Institute has decided to adopt a different approach to presenting the conventional military forces of NATO and the Warsaw Pact. This essay will examine the various reasons for attempting to assess what is commonly called the "balance" of military forces, discuss some of the considerations which should inform such attempts, and describe several methodologies that might be employed, together with their limitations. A summary table of NATO and Warsaw Pact conventional forces is included at the end, drawn from the country entries. No single overall conclusion or assessment of the "balance" will, however, be offered.

WHY ATTEMPT TO MEASURE THE BALANCE?

There are a variety of possible reasons for attempting to assess the relationship between the conventional military forces of the two blocs in Europe. It is critical for any analysis to understand the range of these potential reasons, since the data and methodology that are appropriate will differ depending on the reason chosen.

Analysis may be designed to assess relative force effectiveness, either to judge the ability of one side to deter aggression by the other, or to determine the likely outcome of conflict over a chosen period of time. Force comparisons, and the areas of vulnerability they disclose, can be useful in assigning priorities for investment in defense and for choosing whether to spend scarce resources on defence or other programmes. The arms controller may need to assess the relative capabilities and vulnerabilities of military forces on both sides, with a view to identifying possible measures to reduce tension and promote stability. Political leaders, East and West, sometimes use assessments of the "balance" selectively to rally public support for their foreign and defence policies.

No single approach is likely to prove useful for all purposes. Indeed, it is a misnomer to speak of a single, overall "balance". Although, for ease of exposition, the term "balance" is retained in this essay, it should be clearly understood that the word refers to the complex of interrelationships between the two sides' forces.

WHAT WE OUGHT TO COMPARE

After defining the purpose to be served, the first step in constructing an approach to assessing the balance is to decide what should be compared, and with what.

Static comparisons of like versus like—weighing each side's holdings of comparable weapon systems against the other's—have been widely criticized as irrelevant and potentially misleading. This conclusion is generally valid. In the case of arms control, however, because future treaty limitations will almost certainly be defined in terms of categories of forces and equipment, static comparisons will undoubtedly be used in evolving proposals and coming to assessments of the results. What it is important to remember is that such comparisons provide only partial illumination as to relative force capabilities.

NATO has never sought to build a conventional force structure that is a one-for-one match for the Warsaw Pact's, in part because its strategy is designed to deter a Warsaw Pact attack through a combination of conventional defense and the threat of nuclear escalation. Unless one is prepared to argue that NATO ought to have the same strategy as the Warsaw Pact (and that the Pact has chosen the optimum force structure for achieving that strategy), it is not particularly relevant that NATO may be numerically inferior in certain categories of weapons. Moreover, some like-to-like comparisons totally miscategorize the relevant mission—for example, the number of ASW systems NATO requires is not a function of how many ASW systems the Warsaw Pact has, but rather of how many submarines the ASW systems must contend with.

In addition, to understand the effectiveness of military forces, the synergy between military forces and weapons must be taken into account. The ground battle will not be fought in isolation; it will be influenced very directly by the capabilities of the air forces and air defenses of both sides. Developments at sea will also affect the land battle, especially if the conflict is extended and its outcome will depend upon reinforcement and resupply.

ASSUMPTIONS

The next step in constructing an approach to assessing the balance is to specify the assumptions. Conclusions about the balance are highly dependent on the assumptions employed.

In developing static comparisons, the most important questions which must be answered are:

Which military forces will be included and excluded?

How will the forces be aggregated for comparison, in terms both of geographical dimensions (e.g. an overall European theatre, or separate fronts and flanks) and of categories of equipment (e.g. combat aircraft, or sub-categories such as interceptors, attack aircraft, etc.)?

How (if at all) will the readiness and combat capability of equipment or formations be introduced?

Dynamic analysis, designed to investigate what might actually happen if war were to occur, is even more critically dependent upon a wide range of assumptions. These include:

The scenario. Why has the conflict begun? What are the political and military objectives of each side? What, if anything, is happening in other theatres (particularly in those which might divert resources otherwise available for operations in Europe)?

Critical time factors. What time has elapsed between the start of mobilization by one side and the response of the other side? How quickly can the forces mobilize and deploy? How long after the start of mobilization does combat begin?

Participating forces. In the case of NATO, what role will French and Spanish forces play, and what access to their bases will US forces have for reinforcement? For the Warsaw Pact, will the East European allies fight alongside their Soviet counterparts, and for how long?

The nature of the combat. What will be the tempo of battle (in terms of rates of fire, attrition, etc.)? What is the likely relationship between offence and defence, given the terrain and each side's ability to mass troops? How will equipment, personnel, C^3I (command, control, communications and intelligence) systems, etc., perform in actual combat?

Many of the aspects requiring assumptions are interactive. Thus, while some errors in assumptions will probably be self-cancelling, others—especially in any dynamic analysis or gaming—will be cumulative, or even multiplicative. Ideally, therefore, analysis should explore the full range of reasonable assumptions for each relevant factor and thus produce a variety of potential outcomes.

ASSESSING THE INTANGIBLES

Efforts to characterize the military balance inevitably face the problem of quantifying factors that are difficult, if not impossible, to measure. Over the years, The Military Balance has identified a number of such factors: including quality of units or equipment, geography, doctrine, military technology, deployment, training, logistic support, morale, leadership, tactical initiative, terrain, weather, political will, alliance cohesion and interoperability. Some analysts have argued that these factors far outweigh more common numerical indicators. "Battle outcomes are quite insensitive to force ratio. . . . The available historical evidence indicates that, short of huge force disparities, the dominant aspects of combat capability are training and tactics." [1] Some of these factors may be especially important to the European balance, for NATO, according to some analysts, has the edge in leadership, training and morale and invests considerable resources in what are known as "force multipliers" such as C^3I and surveillance. These intangibles seem inherently incapable of meaningful quantification. Others, such as technology and logistic support, will be difficult but perhaps not impossible to quantify.

EVALUATING THE DATA

Even relatively tangible variables—such as numbers of tanks or personnel—are subject to varying degrees of confidence in the accuracy of the data. For example, data on NATO forces are likely to be more accurate than that on the Warsaw Pact, and, for Warsaw Pact forces, data on the Central Region are more accurate than for the Western Military Districts of the Soviet Union. Some analysts capture this uncertainty by assigning a range of values to each variable.

ALTERNATIVE APPROACHES TO ASSESSING THE BALANCE

A number of analysts both in and out of government have attempted to build models to capture elements of the NATO/Warsaw Pact balance. The models fall into two broad categories of approach: those that present static comparisons of forces, but attempt to provide a more sophisticated measure of force capability; and those involving dynamic modelling that explore the interaction of the two opposing forces. Each progresses beyond the simple static comparison or "bean-counts", but each also has it own limitations, principally relating to the inevitably debatable nature of the assumptions used.

Enhanced static comparisons

In the past, one of the elements tabulated for comparison in The Military Balance has been the number of divisions on each side. As we have acknowledged, "divisions are not a standard formation between armies", they differ in size, equipment and combat readiness. For this reason The Military Balance has included aggregate data on quantities of equipment to give some measure of the firepower and combat capability of forces.

Some analysts have gone one step further, to create indices of combat capability for whole formations. Such an approach uses assessments of firepower capabilities derived from more or less authoritative estimates of weapon effectiveness to bring all NATO and Warsaw Pact forces onto a common basis for comparative purposes. They also assign separate values for each force depending on whether it is operating in offence or defence. The outcome has typically been expressed in such units of measurement as "Armoured Division Equivalents",[2] "firepower units",[3] "Standard Division Equivalents".[4] This approach can lead to results that differ considerably from raw divisional counts. For example, in the studies cited, the Warsaw Pact advantage is reduced.

While establishing common units of measurement should facilitate more meaningful comparisons between force capabilities, such units are not without limitations. They necessarily ignore most of the significant intangibles (training, leadership, morale, etc.). They require continuous updating; force effectiveness alters with every equipment update or structural change, and changes on one side (e.g. equipping Soviet tanks with reactive armour) will change the effectiveness of the other side's equipment (e.g. NATO's anti-tank weapons). Moreover, any attempt to grade force effectiveness against uniform standards of offensive and defensive capability is likely to require somewhat sweeping assumptions about the mix of combat circumstances typical of each role, and also to pose the difficult problem of how to take proper account of the differing tactical concepts and practices of national forces.

This approach to comparing force capabilities can be enhanced to distinguish combat-ready in-place forces from those which must be mobilized and deployed. Given data, or assumptions, about realistic force mobilization rates, and using a common unit of measurement, one can plot over time the growing availability of in-theatre ground and air force capabilities for each side. The force ratios can be calculated for any point in time, and the implications can be seen of delays between Warsaw Pact and NATO mobilization, or between mobilization and the start of hostilities. Such an approach has been developed for division equivalents by Andrew Hamilton and for tanks by Anthony Cordesman.[5]

A notable difficulty in such analyses is that experts differ considerably in their estimates of how quickly Soviet divisions in the "non-ready" category could be manned, trained and deployed, as well as of how soon NATO's reinforcing divisions would arrive. While Cordesman's tank study assumes the availability of Soviet Category II divisions at about M+30 days, and Category III divisions at M+130, the author notes that "other US and most European experts feel . . . that the USSR would rely on mass and ignore problems of training and the ability to fight as a cohesive unit. They credit Category II units with almost immediate combat capability once they fully mobilize—something that requires 48-96 hours." Uncertainties of this magnitude significantly diminish the utility of the analysis for resolving questions of relative capability.

Yet another key aspect of static force comparisons is sustainability—an advantage in tank numbers is illusory if the ammunition or fuel to sustain them is lacking. Comparison between NATO and the Warsaw Pact in this respect are difficult: stock levels are not generally made public, and expenditure rates will be highly dependent upon the intensity of combat. Comparisons are further complicated by the fact that offensive and defensive operations may have differing logistic requirements for ammunition and fuel.

DYNAMIC MEASURES

Although the static models described provide additional data on capabilities, they do not examine the interaction between the two forces, and so do not help the analyst seeking to understand "how well" NATO might reasonably be expected to perform. This is a critical deficiency in the European context, where NATO's goal is not necessarily parity in a particular measure of capability, however sophisticated, but rather an appropriate degree of ability to resist an attack.

Analysts have long employed criteria based on force ratios to judge the probability of an attack succeeding. The two best-known sources are the Lanchester "concentration of firepower" approach (which suggests that, other things—terrain considerations, training, morale, etc.—being equal, offense and defence are equally matched at 1.4:1) and the long-standing military rule of thumb reflected in the 1976 edition of the US Army manual Operations: FM 100-5, which suggests that the defense can hold against an attack at a ration of 3:1. Other analysts have argued in favour of force ratios from as little as 1.2:1 to as much as 5:1 or 6:1. (It is, however, notable that the in-theatre balance of forces at the time of the successful 1940 German offensive on the Western Front was approximately 1:1, and that operations in the Falkland Islands appear similarly to lie outside the theoretical norms.) Any effort to devise a reliable rule of thumb therefore has its pitfalls, with the danger that such key factors as the ability to use surprise and deception, or to exploit a key vulnerability of the other side (for example by destroying vital command and control nodes), may affect the outcome totally independently of the ratio of the two sides' combat capability. It is also important to keep in mind that, insofar as force ratios may be relevant to the outcome, it is likely to be local, rather than theatre-wide, ratios that are determinative.

Some analysts both inside and outside governments have constructed more complex models involving the interaction of military forces in Central Europe. Some are interested in assessing how successful NATO would be in resisting a Warsaw Pact conventional attack; others use the models to define requirements for ammunition stocks and war reserve materials, while yet others focus on sectors of the Front to decide how best to allocate scarce resources between different kinds of new equipment: e.g. helicopters or tanks.

Dr. Richard Kugler has developed the "Attrition/FEBA Expansion Model", which the US Department of Defense has used as part of its programming and budgeting review process, and Dr. Barry Posen has applied this to the scenario of a concentration of Warsaw Pact forces attacking along three corridors into West Germany—seeking to assess the likelihood of a Pact breakthrough (or, conversely, a successful NATO resistance).[6] His analysis takes into account relative combat potential (using Armoured Division Equivalents), time (mobilization rates), the "pace" of combat (attrition rates) and the ratios of force to space and advance rates, as well as the effect of tactical aviation on the ground battle.

This model uses a number of simplifying assumptions, the uncertain validity of which the author explicitly recognizes. Tactical skill and innovation is ignored, and so is the potentially very significant factor of terrain. Also, the model gives a poor representation of the situation as it would exist in a surprise attack with only a few days of mobilization—that is, before NATO could establish a true defensive line. Perhaps most important, the analysis is highly sensitive to the values assigned to the variables, which are a matter of considerable debate. It does, however, have the advantage of treating NATO and Warsaw Pact forces alike in one case, and then introducing a second case in which NATO is credited with a ("combat enhancement factor") to reflect assumed advantages in command, control, communications and logistics. The model also has scope to allow for variations in the delay between Warsaw Pact and NATO M-Days, and between both of these and the start of combat operations.

Andrew Hamilton has constructed a different dynamic model, which also seeks to establish the number of NATO forces required to halt a Warsaw Pact attack by looking at two principal variables. The first of these is "relative technical effectiveness" (the "local ratio of attackers at which the defense will have a better than even probability of defeating an attack"). The second is an "efficiency index" (the fraction of available NATO operational reserves which can be moved to shore up sectors under heaviest attack).

William Kaufman has constructed yet a third model to try to determine the probability of a Warsaw Pact success—which he defines as a breakthrough sufficient to make substantial territorial gains in the Federal Republic of Germany and eventually defeat NATO. He also seeks to show the degree of Warsaw Pact penetration after seven days of combat, using a number of variables: the days of mobilization before attack, the type of attack (broad front or concentrated), whether there has been strategic delay in racting to Warsaw Pact mobilization, tactical error in responding to the specific axis of Warsaw Pact attack, and the existence of barriers along the inter-German border.

In an effort to transcend some of the limitations of the simple dynamic models discussed above, the Strategy Assessment Center of the Rand Corporation in California has begun to develop complex simulation models to assess such key elements as command and control, logistics, the interconnection among elements of combined-arm forces, high technology, barrier defences and the impact of alternative operational strategies (e.g., mobile defences). Through the development of "automated" war-gaming, Rand is able to integrate the contextual richness of war-gaming (and its feel of operational realism) with the predictive power of analytic modelling. Rand's approach allows for multi-scenario analysis (beyond the simple variables of warning time and rate of mobilization), permitting the analyst or policy-maker to manipulate a broad range of variables and assess their effect on outcomes. Its model employs "scripted scenarios", to allow consideration of contingencies (e.g., an early Warsaw Pact breakthrough) outside the scope of models that depend on averaged values (such as the Attrition/FEBA expansion model.[7]

Defining a satisfactory model for assessing the results of a dynamic interchange of military forces is obviously an important task, but the wide range of 'answers' derived from the models, coupled with their high degree of sensitivity to critical assumptions, underlines the difficulty of producing meaningful results. Indeed it is probably fair to say of analysis, modelling and gaming of the types described above that, although they can be very useful in elucidating relative aspects of force comparisons—such as whether and how much NATO benefits from equipment upgrades and force structure and doctrine changes (the principal aim of such analyses in defence establishments)—it is extremely doubtful whether they can produce dependable absolute answers to questions such as who wins, or how long a defence can hold.,

The preceding discussion has focused on problems of assessing the interrelationship between NATO and Warsaw Pact forces, but the issues are applicable outside the European theatre as well, and models developed for this context can be adapted to other regional settings. Although the scenario of bipolar conflict in Europe in some respects makes the analysis easier, it is important to remember that the models do not take into account the possible role of neutral states—which in some cases (for example, Finland and Sweden on the Northern Flank) could have a significant impact on the outcome of a conflict.

NATO AND WARSAW PACT FORCES

In the light of the considerations discussed above, the IISS has decided not to present any overall judgments of the state of the conventional balance between NATO and the Warsaw Pact. This is not to differ with the conclusions in earlier editions of The Military Balance that under a wide range of circumstances general military aggression is a high-risk option with unpredictable consequences, particularly where the possibility of nuclear escalation exists. Nonetheless, it is important to underline that a numerical comparison of the forces presented in this volume cannot by itself answer basic questions about the relative capabilities of each side's forces to perform their required mission.

In using the data in the The Military Balance 1987-1988, it is important to keep all the foregoing factors and considerations in mind—especially when seeking to draw any conclusions from the Tables which follow.

The first of these, Table A, provides aggregated data on NATO and Warsaw Pact military manpower and key equipment, derived from the relevant country entries. This table has been designed with conventional arms-control negotiations in mind (since it is in this context that static comparisons of aggregated figures may be of greatest relevance and utility) and shows the relevant holdings of ground forces and land-based air forces within three geographical areas:

The NATO Guidelines Area (NGA), consisting of the area under discussion in the Mutual and Balanced Force Reduction (MBFR) negotiations. This comprises the Federal Republic of Germany and the Benelux countries for NATO; the German Democratic Republic, Poland and Czechoslovakia for the Warsaw Pact.

The Atlantic-to-Urals area now subject to the Confidence- and Security-Building Measures (CSBM) recently negotiated in the Conference on Disarmament in Europe (CDE) at Stockholm, and likely to be the subject of further CSBM and force-reduction/stability negotiations. For the purposes of this table, the ('zone of application') of the Stockholm agreement is used, with the exception that all Turkish forces are included. For NATO, this means that Iceland and the Atlantic Islands are included, and for the Warsaw Pact, Soviet forces in the Moscow, Volga, Ural, North and Trans-Caucasus Military Districts (as well as the Western, North-Western and South-Western TVDs).

Global holdings include all forces of NATO and Warsaw Pact countries, even those committed to other theatres of operation (e.g. US forces in Korea, Soviet forces in Vietnam, French forces in Chad, etc.)

Maritime forces (naval and air) are aggregated on two geographical bases:

"Atlantic/European"—which comprises forces in the Atlantic and European waters north of the Tropic of Cancer and the Mediterranean, including the Soviet Northern, Baltic and Black Sea Fleets and Mediterranean squadron; for the US it includes all forces belonging to CINCLANT.

"Global" comprises all holdings of NATO and Warsaw Pact countries, wherever deployed.

With a view to enhancing the picture presented by the static comparison in Table A, Table B seeks to make possible a better comparison of relative tank capabilities by providing data on certain key indicia of capability for the tanks in the NATO and Warsaw Pact forces. Although tank capabilities are highly dependent on the circumstances of the engagement, tactics and the skills of crew, this data provides a somewhat more complete portrait of the two sides' tank holdings than the simple aggregation in the main force-structure comparison.

FOOTNOTES

[1] Jack N. Merritt and Pierre M. Sprey, "Negative Marginal Returns in Weapon Acquisition," in Richard G. Head and Ervin J. Rokke (eds), *American Defense Policy* (Baltimore: John Hopkins up, UP 1973).

[2] William P. Mako, *U.S. Ground Forces and the Defense of Central Europe* (Washington D.C. Brookings, 1983).

[3] William W. Kaufmann, "Non-Nuclear Deterrence", in John D. Steinbrunner and Leon V. Signal (eds), Alliance Security and the No-First-Use Question (Washington DC Brookings: 1983).

[4] Andrew Hamilton, "Redressing the Conventional Balance" in *International Security*, Summer 1985.

[5]The Nato Central Region and the Balance of Uncertainty", in *Armed Forces Journal International*, July 1983.

[6] Measuring the European Conventional Balance' *International Security*, Winter 1985/5.

[7]See Paul K. Davis, "Game Structured Analysis as a Framework for Defense Planning", in R.K. Huber (ed.) *Modelling and Analysis of Conventional Defense in Europe (New York: Plenum, 1986)*.

TABLE A.—CONVENTIONAL FORCE DATA: NATO AND WARSAW PACT

[N.B. This table presents aggregated data for a large number of national forces, divided on the basis of their geographical deployment. The level of confidence as to the many components varies; the aggregated figures therefore embody a measure of estimation]

	NATO guidelines area		Atlantic to Urals		Global	
	NATO [1]	WP	NATO [1]	WP	NATO [1]	WP
Manpower (000):						
Total active ground forces [2]	796	995	2,385	2,292	2,992	2,829
Total ground force reserves [3]	922	1,030	4,371	4,276	5,502	5,348
Divisions: [4]						
Manned in peacetime [5]	32⅓	48⅔	107⅓	101⅓	127⅓	131
Manned on mobilization of reserves [6]	12	8	41?	100	72	137
Total, war mobilized [6]	44⅓	56⅔	149	201⅓	199⅓	268
Ground Force Equipment: [7]						
Main Battle Tanks	12,700	18,000	22,200	52,200	30,500	68,300
MICV	3,400	8,000	4,200	25,800	8,000	34,400
Artillery, MRL, ATK guns	3,600	9,500	11,100	37,000	21,500	50,400
Mor (120mm and over)	1,200	2,200	2,600	9,500	2,600	13,600
ATGW: ground-based [8]	6,500	4,500	10,100	16,600	18,500	23,600
ATGW: hel-borne	300	270	470	1,050	1,620	1,370
AA guns	3,100	3,400	7,400	12,000	8,400	15,100
SAM [9]	1,350	2,200	2,250	12,850	3,000	16,150
Armed helicopters [10]	550	430	780	1,630	2,020	2,130
Land Combat Aircraft: [11]						
Bombers [11]	72	225	285	450	518	1,182
Attack [11]	901	799	2,108	2,144	5,157	3,119
Interceptors/fighters [11]	304	1,020	899	4,930	1,763	5,265

Footnotes at the end of next table.

	European-Atlantic waters		Global	
	NATO	WP	NATO [1]	WP
Naval Forces:				
Submarines [12]	196	231	238	301
Carriers [13]	24(8)	4(2)	37(14)	6(2)
Cruisers	16	24	39	37
Destroyers	124	50	167	64
Frigates	196	50	272	75
Corvettes	22	100	22	133
FAC (G/T/P)	168	238	168	415
MCMV [14]	242	338	252	427

	European-Atlantic waters		Global	
	NATO	WP	NATO [1]	WP
Amphibious [15]	200	100	250	123
Naval Air [11]:				
Bombers [11]	38	250	38	390
Attack [11]	379	177	621	235
Interceptors/fighters [11]	180	12	264	12
ASW fixed-wing ac	145	150	553	219
ASW hel	390	224	626	335

[1] French and Spanish forces are not part of NATO's integrated military command, but are included insofar as they are deployed in the relevant geographical area. French forces in West Germany are included in the NGA column by virtue of their deployment, but are not subject to the MBFR negotiations.

[2] Ground Forces exclude paramilitary forces, border guards and security forces. Warsaw Pact figures would be increased by some 500,000–700,000 (Atlantic to Urals) and some 800,000 to 1.5 million (Global) by the inclusion of an assumed ground force 'slice' of Soviet railroad, construction, labour, command and general support troops—all of which are uniformed, armed and have undergone at least basic military training. Reserves could arguably be increased in proportion.

[3] Reserves do not generally include personnel beyond a five year post-service period, whether or not they are assigned to units. For a fuller explanation of reserve counts see Manpower paragraph on p. 6.

[4] Divisions are not a standard formation between armies, nor do divisions contain comparable numbers or types of equipment or personnel. For the purposes of this table, three brigades or regiments are considered to be a divisional equivalent.

[5] 'Manned in peacetime' includes all Soviet and WP Category 2 divisions in the relevant geographical area.

[6] Comprises only forces mobilized within relevant geographical areas. North American-based US and Canadian formations earmarked for reinforcement of Europe on or after mobilization are therefore shown under 'Global', rather than in the 'NGA' or 'Atlantic to Urals' columns.

[7] Figures include equipment in storage or reserve where known.

[8] ATGW proliferation presents particular difficulties for realistic counting rules. The figures shown are estimated aggregates of all dismounted ATGW and those vehicle-mounted weapons with a primary ATK role. Soviet Category 3 divisions are assumed to hold a reduced (50%) scale of dismounted weapons. Totals exclude ATGW on MICV (e.g. M-2/3 Bradley, BMP, BMD) or fired by main battle tank main armament (e.g. T-80) and do not, therefore, represent total available ATGW for either side.

[9] SAM launchers exclude shoulder-launched weapons. They include Air Force and Air Defense Force weapons.

[10] Comprises all helicopters whose primary function is close air support or anti-tank (i.e. includes hel-borne ATGW shown in earlier line).

[11] The categorization of aircraft between roles reflects that shown in the country entries, but the figures should be used with care. Many of the aircraft are multi-role; primary roles for similar aircraft vary between countries, and distinctions between attack and bomber and between fighter and fighter ground attack (FGA=attack) cannot be drawn with certainty. Moreover, training aircraft have been excluded, although they could provide some reinforcement or replacements in operations.

[12] Excludes SSB, SSBN, SSG, SSGN.

[13] Figure in brackets is number of helicopter-only carriers included in total.

[14] Includes inshore vessels; excludes minelayers and support craft.

[15] Excludes LCU, LCVP, and LCA small craft.

TABLE B.—NATO AND WARSAW PACT MAIN BATTLE TANKS: KEY CHARACTERISTICS

Type	Origin/(year in service)	Crew	Combat weight (tonnes)	Overall height (m)	Engine (HP)	Cross-country speed (km/h) [1]	Main gun (mm) [2]	Ammo types [3]	Armour: hull front/turret (mm) [4]	Features [5]	Holdings
NATO											
M-1	USA (1982)	4	54	2.9	1,500	50	105R	AP, HT, S	Spaced, multi-layer	N, C, SG	
M-1A1	USA (1982)	4	57	2.9	1,500	50	120S	AP, HT, S	Spaced multi-layer	N, C, SG	USA 4,798.
M-60A1	USA (1960)	4	53	3.3	750	39	105R	AP, HT, S	>120/>110	N, C, SG (retrofit), DW.	USA 668, Italy 300.
M-60A3	USA (1979)	4	53	3.3	750	39	105R	AP, HT, S	>100/>110	N, C, SG	USA 7,352.
M-48A1	USA (1952)	4	47	3.1	810	32	90R	AP, HT, C, S	120/110	N, C	Greece 585, Turkey 1,085.
M-48A2	USA (1957)	4	47	3.1	825	32	90R	AP, HT, C, S	120/110	N, C	FRG 949.
M-48A3	USA (1969)	4	47	3.1	740	32	90R	AP, HT, C, S	120/100	N, C	Greece 250.
M-48A5	USA (1975)	4	49	3.1	750	32	105R	AP, HT	120/110	N, C	USA 1,478, Greece 265, Norway 42, Port 40, Spain 164, Turkey 1,615.
Challenger	UK (1983)	4	62	3.0	1,200	40	120R	AP, HS, S	Spaced Multi-layer	N, C, SG	UK 250.
Chieftain Mk 3	UK (1969)	4	54	2.9	730	30	120R	AP, HS, S	(6)	N, C, SG	UK 900.
Chieftain Mk 5	UK (1974)	4	55	2.9	750	30	120R	AP, HS, S	(6)	N, C, SG	UK 900.
Centurion Mk 5	UK (1956)	4	51	2.9	650	25	83R 105R	AP,HE,C,AP,HS,S,C	76/152	SG	Denmark 88.
Leopard 2	FRG (1980)	4	55	2.8	1,500	50	120S	AP, HT	Spaced multi-layer	N, C, SG, DW	FRG 1,513, Neth 445.
Leopard 1A4 [7]	FRG (1966)	4	42	2.8	830	35	105R	AP, HS, S	70/60	N, C, SG, DW	Belgium 334, Cdn 114, Denmark 120, FRG 2,437, Greece 106, Italy 920, Neth 468, Norway 80, Turkey 77.
AMX-30	France (1967)	4	36	2.9	720	35-40	105R	AP, HT, HE, S	79/81	N, C, DW	France 1,300, Greece 250, Spain 319.
Warsaw Pact											
T-80	USSR (1980)	3	43	2.3	900	50	125S	AP, HE, HT, AT	200?/450? Possible composite on hull and turret [8].	N, C, SG, DW, AL	USSR 1,400.
T-72	USSR (1972)	3	41	2.4	780	45	125S	AP, HE, HT	200/280 Probably multi-layer.	N, C, SG, DW, AL	USSR 8,500, Czech 3,500 (incl T-54/-55), GDR 1,800 (incl T-62 and T-54/-55), Hungary 60, Pol 70, Romania 30.
T-64	USSR (1966)	3	38	2.3	750	45	125S	AP,HT,HE,AT(T-64B)	200?/450? Possible composite on hull and turret [8].	N, C, SG, DW, AL	USSR 9,300.
T-62	USSR (1962)	4	40	2.4	580	35	115S	AP, HT, HE	102/242 [9]	N, SG, DW	USSR 13,700, GDR incl in T-72 total.
T-54/55	USSR (1956)	4	36	2.4	580	35	100R	AP, HT, HE	99/203	N, SG (T-54B onwards), DW.	USSR 19,900, Czech incl in T-72 total, GDR incl in T-72 total, Hungary 1,200, Pol. 3,400, Romania 1,200 (incl 200 M-77).[10]
T-34	USSR (1940)	5	32	2.7	500	30?	85R	AP, HT	47/90		Bulgaria, Romania, (others in storage).

[1] Estimated.

[2] S=smooth bore; R=rifled bore.

[3] AP=armour piercing; HT=high explosive anti-tank (heat); HE=high explosive; HS=high explosive squash head (HESH); C=canister; S=smoke; AT=anti-tank guided weapon through bore.

[4] Figures indicate actual thickness of armour; because armour is frequently angled, the thickness to be penetrated may exceed the figure shown.

[5] N=night sight; C=computerized fire control; SG=stabilized gun; DW=deep wading (snorkel) facility; AL=autoloader.

[6] Detail not available. Probably comparable to M-60 series.

[7] Some of the holdings are Leopard 1A3.

[8] Some T-80, T-64B (and T72?) fitted for attachment of reactive armour panels.

[9] Applique armour added to some models.

[10] M-77 is a Romanian modification of the T-55.

SANDY SANBORN'S NATURE PLACE

Mr. WIRTH. Mr. President, an understanding of notice, the outdoors, and the balance of man in his environment is one of the hallmarks of the educated person.

And from time to time great educators show up and to them we are all indebted.

One of these great educators is Roger "Sandy" Sanborn, founder, director and guru of Sanborn's Western Camps and the Nature Place in Florissant, CO.

I want to share with my colleagues a fine article on Sandy—a teacher to whom so many of us owe a great debt.

The article follows:

[From the Gazette Telegraph; Aug. 2, 1987]

A PLACE TO SMELL THE ROSES: THIS RANCH A REVELATION OF NATURE

(By Deborah Belgum)

Sandy Sanborn walks down the dusty dirt road that winds through 400 million years of history.

As his sneakered feet briskly stride along the serpentine route, the crunching sound of gravel provides a syncopated backdrop to the gurgling of the nearby creek.

On either side of the narrow road—between Cripple Creek and Canon City—stand bristlecone pines, gambel oaks and mountain mahoganies.

Firecracker penstemons the color of paprika, and Western wallflowers the color of saffron blaze their own trail next to the dull brown road.

Farther down the way, a group of people wander to discover the geological disparity of the region, which reveals itself in 400-million-year-old fossils, 250-million-year-old dinosaur bones and 100-year-old hand-dug oil wells.

As Sanborn continues along the road, he observes the things that are important to him.

He ambles over to a spray of pink wild roses and sticks his nose close to the delicate flowers.

"I just love these roses. I just love to smell them," he says with the enthusiasm of a man who would be lost without nature.

And Sanborn admits he would.

But he also preaches that everyone is lost without nature. The problem is, they just don't always know it.

"We all need to learn that the world is whole as well as round," he says as an easy grin makes another appearance on his well-lined face. "We need to learn it not only scientifically but emotionally. How we fit in, and where we fit in."

Sandy Sanborn has been introducing people to nature for almost 40 years.

He and his wife Laura started Sanborn Western Camps in 1948. First came the boys camp, called Big Springs. Fourteen years later, came the girls camp, called High Trails.

But it wasn't until eight years ago that they finally built a place for adults—called The Nature Place, where resident botanists, ornithologists, geologists and historians give a week-long crash course on the different aspects that make up nature.

The center has 32 studio apartments built out of wood and rock. The main lodge has a dining room that looks onto Pikes Peak.

The camps and the center form a 46,000-acre laboratory, five miles outside Florissant, for studying the natural world. The Sanborns own 6,000 acres and lease the other 40,000 from the government.

The Nature Place caters to everyone—from academic groups to business executives to nature aficionados throughout the country.

Sanborn's goal is to anoint everyone in the importance of our natural world, how it is all interconnected, where we fit in and why we must serve as its guardian.

"The whole Earth is built like a business. If you use up all your raw materials, you can't do anything. If you use up all your capital, you're going to end up in bankruptcy court," he says with the broad accent of a New Hampshire native who grew up in Manchester.

"If we are going to sustain our business, we have to take a longer view."

Sanborn began taking a longer view right before World War II. As a young man, he was selling eyeglass frames for American Optical, apprenticing with an older salesman.

"One day I went to an oculist convention and this guy had all the frames set out in the room, and I served the drinks.

"Well, geez. Three days of serving drinks at the eye doctors' convention was fine, except I asked myself about this guy. Here's this guy, 45 or 50. I asked, 'Do I want to end up smoking this brand of cigar and showing these frames forever, or do I want to do something that is more fun or more meaningful?'"

The answer is obvious. Sanborn went to Europe to work for American Youth Hostels, guiding a bicycle tour. Then, he returned to teach American history at one of the hostel's prep schools in New Hampshire, even though he only had two years of college where he studied business administration. It was with the youth-hostel people that he was introduced to the concept of: "When youth meet youth the world over, wars will cease."

But World War II interrupted the teaching years. A good skier, he ended up fighting with the 10th Mountain Division in northern Italy.

And, after the war, he and his wife sat down and decided that their goal was to educate children by exposing them to the outdoors. Their camp slogan would be, "Fun and adventure with a purpose."

So, in 1947, when an acquaintance told them about some land for sale near Florissant, they decided to purchase 480 acres for $7,500, living in an old army tent while they built a home.

"We were kind of hippies 40 years ago, if there was such a thing. We were living in this tent, and it looked like hell," the brown-haired Sanborn jokes.

The next summer, they opened their camp by taking four boys into their house. "The first kid I signed up was a guy named John Wirth," the 67-year-old camp owner says without varying the tone of his voice.

"And the next year his brother came, Tim Wirth."

"It was an absolutely wonderful experience," says Wirth, who is now a senator from Colorado.

"We all lived in old army tents. . . . Laura did the cooking, and we all washed dishes."

Wirth, whose father died when he was 3, says Sandy Sanborn acted as a surrogate father to him and his brother.

And he attributes much of his concern for environmental issues to Sanborn.

"If people are mad at my environmental commitments, they should write Sandy," he says.

Summer camp, however, wasn't a year-round profession at first. When the summers faded into autumn, Sandy and his wife taught school in Florissant. Both had teaching certificates.

For four years, Sandy was the principal, supervisor, janitor and only teacher at the high school. Laura taught fifth through eighth grades.

Sandy, who has never been a big advocate of formal education, took a different approach to teaching, particularly with foreign languages.

"I'd say, OK. You guys have gotta learn a foreign language, and I don't know any. So, why don't we get some Spanish records, and we'll all go to Mexico." And the entire high school would go to Mexico.

As the camp grew, the Sanborns retired from teaching and concentrated on outdoor programs.

Today, each camp takes 150 students for at least five weeks.

Outdoor education has become one of Sanborn's specialties. He went on to develop an outdoor education program in 1967 for District 11 sixth-graders as a supplement to the curriculum.

He likes to report that he has taken more than 125,000 sixth-graders and gotten them "jazzed" on the great outdoors.

Now, he works with sixth-graders from the Air Force Academy school district as well as with students from Pueblo and Cherry Creek.

The outdoor education program has 12 curriculums that last five days. In half-day intervals, the student must assume the role of a homesteader, Indian, trapper, prospector, woodsman, rancher, cowboy, crafter, entertainer, explorer, astronaut and time-matching traveler. They must use their imaginations to experience what it would be like to live as one of these people.

For his trail-blazing achievements in outdoor education, the University of Colorado gave Sanborn a distinguished service award last May for his "deep concern for the well-being of our fragile planet."

The award came as a surprise to Sanborn. He supports more of a hands-on experience in learning, and he likes to say that his college degree is from Moo U.

Yet, educators are a large part of The Nature Place's business, particularly after Sanborn opened the Pikes Peak Research Station four years ago.

The research station, comprising a laboratory, offices and a large collection of fossils and insects of the area, promotes research in the natural and social sciences.

The University of Florida uses it for geological field studies. The University of Colorado at Colorado Springs uses it for a stream-sedimentation research project.

The group of adults hiking down the narrow road is following ornithologist Richard Coles like a horde of children following the Pied Piper.

The knit of people is looking for prairie falcons, golden eagles and canyon wrens.

When Coles spots a Western teanager, the adults lift their binoculars in unrehearsed unison. The bird lifts its yellow, black and white wings close to its red head and alights on a tree branch.

Later a herd of bighorn sheep makes an appearance high on the rock. The beige color of their fur makes them almost indistinguishable from the hills.

Sanborn stands back and watches the adults experience the thrill of nature.

"I feel the payoff in this thing comes in more creativity in the world, a better understanding of our own place in society and a better understanding of society's place in the wholeness of Earth," he says.

"And in order to do that, you need some time to sit on a rock. You need to feel the sun, see the blue sky and smell the roses. Places where you can do that are getting pretty limited. That's why there's this place.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate on February 25, 1988, by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

[The nominations received today are printed at the end of the Senate proceedings.]

REPORT ON UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT—PM 112

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986, the sixth year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

SUPERCONDUCTIVITY COMPETITIVENESS ACT OF 1988—MESSAGE FROM THE PRESIDENT—PM 113

The Presiding Officer laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and passage the "Superconductivity Competitiveness Act of 1988." This legislation is needed to help translate U.S. leadership in science into leadership in international commerce.

Scientific advances in superconductivity have taken place at a remarkable pace recently. In the estimation of one noted physicist, in the past year we have made 200 years worth of progress. As additional breakthroughs occur, the effect on our standard of living—indeed, our way of life—could be dramatic and unprecedented, in areas as diverse as transportation, energy, health care, computers, and communication.

By funding basic research, the Federal government has played a key role in these scientific breakthroughs. In Fiscal Year 1987, the Federal government spent about $55 million in superconductivity research. In Fiscal Year 1988, the Federal government will spend significantly more—increasing the annual spending to more than $100 million. Ultimately, however, our success in superconductivity will depend on the private sector, which will make the critical decisions on how much capital, time, and effort to invest in commercializing superconductivity.

On July 28, 1987, I announced an 11-point superconductivity initiative designed to help the private sector in its efforts to commercialize superconductivity. This initiative has these three objectives:

To promote greater cooperation among the Federal government, academia, and American industry in the basic and enabling research that is necessary to continue to achieve superconductivity breakthroughs;

To enable the U.S. private sector to convert scientific advances into new and improved products and processes more rapidly; and

To better protect the intellectual property rights of scientists, engineers, and other professionals working in superconductivity.

The Superconductivity Competitiveness Act of 1988 ("the Act") is a key part of this initiative. It will help ensure our readiness in commercializing recent and anticipated scientific breakthroughs.

Title I of the Act states the title of the legislation.

Title II amends the National Cooperative Research Act (NCRA) to cover joint production ventures. This is a particularly important step toward allowing U.S. firms to become more competitive with firms overseas in moving important research involving superconductivity and other fast-moving high technology areas from the laboratory to the marketplace.

Title II recognizes that unless U.S. firms are encouraged to organize their research and development activities in the most efficient manner possible, they cannot compete effectively with overseas firms. I should stress that the purpose of the NCRA is not to provide firms with immunity for anti-competitive behavior. Our antitrust statutes will continue to protect American consumers and businesses from harmful practices where they occur. This extension of the NCRA should promote innovation and productivity and will permit this country to maintain—or in some instances to regain—its position of world technological leadership.

Title III of the Act increases the protection of the U.S. patent laws for holders of U.S. process patents. Currently, there is no court-ordered remedy for patent infringement when a product made overseas, using a process that is patented in the United States, is imported into the United States. Title III would establish such a remedy and would permit U.S. manufacturing patent process holders to sue for injunctive relief and damages. (Relief of this nature is already available to process patent holders for products made in the United States using processes patented in the United States.) Title III would not extend the territorial application of American law. It would not prevent a foreign manufacturer from using a process overseas that is patented in the United States, as long as items manufactured under that process are not exported to the United States.

Title IV of the Act would provide protection for certain commercially valuable scientific and technical information generated in Federal government-owned and -operated laboratories. In particularly, Title IV recognizes that commercially valuable scientific and technological information generated in Federal facilities loses potential commercial value when it is released wholesale under the Freedom of Information Act (FOIA). In addition, mandatory disclosure of such information under FOIA could encourage U.S. competitors to exploit the U.S. science and technology base rather than making investments in their own research and development infrastructure. Under Title IV, Federal agencies will be required to withhold information of this nature requested under the Freedom of Information Act where disclosure could reasonably be expected to harm the economic competitiveness of the United States. This Title is not intended to end the U.S. tradition of sharing the benefits of our excellence in science and technology; it merely provides that the Freedom of Information Act may not always be the appropriate or best avenue for doing so.

I should note that my Administration is currently developing a uniform policy to permit Federal contractors to own the rights to technical information that they develop for the government. This is intended to provide these contractors with proprietary rights equal to those of other firms that submit technical information to the government that was developed at private expense. Because our policy in this area is still under development, Title IV has been drafted to apply only to Federal government-generated, government-owned scientific and technical information.

Title V specifies the effective date of the Act.

There is a growing realization that, although the United States has long been a leader in breakthroughs in the laboratory, it has occasionally failed to convert these breakthroughs into commercial applications. This Act, in conjunction with the other components of our superconductivity initiative, can and will speed the process of commercialization. There is no time to waste in this effort. I urge the Congress to act promptly and favorably upon this legislative proposal.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

ANNUAL REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit the 1987 Report of the United States Arms Control and Disarmament Agency. It reviews the negotiation process used in achieving the INF Treaty and contains a copy of the Treaty itself. That Treaty, signed by General Secretary Gorbachev and me on December 8, 1987, is the first treaty of the nuclear era requiring the elimination of an entire category of U.S. and Soviet nuclear weapons.

The report provides information about the ongoing negotiations for a 50-percent reduction to equal levels in U.S. and Soviet strategic nuclear offensive arms, an effective and verifiable ban on chemical weapons, and the correction of disparities in conventional forces. Also described are the ancillary activities of the Arms Control and Disarmament Agency in support of our arms control policies and, concomitantly, the security of the United States.

The INF Treaty constitutes a breakthrough in verification, the most far-reaching in the history of arms control, and should serve as a guide for other treaties to come. The political and economic advantages of carefully negotiated and effectively verifiable arms reductions hold great promise of peace, security, and continued prosperity for our country. The 1987 record of progress toward those goals is contained in this 27th ACDA Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

TRUTH IN FEDERAL SPENDING ACT OF 1988—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was, pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

To the Congress of the United States:

I am forwarding today for your immediate consideration and prompt passage a legislative proposal entitled the "Truth in Federal Spending Act of 1988."

On November 20 of last year, I agreed with congressional leaders on a package designed to reduce the Federal deficit. That Bipartisan Budget Agreement between the President and the joint leadership of the Congress reflects a strong consensus that Federal spending must be brought under control.

Continued spending growth, particularly where wasteful or unnecessary, adds to the Federal deficit and absorbs resources that would otherwise be employed more fruitfully in the private sector of the economy. The Bipartisan Budget Agreement represents an important step in reducing spending growth. But protecting the Federal budget from special interest, budget-busting legislation requires a continued, ongoing commitment. Despite recent encouraging efforts to bring the Federal budget deficit under control, major problems persist.

On July 3 of last year, when I outlined our Economic Bill of Rights, I described a proposal for the legislation that I am forwarding to the Congress today. It is designed to discourage wasteful Federal spending by requiring both the Legislative and Executive branches of government to be fully accountable for their respective actions. Key provisions of this draft bill would:

Insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amounts of program reductions or revenue increases;

Require that all legislation include a "financial impact statement" detailing the measure's likely economic effects upon the private sector and State and local governments;

Require that regulations and proposed regulations promulgated by executive branch agencies also be accompanied by financial impact statements; and

Permit waiver of the requirements of the act during time of war or during a national security emergency.

In making this important proposal, one point deserves special emphasis. In complying with the deficit neutrality requirements of the Truth in Federal Spending Act of 1988, some may be tempted simply to shift spending requirements, either expressly or implicitly, from the Federal government to State and local governments. This is not, however, and should not be interpreted as being, the intent of this initiative. Instead, through enactment of this landmark legislation, we seek to achieve an historic breakthrough: to make the Federal Government—both the Legislative and Executive branches—more fully accountable for its actions and the effects of those actions on all the citizens of our Nation and, in so doing, get its fiscal house in order.

Enactment of the Truth in Federal Spending Act of 1988 will help us to carry out the important goals reflected in the Bipartisan Budget Agreement of November 20, 1987. It will also continue the important work we have accomplished in reducing or eliminating needless Federal expenditures. It is worthy of broad, bipartisan support. Accordingly, I urge its prompt and favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

MESSAGES FROM THE HOUSE

At 3:57 p.m., on February 23, 1988, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to the provisions of section 2101 of Public Law 100-203, the minority leader appoints the following individuals on the part of the House to the National Economic Commission: Mr. FRENZEL; and, from private life, Mr. Donald H. Rumsfeld of Wilmette, IL.

At 1:38 p.m., on February 25, 1988, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills:

H.R. 3689. An act to designate the United States Post Office Building located at 300 Sycamore Street in Waterloo, Iowa, as the "H.R. Gross Post Office Building"; and

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

The message also announced that pursuant to the provisions of section 276(h) of title 22 of the United States Code, the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the second session of the 100th Congress, the following Members on the part of the House; Mr. DE LA GARZA, chairman; Mr. YATRON, vice chairman; Mr. GIBBONS; Mr. RANGEL; Mr. MILLER of California; Mr. GEJDENSON; Mr. COLEMAN of Texas; Mr. LAGOMARSINO; Mr. DREIER of California; Mr. DELAY; Mr. GILMAN; and Mr. GOODLING.

The message further announced that pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the minority leader appoints the following individuals from the private sector as members of the Congressional Award Board on the part of the House: Mr. George R. Layne, of Fairfax Station, VA; Mr. Santee C. Riffin, Jr., of Reston, VA; and Mr. Murriel F. Price, of Fairfax, VA, vice Mrs. Roberta Van Der Voort, of Kansas City, MO; Mr. John G. McMillian, of Washington, DC; and Mr. W. Clement Stone, of Chicago, IL; resigned.

At 2:45 p.m., on February 25, 1988, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 246. A concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; and

H. Con. Res. 250. A concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 246. A concurrent resolution condemning the bombing by North Korean agents of Korean Air Lines flight 858; to the Committee on Foreign Relations.

H. Con. Res. 250. A concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3980. An act to make technical corrections to the agricultural credit laws.

REPORTS OF COMMITTEES

The following reports of committees were submitted on February 24, 1988:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 59: A joint resolution to designate the month of May 1987 as "National Foster Care Month."

S.J. Res. 147: A joint resolution designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 199: A joint resolution to designate the month of May, 1988, as "Trauma Awareness Month."

S.J. Res. 212: A joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

S.J. Res. 227: A joint resolution to express gratitude for law enforcement personnel.

S.J. Res. 229: A joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day."

S.J. Res. 234: A joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

S.J. Res. 237: A joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

S.J. Res. 240: A joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

S.J. Res. 244: A joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S.J. Res. 247: A joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 249: A joint resolution designating June 14, 1988 "Baltic Freedom Day."

S.J. Res. 250: A joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and an amended preamble:

S.J. Res. 251: A joint resolution designating March 4, 1988, as "Department of Commerce Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 252: A joint resolution designating June 5-11, 1988, as "National NHS Neighbor Works Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 253: A joint resolution designating April 9, 1988 and April 9, 1989, as "National Former Prisoner of War Recognition Day."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 254: A joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Health Awareness Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S.J. Res. 255: A joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988 as "National Organ and Tissue Donor Awareness Week."

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 257: A joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

S.J. Res. 260: A joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week."

S.J. Res. 262: A joint resolution to designate the month of March 1988, as "Women's History Month."

The following reports of committees were submitted on February 25, 1988:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2097: An original bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes.

● Mr. JOHNSTON. Mr. President, today I am reporting a clean bill from the Committee on Energy and Natural Resources. This bill, the Uranium Revitalization, Tailings Reclamation and Enrichment Act, is essentially the same as S. 1846, the comprehensive uranium legislation reported out of the Energy Committee on October 1, 1987. There are two important differences between this bill and S. 1846.

First, the new bill lacks the system of charges for usage of foreign uranium above a certain percentage that was contained in S. 1846. Second, this bill does not address the status of the United States Enrichment Corporation [USEC] with respect to Federal income taxation.

This is not to indicate that these issues are unimportant. Unfortunately, however, the Finance Committee has objected to the consideration of S. 1846, and has asked for referral of certain sections of that legislation to their committee. They believe that section 1602, which provides that the USEC be exempt from Federal income taxation, and section 113, which imposes a fee on the use of foreign uranium above a certain percentage, contains matter within the jurisdiction of the Finance Committee.

We have removed these provisions from our bill in order to expedite consideration of the uranium legislation on the Senate floor. We have not forgotten them.

In fact, Mr. President, I would like to submit an amendment for myself, Mr. McClure, Mr. Ford, Mr. Domenici, Mr. Bingaman, and Mr. Wallop that contains the language that has been deleted from S. 1846.

Mr. President, there will be no report filed on the new uranium legislation. The committee intends that the language contained in Senate Report 100-214 apply to both the new uranium bill, as well as to the amendment we are currently introducing to that new bill.

Mr. President, in addition, I would like to submit for myself and Mr. McClure, an amendment to the bill reported today that had been previously introduced as amendment 1375 to S. 1846. This amendment alleviates the concerns of the Senate Budget Committee regarding the budgetary status of the USEC.

Also, I understand that Senator Ford will be submitting an amendment to the uranium bill reported today that he had introduced as amendment 1383 to S. 1846. His amendment acknowledges an agreement between the Department of Energy and the Tennessee Valley Authority regarding contractual liabilities for power not taken and other areas.

I hope that we can now clear the way for prompt floor consideration of the uranium mining, reclamation and enrichment issues as soon as possible. I also ask consent that the uranium bill introduced today be printed together in today's RECORD.

(The text of the amendments submitted to the legislation is printed in today's RECORD under "Amendments Submitted".)

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds for purposes of titles I and II of this Act that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mills, more than a 75 per centum drop in production, closure of many mines, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past five years and have resulted in the domestic uranium industry being found "not viable" by the Secretary of Energy under provisions of the Atomic Energy Act of 1954, as amended;

(5) re-establishing a viable domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901-7942):

(A) was enacted to provide for the reclamation and regulation of uranium mill tailings; and

(B) did not provide for a comprehensive method of financing reclamation and remedial action at active uranium and thorium processing sites;

(7) the owners or licensees of active uranium mills, the States in which such active mills are located, the Federal Government, and owners or licensees of civilian nuclear power reactors have each benefited from uranium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial action at the active sites; and

(8)(A) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites; and

(B) financing should be shared on an approximately equal basis by owners or licensees of active uranium mills, the Federal Government, and the owners or licensees of civilian nuclear power reactors, with support from the States in which the active sites are located.

(b) PURPOSE.—It is the purpose of titles I and II of this Act to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and the Nation's nuclear power program;

(2) re-establish a viable domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

DEFINITIONS

SEC. 3. For purposes of titles I and II of this Act—

(1) the terms "active uranium or thorium processing site" and "active site" mean—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after, January 1, 1978; and

(B) any other real property or improvement on such real property that—

(i) is in the vicinity of such site; and

(ii) is determined by the Commission to be contaminated with residual byproduct material.

(2) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(3) the term "byproduct material" has the meaning given such term in section 11(e)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(4) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(5) the term "Commission" means the Nuclear Regulatory Commission;

(6) the term "Department" means the Department of Energy;

(7) the term "overfeeding" means the use of natural uranium from stockpiles or inventories to produce enriched uranium when—

(A) an enrichment services customer supplies less natural uranium than the amount actually used to produce its enriched uranium requirements; and

(B) for purposes of achieving efficient operation of enrichment facilities, natural uranium from stockpiles or inventories is used to satisfy the shortfall in natural uranium supplied by such customer;

(8) the term "pre-production of enriched uranium" means the use at a given point in time of natural uranium from existing stockpiles or inventories to produce enriched uranium in excess of amounts required to satisfy then current obligations to provide enrichment services;

(9) the term "reclamation, decommissioning and other remedial action" includes long- and short-term monitoring, except for the purpose of determining the date when reclamation, decommissioning, and other remedial action is complete for the purpose of making refunds under section 215. Such term shall include mill decommissioning only if the owner or licensee of an active site elects to make the contribution provided for in section 213(b)(1)(C);

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meanings given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

TITLE I—URANIUM REVITALIZATION

SEC. 110. GOVERNMENT URANIUM PURCHASES.—(a)(1) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall not enter into contracts or orders for the purchase of uranium other than for domestic uranium: *Provided,* That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered before the date of enactment of this Act, or options exercised for fixed amounts prior to the date of enactment of this Act.

(2) The use of natural uranium contained in stockpiles or inventories owned by the United States, including its agencies and instrumentalities, shall be restricted to military purposes and Government research and to overfeeding and pre-production of enriched uranium by the United States Enrichment Corporation. The amount of natural uranium together with the amount of natural uranium equivalent of enriched uranium contained in stockpiles or inventories owned by the United States, including its agencies and instrumentalities, as of the date of enactment of this title shall, to the extent practicable, not be reduced except for military purposes, overfeeding, or Government research purposes.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

TITLE II—TAILINGS RECLAMATION

REMEDIAL ACTION PERFORMED BY THE OWNER OR LICENSEE OF ACTIVE SITES

SEC. 210. IN GENERAL.—(a) The owner or licensee of an active site shall select and perform reclamation, decommissioning, and other remedial action, at active sites.

(b) REMEDIAL ACTION TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE STANDARDS.—Any reclamation, decommissioning, or other remedial action performed under subsection (a) by an owner or licensee shall comply with all applicable requirements established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or, where appropriate, requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021).

(c) COSTS OF REMEDIAL ACTION TO BE PAID FROM TAILINGS FUND.—The costs incurred by the owner or licensee for reclamation, decommissioning and other remedial action, performed by the owner or licensee under this title shall be reimbursed under sections 214, 215, and 216 from the Uranium Mill Tailings Fund established in section 211.

(d)(1) The following active sites qualify for reimbursement from the Uranium Mill Tailings Fund in accordance with the terms of this title:

Site	Estimated tons of mill tailings July 1, 1985
Cotter—Cannon City Mill, Cannon City, CO	2,200,000
UMETCO—Uravan Mill, Uravan, CO	10,300,000
Sohio Western—L-Bar Mill, Seboyeta, NM	2,100,000
United Nuclear—Churchrock Mill, Churchrock, NM	3,500,000
Anaconda—Bluewater Mill, Grants, NM	23,600,000
Quivera Mining—Ambrosia Lake Mill, Grants, NM	33,000,000
Homestake—Grants Mill, Grants, NM	21,800,000
Conoco—Pioneer Nuclear, Conquista Project, Falls City, TX	8,800,000
Chevron Resources—Panna Maria Mill, Hobson, TX	4,600,000
Exxon—Felder Facility, Three Rivers, TX	400,000
Rio Algom—Lisbon Mill, Moab, UT	3,000,000
Atlas—Moab Mill, Moab, UT	10,500,000
Dawn—Ford Mill, Ford, WA	3,000,000
Western Nuclear—Sherwood Mill, Wellpinit, WA	2,900,000
American Nuclear—Gas Hills Mill, Riverton, WY	5,900,000
Pathfinder—Lucky Mc Mill, Riverton, WY	9,500,000
Western Nuclear—Split Rock Mill, Jeffrey City, WY	7,700,000
UMETCO—East Gas Hills Mill, Riverton, WY	9,200,000
Exxon—Highland Mill, Douglas, WY	7,200,000
Rocky Mountain Energy—Bear Creek Mill, Douglas, WY	5,000,000
Pathfinder—Shirley Basin Mill, Shirley Basin, WY	5,800,000
Petrotomics—Shirley Basin Mill, Shirley Basin, WY	6,300,000
Energy Fuels/UMETCO—White Mesa Mill, Blanding, UT	1,900,000
Minerals Exploration—Red Desert, Rawlins, WY	1,000,000
UMETCO—Maybell, Maybell, CO	2,000,000
Tennessee Valley Authority—Edgemont, SD	2,000,000

(2) Within one hundred and eighty days of the date of the enactment of this title, the Secretary shall determine the actual amounts of mill tailings at each of the active sites listed in paragraph (1) on the date of the enactment of this title, and the dry tons of tailings at each active site listed in paragraph (1) the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission.

(3) No reimbursement for the reclamation, decommissioning and other remedial action performed at a uranium mill tailings site shall be made in accordance with the terms of this title for an active site not listed in paragraph (1) or for reclamation, decommissioning and other remedial action of mill tailings at a listed active site in excess of the actual amount of tailings determined by the Secretary under this paragraph to exist on the date of the enactment of this title.

URANIUM MILL TAILINGS FUND

SEC. 211. (a) ESTABLISHMENT OF URANIUM MILL TAILINGS FUND.—There hereby is established in the Treasury of the United States a separate fund, to be known as the Uranium Mill Tailings Fund (hereinafter referred to as the "Fund"). The Fund shall consist of—

(1) all contributions to the Fund from the States in which active sites are located as provided in section 212(a);

(2) all contributions to the Fund from owners or licensees of active sites as provided in section 212(b);

(3) all contributions made to the Fund by or on behalf of the Federal Government as provided in section 212(c);

(4) all fees received from owners or operators of civilian nuclear power reactors as provided in section 212(d); and

(5) all interest earned on sums in the Fund.

(b) USE OF FUND.—The Secretary may, subject to subsection (c), make expenditures from the Fund only for purposes of compliance with this title.

(c) ADMINISTRATION OF THE FUND.—(1) The Secretary of the Treasury, after consultation with the Secretary, shall annually submit to the Congress a report on the financial condition and operation of the Fund during the preceding fiscal year.

(2) The Secretary shall submit the budget of the Fund to the Office of Management and Budget annually along with the budget of the Department in accordance with chapter 11 of title 31, United States Code. The budget of the Fund shall consist of the estimates made by the Secretary of receipts by and expenditures from the Fund and other relevant financial matters for the succeeding three fiscal years, and shall be included in the Budget of the United States Government.

(3) If the Secretary determines that the Fund contains at any time amounts in excess of current needs, the Secretary shall request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

(A) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund; and

(B) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

(4) Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Fund, shall be exempt from annual apportionment under the provisions of subchapter 11 of chapter 15 of title 31, United States Code.

(5) The Secretary may make disbursements from the Fund in amounts provided in advance in appropriations acts, which amounts shall be made available until expended.

CONTRIBUTIONS TO THE FUND

SEC. 212. (a) CONTRIBUTIONS BY STATES CONTAINING ACTIVE SITES.—(1) Each State containing an active site or sites may contribute from non-Federal funds to the Treasury of the United States to be deposited in the Fund the sum of $0.10 for each dry ton of tailings, the uranium from which was processed for commercial sales as established in accordance with section 210(d) at an active site listed in section 210(d)(1) within such State whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund.

(2) Such payment shall be made in five equal annual installments commencing January 1, 1990.

(3) If any State containing an active site or sites, whose owner or licensee has elected to participate in reclamation, decommissioning and other remedial action through the Fund, fails or refuses to make the contributions, or any portion thereof, required by this section, this shall not affect the right of the owner or licensee of an active site in such State to participate in reclamation, decommissioning and other remedial action through the Fund.

(b) CONTRIBUTIONS BY OWNERS OR LICENSEES.—(1) Each owner or licensee of an active site listed in section 210(d)(1) who elects to participate in reclamation, decommissioning, and other remedial action, through the Fund shall contribute to the Treasury of the United States, to be deposited in the Fund—

(A) $2,000,000 per site as to which it is the owner or licensee of which—

(i) $1,000,000 shall be contributed on or before January 31, 1990; and

(ii) $1,000,000 shall be contributed on or before January 31, 1991;

(B) $1 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of the Act of which—

(i) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1992; and

(ii) $0.50 per dry ton for all tons of tailings at such active site, the uranium from which was processed for commercial sales prior to the effective date of this Act, shall be contributed on or before January 31, 1993; and

(C) each owner or licensee of an active site listed in section 211(d)(1) who elects to decommission the mill at such site as a part of the reclamation, decommissioning and other remedial action to be undertaken pursuant to the Fund shall contribute an additional $500,000 on or before January 31, 1994.

(c) CONTRIBUTIONS BY OR ON BEHALF OF THE FEDERAL GOVERNMENT.—(1) There is authorized to be appropriated to the Fund,

$300,000,000, to remain available until expended.

(2) Funds to be paid into miscellaneous receipts of the Treasury of the United States under section 1506 of the Atomic Energy Act of 1954, as amended, shall, without need for further appropriation, be paid into the Fund until $300,000,000 has been contributed to the Fund under this subsection. The authorization provided under paragraph (1) shall be reduced to the extent of contributions made under this paragraph.

(d) CONTRIBUTIONS BY LICENSEES OF CIVILIAN NUCLEAR POWER REACTORS.—(1) Licensees for civilian nuclear power reactors shall contribute into the Fund a fee of $22 per kilogram of uranium contained in fuel assemblies initially loaded into each civilian nuclear power reactor during each of the calendar years 1989 through 1993.

(2) The fee shall apply to fuel on its initial loading into the reactor and not to previously loaded fuel being loaded again. In calculating the total annual obligation by a licensee, fuel loaded in loadings during refueling outages that begin in a calendar year and are completed in the subsequent year may be deemed to have occurred in either year but not both.

(3) The fee from each user so affected will be due on January 31 the following year with the first such payment due on January 31, 1990.

(4) The contribution of this fee for the years 1989 through 1993 shall constitute the total obligation of licensees of civilian nuclear power reactors for uranium tailings reclamation, except to the extent that a user may be the owner or licensee of a uranium mill or as provided by contract executed prior to the effective date of this Act.

(5) Not later than one hundred and eighty days after the date of enactment of this Act the Secretary shall establish procedures for the collection and payment of the fee established by this title.

ELECTION TO PARTICIPATE

SEC. 213. OWNER OR LICENSEE ELECTION TO PARTICIPATE.—The owner or licensee of an active site listed in section 210(d)(1) may elect to perform reclamation, decommissioning and other remedial action through the Fund and be entitled to receive reimbursement under this title for the cost incurred by such owner or licensee for reclamation, decommissioning and other remedial action performed in connection with the owner's or licensee's active site by notifying the Secretary of such election on or before January 1, 1989. If an owner or licensee makes an election to participate, the notice shall specify whether the owner or licensee elects to have decommissioning undertaken pursuant to the Fund. Such election to participate or not to participate shall be irrevocable.

REIMBURSEMENT OF COSTS INCURRED FOR RECLAMATION, DECOMMISSIONING AND OTHER REMEDIAL ACTION FROM FUND

SEC. 214. (a) IN GENERAL.—The Secretary shall reimburse from the Fund to the owner or licensee of an active site listed in section 210(d)(1) who has elected to participate as provided in section 213, the costs incurred by such owner or licensee for the reclamation, decommissioning and other remedial actions in connection with such site as follows:

(1) From the contributions made on behalf of the Federal Government as provided in section 212(c), such owner or licensee shall be reimbursed an amount equal to the cost of reclamation, decommissioning, and other remedial action at such site multiplied by the percentage which the dry tons of tailings at such site, the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission, constitutes to the total dry tons of tailings at such active site as determined in section 210(d)(2), but such reimbursement shall not exceed an amount equal to $4.50 multiplied by the dry tons of tailings at such active site, the uranium from which was processed for sales to the United States Government, including the Atomic Energy Commission.

(2) From any contributions made by a State to the Fund for tailings reclamation at such site, such owner or licensee shall be reimbursed an amount equal to the sum of such contributions.

(3)(A) From the contributions made by the owner or licensee of such active site plus the interest earned thereon, such owner or licensee shall be reimbursed one-third of the cost of reclamation, decommissioning and other remedial action at such site.

(B) Notwithstanding subparagraph (A), if the contributions made by the owner or licensee of such active site plus interest earned thereon exceed one-third of the cost of reclamation, decommissioning and other remedial action at such site, such excess shall be refunded to such owner or licensee. The payment of such excess shall be considered a refund and not reimbursement. If the contributions made or to be made by the owner or operator of such active site, plus interest earned thereon, is less than one-third of the cost of reclamation, decommissioning, and other remedial action at such site, then the amount by which one-third of the cost of reclamation, decommissioning, and other remedial action at such site exceeds the amount of contributions made by the owner or licensee of such active site plus interest earned thereon, shall be borne by the owner or licensee thereof.

(4) From the contributions made by licensees of civilian nuclear power reactors as provided in section 212(d) and interest earned thereon, the owner or licensee of such active site shall be reimbursed the amount by which the cost of reclamation, decommissioning, and other remedial action at an active site exceeds the sum of—

(A) the amounts reimbursed to the owner or licensee of such active site as provided in paragraph (1), paragraph (2), paragraph (3); and

(B) the amounts to be borne by the owner or licensee of such active site as provided in subparagraph (3)(B).

(5) Notwithstanding paragraphs (1) through (4), the owner or licensee of an active site shall also bear, and not be reimbursed for, any amount by which the cost of reclamation, decommissioning and other remedial action at such site exceeds a sum equal to $4.50 multiplied by the dry tons of tailings at such site as determined in section 210(d)(2).

(6) The successor to the owner or licensee of an active site (other than the United States or agency thereof or a State as provided by law) shall be entitled to credit for contributions made by its predecessor and interest earned thereon and be entitled to receive any reimbursements or refunds.

(b) OWNER'S OR LICENSEE'S ACCOUNT.—The Secretary shall maintain accounts for each participating owner or licensee to reflect contributions by such owner or licensee, interest deemed earned on such contributions, reimbursements to such owner or licensee from the Fund, and the cost incurred by the owner or licensee for the reclamation, decommissioning or other remedial action in connection with such active site.

(c) ACCOUNTS FOR OTHER CONTRIBUTIONS TO THE FUND.—(1)(A) For the purpose of accounting, two-thirds of the costs incurred by participating owners or licensees at active sites, up to the maximum of $4.50 per dry ton of tailings at such sites as of the effective date of this Act (such two-thirds being $3 per dry ton based upon $4.50 per dry ton of tailings), shall be deemed to have been reimbursed from the Fund out of the portion of the Fund contributed:

(i) by or on behalf of the Federal Government as provided in section 212(c),

(ii) by the States that have contributed as provided in section 212(a), and

(iii) by the licensee of civilian nuclear power reactors as provided in section 212(d);

and from interest deemed earned upon such contributions.

(B) The Secretary shall maintain accounts for each such person or entity making contributions to the Fund, reflecting the time and amount of such contributions and the interest deemed earned thereon.

(2) The Secretary shall determine as of January 31, 1996, whether the amount remaining in the Fund, other than the amounts contributed by participating owners or licensees of active sites and interest deemed earned thereon, when considered with the $4.50 per dry ton limit on reimbursement, exceeds the total cost reimbursable to the participating owners or licensees of active sites (other than that deemed reimbursed out of such participating owners' or licensees' contributions and interest deemed earned thereon or to be borne by owners or licensees), where reclamation, decommissioning and other remedial action has not been completed.

(3) If the Secretary determines there is an excess, then the excess shall be refunded as set forth in subsection (d): *Provided, however,* That no amounts contributed to the Fund by the participating owners or licensees of the active sites and interest deemed earned thereon shall be refunded to any person or entity other than the owner or licensee making such contribution, or their successors or assigns.

(d) REFUNDS TO CERTAIN CONTRIBUTORS.—The Secretary shall make a determination annually after January 31, 1996, whether an excess as calculated pursuant to subsection (c) exists in the Fund. If, as of January 31, 1996, and each January 31 thereafter, the Secretary determines that the Fund contains an excess as calculated in subsection (c), then the Secretary shall refund the excess as follows:

(1) first, to the States which have made contributions to the Fund as provided in section 212(a), until such States have been refunded the full amount of their contributions;

(2) the remaining excess, if any, shall be deposited in the Treasury of the United States.

(e) INTEREST DEEMED EARNED.—For the purposes of this title, the contributions made by any person or entity shall be deemed to have earned interest annually on the contribution from the date made. The appropriate interest rate for each year shall be determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the United States with one year maturity during the year for which calculation is being made: *Provided, however,* That contributions made by any participating owners or licensees of active sites shall be deemed to bear interest during any such year only to the extent that the contributions made by such owner or licensee exceeds one-third of the costs reimbursed out of the Fund to such owner or licensee up to that time.

LIMITATION OF REIMBURSEMENT

SEC. 215. (a) $4.50 PER TON LIMIT.—The total reimbursement from the Fund to the owner or licensee of an active site shall not exceed an amount equal to $4.50 multiplied by the dry tons of tailings located at the site as of the effective date of this Act, as determined in accordance with the requirements of section 210(d). Costs in excess of $4.50 per ton shall be borne by the owner or licensee of the active site on its own account outside the Fund.

(b) INFLATION ESCALATION INDEX.—The $4.50 per dry ton multiplier provided in subsection (a) shall be increased annually based upon an inflation escalation index. The Secretary shall determine the appropriate index to apply.

TAILINGS GENERATED AFTER THE DATE OF THE ENACTMENT OF THE TITLE

SEC. 216. (a) IN GENERAL.—An owner or licensee of an active site who has elected to participate pursuant to section 213 shall be entitled to reimbursement from the Fund, to the limits provided, for the costs incurred for the reclamation, decommissioning and other remedial action in connection with such active site on the basis of tailings existing at such active site as on the date of the enactment of this title. The participating owner or licensee of an active site shall be responsible on its own account outside the Fund for the costs incurred for the reclamation, decommissioning and other remedial action associated with tailings generated at such active site after the date of the enactment of this title.

(b) ACTIVE SITES CONTAINING TAILINGS GENERATED BEFORE AND AFTER THE DATE OF THE ENACTMENT OF THIS TITLE.—If an active site whose owner or licensee has elected to participate contains tailings generated both before and after the date of the enactment of this title, then it shall be assumed that the costs incurred by the owner or licensee for the reclamation, decommissioning and other remedial action in connection with such site were incurred pro-rata based upon the dry tons of tailings generated before and after such date of enactment as determined on the basis of the Secretary's findings under section 210(d)(2), unless the Secretary determines that the costs incurred in connection with the tailings generated after the date were less than would result from the pro-rata formula, in which event such lower amount shall be used for the purposes thereof.

THORIUM SITES

SEC. 217. IN GENERAL.—(a) The costs of reclamation, decommissioning, and other remedial action at active thorium sites shall be borne by the licensee or owner, subject to reimbursement by the United States for a portion of the costs at any such site if tailings at the site were generated as an incident of sales to the United States, or any of its agencies and instrumentalities. The portion of the costs to be allocated to the United States shall be determined by the ratio of the volume of tailings that were generated as an incident of sales to the United States, or any of its agencies and instrumentalities, to the total volume of tailings at the site. Owners or licensees shall decide by January 1, 1989, whether they have tailings subject to Federal reimbursement and so notify the Secretary. Subject to such notification and confirmation of the existence of tailings eligible for reimbursement as described above, the Secretary shall enter into a cooperative agreement with the owner or licensee of the site providing for the payment by the United States of its portion of the cost of reclamation, decommissioning and other remedial action.

(b) For the purpose of carrying out the provisions of this section, such funds as necessary are hereby authorized to be appropriated.

MAINTENANCE OF FUND BALANCE

SEC. 218. IN GENERAL.—The Secretary shall manage disbursements from the Fund such that it never is in a deficit on a cash basis. Reimbursements to owners or licensees may be delayed until receipts allow disbursements. In such cases, owners or licensees of active sites will be treated pro-rata where only partial reimbursements can be made.

INTEREST ON COSTS INCURRED

SEC. 219. IN GENERAL.—Reimbursement from the Fund for costs incurred shall include interest at the rate provided in section 214(e) on costs incurred by the participating owner or licensee of an active site from the date a statement for reimbursement of such cost is submitted by the owner or licensee to the Secretary until reimbursement for such cost is made from the Fund.

LIMITATION OF FINANCIAL OBLIGATIONS

SEC. 220. LIMITATION ON FINANCIAL OBLIGATION OF ACTIVE SITE OWNERS AND LICENSEES AND LICENSEES USING SOURCE MATERIAL OR SPECIAL NUCLEAR MATERIAL FOR A CIVILIAN NUCLEAR POWER REACTOR TO GENERATE ELECTRICAL ENERGY.—The contributions made and work performed by the owners or licensees of the active sites and the contributions made and fines paid by persons using source material or special nuclear material for a civilian nuclear power reactor to generate electrical energy shall be the sole liability and obligation imposed under Federal laws in connection with the reclamation, decommissioning and other remedial action at active uranium and thorium sites: *Provided, however,* That nothing herein contained shall affect the obligation of every owner or licensee to provide for such long-term care or other reclamation requirements as are provided in the Uranium Mill Tailings Radiation Control Act of 1978, the regulations of the Commission thereunder, and the regulations of the Environmental Protection Agency thereunder.

RECLAMATION ALREADY UNDERTAKEN

SEC. 221. IN GENERAL.—The owner or licensee of a participating active site who has undertaken reclamation, decommissioning and other remedial action at such site prior to the date of the enactment of this title shall be entitled to reimbursement for the cost thereof as if the work was done after such date if such work, including disposal work, was accomplished in order to comply with the standards under section 210(b). The timing of such reimbursement shall be subject to the management of the Fund as specified in section 218. An owner or licensee of an active site which has elected to participate in the Fund and has performed reclamation work prior to the date of the enactment of this title may have any sums to which it is entitled to be reimbursed credited against any sum it is required to contribute. The Commission shall determine whether work performed at a site prior to such date was accomplished in order to comply with the standards under section 210(b) and advise the Secretary accordingly.

SECRETARY'S AUTHORITY TO MAKE REGULATIONS AND REIMBURSEMENTS

SEC. 222. IN GENERAL.—The secretary shall adopt and issue regulations to accomplish the purposes of this title and shall review statements by participating owners or licensees for reimbursement from the Fund of costs incurred for reclamation, decommissioning and other remedial actions. Any such statement for reimbursement found appropriate shall be approved by the Secretary and reimbursement therefore shall be made from the Fund.

ATOMIC ENERGY ACT OF 1954

SEC. 223. STANDARDS AND INSTRUCTIONS FOR BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS, INCLUDING PERFORMANCE BONDS.—Section 161 x. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201 x.) is amended by inserting after the word "ensure" in the matter preceding paragraph (1) a comma and the following: "for the share of costs for which the licensee is responsible".

TITLE III—UNITED STATES ENRICHMENT CORPORATION

SEC. 310. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. section 2011-2296) is further amended by—

(a) inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY"; and

(b) adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

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"CHAPTER 21. FINDINGS

"SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"(a) The enrichment of uranium is essential to the national security and energy security of the United States.

"(b) A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"(c) A strong United States enrichment enterprise promotes U.S. nonproliferation policies by requiring accountability for U.S. enriched uranium.

"(d) The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"(e) The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of uranium enrichment services.

"(f) The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"(g) Flexibility is essential to adapt business operations to a competitive marketplace.

"(h) The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"(i) The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION, AND PURPOSES

"SEC. 1201. DEFINITIONS.—For the purpose of this title:

"(a) The term 'Secretary' means the Secretary of Energy.

"(b) The term 'Department' means the Department of Energy of the United States.

"(c) The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"(d) The term 'Corporation' means the United States Enrichment Corporation.

"(e) The term 'Advisory Board' means the appointed members of the official advisory panel appointed by the Secretary pursuant to section 1503 of this title.

"(f) The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"SEC. 1202. ESTABLISHMENT OF THE CORPORATION.—(a) There is hereby created a body corporate to be known as the 'United States Enrichment Corporation.'

"(b) The Corporation shall—

"(1) be established as a wholly-owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. section 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"SEC. 1203. PURPOSES.—The Corporation is created for the following purposes:

"(1) to acquire feed material for uranium enrichment, enriched uranium and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development for purposes of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a continuing, commercial enterprise, on a profitable and efficient basis;

"(6) to maintain a reliable and economical domestic source of enrichment services;

"(7) to conduct its activities in a manner consistent with the health and safety of the public and the common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(8) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"(a) shall perform uranium enrichment or provide for such enrichment to be performed by others at facilities of the Corporation. The Corporation shall continue in effect contracts in existence as of the date of the enactment of this section between the Department and persons currently under contract to perform uranium enrichment at facilities of the Department;

"(b) shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"(c) may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"(d) may, to the extent consistent with section 110 of the Uranium Revitalization, Tailings Reclamation and Enrichment Act of 1987—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law: *Provided*, That comparable services are made available pursuant to paragraph (1);

"(e) shall sell to the Department as provided in this title, and without regard to the provisions of 31 U.S.C. 1535, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"(f) may grant licenses, both exclusive and nonexclusive, for the use of patents and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporations activities;

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the corporation—

"(a) shall have perpetual succession unless disolved by Act of Congress;

"(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(c) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"(d) may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"(e) may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"(f)(1) may acquire, purchase, lease, and hold real and personal property, including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition: *Provided*, That advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"(g) with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency or, any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"(h) may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any state, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"(i) may determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"(j) notwithstanding any other provision of law, and without need for further appropriation, may use moneys, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code;

"(k) may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"(l) may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"(m) shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"(n) may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to 5 U.S.C. 552(b)(3) when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests;

"(o) may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"(p) may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"(q) may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—(a) Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts and power purchase contracts, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"(b) As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title: *Provided, however,* That Department orders, rules and regulations affecting health, environment and nuclear safety shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded or set aside by the Secretary.

"(c) Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings, judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. CERTAIN PENDING LITIGATION.—(a) As soon as practicable after the date of the enactment of this title, the Corporation shall pay to the Tennessee Valley Authority (hereinafter referred to as 'TVA') the total principal amount of $1,300,000,000, with interest on the unpaid balance from the date of such enactment computed at an annual rate of 9 per centum.

"(b) Upon receipt by TVA of the payment made under subsection (a) and in consideration for such payment, the obligations of the Department and the Corporation to pay capacity charges to TVA for capacity in excess of 100 megawatts per year under Contract No. DE-AC05-760R03760, TV-30613A, as amended, and to pay capacity charges under Contract No. DE-AC05-760R03761, TV-30614A, as amended, and any other obligations of the Department to TVA that are the subject of the litigation currently pending in Tennessee Valley Authority versus The United States of America, Claims Court No. 513-87 C, United States Claims Court, shall be deemed fully satisfied and no longer in dispute by both TVA and the Department: *Provided, however,* That nothing in this title shall affect the authority of the Department or the Corporation to contract with TVA for the supply of electric power or to agree with TVA to modify the provisions of any existing contract between the Department and TVA to supply electric power to facilities of the Department or the Corporation, including, but not limited to, facilities at Oak Ridge, Tennessee.

"(c) The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.

"SEC. 1405. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR.—(a) The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience, is specially qualified to manage the Corporation: *Provided, however,* That upon enactment of this title, the Secretary shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"(b) The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the Secretary, except that compensation shall not exceed Executive Level I, as prescribed in 5 U.S.C. 5312;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"(c)(1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security;

"(B) health, safety and the environment; and

"(C) the need for indemnification with respect to hazardous nuclear activities.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not enumerated under paragraph (1), and, notwithstanding the provisions of 31 U.S.C. 9104(a)(4), including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate, to other officers or employees, powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. ADVISORY BOARD.—There is hereby established an Advisory Board appointed by the Secretary, which shall consist of five members, one of whom shall be designated as chairman. Members of the Advisory Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Advisory Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"(a) The specific responsibilities of the Advisory Board shall be to—

"(1) review the Corporation's policies and performance and advise the Secretary and the Administrator on these matters; and

"(2) advise the Secretary or the Administrator on any other such matters concerning the Corporation as either may refer to the Advisory Board.

"(b) Except for initial appointments, members of the Advisory Board shall serve five-year terms. Each member of the Advisory Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"(c) Upon expiration of the initial term, each Advisory Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the Secretary shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"(d) The members of the Advisory Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"(e) The Advisory Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly.

"(f) The Corporation shall compensate members of the Advisory Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. section 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Advisory Board. Any Advisory Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"(g)(1) The Advisory Board shall report at least annually to the Secretary and to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Secretary or the attention of the Administrator, or both. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within 90 days after the receipt of any report under this subsection the Secretary or the Administrator, as the case may be, shall respond in writing to such report and provide an analysis of such recommendation of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a statement of the reasons why that recommendation will not be implemented.

"SEC. 1504. EMPLOYEES OF THE CORPORATION.—Officers and employees of the Corporation shall be officers and employees of the United States:

"(a) The Administrator shall appoint all officers, employees, and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of 5 U.S.C. 5301, with compensation levels not to exceed Executive Level II, as defined in 5 U.S.C. 5313. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of 5 U.S.C. 2301(b) relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"(b) Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under 5 U.S.C. 5551, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by that employee for the Department.

"(c) This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"(d) Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"(e) Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation or Congress in accordance with the provisions of this title.

"(f) The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"(a) The Secretary, in consultation with the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following:

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: *Provided*, That facilities, real estate, improvements and equipment related to the Oak Ridge K-25 plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this subsection.

"(2) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology.

"(3) the Department's stocks of preproduced enriched uranium;

"(4) the Department's stocks of feed materials for uranium enrichment except for such quantities as are currently allocated to national defense activities of the Department;

"(5) all other facilities, equipment, materials (including depleted uranium and materials in process), processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporations functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

"(b) The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the atomic vapor laser isotope separation, hereinafter referred to as 'AVLIS', technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"(c) The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented), together with the right to use or have used any processes and technical information owned or controlled by the Department.

"(d) The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations, and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"(e) The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION.—(a) Upon commencement of operations of the Corporation:

"(1) all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation; and

"(2) with respect to all assets transferred to the Corporation under section 1505, the Corporation shall use the book value of such assets as shown in the Uranium Enrichment Annual Report for FY 1986, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer.

"(b) At such time that decontamination or decommissioning, or both, of property or equipment transferred in accordance with section 1505 of this title may be necessary, the Corporation and the Department shall share the burden of such costs based on the ratio of the separative work that has been produced under the ownership of each party and that is attributable to the property or equipment being decontaminated or decommissioned or both.

"(c) The Corporation shall pay into miscellaneous receipts of the Treasury of the United States, or such other funds as provided by law, dividends from earnings of the Corporation when, in the opinion of the Administrator, such earnings are not otherwise needed to be applied in furtherance of other corporate functions, including but not limited to research and development, capital investments and establishment of cash reserves.

"(d) The Corporation shall repay within a 20-year period the amount of $364 million into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law, with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on 20-year government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection, hereinafter referred to as 'Initial Debt,' is hereby determined to constitute the sole recovery by the United States of previously unrecovered costs that—

"(1) have been incurred by the United States (including the Department) for uranium enrichment activities prior to Fiscal Year 1987 of the United States; and

"(2) are to be recovered by the Corporation from its customers in its charges for products, materials, and services.

"SEC. 1507. BORROWING.—(a)(1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as 'bonds') in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"(b) Bonds issued by the Corporation under the section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: *Provided*, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of 15 U.S.C. 78c(c).

"(c) Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: *Provided*, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING.—To the extent permitted by prevailing business conditions, the Corporation shall establish prices and charges for its products, materials and services that in the opinion of the Corporation will over the long term: (1) recover the costs of performing and maintaining corporate functions, including but not limited to research and development, depreciation of assets, and repayment of the Initial Debt and other obligations of the Corporation; and (2) generate profits consistent with the maintenance of the Corporation as a continuing, commercial enterprise and other purposes of this title: *Provided*, That the Corporation in setting prices and charges for products, materials and services provided to the Department shall recover on a yearly basis its costs of providing such products, materials or services, without regard to prevailing business conditions and without generation of profit. Prices and other contractual terms for the provision of products, materials, or services by the Corporation shall be established without regard to the provisions of the Administrative Procedure Act, as amended.

"SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of 31 U.S.C. 9105, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards approriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS.—(a) The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"(b) A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC. 1511. CONTROL OF INFORMATION.—(a) The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 141 and subsections a. and b. of section 142 of title I.

"(b) No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403 or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

"(c) The restrictions detailed in subsections b., c., d., e., f., g., and h. of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"(d) The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"(e) Whenever the Corporation submits to the Secretary, the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"(f) The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS.—(a) The term 'Commission' shall be deemed to include the Corporation wherever such term appears in sections 152, 153b.(1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153b.(1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"(b) The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"(c) The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153c. of title I subject, except as specified above, to all of the provisions of subsections 153 c., d., e., f., g., and h. of title I.

"(d) With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee of the Department' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"(e) The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under 35 U.S.C. 181 through 187.

"(f) The Corporation shall not be liable or responsible for any payments made or awards under subsection 157b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"(g) The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING.—Licensing of enrichment production facilities shall be subject to the provisions contained within this section:

"(a) Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of the enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81, 101 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities.

"(b) The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under provisions of title I.

"(c) The Corporation shall be subject to the regulatory jurisdiction of the Nuclear Regulatory Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES.—(a) In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all State and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation, its activities and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate, and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"(b) The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: *Provided, however,* That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management, operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately prior to the enactment of this title.

"(c) Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: *Provided,* That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"(d) The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"Sec. 1603. Miscellaneous Applicability of the Atomic Energy Act.—(a) Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165, 221 a., 229, 230, 232 of title I shall be deemed to include the Corporation.

"(b) Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation—

"(1) the term 'Commission' shall be deemed to refer to the Secretary;

"(2) there shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) the Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"Sec. 1604. Cooperation With Other Agencies.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"Sec. 1605. Applicability of Antitrust Laws.—(a) The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"(b) As used in this subsection, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monoplies, and for other purposes', approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"(3) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"Sec. 1606. Relationship to Federal Budget.—Notwithstanding any other provision of law, receipts, revenues, disbursements, budget authority and outlays of the Corporation for a fiscal year shall not be included in total budget authority, total budget outlays and total revenues or in the amounts of budget authority and outlays set forth for each major functional category for such fiscal year in either the budget of the United States Government submitted by the President pursuant to section 1105 of title 31, United States Code, or in the budget adopted by Congress pursuant to title III of the Congressional Budget and Impoundment Control Act of 1974, as amended. Neither shall such receipts, revenues, disbursements, budget authority or outlays be used in calculating the Federal deficit for purposes of comparison with the maximum deficit amount under the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That nothing in this section shall affect the treatment for budgetary purposes of payments made by the Corporation to the United States Treasury or funds appropriated to the Corporation after the date of the enactment of this title.

"Sec. 1607. Intent.—It is hereby declared to be the intent of this title to aid the United States Enrichment Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexiblity to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"Sec. 1608. Report.—(a) No earlier than January 1, 1993, but no later than December 31, 1998, the Administrator shall submit to the President and to Congress a report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties and assets of the Corporation to private ownership. If the Administrator recommends such transfers, the report shall include a plan for implementation of the transfers.

"(b) Within one hundred and eighty days after receipt of the report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.".

Sec. 311. Nuclear Hazard Indemnification.—The Secretary of Energy shall indemnify under section 170(d) of the Atomic Energy Act of 1954, as amended, the contractors of the Corporation as if such contractors were contractors of the Secretary.

Sec. 312. Miscellaneous Provisions.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end the following: "(N) United States Enrichment Corporation."

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation.".

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended—

(1) by adding before the period at the end of the definition of the term "production facility" in section 11 v. a colon and the following: "*Provided, however*, That as the term is used in Chapters 10 and 16 of this Act, other than with respect to import or export of a uranium enrichment production facility, it shall not include any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235";

(2) by striking the period at the end of section 161 b. and adding the following: "; in addition, the Commission shall prescribe such regulations or orders as may be necessary or desirable to promote the Nation's common defense and security with regard to control, ownership or possession of any equipment or device, or important component part especially designed therefor, capable of separating the isotopes of uranium or enriching uranium in the isotope 235;";

(3) by striking the phrase "section 103 or 104" in section 41 a. (2) and inserting in lieu thereof "this title"; and

(4) in section 236 by striking the word "or" following paragraph (2) and adding after paragraph (3) "or (4) any uranium enrichment facility licensed by the Commission;".

(e) Subsection 905(g)(1) of title II, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

Sec. 313. Authorization of Appropriations.—There are hereby authorized to be appropriated such additional sums as are necessary to discharge the obligations of the United States, including the United States Enrichment Corporation, arising under this title.

Sec. 314. Severability.—If any provision of this title, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of competent jursidiction to be invalid, the remainder of this title, or the application of the same shall not be thereby affected.

Sec. 315. Effective Date.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this title: *Provided, however*, That the Administrator or Acting Administrator may immediately exercise the management responsibilities and powers of subsection 1501(a) of the Atomic Energy Act of 1954 as amended by this Act and previous Acts.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. Byrd (for Mr. Biden), from the Committee on the Judiciary:

Paul R. Michel, of Virginia, to be United States Circuit Judge for the Federal Circuit;

Malcolm J. Howard, of North Carolina, to be United States District Judge for the Eastern District of North Carolina;

Stephen M. Reasoner, of Arkansas, to be United States District Judge for the Eastern District of Arkansas;

Rudy Lozano, of Indiana, to be United States District Judge for the Northern District of Indiana;

John E. Fryatt, of Wisconsin, to be United States Attorney for the Eastern District of Wisconsin for the term of four years.

Patrick J. Fielder, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years;

Edgar W. Ennis, Jr., of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years; and

Charles A. Banks, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years;

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 2081. A bill to suspend temporarily the duty on calcium carbaspirin; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 2082. A bill to amend the Internal Revenue Code of 1986 to exempt retired public safety officers from the early withdrawal tax on pension distributions; to the Committee on Finance.

By Mr. HEINZ:

S. 2083. A bill to ensure that certain Railroad Retirement benefits paid out of the Dual Benefits Payments Account are not reduced, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. Kasten, Mr. Inouye, Mr. Stevens, Mr. DeConcini, Mr. Wallop, Mr. Boschwitz, Mr. Durenberger, Mr. Grassley, Mr. Garn, Mr. Cochran, Mr. McCain, Mr. Bond, Mr. Lugar, Mr. Danforth, and Mr. Simpson):

S. 2084. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 2085. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WEICKER (for himself and Mr. Dodd):

S. 2086. A bill to establish a trust fund using civil penalties collected under the Occupational Health and Safety Act of 1970 to compensate victims of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 2087. A bill to suspend until January 1, 1991, the duty of Iohexol; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2088. A bill to provide for flexibility in the use of Federal highway program grants authorized under title 23, United States Code, and other Federal infrastructure grants, to establish a National Infrastructure Corporation, to provide additional financing for a variety of public works improvements, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MELCHER (for himself and Mr. Wirth):

S. 2089. A bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MELCHER:

S. 2090. A bill to amend the Internal Revenue Code of 1986 to modify the rules regarding the refunding of qualified small issue bonds; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. Baucus, Mr. Stafford, and Mr. Chafee):

S. 2091. A bill to protect ground water resources of the United States; ordered held at the desk.

By Mr. DURENBERGER:

S. 2092. A bill to amend chapter 38 of the Internal Revenue Code of 1986 to establish new environmental taxes, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN (for himself, Mr. Shelby, and Mr. Helms):

S. 2093. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the CSS Alabama; to the Committee on Foreign Relations.

By Mr. KERRY:

S. 2094. A bill to amend title XVI of the Social Security Act, to provide that the existing requirements for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case of certain severely disabled children, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM (for himself, Mr. Pell, Mr. Weicker, and Mr. Harkin):

S. 2095. A bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Nickles, Mr. Johnston, Mr. Wallop, Mr. Breaux, Mr. Simpson, Mr. Bingaman, and Mr. McClure):

S. 2096. A bill entitled the "U.S. Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988"; to the Committee on Finance.

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. 2097. An original bill to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; placed on the calendar.

By Mr. BRADLEY (for himself, Mr. Stafford, Mr. Inouye, Mr. Cochran, Mr. Gore, Mr. Garn, Mr. Levin, Mr. Warner, Mr. Lautenberg, Mr. Murkowski, Mr. Pell, Mr. Domenici, Mr. Dixon, Mr. Dole, Mr. Sanford, Mr. Hatch, Mr. Sarbanes, Mr. Burdick, Mr. Trible, Mr. Bumpers, Mr. Lugar, Mr. Graham, Mr. Boschwitz, Mr. Stennis, Mr. Simpson, Mr. Riegle, Mr. Thurmond, Mr. Boren, Mr. Bentsen, Mr. Heflin, Mr. Hollings, Mr. Quayle, Mr. Danforth, and Ms. Mikulski):

S.J. Res. 263. A joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; to the Committee on the Judiciary.

By Mr. RIEGLE:

S.J. Res. 264. A bill to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Lugar, Mr. Melcher, Mr. Dole, Mr. Boren, Mr. Helms, Mr. Conrad, Mr. Cochran, Mr. Fowler, Mr. Boschwitz, Mr. Daschle, Mr. Bond, Mr. Karnes, Mr. McConnell, Mr. Pryor, Mr. Heflin, and Mr. Breaux):

S.J. Res. 265. A joint resolution to designate March 20, 1988, as "National Agriculture Day"; placed on the calendar by unanimous consent.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH:

S. Res. 382. A resolution to remove the power to arrest Senators from the Sergeant at Arms; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Mr. Pell, Mr. Moynihan, Mr. Weicker, Mr. Biden, Mr. Specter, Mr. Byrd, Ms. Mikulski, Mr. Bradley, Mr. Burdick, Mr. Fowler, Mr. Harkin, and Mr. Adams):

S. Res. 383. A resolution to express the sense of the Senate regarding future funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. Con. Res. 100. A concurrent resolution expressing the sense of the Congress that the executive branch, in exercising authorities to restrict exports, use a standard definition of those goods which may be exported as humanitarian donations; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATSUNAGA:

S. 2082. A bill to amend the Internal Revenue Code of 1986 to exempt retired public safety officers from the early withdrawal tax on pension distributions; referred to the Committee on Finance.

LEGISLATION TO EXEMPT PUBLIC SAFETY EMPLOYEES FROM THE PENALTY TAX ON EARLY PENSION DISTRIBUTIONS

Mr. MATSUNAGA. Mr. President, I am today introducing legislation which will exempt public safety employees from the penalty tax on early distributions from qualified retirement plans.

Mr. President, the Tax Reform Act of 1986 imposed a 10-percent penalty tax on early distributions from any qualified retirement plan. For purposes of this penalty tax, an early distribution is defined as a distribution made to an employee before the age of 55. Unfortunately, little or no consideration was given to the fact that many State and municipal retirement systems allow or require public safety employees such as firefighters, rescue workers, law enforcement officers, and correctional personnel to retire before the age of 55. In addition, certain Federal public safety employees are permitted or requested to retire before age 55.

Mr. President, public safety employees who are allowed or required to retire before age 55 have no effective means of avoiding this penalty tax. In this instance, this penalty tax runs counter to the policy of encouraging or mandating early retirement in these special occupations.

Mr. President, the legislation I am proposing today will exempt public safety employees from this 10-percent penalty tax on early pension distributions. I believe that it is inequitable to apply the penalty tax on early distributions to public safety employees who are permitted or required to retire before the age of 55. I urge my colleagues to join me in cosponsoring this legislation on the simple ground that it seeks to restore plain justice for a well-deserving, highly essential group of Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. EXEMPTION FROM EARLY WITHDRAWAL TAX ON DISTRIBUTIONS TO RETIRED PUBLIC SAFETY OFFICERS.

(a) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(6) DISTRIBUTIONS TO PUBLIC SAFETY OFFICERS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any distribution from a plan maintained by the Federal Government, a State or political subdivision thereof, or any agency or instrumentality of either, which is received by a qualified public safety officer on or after retirement under such plan.

"(B) QUALIFIED PUBLIC SAFETY OFFICER.—For purposes of this paragraph, the term 'qualified public safety officer' means a participant in a plan described in subparagraph (A) with respect to whom the period of service taken into account in determining the amount of benefit under the plan includes at least 20 years of service of the participant as a full-time employee providing police protection, firefighting services, emergency medical services, or correctional facility services."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1023(a) of the Tax Reform Act of 1986.

By Mr. HEINZ:

S. 2083. A bill to ensure that certain railroad retirement benefits paid out of the dual benefits payments account are not reduced, and for other purposes; to the Committee on Labor and Human Resources.

RAILROAD RESTORATION ACT

● **Mr. HEINZ.** Mr. President, twice in the last 6 years when railroad retirement's vested dual benefits have been threatened by budget cuts, Congress has taken legislative action to ensure their protection. I call on my colleagues once again to take action to correct a regrettable mistake in the continuing resolution for appropriations of 1987. If this mistake is not adjusted, monthly retirement checks for some 275,000 retirees will be cut by as much as $63 per year.

Let me take a moment to explain what happened in the continuing resolution. The continuing resolution made a 4.26-percent across-the-board reduction in all discretionary spending in the Labor/HHS Appropriations. The 4.26-percent reduction, when applied to vested dual benefits, will not eliminate a COLA because there is no COLA for these benefits. Rather, it is an actual reduction in the basic benefit. Other retirement benefits are entitlements and are therefore automatically appropriated and, thus, are not affected by annual appropriations of discretionary spending accounts. Dual vested benefits, however, are funded for general revenues rather than through the railroad retirement trust funds and, therefore, run the risk of being reduced.

Vested dual benefits are treated differently than other railroad retirement benefits. These are benefits that had been earned by workers prior to 1974 and were protected in a special account when railroad retirement was restructured in 1974. Previously, railroad workers with extensive nonrail employment qualified for benefits under Social Security and railroad retirement that, in combination, were higher than the benefits of those who worked exclusively in rail employment.

Congress eliminated these dual benefits prospectively in 1974, but preserved in a special account dual benefits to the workers who had already vested. Congress chose to fund this account out of general revenues because of the inequity of charging rail workers for benefits that they could no longer receive. These benefits were fixed at that time, with no indexing for inflation.

Railroad retirement with vested dual benefits are continuously in danger of losing a portion of their benefits, due either to lack of attention or budget cutting. Twice the Congress has acted to prevent a reduction in these benefits.

In 1982, I sponsored an amendment included in the supplemental appropriations bill which restored full funding of dual benefits for the fiscal years 1983, 1984, and 1985. Once again in 1986, I introduced legislation which was added as an amendment to the Omnibus Reconciliation Act of 1986, to exempt dual vested benefits from further cuts under the automatic sequestration process.

Now, we face the necessity of acting again to rectify a cut in these benefits. What we have here is a case of congressional malpractice. We set out to slice the nonretirement accounts but slipped, and carved a chunk out of thousands of retirees' retirement checks as well. We need to suture this wound quickly. We in Congress have consistently opposed cutting retirement benefits for Social Security recipients, railroad retirees, and Federal civilian and military retirees. Not to undo this unintended and patently unfair cut in dual retirement benefits for railroad retirees would establish a dangerous precedent—one that would justifiably give all retirees cause to fear that Congress would cut their benefits.

With this in mind, Mr. President, I urge my colleagues to join me in correcting this unfortunate situation. Let us hope that in our efforts to remedy this oversight we may eliminate the fear railroad retirees have of losing their hard-earned benefits.

In so doing, we may restore their faith in the congressional process. I urge you to support the legislation I am introducing today. It is the responsibility of Congress to fix this oversight as quickly as possible, and to ensure railroad retirees that their benefits will not be cut.●

By Mr. HATCH (for himself, Mr. KASTEN, Mr. INOUYE, Mr. STEVENS, Mr. DECONCINI, Mr. WALLOP, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GRASSLEY, Mr. GARN, Mr. COCHRAN, Mr. MCCAIN, Mr. BOND, Mr. LUGAR, Mr. DANFORTH, and Mr. SIMPSON):

S. 2084. A bill to establish a block grant program for child care services, and for other purposes; to the Committee on Finance.

CHILD CARE SERVICES IMPROVEMENT ACT

Mr. HATCH. Mr. President, I am very pleased to be reintroducing the "Child Care Services Improvement Act" along with 15 of my Senate colleagues. Our distinguished colleague in the House of Representatives, Congresswoman NANCY JOHNSON, of Connecticut, is introducing an identical bill in that body.

Several improvements have been made to the bill I introduced in September, and we are ready to move forward with this legislation. We are eager to discuss the details of our proposal during the upcoming hearings planned by Senator DODD's Subcommittee on Children, Family, Drugs and Alcoholism.

Several prominent national organizations have reviewed our proposal as well as the complex problem of child care and agree that this approach is realistic, workable, and most important, effective.

I am joined in sponsoring this bipartisan legislation by 15 Senators who share my concern about the lack of quality child care and the ramifications such shortages have on families, on our workforce, and on our future generations. I invite other members of this body to study the provisions of our bill and to lend us their support. I believe they will find our approach a meritorious one and one which can be signed into law during this historic 100th Congress.

Mr. President, I ask unanimous consent that the text of the "Child Care Services Improvement Act of 1988" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Services Improvement Act of 1988".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of child care for working families;

(2) increase the access of low income and minority families to child care;

(3) ensure the health and safety of children entrusted to child care providers;

(4) provide incentives for private sector participation in child care services; and

(5) provide incentives to minimize the need for child care.

SEC. 3. FINDINGS.

Congress finds that—

(1) 63 percent of all women with children under the age of 14 are in the labor force and 52 percent of such women have children under the age of 6;

(2) of all of the women in the labor force, two-thirds are employed due to economic need because they are the head of a household or because they have a spouse that earns less than $20,000 per year;

(3) an estimated 70 to 90 percent of family day care providers are unregulated, unregistered, and difficult to find for potential consumers;

(4) since at least two-thirds of all children in child care are cared for in family or home-based environments, any sound social policy must recognize the dependence of families on this small business sector, assure that adequate time and resources exist to meet regulatory standards without interruption of services, and enhance parental access to the important service it provides;

(5) compliance with accreditation or licensing standards by providers may require a substantial capital investment that can discourage individuals from entering into the child care profession and increase the cost of child care for families;

(6) the shortage of day care slots jeopardizes the safety of thousands of children left unsupervised;

(7) there is a shortage of trained child care workers and of training programs for those interested in becoming care providers;

(8) low compensation for child-care personnel results in high turnover in day-care centers and discourages home-based providers from a long-term commitment to the profession, which creates insecure environments detrimental to the well-being of the children involved;

(9) difficulties in obtaining affordable liability insurance and in complying with cumbersome tax and filing requirements discourage potential child care providers from entering the profession; and

(10) the accumulated effects of the unavailability, unaffordability, and uncertain quality of child care in the United States will have a negative impact on the growth and development of children.

TITLE I—CHILD CARE BLOCK GRANT

SEC. 101. CHILD CARE BLOCK GRANT.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new part:

"PART D—CHILD CARE SERVICES BLOCK GRANT

"SEC. 1931. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of allotments to States to carry out the activities described in section 1934, there are authorized to be appropriated $250,000,000 for each of the fiscal years 1989, 1990, and 1991.

"SEC. 1932. ALLOTMENTS.

"(a) FORMULA.—

"(1) IN GENERAL.—The Secretary shall make an allotment to each State for each fiscal year from amounts appropriated for allotments for such fiscal year. The amount of such allotment shall be equal to the product of—

"(A) an amount equal to the amounts appropriated for allotments to States for such fiscal year; and

"(B) the percentage described in paragraph (2).

"(2) PERCENTAGE.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

"(A) an amount equal to the number of children under 12 years of age in the State involved living in a household whose income is not greater than 200 percent of the poverty level, adjusted for family size, as indicated by the most recent data collected by the Bureau of the Census; divided by

"(B) an amount equal to the number of children under 12 years of age in the United States living in a household whose income is not greater than 200 percent of the poverty level, adjusted for family size, as indicated by the sum of the respective amount determined for each State under subparagraph (A).

"(b) ADDITIONAL ALLOTMENT.—

"(1) SOURCE OF ALLOTMENT.—A State shall receive an additional allotment if funds appropriated and available for allotment for a fiscal year are not allotted to States under subsection (a) because—

"(A) at least one State has not submitted an application or description of activities in accordance with section 1935 for such fiscal year;

"(B) at least one State has notified the Secretary that the State does not intend to use the full amount of the allotment; or

"(C) at least one States' allotment is offset or repaid under section 1917(b)(3) (as such section applies to this part pursuant to section 1938).

"(2) METHOD OF ALLOTMENT.—The excess amounts available for allotment under paragraph (1) shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year.

"SEC. 1933. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make payments from amounts appropriated for each fiscal year, as provided by section 6503(a) of title 31, United States Code, to a State from the State's allotment under section 1932, in an amount equal to the Federal share of the total sums to be expended by the State for project grants pursuant to section 1934(a) for the fiscal year for which payments are made. For purposes of calculating payments under this section, the total sums to be expended by the State for project grants pursuant to section 1934(a) shall include the value of any in-kind expenditures to be made by the State which are targeted for project grants, but shall not include any funds from Federal sources (other than those to be provided from the State's allotment under section 1932).

"(b) FEDERAL SHARE.—The Federal share for each fiscal year shall be 80 percent.

"(c) TIMING OF PAYMENTS.—The Secretary may make payments to a State at such times and amounts (with necessary adjustments for overpayments or underpayments) as he and the Governor of the State consider appropriate.

"(d) CARRYOVER.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of that year shall remain available, for the next fiscal year, to the State for the purposes for which the payment to the State was made.

"SEC. 1934. STATE USE OF ALLOTMENTS.

"(a) PROJECT GRANTS.—Subject to subsection (d), amounts paid to a State under section 1933 shall be used by the State to make grants to eligible entities for projects described in subsection (c) that meet at least one of the purposes of the Child Care Services Improvement Act of 1988.

"(b) ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

"(1) a unit of a local government, including a school district;

"(2) an organization which qualifies as a nonprofit organization under section 501(c) or 501(d) of the Internal Revenue Code of 1986;

"(3) a professional or employee association;

"(4) a consortium of small businesses;

"(5) an institution of higher education;

"(6) a hospital or health care facility;

"(7) a family care provider;

"(8) a parent to use of employment-related or education-related expenses for child care by a registered, licensed, or accredited provider; or

"(9) an entity that the State considers able and appropriate to carry out a project under this part.

"(c) PROJECTS.—

"(1) PURPOSE.—A State may make grants to an eligible entity—

"(A) for child care certificate programs or scholarships that enable low income families to obtain adequate child care;

"(B) for the establishment and operation of community or neighborhood child care centers, including the renovation of public buildings for such purposes;

"(C) for the establishment and operation of after school child care programs;

"(D) to provide grants or loans to fund the start up costs of employer sponsored child care programs;

"(E) for the establishment and operation of training programs for child care providers;

"(F) for the temporary care of children who are sick and unable to attend child care programs in which such children are enrolled;

"(G) for the expansion of existing part-day child care programs into full-day child care programs;

"(H) for the establishment and operation of child care programs for homeless children;

"(I) for linking child care programs with programs designed to assist the elderly; or

"(J) for any project consistent with the purposes of the Child Care Services Improvement Act of 1988.

"(2) LIMITATIONS.—A State may not use amounts paid to the State under section 1933 to—

"(A) provide inpatient health care services or other unrelated services, except temporary sick child care as authorized under paragraph (1)(F);

"(B) make cash payments to intended recipients of services other than pursuant to the child care certificate system authorized by paragraph (1)(A);

"(C) purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment (except as provided in paragraph (1)(B)); and

"(D) satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds.

"(3) WAIVER OF LIMITATIONS.—The Secretary may waive the limitations contained in paragraph (2) on the request of a State if the Secretary finds that there are extraordinary circumstances to justify the waiver and that granting the waiver will assist in carrying out this part.

"(d) TECHNICAL ASSISTANCE.—The Secretary, on request by a State, shall provide technical assistance, including assistance in developing State licensing and accreditation standards, information on voluntary accreditation, and model programs for the training of child care providers, to the State in planning and operating activities to be carried out under this part.

"(e) STATE ADMINISTRATION.—

"(1) LIMITATION ON EXPENDITURES.—No more than 10 percent of the total amount paid to a State under section 1933 for a fiscal year shall be used for administering the funds made available under such section. The State shall pay from non-Federal sources the remaining costs of administering such funds.

"(2) STATE RESPONSIBILITIES.—From the funds reserved by the State under paragraph (1) for the administration of the amounts awarded to the State under section 1933, the State shall—

"(A) provide technical assistance to eligible entities participating in projects under this section;

"(B) conduct investigations of child abuse in projects funded under this section;

"(C) coordinate projects funded under the Child Care Services Improvement Act of 1988 with referral programs conducted pursuant to the State Dependent Care Development Grants Act;

"(D) establish regular communication with registered, licensed, and accredited child care providers on regulatory standards, provider training opportunities, provider support groups, and nutritional assistance programs; and

"(E) establish a consumer education program designed to inform parents and the general public about regulatory standards, complaint procedures, and the importance of parental involvement in assuring quality care.

"(f) CERTIFICATION.—To receive funds under this part, a State shall—

"(1) certify that the State will coordinate the provision of child care services with funds provided under the Child Care Services Improvement Act of 1988 with other child care services available in the State;

"(2) certify that the State agrees that Federal funds made available under section 1933 for any fiscal year will be used to supplement and increase the level of State, local, and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided under such section and will in no event supplant such State, local, and other non-Federal funds;

"(3) certify that the Governor of the State will establish an advisory council that meets the requirements of section 1936;

"(4) certify that the State will adopt standards of accreditation or licensing for family-based and group child care providers, and methods of inspection and certification based on such standards;

"(5) certify that, if it makes grants for child care certificate programs, the State will require that, in order to redeem a child care certificate provided to a parent, any family or home-based child care provider which has never been accredited or licensed will register with the appropriate State or local agency for a period of not more than two years, providing its name, telephone number, and address, after which it must become fully licensed or accredited under the standards established by the State; and

"(6) certify that the State will use the information contained in the report submitted to the Secretary pursuant to subsection (h) to regularly evaluate the impact of its distribution of funds received pursuant to section 1933 on the quality and availability of child care in the State.

"(g) STATE REPORTS.—

"(1) IN GENERAL.—Before March 31 of each fiscal year, the Governor of a State receiving funds pursuant to section 1933 shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the States' use of the funds received pursuant to section 1933 for the preceding fiscal year.

"(2) REQUIREMENTS OF REPORT.—The report submitted under paragraph (1) shall—

"(A) include information on the programs, activities, and services supported or provided with the funds received by the State under section 1933, including the number of children served, the number of low-income and minority families served, and the Federal, State, local, and private costs incurred;

"(B) include an estimate of the number of children cared for by unlicensed child care providers in the State during the preceding fiscal year and an estimate of the number of such children who are cared for by providers who are related to them;

"(C) include an examination of the impact of provider pay on the quality of child care and on provider and staff turnover in the State during the preceding fiscal year; and

"(D) be made public in the State in a manner that will facilitate comment by persons desiring to do so.

"(3) DUTIES OF SECRETARY.—Not later than September 30th of each fiscal year, the Secretary shall prepare and submit to Congress a summary of the information contained in the State reports submitted pursuant to paragraph (1). Such summary shall include an analysis of those programs, activities, and services supported or provided with the funds received by the States under section 1933 which the Secretary considers particularly innovative and effective, and an analysis of efforts made to regulate unlicensed child care providers.

"SEC. 1935. APPLICATIONS FOR GRANTS BY ENTITIES.

"(a) APPLICATION.—In order to receive a grant from a State under section 1934, an eligible entity shall submit an application to the State that—

"(1) describes the project that the entity is seeking the grant for; and

"(2) contains assurances that project will meet the requirements of subsection (b).

"(b) REQUIREMENTS.—An application submitted under subsection (a) shall—

"(1) provide assurances that the submitting entity will use the funds provided under the grant in accordance with the purpose and requirements of this part;

"(2) provide assurances that each family participating in a child care program assisted under this part will be assessed fees in an amount that is proportional to the annual income of the family;

"(3) specify provisions for parental involvement in the project; and

"(4) provide assurances that the project will meet the quality standards established by the State for accreditation or licensing.

"(c) FUNDING REQUIREMENT.—An eligible entity receiving a grant under this part shall be required to fund at least 10 percent, but no more than 50 percent, of the project cost with non-Federal funds. The non-Federal funding may be in cash or in-kind based on fair market value.

"(d) PRIORITY.—In awarding grants under this part, a State shall give priority to programs and projects which are designed to operate in succeeding years without receiving such grants.

"SEC. 1936. CHILD CARE ADVISORY COUNCIL.

"(a) ESTABLISHMENT.—The Governor of each State shall establish an advisory council on child care.

"(b) MEMBERSHIP.—(1) One-third of the number of positions on the State's advisory council on child care shall be reserved for parents and child care providers.

"(2) The remaining number of positions shall be filled by representatives of—

"(1) community-based organizations;

"(2) local governments;

"(3) social services agencies;

"(4) religious organizations;

"(5) educational institutions;

"(6) business organizations; and

"(7) labor or employee associations.

"(c) DUTIES OF COUNCIL.—The advisory council created under subsection (a) shall—

"(1) advise the Governor on the use of funds available to the State under this part;

"(2) advise the Governor on the child care needs of low-income and minority families;

"(3) develop a schedule of fees for child care services under which fees would be assessed in proportion to the annual income of the family served;

"(4) develop separate standards for accreditation or licensing of family-based child care providers and group child care providers participating in programs assisted under this part that shall include minimum competencies for child care workers and supervisors; and

"(5) recommend methods of inspection and certification to administer the accreditation or licensing standards established under paragraph (2).

"SEC. 1937. CHILD CARE RESEARCH AND DEMONSTRATION PROGRAMS.

"(a) RESEARCH.—The Secretary shall conduct and support by grant or contract research on the effectiveness of early childhood education and quality child care on child growth and development.

"(b) DEMONSTRATION PROGRAMS.—The Secretary shall conduct and support by grant or contract demonstration programs designed to test the effectiveness of innovative child care arrangements and programs.

"SEC. 1938. APPLICABLE PROVISIONS OF PART B.

"Except where inconsistent with this part, sections 1914(b), 1917(b) (1) through (5), 1918, 1919, and 1920 shall apply to this part in the same manner as such sections apply to part B of this title.".

SEC. 102. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 6 months after the date of enactment of this Act.

TITLE II—CHILD CARE LIABILITY

PART A—CHILD CARE LIABILITY REFORM

SEC. 201. DEFINITIONS.

For purposes of this title—

(1) the term "family based child care" means child care located in or on the site of the principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person who is self-employed as a child care provider, and the children cared for in such facility shall include children who are not the children of such provider;

(2) the term "group child care center" means a child care provider which is a private profit or nonprofit corporation, not located in the principal residence of the provider, and includes on-site child care;

(3) the term "in-home child care" means child care which is provided in a principal residence (within the meaning of section 1034 of the Internal Revenue Code of 1986) of a person and to which an outside individual child care provider comes, either for specified hours of the day or on a live-in basis, to provide care for the children of such residence;

(4) the term "on-site child care center" means a child care facility—

(A) operated by an employer for the care of children, at least 30 percent of whom are dependents of employees of such employer; and

(B) located on or near the business premises of such employer;

(5) the term "person" means an individual, corporation, company, association, firm, partnership, society, or any other entity;

(6) the term "Secretary" means the Secretary of Commerce; and

(7) the term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. APPLICABILITY.

(a) In General.—This part shall apply to any civil action in any State or Federal court against any child care provider who is in compliance with the licensing or accreditation requirements of the State in which he is located.

(b) Exception for Intentional Torts.—This part shall not apply to any civil action for an intentional tort.

(c) Preemption.—This part shall preempt and supersede Federal or State law only to the extent such law is inconsistent with this part. Any issue arising under this part that is not governed by this part shall be governed by applicable State or Federal law.

(d) Defenses Not Affected.—Nothing in this part shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of chapter 97 of title 28, United States Code, known as the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

SEC. 203. JOINT AND SEVERAL LIABILITY.

(a) In General.—Except as provided in subsection (b), joint and several liability may not be applied to any action subject to this part. A person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro-rata share of fault or responsibility for the injury, and may not be found liable for damages attributable to the pro-rata share of fault or responsibility of any other person (without regard to whether such person is a party to the action) for the injury, including any person bringing the action.

(b) Concerted Action.—

(1) Exception from application.—Subsection (a) shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages.

(2) Concerted action defined.—As used in this section, "concerted action" or "acting in concert" means the conscious acting together in a common scheme or plan of two or more persons resulting in a tortious act.

SEC. 204. COLLATERAL SOURCE OF COMPENSATION.

(a) Reduction of Award.—Any award of damages to a person in a civil action to which this part applies shall be reduced by the court by an amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

(b) Payment or Benefits Defined.—As used in this section, "payment or benefit covered by this section" means—

(1) any payment or benefit by or paid for in whole or in part by any agency or instrumentality of the United States, a State, or a local government, or

(2) any payment or benefit by a health insurance program funded in whole or in part by an employer;

but does not include any such payment or benefit that is (or by law is required to be) the subject of a reasonably founded claim of subrogation, reimbursement, or lien.

SEC. 205. STANDARDS AND PROCEDURES FOR AWARD FOR PUNITIVE DAMAGES.

(a) Standards.—Punitive or exemplary damages may, if otherwise permitted by applicable law, be awarded in any civil action to which this part applies only if the claimant establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting intentional or conscious disregard for the health or safety of those persons who might be harmed.

(b) Procedures.—In any civil action to which this part applies, at the request of the defendant, the trier of fact shall consider in a separate proceeding whether punitive or exemplary damages are to be awarded and, if so, the amount of such award. If a separate proceeding is requested, no evidence which is relevant only to the claim of punitive or exemplary damages, as determined by applicable law, shall be admissible in any proceeding to determine whether compensatory damages are to be awarded.

SEC. 206. LIABILITY OF NONPROFIT ORGANIZATIONS AND PUBLIC SCHOOLS.

(a) Liability of Separate Corporation.—Any eligible nonprofit organization or local educational agency which is the parent or majority owner of any entity incorporated or otherwise organized under applicable State law as a separate business organization providing child care shall not be liable for damages in any civil action to which this part applies brought against that separate corporation or organization.

(b) Definitions.—For purposes of this section, the following definitions shall apply:

(1) The term "eligible nonprofit organization" means an organization described in section 501(c) or 501(d) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code.

(2) The term "local educational agency" has the meaning given to it under section 1001(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381(f)).

(c) Sense of Congress Regarding Expedited Incorporation.—The Congress recognizes that the entities described in subsection (a) are making a significant contribution to society and encourages the States to establish expedited and simplified procedures under which nonprofit organizations and local education agencies may inexpensively and quickly incorporate or otherwise organize such entities as a separate child care provider.

PART B—CHILD CARE LIABILITY RISK RETENTION GROUP

SEC. 210. PURPOSE.

It is the purpose of this part—

(1) to increase the availability of child care by alleviating the serious difficulty faced by child care providers in obtaining affordable liability insurance; and

(2) to provide States with a sufficient capital base for liability insurance purposes that may be increased or maintained through mechanisms developed by the State.

SEC. 211. FORMATION OF CHILD CARE LIABILITY RISK RETENTION GROUP.

(a) Assistance in Formation and Operation of Group.—Any State may assist in the establishment and operation of a child care liability risk retention group in the manner provided under this part.

(b) Child Care Liability Risk Retention Group Defined.—For purposes of this part, the "child care liability risk retention group" means any corporation (or other limited liability association)—

(1) whose members are child care providers licensed or accredited pursuant to State or local law or standards; and

(2) which otherwise satisfies the criteria for a risk retention group under section 2(4) of the Liability Risk Retention Act of 1986 (15 U.S.C. 3901(4)).

SEC. 212. STATE APPLICATIONS.

(a) Applications.—To qualify for assistance under this part, a State shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require, including a State plan which meets the requirements of subsection (b) of this section.

(b) State Plans.—

(1) Lead agency.—The plan shall identify the lead agency which has been designated and which is to be responsible for the ad-

ministration of funds provided under this part.

(2) PARTICIPANTS IN RISK RETENTION GROUP.—The plan shall provide that all participants in the child care liability risk retention group are child care providers who are licensed or accredited pursuant to State or local law or standards. In addition, the plan shall provide for maximum membership of family-based child care providers in the group.

(3) USE OF FUNDS.—The plan shall provide that the State shall use at least the amount allotted to the State in any fiscal year to establish or operate a child care liability risk retention group.

(4) CONTINUATION OF RISK RETENTION GROUP.—The plan shall set forth provisions which specify how the child care liability risk retention group will continue to be financed after fiscal year 1991, including financing through contributions by the State or by members of such group.

SEC. 213. FEDERAL ENFORCEMENT.

(a) REVIEW OF PLANS.—The Secretary of Health and Human Services shall review and approve State plans submitted in accordance with this part and shall monitor State compliance with the provisions of this part.

(b) FINDING OF NONCOMPLIANCE.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds—

(1) that there has been a failure to comply substantially with any provision or any requirements set forth in the State plan of that State; or

(2) that there is a failure to comply substantially with any applicable provision of this part,

the Secretary shall notify such State of the findings and of the fact that no further payments may be made to such State under this part until the Secretary is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected.

SEC. 214. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this part, there are authorized to be appropriated $100,000,000 for fiscal year 1989.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 215. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this part for each fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this part.

SEC. 216. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make an allotment to each State not referred to in section 215 for each fiscal year from the sums appropriated to carry out the provisions of this part for such fiscal year.

(b) ALLOTMENT FORMULA.—

(1) IN GENERAL.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this part for each fiscal year minus the amount reserved pursuant to section 215 for such fiscal year; and

(B) the percentage described in paragraph (2).

(2) PERCENTAGE.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the number of children under 12 years of age living in the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

(B) an amount equal to the number of children under 12 years of age living in the United States, as indicated by the most recent data collected by the Bureau of the Census.

(c) STATE ADMINISTRATIVE COSTS.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

SEC. 217. PAYMENTS.

(a) ENTITLEMENT.—Each State having a plan approved by the Secretary under this part shall be entitled to payments under this section for each fiscal year in an amount not to exceed its allotment under section 216, to be expended by the State under the plan for the fiscal year for which the grant is to be made.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, subject to the requirement of section 214, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under section 216 for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—REVOLVING LOAN FUND

SEC. 301. PURPOSE; DEFINITIONS.

(a) PURPOSE.—It is the purpose of this title to—

(1) increase the availability of family-based child care by enabling family-based child care providers to meet accreditation or licensing standards; and

(2) provide States with a sufficient capital base to make loans that may be increased or maintained through mechanisms developed by the State.

(b) DEFINITIONS.—For purposes of this title, the following definitions shall apply:

(1) The term "Secretary" means the Secretary of Health and Human Services.

(2) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 302. STATE APPLICATIONS.

(a) SUBMISSION OF APPLICATION.—

(1) FORM OF APPLICATION.—To qualify for assistance under this title, a State shall submit an application to the Secretary, at such time, in such manner, and providing such information as the Secretary may require, including a plan which meets the requirements of paragraph (2).

(2) QUALIFYING FOR LOAN.—The State shall submit a plan which sets forth procedures and requirements whereby any person desiring to make capital improvements to the principal residence of such person (within the meaning of section 1034 of the Internal Revenue Code of 1986) in order to become a licensed or accredited family-based child care facility, pursuant to State or local law or standards, may obtain a loan from the State revolving loan fund (hereinafter called the "fund"). Such fund shall be administered by the State and shall provide loans to qualified applicants, pursuant to the terms and conditions established by such State, in an amount, determined by such State, which is not in excess of $1,500.

(b) STATE PLAN.—

(1) ESTABLISHMENT OF FUND.—The State shall provide in its plan, that such State has established a revolving loan fund, and has provided procedures whereby—

(A) moneys are transferred to such fund to provide capital for making loans;

(B) interest and principal payments on loans and any other moneys, property, or assets derived from any action concerning such fund are deposited into such fund;

(C) all loans, expenses, and payments pursuant to the operation of this title are paid from such fund;

(D) loans made from such fund are made to qualified applicants for capital improvements to be made so that such applicant may obtain a State or local accreditation or a license for a family-based child care facility; and

(E) the plan shall set forth provisions which specify how any such revolving loan fund will continue to be financed after fiscal year 1990, such as through contributions by the State or by some other entity.

(2) QUALIFICATIONS.—Such plan shall also set forth procedures and guidelines to carry out the purposes of this title, including provisions which will assure that only applicants who obtain a license or accreditation for a child care facility in accordance with the provisions of State or local law or standards, benefit from loans made available pursuant to the provisions of this title.

SEC. 303. AUTHORIZATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this title, there are authorized to be appropriated $25,000,000 for fiscal year 1989.

(b) AMOUNTS TO REMAIN AVAILABLE.—The amounts appropriated pursuant to subsection (a) shall remain available for assistance to States for fiscal years 1989, 1990, and 1991 without limitation.

SEC. 304. RESERVATIONS FOR TERRITORIES AND ADMINISTRATIVE COSTS.

From the sums appropriated to carry out the provisions of this title in each fiscal year, the Secretary shall reserve—

(1) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be alloted in accordance with their respective needs; and

(2) 3 percent for the administrative costs of carrying out the provisions of this title.

SEC. 305. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make an allotment to each State not referred to in section 304 for each fiscal year from the sums appropriated to carry out the provisions of this title for such fiscal year.

(b) ALLOTMENT FORMULA.—

(1) IN GENERAL.—The amount of each State's allotment under subsection (a) shall be equal to the product of—

(A) an amount equal to the sums appropriated to carry out the provisions of this title for each fiscal year minus the amounts reserved pursuant to section 304 for such fiscal year; and

(B) the percentage described in paragraph (2).

(2) Percentage.—The percentage referred to in paragraph (1)(B) is a percentage equal to the quotient of—

(A) an amount equal to the number of children under 12 years of age living in the State involved, as indicated by the most recent data collected by the Bureau of the Census; divided by

(B) an amount equal to the number of children under 12 years of age living in the United States, as indicated by the most recent data collected by the Bureau of the Census.

(c) State Administrative Costs.—Of the amount allotted to a State pursuant to subsection (a), an amount not to exceed 10 percent shall be used by such State to provide for the administrative costs of carrying out such program.

TITLE IV—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986

SEC. 401. SHORT TITLE.

This title may be cited as the "Child Care Facility Tax Incentive Act of 1988".

SEC. 402. CREDIT FOR EMPLOYERS PROVIDING QUALIFIED CHILD CARE FACILITIES.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end thereof the following new section:

"SEC. 43. QUALIFIED EMPLOYER-PROVIDED CHILD CARE FACILITY CREDIT.

"(a) In General.—For purposes of section 38, the qualified child care facility credit determined under this section for any taxable year is an amount equal to 25 percent of the qualified child care expenses for such taxable year.

"(b) Limitation.—The amount of the credit determined under subsection (a) for any taxable year shall not exceed $100,000.

"(c) Definitions.—For purposes of this section—

"(1) Qualified child care expenses.—The term 'qualified child care expenses' means any amount paid or incurred by an employer during the taxable year to acquire, construct, or otherwise establish a qualified child care facility.

"(2) Qualified child care facility.—

"(A) In general.—The term 'qualified child care facility' means a facility—

"(i) operated by an employer for the care of enrollees, at least 30 percent of whom are dependents of employees of such employer,

"(ii) located on or near the business premises of such employer, and

"(iii) which is accredited or licensed to operate as a child care facility under applicable State and local laws and regulations.

"(B) Multiple employers.—In the case of a facility operated by more than 1 employer, such facility shall be treated as a qualified child care facility of each employer with respect to which the requirements of subparagraph (A) are met separately.

"(d) Basis adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(e) Special Rules.—For purposes of this section—

"(1) Allocation in case of multiple employers.—In the case of employers to which subsection (c)(2)(B) applies, the amount of credit allocable to each such employer shall be its proportionate share of the qualified child care expenses giving rise to the credit.

"(2) Pass-thru in the case of estates and trusts.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(3) Allocation in the case of partnerships.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(4) Receipt of child care project grant.—An employer is not eligible for a credit under this section for a taxable year if he received a child care project grant pursuant to section 1934 of the Public Health Service Act during such taxable year.".

(b) Conforming Amendments.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking out "plus" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5), and inserting in lieu thereof a comma and "plus", and

(C) by adding at the end thereof the following new paragraph:

"(6) the qualified child care facility credit determined under section 43."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 43. Qualified employer-provided child care facility credit."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 403. CERTAIN EARNINGS FROM THE PROVISION OF CHILD CARE SERVICES ENTITLED TO LOWER RATE OF SELF-EMPLOYMENT TAX AND EXCLUSION FROM ESTIMATED TAXES AND WITHHOLDING.

(a) Self-Employment Taxes.—Section 1402 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end thereof the following new subsection:

"(k) Special Rules and Rate of Tax for Income From Family-Based and In-Home Child Care Services.—For purposes of this chapter—

"(1) In general.—For purposes of this chapter, any earned income (as defined in section 911(d)(2)) derived from the provision of qualified family-based or in-home child care services shall be treated as gross income derived by an individual from a trade or business carried on by such individual, and the rate of tax imposed under subsections (a) and (b) of section 1401 on the self-employment income of such individual attributable to providing those services shall be equal to one-half of the rate determined without regard to this paragraph.

"(2) Qualified family-based or in-home child care services.—For purposes of this subsection—

"(A) In general.—The term 'qualified family-based or in-home child care services' means child care services provided to a child at a family-based or in-home child care facility.

"(B) Family-based child care facility.—The term 'family-based child care facility' means a facility—

"(i) which is located in (or on the site of) the principal residence of the taxpayer (within the meaning of section 1034),

"(ii) which is owned and operated by a self-employed individual (within the meaning of section 401(c)(1)), and

"(iii) which is accredited or licensed as a child care facility under applicable State and local laws and regulations.

"(C) In-home child care facility.—The term 'in-home child care facility' means the principal residence (within the meaning of section 1034) of the child to whom child care services are being provided.".

(b) Amendment to Social Security Act.—Section 209 of the Social Security Act is amended by striking "or" at the end of subsection (r), by striking the period at the end of subsection (s) and inserting ", or", and by adding after subsection (s) the following new subsection:

"(t) Any payment to an individual for qualified family-based or in-home child care services (within the meaning of section 1402(k)(2) of the Internal Revenue Code of 1986).".

(c) Wage Withholding Not Required.—Section 3401(a) of the Internal Revenue Code of 1986 (defining wages) is amended by striking out "or" at the end of paragraph (19), by striking out the period at the end of paragraph (20) and inserting in lieu thereof ", or", and by adding after paragraph (20) the following new paragraph:

"(21) for qualified family-based or in-home child care services (within the meaning of section 1402(k)(2)).".

(d) Exemption From Estimated Tax.—Section 6654(e) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(4) Underpayment attributable to income from day care services.—No addition to tax shall be imposed under subsection (a) with respect to any underpayment attributable to earned income (within the meaning of section 911(d)(2)) from the providing of qualified family-based or in-home child care services (within the meaning of section 1401(k)(2))."

(e) Effective Dates.—

(1) The amendments made by subsections (a) and (c) shall apply to taxable years beginning after December 31, 1988.

(2) The amendments made by subsection (b) shall apply to remuneration paid after December 31, 1988.

SEC. 404. CAFETERIA PLANS REQUIRED TO PROVIDE CHILD CARE OPTION.

(a) In General.—Paragraph (1) of section 125(c) of the Internal Revenue Code of 1986 (defining cafeteria plan) is amended by adding at the end thereof the following new sentence:

"A plan shall not be treated as a cafeteria plan unless it provides an option to choose benefits under a dependent care assistance program (within the meaning of section 129(d)).".

(b) Effective Date.—The amendment made by this section shall apply to plan years beginning after December 31, 1989.

SEC. 405. ADDITIONAL DOUBLE PERSONAL EXEMPTION FOR PARENT REMAINING HOME WITH NEWBORN OR NEWLY ADOPTED CHILD.

(a) In General.—Section 151(c) of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end thereof the following new paragraph:

"(6) Additional double exemption for newborn and newly adopted children where parent does not work.—

"(A) In general.—An exemption of twice exemption amount for each dependent (as defined in section 152) who is a child (as defined in paragraph (3)) of the taxpayer who attains the age of 6 months during the taxable year, but only if—

"(i) the taxpayer has the same place of abode as such child throughout the period beginning with the birth (or, in the case of an adopted child, the adoption) of the child and ending on the date the child attains the age of 6 months, and

"(ii) the taxpayer performs no services for remuneration during such period.

In the case of a joint return, clauses (i) and (ii) shall be treated as met if one of the spouses satisfies the requirements of both such clauses.

"(B) Income limitation.—Subparagraph (A) shall not apply to any taxpayer whose adjusted gross income for the taxable year exceeds 200 percent of the poverty level (adjusted for family size) for the calendar year in which the taxable year begins.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 406. INDIVIDUAL RETIREMENT ACCOUNTS FOR HOMEMAKERS.

(a) Repeal of Limitation on Amount Which May Be Contributed.—Clause (i) of section 219(c)(2)(A) of the Internal Revenue Code of 1986 (relating to special rules for certain married individuals) is amended by striking "$2,250" and inserting "$4,000".

(b) Deduction May Be Allowable Even if Spouse Is Active Participant.—Paragraph (1) of section 219(c) of such Code is amended by inserting "(without regard to subsection (g))" after "subsection (a)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

TITLE V—MISCELLANEOUS FEDERAL CHILD CARE PROVISIONS

SEC. 501. PRESIDENT'S AWARD FOR PROGRESSIVE EMPLOYMENT POLICY.

(a) Establishment and Award.—(1) There is hereby established the President's Award for Responsive Management Policy to honor public and private sector employers who have—

(A) successfully implemented in their businesses family-oriented personnel programs and policies responsive to the child care needs of working parents; or

(B) made significant contributions to child care projects in their communities.

(2) The President's Award for Responsive Management Policy shall consist of a certificate, plaque, or other appropriate citation.

(b) Nomination and Selection.—Each year, the President, acting through the Secretary of Labor, shall solicit nominations for the President's Award for Responsive Management Policy from State and local elected officials, educational institutions, State-based employee or business associations, or other State or local entities. The President, in collaboration with the Secretary of Labor, shall select not less than 3 such nominees from each State to receive the President's Award for that year. Of the nominees selected from each State, at least 1 shall represent a small business, at least 1 shall represent an intermediate-size business, and at least 1 shall represent a large business.

(c) Presentation.—The President shall present the President's Award each year with such ceremonies as he may deem proper.

(d) Regulations.—The Secretary of Labor shall promulgate such regulations as are necessary to carry out the provisions of this section.

(e) Definitions.—For purposes of this section, the following definitions shall apply:

(1) The term "intermediate-size business" means a business with at least 101 but not more than 500 employees.

(2) The term "large business" means a business with 501 or more employees.

(3) The term "small business" means a business with not more than 100 employees.

(4) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 502. COORDINATION OF FEDERAL CHILD CARE ACTIVITIES.

The Secretary of Health and Human Services shall coordinate all activities of the Department of Health and Human Services relating to child care, and coordinate such activities with similar activities of other Federal agencies.

COMPREHENSIVE CHILD CARE SERVICES ACT OF 1988

Mr. BOND. Mr. President, today I join my distinguished colleague from Utah [Mr. Hatch], who has already established himself as a leader in this area, in introducing a comprehensive child care package. The key to success of Federal child care efforts, I believe, is and must be State flexibility and responsibility.

The bill to be introduced will embrace this philosophy and includes provisions which will give the States the elbow room they need to make these programs effective. States will be able to receive block grants and use the money to develop programs tailored to their specific needs.

Mr. President, about two or three decades ago, perhaps only 10 to 20 percent of mothers were actually in the work force. Today that figure is up above 50 percent, and studies by the Department of Labor and by private groups in my home State, Missouri, have forecast that this percentage will rise to 63, to 64, or 65 percent. This rise has come about first because of need, but also because of rapidly expanding opportunities for women to participate and utilize their talents in the workforce today. Theirs is a great contribution to our society. But at the same time working parents have a desire to ensure that their children are well cared for while they work.

I have discussed the needs of working parents with providers of child care, State officials, and with others concerned in my home State about the issue of child care. Based on these discussions, we have joined with Senator Hatch to promote legislation which will allow programs already underway in many States to be tailored to meet the particular needs of each State. I believe that the bill that is to be introduced will meet the tests of availability, affordability, and safety, and will come within the constraints of the Federal budget that we must recognize.

First, this measure would provide incentives to encourage private employers to provide onsite child care. The bill would allow qualified employers to deduct up to 25 percent of startup costs for establishing onsite child care programs. It also authorizes a $100 million pool to assist States in establishing liability insurance pools. Any accredited child care provider could be a member of these pools.

In addition, it would provide limits on collateral sources and joint and several liability, areas which threaten through expanded liability the assets of any organization undertaking child care.

Second, the bill would provide assistance to States to allow them to tailor child care programs to individual employers. The block grant funds could be utilized to provide loans to set up employer sponsored care or to enable other providers to set up that care. It would allow these entities to receive child care assistance as needed in their own particular situation.

Third, another interesting, and I think useful, part of this bill would permit the utilization of existing school facilities for constructive afterschool programs, something that has come to be recognized as one of the great opportunities that we overlook in our society. Today almost 23 percent of the children in this country are latchkey children. They go home after school to an empty house. Under this program, pilot projects similar to a very successful project which already exists in Independence, MO, could be set up to utilize school buildings after school to provide for the care of children.

Fourth, this bill would provide assistance to States to set up, establish, and enforce health and safety standards. This is very important and can best be done at the State level.

We would ask for the establishment by the Governors, of Child Care Advisory Councils to advise the legislature, the Governor, and the administration on appropriate standards.

Fifth—and I think very important—States could implement sliding-scale eligibility to remove disincentives for job advance among the working poor. In the State of Missouri, if the funds were available, they could be used to ensure that a working mother who, by hard work and skill achieves a higher pay scale which might reach the eligibility cap would not lose all day care assistance. It would allow a parent to increase his or her income without becoming ineligible for child care assistance, so there would be no disincentive for the working mother to obtain a higher wage.

Sixth, this program would provide assistance to States to establish programs to inform parents as to the kind of child care they should be seeking and to help them make an informed choice.

When I served as Governor of Missouri, I saw that many Federal attempts to address problems often resulted in overly cumbersome Federal regulations.

I believe this bill will meet the needs of the States. I will be discussing it with my former colleagues in the National Governors Association today, and I urge my colleagues to support its passage.

Mr. GRASSLEY. Mr. President, at 9:30 this morning, Senator Hatch held a press conference on the introduction of his new bill for child care services. I am pleased to join the Senator from Utah as a cosponsor of the Child Care Services Improvement Act. It is my understanding that he will introduce this vital legislation in the Senate sometime today.

The makeup and needs of the American families have experienced many changes. As policy makers, we must be responsive to their concerns, which includes day care for children. I am especially pleased to join in this effort with Senator Hatch. I know that he also recognizes and supports strong family values.

The Child Care Services Improvement Act of 1988 addresses many of the crucial issues facing child care providers. It would also alleviate the concerns of working parents regarding quality care for their children. This legislation would accomplish these tasks without onerous Federal regulations. Most importantly, it recognizes the importance of parental involvement with their children.

Well over half of today's youngsters have mothers in the labor force. As reflected in all social indicators, this number will undoubtedly continue to increase. Also, economic demands are forcing more mothers to return to work much sooner after the birth of a child. Fewer parents have the luxury of staying home with their children during the tender preschool years.

Deciding to place offspring in day care can be a painful process for many parents. Unfortunately, the process is further complicated by difficulties in obtaining affordable, high quality child care centers. The Senate's own child care center, for example, has a waiting list of 135 names. And that is for a center which cares for only 50 children. Most parents have to wait a year before they can get an opening at the center. It is especially challenging to obtain child care services in rural areas.

Even when parents have obtained child care, there are many special needs which can throw a monkey wrench into their arrangements. The most common example is temporary care for mildly ill children.

It is no wonder that there is a shortage of adequate child care providers. The business has many hidden expenses. This legislation would provide assistance for many of those costs. Block grants would be available to States and other local entities. Awards would be given to projects designed to improve delivery of child care services. In particular, these grants would provide seed money to local organizations to expand and create opportunities for child care services.

Another provision of the bill would alleviate some of the liability problems of child care providers. These liability provisions would not jeopardize the safety and well-being of children. They would simply limit the liability to those actions for which the provider is actually at fault.

Several incentives would diminish tax disincentives which now burden child care providers, such as opting out of employer Social Security requirements.

Of special importance to me, this bill also recognizes the importance of parental contact with their own children. It would double the personal exemption for parents who stay home with new born or newly adopted children at least 6 months. As we know well, nothing and no one can replace a parent's love and attention. This would encourage more parents to stay home longer with their children. Finally, the Child Care Service Improvement Act would allow equal contributions to IRA accounts for fulltime homemakers.

Mr. President, I am very pleased to join the Senator from Utah as a cosponsor of this very important legislation. I hope that my Senate colleagues will give it their full support.

● Mr. DANFORTH. Mr. President, I wish to express my strong support for the Child Care Services Improvement Act. Our country is faced with an enormous child care problem that deserves Federal leadership and a thoughtful response. I want to commend my distinguished colleague from Utah, Senator Hatch, for recognizing the problem and aggressively attacking it. In my view this is a very positive first step in the fight to help ensure that our Nation's children are cared for during the day.

In 1971, the White House Conference on Children voted child care as the most serious problem facing our Nation's children. The members of the conference urged the country to develop solutions. Today, a full 17 years later, we still have not addressed the problems adequately. According to a study completed by the Labor Department, only 2 percent of businesses now sponsor day care centers and 8 percent provide financial help or referral services. Existing programs designed to address this problem are woefully inadequate. Across the country child care centers and State programs to assist in child care have long waiting lists. The needs simply are not being met by the supply of affordable, good quality care.

There is a great deal of uncertainty about what the effect of our current child care system, or lack thereof, will be on the development of our Nation's children. In my mind, purchasing child care is purchasing an environment that will help determine the development of the child. These uncertainties are very disturbing given the numbers of children who are currently in child care programs. Today, some have estimated that as many as 26 million children, one half of the children in our country, do not have a parent in the home during the day as both parents are in the out-of-home work force. The Bureau of Labor Statistics reports that nearly 10 million children under age 6—or nearly half the children in the United States in that age group—are in households where the mother is in the labor force. Professor Ziegler, a well-known professor of child development and student of the child care problem in our country, has estimated that by the year 2000, 75 percent of all two-parent families will have both parents working in the out-of-home work force. Due to the significant numbers of children who need child care, our Nation must address the problems aggressively. We must ensure that these children are given good quality care that will allow them to develop into healthy, contributing members of society.

I certainly believe that child care should be first and foremost the family's responsibility. Parents best understand their children and obviously have a responsibility to those children and to their development. However, the changes in the family and workforce structures in recent years have meant that for many families there is no choice. Today, one in four children live in single parent families. More than half of our Nation's black children live in single parent families. In 1983, 25 percent of the two-parent families with both people working had incomes below $10,000 and 50 percent had incomes below $20,000. For these families, child care is a necessity rather than a luxury.

It is my understanding that four basic problems are straining the ability of many families to balance work and child-rearing responsibilities: availability, affordability, accessibility and quality of day care. The Child Care Services Improvement Act begins to address these problems. It would provide a series of payments to the States that would help establish and develop programs. There is a block grant that would serve as seed money to local organizations to establish or expand a variety of child programs; money that would help States establish a revolving loan fund from which family based child care providers may borrow to make capital improvements required to meet accreditation or licensing standards; and money that would be awarded to projects designed to improve child care services. In addition, the bill would provide tax incentives to encourage greater private involvement in the provision of child care and would begin to address the liability problem.

With respect to the liability issue, S. 2084 attempts to decrease the insurance burden suffered by many competent day care providers. To achieve this end, title II of the bill modifies rules concerning joint and several liability, collateral sources of compensation, and the awarding of punitive damages. In addition, it establishes a pool for the funding of State-operated child care risk retention groups.

The components of title II are well intentioned and should do much to reduce problems in this industry. However, because this legislation involves the interests of our children, we must be sure that these liability components will have no unintended effects on the responsibilities of child care providers. Specifically, we must ensure that any child who is injured as the result of the negligence of a child care provider will be given full compensation for any necessary medical treatment or related expenses.

In addition, attention should be given to the risk retention pool created by the act. Again, I am concerned about the possibility of unintended consequences, such as the unnecessary Federal regulation of certain private insurance companies.

In raising these concerns, my intentions are solely constructive. If these concerns prove to be well founded, I am prepared, at the appropriate time, to offer amendments to correct any problems.

In conclusion, I would like to commend the Senator from Utah for his attention to the problems surrounding child care. A solution is long overdue and the Child Care Services Improvement Act provides an important first step to solving the problems. I look forward to working with Senator HATCH in an effort to ensure that our children will be productive, contributing members of society in the future.●

By Mr. WEICKER (for himself and Mr. DODD):

S. 2086. A bill to establish a trust fund using civil penalties collected under the Occupational Health and Safety Act of 1970 to compensate victims of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut; referred to the Committee on Labor and Human Resources.

COMPENSATION FOR THE L'AMBIANCE PLAZA COLLAPSE VICTIMS

Mr. WEICKER. Mr. President, I rise today to introduce legislation to assure that the fines and civil penalties assessed by the Occupational Safety and Health Administration [OSHA] in the aftermath of the L'Ambiance Plaza tragedy are set aside for the families of those who died. I would note that this bill has the support of the International Association of Bridge, Structural and Ornamental Iron Workers, which is affiliated with the AFL-CIO. Ten months ago L'Ambiance Plaza, an apartment complex under construction in Bridgeport, CT, collapsed, killing 28 workers. Based on the findings of an investigation conducted by the National Bureau of Standards, OSHA imposed fines totaling $5.1 million on five construction companies involved in the project.

Assuming OSHA succeeds in collecting these fines—for some are being contested—under current law the money would go into the General Treasury for the Federal Government to use as it sees fit.

The bill I am introducing today seeks to put the money received as civil penalties into a trust fund to compensate the families who not only lost their loved ones in the accident but, in many cases, their major source of financial support as well.

The fund would be administered by the U.S. district court which has jurisdiction for the Bridgeport area. Claims could also be filed with the district court where the employer in question has its principal office. Final decisions regarding who is compensated and how much is awarded will rest with the courts. Any money remaining in the fund after a reasonable period of time has elapsed would go to the Secretary of Labor for deposit in the U.S. Treasury.

Mr. President, we cannot bring back the men who died or truly compensate their families for their loss. But we can see to it that any financial settlement benefits those who are the victims.

I urge my colleagues to join me in support of the bill. True, it deals with an accident in a single State. But the recent rise in construction deaths is a nationwide phenomenon. The trust fund I am proposing today is one aspect of the answer. More aggressive field inspections by OSHA is another and to that end Congress had directed a review of OSHA's onsite monitoring of new construction.

Hearings in both Houses of Congress have raised doubts about how well OSHA inspected the site and monitored the construction practices in use at L'Ambiance Plaza. Further hearings on the accident and on OSHA's inspection procedures will be held in the Senate Labor and Human Resources Committee in mid-March.

It is my hope that we can move ahead on both fronts to insure that the L'Ambiance tragedy is not repeated elsewhere in America and to see to it that those who have been hurt are helped.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION FOR L'AMBIANCE VICTIMS

(a) PAYMENT TO TRUST FUND.—Notwithstanding any other provision of law, all civil penalties recovered under the Occupational Health and Safety Act of 1970 (29 U.S.C. 651 et seq.) as a result of the collapse of the L'Ambiance Plaza in Bridgeport, Connecticut on April 23, 1987, shall be paid into a trust fund established by the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

(b) FILING OF CLAIMS.—Any person physically injured, or survivor of a person killed, by reason of the collapse of the Plaza may file a claim with the court to recover all actual and consequential damages resulting from the collapse of the Plaza, incuding a reasonable attorney's fee, except that a person or survivor must exhaust civil remedies against private or public persons before restoring to the trust fund.

(c) PAYMENT OF CLAIMS.—The court shall use monies in the trust fund to compensate such persons for legitimate claims filed under subsection (b), in an amount determined by the court.

(d) CIVIL ACTIONS.—No private party against whom a civil action has been filed may offer as a defense to or in such action any payment or potential payment under this section.

(e) REMAINDER TO TREASURY.—After compensation is provided in accordance with this section and a reasonable period of time has elapsed (as determined by the court), all funds remaining in the trust fund shall be paid by the court to the Secretary of Labor for deposit into the Treasury and shall accrue to the United States.

By Mr. MOYNIHAN:

S. 2088. A bill to provide for flexibility in the use of Federal Highway Program grants authorized under title 23, United States Code, and other Federal infrastructure grants, to establish a National Infrastructure Corporation, to provide additional financing for a variety of public works improvements, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL INFRASTRUCTURE DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, I rise to introduce "The National Infrastructure Development Act of 1988". The purpose of this proposed legislation is to establish new mechanisms for financing the much needed work that must be done to rehabilitate and expand the Nation's public works improvements, the basic underpinnings of its well-being and economic growth.

OUR DECLINING INFRASTRUCTURE

The National Council on Public Works Improvement stated in its report released today, Fragile Foundations, that there is "* * * convincing evidence that the quality of America's infrastructure is barely adequate to fulfill current requirements, and insufficient to meet the demands of future economic growth and development."

For example, while total real public works spending is increasing in absolute terms, from $60.4 billion per year in 1960 to $97.7 in 1985, it is declining as a Government spending priority. Federal, State, and local governments together devoted 6.8 percent (out of a $1.428 trillion total expenditures) of their budgets to public works in 1985, as compared to 19 percent (of $239 billion) in 1950.

According to an analysis prepared by the Federal Reserve Bank of Chicago, net public capital formation—the level of investment in roads, bridges, and so forth, after accounting for physical depreciation—tumbled from a high of 2.3 percent of GNP in the latter half of the 1960's to only 0.4 percent during 1980-1984.

In New York City, half the bridges are rated in poor or fair condition, some with visible cracks in their grating. In the case of one bridge last year, as reported by the New York Times, a hole "the size of a Buick" was found in the pavement. Many bridges have been partially closed, others require replacement.

There has been no major airport built in the United States since 1974 at Dallas-Ft. Worth.

Outside the small community of Amsterdam, NY, last April, a bridge on New York State's Thomas E. Dewey Thruway collapsed killing 10 people and causing untold economic loss.

According to the Los Angeles County Transportation Commission, the cost of congestion in Los Angeles County is about 485,000 hours per day of wasted time by drivers. That converts to a minimum of $507 million per year in wasted time and about 72 million gallons of gas per year—just in one county.

Three studies that have received a great deal of attention presented their findings in terms of annual capital investment shortfalls for major categories of public works infrastructure. These studies by the Congressional Budget Office, the Congressional Joint Economic Committee, and the Associated General Contractors found an annual shortfall ranging from $17.4 billion to $71.4 billion.

OUR WORK IN THE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

We are now at an important turning point in the history of the Federal Government's role in infrastructure. In the last year the Congress has legislated the end of two major infrastructure programs. The Interstate Highway Program, which has spent $218 billion on our Nation's roads since its inception in 1956, is close to completion. The Clean Water Act of 1972, which has funded $52 billion in sewage treatment plant construction, will also be coming to an end with the passage of amendments to the Clean Water Act in 1987. We have turned most of this responsibility over to State and local governments.

At the beginning of the 100th Congress, we established the Water Resources, Transportation, and Infrastructure Subcommittee of the Committee on Environment and Public Works. Our intent was to examine the Nation's infrastructure, reevaluate our requirements and develop policies to meet them.

We have held five hearings, the first of which featured the historic appearance of the Speaker of the House, JIM WRIGHT, as a witness. We have learned much through this hearing process. We have also had the benefit of the work of the National Council On Public Works Improvement, which was commissioned by the Public Works Improvement Act of 1984 to survey our Nation's infrastructure and report to the President and the Congress.

THE NATIONAL INFRASTRUCTURE DEVELOPMENT ACT OF 1988

"The National Infrastructure Development Act of 1988" has two purposes: First, to provide State and local governments with maximum flexibility to finance those projects and activities which are local in nature, and second, to reinforce the traditional and time-honored Federal role in providing financial assistance for large, capital intensive projects. The bill also recognizes that we must spend our money wisely by conducting research and development activities and stimulating technological innovation.

STATE INFRASTRUCTURE REVOLVING FUNDS (SIRF'S)

To meet these two major objectives, the bill establishes both a set of State—and Urban—revolving funds [SIRF's] and the National Infrastructure Corporation [NIC]. The bill's first section would allow States to deposit many of their present infrastructure grant payments from the highway, mass transit and airport trust funds into these new State infrastructure revolving funds [SIRF's], where they would then be loaned out to municipalities for local infrastructure initiatives of all kinds. States choosing to establish such funds would receive a bonus of 25 percent over their normal Federal payments. By putting those funds into State hands, this bill gives States and localities an increasingly large role in setting their own funding priorities.

States would have flexibility in setting the kinds of loans these SIRF's could provide. Even if all States chose to provide only no-interest loans, a Federal investment of $46 billion—including present Federal grants and the 25 percent bonus—would make available over $76 billion in the first 10 years of the program. As initial loans are repayed, money is again available to be loaned out, and the State revolving loan funds become self-sustaining. Therefore, in the following 10 years, these SIRF's would make available an additional $48 billion for no-interest loans.

NATIONAL INFRASTRUCTURE CORPORATION [NIC]

This legislation also establishes a National Infrastructure Corporation to provide financial help to projects of regional and national importance that are beyond the resources of the SIRF's. Such might include new beltways around major cities, new major airports, or a new Williamsburg bridge over the East River, which alone could cost more than $600 million. The corporation would be limited to providing loans for at most a 25 percent share of the cost of any project. This would force each and every undertaking to undergo the test of finding a majority of its financing in other markets. This "market test" is a sound public policy principle which we developed in the Water Resources Development Act passed in the 99th Congress. By requiring local cost sharing, we have seen a dramatic downsizing of projects—now that the Federal Government is no longer paying 100 percent of the project costs. The work of highest priority is the work that is being done.

MONETARY RETURN ON INFRASTRUCTURE INVESTMENT

The capitalization of this corporation does not require us to raise taxes. The corporation would be funded from interest earned on the $23.5 billion in unexpended balances in the Federal transportation trust funds. Principal would not be touched and this interest will equal $2.3 billion per year. If we assume that corporation money is used only for no-interest loans, and that only 25 percent of project costs were covered by loans from the corporation, then a $16.7 billion Federal investment over 10 years could provide financial assistance to more than $85 billion worth of projects. By charging a modest interest rate of just 3 percent, 93 billion dollars' worth of projects can be funded.

I would stress that the specifics mentioned here are ideas only. I hope this bill will stimulate discussion and thinking, and that good ideas will breed more good ideas. Future additions may include modifications to the Tax Code to allow States and localities greater access to capital markets, or refinements to the basic structures outlined here.

Providing for the integrity and well-being of the basic structures and services required by a modern society will be one of the most problematic and challenging matters we will face in the coming decades. We best start doing something about it now.

Mr. President, I would ask that my statement as well as the attached section-by-section summary of the bill be entered in the RECORD at this time, along with the full text of the bill. I ask that the bill be appropriately referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Infrastructure Development Act of 1988".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the recent net disinvestment in the Nation's public works infrastructure has led to deteriorating roads and bridges, a dangerously overburdened air travel network, a crisis in the disposal of solid waste, and rapid deterioration of existing infrastructure for transportation, communication, waste disposal, and other needs of our advanced society;

(2) after accounting for physical depreciation, public capital investment in infrastructure has decreased dramatically as a percentage of the Gross National Product, from 2.3 percent in the late 1960s, to 0.4 percent in the early- to mid-1980s;

(3) shortfalls in public investment for infrastructure have been estimated to equal between $17 billion and $70 billion per year;

(4) local governments have become increasingly burdened with financing the construction and maintenance of public works infrastructure and the Federal share of public investment has dropped from 31 percent in 1960 to 27 percent in 1985, while the local share has risen from 41 percent to 49 percent during the same period;

(5) the National Council on Public Works Improvement has recommended that total capital spending on public works infrastructure at all levels of government be doubled;

(6) adequate infrastructure investment is necessary for an efficient and growing domestic economy, international economic competitiveness, and a sustainable standard of living and quality of life in the United States;

(7) the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987 provided for the virtual completion of the interstate highway system, which has been the primary focus of Federal infrastructure funding since its inception; and

(8) the Nation is at a unique crossroads and must both reevaluate its spending priorities and create new financing mechanisms to address the needs of the future.

(b) The purpose of this Act is to provide new methods for financing investments in the Nation's public works infrastructure and to promote the more efficient expenditure of such investments—

(1) by providing for the leveraging of new and existing infrastructure investment;

(2) by promoting the development and use of innovative technology for public works;

(3) by encouraging investment in both small and large scale public works projects; and

(4) by providing for technical assistance to both State and local governments to encourage better use of their resources.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "infrastructure" includes the following:

(A) Highways;

(B) Roads;

(C) Streets;

(D) Bridges;

(E) Appurtenances to the items named in subparagraphs (A) through (D);

(F) Shoreline erosion protection facilities;

(G) Flood control facilities;

(H) Storm sewer and drainage facilities;

(I) Ports and harbors;

(J) Navigation channels and inland navigation facilities;

(K) Water impoundment facilities;

(L) Water collection, treatment, and distribution facilities;

(M) Irrigation facilities;

(N) Sewerage;

(O) Solid waste disposal facilities;

(P) Tunnels;

(Q) Public buildings;

(R) Airports and airport facilities;

(S) Mass transportation; and

(T) High speed surface transportation systems.

(2) The term "SIRF" means a State Infrastructure Revolving Fund established pursuant to title I.

TITLE I—STATE INFRASTRUCTURE REVOLVING FUNDS

TRANSFER OF FUNDS

SEC. 101. (a) For each fiscal year which begins on and after the effective date of this Act, the Secretary of Transportation shall pay to the appropriate Program Account of the State Infrastructure Revolving Fund of any State, established in accordance with section 102, such portion of—

(1) the funds allocated to the State under section 104(b)(2) of title 23, United States Code, for the Federal-aid secondary system,

(2) the funds allocated to the State under section 104(b)(6) of title 23, United States Code, for the Federal-aid urban system,

(3) the funds apportioned to the State under section 144 of title 23, United States Code, for replacement or rehabilitation of bridges that are not on the Interstate highway system,

(4) the funds apportioned to the State by reason of section 102(c) of the Federal-Aid Highway Act of 1987 (23 U.S.C. 104, note),

(5) the funds apportioned to the State under the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986, and

(6) the funds apportioned or otherwise available to the State under sections 3, 9(d), and 18 of the Urban Mass Transportation Act of 1964,

as the Governor of the State may request. Notwithstanding any other provision of law, such payments shall be made as soon as possible after the funds are allocated or apportioned to the State under such sections.

(b) Funds paid into a State Infrastructure Revolving Fund under subsection (a) shall be subject to all requirements that would otherwise be applicable to the funds under Federal law (including limitations imposed under section 120 of title 23, United States Code, on the share of a project that may be paid with Federal funds), but the State shall (except for loans described in section 102(b)(3)(B)), notwithstanding any other provision of law, use the funds to make loans which finance projects for which the funds are otherwise authorized to be expended.

AGREEMENTS TO ESTABLISH STATE INFRASTRUCTURE REVOLVING FUNDS

SEC. 102. (a) Each State electing to participate in the program established by this title shall enter into an agreement with the Secretary of Transportation for the purpose of ensuring that—

(1) in accordance with subsection (b), the State will establish a SIRF in the treasury of the State into which the State will deposit—

(A) any portion of the funds described in any of the paragraphs of section 101(a); and

(B) funds transferred from the National Infrastructure Corporation as "bonus funds" under section 234;

(2) amounts deposited in the SIRF of the State will be used by the State to make loans to departments, agencies, and instrumentalities of the State, to political subdivisions of the State, and to department, agencies, and instrumentalities of one or more political subdivisions of the State, and to interstate and regional authorities;

(3) loans made under paragraph (2) shall be used only—

(A) to buy or refinance the debt obligation of municipalities, intermunicipal agencies, and interstate and regional agencies within that State at or below market rates where such debt obligation was assumed at least 90 days before the date of enactment of this Act,

(B) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates,

(C) as a source of revenue or security for the payment of principal and interest on revenue or general obligations bonds issued by the State if the proceeds of the sale of such bonds will be deposited in the appropriate SIRF Program Account or the General Infrastructure Account where appropriate, or

(D) to earn interest on SIRF accounts;

(4) such loans are made at or below market interest rates, including no-interest loans, at terms not to exceed 20 years;

(5) annual principal and interest payments shall begin not later than 1 year after the completion of any project and all loans will be fully amortized not later than 20 years after project completion;

(6) the State will set up procedures to require that those receiving loans from any of the SIRF accounts demonstrate an ability to pay back such loan over its entire life; and

(7) in the case of any project that has received a loan from the SIRF and also receives a direct grant from any source for project work that is covered by such loan, the State shall require timely repayment by the borrower to the SIRF in the amount of such grant.

(b)(1) Each participating State shall establish within its SIRF a Program Account for each corresponding type of funds transferred under any of the paragraphs of section 101(a) and for the bonus payment made by the National Infrastructure Corporation under section 234, apportioned among the Program Accounts in the same proportion as are the funds transferred under section 101(a) for that fiscal year.

(2) The State is required to deposit into the appropriate SIRF Program Account the amount of the State matching share relating to the funds transferred under section 101(a).

(3)(A) There shall be established within each SIRF a General Infrastructure Account (hereafter in this Act referred to as the "GIA") which shall be credited with—

(i) all repayments of the principal of any loan made out of the SIRF; and

(ii) any interest accrued on, or investment income from, such loans or the funds transferred to the State by section 101.

(B) Loans from the GIA may be provided to any project meeting the definition of infrastructure under this Act.

(4) For each SIRF Program Account, the State shall establish a Priority List for projects to be funded, and funding for projects within each Program Account shall be in accordance with such Priority List.

(5) The State shall designate an instrumentality of that State to carry out the administration of the SIRF, and this instrumentality shall have the necessary powers and limitations required to carry out the provisions of this section. The State may use funds in the SIRF for the reasonable costs of administering the SIRF and conducting activities under this section, except that such amounts shall not exceed 4 percent of all deposits in the SIRF for the fiscal year in which these costs are incurred.

(c) Funds in a State's SIRF are authorized to remain available until expended to carry out the purposes of this section.

(d) Any State electing not to establish a SIRF, or a particular Program Account within a SIRF, shall continue to receive the Federal grants otherwise receivable by such State without regard to this Act.

PASS-THROUGH FUNDS TO CITIES

SEC. 103. Any city receiving direct pass-through grants from the Urban Mass Transportation Administration, the Federal Highway Administration, or the Federal Aviation Administration shall elect one of the following options:

(1) Such city may continue to receive these funds as before the effective date of this Act for use as direct project grants.

(2) Such city may deposit such funds in a set of accounts in the SIRF that is dedicated solely for projects within the jurisdiction of the municipality originally receiving such grants, and the repayment of principal and interest from any loan made from the capital generated by any such account would be deposited in a City General Infrastructure Account within the SIRF of the same form as the State's General Infrastructure Account. This City GIA shall be used to fund projects meeting the same specifications as for the State GIA, except that such projects must be within the jurisdiction of such city.

(3) Such city may establish its own City Infrastructure Revolving Fund (CIRF), which shall meet the same requirements and specifications as mandated for a SIRF under section 102. In order to receive Federal payments for deposit into the CIRF, a city shall enter into an agreement with the Secretary of Transportation to abide by the same terms and conditions as described in section 102.

GENERAL INFRASTRUCTURE ACCOUNT PRIORITY LIST

SEC. 104. (a) Each participating State shall establish a GIA Priority List that takes into account the relative priorities established in the several Program Account Priority Lists for projects that have not been funded from the Program Accounts. This GIA Priority List shall include projects for which there is no SIRF Program Account, and the funding of these projects shall be considered on an equal basis as those projects that do meet the criteria for funding from one of the Program Accounts. Any loans made from the GIA shall be made in accordance with this GIA Priority List. In preparing this GIA Priority List, a State shall take into account—

(1) the financial hardship that not funding a project would cause to the municipality undertaking it;

(2) whether a project would be built without a GIA loan;

(3) the necessity of a project for such municipality to meet Federal or State environmental or health and safety guidelines and the likelihood of penalties falling on such municipality for not meeting such guidelines if a loan is not provided;

(4) the degree to which a project will provide for proper maintenance of existing infrastructure;

(5) the degree to which a project is receiving grants or loans from other sources; and

(6) the degree to which a project will lead to a general improvement of the public health and safety and the quality of the environment.

REPORTS

SEC. 105. (a) Not later than 30 days after the close of each fiscal year, the Governor of each participating State shall prepare and transmit to the Secretary of Transportation a report describing the activities of its SIRF during the preceding fiscal year.

(b) The Secretary of Transportation shall promptly make each such report available to the National Infrastructure Corporation.

AUDITS

SEC. 106. In the use of funds under this Act, each participating State, and any municipality receiving a loan from any of the SIRF accounts, shall use such accounting, audit, and fiscal procedures as are in accordance with generally accepted government accounting standards.

REALLOTMENTS; WITHHOLDING OF PAYMENTS

SEC. 107. (a) The amount of any funds not obligated by the State from any SIRF Program Account by the termination of the period specified by the appropriate Federal agency for the obligation of such funds when used as direct project grants shall immediately be reallotted by the Secretary of the Treasury on the basis of the same ratio as is applicable to annual grants to the State for the respective programs. None of the funds reallotted shall be reallotted to any State that has not obligated all sums allotted to such State in the first of the two preceding fiscal years. States receiving such reallotted sums shall deposit them in the General Infrastructure Account of such State's SIRF.

(b) If the Secretary of Transportation determines that a State has not complied with its agreement with the Secretary or with any other requirement of this title, the Secretary shall notify such State of such noncompliance and the necessary corrective action.

(c) If a State does not take corrective action within 60 days after receiving notification of noncompliance, the Secretary of Transportation shall withhold additional payments to such State until satisfied that the State has taken the necessary corrective action.

(d) If the Secretary of Transportation is not satisfied that corrective actions have been taken by the State within 12 months of notification of noncompliance, the payments withheld from such State shall be made available for reallotment in accordance with the most recently applied formula for the allotment of such funds under this section.

TITLE II—NATIONAL INFRASTRUCTURE CORPORATION

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 201. This title may be cited as the "National Infrastructure Corporation Act of 1988".

DEFINITIONS

SEC. 202. For purposes of this title—

(1) The term "Board of Directors" means the Board of Directors of the Corporation, including the Chairman and the eight other Directors.

(2) The term "Chairman" means the Chairman of the Board of Directors of the Corporation.

(3) The term "concern" means any—

(A) person;

(B) State or political subdivision or governmental entity thereof, including any municipality of the State, or an Indian tribe or tribal organization; or

(C) multi-State entity which possesses legal powers necessary to carry out activities under this title.

(4) The term "Corporation" means the National Infrastructure Corporation.

(5) The term "Director" means a member of the Board of Directors, including the Chairman.

(6) The term "financial assistance" means loans or loan guarantees, except as otherwise provided in part C.

(7) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in section 3 of the Alaska Native Claims Settlement Act.

(8) The term "loan" means a loan or commitment to loan.

(9) The term "loan guarantee" means a guarantee of, or commitment to guarantee, indebtedness.

(10) The term "person" means any individual, company, cooperative, partnership, corporation, association, consortium, unincorporated organization, trust, estate, or any entity organized for a common business purpose.

PART B—ESTABLISHMENT OF THE CORPORATION

ESTABLISHMENT

SEC. 221. (a) There is hereby established the National Infrastructure Corporation.

(b) The principal office of the Corporation shall be located in the District of Columbia. The Corporation may establish offices elsewhere in the United States as determined by the Board of Directors of the Corporation. The Corporation is deemed to be a resident of the District of Columbia.

BOARD OF DIRECTORS

SEC. 222. (a)(1) The powers of the Corporation shall be vested in the Board of Directors, except those functions, powers, and duties vested in the Chairman by or pursuant to this title.

(2) The Board of Directors shall consist of a Chairman and eight Directors, selected as follows:

(A) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate.

(B) Six Directors shall be appointed by the President as follows:

(i) two Directors shall be governors of States or their designees,

(ii) two Directors shall be city mayors or their designees, and

(iii) two Directors shall be elected officials from county governments or their designees.

(C) Two Directors shall be the Secretary of Transportation and the Administrator of the Environmental Protection Agency or their designees.

(3) The Chairman shall devote full working time to the affairs of the Corporation and shall hold no other salaried position.

(4) No more than five of these Directors shall be affiliated with the same major political party.

(b)(1) The appointed Directors shall serve for seven-year terms. Of the Directors first appointed, the Chairman shall serve as Chairman for a seven-year term, one Director shall serve for a term of six years, one shall serve for a term of five years, one shall serve for a term of four years, one shall serve for a term of three years, one shall serve for a term of two years, and one shall serve for a term of one year.

(2) Upon expiration of the initial term of each initial Director, each Director appointed thereafter shall serve for a term of seven years. Whenever a vacancy shall occur on the Board of Directors among the Directors appointed by the President, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon the expiration of a term, a Director may continue to serve for a maximum of one year or until a successor shall have been appointed and shall have taken office, whichever occurs first.

(3) Any Director appointed by the President may be removed from office by the President only for neglect of duty or for malfeasance in office.

(c) Before assuming office, each Director shall take an oath faithfully to discharge the duties thereof. All Directors shall be citizens of the United States.

(d) The Board of Directors shall meet at any time pursuant to the call of the Chairman and as may be provided by the bylaws of the Corporation, but not less than quarterly. A majority of the Board of Directors shall constitute a quorum, and any action by the Board of Directors shall be effected by majority vote of all members of the Board of Directors. The Board of Directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the Corporation.

(e)(1) All meetings of the Board of Directors held to conduct official business of the Corporation shall be open to public observation, and shall be preceded by reasonable public notice. Pursuant to such bylaws as it may establish, the Board of Directors may close a meeting if the meeting is likely to disclose—

(A) information which is likely to adversely affect financial or securities markets or institutions;

(B) information the premature disclosure of which would be likely to—

(i) lead to speculation in securities, commodities, utilities, or land; or

(ii) impede—

(I) the ability of the Corporation to establish infrastructure project selection criteria; or

(II) its ability to negotiate a contract for financial assistance; or

(C) matters or information exempted from public disclosure pursuant to paragraph (1), (2), (4), (5), or (6) of subsection (c) of section 552b, title 5 of the United States Code.

(2) The determination to close any meeting of the Board of Directors for any of the purposes specified in subparagraphs (A) through (C) of paragraph (1) shall be made in a meeting of the Board of Directors open to public observation preceded by reasonable notice. The Board of Directors shall prepare minutes of any meeting which is closed to the public and such minutes shall be made promptly available to the public, except for those portions thereof which, in the judgment of the Board of Directors, may be withheld under the provisions of subparagraphs (A) through (C) of paragraph (1).

(f) The levels of compensation of the Board of Directors shall be fixed initially by the President and may be adjusted from time to time upon recommendation by the Board and with concurrence of the President.

OFFICERS AND EMPLOYEES

SEC. 223. (a) The Chairman shall be the chief executive officer of the Corporation, and shall be responsible for the management and direction of the Corporation.

(b) The Board of Directors shall—

(1) establish the offices and appoint the officers of the Corporation (including a General Counsel and Treasurer) and define their duties;

(2) fix the compensation of individual officer positions and categories of other employees of the Corporation taking into consideration the rates of compensation in effect under the Executive Schedule and the General Schedule prescribed by subchapters II and III of chapter 53 of title 5, United States Code, for comparable positions or categories. If the Board of Directors determines that it is necessary to fix the compensation of any officer position or category of other positions at a rate or rates in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, the Board of Directors may transmit to the President its recommendations with respect to the rates of compensation it deems advisable for such positions and categories. Such recommendations shall become effective at the beginning of the first pay period which begins after the thirtieth day following the transmittal of such recommendations unless the President has specifically disapproved such recommendation and notified the Board of Directors to such effect; and

(3) provide a system of organization to fix responsibility and promote efficiency.

(c) Except as specifically provided in this title, Directors, officers, and employees of the Corporation shall not be considered to be Federal employees for purposes of any law of the United States.

(d) The Chairman shall appoint such employees as may be necessary for the transaction of the Corporation's business to, and may discharge such employees from, positions established in accordance with this section.

(e) No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Corporation, except as provided in section 222(a)(2).

CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE

SEC. 224. (a) The financial disclosure provisions of the Ethics in Government Act of 1978 (92 Stat. 1824; Public Law 95-521) applicable to individuals occupying positions compensated under the Executive Schedule shall apply to the Directors and officers of the Corporation and to employees of the Corporation whose compensation is established by the Board of Directors pursuant to section 223 at a rate equivalent to that payable for grade GS-16 or above of the General Schedule established by chapter 53 of title 5, United States Code. The financial disclosure provisions of the Ethics in Government Act of 1978 shall apply to the Corporation as a Federal agency.

(b) Any provision of law governing post-Federal employment activities shall not apply to former Federal employees who may be employed by the Corporation while acting on behalf of the Corporation.

(c)(1) Except as permitted by paragraph (3), no Director shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Corporation, in which, to his knowledge, the Director or his spouse, minor child, partner, or an organization (other than the Corporation) in which the Director is serving as officer, director, trustee, partner, or employee, or any person or organization with whom the Director is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Action by a Director contrary to the prohibition contained in paragraph (1) shall be cause for removal of such Director pursuant to section 222(b)(3), but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the Director or officer participated.

(3) The prohibition contained in paragraph (1) shall not apply if the Director first advises the Board of Directors of the nature of the particular matter in which he proposes to participate and makes full disclosure of such financial interest, and the Board of Directors determines by majority vote that the financial interest is too remote or too inconsequential to affect the integrity of such Director's services for the Corporation in that matter. The Director involved shall not participate in such determination.

(d) Section 207(a) of title 18, United States Code (and subsections (f), (h), and (j) of such section, to the extent they relate to subsection (a)) shall apply to former Directors, officers, and employees of the Corporation as if they were former officers or employees of the executive branch of the United States Government. Such section shall apply to the Corporation as if it were an agency of the executive branch of the United States Government.

DELEGATION

SEC. 225. (a) The Board of Directors may, by resolution, delegate to the Chairman and the other Directors functions, powers, and duties assigned to the Corporation under this title other than those expressly vested in the Board of Directors pursuant to sections 222 and 223. The Chairman may, only by written instrument, delegate such functions, powers, and duties as are assigned to the Chairman by or pursuant to the provisions of this title to such other full-time Directors, officers, or employees of the Corporation as the Chairman determines appropriate.

(b)(1) Notwithstanding any other provision of law, the President and any other officer or employee of the United States shall not make any delegation to the Chairman, the Board of Directors, or the Corporation of any power, function, or authority not expressly authorized by the provisions of this title, except where such delegation is pursuant to an authority in law which expressly makes reference to this section.

(2) Notwithstanding any other provision of law, the provisions of chapter 9 of title 5, United States Code, shall not apply to authorize the transfer to the Corporation of any power, function, or authority.

GENERAL POWERS

SEC. 226. In carrying out the provisions of this title, the Corporation shall have the power, consistent with the provisions of this title—

(1)(A) to adopt, alter, and rescind bylaws, rules, and regulations; and

(B) to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons and private or governmental entities, except that the Corporation shall not provide any financial assistance except as otherwise specifically authorized by this title;

(3) to lease, purchase, accept gifts or donations of, or otherwise acquire, and to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property, real, personal, or mixed, or any interest therein;

(4) to sue and to be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings, except actions cognizable under the Federal Tort Claims Act, in which actions the Corporation will be represented by the Attorney General;

(6) to make provision for and designate such committees, and the functions thereof, as the Board may determine necessary or desirable;

(7) to indemnify such Directors, officers, employees, and agents of the Corporation, as the Board may determine necessary or desirable;

(8) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this title and to pay for such use, such payments to be credited to the applicable appropriation that incurred the expense;

(9) to procure insurance against any loss in connection with the Corporation's property and operations in such amounts and from such insurers as the Corporation determines proper;

(10) to receive capital contributions and to issue capital securities as provided in this title;

(11) to create, organize, and manage divisions and departments;

(12) to deposit moneys or funds of the Corporation in accounts insured by the Federal Government;

(13) subject to the provisions of this section, any moneys of the Corporation, including the proceeds of the sale of obligations, not required for immediate use by the Corporation, shall be invested in obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or in secured time deposit or other interest-bearing accounts secured by such obligations;

(14) to divest itself at any time of the obligations or equity securities of any applicant—

(A) by refinancing such obligations or equity securities;

(B) by offering such obligations or equity securities for public sale; or

(C) by any other method the Board may provide;

(15) to perform or authorize studies, or prepare or cause the preparation of reports and to convene meetings and conferences, and defray the costs and expenses of the foregoing; and

(16) to exercise all other lawful powers necessarily or reasonably related to—

(A) the establishment of the Corporation;

(B) carrying out the provisions of this title; or

(C) the exercise of the Corporation's powers, purposes, functions, duties, and authorized activities.

PUBLIC ACCESS TO INFORMATION

SEC. 227. (a) The Corporation shall make available to the public, upon request, any information regarding its organization, procedures, requirements, and activities, except that the Corporation is authorized to withhold information which is exempted from disclosure pursuant to subsection (b) of section 552 of title 5, United States Code, and section 222(e) as it pertains to minutes of meetings of the Board of Directors.

(b) The Corporation, upon receipt of any request for information, shall determine promptly whether to comply with such request and shall promptly notify the person making the request of such determination. In the event of an adverse determination, and if requested by the person requesting the information, such determination shall be reviewed by the General Counsel of the Corporation.

(c) Section 1905 of title 18, United States Code, shall apply—

(1) to Directors, officers, and employees of the Corporation as if they were officers or employees of the United States; and

(2) to the Corporation as a Federal agency.

AUDITS; RECORDS

SEC. 228. (a) The financial transactions of the Corporation shall be subject to audit by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances of securities held by depositaries, fiscal agents, and custodians. A report on each such audit shall be made by the Comptroller General to the Congress. The Corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General.

(b) The Corporation shall maintain adequate books and records to support its financial transactions. The books shall be maintained in accordance with recommended accounting practices.

ANNUAL REPORTS

SEC. 229. The Corporation shall submit to the President and the Congress, within 2 months after the end of each of the Corporation's fiscal years, a complete and detailed report with respect to such fiscal year, setting forth—

(1) a summary of the Corporation's operations for such fiscal year;

(2) the Corporation's revenues and expenditures for such fiscal year and the Corporation's balance sheet as of the end of such fiscal year, each in accordance with the categories and classifications established by the Corporation;

(3) a schedule of the Corporation's obligations and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(4) the status of projects receiving funding; and

(5) an updated national priority list, as required by section 235.

TAX STATUS OF THE CORPORATION

SEC. 230. Any real property owned in fee by the Corporation shall be subject to taxation by a State, territory or possession, the District of Columbia, the Commonwealth of Puerto Rico, local governmental unit, or other local authority to the same extent, according to its value, as other similarly situated and used real property, without discrimination in the value, classification, or assessment thereof.

PART C—AUTHORITIES

FINANCIAL ASSISTANCE FOR NATIONAL OR REGIONAL INFRASTRUCTURE PROJECTS

SEC. 231. (a) The Corporation shall establish a National Infrastructure Revolving Fund (hereafter in this title referred to as the "Fund") for the purpose of providing low-cost financing to major infrastructure projects. The Fund shall be capitalized in an amount equal to the amount of the capital stock of the Corporation.

(b) The Corporation, through the Fund, is authorized—

(1) to make loans on the condition that—

(A) such loans should be made at or below market interest rates, including interest-free loans,

(B) annual principal and interest payments will commence no later than 1 year after completion of the project,

(C) the recipient of a loan will establish a dedicated source of revenue for repayment of loans, and

(D) the Fund will be credited with all payments of principal and interest on all loans;

(2) to earn interest on fund accounts; and

(3) to deduct a fee for the reasonable costs of administering the Fund and conducting activities under this title, except that such amounts shall not exceed 2 percent of Fund receipts in that year.

(c) Financial assistance provided under this section to any major infrastructure project shall not exceed 25 percent of the total project costs necessary to carry out the project.

(d) Applicants for financial assistance must demonstrate that such projects meet the requirements set forth by the Board and meet the rate of return criteria required by the Board in this section.

TECHNICAL ASSISTANCE

SEC. 232. (a) The Corporation is authorized to provide technical assistance to qualified concerns. Such assistance shall be for—

(1) assisting municipalities in obtaining financing for infrastructure purposes;

(2) providing local infrastructure management with education and training programs;

(3) providing national long-range infrastructure planning and needs analysis; and

(4) assisting the participation by States and localities in the SIRF program as established in title I.

(b) In order to qualify, a concern shall submit an application to the Corporation, together with such information as the Board of Directors may prescribe demonstrating that such assistance would carry out the purposes of subsection (a).

TECHNICAL INNOVATION, RESEARCH, AND DEVELOPMENT

Sec. 233. (a) The Corporation is authorized to develop a program to provide for the advancement of technological innovation, technological transfer, and research and development as it pertains to infrastructure.

(b) The Corporation is authorized to make appropriate arrangements with the National Academy of Sciences to design such a program.

(c) The Corporation is authorized to utilize to the extent possible the existing Federal and university research programs in order to accomplish this objective.

BONUS PAYMENTS TO THE SIRFS

Sec. 234. (a) The Corporation shall pay into the SIRF of each participating State an amount, out of the National Infrastructure Revolving Fund, equal to 25 percent (for the first fiscal year after the effective date of this Act) and 10 percent (for each fiscal year thereafter) of the Federal share of grants deposited into the State's SIRF during the preceding fiscal year.

(b) Funds paid to a State by the Corporation pursuant to this section may be referred to as "bonus payments".

ESTABLISHMENT OF PROJECT DEFINITIONS, ELIGIBLE COSTS, ELIGIBLE PROJECTS, AND PRIORITY LIST

Sec. 235. The Board of Directors shall—

(1) establish criteria for infrastructure projects eligible for financing with the National Infrastructure Revolving Fund;

(2) define project costs for such projects that shall be eligible for receipt of money from such Fund;

(3) after the establishment of criteria under paragraph (1), receive proposals for projects from eligible States, municipalities, intermunicipal agencies, interstate agencies and other eligible public entities;

(4) develop a national priority list for the prioritization of such project proposals as the Board of Directors determines meet the criteria established in paragraph (1), are eligible under paragraph (2), and are in accordance with the purposes of this title; and

(5) only fund projects on the national priority list.

PART D—CAPITALIZATION AND FINANCE

CAPITAL STOCK

Sec. 241. (a) The Corporation shall have capital stock subscribed by the Secretary of the Treasury equal to the amount of funds derived from interest earned annually on the balances maintained in the funds described in section 242.

(b) The Secretary of the Treasury may subscribe to additional capital stock at any time so authorized by the Congress through the imposition of additional taxes or appropriations of additional funds by Congress.

(c) Five percent of annual capitalization shall be available for research and development, innovation, and technical assistance.

TRUST FUND INTEREST

Sec. 242. Paragraph (3) of section 9602(b) of the Internal Revenue Code of 1986 is amended to read as follows:

"(3) INTEREST ON CERTAIN PROCEEDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the interest on, and the proceeds from the sale or redemption of, any obligations held in a Trust Fund established by subchapter A shall be credited to and form a part of the Trust Fund.

"(B) CERTAIN INTEREST USED FOR NATIONAL INFRASTRUCTURE CORPORATION STOCK SUBSCRIPTION.—The interest on any obligations held in a Trust Fund described in section 9502(a) or 9503(a) shall be available to carry out the capital stock subscription described in section 241(a) of the National Infrastructure Corporation Act of 1988.".

TITLE III—EFFECTIVE DATE

Sec. 301. The provisions of this Act and the amendment made by section 242 of this Act shall take effect with the first fiscal year that begins after the date of enactment of this Act.

THE NATIONAL INFRASTRUCTURE DEVELOPMENT ACT OF 1988

The purpose of this bill is to promote greater investment in public works infrastructure. It would allow States to establish State Infrastructure Revolving Loan Funds to be capitalized by Federal grant payments. These funds would provide loans for projects on the State and local level. The National Infrastructure Corporation created in Title II would help finance larger scale infrastructure projects of regional and national scope, provide technical assistance to States and localities participating in the Revolving Fund program, and develop an infrastructure Research and development program.

This bill does not emphasize investment in one type infrastructure over any other, but allows for greater investment in all types of infrastructure. In the case of State Revolving Funds, States and localities would be given an increasingly large voice in setting funding priorities. At the national level, the Corporation would develop a National Priority List for large projects. A brief outline follows.

GENERAL PROVISIONS

The Congress finds that there is substantial underinvestment in public works infrastructure, that this is to the detriment of the nation, and sets a goal for this bill: to create new financing tools that will lead to greater capital formation for investment in public works infrastructure. This section sets out definitions for terms central to the debate and to the bill—"infrastructure" would be defined as:

"Highways, roads, streets, bridges and appurtenances thereto: shoreline erosion protection facilities; flood control facilities; storm sewer and drainage facilities; canals and inland navigation facilities; water impoundment facilities; waste water collection and treatment facilities; water collection, treatment and distribution facilities, irrigation facilities; sewerage; solid waste disposal facilities; tunnels; public buildings; airports and aviation facilities; mass transportation facilities; high-speed surface transportation facilities and port and harbor facilities."

TITLE I: STATE INFRASTRUCTURE REVOLVING FUNDS

1. General Requirements

States and localities presently receive grants from the federal government for a variety of public works purposes, some of which come from the general fund and some from the user fee-supported transportation Trust Funds.

This bill would give States (and some localities) the option of depositing a portion of these payments in a State Infrastructure Revolving Fund, to be subsequently loaned out for the same types of projects presently receiving grant money. Grant payments of clear national priority, such as Interstate Highway Construction and 4-R grants, would not be eligible for deposit. Those eligible for deposit would be the secondary road program, urban road program, the non-interstate portion of the bridge program (about 20 percent of all bridge grants) and ½ percent minimum grants from the Highway Trust Fund, 50 percent of the Mass Transit formula grants program, and the Airport grants program from the Airport and Airway Trust Fund. The following table shows the approximate annual contribution to all State revolving funds in millions of dollars:

PAYMENTS TO THE PROPOSED STATE INFRASTRUCTURE REVOLVING FUNDS IN THE FIRST YEAR OF THE PROGRAM

	Federal		State matching share
	Grants	25 percent bonus	
Highways	2,450	612	810
Transit	1,050	263	260
Airport	600	150	150
Totals [1]	4,100	1,025	1,220

[1] $6.35 billion flowing into the State Revolving Funds.

As shown above, States choosing to place federal grants in a Revolving Fund would be paid an extra 25 percent in the first year over and above their normal grants, to come from interest accrued on unexpended balance in the federal Trust Funds (see Title II for details.) The original 25 percent bonus payment would be reduced to 10 percent in subsequent years. This over $1 billion in "new" money would serve as an incentive for States to participate in the program and begin using their grant money for loans.

The intent of this program is to allow States great flexibility in the use of all funding dedicated to infrastructure. Even if all States established such Revolving Funds, a preponderance of federal infrastructure payments would remain in the form of grants. States would be encouraged to reprogram their own infrastructure spending for projects that could not be built without grant funding, and use their Revolving Funds for work better suited to loan financing. At present, the majority of government investment in infrastructure is by States and localities; federal grants account for just one-quarter of total investment.

The Department of Transportation would continue to administer these grants at the federal level, and would be required to certify that State Revolving Funds meet the requirements laid out in this Act.

2. Structure of the State Revolving Fund

Each Revolving Fund would contain a number of Program Accounts, with one corresponding to each federal grant program. Capital generated by these accounts would be loaned out for projects meeting the same eligibility requirements as for the corresponding federal grant program (including State matching share requirements). However, all repayment of these "first-round" loans would go into the Fund's General Infrastructure Account, and would thereafter be eligible for any and all qualified infrastructure projects (see the definition of infrastructure in General Provisions). This structure will retain the earmarked quality of these grants when they arrive in a State Fund (bridge money only being available for loans to bridge projects, for example), but would give the States greater flexibility in determining their own priorities in later years when money has been loaned out and repaid once.

3. Project Assistance from the State Revolving Fund

The bill directs States to establish a priority list for each Program Account, as well as an overall infrastructure priority list for money in the General Infrastructure Account. All projects would be funded with reference to these lists.

In addition, there would be certain minimum standards for any financial assistance provided by State Revolving Funds. They could make possible loans or interest buy-downs to provide financial assistance at below market interest rates, at terms not to exceed the useful life of the project or 20 years, whichever is greater, or could be used to refinance eligible debt taken on in the 90 days prior to enactment. All loan recipients would be required to demonstrate an ability to pay back a loan over its entire life.

4. Urban Revolving Funds

Large urban areas that presently receive direct federal payments (mostly for mass transit, airport and urban highway programs) would have three options. They could (1) set up their own City Revolving Fund, (2) establish separate City Accounts in the State Revolving Fund if their State has established such a Fund, or (3) continue to receive their direct grant payments. City Revolving Funds would be set up on the same model as State Revolving Funds.

TITLE II: THE NATIONAL INFRASTRUCTURE CORPORATION

1. The National Infrastructure Fund

All interest that accrues on the $23.5 billion balance in the federal transportation Trust Funds would be paid into the Natonal Infrastructure Fund, to be administered by the National Infrastructure Corporation in the manner outlined below. The Fund would serve as the capital stock of the Corporation.

These payments of Trust Fund interest would constitute the only budgetary impact of the bill. The Congressional Budget Office estimates that this interest will be $2.3 billion in fiscal year 1989.

2. Establishment of the Corporation

State Revolving Funds would be primarily responsible for funding projects of local and statewide interest. The non-profit National Infrastructure Corporation would provide financial assistance to regionally or nationally important projects beyond the resources of the State Revolving Funds, such as new beltways, major airports and high-speed ground transportation systems. The Corporation would be limited to lending at most a 25 percent share of the cost of any project. By so limiting federal assistance, projects would have to meet the market test of obtaining 75 percent of their financing from other sources.

A nine-member Board of Directors would be appointed by the President, with the Chairman to be a full time employee of the Corporation subject to Senate confirmation. Other directors would be as follows: two Governors, two city Mayors, two county officials, the Secretary of Transportation and the Administrator of the Environmental Protection Agency. No more than five of the Directors could be affiliated with the same political party. The Board would make annual reports to Congress on the activities of the Corporation.

3. Duties of the Corporation

A. Financing of major projects. The burden of defining exact criteria for the types of projects that would be eligible for Corporation financing would rest with the Board of Directors, within general guidelines provided by the Congress as part of this Act. In addition, the Board would make clear what types of costs within any projects could be covered by Corporation money. Financial assistance would be in the form of loans, Corporation guarantees of private loans, interest buy-downs and the like. The Corporation would not make direct project grants.

The Board would accept proposals for eligible projects from public instrumentalities, including cities, States, interstate agencies, regional development agencies and others. These would be reviewed and placed on a National Priority List, and funds would be dispersed based on this list as well as on other specific criteria developed by the Board.

B. Payments to State revolving funds. The Corporation would make bonus payments described in Title I out of the Fund to those States choosing to establish State Revolving Funds. These payments would go directly from the National Infrastructure Fund into the various Program Accounts within the State Revolving Funds.

C. Research and development and technical innovation. Five percent of the Corporation's annual capitalization receipts would be earmarked for a comprehensive national and regional program to promote research and development and technological innovation for public works infrastructure. The Board would make appropriate arrangements with the National Research Council of the National Academy of Sciences to develop such a program.

D. Technical assistance. The Corporation would be required to design and implement a program to provide technical and legal assistance to localities and others applying for loans from the State Revolving Funds. Likewise, it would help States and cities in establishing their Revolving Funds.

By Mr. MELCHER (for himself and Mr. WIRTH):

S. 2089. A bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes to the Committee on Energy and Natural Resources.

OIL MINING CLAIMS CONVERSION ACT

●Mr. MELCHER. Mr. President, today I am introducing legislation, with Senator WIRTH, to settle nearly 70 years of controversy regarding oil shale mining claims located under the mining law of 1872 prior to passage of the Mineral Leasing Act of 1920.

The need for this legislation arises following more than 50 years of litigation over oil shale mining claims and the highly controversial settlement last year by the Department of the Interior of litigation involving some of the oil shale claims in Colorado. Under the settlement, the United States agreed to issue patents for $2.50 per acre—the U.S. taxpayer received a mere $205,000 for 82,000 acres of land. The beneficiaries of this agreement included Exxon Corp., TOSCO Corp., Union Oil Co. of California, Amerada-Hess Corp., and other oil and energy companies, as well as individuals.

I do not believe that all of the contested oil shale claims in the settlement met the requirements of the mining law. It is a travesty that the U.S. Government turned these lands over for $2.50 per acre, and I want to prevent the same situation from occurring on the remaining 270,000 acres of which oil shale mining claims have been located. My bill would achieve this objective.

The Mineral Leasing Act of 1920 removed oil shale from location under the 1872 law and made it subject to a leasing system. However, the existing oil shale claims were grandfathered by the Mineral Leasing Act and remain subject to the requirements of the 1872 mining law. Under the mining law of 1872, claimants on the Federal lands can apply for and receive a patent granting full fee simple title to those lands for $2.50 per acre, providing certain requirements are met.

The requirements of the 1982 act include the discovery of a valuable mineral deposit, performance of 100 dollars' worth of annual assessment work and prior to receiving a patent, the expenditure of 500 dollars' worth of labor or improvements per claim.

There are questions to be asked: what proof has been presented that $100 per year of assessment work was done on each of the remaining thousands of oil share claims? And on what basis has it been demonstrated that there will be production of oil from the shale or that there is even any intent to produce oil commercially from those lands?

The legislation I am introducing addresses these problems in a manner that ensures that our public resources are not being given away indiscriminately at fire sale prices. The bill provides that no patents for oil shale claims shall be issued after February 5, 1987, unless a patent application had been filed and all requirements met by such date, consistent with the requirements of *Freese* v. *United States,* 639 F. 2d 754 (Ct. Cl. 1981), cert. denied, 454 U.S. 827 (1981). An oil shale claim holder would be required to elect to either hold the claim or convert the claim to a lease, subject to certain requirements.

It was never the intent of Congress that these claims be held for over 67 years without shale oil being developed. It was never the intent of Congress that patents be issued without annual assessment work being performed on the mining claims.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act shall be known as the "Oil Shale Mining Claims Conversion Act".

SEC. 2. Notwithstanding any other provision of law, with respect to any oil shale mining claim located prior to enactment of the Mineral Leasing Act of 1920 (30 U.S.C. 181, et seq.; 41 Stat. 437), no patent for such claim shall be issued after February 5, 1987, except for those claims for which a patent application had been filed and all requirements for a patent had been fully complied with by such date.

SEC. 3. (a) The owner of any valid oil shale mining claim located pursuant to the General Mining Law of 1872, as amended (30 U.S.C. 22, et seq.; 17 Stat. 91) prior to enactment of the Mineral Leasing Act of 1920 shall make an election under subsection (b) or subsection (c) of this section. The election shall be made within 180 days after the enactment of this Act. Failure to make an election within such period shall be deemed conclusively to constitute an abandonment of the oil shale claim. Not later than thirty days after the enactment of this subsection, the Secretary shall notify the owner of each such claim of the election required under this subsection.

(b) The holder of a claim required to make an election under this section may elect to convert such claim to a lease. Such lease shall be issued within 60 days after any such election and administered in accordance with those provisions of the Mineral Leasing Act of 1920, as amended, applicable to leases for deposits of oil shale, except as follows:

(1) The term of the lease shall be for 20 years and for so long thereafter as shale oil is produced annually in commerical quantities from the lease;

(2) The acreage limitations contained in section 21(a) (30 U.S.C. 241(a)) shall not apply;

(3) The first and second provisos of section 21(a) shall not apply;

(4) The limitation on the number of leases to be granted to any one person, association, or corporation contained in section 21(a) shall not apply; and

(5) The royalty shall be not less than 12½ per centum in amount or value of production removed or sold from the lease.

(c) The holder of a claim required to make an election under this section may elect to maintain the claim by complying with the mining laws of the United States and with the provisions of this Act, including the following:

(1) Notwithstanding any other provision of law, commencing with the date of enactment of this provision, on each claim $1,000 worth of labor shall be performed or improvements made during each and every year. The failure to fulfill this requirement each and every year shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

(2) Notwithstanding any other provision of law, in addition to the requirements set forth in Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744; 90 Stat. 2769), the owner of an unpatented oil shale mining claim shall file annually in the office of the Bureau of Land Management designated by the Secretary of the Interior an affidavit of assessment work performed thereon. The failure to file the affidavit shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

(3) If at the expiration of 10 years from the date of enactment of this Act shale oil is not being produced in significant marketable amounts from each oil shale claim, or for the benefit of each such claim, such failure to produce in significant marketable amounts shall be deemed conclusively to constitute an abandonment of the oil shale mining claim.

SEC. 4. In addition to other applicable requirements, any person who holds a lease pursuant to subsection 3(b) of this Act or who maintains an oil shale mining claim pursuant to subsection 3(c) of this Act shall be required to reclaim the site subject to such lease or claim and to post a bond before disturbance of the site to guarantee such reclamation. Any person who holds a lease issued or readjusted pursuant to section 21 of the Mineral Lands Leasing Act of 1920 after the date of enactment of this Act shall also be subject to such requirements. The Secretary of the Interior shall promulgate such regulations as may be necessary to implement this section.●

Mr. WIRTH. Mr. President, I am pleased to join with Senator MELCHER in introducing this legislation that will close the books on a controversy that has been simmering for 60 years. It is time to take down the for sale signs that are hanging over hundreds of thousands of acres of public lands in Colorado and other Western States. If this legislation is enacted into law, the for sale signs will come down.

This legislation addresses the problem of oil shale mining claims that were filed across parts of the West before the Congress passed the Mineral Leasing Act in 1920. Few, if any, of those claims have ever been developed. In many cases, assessment work that the general mining laws requires to be done every year was just not done, for years at a time. And there are very real questions whether these claims will be economically viable in the foreseeable future, if ever.

Nevertheless, in 1986 the Department of the Interior established the precedent of selling 82,000 acres of public land in Colorado burdened with pre-1920 oil shale mining claims, at the bargain basement price of $1.50 an acre. Those lands were prime habitat for the largest mule deer herd in North America. Every autumn, hundreds of people from Colorado and across the country used these lands for hunting.

Since these lands were part of the public domain, they were open to families who wanted to camp, hike, or just picnic in the Nation's great outdoors. And ranchers had Federal permits to graze sheep and cattle on these lands. As every westerner knows, those Federal permits can mean the difference between life and death for ranchers.

Until 1986, these lands were open to every Coloradan, indeed every American. Today, they are no longer part of the national legacy of public lands.

The legislation that Senator MELCHER is introducing today, and which I am proud to cosponsor, will prevent the issuance of oil shale patents for any more public lands. This legislation will ensure that these lands remain in public hands, where they rightfully belong.

At the same time, this legislation is fair to those who say they want to develop oil shale. This legislation will permit miners to maintain their claims under the 1872 mining law, although they won't be able to get title to the surface of the land. But this legislation also says that the mining claimants have to develop the oil shale in 10 years, or lose the claims. That is a very fair deal, Mr. President.

The mining claimants would also have the right to convert their claims to 20-year leases. Again, Mr. President, that is a very fair offer. These claims have been around the land for more than 60 years, with little evidence that the claims will ever be developed. This bill would give the claimants another 20 years to prove their claims.

But most important, this bill will keep these lands in public ownership. Ranchers won't lose their grazing permits. The public won't lose their access for hunting or camping or hiking. And the public trust in these lands will have been preserved.

This is a fair bill. It is in keeping with this Nation's longstanding commitment to wise use of its natural resources. And I urge our colleagues to join with us in supporting the bill.

By Mr. MELCHER:

S. 2090. A bill to amend the Internal Revenue Code of 1986 to modify the rules regarding the refunding of qualified small issue bonds; to the Committee on Finance.

REFUNDING OF QUALIFIED SMALL ISSUE BONDS

● Mr. MELCHER. Mr. President, the legislation I am introducing today will give some relief to those people who invested in their communities with small issue bonds.

When these people invested in these bonds, they had no idea Congress would change the rules in midstream. Under the new tax law, however, these people are finding that their investment may be no longer tax-exempt if they try to refinance their bonds in order to stretch out the repayments. In ordinary business practice this is not uncommon and is often essential for a business to continue its operations.

This legislation simply would permit these people to refinance their bonds without considering the bonds reissued under the new tax law as long as the average maturity date of the issue is not later than 5 years after the average maturity date of the bonds to be refunded by such issue.

This bill will correct a bad provision in the Tax Code and a correction that is urgently needed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF RULES REGARDING REFUNDING OF QUALIFIED SMALL ISSUE BONDS.

(a) MATURITY DATE OF REFUNDING BONDS.—

(1) IN GENERAL.—Subclause (I) of section 144(a)(12)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination dates for qualified small issue bonds) is amended to read as follows:

"(I) the average maturity date of the issue of which the refunding bond is a part is not later than 5 years after the average maturity date of the bonds to be refunded by such issue,".

(2) CONFORMING AMENDMENTS.—

(A) Clause (ii) of section 144(a)(12)(A) of such Code is amended by inserting "(or series of bonds)" before "issued to refund".

(B) Subparagraph (A) of section 144(a)(12) of such Code is amended by adding at the end thereof the following new sentence:

"For purposes of clause (ii)(I) average maturity shall be determined in accordance with section 147(b)(2)(A).".

(b) INTEREST RATE RULE REMOVED.—Clause (ii) of section 144(a)(12)(A) of such Code is amended by adding "and" at the end of subclause (II), by striking out subclause (III), and by redesignating subclause (IV) as subclause (III).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.●

By Mr. DURENBERGER (for himself, Mr. BAUCUS, Mr. STAFFORD, and Mr. CHAFEE):

S. 2091. A bill to protect the ground water resources of the United States; ordered held at the desk until the close of business on February 29, 1988.

GROUND WATER PROTECTION ACT

Mr. DURENBERGER. Mr. President, I am today introducing the Ground Water Protection Act, a bill to protect and restore the ground water resources of our Nation. I am joined on this legislation by Senators BAUCUS, STAFFORD, and CHAFEE.

Mr. President, the bill is our attempt to create a comprehensive strategy to protect and restore the precious and unique national resource which is our ground water. The bill is built on five basic principles.

First, that we place our highest priority on the prevention of contamination.

Second, that all of the ground water resource should be protected.

Third, that the drinking water supply for all Americans—including those who depend on private wells—should be of the same high quality.

Fourth, that the focus of a prevention program should be on the sources of contamination and the prevention technology and practices that can be applied at those sources.

And fifth, that State and local government must be our first line of protection, with Federal expertise and guidance allowing flexibility to address varying contamination problems around the Nation.

Mr. President, I will have more to say about each of those five principles in a moment but let me first say that ground water protection is about to become a much more active item on the Congressional agenda. This week the Committee on Environment and Public Works began a series of hearings on ground water protection legislation. Our first topic is the Federal Government's role in ground water research. I've had the great pleasure of joining with Senator BURDICK, the distinguished chairman of our committee, to introduce legislation, S. 1105, which creates new research authorities for the Environmental Protection Agency, the Geological Survey and the Department of Agriculture. Those hearings will go through the end of March.

And last week on Wednesday the Agriculture Committee began its work to rewrite the Nation's pesticide law. I have joined with Senator LEAHY, the chairman of that committee, as an author of the Ground Water Safety Act, a bill which is intended to protect ground water supplies from pesticide contamination. We expect that bill to be added as an amendment to the pesticide reauthorization. Senate action on both these bills—ground water research and pesticide reform—can be completed this year.

To prepare for these events, I have done two things. Two weeks ago I held six hearings across the State of Minnesota to give my fellow citizens an opportunity to have a say in this debate. They were very lively sessions and as always I got more good advice than the Congress could ever digest. But I came across some new ideas and new concerns which I will share with you today.

The second thing I've done is to complete work on this comprehensive ground water protection bill. It is a comprehensive bill like the Clean Air Act and Clean Water Act are comprehensive protection programs for our air and surface water resources. It's not the kind of legislation that Congress can pass right away. We will have many opportunities to discuss its details and adjust its specific provisions before it leaves this body.

What I'd like to do today is to describe the five main themes or principles that guided the development of this comprehensive legislation.

The first principle is that a comprehensive ground water protection program must focus on prevention.

We have heard many times—we heard again at our hearing yesterday—the statistics about our ground water resource. Ground water provides drinking water to 50 percent of our population—117 million Americans. Ninety-seven percent of Americans in rural areas rely on ground water for their household water needs. Ground water is the source of 30 percent of the water in our rivers and streams and may be the whole source in critical low flow periods when surface runoff is absent. There are millions of potential sources of ground water contamination—20 million septic tanks, 6 million storage tanks, 2 million miles of pipelines, 250,000 injection wells, 180,000 surface impoundments, 240 million acres of cropland sprayed with pesticides and fertilizers. It is a vast and complex resource.

But just let me add two more numbers to that picture. First, is the cost of the Superfund Program—$1 billion $500 million per year, 80 percent of which is directed at cleaning up ground water pollution. Superfund sites are so numerous and expensive, that we had to go to a broad-based, Federal tax—a corporate surtax—to clean them up.

By way of comparison, and this is the second number, EPA provides grants of only $6 million per year to the States for ground water protection strategies. Eighty percent of $1.5 billion for cleanup, $6 million for prevention. That's upside down. And when we tried to get the Congress to provide an additional $8 million to help the States implement the new wellhead protection program—I suspect not much more than the paperclip budget for the Superfund office—we were told there isn't $8 million worth of room in the Federal budget for new ideas. Well, we need to turn that kind of thinking around.

A focus on prevention is no more than an acknowledgement of the special nature of the ground water resource. There are characteristics of ground water which set it apart from surface water supplies.

First, it is not tested or treated before we drink it. Large urban communities like the Twin Cities of my home State which use surface waters for their drinking water thoroughly treat the water before it reaches the consumer. The water is disinfected with chlorine to kill biological contaminants and filtered to take out the solids and other pollutants.

Ground water on the other hand—and especially for small communities and those relying on private wells—often goes right to the tap without any treatment. We drink it as we find it.

Second, pollutants in ground water may be much more concentrated than in surface waters. Waters in rivers and lakes move rapidly and pollutants introduced at one point are quickly diluted by mixing with large volumes of water. Recall the recent Ashland oil spill in Pittsburgh.

But ground water moves very slowly and there is little mixing. A spill of liquid chemicals on the surface or a leak from a landfill or underground tank will create a plume of contaminants which will stay concentrated as it moves through the aquifer.

Where a serious incident of surface water pollution might produce contaminants in the range of 10 or 100 parts per million, the same contaminant may be found in ground water at several thousand parts per million. If you are drinking ground water untreated and you are pumping it from one of those contaminated plumes, the threat to your health may be very serious.

Third, it is practically impossible to clean up an underground aquifer once contaminated. In fact, despite Superfund and all of our other efforts, no one has ever restored a contaminated aquifer to its original condition.

We have made great strides as a Nation in restoring surface water quality over the past two decades. It has cost billions of dollars in Federal appropriations and industry expenditures. Rivers and streams are resilient. When we quit polluting, they are regenerated by the forces of Nature. Measurable progress has been made. But we dare not think that we could do the same for ground water, if it should become widely contaminated by intention or neglect.

So, ground water is often delivered untreated to the consumer. When polluted, the level of contamination may be very high. Once polluted, it is practically impossible to clean up. All of that argues for a protection strategy based on preventing contamination and that is the first principle which should guide our ground water legislation.

The second principle is that the ground water resource to be protected should be broadly defined. On this issue there appears to be two opposing views. One group favors a strategy that is sometimes called nondegradation. Those who favor a nondegradation goal want the resource broadly defined and all of it protected.

The alternative view is called differential protection. It argues that aquifers can be classified by their value or vulnerability and that some ground water can be allocated to uses that allow—that invite—degradation. This aquifer will be an industrial dump. That aquifer will be given over to agricultural chemicals. And so on.

This is currently the big issue in the debate on the Ground Water Safety Act, the pesticide bill I mentioned earlier. There it is a question of definition. What is the resource of concern. Some of us want to protect ground water. All of it.

Others argue that we need only protect water that is likely to reach a drinking water well. Waters that are shallow, that are remote from settled places, waters that are already contaminated by brine or nitrates or whatever, do not deserve protection from pesticides, some argue.

I'm on the nondegradation side of that debate. I'm there because ground water is different from surface water or air. It is not a resilient resource. If we choose to use an aquifer as a sink for pesticides, that is not just our decision. It's a decision which can't be reversed when our generation is done with the resource. It's a decision that will affect the choices available to our children and their children. Who's to say where the Americans of 2020 will want to put a drinking water well. Ground water is not simply a pathway by which we are exposed to our own garbage. It is a link to the future. We are its stewards and it is our job to protect the resource wherever possible.

Let me read you some of the actual text from the comprehensive ground water protection bill that we are introducing today. First, the goal:

> The purpose of this Act is to protect and enhance the physical, chemical and biological integrity of the Nation's ground water resources and to ensure that such resources are not degraded in any way.

That's the goal stated in the bill. It is accompanied by the following statement of policy:

> It is national policy to protect the quality and quantity of the ground water resources of the United States for the widest range of uses both for this generation and for posterity. Consistent with this policy, the goal of this Act is non-degradation, the ground water resources is broadly defined, and the protection afforded is for the resource and not solely its current users. That a particular aquifer or its portion is not currently used, or within the foreseeable future intended to be used, for a drinking water supply is not sufficient cause to allow degradation of that resource. Although some minor portion of the ground water resources of the Nation may be irreversibly or irretrievably committed to use and consumed during the stewardship of this generation, it is not the policy of the United States to allocate costs associated with current social and economic activities to future generations as ground water contamination.

The third principle reflected in this legislation is that public health protection should be provided for the drinking water supply of all Americans. The Safe Drinking Water Act is a public health law. It establishes standards—maximum contaminant levels—which apply to water supplied by public drinking water systems. And it requires that public supplies be monitored periodically to assure that the standards are met.

But 25 million Americans relying on private wells or very small systems are not covered by the Safe Drinking Water Act. That is rural America we're talking about—excluded from the fundamental protections of Federal law. And because of the high cost of testing and treating individual wells, many of these Americans cannot afford—or defer for other priorities in the family budget—the expensive sampling and analysis necessary to assure that their water is safe.

There are some who do not believe there is a public health problem from ground water contamination. Recently the Environmental Protection Agency released a report called "Unfinished Business." This report presented a comparative assessment of 31 major health and environmental problems facing our country. The comparisons were based on the collective judgment of the senior managers and staff professionals across EPA.

The problems considered included depletion of the ozone layer, toxic air pollution, pesticide contamination of food, acid rain, non-point-source pollution of surface waters, and so on.

Based on the judgment of EPA's senior managers, problems associated with ground water contamination—hazardous waste dumps, leaking underground tanks, surface impoundments—were ranked as a very low concern among the 31 problems.

The problems ranked as a high priority among the Agency's professional staff are principally problems associated with high exposure, lots of people, although individual risks might be quite small. Exposure drives EPA's agenda. For instance, ozone depletion ranked high because 235 million Americans may be exposed to additional ultraviolet radiation—even though the risks of cancer or other ill effects to any one American are currently relatively low.

EPA's findings with respect to ground water contamination are just the reverse. Few people are currently exposed to ground water pollution. So even though the risks to some may be quite high—as they often are at Superfund sites—the problem ranks low among EPA's concerns. High risk to small numbers does not drive the agenda.

Well, you can see the bias in that judgment. It's not fair to rural America. Our system of government promises equal protection under the law. While we don't often think of that principle in this context, there is no justification for a Federal environmental agenda which takes action on a 1-in-10 million risk of cancer when that risk is faced by a large number of city folks, but will ignore cancer risks of 1 in 1,000 or 1 in 100 for Americans living in rural areas simply because they have few neighbors and drink from private wells. That's not right.

Most Americans, city and country, want these high-risk sources of ground water pollution corrected. That's why Congress has created Superfund and the RCRA and LUST programs. The judgment of the American people on this question is different from the judgment of the EPA professionals. We cannot accept a ground water protection program that establishes a strong, health-based standard for urban drinking water systems and some other, less protective regime for small towns. In fact, our program must be targeted for small town and rural America because it is these Americans who rely most often on ground water and who can least often afford the testing and treatment that assures a safe supply.

The fourth principle is that our prevention strategy should focus on controlling sources of contamination by requiring better technology or practices. Everybody agrees that prevention ought to be the focus of a comprehensive ground water protection program. But how to go about it?

The Environmental Protection Agency is putting together a classification scheme as the cornerstone of its protection strategy. It divides aquifers into three classes—offering extraordinary protection for the highly valuable, vulnerable supplies; a baseline of protection for most potential drinking water; and authorizing the degradation of some aquifers of low value. I don't think the Federal Government should be in the business of deciding what aquifers should be used as dumps. And as I indicated a few moments ago, even if there are only several score families in a small town using an aquifer, their drinking water supply deserves every bit as much protection as the water supplies of Long Island, Miami, and Spokane.

Others have suggested that ambient ground water quality standards should be at the heart of the prevention strategy. Under this approach, EPA would establish numerical health-based standards for the 200 chemical and other agents which threaten ground water quality. States would enforce these standards through ambient monitoring programs.

I have grave reservations about the role of standards in a ground water protection program. They are needed. They answer the question "how clean is clean?" They facilitate enforcement against polluters. But they are not preventive. If you are monitoring a contaminant in ground water, the release has already occurred. If it exceeds the standard, the damage is already done.

It can take years for a contaminant released on the surface to percolate through the soil and reach ground water. When it finally hits the water table and is captured by a groundwater monitor, it is too late for that information to be useful in shaping the activities and practices necessary to prevent contamination.

We have had experience with standards in other environmental programs, air toxics in the Clean Air Act, maximum contaminant levels in the Safe Drinking Water Act, food tolerances in the pesticide program. It's been a uniformly negative experience. Years are spent on the research. Few standards are set. When they are and they're tough enough, the user often switches to some other more potent poison not yet regulated. Chemistry is a revolutionary science; standard setting is often the first step toward petrification.

My efforts have been directed at a third approach to a prevention strategy, source controls. I believe that it would be most efficacious to require technology and practices that will directly reduce the threat of contamination from the sources that are of concern. Cathodic protection and leak detection for underground storage tanks. Best management practices for pesticide and fertilizer use. Liners and leachate collection systems for landfills. Spacing requirements for septic tanks.

These are source controls. They focus on the problems. They are easily defined. They work against the whole panoply of chemicals including those not yet invented. Where the control technology is not currently available, Government and private research programs can make a contribution. Those who follow the underground storage tank industry know there has been a revolution in technology: tank design, leak detection and computerized monitoring systems, all new technologies that have come into being in the few months that have passed since Congress established the LUST Program.

There is no doubt that classification has a role to play. It helps set priorities. Wellhead protection areas are a form of classification. Ground water quality standards may also be an element of the strategy for cleanup and enforcement. But prevention comes down to limiting or mitigating discharges from sources. And I believe control technologies and practices for the major sources of concern can be easily developed, widely employed, and extraordinarily effective.

The fifth and final principle that guided development of this legislation is that the first line of protection must be the agencies of State and local government and that Federal guidance or direction must leave room for considerable flexibility.

I am an advocate for a strong Federal role. The taxpayers of the Federal Government are now paying 80 percent of $1.5 billion a year to clean up ground water contamination. They need a prevention program, too. They can't afford more Superfund sites.

In the hearings I held around Minnesota, I heard again and again, "Leave the decisionmaking to us here at the State and local level. But keep sending the money." Well, if the Federal Government is expected to pay 90 cents of every dollar—that's the matching rate in Superfund, 90 cents on the dollar—in cleanup costs, it must insist that prevention be a primary theme in those State and local decisions.

There are, nevertheless, aspects of the ground-water resource which make a State and local emphasis necessary. The ground-water resource is not everywhere the same. Where the resource is found as an unconfined aquifer with the water table near the surface, wellhead protection areas make a lot of sense. Where the aquifer is deep and confined and the recharge area is miles from the wellfield, some other protection strategy might be more appropriate.

And the threats to the resource have a regional character, as well. Minnesota doesn't have an oil and gas production industry. Pesticides and nitrates are the big problem there. But oil and gas is the principal problem in Kansas, Oklahoma, and New Mexico. We have to make room in a national program for each problem to get priority attention where it is a priority problem.

My inclination to leave substantial responsibilities with State and local government was refreshed again with the six hearings in Minnesota. I have chaired many hearings in Washington on ground-water problems of the Nation. And I came to those forums last week thinking I had a pretty good grasp on the issues concerning Minnesotans. In my opening statement I focused on underground storage tanks and pesticides and hazardous waste. And the testimony from the 40 or so witnesses also touched on these threats.

But the largest concern identified by those hearings was one I had not previously encountered—the threat of abandoned or poorly constructed wells. At the hearing here in the Twin Cities the mayor of Goodhue, MN, showed a videotape of a journey through his, now contaminated, municipal well. It demonstrated that a lack of casing allowed polluted water from near the surface to cascade into the well carrying it deep into the aquifer.

Then we went to Lakeland where 85 families have lost private wells to contamination. It appears that a variety of sources may be implicated in the damage. But the news was that the State of Minnesota has been prohibiting these homeowners from drilling new wells into the deeper aquifer for fear that the wells would simply serve as a conduit to spread the pollution down to uncontaminated zones. Again wells were part of the contamination problem.

At the Rochester hearing wells were called manmade sinkholes implying that in some respects all geology is like the geology of southeastern Minnesota, which is called karst. It has features which include natural sinkholes and underground channels that can cause rapid spread of contaminants. Well, in a sense we have made all of our geology karst geology because we have poked it full of holes, water wells, that allow rapid transport of pollutants.

They had thought about the abandoned well problem in Adrian, too. And they had a solution. Ask the township assessor to include a survey for abandoned wells as part of the normal assessment process.

When we got to St. Cloud the discussion of abandoned wells turned in a more troubling direction. We learned that they are frequently used as disposal pits for old machinery, pesticide containers and household garbage.

We heard estimates that there are tens of thousands of wells in some regions of the State. We also heard that it costs $1,200 to $2,000 to cap a well. If there are 2 million abandoned wells nationally—and that seems a low estimate to me—it would cost $3 to $4 billion to close out this potential source of contamination alone.

We have addressed the abandoned well problem as part of the broader ground-water protection effort which we are introducing today. This bill will require that all abandoned wells on a property must be plugged or capped before that property can be sold or title otherwise transferred. But I raise the abandoned well problem here today to illustrate that the national debate can never be fully informed as to all of the problems that people out here—people actually engaged in protecting the resource—can see.

There must be a strong role for State and local government in any ground-water protection program and there must be flexibility so that different priorities can be pursued in different parts of the Nation.

So, those are the five principles.

First, the program must focus on prevention.

Second, the resource should be broadly defined and all of it protected.

Third, public health protection should be provided for the drinking water of all Americans.

Fourth, controlling the sources of contamination through better technology and practices should be the strategy.

Fifth, State and local governments must be given a strong role and flexibility to set their own priorities.

Those are each fundamental issues. Issues that will be hotly contested as the national debate unfolds. We are starting with fundamentals.

Mr. President, I look forward to the coming weeks and months as this great institution turns its attention to the Nation's ground-water resources. I hope the bill we are introducing today will make some contribution to the discussion.

Mr. President, I would ask that a fact sheet on the bill and a summary of its major provisions be printed in the RECORD along with my remarks this afternoon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GROUND WATER PROTECTION ACT—FACT SHEET

The bill:

Includes a non-degradation goal. The purpose of the Act is to "protect and enhance the physical, chemical and biological integrity of the Nation's ground water resources and to ensure that such resources are not degraded in any way."

Encourages States to develop programs to control discharges from sources of contaminants. The control requirements would be designed and implemented by the States based on guidance provided by EPA. The source controls would include minimum technology requirements and management practices to prevent contamination.

Covers a broad range of source categories. EPA would publish guidance documents for the control of: septic tanks and cesspools; surface impoundments; pesticide applications; landfills and wastepiles; aboveground storage tanks; some classes of injection wells; fertilizer applications; irrigation practices; wastewater collection and treatment; land treatment; storm water discharge; oil and gas exploration and production; mining; geothermal wells; abandoned wells; pipelines; bulk storage facilities; and feedlots. States would have up to 8 years to establish source controls for these categories and could defer work on those sources which are not of high concern in the State.

Requires discharge permits for sources not operating under an approved State program. The bill establishes a permit program like NPDES under the Clean Water Act. However, sources which are in compliance with approved State programs for their category need not apply for a permit. No permit is required for small septic tanks, pesticide applications or fertilizer use.

Imposes more stringent Federal requirements on new sources. EPA is to promulgate source control requirements using a "best practicable technology" standard for new sources starting operation after the requirements are promulgated. These requirements would be enforced by the states as part of their source control program.

Requires States to identify wellhead protection areas for public water systems. Wellhead protection areas encompass the land area immediately surrounding a water supply well or wellfield where contaminants percolating to ground water are likely to produce immediate injury. Inside the wellhead areas designated by the States, sources will be required to employ control technologies and practices reflecting a higher standard of protection—"best available technology." The BAT regulations for each source category would be written by EPA, but would only be triggered in areas designated by the States.

Encourages States to identify other "primary aquifer protection areas" for protection similar to that which would apply in wellhead areas. BAT requirements would again apply to sources operating in these areas of vulnerable hydrogeology, high water yield and disposal, underground injection and nuclear waste disposal would be banned in primary aquifer protection areas.

Authorizes grants to local ground water management districts to manage aquifers and protect water supply. The organizational structure for these management districts is flexible including local governments, nonprofits, regional planning agencies and soil and water conservation districts. The grants would be supported by $175 million in revenue generated by a $1.00 per ton tipping fee on solid waste disposal at sanitary landfills.

Includes a 10 million acre ground water protection reserve. This program based on the conservation reserve program of the Feed Security Act would allow farmers and ranches to contract with the Secretary of Agriculture to use less intensively lands located within wellhead protection or primary aquifer protection areas, thus reducing the application of pesticides and nutrients which can leach to ground water.

Includes new authorities for corrective action at sites of ground water contamination. This program is intended to address the sites that will never make the National Priorities List under the Superfund program and is to be administered by the States under cooperative agreements with EPA.

Provides funds for testing and treatment of contamination at private wells. 20 million Americans draw their water from private wells and thousands of small communities rely on substandard ground water supply systems. These Americans are not adequately protected by the Safe Drinking Water Act and other national programs. The bill establishes a $125 million per year program to support testing of private water supply wells and reconstruction or replacement of wells that show contamination. The funds are provided by a 2 cent per thousand gallon assessment on water sales by large systems.

Authorizes the promulgation of Federal ground water protection standards. Primary standards would be health-based and would provide a yardstick for measuring the effectiveness of source control programs. A one in one million risk standard is allowed for carcinogens. A default standard of 5 parts per billion applies to each contaminant until EPA takes formal action to set a standard. The bill also authorizes establishment of "correction" standards to guide remediation efforts which would be based on the application of best available remediation technology. The standards would be researched and proposed by an independent Ground Water Protection Standards Board which would also hear appeals on remedies selected for the corrective action program.

Authorizes the Geological Survey to undertake a national assessment of ground water quality. This provision is a principal feature of legislation which recently passed the House. The basic water resource research activities of the Geological Survey would also receive their first Congressional authorization under the bill.

Establishes research authorities at EPA and USDA, as well. The EPA program would focus on developing source control technologies effective in preventing contamination. EPA would also fund four ground water research institutes at universities across the Nation. USDA would focus on research to improve the efficiency and thus reduce the volume of agriculture chemical applications.

Includes four new revenue measures. In addition to the solid waste disposal fee ($1.00 per ton) and water supply assessment (2 cents per thousand gallons), the bill includes a "waste end" tax imposed on the disposal of hazardous waste and an excise tax (2% of value) on pesticide and fertilizer products packaged and sold in small quantities for the lawn and garden market. The waste end tax is precisely the same as the tax which passed the House as a Superfund financing mechanism in 1985. The new revenues would provide all of the funds necessary to support the programs authorized by the bill.

Provides authorization: $250 million for State grants; $200 million for Federal programs; $100 million for research; $125 million for water well replacement; $50 million for corrective action; and $175 million in grants to local ground water management districts.

Reorganizes EPA's ground water protection efforts. The bill establishes an Office of Ground Water Protection to be headed by an assistant administrator and creates a government-wide coordinating committee to be chaired jointly by EPA and USGS.

GROUND WATER PROTECTION ACT: MAJOR PROVISIONS

GOALS AND POLICY

The principal goal of the Ground Water Protection Act (GWPA) is to protect the physical, chemical and biological integrity of the Nation's ground water resources to ensure that they are not degraded in any way. This is a non-degradation goal. It is similar to the goal contained in the Clean Water Act which protects surface water from pollution. This goal applies to all waters, whatever their current use.

Additional goals contained in the legislation are to: minimize the use and disposal of toxic chemicals; adequately map the ground water resources of each State; assist State and local government programs to protect ground water; provide health protection for private drinking water wells; and conserve ground water supplies.

Consistent with the non-degradation goal, it is the policy of the bill to provide a minimum level of protection for all ground water resources. This policy would specifically prohibit any Federal classification of ground water that would lower the level of protection afforded by current law. The Environmental Protection Agency has been developing a ground water classification system and is expected to issue guidance on the use of that classification system in regulatory decisions in the next few months. That guidance would be explicitly overturned by this legislation.

In addition, the bill would encourage broad flexibility for States implementing ground water protection programs and would provide that States might set more stringent standards than would result from adoption of the Ground Water Protection Act. Nothing in the legislation would disrupt water appropriations policies or water appropriation decisions made by the States. All Federal agencies with jurisdiction over potential sources of ground water contamination would be required to abide by State and local government standards, regulations and requirements.

PREVENTION

The Ground Water Protection Act would use a series of strategies to protect ground water resources from potential contamination. These strategies combine various regulatory approaches—control technology, best management practices, special protection areas, and standards—at both the Federal and State level in the programs that are intended to provide each State with flexibility to tailor tools to the ground water contamination problems found in that State.

SOURCE CONTROLS

Part C of the Ground Water Protection Act establishes programs to prevent ground water contamination by requiring the use technology and management practices at sources of contamination to control or treat discharges so that they will not be harmful to water supplies.

These requirements will apply to categories of sources including: septic tanks and cesspools; landfills and wastepiles; surface impoundments; injection wells; pesticide applications; wastewater collection and treatment systems; aboveground storage tanks; fertilizer applications; irrigation practices; oil and gas production; mining; abandoned wells; bulk storage facilities; and so on.

Requirements might include methods or techniques for location; design; installation; operations; operator training; maintenance; leak detection; ground water monitoring; record keeping; corrective action; closure and financial responsibility. Requirements would vary according to the source category. Well-designed underground tanks are coated with non-corrosive materials; landfills are lined; injection wells are cased.

Existing sources in these categories would be subject to regulations developed by the States reflecting technologies and practices which are readily available. EPA would write a guidance document for each category, but there would be no Federal regulatory requirement. States would address their own highest priority categories first and would have eight years to complete source control programs for all categories.

New sources would be subject to a second set of requirements written by EPA. These requirements would reflect "best practicable technology" (BPT). EPA's new source requirements would be enforced by the States along with their requirements for existing sources.

Sources located in highly sensitive areas—next to drinking water wells in wellhead protection areas, for instance—would be subject to EPA requirements for installation of "best available technology" (BAT) and the use of "best management practices" (BMPs). In addition to wellhead protection areas established by the 1986 amendments to the Safe Drinking Water Act, BAT requirements would also apply within "primary aquifer protection areas" designated by the States to protect special ground water resources.

Underground storage tanks may be used as an example to illustrate the varying levels of control. At existing tanks practicable technology might require that each tank be tested using a so-called "tightness" test to determine whether it is leaking. BPT requirements applied to new tanks may include cathodic protection or coating with non-corrosive materials to prevent leaks. Underground tanks in sensitive areas might be required to be double-walled with monitoring for leaks between the walls as part of a BAT requirement.

Sources in States which choose not to develop control programs for that type of source would be required to apply for a Federal permit similar to the permits granted under the Clean Water Act (so-called NPDES permits) for discharge to surface waters. But if the source was operating in a State with an approved program and was in compliance with the requirements of that program, no permit would be required. No permit would be required for small septic tanks, pesticide applications or fertilizer use.

Inside wellhead protection and primary aquifer protection areas, farmers and ranchers would qualify for participation in a "ground water protection reserve" program modeled on the conservation reserve for highly erodible land under the Food Security Act. Rental payments and other contract support would be provided by the Department of Agriculture to farmers and ranchers who shift land in sensitive areas to less intensive use and thus eliminate the need for pesticide and fertilizer applications which may leach to ground water and move to water supply wells.

GROUND WATER PROTECTION STANDARDS

The Ground Water Protection Act would establish a series of new, numerical standards for chemical and biological contaminants which may be found in ground water supplies. These standards would be promulgated by EPA, but only after health and environmental research was conducted to determine the effects of the contaminants and proposed standards were recommended by an independent Ground Water Protection Standards Board established by the bill. The Board would have five members with a chairperson appointed by the President and approved by the Senate.

There would be two principal sets of standards. "Primary" standards would be health-based, set at a level which would be expected to cause no adverse effect to the health of persons. The primary standard is comparable to the maximum contaminant level goal (MCLG) of the Safe Drinking Water Act. Unlike SDWA, in this case, EPA could set a non-zero standard for contaminants that are classified as cancer-causing agents. The primary standard for carcinogens could be set at a level which would not be expected to cause more than one excess cancer death for every one million persons exposed to the contaminant at the level over an entire lifetime.

There would be an absolute limit on synthetic organic chemicals in ground water supplies as the bill establishes a statutory, primary standard of 50 parts per billion for the total concentration of such chemicals. Until such time as a standard was actually promulgated by EPA for a particular chemical, a "default" standard of 5 parts per billion would apply for that individual chemical, as well. In a recent rule-making, EPA set 5 parts per billion as the enforceable drinking water standard or MCL for benzene and two other chemical solvents.

The primary standard would not function as an "ambient" standard. The prevention measures in the bill use technology and management practices rather than ambient standards as the principal means to prevent contamination. This reflects the special character of ground water which does not mix thoroughly like air or surface water; pollutants stay concentrated in plumes, rather than dispersing to "ambient" levels. Ambient standards are, as a result, inappropriate for ground water protection.

The primary standard does, however, function as a yardstick to judge whether a State's control program for a category of sources is working. Every four years, the State is to conduct monitoring within the vicinity of a representative sample of sources in the category to determine whether the primary standard is being exceeded. To the extent that violations of the primary standard are widespread, the State is to tighten the technology and practice requirements for that category to prevent contamination.

The GWPA would also authorize promulgation of numerical "correction" standards to be used in a cleanup program. The correction standards for a contaminant would reflect the cleanup level that could be achieved with the best treatment and remediation technologies. Again, the standard would be recommended by the Board and promulgated by the Administrator. Where a discharge caused an exceedance of the correction standard, the owner or operator of the source would be required to conduct a cleanup effort until the standard was met. EPA could waive the standard in cases where complex hydrogeology or other factors technically prevent cleanup to the standard.

When a contaminant is found in ground water at three or more locations in the United States it must be listed as a contaminant by EPA. The Board then proposes a health and environmental effects research program for the contaminant. To the extent that there are identified gaps in the existing health and environmental effects data, the manufacturer of the substance would be required to conduct research to fill the gaps. The Board would consider the data when complete and would then recommend primary and correction standards to EPA for promulgation.

The Board may also hear appeals in cases where persons adversely affected by a discharge believe that the remediation program selected by EPA or a State will not meet the correction standard. The Board may set aside the EPA chosen corrective action measure and require the agency to select a more stringent remedy.

SPECIAL PROTECTION AREAS

The Safe Drinking Water Act amendments of 1986 established two new ground water programs. States were authorized to identify "wellhead protection areas" or the land surface areas immediately around a public drinking water well where the pumping action of the well would pull contaminants released on the surface into the drinking water supply. These wellhead areas vary in size from one or two to several hundred acres with the average area being about 120 acres. There are 38,000 communities with drinking water wells or wellfields and the wellhead areas associated with these facilities may include about 0.5 percent of the land area of the United States.

A second program authorized demonstration grants for the protection of sole source aquifers—larger land areas where many small communities or individual households rely on an aquifer as the principal source of water supply. The Ground Water Protection Act builds on these two programs.

A four-year schedule for identifying wellhead areas and conducting an inventory of the potential sources of contamination within each area is established. In addition, States are invited to identify "primary aquifer protection areas" essentially any area with a highly valuable or vulnerable aquifer for which the State seeks special protection. The primary aquifer protection areas would be larger than wellhead areas, would include areas with primarily private wells, and would not be limited to areas which had no other ready source of water supply (as is the case with sole source aquifers).

The boundaries of these two types of special protection areas would be designated by the State. Once designated, Federal regulations requiring the use of best available technology and best management practices would be applicable to sources located in the area. In addition, hazardous waste disposal facilities, injection wells and radioactive waste disposal facilities would be banned. Existing facilities would have to upgrade to meet the new BAT requirements or close.

Best available control technology would generally include secondary containment for product storage systems, leachate collection and treatment for systems with intentional discharges and continuous leak detection and monitoring systems to immediately identify hazardous discharges.

A "ground water protection reserve" program would also be available in these special protection areas. It would be run by the Department of Agriculture. It would have a set aside goal of 10 million acres to be implemented over a five-year period beginning in 1990. Farmers and ranchers with land inside these designated protection areas would be paid under contract to switch from intensive agricultural practices which rely on high inputs of pesticides and fertilizers to other uses of the land with low inputs. Rules would be similar to those for the existing conservation reserve program which has signed up 23 million acres of highly erodible land in conservation programs.

GROUND WATER MANAGEMENT DISTRICTS

The bill authorizes grants to establish local ground water management districts to conduct the programs for wellhead protection and primary aquifer protection areas. These districts may be managed by local units of government, but the States are encouraged to provide for the creation of new, special purpose organizations with boundaries coincident with the aquifer protection areas defined by hydrogeologic studies. If special purpose districts are created, they would have governing boards elected at annual meetings; they would develop comprehensive plans for protecting the ground water of the district; they could propose rules and regulations which would be adopted by the States; they could impose water users fees and issue permits for sources of contamination; they could conduct waste recycling and septic maintenance programs; and they could sue the owners of polluting sources for enforcement of their rules.

The districts would be supported by grants from the Federal government. GWPA includes a new solid waste disposal tax of $1.00 per ton. The revenues from this new tax would be approximately $175 million per year which would be placed in a trust fund and spent only for the purpose of supporting these local ground water protection organizations. The current average tipping fee for solid waste disposal is approximately $27.00 ton, so the tax would represent less than a 5-percent surcharge.

DETECTION

The Ground Water Protection Act contains several provisions with respect to the detection of ground water contaminants and the assessment of ground water quality across the Nation. The United States Geological Survey would be given authority to conduct an ongoing survey of ground water to determine its overall quality and to identify specific problems of concern. This program would be in addition to authorizations for the existing Federal-State cooperative program and the Regional Aquifer System Analysis which provide data on the quantity and quality of ground water in specific regions. These programs and the basic water resources research authority of the Geological Survey have never before been authorized by Congress, although annual appropriations have been made.

Each State would be required to complete comprehensive aquifer mapping for the ground water resources within its borders. This resource characterization, including identification of the principal sources of contaminants and ground water withdrawals, would form the foundation for State ground water protection strategies supported by the bill.

Each State which receives a Federal grant under this legislation will be required to implement a licensing program for water well drillers operating in that State. This program would collect information on each new water well drilled and integrate that data into a national computer network on ground water quality and supply. Each new well would be tested for quality before it could be put in service and wells drawing contaminated water would be closed and capped immediately.

The bill also addresses the problem of abandoned production and injection wells. Some estimates indicate that there are as many as 2 million abandoned wells across the country. These wells serve as conduits for the rapid movement of pollutants from the surface and from one aquifer to another and are a major problem in rural areas. Many abandoned wells have been used as dump sites for household wastes and farm refuse including discarded pesticide containers. The bill requires that each property be surveyed before it is sold or otherwise transferred to locate all production and injection wells on the property. Wells currently used for drinking water would be tested and the results would be supplied to the prospective buyer of the property and to the State. Abandoned wells would have to be plugged before the property could be sold.

EPA is authorized to conduct national surveys with respect to various source categories to determine the effect of such sources on ground water quality and the measures that may be effective in preventing contamination with respect to sources in the category. Currently EPA is conducting such a survey for pesticide contamination. Under GWPA, it would also survey impacts of septic tanks, landfills, shallow injection and drainage wells, fertilizer applications, irrigation return flows and publicly-owned wastewater treatment works.

EPA and the States are to jointly establish a listing of water supply wells which have been abandoned because of contamination or which require treatment to remove contaminants. This inventory will aid in the identification of priorities for control programs and will also serve as a tool to assist in the identification of regions where contamination is extensive or increasing.

The bill establishes authority to require monitoring by the owners and operators of sources or potential sources of contamination. This monitoring may include leak detection systems; monitoring the unsaturated zone for contaminants before they reach ground water; monitoring at a representative number of sites where a product or technology is employed to determine its effect on ground water quality at the earliest possible date; conducting national exposure assessments and assessing the extent of contamination caused by a facility which is known to have leaked or spilled contaminants that threaten ground water and require corrective action.

CORRECTION

The GWPA establishes new corrective action authorities and procedures with respect to ground water contamination. These authorities provide for greater involvement of States in cleanup; tie corrective action to explicit ground water cleanup standards; and provide a program for water well replacement for households and small communities.

The new cleanup standards are to be proposed by an independent Ground Water Protection Standards Board. The standards will serve as objective criteria to answer the question, "how clean is clean?" The standards will reflect the level of cleanup—either as a numerical concentration or as a percentage reduction—which can be accomplished through application of the best available treatment and remediation technology. It is important that these standards be set by a process independent from the cleanup decision at any specific site so that the public might have confidence that cleanup decisions are not hindered by a reluctance to use the Superfund resources or force expensive cleanups on private parties. Current law too often finds existing legal standards inapplicable and results in ad hoc decisions which invite controversy.

Corrective action under GWPA is phased to reflect the level of contamination experienced at a site. When contamination is suspected it must be reported to EPA or the State. When the contamination exceeds 50 percent of the primary, health-based standard the owner or operator of the source must develop a plan including modifications of operations at the source which will prevent the standard from being exceeded.

If contamination reaches a level above 100 percent of the primary standard, the source will generally be shut down until contamination can be corrected. Persons relying on the water for household needs will be provided with alternative supplies. At this point, the owner of the source will also be required to take steps to contain the contamination so that it does not spread to uncontaminated portions of the water supply.

When the contamination is more serious, reaching levels above the correction standard, remedial actions must be taken. The owner or operator of the source will develop a plan for remediation to meet the correction standard and after the plan is approved will conduct the cleanup. As with Superfund, permanent remedies which employ treatment or other measures to reduce the toxicity and volume of the contaminated material are preferred.

A major difference between the corrective action authorities established here and the Superfund program is the expectation that cleanup under GWPA will be directed by the States rather than EPA. The provisions of this corrective action program do not apply to sites listed on the Superfund National Priorities List. A small fund—like the oil spill response fund which currently exists under the Clean Water Act—is established to finance cleanups where no owner or operator capable of conducting the cleanup can be found.

RESEARCH

The GWPA authorizes a new research and development program on ground water contamination problems to be conducted by the Environmental Protection Agency. Their are also roles for the Geological Survey and the Department of Agriculture.

The EPA program would be coordinated through a media-specific ground water research committee which would integrate the ground water interests of the various offices at EPA including offices for water, drinking water, solid waste and emergency response. The committee would prepare an annual research plan which would match upcoming ground water policy decisions with available information to anticipate research needs.

EPA would be authorized to conduct a research program to demonstrate new control technologies for various categories of potential sources of contamination. Each year EPA would finance at least 10 demonstrations, the results of which would be broadly available through programs of technical assistance and technology transfer.

The legislation authorizes EPA to establish four university-based ground water research institutes. The institutes would conduct general programs in the ground water sciences and train individuals, interested in careers related to ground water protection.

The USDA research program to be managed by the Agricultural Research Service would focus on more efficient uses of agricultural chemicals and non-chemical solutions to production problems.

Similar authorities are established by S. 1105, a ground water research bill which was introduced by Senators Burdick and Durenberger earlier in this Congress.

ORGANIZATION

EPA's new responsibilities would be carried out by the Office of Ground Water Protection which would be headed by an assistant administrator for ground water. Currently the office is under the assistant administrator for water who also supervises implementation of the Clean Water Act and the Safe Drinking Water Act.

The President would be authorized to create an interagency committee to coordinate the ground water protection activities of all the Federal agencies and to report on the legislative and administrative changes necessary to avoid duplication of efforts and maximize the value of various Federal programs. The interagency committee would be chaired jointly by EPA and the Department of Interior. In addition, EPA would establish a ground water protection advisory committee with representation from State and local governments and from citizen and industrial councils with expertise in ground water management and protection.

The independent Ground Water Protection Standards Board would be housed in EPA, but would not be answerable to any other agency of the executive branch for its proposed standards and research programs. The chairperson would be appointed by the President and approved by the Senate. The other four members would be chosen by the Administrator and might include Federal officials with ground water protection responsibilities at EPA or other agencies or may be persons working in State or local government or in the private sector. In addition to recommending standards, the Board would also hear appeals on corrective action decisions.

FUNDING

The activities authorized in the Ground Water Protection Act are supported by four new revenue sources: a hazardous waste disposal tax; a solid waste disposal tax; a water supply assessment; and an excise tax on pesticides sold in the lawn garden market (nonagricultural pesticides).

The hazardous waste disposal tax, also called a waste-end tax, is precisely, the same tax which was adopted by the House of Representatives in 1985 to finance expansion of the Superfund program. It imposes a tax which begins at $27.00 per ton in 1989 and is gradually increased and which will apply to the disposal of hazardous waste at licensed facilities. The tax supports the general program expenditures under GWPA including grants to the States to run their programs. This tax is expected to generate $400 million per year in revenues.

The solid waste tax is a $1.00 per ton tipping fee on the disposal of household and commercial waste. All of the revenue would be placed in a Community Water Supply Management Trust Fund and would be used to support grants to local ground water management districts. The tax would raise approximately $175 million per year.

The water supply assessment would be 2 cents per one thousand gallons. It would be paid by large water supply systems with more than 500 service connections (hookups). The average price for water today is $1.27 per thousand gallons, so the fee would represent only a very small increase in price. The revenue would be placed in a Water Well Replacement Trust Fund which could only be used to test, treat, repair and replace water wells which had been lost to contamination and which were owned by private households or small communities. These Federal dollars—approximately $125 million per year—would be matched by State funds and private dollars.

The pesticide and fertilizer excise tax would be 2% of the retail value of pesticides sold in small quantities for use on gardens and lawns. It would not apply to agricultural chemicals. The revenues generated would be used to supoprt the general program authorized by this legislation and would be about $200 million per year.

The largest portion of expenditures under this legislation will be in grants to State and local governments to conduct ground water protection programs. $250 million per year is allocated for grants to the States. $175 million is provided for grants to the local ground water management districts. $125 million is distributed from the Water Well Replacement Fund to States which have eligible programs. $50 million per year is allocated to the revolving fund for corrective action, again principally a State function under this legislation.

The new research authorities, including those of the USDA and USGS, receive funding of approximately $100 million per year. And the remainder of the authorized spending, approximately $200 million per year, is allocated to the Environmental Protection Agency for the development of standards, supervision of permits and State programs, and compliance monitoring and enforcement activities.

By Mr. HEFLIN (for himself, Mr. SHELBY, and Mr. HELMS):

S. 2093. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the C.S.S. Alabama; referred to the Committee on Foreign Relations.

THE C.S.S. "ALABAMA"

Mr. HEFLIN. Mr. President, I rise today to introduce a bill which seeks to preserve a valuable part of American history.

On August 24, 1862, Capt. Raphael Semmes, commissioned the Confeder-

ate States Steamer, the C.S.S. *Alabama*, under the direct orders of Jefferson Davis, President of the Confederacy. During the next 2 years, the C.S.S. *Alabama* acquired the reputation as the most feared of all Confederate warships. She captured and burned 55 Union merchant ships and she bonded 10 others.

No other Confederate raider matched her record which is detailed in the reports of Commander Semmes to the Secretary of the Navy. In one of these such reports, Commander Semmes recounted his battle with the U.S.S. *Hatteras* which he describes in the following words:

> We now hailed in turn to know who the enemy was, and when we had received the reply that he was the U.S.S. Hatteras we again hailed him and informed him that we were the C.S.S. Alabama, and at the same time I directed the first lieutenant to open fire upon him. Our fire was promptly returned, and a brisk action ensued, which lasted, however, only thirteen minutes, as at the end of that time the enemy fired an off gun and showed a light, and upon being hailed by us to know if he had surrendered, he replied that he had and that he was in a sinking condition. I immediately dispatched boats to his assistance, and had just time to remove the crew when the ship went down . . . We received a few shot holes from the enemy, doing no material damage. The enemy's steamer Brooklyn and another steamer steamed out in pursuit of us soon after the action commenced, but missed us in the darkness of the night.

Many were the times that the C.S.S. *Alabama* destroyed another ship and then disappeared into the darkness of the night without sustaining any significant damage. Along with the report of the battle with the U.S.S. *Hatteras*, Commander Semmes included a list of the enemy's ships which he had burned, bonded, and destroyed. The total value of vessels which the C.S.S. *Alabama* had disposed of as of May 1863 was $3,100,000. The total number of prisoners paroled as of that date was 795. During the short period from January 25 to May 10, 1863, the C.S.S. *Alabama* captured, burned, or bonded a total of 20 vessels.

The C.S.S. *Alabama's* illustrious record was arrested, however, on June 19, 1864 in the naval battle of Cherbourg, one of the most dramatic events of the War Between the States.

After many exhausting months at sea, Capt. Raphael Semmes planned to relinquish command of the C.S.S. *Alabama* at Cherbourg Harbor in France and have the ship's hull, rigging and engines overhauled. But, on June 14, 1864, before Semmes could obtain the permission necessary to dry dock his ship, the U.S.S. *Kearsarge* steamed into the harbor.

Although Executive Officer John McIntosh Kell cautioned Semmes that, at target practice in the spring, two out of every three of the ship's fuses had been inoperative due to defective powder, Semmes' brave and aggressive spirit dominated. He was determined to fight the *Kearsarge*. During the 3 days of intense preparation for the battle, Semmes felt confident in his crew and in his ship. He expressed this sentiment in his journal where he wrote:

> My crew seems to be in the right spirit, a quiet spirit of determination pervading both officers and men. The combat will no doubt be contested and obstinate, but the two ships are so equally matched that I do not feel at liberty to decline it.

On Sunday, June 19, 1864, a reported 17,000 spectators gathered on the French coast to witness the confrontation. Dozens of yachts and small craft followed as the band on a French warship played "Dixie." One of these spectators was the wealthy Englishman John Lancaster who was aboard his private yacht, the *Deerhound*. Also watching the contest from a private boat was the famed artist Edouard Manet.

After the *Alabama* chased the *Kearsarge* 7 miles out to sea, the *Kearsarge* turned around and headed for the *Alabama*. The *Alabama* discharged the first shot, which went too high. The *Alabama* then fired two more shots which were also too high. The *Kearsarge's* first shot struck the *Alabama* near her forward port and was followed by a full broadside to the *Alabama*.

The ships were then forced into a circular track traveling at full steam, moving in opposite directions and each fighting her starboard side. They made seven complete circles before the end of the action, gradually lessening the distance between them. The conflict continued with the *Alabama* firing at least two shots for every one fired by the *Kearsarge*. However, the *Alabama* generally fired too high.

With the action continuous on both sides, an 11-inch shell careened through the *Alabama's* gun port and wiped out "Like a sponge from a blackboard one-half of the gun's crew." A second shell did further damage and when a third shell struck the breast of the gun carriage and spun around on deck without exploding, a compressor man quickly picked it up and threw it overboard.

After about 20 minutes of fighting, a shell from the *Alabama* struck the hull of the *Kearsage*. The crew onboard the *Alabama* cheered wildly, believing that this shot had crippled the *Kearsage*, before they realized that no damage had been done. Semmes was stunned by disbelief. Not knowing that the *Kearsage* was protected by chains slung over her sides and then covered by wooden planks, he and his men continued to hope for the one shot which would disable the *Kearsage*. That shot never came.

From the horse block, the highest point on the deck of the ship, Semmes observed the damage done to his ship by the enemy's fire. He was astonished by the accuracy of the enemy's guns and offered a reward to any gun crew that could silence the guns which were damaging his ship and crew.

On shore, Captain Sinclair recognized part of the problem—the powder smoke of the *Kearsage* was light, in contrast to "puffs of heavy steam" from the *Alabama* which indicated damaged powder. Even a 100-pound shell which lodged in the rudderpost of the *Kearsage* failed to explode—the failure due apparently to faulty powder.

Of the 370 shots they fired at the *Kearsage*, only 28 hit their target and those shots caused only minor damage.

There were no casualties and only three Union sailors were wounded.

The *Alabama*, on the other hand, suffered substantial damage. The rudder was damaged and steering was difficult. An 11-inch shell barreled through the *Alabama's* starboard side and emanated from her port side, leaving huge, gaping holes. A coal bunker collapsed and with only two boilers then working, the *Alabama* steamed ahead at greatly reduced speed. The *Alabama* now leaned heavily to starboard, filled with holes, smoke and seawater—but, in spirit and tradition of men and women of the South, Semmes kept on fighting.

The story of this battle is long and told well by Dr. Norman C. Delany, author of the book, "John McIntosh Kell of the Raider Alabama":

> [Semmes] believed that by shifting the weight of his battery from starboard to port he might raise the shot holes above the water line. The ship was now five miles from the coast and with luck might make the three-mile limit. He gave the order: "Mr. Kell, as soon as our head points to the French coast, . . . shift your guns to port and make all sail for the coast."
>
> Then Kell appeared at the skylight above the engine room and shouted to the men below, "Put on steam!" Engineers William Brooks and Matt O'Brien, covered with sweat and coal dust, answered that the Alabama carried all the steam it could manage without blowing up. Then reconsidering O'Brien declared: "Let her have the steam; we had better blow her to hell than to let the Yankees whip us!" But it would have taken more than a few extra pounds of steam pressure to save the Alabama. Winslow had anticipated Semmes' intentions and steamed across his adversary's bow.
>
> Exhausted officers and sailors continued fighting from the post side, but with water rushing into the gangway at every roll, they felt that "the day was lost." O'Brien came on deck to report that the rapidly rising water was almost flush with the furnace fires * * * Semmes listened in silence, then ordered: "Return to your duty!" The engineers felt certain that they would go down with the ship.
>
> Semmes ordered Kell to determine how long the ship could remain afloat. Going below, Kell observed holes in the hull "large enough to admit a wheelbarrow." Kell returned to the deck and reported that the

> ship could not last for more than ten minutes. Semmes gave the order: "Then, sir, cease firing, shorten sail, and haul down the colors; it will never do in this nineteenth century for us to go down, and the decks covered with our gallant wounded." As there was no white flag available, a man on the spanker boom held up a makeshift one. Winslow, unconvinced that his enemy had surrendered, cried out: "Give it to them again, boys; they are playing us a trick!" Each of his gun captains obeyed instantly, firing five volleys into the Alabama. * * * Aboard the doomed raider, Kell cried out: "Stand to your quarters, men. If we must be sunk after our colors are down, we will go to the bottom with every man at his post!" But when the white flag was again raised on the spanker boom, all firing ceased. Semmes then ordered Kell, "Dispatch an officer to the Kearsarge and ask that they send boats to save our wounded—ours are disabled."
>
> Aboard the sinking vessel Kell gave the order to abandon ship and directed the men to find a spar or whatever else might assist them in keeping them afloat. Semmes, still wearing his cap, trousers, and vest, grabbed a life preserver, discarded his sword and began to swim.

Later, Executive Officer Kell remembered looking back for his last view of the *Alabama*:

> As the gallant vessel, the most beautiful I ever beheld, plunged down to her grave, I had it on my tongue to call the men who were struggling in the water to give three cheers for her, but the dead that were floating around me and the sadness I felt at parting with the noble ship that had been my home so long deterred me.

Many survivors were picked up by the *Kearsarge* and taken prisoner; however, Semmes, along with some other crew members, was rescued by the private yacht, the *Deerhound*. As the *Alabama* sank stern first, the *Deerhound* was observed to be "stealing away." Guns were turned toward her but *Kearsarge* Captain Winslow ordered his men not to fire. The *Deerhound* steamed toward England and thus Semmes escaped. In 1865, Semmes returned to the Confederacy where he continued fighting until the war's end. After the war, he returned to Mobile where he practiced law until his death in 1877.

The C.S.S. *Alabama*, which sank in what were then high seas, was located within the French territorial waters by a French minesweeper in 1984. Appropriately, efforts are underway in the United States to salvage the ship and her artifacts in order that they may be displayed in the State of Alabama for the historic enrichment of all Americans.

Some problems have arisen with this plan in that the French and the British are seeking to salvage the ship and display it in their own countries. They argue that this ship, which the United States paid for in both Confederate money and lives, is foreign property.

This position is not held by the U.S. Department of State which sent a message to France in September 1987, stating that:

> The United States considers that the C.S.S. *Alabama* and her associated artifacts constitute property, title to which is vested in the United States.

This bill allows Congress to reaffirm the State Department's position, that title to the C.S.S. *Alabama* and her artifacts is vested in and has never been abandoned by the United States. I enlist the support of my colleagues to see that this ship which occupies such an important place in U.S. naval and maritime history is returned to her mother country where she belongs.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Preservation of the C.S.S. Alabama Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the C.S.S. Alabama is an American war vessel that was commissioned August 24, 1862, by Captain Raphael Semmes under the direct orders of Jefferson Davis, President of the Confederacy;

(2) On June 19, 1864, after an hour and ten minutes of intense combat with the U.S.S. Kearsarge off the coast of France, the C.S.S. Alabama sank in waters which were then high seas but which are now territorial seas of France;

(3) title to the C.S.S. Alabama and her artifacts is vested in and has never been abandoned by the United States;

(4) the C.S.S. Alabama is an important part of American history and culture; and

(5) as expressed in a letter from the State Department to the Government of France, "the United States considers that the C.S.S. Alabama and her associated artifacts constitute property, title to which is vested in the United States Government. As the United States Government never abandoned title thereto, the United States respectfully requests that the Government of France ensure that no salvage operations or any other activity is approved or undertaken to raise the vessel or any of her artifacts without the prior approval of the United States.".

SEC. 3. DEFINITIONS.

For the purpose of this Act, the term "C.S.S. Alabama" means the shipwrecked vessel C.S.S. Alabama and her cargo and associated artifacts, including those items which are scattered on the ocean floor in her vicinity.

SEC. 4. POLICY.

It is the sense of the Congress that—

(1) the C.S.S. Alabama and her artifacts should, insofar as possible, be preserved for the benefit of the citizens of the United States;

(2) the C.S.S. Alabama and her artifacts should be displayed in the State of her name; and

(3) the Secretary of State, in consultation with the National Institute of Archaeology and the Save the Alabama Committee, Incorporated, should enter into negotiations with the Government of France to ensure the recovery and return to the United States of the C.S.S. Alabama.

SEC. 5. REPORTING REQUIREMENTS.

Sixty days after the date of enactment of this Act, and every 30 days thereafter, the Secretary of State shall prepare and transmit to the Speaker of the House of Representatives, the Committee on Foreign Relations of the Senate, and each of the two Senators representing Alabama a written report discussing the status of the negotiations described in section 4(3).

Mr. SHELBY. Mr. President, today I am pleased to join two of my distinguished colleagues, the senior Senators from Alabama and North Carolina, Mr. HEFLIN and Mr. HELMS, in introducing legislation that urges the Secretary of State to enter into negotiations with the Government of France to ensure the recovery and return to the United States of the C.S.S. *Alabama*. Once dispossessed of remnants of history, those same artifacts are often lost forever. I believe it is incumbent upon each one of us to attempt to preserve as much of our heritage as possible. The tale of the wreckage of the C.S.S. *Alabama* serves as another example of American history under seige.

The naval battles that occurred during the War Between the States provided many of the more interesting battle spectacles in history and, in fact, that period represented one of the more intriguing intervals in our naval defense development. Battles such as that between the *Monitor* and the *Merrimac* managed to capsule the conflict itself. The final battle of the C.S.S. *Alabama* was one of those great naval battles. After roaming the seas at will intimidating and destroying Union ships encountered for almost 2 years, the C.S.S. *Alabama* more than met its match in the U.S.S. *Kearsarge* on June 11, 1864, off the shores of France. The *Kearsarge* sunk the *Alabama* leaving it to a watery grave for over 120 years.

After being discovered in 1985 in French territorial waters, a controversy has developed over who is the owner of the remains of the warship. While conflicting claims exist, I am of the opinion that the Secretary of State should pursue in the most diplomatic manner possible the salvage and return of the C.S.S. *Alabama* to the United States. Our legislation attempts to accomplish just that. I look forward to working with Senators HEFLIN and HELMS toward the expeditious passage of this bill.

By Mr. KERRY:

S. 2094. A bill to amend title XVI of the Social Security Act to provide that the existing requirement for deeming a parent's income and resources to his or her children under age 18 shall not apply in the case certain severely disabled children, and for other purposes; referred to the Committee on Finance.

THE KAILEIGH MULLIGAN SSI REFORM ACT

● Mr. KERRY. Mr. President, no one would argue that children are one of our most precious resources and that as a nation, we should strive to encourage and strengthen family unity. I rise today to introduce legislation to overturn one aspect of the Supplemental Security Income [SSI] Program which has, on far to many occasions, served to unnecessarily separate severely disabled children from parents who are willing and able to care for their child at home.

Under current law, in certain cases disabled children are entitled to SSI benefits and therefore also eligible for Medicaid. However if the child's parent's income is above $13,260, this income is deemed to the child, who then loses his or her SSI benefits and unless granted a waiver by the State also loses Medicaid eligibility. On the other hand should the child stay in an institutional setting, they will receive total SSI and Medicaid benefits.

This legislation would require that the income deeming rules be waived for severely disabled children entitling them to SSI and Medicaid benefits regardless of their parents income. The children I am referring to are the individuals who are so disabled that they are eligible for institutional care, but who could receive the same level of care at home.

Far too often, despite the ability and desire of parents to care for their disabled child at home, they are unable to pay the prohibitive medical costs, even when home care can save the State and Federal Government a considerable sum of money. But this is not what is at stake here. What is at stake is the quality of life of the individual and family. The best way this can be demonstrated is through example.

Kaileigh Mulligan is a 2-year-old from my home State of Massachusetts. She has Down's syndrome and requires frequent hospitalization and constant care. The easy alternative for her parents would be to keep Kaileigh in the hospital and let others care for her. But, although Kaileigh requires a lot of attention, her parents would rather raise and care for her at home in a loving and secure environment.

Yet the way current law reads, keeping Kaileigh at home means that the income of her parents is deemed to be Kaileigh's and therefore she loses her eligibility for Medicaid and for SSI. What is important to note is that Kaileigh would have been fully entitled to these benefits if she were to be permanently hospitalized.

In Kaileigh's case the State of Massachusetts has granted a waiver from the income deeming rules so that she could remain at home and still be eligible for Medicaid. However, Federal law still prohibited Kaileigh from receiving SSI benefits, which for her would amount to $1,200 a year. These funds would primarily be used for buying supplies such as feeding tubes, which Kaileigh needs to function from day to day.

Modifying SSI eligibility is not only a morally and socially sound approach, but it is also extremely cost-efficient. The Massachusetts Office of Human Services recently estimated that it costs anywhere from $48,000 to $405,000 to care for a child like Kaileigh in a hospital. This cost would be drastically reduced with home care. But more importantly the direct social benefits to the children and their families are undeniable.

It is time to act and remove the perverse incentive that exists for children to remain in institutions rather than at home with families. The decision to care for a child at home is a tough one and should not be based on whether it will jeopardize benefits. It should be based on the willingness and ability of the family to provide quality care and whether or not it is in the best interest of the family.

I urge my colleagues to join me in supporting this important legislation which gives us an opportunity to reconcile Government policies with the needs of the family and ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PARENTS' INCOME AND RESOURCES NOT TO BE DEEMED TO CERTAIN SEVERELY DISABLED CHILDREN.

(a) In General.—Section 1614(f)(2) of the Social Security Act is amended—

(1) by striking "For purposes of determining" and inserting "(A) Subject to paragraph (B), for purposes of determining"; and

(2) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply in any case where (as determined by the Secretary)—

"(i) the individual involved is disabled (as defined in subsection (a)(3)) and requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility (within the meaning of those terms as used in title XIX);

"(ii) it is appropriate to provide such care for the individual outside such an institution; and

"(iii) the estimated amount which would be expended in providing the individual with such care outside an institution, when added to the amount of any benefits that would be payable with respect to such individual under this title by reason of the application of this subparagraph, is not greater than the estimated amount which would otherwise be expended in providing the individual with such care within an appropriate institution.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to benefits for months after the month in which this Act is enacted.

SEC. 2. AMENDMENTS TO TAX ON GREENMAIL.

(a) General Rule.—

(1) Subsection (a) of section 5881 of the Internal Revenue Code of 1986 (relating to greenmail) is amended by striking "gain realized by such person on such receipt" and inserting "gain or other income of such person by reason of such receipt".

(2) Subsection (b) of section 5881 of such Code is amended—

(A) by striking "transferred by a corporation" and inserting "transferred by a corporation (or any person acting in concert with such corporation)", and

(B) by striking "its stock" and inserting "stock of such corporation".

(3) Subsection (d) of section 5881 of such Code is amended—

(A) by striking "the gain" and inserting "the gain or other income", and

(B) by striking "Gain Recognized" and inserting "Amount Recognized".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendments made by section 10228 of the Revenue Act of 1987.●

By Mr. METZENBAUM (for himself, Mr. Pell, Mr. Weicker, and Mr. Harkin):

S. 2095. A bill to strengthen the protections available to private employees against reprisal actions for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Labor and Human Resources.

UNIFORM HEALTH AND SAFETY WHISTLEBLOWERS PROTECTION ACT

● Mr. METZENBAUM. Mr. President, today I rise to introduce the Uniform Health and Safety Whistleblower Protection Act. This measure has bipartisan support with Senators Pell, Weicker, and Harkin as original cosponsors.

Private sector employees should feel free to report illegal or improper activities that endanger the public health or safety without fear of personal reprisal. It is a fundamental principle of good Government to encourage citizens to report illegal activity to the proper authorities. Especially when public health or safety is at stake, individuals who are willing to report unlawful, hazardous practices to avert a disaster should be honored as heroes. Instead, in too many cases, their reward is to be fired, harassed, demoted, or blacklisted by their employers.

That's what happened to Daniel Arthur from my State of Ohio who was forced to quit his job as a safety inspector at a uranium refinery. Arthur warned his employer that a project to process uranium was contaminated with plutonium and there was danger that without adequate safeguards, workers could be exposed to plutonium. Arthur fought to get his job back and eventually he was totally vindicated when his employer was forced to reinstate him.

Not all cases have such a happy ending. Betty Simon, a chicken inspector from Missouri, cooperated with Federal authorities in an investigation into meat contamination and feeding irregularities. Her efforts helped reduce a significant public health hazard but she became the victim of harassment and intimidation by her employer.

Jim Campbell, a researcher for a pharmaceutical manufacturer in Indiana, blew the whistle on the drug oraflex. The FDA had to remove the drug from the market because of its potentially deadly, but undisclosed, side effects. Campbell's efforts saved lives; his reward was to lose his job.

John Pavolini, an air transport pilot with a New York commuter airline, reported to the FAA that his employer was using an unsafe airplane. On the day he filed his report, two things happened—the FAA grounded the plane after an inspection uncovered numerous safety violations and the airline fired Pavolini. A Federal appeals court recognized the dilemma: "Pavolini was in a difficult situation, facing a loss of his job on the one hand and a potential loss of lives on the other; he should be commended for placing public safety over private concerns."

Commending private sector whistleblowers is a nice gesture. But we must do more because whistleblowers may be our only defense against corporate outlaws threatening the public health or safety. These courageous workers do not need empty praise. They deserve effective Federal laws—Federal laws with real teeth—to protect them from personal reprisal.

More than a dozen Federal laws provide some protection to private sector whistleblowers. The Administrative Conference of the United States, an independent Federal agency charged with recommending improvements in Federal administrative proceedings, conducted an extensive review, complete with a public hearing, of the existing Federal whistleblower laws. As a result of this thorough examination, the conference issued a formal recommendation calling for omnibus legislation to bring order to the current patchwork statutory scheme.

I will summarize the conference recommendations, but I would ask that the entire report by the conference, including the analysis prepared by consultant Eugene Fidell, entitled "Federal Protection of Private Sector Health and Safety Whistleblowers," be printed in the RECORD following my statement; and following the bill.

The Administrative Conference concluded that the current Federal statutory scheme lacks uniformity and that the unexplained differences in the statutes threaten "to undermine the credibility of this area of the law." To correct this situation the conference adopted the following eight specific provisions to be included in omnibus legislation:

A uniform definition of protected conduct;

A uniform statute of limitations of at least 180 days;

A uniform provision for remedies;

Assignment of preliminary investigative responsibility with the Secretary of Labor;

Authorization for the Secretary of Labor to use alternative means of dispute resolution;

Opportunity for an on-the-record hearing before a Department of Labor administrative law judge, with discretionary review before the Secretary of Labor, judicial review in the court of appeals and enforcement in the district court;

A grant of subpoena power to the Secretary of Labor for whistleblower proceedings, with judicial enforcement; and

Rulemaking authority to the Secretary of Labor regarding whistleblower proceedings.

The bill I am introducing today incorporates each one of the Administrative Conference's specific recommendations. It protects all employees who disclose unlawful activities that will endanger the public health or safety; who participate in formal Federal proceedings relating to unlawful or hazardous activities; or who refuse to participate in activities that present imminent and substantial danger to the public health or safety.

The bill centralizes the administrative process within the Department of Labor and includes preliminary investigation, opportunity for an administrative hearing, discretionary review by the Secretary of Labor, judicial review in the court of appeals and enforcement in the district court.

Speedy resolution of a whistleblower's complaint furthers the interests of the employee, the employer and the public. The bill includes specific, realistic time limits at each stage of the procedure to insure expeditious consideration of the complaint. If the Department of Labor does not resolve the complaint within the prescribed time period, then the whistleblower may bring a civil action to obtain protection.

To bring order to the current confusing pattern of laws, this act would supersede existing Federal whistleblower laws to the extent those laws provide inconsistent rights to private sector health or safety whistleblowers. In addition, the administrative and enforcement provisions of this act would become the exclusive mechanisms for other Federal whistleblower laws.

This bill corrects another major problem raised by the Administrative Conference study. There are gaps in whistleblower protection because there is no Federal protection for employees in such major industries as aviation and aeronautics, vessel construction and operation, and manufacturing and production of food, drugs, medical devices or consumer products generally. If we are serious about protecting public health and safety, we must close the loopholes and protect workers in these vital industries.

Protecting whistleblowers is good Government and smart business. That's why this bill has broad-based support from such diverse groups as the Administrative Conference and the Government accountability project, a public interest group dedicated to representing the rights of whistleblowers.

The free flow of information about health and safety hazards should not be chilled. Under our current system, irresponsible employers can cover-up illegal, dangerous activities by intimidating workers into silence through threats of personal reprisals. This bill will eliminate such intimidation and will allow us to protect the public from corporate outlaws.

As chairman of the Labor Subcommittee, I will hold hearings on the Uniform Health and Safety Whistleblower Protection Act soon. I urge all my colleagues to support this legislation.

I ask that a copy of the bill be printed in the RECORD immediately following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniform Health and Safety Whistleblowers Protection Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) private sector employees who report unlawful or hazardous activities perform an important public service by helping ensure the health and safety of workers and the general public;

(2) private sector employees should be able to report unlawful or hazardous activities without fear of personal reprisal; and

(3) private sector employees who make such reports are not consistently and adequately protected against personal reprisal by the current Federal laws designed to protect private sector whistleblowers.

(b) PURPOSE.—The purpose of this Act is to strengthen and improve protection for private sector employees who report an employer's unlawful or hazardous activities, to prevent retaliatory action against such employees, and to improve the health and safety of workers and the general public by—

(1) creating uniform substantive protections and administrative procedures for whistleblower complaints;

(2) centralizing administration and enforcement of whistleblower protection within the Department of Labor;

(3) extending whistleblower protection regarding health and safety matters for private sector employees; and

(4) ensuring that reports of unlawful or hazardous activities are referred to the appropriate Federal agencies for investigation.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Employment Standards Administration in the Department of Labor.

(2) COMMERCE.—The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof.

(3) EMPLOYEE.—The term "employee" means any individual who is employed by an employer or who is an applicant for employment with an employer.

(4) EMPLOYER.—The term "employer" means a person engaged in a business affecting commerce who has employees, except that such term does not include the United States or any State or political subdivision of a State. The term "employer" includes an agent of the employer and an employer of the employer.

(5) FEDERAL LAW.—The term "Federal law" means the Constitution of the United States, a Federal law, regulation, license, permit, order, treaty, judgment, or decree, or State law that executes a Federal law.

(6) PERSON.—The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(7) PROCEEDING.—The term "proceeding" means a trial, hearing, investigation, inquiry, inspection, administrative rulemaking, or adjudication involving a Federal agency.

(8) FEDERAL AGENCY.—The term "Federal agency" means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, or any interstate governmental agency or commission.

(9) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(10) STATE.—The term "State" means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or any other Territory or possession of the United States.

SEC. 4. EMPLOYEE PROTECTION.

(a) IN GENERAL.—No person shall discharge or in any other manner discriminate against any employee because the employee—

(1) discloses, or demonstrates an intent to disclose, an activity, policy, or practice of an employer that the employee reasonably believes is a violation of Federal law that creates a danger to the health or safety of the employee, other employees, or the public;

(2) assists or participates, or demonstrates an intent to assist or participate, in a proceeding with respect to an activity, policy, or practice of an employer that the employee reasonably believes creates a danger to the health or safety of the employee, other employees, or the public, or with respect to administration of this Act; or

(3) refuses to participate in an activity, policy, or practice of an employer that the employee reasonably believes poses an imminent and substantial danger to the health or safety of the employee, other employees, or the public.

(b) WAIVER.—Except as provided in section 5(j), agreements by employees, express or implied, written or oral, purporting to waive or modify their rights under this Act shall be void as contrary to public policy.

(c) EXEMPTION.—This Act shall not apply with respect to any employee who, acting without direction from the employee's employer, deliberately causes a violation of Federal law.

SEC. 5. REMEDY.

(a) COMPLAINT.—

(1) FILING.—Any employee who believes the employee has been discharged or otherwise discriminated against by any person in violation of section 4 may, within 180 days after such alleged violation occurs, after the discharge or other discrimination has taken effect, or after the employee first learns or reasonably should have learned of the violation, whichever is the latest, file (or have filed by any person on the employee's behalf) a complaint with the Assistant Secretary alleging such violation. The complaint may be filed without regard to exhaustion of any other remedies.

(2) COPY.—On receipt of such a complaint, the Assistant Secretary shall cause a copy of the complaint to be served on the person named in the complaint and on any Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint.

(b) INVESTIGATION.—

(1) IN GENERAL.—Within 45 days of the receipt of a complaint filed under subsection (a), the Assistant Secretary shall conduct an investigation to determine whether there is reasonable cause to believe the complaint has merit and shall issue an order setting forth the findings. If there is reasonable cause to believe a violation of this Act has occurred, the Assistant Secretary shall accompany the findings with an order providing the relief prescribed by subsection (g). If the violation of this Act has contributed to the termination of the employee's employment and reinstatement is sought, the Assistant Secretary shall provide in the order for the employee's immediate reinstatement.

(2) HEARING.—If the Assistant Secretary fails to issue an order within the period prescribed in paragraph (1), any party may request a hearing before an administrative law judge as provided in subsection (c). Any order issued by the Assistant Secretary shall include a statement of the right of the parties to request a hearing pursuant to subsection (c).

(c) HEARING REQUEST.—

(1) IN GENERAL.—Any findings or order issued pursuant to subsection (b) shall be the final order of the Secretary subject to judicial review pursuant to subsection (i) unless the complainant or the person named in the complaint requests a hearing before an administrative law judge within 15 days of receipt of the findings or order. Any request for a hearing shall be filed with the Office of Administrative Law Judges of the Department of Labor within 5 days of receipt by the Assistant Secretary. Such a request shall not operate to stay any reinstatement remedy contained in the Assistant Secretary's order.

(2) INTERVENTION BY SECRETARY.—Within 15 days after receipt of a request for a hearing, the Secretary shall make a determination, in writing, whether to intervene on behalf of the complainant. The Secretary's determination shall not preclude the complainant or any other person on behalf of the complainant from representing the complainant during the proceedings authorized under this section.

(d) SUBPOENA POWER.—

(1) IN GENERAL.—The Secretary, Assistant Secretary, or administrative law judge assigned to conduct the hearing on the complaint shall have authority to issue subpoenas or other orders for the purpose of conducting investigations and hearings pursuant to this Act.

(2) RULEMAKING AUTHORITY.—The Secretary shall have rulemaking authority with respect to investigative and adjudicatory procedures and all other matters pertaining to the administration and enforcement of this Act.

(e) HEARING PROCEDURE.—

(1) TIME FOR COMPLETION.—Any hearing requested pursuant to subsection (c) shall be completed before an administrative law judge within 180 days of receipt of the request for a hearing by the Assistant Secretary.

(2) NOTICE.—The parties shall have a reasonable opportunity for prehearing discovery and shall be given written notice of the time and place of the hearing at least 15 days prior to the hearing.

(3) ADMINISTRATIVE PROCEDURE.—The hearing shall be subject to the requirements of section 554 of title 5, United States Code.

(4) TRIAL DE NOVO.—The hearing shall be de novo and the administrative law judge shall give no legal effect to any findings or orders of the Assistant Secretary.

(5) DECISION.—Within 60 days after the conclusion of the hearing, or within 225 days after receipt of the hearing request by the Assistant Secretary, whichever is earlier, the administrative law judge shall issue a decision containing findings of fact, conclusions of law, and the remedy ordered, if any. The decision shall be served on the Secretary and on all parties to the hearing and shall include a statement to the parties of their right to appeal pursuant to subsection (f).

(f) ADMINISTRATIVE APPEAL.—

(1) NO REVIEW.—Any decision issued pursuant to subsection (e) shall be the final order of the Secretary subject to judicial review pursuant to subsection (i) unless a party petitions the Secretary for review or the Secretary issues an order of review within 15 days after the issuance of the decision.

(2) REVIEW.—Within 60 days after receipt of the petition for review or issuance of an order of review or within 360 days after receipt of the complaint, whichever is earlier, the Secretary shall issue a final order, based on the record and the decision of the administrative law judge, which shall be served on all parties. If the Secretary does not issue a final order within the period prescribed by this subsection, the decision of the administrative law judge shall become the final order of the Secretary.

(g) DAMAGES.—

(1) IN GENERAL.—If in response to a complaint filed under subsection (a), the Secretary, Assistant Secretary, or administrative law judge determines that a violation of this Act occurred, the Secretary, Assistant Secretary, or administrative law judge shall order—

(A) the person who committed the violation to take affirmative action to abate the violation;

(B) such person to reinstate the complainant to the complainant's former position, if reinstatement is sought, together with compensation, including back pay and lost benefits, terms, conditions, and privileges of the complainant's employment;

(C) compensatory damages;

(D) exemplary damages, where appropriate; and

(E) such other equitable relief as is necessary to correct any violation of this Act or to make the complainant whole.

(2) COSTS.—Whenever a final order is issued sustaining the complainant's charge under this Act, the Secretary, Assistant Secretary, or administrative law judge, at the request of the complainant, shall assess all costs and expenses (including attorneys' fees) as determined by the Secretary, Assistant Secretary, or administrative law judge to have been reasonably incurred by the complainant for and in connection with the proceeding against any person committing such violation.

(h) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—If no final order is issued within the period prescribed by subsection (f), the complainant may file a civil action within 90 days for damages and equitable relief in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy, the citizenship of the parties, or further exhaustion of any administrative remedies provided in this Act.

(2) NOTICE.—On expiration of the period prescribed by subsection (f), the Secretary shall notify the complainant of the opportunity to file a civil action pursuant to this subsection.

(3) COSTS.—Whenever a final order is issued sustaining the complainant's charge under this Act, the district court, at the request of the complainant, shall assess all costs and expenses (including attorneys' fees) as determined by the district court to have been reasonably incurred by the complainant for and in connection with the civil action against any person committing such violation.

(i) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued pursuant to this Act may obtain review of the order in the United States court of appeals for the circuit in which the violation allegedly occurred. The petition for review must be filed within 60 days after the issuance of the order. The review shall be conducted in accordance with chapter 7 of title 5, United States Code. The filing of a petition for review under this subsection shall not, unless ordered by the court, operate as a stay of the order.

(j) SETTLEMENT OR ALTERNATIVE DISPUTE RESOLUTION.—On receipt of a complaint pursuant to subsection (a), the Assistant Secretary shall attempt to reach a settlement between the complainant and the person named in the complaint. The Secretary and Assistant Secretary are encouraged to use alternative means of dispute resolution to resolve the complaint, except that the parties must consent, in writing, before the Secretary or Assistant Secretary may employ such means. The Secretary, Assistant Secretary, or administrative law judge shall not enter into a settlement terminating a proceeding on a complaint without the participation and written consent of the complainant. Any settlement order issued pursuant to this subsection shall be a final order of the Secretary and shall include findings that the settlement is in the best interests of the complainant and of the public.

(k) TIME COMPUTATIONS.—Except as otherwise provided in this Act, for purposes of a proceeding on a complaint, all time computations shall be made in accordance with the Federal Rules of Civil Procedure.

(l) POSTING.—Each employer shall post and keep posted in conspicuous places on its premises a notice to be prepared or approved by the Secretary setting forth information as the Secretary considers appropriate to carry out this Act.

SEC. 6. ENFORCEMENT.

(a) BY THE SECRETARY.—Whenever a person has failed to comply with an order issued under this Act (including a subpoena), the Secretary may file a civil action in the United States district court for the district in which the violation is alleged to have occurred to enforce such order. In an action brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive and declaratory relief and compensatory and exemplary damages.

(b) BY THE PARTIES.—Any person on whose behalf an order (including a subpoena) is issued pursuant to this Act may commence a civil action against the person named in the order to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order. On issuance of an order on behalf of any person seeking enforcement under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to the person seeking enforcement.

SEC. 7. COMPLAINT REFERRAL.

(a) REFERRAL.—On issuance of a final order (including an order approving a settlement pursuant to section 5(j)) by the Secretary, Assistant Secretary, or administrative law judge, the Secretary shall cause a copy of such order to be served on each Federal agency that may have jurisdiction over the activity, policy, or practice alleged in the complaint, except that only the relevant portions of a settlement order shall be provided in the copy. Such Federal agency shall take appropriate action with respect to the activity, policy, or practice.

(b) FINDINGS.—Within 30 days after taking an action under subsection (a), a Federal agency receiving a copy of a final order or the relevant portions of a settlement order pursuant to subsection (a) shall—

(1) prepare a report on the action; and

(2) provide a copy of the report to the Secretary, all parties to the final order, and the relevant committees of Congress.

(c) OTHER INVESTIGATIVE AUTHORITY.—Nothing in this section limits the authority of any Federal agency under any other law.

SEC. 8. EFFECT ON OTHER RIGHTS AND REMEDIES.

(a) STATE RIGHTS AND REMEDIES.—The rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other rights and remedies of the employees provided under State law, and are not intended to alter or effect such rights and remedies.

(b) CONTRACTUAL RIGHTS AND REMEDIES.—Except as provided in section 4(b), the rights and remedies provided to employees by this Act are in addition to, and not in lieu of, any other contractual rights and remedies of the employees, and are not intended to alter or effect such rights and remedies.

(c) FEDERAL RIGHTS AND REMEDIES.—It is the express intent of Congress to supersede applicable Federal laws only insofar as the laws may provide rights and remedies to employees protected by this Act that are inconsistent with the rights and remedies provided by this Act.

(d) FEDERAL PROCEDURES.—It is the express intent of Congress to supersede the enforcement and administration procedures in applicable Federal laws by making the enforcement and administration procedures in sections 5, 6, and 7 the exclusive enforcement and administration procedures.

(e) DEFINITION.—For purposes of this section, the term "applicable Federal laws" means—

(1) the provisions of law that provide private sector employees with protection against discharge or discrimination for activities described in section 4, that are contained in—

(A) section 23 of the Toxic Substances Control Act (15 U.S.C. 2622);

(B) section 11(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c));

(C) section 505(a) of the Migrant Seasonal and Agricultural Worker Protection Act (29 U.S.C. 1855(a));

(D) section 105(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 815(c));

(E) section 703 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1293);

(F) section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367);

(G) section 1450 of the Public Health Service Act (42 U.S.C. 300j-9);

(H) section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851);

(I) section 7001 of the Solid Waste Disposal Act (42 U.S.C. 6971);

(J) section 322 of the Clean Air Act (42 U.S.C. 7622);

(K) section 110 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9610);

(L) section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441);

(M) section 7 of the International Safe Containers Act (46 U.S.C. 1506); and

(N) section 405 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2305); and

(2) the provisions of law that provide private sector employees with protection against discharge or discrimination for activities described in section 4, that are contained in any other Federal law that is enacted after the date of enactment of this Act, unless enacted in express limitation of this paragraph.

[Recommendation 87-2]

FEDERAL PROTECTION OF PRIVATE SECTOR HEALTH AND SAFETY WHISTLEBLOWERS

Adopted June 11, 1987

Private sector employees who make disclosures concerning health and safety matters pertaining to the workplace are protected against retaliatory actions by over a dozen federal laws. By common usage these employees as well as others who make similar disclosures concerning fraud or other misconduct (but who are beyond the Conference's current study)[1] have become known as whistleblowers. Under current statutes, for example, nuclear power plant workers, miners, truckers, and farm laborers are specifically protected when acting as whistleblowers. Other workers may be covered under the more general protections granted by the Occupational Safety and Health Act (OSHA) or various environmental laws.

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[1] The Conference has limited its study to health and safety related disclosures because in this area a pattern of federal statutory protections has emerged with sufficient experience to allow a study.

The protection provided employees by the so-called whistleblower statutes under study serves the important public interest of helping ensure the health and safety of workers in the various regulated industries or activities, as well as that of the general public. The statutes are intended to create an environment in which an individual can bring a hazardous or unlawful situation to the attention of the public or the government without fear of personal reprisal. Such disclosures can be a valuable source of information especially where the public lacks the knowledge or access to information necessary to be fully informed on these important issues.

In its examination of the current federal statutory scheme designed to protect whistleblowers in the private sector, the Conference found that, as currently written, the various whistleblower statutes lack uniformity in a number of areas including the following:

1. Investigative responsibility is assigned to numerous agencies, including the Department of the Interior and several within the Department of Labor (DOL), with little coordination among them.

2. Adjudicatory responsibility is similarly divided. For example, while several statutes provide for adjudication by a DOL administrative law judge, others provide for decisions by different agencies or for trial in the district court.

3. Judicial review likewise differs. Some statutes provide for review in the district court, some in the court of appeals. And for some, no review is available.

4. Statutes of limitations for filing a complaint range from 30 days to 180 days.

5. Definitions of protected conduct differ according to statute. For example, protected disclosure may include any disclosure or may be more narrowly defined as disclosure to "the public," to the media, to the responsible agency, or to a union or employer. Protected conduct may or may not include refusals to work.

6. In certain cases where the designated agency declines to proceed with the complaint (under either the OSHA or the Asbestos Hazard Emergency Response Act), the complaining employee is left without any further administrative or judicial review.

As a result of these statutory incongruities, available procedures and protections may differ depending solely upon the industry to which an aggrieved employee belongs. For example, an employee seeking protection under the Clean Air Act (CAA) has 30 days in which to file a complaint, while an employee filing under provisions of the Migrant Seasonal and Agricultural Worker Protection Act (MSAWPA) has 180 days. And while both CAA and MSAWPA violations are investigated by the Wage and Hour Division of the Department of Labor, adjudication of CAA complaints is before a DOL administrative law judge, while MSAWPA complaints are adjudicated in the district courts. The Conference has concluded that this lack of uniformity does not appear to be reasoned, but most likely reflects the incremental enactment of the various statutes over a period of years.

Accordingly, the Conference believes that omnibus whistleblower legislation providing for centralization of the investigative and adjudicative functions is needed. Because the Department of Labor now investigates and adjudicates such complaints under the majority of existing statutes, centralization in that Department is the logical choice. Although specialized expertise possessed by agencies responsible for the various regulatory programs covered by whistleblower provisions may be required in exceptional circumstances to resolve these disputes, the Conference believes that centralization is preferrable and that enforcement and adjudicative responsibilities should where feasible be assigned to the DOL.

The Conference study also discussed areas of regulation where gaps in whistleblower protection exist. These include the aviation and aeronautics industries, vessel construction and operation, and manufacturing and production of food, drugs, medical devices or consumer products generally. Where Congress has judged it necessary to regulate an industry so as to ensure the safety of its workplace, products, services or the environment, Congress should consider whether it is appropriate that enforcement of the regulatory scheme be strengthened by providing whistleblower protection for the industry's employees who report statutory violations.

The study also indicated that access to written decisional precedents in these cases needs to be improved. The Department of Labor's Office of Administrative Law Judges does not yet publish its decisions (although it has recently announced plans to do so), and a unified index for these decisions and those of other agency adjudicative bodies does not exist. Publication and indexing of existing case law should help narrow the issues for future adjudications, contribute to a sense of fairness in the adjudicatory process, and improve case management. In addition, the study found that, with certain exceptions, there is little interaction between the program agency and the investigating-adjudicating agency, thus diminishing the involvement of the lead program agencies. Procedures should be established by which program agencies provide assistance to investigative agencies, and adjudicatory agencies report decisions back to the program agency.

Finally, the Conference notes that there is a growing amount of litigation in state courts concerning whistleblowers, but does not take a position on whether federal statutes do or should preempt state law in this field. (ACUS Recommendation 84-5, Preemption of State Regulation by Federal Agencies, recommends that Congress address foreseeable preemption issues, and advises regulatory agencies to be aware of situations where a conflict might arise.)

With the increasing interest in these matters by Congress, the media and the general public, the Conference hopes that its study will provide a foundation for needed improvements.

RECOMMENDATION

I. In the interest of uniform treatment of private sector health and safety whistleblowers, Congress should enact omnibus legislation for the handling and resolution of whistleblowers' complaints. In enacting this legislation, Congress should review the categories of workers to which it is appropriate to extend whistleblower protection. As a general matter, the administration of this program should be centralized in the Department of Labor in furtherance of efficiency and harmony of results. If, however, Congress deems it necessary for a program agency to retain or receive investigative or adjudicative responsibility for whistleblower complaints, Congress should strive for uniformity in the substantive protections and procedures applicable to the separate programs.[2] The omnibus and any other legislation should include:

(A) a uniform definition of protected conduct;

(B) a uniform statute of limitations of not less than 180 days governing the filing of complaints;

(C) a uniform provision for remedies;

(D) assignment of preliminary investigative responsibility to the Secretary of Labor[3] for all private sector health and safety whistleblowing retaliation cases;

(E) authorization for the Secretary of Labor to employ alternative means of resolving these disputes, with the consent of the parties (see ACUS Recommendation 86-3, Agencies' Use of Alternative Means of Dispute Resolution);

(F) provision for an opportunity by any affected person to request an on-the-record APA hearing before a Department of Labor administrative law judge and for discretionary review by the Secretary of Labor, judicial review in the courts of appeals, and enforcement in the district courts;

(G) a grant of subpoena power to the Secretary of Labor for whistleblowing investigations and hearings, with provision for judicial enforcement; and

(H) a grant of rulemaking authority to the Secretary of Labor with respect to investigative and adjudicatory procedures, notice-posting requirements and mandatory coordination with other agencies.

II. Whether or not Congress enacts omnibus whistleblowing legislation, the Secretary of Labor should:

(A) promulgate rules of appellate procedure governing practice and procedure in connection with the Secretary's review of administrative law judge decisions in whistleblower cases;

(B) transfer primary private sector health and safety whistleblowing investigative responsibility to a single entity within the Department of Labor, absent compelling reasons to the contrary;

(C) develop, in consultation with the agencies responsible for the substantive regulatory programs, detailed written procedures for coordinating investigation, adjudication and follow-up in whistleblowing cases; and

(D) in accordance with the Freedom of Information Act, 5 U.S.C. § 522(a)(2)(A), index and publish all ALJ and Secretarial decisions in whistleblowing cases, including those rendered prior to the date of this recommendation.

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[2] The Conference does not intend to suggest that whistleblower protection provisions now administered by the Department of Labor be reassigned. Nor is this recommendation intended to affect the existing jurisdiction of the National Labor Relations Board to investigate and adjudicate allegations of unfair labor practices.

[3] All references to the Secretary of Labor in recommendations, I(D)-I(H) encompass other appropriate agency heads in instances where Congress deems it necessary for a program agency to retain responsibility.

FEDERAL PROTECTION OF PRIVATE SECTOR HEALTH AND SAFETY WHISTLEBLOWERS

(A report to the Administrative Conference of the United States by Eugene R. Fidell)

INTRODUCTION AND SUMMARY [1]

Few areas of federal labor law are currently the subject of as wide public interest as "whistleblowing", a now familiar term for the dissemination by an employee of information critical of or reflecting adversely on an employer, typically for the purpose of correcting or preventing some violation of law or other harm to the public interest.[2] The most widely publicized recent episode—involving two engineers employed by Morton Thiokol Inc., a major National Aeronautics and Space Administration contractor for the ill-fated *Challenger* space shuttle—is only one in a growing series of incidents in which employees have alleged that they were retaliated against for whistleblowing in matters affecting health or safety.

Over a dozen federal laws attempt to protect whistle-blowers from retaliation in wide areas of private sector activity where health and safety are at stake.[3] These laws, which protect both public and workplace health and safety interests, omit large and potentially important industries such as aviation and pharmaceuticals. In addition, they have created a crazy quilt of investigative, adjudicatory and review responsibilities. These are summarized in Table 1 below. There appears to be increasing Congressional interest in protecting yet other categories of whistleblowing.[4]

While a body of literature has developed concerning whistleblowing (and the promise of more to come), it is only now being recognized that these statutes form part of a larger whole. Until now, with a few notable exceptions,[5] little effort has been made to render a rational account of Congress' activity in this area and those who have become involved under one or another of the statutes have tended not to become involved in the others. Federal whistleblowing protection has probably been seen more as an appendage to the underlying substantive regulatory program, than as a focus for legal analysis in its own right or as a new subspecialty within the field of labor law. One of the purposes of this report is to suggest a different perspective: viz., that the varieties of legislative and administrative experience under the federal health and safety whistleblower protection provisions, taken as a whole, represent a "sea change" in labor law that merits study and legislative attention in its own right.

As Table 1 shows, under eight of the federal whistleblowing statutes, the Secretary of Labor has assigned investigative responsibility to the Wage and Hour Division, under two others to the Occupational Safety and Health Administration, and under one to the Mines Safety and Health Administration. Other agencies have important investigative or adjudicatory responsibilities as well. These include the Department of the Interior, which has both investigative and adjudicatory tasks, the Department of Defense (as to DOD contractors), and the Independent Mine Safety and Health Review Commission, whose job is only adjudicatory. With the exception of the relationship between the Wage and Hour Division and the Nuclear Regulatory Commission, there appears to be little active coordination among the agencies concerned.

Some of the statutes create elaborate hearing procedures; others are silent. They differ widely on matters as critical as the definition of protected conduct, the statute of limitations, remedies, and the machinery for adjudication and judicial review. Anomalies abound. For example, statutes of limitations range from 30 days to 6 months. Where whistleblowing in respect of violations of OSHA's own regulations are concerned, OSHA investigates, and adjudication is in the district courts. Where violations of the Surface Transportation Assistance Act of 1982 are in issue, on the other hand, OSHA investigates, but adjudication is by Department of Labor administrative law judges. The Mine Safety and Health Review Commission, an independent agency, decides whistleblowing cases; the Occupational Safety and Health Review Commission—another independent agency—does not. Some of the statutes cover safety-based refusals-to-work along with the kinds of disclosure most people think of as whistleblowing; some contemplate the award of punitive damages; some authorize temporary reinstatement while the merits of the case are being adjudicated.[6] Employees who lose at the agency level under most of the statutes may obtain judicial review; not so, however, in the case of violations of section 11(c) of the Occupational Safety and Health Act or section 211 of the Asbestos Hazard Emergency Response Act because the employees are completely dependent upon the willingness of the Labor Department to prosecute their causes on their behalf.

Because many of these discrepancies reflect vagaries of the legislative process as it has addressed various industries on an incremental or piecemeal basis over the years, a number of them are difficult to justify according to any neutral principle of public administration. On some issues, conscious substantive legislative choice and the political process are reflected in the current institutional arrangements for the protection of private sector health and safety whistleblowers. For this reason, as noted in the concluding section of this report, some of the matters that one might see every reason to alter may lie beyond the ordinary role of the Administrative Conference. On the other hand, the institutional hodge-podge described in this report transcends mere untidiness or asymmetry. At a certain point, divergent approaches can overwhelm the law by eroding public confidence in the fundamental coherence of the governmental process. That point has unquestionably been reached in Congress' efforts to protect those who suffer employee retaliation for calling attention to health and safety violations.

This report suggests that the Conference recommend (1) the enactment of omnibus whistleblower legislation uniformly applicable to all activities subject to health and safety regulation by the federal government in order to encourage private actions in support of those federal programs and to ensure fairness, uniformity and rationality in the adjudicatory and remedial processes, and (2) specific actions (identified below) to be taken by the Secretary of Labor to improve the administration of the current diversity of private sector whistleblower protection programs.[7]

TAXONOMY AND TERMINOLOGY

Although much of the business of ensuring that the laws are observed have become the responsibility of government rather than private citizens, the Supreme Court has rejected the notion that private citizens have no role to play.[8] By way of preface, it may be appropriate to try to orient the whistleblower protection provisions within the range of tools available to government for the achievement of public objectives. Some of these tools are negative, and some are positive. Some are direct (i.e., used by the government itself) and some are indirect (relying rather on private individuals). For example, imprisonment, fines, penalties and forfeitures are familiar sanctions government uses to achieve its ends. These are direct and negative (or disincentives).[9] Rewards [10] or qui tam provisions might be thought of as indirect positive incentives in that they rely on or seek to encourage private interests to help achieve public ends. In some circumstances, the law may create an indirect negative incentive to encourage private citizens to assist in suppressing crime, as in the case of the Tariff Act provision making it a misdemeanor to refuse to assist a Customs officer.[11] The whistleblowing anti-retaliation provisions of federal law are best thought of as the removal of a disincentive for private assistance in achieving public ends, since the purpose of such provisions is to hold harmless those employees whose information must reach the government in order to help achieve public goals.[12]

In addition to this taxonomic note, mention might be made of certain terminological pitfalls in the whistleblowing area. Thus, the phrase "employee protection" is occasionally used to describe whistleblowing anti-retaliation measures.[13] This term, however, is also used in other contexts that have nothing to do with whistleblowing, such as the arrangements under section 507(e) of the Federal Water Pollution Control Act for investigations into employees' complaints that an employer has discharged or discriminated against them because of effluent limitations or orders issued by EPA under that statute,[14] or the seniority-protective provisions of the Airline Deregulation Act of 1978.[15] One recent enactment uses the term "Public Protection," which is so vague as to be essentially meaningless.[16]

The terms "discrimination" and "affirmative action" are used in describing protected whistleblowing and the fashioning of remedies, respectively. These obviously have special meanings in our society, and their use in this context can be a hinderance to understanding because it inappropriately implies a legal or doctrinal kinship with the race relations area, thereby bringing into play a very different set of concerns and values from those that underlie public policy in the whistleblowing area.

THE COMMON LAW CONTEXT

The background against which the federal legislation addressed in this study arose may be briefly sketched.[17] At common law (American, incidentally, rather than English), the rule evolved that an employee who did not have a contract that provided otherwise could be dismissed at the will of the employer. This doctrine is said to have its origins in a treatise published a little more than a century ago,[18] and promptly took root in the cases, which seem to have adopted this notion quite uncritically.[19] Eventually, however, some courts began to carve exceptions from the rule, and doctrines have arisen in a number of jurisdictions holding that there was a "public policy exception" to the "employment-at-will" rule. In summary, such exceptions hold that an employer will not be permitted to discharge an employee for conduct that advances a recognized public policy. The law on this point is essentially state law,[20] and the extent to which the doctrine applies to any particular set of facts is likely to vary dramatically from one jurisdiction to the next.

THE FEDERAL LEGISLATIVE RESPONSE

In addition to judicial recognition of a "public policy exception" to the at-will doctrine, Congress and a number of state legislatures have enacted specific provisions ensuring protection against retaliation for employees who assert various rights. The federal legislation includes a variety of statutes, only some of which deal with public health and safety programs.[21] This report is confined to the measures protecting health and safety whistleblowers; a broader study may also be desirable at a later date to explore the need for rationalizing the total federal legislative scheme.

1. Public Sector Employees.—Table 2 lists the various federal statutes that seek to protect from retaliation those public employees who engage in whistleblowing.[22] These statutes are beyond the scope of this study, but a few words may still be in order. The key statute is the Civil Service Reform Act of 1978, which created broad protection for disclosures by civilian federal employees. Disclosures relating specifically to health and safety form only a small part of the field of protected conduct, and it is believed that few of the whistleblowing cases that have arisen under the CSRA have involved health or safety considerations. Most CSRA cases have to do with allegations of waste, fraud and abuse.

The most recent addition to the list of public sector antiretaliation laws is the Department of Defense Authorization Act, 1987, which extends protection to defense contractor employees for disclosures to Members of Congress, DOD and the Justice Department "relating to a substantial violation of law related to a defense contract." [23] This measure is a modification of an earlier proposal that would have extended expressly to disclosures relating to "substantial and specific danger to public health and safety." In addition, the earlier version protected military personnel as well as contractor employees from reprisals.

2. Private Sector Employees.—The range of federal statutes protecting private sector employees who "blow the whistle" on health and safety problems is considerable. These are set forth in Table 1. Together, they cover a large part of the American work force, and fall into several broad categories. Some are industry-based, such as those affecting mining, the nuclear industry or particular transportation modalities. Some address sweeping environmental concerns, such as those for which EPA is the program agency. And some cut across the broad spectrum of industrial activity in the country, such as OSHA, NLRA or LMRA.[24] The same conduct may violate more than one statute, thus involving multiple decisional tracks.[25]

The effectiveness of these arrangements is open to question. As two perceptive students of the field recently wrote, "[t]he record is particularly grim in industry; not one of the industrial whistleblowers we studied survived on the job." [26] "With few exceptions, they are driven out of not just their jobs, but their professions, too." [27]

3. "Twilight Zone" Cases.—In a number of instances, it may be difficult to characterize the class protected by a whistleblower statute as "public" or "private." For example, the 1984 Defense Department authorization extended whistleblower protection, including health and safety disclosures, to employees of nonappropriated fund activities. Section 211(a) of the Asbestos Hazard Emergency Response Act of 1986 protects all persons from discrimination, but specifically includes employees of state and local educational agencies. State employees have found protection under the Safe Drinking Water Act,[28] and at least one case involving a federal employee—that of EPA employee Hugh Kaufman—has been filed with the Department of Labor under the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Government contractor employees have been held to be protected under several of the whistleblower statutes.[29]

4. Caseload.—Basic caseload figures for private sector health and safety whistleblowing cases in Fiscal Year 1985 appear in table 7. The data show that by far the largest single category of complaints is under section 11(c) of the OSHA Act. These cases, however, do not involve agency hearings; if OSHA finds the case meritorious, it brings a civil action on behalf of the complaining employee. The only intra-agency remedy a complainant has is to seek review within OSHA of an initial decision not to pursue the case.[30] As the table shows, very few section 11(c) cases are pursued by the Department.[31]

The section 11(c) complaint caseload appears to have been fairly stable over the last several years.[32] For example, in FY78, OSHA received 3,000 employee complaints.[33] The corresponding numbers for FY83 and FY84 were 2522 and 2813, respectively.[34]

The next-largest group of cases involves the Surface Transportation Assistance Act, under which OSHA received 354 complaints during FY84.[35] The number of complaints declined to 248 in FY85.[36] "[I]n the first half of 1984, only eight cases were found to have merit. By the end of the year, twenty-five merit findings had been issued, and in 1985 fifty-eight merit findings were issued." [37] In FY85, the OALJ docketed 20 STAA cases following OSHA investigation, and conducted 6 APA hearings.

Third in frequency are retaliation complaints under the Federal Mine and Safety Health Act. MSHA investigated 276 complaints of safety- or health-related discrimination that were filed during FY85.[38]

The Department of Labor has created an Office of Administrative Law Judges to adjudicate cases under a broad range of statutory programs, most of which have nothing to do with whistleblowing. That office is, however, also responsible for a substantial part of the overall whistleblower caseload. Taken together, the OALJ received 77 such cases during FY85 under the various whistleblowing statutes it administers (including the 20 STAA cases referred to above). Of these, the vast majority were nuclear cases brought under the Energy Reorganization Act. Overall, the OALJ has received 264 whistleblowing cases since 1980.[39] The number of whistleblower complaints received by the Department of Labor is not available at this writing, but it appears that in FY85, the Wage and Hour Division conducted approximately 50 investigations under the statutes for which it is responsible, of which about half were found to be meritorious.

Statistics concerning the incidence of whistleblowing cases brought before the NLRB are also unavailable, although case summaries furnished by the Board's Office of General Counsel indicate that health and safety issues are not uncommon in Labor Board proceedings.[40]

There have been very few discrimination complaints under the Surface Mining Control and Reclamation Act.

For comparative purposes, during FY85, the Office of Special Counsel of the Merit Systems Protection Board received 135 whistleblowing disclosures from federal employees.[41]

SHORTCOMINGS OF THE CURRENT ARRANGEMENTS

1. Jurisdictional Lacunae.—The most obvious shortcoming of the current federal legislation protecting healthy and safety whistleblowers is the omission of major sectors of the economy where health and safety are unquestionably at stake. For example, Congress has yet to extend whistleblowing protection to: aviation, aerospace, vessel construction and operation, food and drugs, medical devices, and consumer products generally. While the major environmental laws administered by EPA include whistleblower provisions, one—the Noise Control Act of 1972—does not. Even where the industry itself is covered, the statute may be written to exclude persons whose jobs have safety implications.[42]

A major omission has long been the vast number of government contractors to the extent that their activities were not covered by any of the subject-matter-specific antiretaliation statutes. For example, in 1974, the Department of Labor and the Atomic Energy Commission acknowledged that ". . . Section 4(b)(1) (of the OSH Act) renders OSHA inapplicable to the working conditions of AEC contractor employees working in Government-owned or -leased contractor/operated facilities as long as AEC continues to prescribe and enforce radiological and non-radiological occupational safety and health standards." This kind of gap has been addressed in a variety of ways, including internal agency regulations or contractual provisions.[43]

Congress has also begun to recognize the need for coverage of government contractors in general. For example, in the aftermath of the *Challenger* disaster, Representative Markey observed:

"If the Morton Thiokol engineers were Federal employees, they would have recourse through the Civil Service Reform Act and the Office of Special Counsel. But as employees of a Government contractor, they have no protection." [44]

How whistleblowers such as the Morton Thioikol engineers ought to be protected may well raise difficulty drafting problems, since it appears that their expressions of concern were not couched in terms of violations of federal regulations, but rather involved a degradation of safety standards peculiar to the shuttle effort. Whether safety concerns voiced within a company ought to be protected is a matter of considerable controversy, and Congress would do well, in framing generic whistleblower protective legislation, to consider carefully how such legislation would have affected the *Challenger* case.

Congress has not yet passed general whistleblower protection for employees of government contractors, although it has done so for Department of Defense contractors in the Department of Defense Authorization Act, 1987.[45] Prior to passage of that legislation, a Defense Department contractor employee alleging retaliatory discharge could try to sue under the False Claims Act,[46] although the gravamen of such a case is fraud on the government rather than harm to the employee. Generic protection for contractor employees was introduced in the 99th Congress[47] and will be reintroduced in some form in the 100th.

Of course, not all health and safety programs involve concerns of the same gravity and magnitude. To take an obvious example, the potential health and safety implications of many violations of NRC regulations could be of a different order of magnitude from an isolated violation of trucking safety regulations. Comparing safety programs requires a consideration not only of the magnitude of the hazard could be developed under which one could argue that different measures of employee protection are appropriate in different industrial or other contexts. On the other hand, one would think that anything that was sufficiently charged with a public interest to warrant federal regulation in the first place should also warrant protection for whistleblowers simply as an aid to enforcement and ensuring voluntary employer compliance with the underlying safety and health requirements.

One thoughtful reviewer of the draft of this study cautioned that expansion of whistleblower protections to persons in highly sensitive positions might make it too difficult to remove an incompetent or malicious employee. Where the superior can anticipate that his own integrity may be put in issue in the adjudicatory process, there may be a chilling effect on his or her willingness to take needed disciplinary action. The net result would be contrary to the public interest of health and safety.[48] This factor is difficult to assess in empirical terms, but there does seem to be a satisfactory response to it: the adjudicatory process must be reasonably prompt and reliable, and so managed as to offer no reason for malcontents or marginal performers to see it as an insurance policy against proper discipline. Agency decisonmakers should be alert to the detrimental effect on health and safety if managers and supervisors form the opinion that turning a blind eye to poor work is preferable to the inconvenience of an investigation and possible hearing. If supervisors are not to be deterred from performing their jobs, the process should be as free of wasted time and effort as possible. Nonetheless, as in any disputatious setting, there will always be some who are so put off at the prosepct of a government investigation that they may "put up" with a poor performer longer than they should. There is, in this, however, nothing peculiar to this setting; how long would an unsafe employee be retained even though firing him or her would trigger some other kind of discrimination claim?

2. Protected Conduct.—The health and safety whistleblowing statutes basically protect two kinds of conduct: (a) disclosures and, in a few instances, (b) refusals to work. In neither category has Congress acted uniformly.

(a) Protected Disclosures.—Table 4 summarizes the statutory provisions that define protected disclosures. As a brief review of that listing will show, Congress has used a wide range of terms to describe the disclosures it wants to protect. It is however, difficult to understand why a uniform set of concepts could not be substituted.

To identify a few of the variations, there are provisions that apply to any disclosure (AHERA) disclosures to the media (OSHA),[49] disclosures to the agency or agencies responsible for administering the underlying regulatory program (e.g., ERA), and disclosures to a union (FMSHA, OSHA) or employer (FMSHA, OSHA, SMCRA). The circuits are split on whether the ERA protects "internal" complaints to an employer.[50] The underlying validity of employee safety concerns under the ERA and environmental statutes has been held to be beyond the Labor Department's jurisdiction; the disclosure need only be made in good faith.[51]

Retaliation against concerted activity in response to safety concerns has been held to be an unfair labor practice by the NLRB, but the Board has recently emphasized that it "was not intended to be a forum in which to rectify all the injustices of the workplace." [52] Given the requirement for concerted activity, and the Board's emphasis on the fact that the employee in Meyers (a truckdriver who was retaliated against for refusing to work and reporting a safety violation to state authorities) might have an action under state law or (had it been in effect at the time) under the STAA, it seems improbable that the NLRA will prove to be of substantial benefit to whistleblowers who act alone—particularly if their conduct might also be protected under other legislation.[53] Indeed, the current Board has expressly disclaimed an interest in "taking it upon ourselves to assist in the enforcement of other statutes." [54] This narrow perspective would seem to be at odds with the philosophy underlying the whistleblower provisions, the basic purpose of which is to assist in the achievement of substantive federal health and safety objectives. Because the statute of limitations for unfair labor practice complaints is longer than most of the whistleblowing statutes, contraction of the NLRB's role effectively reduces the protection available to employees. Meyers suggests that Congress should not look to the broad coverage of the NLRA as a reason to refrain from enacting generic private sector whistleblower legislation. The case has been appealed again to the District of Columbia Circuit.[55]

(b) Refusals to Work.—Employee refusals to work are protected under the Energy Reorganization Act, Federal Mine Safety and Health Act, Federal Railroad Safety Authorization Act, Labor Management Relations Act, National Labor Relations Act and Surface Transportation Assistance Act.[56] The NLRA protects only "concerted activity" under section 7, rather than individual conduct.[57] Unless the refusal to work is part of a group effort or is an individual effort intended to enlist the support of others, or involves the assertion of a right grounded in a collective bargaining agreement,[58] it will not be protected, according to the NLRB's latest pronouncement on the issue.[59] Section 502 of the LMRA applies to employees who stop work "in good faith because of abnormally dangerous conditions," [60] but it is unclear whether the provision protects only those workers actually at risk, or others who join with them.

In addition to the statutory provisions, safety-based refusals to work are protected by a regulation issued under the Occupational Safety and Health Act,[61] and upheld by the Supreme Court in *Whirlpool Corp.* v. *Marshall.*[62]

The refusal to work provisions typically require that the employee have an actual reasonable belief that he is in danger.[63] For example, the STAA provides:

"No person shall discharge, discipline, or in any manner discriminate against an employee . . . for refusing to operate a vehicle when such operation constitutes a violation of any Federal rules, regulations, standards, or orders applicable to commercial vehicle safety and health, or because of the employee's reasonable apprehension of serious injury to himself or the public due to the unsafe condition of such equipment. The unsafe conditions causing the employee's apprehension of injury must be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health, resulting from the unsafe condition. . . ." 49 U.S.C. sec. 2305(b) (Supp. III 1985).

3. Limitation of Actions.—As shown in Table 1, the range of statutes of limitation applicable to health and safety whistleblowing complaints is considerable and, given the plain kinship among these statutes, intellectually indefensible. Absent some showing that would justify differences from one setting to another—and the author has been unable to discern the basis for such a showing—a single statute should govern.

What should the limitation period be? This is necessarily a matter of legislative judgment, and should reflect the fact that employers are unlikely to tell an employee that he or she is being dismissed as a reprisal for whistleblowing. As a result of this factor, the employee may not be aware at the time of discharge that a statutory right has been contravened.

If an employee must file more than a "notice of appeal" to trigger the whistleblowing hearing processes,[64] a 30-day statute is unreasonable, even if a notice is required to be posted advertising the complaint process. Moreover, an employee may well find it impossible to find counsel who can prepare a complaint in such a short period, particularly since much whistleblower litigation is conducted on a contingent fee basis in the hope of securing an award of attorneys fees. As shown in Table 8, a significant number of the whistleblowing cases brought to the DOL Office of Administrative Law Judges are dismissed for untimeliness. Other cases are dismissed for untimeliness by the investigative agencies. On balance, and considering the potential complexity of these cases, a single statute of limitations of not less than 180 days seems appropriate.

4. Investigative Arrangements.—Table 1 identifies which agency is responsible for the investigation of whistleblower complaints under the private sector statutes. The Wage and Hour Division has been given responsibility for seven of the statutes under which hearings are conducted by the DOL Office of Administrative Law Judges, as well as for two statutes (FLSA and MSAWPA) under which adjudication is performed by the district courts.[65] OSHA is responsible for STAA cases that are eventually heard by the OALJ, as well as violations of OSHA's own regulations, which are heard in the district courts.

The basic issue that emerges from the assignment of investigative functions is whether those functions should be performed by the agency with responsibility for the underlying substantive safety program. On the one hand, if the subject matter is complex or technical, it could be argued that only the program agency would have the technical expertise necessary to evaluate whistleblower cases. On the other hand, there may be concern that the program agency might be less than impartial in whistleblower cases to the extent that a whistleblower's charges may be thought to imply that the program agency was ineffective.[66] Some program agencies are considered to be too sympathetic to the regulated industry, and lack of resources may lead to "dispirited" enforcement of safety regulations.[67] Congress recognized the possibility that an agency might have a conflict of interest, for example, when it broke up the former Atomic Energy Commission (which had both regulatory and promotional responsibilities) into the NRC and the former Energy Research and Development Administration.[68]

The case for having adjudication handled by the program agency based on the theory that substantive expertise in the underlying technical field is required is unpersuasive. For one thing, the program agency would always be available to supply expert witnesses on any truly technical issues, a technique that would presumably be used today in those cases that arise under statutes where adjudication is handled by the district courts, which can claim no special expertise. More to the point, the whistleblowing statutes do not require a determination that the complainant's safety concern is technologically "correct," but rather that is merely reasonable in the circumstacnes. To be sure, even that question imposes on the decisionmaker an obligation to assess the merits of the worker's health or safety concern, but the burden on the decisionmaker would seem to be much less onerous than might be the case if the complainant were protected from reprisal only if his or her safety objection was not only reasonable but "correct."

Congress has not yet taken a clear position on the generic issue of agency conflicts, although under seven of the whistleblower statutes (DOD87, FMSHA, FRSAA, MSAWPA, NLRA, OSHA, SMCRA) the program agency is also the whistleblowing investigative agency.[69] While the statutes under which these roles are combined involve technical areas such as the environmental and nuclear contexts, certainly there are also technical aspects to cases arising under the two mining statutes, under each of which the program agency also investigates. To the extent that a statutorily independent Inspector General is assigned investigative responsibility under DOD87, the danger of institutional conflicts of interest would appear to be minimal under that particular statute.

One useful approach might be to recognize that the investigation of whistleblowing is itself a specialty, and that the public interest would be served by having a single agency responsible for all whistleblowing investigations. Which agency that should be is not crucial, but presumably it should be one that is currently responsible for a substantial share of the government's total incoming caseload of whistleblower complaints. The available data,[70] tend to point toward OSHA, although the Wage and Hour Division has also amassed valuable experience under the varied statutes for which it has responsibility. The choice is probably best left to the Secretary of Labor. In any event, there is no need to add a brand new agency or additional staff for this purpose; the non-OSHA caseload data suggest that interagency transfers would suffice to meet any shift in agency responsibilities. If, on the other hand, substantial new categories of employees are brought under whistleblower provisions, some net increase in staff would be needed, unless there is slack available at present.

The program agencies should play an active role in support of the investigative agencies, even if they do not themselves have investigative responsibility. In technical cases, the program agencies can (and already do, on occasion) furnish technical advice to the investigative agencies. They can also be asked to provide expert witnesses or technical interrogators for hearings. At times, they might wish to appear as amici in the whistleblower hearings.[71] And, to be sure, they should in each case receive reports on the outcome of hearings so that they may take whatever followup actions may be appropriate in light of the facts developed in the adjudicatory process. These reports should include the adjudicatory decisions as well as the investigative agency's comments and analysis, where appropriate.

The program agencies should take affirmative steps in aid of whistleblower protection, such as the issuance of employee protection regulations that could be enforced in the licensing context, where appropriate, as the NRC has done.[72] They can also impose useful notice-posting requirements by regulation so that employees will know in advance of their rights under the employee protection statutes.[73] This is particularly appropriate if Congress continues to insist on unrealistically short statutes of limitation.

Concern has been expressed over the short time typically allowed to the investigative agencies for processing employee complaints. Rather than simply eliminating the investigative phase (e.g., permitting the employee to institute an APA hearing without prior agency screening),[74] attention might be given to providing that if the investigative agency has not completed its investigation within a fixed period, the employee at that time could obtain an APA hearing on request.[75] The disadvantage of such an arrangement would be that the employee would be deprived of the potentially useful initial reaction of the agency: at present, a favorable initial ruling may be critical to the employee's ability to obtain counsel on a contingent fee basis.[76]

Another issue concerns the desirability of requiring or encourging an employee to exhaust remedies provided by the employer as a precondition to an agency hearing.[77] Table 5 identifies those employee protection programs that require or suggest such exhaustion. Many firms today have internal mechanisms for the receipt of employee safety complaints; a few have contracted with outside companies to provide an external private dispute-ventilation machinery.[78] Before a broad requirement for such programs is imposed, however, serious thought should be given to the fact that an exhaustion requirement may only retard employee access to the public adjudicatory process, and arguably provide the employer with an unfair opportunity for early discovery possibly before the employee has legal representation. If attention is given to requiring such programs, the concerned agencies will have to address the discoverability of documents generated during the process (a matter that has already arisen in at least one case arising under the ERA) [79] and the need to toll the statute of limitations during exhaustion. One attorney representing employers has indicated that documents and statements generated by both sides in the course of exhaustive internal channels would be discoverable.[80] The author's view, on the basis of the information currently available, is that the public interest in prompt disposition of employee protection complaints outweighs the competing interest in potentially reducing the need for recourse to formal governmental processes. Certainly public policy "should not aim at driving every internal dispute toward litigation," [81] but the system should also not create excessive hurdles.

5. Adjudicatory Procedures.—Nowhere is the lack of consistency in federal protection of whistleblowers more apparent than in the arrangements Congress has directed for adjudication of complaints. As shown in Table 1, in 8 instances (involving cases arising under the environmental laws and the STAA), on-the-record APA hearings and recommended decisions are the task of the DOL Office of Administrative Law Judges,[82] subject to final action by the Secretary of Labor,[83] with the assistance of the DOL Office of Administrative Appeals. One source of concern has been the lack of detailed regulatory guidance as to the procedures to be followed in connection with review by the Secretary.[84] The Department of Labor has shown its concern over the case backlog in the Office of Administrative Appeals.[85] An additional step it should take to streamline that final layer of agency review would be to promulgate formal rules of appellate procedure. It has also been suggested that a 3-member appellate panel should be created to review ALJ decisions in whistleblower cases, and to permit interlocutory appeals from ALJ decisions on certain issues.[86]

Like DOL, the NLRB, Mine Safety and Health Review Commission and Internal Board of Land Appeals also provide on-the-record APA hearings. In railroad cases, the decisional body is the National Railroad Adjustment Board which does not provide an APA hearing, and in four categories of cases (nonappropriated fund employees, shipping containers, migrant workers and OSHA), the adjudicatory mechanism is a civil action in district court.

Given the caseload of the district courts, reliance on conventional civil actions rather than appellate court review of agency action in several of these important antiretaliation programs makes little sense. And in the case of complaints under section 11(c) of the Occupational Safety and Health Act, such reliance makes no sense at all when combined with the fact that the complainant has no control over the litigation, i.e., if the agency chooses to dismiss a complaint, the employee can only appeal that decision within the Department of Labor; [87] there is no provision for judicial review of the agency's decision not to pursue a section 11(c) case and no private right of action under that provision.[88] This is in sharp contrast with the other provisions which permit an employee who is disappointed with the outcome of an agency APA hearing to seek judicial review.

Another noteworthy aspect of the adjudicatory process involves the responsibility for representation of the employee. In MSHRC proceedings, the miner is prepresented by MSHA if the agency believes the complaint to be meritorious,[89] but in OALJ cases under the environmental laws, the Wage and Hour Division and the Secretary represent neither party.[90] Under the STAA, the Assistant Secretary for Occupational Safety and Health can prosecute the trucker's case in the OALJ hearing.[91] Under the NLRA, the General Counsel prosecutes.

Here again, the reasons for the discrepancies from one program to another are difficult to fathom. One would think that the same rule should apply across the board, but at the same time it is not clear that every complainant will want or need the prosecutorial assistance of the investigatory agency. Where the complainant is privately represented, the interest in careful husbanding of agency resources (including the need to limit what might otherwise be redundant presentations in the hearing) suggests that the agency should step aside—not dropping out of the proceeding, but taking a more passive role, in deference to the trial strategy of the party's chosen counsel. That role would differ if the individual chooses to represent himself or herself, in which case a more active posture would be appropriate, in the interest of ensuring a full and effective airing of the issues. In short, the Secretary should not be required to represent a party who already has counsel, but if the investigatory agency concludes that the case is meritorious, it should be available to prosecute if the complainant so desires.

The statutes frequently set forth a schedule for agency action on the employee's complaint.[92] These schedules are more honored in the breach than the observance,[93] and they probably serve little practical purpose.[94] To the extent that they indirectly encourage hasty investigative agency positions in complex cases, they may well be counterproductive. Table 8 shows elapsed time for DOL case processing. To some extent the numbers may be misleading since it is often the case that both sides—and the ALJ—will agree that more time is needed if the substantive purpose of the statute is to be served. Litigants may and often do want to relax the schedule in any given case if, for example, more discovery is needed, or anticipated procedural or evidentiary complexities arise. The consented-to delays do not account for all the cases, but they suggest that a "rule of reason" or modus vivendi evolves, whatever the statutory language. The extreme delays in some cases are, however, whether consented to or not, a matter of concern, and the responsible officials may want to ensure that case-tracking mechanisms are in place to keep matters from getting out of hand.

Not surprisingly, both employer and employee representatives have expressed frustration with the current arrangements for DOL hearings. For example, employee counsel have called attention to what they perceive as a pattern of discovery abuse by industry counsel.[95] In one current case, there is a dispute over whether an employer's counsel frustrated the employee's ability to obtain the testimony of a needed witness.[96] On the other hand, some believe that there is a danger of providing a forum for frivilous claims, with no penalty to the complainant who can impose substantial costs on an employer simply by filing a complaint.[97] This criticism overlooks the fact that if a complainant violates an ALJ order, he may be defaulted,[98] although that is not a complete answer to the objection. None of the statutes provide for attorneys fees to be awarded against complainants.

To the extent that the current arrangements are deficient in failing to provide for judicial enforcement of DOL subpoenas, that omission should be remedied as soon as possible along the lines available for enforcement of other agency subpoenas.[99] Until Congress takes such action, the main protection against stonewalling in discovery is the availability of adverse inferences[100] or sanctions such as those provided under Rule 37(b)(2) of the Federal Rules of Civil Procedure. Sanctions alone, however, are not a sufficient response to willful failure to cooperate with discovery in a health or safety whistleblowing case because more is at stake then merely the outcome of the individual case. The public interest may require that the facts be developed in such a case, not simply that the individual employee obtain relief, whether through sanctions or a settlement. Moreover, even after judicial enforcement of subpoenas becomes available, ALJs should still be at liberty to draw adverse inferences or impose sanctions in the event of failure to make discovery because the need to apply to a federal court for subpoena enforcement may be too time-consuming and costly for the party seeking enforcement[101]—even though enforcement proceedings are supposed to be summary in nature.[102] A party's failure to press for judicial enforcement of an agency subpoena should for this reason not preclude either adverse inferences or appropriate agency sanctions.

Misconduct by counsel.—Another of the charges levelled by the complainant bar—is a serious matter that can thwart the achievement of congressional objectives and thereby endanger public health and safety. The arrangements currently in place certainly give agency decisionmakers ample authority to penalize such misconduct, and that authority should be invoked when good cause is shown.[103] In the unlikely event that ALJs prove to be indifferent on this score, the Secretary of Labor can be expected to take a firm stand on review. In addition, the usual forums for the consideration of ethical violations remain available. If the misconduct goes to far as to deprive a party of a fair hearing, the decision should be set aside on judicial review.

6. Remedies.—The basic remedies available under the employee protection statutes are the familiar ones of backpay, reinstatement and attorney fees. In some instances, additional relief may be ordered. For example, actual damages are authorized under a number of statutes, and a variety of kinds of injury have been compensated for under those provisions.[104] These include medical expenses, front pay, and job search expenses. In one ERA case, an employee was awarded $10,000 for mental pain and suffering and injury to reputation.[105] Another received $70,000 "to cover past and future medical expenses . . . and as recompense for . . . humiliation and mental suffering."[106] Exemplary or punitive damages are specifically authorized under only two of the environmental employee protection provisions (SDWA and TSCA); in other contexts the Department of Labor has held such damages to be unavailable.[107] Why those statutes alone have that provision is unclear aside from having been inspired by a common model. There is no conceivable reason for this discrepancy; a single rule should apply.

Agencies are also authorized to order abatement of the employer's conduct as well as "affirmative action," although little, if any, use has been made of the latter power. it is to be expected that future cases will see an increase in use of the "affirmative action" power.

Under the FMSHA and STAA, Congress has authorized interim relief or temporary reinstatement pending of complaining employees. Under both of these provisions, temporary reinstatement without a prior evidentiary hearing has been found unconstitutional; in the STAA case, the Supreme Court has the matter under advisement.[108]

Other remedies may well be available through the program agency if, for example, that agency is responsible for licensing the employer in some fashion. This is true under the Atomic Energy Act, and the NRC has taken administrative action against licensees on the basis of whistleblowing by employees.[109] However, as the NRC has indicated,[110] "the action taken by NRC focuses on the licensee to change the conduct of the discriminator. It is not a direct remedy to the employee."

7. Judicial Review.—The arrangements for judicial review, outlined in Table 1, fall into two basic categories. In the case of surface mining and railway whistleblowing, review lies in the district courts; in the other cases, agency action is reviewed in the courts of appeals. Given the similarity of the issues likely to be explored in all such cases, uniform review at the court of appeals level (in keeping with a prior Conference recommendation) would be appropriate once there was underlying uniformity as to agency hearing procedures. Since surface mining cases go through the Interior Department hearing process with review by the Board of Land Appeals, there would seem to be no reason to require an intermediate stop at the district court.[111]

A more fundamental concern has to do with the fact that under OSHA and the Asbestos Hazard Emergency Response Act, if the investigatory agency declines to bring a civil action for the employee, the employee cannot obtain judicial review of that decision, and also cannot bring his own action against the employer. Agency decisions not to prosecute are understood to be non-reviewable, but that doctrine would seem to have no application where an individual employee has been harmed by the violation of a prohibition on retaliation. There is no apparent reason for closing the courthouse doors to such individuals while keeping them open under so many of the other statutes. If nothing else, such an approach drives whistleblowing cases into the state courts under state doctrines, even though the federal interest may be paramount.[112]

8. Interaction with Program Agencies.—As Senator Grassley stressed at the Conference's October 1, 1986 public hearing, it is important not only that the whistleblower be protected from retaliation, but also that the substantive safety and health concern be addressed.[113] This requires close coordination between the agencies responsible for the underlying regulatory program and those responsible for administration of the anti-retaliation provisions.

To date, the program and investigative agencies have taken some steps to foster coordination to achieve better compliance with underlying safety and health obligations. Thus, the Wage and Hour Division and the NRC have a Memorandum of Understanding ("MOU") setting forth the working arrangements between their two agencies in nuclear whistleblowing cases.[114] That arrangement is viewed as ineffective by attorneys representing employees.[115] Similarly, OSHA and the NLRB have an MOU for the coordination of litigation under section 11(c) of OSHA and section 8 of the NLRA,[116] and MSHA and the Labor Board have entered into an agreement for the overlap in their jurisdictions.[117] Other agencies have not pursued the same approach.[118] For example, the Department of Transportation has only an informal working arrangement with the Department of Labor for cooperation in cases arising under the Surface Transportation Assistance Act,[119] and EPA (which has substantive responsibility for several environmental laws that have antiretaliation provisions) has no written understanding with DOL. It also remains possible for a single act of retaliation to trigger more than one statutory scheme. Where this is the case, the agencies should either be permitted to conduct a joint hearing or one should serve as "lead agency" for the dispute. If all federal anti-retaliation protections were considered, the potential for wasteful duplication would be avoided.[120]

Given the fact that whistleblower protection is, after all, intended to protect public health and safety, formal arrangements should be in place to ensure: (1) that all investigative agencies receive necessary assistance from program agencies, particularly in cases where technical information is important; (2) that program agencies receive prompt detailed reports of the results of all whistleblowing adjudicatory proceedings, and (3) that complaining employees be advised of the action taken by program agencies to remedy the safety problem about which the whistle was blown.[121]

9. Access to Law and Interagency Doctrinal Growth.—Two final and, to a degree, related concerns involve the public availability of decisional law and the impediments to interaction between the separate bodies of law being developed by the adjudicatory agencies responsible for the various whistleblower statutes. While the decisions of the MSHRC, NLRB, and Interior Board of Land Appeals are reported, those of the DOL Office of Administrative Law Judges are not. OALJ decisions have been available only in Washington.[122] That office is responsible for a substantial portion of the overall whistleblower caseload. The result is that litigants before the OALJ have a more difficult time ascertaining the law (thus making proceedings less focused than might otherwise be the case, as well as making it more difficult for employers and employees even to know their basic rights). In addition, the desirable goal of cross-fertilization between the OALJ and other whistleblower adjudicatory agencies is thwarted. This insulation makes little sense (building on the statutory patchwork) tends to retard the development of a coherent body of law in this area.

Fortunately, the Department of Labor has announced that it will publish all OALJ and Secretarial decisions in whistleblower cases beginning January 1, 1987.[123] This is a desirable step for which the Department should be commended, since employees and employers will be better to determine in advance what is lawful and what is not. However, it would also be useful if pre-1987 decisions were published as well. It is assumed, of course, that appropriate indices will also be provided.

Whether publication of the OALJ decisions is sufficient remains an open question. At present, doing research that steps from one anti-retaliation program to another is needlessly cumbersome because of the variety of reporting services. Publication of the OALJ cases will only partially alleviate that problem. If digesting and indexing continue to be according to separate designs for each agency with responsibility for whistleblowing cases, the present system will not have been improving as much as it could be. This is not to suggest that the bar currently confronts a "Tower of Babel" in the whistleblowing area, but the present arrangements necessarily leave the door to doctrinal variations where these may be unwarranted. If Congress decides to bring all private sector health and safety whistleblowing jurisdiction under one "roof" with a single set of statutory provisions administered by a single agency, this concern will go away; if Congress does not, serious attention should be given to integrating the reporting arrangements.

RELATION TO PRIOR CONFERENCE RECOMMENDATIONS

The subject matter of this report touches on several prior administrative conference recommendations:

(a) Compilation of Statistics on Administrative Proceedings by Federal Departments and Agencies (Recommendation No. 69-6).—While the agencies that were contacted were generally forthcoming with statistical data, in a number of instances it was difficult to obtain important detailed caseload data. The Conference may wish to separately evaluate the effectiveness of data-gathering and -orgainzation from this perspective.

(b) Discovery in Agency Adjudication (Recommendation No. 70-4).—In keeping with paragraph 9 of this recommendation, Congress should ensure that agency subpoenas may be issued and judicially enforced in all whistleblowing cases.

(c) Subpoena Power in Formal Rulemaking and Formal Adjudication (Recommendation No. 74-1).—The APA amendment prepared by the Conference would ensure compliance with agency subpoenas in whistleblowing cases, thereby improving the quality of agency decisionmaking and the record available for judicial review.

(d) The Choice of Forum for Judicial Review of Administrative Action (Recommendation No. 75-3).—In keeping with this recommendation, it is presumed that review of agencies' formal adjudication in the courts of appeals would be the norm with enforcement by the district courts.

(e) Time Limits on Agency Action (Recommendation No. 78-3).—The Conference has questioned the use of legislatively-imposed time limits. While a modus vivendi has been reached in the context of the whistleblowing statutes here reviewed, any new legislation should not include such a requirement. Reasonable dispatch should still be the goal, as a matter of agency self-discipline. The available data suggest that it is unrealistic to try to force the investigative or adjudicatory process into a rigid timetable. However, Congress might want to consider making it clear that if a deadline for agency action passes without such action, the employee or employer should be able to obtain an APA hearing without having to wait further. Similarly, if final action is withheld beyond the date prescribed, judicial assistance should be forthcoming more readily than has heretofore been permitted by the courts.[124]

(f) Agency Structure for Review of Decisions of Presiding Officers under the Administrative Procedure Act (Recommendation No. 83-3).—Reference is made below to the need to articulate the procedures for secretarial review of decisions of the DOL Office of Administrative Law Judges.

(g) Preemption of State Regulation by Federal Agencies (Recommendation No. 84-5).—It is improbable that a federal agency would have occasion to directly address the question of preemption in a whistleblowing case, unless, for example, a state remedy had been invoked and one side or the other sought to rely on the result for collateral estoppel or res judicata purposes. This seems unlikely because federal statutes of limitation almost certainly mean the federal case would proceed more promptly than the state case. Nonetheless, if such an issue were to arise, the views of the affected state(s) and other interested parties should be obtained in the adjudicatory process through invited amicus presentations. Preemption is further addressed below in the Conclusions and Recommendations.

(h) Coordination of Public and Private Enforcement of Environmental Laws (Recommendation No. 85-3).—The information-sharing concerns noted in paragraph 2 of this recommendation apply mutatis mutandis to federal whistleblower programs.

(i) Agencies' Use of Alternative Means of Dispute Resolution (Recommendation No. 86-3).—The Conference's recent recommendation concerning ADR arguably bears on the private sector whistleblowing cases. While some private dispute-settlement or avoidance techniques have been tried with a view to encouraging the flow of safety concerns and defusing potential retaliation claims (particularly within the nuclear industry), it is believed that it would be premature to require any such procedure as a precondition to federal administrative adjudication. The Conference might, however, want to suggest that the concerned agencies consider the statute of limitations tolled while permissive internal employer remedies are being exhausted.

CONCLUSIONS AND RECOMMENDATIONS

Clearly there are important questions for Congress as a result of any careful examination of the current arrangements for the protection of private sector health and safety whistleblowers. Some of these are, the author believes, appropriate for Conference recommendation because they involve issues that are essentially policy-neutral. Based on the study results outlined above, the Conference should make recommendations to the Congress and involved agencies as follows:

(a) Congress should enact omnibus whistleblowing legislation to replace all extant federal private sector health and safety whistleblowing provisions. That legislation should include:

(i) protection for all private sector employees (including government contractor employees) and state and local government employees against retaliation for whistleblowing with respect to violations of Federal safety and health requirements;

(ii) assignment of investigative responsibility to the Secretary of Labor for all private sector health and safety whistleblowing retaliation cases;

(iii) provision for on-the-record Department of Labor APA hearings in all private sector health and safety whistleblowing cases, with discretionary review by the Secretary of Labor, judicial review in the courts of appeals, and enforcement in the district courts;

(iv) a single definition of protected conduct;

(v) a single statute of limitations of not less than 180 days;

(vi) a single provision for remedies (including debarment and suspension of government contractors);

(vii) a grant of subpoena power to the Secretary of Labor for whistleblowing investigations and hearings, with provision for judicial enforcement; and

(viii) a grant of rulemaking authority to the Secretary of Labor with respect to investigative and adjudicatory procedures, notice posting requirements and mandatory coordination with program agencies.

(b) Subject to action by Congress as recommended above, the Secretary of Labor should:

(i) promulgate rules of appellate procedure governing practice and procedure in connection with the Secretary's review of decisions of the Office of Administrative Law Judges;

(ii) transfer all private sector health and safety whistleblowing investigative responsibility to the Occupational Safety and Health Administration, since (under section **11(c) of the Occupational Safety and Health Act and section 405 of the Surface Transportation Assistance Act) that agency currently** receives by far the largest number of private sector health and safety whistleblowing complaints;

(iii) develop, in consultation with the agencies responsible for the substantive regulatory program, detailed written procedures that are as nearly uniform as the Secretary deems practicable for coordinating investigation, adjudication and follow-up in whistleblowing cases; and

(iv) cause to be indexed and published all ALJ and Secretarial decisions in whistleblowing cases, including those rendered prior to January 1, 1987.

In addition to these changes, Congress and the Executive Branch may wish to address a number of related issues, such as the question of preemption. As was persuasively explained at the public hearing held by the Conference on October 1, 1986,[125] there is a considerable amount of whistleblowing litigation in the state and federal courts, resting not on federal whistleblowing protections, but on state law doctrines such as the public policy exception to the employment-at-will doctrine.[126] State law doctrines are evolving rapidly in this area, and it would be premature to consider legislation preempting state causes of action for retaliation that could be adjudicated in a federal forum. Given the current doctrinal ferment, this is an area which in the words of Justice Brandeis in *New State Ice Co.* v. *Liebmann* come to mind:

"To stay experimentation in things social and economic is a grave responsibility. Denial of the right to experiment may be fraught with serious consequences to the Nation. It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country." [127]

Or, as the First Circuit recently put it in a different context, "[t]he cutting edge of reform should be left to uncoerced community initiatives." [128]

For the moment at least, and mindful of the approach the Conference took in Recommendation No. 84-5, the author recommends that States be permitted to continue to pursue their own courses of legal development. That process, so deeply rooted in our federal system, should not lightly be derailed, particularly at a time when all federal programs are under increasing scrutiny to prevent inappropriate intrusion on areas traditionally of concern to the states.

Another issue—which is potentially freighted with political considerations—is the question of reassigning the responsibility for adjudication of safety-based whistleblowing retaliation complaints. The processes that led to the creation of an independent Mine Safety and Health Review Commission with responsibility for such cases and the creation of an independent Occupational Safety and Health Review Commission without such responsibility probably are of such a nature that recommendations for change will be of little utility absent a definite consensus among the interested constituencies.

In the circumstances, the Conference may conclude that it would be best advised to confine its recommendations to more structural or adjectival matters such as the enactment of uniform standards for protected conduct, adjudicatory procedures and remedies, strengthening the hearing process through judicially-enforceable subpoenas, and rationalization of the arrangements for judicial review.[129] That said, however, it would certainly seem that broader coverage of employees in industries with health and safety impacts is in order, and that all private sector health and safety federal whistleblowing protections ought to be administered by a single adjudicatory agency in the interest of fostering like treatment of like cases and maximizing the development of adjudicative expertise in employee protection matters.

Based on this study, there is reason for concern on several fronts, aside from the overall need to restructure, extend and rationalize the federal government's protection of health and safety whistleblowers in the private sector. The data indicate that in many cases it takes far longer than Congress contemplated to investigate and adju**dicate whistleblowers' claims. Such delays,** which may reflect resources problems, can also arise where the parties and ALJ conclude that more time is needed to do a proper job. Where the parties do not so agree, however, the delay may deter some complainants. Delay may ill serve employer interests as well. In addition, the study suggests a need for greater interagency coordination. Consolidation of adjudicatory functions is an important step towards the solution of that problem, but so long as numerous program agencies have an interest in the subject, the need for improved coordination will be substantial. The Department of Labor may want to consider addressing this problem by developing a program for regular interagency coordination of policies with regard to the protection of whistleblowers, with the result a multi-agency omnibus Memorandum of Understanding and an established interagency coordinating body to encourage communication and interaction among the agencies and responsible staff.

Finally, although nothing in this study should be understood as intimating an opinion on whether justice was done in any particular whistleblowing case, it is concluded that (1) 30-day statutes of limitations are unreasonable, (2) judicially-enforceable subpoenas are essential to the conduct of effective whistleblowing adjudications, and (3) it offends basic notions of fairness that under section 11(c) of the occupational Safety and Health Act or section 211 of the Asbestos Hazard Emergency Response Act victims of retaliation have no access to the federal courts if their cases are not pursued by the Department of Labor.

FOOTNOTES

[1] Partner, Klores, Feldesman & Tucker, Washington, D.C.; B.A., Queens College, 1965, LL.B. Harvard, 1968. The author is grateful to Professor Marshall J. Breger, Chairman of the Administrative Conference, and Jeffrey S. Lubbers, Director of Research, for their assistance with this project. Thanks are also due to Michael P. Lagnado, Class of 1988, The National Law Center, George Washington University, who served as a Research Assistant under a stipend from the Conference, as well as the numerous governmental officials and members of the bar who were uniformly generous with their time and energy. References below to "Tr." refer to the record of a public hearing conducted by the Conference in Washington, D.C., on October 1, 1986. See 51 Fed. Reg. 32116 (1986) (Notice of Hearing).

[2] In this report the term is also used to cover, where appropriate, employee refusals to work based on safety concerns. Such refusals are conceptually distinct from the core notion of whistleblowing identified in the text. They have, however, been treated as one as often as not and are included in this study. They are further addressed below under the heading of "Protected Conduct."

[3] Other federal laws protect private sector whistleblowers in non-health and safety contexts. A recent example is section 3 of the False Claims Amendments Act of 1986, Pub. L. No. 99-562, which amended 31 U.S.C. § 3730 (1982). In addition, numerous statutes prohibit retaliation against persons who complain of discrimination. E.g., Title VII, 42 U.S.C. § 2000(e)-3(a) (1982); Age Discrimination in Employment Act, 29 U.S.C. § 623(d) (1982). Because they do not relate to health and safety programs, these provisions are beyond the scope of the present study. Programs applicable to federal employees are also beyond the scope of this study although they are noted below and applicable legislation is identified in Table 2.

[4] See, e.g., S. 2516, 99th Cong. 2d Sess. (1986) (generic protection for employees of government contractors).

[5] Two excellent works that attempt a comprehensive view of federal protection of private sector whistleblowers are L. Larson & P. Borowski, "Unjust Dismissal" (1986 & Cum. Supp. Sept. 1986), and S. Kohn; "Protecting Environmental and Nuclear Whistleblowers: A Litigation Manual" (Gov't Accountability Project 1985).

[6] The Supreme Court recently held that temporary reinstatement of a complainant prior to a full evidentiary hearing does not violate the employer's due process rights as long as certain preliminary procedures are available, and a full post-reinstatement hearing is expeditiously held. *Brock* v. *Roadway Express, Inc.*, No. 85-1530 (U.S. Apr. 22, 1987.) MSHRC regulations comply with this standard. 51 Fed. Reg. 16022 (Apr. 30, 1986).

[7] For earlier recommendations for omnibus legislation see Abbot, Remedies for Employees Discharged for Reporting an Employer's Violation of Federal Law, 42 Wash. & Lee L. Rev. 1383, 1400 (1985); Jenkins, Federal Legislative Exceptions to the At-Will Doctrine: Proposed Statutory Protection for Discharges Violative of Public Policy, 47 Alb. L. Rev. 466, 513-24 (1983).

[8] United States v. New York Telephone Co., 434 U.S. 159, 175 n.24 (1977).

[9] Congress could, for example, pass a law making it a crime to interfere with or discourage whistleblowing in areas of activity that fall within the federal government's sphere. The Ku Klux Klan Act, 18 U.S.C. § 241 (1982), the literal terms of which might cover such misconduct, has been given a narrow application, and there is no record of it having been used in this fashion.

[10] See, e.g., 18 U.S.C. § 3059 (1982).

[11] 19 U.S.C. § 507 (1982), as amended by Anti-Drug Abuse Act of 1986, Pub. L. No. 99-570, § 3152. Some states also have laws making it a crime not to aid a policeman in an emergency. *See* Wash. Post, Nov. 11, 1972, at A7, col. 1 (N.C.).

[12] Another disincentive removal would be to debar government contractors who retaliate against whistleblowers. This was proposed in the case of the Morton Thiokol engineers referred to above, see H.J.R. 634, 99th Cong., 2d Sess. (1986), but the matter died in committee. One of the engineers has sued the company and asserted an FTCA claim against NASA. Boisjoly v. Morton Thiokol Inc., Civil No. 87-194 (D.D.C. filed Jan. 28, 1987), noted in N.Y. Times, Jan. 29, 1987, at A16, col. 1.

[13] E.g., 29 C.F.R. § 24.1(a) (1986).

[14] 33 U.S.C. § 1367(e)(1982); 40 C.F.R. Pt. 108 (1986). See also 24 U.S.C. § 9610(e)(1982) (CERCLA); 42 U.S.C. § 6971 (e) (1982) (SWDA).

[15] C.F.R. Pt. 314 (1986); 29 C.F.R. Pt. 220 (1986).

[16] See Asbestos Hazard Emergency Response Act of 1986, Pub. L. No. 99-519, § 211.

[17] The growth of interest in the whistleblowing area is eloquently attested by the fact that scholarly writers now no longer feel a need to set out the history. E.g., Jenkins, "Federal Legislative Exceptions to the At-Will Doctrine: Proposed Statutory Protection for Discharges Violative of Public Policy," 47 Alb. L. Rev. 466, 467 & n.11 (1983); Bouffard, "Retaliatory Discharge: A Public Policy Exception to the Employment At-Will Doctrine in Maine," 38 Me. L. Rev. 67, 70 n.6 (1986).

[18] Feinman, "The Development of the Employment at Will Rule," 20 Am. J. Legal Hist. 118, 126-27 (1976).

[19] See generally L. Larson & P. Borowski, supra, § 2.04 et seq.

[20] For a summary of federal common law developments in the wrongful discharge area see L. Larson & P. Borowski, supra, § 11.04.

[21] The best single catalogue of the federal statutes appears in L. Larson & P. Borowski, supra, § 11.02-.03. Also very thoughtful are the articles by William R. Jenkins, cited supra, and Kohn & Kohn, "An Overview of Federal and State Whistleblower Protections," 4 Antioch L.J. 99 (1986). Federal regulations also require state OSHA plans to include employee protection provisions. 29 C.F.R. § 1902.4(c)(2)(v) (1986).

[22] Abbreviations appear in Table 10; citations to statutes and implementing regulations appear in Table 9.

[23] Pub. L. No. 99-661, § 942(a)(1), adding 10 U.S.C. § 2409(a).

[24] Section 502 of the Labor Management Relations Act, 29 U.S.C. § 143 (1982), stands on a somewhat different footing from the other statutes. It creates no remedy for retaliation, but rather prevents an employer from invoking a collective bargaining agreement's no-strike clause where one or more employees quits work "in good faith because of abnormally dangerous conditions."

[25] See e.g., *Murphy* v. *Consolidation Coal Co.*, No. 83-ERA-4 (DOL Jan. 17, 1985) (approving settlement under TSCA); *Murphy* v. *Consolidation Coal Co.*, No. CH3-1-D (DOI Jan. 14, 1985) (dismissing SMCRA case upon settlement).

[26] Glazer & Glazer, "The Whistle-Blower's Plight," N.Y. Times, Aug. 13, 1986, at A23, col. 1.

[27] Kleinfeld, "The Whistle Blowers' Morning After," N.Y. Times, Nov. 9, 1986, § 3, at 1, cols. 2,4 (noting conclusion of Glazer research). "But that doesn't mean they always are reduced to dire poverty and icy isolation. Often, they are reincarnated in some new position." Id.

[28] *Bauch* v. *Landers and State of Florida Dep't of Environmental Regulation*, Dkt. No. 79-SDWA-1 (OALJ). See also, e.g., *Chase* v. *Buncombe County, N.C., Dep't of Community Improvement*, Dkt. No. 85-SWD-4 (Solid Waste Disposal Act; county landfill employee). In contrast, a state employee was held not protected under the Surface Mining Control and Reclamation Act on the theory that the state is not a person within the meaning of § 703 of that Act. *Leber* v. *Pa. Dept. of Environmental Resources*, 780 F. 2d 372 (3d Cir.), cert. denied, 106 S. Ct. 3294 (1986).

[29] E.g., *McAllen* v. *EPA*, Dkt. No. 86-WPC-1 (OALJ Nov. 28, 1986); *Conley* v. *McClellan Air Force Base*, Dkt. No. 84-WPC-1 (OALJ Sept. 12, 1984); *McGough* v. *U.S. Navy*, Dkt. No. 86-ERA-18 (OALJ Aug. 19, 1986), slip op. at 3 n. 3 (dictum). But see *Wensil* v. *B.F. Shaw Co.*, Dkt. No. 86-ERA-15 (OALJ July 8, 1986) (DOE contractor employees at plant not licensed by NRC held not protected, despite plain meaning of statute); Wash. Post, Jan. 8, 1987, A17, col. 1, at A18, col. 1 (noting pendency of Wensil jurisdictional issue regarding Savannah River DOE plant).

[30] E.g., *George* v. *Aztec Rental Center, Inc.*, 763 F.2d 184 (5th Cir. 1985); *Holmes* v. *Schneider Power Corp.*, 628 F. Supp 937 (W.D. Pa. 1986); L. Larson & P. Borowski, supra, § 11.03 [20], at 11-38. This applies to conventional whistleblowing; in refusal-to-work situations, the employee can seek mandamus to require the Secretary to enforce the statute. 29 U.S.C. § 662(d) (1982).

[31] See also Schibley, "The Employment-at-Will Doctrine: Providing a Public Policy Exception to Improve Worker Safety," 16 U. Mich. J.L. Reform 435, 439-40 (1983) (noting deficiencies in DOL personnel and resources); B. Mintz, "OSHA History, Law, and Policy" 342 (1984).

[32] But see 73 U.S. Dep't of Labor Ann. Rep. for FY85 121 (1986) (reference to "substantial increase" in § 11(c) cases, among others).

[33] Solomon & Garcia, "Protecting the Corporate Whistle Blower Under Federal Anti-Retaliation Statutes," 5 J. Corp. L. 275, 283 (1980).

[34] 1984 OSHA Ann. Rep. 56 (1985).

[35] Id.

[36] Teamsters for a Democratic Union, Convoy Dispatch, No. 59, at 3, col. 3 (Feb. 1986).

[37] Id.

[38] In FY85 and FY86, the full MSHRC decided 11 cases of safety complaints or refusals to work. Three cases involved both kinds of discrimination, 5 involved only safety or health complaints, and 3 involved only a refusal to work. Letter from L. Joseph Ferrara, General Counsel, MSHRC, to the author, Oct. 31, 1986.

[39] Testimony of Hon. Nahum Litt, Chief Judge, OALJ, Tr. 45-46.

[40] See Letter from James Y. Callear, Freedom of Information Officer, NLRB, to the author, Sept. 4, 1986. For example, in 1985, the Board decided 8 cases involving safety-based refusals to work.

[41] Off. of Special Counsel Ann. Rep. for FY85 15 (1985).

[42] See *Paul* v. *FMSHRC*, No. 85-1801 (D.C. Cir. Feb. 27, 1987) (mining engineer held not a miner). Another controversial issue of coverage involves the application of environmental whistleblower provisions to prison inmates. See Wash. Post, Feb. 12, 1987, at A25, col. 3 (noting OALJ ruling that federal inmate is protected by Clean Air Act antiretaliation section).

[43] See, e.g., Department of Energy Order No. 5483.1A; In re Mestres, Department of Energy Spec. App. Bd. (Dec. 27, 1984), noted in Wash. Post, Jan. 29, 1985, at A17, col. 1. Protection may also be afforded under contractual provisions. See Testimony of James E. Jensen, Tr. 107 (TVA).

[44] 132 Cong. Rec. H2710 (daily ed. May 14, 1986). Rep. Markey proposed debarring the employer.

[45] Pub. L. No. 99-661, § 942, Stat., adding 10 U.S.C. § 2409.

[46] See N.Y. Times, Sept. 21, 1986, at 1, col. 1 and 36, col. 2 (claim of discharge in retaliation for refusing to sign report that omitted details on flaws in new Army troop carrier).

[47] Federal Government Contractors Personnel Protection Act of 1986, S. 2516, 99th Cong., 2d Sess. (1986). S. 2516 would have created a federal cause of action, enforceable by the individual in district court, for any reprisal against an officer or employee of a government contractor for disclosing to an agency information the individual "reasonably believes indicates . . . a substantial and specific danger to public health or safety." The agency head would also have been empowered to impose civil penalties of up to $500,000 per reprisal, subject to an on-the-record APA hearing with judicial review in district court.

[48] Letter from John F. Sherman III, Assistant Gen'l Counsel, New England Power Service Co., to the author, Dec. 15, 1986.

[49] In one case, quoted in S. Kohn, supra, at 28, the Labor Department found that disclosures to news media were also protected under the WPCA. See also Kohn & Carpenter, "Nuclear Whistleblowing Protection and the Scope of Protected Activity under Section 210 of the Energy Reorganization Act," 4 Antioch Ln. 73, 86-89 (1986).

[50] Compare *Brown & Root, Inc.* v. *Donovan*, 747 F. 2d 1029 (5th Cir. 1984), with *Kansas Gas & Elec. Co.* v. *Brock*, 780 F. 2d 1505 (10th Cir. 1985), cert. denied, 92 L. Ed. 2d 724 (1986), and *Mackowiak* v. *University Nuclear Systems, Inc.*, 735 F. 2d 1159 (9th Cir. 1984). See also *Wheeler* v. *Caterpillar Tractor Co.*, 108 Ill. 2d 502, 485 N.E. 2d 372, cert. denied, 90 L. Ed. 2d 187 (1986).

[51] S. Kohn, supra, at 28-29 (collecting cases).

[52] Meyers Industries, Inc., 281 NLRB No. 118, at 19 (Sept. 30, 1986), pet. for review filed sub nom. *Prill* v. *NLRB*, No. 86-1675 (D.C. Cir. Dec. 11, 1986). See generally Fasman, "Labor Board Adopts Conservative View on Employee Rights," Legal Times, Nov. 10, 1986, at 12.

[53] The Supreme Court has recognized that "parties may have a choice of federal remedies," *Connell Construction Co.* v. *Plumbers & Steamfitters Local Union 100*, 421 U.S. 616, 635 n. 17 (1975), but one wonders whether dual federal remedies are necessary in the whistleblowing area. If federal whistleblowing legislation were reorganized as recommended infra, there would be less need to be concerned about limitations on the gloss applied to the NLRA, and no need for two federal agencies to address a single issue.

[54] Id. Meyers Industries, supra, at 19.

[55] *Prill* v. *NLRB*, No. 86-1675 (D.C. Cir. filed Dec. 11, 1986).

[56] See Table 3 infra. While the statute is silent, the Secretary of Labor has construed the ERA to protect good faith reasonable refusals to work, *Pensyl* v. *Catalitic Inc.*, No. 83-ERA-2 (SOL Jan. 13, 1984), on the theory that the ERA and FMSHA are in pari materia. Slip op. at 5.

[57] See generally Nothstein, "Employee Refusals to Work," Labor (Fall 1982).

[58] *NLRB* v. *City Disposal Systems, Inc.*, 465 U.S. 822 (1984).

[59] Meyers Industries, Inc., supra, at 20.

[60] 29 U.S.C. § 143 (1982).

[61] 29 C.F.R. § 1977.12(b)(2) (1986).

[62] 445 U.S. 1 (1980).

[63] E.g., *Gateway Coal Co.* v. *United Mine Workers*, 414 U.S. 368 (1974) (requiring subjective good faith and objective reasonableness under LMRA). FMSHA § 815(c) has been held to apply refusals to work based on a reasonable, good faith belief that the safety of another employee will be endangered. *Consolidation Coal Co.* v. *FMSHRC*, 795 F.2d 364 (4th Cir. 1986).

[64] Compare *Richter* v. *Baldwin Associates*, No. 84-ERA-09/10/11/12 (SOL Mar. 12, 1986) (pro se complaint, detailed pleading not required), with Testimony of Mozart G. Ratner, Tr. 100-01.

[65] The FLSA is not listed on the chart because, although the child labor provisions of that legislation have a health and safety component, retaliation cases under those provisons are virtually unheard of.

[66] Tr. 40-41, 73; GAP-TLPI Testimony at 11.

[67] Letter from Julie Fosbinder, Teamsters for a Democratic Union, to Jeffrey S. Lubbers, Dec. 1, 1986 (referring to Bureau of Motor Carrier Safety, Dep't of Transportation.)

[68] See Energy Reorganization Act of 1974, § 2(c), Pub. L. No. 93-438, 88 Stat. 1233.

[69] Under DoD87, investigations are done by the IG, thus providing a measure of independence from the procurement agency. On the other hand, the IG's report simply goes to the Secretary, who naturally has ultimate responsibility for procurement.

[70] See Table 7 infra.

[71] See 29 C.F.R. § 18.12 (1986) (amici restricted to filing briefs).

[72] 10 C.F.R. § 50.7(c) (1986).

[73] The NRC has also taken this step. 10 C.F.R. § 50.7(e) (1986). The Wage and Hour Division has imposed other notice-posting requirements by regulation. E.g., 29 C.F.R. § 500.76(d)(1) (1986) (MSAWPA). See also id. § 516.4 (FLSA); *id.* § 1903.2(a) (OSHA); 42 U.S.C. § 20003-10 (1982) (EEOC).

[74] Testimony of Kennedy P. Richardson, Tr. 57-609; See also Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986 suggesting, in the alternative, that the 30-day limit for WHD investigations be precatory).

[75] Cf. 42 U.S.C. § 2000e-5(f)(1) (1982) (aggrieved person may institute civil action if EEOC dismisses complaint or fails to sue within 180 days of filing of charges.)

[76] Testimony of Stephen M. Kohn, Tr. 84. But see Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986 at 2-3: "The hypothesis that the Wage and Hour Division is necessary to induce private attorneys to prosecute Section 210 cases is refuted by the fact that no such inducement has ever been necessary for common law wrongful discharge claims and the fact that section 210 authorizes the administrative law judge to award attorney's fees which may well exceed what the attorney would otherwise receive under a typical contingent fee agreement. Nor is the Wage and Hour Division investigation necessary to 'screen out' frivolous cases since most private attorneys will decline to undertake cases with no plausible merit."

[77] See Testimony of Sen. Charles E. Grassley, Tr. 14. 29 C.F.R. § 516.4 (1986). Another approach might be to encourage or require professionals such as engineers to avail themselves of professional societies' safety committees when ethical issues arise. Unfortunately, these mechanisms are not well known. See Lindorff, *"Engineers' Duty to Speak Out,"* The Nation, June 28, 1986, at 880. In addition, employees often do not have the luxury of being able to formulate a request for an opinion, and committees such as these lack the tools to find needed facts on issues that are often hotly contested.

[78] See generally Wargo, *"Tracking Employee Concerns,"* 32 Nucl. Ind. No. 1, 3 (Jan. 1985).

[79] *Durham* v. *Butler Service Group*. No. 86-ERA-9 (OALJ 1986), discussed in *Safety Concerns Programs Challenged by Intervenors*, 33 Nnd. Ind. No. 6, 16-17 (June 1986). Access to documents obtained under the SAFETEAM program marketed by a subsidiary of the Detroit Edison Co., see generally Heffner, "Limiting Risk: Improving Public Perception of Nuclear Plant Safety Through SAFETEAM" (remarks at American Nuclear Society Annual Meeting, Nov. 12, 1985), was permitted, subject to a protective order, in Texas Util. Elec. Co (Comanche Peak Stream Elec. Station, Units 1 & 2), Dkt. Nos. 50-445 to 446 (A.S.L.B. Dec. 23, 1985).

[80] See Letter from Kennedy P. Richardson to Jeffrey S. Lubbers, Dec. 2, 1986, at 2.

[81] Id.

[82] Applicable procedural regulations appear in 29 C.F.R. Pt. 24 (1986). See generally S. Kohn, supra, chs. 1, 5-6, 8-9.

[83] See 5 U.S.C. § 557(c) (1982); 24 C.F.R. § 24.6 (1986).

[84] Testimony of Stephen M. Kohn, Tr. 70-71.

[85] See 73 U.S. Dep't of Labor Ann. Rep. for FY85 174 (1986) (noting survey performed by IG). As of October 1, 1986, that office reports to the Undersecretary rather than the Solicitor of Labor. Testi**month of Judith E. Kramer, Tr. 21.**

[86] Letter from Mozart G. Ratner to Jeffrey S. Lubbers, Dec. 10, 1986, at 2. The suggestion for an appellate panel appears to contemplate that the panel's jurisdiction would be nondiscretionary and that its decisions would not be subject to further review by the Secretary of Labor. An alternative might be to have a panel to hear argument on behalf of the Secretary, as was formerly done in connection with merchant marine disciplinary proceedings. See Fidell, "Improving Competence in the Merchant Marine: Suspension and Revocation Proceedings" 45 Mo. L. Rev. 1, 23 at n.151 (1980).

[87] **OSHA Inst. CPL 245A, ¶ 6 (Mar. 8, 1984).**

[88] S. Kohn, supra, at 174 citing *Taylor* v. *Brighton Corp.*, 616 F.2d 256, 258 (6th Cir. 1980).

[89] 30 U.S.C. § 815(c)(2) (1982); T. Means, "Discrimination and Miners' Rights Under the Federal Mine Safety and Health Act of 1977" 21 & n.105 (1984).

[90] Wage & Hour Div., Field Operation Handbook § 52x03(e).

[91] 29 C.F.R. §§ 1978.107-.108, 51 Fed. Reg. 42093-94 (1986).

[92] *E.g.*, 15 U.S.C. § 2622(b)(2)(A)(1982)(TSCA); 42 U.S.C. § 5851)(b)(2)(A)(1982)(ERA); 42 U.S.C. § 7622 (b)(2)(A)(1982)(CAA); 42 U.S.C. § 300J-9(i)(2)(B)(i)(1982)(SDWA); see also 29 C.F.R. § 24.6(b)(1) (1986).

[93] Compare S. Kohn, supra, at 3 & n.15, and Letter from Julie Fosbinder, Teamsters for a Democratic Union, to Jeffrey S. Lubbers, Dec. 1, 1986, at 2 (noting delays of up to 600 days in processing STAA complaints), with Brief for Appellants at 49 n.26, *Brock* v. *Roadway Express, Inc.*, 85-1530 (U.S.) (suggesting that prolonged delay in secretarial decision is not typical under STAA), and U.S. Dep't of Labor, Off. of Administrative Law Judges, "Summary of "Traditional" Labor Cases Adjudicated by the Office of Administrative Law Judges" 56-57 (1984) (postponents granted only for compelling reasons; time constraints in whistleblower cases "uniquely restrictive"). In one case arising under the ERA, it took the Wage and Hour Division over eight months to conclude that the 30-day statute of limitations barred the complaint. *Rose* v. *Sec'y of Labor*, 63 Ad.L.2d 889, 892 (6th Cir. 1986) (Edwards, J., concurring). DOL regulations call for the investigation to be completed in 30 days.

[94] These periods are treated as directory, i.e., precatory. See e.g., 29 C.F.R. § 1978.114, 51 Fed. Reg. 42095 (1986).

[95] GAP-TLPI Testimony at 4-6; Testimony of Stephen M. Kohn, Tr. 71-72.

[96] GAP-TLPI Testimony at 4 & 6 n.13; Galen, "An Ethical Furor Over a Witness," Nat'l L.J., Dec. 22, 1986, at 3.

[97] Tr. 84-86; see also id. at 97 (testimony of Mozart G. Ratner, dubitante).

[98] 29 C.F.R. § 24.5(e)(4) (1986).

[99] E.g., Atomic Energy Act §§ 161(c), 233, 42 U.S.C. § 2201(c), 2281 (1982); see generally 3 B. Mezines, J. Stein, & J. Gruff, "Administrative Law" § 21.02 (G. Mitchell rev. 1985); 1. K. Davis, "Administrative Law Treatise" § 4.6 (2d ed. 1978); Fed. R. Civ. P. 81(a)(3).

[100] See *Industrial Union Dep't* v. *NLRB*, 459 F.2d 1329, 1336 (D.C. Cir. 1972).

[101] Id. at 1339.

[102] E.g., *EEOC* v. *K-Mart Corp.*, 694 F.2d 1055, 1064 (6th Cir. 1982).

[103] See, e.g., *Hasan* v. *Nuclear Power Services, Inc.*, No. 86-ERA-2 (OALJ Sept. 25, 1986) (disqualifying counsel).

[104] See S. Kohn, supra, at 61-62 (collecting cases).

[105] *DeFord* v. *TVA*, No. 81-ERA-1 (DOL Apr. 30, 1984), following remand from *DeFord* v. *Secretary of Labor*, 700 F.2d 281 (6th Cir. 1983).

[106] *English* v. *General Elec. Co.*, No. 85-ERA-2 (ALJ Aug. 1, 1985), noted in N.Y. Times, Aug. 4, 1985, at 23, cols. 1, 6.

[107] See Table 6 infra; *Landers* v. *Commonwealth-Lord Joint Venture*, 83-ERA-5, ALJ op. at 17 (1983), noted in S. Kohn, supra, at 64 & n.18. Under several of the statutes, exemplary damages may be awarded if a civil action is brought to secure compliance with the Secretary's order. See 15 U.S.C. § 2622(d) (1982) (TSCA); 42 U.S.C. § 300J-9(i)(4) (1982) (SDWA); 42 U.S.C. § 5851(d) (1982) (ERA); 42 U.S.C. § 7622(d) (1982) (CAA).

[108] *Brock* v. *Roadway Express, Inc.*, No. 85-1530 (U.S.) (pending); see also *Southern Ohio Coal Co.* v. *Donovan*, 774 F.2d 693 (6th Cir. 1985).

[109] See 10 C.F.R. § 50.7(c) (1986).

[110] Letter from A.B. Beach, Dep. Dir., Enforcement Staff, Off. of Inspection of Enforcement, NRC, to Jeffrey S. Lubbers, Dec. 10, 1986.

[111] See, e.g., *Leber* v. *Pa. Dept. of Environmental Resources*, 780 F.2d 372 (3d Cir.), cert. denied, 106 S.Ct. 3294 (1986).

[112] The fact that a § 11(c) case must be brought by the government who harms employees by rendering inapplicable any statute of limitations. See, e.g., *Marshall* v. *Intermountain Elec. Co.*, 614 F.2d 260 (10th Cir. 1980).

[113] The belief that nothing will be done to correct the problem a whistleblower discloses tends to discourage whistleblowing. Testimony of Sen. Charles E. Grassley, Tr. 12; MSPB, "Whistleblowing and the Federal Employee" 27-31 (1981), cited in Martin, "The Whistleblower Revisited," 8 Geo. Mason L. Rev. 123 (1985).

[114] 47 Fed. Reg. 54585 (1982), discussed in *Kansas City Gas & Elec. Co.* v. *Brock*, 780 F.2d 1505, 1509-10 (1st Cir. 1985), cert. denied, 92 L.Ed.2d 724 (1986). See also 29 C.F.R. § 24.4(a) (1986) (program ageny to receive copy of all complaints).

[115] GAP-TLPI Testimony at 10-11, discussing *Ryan* v. *Brock*, No. 86-4058 (2d Cir. 1986) (ordering DOL to reopen ERA case on basis of NRC report).

[116] See 40 Fed. Reg. 26083 (1975), reproduced in OSHA Inst. Dis. 4A App. I, at I-2 (Aug. 25, 1985).

[117] 45 Fed. Reg. 6189 (1980).

[118] Testimony of Stephen M. Kohn, Tr. 69-70.

[119] See generally Letter from Anthony J. McMahon, Chief Counsel, Federal Highway Admin., to Marshall J. Breger, Chairman, Administrative Conference, Sept. 29, 1986.

[120] In some instances, two remedial programs may work at cross purposes. For example, in *Thomas* v. *TVA*, No. SLO7528610208 (MSPB May 9, 1986), an MSPB administrative law judge overturned the dismissal of a supervisor at a nuclear power plant who had been found by TVA to have discriminated against one of his supervisors. Although the supervisor had invoked the protection of the ERA, he did so after the statute of limitations had expired. TVA nonetheless took disciplinary action based on the supervisor's allegations, and it was that action that the MSPB proceeding set aside.

[121] Cf. N.Y. State-City Comm'n on Integrity in Government, "Report and Recommendations on Whistleblowing Protection in New York" 5 (Oct. 8, 1986) ("complainant should be entitled to be informed of the final disposition of his complaint").

[122] Testimony of Stephen M. Kohn, Tr. 70.

[123] Tr. 76.

[124] See generally 5 U.S.C. §§ 555(b), 706(1) (1982) (agencies to conclude matters within reasonable time; reviewing courts empowered to compel agency action unreasonably withheld); e.g., *Public Citizen* v. *Dep't of Health & Human Services*, 632 F.Supp. 220, 226 (D.D.C. 1986).

[125] See generally Testimony of Anthony Z. Roisman, Tr. 76-83.

[126] See generally Fidell, "Nuclear Whistleblowing Issues in 1985" (remarks at American Nuclear Society Annual Meeting, Nov. 12, 1985), at 6, citing *Lang* v. *Pacific Gas & Elec. Co.*, No. 60185 (San Luis Obispo Co., Cal., Super. Ct.), on removal, Civil No., 85-6191HLH (C.D. Cal.); *Hermann* v. *H.P. Foley Co.*, No. 59672 (San Luis Obispo Co., Cal., Super. Ct.), on removal, Civil No. 85-2246-RG (Bx) (C.D. Cal. May 20, 1985); *Stokes* v. *Bechtel Corp.*, Civil No. C-84-8038 (N.D. Cal.), and No. 830446 (San Francisco Co., Cal., Super. Ct.); *Parks* v. *Bechtel Corp.*, Civil No. C-84-8037-WHO (N.D. Cal.); *Raymond Kaiser Engineers* v. *Superior Court*, No. 8027975 (Cal. Dist. Ct. App. Aug. 23, 1984); *Berstler* v. *Hirsch*, Civil No. 83-6122 (E.D. Pa. July 10, 1983); *Atchison* v. *Brown & Root, Inc.*, No. 83-29889 (Harris Co., Tex., Dist. Ct.), on removal, Civil No. H85-3568 (S.D. Tex.). Stokes and Parks were remanded to the California courts. *Stokes* v. *Bechtel North American Power Corp.*, 614 F.Supp. 732, 735 n.1 (N.D. Cal. 1985).

[127] 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).

[128] *Anaya* v. *Hansen*, 781 F.2d 1, 7 & n.8 (1st Cir. 1986).

[129] Before any recommendation is made with respect to the allocation of responsibility for judicial review, it is assumed that the Conference would secure the views of the Judicial Conference of the United States and the Federal Judicial Center.●

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. NICKLES, Mr. JOHNSTON, Mr. WALLOP, Mr. BREAUX, Mr. SIMPSON, Mr. BINGAMAN, and Mr. MCCLURE):

S. 2096. A bill entitled the United States-Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988;" to the Committee on Finance.

CANADIAN FREE TRADE AGREEMENT INCENTIVE EQUALIZATION ACT

● Mr. DOMENICI. Mr. President, in the months ahead the Congress will consider the United States-Canada Free Trade Agreement. It is an historic agreement, one creating a single market that reaches above the Arctic Circle to the Rio Grande.

These landmarks give the mind's eye a vivid description of just how far this agreement reaches. But dollar figures provide an equally impressive measurement of the significance of the agreement. The bilateral trade between the United States and Canada in goods totaled $124 billion in 1986.

American exporters to Canada exceed our exports to the entire European Community. They are more than double those to Japan. In fact, our trade with the province of Ontario alone exceeds our trade with Japan.

Clearly, this is a very important agreement and deserves the careful study of every Senator.

I am today introducing legislation that I believe is absolutely essential if this agreement is to prove effective and fair.

The United States and Canada are more than neighbors. We are friends and allies. President Reagan characterized the relationship as "kin who together have built the most productive relationship between any countries in the world today." For the United States, close economic ties with its largest trading partner are important; for Canada, with three-quarters of its trade going to the United States, those ties are essential.

This agreement would create the largest free trade area in the world. I think the President should be commended for pursuing the idea. I believe firmly that as the United States and the world wrestle with how to best compete in a global market, this bilateral agreement is likely to prove an invaluable blueprint.

This agreement is even more important because it will be the first bilateral agreement since John Nesmith told us that a major "megatrend" of the future would be competition in a global economy.

The handling of this agreement is critical to our future because it will be the model for agreements with other major trading partners. Its strengths and weaknesses will be magnified because they will almost certainly be repeated elsewhere. They will be repeated simply because we are at a critical juncture of moving into a global economy. This agreement will be extensively discussed in the new trade round. It will be the "mark-up document" or "terms of reference" for beginning free trade agreement negotiations with Mexico, Japan, China, or other key trading partners.

For that reason we can't afford to make mistakes, or to overlook the shortcomings of the agreement. We must hone this agreement, the implementing language, and policies we pursue as a result of the agreement as closely as we can, because this agreement will be the precedent.

Secretary Baker testified before the House last week, that the United States was able to get 9 out of 10 negotiating objectives. That's pretty good. But it isn't good enough when you think about this agreement as the prototype for our transition into a global economy.

We now have the text of the agreement. We know what it says. I have been told by administration officials that they can't go back and renegotiate weak provisions. I met with the Canadian Ambassador and he said that it isn't politically possible for his Government to "give" on any additional areas. The text of the agreement must stand or fall as written.

The Congress will be asked to vote on this agreement, without amendments. Is this a good agreement? Yes or no?

My law professor used to say that in a good agreement, all of the "whereases" lead logically to the "therefores."

By this standard, the Free Trade Agreement is not a good agreement. Chapter nine is the energy chapter of the agreement. In a most glaring manner, the "whereases" fail to produce the "therefores."

While the energy chapter is only 1 of 20 chapters in the agreement, United States-Canada trade in energy is the largest in the world. Its value exceeds U.S. bilateral trade with nearly all of our other trading partners.

The major purposes that are stated for this agreement include the following:

Promoting productivity, full employment, and steady improvement of living standards for citizens employed in the oil and natural gas industries in their respective countries;

Ensuring a predictable commercial environment for business planning and investment; and

Strengthening the competitiveness of United States and Canadian firms in global markets.

The agreement's further objective is to create the proverbial "level playing field." Under the agreement, all tariff barriers would come down, and the United States and Canada would become a single market operating under the same rules.

That sounds fabulous. But the one negotiating objective the United States failed to obtain from the Canadians was any significant concessions on subsidies.

In the oil and gas exploration area, these subsidized incentives are very significant. For example:

Canadian "royalty holidays," when royalty payments are suspended or eliminated, are provided for production from any wells spudded between October 1986 and November 1989. These holidays are available for exploration wells and the holidays can last for up to 5 years. By contrast, the United States has Federal and State royalty rates that range from 12½ to 25 percent.

One U.S. producer has calculated that the total U.S. royalty burden stands between 22 and 25 percent, counting Federal, State, county and even school board levies. In contrast, he estimates the burden on small to medium sized independents in Alberta, Canada—the source of more than four-fifths of Canadian oil and gas production—stands between zero and 5 percent.

Is this a level playing field?

I ask unanimous consent that an October 26, 1987, article that appeared in the Natural Gas Intelligence Newsletter appear in the RECORD following my remarks. It goes into more detail on this particular point.

Alberta Royalty Tax Credit Program for small producers was enriched by $67 million in 1987 and Saskachewan introduced a price sensitive royalty rate structure resulting in reduced royalties when prices are low, and a flat royalty of 1 percent for wells producing less than 5 barrels per day. The United States has nothing comparable.

Is this a level playing field?

Canada allows up-front tax deductions on all geological and geophysical costs. The United States requires them to be capitalized over the life of the well.

Is this a level playing field?

Under the agreement, restrictions on United States investment in Canadian oil and gas exploration companies will remain in place. The United States has no comparable restrictions.

Is this a level playing field?

And there is lots more. Canada repealed its windfall profits tax. The United States has yet to do so. That means that for every $1 the price of oil goes above $18 a barrel in the United States, 70 percent of the price increase goes to the U.S. Treasury. With exploration at near a record low, it would be better if that money were being spent on oil and gas exploration.

And the Canadian Exploration and Development Incentive Program provides direct cash assistance to the petroleum industry. For every $2 of exploration and development dollars a Canadian firm puts up, the Candian Government puts up $1 up to $10 million per firm. We have nothing comparable.

Are these indicators of fairness, a level playing field?

The agreement allows the United States and Canada to keep in place its existing incentives and to enact additional incentives for oil and gas exploration, development, and related activities in order to maintain the reserve base for these energy resources.

If you agree with me that this clear lack of parity is a major weakness of the agreement, I urge that you join me in sponsoring this bill, the "U.S.-Canada Free Trade Agreement Oil and Gas Incentive Equalization Act of 1988."

I would have preferred that the negotiators go back and eliminated the subsidies and other incentives so that the oil and gas companies on either side of the border can have comparable government subsidies or incentives.

But that is not possible. The only alternative that I can propose is to pass legislation before or at the same time as the Free Trade Agreement, legislation that provides catch-up incentives for the U.S. oil and gas industries.

My bill specifically seeks to conform the intent of the agreement with the realities of the oil and natural gas marketplace in North America. It seeks to provide parity between the tax burdens and the exploration and development incentives that are provided by the U.S. Government and similar burdens and benefits conferred upon Canadian companies by the Canadian and provincial governments.

This equalization is absolutely essential if the intent of the U.S.-Canada Free Trade Agreement is to be carried out successfully.

I wish to reiterate: This is second best policy. But it is vital policy if we are ever going to get the Canadians to eliminate their subsidies. If they have substantial subsidies and we have few, we have nothing to bargain with.

The skeptics might say that the U.S. industries could bring a countervailing duty case. Yet the agreement replaces article III judges with a politically appointed panel for binding, final determination of such cases. I am not sure an industry that has been suffering for the past 4 years can afford that kind of a political risk.

As a nation, we can't leave the question of whether we will have an oil and gas industry to five political appointees.

We can't afford to wait. To give my colleagues some additional perspective, I ask unanimous consent that the most recent numbers dealing with the oil and gas industry in the United States be printed at the point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OIL AND GAS: NATIONAL FACTS

OIL AND GAS INDUSTRY

As of February 1987, the U.S. rig count was 906. In 1987, since its peak in 1981 at almost 4,000 rigs, the rig count had dropped by 80 percent.

Well completions are estimated at 37,620 in 1986, the lowest level recorded since 1973. As compared to the peak in 1982, well completions are off by almost 60 percent.

Footage drilled amounted to 168 million feet in 1986, a one-third drop from the 1985 total, and a 50 percent decline from the 1981 total.

Employment has declined by 350,000 jobs since 1981, a 38 percent drop, with more than 50% of this decline occurring in 1986. One of four of the nation's petroleum geologists is out of a job.

Capital expenditures for exploration and production dropped by 50 percent in 1986, from $33.3 billion in 1985 to $16.4 billion in 1986.

OIL PRICES

The spot price for West Texas Intermediate was $17.65 a barrel on February 8, 1988. While this is a slight improvement from the $15.53 per barrel estimated average price for 1987, it's still a major drop from the levels of the early 1980s.

As compared to the peak level of $31.77 per barrel in 1981, domestic oil prices are down 44 percent.

NATURAL GAS PRICES

Natural gas wellhead prices are estimated to average $1.78 per thousand cubic feet (MCF) in 1987, an 8 percent drop from the 1986 levels.

Average wellhead prices have been declining since they peaked in 1984 at $2.66 per MCF.

RESERVES

Over 50 percent of the world's oil reserves are in the Middle East. While the U.S. consumes one-fourth of the world's oil production, it only holds 4 percent of the world's oil reserves.

1986 Crude oil reserve additions dropped by 46 percent from the previous year. Only 49 percent of U.S. annual oil production was replaced with new reserves in 1986.

1986 natural gas reserve additions dropped by 20 percent from the previous year. Only 88 percent of U.S. gas production was replaced with new reserves in 1986.

The Congressional Research Service (CRS) has estimated that U.S. crude oil reserves could decline 18.4% by 1995 if current drilling rates continue.

19,000 stripper wells were abandoned in 1986. Stripper wells account for 15 percent of U.S. production.

Mr. DOMENICI. Mr. President, I also ask that a copy of a summary of the bill, as well as a copy of the bill itself, be printed at this point in the RECORD. I would also ask unanimous consent that a copy of a February 14, 1988, Albuquerque Journal article written by Sherry Robinson, assistant business editor appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the "Canadian Free Trade Agreement Incentive Equalization Act."

SEC. 102. FINDING AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States and Canada should strengthen the unique and enduring friendship between their two nations;

(2) the United States and Canada should promote productivity, full employment, and steady improvement of living standards for citizens employed in the oil and natural gas industries in their respective countries;

(3) the United States and Canada should create an expanded and secure market for oil and natural gas, goods and services produced in their territories;

(4) the United States and Canada should adopt clear and mutually advantageous rules governing their trade in all areas including oil and natural gas;

(5) the United States and Canada should ensure a predictable commercial environment for business planning and investment in the oil and natural gas industries;

(6) the United States and Canada should strengthen the competitiveness of United States and Canadian oil and natural gas firms in global markets;

(7) the United States and Canada reduce government-created trade distortions while preserving the two countries' flexibility to safeguard the public welfare;

(8) the United States and Canada should build on their mutual rights and obligations under the General Agreement on Tariffs and Trade and other multilateral and bilateral instruments of cooperations;

(9) the United States and Canada should contribute to the harmonious development and expansion of world trade and to provide a catalyst to broader international cooperation; and

(10) that since the purposes and objectives of this Act are identical to those stated in the U.S. Canada Free Trade Agreement except that they relate specifically to the oil and natural gas industry, it is the intent of Congress that this Act be considered, and passed prior to, or at the same time the Congress considers the Canada Free Trade Agreement.

SEC. 103. PURPOSE.

It is the purpose of this Act to conform the intent of the U.S. Canadian Free Trade Agreement with the realities of the oil and natural gas market place in North America; and to provide parity between tax burdens and exploration and development incentives provided by the U.S. Government and similar burdens and benefits conferred upon Canadian companies by the Canadian and provincial governments. This equalization is necessary if the intent of the U.S. Canada Free Trade Agreement is to be successfully carried out.

SEC. 104. TABLE OF CONTENTS.

Sec. 105. Repeal Windfall Profits Tax to conform the U.S. Internal Revenue Code with the Canadian Income Tax Act which repealed the Canadian Windfall Profits Tax.

Sec. 106. Improved tax treatment of Geological, Geophysical and Surface Casing costs to provide parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Sec. 107. Elimination of the Net Income Limitation Rule to provide parity between U.S. Internal Revenue Code and the Canadian Income Tax Code.

Sec. 108. Reforming percentage depletion to provide incentives in order to partially offset the Resource Allowances provided by the Canadian Government.

Sec. 109. Repeal of Transfer Rule to provide a "catch up" incentive since the U.S. industry is required to pay substantially higher royalties than Canadian companies do, especially for exploration wells.

Sec. 110. Repeal of Recapture provisions dealing with disposition of oil, gas, or geothermal property interests in order to provide "catch up" incentives for U.S. industry that pays substantially higher royalties than Canadian companies, especially for exploration wells.

Sec. 111. Marginal Production Credit in order to offset exploration and development credits provided by the Canadian and provincial governments.

Sec. 112. Crude Oil Production Credit for Maintaining Economically Marginal Wells in order to offset cash payments made by the Canadian provincial government for exploration and development.

Sec. 113. Crude Oil and Natural Gas Exploration and Development Credit to offset exploration credits provided by the Canadian and provincial governments.

Sec. 114. Removal of Intangible drilling costs from the Alternative Minimum Tax to provide parity between U.S. Internal Revenue Code and Canadian Tax Code.

Sec. 115. Establishes a procedure under which the Congress and the Administration work together to implement a plan designed to decrease imports whenever foreign oil dependence exceeds fifty percent.

Sec. 116. Repealing the taxable income test for percentage depletion in order to partially offset the resource allowances provided by the Canadian Government.

SEC. 105.—REPEAL WINDFALL PROFITS TAX TO CONFORM THE U.S. INTERNAL REVENUE CODE WITH THE CANADIAN INCOME TAX ACT WHICH REPEALED THE CANADIAN WINDFALL PROFITS TAX.

(a) Chapter 45 of the Internal Revenue Code of 1986 (referred to in this title as the "Code") is repealed.

(b)(1) Sections 6050C, 6076, 6232, 6430, and 7241 of the Code are repealed.

(2)(A) Subsections (a) of section 164 of the Code is amended by striking paragraph (4), and redesignating the subsequent paragraphs as paragraphs (4) and (5), respectively.

(B) The following provisions of the Code are each amended by striking "44, or 45" each place it appears and inserting "or 44":

(i) section 6211(a),

(ii) section 6211(b)(2),

(iii) section 6212(a),

(iv) section 6213(a),

(v) section 6213(g),

(vi) section 6214(c),

(vii) section 6214(d),

(viii) section 6161(b)(1),

(ix) section 6344(a)(1), and

(x) section 7422(e).

(C) Subsection (a) of section 6211 of the Code is amended by striking "44, and 45" and inserting "and 44".

(D) Subsection (b) of section 6211 of the Code is amended by striking paragraphs (5) and (6).

(E) Paragraph (1) of section 6212(b) of the Code is amended—

(i) by striking "chapter 44, or chapter 45" and inserting "or chapter 44", and

(ii) by striking "chapter 44, chapter 45, and this chapter" and inserting "chapter 44, and this chapter".

(F) Paragraph (1) of section 6212(c) of the Code is amended—

(i) by striking "of chapter 42 tax" and inserting "or of chapter 42 tax", and

(ii) by striking ", or of chapter 45 tax for the same taxable period".

(G) Subsection (e) of section 6302 of the Code is amended by striking "(1) For" and inserting "For", and by striking paragraph (2).

(H) Section 6501 of the Code is amended by striking subsection (m).

(I) Section 6511 of the Code is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(J) Subsection (a) of section 6512 of the Code is amended—

(i) by striking "of tax imposed by chapter 41" and inserting "or of tax imposed by chapter 41", and

(ii) by striking ", or of tax imposed by chapter 45 for the same taxable period".

(K) Paragraph (1) of section 6512(b) of the Code is amended—

(i) by striking "of tax imposed by chapter 41" and inserting "or of tax imposed by chapter 41", and

(ii) by striking ", or of tax imposed by chapter 45 for the same taxable period".

(L) Section 6611 of the Code is amended by striking subsection (h) and redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(M) Subsection (d) of section 6724 of the Code is amended—

(i) by striking clause (i) in paragraph (1)(B) and redesignating clauses (ii) through (x) as clauses (i) through (ix), respectively, and

(ii) by striking subparagraphs (A) and (K) of paragraph (2) and redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), (Q), (R), (S), and (T) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O), (P), (Q), and (R), respectively.

(N) Subsection (a) of section 6862 of the Code is amended by striking "44, and 45" and inserting "and 44".

(O) Section 7512 of the Code is amended—

(i) by striking ", by chapter 33, or by section 4986" in subsections (a) and (b) and inserting "or chapter 33", and

(ii) by striking ", chapter 33, or section 4986" in subsections (b) and (c) and inserting "or chapter 33".

(3)(A) The table of contents of subtitle (D) of the Code is amended by striking the item relating to chapter 45.

(B) The table of contents of subpart B of part III of subchapter A of chapter 61 of the Code is amended by striking the item relating to section 6050C.

(C) The table of contents of part V of that subchapter is amended by striking the item relating to section 6076.

(D) The table of contents of subchapter C of chapter 63 of the Code is amended by striking the item relating to section 6232.

(E) The table of contents of subchapter B of chapter 65 of the Code is amended by striking the item relating to section 6430.

(F) The table of contents of part II of subchapter A of chapter 75 of the Code is amended by striking the item relating to section 7241.

(c) The amendments made by this section shall apply to crude oil removed from the premises after the date of the enactment of implementing legislation for the U.S. Canadian Free Trade Agreement.

SEC. 106.—IMPROVED TAX TREATMENT OF GEOLOGICAL, GEOPHYSICAL AND SURFACE CASING COSTS TO PROVIDE PARITY BETWEEN THE U.S. INTERNAL REVENUE CODE AND THE CANADIAN INCOME TAX ACT.

(a) In General.—Subsection (c) of section 263 of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells) is amended by inserting before the last sentence the following new sentence: "In the case of oil and gas wells, the tax treatment which applies to the taxpayer's intangible drilling and development costs shall also apply to surface casing costs and to geological and geophysical costs for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States (within the meaning of section 638(1)) or a possession of the United States (within the meaning of section 638(2))."

(b) Conforming Amendment.—Subparagraph (B) of section 57(a)(2) of such Code is amended by adding at the end thereof the following new sentence: "For purposes of clause (i), the term 'intangible drilling and development costs' includes surface casing costs and geological and geophysical costs described in section 263(c)."

(c) Effective Date.—The amendments made by this section shall apply to costs paid or incurred after the date of the enactment of this Act in taxable years ending after the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 107.—ELIMINATION OF THE NET INCOME LIMITATION RULE AS IT WOULD APPLY TO OIL AND GAS WELLS IN ORDER TO PROVIDE PARITY BETWEEN U.S. INTERNAL REVENUE CODE AND THE CANADIAN INCOME TAX CODE.

(a) In General.—The second sentence of subsection (a) of section 613 of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by striking out "Such allowance" and inserting in lieu thereof "Except in the case of an oil or gas well, such allowance."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of the implementing for the U.S. Canada Free Trade Agreement.

SEC. 108.—REFORM OF PERCENTAGE DEPLETION TO PROVIDE INCENTIVES IN ORDER TO PARTIALLY OFFSET THE RESOURCE ALLOWANCES PROVIDED BY THE CANADIAN GOVERNMENT.

(a) In General.—Paragraph (5) of section 613(c) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(5) Applicable percentage.—For purposes of paragraph (1)—

"(A) In general.—In the case of production during calendar years beginning after December 31, 1986—

"If the average annual removal price during the calendar year is:	The applicable percentage is:
Less than $10	304
$10 to $15	25
$15 to $20	20
Greater than $20	15

"(B) Average annual removal price.—For purposes of subparagraph (A), the average annual removal price for any calandar year shall be determined by dividing the taxpayer's aggregate production of domestic crude oil or natural gas during such calendar year by the aggregate amount for which such domestic crude oil or natural gas, as the case may be, was sold (determined after application of paragraphs (2), (3), and (4) of section 4988(c)) by the taxpayer."

(b) Effective Date.—The amendments made by this section shall apply to production during calendar years beginning after the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 109.—REPEAL OF TRANSFER RULE TO PROVIDE A "CATCH UP" INCENTIVE FOR U.S. INDUSTRY THAT PAYS SUBSTANTIALLY HIGHER ROYALTIES THAN CANADIAN COMPANIES ON EXPLORATION WELLS.

(a) Percentage Depletion Permitted After Transfer of Proven Properties.—

(1) In General.—Subsection (c) of section 613A of the Internal Revenue Code of 1986 (relating to limitations on percentage depletion in case of oil and gas wells) is amended by striking out paragraphs (9) and (10) and be redesignating paragraphs (11), (12), and (13) as paragraphs (9), (10), and (11), respectively.

(2) Technical amendment.—Paragraph (11) of section 613A(c) of such code, as redesignated by subsection (a), is amended by striking out subparagraphs (C) and (D).

(3) Effective date.—The amendments made by this subsection shall apply to production after the date of the amendment of this Act in taxable years ending after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

(b) Exemption of Stripper Well Oil From Windfall Profit Tax To Apply After Transfer.—

(1) In general.—Subsection (g) of section 4994 of such Code (defining exempt stripper well oil) is amended to read as follows:

"(g) Exempt Stripper Well OIl.—For purposes of this chapter, the term 'exempt stripper well oil' means any oil—

"(1) the producer of which is an independent producer (within the meaning of section 4992(b)(1)),

"(2) which is from a stripper well property within the meaning of the June 1979 energy regulations, and

"(3) which is attributable to the independent producer's working interest in the stripper well property."

(2) Effective date.—The amendment made by paragraph (1) shall apply to oil removed after the date of the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 110. REPEAL OF RECAPTURE PROVISIONS DEALING WITH DISPOSITION OF OIL, GAS, OR GEOTHERMAL INTERESTS TO PROVIDE "CATCH UP" INCENTIVE FOR U.S. INDUSTRY THAT PAYS SUBSTANTIALLY HIGHER ROYALTIES THAN CANADIAN COMPANIES.

(a) IN GENERAL.—

(1) PROVISIONS IN EFFECT BEFORE TAX REFORM ACT OF 1986.—Section 1254 of the Internal Revenue Code of 1986 (relating to gain from disposition of interest in oil, gas, or geothermal property), as in effect before the amendment made by the Tax Reform Act of 1986, is hereby repealed.

(2) PROVISIONS IN EFFECT AFTER TAX REFORM ACT OF 1986.—Section 1254 of such Code, as in effect after the amendments made by the Tax Reform Act of 1986, is amended—

(A) by striking out "263,616," in subsection (a)(1)(A)(i) and inserting in lieu thereof "616", and

(B) by adding at the end of subsection (a)(3) the following: "The term 'section 1254 property' does not include any oil, gas, or geothermal well."

(b) CONFORMING AMENDMENT.—

(1) Sections 59(e)(5)(A) and 291(b)(3) of such Code are each amended by striking out "263(c), 616(a)," and inserting in lieu thereof "616(a)".

(2) The heading for section 1254 of such Code, as amended by the Tax Reform Act of 1986, is amended by striking out "OIL, GAS, GEOTHERMAL, OR OTHER" and inserting in lieu thereof "CERTAIN".

(3) The item relating to section 1254 in the table of sections for part IV of subchapter P of chapter 1 of such Code is amended to read as follows:

"Sec. 1254. Gain from disposition of interest in certain mineral properties."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after the date of the enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 111.—MARGINAL PRODUCTION CREDIT IN ORDER TO OFFSET EXPLORATION AND DEVELOPMENT CREDITS PROVIDED BY THE CANADIAN AND PROVINCIAL GOVERNMENTS.

(a) Subpart B of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new section:

SEC. 112.—CRUDE OIL PRODUCTION CREDIT FOR MAINTAINING ECONOMICALLY MARGINAL WELLS IN ORDER TO OFFSET CASH EXPLORATION AND DEVELOPMENT BONUSES PROVIDED BY THE CANADIAN PROVINCIAL GOVERNMENTS.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as credit against the tax imposed by this chapter for the taxable year to the producer of eligible crude oil an amount equal to 10 percent of the qualified cost of each barrel of such oil (or fractional part thereof) produced during the taxable year.

"(b) QUALIFIED COST.—For purposes of this section, the term 'qualified cost' means, with respect to each barrel of eligible crude oil the sum of—

"(1) such barrel's pro rata share of—

"(A) the lease operating expenses (other than business overhead expenses) paid or incurred by the producer of such barrel during the taxable year in which such barrel was produced,

"(B) the amount allowed to such producer for such taxable year for depreciation under sections 167 and 168 with respect to the property used in the production of such barrel,

"(C) the amount allowed to such producer for such taxable year for depletion under section 611 (but not in excess of the adjusted basis of the property), and

"(D) the business overhead expenses paid or incurred during such taxable year by such producer, plus

"(2) the amount of severance tax paid or incurred by such producer with respect to such barrel.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE CRUDE OIL.—The term 'eligible crude oil' means domestic crude oil which is—

"(A) from a stripper well property within the meaning of the June 1979 energy regulations, or

"(B) heavy oil, or

"(C) oil recovered through a tertiary recovery method.

"(2) OTHER DEFINITIONS.—

"(A) CRUDE OIL.—The term 'crude oil' has the meaning given to such term by the June 1979 energy regulations.

"(B) BARREL.—The term 'barrel' means 42 United States gallons.

"(C) DOMESTIC.—The term 'domestic' when used with respect to crude oil, means crude oil produced from a well located in the United States or in a possession of the United States.

"(D) UNITED STATES.—The term 'United States' has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas).

"(E) POSSESSION OF THE UNITED STATES.—The term 'possession of the United States' has the meaning given to such term by paragraph (2) of section 638.

"(F) HEAVY OIL.—The term 'heavy oil' means all crude oil which is produced from a property of crude oil produced and sold from such property during—

"(i) the last month before July 1979 in which crude oil was produced and sold from such property, or

"(ii) the taxable year had a weighted average gravity of 20 degrees API or less (corrected to 60 degrees Fahrenheit).

"(G) TERTIARY RECOVERY METHOD.—The term 'tertiary recovery method' means—

"(i) any method which is described in subparagraphs (1) through (9) of section 212.78(c) of the October 1979 energy regulations, or

"(ii) any other method to provide tertiary enhanced recovery which is approved by the Secretary for purposes of this section.

"(H) SEVERANCE TAX.—The term 'severance tax' means a tax imposed by a State or political subdivision thereof with respect to the extraction of crude oil.

"(I) ENERGY REGULATIONS.—

"(i) IN GENERAL.—The term 'energy regulations' means regulations prescribed under section 4(a) of the Energy Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)).

"(ii) JUNE 1979 ENERGY REGULATIONS.—The June 1979 energy regulations shall be the terms of the energy regulations as such terms existed on June 1, 1979.

"(iii) OCTOBER 1979 ENERGY REGULATIONS.—The October 1979 energy regulations shall be the terms of the energy regulations as such terms existed on October 30, 1979.

"(iv) CONTINUED APPLICATION OF REGULATIONS AFTER DECONTROL.—Energy regulations shall be treated as continuing in effect without regard to decontrol of oil prices or any other termination of the application of such regulations.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) LIABILITY FOR TAX.—The credit allowable under subsection (a) for any taxable year shall not exceed the greater of—

"(A) the taxpayer's tentative minimum tax liability under section 55(b) for such taxable year determined without regard to this section or,

"(B) the excess of—

"(i) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(ii) the sum of the credits allowable against such tax liability under part IV (other than section 43 and this section).

"(2) APPLICATION OF THE CREDIT.—Each of the following amounts shall be reduced by the full amount of the credit determined under paragraph (1):

"(A) the taxpayer's tentative minimum tax under section 55(b) for the taxable year, and

"(B) the taxpayer's regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under part IV (other than section 43 and this section).

If the amount of the credit determined under paragraph (1) exceeds the amount described in subparagraph (B) of paragraph (2), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53.

"(3) CARRYBACK AND CARRYFORWARD OF UNUSED CREDIT.—

"(A) IN GENERAL.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an oil production credit carryback to each of the 5 taxable years preceding the unused credit year, and

"(ii) an oil production credit carryforward to each of the 3 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year ending prior to January 1, 1987, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 8 taxable years to which such credit may be carried, and then to each of the other 7 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) LIMITATIONS.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(f) TERMINATION OF CREDIT.—No credit shall be allowed under this section for any qualified cost paid or incurred in any taxable year beginning after the date which is three years after the date of the enactment of the National Energy Security Act of 1987.".

(b) The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new item:

"Sec. 30. Crude oil production credit for maintaining marginally economic wells.".

(c) The amendments made by this section shall apply to oil produced in taxable years after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 113. CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT TO OFFSET EXPLORATION CREDITS PROVIDED BY THE CANADIAN AND PROVINCIAL GOVERNMENTS.

(a) Section 38(b) of the Code is amended—

(1) by striking "plus" at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting in lieu thereof ", plus", and

(3) by adding at the end thereof the following new paragraph:

"(6) the crude oil and natural gas exploration and development credit determined under section 43(a).".

(b) Subpart D of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new section:

CRUDE OIL AND NATURAL GAS EXPLORATION AND DEVELOPMENT CREDIT

"(a) GENERAL RULE.—For purposes of section 38, the crude oil and natural gas exploration and development credit determined under this section for any taxable year shall be an amount equal to the sum of—

"(1) 10 percent of so much of the taxpayer's qualified investment for the taxable year as does not exceed $10,000,000, plus.

"(2) 5 percent of so much of such qualified investment for the taxable year as exceeds $10,000,000.

"(b) QUALIFIED INVESTMENT.—For purposes of this section, the term 'qualified investment' means amounts paid or incurred—

"(1) for the purpose of ascertaining the existence, location, extent, or quality of any crude oil or natural gas deposit, including core testing and drilling test wells,

"(2) for the purpose of developing a property on which there is a reservoir capable of commercial production and such amounts are paid or incurred in connection with activities which are intended to result in the recovery of crude oil or natural gas on such property, or

"(3) for the purpose of performing secondary or tertiary recovery technique on a well located in the United States or in a possession of the United States as defined in section 638.

"(c) TERMINATION OF CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no credit shall be allowed under this section with respect to expenditures made in any taxable year beginning after the date which is three years after the date of the enactment of the National Energy Security Act of 1987.

"(2) BINDING COMMITMENTS.—Paragraph (1) shall not apply with respect to any qualified investment made pursuant to a binding contract entered into before the date determined under paragraph (1).".

(c) Section 38(c) of the Code is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) EXPLORATION CREDIT MAY OFFSET MINIMUM TAX.—To the extent the credit under subsection (a) is attributable to the application of section 43, the limitation of paragraph (1) shall be the greater of—

"(A) the limitation as determined under paragraph (1), or

"(B) the taxpayer's tentative minimum tax for the taxable year.".

(d) The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Code is amended by adding at the end thereof the following new item:

"Sec. 43. Crude oil and natural gas exploration and development credit.".

(e) The amendments made by this section shall apply to expenditures paid or incurred in taxable years after the date of enactment of the implementing legislation for the U.S. Canada Free Trade Agreement.

SEC. 115.—IMPORT DEPENDENCE SAFETY NET IN ORDER TO REQUIRE CONGRESS AND THE ADMINISTRATION TO WORK TOGETHER TO ADDRESS IMPORTS WHENEVER DEPENDENCE EXCEEDS FIFTY PERCENT.

(a) Sections 57(a)(2) and 57(b) of the Code are hereby repealed.

(b) The repeal made by this section shall apply to costs paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 114.—REMOVAL OF INTANGIBLE DRILLING COSTS FROM THE ALTERNATIVE MINIMUM TAX TO PROVIDE PARITY BETWEEN U.S. INTERNAL REVENUE CODE AND CANADIAN TAX CODE.

DUTIES OF THE PRESIDENT.

(a) ESTABLISHMENT OF CEILING.—The President shall establish a National Oil, Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling level beyond which foreign crude and oil product imports as a share of United States oil consumption shall not rise.

(b) LEVEL OF CEILING.—The ceiling level established under subsection (a) shall not exceed 50 percent of United States crude and oil product consumption for any annual period.

(c) REPORT.—(a) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level for any year during the next three years.

CONGRESSIONAL REVIEW

The Congress shall have 10 continuous session days after submission of each projection to review the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

ENERGY PRODUCTION AND OIL SECURITY ACTIONS

(a) ENERGY PRODUCTION AND OIL SECURITY POLICY.—(1) Upon certification that the ceiling level will be exceeded, the President is required within 90 days to submit legislation to the Congress which shall serve as an Energy Production and Oil Security Policy (in this Act referred to as the "policy"). The policy if enacted shall prevent crude and product imports exceeding the National Oil Import Ceiling.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a 90-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

SEC. 116. REPEALING TAXABLE INCOME LIMITATION ON PERCENTAGE DEPLETION IN ORDER TO PARTIALLY OFFSET THE RESOURCE ALLOWANCES PROVIDED BY THE CANADIAN GOVERNMENT.

(a) IN GENERAL.—Paragraph 613(A)(d)(1) is amended by deleting "65 percent" and inserting in lieu thereof "100 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to the taxable years beginning after the date of the enactment of the implementing legislation for the U.S. Canadian Free Trade Agreement.

UNITED STATES-CANADA FREE TRADE AGREEMENT—OIL AND NATURAL GAS INCENTIVE EQUALIZATION ACT OF 1988

A bill to be introduced by Senator Domenici, cosponsored by Senators Boren, Nickels, Wallop, Johnston, Breaux, Simpson.

The findings and purposes of the bill are identical to the objectives set forth in the U.S.-Canada Free Trade Agreement, however the findings specifically mention oil and natural gas.

Purpose of the bill is to conform the intent of the U.S.-Canada Free Trade Agreement with the realities of the oil and natural gas marketplace in North America; to provide parity between the tax burdens and the other exploration and development incentives provided in the United States and Canada.

Specifically, the bill includes the following provisions:

Expresses the intent of Congress that this Act be enacted prior to or at the same time as Congress considers the U.S.-Canada Free Trade Agreement.

Repeals the Windfall Profits Tax to conform the U.S. Internal Revenue Code with the Canadian Income Tax Act, which repealed the Canadian Windfall Profits Tax in 1986.

Improves tax treatment of geological, geophysical and surface casing costs to provide parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Eliminates the Income Limitation Rule to assure parity between the U.S. Internal Revenue Code and the Canadian Income Tax Act.

Reforms the percentage depletion allowance to provide incentives to offset resource allowances provided by the Canadian government.

Repeals the Net Transfer Rule to provide a "catch up" incentive since the U.S. industry is required to pay substantially higher royalties than Canadian companies.

Repeals the recapture provisions dealing with disposition of oil, gas, or geothermal property interests in order to provide "catch up" incentives for U.S. industry, which pays substantially higher royalties than Canadian companies.

Provides a marginal production credit in order to offset exploration credits provided by the Canadian and provincial governments.

Provides a crude oil production credit for maintaining economically marginal wells, a credit that offsets the cash payments made by the Canadian provincial government for exploration and development.

Provides a crude oil and natural gas exploration and development credit to offset exploration and development credits provided by the Canadian and provincial governments.

Eliminates intangible drilling costs as a preference item under the Alternative Minimum Tax in order to provide parity between U.S. Internal Revenue Code and the Canadian tax code.

Establishes a procedure under which the Congress and the Administration work together to implement a plan designed to decrease imports whenever foreign oil dependence exceeds 50 percent.

Repeals the taxable income test for percentage depletion in order to partially offset the resource allowances provided by the Canadian Government.

[From the Albuquerque Journal, Feb. 14, 1988]

AGREEMENT CAN SPARK BIG PAYOFFS—CANADA SWAPS RESOURCES FOR UNITED STATES MARKET ACCESS

[Note.—The Albuquerque Journal was one of the 15 U.S. newspapers to be represented on a four-day, four-city tour of Canada to learn about the U.S.-Canada Free Trade Agreement.]

(By Sherry Robinson)

OTTAWA.—The world's biggest trading partners hope to weather a storm of competition and protectionism under the same umbrella—the historic U.S.-Canada Free Trade Agreement signed last month by leaders of both countries.

Essentially the agreement swaps Canada's wealth of resources for our lucrative markets. The payoff for Canada is immediate. The United States' big friend to the north exports 30 percent of its products (we export 10 percent) and needs new markets to sustain its growth. Canadians also worry about protectionist leanings in Congress.

The United States would gain a new market the size of California and see tariffs twice as high as its own, on average, erased. Big U.S. rewards would be down the road when the oil and gas glut subsides and a new energy crisis threatens.

Members of Congress and Parliament must approve the agreement.

In New Mexico, the agreement heralds certain disaster for the uranium industry and more pressure for other beleagered industries—natural gas, copper, coal and utilities. It also holds some new prospects for the state's high tech, services, manufacturing and agricultural sectors.

The 25,000-page document calls for both countries to drop tariffs over the next 10 years and establishes a binational panel to settle disputes. The agreement also:

Opens up the service sector, including computers and telecommunications.

Offers financial institutions of both countries equal privileges.

Liberalizes restrictions on investments in Canada.

Eliminates the Canadian embargo on used cars.

Opens wheat trade when subsidies by both countries are equal.

Increases Canadian ceilings on U.S. chicken, turkey and eggs.

Exempts beef producers from import laws of the other country.

Allows freer entry for business travelers.

All segments are not open for business, however. While many new players are thrown into competition, some would still huddle behind barricades. Those not so protected are crying foul.

NEGOTIATIONS: HARD SLUGGING

"Our people were way ahead of them on everything. You'd think the United States was an underdeveloped country alongside us in terms of the way this negotiation went."

Canada's chief negotiator, Simon Reisman, was quoted in the International Trade Reporter saying U.S. negotiators "had their pants down" in the talks held last fall.

Reisman, says Toronto economist John Crispo, "is an arrogant son of a bitch. And I wouldn't want anyone else to represent us in negotiations with the United States."

While Reisman claims the agreement favors Canada 3-to-1, leaders of both nations were using the phrase "win-win."

Canadians are looking forward to selling more electricity, wheat, beef, pork, oil and natural gas. Americans see opportunities for high tech companies, furniture, paper, machinery, fruit, vegetables, wine and clothing.

Also telling is what they left out.

Canadians insisted that their periodicals, film industry, book publishers and television be exempt. The United States refused to touch its sugar policy. The American lumber industry wants to buy Canadian round logs, but Canadians wouldn't include them, nor would they allow U.S. plywood to enter their country. The United States balked at opening defense procurement. Canadians wouldn't ease restrictions on truck transportation, and the United States backed away from maritime.

Both put wine and distilled spirits on the table but not beer. Neither would meddle with their dairy industries.

Disputes over Canadian energy subsidies and U.S. grain subsidies were so sticky that both sides agreed to hammer them out later.

Nobody even broached the subject of water.

The agreement, said Minister of Trade Pat Carney, is "the result of two years of very hard slugging."

Of all the Canadian exemptions, the touchiest is culture. Forever fearful of being swamped by American culture, Canadians have chosen to protect their media, film makers and book publishers.

"If there's been a blind spot in the negotiations, it's been there," said Tom d'Aquino, president of the Business Council on National Issues, a group like the U.S. Business Roundtable. "You must consider, your culture is always being exported, and relatively little Canadian culture is exported. Without protection, our cultural industries would not be viable."

SORTING OUT SUBSIDIES

"The biggest failure of the agreement," said Alan Nymark, Canada's assistant of chief negotiator, "was in not achieving a regime of rules and regulations defining subsidies."

In recent U.S.-Canada trade skirmishes—potash, pork, corn, softwood lumber—subsidies have been the issue behind complaints of unfair pricing. Negotiators tried to get their arms around this tar baby but ran out of time, according to Trade Minister Carney. They chose to leave subsidies and other unresolved disputes to a binational panel, appointed as part of the trade agreement.

This panel was high on the Canadian wish list.

For years, Canadians had chafed at having to appear hat-in-hand before U.S. agencies hearing disputes. Typically, U.S. producers complained about Canadian subsidies depressing price, and the Commerce Department socked Canada with a countervailing tariff, which eliminated their pricing advantage. Canadians began to view the countervail threat as a trade barrier.

Dispute settlement "was really the sticking point for our side up to the last moment," Nymark said.

Under the agreement, a binational panel of five experts would settle dumping or countervail disputes. Its decision would be binding and without judicial review.

Under this system, New Mexico potash producers could not have filed dumping complaints with the Commerce Department and the International Trade Commission. Uranium producers would not have had the courts. Neither likes the idea of the panel or the loss of judical review.

However, the panel would apply the law of the importing country in disputes over products covered by the agreement, Carney said, and both countries have "almost identical" anti-dumping laws. The panel would have a 5-year life, during which time both countries are to pass new laws.

"The free-trade agreement is not a license to poach," Carney said.

The panel has its work cut out. For Canadians, the subsidy debate reaches into some deeply held ideas about government's role in the economy.

"The U.S. considers us radical, Commie pinkos," Carney said, but even Canadian conservatives support the nation's ambitious social programs and its silent partner status with business. Other officials made it clear that jobs are a high priority in Canada, whatever the cost.

Consider the collapse of oil prices.

The United States allowed this disaster to run its course and now blames a bum market for thousands of layoffs and bankruptcies, scores of bank failures and billions of dollars in business and tax losses.

Canada and its provinces chose to help the industry "rather than have that kind of ripple effect," said David Russell, deputy premier of energy-rich Alberta. The help include royalty holidays, elimination of a tax similar to our windfall profits tax, reduction of corporation taxes and a $350 million drilling incentive program. As a result their oil industry is weakened but not bloody like its Texas counterparts.

Canadians point to U.S. grain subsidies and argue that economic development incentives and industrial development bonds could be considered subsidies.

This tough debate is far from finished, but Quebec Premier Robert Bourassa allows, "we could find some common rules."

CANADIAN DEBATE

"I really believe in this," says University of Toronto economist John Crispo. "I think it's desperately important for Canada."

Crispo fumes that David Peterson, premier of the richest and most populated province of Ontario, has denounced the agreement, while Quebec Premier Robert Bourassa embraces it.

"Quebec has more vulnerable industries than Ontario," he says. "Bourassa is betting on the new winners and not the old losers," while Peterson, "isn't a big enough man to admit he's wrong."

Peterson snaps that Crispo is "a windbag and a pop economist. There are some thoughtful guys in this debate. Crispo isn't one of them."

While the free-trade agreement dawns slowly on Americans, Canadians have engaged in sharp and often emotional debate for the last two years.

Proponents like Bourassa say, "We have the chance in Canada to be close to one of the biggest markets of the world." In his office atop a Montreal skyscraper, he relates a conversation with New York Gov. Mario Cuomo, who said, "The free-trade agreement is very good for Canada and good for the United States."

Next day, the tall, elegant David Peterson strolls into a Toronto conference room, shakes hands with each reporter, and offers to get coffee. "This is the most difficult debate I've ever faced—fraught with historical envy and regional tensions," he says, adding that he's been "beaten up regularly" for his opposition.

"In a word, it's a bad deal. It was put together with bailing wire and driven on politics," Peterson says. "This deal would not protect us from another softwood lumber, a shakes and shingles or a potash dispute." For "marginal gains, at best" Canada has thrown away its high card. "Twenty years ahead, in an energy starved world, what advantage do we have? Energy is one."

The Canadian business community has agitated for at least five years to dismantle trade barriers—a dramatic and historic turnabout. In 1911, the same segment, fearing economic and political absorption by the United States, helped dump a free trade initiative along with the politicians who espoused it. Nobody tried again until recently.

"The name of the game for manufacturing is competition," says Robert Denomme, chief economist for the Canadian Manufacturing Association. "It's very much a global marketplace these days."

"We're in an expansionist mood," said Pierre Laurier, first vice president of Merrill Lynch in Montreal. "Of course, we are conscious of the risks. We know there are many businesses here that couldn't compete if everything were wide open tomorrow."

Ontario's Peterson names two.

The agreement, he says, "will absolutely wipe out our wine industry" and hurt Canadian food processors. "If somebody leaves on the Oreo cookie machine for 15 minutes, there's the Canadian market."

Proponents are a diverse bunch—Chambers of Commerce, pork producers, banks, utilities, wheat growers, cattlemen, and Quebec's separatists.

Jacques Parizeau, a candidate for leadership of the Parti Quebecois, explains, "By securing access in North America for our goods, we open the way for sovereignty."

OPPONENTS SPEAK

Opposing the agreement, besides Ontario, are the provinces of Manitoba and Prince Edward Island, along with the two opposition parties, the labor movement, the Farmers Union and some industry segments.

Edmonton publisher Mel Hurtig, whose very name proponents say with distaste, is chairman of The Council of Canadians, a nationalist group. He said in November that the agreement was "an enormous step towards economic integration and economic union" with the United States and predicted that once signed, "there will be no Canada in a generation."

To U.S. reporters, he said, "Quite a few of us are concerned about sovereignty—economic, political, social and cultural. We have the highest degree of foreign ownership of any country in the world. Segments of the industry are virtually 100 percent foreign owned. Americans would never tolerate that level of control."

Hurtig and union leaders believe the agreement would erode Canada's sovereign right to make decisions about its future.

"When the free-trade agreement takes effect and U.S. corporations start calling for a level playing field we know that level playing field will be by U.S. rules," says Basil Hargrove, assistant to the president of the Canadian Auto Workers.

Canadian unions, looking at the lot of their U.S. counterparts, don't relish closer ties. In Canada, 33 percent of workers are unionized, compared with 17 percent in the United States.

Union leaders and other opponents are particularly worried about losing social programs they say are superior—and more expensive—than those in the United States.

"I think the unions are justified to worry about the free-trade agreement," said Merrill Lynch's Laurier, "but not because social programs will be lost. We will see some leveling. It's obvious the sort of deals private business struck with unions in the United States have been quite different from what Canadians have."

Critics also point out that 75 percent of trade is already duty free.

"Why is the remaining 25 percent such a big deal? That's where the gravy is," said Trade Minister Pat Carney. She said petrochemicals, for example, face a 15 to 18 percent tariff barrier.

Another argument is that many U.S. companies, including the auto industry, built plants in Canada to leap tariff barriers. Without the tariffs, they might close plants. Proponents argue that companies, finding it cheaper to operate in Canada, would stay here and expand.

Premier Peterson would like to see the agreement renegotiated, but with or without it, he says, the U.S. and Canada "will continue to be the two best friends in the world."

[From Natural Gas Intelligence Newsletter, Oct. 26, 1987]

CANADIANS FEAR REPRISALS UNDER TRADE TREATY

Canadian producers are fearful the U.S.-Canadian free trade agreement may prove to be a mixed blessing, leaving them like sitting ducks, with an unwanted higher profile among U.S., rivals who have not given up any rights under the treaty to allege unfair competition and to attack it.

Officially, the Canadian Petroleum Association, the Independent Petroleum Association of Canada and the Small Producers and Explyors Association of Canada applauded the pact an answer to old dreams of open market. In practice, the groups conceded that the agreement only ratifies actions already taken by Ottawa's National Energy Board, which replaced tough regulations of exports and prices with a mild system of monitoring.

There is widespread anxiety that if the trade agreement leads to anything new, it will be an assault on the Canadian industry's alleged advantages as a result of elaborate federal and provincial energy programs. Documents leaked during the trade negotiations hinted that the U.S. Department of Commerce sees the Canadian industry as riddled with subsidies. Such an interpretation is possible, even in wrongheaded, admitted spokesmen for all the Canadian industry groups.

Canadian authorities and companies perfer to call their system one of development incentives and responses to falling prices. Semantics aside, however, there is no doubt that help for the Canadian industry has been rich by American standards.

* * * with production interests throughout North America and the North Sea, calls Alberta one of the cheapest places anywhere to stockpile energy assets. Ranger, the only Canadian independent listed on the New York Stock Exchange, has sold most of its American holdings, but accelerated Alberta drilling after a long absence to concentrate on the North Sea.

Pierce estimates that the combined tax and royalty load on U.S. companies is still between 22 percent and 25 percent, counting federal, state, county and even school board levies, plus royalty revenue shares owed to unyielding private landowners. In stark contrast, he estimates the burden on small to medium size independents in Alberta, source of more than four/fifths of Canadian oil and gas production alike, as between zero and a token 5 percent.

The Conservative government in Ottawa has dubbed the energy industry "the engine of growth" for a national economy heavily reliant on resource extraction, and financial policies attempt to give this sector some fuel. Federal production taxes, once as high as 16 percent, have been abolished. On top of resource exploration and production incentives built into the corporate tax sytem, a federal grant program pays one/third of the cost of drilling wells up to a ceiling of $0.3 million per company in one year.

In Canada the provincial governments own most of the resources, rather than private landowners. Provincial royalties, like the federal financial system, are studded with lures to attract energy firms and keep them interested. In Alberta a tax credit scheme rebates all royalties a company pays on its first $12 million worth of gas and oil production each year. Although added "holidays" from owing any royalties on new discoveries for up to five years go only to oil finds, companies find the extra bonus a handy way to keep money on hand for gas drilling too, if customers come along.

While precise comparisons of the financial status of Canadian and U.S. producers are found to be a subject of intense debates, Ranger is far from the only one voting with its feet in favor of the North. The federal and provincial incentives area available to companies regardless of their nationality. Slow but steady growth of foreign investment attracted by development-hungry Canada is spreading beyond high profile takeovers such as Amoco Corporation's bid for Dome Petroleum, and British Gas PLC's move on Bow Valley Industries Ltd.

U.S. independents are hunting Canadian properties and companies, anonymously through newly created corprate fronts such as Opportunity Resources Inc., or openly in well publicized shopping trips by operators such as Houston's Mossbacher Energy Co., Wolverine Exploration of Fort Worth, Pangea Petroleum of Los Angeles and Dudley Hughes of Jackson, Miss.

Although Canadian gas producers say they do not know when or how an attack on their advantages might come, they acknowledge that opportunities and methods are abundant. An obvious, frontal assault akin to tariff countervailing duty actions taken against Canadian metal and lumber exports through the U.S. International Trade Commission or Commerce Dept., is unnecessary in the case of gas.

There is always the U.S. Federal Energy Regulatory Commission. The Canadians are vowing to keep a much closer eye on FERC, to avoid any more surprises like its Opinion 256, restricting payment of Canadian export shipping costs as a means to erase unfair advantages that U.S. producers complained about. TransCanada's Frew said that the free trade agreement only underlines a need for Canadians to find a voice in the United States. His pipeline is opening a Washington office this fall and he predicts "you'll see a much more concerted effort by a lot of the Canadian companies" to establish a presence "where the action is."●

By Mr. BRADLEY (for himself, Mr. Stafford, Mr. Inouye, Mr. Cochran, Mr. Gore, Mr. Garn, Mr. Levin, Mr. Warner, Mr. Lautenberg, Mr. Murkowski, Mr. Pell, Mr. Dominici, Mr. Dixon, Mr. Dole, Mr. Sanford, Mr. Hatch, Mr. Sarbanes, Mr. Stafford, Mr. Burdick, Mr. Trible, Mr. Bumpers, Mr. Lugar, Mr. Graham, Mr. Boschwitz, Mr. Stennis, Mr. Simpson, Mr. Riegle, Mr. Thurmond, Mr. Boren, Mr. Bentsen, Mr. Heflin, Mr. Hollings, Mr. Quayle, Mr. Danforth, and Ms. Mikulski):

S.J. Res. 263. Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; referred to the Committee on the Judiciary.

GEOGRAPHY AWARENESS WEEK

● Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from Vermont, Mr. Stafford, to introduce a resolution to delcare the week of November 13 to November 19, 1988, "Geography Awareness Week."

Mr. President, last year when I introduced the first "Geography Awareness Week" resolution, it was becoming clear that an alarming level of geographic illiteracy had developed in our Nation. Surveys found that our Nation's students had, at best, a distorted understanding of our world and, at worst, were totally ignorant of the most basic geography.

In Dallas, 25 percent of the high school students could not name the country that bordered the United States to the South. In Boston, 39 percent of the surveyed students could not name the six New England States. In Baltimore, 45 percent could not, when asked, shade in the appropriate area on an outline map that location corresponding to the United States. A survey by the Asbury Park Press found that, on the average, 12th graders could identify only 41 percent of the States.

Mr. President, since the recognition of Geography Awareness Week last year some progress has been made in dealing with this illiteracy. But it is only a beginning. We must continue to revitalize and expand the role of geography in the public consciousness. Much more needs to be done.

To help raise public awareness of the need for geography education, I sponsored a State-wide geography competition in New Jersey. Over 600 eighth graders from all over the State competed. Robin Cadwallender, a 13-year-old eighth grader from Hopatcong, NJ, was crowned grand champion of geography when she won the final round of the geography bee. She won the bee by naming the highest mountain in the Western Hemisphere, Mount Aconcagua in Argentina, and correctly naming Key Largo as the largest of the Florida Keys.

I also taught geography to a class of high school students at River Dell Regional High School in Oradell, NJ. Currently schools throughout my State are involved in the final round of another competition to select the best classroom geography project for 1987-88. I am pleased that so many students and teachers in my State have become more involved in this issue than they were a year ago. However, our work is not done.

Our country is a our unique Nation: a population with a diverse ethnic and racial heritage; a broad landscape; bountiful resources. All of this contributes to our status as a world power.

Knowledge of geography offers a necessary perspective as we work to understand our heritage, our relationship with the Earth, and our interdependence with other peoples of the world.

Traditional geography has virtually disappeared from American schools, although it is still being taught as a basic subject in other countries, including Great Britain, Canada, Japan, and the Soviet Union.

Continued ignorance of geography, other cultures, and foreign languages places the United States at a disadvantage in matters of business, politics, and the environment.

The United States is a nation with worldwide involvements and global influence which demand that our citizens have an understanding of the lands, languages, and cultures of the world.

Our national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent world.

It is for this reason that I am introducing today this resolution to continue to focus national attention on the need for a knowledge of world geography. It is my hope that this will be just one step in a revitalization of the study of geography. All of our citizens should have access to the sort of education which will help them appreciate the great beauty and diversity of this nation and its place in the world.

I ask that the attached resolution by placed in the Congressional Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 263

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, language and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a week with appropriate ceremonies and activities.●

● Mr. STAFFORD. Mr. President, I rise today to join my good friend from New Jersey, Senator Bradley, to introduce Senate Joint Resolution 263 to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week." As the principal cosponsor of this legislation, I am pleased to bring to the attention of our Nation the importance of geographic literacy.

In a time when our world is shrinking due to advances in communication and transportation, our children are woefully lacking in their knowledge of other cultures, land forms, and global issues. Over the past 10 years the study of geography as a discipline has all but disappeared from American classrooms. In hearings held last fall, we learned that widespread geographic illiteracy is the product of deemphasizing geography in American schools. Our Nation cannot afford to have citizens who are unaware of such basic information as the customs and beliefs of foreign peoples and the effect of climate on the economic well-being of nations.

Attaining geographic literacy for all our citizens is more than a laudable goal. It is an essential goal. To that end, Geography Awareness Week is a significant step in the right direction. The first Geography Awareness Week was designated by Congress in November 1987. During that time, school children and citizens across our Nation joined in a celebration of geographic knowledge. For example, a kindergarten class in Monroe, OR, learned about geography with a special mapping project. The youngsters attached notes to Christmas trees from Oregon which were then shipped to other States. The notes asked tree buyers to tell the kindergartners where they lived so the children could make a map showing the distribution of Christmas trees.

The Christmas tree tracking project was just one of many classroom activities and special projects organized around Geography Awareness Week. Thirty-two State Governors signed proclamations declaring Geography Awareness Week; more than 150,000 balloons were launched with messages to track their whereabouts; elected officials and foreign ambassadors came forward to teach classes in geography; and geography fairs were held across our country. Minnesota's three largest school districts are now moving to improve their geography curricula. These activities were inspired by the congressional sponsorship of Geography Awareness Week.

By raising the consciousness of our Nation's citizens, Geography Awareness Week has made a tremendous contribution to improving geographic literacy. It is estimated that 1,000 news and feature stories about geography appeared in newspapers, on television and on radio. In the mind of this Senator, Geography Awareness Week marks the beginning of a much needed, and long overdue, thrust toward geographic literacy.

Calling attention to geography gives the schools across our Nation a concrete forum for emphasizing geography in the curriculum. It also provides a focal point for discussing the relevance of geography in a world where economic competitiveness hinges on a sound understanding of the impact of geography on world affairs.

Mr. President, our Nation's leadership in world affairs is dependent on American citizens who are informed about global issues. Over the past year, we have seen school children once again learning about the physical and cultural features of our planet. We have seen politicians and foreign ambassadors contributing to geography activities. We have witnessed the beginning of a nationwide commitment to geographic literacy. As a forum for activities and special events across our great Nation, Geography Awareness Week has made, and I hope will make again in 1988, a significant contribution to raising the overall knowledge of geography among our citizens.●

By Mr. RIEGLE:

S.J. Res. 264. Joint resolution to designate the period commencing May 8, 1988, and ending May 14, 1988, as "National Correctional Officers Week;" referred to the Committee on the Judiciary.

NATIONAL CORRECTIONAL OFFICERS WEEK

● Mr. RIEGLE. Mr. President, today I am introducing a joint resolution to designate the week beginning May 8, 1988, as "National Correctional Officers Week."

This resolution is similar to legislation I sponsored last year and which was enacted by Congress. This commemorative week serves to honor our correctional officers around the country for their tireless commitment of staffing the Nation's correctional facilities.

Mr. President, our Nation's correctional officers work under highly stressful conditions, where exposure to risky or dangerous situations is a daily part of their jobs. Presently, these officers are responsible for the safety and welfare of over 600,000 inmates in the country, and are also integral to the protection of surrounding communities.

I feel strongly that National Correctional Officers Week is a way to show our support and appreciation for these dedicated men and women. I urge my colleagues to support this resolution.●

ADDITIONAL COSPONSORS—FEBRUARY 23, 1988

S. 39

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 237

At the request of Mr. THURMOND, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the United States Government from attempting to influence the United States Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 1353

At the request of Mr. KASTEN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1353, a bill to amend the Internal Revenue Code of 1986 to exempt certain livestock breeding from the rules requiring capitalization of preproductive expenses and to preclude farmers with gross receipts in excess of $5,000,000 from using a cash method accounting.

S. 1378

At the request of Mr. THURMOND, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1679

At the request of Mr. HATCH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1679, a bill to establish a block grant program for child care services, and for other purposes.

S. 1910

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1910, a bill to provide financial assistance to local educational agencies to demonstrate the advantages of implementing plans to reduce class size.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2024

At the request of Mr. BAUCUS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2033

At the request of Mr. THURMOND, the name of the Senator from Missouri

[Mr. DANFORTH] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2041

At the request of Mr. HEINZ, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2041, a bill to amend title 23, United States Code, to reduce Federal highway funds to States that do not enforce the 65 mile per hour speed limit.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Montana [Mr. MELCHER], the Senator from Iowa [Mr. HARKIN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2075

At the request of Mr. DASCHLE, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Michigan [Mr. RIEGLE], the Senator from Kentucky [Mr. FORD], and the Senator from Iowa [Mr. HARKIN], were added as cosponsors of S. 2075, a bill to amend the Internal Revenue Code of 1986 to permit tax free purchases of certain fuels, including purchases by farmers.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the the Senator from Oklahoma [Mr. BOREN], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. HOLLINGS, the name of the Senator from California [Mr. CRANSTON], was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 230

At the request of Mr. HELMS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. GORE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. TRIBLE], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Delaware [Mr. ROTH], and the Senator from Kansas [Mr. DOLE], were added as cosponsors of Senate Joint Resolution 230, a joint resolution to designate the third week of June of 1988 as "National Dairy Goat Awarenesss Week."

SENATE JOINT RESOLUTION 234

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Indiana [Mr. LUGAR], the Senator from Alabama [Mr. SHELBY], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mr. BENTSEN], the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. STENNIS], the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. MCCAIN], the Senator from Connecticut [Mr. WEICKER], the Senator from North Carolina [Mr. HELMS], the Senator from Illinois [Mr. DIXON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Georgia [Mr. FOWLER], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. WIRTH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Maine [Mr. MITCHELL], were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 239

At the request of Mr. FORD, the names of the Senator from Tennessee [Mr. GORE], the Senator from New York [Mr. D'AMATO], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 239, a joint resolution to designate May 1 through May 31, 1988, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 251

At the request of Mr. HOLLINGS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Ohio [Mr. GLENN], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. BURDICK, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as National Health Awareness Week."

SENATE JOINT RESOLUTION 258

At the request of Mr. THURMOND, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. MELCHER, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Concurrent Resolution 88, a concurrent resolution to facilitate the convening of a Silver Haired Congress.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. ADAMS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Arizona [Mr. MCCAIN], the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. TRIBLE], the Senator from Maryland [Mr. SARBANES], the Senator from Maine [Mr. MITCHELL], the Senator from Georgia [Mr. NUNN], the Senator from New York [Mr. D'AMATO], the Senator from Rhode Island [Mr. PELL], and the Senator from California [Mr. CRANSTON] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes.

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the names of the Senator from Illinois [Mr. SIMON], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

ADDITIONAL COSPONSORS—FEBRUARY 24, 1988

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 612

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Maine [Mr. COHEN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 1381

At the request of Mr. SASSER, the names of the Senator from Pennsylvania [Mr. HEINZ], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1381, a bill to improve cash management by executive agencies, and for other purposes.

S. 1412

At the request of Mr. HOLLINGS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1412, a bill to amend the Coastal Zone Management Act of 1972 regarding activities significantly affecting the coastal zone.

S. 1429

At the request of Mr. LAUTENBERG, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Illinois [Mr. SIMON], the Senator from Maine [Mr. COHEN], the Senator from North Carolina [Mr. SANFORD], the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. WIRTH], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1429, a bill to improve the Environmental Protection Agency data collection and dissemination regarding reduction of toxic chemical emission across all media, to assist States in providing information and technical assistance about waste reduction, and for other purposes.

S. 1457

At the request of Mr. FORD the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1457, a bill to establish, with respect to any grant or research protocol of the National Institutes of Health, a restriction that any person obtaining or using for any research purpose any animal acquired from any animal shelter shall not be eligible to receive any such grant or research protocol.

S. 1474

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1474, a bill to require that any U.S. Government support for military or paramilitary operations in Angola be openly acknowledged and publicly debated.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1678

At the request of Mr. DECONCINI, his name was added as a cosponsor of S. 1678, a bill to establish a block grant program for child care services, and for other purposes.

S. 1851

At the request of Mr. SIMPSON, his name was added as a cosponsor of S. 1851, a bill to implement the International Convention on the Prevention and Punishment of Genocide.

S. 1867

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1867, a bill to amend title 28, United States Code, to make certain improvements with respect to the Federal court interpreter program, and for other purposes.

S. 1931

At the request of Mr. SIMON, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1931, a bill to amend part B of title IV of the Higher Education Act of 1965, relating to the guaranteed student loan programs, to reduce the high default rate under that program, and to improve debt collection under that program, and for other purposes.

S. 2024

At the request of Mr. BAUCUS, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 2024, a bill to amend the Asbestos Hazard Emergency Response Act of 1986, Public Law 99-519, to extend certain deadlines.

S. 2042

At the request of Mr. DURENBERGER, the names of the Senator from Nebraska [Mr. KARNES] the Senator from Tennessee [Mr. SASSER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 212

At the request of Mr. DIXON, the names of the Senator from New York [Mr. D'AMATO], the Senator from Kentucky [Mr. FORD], and the Senator from Indiana [Mr. QUAYLE] were added as cosponsors of Senate Joint Resolution 212, a joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

SENATE JOINT RESOLUTION 226

At the request of Mr. DECONCINI, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of Senate Joint Resolution 226, a joint resolution to designate the week of May 8, 1988, through May 14, 1988, as "National Soccer Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. BIDEN, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Wyoming [Mr. WALLOP], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Indiana [Mr. QUAYLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 240, a joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

ADDITIONAL COSPONSORS—FEBRUARY 25, 1988

S. 533

At the request of Mr. THURMOND, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 1586

At the request of Mr. KERRY, the names of the Senator from Washington [Mr. ADAMS], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, children, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1861

At the request of Mr. DECONCINI, the names of the Senator from Utah [Mr. HATCH], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1861, a bill to amend the Controlled Substances Act to suppress the diversion and trafficking of precursor chemicals and essential chemicals utilized in the illicit manufacture of controlled substances.

S. 1885

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1885, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2051

At the request of Mr. MCCLURE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act".

S. 2062

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2075

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 2075, a bill to amend the Internal Revenue Code of 1986 to permit tax-free purchases of certain fuels, including purchases by farmers.

SENATE JOINT RESOLUTION 227

At the request of Mr. HOLLINGS, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to express gratitude for law enforcement personnel.

SENATE JOINT RESOLUTION 249

At the request of Mr. RIEGLE, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, as "Department of Commerce Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. HUMPHREY, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 261

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 261, a joint resolution designating the month of November 1988 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 262

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 262, a joint resolution to designate the month of March 1988, as "Women's History Month."

SENATE RESOLUTION 377

At the request of Mr. LUGAR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE CONCURRENT RESOLUTION 100—RELATING TO A STANDARD DEFINITION OF GOODS WHICH MAY BE EXPORTED AS HUMANITARIAN DONATIONS

Mr. LEAHY submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 100

Whereas the authority granted to the President by the International Emergency Economic Powers Act to take certain actions pursuant to his declaring a national emergency does not include the authority to regulate or prohibit, directly or indirectly, donations by United States persons of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except where the President determines that such donations would seriously impair his ability to deal with the national emergency, are in response to coercion against the proposed recipient or donor, or would endanger United States Armed Forces which are engaged in hostilities;

Whereas the Trading With the Enemy Act authorizes United States persons to donate articles (including food, clothing, and medicine) intended to be used solely to relieve human suffering, to any country with which the United States is at war, after the cessation of hostilities;

Whereas the Export Administration Act of 1979 specifically denies the President the authority to impose foreign policy export controls on medicines, medical supplies, and donated goods (including, but not limited to, food, educational materials, seeds and hand tools, medicines and medical supplies, water resources equipment, clothing and shelter materials, and basic household supplies) that are intended to meet basic human needs, and restricts the President's authority to impose export controls on food; and

Whereas the legislative history of the International Emergency Economic Powers Act expresses the intent of the Congress that any article other than military or strategic items can be donated in order to relieve human suffering; that the definition of exempted humanitarian goods be given the broadest construction possible; and that the mention of "food, clothing, and medicine" is meant to be illustrative and in no way to be an inclusive list: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in exercising authorities under the International Emergency Economic Powers Act, the Trading With the Enemy Act, and the Export Administration Act of 1979, the executive branch should use a standard definition of humanitarian donations that is consistent with the intent of the Congress that humanitarian goods be defined as broadly as possible.

● Mr. LEAHY. Mr. President, during the past 6 years of the Contra war in Nicaragua our two countries have maintained diplomatic relations. Many Americans have availed themselves of the opportunity to visit Nicaragua. They have gone there to see for themselves the effects of the Contra policy, and to show their concern for the Nicaraguan people who have been caught in the middle of that war.

I have often argued that the way to bring democracy to a backward country like Nicaragua is to show its people what democracy has to offer, rather than carry on a bloody war to overthrow their government by force. We should be sending doctors, agronomists, veterinarians and Peace Corps volunteers instead of guns, bullets, and boots for the Contras.

Unfortunately, this administration believes otherwise. In 1985 President Reagan declared a national emergency with respect to Nicaragua and ordered the Treasury Department to issue regulations controlling trade with that country. Those regulations banned all exports from the United States to Nicaragua. The only exports allowed are those to the Contras and private donated items for the Nicaraguan people such as food, clothing, and medicines, intended to be used to relieve human suffering.

The President used the authority of the International Emergency Economic Powers Act to impose the trade embargo on Nicaragua. That act provides for humanitarian help even during an embargo. Its legislative history clearly establishes that the act's exemption for donations of humanitarian items was intended to be broadly construed. However, advised by the State Department, the Treasury Department has denied licenses to charitable organizations such as Oxfam and Catholic Relief Services to send donated humanitarian items—hoes, sickles, axes—which do not fit within the narrow categories of food, clothing or medicine which the regulations cite as examples of humanitarian items. Treasury did so not because of the items themselves, but because the recipients were deemed to be affiliated with the Nicaraguan Government.

The irony of this policy is that the administration has given millions and millions of dollars of military equipment to the Contras under the label of "humanitarian aid." Yet, the Administration denies Catholic Relief Services a license to donate a couple of thousand dollars worth of construction tools to Nicaraguans because of some "affiliation" with the Government. Those tools—hammers, saws, and shovels—collected by private Americans, are stored in a Miami warehouse.

Mr. President, in Nicaragua just about everything is in some way "affiliated" with the Government. You cannot get anything done in that country without the Government being on your board of directors, approving your license, authorizing your activities, controlling your funds, and on and on. It's bureaucracy run wild.

There are two other statutes that control exports and contain exceptions for private donations of humanitarian items. Those exceptions either explicitly allow donations of a broad variety of items, or are being construed more broadly by the Treasury Department.

The Trading With the Enemy Act authorizes Americans to donate items intended to be used solely to relieve human suffering, to any country with which we are at war, after the cessation of hostilities. Under this act, Oxfam is sending a variety of humanitarian items, in addition to food, clothing and medicine, to Vietnam and Cambodia—two declared enemies of the United States with which we do not have diplomatic relations. As in Nicaragua, just about everything in those countries is in some way "affiliated" with the Government.

The Export Administration Act denies the President the authority to impose controls on items intended to meet basic human needs—including food, medicine, shelter materials, seeds, hand tools and educational supplies.

These conflicting statutes governing humanitarian donations by private citizens have been used by the administration to further its foreign policy. Although the Congress intended that the categories of humanitarian items in the International Economic Powers Act should be illustrative rather than inclusive, Oxfam's request to send simple hand tools to an agricultural school in Nicaragua was denied. That school is funded by Sweden and has instructors from several countries including the United States who teach Nicaraguan farmers how to repair and operate farm machinery.

However, the Treasury says that the school is affiliated with the Sandinista government—and on that basis denied the license.

Mr. President, Americans pride themselves on the generous way they have responded to people in need overseas. From the days of Point Four relief after World War II to the famine in Ethiopia, a country ruled by one of the most repressive Marxist governments in the world, Americans have put aside politics to ease the pain of hunger and poverty.

Whether one is for or against the Contra policy, the administration's politicization of humanitarian aid has implications that go far beyond this case. It conflicts with our tradition of generosity and with the very notion of humanitarianism, which is the promotion of human welfare, not political goals. And, it sets a precedent for the future, when another administration may use the same political litmus test to ban donations of humanitarian items to poor people in South Africa or some other country whose government we disagree with.

On December 14, 1987, in order to remedy the discrepencies in existing law and in how those laws are being administered, Congressman BONKER introduced a resolution expressing the sense of the Congress that the executive branch should use a standard definition of those items which may be exported as humanitarian donations.

If the regulations permit humanitarian items to go to Vietnam and Cambodia to relieve basic human needs, why shouldn't those same regulations allow donations of the same sorts of humanitarian items to the people of Nicaragua—without having to meet some ideological litmus test?

Today I am introducing identical legislation in the Senate. While I recognize that the future of United States-Nicaragua relations rests largely on the outcome of the Central American peace talks, this legislation goes far beyond our policy toward that country. It impacts on the humanitarian instincts of Americans generally—instincts that we should do all we can to encourage.●

SENATE RESOLUTION 382—TO REMOVE THE POWER TO ARREST SENATORS FROM THE SERGEANT AT ARMS

Mr. HATCH submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 382

Resolved, That paragraph 4 of rule VI of the Standing Rules of the Senate is amended by striking ", and, when necessary, to compel".

SENATE RESOLUTION 383—TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF AMTRAK

Mr. LAUTENBERG (for himself, Mr. PELL, Mr. MOYNIHAN, Mr. WEICKER, Mr. BIDEN, Mr. SPECTER, Mr. BYRD, Ms. MIKULSKI, Mr. BRADLEY, Mr. BURDICK, Mr. FOWLER, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 383

Whereas Amtrak the National Railroad Passenger Corporation, was established by the United States Congress in 1971 to assume operation of rail passenger services in this country;

Whereas Amtrak now operates 230 trains daily over a 24,000 mile route system, and also owns and controls the high speed Northeast Corridor rail line between Washington, District of Columbia, and Boston, Massachusetts;

Whereas Amtrak has and will continue to reduce its dependence on Federal funding which has declined from $896.3 million in fiscal year 1981 to $580.8 million in fiscal year 1988, a reduction of over 50 percent in constant dollars;

Whereas Amtrak covers an increasing percentage of its total costs from its own revenues, and the revenue-to-cost ratio has improved from 48 percent in fiscal year 1981 to 65 percent in fiscal year 1987 and a projected 67 percent in 1988;

Whereas Amtrak revenues in fiscal year 1987 were $973.5 million, an increase of 13 percent over 1986, which resulted from increases in transportation, real estate, mail and express, and corporate development revenues over fiscal year 1986;

Whereas Amtrak provided transportation for more than 20.4 million people in fiscal year 1987, and 10.2 million of those travelers rode trains in Amtrak's Northeast Corridor between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak generated 5.221 billion passenger miles in fiscal year 1987 and the ratio of passenger miles per train mile (an indicator of the number of passengers riding the average train one mile) increased from 172.2 in fiscal year 1986 to 177 in fiscal year 1987, reflecting the increased density of passengers on Amtrak trains;

Whereas Amtrak is an ongoing business and any drastic reduction in public support, or the elimination of Federal funds, would force the corporation into bankruptcy and threaten the end of rail passenger service across the country;

Whereas the Federal, and State governments have invested heavily to modernize Amtrak facilities, purchase new rolling stock, and upgrade the high speed Northeast Corridor, which raised the value of Amtrak's net assets to over $3 billion, all of which would have to be sold at scrap value if rail passenger service were eliminated;

Whereas some 22,800 Amtrak employees in 44 States would become unemployed if the corporation received no public funds and was forced into bankruptcy;

Whereas termination of rail passenger service would trigger $2.1 billion in Amtrak liability to pay labor protection to affected employees, and if Amtrak is rendered insolvent, labor would turn to the United States Government for payment of these claims;

Whereas an Amtrak shut down of the Northeast Corridor would drastically increase the cost, and disrupt the provision of daily commuter service by New Jersey Transit, the Southeastern Pennsylvania Transportation Administration, the Maryland Department of Transportation, and the Massachusetts Bay Transit Authority, for the approximately 175,000 people per day who use these carriers over Amtrak owned and operated rail lines in Washington, D.C., Maryland, Pennsylvania, New Jersey, New York, and Massachusetts;

Whereas the shutdown of the Northeast Corridor would disrupt freight service provided by Conrail and other carriers on the corridor, which serve numerous businesses including General Motors, Ford, Chrysler, Dupont, General Foods, and General Electric;

Whereas Amtrak carries more than twice as many passengers between and among the Northeast Corridor stations of New York, Newark, Philadelphia Wilmington, Baltimore, and Washington, than all airlines combined, and over one third of all air and rail passengers daily between Washington, D.C., and New York alone;

Whereas a shutdown of intercity rail service in the Northeast Corridor would strain already busy and overcrowded airports along the Atlantic seaboard;

Whereas Amtrak provides needed transportation for lower income and elderly travelers (36 percent of all long haul passengers have family incomes below $20,000, 55 percent have family incomes below $30,000, 40 percent are 55 years of age or older, and 22 percent are over 65 years of age);

Whereas both Amtrak's labor and management workers have made efforts to improve productivity, and as such, Amtrak will be the first railroad in this country to operate its trains nationwide under totally revised and modernized work rules;

Where all major industrialized Western nations have taken pride in establishing rail service and publicly funding their passenger systems;

Whereas Congress has consistently supported a balanced national transportation network, including the financial support of various modes of transportation, making this country the most mobile in the world and making travel available to persons of all income levels;

Whereas part of this balanced transportation system established by Congress has included the provision of intercity rail passenger service; and

Whereas Congress has voted numerous times to authorize and to appropriate sufficient funds to operate a national rail passenger system and has rejected efforts to eliminate Federal funding for Amtrak: Now, therefore, be it

Resolved, That it is the sense of the United States Senate that—

(1) Amtrak should be supported by the Federal Government at a level that will enable it to continue to operate a national railway system and to continue the progress that has been made to improve its financial performances and service levels; and

(2) the Secretary of Transportation and the Administrator of the Federal Railroad Administration should work closely with Amtrak management to—

(A) identify areas and assist in implementing changes that will further lower Amtrak's dependence on public funding without adversely affecting service; and

(B) insure that safety is given the highest priority possible as part of managements responsibility to provide rail passenger service.

SEC. 2. The clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit copies of this resolution to the Secretary of Transportation and the Administrator of the Federal Railroad Administration.

Mr. LAUTENBERG. Mr. President, I rise today to introduce a sense of the Senate resolution reaffirming support for the National Railroad Passenger Corporation, better known as Amtrak.

I'm pleased to be joined by Senators PELL, MOYNIHAN, WEICKER, BIDEN, SPECTER, BYRD, MIKULSKI, BRADLEY, BURDICK, and FOWLER.

This resolution is necessary because the President's budget proposal for fiscal year 1989 again would eliminate Amtrak funding. We've seen this proposal before. Year after year, the administration has sought to derail Amtrak. Year after year, the Congress has said no.

Amtrak is a vital link in our national transportation network. To deny funds for Amtrak is to deny the importance of such a network. That's the policy this administration has endorsed. It's a policy that just doesn't make sense.

Let's look at the facts. Amtrak serves almost 21 million people over 24,000 miles of track in 44 States. Some 5.2 billion passenger miles were generated in fiscal year 1987. In addition, approximately 175,000 commuters in a number of States depend on Amtrak's rails each and every day.

Half of Amtrak's passengers travel in the Northeast Corridor. The importance of Amtrak in my region can hardly be overestimated. In 1987, Amtrak carried more passengers among the points between Washington and New York than all the airlines combined. Carrying 3,800 passengers each day, Amtrak has become the single largest provider of point-to-point service between Washington and New York.

In my State, thousands of commuters rely on Amtrak service and facilities each day. Without Amtrak, New Jersey would face major disruption of service, or fare increases that would make rail commutation unavailable for those who need it most.

Amtrak service is an indispensible asset. Our roads and airways simply could not absorb the passenger load if Amtrak were eliminated, as proposed by the administration. For example, it would require an additional 54 flights each day between Washington and New York to handle those now using Amtrak. It's clear that capacity just doesn't exist.

Amtrak is a tremendous success story. It's growth and success has come in the face of major budgetary constraints. Between fiscal years 1981 and 1982, Federal support for Amtrak fell from $896.3 to $580.8 million, a 50-percent reduction in constant dollars. Other Federal programs should perform so well.

As chairman of the Appropriations Subcommittee on Transportation, I have worked closely with Amtrak president, Graham Claytor, to make Amtrak less dependent on Federal funding while maintaining and improving service. I can assure my colleagues that Amtrak has every intention to continue these efforts, and that I will work with Mr. Claytor in this endeavor.

Mr. President, pressure on Amtrak has resulted in great savings. That progress should continue. This resolution calls for just that. It would ask the administration to work with Amtrak to make it even more efficient and reliable. The resolution reaffirms the view of the Congress that Amtrak should remain a viable entity, and that adequate funding should be provided.

Mr. President, I urge my colleagues to cosponsor this resolution.●

● Mr. PELL. Mr. President, I join in cosponsoring a resolution offered by the Senator from New Jersey [Mr. LAUTENBERG] expressing the sense of the Senate that funding for the Nation's rail system, Amtrak, should continue.

Once again, the Reagan administration is proposing the elimination of funding for Amtrak and the eventual sale of the Northeast corridor. Instead of eliminating funding, it is my strong belief that the fiscal 1989 budget should continue funding for Amtrak at the level required to assure good service. In recent months, one could not open a newspaper or watch the evening news without seeing story after story about airline delays, unhappy passengers, and reports questioning the safety of the skies. This alone may be reason enough to continue to fund an efficient, safe, existing means of transportation along the always busy eastern seaboard corridor as well as all over the Nation.

The administration's proposal would eliminate badly needed moneys just as Amtrak is developing a record of economic viability. In the last months of 1987, Amtrak tested a new type of passenger car that will, if successful, increase passenger comfort while reducing travel time between Washington, DC, New York, Providence, and Boston. I find it disturbing that, at the very time that Amtrak is turning the corner to a bright, productive future, this administration wants to cut the very railbed out from under Amtrak.

Once again, let me commend my good friend from New Jersey for his concern and efforts to ensure efficient mass transportation for the Northeast corridor and throughout the country, and urge my colleagues in the Senate to support this important resolution.●

● Mr. SPECTER. Mr. President, today I join Senator LAUTENBERG in introducing a resolution which expresses the sense of the Senate regarding future funding of Amtrak. I strongly oppose the President's proposal to terminate Amtrak's operating subsidies contained in the fiscal year 1989 budget released on Thursday, February 19. The 1988 funding level for operating subsidies was $580 million.

I long have been committed to maintaining funding for Amtrak and I remain committed now to maintaining a national passenger railroad system. If Amtrak funding is cut back significantly, the Nation will be without quality rail passenger service.

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. Without continued support for Amtrak, highway and air traffic will be snarled along the east coast, with highways jammed and airports clogged.

Reductions of Amtrak funding also would have serious economic implications nationwide. Amtrak presently employs approximately 25,000 people throughout the country and contributes $1.5 billion through its annual operating budget to the national economy. During 1987, Amtrak remained one of the largest transportation companies in the country. In the Commonwealth of Pennsylvania, Amtrak employed 3,100 people in 1987, as well as thousands of others in Pennsylvania's rail supply industry. Amtrak contributed another $68 million to Pennsylvania's economy in 1987 through the purchase of goods and services.

Amtrak trains carry almost 16,500 people daily between Washington and New York. Deep cuts in Amtrak funding would result in less Amtrak service in the Northeast corridor, adding to air congestion and ultimately requiring additional Federal dollars for airport and highway construction.

Mr. President, severe cuts in Amtrak funding likely would result in serious adverse economic consequences to the Nation in term of loss of investment, loss of rail passenger service, and loss of jobs. When these costs and consequences are considered, it is clear that the far better choice is for the Senate and the Federal Government to continue providing full support to Amtrak. Accordingly, I urge our colleagues to join us in support of this resolution.●

AMENDMENTS SUBMITTED

THE HIGH RISK OCCUPATIONAL DISEASE NOTIFICATION AND PREVENTION ACT

HATCH AMENDMENTS NOS. 1411-1461

(Ordered to lie on the table.)

Mr. HATCH submitted 51 amendments intended to be proposed by him to the bill (S. 79) to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes; as follows:

AMENDMENT NO. 1411

On page 30, line 16, strike out "FINDINGS AND".

Beginning on page 30, strike out line 17 and all that follows through page 33, line 9.

On page 33, line 10, strike out "(b) PURPOSE.—".

AMENDMENT NO. 1412

On page 55, line 20, after "disease", insert the following: "Or that the employees have been adequately notified under the hazard communication standard".

AMENDMENT NO. 1413

Beginning on page 30, strike out line 16 and all that follows through page 34, line 3.

AMENDMENT NO. 1414

On page 32, line 5, insert "high" before "risk".

On page 32, line 13, insert "high" before "risk".

On page 32, line 17, insert "high" before "risk".

On page 32, line 21, insert "high" before "risk".

On page 33, line 4, insert "high" before "risk".

On page 33, line 12, insert "high" before "risk".

On page 33, line 13, insert "high" before "risk".

On page 33, line 24, insert "high" before "risk".

On page 34, line 3, insert "high" before "risk".

On page 34, line 6, insert "High" before "Risk".

On page 36, line 17, insert "HIGH" before "RISK".

On page 36, line 18, insert "high" before "risk".

On page 37, line 2, insert "high" before "risk".

On page 37, line 6, insert "HIGH" before "RISK".

On page 37, line 10, insert "High" before "Risk".

On page 39, line 13, insert "High" before "Risk".

On page 40, line 3, insert "high" before "risk".

On page 40, line 11, insert "high" before "risk".

On page 40, line 15, insert "high" before "risk".

On page 41, line 13, insert "HIGH" before "RISK".

On page 41, line 14, insert "high" before "risk".

On page 42, line 14, insert "high" before "risk".

On page 42, line 24, insert "high" before "risk".

On page 43, line 4, insert "high" before "risk".

On page 44, line 4, insert "high" before "risk".

On page 44, line 12, insert "high" before "risk".

On page 47, line 9, insert "HIGH" before "RISK".

On page 47, line 11, insert "high" before "risk".

On page 47, line 14, insert "high" before "risk".

On page 48, line 1, insert "HIGH" before "RISK".

On page 48, line 2, insert "high" before "risk".

On page 48, line 3, insert "high" before "risk".

On page 48, line 9, insert "high" before "risk".

On page 48, line 13, insert "high" before "risk".

On page 48, line 19, insert "high" before "risk".

On page 49, line 10, insert "high" before "risk".

On page 49, line 15, insert "high" before "risk".

On page 51, line 14, insert "high" before "risk".

On page 51, line 18, insert "high" before "risk".

On page 52, line 23, insert "high" before "risk".

On page 53, line 15, insert "high" before "risk".

On page 54, line 12, insert "high" before "risk".

On page 54, line 20, insert "high" before "risk".

On page 55, line 7, insert "high" before "risk".

On page 55, line 13, insert "high" before "risk".

On page 55, line 17, insert "high" before "risk".

On page 55, line 19, insert "high" before "risk".

On page 56, line 6, insert "high" before "risk".

On page 56, line 21, insert "high" before "risk".

On page 57, line 6, insert "high" before "risk".

On page 59, line 22, insert "high" before "risk".

On page 63, line 11, insert "high" before "risk".

On page 63, line 24, insert "high" before "risk".

On page 64, line 7, insert "high" before "risk".

On page 64, line 20, insert "high" before "risk".

On page 65, line 7, insert "high" before "risk".

On page 67, line 4, insert "high" before "risk".

On page 70, line 24, insert "high" before "risk".

On page 71, line 14, insert "high" before "risk".

On page 73, line 3, insert "HIGH" before "RISK".

On page 73, line 9, insert "high" before "risk".

On page 74, line 21, insert "high" before "risk".

On page 78, line 2, insert "high" before "risk".

On page 78, line 11, insert "high" before "risk".

Amendment No. 1415

On page 35, lines 7 and 8, strike out "including the United States or any State or political subdivision of a State" and insert in lieu thereof "except that such term shall not include the United States or any State or political subdivision of a State".

Amendment No. 1416

On page 36, line 4, insert "increased risk of" after "that".

Amendment No. 1417

On page 36, line 5, strike out "exposed and insert in lieu thereof "because of exposure".

Amendment No. 1418

On page 36, line 12, after the period, insert the following: Nothing in this Act shall prevent the Board from determining whether the term includes passive smoking."

Amendment No. 1419

On page 36, strike out lines 20 through 24 and insert in lieu thereof the following:

(A) exposed under working conditions to an occupational health hazard with—

(i) a similar concentration of exposure and a similar duration of exposure;

(ii) a greater concentration of exposure and a similar duration of exposure;

(iii) a similar concentration of exposure and a greater duration of exposure; or

(iv) a greater concentration of exposure and a greater duration of exposure; and

On page 41, line 14, strike out "In" and insert in lieu thereof "Subject to section 3(10), in".

On page 41, lines 22 through 24, strike out "(such as concentration of exposure, or durations of exposure, or both)".

Amendment No. 1420

On page 43, lines 5 and 6, strike out "consider the extent to which particular populations may" and insert in lieu thereof "designate populations that will".

Amendment No. 1421

On page 47, line 14, insert after "risk" the following: ", except that the Secretary shall not require the notification of an individual of a risk under this Act if the individual is required to be notified under any other Federal law".

Amendment No. 1422

On page 48, line 3, insert before the period the following: "and the absolute risk of such disease or diseases for the population at risk".

On page 48, strike out lines 7 through 11 and insert in lieu thereof the following:

(5) POSSIBLE CONTRIBUTING FACTORS.—Any known information concerning the extent and magnitude of increased risk of illness or disease resulting from exposure to nonoccupational factors (such as tobacco and alcohol use) in combination with exposure to the occupational health hazard.

Amendment No. 1423

On page 49, line 7, insert "employers and" after "for".

Amendment No. 1424

On page 49, line 12, strike out "The" and insert in lieu thereof "Subject to the second sentence of this subsection, the".

On page 49, line 17, after the period insert the following: "The Institute shall prepare and distribute such material and information only to populations at risk of disease which have been notified under this Act.".

Amendment No. 1425

On page 49, lines 12 and 13, strike out "the Institute" and insert in lieu thereof the following:

"(1) GENERAL RULE.—Subject to the provisions of paragraph (2), the Institute".

On page 49, between lines 17 and 18, insert the following:

(2) PUBLIC COMMENT REQUIRED.—No medical and health promotion material and information may be distributed pursuant to paragraph (1) of this subsection until after an opportunity has been provided for public comment on such distribution.

Amendment No. 1426

On page 49, strike out lines 12 through 17.

On page 49, line 18, strike out "(e)" and insert in lieu thereof "(d)".

On page 50, line 10, strike out "(f)" and insert in lieu thereof "(e)".

On page 51, line 1, strike out "(g)" and insert in lieu thereof "(f)".

On page 71, line 1, strike out "5(g)" and insert in lieu thereof "5(f)".

On page 73, line 11, strike out "5(g)" and insert in lieu thereof "5(f)".

On page 75, line 8, strike out "5(f), 5(g)" and insert in lieu thereof "5(e), 5(f)".

Amendment No. 1427

On page 51, beginning with line 1, strike out through line 19 on page 52 and insert in lieu thereof the following:

"(g) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by a determination of the Board under this Act is entitled to judicial review of the determination in accordance with the provisions of chapter 7 of title 5 of the United State Code.

Amendment No. 1428

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of a tobacco product by an employee if the employer during the period of use—

(1) prohibits the use of the tobacco product in the workplace of the employer; and

(2) offers a tobacco withdrawal course to the employee without cost to the employee.

Amendment No. 1429

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of a tobacco product by an employee if the employer—

(1) notified the employee in accordance with this Act of the occupational health hazard arising from the use of the tobacco product; and

(2) during the period of use—

(A) prohibits the use of the tobacco product in the workplace of the employer; and

(B) offers a tobacco withdrawal course to the employee without cost to the employee.

Amendment No. 1430

On page 52, between lines 19 and 20, insert the following new subsection:

(h) LIABILITY FOR USE OF TOBACCO PRODUCTS.—Notwithstanding any other provision of law, an employer shall not be liable for any act or omission relating to the use of tobacco by an employee.

Amendment No. 1431

On page 55, line 11, strike out "30" and insert in lieu thereof "20".

Amendment No. 1432

On page 58, line 14, strike out "personal".

On page 58, line 15, insert "and the employers of employees" before the semicolon.

Amendment No. 1433

On page 63, line 21 through 25, strike out "who—" through the period and insert in lieu thereof "who the employer knows are members of the population at risk as determined by the Board.".

Amendment No. 1434

On page 55, lines 17 and 18, strike out ", as a result of significant mitigating factors,".

Amendment No. 1435

On page 55, lines 22 through 24, strike out "If the Institute concludes that any application raises an issue of material fact which is subject to reasonable dispute, the" and insert in lieu thereof "The".

On page 56, lines 16 and 17, strike out "or, where no hearing is held, within 30 days of the receipt of an application,".

Amendment No. 1436

On page 56, line 13, strike out "60" and insert in lieu there of "120".

Amendment No. 1437

On page 55, line 13, after "notification,", insert the following: "or within 90 days after a decision is issued under paragraph (4) for a similarly situated employer,".

On page 56, lines 22 and 23, strike out "The Institute shall deny a variance to all other employers."

On page 57, strike out lines 8 through 12.

Amendment No. 1438

On page 64, line 10, insert before the period the following: "or other occupational health hazards that would have additive health effects".

Amendment No. 1439

On page 57, lines 4 and 5, strike out "fundamentally different from the factors" and insert in lieu thereof "likely to result in lower exposure levels or lower exposure durations than".

On page 57, line 5, strike out the comma and insert in lieu thereof a period.

On page 57, strike out lines 6 and 7.

Amendment No. 1440

On page 57, lines 11 and 12, strike out "Determinations by the Board may not be challenged in any action brought pursuant to this subsection."

Amendment No. 1441

On page 65, line 14, insert after the comma the following: "along with all medical information, and made himself or herself available for medical evaluation,".

AMENDMENT No. 1442

On page 58, line 7, insert "prevention," before "recognition".

AMENDMENT No. 1443

On page 58, line 25, insert after "of" the following: "identifying occupational health hazards, reducing exposure to occupational health hazards, and".

AMENDMENT No. 1444

On page 58, lines 10 and 11, strike out ", and geographical proximity for designated populations".

AMENDMENT No. 1445

On page 66, line 21, insert before the period the following: "if the final medical determination is that the employee needs to be transferred".

AMENDMENT No. 1446

Beginning on page 66, line 24, strike out "who—" and all that follows through the period on page 67, line 5, and insert in lieu thereof the following: "who the employer knows are members of the population at risk as determined by the Board.".

AMENDMENT No. 1447

On page 68, line 3, insert "EMPLOYER" after "SPECIAL".

On page 68, between lines 12 and 13, insert the following:

(6) SPECIAL EMPLOYEE LIMITATION.—An employer shall not be required to provide medical removal protection for an employee who has been employed for less than 12 months.

AMENDMENT No. 1448

On page 68, line 16, insert "by the employer" after "confidential".

AMENDMENT No. 1449

On page 58, line 15, strike out "and".

On page 58, line 19, strike out the period and insert in lieu thereof "; and".

On page 58, between lines 19 and 20, insert the following:

(3) assist employers to develop programs that will reduce employee risks of occupational diseases.

AMENDMENT No. 1450

On page 59, line 1, insert "decrease the cost" after "and".

On page 59, line 1, insert "the effectiveness of" after "improve".

On page 59, line 7, insert "cost effective" after "developing".

On page 59, line 16, insert "cost effective" after "developing".

AMENDMENT No. 1451

On page 59, line 19, strike out "and".

On page 59, line 22, strike out the period and insert in lieu thereof "; and".

On page 59, between lines 22 and 23, insert the following:

(F) studying and developing cost effective approaches to reducing the risk of occupational health hazards.

AMENDMENT No. 1452

On page 59, line 21, insert after "define" the following: "additional cost effective medical intervention, additional cost effective approaches to reducing exposure to occupational health hazards, other factors that may increase the risk of developing occupational disease, and".

AMENDMENT No. 1453

On page 79, between lines 3 and 4, insert the following:

SEC. 15. WORKER PROTECTION STANDARDS.

Within one year after the date of the enactment of this section, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act of 1970, promulgate standards for the health and safety protection of employees exposed to the tobacco smoke of other individuals, commonly referred to as passive smoking.

On page 79, line 4, strike out "SEC. 15." and insert in lieu thereof "SEC. 16.".

On page 30, in the table of contents, redesignate "Sec. 15." as "Sec. 16." and insert after the item "Sec. 14" the following new item:

"Sec. 15. Worker protection standards.".

AMENDMENT No. 1454

On page 32, line 20, strike out "identifying, notifying, counseling," and insert in lieu thereof "counseling".

AMENDMENT No. 1455

On page 34, line 19, insert after "commerce" the following: "and who has not been notified under the hazard communication standard".

AMENDMENT No. 1456

On page 45, line 8, after the period, insert the following new sentence: "To be considered a final determination, a determination must be approved by at least five Board members.".

AMENDMENT No. 1457

On page 45, line 19, after the period, insert the following new sentence: "If the determination is not unanimous, the views of the minority members of the Board shall be made available to the public.".

AMENDMENT No. 1458

On page 47, line 13, after "population", insert the following: ", and each employer who employs or has employed an employee within such population,".

On page 55, lines 12 through 15, strike out "the Board" and all that follows through "that population" and insert in lieu thereof "an employee receives notification, the employee".

AMENDMENT No. 1459

On page 52, line 12 and 13, strike out "substantial evidence on the record" and insert in lieu thereof "the preponderance of the scientific evidence".

AMENDMENT No. 1460

On page 52, line 11, strike out "or".

On page 52, line 13, strike out the period and insert in lieu thereof "; or".

On page 52, between lines 13 and 14, insert the following:

(F) unsupported as the result of evidence that exposure duration or levels for a workplace are less than those that were used as the basis for the determination of the Board.

AMENDMENT No. 1461

On page 55, line 15, after "may", insert the following: ", individually or in association with other similarly situated employers,".

Mr. HATCH. Mr. President, sometime in the near future it is expected that this body will take up S. 79, the High Risk Occupational Disease Notification and Prevention Act. To make sure that my colleagues understand some of the problems with this legislation and the reasons for my opposition, I am filing today a number of amendments that address some of the flagrant flaws in this bill.

I hope these amendments will be kept in mind now that the supporters of the bill have started to discuss changes in an attempt to gather support for the legislation. Like the plant closing legislation, I expect this bill will undergo a metamorphosis of sorts prior to coming to the floor. We have already seen High Risk I and II, and in all likelihood we will see High Risk III, IV and so on before a bill is finally considered. Unfortunately, I doubt that the proponents will agree to the degree of change necessary to salvage this bill and give it a chance of becoming law.

Some of my colleagues may be surprised, given my voting record in the past, that I am opposing S. 79. I led the fight to put new warning labels on cigarettes and smokeless tobacco products. I worked to establish the prevention block grants to help States increase their prevention efforts. I have supported programs to reduce sexually transmitted diseases and reduce childhood accidents. And in the last Congress, I authored legislation which would have established a President's Council on Health Promotion and Disease Prevention to take a comprehensive look at what we can do to prevent diseases in this country.

In this Congress, I introduced the legislation which will help prevent infectious disease in our children and help us combat tuberculosis. Also, Senator KENNEDY and I have introduced legislation aimed at reducing infant mortality and have moved through the Committee on Labor and Human Resources legislation to reduce the spread of AIDS in this country.

Since I have spent a significant part of my career in this body advocating disease prevention programs, there is nothing I would like more than to have before Congress responsible occupational disease prevention legislation. Unfortunately, S. 79 is not such a bill.

While its stated purpose is disease prevention, its principal effect will be litigation. Its primary consequence will not be measured in terms of saved lives, but in notices mailed. And, in the name of politics, it permanently, explicitly avoids one of the most significant occupational hazards in the workplace today.

My opposition is based on several basic problems with this legislation which I will outline, along with some possible solutions. First, I do not believe we should create a new Federal bureaucracy simply because we are unhappy with the performance of existing agencies.

I did some checking and was able to come up with at least a dozen Federal agencies, administrations, and departments which are currently involved in regulating health and safety. Everyone from the Occupational Safety and Health Administration to the Environmental Protection Agency to the Coast Guard to the Bureau of Alcohol, Tobacco, and Firearms is involved. And this list of more than a dozen Federal agencies does not include the numerous health and safety activities of State and local agencies.

If we can't adequately address the occupational disease problem with more than 12 Federal agencies, I doubt adding one more will provide the solution. If we are dissatisfied with existing performance, why not address the problems directly instead of creating yet another Federal bureaucracy, which may be no more successful than those already in existence? If there are gaps in our existing Federal occupational disease programs, gaps which I believe exist, why not fill those gaps? Why not work within the existing Federal framework?

There is already too much duplication and too little coordination of Federal efforts. Creating another new board will only exacerbate this problem, especially since we will have to cut existing programs in order to finance this idea.

Second, responsible legislation should be cost-effective. Or to put it a different way, it should be effective for its cost. The American public should not be forced to pay for a program which has little, if any, impact on the morbidity and mortality of occupational diseases.

Notifying workers after they may have been exposed to an occupational health hazard is not the most effective method for preventing the disease. Why not keep as our primary focus on disease prevention instead of disease notification?

Efforts to reduce the morbidity and mortality of occupational disease can be divided into three approaches. Primary intervention covers efforts to prevent exposure to the hazard; secondary intervention covers those efforts which take place after exposure has occurred, but before the development of disease; and tertiary intervention includes those efforts which take place after the development of disease in an attempt to reduce its impact.

Of these three approaches, primary intervention is the only one which has the potential to prevent all occupational disease. We must recognize that, in many instances, it is very difficult to prevent the development of disease once exposure has occurred.

Too often, effective medical intervention is not available. For example, lung damage which occurs from exposure to silicosis is not reversible; and, other than primary intervention or stopping the worker from smoking, there is very little that can be done to slow its progress. Nor can we halt mesothelioma, which is a lung cancer associated with exposure to asbestos. Unsually, by the time it can be detected using current medical technology, it has spread to the point where it is almost always fatal.

Secondary intervention is not only less effective than primary intervention, it is also very costly. Frequently, only a small percentage of the workers who have been exposed to an occupational health hazard acutally develop the disease. But since there is usually no technique available to separate those few workers from the other workers who have been exposed, every worker must be monitored, usually for long periods of time. Secondary intervention must cover every worker to have any impact at all, and must do so at considerable cost.

In protecting workers, effectiveness and cost must be factors in developing new legislation. When choosing between two approaches to reduce occupational disease, common sense tells us that, if one costs significantly more than the other yet produces no better results, why not at least consider the less costly. Unfortunately, S. 79 does not take this approach. Instead, it chooses the most costly and least effective solution.

Moreover, attempts to amend the bill to address one of the most effective methods for reducing workers' risk of developing occupational disease—smoking cessation—were vigorously blocked. We were told that despite all the stated justifications for this bill, smoking was just too politically divisive to be addressed.

We were also told that the Board would not even be allowed to consider whether or not passive smoking is a health hazard for nonsmokers. In other words, we are being asked to adopt legislation reported to address workplace health hazards yet, at the same time, to bar forever any consideration of a hazard which kills 15 people a day in this country, many due to exposure at work.

Third, to be effective, any legislation must encourage the employer and the employee to work together to increase health and safety in the workplace. While the employer may be primarily responsible, if we want to continue improving and protecting the health of everyone in the workplace, it must be through a joint partnership. An employee also has some responsibility for his or her own health.

The employer must provide the equipment and training necessary to assure that the workplace environment is a healthy one. The employee needs to use the safety equipment provided and also to bring unsafe working conditions to the attention of management. In addition, an employee has the responsibility to take steps to reduce or eliminate those lifestyle practices which may increase his or her risks of disease. Again, smoking is one obvious example. I am encouraged to see a number of companies which are now working with their employees to help them stop smoking. This is a trend we should encourage.

Any new program which focuses solely on the employer or solely on the employee will be only a fraction as effective as it should be. Just as many occupational hazards have a synergestic, or enhancing, effect with smoking, employees and employers working together can have a synergistic effect when it comes to increasing health in the workplace. We must encourage the employer and the employee to work together, to cooperate on providing and maintaining a healthy work environment.

Fourth, this kind of legislation must also be neutral in its impact on liability. In its current form, not even the supporters of S. 79 can claim that it will not increase liability costs. The best they can claim is that the increase will be acceptable.

But after looking at previous Federal notification projects, projects which the supporters of S. 79 point to as the models for this legislation, Robert R. Nathan Associates estimated that 25 percent of those notifed will file suit against their employers, costing on the average $95,000 per suit to resolve. The sponsors expect that 300,000 people will be notified each year under this bill, generating on this issue alone annual costs of $7.125 billion.

Those who will be hit the hardest of course will be small businesses. There are some who believe that companies in this country represent an endless supply of wealth which can be continually tapped. They do not realize that if Congress enacts S. 79, mandated health benefits legislation, mandated parental leave legislation, and an increase in the minimum wage, many small companies will be driven out of business. Others will have to raise prices and inevitably lay off workers. We already knew according to CDC that two of those proposals could eliminate 500,000 jobs. Consequently before we enact legislation such as S. 79, I think it is prudent to determine whether the proposal can be effective, given its total impact.

Finally, to be effective such legislation must not deny anyone the right to due process. Individuals who are affected by the decisions of Federal agencies and boards deserve to have their full due process rights protected. They deserve the right to be heard before any general rule or regulation is promulgated; they deserve the right to a fair determination as to whether the rule or regulation should apply to them; and they deserve the right of appeal.

To guarantee these rights, Congress established a set of procedures for most administrative agencies to follow in the Administrative Procedures Act. S. 79, however, creates a Federal agency that is basically immune from this statute. It would be above the traditional controls we place on other branches of Government.

The amendments I am introducing today will address some of these problems. They are both technical and structural in nature. I hope my colleagues will review them and join with me in an attempt to modify S. 79 so that it becomes reasonable, responsible, and effective health promotion legislation.

PROHIBITION OF UNDETECTABLE FIREARMS ACT

McCLURE AMENDMENT NO. 1462

(Ordered referred to the Committee on the Judiciary)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 2051) entitled the "Prohibition of Undetectable Firearms Act"; as follows:

On page 3, line 12, strike out "4" and insert in lieu thereof "5".

On page 3, line 19, strike out "5" and insert in lieu thereof "6".

On page 3, between lines 11 and 12, insert the following:

"SEC. 4. SECURITY ENHANCEMENT.

"Magnetometers and x rays at all Federal Aviation Administration and other federally controlled security checkpoints shall be set to detect all existing firearms manufactured in, or imported into, the United States.

"Where necessary, Federal Aviation Administration and other Federal agencies with jurisdiction over security operations shall provide primary and secondary security personnel, equipment, and procedures sufficient to ensure the ability to detect all existing firearms manufactured in, or imported into, the United States.".

Mr. McCLURE. Mr. President, several weeks ago, Senator HATCH and I introduced the Prohibition of Undetectable Firearms Act, S. 2051.

Since that time, I have discussed the issue of standards for x-rays and magnetometers with the Treasury Department, and with firearms rights groups concerned with airline safety and the safety of public places. We have determined that although present technology is capable of discerning all existing firearms, in practice dangerous weapons can go undetected because of lax security enforcement. I am proposing an amendment that would address that problem.

It is not my intention to preclude discussions of this matter with other organizations concerned with airline safety or detecting dangerous weapons. Indeed, I am ready and willing to discuss this important issue, and to strive for sensible answers to all concerns.

I bring this to my colleague's attention because it is my hope that this language would be incorporated into S. 2051 during its committee consideration. Should the committee choose not to incorporate this language, it is my intention to offer this amendment when S. 2051 is considered on the Senate Floor.

SENATE ELECTION CAMPAIGN REFORM

HUMPHREY AMENDMENT NOS. 1463 AND 1464

(Ordered to lie on the table.)

Mr. HUMPHREY submitted two amendments intended to be proposed by him to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; as follows:

AMENDMENT NO. 1463

Strike out section 6(b)(2) of the pending matter and insert in lieu thereof the following:

(2)(A) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "$1,000" in paragraph (1)(A) and inserting in lieu thereof "2,305"; and

(ii) striking out "$25,000" in paragraph (3) and inserting in lieu thereof "$57,625";

(B) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "paragraphs (1)(A) and (3) of subsection (a), and subsections (b), (d), (i) and (j)"; and

(ii) inserting "for subsections (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987 for paragraphs (1)(A) and (3) of subsection (a) and subsections (i) and (j)" before the period at the end of paragraph (2)(B).

AMENDMENT NO. 1464

At the end of the pending matter add the following:

SEC. . None of the provisions of this Act shall become effective until section 6(b)(2) of the pending matter is striken and the following inserted in lieu thereof:

(2)(A) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "$1,000" in paragraph (1)(A) and inserting in lieu thereof "2,305"; and

(ii) striking out "$25,000" in paragraph (3) and inserting in lieu thereof "$57,625";

(B) Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by—

(i) striking out "subsection (b) and subsection (d)" in paragraph (1) and inserting in lieu thereof "paragraphs (1)(A) and (3) of subsection (a), and subsections (b), (d), (i) and (j)"; and

(ii) inserting "for subsection (b) and (d), and the term 'base period' means the calendar year of the first election after the date of enactment of the Senatorial Election Campaign Act of 1987 for paragraphs (1)(A) and (3) of subsection (a) and subsections (i) and (j)" before the period at the end of paragraph (2)(B).

VIABLE DOMESTIC URANIUM INDUSTRY

JOHNSTON (AND OTHERS) AMENDMENT NO. 1465

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. FORD, Mr. BINGAMAN, Mr. MCCLURE, Mr. DOMENICI, and Mr. WALLOP) submitted an amendment intended to be proposed by them to the bill (S. 2097) to provide for a viable domestic uranium industry, to establish a program to fund reclamation and other remedial actions with respect to mill tailings at active uranium and thorium sites, to establish a wholly-owned Government corporation to manage the Nation's uranium enrichment enterprise, operating as a continuing, commercial enterprise on a profitable and efficient basis, and for other purposes; as follows:

In section 3 of the bill after paragraph (6) add the following and renumber the paragraphs accordingly:

"(7) the term 'domestic uranium' means—

"(A) any uranium that has been mined in the United States, unless such uranium is deemed to be foreign uranium under section 117; and

"(B) any uranium that is deemed to be domestic uranium under section 117.

"Uranium mined in the United States shall include uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in-situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

"(8) the term 'Equivalent Foreign Uranium' means the natural foreign uranium employed to produce the enriched foreign uranium included in a fuel assembly, considering the quantity of enriched uranium and the isotopic enrichment assays and tails assays ordered, and applying the Department's Standard Table of Enriching Services, or its replacement formula, plus the natural foreign uranium included in the assembly;

"(9) the term 'Equivalent Uranium' means the natural uranium employed to produce the enriched uranium included in a fuel assembly (excluding natural uranium employed through overfeeding), considering the quantity of enriched uranium and the isotopic enrichment assays ordered, and applying the Department's Standard Table of Enriching Services, or its replacement formula, plus the natural uranium included in the assembly;

"(10) the term 'foreign uranium' means (A) any uranium that has not been mined in the United States, unless such uranium is deemed to be domestic uranium under section 117; and (B) any uranium that is deemed to be foreign uranium under section 117;".

At the beginning of title I of the bill after the heading add the following and renumber the existing section accordingly:

"SEC. 110. DELETION OF SECTION 161V.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

"SEC. 111. AMENDMENT TO SECTION 170B.—Section 170B of the Atomic Energy Act of 1954, as amended, is further amended by deleting '1983' and substituting '2000', by deleting '1982' and substituting '2000', and by deleting '1992' and substituting '2011' in both places it appears.

"SEC. 112. IN GENERAL.—Any licensee of a civilian nuclear power reactor with fuel assemblies loaded after December 31, 1987, and prior to January 1, 2001, that contain foreign uranium shall be assessed and pay the charges, to be imposed and collected by the Secretary, as provided in section 113, except as provided elsewhere in this title.

"SEC. 113. CALCULATION OF CHARGES.—

"(a) The charge to be imposed by the Secretary pursuant to section 112 shall be, subject to section 115, calculated upon the percentage of foreign uranium included in the aggregate of new fuel assemblies loaded into all of the civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year as follows:

"$0.00/kg on the kilograms of foreign uranium which comprise the first 37 and one-half per centum of the total weight of the uranium in new fuel assemblies loaded in such year.

"$200/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 37 and one-half per centum, but less than or equal to 55 per centum.

"$250/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 55 per centum but less than or equal to 60 per centum.

"$350/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 60 per centum but less than or equal to 70 per centum.

"$400/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 70 per centum but less than or equal to 80 per centum.

"$500/kg on the kilograms of foreign uranium which comprise the percentage of the total weight of the uranium in new fuel assemblies loaded in such year greater than 80 per centum.

"(b)(1) For calendar years after December 31, 1994, no charge shall be imposed on the kilograms of foreign uranium which comprise the first 50 per centum of the total weight of the uranium in new fuel assemblies loaded in such year.

"(2) There shall be no charge imposed on foreign uranium excluded from the charge by section 115. The foreign uranium excluded from the charge by section 115, shall be deemed the first foreign uranium contained in the aggregate of new fuel assemblies loaded into all of the civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year for purposes of calculating the charges to be paid under this section.

"SEC. 114. CORPORATIONS OWNING MORE THAN ONE LICENSEE AND REACTORS WITH MULTIPLE OWNERS.—If a corporation owns more than one licensee, the percentage of foreign uranium which shall be considered included in new fuel assemblies loaded by each licensee owned by such corporation during a calendar year shall be the percentage of foreign uranium included in the aggregate of all new fuel assemblies loaded during such calendar year into all civilian nuclear power reactors owned by such corporation. Where a civilian nuclear power reactor is owned by more than one utility, an owner may, by mutual agreement with the other owners, elect to aggregate the pro rata share of new fuel assemblies in that plant with the pro rata shares of new fuel assemblies loaded in other civilian nuclear power reactors owned or operated by such owner.

"SEC. 115. EXCLUSION FROM CHARGE.—

"(a) In making the calculation of charges required in section 113, a charge shall not be assessed on foreign uranium that is included in new fuel assemblies loaded in all civilian nuclear power reactors owned or operated by any one licensee or the licensees owned by one corporation during any calendar year if such uranium has been obtained under the terms of a contract for the purchase of uranium entered into prior to September 8, 1986, between the licensee or the corporation owning the licensees of such civilian nuclear power reactors and the supplier, including:

"(1) such a contract under which the quantity of uranium to be purchased is fixed but with flexibility as to date of delivery; and

"(2) such a contract with a domestic supplier that allows the supplier to select the national origin of the uranium delivered.

"(b) Foreign uranium that is included in new fuel assemblies loaded into a civilian nuclear power reactor owned or operated by a licensee or the licensees owned by one corporation during any calendar year shall be subject to the charges assessed on foreign uranium if such uranium was obtained under the terms of contract executed on or after September 8, 1986, or obtained under an option which was exercised on or after September 8, 1986. The increased quantities of foreign uranium obtained under a contract executed before September 8, 1986, but that is modified or extended after that date to increase the quantity of foreign uranium delivered, shall be subject to the charges imposed by secton 113.

"SEC. 116. DETERMINATION OF PERCENTAGE.—The percentage of foreign uranium that shall be deemed to be contained in the new fuel assemblies loaded in a year shall be determined by dividing the weight of Equivalent Foreign Uranium by the total weight of Equivalent Uranium in such fuel assemblies. For the purpose of this calculation fuel loadings during refueling outages that begin in one calendar year and are completed in the following year may be counted in either year but not both.

"SEC. 117. FLAG SWAPPING.—

"(a) For purposes of making the certification required under section 119 and calculating the charges imposed under this title, a characterization of the national origin of a particular lot of uranium shall be recognized as provided in this section.

"(b) If the national origin of a particular lot of uranium has not been changed from the nation in which it was mined, the nation in which such uranium was mined shall be used for purposes of making the certification required under section 119 and calculating the charges imposed under this title.

"(c) Any transaction in which a party tenders uranium having one national origin in return for receipt of uranium having a different national origin shall not be deemed to have involved a change in the national origins of the lots of uranium involved in the transaction if:

"(1) the transaction is accomplished in compliance with all applicable regulatory requirements; and

"(2) the lots of uranium involved in the transaction are held at the same location in the custody of a third party such that, in actuality or by reason of the accounting practices of the third party, the lots of uranium involved in the transaction are commingled.

"(d) If the national origin of a particular lot of uranium has been changed on or before January 1, 1986, from the nation in which it was mined, and such changed origin is shown on a DOE/NRC form 741 applicable to such uranium as of January 1, 1986, or on the first DOE/NRC form 741 executed after that date and applicable to such uranium, then the national origin of such uranium as shown on the first DOE/NRC form 741 reflecting the last change occurring on or before January 1, 1986, shall be recognized for purposes of making the certification required under section 119 and calculating the charges under this title.

"(e) If the national origin of a particular lot of uranium has been changed after January 1, 1986, from the country in which it was mined, from the national origin as shown on a DOE/NRC form 741 applicable to such uranium and recognized under subsection (d), or from a national origin recognized under this subsection prior to the change in question, such change in question shall be recognized for purposes of making the certification required under section 119 and calculating the charges owed under this title if the charge was part of an exchange of national origins that:

"(1) to the best knowledge of the owner of the particular lot of uranium, involved equal quantities of uranium, calculated on an equivalent natural uranium basis, with no increase in the quantities of uranium designated as foreign and designated as domestic;

"(2) to the best knowledge of the owner of the particular lot of uranium, involved no uranium that has been loaded into a reactor, irradiated, contained in enrichment tails material or other by-product material of processing (including materials lost or unaccounted for) or materials owned by the United States Government; and

"(3) complied with all applicable regulatory requirements at the time of the exchange, including regulations promulgated under subsection (f).

"(f) The Secretary shall promulgate regulations within six months after the date of the enactment of this title that, to the extent reasonable and practicable, ensure that the purposes of this title are realized in the characterization of the national origin of uranium under this section.

"(g) For purposes of this section, the term 'uranium' shall include natural uranium and natural uranium equivalents.

"SEC. 118. DISPOSITION OF CHARGES.—The charges imposed by this title, and collected by the Secretary, shall be deposited within sixty days after the certification required in section 119 in the general fund of the Treasury of the United States as miscellaneous receipts.

"SEC. 119. CERTIFICATION.—The owner or operator of any civilian nuclear power reactor must certify to the Secretary by March 1 of each year the following information for the previous calendar year–

"(a) the total weight of uranium in new fuel assemblies loaded during such year;

"(b) the total weight of foreign uranium included in new fuel assemblies loaded during such year;

"(c) the total weight of foreign uranium included in new fuel assemblies loaded during such year which is excluded from the charge pursuant to section 115;

"(d) the total weight of domestic uranium included in new fuel assemblies loaded during such year;

"(e) the isotopic enrichment assays and tails assays employed in ordering enriched uranium used in the respective fuel assemblies during such calendar year; and

"(f) the equivalent natural uranium for each quantity of enriched uranium reported.".

In section 310 of the bill, in new section 1401(d) of the Atomic Energy Act, change the references to "section 110" to "section 120".

In section 310 of the bill after the words "'SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES.—"add the following subsection and reletter the subsections accordingly:

"(a) Notwithstanding any other provision of law, including 26 U.S.C. 501, the Corporation shall be exempt from Federal income taxation.".

JOHNSTON (AND McCLURE) AMENDMENT NO. 1466

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. McCLURE) submitted an amendment intended to be proposed by them to the bill S. 2097, supra; as follows:

In section 213 of the bill after "January 1, 1989." insert the following: "Such reimbursement shall be provided only to such extent and in such amounts as are provided in advance by appropriations Acts.".

In section 310 of the bill, strike the new section 1606 of the Atomic Energy Act and renumber the sections accordingly.

In section 310(b) of the bill in the Table of Contents strike the item "'SEC. 1606. RELATIONSHIP TO FEDERAL BUDGET." and renumber the remaining items of the Table of Contents accordingly.

In section 313 of the bill after "title.", insert the following: "For fiscal year 1989, total expenditures of the Corporation shall not exceed total receipts.".

FORD AMENDMENT NO. 1467

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill S. 2097, supra; as follows:

In section 310 of the bill, beginning with the words "'SEC. 1404. CERTAIN PENDING LITIGATION.—"strike everything through the words "certain enrichment services contracts." and insert in lieu thereof the following: "'SEC. 1404. CERTAIN PENDING LITIGATION.—The Corporation may enter into or continue any contract in accordance with the provisions of this title without regard to any judgment in the proceeding pending before the United States Court of Appeals for the Tenth Circuit in Docket No. 85-2428, concerning the procedure followed by the Department in setting the terms of certain enrichment services contracts.".

GROUND WATER PROTECTION ACT

DURENBERGER AMENDMENT NO. 1468

(Ordered held at the desk until the close of business on February 29, 1988.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill (S. 2091) to protect the ground water resources of the United States; as follows:

At the end thereof add the following new part:

PART I—FUNDS

SECTION 901. HAZARDOUS WASTE MANAGEMENT TAX

(a) GENERAL RULE.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Hazardous Waste Management Tax

"Sec. 4681. Waste Management Tax.
"Sec. 4682. Exemptions; reduction where prior taxable event.
"Sec. 4683. Special rules.
"Sec. 4684. Backup tax on generator.
"Sec. 4685. Definitions and other matters.

"SEC. 4681. WASTE MANAGEMENT TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on—

"(1) the receipt of hazardous waste at a qualified hazardous waste management unit,

"(2) the receipt of hazardous waste for transport from the United States for the purpose of ocean disposal, and

"(3) the exportation of hazardous waste from the United States.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) with respect to each ton of hazardous waste shall be determined in accordance with the following table:

	If the taxable event is:	
	Land disposal	Any other taxable event
"For calendar year:	The tax per ton is:	
1989	$27.00	$2.70
1990	30.00	3.00
1991	31.00	3.00
1992	36.00	3.00
1993 and after	43.00	3.00.

"(2) DEFINITIONS RELATING TO AMOUNT OF TAX.—

"(A) For definitions of hazardous waste, see section 4685(a)(1), and

"(B) land disposal and any other taxable event, see section 4685(a)(5).

"(c) LIABILITY FOR TAX.—

"(1) WASTE RECEIVED AT MANAGEMENT UNITS.—The tax imposed by subsection (a)(1) shall be paid by the owner or operator of the qualified hazardous waste management unit.

"(2) WASTE RECEIVED FOR TRANSPORT FROM THE UNITED STATES.—The tax imposed by subsection (a)(2) shall be paid by the person holding the permit issued for transport for ocean disposal under section 102 of the Marine Protection, Research and Sanctuaries Act of 1972.

"(3) WASTE EXPORTED.—The tax imposed by subsection (a)(3) shall be paid by the exporter.

"SEC. 4682. EXEMPTIONS: REDUCTION WHERE PRIOR TAXABLE EVENT.

"(a) EXEMPTION FOR CERTAIN REMOVAL AND REMEDIAL ACTIONS.—The tax imposed by section 4681 shall not apply to the receipt or export of hazardous waste pursuant to—

"(1) a corrective action specified in—

"(A) an initial or final order, or

"(B) a proposed or final permit, issued by the Administrator under the Solid Waste Disposal Act or a State under a hazardous waste program authorized under section 3006 of such Act,

"(2) a proposed or final closure plan approved by the Administrator or such State,

"(3) a removal or remedial action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 which has been selected or approved by the Administrator, or

"(4) an action to correct an emergency situation arising from a product spill which is certified by the Administrator to the Secretary as carrying out the purposes of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

"(b) EXEMPTION FOR WASTE RECEIVED AT ANY FEDERAL FACILITY.—The tax imposed by section 4681 shall not apply to any hazardous waste received at any facility owned by the United States.

"(c) REDUCTION IN TAX WHERE PRIOR TAXABLE EVENT.—

"(1) IN GENERAL.—If—

"(A) tax under section 4681 or 4684 was paid with respect to any hazardous waste, and

"(B) tax under section 4681 is subsequently imposed on such waste (hereinafter in this subsection referred to as the 'later taxable event'),

then the tax under section 4681 on the later taxable event shall be reduced by the amount determined under paragraph (2).

"(2) AMOUNT OF REDUCTION.—The amount of the reduction determined under this paragraph is the product of—

"(A) the weight of hazardous waste involved in the later taxable event, multiplied by—

"(B) the lesser of—

"(i) the highest rate of tax paid under section 4681 or 4684 with respect to any prior taxable event involving such waste (determined without regard to this subsection), or

"(ii) the rate of tax imposed by section 4681 with respect to the later taxable event (as so determined).

"SEC. 4683. SPECIAL RULES.

"(a) EXEMPTION FOR WASTE RECEIVED AT CERTAIN WASTE WATER TREATMENT UNITS.—The tax imposed by section 4681 shall not apply to hazardous waste received at any waste water treatment unit.

"(b) INCINERATION, ETC. WITHIN 90 DAYS OF RECEIPT.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if—

"(A) tax under section 4681 was paid with respect to the receipt of any hazardous waste at any qualified hazardous waste management unit or for transport described in section 4681(a)(2), and

"(B) such waste is incinerated on land (or the equivalent of incineration on land) by any person within 90 days after the date of the first receipt referred to in subparagraph (A),

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed under section 4681.

"(2) Equivalent of incineration.—For purposes of subparagraph (A), a method, technique, or process shall be treated as the equivalent of incineration on land if—

"(A) such method, technique, or process meets detailed performance standards established by the Administrator of the Environmental Protection Agency, and

"(B) such standards require a destruction and removal efficiency for the hazardous waste involved at least equivalent to the destruction and removal efficiency applicable to incineration on land.

"(c) Qualified Chemical Fuels or Solvents.—

"(1) In general.—Under regulations prescribed by the Secretary, if—

"(A) tax under section 4681 was paid with respect to any hazardous waste,

"(B) such waste is used by any person in the production of any qualified chemical fuel or solvent, and

"(C) such fuel or solvent is sold by such person for use or used in any industrial or commercial use,

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by section 4681.

"(2) Qualified chemical fuel or solvent.—For purposes of subparagraph (A), the term 'qualified chemical fuel or solvent' means any chemical or solvent which is determined by the Administrator as not being a hazardous waste.

"(d) Recycling of Batteries.—Under regulations prescribed by the Secretary, if—

"(1) tax under section 4681 was paid with respect to the receipt of any battery at a qualified hazardous waste management unit, and

"(2) the recycling of such battery begins at such unit by any person within 90 days after the date of the first receipt of such battery at any qualified hazardous waste management unit,

the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by section 4681.

"(e) Tax to Apply While Corrective Action Not Completed.—

"(1) In general.—The exemption provided by subsection (a) shall not apply (and no credit or refund shall be allowed under this section) with respect to any activity conducted at a facility (or part thereof) during the period that required corrective action remains uncompleted with respect to such facility (or part).

"(2) Required corrective action.—For purposes of paragraph (1), required corrective action shall be treated as uncompleted during the period—

"(A) beginning on the date that corrective action is required by the Administrator or an authorized State pursuant to a final permit under section 3005 of the Solid Waste Disposal Act or a final order under section 3004 or 3008 of such Act, and

"(B) ending on the date the Administrator or such State (as the case may be) certifies to the Secretary that such corrective action has been completed.

"(3) Rate of tax with respect to waste water treatment.—The rate of the tax imposed by section 4681 by reason of this subsection with respect to hazardous waste received at any waste water treatment unit shall be 15 cents per ton.

"SEC. 4684. BACKUP TAX ON GENERATOR.

"(a) Imposition of Tax.—There is hereby imposed a tax on each ton of hazardous waste which, as of the close of the 270-day period beginning on the day after the day on which such waste was generated, has not been—

"(1) received at a qualified hazardous waste management unit,

"(2) received for transport from the United States for the purpose of ocean disposal, or

"(3) exported from the United States.

"(b) Rate of Tax.—The rate of the tax imposed by subsection (a) shall be the rate of tax applicable to land disposal under section 4681 at the end of the 270-day period described in subsection (a).

"(c) Liability for Tax.—The tax imposed by subsection (a) shall be paid by the generator of the hazardous waste.

"(d) Exemptions.—

"(1) Small generators.—The tax imposed by subsection (a) shall not apply to hazardous waste generated during any month if the generator of such waste does not generate more than 100 kilograms of hazardous waste during such month.

"(2) Waste legally disposed of in publicly owned treatment works.—The tax imposed by subsection (a) shall not apply to hazardous waste disposed of in any publicly owned treatment works if the disposal of such waste is not in violation of Federal, State, or local law.

"(3) Other exemptions to apply.—The exemptions provided by subsections (a) and (b) of section 4682 shall apply to the tax imposed by subsection (a) of this section.

"(4) Exemptions under regulations; applications of lower rate.—The Secretary may prescribe regulations which provide exemptions from the tax imposed by subsection (a) (or the application of a lower rate) which are not inconsistent with the purposes of this section.

"(e) Generator.—For purposes of this section, the term 'generator' means the person whose act or process produces the hazardous waste.

"SEC. 4685. DEFINITIONS AND OTHER MATTERS.

"(a) Definitions.—For purposes of this subchapter—

"(1) Hazardous waste.—The term 'hazardous waste' means any waste which is located or identified under section 3001 of the Solid Waste Disposal Act. Rainwater shall not be treated as hazardous waste unless mixed with hazardous waste (as defined in the preceding sentence).

"(2) Qualified hazardous waste management unit.—The term 'qualified hazardous waste management unit' means the specified area of land or structure—

"(A) which isolates the hazardous wastes within a qualified hazardous waste facility, and

"(B) which is subject to the requirements for obtaining interim status or a final permit under subtitle C of the Solid Waste Disposal Act.

"(3) Qualified hazardous waste management facility.—The term 'qualified hazardous waste management facility' means any facility, as defined under subtitle C of the Solid Waste Disposal Act, which has received a permit or is accorded interim status under—

"(A) section 3005 of the Solid Waste Disposal Act, or

"(B) a State program authorized under section 3006 of such Act.

"(4) Ocean disposal.—The term 'ocean disposal' means the incineration or dumping of hazardous waste over or into ocean waters or the water described in section 101(b) of the Marine Protection, Research and Sanctuaries Act of 1972, pursuant to section 102 of such Act.

"(5) Definitions relating to amount of tax.—

"(A) Land disposal.—The term 'land disposal' means a taxable event described in section 4681(a)(1) with respect to a qualified hazardous waste management unit which is a landfill, surface impoundment, waste pile, or land treatment unit.

"(B) Landfill, etc.—For purposes of subparagraph (a), the terms 'landfill', 'surface impoundment', 'waste pile', and 'land treatment' have the respective meanings given such terms in regulations prescribed by the Administrator pursuant to sections 3004 and 3005 of the Solid Waste Disposal Act.

"(C) Other taxable event.—The term 'other taxable event' means—

"(i) a taxable event described in section 4681(a)(1) which is not land disposal, and

"(ii) a taxable event described in paragraph (2) or (3) of section 4681(a).

"(6) Waste water treatment unit.—The term 'waste water treatment unit' means any qualified hazardous waste management unit which is an integral and necessary part of a treatment system—

"(A) for which a permit is required under section 402 of the Clean Water Act,

"(B) which is subject to pretreatment standards under subsection (b) or (c) of section 307 of the Clean Water Act, or

"(C) which is a zero discharge treatment system—

"(i) which, if the system discharged into navigable waters, would comply with effluent limitation guidelines prescribed under paragraph (2) or (4) of section 304(b) of the Clean Water Act,

"(ii) which, if the system discharged into a publicly owned treatment works, would comply with the pretreatment standards described in subparagraph (B), or

"(iii) if no such guidelines or standards have been prescribed, which employs biological treatment.

The term 'waste water treatment unit' shall not include any qualified hazardous waste management unit which receives for storage or final disposition concentrated treatment residues resulting from wastewater treatment.

"(7) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(8) United States.—The term 'United States' has the meaning given such term by section 4612(a)(4).

"(9) Ton.—The term 'ton' means 2,000 pounds.

"(10) **Fractional part of Ton.**—In the case of a fraction of a ton, the tax imposed by this subchapter shall be the same fraction of the amount of such tax imposed on a whole ton.

"(b) Treatment of Containers, Etc. Which are Related to Injection Units.—For purposes of this subchapter—

"(1) any container, tank, or surface impoundment which, with respect to any hazardous waste is used to treat or store such waste before underground injection of such waste (whether or not the waste when injected is hazardous waste) into an injection well, and

"(2) the injection well into which such waste is injected.

shall be treated as a single hazardous waste management unit.

"(c) Disposition of Revenues From Puerto Rico and the Virgin Islands.—The provisions of subsection (a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by this subchapter.".

(b) Information Reporting Requirement.—

(1) In general.—Subpart (A) of part III of subchapter A of chapter 61 of such Code is amended by inserting after section 6039D the following new section:

"SEC. 6039E. INFORMATION WITH RESPECT TO MANAGEMENT TAX ON HAZARDOUS WASTE.

"Each person on whom a tax is imposed under subchapter D of chapter 38 shall (at such time and in such manner as the Secretary may require) submit to the Secretary such information as the Secretary may require, including information which such person is required to provide to the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act. To the extent provided in regulations prescribed by the Secretary, the preceding sentence shall also apply to persons not described therein with respect to information which the Secretary determines is necessary or appropriate to the administration of such subchapter.".

(2) Penalty.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6710. FAILURE TO PROVIDE INFORMATION WITH RESPECT TO MANAGEMENT TAX ON HAZARDOUS WASTE.

"(a) In General.—Any person who fails to meet any requirement imposed by section 6039E shall pay a penalty of $100 for each day during which such failure continues, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The maximum penalty imposed under this subsection with respect to any failure shall not exceed $50,000.

"(b) Penalty in Addition to Other Penalties.—The penalty imposed by this section shall be in addition to any other penalty provided by law.".

(3) Conforming amendment.—

(A) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039D the following new item:

"Sec. 6039E. Information with respect to management tax on hazardous waste.".

(B) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6710. Failure to provide information with respect to management tax on hazardous waste.".

(c) Penalty for Negligence To Apply to Environmental Taxes.—Section 6653 of such Code (relating to failure to pay tax) is amended by adding at the end thereof the following new subsection:

"(i) Negligence penalty to apply to environmental taxes.—For purposes of applying paragraphs (1) and (2) of subsection (a), paragraph (1) of subsection (a) shall be treated as including a reference to underpayments (as defined in subsection (c)) of tax imposed by chapter 38 (relating to environmental taxes).".

(d) Clerical Amendment.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter C the following new item:

"Subchapter D. Hazardous Waste Management Tax.".

(e) Effective Dates.—

(1) In general.—The amendments made by this section shall take effect January 1, 1989.

(2) Backup tax on generator.—Section 4684 of the Internal Revenue Code of 1986 (relating to backup tax on generator), as added by this section, shall apply to waste generated after December 31, 1988.

SEC. 902. SOLID WASTE DISPOSAL TAX.

(a) General Rule.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchaper E—Solid Waste Disposal Tax

"Sec. 4686. Solid Waste Tax.

"Sec. 4687. Exemptions; Special Rules.

"Sec. 4688. Definitions.

"SEC. 4686. SOLID WASTE TAX.

"(a) Imposition of Tax.—There is hereby imposed a tax on—

"(1) the receipt of solid waste at a solid waste management facility; and

"(2) the exportation of solid waste from the United States.

"(b) Amount of Tax.—The amount of the tax imposed by subsection (a) with respect to each ton of solid waste shall be $1.00. In the case of a fraction of a ton, the tax imposed by this subchapter shall be the same fraction of the amount of such tax imposed on a whole ton.

"(c) Liability for Tax.—

"(1) Waste received at management units.—The tax imposed by subsection (a)(1) shall be paid by the owner or operator of the solid waste management facility.

"(2) Waste exported.—The tax imposed by subsection (a)(2) shall be paid by the exporter.

"SEC. 4687. EXEMPTIONS; SPECIAL RULES.

"(a) Exemption for Waste Received at Municipal Incineration Facility.—The tax imposed by section 4686 shall not apply to solid waste received at any facility recovering energy from the burning of solid waste, provided that the waste is burned within a reasonable period of time as specified in regulations by the Secretary. Ash and other residual waste from any such facility shall be deemed solid waste and shall be subject to the tax imposed by section 4686.

"(b) Exemption for Resource Recovery Facilities.—The tax imposed by section 4686 shall not apply to solid waste received at any resource recovery facility, provided that such waste is processed to recover materials within a reasonable period of time as specified in regulations by the Secretary. Any residual material not recycled shall be deemed solid waste and shall be subject to the tax imposed by section 4686.

"(c) Exemption for Wastewater.—The tax imposed by Section 4686 shall not apply to any wastewater or domestic sewage or the byproducts of treating such wastewater or sewage.

"(d) Exemption for Federal Facilities.—The tax imposed by Section 4686 shall not apply to any solid waste received at any facility owned by the United States.

"(e) Special Rule for Recovered Materials.—Under regulations prescribed by the Secretary, if—

"(1) tax under section 4686 was paid with respect to the receipt of any solid waste at any solid waste management facility, and

"(2) such waste is subsequently recycled by any person within 90 days after the date of first receipt or such other period of time as the Secretary may prescribe,

then the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of the tax imposed under section 4686.

"(f) Special Rule for Transfer.—If tax under section 4686 was paid with respect to any solid waste, then no tax shall subsequently be imposed on such waste when received at a solid waste management facility.

"SEC. 4688. DEFINITIONS.

For purposes of this subchapter—

"(a) Solid Waste.—The term "solid waste" means any residential, commercial or institutional waste including solid, liquid, semisolid or contained gaseous material, but does not include solid or dissolved materials in domestic sewage, irrigation return flows or hazardous waste as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903), discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342, et seq.) or source, special nuclear, or hyproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2201, et seq.).

"(b) Residential Solid Waste.—The term "residential solid waste" means garbage, rubbish, trash, and other solid waste resulting from the normal activities of households.

"(c) Commercial Solid Waste.—The term "commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other such nonmanufacturing activities, and non-processing waste generated at industrial facilities such as office and packing wastes.

"(d) Institutional Waste.—The term "institutional waste" means solid waste originating from educational, health care, correctional, and other institutional facilities.

"(e) Solid Waste Management Facility.—The term "solid waste management facilities includes—

"(1) any resource recovery or recycling facility including a municipal incineration facility, and

"(2) any facility for the collection, source separation, storage, transfer, processing, treatment or disposal of solid wastes.

"(f) Resource Recovery Facility.—The term "resource recovery facility" means any physical plant or other facility operated by a State or local government or other entity that processes residential, commercial or institutional solid wastes biologically, chemically or physically and recovers useful materials for recycling, such as shredded fuel, combustible oil or gas, steam, metal, glass, paper, plastic or other materials.

"(g) Municipal Incineration Facility.—The term "municipal incineration facility" means any facility whether operated by a State or local government or other entity at which combustion of solid waste material collected from residential, commercial or institutional sources converts such waste to recovered energy.

"(h) RECYCLING.—The term "recycling" means the process by which recovered materials are transformed into new products.

"(i) TON.—The term "ton" means 2,000 pounds.".

(b) INFORMATION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Subpart (A) of part III of subchapter A of Chapter 61 of such code is amended by inserting after section 6039E the following new section:

"SEC. 6039F. INFORMATION WITH RESPECT TO SOLID WASTE TAX.

Each person on whom a tax is imposed under subchapter E of Chapter 38 shall (at such time and in such manner as the Secretary may require) submit to the Secretary such information as the Secretary may require, including information which such person is required to provide the Administrator of the Environmental Protection Agency under the Solid Waste Disposal Act (42 U.S.C. 6901, et seq.) or other law. To the extent provided in regulations prescribed by the Secretary, the preceding sentence shall also apply to persons not described therein with respect to information which the Secretary determines is necessary or appropriate to the administration of such subchapter.".

(2) PENALTY.—Subchapter B of chapter 68 of such Code (relating to assessable penalties) is amended by adding at the end thereof of the following new section:

"SEC. 6711. FAILURE TO PROVIDE INFORMATION WITH RESPECT TO SOLID WASTE TAX.

"(a) IN GENERAL.—Any person who fails to meet any requirement imposed by section 6039F shall pay a penalty of $100 for each day during which such failure continues, unless it is shown that such failure is due to reasonable cause and not due to willful neglect. The maximum penalty imposed under this subsection with respect to any failure shall not exceed $50,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by this section shall be in addition to any other penalty provided by law.".

"(3) CONFORMING AMENDMENT.—

(A) The table of sections for subpart A of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6039E the following new item:

"Sec. 6039F. Information with respect to solid waste tax.".

(B) The table of sections for subchapter B of chapter 68 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6710. Failure to provide information with respect to solid waste tax.".

"(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 38 of such Code is amended by adding after the item relating to subchapter D the following new item:

"Subchapter E. Solid Waste Disposal Tax.".

"(d) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1989.

SEC. 903. WATER SUPPLY ASSESSMENT.

"(a) GENERAL RULE.—Chapter 38 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subchapter:

"Subchapter F—Water Supply Assessment

"Sec. 4691. Imposition of Tax.
"Sec. 4692. Exemptions; Special Rule.
"Sec. 4693. Definitions.

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on the sale or delivery of water by piped conveyance by any public water system.

"(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be 2 cents per thousand gallons.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by the person who owns or operates the public water system.

"SEC. 4692. EXEMPTION; SPECIAL RULE.

"(a) EXEMPTION FOR SMALL SYSTEMS.—The tax imposed by subsection (a) of section 4691 shall not be imposed on public water systems supplying 500 service connections or less, except that regulations promulgated by the Secretary shall prohibit organizational arrangements entered into for the principal purpose of avoiding liability for such tax.

"(b) SPECIAL RULE FOR RESALE.—No tax shall be imposed by section 4691 with respect to any water sale or delivery, if the person who would be liable for such tax establishes that a prior tax imposed by such section has been imposed and paid with respect to such water.

"SEC. 4693. DEFINITIONS.

For purposes of this subchapter.—

"(a) PUBLIC WATER SYSTEM.—The term 'public water system' means a system for the provision to the public of piped water for human consumption, and industrial, commercial, institutional and agricultural uses, if such system has at least fifteen service connections or regularly services at least twenty-five individuals.

"(b) SERVICE CONNECTION.—The term 'service connection' means any point of delivery by piped conveyance including, but not limited to, delivery to residential dwellings, commercial establishments, and institutional facilities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1989.

SEC. 904. EXCISE TAXES.

"(a) GENERAL RULE.—Chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Excise Tax on Pesticides and Fertilizer Products

"Sec. 4696. Imposition of Tax.
"Sec. 4697. Exemptions; Special Rules.
"Sec. 4698. Definitions.

"SEC. 4696. IMPOSITION OF TAX.

"(A) GENERAL RULE.—There is hereby imposed a tax on each chemical product sold as a pesticide or fertilizer packaged for retail distribution in quantities less than 100 pounds.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be 2 per centum of the retail value of the pesticide or fertilizer product.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by the manufacturer, producer or importer of the pesticide or fertilizer product.

"SEC. 4697. EXEMPTIONS; SPECIAL RULES.

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4696 was paid with respect to any taxable pesticide or fertilizer product, and

"(B) such product was used by any person in the manufacture or production of any other substance the sale of which by such person would be taxable under such section, then an amount equal to the tax so paid shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by such section.

"(2) USE AS AGRICULTURAL PESTICIDE OR FERTILIZER.—Under regulations prescribed by the Secretary, if

"(A) a tax under section 4696 was paid with respect to any pesticide or fertilizer product, and

"(B) such product is subsequently used by any person in the production of an agricultural commodity,

then an amount equal to the tax paid (2 per centum of the retail value of the product) shall be allowed as a credit or refund (without interest) to such person in the same manner as if it were an overpayment of tax imposed by this section.

"(3) DISPOSITION OF REVENUES FROM PUERTO RICO AND THE VIRGIN ISLANDS.—The provisions of subsections(a)(3) and (b)(3) of section 7652 shall not apply to any tax imposed by section 4696.

"SEC. 4698. DEFINITIONS.

For purposes of this subchapter—

"(a) PESTICIDE.—The term "pesticide" means any substance or mixture of substances intended for use as an insecticide, herbicide or fungicide out-of-doors.

"(b) FERTILIZER.—The term "fertilizer" means any natural or synthetic material, including animal wastes and nitrogen, phosphorus, and potassium compounds used on soil to increase its fertility.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1989.

SEC. 905. TRUST FUNDS.

(a) GROUND WATER PROTECTION TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9508 the following new section:

"SEC. 9509. GROUND WATER PROTECTION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Ground Water Protection Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Ground Water Protection Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4681 (relating to the management of hazardous waste); and

"(2) taxes received in the Treasury under section 4696 (relating to the sale of pesticide and fertilizer products).

"(c) EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraphs (3) and (4) amounts in the Ground Water Protection Trust Fund shall be available, as provided in appropriations Acts, only for the purpose of making expenditures to carry out the goals and requirements of the Ground Water Protection Act.

"(2) TRANSFERS TO GROUND WATER CORRECTIVE ACTION FUND.—The Secretary shall from time to time pay from the Ground Water Protection Trust Fund into the corrective action fund created by section 403 of the Ground Water Protection Act such sums as are necessary to maintain the balance in the corrective action fund at or in excess of $50,000,000.

"(3) TRANSFERS FROM TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.—The Secretary shall from time to time pay from the Ground Water Protection Trust Fund into the general fund of the Treasury amounts equivalent to—

"(A) credits allowed under sections 4682 or 4683 of chapter 38; and

"(B) credits allowed under section 4697 of chapter 38.

"(4) STATE ENTITLEMENT.—Whenever on the final day of a fiscal year the unexpended balance in the Ground Water Protection Trust Fund exceeds $300,000,000 each State shall be entitled to a portion of the funds exceeding $300,000,000 which shall be equal to that portion of the national population relying on ground water for household needs which reside in such State provided only that the Governor of such State certifies by letter to the Secretary that funds allotted to the State under this paragraph will be used solely for programs that would otherwise be eligible for support according to the provisions of the Ground Water Protection Act. There are hereby appropriated from the Ground Water Protection Trust Fund such sums as are necessary to fulfill the entitlement granted by this paragraph in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

"(d) LIABILITY OF THE UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

"(1) GENERAL RULE.—Any claim filed against the Ground Water Protection Fund (as the result of the operation of section 403 of the Ground Water Protection Act or other rule of law) may be paid only out of such Trust Fund.

"(2) CLAIMS.—If at any time the Ground Water Protection Trust Fund has insufficient funds to pay all of the claims out of such Trust Fund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9508 the following new item:

"Sec. 9509. Ground Water Protection Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1989.

(b) WATER WELL REPLACEMENT TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9509 the following new section:

"SEC. 9510. WATER WELL REPLACEMENT TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Water Well Replacement Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFERS OF TRUST FUND.—There are hereby appropriated to the Water Well Replacement Trust Fund amounts equivalent to—

"(1) taxes received in the Treasury under section 4691 (relating to an assessment on the sale or delivery of water); and

"(2) amount received in the Treasury and collected under section 404(d) of the Ground Water Protection Act.

"(c) EXPENDITURES.—Amounts in the Water Well Replacement Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making expenditures to carry out the purposes of section 404 of the Ground Water Protection Act, provided that expenditures made in each State shall not be less that 85 per centum of the revenues received to the trust fund from such State.

"(d) LIABILITY OF THE UNITED STATES LIMITED TO AMOUNT IN TRUST FUND.—

"(1) GENERAL RULE.—Any claim filed against the Water Well Replacement Trust Fund (as the result of the operation of section 404 of the Ground Water Protection Act or other rule of law) may be paid only out of such Trust Fund.

"(2) CLAIMS.—If at any time the Water Well Replacement Trust Fund has insufficient funds to pay all of the claims out of such Trust Fund at such time, such claims shall, to the extent permitted under paragraph (1), be paid in full in the order in which they were finally determined.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9509 the following new item:

"Sec. 9510. Water Well Replacement Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1989.

(c) COMMUNITY WATER SUPPLY MANAGEMENT TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the establishment of trust funds) is amended by adding after section 9510 the following new section:

"SEC. 9511. COMMUNITY WATER SUPPLY MANAGEMENT TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Community Water Supply Management Trust Fund" consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFERS TO THE TRUST FUND.—There are hereby appropriated to the Community Water Supply Management Trust Fund amounts equivalent to the taxes received in the treasury under section 4686 (relating to the disposal of solid waste).

"(c) EXPENDITURES.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) amounts in the Community Water Supply Management Trust Fund shall be available, as provided in appropriation Acts, only for the purpose of making grants to local ground water management districts as provided in section 703 of the Ground Water Protection Act.

"(2) TRANSFERS FROM THE TRUST FUND FOR CERTAIN CREDITS.—The Secretary shall from time to time pay from the Community Water Supply Trust Fund into the general fund of the Treasury amounts equivalent to credits allowed under section 4687 of chapter 38.

"(3) DISTRICT ENTITLEMENT.—Whenever on the final day of a fiscal year the unexpended balance in the Community Water Supply Management Trust Fund exceeds $20,000,000, each qualified local ground water management district (as defined in section 703 of the Ground Water Protection Act) shall be entitled to a portion of the funds exceeding $20,000,000 which shall be equal to that portion of the national population residing in qualified ground water management districts which reside in such district provided only that the chairman or president of the governing board of the district certifies by letter to the Secretary that funds allotted to the district under this paragraph will be used solely for programs that would otherwise be eligible for support according to the provisions of the Ground Water Protection Act. There are hereby appropriated from the Community Water Supply Management Trust Fund such sums as are necessary to fulfill the entitlement granted by this paragraph in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9510 the following new item:

"Sec. 9511. Community Water Supply Management Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1989.

SEC. 906. AUTHORIZATIONS.

(a) For the purpose of developing guidance, standards, requirements and regulations to carry out the provisions of sections 301, 302, 303, 210 and 211 and other provisions of this Act there are authorized to be appropriated to the Environmental Protection Agency $90,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(b) For the purpose of issuing and supervising permits pursuant to section 306 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1990, 1991, 1992 and 1993.

(c) For the purpose of conducting monitoring programs and data collection and management programs to carry out the provisions of section 210 of this Act there are authorized to be appropriated to the Environmental Protection Agency $30,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(d) For the purpose of conducting compliance monitoring and taking enforcement action with respect to the requirements of this Act there are authorized to be appropriated to the Environmental Protection Agency $40,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(e) For the purpose of providing training and technical assistance pursuant to section 701 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(f) For the purpose of carrying out the research and development activities authorized by section 601 of this Act there are authorized to be appropriated to the Environmental Protection Agency $40,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(g) For the purpose of carrying out the activities of the ground water research committee established by section 602 of this Act there are authorized to be appropriated to the Environmental Protection Agency $1,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(h) For the purpose of carrying out control technology development activities pursuant to section 603 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(i) For the purpose of making grants to the ground water research institutes established by section 604 of this Act there are authorized to be appropriated to the Environmental Protection Agency $11,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(j) For the purpose of carrying out research activities pursuant to section 605 of this Act there are authorized to be appropriated to the Department of Agriculture $6,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(k) For the purpose of developing ground water protection standards including health and environmental testing to support such standards there are authorized to be appropriated to the Environmental Protection Agency and to the Ground Water Protection Standards Board $25,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(l) For the purpose of conducting the national ground water quality assessment pursuant to section 202 of this Act there are authorized to be appropriated to the Geological Survey $10,000,000 for each of the fiscal years ending September 30, 1989, 1990 and 1991.

(m) For the purpose of making general purpose and other ground water protection grants to the States pursuant to section 702 of this Act there are authorized to be appropriated to the Environmental Protection Agency $150,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(n) For the purpose of making grants to the States to conduct ground water resource investigations and to prepare plans for statewide resource characterizations pursuant to section 204 of this Act there are authorized to be appropriated to the Environmental Protection Agency $20,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(o) For the purpose of making grants to the States to conduct special purpose hydrogeological investigations there are authorized to be appropriated $10,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(p) For the purposes of developing inventories of sources or potential sources of ground water contaminants pursuant to section 207 there are authorized to be appropriated to the Environmental Protection Agency $10,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(q) For the purpose of conducting a contaminated and abandoned well inventory pursuant to section 209 there are authorized to be appropriated to the Environmental Protection Agency $3,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(r) For the purpose of making grants to the States to support activities with respect to the identification of wellhead protection areas pursuant to section 304 there are authorized to be appropriated to the Environmental Protection Agency $25,000,000 in each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(s) For the purpose of making grants to the States to test and treat water supplies pursuant to section 404 there are authorized to be appropriated to the Environmental Protection Agency from the Water Well Replacement Trust Fund created by section 905 of this Act $125,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992 and 1993.

(t) For the purpose of taking corrective action pursuant to section 403 of this Act there are authorized to be appropriated to the revolving fund created by subsection (o) of such section from the Ground Water Protection Trust Fund created by section 905 of this Act $50,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(u) For the purpose of making grants to ground water management districts pursuant to section 703 of this Act there are authorized to be appropriated to the Environmental Protection Agency from the Community Water Supply Management Trust Fund created by section 905 of this Act $175,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

(v) For the purpose of making grants to the States to sample and analyze water supplies pursuant to section 210 and 702(g) of this Act there are authorized to be appropriated to the Environmental Protection agency $25,000,000 for each of the fiscal years ending September 30, 1989, 1990, 1991, 1992, and 1993.

NOTICES OF HEARINGS

SUBCOMMITTEE ON LABOR HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Mr. CHILES. Mr. President, I am pleased to advise the Senate that the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies will hold its fiscal year 1989 public witness hearings on the following dates: May 17, 18, 19, 24, 25, 26, and June 7, 8, and 9. The first day of hearings will include any testimony from Members of Congress.

The deadline for interested groups and individuals to submit their testimony is Monday, March 21. All requests must be in writing and should be addressed to me in care of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Senate Dirksen 186, Washington, DC 20510.

Those persons whose requests are received by March 21 will receive a letter providing instructions for their appearance before the subcommittee.

In addition, the deadline for those who wish to submit statements for the hearing record will be Friday, June 16. Such statements must be no longer than five double-spaced pages, and three copies should be sent to me in care of the subcommittee.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Tuesday, March 1, 1988, at 9:30 a.m., in SDG50 to receive testimony on hunger in America, the Temporary Emergency Food Assistance Program and general nutrition issues.

For further information, please contact Ed Barron of the committee staff at 224-2035.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Monday, February 29, at 2 p.m., in room 342 of the Dirksen Senate Office Building, on S. 1014, the Federal Civil Penalties Inflation Adjustment Act of 1987.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that field hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The field hearings will take place March 10, 11, and 12, 1988, beginning at 9 a.m. The hearings will be held in Idaho Falls, Boise, and Coeur d'Alene, ID respectively.

The purpose of the hearings is to hear testimony on S. 2055, a bill to designate certain National Forest System lands in the State of Idaho for inclusion in the National Wilderness Preservation System, to prescribe certain management formula for certain National Forest System lands, and to release other forest lands for multiple-use management, and for other purposes.

Those wishing further information about the hearing should contact the office of Senator JAMES MCCLURE in Boise at (208) 334-1560 or Beth Norcross of the subcommittee staff in Washington, DC at (202) 224-7933.

Mr. BUMPERS. Mr. President, I would like to announce for the public that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearings will take place on March 21 and 22, 1988, beginning at 9:30 a.m. and concluding at approximately 12 noon in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearings is to receive testimony on two bills currently pending before the Subcommittee. The two measures are:

H.R. 2090 and S. 1479—bills to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System, and for other purposes.

It is likely that it will be necessary to limit the number of witnesses appearing at each hearing. It is also likely that oral statements will be limited to 5 minutes each. Individuals are encouraged to submit written statements which will be included in the official hearing record. If you would like to submit a statement, please send it to the Subcommittee on Public Lands, National Parks and Forests, 364 Dirksen Senate Office Building, Washington, DC.

For further information regarding the hearings, please contact Tom Williams of the subcommittee staff, at (202) 224-7145.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN. Mr. President, I would like to announce that the Governmental Affairs Committee will hold hearings on Tuesday, March 1, at 9:30 a.m., on Nutrition Monitoring. For further information, please call Len Weiss, staff director, on 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to hold an oversight hearing on the barriers to Indian participation in Government procurement contracting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 23, 1988, to hold a hearing on S. 1347, child abduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 23, 1988, to hold a hearing on S. 1515, attorney fees; S. 1515, injunctive relief; and section 614 of S. 1482, Judicial Branch Improvement Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Government Affairs, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to hold hearing on H.R. 3400, Hatch Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE AND SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, and the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, February 23, to conduct a joint hearing on S. 20, the Ground Water Protection Act; S. 1105, the Ground Water Research Act—also introduced as amendment 178 to S. 20—and H.R. 791, the National Ground Water Contamination Research Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to receive testimony concerning S. 2042, to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, and the National Ocean Policy Study be authorized to meet during the session of the Senate on February 23, 1988, to hold hearings on S. 1989, the South Pacific Tuna Act of 1987 and S. 1695, Legislation To Reauthorize the Fishermen's Protective Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, February 23, 1988, to conduct a hearing on "Smart Start"—Early Childhood Education Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 24, 1988, to hold a business meeting—pending calendar business. See attached agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Thursday, February 25, 1988, at 9 a.m. to hold an oversight hearing on the fiscal year 1989 budget for Indian programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 25, 1988, to hold a hearing on the nomination of Mark Sullivan to be General Counsel of the Treasury Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Thursday, February 25, 1988, to hold a business meeting pending calendar business. See attached agenda.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 25, 1988, to hold a hearing on judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, February 25, 1988, to examine S. 1993, the "Minority Business Development Program Reform Act of 1987;" and H.R. 1807, the "Capital Ownership Development Reform Act of 1987."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 25 to hold a nomination hearing—Eugene McAllister.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, February 25, 1988, to continue oversight hearings on the Federal Reserve's first monetary policy report for 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on February 25, 1988 to hold oversight hearings on developments in alcohol and drug testing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 25, to conduct a hearing on speed limit issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 25, to conduct a hearing on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNITED NATIONS COMMISSION ON HUMAN RIGHTS TO CONSIDER EAST TIMOR QUESTION

● Mr. LEVIN. Mr. President, for nearly a decade I have been very concerned about persistent reports of human rights abuses in the former Portugese colony of East Timor. This island territory was invaded and annexed by Indonesia over 12 years ago with tragic consequences for its citizens. Since the Indonesian invasion, it is estimated that over 100,000 East Timorese out of a population of less than 700,000 have died as a result of warfare, hunger, disease, and extrajudicial executions.

I wish I could say that time has healed East Timor's wounds. Unfortunately, accounts from human rights organizations such as Amnesty International and Asia Watch as well as compelling testimony from eye witnesses lead me to believe that intense suffering in East Timor is far from over.

In recent years I have supported Senate initiatives on the East Timor issue, and I am prepared to make further efforts in the future aimed at keeping East Timor on the United States foreign policy agenda. But the East Timor problem is also an international one, and requires an international effort beyond the scope of what one country can do alone.

The United Nations Commission on Human Rights is meeting this month in Geneva, and is expected to take up the East Timor question. I urge Commission members to follow the lead of the Subcommission on Prevention of Discrimination and Protection of Minorities, which in September 1987 adopted a reasonable and balanced resolution on East Timor. This resolution talks about "new allegations * * * regarding the violations of human rights to which the people of East Timor continue to be subjected," and recommends that the Human Rights Commission "study carefully at its—upcoming—session the evolution of the situation of human rights and fundamental freedoms in East Timor."

Continuous international activity in forums like the Human Rights Commission can ameliorate the humanitarian and human rights situation in East Timor, and might represent the best hope for a long-term solution to the East Timor question.

Mr. President, I ask that the text of the Subcommission resolution be printed in the RECORD following my remarks. For the benefit of our colleagues, I am also submitting for the RECORD printed testimony from the U.N. Sub-Commission's meeting last September. This testimony was given by a Timorese witness who was only 13 years old when Indonesia invaded East Timor in 1975. It makes for chilling reading. Responsible experts believe that such testimony represents only a tiny fraction of what is continuing to happen in East Timor. I ask that this testimony may be printed in the RECORD.

The material follows:

RESOLUTION

1987/13 *The situation in East Timor,*[1]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983 and 1984/24 of 29 August 1984 concerning the situation in East Timor,

Preoccupied by new allegations put forward regarding the violations of human rights to which the people of East Timor continue to be subjected because of the situation which persists in the territory,

Taking note with satisfaction of the continuous spirit of co-operation of which the authorities have given proof in order to facilitate the reunification of families,

1. *Welcomes* the action taken by the Secretary-General regarding the question of East Timor,

2. *Requests* the Secretary-General to continue his efforts to encourage all parties concerned, that is the administrating Power, the Indonesian Government and the East Timor representatives, to co-operate in order to achieve a durable solution taking into full consideration the rights and wishes of the people of East Timor;

3. *Requests* the Indonesian authorities to facilitate without restrictions the activities of humanitarian organizations in East Timor;

4. *Recommends* therefore to the Committee on Human Rights to study carefully at its forty-fourth session the evolution of the situation of human rights and fundamental freedoms in East Timor.

U.N. SUB-COMMISSION, SEPTEMBER 1987—ITEM 9

ORGANISATION: NAILS—NATIONAL ABORIGINAL AND INDIGENOUS LEGAL SERVICES

Testimony on Torture in East Timor

Mr. Chairman, it has been stated in this Sub-Commission many times in the past, especially by representatives of the NAILS Organisation, that foreign domination and occupation result almost inevitably in systematic violations of basic individual rights.

I am a Timorese and the first to speak on behalf of this organisation.

I was 13 years old when Indonesian military forces invaded East Timor. Following the invasion, I fled to the bush with the resistance. Later I was captured by the Indonesian forces. I was then sent to a prison called Komarka, in Dili in 1980. I was held there until being transferred to the island of Atauro on 3rd September. In July 1984, I was released. I started working with the Indonesian Red Cross in 1985 and at the beginning of 1987 arrived in Portugal under the family reunification programme.

Mr. Chairman, for 12 years, I personally witnessed a great number of arbitrary executions, imprisonment, and torture, evidencing a systematic disregard for the most essential civil and political rights of the East Timorese.

In 1978-1979 the Indonesian armed forces carried out a large scale offensive against the East Timorese resistance and the civilian population.

Part of my family were with me in the bush. We were all concentrated in one area and incendiary bombs were dropped on us. I managed to escape but my brother was killed during a fight. One of my sisters disappeared during the intense bombardement and my family and I never saw her again.

In 1980 I was arrested by Indonesian troops and subjected to interrogations and torture. Every Indonesian guard used his own method of torture to force me to admit to crimes. Different methods of torture were used:

I was beaten by gun butts and kicked.

My hands and feet were tied up and I was pushed into a tank of water head first and held under water by the feet for up to 2 minutes. Then I was pulled up again and interrogated. As long as I did not confess, the same operation was repeated. Once I confessed in my near drowning state, more

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[1] Adopted at the 34th meeting on 2 September 1987, by 6 votes to 4, with 9 absentions.

> questions were asked and torture was used again.
>
> I was tied up and two small types of crocodiles (buaya Kecil) were tied to my body. When the tails of the animals were pulled, they scratched, clawed and bit me, digging their nails and their teeth into my skin. During this time I was asked further questions.
>
> I saw my friends being tortured too. I saw them subjected to electric shocks, beaten by iron and wooden rods, their toes being placed under a table leg with soldiers and officials sitting on top of the table, cigarettes extinguished on the skin, in the ears and on the sexual organs. They were also kicked with heavy leather boots in the chest.
>
> I was then taken to a secret prison (Komarka). I was locked up in a very small cell, 1m. by 2m. with 9 people. I could not sleep and I did not know whether it was night or day. I was given only a spoonful of rice per day. From time to time, the guards opened the door and called one prisoner out. I never saw them again.
>
> Later, I was taken to Aturo island with my friends and I was there for four years. I was not allowed to speak with foreign people who were brought by military helicopters. During an Australian delegation visit, I and my fellow prisoners were brutally beaten and threatened with being shot because we dared speak with them. The same event happened when Portugese journalists visited the island of Atauro, after they returned, four of my fellows were tortured and sent to Komarka prison. I was starving; all we had to eat was a small tin of corn for a whole week. I did not have any medical treatment when I fell sick. I was often beaten when I arrived late for work.
>
> There are many other prisons in Dili, Aileu and other parts of the territory, with small numbers of prisoners. I, myself had entered in one of these prisons without the knowledge of the troops and I saw 6 prisoners with swollen faces and other signs of ill-treatment. Every two months, the troops checked at mid-night the homes of the population; suitcases, identification cards, wardrobes were all checked.
>
> I am concerned about the fate of my friends who are still in East Timor. I have personally witnessed and been a victim of the gross violations of human rights resulting from the Indonesian government's efforts to consolidate its dominaton of East Timor, and I believe that, until the genuine wishes of the East Timorese people themselves are respected, the suffering will continue.
>
> Thank you Mr. Chairman.●

BICENTENNIAL MINUTE

FEBRUARY 23, 1944: THE MAJORITY LEADER RESIGNS

(By request of Mr. Simpson the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, a majority leader of the United States dramatically resigned 44 years ago today, on February 23, 1944. Senator Alben Barkley of Kentucky had been Democratic leader of the Senate since 1937 and a loyalist for the administration of Franklin D. Roosevelt, but he was outraged over the harsh language of the President's veto of a tax bill he supported.

Journalist Allen Drury recorded in his journal the scene as rumors spread and the Senate gallery and floor began to fill:

> For almost 45 minutes, point by point, the majority leader denounced the veto message and the man who sent it to The Hill. In a speech that very evidently came from the heart and at times rose to heights of moving passion and sincerity, he repudiated the President whose errand boy in the upper House he had been for 7 years.

Barkley announced that he intended to resign as majority leader and then urged Congress to override the President's veto "if it has any self-respect yet left."

Senators from both sides of the aisle stood to applaud and rushed to gather around Barkley to congratulate him. Not only did the Senate and House overwhelmingly vote to override the veto, but the next day the Democratic conference voted unanimously to reelect Barkley as majority leader. Utah Senator Elbert Thomas told reporter Drury that for years Barkley had given the impression that he spoke to the Senate for the President, but that now that he had been unanimously reelected, "he speaks for us to the President."

However, there is a historical coda to this story. In July 1944, when the Democrats met in convention, they sought a Vice Presidential candidate to run with Roosevelt for his fourth term. Many believed that Alben Barkley would have been the odds-on favorite had he not broken with Roosevelt just 5 months earlier. The convention chose Senator Harry Truman instead, and within 1 year Truman, not Alben Barkley, was President of the United States.●

THE PLIGHT OF THE FAMILY OF EVGENY LEIN

● Mr. McCONNELL. I rise today to bring to the attention of my colleagues the plight of Evgeny Lein and his family. Evgeny has been considered a refusenik in the Soviet Union since 1978.

Five of my colleagues in this body joined me in sending a September 16, 1987, letter to General Secretary Gorbachev appealing for expedited emigration of the Leins. I would like to expand upon the details included in that letter so that all the Members of this body will be aware of the Leins' extraordinary struggle for freedom.

The Leins first applied for an exit visa in the spring of 1978. His request was denied 4 months later on the grounds that Evgeny had "access to classified materials." He was subsequently dismissed from his position as a research scientist as was his wife, Irina, who worked for the Institute of Biology.

Since 1977, Evgeny has attended seminars on Jewish history. In 1981, he was atttending one such seminar in a private apartment when the authorities invaded the seminar and arrested several participants. While his wife called his arrest a "tactic in the KGB tyranny," others felt it was an act of revenge by local police. Apparently, in 1980, Evgeny had defied local police and persisted in bringing to trial two men who had attacked his daughter. Evgeny was sentenced to 2 years of compulsory labor for allegedly "resisting a representative of authority." He was uncharacteristically released after less than a year, in part because his knowledge of the law helped him identify 20 legal infractions in his trial.

He later joined 19 other refuseniks in writing to the President of the Supreme Soviet saying their desire to go to Israel "is not more than a demand for a home." They added that they held "no grudge against the U.S.S.R."

In June 1984, Israel Radio mentioned Evgeny and Irina, drawing attention to Irina's health and Evgeny's deteriorating hearing problem. Five months later, Evgeny was severely beaten about the head and face; his assailants concentrated on his good ear. In addition, they threatened that he would be charged with resistance to authorities and sentenced to 4 more years in prison.

I know that most, if not all, of my colleagues share my concern about this disregard for human rights and dignity. I am hopeful that by continuing to call attention to the plight of refuseniks like the Leins, they will someday be afforded the opportunity to join their families outside the Soviet Union.●

ESTONIAN ANNIVERSARY

(By request of Mr. Byrd, the following statement was ordered to be printed in the Record:)

● Mr. SIMON. Mr. President, tomorrow marks the 70th anniversary of the declaration of independence of the Republic of Estonia. On this historic occasion I would like to bring to the attention of this body the situation of the Estonian people.

On February 24, 1918, the independence of Estonia was formally declared. However, this independence was lost in 1939 when Hitler secretly agreed to give all three of the Baltic States to the Soviet Union.

From 1939–49 there was armed resistance in Estonia against Soviet occupation. Though there is no longer armed resistance in Estonia, the will and the spirit of the people is not broken. All of us in this body hope to see Soviet reforms extended to Estonia and the other Baltic republics.

I applaud the courage and resilience of the people of Estonia, and I commend Estonian Americans for bringing the plight of those still living under

Soviet occupation in Estonia to our attention.●

GREECE AND TURKEY RELATIONS

● Mr. LUGAR. Mr. President, the relations between Turkey and Greece, two key NATO allies, have been tense over the past several years. Much of this tension stems from differences over Cyprus on the one hand, and over conflicting claims of both countries in the Aegean on the other. These difficulties have longstanding historical roots, and have affected our bilateral relations with our two allies.

Therefore, I am particularly pleased that a significant diplomatic breakthough toward improvement of bilateral relations between Greece and Turkey took place recently in Davos, Switzerland, were Prime Minister Turgut Özal and Prime Minister Andreas Papandreou met on January 30-31, 1988. It is a welcoming development that the calls for dialog found a positive response and that Davos encounter was successful.

In Davos, the two leaders expressed their joint determination to avoid future bilateral crises, and to move in a careful and thoughtful manner to eliminate differences between them. They agreed to establish two committees: One would help to build confidence and trust through increasing economic, trade, tourism, and cultural ties; and the other would help to define and eliminate particular problem areas. The two leaders also agreed to meet at least once a year in reciprocal visits beginning with Prime Minister Özal's visit to Athens as early as this summer.

I congratulate these two leaders on these hopeful steps, and encourage them to build upon this initative to break down the barriers between the two nations. I have included the text of the communique issued at the conclusion of the meeting for the information of all Members.

The text of the communique follows:

The Text of the Press Communique Released Following the Meetings Between Turkish Prime Minister Turgut Özal and the Greek Prime Minister Andreas Papandreou on 30th and 31st of January 1988 in Davos, Switzerland

1. The Prime Ministers of Greece and Turkey met twice in Davos, Switzerland, on January 30-31, 1988, and discussed issues of mutual concern in an atmosphere of understanding and goodwill.

2. The Prime Ministers observed that cumulated problems created in time due to different approaches are, at times, exploited by certain circles. It is imperative that this should not be permitted. They agreed that closing the gap between these differences will require time, goodwill and hard work.

3. The Prime Ministers gave their views of Turco-Greek relations, starting from a historic perspective and their deterioration in time. they further elaborated on the recent crisis in the Aegean which brought the optimism introduced as a consequence of exchange of messages between them. They agreed that from now on such a crisis should never be repeated and both sides must concentrate their efforts for the establishment of lasting peaceful relations.

4. The Prime Ministers agreed that rigid frames of mind have been created in various segments of their societies in relation to existing issues. They noted that this is the case even in textbooks. They noted also with regret some recent statements of officials not conducive to an improvement of relations between the countries.

5. The Prime Ministers reiterated their respective positions on issues of bilateral and regional interests.

6. They nevertheless underlined that a thaw and rapprochement between the two countries would require determination, sustained efforts and building of confidence for which two sides should move to a common ground, in order to create an environment conducive to working out lasting solutions.

7. The Prime Ministers agreed to establish two committees: one to explore the areas of cooperation such as economic cooperation, joint venture trade, tourism, communications, cultural exchanges and one to define the problem areas, explore the possibilities of closing the gap and move towards lasting solutions, the progress of which will be reviewed by the two Prime Ministers. In this regard, they agreed to initiate, encourage and increase contacts among civilian and military officials, members of the press and businessmen and to establish a business council or a joint chamber of commerce and industry.

8. The Prime Ministers also accepted to meet at least once a year and to make a reciprocal visits to their countries and agreed to set up a direct telephone line. They also agreed that the Ambassadors of the two countries to international organizations should increase contacts with a view to improving cooperations.

9. Finally, both Prime Ministers expressed their satisfaction in the frank and open discussions which took place among themselves and reiterated their conviction that creation of improved relations and confidence would require resolve, time and hard work".●

WILLIAM W. BISHOP, JR.

● Mr. LEVIN. Mr. President, I rise today in sadness and respect because on December 29 a great and gentle man died in Ann Arbor.

He was William W. Bishop, Jr., the Edwin D. Dickinson professor of law emeritus of the University of Michigan Law School. His field was international law and for decades he was truly one of the giants.

Born in 1906, Professor Bishop received both his bachelor's degree and his law degree from the University of Michigan. During World War II, he was an assistant legal adviser in the Department of State and in 1948 returned to Ann Arbor and joined the faculty of the University of Michigan Law School.

During his tenure, Professor Bishop authored a casebook on international law which was for years the most widely used international law casebook in the country. He served as editor-in-chief of the prestigious American Journal of International Law for 10 years. He received many honors during his long and distinguished career, including the University's Distinguished Faculty Achievement Award in 1965. He also served on a vast number of committees, boards, and panels both in the United States and abroad. He was, as Lee Bollinger, the dean of the law school said, "a towering figure in international law."

He was also a leader in the Boy Scouts and a devoted family man. His beloved Mary, his wife of 32 years, died in 1979. He is survived by his daughter, Dr. Elizabeth S. Bishop, of East Lansing.

Although his achievements are many, they cannot begin to measure his true impact. Bill Bishop was a scholar of the first rank—a fact recognized throughout the international legal community. But he also had a special gift for teaching. He not only knew his subject matter thoroughly, he cared deeply about it. He cared about his students and they knew it. His courses were always among the most popular at the law school.

Professor Bishop inspired and enriched generations of students from this country and around the world. Many of his students hold important positions in private practice, Government and teaching. He kept in touch with many of them long after they left Ann Arbor. They remained his friends and he continued to inspire them throughout his life. I know they are trying to practice, and pass on to others, his intellectual curiosity, warmth, deep human kindness and commitment to the rule of law. That is the legacy of a great teacher.

Professor Bishop also recognized that, as a scholar and teacher of international law, he had a particular duty to foster the rule of law in international relations. He believed firmly that all States, but especially the United States, has an obligation to work toward a world where law, not force, governed. But he was no dreamer. His experiences in the Department of State gave him a keen appreciation of the limitations of our present international legal order.

In 1981, the American Society of International Law celebrated its 75th anniversary and asked Professor Bishop to reflect on the changes that had occurred during those 75 years. In his remarks, Professor Bishop observed:

> We must recognize that law cannot coerce states in matters of primary political importance, unless there is a sufficiently strong feeling of international political community. Law cannot bring order when there is not enough common will to keep the peace. . . . Meanwhile, of course, international law can be, and is, a most useful instrument for giving effect to policies upon which there is common agreement, but it cannot succeed if

> it gets too far ahead of the actual feelings and attitudes of the states concerned. With our international society what it is, we must think of international law chiefly in terms of agreement rather than coercion.

This clear eyed assessment, however, did not diminish his "cautious optimism," as he once said, that the world will gradually turn to law, not force, as the foundation for human conduct. And he conveyed this vision—this hope—to generations of students. Literally thousands of students were touched and enriched by this special man. All of us, in America and around the world, are a step closer to a more peaceful and ordered world because of Bill Bishop.●

200TH ANNIVERSARY OF MOUNT PLEASANT, NEW YORK

● Mr. D'AMATO. Mr. President, 1988 is a year of bicentennial celebrations, and March 7, 1988 is one date to note. This marks the 200th anniversary of the town of Mount Pleasant, NY, in Westchester County.

Prior to its establishment as a township, the town of Mount Pleasant had been a European settlement formed by Lord Frederick Philipse, a Dutchman, in 1683. After the Revolutionary War, the lands were confiscated by the State and sold to 287 separate owners. The State legislature then established Mount Pleasant as one of the original towns of New York on March 7, 1788.

The town's development began with the initiation of rail service in 1846. Manufacturing facilities began to appear, and although most were along the river in North Tarrytown, employment also was available further east at shoe factories, pickle factories in Pleasantville, a lumber mill, a limestone quarry in Thornwood, and eventually the Kensico Dam in Valhalla.

The Rockefeller family settled in Pocantico Hills in 1890 where they accumulated 2,800 acres of land within Mount Pleasant. From this family came the town's most famous citizen, former Vice President of the United States and former Governor of the State of New York—Nelson A. Rockefeller.

Today, Mount Pleasant is the third largest town in Westchester with a population of 42,000. The town covers 25 square miles, including the villages of Pleasantville and North Tarrytown, a portion of the village of Briarcliff Manor, and an unincorporated area of 21.5 square miles. It borders the Hudson River on the west, the towns of Greenburgh on the south, Ossining and New Castle on the north, and North Castle on the east.

Mount Pleasant has a rich enduring past and a bright foreseeable future. Its residents have much to be proud of, and I share that pride in representing them in this body.●

LITHUANIAN ANNIVERSARY

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. SIMON. Mr. President, on February 16, 1988, the people of Lithuania—and Lithuanian Americans with them—celebrated their 70th anniversary of independence. I would like to take this opportunity to express my support of this historic occasion.

Lithuania's independence was proclaimed on February 16, 1918, but ended 22 years later with the Soviet takeover of that country. Since 1940 the celebration of Lithuanian Independence Day has been hindered by Soviet official hostility. It is unfortuante that this seems to have also been the case for the 70th anniversary.

Reports from Lithuania indicate that heavy police presence prevented any peaceful demonstrations from taking place. The police show of force took place despite the fact that Mikhail Gorbachev received an appeal from 200 Lithuanians asking him to allow peaceful demonstrations to proceed without interference.

The inability of the Lithuanian people to mark such an important occasion as the 70th anniversary of their independence casts a shadow on Mr. Gorbachev's stated policy of openness. The suppression of the Lithuanian peope also violates the Helsinki accords which the Soviet Union freely signed. It is simply unacceptable for Moscow to fail to live up to its international obligations.

I am pleased to cosponsor Senate Joint Resolution 249, which declares June 14, 1988 "Baltic Freedom Day." This resolution will again reassure the Baltic people of U.S. support as they continue to test the limits of glasnost. In addition to this action 33 Members of this body sent a letter to General Secretary Mikhail Gorbachev urging him to allow the Baltic peoples to peacefully honor their national independence days. We also asked the Soviet leader to take all necessry measures to guarantee that the people of the Baltic do not become targets of state-sponsored harassment.

Mr. President, I have been proud to sponsor such measures as "Lithuanian Independence Day," "Polish American Heritage Month," "Baltic Freedom Day," and other important commemorative resolutions. America is enriched by people from all walks of life and all backgrounds, and we are strengthened from our Nation's great diversity.●

CHIANG CHING-KUO

● Mr. KASTEN. Mr. President, one of the greatest international success stories of the last 40 years is the survival and liberalization of the anti-Communist regime of Taiwan. The passing of Chiang Ching-Kuo is an occasion for all of us to remember how much progress Taiwan made under his leadership—and how much more progress the Taiwanese people expect to see under his democratic successors.

Democracy has survived in Taiwan thanks to the perseverance and commitment to principle of its statesmen. This perseverance has been exemplified by the career of Dr. Fred Chien, the former senior Vice Foreign Minister of the Republic of China who is currently the chief Taiwanese representative in the United States.

Dr. Chien has articulated his experience and basic beliefs in an important article in the Central Daily News of Taipei, which has been made available to me in an English translation by Dr. Nathan K. Mao. I think the article, addressed to Taiwan's young people, will be helpful to my colleagues, and I ask that it be entered in the RECORD.

The article follows:

PERSEVERANCE: A MESSAGE FOR THE YOUNG

(By Representative Fred Chien)

Wang Yang-ming, a Ming dynasty sage, said, "Perseverance is key to work." His words are simple but profound in meaning. In the last few years I have deeply felt the wisdom embedded in his saying and I wish to share my experiences with my young friends.

It has been four years and ten months since my appointment in January, 1983, to Washington as Representative of the Coordination Council for North American Affairs. Prior to 1983, there had been several years during which the relationship between the Republic of China and the United States was in an extremely difficult stage. My countrymen were severely affected psychologically; my colleagues and I in the Foreign Service were on the front lines directly facing diplomatic setbacks. During many critical moments, we sensed our young friends' deep concern and interest in their country. I was particularly moved when I witnessed the ardent desire and eagerness of many young people to offer their services to their country, especially those who were still in school. Their heartfelt desire to serve fastened my heartstrings. Many evenings, after a full day of negotiations, I felt physically and mentally exhausted, but whenever I saw the images of young men and women, earnest and eager to help, I realized that my countrymen had high expectations of me, a member of the Foreign Service. A gush of fresh energy surged and charged my body, enabling me to return to work.

Before leaving Taipei, I was aware of my countrymen's high expectations. But as I reviewed the past and looked towards the future, I felt overwhelmed. At that time I declared in all honesty that I was not God but human, as I asked for support and strength from my countrymen. I must admit, with due gratitude, that ever since I became to Washington I have received lots of encouragement from my countrymen both at home and from those overseas. Their continuous support, flowing to me through different tangible and intangible channels, refreshed me from head to toe.

Indeed I was really a novice in Washington, a city where it was known to be difficult to make friends. Although I had been in the Foreign Service for many years and has many friends in Washington, I felt inexperienced in Washington's social circles. I was scared and yet pleased in my role as Republic of China's Washington Representative.

Because of my country's special status in the United States, we had no ideas as to what we could do or could not do and whether we should have a high or low profile. On the other hand, all those official functions with their built-in protocol niceties did not affect us. Just like the Bible says, one door is closed by God, yet another and still another door is open. Although I do not have an official title, I was spurred by a daring frame of mind characteristic of my younger days. With the full cooperation of everyone, my colleagues and I took the initiative to make friends, slowly and assiduously building our base.

From that time on, I became more and more willing to accept the challenges of my work. I not only learned that an individual's or a group's ability to face adversities becomes stronger through perseverance, I also learned that our country is full of vitality. Despite repeated tribulations and setbacks, we conquered one difficulty after another and emerged triumphant in a totally new image when all sectors of our society worked as one cohesive unit.

To faithfully relay Republic of China's developments in the last four years and ten months I left Washington for out-of-town speaking engagements to different groups and organizations at least forty-five to fifty times a year, not counting informal sessions where I made impromptu remarks. All in all, I have only one objective: to deepen the U.S. public's understanding of our country and to strengthen their friendship for us. Every time I give a speech I use the lastest figures and facts, revealing what is progressive, open and new in our society. I fully understand that out figures of prosperity, our democratic growth, our increasing confidence and our growing strength are all attributable to our countrymen's hard work, the application of their intelligence and their cooperation with one another. As a messenger for my countrymen I feel encouraged and inspired. It's this gush of youthful strength which enables all my colleagues at the Coordination Council, trying their utmost, to negotiate with U.S. diplomats or any other persons in an effort to achieve fair treatment while maintaining their dignity.

Personally I must confess it is hard for me to be satisfied with myself. In fact, I was a shy youngster and physically uncoordinated. In senior high school a schoolmate tripped and broke my heel while we were playing ball. Even now I can't say I like social functions that much. But for the sake of my work, I try my best to adjust myself. Maybe "to adjust" is not an appropriate expression, because my work today is to adjust myself to the ever-changing situations and enable my audiences to quickly catch my message. When I first arrived in Washington, it was very easy to run into friends who had preconceived ideas about us. I felt it was important to understand why "so-and-so" felt the way he did towards us. Was it because of his personal views, his personal experience, his lack of adequate information or for some other reasons? If his biases could be overcome, efforts would be made immediately. If his views were too deep-seated, I would treat him with sincerity and hope to explain to him later with more facts. Under the rubric of patience, respect and sincerity, my colleagues and I at the Coordination Council complemented one another, helping the U.S. government officials and the general public have an even greater understanding and respect for what's been going on at home.

In recent months, major U.S. newspapers, whether conservative or liberal ones like The Washington Post and The New York Times, have repeatedly extolled our accomplishments in their editorials and op-ed columns. This makes me realize that because our country is moving in the right direction, has flexible and workable policies and because our efforts have been made apparent with facts, the world is becoming more respectful of us and our international status. This recognition has come about only after repeated experiences of being frustrated, humiliated and tested.

What I have said is personal experiences and feelings. It's not anything deep and profound. There's no key to success. I feel that the young today are growing up in comfort and prosperity. But in truth all comfort and prosperity have come about after many others have sweated, bled, and have met with many failures. In the future we will face many types of storms and our difficulties will not be any less than those before. My young friends, if you can consider your personal experiences, societal adversities and your country's diplomatic reverses as object lessons in learning perseverance you will then become stronger as you meet unpleasantness yourself. With an optimistic spirit and a perseverant attitude, you will be more fully prepared to accept all types of challenges. I believe every type of difficulty would only ennoble our situation, earning us even greater respect for our integrity and enhancing our country's international standing.●

THE 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE

● Mr. LUGAR. Mr. President, I am proud to call the Senate's attention to the fifth annual staff exchange program between the U.S. Congress and the West German Bundestag. Since 1983, both countries have conducted this half month program whereby staff members trade roles to observe and learn about the workings of each other's political institutions as well as the issues facing both countries. The staff exchange provides an opportunity for the development of professional friendships which aid greatly in strengthening the relations between our two countries.

The progress and promotion of the Congress-Bundestag Staff Exchange Program is most important to the continued success of our international endeavors. The program, one of several sponsored by the Congress, USIA, and both public and private institutions in the United States and West Germany, fosters a better understanding of the policies and governments of both nations.

Eight congressional staff members will visit Germany this year from April 16–May 1. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. In addition to this, they will spend a weekend in the home district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with representatives of the West Berlin government and the U.S. Government representatives in West and East Berlin.

The Bundestag will send a delegation of staffers to the United States in late June of this year for a 3-week period. They will attend meetings in Washington and will visit the districts of Members of Congress over the Fourth of July recess. The German Bundestag sends senior staffers to the United States as well as a number of high ranking Bundestag members.

It is important that we send a delegation of Senate and congressional staffers who are experienced and share a sense of interest and responsibility in political, security, trade, environmental and other such issues as they relate to Europe and the United States. In addition, congressional participants are expected to plan and execute the program for Bundestag staffers when they visit the United States.

Applications for participation in the U.S. delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs, and the final selection will be made by the U.S. Information Agency. Senators and Representatives who would like a member of their staff to apply for participation should direct them to submit a résumé and cover letter to Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1; or John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building. Applications and letters should be submitted by Tuesday, March 1.

I look forward to the continued success of this particular exchange. The Congress-Bundestag staff exchange affords our congressional assistants an opportunity to gain valuable insight into another political culture. Best wishes to the participants in this upcoming program.●

AMERICAN HEART MONTH

● Mr. WEICKER. Mr. President, as a result of a 1963 congressional resolution, each year since 1964, the President proclaims the month of February as "American Heart Month." In so designating this month, both the Congress and the President demonstrate the seriousness of cardiovascular diseases and stroke—this Nation's leading cause of death.

The American Heart Association reports that in 1988 an estimated 1 million Americans will die as a result of cardiovascular diseases including about 540,000 from heart attacks and approximately 155,000 from strokes.

Moreover, they estimate that nearly 65 million people are afflicted with one or more forms of heart or blood vessel disease.

The National Heart, Lung, and Blood Institute [NHLBI], along with the American Heart Association and others, has made significant inroads in curtailing the mortality rates from these diseases through research, prevention, and education programs. From 1976 to 1986 the death rate from coronary heart disease has fallen by 27.9 percent and that from stroke by 40.2 percent. Much of this decline is attributed to preventive measures, that is, controlling risk factors of cardiovascular diseases including smoking, elevated blood cholesterol, high blood pressure, and diets high in saturated fats and cholesterol. Successful examples in this area include both NHLBI's National High Blood Pressure Education Program and its National Cholesterol Education Program which correspond to AHA's Physicians' Cholesterol Education Program and its Heart RX Program.

While I urge my colleagues to applaud these achievements, I emphasize that much more must be accompanied to eliminate coronary heart disease—still the No. 1 killer in the United States. I encourage support of increased biomedical research including the application of molecular biology to cardiovascular research and of continued studies into both the connection between diet and cardiovascular diseases and the effects of behavior, stress, and physical activity on heart disease.

During "American Heart Month," I salute the American Heart Association and its 55 affiliates and more than 2 million volunteers for their invaluable work. I commend the National Heart, Lung and Blood Institute for its accomplishments and I urge my colleagues to celebrate our research achievements with the dollars that will make health the No. 1 priority in this country.

I ask that this year's Presidential proclamation be printed in the CONGRESSIONAL RECORD.

The proclamation follows:

PROCLAMATION 5762 OF JANUARY 21, 1988

THE PRESIDENT—AMERICAN HEART MONTH, 1988

(By the President of the United States of America)

A PROCLAMATION

For more than half of this century, diseases of the heart and blood vessels collectively called cardiovascular diseases, have been our Nation's most serious health problem. Last year, these diseases claimed 973,000 lives, and they caused serious and sometimes permanent illness or disability in still more Americans. Within this family of diseases, the leading killers remained coronary heart disease, which accounted for 524,000 deaths, and strokes, which accounted for 148,000 deaths.

Grim though these statistics may be, other statistics indicate that a corner may have been turned in 1965. Since then, mortality rates for all cardiovascular diseases, and especially for the two leading killers—coronary heart disease and stroke—have been moving steadily downward. For example, since 1972, mortality rates for all cardiovascular diseases combined have fallen by 34 percent, and those for coronary heart disease and stroke have declined by 35 percent and 50 percent respectively.

One major reason for the decline in cardiovascular mortality rates is that more and more Americans are modifying their habits in the direction of better cardiovascular health. Research has identified factors that increase vulnerability to premature coronary heart disease or stroke, and millions of Americans are acting on that knowledge to eliminate or ameliorate the risk factors that can be modified. These include high blood pressure, diabetes, obesity, and sedentary living. The National Heart, Lung, and Blood Institute, encouraged by the success of its National High Blood Pressure Education Program, has now launched similar programs against two other major risk factors: cigarette smoking and elevated blood cholesterol.

Today, the person stricken with a heart attack has a much better chance of surviving the acute episode, thanks to continued improvement in diagnosis and treatment. More and more of the stricken are reaching the hospital alive, thanks to better recognition of ominous symptoms, widespread teaching of cardiopulmonary resuscitation by the American Red Cross and the American Heart Association, and better-equipped emergency vehicles with better-trained crews.

Many individuals and organizations have contributed to the past four decades of progress against cardiovascular diseases. However, two organizations—the federally funded National Heart, Lung, and Blood Institute and the privately supported American Heart Association—have been in the forefront of this national effort. Since 1948, the two have worked in close cooperation to foster and support increased basic and clinical research in the cardiovascular field, to train new research scientists and clinicians, and to participate in a wide variety of community service and public and professional information activities. Through their efforts, Americans have become more aware of what they can do to live healthier lives.

Much has already been accomplished, but much more remains to be done. Recognizing the need for all Americans to take part in the continuing battle against heart disease, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested the President to issue annually a proclamation designating February as "American Heart Month."

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the month of February 1988 as American Heart Month. I invite all appropriate government officials and the American people to join with me in reaffirming our commitment to finding new or improved ways to prevent, detect, and control cardiovascular diseases.

In witness whereof, I have hereunto set my hand this twenty-first day of January, in the year of our Lord nineteen hundred and eighty-eight, and of the Independence of the United States of America the two hundred and twelfth.

RONALD REAGAN.●

THE 20TH ANNIVERSARY OF SEMCOG

● Mr. LEVIN. Mr. President, this year marks the 20th anniversary of the founding of SEMCOG, the Southeast Michigan Council of Governments. SEMCOG was established because of the realization that the counties, cities, villages, townships, and school districts of southeast Michigan form one regional community.

As the 1966 report calling for a regional approach put it:

> Our citizenry is bound together physically, economically, and socially, and is affected and serviced by not just one unit of local government but by many. We realize that our individual and collective destinies rest with the interdependent actions of the family of local governments which comprise our region.
>
> The fact that we have many separate, yet interrelated, local governments creates serious political and organizational questions as to how we may more effectively and efficiently coordinate our activities to provide needed services to all our citizens. Our dilemma is to retain local home rule while combining our total resources for regional challenges beyond our individual capabilities.

During these past 20 years SEMCOG has resolved that dilemma. It has done that by establishing a process for cooperative, comprehensive, and continuing regional planning for the seven-county southeast Michigan region. More than 250 representatives of local government, public interest groups and the private sector work through a technical advisory committee process to refine various regional planning activities. More than 150 representatives of local government then arrive at regional planning policy decisions through an executive committee and a general assembly.

SEMCOG serves as a forum for regular and ongoing discussions of regional problems and issues by various levels and branches of government. It has established a regional review process through which local communities can comment on State and Federal grants and programs. It has developed a long-range transportation plan for the region. It has drawn up a water quality management plan. It has developed a data analysis and forecasting process which makes population, household, and employment forecasts for all 234 units of local government for a 20-year period. It maintains an information services program which responds to more than 6,000 requests for information annually.

It also maintains such direct benefit programs as the RideShare car and vanpool program; the HomeShare Housing Match Program; the economic development Site Location Network; the innovative transit accident and crime analysis project; and the Transportation Systems Management Program for low and moderate cost traffic improvement programs.

Mr. President, SEMCOG's 20-year history has been a success story. I salute all those involved with the past 20 years of progress. The people of southeast Michigan have been well-served by their efforts.●

SUPPORT FOR RECLAMATION GROUND WATER MANAGEMENT AND TECHNICAL ASSISTANCE STUDY OF 1987

● Mr. MOYNIHAN. Mr. President, ground water legislation has been one of the prominent issues on the legislative docket for the 99th and 100th Congresses. Legislation has been concentrating on protection of surface and ground waters, and research to support planning and management of our water resources. In the face of a growing population and increasing demand for water, one of the crucial issues pertaining to ground water is assurance that our ground water systems are adequately recharged to sustain future demands on our aquifers.

Statewide in New York, 6 million New Yorkers rely on ground water for their primary source of drinking water. Three and a quarter million people depend solely upon the ground water underlying Nassau, Suffolk, Brooklyn, and Queens.

By the mid-1800's overpumping of the aquifer under Brooklyn had lowered the water table to 35 feet below sea level. Salt water intrusion forced abandonment of the aquifer in favor of ground water supplies from southern Queens and Nassau. This pattern of development and depletion was repeated in Queens, and over the years planners have moved eastward and continue to dig deeper to accommodate the growing demand for the drinking water from our natural underground reservoirs.

WATERSHED LANDS AND THE WATER CYCLE

We need to appreciate just what a complex and delicate cycle upon which we depend. The Magothy aquifer below Long Island, for example, supplies 90-percent of Nassau County's drinking water, because the shallower glacial aquifer has been polluted. The complete ground water cycle from precipitation to infiltration and migration beyond the barrier island takes approximately 800 years from the time precipitation falls on the center of the Long Island. In the Lloyd aquifer, the deepest of the three major aquifers under Long Island, this process takes about 3,000 years.

The reason the water on Long Island remains drinkable so far is that there are still enough undisturbed watershed and recharge areas to allow this ponderous cycle to function. However, development is relentless on Long Island, as it is nationally—the Council on Environmental Quality estimates that by the year 1990 over 75 percent of the U.S. population will live within 50 miles of the coastline.

What is happening to the watershed lands which protect and recharge Long Island's ground water? Development has greatly reduced these valuable areas. As development encroaches, natural vegetation disappears reducing infiltration of precipitation. Pollution and increased drawdown of the water table will continue to increase unless our water resources are managed properly.

Loss of recharge areas in our watershed tells the story:

The Hempstead Plains—once 45,000 acres, now 62 acres.

The Oak Brush Plains—once 50,000, now 3,000 acres.

The Pine Barrens—once 200,000 acres, now 112,000 acres.

The Pine Barrens is a particularly crucial recharge area for Long Island aquifer system. It is estimated that between 3.5 and 5.2 trillion gallons of water are stored in the saturated layers beneath the Pine Barrens. Fortunately, about 175,000 million gallons of water are recharged through the 112,000 acres of Pine Barrens each day. Without the benefit of recharge the total volume of ground water could be consumed in less than a month at the current rate of ground water consumption in this area. The importance of maintaining these lands as a principal source of future drinking water is self-evident.

CONGRESSIONAL ACTION ON GROUND WATER

The Committee on the Environment and Public Works has sponsored important environmental legislation in the 99th and 100th Congresses which directly affect ground water. As we all know, quality of ground water ties directly to quantity—if we pollute our ground water aquifer systems, we endanger supplies of drinking water.

On the first day of the 100th Congress I introduced S. 20 which is the Ground Water Protection Act of 1987. S. 20 is cosponsored by Senators BURDICK, MITCHELL, BAUCUS, and LAUTENBERG. S. 20 recognizes State primacy in ground water regulation, control, and management. This act directs EPA to establish criteria for 100 contaminants and to provide States with documents specifying the physical, chemical, biological, and radiological properties of ground water. The bill directs EPA's Administrator to make use of research developed under other environmental statutes and to cooperate with other agencies that hold toxicological data. S. 20 authorizes a total of $75 million divided equally over 3 years to support a Federal-State 75 to 25 cost-sharing program for ground water assessment programs.

Later in the session, S. 1105 was introduced by Senators BURDICK, DURENBERGER, MITCHELL, BAUCUS, CHAFEE, STAFFORD, BREAUX, GRAHAM, and myself as a ground water research bill. S. 1105 is similar to H.R. 791 in many regards, such as strengthening ground water research programs in the USGS, EPA, and the Department of Agriculture. Together, these bills strive to increase our understanding of ground water—our most critical resource, and to balance Federal and State/local responsibilities for insuring the necessary quality and quantity of our drinking water supplies in the future.

THE SOLE SOURCE AQUIFER BILL AND SAFE DRINKING WATER ACT

In 1982, I sponsored the Sole Source Aquifer Protection Act, which became a part of the Safe Drinking Water Act amendments passed by the 99th Congress. The act authorized $78 million over fiscal years 1987-91 for States to monitor and protect underground sources of drinking water. EPA has designated Long Island as a sole source aquifer, so it will be eligible for these matching funds. Unfortunately, the administration has not supported funding for the sole source program nor the wellhead protection program.

The Clean Water Act was enacted in 1972 to clean up our Nation's rivers and progress has been made toward this goal. However, much still needs to be done to ensure the quality of our rivers for our children and future generations. By cleaning these rivers—recharge areas fed by surface waters will be assured clean, unpolluted recharge.

Superfund amendments which I helped to draft as a conferee, passed in the 99th Congress. This bill provide $9 billion for cleaning up the worst hazardous waste sites in the country. An important new addition to Superfund is a $500 million cleanup fund for leaking underground petroleum storage tanks. I will continue to support full funding for Superfund.

Water in our rivers is already diverted to satisfy our cities' thirst for water. The city of Los Angeles receives water from northern California and other States—as far away as the Gunnison River, CO. New York City's water, most of which comes from the Catskill and Delaware watersheds to the west is already fully committed. There are no nearby sources for ground water that can be newly tapped to supply the demand for additional water. Bearing this in mind, it is essential to maintain the recharge areas, such as the critical Pine Barrens in New Jersey, to ensure that we do not deplete our national supplies of drinking water.

I therefore am pleased to cosponsor this bill today with Senator BRADLEY. The Reclamation Ground Water Management and Technical Assistance Study Act of 1987 directs the Bureau of Reclamation to study the national capabilities for ground water recharge and the adequacy of artificial recharge technologies for varying hydrogeologic conditions. Specifically, the Bureau of Reclamation is directed to assess the impact of existing water projects on the quality of ground water, including quality and quantity. This is important because of the large number of water projects throughout the Nation and associated diversions from the water's natural channels and reservoir areas.●

IN RECOGNITION OF THE 40TH BIRTHDAY OF EPWORTH VILLAGE RETIREMENT COMMUNITY

● Mr. CHILES. Mr. President, I rise today to recognize the 40th birthday of the Epworth Village, a special retirement community which has been serving Florida's elderly since 1948.

Over the years I have heard from many seniors who have told me what they so desperately want and need for a happy, secure retirement. They tell me above all that they want to maintain their independence and have the freedom to choose their own activities. They also speak of having the security of knowing that essential services such as congregate meals and transportation are available when needed. All of these things are necessary in maintaining a healthy and active life in later years.

The people at Epworth Village have provided just such an atmosphere for close to half a century. They have also provided seniors with something else; that feeling of community which makes life so special.

So, today I wish Epworth Village a happy 40th birthday, and I thank its people for their wonderful past and future service to older Floridians.●

ESTONIAN INDEPENDENCE—SENATOR METZENBAUM

● Mr. METZENBAUM. Mr. President, today, February 24, 1988, marks the 70th anniversary of Estonia's Declaration of Independence. The three neighboring Baltic States, Estonia, Latvia and Lithuania, were all absorbed by the Soviet Union in 1939 through a Nazi-Soviet pact. As a result, these brave people have been denied their right to self-determination for almost 50 years.

Today's anniversary of Estonian independence reminds us of the continuing struggle of native Estonians for their cultural, political and economic freedoms. Decades have passed since the ruthless Soviet takeover, yet those voices for freedom have not died down. In fact, the calls for freedom have grown stronger and more insistent. This past year, the world has witnessed the most vocal and widespread Baltic nationalist demonstrations in recent memory.

There is no doubt that Baltic nationalism is alive and well, and I vigorously applaud the persistent struggle of Estonians and other Baltic people who hunger for liberty and autonomy.

Their rising nationalist tone has resulted in what is now the quintessential Soviet reaction—the policy of fierce crackdowns. This policy has taken the shape of threats, detainments, labor camp sentences, and deportations. Nonetheless, the native population in Estonia continues to strive for freedom from Soviet rule and the 150,000 Red army soldiers stationed on Estonian soil.

On February 2, 1988, Senator RIEGLE introduced Senate Joint Resolution 249, a resolution designating June 14, 1988, as "Baltic Freedom Day." I am proud to join my 53 Senate colleagues in cosponsoring this measure. It is through such legislation that we can best express our solidarity with the Estonians.

I invite my colleagues to support the right of Baltic self-determination by commemorating Estonian Independence Day and sending a strong signal to the Kremlin that we do not condone the illegal occupation of sovereign states.●

ESTONIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, I rise to join the people of Estonia in commemorating the 70th anniversary of the declaration of the independence of the Republic of Estonia.

On February 24, 1918, the independence of Estonia was formally declared. During the period of independence, the sovereign nation thrived. but the signing of the Molotov-Ribbentrop Pact in 1939 and the Soviet's occupation of the Baltic States ended the independence of the republic.

In Estonia, citizens have made plans to honor independence day with public ceremonies. They know that they run the risk of Government harassment and even arrest. But they will not be deterred. Estonian hopes for freedom and human rights are stronger than the Soviet Government's desire to quell their activity.

National sentiment is strong in the hearts of the people of Estonia. They and their relatives in the West long for an independent nation once again.

The Senate has urged General Secretary Gorbachev to permit desiring Estonians to participate in independence day ceremonies. Earlier this month Senators RIEGLE, DURENBERGER, and I circulated a letter in the Senate, signed by 29 of our colleagues, encouraging General Secretary Gorbachev to allow the ceremonies to commence.

Unfortunately, the individuals who participated in independence ceremonies in Lithuania just 2 weeks ago were harassed and intimidated by authorities. Some were even placed under house arrest.

But today General Secretary Gorbachev has another opportunity to demonstrate that his glasnost policy is intended for the people of the Baltic States. I hope the Soviets will permit ceremonies to proceed in Estonia today without incident.

Mr. President, I urge my colleagues to join in commemorating the 70th anniversary of Estonian independence.●

FRAGILE FOUNDATIONS: A REPORT ON AMERICA'S PUBLIC WORKS ISSUED BY THE NATIONAL COUNCIL ON PUBLIC WORKS IMPROVEMENT

● Mr. DOMENICI. Mr. President, the National Council on Public Works Improvement issued its report to the Nation today. It is entitled "Fragile Foundations: A Report on America's Public Works."

This is an important event, and I commend Chairman Joseph Giglio and his fellow Council members for their hard work to produce this valued report.

Together with other recent reports, including that of the Senate Budget Committee's Private Sector Advisory Panel on Infrastructure Financing, I am hopeful Congress can move forward this year to address the issue of public works investments.

I was particulary pleased by the Council's praise for the state of our Nation's water resources. The Council notes that the cost-sharing improvements established by the 1986 act should improve project selection and reduce overall project costs.

Mr. President, I ask that a summary of the findings of the report be printed at this point in the RECORD.

The summary follows:

A STRATEGY FOR IMPROVING AMERICA'S PUBLIC WORKS

No single approach is adequate to ensure the future viability of America's infrastructure. A broad range of measures is necessary to make a meaningful difference by the turn of the century. Specifically, these should include:

A national commitment, shared by all levels of government and the private sector, to increase capital spending by as much as 100 percent above current levels;

Clarification of the respective roles of the federal, state, and local governments in infrastructure construction and management to focus responsibility and increase accountability;

More flexible administration of federal and state mandates to allow cost-effective methods of compliance;

Accelerated spending of the federal highway, transit, aviation, and waterways trust funds;

Financing of a larger share of the cost of public works by those who benefit from services;

Removal of unwarranted limits on the ability of state and local governments to help themselves through tax-exempt financing;

Strong incentives for maintenance of capital assets and the use of low-capital techniques such as demand management, coordinated land-use planning, and waste reduction and recycling;

Additional support for research and development to accelerate technological innovation and for training of public works professionals; and

A rational capital budgeting process at all levels of government.

None of these steps will be easy or unopposed. But the increasing cost of delay is certain. The Council urges the President, the Congress, and the nation's state and local leaders to act on this agenda immediately.●

FILING OF THE RULES OF THE SPECIAL COMMITTEE ON AGING 100TH CONGRESS

● Mr. MELCHER. Mr. President, in compliance with section 133(b) of Legislative Reorganization Act of 1946, as amended, the Special Committee on Aging is publishing the Committee's rules, which I submit for printing in the RECORD.

The rules are as follows:

I. CONVENING OF MEETING AND HEARINGS

1. Meetings

The Committee shall meet to conduct Committee business at the call of the chairman.

2. Special meetings

The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. Notice and agenda

(a) Hearings.—The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings.—The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened notice.—A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding officer

The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure

All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2. Witness request

Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed session subject

A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule II (5)(b).

4. Confidential matter

No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part by way of summary, unless specifically authorized by the Chairman and ranking minority member.

5. Broadcasting

(a) Control.—Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request.—A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting

A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee business

A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling

(a) Subjects.—The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure.—The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule II.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for investigations

All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas

Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative reports

All reports containing findings of recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

V. HEARINGS

1. Notice

Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath

All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement

Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and ranking Minority member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. Counsel

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript

An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule of such request.

6. Impugned persons

Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may;

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions or them, shall be put to the other witnesses by a member or by staff.

7. Minority witnesses

Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of witnesses, counsel and members of the audience

If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSION

1. Notice

Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel

Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure

Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

4. Filing

The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions

The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment

The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex-officio members of all subcommittees.

2. Jurisdiction

Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules

A subcommittee shall be governed by the Committee rules, except that its quourm for all business shall be one-third of the subcommittee membership, and for hearings shall be one member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceeded by at least 3 days notice of the amendments or revisions proposed.●

SEVENTIETH ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

● Mr. LEVIN. Mr. President, today marks the 70th anniversary of the Republic of Estonia's Proclamation of Independence. On February 24, 1918, the people of Estonia established an independent government. I call upon Congress to join with Estonian-Americans in Michigan and across the country in remembering this significant event in Estonian history. Today, we remember a brief period of genuine freedom for the Estonian people.

Their freedom came to an abrupt end 48 years ago when the Soviet Union occupied Estonia, as well as Lithuania and Latvia. The Soviet annexation not only ended Estonian independence, but also led to massive death and deportation. A total of 350,000 people were lost between 1939 and 1949—a third of Estonia's population.

Despite the suffering and loss of political independence, Estonian national pride remains strong and free Estonia lives in the hearts of Estonians.

On August 23, 1987, a nationalist demonstration took place in Tallinn, the capital of Estonia. This brave protest, the first publicly planned demonstration of its kind, makes clear that the passing of almost half a century has not muted Estonian calls for independence. A new generation of Estonians, born and raised under Soviet rule, joints in the fight for Estonian freedom.

As recently as last month, 14 citizens of Estonia signed a handwritten document calling for the creation of the first independent party in the Soviet Union, the Independence Party of Estonia. This act, the latest in a series of bold moves by the Estonian people to promote independence, has brought a resurgence of pride in the Estonian community, and serves notice to the world that their spirit cannot be broken.

Unfortunately, the Soviet response to this action was all too familiar. Several of the signers have been detained by the police, others have been reinducted into the military, and all were warned that they face criminal prosecution if they continue their political activities. We have heard a great deal about the new openness of the Soviet Union—glasnost—but this clampdown on Estonian political rights raises questions about this much touted policy.

There will be no official observance of this anniversary in Estonia today. But the voice of Estonia will be heard. I join with Estonian-Americans to celebrate the anniversary of Estonian independence: We remember the courageous resistance of Estonians in the past, we draw hope from the activism of the present, and we look toward a brighter future, when all people will finally be free.●

NOMINATIONS TO THE FEDERAL COURTS

● Mr. METZENBAUM. Mr. President, at its business meeting of February 23, the Judiciary Committee ordered reported to the full Senate four nomination to the Federal courts. These four nominees were examined at a committee hearing held on February 17, 1988, at which I presided. For the benefit of Senators who will soon vote on these nominations, I offer the following brief summaries of the nominees' background and qualifications, and of the testimony taken at the hearing on their nominations.

First. Paul Michel has been nominated to be U.S. circuit judge for the Federal circuit. The nominee is counsel to Senator SPECTER, whom he served as administrative assistant from 1981-87. From 1976-81, Mr. Michel served in the Justice Deparment, first as Deputy Chief of the Criminal Division's Public Integrity Section, and later as Associate Deputy Attorney General. Previously, the nominee had served as counsel to the Senate Select Committe on Intelligence, as an Assistant and then deputy district attorney in Philadelphia. The nominee is a 47-year-old graduate of Williams College and the University of Virginia Law School. He is well regarded by most of his professional colleagues and past supervisors. A majority of the American Bar Association Standing Committee on the Federal Judiciary rated him qualified for the post to which he has been nominated, while a minority considered him well qualified. His nomination has also been endorsed by three bar associations whose members practice before the court to which he has been nominated: the Federal Circuit Bar Association, the International Trade Commission Trial Lawyers Association, and the Customs and International Trade Bar Association.

At the hearing on February 17, the nominee was introduced by Senator SPECTER. I then questioned him about his inexperience in substantive areas of law that come before the Court of Appeals for the Federal Circuit, and his approach to cases in which the United States is a party. Senator THURMOND questioned the nominee about judicial activism. His responses were satisfactory.

Second. Malcolm Howard has been nominated to the U.S. District Court for the Eastern District of North Carolina. Mr. Howard has been in private practice since 1974, specializing primarily in bankruptcy law. Before that, he served as Assistant White House Counsel, Assistant U.S. Attorney, and as a career officer in the Army. Mr. Howard is 48 years old, and is a graduate of the U.S. Military Academy at West Point and Wake Forest University School of Law. The ABA committee rated Mr. Howard as qualified. He was also rated favorably in a poll conducted by the North Carolina Bar Association.

At the hearing on February 17, Mr. Howard was introduced by Senators SANFORD and HELMS. He was then examined about his work assisting in the defense of President Nixon in impeachment proceedings before the House Judiciary Committee, the nature of his private practice, his experience with pro bono work, and his views of judicial activism and constitutional interpretation.

Third. Rudy Lozano has been nominated to the U.S. District Court for the Northern District of Indiana. Mr. Lozano has been in private practice since he graduated from law school in 1966, focusing almost entirely on personal injury defense work. He is 45 years old, and he received both his undergraduate and his legal education at the University of Indiana as well as doing post-graduate work at the John Marshall Law School. Mr. Lozano appears to be well regarded by his professional colleagues, and was rated well qualified by the ABA committee.

At the hearing on February 17, Mr. Lozano was introduced by Senators LUGAR and QUAYLE. He was examined about the nature of his litigation practice, his experience with Federal statutory law, his involvement with the Hispanic Bar Association, his view of the judge's role in settlement, and his philosophy of constitutional interpretation.

I am pleased that the administration has seen fit to nominate a well-qualified Hispanic lawyer to a Federal judicial post. This administration's overall record on appointment of minorities and women to the Federal bench remains quite poor: 91 percent of this administration's nominees have been male, and barely 6 percent have been members of minority groups. This is an issue of concern to many members of the Judiciary Committee, and one which we will continue to monitor closely.

Fourth. Stephen Reasoner has been nominated to the U.S. District Court for the Eastern District of Arkansas. Mr. Reasoner has been in private practice since he graduated from law school in 1969, specializing for most of that time in trial work. He is 43 years old and received both his undergraduate and his legal education at the University of Arkansas. Mr. Reasoner appears to be well regarded by his professional colleagues, and was rated well qualified by the ABA committee.

At the hearing on February 17, Mr. Reasoner was introduced by Senators BUMPERS and PRYOR. He was examined about the membership policies of two fraternal organizations to which he belonged, his thinking on proper judicial temperament, and his views on judicial activism. He also answered written questions about his organizational memberships, a pro bono case described in his response to the committee's questionnaire as a friendly lawsuit, and his relative lack of experience with criminal law. In his answers to the written questions, Mr. Reasoner stated his decision to resign from the two fraternal organizations in order to remove his membership in the organizations as an issue in his confirmation.

Mr. President, the Judiciary Committee has moved expeditiously to review these nominations. Let me point out for the record that the vacancies which these four nominees would fill existed for an average of nearly 15½ months before the President made a nomination to fill them. Once the Senate received these nominations, we acted within an average of 3 months—five times as fast—to investigate them, hold hearings, and report them to the full Senate. These facts make clear once again that the great bulk of the responsibility for unfilled judicial vacancies—and there are at least 23 such vacancies today—lies with the executive branch of government, not with the Senate. In the case of these 4 nominees, as with the other 56 judicial nominations the Judiciary Committee has reported in this Congress, the committee has, in my view, fairly, thoroughly, and expeditiously carried out its role in the constitutional process of advice and consent.●

SEVENTIETH ANNIVERSARY OF ESTONIA'S PROCLAMATION OF INDEPENDENCE

● Mr. BOSCHWITZ. Mr. President, I rise today to recognize the 70th anniversary of Estonia's Declaration of Independence. For over two decades, Estonia enjoyed its freedom as an independent nation. However, like its two neighboring Baltic States, Estonia fell victim to the insidious deal worked out between Hitler and Stalin. What followed was the familiar Soviet pattern of subjugation and consolidation of its power over other nations.

The United States has never recognized Estonia's annexation into the U.S.S.R. Despite its occupation by 150,000 Soviet troops and almost 50 years of Soviet control, Estonians still dream of an independent homeland. On August 23, of last year, Estonians peacefully demonstrated in their city of Tallin to make this point.

Americans of all political persuasion stand behind the people of Estonia. I truly salute these valiant people who have never given up hope, who have maintained their own sense of nationalism from generation to generation, and who seek a voice in shaping their own destiny and that of their country.●

COL. JOHN F. PHILLIPS, USAF

● Mr. BENTSEN. Mr. President, I want to take this opportunity to commend Col. John F. Phillips, currently the vice commander of the Logistics Management Systems Center at Wright Patterson Air Force Base, OH, who has recently been selected for the rank of brigadier general. A native Texan, Colonel Phillips graduated from Jarvis Christian College in Hawkins, TX, with honors and is believed to be the first graduate of that school to be selected for general officer. He will also be 1 of only 20 total black general officers in Air Force history and 1 of 4 now on active duty. Colonel Phillips graduated from the University of Southern California's Institute of Aerospace Safety Engineering, the Air Force Institute of Technology, and is pursuing a doctoral degree through Texas A&M University.

Colonel Phillips had more than 300 combat flying hours in missions over Vietnam and was stationed in Iran at the time of the fall of the Shah. He remained in Iran until he was expelled from that country in February 1979. He has served his country with assignments in five States, the District of Columbia, and two foreign countries.

I wish Colonel Phillips the best for the remainder of his Air Force career and in his future endeavors.●

DAN YARANO—SENATE HEALTH PROMOTION

● Mr. BINGAMAN. Mr. President, recently Dan Yarano resigned his position as Director of the Senate health promotion campaign. During his tenure, Dan's diligent efforts to improve the health of Senate employees was a notable success. I worked closely with Dan, and I would like to take this opportunity to recognize and applaud his good work.

One of Dan's successes was the "Working Well Campaign," which focused on the over-all fitness of the participating Senate employees. Dan has showed us the many advantages of achieving over-all fitness within an office setting to both the employer and the employee. For the employer a fit work force translates into heightened productivity, lower health care costs, less absenteeism, and improved morale. For the employee, the benefits are more obvious—better health, and less risk of disease.

The Senate Service Department had a very high participation rate in the program, strongly supporting seminars on fitness, diet and hypertension, nutrition, and back care. The majority of employees are now exercising regularly, and many are enjoying healthier lifestyles, thus reducing sick leave and health care costs.

Dan also organized lifestyle improvement classes in yoga, stress, smoking cessation, and weight loss programs. They have helped hundreds of Senate employees reach their desired levels of fitness. He also organized well-attended self-help exercise clubs.

We will miss Dan Yarano, and his valuable contribution to the better health of us all. I wish him a fit and successful future.●

TRIBUTE TO JOHN M. RIVERS, BUSINESSMAN IN CHARLESTON, SC

● Mr. THURMOND. Mr. President, the State of South Carolina suffered a great loss with the death of Mr. John M. Rivers who died on Sunday, January 24, 1988 at the age of 85.

Mr. Rivers was a highly respected man not only in the Charleston community, but throughout the entire State. His integrity, intellect, and sound judgment led him to become one of the most capable and innovative businessmen in South Carolina. Mr. Rivers was owner and chairman of the board of WCSC Inc., a Charleston television station, and was active throughout his lifetime in a number of organizations around the State.

Mr. Rivers attended the College of Charleston and later transferred to Wharton Business School, where he received his bachelor's degree in economics in 1924. He began his business career as a runner with the Bank of Charleston and was named assistant vice president before leaving in 1936 to join the Charleston office of McAlister, Smith and Pate, a Greenville securities firm where he served as vice president for a year. Mr. Rivers then went on to become president and manager of WCSC, Charleston's first broadcasting medium, and in 1944 he purchased the station. Some of Mr. Rivers' accomplishments and titles over his lifetime include: president of the South Carolina Broadcasters Association, president of the Charleston and South Carolina Chambers of Commerce, 1961 South Carolina Businessman of the Year, vice chairman of the South Carolina Educational Television Commission, and trustee of the historic Charleston Foundation as well as the Foundation of Independent Colleges.

Mr. John Rivers' involvement in the community and State show the depth of his concern for others and the extent of his fine character. His life will surely serve as an example for future generations of South Carolinians. We are saddened by the death of Mr. John M. Rivers, and I join with my colleagues in extending deepest sympathy to his lovely wife Martha and his son John, Jr.

Mr. President, I would like to ask that an obituary from the Charleston News and Courier and an editorial from the Charleston Evening Post be inserted in the RECORD following my remarks.

The material follows:

[From the Charleston News Courier, Jan. 25, 1988]

BUSINESSMAN JOHN M. RIVERS DIES

John Minott Rivers of 47 Meeting St., former owner and chairman of the board of WCSC Inc., died Sunday at his residence.

The funeral will be at 11 a.m. Tuesday in St. Philip's Episcopal Church. Burial, directed by Stuhr's Downtown Chapel, will be private.

Mr. Rivers was born July 22, 1903, in Charleston, a son of Moultrie Rutledge Rivers and Eliza Ingram Buist Rivers. He was educated in the public and private schools of Charleston, attending Miss Briggs' School, Crafts School and the High School of Charleston. He attended the College of Charleston for two years and was the business manager of the college's magazine. He transferrred to Wharton Business School at the University of Pennsylvania and received his bachelor's degree in economics in 1924.

He began his business career in 1924 as a runner with the Bank of Charleston, the forerunner of the South Carolina National Bank. He transferred to its Greenville branch and became its manager. He was an assistant vice president of the bank when he left in 1936 to join the Charleston office of McAlister, Smith & Pate, a Greenville securities firm, as vice president.

In 1937, W. Frank Hipp, owner of WCSC-AM in Charleston, offered Mr. Rivers a job in the radio business. Hipp designated Mr. Rivers president of the South Carolina Broadcasting Co., the licenser of WCSC. On Jan. 1, 1938, Mr. Rivers became president and manager of WCSC Radio, Charleston's first broadcasting medium. He purchased the station in 1944.

In 1948 he began operation of the FM radio station and then brought WCSC-TV, Channel 5, on the air in June 1953. It was the first VHF television station in South Carolina. He became chairman of the board of WCSC Inc. in 1973. WCSC Inc. was sold to Crump Communications Inc. of Houston, Texas, in 1987.

While president of the South Carolina Broadcasters Association in 1952, he was instrumental in gaining passage of a libel and slander bill in the S.C. General Assembly.

He was president of the Charleston Chamber of Commerce at age 33, the youngest person ever to hold the position. He was also a past president of the S.C. Chamber of

Commerce and in 1961, the organization elected him Businessman of the Year. In 1974 he became the second person inducted into the S.C. Broadcasters Association Hall of Fame. He was awarded the Silver Medal of the Advertising Federation of Charleston in 1977. He served on the South Carolina Educational Television Commission and was elected vice chairman in 1980.

Mr. Rivers served on the Coker College Board of Trustees and served a term on the Winthrop Board of Visitors. He was a member of the Board of Trustees of Ashley Hall School and the school's library is named after him. He served in 1971 as chairman of the Charleston Symphony Orchestra Fund Drive. He was also former chairman of the Charleston Development Board and past chairman of CBS Radio Affiliates Board. He was director emeritus of the South Carolina National Bank and a director of the South Carolina National Corp.

He was a trustee of the Historic Charleston Foundation, Church Street Foundation and the South Carolina Foundation of Independent Colleges.

[From the Charleston Evening Post, Jan. 26, 1988]

JOHN M. RIVERS

John M. Rivers descended from an old Lowcountry family. His paternal grandfather was a cotton planter and a Confederate artillery officer. A graduate of the University of Pennsylvania's Wharton School of Finance, Mr. Rivers gained his early training and experience in investment and banking. The facility with which he made the transition to the broadcast industry and the successes he enjoyed there were marks of the man.

Broadcasting, Mr. Rivers later would note, involves entertainment but "it's still a business." His confidence in business matters prompted him to accept a 1937 job offer as manager of WCSC, Charleston's first radio station. Seven years later he bought the station. Nine years after that he was pioneering in television, bringing on the air WCSC-TV, the state's first VHF station. He rose to chairman of the board of the WCSC corporation, in part by virtue of his business acumen but in no less part by virtue of his unquestioned integrity. He managed with a firm hand, yet he was personable, straightforward, and sensitive to the feelings and needs of others.

Mr. Rivers' affection for his native Charleston was expressed in numerous ways. He gave much of his time and talent to civic endeavors—charitable causes as well as those devoted to promoting the Lowcountry's economic and cultural growth. Friends throughout the state were saddened by his unexpected death Sunday at 84. They will remember him not only as a highly successful businessman but as an exceptionally good citizen.●

IMPACT OF CHINA'S ECONOMIC REFORM ON ITS PEOPLE IMPRESSES FLORIDA LEADERS

● Mr. CHILES. Mr. President, the rather dramatic changes taking place in the People's Republic of China are being watched closely and carefully analyzed in an effort to determine what the ongoing effects will be on the rest of us around the world.

Last year, a group of Florida business and financial leaders accompanied State Treasurer William Gunter on a mission to China to examine those changes, in particular economic reform, and their implications for the people of China and for greater international cooperation in trade and technology.

The impressions and conclusions of the Floridians were made available to me, and in the interest of helping build better understanding about the reforms taking place in China, I want to share that information.

Mr. President, I ask that the report on this mission be included in the RECORD at this point.

The report follows:

REPORT ON PEOPLE-TO-PEOPLE MISSION TO CHINA, JULY 6-18, 1987, BY FLORIDA STATE TREASURER AND INSURANCE COMMISSIONER BILL GUNTER

This past summer, I was privileged to lead a delegation of Florida business and financial leaders on a five-city tour of the People's Republic of China to visit with business and financial leaders there and to see how China was working with investors from other nations to modernize its economy.

Each member of the group paid his or her own way, but sought contacts and information they might share with others seeking mutual benefit in U.S.-China trade. Among the members of our group were a number of prominent Florida bankers, including Robert E. White, of Miami, President of the Florida Bankers Association.

The trip was arranged under the aegis of People-to-People International, a private nonprofit organization created in the 1950's by President Eisenhower, dedicated to the pursuit of world peace through better personal understanding between citizens.

We were especially interested in learning about China's new economic reform campaign and meeting officials of the People's Bank of China which underwrites Chinese participation in international joint economic ventures. In preparing for visits with our Chinese counterparts, we were immeasurably aided by Commercial Officer Catherine Houghton of the U.S. Embassy in Beijing who briefed us on the economic opportunities now open to foreigners in China.

ECONOMIC GROWTH AND POLITICS

As our bus moved through the streets of Beijing, passing the many highrises cropping up throughout the suburbs, we noticed marked differences between what we were seeing today and what we saw in the evening news fifteen years earlier when Richard Nixon first went to China.

For one thing, the streets, then dominated by bicycles, carts and pedestrians, were now nearly choked with trucks, buses and cars. On some busy streets, bicycles are no longer allowed. Another change was in the style of dress. China's booming textile and clothes manufacturing industries certainly have an internal market. Clothes were colorful and fashionable. And it was obvious that little trouble or expense was spared in dressing up the little children—especially since one-child-per-couple is now the practical rule among all but China's minority nationalities.

Although our group felt free to go where we liked, together or individually, with or without a guide, and although we felt the Chinese we met spoke with us freely, there was abundant evidence that the Communist Party has not let go of the reins of political power. Demonstrations for even more accelerated economic reform earlier this year ended with the resignation of Communist Party Secretary Hu Yaobang, protege of Deng Xiaoping, and a renewed campaign against the dangers of bourgeoise liberalism.

THE BANK OF CHINA

A meeting was set up between our group and Lei Zuhua, Vice President and one of 15 managing directors of the Bank of China, at the bank's modern headquarters in Beijing. Mr. Lei outlined for our group the development of China's economic reform movement and the role that the Bank of China is playing in its progress.

The Bank of China is a specialized foreign exchange bank under the umbrella of China's central bank, the People's Bank of China, one of 45 "ministerial agencies" of the Chinese government. Other specialized banks are the Agricultural Bank of China, Industrial and Commercial Bank of China, Construction Bank of China, Investment Bank of China, and Communications Bank of China. Each bank provides loans and financial services in its area of specialization. Also under that umbrella is the Insurance Company of China. The total staff of the whole system numbers about 1.1 million.

The Bank of China operates chiefly in China's coastal areas, designated "Special Economic Zones" and in foreign nations. There are 369 offices within China, with a staff of about 21,000, and 347 branches overseas with a total staff of 11,000 in Macao, Hongkong, Singapore, Sydney, Luxembourg, Paris, London, New York, and Tokyo. Bank officials expressed a hope that operations might also soon be extended to Los Angeles. The bank has correspondent relationships with about 3600 financial institutions in 153 nations. As we noted on our return trip through Hong Kong, the Bank of China building there is the tallest in the colony.

Up until the economic reforms of late 1978, the bank dealt mainly in the settlement of international payments. Today, its responsiblities and freedom of action have been greatly expanded. The bank now also engages in loans, international leasing, floats bonds on the international capital market and issues stocks and corporate bonds on behalf of domestic enterprises. The Bank of China is authorized to sign agreements with foreign governments and central banks. In order to enhance the ability of the branches themselves to develop business, more decision-making power is also being delegated to the provincial and municipal levels.

Increasingly, the Bank of China is involved in managing foreign exchange funds of the state in addition to its own helping to raise foreign funds an developing joint ventures. Our publication we were provided announced that the Bank of China was issuing, on a trial basis, two charge cards for permanent foreign representatives; the "Great Wall Debit Card" in foreign currency, and the "Great Wall Credit Card" in Chinese currency.

At the end of 1978 when the economic reform campaign began, The Bank of China's assets were around 38.7 billion renminbi (RMB), or about US$10.5 billion at the exchange rate of RMB 3.7 per U.S. dollar that was current at the time of our trip. The Bank of China 1986 Annual Report showed assets of RMB 345 billion, or more than US$93 billion—around nine times as much in just eight years. Profits were shown at about RMB 3 billion for 1986. The

Bank of China is now the 41st or 42nd of the 500 biggest banks in the world.

Two-way trade between the U.S. and China has tripled since the economic reforms began. The U.S. is China's number three trading partner after Hong Kong and Japan, and it is second only to Hong Kong in investments.

The Bank of China provides loans to companies and joint ventures dealing in foreign trade (around RMB 8 billion a year). It also organizes syndicates for big joint ventures such as the mining project undertaken with Occidental Petroleum in Guangdong (Canton) Province. Nuclear Power Stations have likewise been built as joint ventures.

Although operating costs are high here, the Bank of China would like to strengthen its presence in the United States. It now has a branch in New York and is planning a branch in Los Angeles. Mr. Lei felt prospects for U.S.-China trade are bright. A number of U.S. syndicates are also providing capital for U.S.-China joint ventures, and China is looking for low-cost loans in the U.S. capital market.

Since China's Joint Venture Law was adopted by the Fifth Congress in July 1979, the Chinese government has set up a number of "Special Economic Zones" where Chinese and overseas partners working in joint ventures have considerable autonomy in the way they do business. Joint ventures are given a greater latitude in decisionmaking and a preferential tax rate. They are also afforded the protection of government-to-government agreements on investment insurance.

The corporate income tax rate paid by state-owned businesses in China is 55%. Joint ventures outside the Special Economic Zones pay 30% with a local income tax of 3%, though both the national and local governments may negotiate the rate somewhat if they consider the development especially attractive.

But within the Special Economic Zones, the income tax rate is only 15%—even lower than the 18.5% rate offered in Hongkong. Furthermore, certain technology-intensive industries critical to China's development are exempted from the income tax for the first two years, and pay only half of the preferential rate for the next three years. Imports necessary to such developmental industry are also tax free.

The Chinese point to an increasingly stable climate for investment since the economic reforms began in 1978. More recently, they have made protection of the rights of foreign investors a part of their national constitution. One group was told again and again throughout our trip that work on the tax and legal systems to make things easier for western business is ongoing.

Since the supplementary economic reforms made in October of 1986, joint ventures can independently hire and fire workers and set wages on a competitive basis. However, that portion of wages which covers social benefits such as health care and housing subsidies must be turned over to the Chinese government for administration.

There are now several thousands of joint ventures in areas like transportation, energy, agriculture, manufacturing and tourism. These joint ventures are chosen on the basis of how well they meet China's planning needs. For instance, the Chinese have decided that Beijing can only absorb around two million tourists a year, and that it's impractical to build any new airports in Beijing. Therefore tourism joint ventures will be encouraged more in other areas.

Some of our group were concerned about the extent to which U.S. companies can carry on normal banking relations in China. Mr. Lei answered that currently there are 34 foreign banks in the Special Economic Zones. Right now, these banks are just doing foreign exchange business. The Chinese government wants to examine its experiences in the Special Economic Zones before further changes are made.

Mr. Lei maintained that most joint venture companies have made profits. He said that China is committed to stimulating competition through the Special Economic Zones, including competition with Chinese businesses. Joint venture businesses are primarily encouraged to sell their products on the international market, thereby gaining foreign exchange for both the foreign and Chinese partners.

Still, some needed technologically advanced goods are allowed to be sold on the domestic Chinese market as well. For instance, if the product being produced is one that would otherwise have to be imported, joint venture producers would have preferential access to the domestic market.

Chinese priorities for development also govern the preferences they give to joint venture applications: 1. energy, building materials; chemicals and metals industries; 2. machine and instrument manufacturing; 3. electronics and communications manufacturing; 4. textiles, food processing, medicine, medical apparatus; 5. agriculture, animal husbandry, aquaculture; and 6. tourism and service trades.

In seeking imports, China still prefers business and industrial goods to consumer goods. Key Chinese needs are for technology and knowhow. As Florida follows its commitment to growth in these areas, there will be increasing opportunities for exchange.

The Chinese were willing to admit that joint venture relationships are not likely to produce quick returns. Monetary policies are extremely conservative and foreign currency reserves are tightly protected. Chinese currency—the renminbi—is not an international currency and can be traded only through official channels.

Difficulty in repatriating profits seems to be the most frequent complaint of western business partners. When goods are sold in China for renminbi earnings cannot easily be exchanged for convertible currencies. Western sellers either have to negotiate to be paid in other currencies, or—as some companies have done—take their profits out of China in the form of export goods.

For some western joint venture partners—the Foxboro Company of Foxboro, Massachusetts—who take their earnings from the Chinese market and yet need foreign exchange to buy components from the United States, the government has been willing to convert renminbi to dollars but with a 20% penalty on the official exchange rate, an expensive solution for Foxboro.

Negotiating deals for joint ventures can be expensive and time consuming—requiring as much as a year or more and repeated trips. Hotel accommodations and air transportation are expensive in China. Popular wisdom dictates that principles governing settlement of disputes should be written into contracts.

THE DOMESTIC ECONOMY

A meeting had also been arranged with Luo Shi Lin, a vice president of the People's Bank of China in Shanghai. Through Mr. Luo, we were able to learn a little more about the domestic side of the Chinese economy and the domestic side of Chinese banking for which the People's Bank of China is directly responsible.

The savings rate in China, Mr. Luo told us, is about 15% of income—similar to that now in Japan and much higher than the U.S. savings rate. About 30% of the investments made by the People's Bank of China come from personal savings. Both inflation and interest rates in China are very low. Since health care is provided free to workers and their families, and since retirement pensions are rather high—about 90% of wages—most Chinese save for things like bicycles and household appliances.

There are 400 branch offices of the People's Bank of China in Shanghai itself, and another 300 in the countryside surrounding Shanghai. Since Chinese can also do their banking in the post offices, there are total of 800 bank branches in the whole Shanghai area. In addition to this banking system, there is a strong system to credit cooperatives throughout the rural areas.

Mr. Luo explained that China maintains a fairly even international balance of trade by strictly cutting back on imports whenever that balance is threatened, even if it means cancelling industrial or construction projects. Recently there has been a tendency for some deficit spending in the national budget, but it is small by our standards.

We noticed a reticence, on the part of Mr. Luo and other Chinese officials we spoke with, to discuss some of the sticking points of commerce between the United States and China. In speaking with others unofficially, it seems that China is waiting for a political and economic assessment of the last nine years before they make any further major changes in their economy or their open door policy.

Life in China, especially in the rural areas, is still far from easy and there are few signs of affluence. There are those who could be considered wealthy by Chinese standards, but not-so-subtle social pressures demand that wealth be ploughed back into productive enterprise rather than spent ostentatiously.

Private industry is now encouraged in some sectors. Throughout China we saw long lines of private market stalls selling farm produce, clothing and arts and crafts. We were in China during the watermelon season so trucks, carts and hundreds of stalls were piled high with ripe melons and entrepeneurs seemed to be doing a brisk business.

Stalls are licensed by the government and are taxed. Those who work in the markets and other allowed private industries are not provided many of the benefits—free medical care, for instance—that most Chinese have come to consider a basic right.

The Chinese claim that the economy is growing by about eight percent per year. During the time we were in China, production figures just released showed industrial production up 14.6% for the first five months of the year over the same period the previous year.

China's claims of a booming economy seemed credible if judged by the activity in Shanghai Harbor. Our group took a boat cruise along the busy port on the Huangpu River. We saw freighters of dozens of foreign nations from the Middle-East to Latin America, Japan and the Soviet Union. Besides freight loading docks, we saw numerous drydocks and a small Chinese naval facility.

Shanghai and Guangzhou (long referred to as Canton) are both part of the string of "open-door" ports and "Special Economic

Zones" that occupy most of China's eastern coast. Throughout these bustling zones, road and building construction was heavy. Parts of Shanghai were virtually impassable because of large-scale additions to its transportation system.

It's hard to read the English language press in China without being assailed by statistics. Everything in China is ranked according to size and chronology. The city of Nanjing maintains as a major tourist attraction rivaling the Ming Tombs and the Sun Yat Sen Mausoleum, the Yangtse River Bridge built in 1968. This three-mile-long double-decker bridge with a four-lane roadway above a two-track railway, was the longest bridge in China when it was finished. In 1985, it was surpassed by the Yellow River Bridge in Shandong. Nevertheless, it is a source of great pride since it was built entirely without foreign help during the early years of China's development.

THE FACTORIES

Among the most productive industries apparent in China was that of crafts production. A small part of the Florida group made a visit to the Beijing Arts and Crafts Institute as the guests of the Deputy Director and Engineer, Wang Er Nan. Mr. Wang introduced us to the artists who design sculpture, paintings and other art forms in the ancient traditions. These designs are duplicated in arts and crafts factories in Beijing for sale in official craft shops inside China, as well as nations throughout the world.

The quality of artisanship was very high. The Institute receives commissions to produce major works of sculpture and murals for hotels and corporate headquarters. The Institute exhibits its works around the world. At the time we were there, the Institute had an exhibition in Spain.

Mr. Wang expressed an interest in setting up an arts and crafts exhibition in Florida as he has in some other states.

We had another opportunity to visit a factory in Wuxi, partway between Nanjing and Shanghai. This is a silkworm-growing and silk-producing area and we were invited to visit a silk factory there. The workers, mostly young and middle-aged women, worked very nimbly with aging but apparently well-maintained machines that drew the almost microscopic silk threads from the silkworm cocoons and twisted them into a silk thread before reeling them onto wooden spindles. The final products were the large burlap-bound bales of silk thread that would be shipped to the factories that wove the silk fabric. Like most factories we visited, this one had a gift shop with finished products available for purchase.

In Guilin, we visited a pottery factory that exported the bulk of its produce to Japan. We watched as the figures were modelled, dried, had glazes applied, and finally were fired. As with most other Chinese factories we visited, equipment was vintage and methods were labor intensive. However there seemed to be high quality and good productivity.

Ralph Schwartz of Daytona Beach, a member of our group who manufactures auto parts, visited the Beijing Minibus Factory where he met with Vice Chief Director/Engineer Yuan Jia Zhen. The plant produced 4000 one to three-ton minibuses per year, with a staff of around 2000 employees. The metal presses—up to 400 tons capacity—appeared to be Chinese-made.

Ralph found the minibus plant poorly organized and automated in comparison with U.S. plants, and was somewhat critical of the apparent lack of safety standards, but the buses were attractive and well put together, and considering the much lower labor costs, he estimated it to be unusually profitable by U.S. standards.

Ralph also visited the Shanghai Number Three Bicycle Factory where he met with Deputy Director/Engineer Chen Qing Yun. Here, they produce the Phoenix Bicycle, China's most popular brand. In the key areas, production was very time-efficient—up to the highest U.S. standards. They used state-of-the-art automatic electrostatic spray painting equipment.

Crowding and poor physical organization was also a problem here, but the factory seemed to be extremely profitable. The company exports one million bicycles a year to third world nations and produces around two million a year for sale in China. At around $50 each, foreign sales alone must easily cover total manufacturing costs by Ralph's estimates.

Many Chinese seemed to feel that western productive methods had touched off a competitive spirit within China, revitalizing industries that had become too comfortable.

THE TREND TOWARD CHANGE

On our last day in China, we took the train from Guangzhou to Hong Kong. Again we saw green and productive riceland, this time in harvest. The rice plants were being cut by hand and fed into portable one-man threshers. The machines were driven by a foot treadle which was being worked feverishly by one man as others brought armfuls of rice stalks.

We moved through the Shenzhen Special Economic Zone—one of several zones where foreign technology and foreign investment are being aggressively sought after to help increase China's productivity. It was chosen as a Special Economic Zone because it is adjacent to Hong Kong and its connections to foreign markets. As with other such zones, it is being built up as an industrial center through the offer of special privileges and tax incentives to financial and industrial interests from other nations.

This rather small municipality with its rising skyline was our last view of China, perhaps appropriately. We had seen a broad spectrum of life in China. From its city skyscrapers to its modest farmhouses * * * from mechanized factories to water buffalo-driven plows * * * from ancient artifacts to modern luxury hotels.

While China is changing rapidly, it would probably be unrealistic to suppose that the Chinese are moving inexorably toward a capitalistic economy. Chinese planners say orthodox Marxism requires a phase of "capitalistic development" and that by moving directly from an agricultural peasant economy to a socialist one, they missed the benefits capitalism can provide. They see this economic reform campaign as a way of going back and making up that part of their revolution. Their desire however, to cooperate with the west on a fair and equal basis, seems sincere.

Chinese Premier Zhao Ziyang has recently said that market regulation will take the place of direct control for most of China's economy in the future. China intends to limit the proportion of its economy governed by central planners to about 30%. Today, the proportion is 50%, and nine years ago, it was 100%. Already the 30% goal has been reached in the Special Economic Zones and many of the coastal areas where the open policy has been implemented.

China is making it clear that it plans to open its doors wider to the outside world and increase economic and technological cooperation with foreign countries. I think all of us in the Florida Bankers and Financial Leaders People-to-People delegation agree that China is moving forward economically. And if we can find a mutually beneficial way to do so, we feel that Florida could be a part of that progress.●

ANTITAKEOVER LEGISLATION IN THE STATES

● Mr. RIEGLE. Mr. President, antitakeover legislation is one of the major issues currently being debated in State legislatures across the country. In its February 7, 1988 issue, the Detroit News published a debate presenting the pro and con positions. Arguing in favor of State antitakeover legislation are Dr. Walter Adams, distinguished university professor and past president of Michigan State University, and Dr. James W. Brock, a renowned professor of economics at Miami University of Ohio; Drs. Adams and Brock are coauthors of "The Bigness Complex," selected as one of the 10 best business books of 1987. Arguing against antitakeover legislation is Dr. E. Han Kim, professor of business administration and finance at the University of Michigan. I am pleased to make this important and informative debate available to the Members of the Congress. Mr. President, I ask that the text of this article be printed in the Record directly following my remarks.

The article follows:

Does Michigan Need An Anti-Takeover Law? Pro

(By Walter Adams and James W. Brock)

Anti-takeover legislation is a burning issue for state governments across the country, and Michigan is no exception.

The conflagration has been sparked by the massive corporate merger and takeover movement ensnarling the economy, and by Washington's dereliction in enforcing the federal antitrust laws. The number of mergers has set (and broken) record highs in each of the past few years. The dollars spent on this unproductive paper entrepreneurialism have skyrocketed from $33 billion in 1980 to $190 billion in 1986. It is ominous that, with the precipitous decline of the dollar, more and more of these takeovers involve the acquisition of American firms by foreign interests.

Promoters of this voracious feeding frenzy say it benefits small stockholders as well as the U.S. economy. They predict anti-takeover legislation would have catastrophic consequences. But does the evidence support these dire claims? It does not.

First, do mergers and takeovers really discipline substandard management? Do they really transfer control of business to more competent hands—all to the benefit of millions of small stockholders? No.

Target companies on average are just as (if not more) profitable than American companies generally or the raiders seeking to take them over.

Following takeovers, the stock value of acquiring firms typically falls—an average of 1 to 7 percent in the first year and a cumulative 16 percent in the three years after takeover. This fact is not disputed, even by takeover aplogists.

These declines overwhelm and cancel out any stock value gains of target firms at the time of takeover.

The lion's share of the mind-boggling booty generated by mergers and takeovers does not primarily accrue to small stockholders on Main Street. The bulk of it is captured by the greed merchants on Wall Street—professional arbitrageurs, investment bankers, managers and stock jobbers, and (at times) criminally knowledgeable inside traders.

Small bond holders also lose when high takeover premiums, high debt/equity ratios and high fixed interest charges degrade the quality and value of their bond of holdings following takeover.

Keep in mind what a free enterprise economy is all about. It means producing better products at attractive prices—not creating artificial paper values by gun-slinging raiders or razzle-dazzle speculators.

Second, does merger and takeover mania really promote better economic performance, as its apologists claim? Again, the answer is no.

Mergers and takeovers have not enhanced operating efficiency. Aside from the plethora of scholarly studies, the headlines in prominent business publications tell the story: "Small is Beautiful," "Do Mergers Really Work? No, Not Very Often," "Big Goes Bust" and "Why Pastrami and Soap didn't Mix."

If mergers are conducive to efficiency, why is the failure rate so high? Some 40 percent of the corporate marriages consummated during the 1970s have ended in divorce.

Such evidence is not new: Half the mergers and takeovers negotiated during the great turn-of-the-century American merger movement subsequently failed.

Nor are these failures limited to the United States: European governments today are struggling with the inefficient, unprogressive and non-competitive companies they urged to merge for the past two decades.

Third, is it really true (as the promoters claim) that unsuccessful mergers and takeovers can later be undone and therefore pose no long-term threat to the economy?

In fact, the merger game is both unproductive and counterproductive. Years of managerial energies devoted to the merger and takeover game are also years during which management attention has been diverted from investing in new plants, new products, new manufacturing techniques and new jobs. Billions of dollars spent shuffling paper ownership shares are billions of dollars not spent on productivity-enhancing plant, equipment, and research and development (R&D). Hundreds of millions of dollars absorbed in legal fees and investment banking commissions are hundreds of millions of dollars not plowed directly into our industrial base. (Spending on mergers and acquisitions in 1985 exceeded combined corporate spending on R&D plus new plant and equipment.) These "opportunity costs" are real. They bode ill for an economy struggling to reindustrialize for global competitiveness.

In sum, the Michigan Legislature's effort to arrest merger madness is both appropriate and timely. It its final form, however, the pending bill should also require the filing of a "public impact statement" before any multimillion-dollar merger or takeover can be consummated. Such a statement should require a showing that the proposed transfer of corporate control would yield gains in efficiency, innovation, plant modernization and jobs. It should require a showing that any such gains are obtainable only by merger or takeover. In short, the "public impact statement" would require merger and takeover artists to justify their action in terms of the public interest, rather than narrow short-run advantage for a single special-interest group.

DOES MICHIGAN NEED AN ANTI-TAKEOVER LAW?

(By E. Han Kim)

The Michigan House overwhelmingly approved a bill last fall that would shield corporations from hostile takeovers. The bill is now being debated by a Senate committee. By imposing severe restrictions on the voting rights of bidders and prolonging the takeover process, the bill would discourage hostile takeover bids and help protect the managements of poorly run target firms. If enacted, it would harm Michigan's economy in the long run by inhibiting free inflow of capital for future productive corporate investments that provide jobs.

The threat of hostile takeovers is an important market-disciplinary force. When the executives of a poorly run firm resist change, a hostile takeover is often the only means of changing management and correcting misallocation of resources.

Unfortunately, many misconceptions exist about the economic effects of corporate takeovers. Critics argue that managers are so preoccupied with the threat of a takeover that they cannot concentrate on running the company. Good managers need not worry about such a threat because good management is the best protection against a hostile takeover. When a firm is run efficiently, its stock price will be too high for a takeover attempt. Only when a firm is run inefficiently will raiders find an attractive target: The stock market will value it below its full potential worth, providing a profit opportunity for raiders to exploit.

Protecting poorly managed firms from takeovers robs those who have invested their wealth in Michigan of an opportunity to earn their fair returns. Investors will respond by taking their capital elsewhere, leaving less capital for investment and fewer jobs in Michigan.

To illustrate, consider an investor who owns shares in a firm whose stock price has been depressed by poor management practices. The investor will experience a loss. In modern public corporations, most individual stockholders do not control enough shares to be able to discipline inefficient managers on their own. When the management resists change, there is little an unfortunate investor can do to recoup any losses other than hope for a takeover bid or sale of the firm.

In a recent study by professors Michael Bradley of the University of Michigan, Anand Desai of the University of Florida and myself, we found that when a company receives a tender offer (most hostile takeovers take the form of tender offers), its stock price increases by an average of 32 percent; and when there is more than one bidder for the same target, the average target's share price goes up by 45 percent. The findings are based on a sample of 236 successful tender offers during 1963-1984.

In another recent study I have conducted with Professor John Schatzberg of the University of Arizona, we found that when firms voluntarily liquidate, the share prices rise by an average of 34 percent. Voluntary corporate liquidations occur often as a reaction to takeover bids or as an outcome of proxy contests.

These gains, however, disappear when the target management successfully fends off the bid and maintains its independence. Thus by shielding inefficient managers from hostile takeovers, the bill now pending would in effect deprive the shareholders of an opportunity to make up the losses they suffered under inefficient management.

It has also been alleged that acquirers make "free money" when they take over a company. But in our study of tender offers, we found that during 1981-1984, acquirers on average overpaid $27 million in each successful tender offer, whereas target shareholders were paid not only what their shares were worth prior to the offer but an extra $234 million. This represents efficiency gains for the U.S. economy.

Proponents of the anti-takeover bill have also argued that large-scale mergers and acquisitions have diverted capital away from productive investments such as modernizing plants and research and development activities. Yet when target shareholders receive more money for their shares because of a takeover bid, where does the money go? If the target company is in Michigan, a substantial portion of the new money will stay in the state and find its way to the most productive uses, thus reinvigorating the Michigan economy.

The anti-takeover bill would further dampen investment by making capital more expensive for Michigan firms. Recent studies by the Securities and Exchange Commission and the Federal Trade Commission have found that anti-takeover laws in Ohio and New York caused immediate and permanent drops in the share prices of affected companies. The shares had become less attractive to investors. Lower stock prices mean higher costs of equity capital, which in turn means firms will require higher rates of return before undertaking capital projects.

The anti-takeover bill, if enacted, would act like a temporary antidote to a serious disease. Such a remedy may seem to bring instant relief, but it eventually worsens the affliction by treating the symptoms instead of the disease. Though takeovers cause short-term disruptions in inefficiently managed firms, they help the health of the Michigan economy by performing major surgery where and when it is most needed.●

ESTONIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, today Estonians around the world mark the 70th anniversary of their Nation's last true Declaration of Independence. We join with them today in commemorating not just their declaration of independence and democratic constitution, but also their success and prosperity during the brief periods in which Estonia was not plagued by war and their stuborn will to survive annexation and repression at the hands of the Soviet Union. Their courage and determination over the centuries command our profound respect and admiration.

From the very beginning, an independence of spirit and the quest for liberty have been hallmarks of the Estonian people. The battleground of endless foreign rivalries throughout the millennium, Estonia emerged from World War I a newly independent land eager to take the path of democracy, modeling its constitution on those of the French, Swiss and the Americans. Its fresh democracy invigorating a burgeoning economy, Estonia soon proved to be a shining model of political and economic diversity, of academic and educational excellence, and of agricultural and industrial growth. Estonians abroad, particularly in the United States, have carried that rugged independence of spirit wherever their fortunes have brought them. We in the United States can be especially proud today of our Estonian American friends' unique contributions to the fabric of America's culture, political system and economy.

Yet as we reflect on Estonia's brief period of sovereignty, we remember how quickly liberty was snatched from their grasp with the advent of World War II and the Soviet invasion. Witness to Estonia's continued repression, we are all the more solemn in commemorating that Nation's Declaration of Independence 70 years ago. Estonians today carry with them the memory of what their land once was and the vision of what it could be in the future. Their heroes of today come to mind, human rights activists such as Mart Niklus and Enn Tarto, men and women who defy Soviet authorities' temporal punishment in upholding the principles of the Helsinki accords. Many have spent most of their adult lives in the Soviet prison camps. Mr. Niklus, who first translated the Universal Declaration of Human Rights into Estonian, has spent many years in Soviet labor camps and prisons, including the notorious Perm camp 36-1, and he remains in solitary confinement. Mr. Tarto, currently serving his third long prison sentence, has been imprisoned simply for distributing unofficial literature, establishing contacts with emigres and signing statements protesting the Soviet Union's annexation of the Baltic States.

Despite official harassment, Estonians will not be denied their rights to free speech and assembly on this auspicious day. As Estonians gather today in their capital, Tallinn, which has been declared off-limits to Western diplomats and journalists by the Soviet Government in anticipation of the mass demonstrations, let us join with them to honor the memory of an independent nation and the perseverance of an indomitable people.●

CONCERNS OF DISABLED AND ELDERLY PERSONS

● Mr. SIMON. Mr. President, at the beginning of this year, while many of us were making New York's resolutions, some were looking at the opportunities the new year might offer—dreaming of how we can improve the future and make our country better for all of us. One of those making a wish list of dreams for a better future was Charles D. Goldman, an attorney who focusses on the rights of people with disabilities.

In the following article from "C.O.D.E., Concerns of Disabled and Elderly Persons," a Minnesota newspaper, Mr. Goldman describes the incompleteness of Federal laws protecting persons with disabilities and discusses the need for a Federal law prohibiting discrimination in places of public accommodation.

This is an issue to which we should give serious consideration. There is a need to renew our national commitment to our 36 million citizens with disabilities by ensuring that they are welcome participants in all parts of society.

Last year I had the opportunity to review Mr. Goldman's new book, "Disability Rights Guide," in which he sets forth practical solutions to problems affecting people with disabilities. I recommend the book, and the following article.

CONCERNS OF DISABLED AND ELDERLY PERSONS

While future articles in this space will provide practical insights into current legal issues or court decisions, this article recognizes that it is now holiday season. While we should be thankful for what we have, it is also nice to dream and make wish lists as well as New Year's resolutions. It is a time to try and sit back and relax and contemplate—even such seemingly mundane things as a child's game of catch or baseball.

As a practicing attorney my list would include laws to help my clients. Sweeping federal civil rights legislation prohibiting discrimination against persons with disabilities in all employment situations and in all housing related situations would definitely be included. Near the top, if not at the very top, of my list would be enactment of a federal law prohibiting discrimination against persons with disabilities in places of public accommodation. These are laws persons with physical or mental disabilities, physical and mental, need enacted to have full fledged federal civil rights.

Let me explain why a public accommodations law is at the top of my wish list this year. Places of public accommodation are the places where people are participants in the fabric of society. These are places and the activities within them where the public in general is invited and welcomed. These are parks, restaurants, hotels, banks, malls, stores, movies, theatres, concerts, stadiums, etc. Two situations this year, one involving a highly qualified disabled adult and the other involving disabled children dramatically underscore the need for this law as both entail exclusions and America's pastime, baseball. One concerns a softball league manager in Nebraska and the other, some prospective Little Leaguers in Massachusetts.

Let's put this in the perspective of time. Jackie Robinson, my boyhood hero in Brooklyn, was the first black major leaguer in 1947. Civil rights sit-ins and marches were the order of the day with Dr. King in the 1960s. The major civil rights bill of this century was the Civil Rights Act of 1964. By breaking the national logjam on civil rights for minorities it paved the way for enactment of other legislation, such as the Rehabilitation Act of 1973. The Civil Rights Act of 1964 is a national commitment to human decency for minorities. It guarantees equal employment opportunity and it guarantees the right to use public places, places of public accommodation. The federal law was a message to the states to enact similar protections and to the Nation that racial bigotry was intolerable.

Unfortunately, in 1987 while we commemorate the 40th anniversary of Jackie Robinson in baseball and the silver anniversary of the Civil Rights Act of 1964 is on the horizon, there is no similar guarantee of federal civil rights for persons with disabilities.

Persons with disabilities do not have the same protections and rights as other groups, such as minorities. There are no guarantees of civil rights in places of public accommodation or in most everyday employment and housing situations. The federal law is extremely limited, to employees of the federal government, government contractors and recipients. Only federally funded (not guaranteed and thus, not VA or FHA) housing is covered by the Rehabilitation Act mandate not to discriminate.

This cavernous gap of civil rights protections has been highlighted by the incidents in Nebraska and Massachusetts. In one, a man who is the coach of a softball team has been told he can no longer manage on the field in his wheelchair and must be on the sidelines. Until he was barred from the field last year, the man, Bob Lowenstein, like his able-bodied colleagues, had been managing on the field for years. The games are played where the public is invited. Bob Lowenstein is no ordinary person. He is a public school teacher who enjoys sports. He was also qualified enough to be appointed a Commissioner of the Nebraska Equal Opportunity Commission. Now he finds himself embroiled in costly, protracted litigation.

The other instance which perked me up recently is the situation brewing with Little League and some children with disabilities in Massachusetts. Initially the kids were barred from participating with their able-bodied colleagues. Now, Little League appears to have relented. Apparently, the powers that be cannot decide what to do with these kids who have disabilities and who want to play ball. While there are ongoing negotiations, litigation may be necessary to try and get the kids into the game.

The answer in both situations is simple: Let' em play. Both Bob Lowenstein and kids in Massachusetts deserve their chances. Lowenstein has proven he's capable of handling himself on the field. Disabled kids can play. Ask anyone who saw the baseball game at this year's Pan American games. The most valuable player was Jim Abbott, a pitcher from the University of Michigan, who happens only to have one arm. As a former youth soccer coach and referee, I know firsthand that sports can be the great equalizer and integrator. Kids are kids who play when alleged grownups do not interfere. Coaches, umpires, managers, referees, and players make reasonable accommodations by allowing kids to play to the best of the kid's abilities, not to the best of the parents' or administrators' preconceived standards.

Last spring Al Campanis, then a Los Angeles Dodgers Vice President, made remarks on television which shocked the country into realizing how little executive and managerial equal employment there was for minorities in baseball. Will the Little League case be a similar catalyst for disabled persons? Disabled persons are at the point where they are trying to get into the game. It reminds me of the cartoon that appeared in the early 1970s in which a bus without a ramp/lift pulled up and a black person and a person in a wheelchair were there. The person in a wheelchair says "But some of us can't even get on the bus."

Both Bob Lowenstein and the would be Little Leaguers are going to be following state laws in their cases. Thankfully, most states, including both Massachusetts and Nebraska, prohibit discrimination against persons with disabilities in places of public accommodation. But would either controversy have arisen if there had been a national commitment, a federal law prohibiting such discrimination? Almost twenty-five years after enactment of laws prohibiting discrimination against minorities in places of public accommodation, the time has come for a similar federal law for persons with disabilities.

Jackie Robinson and Dr. Martin Luther King, Jr., would both have testified for such a law. They believed everyone had the right to be on the bus and in the game on their merit.

Holidays remind us of what we have, the goodness in people, our merits. But we need to think of the more that can and should be done.●

SR. M. EAMON O'NEILL

● Mr. HEINZ. Mr. President, I rise to honor Sr. M. Eamon O'Neill, dean of the Graduate School of Arts and Sciences of Marywood College in Scranton, PA, for her outstanding efforts to stimulate voter participation.

Today, the National Student/Parent Mock Election is recognizing Sr. Eamon, along with two other colleagues from Michigan and Georgia, for "national leadership in parent involvement and citizenship education, and her untiring effort on behalf of the Nation's children, their parents, and their teachers."

Mr. President, an active, involved and informed citizenry is the key to a viable democracy. Yet, statistics indicate that voter apathy has reached epidemic proportions, particularly among younger voters. In 1984, only 83 percent of the eligible voters under 30 bothered to vote. How can our freedoms be protected if so few young Americans care to participate?

Sr. Eamon is working to reverse those statistics. As Pennsylvania Statewide Coordinator of the National Student/Parent Mock Election for the last 10 years, Sr. Eamon has taught thousands of Pennyslvanians what is meant by responsible citizenship. In 1984, 75,000 Pennsylvania students and parents cast their ballots in the mock elections, and over 2 million Americans participated nationwide.

In 1988, organizers of the National Student/Parent Mock Election anticipate that between 5 and 10 million will participate. Participants in these mock elections learn to discuss their decisions with their parents and friends. They develop an interest in critical national issues. And most important of all, they learn the lessons of democracy by becoming involved in the decisions that affect us all.

Mr. President, the award that Sr. Eamon is receiving from the National Student/Parent Mock Election states that, "Informed and participating citizens are the strongest guarantee of our freedom." Sr. Eamon and her colleagues throughout the country are working to ensure that we continue to have an active and informed citizenry.

The country owes Sr. Eamon a great debt. I urge my colleagues to support the National Student/Parent Mock Elections in this vital work, and I congratulate Sr. Eamon for her outstanding achievements.●

CHILD CARE SERVICES IMPROVEMENT ACT, S. 1678

● Mr. DECONCINI. Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 1678, the Child Care Services Improvement Act which was introduced by Senator HATCH on September 11, 1987.

As an original cosponsor of S. 1885, the Act for Better Child Care Services, the comprehensive child care bill which was introduced by Senator DODD, I have debated long and hard on whether to add my name to the Hatch bill as well. While there will be those who will vigorously disagree with my decision, I have concluded that the more public attention that is focused on the child care issue, the greater the opportunity for resolution of this matter.

Mr. President, all the polls indicate that child care is one of the most difficult issues confronting families in modern day American society. In a majority of our families both parents have to work to make ends meet. That is a simple fact of life. And the incidence of the two working parents family will only increase in the months and years ahead. Yet, we as a society have failed to put the issue of child care on the front burner. We can no longer afford to do that if the family is going to survive and thrive in modern society.

Mr. President, not only is there an inadequate supply of child care services in America today, there is a grossly inadequate supply of quality and affordable day care. No parent should have to spend his or her entire working day wondering if his or her child is in good hands, whether the child is being well fed, whether the child is being abused. Working together, I am confident that we can lift this awful burden from the American family.

While I do not support every element of the Hatch bill, I am encouraged that he has developed a child care initiative. The more Members of Congress who become involved in this issue, the closer we will be to a resolution of this troubling problem. Senators CRANSTON and DODD have been working on this issue for many years. I have learned a great deal about this issue from them and have enjoyed a close working relationship with them and their very able staffs. I look forward to working with Senator HATCH and his staff as well.

Mr. President, I believe the revolving loan fund, the tax incentives and the insurance liability pool provisions contained in the Hatch bill are laudable ones which I can enthusiastically support. I do have problems, however, with other elements of the bill, particularly some aspects of the tort reform provisions and the failure to link block grants to States to specific standards. But working together, with constructive debate, I am confident that we can formulate a bill which can pass both Houses of Congress and be signed by the President. The legislative process is one of give and take. And we have a right and duty to fairly consider all the options on the table. I intend to do just that.

Once again, I commend Senator HATCH for the time and effort he has put into developing a child care initiative. I look forward to working with him, and Senators CRANSTON and DODD as well as the Alliance for Better Child Care on this vital matter.●

ESTONIAN INDEPENDENCE DAY

● Mr. DECONCINI. Mr. President, on this day, February 24, 1988, Estonians all over the world will celebrate the 70th anniversary of the declaration of independence of the Republic of Estonia.

Unfortunately, the celebrations in Estonia itself will be somewhat subdued. For the last 48 years, Estonia, along with its Baltic neighbors Latvia and Lithuania, has been illegally, blatantly, and brutally occupied by the Soviet Union.

The United States has never recognized the illegal occupation of Estonia, and to this day recognizes the Estonian mission in New York City as the legitimate diplomatic representative of Estonia.

For 47 years, the Soviet Government has tried vainly to eradicate Estonian national consciousness, the language, the cultural heritage, the memory of freedom. In 1940 and 1941 alone, over 40,000 Estonians were sent to Siberia. Thousands more followed when Stalin reestablished control after World War II. The last President of Estonia, Konstantin Pats, disappeared into the Gulag without a trace. In free Estonia, his birthday would have been celebrated yesterday, February 23.

In an interview following his emigration to the West, veteran Ukrainian political prisoner Danylo Shumuk described the fate of Estonians in Stalin's death camps in the late 1940's and early 1950's:

> Between 1945 and 1953, the largest proportion of those who died were Estonians. They found it especially difficult to master Russian and they did not adapt to the Gulag's conditions as quickly as the Ukrainians, Lithuanians, or Latvians. The Estonians would work until they dropped and then die of hunger.

Following Stalin's death, the repression in Estonia became more subtle, but no less harmful. Free political expression was out of the question, as was unhindered travel abroad or emigration. Many works of preoccupation literature and music were banned, historical monuments destroyed, and the Estonian language downgraded in schools. The history taught in those schools was distorted beyond recognition in a vain attempt to keep Estonian youth from learning the truth about their nation's past.

Moreover, immigration of non-Estonians has threatened to make Estonians a minority in their own country. In a sense, Estonians are being punished for their own industriousness, their stubborn refusal to turn their formerly prosperous little nation on the Baltic into a typical Sovietized wasteland. Everyone wants to move there. Due to its strategic location, Estonia is also bristling with military installations. There are over 150,000 Soviet occupation troops in Estonia, which works out to one Soviet soldier for every 6.67 Estonian man, woman, and child.

But Estonians have continued to resist. Strikes and work stoppages have been staged by workers, the flag of independent Estonia is raised surreptitiously over public buildings, and spontaneous demonstrations break out at public gatherings. Two of the most prominent dissidents remaining in the infamous Perm labor camps are Estonians, Mart Niklus and Enn Tarto. Their countryman Yuri Kukk died in March 1981 during a hunger strike while being transferred to a labor camp following conviction on political charges.

Meanwhile, changes are occurring in the Soviet Union, even in occupied Estonia. Glasnost, the "giving voice" through which General Secretary Gorbachev hopes to invigorate the Soviet people and resurrect the moribund economy, has given voice to the demand for truth. The first 6 months of 1987 saw active protests by Estonians against the phosphate mining that Moscow seems determined to carry out despite the hazards to the local populace. On August 23, 1987, the anniversary of the signing of the Molotov-Ribbentrop Pact, there were demonstrations throughout the Baltics. In Tallinn, the capital of Estonia, several thousand people marched in solidarity with activists in Latvia and Lithuania, calling for the publication of the Pact, exposure of Stalin's crime, and the release of political prisoners.

Events have since moved quickly. There have been more demonstrations. Some organizers have been expelled from the Soviet Union, others have reportedly been beaten by the police. The Estonian Communist Party Secretary for ideological work has been fired. The press has begun to seriously address the relationship between Estonian natives and Russian immigrants. Four Estonian intellectuals have publicly proposed a plan for making Estonia economically self-sufficient from Moscow. And 16 dissidents have founded the Estonian National Independence Party to "restore a free and independent Estonia."

Mr. President, Tass reported recently that General Secretary Gorbachev plans to convene a special party meeting in the near future to deal with nationality issues. If Moscow is serious about easing the nationality question in Estonia, it might heed its own Constitution, specifically article 72, which states that each Soviet republic retains the right to freely leave the U.S.S.R. According to Soviet historiography, the Estonian people voted, by more than 90 percent, to enter the Soviet Union in 1940. After 48 years, perhaps its time to have another vote.●

TRIBUTE TO BONNIE BLAIR

● Mr. SIMON. Mr. President, I want to call the attention of all of my colleagues in the Senate to the exceptional accomplishment of an outstanding young woman from Champaign, IL. On Monday, February 22, 1988, Bonnie Blair of Champaign established a world record time of 39.12 seconds for the 500 meter speed skating event and won America's second gold medal in the Winter Olympics. I want to join my distinguished colleague, the senior Senator from Illinois, ALAN DIXON, in commending Bonnie Blair on her singular accomplishment.

Ms. Blair is a wonderful example to all young women of what hard work and dedication can do for someone who wishes to achieve athletically. She also serves as a reminder to those of us in the public sector of the importance of title IX of the Education Amendments of 1972. My own daugther Sheila—during her collegiate days at Wittenburg University—excelled in intercollegiate athletics as a result of title IX.

Recently, during our debate on the Civil Rights Restoration Act, the Senate took important steps to continue our commitment to nondiscrimination in Federal programs and continue opportunities for women in intercollegiate athletics. If we doubt our wisdom in that regard, we should remember Bonnie Blair and her world's record, as well as countless other women who benefit from title IX on a daily basis.

Congratulations to my fellow Illinoisan, Bonnie Blair.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, it is with great pleasure that I am able to announce that the need for my repeated statements on behalf of Naum Meiman is drawing to a close. On Friday, Naum Meiman will be leaving the Soviet Union and traveling to Vienna. Then, at long last, on Sunday Naum will fly to freedom in Israel.

Ironically, Naum's release comes on the 1-year anniversary of Inna's death. It is indeed tragic that Naum will not be able to rejoice in his freedom with Inna. Let us hope that we all have learned a valuable lesson from their personal tragedy. Freedom cannot be based on ill health and years of struggle. Freedom, basic religious freedom, must be guaranteed for all regardless of their nationality or homeland.

This past month has been a time of celebration and great relief for Naum, his loved ones, and those that have worked so hard to obtain his release. Though we share Naum's happiness, we cannot end our commitment to the thousands of refuseniks whose struggle continues. We must continue to honor and remember those who live with persecution every day of their lives merely because of their religious faith. We must continue to speak out. We must remain vigilant. Mr. President, I pledge to continue my efforts in this area and I urge my colleagues to do the same.●

KING BIRTHDAY AND BLACK HISTORY MONTH

● Mr. SIMON. Mr. President, February marks the nationwide celebration of Black History Month. It is a time when black Americans look with pride upon their past, present and continuing contributions to American history, culture, government and public affairs, national defense, education and every other aspect of our lifestyle. It is a time to recall the achievements of Frederick Douglass and Sojourner Truth; Booker T. Washington and Mary MacLeod Bethune, General Daniel "Chappie" James and Dr. Charles Drew, Madame C.J. Walker and Benjamin Banneker, as well as to acknowledge the contributions of Marian Anderson, Louis Armstrong and Rosa Parks; and praise the diligent efforts of Shirley A. Chisholm, Barbara Jordan and Blanche K. Bruce.

The importance of Black History Month to white Americans should not be overlooked. It is a chance for many of us of become informed about the contributions of black Americans to the development of this Nation. From inventing the traffic light to discovering blood plasma, from being the first to die in our country's fight for freedom and independence to completing the work of laying out the city of Washington, D.C.—we would not be what we are without black Americans. For most of us our knowledge is limited and our information spotty at best. We know of Martin Luther King, Jr. and his fight for civil rights and we are familiar with many of our current political leaders.

I had the opportunity on January 18, 1988 to be a part of history as a participant in the Third Annual Celebration of Dr. King's birthday as a national holiday at Ebenezer Baptist Church in Atlanta, GA. As Dr. Joseph Lowery, president of the Southern Christian Leadership Conference [SCLC] and pastor of the Cascade United Methodist Church told us, this was the ". . . nineteenth celebration of Martin's birthday as a holy day." This was a unique opportunity to hear leaders talk about this great man and the struggle he lead.

One of those who spoke was our colleague Senator LOWELL WEICKER. His speech, among others, moved those in the audience to stand and applaud. I, too, was moved by his eloquence and sincerity. I hope all of my colleagues will take time to read his brief statement.

Mr. President, I ask that Senator WEICKER's statement of January 19 be inserted in the RECORD.

The statement follows:

REMARKS OF SENATOR LOWELL WEICKER, JR., EBENEZER BAPTIST CHURCH

Good morning. It is a great honor for me to share in this memorial service in a church that was so much a part of the life of Martin Luther King, Jr., his family and community. In these pews, he worshiped as a youth. And when he became a man, these walls rang with his words.

But the nation celebrates today because Dr. King took the gospel of brotherhood and of justice beyond these doors. Picket lines and jail cells became his pulpits. And before long, poor people and Presidents alike joined his congregation.

Dr. King spoke out of love without ever shying away from the truth. His message: redemption and reconciliation were possible but only if the American people had a true change of heart. His goal: a country as good as its Constitution. "Now is the time to make real the promises of democracy," he told us. Now, not tomorrow, or some day in the indefinite future.

For too long, there were those in New England who pretended that racism in America was the fault of a few southern Senators blocking civil rights legislation. Well, we now know that the problem was not a filibuster, but a failure nationwide to deal with discrimination. Once Dr. King and the men and women of the Southern Christian Leadership Conference and the young Freedom Riders and all those who manned the movement forced truth into the open, civil rights legislation rolled through Congress. There was no stopping it.

Twenty years have now passed since the night when shocked Americans gathered in vigil and vowed that all Dr. King had done would not be in vain. Yet today that vision of opportunity is still obscured by the fact of oppression—and our generation needs to face up to it.

During the last decade we have seen a systematic dismantling of civil rights enforcement, an abandoment of our commitment to equal justice under law, and just as ominous, a failure of the people to insist on their hard-won rights.

Recent actions by the courts combined with inaction by Congress have made it possible for institutions—schools, hospitals, even local governments—to discriminate against black Americans, Hispanics, the elderly, the mentally retarded and women and still get the benefit of our tax dollars. Congress could pass a law tomorrow to put an end to subsidized discriminaiton, but it won't until the voice of a nation is heard.

For all the truth of a Justice Department in fundamental disagreement with the Bill of Rights, the truth is also that few Americans are going much to advance a civil rights agenda in Congress, the White House, statehouses or town halls. Judge Bork was right about one thing; courts are supposed to be the last repository of our rights. The people, their legislators and their President are the first. Let me repeat, so this is not a fingerpointing exercise at some mythical "them". People—that's us, legislators—Democrats and Republicans, and our President are No. 1 to make things happen. Yet today, everybody waits and no battle is joined.

Now, I am well aware that Baptists are known for their church music, but I would like to leave you with a hymn from my faith. "Once to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side. * * * Then it is the great man chooses, while the coward stands aside 'till the multitude make virtue of the faith they had denied."

Martin Luther King, Jr. did not wait for the multitude. He talked and wrote and marched through the intimidation, through the violence. And in the end, even death was an ally as his example lives as powerfully as the man.

We do Dr. King's memory an injustice if all we do is wait. Instead, we must act. And the time to do that is now—as soon as we leave this church.●

DR. LeROY KEITH

● Mr. SIMON. Mr. President, on Saturday, February 20, 1988, Dr. LeRoy Keith was installed as the eighth president of Morehouse College in Atlanta, GA. Morehouse is one of the stellar members of the Atlanta University Center and the historically black college and university community. Dr. Keith's inauguration represents a singular achievement for Morehouse College, as it brings one of its own home to lead this outstanding institution of higher education, and an important accomplishment of him as an educator—he could be paid no higher compliment than to be asked by his own alma mater to join its short list of select individuals who have served as its presidents.

Among those individuals are two whom I have known. Dr. Hugh M. Closter, who retires after 20 years as president of Morehouse and two decades of leadership in higher education—as a spokesperson for black higher education, and as one of the outstanding college presidents in America. He leaves Morehouse with a stronger endowment, an improved physical plant, and an enhanced academic environment for the development of young, black men's minds. One of our Nation's most beloved educators was Dr. Benjamin E. Mays. While he was well known in the black community, his academic lantern was bright but hidden from the eyes of many white Americans. Jimmy Carter during his presidency took counsel on education, as well as other issues, from Dr. Mays. Dr. Mays' light took on new meaning and purpose during this time, although he was up in years.

One of my favorite quotes comes from Dr. Mays:

> It must be borne in mind that the tragedy of life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream. It is not a disaster to be unable to capture your ideal, but it is a disaster to have no ideal to capture. It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin.

Mr. President, some might ask what is there left for Morehouse to do? Are there other financial resources mountains to climb? Other fertile academic fields to be plowed? Dr. Keith has answered in the affirmative during his inaugural address. He sets forth a bold plan of action which represents a true challenge for the trustees, faculty, staff, students and alumni. I ask that his remarks be included in the RECORD. I also urge my colleagues to read and understand from Dr. Keith what black higher education is doing to provide expanded educational opportunities for black students at a time when despite major opportunities—higher education is still often segregated and rising costs represent a clear barrier to the poor, especially those who are black and brown.

The speech follows:

INAUGURAL ADDRESS OF PRESIDENT LEROY KEITH

Mr. Chairman, Mayor Young, Dr. Gloster, Mr. Alexander, members of the board of trustees, students, faculty, staff, alumi, representatives of colleges, universities and learned societies, friends and relatives, I am grateful and extremely honored to be inaugurated as the eighth President of this great citadel of learning called Morehouse College. This occasion will hold rank in my memory along side my marriage to Anita Halsey Keith, my wife and best friend, and the birth of my four children, Lori, Susan, Kelli, and Kimberly. I only wish that Roy and Lula Keith, my parents, were here to share this experience with us because they made this day possible by instilling in me the virtues of discipline and achievement and the necessity to be a decent human being in whatever I endeavored to do in life. There are many people in this chapel today who have played a role in my life and career, especially my friends and relatives from Chattanooga who are so prominently represented. When hometown people are around, they renew your sense of humility with such statements as "I knew you when you were knee-high to a duck" or I used to change your diapers." It is good to have you all here today.

My beginnings at Morehouse take me back to the year I entered as a young college freshman. As I reflect back over my student years at Morehouse, they have become more meaningful with time. My reflections take me back to the charge to my graduating class of 1961 by President Benjamin Elijah Mays which was a prophetic statement for me. The following are two excerpts from that charge:

"There is an air of expectancy at Morehouse College. It is expected that the student who enters here will do well. It is also expected that once a man bears the insignia of a Morehouse graduate he will do exceptionally well. We expect nothing less.

"May you perform so well that when a man is needed for an important job in your field, your work will be so impressive that the committee of selection will be compelled to examine your credentials. May you forever stand for something noble and high. Let no man dismiss you with a wave of the hand or a shrug of the shoulder."

On that day in June as I sat listening to the inspiring words of Dr. Mays, I had no idea that the reigns of leadership of Morehouse would someday be in my hands. You never know what fate has in store for you, but I thank God for the good fortune to be here today in the Martin Luther King, Jr. International Chapel to accept my calling.

But Morehouse College is more to me than just my alma mater, and it is more to me than just an institution of higher education; it represents one of the best examples of what can be achieved with limited resources through dedication and perseverance, by people with an unyielding vision for facilitating a higher quality of life for mankind. Morehouse throughout its 121 year history has consistently made a major impact in almost every facet of society through its graduates who are in leadership positions throughout the world. One can only conclude that this small liberal arts college has been nothing short of amazing. The "House" and the "Morehouse Man" are held in high esteem in almost every part of the globe.

The vision and leadership of its trustees and presidents, the dedication and excellence of the faculty, the excellence of the student body, the hard work of the staff, the quality of the alumni and support of friends have made it possible for Morehouse College to take its place among the finest institutions in the country. It is truly a national treasure whose mission of producing outstanding black male leadership must be enhanced.

This is why I stand here today feeling very proud that I have been chosen to take the mantel of leadership of this very important college.

Most would agree that there is an illustrious history of accomplishment at this college. However, it will not suffice for Morehouse to live on past accomplishments. This administration is committed to maintaining the tradition of excellence already established. But, maintaining a tradition will be insufficient. What is required is the enhancement of an impressive legacy; our future bristles with possibilities. It is the goal of this administration to continue to cause the frontiers of ignorance to recede into nothingness.

Accordingly, there must be a vision for Morehouse that is comprehensive in scope and that will test the limits of our stamina and perseverance. In other words, we will have to work untiringly to increase the college's competitiveness as we approach the 21st century. To this end, I envision a Morehouse that will compete with the finest liberal arts colleges in the country when measured by any of the indices of quality used in higher education. My vision also calls for Morehouse to continue to be the most prolific producer of black male leadership in the Nation. This would probably be one of the most significant contributions the college could make to society given the dismal outlook for black males based on most social indicators.

But before I discuss my hopes and dreams for Morehouse, let me say that the intangibles that have always permeated this college must be preserved and treated with tender loving care. We all know that there is a certain spirit that exists here which is unique to Morehouse. It is a spirit that has transformed teenagers into young men who are self-assured and intent on accomplishing their goals. It is a spirit that builds character and self-esteem. It is a spirit that when combined with our rigorous academic programs makes the "Morehouse Man" a man for all seasons. Some call it indoctrination and some call it an on-going orientation. But I call it a mosaic of the spiritual, philosophical, and intellectual. I pledge to you that I will endeavor to protect these special properties of our college. The mystique of Morehouse will live on.

However, the Morehouse mystique alone will not enable us to prosper in the future. We will have to establish some very bold goals and objectives from which our priorities will be derived.

In order to fulfill our goals and objectives, we will first need to determine the optimum enrollment level for the college. Although we are receiving applications in unprecedented numbers, we must set enrollment goals. I envision the Morehouse of the future as slightly smaller in enrollment but with increased quality in its academic programs, students, faculty, staff and facilities. Our time and energy must be focused on the quality of the college as we move toward a more competitive era. The downsizing of our enrollment will result in a lower student-faculty ratio which will allow for the kind of interaction between students and faculty that is characteristic of a high quality undergraduate institution. Intellectual discourse between faculty and students will be far better served in a small intimate environment. In addition, academic advising by faculty will be enhanced.

It is my hope that the Morehouse of tomorrow will remain exclusively an undergraduate institution. I believe it will take all of our physical, mental, emotional and financial resources to advance our mission as an undergraduate institution of distinction. Our graduates will continue to have tremendous opportunities for graduate and professional study throughout the world. Because graduate education is very expensive, it would have a deleterious effect on the quality of our undergraduate programs if it were introduced here.

I believe the Morehouse of the future should have a more integrated core curriculum that will help students to understand the interrelationships between the liberal arts disciplines. To this end, I will ask the faculty to begin a comprehensive review of our General Education Program. This review will assist us in determining the strengths and weaknesses of our core curriculum. At the same time, I will initiate an on-going program review process at the departmental level.

In connection with the review of our academic programs, we must strive to develop more balance in program interest throughout our curriculum. To be quite succinct, the humanities and social science programs at the college should receive more emphasis. We will need to help our incoming freshman and continuing students to understand that there are many career options available to them if they pursue a major in these disciplines. Major corporations will gladly hire our liberal arts majors as they do our business majors. We will never attempt to dictate students' majors but we can do a better job of making them aware of their options.

In the past we have been a leader in the percentage of our students that earn doctoral degrees; however, there has been a decline in Morehouse students who go on to pursue Ph.D.'s. This is a national trend that could result in the absence of black faculty at American colleges and universities in the next century. It is important that we continue to be a leader in producing academic leaders of tomorrow. I also believe that career opportunities for graduates will improve in secondary schools. More States are changing their teacher certification laws to allow liberal arts majors to teach without having completed a professional education curriculum.

To interest our students in graduate school and teaching, Morehouse has implemented a program funded by the Ford Foundation with matching funds from the Pew and Culpeper Foundations. We were the only historically black college funded for this program by Ford. It is a terribly important program to Morehouse and the country, and I pledge to continue this program perhaps at an expanded level.

At the same time that the college enhances its liberal arts curriculum, the Morehouse of the future will have an even stronger curriculum in the sciences, an area that the college is noted for throughout academia. The new biology and chemistry building now under construction will be a state of the art facility for an undergraduate college. It will bolster our already strong reputation for producing outstanding majors in biology and chemistry who have gone on to pursue medical, dental, and Ph.D. degrees. This new facility will also allow the faculty to expose our students to more research projects which are becoming a focus in quality undergraduate colleges.

In the future, our business programs will grow more in quality than quantity. This program is currently oversubscribed and therefore we will need to place limitations on future enrollment. On the other hand, our business majors are beginning to dazzle interviewers from corporate America with their intellect and presence. I believe many of these young men will be heard from again in the executive suites of major corporations as well as through their own entrepreneurial ventures.

As we move toward the next century, the need for a highly technical workforce will be more acute. Morehouse should continue to do its part in supplying leaders in high technology through its own science and math programs and through the enhancement of the dual degree program in engineering with Georgia Tech and the other participating institutions.

We will also establish our own computer science program through a sharing of resources with the other three undergraduate colleges in the Atlanta University Center.

The realization of this goal has been greatly enhanced by the generous gift of a computer lab to Morehouse College by the Apple Computer Company in honor of Mrs. Camille Cosby. In addition, we should soon have other funding to make computers accessible in every classroom, building, dormitory, and office at the college.

As we are all aware, computers will continue to play a dominant role throughout society. I believe that all of our students, regardless of major, will need significant exposure to computers to be competitive in the job market as well as graduate and professional school.

In this complex world of ours where young people have many choices and decisions to make, it would seem very appropriate that through seminars, we could increase the exposure of the Morehouse student body to the issues of morality and ethics. Morehouse is in the business of training leaders, and it is especially important that our graduates have the appropriate underpinnings to be good leaders. For a leader without sound ethical and moral values will become infamous.

It is a known fact that while the world is becoming more complex, it is also getting smaller. Therefore, the future of the nations of the world will become inextricably linked to one another. Our students must be prepared to live in an environment that will require greater interdependence among all people regardless of geographic differences.

I will ask the faculty to develop plans for a program in international education that will focus on the language, culture, history and economics of selected countries throughout the world. I believe funding will be available to pursue this program, perhaps in partnership with another Atlanta University Center college.

As I stated earlier, we have been in the business of developing black male leadership for 121 years. Given the very disturbing trends regarding black males, I think the logical place to begin a serious research program on the study of black males is Morehouse College. Thus, this semester I will appoint a committee to begin the development of a conceptual framework for the Morehouse Research Institute. This would hopefully be an interdisciplinary research institute that would collect data and develop policy alternatives that might impact local, State, and Federal policies in a manner that would help the plight of blacks in general and black males in particular.

The Morehouse students of the future will need to experience a higher quality of life on campus. Accordingly, we will strive to create an environment for students that will be more conducive for the pursuit of their educational goals and objectives. This will include improvements in the buildings and grounds of the campus and increased opportunities for student participation in extracurricular activities. We will endeavor to develop a prominent collegiate atmosphere on campus with a better gathering place for student interaction. Campus and commuter students both need to have a place to study and relax between classes and in the evenings. It is imperative that we make this happen. One positive step in this direction is the renovation of the Frederick Douglas commons which will begin in the next few weeks.

A small liberal arts college like Morehouse is obligated to have academic and student services that are efficient and respond effectively to the needs of students. The college has a dedicated and committed staff that will be working very hard to expand and improve the scope of services available to the student body. The opening of the new counseling center this month will most certainly be an important addition to the services available to students. This academic year we will review our academic advising system to determine our strengths and weaknesses and to make recommendations for improvements. In addition, we are currently assessing the needs of other administrative offices that are central to student welfare.

In our quest to improve the overall environment of the campus, we will work closely with the other institutions in the Atlanta University Center and with city officials to enhance the neighborhood where this important higher education complex is located. We cannot ignore the needs of our neighboring community. As a distinguished institution of higher learning, Morehouse must continue to be on the cutting edge of social change. This is a part of our credo.

I believe we should continue to encourage cooperative efforts with the other institutions in the Atlanta University Center complex. Collectively, we have a rich pool of intellectual resources to share with each other.

Let me now briefly discuss the priorities that we are presently addressing and that will continue to be of major importance in our long range plans.

First, it is widely recognized that the reputation of a higher education institution rests first and foremost with the quality of its faculty. The faculty is the lifeblood of Morehouse College. Without a strong faculty, Morehouse will reduce itself to mediocrity. This institution is far too important to let this happen. Therefore, we must be in a position to recruit the very best faculty available to the college. We have a strong faculty, but we must augment their ranks and then retain these scholarly professionals.

The college received word this week that it has been awarded a $10,000 planning grant from the Bush Foundation for faculty and staff development. I am hopeful that this grant will allow us to develop plans for a comprehensive faculty development program. However, our faculty development program is still in need of additional resources. Also our compensation package for faculty and staff must be improved. It is imperative that salaries and benefits for our faculty and staff become more competitive. This concern must rank among the highest priorities of the college and will receive immediate attention.

Although Morehouse is basically a teaching institution, we will develop incentives for faculty participation in research and public service.

Another high priority for the future is to ensure the assessibility of higher education to all who plan to attend Morehouse, regardless of financial need. This can be possible only if we are in a position to provide more scholarship assistance from the college's endowed scholarship fund. As we all know, Federal student assistance programs have not kept pace with the cost of a college education. In addition, Federal policies regarding student assistance now place a much heavier loan burden on students eligible for financial assistance. The shift from grants to loans is a disincentive for many potential college students. In light of these policy changes at the Federal level, we will need to step up our efforts to increase our own scholarship funds. We want to always make a Morehouse College education available to that student from a small Georgia hamlet who has a thirst for knowledge. We will concentrate a large part of our fundraising efforts on bolstering our scholarship funds.

Our student body will also continue to reflect diversity. We will not rely solely on quantitative measures to determine the eligibility of students for admission to Morehouse. Many of our students have come to us as "diamonds in the rough" and leave as "polished jewels" who go on to become outstanding citizens. This to me is the essence of exploiting the human potential for the betterment of society. This is a central part of our mission.

I have already spoken briefly regarding the need to improve and maintain our facilities; these facilities include our academic and nonacademic buildings and equipment. The educational program of the college cannot be first rate unless our facilities are first rate. This means that the buildings of this campus complex will need to be maintained on an ongoing basis. Starting with the next fiscal year, the budget will include a line item for facilities renewal that will be utilized to make repairs and upgrading where required. We also need to have state of the art equipment to facilitate quality instruction in our classrooms and laboratories. At the same time that we will aggressively pursue comprehensive renovation, I envision only modest growth in the physical plant in the future. This would be consistent with our goal for stabilizing enrollment and concentrating on quality.

For the college to pursue its goals and objectives and to address the aforementioned priorities, a college-wide planning process will be implemented as soon as possible. A planning committee representative of the college community is being structured now.

As you can see, Morehouse college has a long and awesome agenda ahead which will require a herculean effort on the part of every constituent group at the college and increased support from outside sources. But in order to generate more outside funding, the college must do a better job of helping itself. The alumni of Morehouse is a very distinguished body which has the potential to increase its participation in giving to the institution. I truly believe that the deep love and great enthusiasm that alumni have for Morehouse College can serve as a manifestation for an extraordinarily successful alumni giving program. We will need to develop a formal structure for our alumni fund raising effort and perhaps designate it as the Morehouse annual fund. I believe the annual fund should have an overall goal with each region of the Alumni Association having its own goal.

The alumni can be of great assistance to the college in numerous other ways including serving as role models for our students, participating in local alumni club recruitment programs, and networking for students. I have already asked the alumni to increase their involvement in the recruitment of students and financial aid counseling in their local areas. We held our first alumni workshop on admissions and financial aid in December which was successful. I believe the alumni can provide invaluable assistance to students and parents as they weave their way through the complicated web of financial aid regulations. I also believe that an alumni program for interviewing prospective students can help us in the admissions process. I welcome and encourage your support and cooperation, for your continuing role is essential to a bright future for the college.

In addition to increased alumni support, Morehouse must solicit from corporations, foundations, government and individuals. In the near future, I will present plans to the trustees for a very ambitious fundraising program to raise money to increase our endowment and to address our operational needs.

Since its founding in 1867 at the Springfield Baptist Church in Augusta, GA, this small college seems to have been destined for a special place in history. It has endured in spite of racial oppression and other barriers. Remarkably, here we are in 1988 with a Morehouse College that would amaze its founding fathers who probably had no idea that the institution they started with a limited objective is now a prominent college with unlimited potential.

This brings us to today, February 20, 1988 where on this day Dr. Hugh Gloster and I have formally completed the transition of the responsibility for the advancement of Morehouse College to me. But as Dr. Gloster, knows it will take the coalescing of many people around the plans and aspirations of the president to make this administration successful.

I urge you to join me in this effort to propel Morehouse into the 21st century with the competitive edge to be deemed one of America's foremost institutions of higher learning. The House will become a stronger house.

With God's help, we will realize our goals.●

ESTONIAN INDEPENDENCE DAY

● Mr. WEICKER. Mr. President, today marks the 70th anniversary of the declaration of independence of the Republic of Estonia. I am honored to join with Estonian-Americans and Estonians throughout the world in commemorating this day and in showing support for Estonian people in their difficult struggle to gain independence.

On February 24, 1918, the people of Estonia proclaimed their independence and freedom. Estonian independence was confirmed in 1920 when the Soviet Union signed a peace treaty with Estonia recognizing the new republic and renouncing all rights of sovereignty over the Estonian people. For 20 years, the small democratic nation of Estonia flourished. Estonia became the first nation in the world to grant all its linguistic minorities cultural autonomy. During this brief period, the Estonian people further strengthened their strong national consciousness and pride.

In 1939, Estonia's peace and freedom fell victim to Soviet expansionism. The illegal Soviet annexation of Estonia brought extreme hardship. For the last 46 years, the Estonian people have endured widespread deportation, execution, and emigration. Between 1939 and 1949 alone, 350,000 Estonians died, out of a total population of 1.25 million. The United States has never recognized the Soviet occupation of Estonia or its Balic neighbors, Latvia and Lithuania.

I admire the Estonians' spirit and national pride which has persevered despite continuing Soviet attempts to deprive Estonia of its cultural heritage. In the midst of daily oppression by the Soviets, Estonia's resistance movement continues to grow. Estonian citizens recently announced the formation of the Estonian National Independence Party to promote human rights and self-determination of the Estonian Republic.

As the Estonian people mark the 70th anniversary of Estonia's independence, we must never forget their difficult struggle for freedom and self-determination. As the leader of the free world, the United States should reaffirm our commitment to human rights and to the people of Estonia.●

IN RECOGNITION OF THE SIXTH ANNUAL NATIONAL YOUNG LEADERSHIP CONFERENCE

● Mr. CHILES. Mr. President, today I would like to draw to my colleagues attention a special event that will take place in Washington next month. This event is the Sixth National Leadership Conference, cosponsored by the United Jewish Appeal's Young Leadership Cabinet and Young Women's Leadership Cabinet.

The conference, which runs from March 13 through March 15, brings more than 3,000 young Jewish leaders to Washington from 36 States across the country. I am proud to say that approximately 300 Floridians will be participating.

The purpose of the conference is to bring together young Jewish leaders in an environment of discussion and learning. The program educates the participants on major issues that affect the Jewish community and emphasizes the importance of being active in both the Jewish community and the American political process.

I am proud to be one of the speakers at this year's conference. I know that many of my colleagues have also already arranged to participate. New York Gov. Mario Coumo, Israeli Foreign Minister Shimon Peres, Defense Minister Yitzhak Rabin, and former refusenik Natan Shcharansky are some of the guests scheduled to speak.

Experts on United States-Israeli relations, as well as White House and State Department officials, will brief the participants on the state of United States-Israeli relations and the current situation in the Middle East. Other seminars include one on international terrorism and one dealing with America's role in the Persian Gulf.

The conferees are also going to do some rejoicing. A celebration is being held for the 40th anniversary of the birth of Israel and the 50th birthday of the United Jewish Appeal.

Mr. President, the continuing success of the Young Leadership Conference and similar programs is a clear sign of the health and vibrancy of our participatory democracy. I look forward to greeting the conferees next month.●

INAUGURATION OF ROH TAE WOO

● Mr. DASCHLE. Mr. President, the inauguration of Roh Tae Woo marks an important and historic moment in the Republic of Korea. As this government begins a new chapter in Korean political progress, the eyes of the world are upon it.

Certainly, within the United States there is great interest in the new Korean leadership. I am sure that I speak for all of my colleagues in wishing the President and his government well as they commence. For it is our sincere hope that the governments of both of our countries will work to find constructive solutions to the mutual challenges and opportunities which we face.

Having just returned from Korea, I clearly remember my many conversations with both business and governmental leaders with regard to their earnest desire to continue the close relationship with the United States. While we may see our mutual problems from different perspectives, it will only be through that close relationship that we will enable our countries to overcome them.

Certainly the most pressing of these is trade. It is my strong desire to see the major imbalance of trade between Korea and the United States reduced significantly this year. It continues to be the responsibility of both governments to demonstrate not only their willingness but their capability to do so.

From my perspective, there is no more important trade issue than the one involving the prohibition of imported American beef in Korea. Now, with its change in government, Korea can seize upon an opportunity to demonstrate its good faith and determination to reduce the trade deficit this year by removing this long standing prohibition as soon as possible.

For our part, it is important that we avoid the temptation to pass protectionist legislation in retaliation to the current difficulties posed by such prohibitions and quotas in Korea and other countries of the Pacific rim.

While trade legislation may be necessary for many reasons, such legislation must be prospective, not retrospective. It must be aimed at strengthening trade relationships, not tearing them down. Building bridges, not walls.

The people of my State desire cooperation, not confrontation. We want to build friendship with both the people of Korea as well as its government. We seek similarities, not differences. Opportunities, not obstacles.

To President Roh Tae Woo, his government, and his people, let us send our sincere best wishes for a bountiful future of social and economic growth in full partnership with the people of the United States. ●

S. 2062—STATE AND LOCAL GOVERNMENT EXTENSION REAFFIRMATION ACT

● Mr. MELCHER. Mr. President, I am joining my colleague from Oklahoma, DON NICKLES, in cosponsoring S. 2062, legislation which would exempt State and local governments from paying Federal gasoline excise tax on gasoline.

State and local governments have been exempt from this Federal tax and they should remain exempt. We shouldn't expect them to pump their limited dollars into the Federal Treasury just because the Federal Government needs some new schemes to balance its budget. We've already clobbered their strained budgets enough with our cuts in Federal programs, particularly revenue sharing.

Then Congress turns around and says these governments can apply for a refund on a quarterly or annual basis if they can show they used the gasoline for their own exclusive needs. What a bunch of hogwash. That just means more paperwork and that the Federal Government has found a new way to get interest-free loans.

Plus this tax is unfair to the smaller towns—those governments who won't pay over $1,000 in gasoline tax per quarter. These governments have to wait until the end of the year to get a rebate whereas the larger governments who pay more than $1,000 in gasoline tax per quarter can get repaid quarterly.

This tax simply makes no sense and we should repeal it immediately.●

FEBRUARY 25, 1870: FIRST BLACK SENATOR

● Mr. DOLE. Mr. President, 118 years ago today the Senate voted 48 to 8 to seat Hiram Revels of Mississippi—the first black person ever elected to the U.S. Senate.

An emotional debate preceded the vote on Revels' credentials. Democrats cast doubt on the authority of the reconstruction government of Mississippi, but Republicans charged them with "hiding their anti-Negro sentiments behind a mask of technicalities." Senator Garrett Davis of Kentucky declared the seating of a black man in the Senate a "morbid state of affairs," and denied that freed slaves could even be citizens, let alone serve in the national government. Senator Willard Saulsbury of Maryland denied that the fourteenth amendment was a legitimate part of the Constitution and called the seating of a "negro or mulatto or octoroon in the Senate of the United States" to be a "great and damning outrage." Against such blatantly prejudiced arguments, the majority of the Senate stood firm and voted to seat Hiram Revels.

Revels' term in the Senate lasted only from 1870 to 1871, but during that period he spoke out in defense of freedmen's rights, in favor of enforcement of Federal election laws, and in opposition to segregated schools.

If race had not been an issue, it is doubtful that any challenge would have been raised against Hiram Revels, who possessed strong qualifications and experience. He was a college graduate and an ordained minister in the African Methodist Episcopal Church. He had helped to organize black regiments during the Civil War, served as a chaplain in the Union army, as an alderman from Natchez, MS and as a State senator. After completing his short term in the U.S. Senate, he returned to become secretary of state of Mississippi and president of Alcorn Agricultural College. Of all these accomplishments, however, he will be most remembered for having integrated the U.S. Senate.●

SIGMUND STROCHLITZ ON ISRAELI-PALESTINIAN CONFLICT

● Mr. DODD. Mr. President, I would like to bring to the attention of the Senate an excellent article from the New London Day that was written by a constituent and close friend of mine, Sigmund Strochlitz.

Ziggy, as he is affectionately known, is an admirable individual who has devoted his life to bridging the gap and differences among peoples. A Holocaust survivor, he has taken an active role in national and international human rights issues.

The plight of the young suffering from the Israeli-Palestinian conflict is a matter which is of great concern to all of us. His article will not resolve the current conflict, but it will make many think about the larger issue of human suffering that has resulted from the instability of the region.

I ask that the article be printed in the RECORD.

The article follows:

[From the New London Day, Feb. 14, 1988]

AN AMERICAN JEW'S FAITH IN ISRAEL'S HUMANITY

(By Sigmund Strochlitz)

I am saddened by the violence and pictures of Arab teenagers throwing rocks and Molotov Cocktails at not much older Israeli soldiers. I am appalled by the shootings and beatings and the psychological damage to young people growing up to hate each other. I am distressed by extremists on both sides gaining the upper hand and even more so by the pronouncements of Arab leaders that they will turn Israel into another Lebanon.

Isn't one Lebanon enough? One hundred thousand people were killed in Lebanon in the last few years and the killing is still going on. Moslem Arabs fighting Christian Arabs, one brother against another, Shiites killing Palestinians and Sunni Moslems fighting the druze community. When will the Arab leaders come to their senses and help build a climate of cooperation and nonconfrontation, and in the process accept Israel's right to exist?

Having said that, let us understand that the problem in Gaza and the West Bank did not begin in 1987. The refusal of the Arab Nations to accept the 1947 decision of the United Nations to partition Palestine into an Israeli and Palestinian state is the root of the problem. Had the Arabs accepted the United Nations plan, there would today be a separate Palestinian state living alongside a Jewish state.

Instead of agreeing to peace with Israel, the Arabs attacked the new nation, urging the Arabs living in Palestine to leave their homes and promising them that they would return with the victorious Arab armies and drive the Jews into the sea. That did not happen. But a refugee problem was created by their own leaders who betrayed them and have kept them in refugee camps for 40 years in order to use them as political pawns.

If that is not enough, let us remember that in 1967, 20 years later, Israel was forced to fight another war, being attacked by five Arab armies and pleading with King Hussein, on the first day of the war, not to enter the fighting. Israel won that war and those territories lost to King Hussein in 1967 are today referred to by the Arabs as occupied territories.

The war in 1967 was fought in June, and Israel was prepared to give back territories for peace. And yet in September of that year, the Arab States met in Khartoum and issued the famous three nos: "No peace, no recognition and no negotiations with Israel." To this day all Arab nations, except Egypt, continue to be unwilling to talk directly with Israel and help relieve the lot of the Palestinian people. Israel is forced to rule over Palestinians largely because these Arab nations have left no other choice.

I have heard many say that Israel should walk away from the occupied territories in the hope that this gesture would produce enough Arab good will for peace. History and geography counsel against such a gamble. There is a great likelihood that Arab extremists would use these territories as a base that would ultimately constitute a threat to Israel's very existence. Israel should therefore not be discouraged or panicked by reaction to the riots.

It is true that the Arabs have come up with a new tactic. Instead of troops and tanks and planes, they are resorting to stones and Molotov Cocktails. Instead of dispatching trained terrorists to murder Jewish civilians, they are sending young Palestinians against young Israelis. That tactic has put Israel in a position in which anything they do in trying to restore order draws the wrath of the world upon their heads.

Thus, when Israel's troops responded with live ammunition, Israel was condemned. When Israeli authorities sentenced a number of riot leaders to expulsion, Israel was condemned. When the troops shifted from shooting to other methods in order to save lives, Israel was again condemned. I have to ask myself, is there anything Israel can do and not be condemned? Or must Israel not only be good, but also look good at whatever costs. And finally, are we witnessing a repetition of the old scenario that when Jews are being attacked and killed, the world is indifferent. But when Jews defend themselves they are being condemned.

I would like to conclude by quoting a speech delivered by Associate Supreme Court Justice William Brennan during the recent disturbances. Justice Brennan said:

"It may well be Israel and not the United States that provides the best hope for building a jurisprudence that can protect civil liberties against the demand of national security. For it is Israel that has been facing real and serious threats to its security for the last 40 years and seems destined to continue facing such threats.

"The struggle to establish civil liberties against the backdrop of these security threats, while difficult, promises to build bulwarks of liberty that can endure the fears and frenzy of sudden danger guaranteeing that a nation fighting for its survival does not sacrifice these national values that make the fight worthwhile. In this way adversity may yet be the handmaiden of liberty."

For my part I am bound by the modern Jewish imperative that Israel must live. Since I do not daily share its danger, it is not for me to reason how Israel should conduct itself. And yet I have faith in Israel because I have faith in my humanity.

Sigmund Strochlitz, of New London, is a Holocaust survivor who is active in a number of humanitarian causes nationally and internationally.●

INFORMED CONSENT: RHODE ISLAND

● Mr. HUMPHREY. Mr. President, abortion is not a safe, simple procedure to remove the products of conception from a woman's womb. It is a major surgical procedure that involves serious risk and potential consequences to the woman and death to her unborn child. Thousands of women have submitted to this procedure without the full realization of the facts of abortion. My informed consent legislation will ensure that women are given basic information that will enable them to make informed decisions. I ask unanimous consent that a letter from a woman in Rhode Island who supports informed consent be entered into the CONGRESSIONAL RECORD.

The letter follows:

August 19, 1986.

DEAR SENATOR GORDON HUMPHREY, I have been a victim of abortion twice. The first time I did not talk to anyone about it. I was just 17 and I was scared and confused. Some years later, I was still confused in life and I had another abortion. Afterwards, I looked back on the whole scene and I was devastated. When I got pregnant the second time, I couldn't make up my mind. It was harder to have the second one because I had promised God that I would never do that again. I was not in my right mind when I went through with it.

I believe they (the abortion clinics) should tell these girls the facts. That at 7 to 8 weeks old the heart beat is traceable, and there are hands and feet, etc. If the people could and would hear the truth, I'm sure there would be a change of heart. I for one know that if I had been told the truth about the fetus and that I would be supported, I would not have aborted the child.

They also don't warn you about the psychological effects which will occur shortly after and will grow progressively worse with time. I have experienced this and can only try to explain and have you understand the excruciating pain that I and many others have endured. You suffer guilt, a sense of loss, the realization of murder. You feel evil, unforgivable, and you lose whatever self respect you had. Those are just a few of the problems.

I don't think that there are many cases where the woman feels a sense of relief. Maybe initially she does, but it doesn't last, no matter what she thinks, or if she tries to deny it.

Words cannot express the torture that I put myself through, and I am writing to you so you can help to put an end to this violence against babies, women, and society itself. I know there are a lot of girls hurting out there and I hope we can save them and the ones who have not experienced this yet. The good Lord has looked down upon me with Mercy and he has given me new life. I pray that I can do whatever I can to inform people of just how horrible abortion really is.

Sincerely,

JAQUELINE A. MURPHY
Cranston, RI●

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

● Mr. DOMENICI. Mr. President, as an honorary member of the Board of Directors of Albuquerque Big Brothers/Big Sisters, I would like to take this opportunity to thank the more than 50,000 Big Brothers and Big Sisters nationwide who are doing so much for the youth of this country.

In acknowledging the efforts of these generous, loving individuals, we not only say thank you, but we spread the word far and wide to children who need warmth and guidance, youngsters who need the help of organizations like Big Brothers/Big Sisters.

With a commitment of 4-to-6 hours per week over a year period, and at a cost of only $885 per year, Big Brothers and Big Sisters fill a void in our society caused by increasing numbers of one-parent families. While not all children of single-parent families have need of extra-familial support, an estimated one-fifth of children in one-parent families could use a hand.

And the alternatives to the Big Brothers/Big Sisters program can be so frightening for those youngsters in peril. For example, it costs taxpayers $3,000 for each child entered into the juvenile justice system. It costs from $18,000 to $65,000 a year for institutionalization. The normal troubles of childhood must not be allowed to develop into something so serious.

Possibly our most important accomplishment today will involve more than merely thanking the wonderful people involved in Big Brothers/Big Sisters. I am sure my colleagues will agree that the greatest gift will be if we can expand the present programs to include even more of the estimated 3 million children in need of help.

So far, only 200,000 of these can be identified, and resources are available to help only 100,000 children. This means 100,000 children are on waiting lists, because the supply of volunteers fails to meet the demand.

Volunteers, especially men and members of minority groups are needed. And funds are needed at both the local and national levels. There is a particular need to make certain that parents of girls are aware that this service is available to them and their youngsters.

In the State of New Mexico, the Albuquerque Big Brothers/Big Sisters has been helping children for over 20 years. In Albuquerque alone, some 150 youngsters, most of them between the ages of 8 and 14, are benefiting from the program.

With enrollment increasing at a rate of 20 percent annually, with grants from local sources like the Association of Retarded Citizens, and with the addition of new projects, such as a sexual abuse prevention program, Big Brothers/Big Sisters is making a dramatic, positive impact on the lives of many children in the city of Albuquerque.

Increasingly, concerned parents are seeking the kind of support offered by Big Brothers/Big Sisters. They recognize that a Big Brother or Sister is not a substitute parent, but an ally who can help a child through the challenges of growing up. Nothing could be more important to the youth of our Nation. We see drug abuse and crime on the rise, but we see hope offered by our good friends at Big Brothers/Big Sisters of America.●

AMERITRUST'S COMMUNITY SERVICE

● Mr. GLENN. Mr. President, it is a common misconception that U.S. Government checks are fairly easy to cash. After all, these checks, which include Social Security and pension checks, are backed by the full faith and credit of the U.S. Government and might very well be the safest instruments in circulation. Unfortunately, it's not quite that simple. Those Americans who choose not to maintain bank accounts must generally pay a substantial fee just to cash their checks. Some senior citizens pay as much as $8.50 or more to cash their Social Security checks.

This situation is intolerable. Last year, my fellow Ohioan, Senator METZENBAUM, tried to amend Federal law to require banks to cash government checks free of charge. I understand he may try again this year. His efforts are a move in the right direction; I would hope that a compromise can be reached this year.

One Ohio bank did not wait for congressional action—to its great credit. The AmeriTrust Development Bank of Cleveland recently introduced a "DirectCheck" program to meet the needs of Social Security and other government beneficiaries. The DirectCheck account is free as long as a customer uses direct deposit and writes a maximum of six checks a month.

I commend AmeriTrust for developing this outstanding program, and submit the following complimentary article from the January 1988 edition of Consumer Reports for the RECORD.

The article follows:

A BETTER WAY TO CASH GOVERNMENT CHECKS

The checks you know won't bounce are U.S. Government checks for Social Security, pensions, and the like. They should be the easiest to cash. But about 20 percent of the adults in the U.S. don't have a bank account and often find it inconvenient and expensive to cash one of Uncle Sam's checks.

Many of those people spend hundreds of dollars each year to cash Government checks at storefront check-cashing outlets, which charge an average of $8.50 to cash a $500 Social Security check.

Congress, concerned about the exorbitant cost of cashing Government checks, proposed last year that banks be required to cash Government checks free. But bankers protested, claiming that cashing checks from nondepositors would invite fraud and forgery. They also feared the logistical problem of coping with a flood of people on the day the Government checks arrive in the mail.

Congress backed off and requested that the General Accounting Office study the problem. The GAO is scheduled to release a report next month.

One obvious solution to the check-cashing problem is to replace checks with electronic funds transfer. The Government has long encouraged Social Security recipients to use direct deposit so their payments will automatically be credited to their bank account. More than 17 million Social Security checks now go to direct-deposit accounts every month—but nearly 20 million others must be physically deposited or cashed. To facilitate direct deposits, basic banking service should be made available to everyone.

AmeriTrust Development Bank of Cleveland, Ohio, already has demonstrated the effectiveness of basic banking with its Direct Check program, introduced last summer.

The bank used to cash Government checks free for noncustomers, but discontinued the service because it cost about $1-million a year to operate. The Direct Check is free as long as the customer uses direct deposit for Government checks and writes only six checks a month. (There's a $1 fee for each additional check.)

To help persuade people who are intimidated by or ignorant of banking to use the new account, AmeriTrust ran a successful consumer-education program. About half the noncustomers who cashed Government checks at the bank eventually opened a basic account. People who don't want to open a Direct Check account can still cash Government checks at AmeriTrust, but they must now pay a $2 fee. That's about half the cost of the cheapest check-cashing service.

We think more banks should follow AmeriTrust's example. More basic, low-cost checking accounts like the Direct Check program would provide a useful service. They might also forestall congressional action that would be less palatable to banks.●

BURLINGTON, VERMONT BUSINESS PEOPLE

● Mr. LEAHY. Mr. President, one of the joys of living in Vermont is that you get to know so many of the people in your home State.

Recently, a newspaper in Vermont ran an excellent article by Ross Sneyd in which 75 of Chittenden County, VT's business people were asked to rate the 11 most influential business people in the Greater Burlington area.

As a native Vermonter and a Burlington resident, I have had the opportunity of knowing these people throughout much of my life. They are all good friends, but even more importantly, they are among the special group of people who make me so proud of Vermont and of my home city of Burlington. I would like to share with my fellow Senators the reason for this pride and I ask that the article be printed in the CONGRESSIONAL RECORD at this point.

The article follows:

TOP GUNS—CHITTENDEN COUNTY'S ELEVEN MOST POWERFUL IN BUSINESS

(By Ross Sneyd)

Natives only need apply.

When Business Monday asked 75 of Chittenden County's most influential business people who were the most powerful among them, every one of the top choices was either born or raised in Vermont.

The survey, coinciding with the first anniversary of the Free Press Business Monday section, shows that the top guns of Greater Burlington come from different backgrounds—financial, construction, retail and real estate.

But they have a lot in common, too.

They own the land where they build their buildings with money they loan each other. They invest the profits from these ventures to make more money, then they insure the things they build and finally they add up profits and start over.

There's more to the story: This is a group of complex, aggressive people who don't particularly need more riches.

Ranked by their colleagues, Burlington's 11 most influential business people, in order of their ranking, are:

Ray Pecor Jr. of Lake Champlain Transportation Co.

Patrick S. Robins of McAuliffe Inc.

Dudley S. Davis of Merchants Bank.

Angelo Pizzagalli of Pizzagalli Construction Co.

Luther "Fred" Hackett of Hackett, Valine & McDonald.

Harlan C. Sylvester of E.F. Hutton.

Antonio Pomerleau of the Pomerleau Agency.

Robert E. Boardman of Hickock & Boardman Inc.

Ernest Pomerleau of the Pomerleau Agency.

Nancy Lang of Lang Associates Inc.

David Coates of Peat Marwick Main & Co.

All 11 run thriving, profitable companies. All 11 also say making money was not the only reason for their success. Each serves in a variety of other capacities, too, as on boards of directors of area banks, non-profit agencies and economic development companies.

Beyond the impressive titles, there is a common intangible quality among the Burlington 11: influence.

When they see a problem, they pick up a telephone and set in motion the process for solving it. They see an unmet need and they pick up a checkbook and pay to fill it. They see an opportunity and they organize the right people to go after it.

Make no mistake, though. When a job needs doing in Greater Burlington, be it for business or civic purposes, others in the community most often turn to this elite group for help, according to their responses to the Business Monday survey.

These then, are the "top guns" of Greater Burlington.

1. RAY PECOR JR.

Almost 10 years ago, when Greater Burlington's business-people were asked by the Free Press who was a likely "up-and-comer," a person apt to be among Chittendon County's most powerful in a decade, Ray Pecor Jr. was their man.

The prediction, it turns out, was a pretty good one.

Pecor is the top choice of his peers, a man whose counsel is sought by business.

"Hardly a deal goes down that somebody doesn't call him," said McAuliffe Inc. President Patrick S. Robins, one of his long-time friends. "He's just a commonsense, upbeat kind of guy. I'd do a million-dollar deal with Ray on a handshake."

Pecor himself has been in the middle of several key business deals in the last decade, among them the renovation of Champlain Mill in Winooski, the development of Champlain Cable Corp. in Colchester and, most recently, Courthouse Plaza in downtown.

The five-floor plaza, now being readied for its grand opening at Main Street and South Winooski Avenue, has cemented Pecor's position of prestige in Burlington.

The 70,000-square-foot structure, standing in what had been for 15 years an empty lot, is a testament to the 48-year-old businessman's faith in downtown and the city's ability to hold its own against developing suburbs.

After years of false starts by others seeking to develop the site, Pecor took over what was known as the Strong Block, got financing for his project and signed up the area's largest law firm to occupy two floors before the first spade of dirt was turned.

"Ray's a bit of a risk-taker and he hung it out there on this project," said Peter Clavelle, Burlington's community and economic development director. "This building, whether you like it or not, has this statement: It sets a standard for future projects in terms of quality."

The project also tells a great deal about Ray Pecor, the man. "Ray did that project not because there's great short-term profit in it, but because it needed to be done," Clavelle said.

Pecor himself is the first to admit that he doesn't need to build another building to make money. He has that. He is somewhat hard-pressed, though, to explain exactly why he has put so much money into Courthouse Plaza.

He likened the effort to the work he put into renovation of the Champlain Mill, a landmark that had stood idle for years in downtown Winooski.

"I see it (Courthouse Plaza) a lot like the mill," he said, gazing out over Burlington harbor from his Lake Champlain Transportation office on the King Street Dock. "I drove past the mill for years and years and said, 'Somebody should do it.' Nobody did it, so I did it."

Pecor views the Courthouse Plaza and Champlain Mill projects as the responsibility of business leaders such as himself.

"I think a lot of people live here because they love it. It's more than just a place to work," he said. "I'd like to think our role is to make sure the community and the country are as viable as possible."

2. PATRICK S. ROBINS

In Burlington, the Church Street Marketplace and Pat Robins are, more often than not, spoken in the same breath.

As much as anyone, Robins is seen as the guiding force behind the pedestrian mall, an urban revitalization that has come to symbolize a resurgent Burlington.

For years, Robins preached the gospel of creating a downtown centerpiece through the renovation of Church Street. In 1981, his efforts and those of a good number of other people, finally were realized when the Marketplace opened.

The shopping district has succeeded, in large part, because it has been a true example of cooperation between private business and the public sector.

"Church Street I regard as a most successful combined (public-private development) effort," said Luther "Fred" Hackett, president of Hackett, Valine & McDonald and another long-time Burlington booster. "Pat Robins was really the sparkplug behind it."

Robins remains one of the most visible business leaders promoting downtown Burlington. He heads the quasi-public commission that operates and administers the pedestrian mall and lately has been throwing his weight behind improving downtown parking.

At various times, he also has served on the boards of the city's Street Commission, the Water Pollution Control Commission and the Greater Burlington Industrial Corp.

Robins appears to move effortlessly between the world of business and government—he once headed the state Hospital Data Council, for instance—and is looked to as a spokesman for the interests of downtown business people.

Sometimes he is successful in bringing understanding between the two sides because he has the ear of both. With avowed socialist Mayor Bernard Sanders in office and a suspicious business community questioning his every move, that can be invaluable.

For example, members of the city administration credit Robins with lining up support in the business community for a gross receipts tax in 1986, a 1 percent levy on restaurant receipts and a 2 percent tax on hotel revenues that failed four years earlier.

"He's got a lot of credibility and he's articulate," said Peter Clavelle, Burlington's community and economic development director. "When there are issues that involve city business and community relations, Pat is identified as a leader, a spokesperson."

It is a role in which he clearly revels. Although McAuliffe, the state's largest office products supplier, is the base from which Robins works, it is clear his heart is in the various public projects in which he gets involved.

"I think it's a great privilege to do all this stuff," he said. "I don't see myself as part of the 'business community.' . . . I'm interested in public policy issues."

He says he is concerned that the vitality of downtown is not impenetrable and worries out loud about the threat of Maple Tree Place, the Pyramid Co. mall project proposed for Williston.

"While I think what we've got is good, I don't think it's invincible," he said. "It's fragile . . . I think Pyramid (a partner in the mall proposed for Taft Corners in Williston) is a tremendous threat. Ben Frank (another partner in the project) is trying to lull everybody to sleep."

If that happens, Pat Robins surely will be standing by, alarm clock in hand.

3. DUDLEY DAVIS

By national standards, Merchants Bank in Burlington is small.

It has assets of nearly $511 million—not much when compared with the $31 billion of a regional institution like the Bank of Boston.

To owners of small businesses in Vermont, however, Merchants is the equivalent of a Chemical Bank or a Citibank. For it is to Merchants that many enterprising businesspeople turn when they are looking for resources to transform their new ideas into going concerns.

Merchants has been listed as the top "preferred lender bank" in the country by the Small Business Administration because it has written more SBA loans than any of its peers, both large and small.

As president—and conscience—of Merchants Bank, it is Dudley Davis who makes it possible for many of those entrepreneurs to put their ideas to work. He believes it is his responsiblity to support entrepreneurs who show promise.

People trying to establish a business recognize that attitude at Merchants and flock there, said Angelo Pizzagalli of Pizzagalli Construction Co. and a member of the board of directors of rival Howard Bancorp.

"The bank under Dudley's leadership makes things happen with innovative loans if you're just getting started," Pizzagalli said. "People kind of think that the Merchants Bank is the place to make things happen."

One of the last of the homegrown bankers still running a Burlington bank, Davis knows the city and its institutions intimately. While astute when it comes to examining the financial implications of a deal, friends and associates say he also has an uncanny ability to judge accurately the potential success of individual business people.

Davis has a "great sense for up-and-coming entrepreneurs," said Patrick S. Robins of McAuliffe Inc. and a member of Merchants' board of directors.

Michael D. Flynn of Gallagher Flynn & Co. said he believes Davis runs his bank much in the style of the small businesses he supports. "He has vividly demonstrated that entrepreneurship and banking aren't mutually incompatible," Flynn said.

Davis downplays his own role in the business community. "Sometimes I've been able to shed some light," he said in characteristic understatement before turning the conversation back to one of his favorite topics: small business.

"I think it's where the greatest opportunities are for us to exercise our expertise," he said of the Merchants' role. "I don't envision Vermont as a Route 128 (the famous strip of high-tech industries outside Boston) in the next 10 years. Small business, I feel, is where it's at."

4. ANGELO PIZZAGALLI

Angelo Pizzagalli—and the construction firm he heads—is everywhere.

Pizzagalli Construction Co. is the firm behind buildings on the University of Vermont campus, schools across the state and government offices in Montpelier.

His firm has built International Business Machines Corp. plants in Essex Junction and places like Poughkeepsie, N.Y., and sewer and water projects from Texas to the Virgin Islands. Angelo Pizzagalli is the man who occupies seats on the UVM board of trustees, the Howard Bancorp board and the Vermont Industrial Development Authority, among others.

Begun in 1958 by brothers Angelo and Remo Pizzagalli and their dad, Angelo Sr., the firm has exploded in size in three decades, ranking in 1985 as the 105th largest construction firm in the country. The success of the two brothers—Angelo Sr. died shortly after the firm's start—is one of Vermont's most impressive business stories.

"Remo and Angelo Pizzagalli are at the top of my list," said Ray Pecor Jr. when asked whom he views as the top business leader in Chittenden County. "They started out laying bricks, now look at them. They've just been spectacular. They've been great role models in the business community." Brother James Pizzagalli is also an integral part of the business.

Some business leaders, such as Pecor, view the brothers as a matched set, saying it is impossible to determine who holds the most influence. The majority in the Free Press survey, however, while praising Remo, say it is Angelo who is the force to be reckoned with in the business community.

Angel has served in several capacities on a wide variety of local, state and regional organizations, something for which he has received both praise and criticism.

"Angelo was a hard worker for GBIC," said C. Harry Behney, executive director of the Greater Burlington Industrial Corp. "He headed the sites committee and was instrumental in helping us locate some businesses here. He's a very thoughtful individual and makes a great contribution."

UVM President Lattie Coor said Pizzagalli has an unmatched ability to get things done. "Angelo Pizzagalli has one of the most impressive capacities I have seen to size up problems, understand the nuances, formulate a solution and also make a plan to reach that solution."

The price of success has, at least once, required Pizzagalli to endure criticism that he has used his positions on various boards for personal gain.

In 1979 he was accused of a conflict of interest when his firm won a construction contract for expansion of the Medical Center Hospital of Vermont. He served in several volunteer capacities with the hospital at the time.

"In some instances it almost works against you," he said. "With all the flak we got relative to doing the hospital project, it would have been a lot easier if I had not been associated with the hospital."

Nonetheless, he said, he and other business leaders will continue to give their time to nonprofit and charitable organizations.

"People feel that you can do some good by being on the board of the hospital, the university or United Way," he said. "I honestly think that the people who serve on those boards don't do it for profit or gain."

5. LUTHER F. HACKETT

Luther "Fred" Hackett is a man of two professions.

He makes his livelihood in the insurance business, heading up the successful Hackett, Valine & McDonald in South Burlington.

He also is passionate about politics, an ardent Republican who served in the Legislature and mounted an unsuccessful campaign for governor in 1972.

Those two bases provide the Burlington native with a powerful stage, but at first blush it would appear that the influence of Hackett is on the wane—after all, Democrat Gov. Madeleine M. Kunin is in the Statehouse and an avowed socialist, Mayor Bernard Sanders, rules City Hall.

But Hackett is not to be underestimated. He chairs the Howard Bancorp board of directors and the Vermont Electric Power Co. He also serves on the boards of Central Vermont Public Service Corp., New England Telephone and Central Vermont Railway. He wields considerable influence.

In the Business Monday survey on Chittenden County's top business leaders, Hackett's name turned up on the lists of business-people of every stripe. No matter their political point of view, they respect Hackett.

Accountant Michael D. Flynn of Gallagher, Flynn & Co. said Hackett is one of the powerful who knows how to get things done—regardless of who is in office. Hackett is "in a class by himself," Flynn said. "If anything, his influence within the business community has been enhanced by the Democrats' political successes."

University of Vermont President Lattie Coor said Hackett's business expertise places him among the state's top leaders.

"Fred has considerable understanding of the whole web of this community, from the dark days in the mid '50s . . . through these periods of building a base for our current community," Coor said.

It is a role Hackett clearly relishes, but insists he shares with others.

"I like to do things," Hackett said. "I put in a lot of hours in the course of a week to do the things I do. All (business leaders) find extra time to do a lot of these things."

Despite his obvious taste for politics and the rough-and-tumble world of public policy debate, Hackett said success often lies in organizing behind the scenes to accomplish goals.

"I think folks get interested in things and they just try to sell their idea," he said. "Then they get a group together and do it."

So what has him interested lately? Burlington's Lake Champlain waterfront. Although he does not have any firm ideas for the waterfront, he feels very strongly about the need to develop it. In his position on the board of a major landholder in the area, Central Vermont Railway, his opinion carries clout.

"The waterfront is a great tragedy in my view," he said. "I think the development of that waterfront can only be done effectively by a major, private developer who is willing to be responsive to public needs."

6. HARLAN SYLVESTER

When E.F. Hutton's Harlan Sylvester speaks, Vermont's Gov. Madeleine M. Kunin listens.

So do a lot of other people.

And generally, when Sylvester does voice a postion, it is thoughtful, and thorough. That's his style: He is a man of few, well-chosen words, usually spoken beyond the glare of media attention.

Sylvester is the quintessential behind-the-scenes operator. As chairman of the governor's Council of Economic Advisers, he has a lot of contacts and keeps close track of Vermont's economic fortunes.

Business colleagues see Sylvester's style as an effective one for dealing with the problems confronting the state. "He makes things happen behind the scenes," said Greater Burlington Industrial Corp. executive director C. Harry Behney.

"Harlan tends to know more about the whole picture and is willing to weigh in and do something about it, but usually in the background," said Lattie Coor, president of the University of Vermont.

Sylvester speaks guardedly when discussing his role in state government. He is keenly aware that he serves at the pleasure of the governor and does not want to give the appearance of speaking for her. But there can be no mistaking his influence when he drops by the Pavilion Office Building in Montpelier.

Sylvester and others in business were opposed to last year's plant-closing legislation and made that known to Kunin. A compromise was worked out where the legislation was tabled pending congressional action on the issue.

Another key area where the stockbroker is sure to have influence is in the cleanup of Lake Champlain, an issue with serious business, as well as environmental consequences. "When it's written in the New York Times that there's sewage going into Lake Champlain, what does that do to our tourism?" he asked.

He knows the answer and believes that it's time action is taken. He supports cooperative efforts between Burlington and that state to spend part of Vermont's budget surplus on sewage treatment facilities. He doesn't say what role he played in hammering out such a solution, but he certainly endorses it.

"We've got to have these kind of relations going on regularly, not sporadically," he said.

Making that kind of contribution is something Sylvester grew up with and he views it as a responsibility of a businessman. He takes pleasure in recounting tales of traveling with his father from their St. Albans home to Montpelier so his dad could serve in the Legislature and he could be a legislative page. His current duties, he said, are an outgrowth of those experiences.

"If you're going to make a living in a community, you ought to put something back into it," he said. "I enjoy community activity. You get a lot of satisfaction out of a job well done."

7. ANTONIO POMERLEAU

9. ERNEST POMERLEAU

The Follett House, the stately Greek revival mansion overlooking Lake Champlain, probably says as much about the Pomerleau family as anything can.

For years the historic structure stood decaying at the entrance to downtown while plans to renovate came and went.

Finally, Antonio and Ernest Pomerleau took on the project and through a complicated deal to relocate the Veterans of Foreign Wars and get historic preservation funds, an agreement was worked out.

Then tragedy struck when an arsonist's flames spread through the building on the eve of the contract signing to transfer ownership to the Pomerleau Agency.

Father and son were set back, but not defeated. It took more time and more money, but the Follett House is back to its glory, a beautiful building in which the Pomerleau Agency's real estate operation is housed.

The story of the Follett House can be retold in various forms by Antonio about many of the projects he has spearheaded. The deals are often complicated, always profitable, and usually prominent in the community.

Ernest Pomerleau is following in his father's tradition as president of the real estate division of the Pomerleau Agency. In separate interviews, they both explained their business philosophy—even using the same words. "I think a businessman's got to give, not just take."

Both men have been and still are involved in a wide variety of activities in Burlington, giving them a strong platform from which to shape events. Perhaps the most visible for Antonio were his 17 years as chairman of Burlington's Police Commission.

Ernest, too, is taking an active role, serving on the Lake Champlain Regional Chamber of Commerce and the Downtown Burlington Development Association.

Ernest admits that involvement in the community makes good business sense, but says it also makes the city a better place to live for everyone.

"Doing these kinds of things is less altruistic. We have a huge amount of investment downtown. I can't afford to stand idly by," he said. "But it's really sincere. The Flynn (Theatre renovation) never would have happened without business involvement. You do get caught up in it."

That is an attitude Antonio said he has repeated often and he is happy to see that his son is involved in the family business. "I guess if a father had to write a book saying what he wanted his son to be, Ernie is it," the elder Pomerleau said.

8. ROBERT E. BOARDMAN

At age 55, Robert E. Boardman is studying for his master's of business administration.

His instruction isn't taking place on any campuses lush with ivy. There's no books and no classrooms. Instead, he takes his classes in corporate boardrooms in Montpelier and Burlington, Stowe and South Burlington.

For a start, there is National Life Insurance Co., Trinity College, Fanny Allen Hospital, Mount Mansfield Corp., Green Mountain Power Corp. and Bank-Vermont Corp. where he is chairman. There have been and still are others.

"All of these boards have unique problems and all of them have some common problems," he said. "I consider it getting my MBA without the formal training."

Those positions, combined with the work at his own company, Hickock & Boardman Inc., give him a broad view of the business and financial world in Vermont and keep him in demand for other boards and commissions.

It is that broad background that draws other business leaders to Boardman, said Richard Fricke, interim president of Bank-Vermont Corp. and colleague of Boardman's on several boards.

"It requires a very broad background of experience in order to make astute suggestions and comments in a wide variety of business fields, which Bob does," Fricke said.

Boardman believes being able to interact effectively with others is the key to his success. He traces his community involvement back to his participation in Jaycees in the late 1950s. He said he encourages young business people to get involved in such an organization because it teaches cooperation and contributes to the community.

"Jaycees was inordinately helpful to me," he said. "We learned what it was to get things done. That opportunity still exists with United Way and others."

10. NANCY LANG

"Hard-working" are the words most often used to describe Nancy Lang.

She got into the real estate business in 1961 working for Hickock & Boardman in Burlington. In 1968, she became the first person in Vermont to sell more than $1 million in real estate.

The following year she opened her own firm with a paltry stake of $15,000. She has parlayed that small investment into a thriving business which employs 30 associates and is one of the leaders of the area's competitive real estate pack.

Through that success she has gained influence and become perhaps the most powerful female business leader in Greater Burlington. Integrity and hard work are hallmarks of Nancy Lang, respondents to the Business Monday survey said when naming her as a top business leader.

"Nancy has done a hell of a job," said Antonio Pomerleau, a long-time real estate leader in Burlington. "The real success of business is timing and judgment. I remember when she became successful in real estate. She did it through a lot of hard work."

Lang also serves on the boards of a variety of institutions, including Bank-Vermont Corp. and United Way.

Her colleagues on those boards have come to value her skills—even if she didn't come to Vermont until she was in high school, Lang joked.

"I think they're trying to adopt me and I'm willing," she said of her colleagues. "After all I married a Vermonter."

Lang said she picks up just as much if not more from her board colleagues. "It keeps you looking in both directions and develops important skills," she said. "You can never do it alone. It's always a team does it. The thing a leader has to do is choose the right team."

11. DAVID COATES

David Coates is in a perfect spot to observe the comings and goings of Burlington's business people.

From his fourth floor corner office at the top of Church Street, he can watch the action on the Marketplace.

He also sees first-hand the business activity of many of Greater Burlington's business leaders in the hallways outside that office because many of them are clients of Peat Marwick Main & Co., the accounting firm which recently bought P.F. Jurgs & Co.

Coates, the firm's managing partner, is a quiet, soft-spoken man, but his opinions carry weight in Greater Burlington's business community. He does not carry a high public profile—"it's sometimes easier to to get things done not in a large public meeting," he said—but he does behind the scenes.

Nancy Lang of Lang Associates, who serves on the Bank-Vermont Corp. board with Coates, said he has "the ear of many. He is quiet, but always there to help."

In addition to his seat on the board of Bank-Vermont, Coates has also served United Way, Trinity College and a variety of other institutions. His advice and counsel is sought after by for-profits and non-profits alike because of his knowledge of business in general and Greater Burlington in particular.

Business leaders ask Coates for advice on mergers, acquisitions and personnel in addition to typical accounting chores such as tax planning, said Patrick S. Robins of McAuliffe Inc.

Coates said he believes it is best to step back and see the whole landscape when conducting business.

"It's more than just a single focus," he said. "The role of the business community is much more than to take of your business. If we are successful, not only does our business prosper, the area prospers."●

PROBLEMS WITH AN OIL IMPORT FEE

● Mr. GLENN. Mr. President, a number of the candidates running for President have advocated imposing a tariff on imported oil as a way of raising revenue to reduce the budget deficit. I believe it's a terrible idea.

First, it is a very inefficient way to raise revenue since an increase in the price of imported oil would allow domestic producers to raise their prices as well. Since oil remains a critical raw material, the American consumers should expect to see price increases across the board, not only for gasoline and home heating oil but also petrochemicals and other oil-based products. Congress should also consider the impact of an oil import fee on our neighbors to the North and South; Mexico especially relies on oil exports to stimulate growth domestically as well as service their debts to American banks.

The Akron Beacon Journal ran an editorial on February 15, 1988, that made these points especially well. I ask that portions of it be included in the RECORD.

The article follows:

MIRAGE OF THE OIL IMPORT FEE

New Hampshire voters are hearing much about an oil-import fee as primary day approaches.

Democratic candidates Richard Gephardt, Paul Simon, Gary Hart and Jesse Jackson all support a tax on imported oil. Republican Robert Dole has said he wouldn't rule out the idea as part of a plan to reduce the federal budget deficit.

From a Democrat or a Republican, an oil-import fee is bad policy. A $5-per-barrel tax on imported oil would raise about $8 billion a year, according to the congressional Joint Committee on Taxation. But the country would receive little for the price. If tax increases are needed—and they are, along with spending cuts—there are far better ways to raise revenue.

An oil-import fee would amount to an egregious subsidy for the domestic oil industry. Taxing foreign oil would lift the floor price for domestic producers. They'd receive a huge windfall, based not on better business practices but, in effect, because of a tax placed on consumers.

Gephardt and others argue that an oil-import fee would make good energy policy. "We don't want to be dependent on OPEC oil," he has said.

To be sure, oil conservation is wise, but an import fee would miss the mark. For starters, the United States receives very little oil from Arab nations; Saudi Arabia was the only Arab nation among this country's top 10 oil importers last year. An import fee would be a slap to oil-producing friends and allies such as Canada, Mexico and Great Britain. Indeed, it would be illegal under the proposed U.S.-Canadian trade agreement, not to mention a possible violation of international trade rules.

The complications, however, hardly stop there. Implementing an import fee would be a headache. The burden of the tax would fall most heavily on the Midwest and Northeast. Lawmakers from those areas could be expected to seek exemptions, and they would likely get them, diminishing the import fee as a tool for deficit reduction.●

DR. CARL RAYMOND RENG

● Mr. PRYOR. Mr. President, Arkansans were saddened last week by the death of Dr. Carl Raymond Reng, former president of Arkansas State University. I join the other members of the Arkansas congressional delegation and the entire State in grieving the loss of this fine man and remembering his many contributions to higher education in Arkansas.

Dr. Reng became President of ASU 37 years ago when it was Arkansas State College. He was best known for spearheading the drive in 1967 that gained the institution university status—his long sought after dream. In essence, this achievement was a reflection of his own enthusiasm and leadership that led to unprecedented growth for the institution.

During his 24-year tenure at ASU, Dr. Reng had a superb record in construction progress and academic achievements. At the time of his retirement, the ASU Herald reported that every building on the campus had been either erected or renovated during his tenure. Moreover, the number of baccalaureate degree programs more than tripled from 21 to 69. Also, the number of faculty members holding doctorate degrees was only 11 at the time he came to Jonesboro in 1951, and had jumped to 166 by the time he retired.

I strongly believe that our Nation's unmatched level of prosperity and intellectual advancement has been made possible by the outstanding education provided our citizens by American colleges, universities, and administrators.

Indeed, a source of America's success can be found in these men and women who dedicate their lives to enriching the minds of our youth—the future of this great country. Mr. President, Dr. Carl Raymond Reng was indeed one of these dedicated individuals.

I count myself fortunate to have known him as a good friend. I shared his pride in his great accomplishments and I deeply mourn his passing. I join my fellow Arkansans in paying tribute to a man who has left lessons, impressions, and marks for his successors that will long be remembered.●

HOMELESSNESS IN AMERICA

● Mr. CHILES. Mr. President, the President said in his budget that we are increasing assistance to the homeless in America.

A look at his budget shows otherwise.

The budget sent to the Hill claims a 4-percent increase in homeless funding over last year's levels.

A closer look shows, however, that the administration actually recommends cuts of 52 percent, or $414.8 million, from last year's program levels.

This recommendation is particularly disturbing in light of recent disclosures that even current food resources for the homeless, such as surplus food commodities and the temporary emergency food assistance programs, are closing down.

Homeless assistance should remain a national priority and I've asked Budget Director James Miller to show how the administration can claim a 4-percent increase in homeless funding when our analysis shows a 52-percent decrease.

Mr. President, I ask to include a letter to Mr. Miller, a table showing the funding levels, and the President's response to a question at a press conference last night about the same issue.

The material follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, February 25, 1988.

Dr. JAMES C. MILLER,
Director, Office of Management and Budget, Washington, DC.

DEAR JIM: On page 2b-13 of the President's budget, the Administration proposes $0.4 billion in funding for Federal programs or activities specifically targeted to homeless individuals. The President claims that "this funding level is four percent above the 1988 level of funding for homeless provided by Congress."

Senate Budget Committee staff contacted analysts at OMB to discuss the specific program levels comprising the $0.4 billion in 1989 funding. Upon further review, the numbers provided by OMB appear insufficient and incomplete to meet the claim that the President's budget included a four percent increase over 1988 funding levels.

Our analysis indicates that the President's proposed budget for FY 89 would cut total funding for the homeless from $791.9 million in FY 88 to $377.1 million in FY 89; that cut of $414.8 million would constitute a 52 percent drop in the current program level.

A copy of the Committee Staff's comparable homeless funding analysis is enclosed. Please review this document and advise me of any discrepancies. Thank you for attention to this concern.

Sincerely,

LAWTON CHILES.

THE PRESIDENT'S HOMELESS PROPOSAL

On page 2b-13 of the President's 1989 Budget proposal, it is claimed that the President funds $0.4 billion for programs and activities for homeless individuals, a claimed 4 percent increase. When actual 1988 total program and new funding levels are compared to the comparable figures in the President's 1989 budget submission, a different story emerges. The President is actually proposing a cut of $414.8 million, or 52 percent, from the 1988 program level. The President also proposes a cut of $114.8 million, or 37 percent, in new funding from 1988.

HOMELESS FUNDING

[Budget authority in millions]

	1988 actual		1989 President's budget	
	Total program	New funding	Total program	New funding
HOUSING				
Single room occupancy	$35.0	($0.0)	$0.0	($0.0)
Supplemental	15.0	(0.0)	0.0	(0.0)
Transitional/supportive	[1] 144.3	[1] (64.3)	75.0	(75.0)
Section 202 setaside	141.5	(0.0)	50.0	(0.0)
Emergency shelter grants	58.0	(8.0)	0.0	(0.0)
Subtotal budget authority	393.8	(72.3)	125.0	(75.0)
EDUCATION AND JOB TRAINING				
JTPA	9.6	(0.0)	0.0	(0.0)
Education for homeless children	8.3	(0.0)	0.0	(0.0)
Literacy for homeless adults	14.1	(0.0)	0.0	(0.0)
FSA—Services for the homeless	25.5	(0.0)	0.0	(0.0)
Runaway homeless youth programs	26.1	(26.1)	26.1	(0.0)
Subtotal budget authority	83.6	(26.1)	26.1	(0.0)
HEALTH				
Homeless Health	60.0	(14.0)	15.0	(15.0)
Homeless Mental Health [NIMH]	9.3	(0.0)	4.7	(0.0)
Homeless Alcoholism [NIAAA]	9.2	(0.0)	4.6	(0.0)
Community Supp't Prog. Demos	0.0	(0.0)	13.8	(13.8)
Homeless Mental Health Block Grant [ADAMHA]	0.0	(0.0)	14.3	(14.3)
Veterans Administration	32.0	(0.0)	13.0	(0.0)
Subtotal budget authority	110.5	(14.0)	65.4	(43.1)
MISCELLANEOUS				
FEMA	124.0	(124.0)	80.0	(80.0)
USDA Food Stamps	[2] 77.0	[2] (77.0)	77.0	(0.0)
Interagency Council	[1] 0.7	[1] (0.7)	1.2	(1.2)
DOD Assistance	2.3	(0.0)	2.4	(0.0)
Subtotal budget authority	204.0	(201.7)	160.6	(81.2)
Total budget authority	791.9	(314.1)	377.1	(199.3)

[1] In 1988, the Interagency Council is funded by a $750,000 transfer from the transitional housing program.

[2] Projected one-year funding resulting from statutory "entitlement" changes first implemented in 1988.

Note.—Funds in parentheses indicate new funding provided for a program, and are included in the total program levels.

[From the Washington Post, Feb. 25, 1988]

HELPING THE HOMELESS

The budget that you have proposed to Congress would cut, would eliminate three housing programs for the homeless. It would make deep cuts in an emergency food program, and it would end a job-training program for the homeless. Do you believe that the problem of the homeless is less pressing now than just a year ago when you signed legislation from Congress to create these programs?

No, but I do know that we're doing a great many things, and we also are keeping track of the extent to which the private sector is joining in and helping on this. And this budget is the result of long, long weeks of negotiation, with the Democrats and ourselves, and I think that we're meeting the problems.

Again, I also have to say that sometimes our budget and programs can reflect another program we've had going which is a management program, and we have had a team for a considerable period of time now that had been actually investigating the management practices of government programs as compared to the way they're done in the private sector. And there are millions and millions of dollars that are being saved so that something that maybe looks smaller does not mean that the people in need are going to get less. It means that we are able to provide that with less administrative overhead.

When I came here from a governorship, as a governor I had seen federal programs administered in our state in which it was costing the federal government $2 for every $1 that reached a needy person. This is something we've been trying to change, and we've made some progress in it.●

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

● Mr. DODD. Mr. President, today I am recognizing Big Brothers/Big Sisters Week, which is being observed nationwide the week of February 21–27, 1988. Over 50,000 volunteer men and women are currently providing 1 to 1 informal friendship to children, ages of 6 and 17, who are primarily from single parent homes.

For over 80 years, Big Brothers and Big Sisters have helped youngsters through the trials and tribulations of growing up by giving them supportive, mature friendship and informal guidance. Studies have shown that these "special" relationships are highly effective in preventing juvenile delinquency and emotional problems and in preparing children for adulthood.

I commend the nine local Big Brother/Big Sister organizations in my home State of Connecticut: Bradford, Bridgeport, Enfield, Hartford, New Britain, New Haven, New London, Waterbury and Willingford. Along with the 1 to 1 contact the volunteers have with the participants, there are various outings throughout the year, with an annual Halloween and Christmas party.

I appreciate the time and work to which the Big Brother/Big Sister volunteers have committed themselves. I am certain that the young people with whom they work are even more grateful for their dedication. I applaud them all.●

TRIBUTE TO JACLYN ROBERSON, POSTER CONTEST WINNER FOR A DRUG-FREE AMERICA

● Mr. BINGAMAN. Mr. President, I would like to take this opportunity to honor a very special young lady from my State, Miss Jaclyn Roberson. Jaclyn is a first grade student at Tomasita Elementary School in Albuquerque, NM. Recently, she was named 1 of 2 winners in a nationwide poster contest sponsored by the White House Conference for a Drug-Free America.

The White House Conference for a Drug-Free America was established under the Omnibus Drug Abuse Prevention Act passed by the Congress and signed into law in October 1986. It is very gratifying to see the positive effects this legislation is beginning to have in the lives of American youth across the country. As one of its duties, the conference established 10 committees that have traveled across the country working with concerned citizens to establish community-based drug abuse prevention programs. In preparation for the arrival of the committee, the public schools in each host city sponsored a city-wide poster contest.

The principal of Tomasita Elementary School, Ms. Terry Toman, and Jaclyn's first grade teacher, Ms. Marietta Ravenscraft, should be commended for their success in encouraging their students to participate in the poster contest and to discuss the dangers of drug abuse in the classroom. Ms. Ravenscraft and her students spent a considerable amount of time discussing choices, decisionmaking, and peer pressure. She asked her students to make posters that reflect the many alternatives to drug use. The result was Jaclyn's winning poster, which depicts two children facing each other with large hearts drawn on their chests. The caption below reads, "No to Drugs, Yes to Talking to a Friend."

Jaclyn will be honored in Washington, DC, during this city's week-long Conference for a Drug-Free America, beginning February 28, 1988. Nearly 1,000 people are expected to participate. Jaclyn will be accompanied to the conference by her parents, Patti and Brent Roberson, and her sister. Mr. and Mrs. Roberson also should be congratulated for their important role in their daughter's wonderful achievement. Mr. Vic Scherzinger of Cottonwood Printing in Albuquerque also deserves praise. He donated his time, money, and talent to print 2,000 copies of Jaclyn's poster, which will be distributed at the conference.

I congratulate Jaclyn, her family, and teachers, and I wish continued success to the White House Conference for a Drug-Free America. The dedication and resolve of all individuals involved in the conference and programs like it across the Nation will go far in our battle against drug abuse.●

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished Senator from California, who is presently the acting leader on the other side of the aisle, as to whether or not the following calendar orders on the Executive Calendar have been cleared for action: Calendar Orders 533, 534, 535, 536, 537, 538, and 539, all of which appear on page 4 of the Executive Calendar.

Mr. WILSON. They have, Mr. President.

Mr. BYRD. Mr. President, I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned calendar orders on the Executive Calendar, that they be considered en bloc, agreed to en bloc, that the motions to reconsider en bloc, be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that the Senate, which went into executive session, resume legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

THE JUDICIARY

Malcolm J. Howard, of North Carolina, to be U.S. district judge for the eastern district of North Carolina.

Stephen M. Reasoner, of Arkansas, to be U.S. district judge for the eastern district of Arkansas.

Rudy Lozano, of Indiana, to be U.S. district judge for the northern district of Indiana.

DEPARTMENT OF JUSTICE

John E. Fryatt, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years.

Patrick J. Fiedler, of Wisconsin, to be U.S. attorney for the western district of Wisconsin for the term of 4 years.

Edgar W. Ennis, Jr., of Georgia, to be U.S. attorney for the middle district of Georgia for the term of 4 years.

Charles A. Banks, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of 4 years.

LEGISLATIVE SESSION

RAIL SAFETY IMPROVEMENT ACT

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS, I ask the Chair to lay before the Senate a message from the House on S. 1539.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the House insist upon its amendments to the bill (S. 1539) entitled "An Act to amend the Federal Railroad Safety Act of 1970 and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Dingell, Mr. Thomas A. Luken, Mr. Slattery, Mr. Lent, and Mr. Whittaker be the managers of the conference on the part of the House.

Mr. BYRD. Mr. President, on behalf of Mr. HOLLINGS, I move that the Senate disagree to the amendments of the House, agree to the conference requested by the House on the disagreeing votes between the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair (Mr. CONRAD) appointed Mr. HOLLINGS, Mr. EXON, Mr. ADAMS, Mr. DANFORTH, and Mr. KASTEN conferees on the part of the Senate.

NATIONAL AGRICULTURE DAY

Mr. BYRD. Mr. President on behalf of Senator LEAHY and others, I ask unanimous consent to introduce and place on the calendar a joint resolution proclaiming March 20, 1988, as National Agriculture Day.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 3980 PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that H.R. 3980, a bill relating to technical corrections to the agricultural credit laws be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2091 HELD AT THE DESK

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2091, a bill introduced today by Mr. DURENBERGER, and the accompanying amendment, No. 1468, be held at the desk until the close of business on Monday, February 29, 1988.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, does the distinguished Senator from California [Mr. WILSON], who is the acting leader, have anything further he would like to say or any further business he would like to transact?

Mr. WILSON. I thank the majority leader.

Mr. President, the only thing that I would add is that in the wake of the cloture vote, should cloture fail, and the majority leader should seek to move to other items, one of those items is Calendar No. 541, Senate Resolution 381, having to do with committee funding resolutions.

I advise the majority leader at this time that the minority will seek a rollcall on the final disposition of the resolution.

Mr. BYRD. Mr. President, I thank the Senator for so notifying the Senate, that a rollcall vote will be sought on passage of Senate Resolution 381, Calendar 541.

The distinguished assistant Republican leader, before he left the floor a few moments ago, indicated to me that on tomorrow—I believe I am accurately stating the facts—that would be the measure that would be taken up by the Senate, he thought. Therefore, that being the case, I would like to proceed to that tomorrow, following the cloture vote, and Senators are alerted that there will be a rollcall vote on that measure.

May I say that I have also discussed with the able assistant leader, Mr. SIMPSON, the taking up of a resolution dealing with Afghanistan tomorrow, on which, hopefully, he and I can act as chief cosponsors. In that case, that will be a rollcall vote.

Mr. President, does the distinguished acting Republican leader have anything else? I thank him again for stating the fact that we might have a rollcall vote on Calendar No. 541.

Mr. President, the order for the convening of the Senate on tomorrow at 9 a.m. has been entered, has it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. And the order has been entered for a recess over until tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that on tomorrow, the first hour of the cloture rule be divided equally between Mr. BOREN and Mr. McCONNELL; that the time of the two leaders, the recognition of the two leaders under the standing order, be waived; that 10 minutes of the 1 hour under the cloture rule be reserved to the use of Mr. SIMPSON; and that 10 minutes of the 1 hour under the cloture rule be reserved to me.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, has not the mandatory quorum under the rule been waived?

The PRESIDING OFFICER. Yes, it has.

Mr. BYRD. Am I not correct, Mr. President, in stating that even though the mandatory quorum has been waived, any Senator retains his right to suggest the absence of a quorum just prior to the cloture vote?

The PRESIDING OFFICER. The Senator is correct.

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in tomorrow at 9 a.m., following a recess.

The 1 hour under the cloture rule will begin running immediately after the prayer, and will be inclusive of the prayer, as a matter of fact. A rollcall vote will occur on the motion to invoke cloture at 10 a.m., barring a quorum call. I do not presently anticipate a quorum call.

That rollcall vote will be a 30-minute vote by order previously entered. I hope that Senators will be present and voting. I have not asked that the regular order be automatic at the conclusion of 30 minutes, but I shall do so at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Further rollcall votes are expected to occur tomorrow, one or two are possible. Such rollcall votes have already been discussed.

Mr. President, I thank all Senators for their patience that has been shown, I think at one time or another, at least, by every Senator here during this debate. The vote will occur on cloture, I hope that cloture will be invoked. I am not at this hour under any delusions about it. But as I have stated before, this is an issue that will not go away. There has been a suggestion that this particular bill at this particular time may not survive a cloture motion vote tomorrow, but no Senator should be under the impression that this issue is going away. Nor should anyone be under the impression that the issue will not be revisited in some form this year.

So, Mr. President, having said that I again ask my friend if he has anything further he wishes to say. If not, I shall move that the Senate go out.

Mr. WILSON. Mr. President, I do not. I thank the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the Senator again.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. BYRD. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until the hour of 9 a.m. tomorrow morning.

The motion was agreed to and the Senate, at 7:24 p.m., recessed until 9 a.m., Friday, February 26, 1988.

NOMINATIONS

Executive nominations received by the Senate February 25, 1988:

THE JUDICIARY

ALEX R. MUNSON, OF THE NORTHERN MARIANA ISLANDS, TO BE JUDGE FOR THE DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS FOR A TERM OF 10 YEARS, VICE ALFRED LAURETA, TERM EXPIRING.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KENNETH J. BEIRNE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JUNE Q. KOCH, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

HUGH HEWITT, OF MICHIGAN, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE JAMES E. COLVARD, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

GEN. ROBERT H. REED, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JONN A. SHAUD, [redacted] FR U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE REASSIGNED IN HIS CURRENT GRADE TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HARRY A. GOODALL, [redacted] FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT C. OAKS, [redacted] FR, U.S. AIR FORCE.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25, 1988:

THE JUDICIARY

MALCOLN J. HOWARD, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTICT OF NORTH CAROLINA.

STEPHEN M. REASONER, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS.

RUDY LOZANO, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHEN DISTRICT OF INDIANA.

DEPARTMENT OF JUSTICE

JOHN E. FRYATT, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

PATRICK J. FIEDLER, OF WISCONSIN, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF 4 YEARS.

EDGAR W. ENNIS, JR., OF GEORGIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF 4 YEARS.

CHARLES A. BANKS, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS.

EXTENSIONS OF REMARKS

INSURANCE CRISIS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SWIFT. Mr. Speaker, I would like to share with my colleagues a transcript from a recent "60 Minutes" program that took a critical look into some of the anecdotal evidence used by the insurance industry to make their case for Federal preemption of State tort laws. I have no doubt that there are cases—perhaps numerous cases—of juries and the court system overcompensating accident victims, or hitting manufacturers with unfair verdicts. And if you ask the trial lawyers they will be just as happy to serve up equally anecdotal evidence to help make their case.

But that gets to what I feel is a central problem in this whole product liability debate. We in Congress are being asked to make some very tough choices on Federal preemptions of State law without the information we need if we are to track whether or not we made the right decisions. I find it disturbing that we have so little hard data available to us when we are expected to craft a Federal products liability bill that will have such serious implications for the courts, manufacturers, and our constituents.

At the upcoming Energy and Commerce Committee markup, I expect to introduce an amendment that will authorize the Department of Commerce to collect and analyze data that is already publicly available on product liability insurance. It's important to be able to monitor how well we have succeeded in legislating product liability reforms if we are to help ensure that our constituents don't go through another liability insurance crisis after our assurances that we fixed the problem.

The following transcript is very relevant to the debate:

INSURANCE CRISIS?

BRADLEY. The insurance industry says we're in the midst of a giant lawsuit crisis . . . and on the face of it, they have a pretty good case. We've all heard of crazy lawsuits and outrageous jury awards. For instance, about the man in Oregon who won a million and a half dollars from Ford after the Pinto he was driving collided with . . . a horse! And the psychic in Philadelphia who won a million dollar jury verdict after claiming a cat scan robbed her of her psychic powers.

The insurance industry thinks that's ridiculous and wants states to put limits on jury awards. Recently, they made a series of commercials that say the lawsuit crisis is even worse than you might imagine.

MAN (excerpt of commercial): One out of nine obstetricians surveyed have stopped delivering babies. Some mothers have had to find new doctors. Others have had to travel elsewhere to give birth. It's part of the lawsuit crisis. Today's schools are thinking about cancelling football and other major sports. It's part of the lawsuit crisis. Our cities are in a bind. Money needed for fire fighters, police, and other services is being used to pay the price of the lawsuit crisis. New York City says lawsuits may soon cost as much as the Fire Department.

BRADLEY. Well, what about it? For openers, leading experts on manpower shortages in medicine tell us lawsuits are causing no shortages of obstetrical services now, nor will they in the foreseeable future. About high school sports, for the last seven years we've found just six successful lawsuits against schools sports programs. In other words, less than once a year one school sports program, one out of 20,000 throughout America, pays out on a lawsuit. And what about those threatened city services? A New York City official did once say that lawsuits may soon cost as much as the city's Fire Department. But he doesn't say it anymore. It was his office admitted, an overstatement. Last year, for every dollar the city spent to settle legal claims, it spent more than four dollars for fire protection. This magazine ad is also part of the insurance industry campaign. It says "Clergymen are being sued because of their advise." Well, it's hardly a crisis. It's happened twice, and not one penny has been paid because a pastor gave a parishioner a bum steer. But what about the stories of plaintiffs who have gotten huge awards? Charles Bigby was in a phone booth hit by an allegedly drunk driver.

All of the time you saw that car coming toward you?

BIGBY. I saw it coming toward me, yes sir. The angle that she hit the phone booth forced the glass inward, and it just chewed my leg off right there at the spot.

BRADLEY. Glass cut your leg off.

BIGBY. Cut it right off.

BRADLEY. Bigby sued the driver and the phone company. When the California Supreme Court said he was entitled to a jury trial, President Reagan had one of his favorite lawsuit stories.

President REAGAN. That's right. According to Chief Justice Rosebird of the California Supreme Court, a jury could find that the companies responsible for the design, location, installation, and maintenance of the telephone booth were liable. I suppose all this might be amusing if such absurd results only took place occasionally. Yet today, they have become all but commonplace.

BRADLEY. Cruz Renoso is a former California Supreme Court Justice, one of the six justices, six out of seven who said Bigby was entitled to jury trial.

Justice RENOSO. What the President has done is to take a case and dramatize it by leaving out a great many of the facts that are involved, and therefore putting it in a context that appears to be silly. Important in this matter, not mentioned by the President, was that there had been a previous accident at precisely the same side with precisely the same . . . the same booth.

BRADLEY. The possibility the booth may have been placed at an unsafe location wasn't the only thing the President failed to mention.

What happened when you tried to open the door?

BIGBY. Well when I tried to open the door, it would not open.

BRADLEY. According to the sworn testimony of an eyewitness that is exactly what happened.

BIGBY. He said that "the last thing he saw Mr. Bigby doing was pulling at the door, struggling to get out." That was just before the car impact, and hit the phone booth.

BRADLEY. You're aware of what President Reagan has said about . . . about your case?

BIGBY. They're saying that my case is outrageous. But he doesn't tell them that the phone booth had been struck previously. He doesn't tell them I was stuck in the phone booth. He doesn't tell them I had to stand there and just get run over, like an animal. He don't say all that.

BRADLEY. The Bigby case never reached a jury. Rather than face a jury trial, the telephone company agreed to pay Bigby a substantial sum of money.

In Oregon, there's the case of the Ford Pinto that hit a horse which had bolted through a farmer's fence. Steven Green and his wife were in the car.

Mr. GREEN. I opened the driver's door, and I noticed my wife. I called out, "Carrie, are you okay?" And I noticed the whole roof structure on the . . . the side of me was down. I couldn't even see her head.

BRADLEY. Green tried to pull his wife out from under the crushed roof.

Mr. GREEN. And that's when I noticed all the face injury she had to her head and skull.

BRADLEY. So the roof had just come in on top of her.

Mr. GREEN. Collapsed.

BRADLEY. Her skull was caught.

Mr. GREEN. Her skull was wide open sir.

BRADLEY. Green sued Ford claiming a stronger roof would have saved his wife's life. His lawyer has a testing lab do this simulation of the horse, Pinto collision. Based on it, two former Ford engineers testified "the roof was unreasonably dangerous." A former employee also testified "Ford had a practice of concealing unfavorable test results by repeating tests until one car finally passed." The jury decided to award Green one and a half million dollars. That seems ridiculous to Assistant Attorney General Richard Willard who often cites the Green case in the Reagan Administration's effort to limit jury awards.

WILLARD. It seems to me, it's a matter of common sense, unlikely that you could ever design a car that would be so strong that you could get involved in a head on highway crash with a horse, and not run a serious risk of injury.

BRADLEY. Even *Forbes Magazine* chimed in. "How do you horse proof the roof of a compact car?" But Judge Williams Riggs who heard the Green case said there was nothing ridiculous about the jury's verdict.

Judge RIGGS. Out here in the west horse and automobile collisions are not terribly unusual. They might be in mid Manhattan. But in Oregon, there's really a surprising number of livestock/automobile collisions.

BRADLEY. Why do you think they would have chosen this case as an example that the jury system had gone haywire?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Judge Riggs. Well, it's kind of a sexy issue, a horse flying through the air hitting the car. I mean, that does sound like a little bit of an unusual case. If this case had been a simple roll over where the Ford had rolled over, and exactly the same thing occurred, the roof crushed, killed the passenger, with exactly the same degree of force placed on the roof that occurred when the horse hit the roof, you probably would never have heard of this case. This case would have been long forgotten.

Bradley. Then there's the case of Joe Cota, who suffered extensive burns when his motorcycle was in a collision and burst into flames. A jury found the cycle had a defective gas tank, and awarded Cota three and a half million dollars. That verdict led an Arizona business coalition seeking to limit jury awards to make this commercial.

Man (excerpt of commercial): . . . After a round of drinking an Arizona man climbed on his motorcyle, and rode off into the dusk on the wrong side of the road into a head on collision with a pickup truck. Yet, the biker sued the motorcycle company, and won three and a half million dollars. It's crazy. We're the victims of a lawsuit system out of control. Vote yes on 103 to fix the Arizona lawsuit mess.

Bradley. Michael Brown was the presiding judge at the trial of Joe Cota versus the motorcycle company.

The inference from the commercial is that he was inebriated.

Brown. Yeah, that he was drunk and back and forth across the center line. And there's no physical evidence of that.

Bradley (exerpt): . . . After a round of drinking, an Arizona man climbed on his motorcycle.

There was no evidence that . . . that he was out of control no physical evidence that he was drunk?

Brown. No. There wasn't. A. there wasn't any of that evidence and B. it wasn't relevant even if he had been drunk. Had this motorcycle not been defectively designed, which is what the jury found, this man would have had a broken hand. Instead, he was burned almost to beyond recognition. His ears were burned off. His fingers were burned off. This young man was grotesquely injured, and there's no way that anybody could tell you that the money he received for the injuries he sustained was too much money.

Bradley. There was no mention of the defective gas tank in the T.V. commercial.

Man (excerpt): . . . We are the victims of a lawsuit system out of control.

Bradley. We wanted to ask the consultants responsible for that commercial why, but they wouldn't return our phone calls.

Another story of a jury gone haywire appeared last season on 60 Minutes in a story we did on the other side of this issue. A ladder maker named Bernie Klein told us about a lawsuit his company lost.

Man. The fellow was shingling a bond, put a ladder, up for the staging, and he put the ladder up in a manure pile. Temperature was 20 degrees. When he was working in that area, a few days later, the temperature was 40 degrees. The ladder slipped. The poor fellow, unfortunately, he got hurt, hurt his ankle, and we're sued. Unfortunately, we didn't warn him about the viscosity of horse manure. So that's . . . that . . . that's what it cost us—300,000 dollars.

Reasoner. 300,000 dollars?

Man. 300,000 dollars.

Bradley. Well, several jurors in the ladder case told us the viscosity of horse manure had nothing to do with their verdict. They say they were persuaded by the plaintiff's contention that the wood in the ladder was defective, and that's why he was injured. Could we find any cases where the jury went haywire? Well, there is the case of Judith Haymes, psychic Judith Haymes.

Haymes. Some people are born with the talent to sing or dance, and I had the talent to see aura.

Bradley. So sitting here now, you can see a general aura around me.

Haymes. Yes, I can see a general aura around you.

Bradley. When Mrs. Haymes went to a Philadelphia hospital for a CAT Scan, she was injected with a dye, even though previously she had had an allergic reaction. She claims the dye caused chronic headaches.

Haymes. If you've ever eaten an ice cream cone, or consumed liquid too fast that was ice cold, and you get that God awful pain in your head, that's the kind of pain that I get when I try and concentrate.

Bradley. Now, a psychic who can't concentrate is an out of work psychic. When a Philadelphia jury awarded her nearly a million dollars, the cartoonists had a field day. So did President Reagan.

President Reagan. Last year, a jury awarded one woman a million dollars in damages. She'd claimed that a CAT Scan had destroyed her psychic powers.

Bradley. The fact is Judith Haymes will not receive one penny of that jury's verdict. Leon Katz, the judge who heard the case, threw the verdict out, and ordered a new trial because Mrs. Haymes lawyers failed to present any medical testimony linking the dye injection to the chronic headaches.

Katz. If I think the verdict is grossly excessive, and contrary, and diametrically opposed to the evidence, and the law, then I have a duty, not a right, but a duty to set aside that verdict.

Bradley. How common in occurrence is this, a runaway jury?

Katz. It is relatively uncommon. That's my opinion. And the reason that opinion is probably not shared by the general public is because they're subjected to three or four line amounts of unusual cases where all they read is the amounts of the award.

Man. I don't know of any horror stories. I mean, I really don't. That sounds terrible, and I've practiced law for over 20 years, and I've been a judge for six, and . . . and I just don't know of cases where juries have been fooled into giving people millions of dollars that weren't entitled to it.

Bradley. A final postscript . . . the insurance industry complains that their claims losses during the lawsuit crisis increased at the rate of 16 percent a year. But the industry acknowledges that during the same period its profits were eleven percent a year. According to the general accounting office, that adds up to a profit of 81 billion dollars during the ten-year so-called law suit crisis.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MATSUI. Mr. Speaker, yesterday in San Francisco, CA, a brave man staged a lonely protest in an effort to reunite his family. The man is Izhak Kofman, and his protest was held in front of the Soviet consulate because his brother, Samoil, and his father, Haim, have repeatedly been denied permission to emigrate from the Soviet Union. Sadly, Izhak and his sister, Bella Murashova, never saw their mother during the last years of her life. Ester Kofman passed away 2 years ago after having tried for 8 years to join her son and daughter in the United States.

The Kofmans' requests were initially refused because of Samoil's exposure to unspecified secrets over 15 years ago. After 10 years of using this reason to deny the Kofmans' right to emigrate, Soviet emigration officials dropped this objection. However, these same officials have since been running the Kofmans through a maze of bureaucratic delaying tactics. Samoil and Haim, who is now 82 years old, have each been told at one point or another that his exit visa would be granted, but never both of them at the same time. The cruel result has been to raise and then dash the hopes of two innocent people—two people who merely want to reunite their family.

Mr. Speaker, we are at a point in United States-Soviet relations where honesty and forthrightness are of the utmost importance. If Soviet officials cannot give us a straight answer about the emigration rights of an 82-year-old man, how can we trust their statements about nuclear arms. I urge my colleagues to follow this case closely and to support the Kofmans in their efforts to be reunited.

HON. SILVIO O. CONTE HONORING CARL J. PETERSON, JR., ON HIS 50 YEARS OF PUBLIC SERVICE

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. CONTE. Mr. Speaker, I rise today to commend and honor one of my most distinguished constituents. On February 29, Carl J. Peterson, Jr. will be the recipient of the 50-year service award given to him by the Belchertown Fire Department. I speak to you today to call attention to this notable occasion and to a man committed to the safety and education of others.

Belchertown, the second largest town in land area in Massachusetts, covers some 60 square miles. For the past 50 years, Mr. Peterson has been one of its' volunteer firefighters—on call 24 hours a day. While Carl worked his way "up the ladder" to become deputy chief at the Belchertown Fire Department, he also worked his way up the educational ladder to become Belchertown's superintendent of schools. Carl then pursued a professorial career at Westfield State College.

Whether Carl was busy educating the youth of western Massachusetts or performing town inspections, he consistently remained a faithful firefighter in Belchertown. Most notably, Carl was instrumental in the 1968 Bondsville Mill disaster. This major fire which required assistance from surrounding towns, enabled Carl to put his expertise to use. Carl's help in setting up the water supplies for this disaster will long be remembered.

Carl Peterson is a unique individual. His participation as the deputy chief, his willingness to give of himself, and his good nature have demonstrated his rare character. I congratulate you and express my gratitude to you, Carl, a man with many honorable accomplishments. I wish you much luck and success as you continue your services during the years ahead.

THE ABANDONED HISTORIC SHIPWRECK BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BENNETT. Mr. Speaker, as the House sponsor of the abandoned historic shipwreck bill, I am aware of a massive, ongoing disinformation campaign by people opposing this bill. The abandoned historic shipwreck bill is a good piece of legislation designed to protect historical artifacts buried in State submerged lands. It is supported by the Governor's Association, the Coastal State Organization, and a number of archeological and preservationist groups.

I submit for the RECORD eloquent testimony given by Arthur Cohen, coordinator, Underwater Historic Preservation, State of Vermont, to the House Interior Subcommittee on National Parks and Public Lands, which outlines the merits of the abandoned historical shipwreck legislation, of which Senator BILL BRADLEY is the Senate sponsor. I urge everyone to read these thoughtful words, which support State rights, support historic preservation, and support the Abandoned Historic Shipwreck Act.

Mr. Chairman and Members of the Committee, I am here today to comment on The Abandoned Shipwreck Act of 1987, pending legislation which effects our nations historic maritime resources. I have had the opportunity to examine the issue from a number of perspectives. I am an experienced sport diving instructor, with the status of Instructor Trainer, and have owned and operated a full service dive shop as well as worked as a professional diver in New England and the Caribbean. I am a maritime historian and Director of the Basin Harbor Maritime Museum on Lake Champlain. I have located and directed the documentation of dozens of historic shipwrecks for the State Historic Preservation offices of both Vermont and New York. I am the designer and coordinator of the State of Vermont's Underwater Historic Preserve program as well.

I begin with a strong statement of support for language and sentiments of Senate Bill S. 858 which seeks to treat historic shipwrecks as a public trust and not as commodities to be claimed and harvested by treasure salvors espousing the virtues of free enterprise. Historical shipwrecks are a national treasure, a finite, irreplaceable and invaluable part of the record of human events. All of us who dive, study, salvage and legislate have a responsibility to future generations to preserve this record. All too often, the decisions to salvage a historic shipwreck is made for personal, short sighted and immediate enrichment of the salvor. In the processs the basic resource and the potential information it had to yield may be lost forever.

I have been involved with the sport diver community for over 20 years as a diver and a diving professional. Sport divers have always had a traditional distrust of legislation. To the sport diving community, any legislation is restrictive legislation. The major dive instructional agencies frequently compete with one another for the distinction of being the most aggressive in opposing any proposed legislation. Over the years sport divers have developed a predictable knee-jerk reaction at any attempt to regulate their activities. In the present situation an attempt has been made to mobilize the sport diver community as the front line troops to oppose the pending legislation. Like sheep being led with a bucket of grain, the treasure hunting lobby and their wolf-in-sheeps clothing support organizations, have attempted to create the impression that there is widespread sport diver opposition to this legislation. Sport divers have been badly misinformed and told if this legislation is passed they are in danger of losing their rights to dive on historic shipwrecks. Sport divers have been rallied to write to their elected representatives to oppose the proposed legislation. Many of the letters you are receiving are motivated by this calculated campaign of disinformation. The divers I have talked with and shown the actual legislation are totally in support of the bill and its purposes.

Our experiences on Lake Champlain, an inland fresh water environment, with joint State and Federal jurisdictions may provide some insights for the pending bill. Over the past eight years, the State of Vermont has, in effect, provided a prototype for the program envisioned in the pending legislation. Using Federal Survey and Planning money, made available from the Department of the Interior, National Park Service, the State of Vermont Division for Historic Preservation in partnership with private non-profit groups of historians and sport divers has located and documented many important ships of the past. We have located and studied the *Boscawen*, a British warship built by Jeffery Amherst in 1759, the *Congress*, flagship of Benedict Arnold's first American Naval fleet built in 1776, the United States Brig *Eagle*, a participant in the successful 1814 Battle of Plattsburgh Bay. We have also documented the *Phoenix*, the oldest surviving steamboat hull in the world, and have discovered a forgotton class of American vessel, the sailing-canal boat. The argument that unless you let treasure hunters locate and claim historic shipwrecks which make up the national legacy they will not be found is just not true.

Treasure salvors cry foul not because they possess the unique expertise to find and deal with shipwrecks of historic and monitary value. They cry foul because by removing these national treasures from the inappropriate confines of Admiralty Law, like a shop merchant, the salvage merchant loses access to their saleable merchandise. Admiralty Law was not developed and never contemplated for the protection, interpretation and long term interests of historic properties. It is critical that the Congress corrects this inappropriate situation.

A state program with jurisdiction, and a small level of funding from the federal government, can easily institute a program of inventory, analysis, recreation and preservation of historic underwater resources. The State of Vermont, working with the cooperation of the sport diver community has created an experimental and low cost program called an "Underwater Historic Preserve". Surface moorings have been placed at three historic vessels to permit sport divers to find and explore them without causing anchor damage. The program was begun in 1985 and since that time thousands of divers have utilized the program. The results are impressive. Visiting diver dollars filter into the local economy, divers have had a safer and more meaningful recreational diving experience, and historic shipwrecks have received no acts of intentional vandalism.

In summary, I support the language of S. 858. It recognizes the inappropriateness of the current Admiralty jurisdiction for historical shipwrecks and places their care under the States, which are better positioned to administer them for their present recreational opportunities and timeless informational value. I feel this jurisdiction should be accompanied with a modest appropriation to assist the State's in implementing this new responsibility. Congress has a crucial decision to make which will have a permanent effect on the care of an irreplaceable legacy. Technology has made finding historical shipwrecks easy, but we are still only beginning to understand how to best document, preserve and share these national treasures. Interest in these resources is a broad one encompassing not only present generations of divers, archaeologists and treasure salvors but future generations as well. The record of the past contained within these shipwrecks is a precious gift that places a great responsibility on our generation as caretaker for the next. Let us not just advocate what is best for the diver, salvor or administrator, but let us raise the shipwreck to a party-in-interest and assign in a voice in its own future.

What will be left of the present remaining pool of underwater historical shipwrecks 100 years from today? No governmental system will be perfect, but Senate Bill S. 858 takes a positive step to insure that our underwater heritage will be available for present and future generations. Once a shipwreck is gone it is gone forever. I urge the committee to support the measure.

A RABBI'S IMPRESSION OF GLASNOST

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOYER. Mr. Speaker, in January, Stuart Weinblatt, the president of the Washington Board of Rabbis and rabbi of Temple Solel in Bowie, along with Rabbi David Kaye of Har Shalom Congregation in Potomac traveled to the Soviet Union. While there, they met with a number of refuseniks who remain skeptical of the improving relations between our two countries and what this improvement offers for their future.

Upon his return, Rabbi Weinblatt shared with me the concerns of his Soviet brethren, as well as his thoughts on how we can continue to help them. I would like to share his observations with my colleagues.

THE GATES ARE CLOSING

(By Rabbi Stuart G. Weinblatt)

I could not understand as I sat in the Moscow apartment of 15-year refusenik Julian Khasin how he could be so certain when he told me, "1988 is worse for us than 1987." I argued with him, "But 1988 is less than three weeks old. How can you be so sure?"

After extensive meetings and conversations with several dozen refuseniks, I now understand why he was so pessimistic.

I have just returned from Moscow and Kiev with Rabbi David Kaye, of Potomac, Maryland. We found unanimous agreement among all those with whom we spoke that the gains prior to the December summit have all been turned back.

On Monday, January 18, a large number of Jews who asked permission to emigrate were refused. Since January 1, Soviet officials have implemented a series of measures designed to, at best, severely restrict emigration. The Jews of the Soviet Union are growing increasingly despondent about their chances to leave. Many feel that they were betrayed and that human rights issues were abandoned at the Summit.

The fact that people want to emigrate, despite glasnost and perestroika, is an embarrassment to the Soviet Union. Soviet Jews believe that this is why Gorbachev wants to kill the aliyah movement.

Only first-degree relatives are being granted permission to leave the USSR, disqualifying close to 90% of the Soviet Jews who have applied. The blanket of "state-security secrets" has been spread to include childern of people who held sensitive positions more than a decade ago. (It should be noted that the Soviets broadly apply the term to consider low-level computer programmers in their category, even in instances where the technology has already advanced two or three generations beyond what they did a number of years ago.)

Gorbachev explains that he cannot allow the Jews to go, because it would lead to a "brain-drain." While the back-handed compliment is appreciated, it must not go unchallenged.

The truth of the matter is, most of these people are not employed in positions which use their intellectual capacities. Most have either been fired from their jobs or left sensitive positions years ago, and took lower-grade positions, in anticipation of their request to depart. Furthermore, a factor often overlooked is that Jews constitute .7% of the population of the Soviet Union. Of that number, only 10-20% want to emigrate. Obviously, not all of them are scientists, doctors and the like.

Against the backdrop of the government's efforts to thwart the aliyah movement is the specter of increasing anti-semitism. The neo-fascist group Pamyat is growing larger and bolder in its anti-semitic pronouncements. Zionism (the Russian code-word for Judaism) is denounced in the govenment-controlled media as "Public Enemy No. 1." Jews who seek to leave in order to live their lives as Jews are ridiculed in the press and denounced as traitors. A number of the refuseniks expressed great fear over the possibility of even more anti-semitism this summer, when Russia celebrates the 1,000 year anniversary of the introduction of Christianity to the country.

Each individual and each of the Jewish leaders we met with begged us to bring back to the West the message of how desperate the situation is. While they hope the goals of the treaty before the Senate will be achieved, they question how the United States can trust a partner which has lied and reneged on every commitment and promise made in the area of human rights. As Yuli Khashorovsky put it, "It is a barometer of whether or not you can believe the Soviets."

Many of us may have been lulled into a false sense of optimism after the Summit. Intoxicated by our success in turning out such a large mass of people in Washington on December 6, the Jewish community must wake up from its euphoria after the rally and come down from the "high" we are still experiencing.

If we are really serious about freeing our brothers and sisters in the Soviet Union, we must rededicate ourselves to working on their behalf. The USSR is trying to see how much repression they can get away with, without arousing an outcry from the West. Our efforts must be unrelentless until this campaign is stopped.

DEVELOPMENT WITH STYLE: PETER BEDFORD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, one of the most talented and respected real estate project developers in the Nation is Pete Bedford of the San Francisco Bay area.

I've been privileged to know Peter for a number of years and have found him to be one of the most renaissance men I've ever met. His talents range from expertise and genius in the business world to the finest of tastes in the art world.

Some real estate project developers level the land and leave boxes of building in their wake. Peter works with the land to construct building that people can love to live and work in. He is more architect than developer.

The Oakland Tribune of February 15, 1988, includes an article on Peter Bedford that displays the best of what the business world should be providing America. He is a model for others to be judged by.

[From the Oakland Tribune, Feb. 15, 1988]

LAFAYETTE DEVELOPER'S $2 BILLION GOAL

(By Laura Evenson)

Peter Bedford's goal is one day to control $2 billion worth of real estate.

He's nearly there.

The reclusive 55-year-old Lafayette-based developer already controls more than $1.5 billion in real estate nationwide.

Fond of saying that his father Clay Bedford was the "third man that Henry Kaiser hired," the younger Bedford got his first taste of real estate by visiting Kaiser properties with his father, who oversaw the Kaiser shipyards nationwide.

In an ironic turn of events, the younger Bedford recently joined forces with Kemper Corp. in Long Grove, Ill. to pay $450 million for Kaiser Development Co.'s industrial/commercial divisions in Carlsbad and Oakland.

The acquisition late late year catapulted Bedford into the major leagues of the real estate development industry by putting 40,000 acres in California under Bedford's control along with properties elsewhere in the country.

Bedford Properties now manages or owns about 10 million square feet of property in 18 states. Bay Area holdings alone include more than two dozen industrial and business parks totaling 6 million square feet. Bedford said he doesn't believe in flitting from project to project. Rather, his strategy is to buy properties, develop them, and hold onto them.

"I adopted my father's philosophy that if you own something, then someone else can pay the rent while you're sleeping soundly at night," he said in a rare interview at his plush office in Lafayette.

Born in Portland and raised in Michigan, Bedford's interest in real estate was spawned by childhood field trips to Kaiser properties with his father.

Bedford worked for a Coldwell Banker real estate brokerage while he was in college at Stanford University. He was graduated in 1960 with a degree in economics and spent two years in the Navy before going into business for himself.

With the encouragement of his father and such family friends as Oakland-Alameda County Coliseum developer Robert T. Nahas, Bedford started a development business for himself in 1972.

At first, Bedford secured financing for the projects by securing an anchor tenant before buying or constructing a building. For the past 25 years, Kemper Insurance Co. has been a steady financial partner in Bedford's developments.

Kemper and other banking institutions provided most of the money for the Kaiser acquisition, Bedford said. But the company said that any debt incurred through the transaction will soon be repaid through property sales that will more than pay for the acquisition.

For nine years, Bedford worked out of an Oakland office, building more than 120 7-Eleven stores for Southland Corp., as well as a number of projects for such major retailers as Goodyear Tire Co. and Mervyn's.

He moved his office from Oakland to Lafayette in 1971 and has steadily broadened his real estate portfolio.

Bedford said he has always survived the down cycles in real estate by planning for the worst. "In fact, I've made more money in down periods because during good periods every Tom, Dick, and Harry is in business," he said.

Now Bedford wants to become a major player like the Koll Co., one of the largest West Coast developers, he said, "but I want to move beyond the western states. We're interested in the East Coast, particularly Florida."

Bedford's interests extend beyond his development projects, notes Contra Costa Supervisor Sunne McPeak.

"Peter is like a renaissance man in modern times," she said. "His development company is a class act. Whenever there have been too many questions about the impact of one of his projects, environment or otherwise, he has backed off. I go into his office and I'm fascinated by the art, literature and philosophy he surrounds himself with."

A sculpture of two parents hanging upside down on a jungle gym dominates one corner of his board room. "That's every child's fantasy, I'd imagine," he muses.

Pennies overflow from the open roof of a tarnished-hued sculpture of a small bank on the board room's table. The whimsical bank sculpture is a tribute, Bedford quips, to his seat on the board of directors for Bank of America.

And the darting brown eyes and constant fidgeting suggest a restless man bent of accomplishment.

The father of three nearly grown children, Bedford declines to discuss his own family. "I'm a very private person, and I prefer to keep it that way."

Now, Bedford is merging his passion for art with his real estate expertise by hiring national renowned architect George Moore of Sea Ranch fame to design a proposed mixed-use Town Center adjacent to the BART station in downtown Lafayette.

The project is to include retail-office space around a piazza and creek. He plans to submit a proposal for the project to the city early this year.

Despite multifacted success, Bedford downplays his personal contributions.

"If I had it to do over again, I would not put the name Bedford on the company," he said, insisting that his company's success is the result of team effort by his 450 employees.

His ability to delegate authority for his projects has enabled him to take on many more ventures than other developers would dare, and won him the respect of such competitors as Jon Reynolds of Reynolds and Brown, a Concord-based development firm.

"He's one of the most innovative developers I've ever known, and one of his real skills is the financial structure of projects and his ideas of what to do with a piece of property," Reynolds said. "He may try to do too much, but he seems to manage. I'm amazed at the breadth and scope of his work."

Reynolds said the only weakness Bedford has may be his impatience.

Another long-time observer, Glenn Campbell, director of the Hoover Institute on War, Revolution and Peace at Stanford, views Bedford's attributes slightly differently.

"Is impatience really a weakness or a strength," he said. "I think it's a strength," he said. "I think it's a strength and Peter is extremely energetic."

Bedford's only weakness, observed Alex Mehran, developer of Bishop Ranch in San Ramon, "is that he doesn't have the five or six extra hours a day to accomplish what he wants to accomplish."

Rather than cloister himself in his art-adorned offices, Bedford travels constantly, personally walking through every project to keep tabs on it.

His California holdings now include a $200 million project slated for the Ardenwood project in Fremont; a $55 million project in West Sacramento; and a mixed-use residential, commercial and industrial complex on 30,000 acres at Rancho California in Riverside County whose commercial and industrial portions alone are expected to exceed $2 billion in value at build-out in 15 years.

Bedford's concern for aesthetics spills over into his development projects.

For example, he boasts that all of Bedford Properties' graphics for its brochures and the signs it posts outside its buildings, are designed by Michael Vanderbyl, the Oakland-born graphics artist responsible for Esprit's graphics and who is now nationally acclaimed for his work.

However, one observer said Bedford's attempts at aesthetics do not always succeed.

Byron Campbell, a Concord resident and director of Residents for a Better Contra Costa, a growth-management citizens group, said he thinks both the large size and the pale pink color of Corporate Centers One and Two in Concord were mistakes.

"I and many other residents think they are examples of inappropriate, distasteful architecture," he said. "One had a very small setback from the street and Two had no setback at all. The effect is that the entire project overwhelms the street rather than fits right into the landscape's fabric."

Nevertheless, Bedford dabbles in a number of artistic ventures. With his wife, he runs a publishing venture that puts out elaborate art books.

He also owns the Montgomery Gallery, a 19th and 20th century art gallery that is moving from a Montgomery Street location into the 250 Sutter St. building he owns in San Francisco that will house many other independent galleries.

Last December, he found a use for the building's basement when he opened a trendy, successful restaurant there called Las Caux, French for The Caves.

In addition, he owns Tourelle Cafe & Restaurant in Lafayette, whose French country menu is under the control of chef and manager Annette Esser. Esser joined Bedford Properties in 1984 after five years of owning A La Carte French Restaurant in Berkeley.

Now Bedford hopes to blend another avocation—duck hunting—with his insatiable thirst for profitable projects by building a duck preserve in the Delta.

The idea of a duck preserve stems from a passion developed in his youth.

Bedford recalls that his father often left early in the morning and arrived home late at night to oversee the Kaiser shipyards. Bedford soon devised ways of spending time with him.

"I started playing golf and shooting duck so that I could get to know him," the younger Bedford recalled.

The interest in duck-hunting recently prompted Bedford to jokingly ask one of his project managers to find a new location for a duck club that could make money.

The request prompted the manager, John Winther, a former president of the California Wetland Foundation, to develop a unique, privately financed plan to store fresh water within the sunken interiors of four Delta islands.

Bedford Properties is now trying to get state approval to store water inside the islands in the winter when it is plentiful and ship it to Southern California in the dry summer months for $125 an acre-foot.

As for the rest of the year, Bedford expects the islands will make fine duck-hunting spots.

BRIAN BOITANO: AMERICA'S OLYMPIC HERO

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. KONNYU. Mr. Speaker, I rise to bring to the attention of my colleagues the accomplishments of America's first gold medalist in the Winter Olympics—men's figure-skating champion Brian Boitano.

As we watched Boitano skate for the Olympic gold Saturday night, Brian brought a sense of patriotism and pride to the United States with his outstanding performance and his positive attitude. While all Americans claimed him as their hero, the people of my congressional district, which includes Brian's hometown of Sunnyvale, looked on with particular delight as he did all of us proud.

Mr. Speaker, I submit for the RECORD a copy of the San Jose Mercury News article entitled "Boitano Has Golden Touch." I know my congressional colleagues join me in congratulating Brian Boitano and thank him for bringing the United States its first Olympic gold medal this year.

[From the San Jose Mercury News, Feb. 21, 1988]

BOITANO HAS GOLDEN TOUCH

CALGARY, ALBERTA.—Chalk up one gold medal for the United States.

Brian Boitano won the battle Saturday night.

Boitano, 24, of Sunnyvale, defeated Canada's Brian Orser, 26, in the men's figure-skating final at the Olympic Saddledome to become the United States' first gold medalist of the Winter Games.

He did it with a herculean performance on the other guy's home turf.

He did it with eight perfect triple jumps and without the quadruple toe loop.

He did it.

"I was really on," Boitano said afterward. "I felt like angels were lifting me up and spinning me. When I had two jumps left, I told myself, 'Don't be smiling all over the place.'"

Boitano finished his program to a standing ovation. As he skated off, he received a bear hug from Lisa Schoeller, his best friend, from San Mateo.

He hugged Linda Leaver, his coach of 16 years, and choreographer Sandra Bezic. "I wanted to skate my best," he said. "When I got off, I told them, 'I did it. That was it.'"

Boitano became the third U.S. athlete to win a medal in Calgary and the second U.S. man to win the figure-skating gold since 1960.

On the medal stand, Boitano's eyes filled with tears. "That was a boyhood dream come true," he said.

Orser cried, too. And all of Canada heaved a sigh with that second place. Orser, the silver medalist in 1984 and the defending world champion, was the country's best, and possibly only, gold-medal hope.

"I wanted to be Canada's first men's figure-skating gold-medal winner in the history of the Olympics," Orser said, "and that didn't happen."

Orser, skating after Boitano, gave one of his grandest performances. But he did six triple jumps and a triple-flip jump.

Orser won four judges. Boitano won three. Two others, from Denmark and Switzerland, scored it a tie, and Boitano received their votes because of his superior technical marks.

Boitano and Orser, longtime friends, sat together silently afterward in the locker room.

"I thought it was kind of nice, just the two of us sitting there," he said. "I knew what he was feeling, and he knew what I was feeling."

Soviet Victor Petrenko, 18, passed teammate Alexander Fadeev to finish third.

Christopher Bowman, 20, of Van Nuys, finished seventh, and Harvard sophomore Paul Wylie, 23, placed 10th.

The men's final was billed as "The Battle of the Brians"—the confrontation between two men who had skated against one another for 10 years.

Both men skated almost flawlessly under incredible pressure.

Boitano called his 4½-minute program the best of his life. He was on from the opening moment, hitting both his first triple jump and his combination triple-double jump.

Bezic, who designed the military-style program, was ecstatic. "He gave his heart and soul," she said. "What an Olympian."

Boitano led Orser after the short program Thursday, when Fadeev dropped from first to third.

The long program counted 50 percent toward the final score. Compulsory figures counted 30 percent, and the short program counted 20 percent.

Fadeev, third after the short program, followed Boitano and fell once on his second jump. That dropped him to fourth place.

Orser, dressed in red, came onto the ice after Fadeev and rose to the occasion with a program that almost equaled Boitano's.

He stumbled slightly upon landing.

Still, his skating seemed to lack the determination that permeated Boitano's. Four judges gave Boitano the better technical mark, and five tied the two. Artistically, Orser won six judges and received a 6.0 mark from the Czech judge.

His teammate, Kurt Browning, the No. 2 skater on the Canadian team, failed to land the sport's first quadruple toe loop during his program. Browning attempted the quad two-thirds of the way through his program but stumbled and fell backward on both hands.

"I should have made history, because it felt really good," said Browning. "It only takes a fraction of a second to land it too late, which is what I did."

Boitano stuck with his longtime plan not to attempt one Saturday night. He has missed the quad four times in competition but said last week that he would attempt another one at the worlds next month.

Boitano had beaten Orser only twice since the 1984 Olympics, once at a competition in 1985 and again at the 1986 world championships.

Most recently, Orser beat Boitano at Skate Canada in October at the Saddledome.

Boitano and Orser will meet again next month at the world championships in Budapest.

"I have a title to defend," Orser said:

At least until then, Boitano is king of this hill.

PERSECUTION OF SOVIET CHRISTIANS

SPEECH OF

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. WEBER. Mr. Speaker, I am a member of the Soviet Christian Adoption Program which in a congressional bipartisan effort to work on behalf of persecuted Christians in the Soviet Union. The plight of religious believers in this country continues to be serious, even as we hear the media report about the promised openness under the rule of Soviet leader, Mikhail Gorbachev. If Mr. Gorbachev is serious about opening up Soviet society, then he will have to improve the treatment of the religious community.

As a member of the Adoption Program, I am a sponsor of Ivan Fyodorovich Kovalenko, a Ukrainian who was arrested for the fourth time in 1982 and charged under the Soviet criminal code for "infringing persons and rights of citizens under the guise of performing religious rituals, and disrupting the public order." He was sentenced to 5 years in prison and 5 years in exile.

Mr. Kovalenko was not endangering Soviet society but practicing his religious beliefs. His years in imprisonment are an ugly example of the reality of Soviet society. However, he is a courageous example for those facing repression and internment for their faith.

It is vital that we in the free world not forget that elsewhere people are suffering and dying for their spiritual rights. The upcoming 1,000 anniversary of Christianity in Russia offers us the opportunity to speak out for the innocent victims of religious persecution that are unable to speak for themselves. I urge my colleagues to remember Mr. Kovalenko and others who are persecuted for practicing their religious beliefs.

A TRIBUTE TO BRIAN J. SIMPSON

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BROWN of California. Mr. Speaker, today I wish to recognize the extensive public service of Brian J. Simpson, the outgoing president of the San Bernardino Area Chamber of Commerce. Mr. Simpson's influence on the chamber and the community is widespread. Under his leadership, the chamber has increased its involvement in governmental relations, as well as in local and State business issues. In 1987, the chamber played a vital role in attracting new businesses and a professional baseball team to the rapidly growing city of San Bernardino. Mr. Simpson was instrumental in the development and publication of San Bernardino Business, a chamber publication highly acclamined within the State of California. Membership and involvement in the chamber have increased dramatically, and this can be directly attributed to the chamber's heightened visibility and improved services.

Mr. Simpson has devoted many years of service within the 36th Congressional District, including membership on the local YMCA board of directors from 1977–81, serving as president from 1977–78. Soon after passing the California State Bar, he joined the San Bernardino County Bar Association, becoming president in 1980. On behalf of the organization, he helped found Tel-Law Inc., an information dissemination system providing free general legal information over the telephone. Tel-Law now operates a substantial library of tape recordings and has spread to several States.

Mr. Simpson has also taken an active role in the welfare of the youth within my district. He has volunteered numerous hours in antidrug programs, and is presently a member of the city parks and recreation commission. Because of his outstanding tenure as president of the San Bernardino Area Chamber of Commerce and his dedicated service within the San Bernardino area, I invite my fellow members to join me in honoring Mr. Brian J. Simpson.

FLORIO HONORS BLACK HISTORY MONTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding cultural event taking place in Cherry Hill, NJ. The Cherry Hill Minorities' Civic Association, an organization formed to provide a vehicle for the participation of minority residents in community life in Cherry Hill, has annually sponsored an event to commemorate Black History Month. This year, that event will take place on February 28, 1988 at Cherry Hill High School, and will, as always, highlight the cultural and historic richness of black people and their heritage.

Mr. Speaker, regardless of race, color, or creed, there are few things more worth celebrating, particularly in a nation as diverse as owr own, than our respective cultures, and few things more capable of eradicating prejudice and misunderstanding than the sharing of that culture with our fellow Americans. I've had the honor and pleasure of participating in this event in previous years, and have found it to be both educational and enjoyable. This year, the Civic Association's fifth annual commemoration of Black History Month will take place on Sunday, February 28, 1988, at Cherry Hill High School East in Cherry Hill, NJ.

Mr. Speaker, I recommend this event to my colleagues as a fine example of civic responsibility, and commend the members of the Cherry Hill Minorities' Civic Association for their efforts in establishing and continuing such a meaningful tradition for the residents of the Cherry Hill and South Jersey communities.

CLALLAM COUNTY HISTORICAL SOCIETY MUSEUM

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SWIFT. Mr. Speaker, last week I introduced legislation to authorize the compensation of the Clallam County Historical Society for their share of the construction of the Pioneer Memorial Museum, now referred to as the Olympic National Park Visitor Center. The visitor center was originally intended to be home to both the Park Service and the Clallam County Historical Society Museum.

The building was built in the 1950's with funds from both the Park Service and the Historical Society. The documentation of the events surrounding the construction of the building is unclear, largely because apparently "gentlemen's agreements" were used. However, from newspaper accounts, Historical Society minutes, interviews, and ongoing practices since then, it is clear the building was built for joint usage.

Further, there has been difficulty in determining the exact value of the Historical Society's holdings. Negotiations between the society and the Park Service resulted in a tenuous agreement for a payment of $155,000. My bill authorizes that payment to the Historical Society for its portion of the center. This bill resolves the problem of compensating the Historical Society by directing the National Park Service to purchase rights to the facility presently held by the Clallam County Historical Society.

The one time payment will be used as an endowment fund for the museum.

The building serves as the park's primary visitor center, and with the acquisition of the society's interest the park will be able to fully use the facility, provide better service to the public, and resolve a thorn between the park Service and the local community.

TRIBUTE TO THE LATE LEE J. FREMSTAD

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MATSUI. Mr. Speaker, it is with great sadness that I bring to my colleagues' attention the death of Lee J. Fremstad. Lee was a truly outstanding journalist who served the Sacramento community with distinction for 27 years during his tenure at the Sacramento Bee, including 10 years in the Bee's State capitol bureau.

I learned a great deal about California politics through Lee's articles, and I always valued his insights. I was not alone in holding this view, as Lee received the California Taxpayers' Association's best reporting award in 1973 and 1977, and his articles were featured in the New York Times, Newsweek, the London Daily Express, the California Journal, Esquire, Road & Track magazine and many other publications. His colleagues also acknowledged his talent in many ways, including electing him as president of the Sacramento Press Club.

Mr. Speaker, Lee Fremstad was an example of the type of journalist the founders of this country had in mind when they insisted on complete freedom of the press. His contributions to political journalism did much to further representative government, and his talents will be greatly missed. I extend my deepest condolences to his wife, Virginia, his mother, Florence, his children, Erik and Britt, and to the rest of his family.

HONORING SENATOR ROBERT STAFFORD AT THE BEGINNING OF HIS LAST YEAR IN CONGRESS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. CONTE. Mr. Speaker, for the last 12 years Vermont has been served in the Senate by a man with the character to lead and the compassion to serve. I have been fortunate to have Bob on my side in a number of legislative battles and even more fortunate to include him as a friend. As you know, Mr. Speaker, Senator Stafford has decided to retire from the Senate at the end of this year and all of us in Congress will sorely miss him.

Bob began his career as Rutland County's State's Attorney. He was then elected deputy attorney general, attorney general, Lieutenant Governor. He was then elected to the U.S. House of Representatives and subsequently to the U.S. Senate.

Mr. Speaker, during the years I have worked with Senator Stafford, he has proved himself as an involved, thorough, and effective legislator. He never leaves a matter unresolved. I have fought the battle for clean air and acid rain controls with Senator Stafford and let me tell you, his efforts will be missed.

Bob's retirement from Congress is testament to the dedication he has to his family. He is a man who takes immense pleasure in the time he spends with the ones he loves. And he takes tremendous pride in his four beautiful daughters and lovely wife. Perhaps more than anything else his daughters have provided him with satisfaction and joy.

Mr. Speaker, I consider myself lucky to be able to count Senator Stafford as a friend. Throughout all the legislative battles I have been through with Bob he has never lost his sense of humor or forgotten to show that sincere concern he feels for his colleagues and friends. And I trust, Mr. Speaker, that this part of our relationship will continue to grow after Bob Stafford's retirement from Congress.

These are just some of the qualities that characterize Senator Stafford. After he steps down he will not lose these admired characteristics. Senator Stafford will always be a loyal, hard-working, dedicated man, and above all a great friend.

After 24 years of working with you, it's time to say, "Congratulations, Bob, on a job well done."

[From the Washington Post, Dec. 4, 1987]

Solid Senator

Those who lament the decline of the Senate will soon have further cause. Robert Stafford of Vermont is retiring. The Senate will be both a louder and a lesser place for his departure.

Sen. Stafford, now 74, has spent his entire adult life in public service and not lost sight of what that term means. His career has been the old-fashioned, orderly kind, proof of the virtues of unhurried apprenticeship. He was prosecutor, state attorney general, lieutenant governor, governor, then spent 10 years in the House before his 15 in the Senate.

Too often the modern senator seems to be a telegenic wonder with an attention span measured in nanoseconds—all hare, no tortoise. Sen. Stafford is by contrast substantive, unassuming, patient and effective. He is not an ink hound. He has actually been known to pass a bill before its deadline.

His areas of greatest interest have been the environment and education. In the six years from 1981 to 1986 when the Republicans controlled the Senate, he was chairman of both the environment committee and the education subcommittee, he remains the ranking Republican on each.

Environment and education were two of the areas in which the early Reagan administration exhibited its greatest revolutionary zeal. You remember James Watt. You may also remember the president's proposals, some of which sadly continue to be made, to slash federal aid to higher education more or less in two.

Sen. Stafford quietly helped to stave off the craziness. Administration efforts to hollow out the major environmental statutes in the name of deregulation were turned aside. For a while, environmental policy was a nasty draw. More recently, some of the protective statutes have actually been refreshed and strengthened. The senator from the Green Mountain State played an important part in this turnaround. He did the same in education. Last year, his last as chairman, Congress reauthorized and secured the basic forms of aid to higher education. This year it is doing so at the elementary and secondary levels. The elementary and secondary bill passed the other day, 97 to 1. The vote is a tribute to a climate that Sen. Stafford helped produce. The Senate named the bill after him.

Sen. Stafford helped to save something else in the Reagan years. By virtue of the efforts he and others made, there continues to be room in his party for its moderates. When quiet men like Robert Stafford go, they are missed.

THE HEART OF A DISTANCE RUNNER

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BENNETT. Mr. Speaker, earlier this year, Jacksonville, my hometown, held its annual marathon. I always attend when I can. At my request, King Juan Carlos of Spain presented the Spanish Cup as the permanent trophy for this event several years ago, commemorative of Jacksonville's Spanish beginnings more than 400 years ago when Jacksonville was San Mateo.

It is a beautiful cup with Renaissance Spanish soldiers and the King's coat of arms engraved upon it—topped with a silver caravel as its finial.

As beautiful as that prize may be, the thousands of runners in the marathon express a beauty even more real. When I presented the awards at the marathon this year I made a comment that came in part from my own experience as a distance runner years ago in college; but more from what I had observed that day in Jacksonville. It was the inspiration coming from the spirit of the runners, showing qualities of humanity at its best. First, they demonstrated perseverance and second, a genuine desire on the part of the runners that they should all do their best; competition yet with mutual support.

Mr. Speaker, I received a letter the other day from the runner in the women's competition in the marathon. In my opinion, it is worthy of inclusion in the CONGRESSIONAL RECORD for it speaks of the quality of perseverance found in the hearts of all distance runners and in the lives of all who make lasting contributions to humanity. It reads as follows:

DEAR CONGRESSMAN: My name is Linda Van Honsen and I met you at the awards ceremony following the Jacksonville Marathon. I'm the young lady you talked with who won the women's overall division.

I'm writing you to tell you that I was honored to meet you, not only because you hold an important job devoted to our country, but because you obviously have an understanding of the work that goes into training for and competing in a marathon and understand and respect for the individuals who incorporate this sport into their lives.

You used the word "perseverance" to describe a trait that the marathon runner possesses. I was impressed with your insight into the inner feelings and desires of a serious athlete and your words indicating that you can see the desire to persevere in the eyes of such athletes.

Thank you for the time you took to witness this event and to share your feelings with me. Most people see only the finish line results of such an event, but you see much deeper into what it takes to get to the starting line. The award I received is physical proof that I accomplished, with success, a challenging event, but that's all it is—a physical object, until someone, such as yourself, sees beyond that object and into the meaning behind it. That's what makes the award really special. You really made me feel good about myself, and for that I thank you.

HUMAN RIGHTS ACTIVISTS AND RESERVE CALLUP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOYER. Mr. Speaker, the Members of this body have devoted a great deal of time and effort to working on behalf of the victims of Soviet human rights violations. At times this work seemed to be very frustrating, the results so scanty. But gradually the Soviet Government began to respond. The country's leadership was coming to realize that the international prestige of the Soviet Union and its ability to gain benefits in the international arena were being seriously undermined by its image as a repressive state that did not live up to international recognized norms of behavior vis-a-vis its own citizens. Even the January 25, 1988, issue of Pravda admitted that "it would be untrue to say that the campaign under the slogan 'in defense of human rights' was destined to be a disaster from the very beginning" and that in the Soviet past there were "various occasions when persons were denied permission to leave the country on shaky pretexts, certain books were forbidden to be published, mistakes were made in jurisprudence, people were illegally fired from their jobs."

As Chairman of the Commission on Security and Cooperation in Europe, the government agency mandated by law to monitor compliance with the Helsinki accords, I have been encouraged to note positive changes in the area of human rights within the Soviet Union. For instance, the number of known political prisoners is approximately half that of last year. Hundreds of well-known dissidents and thousands of refuseniks have been allowed to emigrate. Numerous unofficial organizations have arisen to raise issues that the Government has been unwilling to address in the past, and a thriving samizdat has been allowed to circulate.

For all these postive changes, an ominous new trend has appeared on the Soviet human rights scene recently. In the last month, two Baltic human rights activists were called up for serve military duty, apparently as punishment for their participation or planned participation in peaceful demonstrations. But even these were not the first.

In August 1986, Linards Grantins, one of the founders of the Latvian human rights group Helsinki 86, was arrested and late spent 5 months in a KGB investigative prison before being released in January 1987. Afterward, he was immediately called up for military reserve duty. Grantins refused for health reasons, was again arrested, and sentenced to 6 months in prison. Having been released at the end of his term, Grantins currently is recovering from a severe beating he suffered while imprisoned. He has agreed to emigrate rather than endure the 5-years camp term promised the next time he is arrested.

Petras Grazulis, a Lithuanian, finds himself in a similar situation. Many times Grazulis has participated in peaceful demonstrations and hunger strikes. He most recently helped organize an effort to celebrate Lithuanian independence day on February 16. These ceremonies, incidentally, were thwarted by the authorities. Subsequently, Grazulis was ordered to report for reserve training. Because he opposes military training for an army that has subjected his homeland to Soviet tyranny, Grazulis refused the call. As a result, Grazulis was tried earlier this month and sentenced to 10 months in a labor camp.

The most recent case is that of an Estonian, Heiko Ahonen. Ahonen has been a tireless human rights activist since the 1970's. He has appeared on French television to discuss human rights abuses and press for the formation of an opposition party in the Soviet Union to work for the independence and democratization of Estonia. As a result of his efforts, Ahonen has been beaten up on the street and his home and work place have been searched by the police. On February 2, we received word that Ahoneh had been arrested and jailed for refusing to report for reserve duty.

Mr. Speaker, I recognize that many nations have obligatory military service and reserve duty. I don't intend to suggest that reservists have the right to refuse call-up if the laws of their nations require it. Nevertheless, one cannot help but suspect that Grantins, Grazulis, and Ahonen were called up because of their involvement in the human rights struggle in their respective countries. Indeed, citizens of the Baltic nations serving in the Soviet Army are, in effect, forced to serve in the armed forces of a foreign power that has illegally occupied their homelands since the end of World War II.

As Chairman of the Commission on Security and Cooperation in Europe, I will be interested to note the developments in these cases. Call up for military duty should not become a reflexive reaction to those who only seek to improve the human rights conditions in their motherland. The cause does not justify the effect, especially in the cases of Grantins, Grazulis, and Ahonen. Let us hope that we are not seeing the beginning of a practice whereby military reserve duty becomes a punishment for human rights activity, rather than a legitimate contribution to the defense of the nation.

PORTUGUESE ACHIEVEMENTS SHOULD BE PART OF OUR CELEBRATION OF THE 500TH ANNIVERSARY OF COLUMBUS' VOYAGE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, as we begin to plan the celebration of Columbus' discovery of America, we should also commemorate the key role played by Portugal in laying the scientific, inquiring climate that resulted in Columbus' achievement. Americans owe a much greater debt of gratitude to the courage of the earlier Portuguese explorers than we commonly realize.

We in California are particularly aware of the Portuguese contribution to the New World because the discovery and settlement of California was first made possible by the voyages of Joao Rodrigues Cabrillo, a Portuguese who worked with the Spanish in Mexico.

The Portuguese-American community of California has long celebrated the contributions of Cabrillo to the history of the west coast.

I hope that during the next few years, the story of this contribution and the genius and courage of the Portuguese explorers can become better known throughout the United States. I would like to include at this point in the RECORD an article from the February 13, 1988, Washington Post that describes Portugal's celebration of the age of discovery.

The article follows:

[From the Washington Post, Feb. 13, 1988]

PORTUGAL CELEBRATES AGE OF EXPLORERS: "THERE IS A FEELING WE ARE STARTING A NEW CYCLE IN OUR HISTORY"

(By Edward Cody)

LISBON.—Exactly five centuries have gone by since Bartholomeu Dias sailed out of a storm and pulled into Mossel Bay, opening a new era by becoming the first European to round the southern tip of Africa.

The feat, which opened the way to the Indian Ocean and oriental treasures, was a high point in a remarkable series of government-sponsored Portuguese discoveries in the 15th and 16th centuries that have been compared to modern-day space exploration for their organization and impact on science.

Portuguese have just begun a 12-year celebration of that glorious past, seeking inspiration and confidence for what many here feel could be the start of another leap in history after years of stagnation. In the first major observance, President Pieter W. Botha of South Africa joined Portuguese officials last Wednesday at Mossel Bay, about 230 miles east of what is now Cape Town, to mark Dias' historic landing on Feb. 3, 1488.

In simultaneous ceremonies in Lisbon, President Mario Soares declared the commemoration of Portuguese discoveries, scheduled to last until the year 2000, provides "a unique opportunity to unite and mobilize the Portuguese people around the exalting idea of modernity." His remarks, in a speech to the national assembly, reflected a sentiment taking form here that Portugal has shed the backward heritage of its long dictatorship, debilitating colonial wars and a chaotic revolution and finally is ready to start catching up with the rest of Europe.

"There is definitely a feeling that we are starting a new cycle in our history," said Joao Vale de Almeida, who runs the European Economic Commission office in Lisbon.

However accurate these 20th century expectations turn out to be, the Portuguese discoveries definitely marked a great acceleration in Europe's knowledge back then and put this little country at the frontier of science. Portuguese mariners revolutionized cartography, astronomy, geography and shipbuilding as they opened Africa and the Orient to trade with Europe.

"We were great at that time," declared Commander Rodrigues da Costa of the government's National Board for the Celebration of Portuguese Discoveries. "From 1480 to 1520, we were the greatest in the world, no doubt about it."

Celebrations have been scheduled to mark only the major discoveries, such as the African coast, Brazil, India and Japan. Da Costa said marking them all would be too much of an undertaking.

"Argentina, yes, we were first," he recited. "Brazil, yes, we were first. Malacca, yes, we were first. Japan, yes, we were first, and Hormuz, and all up through the Arab emirates. Portuguese were the first Europeans to go there, too, but we don't have the resources to celebrate everything."

The American historian Daniel J. Boorstin, former director of the Library of Congress, wrote in his book "The Discoverers" that Portuguese exploits, in contrast to Columbus' fortuitous discovery of America, were the fruit of methodical planning, government sponsorship and careful accumulation of scientific data. "The Portuguese achievement was the product of a clear purpose, which required heavy national support," Boorstin wrote. "Here was a grand prototype of modern exploration."

In calling special attention to the discoveries through a 12-year program of exhibits and observances, the board has aimed for more than memory. It also is seeking a revival of national pride and the spirit of enterprise.

The 15th and 16th century exploration, experts have said, took place in part because Portugal enjoyed national unity and government stability then while the rest of Europe was torn by strife. Officials here noted that Portugal now appears to have ended a period of its own strife, losing the African colonies and struggling through a tumultuous revolution.

Prime Minister Anibal Cavaco Silva, for example, last July won the first absolute parliamentary majority enjoyed by any government here since the dictatorship fell in 1974. In a message ushering in discovery observances, he urged that the early Portuguese explorers become examples for "the economic and social progress we have to carry out, in the political and institutional stability we are living, to prepare for the coming century."

"All the Portuguese discoveries have for a long time been emblematic for the Portuguese people," Da Costa said. "But now they can be an example and an inspiration for young people, for students and technicians, to move forward. We have lost our empire; now we must discover ourselves."

TRIBUTE TO REEDLEY, CA

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. PASHAYAN. Mr. Speaker, it was 100 years ago that the good people of the fertile land of the San Joaquin Valley banded together to form the community of Reedley. Reedley has long symbolized how people of diverse backgrounds can come together in Americas and forge a dynamic and productive community. The Yokut Indians first realized the value of the area, and they were followed by European groups, German Mennonites, Armenians, Finns, Japanese, Syrians, Mexicans, Filipinos, and others.

Thomas Law Reed, a veteran of the Civil War, lent not only his name to the town, but his farming enterprise. His leadership in farming in the area has had tremendous effects even to this day. Now in Reedley's surrounding lands there grows a diverse collection of crops, including cotton, fruit, nuts, vegetables, and maize. It has become known as the World's Fruit Basket.

In 1913, the settlers in the community of Reedley voted overwhelmingly to incorporate into a city and as a city it flourished. Thomas Reed would be proud of the town bearing his name today, from its schools and its churches to its parks, hospitals, airport, residences, and businesses.

On February 18, 1988, the citizens of Reedley inaugurated a 9-month celebration of their heritage, filled with balloons, a pageant, cultural displays, tours, a parade, and other lively events. I am proud to be representing the people of Reedley in the U.S. House of Representatives. On behalf of the House, I should like to extend congratulations to the residents of Reedley past and present for creating an outstanding American community.

TRIBUTE TO CLIFFORD SEGRIST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Ms. KAPTUR. Mr. Speaker, in Delta, OH, the Delta Chamber of Commerce is honoring Clifford Segrist as its first "Citizen of the Year." Such an honor could only go to a community-minded man of Mr. Segrist's stature. He has given his life to his community. All Delta is his family. Not only has he served as a member of the Delta Fire Department for over 50 years, but he served as the village mayor from 1954-57 and as past president of the Delta School Board. For over 56 years, Mr. Segrist has been Santa Claus to the children of the village, and frankly, to the adults as well.

He is the father of 5 children and grandfather of 14. He is a member of the Delta Rotary Club and Masonic Lodge and an active member of the Delta United Methodist Church. In 1985, Cliff served as grand parade marshall of the famous Delta Chicken Festival. His wife, Marian, as always was at his side.

Cliff Segrist is the type of American who understands what it takes to build our great country. He values those around him and in the process creates a caring community of family and friends. It is this unselfishness that is the basis for a strong nation.

Congratulations to Clifford Segrist, Citizen of the Year, Delta, OH.

A CHANCE FOR PEACE IN THE MIDDLE EAST

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. EDWARDS of California. Mr. Speaker, on February 9, 1988 our colleague MEL LEVINE had published in the Los Angeles Times an article concerning the influential role the United States can play in bringing about peace agreements in the Middle East in 1988. For the benefit of my colleagues who may have missed this article, I would like to insert it in the CONGRESSIONAL RECORD.

Mr. LEVINE points out that the United States, because of its reflagging operations in the Persian Gulf, has gained an increased degree of respect from the Arab nations. This improvement in relations gives the United States an opportunity to more effectively use diplomatic pressure to bring about an end to the Iran-Iraq War. Also, the United States can use this strengthened relationship to encourage both the Arabs and the Israelis to adopt more moderate positions so that they can begin negotiations toward a settlement regarding the occupied territories.

Congress and the administration must recognize the importance of taking advantage of this opportunity to bring about an end to the violence in the Middle East. As Mr. LEVINE points out in his article, doing nothing will certainly only worsen the bloodshed in that region.

I commend this article to the attention of my colleagues.

[From the Los Angeles Times, Feb. 9, 1988]

'88 MAY BE THE YEAR FOR MIDDLE EAST—ELECTIONS SHOULDN'T GET IN THE WAY OF NEW PEACE OPENINGS

(By Mel Levine)

Conventional wisdom says that nothing can be done in the Middle East this year, an election year for Israel as well as for the

United States. After a recent visit with government leaders in that region, I am convinced that the opposite is true: 1988 offers unparalleled opportunities for diplomacy, and the absence of diplomatic effort promises more tragedy. In particular, our presence in the Persian Gulf gives the United States leverage to move on both an Iran-Iraq and an Arab-Israeli peace.

There is little doubt that the Reagan Administration stumbled into the reflagging effort in the gulf. There is also reason to be concerned about the open-ended nature of our military commitment. Nonetheless, it is clear that our presence has improved our relations with the gulf states. Each of the Arab leaders with whom I met stressed that our expanded presence has had a positive regional effect. Their initial misgivings over our resolve, particularly after the Lebanon tragedy and the Iran-Contra fiasco, have given way to an appreciation of our commitment and our willingness to confront Khomeini's Iran.

The enhanced standing that the United States enjoys with the Arab states provides us with diplomatic leverage to press for an end to the Iran-Iraq conflict and, simultaneously, to achieve passage of the followup arms-embargo resolution in the U.N. Security Council.

Our increased credibility in the Arab world should also be exploited to pursue a broader peace in the Middle East. An end to the Iran-Iraq War is only one side of the coin. The United States has aided the efforts of others to check Iran; we need help in our efforts to achieve peace between Israel and the Arabs. While we should not condition one on the other, we should make it clear to our Arab friends that we do expect much greater cooperation in an endeavor that clearly would benefit all parties in the region.

Practically every official with whom I met told me of his commitment to pursue a peaceful resolution of the Arab-Israeli conflict. If they are to be believed—and I would like to give them the benefit of the doubt—they must take concrete steps toward that end, principally:

State publicly what they whisper privately about peace and Israel's right to exist within secure boundaries. No more hints and innuendo.

End provocative public statements that attack Israel and employ objectionable references to Israel and to Jews. Such rhetoric—simply "playing to the masses," we are told—harms any effort to create a constituency for peace.

Cease subsidies to the Palestine Liberation Organization that allow it to flourish even while it continues to terrorize Israel.

Perhaps most important, provide Jordan with unequivocal diplomatic support to enter peace negotiations with Israel. Such support has been negligible in the past, and King Hussein is reluctant to move forward without broad Arab backing.

Such actions undoubtedly would reverberate throughout the region, and would send an unambiguous signal that the Arabs are ready for peace. The effect on Israel would be profound, as the political deadlock in that country over the peace process would likely be broken.

Israel, too, must again demonstrate the imagination to move toward peace. The current violence in the West Bank and Gaza should show that a political solution to the disposition of the territories is imperative. The Israeli government must pursue all possible avenues to get talks under way, even if it means agreeing to a compromise international framework like the umbrella of the next Reagan-Gorbachev summit meeting—which would provide superpower auspices for negotiations—or perhaps the reconvening of the Geneva-type framework of the early 1970s, under which Egypt, Syria and Israel reached disengagement agreements with U.S. assistance.

This should not be too much to ask of either the Arabs or the Israelis, since a wider peace would benefit both sides. Further, the present circumstances in the Middle East create a climate for movement now in the peace process, if properly exploited by the United States and the relevant regional parties.

The de-facto alliance between Egypt, Jordan, Saudi Arabia, Iraq and the other gulf states against Iran; the reintegration of Egypt into the Arab fold in spite of its peace treaty with Israel; the diplomatic and financial isolation in which Syria finds itself, and the leverage that our gulf presence gives us—all provide the United States with an opening toward a Mideast peace that did not exist six months ago.

Conventional wisdom aside, present circumstances suggest that 1988 could offer the most promising prospects for peace. The Egyptian president's visit to Washington along with reports that the United States is exploring a new peace initiative in the Middle East are encouraging signs. The alternative to meaningful movement is the status quo, and all interested parties—Arabs, Israelis and the United States—**should by now realize the perils of standing** still.

RESOLUTION DESIGNATING SEPTEMBER 16, 1988, AS POW/MIA RECOGNITION DAY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. SOLARZ. Mr. Speaker, I recently introduced, along with Congressman ROBERT LAGOMARSINO, a resolution that designates September 16, 1988, as National POW/MIA Recognition Day.

This resolution is of particular significance to me because, as chairman of the Subcommittee on Asian and Pacific Affairs, I have been actively involved in the effort to achieve a full accounting of our missing men from the conflict in Southeast Asia.

Resolving the fate of the Americans missing and unaccounted for in Indochina is an issue of fundamental importance. It is also a humanitarian issue which has garnered broad bipartisan support in the Congress. Indeed, it is incumbent upon us in the Congress as well as the administration to do everything within our power to attempt to heal this festering wound of the Indochina war by achieving a satisfactory answer to the fate of those Americans who did not return from that war.

No one will disagree that progress in resolving this issue has been painfully slow. Prior to the appointment of Gen. John Vessey as Presidential Envoy to Hanoi, precious little progress had occurred. The Vietnamese had reneged on commitments to cooperate, had suspended technical talks and had virtually ignored their unilateral 2-year plan to achieve a resolution of the issue.

Nevertheless, U.S. resolve on the part of the administration, the Congress and the American people remained, and continues to remain, unbroken. The appointment of General Vessey, I believe, was the catalyst in revitalizing the stalled discussions. And while everyone hoped that the tangible results of the Vessey mission would have been greater, some movement has taken place as evidenced by the return of remains by the Vietnamese and their renewed willingness to hold talks on this issue.

It is critically important, however, that the administration and the Congress continue to press Vietnam, as well as Laos, to cooperate at an accelerated pace. This resolution sends the appropriate signal to these countries since it underlines the fact that the United States will not cease to pursue a resolution to this issue unless and until we reach the fullest possible accounting of our missing.

By adopting the resolution, however, we do more than signal Vietnam and Laos. We reaffirm our debt to our servicemen and civilian personnel who dedicated their lives to defend our freedom and who were either captured by enemy forces, or were declared missing in action by our Government. This resolution pays tribute as well to those who were captured by the enemy, and who were returned from imprisonment.

Furthermore, this resolution recognizes the tremendous sacrifice made by the families of our missing men and acknowledges the continued debt we owe these brave men, women, and children.

Over the past several years, National POW/MIA Recognition Day has been commemorated across the Nation, with appropriate ceremonies at the local, State and national level. The designation of this day as National POW/MIA Recognition Day coincides with the activities planned by the National League of Families and other veterans and community organizations. Such events are not just ceremonies; they serve to increase awareness in the United States, and throughout the world, that Congress is committed to achieving the fullest possible accounting of these men.

THE NIGHT BRER RABBIT MET SDI

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. STARK. Mr. Speaker, I'd like to share a column by the Oakland Tribune's science writer Peter Aleshire. It looks at how the exaggerated claims made for the SDI program have enticed us into a tar pit we don't know how to get out of.

[From The Oakland Tribune, Feb. 20, 1988]

THE NIGHT BRER RABBIT MET SDI

(By Peter Aleshire)

Last night I read the story about Brer Rabbit and the tarbaby to my sons Seth and Noah.

You may recall the story. The sassy, too-clever-for-his-own-good Brer Rabbit is bouncing along the road when he comes upon a man made of tar, left as a trap by his arch enemies, Brer Fox and Brer Bear.

Brer Rabbit says howdy, but the tar man doesn't reply. Our hero is so upset by the tarbaby's rudeness, that he ends up punching away until he's totally entangled in a tarry mess.

Fortunately, Brer Rabbit convinces his enemies to do him in by throwing him in the dreaded briar patch. Whereupon, he uses the thorns to scrap off the tar and scampers away.

The boys went happily off to bed, reassured that a sufficiently clever fellow can recover from his own foolishness, bears and foxes notwithstanding.

Myself, it reminds me of President Reagan's Star Wars defensive system.

Specifically, it reminds me of the X-ray laser system that may have hooked the president in the first place, but which has now yanked the Lawrence Livermore National Laboratory out of the boat and into a political swamp.

The X-ray laser is one of the best-developed ideas for an anti-missile defense system that Reagan hopes will someday protect us from a possible Soviet attack. It's actually a hydrogen bomb that produces precisely aimed beams of X-rays that could, theoretically, destroy Soviet missiles in flight.

Even if it worked, the X-ray laser would have some limits. It has to be launched within a few minutes of the missiles it's intended to destroy, since it has to strike after the target missile clears the atmosphere but before it gets into orbit and deploys decoys.

That means the X-ray generating H-bombs would either have to be in orbit above Russia, or in submarines just off the Soviet coast that are in constant communication with our missile warning network.

But never mind. Early on, H-bomb inventor Edward Teller used his easy access to President Reagan to paint a glowing picture of the potentials of X-ray laser.

It was then up to the hotshot young physicists at Lawrence Livermore National Laboratories, which Teller played a key role in founding shortly after World War II.

We taxpayers have been spending about $600 milion a year trying to find a way to make the X-ray laser work.

The program got snarled briefly in 1985 when assorted leaks made conflicting claims about the test results. Congress halted the work, but gave the go-ahead again after an inconclusive General Accounting Office report.

Enter physicists Roy Woodruff, a former associate director of the program, and W. Lowell Morgan, a staff scientist.

Last spring, Woodruff wrote a confidential memo to the University of California, which manages the weapons lab, contending that Teller and Lowell Wood, manager of a weapons design group at the lab had oversold the test results. Woodruff claimed that lab director Roger Batzel refused to allow him to transmit correcting information to the administration. Woodruff then asked to be reassigned, whereupon Batzel demoted him and gave him minimal salary increases.

Woodruff's letter was recently released by the Southern California Federation of Scientists, which obtained it from an unnamed source.

Morgan later backed up Woodruff's claims in a letter to Rep. George Brown, a California Democrat.

Lab officials say the whole thing is simply a personnel dispute and deny misleading anyone.

Woodruff appears to have won round one, since the university recently ruled he'd been unfairly demoted and ordered him restored to a better position. The General Accounting Office is also investigating.

Myself, I keep thinking about the tarbaby.

We seem to be stuck. There sat Teller's X-ray laser, as a president who thinks in anecdotes came hopping past. He smacked it with a speech, then some research money and some testimony before Congress. And before you know it, we're all tangled up.

You can almost understand. At first, it looked like someone you'd like to know. Who wouldn't want to finally be safe from annihilation? But it seems as if no one looked very closely at the flat, coal-rock eyes or the gleaming sheen of the oily tar. Isn't it obvious that the Soviets would take an orbiting hydrogen bomb as a first strike weapon? Haven't we figured out yet that every time we deploy some new weapon the Soviets quickly counter, leaving things more deadily than ever?

I wish I could figure out where lies the briar patch in this real-life story. Maybe it's the budget deficit. Maybe we'll junk Star Wars in the name of reducing the debt without cutting Social Security.

I hope so.

But I doubt it.

IN SUPPORT OF THE ADVANCED PHOTON SOURCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FAWELL. Mr. Speaker, as a member of the House Science, Space, and Technology Committee, I would like to bring to my colleagues' attention an article on a new accelerator to be constructed at Argonne National Laboratory in Illinois. The advanced photon source, also known as the 7 GeV synchrotron, will produce x rays 10,000 times more powerful than currently possible. Scientists will use the APS like a giant flashlight to explore the properties, compositions, and interactions of materials. Research with the APS will directly benefit our Nation's competitiveness and will demonstrate that collaboration among American industries, universities, and national laboratories can be as strong as it is among our competitors.

I commend the following article to your attention.

[From the Chicago Tribune, Feb. 20, 1988]

ARGONNE MAY LAND HUGE X-RAY PROJECT

(By Jon Van)

A proposal to build the world's most powerful X-ray machine at Argonne National Laboratory got a big boost in President Reagan's new budget plan, which allocates $6 million to begin construction next year.

The machine, called a synchrotron, would eventually cost $456 million and could create more than 1,500 construction and related jobs in Du Page County. It also could add hundreds of additional jobs as high-technology industries move to the area to take advantage of the machine.

This, in turn, could give Du Page a competitive edge in its effort to develop a major high-tech corridor along the East-West Tollway. Similar facilities are being planned in Japan and Europe to give their industries an edge, Argonne scientists say.

And unlike the superconductor supercollider, another high-tech research device being touted for the western suburbs, the X-ray machine has many practical applications for industry.

At any given time, more than 300 scientists could do experiments using the machine, which could help in the fields of petroleum, semiconductors, chemical enzymes and plastics. It also is hoped the machine will lead to new technologies in medicine that will help spot illness, such as cardiovascular disease, before symptoms are present.

Scientists at Argonne, near Lemont, have been pushing for construction of the facility for several years and their research persuaded the federal Department of Energy to designate Argonne as the site for the machine, if it were built.

U.S. Rep. Harris Fawell (R., Ill.), who has taken the lead in securing money for the project, said Friday he believes chances are excellent the funding will be approved.

"The importance of this appropriation is it's the commencement of construction," Fawell said, noting that the project has received research and development funding for three years.

"The Department of Energy is committed to it," he said, adding that Argonne expenditures have been supported fully by the entire Illinois congressional delegation.

The facility, which Argonne officials have dubbed an Advanced Photon Source, or APS, will serve as a national resource for basic research into materials science and biotechnology.

Though basic research will be done by using the X-rays to probe the nature of materials and cells, scientists expect that many benefits to applied science and technology will flow from its construction.

The APS Argonne shouldn't be confused with the superconductor supercollider, being proposed at Fermi National Accelerator Laboratory, also in Du Page.

The collider also awaits approval from Congress, which has a $363 million initial construction proposal from Reagan's budget awaiting approval, but even if the collider is built, there is no assurance it will be in Northern Illinois. Six other sites, in Arizona, Colorado, North Carolina, Michigan, Texas and Tennessee, are also in the running.

A decision on picking a site for the collider is expected from the Department of Energy this summer. The collider will provide more jobs for construction, but its economic impact on the region may not be significantly greater than the APS.

The collider will require a 53-mile circumference oval tunnel to be built for accelerating subatomic particles to speeds near the speed of light at very high energies so they can be smashed into each other to create new particles that provide clues for scientists who are investigating the fundamental nature of matter.

The goal of building the collider is to unravel secrets of how the universe was formed and how it works. Goals of the APS are less cosmic. Scientists would investigate how atoms and molecules are arranged to make ceramics hard or to make metals durable or how cells perform functions vital to health.

Scientists have described the APS as something like a giant flashlight used to illuminate the subatomic workings of matter.

The APS would generate forces of 7 billion electron volts, 10,000 times greater than any existing X-ray source. Like the collider, the APS would require a circular tunnel for accelerating an energy beam, but the tunnel would have a circumference of about 3,500 feet.

The entire APS apparatus will be constructed on the existing Argonne campus so that it doesn't require any land already occupied by neighbors. This should avoid any local concerns or opposition such as those that have arisen recently from neighbors of the proposed collider who are concerned about having a tunnel for high energy beams several hundred feet beneath their homes.

Several work stations providing high energy beams of X-ray light would be available to researchers from universities and to private companies interested in focusing the beams on materials for research. It is likely, say boosters of the APS, that some companies may establish offices in Du Page as a result.

David Moncton, a scientist on loan to Argonne from Exxon Corp., extolled the potential for cooperation between industry and the lab.

"The Advanced Photon Source is already opening new avenues of cooperation between industry and publicly funded researchers," he said.

"For example, we are investigating new ways for entrepreneurial small businesses to provide medium-sized industrial laboratories with access to synchrotron X-ray sources for research. We are also looking at ways for consortia fo small- and medium-sized businesses to cooperate on research while preserving proprietary rights to specific research findings."

To produce its ultra-strong X-ray beams, the APS will use positrons, which are positively charged electrons, accelerated to high energies in the ring.

The APS should help advance knowledge about how reactions take place in chemical reactions that produce petroleum products, make semiconductors, form enzymes and manufacture plastics.

Using the light beams of the APS, scientists hope to make moving pictures of how fast chemical and biological reactions take place.

Powerful magnets will cause the positron beams to vibrate or wiggle as they race around the ring and this causes emission of the X-rays.

BLACK HISTORY MONTH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RODINO. Mr. Speaker, the celebration of Black History Month in February is a time to acknowledge the notable achievements of Black Americans and to recognize the contributions that blacks in every field have made to enrich the fabric of American life. By paying special tribute to black Americans, we ensure that the full scope of American history is presented today and passed on to future generations tomorrow.

But Black History Month is much more than a celebration of the past. It also provides a unique opportunity for all Americans to reflect upon the long struggle for freedom in our Nation, to appreciate the indomitability of the human spirit and to renew our commitment to the goals of a fairer and more just society.

Blacks have been at the forefront of our national struggle for freedom from the very beginning. One of the first Americans to give his life for freedom was a black man. Crispus Attucks died at the hands of British troops in the Boston Massacre in 1770. He spilled his blood for liberty—despite the fact that it would be almost another 100 years before slavery was abolished.

The freedom cry sounded by Crispus Attucks was loudly echoed in the words and deeds of Frederick Douglass, Dred Scott and Harriet Tubman as they courageously sought to end the stain of slavery. When abolition did not bring true equality, the mantle of justice was carried forward by such pioneers as James Weldon Johnson and W.E.B. DuBois.

In our lifetime, black Americans such as Mary Bethune, A. Philip Randolph, Bayard Rustin and most notably—Dr. Martin Luther King, Jr.—led America toward, what Dr. King called, the "sunlit path of racial justice." They aroused the conscience of America and inspired us to achieve our true greatness as a nation. The milestones along this path, which I was proud to help erect, were the Civil Rights Acts, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, legal services, to name but a few. What these Black Americans brought about was a social revolution in our country as their struggle became everyone's struggle and their achievements became America's achievements.

What we learned from this enduring legacy was that the human spirit cannot be imprisoned by any man-made barrier. Against the obstacles of slavery, injustice and discrimination, Black Americans fought for equality with courage and dignity. Marches, demonstrations, sit-ins, countless hardships and imprisonment were part of the long battle and the deep wounds suffered by blacks. Many risked—and sometimes gave up—their lives in this noble cause. Yet in triumph and in tragedy, the fight for equality continued.

Black History Month also reminds us that the struggle is not over. The preservation of civil rights is threatened, poverty and hunger reflect economic inequality and racially motivated violence is increasing. We must remain vigilant in protecting the accomplishments of the past by reaffirming our commitment to true equality today. Our responsibility for preserving liberty remains as strong as ever.

For all of these reasons, Black History Month is a special occasion to acknowledge and honor the countless contributions of Black Americans. At the same time, we cannot separate black history from the history of our country. The struggle of Black Americans serves as an inspiration and a reminder; their courage is a cherished tribute to the human spirit and the profound changes in our Nation wrought by blacks continues to benefit us all.

Mr. Speaker, millions of Americans are joining in thousands of cities and towns across the United States to celebrate Black History Month. I am particularly proud of the many activities in my own congressional district. With your permission, I would like to include in my remarks the following highlight of the special Black History Month celebrations in the 10th Congressional District.

[The article follows:]

[From the East Orange Record, Feb. 4, 1988]

CULTURAL EVENTS WILL HIGHLIGHT BLACK HISTORY MONTH

(By Michael A. Wattkis)

Local community groups and centers, universities and museums early this week kicked off February as Black History Month in honor of America's black culture with an educational and entertaining array of lectures, seminars, dance, music and theatre.

Private and state universities will highlight the month-long celebration with a focus on the past and present contribution of black America, the civil rights movement and early black American history.

Cultural groups, art centers and museums will showcase Afro-American culture with dance, music and poetry.

"We have a true potpourri of Black cultural activities, ranging from poetry to music, to fine photography," said Celeste Bateman, supervisor of the Newark Division of Cultural Affairs.

The celebration of black culture was initiated about 1915 by noted black scholar and editor of the Negro History Journal, Carter G. Woodson.

The celebration began as a week-long event around the birthday of the "Great Emancipator" Abraham Lincoln and gradually grew to its month-long length.

New Jersey Network, Channel 50, throughout the month will present a compelling series of programs that explores the contributions, achievements, struggles and triumphs of black America. The programming includes a series of specials, documentaries and films.

A special encore presentation of the award-winning, six part documentary, "Eyes on the Prize" opens the special programming schedule. On Feb. 9, 10 p.m., two episodes will be aired and the others Feb. 16, 23, and March 1.

The documentary, narrated by Julian Bond, chronicles the "events, struggles and undaunted spirit" of the civil rights movement in America between 1954 and 1965. Contemporary interviews are mixed with actual film footage depicting this turbulent period. It also depicts the emergence of the civil rights leaders such as the Rev. Dr. Martin Luther King Jr. and the "awakening of black America as a political force."

Other programs on NJN include "Cissy Houston: Sweet Inspiration," Feb. 10, 10 p.m. This feature chronicles Houston, mother of popular pop artist Whitney Houston of East Orange, early singing career as a member of a gospel quartet to her days with nieces Dionne and Dee Warwick up to her formation of her singing group Sweet Inspiration.

On Feb. 25, 8 p.m., the station will also present "In Rememberance of Martin," an hour-long tribute to the late civil rights leader and winner of the Nobel Peace Prize. Rarely seen footage of King is combined with excerpts from the January 1986 ceremony that marked the first national to honor his birthday.

NJN's "State of the Arts" program will dedicate all of its programs throughout the month to the cultural heritage of blacks.

On Feb. 20, WABC-TV's News Anchor Roz Abrahams will be the special guest at the Fifth Annual Black History Month Breakfast at Scott's Manor, Orange. The 10 a.m. breakfast is being sponsored by the National Council of Negro Women of the Oranges and Maplewood.

In East Orange, The Bookstore & Company will sponsor a poetry reading, entitled "Rhymes and Reasons" on Feb. 6 from 5 p.m. to 8 p.m.

Featured poets are Layding Kaliba, Jaleelah, Linda A. H. Walker, Sandra West and Guy Whitlock. The Bookstore is located at 263 Central Avenue, near Munn Avenue.

Additionally, Clifford Scott High School has a month long series of events planned honoring the achievement and history of Afro-Americans.

"The Jimmy Heath Quartet" will inaugurate the Newark Museum's series, "Black in the Arts," Feb. 7, 3 p.m. at the Second Presbyterian Church at the corner of Washington and James Street, downtown Newark.

A composer and conducter, more than 50 of his works have been recorded by numerous jazz artists. Television reporter Gill Noble, host of WABC-TV's "Like It Is," will talk to Health about his career and music. The discussion will be interspersed with musical compositions and examples. Admission is free.

The museum will host a free Children's Live Theatre, Feb. 6, 1:30 p.m. in Program Hall. Edmund Feliz and Hilary Bader will perform "Africal Folk Tales," a potpourri of stories, dance, mime and music.

At Rutgers University on Feb. 19, a panel of scholars—Basil Davidson, Robert Farris Thompson and Sterling Stuckey—will discuss the Transatlantic Slave Trade in the Paul Robeson Student Center from 9:30 a.m. to 5 p.m. Admission is $5 for the public and $3 for students.

Seton Hall University began its celebration with a candle light vigil in honor of Dr. King earlier this week and will continue a menu filled with events.

This afternoon at 7 p.m. in the Student Lounge, the Rev. David Lee will lecture on "Aids in the Black Community." Then on Feb. 7, 3:30 p.m. in the Main Lounge, Rockaway Review, a travelling senior citizen group, will present "On the Road Again." Admission is $6.

Then from Feb. 8-26, the Pallotine Institute for Lay Leadership and Apostlic Research, in conjunction with the Archives of Seton Hall and the Archdiocese of Newark, will present an exhibit entitled "A Statement of Need: Black Catholic Evangelization."

UNDETECTABLE PLASTIC GUNS

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MILLER of Washington. Mr. Speaker, on February 18, I joined my colleague Congressman ROBERT MRAZEK in introducing H.R. 3974, a bill to prohibit the manufacture, importation, sale, possession, transfer, receipt, shipment or delivery of not readily detectable firearms. If enacted, this bill would stop a new generation of undetectable plastic guns from coming into this country.

Plastic guns. Just a short while ago that was a term used to describe a harmless children's toy. Today, these undetectable plastic guns should strike fear in the heart of anyone who travels by airplane. These weapons would be feared by anyone who works in or visits the U.S. Senate, House of Representatives or the White House. In fact, anyone who has had occasion to walk through a metal detector has reason to fear the idea of undetectable plastic guns.

You see, Mr. Speaker, undetectable plastic guns are designed to evade metal detectors. Just let your mind wander for a moment. Try to imagine the havoc wreaked by putting such a weapon in the hands of the terrorists, criminals, malcontents and other sociopaths who hold human life so cheap.

Put yourself, for a moment, in the shoes of our law enforcement officers when undetectable handguns are added to the criminal arsenal—an arsenal that now includes Uzi submachine guns, Saturday night specials, and cop killer bullets.

Mr. Speaker, right now this new generation of undetectable plastic firearms is not widely available. But the technology exists to make this nighmare a reality. We have the opportunity now to prevent these weapons from coming into this country, onto our airplanes, into our office buildings and court houses.

This bill has been carefully drafted. It outlaws handguns which cannot be detected by a FAA approved walk-through metal detector when the gun's grip, stock and magazine have been removed or if the handgun cannot be detected by the FDA approved x-ray system to inspect carry-on baggage. The bill allows the Secretary of the Treasury to update the standards on metal detectors to keep up with improvements in technology.

This bill is not an assault on the second amendment. Rather, it is a carefully crafted, proactive, preventive measure. Even opponents of gun control legislation like Senators MCCLURE and HATCH recognize the problem posed by undetectible plastic guns. That is why they have introduced the prohibition of Undetectible Firearms Act in the Senate. Mr. Speaker, H.R. 3974 deserves our speedy consideration and passage.

BICENTENNIAL OF YORKTOWN

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FISH. Mr. Speaker, I rise on this occasion to speak to this Chamber about a community in my home district, the proud and exuberant town of Yorktown, Westchester County, NY, which is celebrating its bicentennial in 1988.

For 2 years, a bicentennial committee, comprised of 10 members of the town, has been preparing a variety of celebration and special observances. To start things off, on Saturday, March 5, theatrical skits will be performed by fifth-grade students from the Yorktown school district and eighth graders from Lakeland school district. The school bands will entertain at a reception following the performances.

On March 6, the town of Yorktown museum will open the first exhibit on the history of Yorktown, entitled, "Yorktown Patchwork." The museum plans to continue with different exhibits throughout the coming year, each representing a different phase of the town's past.

In April, the bicentennial committee will sponsor a display of art works by local student artists. The works will be displayed in the Jefferson Valley Mall and in businesses throughout the area.

Moving into the summer, the bicentennial committee has plans to involve the residents of Yorktown in outdoor activities. In May, the first of a series of nature walks on Turkey Mountain will be held. A Memorial Day parade is scheduled, followed closely by a bicentennial ball on June 5. The ball will be held at the Jefferson Valley Mall and civic organizations in Yorktown are all involved in sponsoring the event.

The Yorktown Bicentennial Olympics and International Festival will be held on July 2. The Yorktown Parks and Recreation Department will hold olympics for children in the morning. In the afternoon, ethnic social clubs from the area will bring dance, drama, food, and music from their native countries to the international festival for all to enjoy. The middle and later part of July will bring more music to Yorktown with evening concerts in Downing Park.

The autumn of Yorktown's bicentennial year will include a grange fair and a street fair. On Sundays in October, under the auspices of the Yorktown Pastors Association, area churches will reenact the first service held in their respective churches.

A history of the town of Yorktown will be published this year. The book is being written by town historian and bicentennial committee member Doris Auser.

In closing, I am extremely proud of the spirit that exists in the town of Yorktown. All those on the bicentennial committee and all others who give of their time and energy can take pride in their efforts. The town of Yorktown is an example of communities everywhere.

BLACK HISTORY MONTH

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. MAVROULES. Mr. Speaker, I am pleased to have this opportunity to acknowledge the achievements of a citizen from Lynn, MA, Mr. Vincent F. Jarvis. He has contributed to the betterment of our community through his significant active public service. His recognition is particularly relevant during our celebration of Black History Month and our commendation of individual black Americans.

Mr. Jarvis has been a committed civic leader in the city of Lynn. Through participation in a variety of community activities, Mr. Jarvis has represented his neighbors extremely well. He was the first black member on a number of respected organizations such as the Kiwanis Club and the board of directors of the Girls' Club. He was also the director of the Salvation Army in Lynn.

In my opinion, we can leave no better legacy to our children than a quality educational system. That is why I commend to my colleagues' attention what I consider to be Mr. Jarvis' most outstanding contribution in public life—his service as a Lynn School Commission member. After 13 years of dedicated service on the school committee, Mr. Jarvis recently retired from his position. Without a doubt, his commitment to the improvement of the Lynn school system is a great legacy.

In addition to Mr. Jarvis' numerous community positions, he also played semiprofessional football and baseball. Although he did not continue with his athletic career, Mr. Jarvis had many successful years in the sports field.

During the celebration of Black History Month, I am honored to recognize Mr. Jarvis for his dedicated public service and the lasting contributions he has made to the community of Lynn, MA.

UTAH STATE-FEDERAL LAND EXCHANGE ACT OF 1988

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. OWENS of Utah. Mr. Speaker, today I am introducing the Utah State-Federal Land Exchange Act of 1988. The purpose of this bill is to solve some of the serious land management problems that the State of Utah has faced since its statehood because of the method by which its land grant was executed. It is similar in some respects to legislation recommended by former Utah Gov. Scott Matheson which was given the sobriquet "project bold," but differs in several significant ways.

When Utah entered the Union in 1896, the State received four 1-square mile sections out of every 36 square mile township for purposes of support for the public schools. While this process probably made sense in the 1800's, it has resulted, in 1988, in a land manager's nightmare—a checker board of State and Federal lands with mixed uses and management. Currently the State of Utah owns small parcels of lands in military installations, Indian reservations, in the National Forest System, the National Park System, and wilderness areas and wilderness study areas many of them without legal rights of access. This offers, of course, real challenges to the land managers on both the State and Federal levels as they try to implement policies that will accommodate competing uses on contiguous parcels of land.

More often than not, these attempts have resulted in the Federal Government being the de facto manager of Utah's land. For almost 100 years, we have been unable to effectively manage our own land the way we choose. Besides causing an administrative burden that has wasted untold resources of both the Federal and State governments, it has for decades deprived the Utah State public schools of a significant source of revenue. The people of my State are currently struggling to maintain their school system and trying to provide an adequate education for their children. Revenue from the school trust lands would be a welcome relief.

This problem, which has plagued Utah virtually from its entrance into the Union, was most recently addressed in 1980. After an extensive series of public meetings, hearings and solicitations for comment, and after working with the Utah State Legislature and the Department of the Interior, then Governor Matheson unveiled "project bold." This plan would have transformed Utah's nearly 5,000 parcels of scattered State school lands into 47 larger blocks. The primary objective of that innovative proposal was to improve land management patterns through consolidation and exchange and was to be accompanied by provisions intended to specifically address a wide variety of valid concerns expressed by land users, holders of existing rights on affected lands and other parties.

The economic impact on Utah is inestimable, but obviously offers very significant new opportunities for economic development and growth. The legislation I am introducing today retains provisions found in project bold to protect all valid and existing rights, including both an umbrella protection of rights provision and additional sections which provide more specific protection for certain rights and land uses. Both State and Federal Governments would be protected as to potential revenues derived from conveyed lands through a revenue splitting provision.

Legislation to enact project bold was introduced in the 98th Congress by my colleague from Utah, Representative JAMES HANSEN. The bill was not reintroduced in the 99th Congress. Upon taking office in 1985, Gov. Norman Bangerter's, Utah's present Governor, indicated his desire to review the land exchange proposal and to explore alternatives before Federal legislation was reintroduced. He ultimately made known his preference for a series of smaller scale, administrative exchanges initially involving only those State lands located in the national parks and military installations. The Governor's proposal would exchange, out of these Federal reservations, about 157,000 of Utah's 2.5 million acres of inholdings.

At the outset, it should be understood that any land exchange of the magnitude considered under this bill, or the Governor's proposal, is going to lead to some tough decisions, and undoubtedly some controversy. I congratulate Governor Bangerter's attempts to advance his proposal and move ahead to resolve Utah's scattered lands problem. His proposal is not without merit, and I endorsed it. But I believe that the State is much better served by a statewide exchange, and so I am introducing this legislation. For the present time, both proposals can be pursued simultaneously.

The legislation I am introducing today has several important goals. First, it differs from the Bangerter approach by avoiding the arduous and expensive task of determining fair market value of State inholdings proposed for exchange. Under the provisions of the Federal Land Planning and Management Act, land exchanges executed by the Department of the Interior must be made on the basis of a value for value exchange. This would require, for Utah, a painstaking inventory of each of the 2.5 million acres of the State school lands to determine their value. It would include the need to determine the values of many different kinds of resources found in those millions of acres, including appraisals of mineral values, for which data is currently incomplete in many instances. This would require a Herculean effort, at great expense in terms of time and resources. The approach I have chosen is designed to circumvent this costly, time consuming and contentious process. It legislatively establishes a new, Utah specific process for executing the exchange, notwithstanding the provisions of existing law. It simply recognizes the fact that, while it was a necessary and useful development in public land management law, the Federal Land Planning and Management Act of 1976 may not always be workable for large exchanges, like the one required in Utah. It furthermore protects both State and Federal governments from economic harm resulting from the exchange through a provision for splitting the revenues generated from exchanged lands. This bill justifies going outside the established procedure by facilitating an exchange which is beneficial to both the State of Utah and the United States, and by protecting the economic interests of both entities.

Second, this bill sets up a different and more workable process by which the State government and the Department of the Interior can develop a plan to carry out a workable exchange and consolidation. Rather than enact the terms of the exchange into law, the Governor of Utah would have, upon passage of the bill, 2 years to submit a plan to the Secretary of the Interior. The Secretary will have 1 year to review the plan, and can reject or modify the plan only if it does not meet the carefully drawn criteria set forth in the bill. If the Governor and the Secretary cannot ultimately agree, the original plan will be submitted to the Congress for consideration, and must be adopted or modified within 1 year, or will be deemed adopted.

Third, the bill sets out a formula by which the State can develop its plan. The formula allows the State to acquire 1.5 acres for every acre of land it exchanges out of a national park or monument, and 1.2 acres for every acre exchanged out of the national forest, a military or Indian reservation, or the jurisdiction of the Bureau of Land Management. This formula was developed to accomplish two ends. First, to compensate the State of Utah for the nearly 100 years that it has been unable to fully utilize its lands, and for the resulting loss in revenue that should have gone to Utah's struggling schools. Second, to recognize the greater value and public interest that the U.S. Government has in removing the State in holdings from the National Park System to assure their satisfactory management and protection.

Fourth, a last important component of the plan will be an amendment of the State Enabling Act. When the State of Utah submitted its State constitution for congressional approval before entering the Union, it contained a clause that indicated that the State school lands must be managed for their greatest economic return for the support of the schools. As the State may acquire environmentally sensitive lands through this exchange, and since these newly acquired lands will be considered State school lands, it is necessary to amend the Enabling Act to allow the State to manage such lands for their unique scenic and recreational resources, and not solely for their economic values.

This is a complex issue which will require a great deal of time and effort. This bill is introduced now for purposes of getting the issues on the table, permitting the many interested people and groups to study it and recommend changes to make it work. Hearings are to be scheduled in May or June, and it is my hope that we can pass it in the House this year, to be able to conclude it next year in the 101st Congress.

Many issues, not resolved in my proposal, will have to be addressed in our hearings, including: whether Utah should retain its State land within wilderness study areas until Congress acts on BLM wilderness; what mechanism the State would use to accept provisions of this act; a procedure for administrative and judicial review for parties affected by the exchange; use restrictions, if any, on the Federal share of conveyed lands' future revenues returned to the State; and further refinement of public land user protection; and appropriate forums for the Utah public's participation in formulating the Governor's proposal.

I believe that this legislative exchange proposal constitutes a viable option to resolving Utah's scattered State land situation and will provide, when enacted, very real economic growth and job opportunities, at strategic locations throughout the State. I look forward to working with the Governor and with the other members of the Utah congressional delegation in making progress this year for Utah on this vital issue.

AARP'S TAX-AIDE PROGRAM: 20 YEARS OF SERVICE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. ROYBAL. Mr. Speaker, the American Association of Retired Persons' Tax-Aide Program has received numerous honors, awards, and commendations during its 20 years of existence. In 1986 the program received a Presidential citation for outstanding contributions in volunteer service. This coveted award is limited to approximately 30 organizations each year. Recenty, the AARP Tax-Aide Program received the Internal Revenue Service Commissioner's Award for outstanding and significant service in the public interest.

As chairman of both the House Appropriations Subcommittee on Treasury-Postal Service and the House Select Committee on Aging, I have been keenly impressed by the Tax-Aide Program. I commend Mr. Ira Funston, a retired Department of Labor attorney who was instrumental in developing the concept of a volunteer Tax-Aide Program, utilizing older Americans to help other elderly persons in preparing their tax returns.

Tax-Aide has grown rapidly during the past two decades and especially in recent years. More than 25,000 volunteers serve as counselors, coordinators, and instructors to assure that this free service is provided effectively and efficiently. During the past tax season, Tax-Aide counselors helped an estimated 1.2 million persons with their tax returns at more than 8,000 conveniently located tax sites throughout the Nation. The program is active in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. One key aspect of this program is that it provides for specialized services for hard-to-reach elderly individuals and aged minorities. More than 30,000 shut-ins and approximately 43,000 residents at nursing homes and other special sites were assisted during the past tax season.

Tax-Aide is AARP's largest volunteer program. It has sustained an exemplary record during its first 20 years, and I wish to commend all those connected with the program. I reaffirm my strong and continued support for this extraordinarily effective program.

WE STILL NEED THE EXPORT-IMPORT BANK

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. FAUNTROY. Mr. Speaker, I rise today to call to my colleagues' attention a letter to the editor which appeared in the February 1, 1988, edition of the Wall Street Journal. The letter written by my good friend Robert Garcia, chairman of the International Trade Subcommittee of the Banking Committee, accurately describes the dynamic role Ex-Im plays in facilitating the export of U.S. goods and services.

Mr. Garcia effectively rebuts the contention of the Journal's editorial board that Ex-Im outlived its usefulness to the U.S. export community. To the contrary, he points out Ex-Im is demonstrating its flexibility in bringing more and more U.S. businesses, large and small, into exporting. I commend my good friend for his efforts and encourage my colleagues to give thoughtful consideration to his views.

The letter follows:

[From the Wall Street Journal, Feb. 1, 1988]

Ex-Im Bank's Changing Role

Your Dec. 23 editorial "'Bank' fare" presents an unfair picture of the U.S. Export-Import Bank. Its mission is to assist U.S. exporters big and small. In the past the exporters that needed assistance from Ex-Im Bank have been larger corporations that wanted to carry out long-term projects. But as small- and medium-sized businesses became more involved in exporting with smaller, short-term projects, Ex-Im Bank also changed to meet the changing demands.

In fact, in May 1987, in response to a congressional mandate, Ex-Im Bank instituted some of the most far-reaching changes in its history in order to reach out to small- and Medium-sized exporters. Ex-Im Bank's Chairman John Bohn and Vice Chairman Bill Ryan have made concerted efforts to implement the new programs. While we still need to see the effectiveness of these efforts, it is apparent that the bank is trying to help all U.S. exporters, regardless of size.

You state that Ex-Im Bank will be requesting a bailout of $2 billion to $3 billion from Congress. Congress will be looking into the bank's financial condition, including the options available for recapitalization. Recapitalization, however, is not a question of whether or not the bank should be bailed out. The question confronting the bank is whether or not it should continue to function as a bank in the sense that it has its own capital base as opposed to an agency that requires an annual appropriation from Congress.

Ex-Im Bank has incurred losses through much of this decade. But it must be pointed out that the bank traditionally brought money into the Treasury. Unfortunately, in the early 1980s, Ex-Im Bank had to borrow from the Federal Financing Bank at high interest rates but had to lend at lower rates agreed upon by members of the Organization for Economic Cooperation and Development. The high interest rates, coupled with the growing less-developed countries debt crisis, which diminished export markets, led to the bank's weakened financial condition.

The editorial correctly implies that the manner in which Congress budgets Ex-Im Bank's programs does not show the subsidy costs involved in the programs. One option among several Congress will be considering is to show the subsidy costs of Ex-Im Bank programs on the budget. The editorial also implies that Ex-Im Bank interferes with the proper workings of trade and credit markets. Not so. More and more private banks in the U.S. are shying away from financing U.S. exports as compared with other banking services because of high overhead. Ex-Im Bank is not interfering but compensating for the lack of response from the private sector.

Finally, the editorial claims that Congress and the administration are "fixated" with boosting exports. It's about time. Our nation is facing an unsustainable trade imbalance that is threatening not only our economy but the world economy as well. Boosting exports is one way to correct that imbalance. Given the lack of assistance for exporters in the private sector, Ex-Im Bank, more than ever, has an important role to play in ensuring a healthy economy.

Representative Robert Garcia.
Washington.

LOCAL STUDENTS HONOR AMERICAN HOSTAGES IN LEBANON

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor the efforts of the students of Smithtown High School East and Smithtown High School West in Smithtown, NY. These students have given me letters for the American hostages being held in Lebanon. Their actions demonstrate the fact that we must never forget these hostages.

Until last week, the hostage situation in Lebanon had nearly faded from the public eye. The letters and cards these students have sent is an effort to help bring this situation back to the public's attention.

I am heartened by their efforts. Since the end of the congressional hearings into the Iran/Contra affair the plight of these brave Americans has, unfortunately, not been given the attention it deserves.

The actions of these school children should remind us that we can never forget to think and pray for the safe return of the hostages.

The hostages are a diverse group of brave Americans who, knowing the risks involved, decided to go to the Middle East to help represent the United States and educate people in that part of the world. They are Terry Anderson, Thomas Sutherland, Frank Reed, Joseph Cicippio, Edward Tracy, Jesse Turner, Robert Polhill, Alann Steen, and William Higgins.

Last Thursday I delivered these cards to Secretary of State George Shultz. I asked Secretary Shultz to help us send these cards to Lebanon. It is my sincere hope that whoever is holding our citizens will allow them to see that we have not forgotten about them.

I applaud the thoughtfulness that these students have demonstrated. With growing public pressure and careful diplomacy, we will improve the chances of bringing these Americans home safely and quickly. It is my great honor to be able to aid these young people in their efforts.

ELECTIONS IN CYPRUS: A NEW OPPORTUNITY FOR RESOLVING THE TRAGEDY OF THAT ISLAND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BROOMFIELD. Mr. Speaker, I congratulate George Vassiliou the newly-elected President of Cyprus. I encourage him to do everything he can to bring peace to that island. With the recent warming in Greek-Turkish relations, now is the time to take a brave step along the road to peace.

Yesterday, George Vassiliou, a Greek Cypriot businessman, was elected as the President of the Republic of Cyprus. I am encouraged by reports that he is strongly committed to reopening unity talks with the Turkish minority on that island. Under his leadership, I trust that the United Nations will be able to launch a new initiative on that divided island.

Since the 1974 invasion, 30,000 Turkish troops have occupied the northern half of Cypus. Over 2,000 Greek Cypriots are missing and over 200,000 Greek Cypriots have been displaced from their homes. 65,000 Turkish settlers have been brought to northern Cyprus. Continuing tensions between Greece and Turkey can only further weaken NATO's vital southern flank. The window of opportunity is open. It will not stay open forever. Now is the time for progress.

I wish President Vassiliou good luck in his efforts to bring peace to that troubled land.

SHULTZ SUPPORTS SOVIET HUMAN RIGHTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. PORTER. Mr. Speaker, as cochair of the Congressional Human Rights Caucus, I would like to commend Secretary of State George Shultz and his campaign for a more open Soviet policy toward emigration.

His recent talks with Soviet Foreign Minister Eduard Shevardnadze have been very encouraging. While Secretary Shultz was in the Soviet Union preparing for the upcoming Summit, Mr. Shevardnadze assured him that the Soviets would no longer enforce an important emigration restriction. The restriction, which allows only those Soviets with proof of immediate family living abroad to leave the country, has become a major obstacle for scores of Soviet Jews attempting to emigrate.

Although this is a very important concession, it is only a start. They must go farther and drop it altogether from Soviet law. Keeping this restriction in the law books provides the Soviets with the option to use it in the future, depending on only their momentary whims.

This visit was a good step in our effort to press for improved human rights in the Soviet Union. We should thank Secretary Shultz and urge him to build on this success.

AID TO THE CONTRAS

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MARTINEZ. Mr. Speaker, later this week Congress will revisit the issue of providing further aid to the Nicaraguan Contras. Before making this decision, I urge my colleagues to reexamine the events which caused the United States to find itself in the position it now faces in Central America and elsewhere.

For many years, the foreign affairs bureaucrats in our Government have latched on to the "Realist," power-politics notion that its OK to support non-Communist authoritarian regimes because—in the words of Jeane Kirkpatrick—they are less repressive and more susceptible of liberalization. In order to contain the growth of communism, past Presidents have used this type of thinking to rationalize U.S. support of right wing tyrants.

Unfortunately, this policy has done more to encourage the growth of communism than to contain it. While support of such dictators as Batista, Somoza, Marcos, and Duvalier may have protected U.S. interests on a short-term basis, the long-term impact of this policy has only served to encourage either the growth of communism or the stagnation of political development.

Further aid to the Contras will only take us down a path that has spelled disaster in the past. Why must we support a highly questionable grouping of brutal ex-Somoza national guardsmen and disaffected Sandinistas when the security risk we face in Nicaragua can be reduced through the implementation of the Arias peace plan?

To further understand the ramifications of supporting right wing tyranny, I urge my colleagues to read and reflect upon the following article by Russell Watson, that appeared in the February 15, 1988, edition of Newsweek:

[From Newsweek, Feb. 15, 1988]

DANCING WITH DICTATORS

THE TRICK IS KNOWING WHEN TO CHANGE PARTNERS

(By Russell Watson)

The United States always seems to find itself caught in the sordid embrace of people like Manuel Antonio Noriega. Perhaps that's because American presidents tend to see the world principally in terms of the East-West rivalry; even liberal administrations like to show toughness, making anticommunism more important than democratic ideals when selecting some of their friends. The strongmen often benefit more from the relationship than America does. In his book, "Waltzing With a Dictator," Raymond Bonner writes that Philippine President Ferdinand Marcos used "his knowledge, ingenuity and cunning to extract far more from Uncle Sam than he ever gave." Still, dictators have their uses. While he was making his own fortune, Noriega provided helpful services to the CIA and the Drug Enforcement Administration, and Panama furnished the Pentagon with its biggest base in Latin America. No wonder Washington turned a blind eye to his criminal activities for as long as it decently could—or perhaps a little longer.

Sentiment aside, the United States can't always afford to break off with dictators just because they are unsavory. Usually it is their lack of scruples that makes them successful, and hence valuable to their foreign patrons. Rulers find it "much safer to be feared then loved," Machiavelli wrote, noting that even Hannibal owed his lofty reputation mainly to "his inhuman cruelty." But a line must be drawn somewhere—if not by morality, then by pragmatism. If America has to dance with dictators, it must also know when to change partners. Recent experience suggests a few key moments at which dictators ought to be ditched:

WHEN THEY STOP MOVING TOWARD DEMOCRACY

In a 1979 essay, Jeane Kirkpatrick argued that "traditional authoritarian governments" are preferable to communist-style regimes because they are "less repressive" and "more susceptible of liberalization." Noriega's predecessor, Gen. Omar Torrijos, lived up to that definition. When he concluded the treaty that will transfer ownership of the Panama Canal to his country by the end of this century, Torrijos committed himself to democratization. Although he maintained military rule, he fostered a pluralistic environment in which a political opposition was able to function. Noriega welched on Torrijos's promise. If he remains in power, the government that takes over the canal will be not only undemocratic but dangerously unstable.

WHEN THEY LOSE CONTROL OVER KEY SEGMENTS OF SOCIETY

The shah of Iran was doomed when the mullahs and the merchants broke with him. Although the United States had manipulated Iranian politics before, there was nothing it could have done to restore his authority in those quarters. South Korean President Chun Doo Hwan was forced to accept moderate reform when the middle class decided that his heavy-handed regime was bad for business. In some cases the United States can transfer its support elsewhere, even to another nondemocratic regime, but it must make its move early enough for a new pro-Western government to take hold.

WHEN THEY START TO LOSE A WAR

The biggest factor in Marcos' loss of U.S. government support was the growing impression that his army might eventually be defeated by a communist insurgency. Now his far more admirable successor, Corazon Aquino, faces the same problem at the head of a government that is still less than perfectly democratic. Aquino's official American support is likely to waver only if the Philippine Army seems to be in danger of losing.

WHEN THEY DO SEVERE DAMAGE TO THE ECONOMY

The looting that has occurred in countries like Haiti and the Philippines may make it impossible for even a ruthless dictator to hang on. In the Philippines, cronyism and rampant corruption transformed a $2 billion foreign debt into a $26 billion debt, a burden so crushing that even a competent, democratically minded successor may not be able to cope.

WHEN THEY ARE CAUGHT VIOLATING U.S. LAWS

Dictators are rarely so careless. But investigators are still looking into the question of whether Marcos broke any American laws during his sleazy tenure. And Noriega, almost uniquely, has actually been indicted. It is unlikely that he will ever stand trial, and Americans may find it a bit unfair that his case has to be tried in the press. Of course, if Noriega wants a fair trial and the presumption of innocence, he can always submit himself to the verdict of an American court. Noriega's critics, including some in Congress, charge that his criminal activity has been well known for years and that an indictment could have been obtained long ago. Whether or not that is so, any administration that delays breaking up with a crooked strongman runs the risk of being splattered with some of the mud.

Cutting America's ties to a strongman will not necessarily improve conditions in his country. After a long spell of dictatorship, some countries—Haiti is a current example—are such basket cases, economically and politically, that it may be impossible to create a decent successor regime over the short term. Other nations seem to be ripe for a democratic takeover, as Argentina was a few years ago. Panama may be such a country, if drug money has not soaked in too deeply. Perhaps the next, best candidate for a transition to democracy is Chile, which has a relatively strong economy and a 150-year democratic tradition, a habit that has not been crushed by 14 years of Augusto Pinochet's military rule. The U.S. role in that transition will consist largely of deciding when the right moment has come to back someone else.

PAINTBRUSH DIPLOMACY'S CHINESE CONNECTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. LANTOS. Mr. Speaker, I wish to commend a rather special art exhibit that opened today at the Meridien Hotel in San Francisco. It consists of some 70 paintings by children of Chinatown-area schools and the People's Republic of China. Assembled by San Francisco school officials and Char and Rudy Pribuss of San Mateo, who started the Paintbrush Diplomacy Program several years ago, the paintings show that if the leaders of China and the United States sometimes have their differences, the children communicate most effectively.

The exhibit's paintings by the children in China were brought to the United States nearly a decade ago by the Pribusses, and they have been on display in the Smithsonian Institution. The paintings by children in the Chinatown schools were done expressly for this exhibit, which the Meridien is sponsoring in observance of the Chinese New Year. The best painting will earn a trip to China for the artist and a parent.

Mr. Speaker, this exhibit gives new life literally to the Chinese proverb that a picture is worth a thousand words, and that children who paint perhaps have more to say than adults who bicker. I commend the Meridien, the Pribusses and San Francisco school officials for reminding us that the ingredients for peace are not only in the attache cases of diplomats, but sometimes in a child's paintbrush.

WELCOME TO THE STUDENT COALITION FOR SOVIET JEWRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. GILMAN. Mr. Speaker, I am pleased to announce to my colleagues that the Student Coalition for Soviet Jewry will be making its annual visit to Washington tomorrow and Thursday for the purpose of expressing individual student concern over the continued plight of Soviet Jews refused their basic human rights. Over 800 college students from across the country will be visiting their Senators and Representatives in an effort to enlist support for individuals and families who are refused permission to either reunify with family members abroad or repatriate to their ancient homeland of Israel.

As one of the four honorary House cochairmen for this year's event, I look forward to meeting with my own constituents on this very important matter. Indeed, 8,155 Soviet Jews were granted emigration permission, for which we are all grateful. Yet thousands more still languish in refusal. Glasnost notwithstanding, peaceful demonstrations are often interrupted by Soviet authorities, while artificial obstacles to emigration, such as family permission or financial obligation, remain in its stead. Secretary of State George Shultz, currently in Moscow to discuss potential plans for yet another summit meeting, has committed himself to raising the issue of human rights high on our agenda. The students affiliated with the Student Coalition for Soviet Jewry send a clear signal to the Soviets as well as our own administration that the rights contained in the Helsinki Final Act and other international agreements must be complied with.

Last month, 722 Soviet Jews were granted permission to reunify with family members abroad. Let us hope that 1988 brings out all those who desire to leave. Certainly, the student coalition is to be commended for its ongoing concern and commitment to action, and it is their collective voice that cries, "Let my people go!"

ABUSE OF SAME DAY RULE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. LOTT. Mr. Speaker, on February 4, 1988, I inserted a special order in the CONGRESSIONAL RECORD, beginning at page 991, entitled, "Abuse of the Same Day Rule." That special order concerned the instance on October 29, 1987, in which 2 legislative days were created to avoid a two-thirds vote on considering a second reconciliation rule that was filed just moments before it was called up.

The conclusion of that special order and an accompanying memorandum was that the double-day ploy violated the original intent of the House rule in question which was to require a two-thirds vote to consider an order of business resolution on the same calendar day it was reported, not just the same legislative day. While there have been some recent responses to parliamentary inquiries to justify this tactic, they do not comport with the original intent of the rule. I have therefore urged the Speaker to reconsider those precedents and restore the original intent of the rule by not resorting to this tactic in the future.

At this point in the RECORD, Mr. Speaker, I include the exchange of correspondence between myself and the Speaker on this matter. The materials follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 3, 1988.

The SPEAKER,
The Speaker's Rooms, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am enclosing a special order which I intend to insert in tomorrow's RECORD on the subject of House Rule XI, clause 4(b), the rule which prohibits the consideration of reports from the Rules Committee on the same day reported except by a two-thirds vote.

Appended to my special order is an analysis and legislative history of the rule prepared by my Rules subcommittee counsel. The memorandum concludes that considering a rule on a second legislative day of the same calendar day as reported, without a two-thirds consideration vote, violates the original intent of the rule which was to give Members a full day's advance notice of the legislative program.

I am aware of the 1985 statement of the Speaker which would seem to condone this practice. The Manual's footnote on that instance indicates that a consideration vote is not required when two legislative days are convened on the same calendar day. But, the incident cited actually involved two legislative days convened on two separate calendar days, the first legislative day of which ran past midnight of the first calendar day. My own reading of the legislative history would seem to require a midnight cutoff for filing a rule. But, be that as it may, taking the principle one step further and actually convening two legislative days on the same calendar day, as was done on October 29th, completely nullifies the original intent of the rule which was to guard against filing and considering a rule on the same calendar day, except by a supermajority vote. I hope you agree with this analysis.

With all best wishes, I am

Sincerely yours,

TRENT LOTT.

Enclosures.

FEBRUARY 5, 1988.

Hon. TRENT LOTT,
U.S. House of Representatives, Washington, DC.

DEAR TRENT: I read with interest your letter of February 3, 1988, and the accompanying special order and analysis wherein you conclude that "considering a rule on the second legislative day of the same calendar day as reported, without a two-thirds consideration vote, violates the original intent of the rule (clause 4(b) of Rule XI) which was to give Members a full day's advance notice of the legislative program"

I appreciate the accuracy and depth of your research and your general conclusion regarding the original intent of the Member who authored the one-day layover rule in 1924. Although I had not so thoroughly examined the history of that provision at the time of our sessions on October 29, I was nevertheless confortable that the application to which the House was then putting clause 4(b), Rule XI, comported with the document (and uncontested) construction of its layover provision as a legislative day requirement.

Even on reflection, moreover, I find it significant that the provision of clause 4, Rule XVI, enabling a privileged motion to fix the day and time to which the House would adjourn, came into being nearly a half-century after the layover provision of clause 4(b), Rule XI. The advent of that rule, making in order at any time in the discretion of the Speaker a motion that when the House adjourn it stand adjourned to a day and time certain, materially altered the landscape for the one-day layover rule and other rules. Indeed, the Parliamentarian has advised me that he has consistently advised Members and staff since that time that such a motion could technically be used to establish two legislative days during a single calendar day to facilitate the application of other rules wherein the counting of "legislative" days would be relevant.

May I state at the outset that as I review the events of October 29, 1987, my recollection is that no one suggested that the procedures employed were in any way not in accordance with the Rules and accepted practices of the House. I was aware of some discussion about whether the House *should* utilize the motion to adjourn to a date and time certain in order to bring up a rule on a new legislative day created by the application of the motion. However, the focus of discussion was never on whether such a procedure was possible, unprecedented, or in violation of any rule. The question of consideration was not raised when the rule was called up on the second legislative day and no point of order was raised against the procedures utilized to bring the rule before the House.

That was my understanding at the time. Having reviewed the Rules and precedents more closely following receipt of your letter and your special order, I still feel a sense of assurance that the House acted in a manner consistent with its Rules and that legitimate procedures were followed. Because of your concerns, I will elaborate on some of the factors which underlie my conclusions, even though a definitive analysis would require more study.

By using clause 4, Rule XVI, the House may convene and adjourn twice on the same calendar day, thereby meeting for two legislative days on the same calendar day, as it did on November 17, 1981 (as noted in the annotation following that clause on page 521, House Rules and Manual). The House did not establish two legislative days on that occasion to facilitate the consideration of a special order reported from the Committee on Rules on the first legislative day. However, the possibility that 24 hours might not ensue between the filing of a rule and its consideration could be anticipated under many circumstances that, in the practices of the House, would not be unusual.

The Speaker's response to a parliamentary inquiry on December 16, 1985 (legislative day of December 15) is relevant. As you point out, on that occasion the House did not "convene" two legislative days on one calendar day pursuant to clause 4, Rule XVI, but did remain in session beyond midnight on December 15. The Speaker nevertheless responded—I think correctly—to Rep. Walker's inquiry, based upon what had been an uncontested (albeit seldom sought) interpretation of clause 4(b), Rule XI, that the one-day layover requirement in that clause was a legislative day and not a calendar day requirement.

Such an interpretation is suggested by other precedents, since the term "day," unless otherwise clarified, is normally interpreted to be a "legislative day" rather than a "calendar day." Legislative days have often been utilized in ways which change the application of other rules having a calendar day requirement. See Hinds' Precedents (IV, 3192) and Cannon's Precedents (VI, 723). In specific parts of the discharge rule (clause 4, Rule XXVII) the term "day" has been so interpreted.

Preliminary research by the Parliamentarian since the receipt of your letter reveals at least one additional occasion on which the Committee on Rules filed a special rule well past midnight on one legislative day and then called it up on the next legislative day but on the same calendar day without its being subjected to a question of consideration. (See House Resolution 615 of the 98th Congress, October 11, 1984.)

While the Chair has an obligation to read the various rules of the House in a way that brings consistency to the whole, it is my observation that we must give weight to the commonly accepted practices of the House. As a member of the Committee on Rules, you are undoubtedly aware of the many instances where rules have been filed and then considered in less than a 24-hour period. While midnight might be a convenient cut-off time for filing, that has never been a commonly held perception or interpretation of clause 4(b), Rule XI.

If I may paraphrase the remarks you make in your special order, I intend to play by the established rules, to be fair in the Chair, and not to make up rules to suit immediate partisan needs. There is a fundamental difference between interpreting the interrelationship between two rules, in accordance with accepted principles of construction, and "making up rules as we go along," a practice I, too, would deplore. It is my obligation as Speaker to apply the rules fairly, uniformly, and in a manner consistent with the precedents. I consider this obligation inherent in the oath I took when I became Speaker.

I would be happy to discuss this matter further, if you wish.

Sincerely,

JIM WRIGHT,
The Speaker.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 10, 1988.

The Speaker,
The Speaker's Offices, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Thank you for the courtesy of your February 5 response to my letter and special order on the same-day rule. I greatly appreciate your taking the time to elaborate at length with your views on this matter.

I do not dispute your right to use the Speaker's 1985 response to a parliamentary inquiry as a precedent for future reliance on this tactic. However, my main purpose is to urge you to reconsider in view of the original intent of the rule and the potential for confusion and disruption in orderly process which may be cause by its misapplication.

While it might be argued that the author simply did not contemplate the possibility of two legislative days occurring in the same calendar day, the precedents indicate that this was done as far back as 1793 and 1797 (V, 6724, footnote). Moreover, the clause being amended by the same-day rule provision differentiated between legislative days and calendar days. Perhaps most importantly, the author of the rule (Mr. Moore), in his testimony before the Rules Committee, urged adoption of another rule which would require the Rules Committee "to present to the House any report authorized by the committee within two legislative days of the time when it is so authorized, and the same shall be placed on the House calendar." so, the author was clearly cognizant of the need to distinguish between legislative and calendar days.

You do make the point in your letter that, under the precedents (IV, 3192), "the term 'day,' unless otherwise clarified is normally interpreted to be a 'legislative day' rather than a 'calendar day.'" However, you do not explain how the word "day" could mean legislative day in the first part of the same-day rule, and calendar day in the second, both parts of which were offered by the same author on the same day. And, I don't think there is any dispute that the "last three days of the session" means calendar days. In addition to the precedent cited in the memorandum accompanying my special order (6 Deschler's, Ch. 21, § 18.9), I would call your attention to Procedure in the House, 97th Congress, Ch. 29, § 2.1):

> * * * Sunday is considered a "dies non" under the provisions of clause 4(b) Rule XI in computing *the final three calendar days* within which the Committee on rules may call up a resolution on the same day reported. (emphasis added)

Thus, it is clear that the term "day" does not mean legislative day in the case of clause 4(b)'s parenthetical clause. It means calendar day in both instances it is used.

Your letter does rely heavily on the "materially altered . . . landscape" brought about by the 1973 rule permitting a motion to adjourn "to a day and time certain," and its "interrelationship" with the same-day rule. But, as shown above, there is no such interrelationship because the same-day rule was intended to apply to calendar, not legislative days. And you do not fault "the accuracy and depth" of our research as well as our "general conclusion regarding the original intent of that rule." So, while the 1973 rule may well "facilitate the application of other rules wherein the counting of legislative days would be relevant," it is not relevant in the case of the same-day rule.

I might also point out that, while your letter indicates that the term "day" ordinarily is interpreted under the precedents to mean "legislative day," in the case of clause 4 of Rule XVI, the motion therein authorized to "adjourn to a *day* a time certain" must refer to a calendar day. Thus, when Mr. Foley made his motion on October 29th "that when the House adjourns today it adjourn to meet at 3:15 p.m. today," it is understood he was referring to 3:15 p.m. on the calendar day of October 29th. The word "today," the second time used in the motion, could not have meant the same legislative day, since the House cannot reconvene on the same legislative day. And he could not have simply moved to meet on the next legislative day at 3:15 without referring to the calendar day.

As I attempted to demonstrate in my special order and the supporting memorandum, the tem "legislative day" only began to creep into the footnotes of the House Manual in 1975. Nowhere can the interpretation of "legislative day" be found in Cannon's Precedents, Deschler's Precedents, or even the 1987 Supplement to Procedure in the House. This is not a longstanding interpretation of the rule; it is of very recent vintage. And, as I have demonstrated from the legislative history of the rule, this interpretation is not only at odds with the original intent, but is logically inconsistent with the waiver it provides for itself during "the last three days of the session.

Nevertheless, you indicate that you were "comfortable" with the October 29th application of the rule because it "comported with the documented (and unconstested) construction of its layover provision as a legislative day requirement." Moreover, you correctly point out that at the time of the double-day move, "no one suggested that the procedures employed were not in accordance with the Rules and accepted practices of the House," and "the question of consideration was not raised against the procedures utilized to bring the rule before the House."

I think you will agree that, until that time, no one, including you, me, or the Parliamentarian, had bothered to research the legislative history of the rule to determine original intent. Nor had a situation arisen in which the issue became as starkley defined as on October 29th when the House adjourned and reconvened within an hour of the filing of a rule. The mere fact that this had not been contested before (was one to appeal the Speaker's response to the 1985 parliamentary inquiry), or that no one was prepared to raise a point of order on October 29th, does not, in and of itself, confer legitimacy on the practice.

What I am urging is that, before this practice does indeed become commonly accepted, the original intent of the rule be restored as the correct precedent to be followed. As Justice Field once wrote of the doctrine of stare decisis: "It is more important that the court should be right upon later and more elaborate consideration of the cases than consistent with previous declarations. Those doctrines only will eventually stand which bear the strictest examination and the test of experience." (*Barden* v. *Northern Pacific R. Co.*, 154 U.S. 288, 322)

The "legislative day" interpretation may make it easier and more convenient for you as Speaker to facilitate the work of the House. But, to paraphrase Chief Justice Burger in the Chadha case: "the fact that a given . . . procedure is efficient, convenient and useful in facilitating functions of government, standing alone, will not save it if it is contrary to" the original intent of the rule; "convenience and efficiency, are not the primary objectives—or the hallmarks—of democratic government." (*INS* v. *Chadha*, 462 U.S. 919)

Sincerely yours,

TRENT LOTT.

ESTONIAN INDEPENDENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MICHEL. Mr. Speaker, once more I am glad to join with our colleagues in paying tribute to a brave people. I refer to the people of Estonia, who on February 24, 1988, mark the 70th anniversary of the independence of the Republic of Estonia.

Estonian independence was brutually violated after the notorious Nazi-Communist Pact of 1939 allowed the Soviet Union, under the leadership of Stalin, to take away by force the freedom of the Baltic States.

The United States of America does not recognize this takeover, a fact which is widely unknown in the United States and, for some reason, is rarely mentioned in our dealings today with the Communist Party of the Soviet Union, the ideological heirs of Stalin.

I will not go over the gruesome details of the Communist domination of Estonia since 1944. Suffice it to say it is a classic example of Communist tyranny and having said that, enough has been said.

The people of Estonia are now letting Communist rulers know how they feel in public demonstrations. If Mr. Gorbachev really believes in glasnost, we'll see even more of these demonstrations of solidarity, love of freedom and demand for independence among the Estonian people.

TRIBUTE TO RICARDO MONTALBAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a distinguished member of the southern California community, Mr. Ricardo Montalban. Mr. Montalban is not only a talented actor but also a man devoted to helping others. Mr. Montalban will serve as the honorary game chairman for the Fourth Annual San Fernando High School Alumni Celebrity Baseball Game.

Mr. Montalban's acting career has spanned both stage and screen. He is perhaps best known for his starring role in television's "Fantasy Island." His numerous motion picture credits have contributed to his international fame.

In addition to being well-known for his extraordinary acting talents, Mr. Montalban is legendary for his many efforts to help youth and the disadvantaged. He is the spokesperson for Navidad in el Barrio, a program to collect Christmas toys for needy Hispanic children, and for the Los Angeles County Adoption Agency in its effort to secure homes for orphaned and abandoned children. By hosting a relief telethon, he also helped raise millions of dollars for victims of the 1985 Mexico City earthquake.

As chairman of the San Fernando High School alumni game, Mr. Montalban is once again giving his time to assist southern California youths. The baseball game is being held to raise funds for CARE, a part of the Dropout Prevention and Recovery Program. CARE takes a "community partnership" approach to encouraging students to stay in school and is aimed at identifying students whose behavior patterns indicate they are likely to drop out. The program has received enthusiastic community support as well as statewide acclaim.

The baseball game, which will take place on February 27, is the highlight of the San Fernando High School Alumni Committee's fundraising efforts. One team will be made up of a host of celebrities and San Fernando High School alumni, many of whom have played professional sports. They will be pitted against the San Fernando High School varsity team, the 1987 league champions. The game is expected to raise $40,000 to support the CARE Program at San Fernando High School.

It is my distinct honor and pleasure to join the San Fernando community in honoring Ricardo Montalban. His success as well as tireless efforts to help others make Mr. Montalban an excellent role model for today's youth.

NO DUE PROCESS IN EL SALVADOR

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mrs. BOXER. Mr. Speaker, I would like to call to the attention of my colleagues, the following op-ed on El Salvador by our colleague, Congressman JOE MOAKLEY. It was printed in the Boston Globe on February 18, 1988. I also call your attention to these two newspaper articles on the same topic—the first dated January 6, 1988, in which President Duarte announced in a press conference that an arrested leftist student had confessed to participating with other leftists in the killing of Herbert Anaya, and the second dated February 19, 1988, in which this same student retracted his confession.

Congressman MOAKLEY's article addresses one of the root problems in the flawed democracy of El Salvador. The Salvadorian judicial system fails to function to protect its citizens' rights through a system of due process. Even the president of the country declares his fellow citizen guilty in a press conference and without a trial. Subsequent to this denunciation, the alleged accomplice to Anaya's murder now says that he was deprived of sleep and given two injections.

Because the United States provides more than $1 million a day in aid to El Salvador, we must use all available means to urge the Salvadoran Government, in Mr. MOAKLEY's words, "to investigate political murders and bring their perpetrators to justice in accordance with due process."

The information follows:

[From the Boston Globe, Feb. 18, 1988]

A Miranda Case That Strips a Suspect of Rights

(By Joe Moakley)

WASHINGTON.—In the United States, the name "Miranda" is synonymous with the protection of suspects' rights. The famous Miranda case in 1966 assured that confessions taken without prisoners' knowledge of their rights—and in particular the right to remain silent and to have an attorney—would not be admissible as evidence in US courts. In El Salvador, the name "Miranda" has come to mean the antithesis of prisoners' rights. The Salvadoran government's case against Jorge Alberto Miranda is another example of the abuse of prisoners and the failings of the judicial system.

On Dec. 23, 1987, the National Police apprehended Miranda, a 19-year-old student, as he attempted to vandalize a truck in the capital city. According to the government, upon apprehension, Miranda confessed that he was a member of the ERP, a guerrilla group, and that he had driven a getaway car for the assassins of Herbert Anaya, a well-known human rights leader who was shot to death last October. The police held Miranda in detention without access to his family or a lawyer from Dec. 23 until Jan. 4—10 days longer than is permitted under the Salvadoran constitution, which requires that prisoners must be brought before a judge or released after three days.

On Jan. 4, Miranda appeared on television in the custody of the police to confess his involvement in the ERP and the Anaya murder. On Jan. 5, President Duarte and Justice Minister Julio Samayoa called a press conference to discuss the case. There, Duarte triumphantly announced the capture of Miranda, stating that "I have the moral conviction" that Miranda killed Anaya. Samayoa explained that Miranda was kept incommunicado for so long because the court was on vacation.

In view of the fact that the international and local press and the president of El Salvador have already tried and convicted Miranda, any legitimate trial is superfluous, and a fair trial is impossible. Yet nagging questions remain. Miranda's father said that the boy complained that he was not permitted to sleep for long periods of time, and that he appeared to have been denied food. Deprivation of sleep and food are common forms of torture used by Salvadoran security forces. If Miranda confessed freely, why was he detained for so long? Courts were in session, notwithstanding the government's claim to the contrary. Miranda's mother and sister insist that he was at home at the time of the Anaya murder; why was this alibi publicly discredited by President Duarte?

Moreover, significant aspects of the Anaya case are unresolved. For example, death threats against Anaya and other members of the Salvadoran Human Rights Commission have not been investigated.

[From the Washington Post, Jan. 6, 1988]

We may never know whether Miranda was coerced by Salvadoran security forces into a false confession or whether he is telling the truth. Yet the United States has not issued a single word of protest about the highly improper procedures. Moreover, the $9.2 million provided to the Salvadoran judiciary to improve the administration of justice and the $10 million in aid to the police don't appear to have had much impact in professionalizing either body. The Duarte government attempted to score a propaganda coup in the Miranda case by flourishing a confessed guerrilla as a participant in the murder of Anaya, a leading critic of the government. However, the carnival atmosphere of the televised "trial" has done little more than advertise the gross failings of the Salvadoran government to investigate political murders and bring their perpetrators to justice in accordance with due process.

Left Killed Activist, Says Duarte: Confession Revealed In Rights Chief Case

(By Douglas Farah)

SAN SALVADOR, January 5.—President Jose Napoleon Duarte said today that leftist rebels carried out the October murder of the head of the nongovernmental Human Rights Commission, a crime that set off a wave of national and international protests.

Duarte said the case was broken because of the "providential" Dec. 23 arrest of a student, Jorge Alberto Miranda, 19, as he tried to burn a truck in the center of the capital. During interrogation, he admitted being involved in the Oct. 26 killing of Herbert Anaya, the president said.

Miranda said in a brief interview with a local television station last night that he was a guerrilla and had participated in the murder of Anaya. He made the statements after giving four hours of court testimony before being taken to Mariona prison.

Miranda's family and Anaya's commission challenged the account.

"We categorically reject this show by the government," said a spokeswoman for the commission. "Tomorrow we will present evidence that it was the security forces." The government and U.S. Embassy say the commission is linked to the insurgents.

Anaya, 33, was shot point-blank as he prepared to take his children to school. He had been jailed for 10 months on charges of links to the guerrillas and was freed in February 1986 in an exchange for an Air Force colonel kidnapped by the rebels. His death sparked a week of antigovernment protests by groups saying the government was responsible.

"This confirms our original thesis that the left did it so they could break off peace talks and try to blame the government," an adviser to Duarte said. Immediately after the murder, the insurgents broke off negotiations on a cease-fire in the 8-year-old civil war, saying the assassination proved Duarte did not respect human rights.

Duarte, in a press conference, showed arms reportedly turned in by Miranda, maps of the getaway and sketches of three men Miranda said helped carry out the killing.

The investigation was carried out by the Special Investigative Unit, funded by the United States.

"We are convinced these are the people that killed Anaya," Duarte said. "This was a crime by the FMLN"—the Spanish acronym for the Farabundo Marti National Liberation Front.

"This is important because the murder was presented to the whole world as a death-squad killing," Duarte said, referring to the paramilitary right-wing groups that killed thousands of civilians in the early 1980s. "Before, people would kill anyone for 100 colones [$20] and no one said anything. But now we are proving we can investigate crimes and those who kill cannot act with impunity."

According to Miranda himself and Duarte, Miranda and the others who allegedly participated in the killing were members of the special forces of the Revolutionary People's Army, one of the most hard line factions of the FMLN.

Duarte said he was "absolutely certain" no torture or coercion had been used to get Miranda to confess. But his father, Jose M. Miranda, said the son complained when visited of not being allowed to sleep for long periods of time. The father added that he appeared hungry.

Sleep and food deprivation are among the most common human rights abuses cited by human rights groups that monitor El Salvador.

"I do not know what they did to him to make him take responsibility for something he did not do, but he could not have done it," said his sister Ana Gladys, 22. "He studied late the night before the attack and was still in bed when it happened. I saw him there and had to get him up so he would not be late for class because he had two final exams that day."

Miranda's mother, Domitila, 49, supported Ana Gladys' version, saying her son was in bed at 6:30 a.m., the time of the killing.

But Justice Minister Julio Alfredo Samayoa said key elements of Miranda's testimony were corroborated by five witnesses, other evidence and lie detector tests.

On television, Miranda said, "There were various reasons for killing him. First, he was not doing his job at the Human Rights Commission well. Second, he was in the hands of the authorities for a long time, he was burned. Third, because he was passing information to the armed forces, and fourth, to be able to blame the armed forces."

Miranda said he provided security, while another man known as Jose drove the truck used and a man called Carlos did the shooting.

Duarte and Samayoa also said two "common criminals" had been arrested for the Dec. 9 killing of Rene J. Cardenas, head of the government's Human Rights Commission in eastern San Miguel province. Samayoa said the police had matched the bullet to a gun found on the two men after they had stolen a vehicle.

[From the Washington Post, Feb. 19, 1988]

Salvadoran Retracts Rights Case Confession: Prisoner Held In Killing Claims Coercion

(By Douglas Farah)

SAN SALVADOR, February 18.—A prisoner who admitted being a leftist rebel and participating in the October murder of a prominent human rights leader retracted his confession today, saying he had been threatened.

"My confession in matters relating to this case was not true," said Jorge Alberto Miranda in a handwritten statement to the First Criminal Court. "The actions taken against me and my family pressed me into taking responsibility for actions I did not commit."

If Miranda was not involved in the killing, it would be a serious embarrassment for

President Jose Napoleon Duarte and the security forces. In January, Duarte in a nationally televised press conference, said Miranda and other leftist rebels were responsible for the October murder of Herbert Ernesto Anaya, president of the left-leaning, nongovernmental Human Rights Commission.

The rebels denied the charge. The family of Miranda and the commission he led said the killing was the work of right-wing death squads tied to security forces. Ths killing set off a week of domestic and international protests.

Duarte said he was "absolutely certain" no torture or coercion had been used to get Miranda to confess.

Defense attorney Leonardo Ramirez, who presented the statement, said the National Police had threatened Miranda and his family if the 19-year-old student did not collaborate and confess to participating in the assassination.

Ramirez said Miranda would give details, including the reported involvement of two Venezuelan intelligence agents, if allowed to make a new statement to the court.

In the last week the government has launched a campaign in the local press, using documents reportedly captured from the guerrillas, to indicate Anaya was killed by the rebels because they no longer trusted him. The government also said the rebels were pressing Miranda to retract his confession by threatening his family.

Both sides in the bloody civil war have put out exaggerated or fabricated reports of abuses by the other side, making if difficult to know the truth in many cases.

Miranda, in Mariona prison, was to appear before the judge today, but the prosecution filed a motion to block him from appearing.

Prosecutor Luis Roberto Pineda said the move by Miranda and his lawyers was a tactic designed to confuse public opinion, and that only the initial judicial confession was valid in court, not amended versions. Miranda, in interviews with the international press following his arrest, said he had provided cover for the man who killed Anaya, and said he was a member of the guerrillas.

He said repeatedly in the interviews he was not tortured, but said he was given two injections, reportedly for his tonsils, and that he was blindfolded for extended periods while being interrogated.

In his statement to the court, Miranda said he gave his confession because "I felt bad, very sick because of the treatment I received from the National Police. I felt bad since a doctor arrived, and while I was blindfolded, gave me a shot, saying it was for my tonsils.

"This appeared very strange to me because I have never had problems with my tonsils," Miranda added.

Many human rights workers and Miranda's family argued from the beginning that Miranda was tortured into confessing. Miranda's family says Miranda was asleep at the time the killing took place.

[On the third day of a rebel offensive, the Salvadoran military said nine guerrillas and three soldiers were killed in northern Chalatenango province and sabotage attacks left more than 60 percent of the country without electrical power, Reuter reported.]

IN SUPPORT OF HATCH ACT REFORM

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. GARCIA. Mr. Speaker, I am submitting for the record testimony being presented today by Vince Sombrotto, president of the National Association of Letter Carriers, before the Senate Governmental Affairs Committee on reform of the Hatch Act.

I support such reform, and I believe that Mr. Sombrotto presents an eloquent case as to why this reform is so necessary. I am hopeful that the Senate will agree with Mr. Sombrotto, and we will see Hatch Act reform signed into law in the 100th Congress.

I urge my colleagues to take a moment to read Mr. Sombrotto's fine testimony.

TESTIMONY OF VINCENT R. SOMBROTTO, PRESIDENT, NATIONAL ASSOCIATION OF LETTER CARRIERS

Mr. Chairman, my name is Vincent R. Sombrotto, President of the National Association of Letter Carriers. The NALC represents more than 310,000 active and retired letter carriers. With me is Steve Thrower, who was a letter carrier while serving as Mayor of Norman, Oklahoma, from 1983-86.

Thank you for inviting us to testify on Hatch Act reform.

In the House debate Republican Representative Gene Taylor, along with many of his colleagues, said that he had opposed previous Hatch Act reform legislation—but not HR 3400. "This is legislation whose time has come," he said.

Mr. Chairman, without the cooperative effort of Gene Taylor and other Republican Members, we might not be here today. More Republicans joined the Democrats on this bill than in all the previous attempts spanning a decade. Why? A Republican colleague from New York, Frank Horton, answered that HR 3400 "was the successful result of bipartisan negotiations . . . It was reported out of committee unanimously."

This was an historic event. But bipartisanship in crafting the legislation doesn't fully explain the overwhelming 305-112 vote. The most vital ingredient was the content of the bill.

Both Mr. Horton and Taylor took the House floor to stress, in Mr. Horton's words, that the new bill "strengthens prohibitions against misuses of official authority, against employees soliciting from their subordinates or their contractors or against coercion and intimidation. It clarifies the ambiguous and selectively enforced restrictions on political activities."

Mr. Chairman, that statement cuts the heart out of our opponents' arguments. The hackneyed phrase that reform will "politicize" the workforce doesn't apply to this bill. Senator Ernest Hollings also answered those criticisms. In a letter supporting reform, he wrote, "However, the bill contains several safeguard provisions such as tightening the restrictions on political coercion as well as strengthening the punishment if a violation occurs . . ." These safeguards ". . . will maintain the neutrality of the civil service system . . ."

Mr. Chairman, the same prohibitions currently in effect in the workplace are unchanged. By clarifying and simplifying restrictions, the rules and violations are clearer. It is clear: "Hatch Act reform prohibits political activity while on duty, in a Federal facility, in the uniform of a Federal job, or while using any vehicle owned or leased by the Government," said House sponsor Representative Bill Clay.

I fully support those prohibitions. In fact, I agree with those opponents who want to keep partisan politics out of the workplace. Where we part company is that they extend the prohibition to letter carriers' private lives.

Representative Clay noted, "There is no evidence that voluntary political activity in any way diminishes the ability to maintain good government . . ." I couldn't agree more.

There is a large body of evidence that proves Mr. Clay's point. Representative Constance Morella (R-MD), whose district contains 65,000 federal employees, researched the issue. "Working with the Congressional Research Service, I have determined that public employees of some 4 states, including Maryland and Virginia, are already allowed leisure-time political freedom comparable to that permitted in the Hatch Act reform bill." She contacted officials in Maryland and Virginia. "Neither could remember a single complaint of political coercion involving government employees."

Over 40 states have lifted their "mini-Hatch Acts" on state and local employees. There is no evidence of abuse or violations.

The conclusion is: political participation works. "In 1988, America should not be trying to restrict political participation," Senator Lowell Weicker said. "We should be doing everything possible to increase political involvement."

Common Cause refused to testify at the House hearings. They now embrace the myth that reform "politicizes the workforce." They admit that there are many non-partisan activities which we can engage in, and that such activities have not resulted in "politicizing." They argue that running for a non-partisan position, such as a school board member, is acceptable. But if the same school board position is a partisan race, it threatens the foundations of the civil service. That is nonsense.

We are responsible citizens who serve our country well. Letter carriers vote in partisan elections. Do they give poor service to the other side? No, because we are professionals, as are federal employees. An employee in the Agriculture Department who stuffs envelopes for a mayoral race is not going to risk job, family and future by violating the law. Such an employee is not subverting good government, but is promoting better government.

Senator Weicker also pointed out that there is much less likelihood of a federal employee, such as an Agriculture Department employee, violating the Hatch Act than a person at the local level. The reason is that the local level is more "hands-on," thereby subject to greater cause-and-effect. The success at the local level of loosened restrictions provides a good lesson for federal reform.

I looked at the OMB/Justice letter opposing HR 3400, which the Administration submitted on the House side. I am deeply disturbed. First, they have the aura of authority—which can be compelling. But the facts don't support their conclusions. Many of their criticisms are the "what if" category. They say, "what if" someone working for the Census Bureau is a campaign manager. That employee has an inside track on census information. My response is: the census is public information. If the information is secret, obtained illegally or withheld from the opponent wrongfully, the person is in violation of the law under current or proposed legislation. I also wonder how many Census Bureau employees are chafing at the bit to be campaign managers in their spare time.

If we condemn on the basis of expertise, do we disqualify a teacher who runs for school board? If hazardous waste is a campaign issue, should employees of a sanitation company be prohibited from volunteering on their own time in a campaign? Of course not, but if the same employee doing the same work is Federal, it's a Hatch Act violation. I agree with Congresswoman Morella when she said, "Our Constitution begins, 'We the people . . . not 'We the people except those in federal service.' "

The OMB/Justice Department paper is rife with such examples. That disturbs me, because their arguments and vehemence borders on an ethics problem—it appears as if they were ordered, bound and determined to produce a negative product regardless of the facts. It was unprofessional.

A further example of OMB/Justice "partisanship" is their objection to extending reform to "political activity by senior political appointees." If real senior executives want out, the bill could be amended. But if they want to hide and penalize those who want to be part of the political life of America, we would oppose them.

It appears that OMB wants it both ways: they object to "loosening" Hatch restrictions for most employees and object to strengthening them for senior execs!

The bottom line is that we can create a lot of "what if" situations. Most employees in the OMB/Justice examples would be guilty under both current law and HR 3400. OMB and Justice admit that "the bill includes a number of provisions intended to ensure that any political activity is conducted off the job, and to prevent conflicts between official duties and political activities. . ." Unfortunately, the agencies consciously go on to ridicule those very provisions. That's an old trick. Those agencies declined to participate in drafting language. We could have benefited from constructive input. Their document, however, leads me to believe they are insincere, and would continue to block reasonable participation.

Our opponents charge that reform needs more debate. Where have they been for the past 50 years? I was in high school when this debate began. In 1966 a bipartisan Commission on Political Activity of Government Personnel recommended reform, and we've been debating that for 22 years. Congressman Taylor challenged those who argued for more debate, "I asked those Members, what amendments they would like to offer?" said Congressman Taylor. "When we got done talking about it, the Members say, 'Well, I really do not guess we have got any amendments to offer.' "

"The fact is, this bipartisan committee cleaned this bill up before we brought it to the floor."

Opponents argue that employees do not want reform. How paternalistic. Let me point out that political participation is voluntary. The way one poll posed the question was: The Hatch Act has protected you since 1939. Supporters think it is vital to prevent politicizing and protect you. Opponents think you do not need the protection. Do you want "repeal?"

Worded like that, I would vote "no" because I want reform, not repeal.

Last month I polled the 310,000 members of the NALC. I described the contents of HR 3400, and then asked, "Do you support reforming the Hatch Act?" By a staggering margin of 13 to 1 (93% to 7%) they said "yes." I have attached to my statement a copy of the poll from the NALC magazine, Postal Record.

Times change. Postal Service and Federal government working conditions change. In 1939 postmasters were political appointees; today that is not the case. In 1939 postal employees had few safeguards; sinced 1970 that is not the case. In 1939 Federal employees were not covered by the Merit System, now they are. Originally the act was one law, now it's over 3,000 rulings.

It is a morass. Does it make sense that a federal employee can wear a campaign button but can not host a meet-the-school-board-candidate coffee at home after hours? A letter carrier can attend a rally but can't hold a sign? A 14" × 29" bumper sticker is okay, but you get prosecuted if its 15" × 30". Mr. Chairman, you may be okay with only five letters in your name, but Senator Stevens or Bingaman may have to shorten their names. A letter carrier may write a letter to the editor but may not have copies distributed to five or more newspapers, nor write five or more consecutive letters to one newspaper.

It is absurd in 1988 to deny civil rights to three million citizens. Laws like this cause people to lose respect for the government which enacts them.

I concur with Chairman William Ford: "The Hatch Act was written for a different time and for far, far different circumstance . . . As Lawmakers it is your duty to ensure the Federal laws fit the time."

Members of the Committee, thank you and I will be glad to answer any questions.

WHERE DO YOU STAND ON HATCH ACT REFORM?

Do you think letter carriers and other postal and federal employees should have the same political rights enjoyed by other Americans? You have a chance to express your opinion by returning the Presidential Preference Card, inserted just inside the front cover of this issue.

The reply card asks: Do you support reforming the Hatch Act? By voting "yes," you indicate support for the Hatch Act reform bill, currently before Congress, which would grant postal and federal employees full rights to participate in partisan politics off the job, while retaining on-the-job protections against political coercion by management.

Under the bill, letter carriers would be prohibited from engaging in any political activity while at work or in uniform. However, carriers would enjoy full rights to voluntarily engage in partisan political activity when off the job and out of uniform. This includes the right to campaign for a candidate in a partisan election and the right to run for party or political office.

In addition, the bill strengthens current protections against supervisors intimidating or coercing carriers to support a particular candidate. The bill provides for criminal penalties for any supervisor who forces a letter carrier to become involved in a political campaign.

The reform bill—H.R. 3400—passed the House on November 17 (*see roll call, pages 26-27*) and has been referred to the Senate for consideration. Opponents of reform—such as Citizens Against Union Control of Government and the National Right to Work Committee—claim that working people do not want to reform the law, and have redoubled their efforts to defeat the legislation.

The National Right to Work Committee sent a letter to members of Congress claiming that the bill is a "vicious federal union-boss power grab," and charging that Hatch Act reform is a partisan political move not supported by rank-and-file union members.

"Hatch Act reform is not politics," replied NALC President Vince Sombrotto. "It is about the constitutional rights of 3.5 million individuals who work for the federal government. Enemies of the bill are simply fighting to deny those rights."

Cast your vote on Hatch Act reform along with your preferences for President by returning the enclosed card before February 5.

HOUSE OF REPRESENTATIVES—*Wednesday, February 24, 1988*

The House met at 2 p.m.

The Reverend Thomas Vaga, Estonian Lutheran Church, Lakewood, NJ, offered the following prayer:

Let us pray:

God Almighty, Holy Father, source of peace and healing for the nations!

We thank You for the privilege of speaking for the will and needs of our variegate citizenry. Give our House this day again the ability to debate and agree on what is right and needful for the American people and America as a world leader.

On this day marking the 70th anniversary of the independence for Estonia, today chained by Communist colonialism, we pray that Your help shall deliver that nation and other victims of international violence.

Help America be a true good neighbor to all peoples whose independence has been struck down, remembering all under persecution for their faith, conscience, and natural differences.

Bless our President and Congress with Your light, love, and courage from above. In Jesus' name I pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mrs. Emery, one of his secretaries.

THE REVEREND THOMAS VAGA

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, today we were privileged to have with us the Reverend Thomas Vaga, who offered the opening prayer. Reverend Vaga is the pastor of the Estonian Evangelical Lutheran Church of the Holy Spirit in Lakewood, NJ, where he has served since September 1987.

Reverend Vaga's arrival in New Jersey was somewhat of a homecoming for him. Born in Estonia in 1938, Thomas Vaga moved to New Jersey at a young age. There he attended public school and obtained a degree in psychology from Rutgers University. He then completed his theological studies in Helsinki, Finland and was later ordained in Sweden by the archbishop of the Estonian Evangelical Lutheran Church in exile.

Today is a very special day for Reverend Vaga and all Estonians throughout the world because it marks the 70th anniversary of Estonian independence. On February 24, 1918, the Estonian people gained their independence and established the Republic of Estonia. This freedom was short-lived, however, when Estonia turned into a battleground between the imperialist powers of Hitler's Germany and Stalin's Russia.

Reverend Vaga experienced this history firsthand. As a young child he joined the masses of refugees fleeing from the Red Army during World War Two. Soon after, the Soviets occupied his homeland and Thomas Vaga was forced to spend his early life in a displaced persons' camp in Germany. Through the aid of the Lutheran World Relief, Thomas Vaga was able to emigrate to America with his family.

Through his efforts today, Reverend Vaga is returning this kindness. He has participated in Estonian Boy Scout camps and activities and served as a scoutmaster in Lakewood. Since his arrival, Reverend Vaga has served his ministry tirelessly. In recognition of his service, he was chosen to represent the Estonian community here today in the House Chamber. Next week is Reverend Vaga's birthday. So I would like to offer him best wishes for his birthday and hope that he stays on in Lakewood for many years to come.

PERMISSION FOR COMMITTEE ON RULES TO FILE A PRIVILEGED REPORT PROVIDING FOR CONSIDERATION OF RESOLUTION RELATING TO ASSISTANCE TO SUPPORT THE PEACE PROCESS IN CENTRAL AMERICA

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file a privileged report providing for the consideration of a resolution relating to assistance to support the peace process in Central America.

This request has the approval of the minority and majority leadership and is necessary to allow both sides to have sufficient time to draft their proposals.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEGISLATION REINSTATING LONG-TERM CAPITAL GAINS TREATMENT

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHULZE. Mr. Speaker, a most aggregious error made in developing the Tax Reform Act of 1986, was the elimination of capital gains. Americans should be rewarded for long-term investment—especially younger taxpayers extending themselves to buy that first home, or elderly Americans counting on long-term investment for their retirement.

Today I am introducing legislation to reinstate capital gains treatment for long-term investment. Reinstating capital gains will spur economic growth. Most studies indicate it could actually raise additional revenues to reduce our deficits and pay off our national debt.

Low- and middle-income Americans would benefit from new investment, new jobs, and economic growth. Without capital gains treatment, a lock-in effect of current investment may add to the possibility of recession, thus hurting lower income Americans. Long-term capital gains will help ensure that our children and grandchildren have a prosperous future and continued job opportunities.

SUMMARY OF THE LONG-TERM INVESTMENT INCENTIVE ACT SPONSORED BY HON. RICHARD T. SCHULZE

SECTION 1

Short Title: The Long-Term Investment Incentive Act of 1988.

SECTION 2

Repeals sections of the Tax Reform Act of 1986 affecting capital gains taxation. Retains the corporate capital gains tax rate at 28%.

SECTION 3

Amends the Internal Revenue Code to revise the method of calculating the deduction for capital gains of noncorporate taxpayers by: allowing a deduction equal to (1) 80% for assets held 10 years or longer; (2) 60 percent for assets held between three and five years; and (3) 40% for assets held for between one and three years.

Amends the Deficit Reduction Act of 1984 to increase the holding period required for long-term capital gains tax treatment of property acquired after January 1, 1988.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPUDIATE AMERICAN BANKERS ASSOCIATION'S THREAT-LADEN BRAND OF LEGISLATIVE TERRORISM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, the American Bankers Association has put out a contract on four Members of the House: they are our colleagues Mr. SCHUMER, Mr. PARRIS, Mr. SAXTON, and myself.

It seems the big-shot bullies of the banking industry are displeased with us. Why?

Because we had the audacity to coauthor with Mr. SCHUMER a bill that would grant limited additional powers to the banking industry but doesn't go far enough to suit the ABA.

In a special report circulated to its thousands of members yesterday, the ABA bullies called on their banking brethren to administer a lesson in acceptable industry behavior. The message was, and I quote:

"These members should be told that their support of Schumer's bill carries a heavy price."

What, my colleagues, do you suppose the ABA means by "a heavy price"?

I'll tell you what it means: it means "toe the line, folks! Give us everything we want. Just follow the script like we wrote it, and damn the public interest!"

Mr. Speaker, are we to sit by while big-shot influence peddlers like the ABA dictate our agenda and even the very terms of our representation in this Congress through intimidation and unveiled threats like these? Is that what we have been elected to do? I think not; and, God help us, I hope not.

I intend to request my colleagues on the Judiciary Subcommittee on Administrative Law to examine the wording and substance of this threat by the ABA for possible violations of Federal statutes.

At the same time, I call on all of my colleagues to repudiate the ABA's threat-laden brand of legislative terrorism.

ASSISTING OILFIELD AND AGRICULTURE OPERATORS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, today I am introducing legislation to repeal a provision of the Omnibus Budget Reconciliation Act of 1987 that increases operating costs for oilfield and agriculture operators.

As we all know, the 1987 Reconciliation Act, passed during a late night session last December, contained many provisions that we now wish were not in it. One of those provisions forces small domestic oil producers to pay an additional 15 cents per gallon on diesel fuel in Federal excise taxes effective April 1.

Obviously, this additional tax would be a severe blow to an industry that is already suffering through a depressed period because of the oil glut. According to the Oklahoma Independent Petroleum Association [OIPA], in my home State of Oklahoma, oil and gas production is down by 25 percent from 1982 levels. The number of employees in oil and gas manufacturing is down 34 percent—from 16,000 to 5,000—and in the oil and gas extraction field more than 65,000 workers have lost their jobs since 1982. The president of one small drilling company told me this tax would cost him more than $300,000 and force him to shut down his operations—forcing hundreds out of work.

The legislation I am introducing today would also exempt farmers and ranchers who use diesel for off-road vehicles. To force this new tax, even though it is refundable, is outrageously unfair. Put simply, the small farmer and drilling firm cannot afford even a temporary tax. It would worsen cash flow problems while increasing paper work and administrative costs.

The legislation would amend the Internal Revenue Code to say that the diesel tax does not apply to taxable fuel sold for use on a farm for farming purposes or to diesel fuel sold for use in the drilling of any oil or gas well.

Please join me in repealing this regrettable provision of the 1987 Reconciliation Act.

APPOINTMENT AS MEMBERS OF U.S. DELEGATION OF MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276(h), the Chair appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 2d session of the 100th Congress the following Members on the part of the House:

Mr. DE LA GARZA of Texas, chairman;
Mr. YATRON of Pennsylvania, vice chairman;
Mr. GIBBONS of Florida;
Mr. RANGEL of New York;
Mr. MILLER of California;
Mr. GEJDENSON of Connecticut;
Mr. COLEMAN of Texas;
Mr. LAGOMARSINO of California;
Mr. DREIER of California;
Mr. DELAY of Texas;
Mr. GILMAN of New York; and
Mr. GOODLING of Pennsylvania.

RESIGNATIONS OF CERTAIN MEMBERS AND APPOINTMENT OF CERTAIN MEMBERS TO THE CONGRESSIONAL AWARD BOARD

Mr. BROOMFIELD. Mr. Speaker, the minority leader has been advised of the following resignations of members of the Congressional Award Board:

Ms. Roberta van der Voort, of Kansas City, MO, whose resignation was effective on February 7, 1986;

Mr. John G. McMillian, of Washington, DC, who resigned on March 8, 1986; and

Mr. W. Clement Stone, of Chicago, IL, who resigned on January 14, 1988.

Accordingly, pursuant to Public Law 96-114, as amended by Public Law 98-33 and Public Law 99-161, the minority leader has today appointed the following individuals on the part of the House to fill the existing vacancies thereon:

Mr. George R. Layne, of Fairfax Station, VA;

Mr. Santee C. Riffin, Jr., of Reston, VA; and

Mr. Murriel F. Price, of Fairfax VA.

CONDOLENCES AND CONGRATULATIONS TO SUNNYVALE, CA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Richard Farley killed three people last week in Sunnyvale, CA. He was upset over a female coworker. He will probably get a life sentence; the taxpayers out there including the victims' own families will feed him and house him.

If you do not believe it, look at Richard Speck, who killed eight nurses in Chicago. It costs taxpayers $100,000 a year just to keep him safe.

Now we find out that Donald Harvey down in Cincinnati has admitted to over 30 murders as part of a plea bargain. The deal? Harvey will keep his life; the taxpayers, they will pay the tab to keep his life and the victims and their families, no one just seems to care.

Mr. Speaker, who is protecting the rights of the American people? I think it is time for the death penalty in all 50 States and I think we should be putting these bums to death.

As for Sunnyvale, CA, it is sort of like a tale of two cities: The dark side I guess is Richard Farley but the bright side is Brian Boitano, the greatest skater in the world.

So Members of Congress here send both our condolences and our congratulations and hopefully Sunnyvale can look to the bright side.

□ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *February 23, 1988.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 4:58 p.m. on Tuesday, February 23, 1988 as follows:

(1) Said to contain a message from the President whereby he transmits the "Superconductivity Competitiveness Act of 1988."; and

(2) Said to contain a message from the President whereby he transmits the report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

REPORT OF ACTIVITIES OF U.S. GOVERNMENT IN THE UNITED NATIONS AND ITS AFFILIATED AGENCIES DURING 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1986, the sixth year of my Administration. The report is required by the United Nations Participation Act (Public Law 264, 79th Congress).

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

SUPERCONDUCTIVITY COMPETITIVENESS ACT OF 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-169)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the Judiciary, the Committee on Science, Space, and Technology, and the Committee on Government Operations, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and passage the "Superconductivity Competitiveness Act of 1988." This legislation is needed to help translate U.S. leadership in science into leadership in international commerce.

Scientific advances in superconductivity have taken place at a remarkable pace recently. In the estimation of one noted physicist, in the past year we have made 200 years worth of progress. As additional breakthroughs occur, the effect on our standard of living—indeed, our way of life—could be dramatic and unprecedented, in areas as diverse as transportation, energy, health care, computers, and communication.

By funding basic research, the Federal government has played a key role in these scientific breakthroughs. In fiscal year 1987, the Federal government spent about $55 million in superconductivity research. In fiscal year 1988, the Federal government will spend significantly more—increasing the annual spending to more than $100 million. Ultimately, however, our success in superconductivity will depend on the private sector, which will make the critical decisions on how much capital, time, and effort to invest in commercializing superconductivity.

On July 28, 1987, I announced an 11-point superconductivity initiative designed to help the private sector in its efforts to commercialize superconductivity. This initiative has these three objectives:

—To promote greater cooperation among the Federal government, academia, and American industry in the basic and enabling research that is necessary to continue to achieve superconductivity breakthroughs;

—To enable the U.S. private sector to convert scientific advances into new and improved products and processes more rapidly; and

—To better protect the intellectual property rights of scientists, engineers, and other professionals working in superconductivity.

The Superconductivity Competitiveness Act of 1988 ("the Act") is a key part of this initiative. It will help ensure our readiness in commercializing recent and anticipated scientific breakthroughs.

Title I of the Act states the title of the legislation.

Title II amends the National Cooperative Research Act (NCRA) to cover joint production ventures. This is a particularly important step toward allowing U.S. firms to become more competitive with firms overseas in moving important research involving superconductivity and other fast-moving high technology areas from the laboratory to the marketplace.

Title II recognizes that unless U.S. firms are encouraged to organize their research and development activities in the most efficient manner possible, they cannot compete effectively with overseas firms. I should stress that the purpose of the NCRA is not to provide firms with immunity for anti-competitive behavior. Our antitrust statutes will continue to protect American consumers and businesses from harmful practices where they occur. This extension of the NCRA should promote innovation and productivity and will permit this country to maintain—or in some instances to regain—its position of world technological leadership.

Title III of the Act increases the protection of the U.S. patent laws for holders of U.S. process patents. Currently, there is no court-ordered remedy for patent infringement when a product made overseas, using a process that is patented in the United States, is imported into the United States. Title III would establish such a remedy and would permit U.S. manufacturing patent process holders to sue for injunctive relief and damages. (Relief of this nature is already available to process patent holders for products made in the United States using processes patented in the United States.) Title III would not extend the territorial application of American law. It would not prevent a foreign manufacturer from using a process overseas that is patented in the United States, as long as items manufactured under that process are not exported to the United States.

Title IV of the Act would provide protection for certain commercially valuable scientific and technical information generated in Federal government-owned and -operated laboratories. In particular, Title IV recognizes that commercially valuable scientific and technological information generated in Federal facilities loses potential commercial value when it is released wholesale under the Freedom of Information Act (FOIA). In addition, mandatory disclosure of such information under FOIA could encourage U.S. competitors to exploit the U.S. science and technology base rather than making investments in their own research and development infrastructure. Under Title IV, Federal agencies will be required to withhold information of this nature requested under the Freedom of Information Act where disclosure could reasonably be expected to harm the economic competitiveness of the United States. This Title is *not* intended to end the U.S. tradition of sharing the benefits of our excellence in science and technology; it merely provides that the Freedom of Information Act may not always be the appropriate or best avenue for doing so.

I should note that my Administration is currently developing a uniform policy to permit Federal contractors to own the rights to technical information that they develop for the Government. This is intended to provide these contractors with proprietary rights equal to those of other firms that submit technical information to the Government that was developed at private expense. Because our policy in this area is still under development, Title IV has been drafted to apply only to Federal Government-generated, Government-owned scientific and technical information.

Title V specifies the effective date of the Act.

There is a growing realization that, although the United States has long been a leader in breakthroughs in the laboratory, it has occasionally failed to convert these breakthroughs into commercial applications. This Act, in conjunction with the other components of our superconductivity initiative, can and will speed the process of commercialization. There is no time to waste in this effort. I urge the Congress to act promptly and favorably upon this legislative proposal.

RONALD REAGAN.

THE WHITE HOUSE, *February 23, 1988.*

ESTONIAN INDEPENDENCE DAY

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of the commemoration of Estonian Independence Day. On this day some 70 years ago, the proud Estonian people founded a republic in which they themselves would have full control over the affairs of their country.

Under the illegal incorporation of Estonia into the Soviet Union, the country is a faint shadow of its former vibrant being. But that does not mean Estonian national aspirations are dead. Far from it.

Just this year, the people of that country expressed their contempt for the present government by forming the Estonian National Independence Party—whose primary goal is the true representation of the interests of the Estonian people.

Mr. Speaker, I would like my colleagues to listen to the founders of the Independence Party. Their words say it all:

> The Communist Party of Estonia has not succeeded in representing the interests of the Estonian people for nearly 50 years. Estonians are currently becoming a minority in Estonia; and the state of the economy, education, culture, and natural environment have reached a point which endangers the very existence of the Estonian people.
>
> For this reason, there has arisen an objective need for an alternative group to represent the interests of the Estonian people. We propose the creation of the Estonian National Independence Party, whose basic goal would be the restoration of freedom and independence to the nation state of Estonia.
>
> Until the independence of the Estonian nation state is regained, the Estonian National Independence Party will defend the interests of the Estonian people in the present political situation, acting as a national opposition party to the Communist Party of Estonia.

Mr. Speaker, I salute this new group and fully support their efforts to achieve what the older and better Estonia once had.

REIMBURSE THE STATE OF FLORIDA

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, on February 9, 1988, I introduced legislation to reimburse the State of Florida for more than $148 million in expenses resulting from the Cuban and Haitian boatlifts in 1980 and 1981.

These local costs for social, medical, and educational services, continue to mount without reimbursement from the Federal Government. I am not opposed to the recent normalization of immigration relations with Cuba. But Florida cannot stand still and let what happened after the previous boatlifts happen again.

The Immigration and Naturalization Service has not shown it can adequately monitor and screen the thousands of immigrants pouring into Florida each year. So, how are we to expect the INS to properly screen 23,000 additional immigrants who will come as a result of the renewal of immigration relations with Cuba?

This is not a question of whether or not Cubans should be allowed to come to America. The question is how are we going to manage renewed relations with Cuba without unfairly draining the resources of State and local governments.

INTRODUCTION OF LEGISLATION REGULATING SENDING OF UNSOLICITED SEXUALLY EXPLICIT MATERIAL THROUGH THE MAIL

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, during the past several weeks, many citizens of my district have received an advertisement offering 12 X-rated videos. The advertisement described in the most explicit and offensive terms just what could be expected of these videos. The advertisement, an explicit example of the pornography that plagues this country, was sent out on a bulk mail permit. No one but the publisher knows how the names and addresses were obtained, but I do know that it was unsolicited, and most of my constituents were outraged to have their homes invaded in this way. They were disgusted that their children may have been exposed to explicit pornographic material, delivered, unordered, into their home through the U.S. mail.

In order to address this serious problem, I am introducing legislation today, encompassing a simple and helpful step. My bill would allow an individual, upon receiving unsolicited sexually explicit material through the mail, to require the sender to disclose to the addressee within 30 days the source from which the name or address of the recipient was obtained.

The purpose of this bill is to encourage magazine publishers to use greater discretion in selling their lists, which is a common practice in today's world of direct mail advertising. There are so few things one can do to keep unsolicited sexual ads from coming into their homes. But if a postal patron is able to determine who sold his or her name to a pornographer, perhaps reputable publishers or mailing houses will not sell their lists indiscriminately. This will offer millions of citizens of this country added protection against pornography.

COMMENDING A MAN OF PRINCIPLE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, Monday, February 22, 1988, was a sad day for the Navy and the entire U.S. military system when James H. Webb, Jr.—a Vietnam veteran and author about that unfortunate page in our history—announced his resignation as Secretary of the Navy.

Although his tour as Secretary of the Navy was so brief—11 months—Mr. Webb, nevertheless, has left his imprint. He brought to the position a broad range of experience, as well as dedication, which enabled him to move forward with President Reagan's goal of building a 600-ship fleet, while, at the same time, improving the Navy's effectiveness and efficiency.

It was refreshing to witness this example of principle by Secretary Webb, who chose to resign from an administration he can no longer support, rather than stay in office and, perhaps, undermine the administration with open dissension. Actually some of those differences resulted from the pressures placed on the Defense Department by the budget cutting imposed by this Congress.

The Navy, the United States, will sorely miss the caliber of leadership and experience of Secretary Webb, which is becoming increasingly rare in Government service.

DEMANDING GENERAL NORIEGA'S RESIGNATION

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, it is high time for the United States Congress to state unequivocably where it stands on Panama's General Noriega. That's exactly what House Concurrent Resolution 243 does. It calls for the resignation of strongman Noriega as commander in chief of the Panamanian Defense Forces and as de facto head of state.

For well over 6 months the Panamanian people have repeatedly demonstrated their desire to return to democratic rule, only to have their efforts thwarted by General Noriega's familiar and much-used tactics of coercion and violence.

The Panamanian people are well-acquainted with Noriega's regime. From the shocking beheading of his outspoken opponent, Dr. Spadafora, to the constant involvement in illicit drug-trafficking, money laundering, and the protection of the infamous Colombian drug cartel, General Noriega has distinguished himself only by showing again and again his contempt for human rights, democratic government and the laws of both his country and our own.

Add to this his recent indictment by two Federal grand juries in my home State of Florida. General Noriega has single handedly aided and abetted the growth of the illicit cocaine and marijuana sales in this country and has made millions in the process.

Also, is Ortega's ties to Castro, to whom he has supplied sensitive U.S. security information while masquerading as a close friend and ally of the United States.

For the sake of present and future stability in Central America; for the sake of democratic government in Panama; and especially for the sake of the traditionally excellent relations between the Governments and peoples of the United States and Panama let us send an unmistakable signal to General Noriega that the Congress of the United States finds his conduct reprehensible by all standards. I urge you to join with me in supporting House Concurrent Resolution 243 to demand General Noriega's resignation.

EIGHTH ANNIVERSARY OF THE CHRONICLE EXPRESS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I would like to tell you a story that shows that the American dream still does come true. Eight years ago, a young man of 19 founded the County Express newspaper in Germantown, MD, an area I represent in Congress. The newspaper founded by Marty More, who was soon joined by 20-year-old Karl Spain, was originally just 8 pages long and had a circulation of 5,000 confined largely to upper Montgomery County. The paper grew and grew and a year and a half ago the two friends purchased the rival Chronicle newspaper chain and merged it with their own publication.

Today, Marty More and Karl Spain are 27 years old and the Chronicle Express has the fourth largest circulation of any weekly newspaper in the United States. Its network of over 2,000 carriers distributes 200,000 copies per week all over Montgomery County, making it the largest circulation weekly in the county by far.

But the Chronicle Express is not just known for its prodigious circulation figures. It is also known for its readable, community-oriented editorial contents. I read the Chronicle Express every week and know that it can always be depended on for thorough reporting of issues of concern to the people of Montgomery County. Because of its nine regional editions it is able to focus on what concerns people both countywide and in their own neighborhoods. Over the years, it has many times scooped its competition and has always served the people well. I congratulate Marty More, Karl Spain, and their staff for the remarkable success of their newspaper, and look forward to continuing to work with them in the future.

HOUSE CONCURRENT RESOLUTION CONCERNING REAL ESTATE APPRAISAL FRAUD

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker, today I am introducing a concurrent resolution to address the issue of real estate appraisal fraud. Faulty appraisals have contributed significantly to the insolvency of hundreds of our Nation's financial institutions. This resolution articulates the problem and encourages a reasonable solution, emphasizing the correct balance between Federal and State government responsibilities.

This resolution covers four main areas: First, it calls upon the States, whose traditional responsibility it is, to respond to the abuses occurring within this appraisal profession. Second, it urges the States to establish real estate appraiser boards to carry out appraisal certification. Third, it encourages each Federal regulatory agency to expeditiously require State certified appraisals. Fourth, it requests that the Federal Financial Institutions Examination Council monitor the Federal regulators and periodically report to the House Committee on Government Operations the Council's findings.

□ 1430

REAL AID FOR CENTRAL AMERICA

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, tomorrow we are going to be considering legislation on Central America once again. The legislation will likely contain subsistence funds for food and medicine for the Contras while this peace process is underway. It also will include genuine humanitarian aid—a child survival initiative to treat the child victims of that war. The fund will provide prosthetic devices to maimed children and other emergency humanitarian aid.

I think this is the first step in restructuring our policy and reshaping the resources we send to Central America. Converting what used to be lethal aid to reprogram it for aid to the children and aid to the victims makes sense to me.

There is a story in this week's People Magazine, "Agony of the Innocents: the Shame of Nicaragua's Bloody War Is a Ghastly Harvest of Wounded Children," which I am sending to all Members of the House today. The article illustrates with tragic photos why we need a child survival initiative to bind up the wounds of war.

I believe that a child survival fund, as well as the basic subsistence fund for the Contras, can form a bridge to peace and the bridge to peace is part of the road to survival for many children in that region.

We have done the other. We have sent guns to the guerrillas. There have been guns to the Government. Now let us send some food and medicine and shelter to the innocent victims, the children who live in Central America. This truly, in my judgment, will build a bridge to peace in Central America and give us the chance to put our policy toward Central America back on a positive track.

A CHAMPAIGN TRIBUTE TO OLYMPIC GOLD

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, speed skater Bonnie Blair is the toast of America after winning our country's second gold medal of the 1988 winter Olympics.

Bonnie is a resident of my district from Champaign, IL. She has proved that preseverance, hard work and determination can eventually harvest rewards. In 1984, she finished in eighth place. Now she took the gold in Calgary.

After setting a new world record, they asked Bonnie how she had done it, and she replied, "I think I just got it on guts," and it took a lot of guts and the support of the Policemen's Benevolent Association in Champaign. Certainly not every organization is rewarded by seeing people that they support take an Olympic gold medal.

Despite the joy she must feel, Bonnie is ready for more competition. She will skate again in the 1,000- and in the 1,500-meter races, with her top competition coming from the same two East German women she edged out in the 500.

It is nice to see the thrill of victory again. For residents of Bonnie's east central Illinois home, it is a thrill of victory that we will always remember.

Our congratulations to Bonnie Blair on a great performance on behalf of the United States.

INTRODUCTION OF BILL TO REPEAL DIESEL FUEL TAX FOR STATE AND LOCAL GOVERNMENTS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, today I am introducing a bill to repeal onerous IRS tax reporting requirements now existing for local governments. These requirements affect the exemption of local governments from the Federal excise tax on diesel fuel. Current regulations require local governments to pay the tax, register with the Secretary of the Treasury and file regular reports to receive refunds for taxes paid.

These regulations are a result of the Tax Reform Act of 1986, which I voted against. In that tax bill, the collection point for Federal diesel fuel excise taxes was moved from the retail to wholesale distribution points. Groups of traditionally exempt from paying Federal excise taxes, overnight were forced to pay under this new tax law. Included here are farmers, air and rail transportation systems, and local governments. Although I am a principal cosponsor for legislation to restore the exemption for farmers, the problem facing local governments has to be addressed.

Legislation I am introducing today will correct this problem. These regulations make no sense, local governments are, and always have been, exempt from paying excise taxes on diesel fuel. Why are we creating a regulatory system that requires local governments to file for refunds for the diesel taxes that they pay? Local governments with small budgets would be financially hamstrung until they received their refund.

Specifically, my bill exempts local governments from paying excise taxes at the time they purchase the fuel—no registration requirement, no regular reporting, and quite simply, no paperwork. As chairman of the Paperwork Reduction Commission and principal sponsor of the Paperwork Reduction Act, this elimination of paperwork is particularly important to me.

In January and February, I visited practically every town and village in my congressional district. I met with nearly 3,000 people, mostly on an individual basis. I also met with local and county officials at each stop. This tax issue was one of the major concerns expressed to me by these officials. I agree with them and believe that my bill will address their problem.

This legislation is a simple and effective answer to the regulatory nightmare faced by local governments. I urge my colleagues to cosponsor this legislation.

EXPRESSING CONFIDENCE THAT PEOPLE OF EL SALVADOR WILL SUPPORT ELECTIONS ON MARCH 20, 1988

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 250) expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. Fascell].

Mr. FASCELL. Mr. Speaker, yesterday, the Committee on Foreign Affairs ordered reported House Concurrent Resolution 249, concerning the March 20, 1988, elections in El Salvador, as amended. The resolution which I have sent to the desk is identical to that measure as ordered reported from the committee.

Over the last 10 years we have witnessed progress toward democratization in El Salvador of historic proportions. During this decade El Salvador has evolved from a repressive, authoritarian government to a nascent democracy that is now beginning to solidify its roots and institutionalize democratic processes. No one would claim that El Salvador is yet a paradigm of democracy, but it has established a solid record in a short period of time of which its citizens can be proud.

The purpose of this resolution is to note the progress that El Salvador has made in conducting three relatively free and open elections and to commend El Salvador for the continuation and improvement of that trend. On March 20, elections will be held in El Salvador for the legislative assembly and municipal governments. This resolution states the confidence of the Congress in the ability of the Salvadoran people to conduct that election in a fair and honest manner and to reject efforts to disrupt the elections which would discourage participation.

The resolution also recognizes the important leadership role of Jose Napoleon Duarte, who has served as the political and spiritual leader of this country during much of this period. We and the Salvadoran people owe him a great debt. He has not had an easy task, but time and time again he has opted for the path of freedom and democracy.

Mr. Speaker, this resolution was reported by the Committee on Foreign Affairs by a unanimous voice vote, and is brought to the House with the bipartisan support of the House leadership. I want to commend the leadership on both sides of the aisle for bringing this resolution before the House today.

Mr. Speaker, what we have seen is that a great majority of the people under unusual difficult circumstances have turned out in order to establish a democratic process, the crux of which is participatory politics and the electoral process. Unless that continues, there is no hope for the other changes that need to be made in El Salvador.

We also take note of the fact that the leader of that country, Jose Napolean Duarte, has been an exemplary leader as far as helping this process. Here is an individual whose election was thwarted because of the unilateral efforts of an ideological group to deny him the right to lead the country, after the people gave him that right. He came right back and, because the people themselves demonstrated their dedication and commitment toward democracy, he was elected again.

So with all the difficulties that he has had, with all the difficulties that still remain in that country, I think that it is wise for us, the people of the United States, to take note of the fact that some progress, some very substantial progress, has taken place. This resolution gives expression to our support for that continuation.

Mr. Speaker, would the gentleman be kind enough to yield to the gentleman from Wisconsin?

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

I simply wanted to take this opportunity to indicate that in general I would support the thrust of the resolution which applauds the progress that has been made so far in trying to deal with the very difficult situation, but I want to make sure this resolution is not interpreted as a blanket endorsement of absolutely everything that has been happening.

For example, the definition of the recently declared amnesty program, if it comes out one way versus another, could give some of us more than a little heartburn because it could be construed to apply to the killers of four U.S. servicemen down there, and we would not want to see that happen.

□ 1445

So I would simply like to ask whether I can be assured that support for this resolution by the House would not in any way indicate that the House supported every dot and t of what was happening in El Salvador, including efforts to apply that amnesty program to the killers of United States servicemen.

Mr. BROOMFIELD. Mr. Speaker, under my reservation of objection I would yield to the gentleman from Florida [Mr. FASCELL] to respond to the gentleman from Wisconsin [Mr. OBEY].

Mr. FASCELL. Mr. Speaker, let me assure the gentleman from Wisconsin [Mr. OBEY] that that was one of the issues raised by the gentleman from New York [Mr. WEISS] in the committee and that is why the resolution is as presented. We wanted to make absolutely sure that this was not a blanket, blind endorsement of everything that was happening in El Salvador.

There are shortcomings. My colleagues would not, I am sure, condone amnesty for an ordinary murderer, ordinary criminals, as part of the reconciliation process. What is going to happen under the Arias peace plan, if all the countries pursue it thoroughly, I have no idea, but the President of El Salvador has felt constrained to do what that agreement calls for. Certainly this resolution should not cause anybody any concern that we are endorsing every failing that exists in El Salvador. Just the opposite is the case. We are trying to say that they have done well so far, there are a lot of shortcomings, but we encourage El Salvador to go continue the progress.

That is the thrust of this resolution.

Mr. OBEY. Mr. Speaker, will the gentleman yield to me under his reservation?

Mr. BROOMFIELD. Mr. Speaker, under my reservation I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the chairman of the Committee on Foreign Affairs for those assurances, and I see the gentleman from Michigan [Mr. BROOMFIELD] is nodding in the affirmative. I think that that helps because I am certain the House would not want this to be interpreted as supporting in any way the application of amnesty to the killing of U.S. citizens.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would like to assure all the people on the other side of the aisle that the administration is very much concerned about this. The administration has been very much concerned about this for a long time.

Those four servicemen that my colleague, the gentleman from Wisconsin [Mr. OBEY], was talking about, happened to be four U.S. marines that were brutally killed.

As a former marine myself, I would just like to tell my colleagues that I find it kind of strange that some of the liberals on the other side of the aisle all of a sudden are concerned now about the foreign policy that we have in El Salvador when for months and months and months the administration was criticized by those liberals on that side of the aisle like the gentleman from Wisconsin [Mr. OBEY], because of our policy of establishing a democracy in El Salvador. Now that we have one down there, all of a sudden we have this turnaround and people are concerned about somebody being released because of some kind of amnesty.

Well, the administration has assured me that they will keep pressure on the powers that be to see that they are prosecuted.

Mr. OBEY. Mr. Speaker, will the gentleman yield further on that point?

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I want to say to the gentleman from New York [Mr. SOLOMON] that he can politicize this if he wants to but the fact is the reason that this gentleman is up is because one of the kids who was killed is the son of a very good friend of mine who I have known since high school.

I think it is inappropriate to bring politics into this. We are talking about how we are trying to defend the interests of the United States and see to it that the release of those people does not occur.

I am fully aware of the fact that the administration has lodged a very strong protest and objection to interpreting amnesty in such a way. I fully support them in those efforts.

I would suggest, however, that we ought to keep it that way rather than bring in some politics into it.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield under his objection, I do not think it was politics at all. All I know is we had to pull teeth to get votes from that side of the aisle to get the aid for El Salvador in order to establish a democracy down there. The record ought to show that.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank my friend from Michigan for yielding me this time.

Mr. Speaker, I simply want to express my appreciation to our distinguished chairman, the gentleman from Florida [Mr. FASCELL], as well as to the ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for the position which they have taken on this resolution.

As it first came before the Committee on Foreign Affairs, there was indeed the very serious danger that it could have been interpreted as a blank-check approval of everything that has happened and that is going on in El Salvador. As the resolution appears before us now, it approves the process of improvement but does not provide a blank-check approval. In the course of the discussion in the Committee on Foreign Affairs we noted the fact there was general acknowledgment on the part of just about everyone that El Salvador does not have a judiciary system that it itself is satisfied with. Until that happens they really will not have achieved what they want to achieve and what we want them to achieve by way of respecting human rights and legal constitutional rights.

We all recognize that there are still acts which are the acts of death squad activities. There is an awareness that internationally recognized standards of workers rights are often violated. We recognize there is still too much by way of military control in El Salvador. But as this resolution is framed, it appreciates and approves the process and the progress towards electoral reforms, the broad participation in free elections by the people of El Salvador and the courage and leadership of President Duarte.

Again, Mr. Speaker, I express my appreciation for the cooperation of my colleagues in this matter.

Mr. BROOMFIELD. Mr. Speaker, further under my reservation of objection, I strongly support the resolution before us expressing confidence in the will of the Salvadoran people. I am confident that the people of El Salvador will brave the threats of guerrilla violence and again demonstrate their commitment to democracy.

President Duarte is a person who commands the respect and admiration of all who desire democracy in El Salvador. Duarte has stood firmly behind his promise to bring peace and democracy to El Salvador.

Unlike Nicaraguan President Ortega, President Duarte has endeavored to keep his promises to his people and has courageously pursued national reconciliation.

President Duarte has shown determination in following both the spirit and the letter of the Esquipulas II accord. The people of El Salvador are committed to democracy, regional peace and security. President Duarte believes that democracy is not an end in itself, but a means to achieving a just and lasting peace in Central America.

In spite of threats in 1984 from the Nicaraguan-supported Marxist guerrillas, the people of El Salvador were determined to vote. In the face of intimidation from terrorists, the Salvadoran people voted in an open democratic election. President Duarte was their choice.

Since his election, democratic freedoms in El Salvador have increased. Today, independent newspapers, television and radio stations operate. The media freely presents criticisms and opposing views of the Duarte Government. The Duarte Government, in the face of insurgent activity, lifted its state of emergency in 1987 and has restored all rights granted in the constitution.

The guerrilla threat of violence is real—let us not forget the Marxist guerrilla group responsible for the cold-blooded murder of young American marines on the sidewalk cafe in the capital city of San Salvador or the Salvadorans who have lost their lives exercising their right of self-determination.

I commend President Duarte highly for his commitment to democracy and peace in El Salvador. I am confident that the people of his country will again vote for the promises of peace.

I urge my colleagues to support his timely resolution and send a message to the Sandinistas that their continued support for terrorist groups in El Salvador will not prevail.

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to be an original cosponsor of this resolution to commend President Duarte and to applaud the efforts of El Salvador in strengthening the democratic process.

The legislative and municipal elections to be held March 20 mark another step in solidifying the democratic institutions and the democratic process in El Salvador. El Salvador's democracy is in stark contrast to the reality of Nicaragua's totalitarian regime. Both El Salvador and Nicaragua saw revolutionary changes in their Governments in 1979. El Salvador's revolution has led to democracy while Nicaragua's has led to a Communist dictatorship.

Little credit is given to El Salvador for the advances it has made toward democracy. This was noted by Dr. Susan Kaufman Purcell in her evaluation of the Central American peace plan for the Central American Peace and Democracy Watch. That is the organization that includes former Virginia Gov. Chuck Robb and New York Mayor Ed Koch.

In evaluating compliance with the Arias peace plan, Dr. Kaufman writes:

> Nicaragua is often given a great deal of credit for making changes that still fall far short of the standards set by the accord, while other countries, especially El Salvador, have done far more to implement the agreement, and are given little credit for their efforts. Instead they are evaluated for what they have not done. As one Honduran political leader put it, Nicaraguan compliance has been measured against the agenda Nicaragua has set for itself, not against that established in the Central American peace plan.

While attention has been focused on United States aid to the Contras little concern has been expressed about continued Sandinista support for the Marxist guerrillas in El Salvador. Those Marxist guerillas not only have made every attempt to overthrow the democratically elected government of President Duarte, but also they have declared war on Americans in El Salvador. The guerrillas have announced they have targeted American military advisers and Americans serving at the United States Embassy for attack.

Despite the atmosphere of violence in El Salvador, this resolution correctly expresses the sense of the Congress that we are confident the people of El Salvador will continue to reject efforts to disrupt the democratic process in their country and will take advantage of making their free choice in the March 20 elections.

I am proud to be an original cosponsor of this resolution and urge my colleagues to give it their unanimous support.

Mr. MICHEL. Mr. Speaker, I am glad to join with you in speaking of a resolution supporting the people of El Salvador in their continuing commitment to democracy.

In one sense this is an extraordinary occurrence. Only a few years ago, there were fierce legislative battles fought right here on the floor of the House against aid to El Salvador.

I can remember a constituent of mine—and a friend of yours, Mr. Speaker—Dr. Ira Gallaway, coming back from a study mission to El Salvador and telling me that this beleaguered country needed our help.

And at the same time, the former Speaker asked our good friend and colleague, JACK MURTHA, to go down there and report on what he found.

And JACK returned and said exactly what Reverend Gallaway said, that we needed to help El Salvador.

Today we take it for granted that helping the people of El Salvador is necessary.

But it wasn't always the case. It was like pulling teeth trying to get necessary aid to El Salvador during the early part of this decade. Outside pressure groups demand that we abandon El Salvador, that we force the Government to include Communists, that we simply walk away.

But if we hadn't supported El Salvador earlier, when they were desperate, what we would have in El Salvador today is what we have in Nicaragua today—a Communist government.

I can remember the bitter debate over the role of the church in El Salvador. Bishop Rivera y Damas, an unyielding critic of right-wing death squads, was said to be against American military aid.

But it turned out he was against all outside interference. He said it would be wrong to let the Communists send aid while we unilaterally stop sending aid.

Then there was the Kissinger Commission report, a turning point in our debate over the fate of Central America.

That bipartisan Commission stated about aid to El Salvador:

> Even as military measures are needed to shield economic and social programs, so too are they essential as an adjunct to diplomacy.

And yet we had the same old crowd telling us they wanted a diplomatic solution but not a military solution, as if the Kissinger Commission report had not pointed out the fallacy in the separation of military and diplomatic aid.

We put stringent human rights conditions on our aid, and we should have. Against an onslaught of criticism, the President and, yes, a bipartisan coalition right here in the House, continued to help the El Salvadoran people fight against the terrorism of the left and of the right.

And we saw those brave people vote in a free election. And then another. And then another.

Mr. Speaker, back in 1982, our late colleague and beloved friend, Dan Daniel, spoke for 1 minute on the floor and this is what he said:

> Mr. Speaker, a great debate is raging throughout this country about internal conditions in El Salvador.
>
> I do not know which of the two extremes are correct; perhaps, neither. But I find a curious consistency in those who support the leftist coalition of insurgents in El Salvador.
>
> In our recent history, these are the same groups who supported the Castroists in Cuba, the guerrillas in Vietnam, the followers of Ayatollah Khomeini in Iran, and the Sandinistas in Nicaragua.
>
> Can they really feel that the people in those countries are enjoying a better way of life today than they did before their governments were so radically changed?

And after Dan Daniel was finished, Mr. Speaker, you took the floor.

Here is part of what you replied to Dan Daniel, on February 3, 1982:

> Mr. Speaker, I rise to salute the gentleman from Virginia (Mr. Dan Daniel) and to

> join in the plea that he makes for patience and understanding with those people who are attempting in good faith to create a peaceful solution to the problems in El Salvador.

And later in your remarks you said:

> I cannot imagine our succumbing once again to the siren song of those who would sell down the river the responsible people who are trying to have a stable, free democratic government on behalf of those who would follow the example of Castro's Cuba.

Mr. Speaker, those words did you credit then and they do you credit now.

Those same words—exactly the same—could be said about Nicaragua today.

I could go on, Mr. Speaker, but I think I've made my point.

Today we support the people of El Salvador as they continue to strengthen their democratic system of government.

But unless there were those who had the courage to do the right thing in 1982, El Salvador would be a Communist nation in 1988.

That "siren song" of "selling out" you spoke of is still being heard, Mr. Speaker. So in giving these brief remarks I just want to point out that we once had the courage to do the right thing in El Salvador. I hope we have the courage to do the right thing in Nicaragua as well, so that someday you and I can join in a resolution suporting a free election and then another and then another in a Nicaragua that has freedom and democracy.

Mr. DEWINE. Mr. Speaker, I want to briefly comment on my strong support for House Concurrent Resolution 250 and commend the majority leader for bringing it to the House floor. As we all know, El Salvador has made great strides toward democracy in the past few years and in improving the human rights climate. These gains have been made largely as a result of the personal commitment of President Napoleon Duarte, who has fought off challenges to democracy from both the right and the left. In addition, President Duarte set a high standard of compliance with the Guatemala peace agreement for the other countries in the region.

I would also like to take this opportunity to express my thanks to President Duarte and the Salvadoran Government for all they have done concerning the three terrorists, Abraham Dimas Aguilar, Juan Miguel Garcia, and William Celio Rivas, who confessed to murdering four United States marines in a San Salvador cafe in 1985. Two courts in El Salvador ruled that the country's political amnesty law applied to these killers and ordered that they be released. However, Attorney General Jiron Flores and President Duarte have been very helpful in appealing these decisions and in keeping these terrorists behind bars until they can be tried under Salvadoran law. On February 7, President Duarte named a legal commission to review the case and make recommendations to him regarding the final fate of the prisoners. Since one of the four marines, Sgt. Thomas T. Handwork, was my constituent, I am very grateful to President Duarte and his administration for their commitment to fairness and justice in the face of other, domestic pressures which I am sure they must have felt.

Lately, however, the rebels have increased their campaign of terrorism and guerrilla activity. Just yesterday, the Communist rebels forced a traffic shutdown over most of the country by threatening to destroy any vehicle traveling on the roads. The rebels have demonstrated their intransigence in refusing to negotiate with the Government on the basis of the Guatemala peace agreement, choosing terror and violence over a peaceful dialog to pursue their goals. As a result, I am very concerned, as we all are, that the rebels will try to intimidate the Salvadoran people from exercising their rights during the upcoming elections on March 20. It is very clear that the rebels are making a determined effort to sabotage these elections.

I strongly support this resolution in applauding the progress toward the institutionalization of democratic process in El Salvador. I think it is important that we in the Congress recognize that the people of El Salvador courageously have resisted threats from the rebels in the past. And, it is essential that we support them now in their efforts to participate in their country's democratic process.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 250

Whereas the Republic of El Salvador in this decade has sought to develop a constitutional system which respects human liberties and electoral processes;

Whereas in 1982, under the leadership and direction of Jose Napoleon Duarte, free popular elections were held in El Salvador to select a constituent assembly, in which approximately 80 percent of eligible voters participated despite threats from armed insurgents who were attempting to disrupt the electoral process;

Whereas in 1984 approximately 80 percent of eligible voters, despite threats of physical violence, participated in presidential elections which led to the election of Jose Napoleon Duarte as President of the Republic of El Salvador;

Whereas in 1985 the participation of a substantial majority of eligible voters in legislative and municipal elections in El Salvador attested to the institutionalization and growing acceptance of democratic political processes;

Whereas each of these elections in El Salvador was carried out under rigorous domestic and international scrutiny, in the presence of official observers from many nations, including delegations from the United States Congress;

Whereas under the constitution of El Salvador, elections for the legislative assembly and municipal governments in El Salvador will be conducted on March 20, 1988;

Whereas President Duarte has exercised strong leadership, and has demonstrated a personal commitment to the respect for human rights; and

Whereas President Duarte has embraced the Esquipulas II Agreement, which was entered into by the presidents of five Central American countries, and has vigorously sought to implement the provisions of that agreement in El Salvador, in particular through his efforts to enter into direct negotiations with the armed insurgents, in order to promote national reconciliation and to achieve a cease-fire: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress, applauding the progress toward the institutionalization of the democratic process in El Salvador, expresses confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONDEMNING THE BOMBING BY NORTH KOREAN AGENTS OF KOREAN AIR LINES FLIGHT 858

Mr. SOLARZ. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 246) condemning the bombing by North Korean agents of Korean Air Lines flight 858, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I am happy to yield to the gentleman from Pennsylvania [Mr. YATRON].

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246, to condemn the bombing of KAL flight 858 by North Korean agents. I want to commend Congressman SOLARZ for his timely and important initiative. I also want to commend Congressman SOLOMON, who has been an outspoken leader on the outrageous human rights abuses committed by North Korea.

It almost defies the imagination the depths to which a government will stoop in the pursuit of some distorted, depraved, policy objectives. Just yesterday in the Washington Post, an article described the deplorable situation in North Korea, including government-initiated terrorist activities. The utter contempt that the North Korean Government continues to show for human life renders that country totally unqualified and incapable of dining at the table of nations.

North Korea's bombing of the KAL flight, which killed many innocent men, women, and children, necessitates a strong congressional response.

House Concurrent Resolution 246 details the chronology of events regarding the bombing, subsequent actions, and strongly condemns this murderous act. The resolution also rejects any overtures by North Korea to establish a dialog with the United States Congress; supports the administration's sanctions—especially the addition of North Korea to the list of states supporting international terrorism; calls upon other countries to impose sanctions; supports efforts in international fora to bring North Korea to account for this atrocity; and makes other important points.

As chairman of the Subcommittee on Human Rights, I firmly believe that North Korea's record on human rights remains one of the worst in the world. Its tyranny knows no bounds, and it is most unfortunate that we must consider a resolution condemning a government for such a detestable act.

House Concurrent Resolution 246 demands our full and unanimous support.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLARZ], the chairman of the Subcommittee on Asian and Pacific Affairs.

Mr. SOLARZ. Mr. Speaker, I thank the gentleman from Michigan [Mr. BROOMFIELD] for yielding me this time.

Mr. Speaker, on November 29, 1987, a day that will live in infamy, agents of the government of North Korea blew up a Korean airliner en route from Bagdad to Seoul, South Korea. As a result, 115 innocent passengers on the flight lost their lives.

The resolution before us this afternoon, expresses the outrage of the Congress and the American people over one of the most deplorable and despicable acts in the history of international terrorism. This resolution enjoys not only strong bipartisan support in the House but the backing of the administration as well.

I want to assure my colleagues that this resolution was reported out of the Committee on Foreign Affairs only after the most careful consideration of the evidence involved. The Subcommittee on Asian and Pacific Affairs, which I chair, held both an executive session with representatives of the intelligence community as well as a public session with spokesmen for the Department of State. It became abundantly clear to the members of our subcommittee during the course of both our closed and open sessions that there was overwhelming evidence to sustain the conclusion that North Korea was indeed responsible for this tragic terrorist incident.

There was, first of all, a very clear motive. We know the North Koreans are unhappy with the sponsorship by South Korea of the forthcoming summer Olympics. They have from time to time issued threats in their customary bombastic fashion designed to intimidate the international community and the government of South Korea from proceeding with the summer Olympics.

We also know that the government of North Korea has a documented record of engaging in similar acts of state-sponsored terrorism, not the least of which was the incident in Burma in 1983 when North Korean agents succeeded in planting a bomb in Rangoon which resulted in the death of 17 people, including 4 members of the cabinet of South Korea.

Furthermore, we know that the two individuals who were apprehended for their suspected involvement in this incident disembarked from flight 858 in Abu Dhabi before the plane continued on to its final destination, prior to which the plane was blown up in the air. When these two individuals were apprehended in Bahrain, to which they had traveled after disembarking from flight 858 in Abu Dhabi, they both attempted to commit suicide by taking cyanide capsules. One of them succeeded, the other did not. But both of them used precisely the same kind of cyanide capsules which had been found on other North Korean agents who have been apprehended in the past.

In addition, the agent who survived that suicide attempt subsequently confessed and told the entire world about how she had been trained for many years on how to participate and engage in such activities. She stated that she had received this training in North Korea.

But it is not just her confession alone upon which our committee relied. There was also compelling, independent evidence unrelated to the confession which led to the clear conclusion that the North Koreans were responsible for this incident.

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For example, on the persons of the two terrorists who were responsible for the attack, documents were found with the numbers of various North Korean missions in eastern Europe at which they had stopped during the course of their journey.

The woman who survived the suicide attempt was shown a large selection of photographs by U.S. officials, from which she identified two individuals as having played a role in the KAL bombing. Both men were known to be North Korean agents. So there was clear evidence of their involvement.

I might add that the North Korean agent who succeeded in committing suicide, Kim Sung Il, was carrying a fake passport, which he had obtained from someone in Japan who the Japanese, themselves, were at the time looking for, because they had evidence that that individual was a North Korean agent.

I have gone into the evidence upon which the committee based its conclusion and upon which this resolution is based, simply because some suggestions have been made that there is not sufficent evidence to reach this conclusion. I think the evidence is clear. I think the evidence is overwhelming.

This resolution not only expresses our categorical condemnation of the North Korean action but calls upon other countries in the international community to join with us and with our own administration in expressing their disapproval of what has happened. It also calls, where appropriate, for other countries to impose sanctions against North Korea.

This is a matter of great concern, not just to South Korea, but to the entire world and to all those who are disturbed about the problem of state-sponsored terrorists.

If North Korea comes to the conclusion that it can get away with impunity with such cruel and callous and cynical activities, it will have every incentive to continue those actions in the future. The result could be the death of hundreds and possibly thousands of other innocent people.

It may well be that our only hope of bringing North Korea to its senses is by making it clear to them that this utterly uncivilized behavior has not gone unnoticed by the international community.

Insofar as their hopes for a better relationship with the United States are concerned, this resolution puts them on notice that we are not prepared to enter into the kind of parliamentary exchanges which they had proposed to us, inasmuch as any North Korean parliamentarians would be speaking for a government which engages in these utterly unacceptable and uncivilized actions of state-sponsored terrorism.

It would be my hope, Mr. Speaker, that if this message can be driven home, if the North Koreans realize that there is a price to be paid, that they may think twice and refrain from engaging in such actions in the future.

In the meantime, I think we need to recognize that the Government of South Korea has acted with great restraint. I do not know that our country would have acted with similar restraint. I do not know how many other nations would have acted with comparable restraint.

Given the fact that there are a million men under arms on both sides of the 38th Parallel on the Korean peninsula, I think that restraint is to be commended. But if South Korea believes that it stands alone in condemning this act of terrorism, then the prospects for continued restraint will not be nearly so good.

That is why I think it is also important for us to adopt this resolution, to let the Government and people of South Korea know that they do not stand alone.

Mr. Speaker, let me just say in conclusion that those who were responsible for blowing up this Korean airliner are responsible for what may well be the most mad and monstrous manifestations of state-sponsored terrorism in the course of our time.

I am pleased that we were able to muster bipartisan support for this resolution. I am pleased that the administration, even before the adoption of the resolution, had spoken out strongly against this terrorist act so that there can be no doubt that when it comes to actions like this, the Congress, the administration, and the American people are united in their resolve to condemn it and to take whatever actions are necessary to prevent it from happening in the future.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, before I yield to the gentleman from Florida, I would like to compliment the gentleman from New York [Mr. SOLARZ] for his usual articulate way in which he has very well outlined the problem and the cause for this resolution.

I agree so wholeheartedly with what the gentleman stated and would like to add that particular credit should be given to the Republic of Korea for the restraint which they have shown. I do not know of any other country that would be that nice about a situation where they lost an airliner with a lot of people aboard.

Mr. Speaker, further reserving the right to object, I yield to the chairman of the committee, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I want to say that I join in the commendation of the chairman of the subcommittee, the gentleman from New York [Mr. SOLARZ], and the ranking minority member for sponsoring this resolution and bringing it to the floor of the House, so that we have total bipartisan support for this very important statement.

I not only want to join the gentleman from New York in the remarks he made so eloquently, but to say that I strongly support this resolution. I know, of course, it will have the unanimous vote of our colleagues.

Mr. Speaker, I rise in support of House Concurrent Resolution 246, condemning the bombing by North Korean agents of Korean Airlines flight 858.

The resolution expresses the bipartisan support in the Congress for the sanctions imposed on North Korea by the executive branch, specifically, adding North Korea to the list of states supporting international terrorism pursuant to section 6(j) of the Export Administration Act of 1979.

This resolution also calls upon other countries, particularly those with close relations with North Korea and those whose international airports were used by the North Korean terrorists during their mission, to implement sanctions or other appropriate measures against North Korea, and expresses support for the efforts of the Republic of Korea to bring North Korea to account for this act in multilateral fora such as the United Nations Security Council and the International Civil Aviation Organization. The resolution also pays tribute to the Republic of Korea for acting with restraint in the face of such provocation and reaffirms support for holding the 1988 summer Olympic games in Seoul.

I would also like to call to the attention of my colleagues those countries which were used either for transit or logistical support offered by North Korean Embassies; that is Yugoslavia and Hungary. These countries should vigorously review their policies and consider downgrading the North Korean missions in those countries because of such abuses of the Vienna Convention on Diplomatic Immunity. These countries should also ensure that their airports maintain stricter security standards and implement higher reciprocal security measures pursuant to the Foreign Airport Security Act. As countries impose stricter sanctions against international terrorists, those countries who directly or indirectly support such acts of terrorism will become identified and ostrasized. The civilized world must untie in its condemnation of such heinous outlaw acts and band together in effective international cooperation.

This incident was one of the most clear-cut examples of State sponsored international terrorism ever. This is, I am sorry to say, not the first time North Korea has been implicated in such terrorist acts. There seems to be a deliberate pattern and policy by that government to use international terrorism as a means of implementing its policies. This is outrageous and must be condemned.

Mr. Speaker, this resolution is a signal that such outrageous acts by barbaric countries will not go unnoticed by the American people and the Congress of the United States. I urge the unanimous adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON] who has worked very hard on this issue.

Mr. SOLOMON. I thank the gentleman for yielding, and I thank Chairman FASCELL and the ranking minority member, the gentleman from New York [Mr. BROOMFIELD] for allowing this resolution to come before the body in this timely manner. Let me congratulate the gentleman from New York [Mr. SOLARZ] for offering this resolution on my behalf and the gentleman from Iowa [Mr. LEACH] and all other members who are outraged over this latest atrocity by the murderous regime in North Korea.

Mr. Speaker, I rise in support of this resolution and urge its unanimous adoption by the House. Let me also congratulate the gentleman from New York for taking it upon himself to offer this resolution on behalf of myself, Mr. LEACH of Iowa, and so many other Members who are outraged over this latest atrocity by the murderous regime in North Korea.

The North Korean sabotage of Korean AirLines flight 858 is yet another powerful reminder that the Communist tyrants who hold power in North Korea are ruthless terrorists and criminals. They have once again proven themselves capable of doing anything—or committing literally any crime the human mind can conceive.

It may be asked, Mr. Speaker, given North Korea's record, why even bother with a resolution of this kind? Certainly, no one expects the North Korean regime to clean up its act and to come out of its self-imposed isolation. So why bother? Well, there are several reasons.

Mr. Speaker, it is altogether necessary for this Congress to add its voice to the cries of outrage and denunciation that have been sounded from every part of the civilized world. If the bombing of a civilian airliner does not engage the attention of those peoples and governments who are committed to the rule of law and the sanctity of human life, who among us is safe from the scourge of terrorism?

I would say, second, that a resolution of this kind is necessary to show the solidarity of our country with our allies in the Republic of Korea. More than 50,000 Americans and a million Koreans died in battle to protect a free way of life in Korea. Their struggle is our struggle. We are bound together by history and treaty. And provocative actions by North Korea, such as the bombing of flight 858, are just as much a threat to the security and vital interests of our country as they are to our Korean allies.

Finally, we need the occasion of considering this resolution to remind ourselves that the bombing of flight 858 is not an isolated incident.

Indeed, since the armistice in Korea was signed in 1953, more than 600 South Koreans and at least 50 Americans have died as a direct result of hostile and provocative North Korean actions.

Listen, Mr. Speaker, to some of the more atrocious crimes that North Korea has perpetrated in recent years:

January 1968, 31 North Korean commandos attacked the Blue House, the Presidential mansion in Seoul, in an apparent attempt to kill President Park.

Only 2 days later, North Korean forces seized the U.S.S. *Pueblo* in international waters. One American serviceman was killed; and the other 82 crewmen were imprisoned in North Korea for 11 months, during which time they were subjected repeatedly to torture.

April 1969, a United States Navy reconnaissance plane was shot down by North Korean aircraft over international waters; 31 Americans were killed.

August 1969, a U.S. Army helicopter was shot down over the DMZ.

June 1970, North Korean agents attempted to blow up the entrance gate to the National Cemetery in Seoul.

August 1974, North Korean terrorists again attempted to assassinate President Park, but killed the First Lady instead.

Between 1974 and 1978, three separate infiltration tunnels were discovered under the DMZ. The last one to be found was wide enough to facilitate the movement of 30,000 armed North Korean troops and their supporting equipment every hour. The exit point of this tunnel is only 27 miles from Seoul—27 miles, the same distance between this chamber and Dulles Airport.

August 1976, ax-wielding North Korean troops brutally murdered two American servicemen in the DMZ.

July 1977, another U.S. Army helicopter was shot down over the DMZ; 3 Americans were killed.

October 1983, the explosion of a North Korean bomb planted during President Chun's state visit to Burma killed 17 senior officials in the ROK government, including 4 cabinet members, and demolished one of Burma's most important patriotic shrines. President Chun, for whom the bomb was intended, narrowly escaped.

And now, finally, November 1987, 115 innocent people killed by the deliberate sabotage of a civilian airliner.

These, Mr. Speaker, are only some of the more significant examples of North Korea's terrorist behavior. I haven't included the border raids, the hijackings, the assaults on South Korean citizens, and many other terrorist actions that are almost too numerous to count. The North Korean regime has even gone so far as to threaten the Olympics. It is a regime that never misses a chance to display its utter contempt for every norm of civilized behavior.

The enormity of these North Korean crimes is beyond the comprehension of any of us. Let's pass this resolution unanimously and do what we can to condemn this murderous regime.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Iowa [Mr. Leach].

Mr. LEACH of Iowa. Mr. Speaker, I thank the gentleman for yielding.

I simply rise, Mr. Speaker, to express strong support for the views expressed by the gentleman from Michigan [Mr. Broomfield] and the two gentlemen from New York [Mr. Solarz and Mr. Solomon].

Mr. Speaker, I rise in support of House Concurrent Resolution 246, which condemns the terrorist bombing of Korean Air Lines flight 858 last November by agents of the North Korean Government.

As the ranking minority member of the Subcommittee on Asian and Pacific Affairs, which held a hearing February 4 on the bombing of KAL 858, I can attest to the compelling and bone-chilling evidence which has been assembled regarding North Korean culpability in this act of terror.

As laid out in the preamble of the resolution before us, two North Korean agents traveled from P'yongyang, North Korea, to Moscow before going on to Budapest, Vienna, and Belgrade where they received the explosives from another North Korean agent. They then traveled on to Baghdad where they boarded the ill-fated KAL flight 858, planted the bomb, and then disembarked in Abu Dhabi before the plane left for Seoul. It never reached Seoul, as we now know, because somewhere in the skies approaching Bangkok, KAL 858 was destroyed with 115 innocent victims on board.

An important component of the evidence gathered by the South Koreans is the confession of Ms. Kim, one of the two North Korean agents responsible for the bombing who is now in the custody of South Korean authorities. Her statement reveals that high level North Korean officials directed the bombing and that it was designed to discourage countries from participation in the 1988 Olympics.

In the face of these heinous actions, the administration has responded by designating North Korea as a state sponsor of international terrorism under the Export Administration Act, tightening already strict limits on visas for North Korean passport holders, and withdrawing authorization for American diplomats to talk with North Korean officials in neutral settings. House Concurrent Resolution 246 before us today expresses bipartisan congressional support for these actions.

The resolution also appropriately calls on other governments, including those which have close relations with North Korea and those whose international airports were used by these North Korean terrorists, to implement sanctions or take other steps against North Korea.

South Korea has, for its part, acted with great statesmanship and restraint in the face of this bald provocation. Although it has canceled an initiative permitting its officials to talk with those of the North and called for international condemnation of the bombing, it has, significantly, stopped short of rescinding offers to the North to participate in the 1988 Seoul Olympics and refrained from calling for retaliation by force. Such restraint commands the admiration and respect of all Americans.

However, it would be a mistake for the North to mistake civility and restraint for weakness. Under the circumstances, it cannot be business as usual and the North must be held responsible and accountable for its deeds.

In this regard, I would like to underscore the importance of a combined international response to North Korea's outlaw behavior. Appropriately, House Concurrent Resolution 246 speaks to this issue by referencing the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Vienna Convention on Diplomatic Relations, to which North Korea is a party in both cases.

It also expresses support for South Korean efforts to bring North Korea to account for its act in such multilateral fora as the U.N. Security Council and the International Civil Aviation Organization.

In view of the barbarity of the KAL bombing, the challenge for the civilized world is to devise ways and means of supplementing statements of condemnation by individual governments with meaningful accountability. Yet, lacking international law enforcement, the capability to establish a credible cost for breaches of norms of civilized conduct is limited. Embarrassment may not be sufficient, but outlining, before legislative chambers of this nature, the depth of cynicism involved in this premeditated act is imperative. If events of this nature are not singled out for reprobation, terrorism can too readily be legitimatized as a norm of international behavior.

Finally, Mr. Speaker, I want to add a brief word about the upcoming Olympics. In spite of the North Koreans' crude and deadly attempts to target the Seoul Olympics, a record number of 161 countries will be attending those games, including friends of North Korea like the Soviet Union and China. At our February 4 hearings, William Clark, Jr., Deputy Assistant Secretary of State for East Asian and Pacific Affairs, declared that North Korean disruption of the Seoul Olympics cannot be tolerated and that, while the South has the primary responsibility for security for those games, the United States is working closely with the Republic of Korea to assure the safety of those who attend those games.

Mr. Speaker, I want to express my strong support for House Concurrent Resolution 246 and to urge the administration to continue its efforts to bring about an appropriate international response to North Korea's act of terror.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object I yield to the gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Speaker, I rise in support of the pending resolution condemning the Government of North Korea for its barbaric terrorist action in bombing a Korean Air Lines plane resulting in the deaths of 115 innocent people.

Mr. Speaker, this bombing must surely rank as one of the most vicious acts of state terrorism to have occurred in many years. As a result of this bombing, the President has imposed additional sanctions on North Korea, in an effort to further isolate it from the world community so that its government may reflect on the consequences of its acts. Other nations should join our Nation in imposing sanctions on North Korea, as this resolution urges.

As the Seoul Olympics approach, we should redouble our efforts against efforts by North Korea to disrupt them by terror tactics. With the Republic of Korea firmly on its way to democracy, we should underline both our solidarity with it, and our firm stand against the murderous attacks of the North Korean regime.

□ 1515

Mr. BROOMFIELD. Mr. Speaker, I yield to the gentleman from New York [Mr. DORNAN], a member of the Foreign Affairs Committee.

Mr. SOLARZ. Mr. Speaker, if the gentleman will yield, I am delighted to know that the gentleman has joined the New York delegation. We are pleased to have him, and we hope he enjoys the Empire State.

Mr. DORNAN of California. Mr. Speaker, may I repeat for the umpteenth time, as a child born in Harlem on the beautiful island of Manhattan, I am always happy to join the New York delegation on almost everything.

Mr. Speaker, I congratulate not only the Foreign Affairs Committee for expediting this process but also my colleagues on the Asian and Pacific Affairs Subcommittee and my tremendous Republican leader on the Committee on Foreign Affairs.

The thought that occurs to me on this bombing is the obvious initial purpose for it. There were several reasons, but one of them was to establish a climate of terror and to destroy the hopefully beautiful Olympic games that are coming up this September in the capital city of Seoul in the Republic of Korea.

Why are those Olympics possible? Why is Seoul chosen for these Olympics? Because it is a country that has moved from abject poverty, with its landscape torn asunder, as Communist forces and then the United Nations forces moved up and down that peninsula three times in less than 3 months, to settle down to 2½ years of static warfare along the old 38th parallel. And in that conflict, not only did Greeks and Turks and Canadians and Australians and British and lots of Dutch and lots of other members of the United Nations forces die to keep at least half of that country free but 33,629 Americans gave their lives, not for the United States of America, except that it is a part of the free world, but to keep half of Korea, more than half in population, part of free world.

I visited Panmunjom on that DMZ for the fourth time just a few weeks, back, last September, and I looked again at the baseball caps of the U.N. team, of the two American officers that had their skulls caved in with axes back in the summer of 1976. I looked at the statement of that young Captain Bonaventure, who was murdered that day, as to why he was honored to serve in Korea as part of the U.N. force. I hope that those men did not die in vain, that the world will rally to these Olympics, and that this resolution, along with other warnings, will put the Communist power of North Korea on notice.

I have been getting briefed by our Eighth Army force there. There are so many disturbing things about this horribly militarized state. Among them, they have more special forces, trained commandoes, almost 80,000 in that nation of North Korea, then any other nation. They have more than any other nation comes close to, with or without a rating as to what the population of that particular military power is. If North Korea thinks by taking young women and training them to be sophisticated killers and blowing commercial airliners out of the sky is a way to somehow or other disrupt this Olympics, as it was through technology transfer, getting almost 80 Hughes aircraft helicopters diverted through East Germany into North Korea to match the same type of H-6 Cayuse helicopters that we have supplied and South Korea has furnished so possibly they can fly across the DMZ marked with South Korean markings, another treacherous plan that they had to somehow or other disrupt the Olympics, whatever they think they are going to get away with, they are not.

I hope I have time during this tight election year to steal away for a few days to attend those Olympics and see that torch lighted in that beautiful newly constructed stadium in Seoul and know that not only did our Americans, almost 34,000 of them, not die in vain but that those 115 people blasted out of the sky by this vicious act of terrorism did not die in vain either.

The Olympic games will go on, and the whole world, including the Soviet Union under Mr. Gorbachev, since his young athletes are going, they had better put North Korea on notice that the whole world will be ready to move against them for any acts of terror to disrupt this glorious worldwide event, the Olympiad.

Mr. BROOMFIELD. Mr. Speaker, under my reservation of objection, I would like to indicate that as one of its sponsors, I support this concurrent resolution condemning the Government of North Korea for the barbaric bombing of Korean Air Lines flight 858.

The civilized world must protest in the strongest terms possible this brutal mass murder of the innocent.

The bombing of the South Korean Air Lines flight is a classic case of state-sponsored terrorism.

The destruction of a civilian aircraft was undertaken by two well-trained North Korean intelligence agents. They were following orders written by the son of the North Korean leader, Kim El Sung.

It is believed the aircraft bombing was designed to scuttle the upcoming summer Olympics in South Korea.

It is also important to note the friends which the North Koreans keep. The North Koreans are boycotting the Olympics along with the other "stray-dog" states of Cuba, Nicaragua, Iran, and Albania.

This terrorist operation was undertaken for the purpose of attempting to intimidate South Korea and to discourage visitors from all over the world from attending the Olympics.

To their credit, the South Koreans have exercised great restraint in responding to the North Korean act of terrorism. Few could blame South Korea for mounting a direct and immediate retaliation at North Korea. But, the South Koreans have not reacted in that manner.

The administration has acted firmly and correctly in taking strong action against the North Korean Government for this atrocity.

Last week, our Government strongly denounced North Korea in the U.N.'s Security Council for this horrible act.

Additionally, we must work with our allies in the International Civil Aviation Organization [ICAO], the international body responsible for air safety and security. We must seriously review the proposal to expel North Korea from that body.

I commend Congressmen SOLARZ, LEACH, and SOLOMON for this legislative initiative and urge my colleagues to support this timely resolution.

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 246, the resolution which condemns the terrorist bombing of Korean Air Line flight 858. As an original cosponsor of this resolution, I firmly believe that the U.S. Congress needs to go on record against this latest incident of state-sponsored terrorism.

House Concurrent Resolution 246 clearly condemns the brutal, totalitarian regime of North Korea for this heinous crime. This bombing of an innocent civilian jetliner which took the lives of all those aboard is the clearest, most direct example of state-sponsored terrorism that I know of. For years, we have known about North Korean support for terrorism. For example, North Korean advisers have trained hundreds of known terrorists in Latin America, Africa, and the Middle East. A few years ago, the North Koreans tried to blow up the leaders of the South Korean Government during an official state visit to Rangoon. The

North Koreans have kidnaped innocent movie stars and other prominent people and forced them to support the pro-North propaganda machine. I urge my colleagues to remember the North Korean seizure of the *Pueblo* and the United States servicemen axed to death along the DMZ. Sadly, the bombing of KAL 858 is not an isolated incident, it is another example of North Korea's terrorist foreign policy.

With the summer Olympics just around the corner, and knowing of North Korea's lengthy and bloody record of terrorism, I believe that House Concurrent Resolution 246 serves notice to the North Koreans that we are watching them closely. We will not stand for this terrorism. As further warning, I am encouraged by our decision to conduct joint maritime exercises with our allies, the Republic of Korea, during the Olympics.

I urge my colleagues to unanimously pass House Concurrent Resolution 246 and send this important signal to the North Koreans and the rest of the world.

Mr. DAUB. Mr. Speaker, I strongly support House Concurrent Resolution 246 condemning the brutal terrorist attack on Korean Air Line flight 858.

North Korea is run by one of the world's most menacing totalitarian regimes. The brutality of the regime was again tragically demonstrated to the world on November 29, 1987. The clear North Korean connection in this act of infamy indicates the depraved levels to which this outlaw nation will stoop.

The Republic of Korea has just held a democratic presidential election. Their legislative elections will soon be underway. They are also hosting the Olympic games this summer.

North Korean barbarity like this civilian aircraft attack is aimed at disrupting the progress of the Republic of Korea. It is, therefore, particularly important for the Congress to demonstrate its revulsion at this airline terrorism and our support for the extraordinary achievements of the Republic of Korea. This resolution does both and I'm sure it will be overwhelmingly adopted.

I am pleased to support this resolution.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 246

Whereas on November 29, 1987, Korean Air Lines flight 858 exploded while en route from Baghdad to Seoul, killing all 115 people on board;

Whereas two passengers posing as a Japanese father and his daughter disembarked from flight 858 in Abu Dhabi and continued on to Bahrain, where they were held for questioning by Bahraini authorities as they attempted to leave the country;

Whereas both passengers, after being detained for questioning in Bahrain, attempted to commit suicide by swallowing cyanide capsules, and one of the two, subsequently identified as Kim Sung-Il, died on the spot;

Whereas the second suspect, subsequently identified as Kim Hyun-Hee, survived the suicide attempt and was extradited by Bahraini authorities to the Republic of Korea on December 15, 1987;

Whereas on December 23, 1987, Kim Hyun-Hee confessed to Korean authorities that she and Kim Sung-Il had traveled from P'yongyang, North Korea, to Moscow to Budapest to Vienna to Belgrade, where they received explosives from a North Korean agent, that they then traveled to Baghdad where they boarded Korean Air Lines flight 858, and that while the plane was en route from Baghdad to Abu Dhabi, they planted a time bomb which was timed to explode during the continuation of the flight from Abu Dhabi to Seoul;

Whereas Kim Hyun-Hee further confessed that this terrorist mission, which was designed to discourage countries from participating in the 1988 Summer Olympics in Seoul, was carried out at the instruction of the North Korean Government;

Whereas the United States Government has carried out its own investigation of the bombing of flight 858, and has reached the same conclusion as the Government of the Republic of Korea that North Korea was responsible for this barbarous terrorist act;

Whereas the evidence upon which the United States reached this conclusion includes the fact that the two North Korean agents had in their possession the names of contact points in North Korean missions along their travel route; the two North Korean agents used vials of cyanide similar to those found on other North Korean agents over the past decade; and a statement by the Government of Japan that the passport of the North Korean agent who committed suicide in Bahrain was received from an individual in Japan wanted by the Government of Japan as a North Korean agent;

Whereas North Korea has previously engaged in acts of terrorism against the Republic of Korea, including the murder of 17 South Koreans (including four cabinet officials) in a bombing attack in Rangoon in 1983;

Whereas such acts of international terrorism constitute criminal acts in violation of internationally recognized legal standards as reflected in the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (to which North Korea is a party), United Nations General Assembly Resolution 40/61, and other relevant documents;

Whereas the use of diplomatic missions and personnel to support such acts of international terrorism is a violation of the Vienna Convention on Diplomatic Relations, in particular paragraph 3 of Article 41, and an abuse of diplomatic privileges and immunities;

Whereas based both on its own investigation and the confession of Kim Hyun-Hee, the executive branch has taken several actions in response to this terrorist act, including designating North Korea as a state sponsor of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979;

Whereas the Government of Japan has also imposed several sanctions against North Korea in response to the bombing of flight 858;

Whereas in December 1987, the North Korean Parliament sent letters to the United States Congress proposing the establishment of a parliamentary dialogue to discuss bilateral issues, including the MIA issue; and

Whereas in spite of this act of terrorism, a record number of countries have agreed to participate in the 1988 Summer Olympics in Seoul: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the bombing of Korean Air Lines flight 858, a heinous act of state-sponsored terrorism by North Korea which caused the deaths of 115 innocent victims;

(2) categorically rejects the December 1987 proposal to enter into a dialogue with the Parliament of North Korea, since its members represent a government that engages in murderous acts of state-supported terrorism;

(3) expresses its condolences to the family and friends of the 115 victims of the bombing;

(4) expresses the bipartisan support in the Congress for the sanctions imposed by the executive branch, including the addition of North Korea to the list of states supporting international terrorism which is maintained pursuant to section 6(j) of the Export Administration Act of 1979;

(5) calls upon other countries, particularly those with close relations with North Korea and those whose international airports were used by the North Korean terrorists during their mission, to implement sanctions or to take other appropriate steps against North Korea, such as the termination of all trade, to express their outrage at this terrorist deed;

(6) expresses support for efforts by the Republic of Korea to bring North Korea to account for this act in appropriate multilateral fora such as the United Nations Security Council and the International Civil Aviation Organization;

(7) pays tribute to the Government of the Republic of Korea for acting with great restraint and responsibility in the face of this provocation by North Korea;

(8) reaffirms its support for the holding of the 1988 Summer Olympics in Seoul, and for taking all steps possible to prevent terrorist acts; and

(9) commends the Government of Bahrain and Japan for their cooperation in the investigation of this bombing.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLARZ] is recognized for 1 hour.

Mr. SOLARZ. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

REQUEST FOR VACATION OF ACTION ON HOUSE CONCURRENT RESOLUTION 250

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that on the last concurrent resolution, House Concurrent Resolution 250, the voice vote be vacated, and I would like to ask for a recorded vote on that.

The SPEAKER pro tempore The Chair will state to the distinguished gentleman from Michigan that that request would be in order after we dispose of this vote. We cannot do anything in the absence of a quorum.

The Chair has stated that evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 0, not voting 37, as follows:

[Roll No. 11]

YEAS—396

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Dannemeyer
Darden
Daub
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Feighan
Fields
Fish
Flake
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frenzel
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Mack
MacKay
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Schaefer
Scheuer
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—37

Badham
Biaggi
Boland
Boulter
Carr
Crockett
Davis (IL)
Dowdy
Early
Fazio
Foglietta
Frank
Frost
Gephardt
Kemp
Leath (TX)
Leland
Lewis (CA)
Lightfoot
Lloyd
Lungren
Markey
McHugh
Michel
Olin
Ortiz
Oxley
Roemer
Roth
Savage
Schneider
Schroeder
Sharp
Stangeland
Tauke
Towns
Williams

□ 1530

Mr. MOLINARI and Mr. SCHUMER changed their votes from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1545

TRUTH IN FEDERAL SPENDING ACT OF 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-170)

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Rules and the Committees on Government Operations, and ordered to be printed:

To the Congress of the United States:

I am forwarding today for your immediate consideration and prompt passage a legislative proposal entitled the "Truth in Federal Spending Act of 1988."

On November 20 of last year, I agreed with congressional leaders on a package designed to reduce the Federal deficit. That Bipartisan Budget Agreement between the President and the joint leadership of the Congress reflects a strong consensus that Federal spending must be brought under control.

Continued spending growth, particularly where wasteful or unnecessary, adds to the Federal deficit and absorbs resources that would otherwise be employed more fruitfully in the private sector of the economy. The Bipartisan Budget Agreement represents an important step in reducing spending growth. But protecting the Federal budget from special interest, budget-busting legislation requires a continued, ongoing commitment. Despite recent encouraging efforts to bring the Federal budget deficit under control, major problems persist.

On July 3 of last year, when I outlined our Economic Bill of Rights, I described a proposal for the legislation that I am forwarding to the Congress today. It is designed to discourage wasteful Federal spending by requiring both the Legislative and Executive branches of government to be fully accountable for their respective actions. Key provisions of this draft bill would:

—Insure that all legislation that would result in increased Federal spending is deficit-neutral by requiring the concurrent enactment of equal amounts of program reductions or revenue increases;

—Require that all legislation include a "financial impact statement" detailing the measure's likely economic effects upon the private sector and State and local governments;

—Require that regulations and proposed regulations promulgated by Executive branch agencies also be accompanied by financial impact statements; and

—Permit waiver of the requirements of the Act during time of war or during a national security emergency.

In making this important proposal, one point deserves special emphasis. In complying with the deficit neutrality requirements of the Truth in Federal Spending Act of 1988, some may be tempted simply to shift spending requirements, either expressly or implicitly, from the Federal Government to State and local governments. This is not, however, and should not be interpreted as being, the intent of this initiative. Instead, through enactment of this landmark legislation, we seek to achieve an historic breakthrough: to make the *Federal Government*—both the Legislative and Executive branches—more fully accountable for its actions and the effects of those actions on all the citizens of our Nation and, in so doing, get its fiscal house in order.

Enactment of the Truth in Federal Spending Act of 1988 will help us to carry out the important goals reflected in the Bipartisan Budget Agreement of November 20, 1987. It will also continue the important work we have accomplished in reducing or eliminating needless Federal expenditures. It is worthy of broad, bipartisan support. Accordingly, I urge its prompt and favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

REPORT OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I am pleased to transmit the 1987 Report of the United States Arms Control and Disarmament Agency. It reviews the negotiation process used in achieving the INF Treaty and contains a copy of the Treaty itself. That Treaty, signed by General Secretary Gorbachev and me on December 8, 1987, is the first treaty of the nuclear era requiring the elimination of an entire category of U.S. and Soviet nuclear weapons.

The report provides information about the ongoing negotiations for a 50-percent reduction to equal levels in U.S. and Soviet strategic nuclear offensive arms, an effective and verifiable ban on chemical weapons, and the correction of disparities in conventional forces. Also described are the ancillary activities of the Arms Control and Disarmament Agency in support of our arms control policies and, concomitantly, the security of the United States.

The INF Treaty constitutes a breakthrough in verification, the most far-reaching in the history of arms control, and should serve as a guide for other treaties to come. The political and economic advantages of carefully negotiated and effectively verifiable arms reductions hold great promise for peace, security, and continued prosperity for our country. The 1987 record of progress toward those goals is contained in this 27th ACDA Report.

RONALD REAGAN.

THE WHITE HOUSE, *February 24, 1988.*

CONGRESSMAN TONY HALL'S VISION FOR THE POOR AND HUNGRY

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New Jersey, Mr. Speaker, I would like to submit for the RECORD an inspiring, insightful article which is in the current issue of World Vision magazine. I believe the article accurately portrays my good friend, Representative TONY HALL, who has a deep commitment to the hungry—at home in Ohio, in the United States, and throughout the world—and is actively and effectively working to address the problem.

Mr. HALL's vision for the poor and hungry which is evidenced by the creative projects he has initiated, and his hard work on their behalf, is an inspiration to us all. His selfless love and compassion for those who suffer the ravages of hunger and disease are a natural extension of his deep love for Jesus Christ, the Son of God. Clearly, TONY HALL has taken seriously our Lord's words as recorded in Matthew's Gospel:

> Come, you blessed of My Father, inherit the kingdom prepared for you from the foundation of the world: for I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you took Me in; I was naked and you clothed Me; I was sick and you visited Me; I was in prison and you came to Me . . . Assuredly, I say to you, inasmuch as you did it to one of the least of these My brethren, you did it to Me.

Mr. Speaker, TONY HALL is a champion of the poor, the destitute, the hungry—the "least." His commitment prods us all to assess our own response to the tragedy of famine and inspires us to do more. I encourage all Members to read the article.

TONY HALL: CHAMPION OF BREAKFASTS AND OTHER MEALS FOR THE HUNGRY

(By Beth Spring)

One fall day in 1985, U.S. Representative Tony Hall of Ohio decided to begin his morning in Congress with a breakfast of champions. But when he opened his miniature box of Wheaties in the House cafeteria, he was astonished to see one solitary flake fall out. For Hall, this incident became more than a momentary annoyance. As an elected official who has dedicated his career to the cause of feeding hungry people, Hall saw an opportunity.

He drafted a letter to General Mills, maker of Wheaties, that reflected his initial amusement about the empty box. "Some would say there is no lack of flakes in the U.S. Congress," he wrote. But in his capacity as a member of the Select Committee on Hunger, and as chair of its international task force, Hall observed, "I see people at home and abroad for whom an empty bowl is no joke." Hall invited General Mills to help him fill some empty bowls.

The corporation responded immediately, sending a truckload containing seven tons of cereal to Dayton's Emergency Resource Bank, operated by a Red Cross chapter that provides emergency meals in three Ohio counties. It was the largest single donation in the bank's history. Another truckload of 7000 pounds of cereal followed the first shipment. The food was distributed to more than 60 food banks which serve the needy. And General Mills featured a photograph of hunger champion Tony Hall on a special Wheaties box.

Again and again in his five-term career in Congress, Hall has taken seemingly inconsequential things and used them to meet pressing human needs. Out of the garbage containers of Washington's wholesale markets and grocery stores he hosted a "Dumpster Luncheon" to illustrate to fellow members of Congress how much edible food in this country is wasted.

After reading in the book of Leviticus about the principle of gleaning, Hall and his wife Janet sought cooperation between Ohio farmers and food bank volunteers to launch a statewide gleaning program. And he ignited so much enthusiasm for a "planned fast" in his district that more than $300,000 was raised in one weekend to fight hunger at home and in Africa.

TOUCHED BY POVERTY OVERSEAS

Hall was an advocate for the poor and hungry before he committed his life to Christ. In 1964, after he graduated from Denison University in Granville, Ohio, he spent two years in Thailand with the Peace Corps. "I was not deeply involved in poverty programs there, but I lived among poor people and saw what it was like to experience poverty. I was touched by that. It was beyond anything I had ever seen in this country."

When he returned, he became active in local politics, serving in the Ohio House of Representatives for four years and in the Ohio Senate from 1973 to 1978. Before he ran for his seat in the U.S. Congress, Hall attended a prayer breakfast and heard Charles Colson talk about Jesus. That's where the seed of faith was first planted, he says.

Colson spoke of how "something was missing" from his life in spite of reaching and exceeding all his professional ambitions, and Hall identified closely with all that he said. "I thought about if for a long time, and when I became a member of Congress, I went on a search for a couple of years. I kept asking, 'What is this thing?' I knew it had to do with God, so I went to this church and that church. I began to call people in Washington whom I'd heard were 'religious.'" But somehow "this thing" kept eluding him.

FUSING FAITH AND ACTION

In 1980, another first-term representative invited Tony and Janet to his home to hear a Christian leader speak. "Looking at him and listening to him, I realized 'This is it!'," Hall says, "I was ready for it."

Janet remained skeptical. When Tony asked her, "Do you believe in Jesus?" she would snap, "That's none of your business." When guests came to dinner and questioned Tony about his new faith, he recalls, "My wife would get this sick look on her face and kick me under the table." Later, she would scold, "You're not going to have any friends. Are you nuts?"

For nearly a year, this tension continued. But Janet began noticing differences in Tony's life. "Family became more and more important to him, and he was spending time with me and the children," she says. He introduced her to Christians and shared the gospel with her insistently. Observing him and watching his priorities change, Janet was drawn to Jesus.

A clear career course for Tony became apparent as he studied the Scriptures. "The second most-talked-about theme in the Bible is poverty," he discovered. "What a great chance for me to work on something so relevant and so scriptural, and to do it in my job!" His fusion of personal faith with commitment to alleviate poverty began energizing his work in the House of Representatives.

In 1982 and 1983, he successfully pushed legislation to target more U.S. foreign assistance to the world's neediest people, and sponsored a bill to restore funding for child nutrition programs in the United States. He persuaded fellow House members that "these programs are not a luxury to a civilized nation. They are an investment in our children, our future."

The following year, 1984, marked a significant turning point for Hall. Realizing that at least eight of the House's 22 standing committees had jurisdiction over hunger issues, Hall worked hard to create the Select Committee on Hunger: "a single, unified forum for the thoughtful consideration of the diverse issues relating to hunger." He became chair of the committee's international task force, and in that capacity visited drought-stricken Africa.

Hall was the first U.S. Representative to visit relief and development projects in famine-plagued Ethiopia. "The day I was in the country, I saw 25 children die between breakfast and lunch. I was absolutely devastated. I've never been able to get that scene out of my mind." Hall knew without a doubt that he would work hard as a representative to combat the causes and effects of mass starvation.

A "HUNGER CONSTITUENCY"

Hall's commitment to the issue was irrevocable, but how would it play in Dayton? He found out quickly.

"People often asked me, "Why don't you worry about your own district?' That got to me, because I heard it over and over again. It was hard for me to get people to relate to the famine in Ethiopia, the problems in Mozambique, the lack of roads, lack of trucks to transport food and medical supplies. Nobody seemed to have a grasp of what I was doing or what I thought one of my major responsibilities should be."

Hall decided that he needed to start "making constituents" for hunger, by "taking this issue home and making it real enough so people understand it, identify with it and support it."

The first step was to point out that pockets of hunger still exist throughout the United States, even in the hometowns of Ohio voters. To educate Ohioans about hunger, Hall compiled facts about the issues and wove them into speeches and weekly columns. "Here in the U.S., approximately 26 million Americans live at or just below the poverty line, putting them in danger of malnutrition," he wrote in 1984. "The Dayton area has not been spared. During the first quarter of 1982, over 10,300 individuals applied for food assistance from the Montgomery County (Ohio) Hunger Coalition. One year later, this number doubled to 25,547.m

Facts and figures attract attention for the moment, and then tend to be swiftly forgotten. So Hall planned a money-raising effort that would require personal commitment and sacrifice. He announced a campaign in 1985 called "Stop Hunger . . . Fast!" No government funds were used, and the drive incurred no overhead costs. Hall invited volunteers to participate in a 40-hour, liquid-only fast. Each volunteer gathered sponsors who pledged money for each hour spent fasting. The idea caught fire, and thousands of volunteers signed on.

The campaign netted more than $350,000, which was divided among Africa relief efforts, Dayton's Emergency Resource Bank, and other hunger-fighting groups including World Vision.

A FOLLOWING OF "DOERS"

The results of these activities benefited not only hungry people: Hall had developed a committed constituency back home that support his efforts in Congress. "We have a good following of people who are not only excited about the issue, but are doers. That helps me, reinforces me, and spurs me on to do even more."

Hall's efforts in Congress have expanded to include championing vitamin A programs for children overseas and advocating immunization programs to protect vulnerable youngsters from childhood diseases.

His multifaceted efforts on the Select Committee on Hunger win high praise from private-sector activists as well as congressional colleagues. Art Simon, head of the lobbying organization Bread for the World, says, "If I had to pick any single member of the House who has shown extraordinary leadership, Tony would be way up at the top of the list."

In 1986 Hall introduced gleaning to the citizens of Ohio as another way to educate and involve them in hunger issues. He drew the idea from his study of Scripture, where he read in the book of Leviticus, "When you reap the harvests of your land, do not reap to the very edges of your field or gather the gleanings of your harvest. Do not go over your vineyard a second time or pick up the grains that have fallen. Leave them for the poor and the alien."

A HARVEST FOR THE POOR

On nine farms in the Dayton area, volunteers gleaned 41,585 pounds of lettuce, sweet corn, apples and beans. Thirty-seven church, civic, food relief and school groups sent volunteers. Hall remembers, "At first, the farmers were not sure they could trust us. Some didn't believe there were hungry people in the district. We had to convince them, and they took a chance on us. Now some of them are planting extra for us. They've become believers in the issue."

In 1987 gleaning in Ohio went statewide. Five projects around the state collected 249 tons of food, or enough for approximately half a million meals for the hungry. The project also attracted favorable notice in the press. A columnist for an Akron newspaper wrote that gleaning "addresses one of the almost obscene incongruities in the United States. While millions go to bed without enough to eat, an estimated 60 million tons of grain, fruit, and vegetables worth about $5 billion are left after each year's harvest simply to go to waste."

After the autumn harvest in Ohio, Hall found a way to make Matthew, his 7-year-old son, a "believer" in helping others. Volunteers had gleaned hundreds of leftover pumpkin fields, but pumpkins are not particularly useful to a food pantry serving basic meals to the poor. Just as the empty Wheaties box gave Hall an idea, he seized an unexpected opportunity with the bumper crop of pumpkins. Art students from the Montgomery County Joint Vocational School painted faces on the pumpkins, and Tony and Matthew delivered them to Children's Hospital in Dayton. "It really opened Matthew's eyes," Hall says. "He had never seen sick children. He was really thrilled to be able to hand out the pumpkins. It was a fulfilling way to end the gleaning season, by taking something that is not very useful and putting it to use."

EXPRESSIONS OF SORROW AT RESIGNATION OF SECRETARY OF THE NAVY WEBB

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MRAZEK. Mr. Speaker, the U.S. Government yesterday lost the services of one of the most extraordinary men in American public life. The resignation of Secretary of the Navy James Webb removes a refreshingly candid, principled, bold and imaginative brand of thinking from the ongoing debate of our national security needs.

When Secretary Webb said the Pentagon needs leadership, the message, in my view, was clear. It's the leadership necessary to determine our future military needs on the basis of specific missions—and which branches of the services are best missions—and with these missions. It's the leadership required to produce war-fighting strategies based on the leanest, most flexible and cost-efficient approaches that can be developed.

The lesson of waging war by committee was learned in Grenada when far too many casualties were sustained because everyone except the Daughters of the American Revolution demanded to be part of the show.

I would also like to say that for anyone in the body to describe Secretary Webb's ideas as "parochial," indicates a complete ignorance of his views.

It was further suggested that he may have alarmed some of our European allies in his recent speech before the National Press Club. Well, it's clear that too few people in this town bothered to read the speech. It is a penetrating analysis of the common security questions that we and our European allies must continue to ask. It is a speech worth studying, and I include Secretary Webb's speech immediately after these remarks.

Mr. Speaker, I, for one, deeply regret that this superbly talented man has left Government service and I wish him well in his future endeavors.

REMARKS BY JAMES H. WEBB, JR., SECRETARY OF THE NAVY, NATIONAL PRESS CLUB, WASHINGTON, DC, JANUARY 13, 1988

Countless commentators have already marked 1988 as a threshold year, and certainly we are in a period of rather uncomfortable transition as a nation, a period whose dynamics we do not yet fully comprehend. Certain realities are more apparent than others, however, and I would like to talk to you today about my view of the realities facing the Navy and the U.S. military as a whole. Reality seems to indicate that we need to make some adjustments in our military posture around the world, and the good of the country mandates that we do so in the best way that will serve our future as a nation, not merely as a service or as a Defense Department.

First, the realities.

We are not as rich, compared to other nations with whom we are allied, as we were when we sketched out the basic framework of our international military presence just after World War Two. In the decade following that war, our country consistently produced more than 40 percent of the world's Gross Domestic Product. In recent years, that figure has been about 25 percent.

Nor is the Defense Department as well off as it was even a year ago, and the future looks equally difficult. As most of you know, last month the Department of Defense was required to reduce an existing fiscal 1989 budget by more than 33 billion dollars.

We are being told in no uncertain terms, and from many different fronts, that due to fiscal realities the U.S. military of the future must be smaller and more efficient.

We are also hearing, quite frequently and with equal fervor, that in the aftermath of the INF agreements the conventional threat in Europe will be larger, and that conventional force structure there should receive more emphasis.

We also know, and there is no question about this, that our future as a nation is very closely tied to Asia in economic and political terms, and that we must do a better job of attending to the economic, political and security issues here in our hemisphere.

And the overriding reality is that it should be obvious that a smaller United States military, no matter how efficient, cannot attend to all of these matters by itself, at least not in the same way that it has over the past 42 years.

The key question for our national leadership as it struggles with these realities is not one program or another in the budget, as has so often been the case, but whether, and how, the United States can maintain its commitments throughout the world, while at the same time reducing the size and force structure of its military.

It is a little bit easier to point out what we cannot do. The first answer is that we cannot do it at all without a great deal of risk, in both diplomatic and military terms. The second, and I have been saying this for much longer than I have been Secretary of the Navy, is that it would be impossible to do it with any degree of effectiveness and at the same time reduce the size of our Navy. And the third answer is that we cannot do it without the increased cooperation and help of our allies.

The only clear answer to our dilemma is for us to take a fresh look at the world and our place in it, and to seriously debate the posture of the U.S. military in that context. In other words, we need to "zero base" our military commitments, and to justify to ourselves the force structure, roles and missions, and location of our military units based on a reassessment of where things stand in the world. This debate would be most helpful to us if it began immediately. It needs to be done honestly, absent the usual parochial veil that surrounds even the most minor of such discussions. It should flow from certain logical principles, from an examination of our history, and of the evolving relationship of the United States with the rest of the world. National resources, changes in world economic structure, recent political changes, and the improved capabilities of many of our allies, dictate that we must, perhaps for the first time since the late 1940s, seriously debate the posture of the U.S. military around the world, and the roles and missions assigned to our military services.

We all know that our worldwide posture was undertaken in a different era. While it may be correct to term that period as one of unprecedented strength for the United States, a more accurate description may be that it was one of unprecedented weakness for many nations who historically have been strong, and who had either been ravaged or exhausted by World War Two. We held things together while they got back onto their feet. We continued to hold things together after they got back onto their feet. They now have regained their strength, almost without exception due to the generosity of this nation under the Marshall Plan and other economic recovery programs, and under the umbrella of our military protection.

The extent of our military involvement around the world since we undertook these obligations has been unprecedented in our history, particularly with respect to long-term, static defensive positions that have drained both our economic and military resources. It can be fairly argued that the economic recovery of other nations has not uniformly been met with a complete reassumption of their obligation to join us in protecting the way of life, and the values, that we share.

That is not to suggest that major changes could take place immediately, but rather that we must establish the guideposts that will take us into the next century. The current defense posture has been important to worldwide stability for more than 40 years. But the world is changing, and if we do not address these changes, and others yet to come, then events will rule us rather than the reverse.

I mentioned logical principles. I would like to lay out what I believe are the most important premises, the touchstones, if you will, for any analysis of what our defense priorities should be, and thus where our military forces should operate, and at what level. There may be disagreement with portions of what I am about to say, but allow me to advance the following thoughts as an analytical beginning.

First, although a great deal of energy and money is dedicated to our NATO alliance, and although this alliance is one of the keystones of our military structure, we need to remind ourselves from time to time that we are more than a European nation. We are a global nation with largely European antecedents, continuing European interests, and national loyalties to Western Europe's fundamental objectives. We must remain strong in Europe, but we also have the obligation to view the Soviet military threat in global, rather than regional terms, and to address that threat worldwide.

The United States and the Soviet Union must face each other at many other points on the globe. Many of the most critical points of tension, and certainly many of the evolving areas of confrontation, are far from Europe. The United States has a requirement, contrary to European nations, to view the Soviet military threat in Europe through more than a European prism. And to be fair to the other areas in which we must operate, there is no region better equipped through its resources, large population base, strong economy, and military tradition to reassume a greater share of the burden of its own defense than Western Europe. Logic, then, should call for a greater responsibility by the Western Europeans for their own defense.

Second, the United States is becoming more intertwined with Asia, and the issues involving Asia are moving to the forefront in the world community. In 1986 the United States did 219 billion dollars gross trade in Asia, 75 percent more than its gross trade with the Atlantic nations. In economic, cultural and political terms, we are becoming increasingly more tied to Asia, and it is imperative that we match those ties with the military capability to protect our interests and honor our obligations to friends and allies in the region.

Asian strategy is more difficult to define and to resource than European strategy. The countries of Asia are at great variance in economic, political and cultural terms. Vast ocean areas separate them. Still-evolving political structures left over from the colonial era cause the sort of turbulence that has claimed more than 100,000 American lives in Asia since World War Two. But East Asia is an indispensable part of our country's future, it requires the same careful development of friendships and alliances that we have cultivated in Europe. Nor should we forget that it provides the only point in the world where the direct military interests of the Soviet Union, The Peoples' Republic of China, The United States, and Japan converge.

The Soviet Union is also placing a greater emphasis on East Asia, Southeast Asia, and Southern Asia. While Soviet force structure in Europe has remained relatively constant over the past decade, they have made marked advances in Asia. The Soviets have achieved the historic Russian dream of owning a warm water port in the Pacific, and on any given day two dozen Soviet ships are in Cam Ranh Bay, Vietnam, as are fighter, bomber and long range reconnaissance aircraft. They have increased their Far East Command by ten divisions over the last ten years and now have 530,000 ground troops in East Asia, in addition to another

200,000 spread through Mongolia, the Transbaikal, and Central Asia. The Far East military region has 85 Backfire bombers, and nearly 2,500 combat aircraft. The Soviet Pacific Fleet is now the largest of its four fleets, with 840 warships as opposed to 750 a decade ago. These ships include two Kiev class aircraft carriers, a Kirov class nuclear guided missile cruiser, 41 percent of the heavy surface ships in the entire Soviet navy, 37 percent of the combat aircraft in Soviet naval aviation, 40 percent of all their SSBNs, and extensive amphibious capabilities.

The Soviets are militarily entrenched in Vietnam. They are said to be looking for naval bases in North Korea. They have pursued in recent months a defense relationship with Thailand. They have for three years running attempted to offer a dry dock facility for the Australians in Perth. They have become active in Polynesia and Micronesia. They have continued a close defense relationship with India that began in 1971, during which the Indians have increased their Army by 150,000 men to a size of 1.1 million—much larger than the United States Army—their air force by 35,000 people to 115,000 and by 136 combat aircraft to a total of 761, and increased the force structure of their Navy to include two aircraft carriers, 11 submarines, 21 frigates, and 18 minesweepers. Just recently, the Soviets committed themselves to providing the Indians a nuclear submarine.

And they have done all of this while pursuing vigorously a rapprochement with the People's Republic of China.

Clearly, we cannot allow force structure reductions to affect our commitment to the most dynamic and volatile area in the world. In fact, our responsibility to meet Soviet pressure globally might logically dictate an increase in our Asian presence that would match their obvious shift in priority.

One element in this equation, obviously, must be the responsibility of the Japanese as a friend, ally, and world power to assume a greater position of the regional military responsibility in Asia. Most of us are fully aware of the dynamics of this issue, and I will not dwell on the intimate details. We know and are sensitive to apprehensions in the region due to Japan's activities 50 years ago. We understand the emotion that surrounds the constitutional provision regarding Japanese self defense, and the famed "One percent" threshold regarding defense spending. But we also know that the Japanese have fully recovered from the spiritual and economic devastation of World War Two, and that most of our countrymen believe it is time for the Japanese to assume more of the burden of defending the way of life we now share together as allies.

The Japanese have made measurable progress on this score, and have increased their defense spending for several years in a row. Regional security demands that they do more of this. Japan clearly has the resources and the national interest to pick up more of the defense load in Asia. Japan is becoming the largest creditor nation in the world. More than half of the oil that passes through the Straits of Hormuz goes to Japan. I personally recommended as early as 1973 that Japan include the defense of its sea lanes, even as far as the Indian Ocean, in its constitutional interpretation of "self-defense." Ocean-going activities of that sort would aid in our alliance without inciting the concern of other nations in the region that attended its land occupations of forty-five and fifty years ago.

Third, we must consider the Soviets themselves. No analysis of our own future defense priorities can leave them out. There has been considerable discussion of late regarding changes taking place within the Soviet Union. It would be inappropriate for me, and beyond the scope of this speech, to address these changes in any detail, but two observations seem inescapable. First, Soviet conventional force structure around the world has been growing, and if force structure cuts are to occur in our own military, we must be careful to signal to the Soviets that this is a refinement of our capabilities, rather than a reduction of them. And second, an improved situation in Europe, absent a stand-down of conventional forces taken out of that theater, may well increase rather than decrease Soviet pressure in other areas.

Fourth, we must pay greater attention to our own hemisphere, and to the Third World as a whole. I mentioned that we are becoming more intertwined with Asia, and the same is true with Latin America. This nation's principal movements, in economic, cultural and political terms, are west and south. The changing ethnic makeup of the country itself shows this. Fully 86 percent of our legal immigrants over the past ten years have been from either Asia or Latin America, 42 percent from Latin America itself. And these, as I said, are the legal immigrants. Latin America's problems are rapidly becoming our problems, and we have been pushing them to the back burner at great peril. The Soviets and Cubans have been more adept at understanding that than many of our own policymakers.

In the Third World as a whole, the Soviet Union has long emphasized a policy of using "cooperative forces" of Third World allies, along with Soviet and other advisors, in order to take advantage of age-old rivalries, and to assist so-called revolutionary movements which invariably end up as totalitarian regimes. In Latin America, the Soviets operate roughly 7,600 military personnel in Cuba, and another 230 in Nicaragua and Peru. During 1986 alone the Soviets provided more than 600 million dollars of equipment to the Sandinista regime as well. The Cubans contribute another 2,500 troops in Nicaragua. Discounting our Southern Command in Panama, the United States has some 2,300 troops in Guantanamo Bay Cuba, and 932 operating personnel elsewhere in 27 Latin American countries, 643 of those in Honduras.

Through troop presence and arms transfers, the Soviet Union and Cuba are heavily involved in Africa. The Cubans maintain military and technical personnel in 17 African nations, with major combat units in Ethiopia, Algeria, Congo, Angola and Mozambique. The Soviets now maintain a continuous naval presence off the coast of west Africa.

Additionally, key water routes and bases around the world continue to be at risk. American basing rights will be subject to negotiations in the near future, including those in Panama, Greece, Portugal, Spain, and the Philippines. It is reasonable to assume that we will lose our lease in Guantanamo Bay in 1999. The southern reaches of the Red Sea have been bracketed by the Soviet influence in Ethiopia and its presence in the People's Republic of Yemen, particularly on the island of Socotra, which dominates the Gulf of Aden. Nor do I need to spend a great deal of time today on the importance of protecting international waterways into and inside the Persian Gulf. This essential lifeline to Europe and Japan is now benefiting from the strength of American resolve, and the manifestation of American seapower.

The analysis I have just offered is by no means exhaustive, but it does indicate the enormity of the responsibilities that our military forces will continue to face. For those of us who view the Soviet threat seriously, and who believe we must improve our efforts in assisting the Third World, this is a very full plate. It will require extremely careful use of a reduced United States force structure, as well as a more enthusiastic participation by other friendly nations, in order for us to meet such challenges. It will also require, quite frankly, that we modify the architecture of our defense structure overtime, creating the best combination of air, ground, sea and space assets to do the job.

The overriding guidepost for the future is that our conventional force structure must provide us the most utility and the most capability in the global arena. This requires versatility in terms of military mission. It means that forces dedicated to static defensive missions must be scrutinized and altered when possible in favor of units that can deploy and fight wherever they are needed. An example of this type of unit is the Third Marine Division on Okinawa, forward deployed not for the local defense of Okinawa, but as a maneuver force available for immediate commitment throughout Asia.

A world environment with many demands for the use of our forces, ideally in correlation with the forces of other nations but potentially alone, requires this sort of maneuverability. To the greatest extent possible, forces of the future should be free to deploy and to maneuver, to concentrate at a crisis point and project military force at that point, without the necessity of negotiating base rights or the unavoidable involvement in local conflict that such base rights imply. A smaller U.S. military force structure demands, by logic, that a greater percentage of that force structure be available to do more things.

Consequently, post-INF thinking that conventional forces in Europe be increased because conventional forces in Europe are arguably more at risk without the intermediate nuclear shield does not necessarily mean that this should be a U.S. buildup, or for that matter that such a buildup should occur in Europe at all, or even that it be a land-oriented buildup. In fact, given the resource reductions clearly facing this country's defense establishment, just the opposite might be true.

Strategy does not dictate that pressure applied by an adversary at one point be countered at exactly that point. The regional preoccupation that produced the strategy of the "Maginot Line," and of the "Schlieffen Plan" is seductive in Europe, but history has repeatedly demonstrated its incompleteness. If the interests of the United States and its allies are threatened or attacked by the Soviet Union in one part of the world, the United States could and probably should react at the point most beneficial to its own strengths, anywhere in the world.

And this of course is the great strength of seapower, and why we should recognize its validity in terms of our geopolitical place in the world. We are not a continental land power, except on our own continent, and we never have been. It simply hasn't been necessary, given our existence as a maritime nation. We have never even fought a true continental war, except the War Between the States. This is one reason MacArthur warned against land campaigns in Asia, but it is true elsewhere as well. Our armies have been most effectively used in history in combination with other armies. We tipped the balance in World War One, but only on the margins, at the very end of the war, and at the expense of some 55,000 combat dead, while the French lost 1.7 million dead, the British Empire lost almost a million, and the Germans lost 1.8 million dead. In World War Two, we fought essentially a rear guard action on the ground, losing 290,000 servicemen of all services in all theaters, while the Germans lost 3.7 million and the Soviets lost 7 million—soldiers, dead.

By contrast, our place in the world has been guaranteed by our maritime power, particularly during this century. We are a maritime nation by virtue of our geographic position, economic necessity, and political commitment. American seapower maintains unimpeded access to world markets. It denies our adversaries the use of sea lanes for expansionist or imperialistic reasons. It maintains international security and stability, including protection of those nations whom we count as friends and allies during crisis. It enables us, when war comes, to reinforce allies, to multiply the effectiveness of their armies, to inject our own ground forces when appropriate, to become supreme on the land through control of the sea. It provides us the single greatest deterrent to nuclear war, with a nuclear submarine force that fields one-half of our nuclear capability at one-fourth of the overall cost for the strategic nuclear Triad.

A credible seapower, which means a naval force that can deploy immediately, stay for as long as necessary, and fight at whatever level of conflict the situation demands, can affect world events quickly and decisively. Our Navy and Marine Corps meet those criteria. Aircraft carrier battle groups coupled with an amphibious power projection capability can represent the interests of the United States at the exact point of crisis without the necessity or expense of negotiating base rights, and without the vulnerability that so frequently attends static defensive positions. This is exactly what we will need more of in the future, if our commitments unfold as I have just described them.

The Navy and Marine Corps are structured, and essential, across the full spectrum of military use, from forces in being through low intensity conflict all the way to nuclear war. At every step of the way, a large percentage of the Navy and Marine Corps force structure is available, on a task organized basis, to perform. Furthermore, while the Navy and Marine Corps participate along with the other services in exercises designed to test wartime readiness, they also are continually participating in real world operations that are essential to keeping the peace—today. They were in Lebanon. They have operated repeatedly off the coast of Libya. They have been in the Indian Ocean since 1979. They were off the coast of Iran throughout the entire hostage crisis. They are on duty even as I speak in the Persian Gulf. At this moment, of our total fleet of 569 ships, which includes the naval reserve, 157 are at sea, 112 outside of their local operating areas, 91 of them forward deployed at potential hot spots around the world. These numbers are actually a bit low, due to the respite of the holiday season.

And we need not speculate on what would happen if we cut back naval force structure. Those who claim that the last seven years have shown the greatest peacetime buildup of the U.S. Navy forget that the decade that preceded this buildup gave us the greatest evisceration of the Navy in its history. When I was commissioned in 1968 there were 931 combatants in the U.S. Navy. By the time we inherited the Indian Ocean commitments in 1979, the greatest navy in the world had been cut in half, to a force of only 479 combatants. Operational commitments, so often driven by national command authority needs, did not decrease.

The navy did it with less, and the result was a hemorrhaging of manpower and material the likes of which this country has never seen. Aircraft carriers deploying to the Indian Ocean commonly spent four months and longer at sea, without so much as seeing land, much less visiting a liberty port. The Nimitz spent 146 days continuously at sea. The Independence went 210 days, with only nine days ashore. By 1980, the navy was short 22,000 noncommissioned officers. The standard joke among my contemporaries was "make Commander and get your divorce", because you were going to spend the next four years at sea, away from your family.

I'm not sure we'd be lucky enough as a service to survive that sort of misfortune again. And yet, in an ever more complex world environment, and with a U.S. military force structure that we are told will be smaller, we can expect national command authority commitments, or what the budgeters euphemistically call "unprogrammed contingencies," to at least remain the same, and perhaps to increase. It would seem illogical to reduce the size of our sea service at the very moment in history when they should be assuming an even greater role in our international security posture, unless our leaders wish to consciously acknowledge that we will be unable to meet the contingencies of the future.

I would hope that a different decision will be made. I would hope that we will instead have the courage to fully debate the nature of our obligations, as well as the nature of our allies' obligations to us, and to sort out exactly what it is we are defending and how this defense can best be accomplished.

Thank you.

ATV USER SAFETY AND EQUITY ACT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, today I introduced the ATV User Safety and Equity Act, a bill to declare three-wheel all terrain vehicles to be banned as hazardous products under the Consumer Product Safety Act, to direct the Consumer Product Safety Commission to promulgate consumer product safety rules for all terrain vehicles, and for other purposes.

The Consumer Product Safety Commission—CPSC—has determined that ATV's—all-terrain vehicles—present an imminent and unreasonable risk to death or serious injury. Since 1982, more than 900 ATV riders have been killed and 330,000 injured. The Department of Justice, representing the Consumer Product Safety Commission, has filed suit against the ATV manufacturers. The ATV manufacturers and the Department of Justice have agreed upon a preliminary consent decree and are continuing negotiations to arrive upon a final consent decree.

The preliminary consent decree takes many steps in the right direction including requiring ATV manufacturers to provide warnings to purchasers and training programs for riders. Although too long in the making, the consent decree is a major victory for consumers.

However, the consent decree is not an entirely adequate solution and does not address the important question of what remedies should be available to persons who purchased dangerous ATV's in the past and would like to return them. I introduced the ATV User Safety and Equity Act to protect these ATV owners.

This act requires ATV manufacturers to offer refunds to all purchasers of three-wheel ATV's. The legislation does not require anyone to return an ATV that they want to keep, nor does it ban possession of three-wheel ATV's. Its objective is to give ATV owners who wish to return their vehicles an opportunity to do so.

The act further seeks to make future ATV's safer by entirely banning sales of three-wheel models and requires future sales of four-wheel ATV's be subject to CPSC mandated performance and safety standards. Sales of child-size models will be curtailed. All of these measures will substantially reduce the tragic death tolls and injuries which resulted from sales of engineering design-defective ATV's.

I urge you to act now to reduce ATV-related casualties. Please join me as a cosponsor of this important legislation.

Following is a copy of the ATV User Safety and Equity Act language:

H.R. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ATV User Safety and Equity Act".

SEC. 2. BAN OF 3-WHEEL ALL TERRAIN VEHICLES.

(a) BAN.—For purposes of the Consumer Product Safety Act, 3-wheel all terrain vehicles shall be considered banned hazardous products for which a rule was promulgated under section 8 of such Act, except that sales of such vehicles by other than manufacturers, distributors, or dealers shall not be prohibited.

(b) REFUND.—The manufacturers of 3-wheel all terrain vehicles shall provide to persons who—

(1) before the date of the enactment of this Act, purchased 3-wheel all terrain vehicles, and

(2) return the vehicles to the manufacturer in accordance with regulations of the Consumer Product Safety Commission

under paragraph (3), a refund in an amount determined under such regulations.

(c) PROCEDURE.—Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a rule—

(1) prescribing the procedure for the return of 3-wheel all terrain vehicles for purposes of receiving the refund under subsection (b), and

(2) for determining the amount to be refunded under subsection (b).

(d) SANCTION.—A manufacturer of 3-wheel all terrain vehicles who does not comply with subsection (b) shall be considered to have violated section 19(a)(5) of the Consumer Product Safety Act.

SEC. 3. CONSUMER PRODUCT SAFETY RULE FOR OTHER ALL TERRAIN VEHICLES.

(a) GENERAL RULE.—

(1) The Consumer Product Safety Commission shall promulgate under the Consumer Product Safety Act a consumer product safety rule for all terrain vehicles which will—

(A) require the manufacturers of all terrain vehicles to—

(i) offer free training in the operation of the vehicle to present and past purchasers and offer helmets and other protective equipment with the sale of the vehicle, and

(ii) to provide notice, by warning stickers affixed to the vehicle and other appropriate means, to purchasers (including, to the extent feasible, prior purchasers) of the risk of injury or death presented by the vehicles, especially to children,

(B) require each manufacturer and distributor of all terrain vehicles to establish programs to ensure compliance by the dealer with the safety requirements of the rule, and

(C) require the retail dealers of all terrain vehicles to provide to purchasers safety information respecting the operation of the vehicles.

(2) The Consumer Product Safety Commission shall also promulgate under the Consumer Product Safety Act a consumer product safety rule for all terrain vehicles to improve the safety of the vehicle by prescribing—

(A) appropriate performance standards for the vehicle, and

(B) design characteristics.

(b) PROCEDURE.—

(1) The Commission shall publish a notice of proposed rulemaking for the consumer product safety rule under paragraph (1) of subsection (a) not later than the expiration of 45 days after the date of the enactment of this Act and shall promulgate the final rule within 180 days of such date. The Commission shall publish a notice of proposed rulemaking for the consumer product safety rule under paragraph (2) of subsection (a) not later than the expiration of 120 days after the date of the enactment of this Act and shall promulgate the final rule within 1 year of such date.

(2) If the Commission does not promulgate a rule under paragraph (2) of subsection (a) within 1 year of such date, the Commission shall, upon the expiration of such year and until the date a rule under paragraph (2) of subsection (a) takes effect, be considered to have issued and placed into effect—

(A) a rule under section 8 of the Consumer Product Safety Act with respect to all terrain vehicles specifically designed for use by individuals under the age of 16, and

(B) a consumer product safety rule consisting of the text of the draft proposed safety standard provided to the distributors of all terrain vehicles in January 1988 pursuant to section L2 of the Preliminary Consent Decree of December 30, 1987, between the United States and the distributors of all terrain vehicles.

If upon review of a rule promulgated by the Commission under paragraph (2) of subsection (a) a stay of the rule is granted, any appeal by the Commission of such stay shall be advanced on the docket and expedited to the greatest possible extent.

(c) CONSTRUCTION.—Compliance with a consumer product safety rule promulgated under paragraph (1) or (2) of subsection (a) does not relieve any person from liability at common law or under State statutory law to any other person.

WHEN WILL DEMOCRACY COME TO NICARAGUA?

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, today may be the eve of another opportunity to vote for assistance to the Nicaraguan freedom fighters.

Opponents of Contra assistance say that further aid to the resistance is not necessary because a regional peace plan will usher in a regional peace and democracy.

Before the last vote the Sandinistas made some highly publicized gestures toward human rights only because they knew that further aid to the Contras could be forthcoming if they did not act.

But it is already clear that the Sandinistas are unwilling to make significant concessions to their political opponents.

In the final analysis, the Sandinistas will never permit a free and open political process to emerge in Nicaragua. As they themselves admit, they are not prepared to yield power through democratic means.

The Sandinistas are unable to hide their distaste for democracy and are unable to digest even the small reforms that they have attempted to make.

Mr. Speaker, I wish to draw the attention of my colleagues to a report in today's New York Times on the Sandinistas' unwillingness to take genuine steps toward democracy.

I quote Mr. Diaz, former Vice Minister of the Nicaraguan Assembly:

> If the Government keeps acting this way ultimately all of us will have no alternative than to become Contras.

The article follows:

[From the New York Times, Feb. 24, 1988]

STRIFE GROWS IN NICARAGUA: HOPES FOR PEACE FADE DESPITE CONTRA CUTOFF

(By Stephen Kinzer)

MANAGUA, NICARAGUA, February 23.—Six months after the signing of a regional peace accord, prospects for an end to the Nicaraguan conflict appear to be dimming despite a vote in Congress this month cutting off military aid to contra guerrillas.

Although some had expected that the period after the aid cutoff would be marked by faster progress toward reconciliation in Nicaragua, the opposite has happened. Political recriminations have become more bitter than at any time since the peace accord was signed.

Both of the negotiations in which the Sandinista Government is involved, one with political parties and the other with contras, are in virtual collapse.

After the breakdown of cease-fire talks with the contras last week, Sandinistas criticized the mediator, Miguel Cardinal Obando y Bravo. They appeared to have lost faith in his impartiality.

President Daniel Ortega Saavedra sent a letter to the Cardinal today saying he was upset that the talks had been "abruptly suspended." He said a higher-ranking Government delegation headed by the Army Chief of Staff, Maj. Gen. Joaquin Cuadra Lacayo, was ready to resume the talks at any moment.

The chief Sandinista negotiator at last week's talks, Deputy Foreign Minister Victor Hugo Tinoco, said contra delegates wanted the talks to fail. He said Cardinal Obando's decision to declare an impasse served that end.

"Obviously, the contras influenced Obando, and there was also renewed pressure on the contras by the Reagan Administration," Mr. Tinoco told the Sandinista newspaper Barricada. "The Administration knows that if a ceasefire is reached, the United States Congress will not see the need of continuing to support the mercenaries."

Mr. Tinoco also said his Government opposed any form of aid for the contras, even the food, clothing and medical assistance that Congress is considering. "Any support for a force that is at war, even if it is rice and beans, is called logistical support in any language," he said.

Cardinal Obando said his decision to cut off the talks was intended to provide "a moment for reflection." In his homily Sunday, he appeared to criticize the Sandinistas for not making new concessions.

"The one who monopolizes power cannot give people freedom because that endangers his power," Cardinal Obando told parishioners. "The one who has power feels obligated to oppress others in order to conserve it."

For the last two weeks, Sandinista leaders have been taking a more strident and militant tone in public statements, insisting they have no intention of accepting more opposition demands. They say contra bases in Honduras must be dismantled first.

"National Dialogue" Breaks Down

The peace accord bans such bases. It also requires the five Central American countries to create "a climate of freedom."

To comply with the accord, Sandinista leaders began a "national dialogue" last year intended to ease political conflicts within Nicaragua. But the dialogue has broken down because the Government will not accept opposition demands for changes in the Constitution.

The changes sought by the opposition include a ban on the re-election of presidents; guarantees of judicial independence and university autonomy; establishment of an independednt commission to oversee elections; separation of the army and police from Sandinista control, and recognition of conscientious objection to military service.

Mr. Ortega took a hard line against the opposition in a speech Sunday opening this year's session of the National Assembly. He said opposition groups including the Communist Party, were receiving funds from the United States and were "seeking to blackmail the Government of Nicaragua."

"This is called treason," Mr. Ortega said. "Now is not the time to be taking our country's dramatic situation lightly."

SOME BOYCOTT THE SESSION

Legislators from several parties boycotted the session to protest what they described as Sandinista intransigence. Among them was Mauricio Diaz Davila, who was stripped of his position as a vice president of the Assembly by a vote of the Sandinista majority.

Mr. Diaz has long been considered one of the most moderate opposition leaders, but he has been actively pressing the regime to make further political concessions. Lately he has become deeply pessimistic about political prospects.

"If the Government keeps acting this way, ultimately all of us will have no alternative other than to become contras," Mr. Diaz said in an interview.

Diplomats and officials close to the Sandinistas have said this week that they believe that recent events in Masaya in southwestern Nicaragua, where police wielding truncheons broke up an anti-draft protest two weeks ago, had persuaded Government leaders not to allow further loosening of the political system.

"That really shook them up," a diplomat said. "They have gone back into their shell."

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, February 24, 1988, marks the 70th anniversary of the Declaration of Independence of the Republic of Estonia. I rise today to honor the proud men and women of Estonia for their tireless efforts in pursuit of freedom.

Each year we salute the heroic efforts of Estonian nationals. Their struggle against the oppressive tactics of the Soviet Union and their unending commitment to obtain basic human rights continues as it does in neighboring Baltic States. In this country we are apt to take these rights for granted: freedom of speech, of religion, and of self-determination. In Estonia they cannot.

Seventy years ago today the Republic of Estonia's independence was formally declared. Two years later, having been victorious against both German and Russian soldiers in her War of Independence, Estonia signed a peace treaty with the Soviet Union announcing the nation's sovereignty for all time.

But in 1939 Soviet tanks rolled into Estonia, and the young nation was forced to fight for its independence again. For almost a decade Estonians battled their Soviet oppressors until even the smallest glimmer of hope disappeared.

Despite long years of repression, the people of Estonia continue to wage their battle against the Soviets. With Gorbachev's purported interest in glasnost have come bold, new statements from the ever-growing number of dissidents in this land.

I read recently of a call for a new political group, the National Independence Party of Estonia. Though the idea won't become reality, it is a sure sign of the determination of the Estonian people to assert their independence from the U.S.S.R.—at the very least in spirit.

These people do so much for themselves, act so bravely in their homeland. We must continue to do what we can from here to assist our Estonian friends in their struggle to regain the freedoms they so briefly enjoyed. The United States—and all other freedom-loving nations—must be relentless in our insistence that we will not tolerate violations of human rights.

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today commemorates the 70th anniversary of Estonian Independence Day. Unlike our Nation, which has maintained its freedom for over 200 years, Estonia has not been so fortunate. The Republic of Estonia, which gained its autonomy on February 24, 1918, was able to enjoy the benefits of freedom and independence for only 22 short years. Then, in the late spring of 1940, the Soviets violated a pact they had signed with the Estonians 20 years previously, and invaded the peaceful Estonian republic.

The invasion was followed by efforts of the Soviet Union to destroy all features of Estonian culture. This included the suppression of the Estonian language and religion, and most significantly, the mass deportation of thousands of Estonian citizens.

The efforts of the Soviet Union to Russify Estonia have continued unabated. The banning of any public demonstrations in Estonia's neighboring states on similar occasions symbolizes the fact that, glasnost or no glasnost, the Soviet Union continues to rule over her occupied territories with an iron hand.

It is my hope that the Soviets will refrain from such an exhibition during the celebration of Estonia's 70th anniversary of their independence. To this end, I joined with several of my colleagues in writing to the Secretary General of the Soviet Union, Mikhail Gorbachev, to deplore the Soviet action in Lithuania, and to express the hope that such an event will not recur in Estonia. The text of this letter follows:

FEBRUARY 23, 1988.

Hon. MIKHAIL S. GORBACHEV,
General Secretary of the Communist Party,
The Kremlin, Moscow, U.S.S.R.

DEAR MR. GORBACHEV: Tomorrow will mark the 70th anniversary of Estonian Independence Day. We have received reports that citizens of Estonia intend to honor this day with public ceremonies.

In the past, we have been greatly concerned over official harassment and abuse directed against individuals who have participated in public demonstrations. We are particularly concerned by reports that Heiki Ahonen, Lagle Parek, Rein Mets, and Allan Targa have been attacked and beaten. We understand that Mr. Ahonen is being held in Patarei jail in Tallinn. We also understand that Juri Adams and Viktor Niitsoo have been called for reserve training, and that others have been searched and questioned.

We were also greatly troubled when Soviet authorities sealed off Lithuania from the West for Lithuanian Independence Day. Except for a small group of journalists invited to attend meetings with local party leaders, Western journalists were refused permission to visit Lithuania to observe events on Lithuanian Independence Day. We also understand that telephone lines in Lithuania were heavily monitored and that a dozen telephones were disconnected as well. We sincerely hope that this practice will not be repeated in Estonia.

We, as members of the United States Congress, urge you to prevent any official disruption of peaceful gatherings on Estonia Independence Day. We also urge you to prevent the harassment of any organizers or participants before or after these gatherings. Lastly, we also respectfully request that members of the Western media be allowed to have free access to Estonia tomorrow.

The peaceful demonstrations planned for February 24 in the Estonian Nation signify that the Estonians have not forgotten the previous freedom under which they once lived, nor shall they ever forget. They shall continue to struggle for their freedom and to express their desire for the return of their independence at every available opportunity. A statement released from the Estonian American National Council reaffirms the stand of American Estonians and Estonians world-wide, and a copy of that statement follows:

STATEMENT OF THE ESTONIAN AMERICAN NATIONAL COUNCIL

Hearing of the brave public demonstration of peaceful resistance to illegal Soviet rule this past summer, Estonians all over the world and their friends felt a resurgence of hope and energy to continue the long struggle to restore independence to the Soviet-occupied Baltic republic. It became obvious that Estonian resistance to Soviet rule not only lives but is growing stronger, especially among a younger generation of Estonians. The events of August 23rd showed that free Estonia lives in the hearts of all Estonians—from the surviving handful of aged veterans who fought in the War of Independence 70 years ago to young students and children born under Soviet rule.

The independence of Estonia was formally declared on February 24, 1918. What happened next provides an excellent case study of the methodology of communist expansionism and control, giving useful insights into regional conflicts involving the Soviet Union in other parts of the world such as Afghanistan, Africa and Central America.

In 1920, following the War of Independence in which Estonian patriots had to fight against both the Russians and the German "Landeswehr", the Soviet Union signed a peace treaty with Estonia, ironically becoming the first nation to recognize the Estonian Republic *de jure*, renouncing "forever" all claims and rights to it. When the Allied Supreme Council in Paris recognized Estonia in 1921, other recognitions followed in quick succession. Estonia was admitted to the League of Nations later that same year. During the period of independence, Estonia thrived economically, socially and culturally, and was signatory to a host of international treaties and accords.

However, in 1939, Hitler and Stalin secretly agreed to partition Europe, giving part of Poland and all three Baltic States to the Soviets. Then followed the now-established Soviet pattern for take-over and consolidation of power: "mutual assistance" pacts, ultimatums, installation of communist puppet governments, staged one-party elections, compulsory nationalization, house searches, mass arrests, deportations, summary executions, and terror, all backed up by the Red Army. By not recognizing the Soviet annexation of the Baltic States in 1940, the United States reaffirmed an important principle of international law regarding illegal seizure of territory, a principle which is still part of U.S. foreign policy today.

Unfortunately, the capitulation of Nazi Germany and the end of World War II brought no relief to the Estonian people. Instead, Estonia and the other two Baltic Republics were abandoned to a ruthless Communist dictatorship.

Almost unknown in the West, armed resistance continued in Estonia for over a decade, the freedom fighters believing that the Western powers would yet enforce the Atlantic Charter, which promised that all countries which had been independent before World War II would have their sovereignty restored. Although the Soviets sealed the Western borders of the Baltic States and carried out mass arrests, house searches, executions and mass deportations and even though the Estonian freedom fighters received almost no outside support, they carried out the most long-lived and heroic guerrilla struggle in post-war Europe. The final blow came in 1956, when the crushing of the Hungarian uprising finally brought home the bitter truth to the Estonian guerrillas—that they were alone, with no hope of help from abroad.

However, as shown by underground literature, repeated appeals to Western governments and international organizations, and the recent demonstrations, the Estonian spirit has not been broken. Estonians have not given up on restoring their lost independence. Most Estonians imprisoned in Soviet concentration camps and psychiatric facilities, including Mart Niklus and Enn Tarto, are there precisely because they are nationalists who have opposed Soviet rule in their homelands. They have committed "crimes" ranging from hoisting the forbidden blue, black and white Estonian flag to asking for abrogation of the Hitler-Stalin Pact. Members of Estonian resistance are being threatened, locked up, expelled and abused because they bear witness to the fact that, in spite of glasnost, the Soviet Union is a prisonland of nations, an illegal empire held together by force of arms and KGB terror. In fact, due to the systematic colonization and Russification decreed from Moscow, achieving autonomy and self-determination is essential to the very survival of the Estonian people, their language and culture. Even the environment in Estonia is seriously threatened by the imposition from Moscow of ecologically hazardous phosphate mining which could potentially pollute not only the Estonian heartland, but also the Baltic Sea.

Therefore, on this 70th anniversary of Estonian independence, the most important long-term goals of the Estonian resistance movement remain: the withdrawal of the nearly 150,000 Soviet troops stationed in Estonia, liquidation of the Soviet colonial administration, admission as a member of the League of Nations to United Nations membership, and free democratic elections to be conducted under UN supervision. The case for Estonian independence is both moral and legal. To this end, the United States and other Western democracies, in addition to raising publicly and privately cases of human rights violations, should also begin to implement sanctions against the Soviet Union for violating international law by continuing to occupy and colonize Estonia, Latvia, and Lithuania. It is past time to accord the Baltic States their deserved status as a legitimate, unresolved reegional issue.

Mr. Speaker, I am proud to join with Estonian-Americans, and Estonians everywhere, in reconfirming our hope and our prayers that Estonia shall once again achieve self-determination and reenter the world's community of free nations.

HONORING TIBOR RUBIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, I have called this special order this afternoon in order to call attention to an inequity borne by a very special veteran, Tibor Rubin. I would like to thank my colleagues for taking time out of their busy schedules to participate in today's special order.

For many of my colleagues who are not familiar with Tibor Rubin, he is a Hungarian refugee, who enlisted in the United States Army, as a corporal in February 1950, after only 18 months in this country. He spent 44 months as a POW in Korea, suffering indignities beyond human comprehension. Continually disregarding his own safety and health, Tibor Rubin is credited with saving the lives of 35 to 40 other prisoners. He attended the wounded GI's on a daily basis by cleaning their wounds, arresting their infections and stealing food.

Tibor Rubin also risked this own life by collecting names and locations of nearly 500 other prisoners, smuggling them out of the country in a leg cast when he was released. In spite of these heroics, he never received the Congressional Medal of Honor. Rubin had been cited for the honor prior to his capture, but problems occurred when his company had four different commanders within a period of weeks and there was no followup on the recommendation. After his capture, few soliders knew he was alive.

While many individuals, veterans and community groups have organized campaigns urging the time limitation be waived for Tibor Rubin to receive the Congressional Medal of Honor, the Department of Army has expressed much opposition, in spite of comending him for his courageous and humanitarian efforts while in captivity. Other POW's have received the Congressional Medal of Honor after the statute of limitations has expired. Tibor Rubin needs our assistance. Our fellow colleague, ROBERT DORNAN, has introduced legislation waiving the time limitations relating to the award of the Congressional Medal of Honor to Tibor Rubin for distinguishing himself by acts of valor during the Korean war.

By participating in this special order and introducing private bills on behalf of Tibor Rubin, we can show the leadership, the administration and all Americans that patriotism and bravery are still held in high esteem by this body. Tibor Rubin exemplifies the Congressional Medal of Honor.

CORRECT THE EXCISE TAX MISTAKE FOR FARMERS AND LOCAL GOVERNMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, today I have introduced the Fuels Excise Tax Equity Act of 1988.

My legislation will free farmers and State and local governments from unnecessary and expensive bureaucracy placed on them by last year's Reconciliation Act and the Tax Reform Act of 1986.

The first section of my bill allows farmers to continue to purchase diesel fuel for on-farm use without paying the excise tax on that fuel.

Under the Omnibus Budget Reconciliation Act of 1987, farmers must pay the 15.1-cent-per-gallon diesel fuel tax up front and then file for a refund. This provision goes into effect April 1.

Diesel fueled-generators and combine harvesters don't have anything to do with the Nation's highways, and they shouldn't have anything to do with the highway trust fund.

In the best of times, this new procedure would be unfair. Under current economic conditions, it could drive some farmers out of business.

Cash-flow is everything to a farmer. A farmer can't operate if he can't pay his debts, particularly his short-term operating debts, on time.

Farmers simply cannot afford to spend months or even years waiting on the IRS to send a refund while the Government draws interest on their money.

State and local governments are in the same situation, and my bill takes care of them, as well.

Since 1981, the Federal Government has reduced or eliminated practically every program that provides financial assistance to those governments.

In States like Arkansas, where the economic recovery is something that happened somewhere else, small local governments struggle mightily to provide a minimum level of services despite anemic tax bases.

It is unconscionable that the Federal Government should now actually tax those hard-pressed governments.

The second provision of my bill is identical to an amendment attached by our colleague JAKE PICKLE to the House version of the reconciliation bill, which was unfortunately dropped after the budget summit.

This section simply restores the pretax reform practice of allowing gasoline marketers to pay the gasoline excise tax directly to the Treasury.

Under tax reform, marketers must pay the tax to their wholesale suppliers—who then have from 9 to 24 days to pay the tax to the Treasury.

There are three major problems with the new procedure under the Tax Reform Act:

First, it substantially increases inventory costs for local gasoline marketers, thereby hurting their cash-flow.

Second, it hurts those local governments that are not able to purchase tax-free gasoline from refiners, which are the only source of tax-free gasoline at the moment.

Third, some refiners have refused to sell any gasoline at the reduced tax rate of 3.43 cents a gallon on gasoline to be blended with ethanol.

They have done so because they fear they will be held liable for tax evasion by unscrupulous marketers who buy reduced-rate gasoline and never blend it with ethanol.

If the cutoff of gasoline to legitimate ethanol blenders gets much worse, it could ruin the domestic fuel ethanol industry.

That would indeed be a tragedy, because ethanol is our best hope for cleaning the air, improving energy security, and revitalizing the farm economy.

My language would restore the situation that prevailed before the new provisions took effect January 1—a situation under which all parties concerned were much happier.

Speedy action is needed to protect farmers, local governments, and the ethanol industry.

I invite all Members to join in this effort, and I call on the Ways and Means Committee to immediately schedule hearings on my bill and others like it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fazio (at the request of Mr. Foley), for today and the balance of the week, on account of an illness in the family.

Mrs. Lloyd (at the request of Mr. Foley), for today and the balance of the week, on account of official business.

Mr. Stangeland (at the request of Mr. Michel), for today and the balance of the week, on account of official business.

Mr. Badham (at the request of Mr. Michel), for today and the balance of the week, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Slaughter of Virginia) to revise and extend his remarks and include extraneous material:)

Mr. Moorhead, for 60 minutes, on March 1.

(The following Members (at the request of Mr. Cardin) to revise and extend their remarks and include extraneous material:)

Mr. Stratton, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Alexander, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Slaughter of Virginia) and to include extraneous matter:)

Mr. Dannemeyer.

Mr. Tauke.

Mr. Daub.

Mr. Hefley.

Mr. Young of Alaska in two instances.

Mr. Rowland of Connecticut.

Mr. Gingrich.

Mr. DeWine.

Mr. Gallo.

Mr. Green.

Mr. Kyl.

Mr. Broomfield in two instances.

Mr. Vander Jagt.

Mr. Solomon.

Mr. Donald E. Lukens.

Mr. Gekas.

(The following Members (at the request of Mr. Cardin) and to include extraneous matter:)

Mr. Kleczka.

Mr. Torres.

Mr. Florio in three instances.

Mr. Mazzoli.

Mr. Garcia in two instances.

Mr. Howard.

Mr. Lehman of California in two instances.

Mr. Morrison of Connecticut.

Mr. Wyden.

Mr. Fuster.

Mr. Moakley.

Mr. Flippo.

Mr. Dwyer of New Jersey.

Mr. Smith of Florida.

Mr. Weiss.

Mr. Jones of Tennessee.

Mrs. Kennelly.

Mr. Kolter in two instances.

Mr. Bilbray in three instances.

Mr. Stratton.

Mr. Waxman.

Mr. Foley.

Mr. Hochbrueckner.

Mr. Stallings.

ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Thursday, February 25, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2975. A letter from the Director, Office of Personnel Management, transmitting an interim report on the operation of the Senior Executive Service, including a performance appraisal, pursuant to 5 U.S.C. 3131 note, 3135 and 4314(d); to the Committee on Post Office and Civil Service.

2976. A letter from the Chairman, Federal Reserve System, transmitting a copy of the monetary policy report for 1988, pursuant to 12 U.S.C. 225a; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. INHOFE:

H.R. 3989. A bill to amend the Internal Revenue Code of 1986 to allow State and local governments to purchase gasoline tax free and to allow farmers and certain oil and gas drillers to purchase diesel fuel tax free; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 3990. A bill to make more equitable certain provisions of law relating to collection of excise taxes on certain motor fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. Lent, Mr. Barnard, Mr. Rinaldo, Mr. Eckart, and Mrs. Collins):

H.R. 3991. A bill to declare 3-wheel all-terrain vehicles to be banned hazardous products under the Consumer Product Safety Act, to direct the Consumer Product Safety Commission to promulgate consumer product safety rules for all-terrain vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE:

H.R. 3992. A bill to provide for a separate tariff classification for opal borosilicate glassware and to suspend temporarily the duty on glassware of that kind; to the Committee on Ways and Means.

By Mrs. BYRON (for herself, Mr. Cardin, Mr. Hoyer, Mrs. Morella, Mr. Mfume, Mr. Dyson, Mr. McMillen of Maryland, and Mrs. Bentley):

H.R. 3993. A bill relating to the tax treatment of the Maryland Deposit Insurance Fund Corp.; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 3994. A bill to extend the coverage of certain Federal labor laws to foreign flagships; to the Committee on Education and Labor.

By Mr. DANNEMEYER:

H.R. 3995. A bill to amend the Clean Air Act to provide additional measures for areas which have failed to meet the national primary ambient air quality standards; to the Committee on Energy and Commerce.

By Mr. FLIPPO (for himself, Mr. Duncan, and Mr. Schulze):

H.R. 3996. A bill to amend the Internal Revenue Code of 1986 to make funds available to the small business community; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 3997. A bill to amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for 6 years; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. GREEN:

H.R. 3998. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period and to eliminate premium increases in the Medicare part B insurance program for individuals who enter the United States after residing outside the United States for an extended period of time; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HOCHBRUECKNER (for himself, Mr. Weldon, Mr. Owens of New York, Mr. Roe, Mr. Schuette, Mr. Campbell, Mr. Biaggi, Mr. Dornan of California, Mr. Donald E. Lukens, Mr. Ballenger, Mr. Solarz, Mr. Manton, Mr. de la Garza, Mr. Kemp, and Mr. Downey of New York):

H.R. 3999. A bill to amend title 28 of the United States Code to provide that volunteer public safety personnel shall be excused from jury service upon individual request; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 4000. A bill to amend the Internal Revenue Code of 1986 to minimize the paperwork requirements in order for State and local governments to purchase diesel fuel tax free; to the Committee on Ways and Means.

By Mr. JENKINS:

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to exempt from tax earnings on certain investment accounts for savers and investors; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Buechner, Mr. Roe, Mr. Shays, Mr. Stangeland, Mr. Pashayan, Mr. Solomon, Mr. Lagomarsino, Mr. Clinger, Mr. Schuette, Mr. Chandler, Mr. Skeen, Mr. Miller of Washington, Mrs. Saiki, Mr. Hyde, Mr. Hiler, Mr. Schaefer, Mr. Ridge, Mr. Konnyu, Mr. Upton, Mr. Brown of Colorado, Mrs. Martin of Illinois, Mr. Green, Mr. Fish, and Mr. Weber):

H.R. 4002. A bill to establish a block grant program for child care services, and for other purposes; jointly, to the Committee on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. LELAND (for himself, Mr. Waxman, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, and Mrs. Collins):

H.R. 4003. A bill to amend the Public Health Service Act to revise and extend the program of health services for the homeless; to the Committee on Energy and Commerce.

By Mr. NELSON of Florida:

H.R. 4004. A bill to provide for regional primary elections and caucuses for selection of delegates to political party Presidential nominating conventions and for Federal funding of Presidential primary elections; to the Committee on House Administration.

By Mr. OWENS of Utah:

H.R. 4005. A bill to improve the land ownership patterns and management of State and Federal lands in the State of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4006. A bill to amend title 39, United States Code, to provide that any person who receives an unsolicited sexually oriented advertisement through the mails may require the sender to disclose the source from which the recipient's name or address was obtained; to the Committee on Post Office and Civil Service.

By Mr. SCHUETTE (for himself, Mr. Marlenee, and Mr. Davis of Michigan):

H.R. 4007. A bill to amend the Internal Revenue Code of 1986 to allow farmers to purchase diesel fuel and gasoline for farm use tax free; to the Committee on Ways and Means.

H.R. 4008. A bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules to farming businesses; to the Committee on Ways and Means.

H.R. 4009. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 4010. A bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mrs. Smith of Nebraska, Mr. Roberts, Mr. Whittaker, Mr. Grandy, Mr. Wortley, Mr. Dyson, Mr. Johnson of South Dakota, Mr. Cooper, Mr. Brown of Colorado, Mr. Dorgan of North Dakota, Mr. Bruce, Mr. Hughes, Mr. Quillen, Mr. Chapman, Mr. Jontz, Mr. Tauke, Mr. Bereuter, Mr. Campbell, Mr. Jones of Tennessee, Mr. Lujan, Mr. Horton, Mr. Leath of Texas, Mr. Jenkins, Mr. Craig, Mr. Barnard, Mr. Inhofe, Mrs. Patterson, and Mr. Tallon):

H.R. 4011. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. VENTO (for himself, Mr. Ford of Michigan, Mr. Garcia, Mr. Lowry of Washington, Mr. Annunzio, Mr. Manton, Ms. Kaptur, and Mr. Kleczka):

H.R. 4012. A bill to clarify the labor standards requirements applicable to programs administered by the Secretary of Housing and Urban Development, to the Committee on Banking, Finance and Urban Affairs.

By Mr. WALGREN:

H.R. 4013. A bill to amend the Public Health Service Act to establish a National Center for Medical Rehabilitation Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCIA:

H.J. Res. 468. Joint resolution to designate the week beginning May 8, 1988, as "National Exporters Appreciation Week"; to the Committee on Post Office and Civil Service.

By Mr. HAWKINS:

H.J. Res. 469. Joint resolution to designate June 1988 as "National Recycling Month"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself and Mr. Foley):

H.J. Res. 470. Joint resolution to designate March 29, 1988, as "Education Day U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. LATTA:

H.J. Res. 471. Joint resolution to establish a Commission to develop and execute plans for the celebration of the 175th anniversary of the Battle of Lake Erie, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McGRATH:

H.J. Res. 472. Joint resolution designating the month of June 1988 as "Student Awareness of Drunk Driving Month"; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Ms. Snowe, Mr. Skelton, Mr. Schumer, Mr. Fuster, Mr. Owens of Utah, Mr. Wilson, Mr. Ackerman, Mr. Evans, Mr. Dymally, Mr. Scheuer, Mr. Lehman of California, Mr. AuCoin, Mr. Manton, Mr. Crockett, Mrs. Kennelly, Mr. Smith of Florida, Mr. Hoyer, Mr. Matsui, Mrs. Collins, Mr. Dwyer of New Jersey, Mr. Buechner, Mr. Sawyer, Mr. Blaz, Mr. Sabo, Mrs. Johnson of Connecticut, Mr. Gunderson, Mr. Levine of California, Mr. Markey, Mr. Montgomery, Mr. Clay, Mr. Frank, Mr. Towns, Mr. Boland, Mr. Clinger, Mr. Gray of Illinois, Mr. Green, Ms. Oakar, Mr. Mrazek, Mr. Anderson, Mr. Fascell, Mr. Rodino, Mr. Jontz, Mr. Kostmayer, Mr. Roe, Mr. Carr, Mr. Henry, Mr. Fauntroy, Mrs. Boxer, Mr. Atkins, Mrs. Smith of Nebraska, Mrs. Schroeder, Mr. Campbell, Mrs. Morella, Ms. Slaughter of New York, Mr. Hatcher, Mr. Coelho, Mr. Yates, Mrs. Meyers of Kansas, Mr. Conyers, Mr. Dellums, Mr. Chandler, Mr. Conte, Mr. Lantos, Mr. Carper, Mr. Miller of Washington, Mr. Gephardt, Mr. Weiss, Mr. Coleman of Texas, Mr. Ford of Tennessee, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Dixon, Mr. Ballenger, Mr. LaFalce, Mr. Lowry of Washington, Mr. McMillen of Maryland, Mr. Morrison of Connecticut, Mr. Neal, Mr. Lagomarsino, Mr. Horton, and Mr. Wolpe):

H.J. Res. 473. Joint resolution designating March 1988 as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. RITTER (for himself, Mr. Hertel, Mr. Dornan of California, Mr. Lipinski, Mr. Feighan, Mrs. Bentley, Mr. Bereuter, Mrs. Morella, Mr. Miller of Washington, and Mr. Ackerman):

H.J. Res. 474. Joint resolution designating June 14, 1988, as "Baltic Freedom Day"; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. FOLEY (for himself, Mr. Michel, Mr. Fascell, Mr. Broomfield, Mr. Crockett, and Mr. Lagomarsino):

H. Con. Res. 250. Concurrent resolution expressing confidence that the people of El Salvador will reject efforts to disrupt the election to be held in that country on March 20, 1988, and will avail themselves of the opportunity to vote in that election; to the Committee on Foreign Affairs.

By Mr. CRAIG:

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with respect to needed improvements in the coordination and effectiveness of Federal and State regulation of real estate appraisal practices; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

By Mr. ASPIN (for himself and Mr. Dickinson):

H. Res. 385. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Armed Services in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. LELAND:

H. Res. 386. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Hunger in the 2d sess. of the 100th Congress; to the Committee on House Administration.

By Mr. MILLER of California:

H. Res. 387. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Children, Youth, and Families in the 2d sess. of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. Emerson.

H.R. 341: Mr. Crane and Mr. Lewis of Florida.

H.R. 639: Mr. Carper.

H.R. 719: Mr. Lagomarsino, Mr. Sweeney, Mr. Ritter, Mr. Solomon, Mr. Weldon, Mr. Latta, and Mr. Broomfield.

H.R. 807: Mr. Udall.

H.R. 958: Mr. Atkins and Mr. Rahall.

H.R. 1016: Mr. Bustamante, Mr. Kolter, and Mr. Thomas A. Luken.

H.R. 1213: Ms. Pelosi.

H.R. 1433: Mr. Manton.

H.R. 1437: Mr. Ortiz.

H.R. 1438: Mr. Sweeney.

H.R. 1566: Mrs. Smith of Nebraska.

H.R. 1794: Mr. Lewis of Georgia, Mr. Murphy, Mr. Weiss, Mr. Walgren, Mr. Hertel, Mr. Gingrich, and Mr. Petri.

H.R. 1808: Mr. Traxler and Mr. Roe.

H.R. 1834: Mr. Bonker, Mr. Traxler, and Mr. Garcia.

H.R. 1990: Mr. Swindall and Mr. Hunter.

H.R. 2501: Mr. Davis of Illinois, Mr. Ballenger, Mr. Lightfoot, Mr. Hyde, Mr. Hastert, Mr. Baker, Mr. Gregg, Mr. Gallegly, Mr. Smith of Texas, Mr. Donald E. Lukens, Mrs. Saiki, Mr. Coble, Mr. Buechner, Mr. Ravenel, Mr. Herger, Mr. Weldon, Mr. Holloway, Mr. Hoyer, Mr. Thomas of California, Mr. Dannemeyer, Mr. Bartlett, Mr. Craig, Mr. Horton, Mr. Upton, Mr. Houghton, Mr. LaFalce, Mr. Ridge, Mr. Fauntroy and Mr. Armey.

H.R. 2517: Miss Schneider.

H.R. 2532: Mr. Flippo.

H.R. 2640: Mr. Campbell, Mr. Jones of Tennessee, Mr. Traficant, Mr. Applegate, Mr. Wylie, Mr. Hopkins, and Mr. DeWine.

H.R. 2707: Mr. Swindall.

H.R. 2787: Miss Schneider.

H.R. 2962: Mr. Shaw.

H.R. 2976: Mr. Kolter, Mr. Lagomarsino, Mr. Gray of Illinois, Mr. Chandler, Mr. Kolbe, Mr. Tauke, and Mr. Davis of Illinois.

H.R. 3119: Mr. Gray of Illinois, Mr. Johnson of South Dakota, Mr. Hawkins, Mr. Schumer, Mrs. Kennelly, and Mr. Ackerman.

H.R. 3193: Mr. Sikorski.

H.R. 3250: Mr. Bevill, Mr. Wolpe, Mr. Bunning, Mr. Fauntroy, and Mr. Waxman.

H.R. 3262: Mr. Kolter.

H.R. 3263: Mr. Kolter.

H.R. 3301: Mr. Swindall and Mr. Hunter.

H.R 3378: Mrs. Boxer, Mr. Ackerman, and Mr. Torres.

H.R. 3416: Mr. Bevill.

H.R. 3440: Mr. Ackerman.

H.R. 3454: Mr. Broomfield, Mr. Brown of Colorado, Mr. Campbell, Mr. Hertel, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Schaefer, Mr. Skaggs, Mr. Towns, and Mr. Williams.

H.R. 3470: Mr. Owens of Utah, Mr. Kolbe, Mr. Pursell, Mr. Shumway, Mr. Sweeney, Mr. MacKay, Mr. Lowery of California, Mr. Ray, Mr. Panetta, Mr. Boucher, Mr. Gregg, Mr. Quillen, Mr. Nowak, Mr. Mack, Mr. Hiler, Mr. Brennan, Mr. Brown of California, Mr. Evans, Mr. Penny, Mr. Rogers, Mr. AuCoin, Mr. Jontz, Mr. Wolf, Mr. Fields, Mr. Gallo, Mr. Solomon, Mr. Mica, Mr. Gallegly, Ms. Pelosi, Mr. Smith of New Hampshire, and Mr. Davis of Michigan.

H.R. 3485: Mrs. Morella.

H.R. 3486: Mr. de la Garza, Mr. Olin, Mr. McHugh, Mr. Kolter, Mr. Conyers, Mr. Ford of Tennessee, Mr. Gejdenson, and Mr. Downey of New York.

H.R. 3515: Mr. Gallo.

H.R. 3553: Mrs. Bentley.

H.R. 3664: Mr. Moody.

H.R. 3673: Mr. Montgomery, Mr. Dowdy of Mississippi, Mr. Roe, Mrs. Boxer, Mr. Daub, Mr. Harris, Ms. Slaughter of New York, Ms. Oakar, Mr. Ford of Tennessee, and Mr. DeFazio.

H.R. 3730: Mr. Barnard, Mrs. Collins, Mr. Owens of New York, Mr. LaFalce, Mrs. Bentley, Mr. de Lugo, Mr. Towns, Mr. Lancaster, Mr. Kolbe, Mr. Donnelly, and Mr. Jacobs.

H.R. 3783: Mr. Mrazek and Mr. Boucher.

H.R. 3784: Mr. Mrazek.

H.R. 3788: Mr. Martinez, Mr. Lancaster, Mr. Moakley, Mr. Neal, Mr. Chapman, and Mr. Frank.

H.R. 3806: Mrs. Kennelly, Mr. de la Garza, Mr. Pursell, and Mr. Owens of New York.

H.R. 3836: Mr. Skaggs, Mrs. Vucanovich, Mr. Boulter, Mr. Ackerman, Mr. Kleczka, Mr. Martinez, and Mr. Eckart.

H.R. 3840: Mr. Evans, Mr. Lowry of Washington, Mr. Harris, Mr. Roe, Mr. Chappell, Mr. Gejdenson, and Mr. Traxler.

H.R. 3844: Mr. Rogers, Mr. Chappell, Mr. Donald E. Lukens, Mr. Cheney, Mr. Emerson, Mr. Lujan, Mr. Roth, Mr. Houghton, Mr. Rose, Mr. Coelho, and Mr. Ballenger.

H.R. 3865: Mr. Swindall, Mr. Hansen, Mr. McCandless, Mr. Pashayan, Mr. McDade, Mr. McCloskey, Mr. Hall of Texas, Mr. Dreier of California, Mrs. Bentley, Mr. Owens of Utah, Mr. Jones of North Carolina, Mr. de la Garza, Mr. Young of Alaska, Mr. DeLay, Mr. Tallon, and Mr. Miller of Washington.

H.R. 3866: Mr. Applegate.

H.R. 3879: Mr. Rodino, Mrs. Kennelly, Mr. Morrison of Connecticut, Mr. Mavroules, Mr. Nagle, Mr. Jontz, Mr. Espy, Mr. Carr, Mr. Johnson of South Dakota, Mr. Studds, Mr. Foglietta, Mr. Mineta, Mr. Vento, Ms. Kaptur, and Mr. Dellums.

H.R. 3881: Mr. Myers of Indiana, Mr. McEwen, Mr. Chapman, Mr. Buechner, Mrs. Martin of Illinois, Mr. Tauke, Mr. Rogers, Mr. Bunning, and Mr. Donald E. Lukens.

H.R. 3897: Mrs. Meyers of Kansas.

H.R. 3900: Mr. Fawell and Mr. Hyde.

H.R. 3907: Mr. Grandy, Mr. Combest, Mr. Davis of Michigan, Mr. Archer, Mr. Stangeland, Mr. Applegate, Mr. Hamilton, Mr. Akaka, Mr. Roe, Mr. Smith of Iowa, Mr. Coleman of Texas, Mr. Lagomarsino, Mr. Coelho, Mr. Fascell, Mr. Quillen, Mr. Cheney, Mr. Lujan, Mr. Lightfoot, Mr. Emerson, Mr. Inhofe, Mr. Houghton, Mr. Upton, and Mr. Gray of Illinois.

H.R. 3914: Mr. Fascell, Mr. Stratton, Ms. Kaptur, Mr. Biaggi, Mr. Blaz, and Mr. DeFazio.

H.R. 3944: Mr. Armey.

H.J. Res. 23: Mr. Baker, Mr. Coats, Mr. Lewis of California, and Mr. Barnard.

H.J. Res. 145: Mr. Petri.

H.J. Res. 271: Mr. Gejdenson.

H.J. Res. 293: Mr. McDade, Mr. Traficant, Mr. Schaefer, Mr. Saxton, Mr. Swindall, Mr. Weber, Mr. Stark, Mr. Fauntroy, Mr. Yatron, Mr. English, Mr. Owens of New York, Mr. Green, Mr. Weiss, and Mr. Markey.

H.J. Res. 386: Mr. Dymally, Mr. Hansen, Mr. Kemp, Mr. McEwen, Ms. Pelosi, Mr. Pepper, and Mr. Traficant.

H.J. Res. 388: Mr. Broomfield, Mr. Bruce, Mr. Coleman of Missouri, Mr. Early, Mr. Florio, Mr. Foley, Mrs. Johnson of Connecticut, Mr. Kolbe, Mr. Livingston, Mr. McMillen of Maryland, Ms. Pelosi, Mr. Pickle, Mr. Richardson, and Mr. Rowland of Connecticut.

H.J. Res. 418: Mr. Bilirakis, Mr. Kolter, Mr. Levin of Michigan, and Mr. McMillen of Maryland.

H.J. Res. 420: Mr. Hatcher, Mr. Jeffords, Mr. Swindall, Mr. Neal, Mr. Thomas of Georgia, Mr. Barnard, Mr. Brennan, Ms. Snowe, Mr. Wolf, Mr. Owens of New York, Mr. DioGuardi, Mr. de la Garza, Mr. Mrazek, Mr. Ackerman, and Mr. Ballenger.

H.J. Res. 429: Mr. Rodino, Mr. Brennan, Mrs. Morella, Mr. Bartlett, and Mr. Kolbe.

H.J. Res. 438: Mr. Hughes, Mr. Feighan, Mr. Buechner, and Mr. Kolbe.

H.J. Res. 447: Mr. DioGuardi, Mr. Ireland, Mr. DeWine, Mr. St Germain, Mr. Hefner, Mr. Atkins, Mr. Sunia, Mr. Markey, Mr. Feighan, Mr. Brown of California, Mr. Thomas A. Luken, Mr. Kildee, Mr. Stallings, Mr. Spence, Mr. Hayes of Illinois, Ms. Slaughter of New York, Mr. Emerson, Mr. Crockett, Mr. Price of Illinois, Mr. Gallo, Mr. Kolbe, Mr. Lewis of Florida, Mr. Hammerschmidt, Mr. Bosco, Mr. Moody, Mr. Pepper, Mr. Oberstar, Mr. Waxman, Mr. Rahall, Mr. Dyson, Mr. Hansen, Mr. Gray of Pennsylvania, Mr. Young of Florida, Mr. Skelton, Mr. Moorhead, Mr. Wylie, and Mr. Denny Smith.

H. Con Res. 229: Mr. Chandler.

H. Con Res. 240: Mr. Owens of Utah and Mr. Wolpe.

H. Res. 258: Mr. Gallegly, Mr. Weldon, Mr. Boulter, Mr. Kyl, Mr. Bunning, Mr. Ballenger, Mr. Henry, Mr. Gallo, Mr. Solomon, Mr. Oxley, Mr. Lagomarsino, Mr. Badham, Mr. Tauke, Mr. Dannemeyer, Mr. Swindall, Mr. Huckaby, Mr. Petri, Mr. Porter, and Mrs. Johnson of Connecticut.

PETITIONS, ETC.

Under clause 1 of rule XXII,

127. The SPEAKER presented a petition of the City Council, New York, NY, relative to the Immigration Reform and Control Act of 1986; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

U.S. INDUSTRY IN THE WORLD MARKETPLACE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. I would like to draw the attention of my colleagues to a fascinating article by Claudia H. Deutsch which appeared in last Sunday's New York Times on the recent progress of U.S. industry.

Although I do not necessarily agree with all of Ms. Deutsch's contentions, I nonetheless feel that her article provides an excellent and thorough analysis of American industry's struggle to regain its competitive edge in the world marketplace. As the November and December trade figures indicate, surging exports have been instrumental in the lowering of our massive trade deficit. Ms. Deutsch discusses several recent success stories among U.S. firms, but astutely points out that our battles are far from over. Much remains to be done by both the public and private sectors to insure that this progress will continue.

I am submitting this article for my colleagues' perusal. Although we can be proud of the recent efforts to improve the state of American industry, we cannot allow these successes to mask the difficult challenges which lie ahead.

[From the New York Times, Feb. 21, 1988]

U.S. INDUSTRY'S UNFINISHED STRUGGLE

(By Claudia H. Deutsch)

Throughout the country, corporate chiefs are sounding paeans to American industry's rebound from the competitive doldrums. In speeches, published papers and annual reports, they note now they have cut the fat out of management layers and divested business that did not fit in with overall corporate strategy.

They say they have attacked quality problems, both through re-educating workers and through technological developments like statistical process controls that alert workers if any machine is starting to produce faulty parts. And they usually end with a plea to Washington to do the rest of the job, through better monetary, trade and tax policies.

But are the executives resting on laurels they have not yet earned?

Many economists and academicans, along with a handful of prominent business leaders, say they are. These experts worry that quality problems are alleviated but not solved; that it still takes too long to get products from lab to market; that workers and management remain at odds in too many plants, and that American companies retain a provincial attitude toward world markets.

"We've come a third of the way to regaining competitiveness by slashing costs and improving productivity, but clearly, we have not done enough," said Jerry J. Jasinowski, senior vice president of the National Association of Manufacturers.

Andrew C. Sigler, chairman of Champion International Inc., is more blunt. "Cutting isn't the answer—that can be done by stupid arbitrary judgments," he said. "Competitive companies must understand how to motivate people to be productive, and that is hard as hell."

No one doubts that progress has been made. Inded, sales per employee, a key productivity measure, have skyrocketed at most companies. Factory productivity is rising in almost every industry. Exports are surging to the point where the trade deficit plunged 25 percent in November, and dropped again in December.

Manufacturing costs are down from 15 to 25 percent, and administrative costs have been cut even more. Numerous companies have installed just-in-time inventory control, a system in which suppliers deliver quality-guaranteed parts that are used immediately rather than placed in stock. The Hewlett-Packard Company, for one, has chopped $600 million a year from its inventory carrying costs through such a system.

Even the USX Corporation, a company frequently cited as an example of all that is wrong with American competitiveness, can point to impressive gains. David M. Roderick, its chief executive, said USX now makes a ton of steel in less than 4 man-hours, down from 10 a few years ago. In fact, USX's per-ton production costs are in line with those of the Japanese.

But much of the progress in the manufacturing sector may be illusory. Many gains in comparative cost that American companies have made against the Japanese can be traced to the rise of the yen and could be wiped out if the dollar rebounds. And many huge productivity improvements in steel and other basic industries were accomplished primarily by closing plants and winning union concessions. Such gains cannot be improved upon without more blood-letting and closed capacity.

"Yes, American industry has improved over the past four, five years, but so have our competitors," said Robert Anderson, the departing chief executive of the Rockwell International Corporation and a member of the 1983 Presidential Commission on Industrial Competitiveness. "The United States may have been 1 on a scale of 1 to 10. Well, now we're 5."

Indeed, business experts warn that American industry is not moving fast enough. Foreign companies are getting into new product areas all the time, leading to shakeouts in almost every market, at home and abroad. Increasingly, American companies must fight each other as well as foreign competitors for shares in markets they once had sewn up. Anyone who watched Xerox fall victim to the Japanese in copiers, or saw Pratt & Whitney lose its longstanding lead in aircraft engines to General Electric, would recognize that past rules of competition do not apply in the global business environment of the 1980's.

The vast improvements that many American companies have eked out on the factory floor have not always been replicated in non-production areas, like sales and administration. And they have certainly not been apparent in the service sector, which employs about 70 percent of American workers.

Indeed, maintaining—or, in some cases, regaining—supremacy in manufacturing industries remains vital for the American economy. Reliance on the fast-growing service sector could spell disaster. Low service productivity is an open invitation for future competition from overseas. And, in any event, manufacturing companies are the clients for better than 25 percent of services. "Idiot is not an out-of-line word for people who say a service economy is the way to go," said Mr. Roderick of USX.

All told, on a global basis, American productivity figures are not comforting. The years of stagnating productivity growth earlier this decade did not rob the United States of its leading position in world productivity. But now, although American productivity is again improving at a steady annual clip, other countries are catching up.

C. Jackson Grayson Jr., head of the American Productivity Center in Houston, predicts that, based on comparative growth rates between 1973 and 1986, Canada, France, Norway, West Germany, Belgium and Japan will eventually pass the United States in employee productivity.

"The U.S. is still the world leader, but you just can't assume that will last," he warned.

THE QUALITY RACE

Quality issues remain the sharpest thorn in American industry's side. For years, the Japanese—not to mention the Germans, the Koreans and a growing legion of others—have produced high-quality goods at market prices, and American companies are still scrambling to figure out how they do it.

The Xerox Corporation learned the hard way how quickly Japanese competition can turn market supremacy into market oblivion. Until the early 1970's, Xerox was the undisputed copier king. "We were fairly arrogant, until we realized the Japanese were selling quality products for what it cost us to make them," said Paul A. Allaire, Xerox's president.

Xerox has caught up, and its arrogance is long gone. Instead, the company is one of the biggest advice-askers around. Its executives have talked to Japanese companies about design and manufacturing processes, to business professors about organizational structure, to other American companies about quality programs and distribution methods. And it has installed what Mr. Allaire calls a total quality process, a system that involves formally identifying service or quality problems and forming teams to solve them.

It is the companies that have made the greatest quality strides that keep looking for better ways to do things. "We've sent people around the world, looking for best practices," said John A. Young, chief executive of Hewlett-Packard, which does "total quality control" analyses of every department, including sales and administration. "There is a quality network out there," he said. "Xerox, Ford, H-P, we all have ideas going back and forth."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Such companies remain the exception. Far more still try to make do with a quick fix. Some have tried worker-involvement programs, which failed when they refused to give workers the power to implement their ideas. Others have beefed up inspection programs for parts and finished products only to find the cost of fixing defective products—rather than making sure they are made correctly in the first place—can run as high as 25 percent of operating budgets and wreak havoc with delivery schedules.

Even companies with excellent records of producing high-quality products run into problems when they ignore the quality of their marketing, product design or service operations.

I.B.M., for example, has occasionally made that mistake. By not paying serious attention to customers' frustration with the incompatibility of many I.B.M. machines, it opened doors for the Digital Equipment Corporation and other companies that had pumped research dollars into developing networks that would solve the incompatibility problems.

"In the past, you could enter markets at your own pace," said E. Kirby Warren, vice dean at the Columbia Business School. "Today, you have to learn what customers want, make it and sell it, or someone else will."

WHERE TO BE

That means operating as close to the market as possible. For that reason, the delight that many economists and business executives are manifesting at the rising export figures may be misplaced. While exports help the skewed trade balance, many business experts believe that for American companies to thoroughly penetrate overseas markets, they must produce in those markets.

"A manufacturing plant is seen as a commitment by foreign customers and governments that we will be there for a long time," said Winston R. Hindle Jr., senior vice president, corporate operations, for Digital Equipment. "A sales and service office is not the same."

Foreign companies, particularly Japanese ones, often develop relationships with suppliers that they carry through to their own overseas plants as they expand globally, said Glen H. Hinor, senior vice president of G.E. Plastics, which is beefing up its Japanese production. "We want them to be used to working with us," he said.

Producing offshore also enables companies to take advantage of currency fluctuations. The Dow Chemical Company, for one, has duplicate facilities in several countries and fills orders from whichever location looks as though it will have the lowest costs at shipment time.

Lastly, producing offshore is still the best way to get to know other cultures and markets. The annals are rife with stories of companies that tried to export full-sized refrigerators to countries notable for tiny kitchens, or dolls with blond hair and blue eyes to countries in Asia and Africa.

"Too often, we view foreign markets as dumping ground for our surplus products," said Philip Cotler, a marketing professor at Northwestern University's Kellogg School of Management. "That runs counter to the notion of finding needs abroad and servicing them."

To really spot such needs—to become market driven, in management jargon—requires a new attitude toward product design. G.E. Plastics is working with aircraft companies to develop materials to solve toxic-fume problems. And Rockwell and TRW Inc. are tailoring their automotive parts for different markets. "Every country's automobile industry has its own idiosyncrasies," said Jerry K. Myers, executive vice president and general manager of TRW's automotive sector.

In fact, some say that it is the lack of such flexibility that has most hurt the American steel industry. "It didn't develop new uses for steel when plastics, aluminum and cement knocked it off in automotive and construction," said Charles Bradford, a steel analyst at Merrill Lynch Research. Mr. Roderick of USX accurately notes that the Japanese and Europeans have also not developed new markets for steel. But as low-cost producers, they never had to.

Many business experts say that if a company can truly maintain its position as lowest-cost producer, it can get away with a lackluster track record or product introductions. "A company that is putting all of its resources into products will look good in the short run, but the key is still its manufacturing processes," said Robert H. Hayes, management professor at the Harvard Business School.

Mr. Anderson of Rockwell agrees. Over the last three years, Rockwell's capital expenditures have exceeded $1.5 billion, close to 70 percent for high-tech production processes like computer-integrated manufacturing. The company has developed a reputation for quality even in Japan, where its moderns dominate the market and are accepted by Japanese computer companies without inspection. "If you don't have the latest in equipment it is impossible to get the productivity you need," Mr. Anderson said.

WALL STREET'S ROLE

Sometimes, though, chief executives use Wall Street as the whipping boy for their unwillingness to make expensive investments that do not show immediate bottom-line results. They complain that corporate raiders, frightened boards and investors clamoring for immediate paybacks represent home-grown obstacles as formidable as any provided by foreign competitors.

Too many executives are squandering corporate resources to alleviate the pressure from investors, business experts warn. "Far too much of our capital is going into stock buy-backs or defensive moves against raiders," said Patrick Choate, an economist who is TRW's director of policy analysis. "The pressures for quick results and quarterly earnings make it difficult for executives to put money into long-term strategies."

Indeed, many experts say that Richard J. Ferris, the former chief executive of the Allegis Corporation, had the right idea when he tried to establish a global, computer-linked transportation and lodging network around Allegis' United Airlines unit. Whether his vision was right will remain moot—the company's board ousted him and sold Allegis' rental car and hotel businesses at enormous short-term gain.

Other boards were forced by outside pressures to back away from long-term plans. The Goodyear Tire and Rubber Company's strategy of cutting back its dependence on tires and investing in productivity tools was neatly derailed in 1986 when investors, angered at the lack of short-term profits, sold the stock, providing a golden opportunity for Sir James Goldsmith to begin a takeover attack. The board sold chunks of the company and mortgaged other parts to maintain Goodyear's independence.

There are success stories, of course—tales of companies that, with full board and shareholder backing, have honed their production and marketing skills, motivated their people and done just fine.

Rubbermaid Inc. has put about 9 percent of revenues into new plants and modernization every year this decade. In 1980 it had six manufacturing locations; today it has 25. The company, based in Wooster, Ohio, has introduced more than 700 products in the last five years. Its productivity, measured in units produced per employee, has increased by 50 percent since 1980, and its profits have quadrupled on tripled sales.

But in many ways, Rubbermaid had it easy. Inexpensive household products, Rubbermaid's mainstay lines, do not face much competition from imports. No raider has made a run at the company. It has always had a reputation for quality. And it never went through the kind of hap-hazard diversification and expansion that characterized many companies in the 60's and 70's.

Caterpillar Inc., in contrast, has been through a ghastly few years. The company took losses of $1 billion in a three-year price war with Japanese construction equipment manufacturers. Improving productivity was a matter of survival.

Caterpillar has discovered how counterproductive many traditional ways of operating really are. Its plant layouts were such that a transmission, say, could travel as much as 10 miles as it moved to different assembly operations. And the process of tracking that part through the company's labyrinthine plants could generate as many as 1,000 pieces of paper.

Now Caterpillar, thanks partly to the dollar's decline, has moved into the black with its market share intact. It is now injecting a great deal of capital into a program called Plant With a Future, which combines extensive computerization with a new production setup in which "cells" of workers make a part from start to finish. Gilbert Nolde, a company spokesman, predicted that by the 1990's Caterpillar will be down to an average of 10 pieces of paper and 200 feet of travel for each part.

While Caterpillar reorganizes its work floor, other companies are redrawing their organizational charts.

Most companies are still looking for the most workable mix of centralized and decentralized operations. The Eastman Kodak Company has reorganized into 24 business units, each with profit-and-loss responsibility, to speed up commercialization of new products. I.B.M. recently decentralized in a similar manner, distributing its many products among five self-contained businesses and giving the business heads bottom-line responsibility.

G.E. Plastics, in contrast, has abandoned the profit center concept in its United States operations in favor of a centralized marketing and sales organization. "Too many of my products seemed to be competing with each other," said Mr. Hiner.

Digital Equipment used to view each product line as a separate business, responsible for its own worldwide marketing. The result was that "the U.S.-based managers would push the wrong products in the wrong countries," Mr. Hindle said. Now the company gives executives in each country responsibility for selling all products in their geographic areas. Its Japanese managers, for example, recognized that while the Japanese had ample access to excellent computers, there was a need for good software, so that is what they are emphasizing in Japan.

A NEW BREED

Many companies are looking for a new breed of manager who can help to coordinate product design and manufacturing. "Few of our clients are willing to settle for old-line manufacturing people who can just talk the language of the production floor," said Lynn Tendler Bignell, a principal of the New York recruiters Gilbert-Tweed Associates. "They want someone who understands the business implications of filing an order, who can communicate with design, with finance, with all the functions."

Already, several companies—including Xerox, Ford, Kodak and Hewlett-Packard—form teams of people from production, engineering, marketing and design at the point that a product is conceived, and keep them together until the product hits the market. In some cases, they have moved engineers and designers to the factory floor. The result, they report, is fewer quality problems, and a speeded-up timetable for getting products to market.

In part to foster a team approach, many companies are also adopting a small-is-better philosophy of expansion. All new facilities at G.E. Aircraft Engineers are small satellite plants. "We believe that if you limit a plant to 600 to 1,500 people, the management is closer to workers," said Brian H. Rowe, senior vice president.

That is a crucial theme. Business experts insist that more important than new computers, modern plants or anything else that money can buy are systems that get management and labor on the same side. They cite as proof how much better Ford Motor, which has brought its workers into every step of its operations, is doing than General Motors, for all that company's investment is super-modern equipment.

Companies that have delegated authority down the line report excellent results. Mr. Sigler says that at two of Champion's smoothest-running plants, workers—called members—belong to teams that do their own hiring and firing. TRW's Mr. Meyers has given small groups of employees at a few plants responsibility for maintaining their equipment and interacting with customers, and he says the increase in productivity and quality is "tremendous." Other companies saw quality and productivity shoot up after they scheduled daily plant-wide meetings to discuss anything that went awry the prior day.

But that sort of approach is not pervasive in American industry. L. Joseph Thomas, a professor at Cornell University's Johnson Graduate School of Management, visited a Japanese electronics company at which an employee who had made 220 unsolicited suggestions in five years was given an award. "In most U.S. companies," he said, "such a person would be viewed as a pain in the neck."

Clearly, a lot more has to be done—a fact that executives are starting to come to grips with.

As Mr. Roderick of USX put it: "I don't hear anybody saying we got it all done, put the shovels away and let's go drink beer."

SOLVENCY OF HMO'S THREATENS BENEFITS OF ELDERLY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, I would like to draw the attention of my colleagues to a recent, insightful article in the New York Times concerning health maintenance organizations, or HMO's.

The author, Milt Freudenheim, describes difficulties HMO's are having remaining solvent while enrolling thousands of Medicare patients.

Last October, in New Jersey, nearly 11,000 elderly New Jersey subscribers for Medicare were dropped when U.S. Healthcare, an HMO, decided that it would stop treating Medicare patients on January 1, 1988.

Mr. Freudenheim's article offers a broad-ranging perspective indicating that the woes of Medicare patients seeking HMO treatment are far from over.

Mr. Speaker, the article follows.

[From the New York Times, Jan. 26, 1988]

HMO TROUBLES WITH MEDICARE

(By Milt Freudenheim)

The Reagan Administration's program to persuade elderly Americans to join prepaid health plans is gaining momentum, but nearly 20 percent of the health maintenance organizations, or H.M.O.'s that signed up for the program have dropped out, displacing 80,000 people.

Medicare officials said 270,000 elderly people joined prepaid health plans last year, pushing the total enrolled to more than a million. Most of the members of those health maintenance organizations that gave up on the Medicare program have transferred to other prepaid plans.

A number of the 133 H.M.O.'s still in the program have lost money on Medicare patients, and many such groups are cautious about seeking the business. In addition, the H.M.O.'s will be operating under new requirements imposed by Congress.

In December, as part of the budget reconciliation bill, Congress said that if the prepaid plans decide to terminate services, they must see to it that their members have equivalent health insurance for six months, so that members can arrange for and maintain some of the extra coverage they get under the H.M.O. program.

Advocates for the elderly have also complained that some H.M.O.'s have raised their monthly fees for Medicare members. And members of Congress have criticized the quality of care that some patients have received.

In other provisions of the budget reconciliation act, Congress set up a system to check on the quality of care, and it ordered a study by the Government Accounting Office on the fairness of the Medicare payment system to H.M.O.'s.

"H.M.O.'s have to be assured that they are not going to be in the charity business," said Patricia G. Billings, legislative director of the Group Health Association of America, a trade group. The association successfully lobbied for a 13.5 percent average increase in the premiums that Medicare pays to medical plans. The premiums are based on 95 percent of the average amount that Medicare spends on people who pay doctors and hospitals in the same county on the traditional fee-for-service basis. With sharply rising doctor and hospital charges, this base has also been increasing.

Twenty-nine of the 159 prepaid plans that contracted to serve Medicare patients withdrew from the program last year, according to Kevin E. Moley, director of the Federal Office of Prepaid Health Care.

Half of the H.M.O.'s that gave up Medicare were small ventures with fewer than 1,500 people enrolled, he said. Several were in rural areas, where costs of care were relatively high and Medicare premiums were lower than in the cities.

"The business is based on economies of scale," Mr. Moley said. More than 500,000 people, over half the national enrollment, are served by 10 large H.M.O. companies.

The vast majority of the 30 million elderly and disabled Americans eligible for Federal Medicare insurance are covered on the traditional fee-for-service basis.

One of the biggest health maintenance organizations, the United Healthcare Corporation, said it had done well while providing for its 150,000 Medicare enrollees. "We've been able to make a profit at it," said Kenneth L. Simmons, vice chairman and chief operating officer of United Healthcare, in Minnetonka, Minn. Bob Ditmore, president of United said the company had learned from seven years of experience with Medicare patients.

In the early days, elderly Medicare patients spent 11 to 12 days in the hospital, he said. By making arrangements to help them convalesced at home, he added, the average hospital stay has been reduced to 6.5 days—although still almost twice the 3.5 to 4 days in the hospital for patients under 65 years of age.

In another example of watching costs, he said that United makes sure that as soon as possible after a hip replacement operation, the patient is moved out of an $800-a-day hospital room to a rehabilitation center in a nursing home that charges $100 to $150 a day.

Mr. Ditmore said the system worked best in health maintenance organizations with their own staff physicians, who know the system and support it. He noted that in one of United's groups, which contracts with independent physicians to care for Medicare patients, costs were higher. "So we had to raise our premiums," he said.

Nationally, the average monthly charge to Medicare members of H.M.O.'s is $36 to $37, a 30 percent increase from $27.66 last year, according to Mr. Moley of the Office of Prepaid Health Care.

But the higher charges are still lower than the premiums for many private supplementary insurance policies bought by Medicare-eligible people, he said. And the health maintenance organizations often provide such extras as payment for prescription drugs and unlimited hospital stays.

The American Association of Retired Persons, an advocacy group with 26 million members, is concerned about the rise in fees. "We want to know if the increased charges are creating barriers to care for people who might not be able to afford them," said Stephanie Kennan, a legislative representative for A.A.R.P. "We need more data," she added. "We want to know if the increases are a trend or just a blip."

REAUTHORIZATION OF THE SIKES ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased today to join with my colleague, Congressman STUDDS, on the introduction of legislation reauthorizing the Sikes Act. This Act enacted by Congress in 1960 provides a mechanism for cooperative fish and wildlife management on military lands as well as other public lands. For military installations, the Secretary of Defense is authorized to enter into cooperative plans with the Secretary of the Interior and the appropriate State fish and game agency to develop and implement fish and wildlife conservation activities on military lands. To date, over 19 million acres have been included under these cooperative plans. The Sikes Act also provides for comparable cooperative planning activities on lands under the jurisdiction of the Departments of Agriculture and the Interior.

The Sikes Act has been carefully reviewed by the Merchant Marine and Fisheries Committee and during the last Congress amendments were added to strengthen the planning process providing for sustained multipurpose uses and public access. The amendment also ensured that the management of fish and wildlife on each military reservation would be done by trained professionals in the field.

The introduced bill keeps the current annual authorization levels of $1.5 million and $3 million for the Secretaries of Defense and Interior, respectively, through fiscal year 1993. It also extends the current annual authorization of $10 million and $12 million for the Secretaries of Interior and Agriculture, respectively, through fiscal year 1993.

During several hearings by the Merchant Marine and Fisheries Committee during the 99th Congress, it became evident to me that the quality of fish and wildlife conservation activities varies from base to base. At some installations cooperation between the State and the Fish and Wildlife Service and the Department of Defense was outstanding, while at other facilities fish and wildlife conservation activities received little emphasis. I am hopeful that the amendments which were adopted during last Congress have brought improvements to the facilities where fish and wildlife conservation activities had received little emphasis. I am certain that the hearings we will soon begin on this legislation will address this concern.

RATHER AGENDA? DESTROY GEORGE BUSH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SOLOMON. Mr. Speaker, Dan Rather of CBS has lost even the tiny figleaf of objectivity he thinks can cover his bias and arrogance. The national media, especially the three networks, have become a fourth branch of the Government, with unchallenged power to shape the national debate and control what we read, see, hear, and think.

And lately, Dan Rather has gone public with his own agenda: Destroy George Bush. I know what really bothers Dan Rather. Four years of George Bush would be a lot like 4 more years of Ronald Reagan, for liberals like Rather the worst of nightmares.

First, Rather lured Bush into an interview billed as a "profile" of Presidential candidates. Then, he preceded the interview with a poorly disguised attack on the Vice President's Iran-Contra role, a slanted filmclip of innuendos that could have been scripted by Al Haig. Then, from the heights of Mt. Olympus, this objective reporter announced that the administration "embarrassed" us with its Iran-Contra policy, as if the rest of the world shared the selective indignation and knee-jerk anti-Reaganism of Dan Rather.

Even CBS media critic Ron Powers had to admit that Rather had "lost control of a legitimate line between interview and inquistion." But that wasn't the end of it.

The unrepentant Rather could hardly contain himself after Bush finished third in the Iowa Republican Caucus. He fantasized that the finish was a "humiliation" for a "now-desperate Bush." One week later the voters of New Hampshire proved that Dan Rather speaks for no one but himself.

IMPROVING MEDICAL REHABILITATION RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to establish within the National Institutes of Health and National Center for Medical Rehabilitation Research to conduct research on the causes, natural history, diagnosis, and treatment of physical disability resulting from diseases and disorders, such as arthritis, head injury, spinal cord injury, stroke, multiple sclerosis, burns, and muscular dystrophy.

Every year, 10,000 to 12,000 Americans are disabled by traumatic injuries to the spinal cord, usually males in the prime of life, under 30 years old. Every year, 31 million people are stricken with arthritis; 400,000 people have strokes. There are 151,000 cases of multiple sclerosis and 200,000 of muscular dystrophy. Over 1 million people have a severe head injury; 70,000 of these are permanently disabled.

But, in truth, everyone is at risk. Physical impairment can happen at any age, from infancy to old age. We all drive and ride in motor vehicles daily—50 percent of spinal cord injuries result from auto accidents. Every day, people dive into swimming pools, slip in the bathtub, trip and fall downstairs, and are the victims of assault, all of which can result in injury. Restoring bodily function should be a major medical research priority to help disabled people lead productive lives.

The center that this bill establishes would enhance the development of medical rehabilitation research in a number of ways. It would facilitate the interaction of basic and clinical science in medical rehabilitation by encouraging coordination of all programs among all Federal agencies. By creating an advisory council which includes representatives of various Federal agencies and by requiring a comprehensive medical rehabilitation research plan to identify priorities, the bill would enhance existing Federal efforts and create a focal point for NIH research in medical rehabilitation. Finally, a national center could heighten visibility of this field of medicine and bring more attention and resources to the field.

Medical rehabilitation research is currently conducted by several NIH Institutes, by the Department of Education's National Institute of Disability and Rehabilitation Research, by the Department of Defense, and the Veterans' Administration. This bill does not transfer any of those programs to the new center. But it does require an advisory council of representatives of the various Federal agencies and private individuals to advise the Director of NIH on a comprehensive plan for conducting medical rehabilitation research. The bill also authorizes the Secretary of Health and Human Services to develop cooperative agreements with other agencies conducting medical rehabilitation research. It is my hope and intent that these measures would enhance coordination of programs Government-wide and prevent duplication of effort with previous Federal dollars. The bill attempts to confine medical rehabilitation research to disability resulting from diseases or disorders of the neurologic, musculoskeletal, cardiovascular, and pulmonary systems. The bill is not intended to address rehabilitation research on vision or hearing disabilities, mental retardation or mental illness. The focus is intended to be on physical disability, not sensory.

This bill is supported by the American Academy of Physical Medicine and Rehabilitation, the American Congress of Rehabilitation Medicine, the Association of Academic Physiatrists, and the Arthritis Foundation.

I am introducing this bill as a discussion vehicle to be considered during the NIH reauthorization hearings of the Subcommittee on Health and the Environment. I look forward to hearing suggestions for improvement and the views of many individuals and groups involved in this area. I hope my colleagues can support this effort to strengthen medical research in rehabilitation.

The text of the bill follows:

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Rehabilitation Research Act of 1988".

SEC. 2. ESTABLISHMENT OF NATIONAL CENTER FOR MEDICAL REHABILITATION RESEARCH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(E) The National Center for Medical Rehabilitation Research."; and

(2) in Part E, by adding at the end the following new subpart:

"Subpart 4—National Center for Medical Rehabilitation Research

"PURPOSE OF THE CENTER

"SEC. 486A. The general purpose of the National Center for Medical Rehabilitation Research (hereafter in this subpart referred to as the 'Center') is the conduct and support of research and research training, the dissemination of health information, and other programs with respect to the rehabilitation of individuals with physical disabilities resulting from diseases or disorders of the neurological, musculoskeletal, or cardiovascular system (hereafter in this subpart referred to as 'medical rehabilitation').

"APPOINTMENT OF THE DIRECTOR

"SEC. 486B. The Director of the Center shall be appointed by the Director of NIH and shall report directly to the Director of NIH.

"SPECIFIC AUTHORITIES

"SEC. 486C. In carrying out the purpose described in section 486A, the Director of the Center may—

"(1) make grants and enter into cooperative agreements and contracts;

"(2) provide for clinical trials with respect to medical rehabilitation;

"(3) provide for research with respect to model systems of medical rehabilitation;

"(4) coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities;

"(5) support multidisciplinary medical rehabilitation research conducted or supported by more than one such agency;

"(6) with the approval of the Director of NIH and the advisory council established under section 465F, appoint technical and scientific peer review groups in addition to any such groups appointed under section 402(b)(6); and

"(7) support medical rehabilitation research and training centers.

"RESEARCH PLAN

"SEC. 486D. After consultation with the Director of the Center, the advisory council established under section 486F, and the coordinating committee established under section 486E, the Director of NIH shall develop a comprehensive plan for the conduct and support of medical rehabilitation research. The plan shall identify priorities with respect to such research and shall provide for the coordination of such research conducted or supported by the agencies of the National Institutes of Health. The Director of NIH shall annually review the plan and shall (after consultation the Director of the Center and with such advisory council and such coordinating committee) revise the plan as appropriate.

"COORDINATING COMMITTEE

"SEC. 486E. The Director of NIH shall establish a committee to be known as the Medical Rehabilitation Coordinating Committee (hereafter in this subpart referred to as the 'Coordinating Committee'). The Coordinating Committee shall be composed of the directors of the National Institute on Aging, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute of Child Health and Human Development, the National Institute of Neurological and Communicative Disorders and Stroke, and such other national research institutes as the Director of NIH determines to be appropriate. The Coordinating Committee shall make recommendations to the Director of NIH and the Director of the Center with respect to the content of the plan required in section 486D and with respect to the activities of the Center that are carried out in conjunction with other agencies of the National Institutes of Health.

"ADVISORY COUNCIL

"SEC. 486F. (a) The Director of NIH shall establish a council to be known as the Medical Rehabilitation Advisory Council (hereafter in this section referred to as the 'Advisory Council'). The Advisory Council shall advise, assist, consult with, and make recommendations to the Director of NIH and the Director of the Center on matters relating to the activities carried out by and through the Center and the policies respecting such activities, including recommendations with respect to the plan required in section 486D.

"(b)(1) The Director of NIH shall appoint to the Advisory Council 18 appropriately qualified representatives of the public who are not officers or employees of the Federal Government. Of such members, 12 shall be representatives of health and scientific disciplines with respect to medical rehabilitation and 6 shall be individuals representing the interests of individuals undergoing, or in need of, medical rehabilitation.

"The following officials shall serve as ex officio members of the Advisory Council:

"(A) The Director of NIH.

"(B) The Director of the Center.

"(C) The Director of the National Institute on Aging.

"(D) The Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases.

"(E) The Director of the National Institute of Child Health and Human Development.

"(F) The Director of the National Institute of Neurological and Communicative Disorders and Stroke.

"(G) The Assistant Secretary for Special Education and Rehabilitative Services.

"(H) The Assistant Secretary of Defense (Health Affairs).

"(I) The Chief Medical Director of the Veterans' Administration.

"(c) The Director of NIH shall designate a chairperson from among the members of the Advisory Council.

"(d) Except as inconsistent with, or inapplicable to, this section, the provisions of section 406 shall apply to the advisory council established under this section in the same manner as such provisions apply to any advisory council established under section 406.

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 486G. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1989 through 1991.".

SEC. 3. REQUIREMENT OF CERTAIN AGREEMENTS FOR PREVENTING DUPLICATIVE PROGRAMS OF MEDICAL REHABILITATION RESEARCH.

(a) IN GENERAL.—The Secretary of Health and Human Services and the heads of other Federal agencies shall—

(1) jointly review the programs being carried out (or proposed to be carried out) by each such official with respect to medical rehabilitation research; and

(2) as appropriate, enter into agreements for preventing duplication among such programs.

(b) TIME FOR COMPLETION.—Not later than one year after the effective date of this Act, the agreements required in subsection (a)(2) shall be made and a copy of each such agreement shall be submitted to the Congress.

(c) DEFINITION OF MEDICAL REHABILITATION.—For purposes of this section, the term "medical rehabilitation" means the rehabilitation of individuals with physical disabilities resulting from diseases or disorders of the neurological, musculoskeletal, cardiovascular or pulmonary system.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect October 1, 1988, or upon the date of the enactment of this Act, whichever occurs later.

TRIBUTE TO LT. ANTHONY DECARBO

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KOLTER. Mr. Speaker, it is with exceptional pride and privilege that I rise today in honor of a most distinguished constituent, Lt. Anthony DeCarbo, of the Ellwood City, PA, police force. Lieutenant DeCarbo is retiring from the force after a 30-year career. He has served on a variety of positions on the police force and has, over the past 4 years, been its chief of operations. A commendation for service beyond and above the call of duty, awarded by the Fraternal Order of Police in 1977, is but one example of his outstanding record as a public servant.

Despite the continuing demands of his profession, Lieutenant DeCarbo found the time to obtain a degree in criminology and was nominated as a member of "Who's Who in American Junior Colleges" while a student at the Community College of Beaver County. It is evident that Lieutenant DeCarbo has demonstrated a commitment to public service which is truly exemplary. I wish him, as well as his family, the best of success in his life after retirement. Whatever endeavors Lieutenant DeCarbo now attempts will certainly be undertaken with the same measure of excellence he demonstrated while a police officer in Ellwood City.

COMMEMORATING GEORGE FRANKLIN FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to pay respectful tribute to an outstanding Nevada civic leader and political participant, George Franklin. As with many times before, George again is engaged in battle. Unlike his previous opponents, however, the challenger he now faces will not debate points of law nor the role and means of government. This challenger is terminal illness.

Born in 1916 in Jarbidge, NV, George is a Nevada son. He graduated from Reno High

School and attended the University of Nevada, Reno. He moved to Las Vegas in 1940.

A self-taught attorney, George served his country honorably as a pilot in World War II. Upon his return, he began to compile a record of public service and political participation which no Nevadan will again render. He has served as north Las Vegas city attorney, chairman of the Clark County Board of Commissioners, State assemblyman, Las Vegas city commissioner and legal counsel to the city of Boulder City. I had the honor to serve as one of his deputies while he served as Clark County district attorney.

Yet as impressive as this record of service is, George sought to serve the public interest in still other capacities. George, often facing unsurmountable odds, would battle for elective office that conventional wisdom would dictate beyond reach. More often than not, George was met without electoral victory. Lesser men may have walked away. Yet, armed with tenacity and determination commensurate with all too few who seek such positions, George would press forward, believing dynamic involvement and citizen participation to be the key to a successful democracy. It is in this posture that most Nevadans see him and value his efforts. It is in these efforts that he indeed won the greater victory.

Today, George faces cancer. In this, his last and greatest battle, the prayers of my family are with him in the hope that God in His wisdom will grant to George serenity and contentment in knowing he has fought the good fight.

Those forces which provide the direction of time and shape the fortunes and destinies of those who pass through this world now spirit George upon his final journey.

For this much and no less will he be remembered: Resolute in the knowledge of the value of his convictions; dutiful in the answer of his charge.

A TRIBUTE TO BRIAN CONRAD, FINALIST IN THE WESTINGHOUSE SCIENCE TALENT SEARCH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to a young man in my district. His name is Brian Conrad, and he was recently chosen as a finalist in the Westinghouse Science Talent Search. Brian exemplifies the finest qualities in today's youth.

The Science Talent Search is a competition in which high school students from across the Nation submit experiments to be judged. Three hundred students from this group achieved honors, and from this select group 40 students were chosen to visit Washington, DC, and compete for $140,000 in awards and scholarships. Brian is a member of this very special group of 40. Brian's experiment dealt with Inverted Continued Fractions. He devised a numerical system wherein every real number can be expressed as an inverted fraction. Brian is valedictorian of his class at Centereach High School. He has received awards for achievements in physics, biology, Latin, English, social studies, in addition to math awards.

As an engineer, I share Brian's enthusiasm about math. There is a symmetry in math which is lacking in most disciplines. Math and science are very important and I hope Brian continues to contribute his skills and talents in such an auspicious manner.

Mr. Speaker, I ask my colleagues to join with me in offering congratulations to this remarkable young man. I am confident his career will be very rewarding.

A CONGRESSIONAL SALUTE TO CHARLES A. GANGLOFF

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a notable citizen in my district, Mr. Charles A. Gangloff. Mr. Gangloff will be honored on Friday, February 26, 1988, by the California Pools for the Handicapped at their 25th annual Golden Crutch Ball. This occasion gives me the opportunity to express my appreciation for his work on behalf of the Long Beach community.

Charles is a learned and accomplished man. He obtained a Bachelor of Science degree from the U.S. Naval Academy, an MBA from Harvard University, and J.D. and Doctor of Law degrees from Pacific Coast University School of Law. He is a veteran of World War II and the Korean war, and a retired commander of the U.S. Naval Reserve. He has had a distinguished career as a manager, a public defender, a private attorney and a professor of law.

Despite this demanding career, Charles has found the time to contribute many hours to charity. He has been the president of the board of directors of the California Pool for the Handicapped for 21 years, and the director and legal counsel for that organization for 23 years. In addition, Charles is an honorary member of the Long Beach Police Officers Association, its legal advisor, and is the founder of both the Long Beach Police Officers Widows and Orphans Trust Fund, and the Long Beach Police and Firefighters Memorial Trust. He is also on the board of directors and is legal counsel for the Long Beach Police K-9 Officers Association.

My wife, Lee, joins me in extending our congratulations to Charles Gangloff today. Charles is a truly remarkable individual. He is a man who has devoted his talents and energies to enriching the lives of other people. On behalf of the city of Long Beach, we wish Charles, his wife, Joanne, and his children, Charles, Jayne, and Janet, all the best in the years to come.

COMMODITIES EXCHANGE CENTER CHILDREN'S FUND

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WEISS. Mr. Speaker, I would like to take this opportunity to commend the Commodities Exchange Center [CEC] for providing help to needy and troubled children in New York City and throughout the world. Through the CEC Children's Fund, contributions go to help those members of our society who are among the most vulnerable and least able to care for themselves. Aware as we all are of the many negative stories regarding Wall Street, it is heartening to know that there are also some good stories to tell.

Since its inception in 1980, the CEC Children's Fund has raised more than $2.8 million to help young people in need. The CEC consists of the New York Cotton Exchange; the Coffee, Sugar and Cocoa Exchange; the New York Mercantile Exchange; and the Commodity Exchange, Inc. It is located at the World Trade Center in New York's 17th Congressional District, which I am honored to represent. This year, through its voluntary efforts, CEC Children's Fund raised $600,000 benefiting 37 organizations.

Through Covenant House, for example, runaway children are offered food, clothing, shelter, counseling and medical attention in New York, Central America, Toronto, Fort Lauderdale, Houston, and New Orleans. Another beneficiary of the CEC Children's Fund, Agudath Israel of America, provides tutoring, school placement service, emergency food and shelter, after-school youth groups and scholarship programs for underprivileged youth.

Throughout the year many organizations like the two mentioned above, help children get a new start on life. They are assisted in their efforts by the good will and strong commitment of the members of the Commodities Exchange Center who share some of their good fortune with the children of the world through the Children's Fund. I am pleased to call the attention of my colleagues to this outstanding endeavor.

STATES TAKE LEAD TO PROTECT CONSUMERS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, the States are increasingly taking the lead to protect consumers. Unfortunately, over the last several years, the Federal Government has been actively withdrawing from consumer protection. As a result of the failures of the Federal Government and Federal agencies such as the Federal Trade Commission and the Consumer Product Safety Commission, States have stepped in. While I am pleased at the willingness of States to protect consumers, it is unfortunate that the Federal Government is not doing its job.

What follows is a recent article from the New York Times describing the State role:

[From the New York Times, Feb. 8, 1988]

STATES ARE TAKING LEAD IN PROTECTING CONSUMERS

(By Michael deCourcy Hinds)

State attorneys general, working collectively on consumer issues ignored by Federal agencies, say they are emerging as an alternative national enforcement agency in an era of deregulation.

In the past, the attorneys general acted as the chief law-enforcement officers for the laws governing their own states, leaving interstate matters largely to the Federal agencies.

Now, under the auspices of their professional association, the National Association of Attorneys General, the state officials enforce their own guidelines for bringing antitrust cases against companies that engage in price-fixing.

Last month, the association issued guidelines for policing airline advertising and, later this year, the association says it expects to issue guidelines on rental car advertising and insurance practices. Not long ago, all these were the sole domain of Federal authorities.

CROSSING PARTY LINES

"I'm not sure why the Federal Government is not doing so much now for consumers, but the Administration keeps talking about Federalism and maybe they mean that the states have to take on more responsibility to protect consumers," Robert T. Stephan, the Kansas Attorney General and a former president of the association said in an interview. "I consider myself a diehard Reaganite, but one of the real strengths of our association is that party lines don't mean anything in this area. We're dealing with legal issues and consumer matters."

Daniel Oliver, chairman of the Federal Trade Commission, denied that the Administration was ignoring important consumer issues and said the attorneys general were exceeding their authority.

"The attorneys general are not elected by the people of the United States to make laws for all of the people," he said. "They were elected to enforce laws of their own states. Obviously, deregulation gives the opportunity for the most restrictive of attorneys general to bring cases that will have national effect, and that's not what the American consumer needs."

Constitutional law, however, has provided many precedents for state officials to pick up any perceived slack in Federal law enforcement, according to Laurence H. Tribe, Tyler Professor of Constitutional Law at Harvard Law School.

"In one area after another, the Supreme Court of the United States has remanded the matter of pre-emption to Congress—saying that if a patchwork quilt of state law enforcement creates problems, Congress has the right to eliminate conflicting state laws," he said. "But when Congress or Federal regulatory agencies don't go into one area or another, it is perfectly correct for the states' attorneys general to cover the terrain."

Such was apparently the case last year, when consumers were frustrated by constant airline delays and by their inability to buy tickets at the bargain fares advertised. The United States Transportation Department responded by creating a system that holds airlines more accountable for delays. But no Federal agency found fault with airline advertising.

As a result, attorneys general from New York, Texas, California, Missouri, Kansas, Minnesota, Wisconsin and Illinois formed a study group to investigate consumer complaints about the scarcity of bargain fares. The group reported last fall that airline advertising was deceptive and amounted to a bait-and-switch practice. In mid-January, the association issued 60 pages of "enforcement guidelines," which specify how advertising must conspicuously disclose conditions and limitations on fares in order to comply with state laws.

THREAT TO COMPETITION SEEN

In letters to the associations, officials of Federal regulatory agencies argued that restrictions on price advertising could dampen competition and that only the Federal Government could regulate airlines.

The industry, caught in the middle of the turf battle, has generally complied with the new rules.

Attorneys general, who rarely acted collectively on consumer issues before deregulation, now consider the joint efforts to be their most effective tool in consumer protection, according to Elena S. Boisvert, the association's coordinator of multistate programs. "In dealing with issues that transcend state borders, it's stupid not to deal with the problems nationally," she said.

"The association is coming of age," said Robert Abrams, the New York Attorney General, who is president-elect of the 80-year-old association. "There has been a big turnover of attorneys general in the last 10 years and the new ones are younger and more aggressive, whether they're Democrats or Republicans."

The association, which has its headquarters in Washington, currently has three multistate study groups. One is concerned with airline advertising. Another investigated defective Ford ambulances and now monitors their recall and repair. The third is trying to obtain refunds for owners of all-terrain vehicles, which have been associated with more than 800 deaths.

Many other consumer cases are in the works. At the association's next meeting in March, for example, Mr. Stephan of Kansas plans to ask other state officials to join his investigation of the car rental industry. He said companies routinely deceive consumers by understating car rental costs in advertising. Companies also require renters to pay high insurance fees or accept liability for accident damage, regardless of fault. "That's unconscionable," he said.

DOZENS OF RECENT CASES

In the last few years, there have been dozens of successful multistate actions, including a fraud case involving disconnected odometers on Chrysler Corporation cars, retail price-fixing of Minolta cameras and misleading health claims by Campbell Soup. Attorneys general in the largest states—New York, California and Texas—have been the leaders of most multistate cases, but dozens of officials from smaller states have been very active. In most cases, companies agree to a settlement without admitting any guilt.

Consumer leaders in Washington now spend more time pleading their cases to state officials than to Federal ones, according to Bruce Silverglade, director of legal affairs at the Center for Science in the Public Interest, an independent consumer advocacy organization.

"Up until 1984," he said, "we were still trying to get the Reagan Administration to act on deceptive food advertising and labeling. But after knocking our heads against the wall for years, we started working with the attorneys general in New York, Texas and finally about 15 other states. In the last few years, the states have resolved a dozen complaints that we had filed with Federal agencies. We still file complaints with the Federal agencies to remind them of their responsibility to the public."

TRIBUTE TO DON OBERLIN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEHMAN of California. Mr. Speaker, on January 11, 1988, a tragic automobile accident took the life of Don Oberlin who worked for the Mono Lake Committee in Lee Vining, CA. We pay tribute today to his life and to his mission at Mono Lake. Because of Don Oberlin's efforts, water now flows in Lee Vining Creek. Because of his discovery of trout expiring in drying pools, the Mono Lake Committee obtained a temporary restraining order which returned water to one of the creeks which feed Mono Lake. This accomplishment alone is one any of us would be proud to claim.

Born on August 22, 1959, in Los Angeles to Elizabeth and Jake Oberlin, Don Oberlin learned to be a master carpenter and in addition he earned a BA degree from California State University at Fullerton. He used his carpenter's skills to remodel the Mono Lake Committee's aging visitor center. When he wasn't working for Mono Lake, Don Oberlin worked for world peace. He was an active participant in the Southern California Alliance for Survival and an ardent advocate of nuclear disarmament. Had he lived, Don would have served as a volunteer in Nicaragua this summer.

To his family, his friends and coworkers at the Mono Lake Committee, I extend my sympathy for the loss of one so young with so much yet to contribute, but one who already had given so much of himself.

BANKERS ARE NOT PLEASED

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KLECZKA. Mr. Speaker, at the beginning of today's session, I took the floor of the House to draw my colleagues' attention to a mailing by the American Bankers Association. The mailing was, in part, critical of a bill authored by Mr. SCHUMER and cosponsored by Mr. PARRIS, Mr. SAXTON, and myself. In its mailing, the ABA advised its members to contact us and convey the message that our support for the Schumer bill "carries a heavy price."

I submit the original text of the ABA special report for reprinting in the RECORD at this point.

COUNTDOWN—A SPECIAL REPORT FROM THE AMERICAN BANKERS ASSOCIATION *February 23, 1988.*

NO EARLY SPRING

The other day, Punxatawny Phil the Groundhog emerged from his hole, saw his shadow, retreated to his den and thus predicted an early spring. Well, friends, it won't be an early spring for banking legislation. Just to underline the point, now is no time for anyone in banking to crawl back into his hole and assume that all will be well.

Because all is not well.

As expected, Representative Charles Schumer (D-N.Y.) has introduced the most noxious bill of the season. Blessed by the securities industry, the bill (H.R. 3930) is the worst of all possible worlds—an authorization of almost unusable securities authority and a shiny new moratorium on banking activity in real estate and insurance.

No way, Jose . . . er, Carlos. Joining Schumer in sponsoring the bill were Representatives Gerald D. Kleczka (D-Wis.), Stan Parris (R-Va.) and H. James Saxton (R-N.J.). These members should be told that their support of Schumer's bill carries a heavy price. They should be written as follows: U.S. House of Representatives, Washington, D.C. 20515.

ON THE BRIGHT SIDE

The National Association of Realtors has dropped its outright opposition to bank entry into the real-estate business. Instead, the NAR is saying any entity should be allowed to compete in real-estate services as long as certain safeguards exist. ABA has pledged to work with the realtors to assist in developing workable safeguards and to broaden the common ground between the banking and real-estate industries.

With both Senate and House Banking Committees poised to begin marking up banking bills in the next week or so, ABA's Trust Conference and Banking Leadership Conference are in the Nation's Capital this week to lend their support to positive legislation. The common theme: Let banks compete!

UPGRADE THE VETERANS' ADMINISTRATION TO THE CABINET

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SOLOMON. Mr. Speaker, I insert into the RECORD an editorial from the largest newspaper in my congressional district, the Troy Record, which strongly endorses upgrading the Veterans' Administration to a Cabinet-level Department.

Clearly, this is a bellwether year for America's veterans; 1988 is the year our Nation's veterans take their rightful place in the Cabinet.

Despite the advice of some of his senior advisers, President Ronald Reagan had the courage to announce his support for elevating the VA to a Cabinet-level Department. Soon afterward, the House of Representatives approved the bill by a vote of 399–17. And support continues to build in the U.S. Senate, with 62 current cosponsors on S. 533, introduced by Senator THURMOND.

The importance of this legislation cannot be overstated. The competition for the veteran's fair share of the budget will become far more intense in the years ahead. Elevating the Veterans' Administration Chief Executive Officer will assure that our Nation's veterans have a voice in the Cabinet to argue for a fair share of the budget.

I am proud that the largest newspaper in my congressional district had the foresight to support this proposal. I was starting to question the independence of the media in this country on this issue.

The veterans of this country should also be alerted to the serious obstacles which must still be overcome here in the Congress. The Senate Committee on Governmental Affairs postponed its hearings on the bill by over 1 month. The bill could face sequential referral to the Senate Veterans' Affairs Committee, which would tie it up for a month or two, and now we face the threat of killer floor amendments, such as judicial review.

For the first time in history, this most important veterans goal is within reach. America's veterans will not rest until they have gained their rightful position in the President's Cabinet.

The editorial follows:

DEPARTMENT FOR VETERANS

For 35 years, veterans advocates have been pressing Congress and the president to raise the Veterans Administration to Cabinet level. Now it appears they are on the threshold of success.

President Ronald W. Reagan stunned his closest advisers last fall when he announced he was going to support the move.

A week after the president's announcement, the bill sailed through the House of Representatives by a vote of 399 to 17. It is expected to be passed by the Senate by a comfortable margin in this session and then be signed by President Reagan, probably with much fanfare.

Credit for winning over the president, despite strong objections from many presidential advisers, goes to Congressman Gerald B.H. Solomon of Glens Falls, the Republican who represents much of this area.

We do not agree with those who look on elevation of the agency to cabinet level merely as deserved recognition for those who served their country. There are many other, more valid reasons to create the Cabinet post for the Veterans Administration.

As Mr. Solomon has pointed out, "When decisions are made on how to allocate the budget, (Cabinet secretaries) are in there fighting for their budgets."

He notes there is no one there to fight for funds for veterans affairs.

We agree with those who argue the nation has a lasting obligation to those whose education and careers were interrupted when they were called to help defend their country.

As long as we hope to defend our country with all-volunteer armed forces, we must provide veterans benefits, and it is essential that we have someone in the president's Cabinet who will look out for these interests.

Even though we must not lessen our efforts to establish a lasting peace, we must recognize we need strong armed forces to preserve that peace.

IT'S TIME TO STOP THE BLOODSHED

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KOLTER. Mr. Speaker, I rise today saddened and in shock over the recent actions taken by the Israeli Government to quell the recent upsurge in civil disobedience in the occupied territories.

Edward Bellamy, a noted and well-respected American author, once wrote that tyranny is, "an exercise of irresponsible power." No statement could better assess the current actions taken by Israeli forces. Their brutal use of force in an attempt to control and influence a different people and culture is tyrannical.

On February 5, in a small village just outside the West Bank city of Nablus, four young Palestinians were seized and ordered to lie face down in the muddy road that is the entrance to their village.

The Israeli master sergeant in command then ordered the driver of a nearby military bulldozer to bury them alive. Obeying his commander, the driver buried the four youths with a full load of earth.

With that accomplished, the master sergeant then ordered the driver of the bulldozer to run over the four Palestinians buried beneath the soil.

The driver refused.

After the soldiers left the village, residents pulled the four unconscious Palestinians from their makeshift grave. All are alive and recovering.

Had the driver of the bulldozer followed orders without question and killed defenseless men buried beneath a pile of dirt, a lot more would have died than four Palestinians. Israel itself would have been mortally wounded.

It is time to stop the bloodshed. Time to face the inevitable. Israel and Jews all over the world have faced persecution throughout history and have struggled to build a homeland. By continuing irrational acts of violence and persecution, Israel has become its own worst enemy.

Out of persecution, freedom is born. Israel stands as a testament to that fact. However, vengence, hatred, and violence are beasts that grow uncontrollably. If Israel does not soon stop they will have become the very beast from which they fled.

NATIONAL EXPORTERS APPRECIATION WEEK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. Mr. Speaker, in the late 1970's and early 1980's when the value of the U.S. dollar was strong, we saw American exporters lose foreign markets. Now that the dollar has fallen, exporting opportunities are growing overseas, and American businesses are trying to regain lost markets. While in the past, large businesses dominated the field of exporting, today, more and more small- and medium-sized businesses are making efforts to take advantage of growing export opportunities. The exporters' efforts have led to a significant reduction in the U.S. trade deficit as shown by the November and December trade figures. In recognition of the U.S. exporters who have contributed to the improvements in our trade balance, I am introducing today a commemorative resolution titled, "National Exporters Appreciation Week."

In 1987 there were $252.9 billion of U.S. exports, which constituted about 5.6 percent of the U.S. GNP and generated over 6.3 million jobs throughout the United States. It is a fact that exports contribute to the growth of our economy.

Unfortunately, U.S. exporters have not enjoyed sufficient support and commitment from the U.S. Government, or the private sector, as their foreign competitors do in their countries. As a result, the playing field of international trade has not been level for our exporters. In addition, many exporters, particularly the small and the medium sized who make up the largest base of potential exporters are not familiar with the variety of the export assistance programs offered by our Government. The time has come to make American exporters aware of these programs, as well as to assure them of our support and commitment. I urge my colleagues to cosponsor "National Exporters Appreciation Week."

H.J. RES. 468

Whereas an increase in exports is important to reducing the massive trade deficit of the United States, which has been a continuing concern of the people of the United States;

Whereas many exporters in the United States ceased competing in foreign markets because of the high value of the dollar and are currently attempting to reenter foreign markets;

Whereas the decline in the value of the dollar has led to increased opportunities for exporters in the United States and has renewed interest in increasing exports;

Whereas the export market is an important source of jobs in the United States;

Whereas increasing exports can increase production levels and increase the number of jobs available to the people of the United States;

Whereas small businesses create many of the new jobs in the United States and constitute the largest source of potential exports;

Whereas exporters in the United States face strong competition because of the active commitment and support to facilitating exports of foreign governments;

Whereas the Federal Government should promote export assistance programs, and private banks should become more involved in foreign markets to increase the volume and value of exports from the United States; and

Whereas the people of the United States should increase support of and commitment to exporters in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 8, 1988, is designated as "National Exporters Appreciation Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

TRIBUTE TO LAURENCE GARDINER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. JONES of Tennessee. Mr. Speaker, I rise today to recognize my close friend Mr. Laurence Gardiner of Memphis, TN. Mr. Gardiner was recently honored by the board of directors for the Mid-South Fair which is held annually in Memphis.

Quite honestly, this recent honor bestowed on Mr. Gardiner is well deserved. He has been associated with the Fair since he first entered a pidgeon competition at the age of 12. That was 70 years ago.

From that point, he has held several positions of leadership with the Fair. He has been part and parcel of the growth and development that the fair has achieved over the years.

It has been the spirit and dedication of people like Laurence Gardiner that has meant so much to their communities and our country. His contributions to the Mid-South Fair are chronicled in a recent newspaper story in "The Memphis Commercial Appeal," which I am including in these remarks. I want to express my admiration for Laurence and my appreciation for all he has done.

The article follows:

FAIR HONORS 70 YEARS OF SERVICE

(By Steve Gaither)

Laurence Gardiner is a rarity in an age when long-term relationships are getting to be as hard to find as family farms and horse-drawn plows.

Gardiner, 82, has been a part of the Mid-South Fair for 70 years.

"It's been a real rewarding time," said Gardiner, who was honored by the fair during the November Board of Directors meeting.

"There's just no comparison between the kind of fair we have today and what we had back in those days," he said. "The whole fair is much bigger in every way."

Gardiner has witnessed the growth.

As a 12-year-old Gardiner entered the pigeon competition at the old Tri-State Fair and helped feed the birds that were kept on the grounds during the fair.

A few years later, Gardiner was part of the University of Tennessee dairy judging team that competed at the fair. Gardiner majored in dairy husbandry and minored in genetics.

Gardiner graduated in 1929 and returned home to become superintendent of the dairy cattle show.

"We didn't have as big a dairy show in those days so it wasn't too bad," he said. "You couldn't get a job because of the Depression, so I just came home and worked at the fair."

By 1933, Gardiner became affiliated with the American Jersey Cattle Club, representing that group each year at the fair. About 1947, Gardiner became a member of the fair's Board of Directors. He later became a certificate holder and was vice president in the 1950s.

Gardiner helped bring the annual National Jersey Show and Sale to the fair in 1950, a move that brought national attention and growth to the event.

The biggest change in the fair has been its transition from the major forum for exchange of agricultural developments to a carnival atmosphere with a vast range of attractions.

"There was more attention paid to the agricultural end of the fair in those days," Gardiner said. "The emphasis has changed. That's not just here but at all fairs. There are so few people living on farms."

TRIBUTE TO BRIAN REAMES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WALGREN. Mr. Speaker, when Brian W. Reames passed away recently, western Pennsylvania lost an outstanding citizen. Brian underwent heart transplant surgery in 1981 and learned last fall that a second transplant operation would be necessary. Sadly, this operation was not successful.

Upon graduation from Westminster College in 1968, Brian joined the Air Force and served in Vietnam. In Korea, in 1972, Brian contracted a viral infection that led to an enlarged heart, multiple health problems, and discharge from military service. After 9 years of poor health, his first transplant gave him a new lease on life.

Brian chose to use his remaining years in service to others. He spent countless hours teaching others about transplants and counseling individuals and families who were faced with the same tough decisions he and his wife Mary had faced. Brian was cofounder of Transplant Recipients International Organization which gives support to individuals facing transplant operations of all kinds. He also was active in the United Way, the Red Cross, his church, and other charitable organizations and served on the Greenville Area School Board. He even wrote a 40 page pamphlet entitled "Second Chance" to make sure correct information on transplants was available and to increase awareness of the need for donating organs. Many lives were enriched by Brian's selflessness.

I commend the following article about Brian from the February 10, 1985 Pittsburgh Press to my colleagues.

BRIAN REAMES

In 1972, while Brian Reames was serving in the U.S. Air Force in Osan, Korea, he contracted a viral infection which resulted in cardio-myopathy, a condition where the heart is enlarged and loses its resiliency. He was flown to Andrews Air Force Base near Washington, D.C., where he spent seven months in the hospital.

"They ran test after test on me," says Reames. "During that time, I had a blood clot in the lungs, kidney stones, hepatitis, three strokes, an enlarged heart and congestive heart failure. I was 27."

Eventually, after a year's bed rest, Reames' heart muscles decreased in size and he tried to return to a normal lifestyle. For a time, he managed a cleaning company in a Virginia suburb of Washington, where he and his wife, Mary, were living. Again his heart started to enlarge and he was ordered back to bed rest until it subsided.

In 1977, the couple and their 3-year-old son, Tony, moved to Greenville, Mercer County, Mrs. Reames' hometown. Tony, now 11, has a 7-year-old sister, Susan. Reames worked as an admissions counselor at Thiel College and enrolled as a graduate student at Edinboro University.

"Then things began happening," says Reames. "I went into congestive heart failure in 1978 and for the next two years I would have good days and bad. When I was able to, I'd go to school, but it happened less and less often. By December of 1980, I was so sick; that probably was the worst Christmas of my life.

"I went into the hospital again, and the doctors began to talk to me seriously of getting evaluated for a transplant. It had been mentioned before—even at the Air Force hospital in 1972, but wasn't recommended then because no one lived after the operation—but this was 'now.' It was almost like hearing it for the first time."

Reames was taken to Presbyterian-University Hospital in Pittsburgh for an evaluation in February of 1981. At the time he was suffering from pulmonary hypertension, having just recovered from a lung blood clot, and he was sent home to rest and recuperate. In April, he was evaluated again and OK'd. He went home to wait.

"I could only get out of bed one or two hours a day. Everything exhausted me. Even my mental capacities dwindled. I couldn't read or even follow the TV. I lost 50 pounds," says Reames, now a burly, Captain Kangaroo look-alike.

May 18, 1981, at 8 a.m., Reames received the call from Dr. Robert Hardesty. Could he get down to Pittsburgh by 2 p.m. since there was a possible donor? He could. He called his wife, a 5th-grade teacher at Greenville's Jamestown Elementary School, and she hurried home.

At 8:45 that evening, Reames went into surgery.

"I woke up approximately at 6:30 the morning of the 19th, and I didn't know it was over. I thought I had blinked or dozed off for a moment. But, as soon as I was more alert I noticed the changes. My feet were burning when I was used to being cold for nine years. The colors around me were more vivid and the sounds in the room much sharper. And for the first time in months I was hungry."

Reames did unusually well and spent less than four weeks in the hospital. At home, he gradually increased his activities until now, four years later, he has an enormously busy life. He commutes to Pittsburgh for a full-time doctoral program at Pitt, serves on the Greenville school board, and is active in his church and the American Council on Transplantation, a national organization.

In addition, he is the organizer with Mary Lou Michel of Presbyterian Hospital of TRIO (Transplant Recipients International Organization), a support group for recipients of all organ transplants. He is in touch with hundreds of those recipients in Western Pennsylvania. When possible, he makes it a point to get in touch with patients before the surgery. He did this for Bill Ferry of Mercer recently. And Ferry like others was buoyed when he saw how well Reames was doing.

"We really want to get the transplant people together," says Reames. "The idea is to provide the support that is really necessary. It's very terrifying when you are told you need a transplant. You want to talk with someone who has been through it, not to a doctor, a nurse, a psychologist or a social worker. I had talked to Harry Hennon before my surgery and he was a big help.

"I constantly get calls from people wanting information. We are also very interested in spreading the word about the organ donor program."

COMMEMORATING JAMES GIBSON FOR HIS OUTSTANDING LEADERSHIP IN SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today with deep respect and admiration to bring a great Nevadan to the attention of my colleagues in the House.

State senate minority leader, Jim Gibson, has been a leader in our fair State since he was first elected to the State assembly in 1959. His remarkable abilities as a statesman were soon recognized by the people of Nevada, and he was elected to the State senate. Due to his exceptional skills, Jim was elected in 1977 by his peers to the post of senate majority leader.

On Sunday, May 22 of this year, Senator Gibson will receive an honorary doctorate from my alma mater, the University of Nevada-Las Vegas. This recognition is richly deserved.

Jim's leadership in the community has won the respect and admiration of those who share his commitment to the people of Nevada. His service within his church is a shining example to all who commit themselves to the worship of God and service to mankind. In 1973, Jim was awarded the Distinguished Nevadan Award. His determined campaign for excellence in education is now being honored by the University of Nevada system.

For others, measures of success or failure are in terms of the here and now, but in the legacy of Jim Gibson will be remembered by Nevadans of this and future generations. His hard work and leadership in State government will not be forgotten.

Some people know Senator Jim Gibson as a church leader, and others know him as a powerful Nevada lawmaker. Many simply know Jim as a caring soul and a good neighbor. In my remarks to the House today, I know Jim as these things and more, Mr. Speaker. I know Jim as my friend.

NEW YORK TIMES CRITICIZES ATV SETTLEMENT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLORIO. Mr. Speaker, the Consumer Product Safety Commission [CPSC] and the Justice Department recently entered into a preliminary settlement with the all-terrain vehicle [ATV] industry. Unfortunately, this settlement is woefully inadequate.

In particular, the settlement does not require the ATV manufacturers to offer refunds for consumers who previously bought the dangerously unstable three wheel ATV's—even though the manufacturers have stopped their sale and one manufacturer has described them as "more dangerous. Safety wise, three-wheelers are not good."

The following editorial in the New York Times points out the deficiencies in the settlement and calls for further action:

[From the New York Times, Feb. 15, 1988]

STEER AWAY FROM TRAGEDY

"Come ride with me," beckons an advertisement for all-terrain vehicles, "and I'll take you where you've never been before." Buyers of the balloon-tire buggies often don't realize where that might be. In the last five years more than 900 riders of all-terrain vehicles wound up dead, and another 330,000 wound up in the hospital. Almost half those killed were under the age of 16. The figures show why such vehicles ought to be tightly regulated.

Manufacturers of all-terrain vehicles, or ATV's, blame riders for the third of a million accidents that have occurred. But a study of three-wheel ATV's by the Consumer Product Safety Commission found that the design causes unpredictable roll-overs during ordinary maneuvers. Independent safety experts point out similar design problems in four-wheel models. They lack adequate suspension, and their high center of gravity and solid rear axle makes turning tricky.

After years of inaction, the Reagan Administration finally has sued ATV manufacturers—but for remedies that do little to avoid further tragedy and much to protect the industry from future liability. A proposed settlement forces the industry to provide training and warning programs for riders.

But it does not require the industry to correct the vehicles' instability, or to stop selling child-sized models, or to offer refunds for ATV's bought as a result of misleading advertising. Warnings could give manufacturers an advantage in future lawsuits. The agreement does halt retail sales of three-wheel models but the issue is academic. Production has been discontinued because they were unprofitable.

Federal timidity is inspiring Congress and state legislators. Urged on by concerned pediatricians and law enforcement groups, lawmakers have proposed tough regulations for ATV design and use along with repurchase programs for the most dangerous models. With more than two million ATV's in the hands of unlicensed drivers, and an average of 20 deaths and 7,000 injuries occurring each month, such measures cannot come too soon.

SOVIET MISTREATMENT OF ROALD (ALEC) ZELICHONOK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to bring to the attention of Congress the plight of Roald (Alec) Zelichonok and his wife

Galina Babrina, two of the many refuseniks still awaiting permission to leave the Soviet Union.

Alec Zelichonok first applied for permission to emigrate on April 10, 1978. He was refused permission on June 13, 1978 based on "regime considerations." Mr. Speaker, the regime consideration was the secrecy of Mr. Zelichonok's former job as a scientist at the military research institute. This was a job he had left in 1975.

Alec Zelichonok is a devoted Zionist whose main love is teaching Hebrew. He is one of the best known, and reputedly the most accomplished, teacher of Hebrew in Leningrad. His flat has often been raided by the KGB who have confiscated books by Saul Bellow, Eli Wiesel, Isaac Bashevis Singer, and Chaim Potok, along with Hebrew grammar books, Hebrew prayer books, Hebrew dictionaries, and Yiddish poetry—all presumably considered to be anti-Soviet material.

On June 11, 1985, Alec was taken from his apartment to police headquarters and charged with "defamation of the Soviet state and social system." The accusation was based mainly on letters he wrote to friends in the West which were intercepted by Soviet authorities. At his trial on August 8, 1985, he was sentenced to the maximum penalty for the charge, 3 years in labor camps. He was released from the labor camps in February 1987.

Although the Soviet authorities granted Alec an early release from the labor camps, they have not made life easy for him since his release. Alec has not been able to regain his old job or find a new one. Soviet authorities have forced him to continually move from city to city in search of work.

Since Mr. Zelichonok first applied for permission to emigrate, his health has deteriorated seriously. He currently suffers from advanced hypertension, and his blood pressure levels are extremely high—up to 240/140 mmHg. As a result of hypertension, which has been aggravated by a lack of proper medical attention, Alec Zelichonok, a talented electrical engineer, has difficulty concentrating and is experiencing loss of memory.

Mr. Speaker, as you know, the United States and the Soviet Union appear to be moving into a new period of productive negotiations and cooperation. I hope that Soviet authorities recognize the importance the people of the United States place on human rights and will grant emigration visas to Alec Zelichonok and his wife, and all people who wish to live in peace and observe the religion of their choice in the country of their choice.

IT IS TIME TO FIX THE "NOTCH"

HON. HAL DAUB

OF NEBRASKA

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DAUB. Mr. Speaker, the Social Security "notch" problem is a high priority issue for millions of older Americans. Over the past several years, we have been contacted by thousands of senior Nebraskans and Iowans calling for swift action to resolve the notch problem. Yesterday, an important step was taken toward resolving the Social Security notch issue—the Senate Special Committee on Aging held a hearing on the notch problem. Today, we are pleased to share with you our testimony to the Senate panel:

JOINT STATEMENT OF THE HONORABLE HAL DAUB AND THE HONORABLE TOM TAUKE

Congress should act to correct the Social Security "notch" inequity. The failure of Congress to address the "notch" issue has caused many senior citizens to lose faith in the Social Security system as there expectations for fair and equitable treatment have been dashed.

The Social Security "notch" issue actually began with the passage of the Social Security Amendments of 1972. This legislation established annual cost-of-living adjustments (COLAs) for retirement benefits. The 1972 computation method inadvertently provided for retirement benefits which were much higher than Congress intended. The 1972 amendments linked the COLA to changes in both annual wages and prices. Due to the double digit inflation of the 1970's, the first retirees to receive benefits under the 1972 formula received very large annual adjustments. These COLAs were so large that the Social Security Adminsitration's (SSA) actuaries projected that many retirees would ultimatley receive benefits that were higher than earnings.

Thus, in 1977, Congress addressed this problem by decoupling the computation method from the changes in annual wages and prices. The 1977 amendments provided for annual benefit adjustments that are based on changes in prices. Had the benefit formula not been modified, the solvency of the Social Security system would have been seriously jeopardized.

Decoupling benefits from wages produced a reduction in initial retirement benefits for the first workers who were affected by the 1977 amendments. Congress provided for a gradual phase-in to the new benefit formula in an effort to ensure that the first post-1977 benefits were not dramatically less than the pre-1977 benefits. Both a five year and ten year phase-in period were discussed during the debate on the 1977 amendments. Congress, and the President, agreed that a five year phase-in period was acceptable.

The phase-in period required a special benefit formula that would pay benefit amounts that were less than the old law, but more than the new law benefit calculation. The so-called transitional guarantee formula was supposed to ensure a gradual phase-in to the new 1977 formula.

There were two major problems with the 1977 amendments. First, Congress did not take steps to curb or slow the growth in the benefits of the retirees who retired under the 1972 amendments. Secondly, the transitional guarantee formula arbitrarily excluded post entitlement age (62) earning from the benefit calculation. Thus, the phase-in benefits were reduced, and old law benefits continued to rise sharply, which worsened the difference between the retirement benefits paid to older and young retirees.

As more workers retired, filed for benefits and compared Social Security checks with their older spouses, relatives and friends, the more obvious the disparity in benefits became. In fact, some new retirees wrote to Dear Abby to ask for advice on how to remedy this situation. And with that the Social Security "notch" issue and the "notch baby" movement were born.

By 1985, the "notch" issue remained unresolved and the facts remained unclear. We introduced legislation to direct the Social Security Disability Advisory Council to examine the effect of the 1977 amendments on "notch babies."

This legislation was the first and only bill to be considered by the Congress. Senator Grassley successfully amended the budget reconciliation bill of 1985. Unfortunately, the amendment was thrown out of the final reconciliation conference bill. We are certain that had our bill been enacted in 1985, the "notch" problem would have been addressed by the Congress.

Last April the House Social Security Subcommittee directed the General Accounting Office (GAO) to conduct a thorough study of the "notch." By providing a sound and needed data base, the GAO study can go a long way toward educating the public and Congress and providing for a reasoned debate on the "notch."

However, we are still eagerly awaiting the GAO study and debate is raging about the relative merit and risk of addressing the "notch" inequity.

The "notch" is an issue of fairness and equity and has certainly harmed public confidence in the system. We believe that the facts are clear. It is time to resolve this important issue.

Several bills have been introduced to address the "notch" problem. Some "notch" bills propose to return to the old, flawed 1972 formula. Others would lengthen the phase-in period and "notch" more retirees. Our bill is based on congressional intent. The transitional guarantee formula reduces benefits incorrectly and must be modified.

We have introduced "The Notch Baby Act of 1987" (H.R. 1721) which is responsive to the needs of the over 7 million "notch babies."

"The Notch Baby Act of 1987" will allow Social Security beneficiaries born in the years 1917-21 to become eligible for a new alternative transitional computation method, which would affect benefits for months after December 1987.

This new alternative computation would guarantee a benefit of no less than the worker's benefit based upon new law wage-indexing procedures—that is, the average indexed monthly earnings or AIME, benefit—plus a declining percentage of the difference between, first, the benefit which would have resulted if the pre-1977 law had remained in effect, but modified to include only the 3 years of earnings after the year of attainment of age 61, and second, the law (AIME) benefit.

This formula allows for a phase in of the new benefit computation law created by the 1977 Social Security amendments that is uniform and follows congressional intent relative to the 1977 law. And we want to emphasize that the declining percentages used in the formula are a function of providing a uniform phase-in; they are not indicative of the difference between old law and new law.

Individuals born before 1917 are receiving benefits under a different formula-initiated in 1972—that erroneously results in their receiving dual compensation for inflation increases. Had the 1972 formula been maintained, the Social Security system would have gone bankrupt. The 1977 Social Security amendments bill, which affects everyone born after 1916, restored the system to solvency.

In order to protect benefits of people already receiving or about to receive Social Security, the 1977 amendments did not change the computation rules for anyone reaching age 62 before 1979. Further, so as to gradually phase-in the benefit change, individuals becoming eligible for retirement benefits by reaching age 62 in 1979-83 were allowed to compute their benefits under new rules or under the old rules with some limitations, whichever would result in higher benefits. The modified old law formula is called the transitional guarantee and is available to all individuals born from 1917 to 1921.

Despite these efforts to provide a fair phase-in in the necessary 1977 law, many individuals born in the years 1917 to 1921 find that their benefits are much lower than people with identical work histories born in 1916 and earlier. To a large degree, this is evident because those people born before 1917 were able to take advantage of the unexpected high inflation years of 1978 to 1981 in their benefit calculations.

H.R. 1721 addresses the unanticipated disparities created by the 1977 law by allowing "notch babies" to calculate earnings after age 61 on par with those individuals born before 1917 and providing a percentage of the difference between old law and new law. We believe that this bill, which costs $24.3 billion from 1988-1996—an average of $2.6 billion per year—is a reasonable and responsible approach to resolving the "notch" problem.

Through legislation such as H.R. 1721 and a substantive congressional effort, faith in the Social Security system will be restored and the "notch" will be addressed. The time to act is now.

TRIBUTE TO DAVID GAINES, FOUNDER OF THE MONO LAKE COMMITTEE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEHMAN of California. Mr. Speaker, it is with great sadness that I pay tribute today to David Gaines of Lee Vining, CA who was the founder of the Mono Lake Committee. On January 11, 1988, David Gaines lost his life in a tragic automobile accident. His family, his community, and his friends mourn our loss and honor his memory for his contribution to our spiritual and natural well-being.

David Gaines was born on December 30, 1947, in Los Angeles, CA. Early in life he became interested in bird sightings and published them in scientific journals. In 1973 he received a master's degree in ecology from the University of California at Davis and went on to conduct research for the California Department of Fish and Game, Point Reyes Bird Observatory, and the Nature Conservancy. David taught biology and ecology for the College of the Redwoods and the University of California at Davis and was the author of "The Birds of the Yosemite Sierra."

Of greatest significance, however, was David Gaines' work to preserve Mono Lake, the jewel of the Eastern Sierra Nevada Mountains. As a teenager David first saw Mono Lake from Mt. Dana peak on the eastern border of Yosemite National Park. In 1976, David organized and conducted the first in-depth studies of Mono Lake which verified the lake's exceptional biological and scientific values. In 1978 Gaines joined with other biologists and concerned individuals to form the Mono Lake Committee, a citizens group which has educated the people of California and the Nation about this wondrous place and the threats to its beauty and wildlife by diversions of water south to Los Angeles.

I came to know David through his efforts to save Mono Lake. He was a man who lived his life by the lake and worked tirelessly to save this special place for all of us and for future generations to come. His cause became our cause—to save an ancient lake. In testimony before the House Interior and Insular Affairs Committee, David spoke of Mono Lake with these words: "For over 20 years I have been entranced, amazed, and inspired by Mono Lake's mysterious haunting beauty. It has no rival anywhere else on earth."

The legacy of David Gaines is life for Mono Lake.

REFLECTIONS ON UNITED STATES-TAIWAN RELATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KLECZKA. Mr. Speaker, although it has been some time since the United States has had formal diplomatic relations with the Government of Taiwan (Republic of China), our countries continue to maintain a unique friendship. Despite trade pressures in particular, Taiwan stands out among our East Asian neighbors in its desire and commitment to improving both itself and its standing in the global community.

In this spirit, I am pleased to share with my colleagues the attached article written by Frederick Chien, Ph.D., representative of the Government of Taiwan in the United States. Dr. Chien's article, which was translated by Nathan Mao, P.D., Professor of English at Shippensburg University in Pennsylvania, originally appeared last December in the Central Daily News of Taipei. Dr. Chien offers his personal perspective and insight into the continually evolving relationship between Washington and Taipei.

(Dr. Chien's article follows:)

PERSEVERANCE: A MESSAGE FOR THE YOUNG

(By Representative Fred Chien)

Wang Yang-ming, a Ming dynasty sage, said, "Perseverance is key to work." His words are simple but profound in meaning. In the last few years I have deeply felt the wisdom embedded in his saying and I wish to share my experiences with my young friends.

It has been four years and ten months since my appointment in January, 1983, to Washington as Representative of the Coordination Council for North American Affairs. Prior to 1983, there had been several years during which the relationship between the Republic of China and the United States was in an extremely difficult stage. My countrymen were severely affected psychologically; my colleagues and I in the Foreign Service were on the front lines directly facing diplomatic setbacks. During many critical moments, we sensed our young friends' deep concern and interest in their country. I was particularly moved when I witnessed the ardent desire and eagerness of many young people to offer their services to their country, especially those who were still in school. Their heartfelt desire to serve fastened my heartstrings. Many evenings, after a full day of negotiations, I felt physically and mentally exhausted, but whenever I saw the images of young men and women, earnest and eager to help, I realized that my countrymen had high expectations of me, a member of the Foreign Service. A gush of fresh energy surged and changed my body, enabling me to return to work.

Before leaving Taipei, I was aware of my countrymen's high expectations. But as I reviewed the past and looked towards the future, I felt overwhelmed. At that time I declared in all honesty that I was not God but human, as I asked for support and strength from my countrymen. I must admit, with due gratitude, that ever since I came to Washington I have received lots of encouragement from my countrymen both at home and from those overseas. Their continuous support, flowing to me through different tangible and intangible channels, refreshed me from head to toe.

Indeed I was really a novice in Washington, a city where it was known to be difficult to make friends. Although I had been in the Foreign Service for many years and had many friends in Washington, I felt inexperienced in Washington's social circles. I was scared and yet pleased in my role as Republic of China's Washington Representative.

Because of my country's special status in the United States, we had no idea as to what we could do or could not do and whether we should have a high or low profile. On the other hand, all those official functions with their built-in protocol niceties did not affect us. Just like the Bible says, one door is closed by God, yet another and still another door is open. Although I do not have an official title, I was spurred by a daring frame of mind characteristic of my younger days. With the full cooperation of everyone, my colleagues and I took the initiative to make friends, slowly and assiduously building our base.

From that time on, I became more and more willing to accept the challenges of my work. I not only learned that an individual's or a group's ability to face adversities becomes stronger through perseverance, I also learned that our country is full of vitality. Despite repeated tribulations and setbacks, we conquered one difficultly after another and emerged triumphant in a totally new image when all sectors of our society worked as one cohesive unit.

To faithfully relay Republic of China's developments in the last four years and ten months I left Washington for out-of-town speaking engagements to different groups and organizations at least forty-five to fifty times a year, not counting informal sessions where I made impromptu remarks. All in all, I have only one objective: to deepen the U.S. public's understanding of our country and to strengthen their friendship for us. Every time I give a speech I use the latest figures and facts, revealing what is progressive, open and new in our society. I fully understand that our figures of prosperity, our democratic growth, our increasing confidence and our growing strength are all attributable to our countrymen's hard work, the application of their intelligence and their cooperation with one another. As a messenger for my countrymen I feel encouraged and inspired. It's this gush of youthful strength which enables all my colleagues at the Coordination Council, trying their utmost, to negotiate with U.S. diplomats or any other persons in an effort to achieve fair treatment while maintaining their dignity.

Personally I must confess it is hard for me to be satisfied with myself. In fact, I was a shy youngster and physically uncoordinated. In senior high school a schoolmate tripped and broke my heel while we were playing ball. Even now I can't say I like social functions that much. But for the sake of my work, I try my best to adjust myself. Maybe "to adjust" is not an appropriate expression, because my work today is to adjust myself to the ever-changing situations and enable my audiences to quickly catch my message. When I first arrived in Washington, it was very easy to run into friends who had preconceived ideas about us. I felt it was important to understand why "so-and-so" felt the way he did towards us. Was it because of his personal views, his personal experience, his lack of adequate information or for some other reasons? If his biases could be overcome, efforts would be made immediately. If his views were too deep-seated, I would treat him with sincerity and hope to explain to him later with more facts. Under the rubric of patience, respect and sincerity, my colleagues and I at the Coordination Council complemented one another, helping the U.S. Government officials and the general public to have an even greater understanding and respect for what's been going on at home.

In recent months, major U.S. newspapers, whether conservative or liberal ones like the Washington Post and the New York Times, have repeatedly extolled our accomplishments in their editorials and op-ed columns. This makes me realize that because our country is moving in the right direction, has flexible and workable policies and because our efforts have been made apparent with facts, the world is becoming more respectful of us and our international status. This recognition has come about only after repeated experiences of being frustrated, humiliated and tested.

What I have said are personal experiences and feelings. It's not anything deep and profound. There's no key to success. I feel that the young today are growing up in comfort and prosperity. But in truth all comfort and prosperity have come about after many others have sweated, bled, and have met with many failures. In the future we will face many types of storms and our difficulties will not be any less than those before. My young friends, if you can consider your personal experiences, societal adversities and your country's diplomatic reverses as object lessons in learning perseverance you will then become stronger as you meet unpleasantness yourself. With an optimistic spirit and a perserverant attitude, you will be more fully prepared to accept all types of challenges. I believe every type of difficulty would only ennoble our situation, earning us even greater respect for our integrity and enhancing our country's international standing.

TRIBUTE TO HERMAN WESTFALL

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my colleagues the retirement of Herman Westfall, an outstanding chief financial officer for the University of Nevada-Las Vegas. A first-rate administrator, Mr. Westfall has been instrumental in the school's development and rapid growth.

In 1962 Mr. Westfall came to Las Vegas as the new assistant business manager for, at that time, the southern regional division of the University of Nevada. As he watched a campus comprised of a handful of buildings, a student body of 1,059, and a faculty of 50 grow to become a major university with 25 buildings, a student population of over 13,000, and a faculty of more than 400 members, Mr. Westfall's responsibilities have increased. As business manager he did the work of purchasing, personnel, and the business office. Later on Mr. Westfall assumed the responsibility of the physical plant, which had been previously run from Reno. It was not long before the university became a full-fledged business operation, with their own issued checks and bank account. In 1968 Mr. Westfall was named liaison to the State public works board and began supervising the construction of campus buildings.

Mr. Speaker, what this individual has accomplished for the academic environment in Nevada is an effort that we can all admire. Education is an issue that is vital to our Nation as a whole. It is my pleasure to call this unique and professional service to the attention of my colleagues. The work of Mr. Westfall will long be engraved upon the minds of future generations of leaders in Nevada and for our Nation.

HON. DAN DANIELS

SPEECH OF

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. JONES of Tennessee. Mr. Speaker, I join with my colleagues in the House in mourning the death of our colleague DAN DANIELS. He was a man we all admired—a man who set personal and professional standards we all strive to emulate.

DAN and I came to the House of Representatives about the same time. We shared many of the same philosophical views of how to best serve our district and our country. He was deeply committed to reflecting the views of the people who elected him to serve in the Congress.

In doing that, DAN DANIELS conducted himself with integrity and dignity at all times. He was a man of his word and a man whose opinions were highly respected. He never failed to provide me with well reasoned and candid counsel on issues of mutual concern.

I also came to respect DAN DANIELS as a man of firm principles and high values. Through our mutual participation in the weekly meetings of the Congressional Prayer Breakfast, I came to appreciate DAN's deeply held spiritual values. I am certain that it was those values that formed the foundation upon which he lived his life.

There are many words of praise heaped upon Members of Congress. In my mind, there are none more eloquent to describe DAN DANIELS than to simply say that he was a good man who served his people with distinction. We shall all miss him greatly.

GOOD WORK

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. VANDER JAGT. Mr. Speaker, one normally has difficulty in finding anything good to say about a bank closing. But, as in all things, there are exceptions. It is with real pleasure, and yes, with relief, that such is the case involving the White Cloud First State Bank in our Ninth Congressional District of Michigan.

In a word, the Federal Deposit Insurance Corporation along with a number of other organizations and individuals accomplished a masterful achievement in turning a potential personal disaster into barely a minor, if that, inconvenience.

I especially want to commend L. William Seidman, Chairman of the Federal Deposit Insurance Corporation [FDIC], for the work of his agency and his fine staff. It is rare indeed that one can point with such pride to the favorable editorial received by the FDIC as featured in the February 18 edition of the Muskegon Chronicle. It is praise richly deserved and earned by Bill Seidman and his FDIC team. My congratulations to them. I am glad to bring this to the attention of my colleagues.

I would like to mention, in addition, a number of others on the local scene in White Cloud who labored to keep an institution functioning in the county seat of Newaygo. Many, many were involved though, as the editorial mentioned, the key player was the FDIC.

But, I do want to mention one individual, Richard Schanze, president of People's State Bank of St. Joseph. Mr. Schanze's bank has taken over the White Cloud bank and it already has been reopened and it is in complete operation. Mr. Schanze literally walked the streets of the White Cloud community to assure depositors of the continuity of banking operations. That was a very nice, personal touch.

At this time, permit me to include the editorial mentioned previously.

[From the Muskegon Chronicle, Feb. 18, 1988]

DECISIVE ACTION SAVED THE DAY AT WHITE CLOUD BANK

As anyone who lived through the Great Depression knows, there are few things more horrifying than a bank failure.

Thousands of Americans still remember those dark years, when banks failed by the hundreds, and millions of dollars in depositor accounts were lost forever. During the early 1930s, even a rumor of trouble was enough to cause a run on the bank. Such panics were so prevalent that President Franklin Delano Roosevelt tried to calm the nation by remarking that, "We have nothing to fear but fear itself."

Last week, the 7,900 depositors at The First State Bank in White Cloud must have experienced some feelings similar to those of Americans some five decades ago. Their bank was ordered closed after examiners had uncovered evidence of unsafe lending practices. A parallel investigation by the Federal Bureau of Investigation reportedly included looking into possible fraud at the bank since late last fall.

But unlike the tragic stories of the Depression, this one had a reasonably happy ending, thanks to the quick and decisive action taken by the Federal Deposit Insurance Corporation (FDIC), by state officials and by representatives of the People's State Bank of St. Joseph, which took over the White Cloud institution and reopened it Monday.

The key player, of course, was the FDIC. Established in 1933 at the height of the Depression, the FDIC was set up by Congress and the Roosevelt administration as a safeguard against those panicky runs on banks. Today, the FDIC insures nearly 15,000 commercial banks and savings institutions, guaranteeing depositor accounts up to $100,000.

But depositor insurance is only one of its functions.

The examination of the White Cloud bank was performed by FDIC auditors, who uncovered many of the lending irregularities which led to last week's closing. Such unpleasant investigations are necessary if faith in America's strong banking system is to be maintained.

First State Bank wasn't the first Michigan bank to fail, and it may not be the last. Bank failures, unfortunately, have not been rare, especially in recent years.

It's important to emphasize, however, that every single depositor in FDIC-insured banks got his or her money back up to the $100,000 limit. Those depositors in White Cloud may have been puzzled, angry or even upset by what happened. But there was no panic. That's because government came down hard when it had to, and acted decisively at a critical moment.

There are times when government plays a legitimate and vital role in the private sector and in the lives of the people. Last week in White Cloud was one of those times.

REMOVING THE BURDEN OF THE NATION'S DEBT FROM THE BACKS OF THE AMERICAN FARMER

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SCHUETTE. Mr. Speaker, today I am introducing three important bills to help keep the improving farm economy on the road to recovery. Each serves the common goal of removing needless tax burdens from the backs of the nation's farmers and their families, which have been forced upon them by recent unfair changes in the tax laws.

FIXING THE FUEL TAX

The first of these desperately needed initiatives would put a stop to farmers giving the U.S. Treasury an interest free loan for up to one full year. If someone were to ask me how the Congress could make life even more difficult for the farmer, the answer would have to be make them pay a tax that they don't even owe. And, if we wanted to add insult to injury, we could complicate the procedure for filing for their refund, and allow them to file only after they have paid a large enough amount to keep the federal government's bookkeeping costs down.

Under current law, farmers are exempt from paying the 15-cent-per-gallon highway tax on gasoline and diesel fuel used on the farm. However, because the 1986 Tax Reform Act changed the point of tax collection up the line closer to the refinery and away from the farm, farmers now have to prepay the highway tax on their gasoline purchases. Farmers can file for refunds, but only after they have prepaid substantial sums of money they do not even owe.

Then, as if to try to make a bad policy worse, the Congress passed the budget reconciliation bill last December and added diesel fuel to this unfair mechanism. Now, beginning on April 1, farmers will have to prepay the 15-cent-per-gallon highway tax on diesel fuels for, and let me remind my colleagues once again, taxes they have no obligation to pay. Like the gasoline precedent, they must pay a tax, and then file for a refund, either at the end of the year or when they prepay more than $1,000.

They cannot file for an exemption from paying this tax like state and local governments can, like rail companies can, or like school districts can. However, this legislation will make it possible for farmers to join the group of those who are exempt from paying this tax and can file with the IRS for a one-time exemption from prepaying this tax. It is very similar to another legislative initiative before this body that would allow construction contractors to file for the same exemption.

What does this legislation mean to farm families in my State? It means that Michigan farmers would not have to pay $3,146,400 more on their corn production this year. It means that farmers across this Nation will not have to pay a total of $400 million. That is $400 million less, along with a huge but not precisely quantifiable savings in bookkeeping and administrative nuisance for already overburdened farmers.

If this is not changed, most of the money that farmers will have to pay to the IRS will be money that farmers would otherwise use to plant their crops. Because it is money that will be refunded to them only after the year has ended and the damage is done, the current arrangement amounts to farmers giving the Federal Government an interest-free loan. A loan that many farmers will have to borrow for to afford. A loan which is unfair, and is the worst nightmare for already overburdened farmers and their families.

My bill would remove this exemption, and still protect against any possibility of noncompliance or fraud, which is the only justification for this change. Further, it eliminates a lot of red tape, and, in the words of one farmer from my district, "All the costs that are involved in refunding money that was theirs to begin with."

BRINGING BACK WORKABLE CAPITALIZATION PROCEDURES

My second bill reverses a rule change made by the 1986 Tax Reform Act that obviously was conceived by someone far removed from the realities of agriculture. The House already recognized the importance of what this bill would accomplish by passing the language in my bill as part of H.R. 3545. Unfortunately for farmers, the Senate later removed that provision.

If passed into law, my bill would reverse the new and burdensome capitalization procedures for animals and plants, to the method used before the tax reform bill. This year, as farmers file their income taxes, they are finding a totally unacceptable requirement to either: First, allocate the costs involved in raising replacement calves and orchard trees to each calf and each acre of orchard; or second, change their entire depreciation schedule to a long and very expensive, straight-line basis.

Depreciation is important to the American farmer's survival. In fact it is often said that farmers "live-off" of their depreciation. The new tax law almost invariably forces farmers to unjustifiably reduce their annual depreciation. By requiring them to accumulate thousands of dollars of nondeductible costs or keep impossible records on individual animals and trees, we are doing both farmers and consumers a grave disservice, and are perhaps driving yet another nail into the coffin of the family farm.

This is a second example of the Government forcing the weight of our Nation's deficit upon the backs of our farmers, by robbing them of their ability to manage the value of their assets. The Uniform Capitalization of Preproductive Expenses, passed by the 1986 Tax Reform Act means increases of $400 per dairy heifer and at least $2,000 per acre in expenses of orchards. Expenses that result in more money going to the Government while farm families carry these costs for 2 to 5 years before they can begin to depreciate their replacement animals and trees. This second bill, the Repeal of Application of Uniform Capitalization Rules to Farming Businesses, means relief of this unfair taxation.

RESTORING INCOME AVERAGING FOR FARMERS

Finally, the third bill in my package of tax relief for farmers is a bill to reinstate the Income Averaging Rule For Qualified Farmers. I know from first-hand experience how farmers can make nearly nothing in consecutive years—due to uncontrollable elements like mother nature and market conditions, and then have a season of good fortune, only to be saddled with high, even excessive taxes.

In Michigan, my entire congressional district, along with much of the rest of the State, has been declared an agricultural disaster area for 2 consecutive years. While these farmers may not pay high taxes, they still must pay their lenders, which often means refinancing and extending debts, in hopes of a better crop year. Since 1970, farmers oftentimes have been able to make up for at least part of their occasional uncontrollable losses with a more profitable year.

Today, the 1986 Tax Reform Act has stolen this option from American farmers and their families. Make no mistake, farmers want to pay their fair share of taxes. However, income averaging allows them to smooth out the inevitable, sometimes damaging swings that occur in farmers' income. It recognizes the special conditions and circumstances of running a farm business and gives farmers the kind of fair shake in our tax laws that I know all of my colleagues would like them to have.

Finally, I want to conclude by once again asking my colleagues to support these important bills. We all know how farming is one of the most difficult ways of life. All Members have seen or heard the stories of the trouble in rural America. I hope we will take action and pass these important initiatives to provide farmers and their families with much-needed relief from paying taxes they do not owe, and needless bookkeeping requirements.

Now is not the time to be putting obstacles in the way of the recovery in rural America. My bills are an opportunity for all my colleagues to do something important to assist farmers, who after all, are the backbone of our Nation. I hope all my colleagues will work with me to pass these bills into law.

BLACK HISTORY MONTH—A TIME TO HONOR

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. RAHALL. Mr. Speaker, I rise today to speak in honor of Black History Month, and the contribution of a great West Virginian to American history.

The gentleman I would like to recognize is Carter G. Woodson, who is known as the "Father of Black History." Born in Buckingham County, VA, in 1875, Woodson's family moved to Huntington, WV, in 1893. In 1896, Woodson graduated from Huntington's Douglass High School and attended Berea College in Kentucky, studying to be a teacher. After working in the coal mines and teaching school for 2 years in Fayette County, WV, Woodson returned to his high school alma mater and served as principal from 1900 to 1903.

In 1912, Woodson became the second black to earn a Ph.D. from Harvard University. He later studied at the Sorbonne in Paris, served as dean of the School of Liberal Arts at Howard University and from 1920 to 1922, was dean of West Virginia Collegiate Institute, presently known as West Virginia State College.

Woodson retired from the academic circles in 1922 in order to devote his time and skills to the study and promotion of Afro-American history. Without his efforts, much of black America's history may have been lost and we, as a society, would have suffered.

Efforts are underway in Woodson's hometown of Huntington, which is in my congressional district, to erect a life-size statue in his likeness and establish a Black History Scholarship Endowment at Marshall University.

Carter G. Woodson is just one of many black Americans honored each year during Black History Month. George Washington Carver, Booker T. Washington, Jackie Robinson, Martin Luther King, Jr., and Ron McNair are to be saluted for proving in their lives that success can be colorblind and can be achieved through dedication and hard work.

However, the road to success is not always paved smoothly for black Americans. The ugly monster of bigotry and hatred is unfortunately raising its head again in many parts of our Nation.

The authors of the Declaration of Independence held it to be true that "all men are created equal, that they are endowed by their Creator with certain unalienable rights. * * *" In order to live up to that statement, we must respect the many diverse components of American society that created the enormous "melting pot" in which we live.

We need to observe black history not just because it is black, but in order to get a true understanding of our Nation's heritage. It can help put aside the many erroneous myths and show people that Martin Luther King, Jr., was a great humanitarian, Crispus Attucks was a Revolutionary War hero and Doug Williams is a good quarterback.

Black History Month is a time to learn about the accomplishments and feats that were deleted from our history books for one reason—the participants were black. It is a time to reflect on the good and bad of yesterday and at the same time look ahead to a brighter tomorrow.

COMISION FEMENIL DE LOS ANGELES SALUTES LATINA ARTISTS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. TORRES. Mr. Speaker, I rise today to honor the Comision Femenil de Los Angeles for their "Salute to Latina Artists." On Saturday, March 5, 1988, the Comision will honor three special Latina artists at the Hollywood Roosevelt Hotel.

As the founding chapter of Comision Femenil Mexicana Nacional, Inc., the Los Angeles chapter's major goals are to provide a forum where Latinas can exercise leadership; promote solutions to problems confronting Latinas and their families; and provide a voice for the needs of Latinas and actively assist in the development of their full potential. In accordance with their mission, Comision Femenil presents its 1988 honorees:

Esperanza Martinez began painting when she was 3 years old and began her formal training when she was only 7. At the age of 13 she painted a mural on the wall of her school. The school was later demolished but the wall with her mural was left standing in her honor. During her high school years her classmates would say that, "She'd rather paint than eat."

For many years she has journeyed throughout Mexico, visiting small villages and tribes of Indians that few people ever have the opportunity to see. She has captured the colorful and picturesque spirit of every region of Mexico, from major city to remote hamlet. Educated at Mexico City's renowned school of art, the Academia de San Carlos, Esperanza faithfully records the rich heritage of Mexico, including unusual costumes and traditions.

Esperanza is well known by Southern California art patrons. For over 20 years her work has been exhibited in numerous galleries including the Upstairs Gallery, the Art House Gallery, Delphi Galleries, the Gallery Unlimited, the Pomeroy Art Gallery, and the galleries of Howard E. Morseburg, Jane Freeman, and Carl Frye, plus numerous private collections. The quality of her work places Esperanza on a plateau with the top painters of California today.

Judith F. Baca is a muralist, artistic director and founder of the Social and Public Arts Resource Center [SPARC] in Venice, CA. A veteran in the art of painting murals, she initiated the Los Angeles Citywide Mural Project in 1974 where she was responsible for organizing and painting more than 150 murals around the city.

As a muralist, she is "committeed to a process which brings community and art together for the creation of an art product." Nowhere is this more obvious than in the half-mile long "History of California Mural," affectionately dubbed "The Great Wall of L.A." by the media. As artistic director, Ms. Baca acted as primary designer and coordinated the efforts of 18 historians, 40 artists, and over 200 youth who participated in its production. Painted over five summers, the mural emphasizes the contributions of various ethnic groups to California's history and is a part of the ongoing programs at SPARC.

Ms. Baca's work has been exhibited nationally and internationally, published in numerous periodicals and journals, and documented in several forms. She has received awards and recognition for her work from community groups, the State assembly, the U.S. Army Corps of Engineers, and Los Angeles mayor, Tom Bradley. She served as a member of the NEA Task Force of Hispanic Arts and holds a master of arts degree from California State University, Northridge.

Barbara Carrasco is a California-born artist who has painted murals in Soviet Armenia, Nicaragua, and Los Angeles. She has produced large mural banners for the United Farm Workers Union, traveled to Mexico to visit Anjelica Arenal, widow of David Siquieros, and is due back to the Soviet Union this year to work on another cooperative mural project with Soviet artists and children.

Another facet of Carrasco's artistic personality are her miniatures. These are tiny pictures she makes at home. Titled "Rest in. * * * 12 Pieces," they are 6-inch by 2-inch colored ballpoint pen drawings set in little coffin-shaped mats. Each drawing represents a personality type or an immediately identifiable social stratum of contemporary society.

Mr. Speaker, I ask that my colleagues join me in this tribute honoring the creative and varied work of these three talented Latina artists. I also ask my fellow Members to commend the Comision Femenil de Los Angeles for their dedicated and untiring efforts on behalf of Hispanic women.

REAUTHORIZATION OF THE FISH AND WILDLIFE CONSERVATION ACT OF 1980

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. YOUNG of Alaska. Mr. Speaker, in 1980, the Fish and Wildlife Conservation Act, commonly known as the Nongame Act, was enacted by Congress. The act is primarily designed to promote the conservation of fish and wildlife species which are not normally subject to harvest by sportsmen or for commercial purposes. A central feature of the act is a Federal matching grant program to assist the States in the development, revision, and implementation of comprehensive conservation plans for fish and wildlife. For approximately 50 years, fish and wildlife species have greatly benefited from Federal funding programs such as the Pittman-Robertson and Dignell-Johnson, now commonly referred to as the Wallop-Breaux Program.

The Fish and Wildlife Conservation Act has the ability of providing funds for fish and wildlife species that provide recreational benefits to over 90 million people each year. While funds for game and sport fish programs come from user fees paid by sportsmen to support improvements to fish and game conservation and management efforts, matching funds for nongame conservation under the existing act would come from general appropriations.

In view of the fact that the act has never received an appropriation, the desirability of exploring alternative funding sources is apparent and will be a key portion of our reauthorization hearings. In the absence of Federal dollars, many States have developed their own source of funding through such mechanisms as State income tax checkoff programs, nongame conservation stamps, and wildlife art sales—all providing funds to carry out nongame programs in that State.

Mr. Speaker, I look forward to the upcoming hearings on reauthorizing the Fish and Wildlife Conservation Act of 1980 and will be joining my colleagues on the subcommittee in reviewing alternative funding sources for the act.

INTERNATIONAL MONETARY POLICY COOPERATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GARCIA. Mr. Speaker, an interesting article appeared in Tuesday's Wall Street Journal which discusses the need for a reevaluation of world monetary policy.

M. Edouard Balladur, Finance Minister of France, presents several proposals to rectify the volatile fluctuations in international exchange rates. Although I feel that a number of M. Balladur's suggestions are perhaps impractical or unrealistic, I nontheless share his view that the world's economic powers must engage in a greater spirit of cooperation.

I urge my colleagues to read M. Balladur's article. In an increasingly global economy, we must recognize the growing need for a coherent and mutually beneficial monetary policy to ensure a stable and prosperous future for all nations.

[From the Wall Street Journal, Feb. 23, 1988]

REBUILDING AN INTERNATIONAL MONETARY SYSTEM

(By Edouard Balladur)

Since the 1960's the world's industrialized countries have gradually abandoned the discipline of stable exchange rates based on the gold-exchange standard in favor of floating exchange rates.

That system has been a failure, proving devoid of discipline or constraints, much too tolerant of poorly managed economies and ultimately harmful for the world economy. Floating exchange rates are probably one of the essential causes of the economic disorders of the past 15 years: variations in the price of oil and raw materials, trade imbalances, financial anarchy brought about by international speculative capital flows, indebtedness.

The merits attributed to floating exchange rates in the early 1970s have not been borne out:

When they were introduced, it was said that balance-of-payments adjustments would be facilitated, but not only have imbalances not disappeared, they have become worse.

It was thought that speculation would be curtailed. On the contrary, never has it assumed such proportions nor had such destabilizing effects.

It was believed that marked forces, at last left to their own devices, would determine the correct exchange-rate balance. But never have imbalances been so great, nor fluctuations so wide and erratic and so little justified by economic fundamentals.

It was hoped that autonomy in economic and monetary policy would be preserved, allowing each country free choice of its monetary policy and rate of inflation. Facts have cruelly bellied this illusion.

Those countries with primary responsibility for the world economy now recognize the need for international cooperation. Last year's Louve Agreements marked the end of the floating-exchange-rate system. Concluded a year ago this week by the U.S., Japan, France, Britain, West Germany, Canada and Italy, they contain two complementary aspects: coordination of economic policy and more stable exchange rates.

The seven signatories have agreed to policies aimed at reducing their internal and external imbalances. Thus they are making a contribution to stabilizing their exchange relations, jeopardized by the highly excessive deficits and surpluses that have developed in recent years. Moreover, they are ready, if need be, to intervene on exchange markets.

Over the past year the Louvre Agreements have been reconfirmed and adjusted as required by economic and market developments. On Dec. 23, the seven signatories published a joint declaration and agreed upon secret exchange causes. This declaration is really a second Louvre Agreement, occurring after the autumn's financial upheavals and containing the measures adopted in response. Economic policy commitments have been adapted and strengthened, including those of central banks.

With Louvre Agreements 1 and 2, the seven major industrialized countries have shown they agree on the collective management of exchange rates and coordination of their economic policies—in the absence of a true international monetary system. It is thanks to this spirit of responsibility and cooperation that it was possible to overcome the recent financial crisis, the most serious since World War II. This represents major progress compared with the situation prevailing two years ago.

Thus, a first milestone has been reached on the road to rebuilding an international monetary order, though it rests on the will and ability of governments to impose self-discipline. Beyond this stage, how might one envisage a true international monetary system with a standard unit of value, automatic mechanisms and sanctions that would be beyond the control of the countries involved? The time is ripe for dispassionate consideraton of this issue, since inflation has receded and the Louvre Agreements are working well.

There are three possible approaches. Each has advantages and disadvantages, among which hard choices must be made.

INTERNATIONAL COOPERATION

The first approach is a system based on international cooperation building on and strengthening the spirit of the Louvre Agreements.

Their enforcement requires close surveillance of each of the major economies on the basis of such economic indicators as growth rates, fiscal balance, balance of payments, interest rates and exchange rates. This surveillance already is being established gradually.

It would be conceivable to perfect the Louvre Agreements by strenthening economic coordination, in budgetary matters, for example, by strenthening cooperation among central banks (particularly on interest rates) and if need be by publicly announcing ranges for exchange-rate fluctuations. I shall not dwell on the advisability of such measures.

A problem arises, however, in trying to perfect the decision-making mechanism.

The ultimate effectiveness of a system based on international economic cooperation such as the Louvre Agreements rests on the willingness of the participating countries to agree. Would they be prepared to sacrifice some measure of national sovereignty?

How can one build a system of automatic mechanisms and sanctions, the enforcement of which would be beyond the control of individual governments? There is no doubt that while the Louvre system represents major progress over the anarchy of floating exchange rates, it does not constitute a true international monetary system.

A WORLD EMS

The second possible approach is to build an exchange mechanism similar to the European Monetary System. The EMS, created in 1979, was Europe's response to international monetary disorders and was designed to provide protection for intra-European trade. It offers an illustration of automatic mechanisms and sanctions that could be restored at a world level.

The first feature of an EMS-style world monetary system is a monetary reference unit.

The monetary reference unit of the EMS is the European Currency Unit, or ECU, a weighted average of European currencies in relation to which all EMS currencies are defined. Similarly, a world EMS would need a basket of international currencies to serve as the standard for the new system. This is not a new idea. The Special Drawing Right, or SDR, which was defined in 1974 as a "basket of international currencies" would work well as a world monetary reference unit. The ECU currently contains five currencies: the dollar, yen, pound, mark and franc.

(It should be pointed out that, as in the EMS, a world monetary reference unit would not be used as the main reserve and settlement instrument; national currencies would retain their international role in those respects.)

The second feature of an EMS-style world monetary system is an automatic mechanism:

In the EMS, each country is required to adhere to margins of fluctuation established around the "central" rates defined for each currency. The same would need to apply to a world EMS. Each central bank would have to be ready to intervene on exchange markets to ensure that its currency did not exceed its limits vis-a-vis another currency. This also is not a new idea. The Bretton Woods system included such intervention obligations.

The third feature of an EMS-style world monetary system is sanctions.

Each central bank, under the obligation to intervene to maintain the value of its currency, would thus be made to spend its reserve assets or to borrow from its partners predetermined amounts in their currencies if its own currency were subjected to downward pressure. The lowering of exchange reserves would in and of itself be a form of sanction.

Moreover, if a parity realignment were required, it could be made only by mutual consent and after examining the economic policies followed by all. This could be done under the aegis of, for example, the International Monetary Fund. Devaluation or revaluation of a currency could not be made unilaterally. Monetary and economic adjustments would go hand in hand.

Again, there is nothing new about such sanctions in the world monetary system. The Bretton Woods agreements restricted each country's leeway to modify its par value and required IMF authorization for realignments exceeding certain limits.

The advantages of an EMS-style world monetary system in which a world currency made up of a basket of currencies would be the reference monetary unit instead of the dollar would be substantial when compared with those of the Louvre system. A monetary unit with universal scope would give the system the beginnings of a standard, which does not exist in the Louvre framework. The automatic mechanisms and the sanctions would be both known to all and institutionalized, whereas the Louvre Agreements rest on constant reappraisal of the "meeting of the wills" of the major countries.

Such a system would not, however, be flawless.

First of all, it would not provide built-in guarantees against an inflationary drift of all the currencies. Second, it probably would contain asymmetries similar to those of the Bretton Woods system since a national currency could continue to play a dominant role both as a reserve and a settlement instrument.

In all, while a world EMS would represent major progress over the Louvre system, is it possible to go still further in the direction of an even more objective system including automatic mechanisms and sactions beyond the control of governments?

A MONETARY STANDARD

The third approach is that of a system organized around a standard that would play the role of main world reserve asset.

The historical model for such a system is the 19th-century gold standard, under which all currencies were defined on the basis of their gold content. All currencies in the system were freely convertible into gold.

Under a pure gold standard, the first automatic mechanism is that parity fluctuations are maintained naturally, without central bank intervention on exchange markets, within narrow bands defined by the "gold points." International settlements can be made at any time either by purchasing foreign exchange on the exchange markets or by physically transferring gold. The band within which par values may fluctuate on exchange markets is limited by the two extremes defined by the central rate (the gold-content ratio between two currencies), to which is added and subtracted the cost of physically transferring gold.

Similarly, the second automatic mechanism is that monetary inflation in each country is a direct function of gold transfers. A country with a large deficit has an unbalanced exchange market; its gold is gradually transferred to surplus countries. The contraction of a nation's money supply—directly linked to the stock of gold at its central bank—leads to recession and lower prices. The counterpart to this contraction in surplus partner countries is credit expansion due to the inflow of gold, which leads to a higher level of activity and prices. Thus the competitiveness of the deficit country rapidly improves and its foreign trade balances out.

If such a system were applied today, countries with large deficits would be driven to important changes in their monetary policies and therefore in the level of their economic activity; surplus countries would be led to reverse changes. The gold standard—along with its automatic mechanisms and sanctions—would be objective and beyond the control of governments and monetary authorities, who would be obliged to adapt their policies on the basis of the results of their balance of payments.

Let us be realistic. The actual operation of the gold standard was in fact far more complex than the short summary just presented—in particular, each country could always try to circumvent the discipline of the system by modifying the gold content of its own currency.

This model of the gold standard would today give rise to very serious problems of enforcement. First, the amount of gold available today depends on the gold-producing countries, which are in a position to determine quantities and prices, and which do not necessarily share the values of the Western world. Second, although the gold standard, in its purest sense, implies free convertibility into gold, internally as well as externally, no central bank today would be ready to restore the internal convertibility of its currency, a policy that began to be abandoned in the 1930s. Finally, in every country today there is a consensus to limit inflation as much as possible. It would be difficult to implement a system that uses price increases in countries with surpluses as the major factor in restoring external equilibrium.

Once again, let us be realistic: No central bank is willing to relinquish its gold reserves. That proves how important holding gold still is to governments. Furthermore, gold is still valued by the market. In spite of the difficulties mentioned above, is it possible to rebuild a true system without allowing gold to play a role? I, for one, do not believe so.

Could we today establish a monetary standard, automatic mechanisms and sanctions that would be just as objective and independent of governments?

There are two possibilities; an objective standard including gold and, if it is possible, commodities (a suggestion made last year by U.S. Treasury Secretary James Baker), or a world currency based possibly on a basket of currencies to which gold might be added. Studies by the Committee of Twenty (set up in 1972 by the IMF at the ministerial level to give advice on reform of the international monetary system) at the beginning of the 1970s could serve as inspiration. The group considered how to devise a reserve instrument with constant real value, in other words an instrument that would be revalued every year on the basis of world inflation.

What about automatic mechanisms? One possibility would be to let the standard act as the main world reserve asset. For that to be possible, it would be necessary for each national currency to be convertible into the world currency at a fixed exchange rate. Settlements among central banks would be made by transferring the world currency, the reserve asset held by each national central bank and the central reserve asset of the system.

What sanctions would apply? The automatic mechanism would include its own sanction, as in the system based on the gold standard. No country could remove itself from the external constraint, since all countries would have to maintain their solvency in the world currency.

If such a system was already in existence, countries with external deficits would have lost their reserves of world currency. They would have to replenish their reserves to become solvent again and thus would be forced to adjust their economic policy, or failing that, their exchange rate in agreement with their partners. The latter should of course be exceptional. Technicalities could make it possible to have a symmetrical constraint on surplus countries as well as on deficit countries.

Such a system—with a stable world currency as the main instrument of reserve and settlement—would have three advantages over a world EMS. It would be more objective, more automatic and more symmetrical.

Its disadvantages would be related to the difficulties of implementation—the technical difficulty of defining a world currency and its rules of issuance and convertibility, and the very serious political difficulty of making it acceptable to all of the participating countries. The system would imply that the new standard of reference and value would gradually be recognized and accepted by all, so that governments and monetary authorities could not depart from it without being called to order, not only by an international body but also by their own economic agents. This raises the whole problem of internal convertibility.

When all is said and done, won't the choice among these three approaches which introduce an increasing degree of constraint into national economies, depend above all on the degree to which each country will be willing to join in international cooperation and relinquish national egotism?

None of these three approaches is intended as a definite plan for reforming the international monetary system. But I think that the leaders of the major economy now have the duty to ponder the system best adapted to today's world. In this area as in others, it is the duty of decision makers to prepare for the future, by studying all possible solutions in an unbiased manner.

Money is at the heart of all political and social problems. It must not be handled solely by specialists. It is also a matter of policy.

How is it possible not to see the extent to which the Western world has been weakened over the past 15 years by the monetary and economic disorders caused by the refusal to accept a common discipline. How is it possible not to see that the economic crises we have suffered—inflation, indebtedness, fluctuations in the price of oil and raw materials—are bound up with monetary disorders? How is it possible not to fear that these disorders may lead to political and social turmoil in all countries—be they industrialized or developing—turmoil that could alter the balance of the world?

Inflation has been largely brought under control in the main industrialized countries. Thus, for the first time in 15 years, this prerequisite for the restoration of an international monetary system has been fulfilled.

I would like the governments to work together to find answers to the questions I have put forward here. I would like us to do so with the greatest of caution and realism but also with imagination and boldness. That is why I propose that the international community entrust a small group of distinguished people of unquestionable moral authority—who have proven their economic, monetary and financial competence—with the task of lighting our way.

The point is not to resuscitate an ideal state that has never existed. Order and freedom go together. Economic freedom will have little hope for the future unless it is based on a world order accepted by all and binding on all.

HON. DAN DANIEL

SPEECH OF

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to express my sorrow at the passing of my colleague and friend, DAN DANIEL. Over the years I have always considered it a privilege to call DAN my friend.

He leaves an outstanding legacy of 19 years of service in the U.S. Congress. DAN served the people of the Fifth District of Virginia. He labored long and hard, giving his all to those he represented. So it was not really a surprise that when DAN recently announced his retirement from Congress, the reason he cited was that his health would no longer enable him to give "100 percent * * * [and that] would be inconsistent with [his] basic work ethic." DAN DANIEL would not think of giving less than his best to those he served.

For those of us here in Congress, we will most remember DAN for his work on the Armed Services Committee. As chairman of the Subcommittee on Readiness, his role in maintaining and developing the military preparedness of this country cannot be understated. However, his association with the armed services began long before he reached Congress. In World War II he served in the Navy. After the war, he became active in several veteran's organizations and served for a period as the national commander of The American Legion. As both a veteran and a member of the Armed Services Committee, DAN brought unique insight and knowledge to those issues which came before his subcommittee. I know we in Congress will miss his expertise as well as his friendship.

Mr. Speaker, I would like to extend my condolences to the Daniel family. We will truly miss DAN DANIEL in this Chamber.

FREE TRADE OR COMPETITIVE DISADVANTAGE?

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HEFLEY. Mr. Speaker, free trade is a premise adhered to by most who support competitive market practices. In January, the final touches were put on the draft of a so-called free trade agreement [FTA] between the United States and Canada that, in theory, will open the doors of trade and strengthen each country's economy through increased competition.

In reality, the FTA may take away more jobs than it would increase. I support the concept of free trade, but the United States should not turn its head from Canadian subsidy practices, and cannot turn its back on the workers whose jobs are threatened by those practices.

In Colorado's Fifth District, there are nearly 200 people employed in the mining and processing of lead and zinc. In communities such as Leadville, the economy of that community depends on the income made by the workers of the mining industry.

Such is the problem with the FTA as it appears to give an unfair advantage to Canada by allowing Canadians to continue subsidy practices. This means Colorado miners would have to compete against a subsidized product without tariff protection and without fair access to trade remedies. Such a situation is unacceptable.

A similar situation occured last year when the Climax Mine in Leadville was forced to cease operations with no hope of reopening as long as Chilean molybdenum imports were given favored trade status even though the Chilean Government subsidized Chilean molybdenum thus escaping United States tariffs. Under this favored status, Chilean producers held an unfair advantage over Leadville producers as they were not bound by United States tariff laws allowing them to sell the product for less.

We went to bat for the miners and were successful in getting the policy changed. We should not stand idle now if the FTA threatens to expose Coloradans to unfair Canadian subsidies.

United States negotiators had hoped to reach an agreement that would have prohibited all subsidies, but Canadian reaction to this almost derailed the entire agreement. As a result of their inability to reach an agreement on the issue of subsidies, they agreed that both countries would keep their countervailing duty laws which enable them to retaliate against subsidies.

President Reagan and Canadian Prime Minister Mulroney signed the FTA on January 2 which proposes to eliminate all tariffs within 10 years, and to do away with nontariff barriers.

Congress must approve or disapprove the FTA proposal, without amendment, within 90 days of its being submitted to Congress which is expected in April.

While I am in avid support of trade policies encouraging free trade and promoting competition, before I would support for the FTA, I will need to be convinced that U.S. workers will not be put at a competitive disadvantage by the treaty.

Mr. Speaker, I commend the following editorial in the Rocky Mountain News on February 3, for my colleagues' consideration:

[From the Rocky Mountain News, Feb. 3, 1988]

Free-Trade Pact With Canada Not So Perfect After All

As supporters of free trade, we rose last year to praise the pact negotiated between the United States and Canada removing tariffs between the world's two largest trading partners. Who, other than special interests, would resist a blow against growing protectionism?

As it turns out, a growing number of people eventually have opposed the deal, once they had a chance to examine the details and consider the possible consequences. They're making their case with Congress, which is expected to rule on the treaty this year.

Our free-trade instincts aside, the critics make some good points. Among them:

A binational panel, whose members could include a majority of Canadians, will replace the U.S. court system as the final arbiter in allegations of "dumping" and other unfair trade practices. Some legal scholars doubt the legality of removing judicial review from U.S. courts. The Constitution specifically says judicial power must be vested in the Supreme Court and its inferior courts and that this power extends to "all cases" arising from laws and treaties. How could language be clearer?

While the agreement removes tariffs, it does nothing to reduce the heavy subsidies that many provincial Canadian governments direct toward favored industries. The pact may even ensure longevity of the subsidies, to the extent it signals that the United States doesn't consider them important.

The subsidies are important, though, for they make a mockery of fair in some industries. For example, it makes little sense to tell our mining industry that it's now free to export to Canada if Canadian industry continues to enjoy the greater competitive edge of direct government handouts.

The West, and especially the Rocky Mountain West, depends on the very industries that could be most hurt by the agreement. One example: After a stringent program of cost-cutting, the U.S. copper industry has managed to drastically improve efficiency. Even so, greater efficiency here hasn't yet overcome the advantage of subsidies to Canadian companies, so cost-cutting progress in this country could actually be sacrificed to greater imports.

Not that there isn't a lot to be said for the trade agreement. A specialist from the University of Maryland, Paul Wonnacott, has predicted it could spur a 50% to 100% expansion of trade, which would clearly benefit both sides of the border. As many as half a million jobs could be created in each country, too, some economists predict.

Equally significant, Canada's tariffs generally are about double those of the United States. Vocal opposition in Canada is a clear sign that the treaty evokes fear across the border too, from Canadian companies likely to fall to more efficient U.S. competitors.

Whatever the benefits, however, the treaty falls short of fostering truly free trade. Add to that its potential effect on the Rocky Mountain West and possible unconstitutional removal of judicial review from the U.S court system, and the net result, unfortunately, is a treaty that Colorado's delegation should probably oppose.

ESTONIAN INDEPENDENCE DAY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MOAKLEY. Mr. Speaker, I am truly honored to join my colleagues commemorating Estonian Independence Day.

The Baltic State of Estonia will never surrender to the Soviet Government that has dominated its people since 1944. As citizens of the United States, we have enjoyed freedom and self-determination for over two centuries. We achieved this goal only after a great struggle. Like the brave Americans who fought to gain their independence from British rule in 1775, the people of Estonia today fight to regain their lost independence. The citizens of Estonia are unable to enjoy the luxuries of self-determination or freedom of expression because their lives are controlled by a Communist government they want no part of.

The Members of this Congress and all citizens of the United States should not forget the strenuous and bitter battle our Founding Fathers fought in order to achieve freedom and secure democracy in America. With this in mind, let us praise the people of Estonia for their courage and spirit as they strive to break the bonds of Soviet oppression in order to be a free nation once again.

SCOUTING OBSERVES ANNIVERSARY

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. STALLINGS. Mr. Speaker, the Boy Scouts of America is our Nation's largest organization for young people and has served our Nation's youth since the founding of the organization in 1910.

Three years ago, as the scouting movement celebrated its 75th anniversary, I introduced legislation to officially designate 1985 as the "75th Anniversary of the Boy Scouts of America." It was a proud moment when the President signed this bill into law.

This year, we mark another special milestone in Scout history—we celebrate the 75th year that scouting has been the official youth organization of the Church of Jesus Christ of Latter-Day Saints.

The Scout oath, the Scout law, the Scout slogan, and the Scout motto are the same today as they were in 1910. The essential principles of Scouting have remained the same since its inception—the mission of the organization is to prepare young people to make ethical choices throughout their lifetime as they strive to achieve their full potential.

Thirty-one years ago, President Ezra Taft Benson delivered a "fire-building" message at an Eagle Court of Honor. During that message, President Bensen said:

> When it comes to building character, Scouting is without equal in the program available for boys.

Among other qualities, the Scout law directs a Scout to be trustworthy, loyal, courteous, obedient, brave, and reverent. It is these values that the Boy Scouts of America has sought to instill in the hearts and minds of young people for over 75 years.

More than 70 million people have benefited from membership in Scouts, and millions more have benefited from the service, inspiration and leadership provided by the organizations. I am proud that there are more than 35,000 Boy Scouts in Idaho.

On Friday, February 26, this proud tradition will continue.

Seventeen young men, all from Scout Troop No. 37, will be honored for earning the rank of Eagle. These extraordinary young men are Ben Allred, Travis Porter, Jason Sharp, Jeremy Stone, Ben Winward, LaDaina Winward, Spencer Palmer, Eddie Dursteler, Robert Poole, John Andersen, Robert Hull, Woodrow Miner, Chad Moser, Shawn Moser, Leon Owen, Steven Owen, and Curtis Poole.

I congratulate and commend their scoutmaster, Rulon Winward. It is a rare privilege to see 17 young people from the same Scout troop receive Eagle awards. The dedication and hard work of volunteer adult leaders like Mr. Winward are what makes it possible to continue the Scouting tradition.

Clearly, while Scouting has remained true to its original values and purposes, it has moved into the future with even greater emphasis on personal ethics, values, and the importance of the family.

ESTONIAN INDEPENDENCE DAY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HOWARD. Mr. Speaker, February 24, 1988, will mark the 70th anniversary of the declaration of Estonian independence from the Soviet Union.

In 1920, after their war of independence, Estonia signed a peace treaty with the Soviet Union, which renounced any Soviet claims and rights to Estonia forever. During Estonia's period of independence it thrived socially, culturally, and economically. However, in 1939, Stalin and Hitler partitioned Europe, giving all three Baltic States and part of Poland to the Soviet Union. The United States, in keeping with the principle of international law regarding illegal seizure of territory, refused to recognize the Soviet annexation of Estonia.

Unfortunately, the end of World War II and destruction of Nazi Germany did not relieve the people of Estonia. Instead, Estonia was abandoned to a ruthless Communist dictatorship. Estonian freedom fighters who received almost no outside support, continued the heroic guerilla struggle in postwar Europe for over a decade. With the crushing of the Hungarian uprising in 1956, the Estonian guerrillas were faced with the harsh truth that they were not going to receive help from abroad.

The Estonians' extraordinary spirit to be free has not been broken. By repeated appeals to international organizations and Western governments, the people of Estonia have not given up on trying to restore their lost independence. The strong resistance to Soviet rule is felt by everyone in Estonia, especially among the younger generation of Estonians.

Therefore, let us join Estonians across the globe to commemorate their 70th anniversary and remember the loss of their freedom to Russification decreed from Moscow. We can look forward to the day, when they will again thrive as an independent nation.

EXTENDING OUR LAWS TO FOREIGN FLAG SHIPS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. CLAY. Mr. Speaker, today I am introducing legislation to extend our labor laws to foreign flag ships doing substantial business with the United States. I commend this legislation to the attention of the Members of this body.

U.S. national policy dictates that we have a merchant fleet sufficient to carry a substantial amount of our waterborne imports and exports and serve as our fourth arm of defense in time of a national emergency. While self-interest necessitates such a fleet, the sad fact is that it does not exist. Today, the U.S. merchant marine employs only about 28,000 American seamen and carries only 3 percent of our imports and exports. The deteriorated condition of our merchant marine threatens both our economic and our national security interests.

Forty to fifty percent of our imports and exports are carried on ships that are registered in open registry countries such as Panama and Liberia. These ships do all or a substantial amount of their business with the United States. They do not fly our flag, however, because by registering their ships in other countries, the owners of these ships are able to evade most U.S. laws, including our labor laws.

The practice of foreign registry is not limited to the shipping of freight, but extends to passenger ships as well. Indeed, the practice is even more prevalent in this segment of the maritime industry. Ninety-eight percent of the American passenger ship trade is carried by ships registered outside of the United States.

In contrast to the 28,000 American seamen employed on U.S. flag ships, it is estimated that there are in excess of 125,000 seamen employed on these runaway-flag operations. These are jobs that American seamen should, but do not have an opportunity to fill. It is for this reason that I am introducing this legislation.

As the preceding numbers indicate, by evading the requirements of American law, these "runaway" ships are driving American-flag vessels off the seas. The American maritime industry and those who work in it are fighting a competitive battle that cannot be won. A comparable application of law in other industries would allow Korean manufacturing companies, or even foreign subsidiaries of American companies, to establish and operate factories in the United States without being subject to American labor laws. The changes I am proposing would make the U.S. labor laws consistent with the treatment of American overseas subsidiaries and foreign companies doing business in the United States under the security and tax laws.

The present system does no favors for foreign nationals employed by these runaway ships either. We have heard from reliable sources that in many instances seamen are being employed on runaway-flag ships under conditions that do not even meet minimal international standards. It is my intention to look closely at these allegations as this bill proceeds through the legislative process.

National interests and humanitarian interests lead to the same conclusion. Those who seek to make a profit by doing all their business or a substantial business by shipping goods or passengers to or from this country should be held to the same standards applicable to American-flag carriers. Nor is there a question as to our authority to effect these changes. European practices and labor laws are consistent with this legislation and the Supreme Court has previously ruled that it is within the authority of the Congress to extend our labor laws to ships operating within American waters if we so choose.

EAGLE SCOUT ANTHONY M. HANCOCK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GEKAS. Mr. Speaker, today I would like to recognize the achievement of Mr. Anthony M. Hancock, a constituent of mine from Harrisburg, PA. On Monday, February 29, 1988, family, friends, and his Congressman will gather to witness the presentation of the prestigious rank of Eagle to Anthony, a member of Boy Scout Troop 10. The Eagle Court-of-Honor will be held at St. Thomas United Church of Christ in Linglestown, PA.

As a young citizen, Anthony has displayed his energetic capabilities by participating in many different projects and community services.

I am proud to recognize Anthony Hancock for his outstanding contributions to his community. His unselfish attitude toward others has set an example for the rest of us to follow. I would ask my colleagues in the U.S. Congress to join me in congratulating Anthony on this very special occasion.

GILBERT D. TOUGH CELEBRATES 30 YEARS WITH BLUE CROSS OF NORTHEASTERN PENNSYLVANIA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KANJORSKI. Mr. Speaker, I would like to take this opportunity to rise in tribute to Mr. Gilbert D. Tough, president and chief executive officer of Blue Cross of Northeastern Pennsylvania, who this week celebrates his 30th year with Blue Cross. As a native son of the Wyoming Valley, Gil is well-known and well-loved in the area, and I join his friends and colleagues who are honoring him with a surprise anniversary celebration.

Gilbert D. Tough is a native of Lehman, PA, and graduated from Lake-Lehman High School, Wyoming Seminary, the Dean School of Business, and Wilkes College. Mr. Tough also holds accreditation as a certified administrative manager, from the Administrative Management Society, and has completed the health care executive's training school administered by the University of Michigan's graduate school of public health.

Since 1983 when Mr. Tough became president of Blue Cross of Northeastern Pennsylvania, the area's largest nonprofit health insurance plan has grown to more than 650,000 subscribers. Blue Cross now has a subsidiary company, Universal Managed Care, and has established a health maintenance organization as a joint venture. He has been elected to a second term of office of the national board of BCS Financial, which is an affiliate of the Blue Cross/Blue Shield National Association.

Mr. Tough has served his community in numerous capacities. He has been extremely active with the United Way of Wyoming Valley, and currently serves as a member of its board. Since 1979 he has served as a member of Pennsylvanians for Effective Government. As president of the Lake-Leham Board of Education as a member of the board of the West Side Vocational Technical School, Mr. Tough has provided his leadership ability to further public education in the area. He is also chairman of the Board of Trustees of Lehman United Methodist Church and a member of the Board of Governors, Irem Temple, AAONMS.

I have known Gil Tough for many years through his activities in the community, and have always respected his forthright honesty and dedication to the job he sets out to accomplish. His dedication to Blue Cross of Northeastern Pennsylvania has helped to make it one of the most successful health care providers in the Wyoming Valley. I am pleased to join in offering him my congratulations for 30 years of a job well done, and I look forward to working with him for another 30 years.

A CONGRESSIONAL SALUTE TO JOYCE JAMES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a distinguished civic leader in my district, Mrs. Joyce James. Mrs. James will be honored on Friday, February 26, by California Pools for the Handicapped at their annual Golden Crutch Ball. This occasion gives me the opportunity to publicly express my gratitude for her work on behalf of the city of Long Beach.

Joyce is a true native of Long Beach; she was born in Long Beach Community Hospital, graduated from Poly High, and attended Long Beach Business College. In return for the pleasure of growing up in this great city, Joyce has dedicated her life to serving the Long Beach community. She has opened her home to over 5,000 people in her efforts to raise funds for many organizations. The list of groups is endless, including the California Pools for the Handicapped, the American Lung Association, Memorial Hospital Auxiliary, the American Medical Association, St. Mary's Medical Center, and the Hospice Program.

In addition to these activities, Joyce has found the time to devote her energies to the cultural arts. She is one of the original founders of the Long Beach Grand Opera and is an original member of the Long Beach Symphony Terrace Club. Joyce was also instrumental in helping to raise hundreds of thousands of dollars for the Long Beach Civic Light Opera.

Joyce epitomizes a true community servant. She prefers to stay behind the scenes, letting others have the limelight while she works inexorably toward her goals. She expects no reward for her dedication, patience and time.

My wife, Lee, joins in extending our warmest congratulations to Joyce James, on this auspicious occasion. The citizens of Long Beach are lucky to have such an outstanding woman in their midst. On behalf of the community of Long Beach, we wish Joyce James, her husband Gordon and her children, Suzanne and Stephen all the best in the years to come.

AGREEMENT MUST BE REACHED ON CONSTITUTION BEFORE INDEPENDENCE IN NAMIBIA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, if we have learned anything over the past three decades about the independence process in Africa, it is that stability and prosperity after independence can only be achieved on constitutional and political structure if agreement is reached before independence.

If there is a political power vacuum after independence, it will be filled by those with the power of armed force.

By naming SWAPO as the sole and authentic representative of the Namibian people, the United Nations has done little to ensure that a new government will be bound by the rule of law.

The transitional government is now in the process of drafting a constitution which, if accepted by the Namibian people, will set out the political system which will follow independence.

The Constitutional Council has made significant progress in drafting a constitution which will be acceptable to all Namibians. Enshrined in the constitution will be a "Fundamental Bill of Rights and Objectives." The rights include the right to life, liberty, freedom of movement, freedom of religion, and freedom from ethnic and racial discrimination.

The fact that the South African Government has expressed differences with the Constitutional Council belies the claims of SWAPO that the transitional government is a South African Government.

Mr. Speaker, if the United States Congress would like to see a democratic, stable, pro-Western, independent Namibia, our best efforts should be spent supporting the political parties in Namibia who share that same goal. The transitional government is working to ensure that independence for Namibia is true independence and not just exchange of Western intervention for Soviet intervention.

A. PHILIP RANDOLPH INSTITUTE AWARDS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MILLER of California. Mr. Speaker, last weekend I had the opportunity to attend the first annual dinner of the Contra Costa A. Philip Randolph Institute Chapter, and to speak about the legacy of that great leader for the cause of labor and racial equality. In this time of retrenchment for labor and disturbing increases in acts of racial intolerance, I would like to share those remarks with my colleagues in the House of Representatives.

REMARKS OF CONGRESSMAN GEORGE MILLER

I'm delighted to be here this evening, and honored to serve as the keynote speaker at the first annual dinner of the Contra Costa A. Philip Randolph Institute Chapter.

I want to extend my congratulations to the three people we are honoring tonight, Charles Evans, Dorothy Fortier, and Henry White.

And I also want to pay tribute to the memory of A. Philip Randolph, whom we also honor tonight.

For many of us who grew up in the 1950s and '60s, A. Philip Randolph epitomized many of our most urgent goals—racial equality, interracial cooperation, economic justice, and the courage to put yourself on the front line in the pursuit of civil rights.

More than any other civil rights leader of the post-war era, Randolph made the crucial link between civil rights and economic rights; between the power of the vote, and the power of the union; between the right of a child to attend school or a woman to sit on a bus, and the right of a black person to compete for a decent job.

And that linkage was critical. Because as we now so clearly recognize, legal quality without economic justice is too often a hollow promise.

You may have the right to compete for a job; but if you don't have the education and the ability to develop your skills, you're not going to get that job.

You may have the right to live where you like. But if you don't have a job, or a job that pays a living wage, you can't afford that house.

You may have the right to send your daughter or your son to the best school. But if you can't pay the tuition, that right doesn't do you very much good.

And tragically, while we have seen enormous progress in the area of legal rights over the past forty years, we have suffered a great, and unnecessary, retrenchment in the area of economic justice and economic opportunity over the past seven years.

In fact, we're slipping pretty badly in the area of our basic commitment to civil rights and to labor rights in this country.

We have endured the presidency of a man who claims to come from a labor background, but who has done more damage to the economic security of working people than any president since Hoover.

The attack on labor was set very early in this Administration when President Reagan fired the air traffic controllers.

And unfortunately, I think labor's failure to respond in a concerted and defiant way was very ill-advised, because it sent a signal that organized labor was not willing to stand up to this provocative and arrogant action—one which not only challenged the right of workers to strike, but which endangered, and continues to undermine, passenger safety.

The Reagan years have been open season on organized labor—right-wing appointments to the National Labor Relations Board, inaction by OSHA against workplace hazards, and opposition to public jobs programs.

You know, for the first four years of the Reagan Administration, I was chairman of the Labor subcommittee. For that entire time, we couldn't make any serious efforts towards expanding the rights of workers, because we were too busy defending them from Reagan's initiatives to weaken laws on sweatshops, child labor and workplace safety.

This same president has repudiated the role of the federal government, as the drum major for justice, as Martin Luther King liked to say.

In case after case, the Reagan Administration tried to turn back the clock on racial justice.

They defend federal aid to schools which discriminate. They supported federal tax benefits to schools which bar blacks. They gutted the Civil Rights Commission. They fought our efforts to restrict trade and political relations with South Africa. And they tried to place Robert Bork on the highest court in the land so he could say it's all legal.

Now, in the twilight of the Reagan presidency, we are beginning to reap what we have sowed. And I must tell you that we are going to pay a very dear price for this neglect.

We have seen a revival of poverty—especially among children. We have seen the explosion of homelessness—not just among the mentally ill, but among families and working people. We have seen the tragic revival of racial violence and race hatred, and not just in Howard Beach.

And I believe you will agree that the message which has flowed out of the White House—one of disinterest in civil rights, indifference to human rights—that sends a dangerous signal to the most intolerant portions of our communities.

The problems go far beyond assaults on unions and revivals of racism. As the chairman of the Select Committee on Children, Youth and Families, I've been focusing on the condition of young Americans—economically, educationally, and medically. And the sad fact is that if children are our country's most important investment, as we like to say, then our national portfolio is in a lot of trouble.

My friend, Congressman John Lewis of Atlanta, recently told me that we're about to lose an entire generation of Americans—a generation too unskilled, too uneducated, and too alienated to have any stake in their own future, or in the future of this country.

And he's right.

According to the Committee for Economic Development, by the year 2000, we will have turned out 20 million people with no productive place in our society. While we speak the rhetoric of competitiveness and economic growth, we are failing as a society to invest in the men and women who must be the workforce of tomorrow, and the most productive workers we have ever had.

In 1983, the National Commission on Educational Excellence reported that for the first time in the history of our country, the educational skills of the current generation will not surpass—will not even approach—the skills of their parents. Since that report was issued, our national commitment to education hasn't increased . . . it has dropped—and nowhere more precipitously than right here in California.

Since Ronald Reagan entered the White House, we have cut investment in employment and training programs by nearly 70 percent.

Even for those who have kept their jobs, or who have found new jobs, the story is the same: for millions of American workers, a job no longer means economic security, no longer means health care or unemployment benefits, no longer means disability protection.

Over a third of those who have found employment are working at a fraction of their prior salaries. In 1986, nearly two million Americans worked fulltime, year-round—but were still poor. And millions of them were parents with children.

The real value of weekly wages has dropped by one-sixth over the last 15 years. Median weekly wages for full-time workers in 1986 were lower than in any year in the 1970s—a 50 percent increase in the working poor over the last decade.

And that translates into a vulnerable, demoralized and economically marginal work force.

And it translates into a more divided, more polarized, more inequitable America, an America where the gap between affluent and poor is now at the highest level ever recorded by the Census Bureau.

So when I hear Mr. Reagan, and Mr. Bush say, "America is back!," I wonder: Back for whom?

Is it back for the children—underfed, not innoculated, undereducated, unskilled?

Is America back for the millions who cannot find any job that pays a decent wage and keeps their children out of poverty?

Is America back for the working man and woman whose union is under assault, whose quality of life is being dragged down, whose benefits are vanishing, and whose legal rights are being ignored by an indifferent government?

Is America really back?

I don't think so, and neither do you.

I think Mr. Reagan, and Mr. Bush, and the Congress have spent too much time worrying about Dow Jones and too little time worrying about Mr. and Mrs. Jones.

I think they're more concerned about the value of the dollar on the Tokyo exchange than they are about the value of a dollar in a working person's pocket right here in America.

I think they're more concerned about sending off money and bullets to fuel a phony war for "democracy" in Central America than they are in fighting the battles for civil rights and human liberty right here at home.

We know all about these tactics, about getting working people, and racial groups, and young and old people to fight among themselves so they can't focus on the real causes of their problems. Philip Randolph taught us those lessons sixty years ago when he led the railroad strikes, and it was a simple lesson: if they divide us, they conquer us.

So I think we have to take a page from Mr. Randolph's lesson book, and we have to remember that the only way to make any progress, the only way to get this country back on track, is through solidarity and organization.

And from time to time, we're going to have to get a little loud, and a little arrogant, and a little uncompromising. And sometimes that means pushing on friends, the way Mr. Randolph did with FDR and JFK—to get them to make the concessions.

Because let me tell you, Mr. Randolph was never more right than when he said, "Politicians don't move unless you move them."

You must move them. You must become what Philip Randolph called "the advance guard of a massive moral revolution for jobs and freedom."

That is the legacy of the labor movement in this country. It is a movement which never focused only on its own self-interest, but instead, it went out and fought the battles on a full range of issues and causes that affected millions of Americans—white, black, and yellow, men and women, organized and unorganized.

And if that legacy seems too heavy to carry in these difficult days, if the burden seems too great and the opposition too formidable, we need to remember Randolph's statement near the end of his long life of struggle.

"I don't ever remember a single day of hopelessness," he said. "Live or die, I had to stick with it, and we had to win."

We have to "stick to it," and we have to win—for the future of our children, for the future of the country. And you, who have dedicated your lives to these ideals of democracy, equality, and the dignity of labor will be the "advance guard" he spoke about.

I'm honored to stand with you, and to be with you here tonight.

70TH ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MORRISON of Connecticut. Mr. Speaker, on February 20, the members of the Connecticut Estonian Society gathered at the Pulaski American Citizens Club in Willimantic, CT, to celebrate the 70th anniversary of the proclamation of Estonian independence. Much of the world's Estonian community will be holding similar celebrations over the next few days. In Estonia itself, however, such a celebration has been made impossible.

The Estonian people have occupied their Baltic homeland for over 2,000 years. Although often ruled by Germanic and Slavic peoples from the 13th century to the 20th, the Estonians developed a distinct culture. On February 24, 1918, 70 years ago today, formal declaration of Estonian independence was made. With the nations of the world pledged to honor the autonomy of the new nation, it developed a strong economy and a greater sense of its own heritage. This situation continued for slightly more than two decades.

In 1940, the Soviet Union and Nazi Germany concluded the Molotov-Ribbentrop Pact. As a result of this agreement, the Soviets invaded Estonia; the occupation continues to this day. They claim that Estonia and its Baltic neighbors Latvia and Lithuania are now independent republics within the Soviet Union. The United States, along with much of the rest of the world, does not accept this claim and maintains diplomatic recognition of Estonia.

As part of the occupation, the Soviets are mercilessly trying to destroy the Estonian heritage and the memory of a free Estonia. Attempts at cultural expression are often met with harsh repression. Russian has replaced Estonian as the official language and is used increasingly in all educational and governmental settings. A large number of ethnic Russian workers have been sent to the Estonian capital of Tallinn and may now comprise a majority of that city's population. Five years ago, ethnic Russians accounted for almost one-third of Estonia's population. Today, that portion may be even higher.

If the Estonian culture is threatened in its homeland, however, it is thriving in America today. I congratulate both those Estonian-Americans who gathered in Willimantic and all others who seek to keep alive the culture of that captive nation, and I wish to let them know that we are with them in the struggle to restore a free and independent Estonia.

CONGRATULATIONS TO THE MICHAEL REESE HEALTH PLAN

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. HAYES of Illinois. Mr. Speaker, I rise today to congratulate the Michael Reese Health Plan, located on the south shore of Chicago in the First Congressional District of Illinois. The Michael Reese Health Plan serves 210,000 members. On Thursday, February 25, 1988, the plan will open and dedicate a new health care facility at 2545 South Martin Luther King Drive, Chicago, IL. Let me take this opportunity to congratulate Ms. Barry Averill, president and chief executive officer, Dr. Stuart Bowne, medical director, the board of trustees, all physicians, nurses, and other health professionals, the administrative staff and everyone involved with assuring the successful operation of the plan and its new facility.

One way to hold down medical care costs is through preventive medicine and disciplined management of health care resources. I know, many of my colleagues in the U.S. House of Representatives, interested in increasing good health care facilities, join me in applauding the opening of this new facility. We need more well-managed, affordable, quality health care services for people in the Chicago-area communities. I congratulate the plan on the opening of their new center and wish them continued success in the future.

ANNOUNCEMENT OF THE 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FOLEY. Mr. Speaker, since 1983 the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions first hand and convey the views of members from both sides on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year, eight congressional staff members will visit Germany from April 16 to May 1. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with representatives of the West Berlin Government and U.S. Government representatives in both West and East Berlin.

A comparable delegation of Bundestag staffers will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The program is truly a two-way street; accordingly, participants should be experienced Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take the time to meet with our staffers. The United States has tried to reciprocate.

Therefore, participants should have a demonstrable interest in, if not some direct responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. In addition, U.S. participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make are planning and conducting topical meetings for the Bundestag staffers and hosting one or two of the staffers in their Member's district over the Fourth of July.

Applications for participation in the United States delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs; final selection of the delegation will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe that they are qualified and giving some assurance of their ability to participate during the time stated to either Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1; or John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building, by Monday, February 29.

REHABILITATING HISTORIC BUILDINGS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mrs. KENNELLY. Mr. Speaker, the Department of the Interior issued in December 1987 its report entitled "Tax Incentives for Rehabilitating Historic Buildings Fiscal Year 1987." The report shows how dramatically historic rehabilitation has fallen off since passage of the 1986 Tax Reform Act both in terms of part I filings, and approved projects. In my own State of Connecticut certified projects dropped from 50 in 1986 to 18 in 1987 according to the Connecticut Historical Commission—a pattern which exists I am sure in many States.

For my colleagues who have not yet looked at this report, I am inserting in the RECORD at this point both the foreword and the report highlights for your consideration.

FOREWORD

Federal tax incentives to encourage historic rehabilitation have proven to be one of the most successful urban revitalization programs ever implemented, spurring revitalization in thousands of communities nationwide. Since 1976 over $12 billion in private funds have been invested in 18,000 projects across the country. While some of the projects are well known—Union Station in St. Louis and the Willard Hotel in Washington, D.C.—the majority of projects are not. Located in residential and commercial historic districts, the projects have brought new life to downtowns, creating new jobs and increasing local and state revenues. The cumulative impact of these smaller projects on such cities as Charleston, St. Louis, Jersey City, and Guthrie, Oklahoma, cannot be underestimated.

The Tax Reform Act of 1986 made comprehensive changes to the Internal Revenue Code, eliminating or reducing a number of popular deductions, tax credits, and special benefits. While many credits—including a 10 percent credit for buildings 30-39 years old—were eliminated in the new law, the preservation credit was reduced only from 25 to 20 percent. The retention of the tax credit for historic rehabilitation in the 1986 law is both a tribute to the past effectiveness of the incentives themselves and to the hundreds of preservationists, mayors, developers, and syndicators who succeeded in convincing Congress of their value. However, even though the credit itself was retained, depreciation periods were extended and the credit's use became subject to complex, new passive activity rules which limit the size of the eligible investment.

This report provides the first data and analysis on the impact of the revised tax code on historic preservation activity. Of particular interest in this year's report is the discussion of the effects of the new tax law, which for the first time uses data on the number of incoming project applications to the National Park Service. The Park Service's certification workload has been tracked on a monthly basis for three and a half years, allowing a much more solid valuation of the fluctuations in rehabilitation activity than yearly or even quarterly figures. While additional analysis clearly needs to be undertaken, and while new multi-family residential and office construction also declined in 1987, this initial analysis strongly suggests that the new provisions in the tax code have limited the effectiveness of the tax credit to spur rehabilitation of historic buildings and districts. The number of Part 1 certifications, generally the first step of any historic rehabilitation project, are down dramatically, and the Part 2 applications, used to describe proposed or ongoing rehabilitation work, have also suffered a major decline. These decreases have also been felt by State Historic Preservation Offices which, in partnership with the National Park Service, review and evaluate certification requests.

Despite the reduced activity within this program over the past year, the National Park Service continues to be proud of its role in helping to make the rehabilitation of historic buildings a reality.—H. Ward Jandl, Chief, Technical Preservation Services, December 1987.

REPORT HIGHLIGHTS

The use of historic rehabilitation tax incentives program was dramatically affected by the Tax Reform Act of 1986, which was signed into law in October 1986 at the very beginning of FY 1987. Use of the incentives had already begun to decline in FY 1986 before the law was even signed, largely due to concern over the proposed changes. This decline continued through FY 1987, even though the historic rehabilitation tax incentives remained, as adjustments in how the credits might be used reduced their attractiveness.

The decline in the use of historic rehabilitation tax incentives is probably due to a combination of a number of changes in the tax law, including changes that affect the use of the tax incentive directly, and those that affect construction activity of all types. The amount invested in both new multifamily and new office construction in the U.S. has declined substantially since the new law went into effect.

Approved projects in FY 1987 were down 35 percent from FY 1986, from 2,964 projects to 1,931 projects. This was the fewest number of projects since FY 1982, the first year that the 25 percent tax credit of ERTA was in effect.

The number of certifications of significance in FY 1987 was down 38 percent from FY 1986. Since certifications of significance are usually the first step in the path towards certified rehabilitations, this may indicate that fewer owners see tax credits as a tool to spur rehabilitation, and that a further decline in projects is possible in FY 1988.

Investment in tax act projects in FY 1987 was approximately $1.1 billion, down by 35 percent from the $1.7 billion invested in FY 1986, and less than half of what was invested in FY 1985. Some of this investment was in projects "grandfathered" in under the new law.

While the decline in projects in FY 1987 was nationwide, it was greatest in the West Coast and Rocky Mountain areas of the country. However, the decline in the west served to balance an earlier decline in the east in FY 1986, so that the distribution of projects is now the same as in FY 1985, before tax law changes began to affect investment in historic rehabilitation.

Eighty percent of the projects would not have been undertaken if the tax incentives had not been available.

Housing continued to be the most popular use for tax act projects, with about 45 percent of all projects used for this purpose. However, the number of housing units created by tax act projects dropped about 40 percent from more than 7,200 units in FY 1986 to about 4,200 units in FY 1987.

About 45 percent of the projects used some form of additional economic incentive in FY 1987. The vast majority of these incentives were locally sponsored, the most popular type being programs involving some type of reduction in local property taxes.

JOHN PISTILLI, RETIRES AFTER 40 YEARS AS LETTERING DIRECTOR

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GREEN. Mr. Speaker, my congressional district of New York City quite possibly has the largest concentration of artists of any in the Nation. Yet it is hard to imagine an artist whose work has had greater visibility than lettering designer John Pistilli, who is retiring today after nearly 40 years as lettering director at Sudler and Hennessey Advertising Inc.

The trademarks John has created read like a virtual overview of modern popular culture. They include Reader's Digest, Rolling Stone, Vogue, McCall's, Saturday Review, Harper's, Holiday, Simplicity, Butterick, Cover Girl, English Leather, Avon, Nice'N Easy, Bonnie Bell, Prince Matchabelli, Caravelle, Exxon, Whirlpool, Woolworth's, Singer, Schweppe's, Cutty Sark, Hertz, Perdue, Stride Rite, Lincoln Center for the Performing Arts, Metropolitan Opera, and the New York Philharmonic Orchestra.

John has won numerous awards from such organizations as the American Institute of Graphic Art, the Art Director's Club, and the Type Director's Club. In 1959, he received an award from the U.S. Government for his lettering of the Statute of Liberty stamp series.

But of his many accomplishments, Pistilli feels most proud of Pistilli Roman. Requisitioned by Aaron Burns, the typeface was designed and executed in only 2½ weeks for the purpose of introducing a nationwide typeface contest. But it did even more than that; it began a new era in typography: juxtaposing accentuated weights against hairline forms.

Pistilli's love for lettering goes back to his childhood days in Queens, NY, when he drew designs on the sidewalk with chalk, and even devised fancy numbers for his baseball team's first, second, and third bases. Following his graduation from the Jean Morgan School of Art in 1949, Pistilli began his lettering career with J.B. Roberts, Inc., a small studio which handled window diplays. In the spring of 1950, he joined Sudler & Hennessey, where he has remained ever since.

Pistilli's logo designs derive not only from the sound and meaning of the words, but also from the shapes of the characters within the words. "If you squint your eyes," he says, "the overall character of the word should reflect a nice balance between positive and negative shapes." His award-winning "Design 11" logo, created for Sudler & Hennessey's 11th-floor art department, is a prime example of that balance. He calls this logo "a pure combination of concentric and square forms," in that it combines perfect circles with perpendicular lines.

Having observed the transition in the past 25 years to phototypesetting, Pistilli does concede, however, that typography has made a great deal of technical progress and will continue to do so. "In the early 1960's, the use of computer technology to create a multitude of typesetting devices has made typesetting much faster and much less expensive. And phototypesetting has also created unheard of type flexibility: most of our type suppliers can now give us phototypography, typositor strips, minus leading, and minus settings, things which were virtually impossible in metal typesetting."

If Pistilli's standards seem high, his personal record of achievement remains his best testimony. In today's competitive art market, too many artists surrender their creative standards. On more than one occasion, art directors have found themselves at odds with John Pistilli on issues involving type design; but they always end respecting him for standing by his professional convictions.

John has been married to his wife Dorothy for 31 years. They have one son, John, who majored in government at Harvard at both the undergraduate and graduate levels and now attends law school at the University of Southern California.

REV. MSGR. HAROLD P. DARCY ATTENDS NATIONAL SECURITY SEMINAR

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GUARINI. Mr. Speaker, Rev. Msgr. Harold P. Darcy, S.T.L., J.C.D., of the Archdiocese of Newark, has completed a very important seminar which I would like to outline herein because of his interesting observations.

Monsignor Darcy was rector of the North American College in Rome, Italy, from 1974 to 1979, and rector of Immaculate Conception Seminary, Darlington, Mahwah, NJ, from 1972 to 1974, and was secretary to the apostolic delegate, Washington, DC, from 1961 to 1971, serving under Egidio Cardinal Vagnozzi and Luigi Cardinal Raimondi.

He has been pastor of Notre Dame Parish, North Caldwell, NJ, from 1979 to 1987 and is currently on sabbatical leave.

Monsignor Darcy completed his studies in Rome, Italy, and his academic background is as follows:

J.C.D. Degree, Summa Cum Laude—1960, Gregorian University, Rome, Italy.

S.T.L. Degree (Systematic Theology), Magna Cum Laude—1955, Gregorian University, Rome, Italy.

B.A. Degree (Classical Languages and Philosophy), Magna Cum Laude—1951, Seton Hall University, South Orange, New Jersey.

Monsignor Darcy's list of appointments include the following:

Member, Board of Trustees of the Advocate (official newspaper of the Archdiocese of Newark) (1980-present).

Member, editorial Board of the Advocate (1972-1974).

Member, Supreme Court of New Jersey, District Ethics Committee for Essex County (May 1984-present).

Member, Board of Conciliation and Arbitration, Archdiocese of Newark (1984-present).

Member, Commission for Ecumenical and Interreligious Affairs, Archdiocese of Newark (1984-present), and chairman, Committee on Roman Catholic-Jewish Dialogue (1983-present).

Member, Board of Consultors, Archdiocese of Newark (1981-1984).

Member, West Essex Clergy Association (Ecumenical) (1980-present).

Member, Board of Trustees, Seton Hall University, South Orange, New Jersey (1972-1974).

Member, Priests' Senate, Archdiocese of Newark (1973-1974; 1982-1984).

Resident Defender of the Bond, Ecclesiastical Tribunal Archdiocese of Newark (1960-1961; 1972-1974).

Episcopal Vicar for Hudson County Archdiocese of Newark, (1971-1972).

Vicar Delegate of Military Ordinariate, for all Roman Catholics in Government service (military, diplomatic, etc.), for entire Mediterranean Area (1974-1979).

Member, Academic Senate, Gregorian University Rome, Italy (1974-1979).

Member, Presbyteral Council of the Diocese of Rome (1979) (Appointed by Ugo Cardinal Poletti, Vicar of Rome).

Member, Pontifical Pastoral Council, "Peregrinatio ad Petri Sedem," Rome, Italy (1976-1979) (Appointed by Secretary of State—Vatican City).

Monsignor Darcy has written the following:

"Concept of Prejudice in Contentious Cases in Ecclesiastical Courts," Gregorian University, Rome, Italy (1960).

Numerous editorials and articles, the Advocate (official newspaper of the Archdiocese of Newark).

Series of articles on the Revised Code on Canon Law, the Advocate (1983).

Monsignor Darcy is a member of the Canon Law Society of America and Catholic Theological Society of America.

Monsignor Darcy is the recipient of two honors bestowed on him, Honorary Prelate, 1971 and Chaplain of His Holiness, 1962.

Monsignor Darcy was born in Newark, NJ, on July 10, 1929, and ordained to the priesthood on December 8, 1954, in Rome, Italy.

His report on the 33d Annual National Security Seminar, conducted on July 1, 1987, by the U.S. Army War College, at the historic Carlisle Barracks, PA, is as follows:

NATIONAL SECURITY SEMINAR, JULY 1, 1987

(By Rev. Msgr. Harold P. Darcy)

I have just completed participation in the Thirty-Third Annual National Security Seminar conducted by the U.S. Army War College, at the historic Carlisle Barracks, Pennsylvania. It truly was a unique experience for me and I thought it might be of interest to share some information and some thoughts regarding it.

I suspect that many might wonder why the U.S. Army senior institution in its educational and professional system is still known as the "War College"; after all, did we not change the title of the "Department of War" to the "Department of the Army"? Good question, but then the War College was founded in 1901 by Elihu Root, who served the United States as Secretary of War, Secretary of State and Senator, and its mission was ordained to be ". . . not to promote war, but to promote peace by intelligent and adequate preparation to repel aggression. . . ." So, war must be studied and understood, if we are to advance and enhance the cause of peace. The chief purpose of military power in the future may not be so much to win wars as to avert them. Poignantly implausible though it may seem at times, it may still be possible to close permanently the doors of the Temple of Janus, to have the lion lie down with the lamb, to beat swords into plowshares.

The U.S. Army War College has as its own goal—one which it meets very well—the professional education of perceptively selected young men and women (officers of the rank of Lieutenant Colonel and above) from diverse fields of military service and from some agencies of government. Graduates of the College are prepared to assume positions of high command and staff duties in areas of major responsibility. Over the past several decades, a few of the well known graduates, who have distinguished themselves in the service of the United States, have been: President Eisenhower; General of the Army Bradley; Fleet-Admiral Halsey; Generals Abrams, Haig, Lemnitzer, Patton, Ridgway and Taylor; Air Force Generals Kenney and Vandenberg; Generals Cates and Lejeune of the Marine Corps; and Ambassadors Davies, Underhill and Troxel. It may be of interest to note that the U.S. Navy and the U.S. Air Force also have their own War Colleges: Navy—Rhode Island; Air

Force—Alabama. There is also a National War College in Washington, D.C., which enrolls students from all branches of the Military Services.

The academic year at the College consists of a ten-month course of study which, like Caesar's Gaul of old, may be seen as divided into three parts: a common overview, advanced studies, research projects and strategic studies dealing with the preservation of peace and national security. The students are asked to design and develop alternative approaches to resolving situations and issues not yet with us, but that will surely arise during the next decade.

The culmination of the entire course of study is the National Security Seminar in which the students have an opportunity to integrate in broad vision the countless concepts that comprise the national security challenge. In a free society, the proper use of power, military or of some other genre, is critical. Power has its price. It is one reality to be preponderantly powerful and quite another to know how to use power judiciously. In this, as in so many other areas of human life and concourse, imaginative and harmonious collaboration between qualified specialists and knowledgeable generalists is utterly necessary.

The National Security Seminar is a privileged forum in which distinguished speakers discuss their views on issues of importance to the security and welfare of the United States, with the students, international fellows (military officers invited from various countries throughout the world), faculty and guests chosen from all the regions of our country and the varied fields of life and effort that sustain it. Obviously, the ensuing variety of expressed views and opinions should prove beneficial to all involved and particularly to the students as they prepare to serve ever more effectively and sensitively. It is hoped that the total event will increase, in a special way, the students' understanding of our society, the issues it encounters and the forces and trends that will inevitably influence the decisions that will have to be made in the future. Discussions during the Seminar develop vigorously and critically. Even the presentations of major speakers, e.g. Vice Chairman of the Joint Chiefs of Staff and of the Army Chief of Staff, do not and are not expected to escape incisive, though germane, questioning, probing dialogue and subsequent debate.

The measure of confidentiality that is deemed appropriate is insured by the Non-attribution Policy of the College; one may speak later in a general way about what was discussed in the Seminar but no statement is to be attributed to anyone without permission of the College. This, of course, guarantees to all present an atmosphere that is open, free and spontaneous and gives rise to frank exchange in expression, thought and opinion.

Each day the Seminar deals with a specific theme: international issues as they relate to national security, major domestic issues as they impact on national security, defense issues, United States Army issues. Voluntary evening sessions are offered in order to consider specific topics in greater detail. Additionally, there are voluntary lunchtime sessions. In all, the National Security Seminar is a very intensive event!

For me, the National Security Seminar was one of the most profound, salient and rewarding occurrences of my life. While the day began at 5:00 a.m. and ended usually after 11:00 p.m., the time and effort I gave to it were far less important than what I gained from it. The depth and breadth of study and dialogue were invigorating and challenging and the Commandant, his Deputy Commandants (one a career foreign service officer with the rank of Ambassador, from the Department of State, and the other a general in the U.S. Army, the staff, the permanent faculty and the students were most gracious and enlightening.

Some factors in particular had a special influence on the atmosphere of the Seminar: the high level of intelligence and culture of the young officers—almost all have a Masters Degree and many have two Masters Degrees, which in the academe is usually considered equivalent to a Doctorate; recognition of the prime necessity of pursuing negotiations leading to the controlled reduction of armaments through verifiable treaties—the powerful force of trust has to be built, however painstaking and plodding the process may be. Perhaps one would be surprised to find among the student body of the War College knowledge of the pastoral letter of the National Conference of Catholic Bishops (1983), "The Challenges of Peace: God's Promise and Our Response," but there it was in good measure, as was familiarity with the "Just War Theory." As mentioned earlier, the modern military officer is being prepared well to serve society.

Naturally, we would expect to find the virtue of patriotism held in high regard at the U.S. Army War College and there is no disappointment; it is there, alive and well, and not gone out of style. We give honor and respect, love and loyalty to our country. True patriotism, of course, includes the expectation that our country will always play her role well in world affairs, striving faithfully to actualize her potential as a creator of peace and worker for justice for our fellow human beings in other lands. Our attention must be directed to the good of the whole human family—all races, people and nations.

We live in an interdependent world and interdependence demands trust, which in turn needs a long time to develop. Trust does not come about overnight. Meanwhile, every human being, either as an individual or a member of society, rightly seeks security and well-being. There is no doubt that if the struggle by the state is for pervasive power alone, then future conflict is ensured.

The removal of nuclear weapons and even of so-called conventional weapons, crucial though it may be, is not enough. Much more has to be accomplished. War should belong to the past but isn't it true that we too often think of peace, at least subconsciously, as merely the absence of war? Obviously, we cannot accept this inadequate notion. Rather, "Peace involves mutual respect and confidence between peoples and nations. It involves collaboration and binding agreements. Like a cathedral, peace must be constructed patiently and with unshakable faith" (Pope John Paul II, Homily at Bagington Airport, Coventry, England—1982).

What is required now, and will be all the more so in the years and decades to come, is a whole new mode of mind, even anteriorly to a new way of thinking. Our minds must be irrevocably committed to the earnest entreaty of Pope Paul VI at the United Nations on the Feast of St. Francis, Apostle of Peace, October 4, 1965: "No more war; war never again."

Hope? Of course. Faith? Certainly. Promise? Indeed! Why? Because when the End-Time comes, that time for which we must be ready, there will, indeed, be a final and precious kingdom, the one set forth for all time by the author of the Book of Revelation (21:1-5): "Then I saw new heavens and a new earth. The former heavens and the former earth had passed away, and the sea was no longer. I also saw a new Jerusalem, the holy city, coming down out of heaven from God, beautiful as a bride prepared to meet her husband. I heard a loud voice from the throne cry out: "This is God's dwelling among men. He shall dwell with them and they shall be his people and he shall be their God who is always with them. He shall wipe every tear from their eyes, and there shall be no more death or mourning, crying out or pain, for the former world has passed away." The One who sat on the throne said to me, "See, I make all things new!" Then he said, "Write these matters down, for the words are trustworthy and true!"

Monsignor Darcy has given a life of service to God and man and I am sure my colleagues here in the House of Representatives are pleased to share his report.

A TRIBUTE TO MRS. JAQUELINE JACKSON

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesay, February 24, 1988

Mr. SAVAGE. Mr. Speaker, I rise today and ask my colleagues to join me in recognition of and to pay tribute to Mrs. Jaqueline Jackson. The wife of Democratic Presidential candidate Jesse Jackson, Mrs. Jackson is both an outstanding speaker and a lifelong peace activist in her own right.

Born to a Florida migrant worker, Mrs. Jackson attended North Carolina A&T University in Greensboro. From there, she left to marry and raise a family. Her passion for human rights has taken her to the Middle East, Europe, Africa, Central America, and throughout the United States. Having met individually with numerous world leaders from the Middle East to Central America, Mrs. Jackson's foreign travels often served as forerunners to her husband's own factfinding missions. An outstanding speaker in her own right, Mrs. Jackson has campaigned vigorously for both her husband and the betterment of our world. Yet in spite of her travels and numerous international responsibilities, she still lists her primary vocation as "Mother" to the couple's five children.

Mrs. Jackson's commitment to peace and an improved quality of life stems from her unwavering faith in God as well as her conviction to "love thy neighbor as thyself." She best reflected these sentiments in a recent speech. She said, "For the gift of life, I am blessed. To whom much is given, much is required. I therefore have the responsibility to do and be the very best that I can."

To Mrs. Jackson, I give my finest of wishes as she continues her quest for peace, jobs, and justice.

SINGAPORE'S UNFREE PRESS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. PORTER. Mr. Speaker, at the end of last year, the Singapore government, operating under section 16(1) of its Newspaper and Printing Presses Act, cut the weekly circulation of the Far Eastern Economic Review [FEER] from 10,000 to just 500 copies. This extraordinary action was taken, according to Singaporean authorities, because FEER was supposedly engaging in Singapore's internal political affairs. In all, since 1986, when the Newspaper and Printing Presses Act was amended to allow the government to "gazette", or restrict, foreign newspapers, four publications have had their circulations cut.

Besides FEER, the government has gazetted Time, Asiaweek, and the Asian Wall Street Journal, all for "engaging in the domestic politics of Singapore". While Time has had its circulation restored, the other three publications are allowed a combined 1,300 weekly circulation compared to the 23,000 before they were gazetted.

Ironically, the current debate surrounding FEER grew out of the criticism the government received after it detained 22 persons in May and June of last year. On December 17, FEER ran a story based on Roman Catholic Priest Father Edgar D'Souza's account of a meeting between government and church officials immediately following the detentions. Needless to say, the government disagreed with the tone and content of the article, and wrote several letters, which the journal promptly published, expressing these concerns.

Since then, the situation has escalated into a running battle between government officials who wish to ensure that foreign journals print only material that is "objective and without distortion", and the FEER's attempt to cling to its right to publish freely. Prime Minister Lee Kuan Yew is suing FEER for libel, and the journal is presently planning to pull its entire circulation from Singapore.

Last month, the government amended the Printing and Presses Act again to allow the photocopying and sale—without profit—of publications whose circulation it has restricted. FEER responded by offering to distribute copies of the magazine in Singapore without advertisement and not for profit. Meanwhile, our State and Commerce Departments have let it be known that such an amendment subverts Singapore's copyright law which was passed at United States urging last year. Their action is also probably a violation of the recently agreed to United States—Singapore copyright agreement.

Mr. Speaker, democracies must handle dissent according to democratic principles and practices. While the government claims the new photocopying amendment will ensure the free flow of information inside Singapore, by any other name it is a ban, because press freedoms entail not only the freedom to distribute but the freedom to receive information as well.

A country's stability and confidence are created by allowing information to flow freely, not by restricting journals whose views are at odds with the government's. Such restrictions display an insecurity which is unbecoming of a strong democracy and ally of the United States like Singapore.

BANKRUPTCY ISSUES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MOORHEAD. Mr. Speaker, our colleague from New York [Mr. FISH], the ranking minority member of the Committee on the Judiciary, recently addressed the American Bankruptcy Institute's Second Annual Midwinter Leadership Conference. His remarks outlined the historical transformation of bankruptcy, described dilemmas Members of Congress face in considering bankruptcy legislation, and emphasized the need for a reexamination of the chapter 11 reorganization process.

This speech provides helpful perspective for Members of Congress and others interested in the subject of bankruptcy reform. Mr. FISH'S discussion of the academic literature gives insightful intellectual context to bankruptcy issues Members of Congress confront.

I am pleased to commend this address to your attention.

ADDRESS OF HON. HAMILTON FISH JR., TO AMERICAN BANKRUPTCY INSTITUTE 2ND ANNUAL MID-WINTER LEADERSHIP CONFERENCE, FEBRUARY 17, 1988

I welcome the opportunity to address an organization that is promoting wider understanding of the bankruptcy process and greatly assisting the Congress in its consideration of the implications of a variety of law reform proposals. Your diverse membership facilitates a robust exchange of views that can provide important perspective on bankruptcy problems. Those of us in the Congress appreciate your newsletters, your studies, and your legislative briefings—and we value your counsel and insight.

The field of bankruptcy has experienced dramatic changes. William Blackstone observed in 1766 that the laws of England "allow the benefit of the laws of bankruptcy to none but actual traders . . . if persons in other situations of life run in debt without the power of payment, they must take the consequences of their own indiscretion, even though they meet with sudden accidents that may reduce their fortunes; for the law holds it to be an unjustifiable practice, for any person but a tradesman to encumber himself with debts of any considerable value."

Fortunately, two centuries later, we have bankruptcy laws of broader applicability—and we treat debtors more humanely.

Bankruptcy, a subject that apparently was an afterthought to the framers of our Constitution, has become one of the more important congressional powers for fashioning responses to economic problems in twentieth-century America. Joseph Story tells us in his Commentaries on the Constitution that "[t]he power to pass laws on the subject of bankruptcies was not in the original draft of the constitution . . ."—and Charles Warren recounts that "the subject of bankruptcy was not considered in the Federal Convention of 1787 until a very late date in its proceedings, when, on August 29, Charles Pinckney of South Carolina moved to commit the Full Faith and Credit Clause . . . with an addition" relating to bankruptcies. We have not even had a national bankruptcy law for approximately one-half of our history as a nation. Professor Thomas H. Jackson observes in his book, The Logic and Limits of Bankruptcy Law, that "only with the 1980's has [bankruptcy law] grown in popular and legal prominence. As it becomes more visible, bankruptcy law has become more controversial and its perceived usefulness more widespread."

Dramatic increases in bankruptcy filings—including multi-billion dollar corporations seeking the protections of the bankruptcy code—underscore the profound economic impact of the bankruptcy process. The Wall Street Journal tells us that "the surge in court-supervised reorganizations of such companies as Manville Corp., A.H. Robins Inc. and Texaco Inc. has elevated [bankruptcy lawyers] to a starring role in the profession." Bankruptcy lawyers today must not only have a detailed knowledge of the Bankruptcy Code but also a clear perspective on the interrelationships between the law of bankruptcy and such diverse subject areas as taxation, environmental law, tort law, and labor law. Bankruptcy judges must hear and decide an overwhelming number of cases—undoubtedly a major factor contributing to the high attrition among judges. The complexity of many of these bankruptcy cases makes the recruitment and retention of outstanding judges a high governmental priority.

This audience, however, does not need to hear more about the bankruptcy landscape from a Member of Congress. You experience it first-hand from a variety of perspectives. Your invitation, however, affords me the opportunity to reflect on my role as a legislator in this burgeoning field. The temptation, of course, is to focus on specific proposals for code amendments: should we, for example, carve a new exception to the automatic stay, make a specified category of obligations nondischargeable, or accord priority to certain categories of claims? The frenetic pace of racing from one subcommittee to another—from one subject to another—makes it easy to overlook the conceptual context of our work.

Later today I know you will be hearing about specific legislative developments as well as the nationwide implementation of the United States Trustee Program. At your luncheon I thought I would try to look at the subject of bankruptcy law revision from a broad perspective and identify two major dilemmas Members of Congress confront.

Firstly, Members of Congress face the dilemma of differentiating between legitimate and illegitimate objectives of bankruptcy law reform—identifying appropriate versus inappropriate goals. A series of questions comes to mind: should bankruptcy, which is primarily a debt collection mechanism, ever serve as a vehicle for a major substantive reallocation of rights? What are the limitations on the efficacy of seeking remedies to problems through bankruptcy code amendments rather than through amending state law or federal nonbankruptcy law? Is it unacceptable for the bankruptcy code, in pursuit of federal policy objectives, to alter the value of rights recognized by state law—or are the processes of bankruptcy sufficiently different from state law collection mechanisms to render comparisons of state and federal rights spurious?

The academic literature may be helpful in thinking about these questions. Professor Thomas Jackson [Harvard Law School] argues that "whenever bankruptcy law changes the relative value of nonbankruptcy rights, incentives are created for inappropriate uses of the bankruptcy process." Professor Douglas Baird [University of Chicago Law School], who often writes with Jackson, concludes that "[a] debtor in bankruptcy should have the same legal obligations as everyone else, and one should also turn to nonbankruptcy law to determine the priority of these obligations relative to other prebankruptcy obligations . . ." Professor Elizabeth Warren [University of Pennsylvania Law School], however, challenges this approach. She writes:

". . . [O]utside bankruptcy, it is not clear as an empirical matter whether losses are distributed according to the state law scheme or according to creditor strength, debtor favoritism, or some other factor. . . .

"Baird ignores the fact that the way state collection law operates outside of bankruptcy is fundamentally different from the way it operates when grafted onto a bankruptcy system."

The academic debate provides background for discussing the legislative dilemma. We recognize, on the one hand, the importance of bankruptcy as a debt collection mechanism that restrains individual creditors from engaging in a race that can damage the value of an enterprise and reduce the recovery for creditors collectively. We do not want debtors or individual creditors to view bankruptcy as a stratagem to improve the positions they occupy under nonbankruptcy law; bankruptcies that do not advance the interests of creditors collectively can have negative economic consequences. When we devise principles governing the distribution of assets, on the other hand, we want to be able to take into account the equities of particular kinds of claims, the special hardships incident to certain benefit terminations, and—far from unimportant—the impact on communities of facilitating successful reorganizations.

The second dilemma we face as Members of Congress relates to how we evaluate widely divergent predictions of the likely impact of bankruptcy law changes on behavior. Legislative efforts to safeguard health, disability and death benefits in bankruptcy provide an example. During the last session the House and Senate each passed legislation (in slightly different form) that gives retiree benefit payments in reorganization cases the status of allowed administrative expenses—thus according them priority over all other categories of unsecured claims. Uncertainty, however, surrounds the impact of administrative priority treatment for retiree benefits on the willingness of third parties to provide businesses in reorganization with necessary goods and services—and on the confidence of workers that they will be paid for future work. The major issue is whether administrative expense status is consistent with the goal of facilitating reorganization.

The Congress—and here I generalize—faces the dilemma of evaluating—without the benefit of empirical data—how groups will respond to legislative remedies or be affected by them. If we expand the exceptions to discharge in chapter 13 cases, for example, will we encourage significant numbers of debtors to petition for relief under chapter 7 [Liquidation] rather than chapter 13 [Adjustment of Debts]? If we carve an exception to the automatic stay for a particular category of claim, will we inflict harm on the debtor or other creditors to an extent that outweighs the interest in permitting certain collection efforts to go forward?

A recent article in Law and Contemporary Problems by Sullivan, Warren and Westbrook notes the "striking fact that empirical research has played almost no role in the development of bankruptcy policy." The American Bankruptcy Institute is to be commended for recognizing the importance of empirical data to an informed exercise of legislative judgment—and for taking the initiative to provide it to us on subjects we addressed in 1984. I agree with the authors of the article in Law and Contemporary Problems that "knowledge is better than ignorance and that data gathered systematically and carefully will raise the level of policy debate and improve its conclusions."

At this point let me suggest a subject area for detailed study. In my view, the reliance on chapter 11 by a number of multibillion dollar corporations underscores the importance of congressional reexamination of the reorganization process.

Members of the public often have difficulty understanding why major viable companies like Johns-Manville Corp. and A.H. Robins Co. find it necessary to seek the protections of the Bankruptcy Code when confronted with enormous potential tort liability—in one case because of asbestos related claims and in the other case because of claims related to the Dalkon Shield. Delay in filing under chapter 11, however, helps early claimants at the expense of later claimants—a preference for the victims who suffer first that may be inappropriate as a matter of public policy. Timely filing under chapter 11 may promote a fairer result for claimants collectively.

Flexible interpretations of current bankruptcy law to accommodate victims with non-manifested injuries as well as victims with manifested injuries seem fairer than following the first come-first served principle applicable outside of the bankruptcy context. Professor Frank Kennedy, referring to mass tort cases, concludes that "[t]he bankruptcy court still is the best forum we have for resolving the conflicting claims. . . . [I]t affords all the interests entitled to protection the best assurance of fair treatment."

A recent law review article suggests that "tort victims be given a superpriority over all other claimants of the debtor." We must ask in response, however, what effect this would have on the willingness of potential creditors to do business with a company that could face future tort claims. What is the effect on the potential for rehabilitation of a debtor if it cannot offer assurances of repayment to entities that engage in business with it in the future? The tort victims themselves, as well as other creditors, may suffer if the business cannot reorganize; the assets available to pay claims may be diminished. We also legitimately can ask whether a superpriority for tort victims in bankruptcy provides an incentive to victims to force companies into bankruptcy—at least where state law does not recognize a preferred position for tort claims outside of bankruptcy.

Corporations facing multiple claims may conclude that they have to resort to bankruptcy because of the high costs of litigating thousands of claims outside of bankruptcy. But we may not want corporations to resort to bankruptcy in order to have access to an expedited claims resolution process absent corporate economic distress. Thought should be given to providing less costly mechanisms for resolving mass tort claims outside of bankruptcy—thus removing a major incentive for seeking bankruptcy protection.

Together those of us with an interest in bankruptcy have much work to do in the years ahead. We must do a better job of clarifying for ourselves and the general public the extent to which problems associated with bankruptcy can be addressed by the Code. We must clearly distinguish problems that are unavoidable concomitants of financial distress and cannot be improved by changes in the bankruptcy code—from problems that are amenable to improvement through bankruptcy law reform.

We need to look beyond the specifics of legislative proposals to inquire into the appropriateness, from a federal bankruptcy law perspective, of our goals and objectives.

We should seek to encourage empirically based bankruptcy research to aid us in arriving at more informed judgments about the likely effects of legislative efforts.

Finally, we should seek to evaluate, in the light of a number of recent cases, whether the reorganization process requires modifications.

I am confident that this organization will make a major contribution towards the fulfillment of these objectives in the years ahead.

H.R. 4003, HEALTH CARE FOR THE HOMELESS ACT OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WAXMAN. Mr. Speaker, I am today joining Mr. LELAND, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI and Mrs. COLLINS in introducing the Health Care for the Homeless Act, H.R. 4003. This legislation would revise and extend, for the next 3 years, the Health Care for the Homeless Grant Program, under which 109 public and private nonprofit grantees throughout the country currently deliver outpatient services to the homeless.

In June of last year, the Congress enacted the McKinney Homeless Assistance Act, Public Law 100-77. This landmark, omnibus legislation contained several health care initiatives, including a categorical grant program for the delivery of primary care and substance abuse services to the homeless. That program, authorized at section 340 of the Public Health Service Act, makes grant funds available to public and nonprofit private organizations to deliver primary care, substance abuse, and, at the option of the grantee, outpatient mental health services to the homeless in their communities. The 340 program, as it is now known, was modeled after a successful 19-city demonstration program funded by the Robert Wood Johnson Foundation and the Pew Memorial Trust.

Funding for the 340 program was authorized at $50 million in fiscal year 1987 and $30 million in fiscal year 1988. Appropriations in each of those years were $46 million and $14.4 million, respectively. On December 1, 1987, and January 1, 1988, the Department of

Health and Human Services made a total of 109 grants with $44.5 million of the fiscal year 1987 appropriation. The Department anticipates that the grantees will provide outpatient care to about 395,000 homeless men, women, and children. It is my understanding that the Department has just decided that the $14.4 million fiscal year 1988 appropriation will be used to provide continuation funding for some of the existing grantees; none of the appropriation will be used to start new programs in communities with unmet needs.

I would note in passing that the $14.4 million is obviously not sufficient to sustain all 109 grantees through a second year of operation; by December 1988, many of these grantees will need renewal grants of the size of their initial grants in order to maintain current services. I would also observe that the fiscal year 1988 appropriation is so low relative to the fiscal year 1987 level of $46 million because the fiscal year 1987 funds were not actually distributed to all grantees until January, 1988, one quarter into fiscal year 1988.

The authorization for the 340 program expires on September 30 of this year. Given the growth in the homeless population and the large unmet need for health care, I do not believe we can allow this program to expire. The legislation I am cosponsoring today will extend the program through fiscal year 1991, with funding sufficient to enable the existing grantees to continue meeting the needs of their communities, and to allow the funding of additional urban and rural communities with significant homeless populations.

Estimates of the number of homeless are notoriously hard to obtain, conservatively ranging from 1 to 2 million. Whatever the precise number, it appears to be increasing. In a 1987 survey of 26 major cities, the U.S. Conference of Mayor found that the demand for emergency shelter was up an estimated 21 percent from the previous year in all but one of the cities surveyed. The Mayors' survey found that, on average, 49 percent of the homeless were single men, 33 percent were families with children, 14 percent were single women, and 4 percent were unaccompanied youth.

The legislation Mr. Leland and I are introducing today would authorize $61.2 million for the 340 program in fiscal year 1989, $63.6 million in fiscal year 1990, and $66.2 million in fiscal year 1991. These authorization levels will provide sufficient resources to fund health care for the homeless projects in 150 communities at an average amount of $400,000 per year, with an adjustment for inflation of 4 percent per year. Thus, funding for the existing 109 grantees could be continued, and new funding could be provided for an additional 41 urban and rural grantees, allowing them to serve some 148,000 additional homeless people.

I recognize that the administration fiscal year 1989 budget proposal is far more limited: it would fund the program at only $15 million. This level of funding would support only 50 grantees serving about 130,000 people, a sharp drop from current program levels. Of the 109 current grantees, 59 would lose their current funding, leaving 260,000 homeless men, women, and children without access to outpatient health services. I can see no reason why more than half of the current grantees should lose their funding. I can see every reason why urban and rural communities that are not currently funded should have a reasonable opportunity to initiate a program.

The legislation being introduced today would make very few substantive changes in the current 340 program. As under current law, grantees would have to provide, or arrange for the provision of, primary care and substance abuse services for the homeless. Grantees could continue to determine the "mix" of services based on local circumstances. They could also, at their option, provide mental health services, as the majority of existing grantees have chosen to do.

The current requirement that grantees contribute 25 percent of program costs from non-Federal sources would remain in place in 1989. However, beginning in fiscal year 1990, non-Federal resources would have to be increased from one fourth to one third of total program costs. The purpose of this requirement is to assure that limited Federal funds are targeted on those communities that are willing to make a significant commitment of local public and private resources to the health needs of their homeless populations. I recognize that raising matching contributions is more difficult in some communities than others. However, it is important that the Federal funds under this program stimulate local efforts, not replace local dollars. To accommodate hardship situations, the Secretary of HHS would be authorized to waive the matching requirement (whether 25 percent or 33 percent) for nonprofit private applicants if it is not feasible for the applicant to comply.

While the Health Care for the Homeless Program is still in its infancy, if properly managed and funded, it will become one of the major legacies of the McKinney Act, easing the suffering and improving the health status of hundreds of thousands of our most vulnerable citizens. I would urge my colleagues to support this bill.

PUERTO RICO'S JOB-WELFARE PLAN

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FUSTER. Mr. Speaker, I should like to point out to my colleagues today an innovative program in Puerto Rico that would have national implications for the Food Stamp Program. As you know, Puerto Rico's federally assisted nutritional assistance program has for several years switched over from food stamps to a food checks program in which cash benefits are mailed as checks to eligible recipients each month.

We have found in Puerto Rico that this new method has reduced administrative cost, eliminated fraud and tightened eligibility requirements for recipients. This system has worked well, and other States have modeled their proposed changes in their food stamps program after ours, the most recent of which is Alabama.

Now, we in Puerto Rico are going a step further. Our Governor, Rafael Hernández Colón, has just announced a plan in which Federal funds that are part of the Nutritional Assistance Program—or PAN—Spanish for "bread"—as we call the food checks system in Spanish—are diverted to job-producing activities. It is called "PAN and Work." As an example, a locally owned jackets and jeans manufacturing firm, situated in the economically depressed mountain town of Orocovis, is scheduled to receive a wage-subsidy paid from the diverted nutritional assistance funds of up to 25 percent of the wages of all employees who are recruited from the PAN ranks.

These are the people who used to receive food stamps under the initial program in Puerto Rico but who then were switched over to food checks.

Governor Hernández Colón is setting aside $44 million of the NAP funds for this new subsidy plan for job-producing activities, particularly in such remote towns as Orocovis, where unemployment is unusually high. The subsidy plan thus has several benefits, as was pointed out in a February 11 editorial in the San Juan Star. For one thing, the company is encouraged to hire more workers. For another, the workers get the chance to earn more money at a job than they were getting by simply collecting welfare. Lastly, the food checks rolls will be gradually reduced.

The subsidy operates on decreasing basis over a five-year period. During that time, the employer's business should be growing, which means that many more people should get use to working. Governor Hernández Colón, in announcing the bold new incentives program in Orocovis, noted that thousands of welfare recipients had applied for the new jobs created by the wage subsidy program, many more than could be hired immediately. This is clear proof that the poor in Puerto Rico want jobs, not welfare. If this jobs-for-welfare plan works out as well as it has begun, we will be expanding it substantially in the island.

The whole thing is an idea whose time has come, and I commend it to the attention of my colleagues across the Nation.

THE INTRODUCTION OF THE SMALL BUSINESS INVESTMENT INCENTIVE ACT OF 1987

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. FLIPPO. Mr. Speaker, I am taking this opportunity to introduce the Small Business Investment Incentive Act of 1987. This legislation will encourage taxpayers to invest in the crucial underpinning of our economy—small business.

The concept for the bill was originated by Harvey Goldstein, a conscientious, civic-minded certified public accountant in California, who was frustrated by a tax system that has his clients searching for tax shelters for their investments while promising small businesses struggle to secure capital. It also seems incongruent that our capitalistic society allows tax write-offs on business failures but imposes taxes on investments in successful businesses.

The Small Business Investment Incentive Act reconciles these inconsistencies by allowing investors to defer taxes on up to $25,000 ($50,000 on joint returns.) By providing this tax break to investors in qualified small businesses, the Small Business Investment Incentive Act gives investors the incentive to support our small business community.

The current tax structure makes investing in small business an unattractive, high-risk venture, which puts small business operators at a disadvantage. In a time when a top priority should be maintaining a healthy economic balance we cannot afford to neglect the small business sector.

Small business employes at least half of all workers in the United States and small firms are 24 times more innovative—creating more patents and inventions—than large firms, according to the Small Business Administration.

In Alabama, 88 percent of all businesses have 20 or fewer employees. Alabama's small businesses won $622,989,000 in Federal contracts in 1985, and small firms in the State contributed the majority of net new jobs (more than 15,400) between 1982 and 1984.

Small business gives the American economy its strength, versatility and pioneering spirit, and with consumers still wary of the financial forecast for the coming year, the country needs a healthy, growing small business community.

This issue is therefore of paramount importance for the 100th Congress. It is imperative that small business be encourged in order for the United States to fend off foreign competition and to keep the economy stable. The legislation I am introducing is a commonsense means of coping with the foremost problem of small business owners—raising capital.

Safeguards, built into the act, will prevent misuses or abuses of the legislation. For instance, a small firm can sell no more than $300,000 of stock under this program and one investor can own no more than 50 percent of the company's stock to prevent this plan from being used as an arbitrary tax shelter. The funds used to purchase stock must go directly into the company to ensure that additional capital goes into the company where it will do the most good.

Mr. Speaker, I am confident this 100th Congress will give this bill the careful consideration it deserves. It is an important measure and I look forward to working with my colleagues to perfect the legislation in the coming months.

THE CHILD CARE SERVICES IMPROVEMENT ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am proud to introduce the Child Care Services Improvement Act. This bill is a powerful, practical, affordable, and long-term solution to one of the most serious problems facing American families.

The economic strength of our Nation depends on our commitment to assuring a work force that is both well trained and of sufficient size to support growth. Today, women are a critical component of that work force. Their full participation requires that quality child care be available for their children.

Since 1950, women's participation in the labor force has tripled, but support for the children of working mothers has not. The Labor Department has estimated that as many as 20,000 children under the age of 3 are unsupervised at least part of the day. Increasingly, stories appear in our newspapers of parents dropping children off at public libraries because they cannot afford after-school care, or of children condemned to destructive care because parents have no choice of providers.

The Child Care Services Improvement Act takes the necessary steps to increase the supply of affordable, quality child care across the country without restricting the variety of kinds of care that working families need.

It expands the supply of care by providing grants to help child care facilities get established, eliminating liability insurance and tax code barriers that discourage prospective child-care providers from entering the profession, and by assisting family-based providers in financing the home improvements necessary to become licensed. It seeks to increase the buying power of low-income working families by allowing States to provide sliding-fee scale child care certificates or scholarships.

Finally, through tax incentives to business and parents, the bill encourages the adoption of strategies that will minimize the need for child care. The demographics of the work force demand creative approaches to work schedules and employee benefits that recognize parents must spend time with their children as well as work.

The Child Care Services Improvment Act is a fundamentally different approach from any bill introduced so far. It is affordable, even in these deficit-ridden years. While it requires that Federal dollars flow to providers who meet State standards, it does not preempt this critical State responsibility. It targets our limited Federal resources specifically at expanding day-care slots and seeks to better utilize existing resources for improving training and referral systems.

Title I establishes a $250 million block grant administered by the States which will provide grants for communities, nonprofits, small business, educational institutions, and others to increase the supply of licensed or accredited child care, providing certificates and scholarships for child-care assistance to low-income families; loans to businesses to fund the start-up costs of employer sponsored programs; sick child programs; and, after-school care.

Title I also requires States to develop strong outreach programs to help parents evaluate their day-care provider and understand the importance of their active involvement in monitoring quality. The Outreach Program assures providers access to training, technical assistance, or information on licensing standards, nutrition programs, and other important resources. It includes as well as a 2-year old harmless provision designed to encourage underground family child-care providers to join the system by allowing them to continue to provide services while they are in the process of becoming accredited or licensed.

Title II addresses the liability insurance crisis that has plagued child-care providers in recent years. Finding affordable liability insurance has become a major problem, discouraging potential providers from entering the child-care field, and forcing many out of business or to go unlicensed. Liability concerns are a major reason why more businesses are unwilling to participate in developing child-care projects.

Title III authorizes $100 million to States to establish child-care liability insurance pools under the Risk Retention Act.

Title IV makes $25 million available for State-administered revolving loan funds to help home-care providers finance the capital improvements necessary to become licensed. It is one thing to mandate licensure for all necessary day-care homes; it is quite another to provide individual women caring for children in their homes with the resources to meet standards. This bill addresses the problem head on to increase the availability of licensed or accredited day care throughout our towns and cities.

Title V simplifies the tax treatment of family child-care providers, replacing the requirement to file quarterly gross icome and Social Security taxes with an annual filing requirement. Moreover, family child-care providers are currently treated as self-employed individuals, and are required to file both the employer and the employee share of SECA taxes. Our bill would eliminate one-half of the payroll tax for home-based providers. By streamlining the tax treatment of these small providers and reducing the mountain of IRS redtape, my bill eliminates some of the disincentives to becoming a child-care provider or operating above ground.

The Child Care Services Improvement Act recognizes and encourages the integral role the private sector must play if there is to be a sufficient supply of child care to meet the demand. Barely 5 percent of employers now sponsor day-care centers or help their employees pay for care. The bill authorizes a tax credit for companies which sponsor onsite child-care facilities; requires dependent care to be a part of a cafeteria plans; and, creates an annual awards program that will recognize businesses that adopt personnel policies that enable employees to reduce their needs for child care.

This bill is the companion to legislation introduced yesterday by Senator ORRIN HATCH. I have been proud to work with Senator HATCH, and this bill reflects his strong and longstanding commitment to the well-being of children and families. The Child Care Services Improvement Act is a giant step toward assuring that America's families will be strong in the future. It is a balanced and pragmatic approach that encourages the development of a wide variety of child care settings—the variety upon which parents and children depend.

LOSING A GREAT AMERICAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GINGRICH. Mr. Speaker, on January 18, 1988, a great American died. William J. Yohannan, known affectionately as "Yogi," came to this country in 1929 from Persia after losing everything but his self-respect, his faith in God, and his dream of becoming an American citizen. In 1 day 17 of his family had been killed during the massacre of a Christian village by Turkish radicals. Having hidden under the bodies of the slain, including his grandmother's, he was later rescued by a Presbyterian missionary who saw to it that the young boy received care from an aunt, education at the mission school, and a chance to pursue his American dream.

Exactly 5 years after arriving at Ellis Island, Yogi was granted his coveted citizenship and 3 years later married Marguerite Sargis, also a native of Persia. After the attack on Pearl Harbor, Yogi enlisted in the U.S. Navy and was sent to the South Pacific, where he served his adopted country with courage and dedication. After the war, he became the first civilian manager of a Naval Officers' Club at the Naval Air Station in Marietta, GA. Widely known and respected in the Atlanta area, he became manager of the Piedmont Driving Club and then of Yohannan's Restaurant. During this period he played an important role in the quiet desegregation of Atlanta restaurants. Although he had little free time to enjoy it, Yogi was an ardent fisherman. In 1968 he and his wife moved to Savannah where he opened and became the first manager of the Chatham Club. Several years of declining health culminated in his death at the age of 78.

Yogi Yohannan was indeed a great American, because he never took his treasured citizenship for granted. Out of the turmoil of his early years there emerged from the heart of that poor immigrant lad, a deep appreciation for freedom. Those who were fortunate to have known him have found their lives enriched by his loyal friendship, his winsome personality, his gratitude for the opportunity to work, his religious convictions, his patriotism, and his loving concern for others.

MR. ORBIN "LEO" HILL: KENTUCKY BLIND WORKER OF THE YEAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. MAZZOLI. Mr. Speaker, as a proud cosponsor of legislation honoring the 50th anniversary of the enactment of the Javits-Wagner-O'Day Act, which provides meaningful employment to the blind and severely disabled, I wish to call to the attention of my colleagues the achievements of Mr. Orbin (Leo) Hill, recipient of the Kentucky Industries for the Blind "Worker of the Year Award" for 1987.

Fifty years since its enactment in 1938, the Javits-Wagner-O'Day Act continues to provide employment and other support services to thousands of blind, multihandicapped blind, and other severely handicapped people throughout the United States. It has been a successful initiative which has provided gainful and remunerative employment to many who would otherwise have limited employment options. Mr. Hill is but 1 of 55 Kentuckians who benefits from this important program.

In his 19 years with the Kentucky Industries for the Blind, Mr. Hill has worked his way from a regular laborer to a supervisor. He currently oversees 19 blind employees working for 5 major industries in the Louisville area. In addition to being legally blind, he has overcome a hearing impairment and also must undergo physical therapy for hip and knee problems.

Each year the National Industries for the Blind, the central nonprofit agency for workships for the blind participating in the JWOD Program, selects one outstanding blind worker as the Peter J. Salmon National Blind Worker of the Year. Mr. Hill was recently nominated to receive this outstanding honor.

I salute Mr. Hill's for determination to succeed and his dedication to his work and wish him the best in the years to come.

GUND TOYMAKER CELEBRATES 90TH YEAR

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DWYER of New Jersey. Mr. Speaker, I am pleased to bring to the attention of my colleagues the 90th birthday of Gund, Inc., which is located in Edison, NJ. Gund is the oldest producing soft toy company in the United States and is a leader in the development of innovative plush toys.

Gund is a family business, run by the Raiffe family. The Raiffe's are firm believers in a "hands on" management style, which is reflected in the tremendous success of their products. The business side of the company is run ably by Herbert Raiffe, while design responsibilities are under Rita Raiffe. Mrs. Raiffe reads National Geographic and periodically visits zoos to make sure that each Gund animal has the look and characteristics of the real thing. Marketing vice-president, Bruce Raiffe, represents the third generation to enter the family business.

Gund is a leader in establishing safety standards for its products. All Gund products are developed with child safety in mind. A tension test is conducted to ensure that all hard parts such as buttons are safely in place. Other tests include checking products for flame retardancy, machine washability and toxicity.

In 1986, the company established the Gund Foundation, which contributes soft toys to charities which help handicapped or underprivileged children.

Gund exemplifies the success that can be enjoyed by businesses dedicated to producing quality items that last. The company was a pioneer in the stuffed toy industry, and continues to grow with the development of new markets and products, such as its Kindergund line for infants.

Mr. Speaker, it is always encouraging to see family-run businesses excel in our marketplace. Gund's 90 years of operation testify to the company's talents and dedication to product quality. I am sure Gund will enjoy many, many more years of success in bringing satisfaction to its toy customers around the world, young and old alike.

PROGRAM HELPS BUSINESSES TO "JUST SAY NO" TO DRUGS IN THE WORKPLACE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. GALLO. Mr. Speaker, today I want to share with my colleagues in the House the story of a New Jersey company that has made a solid commitment to join the war against illegal drugs in our society.

That company, Hoffmann-La Roche, is now in the process of reaching out to all of our Fortune 1000 companies seeking their support for the largest program ever conceived to fight against the abuse of illegal drugs in the workplace.

Recently, we were all reminded of the critical importance of efforts to stop drug abuse at the only point in the distribution process where it can be stopped effectively and permanently—with the user.

As long as there is a market for illegal drugs, there will be a supply. Efforts to cut supply lines have been unsuccessful because of the monetary incentive involved.

Hoffmann-La Roche recognizes this reality and is going to the heart of the problem by organizing the business community to take the threat of drug abuse seriously.

The U.S. Chamber of Commerce estimates that drug abuse problems in the workplace cost American companies $35 billion a year.

In his State of the Union address, President Reagan spoke of the critical social implications of drug abuse and called for a renewed commitment in the continuing crusade to encourage everyone to "just say no" to illicit drugs.

Until now, attempts to fight drug abuse in the workplace have foundered because there is no recognized standard for identifying and treating the victims of this national tragedy.

Through the formation of multicompany task forces, those standards will be allowed to evolve in the form of guidelines for action.

With union-management cooperation, these task forces will develop recommendations covering the medical impact, as well as the legal, legislative and regulatory environment, and the role of human resource professionals of our national fight against drug abuse.

Task force recommendations on these and other issues will be presented at a one-day national conference to be held later this spring.

The goal of the conference is to define appropriate business policies and programs to guide the handling of the challenging and complex issue of drug abuse.

Conference planners are working closely with organizers of the White House Conference for a Drug Free America to share insights and to develop a complementary approach to the common problem.

The White House Conference for a Drug Free America will be held on February 28. White House Conference Chairman Lois Haight Harrington has applied her great talent and energy to this important fight against drug abuse in our society.

I know that the findings of the White House Conference will provide a solid foundation upon which the multicompany task forces can build.

I want to take this opportunity to commend Hoffmann-La Roche president and CEO Irwin Lerner and his associates for their dedication to this difficult problem-solving task.

I also urge my colleagues in the House to encourage business leaders within your districts to take the time to add your voices to the debate by participating in this important effort.

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK, FEBRUARY 21-27, 1988

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SMITH of Florida. Mr. Speaker, I would like to take this opportunity to salute the big brothers and big sisters of our Nation during Big Brothers/Big Sisters Appreciation Week. This week, February 21-27, 1988, provides our Nation the chance to thank these caring men and women.

Big brothers and big sisters fill a much needed role created by the rising trend of single family homes. They are committed to the welfare of the youth in America. By offering their time and guidance, they serve as the surest hedge we have to protect our young people from straying into trouble and delinquency. In providing desperately needed care and support, big brothers and sisters show our young that we do care about them. Filling the role of a missing parent provides love and caring for the child and a deep sense of fulfillment to the big brother or sister.

We must remain firm in our responsibility to inculcate the value of family and love to the next generation of Americans. It is imperative that tomorrow's citizenry operate from an unbridled sense of confidence and optimism we instill in them today. This attitude will only come about through love and attention. Big brothers and big sisters serve as both a conduit and reservoir of these invaluable human resources.

I ask my colleagues to join me in honoring the big brothers and big sisters of our Nation.

MENTAL ILLNESS AWARENESS WEEK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. WYDEN. Mr. Speaker, on behalf of a number of my colleagues and myself, I have introduced House Joint Resolution 464, to authorize the President to designate the week of October 2-8, 1988, "Mental Illness Awareness Week."

The purpose of this joint resolution is to focus public attention on concerns surrounding, and the advances made in, the treatment of mental illness. A "Mental Illness Awareness Week" resolution has been introduced, passed, and proclaimed for the past 6 years. Its purpose has been and is to educate the public that no one need to live with problems such as debilitating anxiety, panic, phobias, depression, or schizophrenia.

In any 6 month period 30 million adults and 2 to 10 million children suffer from mental disorders. This includes 1.5 million Americans suffering with schizophrenia, 9 to 16 million diagnosed with manic-depression, depression, or other depressive disorders, and of the elderly who are diagnosed as "senile," nearly one-fourth actually suffer from a curable mental illness. Additionally, nearly two-thirds of the AIDS patients in the United States will show symptoms of dementia, before they die.

Mental illness is an increasingly curable disease. The Institute of Medicine of the National Academy of Sciences states that the personal and social costs of mental illness, alcoholism, and substance abuse disorders are comparable to those of heart disease or cancer. Appropriate treatment of mental illness has been demonstrated to be cost-effective in terms of restored productivity, reduced utilization of health services and lessened social dependence.

Recovery from mental illness is a reality. Nine of ten patients suffering with major depression or anxiety can recover; 7 of 10 suffering from manic depression can return to normal lives; 5 of 10 with schizophrenia can improve and 1 in 4 can recover. Much of the progress in treatment can be attributed to major advances in clinical research in psychiatry. Research projects supported by the Alcohol, Drug Abuse and Mental Health Administration have made great strides in numerous areas.

The inspiration for "Mental Illness Awareness Week" comes from such groups as the American Psychiatric Association and the National Alliance for the Mentally Ill. The APA members conduct research and provide treatment necessary for those suffering from mental illnesses. The alliance, which was formed in 1979 for families with a mentally ill member, supports education, advocacy, and research in the mental health field.

Few diseases have the potential which mental illness does to disrupt the lives of both its sufferers and their family and friends. And, no other disease carries such a stigma. This nationwide effort was implemented to draw attention to the burden felt by the family and friends of those suffering from mental illness. Only through an increased understanding of the causes and the treatment programs available for this disease will the fear and ignorance surrounding mental illness be done away with.

"Mental Illness Awareness Week" provides us with the dual opportunity to reach out and help fellow Americans increase their understanding of this disease and help those afflicted with mental illness seek timely and appropriate care. Mental illness is worthy of our attention. I urge that my colleagues cosponsor this important resolution.

"A NIGHT FOR AFGHANISTAN" BANQUET HELD FOR RELIEF ORGANIZATIONS

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. KYL. Mr. Speaker, on February 20, I was honored to cosponsor and attend a banquet in Phoenix, AZ, to benefit relief organizations that are helping victims of the Soviet invasion of Afghanistan.

The banquet, "A Night for Afghanistan," was hosted by my friends Christopher and Sonia Cole of Phoenix, who did an outstanding job in organizing the event. Sonia Cole is herself an Afghan refugee. "A Night for Afghanistan" attracted concerned Americans from across the country, and raised over $165,000 for the Afghan Relief Committee and the International Rescue Committee which are involved in Afghan relief work.

By now, the story of the Soviet invasion of Afghanistan and the battle waged by freedom fighters there is well known. The Mujahideen have fought one of the world's superpowers to a virtual stalemate. As a result, the Soviets appear to be considering a withdrawal of forces from Afghanistan.

While our government aids the Mujahideen as a matter of policy, the importance of private aid for relief organizations working in refugee camps cannot be underestimated. Christopher and Sonia Cole deserve our congratulations for making life a little better for Afghan families who are enduring terrible hardships as their husbands, sons, and brothers battle the Soviet invasion.

HAPPY NEW YEAR, 4686

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. SCHEUER. Mr. Speaker, February 21, 1988 marked the beginning of the Chinese New Year, 4686 in the Chinese calendar. As a Member of Congress from the Eighth District of New York who proudly represents many constituents of Chinese descent, I would like to wish them, and all Chinese-Americans a happy New Year.

The new year is regarded as a time of new beginnings to be celebrated with family and friends. It is an opportunity for the Chinese to honor their ancestors and remember those who are dear to them by exchanging gifts and celebrating Chinese traditions and history.

This year is symbolized by the dragon which will bring peace and prosperity to the coming year. Those born in the year of the Dragon will receive good fortune throughout their lives.

Happy New Year.

HYDROFLUORIC ACID PRESENTS THREAT OF HAZARDOUS RELEASE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. LEVINE of California. Mr. Speaker, our Nation continues to confront environmental problems posing potential life-threatening hazards to millions of American citizens. We, as policymakers, must learn from the lesson of Bhopal, and from our own failure to clean up hazardous waste sites and correct environmental problems in our own country. Proper vigilance could save us billions of dollars in resources and protect the well-being of thousands of communities, large and small.

I recently learned that such potential dangers exist at three separate industrial sites within or near my own district, all of them industrial facilities which utilize a chemical called hydrofluoric acid [HF]. A December 13 article in the South Bay (CA) Daily Breeze states that HF is potentially more deadly than methyl-isocyanate, the chemical that caused the tragedy in Bhopal. HF is used to manufacture fluorocarbons and is the chemical catalyst that assists in the production of high-octane gasoline, through a process called alkylation. The Environmental Policy Institute estimates that the lives of over 2 million citizens living near these three facilities in my district would be endangered by a release of HF.

Two recent events warn us of the dangers of this deadly toxic chemical. In 1986, the U.S. Department of Energy and several energy companies cosponsored a test in the Nevada desert that was designed to simulate the accidental release of varying levels of HF. The test showed that HF was more toxic than originally believed, spreading downwind in a heavy gaseous cloud. People livng within 7.5 miles downwind would have been in a zone "immediately dangerous to life and health." Perhaps the most frightening conclusion of the test was that water spray was not an effective container of HF, as some experts had believed it would be. Dr. Ronald Koopman, the Department of Energy official overseeing the test, has sebsequently stated that water would only be 50-percent effective as a container of HF, and that considerable engineering advancement must occur before water could ever serve as a truly effective container.

The second event occurred October 30, 1987, when residents of Texas City, TX, experienced a real-life release of HF from a ruptured storage tank. Over 4,000 people were evacuated, and 1,000 required hospital care. According to several experts, these residents were extremely fortunate that prevailing wind conditions took the resultant HF cloud over open land away from population centers. According to Dr. Koopman, Texas City "came within a hair's breadth" of an accident "that could have killed thousands of people."

In light of these two events, a highly respected national group, the Environmental Policy Institute, held a press conference last December at which it urged refineries across the country to switch from HF to a much safer equal-performance alkylation substitute, sulfuric acid [H2SO4]. EPI went on to estimate that over 2 million southern Californians face unnecessary exposure to an HF disaster. In response to EPI's call for action, the board of directors of the South Coast Air Quality Management District has launched an investigation into the likelihood of such an accident occurring at the Los Angeles-area refineries, one of which has had a serious fire in just the last few months.

I think it is vitally important that these facts be brought to the attention of my colleagues. And I hope that as we prepare to consider improvements to the Clean Air Act, we examine this issue closely and take whatever steps are necessary to save this country from a preventable catastrophe of unthinkable proportions.

Three articles on the subject from California newspapers follow, which I include in the RECORD:

[From the Los Angeles Times, Dec. 5, 1987]

ALERT SOUNDED ON POTENTIALLY LETHAL REFINERY CHEMICAL

(By Larry B. Stammer)

Fifty-eight U.S. oil refineries, including three in the Los Angeles area, are using a potentially lethal chemical that could result in a Bhopal-like disaster threatening as many as 12 million people across the country, a Washington-based environmental group has warned.

Fred Millar of the Environmental Policy Institute issued the warning three years after the Bhopal disaster in India that resulted in more than 2,800 deaths. He urged local communities and residents to immediately embark on a "crash review" of all facilities in their area that use the chemical, hydrofluoric acid.

The three Southern California refineries identified as using hydrofluoric acid include the Mobil Oil refinery in Torrance that was the scene of a major explosion and fire Nov. 24. Plant officials said they believe there was no major leak of hydrofluoric acid in the explosion.

The other Los Angeles-area plants identified in the report are the Golden West Refining Co. of Santa Fe Springs and Union Pacific Resources in Wilmington, formerly known as the Champlin Petroleum Co.

A deadly cloud of methyl isocyanate escaped from the Union Carbide chemical plant in Bhopal on Dec. 3, 1984. Millar said a hydrofluoric acid accident could cause a "similar calamity."

While not disputing the potential dangers posed by the chemical, the American Petroleum Institute said in a statement released Friday in Washington that hydrofluoric acid has been used in the refining of gasoline since 1942. It is used today to boost the octane content of unleaded gasoline.

"The many companies using hydrofluoric acid have always been aware of the potential hazards of improper exposure or inadvertant release of hydrofluoric acid and have developed strict practices and procedures related to hydrofluoric acid operations," the API said in a statement relayed by Robert Getts of the Los Angeles-based Western Oil and Gas Assn.

The environmental organization said that based on new tests conducted in the Nevada desert, a 1,000 gallon spill of hydrofluoric acid could be lethal to those living within five miles of the refineries and "immediately dangerous to life and health" as far away as 7½ miles.

The group said there are 477,000 people within five miles of the Mobil refinery, 405,000 within five miles of the Union Pacific Resources refinery and 478,000 people within five miles of the Golden Western Refining Co. plant. Millar said residents in 70 communities, including Chicago, Philadelphia and Houston, face similar threats. He said the toxic acid is also used by the Energy Department in the production of nuclear weapons.

Last October more than 2,000 people were evacuated from their homes and more than 100 were taken to hospitals in Texas City, Tex. after a cloud of hydrofluoric acid was accidently released from a Marathon Oil Co. refinery there. No details of serious injuries resulted from the release; most of those hospitalized were treated for minor respiratory, skin and eye irritations.

The release occurred when a crane accidently dropped parts of an industrial heater it was carrying, shearing a pipe leading to into a storage drum containing the hydrofluoric acid.

"To the best of our knowledge," the American Petroleum Institute said Friday, "the release in Texas City on Oct. 30 was the most significant petroleum related incident in the United States involving hydrofluoric acid over its 45-year history of use in the petroleum industry."

Barry Berkett, senior vice president at Golden West Refining Co. in Santa Fe Springs, confirmed Friday that hydrofluoric acid is used there.

"We have very strick control conditions for the limited amount of hydrofluoric acid that enters our refinery," he said. He added that nearby residents should not be alarmed. Similar assurances were given by Mobil officials.

In March 1985, seven workers at Golden West were injured, one seriously, when a valve on a truck delivering a shipment of hydrofluoric acid was turned on before a connection to a holding tank was completed.

Torrance Fire Marshall Denny Haas said in an interview Friday that small amounts of hydrofluoric acid were detected leaking at the Mobil refinery Thanksgiving morning, two days after the Nov. 24 explosion.

The explosion involved a 30-foot-tall alkylation unit that Hass said uses hydrofluoric acid in removing impurities from the propane being produced. Asked if hydrofluoric acid was involved in the explosion, Haas said, "I doubt it because the fireball was a vapor cloud. It probably consumed itself right then and there if there were any hydrofluoric acid in the vapor."

Wyman D. Robb, manager of the Mobil refinery, said Friday, "We certainly recognize the toxicity and danger of hydrofluoric acid. Our employees are trained regularly in handling that material and in emergency procedures in the event of any sort of release."

Robb said that there have been small releases of hydrofluoric acid but that they were contained within the bounds of the refinery. He said that some employees have suffered from inhaling the vapors or coming into contact with the chemical but that there had been no fatalities.

There was no immediate comment available from owners of the Union Pacific Resources refinery in Wilmington.

The U.S. Department of Energy as well as the petroleum industry, the API said, continue to study spill test results involving hydrofluoric acid to determine whether further precautions are required.

In a telephone interview Friday, Walter Switzer, a combustion toxicologist with the nonprofit Southwest Research Institute in San Antonio, told The Times, "It's dangerous stuff." He said that the acute effects of inhaling high doses include inhibition of breathing and burning of the eyes. The chemical attacks such organs as the kidneys and the upper respiratory tract.

Millar noted that instead of using hydrofluoric acid, about half of the nation's oil refineries use sulfuric acid, which he said is "indisputably a considerably safer process to workers and local citizens. . . ."

[From the South Bay Daily Breeze, Dec. 13, 1987]

RISK HIGH FOR CHEMICAL DISASTER—REPORT IDENTIFIES 3 LOCAL FACILITIES

(By Alan Janson)

The South Bay runs one of the highest risks in the nation of a Bhopal-like disaster because the area harbors three of the county's four largest users of hydrofluoric acid, according to a Washington-based environmental group and a local air quality official.

Hydrofluoric acid is rated as more dangerous than the methyl isocyanate that escaped from the Union Carbide chemical plant in Bhopal, India, three years ago and killed more than 2,800 people.

The three facilities are the Allied Signal chemical plant in El Segundo, the Union Pacific Resources plant in Wilmington and the Mobil Oil refinery in Torrance, scene of a major explosion and fire Nov. 24.

Golden West Refining Co. in Santa Fe Springs is the only other known facility to use large amounts of the gas in the county.

Fred Millar of the Environmental Policy Institute in Washington, D.C., released the names of 58 oil refineries using the potentially lethal chemical that he said poses a threat to residents in 70 communities throughout the United States.

In his original release, Millar did not mention Allied Chemical, the largest single user of the chemical in the county, said Robert Antonoplis from the South Coast Air Quality Management District.

If the gas that escaped the Union Carbide plant had been hydrofluoric acid, many more Indians would have died, Antonoplis said.

"We're going to have a Bhopal if we don't shape up," Millar said.

Oil and chemical company representatives acknowledge the danger of hydrofluoric acid, but they complained that comparisons to Bhopal are designed to excite rather than educate people.

"This is unnecessarily alarming people," said Wyman D. Robb, manager of the Mobil refinery, which he added is trying to improve the public's knowledge of its operations.

The plant has had accidents involving the gas that produced minor injuries, but never killed any workers, Robb said. "We've always been able to contain (the escaped gas) within the confines of the refinery."

Most recently, hydrofluoric acid escaped pipes during evening fire repairs on Nov. 25 and Nov. 29, said Mike Freige, a fire investigator for the Torrance Fire Department. The gas dissipated without injury before firefighters arrived, Freige said.

The Nov. 24 fire occurred in the alkylation unit where the hydrofluoric acid is used. If any escaped in the explosion, it was consumed by the flames, Robb said.

Hydrofluoric acid has been used in gasoline refining since 1942. Today it is used to boost the octane in unleaded gasoline. Allied uses the chemical to make refrigerants.

In a recent experiment, Millar said, 1,000 gallons of hydrofluoric acid were released in the Nevada desert. Had the area been inhabited, the spill would have proved lethal to people living within five miles and dangerous to life and health as far away as seven and a half miles, Millar said.

About 477,000 people live within five miles of the Mobil refinery, 405,000 within the five miles of the Union Pacific Resources refinery and 478,000 within five miles of the Golden West, he said.

Millar had no calculations for the Allied Plant. However, the AQMD conducted a study in 1985 in the wake of the Bhopal disaster and estimated that a toxic gas from the Allied plant could severely injure 15,000 people and force more than 1 million to evacuate their homes and businesses.

TREATED WITH RESPECT

"Hydrofluoric acid is dangerous," Joe Barnett, Allied's plant manager, said, "and we treat it with great respect."

Allied has double-lined pipes, cut off valves and water spray nozzles aimed at joints, the most likely points of escaping gas, Barnett said. Water would knock down the gas and allow for easy clean up.

In addition, Barnett said, Allied has an empty tank so the hydrofluoric acid tank can be drained in an emergency.

Antonoplis said Allied's protection were the most extensive he has seen.

Last month, Allied conducted three days of training drills with El Segundo, Los Angeles City and county fire departments. The exercises, which assumed that an airplane crashed at the site, were also viewed by city officials.

"Our effort has been that people who need to know not only about this but other chemicals," Barnett said.

Hydrofluoric acid is the only chemical that can be used in refrigerants, Barnett said. That may explain why Allied has the largest hydrofluoric acid storage in the county, according to Antonoplis.

At Mobil, Robb presented a similar list of protections against spills and programs for spills. Mobil does not, however, have the reserve tank like Allied.

"I have more protection there than in another type of unit," Robb said.

Likewise, Jim Sailers, speaking for Union Pacific Resources from its base in Fort Worth, Texas, said the Wilmington unit was designed in 1982 with the latest in protections. The plant also has an around-the-clock, 18-man emergency response unit.

SOLID RECORD

Robb said the industry's accident record with hydrofluoric acid is a good one, with the exception of Texas City, Texas. In October, a cloud of hydrofluoric acid escaped from the Marathon Oil Co. refinery there, causing officials to evacuate 2,000 people and treat 100 for minor injuries.

The accident occurred when a crane dropped parts of an industrial heater that cut a pipe leading to a storage drum of hydrofluoric acid.

That a crane should be carrying anything over hydrofluoric acid shows a cavalier attitude in the industry to the dangers of hydrofluoric acid, Miller said.

"We haven't learned our lesson from Bhopal," Millar said. Marathon officials also had said water could knock down the gas and that no cloud could form in a moist climate, Millar said. But they were wrong.

In addition, the Texas community—which Millar said probably faced the greatest danger in the country because it has three refineries using the gas—had lax evacuation plans. People were moved down-wind of the refinery only for the cloud to catch up with them, Millar said.

Communities should take a serious interest in how these companies protect them from such chemicals and review their evacuation procedures, Millar said.

Under new state laws, all companies with toxic chemicals must notify local officials and an emergency plan must be prepared. Torrance is still developing its plan, said Fire Marshal Denny Haas.

A solution to the problems of hydrofluoric acid could be for refineries to use sulfuric acid, considered less toxic and dangerous Millar said.

For Mobil, Robb said, the use of sulfuric acid would require new machinery and a different design. The acid also must be disposed of in special sites, he said.

"Half the nation's refineries use sulfuric acid," Millar said, "and none of them are going broke."

[From the Los Angeles Times, Feb. 2, 1988]

REFINERY BLAST SPARKS WARNING ON POSSIBILITY OF POISONOUS GAS RELEASE

(By Sebastian Rotella and Jeffrey L. Rabin)

Citing a November explosion at the Mobil Oil Corp. refinery in Torrance, South Coast Air Quality Management District officials have warned that the possibility exists for a "significant release" of hydrogen fluoride gas at the plant.

An AQMD staff report obtained Monday calls for creation of a "high-level, multi-agency" task force that would consider phasing out use of the lethal hydrofluoric acid throughout the greater Los Angeles area.

An excess of hydrofluoric acid in a refinery processing unit was responsible for a thunderous explosion that rocked the Torrance refinery Nov. 24, sparking a spectacular fire that burned for two days. Liquid hydrofluoric acid turns to hydrogen fluoride gas under temperature and pressure conditions found in refineries, if exposed to the air.

The blast, heard for miles around, injured four people, shattered windows and caused millions of dollars in damage to the refinery that converts California crude oil to gasoline, diesel and jet fuel and other petroleum products.

The report said the fire caused an emission of 100 pounds of hydrogen fluoride gas, an amount that officials did not deem dangerous.

The AQMD report, signed by agency Executive Director James M. Lents, will be presented to the AQMD board Friday. The report calls the likelihood of a major release of the lethal gas "remote." But it recommends that the board acknowledge the continuing "potential for a significant hydrogen fluoride release acid and the associated public health risk."

A release could pose an "extreme and immediate" hazard to the almost 500,000 residents of the densely populated area around the plant as the result of employee error, an earthquake, sabotage or other scenarios, the report says.

The report also presents data about the release of other chemical pollutants during the blaze. For example, the 41-hour fire released a quantity of carbon monoxide equivalent to that produced by the plant during 1986.

In the "remote" event of a major release, the AQMD study states. "The consequences may be so great as to warrant regulations to direct industry to phase out its use or substitute processes with lesser environmental hazards." Other refineries use sulfuric acid, which is considered safer than hydrofluoric acid, in the refining process.

Mobil spokesman James Carbonetti said he could not comment on the report because he had not seen it. He said the proposed task force "certainly sounds like a good idea."

According to the AQMD report, other facilities in Los Angeles County that use or store hydrofluoric acid in significant quantities are Allied Corp. in El Segundo; Union Pacific Resource refinery in Wilmington; Jones Co. in South Los Angeles; Powerine Co. in Santa Fe Springs, and the Golden West Refining Co. refinery of Santa Fe Springs.

The Environmental Policy Institute of Washington reported last December that an accident involving hydrofluoric acid could pose as serious a danger as the 1984 disaster at the Union Carbide plant in Bhopal, India, which killed more than 2,000 people.

The environmental group said 58 U.S. oil refineries, including Mobil, Golden West and Union Pacific, use the chemical. It cited an incident last October in which a hydrofluoric acid leak at the Marathon Oil Co. refinery in Texas City, Tex., produced a toxic cloud that injured more than 60 people and forced 3,000 people from their homes.

LARGELY OVERSTATED

Responding to the EPI report, refinery manager Wyman D. Robb said at the time that the environmental group "large overstated" the risk involved in using hydrofluoric acid. Robb said Mobil had been using hydrofluoric acid in the refinery for 40 years to boost the octane of gasoline and "we have never had a serious incident where the acid has been emitted into the community."

"We have an awful lot of respect for it," Robb said at the time. "We have designed and built our process units with the utmost of safety."

On Monday, Environmental Policy Institute spokesman Fred Millar praised the AQMD recommendations. But he said Mobil should reconsider the location of the refinery.

"It is a very unfortunately located site," he said, referring to the heavily populated area.

AQMD spokesman Tom Eichhorn said no specific list for the task force has been drawn up, but said it would probably involve local fire departments and emergency response teams as well as affected industries and regulatory agencies.

Torrance Mayor Katy Geissert said Monday that she had not seen the AQMD report but the use of hydrofluoric acid "certainly warrants very, very close monitoring and scrutiny."

TRIBUTE TO TIM McDONALD

HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. ROWLAND of Connecticut. Mr. Speaker, it is with great pride that I pay tribute to Mr. Tim McDonald of the Fifth District of Connecticut.

For the past 18 years Tim McDonald, in his position as boys basketball coach at Holy Cross High School, has had a tremendous positive impact on those fortunate players who have come under his tutelage.

Tim is an outstanding coach as his career record of 272-127 indicates. His teams have won 6 Naugatuck Valley League championships and have played in the State finals twice. Two of his teams have completed regular season play with an undefeated record of 20-0. Several of his players have gone on to achieve success on the college level. Clearly, these accomplishments are a result of Tim's ability, dedication and commitment to excellence. McDonald has long been recognized as one of the finest high school coaches in the State and is well respected by his colleagues. He has had many opportunities to test his skill on the college level but has steadfastly declined, choosing to devote his energies to the youth of the Waterbury area. For that we are most grateful.

Yes, Tim McDonald is an outstanding coach. But, more importantly, he is an outstanding person. Tim has helped countless students who have sought his guidance. He has been instrumental in the personal and academic development of his players and has helped many youngsters reach goals that were thought to be unreachable. The contributions Tim has made to young athletes are felt long after their basketball career has ended.

Tim McDonald is retiring at the end of this season and his contribution to the Holy Cross athletic program will be sorely missed. I know I speak for the entire Holy Cross community in saying thank you for a job well done. Best of luck in the years to come.

CLEAN AIR BILL

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1988

Mr. DANNEMEYER. Mr. Speaker, I rise today to introduce a clean air bill today which, I believe, has all the elements necessary to comprehensive and reasonable reform. The past approaches to the problem of ozone nonattainment and the one proposed by H.R. 3054 ignore the very real and fundamental problems associated with reaching attainment of the established national standard. Given the uncertainty and complexity involved in the air chemistry affecting the formation of ozone in the atmosphere and its subsequent concentration in certain areas, it is impossible to dictate at the Federal level the technical means for abating the problem in each and every nonattainment area. For that reason I am introducing a bill which sets out an attainment strategy that ensures the progress of all nonattainment areas toward attainment but which takes into account the severity of the problem as well as geographical, efficiency, and cost factors. This approach permits EPA and the States to participate in a focused review of the individual nonattainment problems before setting in motion a wide-sweeping strategy with an uncertain outcome and the threat of devastating and unrealistic sanctions for areas which may be making good faith efforts toward reaching attainment.

There are five primary components to my legislation. First, the bill provides for an extension of the nonattainment deadline depending on the severity of the problem and the percentage amount the area is currently out of attainment. The deadlines for each area will be determined by EPA using a 3 percent per year emission reduction benchmark. The area will not be required to reduce emissions by 3 percent per year, but the 3 percent will serve the purpose of determining a reasonable, realistic deadline which areas may strive to achieve. In addition, the EPA will be directed to consider factors such as the frequency of the violation, geographic factors affecting the area's ability to reach attainment through currently available means and the cost in implementing current strategies. If, using this method of calculating a deadline, the area will be unable to meet the standard within 10 years, the area would be required to institute an alternative fuels program and implement a strategy to take into account the impact of new construction sources on the area's plan to meet the deadline.

Second, each nonattainment area will be required to submit a new emission inventory within 2 years and a new State implementation plan [SIP] within 2½ years of enactment. This new inventory is necessary to make certain that all sources (including mobile sources) are covered by the plan. EPA will be required to approve the SIP within 12 months of its receipt and may approve all or part of the plan. The submitted plan must include a schedule for attainment of the standard. The plan will be required to contain the following:

First, the projected emission reductions that will be achieved through implementation of existing and proposed Federal control. (These are largely auto controls.)

Second, the projected emissions attributed to transport from another area. Based on this determination, each area will receive an emissions credit for emissions attributable to another area. Conversely, each area that contributes emissions will receive an emissions deficit credit and will be required to reduce those emissions. EPA would have the authority to require reductions in attainment areas if EPA or an area could show that emissions from the attainment area contribute significantly to an area's ozone problem. The EPA does not currently have the capacity to make this determination so such determination will be dependent on an initial study. After completion of the study, area plans will be modified to reflect the results.

Third, the implementation of all additional control measures which EPA determines are "reasonably available control measures"

[RACT] and which the area demonstrates in its plan are necessary for the area to reach attainment. More stringent controls would not be required, but an area would have the discretion to pursue such measures.

Fourth, if EPA determines that the implementation of these measures will not bring an area into attainment, the area would be required to begin long-term urban planning to bring about gradual reductions in pollution through consideration of structural changes to the development and operations patterns of the city.

The third provision in my bill deals with sanctions in such a way as to give nonattainment areas the necessary incentives to pursue reductions without injuring their ability to continue reasonable economic growth. Under this legislation, if an area fails to meet the target attainment date even though implementing its approved plan, the area will not be sanctioned but merely required to revise its SIP. If, however, an area does not exhibit good faith efforts or is negligent in meeting its schedule for implementing controls, EPA will have the authority to issue sanctions in proportion to the degree and severity of noncompliance. Such sanctions could include graduated emission offset requirements or graduated sewer hook-up fees. EPA will also be provided the discretion to reduce or lift sanctions once the Agency has determined that an area has made reasonable progress toward correcting the deficiency that caused the sanction. The construction ban in current law is replaced by an emission offset sanction for new 100-ton sources. Depending on EPA's view of the severity of the violation, the offset could increase from 1.2 to as high as 2 to 1.

A fourth and vital provision requires EPA in conjunction with the National Academy of Sciences to complete a study on the state of knowledge concerning the role of NOX, VOC's and CO in ozone formation and its effect on the population relative to exposure. The study will specifically focus on the role of monitoring and modeling in measuring the relationship between hydrocarbon and NOX emissions to ozone formation. The study must also determine whether emissions from another area contribute significantly to the nonattainment problems of each are and whether the areas emissions contribute significantly to another area's nonattainment problem.

The fifth component implements the provisions of H.R. 1239 which passed the House in 1983 as part of clean air reform. H.R. 1239 limits the motor vehicle warrantly to a period of 2 years or 24,000 miles, whichever comes first. In addition, it establishes a performance warranty of 2 years, 24,000 miles.

The complexity of the nonattainment issue defies a simple solution. However, based on the diversity of problems and interests in individual nonattainment areas, it is clear that one national policy that treats all areas the same is inappropriate. The same controls that will produce effective results in one area may deliver miniscule reductions in another. The intent of this bill is to deal with these issues in a flexible and realistic manner. I urge my colleagues to carefully consider this option and reject the regulatory and unrealistic approach taken by H.R. 3054.

SECTION-BY-SECTION ANALYSIS OF H.R. , THE CLEAN AIR ACT AMENDMENTS OF 1988

Section 1. Title. The Clean Air Act Amendments of 1988.

Section 181. Revision of Attainment Dates. The Administrator of the Environmental Protection Agency (EPA) shall promulgate a rule establishing a revised attainment date for each nonattainment area which failed to attain the national ambient air quality standard for ozone or carbon monoxide, or both by December 31, 1987. The final rule shall be promulgated no later than December, 1988.

The revised attainment date shall be determined by the Administrator taking into account each of the following:

1. The date which the standard would be achieved if the emissions inventory in that area for the air pollutant concerned were reduced in each year after 1990 by 3 percent from the emissions inventory of that air pollutant in 1990. The standard will be based on the inventory submitted to the Administrator under Section 182(a);
2. The cost of attaining the standard;
3. The frequency of violations of the national ambient air quality standard in that area, and;
4. Geographic factors.

Section 182. Additional Measures for Certain Nonattainment Areas.

(a) Emissions Inventory. Each State for which a revised attainment date is established under Section 181 shall conduct an inventory of emissions of each of the air pollutants which contributed to the failure of the State to attain the national ambient air quality standard. The inventory shall be completed and a report detailing the results thereof shall be submitted to the Administrator within 2 years after enactment.

(b) State Implementation Plans (SIPS). Each State for which a revised attainment date is establshed under Section 181 shall submit to the Administrator a revision of the SIP for each area within the State which failed to attain the national ambient air quality standard for ozone or carbon monoxide by December 31, 1987. The SIP revision shall be submitted before 2 and one-half years after enactment.

(c) Approval of Plan Revisions. The Administrator shall approve or disapprove any plan revision submitted within 12 months after the date on which the revision is submitted. The Administrator shall approve all or any portion of the revision.

(d) Schedule and Measures to Achieve Standards. Each SIP submitted shall contain a schedule for the achievement of the national ambient air quality standard together with enforceable measures which assure compliance and maintenance of the standard.

(e) Credits. In establishing the schedule required in subsection (d) the State shall be credited with each of the following:

1. The reduction in the emissions inventory of the area which is projected to be achieved through the implementation of all existing and proposed measures for the control of air pollutants from stationary and mobile sources which have been implemented or proposed to be implemented by the Administrator, and;
2. The reduction in the emissions inventory of the area which is projected to be achieved through controls on other areas from which air pollutants are transported.

(f) RACT Required. The SIP shall contain all additional reasonably available control measures for each air pollutant concerned which are necessary to attain the standard by the revised attainment date and maintain the standard thereafter. If the implementation of such measures is not sufficient to attain the standard by the revised date, the plan revision shall contain long-term planning measures which will reduce emissions. Structural changes to the development and operations pattern of the area concerned shall be considered.

Nothing in any provision of this Act shall be construed to prevent any SIP from requiring, in its discretion, more stringent measures than those required under this subsection.

(g) Modified Offset Requirement. Permits for stationary sources referred to in Section 173 shall require, in lieu of Section 173(1), that enforceable requirements be in effect by the time the new or modified unit commences operation such that the total tonnage of increased emissions for any air pollutant from the new or modified unit will be offset by a greater reduction in the actual emissions of each of such air pollutant from other units in the area. The ratio of emission reductions to increased emissions shall be at least 1.2 to 1 as determined by the Administrator, taking into account the amount by which the national ambient air quality standard for the pollutant concerned is exceeded in the area.

(h) Additional Measures for Areas Requiring More Than 10 Years. If the schedule for attainment under subsection (c) does not provide for attainment within 10 years after enactment, the revised implementation plan under this section shall contain provisions establishing an alternative fuels program and provisions to consider the impact of new construction on the ability of the area to comply with the revised attainment date.

Section 183. Failure to Comply or Attain Standards.

(a) Failure to Attain Standard. If the national ambient air quality standard for ozone and carbon monoxide is not met for any area by the revised attainment date, the State shall submit a plan revision for that area. The plan revision shall be submitted within 9 months after the revised attainment date.

(b) *Failure To Comply.* If a plan revision required under this part is not submitted to and approved by the Administrator within the required period, or if the Administrator determines that any provision of the revised plan is not being implemented, both of the following shall apply:

1. Offsets. The Administrator may impose an offset ratio in excess of that required under Section 182(g), and;
2. Sewer Hook-Up Fees. The Administrator may impose fees at such levels as he deems appropriate, on new facilities which are connected to municipal sewage systems.

Whenever the State Plan is approved or the Administrator determines that an approved State plan is being implemented in a satisfactory manner, the Administrator may reduce or eliminate the offset requirements or fees imposed under subparagraphs (1) and (2), as he deems appropriate.

Section 184. Control of Interstate Transport. The Administrator may require any State to revise the implementation plan for any area within the State in which any sources of air pollution are located which contribute significantly to concentrations of ozone or carbon monoxide in any nonattainment area in another State.

Prior to establishing any such requirements, the Administrator shall conduct a study to determine the extent to which the interstate transport of air pollutants contributes to concentrations of ozone or carbon monoxide, or both, in nonattainment areas.

Section 3. Study of Ozone Formation. The Administrator shall conduct a study of the scientific knowledge concerning the role of oxides of nitrogen (NOX), volatile organic compounds (VOCs) and carbon monoxide (CO) in the formation of ozone in the atmosphere. A report containing the results of such study shall be submitted to Congress not later than one year after enactment.

Section 4. Motor Vehicle Aftermarket.

(a)(1) Vehicles and Engines In Use. Section 207 of the Clean Air Act is amended to limit the motor vehicle warranty to a period of two years or 24,000 miles, whichever comes first.

(2) Eliminates parts certification program.

(3) Tightens the definition of emission control device or system by deleting the words "or primary".

(4) Establishes a performance warranty of 2 years, 24,000 miles, whichever comes first.

(5) Clarifies that EPA regulations on warranty apply only to "component" rather than to "device or system".

(6) Clarifies the definition of warranted item to mean emission control component.

(b) Instructions. Such instructions shall correspond to regulations which the Administrator shall promulgate. These provisions shall take effect with respect to model years beginning after the date of enactment of this Act.

(c) California Waiver. State promulgated warranties must correspond to federal requirements. California is the only state currently exempted.

(d) Tampering. (A) Clarifies that tampering is prohibited on components for the sole purpose of reducing emissions.

(B) Emission components may be removed to perform routine maintenance.

(e) Nonattainment Areas. Prohibits inclusion of warranty in non-attainment areas.

(f) Parts Replacement and Maintenance. Clarifies that owner is responsible for routine maintenance. The manufacturer can inform the consumer of the condition of any part, component, system, or service provided without charge under terms of the purchase agreement such as a maintenance contract.

Section 5. Conforming Amendments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 25, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Customs Service.

SD-116

Select on Intelligence

To continue closed hearings on the provisions of the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11).

SH-219

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on the use of the Interstate Highway System right-of-way for magnetic levitation high speed transportation systems.

SD-406

Governmental Affairs

To hold hearings on the nominations of Frank E. Schwelb, to be an Associate Judge of the District of Columbia Court of Appeals, and Cheryl M. Long, to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

Judiciary

Courts and Adminstrative Practice Subcommittee

To hold hearings on S. 1482 (Sec. 614), S. 1512, and S. 1515, bills to make certain improvements with respect to the Federal Judiciary.

SD-226

FEBRUARY 29

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the American Battle Monuments Commission, Cemeterial Expenses (Army), Selective Service System, and the National Credit Union Administration.

SD-124

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Federal Highway Administration.

SD-406

Judiciary

To hold hearings on pending nominations.

SD-226

2:00 p.m.

Governmental Affairs

Oversight of Government Management Subcommitee

To hold hearings on S. 1014, to increase civil monetary penalties based on the effect of inflation.

SD-342

MARCH 1

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on national nutrition programs and their impact on the homeless and people living in poverty.

SD-562

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of the Interior.

SD-366

Governmental Affairs

To hold hearings on proposals to establish a national nutrition monitoring and related research program.

SD-342

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings to review competitive issues in the cable television industry.

SD-226

Small Business

Innovation, Technology and Productivity Subcommittee

To hold hearings to examine the use of advanced manufacturing technologies by small business.

SR-428A

10:00 a.m.

Appropriations

To resume hearings on the President's proposed budget for fiscal year 1989.

SD-192

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Agricultural Research Service, Cooperative State Research Service, and the Extension Service.

SD-138

Banking, Housing, and Urban Affairs

Business meeting, to consider proposed legislation to reform the regulation of financial services, and the nominations of Paul Freedenberg, of Maryland, to be Under Secretary of Commerce for Export Administration, Frank G. Zarb, of New York, to be a Director of the Securities Investor Protection Corporation, and Mark E. Buchman, of California, to be President, Government National Mortgage Association.

SD-538

2:00 p.m.

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Department of Energy.

SD-366

Select on Intelligence

To resume hearings on S. 1818, to make requirements for the preparation, and transmittal to the Congress, of Presidential findings of certain intelligence operations, to provide mandatory penalties for deceiving Congress, and to establish an Independent Inspector General for the Central Intelligence Agency.

SD-562

MARCH 2

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1989 for the National Aeronautics and Space Administration.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold oversight hearings to review bail reform issues.

SD-226

Select on Intelligence

To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.

SH-219

2:00 p.m.

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Small Business

To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.

SR-428A

MARCH 3

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.

SD-366

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-226

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

1:00 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.

SD-366

Select on Indian Affairs

Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certain lands held in trust for the Blackfeet Tribe.

SD-628

MARCH 4

8:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

10:00 a.m.

Appropriations

To resume hearings on the President's proposed budget for fiscal year 1989.

SD-192

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.

SD-266

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 14

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans Administration.

SD-124

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings on the reform of Internal Revenue Service code penalties.

SD-215

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.

SR-253

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.

SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
S-126, Capitol

Finance
To hold hearings on proposed tax incentives for education.
SD-215

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:30 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

Finance
To hold hearings on proposed legislation relating to the United States/Canada Free Trade Agreement.
SD-215

Small Business
To resume hearings on S. 1929, to create the Corporation for Small Business Investment (COSBI).
SR-428A

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570, and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-124

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-116

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review Federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Finance
Taxation and Debt Management Subcommittee
To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.
SD-215

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-126, Capitol

Appropriations
Military Construction Subcomittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telehones to be hearing aid compatible.
SR-253

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

APRIL 13

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

APRIL 20

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

APRIL 21

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 11

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.
SD-124

CANCELLATIONS

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, February 25, 1988*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe into our souls, O Gracious God, the spirit of peace, open our hearts to the spirit of tolerance, guide our minds with the spirit of truth, and give us the strength to be the people You would have us be. With words of gratitude, O God, for all Your blessings and gifts, we offer this, our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 107, answered "present" 1, not voting 53, as follows:

[Roll No. 12]

YEAS—272

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clement
Clinger
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Feighan
Fish
Flake
Flippo
Florio
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Holloway
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (GA)
Livingston
Lujan
Luken, Thomas
Lukens, Donald
MacKay
Manton
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McEwen
McHugh
McMillen (MD)
Mica
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Packard
Panetta
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Russo
Sabo
Saiki
Sawyer
Scheuer
Schneider
Schuette
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—107

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Bunning
Burton
Chandler
Cheney
Coble
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dreier
Emerson
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gregg
Gunderson
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (FL)
Lowery (CA)
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McDade
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Parris
Penny
Porter
Regula
Rhodes
Ridge
Roberts
Roukema
Rowland (CT)
Saxton
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stump
Sundquist
Tauzin
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Whitten

NOT VOTING—53

Alexander
Badham
Biaggi
Boulter
Clay
Coleman (MO)
Conyers
Coughlin
Courter
Dellums
Dixon
Dornan (CA)
Dowdy
Downey
Edwards (OK)
Fazio
Foglietta
Ford (MI)
Ford (TN)
Gephardt
Gray (PA)
Hochbrueckner
Kasich
Kemp
Kostmayer
Leland
Levine (CA)
Lewis (CA)
Lightfoot
Lipinski
Lloyd
Lott
Lowry (WA)
Lungren
Markey
Mfume
Miller (CA)
Ortiz
Oxley
Price (IL)
Quillen
Robinson
Roemer
Roth
Roybal
Savage
Schaefer
Schroeder
Stangeland
Sweeney
Swindall
Wheat
Williams

☐ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

A BIPARTISAN PROPOSAL ON CONTRA AID

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MICHEL. Mr. Speaker, last night the majority withdrew their proposal on what they called a Contra aid bill, ignoring the self-imposed deadline the Speaker had imposed.

Let me remind our colleagues that aid to the Contras ends on Monday.

I do not believe the cause of peace and freedom in Nicaragua will be helped if the House passed just any old bill, just to show that we have "done something."

I believe that the time has come to form a real coalition, bipartisan in nature, of those who really want to help the cause of freedom, as well as peace.

The situation is serious, the need is urgent, the stakes are high.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I believe that there is a majority in this House who will support a true nonlethal aid bill, one that also provides the President of the United States with a real opportunity to request what he believes is needed at a later date.

I stand here today to say that House Republicans and many Democrats reach out our hands to those who really want to have a bill that will not only aid peace, but aid the cause of freedom as well.

Mr. Speaker, our earlier version failed. Yours apparently has failed for lack of votes. Now, let's succeed together.

Mr. Speaker, that hand is extended to you. I hope you grasp it.

I am including a copy of the substitute amendment which we would have offered had we proceeded as originally scheduled.

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO BE OFFERED BY MR. MICHEL

Strike all after the resolving clause and insert in lieu thereof:

SEC. 101. POLICY.

(a) General Policy.—It is the policy of the United States in implementing this Act to advance democracy and security in Central America, and thereby to assist in bringing a just and lasting peace to that region, in a manner compatible with the Guatemala Peace Accord of August 7, 1987 and the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988, and consistent with the national security interests of the United States.

(b) Specific Policy Objective.—In pursuing the policy set forth in subsection (a), it is the objective of the United States to enhance its security as well as that of the democratic countries of Central America by assisting in the achievement of—

(1) genuine democracy in Nicaragua;

(2) an end to Soviet, Cuban, and other Communist bloc military or security assistance to, advisers in, and establishment or use of bases in, Nicaragua;

(3) an end to Nicaraguan aggression and subversion against other countries in Central America; and

(4) reduction of the military and security forces of Nicaragua to a level consistent with the security of other countries in the region.

SEC. 102. TRANSFER OF PRIOR DEFENSE APPROPRIATIONS FOR ASSISTANCE.

(a) Transfer and Use.—There are hereby transferred to the President $22,250,000 of unobligated funds, from the appropriations accounts specified in section 105, to provide non-lethal assistance for the Nicaraguan democratic resistance, to remain available until expended.

(b) Earmark for Human Rights.—Of the funds transferred by subsection (a), $450,000 shall be available only for strengthening programs and activities of the Nicaraguan democratic resistance for the observance and advancement of human rights.

(c) Prohibition on Purchase of Aircraft.—Funds transferred by subsection (a) may not be obligated or expended to purchase aircraft.

(d) Indemnification of Leased Aircraft.—(1) The President is authorized to transfer unobligated funds, from the appropriations accounts specified in section 105, solely for the indemnification of aircraft leased to transport assistance for which this Act provides and non-lethal assistance previously, specifically authorized by law for the Nicaraguan democratic resistance.

(2) Not more than $5,000,000 may be transferred under the authority granted by paragraph (1).

(3) The President shall transfer the balance, if any, remaining of funds transferred under paragraph (1) to the appropriations accounts from which such funds were transferred under that paragraph when the funds transferred by subsection (a) have been expended.

(e) Passive Air Defense Equipment.—(1) The Department of Defense shall make available to the department or agency administering this Act passive air defense equipment (including ground-based radio detection and ranging equipment) to ensure the safety of transportation provided pursuant to this Act.

(2) The Department of Defense shall not charge the department or agency receiving equipment under paragraph (1) for such equipment, and shall bear the risk of loss, damage, or deterioration of such equipment during the period of its use under the authority of paragraph (1).

SEC. 103. PROHIBITION ON DELIVERY OF LETHAL ASSISTANCE.

None of the funds made available by this Act may be used to deliver lethal assistance to the Nicaraguan democratic resistance.

SEC. 104. GENERAL AUTHORITIES AND LIMITATIONS.

(a) Related Statutes.—The requirements, terms and conditions of section 104 of the Intelligence Authorization Act, Fiscal Year 1988 (Public Law 100-178), section 8144 of the Department of Defense Appropriations Act, 1988 (as contained in section 101(b) of Public Law 100-202), section 10 of Public Law 91-672, section 502 of the National Security Act of 1947, section 15(a) of the State Department Basic Authorities Act of 1956, and any other provision of law shall be deemed to have been met for the transfer and use consistent with this Act of the funds made available by section 102 (a) and (d), and the transfer and use of equipment as provided in section 102(e).

(b) Continuation of Authority to Support, Monitor, and Manage.—The authority to support, monitor and manage activities for which funds are provided under this Act or a law which previously, specifically authorized assistance to the Nicaraguan democratic resistance shall continue until the funds transferred by section 102(a) have been expended.

(c) Continuation of Limitations.—Sections 203(e), 204(b), 207, 209(b), 209(c) and 216, and the first sentence of section 203(d), in "TITLE II—CENTRAL AMERICA" in section 101(k) of the continuing appropriations resolution for the fiscal year 1987 (Public Laws 99-500 and 99-591), shall apply with respect to funds made available under this Act.

SEC. 105. DEFENSE APPROPRIATIONS ACCOUNTS.

The appropriations accounts to which sections 102(a) and 102(d) refer are—

(1) Missile Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(2) Aircraft Procurement, Army, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190);

(3) Shipbuilding and Conversion, Navy, Department of Defense Appropriations Act, 1984 (Public Law 98-212); and

(4) Missile Procurement, Air Force, Department of Defense Appropriations Act, 1986, as contained in section 101(b) of the further continuing appropriations resolution for the fiscal year 1986 (Public Law 99-190).

SEC. 106. MEDICAL ASSISTANCE FOR CHILDREN.

(a) The Agency for International Development is authorized and directed to provide, or to arrange for the provision of, medical assistance to children injured in the conflicts in Central America.

(b) There are hereby transferred to the President $14,000,000 of unobligated funds, from the appropriations accounts specified in section 105, to carry out subsection (a) during the fiscal year 1988, notwithstanding section 10 of Public Law 91-672 (relating to authorization of appropriations for foreign assistance).

SEC. 107. FUTURE REQUEST FOR AID FOR THE RESISTANCE.

(a) The amendments made by subsection (b) shall not take effect until the day the President determines and certifies, after April 15, 1988, to the Speaker of the House of Representatives and the President of the Senate that—

(1) at the time of such certification no ceasefire is in place that was agreed to by the Government of Nicaragua and the Nicaraguan democratic resistance;

(2) The failure to achieve the ceasefire described in paragraph (1) results from the lack of good faith efforts by the Government of Nicaragua to comply with the requirements of the Declaration of the Presidents of the Central American Nations at San Jose, Costa Rica on January 16, 1988; and

(3) the Nicaraguan democratic resistance has engaged in good faith efforts to achieve the ceasefire described in paragraph (1).

(b) Effective on the day specified by subsection (a), Section 111 of the joint resolution making continuing appropriations for the fiscal year 1988 (Public Law 100-202) is amended—

(1) in section 111(j)(2), by striking "Only if a joint resolution approving a request made pursuant to subsection (j)(1) has been enacted into law, the" and inserting in lieu thereof "The";

(2) in section 111(j)(11), by inserting the period after "session" and striking ", except that it shall not be in order to consider such joint resolution prior to July 1, 1988.";

(3) in section 111(j)(12), by striking "September 30, 1988" and inserting in lieu thereof "the end of sixteen days of session after the resolution was introduced";

(4) in section 111(l)(3)(A), by striking "in July, August or September 1988";

(5) in section 111(l)(3)(E), by striking ", September 30, 1988" and inserting in lieu thereof "of the day which is seventeen days of session after the resolution was introduced".

SEC. 108. DEFINITIONS.

As used in this Act—

(1) the term "lethal assistance" means weapons, weapon systems, and ammunition; and

(2) the term "non-lethal assistance" means assistance other than lethal assistance.

NEWMAN MEDAL PRESENTED TO COL. MICHAEL A. McAULIFFE

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, one of the most prestigious individual awards presented by the Air Force is the Society of American Military Engineers Newman Medal. The Newman Medal is named in memory of Maj. Gen. James B. Newman, Jr., past president of the Society and formerly Director of Installations, U.S. Air Force. The medal is offered as an annual award in recognition of the most outstanding contribution by an individual to military engineering through achievement in design, construction, administration, research, or development.

The 1987 Air Force award winner is Col. Michael A. McAuliffe, who is the Chief of the Programs Division, Directorate of Engineering and Services. Colonel McAuliffe also served as chairman of the facilities panel.

Colonel McAuliffe has developed and implemented more major initiatives to shape the programming, budgeting, and level of funding for Air Force facilities worldwide than any other officer in the Air Force. His initiatives with executive level advocacy for military construction, the military construction allocation model and new mission and current mission differentiation of construction projects will improve funding for construction programs for years to come.

McAuliffe is an exemplary awardee of this Newman Medal, and is deserving of this special recognition by the U.S. House of Representatives.

SERIOUS FLAWS IN DEMOCRATIC PACKAGE FOR CONTRA AID

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, I agree with our distinguished leader. It would be easy to point to last night's decision to pull Contra aid from today's schedule and make all kinds of partisan charges. But that does not serve the cause of freedom for Nicaragua, and it doesn't serve the cause of peace for Central America.

In fact, for all of their differences, the Republican and Democratic packages have many points in common. One of them is the need to aid children who have been hurt by both sides in this tragic civil war.

In the view of moderates who support Contra aid, however, there are serious flaws in the Democratic package that make it more harmful to the peace process than no package at all.

The biggest problem with the Democratic leadership's bill is its requirement that the humanitarian aid be transported by the Defense Department. This introduction of U.S. Armed Forces into a combat-support role is exactly what we have been trying to prevent and might even violate the Foley and Mrazek amendments.

The reason the Democratic leadership's proposal has so many fundamental flaws is that it was written in large part by and for Members who do not support any kind of assistance to the Contras. Although I strongly disagree with their conclusions, I respect the conviction of these Members.

So let's not try to hoodwink them into supporting the Nicaraguan resistance. It is clear that there is a significant majority of Members in this body who support an honest, adequate package of aid to the resistance in Nicaragua. Mr. Speaker, you and our leader can draft a truly bipartisan nonlethal aid bill that will give the peace process the support and incentive to succeed that it so desperately needs right now.

ISRAEL'S EXERCISE OF IRRESPONSIBLE POWER

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, I rise today saddened and in shock over the recent actions taken by the Israeli Government to quell the recent upsurge in civil disobedience in the occupied territories.

Edward Bellamy, a noted and well respected American author, once wrote that tyranny is, "an exercise of irresponsible power." No statement could better assess the current actions taken by Israeli forces. Their brutal use of force in an attempt to control and influence a different people and culture is tyrannical.

On February 5, in a small village just outside the West Bank city of Nablus, four young Palestinians were seized and ordered to lie face down in the muddy road that is the entrance to their village.

The Israeli master sergeant in command then ordered the driver of a nearby military bulldozer to bury them alive. Obeying his commander, the driver buried the four youths with a full load of earth.

With that accomplished, the master sergeant then ordered the driver of the bulldozer to run over the four Palestinians buried beneath the soil.

The driver refused.

After the soldiers left the village, residents pulled the four unconscious Palestinians from their makeshift grave. All are alive and recovering.

Had the driver of the bulldozer followed orders without question and killed defenseless men buried beneath a pile of dirt, a lot more would have died than four Palestinians. Israel itself would have been mortally wounded.

It is time to stop the bloodshed. Time to face the inevitable. Israel and Jews all over the world have faced persecution throughout history and have struggled to build a homeland. By continuing irrational acts of violence and persecution, Israel has become its own worst enemy.

Out of persecution, freedom is born. Israel stands as a testament to that fact. However, vengeance, hatred and violence are beasts that grow uncontrollably. If Israel does not soon stop they will have become the very beast from which they fled.

NATIONAL SCLERODERMA AWARENESS WEEK

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which designates the second week of June 1988 as "National Scleroderma Awareness Week." I hope to increase awareness about this rare disorder which affects about 300,000 Americans and can be fatal. Sufferers experience a gradual hardening and thickening of the skin which can progress to their hearts and lungs.

I had the unfortunate experience of learning firsthand about this disease when Marjean Peotrowksi, a staff member in my district office, died of scleroderma.

Because the symptoms vary from case to case, many victims must travel around the country to numerous specialists before a proper diagnosis is made. I hope that this joint resolution will increase awareness about scleroderma among members of the medical community and avoid the situation one of my constituents described to me. This gentleman underwent needless surgery before doctors determined the cause of his ailments. Had his diagnosis been reached earlier, proper treatment and therapy may have slowed his progression of the disease.

Mr. Speaker, 42 of our colleagues have joined me today in introducing this measure. I look forward to enactment of "National Scleroderma Awareness Week."

JAPANESE ARE BUYING AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Japanese are buying America, and if we are not careful, they will own America. Last year they bought CBS Records. They bought the Westin

Hotels and Resorts. They even bought Bank America. They bought the Dunes Hotel and Casino. They bought the Aladdin in Las Vegas. Last week they announced they bought a major Los Angeles bank, and last week they bought Firestone.

In fact, the only buy America program in America is the Japanese.

Now, let us look at it. They are stealing our jobs. They are buying our technology, and we are all laughing down here. If we try to provide some legislation, we are called protectionist.

I would like to say that we are being hurt by the most protectionist nation in world history, Japan. Maybe we won the war, but Mr. Speaker, they won the peace.

Where is our trade bill? Let us put some teeth in it. Otherwise, we are going to have a rice paddy on the east lawn of the White House before this thing is over.

INTRODUCTION OF JOB ENHANCEMENT FOR FAMILIES ACT

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, it is time to break the poverty trap—both for America's working poor, and for those on welfare who are trying to get off.

Next week, with the support of Congressmen MURPHY, PENNY, JEFFORDS, and BARTLETT, I plan to introduce major legislation to improve the economic incentives for those on the lower rungs of America's economic ladder.

My Job Enhancement for Families Act would increase the current earned income tax credit, and vary it by family size, providing up to a maximum of 25 hundred dollars for a family of four or more children.

This legislation is designed to help low-skilled people support families by working rather than through welfare.

It would do this by supplementing low wages according to need as determined by family size.

It's better to supplement the wages of low-skilled workers than it is to require these same people to drop out of the work force in order to receive welfare.

Accordingly, I believe the Job Enhancement for Families Act will pay for itself by helping people to get off and to stay off welfare.

It's a good bargain for the poor, for the taxpayers, and for the economy.

I intend to make a major effort for the Job Enhancement for Families Act, and I welcome the support of my colleagues in the House.

CALL FOR SUMMIT OF WESTERN HEMISPHERE PRESIDENTS ON DRUGS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, yesterday, the new Colombian attorney general, Alfredo Gutierrez Marquez, said that his government might want to legalize the selling of cocaine.

I was shocked to learn this. This would be capitulation to the drug barons. This would be surrender to the merchants of death. This would be tantamount to saying the forces of law and democracy have no power to fight them.

The drug dealers are trying to pick off the countries in our hemisphere, one by one: Colombia, Panama, Mexico, Haiti, Peru, Bolivia, the Bahamas.

The new Colombian attorney general replaced Carlos Hoyos, who was assassinated in December—just like over 30 judges, a newspaper editor, and the narcotics police chief were assassinated by the drug cartel.

This time, I agree with the State Department on a drug issue. Assistant Secretary Wrobleski called the Colombian suggestion an outrage.

However, the State Department has no national or international strategy to address this serious national security problem. We need our foreign policy to fight drug trafficking with the same zeal it fights communism and terrorism. Again, I urge President Reagan to call for a Western Hemisphere summit of the Presidents on drugs—so that we can fight and win against the killers of our young, and not surrender.

U.S. COMPANIES OPERATING AT COMPETITIVE DISADVANTAGES DUE TO U.S. TAX LAWS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, I rise today to highlight a recent study which concludes that U.S. multinational companies are operating at a significant disadvantage due to present U.S. tax laws. The report was compiled by Arthur Young, Inc., one of the Nation's largest and most reliable accounting firms.

In comparing the tax policies of the United States with those of the Netherlands, Japan, and Germany, the disadvantage was quite apparent. This competitive disadvantage in world markets is present today due to enacted Federal tax policy over the past 20 years, including the 1986 Tax Reform Act. The primary reason this has occurred is due to the fact that many other countries have adopted tax policies that, to varying degrees, encourage firms to do business overseas. Essentially, the United States has adopted exactly the opposite policy.

It is no wonder we are experiencing record trade deficits with a tax policy that is complex, vague and discouraging to multinational companies. The simple fact is that Congress has failed miserably when it comes to encouraging business to engage in the international market. Instead Congress prefers the easier route of protectionism. We must aggressively seek to change the tax structure so that it is fair and equitable to do business overseas which will then, in turn, reduce our trade deficits.

Though his competitive disadvantage has been accumulating over several years of Federal tax policy, Arthur Young, Inc. has pointed out three very obvious disadvantages of the U.S. multinational companies:

First, when exemptions or deferrals, foreign tax credits and tax treaties are taken into account, the U.S. multinationals most often are at the highest end of the tax rate scale on foreign operations compared to other countries. Even though the 1986 Tax Reform Act lowered the nominal corporate tax rate, many U.S. companies will face increased tax liability on foreign source income.

Second, the United States has no treaty in which it agrees to "spare" U.S. tax on income that could have been, but was not, taxed by a lesser developed country. Many other countries have such a "tax sparing" treaty. The main effect of this absent treaty is that it hinders the U.S. ability to access the low cost labor and raw materials of Third World countries in a way that would enable these countries to compete equally in world trade.

Third, the third reason that puts the U.S. multinational companies at a competitive disadvantage is the extent to which the present Federal tax treaties modify the two above reasons.

This study has made me aware of a very serious problem with our international trade/tax system. In the coming weeks, I plan to solicit the views of top multinational corporations in America on how to address this situation. Only then can we begin to answer the complex questions facing our international trade problems.

PERSONAL EXPLANATION

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I was ill with the flu last week and was unable to vote on the Madigan motion to instruct the conferees regarding dial-a-porn. Had I been here, I would have voted for the motion to instruct the conferees to agree to language that offers a solution to the dial-a-porn problem. America's children deserve protection from pornography. I urge my colleagues to move quickly to adopt dial-a-porn language which ensures that children are no longer subject to pornographers willing to make a quick buck at their expense.

I ask unanimous consent that my remarks be inserted in the permanent Record following the vote on rollcall No. 9.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. FIELDS. Mr. Speaker, I was ill with the flu last week and was unable to vote on the bill, H.R. 1054 which would allow active duty members of the Armed Forces to sue the Federal Government for medical and dental malpractice in military hospitals within the United States. Had I been here, I would have voted against the bill. We have a good system now where those who have been injured who have not been treated properly can be compensated. There is no reason to impose such a burden on the military at this time.

I ask unanimous consent that my remarks be inserted in the permanent Record following the vote on rollcall No. 10.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3660

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3660.

The SPEAKER pro tempore (Mr. Cardin). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

SAVE THE C.S.S. "ALABAMA"

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, today I am introducing legislation in the House similar to legislation being introduced in the Senate by our distinguished colleague, Senator Howell Heflin, that directs the Secretary of State to enter into negotiations with the country of France to reach an agreement that would allow the historic C.S.S. *Alabama* to be raised from the waters off the coast of France and returned to its rightful place in Mobile, AL.

As you may know, Mr. Speaker, the C.S.S. *Alabama* was considered the terror of the high seas during the Civil War. This historic battleship was revered not only in the United States but across the Atlantic as well, and was best-known for her courageous crew and outstanding leadership under Capt. Raphael Semmes.

Hundreds of citizens in my congressional district have joined forces to organize the "Save the C.S.S. Alabama Committee." This group wants to raise this prized ship and return it to the United States for all Americans to see and enjoy. They are not asking for any Government financial assistance. To the contrary, they are organizing efforts to raise all the necessary funds for the project through private donors.

Our legislation is simply assisting them by clearing up any misunderstanding between the United States and other nations as to who is the rightful owner of this famous ship. Since we have never relinquished our ownership of the C.S.S. *Alabama*, it is quite obvious that it still rightfully belongs in American hands.

Mr. Speaker, I urge my colleagues to join with me in supporting this legislation and return the C.S.S. *Alabama* to its rightful home in Mobile.

□ 1145

HEARING HIGHLIGHTS MISSOURI AS PACESETTER IN UNIVERSITY-INDUSTRY COOPERATION

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUECHNER. Mr. Speaker, over the past year, many of us have been in a desperate search for ways to improve the ability of American firms to compete in the world marketplace. But a recent congressional hearing in my home area at the University of Missouri at St. Louis proved to me that the innovation we need is already going on right here at home.

I came away from the session feeling much as Dorothy did in the "The Wizard of Oz": "The next time I go searching for the rainbow, I won't look any further than my own backyard."

The hearing by the Subcommittee on Science, Research, and Technology of the Committee on Science, Space, and Technology highlighted means by which universities and industry can work together to improve productivity and create new products.

The Monsanto Corp., for example, has a pioneering relationship with the Washington University Medical School. Under their agreement, Monsanto funds basic research at the medical school that it may apply later in its pharmaceutical business.

The collaboration has been enormously productive. Dr. Philip Needleman, head of the medical school's department of pharmacology, enthusiastically described how the joint effort had led to swift clinical trials of a chemical that may be useful in regulating blood pressure.

The interaction between Monsanto and Washington University, a tribute to the vision of Dr. Howard Schneiderman, Monsanto's senior vice president, should be an inspiration for the entire country.

Other universities and companies interested in cooperative efforts will want to look at a new model agreement developed by the Government-University-Research Roundtable. Dr. Don Phillips, the group's executive director, testified to the economic importance of such a relationship.

In addition, Dr. Martin Jischke, chancellor of the University of Missouri at Rolla, described his school's center for technology transfer and economic development, which helps small businesses apply existing technology to modernize their products and processes.

Several Federal programs, including the National Technical Information Service, have been helpful in local technology transfer activities as well.

Federal efforts have also aided in increasing the overall level of collaboration between industry and universities. The National Science Foundation's Engineering Research Centers is one program that has encouraged universities and industries to work together.

Mr. Rick Sringley, the executive vice president of Invitron, a new biotechnology firm, described how small business innovation research grants had helped his firm fund unversity research that led to new products.

In all, the hearing provided a wealth of information on how businesses and universities in Missouri have prospered by working together. I've included a witness list because I think these people are a resource for the entire country.

In addition, I extend my sincere thanks to my colleague, Doug Walgren, chairman, of the Subcommittee on Science, Research, and Technology, and also Betty Vanum, David Goldston, Maryanne Bach, and Marc Katz.

If more areas follow Missouri's example, we'll soon all conclude that when it comes to innovative ideas, "there's no place like home."

Mr. Speaker, I include for the Record a witness list of the persons appearing at this hearing who are a resource to the entire country.

Witnesses

1. Dr. Don Phillips: Executive Director, Government-University-Industry Roundtable.
2. Dr. John Moore: Deputy Director, National Science Foundation.

3. Dr. Michael Montague: Manager, Operations and Biological Sciences, Monsanto Corporation.
4. Dr. Donald Ames: General Manager, McDonnell-Douglas Research Labs.
5. Mr. Ross Spicer: President, SBC Technology Resources.
6. Dr. Philip Needleman: Department of Pharmacology, Washington University Medical School.
7. Dr. William Danforth: Chancellor, Washington University.
8. Dr. Arthur Baue: Vice President, St. Louis University Medical Center.
9. Dr. Roger Mitchell: Dean, College of Agriculture, University of Missouri at Columbia.
10. Dr. Martin Jischke: Chancellor, University of Missouri at Rolla.
11. Dr. Marguerite Ross Barnett: Chancellor, University of Missouri at St. Louis.
12. Mr. John Johnson: Manager—High Technology Program, Missouri Department of Economic Development.
13. Dr. Bill Phillips: Science Advisor to the Governor of Missouri.
14. Mr. George Sloan: Vice President for Research and technology, St. Louis Regional Commerce and Growth Association.

IN MEMORIAM: MONTGOMERY COUNTY POLICE CHIEF BERNARD D. CROOKE, JR.

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, in 1979 Bernard D. Crooke, Jr., took over a Montgomery County Police Department troubled by dissension. He stabilized the force and turned it into a department of which Montgomery County MD, which I represent in Congress, is justifiably proud.

On Tuesday, Chief of Police Crooke passed away. His sudden death took us by surprise and saddened us greatly. In Bernie Crooke both the police and the citizens of Montgomery County lost a leader and a friend. Chief of a 750-member department, he had come a long way since his days as a D.C. patrolman 32 years ago. His years of police experience showed as he, in his quiet, fair way, helped keep the county's crime rate low despite increasing urbanization and developed creative means of dealing with growing drug problems. He will be missed. We in the House of Representatives offer our condolence to Chief Crooke's family.

THE NEED TO UNEARTH THE UNDERGROUND ECONOMY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, 100 years ago, Jules Verne wrote about intrepid adventurers who journeyed to the center of the Earth. Their travels through mysterious channels and byways to the Earth's core is not at all unlike the difficulties an economist must undergo in trying to find out about the underground economy.

On Tuesday, the Baltimore Sun published the findings of a Johns Hopkins University study, in which Dr. Alex Portes claims the underground economy in the United States accounts for 10 to 33 percent of the overall economy.

The U.S. GNP exceeds $2 trillion per year; therefore, by using Dr. Portes' estimate, the underground economy is anywhere from $250 to $750 billion per year.

By definition, people in the underground economy do not participate in the regular economy like you and I do; in other words, these people do not pay taxes.

We are losing tax revenues in the neighborhood of $100 to $200 billion a year, or more than enough to balance the budget.

Somehow we must get these people to pay their fair share whether it is via a fair flat tax or some other means.

It is time we brought the lost world of the underground economy to the surface, because the rest of us can no longer foot the bill for these others who are getting a free ride.

WHERE IS THE DEMOCRATIC PACKAGE OF AID FOR THE CONTRAS?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, you have now proven that you and your majority in this House cannot govern. Having turned down the President's bipartisan approach to Central America, you have now shown that your leftist plan cannot even get to the floor on a timely schedule. Time is not an insignificant factor here.

Because of what has been done, authority for the democratic resistance in Nicaragua, lethal and humanitarian, runs out on Monday. Mr. Speaker, your leftist majority will be permitting support to dry up while capable of doing nothing yourselves, either that or you are consciously committed to doing nothing.

Mr. Speaker, do not assume obligations, foreign and domestic, that you are incapable of fulfilling. Do not make promises that you are unwilling to keep. Do not continue to embarrass this House and this country with the spectacle of irresolve and inaction.

This House's inability to consider Contra aid today is a legislative failure. It is not a minor failure, it is a very major one, and who benefits most from this failure? It is the Communist government of Nicaragua that benefits most from this failure.

ENERGY EFFICIENCY TECHNOLOGY EXHIBIT

(Miss SCHNEIDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss SCHNEIDER. Mr. Speaker, we have at this time one of the most impressive events to occur in modern economic and industrial development, and that is a turning point in the recognition that the energy efficiency technology that has been developed by the United States can move us successfully into the future. Energy efficiency technology refers to improving the use of our energy in our buildings and our vehicles and also in industry, and it is America's most unsung technological success story.

Mr. Speaker, I urge my colleagues to take the opportunity to see firsthand this success story in the rotunda of the Cannon Building because there we have an exhibit that represents practically every district in the United States and many of the leading and not well known industries throughout the United States, exhibiting their advancements for energy efficiency technology.

Mr. Speaker, I want to share with my colleagues that we have a great opportunity now to utilize these technologies to reduce the cost to the American taxpayers, to reduce the cost to the American energy consumer, and if we are not more aggressive in our pursuit of utilizing these technologies, we will find that we will be lagging behind in our race for being No. 1 globally.

Mr. Speaker, United States firms will operate at a disadvantage if that occurs because it takes 75 percent more to produce a dollar of GNP than a foreign country like Japan.

Second, we stand to lose the multitrillion-dollar market in efficiency technology and services such as we have already noticed the loss in the auto industry because we have not been making fuel-efficient automobiles, and we will lose also the potential markets when we look at the developed countries who already have prices much higher than ours for oil, and when we look at those countries that are developing they want products that will minimize the capital requirements so they can invest in other development projects.

Third, we should keep in mind that energy efficiency technology prevents pollution. There are numerous studies on acid rain, global warming trends, and a whole broad spectrum of things that clearly point to the fact that if we use energy efficiency technologies we are not only improving America's productivity, we are not only opening new markets to our export trade, but we are also preventing pollution.

Our level of prosperity is not a fated one, it is a chosen one and we have the technological know-how to choose a bright and prosperous energy future.

Mr. Speaker, I urge my colleagues to see some of that technology in the Cannon rotunda which will enable us to make these moves.

THE TIME FOR BUDGETING IS NOW

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last year, we passed our concurrent resolution on the budget 2½ months late. We then proceeded to pass only 4 of the 13 appropriations bills before the June 30 deadline. Three of the appropriations bills amounting to 60% of all spending never passed the House individually. The beginning of the fiscal year came and went without one regular appropriation bill reaching the President and the deadline for reconciliation was ignored. As a result we enacted a mammoth, last-minute continuing resolution and went home for the holidays.

The President announced in his State of the Union Address that he will veto any continuing resolutions put before him, and 146 of you have joined me in pledging to uphold his veto. This year will be different.

Two weeks ago, the President released his fiscal year 1989 budget. We need to take a hard look at this budget and press forward on our hearings so we can have our concurrent resolution on the budget completed by the April 15 deadline.

Mr. Speaker, the road to a thoughtful, coherent, on-time budget starts not a few days before next November's election, but right here, right now.

MANEUVERINGS OF THE LEFT ON CENTRAL AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I think every American citizen can learn a great deal by watching the maneuverings of the left on Central America over the last few weeks. When there was a chance a short while ago to vote to sustain freedom, to vote to help the freedom fighters, to vote to ensure that communism would not win in the Nicaraguan civil war, the left promised Members who were undecided that if they voted "no," if they killed the package proposed by President Reagan, that they would get a vote, they would have a chance to sustain the freedom fighters.

Yesterday the left's package was so bad, it was such a unilateral surrender to the forces of communism, it was such a collapse of the forces of freedom that the left came to realize around 6 o'clock yesterday that they could not win.

Now they are maneuvering to use the power they have to get the margin of votes necessary to ensure that freedom dies and communism prevails in the Nicaraguan civil war.

Mr. Speaker, every citizen who watches the maneuvers of the left in this House will understand how power is used on Capitol Hill to ensure that freedom does not prevail and that the side of the pro-American forces does not win in Nicaragua.

ADJOURNMENT TO MONDAY, FEBRUARY 29, 1988

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at noon on Monday, February 29, 1988.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do so only to try to find out whether or not there is any chance that this House is going to do any business of consequence in the upcoming week before we grant some of these requests.

The fact is we were promised a vote on Contra aid today. We were told by the Democratic leadership that they had a plan ready.

Mr. Speaker, many Members stayed in town awaiting that very important and serious vote because we know that the time is running out. Yet, today we come to the floor and we have absolutely no business on this floor.

Can the gentleman from Maryland [Mr. CARDIN] give us some assurance before we grant this unanimous-consent request that this House is going to get about doing the serious business that we have before us, for instance, saving freedom in Central America?

Mr. Speaker, I would be very glad to yield to the gentleman from Maryland under my reservation of objection.

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

As the gentleman from Pennsylvania [Mr. WALKER] knows, it was anticipated today that there would be time set aside for a vote in regard to the continued aid to the Contras, that after consultation with the minority it was decided to withhold that vote until next Thursday. It is anticipated that there will be a pro forma session only on Monday, that on Tuesday there will be an agenda but it is also anticipated that recorded votes on Tuesday will be postponed until Wednesday.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, do I understand the gentleman correctly to be saying to this gentleman that the House Republican leadership was responsible for putting off the vote today on Contra aid? I will yield to the gentleman from Maryland [Mr. CARDIN] under my reservation of objection.

Mr. CARDIN. Mr. Speaker, I said "after consultation with."

Mr. WALKER. After consultation with. Was that consultation where they were told this was going to happen, or was it consultation where they were asked whether or not they thought it was a good idea?

Mr. CARDIN. It is my understanding that yesterday afternoon after consultation between the majority and minority it was decided that the vote on Contra aid would be postponed until next Thursday.

Mr. WALKER. Further reserving the right to object, it is my understanding, I will tell the gentleman from Maryland [Mr. CARDIN], that our leadership was called last night and was informed that there would be no vote today, that there was no such thing as consultation on this matter, that once again the Democratic majority just decided arbitrarily to cancel the business that we had before us despite the fact that it is extremely serious business, because as the gentleman well knows, the authority for aiding the democratic resistance runs out on Monday. Given the fact that we are not voting today, it means that that aid will dry up as of Monday. Any action that we take after that will have to restore the aid and that is just an absolutely unacceptable position which I do not believe was done in consultation with the minority.

Mr. Speaker, I will be glad to yield to the gentleman from Maryland [Mr. CARDIN] if he has other information.

Mr. CARDIN. Mr. Speaker, let me assure the gentleman from Pennsylvania [Mr. WALKER] that it was not until approximately 6 o'clock last night that we received the Republican alternative, and that there was very little time available last night in order to respond and be able to be prepared today in regard to the alternative that was being suggested by the Republicans.

□ 1200

Mr. GINGRICH. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding, and I would be glad for the Democrats to explain this, but it is my understanding that around 6, in fact each side gave the other their alternative, that the Republican leadership also did not have the full details of the final version as taken to the Rules

Committee by the Democrats until 6 last night.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Maryland, further reserving the right to object.

Mr. CARDIN. I think there is some accuracy to that, but let me assure you that there has been consultation between the Speaker and the minority leader and that it is correct that there has just not been enough time for the Democrats, or for the different alternatives to be absorbed by the Members in time for a vote today.

I think in due respect to both sides on this particular issue it was thought the best course of action was to give everyone an opportunity to know what they are voting on and for us to be able to understand what the Republicans would like to offer and for the Republicans or for those on the other side to understand what the proposal will be in regard to the alternative.

Mr. WALKER. Further reserving the right to object, we made our offering about 3 weeks ago and a vast majority of the leftwing of the Democratic Party turned that down. And so that the problem becomes that what has happened here is that you have turned down a proposal while you said during that debate that you had an alternative proposal. We have now waited 3 weeks. There was plenty of time in that 3 weeks to do what the gentleman said.

Now we have come up against a deadline where the actual aid to the resistance gets cut off. Now we are unable to act despite the fact that we have come up against that deadline. I just simply say to the gentleman that that is a very, very irresponsible legislative process.

Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. If I might, I would like to ask the Democrats, if I may understand clearly what they are suggesting, because there are circumstances where we might be willing to wait until Thursday. Do we have a commitment, just as a matter of clarification, do we have a commitment from the Democratic leadership that there will be a substitute in order?

Mr. CARDIN. I am perhaps suggesting that maybe there should not be, because if I understand the gentleman from Pennsylvania correctly, we have already had the vote on the proposal that was made from that side that was rejected and perhaps it should not be in order. I am not making any suggestions at this point other than suggesting that this issue will be before the House next Thursday.

Mr. GINGRICH. Well, let me suggest then for a second.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Pennsylvania further reserves the right to object.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. GINGRICH. Let me further ask of the Democrats then, I have just been informed by our staff having checked with the minority leader's staff that there was no consultation, let me make this clear, there was no consultation with the Republican leadership. I just checked with the leader's office. Let me further ask, then, if I understand the point being suggested by my friend from Maryland, we on our side are being asked to wait an extra week to allow the authorization for helping the freedom fighters to expire without a vote, with no guarantee and no promise that we will even be allowed a substitute, because it now looks, having looked at our substitute, as though we might win.

Now do we have a commitment on your side that we will be allowed a straight vote next week on a substitute?

Mr. CARDIN. It is my understanding, before yielding to the gentleman from North Carolina.

The SPEAKER pro tempore. The gentleman from Pennsylvania further reserves the right to object.

Mr. WALKER. I do control the time and I will be glad to yield to the gentleman from Maryland and then I would be glad to yield to the gentleman from North Carolina. I would be glad to yield to the gentleman.

Mr. CARDIN. It is my understanding that the Speaker has indicated that there will be an opportunity for a vote in regard to the proposal that is being crafted by the minority.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. HEFNER. Let me get some clarification here. Now a couple or 3 weeks ago, we had the administration's position on the Contra aid, an up or down vote with about 10 hours of debate, is that correct?

Mr. WALKER. The gentleman is absolutely correct.

Mr. HEFNER. Would the gentleman on that side of the aisle agree that would only be fair, if we want to have an up or down vote on the Democratic proposal for the humanitarian aid, would that be a fair assessment that you would not insist on a substitute and allow us an agreement to allow the Democratic package to be voted up or down with a limited amount of debate? Would that sound fair to the gentleman from Pennsylvania?

Mr. WALKER. I would say to the gentleman that we seem to be moving in that direction. I think the fear was that when the Members began to find out that the Democratic leftwing plan called for surrender, reparations and military involvement in Nicaragua, that they feared that that would go down in flames and that is one reason why we do not have it out here today. And so the problem is that the gentleman raises a moot point. We do not even have—we do not have anything to consider today and I find that very disturbing.

Mr. HEFNER. If the gentleman would continue to yield.

Mr. WALKER. I would be glad to yield to the gentleman.

Mr. HEFNER. I think there may be some misunderstanding in both packages, possibly. I understand from what I know on the package that the gentleman's side of the aisle offered, you do not specify what is humanitarian aid and what is lethal aid, there is no discrimination between them. We do not know what is what. But going back to my original premise, does the gentleman think it would not be fair from what the gentleman said earlier since the gentleman had 3 weeks ago an up or down vote on the administration's package, that would only be fair that we have a date certain that the Democrats would have an up or down vote on our humanitarian package? And if that fails then we go from there.

Mr. WALKER. Further reserving the right to object, I might say to the gentleman it would be nice if his leadership would consult with our leadership about that. It would be nice if they would sit down and talk to our leadership about it rather than simply informing our leadership what the patterns will be. The bottom line is that one of our concerns is that we have just been told out here that all of this took place as a result of consultations and we now, checking with the leader's office, find out there were no such consultations.

So I would say to the gentleman if your leadership can convince our leadership of that, I am sure that our side will be very happy to follow what our leadership decides should be done. But I would say to the gentleman that the question here is whether or not we are going to preserve freedom in Central America and it ought not be reduced to gamesmanship. We ought to have a real chance to consider how you best preserve freedom in Central America; that is what this gentleman is trying to accomplish and this gentleman is concerned about the fact that by not doing something today we are allowing the authority for aid to the democratic resistance to run out as of Monday. And we have absolutely no proposal and no guarantee to do anything prior to Monday to help keep the authority for aid to the democratic resistance, humanitarian aid too, alive.

I would be glad to yield to the gentleman.

Mr. HEFNER. Just as a point in the press conference last night, the aid to the Contras does not dry up as of tomorrow night or the 29th, because there is money in that pipeline, there is lethal aid that is available for the next few months, there is humanitarian aid. So there is not a need on the expiration date that was in the CR, that aid does not absolutely shutdown and Contras do not become destitute.

Mr. **WALKER.** Further reserving the right to object, the gentleman is telling us that despite the fact that the authority does not run out as of Monday, February 28, as of March 1 it was cut off, what the gentleman is saying now is that your side is now saying, OK, a little bit of end run around that process is OK, "because we couldn't get our bill to the floor?" Because we are in the position, in fact, where there was a March 1 cut off.

Mr. **HEFNER.** Not at all. Would the gentleman yield?

Mr. **WALKER.** I would be glad to yield to the gentleman from North Carolina.

Mr. **HEFNER.** Just for 1 moment. I am not saying that at all, because even if the bill had come to the floor tomorrow and had been reconciled and gone to conference with the Senate it would not have been completed by the time that the authorization ran out, certainly I am not saying that. I was just asking the gentleman from the very start that what seems in fairness, if the gentleman's side had an up or down vote on the administration position, would it not seem fair and not heavy handed for us to say that we are going to have an up or down vote on our proposal?

Mr. **WALKER.** Let me say to the gentleman, I assumed that when the gentleman scheduled the bill for today that he had some plan that was going to get it enacted by Monday. I assumed we were not playing silly games out here, that you in fact had cleared things with the Senate so that we were going to have a process that actually got the job done in a timely manner. If the gentleman is saying to me that that was the wrong assumption then I am really embarrassed by the situation out here, because the fact is we have enacted major bills around here in a 1-day period.

Further reserving the right to object, I yield to the gentleman from New York.

Mr. **SCHUMER.** I would just like to ask the gentleman: If the House does not act today or tomorrow or Monday what he thinks, what he would suggest is going to happen in Central America? I mean, are the Contras going to pick up and go home over the weekend? Are they a fighting force committed to all the things that you have suggested they are committed to? Or are they just sitting home watching their TV sets to see what is going on here?

Mr. **WALKER.** Well, I would say to the gentleman, as the gentleman well knows we have a lot of problems around here when authority runs out for even the most minor Federal agency. We go through all kinds of machinations in order to see to it that that authority does not run out.

I am saying to the gentleman that if the authority for the Contras runs out as of March 1 and we will not have acted, that sends a very, very chilling signal to the people who think that what they are doing is fighting for freedom. And it does in fact provide aid and comfort to the Communist government down there which I think is the exact opposite of what we ought to be trying to do.

Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. **GINGRICH.** I want to ask the gentleman from North Carolina a question if he is still here. I am confused, because the gentleman is on the Appropriations Committee and certainly understands the technical details of spending money far better than I do. Is it not true that if the authorization runs out on Monday that it would be illegal for the U.S. Government to continue to expend funds doing those things and in fact if the executive branch were to willfully continue doing it that it would be the subject of probable congressional investigations and legal processes.

Mr. **WALKER.** I would be happy to yield to the gentleman from North Carolina.

Mr. **HEFNER.** Well, the gentleman is more into investigations than I am. But it seems to me that you have lethal aid that has probably already been moved into the domain where the Contras have access to it. As far as the humanitarian aid, in the continuing resolution we carried it through to the 29th. Even with your bill, had your bill passed and gone to conference, you would not have had any appropriations made before the deadline came. But there is already money that has been appropriated legally that has not been expended yet. It is not going to be taken back, if the gentleman is listening.

Mr. **GINGRICH.** Yes.

Mr. **HEFNER.** The money that has already been appropriated is not going to be taken back. They still have some of that money, just like in other programs. This is no different than any other program.

Mr. **GINGRICH.** Will the gentleman from Pennsylvania further yield?

The **SPEAKER** pro tempore. The gentleman from Pennsylvania [Mr. WALKER] further reserves the right to object?

Mr. **WALKER.** Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. **GINGRICH.** Well, my point I say to my friend from North Carolina, if I understand it, is the legal authorization to spend the money will have ceased at the end of this month on Monday and therefore even if there is money in the bank so to speak, the money is not expendable by the executive branch and I would ask my friend on Appropriations, is it not true that on other occasions when we needed to keep the Government running we often pass something in 12 hours because we want to be sure the Government does not stop.

Mr. **HEFNER.** This is different than any other appropriation. If the money has been appropriated and given to the agency or to the Contras it is their money. It can be spent.

Mr. **WALKER.** Further reserving the right to object, I want to make one point here. I just received word here that Ambassador Briggs, our Ambassador to Honduras makes the point that as of Monday they are closing the hospitals used by the Contras because they have run out of authority. So those hospitals are closed down, those people have no place to go for medical services. So the point being made by the gentleman from North Carolina is just absolutely wrong; as of Monday dire things begin to happen.

Mr. **GINGRICH.** I want to make clear, because as I understand one of these colloquy and I have seen it occasionally, is the gentleman from the Appropriations Committee saying that in his judgment it is his understanding—I know the chairman of a powerful subcommittee on appropriations is standing next to him and the majority leader is there—is he saying that it is his understanding that the money which is in the pipeline can be expended after Monday even without something new being passed?

Mr. **HEFNER.** I yield to the other gentleman from Appropriations.

The **SPEAKER** pro tempore. The gentleman from Pennsylvania is reserving the right to object.

Mr. **WALKER.** Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. **OBEY.** Let me simply say that Mr. Calero was in my office on Monday, I believe, and we talked for a considerable amount of time and it was very apparent after talking to him that he feels that they have sufficient material and supplies to last about 60 days, no matter what happens today or tomorrow. And with all due respect to the gentleman's understanding of the situation, I think in this instance his understanding of the situation probably exceeds that of either you or me.

Mr. **WALKER.** Further reserving the right to object, I yield to the gentleman from Georgia.

Mr. **GINGRICH.** Let me ask one more thing of the gentleman from Wisconsin. The gentleman from Wisconsin is an expert and is one of the brighter Members of the House.

One of the things which has been happening under the U.S. Government's authorization, and I would like—one of the things which has been happening, as I understand it, is that intelligence information and communications information has been given to Mr. Calero's freedom fighters by the U.S. Government and that the money which allowed that to happen, and the authorization which allowed that to happen will expire on Monday. Now is it the gentleman from Wisconsin's understanding that we will continue to be able to give intelligence information after Monday or does that expire as of Monday?

□ 1215

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I will simply say that the question ought more properly be directed to a member of the Intelligence Committee. But that question is determined by the Intelligence Act. I think it is section 104; I have forgotten the exact number. I think there is no real sweat on that situation.

Mr. WALKER. Mr. Speaker, further observing the right to object, the fact is that that they are very seriously impacted if their hospitals are being shut down, if there are problems in terms of even supplying basic needs such as health needs. The people on the ground who should be the experts there are saying that that is in effect going to be the situation as of Monday, and this House will have been in the position of failing to take the action that would allow those hospitals and those facilities to remain open.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, sometimes when things are not well thought through, there can be problems, and I think this is useful for all of us. If indeed the Ambassador is correct and without new authorization those hospitals close, we are talking about something that crosses every party line, and every Member of this House knows that.

If there was one area of unity, it was a concern for the children, it was a concern for the people who are hurt. If that is what the other side of the aisle has wrought with its innumerable assistant secretaries of state there, that is a burden none of us want to place upon ourselves. I would hope that we keep open enough to get this checked totally today, and I ask the majority leader to do that so that we could correct the problem. There is no one in this House, on either side of the aisle, I truly believe, that wants those children unattended and hurt, and if that is what is to happen Monday because of scheduling inaction, which, as we know, because we here it so often, is the right of the majority, I know the majority would want that changed, too.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, reserving the right to object, let me yield to the gentleman later.

First, I understand that the majority leader was in the Intelligence Committee this morning, and I wonder if he could tell us whether the interpretation of the gentleman from Wisconsin was indeed correct, that all of the support that has been flowing to the Contras can continue to flow to the Contras even after the authorization expires on Monday. Can the majority leader tell us that?

Mr. FOLEY. Mr. Speaker, if the gentleman will yield, I am sorry, but I cannot tell the gentleman about those activities and about such matters in the Intelligence Committee. I think the gentleman knows that.

Mr. WALKER. Mr. Speaker, I thank the gentleman for responding. But in one case we have it that the subcommittee chairman with major responsibilities in this area is telling us that he cannot respond to a matter before the Intelligence Committee and now the majority leader is telling the Members he cannot respond because he is a member of the Intelligence Committee, and yet we have information from people on the ground that says that we are having facilities shut down. If we are suffering dire consequences as of Monday as a result of the inaction of this House, I think somebody should be prepared to provide some answers.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I would just like to comment on the consequences of what the gentleman from Pennsylvania and the gentlewoman from Illinois are saying, that the Contras are a force as totally dependent on United States aid, without a bit of indigenous support, without a bit of ability to go out and get any support from anywhere else, that if this body does not act today, the whole operation closes, the hospitals and whatever else, on Monday.

I would assert to the gentleman and to the gentlewoman from Illinois that if we truly believe that, we would not be supporting the Contras because if we believe they are a total puppet of this Government and they could not run a fighting force or could not even run a hospital without an immediate transfusion of funds from this Government day to day, minute to minute, week to week, the Contra force would be useless for your purposes, even though the gentleman disagrees with mine.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his explanation, but, of course, the gentleman, I assume, is going to support the Democratic alternative that was suggesting that the way we were going to deliver supplies to these people was for the first time in the history of this conflict to involve our military. What this gentleman has supported in terms of the Contras was that we were going to avoid having our military involved in the conflict there. So I am very proud that the support we have been giving to the Contras has in fact allowed us to keep our Department of Defense out of that activity.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, just continuing, I think what the gentleman said misstates the case. Right now, even though the aid is being delivered by the CIA, there are not CIA people out there in the field or they are not supposed to be doing things. The same is true with the DOD. That may be a method of delivery. They are not involved in fighting, they are not involved in running the hospitals, they are not involved in training or anything like that. So I do not think the gentleman's point has much water.

Mr. WALKER. Mr. Speaker, I think the gentleman's point does have water. If in fact that is a delivery system that works, why can we not keep that delivery system? Why all of a sudden are we going to switch this to a Department of Defense delivery system, which in effect was an indication that we could have had military personnel involved in it, and for the first time we would be introducing military personnel into a hostile environment?

Mr. SCHUMER. No, that is just what is not supposed to be happening.

Mr. WALKER. That was not what was supposed to be happening, but that is an indication that that is what the gentleman said he was going to provide.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, it should be pointed out that the alternative the gentleman is discussing provides that the delivery system would be transferred from the CIA to the Defense Department, which simply means that the Defense Department will be the contracting agency. The legislation requires that this be done by contract, and that simply means there will be no military personnel in that operation where they ought not to be, and the gentleman knows that as well as I do.

Mr. WALKER. Mr. Speaker, further reserving the right to object, and for months the gentleman's party has been out here telling us how wasteful the Defense Department is, so the gentleman is now going to transfer the operation to that Department, which he regards as the most wasteful department in the Government. It is either that, or the gentleman intends to have the operations run with military personnel involved. It was one of the two, and I would say to the gentleman that if the operation is working, it is absolutely incongruous to me why the gentleman suggests it ought to be taken out of the hand of the CIA, where it is monitored and where everybody agrees the intelligence is doing a good job.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I think I have the answer to the question of the gentleman from Pennsylvania.

The gentleman may recall during one of the Contra aid debates 2 or 3 years ago the former gentleman from Maryland, Mr. Barnes, came to the floor and said, "No, we can't use the CIA to dispense the money; no, we cannot use U.S.-aid to dispense the money. We will set up a new agency in the Department of State to dispense the money to the Contras."

The money was spent, and the Department of State was not equipped to audit where the money went, and the same gentleman from Maryland came to the floor after the money was spent, saying, "We can't track all this money, and that shows the money was not used for the purpose Congress intended."

Now we are setting ourselves up in the same trap. The Defense Department is not in the business of disbursing aid to foreign nationals. Yet the legislation apparently that the Democrats are going to bring to the floor will dispense aid to foreign nationals.

Where is the auditing capability on that? Who is going to audit it within the executive branch? Or are we going to come back here after this money is spent with some of the same Members who pushed this bill through saying that the people down south of the border stuck it in their pockets? I think that is the issue.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, I think on this whole debate we are getting into over this issue, the question really comes down not to just the format that may be out here on the floor, but the issue the gentleman first brought up when he raised his objection is critical, and that is that we are not going to get a vote until after apparently the aid provisions expire and there is going to be some lapse of the delivery system, at least from what we know as Members generally, and we have had represented to us that perhaps that is not so, that maybe there is some way for it to be delivered. But it is critical that we not let the Contras have a lapsing period of time if we are going to keep the heat on.

It seems ridiculous that we are getting to the posture of having a provision for the only vote we could have that would continue in any way any kind of assistance and then have a period of time in which the law is in a nebulous state.

That is worse than when we get into the budget cycle where we come up at the 11th hour and close the Government down for a while. This is far too critical, and I think it is a very sad situation. Based on my Contra experience in that Iran-Contra Committee, I particularly think it is a terrible thing.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, unless I heard wrong last night, I do not wish to be argumentative, but the President of the United States himself said last night in his press conference that there was no immediate danger of the moneys for humanitarian or lethal aid for the Contras running out immediately, that there was some time in there where they could have the luxury. So there is money that has been appropriated if they had all other agencies in the Defense Department. If we went under the assumption the gentleman is going under, every year before authorization we would have to stop all the contracts with our defense contractors for everything.

The gentleman can correct me if I am wrong, but the President of the United States last night did not express any concern in the short run for humanitarian aid and for lethal aid to the Contras. If I am wrong in that, the gentleman can correct me.

Mr. WALKER. Mr. Speaker, further reserving the right to object, the situation is that the authority to deliver further materials and aid to the Contras runs out as of Monday. The question is, and the question raised by the gentleman from Georgia was, that one of the things we are doing is delivering help to them on a daily basis, such as intelligence help, and so on. If that runs out, that is a major problem.

Ambassador Briggs, who is on the ground there, says they are going to have to close the hospitals as of Monday. That is what this gentleman is referring to. The President obviously feels that though there is some aid in the hands of the Contras that will help them, the fact is that there are also impacts on the Contras which are adverse.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just like to ask my colleagues on the other side of the aisle what they think the psychological impact on the resistance forces is of a lapse of American support and American commitment. What do they think the psychological impact on the Sandinistas is of a lapse of support of American commitment? What do they think the psychological impact on America's allies all over the world of a lapse of American support is?

Is anyone willing to answer that question? Obviously not.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair will state that the gentleman from Maryland [Mr. CARDIN] has a pending request that when the House adjourns today, it adjourn to meet on Monday next.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PERSONAL EXPLANATION

Mr. DOWNEY of New York. Mr. Speaker, I wish to make an explanation of my missing the vote on the approval of the Journal this morning. I missed that important Journal vote because of a hearing in my subcommittee, and I regret it deeply.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1230

AN AVIATION WHISTLEBLOWER PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, today I am introducing a bill which would amend the Federal Aviation Act of 1958 to provide protection for employees of air carriers who engage in whistleblowing activities relating to air carrier safety.

The need for this type of protection was brought to my attention at a Government Operations Subcommittee on Government Activities and Transportation hearing on October 27, 1987. Testimony at that hearing indicated that employees at a major airline were being pressured not to report safety problems and were even fired for doing so. In addition, witnesses indicated that the names of individuals reporting safety violations had been revealed to their employer by the Federal Aviation Administration [FAA].

At that October hearing, I stated my intention to introduce this bill to protect aviation whistleblowers.

In drafting my bill, I considered whether the responsibility for investigating whistleblower complaints should be vested in the Department of Transportation [DOT] or the Department of Labor [DOL]. I decided that the Department of Labor was preferable for several reasons.

First, although the primary reason for protecting aviation whistleblowers is safety, resolving a whistleblower complaint is primarily a labor-management issue involving a determination of good faith. With its other responsibilities, the FAA is likely to be perceived as taking sides in a dispute rather than serving an adjudicative function.

Second, the FAA has a basic conflict of interest. Since it is responsible for ensuring the safety of commercial aviation, the FAA may be inclined not to side with whistleblowers who are reporting safety problems that the FAA, presumably, should have discovered.

Third, DOL already performs this function for whistleblowers in the nuclear industry, for truckers and for hazardous waste workers.

Last, good public policy requires that the responsibility for private sector whistleblower protection be assigned to a single agency. The Department of Labor is the best single location. This view is supported by the conclusions of a report recently issued by the Administrative Conference of the United States. This report, entitled "Federal Protection of Private Sector Health and Safety Whistleblowers," recommends that:

> Congress should enact omnibus whistleblowing legislation to replace all existing Federal private sector health and safety whistleblowing provisions; and
>
> The Department of Labor should be assigned investigative responsibility for all private sector health and safety whistleblowing retaliation cases.

Fortunately, there are not many reports of discrimination against airline employees for reporting safety violations; however, this is a growing problem. It is one of the unpleasant side effects of the increased pressure on airlines caused by deregulation. Nonunion employees who have no protection from unwarranted dismissals are particularly hard hit.

I believe this type of legislation is most timely and am optimistic that it will receive active consideration this year.

INTRODUCING THE FEDERAL PRISON INDUSTRIES REFORM ACT OF 1988

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, I am pleased today to introduce the Federal Prison Industries Reform Act of 1988.

This bill would authorize Federal Prison Industries, Incorporated, to borrow funds as approved by its presidentially appointed Board of Directors within limits provided in the annual budget, and to employ the funds for purposes approved by the Board of Directors within the limits delineated in the bill.

Federal Prison Industries, Incorporated [trade name UNICOR], is a wholly owned, self-sufficient, Government corporation formed by an act of Congress and Executive order in 1934. The Corporation operates 75 prison industries factories in 42 Federal correctional institutions—including the factories that were in operation at the Atlanta and Oakdale facilities prior to the November 1987 riots. Its mission is to provide employment and training opportunities for inmates confined in those institutions.

Federal Prison Industries' need for borrowing authority is clear. As we all know, the inmate population in Federal institutions has grown dramatically over the past several years and now stands at over 44,000. This figure represents operational levels of 162 percent over capacity. It is anticipated that the population in the Federal prison system will double within the next 10 years. This growth will result in large part from the implementation of successful law enforcement initiatives such as the Anti-Drug Enforcement Act of 1986 and the U.S. Sentencing Guidelines in 1987 both of which increase the emphasis on incarceration options.

The successful management of the burgeoning population in our penal facilities has been due, in large part, to the success of UNICOR's industrial programs. These programs presently employ 45 percent of the working population of the Bureau of Prisons on a full schedule of meaningful work. The employment programs are critical in reducing idleness and the potential for disturbances which are associated with prison overcrowding.

Federal Prison Industries, Incorporated traditionally has funded all capital expenditures from retained earnings. Because of the unprecedented growth of the inmate population over the past several years and the concomitant demand for additional industrial programs, UNICOR has undertaken a much needed construction and expansion program. In addition, the UNICOR Program has suffered tremendous financial casualties as a result of the uprisings at Atlanta and Oakdale.

The continuation of the UNICOR expansion program will necessitate steady cash flows by the Corporation. These cash flows cannot be sustained through retained earnings alone, in part, because of the magnitude of the expenditures required, and, in part, because of the cyclical nature of UNICOR's sales which reflect the spending cycles of its Federal agency customers. In addition, the UNICOR program has suffered tremendous financial casualties as a result of the uprisings at Atlanta and Oakdale.

There are two potential sources for additional funds for UNICOR: direct appropriations by Congress or access to borrowed funds from the Treasury. In view of the congressional intent that Federal Prison Industries be self-sustaining, and consistent with UNICOR's demonstrated ability to manage resources and expand programs without relying on direct appropriations, conferring borrowing authority on UNICOR is the preferred method of financing expansion and the method provided for in this bill.

The bill further authorizes the Secretary of the Treasury to sell the obligations of the Corporation as public debt of the United States and to invest surplus corporate funds.

Finally, this bill restricts the use of UNICOR funds to uses directly related to the construction and operation of UNICOR facilities, prohibiting any expenditures related to the construction or operation of general prison facilities or camps.

For these reasons I urge all Members to consider giving their full support to this bill which I believe forward the important goals of curtailing idleness in a rapidly expanding Federal prison population.

Any persons with interest in this bill should contact the Subcommittee on Courts, Civil Liberties and the Administration of Justice, 2137B Rayburn Office Building, Washington, DC 20515, (202) 225-3926.

INTRODUCTION OF THE SIKES ACT REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. STUDDS] is recognized for 5 minutes.

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to reauthorize the Sikes Act for an additional 5 years. The Sikes Act was enacted by Congress in 1960 to provide for cooperative wildlife management on military reservations and it was later expanded to include public lands under the jurisdiction of the Bureau of Land Management, the Forest Service, the Atomic Energy Commission and the National Aeronautics and Space Administration. The act authorizes these agencies, in consultation with the Secretary of the Interior and State fish and wildlife officials, to carry out a program of planning, development, maintenance, and coordination of fish and wildlife conservation on military reservations and other public lands.

Agencies affected by the Sikes Act control over 600 million acres of habitat for fish, wildlife, and plants. The prudent management of these lands and their resources is therefore of great importance to the Nation's wildlife resources. During the previous Congress, the Sikes Act was amended to improve the cooperative planning program, to ensure that trained professionals are actively involved in fish and wildlife conservation activities on military lands, and to ensure that revenues generated from renewable natural resource programs on military lands are dedicated to resource management.

The Subcommittee on Fisheries and Wildlife Conservation, which I chair, plans to hold a hearing on the reauthorization in March. During the hearing I intend to review the implementation of the amendments adopted last Congress to determine whether the fish and wildlife resources on military and other Federal lands are being managed properly and to assess if the hunting and other recreational activities associated with these wildlife resources are being properly utilized. I look forward to the reauthorization of the Sikes Act and welcome the support of my colleagues for it.

BRING ORDER TO PRESIDENTIAL NOMINATING PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. Speaker, yesterday I introduced H.R. 4004, legislation aimed at bringing a measure of order to the present chaotic way we nominate candidates for President of the United States.

When I served on the Democratic Leadership Council's task force looking at this and other issues, it became very clear that our system of nominating Presidential party candidates merited reform.

The way we have elected the President of the United States has evolved over two centuries. The nominating of Presidential candidates has also undergone profound evolution. In our own time, Presidential preference primaries and grassroots caucuses have come to play a major role in choosing the Presidential nominees. This has contributed to the popular election of the members of the electoral college, who now essentially rubberstamp the results of the popular vote in the Presidential election.

The chaotic element comes from the competition between the various States for the honor and the business benefits of having early primaries, which extend the primary period and exhaust the candidates, and from the local caucus system which puts a premium on special interest activists who turn out for the caucuses and lay claim to bits of the candidate's political soul. The result can be the nomination of an exhausted candidate, who has been running all over the country to campaign in widely scattered primary and caucus States, and a candidate who has been forced to take positions that prevent him from offering mainstream leadership to the American people.

We need a major change in the way we choose our chief executive—to move from the chaotic Presidential primary and caucus system of recent years to an orderly system of regional Presidential primaries.

This bill would set five dates on which Presidential primaries or caucuses could be conducted, beginning with the first Tuesday in February of an election year and continuing at 4-week intervals into June. It would divide the country into 10 regions and provide that primaries or caucuses be held in 2 of the regions on each of the 5 dates. The dates would be decided by lot and the regions conducting primaries or caucuses on a particular date would not be contiguous, assuring diversity in the regions voting on each primary date.

The States could decide, with the respective national and State party committees, on whether to have a primary or a caucus or to choose their national convention delegates in some other way. But the dates of primaries and caucuses would be specified according to lot and would be limited to the five dates separated by 4-week periods. Candidates would then be able to concentrate on the States in two areas, instead of running all over the country in a frantic effort to meet primary and caucus schedules set by competing State legislatures.

To encourage States to conduct Presidential primaries, I have provided in my legislation for Federal funding of such preferential and delgate-selection primaries.

At this point in the RECORD, I am inserting the text of H.R. 4004:

H.R. 4004

A bill to provide for regional primary elections and caucuses for selection of delegates to political party presidential nominating conventions and for Federal funding of presidential primary elections

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regional Presidential Primary and Caucus Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) presidential preference primaries, popular election of delegates, and caucus selection of delegates have become integral parts of the process of electing the chief executive of the land;

(2) orderly regulation of the process is necessary to fulfill the Constitutional requirement for the Congress to determine the time of choosing presidential electors and the manner in which they cast their votes; and

(3) establishment of an orderly system of conducting presidential primaries and caucuses is necessary to promote the general welfare and insure domestic tranquility.

SEC. 3. REGIONAL PRIMARY ELECTIONS AND CAUCUSES.

(a) SELECTION OF DELEGATES TO CONVENTIONS.—The delegates to each national convention for the nomination of candidates of a political party for the offices of President and Vice President shall be selected by primary election or by caucus, as provided by State law. Such State law shall conform to the requirements of the national political executive committee and the national nominating convention of the political party involved.

(b) TIMING OF PRIMARY ELECTIONS AND CAUCUSES.—The primary elections and caucuses referred to in subsection (a) shall be conducted—

(1) in 10 regions (comprised of entire States), with primary elections and caucuses to be conducted in 2 regions (selected by lot by the Federal Election Commission) on each day referred to in paragraph (2); and

(2) in 2 regions on the first Tuesday in February of each presidential election year and in 2 regions at the end of each of the next 4-week intervals.

The Federal Election Commission shall assure, to the greatest extent practicable, that primary elections and caucuses are not conducted in contiguous regions on the same day.

(c) ESTABLISHMENT OF REGIONS.—The regions referred to in subsection (b) are as follows:

Region 1. Alaska, Washington, Oregon, Idaho, and Montana.

Region 2. Hawaii, California, Nevada, Utah, Arizona, and Guam.

Region 3. North Dakota, South Dakota, Wyoming, Nebraska, and Colorado.

Region 4. New Mexico, Texas, Oklahoma, Arkansas, and Louisiana.

Region 5. Minnesota, Iowa, Wisconsin, Michigan, and Ohio.

Region 6. Kansas, Missouri, Illinois, Indiana, and Kentucky.

Region 7. Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

Region 8. New York, Connecticut, Pennsylvania, New Jersey, and Delaware.

Region 9. Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia.

Region 10. Tennessee, Mississippi, Alabama, Georgia, Florida, Puerto Rico, and the Virgin Islands.

SEC. 4. FEDERAL FUNDING OF PRESIDENTIAL PRIMARY ELECTIONS.

The cost of each presidential primary election conducted under this Act shall be paid from the general fund of the Treasury. There are authorized to be appropriated such amounts as may be necessary to carry out the preceding sentence.

SEC. 5. REGULATIONS.

The Federal Election Commission shall prescribe such regulations as may be necessary to carry out this Act.

SEC. 6. DEFINITIONS.

As used in this Act, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, and the Territory of the Virgin Islands. Any other jurisdiction entitled under the rules of a political party to delegate representation at the national presidential nominating convention of that party may conduct a presidential primary or caucus on any one of the five dates established in Section 3(b)(2).

THE POVERTY OF THE DEMOCRATIC PARTY'S POLICY FOR CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RITTER] is recognized for 5 minutes.

Mr. RITTER. Mr. Speaker, the points highlighted in the recently concluded debate reflect on the poverty of the Democratic Party's policies for Central America. This lapse in authorizing assistance for the Nicaraguan Contras is a devastating psychological blow to those who are out in the field and it may have practical implications, as the gentleman from Pennsylvania pointed out, in the closing of hospitals in Honduras where young resistance fighters, some in their teens, are going for medical treatment.

Mr. Speaker, I want to extend my discussion to a comparison between the policy of the Democratic Party regarding the freedom fighters in Afghanistan and the policy regarding the freedom fighters in Nicaragua. Everyone in this House agrees that our program of military assistance to the Afghan Mujahideen is significantly responsible for our success in holding back the Soviet-backed government in Afghanistan and countering Soviet troops in Afghanistan. It is a covert program, but everybody knows about it and discusses it openly. Without that military assistance, the Mujahideen could never have accomplished what they have done. We have supplied the Mujahideen since the invasion. The policy began with President Carter under the able guidance of the National Security Adviser, Zbigniew Brzezinski, and it has been continued by this administration in a bipartisan fashion.

As a matter of fact, it was congressional pressure that caused the administration to take a more outfront, more aggressive stance on aiding the Mujahideen in Afghanistan, and provide Stingers antiaircraft weapons in order to neutralize Soviet helicopters and warplanes.

How in the world, given a situation right astride the Panama Canal, right south of an unstable set of fledging democracies, right on the border of the hemisphere's oldest democracy, save that of our own, that we can adopt a policy which takes away the military component of fighting a Soviet presence in Nicaragua. Let us face it. Everybody knows that the Sandinista directorate is one out of Havana and that Fidel Castro and the Cubans have been the motivating forces in the Sandinista Communist government. Everybody knows that. There are no illusions even on the part of the Democrats here in the House who have been active in this debate. The know what is going on behind the scenes.

How in the world we can allow the massive military buildup that the Soviets have conducted, the extraordinary amount of military aid that the Soviets have been pouring in, to continue, while we unilaterally remove our military assistance, is beyond this Member.

How we can conduct a policy to contain Soviet aggression which involves military assistance to freedom fighters in Afghanistan 12,000 miles away, and then pull the rug out from under those who are fighting for the exact same thing, to get rid of the Soviet presence, the Communist presence in Nicaragua, is really strange. How we can pull the rug out from under those people is really beyond me.

You know, it is interesting, there were reports that in January and February it looked as if the Democratic Party would unilaterally disarm the Contras fighting communism in Nicaragua. As this appeared more and more possible, what happened? The Soviets doubled their arms shipments to Nicaragua.

I think there is a great contradiction here, Mr. Speaker, and if there are any Democrats in this House who can explain that contradiction, I am one that is very much willing to listen.

The freedom fighters in Nicaragua are so close to the ideals of democracy and pluralism, western democratic—ideals—that is democracy with a small "d". The Afghans are attempting to forge an improved democracy after hundreds of years of semidemocratic rule. How we can support one and not the other needs an explanation. The American people need an explanation.

BIG BROTHERS/BIG SISTERS APPRECIATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. COATS] is recognized for 60 minutes.

Mr. COATS. Mr. Speaker, I take this special order to commemorate an organization that deserves our highest commemoration. The week of February 21 to 27 is "National Big Brothers/Big Sisters Appreciation Week."

I think it is a very fitting time for us to honor the thousands of volunteers who make this organization the organization that it is. If I could give Members a little bit of history as to how this organization came about, I think they will gain a greater appreciation for its service to the youth of our Nation.

As far back as 1902, the first recorded Big Brother/Little Brother match was established in Philadelphia. From that time the idea grew whereby a man and a boy could form a partnership and provide support to each other in dealing with the problems that our youth have to deal with. That idea spread throughout the country and then in 1917 a federation, a loose federation of Big Brother/Little Brother agencies was established across the country. The idea became so popular that in 1946 a national organization, Big Brothers of America, was formed, headquartered in Philadelphia. That umbrella organization now has served as the lead organization for a truly remarkable story of service to young people.

In 1970 Big Sisters of America was formed, and in 1977 these two agencies, Big Brothers of America and Big Sisters of America, joined forces and today we have an agency called Big Brothers/Big Sisters of America, that has affiliates established in communities across this country, in 49 States, plus the District of Columbia, 465 agencies in total serving more than 100,000 children across this land.

Those agencies range from just a few matches to more than 800.

The purpose of the organization is perhaps best stated by the honorary chairman of Big Brothers/Big Sisters of America, former President Gerald Ford, and I would like to quote from a statement that he made that appears in the current annual report of that agency, and I quote the former President:

> Children look to adults for many things. For guidance, for emotional support, for help in mastering needed skills and knowledge. But above all, they look for friendship and acceptance. They want someone who thinks that they are important, that what happens to them matters. And they want someone whom they can count on, someone to trust. They will then develop the self-confidence and self-esteem they need to become emotionally healthy, contributing members of society. They will strive to be everything they can be, to realize their full potentials.
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> Many children lack such adult friendship. They live in single-parent households, in which even one adult may not always be available when needed. That's when a Big Brother or Big Sister can help.
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> These carefully selected volunteer adults, under the guidance of trained caseworkers, provide understanding, counsel, and friendship on a one-to-one basis. Even though the volunteers may spend only a few hours each week with a child, they are never far away. Children matched through the Big Brothers/Big Sisters program know that their adult friends will not let them down.

Mr. Speaker, the concept behind Big Brothers/Big Sisters is a simple, but a very profound one. It recognizes the truth about the times and the truth about children. It recognizes the truth that not all children are privileged to grow up in a two-parent family. It recognizes that in recent years the incidence and increase of one-parent families has been dramatic, and that there are many children in this Nation who do not have the ability to look to both father and mother for the emotional support and guidance and training and leadership that they need.

The real truth is that children, especially young children, often spell love t-i-m-e. Often that time is not available because of work demands on the parents, because of a breakup in the family which has tragically separated children from the support of the two parents, from the demands on a single parent mother, the head of a household, who has no option except to work to support that family.

So many children crave the simple presence of adults, both as role models and authority figures, of course, but also just for the simple fact that the presence of one person to that young person is what really counts and the time they could spend with them.

My own involvement in this agency comes from personal experience. I became a volunteer for Big Brothers of America, the Greater Fort Wayne Chapter, in 1972 and have subsequently served as a Big Brother to two little brothers.

I had the privilege of serving as a board member on that agency for a number of years and then serving as board president for the agency for a 2-year period of time. I now serve on the advisory committee; so for the past 16 years or so I have had an intimate involvement with the agency in Fort Wayne, and an association with the national organization through my activities as a board member and board president and advisory member with the Greater Fort Wayne office.

The director of that agency, Frank Zirille, who started the agency in 1972, and the board president at the time, Don Wolf, who later went on to serve a distinguished number of years as national president of Big Brothers/Big Sisters, pointed the way toward I think what Big Brothers and Big Sisters is all about. They currently serve more than 400 children in our community, the greater Fort Wayne area, including a number of surrounding counties, and that service is provided, yes, with some trained caseworkers and staff, but the real service comes from the more than 400 men and women of the Fort Wayne area and surrounding area who give up time each week to serve as Big Brother or Big Sister for needy little brothers and little sisters in our community. They are carefully screened before they are selected. They are given intense counseling and training before the match is made, and the match is just that. It is a matching of the needs and talents and abilities of the little brother and little sister with the needs, talents, and abilities of the big brother, the big sister.

There are some heart-warming stories. Some remarkable stories about the kind of love and time and attention that has been given to these children and about the bonds that develop between the big brothers and big sisters and their little brothers and little sisters.

Agencies across the country have repeated the Fort Wayne story. They meet under the auspices of the national organization to share methods of raising revenues, of matching children, of providing services through a series of regional meetings and an annual meeting that takes place each year. Agencies and those who serve those agencies are brought together to share this information and to further improve the services that they offer to young children.

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The role models that they can provide, the guidance and emotional support that the Big Brothers and Big Sisters can provide, we cannot put a price tag on it. We cannot quantify it. I suppose we can commission some studies to determine what some of the effect might be, but who can really quantify, who can really say what changes have taken place in the lives of youngsters throughout this country because of the time and effort spent, because of the associations developed and the bonds that have grown between Big Brother and Big Sister volunteers and the young children who they serve?

It is probably impossible to measure but yet I think if the true story could be known and told, it would be a story of young people becoming and serving as productive members of their communities, avoiding some of the problems of dependence on illegal substances, avoiding the problems of juvenile delinquency, realizing that the possibilities of being a productive, healthy, contributing member of society exists, seeing that life does not have to be time spent without the association of a role model—male or female, learning the self-esteem and self-confidence that can come from associating yourself with an older adult.

I want to commend the Big Brother/Big Sister organization and all the affiliate agencies throughout the country, all those directors of those agencies, professional staff of the agencies, volunteer board members, because this is a voluntary organization, both at the national level and at the local level. The real key to this organization is that it is a volunteer agency. Volunteers are not paid, board members are not paid, and they often make substantial contributions both financially and of their time to make this program work.

The key to its success is I think that those who are serving are serving because they feel a call to serve or a need to serve and they have a willingness to serve on a volunteer basis. They are giving up their own time to provide friendship and support for these young people.

Tom McKenna, the national director of the Big Brother/Big Sister organization, and Joyce Black, the national president, deserve a real round of support for their efforts in directing what I think is one of the finest social service agencies in this country today, but most of all, I want to commend those Big Brothers and Big Sisters across this country, the more than 50,000 of them who are serving nearly 100,000 children. They are unsung heroes, their names will not be printed up, they will not get recognition on a public basis for their efforts, but it is their efforts that make this program possible and it is their efforts that make a difference for more than 100,000 young people across this land. They are the ones that are to be ultimately commended, they are the ones who make the program work. It is their time, their sacrifice and their dedication that bring this love and friendship to so many young people. They are the ones who we honor today in this recognition of "National Big Brother/Big Sister Appreciation Week."

Mr. Speaker, I think it is very important that we bring some needed recognition to an agency that is really doing a great job for our young people.

Mr. BRENNAN. Mr. Speaker, I rise today in strong support of the Big Brothers/Big Sisters of America during the "Big Brothers/Big Sisters National Appreciation Week." I join my colleagues in recognizing the dedication and commitment of these outstanding volunteers.

1988 marks the 84th year of the Big Brothers/Big Sisters movement in our Nation. Congress showed its support of the organization's mission—to match adult volunteers with children of single parent homes—by granting Big Brothers/Big Sisters a Federal charter in 1958.

Today 477 local agencies in 49 States are matching 50,000 boys and girls with adults who are helping take the place of the missing parents.

In my State of Maine four Big Brothers/Big Sisters organizations operate—in Augusta, Bangor, Boothbay Harbor, and Portland, facilitating the matching of 295 Maine children with adult volunteers.

I am proud to note that the Portland branch, which serves York, Cumberland, and Sagadahoc Counties, recently recognized two individuals for their outstanding service: Maureen Riley, who was awarded the Barbara Goodbody Award, and Joe DeMarino, who was awarded the James Harrington Award. These two individuals exemplify the spirit of volunteerism that the organization represents.

Even with this great commitment, there remains a need to do more. 50,000 children are still waiting to be matched with adult volunteers. In the State of Maine, 200 adult volunteers are needed to serve as Big Brothers and Big Sisters.

At this time I would like to ask my fellow colleagues to join me in honoring these fine individuals for their unselfish dedication and to stress the organization's need for more adult volunteers.

Mr. MARTINEZ. Mr. Speaker, I rise today to give sincere and heartfelt praise to the women and men of this country who give of their emotional and material resources to provide stability to thousands of little boys and girls who grow up in single-parent families.

The Big Brothers and Big Sisters of America have become a vital link in the effort to bring support and continuity to children, who for various reasons, cannot find that stability in the home.

In the beginning of this decade it was predicted that 40 percent of all children born since 1970 can expect to live 5 years or more with only one parent.

Recent estimates indicate that one out of two children can expect to be in a single parent home at some point in their life. Not every child from a single-parent family needs a Big Brother or Big Sister.

Many can rely on a traditional extended family support system. But the single parents who work and maintain a household, often do not have time and energy to fulfill their child's needs.

Coupled with the reality that this administration's shortsighted policies have propelled an increasing number of single parent households below the poverty line, the desperate situations of one parent households are becoming magnified. It is no small wonder that the demand for this service is growing.

When we look at the increasingly complex and confusing demands of our society, and the impact this has on children it is easy to see the need for this program. The normal troubles of childhood, if badly handled or ignored, can develop into something more serious.

Big Brothers and Big Sisters give the kind of additional support that a child needs to get through the difficult and formative years. The sensitivity and simplicity of the Big Brother/Sister relationships can provide the balance needed for a child to grow into a healthy, productive adult.

It is impossible to estimate the amount of good and the number of lives that have been changed by this program, but if the success of a program can be measured by the demand for its services then Big Brothers and Big Sisters of America can be considered a major triumph. In Los Angeles County alone there are as many as 500 children waiting to be matched with a Big Brother or Big Sister.

I am certain that the demand would be even greater if more children knew of the benefits of the program. On many occasions a Big Brother, when visiting the home of a child, is asked by the neighborhood children to become their Big Brother as well. I wish that all children who want a Big Brother/Sister could receive their wish.

Finally, let me say that where this administration has consistently and knowingly ignored the needs of our children, the Big Brothers and Big Sisters of America have stepped in and filled a part of the void. I thank them for their dedication, and pledge my continued support.

Mr. DIXON. Mr. Speaker, recognizing that children are our Nation's greatest resource, today I join a majority of my colleagues in the House of Representatives in saluting the thousands of volunteers who serve as Big Brothers and Big Sisters.

This week is "National Big Brothers/Big Sisters Appreciation Week" and I pay special tribute to the hundreds of men and women in the Los Angeles area who have unselfishly given their time and energy to develop a one-on-one relationship with a needy little brother or little sister.

For over 80 years Big Brothers/Big Sisters has provided adult companionship for thousands of boys and girls. The men and women who volunteer as Big Brothers and Big Sisters are carefully selected and serve under the guidance of trained social workers.

These dedicated individuals are committed to spending 3 to 6 hours once a week for at least 1 year sharing experiences and listening to the child's concerns. Enduring relationships are formed which often have a dramatic effect in changing the course of a young person's life.

This helping hand given to little brothers and little sisters has contributed to improvement in their relationships at home, in school and in their communities.

Little brothers and little sisters are children aged 6 to 17, many of whom come from disadvantaged environments, broken homes or have lost a parent through death or divorce. Too often the dreams and aspirations of children from disadvantaged environments are overlooked. Big Brothers and Big Sisters serve as role models who present stability, guidance, new options and opportunities for these young people.

In the absence of an extended family or adequate adult support, the little brothers and little sisters are provided with the understanding, support and the strengthened sense of self worth many of them need to grow and mature in a positive way.

The spirit of voluntarism exemplified by the Big Brother/Big Sisters organizations in Los Angeles and around the Nation is an investment in this Nation's future. As President Franklin Roosevelt so aptly observed:

> We cannot always build the future for our youth, but we can build our youth for the future.

Childhood can be one of the most challenging times of life and it is gratifying to know that so many adults have taken an interest in making disadvantaged children feel needed and appreciated and in preparing them to be the future productive citizens of this Nation.

I am proud to join my colleagues in honoring the contributions of the staff and volunteers of the Big Brothers/Big Sisters organizations around the Nation and wish them continued success in their service to the community.

Mr. HASTERT. Mr. Speaker, this is a unique opportunity to salute the work of the Big Brothers/Big Sisters Program with its network of more than 50,000 volunteers nationwide who serve at-risk children. As the fastest growing youth-serving movement in the United States, the agency has nearly doubled in the last 4 years.

In the 14th Congressional District of Illinois, the Family Counseling Service Program in Aurora, which operates a Big Brothers/Big Sisters Program, is hard at work, finding those wonderful people who share time with children to promote healthy personality development through strengthening support systems.

Just recently, this particular agency was selected as a pilot site for the Big Brother/Big Sister of America Phase II Minority Recruitment Campaign.

In recent years, the increase in female-headed households has resulted in a corresponding increase in the number of children who could benefit from the support and mentor relationship of Big Brothers and Big Sisters. In black and other minority communities, this increase has been particularly dramatic.

By 1990, it is expected that the proportion of black children living with one parent will represent almost 60 percent of all black children, whereas only 27 percent of the entire child population will reside with just one parent.

The minority recruitment campaign will be piloted in 32 affiliated agencies across the country representing a broad cross-section of these programs. Following the pilot period, the campaign will be evaluated and then implemented throughout the network of 471 affiliated agencies throughout the United States.

The primary focus of this campaign will be on black men since young black males represent a disproportionate number of children on agency waiting lists. The secondary focus will be on Hispanic men since many agencies are experiencing an influx of young Hispanic males who need Big Brothers.

Unfortunately, in many communities with existing Big Brothers/Big Sisters programs, the racial composition of children who need and want Big Brothers or Sisters is not reflected in the volunteer pool. As a result, many minority children remain on waiting lists—some for as long as 3 to 4 years. The problem is especially acute for young black males where waiting lists often number in the hundreds.

As the number of single-parent households continues to increase, I am encouraged and proud of the efforts that are being made by committed volunteers to help children one at a time to build a better future.

Mr. WEISS. Mr. Speaker, this week our Nation recognizes "Big Brothers/Big Sisters Appreciation Week." I would like to take a moment to express personally my great appreciation to the more than 50,000 volunteer men and women who are currently participants in the Big Brothers/Big Sisters Program.

As a member of the Select Committee on Children, Youth, and Families, I am acutely aware of the problems facing our Nation's young people. We live today in an increasingly complicated world, where growing up can be a confusing and difficult process for children. This process can be even more difficult for children growing up in single-parent households.

Big Brothers of New York was formed at the turn of the century to help guide the city's fatherless boys into manhood through the friendship and understanding of a 1-to-1 relationship. In 1970, the program began serving girls. Since its inception, Big Brothers/Big Sisters of New York City has recognized and worked tirelessly to address the unique needs of children living in single-parent families.

There are over half a million single-parent families today in New York City. While some children may have minor problems related to delinquency or emotional adjustment, most youngsters are simply in need of an adult's friendship, guidance, and support.

The volunteers who make the Big Brothers/Big Sisters Program work, exemplify some of the most meaningful aspects of the human spirit—compassion, dedication, and a strong commitment to caring for others.

They recognize that today's children are tomorrow's leaders. They are our future and we must provide them today with the love and support necessary to guide them to adulthood.

Mr. Speaker, I am honored to participate in "Big Brothers/Big Sisters Appreciation Week." I commend both the organization and the volunteers for all that they have done, and pledge my continued support for their wonderful program.

Mr. COATS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today. A number of Members had requested time to speak on this subject but with the sudden change in our schedule today, a number of them were caught short and not in a position to be able to drop what they were doing and get over to the floor to make their statement in person.

The SPEAKER pro tempore. (Mr. CARDIN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

CARGO PREFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I would like to take this opportunity to correct some very erroneous observations and statements made by some of my colleagues before this body last November when we debated the merits of the Torricelli amendment to the International Security and Development Cooperation Act of 1987.

The Torricelli amendment was a very good amendment as it was originally drafted and presented. It provided an accounting mechanism to ensure American citizens that the $2 billion in tax revenues given to recipient nations in the form of cash transfers will be spent here in the United States, benefiting our own economy.

It would have also helped to support U.S. maritime industries, which sorely needs assistance due to the dismantling of its support system since 1974.

However, there are those Members in the House who view cargo preference as being antiagriculture. That simply isn't true. We had the support of some segments of the agricultural community, those segments which realize that under the old cash transfer program their tax dollars were being used to buy foreign products, including agricultural products.

They view the Torricelli amendment—as I and many of my colleagues do—as an instrument that would serve to bolster U.S. agriculture exports.

If the Torricelli amendment had been adopted as it was originally drafted, it would have, in my opinion, generated additional U.S. agricultural sales, or at least identify those nations who are using cash transfer moneys for that purpose; and it would have guaranteed 50 percent of those purchases for U.S. ship operators.

Mr. Speaker, I believe many of my distingushed colleagues were misinformed and, perhaps, misled, regarding the cargo preference provision of the amendment, and I cannot rest until the record is corrected.

Statement (Mr. BEREUTER): "If the Torricelli cargo preference language remains in this bill, U.S. agricultural products will decline significantly. The Torricelli language in this bill would force cash transfer recipient countries to choose between either paying a large portion of their cash grant to U.S. maritime shippers, or to spend the money on other products which do not have to be shipped on U.S.-flag ships."

My response, Mr. Speaker, is that prior to passage of the Torricelli amendment, there was absolutely no accountability of the cash transfer moneys distributed to recipient nations. No one in this Chamber, no one in the entire administration can identify with even the slightest degree of certainty a single cash transfer dollar spent by these countries in the United States.

On the contrary, there is widespread belief that our taxpayer dollars are being spent abroad, with foreign suppliers—competitors of our own businesses and farmers.

The charge that recipient nations will buy others products, rather than U.S. agricultural, was nothing more than a scare tactic and, unfortunately, it worked.

Members from the Farm Belt fear going back to their districts and having to explain to their constituents why they are not able to take advantage of the improved economic market and increase farm exports.

I would like to know how these same concerned Members explain away to their constituents the fact that their tax dollars are being given away to foreign countries which are using them to buy agricultural products from their competitors in other producing countries.

I'm sure, Mr. Speaker, that the hardworking taxpayers of the United States would like to know which countries were receiving these $2 billion cash transfers absolutely free, with no strings attached. They are: Cambodia, Chad, Caribbean Regional, Costa Rica, Dijbouti, Belize, Bolivia, the Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, Ireland, Jamaica, Liberia, Panama, the Philippines, Portugal, Senegal, Somalia, the South Pacific Regional, Thailand, and Turkey.

Only Israel has signed a side letter agreement to spend their cash transfer grants in the United States. The other 26 countries, and any others that may receive cash transfers in the future, should follow Israel's example. If they had, the debate in which we engaged in last November would not have been necessary. This division between farm interests and maritime interests on the floor of the House would not have occurred.

Statement (Mr. BEREUTER): "U.S. commodities for developing countries is effectively reduced by the additional cost of U.S.-flag shipping required by the cargo preference statute. The average rate for U.S.-flag vessels ($49.50) is over twice the rate charged by foreign-flag ships ($22.90) to haul agricultural commodities."

My response, Mr. Speaker, is to acknowledge that ocean freight rates on U.S. vessels are higher. I and my colleagues who support the U.S. merchant marine have never attempted to distort that fact. We have a very high standard of living in this great country and the cost of doing business—all business—in the United States is higher than most countries of the world.

I, for one, make no apologies for that.

According to the Agency for International Development, Israel, under its side letter agreement with the United States, purchased 1.5 million long tons of U.S. agricultural products during fiscal year 1987 using cash transfer funds. Fifty-four percent of that tonnage was shipped on U.S.-flag colliers; and the average price per ton for U.S. ocean transportation was $33.24. The cost today has been reduced to $27 per ton on U.S. ships and $18 a ton on foreign vessels.

The price differential has been reduced to a mere $9 a ton, and no one can stand up here and call that exorbitant. As I stated before, the price of doing business with the United States is higher. It will always be higher. The only factors that should be taken into consideration is: "Is the price fair and is it competitive?"

The answer to both questions is: "Yes."

Statement (Mr. DE LA GARZA): "Now is not the time to mess with it (the farm bill). As a matter of fact, I think that we have as level a playing field as we now need, with all the necessary tools, exporting enhancements, the safety net for the farmer, the income support, all of that is coming into play."

My response, Mr. Speaker, is: How can opponents to the Torricelli amendment possibly construe the facts that farmers are competing on a level field when they cite a litany of Federal programs totaling $52 billion that are keeping the American farmer from falling on their collective faces.

Mr. Speaker, the U.S. agricultural industry is falling behind in the world marketplace. And, we have no one to blame but ourselves.

Beginning in the late 1970's and early 1980's, the United States developed and exported to countries throughout the world more durable grain seeds, better fertilizers, and other agricultural technology that has improved the producing capabilities of these countries. European and Far Eastern countries, which once purchased great quantities of grains from the United States, have now begun producing sufficient volumes of products, not only for their consumption, but they have now become exporters, competing against the United States with the very technology we developed.

As a result of all of this activity, the United States is increasingly becoming a marginal supplier for agricultural commodities.

In short, we are destroying our own markets.

This is a classic example of how not to become an exporting nation.

I have just learned of a very disturbing development on our gulf coast, where entrepreneurs are now importing Thailand-produced rice, repackaging it and exporting to other countries. These entrepreneurs are not just visionary businessmen trying to fill a need, they are American rice farmers who are part of a cooperative known as American Rice Inc.

These farmers, who are importing rice for export to other countries, most notably in the Carribean Basin, are reaping hugh financial benefits in the form of subsidies, along with credits and other inducements, to underproduce and to allow their U.S. acreage to lie fallow.

Who, exactly, is benefiting from these subsidy payments.

According to a GAO study, the biggest benefactor in the State of Texas, for example, was the Farms of Texas Co., a farming partnership owned by Crown Prince Hans Adam of Liechtenstein and International Paper Co. They received $2.2 million in 1986, the largest single payment made in Texas.

The heir apparent to the throne, owns 50 percent of Farms of Texas, which has 22,000 acres in Brazoria County, 17,000 acres east of Dallas in Hopkins County and 9,500 acres near Texarkana.

It is ironic that the Prince's tiny kingdom is smaller than his holdings in Brazoria County, alone.

The Prince's partners, International Paper, is one of the world's largest natural resources companies, with holdings of more than 6.3 million acres of timberland primarily in the southeastern United States.

The Prince of Liechtenstein and International Paper are not the only "farmers" who are pocketing taxpayers' dollars.

Payments to foreigners and institutional "farmers" undermines the entire farm subsidy program, which was intended to help the ailing family farmer.

There is something terribly wrong with our system to allow this to happen.

Supporters of U.S. agricultural subsidies cry foul whenever U.S. merchant marine interests attempts to secure their existence by mandating that U.S. commodities, which are part of foreign aid programs, be shipped on U.S.-flag ships.

Our merchant marine has never been allowed to play on a level field, even when Federal assistance programs were in place. Now that they have been greatly dismantled, where is the merchant marine's "safety net."

The Torricelli amendment in no way attempted to dismantle farm subsidies. Yet, anticargo preference members continue to dismantle the U.S. merchant fleet by ignoring its needs and, equally important, its role in the defense of this country.

Cargo preference should not be looked upon as two dirty words. It is a legitimate attempt to protect a valuable asset.

The President's Commission on Merchant Marine and Defense recognizes the need for cargo preference requirements. In their list of recommendations, the Commission suggested: "The executive branch and the Congress should strengthen and expand existing cargo preference programs and legislation to include all Government or Government-impelled cargo in order to increase cargo availability for U.S.-flag ship operators and to stimulate merchant ship construction in the United States."

In fact, Mr. Speaker, the Commission recommended that the "administration and Congress should * * * amend the cargo preference laws to require that all Government and Government-impelled cargo, including cargo resulting from foreign aid cash transfers, be carried on U.S.-flag ships. * * *"

The Commission felt it important to note that it "strongly believes" that all Federal agencies should comply "fully, consistently, and without question" with both the letter and the spirit of the cargo preference laws, particularly those governing shipment of defense-related Government cargoes.

Mr. Speaker, this latter statement by the Commission concerns itself with a very serious problem that I find myself having to expend a great deal of my time addressing.

I find it increasingly difficult to grasp the rationale used by our own Government, particularly the Navy, in circumventing the cargo preference laws. The Navy, more than any other branch of the service or any agency within the Government, knows the true value of the U.S. merchant marine in defense of this country.

Yet, despite their past and present glowing acknowledgements regarding the merchant marine, they continually execute procurement orders that deny U.S. ship operators the cargo volume they rightly deserve.

It is a well established fact that our merchant marine is currently the weak link in our national defense capabilities. The President's Commission noted with alarming concern that U.S. maritime industries are only "marginally adequate."

You can rest assured that our adversaries will take full advantage of our weaknesses; and should we lose a conventional war in the future, U.S. farmers will not be tilling their fields for their own economic welfare, or the welfare of the United States. Instead, they will be working for a conquering government, which will be shipping domestically produced products, especially agriculture, to their own people.

There are those Members who will scoff at this scenario, but it is certainly possible. We need only to look at the history books.

Statement (Mr. MADIGAN): "Organizations like the Farm Bureau support the Smith amendment because they are concerned about the size of the budget deficit, the size of the agricultural expenditures within the deficit, and they recognize that the way we are going to deal with that is to increase our exports and Torricelli will prevent us from being able to do that."

Mr. Speaker, my response is: If the agricultural community is so concerned with the U.S. budget deficit, let's begin addressing the deficit problem by eliminating the $52 billion in farm subsidies U.S. taxpayers are spending to artificially support U.S. farmers.

Statement (Mrs. SMITH of Nebraska): "This bill would smash that agreement (the farm bill compromise) by extending cargo preference to USDA commercial programs—the credit guarantee and export enhancement programs, for example—especially exempted by the farm bill agreement. It would also take the dangerous step of extending cargo preference—for the first time—to commercial cargoes."

My response, Mr. Speaker, is that these allegations are falsehoods. During our debate last November, it was made perfectly clear, in concise language, that the cargo preference requirements under the Torricelli amendment would apply strictly to cash transfer purchases.

No other programs, whether they are credit guarantees or export enhancements, would be affected. Cash transfer purchases are not commercial transactions. This is a Federal foreign aid program, with the recipient nation using U.S. tax dollars to make these purchases.

Statement (Mrs. SMITH of Nebraska): "At a time when U.S. agriculture is making every effort to improve its position in an incredibly competitive world market, we are thwarted by the merchant marine interests, who see no harm in forcing the payment of shipping subsidies to bolster their creaky, failing industry—even if subsidies result in lost markets for American farmers."

Mr. Speaker, my response is: Yes, much of our merchant marine industry is creaky and failing, but only because the United States has turned its back on an industry that is so vital to both commerce and national defense.

We have turned our backs on U.S. shipping, while every foreign nation with a merchant fleet has taken positive steps to protect their fleets through subsidies, trade agreements, or actual Government ownership.

One could only wonder how creaky and failing the U.S. agricultural industry would be today if it were not for Federal aid programs.

Today, the U.S. agricultural industry is being supported by $52 billion in Federal subsidies and other support programs. By comparison, the U.S.

merchant marine receives $372 million in Federal support. That sum is—now let me describe this in a term that my Farm Belt colleagues will readily understand—that sum is chicken feed compared to what farmers are receiving.

If farm subsidies were eliminated, and I assure my farm colleagues that I am not advocating that, grain prices would be set at a level dictated by worldwide economic conditions—supply and demand.

The end result of such an action, in all likelihood, would be dramatic price increases for U.S. agricultural products, as well as a reduction in the number of operating U.S. farms—similar to the devastating reductions experienced by the U.S. merchant marine.

Mr. Speaker, we cannot view cargo preference in the narrow scope of it being limited to a special interest group. We must take the broader view of it being pro-American, because of the extremely important role our merchant marine plays in the overall defense posture of the United States. That point cannot be over emphasized.

We must take a strong stand in support of our maritime industries, now—tomorrow may be too late.

If a national emergency develops overnight somewhere in this increasingly smaller world in which we live, we will not have the luxury of time to rebuild our maritime and industrial base.

We must maintain an adequate level of maritime preparedness through an active merchant marine in order to respond quickly, efficiently, and effectively.

To be less prepared, could result in a national disaster.

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GENERAL LEAVE

Mrs. **BENTLEY**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore (Mr. CARDIN). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

THE VOTE ON THE NICARAGUAN RESISTANCE: EXAMINING OUR ASSUMPTIONS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 60 minutes.

Mr. **McEWEN**. Mr. Speaker, as you are aware, it was anticipated that in today's session we were going to consider economic assistance to the democratic resistance in Nicaragua and it is to that message that I would like to address my remarks.

There is an article in this morning's Washington Times by the noted nationally syndicated columnist, Mr. Carl Thomas, and I would like to begin this special order this afternoon by sharing it with my colleagues. It says:

> On Feb. 10, Salvadoran government soldiers killed an insurgent they believed to be a courier of intelligence information. When the body was searched a document was discovered which strips away any pretense the communists in Central America want to join House Speaker Jim Wright and his colleagues in giving peace a chance.
>
> A copy of the document, which has just been declassified, was provided to me by a senior administration official. The official contends the manual outlines the strategy for communist domination of the region, beginning with Nicaragua and El Salvador.
>
> In a segment of the document dealing with U.S. policy toward Central America and internal Salvadoran political matters, there is this: "For revolutionary states and in the area of socialism, negotiation is an expression of victory. To force the United States to negotiate shows that the U.S. administration is politically weak and cannot mobilize all its efforts and that its policies are internationally isolated. Imperialists, during negotiation, try to make concession on weak points and try to preserve the other. The concrete expression of this, in our case, is that there is U.S. congressional bipartisan support for El Salvador, but in the case of Nicaragua there are deep divisions. The unity of the U.S. Congress in relation to aid to El Salvador will only be broken through strategic advance of the revolutionary movement. The time of the U.S. elections is the most propitious moment to favor this division."

I wish to make an aside to remind you that this is an internal revolutionary document in Central America being carried by a courier from Nicaragua to the Marxist insurgents in Nicaragua discussing how they can effect their Communist revolution effectively with assistance here in this country.

> The memo continues, outlining a strategy that has been repeatedly advocated by the Reagan administration, but which has fallen on deaf ears in the Democratic congressional leadership: "The defeat of the Contras would be a grave strategic defeat for the United Statess, especially if we take into account the impact of failure in Vietnam and the geopolitical position of Central America. The failure of the Contras and the acceptance of the Nicaraguan revolution for the United States can be a total global strategic change. It would also affect the U.S. counterinsurgency policy and support to the Salvadoran government."
>
> A few non-pragmatists in the White House are trying to persuade the president to pull out all the stops in a campaign for renewed military aid to the Contras, but there is considerable doubt that they will be able to prevail prior to the Feb. 29 cutoff of military assistance. The senior administration official told me, "If military aid is not resumed to the Contras, the Reagan doctrine is dead, and what the left all over the world will see is that the United States has been defeated in her own back yard. It will be another Bay of Pigs, only worse."
>
> If Mr. Reagan accepts the humanitarian aid package proposed by the Democrats in the face of continuing massive Soviet aid to the Sandinistas, the loss of Nicaragua and possibly the rest of Central America to communism will be his legacy.
>
> Peace has had its chance in Nicaragua—and now it is time to fight. History has shown what the Soviets do when they feel threatened in their back yard: they invaded Poland, Czechoslovakia, Hungary and Afghanistan. They get away with murder to protect their fellow Communist governments from those who yearn for freedom. How sad it is to see the United States refusing to assist those in its own back yard who want to be free from Communist oppression.
>
> Jim Wright and his Pollyanna colleagues remind me of those who play the lottery—always anteing up their dollars bills, hoping for the one big score that will make them rich, which never comes. Soon they run out of money and realize they have been played for fools.
>
> We're about to squander our last chance for freedom in Nicaragua and perhaps all of Central America. Will the president make every effort to achieve his goals, or will he surrender to the pragmatists who have nothing but failure to show for their past efforts?
>
> The captured Salvadoran document shows the resoluteness of the communists. Coupled with other documents and numerous statements by Sandinista leaders, it shows there can be no doubt about the intention of communists in the region.
>
> There is now considerable doubt about the intentions of Jim Wright and his colleagues. They are no longer giving peace a chance. They are giving communism a golden opportunity.

Thus completing the article this morning in this morning's Washington paper.

Referring back to a page 1 article of Monday, the headline "Ortega Threatens To Crush Contras," an article by John McCaslin, I would like to relate the article by Mr. McCaslin.

> Nicaraguan President Daniel Ortega told hundreds of Marxist government officials if the Central American peace process fails, he has a plan that will "crush" the Nicaraguan Resistance.
>
> "We have already prepared a strategy which will lead to the crushing of the Contras," Mr. Ortega said in a speech Saturday in Managua, announcing a new Sandinista campaign against so-called "counterrevolutionary speculators."
>
> The Nicaraguan commandante provided no other details of what that strategy might be, but his harsh rhetoric came one day after a second round of cease-fire negotiations between the warring sides broke down Friday in Guatemala City.
>
> The mediator in the cease-fire talks, Catholic Cardinal Miguel Obando y Bravo, blamed the latest failure on the Sandinista regime for its lack of sincerity in approaching the negotiations.
>
> Intelligence sources in Managua said earlier this month that Sandinistas were preparing a "final offensive" against the rebels, code-named Operation Monimbo.
>
> It was still too early to tell what impact Mr. Ortega's harsh words of Saturday might have on any congressional aid vote this week. Supporters of Mr. Ortega on Capitol Hill, including House Speaker Jim Wright who is guiding the development of a "humanitarian-aid-only" package for the Resistance, have cautioned him against using such militant language.

The current aid package for the Resistance, passed by Congress in 1986, expires at the end of this month.

Mr. Ortega in his Managua address also leveled a warning to the opposition La Prensa, which only recently resumed publication, saying its editors had better watch the newspaper's content.

La Prensa "thinks the people are about to rebel against us, but they should be careful with their attitude they can provoke an insurrection would destroy them," he said.

Other "counterrevolutionary speculators" receiving warnings from Mr. Ortega Saturday included Managua's merchants who refuse to sell their products at prices regulated by the government.

In Washington yesterday, Resistance representative Ernesto Palazio voiced optimism that a new round of cease-fire talks would resume this week, but he also was fearful the Sandinistas would continue their policy of "stalling."

"Why should the Sandinistas be that eager for a cease-fire when in the long run, because of the Feb. 3 vote in Congress, they're going to get a de facto cease-fire anyway?" Mr. Palazio said in a telephone interview.

He was referring to this month's vote in which the House narrowly rejected an administration proposal to provide the rebel force with both military and humanitarian aid. Without ammunition and other lethal assistance, the rebels say they cannot remain a viable fighting force.

Mr. Speaker, I am greatly concerned at the tack that this issue has taken in recent hours. It has become publicly discussed that one of the proposals that we were to consider today and might be considered early next week would be for assistance to be delivered in Central America, in a new tack, the American military would be involved. In fact, the Speaker's package as I understand would like to involve the Pentagon and American Armed Forces in delivery of blankets and other "humanitarian" assistance. This is an action which I believe is totally unwarranted and extremely unwise. Presently there are those who are willing to fight for their own independence and their own freedom. All they ask from us is the tools with which to defend themselves. The Democratic majority in this House has chosen to deny them that and now seeks to introduce American troops into the region. I cannot understand it. I sense the unwiseness of it and protest against it.

Mr. Speaker, the majority has delayed the vote on their Nicaraguan resistance bill which was originally scheduled for today. However, I would like to comment on the logic of their proposal, insofar as information is available regarding its present configuration. Implicit within it are some assumptions which undecided Members should examine carefully.

First, the bill's terms invite the Sandinistas to drag out for 4 months negotiations which easily could be completed in no more than 1 month if they were serious. This undercuts Cardinal Obando's efforts to mediate a prompt solution and his threat to suspend talks if there is no progress. Even should negotiations soon fail, there will not be a vote on lethal aid for over 4 months. And because the resistance in any case will run out of critical weaponry before this deadline, the bill makes them vulnerable and sets a political trap for Honduras, to which fighters and their families must flee.

Even if they husband their equipment, after 2 to 3 months both the number and military capability of the peasant revolutionaries within Nicaragua must decline sharply. Just as during previous aid cutoffs, Nicaragua will take advantage of forced resistance manpower reductions in the field by concentrating troops and military engagements at politically sensitive border zones along the resistance's line of retreat. As before, the Sandinistas also will have the opportunity to initiate "sweep" actions in resistance strongholds to keep them off balance and separate them from any weapons caches they may have saved. The Sandinistas can again roll up the exposed civilians who have supported the democratic resistance. If lethal aid is resumed, the resistance once more will have to recover from these setbacks, but they will be criticized for lack of quick progress.

Honduras will be accused of violating its peace accord obligations by harboring revolutionaries who had to fight their way out of Nicaragua because of declining supplies. Although Honduras is determined that the resistance will not be given safe haven during the remainder of the negotiating process, it lacks the military capability to turn back or evict armed fighters. The likelihood of significant flight from Nicaragua therefore sets up Honduras as the "fall guy" for failure of the accords. The Sandinistas may also use alleged Honduran failings to justify renewed incursions across the border. Honduras already has forcefully stated that it will be the United States responsibility to deal with this prospective influx of fighters and refugees. Even now being criticized because of a resistance presence and having repeatedly been left out on a limb by United States vacillation, it is unlikely that Honduras will ever again cooperate with the United States as much as before.

Second, once more to remove CIA from the program reveals appalling managerial stupidity. It also reflects the pervasive distrust of U.S. intelligence and of covert action which is nursed by these who controlled drafting of this legislation. Once before, Congress was warned not to place humanitarian aid under an agency unfamiliar with the program and distribution techniques in Central America. The House majority insisted, however, on forcing a reluctant State Department to create the NHAO [Nicaraguan Humanitarian Assistance Organization]. When predicted problems did materialize, the majority attempted to make political hay over them rather than acknowledge its own responsibility.

Subsequently, even more stringent accounting and oversight procedures were imposed on the program's operations, sometimes to the point of the ludicrous. Who but the United States, for instance, would actually issue identity cards to guerrilla resistance fighters who normally strive to hide their identity, just so we could make sure a few dollars were not being misappropriated? Amazingly enough, after we imposed such measures so the program was above reproach, the majority now proposes to undo the whole thing.

It is interesting, moreover, that many of those same persons who now complain about excessive United States military personnel and exercises in Central America are now proposing to send United States troops to manage the resistance program. Those of us supporting the democratic resistance argue that our goal is above all to avoid the future necessity of sending American boys to fight in Nicaragua. But prominent critics occasionally have responded that if Nicaragua is so important to us, we should just send in the marines now rather than dealing through the Nicaraguan resistance. Is the Bonior bill their foot in the door?

Although these were concerted attempts to implicate CIA in the Iran-Contra scandal, as an institution the Agency emerged from the investigation with fairly high marks, despite the actions of a few employees who did not adhere to internal guidelines. I see no excuse, therefore, to repeat demonstrated past errors by taking the program away from CIA. And while 4 months is enough time to endanger the Contras, it is not enough time to justify completely disrupting a program by giving it to another agency for that interim, whatever one's views on the Iran-Contra issue. Oversight will be exercised like a smothering blanket, and the Agency knows it. This provision must go.

Third unless the Bonior proposal is merely a subterfuge for abandoning the democratic resistance, it assumes this is a propitious moment to negotiate. Logically, this must be either because Sandinistas are freely willing to allow meaningful political participation or because sufficient pressure already has been exerted against them.

At least there has been one positive development in this policy morass. We now seem to have achieved a congressional consensus that, as the Washington Post recently editorialized, substantial Nicaraguan democratization is essential to long-term peace in Central America. Debate now largely revolves around how best to achieve that political broadening.

But I cannot beleive that those who continually have criticized the resistance for alleged ineffectiveness now believe their presssure has been sufficient to achieve an adequate settlement. No, the sponsors persist, despite a multitude of contrary evidence, in postulating some reservoir of Sandinista good faith.

How this can be rationalized I do not understand. Our evidence to the contrary is as direct and convincing as it could be.

Maj. Roger Miranda was moved to defect and tell the truth because of Sandinista plotting to exploit the peace process, a process still being hailed today as the route to salvation. Miranda said the Sandinistas initially were surprised by Central American agreement on a peace plan. He attended a meeting of the Sandinista Assembly called upon President Ortega's return to Nicaragua. There the peace plan was described as a weapon the party should use "to strengthen the political plan of the revolution and eliminate" the democratic resistance. Far from believing that conditions are so bad they must negotiate, the Sandinistas, Mr. Miranda stated, believe they can wipe out the resistance over the next few years.

After the guerrilla threat is eliminated, he said, they will raise their armed forces to a level of 500,000 men by 1995. Miranda said help to foreign Communist guerrillas has continued, although its profile has been lowered because of the need for discretion. Such aid is coordinated by a group called The Bureau, headed by top ideologist Bayardo Arce and falling under the Sandinista Directorate of International Relations. The Sandinistas' No. 1 target is El Salvador, although they give to other movements as well. Even after the peace accord was signed, they have continued such aid, for they have decided that "the best defense for the revolution is to expand it." And while they brand the Contras as mercernaries who easily can be defeated, Miranda visited the field to observe for himself and concluded that the rural poor no longer back the government. "What we have really been fighting all these years is a peasant insurrection," he said. "Whole families have taken up arms against the Sandinistas."

Major Miranda was the top aid to Defense Minister Humberto Ortega, whom many believe is even more powerful than his brother, President Daniel Ortega. Within Nicaragua, Miranda's ranking was the equivalent of a brigadier general, and most of Humberto Ortega's orders were administered through him. The Defense Minister, while denouncing Miranda as a "worm" and a "traitor," confirmed many of his most important revelations, except to reveal that the defector had actually understated the planned military buildup: "* * * we want to arm hundreds of thousands * * * up to 600,000 Nicaraguans if we can," he said.

One would think those planning to vote against aid to the resistance would have retaliated for Sandinista betrayal, but instead they sought to belittle Miranda's revelations. One prominent congressional leader stormed that Humberto Ortega's speech was counterproductive, apparently because he actually acknowledged the Sandinista plans rather than because of their existence. Miranda's revelations were dismissed as unimportant, since the real issue is now summit negotiations with the Soviets over their aid to Nicaragua.

All our own intelligence agencies consistently assessed Sandinista intentions regarding the negotiations to be insincere, even before Miranda verified this. Yet we willfully ignore them as well. Were the administration to dismiss intelligence projections and court a foreign policy debacle in this way, it would court a major scandal. But Congress apparently plays by a set of rules distinct from those whereby it judges the Executive.

Even before the Miranda revelations, multitudinous Sandinista statements and actions over several decades demonstrated their true long-term intent.

Their writings and history as guerrillas clearly indicated what the Sandinistas were—a Marxist-Leninist movement nurtured by the Cubans who momentarily shifted tack in order to secure their final ascent to power. Despite pledges to install a democracy, the Sandinistas soon declared that elections would be delayed for 5 years. When voting finally was scheduled for November 1984, the Sandinistas were saying it served only to "confirm revoluntary power." In calling the sham 1984 elections, Daniel Ortega proclamed the Sandinista revolution to be "already an irreversible process."

Things have not changed. Bayardo Arce, who shares to leadership with the Ortegas, continued to affirm these views last month: "* * * we reiterate, that the Sandinista Front will never relinquish power, because we do not usurp the rights of the people; it is the people who are in power." Arce previously said the Sandinistas had accepted the August peace accord because it would produce "a peace which accepts that in Nicaragua there is and will be a revolution." For, as Tomas Borge, responsible for keeping an iron grip on the population, observed last year, "Why would we lose 50,000 lives to surrender the revolution?" Thus President Ortega was merely reinforcing a well-established doctrine in his famous December 13 comment that "In the hypothetical case that the Sandinista Front lost an election, the Sandinista Front would hand over government, not power."

Even since the initial takeover by treachery, the Sandinistas have never kept solemn pledges. For instance, shortly after assuming power, they issued a decree promising to stop confiscations of private property. Confiscations soon resumed, as if the decree never existed. In 1984, they arranged a secret swap with civic leadership under which Sandinistas were allowed to control the Council of State in return for calling municipal elections and sharing control of television broadcasting. After the civic leadership kept their part of the deal, the Sandinistas reneged. After the government arrested almost all leaders of the opposition coalition last month, Adolfo Calero was prompted to comment:

> How is it possible to announce amnesty on the one hand, and to arrest the entire civic opposition on the other? That's appalling. How can that be explained?

How indeed, except as yet another in the long trail of broken treaties?

The Sandinistas also have plenty of experience with their own version of Orwellian doublespeak, which renders questionable not only their intent to fulfill promises, but also what those promises meant to them in the first place. For years, Daniel Ortega claimed there was freedom of expression in Nicaragua, even while newspapers were censored and radios shut down. While ostensibly releasing some formal controls on political expression, the Sandinistas simultaneously resurrected the dormant "turbas" or "divine mobs" who again threaten and attack dissidents ranging from mothers protesting the draft to the media to politicans. Daniel Ortega has openly claimed that this merely reflects the regime's right to demonstrate, just as the opposition now exercises such a right. As Vice President Ramirez perhaps too candidly put it last fall:

> If there's peace and we open a political struggle, we have many powerful, strictly political weapons. We don't fear that someone will be more persuasive than we are.

Thus the Sandinista Party admittedly has no intention to relinquish control of the Army, the turbas, the neighborhood committees or any of the other instruments of their leverage and control. Daniel Ortega reassured his functionaries in December that the Sandinistas would not give up revolutionary power or allow domestic opposition groups to become an internal front of the Contras. Warning the media to act with responsibility regarding their new freedoms, he declared the Sandinistas would "Mobilize the workers of all companies to go to combat" if necessary. "We cannot accept a civic opposition," he said, "that becomes a representative of counterrevolution and imperialism in our country. * * * The government and the Sandinista Front can have a little more patience, but the people can lose patience very rapidly." Moreover, "If an elected opposition party tried to roll back workers' advances since the Sandinista revolution of 1979, there would be an insurrection and the Sandinista Front would lead it." An elected opposition party could govern only "as long as it respected the established power."

I think journalist Georgie Anne Geyer has put it well: The Sandinistas have never hidden what they are. They are Communists of the militarist variety. "And yet it is profoundly bewildering that so many intelligent people * * * choose willfully to exist in ignorance of this revealing history of the Sandinistas and their constantly re-proven intent."

CONCLUSION

Similarly, some chose to believe the Vietnamese Communists were peasant reformers rather than totalitarians. And still seared on our brains is the image of the last United States helicopter lifting off from the Saigon Embassy roof, with hapless Vietnamese clinging to its runners while panic-stricken mobs swarmed below seeking to escape Communist retribution.

That image since has been supplemented by pictures of tens of thousands of boat people still, 12 years later, being pushed back into the sea by Thai officials overburdened with the refugees from ruthless totalitarianism and the economic disaster accompanying it.

Will much the same happen once again in Central America, where the democratic resistance has been willing to fight for itself rather than seeking American troops? Will the flotsam of the disaster this time wash up on U.S. shores? Of even greater significance, what will happen to the already soiled U.S. reputation for dependability?

Perhaps the best insight comes from the Salvadoran Communists, who quickly put United States political developments to effective propaganda use. Although congressional critics like to claim the answer for Central American problems lies exclusively in economic assistance, those same persons later are unhelpful in securing passage of such aid. Recently, congressional budgetary issues and resistance to foreign aid forced the administration to slash aid to 30 countries, including El Salvador. In response, the Communist guerrillas' Radio Venceremos chortled on February 1:

> It is clear that the [Salvadoran] Armed Forces are in for hard times since Duarte's Army operations rely on U.S. aid. * * *
>
> * * * Americans think that their money and economic stability come first: this is why they chose to sacrifice an ally who will inevitably be defeated. The Reagan government's decision to cut aid to Duarte can best be described by the words of one U.S. Government official, who said: "Our government has no friends, but it has interests." When Reagan cut aid to Duarte, he must have thought, sitting in his White House office, that for them, $1 in the hand is worth more than 100 Duarte's in the bush.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mrs. BENTLEY, for 60 minutes, on March 8.

Mrs. BENTLEY, for 60 minutes, on March 15.

Mrs. BENTLEY, for 60 minutes, on March 16.

Mrs. BENTLEY, for 60 minutes, on March 17.

Mrs. BENTLEY, for 60 minutes, on March 22.

Mrs. BENTLEY, for 60 minutes, on March 23.

Mrs. BENTLEY, for 60 minutes, on March 24.

Mr. GINGRICH, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. STUDDS, for 5 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous material:)

Mr. SHAYS.

Mr. DAUB.

Mr. DUNCAN.

Mrs. BENTLEY.

Mr. PORTER.

Mr. BROOMFIELD in two instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. COELHO in four instances.

Mr. MARKEY in two instances.

Mr. RODINO.

Mr. STOKES.

Mr. STUDDS.

Mr. WEISS in three instances.

Mr. DYSON.

Mr. STALLINGS.

Mr. HOYER in two instances.

Mr. RANGEL.

Mr. DIXON.

Mr. MINETA.

Mr. PANETTA.

Mr. TALLON in three instances.

Mr. SHARP.

ADJOURNMENT

Mr. MCEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, February 29, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2977. A letter from the Secretary, Federal Trade Commission, transmitting the 1985 annual report on current practices and methods of cigarette advertising and promotion, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

2978. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's report of actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2979. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2980. A letter from the Chairman, National Credit Union Administration, transmitting the agency's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2981. A letter from the Assistant Secretary—Indian Affairs, Department of the Interior, transmitting a proposed plan for the use of the Navajo Tribe's judgment funds in Dockets 69 and 299, 256-9 and 377-70, and 588-83L before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

2982. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to direct the Secretary of the department in which the Coast Guard is operating to require alerting and locating equipment, including emergency position indicating radio beacons, on United States uninspected vessels and for other purposes; to the Committee on Merchant Marine and Fisheries.

2983. A letter from the Executive Secretary, Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for October through December 1987, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2984. A letter from the Assistant Secretary of the Army (Research, Development, and Acquisition), transmitting a draft of proposed legislation to grant the Secretary of a military department, or his designee, authority to loan without reimbursement materials, supplies, and equipment to foreign governments for the purpose of cooperative research, development, testing or evaluation; jointly, to the Committees on Armed Services and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY (for himself, Mr. Dingell, Mr. Volkmer, Mr. Coelho, Mr. Michel, Mr. Lott, Mr. Craig, Mr. Marlenee, Mr. Carr, Mr. Ford of Michigan, Mr. Pashayan, Mr. Robert F. Smith, Mr. Hansen, Mr. Smith of Texas, Mr. Fields, Mr. Campbell, Mr. Tallon, Mr. Derrick, Mr. Emerson, Mr. Hiler, Mr. Hunter, Mr. Dyson, Mrs. Vucanovich, Mr. Gilman, Mr. Gonzalez, Mr. Stangeland, Mr. Traxler, Mr. DeFazio, Mr. Thomas of Georgia, and Mr. Spratt):

H.R. 4014. A bill to amend title 18, United States Code, to prohibit undetectable firearms; to the Committee on the Judiciary.

By Mr. BROWN of Colorado (for himself and Mr. Gregg):

H.R. 4015. A bill to repeal the provisions of the Omnibus Budget Reconciliation Act of 1987 which imposed employer Social Security taxes on cash tips; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 4016. A bill to urge negotiations with the Government of France for the recovery and return to the United States of the C.S.S. *Alabama*; to the Committee on Foreign Affairs.

By Mr. FROST (for himself, Mr. Dicks, Mr. Howard, Mr. Ackerman, Mr. Olin, Mr. Owens of New York, Mr. Whittaker, Mr. Lagomarsino, Mr. Gordon, Mr. Atkins, Mr. Bryant, Mr. Wheat, Mr. Leland, Mr. Smith of Florida, Mr. Wilson, Mr. Coleman of Texas, Mr. Eckart, Mr. Brooks, Mr. Armey, Mr. de la Garza, Mr. Andrews, Mrs. Collins, Mr. Chapman, Mr. Bustamante, Mrs. Lloyd, Mrs. Meyers of Kansas, Mr. Tallon, Mr. Martinez, Ms. Pelosi, and Mr. DeLay):

H.R. 4017. A bill to amend the Communications Act of 1934 to require the disclosure of billing amounts and practices by providers of message services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. Pepper):

H.R. 4018. A bill to provide for reconciliation of discrepant earnings records under the Old Age, Survivors, and Disability Insurance Program under title II of the Social Security Act, to provide restrictions against future consideration of legislation reducing benefits under such program and the Supplemental Security Income Program under title XVI of such act, and to establish the Social Security Administration as an independent agency, which shall be headed by a Social Security Board, and which shall be responsible for the administration of such programs; jointly, to the Committees on Ways and Means and Rules.

By Mr. HUCKABY (for himself, Mr. Anthony, Mr. Baker, Mr. Coelho, Mr. Coleman of Missouri, Mr. de la Garza, Mr. Emerson, Mr. English, Mr. Espy, Mr. Grandy, Mr. Harris, Mr. Hatcher, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Herger, Mr. Holloway, Mr. Jones of North Carolina, Mr. Jones of Tennessee, Mr. Lewis of Florida, Mr. Livingston, Mr. Marlenee, Mr. Nagle, Mr. Panetta, Mr. Rose, Mr. Staggers, Mr. Stallings, Mr. Skelton, Mr. Stangeland, Mr. Stenholm, Mr. Synar, Mr. Tallon, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Traxler, and Mr. Volkmer):

H.R. 4019. A bill to revise the price support level, and implement a marketing loan program, for the 1988 through 1990 crops of soybeans under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. DAUB:

H.R. 4020. A bill to amend the Internal Revenue Code of 1986 to exempt small manufacturers from the capitalization rules added by the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself and Mr. Moorhead):

H.R. 4021. A bill to amend title 18, United States Code, to permit Federal Prison Industries to borrow from the Treasury, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Schumer):

H.R. 4022. A bill to require the Federal depository institutions regulatory agencies and federally insured depository institutions to take additional actions to protect the interests of consumers of financial services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KLECZKA (for himself and Mrs. Collins):

H.R. 4023. A bill to amend the Federal Aviation Act of 1958 to provide protection for employees of air carriers who engage in whistleblowing activities relating to air carrier safety; to the Committee on Public Works and Transportation.

By Mr. LELAND (for himself, Mr. Kennedy, Mr. Frank, Mr. Schumer, Mr. Flake, Mr. Mfume, and Mr. Lowry of Washington):

H.R. 4024. A bill to alleviate homelessness by expanding and preserving the permanent supply of affordable and decent housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LENT:

H.R. 4025. A bill to enable the Postal Service to restore recent cutbacks in postal services and to meet its obligations for certain health benefit payments in accordance with the Postal Reorganization Act; to the Committee on Post Office and Civil Service.

By Mr. SCHUMER (for himself and Mr. Kennedy):

H.R. 4026. A bill to promote the interests of consumers in securing financial services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SPENCE (for himself, Mr. Ravenel, Mr. Derrick, Mrs. Patterson, Mr. Spratt, and Mr. Tallon):

H.R. 4027. A bill to expand the boundaries of the Congaree Swamp National Monument, to designate wilderness therein, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STALLINGS (for himself and Mr. Cheney):

H.R. 4028. A bill to authorize the Secretary of Agriculture to exchange certain National Forest System lands in the Targhee National Forest; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Young of Alaska):

H.R. 4029. A bill to authorize appropriations to carry out the Fish and Wildlife Conservation Act of 1980 for fiscal years 1989 and 1990; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself and Mr. Jones of North Carolina):

H.R. 4030. A bill to strengthen certain fish and wildlife laws; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Young of Alaska):

H.R. 4031. A bill to authorize appropriations to carry out conservation programs on military reservations and public lands for fiscal years 1989 through 1993; to the Committee on Merchant Marine and Fisheries.

By Mr. THOMAS of California:

H.R. 4032. A bill to amend the Internal Revenue Code of 1986 to provide that the passive loss limitations will not apply to deductions and credits attributable to rental real estate activities of a taxpayer who is primarily engaged in real estate trade or business activities; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, Mr. Leland, Mrs. Collins, Mr. Dowdy of Mississippi, Mr. Downey of New York, Mr. Pease, Mr. Matsui, Mrs. Kennelly, Mr. Donnelly, and Mr. Miller of California):

H.R. 4033. A bill to amend title XIX of the Social Security Act to address the medical needs of working welfare recipients; to the Committee on Energy and Commerce.

By Mr. BORSKI (for himself, Mr. Ackerman, Mr. Annunzio, Mr. Applegate, Mrs. Bentley, Mr. Biaggi, Mr. Bliley, Mr. Boland, Mr. Bonior of Michigan, Mrs. Boxer, Mr. Buechner, Mr. Carper, Mr. Coelho, Mr. Courter, Mr. Crane, Mr. Crockett, Mr. Darden, Mr. de la Garza, Mr. de Lugo, Mr. Dingell, Mr. DioGuardi, Mr. Dwyer of New Jersey, Mr. Early, Mr. Fauntroy, Mr. Fazio, Mr. Feighan, Mr. Florio, Mr. Frost, Mr. Garcia, Mr. Gilman, Mr. Gunderson, Mr. Henry, Mr. Hertel, Mr. Horton, Mr. Howard, Mr. Hoyer, Mr. Hughes, Mrs. Johnson of Connecticut, Mr. Kanjorski, Ms. Kaptur, Mrs. Kennelly, Mr. Kleczka, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lantos, Mr. Levin of Michigan, Mr. Lipinski, Mr. McDade, Mr. McHugh, Mr. McMillen of Maryland, Mr. Manton, Mrs. Meyers of Kansas, Mr. Mfume, Mr. Mrazek, Mr. Murphy, Mr. Nowak, Mr. Owens of New York, Mr. Panetta, Mr. Porter, Mr. Rinaldo, Mr. Rodino, Mr. Roe, Mr. Rostenkowski, Mr. Sabo, Mr. Scheuer, Mr. Smith of Florida, Mr. Straton, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Vander Jagt, Mr. Walgren, Mr.

Weiss, Mr. Wolf, and Mr. Wortley):

H.J. Res. 475. Joint resolution to designate October 1988 as "Polish American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr.FAWELL (for himself, Mr. Panetta, Mr. Berman, Mr. Biaggi, Mrs. Boxer, Mrs. Collins, Mr. Crockett, Mr. Daub, Mr. Emerson, Mr. Fish, Mr. Frenzel, Mr. Fuster, Mr. Green, Mr. Hertel, Mr. Hughes, Mr. Kolter, Mr. LaFalce, Mr. Lantos, Mr. Lewis of Georgia, Mr. Lowry of Washington, Mr. McGrath, Mr. Miller of Washington, Mr. Owens of New York, Mr. Owens of Utah, Mrs. Meyers of Kansas, Mr. Porter, Mr. Rodino, Mr. Roe, Mrs. Roukema, Mr. Roybal, Mr. Russo, Mr. Savage, Mr. Scheuer, Mr. Shaw, Mr. Skelton, Mr. Slaughter of Virginia, Mr. Smith of Florida, Mr. Solarz, Mr. Torricelli, Mr. Towns, Mr. Vento, Mr. Waxman, and Mr. Weiss:)

H.J. Res. 476. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. GAYDOS:

H. Res. 388. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2d sess. of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. WEISS introduced a bill (H.R. 4034) for the relief of Inna Hecker Grade; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Stokes.

H.R. 190: Mr. Mfume, Mr. Harris, Mr. Dowdy of Mississippi, and Mr. Schuette.

H.R. 241: Mr. Howard.

H.R. 276: Mr. Pursell.

H.R. 903: Mr. Manton, Mr. Rodino, Mr. Huckaby, Mr. Annunzio, Mr. Roe, Mr. Frenzel, Mr. Gray of Illinois, and Mr. LaFalce.

H.R. 1007: Mr. Stallings, Mr. Wolpe, Mr. Frank, Mr. McCloskey, and Mrs. Saiki.

H.R. 1240: Mr. Gallegly.

H.R. 1336: Mr. Darden.

H.R. 1430: Mr. Murphy.

H.R. 1531: Mr. Frank.

H.R. 1632: Mr. Chandler.

H.R. 1699: Mr. Mineta and Mr. Rodino.

H.R. 1708: Mr. Kildee, Mr. Young of Florida, Mr. Smith of New Hampshire, and Mr. Oberstar

H.R. 1782: Mr. Packard.

H.R. 1842: Mr. Coelho, Mr. Wyden, Ms. Pelosi, Mr. Kasich, Mr. Manton, Mr. Panetta, Mr. Bustamante, Mr. Penny, Mr. Derrick, Mr. Stark, Mr. Skeen, Mr. Watkins, and Mr. Rahall.

H.R. 2134: Mrs. Byron, Mr. Coyne, Mr. Porter, Mr. Stratton, Mr. Miller of Ohio, Mr. Kolter, Mr. Gilman, Mr. Kostmayer, Mr. Davis of Michigan, Mr. Wolpe, Mr. Traficant, Mr. Harris, Mr. Hutto, Mr. Wortley, Mr. Coble, and Mr. Pepper.

H.R. 2419: Mr. Kolter.

H.R. 2508: Mr. Markey.

H.R. 2522: Mr. Markey, Mr. Fuster, Mr. Lehman of California, and Mr. Torres.

H.R. 2605: Mrs. Roukema.

H.R. 2883: Mr. Armey, Mr. Gilman, Mr. Ford of Tennessee, Mr. Downey of New York, and Mr. Regula.

H.R. 2928: Mr. Wolf, Mr. Dornan of California, and Mr. Bilirakis.

H.R. 3054: Mr. Mineta.

H.R. 3142: Mr. Fawell, Mr. Olin, and Mr. Kolbe.

H.R. 3187: Mr. Kastenmeier.

H.R. 3332: Mr. Ortiz, Mr. McHugh, Mr. Glickman, Mr. Martinez, and Mr. Moakley.

H.R. 3334: Mr. Rowland of Connecticut and Mr. Biaggi.

H.R. 3392: Mr. Hawkins, Mr. Fauntroy, Mr. Gray of Pennsylvania, Mr. McMillan of North Carolina, Mr. Owens of New York, Mr. Martinez, Mr. Campbell, Mr. Espy, Mr. Lancaster, and Mrs. Saiki.

H.R. 3397: Mrs. Boxer, Mr. Hochbrueckner, and Mr. Martinez.

H.R. 3455: Mr. Quillen, Mr. Levin of Michigan, Mr. Feighan, Mr. Conyers, Mr. Dwyer of New Jersey, and Mr. Saxton.

H.R. 3506: Mr. Wortley, Mr. Schulze, Mr. Solomon, Mr. Whittaker, Mr. Fawell, Mr. Daub, Mr. Armey, Mr. Anderson, and Mr. Bilirakis.

H.R. 3509: Mr. Wheat, Mr. Garcia, Mr. Kolbe, Mr. Florio, and Mr. Stratton.

H.R. 3510: Mr. Wheat, Mr. Garcia, Mr. Kolbe, Mr. Florio, and Mr. Stratton.

H.R. 3517: Mr. Martinez, Mr. Kolbe, and Mr. Edwards of Oklahoma.

H.R. 3523: Mr. Coble, Mr. Clinger, and Mr. Sensenbrenner.

H.R. 3543: Mr. Towns and Mr. Crockett.

H.R. 3565: Ms. Kaptur, Mr. Swindall, Mr. DeLay, Mr. Bilirakis, Mr. Hammerschmidt, Mr. Oxley, and Mr. Robinson.

H.R. 3577: Mr. Solomon, Mr. Swindall, Mr. McEwen, Mr. Courter, Mr. Smith of New Hampshire, and Mr. Inhofe.

H.R. 3593: Mrs. Boxer, Mr. Miller of Washington, and Mr. Clay.

H.R. 3603: Mr. Cardin, Mr. Levin of Michigan, and Mr. Owens of New York.

H.R. 3607: Mr. Fish, Mr. Buechner, Mr. Gekas, Mr. Hammerschmidt, Mr. Owens of New York, and Mr. Davis of Michigan.

H.R. 3612: Mr. Ritter and Mr. Kolter.

H.R. 3619: Mr. Tallon, Mr. Fuster, Mr. Miller of California, Mr. Guarini, and Mr. Price of Illinois.

H.R. 3627: Mr. Kyl, Mr. Ballenger, and Mr. Wortley.

H.R. 3754: Mr. Ballenger.

H.R. 3769: Ms. Kaptur and Mr. Ackerman.

H.R. 3800: Mr. Ravenel.

H.R. 3814: Mr. Buechner, Mr. Sensenbrenner, and Mr. Burton of Indiana.

H.R. 3825: Miss Schneider and Mr. AuCoin.

H.R. 3830: Mr. Owens of Utah and Mr. Sensenbrenner.

H.R. 3844: Mr. Panetta, Mr. Bruce, and Mr. Frenzel.

H.R. 3850: Ms. Slaughter of New York, Mr. Darden, Mr. Spratt, Mr. AuCoin, Mr. Mazzoli, and Mr. Nichols.

H.R. 3858: Mr. McMillen of Maryland, Mr. Mrazek, Mr. de Lugo, Mr. Towns, Mr. Levine of California, and Mr. Brown of California.

H.R. 3883: Mr. Studds, Mr. Owens of Utah, Mr. Murtha, Mr. Pashayan, Mr. Livingston, Mr. Rowland of Connecticut, Mr. Courter, and Mr. Hubbard.

H.R. 3892: Mr. Sikorski, Mr. Rowland of Connecticut, Mr. Roe, Mr. Lagomarsino, Mr. Yatron, Mr. Erdreich, Mr. Ballenger, Mr. Valentine, Mr. Marlenee, Mr. Boehlert, Mr. Ray, Mr. Gingrich, Mr. Penny, Mr. Dyson, Mr. Campbell, and Mr. Frank.

H.R. 3893: Mr. Spratt, Mr. Rose, Mr. Horton, and Mr. Gray of Illinois.

H.R. 3936: Mr. MacKay, Mr. Gibbons, and Mr. Nelson of Florida.

H.J. Res. 148: Mr. Bates, Mr. Mack, and Mr. Ravenel.

H.J. Res. 333: Mr. Bevill, Mr. Bustamante, Mr. Coelho, Mr. Gray of Illinois, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Horton, Mr. Howard, Mr. Hughes, Ms. Kaptur, Mr. Lancaster, Mr. Levin of Michigan, and Mr. Lipinski.

H.J. Res. 371: Mr. Bilbray, Mr. Dymally, Mr. Hastert, Mr. Hochbrueckner, Mr. Hughes, Mr. Johnson of South Dakota, Mr. Lehman of Florida, Mr. McCloskey, Mr. Owens of New York, Mrs. Saiki, Mr. Sawyer, Mr. Sikorski, Mr. Smith of Florida, and Mr. Weiss.

H.J. Res. 383: Mr. McMillen of Maryland, Mr. Scheuer, and Mrs. Lloyd.

H.J. Res. 398: Mr. Bosco, Mr. Atkins, Mr. Livingston, Mr. Hughes, and Mr. Dwyer of New Jersey.

H.J. Res. 415: Mr. Hefner, Mr. Cardin, Mr. Rodino, Mr. Whitten, Mr. Russo, Mr. Nagle, Mr. Hopkins, Mr. Emerson, Mr. Kolter, Mr. Hastert, Mr. Hunter, Mr. Dyson, Mr. Dwyer of New Jersey, Mr. Fuster, Mr. Traficant, Mr. Moakley, Mr. Annunzio, and Mr. Jones of North Carolina.

H.J. Res. 417: Mr. Levin of Michigan, Mr. Lowry of Washington, Mr. St Germain, Mr. Fazio, Mr. Wolf, Mr. Denny Smith, Mr. Chandler, Mr. Martinez, Mr. Conte, and Mr. Dwyer of New Jersey.

H.J. Res. 418: Ms. Kaptur and Mr. Kasich.

H.J. Res. 445: Mr. Mineta, Mr. Craig, Mr. Hughes, Mr. McEwen, Mr. Sunia, Mr. Kolter, Mr. Wise, Mr. Garcia, Mr. Young of Alaska, Mr. Cardin, Mr. Hayes of Louisiana, Mr. Perkins, Mr. Lewis of Georgia, Mrs. Lloyd, Mr. Walgren, Mr. Traficant, Mr. Solarz, Mr. Pashayan, Mr. Clinger, Mr. Hansen, Mr. Towns, Mr. Anderson, Mr. Savage, Mr. Borski, and Mr. Howard.

H.J. Res. 447: Mr. Clay, Mr. Mica, Mr. Shuster, Mr. Dicks, Mr. Bilbray, Mr. Murphy, Mr. Hayes of Louisiana, Mrs. Meyers of Kansas, Mr. Bonior of Michigan, Mr. Coelho, Mr. McMillen of Maryland, Mr. Bruce, Mr. Jenkins, Mr. Garcia, Mr. Bateman, Mr. Shumway, Mr. Gunderson, Mr. Stangeland, Mr. Hall of Ohio, and Ms. Snowe.

H. Con. Res. 21: Mr. Atkins.

H. Con. Res. 162: Mr. Rowland of Connecticut.

H. Con. Res. 169: Mr. Hastert, Mr. Donald E. Lukens, Mr. Montgomery, Mr. Richardson, Mr. Walker, Mr. Holloway, Mr. Miller of Washington, Mr. Nielson of

Utah, Mr. SHUMWAY, Mr. WELDON, Mr. HYDE, Mr. MOLINARI, Mr. PURSELL, and Mr. STUMP.

H. Con. Res. 223: Mr. BARTLETT, Mr. BEREUTER, Mr. BEVILL, Mrs. BOXER, Mr. BRENNAN, Mr. DELAY, Mr. FLORIO, Mr. GRANDY, Mr. HILER, Mr. LEHMAN of Florida, Mr. SIKORSKI, and Mr. WOLPE.

H. Con. Res. 232: Mr. LIVINGSTON and Mr. BILIRAKIS.

H. Con. Res. 241: Mr. SAXTON.

H. Res. 242: Mr. FEIGHAN, Mr. BUSTAMANTE, Mr. DORNAN of California, and Mr. LENT.

H. Res. 300: Mr. BUECHNER and Mr. SENSENBRENNER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3660: Mrs. BENTLEY.

EXTENSIONS OF REMARKS

LITTLE KNOWN FIRM HAS BECOME THE ENVY OF OPTIONS INDUSTRY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, I would like to rise today to honor a good friend of mine, Mr. Joseph Ritchie, the founder, chairman, and chief trader of the Chicago Research and Trading Group Ltd.

Since Joe started CRT 11 years ago, it has become the world's largest options trading company with $2.5 billion in trades daily and over $225 million in capital. One of the secrets of the firm's unprecedented success is its sophisticated computer trading model which squeezes small profits out of each of a high number of trades each day.

The second secret of CRT's success is Joe Ritchie himself—he developed the firm's trading model, and he carries out the calculations used to evaluate each options contracts.

The third and final secret to the firm's success is Joe's management style. He treats his staff of almost 600 more like family than like employees, providing them with free meals prepared by the firm's resident chefs. His staff is encouraged to work together for the good of the whole firm, rather than to compete with one another for individual glory. Teamwork is the rule rather than the exception. This unique management style has been responsible for the high degree of job satisfaction among the firm's staff members and has facilitated CRT's high profit margins.

In this era of insider trading and other stock market scandals, Joe Ritchie and the Chicago Research and Trading Group stand as a beacon of hope in the night. Joe has demonstrated that a firm can follow ethical business practices, can treat its employees extremely well, and can still be successful. Just as importantly, he has also shown that the spirit of innovation that allowed the United States to attain its preeminent position in the international economy is still alive and well today.

Mr. Speaker, I would like to take this opportunity to commend Joe Ritchie for his accomplishments, and wish him continued success in the future. In recognition of the lessons these accomplishments hold for the rest of the American business community, I ask that a recent article about Joe that appeared in the Wall Street Journal be reprinted here in the RECORD.

[From the Wall Street Journal, Feb. 8, 1988]

LITTLE-KNOWN FIRM HAS BECOME THE ENVY OF OPTIONS INDUSTRY

(By Scott McMurray)

CHICAGO.—Joseph Ritchie knows his math. No mere statistician, he solved the often-frustrating Rubik's Cube by turning the puzzle a few times, then figuring out the algorithm on which it was based. When competitors were relying on mainframe computers, this options trader punched a 243-step program into a hand-held calculator.

And while Wall Street's top computer jockeys have been hamstrung by the controversy over program trading—particularly its role in the Oct. 19 stock-market crash—Mr. Ritchie and the little-known company he heads, Chicago Research & Trading Group Ltd., are miles ahead of their rivals.

CRT's secret is a computer system that uses one of the most sophisticated trading models in the securities industry. By monitoring monetary differences in options and futures prices, the model—developed mainly by Mr. Ritchie—helps the firm execute more than $2.5 billion in trades each day.

"It's like picking up dimes in front of a bulldozer," says a CRT trader. "You can make a lot of money, but you have to keep your eye on the bulldozer."

IMPORTANT PLAYER

CRT has done both. In the 11 years since it was founded, it has become the world's largest options-trading company and the envy of the industry.

The firm's initial $200,000 stake has grown to $225 million in capital. Trading solely with its own money, CRT at times is the biggest single player in the most important futures and options pits: It often accounts for more than 5% of the multibillion-dollar trading volume on the Standard & Poor's 500-stock index and Treasury-bond futures, and 30% to 40% of the volume in most exchange-traded options markets here and abroad.

Though broadly similar to program trading's technique of profiting from small price differences between related investments, CRT's system is highly refined. The company was one of the first firms to give program trading between stocks and stock futures an electronic whirl, but abandoned it a few years ago as profit margins grew too slim.

At the heart of CRT's computer model are closely guarded mathematical formulas used to calculate the value of options contracts, depending mainly on the market's volatility and the time remaining until the contract expires. Most options traders use some type of formula to evaluate options, but CRT's is one of the best, traders say.

A BANG FOR ITS BUCK

Its computer programs decipher complex changes in price relationships, enabling traders to lock in minute profits and move on before most pit traders even notice the price shift. The firm trades simultaneously among scores of futures and options markets from Singapore to Chicago, aiming with trades of dizzying complexity to get the biggest bang for its buck.

That can baffle its rivals. Says the head of a competing firm: "I've seen their financial statements, and I still don't understand how they operate."

That suits CRT just fine.

Like a behemoth in ballet shoes, CRT glides through international financial markets but leaves few footprints. Almost unknown to the investing public because it trades exclusively with other professionals, CRT is at the forefront of an emerging generation of high-tech traders who increasingly are dominating world markets. Its strategies not only eliminate the risk of betting on the direction of the markets but also enable it to cope with—and even profit from—growing market volatility.

CHECKING THE BLOODBATH

Before most investors even understood what was happening on Black Monday morning, CRT had stanched its losses. Within an hour, the company reversed thousands of transactions. While many competing firms took days to unscramble their trading and lost hundreds of millions of dollars, CRT knew its exact holdings as it continued to trade. It lost less than $10 million—a mere nick for a firm its size.

And while regulators kept a round-the-clock vigil at some options-trading firms, they were satisfied that CRT was shipshape after a quick visit.

Central to CRT's success is the 41-year-old Mr. Ritchie, the firm's chairman and head trader. When he and three friends started the firm, Mr. Ritchie was so strapped for cash that he wore a borrowed business suit to meetings and laid an old door across two boxes for a desk. A tomato-juice can stuck in the doorknob hole doubled as a pencil holder. Even today a desk at one end of a conference room constitutes his office, and he still arrives for work most days in corduroy pants and an open-necked shirt. A suit—bought, not borrowed—gathers dust in a nearby closet.

Mr. Ritchie, who majored in philosophy at nearby Wheaton College after a three-year stint at an Oregon Bible school, also is responsible for the calculations needed to evaluate options contracts.

Using computer-generated charts, CRT's traders pair off one trade against another—buying Treasury-bond options, for instance, while selling Treasury-bond futures—and lock in a paper-thin but nearly riskless profit.

The profit on a single $100,000 Treasury-bond option trade, for example, typically is less than $4.50. But that amount multiplied by the 100,000 trades CRT executes daily makes the firm a low-margin, high-volume money machine.

One morning in CRT's trading room overlooking Lake Michigan, Mr. Ritchie, surrounded by six casually dressed traders in their 20s and 30s, calmly reviews possible foreign-currency options trades. The company's elaborate computer systems have updated valuation charts for traders in each market during the night. A team of computer programmers works all night if necessary to adjust CRT's complex software programs. The face on a clock in the department reads: "One, Two, Three, Four, Who Cares?"

Compared with the dozens of screaming traders crammed into most Wall Street trading rooms, the company's nerve center is remarkably subdued. CRT's octagonal trading desk—which could easily be overlooked if placed in the cavernous trading

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rooms at Salomon Brothers Inc. or First Boston Corp.—has banks of multicolored computer screens that carry the firm's confidential trading information.

Each pit trader has a specific amount of money allocated to his market. A trader in Treasury-bond options, for example, will buy when the market price drops below the line on his valuation chart and sell when it moves above the line. New charts are printed and rushed to the pits when prices change rapidly. Others at CRT are responsible for coordinating the hedging of one trader's positions against another.

The system also calculates CRT's consolidated risk position for all markets and shows how that position would change if the markets became more or less volatile. Since Black Monday, CRT has enhanced the system to calculate its total risk position on an unprecedented minute-by-minute basis.

Mr. Ritchie leads the currency-options group through 45 minutes of complex options valuations without once touching a pencil. CRT trades about 700 yen options and more than 3,000 Treasury-bond options in less than an hour after the group has broken up to monitor other markets.

A system designed to squeeze small profits out of each trade doesn't keep CRT from hitting the jackpot now and then. In the first few trading days of this year, CRT made nearly $5 million on several thousand foreign-currency options trades as the dollar rose sharply and most foreign currencies plummeted.

In mid-December, CRT's oil options and futures traders made nearly $1 million as oil prices dropped sharply. And last July, following the release of poorer-than-expected British trade figures, CRT traders made over $500,000 in a few hours on a $3 million investment in British government-bonds options. CRT's $3 billion in margin money controlled about 10,000 options valued at $750 million.

The company's charts aren't the whole secret to CRT's success. Just as important is the company's unusual culture, an outgrowth of Mr. Ritchie's homey style. CRT encourages an informal, family atmosphere, including free meals served by five on-staff chefs. While many corporate executives pay lip service to their "team," the soft-spoken Mr. Ritchie, who considers Walt Disney "my hero for the 20th century," is genuinely uncomfortable talking about his role as the company's leader. "I could've made a lot of money going off and trading for myself," he says, "but I'm prouder of the group we have here than of the money we've made."

CRT's nearly 600 employees work in teams and are rewarded for their contribution to the firm, rather than for outshining one another. CRT also puts most recruits through an exhaustive series of interviews that focus on their psychological profiles as well as apparent trading talent. (No system is foolproof, however. Jeffrey G. Donnely, a former CRT stock-index futures trader dismissed in 1986 for allegedly diverting profits from the firm, is under investigation by a federal grand jury here for possible criminal trading violations, according to people familiar with his case. Mr. Donnelly declines comment.)

CRT requires most professional recruits to take a pay cut to join the firm to ensure that money isn't their only motivation in changing jobs. Once on board, however, top employees can quickly earn six-figure salaries.

But as it expands, the firm has been forced to adopt a more corporate structure. Last year Roderick Smith, formerly a managing director of Hongkong & Shanghai Banking Group in London, joined CRT in the newly created position of chief executive officer. Though it is aimed in part at giving CRT principals more time for other pursuits, a more corporate form could dampen its vaunted esprit de corps and reduce productivity.

The growth is also taking CRT into riskier dealings. It is expanding into over-the-counter options trading, which exposes the firm to greater risks than trading on exchanges, where a clearinghouse guarantees against defaults.

In late December CRT was named to the select group of 42 primary government securities dealers who trade directly with the Federal Reserve Board. The move to primary-dealership status is aimed at increasing revenue from government securities trading, which CRT entered in 1986 by buying a small dealership, and at attracting clients in Europe and Japan.

Another market crash seems to be the least of the firm's worries. Mr. Smith, the chief executive, says that morale at the firm is higher than ever following the crash. He is more concerned about the effect of a steep recession. "The thing we need as a machine is activity," he says. "Our biggest worry is a slow bleeding to death if the markets dry up."

AMERICAN HEART MONTH

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STOKES. Mr. Speaker, I welcome this opportunity to remind my colleagues that by congressional resolution and Presidential proclamation, February is "American Heart Month." I join in recognizing the American Heart Association's [AHA] progress toward its goal of the "reduction of premature death and disability from cardiovascular diseases and Stroke."

As a result of the reseach, education and prevention programs of the American Heart Association, the National Heart, Lung and Blood Institute [NHLBI], and the National Institute of Neurological and Communicative Disorders and Stroke [NINCDS], this Nation has experienced a remarkable reduction in coronary heart disease and stroke. The AHA reports that from 1976 to 1986 the death rate from coronary heart disease has declined by 27.9 percent and that stroke has fallen by 40.2 percent. According to AHA, this downward trend is directly related to the increased focus on the prevention of cardiovascular diseases by controlling its risk factors including smoking, high blood cholesterol, high blood pressure and diets rich in saturated fats and cholesterol.

Despite this progress, AHA estimates that in 1988 heart attack will strike 1.5 million individuals, killing about 540,000. Stroke will claim 500,000 victims, killing approximately 155,000. I am particularly concerned about the incidence of stroke.

Stroke, a cardiovascular disease that affects blood vessels supplying oxygen and nutrients to the brain, is the third largest killer in the United States behind heart attack and cancer. According to the AHA, stroke is the leading cause of long-term disability. Although they estimate that stroke survivors number about 2 million, many of them confront extraordinary medical expenses. AHA reports an estimated figure of $12.9 billion for 1987 stroke associated health care costs.

Research has shown that black Americans have more than a 60-percent greater risk of death and disability from stroke than whites. Since hypertension constitutes the most significant risk factor for stroke, many attribute this alarming statistic to higher occurrence of high blood pressure in blacks than in whites. The more efficient control of hypertension has been called the chief explanation for the declining death rate of stroke in the past 10 years.

In addition to progress with hypertension, the AHA cites other important improvements in the prevention and treatment of stroke. They include the identification of other controllable risk factors: Diabetes, heart disease, high red blood cell count and transient ischemic attacks—a series of little strokes that sometimes precede a major stroke; the reassessment of neurovascular procedures; improved diagnostic and monitoring techniques; and the development of new methods for immediate administration after stroke to hopefully reduce its debilitating affects.

During "American Heart Month," I draw special recognition to these advancements and thank the American Heart Association, the National Heart, Lung and Blood Institute, and the National Institute of Neurological and Communicative Disorders and Stroke for their contributions. Since stroke predominantly strikes the elderly, as our aging population grows, we must continue to invest resources in stroke research, treatment, prevention and education.

ENERGY AWARD TO MASSACHUSETTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MARKEY. Mr. Speaker, I am pleased to congratulate the people of the State of Massachusetts for achieving the highest rank among all the States of this Nation for outstanding commitment to the environment and clean energy. For that effort, Massachusetts this week received the second annual State of the States award from the Fund for Renewable Energy. It shares this top ranking with the State of Wisconsin.

Massachusetts has achieved an unsurpassed record of energy efficiency and energy-related pollution control. In 1987, the State passed laws providing strong conservation standards, effective "least-cost" utility regulations, energy-wise building codes and targeted renewable energy tax incentives. It is a record that makes us proud and sets high standards for the entire country.

I am particularly proud to see the State enact tough energy efficiency standards for energy-guzzling appliances that go beyond the nationwide standards adopted by Congress last year. By working with Governor Dukakis and other State leaders in Massachusetts, we were able to push forward with Federal standards on major home appliances, while not compromising the State's interest in adding tough lighting standards at the State level. Lighting remains a major national opportunity for additional energy savings.

Massachusetts also pressed forward with renewable energy tax incentives in the face of the administration's hostility to all nonnuclear energy subsidies. In addition to the renewable tax credit, we are pursuing conservation, cogeneration, hydroelectricity and clean burning coal. Finally, the State is leading the way on acid rain reseach and control, pesticide reduction and intelligent land-use planning.

It is for those reasons that the State of Massachusetts is to be commended for its energy and environmental accomplishments and for helping to provide national leadership in this critical area for our Nation.

ESTONIAN INDEPENDENCE DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HOYER. Mr. Speaker, On February 24, Estonians all around the world celebrated the 70th anniversary of Estonia's short-lived independence of 22 years.

At this point, we do not know how this major milestone was marked inside Estonia. Soviet authorities have closed Estonia to all foreign diplomats and journalists. But, based on past experience, I am sure that the courageous men and women of Estonia will find a fitting way to make their views known. Indeed, that is why the Kremlin has imposed a temporary blockade on Estonia.

It is not surprising that Soviet officials feel threatened by open expression of genuine popular sentiment in Estonia, Latvia and Lithuania. After all, for the past 48 years, the Soviet Government has illegally occupied those Baltic territories. The Soviet occupation of the three Baltic States is the result of the secret Molotov-Ribbentrop Pact between Stalin and Hitler. The United States Government has never recognized the Soviet annexation of Estonia, Lithuania, and Latvia.

Over the years, Estonians have suffered as a result of the continuing Soviet occupation of their country. In 1940 and 1941, over 40,000 Estonians were forcibly sent to Siberia. After World War II, many thousands more Estonians followed. The last President of independent Estonia, Konstantin Pats, died in a Stalinist camp. In recent years, thousands of Estonians, young and old, have participated in demonstrations to protest various Soviet policies in their country: Russification, Slavic settlement in Estonia, ecological damage, declining living standards, and, of course, military occupation. Arrests of Estonian human rights activists have been frequent; today, two courageous and committed Estonians, Mart Niklus and Enn Tarto, are still imprisoned. Tragically, another Estonian dissident, Mart Niklus, died in labor camp in 1981.

Dissent seems to be accelerating In Estonia today, with more demonstrations and protest declarations being issued. Testifying before the Commission, Estonian activist and former political prisoner Tiit Madison said that the June 1987 demonstration in Riga, at which some 5,000 demonstrators and bystanders gathered to place flowers at Riga's Monument of Freedom and to denounce Stalin's crimes, "were like a torch which helped flame sentiments throughout the Baltic."

For the first time, the Estonian press has called on Russians living in Estonia to learn Estonian. Four Estonian intellectuals have even drawn up a plan to make Estonia economically self-sufficient. Sixteen Estonian dissidents have organized the Estonian National Independence Party.

In the wake of major riots in Kazakhstan, Gorbachev stated at the Central Committee plenum in January 1987, that the nationality issue had not been dealt with seriously enough. Then, in February 1987, the Soviet Government announced an early release program under which 200 political prisoners—many imprisoned for nationalist activities—were eventually released. More recently, in February of this year, General Secretary Gorbachev said at a party plenum that nationality problems were a fundamental vital issue for Soviet society. Comparatively speaking, the present Soviet leadership has responded more flexibily to nationality demands and seems to be more willing to address the nationality issue more realistically.

Mr. Speaker, the Helsinki Final Act in its Third Basket stressed the important contribution of national minorities and regional cultures to give concrete expression to the rights of minorities guaranteed under Principle VII. In addition, of course, Principle VIII of the final act addresses the crucial issue of national self-determination.

No nation has a perfect record in dealing with and resolving the divergent interests and demands of its minority groups or of its various nationalities. The Helsinki Commission urges the Soviet Union to give concrete expression to the commitments it made with regard to protecting the rights and freedoms of all of its citizens—and to permit referendums on self-determination.

CONGRATULATIONS TO WINNERS OF WESTINGHOUSE SCIENCE TALENT SEARCH

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WEISS. Mr. Speaker, I am honored to bring to your attention three of our Nation's brightest and most promising high school students.

Aurika Wanda Checinska, Chetan Nayak, and Brian Lee Zuckerman are winners of this year's Westinghouse Science Talent Search. All three are residents of New York's 17th District, which I have the honor to represent.

The Westinghouse contest honors students for their inquiring and intelligent minds and their motivation to pursue science and mathematics. It is the oldest and most prestigious competition for teenage scientists.

I am very pleased that of the 40 winners chosen nationwide, 16 are from the State of New York. In fact, no other State can boast more winners than the district I represent.

At a time when our Nation's educational system is being criticized and our technological competitiveness is slipping, these young men and women are a great source of pride and inspiration.

I congratulate Aurika, Chetan, Brian, and all of the other participants and wish them success in their future endeavors.

COMMEMORATING ESTONIA'S 70TH INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BROOMFIELD. Mr. Speaker, today we mark the 70th anniversary of Estonia's Independence Day. While we friends of an independent Estonia celebrate this most auspicious day in the United States and in many other countries around the world, the Estonians themselves can celebrate only in the privacy of their own hearts because Estonia continues to be a captive nation held under the tyranny of the Soviet Union.

On February 24, 1918, the people of Estonia declared their independence. This country was well received among the community of nations, and in 1921 became a member of the League of Nations. During this period of independence, Estonia and her people thrived economically, socially and culturally.

In 1939, Estonia became a pawn in the struggle between larger nations. Hitler and Stalin secretly agreed to partition Europe, giving all three Baltic States to the Soviets. The Soviet Government moved quickly to establish its domination over Estonia. Using a pattern we have seen the Soviets use over and over again—a pattern of "mutual assistance" pacts, ultimatums, installation of Communist puppet governments, staged one-party elections, compulsory nationalization, house searches, mass arrests, deportation, summary executions and terror—the Soviet Government consolidated its control over Estonia and its sister Baltic nations of Lithuania and Latvia.

Many years have passed since Estonia first declared its independence, and from the time when Estonians fought the Soviet occupation in the 1940's. We have seen a new generation of Estonians grow up under Soviet domination, and we have seen that even in this new generation as Estonian adults continue to cherish the dream of a truly free and independent Estonia. This past summer in Tallinn, Estonians for the first time, participated in a mass demonstration calling for their independence. How many more such demonstrations will be allowed by the Soviets is unknown. Even the one last summer showed the world that the yearning for independence continues to burn brightly.

Mr. Speaker, it is important that all who cherish freedom and independence join in spirit with the people of Estonia to demonstrate both our concern for their situation and our hope that they will once again join the community of nations as a truly independent member. I congratulate the people of Estonia on the 70th anniversary of their Independence Day, and look forward to the time when it can be celebrated in Estonia as openly as it is celebrated in the United States and the other democracies of the world.

TRIBUTE TO THOMAS S. RAGSDALE, JR.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, I am proud to pay tribute today to a citizen of my district, Thomas S. Ragsdale, Jr., of Lake City, SC. Mr. Ragsdale is president of the T.S. Ragsdale Co. He was recently named one of Tobacco International magazine's seven "Men of the Year." Mr. Ragsdale is the first independent tobacco dealer ever selected for the award.

I would like to commend Mr. Ragsdale for his outstanding contributions to the tobacco industry. He has been a pioneer and an innovator in the production and processing of tobacco. I would like to share with you the following article, reprinted from the December 1987 edition of Tobacco International.

TOBACCO INTERNATIONAL NAMES THOMAS RAGSDALE JR., IN TOP SEVEN "MEN OF THE YEAR"

For Thomas S. Ragsdale Jr., there was never any doubt that he would become a tobacco man. He grew at his father's side fascinated by tobacco auctions, studying processing procedures, and roaming the T.S. Ragsdale Co. plant in Lake City, South Carolina. Thomas S. Ragsdale Sr. spent countless hours teaching the son who would lead his company, how to buy competitively, to process effectively, and most importantly, to insist on quality while always looking for ways to improve . . . to do the job better . . . to become more efficient.

"My father taught me that tradition was a challenge to excel, not a reason to relax," reflects Ragsdale, president of T.S. Ragsdale Co. "He spent his entire career building a company that was committed to providing the best for its clients."

After serving in the U.S. Army Air Force, the younger Ragsdale officially joined the company in 1948. As it grew, T.S. Ragsdale Co. earned a reputation for sound capital investments in equipment to insure the best possible product at the lowest possible price. The company was the first dealer in the U.S. to go to 100 percent electronic picking and threshing. By 1973, computers were being installed to monitor the picking of tobacco. When others were reluctant to modernize, Ragsdale built a state of the art tobacco factory equipped with the finest combination of Cardwell and AMF equipment backed up by vibrating shakers. Today, Tom Ragsdale is convinced that the commitment to progress is one reason for his company's success.

"We have always given a tremendous amount of personal attention to the processing and handling of our customers' tobacco. We commit our management to closely monitor every detail. When we see a way to improve quality and to cut cost, we make the investment," states Ragsdale. "In 1956, there were 15 tobacco processors in South Carolina. Today, there's one . . . T.S. Ragsdale Co. That's testimony to both our insistence for the highest quality and our commitment to modernization."

Long before diversification became an industry trend, Ragsdale started searching for business opportunities that would complement the seasonal nature of the tobacco business. In 1957, he led the company into the charcoal briquet industry. This diversification enabled the company to utilize its labor, warehouses, and equipment on a year-round basis. This Ragsdale diversification has translated into lower costs for its tobacco customers. Today, the Embers Charcoal Division annually produces in excess of 70,000 tons of charcoal briquets for 14 million outdoor barbecues. Embers is the third largest charcoal manufacturer in the United States and the leading exporter of briquets to Europe.

"Our company's main objective is maximum efficiency in order to generate lower overhead and lower costs," asserts Ragsdale. "We don't diversify just for diversification's sake. Each company in our organization must complement all the other companies. Our most recent diversification, Ragsdale Transportation Brokerage Co. and Embers Express Trucking Co. allow Ragsdale customers the benefit of precise tobacco movement as well as offering extremely competitive freight rates."

Today, T.S. Ragsdale Co. employs over 200 full time employees with an additional 100 during the height of the tobacco season. While the company has grown considerably over the last 20 years, Ragsdale is still actively involved with all levels of the corporation.

"Tom understands that good people are essential to success. He demands, excellence, and he expects results; however, he is extremely loyal to his people," states Dick Clayton, vice president of leaf sales and purchases. "And, no one in the tobacco industry works harder than Tom Ragsdale. For Tom, good enough is never really good enough."

"Tommy is always doing something," reflects Carol Ragsdale. "It doesn't matter whether he's working or hunting or playing with the grandchildren, he's totally involved." Ragsdale has been both an Elder and a Deacon at the Lake City Presbyterian Church. He has served on the Board of Directors of Coker College and the St. James School. He is on the Board of Directors of Atlantis Airlines and has chaired the Management Committee.

"No one knows the tobacco business like Dad," says Smith Ragsdale, executive vice president. "When we were kids, he always took the time to involve us in the company." Both T. Smith Ragsdale III and Charles S. Ragsdale have followed their father into the family business. Tom's daughter, Caroline Reutter, serves on the Board of Directors.

As he looks to the future, Ragsdale is confident. "In the near future, the domestic and international markets will be more competitive. Our company will continue to be aggressive," he asserts. "We will continue to search for methods to keep our costs low to our customers. We will maintain our commitment to the two things that have made us successful—quality product and service excellence."

"From the time I was a young man, I just knew I would spend my life in tobacco. It's an exciting, challenging industry that's changing every day. And, at the same time, there is a wonderful tradition based on integrity and trust," observes Ragsdale. "There's just no business like the tobacco business."

LITHUANIAN INDEPENDENCE DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 16, 1988

Mr. PANETTA. Mr. Speaker, I join with my colleagues in recognizing the 70th anniversary of Lithuanian Independence Day on Tuesday, February 16. The Lithuanian people have displayed tremendous courage in their fight for self-determination and we cannot ignore their valiant efforts to maintain their national identity.

On that date in 1918, the Council of Lithuania declared itself a nation state which became a free and sovereign state. Lithuania flourished economically, politically, and religiously. However, as we know, the Molotov-Ribbenthrop Pact of 1939 spelled the end of these freedoms when Germany ceded its territorial claims to Lithuania to the Soviet Union. The following year, the Soviet Union began its forceful occupation of the nations in the Baltic region including Estonia, Latvia, and Lithuania. The Soviets then attempted to assimilate the Baltic nations into the Soviet Union while tens of thousands of people, whose greatest crime was the desire for freedom, were murdered or sent into internal exile.

It is a great testament to the will of the Lithuanian people that they withstood such harsh measures of repression and acculturation, and yet continued to maintain a language, culture, and religion unique to themselves. For 48 years, the Lithuanian people have shown a resilience and a tenacity that demonstrates their unwavering commitment to the right of self-determination.

The freedoms enjoyed by the Lithuanian people during that nation's short-lived independence were lost, but were not forgotten. To this day, all the free nations of the world share the dream of Lithuanians; to create a homeland and a nation that is truly their own to ensure the survival of their rich heritage. The challenge before us is to ensure that the struggle of the Lithuanian people is never forgotten so that once again their national identity shall never perish.

BLACK HISTORY MONTH

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to pay honor and tribute to Black History Month, and to acknowledge those black Americans who contributed greatly not only to African-American culture and history, but to world history.

Since 1976, February has been celebrated as Black History Month, but the origins of this event date back to 1926, when Dr. Carter G.

Woodson set aside a special period of time in February to recognize the heritage, achievements and contributions of African Americans.

There have been countless individuals who have made important contributions to the lives of African Americans and other minorities. Many of those contributions, however, would not have been possible if it were not for the tremendous efforts of a much smaller number of persons. Male and female, their courage, determination, integrity and talents were unmatched. Because they possessed such qualities, doors that were once closed are now opened. They are the ones who made a difference, they are the movers and shakers that helped make the world better for blacks.

Dating back to colonial times with Crispus Attucks, blacks have made great progress in many areas of American life. They have made practical and significant contributions to the fields of science and invention, to medicine, to the arts, music and entertainment, to education and government, and to business.

Scientists like Dr. Charles Drew and Dr. Daniel Hale Williams have helped to save numerous lives with their contributions to medicine and to the lives of all peoples. Dr. Drew, a black man, developed the first blood plasma bank, which saved numerous lives and enabled hospitals to store blood for longer periods of time. And, Dr. Daniel Williams, a surgeon, was the first black man to perform a successful operation on the human heart.

Political figures, educators, and scholars like Andrew Young, Mary Church Terrell, Benjamin Mays, Barbara Jordan, Shirley Chisolm, Mary McLeod Bethune, Harold Washington, and John Hope Franklin have all contributed tirelessly and unselfishly to the political and mental growth of black Americans. And, so many of our own colleagues, including Ron Dellums, John Conyers, Mickey Leland, and John Lewis, a hero of the civil rights movement who fought at the side of Martin Luther King, have also contributed their efforts and time to our great Nation.

And, let us not forget about those who have provided us with great literary works and pieces like Gwendolyn Brooks, Phillis Wheatley, Zora Neale Hurston, Toni Morrison, and James Baldwin. Nor those who provided musical, dance, and theatric entertainment like operatic diva Leontyne Price, musical geniuses Quincy Jones, Michael Jackson, and Steve Wonder and premiere female artists like Diana Ross, Lena Horne, and Dorothy Dandridge. Further, we should acknowledge those who have presented an even stronger impact on the African-American community within the past 3 years. Those like Redskins Superbowl quarterback Doug Williams, Olympic ice skater Debbie Thomas, former Miss America Vanessa Williams, Radio City Music Hall Rockette Jennifer Jones, fashion designers Willie Smith and Patrick Kelley, National Security Advisor Colin Powell, Jr., and space shuttle astronaut Ron McNair. Each has contributed something of note to the long upward climb of black people in not only America, but in Europe and in other parts of the world.

But, in applauding the significant strides and contributions these blacks have provided, let us not forget about the plight of the brethren in South Africa, of the continued starvation among those in Ethiopia, or of the recent escalation of race related incidents here in the United States. One should also remember that pride and awareness in one's culture and history should not be celebrated only 1 month a year, but should be highlighted in the lives of all, all year around, as a tool of inspiration for the continued growth and development of the race. Let all people work together in one body so that all cultures may be able to learn, accept and appreciate the distinguished role people of all races, nationalities, and cultures have contributed to society.

OUR FRIEND TAIWAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. CRANE. Mr. Speaker, I would like to take this time to pay tribute to an important political figure and good friend—Chiang Ching-kuo. Most Members now know that Chiang Ching-kuo recently passed away, ending his 10-year reign as President for the Republic of China on Taiwan. I have visited Taiwan on numerous occasions since 1970 and I have always been impressed by the hospitality of its people and the outstanding success it has experienced since its formation.

During the last few decades Taiwan has experienced much economic growth. Between 1970 and 1980, Taiwan's economy grew about 10 percent each year, making Taiwan into an economic power. The ROC currently is the sixth largest United States trading partner. Indirect trade between the ROC and the mainland exceeds $2 billion annually. Economic growth throughout this country is clearly abundant, and it truly reflects favorably upon the leadership of the Republic of China.

Taiwan is also a bastion of freedom. We only hear about citizens from the Peoples Republic of China risking their lives to immigrate to the Republic of China. We never hear of Taiwanese citizens attempting to flee to the mainland. Citizens of Taiwan are free to run their own businesses; they are free to immigrate; they are free to practice religion; they are free to criticize the government. Chiang Ching-kuo deserves much of the credit for the many freedoms that the people of Taiwan now have.

I urge my colleagues to read the following article written by Dr. Frederick Chien, representative for the Coordination Council for North American Affairs. Dr. Chien gives a detailed review of President Ching-kuo's life and the many accomplishments for which he was responsible. It is important for Members of Congress to remember that Taiwan is one of our best friends and that we will all benefit from understanding the accomplishments of its most recent President.

LEGACY OF PRESIDENT CHIANG CHING-KUO

(Presented by Dr. Frederick F. Chien, Representative, Coordination Council for North American Affairs Chicago Committee, Chicago Council on Foreign Relations, Feb. 9, 1988)

I consider it a great privilege to be with you today. The Chicago Committee of the Chicago Council on Foreign Relations is one of this country's most prestigious forums. I am honored that you extended an invitation to me and gave me this opportunity to discuss with you momentous events which are occurring in the Republic of China today.

As many of you probably are already aware, my country lost its great leader and President, Chiang Ching-kuo, less than four weeks ago. He was an immensely popular figure—a populist by nature—and his death was mourned not just by those holding positions of leadership in government and business but, as you say in America, by "the man on the street," who forms the bedrock of our society.

It may be pertinent to note in this regard that an annual public opinion poll conducted by the Public Opinion Research Foundation shortly before President Chiang's death showed his approval rating in 1987 at 85 percent. This was up seven percent from 1986, reflecting the overwhelming support he received from the citizens of my country for his bold democratization program initiated last year. An 85 percent approval rating would cause most American politicians to turn green from envy, I suspect, and indicates that Chiang Ching-kuo must have possessed unusual qualities of leadership.

This should come as no surprise. He was schooled in leadership by his father, President Chiang Kai-shek. As the eldest son, Chiang Ching-kuo learned his lessons well and earned the high offices he held. He was elected to the presidency only after more than 40 years of service in various government and party positions, including six years as premier.

It was my personal privilege to know well both President Chiang Kai-shek and our late President Chiang Ching-kuo. I served as President Chiang Kai-shek's secretary for ten years and was privy to many of his meetings with world leaders. I saw firsthand how skilled he was in the art of diplomacy. Likewise, I knew President Chiang Ching-kuo for some 30 years and during his term as premier, I served as his official spokesman. That was a great experience for me, and I shall never forget how President Chiang Ching-kuo instructed me when I assumed my duties.

President Chiang said, "Fred, you are now my spokesman. I know you are a man of integrity and would never say anything which is untrue on your own account. Never think that you have to tell a lie on my account. Always be straightforward and tell the truth, and I will be well-served."

So, I can tell you without reservation that President Chiang was a man of high moral principles and integrity. In short, he said what he meant and he meant what he said. This characteristic, perhaps more than any other, allowed him over the years to inspire confidence and to make an indelible mark on the history of the Republic of China.

But let's not get ahead of ourselves. Let's look back to President Chiang's earlier accomplishments. Then we can appreciate even more the service he rendered his country and the vision he had for the future of the Republic of China.

I said earlier that President Chiang Ching-kuo was a "populist." He was comfortable in the presence of the powerful, but I earnestly believe he was happiest in the company of working people. He moved easily among the people he served and took pleasure in trips to factories and farms and visits with shopkeepers and laborers. He appreciated the contribution they made to creating a modern society on Taiwan and he wanted them to know it. He was determined that policies of the government would result in a continuously higher standard of living for them and greater participation in the processes of government.

He availed himself of every possible opportunity to attain those goals for the Chinese on Taiwan. As chairman of the Vocational Assistance Commission for Retired Servicemen, he understood the needs of those who had served their country on the battle field and had to make the transition to private life. Just as you created special training and employment programs for veterans in the United States, Chiang Ching-kuo did so on Taiwan. We Chinese are known for our extended families and for making sure that relatives are cared for in their old age. But many soldiers had been unable to bring their families with them to Taiwan. In their old age, they found themselves alone. Presdient Chiang made sure they were not forgotten by the country they had served; they were cared for.

And as he understood the peculiar problems of the old, he understood the needs and ambitions of the young. As director for more than 20 years of the China Youth Corps, he knew that China's future depended upon the development of its young people. He had the ability to instill in them his own intense nationalism, his devotion to Dr. Sun Yat-sen, who founded the Republic of China, and his dedication to the principles of democracy and free enterprise which are the foundation for what many call the "miracle" which has happened on Taiwan. He knew that young people had to keep busy. Corps projects and summer camps became outlets for the constructive energy of hundreds of thousands of young Chinese who now hold my country's future in their hands.

Let me pause for a moment to say that the Republic of China would not be the international economic power that it is today without careful planning over the years. Throughout the world, we have seen what has happened when developing countries set out helter-skelter to try to improve their lot. Not only are they not successful, usually they take steps backwards. Economic woes are followed by political woes and, all too often, domestic unrest degenerates into violence, anarchy and bloodshed.

Thanks to the vision of such persons as President Chiang, Taiwan's progress has been planned and orderly. Social and political progress have kept step with economic progress. We are always flattered when scholars hold up Taiwan's experience as an example to other developing countries.

President Chiang had the long view, and that long view is a great part of his legacy. When he became premier in 1972, the country was beginning to understand its potential as a major exporting nation. But it lacked the infrastructure necessary to achieve that goal. Times were not so good then, either. Because of the international oil crisis, the treasury was depleted and the government was operating at a deficit. The future was unsure, and the faint-hearted were arguing for retrenchment. It was in this economic climate that then Premier Chiang Ching-kuo proposed the "10 Major Construction Projects," which, while necessary to establish a viable infrastructure, would require tremendous public expenditures. He was willing to take the risk to insure Taiwan's place in world trade in the decades to come. He prevailed and all China shall be forever greatful, for he laid the foundation—carefully, block-by-block—for the "economic miracle" which was to follow.

Chiang Ching-kuo knew that Taiwan could not be a major manufacturing country unless it could easily move raw materials and finished goods about the island. So he built major highways to keep domestic commerce flowing. Taiwan could not ship its goods to world markets without deep water ports and modern shipping facilities. So he built two new world-class ports. Taiwan could not make the transition from light to heavy industry without the ability to produce a vital raw material—steel. So he launched Taiwan's modern steel industry. Taiwan could not produce goods without energy to turn the factory wheels. So he built new power plants. And Taiwan could not entice foreign investment to the island without a major new international airport. So he built one.

Piece by piece, he put the program together so each project complemented the other and formed a solid foundation for a dynamic export economy. He was not alone in his undertakings. The free Chinese on Taiwan were with him. He called for national sacrifice and the support of all the island's citizens. He got both, and his detractors shook their heads in disbelief as the projects were begun and successfully completed.

But neither he nor the country could afford to rest upon its laurels. Other countries in Asia were making progress also, though not at the same rate. It was clear that Taiwan would not be a leader for long if it were content to remain primarily a producer of labor-intensive products and be a captive of traditional industries.

When Chiang Ching-kuo took the oath of office for the first time as President in 1987, his work was cut out for him. High-tech was just around the corner. The handwriting was on the wall: any country which could not upgrade its economy would be out of the game. Developing countries would be forced to play in the minor leagues and compete against themselves. Countries such as Japan, Germany and the United States would play in the majors.

President Chiang was not willing to accept minor league status for the ROC. He urged the people on Taiwan to shift toward a technologically intense economy. We made a conscious decision to cede part of our share of such markets as plastics, textiles, and other inexpensive consumer goods for the opportunity to move with the major industrialized nations into the new age of computers and high-tech. As you know, that has proved to be a wise decision.

The Republic of China on Taiwan is now the fifth largest trading partner of the United States in the world. Last year two-way trade between our countries was $31.2 billion. Building the foundation for a major manufacturing and exporting nation and developing that nation into what is now one of the world's healthiest economies was no small task. It is a legacy that few leaders have ever been privileged to leave with their people.

Today, the signs of prosperity and economic well-being are evident throughout Taiwan. Today per capita income has risen dramatically to about $5000, one of the highest in Asia. A study of the distribution of wealth has showed that the gap between the top and bottom of the income scale has narrowed to one of the best ratios in the world. On Taiwan, the ratio of the average per capita income of the top 20 percent and the bottom 20 percent is an amazing 4.4:1. Another survey showed that a great majority—85 percent—of the people consider themselves "middle class," a sign of economic and social stability. Symbols of affluence and creature comforts—cars, refrigerators, televisions—are common. The fruit of Taiwan's progress has been shared by all its citizens.

President Chiang was never satisfied. The words he had written in his diary on his 70th birthday at the beginning of this decade were always fresh in his mind. He had said then, "Time flies. I know I have done too little to express my gratitude to my father or to fulfill even a small fraction of the expectations of my compatriots." He could not rest until, in his words, "Anything that must be done for the good of the people (has been) done." He still had mountains to climb.

I have mentioned that as premier he spearheaded the "10 Major Construction Projects." They had provided a solid foundation for Taiwan's economic development but, when he became president, he knew, it was time to bolster that foundation. And he felt compelled to look for ways to improve the quality of life of the almost 20 million people of the Republic of China.

Working closely with the country's leadership and highly trained young Chinese professionals—now a mainstay of our development efforts—he proposed a 14-point program designed to insure Taiwan's continued progress and touch every life on the island.

So even in his 70s and in ill-health—he had long suffered from diabetes—President Chiang still possessed great energy and determination. His agenda was that of a man half his age. And remember, too, that at the same time he was having to deal each day with the serious problems resulting from the ROC's trade imbalance with the United States; maintaining a strong defense system to deter the mainland's designs on Taiwan—he was a former minister of defense; and the day-to-day problems of running a government.

But the last chapter still was not written. And it is that chapter which may be most memorable. To paraphrase the words of the American poet Robert Frost, Chiang Ching-kuo still had promises to keep—to his father and his compatriots—and miles to go before he slept.

President Chiang looked about him and saw a prosperous economy. He saw an educated citizenry. He saw hundreds of thousands of persons traveling abroad each year, expanding their horizons and their expectations. He saw a pluralistic society where people were eager to learn more about democracy and the science of self-government. Looking around him, he saw a country that was more secure than at any time since the government relocated on Taiwan in 1949. And he realized that the task before him—perhaps his last major task—was to perfect the country's democratic institutions and insure future generations of free Chinese maximum involvement in their government.

He proposed that the Emergency Decree, which had existed for 38 years, be lifted, removing the last vestiges of "martial law" on Taiwan. In fact, the decree had little effect on the citizens of my country and a survey showed that it was near the bottom of their list of concerns. But the specter of "martial law" continued to be raised in the international community and President Chiang wanted to remove it and settle the matter once and for all.

Opposition candidates had been clamoring for some time for the right to form a party and run a slate of candidates under a single banner rather than running individually as independents against the ruling party. The restrictions on the formation of new political parties were lifted, and the door was opened for a multi-party political system to challenge President Chiang's own KMT. Interestingly enough, when the first elections were over, the KMT still polled about the same percentage it had polled in previous elections (70 percent), giving a vote of confidence to the KMT and its leadership in its first head-on challenge.

Restrictions on newspapers were eased. Already licenses have been granted for the publication of new newspapers, and established newspapers have the right to expand their coverage. An educated population is an inquiring population, and Taiwan's newspapers now will be a greater source of news and opinion. The war of words has begun, for as the English writer, John Milton, said, "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions, for opinion in goodmen is but knowledge in the making."

On Taiwan, we believe, quite sincerely, that democracy must be learned. We have looked to the United States above all others as our teacher in this area just as we have looked to you repeatedly for lessons in free enterprise and market economy. The United States has outstripped every other country in the world in developing democratic institutions and creating prosperity for its people. We are grateful, and our imitation is intended as the most sincere form of flattery.

Last of all, President Chiang tackled the problem of how to make our legislative body more representative of the people of Taiwan without abandoning the Republic of China's claim to represent all China and its ultimate goal of reunification with the mainland. Revitalizing the structure of the national lawmaking body and admitting new, younger blood has just begun, but it took a bold leader to focus the attention of his countrymen on this sensitive problem and, we hope, pave the way for an ultimate solution.

President Chiang Ching-kuo's democratization program, viewed broadly, as I noted, as a "display of courage and confidence in the people to whom he had brought unprecedented prosperity," drew accolades from throughout the world. And the citizens of my country have talked of little else since these dramatic reforms were proposed and, one-by-one, began to become reality.

There is one more important part of President Chiang's legacy which I think I should discuss with you.

For seven decades, members of the Chiang family—first president Chiang Kai-shek and later his son Chiang Ching-kuo—have been prominent figures in both the Koumingtang (Nationalist party) and the government of the Republic of China. Despite efforts by President Chiang Ching-kuo to dispel speculation, rumors persisted that he would somehow pass the mantle of leadership to another member of the Chiang family. Obviously, some observers did not understand his populist nature. Now, history has proved his sincerity.

Because President Chiang was in ill health for a long while, questions concerning succession constantly arose. He often pointed to the constitution and said firmly that succession would be orderly and in accord therewith. When he died January 13, there was no doubt on Taiwan what would happen. In accord with the constitution adopted in 1946, Vice President Lee Teng-hui, a native of Taiwan province and proven administrator, was sworn in immediately. Government in the Republic of China proceeded without a hitch. President Chiang's insistence that there was no place in Taiwan's modern democratic government for a family dynasty is now an important part of his legacy.

It is important to note that President Lee, who became vice president in 1984, is the first Taiwan-born president of the Republic of China. His succession blunts much of the criticism which opposition leaders have made about the participation of Taiwan-born Chinese in the government of the Republic of China. The truth is that President Chiang worked hard to make the KMT an inclusive, rather than an exclusive, political party. Today more than 80 percent of the members of the KMT were born on Taiwan and about half of our cabinet ministers. Any person who wants to participate in the party can do so and the height to which he or she can rise depends only on the limits of their own energies, ambitions and abilities.

President Chiang Ching-kuo, shortly before his death, dictated a last testament which was witnessed by several government leaders, including then Vice President Lee. He called upon the people to continue to seek reunification with the mainland, oppose communism and, importantly, to "actively carry constitutional democratic development forward without interruption." Upon assuming the office of president, Dr. Lee Teng-hui called upon the citizens of the Republic of China "to follow without fail the final exhortations of President Chiang . . . with one heart and mind in a united effort." The torch was passed.

President Chiang's leadership will be deeply missed. But, he was a wise man. He knew he would not stay on the scene forever and planned carefully for our future. His legacy actually has two-parts: unprecedented economic progress and democratic reforms he initiated during his life, and the clear path he marked for the Republic of China's democratic development after his death.

One editorialist summed up by stating, "Taiwan, which first showed Third World nations how to use capitalism, free trade and export-led growth to turn a third-world peasant economy into a sophisticated exporter with a flourishing middle class, now appears bent on demonstrating how democratization can be made to follow economic success."[1] In the long run, the extraordinary economic success and the democratic reforms instituted during President Chiang Ching-kuo's last years will be equally treasured by the citizens of the Republic of China.

COMMEMORATION OF BLACK HISTORY MONTH

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1988

Mr. CHAPPELL. Mr. Speaker, this year, in commemorating Black History Month, I would like to share with my colleagues information which has been brought to my attention by Alton Yates—senior administrative aide to Jacksonville Mayor Tommy Hazouri—about the history of Free Blacks in Florida. The following is an excerpt from an article, "The Free Negro in Florida", written in 1965 by historian Leedell W. Neyland.

The emergence of the free Negro as a distinct group in Florida is indebted to a series of problems created by fugitive slaves from the nearby English colonies of Georgia and South Carolina who took refuge in the Spanish colony of Florida. When English authorities demanded their return, the Spanish responded by keeping the fugitive slaves and reimbursing the English claimants up to 200 pesos per slave for their losses. On April 12, 1731, the Council of the Indies in Madrid, Spain, decided that no negroes who escaped to Florida should be returned nor should any more be paid for in the future.

During the seven year span from 1731 to 1738, Negro fugitives came into Florida with increasing rapidity. Since they did not consider themselves chattel slaves, they soon began to demand their freedom. Consequently, on May 31, 1738, Governor Montiano reported that various Negroes, fugitives from the English colonies held as slaves by citizens of St. Augustine, appeared before him, and demanded liberty on the strength of royal cedulas. He decreed that their appeal be granted. The decision to grant freedom to the slaves was not an easy one to make, for it was made over the violent protests of slave owners.

Inasmuch as the newly liberated freedmen had no place to live nor any adequate means of livelihood, Governor Montiano set aside a special area as a settlement for them on the northern outskirts of St. Augustine. During the Spanish rule, this settlement was known as Garcia Real de Santa Teresa de Mose; however, under British rule after 1763, it was known simply as "Moosa" or Moosa Village. This place no doubt became the first free Negro settlement in what is now called the United States. To aid ths settlement in its growth and development, Governor Montiano provided both spiritual and economic assistance. In late 1738, he secured the services of a priest, Reverend Joseph de Leon, to instruct the settlement of thirty-eight families in the Catholic doctrine and in good customs. Furthermore, he supplied the colony with food and supplies until they harvested their crops. When the settlement was in danger of being overrun by the English in 1740, Governor Montiano withdrew the Negroes from "Moosa" and reestablished them in St. Augustine for their own protection. After the threat passed, the Negroes were returned to "Moosa", and another public announcement was made stating that all other fugitives arriving at the settlement would be freed. Over the years, "Moosa" received a high degree of independence."

THE NORTHEAST-MIDWEST HEARING ON PLANT CLOSINGS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. ASPIN. Mr. Speaker, I rise today to bring to the attention of my colleagues an important hearing held earlier this week by the Northeast-Midwest Congressional Coalition. The hearing, entitled "Forum on Worker Dislocation in the Automotive Industry," provided an opportunity to closely examine the devastating impact of auto plant closings on communities.

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[1] The Ledger-Star, Norfolk, Virginia, January 5, 1988.

Recently, the Chrysler Corp. announced that it plans to close its stamping and assembly operations in Kenosha, WI, by the end of the 1988 model year. If Chrysler goes ahead with its proposed shutdown, 5,500 workers will lose their jobs.

At Tuesday's hearing, two labor representatives from Kenosha testified on the impact of this decision on Chrysler's workers, their families, and the entire community. The two witnesses were Ed Steagall, president, UAW Local 72 in Kenosha, and Roger Bybee, editor, the Racine Labor, Racine.

I want to thank Ed and Roger for helping to focus national attention on what Chrysler has done to the city of Kenosha. Their testimony follows, along with a statement I submitted at the hearing:

TESTIMONY OF ED STEAGALL, PRESIDENT, UAW LOCAL 72, KENOSHA, WI

In 1973 I attended a UAW School for Workers and at that seminar it was stated that the United States auto makers and United States Steel would have to do something for the future. At that time President Leonard Woodcock of the UAW told Washington, D.C. that the American auto and steel industries would be having a huge problem and they would have to take action now. Washington has not responded, and we now have to fix a two-decade-old problem.

What can be done for Americans, for the American work force, because imports continue to bombard our shorelines? My membership is being put out of work because American companies are allowed to invest profits made in America into the economies of other countries, where they can take unfair advantage of cheap labor, no benefits and sub-standard working conditions. Legislation has to be passed that makes U.S. companies like Chrysler, which has been profitable, invest in the American companies so they remain modern, efficient and will produce job security to the American worker.

Chrysler has a new engine operation in Mexico, while Kenoshans, after 89 years of service, are being told they will no longer be employed by Chrysler. This is not fair when you look where Chrysler's private profits originated. To invest in Mexican markets is a crime. Why didn't Chrysler invest into an established work force in Kenosha which produces the best quality vehicle in the Chrysler family? Why is Chrysler allowed to invest in Red China as published 2-17-88 Chrysler Motor Times. (See exhibit No. 1.)

Americans should have received that work. A new V10 is being developed at this time by Chrysler and that work is going to be placed in Mexico. That is wrong, when the Kenosha work force is being terminated! Please help us, not just union members, but for every job that is directly affected by a layoff in the plant, one job from the community is also lost! Our population in Kenosha is approximately 80,000 people. Sixty-five percent of those laid off live in Kenosha so multiply 14.2 for the average family X every worker affected, equals 27,300 directly affected and probably another 27,300 from the community. (See exhibit No. 2.)

This is devastating to our state's economy when people have to use Unemployment Compensation and welfare while trying to get replacement jobs or retraining. People will lose their homes, cars and children's educations and all that has been saved from prior years of employment. The single worker will not receive half as much because social programs are directed to family services. (See exhibit No. 3.)

Our law enforcement agencies are already concerned about economic depression where families will be broken up and more severe discipline will have to be enforced in our community. Please think of the single individual so that programs and monies become available to them where their families do not have to suffer because of economic crisis at home and so the law will not have to be broken in order to provide shelter and food for their children's table.

Our plant has been making money for the Chrysler Corporation but because of economic injustices between countries, Chrysler chooses to develop new products for China, Mexico, slave labor countries and other non-American countries. Legislation has to be passed that will protect our shores from imports. Legislation must punish American businesses that do not treat their employees with dignity and respect and fail to provide long-term security to the workers and their families.

It is wrong to open up new plants with new partners and dislocate workers who have long-term service with the company. Therefore, I am asking that this Congressional body develop the means to force Chrysler Corporation to become a responsible American company and protect our jobs in Kenosha, or face the consequences, which could cause them to lose crucial government contracts.

TESTIMONY OF ROGER BYBEE, EDITOR, THE RACINE LABOR, RACINE, WI

I am Roger Bybee, Editor of The Racine Labor Newspaper in Racine, Wisconsin. I want to thank Congressman Aspin and the Northeast-Midwest Coalition for inviting me to testify on some issues of burning importance.

When Chrysler announced on January 27 that it planned to close its Kenosha operations, the company was simply removing a pin from its map of corporate facilities. For Chrysler Chairman Lee Iacocca, he was simply shutting down a plant for the 31st time.

But for the People of Kenosha, Racine, and other communities in southeastern Wisconsin and Northern Illinois, the announcement came as a shattering blow to their lives and their dreams. Chrysler's announcement came as the social equivalent of an atomic bomb, whose "radioactivity" can be measured in unrealized hopes, in lives wasted in despair, alcohol and drug abuse, family violence, in homes that are foreclosed, cars that are repossessed and in huge numbers of people forced to rely on public assistance. The mushroom cloud of social devastation will reach far beyond the 5,500 families directly affected by one of the largest plant closings in recent years: Its effects will be felt also by workers at local parts suppliers, the owners of small businesses whose customers draw their livelihoods from Chrysler, and area taxpayers who will be forced to pick up the pieces of lives shattered by Chrysler's decision.

The plan by Chrysler to end auto production in Kenosha represented a sudden repudiation of previous and extensive promises made by Chrysler with the express purpose of eliciting major concessions from the union, city, county and state. In both oral and written pledges, such as the June 26, 1987 letter from Chrysler to the city of Kenosha, the company committed itself to maintaining auto production for 3 to 5 years. Many hundreds of families made critical decisions based on these pledges: Workers quit jobs at other plants to return to Chrysler; their families bought homes, and incurred other debts. Moreover, the workers responded to Chrysler's promise of job security by setting several records for quality production.

Chrysler officials may argue that no formal contract exists which requires them to maintain production in Kenosha: But they should be reminded that their fast statements were not mere "projections" or "predictions" that were uncontrollably undermined by changes in the market; those statements were pledges aimed at gaining concessions from other parties. The union, the state, and local governments kept their word, but Chrysler has not. As one observer noted, the Chrysler warranty on the deal has expired in 7 months, instead of 5 years. Perhaps that means that someone has doctored the odometer reading on the deal.

Chrysler's plan to shut down its Kenosha operation (with the exception of its engine line) leaves an enormous crater that local and state government resources cannot possibly fill. The shutdown will mean a loss of about $171 million in wages, for which there are no foreseeable substitutes. Retail development along I-94 and Highway 50, and marina-related development in both Racine and Kenosha are touted by some who believe that the area can rebound. But we should remember that retail and service development is based on a foundation of consumer buying power created by goods production, and that foundation for southeastern Wisconsin is being swept away with little warning and less concern for the victims. When unemployment in Kenosha surges up toward 15, 18, 20 percent, how much retail investment will the area attract?

What we're seeing here is that the impact of a plant shutdown not only causes widespread devastation, but also removes an area's capacity to respond. For example, the shutdown will cost some $10 million in lost state tax revenues, which means fewer resources to pay for training, for alcohol and drug abuse clinics, shelters for battered women and children and other needs that are the social costs of decisions made unilaterally in Chrysler's boardroom.

Local government agencies are responding as rapidly as they can to prepare for the consequences of the Chrysler shutdown. In both Kenosha and Racine, where 1,277 of the affected workers live, task forces have been set up by the county executives to assess the impacts of the shutdown. The effects will be deep and varied: Along with huge increases expected in AFDC and general assistance programs, there will also be increased demands for a wide array of other services. (One surprising example is an increased need for the services of the local game warden, because people will have less money to spend for hunting and fishing licenses, and because desperate dislocated workers will attempt to supplement their families food supply by poaching.) To confront the multifaceted impacts of the shutdown, the task force in Racine is working in subcommittees to develop impact statements and plans in each of several areas: Health and Human Services, which covers family violence, the needs of uninsured families, counseling, etc; economic development efforts, which involve retaining existing firms and recruiting new businesses; two sub-groups, one focusing specifically on

UAW Local members and one on the other dislocated workers hit by the shutdown; and a government liaison committee to coordinate activities between different levels of government. In addition, the State Department of Industry, Labor and Human Relations has outlined a series of steps to assist in expedited registration for and distribution of unemployment compensation benefits, better linkages of jobless workers to existing job openings, the establishment of effective new job-search groups for laid-off workers, and other moves designed to soften the impact of the shutdown's impact on southeastern Wisconsin.

While I have been impressed with the alertness and sincerity of public officials in responding to this crisis, we must remember that these efforts are swimming against the tide of Administration policy. The social safety net in the U.S., always the flimsiest of any advanced democracy, has been further shredded in recent years. For example, only 28 percent of the jobless now receive unemployment compensation, compared with 67 percent during the 1974-75 recession. Similarly, the federal Job Training Partnership Act, the main training program, provides no income supplements to support dislocated workers and their families while they attempt to make a transition to a new field of work.

Now, some hopes have been raised by Chrysler's announcement that it would be willing to contribute its 1988 profits from Wisconsin to a trust fund for the victims of its shutdown in Kenosha. Apparently, there has been much more excitement about the plan the further the distance from southeastern Wisconsin. As UAW Local 72 members immediately pointed out, the trust fund plan is tied directly to Chrysler sales which have been hit disastrously by the public outrage to Chrysler's planned shutdown. The workers tend to see the proposal as a public relations gesture in another sense; as Local 72 Chairman Rudy Kuzel put it, the plan is like a bank robber tossing a few dollars from his saddlebags as he high-tails it out of town, so that the posse stops chasing and starts fighting among itself over the few dollars. I think that the plan needs to be looked at critically for two other reasons: First, it is a mere drop in the bucket in comparison to the scale of human need. Weighed against the $171 million loss of wages, the $20 million generated by the trust fund (if Chrysler sales were to return to past levels) would barely scratch the surface. Let me also suggest measuring the $20 million another way; Lee Iacocca suggested the trust fund as a means of helping to provide for the needs of 5,500 families. That sounds like a generous offer, until you consider that Lee Iacocca brought home $20.5 million for his own family in 1986.

Given these realities the workers and communities of southeastern Wisconsin feel that there is no alternative but to resist the shutdown every step of the way. To do otherwise is to welcome an economic and social holocaust for the area.

By way of conclusion, I want to stress that the only means of preventing social devastation across our nation's industrial cities is to fundamentally change the rules of the game. Presently, corporations like Chrysler are free to move capital around and close profitable plants at will, engaging in a callous form of human strip-mining leaving supposedly used-up workers and discarded communities on a giant slag-heap. Major corporations are able to pit community against community, like Kenosha against Detroit, drawing public resources from already-squeezed declining communities to subsidize private profit, while playing off American communities against each other, investments outside our borders. Chrysler, for example, now has five plants in Mexico, where it can take advantage of low wages ($1 an hour or less) and favorable trade rules to export more than $1.2 billion worth of goods back to the U.S.

We must radically alter the rules of the game, because we face not only a continuing de-industrialization, but also a de-democratization as corporations increasingly dictate terms to local governments and act without any accountability to the democratic will of the public.

TESTIMONY OF CONGRESSMAN LES ASPIN

I want to express my thanks to Congressman Kildee, Congresswoman Johnson, and to the Northeast-Midwest Coalition for inviting me to participate in today's important hearing. Over the past decade, communities across the Northeast and Midwest have been devastated by major plant closings. I welcome the opportunity to study this tragic problem in depth, to explore the impact of these closings on communities, how communities have reacted and rebounded, and how the federal government can play an increased role in providing assistance to dislocated workers and their families.

On January 27 of this year, the Chrysler Corporation announced that it would be closing its stamping and assembly operations in Kenosha, Wisconsin, by the end of the 1988 model year. While 1000 workers will remain at the plant to build Chrysler engines, 5,500 will lose their jobs. Kenosha has lived with an auto plant longer than any other community in the nation. The Kenosha plant was first opened in 1902. The impact of this announcement on the Kenosha community, and on the entire state of Wisconsin, has been profound.

The City of Kenosha is now facing its greatest challenge, to carry its residents through the difficult period of adjustment which lies ahead, to find jobs for its displaced auto workers, and to diversify and expand its economy. The strain on city services, ranging from job training programs to drug and alcohol abuse counseling, will be enormous.

Kenosha and the State of Wisconsin have reacted swiftly to Chrysler's announcement. Kenosha County Executive John Collins and Kenosha Mayor Eugene Dorff have taken the lead in coordinating the city's response to the shutdown. Three task forces, focusing on aid for dislocated workers, community health and social services, and economic development, are being established. Area colleges, including Gateway Technical College, Carthage College, and the University of Wisconsin-Parkside, are developing programs to educate and retrain displaced workers. The State is also planning programs to assist workers and to spur economic growth in Kenosha County.

As local and state officials continue to formulate a recovery strategy for southeastern Wisconsin, now is an opportune time to push the federal government to play a key role in providing assistance to the community. There is a growing consensus in Congress that the Reagan Administration has not played a sufficient role in helping workers and communities adjust to major layoffs and plant closings. The federal government can and must do more to assist these communities. It must provide increased funding for worker retraining programs and economic development. And it must encourage states and communities to respond quickly to a plant shutdown so that workers and their families can readjust as soon as possible to a new way of life.

The federal government runs two major programs designed to aid dislocated workers, the Trade Adjustment Assistance (TAA) program and Title III of the Job Training Partnership Act (JTPA). Both programs would be expanded and improved under various provisions of the omnibus trade bill, which is now in a House-Senate conference committee. As Kenosha and other cities across the country struggle with the consequences of mass layoffs, now is the time to make positive changes in these critical programs.

The Trade Adjustment Assistance program provides aid to workers who lose their jobs due to imports. Workers become eligible for TAA after the Department of Labor certifies that their employer has been hurt by foreign competition. Under the program, workers receive up to 52 weeks of cash assistance, called a Trade Readjustment Allowance (TRA), when their unemployment compensation (UC) runs out. The payment is roughly equal to a UC check. TRA has been a big help to many eligible workers in southeastern Wisconsin.

Once workers become eligible for TRA, they can apply for job training assistance through the state job service office. Unlike TRA, which eligible workers automatically receive, training funds are awarded on a cash-available basis. In recent years, the well has run dry and workers enrolled in qualified training programs have been denied funds. Both the House and Senate trade bills include provisions to provide all workers eligible for TAA up to $4000 for remedial education and retraining programs. The training portion of the program essentially would be made into an entitlement. This is an excellent improvement that would guarantee that workers receive job training funds.

The House trade bill also includes an important provision aimed at helping displaced workers who find new employment at a lower wage. This section would provide a supplemental wage allowance to raise the worker's current pay up to 80 percent of the previous wage.

Another proposal in the House bill would require state agencies to provide full information to workers about the TAA program at the time they file for unemployment compensation. This would help to eliminate the considerable confusion about the availability of the program and deadlines for filing petitions with the Department of Labor.

The Senate bill includes a provision that would extend TAA coverage to workers in parts and supplies industries, a subject which will be discussed at greater length at today's hearing. This proposal would bring a deserving group of workers that have been neglected in the past under the TAA program.

The House and Senate must work out differences in the TAA provisions of the trade bill. Some are technical and others are more serious. The most controversial issue concerns how the expanded program will be funded. Despite differences, however, the two sides are pretty closer together. There is a clear consensus that this program needs adjustment and improvement.

Apart from the TAA improvements, the omnibus trade bill would create a new $980 million worker readjustment program under Title III of the Job Training Partnership Act. Title III of JTPA provides funds for job retraining programs to the states and localities. Programs are coordinated by local private industry councils (PICs). Workers covered under Title III do not have to show that their displacement is a result of foreign competition.

The new worker aid program would grant increased funds for job training, education, job search assistance, and counseling. The federal government currently provides about $200 million annually for the Title III budget, so the new proposal represents a significant expansion. Both the House and Senate bills include similar versions of the worker aid plan, but there are differences in how funding would be disbursed to the states.

The House worker readjustment program would authorize several new programs to provide increased funding for vocational education, and for research and development at colleges and universities. To help enhance the overall competitiveness of the American workforce, additional programs would be undertaken to combat illiteracy and encourage the teaching of foreign languages.

Included in the House worker aid program is an important proposal that would require states to respond rapidly to the announcement of a major layoff or plant closing. While past experience indicates that a quick and coordinated response to a plant closing can be extremely beneficial, it is clear that current programs do not reflect this fact. According to the Education and Labor Committee report on the trade bill, "There is considerable evidence that one of the most serious defects in the current disclocated worker program under Title III is the absence in most States of a rapid governmental response mechanism, even when an employer provides advance notice of a mass layoff or closing."

To address this problem, the House trade bill would require each of the states to establish a dislocated worker unit (DWU). The DWU would be required to provide immediate assistance to labor and management following announcement of a major layoff or plant closing. The DWU would help set up a joint labor-management committee which would be chaired by a neutral third party. The committee would be another resource communities could use to help oversee and coordinate the provision of job training and counseling services for the workers.

The rapid response approach is patterned after Canada's Industrial Adjustment Service, a program that is widely admired by labor specialists. Over the past year, the Department of Labor has helped to set up demonstration projects in six states: New York, New Jersey, Vermont, Ohio, Michigan, and Iowa. Several states have decided to pattern their dislocated worker programs after the Canadian model. The House trade bill would institutionalize this approach by establishing guidelines for the states to follow in setting up the DWUs. The Department of Labor would be required to provide state labor specialists with training in rapid response methods.

In its fiscal year 1989 budget, the Administration proposes to combine the TAA and Title III programs into a single Worker Readjustment Program (WRAP). The budget proposal states that, "These separate . . . programs have not operated efficiently." The Administration is correct in pointing out that the programs have had their share of problems. And the WRAP proposal is virtually the same as the House and Senate worker aid programs. But consolidating the two existing programs is not the answer. Both TAA and JTPA Title III provide needed and separate services to dislocated workers.

The two programs do need to be expanded and improved, and both the House and Senate trade bills are on the right track. I would urge the conferees on the trade bill to act on the consensus that has clearly emerged on this issue. All of the above changes, including guaranteed training funds, supplemental wage allowances, and rapid intervention, would be of significant help to the city of Kenosha and to communities across the country that are and will be facing the tragedy of a major plant closing.

For a community to rebound from a major layoff, the initiative and drive must begin at the local level. The federal government, however, can play a significant role. It must reach out to distressed communities and act as a partner in the recovery process.

ADM. JAMES STOCKDALE: A SPEECH IN PEORIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MICHEL. Mr. Speaker, on Saturday, February 13, 1988, Adm. James Bond Stockdale, recipient of the Congressional Medal of Honor, spoke to the members of the Peoria Bar Association. What he said that evening, a mixture of scholarly learning about the past and personal experience in combat and as a prisoner of the Communist Vietnamese, should be read by all of our colleagues. At this point I wish to insert his speech in the RECORD:

LINCOLN MEMORIAL BANQUET—PEORIA COUNTY BAR ASSOCIATION

(Speech by James Bond Stockdale)

In a nutshell, the explanation of my being here—with medals and all—can be simplified with one specific link. This link is tied to an instant of time: 3 PM, Sunday, September 13th, 1964, in Abingdon, Illinois. At that point, 24 years ago, I was getting out of a limousine in front of the Methodist church in Abingdon, with my wife, Sybil and my mother, Mabel, to attend the funeral of my father. I was wearing a Navy Commander's uniform, the only clothes I had with me, having flown back from the Western Pacific a few days before in response to a warning cable from Sybil. She had passed along to me the bad news that my father was not expected to live more than a week. I had barely arrived to be with him when he died, now at the church all events and all people important to our family seemed to be converging on that instant. On opening the car door, the first person I saw was Opal Baymiller, mother of Carroll, grandmother of David Radley, grandmother of Jim Baymiller who had driven her over from Peoria, great grandmother of Air Force Academy cadet Laura Radley who is sitting right in front of me, and lifelong friend of both my parents, classmate from first grade on, of my mother.

So I think that about says it—except to add that I had even more on my mind than this great confluence of family events. Those of you who have read Sybil's and my book, *In Love and War* now know that a few days before I had left that Western Pacific, I had been tangled up in a series of events that were to change our world. (Historian Barbara Tuchman in her latest, *The March of Folly* has written that these historic events I mention will eventually be seen, in the broad scope of American history, as "no less significant" than the firing on Fort Sumter.) Of course what I am talking about goes by the name of The Tonkin Gulf Affair. Actually, there were four Tonkin Gulf events spread over four days and involved one surface battle and three air actions, all of which I had led as the commanding officer of U.S. Navy Fighter Squadron Fifty-One. And I got out of that limousine—indeed left town soon after the funeral ceremony to return to that Western Pacific, as undoubtedly the only man in Illinois who knew for sure that the Vietnam War was already upon us, and certainly the only one who knew for sure that it had been triggered under false pretenses.

Yes, I knew the war was unavoidable, when news accounts were merely speculative, not because I had been reading secret messages (I had read them, but they were as speculative as the news accounts), but because I had had one of those flashes of insight that come to those who see, first hand, history turn a corner. (After it happens to you, it's hard to get the higher-ups to believe you; they're cautiously sticking to the party line, or more accurately perhaps, the line of those who rely on only the written word for information on distant events. The gap between what a written message conveys to its recipient, and what the sights and sounds and facial expressions on a battlefield convey to the person who is there, has caused the world all manner of surprise and later grief—and we can expect even more surprise and grief in the future as absolute Washington control, fueled by written word communication, becomes de rigueur.) So also does the man on the street frequently miss the true flavor of live happenings. Dispassionate accounts of less than cataclysmic far away events, accurately written in the Washington Post or New York Times, can give the reader a general idea of the risk of their being triggers for irreversible chains of events. But to be going down Main Street at treetop level in a North Vietnamese city of 44,000 people on a sultry peacetime noon hour and see "right out there", 28,000 pounds of TNT suddenly rip open and wipe out an oil tank farm, black smoke and red flames billowing up past ten thousand feet, people suddenly awakened, piling out of nearby buildings and into the street, gives one a more precise bit of information: In this case, that "there will be repercussions". [That old World War I recruiting slogan flashed through my mind: "Don't just read history, make it."] As I wrote in our book:

"In that split second, a great truth was revealed to me. America had just been locked into the Vietnam War. No question about it; as of right now all other options are now closed."

Great truths are sometimes available only at the eye of the storm. Professor John Keegan, British military historian and long time lecturer at Sandhurst, in his recent book *The Mask of Command* does justice to both our Abraham Lincoln and our other Illinois giant of the 19th Century—not Stephen Douglas, but (if you ask me) the real "Little Giant," Ulysses Simpson Grant. For

Grant, like Lincoln of course, grew and gained wisdom, as well as commitment and momentum as the Civil War went on. Grant became Grant, according to Keegan, only in his third major battle, in April '62 at Shiloh, just after his self-made career had yielded his self-made victories at the Tennessee forts of Henry and Donelson. It was there at Shiloh, in the midst of that two day battle that by all odds he should have lost but didn't, that he learned what those early battles, still almost seeming like a mish mash of accidental events based on a misunderstanding, truly portended. There at Shiloh, Grant on the ground, looking at the eyeballs of an inspired enemy, thru a gunsight so to speak, received a revelation that changed his views on the whole war. Those young Confederate infantrymen were not dupes of demagogues, but crusaders for their cause. Not fighting from bravado, but from conviction. (Reading from *The Mask of Command*):

"From that time onwards, Grant knew that Americans were two peoples and could be made one only by the total defeat of the minority by the majority. It was the decision that the war must be made total."

In an instant, Grant grasped what others had missed, that what he was in the midst of was an ideological war, the very worst kind.

I expect some of you have been to the completely refurbished Willard Hotel in Washington, D.C. Sybil and I have been there a couple of times in the last few months. Both times I have found myself looking around the lobby trying to imagine how it would have been to be an onlooker, to see a particular early 1864 scene there,—and its sequel at the White House two blocks away the next morning. These are scenes Fletcher Pratt paints in his book *Ordeal by Fire*:

"Willard's Hotel for Gentlemen and Ladies swarmed with officers in March, 1864, most of them in full dress and all of them in full importance. The raining provost of the Army of Louisiana, who had experienced the rigors of a hard campaign at the bar of the Palmetto House in New Orleans, was expounding military strategy to an audience of newspaper men. Richard Dana, whose two years before the mast had given him a low opinion of barfly officers, looked in time to see a short, round-shouldered, seedy-looking man come through the door, leading a boy by the hand. The eye was drawn by the fellow's peculiar gait, a lurching heave, as though the next step would bring him down on his nose—and then Mr. Dana gulped at the sight of two stars on his shoulder-straps. He jumped up, but others had made the discovery before him and the whole lobby hummed with "Grant—Grant" . . . (The old guy from the West, the warrior they had heard about with unprecedented victories at Vicksburg, and most recently at Chattanooga—and he was then, [I have to remind myself], younger than I was when I was shot down * * * 42. I was 50 by the time my battles were over, Grant was 43.) * * * The squat man, as oblivious of the crowd's disapproval as he had been of its indifference, signed the register and still towing his son, pitched along to his room. . . . The next morning he was closeted with Lincoln. Lincoln had been willing to give a military specialist a free hand at any time, but had been unable to discern the requisite signs of ability in any of his generals. With very good reason he felt himself as able a military man as McClellan or Pope or Halleck or even Hooker."

I got a better idea of Lincoln's feeling on this from scanning a two-volume series called "The Complete Works of Abraham Lincoln", which I found in the Stanford library. It's his official papers in chronological order, and the year 1862 is full of two or three line personal telegrams General McClellan. (Very early on, Lincoln had concluded that his famous General McClellan had what he called "The Slows.") Samples of messages to McClellan: "What's the news from the front?" Then later: "What news from Manassas Junction? What generally?" Then: "My Dear Sir: You remember my speaking to you of what I called your over-cautiousness. Are you not over-cautious when you assume that you cannot do what the enemy is constantly doing?" Next: "How does it look now?" Then: I have just read your dispatch about sore-tongued and fatigued horses. Will you pardon me for asking what the horses of your army have done since the battle of Antietam that fatigues anything?" Again: "The enemy is recrossing the Potomac. Please do not let him get off without being hurt." And so on. Of course we've all enjoyed Lincoln's most famous quotation about McClellan: "It is called the Army of the Potomac but it is only McClellan's bodyguard. If McClellan is not using the army, I should like to borrow it for a while."

Back to Fletcher Pratt's account:

"Seated there with Grant the first time, Lincoln sensed that all that was behind him now. In just half an hour's conference he saw how differently from the others, Grant's mind functioned. Lincoln suggested a plan of campaign. Grant grunted, and without even commenting on it, offered an alternative scheme for war that went beyond Lincoln's imagination. The President relaxed with a sigh of gratitude and never interfered again. So Grant went down into Virginia, prepared to treat time and ground as expendable material. And behnd him, William Tecumseh Sherman, the sword of the republic, the giant of the West, was set free at last with 100,000 men at his back and Atlanta for his goal."

As Lincoln saw Grant off at the White House steps, he said: "I don't understand these military technicalities, but as near as I can make out, you propose to hold the leg while Sherman takes off the hide." Next day, Lincoln promoted Grant to Lieutenant General (three stars) and made him Commander of all the Union Armies. By mutual agreement, Grant never thereafter briefed the President on his future strategies.

They were a real pair, and I love to read about them together, as you can tell. So much for my introductory remarks.

There would seem to me to be only one formula appropriate for a person like me giving the talk at *The Lincoln Memorial Banquet* of the Peoria County Bar Association: to honor the great man; to tie him to Peoria; to tie me to the Peoria area, and to him; and to relate Lincoln's example to my experiences, my life.

To do that, I've read new books and reread old ones; I've gained insights into Lincoln's character that I never had before; and I've generated a tremendous urge to just burst forth and recite!

But now, the Peoria scene overcomes me. I hear and read about the quantity and depth of Lincoln scholarship, completed and taking place, in Illinois Historical circles. (Did you see that article in the New York Times this week about the compilation of some newly released material into what is called the "Lincoln Legals"—a summarization of his legal philosophy and practice based on 75,000 new documents?) And now I look at this audience of three hundred Illinois lawyers and judges, and realize that some of you are participants in such in-depth studies of Lincoln's life. And I come to realize that I have to discipline myself, and face the fact that I have a lot in common with that old Pennsylvania gentleman (about my grandfather's vintage) who died and went to heaven early in this century.

On arrival in heaven, this old gentleman could hardly contain himself. He was of course tremendously relieved not to have been condemned to "the other place" and delighted to see so many of his old friends from years past there in heaven with him. He had so much to tell them about what had been happening on earth! He too, wanted to just burst forth and recite! Saint Peter was showing him around when they spotted a crowd of heaven dwellers sitting around in a circle listening to one of their number speak. "What's going on there?, the old man asked Saint Peter. "Oh, it's just a group interested in natural history", replied the Saint. "They get together every day and regale one other with tales of momentous physical phenomona they had observed while on earth".

"Oh please let me join them today", the old Pennsylvania fellow said pleadingly. "I was an eye witness to the recent Johnstown flood; it was the most fantastic earthly event I ever saw in my life, and I'm so anxious to tell every body about it". "Very well", said Peter reluctantly. "But don't forget, Noah will be in the audience."

Already I know how detailed, how structured, and how precise that Lincoln scholarship of you Noah's in the audience can be. I have a Lincoln-scholar friend at Standford. Historian Don Fehrenbacher has written much about him, and his book *Prelude to Greatness: (Lincoln in the 1850's)* is to some the bible on Lincoln's Illinois connection. Don and I had lunch in my preparation for this trip. He has chapters assessing all Lincoln's major speeches of that decade. Many speeches are broken down into subject matter categories, with listings of percentages of the total speech devoted to each category. For instance, the "House Divided" speech (as Lincoln's Senatorial Candidacy acceptance speech to the Illinois Republican Party Convention in Springfield in the summer of 1858 is known "in the trade"), has three parts. The "house divided" section of the "house divided speech", I learned, constitutes only 7% of the whole. Something called the "conspiracy" section takes up 72%, and the "living dog" section, (whatever that may be), the remaining 21%.

After taking that in, I read the book *Abraham Lincoln in Peoria Illinois*, by B. C. Bryner (303 pages, printed privately in Peoria in 1924). In it are two complete versions of the Lincoln's famous Peoria speech of October 16th, 1854. One version was as taken down during the speech by the Peoria Transcript reporter and published in the paper the next morning. The other was a version Lincoln had spent three days doctoring in Springfield, after the fact. I can find the good parts in both versions, but the second version has twice as many words as the first. So I ask myself: How does all this scholarship by mathematical analysis and percentage breakdown work out in what I think surely must be the common case—several versions of each speech, each of a different length?

But not to quibble. I'm just reinforcing the idea that I am by no means qualified to pass certain boundaries in Lincoln scholarship, and am obliged to stay only within those areas in which I claim special interest or personal knowledge. The Fehrenbacher book has a good discussion on "why Lincoln?", that is to say, "what forces of fate thrust him into the national limelight in this key decade between the years 1850 and 1860?" One factor was of course Lincoln's good luck, or good sense, or both, to become the toe to toe, evenly matched sparring partner (debating opponent) of the Great Illinois orator and national figure, Senator Stephen Douglas. A second factor was the fact that Illinois could be seen as the pivotal State in the Union during the decade of the gathering storm. It was in a sense a microcosm of the Union, polarized by pro and anti-slavery sentiments, and centrally located. (At the debate in Galesburg on October 7th, 1858, Douglas chided Lincoln for having "two speeches", one to be given in southern Illinois, another in northern.)

Illinois in the 1850's was bursting forth into national prominence in productivity and population. Corn production doubled, wheat production trebbled; the state became in those ten years, by a wide margin, the grain-raising leader of the nation. Industrialization proceeded apace, and by 1860, half of those employed were engaged in pursuits other than farming. Fehrebacher describes the Illinois of those years as a state of "mills, factories, and magnificent farms." In that decade its population doubled (three times the increase of the nation as a whole). It went from 12th to 4th largest state in the Union, moreover, most of his growth occurred in the northern half of the state, where communities were newer, more progressive, and where, of course, antislavery strength resided.

It was in that decade of the '50's that all four of my grandparents first showed up in Illinois. The youngest of them, my father's mother, was born in Abingdon in 1853. The other three arrived during that decade as children of westward-moving families. My father's father from Pennsylvania, my mother's father, from Ohio. My mother's father was eight when the wagon stopped in Abingdon in 1852. Today, Sybil and I own the farm he and his bride took over on their wedding day. That bride was 18 then, but yeas later she, my grandmother Bond, used to tell me of her memories of holding her father's hand while they stood on the Knox campus and heard the Lincoln-Douglas debate in Galesburg on that October 7th of 1858. Kids went to things like that; Illinois was a political cauldron and political speeches were festivals, mass entertainments, family affairs. Lincoln and "Long John" Wentworth, while waiting to address a crowd at the little town of Oregon (two thousand people, just north Dixon), amused themselves by counting the number of mothers in the crowd who were nursing babies while they stood there and waited for the speeches to start. They agreed on the count: 70 nursing mothers.

I am a proud son of this prairie, and grandson of that lusty generation of the 1850's who had a lot to say about how it all worked out when the Republic was at the crossroads. And in a way, I think of myself, like you, as a special heir to the Abraham Lincoln legacy.

I want to close by explaining how a couple of Lincoln's seminal ideas rang true to my life. I pick them both out of the Peoria speech of '54—but of course all of his good ideas can be traced to that October night.

First there was his plea to free yourself from feeling the obligation to accept stereotypical mindsets—to meekly go along with the idea that a person's opinions should conform to some rigid structure, fit into some shoe box or pigeon hole which conventional wisdom judged to be consistent, fitting and proper—and judged you to be way out of line if you ever dared stray from those confines. I mean in 1854 there was a widespread stereotypical idea of what ideas in this world were appropriate for an opponent of slavery, and what for an advocate. So today, is conventional wisdom a ready reference for what ideas are "typical lawyer" ideas and prejudices. Certainly we hear people talk about "typical military" ideas and prejudices. Because of course, we all have "military minds". What Lincoln said in Peoria is that anybody in any profession is free to, in fact advised to, pick and choose ideas and prejudices that pass the chooser's tests of right versus wrong rather than those generally thought to becoming to his station, his profession, his causes in life:

"Stand with anybody that stands right. Stand with him while he is right, and part with him when he goes wrong. Stand with the abolitionist in restoring the Missouri Compromise, and stand against him when he attempts to repeal the fugitive-slave law. In the latter case you stand with the Southern disunionist. What of that? You are still right."

American politics today are bandwagon politics. You buy your party's or candidate's whole package, or be accused of betrayal. Everybody is on a conveyer belt with a label glued to his brow. Hawks are to be hawks and doves to be doves throughout, period. Lincoln hated this insult to a person's intelligence, a person's right to think. It was certainly hard to stereotype him. He became a war-hawk for the Union cause. Yet his career in Congress years before had been stifled because he would not back away from his vocal opposition to our Mexican War. (His distinction was straightforward; he thought one war was just and necessary, the other unjust). Grant, too, defied categorization as hawk or dove. "Grant the hawk, Grant the butcher" (as his enemies like to call him) had this to say in his *Personal Memoirs* (two wonderful volumes he completed in 1885), about that Mexican War in which he fought very well as a young officer: "For myself, I was bitterly opposed (to the annexation of Texas), and to this day regard the war, which resulted, as one of the most unjust ever waged by a stronger against a weaker nation."

A lot of people think being emotionally involved in the political virtues of a war give you added zeal in fighting it—or are maybe even necessary to fighting it. I don't agree; I know too many exceptions to that. Grant was an exception. I knew another—coming from the other direction, in prison. I called him Colonel John Doe in the book. He was right wing all the way to the wall; he thought anybody who didn't believe the Vietnam War was a righteous crusade was a traitor; and did he hate communists! He hated them so much he attributed fiendish powers to them, feared them like the devil, and caved in to them whenever they put the arm on him. He was a real patsy, totally incapacitated by his political zealousness and hate, a failure as a soldier.

Grant was at the scene when the Mexican War started. Something like me in the Tonkin Gulf: "We were sent to provoke a fight, but it was essential that Mexico should commence it. It was very doubtful whether Congress would declare war; but if Mexico should attack our troops, the Executive could announce, "Whereas, war exists by the acts of, etc."

"How can it be?", people ask me, "that you tell the world the Vietnam War was triggered by Washington under false pretenses, yet you fought the war enthusiastically and demanded allegiance of your fellow prisoners. 'So what?', I can say, 'I'm right in both cases like Lincoln suggested in Peoria'. I owe it to my country to expose sleazy dealings in sneaking the start of a war past the American people. How else to put the people on alert next time? And in the second instance, I think that in good wars or bad, soldiers have an obligation to each other to fight well and protect the integrity of their unit, their comradeship." (There are endless applications of this Lincolnesque Emancipation of our minds from stereotypical imprisonment).

A second trait of Lincoln that I particularly admire was his willingness to move into taboo territory when the right rather than the wrong side of an argument resided there. From Peoria onward, he never hesitated to pan the concept of "popular sovereignty", Douglas' solution to the way to decide the slavery issue in the territories. He stood on the ground that there are issues that are too important to be on ballots.

It takes a strong man, and one who has confidence in his cleverness and sense of humor to hold that position, the position that democracy has limits of applicability, in the face of you-know-what kinds of ridicule it invites. But Lincoln bit this bullet because he knew human nature (said in Peoria that you "cannot repeal it"), and had the insight to know that sometimes symbolic battles have to be fought to forestall real ones. (That Kansas-Nebraska act battle was in its essence a symbolic battle. There was not much chance of people in the territories of Kansas and Nebraska voting in slavery). But Lincoln had learned what we all learn under pressure, that sometimes symbolic battles must be fought before real battles can start. But Lincoln knew that American history would turn a bad corner if slavery became accepted in the public mind as just a matter of voter preference. He worried about principles).

Lincoln elevated his arguments above simple reason. Human nature is not "reasonable", and he took that into account. And as you know, in the war he showed an understanding of the fact that solving the human predicament sometimes requires the leader to move beyond not only reason but maybe beyond law. There are, I think, rare circumstances in the course of human events when sometimes the saving of lives, sometimes the support of the just, require a leader with the courage and judgement to take the law into his own hands (and of course stand accountable to his countrymen afterward). Lincoln lived in such a world, and because I did too, I especially identify with him.

Article I, Section 9, of the Constitution says, "The Privilege, of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." In 1861, in spite of a ruling by the Chief Justice that the safeguards of habeas corpus could be set aside only with the authorization of Congress, without such authorization, Lincoln, fearing that the Maryland legislature would vote to secede, arrested many of its members and suspended the privelege of the writ. It was debatable that at that time a state of rebellion existed or danger to the public safety "required it." And certainly there was no "invasion." In his publicly stated desire to save the Union above all other considerations, he kept his eye on the moral high ground. And his moral sensibilities called in this case for such an act to keep Maryland in the Union. When we consider the morality of some acts beyond the law—acts that we do not even believe should be made legal—we recognize that no principle can be inviolable. Lincoln understood that there are circumstances in which inviolable principles kill people.

When in the Vietnam War I and the others got thrown into prison, and took stock of the circumstances, it was clear to us all that what had been touted as American law for prisoner of war behavior had almost no applicability in the circumstances in which we found ourselves.

What do you rely on in those cases? A heritage, a sense of values, common sense, and your own willingness as a leader * * * as Lincoln was the leader by a pre-crisis arrangement of election, so I was a leader by a pre-crisis arrangement of military rank * * * to *realize* and not kid yourself, but face the fact that what is just and what is moral cannot be achieved easily, if at all, within the constraints of what law you have. And then to act on that realization, on your own cognizance, without the protection of any "approval from on high", and make order out of chaos by your own best lights. (I had no contact with Washington authority; Lincoln had no higher authority.) When you get there, you'll know that it's time for you as the quarterback, to run the naked reverse, without protection. [Don't assume that what I said above about what had been "touted as American law for prisoners" not being right for our conditions, means that it was too stringent. It's the other way—our conditions required laws that would send the JAG corps right up the wall—what we had to order ourselves to do—what our society demanded—for integrity, for pride, for comradeship, would not be permitted under the Constitution: ordering people to take torture (certainly cruel and unusual punishment) prior to complying with certain captor demands, and so on. Talk about no habeas corpus! We threw out rights of privacy, confidentiality, freedom of speech, and on and on.] How do you sleep at night? You just live on hope that history will treat you well.

"My gosh", you say. If the world can get like this, what's to protect us from tyrants? The short answer is that you just have to hope that the man who finds himself in charge is well brought up—well enough brought up to handle it.

Over the years in the Hanoi prisons we had law, a society, customs, proprieties, traditions, heroes. We built the society ourselves; we wrote our own law. We even protected ourselves against our own tyranny.

A very small percentage of our senior officers would not conform to the rules of the prison organization and were rightly held in contempt for being too permissive vis-a-vis the communists by their juniors. More than once I received messages from junior officers that went something like this: "If I find myself in a cell block under the command of that fink (so-and-so, by name), I will not obey his orders". This called for the promulgation of criteria for a junior's proper relief of a senior for cause, something I dubbed the "Caine Mutiny Law". It was mandatory that all prisoners memorize all our laws, and this one was tapped through prison walls with the following wording:

"Command Authority. Any prisoner who denies or fails to carry out the code of conduct, military law, or organizational policies, may be relieved of all military authority. Emotional instability so serious as to impair judgment for a prolonged period may also be cause for relief. Relieving action on the part of the second-in-command must be based upon his senior's current performance and not on the past or heresay. It is neither American nor Christian to nag a repentent sinner to his grave."

That was used about five times over an eight year period, without a hitch, or the blemish of disrespect. You notice the "repentent sinner" provision. Odd for municipal law, but legal scholars tell me what we evolved was a blend of military law, morality, and the natural law of the Stoics. For we made a presumption that would be hard to sell these days. Like Epictetus (whose writings I did remember in that prison), we thought instinct was reliable:

"We come into this world with an innate conception as to good and bad, noble and shameful, what is becoming and what is unbecoming, what is fitting and what is inappropriate, what is right and what is wrong."

Lincoln saved the nation just because he had the perception to recognize the moral strength of Americans, and the courage to call upon them to seize and hold to that which was worthy of them: good over bad, noble over shameful, becoming over unbecoming, and right over wrong.

This medal, hanging around my neck on the blue and white ribbon, was Abraham Lincoln's idea. He initiated this award, The Congressional Medal of Honor, in 1862. You can't get it for following any order or obeying any law. Lincoln said we should recognize selfless actions that are different than, and separate from, all that. The human spirit sometimes, even unconsciously, soars to greater heights. It would be unconscionable to order men, or legally require men to fall on ticking hand grenades to save their buddies, or to catch them and hope they can throw them back into the enemy trench before they go off. It's the spirit that motivates people to do these sorts of things in spite of the odds that is described by the phrase: "above and beyond the call of duty". This medal of Lincoln's is the only American decoration in which that phrase appears in its citation. I'm proud to be one of the two hundred or so living Americans who have received this medal, and I think of Abraham Lincoln when I wear it. He of all people, knows the meaning of virtue beyond orders or law.

Thank your for allowing me to come back to Illinois to say that.

YOUTH TODAY, BEST HOPE FOR TOMORROW

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, it is often said that the youth of today are our best hope for tommorrow. After meeting with an outstanding delegation of high school student leaders from across the Nation in December, I can proudly say that our future is in good hands and that it looks bright indeed.

These students are involved with an outstanding nonprofit, nonpartisan organization known as Direct Connection. Direct Connection is founded on the belief that the key to the survival of our world is the development of greater communication between the youth of the United States and the youth of the U.S.S.R. There are currently over 2,000 student chapters of Direct Connection across the Nation.

During the fall of 1987, a Direct Connection student delegation traveled to Moscow and conferred with representatives of various Soviet youth organizations. They also had the opportunity to meet with several Soiviet officials and the United States Ambassador to the Soviet Union. In December, another Direct Connection delegation traveled here to Washington to meet with Soviet General Secretary and Mrs. Mikhail Gorbachev during their visit to the United States.

I also had the pleasure of meeting with this student delegation during their visit to our Nation's Capital, and I was most impressed with their grasp of the complex issues involved in United States-Soviet relations and their strong commitment to world peace. It is indeed heartening to know that our Nation's youth care so deeply about this important issue, and that they are willing to become personally involved in it.

Direct Connection has some very impressive plans for the future. Another delegation is hoping to meet with the President and Mrs. Reagan during a future trip to Washington, and the organization is completing its plans for a United States-Soviet youth conference to be held in Helsinki in the spring. During this conference they hope to discuss such issues as the reduction of nuclear weapons, drug abuse, the preservation of the environment, and plans for future exchanges.

I am impressed with the goals and accomplishments of Direct Connection, and I commend the many young people involved with this organization across the Nation for their outstanding efforts to bring about international peace through international understanding. In the hope that some of my colleagues or their constituents might be interested in learning more about this organization, I ask that a brochure Direct Connection has prepared about its Helsinki conference be reprinted here in the Record.

Direct Connection 1988 Helsinki U.S.-Soviet Youth Conference

INTRODUCTION

President Reagan, writing to the students at Sierra Mountain High School in Grass Valley, California, who participated in the 1986 Direct Connection US-Soviet students' video exchange, said that "the actions of our citizens are as vital to our efforts for peace as those of our diplomats and soldiers. This is where our young people can truly help. As a young American, you have the opportunity to do a great deal to build peace."

General Secretary Gorbachev, at his news conference concluding the 1987 Washington summit, spoke about his meeting with the Direct Connection delegation [1] of US high school and college student leaders: "Just now I met a group of American students, and I had to say to them, self-critically, that both American and Soviet kids seem to come to terms together much faster than we politicians. They don't have the complexes that we have, I guess. Before we can come to terms we have to get rid of complexes and get rid of the obstacles standing in the way, and that's not all that easy at a ripe age. But they, the youngsters, they look at each other openly and they very quickly find a common tongue. And it is not something superficial, it's not a rose-colored approach—at age 15, 17, they already are giving very serious thought, not only to their personal problems, not only to what is of interest to their own selves—they are thinking about how we should live in this world. That's a remarkable phenomenon—it should be written about."

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[1] The Direct Connection youth delegation at the Washington summit represented the California Association of Student Councils (CASC), the Mary-

Many thousands of young people in the United States and the Soviet Union have repeatedly demonstrated their serious interest in the major issues confronting both countries, and all of humanity, at the end of the 20th Century. But they have gone beyond mere interest. The vast majority are committed to taking an active role now in shaping the public policy that will determine our collective future.

In order to assist the youth of both countries to meet, exchange ideas, and translate their vision of the future into creative, concise and credible proposals to their government leaders. Direct Connection proposes a one-week US-Soviet Youth Conference in Helsinki, Finland, before the anticipated next summit meeting in Moscow.

US and Soviet student leaders have also indicated strong support for a radical improvement in US-Soviet relations, as well as for the unprecedented 50 percent reduction in weapons of mass destruction now being negotiated in Geneva. They would like to see millions of students in the United States, in the Soviet Union and all over the world express their support for what President Reagan and General Secretary Gorbachev are now trying to accomplish. To this end, they propose a mass letter-writing campaign from young people to the two leaders before the Moscow summit and at the same time as their Helsinki Conference.

After their meeting with the Gorbachevs and given the support now coming from the US Congress, and in looking forward to their meeting with the President, young people know that their vision of the future—their hopes, their dreams, and their ideas—are being taken seriously by the adult leaders of today, and they are ready to continue their mission with renewed inspiration and commitment.

PROPOSAL

A delegation of approximately 40 American high school and college student leaders, representing the youth of the whole country, will meet an equivalent delegation of Soviet students representing the youth of the USSR, on neutral territory, in Helsinki, Finland. The US Helsinki delegation will be similar to the Direct Connection Washington summit delegation, expanded to include representatives from other youth programs and organizations such as the Senate Youth Program and Presidential Classroom.

PROCESS

US and Soviet students will spend a week together, getting to know each other, exchanging information and points of view, and developing a common position on some of the major issues, in order to then together present their final proposals and requests to President Reagan and General Secretary Gorbachev.

Position papers by previously agreed-upon US and Soviet experts in the various fields will be available for background information prior to the Conference. In general, the role of adults will be that of advisors and facilitators. Since the conference is dedicated to young people creating the design for their own future, the participating students will determine the actual conference agenda themselves.

US and Soviet student delegations will meet in small study groups of up to ten students to discuss specific issues and areas of concern. These study groups will then report back to all participants in general assembly with their recommendations for proposals to be acted on by the large group as a whole.

Although the issues are complex, one of the conference objectives is for Soviet and American young people to model a process of *consensus, conflict resolution and mutual trust building* that will:

(1) allow them to speak out credibly to the adult world on the major issues by presenting carefully worked out, focused, eloquent and straightforward proposals that emphasize a continued commitment on the part of the young people themselves and are designed for implementation at any level;

(2) demonstrate that only hard work and real effective communication will lead to the mutual understanding that will ultimately result in world peace;

(3) give future US and Soviet leaders an experience (through building relationships) that will influence their life perspectives, and promote fruitful future collaboration; and

(4) establish a process for continued and future Soviet-American student leader exchange.

ISSUES

(1) A nuclear-free world.
(2) Education.
(3) Political and economic concerns.
(4) Drugs and health.
(5) Cultural exchange.
(6) Ecological/environmental preservation.
(7) Youth exchange and programs designed to promote and implement new ideas on all of the above.

Major emphasis will be placed on the need to create clear communication, break through stereotypes and overcome the idea of "the enemy" through an exchange of accurate information about each other, and by identifying major areas of common and global concern. Differing US and Soviet values may be examined with a view to cultivating respect for perspectives other than one's own, which will be vital in developing a joint US-Soviet strategy for dealing with such problems as world hunger, and in general increase awareness of global interdependence.

OUTCOMES

(A) For Conference Participants

(S=Soft, H=Hard)

(1) (S) Young people meet each other on an intimate/deep level.
(2) (H) Produce a number of excellent proposals.
(3) (S) Work together collaboratively and create success.
(4) (S) Make personal commitments for follow-up activities.
(5) (H) Learn group life process skills.
(6) (S) Are educated about issues.
(7) (H) Build follow-up teams.
(8) (H) Create long-term plans for interaction.

(B) For Government Leaders

(1) (S) Share visions, hopes and wishes for the Summit and beyond.
(2) (H) Ask them to endorse vision: what do they think of it?
(3) (H) Ask them to take specific steps: what are they willing to do to help young people achieve vision?

During the last three days of the conference, the students will work to develop their joint proposals. The week will conclude with a dinner and dance for the delegations and a reception by the President of Finland and his wife. Afterwards, the now united US-Soviet youth delegation will travel to Moscow and Washington to present proposals and requests to General Secretary Gorbachev and President Reagan, as well as to New York to make a presentation to the Secretary General, the General Assembly and the Security Council of the United Nations.

LETTER-WRITING CAMPAIGN AND CONCERT

While US and Soviet student leaders meet in Helsinki, DIRECT CONNECTION proposes a massive, simultaneous letter-writing campaign from millions of American and Soviet students, and students worldwide, to both President Reagan and General Secretary Gorbachev, expressing their feelings about the arms race and their ideas for a solution and a future of US-Soviet and world cooperation, and encouraging both leaders to follow through on their 50 percent weapons reduction proposal. Discussions are now underway to explore the possibility of *a joint US-Soviet rock concert to back up the young people in their appeal to the government leaders.*

VISION

Young people today are fully aware that the world is in crisis. But they also believe profoundly in the ability of the individual to influence the process that will provide solutions. They believe above all in the ability of many individuals of different race, creed, nationality, sex and age to set aside self-interest and together form a force for the common good. Young people now are working hard to effect a change for the better, beginning with self, and on through family, friends, classroom, school, school system, local community, state and media to the highest levels of government and industry in the land.

As we approach the end of the second and the beginning of the third millennium, all the old issues, all the perennially recurring themes of interpersonal, international and interspecies relations, must be approached through the new thinking now revolutionizing our concept of the world and of ourselves.

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land Association of Student Councils, the National Association of Student Councils, the Latino organization "Future Leaders of America," the Afro-American and Asian-American communities, the American Indian community through the Mohawk Nation of the Six Nations Confederacy, and National Forum, a student-run group that during 1987 collected 328,000 signatures from high school students nationwide, asking for a televised discussion and explanation of US nuclear policy. The delegation also included the student-body president of Princeton University, the vice-president of the Brown University student body, and representatives from Georgetown, Colgate and North Carolina, Chapel Hill.

At the same time, we must remember that this new thinking is deeply rooted in some of the most ancient insights of our species, insights older than civilization and common to native peoples everywhere, insights born of the wisdom of the earth and based on a true, right and natural expression of mind itself.

The nuclear age has made a radical change in our point of view imperative. Each individual must become aware of the enormous store of strength, harmony, peace and compassion within him/herself. Self-realization, in one form or another, is possible for everyone, and will result in that "turning in the seat of consciousness," the simultaneous opening of heart and mind, through which many people will be able to enter into spontaneous and natural cooperation. Cooperation is vital to mankind's survival, but equally necessary for a full flowering of our creative potential. Whether out of recognition of our actual possibilities, or out of fear of the ultimate disaster, cooperation is the key to our future. It is the only way in which we can eliminate the nuclear threat and, more than that, overcome poverty, disease and the scourge of world hunger.

Our mutual interdependence—as people, as generations, as cultures, as social, political and economic structures and, just as important, as human beings in our relationship to all other forms of life—must now become a matter of visceral recognition and awareness. The development of that awareness—the fundamental change in consciousness brought about through self-realization, the new thinking, based on ancient insights, and group consensus instead of majority rule—that is the true purpose of Direct Connection's Helsinki US-Soviet Youth Conference.

This proposal was developed by Direct Connection, in cooperation with the students and staff of the California Association of Student Councils, Michael Doyle Associates, Future Leaders of America and the Center for Living Skills.

A SALUTE TO UNITED WAY SERVICES: 75TH ANNIVERSARY COMMEMORATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STOKES. Mr. Speaker, today, February 25, is a special occasion for United Way Services of the Greater Cleveland area. United Way Services, a volunteer organization founded for charitable and philanthropic purposes, is celebrating 75 years of providing service to the northeast Ohio area. For this reason, I would like to join the residents of the 21st Congressional District of Ohio in saluting the organization's 75 years of committed service.

United Way Services formally began in Cleveland in 1913. Today, the organization has more than 20,000 active volunteers who not only help to raise and allocate funds for more than 170 health and human care agencies, but also work with other volunteers, including community organizations and government officials, to find solutions to human care problems.

United Way Services has a long history. Its origin can be traced back to 1900, when the Cleveland Chamber of Commerce created a committee which endorsed worthwhile charities and provided contributors with a guide to credible welfare agencies. The Chamber of Commerce formalized an organization in 1913, which eventually would become known as United Way Services, the first organization in the country to set up a formal system to allocate funds for the needy and to study human care needs. This process, called the "citizen review process," became a model for United Way organizations nationwide.

In 1913, the organization held its first fundraising campaign with a goal of involving as many contributors as possible. More than 6,000 individuals responded and the organization's fundraising movement was underway. During World War I, United Way Services raised $4.5 million which was distributed to more than two dozen health and human service agencies.

By 1950, nearly 130 agencies were benefiting from United Way Services' once-a-year fundraising campaigns, which raised close to $10 million, and the American Red Cross became a financially participating agency.

In the decade of the 1960's, United Way Services began meeting the needs of adjacent counties in the Cleveland area just as the population began spreading to the suburbs. The organization officially adopted the name United Way Services in 1978, along with its current symbol—the rainbow rising from a helping hand—representing the services and programs supported by the United Way that in turn support people in the community. The image in the center, based on the universal symbol of mankind, is cradled by the helping hand, showing that all people are supported and uplifted by United Way's efforts. The rainbow springing from the helping hand represents hope for a better life through caring and sharing.

Mr. Speaker, while United Way Services has had various names and symbols over the past 75 years, it has never changed its goal of giving dedicated and committed service to the residents of the northeast Ohio area. For this reason, it is an honor to have the opportunity to commemorate United Way Services' 75th anniversary.

I am proud that Cleveland is the home of United Way and hope the organization will continue its great tradition of providing assistance to the Cleveland community.

Again, it is an honor to salute United Way Services.

THE SEMANTICS OF HUMAN RIGHTS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HOYER. Mr. Speaker, on February 4, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Richard Schifter, addressed the Conference on Human Rights and Religious Freedom, sponsored by the Giorgio Cini Foundation in Venice, Italy. Assistant Secretary Schifter headed the United States delegation to the Ottawa Human Rights Experts Meeting in 1985 where with great conviction, distinction and unequivocation Ambassador Schifter presented the strong bipartisan commitment of the American Government and people to respect for the human rights and fundamental freedoms of all individuals.

Mr. Speaker, at the Venice conference Assistant Secretary Schifter spoke on the worldwide appeal of certain basic human aspirations. I want to take this opportunity to share with my colleagues Mr. Schifter's remarks and urge them to read them.

THE SEMANTICS OF HUMAN RIGHTS

In the last few decades an international debate has raged over the various classifications of human rights. We have heard discussions of what have often been referred to as "civil and political rights," which have been either bracketed with or juxtaposed to what are called "economic, social and cultural rights." Some theoreticians in the field of human rights have also spoken of a first, second and third generation of human rights.

The first generation has generally been viewed as encompassing civil and political rights, the rights so clearly enunciated by the writers and thinkers of the Enlightenment in the 18th Century.

The second generation of human rights is generally assumed to include the aforementioned "economic social and cultural rights." In learned discussions of the subject it is said that these are the contributions of the Marxist-Leninist societies.

The third generation appears to be a concoction of issues developed during the last quarter century, including what has been referred to as the right to a clean environment, the right to die, and other relatively new matters of social concern.

Nuclear disarmament has also been injected into the debate under the rubric "right to life." (I might note that anti-abortionists who use the same term have evidently not attempted to advance their cause in the context of the international human rights debate.)

As a footnote to this introduction of the three so-called generations of rights, let me point out that the attribution of the second generation to Marxist-Leninist thinking is historically and substantively inaccurate. If you take a good look at the rights spelled out in the Universal Declaration of Human Rights and the Covenant on Economic, Social, and Cultural Rights, you will find that they fit into the program of Franklin D. Roosevelt rather than Karl Marx or Lenin. And that should not be surprising. After all, it was Eleanor Roosevelt, President Roosevelt's widow who, in her capacity as Chairman of the United Nations Human Rights Commission played a very important role in the framing and ultimate adoption of the Universal Declaration, whose text served as a basis for the framing of the Covenants.

The point I would like to make to you today, and this is the theme of my talk, is that a good many of us have fallen into a semantic trap. Rather than getting to issues of substance, we often debate *ad nauseam* the question of what does or does not constitute a human right. It is a debate which has become extraordinarily sterile.

I would suggest that we try to deal with these topics by using different terminology. The bundle of issues with which we are here concerned focuses on the relationship between government and the individual citizen. Let us divide that bundle between, on one hand, the limits imposed upon government to safeguard the integrity and dignity of the individual and, on the other hand, the affirmative programs and policies to be conducted by government to achieve the same ends. And let us say further that the fact that we are dealing with one large bundle of relationships between government and the individual does not mean that that entire bundle must at all times be discussed jointly, nor that the same persons are qualified to discuss every single issue that comes up in this context. In my country, at least, the typical expert on the right to freedom of expression is not normally an expert on the delivery of medical care to the elderly.

Nor is there value in debating the question of which set of relationships is more important than the other. Let us simply say that all are important. The point is well illustrated by a story I heard quite a number of years ago, which, I believe, is also applicable today. It is the story of two dogs meeting at the Czechoslavak-Polish border. One dog, seeking to cross from Czechoslovakia to Poland is slightly on the fat side and well-groomed. The dog seeking to cross from Poland to Czechoslovakia is bedraggled and scraggly. The dog leaving Czechoslovakia asks the other one: "Why are you going to Czechoslovakia?" The other dog answers: "To eat," and continues: "But why are you going to Poland?" The first dog answers: "To bark."

This story is not only political commentary on comparative conditions in Czechoslovakia and Poland. It is also a profound observation about the instinctual character of the drive to express oneself. The philosophers of the Enlightenment defined that instinct. They built an ideology around it. But they did not invent the human drive for freedom. They described a phenomenon, an essential aspect of human nature.

It follows that the desire to be free, to be able to express oneself, to write as one pleases, to worship God in accordance with one's conscience or not to worship God—all these are not the inventions of Western civilization. They reflect natural human aspirations and that is indeed why an ideology based on them has worldwide appeal and, understandably, served as an underpinning for such international standard-setting instruments as the Universal Declaration of Human Rights.

But then there are those who argue that persons who are starving are not concerned about freedom of speech. That may very well be true. But what we of the West say is that the choice before humanity is not one of starving in freedom and eating in slavery. On the contrary, as we look around the world, we can see that freedom and prosperity go hand in hand. The ideal solution is one in which we, unlike the Czech and Polish dogs in my anecdote, can both eat and bark.

What we frequently hear at international gatherings is that one of the principal differences between the two major options of governmental systems offered the world today is that one pays attention to the special concerns of a few individuals and the other cares about the welfare of the masses.

I submit to you that if one really cares about the masses, one must also care about each and every individual that makes up the mass. Otherwise, as is often the case "caring" becomes an abstraction, a vague promise that is not sought to be realized.

What we, who profess the democratic ideology, believe is that, as Thomas Jefferson put it when he wrote the United States Declaration of Independence, we are all endowed with certain unalienable rights, including the right to life, liberty and the pursuit of happiness. These rights, we believe, may not be subordinated to any allegedly higher objective, as determined either by a single potentate or a collective, self-perpetuating leadership group. In other words, we do not subscribe to what in Aesopian terms is called "democratic centralism."

In the countries in which principles of individual freedom are now well established, the basic precepts of individual freedom are not even the subject of argument. Such debate as still continue deals with what we might consider marginal questions, such as what are allowable restrictions on pornography, how serious must be a person's mental illness before such a person can be involuntarily committed to a psychiatric institution, what may government do to restrict freedom of assembly if demonstrators interfere with access to a public building? But, as I have said, the basic precepts are not in doubt and not subject to argument.

We are then told that with all the attention paid to these freedoms to speak, publish or assemble, we neglect the unemployed, the homeless, the sick. "Is anyone paying attention to these issues of public policy?," is the challenging question posed to us in debates.

My response is that precisely because the issues of basic freedoms have become so noncontroversial, public debate and election campaigns in the democratic world do indeed revolve around questions of economic and social policy, not because anyone has called them "rights" or outlined them in a constitutional document, but because they are often in the forefront of the thinking of our ultimate decision-makers, the voters. Voters choose among candidates on the basis of who, in their opinion, advocates better solutions to the problems that we face in the economic and social sphere. It is in that context that the issue is not one of promise, of writing guarantees into constitutions and other basic documents, but one of delivering results.

Since the beginning of the Century one of the principal arguments in the political arena has indeed been the question of which system of government can deliver the best solution to the problems we confront in the economic and social sphere. By now, in the ninth decade of the Century, it appears that the verdict is in. With all the problems that we in the democratic world still face, that we continue to grapple with day by day, the private-incentive system has proved itself better capable of delivering the goods than the various collectivist experiments. As we all know so well, the country which operated the largest collectivist program in agriculture abandoned it totally about eight years ago and thereafter experienced an extraordinarily rapid growth in agricultural production. It is now trying to reintroduce private incentives into all other aspects of economic enterprise. And, more recently, in other Leninist countries, we hear talk of restructuring, the term that concedes that the collectivist command economy has proved to be a massive failure.

Let me now return to my point of departure. We need to gather at conferences such as this one to gather those experts, practitioners and thinkers who are prepared to discuss the basic principles of human freedom and personal dignity and the limits which must be imposed upon the powers of government to assure respect for those principles internationally. And there is most assuredly nothing wrong with holding meetings for the purpose of discussing ways and means of dealing with the problems of unemployment, as well as vocational training, the advisability or inadvisability of subsidizing uneconomic enterprises, of the creation of make-work jobs etc. We could also discuss differing approaches to the encouragement of the construction of quality housing, providing adequate, safe and sanitary dwellings for those who are now ill-housed, the furnishing of medical care of quality, and provisions to be made for the elderly. All this should be done by qualified experts in the fields in question and should not be injected into discussions on the limits of government, which deal with issues, as I noted earlier, in a wholly different area of expertise.

This conference, devoted to the themes which relate to the limits of government, should, therefore, appropriately deal with the major threats to individual dignity and freedom which are posed by the authority of the state. It is appropriate, I suggest, to go through the relevant Articles of the Universal Declaration of Human Rights which were thereafter incorporated into the Helsinki Final Act and determine where shortfalls can be identified and how steps could be taken to encourage correction in these shortfalls.

For today, almost forty years after adoption of the Declaration and twelve years after the signing of the Helsinki Final Act, the limitations imposed on governments to protect the individual's liberty, security of person, freedom of thought, conscience and religion, freedom of expression and similar freedoms are in many places consistently and deliberately violated. These violations must not be ignored, for ignoring them means betraying the heroes and heroines throughout the world who take great risks and make major personal sacrifices, endangering their life and personal security so that the cause of freedom may live. It is to them, that we all owe a debt of gratitude. And we must continue to discharge that debt by speaking up on their behalf wherever and whenever we can.

CHAIM GRADE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WEISS. Mr. Speaker, today I am introducing legislation to place the works of Chaim Grade, a distinguished Yiddish poet and novelist, retroactively under the protection of the Copyright Act of 1976. I strongly believe that, given the importance of Grade's works and the extreme circumstances under which he wrote, this matter deserves favorable consideration by the Congress.

Chaim Grade has been acclaimed as the greatest Yiddish novelist. Many of his finest works depict the tragedy of Jewish life in Eastern Europe during and after the Holocaust.

Born in Vilna, Lithuania in 1910, Grade was influenced by his father, Rabbi Shlomo Mordecai Grade, a Hebraist and Zionist. Following his father's death, Chaim Grade lived with his mother, Vella, who worked as a fruit peddler to support herself and her son. At 22, Grade abandoned his religious studies and began to write. He associated himself with a group of modernist writers and painters who called themselves Jung Vilna. The city of Vilna was, at that time, commonly referred to as the "Jerusalem of Lithuania" because of its pious and intellectual Jewish life.

As the Germans invaded Lithuania in 1941, Grade escaped on foot into Russia. Mistakenly believing that the Nazis would leave Jewish women and children alone, he left his young wife and beloved mother behind. After the war, Grade returned to Vilna to face the tragic loss of his loved ones and his community. Left with a tremendous sense of guilt, he longed to preserve and honor that which was lost. Chaim Grade's writing career, which had begun as a struggle against the generation of his parents and teachers, became a monument to that era.

In 1948, Grade came to the United States with his second wife, Inna Hecker Grade, so that he would be able to create without censorship. The Grades chose to live in the Riverdale section of the Bronx, which I am honored to represent.

Chaim Grade's works in Yiddish have received the highest critical acclaim. Nobel Peace Prize winner Elie Wiesel has written that "the work of Chaim Grade, by its vision and scope, establishes him as one of the great—if not the greatest—of Yiddish novelists. Surely, he is the most authentic."

Grade was invited in 1978 to read his poetry at the White House. Too ill to attend, his wife read in his place. In 1983, his book "Rabbis and Wives" was among the finalists for the Pulitzer Prize in letters. And, the "Encyclopaedia Judaica" has said that Grade's attempts at confronting the national Jewish tragedy makes him, in a sense, "the national Jewish poet, as Bialik was in his day."

Chaim Grade was reluctant to have his works translated into English, fearing that they would lose their authenticity. Early efforts at translation were very disappointing to him. Initially forbidding further translation, he finally allowed it after entrusting his wife with the task of verifying the authenticity of the English text and the faithfulness to the Yiddish original.

Inna Hecker Grade has dedicated her life to preserving the integrity and increasing the accessibility of her distinguished husband's works. Because of her efforts, his name is firmly implanted into the list of accomplished Yiddish writers. And, through her expert translation, she has brought to the general English reading public a master of world literature.

The enthusiastic critical reception of Chaim Grade's work is well deserved. Unfortunately, his ignorance of the law and his preoccupation with the Jewish tragedy resulted in his neglect to seek copyright protection for it. Instead, he took for granted Le Droit Moral, the Moral Law, which served to protect the rights and works of authors in Europe.

Grade trusted the American system and believed that no one would take advantage of his works. But, his growing renown and the increasing appreciation of his literary talent has brought with it the danger that others may seek to profit from his work. It is vitally important that his writings be preserved and protected from misrepresentation.

The legislation I am introducing today would retroactively place Chaim Grade's works under the protection of the 1976 Copyright Act. All of Grade's works, published or unpublished, would be protected in the name of his widow, Inna Hecker Grade, for a 50-year term beginning from the date of his death in 1982.

I believe that this action is both appropriate and necessary to protect the integrity of Chaim Grade's works and to preserve the history and letters of the Jewish people. I urge the support of my colleagues and look forward to early and favorable consideration of this measure.

The text of the bill follows:

H.R.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTING OF COPYRIGHT.

Notwithstanding any other provision of law, copyright is hereby granted to Inna Hecker Grade and her successors and assigns in the works set forth in section 2 by Chaim Grade, including all editions in English and translations heretofore published or hereafter published by Inna Hecker Grade or her successors or assigns, for a term of 50 years from June 26, 1982 (the date of death of Chaim Grade). All copies of the protected works hereafter published are to bear notice of copyright, and all new editions hereafter published are to be registered in the Copyright Office, in accordance with the provisions of title 17, United States Code, or any revision or recodification thereof. The copyright owner shall be entitled to all rights and remedies provided to copyright owners generally by law, except that no liability shall attach under this Act for lawful uses made or acts done before the date of enactment of this Act in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken before such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, or circulation of such works.

SEC. 2. WORK SUBJECT TO COPYRIGHT.

The following works of Chaim Grade (including lectures and essays) are covered by section 1:

(1) "Yo" ("Yes");

(2) "Musarnikes" ("Mussarists");

(3) "Dojrois" ("Generations");

(4) "Oyf di Hurves" ("On the Ruins");

(5) "Pleitim" ("Refugees");

(6) "Farvoksene Vegn" ("Overgrown Paths");

(7) "De Mames Tzavoe" ("The Mother's Will");

(8) "Shayn fun Farloshene Shtern" ("Shine of the Extinguished Stars");

(9) "Mayn Krig Mit Hersh Rassayner" ("My Quarrel with Hersh Rassayner");

(10) "Yerushalaim shel Maylah, Yerushalaim shel Matah" ("The Heavenly Jerusalem and the Earthly");

(11) "Hurbin";

(12) "Vilna", with 5 major parts entitled:

(A) "Vilan";

(B) "Di Shank" ("The Tavern");

(C) "Der Ger-Tzadik" ("The Convert");

(D) "Di Hiter fun der Shtot" ("The Guardians of the City");

(E) "Unter di Gevelbte Toyern" ("Beneath the Vaulted Gates");

(13) "Talmidei-Hahomin in der Lite" ("Talmudic Scholars in Lithuania");

(14) "Oyf Mayn Veg Tzu Dir"; ("On My Way to You");

(15) "Dos Alte Hoyz" ("The Old House"), alternate titles are:

(A) "Zin un Tahter" ("Sons and Daughters");

(B) "Der Beth-Horav" ("The Rabbi's House");

(16) "Fun Unter der Erd" ("From Beneath the Ground"), the title of the first version is "Froyen fun Ghetto" ("Women of the Ghetto");

(17) "Yury Goresha", a part of the novel "From Beneath the Ground";

(18) "Alte Boherim" ("The Bachelors");

(19) "In Gerangl mitn Malah" ("Wrestling with the Angel"), subtitle is "Lieder un Elegyes" ("Poems and Elegies"); Collected Poems, 1932-82;

(20) "Chaim Nachman Bialik";

(21) "H. Leivik, der Poet fun Laydn un Goyrl" ("H. Leivik, The Poet of Suffering and Fate");

(22) "H. Leivik in Mayn Lehn and Shafn" ("H. Leivik in my Life and my Works");

(23) "Itzik Manger, der Poet fun Shaynkayt un Shpil" ("Itzik Manger, the Poet of Beauty and Play");

(24) "Dray Yiddishe Classiker, Mendele, I.L. Peretz, Sholem-Alaychem" ("Three Yiddish Classics, Mendele, I.L. Peretz, Sholem-Alaychem");

(25) "Anski, der Maskl, Revolutioner un Baal Tshuvah" ("Anski, the Champion of Enlightenment, the Revolutionary and the Penitent");

(26) "Probelmen fun a Yiddishen Shrayber un Problemen fun der Yiddisher Literatur" ("Problems of a Yiddish Writer and Problems of the Yiddish Litrature");

(27) "Mayn Veg in der Yiddisher Literature" ("My Path in the Yiddish Literature";

(28) "I.L. Peretz";

(29) "Mayn Bagegenish mit Sovetishe Yiddisher Shrayber" ("My Encounter with the Soviet Yiddish Writers");

(30) "Dray Dramatishe Poemen—'Di Goldene Kayt', 'Der Goylem', 'Der Dybbuk', ("Three Dramatic Poems—'The Goldern Chain', 'the Goylem', 'The Dybbuk' ");

(31) "Dray Hoybt Motiven in Mayn Shaffung" ("Three Mayn Motives in My Works");

(32) "Yung Vilna un ir Svivah" ("Young Vilna and its Milieu");

(33) "Shevet Tzion" ("The Return to Zion");

(34) "Shabes un Voh in der Yiddisher Literatur" ("The Sabbath and the Weekdays in Yiddish Literature");

(35) "Mussarnikes un Litvishe Yeshives" ("The Mussarists and the Lithuanian Yeshivas");

(36) "Sholem Alaychem";

(37) "Nusah Mizrah Evrope un Reb Isroel Baal 'Shem' Tov" ("The Jewish Way of Life in Eastern Europe and Rabbi Israel Baal 'Shem' Tov");

(38) "Reb Isroel Salanter un Reb Isroel Baal 'Shem' Tov" ("Rabbi Israel Salanter and Rabbi Israel Baal 'Shem' Tov");

(39) "Der Talmudhokem in der Yiddisher Literature" ("The Talmudic Scholar in Yiddish Literature");

(40) "Di Haskore in Vilner Shtot Shul Nohn Ger-Tzadik, Graf Potocki" ("The Memorial Service at the Grand Synagogue of Vilna for the Convert, Count Potocki");

(41) "Dr. Shmuel Ravidovitch un zayn Philasophia fun Yiddishen Kium Umetum" ("Dr. Samuel Ravidovitch and his Philosophy of the Jewish Life Worldwide");

(42) "Dr. Shmuel Ravidovich un zayn Kamf farn Yiddishen Kium Umetum" ("Dr.

Samuel Ravidovich and his Struggle for the Jewish Life Worldwide");

(43) "Zaynen di Yiddishe Shrayber in Sovet Russland Geven Marranen?" ("Were the Yiddish Writers in Soviet Russia Marranos?");

(44) "Reb Yehudah Ibn Shmuel Dr. Kaufman" ("Rabbi Jehudah Ibn Samuel Dr. Kaufman");

(45) "Shir-HaShirim—A Liebe-Lied, a Natzional Gezang un Mistishe Poeme" ("The Song of Songs—a Love Song, a National Hymn and a Mystical Poem") lecture and essay;

(46) "Tzfas un der Barg Miron" ("Saffed and Mount Miron") lecture and essay;

(47) "Mentshen, Shtayner un Flantzen in Eretz-Isroel" ("The People, the Stones and the Greening of Israel") lecture and essay;

(48) "Mit Vos Vilna Iz Geven Andersh?" ("What Made Vilna Unique?");

(49) "Histadruth";

(50) "Yiddish Lebn in Vilna far der Zvayter Velt Melhome" ("Jewish Life in Vilna Before World War II") alternate title is "Yiddish Folk lebn un Traditzie in der Lite" ("Jewish Folk-Life and Tradition in Lithuania");

(51) "Di Naye Hebreishe Literatur un der Yunger Dor in Isroel" ("The New Hebrew Literature and the Young Generation in Israel");

(52) "Di Ibergeblibene" ("The Survivors");

(53) ("To the Survivors of the German Concentration Camps, World Federation of Bergen-Belsen, Associations");

(54) "Drayssik Yor Shpeter" ("Thirty Years Later");

(55) "Der Bodn un di Legende fun Eretz-Isroel," ("The Soil and the Legend of the Land of Israel");

(56) "Di Letzte Mahlaykes tzvishn Rabonim in Vilna" ("The Last Controversies Among the Rabbis of Vilna");

(57) "Amerikaner Yiddishe Poetn, Morris Rosenfeld, Avrohom Reisen, Walt-Lessin un Mani Leib", ("American Yiddish Poets, Morris Rosenfeld, Avrohom Reisen, Walt-Lessin un Mani Leib");

(58) Any other works of Chaim Grade, however created, whether published or unpublished.

RENTAL HOUSING PROGRAM FOR MILITARY FAMILIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. PANETTA. Mr. Speaker, I would like to call to the attention of my colleagues the following newspaper article on the benefits of the military pilot program on rental housing. It appeared in the Air Force Times on February 8, 1988. The article does an excellent job explaining the advantage of making permanent a current DOD pilot program which encourages landlords near a military installation to waive security deposits in exchange for a Government guarantee for payment by withholding the money from the service member's pay.

This article points out that the housing officials at the three test sites have indicated that the guarantee program has reduced family moving costs and improved morale. It is important to note that no appropriation of funds is necessary because the service member would be ultimately responsible for meeting the costs of any damage or breach of lease.

On February 18, 1988, I introduced H.R. 3975, which directs the Secretary of Defense to establish a permanent program involving military personnel and their civilian landlords. This legislation makes permanent the pilot program which has been in effect at Fort Ord over the last 15 months. The program has been implemented with a high degree of success resulting in the solution of problems with military residents to payment and landlords obtaining guarantees on security deposit payments.

I commend this article to all my colleagues and hope that it will encourage each Member to consider cosponsoring H.R. 3975 which will resolve one of the most pressing and financially disabling issues our service members and their families face by making permanent this highly successful pilot program.

[From the Air Force Times, Feb. 8, 1988]

HILL MAY EXTEND NO-DEPOSIT RENTAL PROGRAM

(By Grant Willis)

WASHINGTON.—Private landlords have rented more than 1,400 housing units to military members—without requiring security deposits—under a one-year test program to reduce move-in costs at three stateside installations, military housing officials said.

Pentagon officials and congressional staffers expect lawmakers to extend the program, but it might not come soon enough for service members scheduled to move this summer.

Congressional authorization for the guarantee program is set to expire in June. That means no additional families will be able to participate in the program between June and October, even if Congress re-authorizes the program for fiscal 1989.

The Department of Defense program encourages landlords near the installations to waive security deposits in exchange for a government guarantee. If a service member in the program breaches his lease or fails to pay for damages to an apartment, the government may reimburse the landlord and withhold the money from the member's pay.

Housing officials at the three test sites—an Air Force, a Navy and an Army installation—say the guarantee program has reduced family moving costs, improved morale and cost the government almost nothing.

"It allows a family to come to a base and not worry about a lot of out-of-pocket money," said Jack Borodko, housing manager at Luke AFB, Ariz. The program began at Luke last May and is scheduled to end in June. Other test sites are Moffett Field Naval AS and Fort Ord, both in California.

Final reports from the test sites are due in August. Preliminary statistics show few participating landlords have made claims against the government.

DOD surveys have repeatedly shown that military families never recover the full cost of a move to a new duty station. Faced with the cost of shipping household goods, many families lack the cash to pay the first month's rent, last month's rent and a security deposit on a new apartment.

Until now, the service member's only remedy for high move-in costs has been a three-month pay advance. The advance is equivalent to a 12-month interest-free loan, but it can cause additional hardship when the service member struggles to pay the money back.

Here is how the program works: First, an installation housing office recruits landlords willing to waive security deposits for military tenants. That may sound like a gamble, but many landlords feel more secure with military tenants, said Rodney Kleman, a lawyer who owns 78 apartments near Fort Ord.

"I would prefer to cooperate with the military, because you know they have a steady job and you have the (post) housing referral office behind you to stand up for what's right," he said.

Landlords who participate sign a memorandum of understanding with the housing office. The government agrees to reimburse the landlord for any breach of the lease or any damage caused by the member's guests or dependents. The reimbursement is limited to the amount the landlord usually charges for security deposits not the full extent of property damage.

Under the program rules at Luke and Moffett, landlords may not submit claims to the government until they have "exhausted any remedy," including court action. This may discourage some landlords from participating, because they have to go through so many steps to recover their money. Borodko said.

Military families who live in a participating landlord's rental unit agree to a three-, six- or 12-month lease. The maximum lease under the program is 12 months. As long as the lease remains in effect, the tenant does not have to pay a security deposit. The guarantee is not renewable, however, and families who remain in the same unit after their original lease expires must pay a security deposit if the landlords asks for one. Families also lose their deposit guarantee if they move.

Even if a landlord makes a successful claim for damages, the government does not lose money because the law allows service secretaries to withhold the expense from the service member's paycheck.

All the test sites report they have been able to run the guarantee program with existing housing office staff. "The administrative cost of the program is offset by less staff time that is spent trying to find members cheaper housing or apartments with lower security deposits," Borodko said.

But Pentagon officials are cautiously optimistic that Congress will renew the program in fiscal 1989 or expand it to all stateside installations.

"All the indications we've received are favorable," a DoD housing official said. "But the program has never been tested in court. If you don't know what the (final) results are it's hard to tell what the problems are."

The original legislation for the guarantee program was sponsored in the House by Rep. Leon E. Panetta, D-Calif., whose district includes Fort Ord. If the program results are positive, Panetta will try to keep the program going in fiscal 1989 and expand it to more military installations, said Barry Toiv, an aide to the congressman.

Security-deposit guarantees have brought "a lot of smiles" to Air Force families at Luke AFB, said Borodko, the housing manager. Since the program began last spring, the Luke housing office has signed memoranda with 74 multifacility landlords, 23 real estate agents and four individual homeowners, Borodko said. The landlords own a total of 18,000 rental units in the area near the base.

Average rents for one-bedroom apartments in the Phoenix area are $350 per month, while the average for a three-bedroom unit is $800 per month, Air Force housing surveys show.

The Air Force has paid no claims to landlords under the guarantee program, Borodko said, but the housing office did help landlords collect $35,000 directly from military tenants in mediated settlements last year. Borodko was unable to say how many of the settlements were connected with the guarantee program, since the housing office offers mediation services to all its clients.

Because the program is so new, it is too early to tell whether security-deposit guarantees would work overseas. DoD officials said. The officials noted that military members stationed overseas already get reimbursed for rental security deposits through the initial terminal occupancy allowance, a component of the monthly overseas housing allowance.

COMMISSION ON VALUES EDUCATION

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, read between the headlines of 1988 and you will find the common theme of moral decay. Unethical behavior is evident in every aspect, and on every level, of our society. From the White House, to Wall Street, to Heritage U.S.A., evidence of corruption, dishonesty, and greed abound. Additional incidents of insider trading, fraud in scientific research, bribery, and kickbacks are too numerous to name.

What sort of impact are the decisions of so many responsible adults having on our young people? A few statistics tell a frightening story.

Cheating in our schools is rampant.

Over 25 percent of our Nation's fourth graders say they feel pressure to use drugs.

Drunken driving is the leading cause of death among those 15 to 25 years of age.

And, more then 1 million teenage girls in this country become pregnant each year. The United States surpasses all other Western developed nations in its rates of teenage pregnancy, abortion and births.

We are raising a generation of children who cannot distinguish between right and wrong. They are not prepared to make tough choices when there are gray areas, or when values seem to conflict.

I am not laying this at the foot of our school system. Still, schools can play a role in helping to install values in individuals. The 1960's and 1970's saw a move toward relativistic, values-free teaching in which students were given the options, but no guidance toward answers.

Our young people have been led to believe that ethical boundaries are up for grabs. The line is always moving. The simple word, decency is one we shy away from.

But, recently things have started to change. Leaders from a wide range of political and social arenas and religious backgrounds have called for strengthening the teaching and democratic values stating that education for democracy must extend to education in moral issues. Now, a growing number of educators agree that schools should teach civic virtue and take clear positions on right or wrong behavior.

That is why I am joining in sponsorship of H.R. 2667, legislation to create a commission on values education. The purpose of this bill is to find out how we can better educate people to become productive members of society by identifying and promoting basic values.

It requires the commission to identify values which are essential to our well-being, including honesty, integrity, tolerance, self-discipline, self-respect, civility, importance of family, justice, and equality, the rule of law, individual rights, the common good, love of country, love of knowledge, responsibility and accountability, and protection of oneself and others from degradation and abuse.

It also requires a report to Congress within a year with recommendations on what Congress and the executive branch can do to promote the teaching values in American schools.

This commission would not be made up of so-called experts. Language has been included specifically stating that appointments be made from groups including parents, students, educators, philosophers, theologians, and religious leaders, sports figures, social service workers and the general public.

We need to shore up a moral foundation that was once taken for granted in this country. For over two centuries, our Nation has relied on this foundation for vision. The same sort of vision that inspired our Founding Fathers. A vision that can direct us away from a damaging self-absorption to a new outward looking global perspective. A vision focused on American know-how, innovation and adaptability. A vision that will take us into the 21st century with the same pride, competence, and compassion that brought us into this one.

The single most important thing I have learned as a Congressman is that how we perform as a nation is determined by how we perform as individuals. Our young people must recognize the importance of their own future and potential. Our tomorrow depends on it.

CONSTITUTIONALITY OF SECTION 711, H.R. 3100

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. GEJDENSON. Mr. Speaker, in response to inquiries regarding the constitutionality of section 711 of H.R. 3100, the International Security and Development Cooperation Act of 1987, I commissioned a legal opinion from the Congressional Research Service. That opinion, which follows, states, in part, "The power to make appropriations includes the authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the Government may expend the appropriation * * * The purpose of the appropriations, the terms and conditions under which * * * appropriations (are) made is solely in the hands of Congress and it is the plain duty of the executive branch of the Government to comply with the same." *Spaulding* v. *Douglas Aircraft,* 60 F. SLupp. 985, 986 (S.D. Col. 1945), *affd.*154 F.2d 419 (9th cir. 1946)."

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., February 11, 1988.

To: Honorable Sam Gejdenson.
Attention: Kathleen Bertelsen.
From: American Law Division.
Subject: Constitutionality of Section 711, H.R. 3100, the International Security and Development Cooperation Act of 1978.

Reference is made to your inquiry of February 4, 1988, requesting our comments on the above matter.

Despite intimations that section 711 of H.R. 3100, which effectively prohibits using economic and military assistance or arms sales to obtain other country aid for the Contras, trenches upon the President's foreign affairs powers, it seems well within Congress' powers to enact. See 133 Cong. Rec. H11066 et seq. (daily ed. Dec. 9, 1987).

Section 711 amends section 722(d) of the International Security and Development Cooperation Act of 1985 99 Stat. 190. Known widely as the Pell Amendment, section 722(d) provides:

> Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

Generally, section 722(d) prohibits the use of funds under the Foreign Assistance Act or the Arms Export Control Act to provide any assistance to any person engaged in any insurgency against the Government of Nicaragua. It also prohibits the U.S. Government from entering into any arrangement with the recipients of U.S. assistance or purchasers of defense articles and services to provide such assistance.

The Committee of Conference on the 1985 legislation described the purpose of the second prohibition as follows:

> The purpose of the second sentence of this section is to prohibit the United States from furnishing economic or military assistance or selling U.S. military equipment on the condition, either expressly or impliedly, that the recipient or purchaser provide assistance to insurgents involved in the struggle in Nicaragua. This section does not prohibit U.S. Government officials from discussing U.S. policy in Central America with recipients of U.S. assistance or purchasers of U.S. military equipment. Nor does it prohibit recipients of U.S. assistance from furnishing assistance to any third party on their own volition and from their own resources. H.Rept. No. 99-237 at 143.

Section 711 of H.R. 3100 leaves the first prohibition as it is and revises the second to read as follows:

The United States shall make no agreement and shall enter into no understanding, either formal or informal, under which a recipient of United States economic or military assistance or a purchaser of United States military equipment shall provide assistance of any kind to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

The changes to the Pell Amendment made by section 711 seem to be largely stylistic rather than substantive. It substitutes the arguably more precise "agreement" and "understanding, either formal or informal" for the more indefinite "arrangement conditioning, expressly or impliedly" of the earlier law. Substantive change if any is not immediately apparent and more than likely both versions have a common purpose, namely, to prohibit U.S. officials from taking advantage of any leverage afforded by the FAA or the AECA to prevail upon recipients of U.S. assistance or purchasers of U.S. military equipment to assist the Contras and similar groups.

As indicated, it has been suggested that section 711 in some unexplained way interferes with Executive powers in the area of foreign affairs in violation of separation of powers principles. Although not susceptible of exhaustive definition, the President's powers "in this vast external realm" are not insignificant. *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 319 (1936). The congressional powers implicated by section 711 are equally, if not more, formidable, including as they do the power to make and condition appropriations. (E.g., ". . . no funds authorized to be appropriated or otherwise made available . . .).

It may be noted that there are no directly relevant court cases involving a conflict between the congressional power of the purse and the presidential foreign affairs power. Cases involving these powers, chiefly litigation brought by private persons, support the breadth of the former and the nonstatutory basis for some of the matters comprehended by the latter. See, e.g., *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 986 (S.D. Col. 1945), *affd.* 154 F.2d 419 (9th Cir. 1946), and *United States* v. *Curtiss-Wright Corp.*, 299 U.S. at 319. In these and a handful of other cases, the courts have not gone much beyond some generalities about the powers in question; none, to the best of our knowledge, attempts either to exhaust the range of activities comprehended by them or to draw a boundary line between them. As Justice Jackson observed in the landmark *Steel Seizure* case in 1952 and as recently repeated by then Justice Rehnquist in the *Iranian Assets* case; "[any person as well as a] judge . . . may be surprised at the poverty of really useful and unambiguous authority applicable to concrete problems of executive power as they actually present themselves." *Youngstown Co.* v. *Sawyer*, 343 U.S. 579, 634 (1952) (concurring opinion) and *Dames & Moore* v. *Reagan, 453 U.S. 654, 600 (1981).*

The issues raised by section 711 are not new issues, but in one form or other have been debated for two hundred years. Indeed, if Edward S. Corwin is to be believed, debate was and is inevitable. ". . . the Constitution, considered only for its affirmative grants of powers capable of affecting the issue, is an invitation to struggle for the privilege of directing American foreign policy." *The President: Office and Powers 1787-1057* 177 (1957).

The Constitution gives the power to "receive ambassadors and other public Ministers" and "to make Treaties" to the President but he may only do the latter with the advice and consent of two-thirds of the Senators present. U.S. Const. Art. II § 2, cl. 2. Court cases recognize him as the nation's "mouthpiece" in foreign affairs, support the view that he alone negotiates, and that he may remove some obstacles in the path of normalizing relations with another country, such as settling claims. See e.g., *United States* v. *Curtiss-Wright Corp., supra; United States* v. *Belmont*, 301 U.S. 324 (1937); *United States* v. *Pink* U.S. 23 (1942); *Dames & More* v. *Regan, supra.*

As Commander in Chief, the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown Co.* v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House Cases*, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. § 1732, which excludes war from the President's options to obtain release of Americans unreasonably detained by a foreign government.

What more goes with these two titles is largely a matter of advocacy rather than law. Again, as Justice Jackson noted, "[a] century and a half of partisan debate and scholarly speculation [re. presidential powers] yields no net result but only more or less apt quotations from respected sources on each side of any question. They largely cancel each other." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 634-635 (concurring opinion).

On the other hand, aside from his powers "to grant Reprieves and Pardons for Offenses against the United States . . ." and to "receive Ambassadors and other public Ministers", the President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, "[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

The power to make appropriations includes the authority not only to designate the purpose of the appropriation, "but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co., 60 F. Supp. 985, 986* (S.D. Col. 1945), *affd.* 154 F.2d 419 (9th cir. 1946).

Louis Henkin observes as follows on the point:

One necessary and proper power of Congress, as important as any for the conduct of foreign relations, is that implied in the provision that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." (Art. I, sec. 9, cl. 7) While, we shall see, Congress usually feels legally, politically, or morally obligated to appropriate funds to implement his treaties and other foreign undertakings, *Congress can readily refuse to appropriate when it believes the President has exceeded his powers. Even when the President acts clearly within his powers, Congress decides the degree and detail of its support; it determines ultimately the State Department's budget, how much money the President shall have to spend on the armed forces under this command, how much he can agree to contribute to the United Nations.* Since the President is always coming to Congress for money for innumerable purposes, domestic and foreign, Congress and Congressional committees can use appropriations and the appropriations process to bargain also about other elements of Presidential policy in foreign affairs. Because the President usually cannot afford to veto appropriations acts they are favorite vehicles for "conditions" and other riders imposed on unwilling Presidents. *Foreign Affairs and the Constitution* 79 (1972) (Notes omitted) (Emphasis added.)

Although Congress in enacting laws has to scrupulously avoid even incidental adverse affects on fully autonomous presidential powers (e.g., the pardoning power, *Ex parte Garland*, 71 U.S. 333 (1867)), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as the power to raise and equip the Armed Forces of the United States, the Congress may incidentally affect the ambit of presidential discretion as the organ of foreign relations or as Commander in Chief is not a violation of the separation of powers. For example, Congress is under no constitutional obligation to provide "bargaining chips" in for the form of additional weapons systems for the purpose of international negotiations. "The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 588.

Section 711 deals with programs which only Congress can authorize and fund: foreign aid and arms sales. In brief, statutory authority is required for these purposes. See testimony of former Deputy Secretary of State Kenneth W. Dam in accord with this conclusion. *The Supreme Court Decision Concerning The Legislative Veto.* Hearings Before The Committee On Foreign Affairs, 98th Congress, 1st Session (1983) at 100. Congress has ringed both programs with conditions designed to carry out their purposes, prevent abuses, and implement congressional policy choices. E.g., 22 U.S.C. §§ 2370, 2422, 2753. Whether written as direct restraints on authority or indirect restraints on authority in the form of conditional appropriations, neither form has been seriously challenged on constitutional grounds. The Pell Amendment as modified by section 711 of H.R. 3100 effectively prohibits direct and indirect assistance under the FAA and the AECA to the Contras or using these programs to accomplish these results by other countries. It does not prevent negotiations or interfere with the power to receive ambassadors and other matters that inhere in the latter, areas of autonomous power. While the policy underlying the congressional exercise of legislative power under consideration may be questioned, the existence of the power seems fairly clear.

Although Congress is subject to the Constitution even in the exercise of its power of the purse, see, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), "[e]ven when the President acts clearly within his powers, Congress decides the degree and detail of its support," Henkin, *Foreign Affairs and the Constitution*, at 79, and "it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

RAYMOND J. CELADA,
Senior Specialist in American Public Law.

ENERGY EFFICIENT TECHNOLOGY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

MARKEY. Mr. Speaker, I wish to call my colleagues' attention to the energy efficiency technology exhibit now on display at the Cannon rotunda. The conservation technologies presented there can have an enormous impact on reducing our energy needs and benefiting our environment.

Sponsored by the Northeast-Midwest Congressional Coalition, the Environment and Energy Study Institute, the Congressional Clearinghouse on the Future and the Competitiveness Caucus, the exhibit displays exciting conservation technologies developed by several national laboratories and private companies. These technologies will help the Nation become more productive, competitive, and secure by reducing the cost of manufacturing, reducing dependence on foreign oil and significantly improving our environment.

Despite the great gains in energy efficiency already achieved, much more can be accomplished. Yet the current administration has cut the DOE conservation budget by 75 percent in the past 7 years and is again seeking almost a fourfold reduction for the coming budget year. President Reagan has neglected conservation and renewable energy while pouring substantial sums of money into nuclear energy, in spite of the fact that nuclear energy expansion has come to a standstill in the past 10 years, while conservation and efficiency efforts have reduced our national energy consumption by 30 percent.

It is my sincere hope that the unwise priorities of this administration will soon be reversed, so that the technologies that hold the most promise will receive the greatest level of assistance. I again commend those who have worked so hard to put this exhibit together and who are attempting to steer our Nation's energy policy in the right direction.

TERRORISTS MURDER THE INNOCENT IN EL SALVADOR

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BROOMFIELD. Mr. Speaker, on the eve of yet another vote on the Contras, I want to share with my colleagues a disturbing news story from El Salvador. According to recent reports, Marxist FMLN guerrillas have again murdered innocent Salvadoran workers and have also kidnapped a government official and mayoral candidate.

The armed Marxist guerrillas often resort to terrorist tactics in their ongoing offensive in that poor country. While the guerrillas claim that they want to liberate El Salvador and help the people of that country, innocent Salvadoran peasants are all too often the victims of the Marxists' liberation efforts.

In addition to killing peasants, many government officials have been kidnaped and assassinated along with others to include off duty marines who were sitting in an outdoor cafe when they were brutally murdered. The guerrillas have also launched an offensive designed to destroy the infrastructure of that poor country. Roads have been cut, power pylons have been destroyed, and power stations have been damaged. Even schools and buses have been destroyed. The struggling Salvadoran industrial base has also come under siege.

The Marxist guerrillas receive training and supplies from both Cuba and Nicaragua. A building in downtown Managua is the radio communications control center for the various FMLN guerrilla groups operating in El Salvador.

The guerrillas clearly have one objective in mind. They are determined to destroy the democratic government of President Duarte and replace that government with a Marxist-Leninist one. Should that happen, El Salvador would be nothing more than a clone of Nicaragua. Both countries will then be able to work together to export their Communist revolutions to neighboring states and perhaps to Mexico itself.

I urge my colleagues to read the following article which highlights the same side of the Salvadoran guerrillas.

[From the Washington Times, Feb. 24, 1988]

FMLN KILLS 3 WOMEN DURING TRANSPORT BAN

SAN SALVADOR, EL SALVADOR.—Marxist guerrillas killed three women and wounded six other persons in an ambush on a bus taking factory workers home during a rebel transport ban, military and local officials said yesterday.

The military also reported the Farabundo Marti National Liberation Front guerrillas kidnapped a government official and a mayoral candidate in local elections scheduled for March 20.

The FMLN traffic ban, called as part of an offensive to disrupt the polls, gripped El Salvador for a second day yesterday, with roads in the countryside almost paralyzed and chaos in the capital because of the lack of public transport.

The ambush brought to nine the number of civilians killed by the FMLN in the past week. A family of six was killed when a mortar shell landed on their house during an attack on the military barracks in eastern Usulutan city last week.

The guerrillas' Radio Venceremos did not immediately acknowledge the bus ambush, but last night it reiterated its threat to attack vehicles defying the ban.

The military, which has deployed thousands of troops to keep the roads open, said the guerrillas machine-gunned the bus about midnight Monday on the Pan-American highway near San Martin, six miles east of the capital.

Urban guerrillas burned a vehicle belonging to the state telephone company in the capital.

The military also said the FMLN kidnapped two people in the town of Alegria, Usulutan. It identified the victims as Manuel Guardado, who is running for mayor as a cadidate of the ruling Christian Democrat Party, and Ricardo Arturo Batles, a money collector for the state water and power company.

FMLN sabotage caused more than $200,000 worth of damage to the San Fermina coffee processing plant outside the town of Berlin, a few miles from Alegria, the military said. Offices and four vehicles were burned.

Meanwhile, few buses or other vehicles were venturing out in rural areas because of the guerrilla threat, radio reports said. The Pan-American highway and other main roads were almost deserted, they said.

Customs officials said only five commercial vehicles crossed the border from Guatemala on Monday. At the other end of the country, vehicles were waiting on the Honduran side for the guerrillas to call off the indefinite ban.

Local correspondents said the east was at a virtual standstill. Many businesses in San Miguel and Usulutan cities were shut.

State electrical company workers were trying to repair power lines sabotaged by the guerrillas on Monday. Power was back in the capital, but correspondents said parts of the four eastern provinces were still without electricity.

Traffic bans are a favorite tactic of the guerrillas to show they are still a force to be reckoned with. Last year they held seven.

REV. DR. GRANVILLE ALLEN SEWARD CELEBRATES 20 YEARS AT MOUNT ZION BAPTIST CHURCH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. RODINO. Mr. Speaker, on March 4, 1988, the congregation of Mount Zion Baptist Church in Newark, NJ, will celebrate the 20th anniversary of its pastor, Rev. Dr. Granville Allen Seward. At a special dinner that evening, Reverend Seward will be honored for his "Commitment to the Vision" during 20 years as pastor of Mount Zion. It will be an occasion for the congregation and the community to express their loving pride and warm appreciation for this outstanding individual.

When Reverend Seward arrived in Newark in 1968, he came with a sense of mission and an enduring faith. At the young age of 17, he acknowledged his call to the ministry. In 1957, Reverend Seward was ordained and served for 7 years as the pastor of First Baptist Church in Rendville, OH. He has also carried his ministry to other parts of the world including tours of Asia and Africa.

Reverend Seward also began his ministry in Newark with impressive academic credentials. He received a bachelor of Arts degree from Ohio State University and a bachelor of divinity degree from Colgate Rochester Divinity School. After pursuing graduate studies at Ohio State University, Reverend Seward entered the Crozer Theological Seminary where he received a doctorate of ministry in 1982.

Reverend Seward's mission and commitment has entended to the entire community. As an educator, he served as a visiting professor at the Colgate Rochester Divinity School and at the New York Theological Seminary. From 1980 to 1984, Reverend Seward was a member of the Newark Board of Education where he served effectively and with distinction.

The true hallmark of Reverend Seward is his kindness, his deep and abiding faith, and his commitment to helping others. His 20 years as the pastor of Mount Zion Baptist Church have been a time of expanding horizons and growth.

I want to extend my warmest congratulations and best wishes to Reverend Seward on this special occasion. He has enriched the entire community with his leadership and commitment and he has earned our respect and appreciation.

NATIONAL RURAL HEALTH AWARENESS WEEK

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TAUKE. Mr. Speaker, and fellow Members of the House, on February 17, Mr. CHAPMAN, Mr. PICKLE, Mr. WHITTAKER, Mr. EMERSON, Mr. SIKORSKI, Mr. HATCHER, Mr. GRANT, Mr. ROBERTS, Mr. BOUCHER, Mr. TALLON, Mr. STENHOLM, Mr. SCHUETTE, Mr. WEBER, Mr. HUTTO, Mr. DAUB, Mr. JONTZ, Mr. COLEMAN of Missouri, Mr. HALL of Texas, and I introduced House Joint Resolution 461, designating the week beginning May 15, 1988 as "National Rural Health Awareness Week."

I ask my colleagues to consider the unique problems facing rural communities today. The health status of rural Americans remains significantly lower than that of urban Americans, with rural Americans showing disproportionately higher rates of maternal and infant mortality, higher injury rates, and higher rates of chronic illness. Statistics show that greater numbers of rural Americans are poorer and tend to be less insured—if at all—than those living in urban areas. Rural areas also face acute shortages of health professionals, including physicians, nurses, psychologists, and allied health professionals. Moreover, closures of rural hospitals and other health care facilities, which have a severe impact on their communities, continue to spread across the rural areas of our Nation.

In order to further address the rural health crisis, we must continue to focus attention on the health care needs of rural Americans and rural communities. It is in recognition of this that I ask my colleagues to join me in designating the week of May 15 as "National Rural Awareness Week." For your ready reference, a text of the resolution follows:

H.J. RES. 461

Whereas the economic and social well-being of a nation depends on the health of its people;

Whereas 25 percent of the people in the United States live in rural communities;

Whereas 33 percent of the elderly people in the United States live in rural communities;

Whereas rural communities have only 12 percent of the physicians in the United States, 18 percent of the nurses in the United States, and 14 percent of the pharmacies in the United States;

Whereas rural communities face an acute and growing nursing shortage, and 50 percent of the hospitals and long-term care facilities in rural communities report difficulty in recruiting and retaining nurses;

Whereas the people who live in rural communities are increasingly experiencing a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years reduced the economic resources available to rural communities and lead to increased closures of hospitals and other health care facilities in rural communities, the loss or curtailment of services by rural health departments, and the disruption of social service programs;

Whereas the decline in the number of hospitals and other health care facilities in rural communities has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals in such communities;

Whereas rural communities have few transportation services, thereby making it difficult for rural residents without transportation to obtain needed health care;

Whereas the residents of rural communities generally have poorer health than residents of urban areas and have higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury than residents of urban areas;

Whereas there are more poor and medically indigent people in rural communities than in urban areas;

Whereas hospitals in rural communities serve a higher percentage of elderly patients than hospitals in urban areas serve, and Medicare payments are a high percentage of the total revenues of hospitals in rural communities; and

Whereas current policies result in substantially lower Medicare payments to health care providers in rural communities for services equivalent to the services provided by health care providers in urban areas, and such payment policies further increase the likelihood of financial failure and closure of health care facilities in rural communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on May 15, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

JAPAN: HELP PROTECT COMMERCIAL SEA LANES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. PORTER. Mr. Speaker, I was disappointed recently when Japan categorically rejected a U.S. suggestion that it extend its defense effort.

Former U.S. Secretary of the Navy James Webb urged Japan to increase its maritime defense to extend beyond the 1,000 nautical miles of sea lanes that it currently safeguards. Such an increase would augment shipping protection to the strategically important Indian Ocean. This request complements others made by the administration and Congress that Japan play a more prominent military role in defense of the free world.

While we are all aware of the political sensitivities surrounding military spending in Japan, we also know that the Japan of the 1980's is fundamentally different from the Japan of the 1930's and 1940's. Today, Japan and the United States represent all of the freedoms and liberties that are guaranteed by free and open democracies.

The Japanese Government's decision to issue a "categorical no" to the idea of increasing maritime protection for free world shipping displays a disturbing stubborness that may harm the unity of the West. It is time, Mr. Speaker, for the Government and the people of Japan to take on a larger responsibility for protecting the way of life that they enjoy and share with the rest of us.

PRESIDENT REAGAN'S LAST STATE OF THE UNION ADDRESS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. RANGEL. Mr. Speaker, I rise today to bring to your attention, and the attention of all my colleagues, a commentary that recently appeared in the Civil Rights Journal regarding President Reagan's final State of the Union address. Contrary to the content of the address, the facts show that Reagan has exhibited persistent irresponsibility in managing this Nation during his 8-year tenure.

Our Nation has witnessed an era in which Reagan has continued to mortgage our future and our children's future with quantum increases in defense funding and simultaneous decreases in taxes. His policy translated into a greater and greater Federal deficit while he continued to call for a balanced budget. He added insult to injury by attaining the distinction of the President with the largest personal staff in the history of our country.

Moreover, his huge cuts in social spending have led to the greatest chasm between the haves and have nots in this Nation since the Great Depression. We should all be outraged that our President could speak of rising jobs and incomes without recognizing the plight of the poor. Not only has Reagan's administration done little to aid the ever-growing homeless population, it has slashed Federal spending on employment and training programs for the economically disadvantaged by 50 percent since 1980.

In foreign policy, Reagan hid behind a wall of rhetoric and inaction when he preferred to condone legally sanctioned racism and brutality in South Africa with resisting the "Anti-Apartheid Act of 1986." Moreover, his administration bypassed the Government structure handed down by the founding Fathers with its illegal actions in the Iran-Contra affair.

Reagan has also ignored the growing crisis facing our children with his boasts of reducing drug abuse while he refused to take a stand against nations that export this poison to our shores. His inaction on combating the deadly AIDS disease that is contaminating our maternity wards and in addressing infant mortality rates in our inner city communites that are higher than most developing countries is a testament to his lack of dedication to our youth. Our President has also chosen to cut Federal aid to education versus devising ways to help those children that our educational system ignores.

With these actions, Reagan has set improper moral tone in this Nation where racial violence is on the rise. This country has witnessed the resurgence of injustice with such situations as the assault of youths in Howard Beach and, more recently, the rape of 15-year-old Tawana Brawley in Wappinger Falls.

As the Reagan administration moves toward a close, I am, therefore, honored to present the following commentary exposing President Reagan's camouflage of the facts in his last formal address as President of our country:

CIVIL RIGHTS JOURNAL—COMMENTARY NO. 320—THE STATE OF THE UNION?

(By Benjamin F. Chavis, Jr.)

As I listened to President Reagan deliver his final State of the Union Message, I wondered if he was really talking about the United States. It is a tradition for all presidents to use, as a centerpiece of their state of the union messages, many laudatory comments about the accomplishments of their administrations.

For millions of African Americans, Latino Americans, Asian Americans, Native Americans and many white Americans, Mr. Reagan's speech not only missed the mark, but also presented a chilling reality: the poor and the downtrodden are no longer envisioned as part of what Reagan termed "the flowering of American prosperity and freedom."

It is not that the President's speech writers forgot to include in the address a challenge to the nation on the growing racial crisis. It is, rather, that the speech was intended to camouflage the resurgence of overt and violent racism which is spreading across this nation.

It is not that Mr. Reagan forgot that his administration divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this nation."

Mr. Reagan is convinced that this nation is destined by God to rule over the rest of the world. Yet, the God of Justice and Creation demands not pious and elitist affirmations of manifest destiny, but rather, justice, freedom and peace for all of God's people in not one but in all of the nations of the world. Until the United States and its leadership repents for past and present sins of injustice, the attempt by Reagan to use God to justify evil actions will only lead to further domestic and international turmoil.

Of course, 1988 will offer the nation an opportunity to change its present course. The extent to which all eligible voters go to the polls and vote in record numbers for candidates who dare to take a stand for justice and freedom for all people of the world is the extent to which this nation can become a true moral force in the world.

CHILD CARE ISSUE EMERGES AS FOCUS OF LEGISLATIVE EFFORTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, this Nation has experienced a dramatic shift in demographics over the last 30 years. Today, the numbers of single parents, teen parents, working mothers, families in which both parents work, households headed by women, and poor children are higher than they have ever been, and the numbers continue to grow. The importance of child care in a family's ability to participate and to stay in the work force is crucial, and the demand for child care services is skyrocketing.

Mr. Speaker, I would like to bring to your attention an article that recently appeared on the front page of the Washington Post, entitled: "Child Care Issue Emerges as Focus of Legislative Efforts." One of the important points made by the article is that the goals of increasing the supply of child care services and of providing some kind of support for these services are goals shared by a wide variety of people. Members of Congress of both parties, in both Houses, members of the administration, representatives of labor groups and of business groups, Presidential candidates and academicians agree that day care is an issue that needs to be addressed.

I would like to insert the article in the RECORD at this point, and commend it to the attention of my colleagues:

[From the Washington Post, Feb. 8, 1988]

CHILD CARE ISSUE EMERGES AS FOCUS OF LEGISLATIVE EFFORTS

(By Cindy Skrzycki and Frank Swoboda)

The growing number and influence of working mothers has given rise to a potent, family-centered political constituency that has catapulted child care support high up on the nation's legislative agenda.

"The issue is taking on a momentum that's making it virtually irresistible," said Jerry Klepner, legislative director of the American Federation of State, County and Municipal Employees. "It's very possible to get a bill through the Congress and to the president this year."

Not since 1971, when President Richard Nixon vetoed a major child care initiative, has the issue received so much attention. Legislation is moving through Congress aimed at increasing the availability of public and private day care facilities. Although there are political differences about how to increase child care support, the goal is one of the few that Republican and Democratic lawmakers appear to agree on.

A major part of the new-found support for the issue comes from the demographic power of the baby boom generation. The issue of who will mind the children while mother is at work is one that has long vexed single parents and low-income working mothers. But the entry of middle-class working mothers who are as protective of their careers as of their families has given a new momentum to the issue.

Since the 1950s, the number of working women and preschool children has more than quadrupled. Today more than half of all women with children younger than 6 are now in the work force and by the mid-1990s, two-thirds of all preschool age children are expected to have mothers who work outside the home.

"This has suddenly become the phenomenon that strikes at all economic levels," said Barbara Willer of the National Association for the Education of Young Children, who also believes that employers' concerns about future labor stortages are driving the new-found interest in day care.

Polls document that family issues are fast emerging as a critical domestic issue, with a poll by The Wall Street Journal and NBC news showing that 80 percent of so-called "new collar," or baby boom, workers think government should do more to improve child care and help working parents.

The issue is moving so fast that Labor Secretary Ann D. McLaughlin has set up a special task force to shape an administration position by early March. "Obviously we're on a fast track," a member of the task force said last week.

McLaughlin has broached the subject with both President Reagan and White House chief of staff Howard H. Baker Jr. "It's a percolating issue the administration is going to have to come to grips with," a McLaughlin aide said.

Perhaps the most startling development was the conversion of conservative Sen. Orrin G. Hatch (R-Utah) to the child care issue. Four years ago, Hatch was firmly on record against the federal government directly funding child care. Today, he is key congressional proponent of a national child care policy with a bill of his own. He still thinks children are better off if a parent stays at home, but child care now is his "number one legislative issue."

Observers note, however, that while, there is growing momentum for action on the child care front, there is a lack of focus on how to proceed.

"My nose tells me there is a powerful interest in how we raise the next generation, but that does not translate neatly into compelling popular support for specific programs that are largely funded and defined by the federal government," said Ralph Whitehead, Jr., a professor at the University of Massachusetts who has studied baby boomers and work and family life.

There is a growing bipartisan agreement, however, that something needs to be done to increase the number of day care centers—now estimated at 63,000 licensed facilities nationwide. This is particularly true in the House where a package of labor bills ranging from mandated health insurance and parental leave to increasing the federal minimum wage are the only new items on the legislative agenda. Almost all other bills, such as trade, welfare reform and catastrophic health insurance issues, are now before House-Senate conferences.

Family work-place issues have become so pressing that virtually every political group has begun to address them.

House Democrats held a special retreat last month in which family issues, including child care, dominated the discussion. Many at the retreat said they saw so-called "kids issues" as a way to recapture the family issue from the Republicans after Reagan leaves office.

Democratic presidential candidate Albert Gore has gone so far as to promise to covert the White House basement into a child care center for the children of mothers and fathers who work at the executive mansion. "If I'm elected president, child care will start close to home," the Tennessee Democrat said.

Last month, Republican presidential candidate Sen. Robert Dole (R-Kan.) introduced a child care bill that would replace the current child care tax credit with a program of federal grants to states.

Even among traditionally reluctant business groups, such as the U.S. Chamber of Commerce and the National Association of Manufactures, the child care issue has been moved to the top of this year's legislative agenda. This week, the Chamber's board of directors will consider a recommendation for a limited federal approach to child care. Next week, the NAM will take up the issue at a meeting of its legislative leaders.

The issue involves two very different approaches and constituencies:

The Act for Better Child Care Services has become the basic Democratic bill. Sponsored by Sen. Christopher Dodd (D-Conn.) and Rep. Dale Kildee (D-Mich.), the primary focus of the proposal is affordable child care for low and moderate income families. Federal block grants would be used to provide an incentive for state matching funds. The bill would set federal standards for operating a child care center.

The Child Care Services Improvement Act is the Republican approach that is expected to appeal to business. Sponsored by Sen. Hatch and Rep. Nancy Johnson (R-Conn.), the bill uses a more modest block grant approach than the ABC bill, supplemented by tax credits for employers that establish onsite centers. It also limits the legal liability of child care center operators. Unlike the ABC bill, which targets lower income workers, the Hatch proposal has no income test. Johnson and Hatch plan to introduce a "fine-tuned" version of their proposal Feb. 22.

The Hatch bill deals with more traditional conservative concerns. "The differences between the two bills are pretty stark," Hatch said. "They [backers of the ABC bill] just seem to throw money at it from the top. They will create a huge social spending bureaucracy."

Hatch said, "there's a natural fear by conservatives that this is another big federal program injecting itself into family life."

Dodd rejects the Hatch approach as far as giving tax credits to business is concerned. "My bill is low income, that's where the real problem is. I'll be damned if it should go to people who can afford it already. There's a fundamental difference in the constituencies we're aiming at here," Dodd said.

Despite this tough rhetoric, there already were signs that both sides might be willing to compromise on a child care bill.

A Senate Labor Committee aide said that because of the slim Democratic majority in the Senate there could be no bill unless it accommodates Hatch. "The Hatch bill is a very interesting bill. He put a lot of thought into it," she said.

Hatch agrees there can be no bill without his approval. "There's no way child care will pass without conservative support," he said. "We will have to compromise on this and create a consensus. I intend to do that."

Another key to any eventual compromise will be the absence of any mandated government program.

Neither bill moves in that direction. Currently there is a variety of federal programs that for years have made child care part of an array of options authorized, but not required. The McLaughlin task force at the Department of Labor has identified dozens of programs ranging from the Job Corps to Aid For Dependant Children that authorize some form of child care.

In addition to the exposure the issue is getting from many of the presidential candidates, organizations such as the Great American Family Tour are trying to generate grass roots pressure in key cities before the March 8 Super Tuesday primary elections. "The road to the White House has to go through family policy issues," said Kathy Bonk, spokeswoman for the tour.

The Family Tour is an effort by Rep. Patricia Schroeder (D-Colo.), Harvard University pediatrician T. Berry Brazelton and Gary Goldberg, producer of the television series "Family Ties" to push family issues during the presidential campaign through speeches, rallies and meetings with local and state officials.

Similarly, The Coalition of Labor Union Women, an AFL-CIO affiliate, will hold a rally on May 14 in Washington to push family policy and legislation.

The expectation of many in Congress and among advocacy groups is that business will play a growing role in meeting day care needs.

Currently, according to estimates by the Conference Board, a business research organization, only about 3,000 companies offer child care options to employees either through centers or through the administration of a federal tax subsidy program. Parents now can deduct a portion of their annual child care expenses. In addition, where a company has establishd a flexible benefits plan, employees can shelter some of their income for child care expenses.

"The private sector isn't responding creatively at all to a work force of parents instead of a work force of men and a few mothers who occasionally have problems," said Rep. Johnson.

Although business is against any kind of mandated benefits, such as proposed legislation for family and medical leave, its attitude is beginning to change toward accommodating employees with family needs, some analysts say. "I'm sensing that work and family concerns are becoming much more mainstream throughout the corporate culture," said Dana B. Friedman, senior research associate for the Conference Board. About 120 companies are expected to attend a Conference Board briefing this week on what the role of the corporation should be in the debate over child care.

A relatively small number of companies already are providing child care.

The answers on the child care dilemma are not easy for either government or business because almost every work site brings with it a different set of circumstances and solutions.

"It's still a female issue," said Oliver Mann, who operates a day care facility for the Campbell Soup Co. "Poor women always had the child problem. Until middle-class women got into the work place, this was never an issue. It's an equal opportunity issue."

OPINIONS ON CHILD CARE

[In percent]

	Total	Men	Women
Q. Is it your impression that there are enough child-care facilities in this country to provide for current needs, or that there are not enough child-care facilities? [1]			
Enough	26		
Not enough	53		
No answer	21		
Q. The government should develop policies to help make child-care services more available and affordable for these people. [1]			
Agree	71		
Disagree	23		
No answer	6		
Q. Should government do more to provide day care?			
Yes	54	51	56
No	43	48	39
Q. Should business provide day care? [2]			
Yes	51	46	56
No	39	46	34

[1] Washington Post/ABC News Poll, January 1987.

[2] Time Magazine, June 1987.

Source: American Federation of State, County and Municipal Employees.

TRIBUTE TO M. GAULT BEESON, JR.

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. TALLON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from my district, M. Gault Beeson, Jr. "Bunny" as he is called is a dedicated and committed steward of our land and wildlife.

Bunny Beeson is founder and president of Wildlife Action, Inc. In 1977, Bunny Beeson was on a hunting trip with friends along the Little Pee Dee River, they were concerned about the diminishing number of ducks in South Carolina. They talked about the responsibility of each individual to take care of the environment, its wildlife and our nature resources; they decided to form Wildlife Action.

Since its beginning, Wildlife Action has grown from a small group of concerned sportsmen into a diverse group of men and women who share a mutual concern for preserving the natural habitat of wildlife and protecting the environment. In 1986, Beeson decided to sell his sporting goods business and go to work full time for Wildlife Action as a volunteer.

Beeson's enthusiasm and concern are infectious, he has convinced countless others to join Wildlife Action and support the organization's five point law of preservation, conservation, education, sportsmanship and fellowship. I am especially interested in Wildlife Action's ongoing project to protect the Little Pee Dee River and have it be a part of South Carolina's Scenic Rivers Program.

Beeson's involvement in civic affairs is not new, nor is it limited to wildlife action. As a youth, he earned the Eagle Scout award and received the God and Country Award. He later served as a scoutmaster for 15 years. Beeson recognized the need for a sports facility in his hometown of Mullins and organized a group of citizens that ultimately planned and built the Mullins Recreational Complex.

He served for 8 years as chairman of the Marion County Fish and Game Commission, and he was a member of the Governor's Subcommittee for the Land Procurement and Utilization Committee and served as the S.C. Wildlife and Marine Resource Department's panel for the Habitat Enhancement and Land Protection Act of 1986. He was also a member of the advisory board for the S.C. Wildlife and Marine Resource Department's "Project Wild" Program.

He was recognized by the Marion County Chapter of Wildlife Action as member of the year for 1984 and he received the Preservation Award in 1986 for spearheading a project to preserve acreage for a wildlife refuge in the county.

Beeson was also the recipient of the S.C. Governor's "Take Pride in America" Award in 1986 for his efforts to preserve acreage for a wildlife refuge in Marion County.

Mr. Speaker, we are very fortunate to have Bunny Beeson in South Carolina and the Sixth Congressional District. I applaud his efforts to preserve our land and wildlife for future generations to enjoy. We are grateful to Bunny Beeson and Wildlife Action for their unselfish and tireless work.

WE NEED TO RENEW OUR COMMITMENT TO THE HOMELESS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. LELAND. Mr. Speaker, we all know homelessness has not disappeared from our streets. The U.S. Conference of Mayors report, "The Continuing Growth of Hunger, Homelessness and Poverty in American Cities", revealed that the average demand for emergency shelter among the cities surveyed, grew 21 percent in 1987; and, that families with children are the fastest growing population among the homeless. Last year the waiting list for public housing reached 1 million and it is estimated that 12 million poor families are in need of help to pay their rent bills.

Over the past 2 years, we have made a conscious effort to aid homeless individuals. The provisions enacted by the omnibus drug bill and the Stewart B. McKinney Act addressed the immediate short-term needs of the homeless. In addition, last December the first housing bill since 1980 successfully passed both Houses of Congress. Unfortunately, the bill did not make up for the 71 percent cut in federally subsidized housing which has occurred over the past 8 years. There is a great need for us to reaffirm our commitment to help the homeless. Present action concerning this issue, however, must focus on providing permanent long-term assistance.

The Affordable Permanent Housing for the Homeless Act of 1988, which I and several of our colleagues are introducing today, would provide decent low-income housing for homeless individuals, families, and handicapped persons within 6 months to a year of the date of its enactment. In addition, the bill helps prevent homelessness by securing housing for individuals and families in imminent danger of losing their homes.

I urge you to lend your compassion and support to this piece of legislation which are vital to the survival of the Nation's neediest poor.

H.R. 2024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Permanent Housing for the Homeless Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) homelessness in the United States has reached alarming proportions and has become a national emergency;

(2) not since the Great Depression has homelessness in the United States reached the epidemic proportions that it has reached among major segments of the population;

(3) the homeless population of the United States is estimated to be 3,000,000, and, by all accounts, the number is increasing;

(4) in 1984, the Department of Housing and Urban Development estimated that the average annual increase in the homeless population is 10 percent;

(5) in 1985 and 1986, the United States Conference of Mayors conducted surveys that revealed that the homeless population increases annually by 20 to 25 percent;

(6) the homeless population includes growing numbers of families, single men and women, children, and teenagers;

(7) a significant majority of the homeless are mentally disabled and require specialized facilities and housing;

(8) the dimensions of the homelessness crisis have grown, both in numbers and in scope, beyond the capacity of State and local governments to handle it without Federal participation;

(9) it is in the national interest for the Federal Government to strengthen existing programs and to create new Federal, State, and local cooperative programs to meet the housing needs of the homeless population and to enact measures specifically designed to prevent additional homelessness; and

(10) housing assistance to the homeless should—

(A) seek to provide lasting solutions to the problem of the diminishing number of available affordable housing in the United States; and

(B) make the provision of permanent housing to the homeless a priority.

(b) Purpose. —The purpose of this Act is to alleviate homelessness by expanding and preserving the permanent supply of affordable and decent housing.

SEC. 3. HOUSING ASSISTANCE FOR THE HOMELESS.

(a) In General. —The Secretary of Housing and Urban Development shall, to the extent of amounts provided in appropriation Acts, provide financial assistance under the provisions of and amendments made by this Act to expand and maintain the permanent supply of affordable and decent housing.

(b) Eligible Beneficiaries.—All amounts made available under the provisions of and amendments made by this Act shall be used for the benefit of individuals and families who are homeless or are in imminent danger of becoming homeless.

SEC. 4. ADDITIONAL SECTION 8 AND PUBLIC HOUSING ASSISTANCE.

Section 5(c) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(8) Additional assistance for the homeless.—To provide affordable and decent housing for individuals and families who are homeless or are in imminent danger of becoming homeless, the budget authority available under this subsection is authorized to be increased on or after October 1, 1987, as follows:

"(A) Section 8 certificates.—For assistance pursuant to 5-year contracts under section 8(b)(1), by not more than $707,375,000, which amount shall be used as follows:

"(i) Families in rental rehabilitation units.—$565,900,000 shall be for project-based assistance for very low-income families residing in structures assisted under section 17(c). Section 213(d) of the Housing and Community Development Act of 1974 shall not apply to the allocation of assistance under this clause.

"(ii) Families in imminent danger of becoming homeless.—$141,475,000 shall be for assistance for very low-income families in imminent danger of becoming homeless.

"(B) Section 8 moderate rehabilitation.—For assistance pursuant to 10-year contracts under section 8(e)(2), by not more than $480,000,000. Assistance under this subparagraph shall be used in accordance with section 441 of the Stewart B. McKinney Homeless Assistance Act, except that not less than 33 percent of the assistance shall be used to assist handicapped homeless persons.

"(C) Public housing acquisition.—

"(i) In general.—For public housing grants under subsection (a)(2) for the acquisition of additional public housing dwelling units, by not more than $300,000,000.

"(ii) Preference.—In making grants under this subparagraph, the Secretary shall give preference to public housing agencies proposing to acquire properties that—

"(I) are covered by a mortgage or loan insured under the National Housing Act or guaranteed under chapter 37 of title 38, United States Code; and

"(II) are the subject of a foreclosure proceeding.

"(iii) Allocation.—Section 213(d) of the Housing and Community Development Act of 1974 shall not apply to the allocation of assistance under this subparagraph.

"(iv) Recapture.—The Secretary shall recapture, and reallocate to other public housing agencies under this subparagraph, any assistance provided to a public housing agency under this subparagraph that is not used to acquire public housing dwelling units before the expiration of the 12-month period beginning on the date the assistance is provided. The Secretary may extend the 12-month period if the Secretary determines that the reason for the delay in the use of assistance is not within the control of the public housing agency.".

SEC. 5. RENTAL REHABILITATION GRANTS.

Section 17(a) of the United States Housing Act of 1937 is amended by adding at the end the following new paragraph:

"(4) Rental Rehabilitation Grants to Prevent Homelessness.—In addition to the amounts authorized in paragraph (4), there is authorized to be appropriated for rental rehabilitation under this section $140,000,000 for fiscal year 1988. Amounts provided under this paragraph shall be available only for grants to rehabilitate vacant units to provide housing for homeless families and individuals and families and individuals in transitional housing (as defined in section 422(12)(A) of the Stewart B. McKinney Homeless Assistance Act). The owner of each assisted structure under this paragraph shall agree to give priority to the assisted units to homeless families with children and to maintain the assisted units as housing available and affordable for very low-income families for not less than 10 years.".

SEC. 6. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit an annual report to the Congress. The report shall include—

(1) a comprehensive and detailed description of the activities carried out and accomplishments achieved under the provisions of and amendments made by this Act;

(2) an assessment of the extent and nature of the lack of affordable housing for homeless families with children;

(3) an assessment of the level of Federal assistance needed to fully meet the housing needs of homeless families; and

(4) any recommendations of the Secretary.

SEC. 7. DEFINITIONS.

For purposes of the provisions of and amendments made by this Act:

(1) Handicapped.—The term "handicapped" means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

(2) Homeless.—

(A) In general.—The term "homeless" or "homeless individual" includes—

(i) an individual or family who lacks a fixed, regular, or adequate nighttime residence;

(ii) an individual or family who has a primary nighttime residence that is—

(I) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(II) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(III) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and

(iii) an individual or family who is sharing the primary nighttime residence of another individual or family (other than under a shared housing arrangement approved by the Secretary), and whose presence in the residence results in a failure of the residence to comply with space or occupancy standards established by the Secretary for the residence or for dwellings of similar size and design.

(B) Exception.—The term "homelessness" or "homeless individual" does not include any individual imprisoned or otherwise detailed pursuant to an Act of Congress or a State law.

(3) Imminent danger of becoming homeless.—The term "imminent danger of becoming homeless" means subject to a notice of eviction.

(4) Secretary.—The term "Secretary" means the Secretary of Housing and Urban Development.

(5) Very low-income families.—The term "very low-income families" means families (including families consisting of a single person) whose incomes do not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families.

SEC. 8. FUNDING AVAILABILITY.

(a) Calculation.—The amounts authorized in the provisions of and amendments made by this Act shall be in addition to any amount authorized or appropriated for the programs involved before the date of the enactment of this Act.

(b) Availability Until Expended.—Any amount appropriated under an authorization in the provisions of and amendments made by this Act shall remain available until expended.

SEC. 9. REGULATIONS.

Not later than 60 days after the date of the enactment of this Act, the Secretary shall issue any regulations that are necessary to carry out the provisions of and amendments made by this Act and reserve funds under such provisions and amendments.

SOCIAL SECURITY ELIGIBILITY RECONCILIATION VERIFICATION AND INDEPENDENT STATUS ACT OF 1988

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. GEPHARDT. Mr. Speaker, today I join with Claude Pepper in introducing the Social Security Eligibility Reconciliation Verification and Independent Status [SERVIS] Act of 1988. This legislation will provide the Social Security system with some new direction and effective management that will ensure its viability.

As we all know, it is extremely difficult for the elderly to get by on the fixed incomes provided by their Social Security benefits. Since the system was first introduced to Americans, it has been the only means of support for many after retirement. It has undergone many changes through the years and has been criticized by some because of the way it has been managed.

Recently, the General Accounting Office reported that management problems in the Social Security system has resulted in over $58 billion in unallocated benefits to collect in the Social Security trust fund for which SSA is unable to immediately track the respective beneficiaries. These accumulated funds belong to people who have paid Social Security taxes on their earnings throughout their working lives and who have not been accurately credited for the benefits for which they are eligible.

Undercrediting workers' earnings means reduction in their benefits later on. Affected beneficiaries who have had their earnings undercredited face the loss of an average $17 per month in benefits for which they are entitled. Some beneficiaries may be due as much as $4,500 in retroactive payments.

The Social Security Administration is not even fully aware of how this problem has come about. SSA conjectures that most of the error is due to employer accounting errors in calculating employee earnings, or entering improper employee identification numbers, or failure of employers to submit any earnings figures at all for their employees' Social Security credit. The problem is due, in part, to the fact that SSA's reporting periods following an annual basis while IRS's reporting schedule follows a quarterly schedule.

Since IRS receives the most complete employee earnings record, SSA should be working with that agency to make sure that their earnings estimates are consistent with IRS. This is not taking place. It has even been determined that some SSA earnings reports had been sent to IRS by mistake, set aside and forgotten, and were not detected for over a year.

Although some efforts have been made to get at this problem by SSA, little progress has been made. A General Accounting Office report, "More Must Be Done to Credit Earnings to Individuals' Accounts," indicates that the problem is not going to go away unless there is some direction provided. This bill that we are introducing today seeks to do just that.

Most people are unaware that they may be eligible for more monthly benefits than they are receiving. SERVIS will launch a public education campaign to make workers and beneficiaries aware of the earnings crediting problem. It will also help to clear up the backlog of cases in SSA regarding crediting reconciliation. And it will set up a coordinated system between SSA and IRS to avoid future crediting problems.

The second part of this legislation would enable any Member of Congress to raise a point of order against any bill which comes before the House or Senate which would reduce Social Security benefits. Social Security is a system built on confidence. It is a contract between the people and their Government. Political tinkering with the system only leads to a loss of faith in its viability for its participants. Neither the President nor Congress can arbitrarily reduce benefits in the name of deficit reduction and keep Social Security strong at the same time. We want to safeguard the system from the everchanging political tides which, from time to time, see Social Security as a target for deficit reduction. We will do this by making it more difficult for the Congress to reduce benefits.

And last, we are reiterating a position which we have taken in the past two Congresses that the Social Security Administration needs to be an independent agency. SSA, which is a giant agency on its own, should be taken out of the Department of Health and Human Services and given more power over its budgetary priorities. Much study has been given to this proposal since it was first formally brought before the Congress with the Social Security Amendments of 1983. It has since drawn widespread bipartisan support.

I hope all our colleagues can join us in supporting this legislation. We owe it to our constituents to return to them the full benefits they have earned over a lifetime of contributions to the Social Security system. We want the system to work for everyone.

TRIBUTE TO THE LATE JOHN JETER HURT, JR.

HON. LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. THOMAS of Georgia. Mr. Speaker, I would like to spend a few moments today paying tribute to a man whose life had a profound affect on those around him—his family, his many friends, those he worked with, and his fellow members of the Southern Baptist Church.

The man I am speaking of is John Jeter Hurt, Jr. who passed away on February 17, 1988. While Mr. Hurt was never a resident of the First Congressional District and I was only fortunate enough to meet him on just a few occasions, I felt a marked loss with his passing and I know that a great many others also felt a similar loss. His many contributions to his community and his church and his deep commitment to his family and friends is the legacy that he leaves with us to remember him by in the years to come.

Mr. Hurt was born in Conway, AR, the eldest of five children. He graduated from Union University in Jackson, TN, and went on to serve as a reporter and editor for the Associated Press in Nashville, Chattanooga, Memphis, New York, and Atlanta.

Mr. Hurt then moved on to the staff of the Christian Index, the State newspaper of Southern Baptists in Georgia, where he edited the paper from 1947 to 1966. He made immediate changes upon arriving at the paper, cutting out sermons, reporting news, and appealing to "the person in the pew." During his tenure, circulation at the paper increased more than threefold and over the years, other State papers have followed his lead in reorganizing. Later, Mr. Hurt served as editor for the Baptist Standard, the newspaper of Texas Baptists, until retiring in 1977. While at the Standard, he continued his commitment to strong journalism—short, pithy, and to the point.

In addition to his work with the newspapers, Mr. Hurt was a former president of the Southern Baptist Press Association, a former trustee of the Southern Baptist Theological Seminary and Americans United for Separation of Church and State, and a deacon at Wilshire Baptist Church in Dallas, TX.

More important than Mr. Hurt's long list of important accomplishments and titles is the commitment and dedication that he had for the values and issues that were important to himself, his family and his church. He was willing to stand for the unpopular—challenging what he believed to be wrong and commending what he believed was right. He was not timid in expressing his opinions, whether it be to urge better race relations or voice support for foreign missions or to call for the separation of church and State.

Another passion was his quest for the truth. Mr. Hurt believed in openness for covering stories and was a strong contender for editorial freedom. He demanded efficiency from his staff and would not tolerate anything that was not open and above board. This loyalty and integrity in his professional career carried through in his personal life as well.

He was often referred to as the crusty crusader, a man who demanded the highest of standards and would accept nothing less, but who had a soft spot inside for those in need and a heart that would reach out to anyone. This is a man who had the respect of his colleagues and the love of the family and friends around him.

In closing, I would like to note that Mr. Hurt is the father of my administrative assistant, Bob Hurt. Bob upholds the fine Hurt tradition of integrity, honesty, and diligence, and the First Congressional District of Georgia is indeed fortunate to have had the service of Bob these past 15 years—10 years with my predecessor, the Honorable Bo Ginn, and with my office for the past 5 years. I know that Bob's family is feeling a great loss right now, but the memories and the accomplishments of John Jeter Hurt, Jr. will stand in time as a tribute to him and help to ease the pain of this loss. My heartfelt sympathies are extended to Bob and his mother, Mrs. Doris Oglesby Hurt, and the rest of the family. While the loss is great, those memories that linger behind are sweet and will help sustain us.

KILDEE HONORS KENNETH J. SMITHEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. KILDEE. Mr. Speaker, I rise today to honor a person who has dedicated much of his life to improve the quality of life for the people of Michigan, Mr. Kenneth J. Smithee. For the past 21 years, Mr. Smithee has served as the director of the Genesee County Parks and Recreation Commission. In this capacity, Mr. Smithee has worked diligently to preserve and expand the public park system in our community. As a result of his efforts, the citizens of Michigan can better enjoy the natural resources our State has to offer.

Mr. Smithee is widely recognized as an expert in park management and administration. Throughout his career, he has been very active in a number of professional organizations where he has shared his experiences with his colleagues so they can improve their community parks and recreation areas. Mr. Smithee has also spent many years in the classroom where he taught park administration courses at Central Michigan University and Michigan State University. In recent years, he has served as the president of the American Academy for Park Administration, and as president of the board of trustees of the National Recreation and Park Association. Mr. Smithee has also received numerous awards from State and national organizations, including the National Association of County Parks and Recreation Officials, and the Michigan Recreation and Park Association.

It is with great reluctance that we bid farewill to Ken Smithee. However, we in Genesee County consider ourselves extremely fortunate to have benefited from the services of such a highly qualified, and deeply committed individual like Ken Smithee. I take comfort in knowing that Mr. Smithee will continue to share his wealth of knowledge and experience with future park managers when he resumes his teaching career at Arizona State University.

Mr. Speaker, the citizens of Genesee County, and indeed the State of Michigan, are extremely grateful to Mr. Smithee for all he has done to preserve and improve the quality of life for our children, and our children's children. As Mr. Smithee embarks on a new facet of his life, I want to congratulate him on a job well done, and wish him and his family well in their future in Arizona.

WESTHEAD'S LOYOLA SCORES LIKE LAKERS, SOARS ABOVE USC, UCLA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate one of the finest college basketball teams in the Nation this season, the Loyola Marymount Lions. The Lions are currently ranked No. 20 nationally by both the UPI and the AP polls and are defending a 17-game winning streak.

I am especially proud of the Lions because Loyola Marymount University is my alma mater. California is home to a number of the most respected teams in college basketball. In the past Loyola Marymount's athletic achievements have often been overshadowed by the achievements of these larger California schools. But this season Loyola Marymount's 20 and 3 record is the envy of every college basketball team in the State.

Mr. Speaker, I would like to commend Coach Paul Westhead and his Lions for their fast-paced successes on the basketball courts this season. They are helping to bring to Loyola Marymount the attention and recognition that the university has deserved for so long. In honor of their achievements, I ask that an article about the team that appeared recently in the Washington Post be reprinted here in the RECORD.

The text of the article follows:

[From the Washington Post, Feb. 17, 1988]

WESTHEAD'S LOYOLA SCORES LIKE LAKERS, SOARS ABOVE USC, UCLA

(By Matt Lait)

LOS ANGELES.—Life at little Loyola Marymount University, perched on a hillside overlooking the lazy harbor of Marina Del Rey, proceeds with the tanned, relaxed nonchalance of other California campuses, until a visitor looks inside Albert Gersten Pavilion and encounters a scene of electric mayhem.

At a school of only 3,500 students, Paul Westhead, who once coached the Los Angeles Lakers to an NBA championship, has fashioned a basketball team averaging more than 108 points a game and signaling a rise in the West of small powers in the ruins of the larger Pacific-10 basketball schools.

Not long ago, the only people who showed up for a Loyola game were parents, girlfriends and the opponent's fans. But, lately, with the Lions leading the nation in points per game, basketball enthusiasts from around the city have waited in ticket lines hoping for a chance to see the team perform its blitz of fast breaks and slam dunks as it defends a 17-game winning streak. At 20-3, Loyola Marymount is one of the few Division I teams already to have 20 victories—and, for the first time ever, has made the wire service ratings, at No. 20 in both AP and UPI polls.

Under Westhead, the program has attracted national attention for its quick-paced, high-scoring style. It is the only style Westhead, a native of Philadelphia, will coach.

It is what made two former Philadelphian starters at the University of Southern California, Bo Kimble and Hank Gathers, defect to Loyola.

"This is the kind of game I grew up on," Kimble said. "It's like a playground game. To me, it's the only way to play the game."

The two freshmen from Southern Cal looked for another home court after a dispute with incoming USC Coach George Raveling, putting their scholarships in jeopardy. The refugees from USC were soon joined by another Pac-10 starter, Corey Gaines from UCLA.

Faced with talented recruits who threatened to cut into his playing time, Gaines decided to transfer to a school where he could play out his senior year in a program that fit his running style, even if it meant sitting out a year and paying the private school tuition.

"Everybody can see that this is not as big a name school [as UCLA] but nowadays the small schools are doing well because the players are starting to see that it's not where you go but what you do where you go that counts," Gaines said.

"If Coach Westhead was here at the time I came out [of high school] I probably would have gone here, knowing what I know now."

With these three transfers in the starting lineup, Loyola has not lost.

Meanwhile, as this athletically unheralded school basks in Los Angeles' center court, UCLA and USC, the city's larger, more dominant schools, are having dismal seasons, leading many people to say the West Coast is a barren basketball wasteland.

"Unfortunately, the national image of basketball here is poor because two or three of the big hitters are down, but there's a whole bunch of us who are doing real well like [UC] Santa Barbara, [UC] Irvine, and in the past Fresno State. California is a big state," Westhead said.

"I think it speaks not of the weakness of the bigger schools but of strength and power of basketball on the West Coast," he said.

So far, in the West Coast Athletic Conference, Loyola has been unbeatable. The Lions press almost every inbounds play and take defensive chances by overplaying for a steal. On offense they quickly pass the ball upcourt and try to shoot within the first six or seven seconds of a possession.

In the normally moderate-scoring conference, with coaches known for emphasis on defense, Loyola has allowed opponents to score 92 points a game and shoot 52 percent. But the tiring pace eventually wears the opponent down and Loyola has been winning by an average margin of 16.5 points a game.

"We try to get steals, so of course we take gambles and risks on defense and they get a few easy buckets, but they pay for it in the long run by staying with our pace," Gaines said.

Asked how his team would fare against the nationally higher-rated teams, Westhead said, "We'd score in the hundreds and they'd be tired. Whether we would win or not, who knows? But those two things are guaranteed."

In his third year at Loyola, Westhead finds the lure of coaching in the NBA not as important as it once was. "Happiness is when your scheme is working and the players have bought into it," he said.

"Coaches are in it for the thrill of the game . . . so whether you're sitting at the beach because you're an NBA coach waiting for the next game or you're in a high school gym recruiting before the next game, that become irrelevant.

"This team has good quality and excellent commitment to the scheme. They really believe that this running system is invincible," he said.

Indeed, the players and students of Loyola Marymount walk around campus with the proud conviction that "the system' is unbeatable.

"I definitely think we are one of the best teams of the West Coast, if not in the nation," Gathers said. "I think we can run with anybody."

Westhead realizes he has critics who, despite his current success, say his system is too one-dimensional because it does not prepare the team for other game situations. He agrees.

"It's true, it only works if you buy the whole system," he said. "Without buying in like that, it becomes very mediocre." But as long as his players buy it, he's sold that it's the best system around.

"I decided," Westhead said, "not to follow the advice of Ben Franklin, another Philadelphian, who said, 'Don't put all thy eggs in one basket.' Instead, I'm following the advice of Mark Twain, who said, 'Put all your eggs in one basket and watch that basket.' "

H.R. 4033—MEDICAID WORKING POOR FAMILY AMENDMENTS OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WAXMAN. Mr. Speaker, today I am introducing the Medicaid Working Poor Family Amendments of 1988, H.R. 4033. I am joined in sponsoring this bill by Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. LELAND, Ms. COLLINS, and Mr. DOWDY of the Subcommittee on Health and the Environment; by Chairman DOWNEY, Mr. FORD, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, and Mr. DONNELLY of the Public Assistance Subcommittee of the Committee on Ways and Means; and by Representative MILLER, chairman of the Select Committee on Children, Youth, and Families.

This legislation would provide Medicaid and other health care coverage to working poor families for 24 months after they leave welfare. The purpose is twofold: (1) to reduce the number of poor mothers and children who have no public or private health insurance coverage; and (2) to assist low-income families in making the transition from welfare dependency to economic self-sufficiency by assuring mothers that they and their children will have health care coverage even if they take a low-wage job that does not offer health benefits. According to the Congressional Budget Office, about 475,000 families, including about 950,000 children, would receive coverage under this bill.

Except for a new effective date, this bill is identical to the legislation twice approved by the Energy and Commerce Committee last July, first as an amendment to the Family Welfare Reform Act, H.R. 1720, and again last August as an element of the budget reconciliation legislation. This legislation was not included in the text of the welfare reform bill, H.R. 1720, approved by the House on December 17; instead, it was among the provisions in the budget reconciliation bill passed by the House on October 29. Unfortunately, due to an Administration veto threat, the provision was dropped from the final conference agreement on the budget reconciliation act, Public Law 100-203. Although funds for this purpose were assumed in the fiscal year 1988 budget resolution, we are now into a new budget cycle, and reintroduction of this bill is in order.

Under current law, families receiving cash assistance under the Aid to Families with Dependent Children [AFDC] Program are automatically eligible for Medicaid. If the mother works and her income exceeds the payment standard established by the State, she loses her AFDC eligibility. Generally, she and her childen are entitled to an additional 4 months of Medicaid coverage, although in some limited circumstances the family may qualify for a minimum of 9 months of coverage.

Obviously, current policy creates a very strong disincentive for welfare recipients to work. If a mother knows that her children will need medical care and that her employer does not offer health insurance coverage, she will think long and hard before taking a low-paying job that will knock her off AFDC and, after 4 months, Medicaid. CBO gives the example of a mother with one child whose countable income is $4200, and who lives in a State with an AFDC payment level of $4800. If this mother works longer hours and increases her income by $50 per month, she will eventually lose $50 per month in cash assistance, plus her Medicaid benefits worth $150 per month. Thus, a $50 increase in earnings has cost this family $200, an implicit "tax rate" of 400 percent.

There is no justification for forcing women to choose between taking a job and having health care coverage for their children. Many of the families leaving AFDC go to work in minimum wage or near-minimum wage jobs that do not offer health insurance coverage. After four months, these women—and their children—are stranded. Even if they could afford to buy health coverage, their employer doesn't offer it. The only way they can be assured of health coverage is to quit, reapply for AFDC, and, by receiving cash assistance, qualify for Medicaid again.

Current law also jeopardizes the health of working poor mothers and their children by leaving them uninsured. The new Office of Technology Assessment report "Healthy Children: Investing in the Future," documents the importance of Medicaid and other health insurance coverage in enabling poor children to get access to the basic medical care they need to stay healthy. According to the Children's Defense Fund, between 1982 and 1985, the number of uninsured children grew by 16 percent, from 9.6 million to more than 11 million. Two-thirds of these children live in working families. A small but significant segment of these families were at one point on AFDC but lost their Medicaid benefits shortly after taking a low-paying job without health coverage. It is this portion of the uninsured population that this bill targets.

I would stress that this bill will work whether or not the Aid to Families with Dependent Children [AFDC] Program is modified by pending welfare reform legislation. Obviously, transitional Medicaid coverage is an essential element to any welfare reform strategy to make families economically self-sufficient. However, families are now leaving AFDC to work at low-paying jobs, and many of them do not get health insurance coverage to replace their Medicaid benefits. We can't allow this disinsurance of low-income families to continue.

It is also worth emphasizing that, under this bill, continuation Medicaid coverage is available only as long as the mother or other caretaker continues to work and report earnings. Unless she is laid off or sick, she will have to continue to report earnings, or the coverage will lapse. This obviously creates a strong incentive for families to remain economically self-sufficient.

According to the preliminary CBO estimates, the cost of extending health coverage to 475,000 working poor families under this bill will be $40 million in Federal Medicaid outlays in fiscal year 1989, $175 million in fiscal year 1990, and $240 million in fiscal year 1991. This investment is among the most effective that the Federal Government can make. It will encourage economic self-sufficiency and reduce medical poverty among working poor families. I urge my colleagues to support this bill.

SUMMARY OF MEDICAID WORKING POOR FAMILY AMENDMENTS OF 1988

The bill has two basic elements. It would require States to extend, for 24 months, Medicaid or alternate health care coverage to families who lose cash assistance under the Aid to Families with Dependent Children [AFDC]—Program due to earnings and who continue to work. States would also be required to extend, for 6 months, Medicaid coverage to families who lose AFDC benefits due to collection of child or spousal support. The bill would be effective with respect to individuals losing AFDC due to earnings or child or spousal support on or after October 1, 1988 (in the case of Texas, with a 2-year appropriations cycle, October 1, 1989). The mechanics of the 24-month coverage for families who lose AFDC due to earnings are as follows.

Initial 6-month Extension.—During the first 6 months after losing cash assistance because of earnings, families would have to be offered the same Medicaid benefits to which they were entitled while receiving cash assistance. States could not impose premiums. This coverage would terminate if the family no longer had a dependent child, or if an individual was terminated from cash assistance due to fraud. If the family earner worked for an employer that offered health insurance coverage, States could, at their option, pay the family's expenses for premiums, deductibles, and other cost-sharing to enroll them in the employer's plan; the State would then pay, through Medicaid, the cost of services that the employer plan does not cover.

Subsequent 18-month Continuation.—During the subsequent 18-month continuation period, families who received coverage during the initial 6-month extension, and who continue to work and have earnings, would have to be offered continuation coverage. At a minimum, States would have to offer these families Medicaid coverage, although they could delete nursing home and other long-term care services and limit the Medicaid benefit package to acute care services. In addition, States could, at their option, offer these families the choice between basic Medicaid coverage and one or more alternative types of coverage. Finally, States could, at their option, require payment of a monthly premium for such coverage.

States would have the option of offering as many as four different types of alternative coverage in addition to the basic Medicaid benefit package. These coverage alternatives are: First, enrollment in the family's employer's plan; second, enrollment in the State's employee's group health plan; third, enrollment in any basic health care plan a State has established for uninsured individuals generally; or fourth, enrollment in a Health Maintenance Organization that does not otherwise contract with Medicaid. The State would pay any premium required for such alternate coverage; the family would be responsible for all deductibles and copayments, except for maternity care services or ambulatory pediatric care for young children. If a State chose to impose an income-related premium on the family during this period, it could vary the amount of the premium by coverage alternative. One month each year, States would have to offer families the choice of enrolling in another coverage option.

The income-related premium which a State could impose during this period could not exceed 10 percent of the amount by which the family's gross monthly earnings (less child care costs) exceed the amount an individual would earn by working full-time at a minimum wage job ($581 per month). Premiums would be collected monthly; premium amounts would be adjusted based on quarterly earnings reports.

During this 18-month period, coverage would be terminated for any of the following reasons: First, the family no longer has a dependent child; second, the family fails to pay any required monthly premium; third, the family fails to report earnings in a month and the family earner has not been laid off or ill; fourth, the family's gross monthly income (less child care) exceeds 185 percent of the Federal poverty guidelines ($1,433 per month for a mother and two children) or fifth, the family earner has terminated from cash assistance for fraud or was subject to sanction. In the case of reporting failures, States would have the option to reinstate coverage if a family reports late.

TRAGIC SITUATION IN THE MIDDLE EAST

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Ms. KAPTUR. Mr. Speaker, the recent rioting and unrest in the Israeli-occupied territories of the West Bank and Gaza has prompted a worldwide sense of urgency for an alternative to the violence which has seized Palestinians and Israelis alike these past several weeks. Palestinian aspirations for human rights are passionate and understandable. Democratic freedoms must ultimately be theirs. Yet we also know that this occupation is a product of a war directed at the destruction of Israel. The State of Israel has the right to exist as well. Yet rioting and violent demonstrations that have claimed the lives of so many, and left so many others seriously wounded, have yielded no permanent solution to this tragic situation.

As a nation, the United States must act in its foreign policy in a way that honors our long-held democratic principles—that is, all people have a right to own property, to be safe in their homes, to raise families without fear, to practice full citizenship with the right to vote and to express their opinions freely, and to have their human rights upheld by the laws and courts of the Nation. If you read the U.S. Constitution and our Bill of Rights, it is to these principles that the United States is devoted at home. We must also practice them abroad in the exercise of our foreign policy.

I represent a district in which Jews, Christians, and Muslims live together. All are equally appalled by the violence and unrest afflicting the peoples of the West Bank and Gaza Strip. They realize only too well that there are no victors when peaceful negotiations give way to violent demonstrations and reprisals. Recently, Mr. Speaker, I received letters from several teenage young men and women in my district addressed to President Reagan regarding the tragic situation in the Middle East. I would like to take this opportunity to read one of them. Together, they express so eloquently the hopes and fears which are harbored by all men and women, young and old alike, committed to peace and respect for the human rights which are fundamental and inalienable to all citizens of the world.

DEAR MR. REAGAN: I am a 15 year old girl. The reason I am writing this letter is because of the situation in Palestine. I think we should be trying to stop this and compromise for a solution. Something has got to be done about this, and soon! Please, Mr. Reagan, help solve this problem before it's too late! We need your help to live a happier and safer life!

Mr. Speaker, I ask President Reagan to employ the full powers of his office in assisting the Palestinian and Israeli people to negotiate a peaceful settlement. While it must be kept in mind that any sense of expectation must be tempered by the realization that if there were an easy solution it would have been seized years ago, I urge my colleagues today, Mr. Speaker, to join me in extending our deepest encouragement to Secretary Shultz as he embarks on his important mission for peace and human rights for all people of that region.

TARGHEE NATIONAL FOREST LAND EXCHANGE ACT

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STALLINGS. Mr. Speaker, it gives me great pleasure to introduce today the Targhee National Forest Land Exchange Act. This legislation will authorize the Secretary of Agriculture to exchange certain lands in the Targhee National Forest. I am very pleased that my distinguished colleague from Wyoming [Mr. CHENEY], is a cosponsor of this important bill.

Recently, I unveiled a plan to help safeguard several areas along the South Fork of the Snake River in Idaho. At the same time, the legislation will give the Grand Targhee Resort an opportunity to acquire additional land expansion and development.

My proposal not only will protect a critical reach of the river from development and ensure its protection for the enjoyment of future generations, but it also will help the economy of many communities in the Upper Snake River Valley.

The plan calls for a major land exchange between the Targhee National Forest and the Grand Targhee Resort, which is located 9 miles east of Driggs, ID, just inside the Wyoming border. The proposal would give the Forest Service an opportunity to seek public ownership of several key parcels of private land adjacent to the Targhee National Forest.

Before I discuss the land exchange proposal and its importance to the people of Idaho, I want to emphasize to my colleagues the broad, bipartisan support this idea enjoys.

Under the proposal, the owner of the Grand Targhee Resort, Mory Bergmeyer, would attempt to purchase several tracts of private property. He then would trade these private parcels to the Forest Service for approximately 270 acres of public land at the base of ski resort.

It is important to emphasize that my legislation does not mandate public or private purchase of any piece of property. I want to make it very clear that my plan is strictly based on a willing seller/willing buyer concept.

Furthermore, it will be the responsibility of the Forest Service to identify those private properties for possible exchange. According to Forest Service officials, only critical fish and wildlife habitat will be considered for the land exchange. Negotiate the purchase price from private landowners.

And it will be up to Grand Targhee officials to negotiate the purchase price with private landowners. I do not plan to play an active role in these negotiations. My principal concern will be to help ensure that this legislation passes and is signed into law.

It also is very important to mention that this proposal was not developed in a vacuum. In putting together the plan, I personally met with local county leaders, private landowners, Grand Targhee Resort officials, the Forest Service, and others to discuss the land exchange concept.

This legislation is necessary because current law prohibits the Forest Service from exchanging lands in different States. The privately owned land is in Idaho and the Forest Service property is in Wyoming. The Targhee National Forest is located in both States.

The South Fork of the Snake River has been identified as one of the most unique and valuable ecosystems in Idaho. Acquisition of these properties will allow land management agencies to preserve fish and wildlife, scenic qualities, and public use of the canyon.

Potential recreational and residential development along the river poses a serious threat to existing resource values. Over the past year, I have heard from many Idahoans who have expressed strong support for public acquisition of certain private properties to protect this magnificent river canyon corridor.

This pristine river is truly one of Idaho's priceless natural resources. The South Fork contains some of the State's most significant wildlife habitat and prime recreational fisheries. I sincerely believe the South Fork is more valuable to Idaho, both as an economic and natural resource, in its undeveloped and natural state.

In addition to protecting the South Fork and its many resource values, economic development is a major cornerstone of my land exchange proposal. As Idaho continues its economic struggle with our natural resource industries, recreation and tourism are becoming a vital, growing part of our economy.

There is a real need to help revitalize both the Teton Basin and Upper Snake River Valley economy. I believe Grand Targhee, under its new ownership, can play a major role in this economic development. The resort also offers many Idahoans with an important employment opportunity.

Grand Targhee Resort officials have advised me they want to develop a quality, year-round destination resort for skiers and others who are looking for a family-style experience. I strongly support their efforts. And so do many other community and business leaders throughout Idaho.

The Grand Targhee Resort is vital to the economy of the Teton Basin. According to Grand Targhee officials and regional economic development specialists, the economic impact of the resort on eastern Idaho is very significant. This proposed land exchange has important economic implications for the entire region.

I also recognize the difficult challenges facing our local county officials as they struggle to find adequate resources to provide a variety of needed public services. My proposal, however, would have little impact on the county tax bases. Most of the private land is currently taxed as wasteland or farmland and generates very little revenue.

The completion of this land exchange will result in a needed economic shot-in-the-arm to the Teton Basin and Upper Snake River Valley. Development of the Grand Targhee Resort and protection of the South Fork of the Snake River could attract thousands of visitors each year to eastern Idaho and help stimulate the economy of many Idaho communities.

This land exchange proposal truly offers eastern Idaho a unique opportunity to resolve a longstanding dispute over the future of the South Fork of the Snake River. At the same time, we can take advantage of a sensible economic development plan which will benefit many Idaho communities. I sincerely believe my proposal represents the best of both worlds.

NATIONAL TRIO DAY

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BRENNAN. Mr. Speaker, February 27 will mark the third observance of "National Trio Day." Congress established this observance to bring attention to the federally supported programs which assure equal opportunity to postsecondary education for young students and adults.

Trio programs—formally called special programs for students from disadvantaged backgrounds include: Upward Bound, Talent Search, and Student Support Services Programs.

In honor of this occasion, I am pleased to express my strong support for my home State of Maine's Trio programs and their commitment to assist the disadvantaged young students and adults. Trio programs provide information to students about college, motivate them to attend college, and help them succeed in college.

Maine's Trio programs served over 3,000 students throughout the State last year. Last year, over 350 high school students were served by Upward Bound. This project targets disadvantaged, low-income students to help them gain the skills and motivation to pursue an educational program beyond high school. Currently, four Upward Bound programs operate in the State of Maine at the University of Maine at Farmington, Bowdoin College, the University of Maine at Orono, and the University of Maine at Presque Isle.

In addition, 1,100 students were served by the Talent Search Program at the University of Maine at Orono. Talent Search encourages youth with postsecondary potential to complete high school and enter college. It also assists adults who have dropped out return to the educational system.

A third program, the Student Support Services Program serves over 1,800 students at programs based on campus at the University of Maine at Augusta, Unity College, Husson College, the University of Maine at Farmington, the University of Maine at Orono, the University of Maine at Presque Isle and the University of Maine at Fort Kent. These programs give students academic support once they are enrolled at the institution. Some of the available services include: Academic counseling, tutorial services, and career Counseling.

I congratulate all of the people in Maine who are responsible for making these programs successful. These programs deserve our full support. They have proven to be extremely cost effective. The average cost per Trio participant is $125 and the overall Trio dropout rate is less than 1 percent. Students from the same background who do not have the benefit of these programs, are twice as likely to drop out of college. The college placement rate for students from Maine participating in Trio programs is 81 percent which is higher than the national average.

We must not cut these projects. If we do, I believe that it will only exacerbate the present trend of declining enrollment of poor and minority students in postsecondary education. The best avenue for a brighter future is a good education. The Trio programs greatly assist in insuring that educational opportunities are available to needy students. I urge my colleagues to join me in extending strong support for Trio programs on this third observance of National Trio Day.

STATE DEPARTMENT HUMAN RIGHTS REPORT FOCUSES ON NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BIAGGI. Mr. Speaker, as the chairman of the bipartisan 118 member ad hoc congressional committee for Irish affairs I wish to place into the RECORD the portion of the report "Country Reports on Human Rights Practices for 1987." That deals with the United Kingdom of Great Britain and Northern Ireland.

I consider the 1987 version of this report dealing with Northern Ireland to be unnecessarily tepid in its discussion of some very serious and ongoing human rights problems that exist in the six northeast counties of Ireland. What is especially of concern to me is the lack of critical editorial comments on the part of the report to some of these practices. In fact there are probably more instances of almost blind support of the British position than anything else.

One example is the section that deals with the use of plastic bullets by security forces in Northern Ireland. The report reads as follows:

> Security forces in Northern Ireland continue the controversial use of plastic rounds—PBR's or plastic bullets—for riot control. In recent years, 16 people have been killed by PBR's over half of them under 16 years of age.
>
> In 1984, the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR's the British Government contends they are less dangerous than live rounds. This view was supported in October 1984, when the European Commission on Human rights dismissed as "manifestly ill-founded" a case involving PBR's ruling that their use was "acceptable" and "less dangerous than alleged."

There is no reference made to legislation that has been introduced since 1984 in the Congress calling for a ban on the use of plastic bullets. There is no discussion about one of the individuals killed by plastic bullets, an unarmed civilian named Sean Downes who was killed in the presence of scores of visiting Americans during a rally in 1986. The question is why?

Similarly this report soft pedals one of the most controversial of all human rights issues in Northern Ireland today—the investigation as to whether the same security force—the Royal Ulster Constabulary practiced a shoot to kill policy against certain civilians in the communities of Northern Ireland. As I have reported in past statements this investigation was initially headed by a Manchester England police official, John Stalker. At about the same time as his preliminary probe was beginning to show results of culpability, he was removed from the investigation because of a later unproved allegation involving an internal matter within his own police department. Within the last month the Attorney General of Great Britain announced that there would be no further prosecutions of RUC officials with respect to this policy. This evoked an international hue and cry and just today the RUC itself announced that it would conduct its own disciplinary proceedings against certain of its officers alleged to be involved with this policy.

What is the extent of discussion in the State Department report? It is almost as much of a whitewash as the British Government's probe itself:

> A number of fatal shootings beginning in 1982 involving members of the RUC and the Army gave rise to allegations including those in Amnesty International's 1987 report that the security forces in Northern Ireland practiced a "shoot to kill" policy when dealing with suspected terrorists. Investigation of these charges resulted in a report, not yet made public by West Yorkshire Chief Constable Colin Sampson to the Director of Public Prosecution for consideration and possible judicial action. The long delay in completing action on the report has stimulated demands for an independent judicial inquiry as well as allegations of a coverup by senior police officers.

Period; end of comment. This in a report concerned with human rights?

The section goes on and on in its perfunctory treatment of human rights problems in Northern Ireland. It glosses over issues pertaining to economic discrimination—which is not only an established fact in Northern Ireland but has prompted the introduction of legislation by Mr. FISH and Senator D'AMATO calling on American firms doing business in Northern Ireland to adopt the Mac Bride principles of fair employment and nondiscrimination. Do you think this report makes even one reference to the Mac Bride principles? Of course not.

In reality, this report makes a mockery of the idea that ours is a consistent and aggressive human rights oriented foreign policy. For this policy to achieve the objectives of its founder and architect, former President Jimmy Carter, there must be consistency in our approach whether a country is a friend or foe. We cannot have selective morality in the enforcement of our human rights policy. We cannot be excusemakers for countries where violations exist. The State Department has displayed a disturbing degree of timidity in dealing with the United Kindgom and their obvious problems with respect to human rights in 1987. This type of timidity cannot and will not lead to positive change, rather an extension of the status quo.

The report follows:

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The United Kingdom (U.K.) is a constitutional monarchy, with government based on a multiparty, parliamentary democracy. As there is no written constitution, human rights are "residual," i.e., assumed unless limited by statute. Human rights traditionally have been respected and guarded by the British people and their elected governments. The U.K. is a party to the European Convention on Human Rights and has accepted the jurisdiction of the European Court of Human Rights over cases of alleged human rights violations.

The United Kingdom has a highly developed industrial economy. Persons may own property and pursue their economic interests, and the population benefits from a comprehensive social welfare program. British law bars discrimination on the basis of race, religion, sex, or political opinion.

Although the United Kingdom has a long tradition of respect for human rights, terrorist activity and sectarian violence in and related to Northern Ireland has, from time to time, put that tradition to the test. Accordingly, while public safety in Great Britain is maintained by a civilian police force, army units back up armed elements of the Royal Ulster Constabulary (RUC) in Northern Ireland.

On November 15, 1985, the British and Irish Governments concluded the Anglo-Irish Agreement. The Agreement affirms that the status of Northern Ireland will remain unchanged unless a majority in the North decide otherwise and provides for an Intergovernmental Conference in which the Irish Government can advance its views on some aspects of Northern Ireland and North/South affairs. The Agreement also envisages that the Conference will enhance cooperation between the security forces of Northern Ireland and the Irish Republic.

Although intended to safeguard the rights and identities of both communities in Northern Ireland, the Agreement has met with opposition, and paramilitary groups on both sides have continued their campaigns of violence. Reacting against the agreement, Unionist members of Parliament withdrew from the House of Commons. Other Unionists turned to strikes, boycotts, and suspension of work in local councils and the Northern Ireland Assembly. In July 1986, the Secretary of State for Northern Ireland halted all work before the end of the Assembly's session. No new elections have been scheduled. Following the 1987 parliamentary elections, Unionist politicians dropped their boycott of the House of Commons, and Unionist leaders entered into talks with government officials.

RESPECT FOR HUMAN RIGHTS

Section 1.—Respect for the integrity of the person, including freedom from:

a. Political killing

The British Government does not practice or condone killing for political motives.

The Government reported that, during the first 9 months of 1987, 63 persons were killed by terrorists in incidents related to Northern Ireland. Twenty-five were members of the security forces. In May 1987, security forces killed eight armed members of the Provisional Irish Republican Army (PIRA) who were attacking a police station in Loughgall. A civilian was accidentally killed in this battle, making a total of nine people killed by the security forces in 1987. Since 1969, 2,597 persons have died in violence related to Northern Ireland.

Security forces in Northern Ireland continue the controversial use of plastic baton rounds (PBR's or plastic bullets) for riot control. In recent years, 16 people have been killed by PBR's—over half of them under 16 years of age. Only two have been killed since 1982 and no one in 1987.

In 1984 the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR's, the British Government contends they are less dangerous than live rounds. This view was supported in October 1984 when the European Commission on Human Rights dismissed as "manifestly ill-founded" a case involving PBR's, ruling that their use was "acceptable" and "less dangerous than alleged."

A number of fatal shootings beginning in 1982 involving members of the RUC and the army gave rise to allegations including those in the Amnesty International's 1987 Report, that the security forces in Northern Ireland practiced a "shoot-to-kill" policy when dealing with suspected terrorists. Investigation of these charges resulted in a report, not yet made public, by West Yorkshire Chief Constable Colin Sampson to the Director of Public Prosecution for consideration and possible judicial action. The long delay in completing action on the report has stimulated demands for an independent judicial inquiry, as well as allegations of a coverup by senior police officers.

In April 1987, the Government announced a decision to draft, publish, and bring into force a code of practice for the exercise of emergency powers by the RUC and armed forces in Northern Ireland. The code, expected to be published soon, will address the emergency powers available to the RUC and the armed forces and how they should be exercised.

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities.

The Government reported that during 1987 over 50 persons were abducted or illegally held hostage in terrorist and other incidents related to Northern Ireland.

c. Torture and other cruel, inhuman, or degrading treatment or punishment

British law forbids torture and other cruel, inhuman, or degrading treatment of prisoners and provides penalties for such abuse. Confessions obtained by such methods are not admissible as evidence in court.

Government policy seeks to prevent abuse of prisoners. In Janaury 1986, the Government put into effect a new Code of Practice for the police in Great Britain, with provisions for disciplinary action.

The Police (Northern Ireland) Order of 1987, which was approved by Parliament in May 1987, provides for reform of police complaints procedures in Northern Ireland broadly in line with changes which were introduced in England and Wales in 1985. The new procedures are expected to go into effect in 1988 with the establishment of the Independent Commission for Police Complaints. The new commission will have powers to approve officers, including those drawn from other police forces in the United Kingdom, to investigate complaints. In 1987 there were no substantial charges of mistreatment of arrestees during interrogation in Northern Ireland.

The Government acknowledges that some old British prisons are unsatisfactory and that many prisoners live in cramped, unhygenic cells. To improve conditions, the Government has embarked on a program to build 20 new prisons and to refurbish existing ones.

In Northern Ireland, where 60 percent of the prisoners are jailed for terrorist activities, prison conditions differ in some respects from those in Great Britain. All prisons in the province, except for the two centers for young offenders, are maximum-security institutions. This often forces low-risk common criminals in Northern Ireland to serve their sentences under maximum-security conditions. On the other hand, Northern Ireland prisons are generally more modern—five of Northern Ireland's prisons have been built since 1970—than those in Great Britain. Northern Ireland prisoners also have visitation, mail, and clothing privileges not available to those in mainland prisons. In the last several years, two new prisons with an extensive range of educational and training facilities have been opened, and the old prison in Armagh was closed. Community service programs for certain offenders as an alternative to prison have been very successful. Northern Ireland's prison population grew by less than 1 percent in 1987.

Complaints continue about "strip searching," particularly of women, in Northen Ireland prisons, and Amnesty International, in its 1987 Report covering 1986, urged the Government to reconsider its policy. These searches involve a visual inspection conducted in special cubicles by female officers. Body cavity searches are not performed. Strip searching is routine for prisoners on first committal and final discharge and when making home visits. It is conducted on a random basis for prisoners making court appearances for leaving the prison temporarily for any reason. Since prisoners who are on remand (awaiting trial) are brought to court every 8 to 28 days, they face the possibility of more frequent strip searching than those who are sentenced. The Standing Advisory Commission on Human Rights determined that strip searches remain necessary to protect the well-being of guards, prisoners, and the community at large. But the commission also stated that strip searching is conducted too frequently. All visitors to prisons, including government officials, are subject to a "rub-down search." This involves an officer passing his or her hands over the visitor's clothing. Visitors are not strip-searched. Strip searching is also conducted at prisons located in other parts of the United Kingdom.

Britain has ratified the Council of Europe Convention on the Transfer of Sentenced Persons, by which prisoners may be sent to their home countries to serve their sentences. Within the United Kingdom, convicts are almost always required to serve their prison time in the general region where the crime was committed. Transfers can, however, be requested. Prisoners from Northern Ireland, for example, who are serving time in Great Britain can apply for transfer to Northern Ireland to serve their sentences closer to their families. Several such requests were approved in 1987.

d. Arbitrary arrest, detention, exile, or forced labor

British law gives the police broad discretionary powers to make arrest without warrant based on reasonable cause. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized.

Persons arrested without a warrant must be released on bail if they cannot be brought before a magistrate's court within 24 hours. Generally, persons charged with nonserious offenses can be released on bail. However, in some cases where the alleged offense is deemed serious, magistrates have repeatedly remanded persons for periods totaling up to 18 months before trial. In 1987 some 11,000 persons (roughly 20 percent of the prison population) were on remand. The average length of time between first remand and trial in scheduled cases in Northern Ireland declined steadily between 1984 and 1987, and the Emergency Provisions Act of 1987 gave the Secretary of State for Northern Ireland authority to specify maximum time limits for particular pretrial stages; this authority has not yet been utilized. The Home Secretary announced in late 1987 his intention to consider a similar system to help limit time on remand for detainees in England and Wales.

British common law allows for the restriction of personal liberties by the Government in an emergency situation, subject to review by Parliament. Acting on the premise that the fundamental "right to life" has been in serious jeopardy due to the violence in Northern Ireland, the Government has adopted the Northern Ireland (Emergency Provisions) Acts of 1978 and 1987, which are applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1984 (originally enacted in 1976), almost all of which is applicable to the entire United Kingdom. Although both these acts permit the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals. In addition, Lord Colville was appointed in 1987 to provide Parliament with an annual independent assessment of the operation of the acts.

The 1984 Prevention of Terrorism Act allows the police to arrest without warrant persons anywhere in the United Kingdom whom they reasonably suspect to be involved in terrorism. Such persons may be detained for up to 48 hours without judicial review and up to a further 5 days on the authority of the Home Secretary. In recent years, the powers of the Act have been used when persons were suspected of acts of terrorism related to Northern Ireland, India, and the Middle East.

In September 1987, the European Commission on Human Rights recommended that, in the case of two men detained in 1984 under the Prevention of Terrorism Act's 7-day maximum detention period, the British Government respond to charges it had violated the requirement contained in the European Convention on Human Rights that a person should be brought "promptly to court." The Government quickly announced its intention to contest the Commission's findings before the European Court of Human Rights.

Under the Northern Ireland Emergency Provisions Act of 1978, the R.U.C., for the purpose of arresting anyone under the Prevention of Terrorism Act, may enter and search without a warrant any place where that person is or where the police reasonably suspect him of being, and may detain such persons for up to 72 hours on their own authority. The Act provides similar authority in connection with the arrest of persons suspected of having committed, or being about to commit, a "scheduled" offense (i.e., one listed on a schedule attached to the law). Also under this Act, members of the armed forces on duty may arrest without a warrant any person suspected of having committed or being about to commit any offense. Such persons can be held for up to 4 hours, after which they must be transferred to police custody or released. Allegations that these limits have been exceeded by the police or the armed forces have not been substantiated.

In Northern Ireland, pursuant to the provisions of the Prevention of Terrorism Act and the Emergency Provisions Act, arrested persons have the right to a lawyer after 48 hours in detention. Some human rights activists charge, however, that the 48-hour rule is not always followed.

An independent review of the 1978 Emergency Provisions Act by Sir George Baker, published in April 1984, concluded that its provisions were still necessary. The 1987 act implemented a number of Baker's recommendations and provided further rights and safeguards for persons detained under emergency legislation. On the authority of a senior police officer and if specified conditions are met, the exercise of these rights may be delayed for a maximum of 48 hours.

British legal practice provides for the indeterminate detention of minors convicted of murder. In Northern Ireland, where public attention has focused particularly on this issue, there are 41 persons serving such sentences.

There is no forced or compulsory labor.

e. Denial of fair public trial

Fair trial is guaranteed by law and observed in practice. All criminal proceedings must be conducted in public, with the exception of juvenile court cases and cases involving public decency or security. In a trial on charges under the Official Secrets Act, the court may be closed at the judge's discretion, but the sentence must be passed in public. A national independent prosecution service was established in 1985, extending to England and Wales a system introduced to Northern Ireland in 1972, which provides greater consistency in determining which cases are to be prosecuted.

Juries hear all cases not covered by antiterrorist legislation; these constitute the majority of criminal cases. In Northern Ireland, the right to trial by jury was suspended for certain terrorist-related offenses because the possibility of the intimidation of witnesses and juries raised serious questions about the ability of juries to render impartial verdicts. The nonjury ("Diplock") courts were established by legislation in 1973 as a means of dealing with terrorist activity in Northern Ireland. The Government remains committed to the use of jury trials whenever possible, and the 1987 Emergency Provisions Act gives the Lord Chancellor the power to determine if specific "scheduled offense" cases can be heard outside the Diplock system.

Persons convicted by a Diplock court have an automatic right of appeal of conviction or sentence to a three-judge Court of Appeals, a right not granted to defendants tried before a judge and jury. Historically, the rate of conviction in Diplock courts of defendants who have pleaded not guilty is similar to that of defendants tried before juries. Judges in Diplock courts must publish written explanations of their decisions. Nonetheless, there is support for a court system in which three judges (instead of one) would preside over trials when a jury trial is deemed impossible. The Standing Advisory Commission on Human Rights has endorsed a change to a three-judge system, coupled with a sizable reduction in the number of cases heard by Diplock courts.

The recent reversals on appeal of several convictions in earlier terrorism cases have limited the Government's ability to obtain convictions based on uncorroborated evidence by convicted terrorists ("supergrasses"). Although there were no "supergrass" trials in 1986 or 1987, the issue remains controversial. The evidence of an accomplice has always been admissible in British courts, but in nonjury courts the judge alone must decide whether the evidence of the "supergrass" is credible, bearing in mind the danger of convicting on uncorroborated evidence. The British Government continues to maintain that the use of "supergrass" testimony is important in the legal fight against terrorism. Critics assert such testimony places too great an emphasis on assessing the credibility of a single witness.

The Criminal Law Jurisdictions Act, enacted by both the British Government (1975) and the Irish Government (1976), permits trial in the Republic of Ireland, in Northern Ireland, or in Britain of those accused of certain terrorist offenses, regardless of where the offense was committed.

f. Arbitrary interference with privacy, family, home, or correspondence

The right of privacy is well respected in both law and custom.

Warrants are generally required for a police search of private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty or any constable may enter any premises or other place, if he or she considers it necessary to do so to preserve peace or maintain order. Changes in the 1987 Emergency Provisions Act now require a standard of "reasonable grounds of suspicion" before a dwelling can be entered.

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b. Freedom of peaceful assembly and association

Except in cases of extreme civil disorder, in which public safety is judged to be at risk, the authorities do not exercise their statutory right to limit the freedom of public assembly. However, some critics believe that the 1986 public order law gives police too much discretion to restrict public assembly.

The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in, or support of, organizations (Loyalist and Republican) involved in terrorism. These organizations are specifically listed in the statutes. The lists do not include political parties, even those, such as the Provisional Sinn Fein, which have close links to terrorist paramilitary organizations and openly support violence.

The summer "marching season" in Northern Ireland presents special problems. Because these Unionist marches commemorate the traditions of opposing sectarian communities, they are controversial and can be a source of public disorder. The RUC must be notified of all marches and may impose conditions, including rerouting, on the organizers. Although the Unionist community threatened to defy new laws regulating marches and processions, the 1987 marching season saw a noticeable reduction in violence, compared to recent years.

* * * * *

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

There is no religious or denominational bar to the holding of public office except in the case of the Sovereign, who must be a member of the Church of England.

d. Freedom of movement within the country, foreign travel, emigration, and repatriation

In general, U.K. citizens enjoy freedom of movement within the country and in foreign travel, emigration, and repatriation.

The Prevention of Terrorism Act of 1984 includes one exception to this general principle. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Similar authority is granted to the Secretary of State for Northern Ireland to exclude persons not native to or resident in that province. Only one person has been excluded under this law since 1984. Nevertheless, these powers have been referred to by many, including the National Council for Civil Liberties, as a system of internal exile.

* * * * *

Section 4.—Governmental attitude regarding international and nongovernmental investigation of alleged violations of human rights.

The Government generally maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints and has taken steps to rectify its own laws and policies when they were found not to be in conformity with the European Convention.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, such as Amnesty International.

Section 5.—Discrimination based on race, sex, religion, language, or social status.

British law bars discrimination on the basis of race, color, or national or ethnic origin. However, statistical studies have shown a black unemployment rate that is nearly double that of whites, black concentration in manual jobs, and racial discrimination in job recruitment. In 1984 a Code of Practice on Employment, proposed by the Commission for Racial Equality and accepted by the Government, took effect. Although the code does not have the force of law, it is used as a standard of good practice by industrial tribunals in racial discrimination cases and serves as a guideline for firms in eliminating all forms of discrimination.

Equal status and equal opportunity for women in professional fields is also provided by law. Enforcement mechanisms have been established, and progress toward women's equality is visible in many areas, including government hiring. Still, women have yet to achieve fully equal status. They hold three-quarters of Britain's lowest paying jobs, and the average female wage-earner takes home only three-quarters the pay of her male counterpart (up from 63 percent in 1970). Equal Opportunity Commissions were established in Great Britain in 1975 and in Northern Ireland in 1976 to assist in the enforcement of these laws.

Historically, in Northern Ireland, the majority Protestant community has controlled much of the local economy and been more prosperous than the Catholic community. The reasons for this are complex and involve a long history of anti-Catholic discrimination by Protestants.

Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination against Catholics. These include: reform of the electoral rolls; prohibition of religious or political discrimination by any level of government; establishment of a Commissioner for Complaints to deal with grievances against local government; appointment of a Central Housing Authority to meet the problem of discrimination in housing; prohibition of discrimination in employment; and a special effort to recruit more Catholics into the civil service and the police. In addition, the Standing Advisory Commission on Human Rights was established in 1973 to monitor human rights. Since 1976 the Fair Employment Agency has served as the focal point of the Government's efforts to end job discrimination. In July 1987, the Government announced a substantial increase in the resources available to the Fair Employment Agency, and a revised government guide to employment practice was issued in September 1987 to prepare employers to comply with new equal employment legislation currently under consideration in Whitehall. Within the Northern Ireland civil service, the proportion of Catholics reflects their proportion in the overall population for those under age 35. In upper age groups and in the security forces, Protestants still dominate.

PIRA assassinations and death threats have largely stymied government efforts to recruit Catholics into the police force and security-related fields. PIRA has carried out a terror campaign not only against police officers but also against persons who provide services to the security forces. For example, since 1973, 26 prison staff members have been murdered while off duty, and in 1987 the PIRA murdered a man who had been teaching prisoners.

* * * * *

The unemployment rate in Northern Ireland is substantially higher than that in the United Kingdom as a whole and continues to be on average twice as high for the minority Catholic population as for Protestants. The number of manufacturing jobs in Belfast has dropped by about 50 percent in the last 10 years. With few job openings in the private sector, it has been difficult to make progress toward ensuring that the work force mirrors the religious composition of the community. The Government is trying to attract more investment to the province and is subsidizing the economy through public sector spending. Northern Ireland's shrinking economy makes this a necessary part of ending discrimination. The new International Fund, organized in support of the Anglo-Irish Agreement, is expected to inject a certain amount of capital into areas affected by violence and encourage job creation.

MEDICAL ETHICS QUESTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 24, 1988, into the CONGRESSIONAL RECORD:

MEDICAL ETHICS QUESTIONS

Medical researchers have made breathtaking advances in treating illness and injury, preventing disease, and creating tools to help doctors bring the benefit of scientific advances to patients. Doctors today can save the life of a premature baby or a brain-damaged adult who, only a few years ago, would have died instantly. But this ability to preserve life is creating new and disturbing questions for health care policy. The knowledge and technological ability that make modern medicine exciting increasingly demand that doctors, patients, relatives, the courts, and society make agonizing decisions.

Today, the search for an appropriate medical treatment often presents a set of choices, rather than a clear answer. I find Hoosiers asking questions about the ethics and economics of health care with greater frequency. Here are some of the questions that have arisen in my public meetings:

May terminally ill patients receive a doctor's help to hasten death? Some patients have expressed their desire to die immediately, rather than endure more pain before death. California may soon vote on a referendum to allow doctors to legally administer a fatal overdose to any terminally ill patient who requests it. The American Medical Association (AMA), however, believes that no physician should "intentionally cause death," even at the patient's request.

What rights does a patient have to refuse medical treatment, including food and water? If the patient is not mentally alert, who decides? In 1976, Karen Ann Quinlan's parents won a court battle to disconnect her life-support machines. Today, courts routinely grant family requests to have artificial life-supports turned off. The AMA argues that a doctor may discontinue "all means of life-supporting medical treatment," including intravenous food and fluids for terminally ill or comatose patients. The courts have been less receptive to requests from mentally competent but physically helpless patients that medical treatment, including food and water, be stopped. Many states are enacting living will laws, which allow a person to specify in advance certain types of medical treatment they would prefer to forgo.

Should we use animal organs in human patients? The case of Baby Fae, who was implanted with a baboon heart and lived for several weeks, received worldwide attention. Research animals have long been used to test drugs and medical devices which can help great numbers of people. Some animals, like the chimpanzee, are potential organ sources, but they are also invaluable in research efforts to find cures for diseases like AIDS. Do we have the right to sacrifice an animal to save only one person? Is it "dehumanizing" for humans to receive animal organs?

Should we ration health care? Some countries have already made this decision. In Great Britain, for example, kidney dialysis and transplants are denied to anyone over age 55. Because of advances in medical science, providing the best available medical care can be prohibitively expensive. The Oregon legislature last year decided that the state's limited health care dollars would be better spent providing prenatal care to 1500 low-income women than in funding organ transplants for 30 patients. New mothers and their infants will benefit; those needing transplants may die. Most of us recoil at the thought of rationing health care. Our preference is to focus instead on the waste in the health care system. But restraining costs while providing the best medical care for everyone is becoming increasingly hard to achieve.

May doctors and nurses refuse to treat AIDS patients? The AMA says no. The courts have not yet ruled on the issue. Doctors have traditionally placed the welfare of patients first. In the days before vaccines, countless physicians died of tuberculosis, small pox, and other ailments contracted from patients. The majority of doctors are willing to risk contact with AIDS victims, but the fear of contracting AIDS while providing medical treatment is real.

Should there be two levels of health care: one for the well-off and one for low-income persons? An estimated 37 million Americans, not poor enough to receive government-paid health care, have no form of health insurance at all. Yet critics charge the government subsidizes more than adequate health care for middle- and upper-income people in the form of tax-free health benefits offered by employers. This subsidy cost taxpayers some $35.5 billion last year. The ideal is to provide the finest available health care to every person, but the reality often falls short. Many believe that the U.S. needs a comprehensive health care policy to provide guidelines for allocating limited medical resources.

How much claim do the new "technology" parents—the egg donors, surrogates, and sperm donors—have to the children they help produce? We remember Baby M and the efforts of her natural mother to retain custody despite the surrogacy contract with the child's father. Many states are considering legislation to regulate surrogacy. Some people believe that any technique to create life outside the body is wrong. Test tube babies and children conceived by other artificial means will continue to be born, and some biological parents will insist on contact with the children they helped bring into the world.

These questions challenge the wisdom of Solomon, and in no small degree require that people play God. I do not pretend to have the solutions; I am not even sure of my own feelings on many of these issues. I do find Hoosiers struggling with these and similar questions. My thought is that these issues are too personal and have too many implications to be resolved by traditional methods of government action. Answers to these questions must be based on personal experience and beliefs. It seems to me that legislators and policymakers must approach these questions with great caution. Acceptable resolutions are more likely to come from the grass roots level, and not be imposed by government fiat. Public awareness of these issues needs to increase, and public involvement will be crucial in reaching satisfactory solutions.

(Much of this information was taken from an article which appeared in the Washington Post.)

INTRODUCTION OF FISH AND WILDLIFE CONSERVATION ACT REAUTHORIZATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. STUDDS. Mr. Speaker, today I am introducing legislation to reauthorize the Fish and Wildlife Conservation Act for an additional 2 years. This act is designed to promote the conservation of species of fish and wildlife that are neither hunted or fished or, alternatively, protected under the Endangered Species Act.

These nongame species make up the vast majority of the Nation's fish and wildlife, and in many States include songbirds, bobcats, flying squirrels, river otters, and lynx. They provide countless hours of recreation and enjoyment each year to birdwatchers, hikers, wildlife photographers, and conservation groups. The Fish and Wildlife Service estimates that over 93 million Americans enjoy activities related to these species and spend over $1 million annually in the process. However, there is a paucity of information on the well-being of these species; less than 10 percent of the vertebrate species of fish and wildlife in this country receive any specific attention by our wildlife managers.

Increased attention to these species will identify those whose populations are in decline before they are so critically low that they need to be protected under the Endangered Species Act. The Fish and Wildlife Conservation Act provides funding for the States, through a partnership with the Federal Government, to develop management plans for nongame species of wildlife. When the plans are approved by the Secretary of the Interior, the States become eligible for partial reimbursement of the costs of developing and implementing these plans.

While it is, of course, absurd to expect that individual plans will be—or should be—developed for all of the many species that surround us, it is equally shortsighted not to plan special efforts for those populations of birds, fish, and other wildlife in need of some level of protection. The purpose of this act is to authorize and promote such efforts; it deserves both reauthorization and funding.

Unfortunately, Federal funds have never been appropriated. I intend to hold a hearing on this legislation in March to examine other potential funding sources for this program and to determine how other wildlife programs such as the wildlife conservation provisions of the Food Security Act of 1985 and the Migratory Bird Program benefit these nongame species.

I look forward to renewed efforts on behalf of our nongame populations to complement our impressive efforts on behalf of game birds and other wildlife, and to examine alternative funding sources for these efforts.

REMEMBERING ESTONIAN INDEPENDENCE DAY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MANTON. Mr. Speaker, I rise today to commemorate the 70th anniversary of the Estonian Declaration of Independence. For Americans, Independence Day is a day of celebration. We mark the day with fireworks and family gatherings to celebrate our good fortune and to give thanks for the rights and privileges we enjoy as a free people. For the people of Estonia however, Independence Day is a very different kind of occasion.

Mr. Speaker, Estonia formally declared its independence 70 years ago this week. Within 2 years the League of Nations officially recognized the Baltic country as a sovereign nation and admitted Estonia to its ranks. For the following 20 years, Estonia thrived economically, socially, and culturally and was signatory to a host of international treaties and accords.

Ironically, the Soviet Union, the first country to legally recognize Estonia as a independent nation, stole Estonia's right to self-determination away. In a secret pact in 1939, Hitler and Stalin partitioned Eastern Europe and thereby engineered the end of Estonian statehood. The Nazis agreed to allow the Soviets to annex the three Baltic States, Estonia, Latvia, and Lithuania, in return for land concession for themselves. The United States did not recognize the Soviet Union's claim to these countries then and will not now.

According to the tenants of the Atlantic Charter, all countries which had independent status before World War II were to have their sovereignty returned to them after World War II ended. However, the Soviets refused to honor this accord. For nearly a decade, freedom fighters in Estonia waged an armed resistance in the hopes of realizing their right to self-governance. The Soviets responded with mass arrests, house searches, executions and mass deportations.

To speak out in Estonia today one must risk a heavy penalty. Soviet gulags and psychiatric facilities are filled with Estonians who have dared to fight for freedom. The crimes they have committed range from asking for the renunciation of the Hitler-Stalin pact to flying the Estonian national flag. But even after decades of occupation and oppression the people of Estonia have not conceded the fight. On August 23, 1987, Estonians staged a large scale demonstration against Soviet rule in the city of Talinn.

Mr. Speaker, this year is the 200th anniversary of our Constitution. We must also remember that this year marks a milestone for the Estonian people: The 70th anniversary of the Declaration of Independance. We must take this opportunity to assure the Estonians that their cause has not been forgotten. We Americans who are so fortunate to live with freedom every day must remember too many people in the world are living without it. The people of Estonia and their families in this country have my support and my prayers that one day soon Estonia will again be a free and independent nation.

AMERICAN HEART MONTH

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. EARLY. Mr. Speaker, this is "American Heart Month." February 1988 marks the 24th consecutive yearly celebration of this event. A joint resolution approved by Congress in 1963 requests the President to annually proclaim February as "American Heart Month."

The American Heart Association [AHA] and its affiliates and over 2 million volunteers dedicate this month to heighten the dissemination of educational materials and to increase public support of its mission. The AHA, one of the world's largest voluntary health organizations, is committed to the "reduction of premature death and disability from cardiovascular diseases and stroke"—our Nation's No. 1 killer.

According to AHA, coronary heart disease, stroke, and related disorders cause almost as many deaths as all other sources combined. They estimate that annually one out of every two Americans die of cardiovascular diseases and that nearly 65 million suffer from some form of these diseases—over 59 million Americans have high blood pressure, approximately 4.9 million have coronary heart disease; and about 2 million individuals have suffered a stroke. Also, for 1987 AHA cites a figure of over $80 billion for health costs affiliated with these diseases including doctor and nursing care, hospital and nursing home services, medicines and lost productivity.

For the past 40 years, the AHA, the National Heart, Lung and Blood Institute [NHLBI] and also more recently the National Institute of Neurological and Communicative Diseases and Stroke [NINCDS] have worked closely on research, education, and prevention programs to fight cardiovascular diseases. NHLBI's National High Blood Pressure Education Program and its National Cholesterol Education Program represent productive public-private cooperative efforts. They complement AHA's recently implemented "Physicians' Cholesterol Education Program" and its "Heart RX" program designed to assist health professions teach patients about the risk factors of heart disease, stroke, and atherosclerosis. The risk factors include smoking, raised blood cholesterol, high blood pressure and diets excessive in saturated fat and cholesterol.

As a result of the combined efforts of AHA, NHLBI, and NINCDS progress has been achieved in curbing the mortality rates from cardiovascular diseases. In fact, according to the AHA, from 1976 to 1986 the death rate from coronary heart disease and stroke has declined by 27.9 percent and 40.2 percent respectively. These organizations believe that the future looks even brighter with promising programs on the horizon. Some include the extension of molecular biology into cardiovascular research and more studies into both the relationship between nutrition and cardiovascular disorders; and the effects of behavior, stress, and exercise on these victims.

I welcome this opportunity to commend the American Heart Associations' contributions. I urge my colleagues and the public to continue its support of biomedical research so critical for additional scientific achievements in this area.

EXEMPTION FOR SMALL BUSINESSES FROM THE BURDENSOME UNIFORM CAPITALIZATION RULES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DAUB. Mr. Speaker, today I am introducing a bill, H.R. 4020, that will end a burdensome provision for hundreds of small businesses that was contained in the Tax Reform Act of 1986. This provision is commonly known as the uniform capitalization rules from section 263A of the Internal Revenue Code. Within this new rule was an exception for small retailers and wholesalers with gross sales of less than $10 million. The accepted reason for this exception is that small businesses are unable to accumulate and account for these costs and should not be burdened with unusually difficult accounting rules and redtape. Unfortunately, small manufacturers were not excepted from the new rules and so are faced with burdensome new rules with which they cannot comply.

My bill is intended to place all small businesses in the same arena and exempt them from the uniform capitalization rules and additional Government redtape.

In general, the uniform capitalization rules require the "capitalization"—as opposed to expensing—of direct costs and an allocable portion of indirect costs attributable to producing and/or acquiring real and tangible personal property used in the taxpayer's trade or business. The costs attributable to inventory must also be capitalized.

To indicate to you just how burdensome and complex these rules are for small businesses, let me list a few examples of the indirect costs that must be allocated and accounted for: repair and maintenance of equipment or facilities; utilities; rental of equipment, facilities, or land; indirect labor and contract supervisory wages; indirect materials and supplies; tools and equipment; quality control and inspection; taxes; depreciation, amortization, and cost recovery allowance on equipment and facilities; administrative costs; insurance; interest; contributions paid to or under a stock bonus, pension, profit-sharing or annuity plan or other compensation deferring plan or employee benefit expenses; rework labor, scrap and spoilage; bidding expenses; engineering expenses and on and on.

Most small businesses are lucky if they can accurately keep track of all of these costs—to capitalize them is simply to much for the Government to ask. This bill is a question of fairness and equity for all small businesses. But I also realize that it is a question of money for the Federal Government. The estimated revenue cost to the Government is $1.5 billion through 1992. The entire provision raised over $32 billion, so this cost is but a small fraction of the entire rule. In addition, I want to point out that the revenue estimate assumes that these small businesses will comply with the new complex uniform capitalization rules. I believe that noncompliance will run rampant, not because businesses do not want to comply with the new law, but because accounting and legal fees make it impractical for them to comply. As representatives of these small businesses, we should not overburden them with complex tax laws that encourage noncompliance. I urge my colleagues to come to the aid of these small businesses by cosponsoring my bill, H.R. 4020.

NATIONAL FUTURE FARMERS OF AMERICA WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the members of the Future Farmers of America as they celebrate National FFA Week with the theme "FFA—Agriculture's New Spirit."

The Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agriculture classes in public high schools or area vocational education centers.

Each chapter develops an annual program of activities and each member of the chapter carries out a supervised occupational experience program. The FFA gives recognition to members for achievements at the chapter, district or area, State and National levels. These award programs directly relate to the supervised occupational experience programs. This allows each vocational education-FAA members the opportunity to participate and receive recognition.

During the 1986-87 school year Kentucky has 147 FFA chapters, with a membership of 12,631. Over 1,000 FFA members and teachers attended 1 week of FFA leadership development training at the Kentucky FFA Leadership Training Center in Hardinsburg, KY.

The FFA chapters, and the individual members, that are in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, received many awards at the State and National levels.

The 60th National Convention was held in Kansas City, MO this past November. At the convention the Spencer County chapter received a gold emblem chapter ranking in the Building Our American Communities Awards Program and the National Chapter Safety Awards Program.

The National FFA Chapter Award Program honors superior FFA chapters for their excellence in chapter activities. Each chapter was judged on performance in 11 areas. The Spencer County chapter was ranked as a gold emblem chapter, and the Barren County and Breckinridge County chapters were ranked as silver emblem chapters.

Four members from the Second Congressional District were honored at the national convention for reaching the highest rung of membership available to an individual—the American Farmer Degree: Brad Chambliss of Hardinsburg, David Herndon of Mount Eden, Barry Alan Hines of Philpot, and Clarence A. Thomas, Jr. of Taylorsville.

Many FFA members become highly proficient in their chosen areas, and these members earned top honors as national winners in 29 proficiency areas. Each winner received a plaque, $1,000 and an expense-paid agricultural tour of Europe. Paul Miles of Owensboro received the Agricultural Proficiency Award for "Oil Crop Production."

T.J. Hale of Franklin was a member of the horn section in the National FFA Band at the convention, and Brian Eadens of Bowling Green as an official delegate from the Commonwealth of Kentucky to the national convention.

Mr. Patrick Henderson of Harned, a vocational education teacher at the Breckinridge County High School, received the FFA Honorary American Farmer Degree. Mr. Joe Frank Duncan of Rockfield was the State winner of the Agriscience Teacher of the Year Award.

At the 1987 State convention the Spencer County Chapter was named the State winner of the Farm Operation Identification Program. The chapter members marked equipment on 33 farms and 28 farm homes in Spencer County. Scott Hardin was selected as the individual chapter winner.

The Spencer County Chapter was also the State winner in the Chapter Safety Program. The chapter selected "Safety Awareness—Before it is too Late" as its theme. The Spencer County chapter went on to compete at the national level. The Daviess County, Barren County, Breckinridge County, and the Grayson County chapters were ranked as superior.

The Spencer Country chapter was ranked as a gold emblem chapter and the Franklin-Simpson, Breckinridge County, and Barren County chapters were ranked as silver emblem chapters in the Building Our American Communities Program.

The regional star farmers were selected as the most outstanding from the Kentucky FFA membership, based on their accomplishments in the FFA and the Supervised Occupational Experience Programs in vocational agriculture. The following FFA members from the Second Congressional District were honored as star farmers: Denise Gayle Wood of Glasgow, Terry Keith Broaddus of Bloomfield, and Mark Allen Glasscock of Taylorsville.

Brian Eadens of Bowling Green is the president of the Kentucky Association FAA for 1987-88, and Lee Carol Greenwell of Lebanon is the treasurer.

I am proud of all the members of the Future Farmers of America, and I know of no group of young people who are accomplishing more in the area of agriculture than the Future Farmers of America. They are to be commended for their efforts and achievements, and I want to wish them continued success in all their future endeavors.

MIAMI-DADE PUBLIC LIBRARY HONORED FOR STAND AGAINST CENSORSHIP

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. LEHMAN of Florida. Mr. Speaker, through the years, public libraries have often borne the brunt of efforts at censorship. Today, they lead the fight against censorship. That is the reason our own Miami-Dade Library was selected by the Miami Chapter of the American Civil Liberties Union as the recipient of its first Acts of Courage Award.

The Miami-Dade Library sponsored "Censorship and Libraries: Exhibitions and Programs" included a series of lectures, discussions, readings, exhibits and an unusual "banned film series" featuring such controversial films as D.W. Griffith's "Birth of a Nation" and the 1978 movie "La Cage Aux Folles."

Freedom of information is one of the cornerstones of democracy, yet it is often of the most difficult of our rights to safeguard. In our society, the open exchange of ideas, information and opinions sometimes leads to conflicts which elicit strong arguments and emotions.

The Miami-Dade Public Library is to be commended for pointing out the dangers of censorship and for increasing public understanding of the many diverse, sometimes conflicting elements that contribute to a healthy pluralistic community.

TRIBUTE TO THOMAS GIANCRISTOFORO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. WELDON. Mr. Speaker, I would like to take this opportunity to pay tribute to a friend who will be honored for 25 years of public service on February 27, 1988, by the Delaware County Association of Township Commissioners.

Thomas Giancristoforo, a resident of Tinicum Township, began his career in community service as a member of the Essington and Lester fire companies, where he continues to serve. In 1964 Mr. Giancristoforo was elected as a member of the Tinicum Township Board of Commissioners and served for 16 years as police commissioner. In 1980 he was appointed by his colleagues as president of the board of commissioners, a position which he still holds.

In addition to his career in public service Mr. Giancristoforo has always been greatly involved in community affairs, and is president of the Tinicum Township Patriotic Commission as well as a member of the Norwood Lions Club.

Mr. Giancristoforo's outstanding work as an elected official has been formally recognized on numerous occasions. Among his many tireless efforts on the behalf of the residents of Tinicum Township, Mr. Giancristoforo played a vital role in securing the location of the United Parcel Service regional facility in that area. This facility alone will create 4,700 new jobs for the region. In recognition of this and other efforts to better the economic condition of Delaware County, the Delaware County Chamber of Commerce honored Mr. Giancristoforo with the "Outstanding Community Award."

Mr. Speaker, I am sure you will agree that Thomas Giancristoforo is an outstanding public servant and leader. I rise proudly with his family and the residents of Tinicum Township in commending Mr. Giancristoforo on his exemplary service to our community.

ULSTER SHOOT TO KILL POLICY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BORSKI. Mr. Speaker, true partnership inspires progress just as surely as bad faith destroys hope. This is a lesson which Great Britain has never learned and it is no closer to learning that lesson today.

Britain's ill-advised actions on several fronts have crushed the hopes which many of us had cherished for sustained improvement in Anglo-Irish relations. In the last 30 days, Great Britain has offered a new definition of the word "partnership."

Under the British notion of partnership. Great Britain decides, and Ireland abides. Ireland has been freely given the right to speak, but England has demonstrated that it will not heed the voice of its partner.

Yesterday, another British soldier was charged in the slaying of an unarmed Catholic. A day earlier, Britain disclosed that one of its soldiers who had been sentenced to life for killing an unarmed Catholic in Northern Ireland, was paroled after 3 years and was back in the army.

In addition, when faced with an overwhelming public demand to try members of the Royal Ulster Constabulary for the murder of innocent, Irish, noncombatants, the English authorities have declined to prosecute, or reveal their findings.

Without consulting the Irish Government in Dublin, Britain made permanent the emergency powers which allow it to detain Irish citizens for up to 7 days without bringing a charge against them.

Moreover, an Irish law which requires Britain to submit charges and evidence when demanding the extradition of Irish citizens has consistently been ignored.

Finally, this month has seen British justice perform as ignobly as the British Government: ignoring a huge body of scientific and forensic evidence, and the outraged cries of members of its own Parliament, who have called for the release of the Birmingham Six, and the Guilford Four.

Mr. Speaker, when the Anglo-Irish accords were announced more than 2 years ago, hopes were raised around the world that a new partnership, founded on justice and mutual advantage, had slowly begun to form.

If there is to be a successful Anglo-Irish partnership then Britain must be as willing to share the burdens as she has been to reap the benefits.

I challenge Britain to stop promising cooperation, and start delivering simple justice to Ireland. Put those involved in the shoot-to-kill cases on a public trial, and let the facts come out. Invite the Government in Dublin to join as an equal partner in policy discussions about the extradition and incarceration of Irish citizens. Demand that your courts of law promote justice.

Britain, you have broken faith with your Irish partner, as you always have throughout history. Ireland's terrible beauty was born and has been raised in your shadow. Yours could be the first generation to keep faith with the Irish people.

But that will never be accomplished in a hollow accord, or in an empty promise. You can only reverse centuries of mistrust, neglect and broken promises by making one good decision at a time, right here and right now.

Start with this past month: don't turn your back on coverups, illegal detentions, and official murders. Your actions will answer our hopes and prayers for peace and for progress. Will you answer yes?

TRIBUTE TO CAPT. THOMAS DICKSON

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. SHAYS. Mr. Speaker, I am pleased to have this opportunity to acknowledge the achievements of a citizen of Southbury, believed to be the oldest living man to have rounded Cape Horn five times under sail.

Captain Dickson's career began in 1915 when he, holding both British and United States masters licenses, sailed as a cadet on the *Medway,* a four-masted British training ship. This 2,200-ton historical vessel is one of the last of its kind to round the cape.

In 1930 Captain Dickson emigrated to the United States, going to work for the United Fruit Co. During World War II, though not yet a citizen, Captain Dickson, served with the merchant marines, carrying supplies to GI's around the globe. This duty included operating in the Atlantic Theatre (1942), the Aleutions (1943), and the Southwest Pacific (1944–45).

In 1946 the captain became a U.S. citizen—quite an accomplishment considering the fact that he served under foreign flag vessels.

This Saturday, February 27, 1988, Capt. Thomas Dickson will celebrate his 90th birthday with his wife, two children, and four grandchildren. In recognition of this special day, I am honored to bring to my colleagues' attention the achievements of this unique American citizen.

HONORING 70 YEARS OF MARRIAGE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DUNCAN. Mr. Speaker, Mr. and Mrs. John Humphrey (Antha Hutchison) celebrated their 70th wedding anniversary on January 20. They were married in Union County, TN, in 1918. Mr. and Mrs. Humphrey moved to Knoxville in 1947 and have been in the same house on Jefferson Avenue for 40 years.

Mr. Humphrey held many jobs during his career from farming to carpentry and Mrs. Humphrey worked as a seamstress. The Humphreys have four children, six grandchildren and three great-grandchildren.

Mr. and Mrs. Humphrey have made good use of their many years together. I do not know of anyone who has more friends and I am sure it must be a great source of pride and pleasure to have reached this milestone together. I wish to congratulate the Humphreys on this special occasion and extend my good wishes to the entire family.

TRIBUTE TO GERALDINE CAMILLERI-BEHME

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MINETA. Mr. Speaker, I rise today to pay tribute to a good friend and a fine, fine person, Geraldine Camilleri-Behme.

Geraldine's death from lung cancer on February 16 was a loss not only to pet owners and the pet industry, it was a loss to me personally. In her 68 years, Geraldine cared for small animals with a manner and a devotion we can all admire. She was an activist for pet owners and for the pet industry. Indeed, she owned Andy's Pet Shop in San Jose for more than 36 years.

I'd known and worked with Geraldine for nearly 20 years. I first met her when I was a member of the San Jose City Council and she was striving to found the Bay Area Pet Industry Association, which did indeed come into being in 1971.

My admiration for her efforts grew as the years passed. Geraldine believed in nothing but the best for our pets and for their owners. In 1972 Geraldine organized a pet show at San Francisco's Moscone Center: a first for the city. In 1976 she brought about the west coast's first successful consumer pet show at the Santa Clara County Fairgrounds in the South Bay area. This production paved the way for the first American Pet Show, which was held in Anaheim in 1981.

Geraldine's work was recognized nationally. She was the first woman member of the Washington-based Pet Industry Joint Advisory Council. From 1978 to 1985 she was also a member of the council's board of directors.

Mr. Speaker, there is no doubt that we are poorer for the loss of Geraldine. I ask that our colleagues in the House join in tribute to Geraldine and in wishing the very best to her family at this time.

TRIBUTE TO THOMAS FRANCIS JOHNSON

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. DYSON. Mr. Speaker, I rise with sadness to pay my respects to Congressman Thomas Francis Johnson, who was killed February 1 in an auto accident. Mr. Johnson was a former Democratic Representative of Maryland's First District, serving in the 86th and 87th Congresses. He was a tireless worker for the First District, and we will miss him greatly.

Congressman Johnson was a native of his district, having been born in Snow Hill, MD, in 1909. He attended schools in Worcester County, MD, and received degrees from the University of Virginia and the University of Maryland. He was admitted to the bar and returned to Snow Hill, where he established his law practice. In 1932 he was elected chairman of the Board of Commercial National Bank in Snow Hill. Even after Congressman Johnson left the House he remained an inhabitant of the First Congressional District, living in Berlin until the time of his death.

Mr. Johnson had a long and distinguished career in government. In 1934, he became Maryland's youngest State's attorney at the age of 24. In 1938, he was elected to office as a State senator, and he served in this capacity until 1951. At the time of his first election, he was the State's youngest senator. Later, in 1958, he was elected to his first term in the U.S. Congress, and served until 1963. After his retirement from the House, he returned to his law practice, specializing in international law.

In his brief career in the House, Mr. Johnson served Maryland's First District with honor and distinction. He was involved with foreign affairs, his first love, becoming a congressional expert on the Southeast Asia Treaty Organization. However, his first priority was his district. He worked hard for the First District, introducing bills to study the Rock Hall Harbor, to survey the Honga River and Tar Bay, and to aid the Delmarva Peninsula's wild duck and geese population. These measures worked to better the livelihood and enjoyment of the First Congressional District.

Representative Thomas Francis Johnson was a good man, representing the First Congressional District to the best of his ability. As his former constituent, I thank him for his actions. The death of Representative Johnson is a blow to the Eastern Shore and all Maryland. We lose a staunch defender of our hopes and dreams. He will be missed.

TRIBUTE TO STUART AND CAROL SOLOMON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my good friends Stuart and Carol Solomon, two wonderful people who have tirelessly devoted their energy and resources over the past 18 years to the Jewish community of the San Fernando Valley. The University of Judaism and Valley Beth Shalom will honor Stuart and Carol at a tribute breakfast on February 28, 1988, for their many years of outstanding service.

Stuart's extensive volunteer and business affiliations testify to his commitment to the many facets of Jewish life. Not only is he president of Genesta Realty Services, Inc. and Genesta Property Management, he serves on the boards of the United Way North Angeles Region, the Community Relations Committee, the Valley Presbyterian Hospital Foundation, and the Jewish Federation Council-San Fernando Region. He is president of the Basin Recreational Environment Committee Non-Profit Foundation and a member of the Young Presidents Organization. Stuart is a past president of the Valley Industry and Commerce Association and was a member of the Jewish Federation Council Synagogue Affairs Committee.

Stuart has also given dedicated service to numerous committees of Valley Beth Shalom. He served as the vice president of the board of directors, the vice president of both administration and finance, and he chaired the selection committee for associate Rabbi and executive director. Presently, he is the vice chairman of the Board of Governors.

Carol enjoys a successful career as the owner of a manufacturer's representative group which wholesales stationery, greeting cards, and gifts throughout California. Over the years, she has shown great devotion to the education of Jewish youth. She was the first chairperson of Valley Beth Shalom's Bar/Bat Mitzvah counseling program and has also chaired the Multi-Interest Day Care Program, the Passover Basket Program, the educational director search committee and served as the cochair of the Valley Beth Shalom Food Bank. She has been active in the Valley Beth Shalom choir and the Mitzvah needlepoint group.

Stuart and Carol have three fine sons, Jeff, Owen, and Mike, who share the community's pride in their parents.

It is my honor and pleasure to join the University of Judaism and Valley Beth Shalom in paying tribute to Stuart and Carol Solomon for their outstanding contributions and commitment to the Jewish community.

WE THE PEOPLE 1988 TOURNAMENT OF ROSES SALUTE TO THE CONSTITUTION'S BICENTENNIAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1988

Mr. MOORHEAD. Mr. Speaker, on behalf of the citizens of California and the United States, the California Bicentennial Foundation for the U.S. Constitution sponsored a "We The People" float in the world's most observed annual parade, the Tournament of Roses Parade, on January 1, 1988, in Pasadena, CA. The float was intended to remind all Americans of the ongoing 4-year commemoration of the 200th anniversary of the Constitution.

The float, entitled, "The Constitution: 200 Years of Communicating Liberty," carried the largest American flags ever assembled of roses which symbolically joined the birth of our society, represented by a replica of Independence Hall, with our next great frontier in space, symbolized by astronaut Buzz Aldrin standing on the landscape of Mars.

Along with astronaut Aldrin, the pilot of the *Eagle* lunar lander, other American living legends included Muhammad Ali, representing the continued vitality of the Constitution in protecting the rights of all Americans, and Mickey Mouse, America's most beloved good will ambassador to the world.

Other float riders, representing the diversity of the American experience, included Olympic Gold Medalist Paul Gonzalez, Multi-Cultural Broadcasting Representative Yuko Sakamoto, Boy Scouts of America Cub Scout J. Parker Paul, "We The People" invitees Sarah Beth Heller and Marlene White, Filipino-American representatives Lou Baron and Melanie Cuevedas, chairman of the California Bicentennial Commission Jane Crosby, spokesman Mario Machado, and mascot Bisontennial Ben.

This unique internationally observed tribute and salute to the Constitution was made possible by individual donations of rose sponsorships by thousands of Americans from around the Nation whose support should be recognized in this record along with the support of the Filipino-American community, the largest Asian-ethnic community in the Nation, the Walt Disney Co., marking the 60th birthday of America's good will ambassador Mickey Mouse, and the California State lottery. We salute the following individual rose sponsors and invite all Americans to continue commemorative and educational projects increasing awareness and appreciation of the cornerstone of our society, the Constitution.

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SENATE—*Friday, February 26, 1988*

(*Legislative day of Monday, February 15, 1988*)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Seek ye the Lord while he may be found, call ye upon him while he is near: Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and he will have mercy upon him; and to our God, for he will abundantly pardon.—Isaiah 55:6-7

Gracious Father in heaven, Isaiah intimates that the Lord may not always be found, may not always be near as he urges us to seek Him and to call upon Him. Thank You, Father, that we are always in Your thoughts even though You are rarely in ours. We are always embraced by Your love even though we do not love You. You never forsake us even though we forsake You. Forgive our waywardness—our indifference—our preoccupation with the material, the temporal, the transient. Turn our hearts to You. Quicken our faith and infuse our hearts with Your love, we pray in the name of Him who is unconditional love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate resumed consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Under the previous order, the 1 hour under rule XXII will be equally divided and controlled by the Senator from Oklahoma [Mr. BOREN] and the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Wyoming [Mr. SIMPSON] and the Senator from West Virginia [Mr. BYRD] have 10 minutes each out of that hour.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the order be changed to allow Mr. PACKWOOD to control the time as the designee of Mr. MCCONNELL and that I control time as the designee of Mr. BOREN until Mr. BOREN arrives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the 10 minutes reserved for the acting leader, Senator SIMPSON, be reserved for him. He will be here later.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on behalf of Mr. BOREN I yield 5 minutes of the time on this side to Mr. PROXMIRE. I ask unanimous consent that 5 minutes of that time not come out of the hour. It will result in a delay only of 5 minutes in the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I would like to speak 5 minutes not on the bill.

THE CRITICAL IMPORTANCE OF COMMUNITY BANKS TO THE AMERICAN ECONOMY

Mr. PROXMIRE. Mr. President, what is the great economic strength of this country? It is the vigor and initiative of our small businesses. We are proud of our free economic system. We should be. It's been the most productive in the world over the past 150 years and it is more productive and successful now—than ever. Of course, it is true that we have some highly successful big businesses. Big business has served our country's economy well in every aspect of commerce and industry. But it is small business that has supplied the lion's share of increased employment. The entire sweep of rising employment in America over the past 8 years has not come from the huge conglomerates. It has come from the small, locally owned and locally financed businesses. Consider between 1980 and 1987 according to the Bureau of Labor Statistics, the number of jobs in this country increased by 9½ million. The entire increase, all of it, took place in firms employing less than 500 people. Indeed, most of it, 5.2 million, of the job increase occurred in firms employing less than 50 people. Big businesses employing more than 500 people actually reduced their employment by 600,000 jobs.

Yes, indeed, far more independent American businesses fail than succeed. A successful independent business person must do more than work hard. He or she has to find ways to beat the competition with lower cost, lower priced products, and higher quality. To do this she or he has to be an efficient, imaginative manager. The independent business manager has to know how to hire and train competent employees. Hard work and efficiency will still not be enough unless the independent business manager can find a way to finance the operation. That means the business needs a wise and attentive banker. Capital, low-cost capital, that is available when the enterprise needs it is every bit as important as a good product and a competent work force.

So where does American small business get its capital? It gets its capital overwhelmingly from local, community owned and community oriented banks. Big banks like big business have a critical function in our economy. But local community banks represent the real reason why American independent business is so much more vital and productive in this country than in any other country in the world. Only in America are there literally thousands of independent banks that do most of the country's business.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Consider the hard facts. In virtually every other free country in the world—Canada, the United Kingdom, France, Italy, Japan, Germany, the South American countries, the Asian countries five or six banks do 90 or 95 percent of the country's banking business. Usually they have hundreds of branches. But, of course, they are centrally managed, centrally controlled. Their loans are centrally directed. Small communities produce much of the savings. But the larger businesses located in the big cities and foreign countries get the loans.

This is not true in America. In America we have 14,000 independent banks. Our 10 biggest banks do less than 30 percent of our banking business. So local savings largely stay in local communities to finance local businesses. That business is often small or medium sized. It is largely independent. It employs local people. The banks provide two absolutely essential ingredients to the success of these independent business enterprises—so characteristic of our country. First, they provide the credit lifeblood. Without bank capital independent business can rarely function. It is almost impossible for such an enterprise to grow. Bank credit makes growth and development possible.

But there is a second bank supplied ingredient also of great importance. That is sound business advice. Bankers have an opportunity to learn business based on hard, tough, win and lose experience with loans to successful and unsuccessful businesses. Unlike big business, independent business can rarely afford to hire a big-time professional financial or business counselor. For community business the local community banker is the overwhelming source of sound advice on buying plant and equipment financing, inventories, efficiently managing accounts receivable from customers, or installing a cost accounting system that permits intelligent pricing. So why is U.S. small business the economic star of this most productive economy in the world? The local community banker is right at the heart of this unique American business success story.

Here is why the Congress should do all it can to maintain our unique independent banking system. The local orientation of community banks that are dedicated to the efficiency of our independent small businesses lies at the heart of the great American success with a highly competitive, productive economy. Why is American independent business competitive and efficient? A prime reason is because of its reliance on 14,000 independent banks providing the lifeblood of credit to independent business, and precisely the kind of critical professional advice that enables independent business to succeed in America as in no other country in the world.

SOVIET DISMAL RECORD ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we all know that the Soviet Union has a dismal track record on the issue of human rights. In fact, just last week the Soviet's marshaled a huge police presence to quash the celebration of Lithuanian Independence Day. Many Members of the Senate made statements commemorating this occasion, but the proud people of Lithuania were denied the right to mark this occasion in their own way.

Lithuanians are not the only people whose rights are regularly denied by the Soviet Union. The people of the other Baltic nations regularly are subjected to the same treatment, as are many other nationalities and religious groups in the Soviet Union.

There are numerous examples of Soviet human rights abuses, but I will mention two.

Emigration: It is well known that the Soviets have denied many of their people the right to emigrate. According to the State Department there are only three groups that are allowed to emigrate—Jews, ethnic Germans, and Armenians. Yet, even the people in these groups are subjected to arbitrary and stifling barriers when they apply to emigrate. The welcome liberalization of emigration controls that led to the outpouring of Soviet Jews in the late 1970's is now reduced to a trickle. While 51,000 Jews were allowed to emigrate in 1979, less than 1,000 were let out in 1986, and this increased to only slightly above 8,000 in 1987. There are indications, however, that things may be changing for the better. I applaud the progress made during this week's meeting between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze. The Soviets have indicated that they will suspend a very restrictive emigration provision. But proclamations must be followed up with sustained action, and with progress on other human rights issues.

Political and religious prisoners: While we have recently seen the release of some religious and political prisoners in the Soviet Union, there are still many more that are imprisoned. Religious officials are imprisoned for speaking out against the repression that restricts them and their followers from freely practicing their beliefs. Political prisoners face equal or worse treatment. Members of the Helsinki Watch groups in the Soviet Union are severely persecuted. These groups monitor Soviet compliance with the Helsinki Final Act. This agreement is a pledge, signed by the Soviet Union and 34 other states, to respect human rights and allow freer movement of people and information. Many of the members of the Soviet Helsinki Watch groups have been either exiled or thrown into the worst prison camps.

My question is: "When will this end?" The Soviet Union under General Secretary Gorbachev has embarked on a policy of glasnost. This policy is intended to show that there is a new way of thinking about international and domestic affairs in the Soviet Union. In fact, under this policy accounts of human rights abuses by former Soviet leaders have been published for the first time. Yet, despite this glasnost policy I see few signs that the present Soviet Government is willing to extend basic human rights to all of its people.

A Moscow summit meeting, between President Reagan and General Secretary Gorbachev, is tentatively scheduled for May or June. I urge the President to impress upon Mr. Gorbachev, at this meeting, the weight that the United States places on the human rights issue and the importance of this issue for the continuing improvement of United States-Soviet relations.

Mr. President, I thank my good friend, the majority leader, for being so gracious, and the acting Republican leader, Senator PACKWOOD, also for being so helpful.

SENATORIAL ELECTION CAMPAIGN ACT

The Senate continued with the consideration of the bill S. 2.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PACKWOOD. Mr President, I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 7 minutes.

Mr. PACKWOOD. Mr. President, this debate, of course, is now drawing to a close. I think almost all of the points that could have been made on this bill pro and con have been made.

Our side would clearly indicate that if you want to get rid of the so-called pernicious influence of political action committees, you can do that by just saying they cannot give money, zero. Our side has indicated that if the problem is that we are spending too much money altogether, you can take care of that by lowering the individual contribution limits from $1,000 to $500 or $200 or $100, or whatever figure you want to set it at, and that would guarantee a reduction to spending in a campaign.

I think this side has proven with pretty good statistics that are not ours, but from political scientists, that a spending cap clearly favors incumbents over challengers, and I ask unanimous consent that some excerpts that I have from academicians around the country alluding to this particular fact be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Academicians on Expenditure Limitations

"A ceiling on expenditures, by contrast, almost certainly benefits incumbents since challengers must usually spend a great deal more than average to upend an incumbent."—Source: Dr. Larry J. Sabato, Univ. of Virginia, *Pac Power*, 1984

"Requiring equality of finance merely emhasizes these other inequalities and prevents less well-known candidates from access to one of the few resources available that they can use to catch up."—Source: Dr. Nelson W. Polsby, Univ. of California, Berkeley; Kennedy School of Government, Harvard Univ., *Commonsense*, December 1983 (Polsby is one of 2 or 3 top political scientists in the country.)

"And it is also plain that contribution or spending limits, or any other measures that restrict the amount of money spent in campaigns, will, if they have any effect at all, help those already in office."—Source: Dr. Gary C. Jacobson, Univ. of California, San Diego, at U.S. House of Representatives Task Force on Elections hearing, August 22, 1983 (Jacobson has written extensively on expenditures in congressional campaigns.)

"* * * Spending limits work the other way. In the aggregate, with some exceptions that grow out of the peculiarities of individual races, spending limits would favor incumbents and would be felt most heavily in the most competitive districts."—Source: Dr. Michael J. Malbin, American Enterprise Institute, *Money and Politics in the United States* (Dr. Malbin was at the University of Maryland and is now at AEI in Washington, D.C.)

"Expenditure limits work to the disadvantage of nonincumbents and discourage electoral competition. * * * Keeping in mind that it is challengers, not incumbents, who benefit most from campaign spending, such proposals have a definite anti-challenger and anti-electoral competititon bias."—Source: Dr. John F. Bibby, Univ. of Wisconsin-Milwaukee, Statement before Subcommittee on Elections, House Administrative Committee, June 16, 1987.

Mr. PACKWOOD. Mr. President, I think it is also quite clear based upon the extraordinary evidence that Senator McConnell has brought forth what spending limits cause. They cause efforts at cheating. They cause efforts at violating the law or if not violating the law, an effort to get around the law in ways that were not intended so that they can exceed the spending limit.

Mr. President, yesterday the Federal Election Commission has done it again. I am not blaming them. But here is a perfect example as to how you can get around the law.

Congressman Gephardt has been running a famous ad in the campaigns, showing that the cost of a Hyundai is whatever it is, $8,000 or $10,000 in the United States, but an equivalent Chrysler K car in Korea would cost $40,000. And at the end of the ad appear the following words: "Vote, Volunteer, Contribute."

And based upon the fact that the word "contribute" is in the ad the Federal Election Commission has indicated that half of the cost of the ad and half of the cost of the production and half of the cost of putting it on the air can be written off against what are known as the national spending limits rather than the State spending limits.

Every political manager that you talk with understands this. They know what they do. They design the ads that way, and all you have to do is put a three-syllable word "contribute" at the end and you can write off half of the cost against the national limit that you are never going to be able to exceed. You dramatically increase what you can spend in Iowa and what you spend in New Hampshire.

So, for a whole variety of substantive reasons, I think the present law as it affects the Presidential campaigns has been shown not to work and should not be extended to other races.

Now, Mr. President, I would like to address myself just for a moment, if I might, to the use of delaying tactics, filibusters, or call them what you want.

We always learn in this organization, even though we may think the rules are fixed and firm, it is amazing how the fertility of the minds of the Members manage to find ways to expand those rules—I do not want to say violate them—but expand those rules beyond what our concepts would have grasped before.

I remember, and I cannot remember if it was when our good friend, Senator Byrd, was majority leader, or when it was Senator Mansfield was majority leader, when the late Senator Allen first discovered the post-cloture filibuster rules by a simple device. Under cloture, of course, only amendments at the desk that are germane, that are filed at the time of invocation of cloture can be voted upon. I cannot remember what the issue was. But on a particular issue, Senator Allen filed at the desk shortly before cloture was voted I think 1,100 or 1,200 amendments, all of which were germane. And when cloture was finally invoked and all the time had run out, all he had to do was stand up and say, "Mr. President, I ask amendment No. 111 be called up," no time to debate it, but 15 minutes to vote on it and 15 minutes to reconsider it. And if you add up how many days it would take going 24 hours a day to vote on 1,100 or 1,200 amendments, you come to about 25 to 26 or 27 days, assuming you are willing to work 24 hours a day straight.

He discovered something that none of us had ever seen before in terms of extending debate.

The Republicans the other night thought we might have hit upon an idea of a way of extending debate, and the reason I mention this is because of the conviction I have the longer I am here that in many, many situations we are wiser to wait than to move, we are wiser to delay than act.

I cited the other night the classic example of Senator Proxmire's filibuster against the SST. He had an unusual advantage in that he was working against a time limit which was the end of the congressional session.

We were in the end of the second year. In fact, we were into January of the month in which the new Congress comes in and as the clock was ticking away up to 12 o'clock, it was obvious that his filibuster was going to succeed because Congress was going to be constitutionally adjourned and but for his filibuster, which he actually handled wonderfully over several days, we would have voted for the SST and we would have made a tragic mistake in terms of hundreds of millions and then billions of dollars being invested into something, and we were driven solely by the fear that the British and the French would beat us with the Concorde.

So that was the use of a filibuster that caused delay that was wise.

On the other hand, 4 years ago, I was on the other side. I was with Senator Proxmire on that issue. I was on the other side supporting the Civil Rights Act of 1984 and that act was very successfully filibustered to death. It was a filibuster being led by Senator Hatch of Utah. We were again up against a deadline. It was in September. Congress was about to adjourn. And he managed to filibuster that bill until I had to make the motion to take down, table my own bill, because the filibuster had been successfully used to delay it.

I remember what my good friend, Senator Williams, of Delaware, said years ago about making more mistakes in haste than losing opportunities in delay, and then he added, what needs to pass will pass. It may take two or three Congresses, but that is not a long time in the history of this country, and indeed he was right.

The Civil Rights Act of 1984 has been slightly amended. It is now the Civil Rights Restoration Act, and it is going to pass. It may or may not be vetoed by the President, but my hunch is if it is vetoed the veto may be overridden. And that was an example where time—Mr. President, I ask unanimous consent for 2 additional minutes and I will be done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD. That is an example where time passed, public opinion mobilized on the side of the act, and it has passed.

Our side is convinced that given another year, 2 years, 3 years, of time to educate the public, especially educate editorial writers about the defects of the present bill, and we think time will be on our side, so we have attempted to use the legitimate tactics of delay in order to gain us time to wage a battle for the minds of the public. We think we will be successful, and we think in retrospect this Senate will look back and say thank goodness we did not pass what would have been a pernicious and harmful piece of legislation.

I thank the Chair.

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Twenty minutes.

Mr. McCONNELL. I yield to the distinguished Senator from Connecticut, [Mr. WEICKER].

Mr. PACKWOOD. Mr. President, I believe the majority leader previously asked that the time on this side be controlled by me. I ask unanimous consent that Senator McCONNELL control the remaining time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. I yield 5 minutes to the Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Kentucky.

Mr. President, I rise in opposition to the bill and want to make a few remarks as to what it is that has transpired, both on the floor and off, in trying to focus on what is truly at issue.

What is not at issue is whether or not we have had extended debate or who was arrested. Indeed, if we were doing our job on issues and articulately presenting those issues to the Nation, we would be more arresting of the public attention than of ourselves. But we are not addressing issues. We are not presenting them in a way that creates enthusiasm among the voters and because of that, our democratic system is in jeopardy.

But in order to preserve it, I do not think it prudent to turn to artificialities. Rather, stick to the principles contained in the first amendment of the Constitution of the United States.

A paper I greatly respect makes the point well. I happen to agree 95 percent of the time with the content of editorials in the New York Times. And I might add, journalistically I think there is no better newspaper in this Nation. The other day, they had an editorial called "Reformbusters in the Senate." And in effect, it stated that:

> Given the charges of sleaze arising almost daily against the Reagan Administration, Republicans ought sensibly to want to dissociate themselves from the poisonous climate. Tomorrow's anti-filibuster vote will give all senators, and particularly Republicans, their chance.

It also says—

> By ending the filibuster and passing the bill, the Senate could control campaign costs and scrub away some of the suspicion that has settled, like polluted air, on Washington's marble halls.

I am mentioned by name in the editorial thought. That is immaterial to these remarks.

The first amendment of the Constitution of the United States several provisions, one of which is the Congress shall make no law, make no law abridging the freedom of speech. "Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances." These are all in the first amendment. These rights are all involved in this debate on campaign financing.

The first amendment implies that political expression is a best tended to by the people of the Nation. I agree. It is not a matter to be defined by Congress.

Today an editorial appeared in the New York Times entitled "Outrageous Free Speech? Yes, and Free." The operative paragraph is right there in the first paragraph.

> When a Supreme Court headed by William Rehnquist delares the deepest commitment to free speech, and does so unanimously, it furthers a thrilling principle of liberty. Larry Flynt's rancid Hustler magazine may have ridiculed the Rev. Jerry Falwell in the coarsest and most outrageous way. But freedom of speech, the Court declares, extends to utterances that are outlandish, even detestable. The Court thus reaffirms its historic trust in the people to decide for themselves what to read and what to heed.

That same first amendment says "Congress shall make no law abridging freedom of the press."

So the Times is right when they say let the people decide on the matter and manner of ideas.

Yet what is being said here and in the Times is that people cannot decide for themselves on matters of speech and petition such as who to support or not when it comes to the free election process. However these same people can decide for themselves on ideas presented through a free press.

What I am fighting for here is a right of expression just as free as that for which the New York Times and other media fight in terms of constitutional rights.

The ACTING PRESIDENT pro tempore. The Senator's 5 minutes has expired.

Mr. WEICKER. I ask for 1 more minute.

Mr. McCONNELL. I yield 1 more minute.

Mr. WEICKER. I do not think we should be in the position to alter or dilute the first amendment rights of the people of this Nation. We are not here to subsidize mediocrity, socialize politics, or congressionally define what speech is permissable.

Let it be a free system of elections. Let the people decide, not Congress. Let the people decide on the matter of ideas as expressed through the press. And, yes, political lives in freedom with rancid people and ideas just as the press so similarily exists.

But you do not bring freedom in the United States down to the lowest common denominator. This bill is geared to a lowest common denominator reasoning and if it passes it replaces the highest expectations of the first amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired

Mr. WEICKER. I ask for 30 seconds.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. I yield.

Mr. WEICKER. I think people's political judgments can be trusted with as much feeling as the New York Times feels that people can decide for themselves "what to read and what not to heed." In this Senator's opinion the people can also decide who to support and who to defeat.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. How much time remains on this side?

The ACTING PRESIDENT pro tempore. Twelve minutes and thirty-four seconds.

Mr. McCONNELL. I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. McCONNELL. Mr. President, I want to commend the Senator from Connecticut for his most insightful observations about the first amendment and how they apply to this historic debate. This has indeed been a historic debate. The distinguished majority leader is a man who is aware of many records in the Senate. Today we will have our eighth cloture vote on this measure.

I suppose it is fair to ask the question why eight cloture votes on S. 2? Why the extended debate? Mr. President, an important principle is involved in this debate. And it essentially is this: Will there be a limit on how many people can participate in the political process with limited, fully disclosed cash contributions? How many people can participate in the political process with limited and fully disclosed cash contributions? It is the feeling of this Senator and the overwhelming majority of the people on this side of the aisle that that ability to participate should not be inhibited.

Second, the real issue before this body in addition to that important principle is a question of partisan advantage. There is no question in the minds of the political scientists across this country and those who follow the rules of the campaign game that to the extent that you limit the cash contribution in terms of disclosed contributions, the money pops up somewhere else.

The Presidential system has worked out about like prohibition, about like prohibition, and in a sense that is what we are seeking to do here, to emulate, to imitate the Presidential system and apply it to 535 additional contests.

I will say, Mr. President, I can confidently predict that if we created for congressional elections a system of spending limits and public financing, the FEC would shortly be the size of the Veterans' Administration. And would it succeed? Why, of course not.

What has happened under the Presidential system? Why, spending has increased enormously. What else has happened under the Presidential system? One out of every $4 has to go to the lawyers and the accountants trying to figure out some way to skirt the process because it is unrealistic.

What else has happened? Every major candidate since 1976 has become a cheater. A number of folks in this debate, particularly on the other side of the aisle, have said time and time again there is a scandal waiting to happen. I agree. But it is in the Presidential system, not in the congressional system. That is where the scandal is waiting to happen. And that is where we go from here in the judgment of this Senator.

Let us look at the system that really has the problems that is unfolding right before us today, and which is the system under which we pick the most important elected official in this country.

We would have had a congressional campaign finance reform bill. We could have had one. The group of eight upon which the distinguished Senator from Oregon, who is quite knowledgeable on these issues, sat, four on each side as the majority leader suggested, and met on several occasions. We came ever so close to producing a bipartisan campaign finance reform bill that would have slipped through this body 90 to 10, would have been a landmark piece of legislation, something we could have been proud of, done something about the real problems that exist in congressional campaigns, and the real problems are the PAC's.

If there is a perception of undue influence out in the land, if there is any interest in this issue out in the land, it is about the PAC's. This Senator from Oregon and 13 other Senators were happy to eliminate PAC contributions all together. We could not get a single cosponsor on the other side of the aisle.

You look at the cost of campaigns in addition to growing PAC contributions. What else has fed the cost of campaigns? The millionaire problem, that was an area that both sides agreed we could do something about. Constitutionally, you cannot keep somebody from putting a lot of money into his own race, but we believe we could constitutionally make him eat the whole thing, keep a person who puts a lot of money into their own race from going around after it is over and getting it back, going around town and shaking down every special-interest group, and finding people all over the country to pay himself back. We think we could do something about that. That kind of measure could go through here tomorrow, 95 to 5.

And the cost of television: the group of eight agreed it is clear what has driven the cost of campaigns in addition is the cost of television. What do our friends in the broadcast industry do? Typically when you move into the last 60 days of an election, the lowest unit rate to be charged to all customers is raised. I wonder why. It is because we have to advertise heavily going down the homestretch.

There was an agreement in the group of eight that we ought to require the broadcasters to sell us the time at the lowest unit rate for the preceding year, the nonelection year. It would give us a chance to afford the process.

I yield myself 2 additional minutes.

The ACTING PRESIDENT pro tempore. The time remaining is under the control of the acting Republican leader.

Mr. PACKWOOD. I ask unanimous consent that the time under my control be transferred to the control of the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. Without objection.

The Chair apologizes. I think that may have been done previously.

Mr. McCONNELL. So, as I was saying, Mr. President, we could have passed a bipartisan campaign finance reform bill for congressional elections, and I hope we will at some point in the near future, one that deals with PAC's, one that deals with millionaires, one that deals with the cost of television.

But let me conclude by saying that there is one thing that, in the judgment of this Senator, we will never do. We will not do it today. We will not do it tomorrow. We will not do it ever. And that is this: we will never agree, we will never agree, to put a limit on how many people can participate in the political process through limited fully disclosed campaign contributions.

In conclusion let me thank the staff of a number of Senators on this side of the aisle who have done an outstanding job in helping us prepare for this debate: Senators PACKWOOD, BOSCHWITZ, and STEVENS, and the distinguished acting Republican leader, all of whom have made an enormous and significant contribution to what has indeed been one of the most memorable debates in the history of the U.S. Senate.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KERRY addressed the Chair.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. I thank the Chair and I thank the distinguished majority leader.

Mr. President, all of us have listened with great interest and participated with great interest in the debate of the last days. I have listened this morning to my colleague, the distinguished Senator from Connecticut, talk about the first amendment. We have heard the Constitution invoked again and again in this debate. But the fact is—getting away from the emotional, getting away from the invocation of Constitution—the fact is that the first amendment and the Constitution are not challenged by a voluntary system that has been carefully crafted under the decision of Buckley versus Valeo to meet constitutional scrutiny. This is a voluntary standard that is being applied in S. 2.

But let us leave out that part of the debate on the merits because there really is a bottom line here; a fundamental bottom line. And the bottom line was just expressed by the distinguished Senator from Kentucky. "We will never, we will never accept a limit on the amount of people who will be able to participate with small contributions."

Mr. President, the measure of a democracy and the measure of participation is not money and should not be money. The measure of an American's ability to be able to participate in our system is according to the first amendment. And the right to associate freely and organize and speak freely is, in the democratic process, best articulated through the vote, through the organizational ability, through the grassroots kind of politics that money has taken us away from.

The reason the cost of campaigns goes up each year is not that the cost of organizing goes up, but that the media costs go up. And the media costs are incessantly higher and higher because each candidate comes to the political trough believing that if they can just buy that extra ad, if they can just get an extra minute on television, they may win. And the Republicans have said again and again, "We are not going to accept a limit on that ability to spend." Why, Mr. President? Because every single race in this country shows that they outspend their opponents 2 to 1, 3 to 1, sometimes not as high, but absolutely invariably outspend their opponents; even incumbent Senators are outspent.

I have heard the distinguished minority leader, Senator DOLE, say on this floor that if you put a cap on spending, the Republicans will not stand a chance. That means, when you think it out, that if they cannot spend more money, they cannot win.

Now, what we are dealing with here is a fundamental perception problem. I heard the Senator from Maine yesterday make an impassioned speech, and I think he has much to be angry about. But the issue is not whether or not one Senator or another in fact has a linkage of money to voting. It is the perception. We are supposed to be sensitive to perceptions of voters about the integrity of our system.

Let me read today's Washington Post editorial. Headline: "The Best Senate Money Can Buy."

And what they say in the Post is that it is important to remember what this vote is about.

> The vote today is about the role of money in congressional affairs. A certain amount of money in democratic politics is healthy; too much is corrupting. There is too much now. In the period from 1976 to 1986, the cost of living nearly doubled. In that same period, congressional campaign expenditures nearly quadrupled. Senate candidates in 1976 spent $38 million; the average winner spent $600,000. Five election cycles later, the candidates spent $179 million; the cost of a Senate seat had become $3 million. To raise the money he will need for reelection, the average senator now has to raise $10,000 a week every week of his six-year term. If he comes from a large state or fears a close election, he may have to raise four times that. They already live with their hands out. Where can it end?

Then it says:

> The Democrats seek to impose spending limits.

Skipping a couple of sentences:

> But the willing Republicans have been whipped away from the bargaining table by others who say unlimited spending is the only way their party can thrive. The rational Republicans have been cowed by their——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KERRY. I ask for 2 additional minutes.

Mr. BYRD. Mr. President, we are going to run very short on time. I yield 2 additional minutes to the Senator.

Mr. KERRY. I thank the Senator. I will finish before that.

> The rational Republicans have been cowed by their more vehement colleagues.

Last sentence:

> The buying of the Senate goes on.

Mr. President, we have a perception problem. We have a perception problem, and we have been prevented in these last days from dealing as this Senate ought to deal with that perception problem. I hope that the day will come soon when we can meet and talk and move forward on a process. The problem is not, as we heard, with prohibition. The problem is not substituting mediocrity with the present election system. The problem is reducing the impact of money on our politics and the problem is on creating a fair system where we are equal in our approach and where it is our ideas and our touch with the people that carries the day, not our ability to spend money.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 21 minutes 16 seconds remaining.

Mr. BYRD. Mr. President, I yield 4 minutes to the distinguished Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, today I rise to express my concern with the manner in which we are handling this whole issue of campaign finance reform. As you know, I am a cosponsor of S. 2, and have supported efforts to bring this measure to the floor. In fact, with today's vote, I will have voted eight times for cloture. I am one of only two Republicans who has done that. But 60 votes are needed to invoke cloture and they are not there. It seems to me, after the Senate says no to cloture today—and it is clear it is going to do that—it is time to move on with campaign reform.

I want campaign reform. I respect the efforts of the majority leader to move forward with S. 2. I have great respect for his work and the work of the senior Senator from Oklahoma, Senator BOREN, on this issue. But what do we want here in the Senate? Do we want a cause or do we want a bill?

With every cloture vote, this Senate is moving further away from campaign finance reform. The time has come, it seems to me, to redefine the debate. Let us take those aspects of S. 2 that both sides of the aisle can support and draft a compromise measure.

What would that measure be? Public financing and overall spending limits are clearly not going to pass. But does that mean we should abandon the whole issue of campaign finance reform?

Let us make a new beginning.

Even as a cosponsor of S. 2, I never thought that this measure was the final word on campaign finance reform. It was and is a starting point and a stepping stone to comprehensive reform. Indeed, I have proposed amendments which would go even further than S. 2.

We have had spirited debate on both sides of the aisle, and this legislation framed the debate. Now we can see that some provisions are unacceptable to a great many Senators. It is time to accept that and move forward. I am concerned that continuing on the present course will ultimately end our opportunity for any kind of reform. And to me that does not make any sense.

There are so many areas where we can make significant improvements in our system of campaign financing. I have listened to Senators on both sides of the aisle call for increased disclosure requirements. This could form the basis of a new campaign finance reform proposal, a proposal that all of us could support.

We ought to limit political action committee contributions. We ought to close the so-called millionaire's loophole. We ought to limit independent expenditures and disclose "soft money" contributions. We should require that PAC's fully identify themselves.

What in the world is "the Desert PAC, Tucson, AZ" that gave my opponent $10,000? Does anybody know what the Desert PAC is? Is it a realtors' PAC opposed to open spaces? Is it a gun control PAC for or against? Is it for smoking or against smoking? You would never know from the name, "the Desert PAC." I think these PAC's ought to be identified by their names.

The important factor is that there are gounds here for a compromise. There is a chance for some real reform.

I just hope that the distinguished majority leader, following this vote, will reach out and see if we cannot put that committee back together, or form another one, to work on drafting real campaign finance reform, reform that we all can agree upon.

I thank the distinguished majority leader for yielding me time.

Mr. BYRD. I thank the Senator.

Mr. President, I yield to Mr. MELCHER 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 4 minutes.

Mr. MELCHER. Mr. President, late yesterday, Senator NICKLES, the junior Senator from Oklahoma, flattered me by outlining the amount of money that has gone into my campaign funds during 1987 and outlining how much of that had been from PAC's. I am flattered in that I find that Senator NICKLES knew more about what is in my campaign funds than I did, and in fact broke it down into how much came from PAC's.

But I believe the point now in considering this bill is to limit the amount of campaign spending from whatever source. Political action committees were formed to be the legal way for people in a particular industry or occupation or profession or group to make small contributions that would be funneled in and reported legally in Federal Election Commission records.

So, you know, there are all kinds of political action committees. We know a lot about Cattlemen's Political Action Committee, sheep growers, wheat growers, sugar beet growers—they are all important in Montana. Also, a small group of professionals, veterinarians, have their own PAC's, doctors have their PAC's, banks and credit unions have their PAC's; and they are all part of the business of this country.

You know, that is one way of making a contribution. There is also so-called "bundling," which is another way of making a political contribution. Someone writes or talks to a great number of people encouraging each of them to make a contribution to a candidate.

I commend the Republican Senatorial Campaign Committee for being more effective than the Democrats have been. Bundling apparently is one of the principal ways they raise money. They have got a $65 million war chest; I guess, every 2 years, they collect up to $85 million to funnel out to their candidates.

But there is a lot to be said about how we should limit the amount of spending from all sources and that is why I am for this bill.

The last election that I ran in, a group in Montana looked at what was going on. That was in 1982; NCPAC, National Conservative Political Action Committee, was bringing out cash to Montana to spend trying to defeat me. This one particular group in Montana, taking note of that, thought they ought to get their own ad out. It was Montana cows. Ordinarily calm and peaceful, they were a little bit outraged by the fact that here were these Eastern Dudes coming out with bundles of cash to spend against the candidate they seemed to like that is "ol Doc Melcher." So they got their own ad out.

What it said was: let us keep this Eastern money out of it. Let us not distort the issues here in Montana. That was the Montana cow ad. They seemed to have good cow sense.

Now, in this particular election go-around for this year, I am running again and there are two announced Republicans; one is Pat Robertson's coordinator and another Republican candidate who opened his campaign by going to Israel. The National Jewish Policy Committee whisked him away to Israel to meet Shimon Peres. Let me tell you, Mr. President, that cows in Montana are somewhat puzzled by all of this. They are asking only for a sensible campaign and they believe that there is just too much spending on all of these campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MELCHER. I ask for 1 additional minute.

Mr. BYRD. Mr. President, I yield 1 minute.

Mr. MELCHER. They are like Montana folks: good common sense. And what they believe in is that there should be attempts, right here in Congress, to get agreement on limiting campaign spending from all sources. So far, no matter what package is put together, it has failed to get widespread Republican approval. But surely there is a way to arrive at agreement that campaign spending is just way too much and it should be limited, no matter from what the source it comes from. That is just good cow sense. That is just good cow sense; Montana cows and Montanans in general favor that and so do I.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma, the chief author and chief sponsor of S. 2 for 5 minutes.

Mr. BOREN. Mr. President, I thank the distinguished majority leader for yielding to me. We are now of course approaching a time for decision on this piece of leigslation; decision not on the final form of campaign finance reform, a decision on whether or not we are simply going to have an opportunity to take up campaign finance reform. That is what we are talking about. Not a vote on S. 2 but a vote on whether or not to allow us to consider S. 2, including the amendments from the other side of the aisle that they may wish to offer to improve it. Because if we invoke cloture today we are going to hear those amendments. They will have an opportunity to offer them.

So the sole question before the Senate is this: Should a bill which has a majority of the Members of this Senate as cosponsors, 52 consponsors, a bill which previously 55 Members of the Senate have said they would like to have a chance to have considered, shall we have an opportunity to have the Senate work its will for campaign reform, including considering the changes and the amendments that might be proposed by those who are in opposition to the present form of S. 2.

Will a majority of the Members of this Senate have an opportunity to work on the issue of campaign finance reform? That is what the vote will be all about in just a few minutes.

As we have looked at the opinion of the American people, we looked and discussed yesterday the Harris survey, with over 90 percent of the American people saying that we view too much spending on elections by candidates as a serious national problem. Will that overwhelming majority of the American people have an opportunity to have their concerns acted upon by their own elected representatives? That, Mr. President, is the issue.

There have been several arguments raised against this bill. Some of them, I think, are completely without merit.

One is that this is a partisan attempt to legislate forever into minority status the present minority party in the Senate. That simply is not true. This Senator and others have said we are willing to sit down, we are willing to listen, come forward with your own proposed formulas for spending limits. We will change the formulas in States which have historic imbalances between parties. And no proposals have been made because the statement has been made again and again: No, everything is on the table except we will not discuss spending limits at all.

That is like saying: Yes, you may go swimming but do not go near the water. We will talk about campaign reform, we will negotiate about other parts of campaign reform, but we will not talk about the main event. You can go swimming but do not go near the water. You can have campaign reform but you cannot do anything about the overall problem of too much spending and too much money pouring into campaigns.

POLITICS IS LOCAL

Mr. President, one of the unfortunate charges made against S. 2 is that it would somehow create a partisan advantage for Democrats and thus, perpetuate the minority status of the Republicans in the Senate.

Let us look at what happened in the last election to find any patterns or results of spending large amounts of money—and winning elections.

In 1986, there were 34 seats up for election in the U.S. Senate.

I have broken down the results of these races in the following categories:

Incumbents in competitive races who won;

Incumbents in competitive races who lost;

Incumbents in noncompetitive races who won; and

Open seats.

There were 6 races where an incumbent was in a competitive race and was the winner. Of these 6 races:

California, Idaho, Oklahoma, Pennsylvania, Vermont, Wisconsin—five candidates spent more than their opponent—one did not.

Next, there were six races where an incumbent was in a competitive race and lost. Of these 6 races:

Alabama, Florida, Georgia, North Dakota, South Dakota, Washington—five losing candidates spent more than their opponents and lost—one spent less and won.

There were 15 races in which incumbents were winners in what are considered noncompetitive races—basically those races where the incumbent had at least a 2-to-1 advantage in campaign funds over his or her opponent. In those 15 races—8 Republicans and 7

Democrats were reelected to office—rather balanced partisan result.

And finally, Mr. President, in the seven open seats:

Arizona, Colorado, Louisiana, Maryland, Missouri, Nevada, North Carolina—four candidates spent more and won—three candidates spend less and won. Incidentally, of the four that spent more and won—two were Democrats and two were Republicans.

What these figures try to point out is really very simple. At a certain point of diminishing returns, money does not—as it should not—play a dominant role in political campaigns.

Essentially what it reflects, Mr. President, is that politics is local and that no claim can be made that says more money in the process will help candidates.

In 1986, Senate incumbents in close races who lost their reelection bids spent more in five of six races.

And in the seven open seats, three Democracts spent less and won. The four who spent more and won were divided between two Republicans and two Democrats.

The point behind this entire analytical exercise is that the majority nor minority in this Senate is going to be enhanced nor diminished by an outer limit on campaign spending. It suggests that there is a saturation point in which more money:

Does nothing to enlighten voters;

Does nothing to encourage debate on complex issues; and

Does nothing to buy an advantage from a partisan point of view.

Instead Mr. President, what more money in politics today means is more 30-second TV ads which distort records of public servants or discredit challengers. In this money-saturated environment, we are seeing advertising for public service put on the same plane as toothpaste and dog food.

Mr. President, when will we return to a time when candidates for the U.S. Senate and the House or Representatives are judged:

Not by how many millions of dollars they can raise;

Not by how many negative ads they can buy on television;

Not by how they can distort their, or their opponents record; but instead by their ideas, their qualifications, their love of country and their commitment to serve the public interest—not the special interest.

Mr. President, when you analyze what happens in terms of total spending what you find basically is that incumbents, whichever party they happen to be from, are able to raise significantly more money than challengers and that incumbents tend to be perpetuated under a system which does not have campaign limits. With a majority of incumbents in both parties of Congress now being in the Democratic Party it defies logic, Mr. President, it defies logic to believe that setting some kind of overall spending limits is going to put the present minority party at a disadvantage.

Quite the contrary, even the political action committees contribute 80 percent of their money to incumbents, whichever party they happen to be in. The fact that both Houses of Congress are now in the majority status of the Democratic Party means most of that money, more of that money is going to those Democratic incumbents because that is where the majority lies.

So that is a false argument, a false concern.

PRESIDENTIAL SYSTEM COMPARISON

Mr. President, I have been interested to hear that some oppose S. 2, because it would "make cheaters out of everyone."

Comparisons have been made between the current system of spending limits in our Presidential system, which is not perfect, and the system proposed under S. 2.

I believe such comparisons are unfair and illusive. The Presidential system in the primary is a series of 50 separate campaigns in which 50 separate spending limits apply to candidates who qualify and participate in the program.

Recent reports of alleged cheating by candidates whose campaigns exceed the spending limits from some States are indeed serious. However, I would rather my colleagues come forward with ideas on how to improve that system, than condemn it and use it as an excuse not to support reforming our own campaigns.

With a Presidential primary system where 50 separate spending limits apply, ways around those limits are inevitable—and perhaps "separate" limits should be repealed—leaving instead a national limit for the primary period.

Along the same note, I have supported a system of five regional primaries which would improve this system where a few early primary or caucus States decide which candidates should be allowed to continue their candidacies. In fact, I have worked with the Senator from Oregon in this effort. With a series of regional primaries, no State or region will have more influence on a campaign than any other. Many strong candidates are unable to complete the primaries because they are unable to do well in a small area of the country, even though they may have vast appeal in others.

However, Mr. President, these are ideas about the Presidential system. I would not be entirely opposed to consider such ideas to improve that system. But, the Senate will be unable to do so, so long as opponents of spending limits in Senate campaigns continue to filibuster and deny 52 cosponsors of S. 2 the opportunity to have a vote on amendments and pass this bill.

The Federal Election Commission has already said that it would be able to oversee such a system for Senate elections. It woud be far more capable of tracking the expenditures of 2 candidates in 1 State with 1 spending limit than some say it has been able to do with 13 Presidential candidates with 50 spending limits in 50 States.

Mr. President, I strongly believe that we would see far fewer "cheaters" in congressional elections under S. 2 than we do today.

For one thing, today, the practice of "bundling" has shown us how PAC's and party committees can evade the spirit if not the letter of the law.

Additionally, Members of Congress are getting more sophisticated in "playing one PAC against the other." I will never forget the scenario drawn for me in a meeting several years ago in which political consultants lead a discussion on "how to play the PAC game." For example, let's say you, as an incumbent seeking reelection in a few years were on the Banking Committee. First you would take an early, favorable poll showing your strength for eventual reelection to some of the bankers' PAC's, saying, "I know you will be working with me on this committee for some time, as I appear to be in good shape in the polls—you better contribute now." Then you go to the savings and loan's PAC's and say, "did you know the bankers have gotten on board, you do not want to lose your access to the bankers." Then you go across the street to the securities lobbyists and say, "did you kow the S&L's and bank's are helping me—you do not want them to beat you out on that bill coming through my committee next year—you better contribute to my reelection." And the money chase continues.

Mr. President, there are no saints of fundraising in Senate elections either. We in this body, the PAC managers who are constantly solicited, the out-of-State fundraisers, are all caught in this game. It drains the creative energies of many in the Congress—and frightens many potential candidates who should run for public office but won't because they are not connected to the money valves in Washington.

Let us not wait any longer to reform our own system. If abuses in the Presidential system can be fixed, legislation to do that should be considered as well. But let us not dilute the debate on this important matter any longer.

It is also, Mr. President, really a falacious comparison. We are not talking about a multistate spending limit program in which you have to keep track of how much you have spent in each and every individual State where you are running a campaign in 50 States across this country. We are talking about overall spending limits, State by State, where we are only dealing with two candidates in a specific State. Not many candidates spread out in campaigns all across the country, trying to figure out how much of the money spent should be allocated to the race in each State.

There simply is not an analogy that can be drawn. We are also not talking about a system of automatic public financing. This bill no longer has automatic public financing in it. It is used only as an inforcement mechanism.

We are talking about only one thing. I wonder if I might have 1 additional minute?

Mr. BYRD. Yes. Certainly, Mr. President. I yield another minute.

Mr. BOREN. I thank the leader.

We are talking about one issue now and one issue only, because we said we are willing to talk about everything. We are willing to work out a compromise on every subject, whether it is soft money or television advertising rates or aggregate PAC limits. We are willing to work out a compromise on every subject and the other side has said: We are willing to talk but there is one thing we will not talk about: overall campaign spending limits.

So it comes down to this, Mr. President. Do you think it has been good for this country that we are pouring more and more money into campaigns? Or do you think it has been bad for this country?

Is it good for this country that we have the costs of campaigns go up by 500 percent? The other side must say yes, we think that is good. It has improved participation. We do not think so. We think it is disillusioning the American people. We think it is making it hard for new people to run for office. We think it is making Senators and Congressmen who ought to be spending their time dealing with the Nation's problems spend their time to go out across this country to get money; not even getting to their home States, talking to their own constituents, because they have to go to the places that the money is that they need to run for office.

Mr. President, it is not good for this system. It is not good for this country, to put the highest offices of the land up for auction, to put pressure on people who ought to be dealing with national problems, pressure on them day after day after day, to raise money, money, and more money for campaigns.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Four minutes and thirty seconds.

Mr. BYRD. To which side?

The ACTING PRESIDENT pro tempore. Your side has 4 minutes 30 seconds. The other side has 4 minutes 13 seconds.

Mr. BYRD. Mr. President, I ask unanimous consent that there be an additional 6 minutes to each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the majority leader. That is a graceful accommodation. That leaves, then, 10 minutes for this side?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. SIMPSON. I would yield 3 minutes of that time to the floor manager of the operation on our side.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized for 3 minutes.

Mr. McCONNELL. Mr. President, I thought I had concluded my remarks but there is one thing I have learned in listening to my friend from Oklahoma, Senator BOREN: Every time he speaks, I get exercised. I just heard him once again go on and on about the money in the system.

He is right about the issue. The issue, Mr. President, is simply this: How many people can participate in the political process? Now, what S. 2 seeks to do would be about like saying to the Washington Post or the New York Times: We are going to put a limit on your circulation. We are going to put a limit on your circulation. There are only so many people you can communicate with. You are getting too big. You are doing too well.

That is ridiculous; absolutely ridiculous. The concept of spending limits has not worked in the Presidential system. It will never work. It has made cheaters out of all of the major candidates. If we imposed it on 535 additional races the FEC would be the size of the Veterans' Administration. It is a completely absurd notion that makes no sense and it snuffs out the opportunity to participate for a huge number of people across America. It is bad.

Mr. BOREN. Would the Senator yield for a question?

Mr. McCONNELL. I will not yield.

It is bad public policy, dreadful public policy, and we should never enact such a measure.

Mr. DeCONCINI. Mr. President, I have listened to the debate opposing the most recent version of the Boren-Byrd campaign finance reform legislation, and frankly I have become disheartened. It has become evident that some of the leading opponents of S. 2 will oppose this legislation, in any form, at any time. I am surprised. I assumed that when some of my colleagues argued that the big problem with S. 2, as we reported it from the committee, was public financing, that they meant what they said. Now, Senators BOREN, BYRD, and a number of other of my colleagues, have found a compromise which results in no net cost to the Treasury. None. Zero. Now my colleagues who spoke so eloquently against public financing, while saying they supported the concept of campaign finance reform, have changed their tune. Now, they argue that spending limits are inherently unfair. This just doesn't wash.

The American people want spending limits. In fact, they cry out for them. I will not repeat all the numbers, percentages, and figures that we have been hearing. Let me just summarize by noting that between 1976 and 1986 the cost of Senate elections increased from $38.1 to $211 million. The average cost of running for the Senate has increased from $600,000 to $3 million over the past decade. If we keep on this same track the average Senate race will cost almost $15 million in another 10 years.

Some have suggested that there is nothing wrong with these escalating costs—that in fact more is spent each year on selling dog food, and toothpaste than on selling Senators. But that is just the point we are not selling Senators. The election process when the electorate must make an informed decision on who should run this country, should not be based on who has the snappiest ad campaign, the best hairdresser, or the best TV personality. Voter decisions should be made on the issues, on facts. It is these very facts that have become obscured by expensive advertising campaigns and the pressures to raise money. The 100 Members of this body should not be packaged and sold like so much shampoo. But because Members must spend so much of their time raising money for multimillion dollar campaigns, they have less and less time to spend with the voters, and this is a tragedy.

Spending limits are ultimately reasonable and ultimately responsible. The American public does not want election to the highest offices in this country sold to the highest bidder. We need spending limits, Mr. President. Now that the excuse of public financing has been eliminated, the opposition has been exposed to the light of day. Many of those who oppose this bill do not want spending limits because they want to buy elections.

It has been suggested that this bill places an undue hardship on candidates who choose not to participate in the system. I have heard it argued that the Presidential system does not put such punitive provisions into place. Now, the opponents to this bill cannot, simply cannot, have it both ways. You cannot oppose the Presidential system for the Senate, and then argue against the new Senate proposal when it moves in a different direction from the Presidential system.

Mr. President, I have yet to hear a constructive suggestion from the opponents of S. 2. All I hear is nitpicking, and complaining, but no constructive alternatives. I can only surmise that many of the opponents want no changes at all in the present system which rewards those with the most money.

Perhaps the formation of the so-called Committee of Eight will result in a reasonable compromise proposal. But I do not believe that there can be a compromise unless there is a basic agreement that we must limit spending. Anything else is just cosmetics.

The opponents of S. 2 have spent a good bit of time discussing the problems with the bill. Either the bill doesn't adequately address this problem, or it overreacts to that problem. Let's see some concrete proposals, proposals that include spending limits. If our colleagues want to modify the limits, let them put forth their suggestions. If they want to make modifications of the soft money provisions, let's see those suggestions. But a lot of breath and rhetoric are being wasted on this floor tearing down S. 2, saying what it doesn't do, when we should be trying to improve it and see what it can do.

As I have said, and many of my colleagues have said, over and over again, "The bottom line is spending limits." Campaign finance reform requires spending limits to be reform. Beyond that I think that everything is on the table. I urge my Republican colleagues on the Committee of Eight to sit down in that spirit. If there is a failure to make this basic agreement, I expect that there are long days and longer nights ahead of us.

Mr. HEFLIN. Mr. President, I would like to take a few minutes to explain for the record my opposition to S. 2, the Senatorial Election Campaign Act of 1987.

I would first like to point out that, by speaking at the present time, I am in no way contributing to the filibuster which is being waged against consideration of S. 2. I just feel that I owe to my colleagues and to my constituents—the good people of Alabama—an explanation of my position in this matter.

Although I have voted against cloture on S. 2 in the past and will oppose cloture on the bill in the future, I am not, I repeat, not, an opponent of campaign finance reform. Rather, I believe that my voting record demonstrates that I am an advocate of campaign reform, having supported both the Boren bill in 1985, and the Goldwater-Boren bill in 1986. However, my opposition to the bill now before the Senate lies primarily in its provisions mandating taxpayer financing of congressional elections. I cannot, in good conscience, support any bill which would mandate the appropriation of the hard-earned dollars of the American taxpayer for congressional elections. In this time of high Federal deficits, there are simply too many other more important areas that demand a higher priority such as education, national security, care for the blind, the disabled, and we should actively curtail spending to reduce the deficits.

Many have stated that this bill does not necessarily institute public financing, but that candidates would receive funds only as a response to the spending levels of opposing candidates who were not participants in the system. Regardless of when or under what circumstances public financing would be instituted, it is an undeniable fact that the bill provides for the appropriation of taxpayer dollars for congressional elections. I cannot, as I said, support this concept.

I support campaign reform; I support spending limits; but I categorically oppose taxpayer financing of congressional elections in any form.

There is another, more effective, more legitimate way to accomplish reform and institute spending limits—the constitutional amendment to provide the Congress with the authority to make laws relative to Federal elections.

I am an original cosponsor of Senate Joint Resolution 21, the constitutional amendment that was introduced by Senator HOLLINGS to provide Congress with the authority to take all necessary action to improve and reform our Nation's Federal campaign laws.

While it has been argued that the process of passing a constitutional amendment that would allow Congress to truly reform our campaign laws would take too long, and for that reason is dismissed by many as an unrealistic alternative, I would like to remind my colleagues that the initial movement for campaign reform began some 15 years ago and is still not finished. Loopholes are still open; Common Cause and others continue to claim that the Congress is for sale, despite the many attempts of the past to reform our campaign laws. It is, therefore, clear to me that these piecemeal attempts to reform our campaign laws are not and will not be effective.

What has happened time and time again is that Congress will pass a campaign reform law which is hailed by its proponents as landmark legislation which they say will close the loopholes and reform the process once and for all. However, even before the bill is signed into law, the downtown lawyers and election law specialists have already found more loopholes. Congress will then address these new loopholes, and in the process will create dozens more. This process reminds me of the little Dutch boy who tried to stop the leaks in the dike with his fingers. And I submit that the legislation we are now considering would be nothing more. It seeks to close the loopholes and stop the abuses in our current system, thereby stopping the holes in the existing dike, but I believe it will create just as many loopholes and abuses as it seeks to close.

However, the bill now before the Senate proposes something new for congressional elections—public financing. It attempts to close the loopholes and stop the alleged abuses in the current Federal election laws by appropriating public funds. It seeks to stop the leaks in the election law dike by stuffing those leaks with the hard-earned dollars of the American taxpayer. It is important to note that this is an attempt to circumvent the bizarre Supreme Court ruling of Buckley versus Valeo, but Mr. President, I do not believe that this approach would be effective.

In my judgment, if S. 2 is passed, more loopholes will be discovered, abuses will continue, and the dollars of the American taxpayer will be wasted in the process. I cannot support legislation which I believe would be a waste of the dollars of the American taxpayer.

What we need is complete reform which would include spending limits, limits on independent expenditures, limits on the amount a candidate could spend on his own behalf, and other reforms. In other words, we need a new dike—one that will be constructed with Senate Joint Resolution 21, the constitutional amendment. Congress has already spent years trying with little success to reform our Nation's campaign laws. Relatively speaking, the constitutional amendment would take only a fraction of this time to pass the Congress and be ratified by the States.

Mr. President, I share the commitment of our distinguished majority leader, Mr. BYRD, and our distinguished colleague from Oklahoma, Mr. BOREN, for reform of our Federal election laws. I admire their efforts on behalf of the U.S. Senate and the American people in this matter, and in many, many other matters. They are a credit and a great asset to this body. They are motivated in this matter solely by their dedication to the U.S. Senate and to the people of America. And I know that they are pressing this matter because they believe now is the time and S. 2 is the appropriate vehicle for reform. However, I respectfully disagree. I wish that I could support them in this effort, but I cannot.

Rather, Mr. President, I urge complete reform of our Nation's campaign laws. I urge the Senate and the Congress as a whole to take the only appropriate, the only legitimate, the only constitutional, and, most importantly, the only lasting and effective approach in reforming our Nation's Federal election laws. Let us consider and pass Senate Joint Resolution 21 at the earliest convenience and pass it along to the people for their quick approval.

Mr. THURMOND. Mr. President, the Senate has once again returned to campaign finance reform. We have spent a great deal of time debating this issue, and I hope a measure will eventually pass this Chamber that will bring some control to the campaign financing process. We must acknowledge though that there are strong feelings on both sides of this issue, and this will necessitate the need for a compromise bill. The proponents of this particular bill feel that a limit needs to be placed on campaign expenditures and that an aggregate limit should be placed on political action committees [PAC's]. On the other hand, the opponents of this campaign reform bill feel that the taxpayer should not shoulder the burden of campaign financing for congressional candidates.

The problem we face is to develop an equitable reform bill. A committee of eight Senators has been formed and given the challenge to negotiate a compromise bill. I am confident that my Republican colleagues on this committee, as well as my Democratic colleagues, are making every effort to develop an agreeable bill. However, there are certain fundamental principles involved that each side feels strongly about, and these principles will not be compromised. So rather than proposing a bill that can be passed, we are engaged in a prolonged discussion that will probably lead to a record eighth unsuccessful cloture vote.

Opponents of this bill have been accused of failing to take this opportunity to provide campaign reform. Mr. President, that is not the case. I am for campaign reform, and I had hoped the committee of eight Senators would have been able to reach a compromise bill. Maybe an agreement can still be reached, but it will not happen unless the proponents of this bill make concessions in the two major areas of disagreements; spending limits and public financing.

Mr. President, I would like to take a few minutes to explain the concerns I have with S. 2. The Republican conference has taken a position that it is opposed to any public financing of congressional campaigns. I whole heartily support this stance. The original S. 2 would have provided public financing for congressional campaigns. Due to the strong objections raised on this side of the aisle, the bill was modified to trigger public financing for a senatorial campaign only when an opposing candidate does not agree to spending limits. The supporters of this bill have argued that this should not really be considered public financing. The truth is S. 2 does provide for public financing of congressional campaigns. I am informed that the Congressional Budget Office has estimated the direct cost of the current bill to be nearly $21 million if applied only to Senate election, and between $75 to $100 million if House races are included. This estimate does not even include the cost of other factors such as postal subsidies.

It is inconceivable to me that in this time of budget deficits and program cuts, we are considering a proposal that will remove millions of dollars from the Public Treasury to help fund the election of Members of this body. Campaign financing should be reformed, but reform should not shift the financing burden to the American taxpayer.

Mr. President, let me again emphasize that both parties agree that campaign reform is needed. We spend too much time raising funds and the cost of campaigns has skyrocketed. The average cost of a senatorial campaign in 1986 was $3 million. This is absurd.

One of the main roadblocks on this issue is the proposal to limit campaign expenditures. I think campaign spending should be brought down, but the Supreme Court has ruled that an outright limit on expenditures is unconstitutional. The Court states in Buckley versus Valeo:

> The first amendment denies Government the power to determine that spending is wasteful, excessive, or unwise. In the free society ordained by our Constitution it is not the Government but the people—individually and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

I suggest Congress should limit campaign expenditures by limiting the source of major campaign contributions—the political action committees [PAC's]. This proposal has not only been determined to be constitutional, but it also addresses the public perception that PAC's gain special access to elected officials because of their large campaign contributions.

The minority leader, Mr. DOLE, has introduced an alternative campaign reform bill, S. 1672, that would reduce the maximum PAC contribution from $5,000 to $3,000. I understand that this is now being considered as low as $1,000, and some proposals have been suggested that would eliminate PAC's altogether. This is the way to campaign reform and control of campaign spending. Place a cap on PAC contributions, and I believe it is likely that either campaign spending or the percentage of PAC moneys in a campaign fund will decrease.

The current form of S. 2 does place an aggregate limit on PAC contributions, but that will only increase "soft money." I was shocked to read where it was estimated that labor and special interest groups spent $30.4 million in "soft money" to support the Democratic Presidential candidate in 1984. The alternative bill deals with this problem also by requiring groups to report expenditures of "soft money." I understand the other side of the aisle has agreed this is another acceptable proposal for campaign reform.

Mr. President, some progress was being made on campaign reform, but there are several fundamental differences that will not be compromised. The minority party feels strongly that a limitation of campaign spending will put us in a position where we will never be able to regain control of the Senate. This is particularly true in the South. Currently, in South Carolina and the Southern Super Tuesday States, the Democratic Members more than double the Republican Members in this body.

In order for a nonincumbent to be elected, one of his primary strategies is to build name recognition, and to have his candidacy considered an alternative. It takes money to accomplish these goals and that is a legitimate argument why many Members are against campaign spending limitations. From what I have heard, when this concern was presented to the four Democrats on the reform compromise committee, it was acknowledged as a problem. The distinguished Senator from Oklahoma has stated that there should be room for compromise on this issue, but he has tied it to a State formula for spending limits which is tied to public financing. Again, this is unacceptable. Taxpayer subsidies to politicians is not my idea of campaign reform.

Mr. President, I feel strongly that campaign financing needs reform. I am one of a few Members on this side of the aisle who have sponsored a measure that will provide for a constitutional amendment to allow Congress to set campaign spending limits—the only way constitutionally a spending limits can be imposed without public financing. This is an indication of how committed I am to cleaning up the campaign financing system. However, S. 2 is not going to accomplish this goal.

Moreover, we are tying up valuable time on the Senate floor. Even if this bill passed the Senate and House, the President will veto it. Clearly, there are not enough votes to override that veto.

We need to either come up with a compromise bill or move on to other vital issues affecting this Nation. Mr. President, S. 2 is not a compromise bill so I would urge my colleagues to vote against cloture.

Mr. ADAMS. Mr. President, as this debate on campaign finance reform draws to a close there are two issues we have to consider. One issue involves the substance of the bill; the other involves the procedures which have been used during its consideration. Because procedural concerns have, unfortunately, tended to dominate the debate, let me deal with those first.

Many in the Republican Party believe that the notion of capping campaign spending threatens them. Not all Republican Senators share that view: After all some of our colleagues on that side of the aisle agreed with our belief that reform is needed and that a key component of that reform involves a limit on campaign spending. But for the moment, let us accept the fact that the Republican Party, as an institution, honestly believes that spending caps threaten its members. So be it; honorable people can have differences of opinion about issues.

But differences of opinion are to be debated and decided. A majority of Senators believe there is a pressing problem in our politics, and a majority of Senators believe that this bill is the right way to respond to those problems. As a result, we decided that this issue ought to be fully aired. We had debated this bill last year and we wanted to debate it again.

The majority of Members on the other side of the aisle do not want to see this bill debated. They do not deny that there is a problem in campaign financing. They even have some good ideas about how we might solve some of those problems—ideas which we, as Democrats, were willing to discuss and often willing to endorse. But on the central issue—could we place a cap on campaign spending—the Republicans were not willing to engage in meaningful discussions or debate.

We faced a choice. We could either surrender to the minority and decline to act, or we could make one last effort to try to resolve the issue. We made one last effort. The majority leader brought the bill back to the floor; the Republicans indicated that they would refuse to allow the bill to come to a vote. Indeed, to prevent the bill from coming to a vote, they indicated that they would filibuster it. In response, the majority leader in essence said, "Fine; if you want to filibuster, I'll give you an opportunity to do so." If Members feel so strongly about this issue, if they believe it threatens some basic democratic values, then we believe that they ought to be willing to express those feelings and defend those values. If a minority of Members want to filibuster, to thwart the will of a majority of their colleagues, they have a right to do so. The rules of the Senate specifically give them that right. But the rules of the Senate also explicitly give the majority the right to try to pass legislation—and the nature of a democratic society obligates us to exercise that right.

In order to discharge that obligation, the majority leader concluded that it would be wise to test the will of the minority, to see if their opposition to this legislation was deep enough to drive them to have a full debate on this issue. He announced that if the opponents of this legislation were not on the floor to debate it, then the Senate would move to a vote on it.

That decision was perfectly consistent with the rules and the traditions of the Senate. It imposed some pain on people—but so does the current system of campaign finance. We were willing to ask people to cast a lot of votes and spend a lot of time on the Senate floor in the hope that we could create a system where Members would not have to miss votes and be absent from the Senate floor in order to raise money.

And let us be clear about this fact: We were not asking only Republicans to pay that price. Speaking as one Member who supports this bill, this strategy caused me to miss a lot of sleep and spend a lot of time here on the floor. So be it. I was willing to pay that price because I believe in the bill. Those who oppose this bill, however, didn't want to pay the price. They wanted to stop a majority of the U.S. Senate from exercising its will, but they didn't want to expend any energy in an effort to achieve that goal. So, instead of taking to the floor and debating the issue, instead of following the rules and procedures, the minority simply decided that they would not participate. They left the Senate Chamber. And they said they would not return.

Now a minority of the U.S. Senate has a right to prevent us from enacting legislation; but they do not have a right to prevent us from acting in a legislative capacity. But that is what the minority tried to do when they refused to enter the Chamber and vote.

Given that situation, the majority leader had two choices: He could adjourn the Senate—in essence, accept the ability of a minority to prevent the Senate from even meeting—or he could insist on the right of the majority to attempt to conduct business. He insisted on exercising his rights. He did what the rules allowed him to do. He offered a motion to instruct the Sergeant at Arms to arrest absent Senators and compel their attendance in the Senate. I voted for that motion—and if the same situation existed, I would vote for it again.

But Mr. President, I did more than vote for the motion. By chance, I happened to be in the Chair serving as the Presiding Officer when the motion was adopted. It then became my responsibility to sign the warrants. I did so—without hesitation, without reservations, and without pleasure. I was obligated to implement the will of the Senate and I did.

Now, of course, people have raised questions about the technical and moral validity of the warrants. I understand the Parliamentarian is examining the technical questions. I will abide by his decision and we will all learn from it. But I do not need to wait for a ruling to respond to the moral question.

Some have said that the arrest was extreme. It was. But so was the decision of the minority to leave this Chamber and refuse to defend their own position as the rules require them to. In tactical terms, the outcome of this legislative battle hinged on a series of questions: Whether the Members of the minority were willing to do what was required to prevent action on this bill, whether they were willing to pay the price for the opposition, and whether they were willing to carry the burden of defending their point of view.

The minority was unwilling to answer those questions with a "yes" but they were also unwilling to accept the consequences of their refusal to defend their position. So they left the Senate Chamber. Their action reminds me of the kids who say, "It's my ball and if you won't let me play, I'll take it and go home." Such action may be tolerated in our schoolyards, but it ought not be accepted in our Government.

Let me make one more point about the issue of arrests. The decision to issue warrants was extreme but it was not unexpected. The acting Republican leader has indicated, on the RECORD, that his colleagues were fully aware that there was a possibility their decision to boycott the debate would force the majority leader to make the motion that he did. This did not, then, come as a surprise to anyone. Everyone knew that the rules allowed for such a motion, everyone knew the majority leader was prepared to make it, and everyone should have known that it would be adopted if the minority acted in ways which gave us no choice. And we had no choice other than to allow a minority of Members to close down the Senate and prevent the public's business from being debated, discussed, and hopefully decided.

That is my view of the procedural process we worked through last night. But our views of procedure ought not block the public's view of the larger issue: How do we clean up our politics and reform campaign finances.

So let me now turn to the substance of this issue.

Let me turn to what I see as one of the distinguishing characteristics of this legislation: The establishment of some sort of limits on the amount of money that can be spent on political campaigns.

You know, the Congress of the United States has accepted an assumption when it comes to the Federal budget: More is not necessarily better. We have looked at the deficits that have been generated and said, "no more; we have to have a system to control the amount of money we spend." The specific mechanism we have adopted to achieve that goal—the Gramm-Rudman-Hollings Act—is one that I believe is flawed; but the concept of creating some system of controls is one that I fully accept.

What I find more than strange is the fact that many of the people who believe we ought to control Federal spending do not believe we ought to control political spending. I know that there are legitimate differences of opinion about the details of this legislation, just as there are disagreements about Gramm-Rudman-Hollings, but I do not know why the concept of establishing limits should be objectionable. It is not my desire, nor the desire of any Senator on this side of the aisle, to craft an incumbent protection bill or a Republican Party destruction bill. We are willing to work with all interested parties on the details. We want to produce a bill which preserves the legitimate rights of all candidates and parties; but we also want to produce a bill which protects the right of the American people to have clean and reasonable campaigns.

You know, Mr. President, in 1986, I faced an incumbent Senator in my campaign. He spent more money than I did but I was still able to win that race. The amount of money spent is not an indicator of the outcome. More is not necessarily better. But more is necessarily an invitation to excess.

I raised $1.8 million during my campaign. My opponent raised over $3.5 million. Together we spent close to $5.5 million. All of that money went to persuade 1.2 million eventual voters. That may not seem like a lot of money to those of you who campaign in New York, Florida, or California but for my State it was a record. It was a record which I hope is not broken by our candidates this year.

Under this bill each candidate in my State could spend $2.3 million this year. I do not understand, and I think the voters of Washington State do not understand, why $2.3 million is not enough money for a campaign for U.S. Senate.

Any political candidate can spend more money. We can always want to put on another 30-second TV spot or print another 100,000 copies of a brochure or hire a few more consultants and staffers. All of that spending may make sense in the context of the internal logic of the campaign; but that doesn't mean it makes any sense in terms of the larger logic of American democracy.

As a result of our ability to raise and spend so much money, the nature of campaigns has changed. Today's uncontrolled political spending has given rise to a professional group of people who have no interest in government, just in who governs. There is a whole industry which caters to the needs of campaigns. We have consultants who specialize in political functions which didn't even exist 10 years ago. There are the TV image makers, the direct mail fund raisers, the PAC solicitors, the computer specialists who manage lists, the pollsters, the FEC specialists, the phone bank suppliers—the list goes on. There are even trade magazines for these people full of tips on techniques and notices of job openings.

These people play a crucial role in modern campaigns; but they didn't play an essential role. We can create a message even if we don't avail ourselves of all of their services; and we can take that message to voters without becoming overly dependent on them. Will our campaigns be as professional if we decrease our dependence on these specialists? Probably not. But they may be a little more meaningful.

We all complain about lower voter turnout. But perhaps a reason for decreased public participation is decreased personal participation by the candidates. We have surrendered ourselves to the money machine and lost our ability to step out of the protective shell it creates and make contact with the people. Senator HOLLINGS, who I recognize has some problems with this bill, told a story a few days ago which may symbolize what is wrong with our system today. He indicated that in his last campaign he spent a lot of time out of State trying to raise money. After the election, he did a series of town meetings and speeches throughout the State and one of his friends asked him why he was doing that—after all, he had just been reelected. And Senator HOLLINGS said that it was the first chance he had to meet with the people who elected him. He was too busy raising money during the campaign to do that.

Now Mr. President, that is just wrong. This bill, as drafted, doesn't prevent the excesses of campaigns, it won't reverse the professionalism of the process, but it will set some limits on it. Between 1978 and 1986, the cost of a campaign has increased over 400 percent. Now come on. No one can believe that such an increase is justified or necessary. We can place a ceiling on it. And this bill does so in a way which does not decrease the ability of people to participate in the political process by contributing to candidates. It does not require the expenditure of public funds as long as everyone abides by the limits. All it does is set some limits on what we spend. And Mr. President, we need some limits.

Let me conclude by indicating that I understand why this bill causes such concern. We are talking about a potential threat to the political parties we represent. We are talking about changes which will effect people we have come to know. I understand all that. But I also understand that change is needed. I also understand that the majority leader and Senator BOREN are willing and anxious and eager to negotiate an agreement which protects the legitimate interests of all elements of the political system. When we got into honest negotiations, it seems we made some progress. We agreed on some things and we agreed to disagree on others. But the bottom line is this: We never got what we needed—a conceptual agreement that there ought to be cap on spending, some limit to the amount of private money we raise and spend in an effort to get and keep public office.

That failure was unfortunate. the American people want to see some action. They know what we know: That the system has gotten out of hand, that the amount of money being spent has become excessive, that the current system is a disaster. It is time to make a change—and this bill is the change it is time to make.

Mr. DURENBERGER. Mr. President, as the Senate prepares to take its eighth and final cloture vote on this issue, I want to take this opportunity to discuss what I consider to be essential issues which this debate has put on the table and what lessons we can learn. As President Eisenhower once said in a different context, this is not the beginning of the end, but hopefully only the end of the beginning.

As 100 Senators meet in this Chamber to discuss and vote on campaign reform, there are no disinterested parties. Each one of us got here through an election and, except for the few who have announced their retirement, hope to stay here by the election process. That affects this debate in two ways: First, we all believe we are experts on this subject; second, we each have a particular history of rights and wrongs done by us or to us in campaigns. There should be no surprise at the intensity or even the parliamentary excesses of this debate. Politicians talking about campaigns are talking about their own survival.

Elections are the foundation of our democratic system: The means by which millions of Americans pick a single individual to represent them in this place. People all over the world have suffered imprisonment, great hardship and even death to avail themselves of the right to vote. We should regard our election process with respect and even reverence. It is the linch pin of all of our freedoms as Americans.

There are forces working on that process from many directions. Sixteen years ago, the United States went through a constitutional crisis over the misuse of the election process by a sitting President. Each campaign seems to present new campaign issues and problems. As this debate indicates, there is serious concern among the American people over the recent trends in national campaigns. Nonparticipation by a majority of the eligible citizens is perhaps the most serious threat.

As we approach the issue of campaign reform, which deals directly with the foundations of our Republic, we need to guard against two impulses. The first is to be carried away by our enthusiasm to "perfect" elections. I shouldn't need to remind my colleagues that many of the evils we are dealing with on this bill, grew out of our last attempt to reform campaigns after Watergate. It is also worth repeating that the Senate Watergate Committee specifically recommended against all forms of public financing whatsoever. Those facts should temper our enthusiasm to leap into the task of election reform.

The second impulse, which is equally prevalent, is to sit on the status quo because we are too cynical to believe we can do better. Our history also teaches us that we can never be satisfied with our democratic institutions. Mr. President, on S. 2, 2,388 Minnesotans contacted me by letter or telephone, and many others in person. They told me they were not satisfied, and neither am I.

Mr. President, elections are the means by which majorities govern in this country. They are also the means by which minorities become majorities, and visa versa. Partisan and personal bias aside, we judge the quality of elections by the degree to which they are competitive, substantive, and fair.

I do not support S. 2 because, Mr. President, simply put, I do not believe it would improve the quality of our elections. Let me review my reasons for that conclusion. Before I do that, I want to answer the question presented to my constituents in full page Common Cause newspaper ads twice in the last year: "Why won't Senator DURENBERGER let S. 2 come to a vote?"

The Senate was created as the sole institution in our Government where majority rule or executive power don't always rule the day.

Our Founding Fathers wisely created a body in which ideas would be tested, and minority voices could be heard and respected. I am not a big fan of the filibuster, but I hold in high honor the idea that gave birth to it: in a free and just society some questions shouldn't be settled by a 51-49 vote. I can recall standing strongly with a group of Senators, ably assisted by Common Cause and other outside groups, who turned back a dangerous effort in the Senate to strip the Federal courts of jurisdiction over several controversial issues. The filibuster is a protection against the "tyranny of the majority" about which Madison wrote so eloquently in Federalist No. 10.

In my judgment, campaign reform is of such importance to the future of our democracy that I would not support a narrowly decided, party-line reform package even if I were a member of the majority.

Several aspects of S. 2 as it currently stands before us, concern me greatly.

First, as I have said, I am very uncomfortable with a campaign reform proposal which draws the vast majority of its cosponsors from one side of the aisle.

Second, I am suspicious of a proposal which has undergone such sweeping revisions during the time it has been before us, to the point that it barely resembles the proposal which the Senate Rules Committee originally sent to us.

Third, I question the responsiveness of this proposal to the problems I hear my constituents talking about. If the problem is PAC's and their supposed undue influence, why does S. 2 deal solely with Senate campaigns and remain silent on House campaigns which take a far higher percentage of their contributions from PAC's? S. 2 does nothing about the trivialization of campaigns in 30-second campaign ads. S. 2 does nothing about so-called soft money contributions, which are a back door to the bad old days of undisclosed, unregulated interest group cash.

My bottom line, Mr. President, that this is not the way you reform campaigns. Recognizing both the need for reform and the legitimate concerns of many for a deliberate process of reform, we need to go another way.

I would suggest, Mr. President, that if ever a bipartisan commission was called for to resolve a difficult policy issue, this is it. In the context of a body comprised of officials from the two major parties, sitting and retired Members of Congress, academic experts, interest groups and legal scholars, a consensus can be built on what our problems are and what solutions we could consider.

I hope that in the aftermath of this debate, which produced far more heat than light, that we could get on with difficult, but vital undertaking of forging a bipartisan consensus to meet the legitimate demand of the American people for positive steps to improve our election process. I am committed to that process, and hope the leadership of this body can move us in that direction.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. SIMPSON. We do conclude now, a rather long debate. It has been a very good debate. I think that is the debate the majority leader wanted and it is the debate that those who were opposed furnished. A good debate, good, sturdy, spirited activity.

In many ways it has been a learning experience for all of us. I am very pleased that Americans——

Mr. BYRD. Mr. President, may we have order so the acting leader may be heard?

The ACTING PRESIDENT pro tempore. Order in the Chamber, please.

Mr. SIMPSON. I thank the majority leader.

As I say, we have had a good debate. I am very pleased that Americans have seen it. I think the majority leader is, too. And we provided them a forum, we have had a very civilized debate—except when we did not—and it was good. And one of the things we, I think, relearned, is what you always learn in legislating and that is that the majority can never override a determined minority. All of us who have legislated know that. The wheel comes around. We live by the sword, we die by the sword. There is no one more skillful in the crafting of a position for the minority than the majority leader. We learned from him. Whatever skills we have, whatever abilities we have, have been learned from the master.

We did this all within the rules. All this was done within the rules. No legislative process can tolerate a tyranny by the majority. It cannot work. That type of tactic always will fail. Our own Senate rules, those that are so cherished by the majority leader as he has shared with us the history of the Senate—and that will be a remarkable compilation that we will all enjoy sometime, when we get time to read in our lives—our own Senate rules establish these rights for the minority. And it is so important to remember that the preventing of a quorum is just as much an exercise of the minority's rights under the rules as any other. That is a very important thing to remember, that the preventing of a quorum is part of "working and the will of the Senate".

Another lesson that we should learn is that no one can possibly challenge the need to move the agenda. That is the majority leader's right and responsibility. And there will certainly be disagreements from time to time about that, but in my capacity as acting leader, I will work with the majority leader and we will move that agenda.

But I think the issue comes down to a couple of things. It is really not corruption and bloated spending, and so on. It is the fact that the Republicans know where the Democrats get all their scratch and the Democrats know where the Republicans get all their scratch, and neither one of us are honest enough to deal with it.

That is the real issue. It is a fun, fun game to watch. We know how they do us in and they know how we do them in. That has been something that we really never got into too far: Where do we get ours and where do they get theirs? It is hard to believe they get more of theirs from corporations in "funny ways" and we get ours from "the little guys" in funny ways. Who would believe that one? They get theirs from little old widows and ladies and we get ours from heavy handed so-and-so's.

Well, anyway, we have all had enough of that. Some who do not take money from PAC's simply call the corporate officers and say, "I don't take PAC money, so will you go out and bag all your corporate officers? I will give them a call next month to see how they all came through."

Boy, that is hypocrisy of the first water. And so many people are on this bill who take a ton of PAC money and the only bill that had anything to do with cutting PAC money was the Republican alternative. Some of us are even ready to go to zero. Anybody hearing that? Some in this party are ready to go to zero on PAC's. We could get maybe a large majority to agree to go down to $1,000 or $2,000.

The other issue, then, is very clear to me. You cannot deal with the same issue eight times and hope to get anything done in a legislature. We have dealt with this same issue eight times and the result will be the same all eight times. We have sliced the snake in seven sections. Today we will lop off the head for the eighth slice and that will be it, but the snake will rise again from the sand.

I think that is what we want to watch closely. This is not directed at the majority leader but to those who really press and press and press because it is election year. This is a fun game for election year, but it does not mean anything. People are not going to hear it. What we are dealing with then, when we do that, is a type of obsessiveness and excess which is not becoming to a legislature.

I believe Senator WIRTH presented the other night the statistics that we have had five cloture votes on a single issue only once and three times we had four cloture votes, but we have never, ever, had eight. So that should not be part of the process. You cannot have that obsessiveness. You cannot have the position that you will do it my way or not at all, or I will take my toys and go play somewhere else. Forget the shrill calls for reform and cries of those who think they have a corner on the reform market or morals in politics. We all desire reform, every single one of us. Forget the old saw that somehow the Republicans are not supportive of reform. All of us know the bill does not just deal with money. It deals with vans in the night, setting up a little shop of phone banks on the edge of town, making calls all night about some fink, that is, the opponent who will not vote for the Social Security system. We do not like that and you do not like what we do.

Well, let us get serious. Let us quit smoking each other around. And even if we talk about money, do not forget that all of us on this side have proposed cutting PAC's. That is what this legislation was supposed to do when it started, but it all fell off the table, just kind of went right into the vat. So there is a lesson to be learned. It is that you cannot overreach yourself in the legislative arena.

So we are ready to go on, I say to the majority leader. I know there will be some more proposals like this. When they come up, they will be dealt with like this. The result is very clear as to what will happen. It will not change. We have two of your side who help us; you have three from our side who help you. This is not a partisan issue. We are ready to go on. I pledge to you cooperation; I pledge to you support of this minority, this Republican minority, this minority on this issue. And we are ready to put this aside. We do not keep score over here, except on cloture votes. We are ready. You have a big agenda. We have a lot of work to do, two national conventions, an election year, a recess period of a week a month, and it is so splendid that you furnished us that monthly opportunity to go home and see any constituents. We are ready to work with you on the Nation's business. I pledge you that, as we now put aside this very divisive issue for the eighth time, the eighth time to bury the dead. Thank you.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming have an additional 3 minutes. He was entitled to 10 minutes under the previous order.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Wyoming has 33 seconds of his time remaining and without objection he is recognized for an additional 3 minutes.

Mr. SIMPSON. Mr. President, that is very kind of the majority leader. I am going to respectfully decline. Again, I appreciate that courtesy.

The PRESIDING OFFICER. The Senator from Wyoming yields back the remainder of his time.

Mr. BYRD. Mr. President, I yield 1 minute to the distinguished Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the leader. I have great respect for those who have just spoken on the other side of the aisle, but I must respectfully disagree with them on two points. It is a credit to this legislative body that it has tried its best to deal with the real problem that is eating away at the heart of the American political system—too much money being pumped into campaigns. That is to our credit.

The Senator from Kentucky says if you limit spending, if you limit this massive tidal wave of money that comes into campaigns, you are limiting participation. I assume if he is concerned about participation, he is going to push same-day registration and national holidays for elections because when we talk about participation of the people, we are fundamentally talking about participation in the election process itself. We are not talking about buying elections. That is the fundamental difference. He is right. We on this side of the aisle think politics ought to be primarily based upon competition and ideas, ideals and qualifications, involvement by working for, speaking for and citizen participation with candidates. We do not think participation ought to be mainly by money. That should not be the main way in which we participate in politics.

I ask this one question, if the leader will give me 30 additional seconds. I ask this one question: Do you think it is good for this country that when we give high school commencement addresses this year we have to say to the young people in the audience," If you decide 12 years from now that you want to run for the U.S. Senate, at the current rate of increase of campaign spending, you will not only have to think about what it is you want to do if you are elected, you will have not only to think about your platform, you will have to think about how to raise $15 million in order to have an opportunity to run to be a public servant." Do you think that is good? They say, "Yes, do not control campaign spending. Let that trend carry on for 12 more years. Let that be a fact." We say we think that would be a tragedy and a disgrace for this country.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. SIMPSON. I take back my 3 minutes. [Laughter.]

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. SIMPSON may have back his 3 minutes.

Mr. SIMPSON. I thank the majority leader.

Well, now, really, we can stack it up pretty high in here this morning. Let us go ahead and vote. We are not talking about little kids running for the U.S. Senate or Congress. There are going to be plenty of those in the future.

There are people lusting for our jobs all over the United States, wanting to run for yours or mine. That is never going to change.

The reason that we are all running around looking for money is because it costs so darned much to do television. It costs so darned much to get your message across. That is what is killing us all. We are a bunch of bagmen running all over the United States, and the reason for it is because our friends in television and the media have decided that the rate goes up whenever we decide to do this biennial or quadrennial exercise. They make it a little hard for us. That is really the issue. And then media consultants. All of us have to go to charm school. Then we go out and learn how to look at the camera and pay about 10 grand for that, and learn how to speak and elocute. That is what costs us the bucks. Let us not pretend that it is anything else. Some of us want to get it one way and some another way, but that is what is wrong with the system. That is what is busting it all down. The opponents' alternative had a limitation on expenditures in the media. We had a television limitation. We had a radio limitation. We had an advertising limitation. That was pretty good stuff. But you take on a pretty heavy, heavy little outfit out there when you do that. None of us want to do that.

I am sure children will run for this job. I know they will. I feel positive they will. And old people will run for it and anybody over 31 will run for it. But let us keep our eye on the rabbit.

Thank you.

The PRESIDING OFFICER. The Senator yields back his time.

Mr. BYRD. Mr. President, the distinguished acting Republican leader said it right; we are a bunch of bagmen running all across the United States looking for money. That is precisely what we have been trying to get at on this side of the aisle with S. 2.

Somebody else referred to a "tidal wave." Mr. President, down in my country where the hills are steep and craggy and the hollows are deep and narrow, we have floods. I have seen those floods. The waters start at the top of the mountain and then they grow as they sweep down into the hollows. They become a flood, a tidal wave that sweeps away homes and property and people.

Now, Mr. President, there is an old proverb that says let us have the foresight to build a dam, to prevent the floods from sweeping away the homes and the people.

Mr. President, this is what we are seeing here—it's raining money. It began as a dribble in 1972. It was $8.5 million. Then, in 1986, it became a downpour—$132 million.

Now we are here, and the ante is going to go up. In 1986, $3 million for a successful Senate campaign. This year, $3.7 million. In 1992, if that curve keeps going as it is now going, those who ran in 1986 for the Senate and had to pay $3 million for a seat, will then have to pay $9 million. Then, how heavy will be the bagmen's burden as they cross over this country?

Mr. President, Aaron Burr, when he made that remarkable speech in 1805 on his departure from the Senate, after having presided over it for 4 years, said: "This House is a sanctuary, a citadel of law, of order, and of liberty." He went on to say that "it is here in this exalted refuge, here, if anywhere, will resistance be made to the storms of political frenzy and the silent arts of corruption."

I will pause there: The silent arts of corruption.

The people see this bill as an instrument that will stop the corruptive influence of money.

The Bible says: "Every tree shall be known by its own fruit." We are out there shaking the money tree almost every day. What is the fruit of that tree? Lost hours from the work of the Senate; lost hours away from our homes, our families, our wives, our children, and our grandchildren. It is time to put a stop to this money chase.

Mr. President, the distinguished junior Senator from Kentucky says that the issue is how many people can participate in the political process. Every registered voter in this country can participate in the political process. But money talks, and the perception is that money will talk here in this Senate. Money will open the door. Money will hold the balance of power.

Yes, we are trying to do something to let the little man participate on an equal basis; give him an equal shake. More and more, he is not getting an equal shake.

My good friend says that there are plenty of people who will run for our seats. Yes, they will run. But, under the current system, we are going to see a time when only those individuals who can furnish the dough out of their own pockets, the millionaires, will hold the seats in this Senate. That is not anything against millionaires. They have a right to serve, too, and they can contribute to the service of this country as can anyone else. But is the Senate going to become the fortress of special interests and the citadel only of men of wealth, so that only they can afford to run for a seat in the United States Senate because the little man can no longer compete? He cannot raise the millions to win the race.

So, Mr. President, I close with another reference to the Scriptures: "The love of money is the root of all evil."

Mr. President, this bill strikes at the root of the evil that is more and more becoming a deluge and threatening to engulf this great body and sweep away its integrity.

We may not win this vote today. I do not expect to. A great deal has been made of the fact that this will be the eighth cloture vote. So what? Many of the great causes in this country have had to be repeatedly brought before the Senate before victory was achieved.

I respect the voices that have been lifted in opposition to this bill. There have been some very reasoned voices in the Senate on the other side of the aisle and on the other side of the question. I could name those Senators, but I do not have the time.

I do want to thank them for the contributions they have made to the debate. I also want to thank Senator BOREN, the main cosponsor of this legislation; Mr. MITCHELL, Mr. LEVIN, Mr. FORD, Mr. WIRTH, Mr. KERRY, and Mr. EXON. I want to thank all those who tried to work out some compromises.

I have offered—and I offer again today—to work on a time agreement, and we will give all Senators an opportunity to vote on their germane amendments, if we can have a time agreement that will provide for a final vote on this bill. I have offered to do that, and still so offer.

So, Mr. President, it is the root of the evil at which we strike. This issue will not go away. It will not be swept under the rug. We will revisit the issue.

Mr. President, we have made progress. The American people have learned a lot from this debate, and our time has not been lost. The more people who learn about the real issue—money and a limitation on the amount that can be expended for a Senate seat, based on the populations of the States—the more people who will support campaign financing reform.

Mr. President, I thank all Senators. I yield the floor.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

All time having expired, 1 hour having passed since the Senate has convened, the clerk will now report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 2, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

Senators Brock Adams, J.J. Exon, Edward Kennedy, Daniel K. Inouye, David Boren, Harry Reid, Howard Metzenbaum, Wendell H. Ford, Terry Sanford, Carl Levin, Jay Rockefeller, Dale Bumpers, Tom Daschle, John Glenn, George J. Mitchell, Bill Bradley, Paul Sarbanes, Albert Gore, Jr., Max Baucus, and Robert C. Byrd.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, "Is it the sense of the Senate that debate on the committee substitute, as modified, for S. 2, the Senatorial Election Campaign Act, shall be brought to a close?"

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I also announce that the Senator from Texas [Mr. GRAMM] is absent on official business.

The PRESIDING OFFICER (Mr. HARKIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—53

Adams
Baucus
Bentsen
Bingaman
Boren
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Stafford
Stennis
Wirth

NAYS—41

Armstrong
Bond
Boschwitz
Cohen
D'Amato
Danforth
Domenici
Durenberger
Evans
Garn
Grassley
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Humphrey
Karnes
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Quayle
Roth
Rudman
Shelby
Simpson
Specter
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NOT VOTING—6

Biden
Cochran
Dole
Gore
Gramm
Stevens

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is not agreed to.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Senators will please retire from the well and cease audible conversation.

The Senate will please come to order.

The majority leader is recognized.

Mr. BYRD. Mr. President, I thank all Senators.

We had two more votes on our side which were not here, one, Mr. BIDEN, because of illness.

Mr. President, I would agree with the Apostle Paul, except I would paraphrase his words and use the plural pronoun in the first person.

We have fought a good fight. We have finished our course. We have kept the faith. I would deviate, however, from the Apostle Paul's statement by adding just these few words: we have not finished the course.

Mr. President, I want to thank Mr. BOREN, the chief author and cosponsor of the legislation, and all those on our side who worked with the group, working with the group on the other side of the aisle, and those who did floor duty, and those who did Chair duty. They were excellent.

I especially want to single out one Senator on this side of the aisle in referring to floor duty, and that is Senator STENNIS. Senator STENNIS even volunteered for floor duty during those two nights that the Senate was in session. That is a supreme dedication and every one of us should attempt to emulate that act of patriotism, dedication and, yes—I would say even heroism.

I thank those on the other side of the aisle. I thank the distinguished acting Republican leader. He did a good job. He worked hard. He cooperated with me. He maintained his wit and good humor throughout, and my admiration for him has not lessened. It has grown.

I also wish to express admiration for those Senators on the other side of the aisle who stood against great pressures and who voted with those of us who are supporting S. 2.

I also express appreciation again to those Senators on the other side of the aisle who expressed their opposition in a very reasonable way. They offered reasons in their debate why in their view they had to oppose S. 2. They were conscientious and I respect them for their views.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I want to thank the leader for the leadership that he has provided on this issue, and I want to join him in the remarks that he has made.

I think we have had an excellent debate. There have been some honest philosophical differences of opinion, but I think the airing of this issue in the course of this debate will help draw the attention of the American people to this very serious problem that confronts us.

One thing has been achieved and one thing is certain. This issue is on the national agenda and it is the national agenda to stay until we finally deal with it in a bipartisan constructive way. We all agree there is a serious problem. We left that problem unsolved, and that means we must come back to it.

I recall the last advice that Sir Winston Churchill gave when he went back to visit his old school and reflected on his whole lifetime of experience and he was asked to give the young people there a parting word of advice. People expected a long, long speech. Instead Sir Winston got up, looked at the young people, fixed them with his gaze, and said someting very direct and very simple. He said: "When you think you are right, never give up, never, never, never, never, give up."

Mr. President, as far as I am concerned this is a task that is unfinished. Until we get excessive campaign spending under control, until we stop the ever-increasing tidal wave of money that is coming into politics, until we do something to restore the balance between how much of the money is coming from the grassroots and how much of it is coming from the special interest, until we get some reasonable balance brought back into American politics, we owe it to ourselves to never give up, never.

This Senator does not intend to give up. This issue is on ther national agenda. I know the majority leader feels the same way. I know there are many sincere people on the other side of the aisle who also share that conviction.

This is not the end of the fight for campaign reform. This is but the beginning of the fight for campaign reform, and it will go on until it is won. The discussions between both sides will go on and we will continue to do our best to take the best ideas presented on both sides of the aisle to fashion something that will be someday enacted into law so that we will not hand on to the next generation the problem I spoke of on the floor, their having to worry about how in the world they can begin to raise massive amounts of money to run campaigns if they have a sincere desire to render public service.

So we will never give up, not ever, and we are going to continue this fight until it is won, and I believe that this debate, as the American people have watched it, I think the American people become more involved in it.

That is bound to further this process toward the right kind of conclusion.

Again, I want to join with the majority leader in thanking the distinguished acting Republican leader, my colleague from the other side, the group of four that have been part of the gang of eight on each side of the aisle which have been negotiating.

As I have said, while there have been very strong philosophical differences at times there have never been personal differences, and there has never been a lapse of personal respect.

So I think that this discussion has been in the best tradition of upholding one's view but doing it in the proper spirit, and I look forward to round two. This is but a battle. The fight goes on. And it is a battle that ultimately is going to be won by doing something meaningful about campaign reform.

Mr. SIMPSON addressed the Chair.

The **PRESIDING OFFICER** (Ms. Mikulski). The Senator from Wyoming.

Mr. SIMPSON. Madam President, I thought I was listening to Rocky IV there, or V. For heaven's sake, we are not going to give up either.

I mean, what does that have to do with the issue now? If we put everything here on the basis of win or lose, top dog or underdog, we have denegrated the process. We are ready to move on in total cooperation with this majority leader. We are gloating in victory. I do not think that is becoming. I do not think it is a victory. I think it is an issue that we are going to move on.

It will come up again. We will all watch each other around here, and do something about it; probably the same thing. It is not a death struggle. We are not embarking on the crusades across continents. That is not what we are doing.

We ought to get together and figure out how to quit punching each other, and we ought to figure out how not to do it to the Republicans or do it to the Democrats. And, no, there are just as many thoughtful Republicans who are deeply interested in reform of the campaign apparatus, and search for money, as the majority leader so beautifully phrases it. That is what it is.

But for heaven's sake, you know, it is not warfare to me. I have other things to do in life that are much more important than that.

So I hope we can keep that in perspective. But I want to pay respects to the majority leader. He is superb to deal with, one on one. It is a great pleasure. We do not need to deal otherwise. We can get eye to eye and toe to toe, and he refreshes my memory in a pungent way, and I try to refresh his and tell him what it is we are trying to do. He will say, "That is an interesting thing. Do you think they can get that done? I don't know. But we will stay here all night to find out." Or, he will say, "Well, we can see about that."

So it has been a very fascinating engagement of this unique and complex, and remarkable man that I have come to know in my 9 years. And I enjoy very much engaging with him in the business of the Senate. I thank him for his ultimate courtesies to me. He never fails to do that.

He will accept the suggestion or comments, and often disrupt his own activities or his own schedule to meet my requests, which is quite extraordinary, and that needs to be said.

Well, we have business to do. I just want to thank our team of Senators, Senator McConnell, Senator Packwook, Senator Boschwitz, and Senator Stevens. I know they have engaged with Senator Boren who came here when I did. He is no more delightful as a friend. And we can crank out a bill, throw it in. If we can throw one in with Senator Boren and Senator McConnell's name at the top we will pass it in 20 minutes.

I want to thank the premium Member of the night patrol, Lowell Weicker, who I think did 5 hours of extraordinary labor and that remarkable gentleman deserves our praise.

And to the enlightenment of the giants on the majority leader's side of the aisle, Senator Shelby and Senator Levin, we thank him for them. They were superb in their enlightenment on this issue.

And to a group we never thank, but the majority leader does, we want to thank the people at that desk, the people at the majority leader's desk, and at the minority leader's desk, the Secretary to the majority, the Secretary to the minority, the clerks, the reading people, the Parliamentarians, the doormen, the restaurant personnel, the waitresses, the custodial people who really disrupt their lives when we are doing two all-night sessions in a row. They get the full duty. We get to spell each other. I extend to them my appreciation.

Again, I extend my appreciation to the majority leader, and I look forward to trotting up some new stuff. And we will be here to help him with it.

ORDER OF PROCEDURE

Mr. McCONNELL addressed the Chair.

Mr. BYRD addressed the Chair.

The **PRESIDING OFFICER.** The majority leader.

Mr. BYRD. Madam President, I want to yield to Mr. McConnell so he will have an opportunity. Two of us have spoken, and he is the leader on the other side on this issue. We want to have his words also. But before I yield to him, I ask unanimous consent—and this has been cleared on both sides of the aisle—that when the Senate proceeds to the consideration of Calendar Order No. 541, Senate Resolution 381, resolution authorizing the expenditure by committees of the Senate, that there be a 10-minute limitation thereon equally divided as in the usual form, and that there be no amendments thereto in order, and no motions to instruct with, or to commit with instructions, or otherwise to do so.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

YEAS AND NAYS ON SENATE RESOLUTION 381

Mr. BYRD. Madam President, I ask that it be in order to order the yeas and nays now on passage of that bill.

The **PRESIDING OFFICER.** Is there objection? Hearing none, it is so ordered.

Mr. BYRD. I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Madam President, there are Senators who will be wanting to leave early. We all remember the new plan of operation here, 3 weeks in, 1 week out—the quality of work plan. And we have said that there will be votes on Mondays, and there will be votes on Fridays when the Senate is in and during those 3 weeks. And we are going to stick to that.

Madam President, the Senate has been for many, many hours in session now without a recess. And Senators are becoming a little worn I am sure, and so are the officers and employees of the Senate, all of whom the distinguished acting leader alluded to quite appropriately in his remarks with his thanks, and I add mine.

So I would suggest that, as soon as Mr. McConnell finishes, I will move, and I ask unanimous consent, Madam President, that upon the completion of the remarks by Mr. McConnell for not to exceed 3 minutes, that the Senate turn to the consideration of Calendar Order No. 541.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BYRD. Then, Madam President, there will be a rollcall vote on that measure, and time limitation is not to exceed 10 minutes equally divided, and following that rollcall vote there will be no more rollcall votes today.

I hope that by having a little early "school's out" on this Friday Senators may replenish their strength and their spirit, and be with their families during this afternoon.

I yield the floor.

Mr. SIMPSON. Madam President, I thank the majority leader for that. It is very helpful to our Members, and to all Members. It is a very thoughtful suggestion that we might finish that rollcall vote, and then recess until Monday when we will be back in business with rollcall votes. I thank him very much. That is very helpful to our people, and very courteous. And it is very much appreciated.

Mr. McCONNELL addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Kentucky.

SENATORIAL ELECTION CAMPAIGN REFORM

Mr. McCONNELL. Very briefly, Madam President, almost everyone on this side of the aisle who has been involved in this debate has been thanked and certainly the group of four and the staff did a brilliant job.

I think the only remaining question is: Where do we go from here? It seems to me there are a couple of things that obviously need to be addressed. We came oh, so close to coming up with bipartisan campaign financing reform for congressional elections. I think we ought to continue to move in the direction.

Second, as many people have said, if there is a scandal waiting to happen in American politics it is in the Presidential system. I want to indicate to my colleagues that we are in the process now of developing the ability that would dramatically change the way we elect the President of the United States, and we want to give that adequate attention in the coming months.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I call for the regular order.

OMNIBUS COMMITTEE FUNDING RESOLUTION

The PRESIDING OFFICER. Under the previous order, the clerk will report Calendar Order No. 541.

The legislative clerk read as follows:

> A resolution (S. Res. 381) authorizing expenditures by committees of the Senate.

The PRESIDING OFFICER. There will be 5 minutes of debate on each side. Who seeks recognition?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Thank you, Madam President.

Senate Resolution 381 is the omnibus funding resolution to provide funding for Senate committees in 1988. The accompanying report, 100-287, I think explains what the committee has done in detail.

The committee budgets for 1988 recommended by the Committee on Rules and Administration are austere. The increase over 1987 actual recurring funding is 2.24 percent. On an annualized basis, the increase of the recurring budget is only 1.29 percent. The basic guidelines was a 2-percent increase for staff salaries and no increase for administrative expenses. With one exception, that guideline is embodied in the recommendation. The only exception is $6,500 for travel expenses for the Intelligence Committee. Last year, in a supplemental funding resolution, the Senate authorized funds for the creation of an audit staff for the committee. The supplemental included funds for salaries only. For the audit staff to fulfill its responsibilities, some travel will be necessary. Therefore, funds for travel by the audit staff were added.

Mr. STEVENS. Would my friend, the chairman of the Rules Committee, like to comment on why the committee is reporting out an omnibus committee funding resolution rather than an individual resolution?

Mr. FORD. Of course, I would say to my friend from Alaska that it should be noted that this original resolution is reported as a substitute to the Senate for each Senate resolution that has been referred to the Rules Committee pursuant to paragraph 9 of rule XXVI of the Standing Rules of the Senate. It affords this body time saving elements which after recent events can be appreciated even more. The omnibus resolution is a unified budget resolution for the 19 Senate committees and it avoids the necessity for 19 votes, if considered separately. I would add that there is a clear precedent for this. The Senate has adopted an omnibus funding resolution in lieu of individual resolutions every year since 1982. I want to point out to my colleagues that separate resolutions are required for supplementals.

Mr. STEVENS. In the summary of cuts provided at the markup on February 17, many of the requests for additional funds, which were cut from the 1988 budgets, were for Legislative Information Services. Would the chairman comment as to why these requests for new services were not funded with additional moneys?

Mr. FORD. A good point, yes I would like to take this opportunity to put in the record why the committee acted as it did. In reviewing the budget requests this year, it became clear that some committees demonstrated the ability to absorb the costs associated with these information services, while 11 committees requested increases in administrative costs ranging from $4,700 to $18,500 to pay for these services.

After reviewing unexpended balances of committee budgets over the last 6 years, the Rules Committee chose not to include an increase in funding to cover the cost of legislative information services. The committee believes that sufficient funds will be available to cover these services, if needed and desired, through attrition, turnover of staff, and underspending in other administrative expense categories. Unexpended balances anticipated also reflect that funds will be available. Therefore, the decision is being left to the various committees to determine the importance and priority of legislative information services.

Mr. STEVENS. Would the Senator from Kentucky tell this Senator how effectively we were able to hold the line on spending in the omnibus committee funding resolution for 1988?

Mr. FORD. I am pleased to be able to report that the $47 million requested in this resolution represents only a 1.29-percent increase for recurring funds over the 1987 annualized budget authorizations. The Rules Committee has commended the committees for following our guidelines as well as they did. Two committees were even able to come in below our stated guidelines. The Senate can take pride in the fact that despite all the demands placed on Senate committees for legislation, oversight, investigations, nominations, et cetera, their budgets will reflect a bottom line that has held the line on spending.

The Rules Committee commends each committee for its supervision of spending. It was noted in the hearings that an unexpended balance $2,478,742 is anticipated by committees to remain unobligated at the end of the current committee funding year. This amouint is approximately 5.36 percent of the total authorized amount. This balance clearly reflects the practice of spending the amount needed rather than the amount authorized.

Mr. STEVENS. There have been some questions on the method of annualizing the supplemental funding authorized in 1987 and adding it into the base for committees for comparison to the 1988 budget requests. I believe, Mr. Chairman, it would be helpful if you would supply the information for this record.

Mr. FORD. I would be happy to. During 1987, the Rules Committee received two types of requests for supplemental funding—annualized requests for the whole year and prorated requests for only a portion of the remaining funding period that would be necessary. Clearly, where a committee received a prorated supplemental for lets say the last 3 months, the Rules Committee annualized this request for the next year when considering a committee's total authorization.

Senate report 100-287, which accompanies this resolution, addresses this very point. The total committee funding authorized in 1987 was $46,212,512. Since some committees received supplemental funds for a partial year, these funds have been annualized. The annualization of supplementals was recommended by the Rules Committee and this fact was brought to the attention of the Senate in Senate reports 100-169, 223, 224, 225, 226, 228, and 229 which accompanied each committee's respective supplemental funding resolution.

For this reason, the annualized figures were considered a part of the budget base for developing the 1988 budget recommendations. The annualized recurring funding authorization for 1987 was $46,404,135. The recommended 1988 recurring funding is $47,002,568. The 1988 recurring funds recommended are, as I stated earlier, 1.29 percent greater than the 1987 annualized budget authorization and only 2.24 percent greater than the actual 1987 authorization.

Mr. STEVENS. Some have asked me if it is still the intention of the Rules Committee to require committees to file productivity data as it relates to the legislative workload of committees during the funding period which begins March 1, 1988?

Mr. FORD. I would say to the distinguished ranking minority member that our letter of December 18, 1987, originally put committees on notice of the requirement to become accountable for disclosing what activities their committees are involved in with respect to legislation, nominations, hearings, special investigations, conferences, and so forth. In my opening statement on February 2 and in Senate Report 100-287 which accompanies this resolution, committees have been notified that productivity data on various committee functions will be required on a quarterly basis beginning March 1, 1988. The Rules Committee ad hoc Committee on the Budget will develop the format for reporting this data.

Mr. HATFIELD. Madam President, I would like to take this occasion, speaking from the position, I think, of about the second-longest longest serving member on the committee, that in my view, the Senator from Kentucky [Mr. FORD] has probably run the tightest ship of any chairman I have served under, and particularly as it relates to the funding and other fiscal matters for which the committee is responsible to the full Senate.

I have not had an opportunity to publicly make such observation and I welcome it in the absence of Senator STEVENS, the ranking Republican member of the committee, who is necessarily absent at this moment. On his behalf, I know from his own comments to me that he has found it a delightful experience to work with the chairman of the committee, Senator FORD.

Madam President, I am ready to yield back the remainder of my time.

Mr. FORD. Madam President, rather than yield back the balance of my time, I, for just a moment, would like to acknowledge the kind words of the distinguished Senator from Oregon who has been the ranking member on the Rules Committee for a good many years.

I think there is more to the Rules Committee and there is more to what we can accomplish than just what appears on the surface as the name of the committee. It has been my good fortune to work with Senator MATHIAS as the chairman and now to work with Senator STEVENS as the ranking member.

Something that we attempted to do since I became chairman is that I get a weekly report from each of the sections of the Rules Committee on what has transpired, what the position of support of the Senators' offices might be for their requests and how they are being fulfilled. At the end of a 30-day period, I send each member of the Rules Committee a compilation of the past 30 days so they may stay close to what is transpiring in the committee.

For the first time, I believe, this committee is giving a legislative history to support the request of the budget, what was requested by the chairman and ranking member and what the decision of the Rules Committee and its debate was and how that supports the request for funding of the committees. I think it gives us a level of understanding.

I hope, if there are any questions, now or in the future, that they will be able to go back to legislative intent as it relates to the budget and the questions will be basically answered.

So I thank my good friend again. We know very well that by working together we can accomplish a great many things. There has never been any harshness or anything like that. We have put in a coffee pot now where we can sit around and talk about the problems and solve them in a very, very friendly way, but sometimes it is a decision that is not as tasteful as we would like for it to be in doing some things in trying to curtail the expenses of our committees.

Mr. HATFIELD. Madam President, I would like to pick up on a point the chairman has just so succinctly stated, and that is the role of the Rules Committee in providing assistance to the Senators in the operations of their offices and so forth.

Madam President, we have heard today the conclusion of a long and torturous debate on the question of campaign reform. Much of the discussion was sort of, "Well, we have finished one try; we will be back for another," as if we have to sort of wait until another bill comes forth.

Madam President, I think the chairman of the Rules Committee has pointed out that there is a relationship between how Senators administer their offices, in relation to answering their mail to their constituents and maintaining communications, that has a direct bearing on the campaign costs for reelection.

I am persuaded that, if we operated our offices in the most efficient manner in maintaining a focus upon the mail from the constituencies, we would have far less of a need to spend large sums of money to get reacquainted in the reelection effort. And that is the situation with too many Members of Congress as it has been developed through surveys and studies.

So, consequently, I think the Rules Committee has been very, very attentive to providing the latest technology and the latest assistance to Senators to expedite and to handle their mail and other requirements of the office.

But I would invite people to come look down through the Hart Building and look through the windows where you could see the internal workings of many of our offices, and you will see the environment of utter chaos. I think that there, again, we could say that the housekeeping functions, which the Rules Committee has such a direct bearing on, those housekeeping functions have to be given the highest priority by all of us. I think if they are given the kind of highest priority that most Senators do, you could find a direct relationship, then, upon the requirements, as I say, for expenditures on reelection efforts.

So I thank the chairman of the Rules Committee for being alert and attentive to these new technologies that come along that can build a stronger relationship between a Senator and his constituencies.

Mr. STEVENS. Madam President, I would just like to add my thanks to the Senator from Oregon for speaking up. I just got back from having my annual eye checkup and I see a nice, rosy hue out there. So I am not going to try to read or do anything other than thank the chairman for what he has done. I think it is a very fair funding resolution. We have gone over it in detail. No one on this side has complained to me about the treatment that has been given to either the committee on which he serves or the minority on any committee. I think that is a tribute to my good friend from Kentucky. He has been evenhanded and fair. Everybody knows we will have to hold the line and, with his leadership, we have done so.

Mr. FORD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 49 seconds.

Mr. FORD. I yield back the remainder of my time.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. Madam President, I ask unanimous consent that the regular order be automatic at the end of the 15 minutes on this rollcall vote. This will be the last rollcall vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky has yielded back his time. All time has been yielded back.

There being no further debate, the question is on agreeing to the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Maine [Mr.

Kerry], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], the Senator from Mississippi [Mr. Cochran], and the Senator from Kansas [Mr. Dole] are necessarily absent.

I also announce that the Senator from Texas [Mr. Gramm] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—84

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stevens
Thurmond
Warner
Weicker
Wilson
Wirth

NAYS—8

Hecht
Helms
Humphrey
Quayle
Roth
Symms
Trible
Wallop

NOT VOTING—8

Armstrong
Biden
Cochran
Dole
Gore
Gramm
Kerry
Stennis

So the resolution (S. Res. 381) was agreed to as follows:

S. Res. 381

Resolved, That this resolution may be cited as the "Omnibus Committee Funding Resolution of 1988."

AGGREGATE AUTHORIZATION

Sec. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized in the aggregate $47,856,813, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payments to the Keeper of Stationery, U.S. Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1988, through February 28, 1989, to be paid from the appropriations account for "Expenses of inquiries and investigations".

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Sec. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,719,586, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

Sec. 4. (a) In carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,119,856 of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

Sec. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,490,812, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Sec. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,690,000, of which amount (1) not to exceed $1,000 may be epended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

Sec. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expeditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,022,846, of which amount not to exceed $22,000 may be expended for the procurement of the services of individual consultants, or organizagions thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $3,379,375, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,446,068, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,381,014 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,503,993, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,529,719, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetenece, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationship with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge, talents;

(iii) the adequacy of present intergovernmental relationships between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular reference to the operations and management of Federal regulatory policies and programs:

Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1988, through February 28, 1989, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Permanent Subcommittee on Investigations specifically authorized by the chairman, by deposition.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 353 of the Ninety-ninth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,336,859, of which among (1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, of organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $4,549,148, of which amount (1) not to exceed $43,200 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $7,500 may be expended for the training of the professional staff of such committee (under the procedures specified by section 202(j) of such Act).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,304,043, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out it powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Adminstration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $972,617, of which amount $1,500 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,001,553.

SPECIAL COMMITTEE ON AGING

Sec. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, Ninety-fifth Congress, agreed to February 4, 1977, and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,094,591, of which amount (1) not to exceed $33,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $800 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SELECT COMMITTEE ON INTELLIGENCE

Sec. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976, in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $2,105,072, of which amount not to exceed $41,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INDIAN AFFAIRS

Sec. 21. (a) In carrying out the duties and functions imposed on it by section 105 of S. Res. 4, Ninety-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, the Select Committee on Indian Affairs is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The expenses of the committee under this section shall not exceed $1,770,746, of which amount (1) not to exceed $205,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c)(1) The Special Committee on Investigations (hereafter in this section referred to as the "special committee"), a duly authorized subcommittee of the select committee, is authorized from March 1, 1988, through February 28, 1989, to study or investigate any and all matters pertaining to problems and opportunities of Indians and the Federal administration of mineral resources, including but not limited to resource management and trust responsibilities of the United States Government, Indian education, health, special services, and other Federal programs, and related matters.

(c)(2) For the purpose of this section the special committee is authorized from March 1, 1988, through February 28, 1989, in its discretion (A) to adopt rules (not inconsistent with this resolution and the Standing Rules of the Senate) governing its procedure, to be published in the Congressional Record, (B) to make investigations into any matter within its jurisdiction, (C) to make expenditures from the contingent fund of the Senate, (D) to employ personnel, (E) to sit and act at any time or place during the sessions, recess, and adjourned periods of the Senate, (F) to hold hearings and to take staff depositions and other testimony, (G) to require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, and documents at hearings or at staff depositions, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(c)(3) The chairman of the special committee or any member thereof may administer oaths to witnesses, and, at staff depositions authorized by the special committee, oaths may be administered by any individual authorized by local law to administer oaths.

(c)(4) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any member of the special committee designated by the chairman or the member signing the subpoena.

(d) The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate through the select committee at the earliest practicable date, but not later than February 28, 1989.

Mr. FORD. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SIMPSON. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that there now be a period for morning business for not to exceed 1 hour and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REPORT OF SENATOR BYRD ON MEETING WITH NATO ALLIES

Mr. DODD. Madam President, 2 days ago our distinguished majority leader appeared before the Senate Foreign Relations Committee to share with the members of that committee a report on his recent trip to our NATO allies along with several other of our colleagues.

He returned 12 days ago from leading a bipartisan Senate delegation in talks on security and political concerns with five NATO allies, and on Wednesday he shared his thoughts on these discussions with the Foreign Relations Committee, which is nearing the conclusion of its hearings on the INF Treaty.

Senator Byrd and the other members of the delegation—Senators Pell, Nunn, Boren, and Warner—met with heads of state or government, as well as with defense and foreign ministers and opposition leaders, in the United Kingdom, West Germany, France, Turkey, and Italy. In each capital, they attempted to gauge support for the INF Treaty, views of the Soviet threat and attitudes on future arms control efforts; broadly, they sought a diagnosis of the alliance's present and long-range health.

The majority leader and his party asked difficult and detailed questions—about security needs, intra-alliance relationships, and public opinion in the respective countries—and received frank and thorough answers.

The delegation also sought to impress on our allies four principal themes: that conclusion of the treaty was a victory for allied cohesion and adherence to the dual track policy; America's deep and continuing commitment to NATO; the need to maintain the alliance initiative on arms control, and the Senate's fidelity and constancy as a friend of the alliance surpassing partisan differences that may from time to time divide our Government.

Senator Byrd's testimony made a very significant contribution to the committee's work, was characteristically forthright and insightful, and I commend it to my colleagues.

I have taken the liberty of submitting the majority leader's testimony to a number of editors of newspapers in my State for their analysis. It is thorough and comprehensive and as good an analysis as you can read about NATO thoughts with respect to the INF Treaty. It includes their concerns and, more important, their bottom-line commitment to this treaty and their reasons why.

For those who are interested in getting a brief but comprehensive analysis of where our present relation is with NATO as a result of this recent visit, this document deserves attention by our colleagues and their staffs. It will be particularly instructive, I believe, to those who share my view that since the impact of this INF Treaty will be felt most directly and immediately in Europe, it is our partners in the alliance whose voices must now be heard as we examine the accord and exercise our advice and consent role in its ratification.

I ask unanimous consent that the text of the majority leader's report of February 24 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INF TREATY AND THE FUTURE OF THE ALLIANCE

(Report to the Senate Foreign Relations Committee on a Trip of a Bipartisan Senate Delegation to Five NATO Countries, Feb. 6-14, 1988)

(By Senate Majority Leader Robert C. Byrd)

Mr. Chairman, over the February recess period, I led a bipartisan Senate Delegation to five NATO countries to confer with our allies on matters related to the INF Treaty and the future of our alliance. The delegation was composed, as you know, of the chairmen of the three Senate committees which are devoting their full energies to examining the provisions of the accord, and its ramifications. I appreciate very much, Mr. Chairman, that you gave of your valuable time to this short but intensive journey. As the one charged with the responsibility of the committee of jurisdiction over the treaty, you have the difficult task of conducting a thorough, yet expeditious consideration of the accord, taking into account the conclusions and recommendations of the two other committees concerned with this matter, and providing a comprehensive report and recommendations to the full Senate.

The last time that the Senate turned its attention to a major arms control treaty with the Soviet Union was 16 years ago, when it gave its advice and consent to the ratification of the Antiballistic Missile Treaty. I would point out, Mr. Chairman, that 82 of the current 100 incumbent Senators were not in the Senate at the time that the ABM Treaty was approved for ratification. In fact, 82 percent of both Democrats and Republicans have no experience in a floor debate on an arms control treaty. I note in passing at this point, Mr. Chairman, that events since the approval of that accord have necessitated that the Senate handle the question of the authoritative interpretation of the text of the INF Treaty somewhat differently from past practice—a matter the importance of which was reinforced to the delegation during its NATO visit. I will have more to say on this issue later in this report.

In addition to yourself, I was pleased that the chairman of the Armed Services Committee, Mr. Nunn, and the chairman of the Intelligence Committee, Mr. Boren, as well as the ranking Republican member of the Armed Services Committee, Mr. Warner, were able to be part of the delegation. At the outset, some said that European leaders would not really speak their honest, frank views on the advantages or disadvantages of the treaty. I am pleased to say, Mr. Chairman, that this was not the case at all. The delegation had a very full, very long set of discussions in all five countries. Indeed, it was my definite impression that all of the leaders we met were eager to communicate their views to us, and, at times, their concerns. In turn, they appeared eager to learn the opinions and attitudes we wished to convey about Senate consideration of the INF Treaty, our perceptions of both the state of the alliance and the challenge we face with a new dynamic style of Soviet leadership now in place in Moscow.

It was obvious to me, Mr. Chairman, that there was more than a passing interest on the part of European leaders as to our views about where the treaty and the alliance are headed, and a genuine desire to communicate their views to us. In all the capitals we visited, the level and quality of the dialog were very informative and beneficial. I have returned with a much deeper understanding of the climate in Europe and the challenges ahead for NATO.

For the record, the delegation first traveled to Munich, to participate in the annual defense conference known as the Wehrkunde Conference, where a sizable representation of officials from all NATO countries, as well as opinion makers and outside experts were gathered. Both Senator Nunn and I delivered addresses to that gathering, and we had an opportunity at the outset of the trip to hear a variety of informed opinions as to the future security needs and challenges for the alliance. Following that, we traveled to London, Bonn, Paris, Ankara, and Rome. In each capital, we met with the head of state or of government: Prime Minister Thatcher, Chancellor Kohl, President Mitterrand, President Evren, and Prime Minister Ozal, and Prime Minister Goria. Additionally we met with the defense and foreign ministers at each stop, with opposition leaders and opinion makers, as well as with both foreign and American press representatives. A full listing of those individuals, as well as transcripts of various roundtable discussions and meetings we had with the press will be provided to the committee in the form of a written report.

The delegation will also be delivering our report and recommendations to the President tomorrow afternoon, with the aim of helping the President to prepare for his upcoming NATO summit meeting, on March 2, in Brussels—a meeting of some importance for the alliance.

There were three broad purposes to the trip:

First, we sought to acquire a detailed and unvarnished view of NATO country leaders of the advantages and disadvantages of the INF Treaty, and to take those views into account in the context of our consideration of the treaty. After all, Mr. Chairman, more than anything else, ths treaty is the central piece of American relations with our European allies at this time.

Second, We sought their views on where the alliance should be going from here;

and *Third,* their perceptions of Soviet tactics and strategy for the foreseeable future. How do these leaders evaluate the Gorbachev regime's style and approach to the West. How should we collectively best adjust to that new style?

More specifically, we pursued several lines of inquiry. What were their views on the effect on public opinion of the new Gorbachev "charm" offensive, in conjunction with the successful culmination of the INF Treaty? Does this era of good feeling impact on the pace and type of future NATO weapon modernization planning? Does the perception of a diminished threat from the East have an effect on NATO cohesion? Is there an undiminished consensus in Europe for a strong deterrent posture based on a successful strategy of flexible response with a robust nuclear component? Or is there developing a momentum for rushing into additional arms control agreements, particularly in the nuclear weapons area, as a result of the INF Treaty and the changed style of the Gorbachev diplomacy? Do we need to reemphasize that arms control agreements are not ends in themselves but, first and foremost, a means to greater security. In short, what is the state of the public mood, how is it being formed, and what educational strategy is needed on the part of Western leaders to retain a strong consensus for NATO programs, remembering that it was vigorous consensus-building by NATO leaders which resulted in the successful conclusion of the INF Treaty?

We were also interested in how European leaders evaluate the various proposals and programs for close bilateral military cooperation, particularly between France and Germany, but also between France and the United Kingdom, particularly in light of an historic Soviet strategy of attempting to weaken NATO by playing on, and promoting, divisions among NATO partners.

Also, we sought their views on the most advantageous approach to NATO planning now, in terms of setting priorities, and the proper sequence and pacing of arms control initiatives and modernization actions. Is there a need at this particular time for an overall evaluation and development of a common coordinated concept on these matters? How urgent is this question for the immediate future?

THEMES AND MESSAGES THE DELEGATION CONVEYED

Both in my address to the Wehrkunde Conference and in our meetings in the individual capitals, we sought to convey certain themes. Briefly, they were:

First, the INF Treaty is a victory for the cohesion of NATO. We conveyed our belief that the alliance is healthy, and indeed flush with perhaps its greatest victory since its founding—the turning back of Soviet tactics of intimidation embodied in its provocative and unnecessary deployment of intermediate range missiles, the SS-20's, in the European theater. Despite a major propaganda and disinformation program in Europe in the early 1980's, and the Soviet's walking out of the Geneva negotiations, the alliance dual track policy was accepted by European constituencies after courageous stands were taken by European leaders. Thus, the Soviets faced with great NATO cohesion, were given no choice but to come back to the negotiating table to conclude an accord. Such a winning strategy needs to be continued in the post-INF period, and the lesson that we can prevail in our strategies if we act in a coordinated fashion should direct our current planning. In general, most of the European leaders with whom we met praised the consultative process with which the Reagan administration negotiators brought the alliance behind the INF Treaty.

Second, reassurance that the American commitment to NATO is undiminished. We emphasized that our commitment to the alliance is unchanged. We have no plans for troop reductions, for instance, as we are aware that this could convey the wrong signal to the Soviets. This U.S. commitment remains in spite of budget pressures in the United States. We reiterated our support for the continuation of NATO's deterrent posture of flexible response, including the modernization of nuclear and conventional systems.

Third, to suggest that the alliance ought to develop new initiatives on arms control, both to maintain the momentum of cohesion engendered by the success of the dual track policy, and to regain the psychological initiative vis-a-vis the Soviets, so that the future debates on these matters are framed on terms developed by NATO, not by the Soviet bloc.

Fourth, to reaffirm the stability and constancy of the Senate in the American system. As leaders of the Senate, we reaffirmed our unchanged commitment to the alliance, and affirmed that, while administrations may come and go in Washington, and a confusion of noise can emanate from the United States during an election cycle, the Senate is a permanent body which can be relied upon to keep America firmly anchored and coupled to Europe. It was also our intent to clarify any question as to the Senate's commitment to conclude as expeditiously as is possible, with due regard to the need for thorough investigation of its particulars, our consideration of the INF Treaty. We indicated that, barring unforeseen developments, particularly in the verification area, we felt that Senate approval of the treaty was likely without the need for the kind of reservations which would require the administration to renegotiate the terms of the treaty with the Soviet Union.

It was immediately apparent that our themes of stability, steadfastness, the constancy of our commitment and our understanding of European problems are of considerable importance at this time. This is due to what, to put it bluntly, adds up to a pervasive sense of unease in Europe about, essentially, American leadership, constancy, and reliability. A series of events and developments, some of which have been ongoing and some of which occurred during our journey, highlights the components of the problem.

BACKGROUND TREMORS: UNCERTAINTIES AND AMBIGUITIES REGARDING AMERICAN RELIABILITY

First, the administration-Senate treaty interpretation debate. There was constant uncertainty during the trip over the possibility of delays in Senate consideration of the treaty because of a dispute between the Senate and the administration over how an authoritative interpretation of the provisions of a treaty is to be arrived at. The dispute, as the members of the committee are well aware, stems from the debate over the proper interpretation of the ABM Treaty provisions on the matter of new ABM technologies. Just prior to the trip, and extending into the time frame of the trip, Senator Nunn and I engaged in an exchange of letters with Secretary Shultz on this matter, and while very considerable progress has been made in reaching a common understanding between the two branches on how such an authoritative interpretation is to be reached, I believe that the Senate will have to take additional formal action on the resolution of ratification to clarify any ambiguities that are now present. After all, the process that this committee is engaged in, and that the full Senate will shortly be engaged in, has to be grounded in the certainty that the interpretation that the Senate arrives at, specifically of the obligations that the United States and the Soviet Union are undertaking to implement and abide by, is fully understood and will not be susceptible to change after Senate approval is given.

In particular, the other members of our alliance in NATO, who are very much dependent on the integrity of the American process in consummating the INF Treaty, as well, of course, as our treaty partner, in this case the Soviet Union, have to have some assurance that the obligations undertaken are not going to be repudiated by a future administration. Otherwise, the very value of negotiating treaties with the United States becomes debased and undermined.

In order to remove ambiguities and opportunities for future reinterpretation of the obligations herein undertaken, we have reached an agreement with the executive branch on access to negotiating records, and the Senate is now in possession of those records; they are being analyzed by the appropriately cleared staff members and are available for examination by all Senators. A comparison between the testimony provided by administration officials and the contents of those records will be made, so that an opportunity for a future administration to claim that the record reveals a different interpretation will be rendered nil.

Mr. Chairman, I indicated earlier that we assured our European allies that it would not be necessary, barring unforeseen developments, to attach reservations to this treaty which would require renegotiation with the Soviet Union. I do not think that the authoritativeness of the interpretation understood by the Senate in consenting to the resolution of ratification falls into that category. Such a reservation, which I am now inclined to believe is needed, would contain a statement: (A) That the Senate regards the testimony provided by executive branch witnesses as authoritative for purposes of interpreting the provisions of the accord; (B) that there is nothing in the negotiating record which contravenes that testimony; (C) that the Senate is relying on such testimony and representations and that it is therefore unnecessary to attach additional reservations to the resolution of ratification which outline the substance of that testimony; and (D) that an interpretation or meaning given to the treaty different from the one presented to the Senate prior to its vote on the resolution of ratification cannot be adopted without the further advice and consent of the Senate.

Naturally, Mr. Chairman, I will be pleased to work closely with you and the other chairmen and interested Senators in constructing this understanding, since it will carry substantial weight and be an important precedent for future arms control treaties if they are submitted to the Senate.

Another matter which has tended to raise questions in the minds of Europeans about the steadfastness of America's course and commitments, and something mentioned frequently during our trip, was the Reykjavik superpower summit. The impression conveyed from that summit was that the United States was uncertain about the value of nuclear deterrence in the European theater, raising all the old fears of a "decoupling" of America from Europe and fueling the arguments of those who believe that the proper goal is to make Europe a so-called "nuclear free zone." The denuclearization of Europe is certainly on the top of the Soviet agenda to divide the West. It is clear that we must continue to impress on Europe the unwavering commitment of the Senate to the strategy of flexible response, with the nuclear component which makes that strategy credible. As Chancellor Kohl mentioned to me in Bonn, and then again in his inspiring session with over 50 Senators just last week, it has been the credibility of the nuclear deterrent which has been of central importance in breaking the cycle of wars on the European continent for the last 43 years.

Mr. Chairman, the issue of the future location of the F-16 fighter wing based now at Torrejon Air Force Base in Spain has arisen. The delegation believes that that squadron's future should be determined by NATO, and notes that there are some among our allies who would make the necessary case to public opinion in their country of the need to provide a new home for the F-16's.

I believe it would send the absolutely wrong signal to provide any rationale to deactivate those squadrons. Such a move would constitute a unilateral disarming of an important component of the defense of NATO's southern flank, and would be unwise. I would also note, Mr. Chairman, that problems continue with regard to our basing arrangements with Greece, Portugal and Turkey, and whatever actions the Senate can take this year to ensure the continuity of those basing arrangements should be taken. We had discussions of this type during the delegation's brief, but very productive visit to Turkey, and I believe there is a very healthy understanding between us and the Turkish Government on these matters. It is important to note that there are always sensitivities on the part of the other partner, the basing country, and it is important for us to assess carefully those sensitivities before pointing the finger.

This matter of European sensitivities brings me to another point. Threatening Europe with a diminished American commitment if Europe does not undertake certain specific actions, is counterproductive. The Secretary of Defense, Mr. Carlucci, delivered a speech at Wehrkunde which, rightly or wrongly, was widely reported in Europe to contain a kind of ultimatum. The headline on the front page of the International Herald Tribune story on his address on February 8th, read "U.S. Warns of Troop Pullout if Bonn Bars Nuclear Arms," and the lead paragraph read that he had "Warned West Germany . . . . that the United States might consider withdrawing troops from Europe if West German policies led to all nuclear weapons being removed from its territory." Our discussions in Germany led us to conclude that no responsible German official contemplates denuclearizing Germany; all German leaders reject the concept of the third zero, or removal of all short range missiles from German territory. The appearance of the use of threats by the United States does the Germans a disservice. It was the current German leadership which led the fight on deployment of INF missiles and made the difference in making the dual track policy a success. They deserve the kind of common planning to which I will refer in more detail at the conclusion of my remarks.

Last on my list of tremors is the report released just prior to our trip entitled "Discriminate Deterrence." The essence of the report appears to be that other parts of the world are gaining in their importance, and, consequently, the priority of the special American-European relationship ought to be reexamined. Although this report of a blue ribbon commission appointed by the Pentagon may not have received high billing in the United States, it very obviously played on European sensitivities about the American commitment. The delegation downplayed the importance of the document, but the level of attention it has been getting in Europe is disturbing.

CONCLUSIONS AND RECOMMENDATIONS

Mr. Chairman, despite the tremors that I have outlined here, the delegation found a great deal to be optimistic about in Europe. The alliance, in fact, is in good health, and if it is reexamining those areas of concern and weakness, the atmosphere within which such self-examination is occurring has many positive aspects. The opportunities to keep the alliance vigorous and prosperous are substantial.

In general, we found a widespread consensus among the allies for continuing cooperation and cohesion. There is evident unity, and indeed, a desire for stronger and more enlightened American leadership.

APPROPRIATE APPROACH TO THE NEW SOVIET LEADERSHIP

There was widespread agreement on (1) the need to develop allied priorities and new arms control initiatives to deal with the Soviet leadership; (2) the importance of educating our respective publics about alliance policies and the requirement to formulate a sober, realistic assessment of our Western security interests independent of our evaluation of the "sincerity" of Soviet intentions. As President Mitterrand told the delegation, "the problem is not whether these men are sincere, but whether they are behaving as if they are sincere." We must help make it to Gorbachev's advantage to be sincere; (3) the general assessment of Mr. Gorbachev and his new style is that he presents new challenges to the West, but that the Soviet Union's objectives have not changed. As Chancellor Kohl indicated, the Soviet campaign of disinformation in West Germany has not changed at all as a result of the coming to power of Mr. Gorbachev. As an Italian official said, they are just selling themselves better. So, there is not any great illusion that the Soviet challenge is a thing of the past. On the contrary, the desirability of close, unified NATO decisionmaking, as the key to success in dealing with the Soviet Union, is even more desirable in handling a stylistically renewed Soviet Union.

This sober-minded, cautious approach must be supplemented with a readiness to grasp any opportunities provided by the Soviet leadership to improve our relationship in ways clearly in Western interests, and to construct initiatives to test their willingness to agree to arrangements which truly enhance our security and reduce the risk of conflict. We do not know whether the Gorbachev reform program will be successful, and there is a healthy skepticism in Europe on this point. Further, if he should succeed in revitalizing the Soviet economy, we do not know whether that would result in long term Soviet foreign policies beneficial to the West.

The naval incident which occurred in the Black Sea during our trip illustrates the wisdom of sober realism. The intentional bumping of an American warship by a Soviet warship was a clear violation of the 1972 Incidents-at-Sea Agreement between the United States and the Soviets (specifically article III, paragraphs 1, 2 and 4), an agreement designed to eliminate such hazardous bumping tactics. That agreement had been hailed as having a 14-year record of success in moderating the movements of the two superpowers' warships when operating in close proximity. It should be instructive for us all that the Soviets are willing to violate one of the few operative agreements reducing the risk of conflict at the very time that the Senate is considering whether to approve an arms control accord.

I shall conclude with four brief observations:

ON INF TREATY RATIFICATION

First, the INF Treaty should be ratified and without reservations requiring renegotation with the Soviet Union. Although there are differing opinions about the details of how the agreement was handled, and about the specific impact on the military balance and future NATO planning for Europe, virtually everyone agreed the treaty should be ratified. Failure to ratify it would clearly cause a serious crisis in the alliance, and provide a fertile ground for Soviet mischief-making.

ELEMENTS OF NATO ARMS CONTROL/ MODERIZATION STRATEGY

Second, an overall coordinated NATO strategy on arms control initiatives and modernization questions should be formulated. The priorities of the alliance should be developed with the objective of enhancing alliance stability and minimizing the potential for strains over, in particular, modernization questions which are premature. In dealing with priority setting, there must be an appreciation of the sensitivity of European public opinion on the matter of short-range nuclear weapons, and, most importantly, German public opinion on the issue of "singularity", that is, the proposition that Germany, as a result of some particular NATO nuclear modernization plan, is being asked to bear a disproportionate brunt of any future conflict between NATO and the Warsaw Pact.

While it is not necessary or appropriate for me to go into great detail on these issues this morning, I offer the following suggestions as to how NATO should navigate this maze of modernization and arms control issues in the coming months. The alliance agreed, at its meeting at Montebello in 1983, to reduce the stockpile of nuclear weapons deployed in Europe an additional 1,400 beyond the reduction of 1,000 agreed to in 1979. Along with these reductions, the military authorities of NATO were directed to recommend appropriate modernizations of the remaining weapons. The objective of this was to maintain deterrence at the lowest level of weapons possible.

The regular planning process of NATO has been implementing the decisions of Montebello, and should continue to do so. We are approaching some key modernization decisions in the alliance, and these should be made in a timely fashion. But I want to emphasize that there is no need to link modernization of short-range nuclear systems with the INF Treaty. The alliance has been embarked upon the process of reviewing its requirements in this area for some time, and there is no need to alter the process now. I believe, based on my conversations with General Rogers, General Galvin, and others, that it will be necessary to modernize certain systems not prohibited by the treaty—but those decisions are some months in the future, and should not be at the center of our discussions on the treaty at this time. Indeed, to discuss modernization in the context of the treaty could create the false impression—I emphasize the "false" impression—that modernization is somehow required to compensate for the elimination of the INF.

The West German Government has stated that, in its view, a comprehensive Western security concept needs to be developed to guide NATO in the post-INF environment of modernization and arms control. This position is not unreasonable, and I would urge our NATO allies and our own Government to take it seriously. At the same time, I see no compelling need for an "agonizing reappraisal" of NATO strategy at this time.

The top priority for the present should be to formulate a comprehensive and detailed proposal on conventional arms reductions and control in the European theater to present to the Soviets this year. A consensus must be built around a sound conventional forces reduction proposal, which is a very formidable task. There are those in Europe who believe the asymmetries between the Warsaw Pact and NATO are so large that the chances of NATO coming out the loser are too great to even enter into negotiations. Nevertheless, a major attempt should be made. Moreover, the chemical weapons talks must be pursued with renewed energy.

Clearly Europe would welcome thoughtful, vigorous, American leadership on these issues. We should not disappoint them. No negotiations on further tactical nuclear weapons arms control should be entered into until and unless major progress has been made in negotiations dealing with the conventional and chemical weapons imbalances.

Regarding a start agreement, the consensus appears to be that the reaching of such an agreement is advantageous, so long as it is done with appropriate and sound provisions, particularly on the specific subceilings of weapons types and so long as verification procedures are adequate. Such verification techniques are different in kind from those employed in the INF agreement. Furthermore, we need to have assurances that the systems which will provide the verification will definitely be in place within specific necessary time frames before the Senate seriously considers the taking up of a start agreement. Finally, such an agreement must only be reached in close consultation with our allies. Thus, a sound agreement, with adequate ability to verify, should be concluded when it is ready, and only when it is ready, but no deadlines should be imposed which provide opportunities for negotiating advantages to the Soviets.

POST-INF DETERRENCE REPORT

Mr. Chairman, a report that was required of the Secretary of Defense to be submitted to the Senate along with the INF Treaty, and which was designed to address the matter of the requirements of the alliance in the Post-INF environment, is now available, and makes an important contribution on the question of modernization of the nuclear deterrent in this environment. I offer this report to you at this time, for possible inclusion into the hearing record on the INF Treaty.

FRENCH-GERMAN BILATERAL BRIGADE

Regarding bilateral military cooperative arrangements among NATO allies, such as the French-German brigade, these initiatives are desirable, and should be viewed as an ingredient in a healthy Western security system. So long as there is complete understanding in the alliance about the specific nature of the cooperative arrangements, they should be encouraged. It should go without saying that this specific initiative between the French and Germans was generally welcomed in Europe, given the historical barricades that such an arrangement has had to overcome.

RELATIONS WITH FRANCE

Mr. Chairman, I regard one of the highlights of our trip the 2 days we spent in Paris conferring with French leaders and opinion-makers. It is evident that there is a healthy ferment in the French political system and that an important opportunity exists for the United States and the alliance to explore enhancements of the relationship with the French, despite their reluctance to rejoin the military planning organization of NATO. I would have to say their hospitality was very warm and every opportunity for further dialogue with the French should be explored. They are very concerned about the uneasiness of the West Germans in a post-INF environment and the efforts of Soviet leaders to promote European denuclearization.

THE FORMATION OF WESTERN PUBLIC OPINION

Now, I return to perhaps the most important of all the subjects discussed on our journey: public opinion in the West. The delegation was impressed with the sensitivity of virtually all NATO leaders about the need to inform our constituencies in a comprehensive and persuasive fashion of the appropriateness of alliance priorities and strategies. Althugh the impact of the new-style Soviet leadership of the Gorbachev era is in a formative period and varies from country to country, there is a consensus on the need for European and American leaders to educate actively our respective publics to the fact that Soviet long-term objectives have not changed.

We must, as Chancellor Kohl told us in Bonn and stated again in his meeting with Senators last week here in the Capitol, challenge Mr. Gorbachev to live up to his rhetoric. We can do this best, and maintain the support of our publics, by working in solidarity with our NATO allies, pursuing a sound and responsible policy of force modernization where necessary, and arms reduction agreements where possible.

WILLIAM F. "WILD BILL" CODY

Mr. SIMPSON. Mr. President, we now return to more pedestrian pursuits, after our rather lengthy debate, which was a good debate, as I said before, and one that the American people can weigh and think about. Now I shall revert to another item, which to the American people, perhaps, is a very pleasant remembrance, and we need to do that from time to time.

Today, February 26, is the 143d anniversary of the birth of a remarkable figure in American history, William F. "Buffalo Bill" Cody.

I see that the Chair is delighted with that prospect. Here is a figure in history of which there has probably been more written—more books, more plays, and more shows—than many others in American history.

I do not usually do this. These types of tributes can get a little overused in the Senate.

But this singular man truly was a legend in his own time, Buffalo Bill Cody—showman, raconteur, promoter, businessman, father, husband, founder of the small Wyoming town that bears his name and just happens to be my hometown—where I grew up. He was a complex, flamboyant, and dazzling man on the center stage of the world in the late 1800's and early 1900's.

Wyoming's citizens and all Americans are deeply proud of the remarkable heritage and tradition of this man. Born in Le Claire, IA, he later moved to Kansas. He was the breadwinner of his family and was hired by the railroad to provide meat, and he surely did—thus, the name "Buffalo Bill."

As a young man, he lived a most extraordinary life. He spent time riding in the Pony Express. He gained fame as a sure-shot marksman in the terrible battles of native Americans and the whites, in those terrible times of bloodshed on the plains that we look on now with some terrible and justifiable revulsion. Yet, at the time, it was a different time, but it did happen.

He was involved in those struggles and yet later became one of the true friends of native Americans. They were part of his show, along with cowboys and native dancers and ethnic groups as he traveled the world over.

He even guided tours into the wilds of America and returned unscathed and well rewarded.

He was an elected representative to the Nebraska State Legislature—I do not think many people know that—and he was involved in hand-to-hand combat with a famous Cheyenne chief, Yellow Knife.

Those fascinating experiences resulted in his introduction to the art of stagecraft and stage performance, when he was discovered by the well-known author, Ned Buntline. What followed in his life then is best described as "pure fame"—pure fame.

His popular and familiar visage graced the covers of books, magazines, and posters across America and worldwide. He held audiences with all the crowned heads of Europe and half of Asia.

Memorabilia of his life are contained in Cody, WY, at the Buffalo Bill Historical Center, which houses the Buffalo Bill Museum; and the Whitney Gallery of Western Art, with millions of dollars of rare art items, including works of Frederic Remington, Charles Russell, Thomas Moran, Karl Bodmer, Albert Bierstadt, Charles Schreyvogel, George Catlin, and others—a treasurehouse of original art of the West. And it also encompasses the Plains Indian Museum and the Winchester Arms Collection.

But the picture of Buffalo Bill Cody is clear: The fringed leather jacket, the boots, the goatee, the mane of the white hair, the sweep of his hat—always the sweep of the hat—and the way he rode the horse are all part of the wild west show that earned him great notoriety and great personal wealth.

As those familiar with the legacy of William Cody can attest, he was not just "for show," but "for real." His many travels brought him to the beautiful Big Horn Basin in northwest Wyoming, where he decided in 1894 that he would settle. It is in this place that he left his surest imprint. He actually and physically laid out the town of Cody. He designed the canals for the irrigation system. I do not think people realize that. He brought his friends there to operate newspapers and businesses and facilities and services.

He built a magnificent hotel in the Rockies, the Irma, named after his daughter, and that became a showplace. The opening night at the Irma hotel, as reported through history and even by Frederic Remington, was a special event, with bluepoint oysters brought on the train from New York—the east coast. It was an extraordinary event. There are still people living who recall that remarkable night in Cody, WY. Those are the things that illuminate the minds of people who loved him.

He cherished his friendship with Teddy Roosevelt and it bore fruit in a most extraordinary way. He and Roosevelt were great friends; that will be found in the writings of Roosevelt, and Cody. His friendship with Roosevelt enabled the Nation to build the first Bureau of Reclamation dam, the Buffalo Bill Dam, in 1910-14, just several miles outside the town of Cody. That was the first reclamation project in the United States.

The dam is just now being raised an additional 25 feet. It is still a remarkable engineering feat, and the vast network of irrigation canals are all there. Some of them look almost like they make water run uphill, but they work, and they have worked since he laid them out. They irrigate the lush farmland throughout the valley of that Big Horn Basin, communities like Powell and Ralston along the Shoshone irrigation system.

That immediate reservoir that is there now also has the Buffalo Bill State Park on its shores, is a haven for recreation and water sports, fishing, and hunting. Just upstream from there is the most remarkable ranch, the TE Ranch. That is where he loved to repair. It was there where he left on a very bitter January day to visit his sister in Denver 1917, and he never returned to his beloved TE Ranch.

He died in the home of his sister in Denver, CO, and then began a very controversial and long struggle. The sister, who was in some financial extremity, sold his remains to the city of Denver so that the funeral would be held there.

It was a magnificent funeral, a Masonic funeral of last rites; and then he was buried on Lookout Mountain outside of Denver, several miles from Denver. The people of Cody brought forth the former will that he had signed. He said in that old will, "I want to be buried overlooking the remarkable community of Cody, WY, noted for the purity of its government and the spirit of its citizens."

It is really an extraordinary will. One should read it, but he changed that will later because he ran into financial extremity and lost all of his money because he was in some ways a softie. He gave it to children. He gave it to promoters. He gave it to miners and their families. He gave it to syndicates. You should see the pile of old stock certificates that we have in the Buffalo Bill Historical Center of his investments, all of them failures. Silver mines, gold mines, and a most extraordinary array of ventures and joint ventures. When he died, he had nearly expended all of his past fortune.

So he was buried there at Lookout Mountain, and the people of Cody were very irritated about that.

Madam President, I know my time is expired, and yet I see no one seeking the floor. I would ask unanimous consent that I be allowed to continue for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the Chair.

So he was buried, and the people of Cody thought that was a very bad thing because he had wanted to be buried in this beautiful community of Cody. So they organized a kind of posse to go to Lookout Mountain. They fueled themselves with enthusiasm, and some liquid items, and then they took off, some by horse, some by rail, and they were going to dig up the old scout and bring him back to the Spirit of Cedar Mountain and place him right on Cedar Mountain outside of Cody, WY.

As they got closer to Denver, their legions thinned. Some fell away with illness and other ailments of perhaps too much spirited progress, and there was only a thin band when they got there. But then the next year, they did it again, and they got together a few more.

I know this will surprise many. Finally, the people of Lookout Mountain and Denver tired of this little band of ragamuffins coming down from Cody, WY, and environs to get the colonel back, so they covered the grave with rail ties and tracks and poured concrete over it.

If you look at the x rays of the gravesite at Lookout Mountain, you will find it is a huge, deep crevasse with the casket and then a string of variously placed railroad ties and rails and then concrete poured in on top of that so that any later effort would never be successful. That actually happened.

And so the loyal sons of Buffalo Bill did not make the pilgrimage after that, but they recognized this great man by forming the Buffalo Bill Historical Association, preserving his memory and, indeed, that has gone forward magnificently.

One of the places, as I say, where he lived and loved was that hallowed ground at the TE Ranch.

That ranch is still there. All of the original buildings are still there in white. They are painted white. Some of the original cottonwood trees that he planted or nurtured are still there, or seedlings of them. That ranch is about 1 mile from a place my parents have owned for more than 55 years, and, not far from there, some 50 miles away is Yellowstone Park where he used his extraordinary relationship with Teddy Roosevelt to do so much.

He also helped to create the country's first national forest—I think people may have forgotten that—the first national forest of the United States, the Shoshone National Forest. Also the first ranger station in the United States, the Wapiti Ranger Station, is still there.

So, far beyond the wild West, the shows, and the promotions and what has been described as a checkered life that he is famous for, Buffalo Bill truly did bless us with his many valuable and lasting gifts.

So we remember him on this special day, February 26. I think it is appropriate to see just how he was remembered in the U.S. Congress on the day following his death in 1917, in a statement from the CONGRESSIONAL RECORD by who was then Wyoming's long-time Congressman, Frank Mondell, who was and would have been the Speaker of the House had he not suffered defeat. I think he served Wyoming some 24 years. He placed this in the CONGRESSIONAL RECORD. He spoke thusly, in the vernacular of the year 1917. He eulogized:

> The winged couriers of the air brought us yesterday from a beautiful section so recently the frontier, in whose early, heroic, and adventurous days he was so striking and conspicuous a figure, the story of the peaceful passing over the range to his final camping ground one of the finest and most heroic figures of the old scouting, pioneering and Pony Express days—Colonel William Frederick Cody. * * * Whatever others may have contributed to the history of that time and region to the work of development that has brought so marvelous a transformation into many sections of the old West, of the mountains, and of the plains, no one will challenge Col. Cody's premiership in contribution to those thrilling episodes, to the pleasing and picturesque illumination of those incidents and characteristics of his period and section, which have most charmed and challenged, inspired and thrilled the Nation and the world. * * * He passed away as he had lived, a courageous soul, calm-eyed and even-pulsed, in the presence of the inevitable, heroic, gracious, considerate, and thus preserved for the Nation the charming ideal of character which has and will continue to make the story of William F. Cody, "Buffalo Bill," of intense and absorbing interest to those whose hearts remain forever young and respond to the thrills of romance and adventure.

That was the vernacular of the day, and there are many more later entries in the CONGRESSIONAL RECORD about the life and death of that man.

With that, Madam President, I share with you today that the beat goes on. We have preserved his remarkable memorabilia and memory. His grandson still lives in Cody, WY, one Bill Cody. You should know his other grandson, Fred Garlow, died only fairly recently, and Fred and his dear wife, Peg, were splendid friends and neighbors of mine. They both were remarkable, and my long time friend, Bill, and his wife, Barbara, remain remarkable citizens of the Cody community.

Today—to show you indeed that the beat does go on—at this very hour at the Riverside Church in New York City in the higher reaches of the city at the Laura Spelman Rockefeller Carillon of that remarkable and beautiful church by the river there will be a concert by James Lawson who is the master carillonneur of the Riverside Church. Jim is also a native of Cody, WY, and a dear and lovely friend. He will present to the people of the city of New York, as he does on every Buffalo Bill birthday, the pealing songs that will go winging out across that area of New York. If you know where that church is located you can imagine how people love that carillon tower. Its musical magic reaches across the river and up into the heart of the upper city.

Today Jim will play the selections Buffalo Bill loved most on the remarkable carillon endowed by a dear relative of our fine friend and colleague Senator JAY ROCKEFELLER. Amid the myriad melodies that will wing over the city of New York today as they have in the years before is the one he loved the best which was called "Tenting Tonight," tenting on the old camp ground, a great ballad of the Civil War. That will all take place today as it has for every year under the direction of Jim Lawson—a marvelous, bright, intelligent, creative genius of music and one of the most extraordinary carillonneurs of the world.

With that, Madam President, I leave us with the thought that as we do our work here, there were some truly extraordinary people who went before us and certainly one who still commands the raft attention of young and old alike is the founder of my hometown, William F. "Buffalo Bill" Cody. I thank the Chair.

(At this point, Mr. SHELBY assumed the chair.)

ABM TREATY BREAKOUT?

Mr. McCLURE. Mr. President, I wish to bring to the attention of my colleagues an alarming editorial in yesterday's Wall Street Journal, which suggests that the Soviet Union has begun to break out of the ABM Treaty. This development, if it is true, would come as no surprise to many of us who have warned about such an eventuality for several years now.

This report is based on an earlier article in the New York City Tribune which cites "a senior military intelligence official" as the source of its information. Certainly I cannot personally vouch for this information. But it is incumbent on us as Senators to investigate these reports, which have tremendous implications for the whole range of our defense and arms control policies, in particular the START talks. To that end, I have written to Director of Central Intelligence William Webster and Secretary of Defense Frank Carlucci to request an immediate briefing.

I ask unanimous consent that the Wall Street Journal editorial and the New York City Tribune articles be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 25, 1988]

BREAKOUT

Our seismographs have been recording a major explosion or earthquake this week in the U.S. intelligence community. Someone in Congress ought to conduct an on-site inspection.

We hear that Air Force Intelligence has officially concluded the Soviets have rolled production lines to break out of the ABM treaty and deploy a nationwide anti-missile system, which possibly could be in place by next year. That Maj. Gen. Schuyler Bissell, head of Air Force Intelligence, briefed the CIA on this conclusion late last week. And that the finding is based on two new pieces of evidence:

First, the Soviets are "internetting" their early-warning radars with interceptor-guidance radars. They have conducted "hand-off exercises" in which the large phased-array radars like the controversial one at Krasnoyarsk pick up targets and alert the Flat Twin and Pawn Shop mobile radars that guide their SH-04 and SH-08 anti-missile interceptors. This is the key "battle management" function of an anti-missile system.

Second, the Soviets are mass producing the Flat Twin and Pawn Shop radars, though the ABM treaty limits them to two locations. Similarly, they are mass producing the SH-08, a relatively new supersonic missile that intercepts warheads within the atmosphere, with 500 such missiles already produced and 3,000 ultimately projected. The ABM treaty limits each side to only 100 interceptors of all types, and the Soviets also have the SH-04, which intercepts above the atmosphere, as well as other interceptors with both anti-aircraft and antimissile capability.

While rich in detail, our reports admittedly have not been from direct participants in these briefings. We now find that the New York Tribune, the Unification Church paper in New York, published substantially the same reports on Monday, quoting "a senior military intelligence official."

An official conclusion that the Soviets are breaking out of the ABM treaty, to be sure, only would put an official stamp on what has been apparent all along. The Soviets have taken full advantage of treaty provisions allowing large radars at one ABM site, at missile test ranges and on the periphery of the nation. To finish the job, they simply ignored these restrictions to build at Krasnoyarsk (see map adapted from the Pentagon's "Soviet Military Power").

The administration has cited the Krasnoyarsk radar as an outright violation, and both houses of Congress have voted their agreement. The administration also has protested the deployment of Flat Twin and Pawn Shop radars at Gomel, beyond the sites permitted at the Sary Shagan and Kamchatka test ranges. In his compliance report to Congress in December, President Reagan said: "The absence of Soviet dismantlement of the Krasnoyarsk radar, the new violation in the deployment of the Flat Twin and Pawn Shop observed at Gomel, and the totality of Soviet ABM-related activities in 1987 and previous years, suggest that the USSR may be preparing an ABM defense of its national territory."

These are the words, of course, of the same administration that currently has a new INF treaty before the Senate, and has just had its Secretary of State in Moscow pushing a new strategic arms treaty in time for the impending Moscow summit. A breakout finding would be of monumental importance to these enterprises.

On arms control in general, the prospect of a Soviet ABM breakout raises once again the question of why we are negotiating new treaties with them when they are breaking the old ones. On the proposed 50% reduction in offensive arms in particular, the Soviet ABM technology is not Star Wars. It is ground-based, and many analysts think each interceptor carries a nuclear warhead so that highly accurate guidance is not needed. But with our offensive weapons limited by treaty and with no defense of our own against a Soviet first strike, our deterrent could be significantly degraded even by this 1970s technology.

Perhaps our reports, or for that matter the Air Force itself, may be overly alarmist. But Senators about to vote on another arms treaty should be warned to inquire for themselves. Certainly anyone as preoccupied with the exegesis of treaties as Senator Sam Nunn would want to know chapter and verse of the current Air Force assessment.

[From the New York City Tribune, Feb. 21, 1988]

USAF INTELLIGENCE SAYS SOVIETS ARE SET TO BREAK OUT OF ABM TREATY

(By Peter Samuel)

WASHINGTON.—U.S. Air Force intelligence says a major Soviet violation of the 1972 Anti-Ballistic Missile (ABM) Treaty is imminent.

A senior military intelligence official has reported that the Soviets are mass-producing SH-08 Gazelle ballistic missile interceptors and associated small engagement radars and have been exercising the coordinated operation ("internetting" in military jargon) of the large early-warning and battle management radars.

Air Force intelligence believes the Soviets could have an operational nationwide ballistic missile defense system by next year.

"This has the gravest implications for U.S. security, if confirmed by interagency review," a senior official told the New York City Tribune last Friday. He said that, together with Soviet superiority in heavy and mobile offensive nuclear missiles and their monopoly of anti-satellite weapons, the Soviets could quickly demonstrate military preponderance if protected by nationwide defenses.

He referred to a statement of former Secretary of Defense Caspar Weinberger on Dec. 11, 1986, which warned of a possible Soviet nationwide ABM capability.

"Such a development would have the gravest implications for the U.S.-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities."

Administration officials up to the president have previously made statements that the Soviet Union may be preparing to deploy a nationwide ABM network, but none have said publicly that this is actually happening.

According to the source, Air Force intelligence made the formal finding of the Soviet move to build the nationwide antimissile system only days after U.S. signals intelligence noted major data exchanges between six of the 10 Pechora-class large phased-array radars (LPARs), about which the United States has frequently expressed concern. These radars are legal individually under the ABM Treaty as early-warning devices—although the large radar site at Krasnoyarsk is considered a violation of the ABM Treaty in itself—but their "internetting" together for ABM purposes may be charged as a fundamental treaty violation.

As well as operating the six large radars as part of an integrated system in the recent exercises, the source said, the U.S. signals intelligence produced evidence of the calibration of the large radars with smaller mobile radars used for several varieties of surface-to-air missiles (SAMs) that have been tested in a ballistic missile defense mode. These include the SA-5, SA-10, and SA-12B SAMs.

The second major piece of evidence leading to the U.S. Air Force Intelligence Service finding of an imminent Soviet treaty "breakout" is the conclusion that SH-08 specialized ballistic missile interceptors and the supporting "Flat Twin" and "Pawn Shop" transportable radars are now in "serial" or mass production.

These are known as components of what the Pentagon calls the ABM-3 missile interceptor system that is deployed around the Moscow region. The Moscow ABM-3 consists of 84 SH-08 very-high-atmosphere interceptors and 16 longer-ranging SH-11 ground-to-space interceptors.

"The deployment of 100 missiles around Moscow is legal under the ABM Treaty, although the use of the new SH-11 missiles with infrared homing in place of the in place of the radar-controlled SH-04 is considered by some analysts as a treaty violation.

It is presumed the higher-flying SH-11 missiles are also being produced for the nationwide system, though probably in considerably smaller numbers.

Air Force intelligence says that ABM-3 system components have now been manufactured in numbers that go "well beyond the needs" of the Moscow region for defense.

Already about 500 SH-08 Gazelle interceptors and their associated radars are estimated to have been manufactured and stockpiled. The whereabouts of the ABM interceptor facility was not revealed, but the City Tribune was told the radars are being made in Gomel in the eastern Soviet Union.

According to the military intelligence official, Air Force intelligence believes the Soviet program is to produce 3,000 SH-08 ballistic missile interceptors and that they may be able to build the complete inventory by next year. The SH-08 interceptors are based in hardened ground silos in defense of the Moscow region (see the Pentagon's most recent annual report, "Soviet Military Power," page 47), but are thought likely to be deployed from SS-20-style wheeled launchers as part of the nationwide system.

SH-08 interceptors are somewhat similar to the U.S. HEDI (High Endoatmospheric Defense Interceptor) system designed under President Reagan's Strategic Defense Initiative (SDI) program, and the companion SH-11 system shares some of the characteristics of the ERIS (Exoatmospheric Re-entry vehicle Interceptor Subsystem).

Soviet ABM interceptors are, however, thought to be equipped with nuclear warheads to overcome the need to maneuver precisely to make a direct hit on a target for destruction.

The U.S. Air Force Intelligence Service is headed by a major general, and has a proud record of intelligence findings over 3 decades. Air Force intelligence was credited with being the most accurate, in retrospect, about Soviet strategic systems in the 1960s. It played the key role in detecting and analyzing data on Soviet intermediate-range missiles in Cuba during the Kennedy presidency. In the 1970s, it was alone in predicting the Soviet deployment of heavy SS-19 missiles under the SALT II treaty.

The military source told the City Tribune that Air Force intelligence last week briefed the Central Intelligence Agency on its dramatic finding, making it a formal event within the Washington inter-agency group that is referred to collectively as the "intelligence community."

The CIA is not known to have produced any response to the finding by the Air Force Intelligence Service, but is thought to be taking it seriously.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday next, at 12 noon, the Senate turn to the consideration of a leadership resolution dealing with Afghanistan; provided further that the resolution be considered under the following time limitations: 6 hours equally divided on the resolution, to be equally controlled by the two leaders or their designees; that no amendments be in order except those amendments that are agreed on by the joint leaders; and that no motions to commit either with or without instructions be in order; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the final adoption of that resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

BILLS NO LONGER ON DAILY CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the listing of the following bills as bills in conference no longer be printed as part of the Senate's daily calendar:

H.R. 2907, Treasury, Postal Service appropriations;

H.R. 2712, Interior appropriations;

H.R. 2713, D.C. appropriations;

H.R. 2714, legislative appropriations;

H.R. 3058, Labor, HHS appropriations;

H.R. 2783, HUD appropriations;

H.R. 2763, Commerce, State, Justice appropriations;

H.R. 2906, military construction appropriations;

H.R. 2890, Transportation appropriations; and

H.R. 2700, Energy and Water appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open until 3 o'clock p.m. today for statements and for the introduction of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. McCLURE, as to whether or not the following measures have been cleared on his side of the aisle: Calendar orders numbered 542, 543, 544 through 564, and 566.

Mr. McCLURE. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. I thank the distinguished acting leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the aforementioned measures, that the amendments to the measures and/or to the preambles, as shown, be agreed to, that statements by Senators for the RECORD be appropriately placed, and that the measures be agreed to, and that the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

The joint resolution (S.J. Res. 216) approving the location of the Black Revolutionary War Patriots Memorial, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 216

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as area I shall be deemed disapproved unless, not later than one hundred and fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in area I, the location is approved by law;

Whereas the joint resolution approved October 27, 1986 (100 Stat. 3144), authorizes the Black Revolutionary War Patriots Foundation to establish a memorial on Federal land in the District of Columbia and its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said joint resolution approved October 27, 1986, should be located in area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor the slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom, authorized by the joint resolution approved October 27, 1986 (100 Stat. 3144), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as area I, is hereby approved.

KOREAN WAR MEMORIAL

The Senate proceeded to consider the joint resolution (S.J. Res. 225) approving the location of the Korean War Memorial.

LOCATION OF THE KOREAN WAR MEMORIAL

Mr. ARMSTRONG. Mr. President, today marks another milestone in recognizing the sacrifices of America's "Forgotten Warriors," the men and women who served in the Korean war. With passage of this resolution today that provides the necessary authority to place the Korean War Memorial on public land here in the Nation's Capital, we know that the Korean War Memorial will become a reality.

The approval of the site on the Mall between the Lincoln Memorial and the Washington Memorial is important in that it recognizes the extraordinary effort of Americans to serve the cause of freedom. It is particularly important to understand what the Korean War Memorial will represent.

The Korean War Veterans Memorial Advisory Board has decided upon a general concept for the Memorial. First, the purpose is to express the enduring gratitude of the American people for all who took part in that conflict, those who survived no less than those who gave their lives. Second, it is meant to project the spirit of service, the willingness to sacrifice and the dedication to the cause of freedom that characterized all participants.

I cannot think of a more fitting or appropriate way to express this Nation's most heart-felt thanks.

At this time, I would also like to express my appreciation for the untiring efforts of the Senate Energy and Natural Resources Committee for its expeditious action in completing work on the resolution of approval. Without the cooperation and support of the members of that committee, we would not be here today, knowing that those who served in the Korean war are no longer "forgotten warriors."

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 225

Whereas section 6(a) of the Act entitled "To provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than 150 days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved October 28, 1986 (100 Stat. 3226), authorizes The American Battle Monuments Commission to establish a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act approved October 28, 1986, should be located in Area I: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor members of the Armed Forces who served in the Korean War, particularly those who were killed in action, are still listed as missing in action, or were held as prisoners of war, authorized by the Act approved October 28, 1986 (100 Stat. 3226), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

The joint resolution (S.J. Res. 212) to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 212

Whereas tuberous sclerosis (hereinafter referred to in this resolution as "TS") is a genetic disorder affecting as many as 1 in 10,000 Americans;

Whereas TS remains poorly understood and frequently misdiagnosed, even though it is one of the more common genetic disorders;

Whereas TS affects males and females of all races;

Whereas the characteristics of TS include skin markings, seizures, motor difficulties, mental retardation, tumors of the brain and other organs, and behavioral abnormalities;

Whereas in any individual, the disease's severity can range from being mild, when patients can live normal lives, to being extreme, when TS is disabling and may be life threatening;

Whereas although modern research technology has provided information about TS, there remains much to be learned;

Whereas only with continued, extensive research is there any chance of conquering TS; and

Whereas establishing a national TS awareness week would serve to enhance public awareness of TS and stimulate further TS research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing May 8, 1988, and ending on May 14, 1988, is designated as "National Tuberous Sclerosis Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

EXPRESSING GRATITUDE FOR LAW ENFORCEMENT PERSONNEL

The joint resolution (S.J. Res. 227) to express gratitude for law enforcement personnel, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 227

Whereas the first day of May of each year was designated as "Law Day U.S.A." and has been set aside as a special day to advance equality and justice under law; to encourage citizen support both of law enforcement and law observance; and to foster respect for law and to understanding its essential place in the life of every citizen of the United States;

Whereas during the course of each year many law enforcement officers are killed and tens of thousands are injured or assaulted in the course of their duties;

Whereas each day police officers and other law enforcement personnel perform their duties unflinchingly and without hesitation; and

Whereas these dedicated people are devoted to their jobs, underpaid for their efforts, and tireless in their work, performing without adequate recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in celebration of "Law Day U.S.A.", May 1, 1988, special emphasis be given by grateful people to all law enforcement personnel of the United States for the unflinching and devoted service in helping to preserve the domestic tranquility and guaranteeing to all individuals their rights under law.

RUN TO DAYLIGHT DAY

The joint resolution (S.J. 229) to designate the day of April 1, 1988, as "Run to Daylight Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 229

Whereas between one million and one million eight hundred thousand people in the United States suffer head injuries each year;

Whereas twenty years ago 90 per centum of the people who suffered severe head injuries died as a result of such injuries, but currently the survival rate for such injuries is 50 per centum;

Whereas most people who suffer head injuries are under thirty years of age and will survive such injuries for at least forty years;

Whereas more than fifty thousand of the people who survive head injuries annually are unable to resume their normal lifestyles without intensive physical and physiological therapy;

Whereas the long term rehabilitation that is available for survivors of head injuries has not improved at the same rate as the medical treatment of such injuries;

Whereas Run to Daylight, a nonprofit corporation concerned with improving the rehabilitation that is available for survivors of head injuries, is sponsoring a three-thousand-six-hundred-mile run across the United States called the "Run to Daylight";

Whereas the purpose of the "Run to Daylight" is to raise the awareness of the people of the United States about the rehabilitation needs of survivors of head injuries and to raise funds to support the National Head Injury Foundation, an organization dedicated to improving the quality of life for survivors of such injuries and their families and to developing and supporting programs to prevent such injuries; and

Whereas the "Run to Daylight" will begin in San Francisco, California, on April 1, 1988, and will end in Boston, Massachusetts, on June 30, 1988: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1, 1988, is designated as "Run to Daylight Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

CRIME VICTIMS WEEK

The joint resolution (S.J. Res. 234) designating the week of April 17, 1988, as "Crime Victims Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 234

Whereas millions of Americans are victims of crime each year;

Whereas many of those crime victims are traumatized further by the physical, psychological, and financial burdens resulting from their victimizations;

Whereas the sensitivity of our Nation's criminal justice system must be improved when working with crime victims and their families;

Whereas much progress has been made to correct these injustices by implementing in the Federal, State, local, and private sectors the recommendations of the President's Task Force on Victims of Crime; and

Whereas continuation of these efforts must be encouraged to ensure the restoration of balance to our Nation's criminal justice system and the fair and compassionate treatment of crime victims and their families: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 17, 1988, is designated as "Crime Victims Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

NEUROFIBROMATOSIS AWARENESS MONTH

The joint resolution (S.J. Res. 237) to designate May, 1988, as "Neurofibromatosis Awareness Month", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 237

Whereas neurofibromatosis is a genetic disorder which causes tumors to grow in the human nervous system;

Whereas neurofibromatosis is the most common tumor-causing genetic disorder of the nervous system;

Whereas neurofibromatosis is a potentially debilitating disorder which strikes males and females of all races and ethnic groups;

Whereas neurofibromatosis can strike in any part of the nervous system, at any time;

Whereas the National Neurofibromatosis Foundation, Inc., is a voluntary health organization, with chapters across the Nation, which was established to serve people with neurofibromatosis and their families, to stimulate and support biomedical research on neurofibromatosis, and to increase public awareness of neurofibromatosis and its consequences; and

Whereas the public and the Federal Government are not sufficiently aware of neurofibromatosis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1988, is designated as "Neurofibromatosis Awareness Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

NATIONAL SAFE KIDS WEEK

The joint resolution (S.J. Res. 240) to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES 240

Whereas the children of the United States represent the most precious natural resource of the United States;

Whereas each year approximately one out of every four children under the age of fifteen in the United States is involved in an accident;

Whereas injuries resulting from accidents are the leading cause of death among children in the United States, claiming the lives of nearly eighty thousand children each year;

Whereas approximately fifty thousand children in the United States are left permanently disabled because of accidental injuries each year;

Whereas the incidence and seriousness of such injuries can be significantly reduced through preventive measures and appropriate treatments; and

Whereas adults and children in the United States should become aware of the frequency and nature of accidential injuries to children, and of the need to undertake preventive measures and seek appropriate treatment: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 16, 1988 and ending on May 22, 1988, is designated "National Safe Kids Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activites.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

The joint resolution (S.J. Res. 244) to designate the month of April 1988, as "National Know Your Cholesterol Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of April 1988, is designated as "National Know Your Cholesterol Month," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.

NATIONAL ARBOR DAY

The joint resolution (S.J. Res. 247) to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S.J. RES. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1988 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 249) designating June 14, 1988, as "Baltic Freedom Day," was considered, or-

dered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 249

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations;

Whereas the Union of the Soviet Socialist Republics (U.S.S.R.) in collusion with Nazi Germany signed the Molotov-Ribbentrop Pact which allowed the U.S.S.R. in 1940 to illegally seize and occupy the Baltic States and by force incorporated them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, the Baltic nations had lost 20 per centum of their total population;

Whereas the people of the Baltic Republics have individual and separate culture, national traditions, and languages distinctively foreign to those of Russia;

Whereas the U.S.S.R. since 1940 has systematically implemented its Baltic genocide by deporting native Baltic peoples from their homelands to forced labor and concentration camps in Siberia and elsewhere, and by relocating masses of Russians to the Baltic Republics, thus threatening the Baltic Cultures with extinction through russification;

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom;

Whereas the people of Lithuania, Latvia and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest;

Whereas the U.S.S.R. refuses to abide by the Helsinki accords which the U.S.S.R. voluntarily signed;

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism;

Whereas the United States as a member of the United Nations has repeatedly voted with a majority of that international body to uphold the right of other countries of the world to determine their fates and be free of foreign domination;

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States of Lithuania, Latvia, and Estonia the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political and religious freedoms; and

Whereas 1988 marks the forty-eighth anniversary of the United States continued policy of nonrecognition of the illegal forcible occupation of Lithuania, Latvia and Estonia by the U.S.S.R.: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of Lithuania, Latvia and Estonia for freedom and independence from the domination of the U.S.S.R.;

(2) the Congress deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression;

(3) the fourteenth day of June 1988, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people; and

(4) the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities and to submit the issue of the Baltic Republics to the United Nations so that the issue of Baltic self-determination will be brought to the attention of the United Nations General Assembly.

NATIONAL OSTEOPOROSIS PREVENTION WEEK OF 1988

The joint resolution (S.J. Res. 250) designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. Res. 250

Whereas osteoporosis, a degenerative bone condition, afflicts twenty-four million people in the United States;

Whereas osteoporosis, afflicts 90 per centum of women over age 75;

Whereas 50 per centum of all women in the United States over age 45 will develop some form of osteoporosis;

Whereas hip fractures are the most disabling outcome of osteoporosis, and 32 per centum of women and 17 per centum of men who live to age 90 will likely suffer a hip fracture due primarily to osteoporosis;

Whereas the mortality rates for people who suffer a hip fracture increase by 20 per centum, with such fractures resulting in the death of over fifty thousand older women and many older men each year;

Whereas 15 to 25 per centum of people who suffer a hip fracture stay in a long-term care facility for at least one year after the fracture occurs, and 25 to 35 per centum of people who return home from a long-term care facility after recovering from a hip fracture require assistance with daily living after returning home;

Whereas the total cost to society of dealing with osteoporosis was $7,000,000,000 to $10,000,000,000 in 1986 and such cost is expected to rise as the population ages;

Whereas osteoporosis is associated with the loss of bone mass due to a lack of estrogen as a result of menopause, alcohol or cigarette use, and low calcium intake;

Whereas exercise and proper nutrition before an individual is age 35 will build bone mass to help prevent osteoporosis; and

Whereas people who suffer from osteoporosis should be aware of the increased risk of bone fractures, and should take precautions to reduce the chance of accidents that may result in bone fractures due primarily to osteoporosis: Now, therefore, be it:

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That the week of May 8, 1988, through May 14, 1988, is designated as "National Osteoporosis Prevention Week of 1988", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs and activities.

DEPARTMENT OF COMMERCE DAY

The joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, and the preamble, as amended, are as follows:

S.J. Res. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners, promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

NATIONAL NHS-NEIGHBORWORKS WEEK

The joint resolution (S.J. Res. 252) designating June 5-11, 1988, as "National NHS-NeighborWorks Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 252

Whereas Neighborhood Housing Services (NHS) and its affiliated partnership organizations of neighborhood residents, local governments, and businesses all comprise the NeighborWorks Network;

Whereas the NeighborWorks Network is successfully revitalizing declining neighborhoods and building and rehabilitating housing for lower income Americans in 137 cities throughout the United States;

Whereas America's neighborhoods are made up of families of a variety of ethnic, social, and economic backgrounds and such diversity is fundamental to a strong nation;

Whereas deterioration of a neighborhood's physical, economic, and social structures harms the neighborhood's homes, businesses, and residents and especially harms the neighborhood's elderly and poor residents;

Whereas reversing such deterioration is essential to the strength of America's families, neighborhoods, and businesses;

Whereas the NeighborWorks Network has generated over $4,000,000,000 in reinvestment funds for 297 declining neighborhoods and has improved the quality of life of over 3 million individuals, the majority of whom are lower income, elderly, or minority Americans;

Whereas more than 3,000 businesses and local governments are annually contributing over $16,000,000 to the operations of their local NeighborWorks partnerships; and

Whereas, to accomplish their goals, NHS and both Apartment Improvement Programs and Mutual Housing Associations in the NeighborWorks partnerships rely on local government and private sector resources and on the help of thousands of volunteers who contribute millions of hours of service to rebuild America's declining neighborhoods: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 5-11, 1988, is designated as "National NHS—NeighborWorks Week" and the President is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

NATIONAL RURAL HEALTH AWARENESS WEEK

The joint resolution (S.J. Res. 254) to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 254

Whereas the health of a nation depends on the health of its people;

Whereas one quarter of the population of the United States lives in rural communities;

Whereas one third of the Nation's elderly live in rural communities;

Whereas rural communities have disproportionately fewer health care providers compared to the urban population, with rural communities holding 12 percent of the Nation's doctors, 18 percent of the Nation's nurses, and 14 percent of the Nation's pharmacies;

Whereas rural areas face an acute and growing nursing shortage, with 50 percent of rural hospitals and long-trm care facilities reporting difficulty in recruiting and retaining nurses;

Whereas rural areas are increasingly impacted by a lack of access to obstetric care;

Whereas the decline of the rural economy in recent years has reduced economic resources available to rural communities, leading to increased closures of hospitals and other health care facilities in rural areas, the loss or curtailing of services by local health departments, and disruption of social service programs;

Whereas the decline in availability of health care services in rural areas has, in turn, increased the shortage of physicians, nurses, psychologists, and other allied health professionals;

Whereas rural communities have few transportation services, preventing rural residents from obtaining needed health care;

Whereas the health status of rural Americans is lower than for residents of urban areas, with rural residents having higher infant and maternal mortality rates, higher rates of chronic illness, and higher rates of injury;

Whereas there are more poor and medically indigent in rural areas than in urban areas;

Whereas rural hospitals serve a higher than average number of elderly patients, resulting in a high proportion of Medicare payment as a percentage of their total revenue; and

Whereas current policies result in substantially lower Medicare payments to rural health care providers for equivalent services, further increasing the likelihood of financial failure and closure of these facilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 15, 1988, and ending on May 21, 1988, is designated as "National Rural Health Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the above period with appropriate programs, ceremonies, and activities.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

The joint resolution (S.J. Res. 255) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 255

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week".

Mr. GARN. Mr. President, I am pleased that the Senate today will pass Senate Joint Resolution 255, to proclaim April 24-30, 1988, as "National Organ and Tissue Donor Awareness Week."

The miracles of modern medicine make it possible for thousands of lives to be saved when a transplanted organ from one human being takes over the vital functions of an injured or failing organ for another. There are a number of human organs and tissues that can be transplanted today including the kidney, heart, heart-lung combination, the liver, pancreas, cornea, bone marrow, and even the skin.

The challenge, however, is finding enough suitable donors. The American council on Transplantation relays that more than 17,000 people in our country are on waiting lists for such transplants.

The good news is that 20 percent of all Americans over age 18 currently carry an organ donor card. Even more encouraging is the fact that health providers are finding up to 70 percent of all Americans are willing to donate, if they are approached.

Sadly, the opportunity to give this gift of life most often arises when a family is facing a terrible tragedy, the death of one of its members. To be faced with the additional question of organ donation at such a time can be difficult. Yet families find the opportunity to give someone else a chance at life is comforting and can ease the pain of their own personal loss.

I hope that with increased awareness about organ donation, families will discuss their intent to give with each other before they are faced with a tragedy. I also hope that the 70 percent who say they would be willing to donate will take the time to fill out an organ donor card and make a point of sharing their intent with friends and family.

As you know, I can personally testify that organ donation saves lives. I am grateful that my daughter, Sue, has the chance at a normal life because of the miracles of modern medicine. And even though I am shy a kidney, I am most grateful that I could share a part of me with her.

AFGHANISTAN DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 257) to authorize and request the President to issue a proclamation designating

March 21, 1988, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet troops.

Mr. HUMPHREY. Mr. President, it is critical that the Senate take time to express solidarity with the courageous people of Afghanistan.

The purpose of Afghanistan Day is to express solidarity with the Afghan people in their valiant struggle against the Soviet invasion. We hope that this is the last such resolution that the Congress will have to consider. However, I am confident that so long as Soviet troops occupy Afghanistan, the American people and Congress will continue to show unwavering support for the cause of Afghan freedom an independence. With 56 cosponsors, this resolution has more support than any previous resolution making Afghanistan Day.

We cannot be too familiar with what the Soviets are doing to the innocent nation of Afghanistan. For more than 8 years, Soviet forces have inflicted unspeakable horrors on the Afghan people. The toll has been enormous. According to a recent report financed in part by the French Government, more than 1.24 million Afghans have died as a result of Soviet policies in Afghanistan. Proportionately, that's the equivalent of 18 million dead Americans. Last October, the Congressional Task Force on Afghanistan held an important hearing on human rights in the country. We learned from a panel of international lawyers that "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA and the Soviet Union."

Yet, despite the enormity of the suffering, the people of Afghanistan continue their struggle. On the battlefield, the Afghan freedom fighters have performed with greater and greater effect. The past year saw a series of successive resistance victories. It is this determination and courage, reflected in the growing military success of the Afghan resistance, which led the Soviets to propose the withdrawal of their forces this year.

Mr. President, we are at a very critical juncture. Next Wednesday, the Geneva negotiations will resume. There is enormous pressure to make the next round the last round of negotiations. The Under Secretary of State recently flew to Islamabad to discuss a settlement with the President of Pakistan.

Mr. President, unless the U.N. agreements are modified, the gains of the Afghan people may well be thrown away in the coming months. Last week, in a hearing of the Congressional Task Force on Afghanistan Dr. Zbigniew Brzezinski and Ambassador Jeane Kirkpatrick outlined several dangerous flaws in the agreements as they now stand and urged modification of the terms. I ask unanimous consent that their statements be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HUMPHREY. In the negotiations to secure the Soviet withdrawal we must proceed with the greatest caution. Why? Because we are negotiating the fate of a nation. We are negotiating the fate of a people. We are negotiating the fate of a cause for which so many have suffered enormously. Yes, we are negotiating. The Afghans themselves are not at the table. Therefore, let us take every reasonable precaution to ensure the Soviets do not secure at the bargaining table what they failed to achieve through 8 years on the battlefield.

Specifically, we must ensure that the United States does not abandon the Afghan resistance prior to the complete withdrawal of Soviet troops from Afghanistan. To cut off aid to the resistance completely upon the withdrawal of the first Soviet units, is just plain foolish. If the Soviets have deceit in mind, they couldn't ask for a better deal. All they have to do is withdraw a few units and the resistance loses all outside support. What incentive is there then for the Soviets to complete their withdrawal.

Along these lines, I urge Senators take a few moments to read the wise remarks of the majority leader delivered on the floor this past Tuesday. Commenting on Mr. Gorbachev's assertion that the United States must end all aid to the Mujahideen, Senator BYRD spoke for many of us when he said:

> American aid should stay in place until it is absolutely, indubitably and unquestionably clear that the Soviets are mainly out and that they are not redeploying their forces to be reinserted again, and that the Mujahideen is well enough equipped to maintain its integrity during the delicate period of a transition government leading to new elections.

The junior Senator from Massachusetts and I are circulating a letter to the President on this subject. The letter states:

> To agree to cut off all aid to the Afghan resistance, while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said the United States threw away the sacrifice of the Afghan people.

We have been joined in the letter by the chairman of the Foreign Relations Committee, the chairman of the Intelligence Committee, and 24 other Senators. I urge each of my colleagues to join us in this effort.

The administration has steadily retreated from its demands on the Soviets. Last year, the administration insisted that any withdrawal of Soviet troops from Afghanistan must be based on solely logistical criteria. In other words, no longer than it logistically takes the Soviets to pack up and get out. The Congress unanimously endorsed that position. A study conducted at my request by the Defense Intelligence Agency estimated such a withdrawal, allowing a safe withdrawal of Soviet forces, would take only 30 to 40 days. Yet, today the administration stands ready to endorse a timetable that may take as long as 10 months.

Prior to the Washington summit, President Reagan stated that the United States would never cut off all assistance to the Afghans at the beginning of a Soviet troop withdrawal. However, several days later, senior State Department officials reiterated to the press that the United States would, in fact, be prepared to cut all aid to the resistance, once agreement is reached on a Soviet troop withdrawal. Earlier this month, the New York Times ran a disturbing article that says:

> An American commitment in 1985 to end military aid to the Afghan guerillas at the beginning of a Soviet troop withdrawal was made without the knowledge or approval of President Reagan.

This resolution authorizes and requests the President to designate March 21, 1988, as "Afghanistan Day." It provides an important opportunity for the President to articulate clearly our policy on Afghanistan. I call upon him to end the confusion about the American commitment to the Afghan freedom fighters. I call upon the President to make clear to the world, and especially to the State Department, that America will stand by the Afghan freedom fighters for as long as even a handful of Soviet soldiers remain. I call upon the President to forcefully refute the notion that America will completely cutoff the Afghan freedom fighters on the first day of a Soviet withdrawal, a withdrawal that is likely to last for at least 8 months. The Afghan freedom fighters have to worry every day about the Soviet bayonet at their throats. They should not also have to worry about a State Department dagger at their backs.

I was shocked to learn recently, that there are those in the Department of State who see no necessity for an "Afghanistan Day" ceremony this year at the White House, that it is not important for the President to hold a special ceremony marking this occasion.

Mr. President, that is an outrage. If ever there was a time when our Government as a whole must express solidarity with the people of Afghanistan, now is the time. It is shameful that there are those in the State Department who would dispense with even this minimal gesture of solidarity for the Afghan people.

In the days ahead, this body, which has been so solidly united in support of the Afghan cause, this body, which always has been substantially more generous than the White House in appropriations for the Afghan resistance, must stand guard against a sellout of the Afghan cause. Let it never be said America threw it all away at the bargaining table. We have no right to do it. To the contrary, we have a grave responsibility to guard against it.

EXHIBIT 1

STATEMENT OF ZBIGNIEW BRZEZINSKI, FORMER NATIONAL SECURITY ADVISOR TO PRESIDENT CARTER, 1977–81, PRESENTLY WITH THE CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

Dr. BRZEZINSKI. Thank you, Mr. Chairman. And let me begin by making a few comments regarding the situation in the war of Afghanistan, and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, Mr. Chairman, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow, the point would come when the Kremlin might choose to disengage.

We may have reached that point, although uncertainties remain. In his speech Gorbachev made some important initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiations.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army, and that secures the right of self-determination of the Afghan people.

Such a settlement is in the interests of the Afghan people, and in the interests of those countries who have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking, or in ignoring the very real differences that continue to divide the two sides.

It is to those outstanding issues that I will focus my remaks. But before taking up these issues, I wish to make one more general point.

As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield.

It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan, and that would enable his military forces to leave while Moscow retains political control, and while the talks precipitate a split between us and the resistance, and even perhaps Pakistan.

In this regard, a recent book, edited by Rosanne Klass at Freedom House, *Afghanistan: the Great Game Revisited,* offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan.

Thus, while we should proceed with the talks, we must not let that happen.

Turning to the issues, I believe that there are two critical issues that still need to be addressed in the proximity talks. The first is a Soviet withdrawal timetable and the termination of outside aid to the resistance.

The second is the question of whether an accord is to be signed with the parent Kabul regime, or with some kind of a transitional government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first three months, and during which Soviet forces would be prohibited from undertaking offensive actions.

Furthermore, it calls for a cutoff of outside aid to the Afghanistan resistance at the start of the Soviet withdrawal.

All of this under Gorbachev's proposal would be agreed upon by March 15th, and the aid cutoff and the withdrawal, would begin on May 15th.

It is my view that if we are to accept the 10 months timetable, or perhaps compromise on a 9-month timetable, since the Pakistani position right now is 8 months, we should still insist on two changes on Gorbachev's proposed formula; two changes.

First, we cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should agree to a phase-out but not to a cutoff of our aid.

I would favor an offer to reduce our aid in direct proportion to the reduction of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half; and so forth.

At the same time Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients.

Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. I believe you, Mr. Chairman, alluded to that in your opening remarks.

But any implied commitment was made in the context of an overall proposal by our side with a withdrawal timetable of 3 months. That is an important point.

Accordingly, if Moscow insists that we stick to this past implied commitment, we can simply respond by saying, fine; we'll cut off the supply effort entirely when only three months remain in the withdrawal period.

This is perfectly consistent with our previous commitment. Let me just make that clear. Since we made the initial statement that we may be willing to cut off aid upon the withdrawal of Soviet forces, and we expected that withdrawal to take place within three months; and we are willing to cut off that aid at the beginning of three months' period; it follows quite logically that we could say that we'll terminate all our aid to the Afghan resistance three months prior to the conclusion of the entire Soviet withdrawal.

This would be quite consistent with our position. And yet would meet the new situation which has arisen in the light of the expected longer duration for the Soviet withdrawal.

Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal.

Neither the Afghan communists nor the Afghan resistance should receive arms or munition or other military support after the Soviet Union's forces have departed.

Second, we cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. This, too, is quite important.

Gorbachev's proposal calls for a two months' gap between the signing of a settlement and the start of the pullout. On January 11th, Pravda commented quite authoritatively, quote: The two-month gap is no random figure. It is conditioned by the need to allow Islamabad time to remove the rebel base in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins, but the date when U.S. aid to the rebels ends. End of quote.

If that observation represents Soviet intentions, we must not play into their hands. We should not accept any settlement that dismantles our assistance infrastructure, and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul.

Pakistan has demanded that the UN-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of a transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I'm aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with a Kabul regime would confer a measure of international legitimacy on Najibullah.

On the other hand, I'm also aware that negotiating a transition regime would take a long time, and would surely delay the initial staring point of a Soviet withdrawal, beyond May 15th.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of a Soviet pullout.

In other words, concluding a technical agreement on the Soviet departure with whoever operates currently in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today.

We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement. If the agreement provides for a proportional and reciprocal phase-out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves.

It might, or it might not, involve the appearance of a transition regime arranged among the Afghans. It could well involve a brief period of armed struggle, as a result of which the Mujahideen assume power directly.

It is not likely that the Najibullah regime could survive on its own for more than a brief period. The Mujahideen have indicated that they will be maganimous toward the remnants of the Najibullah government. And we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed, or what would be a protracted negotiation over the membership and nature of a transition regime.

Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States, or between the United States and Pakistan.

It could therefore well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

Thank you, Mr. Chairman.

INTRODUCTORY REMARKS—CONGRESSIONAL TASK FORCE ON AFGHANISTAN FEBRUARY 18, 1988

(By Zbigniew Brzezinski)

I am very pleased to have this opportunity to discuss with you the current situation in the war for Afghanistan and the implications for the war of the recent diplomatic moves that have taken place in the run up to the next round of the proximity talks in Geneva in early March.

In my testimony today, I do not wish to prejudge the sincerity of the recent statement made by General Secretary Gorbachev. I have consistently argued that if the United States and the other supporters of the Afghan resistance continued to raise the military and political costs of the war to Moscow the point would come when the Kremlin might choose to disengage. We may have reached that point, though uncertainties remain. In his speech, Gorbachev made some important, initial concessions. We need to seek further changes, but I do believe that his proposal can be used as the partial point of departure for further negotiation.

Our goal must be a settlement that involves a withdrawal of the Soviet Union's occupation army and that secures the right of self-determination of the Afghan people. Such a settlement is in the interest of the Afghan people and in the interest of those countries which have a strategic stake in Afghanistan. I believe we should do what we can to advance that goal through the proximity talks, but without engaging in wishful thinking or ignoring the very real differences that continue to divide the two sides. It is to those outstanding issues that I will focus my remarks.

Before taking up these issues, I wish to make one more general point: As we move to take advantage of Gorbachev's new proposal, we must not foreclose the possibility that through these moves he seeks to attain at the negotiating table what he has failed to achieve on the battlefield. It is conceivable that Gorbachev is trying to transform his problem in Afghanistan into our problem. He might be trying to shift attention away from the question of the presence of Soviet forces in Afghanistan and toward negotiating a complicated structure that would legitimize Moscow's present determinant in the internal affairs of Afghanistan and that would enable his military forces to leave while Moscow retains political control and while the talks precipitate a split between us and the resistance. In this regard, a recent book edited by Rosanne Klass at Freedom House, *Afghanistan: The Great Game Revisited*, offers some persuasive evidence to the effect that the talks in Geneva might be but a gambit in a larger strategy to prevail in Afghanistan. Thus, while we should proceed with the talks, we must not let that happen.

It seems to me that there are two critical issues that still need to be addressed in the proximity talks. The first is the Soviet withdrawal timetable and the termination of outside aid to the resistance. The second is the question of whether an accord is to be signed with the current Kabul regime or with some kind of a transition government.

As far as the first issue is concerned, the current Soviet proposal calls for a 10-month withdrawal in which 50 percent of Soviet forces leave within the first 3 months and during which Soviet forces would be prohibited from undertaking offensive actions. Furthermore, it calls for a cutoff of outside aid to the Afghan resistance at the start of the Soviet withdrawal. All of this, under his proposal, would be agreed upon by March 15 and the aid cutoff and the withdrawal would begin on May 15.

It is my view that if we are to accept the 10-month timetable, we should insist on two changes in Gorbachev's proposed formula:

(1) We cannot accept the stipulation that terminates our assistance to the Afghans at the start of the Soviet withdrawal. We should call for a phase out, not a cutoff, of our aid. I would favor an offer to reduce our aid in direct proportion to the reductions of Soviet manpower in Afghanistan. If Gorbachev pulls half his forces out, we could reduce our assistance by half, and so forth. At the same time, Soviet military aid to the Kabul regime would have to be phased down as well. This would guarantee that at no point would the military balance in the field shift in favor of the Soviet Union and its communist clients. Therefore, at no time would our friends in the Afghan resistance become any more vulnerable than they are today.

There has been some discussion in the press to the effect that the United States may have committed itself in 1985 to an early aid cutoff. But any implied commitment was made in the context of an overall proposal with a withdrawal timetable of three months. Accordingly, if Moscow insists that we stick to this past statement, we can simply respond by saying, "Fine, we will cut off the supply effort when only three months remain in the withdrawal period. This is perfectly consistent with our previous commitment." Furthermore, any undertaking of this sort should be part of a reciprocal prohibition on the provision of military support by either side to its respective friends in Afghanistan after the Soviet withdrawal. Neither the Afghan communists nor the Afghan resistance should receive arms, ammunition, or other military support after the Soviet Union's forces have departed.

(2) We cannot accept any settlement that would have the effect of dismantling the present infrastructure for assisting the Afghan resistance. Gorbachev's proposal calls for a two-month gap between the signing of a settlement and the start of a pullout. On January 11, a writer in Pravda commented, "The two-month gap is no random figure: it is conditioned by the need to allow Islamabad time to remove the rebel bases in Pakistani territory. In short, the problem has to do not with the date when the Soviet troop withdrawal begins but the date when U.S. aid to the rebels ends." If that observation represents Soviet intentions, we must not play into their hand. We should not accept any settlement that dismantles our assistance infrastructure and that thereby precludes the possibility of restarting our aid in the event that Moscow violates the agreement.

The second major outstanding issue in the proximity talks is the question of a transition government. Gorbachev has declared his opposition to changing the leadership in Kabul. Parkistan has demanded that the U.N.-sponsored settlement be signed with a transition regime, not with the current Kabul government. China has chided Gorbachev for ruling out the possibility of transition government. Most resistance leaders also wish to see some kind of a transition regime established.

As far as this issue is concerned, I am aware of the arguments in favor of demanding that a transition regime be established as part of a settlement. The often-cited danger is that signing with the Kabul regime would confer a measure of international legitimacy on Najibullah. On the other hand, I am also aware that negotiating a transition regime would take a long time and would surely delay the initial starting point of a Soviet withdrawal beyond May 15.

Given these considerations, I lean toward the view favoring the separation of an agreement on the specific military arrangements for a withdrawal from any considerations of the political aftermath in the wake of Soviet pullout. In other words, concluding a technical agreement on the Soviet departure with whoever operates in Kabul as the alleged government need not imply a closer political relationship to this would-be regime than the one we have today. We could certainly clarify that fact in a political statement issued coincidentally with the conclusion of an agreement.

If the agreement provides for a proportional and reciprocal phase out of military assistance, the emergence of an authentic Afghan government after the Soviet withdrawal would then be up to the Afghan people themselves. It might, or might not, involve the appearance of a transition regime arranged among the Afghans. It could well involve a brief period of armed struggle as a result of which the mujahideen assume power directly. It is not likely that the Najibullah regime could survive on its own for more than a brief period. The mujahideen have indicated that they will be magnanimous toward the remnants of the Najibullah government, and we could encourage and support such magnanimity. No one has an interest in continuing the bloodshed for what would be a protracted negotiation over the membership and nature of a transition regime. Nor do we have an interest in becoming mired in complex negotiations that would almost certainly lead to serious disputes between the resistance and the United States. It therefore could well be best to separate the military aspects of the projected Soviet departure from the political arrangements that would emerge in its aftermath.

EXHIBIT 2

STATEMENT OF JEANE J. KIRKPATRICK, FORMER U.S. AMBASSADOR TO THE U.N., 1981-1985

Ambassador KIRKPATRICK. Thank you, Senator Humphrey.

I would like to begin by thanking you for inviting me this morning to share with you some views I have on this very important subject.

Senator HUMPHREY. Would you pause just a moment and pull the microphone a little closer, please? Thank you.

Ambassador KIRKPATRICK. Thank you very much for asking me to testify this morning. I welcome the opportunity to share my concerns with you and the other members of the Task Force.

I should like also to reiterate the view just expressed of Dr. Brzezinski that the work of the Task Force is important, has been important, and I think has made a major contribution and should continue to.

If I may, I will very briefly present some current preoccupations which I have about the current status of our situation in Afghanistan. Afghanistan's situation, I should say.

First, we are all aware of the agony of the Afghan people, the terrible, almost unthinkable cost to the Afghan people of the Soviet invasion and occupation of Afghanistan, which is now in its eighth year; the four million Afghan refugees, the more than a million Afghan dead, the disruption of Afghan life in all its aspects.

I would also remind the committee of the Soviet explanations for their decision to invade Afghanistan. First Secretary Brezhnev, then First Secretary Andropov have both described that decision as a lofty act of loyalty to the principle of proletarian internationalism necessary to defend the interests of our Motherland. First Secretary Gorbachev has recently restated in several public arenas his own view that the Soviet invasion and continued presence in Afghanistan was a direct consequence of both Soviet needs for self-defense and Afghan pleas for Soviet assistance. There has been no correction of the record, as it were, from the Soviet side about the reasons for the Soviet presence in Afghanistan.

The current negotiations, the proximity talks, so-called, which have been under way for a number of years and which were, I might mention, under way during my years as U.S. permanent representative to the United Nations, have, we all hear, reached a kind of a critical stage in which it is said that agreement is, indeed, very close at hand. And this is consistent with the repeated public statements, of course, of First Secretary Gorbachev and of his principal lieutenants of their desire to leave Afghanistan, the decision to leave Afghanistan. May I say that I believe that the Soviet government has, indeed, concluded that their continued military occupation of Afghanistan and war against the Afghan people is profoundly counterproductive from their point of view.

It is interesting. The deployment of Soviet SS-20's against the capitals of Europe were taken in Europe as the most tangible symbol of an actual possibility of a Soviet attack on western Europe. And the Soviet invasion of Afghanistan was widely interpreted in the world—in Asia as well as in Europe and the Amercias and in Africa—as a tangible and alarming symbol of Soviet expansionism in the world, of their willingness and readiness to use force in the course of the pursuit of an expansionist policy.

I believe that the new First Secretary of the Soviet Union, Mikhail Gorbachev, desires to eliminate both those symbols of Soviet aggressiveness in the world. I believe this has been a major impetus to the negotiation of an INF agreement which would remove and destroy Soviet intermediate range missiles. And I believe it is directly related to the Soviet stated intention to withdraw from Afghanistan.

In his book, *Perestroika*, Mikhail Gorbachev speaks about the barbaric mentality of Americans in emphasizing the existence of a Soviet threat to the security of other nations. And one of Premier Gorbachev's principal advisers on international affairs, Georgi Arbatov, commented semi-publicly during his visit with Gorbachev in the United States that they intended to "deprive the United States and the West" of the idea of a Soviet threat. I believe that the withdrawal from Afghanistan, in their view, constitutes and important dimension of this refurbishing of the Soviet image worldwide. It obviously also would be very desirable from the point of view of the Afghan people, providing, of course, that the wirthdrawal was real and complete and came accompanied by the restoration of a government in Afghanistan based on self-determination and respect for Afghan independence.

We all know that rumors are rife in Washington concerning the status of that agreement and its various provisions. I have no special knowledge of the agreement nor its status. My understanding is very similar to that described by Dr. Brzezinski. It is that the Soviet Union proposes to provide within a nine-month framework for troop withdrawal, which is front-loaded, which would begin with the removal of perhaps 50,000 Soviet troops, and a commitment that the remaining troops would undertake no offensive actions. My understanding is that in exchange for this, the United States is asked to cease all supply of the Mujahideen, and resupply, if you will, of the Mujahideen.

My understanding of the agreement and its terms does not include detailed knowledge about the removal of the remainder of Soviet forces from Afghanistan. My understanding is that the agreement contains no discussion of the composition of a subsequent government and leaves the implication that the existing Afghan government would be a party to the agreement. I am not certain that this is accurate.

My understanding as well—and this is perhaps the most disturbing aspect of the agreement to me—is that there would be a U.S. commitment to begin the dismantling of the Mujahideen bases concomitant to the cessation of U.S. supply and the beginning of Soviet withdrawal

Now, if this gossip, these rumors concerning the agreement are reasonably accurate, then I would say there would be some very serious consequences of it. First, it would dramatically increase the pressure on both the Mujahideen and on Pakistan, the government of Pakistan, to settle for almost anything or engage in a suicidal struggle. I have heard that the United Nations, through its World Food Program and the United Nations High Commission on Refugees, has already significantly slowed the flow of basic foodstuffs and kerosene and tents to the Afghan refugees, leaving them with less a backlog than, for example, the Soviet-backed Afghan forces, which I understand have been heavily resupplied and who, I am told, possess today a substantial backlog of both military supplies and basic requirements of subsistence.

Second, if such an agreement were to be adopted in its current form, then my view is that it would dramatically complicate the problems of the government of Pakistan, increase pressure on them, encourage destabilization of Pakistan through the flow of refugees into the cities in search of work and food for their families and themselves.

It is not necessary to emphasize to this Task Force the importance of Pakistan, the strategic importance of Pakistan to the whole Eurasian and Southwest Asian land mass.

The agreement comes at a time when Pakistan is already under significant pressure from the government of India and from the Soviet Union, and would, I think, lead to substantial demoralization in Pakistan as well as in the United States. I cannot resist saying that there is no prouder accomplishment of the President and the Reagan Administration than the restoration in the United States of a sense of solidarity, of American solidarity with the forces of freedom in the world.

I believe myself that the President's principal contribution, perhaps, to our life and the freedom in the world is to have re-established the viability of freedomm as an alternative future for mankind, demonstrating that it is not necessary for the countries of the world to slide or be pushed into a future of centralization, bureaucratization and tyranny.

I do not believe that the current rumors concerning the full contents of the agreement could be accurate, but I note I have more confidence in the administration than acceptance of the current rumors as accurage would permit me. I do note that the very existence of these rumors has a negative effect on the United States and on Pakistan and on the Afghan freedom fighters.

I think a decent agreement, which I suppose we all desire, would have some different characteristics than those which are said to characterize the current agreement. First, I believe that a decent agreement would formally and explicitly include representatives of the Mujahideen through the alliance in the negotiating process, just as the Central American peace accords included negotiations with the contras and the FNLN in El Salvador and other representatives of rebel groups in the peace talks.

If there is no elected government of Afghanistan—but certainly any reasonable appraisal would conclude that the alliance is the most plausible and credible representative of the Afghan people today. Indeed, they represent the whole Afghan people in exile which is more than a sample of the total population of Afghanistan.

Second, I believe the U.S. should take steps to guard the Mujahideen against pressures against their livelihood. The United States is the largest contributor to the United Nations High Commission on Refugees. We are the major contributors to the World Food Program. We are in a position to insist that supplies to the Afghan refugees not be diminished and that their livelihood not be forced to a dangerous edge.

Third, I believe that an adequate agreement would make some provision for the repatriation of refugees in an orderly fashion, and I understand that the current agreement does not. Again, all my information about the current agreement may be mistaken. Frankly, I hope it is. But I am unaware of any provision for repatriation in the current agreement.

Finally, I think that an adequate agreement would include some further provisions. It would, for example, provide for a return of Afghan children who have been forcibly removed from their families for prolonged education in the Soviet Union. It would provide a different timetable for U.S. termination of assistance to the Mujahideen. I think it is entirely unreasonable to imagine or contemplate that U.S. assistance to the Mujahideen would end before the total withdrawal of Soviet forces. Proportionate phasing down of support with Soviet troop withdrawal is reasonable, providing, of course, that it is not accompanied by dismantling of the infrastructure and the bases of the Mujahideen.

I note also that in the current form of rumors, there is no provision made for the dismantling of Soviet bases, forward air bases and other Soviet bases in Afghanistan. I should suppose that the dismantling of the Mujahideen's infrastructure would somehow be made proportionate to the total withdrawal of the Soviet infrastructure and destruction of the Soviet infrastructure.

I would note that in considering any U.S. commitment in any U.S. agreement of 1985, it is very important that the Task Force and all of us bear in mind that our Constitution provides for an orderly fashion for the making of commitments by the United States government. And, in fact, there is no lower level, even high level, lower level official of the United States government below the President, it seems to me, who is in a position to make an authoritative commitment on behalf of the United States.

Now, this is understood by the United Nations Secretary General and by other foreign governments with whom we deal.

So I would emphasize that it is disingenuous for anyone sophisticated enough to have followed the Afghan scene to pretend that they imagine that an informal and secret agreement initialled by an anonymous person is somehow binding on the United States government. This could not be the case. And anyone sophisticated enough to concern themselves with these affairs surely understands that. So I regard it as almost frivolous for any part of the government of the United States to speak and act as though any such informal anonymous initialling of a secret agreement could be binding on us.

Thank you very much.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 257

Whereas more than eight years after the Soviet invasion, more than one hundred and twenty thousand Soviet troops are waging war against the Afghan people, with thirty thousand more positioned in contiguous areas of the Soviet Union, available for use against the Afghan population;

Whereas the United Nations General Assembly by increasing majorities has in nine annual resolutions called for the "immediate withdrawal of foreign troops from Afghanistan";

Whereas Soviet policies in Afghanistan are directly responsible for driving more than five million Afghans into foreign exile, creating the largest refugee population in the world, and for the deaths of more than one million Afghans;

Whereas a recent report of the Independent Council on International Human Rights, as distributed to the United Nations by the United States Mission as an official document, finds "there is considerable evidence that genocidal acts have been committed against the Afghan people by the combined forces of the DRA (Democratic Republic of Afghanistan) and the Soviet Union";

Whereas Kabul regime aircraft violated Pakistan's airspace more than five hundred and seventy four times during 1987, killing more than one hundred and eighty three innocent people and wounding more than four hundred and thirty seven;

Whereas over four hundred and fifty Soviet and Kabul-inspired terrorist incidents took place in Pakistan during 1987, in circumstances calculated to cause the deaths of innocent civilians;

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a timeframe based solely on logistical criteria; and to communicate clearly to the Government and people of the Soviet Union the necessity of a Soviet withdrawal from Afghanistan as a condition for better relations between the United States and the Soviet Union;

Whereas on May 16, 1985, the Afghan Resistance took an historic step by forming the Islamic Unity of Afghan Mujahideen, representing a unified coalition of the major Afghan organizations dedicated to ending the Soviet occupation;

Whereas, as enunciated by the President of the United States following a meeting with the President of the Afghan Resistance Alliance, any negotiated settlement to the war in Afghanistan that is unacceptable to the Resistance is destined to fail;

Whereas the Afghan Resistance continues to control more than 75 per centum of the territory of Afghanistan, despite more than eight years of brutal warfare;

Whereas in a statement on November 12, 1987, the President stated: "The support that the United States has been providing the Resistance will be strengthened rather than diminished, so that it can continue to fight effectively for freedom";

Whereas, since the Soviet invasion of Afghanistan, the Congress has in numerous resolutions declared the solidarity of the American people with the struggle of the Afghan people against the Soviet invaders; and

Whereas the people of Afghanistan observe March 21 as the traditional start of their New Year and as a symbol of their nation's rebirth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1988, as Afghanistan Day, and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

NATIONAL CHILD CARE AWARENESS WEEK

The joint resolution (S.J. Res. 260) to designate the week beginning April 10, 1988, as "National Child Care Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 260

Whereas the status and composition of the family in the United States is constantly changing;

Whereas women hold 53 percent of all jobs in the United States;

Whereas 80 percent of the women in the United States who are employed are of childbearing age;

Whereas, while child care is no longer considered the sole responsibility of women, the percentage of single-parent families headed by women has increased by more than 51 percent in 12 years;

Whereas it is estimated that 80 percent of the women with children of preschool age will hold jobs by 1990;

Whereas the increasing participation of women in the workforce will continue to increase the demand for child care during the working hours;

Whereas communities across the United States are planning special activities to honor child care providers and to illustrate the importance of quality child care as part of the Child Care America project of the Public Television Outreach Alliance;

Whereas the National Association for the Education of Young Children and the Public Television Outreach Alliance are sponsoring a week of the child, and it is appropriate for the Congress to designate the same week as a period devoted to increasing public awareness of child care issues; and

Whereas all children deserve quality child care, and all parents have a profound obligation to provide a safe and wholesome environment for their children at all times: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 10, 1988, is designated as "National Child Care Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. BOSCHWITZ. Mr. President, I rise today to call the Senate's attention to the pressing problem of child care. In our Nation today, over 8 million preschool children need some kind of child care. Many parents are able to provide care in their own home. But for a growing number, especially single parents and the working poor, affordable child care outside the home is one of their greatest needs.

We in this body need to recognize that need. Last year, I joined as a cosponsor of the child care bill introduced by our colleague from Utah, Senator Hatch, which develops new child care initiatives and supplements existing programs. I will soon be introducing my own bill, which will especially bolster the child care food program, a program I have worked on and supported for years.

Today, I have the privilege of placing before the Senate a joint resolution that will focus the attention of Congress—and the country—on the problem of providing good and affordable child care. This joint resolution designates the week beginning April 10, 1988, as "National Child Care Awareness Week." Already, a number of activities are being planned in Minnesota and across the rest of the Nation.

"National Child Care Awareness Week" will also be marked by a number of important television shows on the public broadcasting network. A nationally televised program, "Who Cares for the Children?" will give an overview of the issues involved. Activities are also planned for parents, child care centers, businesses, child care professionals, and educators.

Obviously, this joint resolution is only the first step in what Congress must do to support quality care for our children. We must begin by recognizing and assessing the challenges we face in child care. I look forward to working with my colleagues in the months ahead, as we develop an effective response to these problems.

WOMEN'S HISTORY MONTH

The joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL FOSTER CARE MONTH

The Senate proceeded to consider the joint resolution (S.J. Res. 59) to designate the month of May 1987, as "National Foster Care Month," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "1987," and insert "1988".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 59

Whereas there are more than 250,000 licensed foster families in the United States who temporarily provide guidance, emotional support, food, shelter, and nurture to children who cannot remain in their own home;

Whereas foster parents devotedly and unselfishly open their home and family life to children in need;

Whereas foster parents are a vital part in permanency planning to protect the best interests of a foster child;

Whereas foster parents work cooperatively with human service agencies and biological parents to strengthen family life;

Whereas foster parents must have the commitment of the national, State and local communities in terms of funding, support, and training; and

Whereas the National Foster Parent Association holds its annual training conference during the month of May, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988 is designated as "National Foster Care Month". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "joint resolution to designate the month of May 1988 as "National Foster Care Month."

NATIONAL ADULT DAY CARE CENTER WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 147) designating the week beginning on the third Sunday of September in 1987 and 1988 as "National Adult Day Care Center Week," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 4, strike "1987 and".

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 147

Whereas more than 1,200 adult day care centers are in operation nationwide, providing safe and positive environments to functionally disabled adults and senior citizens who are in need of daytime assistance or supervision;

Whereas adult day care centers have comprehensive programs providing a variety of services related to health, including medical therapy, medication monitoring, counseling, and health education;

Whereas adult day care centers are operated by professional staff which identify individual health needs and give appropriate advice;

Whereas adult day care centers assist functionally disabled adults and senior citizens in maintaining a maximum level of independence;

Whereas adult day care centers provide opportunities for social interaction to individuals who otherwise may be socially isolated; and

Whereas adult day care centers offer relief to families who otherwise must provide constant care to functionally disabled adults and senior citizens, including victims of Alzheimer's disease and other forms of dementia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the week beginning on the third Sunday of September in 1988 is designated as "National Adult Day Care Center Week". The President is requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities.

The title was amended so as to read "Joint Resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week."

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

The Senate proceeded to consider the joint resolution (S.J. Res. 253) designating April 9, 1988, and April 9, 1989, as "National Former Prisoners of War Recognition Day," which had been reported from the Committee on the Judiciary, with an amendment:

On page 2, line 3, strike "and April 9, 1989 are", and insert "is".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. Res. 253

Whereas the United States has fought in many wars;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners of war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1988, is designated as "National Former Prisoners of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such days with appropriate ceremonies and activities.

The title was amended so as to read "Joint resolution designating April 9, 1988, as 'National Former Prisoners of War Recognition Day'."

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee and as the author, along with the committee's ranking minority member, the Senator from Alaska [Mr. MURKOWSKI], of Senate Joint Resolution 253, a resolution to designate April 9, 1988, as "National Former Prisoners of War Recognition Day," I rise in strong support of passage of this joint resolution to honor those of America's veterans who were prisoners of war.

Mr. President, over the many years I have served on the Veterans' Affairs Committee, both as the committee's chairman from 1977 to 1981 and now again, as well as its ranking minority member from 1981 to 1987, I have developed a deep appreciation for those of our Nation's veterans who made enormous sacrifices and endured extreme hardships as prisoners of war. Their strength, courage, and commitment to our national security and democratic ideals and institutions helped to preserve our country, and we truly owe them a debt that can never be fully repaid.

In a Veterans' Administration study undertaken as a result of legislation I authored in Public Law 95-479, the VA found that, although the particular type and source of hardship differed significantly according to place and time of internment, American prisoners of war from each of the three most recent wars—World War II, Korea, and Vietnam—were subjected to widespread hardships that often included extreme malnutrition, great psychological stress and abuse, inadequate medical care, brutal living conditions, and, very frequently, physical and pyschological torture or other abuse.

Mr. President, as my colleagues know, April 9, 1942, is the day that marks the fall of Bataan, the isle where thousands of American soldiers were taken prisoner by enemy troops in the Philippines and forced to march long distances under extremely brutal conditions to prisoner-of-war camps, where they suffered further hardships and deprivations. Many of those troops did not survive that harrowing ordeal, and those who did were often permanently disabled. Thus, April 9, is sadly, a most appropriate day to honor our Nation's POW's.

Mr. President, in 1985, Congress directed the Department of Defense to issue medals to former POW's in recognition of the great sacrifices they have made in service to our Nation. I believe, and have recommended to the VA Administrator, that the first distribution of these medals be marked by ceremonies on April 9—the proposed day of national recognition—to appropriately commemorate our former POW's.

Mr. President, this joint resolution is cosponsored by 69 of my colleagues, including 8 other members of the Veterans' Affairs Committee—the Senators from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], West Virginia [Mr. ROCKEFELLER], Florida [Mr. GRAHAM], Wyoming [Mr. SIMPSON], South Carolina [Mr. THURMOND], Vermont [Mr. STAFFORD], and Pennsylvania [Mr. SPECTER].

I would like to express my appreciation to the members of the Judiciary Committee for moving so expeditiously to report this joint resolution in time for it to be passed by the Senate and, with the help of our colleagues in the House of Representatives, enacted before April 9.

Mr. President, April 9, 1988—the day that would be designated as "National Former Prisoners of War Recognition Day" by this resolution—is fast approaching. As one expression of our Nation's continuing gratitude to our Nation's former POW's, I urge all of my colleagues to join today in support of this joint resolution.

TRAUMA AWARENESS MONTH

The Senate proceeded to consider joint resolution (S.J. Res. 199) to designate the month of May 1988, as "Trauma Awareness Month."

Mr. BYRD. Mr. President, the joint resolution that we are considering today to designate the month of May 1988 as "National Trauma Awareness Month" will draw the American public's attention to the gravity of the traumatic injury problem in the United States.

Trauma is the medical term for physical injury, either accidental or intentional, caused by motor vehicle accidents, falls, fires, and violent crimes. Trauma is the third leading cause of death among persons of all ages, and is the leading cause of death between the ages of 1 and 44 years of age.

According to the American Trauma Society, over 60 million people are traumatized in accidents, violent crimes and suicide attempts, and between 140,000 to 160,000 Americans die from trauma each year. Particularly tragic is the fact that trauma is the No. 1 killer of young Americans under the age of 40.

The problem of trauma can be addressed through both prevention and implementation of comprehensive emergency medical systems. Much has already been accomplished through seatbelt promotion and drunk driving awareness campaigns. Nevertheless, the incidence of trauma continue to rise alarmingly. A more comprehensive attempt to arouse public awareness is essential.

The adoption of this resolution will provide an important focus on a serious medical problem and I urge its passage.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 199

Whereas more than 2 million persons suffer traumatic injury every year;

Whereas traumatic injury is the number one killer of young Americans under the age of 40;

Whereas trauma costs American citizens over $100 billion annually;

Whereas every person is a potential victim of trauma;

Whereas trauma is a disease for which the victim has no anticipation and cannot care for himself;

Whereas trauma is the most neglected disease of modern man;

Whereas the problem of trauma must be addressed by both prevention and treatment;

Whereas the American public should be educated about trauma care and prevention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1988, is designated "Trauma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such month with appropriate ceremonies and activities.

NATIONAL AGRICULTURE DAY

The joint resolution (S.J. Res. 265) to designate March 20, 1988 as "National Agriculture Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 265

Whereas, agriculture is the nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas, agriculture serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas, the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in world trade markets;

Whereas, it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas, since 1973, the first day of Spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, and Federal, State, and local governments:

Now, therefore be it *resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That March 20, 1988, is hereby proclaimed "National Agriculture Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 20 through March 26, 1988.

CALENDAR ORDER NO. 128, S. 2, RETURNED TO CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 128 be returned to the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

INF TREATY RIDDLED WITH LOOPHOLES, AMBIGUITIES

Mr. McCLURE. Mr. President, the INF Treaty has been presented to the American people as leakproof and verifiable. In fact it may be neither. A recent report from the American Enterprise Institute finds the treaty riddled with loopholes, ambiguities, and gaping uncertainties. I'd like to congratulate the authors of the report, a group of former administration arms control experts chaired by former Deputy Assistant Secretary of Defense, Frank Gaffney, for their excellent and provocative work. And I'd like to commend the report, which was entered into the Congressional Record of February 4, to my colleagues for their examination before the INF Treaty comes to the floor.

For the most part, the AEI report does not focus on the strategic wisdom of the treaty. Instead, it questions whether the treaty as written really does what it purports to do, namely eliminate INF missiles. The report raises a number of questions which I plan to address in future statements. For the moment I'd like to focus on the most glaring problem, what I call the "missile gap of 1988."

One of the breakthroughs in the INF Treaty, supposedly, is the baseline data on how many systems the Soviets have. As my colleagues will recall, one of the faults of SALT II was the lack of a verifiable baseline number of Soviet strategic systems. The negotiators were forced to work with United States intelligence numbers, which the Soviets refused to confirm or deny.

It turns out, however, that the numbers we have been given in the INF Treaty may be off by as many as 550 missiles, or 1,650 warheads. According to the memorandum of understanding, the Soviets have a total of 650 SS-20's. But according to press reports of a July 1987 CIA national intelligence estimate, the Soviets may have 1,200. Even if we take a more conservative intelligence community estimate of 950 SS-20's, which Admiral Crowe described during the ratification hearings, that still leaves a covert force of 900 warheads. A 1981 Defense Department study found that a mere 50 SS-20's—or 150 warheads—would be enough to devastate NATO. So it is clear that a covert force of 300 missiles would pose a severe military threat, especially in a START environment of 50 percent cuts in strategic arms. Not to mention the tremendous political implications of such enormous display of bad faith on the part of the Soviet Union.

Mr. President, before the Senate considers the INF Treaty, it must know whether the INF Treaty really eliminates all INF systems. If the huge discrepancy between our intelligence estimates and the data the Soviets have supplied cannot be resolved, then clearly the treaty does not meet its avowed purpose and should not be ratified.

AMERICA'S GROWING HOUSING CRISIS

Mr. RIEGLE. Mr. President, I rise today to call to the attention of my colleagues in the Senate a recent article in the Wall Street Journal which outlines the growing problem of affordable housing in our country.

Mr. President, many people are under the impression that there has never been a better time for purchasing a home. Yet, testimony before the Senate Housing Subcommittee suggests that the dream of homeownership is becoming more and more difficult for many Americans to achieve. Today, the Nation's homeownership rate is at its lowest level in 15 years. This decline occurs at a time when members of the baby boom are at the prime home buying age and during one of the longest peacetime recoveries in our Nation's history.

One of the principal reasons for the difficulties facing first-time homebuyers is that prices are rising faster than incomes. The cost of buying a house has gone up 108 percent in the last decade while the median family income has increased by 97 percent. The average cost of new and existing homes rose to $108,000 last fall—up 17 percent from the year before. In addition, rents have been rising faster than inflation which in turn siphons off savings which could have been used for a downpayment.

It is imperative that Congress begins to examine and to address our Nation's affordable housing crisis. One way we can begin to address this problem is to extend the sunset date of the mortgage revenue bond program. This tax exempt, private purpose bond program has successfully and efficiently enabled States to maintain first-time homebuyer programs.

Last July, I introduced legislation, S. 1522, that will extend this program through 1992. I am pleased to report that S. 1522 has the bipartisan support of 42 of my colleagues in the Senate.

Mr. President, the Wall Street Journal provides an excellent background for those of us who are concerned about affordable housing. I urge my colleagues to take a few moments from their busy schedules to review it.

Mr. President. I ask unanimous consent that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 5, 1988]

Even With Good Pay, Many Americans Are Unable to Buy a Home

(By Michel McQueen)

Married four years ago, Vincent and Michelle Williams of Chillum, Md., still come home to a rented first-floor apartment. They picnic on the terrace instead of barbecuing in a back yard and drive their three-year-old to the public park to play.

The Williamses want to buy a house. "It's part of the American dream to own," Mr. Williams says. "It's frustrating that every month you're putting out this large sum of money" for rent.

"And you're not getting anything in return," his wife adds. But despite nearly $40,000 in combined annual income, a year of saving and seven months of searching in Chillum, one of the least expensive suburbs of Washington, D.C., they haven't found a house they want and can afford.

The Williamses, both 28 years old, aren't the only aspiring homeowners who are finding the American dream deferred: For the first time since the 1930s, the percentage of Americans who own homes had been dropping. Even in smaller communities in the Midwest, the goal of owning a home has become elusive—frustrating and angering many of those who thought they had earned the right to achieve that cherished dream.

A LONGER ROAD

"If we were to say just 10 years ago that families with incomes of $35,000 and $40,000 and even $50,000 don't realistically have housing opportunity, people would have said. 'That's ridiculous,'" says Sen. Alfonse D'Amato, Republican of New York, but "that's the case today." Although many buyers with rising incomes will eventually find a way to buy a home, the road is getting longer and harder.

One reason is that home prices in most places have gone up more than incomes. Nationally, home prices rose 108% between

1976 and 1986 while median family income rose 97%. The median price for new and existing homes hit $108,000 last fall, up 17% from a year before, the Census Bureau says.

Meanwhile, rents are rising faster than inflation, siphoning off funds that could go into savings. And while fixed-mortgage rates have fallen below 10% lately, requirements for low-down-payment mortgages—which first-time buyers often need—have been tightened in recent years, making it harder to qualify or reducing the size of the loan a buyer can get. Many localities also have pushed up the fees that buyers must pay at closing.

OWNERSHIP RATE DROPS

After rising steadily since 1940, when 43.6% of American households owned their homes, and peaking in 1980 at 65%, the homeownership rate has edged steadily downward to 63.8% in 1986, the latest year for which figures are available. The ownership rate for households headed by people under age 35 has dropped even more—to 53.6% in 1986 from 61.7% in 1974.

"I can't afford to buy the houses I build," says Jeff Carter, 28, a contractor in Bridgeport, Conn. Homes there, he says, consistently appreciate faster than his ability to save. His annual income is about $30,000 and a single-family home in the area typically sells for $150,000 and up.

Housing affordability varies widely of course. Overall, the National Association of Realtors' affordability index shows a marked improvement from nearly a decade ago, when mortgage rates hit 17%. But the index reflects only those buyers who can make down payments of at least 20%, which mostly means those who have sold a previously owned home. For many first-time buyers, housing researchers say, the outlook remains grim.

"Our analysis shows there is an affordability problem for young families that's particularly difficult in areas where home prices are appreciating rapidly or were appreciating rapidly," says Denise DiPasquale, an assistant professor with the housing policy project at Massachusetts Institute of Technology. "A lot of people say when housing prices stop going up so fast, that housing is affordable there. Well, no, it's not. You still have the question of house price levels from the inflationary run-up in the late 1970's"

SOME BLAME THEMSELVES

Although prices are a problem, some homeseekers feel that they themselves are partly to blame. "It's me. I didn't manage my money correctly,' says David Jeffers, 33, a trade association executive in Washington.

Mr. Jeffers says that after their marriage in 1980, he and his wife, Leah, luxuriated in the new wealth of two rising incomes. Instead of saving for a house, they bought clothes, furniture and appliances that they probably could have done without. Now, seven years later, they have three babies under five and are cramped in a two-bedroom rented Cape Cod-style bungalow in the suburbs of northern Virginia. The rent he would have to pay for a less cramped house would be nearly twice as much, and that would take away from money he hopes to save to buy a house.

Even Mr. Jeffers's income—now about $55,000—plus a few thousand dollars in savings isn't enough to buy a home big enough for his family in an area where the median sales price for a home last year was $165,900. "You can't believe what an object of conversation we are for our friends," he says.

Some analysts suggest that such home buying woes partly reflect new attitudes favoring delayed marriages and delayed childbearing. And many initial buyers aren't willing to settle for modest starter homes or don't want to live in areas lacking the "right" racial or socioeconomic mix. "My kids wouldn't even consider living in the type of place I did," says John Tuccillo, the chief economist for the Realtors' association. "There may be kind of a crisis of rising expectations."

But many potential buyers dispute suggestions they want too much too soon. Last year Marilyn Chadwick, 34, held two part-time jobs in addition to her 40-hour week counseling unemployed job hunters in Providence, R.I. Living frugally on $17,000 a year, she managed to save the $5,000 she figured she needed for the down payment to break into the housing market.

PLANNED TO MOVE

Because frustrated buyers who can't afford sky-high home prices in nearby Boston pushed up prices in Providence by nearly 40% last year to an average of $127,000. Ms. Chadwick planned to move to a rural part of the state to qualify for a Farmers Home Administration mortgage. She scoured the papers and county records for a cheap house or property and decided to buy a manufactured home to put on a lot. She put down a deposit only to find that the land needed extra preparation work—$6,000 beyond her budget.

"It was very discouraging," Ms. Chadwick says, "I spent the whole year looking to find something that would meet the requirements." She hopes to get a teaching job that pays more than she earned last year.

But that wouldn't necessarily alleviate her plight: Teachers, police officers and other municipal workers are among those finding themselves hardest hit by rising home prices because their once-respectable salaries are, increasingly, not enough.

And even two incomes aren't necessarily the answer. Although most young wives work these days, research by the National Association of Home Builders shows that among couples 25 to 29, the homeownership rate dropped to 53% in 1986 from 54.2% in 1974. For reasons that aren't clear, the rate for singles that age increased to 19.7% from 13% in the same period. "Married couples are sort of taking it on the chin," says NAHB economist Douglas Diamond.

BIG DROP IN MIDWEST

Nor is the problem limited to the Northeast, where buoyant local economies have fueled housing demand and pushed prices to record levels: An NAHB analysis shows that from 1980 to 1986, the steepest drop in homeownership was in the Midwest (70.3% to 66.9%), where home prices haven't spiraled so fast.

The frustration isn't limited to young families, either, L.G. "Bud" Fritzgerald, the 50-year-old manager of a recreation center in Alexandria, Minn., wants to buy a small home for his and wife Beverly's retirement; it would be the first home they have ever owned. Last April he thought he had found one for $43,000. But mortgage rates went up to 12%—pushing the monthly payments beyond his reach, especially when his income, currently $26,282 a year, drops after retirement.

"The problem I have is, I've worked a lot of years to accomplish something and haven't been able to," says Mr. Fitzgerald who has seven children, with the youngest in college. "I've never been unemployed for more than a week. So it's kind of tough to look back and say, 'What am I doing wrong and what are these other people doing right?'"

The situation is prompting calls for action. Sen. D'Amato and Sen. Alan Cranston, Democrat of California, last fall helped form a congressional task force that is studying the issue, calling the firsttime homeownership situation "a crisis." The task force is reviewing ways the government could help—for example, by giving a tax break to savings when the proceeds are used to buy a first home.

Many states and some local governments have their own programs: Prince Georges County, Md., will help subsidize closing costs for some lower-income firsttime buyers. But additional efforts to aid such buyers are likely to be controversial at a time when federal spending on low-income housing has been cut.

Albert Wynn, a Maryland state lawmaker, says he would "rather take that money and put it in" subsidized rent for low-income families "or something like that, put it on the lower end. Based on my housing experience, I do think that most people who want a house get a house. It's like me a couple of years ago. I wanted a house, but I wasn't ready. I hadn't saved."

While that is true of Mr. Jeffers, not owning still hurts. "You still want to get into a house," says the trade-association executive. "I don't know why. It's a cultural imperative."

RESIGNATION OF UNDER SECRETARY OF THE ARMY JAMES R. AMBROSE

Mr. KENNEDY. Mr. President, I note with great regret that today Mr. James R. Ambrose will step down from his post as Under Secretary of the Army. For the past 6½ years, he has served with great distinction in this very difficult and demanding position. His reputation for hard work, good humor, and sound judgment is well deserved. When men of his caliber hold the highest posts in the Department of Defense, the country is well served.

I ask unanimous consent that the Army Times editorial on Mr. Ambrose's tenure as Under Secretary be included in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Army Times, Feb. 15, 1987]

The Ambrose Legacy

Those who care for the Army should mark with deep regret the decision by Army Undersecretary James Ambrose to step down from his post. The service is losing a mind of the keenest intelligence and a man of the utmost diligence.

In more than six years on the job, "the Under" took weapons-buying as his special turf. But though the acquisition process has come in for much scrutiny in recent years, with tales of high priced toilet seats and other spare parts horror stories, Ambrose's more sophisticated analysis of the acquisition process has made him something of a pariah to Congress and the defense industry.

Part of the problem is his lack of enthusiasm about Congress' efforts at procurement reform, largely taken from the recommendations of the President's Blue Ribbon Commission on Defense Management, better known as the Packard Commission. While most attention has been focused on rivalries among the services and the relative impotence of Defense Department officials such as departed procurement czar Richard Godwin, Ambrose consistently has maintained that the process of generating weapons requirements is far more critical than any organizational arrangement. His concerns are still valid, but still ignored.

Ambrose's attention to the requirements process is a reflection of his determination to master the details of his job, remarkable in a high-level civilian appointee. It also has been another source of irritation to his colleagues in industry, Congress, the Defense Department and, occasionally, the Army. But no one ever boasted of pulling a fast one on the undersecretary. Ambrose is a man who trusts his own instincts and intellect, willing and able to argue the minutiae of programs. In many ways, Ambrose has remained an outsider, a Socratic gadfly buzzing in the ears of those in the Pentagon who want to conduct business as usual.

It does remain to be seen, however, the depth to which the Ambrose method will penetrate his service. There is a saying among those who follow Army procurement that no weapons issue can be decided until Ambrose decides it. We will discover in the coming years whether program officials have been studying attentively at Ambrose's knee or merely daydreaming. Without Ambrose as the master of the procurement system—and it is an issue, too, whether such a vast bureaucracy can be significantly changed by one man's efforts—the Army's weapons-buying process runs the risk of disintegrating entirely.

Nonetheless, when Ambrose leaves his post Feb. 27 he will leave a mark on the Army that will be visible for many years. His most significant achievement will be the purchase of the Mobile Subscriber Equipment, a giant, $5 billion battlefield communications network that will bring the Army firmly up to date technologically. Such projects, for all they may contribute to actually conducting a battle, have traditionally been the unloved stepchildren of the big weapons programs that make general's careers and congressmen happy. Ambrose also pushed the project through quickly, using a modified French design and off-the-shelf components. Without his involvement, the program probably would be on the drawing board still.

Another Ambrose legacy, if it survives, will be the Light Helicopter Experimental family. Though this has been a highly controversial program, and may well get terminated without Ambrose as its champion, Ambrose has been exactly right to focus on the service's need to replace, in large quantities, an aging fleet of Hueys and Cobras and other light choppers that form the overwhelming portion of Army aircraft. In pursuing the family-of-aircraft approach, Ambrose has been alone among service officials in seriously addressing the need to field significant numbers of aircraft in the future.

Finally, Ambrose has guided Army air defenders through an extremely troubling time. With the cancellation of the Roland and Sgt. York projects, Army air defense hit new lows in morale and competence. Ambrose's aid in formulating a new, comprehensive forward area air defense plan and selecting a new weapon to protect heavy divisions has helped to revitalize that moribund branch of the service.

Ambrose's term as the Army's acquisition chief has not been smooth sailing in terms of quickly developing and building new generations of weapons. Indeed, the service was not prepared to do that. But the Army well may reap the dividends in future decades for having wrestled with systematic problems and tended to deep-rooted deficiencies under Ambrose's leadership.

TRIBUTE TO MRS. VIVIDELL HOLMES McDONALD

Mr. HOLLINGS. Mr. President, it is with much sadness that I rise to offer these remarks on the tragic death of Mrs. Vividell Holmes McDonald. Vividell hailed from Spartanburg, SC, and, as a fellow Carolinian, I considered her a special friend. Yet I am far from the only Senator who held a special affection for this unusual woman. All of us have respected her as the charming and efficient hostess of the Senate Dining Room. How often I have heard Senators remark on the easy, gracious manner with which she greeted and assisted Members, family, staff, and visitors. Indeed, over the years, Vividell became a kind of fixture around here—one of those special, standout people who give character and warmth to the Senate community.

It is a rare Senator or staff member who doesn't recall occasions when Vividell came to the rescue by arranging for a table at the last minute, by coming up with an extra chair for a late arriving dinner guest, by seeing to it that a meal was available during a late-night session. No matter what the special request from Senators, their family and staff, Vividell invariably rose to the challenge. In this, as in so many other respects, she was a consummate professional.

Mr. President, I don't suppose any of us will ever understand the irrational and tragic incident which took this caring woman from us. We have lost a good friend in Vividell. However, we are all enriched for having been associated with such a fine person. I know the entire Senate community, along with the many visitors to the Capitol who made Vividell's acquaintance, join with me in extending our deepest sympathy to her family. We will miss her.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with out amendment:

S. 2104: An original bill to amend the Immigration and Nationality Act to change the level, and preference system for admission, of immigrants to the United States (with additional views) (Rept. No. 100-290).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself and Mr. Levin):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installments agreements; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. Symms, Mr. Burdick, and Mr. Stafford):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Enviroment and Public Works.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly.

Mr. McCLURE:

S. 2102. A bill to prohibit the licensing of certain facilities on portions of the Salmon and Snake Rivers in Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 2103. A bill relating to decennial censuses of population; to the Committee on Governmental Affairs.

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary:

S. 2104 An original bill to amend the Immigration and Naturalization Act to change the level, and preference system for admission, of immigrants to the United States; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Simon, Mr. Weicker, Mr. Levin, Mr. Murkowski, Mr. Roth, and Mr. Sarbanes):

S. Res. 384. Resolution regarding the banning of political activity in South Africa; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. Riegle):

S. Res. 385. Resolution expressing the opposition of the Senate to the continued control of the cathedral of Vilnius, Lithuania, by the Union of Soviet Socialist Republics; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 2098. A bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel; to the Committee on

Commerce, Science, and Transportation.

AIR TRAVEL RIGHTS FOR BLIND INDIVIDUALS ACT

Mr. HOLLINGS. Mr. President, I am today introducing legislation entitled the Air Travel Rights for Blind Individuals Act. The purpose of this bill is to clarify and strengthen existing law to ensure that seating restrictions in commercial airlines are prohibited if based on the visual impairment or blindness of any passenger or the use by any such passenger of a white cane or dog guide.

In 1986, Congress attempted to ensure that commercial airlines not discriminate against any individual with a physical or mental impairment. The Air Carrier Access Act of 1986 (Public Law 99-435) was overwhelmingly approved to ensure that no individual be subjected to discrimination by any airline. Some 16 months later, however, the regulations implementing this legislation have yet to be issued.

A "regulatory negotiation" to establish the regulations broke down last fall when DOT announced plans to remove seat restriction issues from the negotiations. DOT's announcement said that the Federal Aviation Administration would issue a regulation on its own concerning passenger seating near emergency exits. FAA's involvement is premised on the provably false assumption that blind people will be hazardous to themselves and others in emergency evacuations of aircraft. But the FAA has never had a regulation to limit seat assignments of the blind before, and there is no present or known justification for a new regulation now.

Mr. President, our blind citizens are capable and competent people. They are as capable and competent to use and enjoy the benefits and privileges of air transportation as any other group. Their only disability is the lack of eyesight. This cannot be a barrier to travel, however. Those of us who can see often forget that maneuvering effectively without sight is a normal way of life for the blind. They are accustomed to using other senses and skills that the sighted are not trained to use.

It is unfortunate that the blind have been subjected to many unreasonable restrictions in air travel. These restrictions are not caused by the physical conditions of blindness, but rather the lack of knowledge about blindness and the understandable fear that many people have in dealing with blindness. This fear and lack of knowledge has in numerous instances led to policies that restrict the activities, movement, or rights of the blind.

Air transportation for the blind is now an essential part of business and commerce, as well as leisure time activities. Blind people who travel by air are rightfully concerned that they be treated in a dignified and respectful manner. And it is appalling to me that exactly the opposite trend has developed.

In a rising tide of incidents, Mr. President, blind passengers have become the targets of abusive treatment and harassment onboard airplanes. The situations I am referring to typically involve flight delays of up to 2 hours or more, and in some cases the arrest of blind persons who are seated near emergency exist windows or doors, after they have been assigned to those seats by airline personnel.

In one such incident that occurred in Louisville, KY, a blind Minnesota couple was arrested and taken to jail, where the woman was partially strip-searched. Charges were filed against the couple even though they were quietly sitting precisely where airline personnel had seated them. A jury trial was held and the couple was acquitted. In fact, no blind person has ever been found guilty of the violation of any law in these incidents.

In another situation, a blind man traveling from Baltimore, MD, to Denver, CO was one of three blind persons simultaneously arrested when seated near an emergency exit, again, as assigned by airline personnel. The man in question is an accomplished skier and rock climber, and serves as the deputy mayor of Boulder, CO. Charges were not filed in this instance and the three were quickly set free to take another flight. As hard as it is to imagine, the three were again seated in an emergency row, over the wing. Of course, it was a different flight crew and different airline altogether. This time, however, the deputy mayor and his friends were welcomed aboard and took their seats without incident. Their trip from Baltimore to Denver was uneventful, as they sat where assigned in the exit row.

Airline personnel admit that they do not reliably screen or assess passenger abilities to perform as required in the event of an emergency. In many instances, they do not even challenge passengers who pose obvious safety problems for themselves and others. For example, passengers who have already had too much to drink are often, without question, seated near emergency exits. In many other instances, the airlines seat infants, small children, and elderly people in emergency exit rows, clearly at the risk of all passengers on the aircraft.

Mr. President, the Department of Transportation must resolve this problem as expeditiously as possible. This legislation is to serve as a signal to DOT and the airlines that we are serious in our efforts to ensure that blind travelers are no longer subjected to harassment aboard commercial aircraft. It is indeed unfortunate that this legislation appears to be the only way that we have to assure the blind of fair and safe treatment when they fly.

Our passage of the Air Carrier Access Act in 1986 was intended to provide the blind with a legal means of protection against unwarranted airline demands and improper arrests. But implementation of this law has broken down. Therefore, I have concluded that clarifying legislation of the type I am introducing at this time is in the best interest of the aviation industry and the blind consumer of air travel services.

I remain firmly convinced, Mr. President, that the Department of Transportation and the Federal Aviation Administration must continue to bear primary governmental responsibility for adopting policies to assure fair treatment for the handicapped by the airlines. However, Congress must also continue to provide the aviation industry and the Federal regulatory and enforcement agencies with guidance from time to time when issues, such as seating restrictions placed on the blind, arise and cannot be resolved through administrative channels. My bill is intended to accomplish this objective, Mr. President, and I hope that my colleagues will join in its support.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Travel Rights for Blind Individuals Act".

SEC. 2. Section 404(c)(1) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1374(c)(1)) is amended by adding at the end thereof the following: "An air carrier shall not restrict seating in aircraft on the basis of the visual acuity of a passenger or the use by a passenger of a white cane, dog guide, or other such means of assistance.".

By Mr. SYMMS (for himself and Mr. LEVIN):

S. 2099. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to elect to pay tax shown on return in installments and to authorize the Secretary to enter into installment agreements; to the Committee on Finance.

INSTALLMENT PAYMENT OF TAXES

Mr. SYMMS. Mr. President, today I am introducing a bill to formalize the procedures for the Internal Revenue Service to receive tax payments due on April 15 of each year by installments. Briefly, the bill I and my colleague from Michigan [Mr. LEVIN] are introducing today would permit a taxpayer who owes money on April 15 to pay one-third on that date, one-third 2 months later on June 15, and the final third on September 15. These dates were selected because they correspond with the dates the Internal Revenue Service already is equipped to process estimated tax payments, so no new administrative procedures will need to be devised.

In this first year of tax return filing following the Tax Reform Act of 1986, thousands if not millions of Americans are discovering they are going to be paying more tax. I think most of the problem with additional tax due is related to the absurd fiasco with the W-4 payroll withholding forms the IRS published last year, but regardless of the reason it is simply time to establish a formal procedure in the Internal Revenue Code for installment payments of tax.

As long as the Congress is making such a dramatic overhaul in the Tax Code, it is important and necessary that we permit taxpayers to adjust their financial arrangements to meet their obligations without hardship.

The idea of installment payments for tax is not a new one. The Secretary of Treasury already has the authority to negotiate a series of payments with a taxpayer, and our bill does not take anything away from the Secretary's existing authority. What our bill does is to formalize the process and make it available automatically to every individual taxpayer. In this way, we will reduce any uncertainty taxpayers might feel at tax time about whether the IRS would demand immediate payment or show some leniency.

I know of taxpayers who have borrowed money on their credit cards or borrowed from relatives or banks to make tax payments on April 15. This proposal for installment payments would not relieve a taxpayer of paying interest on the money due to the Treasury, nor would it relieve him of any penalties that may be due as a result of underwithholding or underestimating his tax. We are not making any changes in this bill to the rules in the Tax Reform Act of 1986 for the 90 percent test for estimated tax.

What this installment plan does is give the taxpayer a method to make three easy installments and pay the tax, with interest. The Federal Treasury will actually receive more revenue from this proposal than under existing law, because there will be interest income. The interest a taxpayer has to pay on underwitholding or underestimated amounts is greater than the U.S. Treasury has to pay on its own Treasury bills and Treasury notes, so the Government will make a profit. But even more important, the interest a taxpayer will have to pay on his installment payments in most cases will be significantly less than the interest charges on credit cards or other loans some taxpayers have had to make to meet the April 15 deadline.

Last year, I introduced a bill. S. 457, that provided for a 1-year amnesty in implementing the 90 percent estimated tax and withholding rule of the Tax Reform Act of 1986, and that provision was included in the tax section of the Budget Reconciliation Act that we adopted last December. The provisions in S. 457 for installment payments, however, were not enacted at that time, so my colleague and I are reintroducing the part of the earlier proposal that we believe is still needed.

The American people within a few weeks will be facing the annual agony of tax return filing. This bill we are introducing today is just one proposal to make the voluntary compliance of the people with our tax laws easier and more equitable. I supported the Tax Reform Act of 1986 because I believe in the wisdom and rightness of lower marginal tax rates. I know that many of my constituents have been adversely affected by some provisions, and many others have benefited from the tax reform.

Mr. LEVIN. Mr. President, I am pleased to introduce today with my colleague from Idaho, Senator SYMMS, legislation which would allow taxpayers to pay their taxes subsequent to April 15 in three installments plus interest without having to negotiate on a case-by-case basis a periodic payment plan with the IRS. It will not alter the current withholding system or reduce the IRS penalties for underwithholding. However, it will establish a standardized procedure for spacing over a reasonable amount of time the taxpayer's payments to the IRS for the taxes owed in excess of what has already been withheld.

Senator SYMMS voted for the Tax Reform Act of 1986 and I voted against it. But, we both agree that many taxpayers who have in the past received tax refunds will now find themselves owing the IRS a substantial lump-sum payment on April 15. It is true that preliminary data suggests that, in the aggregate, more taxpayers will be receiving tax refunds in the first year that the tax reform law is in effect than previously was the case. However, by the time this tax filing season is completed there is a very good chance that many taxpayers who have come to expect tax refunds will now find themselves having to mail a check to the IRS on April 15.

The reason for this new experience for many taxpayers can be traced to an attempt in the Tax Reform Act to make the withholding of wages and salaries during the year more accurately reflect the actual amount of taxes owed. At the same time, however, the Tax Reform Act also eliminated or greatly restricted some of the deductions which, in effect, had provided taxpayers with a margin of error upon which they could draw in April if they had been underwithheld during the year. In other words, the new W-4 withholding forms require taxpayers to project their incomes and deductions in the beginning of the year so that they are not under or overwithheld. As admirable as this goal may be from the point of view of tax policy, it runs into the practical difficulty that many taxpayers may estimate their deductions in the beginning of the year but not include income from unanticipated bonuses or salary increases that may occur during the year. Other taxpayers might, despite their best efforts, overestimate their deducitons for the coming year. These problems may especially arise in the case of two-earner couples whose chances of miscalculating the variables of deductions and income are effectively doubled. In fact, in recent testimony before the Senate Finance Committee, IRS Commissioner Lawrence Gibbs indicated that although most taxpayers would not be underwithheld, "pockets of underwithholding among certain groups of taxpayers such as—working couples—could exist."

One of the often repeated goals of the proponents of the Tax Reform Act was to decrease the cynicism of the American public toward the tax system. However, if taxpayers come to view this new income Tax Code as the callous dispenser of an unpleasant "April Surprise," then this goal will be undermined. The legislation we are introducing will make it somewhat easier for taxpayers to deal with that problem of underwithholding, if it occurs.

Similarly, it is true that under current law taxpayers could adjust their withholding amounts several times per year in order to accommodate unanticipated changes in income or deductions. However, expecting taxpayers to perform several of these "midcourse corrections" during the year is inconsistent with the understanding of many taxpayers that tax reform meant tax simplification. Unless there is a simplified way for taxpayers to compensate for this potential for underwithholding, many of them will grow even more resentful of the system. This legislation provides that simplified way.

I urge my colleagues to seriously consider this legislation. It offers a commonsense approach for assisting many taxpayers as they seek to adjust to the Tax Reform Act of 1986.

By Mr. MOYNIHAN (for himself, Mr. SYMMS, Mr. BURDICK, and Mr. STAFFORD):

S. 2100. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the

Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

Mr. MOYNIHAN. Mr. President, on behalf of Senators SYMMS, BURDICK, STAFFORD, and myself, I am very pleased to introduce today the Water Resources Development Act of 1988. As too many of my colleagues are aware there was a 17-year hiatus between Omnibus Water Acts in the years 1970-86, and in that period of time water resource development by the Federal Government practically came to a halt. For many years the Corps of Engineers expended more on public works activities in Saudi Arabia than in its own backyard.

These days are now in the past, Mr. President. The major water policy issues of the last 20 years were resolved by the 1986 Water Resources Development Act, and it is time to return to a regular timetable authorizing new corps projects every other year. This is the most important reason for proceeding with this legislation Mr. President, and proceeding quickly.

Mr. President, for years the sighting of a water resource development act on the horizon has meant controversy, and conflict. Not so with this legislation. With this legislation we are merely exercising our legislative responsibilities to authorize those projects of the Corps of Engineers which have completed the planning process since the passage of the most recent omnibus bill, and make such technical adjustments to corps authorities which are refinements of that more general policy which was set in the 1986 act.

We are not revisiting cost sharing and user fees, Mr. President. Those issues are behind us. What the leadership of the Environment and Public Works committee proposes today is a routine bill. I would ask that a copy of the legislation and a section-by-section summary of its provisions be inserted at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

SECTION 1. Table of Contents:

Title I—Project Authorizations.
Title II—General Provisions.
Title III—Programs and Studies.

SEC. 2. For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—PROJECT AUTHORIZATIONS

SEC. 101. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports designated in this subsection:

FT. PIERCE HARBOR, FLORIDA

The project for navigation, Ft. Pierce Harbor, Florida: Report of the Chief of Engineers, dated December 14, 1987, at a total cost of $6,742,000, with an estimated first Federal cost of $4,319,000, and an estimated first non-Federal cost of $2,423,000.

NASSAU COUNTY, FLORIDA

The project for beach erosion control, Nassau County (Amelia Island), Florida: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $5,753,000, with an estimated first Federal cost of $4,619,000, and an estimated first non-Federal cost of $1,134,000.

LOWER OHIO RIVER, ILLINOIS AND KENTUCKY

The project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at a total cost of $775,000,000, with a first Federal cost of $775,000,000, and with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund.

HAZARD, KENTUCKY

The project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at a total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana: Report of the Chief of Engineers, dated May 19, 1986, at a total cost of $59,300,000, with an estimated first Federal cost of $59,300,000.

WOLF AND JORDAN RIVERS, MISSISSIPPI

The project for navigation, Wolf and Jordan Rivers and Bayou Portage, Mississippi: Report of the Chief of Engineers, dated June 19, 1987, at a total cost of $2,290,000, with an estimated first Federal cost of $1,620,000 and an estimated first non-Federal cost of $670,000.

TRUCKEE MEADOWS, NEVADA

The project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at a total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

WEST COLUMBUS, OHIO

The project for flood control, Scioto River, West Columbus, Ohio: Report of the Chief of Engineers, dated February 9, 1988, at a total cost of $31,562,000, with an estimated first Federal cost of $23,671,000, and an estimated first non-Federal cost of $7,891,000.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at a total cost of $17,200,000, with an estimated first Federal cost of $9,100,000 and an estimated first non-Federal cost of $8,100,000.

CYPRESS CREEK, TEXAS

The project for flood control, Cypress Creek, Texas: Report of the Chief of Engineers, dated October 12, 1987, at a total project cost of $114,200,000, with an estimated first Federal cost of $84,900,000 and an estimated first non-Federal cost of $29,300,000.

GUADALUPE RIVER, TEXAS

The project for navigation, Guadalupe River to Victoria, Texas: Report of the Chief of Engineers, dated September 1, 1987, at a total cost of $23,900,000 with an estimated first Federal cost of $15,100,000, and an estimated first non-Federal cost of $8,800,000.

SEC. 102. The provisions of Section 902 of P.L. 99-662 shall apply to the total costs of projects set forth in this Act, and to the total costs of projects authorized subsequent to this Act.

SEC. 103. (a) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall apply to the projects authorized for construction by this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of enactment of this Act.

(b) The provisions of Section 1001(a) and Section 1001(c) of P.L. 99-662 shall also apply to projects authorized subsequent to this Act, except that the five-year period during which funds must be obligated to prevent deauthorization shall begin on the date of authorization such projects.

SEC. 104. The project for flood control, Redwood River, Marshall, Minnesota, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with General Design Memorandum, dated April 1987, at a total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. (a) Section 101(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting all of subsection (2) and inserting in lieu thereof the following: "Additional 10 percent payment over 30 years. The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period not to exceed 30 years, at an interest rate determined pursuant to Section 106. The value of lands, easements, rights-of-way, relocations and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph."

(b) The amendment made by this section is effective as of November 17, 1986.

SEC. 202. Section 1125 of the Water Resources Development Act of 1986 is amended as follows:

(1) By deleting from line 4 of subparagraph (a) the words "United States" and inserting in lieu thereof the words "Bureau of Indian Affairs of the Department of the Interior."

(2) By deleting from subparagraph (b) line 11 the words "north of the half northwest quarter" and inserting in lieu thereof the words "north half of the northwest quarter."

(3) By deleting from subparagraph (b)(2) the description of lands beginning on line 6 and ending on line 13 and inserting in lieu thereof the following: "Commencing at the quarter corner common to Sections 15 and 16; thence easterly along the quarter line of said Section 15 a distance of 1,320.00 feet;

thence South 42 degrees 37 minutes 58 seconds West a Distance of 903.34 feet to the point of beginning; thence North 42 degrees 37 minutes 58 seconds East a distance of 903.34 feet; thence South 00 degrees 03 minutes 00 seconds East a distance of 1,518.00 feet; thence North 83 degrees 00 minutes 00 seconds West a distance of 668.00 feet; thence North 03 degrees 28 minutes 26 seconds East a distance of 773.78 feet to the point of beginning."

(4) By deleting subparagraph (c) and inserting in lieu thereof the following:

(c) The legal description contained in subsections (b) (1) and (2) herein will be subject to correction by survey in order to accomplish the purpose and intent of this act.

(5) By deleting subparagraph (d) and inserting in lieu thereof the following:

(d) These lands described in subsection (b) are hereby deemed excess to the needs of the United States for the maintenance and operation of the Garrison Dam and Reservoir Project and are hereby gratuitously declared to be held in trust by the Secretary of the Interior for the use and benefit of the Three Affiliated Tribes of the Fort Berthold Reservation. The United States shall not be responsible for damages to property or injuries to persons which may arise from, or be incident to, the use of said lands.

(6) By inserting a new subparagraph (e), as follows:

(e) "The United States hereby retains a flowage and sloughing easement for the purpose of flood control and related Garrison Dam and Reservoir project purposes over that portion of the lands described in subsection (b) that lie below the elevation of 1,854 feet (mean sea level), to exclude and reserve any residual interest necessary for project operations outside said 1,854 feet msl contour caused by the movement of such contour because of erosion, or the effect of flood impoundments, including, but not limited to, seepage, wave action or sloughing."

SEC. 203. Section 916(a) of the Water Resource Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended as follows: Delete all after ". . . and shall" and insert therein "have the power to recover benefits through any cost-recovery approach that is consistent with State law and satisfies the applicable cost-recovery requirement under subsection (b)."

SEC. 204. Section 402 of the Water Resources Development Act of 1986 (33 U.S.C. 701b-12) is modified by inserting the words "or shoreline protection" after the words "local flood protection".

SEC. 205. (a) The Secretary shall, whenever feasible, seek to promote long- and short-term cost savings, increased efficiency, reliability, and safety, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction. To further this goal, the Congress encourages the Secretary to—

(1) use procurement and contracting procedures that encourage innovative project design, construction, rehabilitation, repair, and operation and maintenance technologies;

(2) frequently review technical and design criteria to remove or modify unnecessary impediments to innovation;

(3) increase timely exchange of technical information with universities, private companies, government agencies, and individuals;

(4) foster design competition; and

(5) encourage greater participation by non-Federal project sponsors in the development and implementation of projects.

(b) Within two years after the date of enactment of this Act, and thereafter at the Secretary's discretion, the Secretary shall provide the Congress with a report on the results of, and recommendations to increase, the development and use of innovative technology in water resources development projects under the Secretary's jurisdiction. Such report shall also contain information regarding innovative technologies which the Secretary has considered and rejected for use in water resources projects under his jurisdiction.

(c) For the purpose of this section, the term "innovative technology" means designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice.

SEC. 206. Upon receipt of a request from a non-Federal sponsor of a water resources development project under construction by the Secretary, the Secretary shall provide such sponsor with periodic statements of project expenditures. Such statements shall include an estimate of all Federal and non-Federal funds expended by the Secretary, including overhead expenditures; the purpose for expenditures; and a schedule of anticipated expenditures during the remaining period of construction. Statements shall be provided to the sponsor at intervals of no greater than six months.

SEC. 207. To the extent that the Secretary determines that a project for harbor development, constructed by the Corps of Engineers provides direct, quantifiable benefits to an installation, facility, or vessel of the armed forces of the United States or the Coast Guard, the proportionate share of cost of such project shall be borne by the Federal government.

SEC. 208. The Comptroller General of the United States General Accounting Office is authorized and directed to conduct a review of the Civil Works program of the U.S. Army Corps of Engineers. This management and administration review shall be transmitted to the Congress, together with any recommendations which the Comptroller General may make, no later than one year after the date of enactment of this act.

TITLE III—PROGRAMS AND STUDIES

SEC. 301. Section 91 of the Water Resources Development Act of 1974 (Public Law 93-251, 88 Stat. 12, 39) is amended by striking out "$30,500,000" and inserting in lieu thereof "$6,000,000 annually".

SEC. 302. The Secretary of the Army is directed to establish a Technical Resource Service for the Red River Basin in Minnesota and North Dakota. There is authorized an appropriation of $500,000 annually for the purpose of providing to the two such states a full range of technical services for the development and implementation of state and local water and related land resources initiatives within the Red River Basin and subbasins. The Technical Resource Service is to be provided in addition to related services provided under authority of Section 206 of the River and Harbor and Flood Control Act of 1960, as amended, and Section 22 of the Water Resources Development Act of 1974.

SEC. 303. (a) The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, shall undertake a study of the water quality effects of hydroelectric facilities owned and operated by the Corps of Engineers. Such study shall be transmitted to Congress within two years of the enactment of this section and shall consider and include information for each such Corps of Engineers hydroelectric facility pertaining to: relevant water quality standards including dissolved oxygen; water quality monitoring data; possible options and projected costs of measures required to improve the quality of water released from each such facility where justified; and recommendations with respect to these findings.

(b) Nothing in this section shall convey to any agency of the Federal government any new authority with respect to the allocation or release of water from Federal reservoirs. Further, nothing in this section is designed or intended to affect any present or future legal actions or proceedings.

SECTION-BY-SECTION

Section 1.

Table of contents and short title of bill.

Section 2.

Defines the term "Secretary" as the Secretary of the Army.

Section 101.

Authorizes eleven water resource development projects for construction. Each project has completed Corps of Engineers planning and review, and all have a final Chief of Engineers' report. Presently, five of these projects have been reviewed and cleared by the Secretary of the Army, and three of these five have been reviewed and cleared by the Office of Management and Budget. The projects are described below:

FORT PIERCE HARBOR, FLORIDA

Location.—Eastern coast of Florida within St. Lucie County at the City of Ft. Pierce.

Purpose.—Commercial navigation.

Problem.—Lack of sufficient channel dimensions, especially depths, preclude economical transportation of commodities.

Recommended plan.—Deepen and widen existing channels and turning basin and provide additional access channel, with disposal of suitable material on the beach.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in September 1986.

Project costs: Total $6,742,000; First Federal, $4,319,000; First Non-Federal, $2,423,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅝ percent.

NASSAU COUNTY (AMELIA ISLAND), FLORIDA

Location.—Northeast Florida, on the northern third of the ocean side of Amelia Island in Nassau County.

Purpose.—Beach erosion control

Problem.—Beach erosion along the shore of Amelia Island caused by natural erosion and by jetties constructed for a Federal navigation project at Fernandina Harbor.

Recommended plan.—Approximately 3.6 miles of initial beach fill with periodic nourishment along 4.3 miles of ocean shore. Advanced nourishment will occur with the initial construction, with renourishment over the life of the project.

Environmental impact statement.—Final statement filed with the Environmental Protection Agency in June 1985.

Project cost: Total $5,753,000; First Federal, $4,619,000; First Non-Federal, $1,143,000.

Benefit/cost ratio.—1.5 to 1 at a discount rate of 8⅝ percent.

LOWER OHIO RIVER NAVIGATION, ILLINOIS AND KENTUCKY

Location.—Lower Ohio River in the vicinity of Olmsted, Illinois.

Purpose.—Inland navigation.

Problem.—Water traffic demands and limited capacities of existing locks are projected to result in excessive delays in navigation. In addition, the existing locks and dams 52 and 53 have deteriorated and no longer meet design standards.

Recommended plan.—A new locks and dam structure about 1.8 miles downstream of the existing locks and dam 53, near the community of Olmsted, Illinois, to replace existing locks and dams 52 and 53. The new structure would consist of twin locks, 110′ by 1200′ and a dam with a navigable pass.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1986.

Project costs: Total, First Federal, $775,000,000; $775,000,000.[*]

Benefit/cost ratio.—2.2 to 1 at a discount rate of 8⅝ percent.

HAZARD, KENTUCKY

Location.—A 14-mile reach of the North Fork Kentucky River in Perry County, Kentucky.

Purpose.—Flood control.

Problem.—Recurring flood damages, primarily to residential and commercial properties and public facilities, in the Hazard, Kentucky vicinity.

Recommended plan.—Approximately six miles of channel enlargement consisting of clearing and snagging and channel widening.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $7,450,000; First Federal, $5,590,000; First Non-Federal, $1,860,000.

Benefit/cost ratio.—1.6 to 1 at a discount rate of 8⅝ percent.

MISSISSIPPI AND LOUISIANA ESTUARINE AREAS, MISSISSIPPI AND LOUISIANA

Location.—Southeastern Louisiana and southern Mississippi.

Purpose.—Enhancement of fish and wildlife resources.

Problem.—Deprived of the annual fresh water and sediment from the Mississippi River, the natural processes of subsidence compaction, erosion, and saltwater intrusion and man-induced activities have resulted in the loss of up to four square miles a year of coastal marshes in the study area. Saltwater intrusion is a key factor in habitat loss, erosion, and vegetative changes. The loss and alteration of habitat types have adversely affected the productivity of fish and wildlife.

Recommended plan.—Water diversion facilities to divert fresh water from the Mississippi River into Lake Pontchartrain and the Mississippi Sound: a multi-cell box culvert control structure, with necessary inflow/outflow channels, realignments of existing levees and associated features.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in April 1985.

Project costs: Total, $59,300,000; First Federal, $59,300,000; First Non-Federal, 0.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅞ percent.

WOLF AND JORDAN RIVERS AND BAYOU PORTAGE, MISSISSIPPI

Location.—Pass Christian, Mississippi, adjacent to the St. Louis Bay.

Purpose.—Commercial navigation.

Problem.—The channel dimensions of Bayou Portage are inadequate for the size vessels using the Pass Christian Industrial Park, requiring lightloading and resulting in delays and safety problems.

Recommended plan.—Deepen and widen the navigation channel in Bayou Portage to 8 feet by 100 feet and extend the channel to the 8-foot contour in St. Louis Bay, ending in a 200′ by 800′ turning basin.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $2,290,000; $1,620,000; $670,000.

Benefit/cost ratio.—2.3 to 1 at a discount rate of 8⅝ percent.

TRUCKEE MEADOWS, NEVADA

Location.—The Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area, Nevada.

Purpose.—Flood control.

Problem.—Recurring flooding in the rapidly urbanizing areas, primarily to industrial, commercial and residential properties.

Recommended plan.—A combination of levees, floodwalls, channel improvements and an overflow storage area, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in November 1985.

Project costs: Total, $78,400,000; First Federal, $39,200,000; First Non-Federal $39,200,000.

Benefit/cost ratio.—1.8 to 1 at a discount rate of 8⅝ percent.

SCIOTO RIVER, WEST COLUMBUS, OHIO

Location.—Franklin County, Ohio, in the western portion of the City of Columbus.

Purpose.—Flood control.

Problem.—Recurring flood damages to residential and commercial buildings in western Columbus.

Recommended plan.—About 3.3 miles of levee/floodwall, one new pumping station, modifications to existing pumping stations, and related features.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, First Federal, First Non-Federal, $31,562,000; $23,671,000; $7,891,000.

Benefit/cost ratio.—3.4 to 1 at a discount rate of 8⅝ percent.

DELAWARE RIVER, PENNSYLVANIA AND DELAWARE

Location.—Schuylkill River in the vicinity of Philadelphia, Pennsylvania, and the Delaware River in the vicinity of Camden, New Jersey (Beckett Street Terminal).

Purpose.—Commercial navigation.

Problem.—Current channel dimensions constrain efficient vessel movement and inadequate depths require the use of costly alternatives such as lightloading.

Recommended plan.—Deepen the existing project in the lower Schuylkill River to 40′ and provide a turning basin with a depth of 40′. Deepen the existing project in the Delaware River at Camden (Beckett Street Terminal) to 40′.

Environmental impact statement.—An Environmental Assessment and Finding of No Significant Impact is included in the project report.

Project costs: Total, $17,200,000; First Federal, $9,100,000; First Non-Federal, $8,100,000.

Benefit/cost ratio.—6.3 to 1 for the Schuylkill River portion and 1.6 to 1 for the Delaware River portion, at a discount rate of 8⅝ percent.

CYPRESS CREEK, TEXAS

Location.—North and northwest of the City of Houston in Harris and Waller Counties, Texas.

Purpose.—Flood control.

Problem.—Recurring floods in the rapidly urbanizing Cypress Creek basin.

Recommended plan.—Channel enlargement of about 29.4 of Cypress Creek, plus recreation facilities.

Environmental impact statement.—Final statement was filed with the Environmental Protection Agency in August 1987.

Project costs: Total, $114,200,000; First Federal, $84,900,000; First Non-Federal, $29,300,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅝ percent.

GUADALUPE RIVER, TEXAS

Location.—Navigation channel extending from the Gulf Intracoastal Waterway (GIWW) in San Antonio Bay to the vicinity of Victoria, Texas.

Purpose.—Commercial navigation.

Problem.—Insufficient channel depths require the inefficient light-loading of ships.

Recommended plan.—Enlarge the existing channel from the GIWW to Victoria to dimensions of 12′ by 125′.

Environmental impact statement.—Final statement filed with the Environmental Agency in August 1986.

Project costs: Total, $23,900,000; First Federal, $15,100,000; First Non-Federal, $8,800,000.

Benefit/cost ratio.—1.2 to 1 at a discount rate of 8⅝ percent.

Section 102.

Section 902 of P.L. 99-662 required the reauthorization of any water resource development project authorized in that act for which there was a cost increase of more than 20% plus future inflation adjustments over the cost estimate in the law. This section applies this provision to the projects authorized for construction in this act, and projects authorized by future acts of Congress.

Section 103.

Sections 1001 (a) and 1001 (c) of P.L. 99-662 provide that projects authorized for construction in that act are automatically deauthorized if no funds have been obligated toward planning or construction of the project within five years of the date of enactment. This section would apply this automatic deauthorization process to projects either authorized in this act or subsequent acts of Congress. It is stipulated that the five year period is to begin on the date of project authorization.

Section 104.

This section increases the cost ceiling for the Redwood River, Marshall, Minnesota project, authorized in Public Law 99-662. The Redwood River project cost ceiling is increased from $4,370,000 to $6,900,000. This increase is necessary because inaccurate information on the cost of this project was provided to Congress during deliberation on P.L. 99-662.

II—GENERAL PROVISIONS

Section 201.

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[*] Note: Of this amount, 50 percent of the total project cost is to come from the Inland Waterways Trust Fund into which are placed the receipts from the tax on barge fuel.

This provision ensures that local sponsors of port improvement projects may count the costs of utility relocations which they finance towards the 10 percent of the project cost which they are required to pay back to the Federal Government over 30 years.

Although this was the original intent of the Conferees on the Water Resource Development Act of 1986, a technical drafting error prevents the Corps of Engineers from interpreting the original provision as intended. The provision is made effective as of the date of enactment of the 1986 Act in order to protect the interests of those ports which have entered into local cost sharing agreements with the Corps in the intervening time period.

Section 202.

Section 1125 of the 1986 Act provided that the Corps and the Ft. Berthold Indian Reservation would conduct a land transfer which would cede to the Indians land which they hold sacred, and at the same time, provide the Corps with acreage near Lake Sakakawea in exchange. Since that time, the Corps has failed to implement this transfer and exchange in the expeditious manner intended. This provision eliminates this difficulty by transferring the acreage directly to the tribe, provided that the Corps retain a flowage and sloughing easement for the purpose of flood control and related Garrison Dam project purposes.

Section 203.

This provision modifies Section 916 of the Water Resources Development Act of 1986. This provision allows the Corps of Engineers to enter into contracts for the recovery of project costs with a Federal Project Repayment District. As written, this provision would allow such a repayment district to recover its share of the project costs from revenues obtained only through a property transfer fee. This has proven to be unnecessarily restrictive, so, Section 203 would allow a project repayment district to use any cost recovery approach consistent with State law, including, but not limited to, property transfer fees.

Section 204.

Section 204 amends section 402 of the Water Resources Development Act of 1986. Presently, section 402 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section was to provide additional assurance of compliance with these important programs.

This section amends section 402 to ensure that local non-Federal sponsors of Corps shoreline erosion protection projects meet these same requirements.

Section 205.

This section instructs the Secretary to, whenever feasible, promote long and short-term cost savings, improved safety, reliability, and efficiency, and improved environmental results through the use of innovative technology in all phases of water resources development projects and programs under his jurisdiction.

To that end, the Secretary is instructed to use his existing authorities and responsibilities, including contract and procurement procedures, formulation and review of design criteria, information exchange agreements, and participation with non-Federal project sponsors.

Subsection (b) also requires that within two years of the date of enactment of this bill, the Secretary is to report on the development and implementation of innovative technologies in water resources programs and projects under his jurisdiction. The report is also to contain information on innovative technologies that were considered and rejected for use by the Secretary.

Subsection (c) defines the term "innovative technology" to be "designs, materials, or methods which the Secretary determines are previously undemonstrated or are too new to be considered standard practice".

Section 206.

This provision requires the Corps of Engineers, at the request of project sponsors who have contributed cash toward project construction, to provide periodic statements outlining project expenditures which have been made and are anticipated on the project. A number of project sponsors have notified the Committee that the Corps of Engineers presently does not provide them with a proper accounting of the use of the funds which the sponsors have provided to the Corps under the new cost sharing policy.

Section 207.

This section corrects an unintentional ommission from Public Law 99-662. As originally intended by the conferees on that Act, the port cost sharing policy was to provide for a modification of the required local share of project costs to the extent the Secretary of the Army determined that there were direct and quantifiable benefits to the military.

Section 208.

This section authorizes and directs the Comptroller General to conduct a review of the management and administration of the civil works program of the U.S. Army Corps of Engineers. A review of management practices, organization, manpower, and structure can provide important information for future oversight of the Corps of Engineers.

TITLE III—PROGRAMS AND STUDIES

Section 301.

The existing New York Drift Removal Program authorizing the Corps of Engineers to remove material hazardous to navigation from around New York Harbor is capped at $30.5 million. This program ceiling will be reached in the current fiscal year. The work of the program remains largely incomplete because of rising costs and annual budget restrictions. In order to facilitate this important program, this section substitutes an annual program ceiling of $6 million for the program ceiling now in law. This annual ceiling is in line with current program needs, which in FY 1988 are $4.8 million.

Section 302.

The States of Minnesota and North Dakota are presently using the services of the Corps of Engineers under existing "technical assistance" programs in the Red River Basin to examine a range of water related problems in the basin. This provision would establish a technical resource service specifically for the Red River Basin. The authorized funding level for this Service would be $500,000 annually.

Section 303.

This study would direct the Corps, in conjunction with the Environmental Protection Agency, to peform a systematic study of the water quality-related aspects of their hydroelectric facilities and report back to Congress within two years. The report is also to include recommendations for what improvements, if any, might be necessary to improve conditions.

Mr. MOYNIHAN. This legislation is noncontroversial. It authorizes 11 corps projects, all of which have completed the corps planning process, all of which have positive benefit to cost ratios, and all of which have had an environmental impact statement completed.

In addition to these project authorizations, the legislation makes six technical corrections or minor modifications to the 1986 Omnibus bill; provides management guidance to the Corps of Engineers; requires the Comptroller General of the United States to conduct a general management review of the civil works program; establishes a Technical Resource Service for the Red River of the North; redefines the New York Harbor Drift Removal Program; and authorizes the Secretary of the Army to conduct a study of the water quality impacts of hydroelectric power projects.

Mr. President, the Subcommittee on Water Resources, Transportation, and Infrastructure will hold 3 days of hearings on this legislation March 16, 17, and 18. I would ask my colleagues with an interest in this bill to testify, as it would be my intention to have this legislation reported to the Senate by the Environment and Public Works Committee by April 15.

Mr. BURDICK. Mr. President, I join my colleagues on the Committee on Environment and Public Works today in introducing the Water Resources Development Act of 1988. Introduction of this bill, Mr. President, signals a return to the tradition of a biannual authorization bill for Corps of Engineers projects. This return was made possible by passage of Public Law 99-662, the Water Resources Development Act of 1986, which resolved a decade-long debate over water policy issues, most notably the question of cost sharing for water projects.

The bill which Senators MOYNIHAN, STAFFORD, SYMMS, and I are introducing today authorizes only those projects which have completed corps planning and for which there is local interest in proceeding to construction. We in the Congress have an obligation and a responsibility to see that these projects are authorized on a timely basis and not left unauthorized for another decade.

Mr. President, I would also say that while we have an obligation to proceed with projects in a timely way, we have no intention of authorizing projects which have no local support, or are of questionable merit. We will not do so in this bill.

I intend to work closely with my committee colleagues to have this bill reported to the Senate by April 15. I would hope that floor action would occur promptly thereafter because, as I have indicated, this legislation is routine and noncontroversial.

Mr. STAFFORD. Mr. President, I am glad to cooperate with my colleagues in cosponsoring this legislation. However, as I will explain, I do so with a nagging doubt in mind.

The passage of Public Law 99-662, the Water Resources Development Act of 1987, ushered in a new age for the Corps of Engineers. The cost sharing, user fees, and environmental protections in that bill have already resulted in an improved Corps of Engineers program, and have provided the key ingredients for a more sound Federal water resources development program.

Most of us who worked for years on the passage of that act would probably prefer to believe that with the signing of that bill into law, Congress could set aside water resources development legislation for a while. Certainly on the surface that would appear to be possible. The 1986 act authorized enough work to keep the corps busy for several years while at the same time setting a long-term policy direction which the corps is now working to implement.

But the Corps of Engineers marches on, and since the passage of Public Law 99-662, there are already several new projects ready for congressional authorization. In addition, there are a few technical changes that need to be made to the 1986 act and there are a few study and program provisions that probably should have been included in that act.

One of the oft-cited justifications for introducing another omnibus water resources bill so soon after the passage of the 1986 act is to "make the process more regular." More specifically, many believe it to be desirable to go back to the practice of passing a Corps of Engineers authorizing bill every 2 years or so.

There may be merit to that idea. Clearly, the 10-year wait leading up to the passage of the 1986 act resulted in a bill that was so large and so complex that the size in itself was a significant burden and issue. It also inspired an attitude that since the bill was so big anyway, then "just one more project wouldn't hurt anything." So, to avoid a replay of that very undesirable situation, it may be practical to try to pass a relatively modest bill every 2 or 3 years.

Further, a more regular schedule of authorizing bills seems possible now because so many of the controversial issues preventing passage of a bill for over a decade were resolved with the passage of the Water Resources Development Act of 1986.

So, in one sense, one might look at this bill as an experiment: if we can pass a relatively modest bill, free of unstudied or unjustified pork-barrel projects and free of controversial attempts to turn back the clock on newly won reforms, then we can consider the experiment to be a success.

However, if it turns out that this bill becomes a magnet for bad projects and ill-conceived policy initiatives, the experiment will have been a failure and we will have learned something about Congress' ability to successfully and smoothly regularize the Corps of Engineers authorizing process.

Mr. President, therein lies the source of the nagging doubt which I expressed at the outset of my remarks: the distinct possibility that this experiment may fail.

I sincerely hope that I am wrong in this regard, but we all know that public works bills, especially water resources bills, tend to grow very rapidly. And while this is a modest and responsible bill right now, I am not so naive as to think that there will not be strong pressure to increase its size by adding any number of special-interest provisions.

So, at the outset, I can hardly emphasize strongly enough that I do not consider, nor do I believe my colleagues on the committee consider, this bill to be merely the seed kernel of, or a place holder for, a much larger, more ambitious bill. It is our hope and our intent to see that this bill remains modest.

Similarly, this bill must not be looked at as an opportunity to undo the cost sharing and environmental reforms which were passed into law in the last Congress. The long-fought controversy over these issues was resolved in the last Congress, and to the extent we attempt to turn back the clock on a broad or individual project basis, the less likely we are to make progress on this legislation.

Mr. President, I support this bill as it now stands and I will do my best to ensure that it remains modest and responsible. To that end, I will oppose any unjustified projects or bad policy provisions that are offered for inclusion in committee, on the floor of the Senate, or in conference with the House.

COLLOQUY ON OMNIBUS BILL

Mr. STAFFORD. Mr. President, having said that, I would not like to ask my fellow sponsors of this legislation, my good friend from North Dakota, the chairman of the Committee on Environment and Public Works, my good friend from New York, the chairman of the Subcommittee on Water Resources, Transportation, and Infrastructure, and my good friend from Idaho, the ranking member of that subcommitee what would be their intent with respect to any attempts to include unstudied projects or regressive policy provisions in this bill?

Mr. BURDICK. Mr. President, I share the concerns of my good friend from Vermont. The 1986 water resource development ended 17 years of debate on how to reform Federal water policy for the Corps of Engineers. We are not going to change the fundamental reforms of that act respecting cost sharing, user fees, or environmental policy: not in committee, not in the Senate, not in conference. We are not going to tinker with these provisions at all.

Furthermore, Mr. President, I want my colleague from Vermont to know that I will join him in opposing the authorization of unsound water projects. They have no place on this legislation, which I have to have quickly considered by the Environment and Public Works Committee and reported to the Senate by April 15.

Mr. MOYNIHAN. Mr. President, the day of the corps boondoggle is over. It is over in large measure to the efforts of my friend from Vermont who worked with dogged determination to reform Federal water resource policy and make it more responsive to environmental concerns. We are proposing this legislation to reinforce the primacy of our authorizing committee in water policy matters. Unsound, unjustifiable water projects have no place on this legislation, and I, too, will not support their authorization.

Mr. SYMMS. Mr. President, I agree with my distinguished fellow cosponsors, and will oppose any attempts to include unjustified projects or ill-conceived policy provisions in this bill.

Mr. STAFFORD. I thank my colleagues for their assurances. I would now like to describe briefly a few of the provisions in this bill that are of particular interest to me.

Section 205 declares that, whenever feasible, the Secretary of the Army should seek to promote cost savings, increased efficiency, and improved environmental results through innovative techniques and technology in all phases of water resources development projects and programs under his jurisdiction.

During the last few years, studies conducted by the National Academy of Sciences, the Office of Technology Assessment, the Business Roundtable, and others have shown that in the United States far too little effort is directed toward improving the technologies of public works design, construction, repair, rehabilitation, and operation and maintenance. The relatively slow pace of innovation resulting from this neglect has caused inefficiencies and excessive expense in the construction and upkeep of the Nation's public works, including water resources facilities.

Since approximately $100 billion per year is spent nationally on public works, a significant portion of which is water resources related, even small inefficiencies become significant. Given the national character and magnitude of this problem, these studies have made it clear that the Federal Government can and should play an important role in addressing this situation.

In addition, water resources development projects frequently result in undesirable environmental consequences. In the past, new technologies, such as multilevel outlets at dams, nonstructural flood control techniques, and improved erosion control measures have helped lessen these impacts. Clearly, a more aggressive approach to demonstrating certain types of new technologies could help lessen environmental damages done by water resources projects.

Since the Corps of Engineers is the Federal Government's largest civil engineering force, and is involved in hundreds of water resources related projects and programs, it would seem reasonable that its considerable resources and responsibilities could be used more actively as a laboratory or proving ground for promising new technologies in water resources.

Presently, the Secretary, along with the Corps of Engineers, have a great number of administrative authorities and procedures which can be, and to an extent are, used to promote innovation in water resources related technology. These include various procurement and contracting procedures including design competitions, broad latitude with respect to project design criteria, formal and informal technical exchange arrangements with other agencies and persons, and internal information exchange between the corps laboratories and district and division offices.

To be sure, the corps does use its existing authorities in a good faith effort to promote innovation, and for this it is to be praised. However, every indication is that by making innovation a higher priority and by making a more concerted effort, the corps can make even more lasting contributions to improved water resources technologies.

So, although this provision provides the Secretary with no new authorities, it encourages the Secretary and the corps to redouble their efforts and make the maximum use of existing authorities, programs, and projects in order to advance the state of the art with respect to water resources and related technology and techniques.

Mr. President, it can be expected that the initial trial of a new technology or technique will sometimes cost more than conventional technology—cost savings only being realized after experience is gained with the new technology. To the extent that cost increases on an initial trial are within the scope of the law, and to the extent the Secretary chooses to absorb the increased cost or can work out these increased costs with local project sponsors, such costs should be considered to be part of the innovation process.

Although this provision encourages the Secretary and the corps to become more aggressive innovators, it must be emphasized that public safety and project reliability should continue to be given the highest priority.

Next, Mr. President, section 303 directs the Corps of Engineers, in conjunction with the Environmental Protection Agency, to perform a systematic study of the water quality related aspects of their hydroelectric facilities, and to report back to Congress within 2 years.

By their very nature, many hydroelectric facilities cause significant physical and chemical changes to downstream water. One of the more harmful changes that can occur is the reduction of the dissolved oxygen content in downstream water. Low dissolved oxygen levels limit the number and type of organisms that can live in the water and also limit the ability of the water to assimilate waste.

The Corps of Engineers currently operates over 72 hydroelectric plants throughout the United States. Despite the fact that initial data indicates that the releases from as many as 25 of these facilities fail to meet State standards for dissolved oxygen during certain portions of the year, there has never been a comprehensive study of water quality at corps hydroelectric plants.

Recently, the Tennessee Valley Authority has studied the dissolved oxygen problems at its hydroelectric facilities and has begun the long overdue effort to address these problems with various types of retrofits and modifications. Further, owners of non-Federal hydroelectric facilities are in many cases required by the Federal Energy Regulatory Commission to correct dissolved oxygen problems at their facilities. Given these facts, it seems particularly appropriate and timely for the Corps of Engineers to undertake a study of the water quality associated with its hydroelectric generation facilities.

Finally, section 204 ensures that local non-Federal sponsors of Corps of Engineers shoreline protection projects comply with and participate in applicable flood plain management and flood insurance programs prior to the construction of the project.

At present, section 402 of the Water Resources Development Act of 1986 requires that non-Federal sponsors of Corps of Engineers flood control projects agree to comply with and participate in applicable flood plain management and flood insurance programs prior to project construction. The intent of this section is to provide additional assurance of compliance with these important programs and to thereby lessen the need for flood control expenditures in the future.

This section amends section 402 to ensure that local non-Federal sponsors of corps shoreline erosion protection projects meet these same requirements.

By Mr. STAFFORD (by request):

S. 2101. A bill to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER RESOURCES DEVELOPMENT ACT

● Mr. STAFFORD. Mr. President, I am introducing, by request, the administration's draft water resources development legislation for the U.S. Army Corps of Engineers.

I ask unanimous consent that the letter of transmittal from Assistant Secretary Page, the bill, and the Secretary's explanation of the bill, be reprinted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Resources Development Act of 1988".

DEFINITION OF SECRETARY

Sec. 2. For purposes of this Act, that term "Secretary" means the Secretary of the Army.

PROJECT AUTHORIZATIONS

Sec. 3. The following projects are authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated:

(1) the project for navigation, Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky: Report of the Chief of Engineers, dated August 20, 1986, at an estimated total cost of $775,000,000, with the costs of construction of the project to be paid one half from amounts appropriated from the general fund of the Treasury and one half from amounts appropriated from the Inland Waterways Trust Fund;

(2) the project for flood control, Hazard, Kentucky: Report of the Chief of Engineers, dated October 30, 1986, at an estimated total cost of $7,450,000, with an estimated first Federal cost of $5,590,000 and an estimated first non-Federal cost of $1,860,000;

(3) the project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware: Report of the Chief of Engineers, dated June 15, 1986, at an estimated total cost of $16,900,000, with an estimated first Federal cost of $9,000,000 and an estimated first non-Federal cost of $7,900,000; and

(4) the project for flood control, Truckee Meadows, Nevada: Report of the Chief of Engineers, dated July 25, 1986, at an estimated total cost of $78,400,000, with an estimated first Federal cost of $39,200,000 and an estimated first non-Federal cost of $39,200,000.

PROJECT MODIFICATIONS

Sec. 4. The project for flood control, Redwood River, Marshall, Minnesota, authorized by Section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4117), is modified to authorize the Secretary to construct the project substantially in accordance with the General Design Memorandum, dated

April 1987, at an estimated total cost of $6,900,000, with an estimated Federal first cost of $5,000,000 and an estimated non-Federal first cost of $1,900,000.

HARBOR UTILITY RELOCATIONS

SEC. 5. (a) Section 101(a)(2) fo the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082) is amended by deleting the last sentence and inserting in lieu thereof the following sentence: "The value of lands, easements, rights-of-way, relocations, and dredged material disposal areas provided under paragraph (3) and the costs of relocations borne by the non-Federal interests under paragraph (4) shall be credited toward the payment required under this paragraph.".

(b) The amendments made by this section are effective as of November 17, 1986.

RECREATION USER FEES

SEC. 6. (a) Section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460*l*-6a), is further amended by:

(1) inserting the words ", water resources development areas administered by the Department of the Army that are used in whole or in part for recreation purposes," after the words "the Department of the Interior" in the first sentence of subsection (a);

(2) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(4);

(3) deleting the words "The Secretary of the Interior and the Secretary of Agriculture" and inserting in lieu thereof the words "Each administering Secretary" in the first sentence of subsection (a)(5); and

(4) deleting the next to the last sentence of subsection (b).

(b) Section 210 of the Flood Control Act of 1968 (82 Stat. 746; 16 U.S.C. 460d-3) is repealed.

(c) The amendments made by this section shall take effect October 1, 1989.

CONFINED DISPOSAL FACILITIES

SEC. 7. Section 123 of the River and Harbor Act of 1970, as amended, (33 U.S.C. 1293a) is further amended by adding at the end thereof the following new subsections:

"(j) The Secretary of the Army is authorized to continue to deposit dredged materials into a facility constructed under the provisions of this section until the Secretary of the Army determines that such facility is no longer needed for such purpose or that such facility is completely full.

"(k) Authority to construct new facilities pursuant to this section expires on the date of enactment of this Act, except that this subsection shall not apply to any project for which there is an executed agreement, as required by subsection (c), on that date.".

TRANSFERS FOR INTENSIFIED MITIGATION MANAGEMENT

SEC. 8. The Secretary is authorized to transfer funds to another Federal agency or a non-Federal public agency to carry out intensified wildlife management on areas under the jurisdiction of the transferee agency for the purpose of mitigating fish and wildlife impacts attributable to projects under the Secretary's jurisdiction. Such transfers shall be without prejudice to the regular appropriations required by the transferee agency for ongoing management of lands under its jurisdiction.

SUPPORT TO PRIVATE U.S. FIRMS COMPETING IN FOREIGN COUNTRIES

SEC. 9. (a) The Secretary is authorized to undertake a demonstration program for a two-year period, which shall begin within six months after the date of enactment of this Act, to provide technical assistance, on a nonexclusive basis, to any United States firm which is competing for, or has been awarded, a contract for the planning, design, or construction of a project outside the United States, if the United States firm provides, in advance of fiscal obligation by the United States, funds to cover all costs of such assistance. In determining whether to provide such Assistance, the Secretary shall consider the effects on the Department of the Army civil works mission, personnel, and facilities. Prior to the Secretary providing such assistance, a United States firm must—

(1) certify to the Secretary, who shall cocertify, that such assistance is not otherwise reasonably and expeditiously available; and

(2) agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of the project.

(b) As to an invention made or conceived by a Federal employee while providing assistance pursuant to this section, if the Secretary decides not to retain all rights in such invention, the Secretary may—

(1) grant or agree to grant in advance, to a United States firm, a patent license or assignment, or an option thereto, retaining a nonexclusive, nontransferrable, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States and such other rights as the Secretary deems appropriate; or

(2) waive, subject to reservation by the United States of a nonexclusive, irrevocable, paid-up license to practice the invention or have the invention practiced throughout the world by or on behalf of the United States, in advance, in whole or in part, any right which the United States may have to such invention.

(c) Information of a confidential nature, such as proprietary or classified information, provided to a United States firm pursuant to this section shall be protected. Such information may be released by a United States firm only after written approval by the Secretary.

(d) Within six months after the end of the demonstration program authorized by this section, the Secretary shall submit to the Congress a report on the results of this demonstration program.

(e)(1) For purposes of this section, "United States firm" means a corporation, partnership, limited partnership, or sole proprietorship that is incorporated or established under the laws of any of the United States with its principal place of business in the United States; and

(2) For purposes of subsection (a), "United States", when used in a geographical sense, means the several states of the United States and the District of Columbia.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

SEC. 10. (a) The Secretary is authorized to provide services, including the provision of such services by contract, to the non-Federal project sponsor in the design and construction of upstream and downstream non-Federal extensions to the Federal project for flood control, Brush Creek and Tributaries, Missouri and Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082, 4118), if the non-Federal sponsor provides, in advance of fiscal obligation by the United States, funds to cover all costs of such services.

(b) Prior to construction of such extensions, the non-Federal sponsor must obtain all necessary Federal and state permits.

(c) The non-Federal sponsor must agree to hold and save the United States free from damages due to the planning, design, construction, operation, or maintenance of such extensions.

(d) Such extensions remain a non-Federal responsibility and shall not be considered part of the Federal project for any purpose.

OHIO RIVER DIVISION LABORATORY

SEC. 11. The Secretary is authorized to construct a new division laboratory at an estimated cost of $2,000,000, for the United States Army Engineer Division, Ohio River. Such laboratory shall be constructed on a suitable site, which the Secretary is hereby authorized to acquire for that purpose.

EDUCATION EXPENSES FOR CHILDREN OF CORPS EMPLOYEES IN PUERTO RICO

SEC. 12. The Secretary is authorized to pay tuition expenses of suitable, English-taught primary and secondary education in Puerto Rico for the child or children of any Federal employee when such expenses are incurred after the date of enactment of this Act and while the employee is temporarily residing and employed in Puerto Rico for the construction of the Portuguese and Bucana Rivers, Puerto Rico, project.

SERVICES TO STATES AND LOCAL GOVERNMENTS

SEC. 13. Subsection (d) of section 3036 of title 10, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (2); and

(3) by deleting "United States" and all that follows in such subsection and inserting in lieu thereof the following:

"United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by contract. Services may be provided to a State, or to a political subdivision of a State, only if—

"(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

"(B) the services are provided on a reimbursable basis.".

SECTION-BY-SECTION ANALYSIS

(To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.)

SECTION 1

This section provides that the Act may be cited as the Water Resources Development Act of 1988.

SECTION 2

This section provides that for purposes of this Act, the term "Secretary" means the Secretary of the Army. This section does not limit the Secretary's existing authority to delegate duties or functions to the Chief of Engineers or other Army Corps of Engineers officials.

SECTION 3

This section authorizes 2 navigation projects and 2 flood control projects. These projects are:

Lower Ohio River, Locks and Dams 52 and 53, Illinois and Kentucky. The recommended navigation plan would modify the Federal navigation project on the Ohio River by replacing the existing Locks and Dams 52 and 53 with a single facility including twin 110 × 1200 foot locks at river mile 964.4 near the community of Olmstead, Illinois. At October 1987 price levels, the estimated first cost is $775,000,000. At an 8⅝ percent discount rate, average annual benefits are $208,050,000 with $203,300,000 attributable to navigation and $4,750,000 attributable to redevelopment. The benefit cost ratio is 2.2. The costs of the construction of the project will be paid one half from the general fund of the Treasury and one half from the Inland Waterways Trust Fund.

Hazard, Kentucky. The recommended flood control plan provides for channel widening along about 5.9 miles of the North Fork Kentucky River in Perry County in eastern Kentucky. The recommended plan provides 6-25 year frequency protection and would reduce average annual damages by approximately 44 percent. The estimated cost at October 1987 price levels is $7,450,000. At an 8⅝ percent discount rate, the average annual benefits are $1,110,000 and average annual costs are $754,000 with a benefit cost ratio of 1.57. The non-Federal sponsor is the City of Hazard.

Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware. The recommended navigation plan includes deepening the Fedeal project in the lower Schuylkill River from 33 feet to 40 feet and providing a turning basin with a depth of 40 feet; and deepening the project for the Delaware River in the vicinity of Camden, New Jersey, at the Beckett Street Terminal, from the authorized (but, as yet, unconstructed) depth of 37 feet to a depth of 40 feet. The sponsor of the Schuylkill River project is the City of Philadelphia, and the South Jersey Port Corporation has indicated its willingness to provide the required items of cooperation for the Beckett Street Terminal project. Costs and benefits for these two projects, based on the cost sharing provisions of Public Law 99-662, are displayed below. (October 1987 prices and discount rate of 8⅝ percent.)

	Total	Federal	Non-Federal	B-C
Schuylkill River	$11,800,000	$5,900,000	$5,900,000	6.3
Beckett St Terminal	5,100,000	3,100,000	2,000,000	1.6
Total	16,900,000	9,000,000	7,900,000	7.9

Truckee Meadows, Nevada. The project area is located in Washoe and Storey Counties, Nevada, and includes the Truckee River and tributaries in the Reno, Sparks and Truckee Meadows urban area. The selected plan would provide 100-year flood protection to the Reno-Sparks and Truckee Meadows urban areas using a combination of levees, floodwalls, channel improvements and an overflow storage area. Also, additional recreation facilities and improvements to fish and wildlife resources would be provided. Based on October 1987 price levels, the estimated cost of the recommended plan is $78,400,000 of which $39,200,000 would be Federal. Average annual charges, based on 8⅝ percent discount rate and a 50-year period for economic analysis are $7,160,000. Average annual benefits are $13,220,000, and the benefit-cost ratio is 1.8. The non-Federal sponsors are the County of Washoe and the Cities of Sparks and Reno, Nevada.

SECTION 4

This section increases the authorized project cost for one flood control project. This project is:

Redwood River, Marshall, Minnesota. This project was authorized in Public Law 99-662 at a cost of $4,370,000 at October 1985 price levels. The current estimated cost is $6,900,000 at October 1987 price levels. The increase is 48 percent, adjusted to October 1985 price levels. The cost of the project as authorized was based on the feasibility report which was completed in 1979 and was the best estimate of the cost at that time. Analysis of more recent frequency-discharge data, combined with new development in the project area, required departures from the authorized project. The departures do not materially alter the scope or function of the project as authorized. Rather, these departures are needed to insure the project functions as visualized in the feasibility report, but based on the more recent information collected as part of the GDM effort.

SECTION 5

This section provides that the costs of utility relocations borne by the non-Federal sponsor for a harbor or inland harbor project shall be credited toward the additional 10 percent payment required by Section 101(a)(2) of Public Law 99-662. That Act currently provides that the non-Federal sponsor receive credit toward the 10 percent for the value of lands, easements, rights-of-way, other relocations, and dredged material disposal areas provided.

SECTION 6

Effective October 1, 1989, this section authorizes the collection of fees for the use of project recreation lands and facilities. The current fee program is limited to the collection of fees for specialized recreation services or facilities (e.g. campgrounds). The Secretary of the Army is currently prohibited from collecting entrance or admission fees. The Secretary is limited to collection of fees for use of highly developed campgrounds and must provide one free campground at each project where camping is permitted. This section eliminates these restrictions and would place the Army Corps of Engineers on a comparable basis with other agencies concerning the collection of recreation use fees. The fee will be deposited into an existing special recreation use fees account credited to, and eligible for appropriation to, the Secretary.

SECTION 7

This section would make clear that the Secretary of the Army is authorized to continue to fill a confined disposal facility (CDF) constructed pursuant to Section 123 of the River and Harbor Act of 1970, Public Law 91-611, until the Secretary determines that such facility is no longer needed for such purpose or that such facility is completely full. The General Accounting Office has issued a report which concludes that Section 123 limits the Secretary's use of a CDF to a ten-year period after such facility's construction, a conclusion with which the Department of the Army disagrees. This section would remove any doubt on the issue.

In addition, this section would terminate the Secretary's authority to construct new Section 123 CDFs, except for those with local cooperation agreements executed prior to enactment of this provision.

SECTION 8

This section would authorize the transfer of funds appropriated for new construction and associated operation and maintenance of Army Civil Works water resource projects to other Federal and non-Federal agencies for the purpose of intensifying wildlife management on areas under these agencies' jurisdiction. The Secretary of the Army has no authority to fund intensified wildlife management activities in areas under another agency's jurisdiction as a means of full or partial mitigation of losses due to project construction and operation. These activities would offset unavoidable damages to fish and wildlife and would be included in water resource projects when the cost of measures for this purpose are justified by the monetary or nonmonetary effects attributable thereto. A transfer of funds to another agency would be included in mitigation plans, when it is one of the most efficient and least costly measures to reduce significant resource losses. Transfers of funds to the Mitigation Trust Fund created by Section 908 of the Water Resources Development Act of 1986, P.L. 99-662, are not authorized by this section. In addition, intensified mitigation management will not supersede or preclude other approaches to project impact mitigation (such as wetlands creation) as required pursuant to the national Environmental Policy Act, the Clean Water Act or any other applicable statute.

SECTION 9

This section authorizes the Secretary of the Army to establish a 2-year demonstration program beginning within six months of enactment, to provide supporting services on a nonexclusive basis to U.S. firms that are competing for the planning, design or construction of projects in foreign countries where the Army Corps of Engineers has an expertise that is not available in the private sector. The firms must agree to pay all costs upfront to use government expertise. In addition, both the Secretary and the private firm must certify that the assistance is not otherwise reasonably and expeditiously available through the private sector. The American Consulting Engineers Council and the Department of Commerce have expressed support of Army Corps of Engineers assistance to U.S. firms competing for overseas projects. Both recognize that U.S. firms sometimes operate at a disadvantage because many foreign countries are providing technical support to their firms pursuing international work. At the conclusion of the program, a report on its impact will be submitted to Congress.

SECTION 10

This section enables the Secretary of the Army to construct extensions to the Brush Creek project that are not part of the authorized work to achieve a more orderly, timely, and economical completion of the extensions at no cost to the Federal taxpayer. The local flood control measures will be constructed between State Line Road and Roanoke Parkway, upstream of the Federal project, and between Tracy Avenue and Cleveland Avenue, downstream of the Federal project. The project for flood control along Brush Creek was authorized in Public Law 99-662. Kansas City, Missouri, and the Army Corps of Engineers have agreed that, in conjunction with the authorized Brush Creek and Tributaries, Missouri and Kansas, flood control project, the Corps will design upstream and downstream extensions of the authorized project that are desired by the City. The City is paying in advance 100 percent of the cost of designing the extensions and will pay upfront 100 percent of the construction cost. The City also will be required to acquire all necessary permits for construction of the extensions. Many of the technical advantages, and probably some construction economies, will be foregone if the City is required to construct the extensions without further involvement of the Army Corps of Engineers beyond the design stage. Work accomplished under this section will not be considered part of the Federal project and no future liability or maintenance responsibilities will accrue to the Federal Government.

SECTION 11

This section authorizes the construction of a replacement laboratory for the Ohio River Division. The requests for the replacement laboratory was included in the Revolving Fund's Plant Replacement and Improvement Program for Fiscal Year 1988 as a major item new start with an estimated cost of $2 million. A Real Estate Design Meiorandum prepared in Noveiber 1986 considered several alternatives and recommended acquisition of approximately 3 acres in the Schumacher Commerce Park, in Butler County Ohio, at a cost of approximately $130,000. Other Army Civil Works-owned sites were determined to be unsuitable due to lack of access and utilities. Use of the present site would require temporary relocation of the facility while the existing lab is demolished, and the new lab constructed. The existing facility has an estimated market value of $400,000 and would be sold when the new facility is available.

SECTION 12

This section authorizes the Secretary of the Army to pay the tuition costs of obtaining English-taught education at nearby private educational institutions in Puerto Rico of any Federal employee who is residing in Puerto Rico and employed in the construction of the Portuguese and Bucana Rivers project. Army Corps of Engineers employees from the mainland of the United States are temporarily employed in the construction of the Portuguese and Bucana, Puerto Rico, project. As a condition of their responsibilities, they must reside in the immediate vicinity of Ponce, close to the project. This results in their children being unable to obtain a primary or secondary education taught in English at public facilities, because nearby local facilities teach in Spanish and English teaching educational facilities, that are provided at Federal expense in Puerto Rico, are too far away for these children to attend reasonably. This section remedies the inequity for these children caused by the unique residence requirements.

SECTION 13

This section corrects a technical deficiency in 10 U.S.C. 3036(d), created by enactment of Public Law 99-662. The purpose of Section 922 of Public Law 99-662 was to amend Section 3036(d) of Title 10, United States Code, to authorize the Army Corps of Engineers to provide services, including construction work, to states and political subdivisions thereof in certain circumstances. It appears that the conferees intended to adopt in to the Senate language on this provision; however, Section 922 of the conference-reported bill dropped the last phrase of the Senate langauge. With adoption of the conference report and enactment of Public Law 99-662, Section 3036(d) was amended into a nonsensical section. This proposal would correct the error.

DEPARTMENT OF THE ARMY,
Washington, DC, February 22, 1988.

Hon. GEORGE BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of legislation "To authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes".

This proposal contains the Department of the Army Civil Works legislative program for the second session of the 100th Congress, and the Office of Management and Budget advises that enactment of this legislation would be in accord with the President's legislative program. The Department of the Army recommends that the proposal be enacted by the Congress.

PURPOSE OF THE LEGISLATION

We would like to take this opportunity once again to commend the Congress for its work in enactment of the Water Resources Development Act of 1986 (Public Law 99-662) and in the establishment of new cost sharing for water resources development projects. This legislative proposal is consistent with that Act and intends to reestablish the regular cycle of water resources development authorization acts. This proposal authorizes new water resources development projects; modifies the authorization for one project which exceeds the cost limitations imposed by Public Law 99-662; modifies provisions of that Act to effectuate the intent of the Congress; and otherwise addresses some concerns related to the Department of the Army Civil Works program.

COST AND BUDGET DATA

The estimated Federal first cost of the four projects which would be authorized and the one project which would be modified by this proposal is $446,000,000. Authorization of the recreation use fee provision in this proposal will result in a $20,000,000 increase in Department of the Army Civil Works fee collections in fiscal year 1990 and an $80,000,000 increase from fiscal year 1990 through fiscal year 1993.

ENVIRONMENTAL AND CIVIL RIGHTS IMPACTS

Enactment of the enclosed legislation will have no significant environmental or civil rights impacts.

Sincerely,

ROBERT W. PAGE,
Assistant Secretary of the Army
(CIVIL WORKS).●

By Mr. HEINZ:

S. 2103. A bill relating to decennial census of population; to the Committee on Governmental Affairs.

DECENNIAL CENSUS LEGISLATION

● Mr. HEINZ. Mr. President, in a few short years the U.S. Census Bureau will conduct its decennial tabulation of the Nation's population. The findings of that census will have a tremendous impact on the Congress, and could force a significant redrawing of this Nation's political landscape.

We should be able to rely, absolutely, upon the findings of the census. It should be based on sound methodology, and its results should be an accurate reflection of America's citizenry. Unfortunately, I fear that such will not be the case. The census will once more fail to count U.S. service men and women on temporary overseas assignment.

This matter has serious implications for a number of States. My home State of Pennsylvania will be directly affected—as will Connecticut—if policy does not change. Depending on the total that is actually tallied, Alabama, Missouri, Michigan, and North Carolina will also suffer a direct loss of representation. On the other hand, California and Texas will more than likely gain a number of Representatives.

Those persons and their families who are U.S. citizens and are serving their country overseas will lose representation to which they are entitled. Pennsylvania, for example, currently has 23,000 military personnel serving overseas. These persons, however, will not be accounted for in the U.S. census—and thus may lose their say here in Congress.

There is a simple word for this practice: unfair. That is why, Mr. President, I rise at this time to introduce legislation that will reverse this disturbing situation. Quite simply, this legislation, identical to H.R. 3815, introduced by Congressman TOM RIDGE in December 1987, will include overseas personnel in the census. It is a step toward correcting what I see as a fundamental flaw in the process by which we determine how congressional seats are apportioned.

I invite my colleagues to support this measure, and to join me in cosponsoring this important legislation.

I ask unanimous consent that a text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g)(1) Effective beginning with the 1990 decennial census of population, in taking any tabulation of total population by States for purposes of the apportionment of Representatives in Congress among the several States, the Secretary shall take appropriate measures to ensure that no member of the armed forces, civilian employee of the Department of Defense, or dependent of any such member or employee, is excluded based on such member or employee being assigned to a post outside the United States.

"(2) Nothing in this section shall be considered to preclude any decennial census data which is obtained by the Secretary other than in accordance with paragraph (1) of this subsection from being used for any purpose other than the one described in such paragraph.".●

ADDITIONAL COSPONSORS

S. 542

At the request of Mr. Armstrong, the name of the Senator from New Hampshire [Mr. Rudman] was added as a cosponsor of S. 542, a bill to recognize the organization known as the Retired Enlisted Association, Inc.

S. 675

At the request of Mr. Mitchell, the names of the Senator from Wisconsin [Mr. Kasten], the Senator from Alaska [Mr. Murkowski], the Senator from Arkansas [Mr. Bumpers] and the Senator from California [Mr. Wilson] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 840

At the request of Mr. Thurmond, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 1522

At the request of Mr. Riegle, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1776

At the request of Mr. Armstrong, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

S. 1885

At the request of Mr. Dodd, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 1885, a bill to provide for a Federal program for the improvement of child care, and for other purposes.

S. 2033

At the request of Mr. Thurmond, the names of the Senator from Delaware [Mr. Roth], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2051

At the request of Mr. McClure, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Missouri [Mr. Danforth] were added as cosponsors of S. 2051, a bill entitled the "Prohibition of Undetectable Firearms Act."

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 225

At the request of Mr. Armstrong, his name was added as a cosponsor of Senate Joint Resolution 225, a joint resolution approving the location of the Korean War Memorial.

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the names of the Senator from Arizona [Mr. DeConcini], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DeConcini, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 249

At the request of Mr. Riegle, the name of the Senator from Tennessee [Mr. Sasser] was added as a cosponsor of Senate Joint Resolution 249, a joint resolution designating June 14, 1988, "Baltic Freedom Day."

SENATE JOINT RESOLUTION 251

At the request of Mr. Hollings, the name of the Senator from Maryland [Ms. Mikulski] was added as a co-sponsor of Senate Joint Resolution 251, a joint resolution designating March 4, 1988, "Department of Commerce Day."

SENATE RESOLUTION 384—REGARDING THE BANNING OF POLITICAL ACTIVITY IN SOUTH AFRICA

Mr. McCONNELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Simon, Mr. Weicker, Mr. Levin, Mr. Murkowski, Mr. Roth, and Mr. Sarbanes) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 384

Whereas, on February 23, 1988, President Pieter W. Botha, President of South Africa, signed an emergency order effectively banning 18 anti-apartheid groups from publishing information, organizing public meetings, distributing leaflets or engaging in any other political activities;

Whereas, the organizations banned from engaging in such political activities include: the United Democratic Front [UDF], the Detainees' Parents Support Committee, the National Education Crises Committee, the Cape Youth Congress, the Cradock Residents Association, the Detainees' Support Committee, the National Education Union of South Africa, the Port Elizabeth Black Civic Organization, the Release Mandela Campaign, the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Congress, the South African Youth Congress, the Vaal Civic Association, the Western Cape Civic Association, the Azanian People's Organization, and the Azanian Youth Organization;

Whereas, the Congress of South African Trade Unions [COSATU] has been restricted to conducting only trade union activities and banned from political activities;

Whereas, at least seventeen orders have also been issued restricting the political activities of individual South African citizens including Albertina Sisulu and Archie Gumede, the only national UDF leaders who have heretofore not been detained;

Whereas, the South African government has engaged in a pattern of denial of international passports for travel to individuals who have exercised their right of free speech in criticising the government and its policy of apartheid;

Whereas, no action taken by these organizations or individuals have heretofore been represented by the South African government as other than legal and constitutional;

Resolved, it is the sense of the Senate that banning of political activities ruthlessly eliminates peaceful, legal means to oppose the policy and practices of apartheid;

That banning of political activities will increase the incidents and prospects of violence as the only remaining alternative to promote change in South Africa;

That the South African government's decision violates fundamental democratic principles of free speech and assembly and undermines opportunity for dialogue, reconciliation of views, and needed change in South Africa;

That international concern regarding the need for peaceful change in South Africa has been completely disregarded in the implementation of such bans;

That the U.S. Government should increase pressure on the South African Government through a variety of political, diplomatic and economic measures;

That the President should immediately take action to achieve numerical equivalence in diplomatic missions of the South African government and U.S. Government;

That approval of temporary U.S. visas requested by South Africans should be granted on a case-by-case basis only after consideration of the South African government's record of allowing South African citizens—particularly those who are members of anti-apartheid organizations—to travel to the United States.

Mr. McCONNELL. Mr. President, as we all know the Senate has been preoccupied this past week with S. 2. As we have been engaged in our exercise in free speech, the South African Government has decided to further suppress democratic political activities of the majority of its citizens. Earlier this week, President Botha signed an emergency order which effectively bans 18 anti-apartheid groups from publishing information, granting interviews, organizing public meetings, distributing leaflets, or urging public action on behalf of or in the name of the organization. This emergency decree effectively bans all political activity by the principle opponents of apartheid. We must ask ourselves, what options are now left for those who oppose apartheid? What opportunities will reasonable South African men and women have to peacefully express their opposition to apartheid and pursue a course of change? The answer is none.

I must confess I am stunned by this cynical, calculated, oppressive action. I wholeheartedly concur with the State Department's observation, "this is a giant step backward for democracy and human rights in South Africa." Only the extremists, only those who advocate violence, will benefit from this decision. So long as the majority of citizens demanding change. This new banning order robbing the anti-apartheid movement of free speech and assembly will not staunch the desire for freedom. The demand for the basic right to participate in government will not be abandoned. The desperate need and call for improvements in employment opportunities, education and health services will not subside. The banning order does not change the conditions, it simply criminalizes peaceful, political opposition to those conditions. The door has been opened to those who advocate violence.

Seventeen grassroots organizations as well as the Congress for South African Trade Unions [COSATU] have been restricted from political activities. What is incomprehensible is the fact that the government banned these organizations while simultaneously maintaining that they were legal and had done nothing to violate the law. The groups will be allowed to maintain financial records and remain in existence, they simply can't do anything with this status.

In addition to the group bannings, the government has issued a flurry of orders restricting political activities of individuals including Albertina Sisulu and Archie Gumede, leaders of the UDF. It is clear to me that the government is set on a course of silencing its critics. They intend to dismantle legal, peaceful political organizations not the odious tyranny of apartheid.

Mr. President, as we all know, it has been difficult to follow events in South Africa because repressive censorship of the press has severely curtailed information flow. To further curb any opposition to apartheid, critics of the government have been arrested and detained. Reliable organizations estimate that since June 1986 close to 30,000 people have been detained. Even those who are released such as Govan Mbeki, who endured 23 years in prison, are immediately banned from participating in political activities. As I noted when Govan Mbeki was released then detained, I believe the South African Government is engaged in a dangerous and cynical game of political chicken. By restraining the flow of information, restricting political activism against apartheid, refusing to engage in discussion with its opponents, the South African Government is calculating that both their opposition and international interest in apartheid will die out.

The resolution that I have introduced will demonstrate that both our interest and opposition to apartheid is alive and kicking. I do not want one more act of oppression to pass by unnoticed. I do not want the South African Government to have any reason to believe that the Senate does not care.

The resolution calls attention to the long list of organizations and individuals that have now been banned from peacefully protesting apartheid. I think it is interesting to note that of national organizations that have declared opposition to apartheid, only three continue to enjoy any modicum of political freedom. The resolution also highlights the South African Government pattern of denial of passports to its critics who wish to travel to the United States. But, Mr. President, the point is not to just call attention, yet again, to practices that we find objectionable. The resolution also specifically recommends that the president take two concrete actions to demonstrate that we believe the South African Government has crossed the line of reason, good faith and good judgment.

First, we ask the administration to take action to achieve numerical equivalence in the South African and American Diplomatic Missions. I believe strongly in the purposes of our embassies and consulates. They gather and communicate policy decisions and information essential to our understanding and pursuit of sound relations with all nations. However, the South African Government is not listening as is evident by this recent decision. U.S. policy and action must be targetted in such a way to affect the South African Government's interest. Equivalence in representation is just such an option. At present the South Africans have four consulates and one embassy in the United States compared with our three consulates and embassy. If the South Africans insist on acting like the Soviets, we shall treat them like the Soviets and maintain absolute parity in diplomatic missions.

Second, the resolution urges the administration to respond to the South African Government's pattern of denial of passports to its critics. Just this past week, Fatima Meer, a professor at the University of Natal who was invited to address the Smithsonian Institution, was denied a passport. I doubt any of us view the Smithsonian as a subversive poltical organization, nonetheless, Ms. Meer will not be able to address the lecture series. Ms. Meer is not the first and will not be the last critic of apartheid denied a passport.

In the meantime, a steady flow of South Africans sympathetic to the Government viewpoint continue to receive passports and come to the United States. I support their right to express their views and to do so both in South Africa and the United States. However, I am angered by the South African Government's efforts to control when, where, and which South Africans can enjoy freedom of speech. This legislation puts them on notice that American consular officials will take into consideration the South African Government's record of allowing South Africans—especially members of anti-apartheid organizations—the opportunity to travel to the United States.

No one in this body seeks to censor or restrict the debate on South Africa. This resolution simply expresses our willingness to respond, in kind, to South African restrictions. An illustration of what we hope to accomplish is if Fatima Meer is not allowed to come to the United States. Then the chairman of the publications review panel responsible for press censorship could be denied a visa. Perhaps this action will galvanize a body of opinion that has always been exempt from the harsh curbs of apartheid. Unfortunately, spreading the political pain may be the only way to make gains.

Mr. President, this resolution is a simple, straightforward reaction to a reprehensible, inexcusable act on the part of the South African Government. I crafted this sense of the Senate resolution because I wanted to focus our attention and respond to this one decision and issue of political bannings. Over the past several months, the South African Government has made a number of decisions that I view as counterproductive in solving the many problems its citizens suffer. However, none has offended and shocked me as much as the decision to ban these 18 grassroot anti-apartheid organizations. As a spokesman for the UDF noted, the Government has "declared war against peaceful opposition." I agree.

It is not my intention to reopen, at this time, the entire question of our relations with South Africa. However, I do want to serve notice that when the issue of U.S. policy is discussed later in the spring, if the bannings still stand it is my intention to support legally binding language similar to this resolution, in the context of more comprehensive legislation.

In concluding, Mr. President, I would urge my colleagues' support for this measure. The South African Government must be clearly and unequivocally advised of the Senate's continuing opposition to the injustices of apartheid and the shocking efforts to enforce it. The Senate must make clear that we support dismantling the tyranny of apartheid, not the legal, political organizations which oppose it.

Mrs. KASSEBAUM. Mr. President, I am pleased to be a cosponsor of the resolution of the Senator from Kentucky [Mr. McCONNELL] and I salute his efforts to bring to the Senate's attention his resolution regarding the tragic events, in many ways, which have been undertaken by the Government of South Africa.

The South African Government's announcement that it has effectively banned the activities of the peaceful opposition has been met by shock and outrage within South Africa and around the world.

It is a major and profound disappointment for all of us who have hoped for peaceful change from the disdainful policies of apartheid.

Since the passage of sanctions legislation over a year ago, there have been some minor glimmers of progress in South Africa. The Dakar meeting between the ANC and leaders of the Afrikaner community was a courageous attempt to open communication and dialogue. The constructive dialogue established during the miners' strike last summer also set an important precedent for dialogue and compromise, as opposed to violence, as a means to resolve problems in South Africa. And, the release of Goven Mbeki raised hopes for the release of other political prisoners and detainees.

Yet, the South African Government's recent cutoff of all political activity in South Africa only raises the spectre that violence will be seen once again as the only alternative. The latest announcement banning the activities of 18 leading antiapartheid organizations has struck a crushing blow to the efforts for political dialogue.

Instead of seeing calls met for lifting the State of Emergency and for respecting the principle of equal justice, we are seeing an arrogant attack on the antiapartheid groups and the basic human rights of free speech, free press, and political organization.

Instead of seeing our hopes met for the release of Nelson Mandela and all political prisoners, we are seeing the banning of the Release Mandela Committee and a ban on the activities of the few leaders of the political opposition who have not already been detained.

Instead of seeing the constructive dialogue that was established this summer with the trade unions continued, we are seeing the sharp curtailment of the activity of the Congress of South African Trade Unions [COSATU].

Mr. President, the South African Government's announcement this week is a glaring commentary on the government's attitude toward political reform. It is also a distressful reminder of the South African Government's stark lack of concern for international opinion and, consequently, of our own limited ability to affect change in South Africa.

Nevertheless, I firmly believe that we must continue to speak out against the flagrant abuses of basic human rights in South Africa, and I urge the overwhelming support of my colleagues for the resolution under consideration.

I would like to thank again the Senator from Kentucky for his introduction of this resolution.

Mr. McCONNELL. I want to commend the distinguished Senator from Kansas for her leadership on the South African problem, and for her leadership over the years.

There is probably no one in this body who knows more about South Africa than she does.

I thank her for cosponsoring the resolution, and look forward to working with her on this and other issues on South Africa in the coming months.

Mrs. KASSEBAUM. I thank the Senator.

Mr. SIMON. Mr. President, I want to join my colleagues Senator McCONNELL and Senator KENNEDY in condemning the action taken by the South African Government 2 days ago to essentially ban 17 antiapartheid organizations and to restrict the activities of the Congress of South African Trade Unions [COSATU].

It is very disturbing news that the South African Government has prohibited any kind of political activity by these organizations, thereby effectively shutting them down. It is also clear that the Government, in restricting the Congress of South African Trade Unions [COSATU] to nonunion activities, is trying to destroy one of the most powerful political opposition forces in South Africa.

The Government's crackdown is yet another in a series of moves to intensify the repression of apartheid and to silence all democratic and peaceful organized opposition. Although the Minister of Law and Order, Adrian Vlok, is careful to point out that these organizations are not banned and theoretically retain their legal status, these regulations are aimed at destroying the antiapartheid movement in South Africa.

Essentially, the South African Government wants these organizations to be blind, deaf, dumb, and otherwise nonexistent.

This action makes it all the more clear, and all the more imperative, that the United States impose additional, comprehensive sanctions against the South African Government. I join in the call of all my colleagues who continue to press for comprehensive sanctions.

Senator McCONNELL's resolution sets out two measures in particular which we ask the President to act upon immediately. First, to take action to achieve numerical equivalence in diplomatic missions of the South African Government and the United States Government; and, second, to fully consider when issuing visas to South Africans, the South African Government's record of allowing all South African citizens—particularly those who are members of antiapartheid organizations—to travel to the United States.

I fully support Senator McCONNELL's resolution, and the bipartisan spirit in which it is offered.

The South African Government has made a grave mistake. In attempting to bury dissent, these restrictions will only consolidate and strengthen dissent. In an attempt to forestall the pace of change, the Government will only lose its opportunity to seriously negotiate peaceful change. And I share the worry of leaders such as Archbishop Tutu and the head of the South African Council of Churches, Rev. Frank Chikane, who fear that by prohibiting peaceful protest the majority of those working for nonviolent change will be pressed to see force as the only means of fighting and ending apartheid.

I am deeply troubled by this action, and join all who harshly condemn it. The United States must now move forward vigorously to increase pressure on the South African Government to end apartheid.

Following my statement is the text of an action alert by the Lawyer's Committee for Civil Rights Under Law, and other documents on the South African Government banning orders. I have also included the text of a statement issued by Rev. Frank Chikane, head of the South African Council of Churches, and the text of the statement issued by the U.S. government.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SOUTH AFRICAN GOVERNMENT ISSUES NEW BANNING ORDERS

Today, February 24th, the South African Government instituted one of the harshest crackdowns in years on lawful democratic opposition groups. Seventeen organizations, the Congress of South African Trade Unions (COSATU), and 18 individuals were placed under severe restrictions which effectively force them to cease functioning. The order, issued by the Minister of Law and Order under authority of the Public Safety Act, states that the named 17 organizations are prohibited "from carrying on or performing *any activities or acts whatsoever.*" (emphasis ours) Technically, the 17 organizations retain their status as legal, but under the terms of the Order their only permitted activities are to preserve their assets, keep their books and records up to date, perform administrative tasks associated with those functions and comply with any obligations imposed on them by law.

The regulations also do not prohibit the organizations from seeking legal counsel, filing lawsuits or engaging in activities that have been explicitly consented to by the Minister of Law and Order.

The organizations restricted by the Order are:

Azanian People's Organisation.
Azanian Youth Organisation.
Cape Youth Congress.
Cradock Residents Association.
Detainees Parents Support Committee.
Detainees Support Committee.
National Education Crisis Committee.
National Education Union of South Africa.
Port Elizabeth Black Civic Organisation.
Release Mandela Campaign.
Soweto Civic Association
Soweto Youth Congress.
South African National Students Congress.
South African Youth Congress.
United Democratic Front.
Vaal Civic Association.
Western Cape Civic Association.

While allowing COSATU to continue to function, the Order restricts COSATU's activities to what the Government narrowly interprets as "shop-floor" issues.

The effects of the Order are devastating. For example, the Johannesburg-based Detainee Parents Support Committee will no longer be able to call for the release of detainees for publish statistics on how many children are in jail or even help distraught parents find in which jail their children are being held. The Cradock Residents Association will no longer be able to organize street committees or even memorial services for their political leaders who were assassinated. The National Education Crisis Committee will no longer be able to meet to discuss the crisis of the Bantu education system. All organized voices of opposition in South Africa will be silenced.

COSATU STATEMENT ON THE BANNING AND RESTRICTION ON ORGANISATIONS

The promulgation of the orders affecting COSATU and 17 other organisations are a direct attack on the democratic movement.

The state has obviously chosen a path of total repression. They intend to destroy the few remaining vestiges of democracy after the clampdown of the emergency regulations.

The closing of the avenues of democratic expression will possibly lead to an escalation of civil conflict and violence. There cannot be a peaceful resolution of S. Africa's crisis without freedom of expression and association, and without credible organisations which can articulate the needs and interests of the majority.

Democratic organisations in the country have recently faced severe attacks from vigilante and conservative rightwing forces. All peace initiatives we have taken to resolve the violence in P. N. Burg, KIC, etc are jeopardised by the banning and restrictions which open the way for conservative forces to continue at will their campaigns of violence and intimidation against our members and the community.

It is clear that the Government has been encouraged to opt for the path of increased repression through the support it has received from employers and right wing governments of Thatcher, Reagan, and Kohl, as well as through the vocal fanaticism of the right wing.

The banning and restricting our organisations is the action of panic stricken government which is unable to deal with the realities facing South Africa today. Conflict in our country is inherent because the majority of people are denied access to the formal political institutions. The Government has rejected the option of stability through dealing with the legitimate demands of the majority in favour of total control and iron fist repression.

The state is attempting to restrict COSATU to what they see as legitimate trade union functions. We reject this because there is no democracy in South Africa, and COSATU and other organisations are part of the extra/parliamentary opposition that are legitimately putting forward the demands and interest of our members both on the shopfloor and in broader society.

The promulgation is aimed at smashing the campaigns which COSATU has already embarked upon and undermining COSATU's strength. All these campaigns are lawful and reflect the demands of our members and the concerns of the oppressed majority.

The restrictions on COSATU, taken together with proposed labour relations amendment act, will place COSATU in almost the same position as the other 17 organisations which have been effectively banned.

DPSC PRESS STATEMENT

Minister Vlok says that his latest draconian action is aimed at "only those activities which endanger the safety of the public, the maintenance of law and order or the termination of the State of Emergency".

No organisation has worked harder than the DPSC to terminate the State of Emergency. Indeed, the State of Emergency is our main point of contention with Mr. Vlok. Furthermore, the major part of our work is geared towards the welfare of detainees and their families, whose dire circumstances are directly caused by Mr. Vlok and his political police.

This attempt to silence the legitimate voices of opposition to apartheid is yet another example of the government's aggressively confrontational attitude and their refusal to attempt to negotiate with the leaders and organisations which represent the majority of South Africans.

Furthermore, the DPSC believes that the restrictions placed on the 17 organisations are ultra vires and that the Government is not empowered to issue these restrictions.

The DPSC is a welfare and service organisation. We are baffled as to how we can be a threat to public safety. We are, however, proud of our record in exposing state repression, and bringing to public scrutiny the excesses and abuses of the security police. The public will judge the true reasons for our banning.

The restrictions will not stop the thousands of South Africans who are working for the welfare of the victims of apartheid. We know that our cause is just, and that our work and beliefs will outlive those of Mr. Vlok, as they did those of his predecessor, Mr. le Grange.

STATEMENT BY REV. FRANK CHIKANE, GENERAL SECRETARY, SOUTH AFRICAN COUNCIL OF CHURCHES

I am alarmed by the effective banning of 17 organisations and the restrictions imposed on COSATU.

This is another Draconian way of closing the doors for all organisations which were still committed to non-violent change in this country. Once more the nationalist government has revealed what really lies beneath its reform policy, i.e., total control of the people of South Africa by a white minority and outright repression of dessenting voices of the majority of people in this country.

The argument by the Minister of Law and Order that the order does not prohibit the organisations from preserving their assets, keeping up to date their books and records and performing administrative functions is an attempt to give an impression to mislead the international community that this action does not amount to closing down the organisations so affected.

The order is in fact directed to the fundamental aims and objectives of these organisations, i.e., to protest and work for the end of apartheid and that there will be no end to the state of emergency without an end to apartheid.

I am concerned that this action by the state is a way of forcing the majority of peace-loving South Africans to see force as the only way of ending apartheid.

I call upon the international community to act against the apartheid regime.

ADMINISTRATION STATEMENT—FEBRUARY 24, 1988 SOUTH AFRICA: RESTRICTIONS ON OPPOSITION

We are appalled by the announcement from the South African government today that it is effectively outlawing the activities of a large number of organizations. The affected organizations represent the aspirations of a broad cross-section of the black community.

By acting to outlaw the nonviolent political activity of these organizations, the South African government has dealt a severe blow to efforts to achieve a peaceful solution to South Africa's problems. This is a giant step backward for South Africa.

Assistant Secretary Crocker called in the South African Ambassador this morning to register our shock and distress at these inexplicable actions by his government.

SENATE RESOLUTIONS 385—RELATING TO THE CATHEDRAL IN VILNIUS, LITHUANIA

Mr. HEINZ (for himself and Mr. RIEGLE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 385

Whereas 1988 is the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania;

Whereas the site on which the Vilnius Cathedral stands was once the location of a pagan temple and has served for centuries as the symbolic center of religious life for the people of Lithuania;

Whereas the founding and erection of the Vilnius Cathedral is closely related to the conversion of Lithuania from paganism to Christianity in 1387, and the Vilnius Cathedral is called the "cradle of Lithuania Christianity";

Whereas the Vilnius Cathedral is both a religious and a national shrine, and the remains of prominent religious and secular rulers of Lithuania have been interred in the cathedral, including the remains of the patron saint of Lithuania, Casimir, and the greatest ruler of Lithuania, Grand Duke Vytautas;

Whereas, despite numerous natural and man-made disasters that caused the partial or complete destruction of the Vilnius Cathedral, the religious faithful in Lithuania always rebuilt it;

Whereas the Soviet Army invaded Lithuania in June 1940, and the Soviet Government incorporated Lithuania into the Union of Soviet Socialist Republics;

Whereas the Soviet Government nationalized church property in Lithuania, seized scores of churches, and converted them to other uses against the wishes of the Roman Catholic community in Lithuania;

Whereas Soviet officials, over the protests of the Roman Catholic Church leadership in Lithuania, announced in 1950 that the Vilnius Cathedral would be transferred to Government control and transformed the cathedral into an art gallery in 1956;

Whereas the seizure and desecration of the Vilnius Cathedral by the Soviet Government violates the provisions on religious liberty contained in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Final Act of the Conference on Security and Cooperation in Europe;

Whereas Roman Catholics in Lithuania have never reconciled themselves to the loss of the Vilnius Cathedral;

Whereas in 1985 the Lithuanian Christianity Jubilee Committee, led by Bishop Juozas Preiksas, applied to the Soviet Government for the return of the Vilnius Cathedral and two other churches as part of the 600th anniversary of the Christianization of Lithuania;

Whereas over the last few years hundreds of priests in Lithuania, including 60 percent of the priests in the Vilnius Archdiocese, have publicly petitioned for the return of the Vilnius Cathedral; and

Whereas Soviet authorities have met such petition with either silence or outright refusal; Now, therefore, be it

Resolved, That in observation of the 600th anniversary of the erection of the cathedral in Vilnius, Lithuania, the Senate—

(1) expresses its deepest concern over the refusal of the Government of the Union of Soviet Socialist Republics to return the Vilnius Cathedral to the control of the Roman Catholic Church;

(2) voices its support to the Lithuanian people in their efforts to secure—

(A) the return of the Vilnius Cathedral, and

(B) the right to exercise fundamental religious rights so long denied them;

(3) calls upon the President and the Secretary of State to—

(A) raise the issue of the return of the Vilnius Cathedral in meetings with Soviet officials, and

(B) direct representatives of the United States Government at international human rights formus to speak out forcefully for the return of the Vilnius Cathedral;

(4) strongly encourages Members of Congress who visit the Union of Soviet Socialist Republics to include the return of the Vilnius Cathedral on the agenda in discussions with Soviet officials; and

(5) urges the Soviet Government to—

(A) reverse its policy of denying to Roman Catholics in Lithuania the right to worship in the Vilnius Cathedral, and

(B) return the cathedral to Roman Catholic Church control before the end of 1988.

● Mr. HEINZ. Mr. President, today I would like to call the attention of my colleagues to the situation in Lithuania, one of the Baltic States swallowed up by the Soviet Union following World War II.

It is well know that religion is often one of the main resources used by subjugated peoples to maintain their national identity. This is true in Lithuania, where the Catholic faith has helped the people preserve their unique national consciousness despite 40 years of domination and russification.

Today, along with Senator RIEGLE, I have introduced a resolution relating to the brave struggle of the Lithuanian people to maintain their spiritual and cultural independence. The resolution deals with the Vilnius Cathedral, the cradle of Lithuanian Christianity. This 600-year-old cathedral has been turned into an art gallery by the Soviet Government.

The Vilnius Cathedral has survived natural and manmade disasters, and has always been restored by the faithful of Lithuania. The profane transformation which the Soviets have committed is perhaps the most profound challenge ever faced by the Lithuanian Catholic supporters of the cathedral. My resolution calls attention to the unique historical role played by the Vilnius Cathedral and calls on the Soviet Government to restore the cathedral to church control.

I visited the Soviet Union last spring to assess progress in the area of human rights. While I noted some real improvements, the most glaring exception was in the area of freedom of conscience, primarily religious belief. It is clear that religion is not included under Mr. Gorbachev's program of reform. The pressure from us in the West must remain intense on the issue of religious freedom.

There is no more concrete example of religion versus atheistic Soviet state power than the struggle for control of the Vilnius Cathedral. I urge my colleagues to support my resolution and thereby support freedom of conscience for the people of Lithuania.●

● Mr. RIEGLE. Mr. President, I'm delighted to join my colleague from Pennsylvania, Senator HEINZ, in introducing this important resolution, which calls on the Soviet Government to return a sacred Lithuanian shrine to religious use.

For the past 32 years, the Vilnius Cathedral, once considered the cradle of Lithuanian Christianity, has been used as an art museum. Despite this action and other Soviet efforts to repress religious expression in Lithuania, the Lithuanian people continue to maintain their faith as well as their cultural and national identity.

Last year, to mark the 600th anniversary of the arrival of Christianity into Lithuania, the Senate unanimously adopted my resolution Senate Resolution 232, focusing attention on the denial of freedom of religion and other human rights in the Baltic States. The purpose of the resolution we are introducing today, is to send a further message of support to the Lithuanian people's struggle for religious freedom by echoing their calls for the return of the Vilnius Cathedral to the Roman Catholic Church.

Through peaceful public demonstrations during the past year, including one last week to mark the anniversary of their independence day, the Lithuanian people have shown great courage in challenging the continued Soviet occupation of their country. The return of the Vilnius Cathedral to its rightful place in Lithuanian society is long overdue, and I urge my colleagues to join in the call for religious freedom in the Soviet Union by cosponsoring this important resolution.●

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a nomination hearing has been scheduled before the full Committee on Energy and Natural Resources.

The committee will hear testimony on the nominations of T.S. Ary for the position of Director of the Bureau of Mines, Ernest C. Baynard III for the position of Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin for the position of Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.

This nomination hearing will take place on Monday, March 14, 1988, at 10 a.m. in the committee hearing room, SD-366, in Washington, DC.

CORRECTION OF HEARING NOTICE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, the notice announcing the subcommittee's Montana wilderness hearings which appeared in the RECORD on Thursday, February 25, listed one of the bills to be heard incorrectly.

The two measures to be considered at the hearings on March 21 and 22 are H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the forest planning process, protection of recreation value, and inclusion in the National Wilderness

Preservation System, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, February 26, 1988, to hold hearings on the nominations of Frank Schwelb to be associate judge of the D.C. Court of Appeals, and Cheryl Long to be an associate judge of the D.C. Superior Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations jointly with the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 26, to receive a briefing from administration officials on the Contra aid program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, February 26, to hold a hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, February 26, to conduct a hearing on the use of the Interstate Highway System right-of-way for magnetic levitation high-speed transportation systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on February 26, 1988, to hold a hearing on S. 1515, attorney fees; S. 1515, injunctive relief; and section 614 of S. 1482, Judicial Branch Improvement Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL ARBOR DAY

● Mr. BRADLEY. Mr. President, I am pleased that the Senate will consider today a joint resolution to designate the last Friday in April of 1988 as National Arbor Day. Fifty-one Senators have joined me as cosponsors in this effort.

For many years, Congress has legislated, and the President has proclaimed., "The Last Friday in April" as National Arbor Day. The legislation we are considering would continue this special recognition in 1988.

Our Nation's trees are one of our most important natural resources. Trees not only provide the raw materials for some of our basic industries, they stabilize our environment and they also provide natural grace and beauty to our lives. The observance of a National Arbor Day will provide an important reminder to all our citizens to appreciate and protect this vitally important natural resource.

The importance of this natural resource should compel us to act promptly on the problem of forest decline. Scientists have observed growth declines, serious damage and death of a number of species of trees in large areas of Europe and the eastern United States.

In the United States, damage to forests has ranged from decline in growth of several species of pines in southern New Jersey to widespread damage to the Ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11 State region extending from Maine to Alabama.

While forest damage is well documented, the scientific debate continues as to the exact causes. Several causes have been hypothesized including such factors as aluminum toxicity, magnesium deficiency, ozone damage, excess nutrients, and general stresses such as drought or insect infestation. Even though the mechanisms are as yet unclear, the role of air pollution in general and acid deposition in particular seem directly related. Research efforts have indicated that nitrous oxides may play an equal or greater role than sulfur oxides in damaging forests.

America's history is different than that of Europe. Our land sets us apart: its size, its diversity, its wilderness, its riches. And America's expansive spirit is based on our expansive lands. The land offers a sense of permanence. The land also connects us to our own history as an American people. And the land is our teacher—teaching us the value of what cannot be bought or sold, traded or exchanged.

Because of our concern about the land and damage to our forests and trees, we annually designate National Arbor Day to take special note of the importance of trees. ●

BICENTENNIAL MINUTE

FEBRUARY 26, 1954: SENATE REJECTS THE BRICKER AMENDMENT

● Mr. DOLE. Mr. President, 34 years ago today, on February 26, 1954, the Senate defeated what was known as the Bricker amendment to the Constitution.

The impetus for the amendment came from Ohio Senator John Bricker's fears that international agreements such as the United Nations' human rights agreement would supersede American laws and even the Constitution. Section 1 of the Bricker amendment provided that "A provision of a treaty which conflicts with this Constitution shall not be of any force or effect," and section 2 stipulated that "A treaty shall become effective as internal law in the United States only through legislation which would be valid in the absence of a treaty." However it was section 3 that most disturbed the Eisenhower administration, which considered the language that "Congress shall have power to regulate all executive agreements" as binding the President's hands in making foreign policy.

President Dwight Eisenhower and Secretary of State John Foster Dulles strenuously opposed the Bricker amendment. Since 63 Senators had already endorsed the amendment, the administration decided against trying to defeat the measure outright, and instead sought a more tolerable substitute. Thus the measure that the Senate voted for was not the Bricker amendment in full, but a revised version submitted by Senator Walter George of Georgia, that embraced only the first two sections of the amendment. Senator Bricker's amendment was defeated on February 25 by a vote of 50 to 42. The next day, Senator George's amendment came up for a vote—but the administration, after having encouraged Senator George, now withdrew its support on the grounds that even this compromise measure would seriously weaken the Presidency. On February 26, the substitute amendment fell just one vote short of passage.●

CENTRAL ARIZONA PROJECT, "MODIFIED PLAN 6"

● Mr. DECONCINI. Mr. President, I want to take this opportunity to thank our very able and distinguished chairman of the Subcommittee on Energy and Water Development, Mr. JOHNSTON, and the ranking minority member, Mr. HATFIELD, for all of the assistance they have provided over the years in finding the funds necessary to get some very important energy and water projects in my State of Arizona, underway. In particular, Mr. President, I want to express my appreciation to these fine gentlemen for their continued understanding and support for the completion of the central Arizona project, including all plan 6 components.

This has been a very unique year for the central Arizona project. The aqueduct itself is on a steady course and completion to the Tucson metropolitan area is expected by 1991. Approximately 25 miles of unfinished work remains. For plan 6 in the Phoenix metropolitan area, a $32 million contract has just been let by the Bureau of Reclamation for work on New Waddell Dam. And, with the $230 million included in the bill pending before this body, I am confident the Bureau will be able to maintain its progress toward completion of the project according to the existing time schedules. Important safety of dams work at Stewart Mountain and Roosevelt Dams are funded to the Bureau's capability in the bill so that critical safety of dams work will continue as well in fiscal year 1988.

Included in the pending legislation is a provision which modifies plan 6 and resolves once and for all the 10-year controversy over a suitable alternative to Orme Dam. That provision, Mr. President, is the result of amiable negotiations between environmental interests and the Arizona congressional delegation. Cliff Dam, an important water conservation, flood control, and safety of dams structure that was to be constructed on the Verde River, will not be built. In its place, the benefits Cliff would have provided will be carried forward by safety of dams repairs to Horseshoe and Bartlett Dams; acquisition of water rights within the State of Arizona to replace the yield lost by the elimination of Cliff; and flood control to be determined by investigations conducted by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The decision to eliminate Cliff Dam from plan 6 and authorize alternative projects, which provide benefits similar to those that would have been provided by Cliff, was not made lightly by the Arizona congressional delegation. All of us would have preferred to have kept Cliff Dam alive. However, in the interest of insuring that the important benefits of other plan 6 components proceed on schedule, we felt it was in everyone's best interest to put Cliff behind us and authorize alternatives. We have accomplished that goal, Mr. President.

Inherent in a process of negotiated agreements are misunderstandings that need clarification. I would like to take this opportunity, Mr. President, to clear up several very important issues. The first relates to a statement made on the floor of the House of Representatives by Congressman UDALL regarding the definition of the Verde River. Mr. UDALL stated that "it is understood that the term "Verde River" in this provision is intended to include the Salt River from its confluence with the Verde though the city of Phoenix." This statement, Mr. President, was intended to clarify that for the purposes of studies to determine a comprehensive flood control solution for the Phoenix metropolitan area, reference to the Verde River for flood control only was meant to take in review of the Salt River downstream from the confluence of the Verde and Salt Rivers. There was never any intention on the part of the Arizona congressional delegation to redefine the Verde River. In the context of flood control, it was merely used as a means to convey the intention of the sponsors of the amendment for the flood control investigations by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

The second clarification concerns the purpose of limiting the scope of the Bureau of Reclamation and the Corps of Engineers study to determine the flood control fix at Horseshoe and Bartlett Dams. The CAWCS studies which provided the basis for plan 6 as the suitable alternative to Orme Dam, was the result of 4 years of intensive study in the Phoenix metropolitan area. Much of the information collected from those studies is still relevant to any future flood control determinations. For this reason, both agencies have been directed to make use of relevant existing data in the determination of flood control needs. Obviously, any new information based on physical changes must be taken into consideration by both the Bureau of Reclamation and the Corps of Engineers in the studies authorized under the amendment in H.R. 2700. In fiscal year 1988, $500,000 has been provided to the Bureau of Reclamation, in conjuction with the Corps of Engineers, to undertake flood control studies at Horseshoe and Bartlett Dams. Those studies are anticipated to be completed in about 12 months. At that point, an additional $450,000 will be needed specifically for the Corps of Engineers to identify remaining flood control needs. In fiscal year 1989, if sufficient funds have not been requested by the administration for the corps' upstream-downstream studies, I intend to offer an amendment to the fiscal year 1989 bill for this purpose.

Such modifications to Roosevelt Dam on the Salt River will proceed with no change as a result of this agreement, there is no need to restudy the Salt River upstream from Roosevelt Dam or from Roosevelt Dam down to the confluence of the Salt and Verde Rivers. Roosevelt Dam will be built under the same terms and conditions as intended under the original plan 6 record of decision. The flood control protection that will be provided by Roosevelt Dam should be recognized by both agencies in their review of the need for remaining flood control in the Phoenix metropolitan area.

The next clarification I would like to make, Mr. President, is in reference to the safety of dams modification report to be prepared by the Bureau of Reclamation for Horseshoe and Bartlett Dams. In the Senate report, the committee has earmarked $1 million from the central Arizona project water development activities for the Bureau to initiate a safety of dams modification report for Horseshoe and Bartlett Dams. This action was necessary to expedite safety or dams repairs to protect the structural integrity of these two structures on the Verde River. Without Cliff Dam, safety or dams repairs at Horseshoe and Bartlett Dams must be completed. The separate account for the Safety of Dams Program under the cap does not reflect the $1 million increase for these two structures. It should, Mr. President, and I hope to address this issue during the conference on H.R. 2700. This oversight should not be construed as any intention to fund safety of dams activities under the authority of the central Arizona project.

On a related matter, Mr. President, committee report language identifies incidental flood control benefits that were provided by Horseshoe and Bartlett Dams in 1978, 1979, and 1980. However, there is no intention on the part of the sponsors of this language to authorize the use of safety of dams funds for any additional flood control at these structures as an outcome of the Bureau of Reclamation and Corps of Engineers flood control studies.

Finally, with reference to the authority given the Secretary of the Interior to acquire water to replace a yield up to 30,000 acre feet that Cliff Dam might have provided, while there is no language either in the amendment or in the report language requiring cost sharing, which is applied to newly authorized water supply projects, it must be noted that under the terms of the agreement, the modified plan 6 will be subject to the same cost-sharing arrangements authorized under the Colorado River Basin Project Act of 1968. The agreement to eliminate Cliff Dam did not alter repayment provisions that otherwise would have applied to Cliff Dam under current law. Because Cliff Dam was part of an already authorized project, the Central Arizona project, the cost sharing required for new municipal and industrial water supply will not be applied to the Cliff alternatives.

However, it is anticipated that the contributions made to the supplemental cost-sharing agreement will be applied to the costs of the acquisition of the replacement water. The agreement we have entered into on the modified plan 6, Mr. President, is unique and is not intended to set a precedent for other, newly authorized water supply projects. The water supply provision contained in the agreement does not authorize the construction of any new Federal conservation storage features on the Verde River. Instead, it simply provides authority to the Secretary of the Interior to acquire water rights for municipal and industrial purposes.

I want to thank those individuals in the environmental community who have been very professional, thoughtful and straightforward in their approach to resolving the Cliff Dam controversy. The constructive efforts of Liz Raisbeck, David Conrad, Ed Osann, and Bob Witzeman are sincerely appreciated. I also want to express my personal thanks and appreciation to Peter Hayes of the Salt River project who made significant contributions in helping us achieve a responsible compromise. Mr. President, I ask that the "Statement of Principles" entered into by the Arizona congressional delegation and representatives of the National Coalition to Stop Cliff Dam be made part of the RECORD immediately following my remarks.

Finally, I think it is necessary to point out that any Senate modifications to the plan 6 provision as passed by the House of Representatives supplement the understandings laid out by Congressman MORRIS K. UDALL when H.R. 2700 was considered earlier this year by the House. The modifications made in the Senate bill are consistent with the original "Statement of Principles."

In closing, Mr. President, I also want to express my appreciation to the subcommittee staff, Proctor Jones, David Gwaltney, and Stephen Crow. They have all been very helpful in ensuring that Arizona energy and water projects have been given every possible consideration.

The statement follows:

STATEMENT OF PRINCIPLES ON THE ARIZONA CLIFF DAM SETTLEMENT, JUNE 18, 1987

1. Language in the FY 1988 Energy and Water Appropriations Act will state that no further funds will be appropriated for the study or construction of Cliff Dam, and that Plan Six without Cliff Dam is deemed to constitute a "suitable alternative" to Orme Dam within the meaning of the Colorado River Basin Project Act of 1968.

(This prohibition includes funds appropriated under the Reclamation Safety of Dams Act, as well as the Lower Colorado River Basin Project Act of 1968.

Funding will continue for Verde River fish and wildlife studies now under way as a result of the 1985 U.S. Fish and Wildlife Service biological opinion).

2. The organizations comprising the National Coalition to Stop Cliff Dam (hereafter "Coalition") agrees not to oppose funding in Fiscal Year 1988 and succeeding years for the construction of remaining features of Plan Six—New Waddell Dam, Modified Roosevelt and Modified Stewart Mountain Dams—provided that Cliff Dam or similar conservation storage reservoirs on the Verde River, federal or non-federal, are not a part of Plan Six, the Central Arizona Project generally, or any other plan.

(Remaining elements of Plan Six will be implemented in accordance with applicable environmental statutes.

There is a continued commitment by all parties to implement a fish and wildlife mitigation plan that will fully offset the loss of habitat values to riparian and wetland communities resulting from the construction of the balance of Plan Six elements).

3. The Coalition agrees to terminate its lawsuit against Cliff Dam and Plan Six without prejudice, upon agreement by the Secretary of the Interior to modify his decisions of April 3, 1984, and May 20, 1986, to remove Cliff Dam from the approved plan for the CAP.

The Coalition further agrees not to contest the adequacy of the Final Environmental Impact Statement as it pertains to all Plan Six features other than Cliff Dam.

4. The Arizona Congressional delegation agrees, upon termination of the lawsuit, to declare its intention not to pursue any future funding for Cliff Dam or similar water conservation storage feature on the Verde River.

5. The Coalition agrees to support Congressional appropriation of funding under the authority of the Reclamation Safety of Dams Act to complete safety-related improvements at Horseshoe, Bartlett, Modified Roosevelt and Modified Stewart Mountain Dams.

(Existing Safety of Dams Modification Reports for the Salt River Project Dams will be amended to remove Cliff Dam and to identify corrective measures for Bartlett and Horseshoe. Such measures will be subject to compliance with the National Environmental Policy Act and consultation under the Endangered Species Act, as appropriate.)

6. The parties agree that additional flood control measures may be needed on the Verde River and that the addition of flood control measures at Bartlett and/or Horseshoe Dams may be required to meet such needs. The parties agree to ask the U.S. Army Corps of Engineers to undertake studies to determine and identify appropriate flood control solutions on the Verde River. The parties further agree that once the studies are completed and flood control alternatives identified, the parties will work together to effectuate an appropriate flood control solution which is consistent with applicable environmental laws, to protect the people and property of the Phoenix Metropolitan Area from flooding.

7. The Arizona Congressional delegation and the Department of the Interior are committed to ensure that the Valley cities will secure water supplies necessary to replace the water yield that otherwise would have been provided by Cliff Dam and flood control consistent with the previous paragraph. The delegation has obtained a commitment from the Secretary of the Interior and the Commissioner of Reclamation to do all within their authority to assist in identifying sources of such water for the cities and for the purposes of settling the water rights claims of the Salt River Pima Maricopa and Fort McDowell Indian Communities.●

SOCIAL SECURITY MAILING SCAMS

● Mr. BOSCHWITZ. Mr. President, I'd like once again to talk briefly today on a subject that deeply concerns me. It is unfortunate, but it is true that there are organizations here in Washington, and across the country, taking advantage of Social Security recipients. It is nothing new. For years, direct mail con artists have capitalized on the hopes and fears of our citizens regarding Social Security.

There is no question that for many retirees, Social Security benefits mean the difference between a decent standard of living and poverty. The fact is, Social Security is a life line for many, and the health of the system is vital. That is why whenever anyone says that Social Security is in trouble, people get worried.

Since participating in the 1983 reform of Social Security, I have taken a personal interest in the continuing health of the Social Security system. Most recently, I have spent a great deal of my time traveling around Minnesota with a single, but extremely important message: "Social Security is not in trouble. It is safe and sound, and will be around for you and me, for your children and your grandchildren." The fact is, the Social Security fund is flush—at about $70 billion—and will continue to grow well into the next century.

But what I am concerned about today are mailings from con artists trying to take advantage of citizens who have a stake in Social Security—that's almost every citizens of our country. I have been asking my constituents in Minnesota to send along any mailings they have received from organizations which profess some connection with the Social Security Administration.

And what a collection I've received. Of course we all know about the organization run by the son of the President who founded Social Security. His mailings are full of conflicting and confusing messages—they've recently been saying things like "we can't let politicians touch the Social Security fund" and then advocate transferring Social Security funds to Medicare, or to increase a certain group's benefits. And they are pretty bold—and dishonest—they print my name on their letters; they even spell it right. Some of my constituents have written wondering why I support this bunk. I do not. But the mailings make it look like I do.

On May 29, 1987, I included a mailing in the RECORD from a group called the Social Security Protection Bureau. For $7 they offer a record of Social Security earnings, an insurance policy for Social Security cards should they be stolen, a stake in a $50,000 Social Security sweepstakes, and a mystery gift. One of my constituents took them up on this offer. She just sent me her winnings in the sweepstakes—a check for 7 cents. The mystery gift was a small discount with a car-rental firm. The Social Security Protection Bureau can't be reached. Their mailing address is a post office box.

My constituents have also sent mailings from organizations which will check on Social Security records for a fee—playing on the fears that the Social Security Administration makes mistakes. I'll admit that sometimes they do, but the mailing implies that our citizens have no way to check on these facts themselves—although you and I know that they can simply call their local Social Security office. Other mailings have offered—again for a fee—the service of filling in the application form for Social Security numbers in order to "expedite" the application process. That claim is utterly absurd.

What all these mailings have in common is official-sounding names and letterheads. They all imply a special connection with Social Security. And that is what I am getting to here. I have introduced a bill, S. 1469, which would go a long way in clearing the air regarding these organizations. My bill would bar the use of the words "Social Security" and "Social Security Administration" by any commercial venture or fundraising drive without the consent of the Social Security Administration.

My bill is based on a similar restriction which protects the Unites States Olympic Committee. In a ruling on June 25 of last year, the Supreme Court upheld the Olympic Committee's right to restrict the use of its name and logo in San Francisco Arts and Athletics, Inc. versus the United States Olympic Committee.

I encourage my fellow Senators to support me on S. 1469 so that we can clear the air in regard to Social Security, and give our citizens, especially our seniors, relief from the false rumors and confusion created by these mailing scams.●

NATIONAL TUBEROUS SCLEROSIS AWARENESS WEEK

● **Mr. DIXON.** Mr. President, I rise today to urge my colleagues to approve Senate Joint Resolution 212, a joint resolution to designate the week commencing May 8, 1988, and ending May 14, 1988, as "National Tuberous Sclerosis Awareness Week."

Tuberous sclerosis [TS] is a genetic disorder which is frequently misdiagnosed and poorly understood. It affects as many as 1 in 10,000 Americans.

The characteristics of TS include mental retardation, seizures, skin markings, motor difficulties, tumors of the brain and other organs, and behavioral abnormalities. In its extreme form, TS is disabling and may be life threatening.

I believe that the approval of this resolution will heighten public awareness and stimulate further research of TS.

Mr. President, I want to thank the 53 cosponsors of this joint resolution, and I urge my colleagues to vote for its immediate approval.●

FINANCIAL SERVICES

● **Mr. GARN.** Mr. President, two statements came out this week that are important to the current debates on banking legislation. These statements are important because they come from the users of financial services.

Too often Congress focuses on turf battles among commercial banks, investment banks, insurance companies, and other providers of financial services. Our real concern, however, should be the impact of the laws we pass on the consumers of financial services.

The National Association of Manufacturers has adopted a policy statement in support of Glass-Steagall reform. The NAM has no doubt that allowing bank holding companies to compete in the underwriting of corporate debt and equity will lower the cost to manufacturers of raising funds.

Twenty-four consumer groups wrote to the Senate Banking Committee this week opposing any amendment by Congress to limit the ability of State legislastures to authorize their own State-chartered banks to sell insurance. These consumer representatives have no doubt that the consumers they represent will benefit from lower costs if there were more competition in the insurance industry.

Mr. President, I ask unanimous consent that the messages from the NAM and the consumer groups be included in the RECORD at this point.

The material follows:

BOARD OF DIRECTORS MEETING

MARRIOTT'S MARCO ISLAND RESORT,
Marco Island, FL, February 4-6, 1988.

Committee: Corporate Finance and Management.

Chairman: John T. Hartley, Chairman, President and Chief Executive Officer, Harris Corporation.

Subject: Financial Marketplace Restructuring.

Committee Recommendation: Adoption of Policy Language.

NEW POLICY LANGUAGE

Under Glass-Steagall and similar legislative and regulatory restrictions, the financial industry and markets have been closely regulated and such constraints have served a purpose. However, economic developments in both domestic and international markets have changed the appropriateness of such constraints.

There is a need for more competition. This will stimulate new and innovative services and produce lower costs in the financial markets. As users of financial services, manufacturers have borne additional cost because of artificial constraints.

We resolve it is no longer necessary to have artificial and anticompetitive barriers between sectors in the financial markets. It is time for a review and reform of the laws that have constructed such barriers. Such reforms should promote competition that would be beneficial to manufacturers, regardless of size.

As Approved by the NAM Board of Directors, February 5, 1988.

FEBRUARY 22, 1988.

DEAR SENATE BANKING COMMITTEE MEMBER: We understand that, when the Senate considers proposed legislation dealing with the Glass-Steagall Act, an unrelated amendment may be offered to severely restrict the authority of state legislatures to authorize insurance activities for state chartered banks controlled by bank holding companies. We strongly oppose any such amendment.

Such federal preemption of state legislative discretion would be unfortunate. Many important consumer advances in financial services have originated when the states have fulfilled their role as laboratories for change. A preemption amendment would foreclose such experimentation.

Allowing banks to engage in insurance activities could bring much needed competition to the insurance industry. In addition, because banks have the potential to be more efficient in providing insurance, allowing banks to enter the insurance business could reduce the cost of insurance and force the insurance industry to become more efficient. Insurance competition from banking organizations with appropriate safeguards could benefit consumers. Such safeguards should include broadened disclosure, anti-tying, and new mechanisms for disseminating information and educating consumers. Importantly, recently enacted and proposed state legislation links bank insurance entry with new consumer protections.

Congress has already taken the unfortunate step, in the recently enacted Competitive Equality Banking Act, of restricting expansion of savings bank life insurance (SBLI) beyond states in which it is currently offered, despite numerous surveys which have found that SBLI offers one of the best life insurance values available to consumers. Any further federal preemption, particularly absent exhaustive Congressional hearings exploring inadequacies in the present insurance distribution and underwriting system, would be an ill-advised step detrimental to the interests of millions of Americans.

We urge you to reject any amendment that would restrict the insurance activities of state chartered banks, including those controlled by a bank holding company, within their respective states.

Sincerely,

Stephen Brobeck, Executive Director, Consumer Federation of America; Michelle Meier, Government Affairs Counsel, Consumers Union; Stephen Glaude, Executive Director, National Association of Neighborhoods; J. Robert Hunter, President; National Insaurance Consumer Organization; Jonathan A. Brown, Director, Bank Watch; Michael Waldman, Legislative Director, Public Citizen's Congress Watch; Ohio Consumers Association; Oregon Consumers League; Michigan Citizens Lobby; Idaho Consumer Affairs, Inc.; Consumer Action—San

Francisco; Louisiana Consumers League; Alaska Public Interest Research Group; Wisconsin Consumers League; Texas Consumers Association; Virginia Citizens Consumer Council; Concerned Consumers League of Milwaukee; American Council on Consumer Awareness; Niagara Frontier Consumers Association; North Carolina Consumers Council; Consumer Affairs Association—Kansas; Pennsylvania Citizens Consumer Council; Association of Massachusetts Consumers; New York Consumer Assembly.●

LAW DAY SALUTE TO THE AMERICAN POLICE OFFICER

● Mr. HOLLINGS. Mr. President, I rise to speak in support of Senate Joint Resolution 227, a resolution of respect and gratitude to America's law enforcement personnel. May 1, Law Day, is the day we set aside annually to salute our judicial system. That is fine as far as it goes. But I have always believed that it doesn't go far enough.

By all means, let us salute the work of our judges and attorneys and law students. However, bear in mind that law does not begin or end in the courtrooms or in the law schools. Law's presence is perhaps even more immediate and profound on the policeman's beat, in the precinct station, and in the jailhouse.

Accordingly, I am sponsoring this resolution to expand the focus of Law Day to give special recognition of our Nation's constables, sheriff's deputies, troopers, patrolmen, officers, and detectives—the men and women who walk the beats, patrol our roadways, and daily risk injury and death protecting the citizens of this country.

Mr. President, 60 police officers were killed last year in the line of duty; another 64,259 were shot or otherwise assaulted or injured. Of course, we all honor the brave dead. But let me be clear: First and foremost, this resolution is a salute to the living. It is in recognition of the daily service of law enforcement officers who are devoted to their jobs, too often underpaid, tireless in their exertions, models of professionalism under great stress and frequent danger.

Truly, these men and women stand as the first-line defense of our laws and of our civil order. America owes them an incalculable debt—a debt not of dollars, but of gratitude and deep respect. Accordingly, it is an honor to sponsor Senate Joint Resolution 227, and to encourage my colleagues' support for this long-overdue bill.●

U.S./CANADA FREE TRADE AGREEMENT OIL AND NATURAL GAS INCENTIVE EQUALIZATION ACT OF 1988

● Mr. WALLOP. Mr. President, I am pleased to join Senator DOMENICI and others in supporting the U.S./Canada Free Trade Agreement Oil and Natural Gas Incentive Equalization Act of 1988.

This proposal, Mr. President, is really nothing new. The package containing these reforms to the U.S. Tax Code for the oil and gas industry has a different twist to it this time. No matter how any of these oil and gas regulatory constraints and tax disincentives are wrapped, tied, and packaged, all of these reforms have long been overdue. Let me just name a few: repeal of the windfall profits tax, reform of the percentage depletion allowance, and the elimination of the net income limitation rule. This legislation is not so much aimed at Canada, but at ourselves. These are our problems created by our Government.

The purpose of this bill, as Senator DOMENICI has stated, is to conform the stated intent of the U.S./Canada Free Trade Agreement with the realities of the oil and natural gas marketplace in North America. Mr. President, those realities in America are tax disincentives and overly burdensome regulatory requirements on our oil and gas industry. I, for one, have not yet made a decision as to how I will eventually vote on the U.S./Canada Free Trade Agreement because I want to continue gathering information about what kind of impact this agreement may or may not have on my State of Wyoming. I am concerned, however, that because of both our heavy handed tax structure and regulatory burdens, America's oil and gas industry is far from being on an equal footing with Canada, or any other producing nation for that matter.

Mr. President, I have heard from constituents who have expressed concerns about this agreement's perceived impact on Wyoming's oil and gas industry. There is good reason for their concern but it exists with or without the agreement. Wyoming ranks fifth in the Nation in proved reserves of crude oil and seventh in natural gas reserves, and in 1986 we ranked sixth in the Nation in crude oil production and seventh in natural gas production. Wyoming, like other producing States, has seen its proved reserves of natural gas and crude oil plunge 18 and 8 percent, respectively, from last year. We have seen our production decline at somewhat a slower pace, but decline all the same from 14 percent for natural gas and 10 percent for crude oil from 1985.

The good news was that drilling rig activity in Wyoming did show an increase in 1987 over 1986. The average monthly rig count was 40 for the year, compared to 36 in 1986—an increase of 11 percent. The bad news is that the 1986 monthly average rig count of 36 established a new postwar record low.

What this means, Mr. President, is that the economy of my State suffers when the oil and gas industry suffers. Despite the declining production, the industry remains one of the largest providers of income to the State through property taxes, severance taxes, and royalties. In fiscal year 1987, the oil and gas industry contributed over $546 million to the coffers of State and local governments, more than $1,200 for every person living in Wyoming. Once again, I will join with my colleagues from producing States, as I have in the past, to remove our oil and gas production and exploration disincentives.●

NOTICE OF CHANGE OF DEADLINE FOR 1988 CONGRESS-BUNDESTAG STAFF EXCHANGE APPLICATION

● Mr. LUGAR. Mr. President, at this time I want to call attention to those Senate staff applying for the 1988 Congress-Bundestag Staff Exchange Program. Applications and résumés should be submitted to John Parisi, Senate Governmental Affairs Committee, 346 Dirksen Senate Office Building; or Bill Inglee, House Foreign Affairs Committee, 808 House Office Annex No. 1, no later than Friday, March 11, 1988. I call attention to the change in date. I thank the Chair for allowing me this chance to correct the date.●

RELEASE OF NAUM MEIMAN—A REALITY

● Mr. SIMON. Mr. President, I am pleased to announce that today is the final time I will be inserting a statement into the CONGRESSIONAL RECORD on behalf of Naum Meiman. As of today, Naum is in Vienna in the company of Ambassador Warren Zimmerman.

After far too long, Naum is finally going to be able to live his life in freedom. The personal cost to him has been extreme: the death of his beloved wife, Inna, and 13 wasted years. It's difficult to understand exactly what value the Soviet Union finds in creating this kind of situation. The Soviet Union could greatly enhance its credibility if, as a cosignator of the Helsinki accords, it would abide by its provisions. The Soviets would be wise to comply.

However, today everyone who worked so hard for Naum's release can rejoice. Both I and the members of my staff wish Naum the best in his new life in Israel.●

IN SUPPORT OF THE ACT FOR BETTER CHILD CARE

● Mr. LEAHY. Mr. President, I rise today to support the Act for Better Child Care, S. 1885. This bill was introduced by Senator DODD to address the child care crisis that the United States is now facing. This legislation will go a long way in making child care more affordable for low- and moderate-income families. Not only will the legislation increase the number of child care facilities but it will set standards for quality so that our young children will receive the excellent care they deserve.

In Vermont, we have over 43,000 children under the age of 6. Furthermore, Vermont has the second highest percentage of mothers who participate in the work force—almost 64 percent. For these reasons, the need for more, high quality child care centers is a particularly great concern to myself and my constituents.

I am concerned that the cost of the program not contribute to the Federal deficit. I have discussed the fiscal aspect of the legislation with its author, the distinguished Senator from Connecticut, and I am convinced we can find ways to control costs and make the program affordable.

I compliment Senator DODD on this comprehensive legislation. The United States is one of the only industrialized countries in the world that does not uniformly regulate and promote quality child care. It is therefore imperative that we act now to pass this very important legislation to correct this problem. I believe that better child care is the cornerstone to the social and economic well-being of our country.●

HONORING DAVID R. MARASUS

● Mr. LEVIN. Mr. President, David R. Marasus has been selected the 1988 Lutheran Layman of the Year by the Lutheran Luncheon Club of Metro Detroit. David Marasus is a member of Ascension of Christ Lutheran Church in Birmingham, MI. He is engineering group manager in the Door Systems Group of Fisher Guide Division, General Motors Corp.

David Marasus was born and raised in Detroit and attended Mackenzie High School. He graduated from the Ternstedt Division, General Motors Cooperative apprenticeship training program, as a journeyman tool and diemaker; and has a B.S. degree from Wayne State University.

He has served Ascension of Christ for the past 19 years as organist and choir director. He has organized choral groups within the church. In addition, he served on many committees, such as worship committees, and as chairman of the call committee. He was delegate to the English district convention for two terms. His service to the church has included Our Savior's Lutheran Church in Madison Heights, and Unity Lutheran Church in Detroit where he was organist and choir director.

He is currently the Director of the Lutheran Choralaires, membership chairman for the International Lutheran Laymans League, active member in the American Guild of Organists, Lutheran Church Musicians League, and the Lutheran Luncheon Club.

He has also served the community through his activity as a board member of the Rochester Symphony, director of the Walther League Choral Union, and through the annual scholarship fundraiser for the Lamphere School District in Madison Heights. He is a past president of the Wayne State Men's Glee Club and past representative fundraiser for the United Foundation Torch Drive.

David and his wife Colleen have three daughters: Jody, Amy, and Kristy. I congratulate them all on David's selection of Lutheran Layman of the Year.●

FRAUD OF THE DAY—PART 30

● Mr. HEINZ. Mr. President, several days ago my fraud of the day concerned coffee, a drink that can be bitter without the proper sweeteners. Appropriately, therefore, today's fraud is about the most significant sweetener—sugar. It is a sad fact of life that the fruits of criminal activity are inevitably not sweet, particularly for the victims, and leave a bitter taste in the mouth of justice until such criminals are caught and punished. Unfortunately, when the criminal activity also extends to sweeteners, you know our country has real problems.

Today's customs fraud case dealing with sugar imports and exports led to the conviction of 22 corporations and 20 individuals after 3 years of investigation by the U.S. Customs Service. In 1984 individuals and corporations begin to abuse drawback claims affiliated with sugar refineries. Centered in New Orleans and Miami, the perpetrators would claim to export sugar products in order to collect a 99-percent refund of the duties paid on imports of raw sugar. Instead, the shipments of sugar products turned out to be grains, flours, or nothing at all.

Fortunately, the U.S. Customs Service, in a joint operation with the U.S. Department of Agriculture, received ample information from confidential sources in the sugar industry in order to compile evidence and make the indictments. "Operation Bittersweet" concluded last year and eventually assessed $22.5 million in fines after the convictions.

This case typifies the temptation to commit fraud in "high risk" categories, where special import relief or protection is in place. Obviously, the risk and cost of getting caught far outweighs the benefit of avoiding payment of a small routine duty. It is in those categories where a special regime is in place that the incentive to commit fraud is the greatest—and the injury such fraud causes is also the greatest, since these are primary import-impacted areas.

Mr. President, we need a greater disincentive to such illegal practices, such as that contained in the private right of action provision.●

PROBING THE NORIEGA DRUG CONNECTION

● Mr. LEVIN. Mr. President, recent revelations indicate that our erstwhile ally, Panamanian strongman Manuel Noriega, may well have been a major conduit for drugs entering the United States. The administration finally has reached the point where it is unwilling to close its eyes to the charges against Noriega.

As always, there have been a few brave individuals who have doggedly pursued the trail of wrongdoing, refusing to cave in to the political pressures that are always brought to bear in such investigations.

My colleague from the Commonwealth of Massachusetts, Senator JOHN KERRY, has been subjected to those kinds of pressures. He had the courage to initiate an investigation into the question of drugrunning from Central America into the United States.

An article by associate editor Robert Healy in the February 26 edition of the Boston Globe accurately portrays the difficulties and obstacles faced by Senator KERRY, along with the convoluted dealings of Oliver North, Elliott Abrams, and some of the other lead characters in this episode.

Mr. Healy has employed his usual concise and direct style in commenting on Senator KERRY's efforts. I commend his column to my congressional colleagues and to the public, and ask that it be printed in the RECORD.

The column follows:

[From the Boston (MA) Globe, Feb. 26, 1987]

PROBING THE NORIEGA DRUG CONNECTION

(By Robert Healy)

WASHINGTON.—After the Senate hearings on drug-running from Central America, Assistant Secretary of State Elliott Abrams approached the Senate Foreign Relations Committee with an offer: If Panamanian dictator Manuel Noriega left the country, would that satisfy the committee and would it suspend the hearings.

Abrams denies this for the record, but it is not the first time he has lied about what he has done before congressional committees.

What it shows is the enormous political and international stakes involved for the Reagan administration.

From the beginning of this investigation, which was initiated in the Senate Foreign Relations Committee by Sen. John Kerry (D/Mass.), Kerry and his staff were threatened, discredited, blocked and subjected to a campaign of disinformation by the administration.

Kerry never blinked. Though a freshman senator—and freshmen senators are always suspect in the club when they get too far out in front of the members—Kerry proceeded with great diligence. When he developed good information on the drug-running, he offered to turn it over to the House and Senate committees investigating the Iran-contra affair. He was not going to be accused of showboating in his investigation. The senior member of the Senate Foreign Relations Committee—Claiborne Pell (D-R.I.), the chairman, and Joseph Biden (D-Del.)—told him to go ahead and pursue his own independent hearings when the Iran-contra chairmen told him they already had a plateful.

There is political dynamite in these hearings. Vice President George Bush has the greatest immediate stake. But there are others—National Security Council aide Oliver North, the NSC's Adm. John Poindexter, and Attorney General Edwin Meese.

North knew what Kerry was doing in the Senate by leaks from the Republican staff members of the Foreign Relations Committee, one of whom went to work for North at the NSC. Kerry's name is mentioned 18 times in the North diaries now in Senate investigators' hands.

Meese showed his hand in the probe in Miami by US Attorney Jeffrey Kellner, who had begun an investigation of arms and drug trafficking from Central America to the United States in 1986. After briefing Meese on the case, Kellner was told to sidetrack the investigation because of political considerations. In the most ironic twist, Kellner began an investigation at the request of John Hull, one of the CIA's main operators in Costa Rica, of witnesses who had given information to Kerry and of the Kerry staff itself.

Then there was the personal attack against Kerry. A report in The Washington Times—a favorite outlet for Meese's disinformation—said Kerry had hindered the FBI's investigation into drug-running by offering witnesses incentives to testify. Sources in the story questioned Kerry's findings in his report of last October. An unidentified source was quoted as asking: "Were Kerry's actions illegal? Probably not." The source, who was asking and answering his own questions, continued: "Did they violate procedural ethics? I would say so."

In the October report, there are 24 allegations. Twenty have already been proved in the hearings, which will resume in April when the case will be made for the remainder. Kerry has been very careful.

What has been proved is important for the country to know.

First, money from putting drugs on US streets was used to support the contras, the rebels fighting to overthrow the government in Nicaragua.

Second, the CIA's operation of providing weapons to the contras was an integral part of getting drugs from Central America to the United States—the planes that went into Central America loaded with arms came back, under the cover of the CIA, loaded with drugs.

Third, the US supported the leaders of these drug operations, including Noriega, who was paid $200,000 a year by the CIA—the same salary as the president of the United States.

As one Senate staffer put it, "Guns and drugs go together."

The piece not yet in place is whether Reagan, Bush, Secretary of State George Shultz, Abrams, North and Poindexter knew that the tradeoff for selling drugs was support for the contras by the drug dealers of Central America.

One thing is certain—the evidence thus far shows that if the Reagan administration leaders did not know, they chose to shut their eyes to it. They should have known.

US citizens have been so battered and bruised by scandal that there is no longer a sense of outrage. But this one should be clear. Nothing justifies the corruption of the nation with a drug deal. And that is what was done in this operation. The nation should rise up in fury.●

THE 25TH ANNIVERSARY OF THE JEWISH COMMUNITY HOUR RADIO SHOW

● Mr. SIMON. Mr. President, the Jewish Community Hour, a Chicago area weekly radio show, recently celebrated its 25th anniversary. This milestone was celebrated throughout the Chicago area during the week of February 14, 1988, which was named Jewish Community Hour Week by the cities of Chicago, Evanston, and Skokie. The Honorable Jim Thompson, Governor of Illinois, awarded Mr. Finkel with a certificate of appreciation. I would like to take this opportunity to extend my personal congratulations to Mr. Finkel and all those associated with the show.

Since February 17, 1963, Bernie Finkel has produced the Jewish Community Hour, which appears every Sunday morning on WON-X (1590). The Jewish Community Hour provides residents of the Chicago area with entertainment ranging from Jewish music, comedy, news, and commentary. In addition, their is a discussion of this week's Torah portion as well as special features on religious holidays and festivals. The Jewish Community Hour provides a well-respected and necessary service to the many people that tune in every week.

Once again, I would like to commend Bernie Finkel, a resident of Skokie, IL, and those associated with the show for their many years of commitment to the Jewish community of the Metropolitan Chicago area.●

VOTING PATTERNS OF AMERICANS WITH DISABILITIES

● Mr. SIMON. Mr. President, the National Organization on Disability has announced the results of a Lou Harris Poll on the voting patterns of the 20 million voting age Americans with disabilities. The information should interest everyone who is concerned about the participation of our Nation's citizens in the democratic processes of our Government.

The underlying message of the survey is that we have a good possibility, if we make the effort, of bringing this large part of our population into voting participation. The poll results, based on interviews in 1987 with 536 adults with disabilities across the United States, show the following:

Americans with disabilities have a higher level of interest in politics, governmental affairs and public affairs than Americans in general, but they do not register and vote at correspondingly high rates. People with disabilities have twice as much interest in governmental and public affairs as other citizens, 53 percent compared to 26 percent, but they register and vote at a rate that is lower than the general population.

A large majority of respondents, 73 percent, said they would prefer to vote in the traditional way inside the polling place. Almost 30 percent of those registered and 50 percent of those not registered said they are not able to participate in voting in elections as much as they would like.

In other than voting, the level of active political involvement of Americans with disabilities is higher than the participation of other Americans. For example, they are twice as likely to attend rallies in support of a candidate and almost three times as likely to wear campaign buttons or use bumper stickers.

These findings indicate there is a high likelihood that if we remove the remaining barriers to people with disabilities, we will see a significant increase in their voting participation.

Participation in the political process is at the foundation of our democracy. Clearly, we should be making efforts to increase the participation of all Americans. In the case of citizens with disabilities, some specific steps—involving removing barriers to both voting and registration—could have a dramatic effect in a relatively short period of time. We ought to be doing all we can to take those necessary steps.

In 1984, Congress passed the Voting Accessibility Act for the Elderly and Handicapped. Although there have been major efforts to bring about compliance with the Act, particularly by the National Organization on Disability [NOD], we need to continue efforts to remove the remaining barriers and to strengthen the act. We also need to take steps to increase the registration of people with disabilities. In regard to the problem of registration, I am pleased to note that NOD is initiating a project that could have a real impact. Public service ads in newspapers and magazines and televised announcements will provide a toll-free number for all citizens to learn how, when, and where to register in their communities. The number is 1-800-248-ABLE. The TD number for the deaf is 202-293-5968.

We need to be concerned about voter participation in this country. We need to broaden our efforts to bring all parts of our society into active participation at all levels of the process. I am hopeful about the direction the Harris survey will give to efforts to include people with disabilities in this crucial aspect of American life.●

COMMITTEE TO HAVE UNTIL 5 P.M. TO REPORT AN ORIGINAL BILL

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee may have until 5 o'clock p.m. today to report an original bill on an immigration issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 29, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 o'clock a.m. on Monday next; that following the prayer and the recognition of the two leaders, or their designees, under the standing order, there be a period for the transaction of morning business, not to extend beyond the hour of 12 o'clock noon, and that Senators may speak therein for not to exceed 5 minutes each; provided further, that the Senate proceed to the consideration, and I believe it was included in the order previously entered, of the resolution on Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished Senator from Idaho have any further statement?

Mr. McCLURE. We have no further statement or business at this time.

Mr. BYRD. I thank the Senator.

RECESS UNTIL MONDAY, FEBRUARY 29, 1988, AT 11 A.M.

Mr. BYRD. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. on Monday next.

The motion was agreed to, and the Senate, at 12:53 p.m., recessed until Monday, February 29, 1988, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Monday, February 29, 1988*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. Bonior of Michigan].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

Washington, DC,
February 25, 1988.

I hereby designate the Honorable David E. Bonior to act as Speaker pro tempore on Monday, February 29, 1988.

Jim Wright,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May we, O God, so use the days and hours available to us that we do not miss the whole purpose of our existence. Help us to see the priorities and the goals of living, to experience the joys of love and faith, to know the rewards of unselfish giving. In spite of the necessary time needed for our tasks, may we never fail to give thanks to You, O God, for Your free gifts of life and Your encouraging spirit that is ever about us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 1539) "An act to amend the Federal Railroad Safety Act of 1970 and for other purposes," and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hollings, Mr. Exon, Mr. Adams, Mr. Danforth, and Mr. Kasten to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 86-380, the Chair on behalf of the Vice President, appoints Mr. Levin to the Advisory Commission on Intergovernmental Relations.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

Washington, DC,
February 26, 1988.

Hon. Jim Wright,
The Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House at 4:00 p.m. on Friday, February 26, 1988, as follows:

(1) Said to contain a message from the President whereby he transmits the Sixteenth Annual Report on the Administration of the Federal Railroad Safety Act of 1970; and

(2) Said to contain a message from the President whereby he transmits the Fourth Annual Report of the National Endowment for Democracy, which covers fiscal year 1987.

With great respect, I am,
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

ANNUAL REPORT OF ADMINISTRATION OF FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, February 29, 1988.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Monday, February 29, 1988.)

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Houghton) to revise and extend their remarks and include extraneous material:)

Mr. Dornan of California, for 60 minutes, on March 1.

Mr. Dornan of California, for 60 minutes, on March 2.

Mr. Dornan of California, for 60 minutes, on March 3.

(The following Members (at the request of Mr. Houghton) to revise and extend their remarks and include extraneous matter:)

Mr. Annunzio for 5 minutes, today.

Mr. Owens of New York, for 5 minutes, today.

Mr. Frank, for 30 minutes, on March 1.

Mr. Owens of New York, for 5 minutes, on March 1.

Mr. Owens of New York, for 5 minutes, on March 2.

Mr. Owens of New York, for 5 minutes, on March 3.

Mr. Owens of New York, for 5 minutes, on March 4.

Mr. Gaydos, for 60 minutes, on March 1.

Mr. Gaydos, for 60 minutes, on March 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. Houghton) and to include extraneous matter:)

Mr. Rinaldo.

(The following Members (at the request of Mr. Houghton) and to include extraneous matter:)

Mr. Beilenson.

Mr. Anderson in 10 instances.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Florio.

Mr. Stark in two instances.

ADJOURNMENT

Mr. HOUGHTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 1, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2985. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of supplemental contract award dates for the period March 1, 1988, to April 29, 1988, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

2986. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to revise certain Federal banking enforcement statutes to enable the Federal banking agencies to fulfill their supervisory responsibilities in a more timely and effective manner; to the Committee on Banking, Finance and Urban Affairs.

2987. A letter from the Administrator, General Services Administration, transmitting the agency's report of its implementing responsibilities for the use of underutilized public buildings and property for facilities to assist the homeless, pursuant to Public Law 100-77, section 501(e) (101 Stat. 510); to the Committee on Banking, Finance and Urban Affairs.

2988. A letter from the Acting General Counsel, Department of Energy, transmitting a new plan of action to implement the Agreement on an International Energy Program [IEP], TIAS, which has been approved by the Secretary and by the Attorney General, pursuant to 42 U.S.C. 6272(m)(1)(A)(i); to the Committee on Energy and Commerce.

1989. A letter from the Acting Secretary of State, transmitting an arms sales proposal covering all sales and licensed commercial exports under the AECA of major weapons or weapons-related defense equipment, which are considered eligible for approval during the calendar year 1988, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

2990. A letter from the Acting Secretary of State, transmitting the 11th annual report on Americans incarcerated abroad, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

2991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 10th 90-day report on the Camarena investigation, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2992. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees as of September 30, 1987 for which reimbursement is provided under section 21(a) or section 43(b) of the AECA; to the Committee on Foreign Affairs.

2993. A letter from the Administrator, General Services Administration, transmitting a report of the agency's actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2994. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2995. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 18, United States Code, to provide penalties for certain false statements regarding bombs or other explosives, and for other purposes; to the Committee on the Judiciary.

2996. A letter from the Chairman, Merit Systems Protection Board, transmitting a report titled, "Performance Management and Recognition System: Linking Pay to Performance," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

2997. A letter from the Chairman, National Council on Public Works Improvement, transmitting the Council's third and final report on the state of the Nation's infrastructure, pursuant to 42 U.S.C. 3121 note; to the Committee on Public Works and Transportation.

2998. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of the first official national development plan of Palau, the administration's report, entitled "Review of the Official National Development Plan of the Republic of Palau," and comments of the Government of Palau in response to the administration's report, pursuant to 48 U.S.C. 1681 note; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. THOMAS A. LUKEN (for himself, Mr. Walgren, Mr. Bryant, Mr. Bates, and Mr. Boucher):

H.R. 4035. A bill to amend the Motor Vehicle Information and Cost Savings Act to require a study of State motor vehicle safety inspection programs; to the Committee on Energy and Commerce.

By Mr. MRAZEK:

H.R. 4036. A bill to establish the Commission on International Security and Satellite Monitoring; jointly, to the Committees on Science, Space, and Technology and Foreign Affairs.

By Ms. OAKAR (for herself, Mr. St Germain, and Mr. Wylie):

H.R. 4037. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 4038. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4039. A bill to disclaim any right, title, or interest of the United States in certain lands in the State of California which form a part of the right-of-way granted by the United States to the Southern Pacific Transportation Co., to declare that those lands have been abandoned by the railroad, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLARZ:

H. Res. 389. Resolution making available certain records of the House; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

271. By the SPEAKER: Memorial of the 19th Legislature of Guam, relative to Francisco J. Cruz; to the Committee on Armed Services.

272. Also, memorial of the Legislature of the State of California, relative to national monetary policy; to the Committee on Banking, Finance and Urban Affairs.

273. Also, memorial of the Legislature of the State of California, relative to health care; to the Committee on Education and Labor.

274. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to Legislation establishing and funding a national health care plan; jointly, to the Committee on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Mr. Smith of New Hampshire and Mr. Daub.

H.R. 245: Mr. Hayes of Louisiana, Ms. Pelosi, and Mr. Gingrich.

H.R. 458: Mrs. Morella.

H.R. 722: Mr. Mavroules and Mr. LaFalce.

H.R. 778: Mr. Broomfield.

H.R. 817: Mr. Packard.

H.R. 925: Mr. Borski and Mr. McDade.

H.R. 1051: Mr. Leland.

H.R. 1352: Mr. Roe.

H.R. 1394: Mr. Jontz and Mr. Tallon.

H.R. 1583: Mr. Broomfield, Mr. Callahan, Mr. Walker, Mrs. Martin of Illinois, Mr. Craig, Mr. Bartlett, Mr. Hefley, Mr. Huckaby, Mr. Smith of Texas, Mr. Bates, Mr. Andrews, Mr. Hyde, Mr. Sensenbrenner, Mr. Thomas of California, Mr. Hall of Texas, and Mr. Fish.

H.R. 1604: Mr. Dwyer of New Jersey, Mr. Chandler, and Mr. Packard.

H.R. 1721: Mr. Erdreich.

H.R. 1966: Mr. Roe.

H.R. 2320: Mr. Lowry of Washington.

H.R. 2727: Mr. Stark.

H.R. 2934: Mr. Hefley.

H.R. 2943: Mr. Clay, Mr. Hammerschmidt, Mr. Mack, Mr. Roybal, and Mr. Staggers.

H.R. 2944: Mr. Clay, Mr. Hammerschmidt, Mr. Mack, Mr. Roybal, and Mr. Staggers.

H.R. 3340: Mr. Ackerman.

H.R. 3392: Mr. Ortiz, Mr. Hiler, Mr. de Lugo, and Mr. Fuster.

H.R. 3440: Mr. Weiss and Mr. Owens of Utah.

H.R. 3455: Mr. Weiss, Mr. Wyden, Mr. Gray of Illinois, Mr. Ackerman, and Mr. Stokes.

H.R. 3511: Mr. Roe and Mr. Evans.

H.R. 3610: Mr. Owens of New York, Mr. Mfume, Mr. Hawkins, Mr. Dymally, Mr. Crockett, Mr. Edwards of California, Mr. Flake, Mr. Dyson, Mr. Kildee, and Ms. Pelosi.

H.R. 3742: Mr. Ackerman, Mr. Sunia, Mr. Richardson, Mr. Fuster, Mr. Gray of Illinois, Mr. Leland, Mr. Neal, Mr. de la Garza, Mr. McGrath, Mr. Jontz, and Mr. Chapman.

H.R. 3800: Mr. Ballenger and Mr. Akaka.

H.R. 3892: Mr. Brown of Colorado, Mr. Grandy, Mr. Smith of New Hampshire, Mr. Feighan, Mr. Martin of New York, Mr. Jontz, and Mr. Chapman.

H.R. 3914: Mrs. Boxer, Mr. Hawkins, Mr. Dellums, Mr. Akaka, Mr. Owens of Utah, Mr. Garcia, Mr. Evans, Mr. Frost, and Mr. Weiss.

H.R. 3944: Mr. McEwen and Mrs. Bentley.

H.R. 3969: Mr. St Germain.

H.J. Res. 37: Mr. Rinaldo.

H.J. Res. 374: Mr. Kasich, Mr. Campbell, Mr. Howard, Mr. Bartlett, and Mr. Bliley.

H.J. Res. 383: Mr. Callahan.

H.J. Res. 386: Mr. Ackerman, Mr. Bonior of Michigan, Mr. Dicks, Mr. Hall of Ohio, Mr. Henry, Mr. McMillen of Maryland, Mr. Miller of Ohio, Mr. Oberstar, Mr. Rowland of Connecticut, Mr. Sharp, Mr. Solomon, and Mr. Upton.

H.J. Res. 391: Mr. Michel and Mr. Wolf.

H.J. Res. 438: Mr. Ballenger, Ms. Oakar, and Mr. Fish.

H.J. Res. 440: Mr. Jeffords, Mr. Gordon, Mr. Ballenger, Mr. Davis of Illinois, Mrs. Boxer, Mr. Rahall, Mr. Weiss, Mr. Mazzoli, Ms. Pelosi, Mr. Wortley, Mr. Neal, and Mr. DeFazio.

H.J. Res. 447: Mr. MacKay, Mr. Bustamante, Mr. Borski, Mr. Lowry of Washington, Mr. Rangel, Mr. Morrison of Washington, Mr. Swift, Mr. Leland, Mr. Martinez, Mr. Livingston, Mr. Fields, Mr. Pashayan, Mr. Mazzoli, Mr. Panetta, Ms. Pelosi, Mr. Boland, Mr. Fish, Mr. Lancaster, Mrs. Saiki, Mr. Konnyu, Mr. Wise, and Mr. Parris.

H.J. Res. 464: Mr. Pickle, Mr. Horton, Mr. Gejdenson, Mr. Smith of Florida, Mr. Roe, Mr. Espy, and Mr. Fazio.

H.J. Res. 470: Mr. Young of Alaska, Mr. McDade, Mr. Henry, Mrs. Johnson of Connecticut, Mr. Wolf, Mr. Mack, Mrs. Lloyd, Mr. Harris, Mr. Ackerman, Mr. de la Garza, Mr. Dwyer of New Jersey, Mr. Clarke, Mr. Fields, Mr. Fuster, Mr. Gejdenson, Mr. Fazio, Mr. Hayes of Louisiana, Mr. Horton, Mr. Levin of Michigan, Mr. Manton, Mr. McGrath, Mr. Quillen, Mr. Roe, Mr. Smith of Florida, and Mr. Stratton.

H. Con. Res. 194: Mr. Hutto and Mr. Ortiz.

H. Con. Res. 237: Mr. McCloskey, Mr. Bryant, Mr. Kolbe, Mrs. Vucanovich, Mr. Madigan, Mr. Miller of Washington, Mr. Tauzin, Mr. Frenzel, Mr. Roe, Mr. Skeen, Mr. Carr, Mr. Kildee, Mr. Valentine, Mr. Brown of California, Mr. Johnson of South Dakota, Mr. Green, Mr. Morrison of Connecticut, Mr. Flake, Mr. Hoyer, Mr. Frank, Ms. Snowe, Mrs. Morella, Mr. Solomon, Mr. Price of North Carolina, Mr. Houghton, Mr. Dreier of California, Mr. Skaggs, Mr. Weber, Mr. Weldon, Mr. Conte, Mr. Clay, Mrs. Patterson, Mr. Penny, Mr. Biaggi, Mr. Matsui, Mr. Fish, and Mr. Howard.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: Petition of the City Council, New York, NY, relative to a ban on allowing the Federal Communications Commission to permit the cross-ownership of media outlets; to the Committee on Energy and Commerce.

129. Also, petition of the City of Miami Commission, Miami, FL, relative to increasing Coast Guard presence in south Florida; to the Committee on Merchant Marine and Fisheries.

SENATE—*Monday, February 29, 1988*

(Legislative day of Monday, February 15, 1988)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

Father God, in this quiet moment as the Senate begins another week, we hear Your word and we pray for our families. Protect them against the painful erosion of public life—against the recurring disappointment of canceled plans and postponed family pleasure—against the relentless pressures that fragment and fracture family life—against the tendency to invert priorities and yield to secondary matters. Protect against the loneliness of wives so often treated as nonpersons when the Senator is surrounded by curious, fawning, self-seeking opportunists at social events and political meetings. Protect against empty explanations that fall of their own weight midst pain of alienation, indifference, and insensitivity. Father God, heal our families. Give each of us the wisdom and the will to put first things first. We pray in His name who is unconditional love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the minority leader or his designee be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL ECONOMIC COMMISSION

Mr. BYRD. Mr. President, as part of last year's reconciliation bill, the Congress established a National Economic Commission to make recommendations to the President and the Congress in part on how the fiscal deficit can best be reduced. That Commission is to report by March 1, 1989.

The Commission was designed to reflect the balance between the two parties, the Houses of Congress, and the executive branch. In its initial stage, the Commission will consist of 12 members. The Speaker and I each made our three appointments over a month and half ago. The President and the minority leaders of both Houses made their two appointments each on February 19.

The President-elect will select two more members after the election in November. But for the group to make the most of its mandate, Mr. President, they need to select a chairman and get to work soon.

Mr. President, many observers have argued that reducing the budget deficit is not principally an economic problem. The fiscal arithmetic is very simple. It is the political calculus that is very complex. So there is much to that statement.

The battle over the budget is a question of national priorities, of how much should be spent on public rather than private pursuits, of our international role, and the future course of our economy. But all of these choices have a major economic dimension. Moving in one direction or another will have important economic consequences.

The key decisions may not be economic. But the Commission will have to look at their proposals with at least one eye to their economic impact at home and abroad. Much of the analytic work has already been done, some of it by the Federal Government itself. A quick start for the Commission will give the members an opportunity to draw on this work before the key decisions are made.

Suggesting a course for national priorities or a path for the economic future will require broad thinking and broad consultation. The members of the Commission bring considerable experience and perspective to these positions. Each has listened to, and participated in the increasingly complex debate about budgetary solutions.

With their new mandate, the members will want to reach out to a range of individuals to test their own sense of national purpose and priorities. That, too, will take time—all the more reason for a quick start, to make a difficult job just a bit less so.

Mr. President, we have all become depressingly familiar with the drumbeat of debt followed by deficit followed by more debt. Most of us in the Congress, and most of us in America, know that something has gone wrong. It goes beyond the fiscal deficits. It involves trade, international competitiveness, and a stagnating standard of living. There is an anger that we have not been true to America's potential. There is a fear that past policies may have diminished America's future.

It is my own view, Mr. President, that our fate is still very much in our own hands. Last year, the President came to the bargaining table to hammer out a 2-year agreement on budget priorities and deficit reduction. It was as part of that agreement that we decided to establish the National Economic Commission.

Born out of consensus and concern, the National Economic Commission has a chance to move us closer to reaching our potential and away from a downsized American dream. I hope it will move quickly to begin its work.

How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. Five minutes remain on the leader's time.

Mr. BYRD. I thank the Chair. I will use that time just now.

TURKEY IMPLEMENTS AGREEMENT ON SIDE LETTERS

Mr. BYRD. Mr. President, last Friday, the 26th of February, Turkish Prime Minister Turgut Ozal informed our Embassy in Ankara that he had taken the necessary steps to implement the side letters to the Defense and Economic Cooperation Agreement [DECA] between the United States and Turkey. These letters were exchanged last March between Secretary of State Shultz and the Turkish Foreign Minister. They have the effect of extending our existing DECA until 1990 and of making some modifications to that agreement which benefit each side.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Shortly after the letters were signed last spring, a series of events occurred in this country which placed the Turkish Government in an awkward position, specifically efforts in the Congress to reduce the amounts of security assistance provided to Turkey. The Turkish Government, in the light of these developments, delayed fully implementing the agreements outlined in the side letters. I am pleased to see that this delay is now behind us.

Turkey is an extremely important ally of the United States. It occupies a vital strategic position for the NATO alliance, bordering not only the Soviet Union and Bulgaria, but Iran and Iraq as well. Turkey has been a loyal and staunch supporter of the alliance, and is making a maximum effort within its limited financial resources to modernize its forces and to play its full role in our common defense.

On several occasions in the past year, most recently in my visit to Ankara earlier this month, I have urged the Turkish Government to implement the DECA side letters and remove this obstacle to our further defense and economic cooperation. I am extremely pleased that the Turkish Government has announced that the agreement embodied in the DECA side letters will now be fully implemented.

I congratulate the Turkish Government for this action. It follows other statesmanlike actions taken by Prime Minister Ozal recently, most notably the meeting at Davos, Switzerland, with Greek Prime Minister Papandreou. It signals a new era of forward-looking diplomacy in the region.

The United States should do everything—everything—in its power to encourage these developments. For example, in the current discussions at the Treasury Department concerning regulations for refinancing foreign military sales debt, I am hopeful that the administration will adopt a position which eases the debt burden on Turkey and other key allies.

We in Congress are also in a position to help this process along. The Congress should recognize these positive developments and act in ways that will encourage rather than retard diplomatic progress. It is our responsibility to recognize these hopeful developments and to act in accordance with them. In the coming months I will look forward to working to put together a package that responds positively to these recent actions of Turkey.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12 noon with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Wisconsin is recognized.

WHY IS THIS THE CRUCIAL TIME FOR COMPREHENSIVE ARMS CONTROL?

Mr. PROXMIRE. Mr. President, has there ever been a better time to negotiate arms control with our superpower adversary the Soviet Union? William Safire whose conservative views are synidicated by the New York Times has been as consistent and persuasive a critic of the Soviet Union as any leading writer and thinker in our country today. In a column syndicated on February 25, Safire argued that now is a time of "admitted Soviet economic weakness." Therefore, says Safire, it is the time "to put an irrevocable behavior modifying price on every concession we confer." Safire builds his case for Soviet economic weakness on recent CIA reports. Those reports indicate that previous estimates of 3 percent annual real economic growth by the Soviet Union have been wrong. Actually, the Soviet Union has grown little if at all in the past 7 years. Safire contends that if this is the case the previous estimates that the Soviets are putting an immensely burdensome 14 percent of their total economic production into their military is a gross underestimate. Actually the Soviets are losing what Safire calls an unbearable 20 percent of their more limited economic production to the drain of military spending.

Safire concludes that this is no time to accommodate or "subsidize" the Russians by providing entry to the World Bank, GATT, and the International Monetary Fund without significant concessions on their part.

Safire's analysis of the Soviet economy squares in part with the estimates provided by the CIA to my subcommittee of the Joint Economic Committee. The CIA has been saying for years that the Soviet economy has slowed down. It estimates Soviet growth has averaged about 2 percent per year in the 1980's. But both the CIA and DIA also have testified that the Soviets slowed the rate of increase in their military spending in the past 10 years from 4 to 2 percent annually. Why is this significant? Here is why: The declining rate of Soviet economic growth has certainly made Soviet leadership more receptive to arms control proposals that would require both superpowers to slow or stop the conventional as well as strategic arms race. Far-reaching arms control agreements meticulously verified would permit massive multibillion-dollar savings for both countries while actually strengthening the national security of both sides.

Mr. President, William Safire speaks as a conservative, vigorous anti-Communist. In his call for a tougher line toward the Soviet Union, he does not plead for arms control. He asks for our Government to "stress" Moscow now—demand concessions, modify their behavior, secure a price for our agreement to drop our opposition to entry by Moscow into GATT and the World Bank and the International Monetary Fund. Nowhere does Safire indicate on what price we should insist. Obviously, there are many areas where we would want to change Kremlin policies. Let's list a few: Lift Kremlin restrictions on emigration; make the Soviet exit from Afghanistan swift, complete, and without reservation; insist that the U.S.S.R. pull all of their military equipment and personnel out of Nicaragua, Angola, and Cuba. These are legitimate and proper objectives for any negotiations with the Soviet Union.

But above all and No. 1, we should push for a thoroughly verifiable end to the arms race. The INF Treaty represents a modest but helpful beginning in nuclear arms. The START Treaty promises more significant progress. But the real money saver for both sides must come from substantial reductions in conventional arms. In view of the huge numbers advantage the Soviets now enjoy in Europe in tanks, planes, artillery, and personnel, an agreement like the INF agreement would probably be asymmetrical with the Soviets' reduction substantially greater. Could we get it? In view of the Soviets' present economic weakness, our chances have never been better.

Of course, it is true that relief for the Soviet economy would as the years go by build a stronger economic base for some future Russian military threat. Soviet membership in international credit organization and access to financing and technology from the free world would also help build a potentially more powerful Soviet force. But such an agreement would also advance two elements that would more than offset this threat. First, the easing of the military drain on the resources of the United States and the rest of the free world would enable NATO countries to also build a still stronger economic and technological base for future potential military power. So there would be no relative loss in military potential to the Soviet Union. Second, the participation of the Soviet Union with the free world in trade, financial relationships, joint industrial and commercial ventures as well as cooperation in activities in space and assistance to the developing world could and probably would over time modify the hostility of both sides and promote cooperation and understanding.

Is all this pie-in-the-sky, love-your-enemy, dream stuff? No. Why not? Because both sides now know that a war between the superpowers would bring utter, total devastation to both. Such an all-out nuclear war would certainly finish both countries as organized societies. It could end civilization. The true reality is that there is no alternative to comprehensive arms control agreements between the superpowers.

Mr. President, I ask unanimous consent that the article to which I have referred by William Safire, headlined "Bailing Out Moscow," which appeared in the New York Times of February 25, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1988]

BAILING OUT MOSCOW

(By William Safire)

WASHINGTON.—We have just been told by a well-placed informant inside the Kremlin that the Soviet Union is not the economic power our intelligence analysts have long though it was.

Throughout the Reagan years, our experts have assumed that Soviet growth averaged slightly over 3 percent yearly. That is a vital statistic: we then put a price each year on what we knew the Soviet military machine cost, and get what we hope is a clear idea of what percentage of its economy Moscow is devoting to armament.

That's just about the most important intelligence number of all. In the 1970's, a "Team B" of outsiders was brought in by the C.I.A. to challenge the conventional wisdom, and doubled the previous estimate to 13 percent in the Soviet Union. That laid the basis for our own increased defense spending, which now amounts to 6 percent of our gross national product.

In a little-noted passage of his long speech last week to his Central Committee, Mikhail Gorbachev made a stunning revelation that kicks our estimates into a cocked hat.

He pointed out that during the Brezhnev years, economic growth had been artifically hiked by the sale of oil at high prices (the U.S.S.R. is the world's largest producer) and the accelerated sale of vodka (Soviet spending on alcohol may have reached 10 percent of total output, compared with less than 2 percent of ours).

"If we purge economic growth indicators of the influence of these factors," said Mr. Gorbachev, "it turns out that, basically, for four five-year periods there was no increase in the absolute growth of the national income and, at the beginning of the 1980's, it had even begun to fall. That is the real picture, comrades!"

No doubt the current Kremlin leader is trying to make the present bad economic picture look better by saying the old days under his predecessor were really much worse. But we should allow for the possibility that, concerning the 1980's at least, Mr. Gorbachev may be telling the truth.

If that is the real picture, comrades, we have to do some fast reassessing of our own. During the 80's as the price of oil has been cut in half, and the Soviet gulping of booze has been restricted, the total Soviet output is not likely to have risen much, if at all, from what Mr. Gorbachev says was its falling state in 1980.

Here is what that new assessment leads us to deduce: the Soviet ecomomy has been stagnant (or possibly declining) for seven years—most definitely not growing steadily at the over-3-percent rate per year our analysts had been assuming. That means our assessment of total growth of about one-fourth in this decade has been egregiously mistaken. That supposedly seven-foot giant turns out to be closer to five feet tall, same as he was in the Brezhnev years.

Apply that new assessment to arms control. The way estimate Soviet arms expenditures is by simple beancounting, mainly from satellites, and that total is not affected. What does change is the percentage of the output devoted to arms; if it was 14 percent by the old assessment, it must be an unbearable 20 percent in the new reality Mr. Gorbachev reveals.

Thus, under pressure to reduce arms spending, he seeks treaties; forced to cut losses, he announces withdrawal from Afghanistan and may offer to reduce subsidies in Central America; faced with the prospect of having to match serious Star Wars spending, he rails at the idea of strategic defense.

Apply that no-growth one-fourth-smaller fact to economic diplomacy. It explains why the Russians finally settled the old Czarist debt for a dime on the dollar, paving the way for a recent $77 million Soviet bond issue. That's also why the Kremlin will be seeking entry into the International Monetary Fund, GATT and the World Bank at the next meetings (in West Berlin) this fall. Soviet Communism is starving for capital.

Our European allies are rushing to lend Moscow money and to subsidize pipelines, while accommodationists here want to offer the Russians most-favored-nation status on trade. Commerce and State Department détenteniks await only vague "economic reforms" to end our opposition to Soviet entry into Western credit markets.

Here is a genuine issue to toss at the candidates in our election. In light of what the Soviet leader admits is "a very serious financial problem," should U.S. policy seek to finance our adversary? Or should we "stress" Moscow now, as it surely would do to us if the roles were reversed?

Or should we use this moment of admitted Soviet economic weakness to put an irrevocable, verifiable, behavior-modifying price on every concession we confer?

FEBRUARY GOLDEN FLEECE GOES TO FISH AND WILDLIFE SERVICE

Mr. PROXMIRE. Mr. President, I am presenting my Golden Fleece of the Month for February to the Fish and Wildlife Service of the Department of the Interior for so mismanaging its payroll that the agency continued to certify for pay as current employees people who had actually left their jobs. Ghosts may have voted in Chicago, but they probably worked for the Fish and Wildlife Service. Other employees were mistakenly credited with overtime pay while on holiday or personal leave. This gives a whole new meaning to the concept of "pay for play." Even the Department's own auditors concluded that the various payroll control deficiencies taken together "constitute a significant compromise of the integrity of the $217 million annual payroll within the Service."

Unlike our Olympic athletes, these employees were not going for the gold—they got it handed to them for doing nothing.

As early as 1983, the inspector general of the Department of the Interior issued a report that identified numerous problems with the procedures used to control payroll payments by the Fish and Wildife Service. In January 1987 the auditors concluded that the Service had failed to correct its payroll problems.

After another review of the Service's payroll operations, the inspector general issued another highly critical report on July 7, 1987. The audit report found that virtually none of the controls required by the General Accounting Office and the Office of Management and Budget existed in the payroll office.

Naturally, without proper controls in place, the auditors found many cases of abuse and even fraud. In their report the auditors stated:

> In fact, the lack of proper approval for changes to T&A (Time and attendance) Reports resulted in a case of fraudulent payroll entries involving two payroll coordinators in one regional office. They each added about 8 hours of overtime to their own T&A Reports every pay period of 10 pay periods.
>
> Other types of fraudulent entries, such as adding compensatory time or reducing the amount of leave used, would have been impossible to uncover using the cost reports because these reports did not provide information on hours and costs for either compensatory or leave taken.
>
> Other errors included three cases where 32, 24, and 8 hours of annual leave were keypunched as overtime.
>
> Several cases occurred where supervisors certified T&A Reports containing regular work hours for employees who were absent without leave, on leave without pay, or had terminated their employment.

All of this sounds fishy to me, and it looks like many of these employees were leading a wild life. The Fish and Wildlife Service did recover some of the improper payments and did fire the two payroll coordinators who falsified their own payroll records. In addition, the Service has taken some corrective action based upon the recommendations of the Office of Inspector General to improve payroll procedures.

However, were there other employees who granted themselves overtime for work they never performed? How many more Federal employees were sunning themselves at the beach while at the same time drawing overtime pay checks from the U.S. Treasury? Unfortunately, because of incredibly bad recordkeeping the taxpayers will never know the entire story nor get full restitution.

"Getting something for nothing" takes on new meaning from this fiasco.

I yield the floor.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the quorum call the rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH: A TRIBUTE TO THE STILL FAMILY

Mr. BRADLEY. Mr. President, as the Nation concludes its celebration of Black History Month, I would like to pay tribute to a prominent black family, the Stills, whose accomplishments have played a vital role in New Jersey's history.

Since the early 1630's when an African man named Still settled in Gloucester County, the Still family has made impressive contributions to society in the fields of politics, business, social reform, athletics, and medicine. William Still, a businessman from Philadelphia, is known as the "Father of the Underground Railroad." He was responsible for the desegregation of Philadelphia's streetcars and for the appointment of the city's first black police officers. His brother, James, practiced herbal medicine during the late 1800's, and despite his lack of a medical degree, he often found cures that licensed doctors could not. James' son, James, Jr. was the second black American to graduate from Harvard's Medical School in 1871. Another member of the Still family, Ephraim Still, was the founder and first mayor of Lawnside, NJ.

The Still family has always been close-knit, even in the face of slavery. Peter Still, who was separated from his mother at the age of 6, spent more than 40 years in slavery, and only late in life was reunited with his mother and siblings. Hundreds of family members continue to live in south Jersey; others are spread throughout the United States. But their proud heritage is kept alive during the family reunions, they hold each summer.

The current generation of Stills are no less outstanding. Today, Art Still plays football for the Kansas City Chiefs; his sister, Valerie, plays basketball and holds the career scoring record at the University of Kentucky.

The division of civil rights of New Jersey's Department of Law and Public Safety has planned a program of events today to pay tribute to the Stills and their outstanding legacy. I am proud to join in this celebration to honor a great American family.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 12 NOON

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 12 noon today.

There being no objection, the Senate, at 11:39 a.m., recessed until 12 noon; whereupon, the Senate reassembled when called to order by the Acting President pro tempore (Mr. SHELBY).

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that, even though the resolution on Afghanistan has not yet been submitted, that the 6 hours in the agreement begin running as of 12 noon in accordance with that agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Missouri has some morning business, and I ask that he be allowed to conduct that morning business at this time, though it is on another subject.

I ask unanimous consent that there be 5 minutes for morning business at this time, that it come out of the 6 hours, and that the distinguished Senator from Missouri be allowed to speak out of order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the majority leader for his kindness and his assistance.

(The remarks of Mr. BOND, pertaining to the introduction of legislation, will be found later in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESSES

Mr. BYRD. Mr. President, first, by way of explanation, the resolution which was to have been introduced at noon is still undergoing some possible modifications. Rather than keep the Senate in on a quorum, I feel that it might be better if the Senate recessed until 1 p.m. today so as to allow these modifications to be resolved.

I, therefore, ask unanimous consent that the Senate stand in recess until 1 p.m. today, and that the time consumed in the recess be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 12:27 p.m., the Senate recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

Mr. BYRD. Mr. President, I think that we are making progress in the modification of some of the verbiage of the resolution and I would expect shortly to have that cleared.

I ask unanimous consent that the recess be extended for 20 minutes, the time to be equally divided between both sides.

There being no objection, the Senate, at 1 p.m., recessed until 1:20 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from South Dakota suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. BYRD. Mr. President, I now have the resolution, which I send to the desk in behalf of myself, Mr. SIMPSON, Mr. PELL, Mr. HUMPHREY, Mr. DECONCINI, Mr. SYMMS, and Mr. DOMENICI. I ask unanimous consent that any other Senators who wish to add their names as cosponsors may do so during the afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I send to the desk the resolution which was referred to in the agreement that was entered on Friday.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 386) regarding the policy toward Afghanistan and Soviet troop withdrawal.

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

S. RES. 386

Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 17, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops.

Whereas Pakistan has harbored more than 3 million Afghan refugees and has endured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988 if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within 10 months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria;

Therefore, be it *Resolved*, That the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical criteria for the complete withdrawal of Soviet troops in the near future, and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afghanistan should not be driven by the desire or schedule for a U.S.-Soviet summit;

(3) urges the President to—

(a) support strongly a political solution in Kabul acceptable to the resistance;

(b) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(c) address the issue of the future status of the nearly 400 bilateral treaties the Soviets have made with the puppet Kabul regime;

(d) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(e) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(f) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(g) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Afghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Afghanistan during the period of troop withdrawal;

(5) expresses its support for increased U.S. humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Afghanistan;

(6) expresses its support for a U.N.-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. BYRD. Mr. President, on February 8, Soviet General Secretary Gorbachev announced that the Soviet Union could begin withdrawal of its troops from Afghanistan on May 15 if Pakistan and Afghanistan reach agreement by March 15 at the upcoming round of UN-sponsored negotiations in Geneva. Mr. Gorbachev also said that withdrawal could be completed in 10 months. That is a long time, Mr. President. I cannot understand why it takes 10 months to get out of Afghanistan.

Last weekend Secretary Shultz went to Moscow to discuss details of the Soviet plan for withdrawal. Secretary Shultz came away from those meetings with Soviet Foreign Minister Shevardnadze and said he did not have the slightest doubt that the Soviet Union has decided it wants to leave Afghanistan. I must say I am not as optimistic as Secretary Shultz appeared to be. I have a feeling that Secretary Shultz is right, that the Soviet Union has probably decided that it wants to extricate its military forces from Afghanistan. But, even if the Soviets have decided they do want to get out, the important question now is: Under what terms and conditions?

I reiterate what I said in this Chamber several days ago. The United States did not create the mess, and it is not our responsibility, in any way, to reward or appear to be rewarding the Soviets for getting out of Afghanistan.

Moreover, I think it is vitally important for the Senate to go on record with a statement of policy about Afghanistan and the prospect of Soviet withdrawal. To that end, then, I am submitting a resolution which outlines the Senate's viewpoint toward Soviet withdrawal from Afghanistan.

It is not the role of this Senate nor the responsibility of the Senate nor within the power of the Senate to micromanage Soviet withdrawal from Afghanistan. Far be it from our thoughts. Nor can this Senate micromanage the administration's role in such a withdrawal. But this Senate can go on record, Mr. President. That is the purpose of this resolution; it is to put the Senate on record with the Senate's viewpoint strongly made in regard to such a withdrawal, if it occurs; and certainly the Senate's viewpoint as to where this country's honor lies in contributing to such a withdrawal.

There have been a lot of stories floating around recently, some of which have been somewhat puzzling and disconcerting, in regard to certain agreements that reportedly have been or may be made or may be signed. From the newspaper reports that I have read, and I have not read them all but I have read a few, I have been puzzled and concerned: concerned that the United States may agree to guarantee something that we cannot guarantee; concerned that the United States may be about to agree to withdraw military assistance from the mujadhadeen before the Soviets get out of Afghanistan and at a time when the mujahadeen, indeed, require further military aid in order to protect themselves in the process.

There are two things which this resolution emphasizes: support for the Government of Pakistan and the need to address a multitude of issues surrounding the withdrawal which have yet to be resolved; secondly, this resolution emphasizes—clearly, I might add—that the United States should not terminate military assistance to the Afghan resistance until the Soviets have indeed terminated their military occupation of Afghanistan.

They ought to get out. And their getting out should be for real and irreversible, not just based upon some flimsy assurances of good intent, that they are not redeploying their forces only to be injected again into Afghanistan, and that the mujahadeen is well enough equipped with arms to maintain its integrity as an effective fighting force during and throughout the delicate period of transition.

I believe these conditions are critical to a successful conclusion of the Afghanistan problem. We must be prepared for the Soviets to blame us and the Pakistanis for holding up their withdrawal from Afghanistan. But withdrawal is an option that the Soviets can exercise at this time or at any time.

We all want to see the Soviets get out of Afghanistan. When they went into Afghanistan, when they invaded Afghanistan, in December of 1979, they chose the option. They did not ask anybody else's opinion. They simply invaded.

And when they invaded Afghanistan in that instance, I called President Carter—I was majority leader of the Senate at that time—I called President

Carter and asked to see him. I went to the White House and I said to the President, "Mr. President, the Senate cannot produce a supermajority of the approval of the ratification of the SALT II treaty. We do not have the votes, and we will not have the votes to approve that treaty in the light of the Soviet invasion of Afghanistan. So, Mr. President, it would be unwise to call up the treaty for floor debate, and it would be an act of futility."

The President agreed.

If the President had said, "Go ahead and call it up," I would not have done it. It was felt by both of us that it would be best for the President to make that announcement in view of the fact that he is the chief spokesman on the foreign policy of the United States. And so the President made the announcement.

It had more of an impact coming from the President of the United States. I wanted him to know that the Senate would not approve that treaty in the light of the Soviet invasion. The President agreed with that view. He may well have reached that viewpoint without my advice, but I believe that Mr. Carter, the then President, the then occupant of the White House, as the leader of the Senate and leader of his party in the Senate, felt that I knew what I was talking about, and could well reflect the prospects for Senate approval of that treaty.

So it was a serious, very serious, matter. The Soviet invasion put the Salt II treaty into a cocked hat. Not a chance. Dead. The Soviet invasion sealed the treaty's doom. They did not ask our opinion about invading Afghanistan, and they certainly have the option to withdraw forthwith. They do not need the United States' approval to get out of Afghanistan. Getting out would not be an act of goodwill or altruism on the part of the Soviets. Soviet withdrawal is an option they can exercise at any time. We should not make it convenient for the Soviets to quit Afghanistan wrapped in clouds of glory or allow them to dictate the terms of their withdrawal. Their brutal occupation has not been honorable. Their defeat should not be rewarded. They should simply get out.

The world is too much with us, Mr. President. It is too easy to forget the atrocities that have been committed by the Soviet Union in Afghanistan. They have driven millions of Afghans from their homes and from their country. They have installed a puppet government in Afghanistan, one that does the bidding of the Soviet Union. They have killed and they have maimed millions of Afghans.

We have heard it said on the Senate floor today that over a million Afghans have died as a result of the Soviet invasion, over a million out of a total population of what was earlier 15 million.

Unfortunately, we have not seen enough of what really went on in Afghanistan. When the United States was in Vietnam, the television cameras were there. The Soviets have not dared let television cameras follow the atrocities, the fighting, in Afghanistan. There have been a few brave souls who have gone into Afghanistan, taking their cameras, and we have seen on the evening news and on other news broadcasts some of the fighting that was going on in Afghanistan. I compliment the news organizations for what they have been able to do under the circumstances. They have had to go in by stealth, slip in and slip out in order to get limited news pictures and stories that we have been exposed to in the course of these 8 years.

The Soviets kept a close curtain down on what was going on. They did not dare let the world see what was happening. They did not want the world to see what was happening. But the world saw enough in the few glimpses that we were permitted to see—not permitted by the Soviets but permitted to see by virtue of the resourcefulness and the courage on the part of news organizations that were able to get a little glimpse of what was going on.

I must say that I was disappointed after Mr. Gorbachev's visit to this country. The American people seemed to hold Mr. Gorbachev almost as high as they did the President of their own country, this country. It was a great PR trick, opening the door of the armored car and stepping out on the street and shaking hands with some Americans who were on the street. I thought some of those Americans who shook hands were about to swoon, they were so overcome. They were ecstatic.

American politicians do that every day. Get out of automobiles, stop and shake hands with people on the streets. The President shakes hands with people every day. That is a common thing in this country.

But for the Soviet leader, this new-style leader of the Soviet Union, to do that just swept the American people off their feet, one might say. What a big deal that was, that the Soviet leader would get out and shake hands with some Americans standing along the streets patroled by American policemen and with heavy guards all around.

But, Mr. President, there was something else that I saw on television. Not only did I see the Soviet leader get out of his car and reach out to the crowds that were gathered on the streets, not only did I see him reach out and grab the hands and pump the hands of the American people who stood there, but I saw something else.

I saw some Afghan children, some on crutches, with one foot, who came to present the Soviet leader with flowers. Those Afghan children did not succeed in presenting their flowers to the Soviet leader. They were not allowed to get to him.

For one reason or another, I do not know, they were not allowed to see him and present their flowers. But which of the two pictures will be etched upon the memories of the American people longer? Apparently it will be the picture of the Soviet leader reaching out to the crowds with his hands, the great PR trick. We American politicians all do that.

Mr. President, the picture of those crippled Afghan children should be the picture remembered longest by Americans and by people all over the world. Never mind the new style leadership. Never mind that. Remember what Lenin said: "We shall destroy everything, and on its ruins we shall build our temple." Is there any evidence that the new style Soviet leadership has repudiated the lessons, the teachings of Lenin? None.

Mr. SYMMS. Mr. President, will the leader yield for a question?

Mr. BYRD. Yes, I yield.

Mr. SYMMS. Before I pose my question, I compliment the leader for the insightfulness of the point he is making. I was literally shocked when I got to Pakistan, because I was not aware that the Soviet Union is running a state-supported terrorist operation against the civilian population of Pakistan. I would venture to say that 99.9 percent of the American people and 90 percent probably of the Members of Congress and the American Government are not aware of it.

It is not something that gets printed in the papers on a daily basis or reported on the nightly news in the United States. It occasionally gets a little glimmer here and there. But today the Soviet Union has between 1,000 and 2,000 KGB operatives working in Kabul doing nothing but training people to take bombs back into Pakistan to set them at places where people are gathered together, bus stops, shopping centers, schools, other places, and exploding these bombs.

Last year 1,000 Pakistan civilians were either killed or wounded—I think it was about a fourth of them were killed and three-fourths of them were injured—in those accidents.

This is the so-called same Soviet Union that their Trojan horse leader now comes over and wows the American people that they have a new method. I think the majority leader is making a point here in the Senate that is very important. He holds a very important position in our legislature as the leader of the Senate. I hope the remarks the majority leader just made would be carried from one end of this country to the other because I think it is significant.

The question I ask is, How many people who are polled on the streets or who make these comments like in West Germany where people think that Soviet Secretary General Gorbachev is more of a man of peace than is President Reagan, how many of those people in Western Europe and in the United States are aware that the Soviet Union runs State-supported terrorist operations as a matter of course, the typical way they do business? How many people does the Senator think know that out there in the United States?

Mr. BYRD. I do not think a great many people in the United States know that. I think perhaps the people of Europe are better aware of it than are our own people.

Mr. SYMMS. If I could, if the leader will yield further, I would like to tell him an experience I had. I made the statement in my State, and of course the young reporter doubted the validity of it so he called the U.S. State Department. I do not have the name of the person at the U.S. State Department who answered the phone, but he got someone from the U.S. State Department in Washington, DC, to give him a quote that he ran widely in the newspapers in Idaho which said that the U.S. State Department was not aware of any State-supported terrorist operation going on in Kabul.

I was briefed on this by our people in Pakistan. I asked them if it was classified or if it was something that could be talked about at home or on the Senate floor. They said, "We wish, for heaven's sake, you would talk about it on the Senate floor." The only thing that is classified is the number of KGB agents. That is why I gave the wide range. The rest of it is totally public, and in fact our station chief in Pakistan said it would be doing a great service to his duties and the furtherance of freedom and foreign policy of the United States if somehow the American people were aware that the Soviet Union is running a State-supported terrorist operation in Pakistan. It is significant in terms of the INF Treaty.

I compliment the majority leader for his comments on SALT II and the relationship of linking the SALT II Treaty with the invasion of Afghanistan. I wish that this administration would ask for the same linkage before we ratify the INF Treaty.

I do not expect that that will happen, but I wish that is what they would do. I would recommend they tie that to a Soviet exit of Afghanistan.

I thank the leader for yielding and I appreciate his leadership, again I say, in bringing this before the Senate.

My request of the Senator would be that we get clarified who Mr. Peck is speaking for when he says "we," because I find it difficult to think that that is the position of the U.S. Government. If it is, I think, as Patrick Henry said, no matter how bad the truth is, I want the bitter, unvarnished truth so we know where we are and what the situation is. I think we in the Senate are entitled to know just exactly what the position of President Reagan, Secretary Shultz, and the entire State Department is because I came back from Pakistan greatly encouraged by the quality of leadership of our ambassador and his entire in-country team and their dedication to what I think in a bipartisan sense this Senate would be proud to have as a foreign policy of the United States in a very troubled part of the world.

I thank the leader.

Mr. BYRD. Mr. President, the distinguished Senator has made reference to terrorist activities on the part of the Soviets.

Mr. SYMMS. Yes, that is right, killing and maiming innocent civilians by putting a bomb in a suitcase and setting it off so they terrorize the civilian population, so that they are frightened and terrorized in their support of the freedom fighters. It is a way to send a message to them that if they would not support the freedom fighters, who are opposing the Soviet intervention into Afghanistan, then we would not be forced to do this to you. It is a new kind of warfare which is very dangerous and damaging to the future of security and peace in the world if we accept and tolerate it as a way to carry on war. It will leave no place in the world safe for people to gather.

Mr. BYRD. Mr. President, it is not a new method of doing things in the Soviet Union. Terrorism is not something that is new in the Soviet Union. We need only remember the order that was given by Lenin to kill the czar.

The Tsar, his wife, their daughters, and their son were all wiped out in one stroke of terror while being held under close arrest. Not only that, but the Tsarevich's physician, the valet, the cook, and the maidservant were also executed—all shot together, with the exception of the maidservant and one of the daughters who were clubbed and bayoneted to death. Eleven of them, in all, while being held under close arrest in the Ipatiev house at Ekaterinburg. Let me read from "The Life and Death of Lenin," page 481. This is by Robert Payne, published by Simon and Shuster in New York, copywright 1964. Speaking of terrorism:

> It was never a question of shooting one man in ten, as a warning to the remaining nine. He must shoot five, or six, or seven, and go on until there are only the shreds of a man left. He practiced terror like the Romans. When the Emperor Gallienus cried out, "Tear, kill, exterminate!—Lacera, occide, concide!" he was saying no more than Lenin, who spoke of destroying "immediately, mercilessly, at whatever the cost, absolutely and irrevocably."

Lenin—continuing the quote from the book—Zinoviev: to June 1918. I will just extract a portion of his communication to Zinoviev:

> It is necessary to cultivate the mass nature of the terror against counterrevolutionaries and push it forward with even greater energy, especially in Petrograd, whose example is decisive. Greetings! Lenin.

Then Lenin to Eugene Bosh, August 1918:

> Your telegram received. It is necessary to organize an intensive guard of picked reliable men to conduct a merciless mass terror against kulaks, priests and White Guards;

Another communication from Lenin to the Soviet of Nizhni Novgorod, August 1918:

> An open uprising of White Guards is clearly in preparation in Nizhni Novgorod. You must mobilize all forces, establish a triumvirate of dictators, introduce immediately mass terror, shoot and deport hundreds of prostitutes who ply soldiers and officers with vodka. Do not hesitate for a moment.

For Lenin, says the author, "* * * mass terror was the most useful and therefore the most desirable of weapons."

"Lenin gloried in violence."

"In principle we have never renounced, and cannot renounce terrorism," Lenin wrote in Iskra in 1901.

Further quoting from the book, "The Life and Death of Lenin."

> Terror was to become the chief instrument of state power; and Lenin discovered to his surprise that terror was so formidable an instrument that no others were necessary.

Mr. President, I have seen no evidence that the teachings of Lenin have been repudiated by the new leadership in the Kremlin.

Mr. President, I try to be as reasonable as I can be. But I also try to be as realistic as I can be.

The Soviet leadership has a problem on its hands. It has a new leader and he recognizes the economic problems, the agriculture problem, the problem with the bureaucracy in the Soviet Union. He is trying to do something about it. He needs to do something about it. He recognizes that, not out of any act of good will toward the United States or toward the rest of the world, but he sees that dealing with this problem in an effective way is an absolute imperative for the Soviet Union and its people. I do not doubt that he seeks change in some things to bring about a better economic order in the Soviet Union. But let us not mistake for a moment that it means that the Soviet Communist Party has changed in its goals or objectives.

I say we ought to work with the leaders in the Soviet Union and always be ready to take advantage of any opportunities that are in our own good interests. I do not say we should turn the back of our hand to any opportunity to improve relations but always that we should keep in our mind's eye the history of what has gone on before, and keep in our mind's eye, and right up front, the fact that it is still the Soviet Communist State and still a "dictatorship of the proletariat," a dictatorship by a small group within the Soviet Union that makes the decisions. The decisions are not made by the people of the Soviet Union. The decisions are made by a small clique of individuals who did not have to run for office like Senators have to run for office.

We Senators are elected to a 6-year term. Members of the House have a 2-year term. The Soviet leaders in the Central Committee and the Politburo are not elected by the Soviet people or for a given term. The decisions are made by a small group of individuals who meet in secret and who make the decisions, and they do not publicize all their decisions to the world.

And we ought not take at full value everything that we think we see or hear from the leaders of that system. It is still the same system, and Lenin has never been repudiated. His teachings have never been repudiated. His goals have never been repudiated, that I know about.

One may say, "Well, what does that have to do with the Soviets getting out of Afghanistan?" I think some of us here today have been saying, and this Senate resolution is an attempt to say, the Soviets have the option of getting out. Let us not commit a dishonorable act, in any way, shape, or form, that would undermine the freedom fighters in Afghanistan, or would leave them without the equipment to protect themselves. We are going to be held accountable in the light of history for what we do in this situation. We should continue to support the mujahadeen, as long as they need support, by providing them with the arms to regain their freedom, until such time as they do not need such arms, until such time as the Soviets are out and their military withdrawal is irreversible. That is what the Senate is saying.

Mr. President, we all love our grandchildren. Sometimes I think our grandchildren have us wrapped around their fingers more so than our children ever had.

The American people love children. That is a given. We all love children, and it seems that we especially love grandchildren. To me, it is appalling to contemplate what the Soviet invaders have done to little children in Afghanistan. The Soviets have air-dropped toys to the ground for children. Those "toys" were mines, explosives. If there is anybody anywhere in the world who is innocent in God's sight, it is children—unsuspecting, helpless, innocent children.

What kind of devilish mind could possibly think of, let alone concoct, an instrument of terror that would take off the hands, the arms, the legs of innocent children? It is repulsive. But, the Soviet Union invaders have done that to the children of the Afghans.

So let any individual who may be listening, or who may read, just stop and think for a moment: How would you feel if it were you whose child or whose grandchild or whose neighbor's child was maimed or killed by picking up what it thinks is a toy? What cruelty.

What I am saying is that this is repulsive, and the world ought not ever, ever, ever forget it.

Mr. Gorbachev has some admirable attributes—his ability to speak, his articulate eloquence. He is bright. He is trying to do something about some of his country's problems. I applaud him for that. We ought to try to help him succeed, if and when and where it is in our interest, to succeed in changing his system. But let us always keep in mind the interests of the United States and her allies and the interests of the free world, and the brave people of Afghanistan.

Basically what I am saying is, let caution be the watchword and let us never forget that, regardless of what the Soviet leadership may be attempting to say or do today in the Soviet Union, basically the system is still here. It is still the Communist system. It is still the Communist Party, and it is the daddy of all the Communist parties around the world.

Khrushchev said and I am paraphrasing, perhaps: "You may think we have forgotten Marx, Engels, Lenin, but we shall not forget Marx, Engels, Lenin until a shrimp learns to sing."

Some remember him as having said "when a shrimp learns to whistle," but, whatever, it is the same.

So the system, we must not forget, has not changed; we must hope at some time that it will. But until it does, let us keep our eyes open and let us remember history.

I wish all Americans could read the Life and Death of Lenin and the Life of Stalin. We are better armed against our own inclinations toward wishful thinking and our own inclinations to feel that the other fellow's values are the same as our own, if we will read history.

Read this book.

The Soviets have different definitions than we do. "Democracy" to Americans means one thing. A "democratic government" to the Americans means one thing. It means something else in the Soviet lexicon.

Mr. SYMMS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. SYMMS. I think that the point that the Senator makes about semantics is one which we often fail to heed, and he is so right in his recommendations that we read history.

But I want to give the Senator and the President a quote. "The most important weapon in my arsenal is the dictionary."

I want to repeat that. "The most important weapon in my arsenal is the dictionary."

That was said by Joseph Stalin. He is talking exactly the point the majority leader is bringing to the attention of this body, and that is that when they talk about democracy and they talk about peace it is a different definition than when we talk about democracy and we talk about peace.

They use those words very loosely and it becomes very confusing to people who have not studied history to know what it is they are talking about.

They consider people in Siberia in a gulag in a state of peace and I guess you might say it is the ultimate in social security—three meals a day and a place to sleep. But it is no freedom, no opportunity, no natural state of man and his nature and in relationship to God. It is totally foreign and abnormal for human behavior to be entrapped and living in a slave camp and then to call it peaceful. It is a way of twisting the words for their achieving the goals that they are out to achieve.

I thank the majority leader for yielding.

Mr. BYRD. I will just use 2 more minutes and then I am going to yield the floor. I know the Senator wishes to speak.

But I am reading from the chapter, the Third International, in "the Life and Death of Lenin." I read this book several months ago. But this past weekend I spent reviewing it.

On the subject of definitions, in the chapter the Third International:

"Kautsky's work evidently touched him"—meaning Lenin—"on a raw nerve."

Kautsky had written a short book, the Dictatorship of the Proletariat and Lenin in very high dudgeon took umbrage with Kautsky.

He attacked Kautsky. His attack on Kautsky was written during his convalescence—meaning Lenin's convalescence.

Lenin had been the target of an assassination attempt and was almost killed by a woman with a hand gun. Lenin described Kautsky as a windbag "who chews rags in his sleep."

Here is what Lenin says about Kautsky:

> Kautsky's definitions are wrong, he has only a limited understanding of Marx's teaching, and what little he has understood is outweighed by his intolerable misunderstandings.

So he attacked Kautsky's definitions.

Here is what the author says about Lenin's own definitions:

> Lenin's arguments are all of the same kind. Employing his own definitions Lenin can argue in any direction he pleases, secure in the knowledge that no one can controvert

him. In his hands "dictatorship" and "democracy" are interchangeable terms, and he can say for example that "proletarian democracy, of which the Soviet government constitutes one of the forms, has given a development and expansion of democracy hitherto unprecedented in the world." When Kautsky speaks of democracy, it is pointed out to him that he is merely referring to "the stinking corpse of democracy" as it is practiced in the West, which is far removed from the "true and pure" democracy practiced by the Soviets. We are reminded that "proletarian democracy is a million times more democratic * * *

Get that now.

We are reminded by Lenin that "proletarian democracy is a million times more democratic than any bourgeois democracy, and the Soviet government is a million times more democratic than the most democratic bourgeois government."

Those are the words that are quoted in the book as being Lenin's words.

So, we have to be careful of the Soviet leaders' definitions of words. They can be quite different from our own definitions and meanings.

So, "democracy" to us means one thing; "democracy" to the Communist system means quite something else.

As we are told here in this book, the word "democracy" and the word "dictatorship" by Lenin can be interchanged quite easily.

I thank the Senator for his patience in waiting, and I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I once again want to compliment the very thoughtful comments that the majority leader has just made and would add to that by saying that the definition of "peace" that Lenin, Stalin, Brezhnev, Khrushchev, and Gorbachev when they are talking about peace they are talking about when they finally have control of the whole world and they do not have anybody to conflict with their rulership. That is what they are talking about.

Notwithstanding that they had some problems with their Communist brethren in the People's Republic of China, they still ultimately drive toward a world where they have their Soviet style communism in place, and that is what their definition of "peace" is all about. That is what they are talking about.

When we talk about peace we talk about peace and freedom and we think that is inseparable and it is inseparable. They talk about peace where they have the Politburo be able to organize, operate, and manage the country without interference from any people that might object to what it is they are trying to do.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SYMMS. I am happy to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his cosponsorship of this resolution.

Let me make clear for the RECORD what the Senator from West Virginia is saying. I am saying that we must study history, but we must not be blinded by the lessons of history. We must not be blinded to the possibilities that may exist for change in the Soviet Union. We must not be blinded by the somber and tragic lessons of history to the possibilities toward change that may be there in the Soviet system. We should always be eager to seize opportunities that will be in our own best interest and it may be that those same opportunities will also be in the best interest, as they view it, of the Soviet Union.

So it is not impossible that we may be on the same line of approach at times. Take, for example, the INF Treaty, I happen to believe that that INF Treaty is in our best interest. I believe it is one that is verifiable and I believe that the verification regime is such that we can be assured that it is in our best interest. The Soviet leadership says that treaty is in its best interest. So I do not advocate that we should let history blind us to what may be opportunities that are in our best interest. I do not think we ought to avoid opportunities that come whereby we may improve our relations with the Soviet Union.

I simply say that we must remember history. And I am not a teacher of history, but I believe that history may provide the light by which our feet may be guided and may help us better to seize whatever potential for good that is within our reach at a given time. The Soviets are not always going to act in ways that are necessarily detrimental to our own interests.

So let us be ready. Let us try to seize those opportunities. Let us recognize the fact that Mr. Gorbachev is a new type of leader; that he is trying to change his system. But let us be careful that we do not fall prey to our own wishful thinking.

I do not turn my face like flint toward the Soviet Union at all times and say, "We will have nothing to do with them." But I do turn my face toward the Soviet Union and try to keep in mind some of the lessons that we should have learned from history and from our own dealings with the Soviet Union. Let us remember that glasnost is not freedom of the press and freedom of speech as the Western World understands those freedoms.

As we vote on the resolution today, and as we deal with the INF Treaty, and as we deal with future treaties, let us do our best to educate ourselves, as much as we can educate ourselves, as to the history of the Soviet system and of Soviet leaders. We will be better prepared not only to evaluate the opportunities that may come, but we will also be less likely to fall prey to our own wishful thinking.

I thank the Senator.

Mr. SYMMS. I thank the majority leader for those comments. I agree with much of what he just said here today. I think that this is, as I have said earlier, a most important resolution.

Mr. President, I ask unanimous consent that Senator WALLOP be added to the list of cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I first want to say that I am pleased to be an original sponsor of this resolution, and I want to commend the majority leader, Senator BYRD, for his cooperation—when I brought this matter up to him last week—and for his willingness to work out this resolution. And I want to commend our distinguished colleague, Senator HUMPHREY, from New Hampshire, for his efforts in working with the majority leader to come up with what I consider to be a very, very fine resolution that all Senators, I think, should be comfortable in supporting.

I also ask unanimous consent to have Senator DOLE added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. I want to say that Senator HUMPHREY has given timeless, countless hours of leadership supporting the Mujeheddin, the freedom fighters in Afghanistan. And, Senator BYRD has also spoken on the floor on numerous occasions. I think they are both to be commended because the freedom that the Afghan Mujeheddin freedom fighters are fighting for is not just their own freedom. They are fighting for freedom for all mankind. It is significant that we are winning that struggle in Afghanistan today. When I say "we," I mean free peoples all over the world are winning a battle that is being fought by some very fierce and very brave people in Afghanistan.

The Soviets have made comments that they are considering withdrawing from Afghanistan. I think we have to be cautious. I state this based on my recent travels to Pakistan and visiting with mujeheddin leaders. Yunis Khalis, and many others; visiting with the Pakistani leadership, President Zia, his Foreign Minister, the Prime Minister of Pakistan, and other leaders and military leaders in Pakistan. In the conversations I had with these individuals there is one underlying fear that comes through. That is that somehow we will make some superpower level deal between the United States and the Soviet Union, and allow the Soviet Union to gain politically what they have not been able to gain militarily.

I think it is significant to note that they are not leaving Afghanistan because they want to. They are leaving Afghanistan because they are literally having their tail handed to them on a platter because of the ability of the mujeheddin to carry the war to them. This is after countless suffering.

I think we in this country have a hard time recognizing the suffering that has gone on in Afghanistan. It is a country of 14 million people. It is a tough, hard, rocky country. At least 10 percent of the people have been killed. Most of those people have been killed by Soviet bombing with white phosphorus, napalm, antipersonnel bombs, CPU's, and so forth. They paid a terrible, terrible price in their country. They started fighting and they kept fighting. They resisted, and they had old Enfield rifles with only two or three rounds per soldier. Gradually, through the years, they started getting rifles from the Soviets which they would ambush and take their supplies with. They armed themselves.

Finally, the free world came to their assistance after 2 or 3 years and started helping them with basic minimal means of support. As you know, we have a fairly big problem in Afghanistan now, and with the addition of the Stinger missiles to the equation, they have now been able to deny the Soviets the freedom of the air space they had prior to that. They are shooting down airplanes any time they get in range of them. The Soviets have a choice—either go down close or stay way high with their fighter bombers out of range of the Stinger. When they do that, they cannot hit anybody on the ground. So they are no threat to them. If they go down close, they shoot them down with the Stinger. If they go down on the treetop level with the helicopters and jets, they are in range of small arm fire. I talked to one person who had been in the country that saw a Soviet helicopter shot down with an RPG. Apparently, the guy shot it through the door of the helicopter because they were flying so close to the ground.

So they are really doing a service. I would repeat again the freedom that they are fighting for is not just the freedom of Afghanistan. It is for freedom of all mankind. We are talking about reversing the Brezhnev doctrine. What the United States has to do is be the leader in this and not make any accommodation. When the Soviets say they want accommodation to leave the country, all the Soviet Union has to do is leave the country on the same highway that they came in on. It took them about 3 days to bring in some 100,000 troops. All they have to do is reverse the trucks, load the troops up and start heading out of the country and evacuate.

I visited Khyber Rifles, in Pakistan, and the Khyber Rifles is a military unit that guards the Khyber Pass. It has a great, proud tradition that goes back to the last century. When we were there, some Soviet aircraft overflew and they opened up with their antiaircraft weapons. They were too high for them to hit them. But they at least were trying to protect their own country. The Soviets, as a matter of fact, constantly overfly into Pakistan. That is a point many people in the world are not aware of. They constantly bomb and injure innocent Pakistanis with their aircraft along the borders.

The other thing that is happening while Mr. Gorbachev receives the great accolades of Time magazine for being the man of the year—he is now being treated as our new partner in peace by this administration. That may be well and good but I think it is a Trojan horse operation. But that is my opinion.

Mr. Gorbachev's own KGB, which reports directly to him, has a huge operation in Kabul. And they are ordering the bombing of innocent people in Pakistan, trying to terrorize the Pakistanis. While he is getting awards for being the man of the year in Time magazine, while there are votes being taken even in public opinion polls that somehow he is a bigger man at peace than the leaders of the Western democracies. I think it is interesting that his own KGB in Pakistan injured 1,000 innocent Pakistani civilians last year by setting off bombs in shopping centers, and in areas where people gather at bus stops and so forth. It is a constant occurrence.

I visited some of the places where these bombs have recently gone off. I think it is important that we put this in perspective. That is why I really want to say again that I think that the authors of this resolution, although I had one prepared and inserted in the RECORD last week, is even better and has built upon the one that we had. It is strong language. It speaks for itself. It is an opportunity for the United States Senate through the sense of the Senate resolution, to send a message around the world that we are going to stand beside the freedom fighters in Afghanistan, until the last vestige of Soviet influence is out of Afghanistan.

Mr. President, the Soviets are in a position in Afghanistan where there is no way they can win that war. If they wanted to put in 500,000, it will not work at this point because of the terrain being what it is, the countryside being what it is. They simply will continue to pile up casualties and pile up losses. The casualties now are running about 10 to 1 against the Soviet army. I think it is important that they get their troops out of there so they can stop the needless bloodshed of the fine Russian young people that are victims of this situation. They are not in Afghanistan because they want to be. They are in Afghanistan because they live in a dictatorship and they do not have any say-so about what the dictators in the Politburo decide. If Gorbachev wants to send them into Afghanistan, he sends them in. If you are a young Russian teenager and the army grabs you and drafts you, they send you to Afghanistan. They really have little choice. So it is very sad to see. I have in my office for any of the colleagues who are interested a Soviet uniform that I purchased in Peshawar. It is Soviet equipment. It is on sale everywhere. This is coming off fine young people who are innocent victims of this war as much as are the Afghans. This is pure and simple Soviet hegemony, and they need to be pushed back out.

On February 25, before the House Subcommittee on Asian and Pacific Affairs, Deputy Assistant Secretary of State Robert Beck said:

> We would be prepared if completely satisfied with the overall agreement to prohibit U.S. military assistance to the Afghan resistance.

This line of thinking from the State Department is totally unacceptable and contrary to President Reagan's policy. In fact, President Reagan said in an interview on December 3, 1987:

> You can't suddenly disarm the mujahideen and leave them prey to the other government.

Mr. President, I believe there are two reasons why the Soviet Union has begun considering the withdrawal of their forces. No. 1, as I mentioned, is the will and strong determination of the anti-Marxist resistance in their fight for freedom and independence; and, No. 2, the assistance the United States has provided to the freedom fighters.

Clearly, the Afghan resistance is winning the war, but if the United States discontinues its assistance before or during the withdrawal, we will literally be snatching defeat from the jaws of victory. That would allow the dictator, Gorbachev, to then take credit for withdrawing his army, but still leaving a Soviet influence government in place. That is exactly what we should not allow to happen.

Such a compromise would allow the Soviets the ability to continue the war and leave the mujahideen vulnerable to Soviet noncompliance. Regardless of the weapons the mujahideen may have stored or hidden, the Communist-backed regime has infiltrated the ranks of the resistance and could easily destroy the remaining equipment.

Because the State Department has taken the position of ending assistance, it is very important that the Senate go on record opposing an aid cutoff. This will send a clear message to the resistance movement in Afghanistan, and elsewhere, that the United States is committed to the Reagan doctrine and will back the freedom fighters, who are pursuing peace, freedom, and independence.

Mr. President, with respect to all this talk about glasnost, if one would really examine what glasnost is all about, one would see it is doomed to failure before the start. The Soviet Union is really not a union like the Union of the United States, where we are one Nation; a country that has 50 sovereign States, but we are all in the Union.

The Soviet Union is like a colonial empire, and the reason they have picked up one country and another country and another country through the growth of their empire is that they have the whip, the guns, and the Kremlin backing them up to force these people into line.

If we can throw them out of Afghanistan, that puts them on the defensive, so many other people would be emboldened to stand up to the tyrants, the dictators, and the oppressors. Once they get on the defensive, their empire will have all kinds of trouble from the inside and will pose less of a threat to those of us outside the Soviet empire.

I think it is most important that we not rush for an agreement. President Zia said to me, "We need to be patient. We need to be firm." But you must remember, Pakistan is a poor country; Pakistan is a country of 93 million people. They are under tremendous pressure to get this settled. They have 3 million refugees in the country.

They are running those refugee camps better than any refugee camps I have visited. I was very impressed with the Paks, with the quality of their soldiers, the demeanor and measure of efficiency, thoroughness, and compassion with which they run those refugee camps.

We saw no one hungry in the refugee camps. It is costing $1 million a day to keep 3 million refugees in refugee camps. The United States is spending about $250,000 a day to help on that effort; Saudi Arabia, about $250,000 a day, but the Pakistan Government is comping up with a half-a-million dollars a day in expenditures. That is a lot of money, and I hope we would be as generous. If we do not wake up with respect to what is happening in Central America—because I see those two issues somewhat similar—we may be put to a test of what we are going to do when we get 16 to 20 to 30 million refugees in Texas, in New Mexico, in Arizona, in California, and anywhere else in this country, as these refugees start voting with their feet and moving north, if the revolution expands from Nicaragua into the surrounding countries.

We may be put to a test to see if we would be as generous as those Pakistan people and the Pakistan Government.

So I think they need our support. I think it is a cause the United States citizens can be very proud we are participating in, and I think we should be very careful, as Jeane Kirkpatrick said, "to be too eager for any agreement."

We should have one goal in mind—that is, when the last Soviet soldier leaves the border, crosses back home to Russia. That should be our goal. When the last Russian soldier leaves, and that means they are leaving no advisers and no vestiges of Soviet influence.

It is true, there is a great deal of effort being made by the Soviets to politicize the people that are left so they will then represent what it is the Soviet Union wants in Afghanistan. But I think the one way we fail in our ivory tower thinking is that sometimes people say—our State Department and people from other countries—that we have to have some kind of compromise and a coalition government.

I met with the elected leader of the mujahideen. This was a fierce warrior at one time in the early part of this war. He was in the country and led troops and fought the Soviets. He was quite renowned among his troops for his bravery, his tenacity, and his willingness to fight. But at this point, he is an older man. He is 68 years old. He is out of the country. Even he cannot make a deal on what kind of a government they are going to have. The truth of it is that people who are in the country leading the mujahideen troops, the troop leaders, will be the makeup of a new government. Whether we like it or not, we should face that reality.

Our job is to get the Soviets out. All they have to do is load the troops on the trucks and the armored personnel vehicles and start an airlift. Fly these people out the same way they flew them in and get their tanks on the highway and head them back to the Soviet Union. If they start an armored column out of the country, they would probably be surprised how fast their route of exit would be opened for them to leave.

So I do not buy the argument that we should disarm the resistance. The only reason they are leaving is that they are losing the war. The word is getting out, even in the Soviet Union, because there are so many young Russian boys who have been sent there that by word of mouth the word is getting out that they are being defeated on the battlefield.

I had one story told to me where 80 speznick soldiers surrendered en masse. The Russian army is not quite the indomitable army they would like the world to believe. Their morale is down. They are literally under pressure and being forced out of Afghanistan, and we should help them make that decision to get out of Afghanistan to stop the bloodshed.

Mr. President, I ask unanimous consent that Mrs. Kirkpatrick's article in today's Washington Post be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. She makes the point that by now everyone has heard that the Soviets want to withdraw from Afghanistan. She makes the point also that the Soviet dictatorship leaves—and that is my word, not hers. I think we should remember that it is a dictatorship. This love in we witnessed here last fall before Christmas with Mr. Gorbachev makes me wonder if we have taken leave of our senses. We welcome these people in here and treat them as though they are the moral equivalency of the people of the United States in terms of government standing and the officialdom of our Government where we are elected by the people. We have a government that works for the people and is told by the people what we are supposed to do. In the Soviet Union it is just the opposite. There about 2 percent of the people who control all the whips and guns that make the people do what it is that they want them to do. Whether they like it or not they have to comply. They rule them by oppressing them, terrorizing them, and scaring them in making them do what it is they want them to do.

I am one person who finds it very repugnant to have Gorbachev in town. If we had not been having votes on the Senate floor, I would have taken leave of this city and gone to my home State and found some tranquility away from the television. I found it so nauseating to see a dictator who leads an empire who managed to kill 500 people a day on the average since 1917. They have on average been killing 500 people a day, to keep themselves in power. Now I do not believe we should not talk to the Soviets. In fact, I encourage the United States and Soviet dialog. However, we give them such great credibility in this country by signing treaties with them that they do not comply with. Then we turn around and want to sign another treaty with them that we know they will not comply with. They have never changed their goal, and that is world domination. That is their goal and they act like they still intend to do it if they can use Gorbachev as a Trojan horse. We should not be fooled by that.

The reason they are pulling out of Afghanistan is that they are losing the war and that is why this resolution is so important. It does two things. It will give our negotiators some backbone to know that the American people are supporting them to take a strong stand; and, second, it gives a message around the world that we do not believe the Brezhnev doctrine. We do not believe that it is the word. It is not going to happen. In other words, it is not a self-fulfilling prophecy that the Brezhnev doctrine should become true. There is no mandate from Heaven that says the Brezhnev doctrine is sent from the Almighty, and that is the way things are going out.

We have the ability to support the resistance movement—to roll back the borders of communism, and expand the frontiers of freedom. That more people can live in freedom and opportunity instead of less people, as the Brezhnev doctrine is mandated to do.

I think it is important to note what Pravda said. Reporting from the Mrs. Kirkpatrick article:

> The Afghan problem has been used from year to year to block peace initiatives. Hawks across the ocean say "Afghanistan first, regional conflicts first." Until they are settled, it is pointless to talk about the cardinal problems of war and peace or to embark seriously on nuclear disarmament.

That is Pravda saying that.

I think that is a rather interesting point to make. So maybe they do have an incentive they think they can pull out of Afghanistan and say, "We are the good guys, we are getting out of there."

Do not forget that they are getting out of there because of the Stinger missiles and Kalysnekof rifles provided, both in the Afghans getting them and coming from out of the country, a lot of antitank weapons and RPG's and wherewithal that it takes food, boots, and so forth, to win a struggle such as this and stand up against a very powerful army that invaded the country.

> An extremely interesting article in a recent issue of Moscow's Literary Gazette is said to constitute the recommended interpretation of the Afghan experience. Terming the current Afghan policy one of "national reconciliation" and "an expression of the new political thinking on the Afghans' side," the Literary Gazette recalls the euphoria in the Soviet Union when the April 1978 "revolution" in Kabul was announced. The writer remembers the pleasure at hearing "that we might find ourselves with a socialist neighbor on our border to the south," and later recalls "disaster . . . threatened the red flag over Kabul." There was outside interference—American, Chinese, British and Pakistani guns appeared to threaten the regime. So, naturally, in response to the Afghan state's call for help, "We sent in the troops" to offset "the mighty presence from abroad."
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> The Literary Gazette recalls how, in the early happy days, everyone assumed "the victorious party [the People's Democratic Party of Afghanistan] would be able to create an effective structure covering the whole country, the whole territory and all the social strata of the society, and stability would prevail."
>
> It did not happen.
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> The PDPA "offended against tradition." It "turned into violence and repression." It fell into factionalism. Afghanistan turned out to be a "medieval melting pot." Everyone could see that some accommodation was required with traditional culture and Islam. The process of compromise began.

Mr. President, it is interesting that the Soviets failed to study history when they did make the decision to invade Afghanistan. Our friends the British, from whom we have had a great and long and lasting tradition from some of their values, in about the year, it was either 1867 to 1873, they decided when they were in what is now Pakistan, which was old India under the colonial system, that they did not like the king that was in power in Afghanistan. They sent a regiment in the country of 4,000 British troops and they marched through a Khyber Pass and into Kabul. They took the king out that was in power and replaced him with one of their choice. This was in the fall of the year. As the winter came, they noticed that the Afghanistan people kept coming around and they kept looking out in the hills and they saw there was more and more Afghan people around those hills and decided that they should reduce the size of their garrison. So they rapidly dispatched 2,000 soldiers to leave. They did this after they had only been in the country about 6 weeks to 2 months.

Then by spring, they had noticed the constant buildup around Kabul. They decided they should head for the Khyber Pass with their remaining regiment, with the remaining 2,000 people and leave the king that they had put in power in power.

They started out on that march to the border with their horses and equipment, and so forth. Of course, they were very well armed compared to the Afghan people at the time.

The story is that in the Khyber Pass, there was one person they could see coming on a horse. After a few days, they heard nothing from their column, no messages, no means of communication, no signals, and the regimental doctor—I think his name was Brighton—appeared through the binoculars. They could see him from the outpost on the Khyber Pass. The Afghans had let the regimental doctor go so there would be one person left alive from the regiment to tell the British not to come back again, that the remaining part would be buried in Afghanistan.

The Soviets should have recognized this. Although they probably recognized the fierceness of the Afghanistan people, and the willingness to fight, they were counting on the rest of the world to do nothing. They were not counting on the likes of Senator HUMPHREY to be fighting every day in the U.S. Senate to get suppport for the freedom fighters and not counting on Ronald Reagan to be elected who would impose the Reagan doctrine. They were counting on us to continue to retreat from communism as though it was inevitable that they would expand their empire.

So I think we have a unique opportunity now in history to reverse the inevitability theory that the Soviet dictators operate under. If we do so, Mr. President, I believe we will find that the world will be a much more peaceful place so that the Soviets will not be so adventuresome in further activities. They will not be so willing to try to bully themselves around to force their will on other peoples in other places. It is my personal opinion that it is not beyond my hope that once we kick them out of Afghanistan then they will start a revolution in the surrounding perimeters of the Soviet Union. We should support resistance movements anywhere. That ought to be the policy of the United States. We should be supporting resistance movements in Cuba, Nicaragua, Afghanistan, Angola, Poland. Anywhere behind the Iron Curtain that people want to resist the dictators of the Soviet Union we should be willing to help them.

I think we would find that we would not have to have a $300 billion a year defense budget and not be threatened with nuclear missiles and not be threatened with massive backfire bombers, because the Soviet Union would have their hands full internally. It is an ideology that we are confronting. If we could just bomb the Soviet Union with Sears catalogs, it would be a big advantage over what we are doing so that the people in that country would know what it is that their Government denies them from having.

This is the best thing that has happened in a long time, to have the Soviet Union being defeated on the battlefield in Afghanistan so people will wake up in this propaganda war. They shoot people when they leave their country. When they crawl over the wall anywhere across Europe, you get shot. You have to get through mine fields, claymore mines, machine gun nests, and barbed wire entanglements. It is incredible what they have to do to escape the country. They will shoot you on the barbed wire as you are passing over.

We are passing laws in this country to try to keep people out, and we allow ourselves to lose the propaganda war and give the dictators an absolutely free address in the U.S. and the Western media. I find it almost incredible.

So I just want to say again, as Mrs. Kirkpatrick says:

> It is inconceivable that the administration of Ronald Reagan would accept a deal that leaves a residual Soviet presence in Afghanistan, a Communist government in Kabul aided by Moscow, while cutting off the flow of assistance to the Afghan resistance.
>
> It could not be.
>
> If there is to be an end to "outside interference" in Afghanistan it must be applied

equally. Cut off of aid must include a cutoff of Soviet assistance to the Kabul puppet government.

So what we are saying here in this resolution today is we are giving our Secretary of State, George Shultz, a statement and we are giving President Reagan a statement that we in the U.S. Senate—the Democrats, the Republicans, Americans one and all—are going to stand together. We want to see this thing through to the end and we want to see freedom prevail over tyranny.

It is a black-and-white issue. It is so important that we get a good strong vote on this. I hope every Senator will come to the floor and cast their vote for freedom and support this.

The majority leader is quite correct in doing this. Senator HUMPHREY is quite correct in his efforts in it. I am happy that I brought this up with the majority leader last week and started this off by introducing a resolution, because we need a strong statement to the whole world that freedom is going to have the support of the people in the United States of America.

I will just say, in closing, Mr. President, that the freedom we are talking about in Afghanistan is not just freedom in Afghanistan. It is freedom for all mankind.

I yield the floor.

EXHIBIT 1

"TOO EAGER FOR ANY AGREEMENT" ON AFGHANISTAN

(By Jeane Kirkpatrick)

By now, nearly everyone has heard that the Soviets want to withdraw from Afghanistan. Secretary of State George Shultz has said he does not doubt it, though some remain skeptical. More important, however, the carefully worded pronouncements from Mikhail Gorbachev and other Soviet officials leave critical questions unanswered.

Will all Soviet troops depart? Do the Soviets intend to leave a permament presence? How will the next government be chosen? Will refugees and their leaders be permitted to participate? How much Soviet aid will there be for the puppet government in Kabul?

What did Pravda say? "The Afghan problem has been used from year to year to block peace initiatives. . . . Hawks across the ocean say 'Afghanistan first, regional conflicts first.' Until they are settled, it is pointless to talk about the cardinal problems of war and peace or to embark seriously on nuclear disarmament."

An extremely interesting article in a recent issue of Moscow's Literacy Gazette is said to constitute the recommended interpretation of the Afghan experience. Terming the current Afghan policy one of "national reconciliation" and "an expression of the new political thinking on the Afghans' side," the Literacy Gazette recalls the euphoria in the Soviet Union when the April 1978 "resolution" in Kabul was announced. The writer remembers the pleasure at hearing "that we might find ourselves with a socialist neighbor on our border to the south," and later recalls "disaster . . . threatened the red flag over Kabul." There was outside interference—Americans, Chinese, British and Pakistani guns appeared to threaten the regime. So, naturally, in response to the Afghan state's call for help, "We sent in the troops" to offset "the mighty presence from abroad."

The Literary Gazette recalls how, in the early happy days, everyone assumed "the victorious party [the People's Democratic Party of Afghanistan] would be able to create an effective structure covering the whole country, the whole territory and all the social strata of the society, and stability would prevail."

It did not happen.

The PDPA "offended against tradition." It "turned into violence and repression." It fell into factionalism. Afghanistan turned out to be a "medieval melting pot." Everyone could see that some accommodation was required with traditional culture and Islam. The process of compromise began.

"State forums were introduced by mullahs' prayers. The flag ceased to be red and acquired a green Islamic stripe." The party proclaimed its pluralism. it proclaimed a "policy of national reconciliation" and "unprecedented compromise with enemies," and a readiness to "see them not as enemies but as patriots, colleagues in a future traditionally Islamic society."

Now, the Literary Gazette tells us, the original aim of the revolutionary government "has been renounced by the government itself." Everyone now has come to realize that the "experts were wrong in their assessment. Errors were made."

The departure of our troops is not a defeat," the Literary Gazette explains, adding the soldiers will leave as "the vector of politics changes into reverse and the army follows that vector."

It will all happen "if the pens in Geneva sign the peace agreements." Gorbachev has decided to withdraw, but the decision, the Soviets explain, is not unconditional.

What must the pens in Geneva sign? The terms of the proposed agreement have not been made public, but reports have circulated for weeks. According to these reports, the Soviet Union—which now claim 90,000 troops in Afghanistan—will begin withdrawal by May 15 if the agreement is completed by March 15 and will complete withdrawal within 10 months.

But, and it is a very large but, the United States must cease all assistance to the Afghan *mujaheddin* as soon as the Soviet Union begins its troop withdrawal. The Pakistanis must dismantle the mujaheddin base camps, and the existing Afghan government will remain in place. That this government calls itself a government of national reconciliation does not change the fact that it was installed by the Soviet Union and is maintained by Soviet troops.

Obviously the withdrawal of Soviet troops from Afghanistan is intensely desirable. Eight long years of war have left 1.25 million Afghans dead, 4 million in exile and the country devastated.

However, Afghan resistance leaders fear they have already been betrayed by an American government that seems too eager for any agreement.

It is inconceivable that the administration of Ronald Reagan would accept a deal that leaves a residual Soviet presence in Afghanistan, a Communist government in Kabul aided by Moscow, while cutting off the flow of assistance to the Afghan resistance.

It could not be.

If there is to be an end to "outside interference" in Afghanistan it must be applied equally. Cutoff of aid must include a cutoff of Soviet assistance to the Kabul puppet government.

George Shultz should make it clear to the Soviets that it takes more than a change of name to make a government a "national reconciliation."

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mr. HUMPHREY. Parliamentary inquiry: Is there a time agreement?

The PRESIDING OFFICER. There is a time agreement; 3 hours on each side.

Mr. SYMMS. Mr. President, I yield such time to Senator HUMPHREY as he may need. I would just say, Mr. President, that I think that the agreement is that Senators who wish to speak may come to the floor and speak. Senator BYRD has divided the time, but he has said that his time will be made available to any Senator who wishes to speak. I do not think there is any opposition, so there is really no division of who gets the time.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for such time as he may need.

Mr. HUMPHREY. I thank the Chair.

Mr. President, I commend the Senator from Idaho for spearheading this effort to make known the sentiment of the Senate on the subject of the various agreements applying to the withdrawal of Soviet forces from Afghanistan. The Senator has performed more than a useful service. He has performed probably a historic service for reasons I will outline in the course of my remarks.

I, likewise, commend the majority leader and the chairman of the Foreign Relations Committee for their cooperation and their longstanding enthusiasm and help for the cause of Afghan independence.

Mr. President, as the Senator from Idaho has stated, the resolution before the Senate is, in effect, an expression of sentiment; in effect, counsel for the benefit of the administration. And let us hope that the administration takes it to heart, because there is very strong unity in this body—and I suspect when it comes to a vote there will not be a dissenting vote in the adoption of this resolution—there is strong bipartisan unity across the philosophical spectrum for not only supporting the Afghan cause all of these years, but for ensuring that whatever agreement the parties come to for securing the independence of Afghanistan be an agreement which is decent and which is prudent and which ensures, to the maximum possible extent, that the Soviet withdrawal will be complete and that there can be no doublecross accommodated by any such agreement.

At long last, the Soviets do appear genuinely interested in withdrawing from Afghanistan. The expression of wishes to withdraw is nothing new, but what is new is the recent statement of the Foreign Minister and the General Secretary to the effect that they no longer insist upon preconditions with respect to a surviving government; that they are now willing to withdraw without insisting upon leaving in place their puppet regime set up 8 years ago.

That is an important change. That is a watershed event that may show whether the Soviets are sincere in their wish to leave. Because what is clear is this: either they are sincere or they are insincere. And if they are insincere and they have deceit and doublecross in mind, we have to tailor an agreement which will not accommodate doublecross and deceit and insincerity. And if they are sincere, then they will find, I think, an agreement that facilitates the safe withdrawal from Afghanistan of their forces.

We do not want an agreement which in any way endangers the gains won by the Afghans at such enormous costs. We should bear in mind, the administration should bear in mind, the extra responsibility it bears in view of its negotiating on behalf of the Afghan people. The Afghans are not a direct party to these negotiations, unfortunately; not likely to be, in a meaningful sense. Therefore, it is all the more incumbent upon this Government to take even more seriously the very great responsibility it has in negotiating the future of others and especially in light of the enormous sacrifice the Afghans have made these last 8 years.

The Senator from Idaho said that Afghanistan is a country of 14 million people. That is not quite true. It is a country of about 10 million people. It used to be a country of 15 million people prior to the Soviet invasion.

What happened to 5 million people, well, a million-and-a-quarter of them are dead—dead; d-e-a-d—as a result of the Soviet invasion; a million-and-a-quarter out of 15 million. That is 7 percent.

If you apply that 7 percent to the American population, Mr. President, it equates to about 17 million dead Americans—17 million, if you can imagine such a catastrophe. There would scarcely be a family untouched—children dead, parents dead, grandparents dead; almost every family would have suffered the loss of loved ones. That may be difficult for us to imagine, but for the Afghans it is not a matter of imagination. It is a matter of daily reality. And the State Department ought to be bearing that terrible fact in mind daily and hourly as it negotiates the fate of Afghanistan and moves toward an agreement which will either secure the gains of that sacrifice or throw them away, throw away at the bargaining table what the Afghans have won at the battlefield.

It is a pretty sobering thought, sobering responsibility. And yet I have a great deal of unease, shared by many in this body and shared by many in the realm of public policy, in Government and out, that the State Department has very carelessly, at least foolishly, at least imprudently, so far conducted these negotiations.

The agreements, as best we can learn of them, are not prudent, not safe, not decent, and not just. And I will come in a moment to the particular points of criticism.

It seems to me that we ought to be approaching this responsibility with a set of criteria for an agreement which we can rely upon to ensure the success of the Afghan cause. We are at a critical juncture, it would seem. The U.N.-sponsored talks resume next month. There is a great urgency in some quarters to make this round of talks the last.

That would be fine, providing the talks yield an agreement which secures the gains of the Afghan people and in no way endangers them or exposes them to doublecross.

But if it takes more than one round to secure a just and decent and prudent agreement, then so be it.

Any agreement is not good enough. We should have a few criteria. The first is that outside assistance to the Afghan resistance can continue until the Soviets are completely withdrawn from the country or at least until it is crystal clear that they are so far withdrawn that they cannot return.

Unfortunately, under terms earlier agreed to by the State Department, the United States has agreed to cut off all assistance at the beginning. Not at the end, or not three-quarters of the way through, but on day one of the Soviet withdrawal. The Soviets need only withdraw a few hundred men, let us say, and that triggers immediately a complete cutoff of American assistance and the assistance of other countries to the Afghan resistance.

If the Soviets are insincere and if they have doublecross in mind, what more generous term could they hope for than for the United States and other interested countries to leave the Mujahadeen, the resistance, twisting in the wind for 10 months while Soviet forces and those of the puppet government they set up are continuously and generously supplied. If they intend a doublecross, what more generous term could they wish than that to which the State Department apparently already agreed; namely, cutoff of assistance on day one of a Soviet withdrawal? It is absurd; it is irresponsible and if it were permitted to stand, it would be tragic.

So our first criterion must be that outside assistance to the resistance upon which they are entirely dependent—entirely—must continue as long as there are significant numbers of Soviet troops in Afghanistan.

A rather odd bit of history attaches to this point. Prior to the Washington summit President Reagan stated that the United States would never cut off assistance to the Afghans at the beginning of a, Soviet troop withdrawal. However, several days later, after that fine statement, senior State Department officials reiterated to the press that the United States would in fact be prepared to cut off all assistance at the outset, at the beginning, on day one of the Soviet withdrawal. So there you have the State Department contradicting the White House, contradicting the President.

We now know why the administration was forced to execute an about-face in this critical matter for, a few days later, the New York Times reported that:

> An American commitment in 1985 to end the military aid to the Afghan guerrillas at the beginning of a Soviet troop withdrawal was made without the knowledge or approval of President Reagan.

Imagine that.

On so cardinal a point as this the State Department has agreed to foolish terms not only without the approval of the President but, indeed, without his knowledge, if the New York Times can be believed. And I believe it in this case because I know the details and it is true. The President was blindsided. That is outrageous.

The Congress, unlike the administration, has spoken with one voice on this issue of Afghanistan over the years. Congress has continually pressed the administration to increase military and humanitarian assistance, year in and year out. We have increased the appropriations over those requested by the administration, so determined has been the Congress to stand with the people of Afghanistan.

We have not only provided material assistance, we have many times expressed our sentiments, as we will today, again, in a moment.

Example: In the last Congress, Public Law 99-399:

> The United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through the appropriate provisions of material support.

So, as recently as the last Congress, the Congress stated that we should continue to provide such material assistance, "so long as Soviet military forces occupy Afghanistan."

In other words, we should not give away the store up front. We should resort to some shrewd Yankee bargaining for a change, but unfortunately the State Department was not listening, apparently.

In this Congress, last year, we adopted House Resolution 277 that came to us unanimously from the House on the same point. Congress has never agreed to cutting off the support for the Afghan resistance at the outset, the beginning of the Soviet troop withdrawal. Why not? Because such an agreement, such a term is foolish on its face. Along these lines I would urge my colleagues to take a few moments to read the wise remarks of the majority leader delivered on the floor just last Tuesday. Commenting on Mr. Gorbachev's assertion that the United States must end all aid to the Mujahadeen at the outset, Senator BYRD spoke for many of us when he said:

> American aid should stay in place until it is absolutely, indubitably and unqustionably clear that the Soviets are mainly out and that they are not redeploying their forces to be inserted again, and the the Mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. President, the junior Senator from Massachusetts and I are circulating a letter to the President on this subject now, signed by 29 Senators, I might add which says:

> To agree to cut off all aid to the Afghan resistance while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said that the United States threw aside the sacrifice of the Afghan people.

Let it never be said that we threw away the blood of a million and a quarter of the Afghan people and 4 million more who are refugees, and the suffering of 4 million more who have injuries and disease as a result of this war and whose future has been substantially diminished by the hardship brought about by Soviet occupation.

Let it never be said that this enormous, almost unprecedented sacrifice, was thrown away by the United States. And yet there is a substantial danger that the State Department will do just that.

With respect to that letter, now signed by 29 U.S. Senators, we have been joined in its by the chairman of the Foreign Relations Committee and the chairman of the Intelligence Committee as well and I urge my colleagues, likewise, to add their signatures.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HUMPHREY. I would be happy to yield to the majority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator for yielding. I compliment the Senator for the leadership that he has consistently shown in this subject area over a period of a great many years. I compliment him on his statement today. I have not been able to listen to all of it.

I have been looking over a statement titled "Testimony of Robert A. Peck, Deputy Assistant Secretary of State, Before the Subcommittee on Asian and Pacific Affairs, February 25, 1988," last week. This is Congressman SOLARZ' Asian Subcommittee of the House Foreign Affairs Committee. I have not had a chance to read all of the statement but my staff has just called my attention to a portion of the speech that was prepared for delivery by Mr. Peck before that subcommittee.

I do not know whether there were any modifications made in that statement at the time it was delivered or what may have evolved through the process of questions and answers in that hearing. But I read the following extract from the prepared statement of Robert A. Peck, Deputy Assistant Secretary of State, before Mr. SOLARZ' subcommittee.

> We and the Soviet Union would agree to the same basic commitment regarding noninterference and nonintervention. We would be prepared, if completely satisfied with the overall agreement, to prohibit U.S. military assistance to the Afghan resistance.

"We would expect"—and here I would underline the word "expect"—"the Soviet Union to show reciprocal restraint under the Geneva accords in stopping military support for the Kabul regime instrument on guarantees. We will, of course, continue nonmilitary humanitarian assistance and assume the Soviets will do the same. The commitments of all the parties would enter into effect on an agreed date following signature; at the present time, this is expected to be at the end of 60 days."

Mr. President, is the Senator aware of this statement that was made by Mr. Robert A. Peck on behalf of the State Department before the House Foreign Affairs Subcommittee on Asian Affairs?

Mr. HUMPHREY. I respond by saying that the staff called it to my attention. I did not know about it, no.

Mr. BYRD. What does this tell the Senator:

> We would be prepared, if completely satisfied with the overall agreements, to prohibit U.S. military assistance to the Afghan resistance. We would expect the Soviet Union to show reciprocal restraint under the Geneva Accords in stopping military support for the Kabul regime instrument on guarantees.

Does this mean that the State Department under this administration is getting ready to drop its military assistance to the Afghan resistance on the basis of some agreement, some promise by the Soviets, that they are going to get out of Afghanistan?

Would I understand this to mean that, as soon as the Soviets sign on the dotted line, they are going to withdraw from Afghanistan and that they will not interfere or intervene any further in the political affairs, the government in Afghanistan, and that we are going to basically lean upon or depend upon the so-called good "intentions" of the Soviet Government, and that we are going to shut off aid as soon as the Soviets sign a reciprocal restraint agreement; that we are going to cut off military aid to the Afghanistan resistance at that point?

It says:

> The commitments of all the parties would enter into effect on an agreed date following signature; at the present time, this is expected to be at the end of 60 days.

Are we saying that, when the Soviets sign on the dotted line, that 60 days thereafter, the United States will end its aid, its military aid to the Afghan resistance?

Mr. HUMPHREY. Mr. President, that is the agreement as now stated. To the extent this Senator is aware, and I have never had access to the agreements—I have asked for them, but I have not been able to see them—to the extent that I am aware from a number of sources, the agreement as now constituted requires the United States to cut off assistance to the Afghan resistance at the beginning of the Soviet withdrawal. Nothing in the agreement as now constituted requires the Soviets to exercise any restraint whatever in resupplying of its own forces or that of the puppet government which is set up.

Mr. SYMMS. Will the Senator yield for a point? Who has the floor?

Mr. HUMPHREY. I yielded to the majority leader.

Mr. SYMMS. I just wanted to share with my colleagues that when I was in Pakistan in January, the State Department team that we have in the country did not agree with it, or if they knew about the agreement, they did not mention it to me. I cannot speak for them, but I was very proud of the United States team in Pakistan, the State Department, our military advisers, and other people we have there. I was very proud of all of them. This is where I got so excited about this proposition because they are concerned about this very thing. The head of the mujahadeen is concerned about this. The military leadership of Pakistan, the Pakistan President, they are all concerned about this, this very point. They sense that something is in the making at the highest levels of the State Department. I did not get that from our Ambassador or our people in the other offices in Pakistan. They think exactly as we are saying, that we should stay right on the track of doing what we are doing, not have any impatience on our part, we should just be patient in doing what we are doing and keep telling the Soviets that the way out is the same way they came in and "Turn your trucks around and get your troops out with the Soviets on them."

I have a copy of the statement by Mr. Peck. I find it very, very alarming to see this statement, given as recently as last week, coming out of the high levels of the State Department when this was inconsistent with what our policy was in Pakistan.

When you were off the floor, Mr. Leader, I said I appreciated so much your willingness to bring this before the Senate. I think this is an important resolution. As Senator HUMPHREY said, this may be a historic resolution that we agree to here today because we have to get the attention of the State Department and the President. I cannot believe that President Reagan would agree with this statement. I would have to have him say so before I would believe so.

Mr. BYRD. Will the Senator yield?

Mr. HUMPHREY. I would be delighted to yield.

Mr. BYRD. Mr. President, I am shocked at the language.

Mr. HUMPHREY. The Senator should be shocked.

Mr. BYRD. I am not only shocked, I am stunned.

Mr. HUMPHREY. The Senator should be stunned.

Mr. BYRD. This does not comport with what Secretary Shultz and the President have said to me. It may be that there are two ships passing in the night here, from what I thought I heard in talking with Secretary Shultz and the President and perhaps in what they thought they heard in talking with me. This would be a sellout by the United States of America, if I understand it correctly.

Mr. HUMPHREY. That is right.

Mr. BYRD. And it would be a shameful sellout.

Mr. President, when is this agreement supposed to be signed?

Mr. HUMPHREY. That is the function of what happens in the next round of negotiations which will begin in a few days. But we are led to believe that there is a strong push underway to conclude the agreement in the next few days.

Mr. BYRD. Mr. President, I can only say that I would like to know, and I think the Senate would like to know, what is in any agreement affecting the Afghan freedom fighters before our Government signs its name on the dotted line.

I would like to know what is in any such agreement which we intend to sign before I call up the INF Treaty.

Mr. HUMPHREY. I urge the Senator to use the leverage.

I think it is a tremendous idea.

Mr. BYRD. It is not leverage. I support the treaty. But I hope the administration will let this Senate know what is in any agreement on Afghanistan that we intend to sign so that the Senate has a full understanding as to whether this administration is going to unwittingly sell the Afghan resistance down the river.

I hope to be very careful about what I say and the way I say it. I am not making any accusations of the administration. I discussed this briefly with the Secretary of State last week in my office. Only last week I discussed it briefly with the President at a meeting which was also attended by Senator NUNN, Senator PELL, Senator BOREN, and Senator WARNER—I did not get the impression in listening to the President—or when I heard Secretary Shultz—that this is what we are about to do.

So I make no accusations. But I simply have to say that if something is going on here that we in the Congress have not been told about, and which, in effect, would sell out the Afghan resistance on the basis of the so-called good "intent" of Mr. Gorbachev and/or the others in the high leadership of the Soviet Union or on the basis of some other promise, even though it is in writing, if we are going to prematurely cut off military aid to those resistance fighters, the Senate and House ought to know about it. The Congress and the people should be told just what we are talking about doing. The Senate must not be kept in the dark. I hope that this resolution today will speak loudly for the Senate to that effect.

I hope that if that is what is in the cards, the passage of this resolution will send a clear message that the Senate wants no part of that kind of an agreement. And I read again the words from the prepared testimony. I have not seen the printed hearings. I do not know what questions or answers followed the presentation of this prepared statement or whether it was changed before it was given. This statement is, "The obligation which the United States would undertake as a 'guarantor' would relate exclusively to our own policies and actions. We would bear no responsibility for the actions of others."

We have to bear a responsibility for the actions of others. We cannot "guarantee" much in that part of the world; we all know, except as we guarantee our own actions. But to say we would bear no responsibility for the actions of others, we will bear a responsibility for the actions of others if we act in a way that sells the resistance fighters down the river. We have a responsibility not to do that and we have a responsibility not to depend only upon the good "intentions" of Soviet leadership. We should have learned through the lessons of history that we cannot depend upon the good intentions of the Soviet leadership.

This statement by Mr. Peck goes on to say, "We and the Soviet Union would agree to the same basic commitment regarding non-interference and non-intervention."

We could keep our part of the agreement, but what assurance do we have that the Soviet Union would keep its agreement?

I continue to read: "We would be prepared, if completely satisfied." What does that mean, "if completely satisfied"? Who is to be completely satisfied? What is meant by complete satisfaction? Are we just going to take the word of the Soviet leadership? How dumb, how silly, how stupid can we get?

"We would be prepared." Who is "we"? "We would be prepared." For whom is Mr. Peck speaking? "We would be prepared, if completely satisfied with the overall agreement."

Would the Senate be prepared? We. Who in the State Department is "we" other than Mr. Peck? "We would be prepared, if completely satisfied with the overall agreement, to prohibit U.S. military assistance to Afghan resistance." Are the leaders of the Afghan resistance going to be a part of this agreement?

I am asking rhetorical questions, but the Senator may respond anytime he wishes. I continue now to read. Now, who is "we"? "We would expect the Soviet Union to show reciprocal restraint." Suppose they do not show reciprocal restraint. Then what are "we" going to do about it? "We would expect the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul regime instrument on guarantees."

"We would expect the Soviet Union to show reciprocal restraint." What does that mean? The Soviets didn't show any restraint when they invaded Afghanistan.

Mr. SYMMS. Mr. President, will the leader yield?

Mr. HUMPHREY. The Senator from New Hampshire has the floor, believe it or not.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. BYRD. If the Senator will yield to me, Mr. President, I will finish in 2 minutes, I assure you.

"We would expect the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul regime instrument on guarantees. We will, of course, continue non-military humanitarian assistance and assume"—assume. Get that word—assume, we will assume—that the Soviets will do the same. The commitments of all the parties would enter into effect on an agreed date following signature. At the present time this is expected to be at the end of 60 days.

"We may be on the threshold of an historic achievement. We place the highest priority on seizing the opportunities inherent in the present situation to reach an early settlement. At the same time we are determined that it must be a good settlement, a settlement which gets Soviet forces out, results in the return of the refugees, and which restores the independence and nonalignment of Afghanistan and the right of the Afghanistan people to self-determination. All of our diplomatic efforts are bent toward this result."

Now that paragraph, I think, is on the right track. But how can we so assuredly believe that that paragraph will be a natural follow-on to what Mr. Peck was saying in the paragraph preceding it?

I thank the Senator for yielding. I again thank him for the leadership he has shown in this matter. I would be happy to hear his reaction, and the reaction of any other Senator.

Mr. HUMPHREY. Mr. President, the majority leader has raised some very decisive and important questions, the answer to which I think can be secured only by looking at the agreements, the agreements which the State Department so far at least with respect to this Senator has refused to share. I encourage the Senator's determination to get to the bottom of this matter in the way that only he can. And I urge him to use all reasonable leverage to secure the answers to those questions.

Mr. BYRD. What is the basis for the refusal of the people in the State Department to show the Senator from New Hampshire the words in the agreement?

Mr. HUMPHREY. Diplomats are never anxious to share anything with Senators.

Mr. President, the Senator from West Virginia, the majority leader, has focused on a very important passage in the testimony of the Deputy Assistant Secretary of State just a few days ago.

Diplomats used their words very carefully. If you read them carefully you will see what kind of game they are playing. Let me just read the two sentences on which the Senator dwelled a number of times.

> We would be prepared—

The United States for its part—

> if completely satisfied with the overall agreement to prohibit U.S. military assistance to the Afghan resistance.

Plain language translation: we have already agreed, we agreed 2 years ago, to cut off outside assistance to the resistance on the first day of the Soviet withdrawal. So for our part we are already bound unless these agreements can be modified and perfected as I hope they will and indeed they must be.

The next sentence says:

> We would expect—

Key word "expect"—

> the Soviet Union to show reciprocal restraint under the Geneva accords in stopping its military support for the Kabul; that is, puppet regime.

We would expect, and that is all we have a right to do is expect because there is nothing in the agreements to the best that I can find out, to the best of my knowledge, and ability to find out, that requires any such reciprocity on the part of the Soviets, and that is essentially the point.

This is a one-sided deal. We are going to cut off the resistance on day 1 and the Soviets are perfectly free under the agreements as they are now constituted to continually and generously supply their own troops and that of the puppet regime which they have shored up.

If the Soviets have the intent to deceive and doublecross, they could not hope for a more accommodating agreement than those which now exist.

The Senator has come right to the nub of the matter. I hope that he can get an answer. I think I have expressed the answer he will find when he finally gets his hands on those documents. That is the point of all of this today, frankly, to bring pressure to bear on the administration to modify these agreements to secure a decent agreement, one that will bring independence to Afghanistan without jeopardizing the sacrifice that people have made in these last 8 years.

If the Soviets are sincere this agreement will work fine. If they are insincere and mean to doublecross these agreements as they are now standing, it will accommodate them genuinely, and even if they are sincere now and simply change their mind later in response to changed circumstances, again it will be accommodated in the thwarting of the wishes of the Afghan people.

Mr. SYMMS. Would the Senator yield?

Mr. HUMPHREY. I am happy to yield.

Mr. SYMMS. Has the Senator talked personally with Secretary Shultz about this?

Mr. HUMPHREY. No.

Mr. SYMMS. As the Senator knows, I have not been a cheerleader for Secretary Shultz. But I made the statement here earlier that I find it hard to believe that Ronald Reagan would agree with this, and I find it hard to believe that the Secretary of State, George Shultz, would agree with this. I agree with the majority leader. I would like to know who Robert Peck is speaking for, and if he is speaking for Secretary Shultz then he should tell the majority leader what is in that agreement so we know what we are doing here.

What scares me—and I say this to the majority leader and to the President—if you analyze what the State Department is trying to do in Angola, it is a similar pattern. We have spent a lot of blood, sweat, and tears, and a lot of young people that are out there on the firing line have lost their lives in Angola also. And we just cannot have the credibility of the great United States of America on the line helping people who are dying where it is not some kind of a training exercise. They are firing live ammunition out there. As the Senator said, the 3 million people are refugees which I visited, and another 1.5 million are killed. We cannot put our credibility for future freedom and peace for mankind and the future, if the United States agrees to some kind of an arrangement like this. No one would be willing to risk their lives, and there would be nothing left that one could trust.

So I think if this agreement is there, we ought to demand that the Secretary of State bring it down and at least with the majority leader. I can see the reasons for some secret negotiations occasionally. But there was one great American in the past who talked about secret covenants secretly arrived at. I think this may be one of those.

We need to know this in advance because if this is the case, what about the young mujahadeen, the ones that are going out there today and fighting and risking their lives? Are we going to jerk the rug out from under them? If they do it to them, then who would want to join with us in a conflict in the future? Who will protect our freedom if we cannot be relied upon as a credible ally in the situation like this? This is very, very I think important even though this is just a sense-of-the-Senate resolution, a very important sense-of-the-Senate resolution because we are trying to put our credibility on the line that we want to stand with the freedom fighters.

As I said, because of my conversations with the U.S. Ambassador in Pakistan, I do not believe this. If it is, he certainly did not relate that to me. And our team in Pakistan is saying we have to be patient, we have to see this thing through to the end. We cannot abandon ship halfway across the river. We have to get clear to the other side.

I thank the Senator. I thank the leader.

Mr. HUMPHREY. Mr. President, Senators and others having a difficult time believing that our Government, our State Department, could possibly have agreed to terms which require us to cut off aid on the first day of the Soviet withdrawal while on the other hand permitting the Soviets to continually and fully continue to supply their own troops and that of the puppet regime. I can understand our Senators, even ambassadors, would have a difficult time believing such an agreement has been made because it is so preposterous, because it is such a travesty, because it is a sellout. That is precisely where we stand today to the best information available to this Senator.

Two years ago, without the President's approval and even without his knowledge, the State Department agreed to that first part; we would cut off aid at the outset on the first day.

We have acquired so far in these agreements no reciprocity on the Soviets to cut off the aid to the puppet regime on the same basis. It is a sellout. It grossly and grievously endangers the gains and sacrifices of the Afghan people, and will generously accommodate Soviet deceit if that is what they have in mind.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. HUMPHREY. Yes, of course.

Mr. BYRD. Mr. President, I ask that half the time that is being used by the distinguished Senator from New Hampshire in the colloquy in which I participated be charged to this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, does the Senator have any feeling that the administration may be so eager to come to an agreement with the Soviets on a START Treaty, so eager for a summit, that the administration may be about to enter into an agreement detrimental to the interests of the Afghan resistance?

Before the Senator answers, I want to say that Secretary Shultz and I had a discussion about this very point last week.

I was reassured with the Secretary's response to me on that, indicating that the U.S. Government not only was not being so influenced but also would not be influenced by a desire to reach a START agreement to any such extent—in other words, that the United States would not do anything or enter into any agreement or accede to any understanding that would in any way undermine the Afghan resistance in order to advance a summit on START or an agreement on START.

I have confidence in the integrity of the Secretary of State, his forthrightness, and his honesty. The response I got from him reassured me on that point.

Does the Senator from New Hampshire wish to comment?

Mr. HUMPHREY. Mr. President, I do not know what causes us to find ourselves in this bind, but we do. We find ourselves in a bind. The President finds himself in a bind. Maybe it was just a bureaucratic snafu that some underlings, without the knowledge or approval of the President, negotiated these decidedly one-sided terms as they now exist on this day. Maybe that was a bureaucratic snafu. Maybe it is the mind set. Maybe it is another manifestation of what I would call the casino-style negotiating, tied up in the INF thing, and now there is this intention to make the START Treaty yet another extravaganza.

I do not know if it is related. Perhaps it is not. The fact of the matter is, we face a very bad situation and will have to do something very soon or the sacrifice of the Afghan people will be grievously in danger.

The bottom line fact is we are required on our part to cut off aid on day one. The Soviets have no such requirement in the agreement as it stands now.

Mr. BYRD. Mr. President, this resolution on which the Senate will vote, it seems to me, represents a clean, sharp break on the part of the U.S. Senate from any such idea, or any such thought.

If that is the idea or the thought on the part of the administration, or anybody in the State Department—lower level, mid level, anywhere else—it seems to me that this Senate resolution clearly makes a clean, sharp break on the part of the Senate with any such idea, and it should be a caution light to the administration.

I read from the top of page 2 of the resolution, if the Senator will allow me.

Mr. HUMPHREY. Of course.

Mr. BYRD. "Therefore, be it resolved that the Senate hereby"—here is the paragraph, number 7:

> Expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

If that is not strong enough, I would like to make it even stronger, if the Senator has any suggestions as to how that might be done.

It is alien to my thinking that the United States of America, through its Government, in any way, shape, or form, would even contemplate, much less sign on the dotted line, any agreement that would cut off aid to the Afghan freedom fighters as long as they need military aid, to repel the Soviet invaders, now or in the future, and I hope we are not about to take such a reprehensible and tragic step as that. I hope that things are really not what they seem.

I thank the Senator for yielding.

Mr. HUMPHREY. Mr. President, I thank the majority leader for his incisive comments. He has taken a good deal of time in addressing this matter, a good deal of his valuable time, because of the critical importance of the matter, the critical importance of the terms of the agreement.

Just any agreement is not good enough. It has to be one that ensures the gains of the people of Afghanistan and ensures against any treachery or doublecross on the part of the Soviets.

As the agreement now stands, they do not ensure against doublecross. There is not much time left, if we believe the press accounts, but there is time if the President and the Secretary of State will involve themselves. There is time to modify these agreements and to make them decent and to make them just, but it will take the involvement of the President and the Secretary of State.

The majority leader is right. We have not finalized anything yet. We may be 95 percent of the way there; we may be 99 percent of the way there; but until we cross that 100-percent mark, it is all open to modification.

Mr. BYRD. Are the Soviets saying that if we do not sign these agreements they will not withdraw?

Mr. HUMPHREY. No, I have not said that.

Mr. BYRD. I say, are the Soviets in essence saying that?

Mr. HUMPHREY. I think implicit in some of the comments in recent weeks is that the United States had better agree now because it might lose its opportunity for an agreement.

Mr. BYRD. Mr. President, if the Soviets get out of Afghanistan, they will not be getting out because of an act of good will or altruistic motives.

Mr. HUMPHREY. I think not.

Mr. BYRD. They will be getting out because they want out.

Mr. HUMPHREY. Yes, sir.

Mr. BYRD. Because the Afghans are making it pretty hot for them.

Mr. HUMPHREY. Yes.

Mr. BYRD. It is costing them more than they anticipated.

Mr. HUMPHREY. Exactly.

Mr. BYRD. In terms of treasure and in lives, I would call their bluff on that.

Mr. HUMPHREY. The Senator is right.

Mr. BYRD. If they are saying, "If you don't sign, we won't withdraw," I would hope we would give the Afghans more aid than we are giving them now.

The Soviets must not be rewarded for getting out of Afghanistan, and certainly we have our own honor to think of as we look down the many years ahead. This country ought to be very careful that it does not commit a dishonorable act to accommodate the Soviet Union. They ought to just turn tail and get out.

They did not ask our advice when they went in.

Now, after 8 years they intend to get out, we hear. They would probably like to get out, but they would like to get out with honor. They would like to be rewarded for getting out. They probably would like to have the Nobel Peace Prize.

Mr. HUMPHREY. They probably will get it.

Mr. BYRD. I hope not.

But they want out.

I guess they would like for the United States to help them get out under the appearance of honor, that it will appear noble of them to withdraw, an act of goodwill. They want the world to believe that they are peace-loving. They can do it simply by heading north out of Afghanistan.

Mr. President, I thank the Senator for his yielding to me, and I thank him again for the strong support that he has evidenced on many occasions for the Afghan fighters.

Mr. HUMPHREY. Mr. President, I thank the Senator for his kind words.

I would simply respond to them that we are indeed on the verge of committing, to use his term, a dishonorable act unless the agreements are modified before they are finally concluded.

We may well have exposed the Afghans unconscionably to a double-cross and significant if not total loss of the gains they have made through enormous sacrifice.

Mr. President, the Soviets act out of self-interest or at least as they perceive their self-interest. They are not leaving Afghanistan because of noble sentiments. They are leaving because the Afghans have raised the cost of occupation to a point the Soviets are no longer willing to pay. It is clear. It is that simple just as we for our part as Americans raised the cost of the British occupation of our country, the colonies, to a point which they were no longer willing to pay. We did not defeat the Redcoats except at Trenton and Yorktown and other places. We defeated the Redcoats because they were not willing to pay the price and they left.

The same is true of the Afghans. They have not defeated the Red army in the classical sense of the word, the literal sense of the word, but they have raised the cost of treasury and international public opinion to the point the Soviets are not willing to pay.

That is why they are leaving. That is why they leave in good order and make good on the agreement to withdraw, if we structure that agreement in such a way that it is in their interest to get out and start out, and that is to say to provide continued aid to the resistance until it is indelibly clear that the Soviets are gone and cannot possibly return.

In order to have such an agreement, Mr. President, I want to conclude my remarks by addressing a few further points, listing few further criteria which must be in any agreement for such an agreement to constitute decent and just agreement and one that safeguards the cause of Afghan independence.

The first point is we have to continue to supply the resistance.

The second point is if at some point we begin to reduce assistance, let us say in a phased basis commensurate with a Soviet withdrawal, the Soviets likewise have to phase out their assistance to the puppet regime.

There are a number of other important points, a number of other criteria, Mr. President, although not all of them listed in the resolution.

An agreement must address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union. One of the great under-reported stories of this decade, the Soviets have been kidnaping, taking children from their parents without consent, kidnaping children from Afghanistan, the brighter ones, taking them off to the Soviet Union for periods of months ranging to years for "education."

It is hard to think of words strong enough to condemn such practice. Yet our dandies in the diplomatic corps have not seen fit to raise this issue as far as we can tell in these talks. Certainly there is no provision in these agreements for the return of these 10,000 children, more than 10,000 children to their parents, to their families, to their country.

That ought to be in a decent agreement, but it is not in this agreement.

And furthermore, interested parties should be free to continue humanitarian assistance to the Afghan people both during and following the withdrawal of the Soviet troops.

Mr. President, this is an outstanding comprehensive resolution which speaks with great clarity for the Senate, putting this body on record implicitly with respect to the agreements that now stand and explicitly with respect to the agreements as we believe they should stand if they are to do justice to the Afghans and to their sacrifice and to the responsibilities that fall on our shoulders inasmuch as we are negotiating for these people. They are not at the bargaining table unfortunately. We are representing them.

Mr. President, a columnist, A.M. Rosenthal, wrote an important incisive piece on this matter published a few days ago in the New York Times. I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, earlier I alluded to a letter signed by 29 Senators, including the chairmen of the Foreign Relations Committee and the Intelligence Committee, a letter to the President calling upon the President to ensure that any agreement of which we are a party does not require us to cut off assistance to the Afghans while any Soviet troops remain in the country. I ask unanimous consent the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HUMPHREY. Mr. President, one last insertion. Last year about this time, almost exactly a year ago, this Senator asked the Defense Intelligence Agency to conduct a study to determine how long it would take the Soviets to withdraw from Afghanistan based on logistical criteria, since our criteria for the length of the timetable has been logistics only, to use the word of Secretary Shultz. So I asked DIA to conduct such a study, and the report concludes it would take the Soviets 30 to 40 days to execute such a withdrawal, one that would be orderly and safe and which would accommodate the removal of the considerable equipment which they have in Afghanistan. Thirty to forty days.

Now, it appears that the United States is ready to agree to 10 months. It is almost 10 times longer than the Defense Intelligence Agency said is necessary for withdrawal based on the criteria which Secretary Shultz said logistics only. We are going to give them 10 months to do that, maybe six or eight times at least more than they need, proposing to cut off assistance to the resistance at the outset, leaving them twisting in the wind for 10 months while the Soviets are perfectly free to continuously and generously resupply their own forces. If they have a mind, during those 10 months to destroy the resistance, they will certainly have an opportunity to do so.

I ask unanimous consent to print in the RECORD this DIA study.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HUMPHREY. These agreements are dangerous as they stand. They must be modified and perfected. There is time to do that. They may be well along. But there is time and unless the President does that I believe the United States will have failed miserably in its responsibilities to freedom in Afghanistan and indeed around the world.

Mr. President, finally I want to thank and pay special tribute to a member of my staff who has worked fulltime on this issue of Afghanistan now for 3 years. He has done a remarkably fine job. That is Tom Kleine.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Feb. 26, 1988]

A LITTLE TIME LEFT

(By A.M. Rosenthal)

There is still time for President Reagan to make sure that a great victory in the making does not become a tragedy. But not much time.

The Soviet Union has agreed in theory to pull its troops out of Afghanistan. This can be a smashing political, military and moral triumph for the Afghan resistance fighters, for Pakistan, which gave them refuge for a decade, and for a strong bipartisan American policy of military and economic support to the resistance.

But there is a critical debate taking place in Washington to which neither the President nor the country has paid enough attention. It did not rate a Presidential statement or even a question at his news conference.

The debate in Congress, the State and Defense Departments, the White House and among intelligence specialists is not among political caricatures—war-minded kooks and mushy-headed peaceniks. On both sides are rational people who range from mildly radical to devoutedly conservative.

The heart of the debate is this:

Will the pullout mean that Afghans will be able to choose their own government or is the Soviet Union planning and the U.S. falling for a withdrawal plan that will keep Moscow's puppet Government in power in Kabul?

Two specific questions are involved:

Will the U.S. cut off aid to the resistance while Moscow openly or covertly supplies the Kabul Communist regime with arms and economic assistance?

Should the U.S. accept the Soviet determination to leave the Kabul regine intact and in power after the pullout or should we insist on an interim government in which the Afghan resistance, which fought not only against the Russians but their Kabul satellites, has a dominant role as the fruit of its victory?

In Congress and the Administration, there is a strong inclination to make the pullout deal quickly, to insure Soviet troop withdrawal. As for aid cutoffs, they say, we will make the best deal possible. It doesn't matter that much, anyway; once the Red Army is out, the Kabul regime will soon be torn apart by the Afghan resistance.

But there are also Congressmen and specialists convinced that the Administration's eagerness for agreements with the Russians can turn an anti-Communist victory into a Communist triumph.

They believe it is naïve, self-deluding and pantingly optimistic to assume Moscow will not keep up the struggle for Afghanistan. So do I. The Russians will leave behind a well-armed Kabul government that will fight from fortified cities. Moscow will keep supplying the Afghan Communists after we cut off aid to the resistance.

The resistance forces will indeed triumph over Kabul one day. But we owe it to them and ourselves not to leave them with a clap on the back and very best wishes as they face more years of war against a Soviet-backed Kabul government.

There is confusion and double-talk about what the United States has promised or hinted at. In a day or two, the President will get a letter from at least 29 senators of almost every political shading urging him to step in and clear things up. They want him to make sure himself that aid to the resistance is not cut off until all Soviet troops leave Afghanistan and Moscow ceases aid to Kabul.

The letter is signed by conservative Republicans like Gordon J. Humphrey of New Hampshire, one of the strongest backers of the resistance, and Strom Thurmond of South Carolina. It also has signatures of the Democrats Daniel Patrick Moynihan of New York and Christopher Dodd of Connecticut. Alfonse D'Amato of New York and Malcolm Wallop of Wyoming, Republicans, have signed and so have the Democrats Joseph Biden of Delaware and Dennis DeConcini of Arizona.

So it is now up to the President to call a meeting of the National Security Council, find out what has been committed and decide what he is willing to stand by.

But that's not enough. The next round of talks starts in Geneva on March 1. The agreements should be made public before the United States commits its power and honor to them.

The U.S. need not agree with the resistance on every point nor satisfy every demand. But at least the President should pay attention to the last sentence in the letter he will be getting from the Senators of both parties:

"We have no right to endanger the gains the Afghans have made at a terrible price to their nation."

Then let's hear from the President fully, openly and soon. Secret diplomacy is now unjustified. Whatever Washington tells Russians is exactly what it should tell Afghans, Pakistanis and Americans.

EXHIBIT 2

U.S. SENATE,
Washington, DC, December 16, 1987.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We were encouraged by your statement preceding the Summit that the United States would not agree to end all outside assistance to the Afghan freedom fighters prior to the complete withdrawal of Soviet troops from Afghanistan. Your statement that we could not do "anything of that kind because the puppet government that has been left there has a military" was an accurate statement of the obvious.

Consequently, we are deeply concerned with reports today that U.S. assistance to the Afghan freedom fighters would in fact be cut off at the beginning of a Soviet troop withdrawal. To accede to General Secretary Gorbachev's demand that U.S. support be ended at the outset, is to gravely endanger the gains purchased by the Afghan people at very great cost: a million and a quarter dead—the equivalent of 20 million dead Americans.

To agree to cut off all aid to the Afghan resistance, while Soviet troops remaining are generously and continually resupplied, and while the puppet government they set up is likewise resupplied, is unwise on its face. Let it never be said the United States threw away the sacrifice of the Afghan people.

Mr. President, we strongly agree with your assessment that we "can't suddenly disarm them and leave them prey to the other government." We have no right to endanger the gains the Afghans have made at a terrible price to their nation.

Sincerely,

Larry Pressler, Dan Quayle, Chic Hecht, Rudy Boschwitz, Pete Wilson, Don Nickles, John McCain, Steven Symms, David Durenberger, Dennis DeConcini, Strom Thurmond, Joe Biden, Gordon Humphrey, John F. Kerry, Alfonse D'Amato, Bill Armstrong, Chuck Grassley, Thad Cochran, Daniel Moynihan, Mitch McConnell, Christopher J. Dodd, Jim McClure, Malcolm Wallop, David K. Karnes, Richard Shelby, Bob Graham, Claiborne Pell, David L. Boren, David Pryor, and Richard Lugar.

EXHIBIT 3

DOD LOGISTICS STUDY, 10 FEBRUARY 1987

Background Paper for the Under Secretary of Defense for Policy.

Subject: Hypothetical Soviet Withdrawal from Afghanistan.

1. Purpose: The Senate Armed Services Committee requested an estimate of the period of time required for the Soviet forces to execute a rapid, effective, and complete withdrawal from Afghanistan.

2. Points of major interest:

a. The assessment was developed from the following assumptions:

The timetable is based solely on logistic considerations.

No major interference is expected from the Mujahedin.

The order of unit withdrawal would provide continuous security for the Soviet forces within Afghanistan.

Sequencing of the withdrawal would be as follows:

40 percent of combat ground forces;
80 percent of combat air forces;
70 percent of rear services;
50 percent of army headquarters (forward);
40 percent of combat ground forces;
30 percent of rear services;
50 percent of army headquarters (rear);
20 percent of combat air forces;
20 percent of combat ground forces.

b. Timing of the withdrawal includes movement preparation, e.g., repair of deadlined equipment, uploading of materiel, closing of facilities, and transfer of certain supplies and facilities to the Afghan military. Movement times were calculated based on reports and lines of communication capacity.

c. Soviet logistic operations in Afghanistan do not depend on the incountry infrastructure or Afghan support, except for the road network. Thus, withdrawal from Afghanistan would not involve new Soviet logistic responsibilities requiring additional resources.

d. Based on the above assumptions, the estimated time required to withdraw Soviet forces from Afghanistan is 30-40 days. Unforeseen administrative requirements involved in the Soviet departure could increase withdrawal times by as much as 20 percent.

Coordination: None.

Mr. SYMMS. Mr. President, I think the majority leader brought out some very important points about what the motivation of the Soviet Union is and also what the motivation of the United States on behalf of freedom and the Afghan freedom fighters on behalf of freedom is and should be. But I think when we look back at history, I would agree with the majority leader that we should not be blinded by history. I would also agree with his point that we must not see the world the way it is by the way we wish it were.

We cannot be blinded by hope. We have to look at what the Soviet actions are in Afghanistan. In Nicaragua, in Angola, arms shipments have gone up. They have gone up, they have not gone down since Gorbachev became the leader. In Angola, the Soviet Union sent over $1 billion in military arms under his new leadership. Under glasnost, they sent over $1 billion in arms to try to subvert freedom and subdue freedom in Angola. It is more in 1 year than any other year under any other Soviet leader.

In Nicaragua last year, they sent $600 million. And that is the same year that the U.S. House decided that we should not send any aid to the freedom fighters in Nicaragua.

But, Mr. President, I think a little bit of history—and I appreciate so much the fact that the majority leader brought the book, which he has obviously read very carefully and some underlying points in the book, on Lenin and pointed out some of those very important statements.

I wish to add a little bit to that, just to put this in perspective, of what is happening in Afghanistan and how it relates to world peace and freedom and how it relates to the security and the opportunities for Americans so that we will not be asking our sons and grandsons to be sent to some foreign country to fight; that we can be successful in these efforts for people to achieve their own freedom and their own self-determination as to what our goal is in Afghanistan.

But, Mr. President, the fact of the matter is that no matter what anyone may think about Mr. Gorbachev, communism has cost the lives of 160 million people in the last 70 years. That is right. I am not talking about countless people that have been deprived economic opportunity and have lived in poverty and lived in abject subsistence-type economies due to the fact that the Soviet Union tries to run everything through a bureaucracy.

I have said this many times, and I have said it on the floor before. If the Soviet Union would turn the farms over to the Russian people instead of trying to run them by the Soviet bureaucrats, the Soviet Union would be the biggest producer and exporter of food in the world. They have twice as much irrigable land as we have in the United States. They produce most of their produce, vegetables, and fruit crops from little private tracts that make up a very, very small percentage of the property in their country. It is very interesting. I am told, if you look down the fencerow from the private field to the Government field, that, on one side, it is clean, it is beautiful, the crops are growing well; on the other side, it is a weedpatch, it is barren, it is deprived of any nurture and cultural growth, and the field looks bad. And their answer is, of course, that the weather is bad.

I have said many times, one of the reasons why we do not always have crop failures is we get our weather from the Almighty. In the Soviet Union, they get their weather from Pravda, and it is bad weather. That is what the paper says. That is their excuse for their ineptitude in running their farms.

So, in addition to the people who have lived poorly, I think it is interesting to note that just the people I am talking about are people that have been killed by Communist dictatorships and it has averaged 2.3 million people a year since 1917.

The Soviet Union is not responsible for all of those, but they are responsible for an estimated 69.7 million of them. Refugees from the Soviet-sponsored aggression is staggering. From Afghanistan, there are 3 million refugees; the resolution we are talking about today. From Ethiopia, where state-controlled food distribution and collectivism has created mass starvation, there are 1½ million refugees.

When we pulled out of Vietnam, millions of people became boat people to flee the tyranny of communism. The Soviets killed over 20 million people after their revolution.

In his book, "The Great Terror," British scholar Robert Conquest quotes the philosophical father of modern day communism, V.I. Lenin who said: "Not a single revolutionary government can dispense with the death penalty for the exploiters"

And when Lenin spoke about exploiters, Mr. President, he is talking about the capitalists and the landlords, those people who are in the position of leadership in the infrastructure of a democratic society.

Lenin, chastized those who objected to the use of terror in a Communist Party meeting in June, 1918, saying: "This is unheard of. The energy and mass nature of terror must be encouraged."

Then there is the famous "terror-famine" in the Ukraine where the Soviets cut off the supply of grain and food to the area to kill off those objecting to communism.

Of course, today, people will say that cannot happen, but is happening in Ethiopia. The use of Western food aid to depopulate areas that are revolting against the Marxist-Leninist government.

They are notorious for stopping the food going to the people who want it because they are objecting to the Communist government. There again, you get back to the object of peace. A hard-nosed Marxist-Leninist thinks that peace is the condition where they run their government without interference from pockets of people who do not agree with the Communists.

"Communist governments are still executing non-believers."

In Mozambique, Frelimo, the Soviet-backed Marxist-Leninist government uses the death penalty as a means of crushing dissent and intimidating the population.

Ex-Frelimo member Jose A. Francisco, now a U.S. citizen testified before the U.S. Senate Committee on Foreign Relations African Subcommittee saying:

> The Frelimo defense chief to ex-President Samora Machel, Alberto Chipande, personally executed his own father in the presence of 1,000 Frelimo cadres as an example for establishing the "new order." This public murder was committed by stabbing his father in the stomach and ripping upwards until he died.

Mr. Francisco witnessed mass executions. He said in his testimony:

> "Young Frelimo cadres returning from indoctrination in Russia and other East-bloc countries were secretly identified by their instructors as being either converted communists or unconverted. The unconverted were met at the airport in Dar es Salaam with orders for special missions. They were transported into the operational area of Cabo Delgado only to find themselves in a detention center. Here they were executed by bayonet, first being sexually dismembered. This was a regular occurrence; the largest single massacre I witnessed involved 120 individuals.

Mr. President, it is clear that Communist regimes around the world are following Lenin's advise, that "Not a single revolutionary government can dispense with the death penalty for the exploiters—that is the capitalists and landlords."

That is exactly the point.

Mr. President, I will ask unanimous consent to have printed in the RECORD a few statements that came out of a Lexicon of Marxist-Leninist semantics that was put together by the editor, Raymond S. Sleeper, "Semantic Subversion of Words." He makes the point that the majority leader was making so well. Lenin said, "The most important weapon in my arsenal is the dictionary." There is a famous story about Lenin, when he was leaving by train in Europe to get back across into the Soviet Union. Someone asked him if he had his gun. He said: No, I have my pen. It is much more powerful.

They have twisted the words to fool the West whenever possible.

There are three or four articles. I would just like to read them and then have them printed in the RECORD.

PEACE MOVEMENT AND PURPOSE OF IT

> (1) To deprive the enemy, i.e., the Western democratic countries, of their masses, without which no modern army can exist (revolt and revolution). (2) To lay hands on valuable raw materials (control of sources by force or cunning). (3) To slow down the development of armament industry (activating systematic sabotage). (4) To place its dependence on the Soviet Union.

Mr. President, this is exactly what it appears to me that Mr. Gorbachev does. He makes no bones about it. They have Soviet tentacles across into the treasure house of minerals in Africa. That is why they are in Angola. That is why they are in Mozambique. That is why they have been exerting their influence in Zimbabwe and Zaire. That is why it is important that we support those freedom fighters in Angola so that they cannot control the resources and force us to have to go to the Soviet Union to get them. That is why they are in Afghanistan. It is so that they can get one step closer to Iran and control the Strait of Hormuz because through the Strait of Hormuz goes the oil that nurtures the Western economies. Without it we would not have the oil to run the economies of all our trading partners in Japan, the Pacific rim, in Western Europe. That is why the Soviets always fish out of troubled waters and stir that pot. They know what they are doing.

Peaceful coexistence. Listen to what Khrushchev had to say about peaceful coexistence.

I have always believed that coexistence with the Soviet Union was something like the same kind of agreement that the farmer has with the turkey. It works really well right up until Thanksgiving.

Khrushchev had this to say:

> We must realize that we cannot coexist eternally, for a long time. One of us must go to the grave.

He is talking about the capitalists and the Communists.

> We do not want to go to the grave. They do not want to go to their grave either. So what can be done? We must push them to their grave.

Peace, the definition of peace. Marxism, incompatible with pacifism.

> Marxism is not pacifism. It is necessary to fight for a speedy end of the war. But only through a call to revolutionary struggle will the peace demand gain proletarian content. Without a series of revolutions the so-called democratic peace is a petty-bourgeois utopia.

Mr. President, another definition that they use from the semantic dictionary, the book of Marxists-Leninists semantics: Peace, democratic.

> A democratic peace can be concluded only by proletarian governments after they have overthrown the rule of the bourgeoisie and begun to expropriate it.

PEACE STRUGGLE

The struggle for peace, for peaceful coexistence does not slow down the revolutionary process but on the contrary, creates more favorable conditions for it. That is why the Marxist-Leninist parties, in elaborating their general line, have put forward the struggle for peace as the paramount task of the communist movement.

G. Glezerman, "The Great Significance of Lenin's Ideas of the Struggle for Democracy and Socialism," Pravda (Moscow), 21 Jan. 1965.

"The struggle for peace is inexorably intertwined with the revolutionary process. To curb the aggressive drive of U.S. imperialism is to create the most favorable conditions for the further development of revolutionary change. And each revolutionary advance, by weakening imperialism, reinforces the struggle for peace. In the broad historical sweep, the struggle for peace is objectively a struggle to facilitate the transition from capitalism to socialism" with the catastrophic devastation of nuclear war.—New Program of the Communist Party USA (May: 1970), pp 37-38.

Mr. President, I ask unanimous consent that the remainder of these comments be printed in the RECORD at the end of my remarks, including an editorial entitled "U.S. Communists Prepare Peace Offensive," from the October 30, 1987, issue of Washington Inquirer.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMMS. Mr. President, the United States must show the importance of freedom and resolve in Afghanistan, guided by Soviet action, not Soviet words. When the Soviets have left, then we can stop sending arms and then we will probably have to send some help to help them rebuild their infrastructure and their society. But we are putting the policy and the credibility of the United States on the line, and if and when the Soviets leave, then we can stop our aid. Any stopping of our aid prematurely to that action would be a mistake.

Mr. President, that is why this resolution is an important resolution. I thank my colleagues for their support on this resolution and I urge my colleagues to vote for this resolution so that a message of strength and solidarity for resistance movements may be understood loud and clear from this country.

EXHIBIT 1

A LEXICON OF MARXIST-LENINIST SEMANTICS

(Raymond S. Sleeper)

PEACE STRUGGLE

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New Program of the communist Party USA (May: 1970), pp 37-38.

PEACE AND REVOLUTION, COMPATIBILITY OF

It is absurd to say that world peace and world revolution are incompatible. The socialist revolution will score a gradual victory in countries one by one as a result of internal factors in these countries' societies, the people's consciousness, and efforts and due preparations they have made for revolution. . . . The stronger the socialist camp becomes, the greater the development of the world people's revolutionary movement; the more countries that win revolutionary victory, the greater safeguard there will be for world peace.

Red Flag (Peking), Oct. 1960, pp 1-2.

The CPSU . . . views peaceful coexistence as a form of class struggle developing in the political, economic and ideological spheres on the international arena. By fighting against the outbreak of another world war, and organizing and leading the worker, national liberation, and all-democratic movement, the communists . . . pave the way to the triumph of socialism in the whole world.

Scientific Communism, A Glosary (Moscow: 1975), p 180.

[From the Washington Inquirer, Oct. 30, 1987]

U.S. COMMUNISTS PREPARE PEACE OFFENSIVE

The organ of the U.S. Communist Party, the People's Daily World, reported the following on October 15, 1987:

As many as 1,000 peace activists from around the country are expected to participate in the various activities of the U.S. Peace Council's Fifth National Conference in Detroit next month, organizers said this week.

Their deliberations, at the Pontchartrain Hotel, Nov. 13-15, will center on how to build the USPC and strengthen it organizationally, as well as how the Council can work most effectively to help mobilize the peace majority in this country to achieve nuclear disarmament by the year 2000.

"Our conference comes at a propitious moment because we're entering the final year of the Reagan presidency," USPC Executive Director Michael Myerson told the PDW Tuesday. Peace forces are registering major achievements—such as the Central American peace plan, the defeat of Bork and an arms agreement with the USSR almost complete—over the opposition of the Reagan administration, he said. "What we want to do at the conference is to lay out a strategy for the coming year, of increased mass actions leading through next summer's Third UN Special Session on Disarmament, into the November 1988 elections. We hope to send to Washington a Congress and administration which reflect the views of the peace majority in the country," Myerson said.

High on the agenda at the conference will be the Campaign for Disarmanent and Common Security by 2000, launched at a conference of some 40 organizations in New Jersey last June.

A "workshop of the whole" on Saturday, Nov. 14, will concentrate on the role of labor and oppressed minorities in the struggle for peace.

On Friday, Nov. 13, a reception at the hotel will honor Detroit city officials who are leaders in the peace and justice movements. Among these will be City Council President Erma Henderson and longtime City Council member and USPC board member Maryanne Mahaffey. Also honored will be Detroit members of Congress John Conyers and George Crockett.

THE ROLE AND AIM OF THE COMMUNIST PARTY

As the leader and organizer of the proletariat, the Communist Party of the U.S.A. leads the working class in the fight for the revolutionary overthrow of capitalism, for the establishment of the dictatorship of the proletariat, for the establishment of a Socialist Soviet Republic in the United States.

(Reprinted from The Communist Party—A Manual on Organization, By J. Peters.)

PEACE MOVEMENT, PURPOSE OF

(1) To deprive the enemy, i.e., the Western democratic countries, of their masses, without which no modern army can exist (revolt and revolution.) 2.) To lay hands on valuable raw materials (control of sources by force or cunning.) 3.) To slow down the development of armament industry (activating systematic sabotage.) 4.) To place its dependence on the Soviet Union (ruki poshvan'—or stand at attention.)

Ketrzynski, *Slowo Powszechnie* (Warsaw), 16 Nov 1950.

PEACEFUL COEXISTENCE, ETERNAL

We must realize that we cannot coexist eternally, for a long time. One of us must go to the grave. We do not want to go to the grave. They do not want to go to their grave either. So what can be done? We must push them to their grave.

N.S. Khrushchev, "Speech," United Polish Workers' Party (Warsaw), Apr 1955.

PEACE, MARXIST, INCOMPATIBLE WITH PACIFISM

Marxism is not pacifism. It is necessary to fight for a speedy end of the war. But only through a call to revolutionary struggle will the peace demand gain proletarian content. Without a series of revolutions the so-called democratic peace is a petty-bourgeois utopia. Only such a program showing that we declare a life and death struggle against capitalism, would sooner or later secure for us the sympathy of the real proletarian masses.

V.I. Lenin, "Reconstruction of the International," (1914), *Collected Works* (New York: International Publishers, 1930), Vol. 18, p 248.

PEACE, DEMOCRATIC

A democratic peace can be concluded only by proletarian governments after they have overthrown the rule of the bourgeoisie and begun to expropriate it.

V.I. Lenin, *Collected Works* (1917), Vol. 23, p 202. (V)

Mr. WALLOP. Mr. President, I rise in strong support of this resolution. It is a symbol of the bipartisan spirit that is at the core of the Nation's policy toward the people of Afghanistan and against the brutal Soviet occupation of that country. It reaffirms our support for the resistance—despite what I am concerned may be State Department attempts to cut aid to the democratic resistance before the Soviets have completely left Afghanistan and without assurances that the interim government formed is acceptable to the resistance.

Mr. President, this resolution makes clear that this Senate will not, and this Government should not, support a cosmetic solution to the fate of the Afghan people. It demonstrates that we are bipartisanly in favor of a solution that truly represents the legitimate hopes and aspirations of the Afghan people: to live free, governed by leaders of their own choosing, and without interference from Communist or Communist-supported forces.

Mr. President, this resolution is also significant for what it avoids doing. We are all hopeful that the Soviet Union under General Secretary Gorbachev will accede to the only acceptable solution to this conflict: complete and total withdrawal of all Soviet and Soviet-backed forces from Afghanistan and support for an interim government acceptable to the resistance. But we have all too often succumbed in our optimism to praising Soviet words only to find that Soviet deeds were not forthcoming. This resolution resists that natural temptation. We can hope that all turns out well, but we cannot know the final outcome of this process yet. It would be counterproductive for the Senate to support or condemn Soviet actions at this time. We can only set out, as we have in this resolution, what policy this country ought to be guided by so that in dealing with the Soviet ruler on this matter the President and the Secretary can be assured where the Senate stands: firmly behind a free Afghanistan.

Mr. President, I compliment the majority leader and his staff for their work on this resolution as well as Senator SYMMS and his staff, who I understand played a key role in its coming before this body today.

AFGHAN RESISTANCE AND NEGOTIATIONS FOR A SOVIET WITHDRAWAL

Mr. KERRY. Mr. President, in recent weeks, Mr. Gorbachev and other prominent Soviet leaders have repeatedly voiced their intention to begin a withdrawal of Soviet troops from Afghanistan. After more than 8 years of war in that country—war which has left over 1 million Afghans dead and 4 million as refugees—we must welcome and encourage this Soviet opening to an end to the carnage in Afghanistan. At the same time, however, we must stand firm in our insistence that the Mujahadeen resistance will play a leading role in shaping the Afghan Government that will replace the current regime in Kabul. I believe that this resolution clearly expresses the sense of the Senate that while we support the progress of negotiations on a Soviet withdrawal, the United States must not allow the future of the Afghan resistance to be compromised.

Secretary of State George Shultz returned last week from a trip which included talks with General Secretary Gorbachev and Foreign Minister Schevardnadze in Moscow. Mr. Shultz was encouraged by the discussions on Afghanistan. He is confident that the Soviets genuinely want to withdraw and intend to do so.

This is the best news to come out of Moscow in regard to Afghanistan throughout the whole course of the Soviet occupation. The withdrawal of Soviet troops would mark the end of one of the most brutal wars the world has seen in this decade. The withdrawal would allow millions of Afghans who are living as refugees to return home. The withdrawal would signal a victory for the Afghan resistance forces which have struggled against the Soviet occupation since the 1979 invasion, and would allow the Afghan people to exercise their fundamental rights to self-determination and democracy.

I welcome the Soviet openings to ending the war in Afghanistan. But I maintain that we must not let our eagerness to see the Soviets withdraw compromise our continued support for the Afghan resistance.

Mr. Gorbachev has stated that he intends to begin moving Soviet troops out of Afghanistan on a large scale by May 15. This pledge is contingent, among other things, on an agreement by the United States before March 15 to end all assistance to the Afghan mujahadeen as soon as the Soviets begin to withdraw. I believe that this condition is unacceptable.

Cutting off assistance to the mujahadeen might encourage a peace process if the conflict in Afghanistan were one between opposing forces within the country. If that were the case, the popular support of the Afghan people could determine the outcome of the peace process. But bringing peace and democracy to Afghanistan is not a matter of resolving a conflict between opposing factions within Afghanistan.

The fact is that Afghanistan was invaded, and has been brutally occupied by the Soviet Union—by 120,000 members of the most powerful army in Asia—for over 8 years. Afghanistan will not be able to begin the process of political reconstruction until the Soviet military presence is withdrawn; and the resistance which has fought against the Soviet invasion must be maintained until that time. To end support for the resistance before the Soviets are out of Afghanistan would be to risk all that the mujahadeen have fought for.

I think it is important to make clear that in supporting this resolution, we are not abandoning the path of negotiation on a peace settlement for Afghanistan. Rather, by reaffirming our support for the resistance, we are ensuring that all the parties involved in the conflict will be heard in Geneva.

The alliance of resistance groups in Afghanistan put forth a proposal last week for the establishment of an interim government to oversee the transition to democracy in Afghanistan. The interim government would rule during the Soviet withdrawal, and until national elections are held. This proposal marks the first time the Afghan resistance alliance has recognized the legitimacy of the peace talks in Geneva and has actively sought to negotiate on the terms of the Soviet withdrawal. The alliance's proposal, along with the Soviet proposal, will be discussed in Geneva when peace talks reopen there on Wednesday.

Mr. President, this resolution states clearly that the Senate supports the recent progress toward the resolution of the war in Afghanistan, but not at the expense of the resistance we have supported for the past 8 years. The mujahadeen resistance in Afghanistan has provided an example of what a popular movement fighting against an unpopular regime can accomplish. While overwhelmingly outgunned and outmanned, the mujahadeen have unquestionably enjoyed the full support of the Afghan people.

With popular support, the mujahadeen have been able to execute consistently successful actions against the Soviet occupation forces and the Kabul regime throughout the course of the war. With popular support, the mujahadeen have been able to cotnrol vast sections of the Afghan countryside. With popular support, the mujahadeen have effectively convinced the Soviets that their invasion of Afghanistan was a mistake, and that their withdrawal is inevitable.

Now, as the resistance has entered the process of negotiating a resolution to the war, we must support them more strongly than ever. I ask my colleagues to join me in support for Senate Resolution 386, which will clearly express the confidence of this body in continuing with a policy that has been executed consistently and successfully.

Mr. BYRD. I am merely trying to get some idea as to when the Senate can vote.

Mr. SYMMS. Mr. President, I can be done in 5 more minutes.

Mr. BYRD. Mr. President, the Senator will need 5 minutes. The distinguished chairman of the Foreign Relations Committee will be speaking for 5 minutes. I understand that the distinguished acting Republican leader is agreeable to a final vote any time?

Mr. SPECTER. Is it possible to vote at 10 of 5?

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the resolution occur at 10 minutes until 5. That allows 5 minutes each for Mr. SYMMS and Mr. PELL. Is that agreeable?

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

Mr. BYRD. All right. At 4:50 p.m., Mr. President.

The PRESIDING OFFICER. That is the order.

Mr. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senator from Idaho.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I am glad to cosponsor this resolution on Afghanistan. With the Geneva negotiations resuming on March 2, it is appropriate for the Senate to address the American position on the prospective agreement.

We can be hopeful that the Soviet Union will actually withdraw from Afghanistan. Soviet statements have been becoming increasingly definitive with regard to their intention to withdraw and the timeframe for such a withdrawal.

While we welcome stated Soviet intentions, we should not rely on them. Nor should we expect the Afghan mujahideen, many of whom have paid the ultimate price, to rely on these promises.

Inevitably, the time period for Soviet withdrawal poses risks for the freedom fighters. This resolution is designed to minimize these risks. It insists that assistance not be cut off at the beginning of the withdrawal period but continue until the Soviet military occupation of Afghanistan is terminated. It also makes clear that President Reagan should not, in a rush for a successful United States-Soviet summit in May, sacrifice the vital interests of the freedom fighters.

Equally important, the resolution calls for increased humanitarian assistance to the Afghan resistance. Perhaps the greatest threat to the Afghan resistance at this stage is inadequate food, clothing, and financial support. Without outside humanitarian and financial assistance, the mujahideen armies may simply go home. The next 10 months could be the Valley Forge of the Afghan resistance; it is essential that we do our part to keep the mujahideen armies intact.

A Soviet withdrawal will result in the rapid collapse of the Communist regime in Kabul. Of this there can be no doubt. It was the imminent collapse of the Communist regime in late 1979 that prompted the Soviet invasion. In 1988 the resistance is stronger and the regime even weaker. We should not allow the debate over the composition of an interim government to delay the Soviet withdrawal because this could not only prolong the conflict but also the life of the Kabul regime.

In the 8 years of Soviet occupation over 1 million Afghans have been killed. Bombing, nepalming, and massacres have taken a terrible toll of innocent men, women, and children. Nearly 5 million Aghans—almost one-third of the country's population—have been driven from their homes into refugees camps in neighboring Pakistan and Iran.

A Soviet withdrawal is the essential in order to end the holocaust that has engulfed Afghanistan. We must be sure, however, that any withdrawal agreement does not compromise the successes that have been achieved at untold human cost by the Afghan freedom fighters. This is the purpose of this rsolution. I stronlgy urge its adoption.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, as I recall, the order that was entered provided that this be a 15-minute rollcall vote and that the call for the regular order be automatic at the expiration of 15 minutes. Am I correct in my recollection?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair. I hope that our respective cloakrooms will remind Senators so that they will all make the rollcall within the 15 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this will be the only rollcall vote today.

The PRESIDING OFFICER. The hour of 4:50 p.m. having arrived, the question is on agreeing to Senate Resolution 386. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. CHILES], the Senator from California [Mr. CRANSTON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. FOWLER], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. SIMON], the Senator from Mississippi [Mr. STENNIS], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. GARN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Nebraska [Mr. KARNES], and the Senator from Oklahoma [Mr. NICKLES] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "yea."

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—77

Adams
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dodd
Domenici
Evans
Exon
Ford
Glenn
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Helms
Hollings
Humphrey
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Murkowski
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson

NAYS—0

NOT VOTING—23

Armstrong
Baucus
Biden
Breaux
Chiles
Cochran
Cranston
Daschle
Dole
Durenberger
Fowler
Garn
Gore
Graham
Heinz
Inouye
Karnes
Moynihan
Nickles
Nunn
Simon
Stennis
Wirth

So the resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 386

Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 7, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

Whereas Pakistan has harbored more than 3,000,000 Afghan refugees and has endured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988, if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within ten months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria: Now, therefore, be it

Resolved, That the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical critieria for the complete withdrawal of Soviet troops in the near future and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afghanistan should not be driven by the desire or schedule for a United States-Soviet summit;

(3) urges the President to—

(A) support strongly a political solution in Kabul acceptable to the resistance;

(B) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(C) address the issue of the future status of the nearly 400-bilateral treaties the Soviets have made with the puppet Kabul regime;

(D) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(E) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(F) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(G) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Afghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Afghanistan during the period of troop withdrawal;

(5) expresses its support for increased United States humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Afghanistan;

(6) expresses its support for a United Nations-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the Government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent there be a period for morning business not extending beyond 15 minutes and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 387—EXPRESSING GRATITUDE OF THE SENATE TO THE U.S. WINTER OLYMPICS TEAM

Mr. DODD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request, Mr. President?

The PRESIDING OFFICER. The request by the Senator from Connecticut is to send a resolution to the desk and ask for its immediate consideration.

Mr. BYRD. Will the clerk state the title first?

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A Senate resolution (S. Res. 387) to express the gratitude of the Senate for the efforts and achievements of the United States Winter Olympics team.

Mr. BYRD. Mr. President, this resolution has been cleared on this side of the aisle. I am advised by the distinguished acting Republican leader, who is here to speak for himself, that it has been cleared on that side. So I have no objection.

Mr. SIMPSON. Mr. President, I thank the majority leader. There are no objections to the resolution on this side of the aisle.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, first, I thank the distinguished majority leader and the acting minority leader and my colleagues for allowing this resolution to be brought up promptly.

I will read the text of the resolution for the benefit of my colleagues. It is a resolution to express the gratitude of the Senate for the efforts and achievements of the U.S. Winter Olympics Team.

S. RES. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competion endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

Mr. President, obviously, the winter Olympics was a compelling event that attracted the attention of not only people in this country but also across the globe for the last 16 days.

It is particularly important, I think, when we recognize how much hard work these athletes engaged in, when we recognize the accomplishments of Brian Boitano, who won the gold medal for the United States in men's figure skating; Bonnie Blair, the only 2-medal winner from the United States—a gold medal in women's 500-meter speed skating and a bronze medal in 1,000-meter speed skating;

Eric Flaim, who won the silver medal in the men's 1,500-meter speed skating; Debi Thomas, who won the bronze medal in figure skating.

All of us who watched that compelling and exciting contest last Saturday evening, knowing the hard work she engaged in for many years, express our gratitude to her.

We also express our gratitude to Jill Watson and Peter Oppegard who won the bronze medal in pairs figure skating.

In demonstrations sports, Kris Federson won the gold medal in freestyle skiing.

Jill Trenary was fourth in women's figure skating. While she did not receive a medal, she did an excellent job. Caryn Kadavy, who ranked third in the world in figure skating, had to withdraw from long program competition because of the flu.

The United States four-man bobsled team, driven by Brent Rushlaw, finished fourth, 2/100ths of a second behind the Soviet bronze medalists.

Dan Jansen: That young man who lost his sister, who fell twice in both competitions—I think the hearts of every American and people all over the globe go out to him and his family because of the trying circumstances under which he was competing. He was awarded the Olympic spirit award. What a great athlete he was to compete that day, with the knowlege that his sister had passed away.

The United States Hockey Team lost narrowly to Czechoslavakia and came within a hair of beating the all-powerful Soviet team, which lost only one contest throughout the Olympics. There are many others, obviously, who did not win medals but who came in close.

There will be people over the next few weeks talking about how we should have done better, that we should have won more medals. All of us would like to see us do better; but, thank God, we are not like the Soviet Union and the Soviet bloc nations.

Their athletes are professionals; ours are true amateurs.

We need to do more to support our teams—not just watch them as they are competing, but be active in supporting them, so that they have the best training, beginning now, for 1992; so that in the next Winter Olympics, it will not be just six medals, but those numbers will increase, and far more people will enjoy those contests, both here and abroad.

I am delighted to be able to offer this resolution, and I ask unanimous consent that the resolution remain open for those colleagues who wish to cosponsor the resolution.

The PRESIDING OFFICER. Without objection, the resolution will remain open for cosponsors.

Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 387) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competition endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

THE VIOLENCE MUST END

Mr. LEVIN. Mr. President, the news from the Middle East continues to be deeply disturbing. The violent acts of some demonstrators in the West Bank and Gaza, and the violent responses to them by some Israeli soldiers are both deplorable. Hurling rocks or Molotov cocktails at soldiers or policemen are acts which no government would ignore. But there is, obviously, a difference between controlling violence and responding to it with excessive force, and there have been too many instances of excessive force.

Today's newspapers indicate that the Israeli soldiers who allegedly participated in two acts of excessive violence have been arrested. Moreover, the Israeli Army commander in the West Bank has required his officers above the rank of captain to watch the television film of four soldiers beating two Palestinian youths. These are positive steps.

The Government of Israel should again emphasize, as it has for 40 years, that the way to peace is through negotiations with its neighbors and with representatives of Palestinian people willing to recognize the existence of Israel. At the same time, everyone in the Middle East must recognize that the policy of resistance to recognition of Israel or a policy of stone-throwing and violent demonstrations will accomplish little but more misery and more suffering.

The Shultz mission to the Middle East affords an opportunity for both sides to end the cycle of violence and begin a process that will lead to peace. I applaud Secretary Shultz for undertaking this effort and join him in the determination to build a Middle East where every state and people can live in peace and security.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

NATHAN MATHEWS

Mr. ROCKEFELLER. Mr. President, the world becomes a colder place when it loses people as gentle and caring as Nathan Mathews. Nathan, who ran my northern West Virginia office, and his father, Russell, were tragically killed last New Year's Eve in an automobile accident.

Nathan was more than a valued aide; he was a dear friend with a sense of humor that was both wonderful and infectious. As Nathan's old college friend Bob DeFrancis, now the editor of the Wheeling Intelligencer, put it in a recent tribute: "Nathan had the knack of bringing a smile to the face of nearly everyone he met."

I watched Nathan light up the faces of dozens of elderly people in his capacity as director of the Marshall County Senior Citizens Center in Moundsville. It was always touching for me to watch Nathan as he worked with the elderly; he could make them feel so at ease and so special. His affection for them was genuine, and the feeling was obviously mutual. As my northern West Virginia area coordinator, he worked selflessly and tirelessly, helping hundreds of West Virginians along the way. No matter what the task asked of him, Nathan was happiest when he was assisting others. He had a strong sense of community and commitment that was admired by all. Everyone who had the privilege of knowing him will always remember his laughter and extraordinary kindness.

Nathan leaves behind his wife Linda, and three beautiful children: Megan, Susannah, and Tom. There is nothing any of us can say or do that will ease their suffering. But Nathan's family needs to remember how much he was loved and respected Bob DeFrancis' lovely column says it much better than I ever could, and Mr. President, I ask that it be included as part of the Record:

There being no objection, the column was ordered to be printed in the Record, as follows:

Nathan: A "People Person"

(By Robert DeFrancis)

Something terrible happened on the last day of 1987 that I'm only just now able to write about. I'm going to tell you about my friend, Nathan, who died on that last day of the year.

I'm going to try to write about him because Nathan Mathews was one of the nicest people I've ever known, and he had friends throughout West Virginia, and his life deserves to be written about. Nathan and his father, Russell, were killed in an automobile accident when their car hit an icy spot in the road.

An awful tragedy. Tough to think about, tougher to write about. My loss, the loss of a friend, is small compared to that of his wife, Linda, and his three children, two teenage daughters and toddler, Tom.

Megan and Susannah always will remember their father. Tom's memories always will be subject to the haze that gets heavier with each passing year. I decided to write this, too, for Tom; so that young Tom will know how highly regarded was his father Nathan.

Nathan and his wife and children, and his Dad and Mom before her death earlier last year, lived in Cameron, in Marshall County. His Dad owned a jewelry store there, and was involved for a time in Democratic politics. I met Nathan when we were members of the same "pledge" class at a fraternity at West Virginia University.

We became roommates. We studied together, we partied together. When we met the women who were to become our wives, we all "ran around" together. We were in each other's weddings. We had a lot of shared history.

And it's so ironic that when such people are separated by time and miles, they still seem to move in and out of one another's lives; much the way recurring characters pop up periodically in those long, sprawling novels that have become popular nowadays. It was always good to hear from Nathan.

At the time of his death, Nathan was an aide to U.S. Sen. Jay Rockefeller. Before that, he had directed for many years the Marshall County Senior Citizens Center in Moundsville. We had kept in touch but, because of his new job with the senator, Nathan and I saw more of each other and talked on the phone more often in the last year or so than we had in the previous 10. It was nice, for Nathan had the knack of bringing a smile to the face of nearly everyone he met.

Shortly after he was hired by Sen. Rockefeller, Nathan called so that we could get together and have lunch. We syncronized our calendars, and set a date. It was the first time I had seen him in awhile. His excitement about his new job was evident. We joked a bit; talked about families; talked about old times and mutual friends. Nathan got kind of quiet, then looked me in the eye and said, "Did you ever think this would happen to us? Can you believe it? You're the editor of a newspaper, and I'm working for a United States senator." I just stared at him, and we both began to giggle, a giggle that soon turned into laughter.

At the time, we were nearing that magic age of 40. Our laughter didn't just mean we were able to conjure up images of ourselves as crazy collegians and say, "Hey, pal, I remember you when." Our laughter also was based on our good fortune, which makes Nathan's death even sadder to contemplate.

For, Nathan loved his job with Sen. Rockefeller. If ever there was a "people person," it was Nathan. And, I've met numerous aides to congressmen and senators, some more personable than others. Nathan was very good at what he did. I believed Nathan had a wonderful future ahead of him. Oh, we didn't talk politics very often. On many issues, we sat on opposite sides of the fence. When we had to discuss politics, it was on a purely professional basis. (Once he wrote me a letter about one of the newspaper's editorials that came down hard on an issue he knew intimately. His well-written letter in opposition to the editorial was right on the mark. He made me promise to destroy the letter after I read it. I did, and now wish I hadn't.)

Some people who knew him perhaps were not aware that he was an accomplished musician, and a good artist, besides being a good writer.

He lived in the Washington, D.C., area for a time, in an apartment house complex that, he told me, had more people in it than lived in Cameron. When I visited him and Linda, pregnant with their first child, at that complex, they were happy with their adventure but I knew it wouldn't last for Nathan. He loved West Virginia, and Cameron was home.

The last time I saw him was on the night the Suspension Bridge lights were turned on. He came to the newsroom, and we chatted. It had been a long day for both of us. He let me read the speech he was going to give for the senator. I said it was nice, and appropriate. I kept thinking about that conversation throughout the services for Nathan and his Dad at the small country church where they are buried just outside of downtown Cameron.

Nathan knew the bridge lighting was important to the people here. He knew the senator was disappointed he couldn't make the dedication himself. He knew he had to pump himself up for the occasion. As we talked, the fatigue disappeared and by the time he left, Nathan had a snap to his walk and twinkle in his eye. He was off to do something important, and he knew it.

Really can't write any more now. Deep down, I just knew it was important to remember in this way my good friend Nathan.

DEDICATION OF THE PHILIP A. HART SENATE OFFICE BUILDING

Mr. KENNEDY. Mr. President, on May 20, 1987, the Senate honored one of our own, a man who was also one of the great Senators of this century, by naming our newest Senate office building after him—Senator Philip A. Hart of Michigan.

Senator Hart's extraordinary career was recalled in the tributes delivered at the dedication ceremony. It is also summed up in the eloquent words inscribed above the main entrance to the Hart Building:

> This building is dedicated by his colleagues to the memory of Philip A. Hart with affection, respect and esteem. A man of incorruptible integrity and personal courage strengthened by inner grace and outer gentleness, he elevated politics to a level of purity that will forever be an example to every elected official. He advanced the cause of human justice, promoted the welfare of the common man and improved the quality of life. His humanity and ethics earned him his place as the conscience of the Senate.

I believe that the proceedings at the dedication ceremony, which was held in the atrium of the Hart Senate

Office Building, will be of interest to all of us and to all who knew our remarkable colleague. I ask unanimous consent that the proceedings may be printed in the Record.

There being no objection, the proceedings were ordered to be printed in the Record, as follows:

Dedication of the Philip A. Hart Senate Office Building—May 20, 1987

INVOCATION BY THE REVEREND RICHARD C. HALVERSON, CHAPLAIN OF THE SENATE

Almighty God, Creator of law and order in the universe and the earth and in the human heart, we thank you for this beautiful building, for the architects who envisioned it, for the skills that put it on paper, and the builders who constructed it. Thank you, Lord, for the craft, the intelligence, the dedication and the sweat that makes this moment possible. Together we dedicate this building to the finest and best for which our democracy and the United States Senate stand. Grant that it shall be the scene of the most faithful service by the representatives of the people who paid for it. Consecrate every office, every room, every square inch to use which will benefit the nation and the world. May the thoughts that are generated here, the words that are spoken here, the work that is done here bring glory and honor to Your Name as it conforms to the physical, moral and spiritual order of Your Creation. Thank you, Eternal Father, for this impressive edifice and for the productive future which it promises for God and nation. We pray in His name who is incarnate truth and justice. Amen.

Remarks of George M. White, Architect of the Capitol

About two weeks ago in this same location we celebrated the collaboration of art and architecture with the presentation of the gift of sculpture that you see in front of you done by that great American sculptor, Alexander Calder. But architecture by itself is one of the arts, and in that regard this building is something special. Associate Architect John Carl Warnecke was selected because of his experience and expertise in helping us to fulfill the goal of designing our building in the contemporary idiom and yet founded on the classics. The proportions, for example, of the exterior fins on this building are the same proportions as the spacing and height of the colonnade that surrounds the base of the dome of the Capitol. The honesty and the integrity that are associated with simplicity—that is to say no frills, no superficial embellishments—that is a manifestation of modern architecture is manifested here but founded on the classics. And we've discovered that the more it has been used, the more it has been enjoyed. The building was of course designed and constructed under the direction of the Senate Office Building Commission with the advice of the Senate Committee on Rules and Administration, and we therefore have with us, representing the Senate Office Building Commission as the Ranking Minority Member, Senator Robert T. Stafford, to present the building.

Remarks of Senator Robert T. Stafford, of Vermont

Good morning, ladies and gentlemen, and Mrs. Hart and the members of your family who are here. It's a privilege to take part in the dedication of this building and to present it to the Rules Committee for their tender care in the future. It's been a long time coming. I remember all of the debates in the Committee on Environment and Public Works—the discussions with Mr. Warnecke and the others who had a role in planning and designing the building; the discussions about how much we should spend on it; how big it should be; whether it should be part of the same architecture as the Dirksen Building or whether it should be as you see it today.

Howard Baker, then a member of that committee, had a very high degree of interest in what sort of a building we produced, because he knew that there was the possibility it might simply be an add-on to the Dirksen Building already named after his father-in-law.

But finally, we all agreed upon the kind of building we should have—one that would be here a hundred years from now; one that the American public could be proud of and the American people would like to visit. And so here it is. And I will simply note that when it was completed, the chance to move in here was available to any of us who wished to do so. And my staff and I decided we should have an opportunity to vote on whether we moved from the Dirksen Building over here or not. And you'll be interested to know that on the day the staff voted, a mouse ran across our reception room in full view of four of the older girls in the office. It was unanimous that we move to the Hart Building. And so we did. And I think it is a building that is needed by the Senate and that is a worthy tribute to our friend and former colleague. Now, as former Chairman of the Building Commission which Bennett Johnston now heads, on behalf of myself and the Building Commission, with both joy and I guess some relief, we are very happy to turn the building over to the Chairman of the Rules Committee, Wendell Ford.

Remarks of Senator Wendell H. Ford, of Kentucky

It gives me special pleasure today to have the privilege, as Chairman of the Senate Committee on Rules and Administration, to accept this magnificent building on behalf of the committee and the Senate, and to participate in its dedication to Philip A. Hart, one of the finest men and ablest Senators I have ever known.

To be able to say that one is universally loved and respected is rare. But in relation to our late colleague Phil Hart, those words take on even greater meaning and magnitude.

This is a fine, new building. It has already demonstrated what a major contribution it will make to the work and efficiency of the United States Senate. It is a fitting tribute to the wonderful man and Senator we honor today.

Mrs. Hart, we are delighted that you and your family are able to be with us today. You can justly feel proud that this vital, new and important part of the Senate establishment will be a constant and functioning reminder to all Americans, for many, many years to come, of the life, the work and the worth of your husband Phil. And I am deeply honored and particularly pleased not only to accept the building on behalf of the Senate, but to express my appreciation of a fine gentleman, Phil Hart.

"America the Beautiful" Sung by Senator Hart's Daughter, Ann Hart, Accompanied by the U.S. Army Band

Oh beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain.
America, America, God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

Remarks of Gov. James J. Blanchard, of Michigan

Jane Hart, members of the Hart family—and I see we have enough to fill the Michigan Democratic caucuses with them—ladies and gentlemen.

There is a wonderful island called Mackinac Island. It's nicely positioned between the upper peninsula and the lower peninsula of Michigan. And if you are ever there—and most of you some day will find yourself there—and walk through the woods or ride by carriage or horse or bicycle, you might come across a beautiful little cemetery, and if you look closely, you'll see a wonderful, modest, pleasant, tasteful tombstone or monument that says Hart.

My guess is, having served with Phil and known him somewhat as a colleague, that that expression is more to Phil Hart's liking than this magnificent structure. On the other hand, as Governor of Michigan, I can say that the people of Michigan are proud that such a structure here in the world's most—usually—prestigious and deliberative body would be dedicated to the name of Senator Phil Hart.

It is also a very nice coincidence that during the State of Michigan's Sesquicentennial, this dedication would be held. And I can tell you, we've looked and searched and combed every inch of Washington, DC, and you will find there's not a park or a road or a monument or a building named after anyone from Michigan, except this one—this one, as of today, and now forever. So I believe it's as the people of Michigan would want—the Philip A. Hart Building here in Washington, DC, named after the man who was indeed our finest public servant.

Remarks of Senator Donald W. Riegle, Jr., of Michigan

For those of us who are privileged to be seated here, we have the opportunity to see directly Phil Hart's greatest contribution—and they are stretched across the front row of this hall today—a wonderful family.

It was the truly extraordinary qualities of Phil Hart that have caused our nation to honor him today with the dedication of this new Senate Office Building. That decision reflects our deep yearning and aspiration that we somehow infuse this building—the work that goes on here and those who do it—with some special measure of grace and goodness.

In his own special self-effacing way. Phil Hart embodied the finest qualities that we hope to find in citizen government. His integrity, decency and commitment to justice were a great moral force within the Senate. And it is striking how many of his colleagues—Ed Brooke, Ed Muskie, Gene McCarthy, Mac Mathias and others—are here today. And no matter how turbulent the legislative storms that raged during his service in the Senate, he was always a calming, civilizing and clarifying force. His quiet passion became a force of reason and leadership of remarkable strength. His decency and goodness helped the Senate find its way to a higher level of reason and conduct. He profoundly loved his family, which is gathered here today—and he often ached about the relentless demands of the job and the necessary time away from his family. It was his greatest regret, and he always advised the younger members to take time to be with their families.

As Governor Blanchard has just said, there is on Mackinac Island in Northern Michigan a small cemetery in a grove of pine trees where Phil Hart was laid to rest. It is a place of quiet beauty, where the clamorous sounds of modern life are far removed. That setting and this one express so well the two sides of this wonderful man. We are fortunate that he walked among us.

REMARKS OF SENATOR CARL LEVIN, OF MICHIGAN

Phil Hart was the kind of Senator and the kind of man that I would like to be when he was fighting his gallant Senate battles for civil rights or consumer protection, for a cleaner environment, for antitrust enforcement, and first and foremost for peace abroad and peace in our streets and in our homes. What shone through all those efforts was a special purity, an integrity that resonated with the people of Michigan who trusted him. We knew back home he would do what his conscience told him was best for us, regardless of whether it was popular or even understood. We knew back home he was a fiduciary—a public trustee who cared deeply about us, who listened carefully to try to understand our hopes and our fears. But we also knew that he would vote not our fears, or our selfishness, but the best that was in us and what we strive to be.

Some of the best advice that I ever got was to vote on issues as though I were not running for reelection. Phil Hart had that kind of fearlessness, and won election after election with the votes of those who trusted him regardless of whether they agreed with him.

Around my brother Sandy's breakfeast table, I had a chance to spend some time with the man whose sense of public trust I so idealized. His sweet and self-effacing nature, his caring about and his charity towards others, his passion about justice, and above all his abiding love and respect for Janie and their family shone through like the morning sun.

His legacy to us is reflected in the words of the old Shaker hymn that he heard near the end—to be simple, to be free, to come down where you ought to be. When we enter and work in this building, so alive with creativity and striving, we will be reminded of the true simplicity and freedom that he gained and that he shared, and we will as a result be better keepers of the public trust and kinder human beings.

REMARKS OF SENATOR EDWARD M. KENNEDY, OF MASSACHUSETTS

It is an honor to join in this last tribute to our friend. The last thing Phil Hart ever wanted was a building in his name. But we went ahead and named it for him anyway, because we loved him.

He was not a Speaker of the House of Representatives, but now he ranks with Cannon, Longworth, and Rayburn. He never served in the Senate leadership, but he ranks with Russell and Dirksen now. And all of us who knew him would put him in the pantheon of the greatest Senators of all, Webster, Calhoun, and Clay.

If he were here with us today, the irrepressible leprechaun inside him would make him smile that shamrock smile. He would cock a twinkling Irish eye at the Alexander Calder sculpture overhead, and he would ask, "Do you think it's safe to walk beneath?"

"Mountains and Clouds" is what Calder called it—the last work of his artistic genius. And how appropriate that sculpture is for Philip Hart, who once spoke of the mountains-and-clouds philosophy that guided him in public life:

"In a complex and free society," he said, "few if any mountains will be scaled on the first try, and progress comes by climbing a molehill at a time. And perhaps that is the way it should be, for who among us has the wisdom to foresee with certainty what life is like on a summit we have yet to achieve."

He spent eighteen years in the Senate, searching out the highest mountains on the issues, blazing trails for others to follow, offering oxygen to those of us with lesser endurance when the ascent became too steep.

He was like a brother. For years, our desks stood side-by-side on the Senate floor. And sitting there, when the day's passions had subsided and the votes had all been cast, he talked about the North Woods and summer days on Mackinac Island in Michigan—standing on a main street where cars were not allowed, having coffee with the year-round residents, buying fudge, listening to people who did not understand much about Washington but who understood a lot about America.

In debate, his voice almost never shook the rafters in the Senate. Instead, he used his quiet words to shake our conscience and our votes. He never had an axe to grind, but he could cut through any issue in a flash of intellect, and illuminate a deeper truth that no one else had seen.

The Senate was never too much with him. "The best day in the Senate is your first day," he said. "It's all downhill from there."

The personal, thoughtful side was always there. At a boring Senate hearing, he saw the six-year old daughter of an aide, reading a Raggedy Ann picture book. He wrote a note to her saying, "I'll bet you're enjoying your book right now much more than I'm enjoying this."

He had a way with legislation. He apologized for introducing patently defective bills, but he thought it best, he said, to make his fifteenth draft available for study. After he had finished summarizing all the flaws, he said there was no need for opponents to speak against it. But then the bill would start to move, because he had thought through the opponents' arguments better than they could do themselves.

As Robert Kennedy liked to say, it is the individual who makes the difference. As my brother told the students at the University of Capetown in South Africa on his visit there in 1966: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope. And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

What a difference Phil Hart made in the years he walked among us. If this building fulfills its purpose, the ripples of hope and justice that Phil Hart sent out will never die.

Above all, for a generation he was a missionary for civil rights. He arrived in 1958, at the dawn of the civil rights revolution in Congress. And he guided every major rights bill through the gauntlet of filibusters in the Senate. He understood the meaning of "We shall overcome"—and all his life, he helped America overcome.

Once, at a Senate hearing, he asked George Wallace whether he thought Heaven would be segregated. "Every American," Phil Hart said, "should be judged as an individual, by his individual merits—and not, while he is still 50 feet away, by the color God gave him."

After an election wager with his children, he became the first Senator in a century to wear a beard. We teased him and said he had gone Lincoln on us. He urged us to try it too, because it made him feel even more emancipated from the pressures to go along.

Friends and opponents were guided by his light in floor debate. But the real light of Phil Hart's life was his family. I asked him how he always seemed to care so much about so many issues—and he said, "It's really very simple. If I didn't do these things, I could never go home to Janey and the children."

He lived by the Golden Rule of Washington, that there is no limit to what you can accomplish in this city, if you are willing to give someone else the credit.

Often he started out by asking why. In his non-abrasive fashion, the Senate was his oyster, and he was the sand who created priceless pearls.

Why, he asked? Why should a Black child be more likely to drop out of school than graduate from college? Why should an infant on an Indian reservation never see a doctor in the first six years of life? Why should an immigrant's horizon be narrowed by the Hispanic inflection of his name?

He was a man of a thousand whys. And more than any other Senator in my time, he was listened to and responded to—because to hear such questions was to realize that the answers were unacceptable, and that America would have to change.

He was one of the first in Congress to oppose the Anti-Ballistic Missile system. He fought hard against the Vietnam War—and just as hard for amnesty for those who were ahead of Congress in seeing the war was wrong. For Phil Hart, amnesty began at home—he wanted to be sure the government would never prosecute Janey again.

And in his final months of illness, he showed another dimension of his courage. Every day, he came to the Senate floor in pain, to climb the last mountain of his life—the filibuster against his cherished antitrust reform.

No doctor in his right mind would have advised him to be on his feet, much less debating in the Senate. But he broke the filibuster, and two weeks before Congress adjourned in 1976, the House of Representatives accepted the Senate action, which meant that his bill would become a law. "Now," said Senator Philip Hart, "I can hang up my hat." And a few weeks later, the day after that last Christmas with his family, he left us.

It is fashionable for some people in this Bicentennial Year to ask, Why can't America produce Founding Fathers any more? But I reply, they should have met Phil Hart.

As Judge Learned Hand said about Justice Benjamin Cardozo, Phil Hart had a special quality "that made it possible for him to find the compromise between the letter and the spirit. It was wisdom, and like most wisdom, his ran beyond the reasons he gave for it. The wise man is exempt from the handicap of his past. He is the runner stripped for the race. He can weigh conflicting factors without always finding himself in one scale or the other. In this America of ours, where the passion for publicity is a disease, and where swarms of foolish moths dash with rapture into its consuming fire, it was rare good fortune that brought to such eminence a man so reserved, so unassuming, so gracious to high and low. He has a lesson to teach us, if we care to stop and learn."

In the years to come, may those who serve here, and those who visit here, care enough to stop and learn about Phil Hart. He has a lesson to teach us for the ages, and in heeding that lesson, we heed the best in America and ourselves.

REMARKS OF SENATOR ROBERT DOLE OF KANSAS (BY TELEPHONE)

First let me apologize to Jane and to all the Hart family and many many friends for not being there personally this morning. Jane knows, and others may know, that Phil Hart played a very special and some might say a very pivotal role in my life. Both of us were wounded in World War II, and Phil and I, along with Senator Dan Inouye spent many, many months in Percy Jones Hospital in Battle Creek, Michigan.

As a matter of fact, we were in the same ward, Phil and I, at the same time—on the fourth floor of that hospital. And almost everyone in that ward was immobile, including me. Phil's injuries weren't quite as severe, and he acted as our handyman around the ward and did a lot of things for a lot of us which we couldn't do for ourselves. As he did in every effort he ever made in anything he undertook, he endeared himself to every man in that ward, just as he did everywhere he went. I can remember—many, many times—those patients who were ambulatory. He would take them to the Detroit Tigers baseball game. He did everything he could, notwithstanding his own injuries, to make us feel comfortable. He was just that kind of person.

I remember years later, after he had been elected to the Senate, and I was the county attorney in a small town in Russell County, Kansas, I visited Phil Hart in Washington and I thought, "Well, I've just about seen everything—I got to see him personally, and he's a very, very important man." And I remember we talked a little at that time about Congress, and he said, "Well, someday, Bob, you ought to take an interest in politics and maybe run for Congress."

Well, I guess you could say that I followed Phil's advice. And I have thanked him before, and I say again to his family and friends and my colleagues who have already spoken—I felt very fortunate in joining Phil as a colleague in the United States Senate.

Sometimes we were miles apart philosophically, but we were great and close personal friends, and I remember the good advice Phil used to give me from time to time. We both agreed on the importance of public service and the importance of being active in the party of our choice. As far as I recall in my experience in office, I don't know of a truer or finer public servant than Phil Hart.

It's an honor and a daily reminder of what this Capitol and Senate and our country are all about to have an office building named after our good friend—a good old friend and mentor in my case—Senator Phil Hart. So I just say thank you to all of you assembled and remembering this great American and good public servant, and good and decent man—Phil Hart.

REMARKS OF SENATOR DANIEL K. INOUYE, OF HAWAII

Like all of you gathered here, I was one of those fortunate to have known Phil Hart. Phil was a simple, unassuming veteran in the hospital, not a flashy one like the rest of us who wore our ribbons and flaunted our patriotism.

When I met him in the Senate, I could not believe that a simple man, a gracious man, could ever become a Senator, but here he was. He was not an orator in any sense of the word, but without question he was the most eloquent spokesman for the voiceless and for the voteless.

He was a very meek person, a very humble person, but he had the courage of a patriot and the tenacity of a tiger when it came to fight—to fight for the disadvantaged, fight for the immigrants, fight for the blacks, and fight for children.

He was obviously a most gracious person—gracious in life, and gracious when he met his Maker. Those of us who were in the Senate and watched him pass away each day can only marvel and say to ourselves, "I hope I have that grace when I leave this place."

He was a very simple man. This city, the City of Washington, is known to one and all as the city of monuments. There are over a hundred monuments in this city. Just about every Civil War general has a monument, every President has a monument, every Speaker of the House has some monument, Majority Leaders have monuments, and finally we have a monument to a good man. Sam Rayburn said the highest accolade one can pay to a fellow man is call him a good man. I am happy that we are dedicating this building to a good man.

REMARKS OF WALTER B. HART

Thank you everyone for being here. Thank you, Senators, past and present. On behalf of the entire Hart family, thank you all.

Dad, like most of us, was always a little uncomfortable or embarrassed when praise was aimed in his direction. But I am certain that he would have very much appreciated and enjoyed this attention and honor.

I was tempted to use this occasion to compare politics as practiced by Phil Hart with the sort of self-righteous, but amiable simplemindedness which has been so alarmingly popular in recent years. But to make that sort of comparison is not something Dad would do. So I won't. But I will quote him briefly on his view of politics:

"One thing you learn in politics is the need to avoid absolutism, especially the notion that your own conclusions must be correct, or whatever you finally decide should be done is what God would do if God were here."

And another time he said, "I remember the expression that the politician is the lay priest of society. A solid case can be made that whatever the venality that attaches to the profession, politics is still a high vocation."

And finally, as a member of his family, I would like to comment on the integrity that was always so apparent in his public service. For his family, that integrity was important because by it we have been able to understand and accept his time away from us. In everything he said and did, his heart and mind were in concert. So we understood that he quite simply loved us and that was why he did what he did. Thank you again.

BENEDICTION BY REV. TIMOTHY S. HEALY, PRESIDENT OF GEORGETOWN UNIVERSITY

Almighty and all merciful God, we pray for all those who work in this great building, all who look to this republic lest it suffer hurt, all who bear the heavy burden of our cares, all who labor under grace to find and follow your justice, grant to them the gifts you gave Philip Hart—that they might speak the truth without hyprocrisy, detract no man, and do all things in equity. Amen.

ANNUAL REPORT ON THE RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 116

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 26, 1988, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Sixteenth Annual report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1986.

RONALD REAGAN.

THE WHITE HOUSE, *February 26, 1988.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 117

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 26, 1988, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I herewith transmit the fourth Annual Report of the National Endowment for Democracy, which covers Fiscal Year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *February 26, 1988.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

DETERMINATION OF UNIFORM PERCENTAGE NECESSARY TO REDUCE CERTAIN APPROPRIATIONS—MESSAGE FROM THE PRESIDENT—PM 118

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To the Congress of the United States:

In accordance with section 512 of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988, included in Public Law 100-202, I herewith transmit a report specifying my determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.6 million in accounts within this appropriations act in Fiscal Year 1988. Federal agencies have been instructed to make the required reductions.

Ronald Reagan.

The White House, *February 29, 1988.*

MEASURES REFERRED

The following bill, which was introduced on February 25, 1988, and ordered held at the desk until the close of business on today, February 29, 1988, was read the first and second times by unanimous consent, and referred as indicated:

S. 2091. A bill to protect the ground water resources of the United States; to the Committee on Environment and Public Works.

The amendment proposed by Mr. Durenberger on February 25, 1988, to the bill S. 2091, and subsequently also ordered held at the desk until the close of business on today, February 29, 1988, was ordered referred to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MELCHER, from the Special Committee on Aging:

Special report entitled "Developments in Aging, 1987, Volume 1" (Rept. No. 100-291).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 854. A bill entitled the "Nevada-Florida Land Exchange Authorization Act of 1987" (Rept. No. 100-292).

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, with amendment:

S. 1630. A bill to provide for retirement and survivors' annuities for bankruptcy judges and magistrates, and for other purposes (Rept. No. 100-293).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for Mr. Cranston, for himself and Mr. Murkowski):

S. 2105. A bill to amend title 38, United States Code, to extend for 4 years the authority of the Veterans' Administration to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities; to the Committee on Veterans Affairs.

By Mr. BOND (for himself and Mr. Heflin):

S. 2106. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for herself and Mr. Dole):

S. 2107. A bill to authorize the construction by the Secretary of Agriculture of a plant science research and education facility at Kansas State University, Manhattan, Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself and Mr. Moynihan):

S. 2108. A bill to authorize the Secretary of the Interior to conduct the Reclamation Groundwater Management and Technical Assistance Study; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself and Mr. Cranston):

S. 2109. A bill to amend Title 18, United States Code, to protect the civil rights of individuals from discrimination on the basis of affectional or sexual orientation; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 2110. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATFIELD:

S. 2111. A bill to amend the patent law, title 35, United States Code, to prohibit the patenting of genetically altered or modified animals; to the Committee on the Judiciary.

By Mr. SYMMS (for himself, Mr. Burdick, Mr. Dixon, Mr. Levin, Mr. McClure and Mr. Thurmond):

S.J. Res. 266. A joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week."; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Durenberger, Mr. Kerry, Mr. Pell, Mr. Dodd, Mr. D'Amato and Mr. Cranston):

S.J. Res. 267. A joint resolution in support of democracy in Panama; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. Simpson, Mr. Pell, Mr. Dole, Mr. Humphrey, Mr. DeConcini, Mr. Symms, Mr. Domenici, Mr. Wallop, Mr. Baucus, Mr. Dixon and Mr. Dodd):

S. Res. 386. A resolution to express the sense of the Senate on United States policy toward Afghanistan, especially toward the possibility of a Soviet troop withdrawal; considered and agreed to.

By Mr. DODD (for himself, Mr. Quayle, Mr. Matsunaga and Mr. Heinz):

S. Res. 387. A resolution to express the gratitude of the Senate for the efforts and achievements of the United States Winter Olympics Team; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for Mr. Cranston, for himself and Mr. Murkowski):

S. 2105. A bill to amend title 38, United States Code, to extend for 4 fiscal years the authority of the Veterans' Administration to contract for drug and alcohol treatment and rehabilitation services in halfway houses and other certain community-based facilities; referred to the Committee on Veterans' Affairs.

VETERANS' ALCOHOL AND DRUG TREATMENT AND REHABILITATION IN COMMUNITY-BASED FACILITIES

● Mr. CRANSTON. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am very pleased to introduce, along with my friend from Alaska [Mr. Murkowski], the ranking minority member of the committee, legislation to extend for 4 years, through September 30, 1992, the VA's present discretionary authority in section 620A of title 38, United States Code, to contract with halfway houses and other community-based facilities for the treatment and rehabilitation of veterans with alcohol or drug abuse or dependence disabilities.

Mr. President, according to the VA, approximately 32,000 veterans have been placed in community-based contract programs following detoxification in VA medical centers since the program began in 1980. More than 90 VA medical centers—6 in California—have contracts with nearly 400 non-VA community-based program—61 in California. The VA anticipates placing an average of 7,500 veterans each year in community halfway houses during the next 5 years.

Mr. President, the contract program offers a valuable alternative for treating certain veterans with chemical dependencies who otherwise would likely return to their homes and communities and resume drug and alcohol use. In order for former addicts to stay sober or clean, it is critical that they receive positive reinforcement after breaking the physical addiction to alcohol or drugs. Too often, veterans who don't have families or other support systems return to their old habits, including drug or alcohol use. Long-term counseling and followup are necessary to break the cycle. Halfway houses and other community-based treatment centers provide that type of intervention. They enable veterans to integrate back into their communities with the needed assistance, through the development of self help and job skills and participation in Alcoholics Anonymous and other support services, while overcoming their chemical dependencies.

Halfway houses are cost-effective. A VA May 1984 report analyzing the first 3 years of the program found that the expenditures associated with relapse-related treatment following detoxification was on an average $346 less per case for individuals who had completed the Halfway House Contract Program than for those who were treated in traditional outpatient programs.

Mr. President, this would be the second extension of this program, which was originally enacted in 1979 as a pilot program in legislation I authored. When the original pilot program was nearing expiration in 1985, I sought to make the program permanent, based on the findings of the first VA report on the operations of the program, submitted in May 1984, and on reactions from veterans who had been placed in halfway houses and other community-based facilities and VA employees who worked with the veterans with drug and alcohol dependencies.

However, because of concerns raised at that time that more information was needed about the program before making it permanent, the Congress extended the authority for another 3 years, until September 30, 1988, and required the Administrator to submit to Congress, by February 1, 1988, a report on the cost-effectiveness and success of the program.

Unfortunately, as far too often is the case, the committee did not receive the report by its due date. I have now been advised that it will be submitted later this year. Should the report confirm the generally positive results of the 1984 report regarding the success and cost-effectiveness of the Contract Program, I believe it would be desirable to give very serious consideration to making the VA's contract authority permanent. The program has now been functioning for nearly 10 years, and I see little reason to continue temporary extensions if the successfulness of the program is established. However, until we have received and had an opportunity to review the forthcoming report, we are proposing in this legislation only an additional 4-year extension of this contract authority.

By Mr. BOND (for himself and Mr. HEFLIN):

S. 2106. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas; to the Committee on Agriculture, Nutrition, and Forestry.

MULTIYEAR SET-ASIDES FOR WILDLIFE HABITATS AND FEEDING AREAS

Mr. BOND. Mr. President, the past few years have seen American agriculture begin a transition to protect one of the most important natural resources known to man—the soil. With continued emphasis on programs designed to reduce soil erosion, such as the Conservation Reserve Program [CRP], our Nation has proactively moved toward ensuring sustained productivity for generations to come. Not including the signup which ended last Friday, the CRP has already retired approximately 23 million acres for a minimum of 10 years. By 1990, the CRP may take as many as 45 million acres out of production.

In addition to optional programs such as the CRP, U.S. producers must "set aside" a certain percentage to their base acreage as a requirement for participation in Federal farm programs. For example, in 1987, corn producers were required to set aside 20 percent of their base acres and the optional paid land diversion idled up to another 15 percent—for a total of 35 percent. In 1987, farmers enrolled approximately 195 million acres, or 84 percent of the total program base in Federal farm programs. During the same year, the set-aside and paid land diversion for wheat, feed grains, cotton, and rice idled approximately 54 million acres, or 23 percent of the total program base.

Mr. President, I believe the United States has done an admirable job of balancing the needs of producers, consumers, and the environment as these programs have been implemented. Although mandatory set-asides are a bleak reminder of our current surplus commodities, I believe they also provide a golden opportunity to address another one of our Nation's priceless resources—wildlife. The quality of our soil and the proliferation of wildlife and inextricably linked to the land use decisions made by our Nation's farmers and ranchers. There is no doubt the mystique of living on a farm or ranch goes beyond bushels of grain, pounds of milk, cost of production, and rate of gain. The quality of rural living is enhanced by the natural beauty of the surroundings which includes the presence of wildlife. Although wildlife is often associated with rural America, its abundance depends ultimately on the way in which we utilize the land.

Mr. President, over the past couple months I have had the opportunity to speak with many people regarding the development of multiple benefit management strategies using the mandatory set-aside acres. The legislation which I am introducing today is the result of these efforts. Although the centerpiece of this bill is the creation of an optional multiyear set-aside program for the establishment of wildlife habitat and food plots, our Nation's efforts to reduce soil erosion will also benefit.

Although farmers and ranchers currently have some flexibility regarding these annual set-aside acres, the majority of the land is either fallowed or left unseeded. Unfortunately, seeded land loses much of its wildlife value due to disturbances such as plowing, discing, and mowing. I believe that with small incentives, many producers would forgo this annual ritual and opt to participate in a multiyear set-aside program due to lower maintenance costs, enhanced natural beauty, and improved soil tilth and fertility from the establishment of appropriate vegetative covers.

Mr. President, this legislation would require the Secretary of Agriculture to offer eligible producers the opportunity to enroll a percentage of their mandatory set-aside acres in a 3-year program. Producers will be eligible to enroll acreage into the program during the 1988, 1989, and 1990 crop years. Assuming a 3-year set-aside period, the final contracts would expire in 1993.

In an effort to prevent any increase in Federal budget outlays, enrollment in the program would be limited to producers who have participated in farm programs in two of the three crop years prior to the date of enactment. In response to concerns that the program would keep land out of production, I have included provisions which limit the amount of set-aside and paid diversion acres eligible for enrollment. No more than 50 percent of the required set-aside on the date of enactment will be eligible for enrollment in the multiyear program. The Secretary of Agriculture will also have the discretionary authority to permit enrollment of up to 50 percent of the paid land diversion in effect during the year of enrollment. However, no additional land will be taken out of production because of this bill.

This legislation also requires the Secretary of Agriculture to provide incentives to producers for the establishment of appropriate vegetative covers. The Commodity Credit Corporation [CCC] is authorized to provide up to 25 percent of this establishment cost. However, no Federal outlays will be authorized without a commitment from the State to provide matching funds.

Mr. President, the ultimate success of this program will depend upon the commitment of the States themselves. This legislation simply lays the groundwork from which the States can build programs based upon their own resources. For example, my home State of Missouri has already indicated they would reimburse producers for their seed cost and will pay the real estate taxes on participating land for the 3-year period. I would hope that farmers, ranchers, conservationists, and sportsmen would encourage additional States to follow the lead of Missouri's Department of Conservation.

Over the past few weeks, I have been asked if this program is necessary and why the States can't implement such a program on their own. First of all, I believe it would be in everyone's best interest to make constructive use of lands which will be idled anyway. Second, it is my understanding that States will not designate funds for such a program if they do not have a framework in place which allows them to enter into contracts beyond 1990, the expiration date of the 1985 farm bill. It is also highly unlikely that farmers and ranchers would enroll in the program if their crop base is not protected for the life of the contract. Again, States do not have the authority to make such guarantees.

Mr. President, these are not new ideas, they are simply overdue ideas. Section 1010 of the Food Security Act of 1985 authorizes the Secretary of Agriculture to enter into multiyear set-aside contracts. This section states that the acreage must be devoted to "vegetative cover capable of maintaining itself through such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty." Given that this act has been in effect since 1985, I believe it will be up to Congress to see that it is implemented.

A companion bill will soon be introduced in the House of Representatives by Congressman VIN WEBER and I thank Congressman WEBER and his staff for their assistance in drafting this legislation. I believe this is a practical way of utilizing land which will undoubtedly remain idle throughout the foreseeable future. I encourage my colleagues to support this legislation and would hope we could pass it expeditiously.

Mr. President, I ask unanimous consent that Senator HEFLIN be added as an original cosponsor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MULTIYEAR SET-ASIDES.

Effective for the 1988 through 1993 crop years, section 1010 of the Food Security Act of 1985 (7 U.S.C. 1445i) is amended to read as follows:

"SEC. 1010. MULTIYEAR SET-ASIDES.

"(a) AUTHORITY.—The Secretary of Agriculture (hereinafter referred to in this section as the 'Secretary') may enter into 3 year set-aside contracts for a period not to extend beyond the 1993 crops.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—Contracts authorized under subsection (a) shall only be entered into as a part of the programs in effect for the 1988 through 1990 crops of wheat, feed grains, upland cotton, and rice.

"(2) ELIGIBLE PRODUCERS.—Only producers participating in one or more of the programs referred to in paragraph (1) shall be eligible to enter into contracts with the Secretary under this section.

"(c) REQUIREMENTS OF SET-ASIDES.—

"(1) USE OF SET-ASIDE ACREAGE.—Producers entering into agreements with the Secretary under this section shall devote the set-aside acreage to vegetative cover that is capable of maintaining itself through the contract period to provide improved soil tilth and fertility, water quality enhancement, wildlife habitat, and natural beauty.

"(2) PROHIBITIONS.—

"(A) IN GENERAL.—During the term of a contract entered into under this section, a producer shall agree not to—

"(i) conduct any harvesting or grazing, nor otherwise make commercial agricultural use of the set-aside acreage that is subject to the contract; and

"(ii) adopt any practice specified in the contract by the Secretary as a practice that would tend to defeat the purpose of the contract.

"(B) EXCEPTION.—The Secretary may permit harvesting, grazing, or other commercial uses of the set-aside acreage that is subject to the contract if such determination is in response to a drought or other emergency that occurs in the area.

"(3) NOXIOUS WEED CONTROL.—Producers entering into agreements under this section shall comply with all applicable State and local laws and regulations governing noxious weed control.

"(d) INCENTIVES.—The Secretary shall offer cost-sharing incentives to producers for the establishment of appropriate vegetative cover, whenever a multiyear set-aside contract is entered into under this section.

"(e) SPECIAL SET-ASIDES.—

"(1) AUTHORITY.—The Secretary shall pay the Federal share of the cost of incentives offered by a State to administer a program designed to enroll a special class of acreage in a multiyear set-aside program that will encourage the use of such acreage for appropriate wildlife habitats and feeding areas.

"(2) FEDERAL SHARE.—For purposes of paragraph (1), the Federal share shall be no more than 25 percent of the cost of establishing the appropriate vegetative cover. To be eligible to obtain funds under this subsection, a State shall at least match the Federal share provided to carry out this subsection.

"(3) INCENTIVES.—States shall offer producers special incentives to encourage such producers to participate in the program authorized under this subsection. Such incentives may include—

"(A) the reimbursement of the producer for the property tax paid on land set aside under this section by such producer;

"(B) the provision of additional cost sharing incentives to the producer to enable the producer to use the acreage for the purposes described in paragraph (6); and

"(C) any other reimbursements of or payments to the producer determined appropriate by the State

"(4) STATE PARTICIPATION.—

"(A) APPLICATION.—A State that desires to receive funds under this subsection shall submit an application to the Secretary not later than 90 days prior to the start of the appropriate enrollment period as determined by the Secretary.

"(B) CONTENTS OF APPLICATION.—An application submitted by a State under this paragraph shall—

"(i) provide assurances that the applicant will pay the non-Federal share of the cost of the incentives offered by the State for which assistance is sought;

"(ii) contain assurances by the State that it will take actions to ensure compliance with this subsection;

"(iii) describe the incentives to be offered by the State under paragraph (3);

"(iv) describe the different types of vegetative covers determined appropriate by the State; and

"(v) provide any other information determined necessary by the Secretary.

"(C) ACTION BY SECRETARY.—The Secretary shall act on an application submitted under this paragraph within 60 days of receipt of such.

"(D) VEGETATIVE COVER ACTION.—

"(i) IN GENERAL.—The State may petition the Secretary at any time to request that the Secretary consider additional vegetative covers eligible for use under this subsection.

"(ii) DETERMINATION.—If the Secretary determines that the recommendation of a State for vegetative cover is not appropriate, the Secretary shall inform the State of such and the State may resubmit such a recommendation and any other additional information to the Secretary. The Secretary is required to issue a decision on such a recommendation not later than 30 days after receipt of such.

"(5) ELIGIBILITY.—Producers who desire to participate in the program authorized under this subsection shall—

"(A) have participated in programs in effect for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice for at least two of the three crop years prior to the date of enactment of this section; and

"(B) enter into an agreement to set-aside acreage as a requirement for eligibility to receive benefits under the Federal farm programs referred to in subparagraph (A).

"(6) USE OF ACREAGE.—Acreage enrolled in the program authorized in this subsection shall be devoted to vegetative cover approved by the State and agreed to by the Secretary after a review of a proposal for such submitted by the State for the development of wildlife habitats and feeding areas

"(7) ADMINISTRATION.—

"(A) MAXIMUM AND MINIMUM ACREAGE LIMITS.—The Secretary, in consultation with the Secretary of the Interior, shall issue regulations that determine the maximum and minimum number of acres that a producer may enroll in the program established under this subsection.

"(B) RELATIONSHIP TO UNPAID ACREAGE LIMITATION AND SET-ASIDE PROGRAMS.—The producers on a farm shall be eligible to enroll during a crop year in the program established under this subsection no more than 50 percent of the total quantity of acreage that the producers are required to remove from production during the crop year under an acreage limitation or set-aside program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(C) RELATIONSHIP TO PAID LAND DIVERSION PROGRAMS.—The Secretary may permit producers on a farm to enroll during a crop year in the program established under this subsection no more than 50 percent of the total quantity of acreage that the producers are permitted to divert from production during the crop year under a paid land diversion program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(D) SIGNUP PERIOD.—The Secretary shall issue regulations to designate an appropriate period during which producers may apply to participate in the program authorized under this subsection on a first-come-first-serve basis.

"(E) PENALTIES.—The Secretary shall issue regulations applicable to both States and producers who violate this subsection or any agreement entered into under such, including the recovery by the Secretary of the Federal share of funds (and interest on such) used in such a violation.

"(8) BASE PROTECTION.—The crop acreage base and the farm program payment yield for a commodity shall not be reduced due to the fact that such portion of the permitted acreage of the farm was devoted to conserving uses under this subsection.

"(f) REGULATIONS.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(g) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the programs authorized by this section through the Commodity Credit Corporation.".

Mr. HEFLIN. Mr. President, I am delighted to rise, today, in support of a bill which has been introduced by my colleague from Missouri, Senator BOND, that would offer farmers and land owners the opportunity to make use of a portion of their set-aside land for the purpose of establishing wildlife habitat and food plots for a 3-year period.

Fifty years ago, our Nation's farms and rural areas where blessed with plentiful wildlife which provided both aesthetic beauty and great sport for hunters. These areas were also crucial to the protection of wildlife and endangered species. Since that time, however, modern farming techniques in many parts of the country have eliminated the hedge rows and other vegetation which were so beneficial to wildlife and to the protection of our Nation's most important agriculture resource, the fertile topsoil.

I believe that the vegetative cover which farmers and land owners would be encouraged to foster under this program would go a long way toward establishing a habitat for wildlife and will also enhance the conservation efforts of increasing soil fertility, and reducing erosion of our Nation's soils.

I would like to commend the sponsor of this bill, Senator BOND, for his efforts in introducing this bill. For too long, these needs have been ignored or overlooked in American agricultural policy. We must all remember that we are but guardians of the land and must ensure that it is protected not only for future generations, but for the beautiful and important wildlife with which we share the land.

I believe that this bill presents an important concept which could begin to restore the native habitat for so many species of animals, birds, and waterfowl. This will prove highly beneficial to all. The bill will begin to restore the ecological balance of nature and will also help farmers and land owners in their efforts to conserve the soil of their land so that it can be passed along to future generations.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S. 2107. A bill to authorize the construction by the Secretary of Agriculture of a plant science research and education facility at Kansas State University, Manhattan, KS; referred to the Committee on Agriculture, Nutrition, and Forestry.

PLANT SCIENCE RESEARCH FACILITY

● Mrs. KASSEBAUM. Mr. President, I am introducing legislation today that will authorize the construction of a plant science research and education facility at Kansas State University in Manhattan, KS. A review team appointed by the Department of Agriculture's Cooperative State Research Service [CSRS] to conduct a feasibility study of the project concluded that "* * * construction of the proposed plant science facility is urgently needed and that it would be beneficial to Kansas, the region, and the Nation."

Kansas State University is recognized worldwide for its research and leadership in wheat breeding, sorghum modeling and management, cropping system technology for wheat and sorghum, and wheat and sorghum processing and utilization. Manhattan, KS, is the world's center for grain research and teaching. It is the home of the USDA Grain Marketing Laboratory, the Wheat Quality Council, the Kansas Wheat Commission, and the American Institute of Baking. In addition, Kansas State University's unique grain science and industry department includes flour milling, bakery, and feed science programs, the International Grains Program, and the International Food and Feed Grains Institute. Kansas State University is strongly committed to a partnership with State and Federal scientists in providing research and educational programs that complement efforts to increase export and utilization of U.S. wheat and sorghum.

Much of the success of agriculture can be attributed to past investment in research. The Hard Red Winter wheat introduced to Kansas in 1874 remained basically unchanged through the 1970's. In 1977, Kansas State University introduced Newton, a short, semidwarf Hard Red Winter wheat that quickly became the leading wheat variety in the United States. In Kansas alone, Newton provided over $600 million in additional income to farmers during the period of 1980-86. Three other recently released wheat varieties have unique quality and pest-resistant characteristics that will continue to benefit Great Plains farmers for many years.

In addition to modifying existing crops to meet producer and consumer needs better, additional plant science research is needed to develop potential new crops. In this time of commodity surpluses, alternative crop developments is an especially timely topic.

However, modifying existing crops and developing new ones does not just happen. It takes the right people and the right facilities. Facilities are needed which will allow cooperation among scientists of many disciplines, such as agronomy, entomology, forestry, horticulture, and plant pathology. State-of-the-art laboratories are needed to translate biotechnology research into new crops and other agricultural products. First-rate facilities are also necessary to attract the plant geneticists, plant pathologists, entomologists, agronomists, and crop quality specialists which make up a successful research team.

The Plant Science Center at Kansas State University was planned to provide offices and modern classrooms, research and teaching laboratories, and greenhouses for the plant science departments. Most teaching and student needs were met in phase I of the project, which was completed in 1981. Phase II is sorely needed to complete the mission of providing modern facilities for plant science research which was outlined in the original building program. The lack of modern laboratory and greenhouse space is currently the most limiting factor in plant science research at Kansas State University.

The Kansas Board of Regents has placed the completion of the Plant Science Center as its top priority for new funding. Industry and commodity associations have expressed strong support for the project. The Kansas State Legislature has indicated its intent to provide $13.5 million for the project. However, matching Federal funding is needed for completion of the facility. This bill includes no funding and results in no outlays. It does, however, mark a commitment to continued excellence in plant science research and the resulting benefits to agriculture and to our Nation.

As the CSRS report stated:

> Completion of the proposed plant science facility will have a direct and significant positive impact on the economic well-being and competitiveness of Kansas agriculture. The current planned research programs are important to the food supply and its nutritional value on a regional and national basis. The ultimate and most serious potential result of failing to provide improved facilities for the Plant Science Program at Kansas State University is that Kansas and Great Plains Agriculture would not continue to be competitive in international trade. Thus, a further decline and loss of market share would occur both in export and domestic markets. The Review Committee con-

cludes that construction of the proposed plant science facility is urgently needed and that it would be beneficial to Kansas, the region, and the nation.●

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Kansas, Senator KASSEBAUM, as a cosponsor of legislation authorizing the construction of phase II of the Plant Science Center at Kansas State University in Manhattan. This bill is authorizing language and does not result in new outlays.

BACKGROUND

During the 1970's Kansas State University began a two-phase project to upgrade their facilities for plant science. The initial complex, including Throckmorton Hall and new greenhouse space, was completed in 1981. This provided roughly 30 percent of the necessary office, laboratory, and greenhouse space.

Enlarging laboratory and office space devoted to research and updating equipment are important priorities if we are to improve and develop plant varieties that are resistant to disease and insects and that can survive under adverse weather conditions. Completion of phase II construction will further ensure that Kansas, the Great Plains region and the Nation remain competitive in export markets while providing a reliable and nutritious food supply.

The Senate Appropriations Committee's report accompanying the 1987 Agriculture, Rural Development, and Related Agencies appropriations bill included language directing the Agricultural Research Service to conduct a feasibility study of the Kansas State University proposal. The study concluded that construction of the proposed plant science facility is needed and that it would be beneficial to Kansas, the region, and the Nation.

CONCLUSION

Mr. President, completing this facility will have a positive impact both regionally and nationally. Research facilities that can efficiently use the latest technology to address production problems will increase farmers' profitability and will promote economic development. Modifying existing crops or developing new varieties does not just happen it, takes committed people, long-term investments, and modern facilities.

I congratulate Senator KASSEBAUM on her leadership in this important area and urge my colleagues to support this bill.

By Mr. BRADLEY (for himself and Mr. MOYNIHAN):

S. 2108. A bill to authorize the Secretary of the Interior to conduct the Reclamation Ground Water Management and Technical Assistance Study; to the Committee on Energy and Natural Resources.

RECLAMATION GROUND WATER MANAGEMENT AND TECHNICAL ASSISTANCE STUDY ACT

● Mr. BRADLEY. Mr. President, today I rise to introduce the Reclamation Ground Water Research Act of 1988. I am pleased to have Senator MOYNIHAN as a cosponsor of this important legislation.

In the past year, I have chaired three hearings on ground water issues before the Energy Committee's Subcommittee on Water and Power. The diversity of witnesses and perspectives ran the gamut from government and industry to environmental organizations and academia. While these witnesses had disagreements about what policies or courses of action were most appropriate, inaction never was suggested as a preferred strategy.

Mr. President, as a result of these hearings, I have reached a number of basic conclusions:

First, while we are not in a crisis situation, we are at a threshold. The choices we make today will determine whether ground water will be available for our future and our children's future. Much of the Nation depends on ground water supplies. Over 120 million people, including 90 percent of rural Americans, rely on ground water. The absence of adequate planning will place our future in jeopardy. We can't allow that to happen.

Second, prevention of contamination is the key element in protecting ground water resources for the future. Unfortunately, we know too well from experience the extreme cost and near impossibility of cleaning up ground water supplies once they become contaminated. In my home State of New Jersey, there is growing concern over contamination. Over 1,000 wells in the State have been closed, probably forever. We can't afford to pollute our ground water today; the price we would have to pay tomorrow would simply be too great.

Finally, we need to augment and restructure Federal programs in order to provide the information decision-makers need to prevent contamination from crippling our ground water supply and our future.

Mr. President, the legislation I introduce today has a very narrow focus and goal. It charges the Bureau of Reclamation—the manager of Federal water supplies in the West—to recognize and evaluate the impact on ground water quantity and quality which results from the Bureau's efforts to divert and control surface water supplies. If we are to manage most effectively our water resources, we need to acknowledge that all aspects of the hydrologic cycle, from rainfall to streamflow to ground water supplies, are related. This simple legislation is a first step toward a perspective that is truly comprehensive. Such a perspective is a critical element of any attempt to deal with current and future threats to ground water resources.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Reclamation Ground Water Management and Technical Assistance Study Act of 1987".

SEC. 2. (a) The Secretary of the Interior, acting through the Bureau of Reclamation and in furtherance of Public Law 98-434, the High Plains Ground Water Demonstration Program Act of 1983 (98 Stat. 1675), shall conduct an investigation and analysis and prepare a Reclamation Ground Water Management and Technical Assistance Study to be submitted to the Congress, which shall include—

(1) an assessment of the impacts of existing Bureau of Reclamation projects on the quality of ground water resources;

(2) a description of methods for optimizing Bureau of Reclamation project operations to ameliorate adverse impacts on ground water; and

(3) his recommendations concerning the establishment of a Ground Water Management and Technical Assistance Program in the Bureau of Reclamation in order to assist Federal and non-Federal entity development and implementation of ground water management plans and activities.

(b) The report shall be submitted to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate within 2 years of the appropriation of funds authorized by this Act.

SEC. 3. There is authorized to be appropriated for fiscal years begining after September 30, 1988, $4,000,000 to carry out the study authorized by this Act.●

● Mr. MOYNIHAN. Mr. President, ground water legislation has been one of the prominent issues on the legislative docket for the 99th and 100th Congresses. Legislation has been concentrating on protection of surface and ground waters, and research to support planning and management of our water resources. In the face of a growing population and increasing demand for water, one of the crucial issues pertaining to ground water is assurance that our ground water systems are adequately recharged to sustain future demands on our aquifers.

Statewide in New York, 6 million New Yorkers rely on ground water for their primary source of drinking water. Three and a quarter million people depend solely upon the ground water underlying Nassau, Suffolk, Brooklyn, and Queens.

By the mid-1800's overpumping of the aquifer under Brooklyn had lowered the water table to 35 feet below sea level. Salt water intrusion forced abandonment of the aquifer in favor of ground water supplies from southern Queens and Nassau. This pattern of development and depletion was repeated in Queens, and over the years planners have moved eastward and continue to dig deeper to accommodate the growing demand for the drinking water from our natural underground reservoirs.

WATERSHED LANDS AND THE WATER CYCLE

We need to appreciate just what a complex and delicate cycle upon which we depend. The Magothy aquifer below Long Island, for example, supplies 90-percent of Nassau County's drinking water, because the shallower glacial aquifer has been polluted. The complete ground water cycle from precipitation to infiltration and migration beyond the barrier island takes approximately 800 years from the time precipitation falls on the center of Long Island. In the Lloyd aquifer, the deepest of the three major aquifers under Long Island, this process takes about 3,000 years.

The reason the water on Long Island remains drinkable so far is that there are still enough undisturbed watershed and recharge areas to allow this ponderous cycle to function. However, development is relentless on Long Island, as it is nationally—the Council on Environmental Quality estimates that by the year 1990 over 75 percent of the U.S. population will live within 50 miles of the coastline.

What is happening to the watershed lands which protect and recharge Long Island's ground water? Development has greatly reduced these valuable areas. As development encroaches, natural vegetation disappears reducing infiltration of precipitation. Pollution and increased drawdown of the water table will continue to increase unless our water resources are managed properly.

Loss of recharge areas in our watershed tells the story: The Hempstead Plains—once 45,000 acres, now 62 acres; the Oak Brush Plains—once 50,000, now 2,000 acres; and the Pine Barrens—once 300,000 acres, now 112,000 acres.

The Pine Barrens is a particularly crucial recharge area for the Long Island aquifer system. It is estimated that between 3.5 and 5.2 trillion gallons of water are stored in the saturated layers beneath the Pine Barrens. Fortunately, about 175,000 million gallons of water are recharged through the 112,000 acres of Pine Barrens each day. Without the benefit of recharge the total volume of ground water could be consumed in less than a month at the current rate of ground water consumption in this area. The importance of maintaining these lands as a principal source of future drinking water is self evident.

CONGRESSIONAL ACTION ON GROUND WATER

The Committee on the Environment and Public Works has sponsored important environmental legislation in the 99th and 100th Congresses which directly affect ground water. As we all know, quality of ground water ties directly to quantity—if we pollute our ground water aquifer systems, we endanger supplies of drinking water.

On the first day of the 100th Congress I introduced S. 20 which is the Ground Water Protection Act of 1987. S. 20 is cosponsored by Senators BURDICK, MITCHELL, BAUCUS, and LAUTENBERG. S. 20 recognizes State primacy in ground water regulation, control and management. This act directs EPA to establish criteria for 100 contaminants and to provide States with documents specifying the physical, chemical, biological and radiological properties of ground water. The bill directs EPA's Administrator to make use of research developed under other environmental statutes and to cooperate with other agencies that hold toxicological data. S. 20 authorizes a total of $75 million divided equally over 3 years to support a Federal-State 75:25 cost-sharing program for ground water assessment programs.

Later in the session, S. 1105 was introduced by Senators BURDICK, DURENBERGER, MITCHELL, BAUCUS, CHAFEE, STAFFORD, BREAUX, GRAHAM, and myself as a ground water research bill. S. 1105 is similar to H.R. 791 in many regards, such as strengthening ground water research programs in the USGS, EPA, and the Department of Agriculture. Together, these bills strive to increase our understanding of ground water—our most critical resource, and to balance Federal and State/local responsibilities for insuring the necessary quality and quantity of our drinking water supplies in the future.

THE SOLE SOURCE AQUIFER BILL AND SAFE DRINKING WATER ACT

In 1982, I sponsored the Sole Source Aquifer Protection Act, which became a part of the Safe Drinking Water Act amendments passed by the 99th Congress. The act authorized $78 million over fiscal years 1987-91 for States to monitor and protect underground sources of drinking water. EPA has designated Long Island as a sole source aquifer, so it will be eligible for these matching funds. Unfortunately, the administration has not supported funding for the sole source program nor the Wellhead Protection Program.

The Clean Water Act was enacted in 1972 to clean up our Nation's rivers and progress has been made toward this goal. However, much still needs to be done to ensure the quality of our rivers for our children and future generations. By cleaning these rivers—recharge areas fed by surface waters will be assured clean, unpolluted recharge.

Superfund amendments which I helped to draft as a conferee, passed in the 99th Congress. This bill provides $9 billion for cleaning-up the worst hazardous waste sites in the country. An important new addition to Superfund is a $500 million cleanup fund for leaking underground petroleum storage tanks. I will continue to support full funding for Superfund.

Water in our rivers is already diverted to satisfy our cities' thirst for water. The city of Los Angeles receives water from northern California and other States—as far away as the Gunnison River, CO. New York City's water, most of which comes from the Catskill and Delaware watersheds to the west is already fully committed. There are no nearby sources for ground water that can be newly tapped to supply the demand for additional water. Bearing this in mind, it is essential to maintain the recharge areas, such as the critical Pine Barrens in New Jersey, to ensure that we do not deplete our natural supplies of drinking water.

I therefore am pleased to cosponsor this bill today with Senator BRADLEY. The "Reclamation Groundwater Research Act of 1988" directs the Bureau of Reclamation to study the national capabilities for ground water recharge and the adequacy of artificial recharge technologies for varying hydrogeologic conditions. Specifically, the Bureau of Reclamation is directed to assess the impact of existing water projects on the quality of ground water, including quality and quantity. This is important because of the large number of water projects throughout the Nation and associated diversions from the water's natural channels and reservoir areas.●

By Mr. KERRY (for himself and Mr. CRANSTON):

S. 2109. A bill to amend title 18, United States Code, to protect the civil rights of individuals from discrimination on the basis of affectional or sexual orientation; referred to the Committee on the Judiciary.

CIVIL RIGHTS PROTECTION ACT OF 1988

● Mr. KERRY. Mr. President, I am today introducing the Civil Rights Protection Act of 1988. This legislation would protect the civil rights of Americans from discrimination on the basis of affectional or sexual orientation. I am very pleased to be joined by Senator ALAN CRANSTON as an original cosponsor of this legislation.

Last month Senator CRANSTON and I introduced S. 2000, the Hate Crime Statistics Act, which would provide for the acquisition and publication by the Attorney General of data about crimes that manifest prejudice based on race, religion, ethnicity, or affectional or sexual orientation. The legislation I am introducing today follows up on that effort by providing criminal penalties under the United States Code for violations of the civil rights of gay Americans. It adds affectional or sexual orientation to the list of protected categories under our civil rights laws, and extends our commitment to the protection of the civil rights of all Americans.

One year ago, Senator CRANSTON and I introduced S. 464, the Civil Rights Amendments Act of 1987, to protect the civil rights of gay Americans. The legislation which I introduce today continues and extends that effort.

Hearings which have been held in the House Judiciary Committee indicate that there is a serious problem in America with hate crimes of all types, including violence against blacks, Hispanics, Asian-Americans, Jews, Arab-Americans, and gays. While there are other bills in the Senate which would address some of these issues, none of them until now has addressed all of them together, including especially the serious problem of anti-gay violence.

This year, in 1988, it is even more important that we address the problem of violence against gay Americans. The epidemic of AIDS has spread throughout our society, and it continues unabated. Unfortunately, along with AIDS has come an increase in prejudice and violence against gay Americans in certain parts of our society. This problem can only be addressed by confronting it directly.

Violence against gays and lesbians has now reached epidemic proportions in America. A national study of anti-gay violence by the National Gay and Lesbian Task Force involving over 2,000 respondents found that nearly 1 in 4 gay men and nearly 1 in 10 lesbians reported having been "punched, hit, kicked, or beaten" because of their sexual orientation. More than 40 percent had been threatened with violence and more than 90 percent had experienced some type of victimization. One study in Philadelphia concluded that gay people in that city were at least four times more likely to be victims of violent crime than persons in the general population.

A recent study commissioned by the National Institute of Justice concluded that "homosexuals are probably the most frequent victims" of hate-motivated violence, and that gay Americans are frequently targeted for assault, verbal intimidation and vandalism. The report also suggested that excluding homosexuals from protection under hate crime legislation "either condones bias crimes against gays and lesbians or suggests it does not exist." This legislation addresses that problem on the Federal level by providing criminal penalties for hate crimes against gays and lesbians.

As we look around us, we see too many examples of hate crimes and crimes of violence and prejudice in our society. From Howard Beach to Forsyth County, from New York and Boston to Los Angeles and San Francisco, such crimes are an ugly fact of life. As legislators, we must be sensitive to this problem and strive to find a solution. For, as Martin Luther King once wrote: "Injustice anywhere is a threat to justice everywhere."

I ask that the "Civil Rights Protection Act of 1988" be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Protection Act of 1988".

SEC. 2. AMENDMENTS TO TITLE 18.

(a) AMENDMENTS TO TITLE 18.—Whenever in this section an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of Title 18, United States Code.

(b) CONSPIRACY AGAINST RIGHTS OF CITIZENS.—The first undesignated paragraph of section 241 is amended by inserting after "laws of the United States" the following: "and the free exercise of the right to affectional or sexual orientation".

(c) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 is amended—

(1) by inserting after "laws of the United States" the following: "or the right to the free exercise of affectional or sexual orientation"; and

(2) by inserting after "or race," the following: "or affectional or sexual orientation,".

(d) FEDERAL PROTECTED ACTIVITIES.—Section 245 is amended—

(3) in subsection (b)(2) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation";

(2) in subsection (b)(4)(A) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation"; and

(3) in subsection (b)(5) by striking out "or national origin" and inserting in lieu thereof ", national origin, or affectional or sexual orientation".

(e) DEPRIVATION OF RELIEF BENEFITS.—Section 246 is amended by striking out ", or national origin," and inserting in lieu thereof ", national origin, or affectional or sexual orientation,".●

By Mr. METZENBAUM:

S. 2110. A bill to provide access to check cashing services; to the Committee on Banking, Housing, and Urban Affairs.

FAIR ACCESS TO CHECK CASHING ACT

● Mr. METZENBAUM. Mr. President, I am today introducing legislation to ensure that banks and savings and loans cash Government benefit checks for elderly and low-income consumers.

Persons who rely on their monthly Social Security or aid for families with dependent children checks are entitled to have a safe and inexpensive way to cash them. Too often, though, they have no choice but to pay check cashing outlets $7, $8, or $10 to cash each $500 benefit check. That's a ripoff and a waste of desperately needed money.

The problem is that many traditional depository institutions simply will not cash Government checks for noncustomers at any price. Indeed, according to Consumer Federation of America, 72 percent of the banks and savings and loans CFA surveyed refused to cash such checks.

That is shameful.

My legislation would simply require banks and savings and loans to cash Government benefit checks for free once a person obtains an identification card from the institution where he or she plans to cash the check. The institution would be able to assess a one-time charge for the ID card.

It seems only fair.

This is not a new issue, Mr. President. The bill I am introducing today is indentical to the amendment I offered to the Competitive Equality Banking Act last year. That amendment was adopted by the Senate, but the banking conferees decided instead to have GAO study the matter for 6 months. They are still studying the matter.

I am interested in GAO's findings. I believe they will help focus attention on the problem. In the meantime, though, the Senate ought to also be looking into the matter. We should not delay.

If there is a way to improve upon the legislation, let's get to work and do it. If we can find ways to strengthen the provisions dealing with fraudulent checks, let's incorporate them into the bill. If there are ways to guard against overcrowding at certain bank branches on payday—another complaint I've heard—let's address that too. In short, I'm open to suggestions. I want to cooperate.

But, Mr. President, make no mistake. I do not plan to turn my back on the concerns of the elderly, the veterans, or low-income persons trying to cash their Government checks. I urge my colleagues to join me in the effort to find a fair solution to this problem.●

By Mr. HATFIELD:

S. 2111. A bill to amend the patent law, title 35, United States Code, to prohibit the patenting of genetically altered or modified animals; to the Committee on the Judiciary.

MORATORIUM ON PATENTING ANIMALS

● Mr. HATFIELD. Mr. President, last spring the U.S. Office of Patents and Trademarks issued a notice that patent applications would now be considered for vertibrate and invertibrate animals which have been "created" through genetic engineering techniques. Although today no such patent has been granted, I am offering legislation which would place a moratorium on consideration of applications.

This moratorium is intended to give Congress the opportunity to assess the implications of animal patenting.

My decision to offer this legislation is not intended to politicize the Patent Office. I believe that the Patent Office does a fine job of protecting the commercial rights of this country's intellectual and technical wizards. Creativity should be encouraged through economic incentives in order to assist this Nation's competitiveness. But the Patent Office itself admits that it does not take ethical or moral considerations into account when assessing an application for a patent. It is, I believe, the responsibility of Congress to fully consider what kind of technological creativity we wish to encourage through the patenting process, and I believe the giant leap to animal patenting provides us with the specific example we need to conduct such a debate.

Congressional consideration of this matter must touch upon several areas, including the ethical implications of the creation, and exclusive rights to, an animal never before existing in nature. Man has always held ownership of animals and man has used traditional methods of animal husbandry to develop breeds which have desirable traits. But genetic engineering techniques will allow man an even greater ability to alter species. Gene-splicing will allow technicians the amazing ability to pick and choose qualities of one animal, insert those qualities into the genetic code of another animal, and produce a living thing never before imagined.

Let me state that this legislation is not an end-run to halt genetic engineering. This revolutionary science may produce results nothing short of miraculous in their impact upon the health and well-being of mankind. But there is also a dark side to the knowledge we now hold. Man has tapped the power to create living things purely for convenience or profit. To then confer patents to such creations could blur the line between man's role as steward of the planet and man's exploitation of the Earth's inherent riches.

There are other considerations as well. Of urgent concern to the agricultural community is the impact patent rights could have upon the small farmer's ability to compete with larger producers. Examination of current policy indicates that a patent could require farmers to pay royalties for every offspring of a genetically-created animal. Companies with extensive resources could conceivably corner the markets on super animals created through genetic manipulation. In a survey recently conducted by the Texas Department of Agriculture, 96 percent of producers responding stated that they were opposed to the patenting of farm animals.

Environmental concerns range from the impact large numbers of a new breed of animal could have upon the ecological system, to whether such new animals could possibly foster disease. And finally, there are concerns that the incentives created by the Patent Office's decision will encourage experimentation causing needless suffering to animals.

When the framers of the Constitution gave Congress the responsibility of protecting the economic value of inventions, Congress authorized the Patent Office to carry out that charge. But that responsibility has changed as the world of science advances and genetic engineering techniques are perfected. Abandoning or stifling this progress could do great harm, but we should not blindly adopt a policy which could later be deemed unwise, shortsighted or just plain wrong. Congress cannot expect the Patent Office to fully explore the implications of its decisions, and should put in place this moratorium order so that we can carefully and expeditiously consider whether or not animals should be patented.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 10 of title 35, United States Code, is amended by adding at the end thereof the following new section:

"SECTION 105. PATENTS ON ANIMALS

"Vertebrate or invertebrate animals, modified, altered, or in any way changed through engineering technology, including genetic engineering, shall not be considered matter within the confines of patentability and shall not be patentable within the meaning of section 101 or section 102 or any other provision of this title. No such patent shall be granted and any patent previously granted for any such animals is hereby revoked.".

(b) The table of sections for chapter 10 is amended by adding at the end thereof the follow new items:

"105. Patents on animals.".●

By Mr. SYMMS (for himself, Mr. BURDICK, Mr. DIXON, Mr. LEVIN, Mr. MCCLURE, and Mr. THURMOND):

S.J. Res. 266. Joint resolution to designate the week beginning June 12, 1988, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA AWARENESS WEEK

Mr. SYMMS. Mr. President, today I am introducing legislation which designates the second week in June as "National Scleroderma Awareness Week." It is my hope to increase knowledge concerning this rare disease.

Some 300,000 Americans are afflicted by the disorder. Scleroderma results in hardening of the skin, is often accompanied by a severe case of arthritis and swelling in the joints, and causes the connective tissue in the body to become rigid. When the disease affects the heart, lungs, or other internal organs, it may be fatal.

Scleroderma strikes its victims at random, both young and old, both men and women.

Because the cause and cure of scleroderma are unknown, its victims are often improperly diagnosed, and undergo needless medical treatment while the disease continues to progress.

It cannot be emphasized enough that scleroderma has been understudied and misunderstood.

Mr. President, five of our colleagues join me today in cosponsoring this Joint resolution. I look forward to enactment of "National Scleroderma Awareness Week."

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 266

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted by scleroderma 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unkonwn; and

Whereas scleroderma is an orphan disease, and is considered to be under studied; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 12, 1988, is designated as "National Scleroderma Awareness Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

By Mr. KENNEDY (for himself, Mr. DURENBERGER, Mr. KERRY, Mr. PELL, Mr. DODD, Mr. D'AMATO, and Mr. CRANSTON):

S.J. Res. 267, Joint resolution in support of Democracy in Panama; to the Committee on Foreign Relations.

DEMOCRACY IN PANAMA

Mr. KENNEDY. Mr. President, today I offer a joint resolution—on behalf of Senators DURENBERGER, PELL, DODD, KERRY, D'AMATO, and CRANSTON—supporting democracy in Panama.

Last Thursday, there was a coup d'etat in Panama. The American people should now make clear—through this resolution—that we support democracy in Panama and that we support the lawful, duly-constituted government of President Delvalle.

This joint resolution expresses that support and urges the administration to be active in the region, in the hemisphere and throughout the world, working on behalf of democracy in Panama.

We should be working in the OAS and in the United Nations to develop a multinational, coordinated effort to support democratic institutions in that country. And if those organizations won't go along with such an effort, we should work with those countries in the region—Argentina, Venezuela, Peru, Uruguay, Costa Rica, El Salvador, and Guatemala—who are prepared to take concrete action.

It is my understanding that the Governments of Argentina, Peru, Ecuador, and Uruguay have withdrawn their Ambassadors from Panama to protest the overthrow of the Delvalle government, and I am told that other governments—in Europe and in Latin America—will follow suit.

Mr. President, the continued presence of General Noriega as the Commander of the Panamanian Defense Forces is a threat to the peace and security of the region. The evidence is clear that General Noriega has used his position as head of the Panamanian military to support and sustain the narcotraffickers in the region. Some people have called this phenomenon "narcomilitarism." Whatever it is, when a drug trafficker gets control over the governmental powers of a nation, it is a clear threat to the peace and security of the surrounding nations.

President Delvalle is the lawful President of Panama—and we should say so.

General Noriega is a military dictator—and we should say so.

The American people support democracy, not dictatorship in Panama, and we should say so.

I urge my fellow Senators to support this joint resolution.

I ask unanimous consent that the full text of this resolution be printed in the RECORD—and also that an article by Thomas Powers of the Los Angeles Times also appear at this point

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES 267

Whereas on February 25, 1988, President Eric Arturo Delvalle on Panama announced the dismissal of General Manuel Antonio Noriega, the commander of the Panamanian Defense Forces (PDF);

Whereas President Delvalle is the duly constituted head of the Government of Panama and has the authority of dismiss General Noriega under the terms of the Constitution of Panama;

Whereas the Panamanian people enthusiastically support the order dismissing Noriega;

Whereas General Noriega has not yet obeyed President Delvalle's lawful order and gives every indication that he will defy that order;

Whereas the Government of the United States agrees with the President of Panama and the Panamanian people that a necessary first step towards the restoration of democracy is the departure of General Noriega as commander of the Panamanian Defense Forces;

It is the sense of the Senate;

That President Delvalle has the full support of the American people in his effort to assert civilian control over the Government of Panama and to restore democracy to the people of Panama;

That President Delvalle should receive the full moral, political and diplomatic support of the Government of the United States in his effort to assert civilian authority over the Government of Panama;

That in the event General Noriega continues to defy President Delvalle's lawful order to step down as commander of the Panamanian Defense Forces, the Government of the United States should support President Delvalle in the Organization of American States and in the United Nations;

That the Government of the United States should formally terminate any and all contacts with General Noriega, since General Noriega is no longer the lawful commander of the Panama Defense Forces;

That the Government of the United States should work with other nations of the region to mobilize support for President Delvalle and the Duly constituted Government of Panama;

That the Government of the United States should consider further measures to support democracy, including economic sanctions, in the event General Noriega continues to defy President Delvalle's lawful order; and

That the Government of the United States should make clear the commitment of the American people to support the people of Panama—politically and economically—in their effort to restore civilian rule and genuine democracy to Panama, and to that end, should put together a package of economic aid and financial assistance for Panama in the event progress toward genuine democracy is achieved.

[From the Los Angeles Times, Feb. 28, 1988]

NORIEGA: THE BIG DITCH IN PANAMA

(By Thomas Powers)

SOUTH ROYALTON, VT.—The Central Intelligence Agency really knows how to pick em—the shah of Iran, Ferdinand and Imelda Marcos and now Panama's military dictator, Brig. Gen. Manuel Antonio Noriega. Defenders of the agency are saying the marriage of convenience with Noriega was another legacy from the late William J. Casey, whose death last year has made him a convenient scapegoat for a dismal string of CIA blunders and failures. Noriega's indictment early this month on federal drug charges finally put him publicly beyond the pale and ended U.S. support. From there it was an easy step for Washington to orchestrate the failed firing attempt against Noriega on Thursday. But the sad truth is that for years Noriega was the agency's kind of guy—cynical, brutal and corrupt.

This is a harsh judgment, but consider the evidence. When Noriega murdered an opponent three years ago, Dr. Hugo Spadafora, the U.S. intelligence community was almost the first to know because the National Security Agency heard the crime discussed over the phone. Naturally the NSA said nothing, but according to a former Panamanian official, the CIA's chief of station in Costa Rica, Joe Fernandez, went further and provided Noriega with a "witness" who claimed Salvadoran rebels had murdered Spadafora. Still unclear is whether the agency knew about this gesture, and perhaps approved it in the hope it would be something to hold over the Panamanian's head.

If that was the plan, it failed. Noriega has been anything but pliant. He occasionally provided the CIA with information on the Sandinistas, Cuba's leader Fidel Castro and the rebels in El Salvador, and at the same time he shipped arms, technology and information in the opposite direction.

But these are only sidelines. Noriega's principal means of support has been the traffic in cocaine grown in Colombia and consumed in the United States. While Panamanian pilots, planes and airfields have all been used in this drug traffic. Noriega's principal service has been the laundering of billions of dollars shipped to Panama in cash and then returned in the form of conventional bank deposits—minus Noriega's commission—estimated at several hundred-million dollars.

Noriega's most impressive achievement was his unerring instinct for what officials in Washington wanted most—military and intelligence bases (including the NSA listening posts that picked up Noriega and his cronies on the phone), secret information about the Sandinistas and practical aid for the Contras fighting to overthrow the regime in Nicaragua. The Contras seem to have been President Reagan's favorite issue over the last seven years, and it is a rule of thumb that the CIA can't say no to a President. If Noriega could help the CIA give Reagan his heart's desire, then the agency might notice but would certainly overlook other scams he might be running on the side.

Noriega's personal history, which includes the rape of 13-year-old girl in addition to numerous murders, is a grisly example of the sort of company the United States has been keeping in Central America in recent decades. In addition to killing Spadafora, whose headless body was dumped across the border in Costa Rica, Noriega was responsible for the murder of the son of one of his fellow generals in the Panama Defense Force, a large army of the sort the United States creates for its friends. It has even been suggested that Noriega played a role in the death of his patron and predecessor, Gen. Omar Torrijos, who died in a plane crash in 1981.

But Noriega was not the only U.S. ally in Central America who seems to leave murder in his wake. Political murder is a way of life. At varying times over the last 30 years, U.S. allies have systematically murdered their political opponents in Guatemala, Nicaragua and El Salvador. This is not the occasional leader shot on his way to the office, but wholesale slaughter—with scores, even hundreds, of victims. In El Salvador, for a time, fresh bodies were found every morning at the city dump. In Guatemala, entire Indian villages were wiped out. But why limit ourselves to Central America? The same thing has happened in the Dominican Republic and Argentina and Chile.

It's a tough world, the realists say; you have to take it as you find it. Noriega may be a son of a bitch, but he was our son of bitch (as Lyndon B. Johnson once said of an ally with the same sort of troubling resumé). Life is full of hard choices, if you can't take the heat get out of the kitchen, the CIA isn't the Boy Scouts—all true enough. But ask yourself: Why do we so often end up on the side of brutal thugs with numbered Swiss bank accounts? Is it the luck of the draw, or something we are doing to ourselves?

Americans hate this sort of question. We treasure our innocence, trust our intentions and sleep easy in the fact that the home team has the good guys. Maybe it works this way in every democracy. But we cannot put off forever the hard questions about our long history of choosing allies who lay down the burdens of state craft when the time comes, as it must to all men, by skipping out of town with their bank books, one jump ahead of a howling mob. Noriega is still hanging in there, but the pattern of his career so far earns him a place in the wax museum of grotesques collectively known as "our sons of bitches."

Alas, it's a noisome crew. From one point of view the choice of Mohammed Reza Pahlavi, the Shah of Iran, was a good one. He held power for 25 years after the CIA rescued his throne in 1953—an early agency "success" that convinced us no regime was so broke it couldn't be fixed. The shah was on our side all right, but his departure left Iran in the hands of embittered Islamic fundamentalists who are convincing when they insist they will hate us forever. If we'd only had the courage of our faith in democracy we could have seen this coming when the shah spent millions to invite skiing friends from Switzerland to watch him crown himself on the 2,500th anniversary of the Persian empire. The shah's secret police, trained and equipped by our own, tortured people who objected to this fantasy, and to the family corruption that went with it; it was probably inevitable that we would be blamed for both. Much the same might be said of Mobutu Sese Seko in Zaire, or the Marcos family in the Philippines—their boundless greed was dismissed by U.S. officials as if it were a quirk of personality, like a taste for catsup on eggs.

Different as these countries are, the national leaders we have backed to run them seem cast from the same mold. In each case, their political power derives from the army—the only "modern" element of national society—and the leader and his immediate family are compulsively corrupt. The armies in particular are U.S.-made, right down to the jeeps, olive-drab uniforms and above all the tendency to solve every tactical problem in combat with firepower. These carbon-copies of the U.S. Army are the most lavishly funded state institutions, and like the Praetorian guard of Rome, they determine who rules. To a considerable extent the corruption is U.S.-made as well, because the first thing the United States does when it grows alarmed about the security of a friend is to pump it full of money. Long, melancholy experience suggests that these sudden millions don't make countries safer, but they do make their leaders greedier.

It would be unfair to imply that the U.S. government has no standard but convenience in choosing allies. Idi Amin in Uganda and Francois (Papa Doc) Duvalier in Haiti, both of whom developed a taste for personally torturing their enemies in dungeons, were eventually declared untouchable. But the more common rule has been that of the blind eye. If a foreign leader was willing to help our friends and confound our enemies and, above all, if he was willing to lend his territory for the listening posts that are the life-support system for U.S. intelligence, then we would ignore pretty much anything else he might choose to do.

The result has been a dazzling worldwide network of high-tech intelligence gear to keep track of the Soviets, polite and usually warm liaison with intelligence services that do things to their enemies which can't be printed in a family newspaper and the moral insensitivity that comes with long practice of not noticing. As they used to say in Congress, to get along you've got to go along. None of it is pretty. Among the inevitable results are dishonesty, since we can't admit what we're doing—and secrecy, so we can hide what we're doing.

But is it really fair to blame the CIA for this pattern of expediency and the ills that follow? The agency doesn't make policy, just carries it out for officials too busy, or too squeamish, to pay attention to the details. Blaming the agency is the working principle of plausible deniability. Better—in any event more honest—to say that if it weren't for the colossal scale of Noriega's drug-running, he'd still be our kind *our* kind of guy.

● Mr. DURENBERGER. Mr. President, events in Panama during the last few days have moved rapidly. Last Thursday, President Delvalle went on Panamanian television to announce that he had dismissed the commander in chief of the Panama Defense Forces, Gen. Manuel Noriega. President Delvalle clearly acted within the scope of his constitutional powers by dismissing Noriega and naming a successor.

President Delvalle showed great courage in standing up to a man known for his ruthless suppression of opposition. Noriega has had a hand in dismissals himself—of elected presidents. Now Delvalle has turned the tables on Noriega and I congratulate him. President Delvalle called for a general strike by the people of Panama to begin today.

The big question is how Noriega will respond. So far he has shut down La Prensa, the major opposition newspaper, and the television station that broadcast Delvalle's speech. Noriega's natural reaction is to use repression. Force, intimidation, and fear have been the trademarks of the Noriega regime. Drug running has also been a trademark of Noriega's rule. He is currently under indictment by two U.S. grand juries for his narcotics-related activities.

I have seen many sordid regimes in my years in the Senate but Noriega and his cronies have taken Panama to new depths. In the words of one former Panamanian official, "Panama is an occupied nation run for the profit of the Medellin cartel." The accusations against Noriega are well known: The murder of Hugo Spadafora; trafficking in arms and drugs; fixing the results of Presidential elections; human rights violations; massive corruption. What makes the case against Noriega so strong is the corroboration provided by numerous sources in a position to know: The former number two military official, Diaz Herrera; Noriega's former political adviser, José Blandon; Noriega's former personal pilot and a series of figures involved money laundering and narcotics shipping.

Pressure on Noriega to resign for the good of Panama has increased tremendously since civil unrest gripped Panama last summer. United States aid has been cut off, Panama's sugar quota has been suspended, and virtually all United States contact with Noriega has been halted. Noriega has turned to Cuba, Libya, and the Soviet Union to find support.

The economy of Panama has been in serious decline. Bank deposits have fallen, investor confidence is nonexistent, government loan payments are due, and the layoff of thousands of government workers may be necessary in the next month. The economic crisis is a tragedy—Panama has been the most prosperous nation in Central America—but its per capita foreign debt is the highest in the world.

As the economy worsens, pressure will increase on Noriega. But if he continues in power—in defiance of President Delvalle and the people of Panama—it will be necessary to consider tougher measures. I issued a statement earlier this week pointing out the U.S. Government must consider further measures, including a trade embargo. Such a step can only be taken after careful deliberation. Economic sanctions would clearly have an adverse impact on many innocent Panamanians. I do not like making trade policy on the basis of foreign policy considerations. However, in this case, economic sanctions would increase the pressure on Noriega to leave power. And there is clearly sentiment in Washington to consider increasing pressure on Panama if Noriega does not obey his constitutional superior.

Events over the weekend at the Organization of American States were very important and, to this Senator, very disappointing. The OAS had a magnificent opportunity to stand with civilian rule against military repression—instead the OAS equivocated. As one who has been an advocate of greater respect for the OAS as an institution, I was saddened by the refusal to seat the Ambassador appointed by the legitimate head of state in Panama. Individual members of the OAS have expressed support for the Delvalle government. A number of states have withdrawn their Ambassadors. I hope the OAS—as an institution—will side with justice in Panama and seat Ambassador Chewning Fabrega.

Mr. President, this body should express its support for the brave action by President Delvalle. I am pleased to rise as the lead cosponsor on this joint resolution. I congratulate the Senator from Massachusetts for his commitment to democracy in Panama. This joint resolution expresses the strong support of the United States Senate for the civilian government in Panama. It also calls for consideration of tougher sanction should Noriega continue to rule in defiance of his President and his people. I urge its unanimous passage.●

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. PRESSLER, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 714

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 714, a bill to recognize the organization known as the Montford Point Marine Association, Incorporated.

S. 1250

At the request of Mr. BENTSEN, his name was added as a cosponsor of S. 1250, a bill to strengthen the criminal justice partnership between the States and the Federal Government.

S. 1378

At the request of Mr. THURMOND, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. SYMMS], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1522

At the request of Mr. RIEGLE, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mortgage certificates may be issued.

S. 1731

At the request of Mr. METZENBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1911

At the request of Mr. HATFIELD, the names of the Senator from Virginia [Mr. WARNER], the Senator from Washington [Mr. ADAMS], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1911, a bill to amend title 5, United States Code, to allow all forest fire fighting employees to be paid overtime without limitation while serving on forest fire emergencies.

S. 1929

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 1954

At the request of Mr. INOUYE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1954, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain cost-of-living allowances.

S. 1993

At the request of Mr. BUMPERS, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 1993, a bill to amend the Small Business Act to improve the growth and development of small business concerns owned and controlled by socially and economically disadvantaged individuals, especially through participation in the Federal procurement process, and for other purposes.

S. 2033

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2062

At the request of Mr. NICKLES, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2077

At the request of Mr. KASTEN, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2077, a bill entitled the "Livestock Producers' Recordkeeping Act of 1988".

S. 2095

At the request of Mr. METZENBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 2095, a bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect health and safety, and for other purposes.

S. 2098

At the request of Mr. HOLLINGS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 2098, a bill to amend the Federal Aviation Act of 1958 to prohibit discrimination against blind individuals in air travel.

SENATE JOINT RESOLUTION 21

At the request of Mr. HOLLINGS, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

SENATE JOINT RESOLUTION 178

At the request of Mr. KENNEDY, the names of the Senator from Pennsylvania [Mr. HEINZ] and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 178, a joint resolution designating the first day of August as "National Day of Peace".

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 258

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States, whenever possible, instead of products made or services performed outside the United States.

SENATE CONCURRENT RESOLUTION 76

At the request of Mr. INOUYE, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of Senate Concurrent Resolution 76, a concurrent resolution to acknowledge the contribution of the Iroquois Confederacy of Nations to the Development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

SENATE RESOLUTION 383

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Resolution 383, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 386—RESOLUTION EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES POLICY TOWARD AFGHANISTAN

Mr. BYRD (for himself, Mr. SIMPSON, Mr. PELL, Mr. DOLE, Mr. HUMPHREY, Mr. DECONCINI, Mr. SYMMS, Mr. DOMENICI, Mr. BAUCUS, Mr. WALLOP, Mr. DIXON, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

Whereas Pakistan has harbored more than 3 million Afghan refugees and has endured hundreds of brutal raids across its borders by Afghan and Soviet aircraft and artillery, resulting in the deaths of hundreds of civilians;

Whereas on February 8, 1988, Soviet General Secretary Gorbachev announced that the withdrawal of Soviet troops from Afghanistan could begin on May 15, 1988 if the agreements on the settlement being negotiated between Afghanistan and Pakistan in Geneva were signed no later than March 15, 1988;

Whereas General Secretary Gorbachev also announced that the Soviet Union could complete the troop withdrawal within 10 months and that it could arrange the withdrawal such that during the first phase, a relatively greater portion of the Soviet contingent could be withdrawn;

Whereas Pakistan has made it clear that it will not sign any agreements with the current Soviet puppet regime headed by Najibullah;

Whereas the Congress condemned Soviet policy toward and behavior in Afghanistan in Public Law 99-399, calling for appropriate provision of material support to the people of Afghanistan, so long as the Soviet military occupation continues; and

Whereas Public Law 100-204 declares it to be the policy of the United States to support a negotiated settlement to the Afghanistan war providing for the prompt withdrawal of all Soviet forces from Afghanistan within a time frame based solely on logistical criteria;

Therefore, be it resolved, that the Senate hereby—

(1) reiterates its belief that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and results in a government genuinely representative of the Afghan people, outlines a definite timetable based solely on logistical criteria for the complete withdrawal of Soviet troops in the near future, and provides for the return of refugees in safety and dignity;

(2) expresses its belief that the Pakistani government should not be put under any pressure to agree to Soviet terms for a settlement and that the future of Afhanistan should not be driven by the desire or schedule for a U.S.-Soviet summit;

(3) urges the President to—

(a) support strongly a political solution in Kabul acceptable to the resistance;

(b) insist in talks with the Soviet Union that all Soviet advisers be removed from Afghanistan at the same time as Soviet troop withdrawal takes place;

(c) address the issue of the future status of the nearly 400 bilateral treaties the Soviets have made with the puppet Kabul regime;

(d) address with the Soviets the deployment of Soviet troops across the Soviet-Afghan border after the completion of the withdrawal period;

(e) stand firm on the necessity for the Soviets to terminate all forms of military assistance and logistical support to the Kabul regime;

(f) address the repatriation by the Soviet Union of the more than 10,000 Afghan children who have been forcibly deported to the Soviet Union; and

(g) ensure that international assistance to the refugees continues at least until all Soviet and Soviet bloc forces have been withdrawn from Aghanistan and peace has been restored;

(4) expresses its belief that all Soviet and Soviet bloc advisers must be removed from Aghanistan during the period of troop withdrawal;

(5) expresses its support for increased U.S. humanitarian assistance to the Afghan people both during and following the withdrawal of Soviet and Soviet bloc forces from Aghanistan;

(6) expresses its support for a U.N.-sponsored peacekeeping force to help guarantee that Soviet forces can withdraw in an orderly way without being attacked on the way out and to help keep the peace in the major cities while an interim government organizes the nation's future; and

(7) expresses its strong belief that the government of the United States should not cease, suspend, diminish, or otherwise restrict assistance to the Afghan resistance or take actions which might limit the ability of the resistance to receive assistance until it is absolutely clear that the Soviets have terminated their military occupation, that they are not redeploying their forces to be inserted again, and that the mujahadeen is well enough equipped to maintain its integrity during the delicate period of a transition government leading up to new elections.

SENATE RESOLUTION 387—EXPRESSING GRATITUDE FOR THE EFFORTS AND ACHIEVEMENTS ON THE U.S. WINTER OLYMPIC TEAM

Mr. DODD (for himself, Mr. QUAYLE, Mr. MATSUNAGA, and Mr. HEINZ) submitted the following resolution; which was considered and agreed to:

S. RES. 387

Whereas the athletes who represented the United States of America in the XV Winter Olympics demonstrated, through their commitment to excellence, hard work, and fair play, that the best traditions of Olympic competition endure;

Whereas the dedication, training, and discipline required of Olympic athletes set a standard for all of America's youth, imparting the lesson that determined pursuit of difficult goals is fulfilling both for itself and for the satisfaction of achievement;

Whereas the people of the United States of America share with their Olympic representatives the will to meet challenges head on, the thrill of competition, and a respect for athletic accomplishment and true sportsmanship; and

Whereas for the last two weeks the attention of many of our countrymen has been trained on Calgary and on the quest for the best among 1,700 athletes from 59 countries in 46 Winter Olympics categories: Now, therefore, be it

Resolved, That the Senate expresses its support and gratitude for the great efforts and achievements of the athletes of the United States at the XV Winter Olympics, and for the pride and enjoyment they brought to all Americans.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET, AND ACCOUNTING

Mr. CHILES. Mr. President, I would like to announce that the Government Affairs Subcommittee on Federal Spending, Budget and Accounting will hold a hearing on legislation dealing with the former President Act of 1987 on March 3, 1988 at 2 p.m.

Mr. President, I would like to announce that the Government Affairs Subcommittee on Federal Spending, Budget and Accounting will hold a hearing on legislation dealing with the reauthorization of the Office of Federal Procurement Policy on Tuesday, March 15, 1988 at 2 p.m.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, February 29, beginning to conduct a hearing on the fiscal year 1989 budget of the Federal Highway Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 29, 1988, in closed session to receive testimony on tactical nuclear forces modernization in review of the fiscal year 1989 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, February 29, 1988, to hold hearings on S. 1014, the Federal Civil Penalties Inflation Adjustment Act of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMMIGRATION MARRIAGE FRAUD ACT OF 1986

● Mr. SIMON. Mr. President, I wish to bring to the attention of my colleagues the unintended consequences of a law passed in the last days of the 99th Congress. When we passed the Immigration Marriage Fraud Act Amendments of 1986 we did so in order to deter what was a serious problem—abuse of our immigration laws by citizens and aliens to illegally secure residency rights via a fraudulent marriage.

During hearings on this legislation, witnesses testified about being duped by aliens claiming to be in love but who were only after immigration benefits. Others discussed their involvement in well-organized marriage fraud schemes. Because we as a society value the institutions of marriage and family we make marriage one of the quickest and easiest ways to enter this country and receive a permanent resident card.

However, in trying to ferret out those who abuse our marriage-related immigration laws, recent news indicates we may have gone too far and are now infringing on the rights of those U.S. citizens and alien spouses who marry out of true love and respect for each other. Section 5 of the new law gives no opportunity for those who enter into bona fide marriages to demonstrate the validity of that marriage if the alien spouse was subject to deportation and married after November 10, 1986.

It appears now that the operation of section 5, which requires that an alien who married subject to deportation must leave the country for 2 years, goes too far and infringes on the privacy and futures of married couples we had no intention of affecting. The cases I have heard about in Illinois, Connecticut, Oklahoma, and here in the District of Columbia strongly suggest that we take another look at this law. I believe that we can seriously address the problems of marriages entered into to get around our immigration laws without requiring all spouses who were subject to deportation at the time of the marriage to leave the United States for 2 years. I believe it is sufficient for newly married aliens to be granted conditional residency for 2 years and then to return later for review by immigration officials for their permanent resident status.

Repealing section 5 does not take away from the central thrust of the law—to remove the incentive for fraud by delaying the residency benefit from marriage for 2 years. The INS can still ascertain the bona fide nature of the marriage but aliens who do marry will not be forced to return to their home country divided from their American spouse. Similarly, the American citizen should not be placed in the situation of having to choose between his or her country, career, and other family on the one hand and moving away to a foreign land where he or she may not know the language and customs or be able to work for a 2-year period on the other in order to live with the new spouse.

I have been informed by our Immigration Subcommittee chairman, Senator Kennedy, that he, too, is interested in legislation to ameliorate the effects of this law on couples in bona fide marriages we did not intend to send away. This legislation will give them the opportunity to show they are not breaking our laws and will spare them from the blanket 2-year requirement for the foreign spouse to leave the United States.●

INFORMED CONSENT: SOUTH DAKOTA

● Mr. HUMPHREY. Mr. President, my informed consent bills, S. 272 and S. 273, would require abortion providers in HHS-funded facilities and military treatment facilities to give basic information to women who seek abortions. This information would include the facts on the different types of abortion procedures and the risks that are associated with each type; and the alternatives to abortion. Many women do not receive any information about these matters. I urge my colleagues to support my informed consent bills and to read the testimonies of the courageous women who have written to me. Two of those letters follow which I ask be printed in the Record.

February 10, 1987.

Dear Senator Humphrey: I know it is vital for young women to have adequate counseling before an abortion. It's been ten years now for me and I am still feeling the loss. It would have helped me if I would have been presented these three facts:

1. The effects on me physiologically and emotionally for years to come.
2. Just how big the baby was at the time of the abortion and that it was human.
3. *And* the alternatives (such as homes for unwed mothers).

Thank you so much for your time.

Sincerely,

Susan.

Viborg, S.D.

The Alpha Center,
Sioux Falls, SD, July 22, 1987.

Senator Gordon Humphrey,
Hart Senate Office Building,
Washington, DC

Dear Senator Humphrey: I had an abortion a little over six years ago. I am still, and probably always will grieve for the baby I killed. My abortion was the single most traumatic experience of my life. I would never want to repeat it, ever. I believe I was misinformed, deliberately misled, and did not receive adequate counseling. I was a freshman at a small private liberal arts college when I became pregnant. I went down to the local Planned Parenthood office for a pregnancy test because I heard they gave free testing if you could not afford it. The results were positive. They (she) asked me how I felt about being pregnant. I said I was scared, that I didn't want to be pregnant, didn't want to get married (my boyfriend did), didn't want to shame my family, and wanted to finish school. She was very sympathetic and could see why I didn't want to be pregnant. A pregnancy at this time would be untimely and inconvenient and there's no reason why I should go through with it if I didn't want to. I replied that I had thought about an abortion. She assured me that would be the easiest way out of a bad situation and gave me the number of two clinics to call.

I went back to my dorm room scared to death. I made the appointment for that Saturday. My girlfriend and her mother took me to the clinic. The man who performed the abortion was a practicing gynecologist. His office to all appearances gave me the impression that he was an abortionist—period. I had to fill out a basic information sheet and pay right away—$200 cash. I was then told to wait. When my turn came I was ushered into a small office by a "counselor" wearing faded purple jeans. I thought at the time she was dressed unusually casual. The only counseling I received from her was about birth control and she gave me a month's supply of the Pill. I was never once told that the abortion would be killing a genuine, actual, real live human baby. I was never told about any of the possible physical or mental side effects. I was only told that the abortion was to be performed without anesthesia and that I would feel severe cramps like a bad menstrual period and that I might get nauseated afterward. I am now aware of all the possible things that could go wrong physically and have experienced first hand a great deal of mental anguish that I was not warned about. I am currently a volunteer lay counselor for a crisis pregnancy center in Sioux Falls, South Dakota. We will also be doing post-abortion counseling to help other women exploited by abortion sort out the tangle of their lives. I fervently hope you will be able to accomplish what you've set out to do. You may use my name if you need to. I would very much like to do anything I can in helping you succeed in your efforts even if only by giving one more testimony.

Sincerely,

Carol J. Hill,
Lay Counselor,
Alpha Center.●

TELECOMMUNICATIONS AND ECONOMIC GROWTH

● Mr. DODD. Mr. President, we are stepping into the information age, having almost achieved the goal of universal telephone service. Recent advances in computer and telecommunications technology—and implementation of those advances into the Nation's telecommunications network—have made possible a wide range of services undreamt of only a few years ago. Now, as competition adds a new dimension to telecommunications, we must ask if the goal of universal telephone service should continue as our role model for the years to come or should these new services be limited to those citizens and groups that can afford them? One of the best discussions of this issue comes from a recent talk to the National Governors Association by Daniel J. Miglio, senior vice president—finance and planning, Southern New England Telephone, with headquarters in New Haven, CT. I commend his remarks to my congressional colleagues and to the public, and ask that they be printed in the RECORD.

The remarks follow.

TELECOMMUNICATIONS AND ECONOMIC GROWTH

(Daniel J. Miglio)

Good morning. Governor McKernan, members of the panel, distinguished guests—it's a pleasure to be here.

Portland is an excellent example of the New England resurgence. But that resurgence did not take place in a vacuum. Men and women took risks, looked to the future and shaped this city with the help of an infrastructure that provided underlying support.

The telecommunications network is part of that infrastructure.

I represent local exchange companies—the companies which built, maintain and improve the network that links Portland and the far-flung corners of Maine to each other and to the rest of the world.

To understand our thinking, you must understand us. We are 1,404 separate companies, with employees and facilities in literally every community in the nation. Over 600,000 employees. Paying, $13.7 billion in taxes.

From the beginning there was a unique morality to this industry. Theodore Vail, an early president of AT&T, spoke of the "public trust." The idea of service became pervasive.

That same ethic drove expansion of the business. "Everyone should have a phone," we thought. Our goal was "Universal service."

When tiny communities ran a road up a hill to one house, phone companies across the country ran a phone line to the same house. Neither the town or the phone company said, "You can have access only if you pay for the hookup."

Cost of service was spread over the network. City users subsidized rural users; business users subsidized residences; long-distance subsidized local service. American telephone service became the best in the world—and the most universal: 122 million access lines, 1.3 billion calls a day, phones in 92 percent of American homes; 93 percent in Maine, 97 percent in Connecticut.

Universal service, ubiquitous voice communication, has been virtually achieved.

Now we come to the issue that brings us here: How can we best use that public telecommunications network to promote and enhance economic development in the Information Age?

The place to begin developing an answer—or answers—to that question is with the formation of relevant public policy goals. Unfortunately, neither my industry nor public policy makers have thoughtfully considered and developed these goals. But we must do so, and soon. Without agreement on what we want to achieve, we are leaving the future to chance, gambling that a multitude of ad hoc decisions based on instant considerations and pressures will miraculously achieve the desired, but ill-defined, results.

Our industry has begun to identify and define its notion of public interest goals. Let me share some of that thinking with you. You can agree that all of these proposed goals would have a direct impact on economic development.

First: Universal telephone service—the primary national communications policy goal. We're close to that now, as I mentioned. Tied closely to it is the goal of high quality service. Important now, even more important in the future.

Another goal is ensuring quick and reliable public access to police, fire and government services—and that telecommunications will enable all arms of the government to function effectively, especially in emergency conditions. Much has been done, more is possible.

A third category of goals involves expanding the network's technological capability. The public switched network will have to stay up-to-date if Information Age services are to be used to improve productivity and efficiency. Not only in the network itself, but, equally important, through the increasing use and application of new telecommunications services by business, government and individuals.

Should universal information services be a goal—as universal voice communication has been?

Some people say "No," that universal service stops with POTS—plain old television service—and that there is no public demand or need beyond that.

Maybe. But almost everyone underestimates the potential and appeal of any new technology. Even Henry Ford didn't envision today's highway network; the Wright brothers never talked of 747s.

For years we've talked about banking by phone, telecommuting and home shopping services. They're not dreams any more. They're happening. Let me give you some examples from the State I know best: Connecticut.

Major companies are making teleconferencing an integral part of business, using it regularly to cut travel costs and save valuable employee time. Aetna, for instance, uses it to hold meetings, between its Connecticut offices.

In another example, SNET went into partnership with the State of Connecticut to install Enhanced 9-1-1, a statewide emergency reporting system. No more separate numbers for police, fire and ambulance. Dial 9-1-1 anywhere in the State and the system automatically routes you to the proper reporting center. Most important, if the caller is a child who can only say "Help," an immigrant who can't speak English or is simply too frightened or injured to speak—the system will display the number and address the call is from on a video screen. We can still send help to the right address.

That life-saving service would not be possible if the network didn't reach every corner of Connecticut; it would not be possible without an alliance between the government and local telephone companies.

In my own company, almost 100 employees take university courses by computer. They study at home and send assignments via modem—and very often through ConnNet, the nation's first and only statewide packet switched network—to a professor who may be 3,000 miles away. If that's a need in compact Connecticut, there may be a greater need in Maine, Vermont or the far West.

ConnNet also enables companies such as Travelers Insurance to institute tele-commuting. Employees across Connecticut work at home, using the computer to work with company data bases.

The telephone made everyone with a phone a potential customer. Pizza shops, brokerage houses and airlines could not function without it. Nor could government. New services such as fiber optic technology will let us provide simultaneous voice, data and video communication to business and residence customers over one tiny line of glass fiber.

It's easy to get excited about potential implications.

But if we say, "Yes, let's expand the potential," do we continue with the internal subsidies that promoted universal telephone service? Through external subsidies? Or should we rely on market forces and the profit motive? And, most important, do we understand that different approaches may well lead to different conclusions, some of them more acceptable than others?

The answers to these and other questions, while they may vary state to state, will be fundamentally driven by the goals that are set. Each state must also determine whether it wishes to encourage development from border to border, versus more concentrated, confined growth.

The needs of Maine—a few small cities, vast rural areas—are far different from New York, where Manhattan is the most concentrated telecommunications market in the world; and from Connecticut—a small, compact state with the highest per capita income in the nation, a mix of closely-packed cities, high-tech centers, and small towns, evolving rapidly toward a single metropolitan area.

We, the local telephone companies, cannot make policy—nor should we.

But we are in this together, ladies and gentlemen. Our commitment, like yours, is to the people in the states and regions we serve. Our economic survival—and yours—is closely tied to their economic health.

We believe that a good network is a must to attract and hold the high-tech, high-information companies that are this country's future industrial giants. In fact, we believe that companies will be as increasingly rigorous in their search for states with a good telecommunications network as they once were for states with large mineral deposits or port facilities. Today, the public telecommunications network is an integral part of each state's infrastructure. In tomorrow's economy it will become an even more essential resource.

For over 100 years, the local exchange companies and their respective state governments have been allies in a common cause.

Now, in a world which has made information—and the ability to move and act on information—as valuable as ore deposits once were, the alliance between government and the local telecommunications company would seem to be more natural than ever.

The technology has changed. The economic climate has changed. The amount of information and the way it is sent and received has changed.

What has not changed is our mutual responsibility to the people we serve.

I believe it is in the public interest, both economically and socially, that access to information services of all kinds becomes as prevalent as universal telephone service is today. Universal access to information services will require a reliable, advanced and ubiquitous telecommunications network.

The only way to insure the necessary telecommunications infrastructure is by maintaining the same cooperation between local telephone companies and state policy makers that brought about universal telephone service. I believe that any other approach or model would carry the risk of creating a patchwork of information "haves" and "have-nots."

I believe that risk is unacceptable.

Thank you.

MAUDELLE LARKIN

● Mr. HEINZ. Mr. President, I rise to recognize Maudelle Larkin, of Tarentum, PA, for her outstanding service as volunteer ambulance dispatcher for the communities of Tarentum, Fawn Township, and Brackenridge.

In 1937 Maudelle Larkin and her husband Kenneth founded Eureka Hose Co. Volunteer Ambulance Service. Since that time, Maudelle has dispatched ambulances from her home on a 24-hour basis. Thanks to her dedication, many lives have been saved in Pennsylvania communities that otherwise would have been without such services. Maudelle's charitable efforts on behalf of her neighbors are an example for us all to follow.

I join the residents of Tarentum, PA in saluting Ms. Larkin for her outstanding service. We all wish her success and fulfillment in the years to come.●

BICENTENNIAL MINUTE

FEBRUARY 25, 1804: THE "GRAND CAUCUS" OF REPUBLICANS

(By request of Mr. Simpson, the following statement was ordered to be printed in the Record:)

● Mr. DOLE. Mr. President, 184 years ago this week, on February 25, 1804, a "grand caucus of the Republican Members of Congress" drew 108 Senators and Representatives together in the Senate Chamber. These were not Republicans in the modern sense, but Jeffersonian Republicans, and the caucus was not a legislative conference in the modern sense, but in fact an early version of our national conventions to nominate Presidential candidates.

Prof. Noble Cunningham, a Jeffersonian specialist, has pointed out that this caucus was "the key party mechanism in the national organization of the Republican party and gave the Republican Members of Congress control over the selection of the party's candidates for President and Vice-President." He adds that while the caucus played no role in the legislative process—at a time when there were no formal party offices in either House—"it was indicative of the importance of party in Congress and demonstrated the ability of congressional Republicans to make major party decisions."

The caucus that met in 1804 agreed unanimously to renominate President Thomas Jefferson for a second term, and chose New York Gov. George Clinton for Vice President, to replace Aaron Burr. Jefferson and Clinton went on to win the election by an overwhelming margin over the decaying Federalist Party.

One Senator who attended reported that the caucus conducted its business "with remarkable decorum and harmony; and was dispatched at an early hour in the evening." As well as this system worked in 1804, however, it collapsed 20 years later. Supporters of Andrew Jackson complained vigorously against the influence of "King Caucus" in choosing the President. Jackson's election, and the development of national conventions, spelled the end of the congressional caucus as the means of nominating our presidential candidates.●

PROPOSED MEDICARE CUTS

Mr. SASSER, Mr. President, the administration's 1989 budget request has recently been released and it contains a proposal that I believe is badly timed and ill-advised. The administration, through the Office of Management and Budget, has proposed an addition $1.25 billion cut to Medicare in the 1989 budget request.

This $1.25 billion cut will be in addition to the $2 billion cut from Medicare in the Omnibus Budget Reconciliation Act that passed before Christmas and violates the agreements that were accepted with the passage of that bill.

I am concerned that these continual cuts in Medicare, our Nation's Health Care Program for the elderly, will have an adverse affect on the quality of care that senior citizens are receiving.

Medicare has been a consistent target of the administration for budget cuts and has already carried more than its fair share. The proposed new cuts will be particularly difficult during this time of soaring medical bills and rapidly rising hospital costs. The Medicare premium for part B recipients has just been increased by an unprecedented $6.90 a month, or 38 percent.

Medicare patients should receive more when they pay more money, not less. But lower quality care for the elderly will be the inevitable result if OMB's proposal is approved by the Congress.

The majority of the administration's proposed cuts—about $700 million—would come from part A of Medicare, the part that reimburses hospitals for their services. The other $550 million would be cut from reimbursements to physicians.

The recently passed reconciliation bill included the first increase in physician reimbursements in almost 5 years. Another Medicare cut would negate this increase thereby threatening to drive more physicians away from the treatment of Medicare patients altogether.

It's clear that Medicare is an expensive program, and I have nothing against efforts to contain its costs. One reason that the administration continually tries to cut Medicare is because they feel that the medical community is not doing enough to curtail medical costs.

I agree that doctors and hospitals must share the responsibility of reducing costs. But we have to take steps to insure that the ultimate burden doesn't fall on elderly Americans who rely exclusively on Medicare to provide their health care needs.

Mr. President, in the coming months I will be working to oppose this Medicare cut, and I urge my colleagues to do the same.●

CENTENNIAL OF TIMES PUBLISHING CO., ERIE, PA

● Mr. SPECTER. Mr. President, the times Publishing Co., of Erie, PA., publishers of the Morning News, the Daily Times, and the Sunday Times-News, is celebrating its 100th birthday on April 12, 1988.

Since its founding by John Mead in 1888, the company has been owned and operated continuously by the Mead family. Today, a third generation of Meads carries on the tradition that was begun so enterprisingly a century ago. They continue to serve their community well with journals that report the news fearlessly and without favor or bias toward anyone.

Over the past 100 years, these newspapers have become part of the indelible pattern of daily life in Erie and its environs. They are welcomed into the homes of the residents as old friends and are read with the certain knowledge that the papers' editors, writers, and reporters are striving diligently to provide them with accurate and late-breaking reports of the news of their area, the Nation and the world.

It is altogether fitting then that the U.S. Senate take note of this special occasion and congratulate the Mead family and the editors, writers and reporters of the Morning News, the Daily Times and the Sunday Times-News for 100 years of service to the Erie community and wish them continued great success in the future.●

AMBASSADOR MAX RABB AND HIS WIFE, RUTH RABB

● Mr. LEAHY. Mr. President, in my responsibilities as a member of the Intelligence Committee and as a member of the Appropriations Committee, I have met with dozens of the U.S. representatives in our Embassies, consulates, military bases, intelligence sites, and economic missions throughout the world. I'm always impressed by the quality of the people the United States sends abroad to represent our great country.

No one impresses me more than the United States Ambassador to the Republic of Italy and his wife. Ambassador Max Rabb and his wife, Ruth Rabb, truly represent the best our Nation sends.

Italy more and more stands out as one of the United States strongest allies in the NATO alliance. Much of that reflects the historic ties of our two countries but increasingly it reflects the tireless efforts of Ambassador and Mrs. Rabb.

I mentioned both of them, Mr. President, because they are truly a diplomatic pair. Anyone who has had a chance to know this truly remarkable couple, and have seen them carrying out their diplomatic duties, knows how much they compliment each other. It is a case where America said we will send Italy our best and did.

The Rabbs are very special friends of mine and my family. I treasure the times I've been able to spend with them because of their warmth, integrity, and genuine love of life.

Much has been written of Ambassador Rabb's handling of one of our most delicate diplomatic situations following the *Achille Lauro* hijacking incident and of his successful efforts to continually make America's voice heard in Italy. Oftentimes the press does not also speak of the tireless efforts of Ruth Rabb in bringing together the best of Italian and American culture and business. Because of this, it was especially gratifying to see the article in the Philadelphia Enquirer. I am sure Ambassador Rabb will not mind if I tell my Senate colleagues that this article is devoted to an extraordinary person, Ruth Rabb, and gives a glimpse into their life. Because I am so proud of both Max and Ruth Rabb, I ask that the article be printed in the Record.

The article follows:

AN ENVOY'S WIFE IS IN LOVE WITH ROME

(By Jill Gerston)

Rome.—Anthony Quinn came to dinner one night, conductor Lorin Maazel arrived the next afternoon, and Liza Minnelli was expected the following day.

And just the previous week, Vice President Bush had been a house guest during his 10-day tour of Western European capitals.

When in Rome, anybody who is Somebody—movie stars, diplomats, royals, business tycoons, et al.—drop by Villa Taverna, the stately official residence of the U.S. ambassador to Italy, Maxwell Rabb, and his wife, Ruth.

"We've been here six years and three months, and if I told you how much entertaining we did, it's just impossible to believe," said Ruth Rabb recently, sitting on a yellow brocade sofa in the villa's vast, sun-dappled reception room. "Actually I love it all. It's a wonderful life, an exciting life."

Being an ambassador's wife in a plum posting like Rome is the diplomatic *dolce vita*. Not only do you get to play hostess to the world's movers and shakers and to sample the pleasures of Italian living, you also get to reside in the sedately elegant Villa Taverna. The historic residence, which dates to the 17th century, has 17 rooms, a pool, private movie theater, valuable art collection and eight acres of exquisitely tended gardens.

"It's the most tranquil spot in the city," said Ruth Rabb, gesturing to the enormous windows that overlook the lush seeep of grass and trees. "You come through the gate and you're in a different world."

It has its drawbacks, however. The house is surrounded by an ancient 14-foot wall and patrolled by armed guards. Shortly after Maxwell Rabb assumed his post in 1981, security measures were stepped up even further when a terrorist plot against the ambassador was uncovered.

"Max has security wherever he goes," said his wife, sounding somewhat uncomfortable discussing the topic. "There is no spontaneity because you can't say at the last minute, 'Why don't we have dinner out?' But you can't worry about it. You're just fatalistic."

Besides the security constraints, there is also the financial obligation that comes with the much-coveted post.

To run Villa Taverna on the scale and style befitting an American ambassador, the Rabbs must personally supplement their State Department allowance. They pay for the villa's staff of 13 and shared in the cost of renovating the theater, among other expenditures.

"There is a tremendous financial burden for us," conceded Ruth Rabb. "It's too bad, but I can't complain. Obviously, we can afford to do it or we wouldn't be here. But we like to entertain and we think it's important for the image of the United States to do things properly. Still, I don't know how anyone can become an ambassador. We knew it would be an expense, but we didn't know *what* kind of expense."

Sitting in the imposing reception room with its masses of flowers, silver objets d'art and long yellow silk draperies. Ruth Rabb was friendly and totally at ease.

She is a handsome woman with blue eyes and ash blond hair cropped in a short, no-fuss hairstyle. She was dressed simply in a tailored black-and-white checked jacket and black skirt. A square-cut diamond sparkled on her finger, and a gold pin, patterned after the United States seal, gleamed on the white bow of her blouse.

While other ambassadors' wives may project an image of cool, steely formality, Ruth Rabb comes across as the warm, intelligent, Boston-born grandmother that she is.

"I learned you have to be yourself," said Rabb, who is a member of the Radcliffe College class of 1937. "You shouldn't try to put on an act."

Her open, unaffected style has won her a legion of fans.

Rome's most celebrated *couturier*, Valentino, described the ambassador's wife as "a special person who has brought a fresh breeze of ease and charm to the American Embassy and even Rome itself."

Victor Simpson, the news editor of the Associated Press, who has lived in Rome for 14 years, said that "people who know the Rabbs genuinely like them. Mrs. Rabb is warm, lively women who conveys the best of the American image to the Italians."

When President Reagan tapped him to be the ambassador to Italy, Maxwell Rabb was a prominent lawyer living with his family in New York. A longtime Reagan supporter and campaign contributor, he had no aspirations for the diplomatic service, according to his wife.

"When Reagan was elected president, he immediately offered Max several things but he wasn't interested," said Ruth Rabb, who has four children, one of whom, Sheila Rabb Weidenfeld, was press secretary to Betty Ford. "Then, one day he called and said, "Max, you can't turn me down on this. I would like you to be ambassador to Italy,'"

Maxwell Rabb was aware of his wife's special fondness for Italy. "The first time we visited Italy, many, many years ago—we were living in Boston—I said if I could live in any other city in the world I would love to live in Rome," said Ruth Rabb, who speaks fluent Italian.

The Rabbs arrived in the Eternal City of June 22, 1981; several days later, they celebrated Independence Day by hosting a reception for 2,000 "We stood on line shaking hands and not knowing anyone," said Ruth Rabb, recalling her plunge into diplomatic waters.

What prepared her for her role as ambassador's wife?

"When I was very young—just a Boston housewife with four small babies—my husband went into the Eisenhower White House," she said, referring to his posts as presidential assistant and secretary to the Cabinet. "We were invited to dinners and I, who had never been out of Boston, found myself seated between very, very important people. Total strangers. And that was a tremendous service to me, I realize now . . . I learned to be in an atmosphere where I knew absolutely nobody and to be comfortable in a situation that was foreign to me. So when I came here, there was no problem."

Ruth Rabb's days are consumed primarily by her duties as hostess at dinners, lunches, cocktail receptions, teas and the once-a-month movie screenings. She has welcomed to the Villa Taverna everyone from the secretary to state of the American News Women's Club.

Her most memorable party was the glittering black-tie dinner for 70 that the Rabbs gave in honor of Nancy Reagan when she visited Rome for two days during the Bonn economic summit meeting in 1985.

"It was really a fantastic guest list, if I do say so," Ruth Rabb said. "We had people from fashion, from industry, from the media, from the theater—Agnelli, Valentino, Zeffirelli, Fellini, Sophia Loren, the Aga Khan. Nancy Reagan said afterward she could never get a group like this together for one dinner. It was amazing.

In addition to her social activities, Ruth Rabb also has undertaken several projects. Foremost among them is helping to establish Polimoda (*Politecnico Istituto della Moda*) a design college in Florence similar to the renowned Fashion Institute of Technology in New York.

"I went to Shirley Goodman [executive director of FIT's Educational Foundation for the Fashion Industries] and said the fashion industry in Italy is so marvelous but the designers find it difficult to get assistants," said Rabb. "They need the training and expertise FIT has to offer."

A year ago, Polimoda was established with a class of 57 students (it has since increased to 160), American program directors from the FIT faculty, and Italian teachers.

Ruth Rabb also is active with the Italian Solidarity Center, a drug-rehabilitation program in the south of Rome. Nancy Reagan, who received the center's Project Man award when she visited there in 1985, expressed appreciation for Rabb's involvement with her well-known anti-drug campaign.

"We're all so grateful for the time Ruth has taken from her busy schedule to become involved in this vital cause," said Reagan through her press secretary, Elaine Crispen.

Ruth Rabb's latest project is trying to create a clinic in Rome for performance medicine similar to the one at Massachusetts General Hospital in Boston. The clinic would treat musicians, dancers and other performing artists who suffer physical handicaps or psychological problems. "I hope this can be a joint venture with the United States," she said. "So far, all the expertise is in the United States, but the musicians are international."

The Rabbs' tour of duty will end next year after the presidential election.

"I don't know what the real world will be like," Rabb said wistfully as she strolled through the gardens at the end of the interview. "Max has always done public service. I don't know what I'll do." She paused a moment and then added with a grin, "Maybe I'll go to FIT and learn fashion design."

RULES OF THE BUDGET COMMITTEE

● Mr. CHILES. Mr. President, pursuant to rule XXVI(2) of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 100th Congress as adopted by the committee on March 17, 1987.

RULES OF THE COMMITTEE ON THE BUDGET—ONE-HUNDREDTH CONGRESS

I. MEETINGS

(1) The Committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

II. QUORUMS

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chairman and ranking minority member determine that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of his proposed testimony at least 1 day prior to his appearance, unless the requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has orderd a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.●

SOUTH AFRICA

● Mr. SIMON. Mr. President, some very disturbing news has come to us today: The South African Government has cracked down on 17 antiapartheid organizations, prohibiting any kind of political activity, and thereby effectively shutting them down.

The organizations which are affected by the new regulations include: the United Democratic Front [UDF], the Detainees Parents Support Committee ([DPSC], the Detainees Parents Committee, the National Education Crisis Committee [NECC], Azanian Peoples' Organization [AZAPO], the Azanian Youth Organization, the Cape Youth Congress, the Creadock Residents Association, the Release Mandela Campaign, the National Education Union of South Africa, the Port Elizabeth Black Civic Organization, the Soweto Civic Association, the Soweto Youth Congress, the South African National Students Conference, the South African Youth Congress [SAYCO], the Vaal Civic Association, and the Western Cape Civic Association.

The Congress of South Africa Trade Unions [COSATU] is also prohibited from pursuing any political or nonunion activities.

The organizations which are not covered are: Inkatha, the End Conscription Campaign, Black Sash.

This is yet another in a series of moves to intensify the repression of apartheid and to silence all democratic and peaceful organized opposition. Although the Minister of Law and Order, Adrian Vlok, is careful to point out that these organizations are not banned and theoretically retain their legal status, these regulations are aimed at destroying the antiapartheid movement in South Africa. Essentially, the South African Government wants these organizations to be blind, deaf, dumb, and otherwise nonexistent.

The South African Government has made a grave mistake. In attempting to bury dissent, these restrictions will only consolidate and strengthen dissent. In an attempt to forestall the pace of change, the Government will only lose its opportunity to seriously negotiate peaceful change. And I share the worry of leaders such as Archbishop Tutu and the head of the South African Council of Churches, Rev. Frank Chikane, who fear that by prohibiting peaceful protest the majority of those working for nonviolent change will be pressed to see force as the only means of fighting and ending apartheid.

I am deeply troubled by this action, and join all who harshly condemn it.●

A TRIBUTE TO JOHN CRAWFORD

● Mr. ADAMS. Mr. President, last year my State and our country lost a valuable citizen with the untimely death of John Crawford. Mr. Crawford had a lifelong interest in environmental issues. After graduating from the University of Washington and serving in the Marines during World War II, he worked for the U.S. Fish and Wildlife Service in Alaska.

Mr. Crawford's lifelong interest in environmental issues soon expressed itself in his writing and photographs. His books and articles, including such works as "At Home With the High Ones" and "Wolves, Bears and Bighorns," were both scholarly and readable. His photographs, which were featured in the National Geographic and other publications, communicated his love of the outdoors and his respect for the forces of nature.

Mr. President, I did not know John Crawford, but I got a sense of the man after reading a letter from a constituent of mine, Grant Winther, who described John Crawford as a man who dedicated his life to the study of wildlife and to the promotion of their welfare. "His true concern," Mr. Winther indicated, "was for his country, fellow humans, and the animals he loved so much." Mr. President, I commend those concerns to my colleagues and our country.●

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader, Mr. HELMS, as to whether or not Calendar Order No. 532 on the Executive Calendar has been cleared for action.

Mr. HELMS. Mr. President, I say to my friend that it has been cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order No. 532 on the Executive Calendar.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE JUDICIARY

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Paul R. Michel, of Virginia, to be U.S. circuit judge for the Federal Circuit.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ORDERS FOR TUESDAY

ADJOURNMENT UNTIL 12:15 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12:15 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

CALL OF THE CALENDAR UNDER RULE VIII WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be waived and that no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ORDER FOR RECESS ON TOMORROW FROM 12:45 TO 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the Senate stand in recess from the hour of 12:45 p.m. until the hour of 2 p.m. to accommodate the two party conferences.

The PRESIDING OFFICER. Is there objection? Hearing no objection, is is or ordered.

PROGRAM

Mr. BYRD. Mr. President, I as unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of morning business until the hour of 12:45 p.m.; that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, does the distinguished Senator from North Carolina, the acting Republican leader, have anything further he wishes to say or any business he would like to have transacted?

Mr. HELMS. Mr. President, I thank the Senator, but I do not.

Mr. BYRD. Mr. President, I thank the Senator, and I thank the distinguished occupant of the chair, Mr. ADAMS, who always does a good job in the chair and out of the chair and is always ready to lay his shoulder to the wheel whenever he is asked to do so. As the majority leader I appreciate his cooperation and his good work and always his courtesy and understanding and his friendship.

The PRESIDING OFFICER. I thank the majority leader.

ADJOURNMENT UNTIL 12:15 P.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12:15 p.m. tomorrow.

The motion was agreed to; and, at 5:40 p.m., the Senate adjourned until tomorrow, Tuesday, March 1, 1988, at 12:15 p.m.

NOMINATIONS

Executive nominations received by the Senate February 29, 1988:

THE JUDICIARY

JOHN C. LIFLAND, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE CLARKSON S. FISHER, RETIRED.

DEPARTMENT OF THE TREASURY

JILL E. KENT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE JOHN F. W. ROGERS, RESIGNED.

DEPARTMENT OF COMMERCE

ROBERT H. BRUMLEY II, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE DOUGLAS A. RIGGS, RESIGNED.

FRANK DEGEORGE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE SHERMAN MAXWELL FUNK.

DEPARTMENT OF TRANSPORTATION

ROBERT L. PETTIT, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE JENNIFER LYNN DORN, RESIGNED.

INTERSTATE COMMERCE COMMISSION

KAREN BORLAUG PHILLIPS, OF VIRGINIA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1991, VICE MALCOLM M. B. STERRETT, TERM EXPIRED.

SECURITIES INVESTOR PROTECTION CORPORATION

JESSE D. WINZENRIED, OF WYOMING, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 1990, VICE ROGER A. YURCHUCK, TERM EXPIRED.

CONFIRMATION

Executive nomination confirmed by the Senate February 29, 1988:

THE JUDICIARY

PAUL R. MICHEL, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

EXTENSIONS OF REMARKS

SOMEONE SHOULD ASK RUFF-PAC SOME ROUGH QUESTIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, over the years, my office has gotten some mail inspired by RuffPAC literature. While one can argue about the pros and cons of their positions, apparently one can't argue about the strange accounting they use.

The following two articles raise some very disturbing questions. One can contribute to conservative causes, but caveat emptor: the Ruff group needs to be asked some rough questions by its contributors:

[From the Washington Post, Feb. 22, 1988]

FIRM ADMITS USING FALSE AD CLAIMS

(By Bill McAllister)

A conservative Washington lobbying firm that sold about 1,100 sets of silver and gold "Founding Fathers Coins" claiming they were endorsed by federal officials, withdrew the offer last spring and acknowledged that the claims were false and the coins were not legal tender.

"It was a comedy of misunderstandings . . . just one of those nightmares that can happen to you," said Howard J. Ruff, chairman of Free The Eagle, the lobbying group.

Ruff's organization, one of a number that supported Marine Lt. Col. Oliver L. North's efforts to help the Nicaraguan contras, but apparently did not give money to the contra-aid effort, offered sets of the commemorative medallions to its supporters at prices ranging from $199 to $747 each.

In colorful brochures that a former employee said were mailed to about 100,000 people, the medals were described as "coins" produced by Liberty Mint with the approval of former Supreme Court chief justice Warren E. Burger.

Burger, who headed the federal commission overseeing the 200th anniversary of the Constitution, was said to have selected the firm as "the official minter" for last year's celebrations.

Officials at the U.S. Mint, which produced its own set of gold and silver commemorative coins in cooperation with the bicentennial commission, complained to the Postal Service, according to records released earlier this month by the Postal Service. The Postal Service filed a complaint against Ruff and his lobbying organization, accusing each of violating postal laws by making false claims through the mail.

In December, a Postal Service adjudicatory official entered an order making final a consent decree in which Free The Eagle and Ruff agreed to cease coin sales. No penalty was assessed.

"They were all innocent mistakes," Ruff said in an interview Friday after one of his former employees, John C. Houston, released copies of postal records, which Houston had obtained under the Freedom of Information Act. Houston, an Arlington lawyer who said he was formerly vice president of Free The Eagle, said he was releasing the postal records "in the interest of good government."

"The people at Free The Eagle thought Liberty Mint was the authorized minter," Ruff said.

He said that he and his 32-year-old son, Larry Ruff, were the owners of Liberty Mint, a Provo, Utah, firm that produced the set of eight medals carrying portraits of early American leaders. Asked how he could have misunderstood his own firm's status, Ruff replied, "Everyone in my organization, including my son, felt my wrath on that."

". . . The point is some stupid mistakes were made by young, enthusiastic amateurs. It was the darndest thing for me to straighten out," Howard Ruff said.

Free The Eagle, which has sold stamps, coins and old Czarist Russian bond certificates to raise money for lobbying, began to offer refunds last spring after hearing complaints about the offer, Ruff said. About 300 purchasers were given refunds, he said.

But Ruff said that his organization's troubles with the federal government may not be over. He said that Free The Eagle, a nonprofit organization, is being investigated by the Internal Revenue Service. He said that he did not know the precise nature of the IRS inquiry but assumed it is about whether the organization, which has 24 employees at offices in downtown Washington and Fairfax County, may have violated its tax-free status.

In a second brochure Ruff said he sent to purchasers of the set, he apologized for the first brochure. "I've made some impressive goofs, but this one beat all records. . . . Due to an incredible series of honest mistakes, miscommunications, and inaccurate assumptions, some of the things we said in good faith are not true."

Among the errors that Ruff conceded was describing Liberty Mint as an "authorized minting agent" and using Burger's picture. Ruff said Friday that he stood by his description of the medals as "coins," a description that the Postal Service disputed on the grounds that they are not money.

Ruff, a financial commentator and former stockbroker who publishes a newsletter called Ruff Times and runs a political action committee called Ruff-PAC said both the IRS investigation and the Postal Service investigation were initiated by complaints by disgruntled former employees.

[From the Fairfax Journal, Feb. 26, 1988]

RIGHT-WING LOBBY GROUP IS PROBED

(By Len Boselovic)

Free the Eagle, a Fairfax County nonprofit organization headed by conservative publisher Howard Ruff, is the subject of at least four investigations, according to former employees.

The conservative lobby, whose purpose is "promoting legislation that will strengthen America and expand free enterprise," is being investigated by two federal agencies and Virginia and Maryland state agencies.

A fifth investigation, by the U.S. Postal Service, concluded in December with an admission from Free the Eagle officials that they had "mistakenly' used the name of former Chief Justice Warren Burger in advertisements to sell gold and silver medallions.

According to former employees, who say they have been questioned by federal investigators or have filed complaints with state agencies, Free the Eagle is being probed by:

The Internal Revenue Service, which, according to the employees, is weighing the organization's tax-exempt status regarding its alleged use for personal gain by lobby officials.

Lobby officials confirm an IRS probe, but say it is only a routine audit.

The Federal Election Commission, which, according to employees, is looking into an alleged circumventing of election laws that prohibit for-profit corporate donations to a political-action committee.

A Free the Eagle official says the group may have "screwed up" in an arrangement in which a for-profit affiliate "loaned" money to Eagle employees so they could donate it, in turn, to a political-action committee, also affiliated with Free the Eagle.

The Virginia Department of Taxation, which confirms it is looking into a complaint filed by a former employee that Free the Eagle should have charged sales taxes on medallions it marketed.

The Maryland State Board of Accountancy, which, according to a former employee, is looking into his allegation that a 1986 audit of Free the Eagle by a Rockville, Md., firm has discrepancies with financial reports filed with federal agencies.

There also is evidence of poor bookkeeping at the organization, which, at one point, paid more than $164,000 in business expenses without adequate backup records and based on the word of its president, who said the expenses were legitimate.

In December, Ruff admitted to U.S. Postal Service investigators that Free the Eagle used former Justice Burger's name in advertisements for gold and silver medallions without permission from Justice Burger. Ruff said it was a mistake.

The mementos were sold by Free the Eagle and manufactured by Liberty Metals, which is owned by Ruff and his son, Larry.

The advertisements said Burger, who was chairman of the federal commission that organized the 200th anniversary of the U.S. Constitution, selected Liberty Metals as the official bicentennial minter. They did not mention that Ruff owned 51 percent of the mint. Ruff said Free the Eagle members know that he and his son own the mint in Provo, Utah.

Ruff said he donated his 51 percent of Liberty Mint's profits on the deal to Free the Eagle.

"WILD ACCUSATIONS"

Ruff, a Provo resident, dismissed the allegations as "wild accusations" made by two former employees who "were fired for mental instability." The IRS is conducting a routine audit of Free the Eagle, he said.

"Our tax-exempt status is not in question." said Ruff, 57.

Free the Eagle incorporated in California in 1980 and has been registered in Virginia

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

since September 1985. It has 24 employees, in offices on Waples Mill Road in Fairfax County and on Capitol Hill.

The non-profit organization is devoted to "promoting legislation that will strengthen America and expand free enterprise" according to Free the Eagle materials. It and its affiliates have supported conservative causes, including Marine Lt. Col. Oliver North's campaign to aid Nicaraguan contras, a campaign of U.S. Sen. Jesse Helms (R-N.C.), the Gun Owners of America.

The investigations are the latest in a string of controversies involving Free the Eagle and its affiliates. Ruff and his associates have been dogged by allegations made by two former employers: John Houston, an Arlington attorney, and Harold Goode, an accountant who lives in Centreville.

"They're like the little dog next door who takes a bite at your ankle every time you walk past," Ruff said. He called Goode and Houston "crazy and obsessive."

"It's getting to be a damn bloody nuisance," Ruff added.

Houston and Goode said they only want to see justice done.

Federal Election Commission investigators want to know whether Ruff's political action committee, Ruff-PAC, illegally accepted contributions that allegedly moved through Free the Eagle, the former employees said. The FEC probe also covers money-laundering schemes allegedly used to circumvent federal limits on campaign contributions, the former employees said.

FEDS EYING LOANS

Ruff said FEC officials are examining loans made by American Heritage Centre, a Free the Eagle affiliate, to Free the Eagle employees, who then loaned the money to Ruff-PAC. All the loans have been repaid, Ruff said.

Goode said, however, that federal election laws may have been violated by the loan-donation arrangement. He said federal election laws prohibit corporate contributions to political action committees so that the for profit American Heritage Centre could not have donated money directly to Ruff-PAC. Free the Eagle employees, however, could make the donations after receiving "loans" from American Heritage.

"I personally think we screwed up on that one, but that was not anybody's evil intent." Ruff said.

Former Free the Eagle president Neal B. Blair of McLean, now a Ruff-PAC employee, declined comment on Goode's and Houston's allegations.

"We're not giving any interviews right now," Blair said.

Federal Election Commission and IRS officials said it is the policy of their agencies not to confirm or deny whether investigations are underway.

An IRS source, however, indicated that an investigation of Free the Eagle is, in fact, underway.

Goode, 30, was an accountant for Free the Eagle from December 1983 to March 1985.

"I saw them abusing their tax-exempt status. I saw them abusing tax laws for personal gain," Goode said.

Goode pointed to the for-profit sale of gold coins minted by Ruff and his son and sold through Free the Eagle, Goode also cited an $80,000 debt owed in 1984 to Free the Eagle by Target Publications Inc., a Ruff publishing company.

CLAIMS UNPAID DEBT

Goode alleges the $80,000 debt was never repaid and the loss was written off the books at Free the Eagle.

Ruff said it is "only half the story"—that Free the Eagle owed Target money too and, when it was all said and done, Target had to write off $15,000 in debts never paid by Free the Eagle.

Houston, 38, was Free the Eagle vice president and Ruff-PAC executive director until November 1986.

"Howard Ruff is a con man. He happens to be one of the biggest con men ever to hit this town," Houston said. "He is using a non-profit corporation to enrich himself, his family and his businesses."

A 1986 audit of Free the Eagle shows the organization had revenue of $1.9 million and expenses of $1.6 million. Of the $1.6 million, 58 percent was spent on fund-raising, 21 percent was spent on overhead and operating expenses and 21 percent was spent on lobbying and public information.

Free the Eagle coin deals through the American Heritage Centre are being investigated by the Virginia Department of Taxation. Goode asked for the examination, alleging that state sales tax should have been paid on the transactions.

"We will conduct an audit to make sure they are in compliance with sales tax laws," said spokeswoman Ann Meyers.

Many of Houston's and Goode's allegations revolve around Free the Eagle's sloppy bookkeeping—sloppiness that Ruff admits.

The former employees point to an internal audit of checks written by Free the Eagle to Blair from 1980 to 1984, a copy of which was obtained by the *The Journal*. The 1985 audit, conducted by Eagle employee Girard Broaddus 1985 audit, said, in part:

"CANNOT BE AUDITED

"The real result of the audit is the finding that the books and records, such as they are, cannot be audited."

The audit discovered $202,875 in unexplained payments to Blair, $25,911 in apparent business expenses by Blair and $21,315 in unpaid loans to Blair.

The use of the word "apparent," the audit report stated, "would never appear on an independent (outside) audit."

"It shows the size of the problem the companies have with disbursements which cannot be traced to approved invoices or check requests," the audit says.

A former Free the Eagle employee who asked not to be identified said: "You have to wonder why they (the records) are that sloppy. At the very least, these people are guilty of some very sloppy business practices—at the very least.

Blair later swore to Ruff and other Free the Eagle board members that $164,272 of the unexplained payments were for legitimate business expenses, according to records obtained by *The Journal*.

One of the checks written for Blair was a $609 check to the IRS for Blair's 1980 taxes, according to Free the Eagle documents. Goode said Blair ordered him to write the check.

Jeff Carneal, Ruff's assistant, was puzzled by the check. In an April 7, 1985 memo to Ruff, Carneal reported that "even though Neal (Blair) claimed to know absolutely nothing about this, Neal signed the check."

Blair could have forgotten he signed the check, Carneal told Ruff. "Nonetheless, the question remains: Why should Neal pay this from a business and not his personal account?" Carneal asked.

THE WHITE HOUSE CONFERENCE FOR A DRUG-FREE AMERICA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. GILMAN. Mr. Speaker, I would like to draw my colleagues' attention to the White House Conference for a Drug Free America, which opened this morning (and will extend for the entire week) with the keynote address by President Ronald Reagan and First Lady Nancy Reagan.

The President echoed the concern of many of our Government, community and school leaders, calling for the strengthening of our drug prevention laws while increasing military involvement in combatting international drug trafficking. Illegal drugs should not be tolerated in our homes, schools or communities. As the First Lady eloquently said:

> Drugs are tearing our communities apart. * * * We should not even tolerate the casual user because they are accomplices to murder. * * * We must all join together to fan the flame for rage.

The United States stands at crossroads in its fight against illegal drugs. While drug consumption in our schools is decreasing at an admirable rate, we are still confronted with the escalating drug trafficking from foreign nations into the United States. Victory will not be won until our communities are completely rid of all illegal drugs.

In closing I would like to share with my colleagues a recent editorial written by Lois Haight Herrington, chairman of the White House Conference for a Drug Free America, which appeared in the Washington Post on January 18, 1988:

DRUGS WERE WRONG IN THE '70'S, TOO

(By Lois Haight Herrington)

In his op-ed column of Jan. 14 ("When Do You Lie For a Friend?"), Richard Cohen insinuates that some illegal drug use is okay, "a naive and basically harmless activity."

He is wrong! A number of good people made that mistake in the '60's and '70's, and many bear the scars of their errors to this day. Let us not be mistaken: drug abuse was bad then, just as it is bad now. The only difference is that we now see with greater clarity just how dangerous and destructive drugs are.

Drugs were against the law in the 1970's as they are in the 1980's, and those who used them were breaking the law. The user was then, as now, lining the pockets of, and supporting the scum of the earth—the drug pusher who peddles death, destruction, ruined lives and lost dreams.

The user then, as now, keeps the thugs in business—the same thugs who corrupt governments and who threaten, injure and kill innocent citizens who get in their way. These same thugs are people who think and preach that education and hard work are for chumps, and that for two or three hours a day selling "poison" you can have it all—car, condo, yacht, big money.

Users then, as now, dropped out, ruined health, families and friends, and while chasing their high, victimized millions of innocent citizens. The drugs of the '70's are the drugs of the '80's and are as flat-out wrong, illegal and terrible now as they were then.

Many Americans realize this. But the fact that Cohen doesn't gives a hint as to his politically biased logic—a logic which seeks to hide another evil. It is all the more egregious for its subtely; that it is permissible to lie about a crime, especially if it is a friend who committed it. Our moral values are left to drift in the wind when we preach that it is all right to lie if we personally do not condemn that which we lie about.

That may be Richard Cohen's code—intellectual dishonesty often traps the unwary. However, we must never let it cloud our moral integrity, and we must pray that no one, anywhere, ever again buys his tired old tirade—that those who fought then and those who fight now against the use, sale and profiting from illegal drugs are "holier-than-thou ideologues" or somehow un-American. That is not so, Mr. Cohen. They are trying to preserve America.

(The writer, a former assistant attorney general, is chairman of the White House Conference for a Drug Free America.)

CONGRATULATIONS TO CLAIRE GAUDIANI

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. GEJDENSON. Mr. Speaker, on Friday, February 19, 1988, Connecticut College, located in New London, CT, in my district, announced the appointment of Claire Gaudiani as president of the college. I am very pleased to offer my congratulations to her and to the college.

As a highly respected scholar of 17th-century French literature, a graduate of Connecticut College and with her experience as acting associate director of the Joseph Lauder Institute for Management and International Studies at the University of Pennsylvania, I am certain that she will maintain Connecticut College's tradition of academic excellence. I am also confident that her leadership will ensure the college's commitment to excellence in research and to attracting the high caliber of students and scholars that Connecticut College is known for.

Though Ms. Gaudiani has a hard act to follow in succeeding Mr. Oakes Ames, who served in that position since 1974, I am confident that with her expertise and experience, the college is in good hands and I look forward to working closely with her.

AGRICULTURAL CREDIT TECHNICAL CORRECTIONS ACT OF 1988

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. MARKEY. Mr. Speaker, I rise in support of H.R. 3980, the Agricultural Credit Technical Corrections Act of 1988. This legislation is a truly technical package of amendments to the Agricultural Credit Act of 1987, which the President signed into law earlier this year. It will permit the smooth implementation of this law, which provides needed relief to the Farm Credit System and creates a secondary market for agricultural real estate loan-backed securities to be administered by the new Federal Agricultural Mortgage Corporation, or Farmer Mac.

As chairman of the Subcommittee on Telecommunications and Finance, I have been concerned throughout the process of enacting the Agricultural Credit with the securities law elements of the new secondary market. The final product assured the full protections of the Federal securities laws governing registration and disclosure by issuers and activities of brokers and dealers who sell these securities. At a time when public focus on our financial markets is at its height, we must remain vigilant in our efforts to protect our investing public.

The securities law elements of H.R. 3980 represent no more than a fine-tuning of the product passed by Congress at the end of the last session. These technical corrections clarify the types of loans intended to be included within the securitized loan pools and otherwise ease administration of the secondary market. I urge my colleagues to support this legislation to permit the early and effective implementation of the new secondary market as well as the assistance for the Farm Credit System.

MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. CARDIN. Mr. Speaker, on Saturday, March 5 and Sunday, March 6, 1988, the Maryland State Association of B'nai B'rith will conduct its annual convention. B'nai B'rith is the oldest and one of the largest service organizations in the world and has developed and implemented programs of help to people throughout the United States and around the globe. Founded almost 145 years ago, B'nai B'rith projects and philanthropy impact on the lives of millions of people.

This organization is an outstanding example of America's distinctive characteristic—volunteerism. By merging voluntary action with community service, B'nai B'rith has achieved a reputation as a major benevolent force throughout the world. For more than 70 years, B'nai B'rithers in Maryland have perpetuated the tradition of community service by conducting programs for disabled persons, working in hospitals and police stations, sponsoring housing for senior citizens, and providing programs for young people.

As we all know, organizations such B'nai B'rith are effective because of dedicated members who participate actively and provide distinguished leadership.

One such person is Kent Schriner, international senior vice president of B'nai B'rith, who will be honored for his three decades of outstanding service and leadership at the local, district, and international levels.

Another exceptional member, Steven G. Tapper, will be installed as the 1988-89 president of the Maryland State Association. Mr. Tapper succeeds Arthur Savarick who is completing a very successful term as president.

Many other B'nai B'rith leaders will be participating in the convention, including International President Seymour Reich, international leaders Tommy Baer and Philip Kershner, and District 5 leaders Wayne Martin, Samuel Friedman, Stanley Joffe, Alvin Singer, and Bruce Rasking.

Mr. Speaker, it is indeed an honor to call the Maryland State Association of B'nai B'rith to the attention of my colleagues. Thanks to organizations such as B'nai B'rith and individuals like those being honored, our efforts as public servants are extended much further and are enhanced through the experience of public and private sector cooperation.

THE TRICKLE UP THEORY OF DEFICIT SPENDING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, President Reagan once again demonstrated his ability to inspire public confidence with a new economic theory.

In a press interview published last Friday, the President acknowledged that the interest on the Federal debt is one of the major factors in the budget. But far from being concerned about the $2 trillion Federal debt, the President's new feel-good economic theory condones our massive Federal debt as a way to redistribute our national wealth by payment of interest to bondholders:

> But who gets that interest? And you find out that a great many institutions, universities, and educational institutions of all kinds, that part of their endowment is government bonds. And so a lot of that interest is going to them * * * (and) to individual Americans * * * as part of their savings, instead of putting it in the bank or something * * * So instead of it being something that's just disappearing down a rat hole, it's a kind of redistribution * * * of national wealth in that these institutions and so forth are getting this interest from the government * * * So, no, I don't think it's a disaster.

Maybe someone should tell the President that the redistribution is working the wrong way: The top 10-percent income earners in America receive 60 percent of all interest income. Do the wealthy really need more assistance from the Federal Government? The $155,142 million interest on Federal debt reported as a budget outlay in fiscal year 1988 seems a bit generous even for this administration!

Foreign holders get a chunk of this interest as well. Foreign funds supplied nearly $100 billion to the U.S. credit market in 1987. Does the President think foreign investors don't receive interest or is this a Reagan form of foreign aid? The next step could be Contra bonds—a great way to fund the U.S. debt and the Contras, too.

The President told us that the last act of his administration was going to be a grand finale. So far, he has provided lots of laughs but little worthy of applause.

THE NEW AND IMPROVED GORBACHEV—IS IT JUST AN ILLUSION?

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. LENT. Mr. Speaker, we are hearing quite a bit lately about the renewed good relations between the Soviet Union and the United States, and about General Secretary Gorbachev's policy of openness known as glasnost. We have been encouraged by the signs of westernization in the Soviet Union and by the General Secretary himself. Who could forget that wonderful image of Gorbachev jumping from his motorcade to greet the "American on the street" as his bodyguards look on in horror. Isn't that what America is all about—exhuberance, daring and compassion?

Yes, Mr. Gorbachev seems to have captured the essence of the American spirit quite aptly. Or has he? A closer look at the man and his policies reveals that not so much has changed in the Soviet Union. And, that Gorbachev's policy of glasnost may just be a smokescreen to divert attention from the real issues—such as human rights. Gone are the exhuberance, daring, and compassion when Mr. Gorbachev is dealing with the Soviet Jews.

While the number of Soviet Jews allowed to emigrate from the Soviet Union in 1987 is far greater than in 1986, the numbers are still shamefully lower than in 1979. The total number of Soviet Jews allowed to emigrate in 1987 was 8,155 as compared to the 51,320 Jews who were permitted to leave in 1979.

It is sometimes difficult—when dealing with cold, impersonal statistics—to understand the significance and the human impact of these numbers. I'd like to take a moment to introduce you to just one of the hundreds of thousands of Soviet Jews imprisoned in the Soviet Union and to put a human face on these statistics.

Jacov Rabinovich is a Soviet Jew who—like all other refuseniks—desires to emigrate from the Soviet Union and to practice his religion without fear of persecution. Jacov is very special to me because I met him personally when I visited the Soviet Union and I was deeply moved by his courage and by his compassion despite his many hardships.

Jacov first applied for a visa almost 10 years ago, and he has been repeatedly refused since then. His wife, son, and daughter received permission to leave in 1980 and they now reside on Long Island. For those of us living in the United States and enjoying the liberties of democracy, it is difficult to imagine the agony of being separated from our loved ones and held captive in a country devoid of rights and freedoms.

While Jacov's situation seems bleak he does not succumb to self-pity. Indeed, Jacov has no time to think of his own plight as he works tirelessly to assist other Jews in securing their visas. Through his generosity of spirit and his determination Jacov has established himself as a leader in the effort to promote free emigration in the Soviet Union.

I remember Jacov telling me that "time and patience are the most powerful fighters." I know that Jacov and the thousands of other Soviet Jews still waiting to emigrate will prevail because of their persistance and their courage. Just as we say "never forget" we must also say "never give up." And so long as Jacov and others like him are denied their human rights we will not do either.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. BEILENSON. Mr. Speaker, thank you for this opportunity to join my colleagues in supporting the 1988 "Congressional Call to Conscience for Soviet Jews."

Today, I would like to take a moment to talk about the continuing plight of Mr. Sergey Pokryshevsky whose wife, children, and grandchild live in the congressional district I represent. Mrs. Pokryshevsky emigrated from the Soviet Union over 10 years ago with her children and is now a United States citizen. However, her husband, Sergey, has been denied exit permission repeatedly during their 10 year separation and remains alone in the Soviet Union. To make matters worse, in 1980, Sergey suffered a disabling stroke which forced him to leave his job and try to survive on Soviet Government pensions.

I urge the Soviet Union to honor its international commitments as outlined in the Helsinki Final Act, of which they are a cosignatory, and allow Sergey Pokryshevsky to finally be reunited with his family in the United States. Such action would be a positive example of the success of the glasnost campaign and would help to further the aims of the upcoming presummit meetings between Secretary George Shultz and Soviet Foreign Minister Eduard Shevardnadze in Moscow. I look forward to a day when pleas for family reunification will no longer be necessary.

GROVE CITY LEGISLATION

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. SENSENBRENNER. Mr. Speaker, with Grove City legislation coming before the House of Representatives on Wednesday, March 2, I thought it a good idea to recommend to the Members a recent article by James Kilpatrick on the negative impact of this legislation on the family farm and small business:

"CIVIL RIGHTS RESTORATION ACT": FEWER RIGHTS FOR YOU

(By James J. Kilpatrick)

The bill that sailed through the Senate in late January begins with a deceptive title. It never gets out of character thereafter. Sponsors call it the "Civil Rights Restoration Act of 1988." This is hokum. The bill ought properly to be called the Civil Rights Expansion Act instead.

It is astounding that a bill of such draconian impact should have passed by a vote of 75 to 14 [see Senate rollcalls in issue of February 13]. The explanation lies in the mesmerizing political power of two talismanic words: civil rights. Only the brave dare vote against them.

In the instance, to vote in favor of "civil rights" was to vote in favor of vast new intrusions upon churches, synagogues, private schools and business entities.

If this bill becomes law, even the smallest companies and least profitable farms will become subject to a panoply of federal rules and regulations. It is a bad thing—of course it is a bad thing—to discriminate by reason of sex, race, age or handicap. It is also a bad thing to enact unwarranted laws.

By way of background: Almost four years ago, on Feb. 28, 1984, the Supreme Court handed down its ruling in a case involving Grove City College in Pennsylvania. This fine little liberal arts college never had accepted a dime in direct federal aid. Roughly one-fourth of its 2,200 students, however, had received financial aid in the form of federal grants or guaranteed loans. Because of this assistance, the U.S. Department of Education demanded that the college execute a formal "Assurance of Compliance." This would be a promise by the college never to discriminate against women in its program of student aid. Otherwise aid to 482 students would end.

The college stood on principle: It would not submit to unwarranted federal intrusion. It never had discriminated against women. It had no intention of doing so. The federal form was an insult.

An adamant bureaucracy pursued the matter in court. As the lawsuit progressed, a decision turned upon a single provision in Title IX of the Education Amendments of 1972. The law banned sexual discrimination in any "program or activity" receiving federal financial assistance. Did this mean that every aspect of Grove City College was covered by the law? Or did it mean that only particular programs and activities, such as student financial aid, were subject to federal supervision?

The Supreme Court sensibly held, 6 to 3, that "any program or activity" meant precisely that: the proscription did not apply institution-wide. It applied to individual programs only. The decision triggered an uproar among civil rights activists and led directly to the recent vote on the "Civil Rights Restoration Act."

I speak of deception. That word "restoration" is deceptive, for no old rights are being restored. Sponsors contend that the whole purpose of their bill is to put things back to where they were on Feb. 27, 1984, the day before the High Court's decision. This is a palpable falsehood. The opinion applied only to discrimination by reason of sex in educational institutions. The bill would forbid discrimination by reason of sex, race, age or handicap just about everywhere.

Well, asks Sen. Edward Kennedy, the principal sponsor, what's wrong with that? "Just don't discriminate," the senator says.

This is sophistry. What we are talking about is a sweeping expansion of federal authority over our lives. We are talking about thousands of words of federal regulations, about forms, inspections, assurances of compliance. We are talking about threats of lawsuits and actual lawsuits. We are talking about the insatiable appetite of an immense bureaucracy.

The Department of Justice has prepared a memorandum on the long reach of this bill. "An entire church or synagogue will be covered. . . . Every school in a private or religious elementary or secondary school system will be covered. . . . Grocery stores and supermarkets participating in the food stamp progam will be covered."

This simple little bill has been drafted with the most devious skill. The bill speaks of "entire private organizations." It speaks of "entire plants." If a private business contributes to a federally assisted school, the business itself becomes covered. Farmers receiving subsidies for crops or water would be covered. If a church participates in a food-for-the-elderly program receiving federal aid, the entire operations of the church would be covered.

The Senate bill now goes to the House, but it takes with it an "abortion-neutral" amendment that is bitterly opposed by militant feminist groups. The amendment may be enough to kill the bill. Let us pray it works out that way.

BLACK HISTORY MONTH

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. ERDREICH. Mr. Speaker, I would like to take a few moments to acknowledge and commend the many outstanding contributions of black Americans, both to the State of Alabama and the Nation, during this year's observance of Black History Month.

The celebration of the birthday of the Reverend Dr. Martin Luther King, Jr., just last month reminded us of his efforts to stir the conscience of our Nation. Our remembrance of his vision of a better future for all Americans brought back memories of our tumultuous past, progressive present, and promising future.

Of course, there are many others who deserve our acknowledgment and remembrance, who, in their own way, were just as assiduous in their efforts to assure that black Americans are afforded all the rights and privileges guaranteed all citizens of these United States in the Constitution. Their combined determination opened American society to all, providing the opportunity to excel in all professions and fields. Because of that, all of us in this Nation have benefited. It is those who paved the path, as well as those who walk it, whom we honor during this very special month.

Birmingham, AL, which I represent in the House, was a focal point of the civil rights struggle, and we in Birmingham are keenly aware of the importance of access to political and economic opportunity for all citizens. The people of Birmingham have made a concerted effort to overcome the images of the past, applying its lessons and messages to creatively serve present and future needs.

From our Nation's earliest history to today, there is no facet of our society that has not enjoyed the contributions of and leadership from black Americans. Their successes span across education, sports, science, industry, music, literature and the arts. People like Mary McLeod Bethune, noted educational leader who became the first black woman to receive a major appointment in the Federal Government, Jesse Owens, world-class athlete and U.S. Olympian, Shirley Chisholm, the first black woman elected to Congress, Dr. Charles Drew, who developed the first blood plasma bank, Dr. Daniel Hale Willaims, who performed the successful open-heart surgery, and Percy Julian, who was the first scientist to synthesize cortisone.

They include Sidney Poitier, first black to win an Academy Award for Best Actor, Ralph Bunche, U.N. Ambassador and first black to win the Nobel Peace Prize, Gwendolyn Brooks, first black to win a Pulitzer, Edward W. Brooke, the only black U.S. Senator since reconstruction, Jan Metzeliger, inventor of the first automated shoemaking machine, and Colin Powell, first black to head the National Security Council, to name just a few. Many do not know that the term "the real McCoy" refers to the numerous creations of inventor Elijah McCoy, or that Garrett A. Morgan, who was black, invented the electric traffic signal and gas mask.

As we observe this year's Black History Month, let us commit ourselves to continue to work for policies in this country that provide all citizens with the chance to share in the opportunity for economic prosperity our Nation offers, and give Dr. King's dream a continuing reality for tomorrow and all the tomorrows to come.

LAND TRANSFER IN ALAMEDA COUNTY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. STARK. Mr. Speaker, I am introducing legislation today to provide the Federal legal "blessing" of a land transfer that has taken place in Alameda County. This land transfer will provide for the future transportation and recreation needs of Alameda County.

Southern Pacific Railway decided to discontinue operations through Niles Canyon in Alameda County. Alameda County and East Bay Regional Park District with great foresight moved to acquire the railroad right-of-way for the future needs of the citizens of Alameda.

There is only one problem with Alameda County acquiring the property. Southern Pacific Railway originally received the land under a Federal land grant in the 1800's. Under the provisions of the land grant, if the railroad stops using it for railroad purposes, title reverts back to the Federal Government. This legislation would allow Alameda County to take over the right-of-way.

The route runs between Pleasanton and Fremont, CA. The canyon is picturesque and streamlined. An excursion train runs along part of the canyon. East Bay Regional Park District has plans to incorporate part of the property as a trail.

Alameda County would like to keep the corridor intact to provide for the long-term transportation needs of the county. As one of California's fastest growing areas, this is a key corridor to keep intact for the development of possible light rail or other transportation systems.

I hope my colleagues can support this legislation which is so helpful and important to the citizens of Alameda County.

PORTNOY HUMANITARIAN AWARD TO TONY BONJAVANNI

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. RINALDO. Mr. Speaker, the Phil Portnoy Association of Union, NJ, will honor an outstanding citizen and humanitarian, Tony Bonjavanni, on March 5, and also raise funds to assist Gail Camuso, a 26-year-old quadriplegic, whose indomitable spirit and bravery have given all of us a shining example of dignity in the face of misfortune.

Gail is among the thousands of Americans whose spinal cords have been severed by accidents. They face enormous expenses in treatment and learning to use mechanical devices to sustain themselves. Medical research grants provided by Congress offer some hope that in the future physicians will be able to restore the use of their limbs. In the meantime, government medical assistance and private health insurance only partly fill the gap in their expenses. It takes private fundraising efforts like those of the Phil Portnoy Association to come to their assistance.

Over the last 18 years, the Portnoy Association has raised over $1 million to help people like Gail Camuso and others who suffer from cancer, kidney disease or injuries from accidents. Thanks to generous contributors like Tony Bonjavanni, the Portnoy Association has been able to step in when no other help was available or families had exhausted their health insurance.

Tony Bonjavanni's dedication to helping others has earned him this prestigious award. Generous with both his time and talent, Tony Bonjavanni has donated countless hours of services to nonprofit organizations that help the poor, the elderly, the homeless, and people who meet with unfortunate accidents and health problems.

As a resident of Roselle, NJ, Tony has been employed by the Prudential Insurance Co. for 20 years, and is a member of the Million Dollar Round Table Club, an international association of insurance underwriters. He has twice been honored with the Donald S. MacNaughton Award which is given annually by Prudential for outstanding community service.

He is chairman of the board of directors of Union Hospital, Union, NJ. Now in his second term as chairman, Mr. Bonjavanni spends a great deal of time ensuring that the hospital remains responsive to the health care needs of the community.

Mr. Bonjavanni also is a member of the Oncology Benefit Institute. This nonprofit fundraising group financially supports the needs of cancer patients and their families. TOBI members actively plan and organize sporting events to help patients defray the costs of treating this tragic disease. To date, the group has raised close to $100,000, and Tony Bonjavanni has been very instrumental in their success. He is past president of the Italian-American Club and UNICO of Linden. In addition to these well-known organizations, Mr. Bonjavanni has taken part in countless other worthy projects. He also served as president of a Roselle-based civic association noted for its special projects devoted to benefit senior citizens and youths throughout Union County.

Tony Bonjavanni's high level of activity has not gone unnoticed. In addition to the honors he has received from the Prudential Insurance Co., he has been commended by the New Jersey State Senate and the Union County Board of Freeholders.

As one hospital official describes Tony Bonjavanni:

> It is easy to write a check in support of a cause, and Tony has been more than generous in that way. However, it is much more difficult to give of your time and energy—in short, to truly give of yourself. If Tony Bonjavanni's time and dedication could ever be measured in monetary terms, the amount would be staggering. If everyone would just give one-tenth of the time that Tony does, our world would be in fine shape.

I congratulate Tony Bonjavanni and the members of the Phil Portnoy Association on this award and for their efforts in helping to make life better for the ill and disabled.

SALUTE TO DEBI THOMAS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. MINETA. Mr. Speaker, once again, the world has been privileged to witness a spectacle of unparalleled excitement and skill. The XV Olympic winter games, staged in Calgary, Canada, have now concluded successfully. And as in games past, we have seen moments of great personal triumph and monumental achievement.

Every athlete, in every competition, spoke to us eloquently of the virtues of perserverance and determination. What was for us 16 days of thrilling competition was for the athletes who competed the culmination of many years of hard work and dedication.

Every nation represented at the games can take pride in the accomplishments of their athletes, and I know my colleagues join with me in saluting the bravery and skill of the U.S. winter Olympic teams.

Mr. Speaker, I would like to take a moment, however, to speak about one athlete in particular. She is a young woman from my district who, during the past several years, has won the admiration and affection of figure skating fans across this country and around the world.

Debi Thomas has risen steadily among the ranks of the world's finest figure skaters. She won her first U.S. National Figure Skating Championship in 1986. Later that year, she defeated Katarina Witt of East Germany to take the world figure skating ladies title. She accomplished all this while carrying a full course load at Stanford University.

Few of us can appreciate fully the incredible dedication and years of effort it takes to reach the top of the figure skating field. Day after day, aspirers such as Debi Thomas must fight pain, sacrifice, and fierce competition to join the ranks of the best in the world.

Many skaters consider their training to be a full-time job. Combined with a full-time schedule of classes at one of the best universities in the country, the task would seem to be impossible. But Debi Thomas has no intention of limiting her achievements to figure skating. She plans to become a doctor, following in the footsteps of Tenley Albright, another great American figure skater.

Debi's figure skating career has hardly been without adversity. In 1987, skating on an injury, she lost both her U.S. and world title. For Debi this called for drastic measures. She took a leave of absence from Stanford, moved to Colorado where better skating facilities were available, and practiced tirelessly. Last month she became the first figure skater in 54 years to regain a U.S. national title.

In short, Debi has been nothing less than a trailblazer. She embodies the finest in athletic tradition: the ability to pick yourself up, dust yourself off, find out where you made your mistakes and to go back out and make your best effort. She was the first black U.S. figure skating champion, the first black world figure skating champion, and on Saturday night she became the first black medalist in the history of the winter Olympic games. But there are other challenges ahead: a return to Stanford, the rigors of medical school, and the world championships later this year in Budapest.

Whatever the outcome of her final year in amateur competition, Debi Thomas has earned a place for herself in the history of figure skating. She will serve as an example of determination and dedication to all who aspire to compete in the sport. She will serve as a role model for the athletes who come after her. She will serve as an inspiration to all who strive to be the best they can be in whatever they do.

Mr. Speaker, to the people of San Jose, CA, Debi Thomas represents more than a mere bronze medal. To us, in our hearts, she will never be anything less than pure gold.

JET, NATIONAL DOG HERO OF THE YEAR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. BERMAN. Mr. Speaker, if a citizen rescues a small child from drowning in a swimming pool or river, or guides a family from a burning home in the middle of the night or summons help for a dying woman, we call that person a hero and by doing so focus attention on extraordinary self-sacrifice. These situations have really occurred and the hero in each story is a dog.

In the early history of humankind, we struck up a friendship with another species, one whose heroism on our behalf is sometimes taken for granted. There are many cases where "man's best friend" has come to the aid of endangered humans, and communities across the Nation recently selected those dogs felt to be the bravest of the brave. Five canines were chosen as finalists in the 1987 National Dog Hero of the Year Contest. I am proud to announce that this year's winner is Jet, the pet of my constituent, Candy Sangster, of Sepulveda, CA.

Mrs. Sangster is a diabetic. One day last year she slipped into a life-threatening diabetic coma. Without immediate help, she would have faced imminent death. Sensing danger, Jet worked her way out of the yard through a fence and alerted neighbors with her frantic barking. Hazel Lavin, a neighbor, saw Jet and phoned her friend Candy. When she received no answer she called paramedics, who found Mrs. Sangster unconscious. I am happy to say that the paramedics were able to save Mrs. Sangster's life. Without that ancient bond between people and their pets, the results could have been tragic.

I ask my colleagues to join me in applauding a job well done by Jet. This year Jet is honored, but this recognition also serves as a reminder of the centuries-old partnership between man and dog that is sure to endure throughout time.

THE EMASCULATION OF THE CONSUMER PRODUCT SAFETY COMMISSION

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. FLORIO. Mr. Speaker, much has been written about the record of the Consumer Product Safety Commission under its current leadership. Unfortunately, in the last few years, the leadership of the Commission has been more concerned about the manufacturers of dangerous products such as all-terrain vehicles, than the innocent consumers, including many young children, who have been killed or maimed.

Carol Suplee, a columnist for the Burlington County Times of New Jersey, recently wrote an excellent column discussing the failures and emasculation of the Commission. For the benefit of my colleagues, her article follows:

[From the Burlington County (NJ) Times, Feb. 14, 1988]

HOW CHILDREN DIE WITH SUBTLE LEGALITIES

(By Carol Suplee)

So why all the fuss about All Terrain Vehicles?

Only 20 people a month are dying.

Only 365,000 people have been injured, a lot of them kids.

All told, only 900 people have lost their lives.

Big deal.

The Consumer Product Safety Division—(you remember them, the folks who used to protect us against unscrupulous manufacturers)—has exhibited that kind of cavalier attitude. It's all part of the Reagan administration's systematic emasculation of the agency.

Having cut funding, having refused to appoint members to fill the agency's five positions, having placed at its head a man who accepts the Reagan premise that "business knows best," the administration has allowed the CPSC to become a shadow of its former self. A recent "deal" made with foreign ATV manufacturers has virtually cut consumers out of the process.

Rep. Jim Florio, whose First District includes some Burlington County towns, has introduced legislation to restore the CPSC's primary role: serving consumers, not the administration. The bill, said Florio, is expected to be released from the full Energy and Commerce Committee this week (Tuesday). Then it's on to the floor of the House. Florio became involved through his role as chairman of the Commerce, Consumer and Competitiveness Committee in the House.

Beyond that, he's angry. The statistics are appalling and so is the agency's response. For four years, people—many of them children—have been maimed or killed while the CPSC fiddled.

What has people so hopping mad is that a preliminary settlement among the agency and the manufacturers literally abandons the 1.5 million people who now own one of the motorized, three-wheeled machines so ineptly named All Terrain Vehicles.

The settlement, says Florio, includes a ban that is not a ban on foreign-made ATVs and fails to provide for refunds to current owners. Ironically, in the government's own words, ". . . defendants (manufacturers) have falsely and deceptively promoted ATVs as safe, easy to operate vehicles for the entire family . . ."

That's the other thing that makes me mad. The three-wheelers have been promoted as toys, harmless little vehicles that will go anywhere. Wrong.

U. Haul used to rent ATVs to its customers, but the company was so concerned about the safety issue that it slapped warning stickers on the vehicles. With a skull and crossbones prominent, U-Haul used such phrases as "ATCs (the previous name for them) flip ever which way" and "corner strangely." Honda, the maker, was so upset that tried to force U-Haul to remove the stickers. In the end, U-Haul decided it wasn't worth the frustration and stopped renting them.

The settlement, soon to be signed in final form sounds as though a ban is being imposed. But it really isn't. The makers' own view, it's a moratorium until minor changes can be made. Both Yamaha and Honda expect to put their ATVs back in the marketplace.

Floria says he hopes his bill will clear up more vague language in the settlement and provide for refunds to current owners. But he's just as interested in shaping up the CPSC. The agency's enabling legislation requires a five-member board with three members quorum. But there are only three members now, with no appointees in sight. So when chairman David Scanlon doesn't want to take a stand, he doesn't show up, Florio said. No quorum; no action.

And when he really wants to slow things down, he reassigns people who have been working on particular investigations. You can't really call it corruption. It's not that complicated. It's a pervasive attitude, a tone set by the administration, a callous attitude that exceeds beyond product safety to other consumer protection issues, safety in the workplace and more.

Florio wants to restructure the agency so that future administrations, no matter what their political identity, will not be able to manipulate the commission in order to curry favor with business interests.

"There are serious flaws in the agency," Florio told the BCT, "It is a classic example of mismanagement." Mismanagement with political implications, that is.

It wasn't always so bad. In the past, the commission has even been accused of being too zealous, too eager to find hazard where there was none. But past commissions also have distinguished themselves in exposing faulty or dangerous products and protecting consumers.

Of course, there is one more aspect to the ATV debate we haven't mentioned. Jim Florio can introduce laws and the Congress can pass them. The CPSC can straighten itself out and begin again to serve the public.

But no amount of laws or hearings or agencies can replace common sense. There is simply no antidote for the stupidity of a parent who puts a five-year old in the driver's seat of a motorized vehicle.

For the sad fact is that too many parents have more money than brains. Too many think it's cute to see their toddler tooling around on a little three-wheeler. It's macho. It fulfills fantasies.

Right.

And it kills children.

BELMAR'S ST. PATRICK'S DAY PARADE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. HOWARD. Mr. Speaker, many great things have grown, from small beginnings. This is true in the case of Belmar, NJ's, 1988 15th Annual St. Patrick's Day Parade which will be marching down Main Street in Belmar on March 6.

The parade began 15 years ago in the most modest way under the sponsorship of the Jerry Lynch Social and Civic Club, because he and his fellow club members felt the event would be "a great way to wake up the Jersey Shore in wintertime."

It took a great deal of work to line up participants, but on a Sunday in March 1973, the first marchers stepped forth to the music of the Fort Monmouth Military Band. I am proud to say I was the first grand marshal and Mrs. Theresa Burke, now a senior citizen, was the deputy grand marshal. The club's standard bearer was Jerry Lynch, and behind him came 50 club members in tails and top hats with their ladies. There were also many bands and fire engines from neighboring towns.

The parade has increased every year since, especially in the last several years under president George McCormack. Last year's parade had 2,000 marchers, 10 floats, the Fort Dix Military Band, and 15 bagpipe bands along with numerous school and organization bands. Both sides of Main Street were jam-packed with 100,000 watchers to partake in what is now the best attended parade in New Jersey.

The 1988 parade is expected to top them all. There will be more than 150 units with over 2,000 marchers, the Fort Monmouth Band, several high school bands, 15 bagpipe bands, which will include some of the best in the East; and an array of almost 20 floats will be in the line of march. The committee also predicts that the crowd will be another record. So better make your plans now to attend.

JEWISH AMERICAN CONCERNS ABOUT UNITED STATES-ISRAELI RELATIONS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. DYMALLY. Mr. Speaker, I would like to bring to your attention the following advertisement which appeared in the Nation magazine on February 13, 1988:

TIME TO DISSOCIATE FROM ISRAEL

We are Americans and Jews and we come together at this time publicly to express our strong desire to see the United States take meaningful steps to dissociate our country from the policies of Israel.

For some years we have witnessed Israel increasingly deviating from political policies that we find acceptable and from moral values that we hold dear. These developments are not the responsibility of any particular political party in Israel but rather stem, in our judgment, from a tragically misguided approach toward the Arab world in which Israel is located, a racialist ideology and a growing militancy. We can no longer condone or be associated with such Israeli behavior, nor, do we believe, should our country.

In recent years Israel has twisted away from basic commitments made at Camp David in 1978; annexed further territories, including East Jerusalem and the Golan Heights, while continuing to expand settlements in all the occupied territories; and grotesquely invaded Lebanon, resulting in the death of tens of thousands of Lebanese and Palestinians as well as hundreds of Israelis and Americans, and the taking as hostages of many others.

Furthermore, Israeli policies and attitudes toward the Palestinian people have made it evident that only major changes in Israel's basic posture will allow for a peaceful political settlement with the Palestinians.

Israeli complicity in Irangate and Contragate coupled with Israel's employment of American Jews as spies against our country further underscore the growing dangers inherent in the current U.S.-Israeli relationship. The close identification in the public mind between Israel and Jews—an equation vigorously fostered by both the Zionist movement and the American Jewish lobby, which has come under its control—threatens to stigmatize Jews everywhere.

The recent acts of killing, beatings, curfews, expulsions and house arrests—all against unarmed Palestinians living in areas Israel has occupied for 20 years—further demonstrate that Israel has become a badly divided country with many unfortunate similarities to the situation that prevails in South Africa.

Our ancestors came to the United States because, as a result of their Jewishness, they were discriminated against and abused. The European experience culminated in the horrors of the Nazi Holocaust. How tragic that in our own time the very state established by Jews in the aftermath of this evil has become a place where racialism, religious discrimination, militarism and injustice prevail; and that Israel itself has become a pariah state within the world community. Events taking place today are all too reminiscent of the pogroms from which our own forefathers fled two and three generations ago—but this time those in authority are Jews and the victims are Moslem and Christian Palestinians.

We believe that Israel's course could not be maintained but for the continuing financial, political, military and covert support of the U.S. government. And we fear that unless firm steps of disengagement from Israel are taken now our country might get dragged into a major war for which preparations are under way.

In addition, we believe that unless the United States takes serious steps to distance itself from Israel the Israelis will mistakenly continue to think that the course they are on is one acceptable to the American people.

For all these reasons we believe the time has come to normalize the U.S. relationship with Israel. A complete re-evaluation of what has become since 1967 the American sponsorship of Israel is required. The unprecedented amounts of economic aid should be cut back over the next two to three years to much smaller levels. Furthermore, the considerable military and intelligence assistance should also be radically reduced.

Unfortunately, during the years of the Reagan Administration much the opposite course has been followed, and Israel has practically become a ward of the United States. In this election year we urge an open debate about the serious problems and dangers which have resulted from the current structure of U.S.-Israeli relations. Few foreign policy issues are of such importance to our country. Consequently we urge our leading politicians to resist the widespread inhibitions from speaking up about Israel, inhibitions which result from the severe financial, political and ideological pressures often brought to bear against those who do.

We further believe that the time is overdue for negotiations between the Israeli government and the PLO, which is quite clearly the chosen representative for the great majority of Palestinians—negotiations that should quickly lead to a Palestinian state in the occupied territories and reasonable security guarantees for all parties. In the security guarantees we think our country should participate; but no longer in the financing and supporting of the kinds of policies Israel has been pursuing. The continual oppression and denial of the Palestinians of their right to self-determination is an injustice which has become intolerable not only to those demonstrating for their freedom in Jerusalem, the West Bank, Gaza and throughout Israel itself.

The citizens of Israel, of course, will ultimately choose their own country's destiny. But at the very least the citizens of the United States should stop financing and supporting policies that are contrary to the principles and values we hold precious as Americans and as Jews.

Professor Yigal Arens, Computer Science Department, USC., Santa Monica, CA.

Mark Bruzonsky, Former Washington Associate, World Jewish Congress, Washington, DC.

Noam Chomsky, Institute Professor, MIT, Cambridge, MA.

Rabbi Susan Einbinder, Colgate University, Hamilton, NY.

Professor Herbert Hill, University of Wisconsin—Madison, Former Labor Director, NAACP, Madison, WI.

Jane Hunter, Publisher, Israeli Foreign Affairs, Berkeley, CA.

Jeremy Levin, Former CNN Bureau Chief & Former Hostage in Lebanon, Washington, DC.

Professor John Mack, Professor of Psychiatry, Harvard Medical School, Cambridge, MA.

Professor Seymour Melman, Professor Emeritus of Industrial Engineering, Columbia University, New York, NY.

Eileen Newmark, Ph.D., Intercultural Communications, Boston, MA.

Professor Don Peretz, Professor of Political Science, SUNY, Binghamton, NY.

Henry Schwarzschild, American Civil Liberties Union, New York, NY.

Professor Steven Schwarzschild, Professor of Philosophy and Judaic Studies, Washington University, St. Louis, MO.

Saul Wechter, Retired, General Motors, San Jose, CA.

Gertrude M. Welch, Interfaith Peace Coalition, San Jose, CA.

Richard Walden, President, Operation California, Los Angeles, CA.

Danielle Yariv, Computer Analyst, Pasedena, CA.

Solomon Zeltzer, Attorney, San Jose, CA.

PLEASE JOIN US

To add your name to this statement or to make a contribution to enable its wider dissemination please send your name and check made out to "Statement" to:

Statement: P.O. Box 18367, Washington, DC

We hope many American Jews will take this opportunity to register their disapproval of both Israeli policies and excessive American support for Israel. Upon receiving your name and/or contribution you will be contacted by one of the original signers whose names are below. For information: (202) 362-2096.

OPENING OF THE NEW ANTHONY BOWEN BRANCH OF THE YMCA OF METROPOLITAN WASHINGTON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 29, 1988

Mr. FAUNTROY. Mr. Speaker, at a time when drug-related homicides are accelerating at an alarming rate, teenage pregnancy has resulted in our city having the highest mortality rate in the Nation, the sharp increase of homeless families and the spread of the dreaded AIDS virus, the Washington YMCA, in its continuing tradition of community service, is now preparing to expand its vital human care service programs in areas of our innercity where poverty and crime are rampant.

On September 8, 1987, the YMCA's board of directors decided to purchase the Hillcrest Children's Facility located at 1325 W Street NW. Following extensive renovations, this building will open on March 10, 1988, as the new permanent home for the Anthony Bowen Branch YMCA.

Community leaders have hailed this action by the YMCA leaders as one of the most significant developments for District youth and families in over a generation.

YMCA EXPANSION

Under the leadership of YMCA president Thomas B. Hargrave, Jr., the association's membership has tripled and its operating budget has increased from $3.9 to $15 million annually. Today the YMCA's diversified community services reach 271,000 men, women, and children in the Washington metropolitan area.

YMCA provides a variety of quality community service programming including: before- and after-school care, AIDS education, tutorial services, the "Just Say No" drug prevention program in cooperation with the DC public schools, a food bank, senior outings, refugee services, on intern abroad program, and comparing and recreational activities.

The YMCA is expanding to meet the needs of our community. Of its 10 facilities, the Anthony Bowen Branch will be located in the Shaw-Cardozo community which was badly scarred during the riots in 1968.

HISTORY

This year the Washington YMCA will celebrate the 135th anniversary of its historic Anthony Bowen Branch.

The Washington YMCA has delivered continuous community service since it was founded in 1852. One year later, Anthony Bowen, a former slave who had risen to the rank of clerk in the U.S. Patent Office, founded this Nation's first YMCA for Afro-Americans.

Anthony Bowen was born October 8, 1809, on a plantation in Prince Georges County. In 1830, he purchased his freedom for the sum of $425 and moved into the District of Columbia. He was active in the underground railroad, founded the Colored YMCA in 1853, organized the St. Paul AME. Church in 1856 and served as a member of the 68th Common Council of the District of Columbia from 1870 until his death, July 21, 1871. During the Civil War, Bowen recruited black young men for service in the Union Army.

The "Colored YMCA" as it was known before its merger with the YMCA of the city of Washington in 1905, operated from rented facilities until 1891. Its first permanent facility was constructed that year at 1609 11th Street NW., which is now the site of Shaw Junior High School.

In 1912 a new facility was constructed at 1825 12th street and for 70 years the 12th Street YMCA was an important institution in the social and civic life of Washington's Afro-American community. That aged facility was closed by the YMCA's board of directors in 1982; however, the building remains a historic landmark.

As the YMCA prepares to observe the 135th anniversary of the founding of its Anthony Bowen Branch, let us reflect on the words from the mission of Anthony Bowen's YMCA written by young black men, most of whom had only been liberated from slavery less than 2 years.

To Young Men of Washington:

We, the Colored young men of Washington, D.C. feeling deeply interested in the mental, moral and spiritual improvement of our race and believing it is for the young of today to build a bulwark for the young men of the nation, cordially extend an invitation to all young men . . . who feel interested in the advancement of their race, to come and unite with us . . .

If you give your aid in this direction, you do what you can to redeem our race from the dominion of sin and slavery and place it on the broad platform of mental, moral and Christian equality.

DECEMBER 26, 1866.

MISSION

In a similar spirit, the Anthony Bowen YMCA will fulfill Anthony Bowen's promise of providing opportunities for mental, moral and spiritual growth. The Anthony Bowen Branch will offer tutorial programs, drug and alcohol prevention education, values education and leadership development, and physical fitness programs. In essence, the Anthony Bowen YMCA will serve as a guide to troubled youths—offering them an alternative to the streets.

The Anthony Bowen YMCA holds that dream. The YMCA's mission, "to change the conditions that foster alienation, delinquency and crime" by providing human services, will also be integral to all programs at the Anthony Bowen Branch.

We salute the YMCA of Metropolitan Washington as it prepares to enter a new phase in its service to Washington children, youths, and families.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 1, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 2

9:00 a.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

Strategic Forces and Nuclear Deterrence Subcommittee

To hold closed joint hearings to review special access programs of the Department of Defense, and the possible impact of the Intermediate-Range Nuclear Forces (INF) Treaty on these programs.

S-407, Capitol

9:30 a.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 1989 for the National Aeronautics and Space Administration.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Economic Regulatory Administration, Office of Hearings and Appeals, and the Energy Information Administration, Department of Energy.

SD-192

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Environmental Protection Agency.

SD-406

Judiciary

Constitution Subcommittee

To hold oversight hearings to review bail reform issues.

SD-226

10:30 a.m.

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to review those programs administered by the Corps of Engineers.

SD-192

Environment and Public Works

To hold hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Nuclear Regulatory Commission.

SD-406

Small Business

To hold hearings on proposed legislation to govern administration of the small business timber sale set-aside program.

SR-428A

3:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on the President's proposed budget request for fiscal year 1989 for the National Aeronautics and Space Administration.

SR-253

MARCH 3

9:30 a.m.

Armed Services

Manpower and Personnel Subcommittee

To hold hearings to review Department of Defense officer promotion procedures.

SR-385

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Energy and Natural Resources

To hold oversight hearings to review those programs which fall within the jurisdiction of the committee as contained in the President's proposed budget for fiscal year 1989, focusing on the Forest Service, and the Federal Energy Regulatory Commission.

SD-366

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To resume hearings on S. 1301 and S. 1971, bills to implement the Berne Convention for the Protection of Literary and Artistic Works.

SD-106

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Federal Grain Inspection Service, Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of Defense.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Highway Administration, and the National Highway Traffic Safety Administration.

SD-124

Commerce, Science, and Transportation

To hold hearings on S. 1848, to authorize a Minority Business Development Administration in the Department of Commerce.

SR-253

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on proposals to improve the efficiency and effectiveness of management of public buildings.

SD-406

Finance

To hold hearings on those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1989.

SD-215

1:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Election Commission, Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.
SD-116

1:30 p.m.
Armed Services
To hold hearings on the nomination of Jack Katzen, of Connecticut, to be an Assistant Secretary of Defense for Production and Logistics.
SR-253

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1544, to provide for cooperation with State and local governments for the improved management of certain Federal lands, and H.R. 2652, to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts.
SD-366

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings to review those benefits provided to former Presidents of the United States.
SD-342

Select on Indian Affairs
Business meeting, to mark up S. 721, to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies, S. 1236, to authorize funds for fiscal year 1988 for housing relocation under the Navajo-Hopi Relocation Program, and S. 802, to transfer ownership of certgain lands held in trust for the Blackfeet Tribe.
SD-628

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on Soviet strategic force developments.
S-407, Capitol

Budget
To continue hearings on preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on sham recycling and the recycling exemption in RCRA.
SD-406

Joint Economic
To hold hearings on the employment/unemployment situation for February.
SD-628

10:00 a.m.
Appropriations
To resume hearings on the President's proposed budget for fiscal year 1989.
SD-192

Judiciary
Courts and Administrative Practice Subcommittee
To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges.
SD-226

MARCH 8

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.
SD-106

MARCH 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans Administration.
SD-124

Energy and Natural Resources
To hold hearings on the nominations of T S Ary, of Oklahoma, to be Director of the Bureau of Mines, Department of the Interior, Ernest C. Baynard III, of Virginia, to be Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.
SD-366

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the reform of Internal Revenue Service Code penalties.
SD-215

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1991-1993 for the Corporation for Public Broadcasting.
SR-253

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.
S-126, Capitol

Finance
To hold hearings on proposed tax incentives for education.
SD-215

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on childhood immunization programs.
SR-428A

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings in conjunction with the National Ocean Policy Study to review Federal enforcement of foreign fishing activities in the Bering Sea.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

1:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Joseph T. Nall, of North Carolina, to be a member of the National Transportation Safety Board.
SR-253

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.
SR-253

MARCH 17

9:00 a.m.
Veterans' Affairs
Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review matters relating to the October 1987 market break.
SD-562

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for Amtrak.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.
SD-124

Finance
To hold hearings on proposed legislation relating to the U.S./Canada Free Trade Agreement.
SD-215

Small Business
To resume hearings on S. 1929, to create the Corporation for Small Business Investment (COSBI).
SR-428A

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.
SD-366

2:30 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

MARCH 18

9:00 a.m.
Veterans' Affairs
Business meeting, to continue consideration of the President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-124

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-116

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and Reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

Finance
To hold hearings on S. 1245, to authorize the issuance by States of tax-exempt bonds for high-speed intercity rail transportation projects under certain circumstances.
SD-125

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Finance
Taxation and Debt Management Subcommittee
To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.
SD-215

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
S-126, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Administration, and the General Accounting Office.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.
SR-253

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency.
SD-124

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

APRIL 13

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Labor.
SD-124

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for ACTION, Corporation for Public Broadcasting, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-124

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Prospective Payment Assessment Commission, Physician Payment Review Commission, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers and Airmen's Home, and the U.S. Institute of Peace.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Social Security Administration, and the Health Care Financing Administration, both of the Department of Health and Human Services.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.
SD-124

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Family Support Administration, and the Human Development Services, both of the Department of Health and Human Services.
SD-192

APRIL 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Assistant Secretary for Health, and the Centers for Disease Control, both of the Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.
SD-124

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration, both of the Department of Health and Human Services.
SD-192

APRIL 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the Office of Science and Technology Policy.
SD-124

APRIL 26

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-124

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Emergency Management Agency.
S-126, Capitol

APRIL 27

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Navy military construction and family housing programs
SD-124

APRIL 28

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development and related agencies.
SD-138

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.
SD-124

APRIL 29

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.
SD-192

MAY 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.
SD-124

MAY 10

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.

SD-116

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.

SD-124

MAY 11

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.

SD-192

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

MAY 12

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.

SD-192

CANCELLATIONS

MARCH 2

10:00 a.m.

Select on Intelligence

To resume closed hearings on U.S. monitoring and verification capabilities with respect to the Treaty Between the United States and the USSR on the Elimination of Intermediate-Range and Shorter-Range Missiles.

SH-219

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

SENATE—*Tuesday, March 1, 1988*

The Senate met at 12:15 p.m., and was called to order by the Honorable John D. Rockefeller IV, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, ruler of history and the nations, strengthen the Senators for their tasks and grant them discernment in their responsibilities. Help them to maintain the delicate balance between representation and leadership. Deliver them from lowest-common-denominator consensus. Where else, O Lord, can the Nation look for leaders if not to its elected servants? Grant to Your servants the will to leadership that they will guide the people in what is needed rather than what is wanted—what is right when people demand what is inimical to the common good. Enable the Senators to prove their detractors wrong—to defuse cynicism—to be worthy of their high calling—to give the leadership our Nation so desperately needs in a time of moral anarchy and social decay. We pray in the name of Him who is righteousness incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, March 1, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John D. Rockefeller IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

John C. Stennis,
President pro tempore.

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

RESERVATION OF LEADERSHIP TIME

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the Democratic leader and the Republican leader be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Is there objection? There being no objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 12:45 p.m. with Senators permitted to speak therein for not to exceed 5 minutes.

WHY DOES THE GOVERNMENT LIVE BEYOND ITS MEANS? OMB THAT'S WHY

Mr. PROXMIRE. Mr. President, there is one fundamental weakness of our congressional war on the budget deficit. That weakness shatters the credibility of the whole Federal Government effort to follow a responsible fiscal policy. Here's the weakness: The Congress plans its budget directly on the estimates by the Office of Management and Budget and the Congressional Budget Office. Each year OBM estimates the revenues and expenditures of the Federal Government for the current and ensuing years. Those revenues and expenditure estimates tell us what the deficit is likely to be. Congress adjusts spending and taxes to meet the Gramm-Rudman goal. The estimates are absolutely crucial to achieving the deficit reduction purpose of Gramm-Rudman. And here is the crucial weakness of this law. The Gramm-Rudman law is failing. It is failing badly. Why? Here's why: The estimates of Federal spending and Federal revenues are consistently wrong.

Consider the dismal record. In every single year—without exception since 1980 the projected deficit from the first budget resolution has been wrong. Usually it has been painfully, in fact, ridiculously wrong. And in every one of these 8 years it has underestimated, I repeat, underestimated the deficit. Mr. President, this is an extraordinary consistency of underestimation. If anyone doesn't believe that this law as guided by OMB is stacked against deficit reduction just think about this record. The odds that in any one year the deficit will be underestimated in the first budget resolution are even. The odds that a fair and honest estimate will be too low in 2 successive years are 4-to-1 against. The chances of three underestimates in a row are 8-to-1 against. But this failure has been consistent and consistently wrong for 8 years in a row. What are the odds against this if the estimates were honest, unbiased, and reasonable? The odds against this 8 straight years of underestimate of the deficit are 256 to 1 against.

If the budget estimates for 1988 and 1989 are also underestimates in the first resolution and every reasonable observer knows they will be, the odds against this deficit underestimation resulting from unbiased reasonably calculated estimates are better than 1,000 to 1 against.

What does this mean, Mr. President? This means that the Congress is going to continue to go through the motions of reducing the deficit. But we are going to fail. As a result the Federal deficit will continue out of control. The national debt will soar. Interest on the national debt will soon become the largest cost of operating our National Government. Here is a cost that has two terrible consequences. First, the huge expenditure for interest on the national debt provides no real benefit. It doesn't educate a single child. It doesn't build a home for a family. It doesn't provide even one soldier, sailor, or airman to protect our country. It does not protect the American people against environmental pollution. It is an absolutely useless waste of our country's resources. It is simply tribute paid for the Federal Government's past irresponsibility.

Second, that interest payment represents the one and only Federal expenditures that we cannot control. We must pay it in full, every nickel of it. We can cut spending on scientific research. We can cut spending on health. We can slash welfare. But we

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cannot reduce the interest our Government owes on its debt by a penny. Unlike other expenditures we cannot stretch it out. We cannot postpone it. We must pay it right on time.

And why is this interest cost sweeping on like a tidal wave? Because our deficits go on and on, out of control. The national debt increases. Certainly the combination of increased demand for credit and a reckless fiscal policy tend to drive up prices in the long run. As prices rise interest rates rise. This combination means a soaring climb in interest service on the national debt. One of the reasons the estimates are so far off is because OMB consistently predicts interest rates will fall. OMB continues its series of happy, rosy, and erroneous estimates year after year. In the OMB never-never land, unemployment falls. The GNP enjoys vigorous real growth. Meanwhile interest rates gracefully diminish. Our exports climb. Our imports diminish. All of this should speed up inflation. But not in the starry eyes of the OMB. For them the future always promises a declining rate of inflation. So, of course, they also foresee interest rates following a blissfully accommodating downward path.

Mr. President, all of this is fairy tale stuff. These are the kind of fantasies that fill the dreams of the suckers who spend their money to buy State lottery tickets. The odds of 256 to 1 against OMB doesn't discourage them from buying those dreamy deficit lottery tickets year after year. What a way to run the Government of the economic leader of the world.

SOUND OFF!—AMERICAN MILITARY WOMEN SPEAK OUT

Mr. PROXMIRE. Mr. President, an article in the New York Times highlights an important new book on women in the military.

The book is entitled "Sound Off!—American Military Women Speak Out" and was written by Carl and Dorothy Schneider, two retired professors from the University of Maryland.

Unlike other books concerning the military and military women, this books takes a refreshing first-person approach and provides the reader with the opinions and views of the people who presently make up 10 percent of the Nation's armed services.

Besides providing a firsthand view of women in the military, "Sound-Off" also addresses the critical issue of women in combat. The authors draw an important conclusion on the present combat-exclusion law saying:

> A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice.

In addition, the authors say:

> The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion law policy, the Department of Defense waffles, the Congress averts its eyes and the nation ignores the central problem of the dangers that service women will confront.

Anyone familiar with the current combat-exclusion laws and the present policies affecting military women will immediately recognize the obstacles the authors highlight. The DACOWITS report of last August and the GAO report of last November drew similar conclusions about the career obstacles and policy difficulties confronting military women.

The Schneiders have provided us with a valuable resource from which to base our discussion on the current laws affecting military women. They highlight the difficulties military women face in pursuing fulfilling and rewarding careers.

I urge my colleagues to take a close look at this informative book as we look for ways to bring coherence and consistency to the current laws so women can truly "be all that they can be" in the U.S. military.

Mr. President, I ask unanimous consent that the article from the New York Times entitled "A Few Good Women" be inserted in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 28, 1988]

A Few Good Women

(By Richard Halloran)

Since the draft was ended and the nation resumed its reliance on volunteers for the armed forces 15 years ago, a once predominantly white, single and male institution has absorbed large numbers of black Americans, young married people and women.

It's widely agreed, within and without the services, that they have done well in assimilating blacks into the mainstream of military life. Not all is perfect, by any means, but the armed forces may have done more to provide equal opportunity to minorities than any other American institution.

Young married people now fill about a third of the junior enlisted ranks. That has compelled commanders to see that young families are cared for, especially when a husband and father is away at sea or in the field. Otherwise, he will not be attentive to duty and will not re-enlist.

The role of women in the armed forces, however, is unresolved. The armed forces, reflecting the society whence they come, have not yet reached a consensus on where women fit in. Even more than American society at large, the place of women in a still uniquely male subculture is undecided.

Among the main issues are sexual harassment, fraternization between men and women, duty assignments leading to promotion, medical care for women and the difficulties of handling a military career and a family at the same time.

At bottom, the main unanswered question is: What is the role of women in combat? Law and regulations preclude women from direct combat but definitions have been revised over the years to permit women to go more and more into harm's way. Even though earlier this month another step toward putting women closer to combat was taken when the Defense Department instructed the services to open more places for women to serve, including as marine guards at American embassies and in some long-range reconnaissance aircraft, the issue's resolution awaits a consensus among the American people and Congress, and that appears to be some years away.

Meanwhile, Dorothy and Carl J. Schneider have contributed a valuable book, "Sound Off!," on this issue. Now retired from academic life, they became interested in the problems of military women while teaching for the University of Maryland's Far Eastern Division at American bases in Asia.

Unlike many books by academics that are heavy on theory, analysis and turgid language, "Sound Off!" is an easy read and is filled with trenchant observations and with real people, mostly women, telling about their military experience in their own words. For instance, they quote an enlisted woman: "I know I'm making the same amount of money as a male in my rank. That's not to say that I won't be the first one picked to make coffee, but at least I know it's going to be equal pay."

An Army captain is forthright on dealing with the fears of the wives of the men she has been working alongside: "Who wants their husbands? I have to deal with them all day. I certainly don't want 'em at night!"

The authors observe: "The servicewoman's experience as a minority member in the military world depends partly on which service she enters, partly on her own personality and upbringing—whether she grew up with brothers and how her father treated her."

On the critical issue of the military's policy on women and combat, the authors rightly assert: "A jumble of a few laws, multiple interpretations, and thousands of administrative decisions, it invites disagreement and frequent changes of practice."

They contend, again rightly, that the fault lies everywhere: "The lack of a national policy endangers servicewomen and the national security. While the services report their conformity to the combat-exclusion policy, the Department of Defense waffles, the Congress averts its eyes, and the nation ignores the central problem of the dangers that servicewomen will confront."

Even the Soviet Union and Israel, the authors say, "whose use of women in combat in time of war seized the popular imagination, don't enroll women in their peacetime military in anything like the numbers or the varieties of jobs that women have claimed in the United States military."

While criticizing the failure of the nation and the services to resolve this issue, however, the authors do not propose a solution of their own. Instead, they quote retired Army Brig. Gen. Mildred Hedberg: "We're going to have to educate the American public. Further change is going to have to be the will of the people."

Unhappily, there are other shortcomings that make this book not all it could have been, and the flaws as those a careful editor should have caught. The authors betray a lack of familiarity with military life; the book is sprinkled with mistakes that do not detract from its argument but erode the confidence of the reader. The authors often fail to explain the lingo military women use, and those unlettered in the language of the armed forces will be baffled. Too often, the writers fail to identify sufficiently the women who are quoted.

Perhaps most important, the book fails to distinguish between those things common to men and women in uniform and those that apply only to women. A female lieutenant complains that master sergeants repeatedly tested her authority. Any man who was ever a shavetail would say the same, and I speak from personal experience. Lastly, and this is clearly the publisher's fault, the book lacks an index.

Those shortcomings aside, "Sound Off!" has a solid ring of authenticity. The Schneiders quote a female parachute rigger who must jump to test the chutes. "Once you get out of that plane," she says, "it's you and God." To that, too, I can personally attest.

Mr. PROXMIRE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESERVING THE DEFENSE INDUSTRIAL BASE OF THE UNITED STATES

Mr. DIXON. In November of last year, I introduced a bill, S. 1892, designed to preserve the U.S. defense industrial base. I will be sending a letter to my colleagues shortly to update everyone on the status of this effort. The problem of increasing use of foreign sources for critical components of U.S. military systems, I regret to say, continues, as does the diminishing capacity of U.S. firms to compete fairly in world markets. I would like to cite just a few examples of the problem we are facing.

A French defense contractor approached one of our leading aerospace manufacturers to propose a joint venture on the advanced tactical fighter [ATF]. However, when the United States company requested reciprocal arrangements on French military systems, they were turned down because they were reserved only for companies in the French industrial base.

Lukens steel has been a major provider of plate steel to the defense industry. Recently, the Department of Defense imported armor plate from Belgium and France through memorandums of understanding [MOU]. The market for armor plate in the United States is small. Since 1980, three major producers have closed, and only two major and one small producer remain. Lukens' attempts to be allowed to compete in both Belgium and French markets have been unsuccessful.

Gears are a small but critical component in defense weapon systems. Today, approximately 25 percent of all defense gearing products are from foreign sources. A major percentage of ship gearings are now coming from overseas producers. When the U.S.S. *Iowa* became inoperable in 1986, because of the loss of critical gears, a U.S. manufacturer was able to supply a replacement within 72 hours. Foreign producers cannot provide the ready and rapid response that is often necessary for repair and replacement. U.S. suppliers often can. U.S. gear manufacturers are continually being underbid by foreign companies subsidized by their governments, and not allowed, in turn, to compete in the foreign markets.

At this time, I also wish to address a serious issue directly related to maintaining the defense industrial base of this country. I will soon introduce companion legislation to S. 1892, intended to regulate and control the growing size and number of offset agreements that have become the normal, if unhealthy, condition of the foreign sale of our military systems.

Offsets are any arrangement where U.S. industry shares the production of a military system or purchases items from a foreign country to offset an established percentage of the cost of a foreign sale. I do not believe that offset deals are good for the economy or the national security of the United States. These arrangements have increased in the past decade from 50 percent of the value of a sale to 130 percent of the recent sale of Boeing's E-3 AWACS aircraft to France and Great Britain.

There are many types of offsets. Some proponents in Government and industry will argue that offsets are good for America. They can create jobs for our prime contractors and increase commonality and interoperability with our allies. I would agree that in some cases this is true. But I would say that we should not let short-term profits lead to long-term decline of the industrial base. The transfer of American technology has led to increased foreign competition, unfavorable balance of trade, taken jobs from U.S. workers and increased the cost of military systems and their subcomponents. One subcontractor, not from my State, has provided us with data showing that they were forced to give up over $130 million in sales as part of offset arrangements in just 1 year. That is just one subcontractor in just 1 year. Imagine what that means to American industry if you multiply that effect among all levels of industry. You reach an inescapable conclusion that offsets are hurting U.S. jobs, taking money out of our economy, and damaging our industrial base.

America no longer has the luxury of being far ahead of the rest of the world in manufacturing and production. It isn't that we have fallen behind, but that the industrialized world has caught up, often with our help. Americans are generous people. We have given freely of economic and military aid to help our allies since the Second World War. We have helped rebuild the industries of Western Europe and Japan. We have supported Third World countries like South Korea until they are our competitors. It is in our interest to have strong allies and we do not begrudge them their success. However, it must be understood that a number of our friends and allies are competing against us using technology that was developed in America. We have given it or traded it away as the price of doing business or for perceived defense or diplomatic reason. For example, the Japanese civilian aircraft industry has been developed as a direct result of a series of coproduction and licensing agreements with United States companies. The F-15 sale to Japan allowed them to use the advanced technology from the aircraft and engines to develop a commercial aircraft that now competes with U.S. companies. An Italian manufacturer is now producing a missile with technology they derived from a United States company and are now competing against that company in the world market.

According to reports of the General Accounting Office and internal Defense Department studies, there is no comprehensive national policy on defense offsets to guide government or industry. Furthermore, there is no single agency with the lead in dealing with offsets. My bill will designate the Department of Defense, in coordination with the Department of Commerce, with the responsibility for establishing an offset policy to monitor and control offset arrangements that involve military systems.

I have been accused by the press, members of industry, and some of my colleagues of introducing protectionist legislation. To the contrary. I believe strongly in free trade. My bills are designed to build America, not buy America. I support the two-way street, but I oppose the one way or dead end street. My office has found many examples of U.S. companies having to compete on an unfair basis with foreign competitors, or not being allowed to compete at all for foreign procurements. The United States has opened its acquisitions to get the best product at the best price, either foreign or domestic. All we ask is that everyone compete on a fair and level playing field. Let us preserve, not protect, America's industrial capabilities. Every industrial country in the world and many Third World countries have an industrial base policy. It is time for America to join the ranks of her friends and allies, and plan for the future.

RECESS UNTIL 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:45 p.m. having arrived, the Senate will now stand in recess until the hour of 2 p.m.

There being no objection, the Senate, at 12:45 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BUMPERS].

CONCLUSION OF MORNING BUSINESS

Mr. HEINZ. Mr. President, it is my understanding that we are still in morning business?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. HEINZ. Very well.

WORLD BANK MEXICAN STEEL LOAN

Mr. HEINZ. Mr. President, I join today with my colleague, the Senator from Ohio [Mr. METZENBAUM], in offering this resolution in opposition to the proposed World Bank loan of $400 million to Mexico for the restructuring of its steel industry. This proposal could not possibly have come at a worse time.

First, the global steel market is in disarray. Excess capacity abounds. In the United States, we have shed some 50 million tons of capacity since our peak in the mid-1970's. The European Community has undergone a similar reduction. That reduction has been exceeded in this country only by the reduction in jobs. Over 56 percent of the steel labor force has disappeared in the last 12 years, and steel industry employment is now at its lowest level since 1933 at the height of the Depression. Anyone who has been to western Pennsylvania or eastern Ohio knows first hand the pain and misery that these layoffs have meant not just for individuals and families but for entire neighborhoods and communities.

The lack of a forward-looking steel revitalization policy in this country has debilitated the industry and squandered one of our most precious resources—our skilled workers. The President's Steel Program of voluntary restraints helped prevent a bad situation from getting worse and, more recently, has had some helpful impact in improving capacity utilization. Yet, nowhere in this process has there been an effort to look at the industry's longer term future and to develop a set of policies that help address the needs of this critical economic sector.

Senator METZENBAUM and I last year introduced major restructuring legislation designed to help the integrated companies cope with their ever-increasing pension burdens outside bankruptcy court. That bill would protect retirees, companies, and taxpayers alike by helping defuse what can only be called a financial time bomb. A few quarters of profits have given us the luxury of not thinking about the industry's problems, but they have not gone away by any means. Indeed, on a long term basis, they are more severe than ever.

In the midst of this continuing crisis, then, it is particularly distressing to see our Government going along with a World Bank bailout of the Mexican steel industry.

A $400 million bailout at that in the form of a so-called loan to the Mexican steel industry, which has an almost minuscule capacity, about 10 million tons, is the equivalent of a $4 billion loan to the United States steel industry—a level of direct financial support nobody has even come close to suggesting our producers ought to receive. Let me repeat that. The Mexican steel industry, which is getting a $400 million loan for 10 million tons of capacity, is getting the equivalent in this country of what would be a $4 billion Government bailout to our 100 million-ton capacity domestic steel industry.

Mr. President, I know those numbers are incredible, but they are accurate. Although this loan will not by itself create additional new capacity in Mexico, it will lead to very big production increases which will further clog international steel markets and it will make the Mexican industry, which now is not competitive, much more competitive, and at whose expense? The answer, Mr. President, is at the expense of other industries, other countries, and, in particular, our steel industry and our steelworkers, which are somehow expected to achieve the same results on their own with no Government help.

Although this loan will not by itself create new capacity, it will lead to production increases which will further clog international steel markets, and it will make the Mexican industry more competitive at the expense of other industries, like ours, which are being expected to achieve the same results on their own.

It is fair to say, Mr. President, that the Mexican Government appears to have made some useful promises in connection with the loan with respect to eliminating certain subsidies and price controls. But I have some questions as to whether the commitments are sufficient to provide for fair trade in steel, but I also object to what is essentially bribing a country to do what is in its own economic interest.

I would rather focus our Government's efforts on facilitating a more modern, more competitive U.S. industry, in supporting the pension legislation which Senator METZENBAUM and I have authored, which I earlier mentioned, and in developing a stronger worker adjustment and retraining program for laid off steelworkers and others.

On that point, Mr. President, it is something of a travesty that we only spend this year some $50 million for the entire Trade Readjustment Assistance Program, which is supposed to benefit all displaced American workers, no matter from what industry they are displaced. For the World Bank to spend eight times as much money, some of it our money, to put more American steelworkers out of work is both pernicious and grossly unfair.

This loan will be harmful to the global steel industry and to our producers and workers in particular. It should be opposed for that reason. What is also particularly distressing, about it, if I might add, is what it says about our own Government's willingness to focus on our needs when it is thinking about other people's requests for help.

Mr. President, we cannot afford the luxury of focusing on other people's needs before looking after our own first, and it is past the time, Mr. President, that we recognized that fact.

Mr. President, in due course Senator METZENBAUM will be offering this resolution for himself, myself, and others. I commend it to our colleagues. I urge our colleagues to join in cosponsoring Senator METZENBAUM's resolution. I see the Senator from Ohio on the floor.

I take this occasion to commend the Senator from Ohio [Mr. METZENBAUM] for authoring the resolution that he will shortly introduce. Mr. President, I thank the Chair. I thank my colleagues.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I will be happy to yield to the distinguished Senator from Ohio if he wishes to make a statement. I plan to go to the polygraph bill shortly, but I am awaiting the arrival of Mr. SIMPSON, who is presently detained temporarily in a conference.

Mr. METZENBAUM. I thank the leader.

The PRESIDING OFFICER [Mr. ADAMS]. The Senator from West Virginia has yielded to the Senator from Ohio.

WORLD BANK LOAN FOR MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM. Mr. President, I send a sense-of-the-Senate resolution to the desk, on behalf of myself, Senator HEINZ and Senator DIXON regarding a World Bank loan for Mexico's steel industry.

Two days from now, the World Bank is scheduled to consider approving a

$400 million loan to help Mexico restructure its ailing steel industry.

The administration thinks its a good idea.

They couldn't be more wrong.

How can the United States, as a prominent member of the World Bank help Mexico turn its steel industry around with subsidized financing when it will not lift a finger for the steel industy here at home?

Why back an effort which could help a foreign country make more and better steel? There's already worldwide overcapacity.

Why back an effort which could wind up costing American workers their jobs?

It isn't fair.

It doesn't make sense.

Certainly I'm concerned about Mexico's financial woes. The stability of our friend and neighbor is critical to our own national interest.

But I'm just as concerned about the need to maintain a strong domestic steel industry. That's critical to our national interest too.

It makes no sense to provide subsidies to help Mexico restructure its steel industry while turning a deaf ear to domestic steel companies and workers.

But that is the present course of our Government.

Indeed, the administration has called it folly to pump Federal dollars into domestic steel companies.

This administration calls saving American jobs "folly."

I call their steel policy a three-ring circus.

The administration boasts that Mexico has agreed to change its own subsidy and pricing practices for steel as a concession for obtaining this loan. For instance, they say Mexico has expressed a willingness to raise its own low energy prices which have helped keep the cost of Mexican steel down.

This, the administration argues, will help make Mexican steel more competitive with U.S. steel.

It's outrageous for the administration to support a policy that would modernize our foreign competitors. It's nonsense for the administration to enable Mexico to produce more with less, all at the expense of the United States' industry.

If this is part of the administration's "competitiveness" strategy then it is the most absurd investment our Nation could make.

In fact, Mr. President, it is such a bad idea the administration has been too embarrassed to share it with us.

It was only yesterday that the administration informed some of our staffs about the proposed loan. They gave us less than 3 days' notice.

Mr. President, Mexico is facing an economic crisis. It needs our help, and we should do all we can to be a good friend to our neighbor. But I'm sure the U.S. Government, and the World Bank, can find more worthwhile projects to support than this one.

Our Government has the ability to block this loan. The U.S. Government provides the World Bank with 20 percent of its funding. It has a crucial voice in deciding which projects are funded. It is a voice that needs to be raised to just say no.

That is why I am offering this sense-of-the-Senate resolution today urging the U.S. Government to use its best efforts to prevent the approval of this loan.

Over the past decade, U.S. steel companies have lost billions of dollars. Bankruptcies have proliferated. Plants have shutdown and communities have been destroyed. Precious Federal resources should be aimed at helping American workers and industry, not revitalizing a foreign one.

I urge my colleagues to support this sense-of-the-Senate resolution.

Mr. President, I ask unanimous consent at this point that I include in the RECORD a letter from Bethlehem Steel Corp., and another letter from LTV Corp.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LTV STEEL CO.,
Cleveland, OH, March 1, 1988.

Hon. HOWARD METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: Yesterday we were advised by representatives of the Department of Treasury that the World Bank intends to provide a $400 million loan to the Mexican steel industry for its restructuring and modernization. This loan is justified on the basis that Mexico intends to reduce its trade restrictions and some Mexican steel industry capacity will be eliminated.

We believe that loan should be opposed by the Treasury Department. Worldwide steel over capacity is recognized as a "root" problem to the world steel industry's current dilemma. This proposal, while eliminating some inefficient capacity, appears to, through its modernization program, have the effect of increasing the Mexican steel industry's net capacity, particularly in quality flat rolled steel products.

We believe it is fundamentally wrong to use U.S. taxpayer dollars to subsidize restructuring and modernization of the Mexican steel industry. The end result can only exacerbate the world over capacity problem, limit United States export opportunities and, absent VRA continuation, further threaten the domestic steel marketplace.

We urge to oppose this action.

Very truly yours,
DAVID L. CARROLL,
Vice President, Public Affairs.

BETHLEHEM STEEL CORP.,
Bethlehem, PA, March 1, 1988.

Hon. HOWARD M. METZENBAUM,
Senate Office Building,
Washington, DC.

DEAR HOWARD: I have just learned of the proposed World Bank loan of $400 million to assist the Mexican steel industry in its restructuring efforts. This initiative appears to be proceeding despite the continuing world steel crisis and despite the Mexican government's deplorable record in managing its state-owned Sidermex steel producing operations.

I strongly object to any such loan unless and until a clear case has been made before the Steel Caucus on its merits. I would greatly appreciate any efforts by you and your Senate colleagues to assure that the World Bank is working toward the common good before any such loan is made.

Yours truly,
WALTER F. WILLIAMS.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that additional Senators may be added as original cosponsors before the close of business this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the resolution be held at the desk pending further action of this body.

Mr. BYRD. Reserving the right to object, Mr. President, may I say that there is a request for this to be referred to the committee, to the Foreign Relations Committee. There would be an objection to holding it at the desk. If the Senator would change his request to that of asking that it be held at the desk for the remainder of the day and then be referred to the committee, I do not think I would have to object to that.

I am in sympathy with the objective of the Senator because I have steel mills in my State, of course, and I am interested in this matter. But I do have an objection that I would have to make on behalf of another Senator. If the Senator will change his request as I have proposed, I believe that would be agreeable.

Mr. METZENBAUM. Under the circumstances, the Senator from Ohio would change his unanimous consent request that it be held at the desk for the balance of the business day, and then referred to committee unless further action is dictated by the body prior thereto.

The PRESIDING OFFICER. Without objection, the resolution will be held at the desk for the remainder of the day, and the resolution will be referred to the appropriate committee.

ORDER OF PROCEDURE

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I have been discussing with the distinguished acting Republican leader our going to the polygraph bill, Calendar Order No. 528, S. 1904. I understand from the distinguished acting Republican leader that there would be an objection. I shall move, and I also understand from the distinguished acting Republican leader, and Mr. HELMS, that there will be a request for the yeas and nays on the motion.

Mr. President, I would suggest that Senators be informed by our respective Cloakrooms that the vote will occur shortly. I will put in a brief quorum so the Cloakrooms may get out that message. Before I make the motion I would be happy to yield to the distinguished acting Republican leader for anything that he might wish to say at this point.

Mr. SIMPSON. Mr. President, indeed the majority leader has been very cooperative in sharing with those of us on this side of the aisle what his intention is today and even into the week. Because of the adjournment yesterday we are in the position of morning business where we are to receive a nondebatable motion to proceed to S. 1904, it is perfectly appropriate in every way, and we have those who have objected to any type of ordinary procedure to get to that, and under the rules here. I do appreciate the opportunity to vote on the motion to proceed. That will be expected within a very few minutes.

I assume, then, that I might pass on to those on this side of the aisle and to all of the Senators that additional votes could occur indeed during the remainder of the session today. I doubt seriously that this matter is going to be resolved today. I do not know in the totality of things that we will find out soon.

But we are here to make progress on that. Then if disposed of in timely fashion, we will go on to either the Price-Anderson legislation or the intelligence oversight legislation as the majority leader would direct. Is that the general understanding? I inquire of the majority leader.

Mr. BYRD. Mr. President, yes. It is the understanding. I hope that during this week the Senate would be able to proceed to the congressional oversight legislation, Calendar Order No. 521, S. 1721 that came out of the Select Committee on Intelligence, and also the Price-Anderson legislation. It would be my present inclination to try to take up the House bill, not necessarily in that order.

But those are the two other pieces of legislation that I hope we could deal with this week and it could be one or the other, and then the other before the one. But I hope that the Senate will not be unduly delayed in completing action on the polygraph bill. But in answer to the distinguished acting Republican leader those two bills to which he has referred are the two measures that I would hope the Senate could complete action on this week or at least take some action on one or both this week before we got out. I do anticipate the Senate being in a full week through Friday with votes.

Mr. SIMPSON. Mr. President, I thank the distinguished majority leader. Indeed, it is helpful to have this agenda because, as we do the ritual known as holds, those are not for purposes of total obstruction. They are essentially for the purpose of notifying the Members that they need to be prepared for this debate and get involved and ready themselves, and that is, therefore, very helpful, I think, on both sides of the aisle as we look at that kind of an agenda. I thank the majority leader.

Mr. BYRD. Yes. In many instances, those holds are for that purpose, as the assistant Republican leader has said, of informing Senators that the measure is about to be called up. They may have amendments they wish to debate, and so on.

POLYGRAPH PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I now move that the Senate proceed to consideration of Calendar Order No. 528, S. 1904.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. BYRD. Mr. President, I believe the Senator from North Carolina wishes to ask for the yeas and nays.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, this is not a debatable motion. I ask unanimous consent to proceed for 15 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this motion is not debatable. I had said I would suggest the absence of a quorum.

I ask unanimous consent that the call for the regular order be automatic at the end of 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to proceed to the consideration of S. 1904, Calendar Order No. 528, a bill to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. RUDMAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—74

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Weicker
Wilson
Wirth

NAYS—19

Bond
Cochran
Garn
Gramm
Hecht
Helms
Karnes
McClure
McConnell
Murkowski
Nickles
Pressler
Quayle
Stevens
Symms
Thurmond
Trible
Wallop
Warner

NOT VOTING—7

Biden
Dole
Gore
Matsunaga
Packwood
Rudman
Simon

So the motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Commerce.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) Employer.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) Lie detector test.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 8(c).

(4) Polygraph.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) Relevant question.—The term "relevant question" means any lie detector test question that pertains directly to the matter under investigation with respect to which the examinee is being tested.

(6) Secretary.—The term "Secretary" means the Secretary of Labor.

(7) Technical question.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

Except as provided in section 7, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test; or

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION.

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) In General.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) Subpoena Authority.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) Civil Penalties.—

(1) In general.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) Determination of amount.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Collection.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) Injunctive Actions by the Secretary.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) Private Civil Actions.—

(1) Liability.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) Court.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) Costs.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. EXEMPTIONS.

(a) No Application to Governmental Employers.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) National Defense and Security Exemption.—

(1) National defense.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor of such Department in connection with such activities.

(2) Security.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) Exemption for FBI Contractors.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

(d) Limited Exemption for Ongoing Investigations.—Subject to section 8, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—

(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;

(2) the employee had access to the property that is the subject of the investigation;

(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and

(4) the employer—

(A) files a report of the incident or activity with the appropriate law enforcement agency;

(B) files a claim with respect to the incident or activity with the insurer of the employer, except that this subparagraph shall not apply to a self-insured employer;

(C) files a report of the incident or activity with the appropriate government regulatory agency; or

(D) executes a statement that—

(i) sets forth with particularity the specific incident or activity being investigated and the basis for testing particular employees;

(ii) is signed by a person (other than a polygraph examiner) authorized to legally bind the employer;

(iii) is provided to the employee on request;

(iv) is retained by the employer for at least 3 years; and

(v) contains at a minimum—

(I) an identification of the specific economic loss or injury to the business of the employer;

(II) a statement indicating that the employee had access to the property that is the subject of the investigation; and

(III) a statement describing the basis of the employer's reasonable suspicion that the employee was involved in the incident or activity under investigation.

SEC. 8. RESTRICTIONS ON USE OF EXEMPTIONS.

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—The limited exemption provided under section 7(d) shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement,

that limits or prohibits the use of lie detector tests on employees.

(b) TEST AS BASIS FOR ADVERSE EMPLOYMENT ACTION.—Such exemption shall not apply if an employee is discharged, dismissed, disciplined, or discriminated against in any manner on the basis of the analysis of one or more polygraph tests or the refusal to take a polygraph test, without additional supporting evidence. The evidence required by section 7(d) may serve as additional supporting evidence.

(c) RIGHTS OF EXAMINEE.—Such exemption shall not apply unless the requirements described in section 7 and paragraphs (1), (2), and (3) are met.

(1) PRETEST PHASE.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(i) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions or labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any question (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) POST-TEST PHASE.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(d) QUALIFICATIONS OF EXAMINER.—Such exemptions shall not apply unless the individual who conducts the polygraph test—

(1) is at least 21 years of age;

(2) has complied with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) has successfully completed a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) has completed a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintains a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) uses an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) bases an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) renders any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintains all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(e) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 9. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph examiner may disclose information acquired from a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 10. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Mr. KENNEDY. Mr. President, it is quite apparent from the vote that was just taken that the Senate is prepared to debate this issue and hopefully reach an early conclusion to its consideration. I have talked with both my colleague and principal cosponsor, the Senator from Utah, as well as the majority leader—I have not had that opportunity with the minority leader—to try and spell out at least some kind of program for the benefit of the Members so that we would know how we might proceed and that we may move in an orderly way, taking such time as is necessary for the consideration of various amendments, but, nonetheless, to move on through the various amendments in an orderly procedure.

I do not know the disposition of those that are in opposition to the legislation, whether they are prepared to enter into any time agreement or not at this time or at any time. I would inquire, if there would be such a disposition or if there would be objection to such disposition because, if there was no objection, then I would seek out the majority leader and see if he would propose some kind of a time consideration.

I see the Senator from Mississippi on his feet. I think I know what his response might be, but I would be glad to yield to him for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Mississippi has been yielded to for a question. The Senator from Massachusetts has the floor.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in response to the inquiry of the distinguished manager of the bill, I do know that there are serious objections to this bill on the part of several Senators. As a member of the committee, the chairman will remember, when we took it up, there were three votes in committee against the bill. I was one of those who voted against the bill when it was reported out. I do know there are amendments.

I do not imagine that it would be helpful at this time to put a unanimous consent request before the Senate. I think there would be an objection to limiting discussion or limiting amendments at this point.

So I would hope that we could go forward. There are amendments that will be offered. We can debate those and look at those. There is substantial opposition to the bill, I might say.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I think the Senator has responded to the question. I hope, as one Member, that we can go ahead and proceed with the legislation and consider various amendments and try to do it in a timely fashion. I think, again, since there has been such an overwhelming vote in favor of considering it, I think that, since Members have indicated that the Senate should consider this resolution, we do not want to have an undue delay or undue debate and not have some kind of resolution of the various issues which might be raised. We are familiar with those that have been raised in the committee deliberations, and I imagine we will have a number of those again raised here this afternoon.

So I will make my statement, and the Senator from Utah will make his statement, and hopefully we will move ahead with the consideration of the various amendments and get on with the legislation.

Mr. President, today we begin consideration of S. 1904, the Polygraph Protection Act of 1987, introduced by myself and Senators HATCH, PELL, STAFFORD, MATSUNAGA, METZENBAUM, WEICKER, DODD, SIMON, HARKIN, ADAMS, and MIKULSKI on December 1 of last year.

On February 3, the Labor and Human Resources Committee reported the bill out favorably 13 to 3, with Senator HUMPHREY joining the 12 original sponsors.

The time has come to restrict the massive, unconscionable use of lie detectors in the workplace.

This legislation is a fundamental issue of workers' rights. Last year over 2 million workers were strapped to these inaccurate instruments of intimidation.

We know that in most applications, the devices cannot be trusted. It is time to put an end to their unacceptable misuse that unfairly places so many workers' jobs in jeopardy.

The abuse of polygraphs in the workplace has been a concern of Congress for almost 25 years. Scores of bills have been introduced and dozens of hearings held, but we have never taken final action. Meanwhile, the use of the machines has proliferated, especially in the workplace.

In 1964 a House Government Operations Subcommittee reported:

> There is no lie detector, neither machine nor human. People have been deceived by a myth that a metal box in the hands of an investigator can detect truth from deception.

A decade later, Senator Sam Ervin observed:

> A lie-detector test to innocent citizens simply wanting a job reverses our cherished presumption of innocence. If an employee refuses to submit to the test, he is automatically guilty. If he submits to the test, he is faced with the burden of proving his innocence.

All of these problems are compounded by the fact that science has increasingly found no scientific validity for polygraphs in the overwhelming majority of applications.

In hearings by the Senate Labor Committee in the last two Congresses, we received strong testimony supporting the conclusion reached by the Office of Technology Assessment in a technical memorandum published in 1983:

> While there is some evidence for the validity of polygraph testing as an adjunct to criminal investigations, there is very little research or scientific evidence to establish polygraph test validity in screening situations, whether they be preemployment, preclearance, periodic or aperiodic, random, or dragnet.

Beginning with Massachusetts in 1959, 21 States and the District of Columbia have restricted or prohibited the use of polygraphs in the workplace.

Similarly, the vast majority of courts refuse to admit polygraph tests as evidence of guilt or innocence, due to the documented unreliability of the tests.

Yet the use of these machines has climbed sharply in many jurisdictions in recent years. It is time for Congress to act to protect American employees from the massive misuse of this device, which columnist William Safire has called "the most blatant intrusion into personal freedom in this country today."

In the last Congress, the House of Representatives passed Congressman PAT WILLIAMS' private-sector ban on polygraphs, with five industry exemptions, by a vote of 236 to 173. The Senate Labor and Human Resources Committee reported out the Hatch-Kennedy bill, with no industry exemptions, by a margin of 11 to 5, with 4 Republicans and 7 Democrats voting to report it favorably. Congress adjourned, however, before full action by the Senate could take place.

In the current Congress, the House of Representatives has again passed the Williams bill, this time with only two industry exemptions, by an even wider margin of 254 to 158.

The bill before us today is an attempt to balance the interests of employers and employees, based on the known scientific evidence regarding polygraphs and their potential for abuse. It bans the use of preemployment and random testing, which make up 85 percent of the testing being conducted today and for which there is no demonstrable validity.

At the same time, the bill preserves the ability of employers to investigate specific losses under limited circumstances, with employee safeguards in place.

Under the bill, no employer can use a polygraph for preemployment testing of job applicants or random testing of employees. But employers can use the polygraph to investigate specific economic losses, by testing employees who had access to the property under investigation and who they have reasonable suspicion to believe were involved in the incident.

The employer must file a police report, an insurance claim, a report to a regulatory agency, or sign a written statement detailing the basis for the polygraph test, before requesting any employee to take the test.

No employee can be disciplined or dismissed for refusing to take the test or for failing the test without additional supporting evidence, and the test can only be conducted under carefully prescribed circumstances.

The bill does not apply to Federal, State, or local governments—because the Constitution does. Most public employees are constitutionally protected from polygraph tests, and the courts are increasingly affirming this protection.

On October 28, the Texas Supreme Court unanimously found that the State mental health agency's use of the polygraph "impermissably violates privacy rights" protected by the State constitution. The court went on to hold that this protection should yield only when the State can show that the intrusion is "reasonably warranted for the achievement of a compelling governmental objective that can only be achieved by no less intrusive, more reasonable means."

Constitutional protections for public employees, however, are not available to private sector employees, and it is in the private sector that action by Congress is essential to safeguard workers' rights.

The principles of this legislation have widespread support from both business and labor. The bill before us is carefully balanced, and has received the support of many polygraph users.

A number of large employer organizations whose members currently use the test and who opposed the House bill, endorse and support our Senate measure.

The American Association of Railroads opposed the House bill, but endorses the Senate bill.

The American Bankers Association opposed the House bill, but endorses the Senate bill.

The National Association of Convenience Stores opposed the House bill, but endorses the Senate bill.

The National Grocers' Association opposed the House bill, but endorses the Senate bill.

The International Mass Retailers Association opposed the House bill, but endorses the Senate bill.

The National Retail Merchants' Association opposed the House bill, but endorses the Senate bill.

The National Restaurant Association opposed the House bill, but endorses the Senate bill.

The Securities Industry Association opposed the House bill, but endorses the Senate bill.

Some businesses oppose this balanced approach, and some employee advocates also oppose it. But it is a fair measure based on the scientific evidence available to us, and will offer millions of workers long overdue protection from an employment practice too frequently abused.

I urge my colleagues to reject amendments weakening this bill, to reject special interest exemptions, and to support this important step to safeguard the rights and the jobs of millions of American workers.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Utah.

Mr. HATCH. Mr. President, I am sure that few of my colleagues expected to see, during this Congress, the distinguished Senator from Massachusetts and myself standing side by side in support of a labor bill, but S. 1904, the Polygraph Protection Act of 1987, is a truly unique bill. It is a bipartisan measure that represents an equitable compromise of several important, but competing interests.

Applicants and employees have a right to be judged on the basis of their experience, their record, and their character. They should not be prejudged, stigmatized or condemned by the vagaries of a single test for which the accuracy in many instances is highly suspect. Conversely, in our country, it is a regrettable fact that employees steal. Workplace theft is not uncommon in the United States. But nevertheless, polygraphs, though important, are not always accurate, and even the courts of law reject them as an evidentiary tool in most jurisdictions of this country.

S. 1904, I think, addresses these two concerns by barring the use of polygraph examinations where they are the most likely to make a false identification, that is, in preemployment screening or random verification mechanism, but permitting the use of these tests where they are the most likely to be accurate, that is, when given in conjunction with an investigation of a specific incident.

During the last several years, the committee has been struggling with the problem of how best to remedy the problems caused by the widespread use of the polygraph in the private sector. It has been estimated that over 2 million Americans are given a polygraph examination every year, and for many, the exam is given in a manner which minimizes its chances for accuracy. Too often, the polygraph examination is given in an extremely short period of time. These are called 15-minute quickie polygraphs, and the possibility of false identification, especially of honest applicants, is extremely high.

The committee has established a rather extensive record of the abuse and misuse of lie detectors, a record that proves quite conclusively that the existing patchwork of State and local regulation simply does not work. Employers have been rather candid in their admission that the local prohibitions are easily circumvented. Unfortunately, it would appear that many companies hire in one jurisdiction intending to employ in another, their sole reason for this tactic being to avoid existing polygraph restrictions.

And perhaps, most importantly, there is no scientific evidence that demonstrates clearly that the preemployment polygraph actually works. Instead, a reading of the existing literature makes it quite clear that, while the polygraph has some validity when used in conjunction with an investigation, it cannot predict future performance.

On the other hand, Mr. President, it is also clear that we have a problem of theft in the workplace, and we do. Something has to be done about that. Although it is not pleasant to admit, it is a fact that many employees, for a variety of reasons, steal. While it is important that we protect the rights of all citizens, we cannot at the same time eliminate every effective mechanism that an employer has available today to combat crime in the workplace.

It was these facts and considerations, Mr. President, that led to the formulation of S. 1904. By structuring the bill as we have done, we have protected the rights of employees and applicants without jeopardizing the ability and rights of an employer to maintain a safe and crime-free workplace.

There are a few key provisions about the bill, Mr. President, that I would like to highlight. First, the bill does not attempt to regulate Federal, State, or local government use of the polygraph, thus avoiding conflicts with the traditional police powers of State and local governments.

Second, the bill makes clear that the results of a polygraph examination may not be the sole basis for taking an adverse employment action against an employee. Even the most passionate advocates of the polygraph have told the committee that an employer should base its decision on more than just the results of an exam.

Third, the bill resolves the difficulties which arise when an employee refuses to take a polygraph examination. Under this legislation, an employer may not give a polygraph test unless there is a sufficient evidentiary basis warranting the test. As the committee notes in its report on S. 1904, an employer must have a reasonable suspicion that the employee was involved in the incident or activity in question, and that the employee had access. The report goes on to define "reasonable suspicion" to include some observable, articulate basis in fact, such as demeanor of the employee, the totality of the circumstances surrounding his or her access to the property, and discrepancies of fact which arise during the investigation.

Once this evidentiary basis is established, an employer can request that an employee take a polygraph examination. If the employee does not pass the test, this failure, combined with the already established evidentiary basis, is sufficient justification at least with regard to this act for taking an adverse employment action against the employee.

Any employee refusing to take an examination is treated under this legislation the same as one who did not pass the polygraph examination. An employer is free to take any action deemed appropriate. Without this provision, an employer would be taking a serious legal risk when requesting a polygraph exam and, as a result, few would probably ever choose to make such a request.

Fourth, an employer is free to act upon statements or confessions made during the examination process. In my opinion, when such statements are made in the controlled forum envisioned by the bill, that is, in conjunction with an investigation of economic loss or injury, action upon such statements is warranted.

Finally, the bill sets forth several general standards concerning both how a test can be given and the qualifications of an examiner. While the American Polygraph Association does not endorse this legislation, their recommendations in this area were heavily relied upon, and most of the provisions in this section of the bill mirror suggestions that their representatives have made to the committee. Again, I do not want my colleagues to be misled by these comments and presume that the association endorses the bill. They most certainly do not.

While these observations are by no means an exhaustive summary of the provisions of S. 1904, they highlight the care given to the construction of the bill and the utility of the provisions which permit use of a polygraph examination.

In sum, S. 1904 represents a careful balancing, after much consideration, of a variety of competing interests. I would like to say a word about the principal union advocating passage of this statute—the United Food and Commercial Workers International Union. In the past, I have earned, I think, a somewhat undeserved reputation for fighting labor-backed legislation, but I have fought labor-backed legislation which would throw undue power toward the union movement. At those times, I have repeatedly said that when the unions were right, when the legislation they advocated was both necessary and equitable, they would find an advocate in the Senator from Utah.

I supported their efforts to pass the Labor-Management Racketeering Act. I was happy to see that legislation enacted into law. I was glad to assist Senator MOYNIHAN with the Senate's ratification of ILO Conventions 144 and 147 earlier this year. Both efforts were endorsed by the labor movement, and it is no secret they are very pleased with both of those matters. I am happy to be the principal cosponsor of S. 1904, and of course I could list others.

We all know that this body will have an opportunity before the November elections to vote on several items on the labor agenda. Several of these bills, such as the so-called double-breasting bill, will be vigorously opposed, because they are little more than heavy-handed attempts to throw power to unions at the expense of employees, open shop workers, minorities and employers. Proposals such as this raise serious questions, in my mind, as to the quality of leadership of our union movement at times.

S. 1904, the Polygraph Protection Act of 1987, is not such a bill. William Wynn, the president of the United Food and Commercial Workers International Union, should be congratulated for his willingness and foresight to fashion a compromise that addresses not just the needs of his members but the needs of employers also. As one of the few Members of this august body to rise up through the ranks of a trade union, I am proud that the union movement has leaders like Bill Wynn. His willingness to approach this issue with an open mind, to work with both sides of the aisle, and with anyone interested in resolving this problem are some of the key reasons that, unlike other labor bills, S. 1904 has an excellent chance, to become law.

Finally, Mr. President, I congratulate the chairman of the Committee on Labor and Human Resources for his handling of S. 1904 and his efforts to move this bill on the floor. Federal treatment of polygraph examinations could have been an issue where both sides retreated to their respective camps and let action drown in a sea of polemic speeches. Instead, the Senator from Massachusetts has served as the catalyst for the compromise now before us.

I hope my colleagues will take notice of today's unusual alliance on a labor issue. S. 1904 is an effective, equitable solution to the problem of polygraph use in the private sector, and I ask that all of my colleagues join in supporting this important piece of legislation.

This bill is an effective and workable solution to a vexing problem—how do we address the problems arising from polygraph use in the private sector without jeopardizing an employer's ability to combat crime in the workplace.

The polygraph examination was originally developed to assist criminal investigations within the law enforcement community. It was intended to help police investigators determine whether the individual taking the test had actually committed a specific act. In describing this kind of test during his testimony before the Committee of Labor and Human Resources in 1986, Dr. David Raskin, a noted polygraph expert and professor of psychology at the University of Utah, made the following observations:

> The control question technique is the test most generally used in criminal investigations and other situations involving past events, such as theft from an employer or civil litigation. It incorporates questions specially designed to overcome many of the problems inherent in the relevant-irrelevant test. During an extensive and complicated pretest interview which usually lasts at least an hour, the relevant and control questions are reviewed with the subject prior to their presentation during the test phase. The control questions are designed to cause an innocent person more concern than the relevant question, and the innocent person is expected to show stronger reactions to them. In the theft example, a control question might be "During the first 23 years of your life, did you ever take something which did not belong to you?" That question is worded and explained by the examiner in such a way that the subject will answer "No" to that question. Even though innocent subjects are certain of the truthfulness of their answers to the relevant questions, they will be concerned about failing the test because of deception or uncertainty about being truthful in answering "No" to the control questions on the test. The control questions are deliberately vague, cover a long period in the subject's prior life, and include acts which almost everyone has committed but are embarrassed to admit in the context of a psychologically proper polygraph examination. On the other hand, guilty subjects are more concerned about failing the test because they know that they are being deceptive to the relevant questions.
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> The outcome of a control question tests is evaluated by a numerical scoring system which is highly reliable. If the reactions are stronger to the relevant questions, the subject is diagnosed as deceptive. However, stronger reactions to the control as compared to the relevant questions are indicative of truthfulness to the relevant questions. The control question procedure also takes into account the individual reactivity of the subject. Any factor which produces a generally high or low level of reactivity will result in little difference between the reactions to the relevant control questions, and the outcome will be inconclusive instead of wrong. The control question test is administered according to a standard format, and the examination usually takes at least two hours.
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> In most criminal investigations an incident has already occurred, and such methods are designed to assess the credibility of suspects who deny knowledge or involvement in criminal activity and informants who offer information about the incident, usually for some personal gain. Thus, applications in criminal investigation attempted to determine truth or deception with regard to a specific event which has already occurred. Furthermore, every person has a constitutional right to refuse to take such a test without prejudice. Polygraph techniques were originally developed for such situations, and the scientific evidence indicates that the control question test may attain accuracies in the range of 85 to 95 percent when assessing credibility regarding a past event.

Unfortunately, the most prominent use of polygraphs in the private sector is not in conjunction with an investigation of a specific incident. Instead, today many employers use polygraphs to screen applicants. The tests are used to judge whether an individual is likely to be an honest and hard working employee, to give the employer some sense of security about the people he is hiring.

The obvious problem with such use, however, is that the polygraph was not designed to predict future performance. Consequently, the chances for false identification are much higher. And, in the preemployment area, these mistakes tend to be false positives instead of false negatives. As Dr. Raskin observed:

> Whether we consider the laboratory or field results, many more errors are made by incorrectly labeling innocent subjects as deceptive than by labeling guilty subjects as truthful. Those findings are consistent throughout the scientific literature and emphasize the need for caution in the interpretation of deceptive outcomes on polygraph tests, especially when the results of such tests are used in the employment context where individuals may be required to take the tests and their employability may be determined entirely by the findings of the polygraph examiner.
>
> The problem of false positive errors is magnified in those situations where the incidence of deception is relatively low. That is known as the problem of baserate. When the proportion of examinees practicing deception differs from 50 percent, the confidence in the outcome of a test is not the same as the average accuracy of the test. When most of the individuals tested are actually being truthful, many of the deceptive outcomes are errors in labeling truthful people as deceptive. Therefore, the confidence in a deceptive test outcome is much lower than we might expect with a highly accurate test.

When the proportion of guilty people among those who are tested is slight, which is the case in preemployment testing, the confidence that can be placed in a finding of deception is not high. For example, if we assume that one out of every five persons taking a preemployment polygraph test is, in fact, guilty, and we are assuming that the overall may be as high as 85 percent, which is rarely the case in preemployment screening, almost half of the individuals who fail the test are in fact innocent.

It is estimated that there are approximately 2 million people a year taking polygraph tests. Under the example above, with the extremely generous assumption of 85-percent accuracy, roughly 320,000 honest people each year would be labeled as deceptive because of false positive errors. Given the reality about polygraphs in the workplace today, some experts believe the number of false identifications exceeds half a million each year.

It is interesting to note that these figures are based upon the assumption that the polygraph is being given in an above board manner by competent examiners. Unfortunately, we also know this assumption is false.

Too often applicants are subjected to the 15 minute special, where the level of accuracy is impossible to determine. During his testimony before the committee, F. Lee Bailey, a staunch advocate of the polygraph, stated that such tests were not polygraph tests. He went on to say that the type of examination he was defending takes a minimum of 3 to 4 hours to complete. The record is quite clear, Mr. President, that few employers are giving 3 to 4 hour polygraph examinations.

In sum, the committee has a rather extensive record, on both a practical and scientific basis, indicating that preemployment polygraph examinations are not accurate. As the American Psychological Association has noted:

> Despite many years of development of the polygraph, the scientific evidence is still unsatisfactory for the validity of psychophysiological indicators to infer deceptive behavior. Such evidence is particularly poor concerning the polygraph use in employment screening.

The traditional response to these findings is to list examples of confessions that have been given by applicants terrified by the prospects of taking a polygraph examination. In fact, some assert that the real benefit of these tests is not the results of the examination but their inherent ability to terrify applicants into confession.

While no one can doubt the confessional aspect of these exams, this feature is obtained at significant cost. Is branding as liars over half a million honest people each year a cost my colleagues are willing to pay to obtain the occasional terrified confession? I think not.

Another typical complaint heard is that it is true that polygraphs have been abused and misused, but that it is an issue that is best left for the States. Stephen B. Markman, Assistant Attorney General for Legal Policy made the following observation:

> The Framers of the Constitution set up a structure that apportions power between the national and state governments. The values that underlie this structure of federalism are not anachronisitic; they are not the result of an historic accident; they are no less relevant to the United States in 1986 than they were to our Nation in 1789. In weighing whether a public function ought to be performed at the national or state level, we should consider the basic values that our federalist system seeks to ensure. Some of those principles include:
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> *Dispersal of Power.*—By apportioning and compartmentalizing power among the national and 50 state governments, the power of government generally is dispersed and thereby limited.
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> *Accountability.*—State governments, by being closer to the people, are better positioned as a general matter to act in a way that is responsive and accountable to the needs and desires of their citizens.
>
> *Participation.*—Because state governments are closer to the people, there is the potential for citizens to be more directly involved in setting the direction of their affairs. This ability is likely to result in a stronger sense of community and civic virtue as the people themselves are more deeply involved in defining the role of their government.
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> *Diversity.*—Ours is a large and desparate nation; the citizens of different states may well have different needs and concerns. Federalism permits a variegated system of government most responsive to their diverse array of sentiment. It does not require that public policies conform merely to a low common denominator; rather, it allows for the development of policies that more precisely respond to the felt needs of citizens within different geographical areas.
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> *Competition.*—Unlike the national government which is necessarily monopolistic in its assertion of public authority, the existence of the states introduces a sense of competition into the realm of public policy. If, ultimately, a citizen is unable to influence and affect the policies of his or her state, an available option always exists to move elsewhere. This option, however limited, enhances in a real way the responsiveness of state governments in a way unavailable to the national government.
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> *Experimentation.*—The states, by providing diverse responses to various issues which can be compared and contrasted, serve as laboratories of public policy experimentation. Such experimentation is ultimately likely to result in superior and in some instances naturally uniform policies, as states reassess their own and other states' experiences under particular regulatory approaches.
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> *Containment.*—Experimenting with varying forms of regulation on a smaller, state scale rather than on a uniform, national scale confines the harmful effects of regulatory actions that prove more costly or detrimental than expected. Thus, while the successful exercises in state regulation are likely to be emulated by other states, the unsuccessful exercises can be avoided.
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> While these values of federalism may often mitigate in favor of state rather than national action, other factors—including a demonstrated need for national policy uniformity or for a monolithic system of enforcement—mitigate in favor of action by the national government and must be balanced in this process. For example, the need for a uniform foriegn policy on the part of the United States clearly justifies national rather than state action in this area. Similarly, in the interstate commerce area, the need for a uniform competition policy argues strongly for national antitrust law; and the need for efficient flow of interstate transportation argues for national rather than state regulation of airplane and rail safety. In other words, by federalism, we are not referring to the idea expressed in the Constitution that certain governmental functions are more properly carried out at the level of the 50 states, while others are more properly carried out by the national government.
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> While reasonable individuals may well differ on the direction in which these and other factors of federalism point—and that may well be the case in the context of S. 1815—it is nevertheless critical that we not lose sight of the need to go through this analytic process.
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> When these factors are examined in the context of polygraph regulation, the balance in the Administration's judgment is clearly struck in favor of state, not national, regulation. Not only is there no need for national enforcement or uniformity with respect to private sector polygraph use, but the benefits of leaving regulation to the states are evident; polygraph regulation is a complex issue, subject to extensive ongoing debate, in which a sustantial number of reasonable responses are available to (and have indeed been adopted by) the states.

> Whether or not polygraphs should be regulated by some level of government is not the issue here. Assuming that polygraphs are abused by private employers—and there is no question that such abuse is possible—the states are as capable as the national government of recognizing and remedying any such problem. In fact, they have the greater incentive to do so since the rights of their own citizens, to whom they are immediately accountable, are involved. As I indicated earlier, 70 percent of the states have already recognized a need for certain protections in this area and have provided them through various forms of state legislation.

The position of the Department is troubling for several reasons. First, it assumes incorrectly that Congress cannot preempt State law in the area of labor relations. In fact, most of the important aspects of labor relations have, over the last 50 years, become subject to Federal statutory law. The National Labor Relations Act of 1935, the Fair Labor Standards Act of 1938, the Labor-Management Reporting and Disclosure Act of 1959, the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Occupational Safety and Health Act of 1970, and the Rehabilitation Act of 1973 are just a few of the labor statutes enacted by Congress which have preempted State labor law.

Second, the test proffered by the Department of Justice is so stringent that it is doubtful whether any current Federal labor law or civil rights statute would satisfy its standards. If applied literally, it would appear to preclude congressional involvement, not only in the area of polygraph testing, but also in every employment practice currently regulated by the Federal Government. Congress, on the other hand, has consistently moved in the other direction, and it is difficult to imagine an employment issue other than polygraph testing that is still beyond the purview of Federal control.

Since the 1940's, the U.S. Supreme Court has broadly defined interstate commerce, consistently ruling that Congress has virtually unlimited authority to enact legislation in the labor context. See *United States* v. *Darby,* 312 U.S. 100 (1941); *Wickard* v. *Filburn,* 317 U.S. 111 (1942). As Justice Stevens said in a recent decision:

> Today, there should be universal agreement on the proposition that Congress has ample power to regulate the terms and conditions of employment throughout the economy.

Concerning opinion, *EEOC* v. *Wyoming,* 460 U.S. 226, 248 (1983).

It is interesting to note that during the testimony presented on behalf of the U.S. Department of Justice, the Department's witness admitted that it's opposition to S. 1815 would be considerably diminished if it could be shown that private employers were crossing state lines to avoid complying with polygraph bans in the States where they were operating. In fact, employer use of this deplorable practice is well documented.

Finally, the Department's position would have us ignore the one fact on which there seems to be a consensus of opinion—existing state restrictions and regulations have neither stopped or curtailed polygraph abuse.

It should be clear that there is a demonstrated need for uniform, national enforcement. The experience of the last 10 years has shown most vividly that State statutes, such as they are, have provided little effective protection for working men and women against those who intentionally misuse the polygraph instrument. To argue that the States can, and are, providing the best solution to polygraph abuse its tantamount to arguing that Congress should continue to ignore this pervasive problem.

Even where States do provide some regulations, it has often proved ineffectual. Take the case of Mary Braxton, who testified before the committee. She was required to sign a consent form when she was hired indicating her willingness to take a polygraph whenever her employer required her to do so. She worked for 5 years without any problems. In fact, on several occasions, she received promotions.

One day, she went to work and to her surprise was asked to take a test. She did and passed. The next day, which was her day off, her manager called and said she had to take another exam. Her own words best describe what happened when she showed up for the second test.

The examiner asked me, "Did I test you yesterday?"

I told him, "Yes, but my manager told me to come in and be retested today."

He called the manager, and after that he went about testing me again. Before he hooked me up, he went over some questions, like my name, whether I worked for the employer, how long I had worked there, and what was my position. He also asked me question about whether I had ever stolen, or if I knew of anyone who had. He did not write anything down, and I am not sure now whether he asked me all these questions before he hooked me up or while I was on the machine.

After the test, he looked puzzled and said something like, "Are you sure this is it? or "Is this all?" I felt like he was not satisfied with the way the test had come out.

He asked me some questions about money at the pottery, and I told him that I sometimes found money when I swept the floor. We had a cup over the register, and when we found money on the floor, we would put it there for anyone who needed some extra change for Cokes or things.

He then wrote up a statement saying that I had stolen $5 or $10 from the pottery. I refused to sign it. He got mad and threw the papers across the desk and onto the floor. At that point I got very nervous and wondered what in the world was going on. I was still doing 100 shakes a minute—as I am doing now. He would not test me again if I would not sign the paper. I agreed to sign the paper if he would give me another test, and the test would clear me. He retested me—it lasted about 5 minutes or less, because he went through the questions real fast. I spent no more than 20 minutes with the examiner that day.

After that, he showed my confession to my employer. He did not show them the test results. I had reported back to my building and was informed later that I had no job.

One of the employees walked up to me and stated that he stole every day, and he had taken the test, too, but had not gotten caught.

I felt betrayed, because I had built myself up on the job and had worked hard for my employer, and all of a sudden everything was gone. I was branded as a thief. I could not face the world, my friends, and my kids. When I told my kids, they felt bad about me being fired, and they could not understand because they said, "Mama, you don't steal."

They had a rough time in school, too, after that because other kids said that their mother had been fired because she stole.

My friends were supportive. They came by and told me I should fight the pottery on this. I did not talk to people other than my friends and family about it, because it was too painful. I cried many nights about it. I went to a doctor and got some pills to help me.

One day, about 2 weeks later, I just put it in my mind that I had to go look for a job. While I was applying for a job, I told the owner about what had happened to me, and he told me that he had heard about it. That made me feel bad, because I did not get the job, and because someone in the community knew about it, and I thought a lot of people must have been talking about it.

I applied for a number of jobs, but no one would hire me. I finally went to the unemployment office. I did not think I would get any benefits, but I did. The Pottery appealed the unemployment decision, and I went to legal aid. They helped me win again, and they told me that I might sue the Pottery and the Polygraph Examination Co. I won my case against the polygraph examiner and his company. And it took a number of years to live the story down. Now, if I have to look for a job, I tell the employer what happened to me and that I will not take a polygraph test. If the test is required, I do not want the job. So far that has worked well for me.

Ultimately, Mrs. Braxton won her law suit and a $21,000 judgment against the polygraph company, unfortunately, she never received a cent of her money, because the examiner packed up his bags and fled the State, free to practice his deplorable tactics in another jurisdiction.

Mr. President, the case for taking legislative action against the polygraph has been made. State regulation will not work, nor is there any scientific evidence that the polygraph can predict future performances. And, there seems to be little if any interest among private sector employers to conduct the type of exam, a 3- or 4-hour extensive polygraph test, that most polygraph experts believe is necessary to ensure some accuracy of result.

S. 1904 was drafted with these realities in mind. Its primary purpose is twofold. First, it prohibits preemployment and random polygraph tests, where the possibility of mistaken identifications are the highest, where the likelihood of identifying an honest person as a liar is prevalent. Second, it permits polygraph tests if given in conjunction with an investigation of economic loss or injury to the employer, where the likelihood of accuracy is highest.

The bill also requires that certain standards be met when giving such examinations and that examiners be sufficiently qualified, bonded, and controlled. S. 1904 also makes it clear that the polygraph, by itself, cannot be the sole basis for taking an adverse employment action. I might note, Mr. President, that this last point is one constantly stressed by every reputable polygrapher that I have talked with during the last 3 years.

In drafting such a bill, there are obviously a few key provisions. First, S. 1904 does not attempt to regulate Federal, State, or local government use of the polygraph. While the opponents of this legislation assert that this fact is one of the bill's most critical failings, I feel it is one of its real strengths.

I do not feel it is appropriate for the Committee on Labor and Human Resources to be interfering with the traditional police powers of State and local governments. Instead, S. 1904 carefully avoids such interference. As to the Federal Government, Congress has already established guidelines and regulations governing the limited instances in which it will use the polygraph. Again, I found little interest among private sector employers to engage in the kind of polygraph testing practiced by the Federal Government. Often these tests take 1 to 2 days and are followed by a detailed field investigation. I have yet to meet a private sector employer that utilizes similar procedures.

Second, S. 1904 does not apply to contractors for several agencies who are subject to intelligence and counterintelligence activities. Again, the regulations governing use of polygraphs by such employers are extremely stringent and, given the compelling governmental interest in national security, this limitation appears not only justified but highly appropriate.

Third, S. 1904 contains section 7(d) which provides that an employer may request an employee "* * * to submit to a polygraph test if the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation or an act of unlawful industrial espionage or sabotage."

The committee's report makes it clear that the term economic loss or injury applies not only to instances where the employer can demonstrate a financial loss but also those instances, such as money laundering, which might actually result in a short-term gain to the employers.

Similarly, the report makes it clear that also included under this term would be instances such as theft from property managed by an employer. This language was added to address the fact that many crimes and situations may cause only indirect economic loss or injury. For example, a repairman at an apartment building might steal repeatedly from building tenants. An artful lawyer might argue that such theft would not cause direct economic loss or injury to the employer but to the tenant and thus would not be an event subject to the act. The committee report makes it clear that such theft would be covered, thus making it possible to avoid such an unintended anomaly.

Fourth, S. 1904 makes sure that the results of a polygraph examination are not the sole basis for an adverse employment action. As I noted before, I have yet to hear from any reputable polygraph expert that the results of a polygraph should be the only basis on which to decide an employee's fate. They all appear to agree that there should be some corroborating evidentiary basis before an action is taken. The legislation provides this requirement.

Fifth, S. 1904 addresses the issue of what happens when an employee refuses to take a polygraph requested by an employer in conjunction with section 7. According to section 8(b), an individual who refuses to take an exam is treated the same as one who did not pass. An employer may take an adverse employment action, including termination, if it has additional supporting evidence, the same evidentiary basis needed to give a polygraph. Consequently, an employer is not put in an adverse legal situation by requesting that an employee take a polygraph examination in accordance with the requirements of the bill and the employee refuses. Without this provision, the exemption would be a charade, of little or no use in the private sector.

Sixth, S. 1904 addresses the important issue of how to handle confessions or statements made during the examination. The bill makes it clear that an employer is free to act upon statements made before the examination or even during a test. The committee's review of the use of polygraph has provided numerous examples of individuals who have confessed to a variety of acts when confronted with the possibility or the reality of a polygraph examination. In my opinion, where such statements are made in the focused forum envisioned by the bill, that is in conjunction with an investigation of a specific economic loss or injury to an employer, action upon such statements is warranted. As a result, S. 1904 does not impinge upon such action by an employee.

Seventh, S. 1904 addresses the problem of lawyers to the degree that the problem of lawyers can be addressed under any one piece of legislation. The act makes it clear that while an employee has the right to obtain and consult with legal counsel before each phase of the test, his or her attorney cannot be present in the room, during the actual examination. Some have argued that counsel should be present during the examination, but I do not understand how one could run a legitimate polygraph test with a lawyer in the room who is constantly disrupting the process. Again, S. 1904 strikes a reasonable and equitable balance between the competing interests involved.

Eighth, S. 1904 provides that, before a polygraph exam can be given, an employer must, among other things, do one of four things. It must file a report of the incident or activity with the appropriate law enforcement agency, the employer's insurer, the appropriate Government agency, or it must execute a statement. Under this fourth category, an employer must keep on file for three years a statement setting forth the evidentiary basis which justifies resorting to the use of a polygraph. This requirement is a protection not only for employees but for employers. They will now know what type of materials they need to retain to ensure compliance with the law.

I have been disturbed, Mr. President, because some opponents of the bill have been contacting members of this body asserting that the only way an employer can give a polygraph is, if it first contacts the police, a burden they find excessive. While such a burden may or may not be excessive, certainly drafting a memorandum cannot be called burdensome. As a lawyer familiar with existing Federal and State labor statutes, I worry about the wisdom of any employer who is not already retaining a written record of every adverse employment action.

Ninth, S. 1904 does establish several qualifications for examiners and guidelines for the giving of tests. In drafting these provisions, great reliance was placed upon the recommendations of the American Polygraph Association. While I recognize that this organization does not support S. 1904, they did provide the committee with several ideas on how to ensure competent examiners and accurate exams. As William Scheve, the president of the American Polygraph Association testified in 1985:

> We would suggest that if the Federal Government decides to regulate the administration of polygraph examinations, that it do so by establishing recommended standards and guidelines for the polygraph industry and by strongly encouraging the states to adopt them.
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> A regulatory approach such as this would establish the training criteria that competent examiners consider to be essential for the proper administration of all polygraph examinations.
>
> Federal standards and guidelines could also address issues such as appropriate instrumentation, proper examination procedures, and the necessity for effective enforcement policies. The employers' use of polygraph examination results could also be addressed. We believe that by adopting these standards, coupled with our suggestions for continuing education and professional affiliation, citizens and employers alike would be assured that tests would be both fair and accurate.

The provisions found in section 8 (c) and (d) are based in larger part on the recommendations of the association.

Finally, S. 1904 requires that polygraph examiners be bonded. By doing so, the Mary Braxtons of this world will no longer be without recourse against the deplorable acts of incompetent polygraphers.

Looking over these comments, I hope my colleagues will agree that S. 1904 is a carefully crafted, effective solution to the use of polygraphs in the private sector. It deserves the support of this body, and I hope we will act on legislation in an expeditious manner.

I think this is important legislation. I hope we will have support for this bill on the floor and that we can pass this bill all the way through both Houses of Congress in its present form. This Senator will do everything he can to work toward that end.

Mr. COCHRAN. Mr. President, I rise to note for the record and to advise Senators that there were three of us in the committee who voted against reporting this bill to the Senate. Those reasons are stated in minority views that are included as a part of the committee report. This Senator did not actually write views that were included in the report, but I wish to express some concerns now to advise Senators that there are objections to this legislation.

As we were waiting on a quorum when we were taking up the bill and preparing to report it out, I made the mistake of reading the bill. That may be why I voted against it. I was attracted to one provision that just jumped out at me; it is on page 35 of the bill now on the desk of every Senator. It is entitled "Promulgation of Standards," and I will read it with the indulgence of the Senate:

> The Secretary shall establish standards governing individuals who, as of the date of the enactment of this act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

It strikes me that we are creating, by passing this bill, an authority at the Federal level for a Cabinet-level Secretary to promulgate standards on which States will have to base their licensing of polygraph examiners. If there is a different meaning, for this language, I hope the Senate will be advised.

What concerns me about this provision is that it marks the first time ever the Federal Government has attempted to legislate standards for a profession or vocation it has never regulated before. And there are many other vocations and areas of activity for which the Federal Government does not purport to establish standards for licensing.

I think immediately of the medical profession, where the life, safety, and health of individuals is very directly affected by the competence and ability of those providing medical care. Under our system of government the States have the power to prescribe standards and qualifications that must be met by those who seek to be licensed as medical doctors. This is not the responsibility of the Federal Government. And there are many, many other illustrations of that. It may be that the Federal Government ought to be more involved in some areas, but I do not think the case has yet been made. Certainly, to permit the Secretary of Labor to establish standards for polygraph examiners would be a very sharp departure from past practice and from the division of power between the State and Federal governments.

So I raise that question. I may have an amendment that I will offer later to deal with this question, to try to define exactly what power we are conferring on the Federal Government in the area of licensing or standard setting, and to see whether or not the Senate agrees with a change in this section.

I sympathize with the views expressed by the managers of the bill that we certainly do not want to see in our country any abuse of the rights of individual workers or prospective employees by employers in the administration of polygraph examinations as a condition to employment. I do think, however, that in some industries there are legitimate concerns about the honesty, integrity, and physical condition of prospective employees. Employers have the right to inquire and to satisfy themselves that applicants for those jobs are fit and well-suited for employment in those industries.

I think for instance about the situation where employees may be called upon to handle large sums of currency. If in their backgrounds there are examples of behavior that show that prospective employees are not trustworthy, they, their prospective employers have a right to find that out. On the other hand, if a polygraph examiner is qualified for the job under licensing of the State, then in my judgment there should not be a Federal law to interfere.

I hope that we look very carefully at this legislation before we rush to passage or rush to vote. I know the distinguished Senator from Indiana, Senator QUAYLE, has expressed opposition in the committee to the bill and has amendments that he wants considered. There are other Senators who also contemplate offering amendments.

I appreciate very much having this opportunity to alert the Senate to the fact that there is opposition to this legislation, to state why there is opposition from this Senator at this point, and to express the hope that we will consider carefully suggestions for change before we enact the bill.

Mr. KENNEDY. Mr. President, just briefly I welcome the points that have been made by the Senator from Mississippi. He has made these comments during the course of our own consideration of the legislation.

We, over the course of our hearings, found that there were a number of instances where States did not have any kind of regulation or prohibition in terms or licensing of various of the polygraph personnel, and that many of those companies would actually use, in many instances, the kinds of abuses that would fall into the type of abuses that were described earlier, and then assigned those personnel to the various States where there were prohibitions against any kind of the intrusive aspects of polygraph that has been described.

So at the present time we find very substantial abuses in circumventing State regulations and we had impressive testimony along those lines.

Given the dramatic growth of the use of polygraph across the country and the abuses which have been so evident, it seemed like the type of actions that we have recommended would be legitimate and be worthwhile.

I want to point out that we do not preempt those States that have effective laws. We respect those. But I would mention to the Senator from Mississippi that it was only about a year ago in the omnibus drug bill that Congress voted overwhelmingly to grant the Secretary of Transportation power to review the States' licensing of truckdrivers, not that that necessarily should as one instance be used as a blank predicate for the support of this legislation. But recognized were the dangers that were presented, particularly in many States that did not have the kind of review in terms of the safety and the training various truckdrivers—in fact, they were using the interstate system—and that these matters were in effect a matter of interstate commerce; that providing that kind of limited review by the Department of Secretary of Transportation was warranted. We have a number of other areas as well.

I respect the arguments that have been made by the Senator from Mississippi, but I do think in light of the overwhelming evidence during the course of our hearings, talking about the circumvention of various State laws and the growth of the various uses of the polygraphs, that this activity is warranted.

Mr. President, as I say, we are prepared to deal with any of the various amendments. I am hopeful we will be able to address those because we are prepared to deal with those now.

● Mr. SIMON. Mr. President, I am pleased today to be counted among those in support of the Polygraph Protection Act of 1987.

Twenty-one States have either banned or restricted the use of lie detectors in the workplace, but the number of Americans who must submit to these tests continues to grow. Working men and women in the private sector are subjected to more than 2 million lie detector tests every year—4 times the number given 10 years ago. State lie detector prohibitions have proven inherently inadequate.

The truth is that polygraph tests cannot accurately distinguish truthful statements from lies. The Congressional Office of Technology Assessment has reviewed field studies of polygraph validity and has found that honest people are more likely to fail polygraph tests than dishonest people. The tragedy is that at least 200,000 Americans are wrongfully denied employment opportunities every year—not because of their work records, but rather because employers rely on inaccurate lie detector tests. Honest workers would be better off if their employers made these personnel decisions by simply flipping a coin.

Certainly American workers must be afforded the same protection from polygraph tests which is routinely granted to indicted suspects in criminal proceedings. These people cannot be forced to take polygraph tests, and even the Justice Department opposes the use of polygraph examination results in criminal trials as evidence of guilt or innocence. Yet many employees and job applicants can be forced to take lie detector tests for any reason whatsoever.

Mr. President, this bill will prohibit the use of preemployment polygraph tests—the area of greatest abuse of applicants' rights by potential employers. It does not, however, prohibit the use of polygraph tests completely. If a loss report has been filed with a Federal agency or an insurance company, a detailed written statement has been made of the loss by an employer, or the police and a complete investigation has been made leading to certain, specified suspects, the polygraph may be used under certain restrictive circumstances. This, Mr. President, is certainly an equitable procedure for dealing with polygraph testing. We must address the problem of abuse here, and I would hope that many of my colleagues will agree with me and vote for this bill.●

Mr. THURMOND. Mr. President, I rise today to offer an amendment to this bill to require rotating health warning labels for all alcoholic beverage containers. This is the same legislation I introduced earlier this year along with my distinguished colleagues Senator METZENBAUM, Senator HARKIN, and Senator EVANS.

Last year, I took the opportunity to inform my colleagues of the continuing lack of responsibility on the part of the alcohol beverage industry regarding their advertising practices. Such irresponsibility demands congressional action to counter the adverse effect these practices are having on the Nation.

Mr. President, the Public Health Service recently completed a study on the potential educational effects of health warning labels and concluded that labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives.

Mr. President, health warning labels are an important step to educate the consumer on the potential hazards of alcohol consumption.

The warnings in this measure, which would be placed conspicuously on the beverage containers, would read as follows:

> WARNING: The Surgeon General has determined that the consumption of this product, which contains alcohol, during pregnancy can cause mental retardation and other birth defects.
>
> WARNING: Drinking this product, which contains alcohol, impairs your ability to drive a car or operate machinery.
>
> WARNING: This product contains alcohol and is particularly hazardous in combination with some drugs.
>
> WARNING: The consumption of this product, which contains alcohol, can increase the risk of developing hypertension, liver disease and cancer.
>
> WARNING: Alcohol is a drug and may be addictive.

Mr. President, alcoholism and alcohol abuse are recognized as one of our Nation's most serious problems.

To illustrate the extent of alcohol abuse, here are a few relevant examples:

First. The National Institute on Alcohol Abuse and Alcoholism [NIAAA] says that alcohol costs the American economy nearly $120 billion per year in increased medical expenses and decreased productivity.

Second. The NIAAA estimated that 18.3 million Americans are "heavy drinkers" which is defined as consuming more than 14 drinks per week.

Third. In 1985, over 12 million American adults had one or more symptoms of alcoholism. This represents an increase of 8.2 percent from 1980.

Fourth. Since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy. Despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation. It is the only preventable birth defect among the top three. However, a 1985 government survey revealed that only 57 percent of Americans had even heard of fetal alcohol syndrome.

Fifth. A 1987 HHS report to Congress entitled "Alcohol and Health" cites that nearly one-half of all accidental deaths, I repeat, one-half of all accidental deaths—suicides and homicides are alcohol related. Nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime.

Sixth. Alcohol related traffic accidents claim over 23,987 lives each year in the United States.

Seventh. Among teenagers, alcohol abuse has reached epidemic proportions. According to the 1987 HHS report, an estimated 30 percent or 4.6 million adolescents experience negative consequences of alcohol use, such as poor school performance, trouble with parents, or trouble with the law.

Eighth. According to recent statistics, alcohol remains the most widely used drug among American youth.

For many years I have firmly believed in the need for warning labels on alcoholic beverages, and I have introduced this type of legislation before. In fact, I cannot imagine any argument against this legislation which I have not previously heard. More importantly, what I said in support of such legislation in 1979 and in 1981 is just as true today:

> If such a warning label deters a potential abuser of alcohol from taking a drink, or prevents a casual drinker from climbing behind the wheel of a car when he has had "one too many", or prevents a pregnant woman from potentially causing harm to her unborn child, then this legislation will be effective and worthwhile.

Mr. President, I will never forget the letter I received from Mr. Ben Robinson of Alexandria, VA, regarding alcohol labeling legislation. I want to read you a portion of that letter because it briefly, and very persuasively, explains the importance of this bill.

> Such a law is very much needed! It probably would not deter veteran drinkers, but for the young still unaddicted it would cause them to think twice before drinking. I speak from sad experience. Just a little over a year ago, August 12, 1984, our family was shocked with the news that our 22 year old son was dead. From information that we received later in bits and pieces we learned that while camping with two other boys near a fishing pond in West Virginia, they all drank heavily of hard alcohol. Bruce, our son, passed out and never awakened.
>
> The Certificate of Death reads for the cause "acute ethyl alcohol intoxication, and extensive aspiration of stomach contents into tracheobronchial tree." Bruce was a novice to whiskey drinking. He did drink beer in moderation, but I had never known him to drink whiskey—and he and I were close.
>
> I cannot help but think that warning labels carefully written as to consequences would prevent alcohol abuse and deaths among young people.
>
> Within a few weeks after Bruce's death, Paul Harvey in his newscast said alcoholic deaths among the young are not uncommon. He mentioned a young girl who had drunk to excess and gone into a coma. He said that youth are very susceptible to alcohol poisoning and this is especially true when body temperature is low . . . I wish you success and if there is something I can do to help, let me know.

Mr. President, this legislation will serve to provide individuals with the knowledge necessary to make an informed decision on whether or not to consume alcoholic beverages. Similar to cigarette warning labels, these labels do not create any legal restriction or penalty to those who do not heed the warnings. They merely provide cautionary notice that consumption of the product may entail serious consequences in certain situations.

Mr. President, I have received several letters from organizations endorsing health warning labels on alcoholic beverages. These organizations include: the American Medical Association; the American Academy of Pediatrics; the National Council of Alcoholism; the Center for the Science in the Public Interest; the General Association of General Baptists; Mothers Against Drunk Driving; the American Council on Alcohol Problems; the National Rainbow Coalition; the National PTA; the Christian Life Commission; the Association for Retarded Citizens; the National Women's Christian Temperance Union; and the American Medical Society on Alcoholism & Other Drug Dependencies.

Mr. President, the Senate passed alcohol warning labels legislation in 1979. I repeat, this Senate passed alcohol warning labels legislation in 1979. I urge my colleagues to support the passage of this vitally important legislation and reaffirm the commitment of this body to protecting the health of the American people.

AMENDMENT NO. 1472

(Purpose: To require a health warning on containers of alcoholic beverages)

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 1472.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) LOCATION OF LABEL.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) REQUIREMENTS.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) BUREAU OF ALCOHOL TOBACCO AND FIREARMS.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) VIOLATIONS.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) JURISDICTION.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) EXEMPTIONS.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) LIABILITY.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

Mr. THURMOND. Mr. President, I just listed a few of the organizations that support the use of warning labels on alcoholic beverages. I did not list all of them.

Other organizations that favor warning labels on alcoholic beverages are the American Academy of Pediatrics; the American Medical Student Association; the American Youth Works Center; the American College of Preventive Medicine; the Consumer Federation of America; Children's Foundation; the American Health and Temperance Society; Consumer Affairs Committee of Americans for Democratic Action; and the American Association of Health Education.

Those, I believe, are in addition to the ones I mentioned a few moments ago.

Mr. President, I wish to read a few letters to show the solid backing for this amendment.

I believe the distinguished manager of this bill on the floor was one of those who backed this amendment. I want to thank him, and I hope he will back it again.

Mr. President, here is a letter to me:

On behalf of the 160,000 members of the Association for Retarded Citizens of the United States, I wish to commend you and the other Senate co-sponsors for your introduction of legislation to mandate health and safety warning labels on all alcoholic beverages. Our members, the majority of whom are parents of persons with mental retardation, have been seeking such legislation for some time. As you are keenly aware, fetal alcohol syndrome is a leading and preventable cause of mental retardation.

We are particularly pleased that your proposed bill will require one of the warning labels to be affixed to beer, wine and distilled spirits containers to state that consumption of alcohol during pregnancy can cause mental retardation. Such a label, providing high exposure of this problem to the general public, is expected to be extremely helpful in preventing mental retardation caused by fetal alcohol syndrome.

The ARC strongly endorses this legislation and urges its prompt enactment.

Sincerely yours,

V.K. "WARREN" TASHJIAN,
President.

Mr. President, if this bill is adopted, if it did nothing more than prevent mental retardation, it would be thoroughly worthwhile. That is what this organization, the Association of Retarded Citizens, feels about this bill.

Now, Mr. President, I want to read a letter from the National Parents and Teachers Association, dated February 1, 1988.

DEAR SENATOR THURMOND: The National PTA would like to extend our support to your efforts in enacting legislation that would require warning labels on alcoholic beverages.

As you know, alcohol is the most widely used and abused drug in our society. Yet, a 1983 National Weekly Reader Survey on Drugs and Alcohol noted that only 42 percent of fourth graders realized that alcohol was a drug compared to 81 percent who considered marijuana a drug, and the percentage of students recognizing alcohol as a drug decreased with age, to 28 percent, in the upper grades.

The public is not sufficiently aware of the danger of alcohol abuse or the short and long term effects of alcohol on their physical and mental health. Alcohol contributes to several fatal diseases, including cardiac myopathy, hypertension and stroke, pneumonia, several types of cancer and liver disease. As a poison, alcohol is second only to carbon monoxide as the substance directly responsible for the most unintentional poisoning deaths in the U.S. In addition, alcohol-related highway deaths are the number one killer of 15-24 year olds. In 1985, 52 percent of the 43,800 highway fatalities were alcohol related.

Mr. President, I want to pause to call attention to that. "In 1985, 52 percent of the 43,800 highway fatalities were alcohol related."

Health warning labels will serve important informational and educational functions. Labeling of all alcoholic beverages will highlight specific information about alcohol use and health effects. The glamorization and normalization of drinking promoted yearly, in a 1.3 billion advertising campaign, will be countered through warning labels on all alcoholic beverages. And finally, warning labels with reinforced school-based alcohol prevention and education programs.

We applaud your tireless effort to help educate the public to alcohol related problems. We hope that this year the health and safety of our nation's citizens takes priority over special interest concerns, and that legislation mandating health warning labels on alcoholic beverage containers be enacted.

Sincerely,

MILLIE WATERMAN,
Vice-President for
Legislative Activity.

Mr. President, I have a letter here from the National Council on Alcoholism, addressed to me, dated January 27, 1988.

DEAR SENATOR THURMOND: On behalf of the National Council on Alcoholism, I would like to express my strong endorsement of your proposed legislation mandating health and safety warning labels on all alcoholic beverages.

If enacted, this legislation will provide alcohol consumers with concrete information about the association of alcohol consumption with health and safety risks ranging from alcohol-related birth defects and alcohol's contribution to liver disease, hypertension and cancer; to the impairment of driving ability and the danger of combining alcohol with other drugs. The label which identifies alcohol as a drug with addictive potential will help to mitigate against the alarming equation of alcohol with soft drinks and juices so frequently featured in alcohol advertising in both broadcast and print media.

Education has frequently been cited as a key ingredient in any comprehensive strategy to address alcoholism and alcohol-related problems in the nation. Clear and simple labels placed on every container of beverage alcohol every day of the year will keep educational messages about alcohol's effects constantly before the public eye. Public service announcements on radio and television and educational campaigns to combat alcoholism and related problems are of necessity, time-limited. The labeling of alcoholic beverage containers will institutionalize important public health information and cannot help but greatly enhance the public's knowledge regarding health and safety risks attendant on alcohol use.

In a democratic society, consumers have a right to know about the risks associated with the consumption of any given legal product. This information is critical if individuals are to make informed decisions about their use or non-use of alcohol. Alcoholic beverages have long been held harmless from a number of consumer information strategies. In fact, alcohol advertising which glamorizes drinking continues to be the major and most powerful source of information Americans receive about alcohol. Your proposed legislation makes a major contribution to alcohol education for American consumers.

NCA has been on record in support of health and safety warning labels on alcoholic beverages since 1982. In our view, the utilization of this simple, cost-effective and well precedented educational vehicle is long overdue. We have appreciated your leadership on this important alcohol policy measure throughout the last decade. We pledge our unqualified support for all your efforts to make health and safety warning labels on all alcoholic beverages federal public policy during the second session of the 100th Congress.

Please don't hesitate to call on the National Council on Alcoholism and its 200 local and state affiliates throughout the nation for our assistance in helping you to realize this goal.

Sincerely,

THOMAS V. SEESSEL,
President.

Mr. President, I have letters and I will take more of them up later. As I say, I have letters from the American Academy of Pediatrics and various other organizations, which all endorse these labels.

What harm can there be to merely put on a container a label of the kind that I described, that warns pregnant women that it is dangerous to take alcohol because it would damage the babies and make many of them suffer from mental retardation? What is the harm in putting on a warning? People do not have to follow it, but why not warn the public? Why not inform the public of the dangers?

This is for the health of the Nation. I am very pleased that not only the majority manager of this bill supported this bill but also the minority manager, my distinguished friend, the ranking member of the committee, favors warning labels.

Now, some people say, "I favor them but I do not favor them on this bill." That is no excuse. You may never have another opportunity if you do not put it on this bill. We ought to be putting it on many bills in this Senate. If you favor warning labels, now is the time to show your colors. Now is the time to let the public know you believe in warning labels. It is for the good of the public. That is the only reason I offer this amendment. I am interested in trying to help warn mothers not to drink alcohol while they are pregnant, to warn of the dangers of alcohol causing automobile wrecks, causing homicides, causing suicides.

Mr. President, this is a very important amendment, and I hope the managers of this bill will accept it. They both have favored labeling heretofore, and I hope they will accept it on this bill and not say put it off to another time or bring it up separately.

Now is the time to stand by this bill if you believe in it. Now is the time to show your colors. Now is the time to let the people of this Nation know that it is detrimental to pregnant women and detrimental in the other ways I have said. All this bill does is require a label. It does not prohibit anybody from doing anything. It merely warns the public. I hope the managers will accept this amendment, and I will be pleased to hear from them right now.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HATCH. Mr. President, it is intriguing to me that my distinguished colleague, who really has done a great job on warning labels as a member of the Labor and Human Resources Committee, would bring this matter up at this time on this bill, especially since tomorrow we have a number of health bills coming up in the Labor and Human Resources Committee, among which is the alcohol, drug abuse, and mental health bill, a perfect bill, a perfect vehicle, one where this amendment would be germane and one I would support without question, as I have in the past. The appropriate thing for him to do would be to bring it up tomorrow and put it on the alcohol, drug abuse, and mental health bill. Frankly, we might support it.

But there is another aspect of this, too, which I would like to call to my friend's attention. That is that there is not the same consensus for this particular bill as there might be if we sat down and really worked to get a consensus on warning labels which include warnings about the abuse of alcohol, because these labels do not do that. I think we could build a consensus with which we would pass a bill that would once and for all warn everybody in America about the dangerous use and the abuse of alcohol.

Unfortunately, I do not believe the bill the Senator is using as an amendment on the polygraph bill, a totally nongermane amendment, I might add, that really has no relationship to what we are trying to do with polygraph, would pass anyway. But I think we can work the language out so that we can pass it and do everybody in America a great deal of good.

Since 1977, I have supported Senator THURMOND's legislative efforts to require alcohol warning labels. I think Senator THURMOND has been a champion in educating Americans about the potential risks of alcohol abuse. However, I would like to suggest to my dear friend and colleague from South Carolina that he should consider offering this legislation as an amendment on the alcohol, drug abuse and mental health bill tomorrow and that would give it much more support than he will get here today, at least in my opinion.

Furthermore, I think there is an alcohol warning labeling bill that could be developed and passed by Congress. I do not think this one will be passed. There are many people, who are sincerely devoted to coming up with appropriate alcohol warning labels in the form of legislation, who perhaps would not vote for this bill. However, what Senator THURMOND has put before us is an important beginning. It can be improved.

For example, we should model this legislation after the recommendations by the Department of Health and Human Services. During last year's antidrug abuse legislative effort we asked the Department of Health and Human Services to assess the potential educational benefits of alcohol warning label legislation.

In summary, they found, one, health warning labels can have an impact upon the consumer if they understand the labels and understand the risks the label is warning about. Consumers tend to ignore label information which they feel is not useful to them or is not important to their goals.

Second. Health warning labels can have an impact upon the consumer if the labels are designed effectively.

Third. Health warning labels may not have an effect on consumer behavior.

Fourth. Warning label legislation should be done after a public education effort designed to increase consumer knowledge of the health hazards associated with alcohol consumption.

That fourth one really makes a very good argument against bringing it up as a nongermane amendment to a bill that has no relationship to it.

With those goals in mind, I believe we can sit down with the distinguished Senator from South Carolina—and I am dedicated to doing that; I believe in warning labels as much as he does—and fashion a warning label bill accompanied by an educational campaign that will educate consumers about the health hazards of alcohol abuse.

I believe we should force the industry to work with us on the bill, and I believe we can get help from the industry. They are concerned about the abuse of alcohol, and some of them have acted very responsibly as a result of the hearings that I held when I was chairman of the Labor and Human Resources Committee, and as a result of some of the great work that the distinguished Senator from South Carolina has done, they are ready to do so. They have extended their hands toward us to talk. So let us do it. Let us not do it this way.

The managing editor of the Wine Spectator recently wrote, "We should adopt a forward-looking strategy that recognizes legitimate health concerns in America and proposes creative solutions to the warning label legislative effort which could put wine producers in a cosmic light and disarm the critics."

People are interested in discussing warning label legislation, so let us bring them all to the table with other interested groups including the National Council on Alcoholism, the National PTA, and the American Medical Association. Let us make them work with us and get an alcohol warning label bill signed into law. I do not think this is the vehicle, nor is this the amendment which will work.

Finally, I do not want to prolong this because I think everybody in this body and many people throughout the country know the fights that I have led to put warning labels on alcoholic beverages and on tobacco substances as well. We have the tobacco labels in effect. They are working. They are doing some good. I led the fight for those, among others. I will lead the fight, along with the distinguished Senator from South Carolina, on alcohol warning legislation as well. But this is not the way to do it. I am suggesting to you right now, Mr. President, that this is a vote on procedure, not substance.

Now, I would be hesitant about tabling a germane amendment, if this were a germane amendment, because there should be debate on this bill, but this issue is not germane. This is not the vehicle for those of us who really want to solve this problem. I do not think, the way it is written, it is passable either.

So I have to conclude that is the only reason for bringing it up at this time. You will have the perfect vehicle tomorrow. You have a committee that is acceptable to listening to alcohol warning legislation. I think they would allow it to be put in good form on the alcohol, drug abuse, and mental health bill, if not in committee certainly on the floor, and that bill is going to come to the floor without much hesitation. I think that is the appropriate way to do it.

Everybody knows I do not want to vote against alcohol warning legislation. Everybody knows that. Everybody knows my position on it. They know that I do not drink, and they know that I am concerned about the youth of this country. They know I am concerned about people who are uneducated in these areas. They know I am concerned about the abuse of alcohol. They know that I know that it is one of the biggest drug abuse aspects in our country today.

Frankly, this is not the bill to put it on, and we are going to have to move to table. Before we do, I know there are others who would like to speak on this, and certainly we want to give them adequate time to do so also.

I want to tell my dear colleague how much I respect him. There is nobody in this body for whom I have greater or more deep respect than Senator THURMOND. I hope he will withdraw this amendment, and do it tomorrow with my support in committee, do it properly on the bill where it will go through the Congress and be made into the law; work with us to get language that I know will be acceptable to everybody.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

Mr. THURMOND. Mr. President, that sounds good.

Mr. THURMOND. But it is not practical.

Mr. HATCH. It is practical.

Mr. THURMOND. Here is why. The bill, the Alcohol, Drug Abuse and Mental Health Bill, is similar to the bill last year that we put it on; similar bill, brought it to the Senate and we never could get it up in the Senate. Is the Senator asking to go through that same procedure when we could not get it up? The bill is up. We will have a chance to vote on it. Last year we brought up this bill and we never did get it up. So it amounted to nothing.

Mr. HATCH. Let me answer the Senator. That is true because it is this language, and there is not a consensus for this language. I will vote for this language in committee on the ADAMH bill which both the distinguished Senator from Massachusetts and I did last year. But we know that this language is not acceptable.

Mr. THURMOND. Offer amendments to amend it.

Mr. HATCH. If I could just answer the distinguished Senator, I believe. If we will sit down together we can come up with consensus language that the Senator from South Carolina can lead the fight for that will be very acceptable to him, that would not only be added to the ADAMH bill but would pass the whole Congress. I believe we could do it, if it is right so it is appropriate.

Mr. THURMOND. I suggest we go on with the bill here. I will sit down with the Senator tonight and work out these, if these warnings are not all right. Then we can offer them tomorrow.

Mr. HATCH. Let us work it out. But let us not offer it on this bill.

Mr. THURMOND. I know the Senator does not want them on this bill. He does not want this bill touched.

Mr. HATCH. That is right.

Mr. THURMOND. How are we ever going to get these warnings put on if we do not put them on the bill here in the Senate? We tried it in committee, and the Senator never could get his bill up. All last year we tried to get this bill up and had warnings in it. Alcohol interests were for it, and we were not able to get it up.

Mr. HATCH. If I can answer the distinguished Senator, the reason we could not, one of the principal reasons was because of this particular language. I happen to support this language in committee. I did support it. As a matter of fact, I am for this language. But I think it can be made better, and I think we can get it so we have a consensus, and even the industry would probably consent to it. If they will not, at least they know they are going to take a beating on the floor of both Houses of Congress.

I think this is the way to do it. Let us do it through the appropriate vehicles. Let us not do it on something like that which has no relationship to this.

Mr. THURMOND. Senator, you know amendments are offered all the time here that have no relation to other parts of the bill. It is the only way to get it through. In 1984 we passed the finest omnibus crime bill in the history of this Nation. How did we do it? We had to amend appropriations bill that came from the House. We sent this omnibus bill to the House and they never would act on it. We would not have passed the omnibus crime bill embodying so many good provisions if we had not amended the approporiation bill and put it on that. That is the only way we get it on there.

Mr. HATCH. I was part of that process.

Mr. THURMOND. I commend the Senator for that. I want to cooperate. I want to commend the Senator for this.

Mr. HATCH. I am always happy to be commended by the distinguished Senator from South Carolina. The problem with this is we know that this amendment on this bill will not help this bill to pass. We also know it did not help the ADAMH bill last year. We also know that if we can sit down, work on language, come up with language to do just as much as this language, maybe even more as far as warning the American people, and Americans who partake of alcoholic beverages, and given appropriate warnings, that will pass. That is a worthwhile endeavor.

Under those circumstances I would have no compunction about moving to table the Senator's amendment. Under those circumstances, with the added assurance that I am going to help him in every way I can to get appropriate warning label language passed, I will but not on this bill because this bill is a different bill. It has no relationship to that. I agree. We can add nongermane amendments to any bill if we want to. But I think I have made a pretty good case as to why I have to in particular move to table this particular bill. I will withhold that.

Mr. THURMOND. Will the Senator yield?

Mr. HATCH. Yes.

Mr. THURMOND. I want to remind the Senator that last year when we brought this bill with the labels in to the floor we never could get them to take up that bill until we took the labels out. They made us take the labels out. the Senator had the same thing again. This bill is up now. If we include in here, it will go to conference, it will be in conference. At least we can work it out.

The distinguished Senator from Massachusetts supports this bill, and supports these amendments. I commend him. What is the objection to putting them on this bill here now? Let us go to conference and see if we cannot work something out. I do not believe we are going to get alcohol warning labels on a bill that just provides for that alone. You have to hook it onto something else, and the alcohol interests will fight it to a finish. They did it last year.

And we have to put it on something else. This is a good bill to put it on.

Mr. HATCH. I will make another offer to the distinguished Senator. This is not a good bill to put it on. As much as I am for alcohol warning labels legislation, I am personally not going to let it go on this bill if I can help it. If the Senator wins, that will be fine on the vote. But let me say this. Should the Senator not win on this vote, if he persists on continuing, then I will do everything in my power to help him add appropriate legislation. We will work with him to change the language so it can be acceptable, so it can go through both Houses, and so it will pass. But I will do everything in my power as I think I am known to do to help him add it to any other appropriate bill that it could be added to.

Let me just add this. I think this is important. I believe that the Senator is not adequate in his statement that the bill came up last year, and they had to script language out. The bill did not come up last year. We did not script the language out. The reason it did not come up was because the language was in and we could not pass it. They were not going to waste the time on the floor to pass it, to try, when they knew there would be objections to this language. I think that is an accurate statement.

Mr. THURMOND. My recollection is we had to take out the warning labels to pass the bill.

Mr. HATCH. That is not true.

Mr. THURMOND. If I am in error I will be glad to be corrected.

Mr. HATCH. My understanding is that it is not correct. Whether it is or is not, the Senator made my case. That is the warning labels as drafted were the reason the bill did not pass.

What I am offering is this, and I would like my colleague to consider withdrawing this amendment on this basis or otherwise I am forced to move to table. I am offering to do everything in my power to sit down with him, with my staff, his staff and others, and come up with legislation that I think will pass this year on the floor of both Houses of Congress, or at least we will have a much better chance to pass it than that.

I think it will pass. If the Senator will work with me on that, we will both be proud at the end of the year to have very effective alcohol warning legislation. If, for instance, the Senator persists with this amendment, and we have to move to table, then maybe the tabling will be granted. If it is granted, then the Senator, I think, has lost on his language.

I would prefer to work it out. I think we can work it out. We can work on something that is more germane as a bill, that is more germane than this particular bill. But that is all I have to say about it. If the Senator persists in presenting this amendment, we are going to have to move to table it. It is that simple.

Mr. THURMOND. I just want to say, Mr. President, for year after year these groups have been fighting to help the young people, and older people, too, defend against the dangers of alcohol. The National Council on Alcoholism has worked strenuously for years. The Center for Science in the public interest has worked for the public good. The American Medical Society on Alcoholism and other drug dependency groups have worked for years. The American Academy of Pediatricians; what is pediatrics? A doctor of pediatrics is one who treats little children. These doctors nationwide treat little children, and are advocating these warning labels. They put people on notice. It does not bind people. It puts them on notice that it is dangerous.

The American Medical Association—that is the doctors of America—favor this bill. They favor this amendment. For years they favored it. Are we just going to continue to ignore it because the alcohol interests come down and raises some points about it, puts it off, hires high-powered lobbyists, and makes contacts here that cause people to go against it?

The Parent-Teachers Association, what kind of organization is this? What better people do we have advise us than the American Medical Association; Academy of Pediatrics; the Parent-Teachers Association; American Council on Alcohol Problems; American Medical Student Association; American Youth Works Center; American College of Preventive Medicine. Those are not two-by-four organizations. They are prominent organizations. They have the respect of the American people, and yet we have not taken action on this because alcohol interests have opposed it, opposed it, opposed it year after year.

Consumer Federation of America; The Children's Foundation; The American Association for Health Education; the National Education Association; NEA. That is a teacher's organization. They favor this amendment.

Every good organization in America favors it that I know of. I do not know of a good organization in America that opposes this amendment.

Why do we want to keep opposing it? The people cannot get this because they cannot get a vote on it.

March of Dimes; Association of Halfway House Alcoholism Programs. That is where people have gotten in trouble and then instead of putting them on probation, immediately they send them to a halfway house.

The law enforcement people know what trouble we have had with alcohol. All we want to do is to inform the American public. That is all we want to do, inform the American public. People do not have to follow it. But we have a duty, I think, to inform the public of these dangers.

The American Medical Association says we do. the Parent-Teachers Association says we do, and all these good organizations. And why not inform the public about these things?

Mr. HATCH and Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. If I can respond, much of what the Senator says is true, most of it, and I support him.

Mr. THURMOND. If anything I said is not true, call it to my attention. If it is in error, I will correct it.

Mr. HATCH. I think the distinguished Senator is an acknowledged leader in this area, and I am one of the first to acknowledge it, and I want to express to anybody who is watching or who cares that I appreciate it. As a matter of fact, he does not have a better advocate than I. All I am saying is this: There is a way of doing this, and there is not a way. The way he is doing it means it will never pass. Of course, that also is one reason he has brought it up on this bill, which he opposes.

If he will sit down and work it out with me and with other interested people, we can come up with warning langauge that is probably superior to this language that would be consensus language, and then we could start a public education program that would cause it to pass. I have no doubt about that. I think it is an idea which has its time now.

Frankly, I truly admire my colleague. There is nobody who admires him more than I do. I think I have shown that through the years, and I will stand with him and I will help, and I will do everything I possibly can to back him.

On this bill, I cannot back him. He knows that. It is a little embarrassing to me to have to move to table his amendment. I hope he will not put me to that, but if he does, I am going to have to do it because I am committed to this legislation and, frankly, I am committed to alcohol warning language that will go through the Congress, not just something that makes a point now. That is why I would move to table. I think the offer I have made is more than a good offer. He knows I live up to the things I say here on the floor to the best of my ability to do so.

So all I can say is that I agree with him except on this bill, and except with this language. I think the language can be improved, and I think it can be made acceptable even to some who probably oppose it today, and if that is so, then we will really pass something. It would be landmark legislation that everybody, except perhaps certain alcohol beverage manufacturers, is going to be proud of.

Let me yield the floor to the distinguished Senator——

Mr. THURMOND. I am willing to do this. For year after year now, we have played around with this thing and we get no results.

Mr. HATCH. Right.

Mr. THURMOND. Perhaps we can do this, if the Senator is willing on that bill tomorrow to help to work these labels out and get them on that bill tomorrow that we bring out, and if the chairman of the committee is willing to work with us on that to get these labels in shape.

Both Senators have failed to do that with the very labels I have here. But if there is any little amendment we can submit to make them effective and bring them out in that bill tomorrow, I am willing to do that with the understanding that if we do not get action on that bill with labels in it when it comes up in the Senate, then I am going to be free to offer it in some other bill in the future.

Mr. HATCH. That is right. Let me just say this to the distinguished Senator. I will do everything in my power to work with him to come up with language that will work by tomorrow. I do not know if we will be able to do so, because we have to bring together a whole bunch of people and do it in such a way that we can conduct a public campaign and people can understand it. Assuming that we cannot arrive at langauge tomorrow, which does not give us much time, but we will make an effort, then I will help the Senator when it comes to the floor, because the bill will come to the floor, and I think we can resolve it.

Mr. THURMOND. I want it understood that if we bring something out here and then if it is stopped, and we cannot get the bill up, I will be free to take it up on any other piece of legislation in the future.

Mr. HATCH. I am with the Senator, and I will probably support the Senator at that time.

Mr. DANFORTH. Mr. President, I wonder if I may just interject myself briefly in this conversation because I——

Mr. THURMOND. I will be glad to yield for a minute.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. THURMOND. I thought I had the floor. I never gave it up.

The PRESIDING OFFICER. The Senator from Utah has the floor and yielded to the Senator from South Carolina.

Mr. HATCH. I yield to the Senator from Missouri such time as he desires.

Mr. DANFORTH. I would like to make this point before people start making deals about what is going to come up and who will bring up legislation on an hour's notice or 24 hours' notice.

This bill was referred to the Senate Commerce Committee. It was introduced last month. It was referred to the Senate Commerce Committee. No hearing has been held on it.

Mr. THURMOND. Why?

Mr. DANFORTH. No hearing has been requested by the distinguished authors.

Mr. THURMOND. I request it now. How soon can the committee hold the hearing?

Mr. DANFORTH. I am not the chairman of the committee.

Mr. THURMOND. The Senator is the ranking member.

Mr. HATCH. Will the distinguished Senator from Missouri help the distinguished Senator from South Carolina get a hearing?

Mr. DANFORTH. I will be happy to talk to the other Senator from South Carolina, the chairman of the Commerce Committee.

I would just like to point this out about this legislation. It is wonderful to stand on the floor of the Senate and pick out various industries and start attacking them for one reason or another, but this is clearly very far-reaching legislation. This legislation provides that on containers for alcoholic beverages—what is a container? A glass? A paper cup at the ball park? On containers of alcoholic beverages, one of five warning labels has to appear.

One of the warning labels says: "The consumption of this product which contains alcohol can increase the risk of developing hypertension, liver disease, and cancer."

Mr. THURMOND. That is what the doctors say.

Mr. DANFORTH. That is a very significant thing to put on somebody's cup of beer at the ballpark, without any hearing whatever in the Congress of the United States. We are assured that——

Mr. HATCH. If the Senator will yield on that point——

Mr. DANFORTH. Just a second. We are assured that liver disease and cancer, and so forth, are caused by this. Also, I point out that in its present form the term "sale and distribution" in the bill includes sampling or any other distribution not for sale.

So presumably in this bill in its present form if you had a guest over to your house for dinner and served that person a glass of wine which you gave away, you would have to have a warning on the wineglass.

It would seem to me, if I read this correctly, and I have not had a chance to read it yet—we have not had a hearing on it—that this kind of blockbuster legislation at least deserves to go through the reasonable legislative process. My hope is that the Senator from South Carolina will withdraw his amendment.

I do not want to join the chorus of approval for a bill that has never had a hearing, that was only introduced, as far as the Commerce Committee is concerned, a month ago and that provides if you have a guest over to your home and give him a glass of wine, you have to have a warning on the wineglass.

I think that is an extreme piece of legislation, and it deserves a little bit of attention in the regular course of legislation.

Mr. HATCH. I will add this: I think the Senator makes a good point. Actually Senator THURMOND's amendment, when it came up in committee, was limited to distilled spirits, as I understand it, and one of the Senators added "beer and wine" onto the amendment. Everybody voted for it.

Of course, at that point everybody knew this amendment was dead because the distinguished Senator from Missouri points out some of the difficulties that come up, and that is why it never passed. That is why I am saying we are going to have to work out the language because, like all things around here, if you want to do good, you are going to have to get some sort of consensus.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. THURMOND. I wanted to say, as to the sale or distribution, that is not just a glass of wine in your home, or something like that. It is the sale or distribution of it.

Mr. HATCH. I understand.

Mr. THURMOND. I understand my good friend from Missouri is a friend of Colonel Bush with whom I was in World War II and hold in high regard. But after all, we have to protect the public, Senator. And you are a man of the cloth, too, and I am sure that you would like to protect the public.

The ACTING PRESIDENT pro tempore. The comments should be to the Presiding Officer.

Mr. HATCH. May I add one other thing—I think we chatted enough—I will commit to the Senator from South Carolina if he will withdraw the amendment, and I think it is the appropriate thing to do, we will work out language that will be acceptable. I think that would have to include the language that will be passable and that will bring a consensus about, and we are going to have to also work, and I think a number of Senators, possibly including our friends from Missouri, will work to develop a public consensus for appropriate language.

I think it is an appropriate thing for the Senator to withdraw the amendment at this time with the assurance from me, and I add one other thing. This amendment can be drafted so that it is subject to the Labor and Human Resources Committee jurisdiction.

The way it is drafted, it had to be sent to the Commerce Committee. I agree that there have not been any hearings in the Commerce Committee.

But to correct a misconception, there have been in the Labor and Human Resources Committee. The Senator is right in everything that he has brought out with regard to our hearing in the Labor and Human Resources Committee. We did cover this matter.

I will ask the Senator to withdraw the amendment with those assurances.

Mr. THURMOND. With those assurances that they have given and with the further understanding if we do not get this bill up and pass it later, I will be free to offer it to the legislation in the future. I want that understood. I do not want anybody to say I withdrew it. I intend to offer it again.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my views on this amendment and only take a few moments of the Senate's time and, if I could, invite the attention of the Senator from South Carolina so he will not misunderstand or misinterpret my position on this issue just as a Senator.

I had supported the labeling concept that had been basically included in the substance of the amendment of the Senator from South Carolina. It was altered and changed to include "beer and wine" in the committee.

The fact remains that there was at least a broad understanding, having spent time on the issue, that this would sound the death knell, because of various political factors, for any such labeling process to move forward.

That particular measure I still support. But I want to make it very clear that, as the Senator from Missouri has pointed out, this legislation which basically incorporates the amendment of the Senator from South Carolina has been referred to the Commerce Committee. Even should language be worked out that could be agreeable and acceptable to the Labor and Human Resources Committee and that was to be passed out on one of the most important health bills that we are facing, the NIAAA bill, that relates to drug abuse and alcoholism, an absolutely essential piece of legislation if we are going to deal with one of the great scourges of our country, on a very limited budget, I might add, about a tenth of what the Surgeon General had actually recommended in his recent report, it is absolutely essential that we pass it.

I want to make it clear that I will not risk that legislation moving forward with an amendment which is not related to our jurisdiction, when any single Member of this body can raise as a point of order and bring down that particular piece of legislation under article XV. I am not going to be a part of it. I will not be a part of it. I want to make that very clear. I will do the best I possibly can in trying to influence the members of that committee who have supported it on the basis of substance that if it is offered in that committee on that measure I will do the best I can to defeat it. If it is offered out here as a freestanding amendment and if it is not going to interfere with the basic acceptance of the legislation, I will support it. But I am going to make that call. I want to make that call.

I think that those of us who have been involved in this labeling issue for some period of time would have to be cautious about giving assurances to the membership as to whether those who have been involved on the Labor and Human Resources Committee would support such an amendment. Others can reach other conclusions.

The Senator from South Carolina has opposed this bill. I would ask the Senator from South Carolina if this amendment were accepted would he support the underlying bill?

Mr. THURMOND. I would have to think about it.

Mr. KENNEDY. There is a clear enough indication, Mr. President. I do not question the motives of the Senator from South Carolina, but he is opposed to the legislation. This is not relevant to the substance of the legislation.

What we are talking about now is a limited area, dealing in these issues with the whole question of the abuse of individual rights under the proliferation of polygraph testing.

It is a question of importance in terms of public policy and in terms of health policy, but it is not relevant to this particular issue.

I will certainly work with the Senator from South Carolina on this measure and work with the members of the Commerce Committee to see if some progress can be made.

But I, for one, do not want, at least the members of our committee, the Labor and Human Resources Committee, which basically has reported out this particular measure and hopefully will report out the other measures tomorrow, to misinterpret what at least my position would be. They will make their own judgment and make their own call. But this is how I view this particular amendment, and I would support the tabling resolution of the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Chair will inquire of the Senator from South Carolina if he wishes his amendment to be withdrawn. It was not entirely clear to the Chair.

Mr. THURMOND. I would like to hear what the ranking member has to say on this.

Mr. HATCH. Let me say this: I agree that if we can work out language overnight, the amendment would have to be germane. That is part of working out the language. I think it can remain germane. I do not know if we can come up with the final language by tomorrow morning.

I have said to the distinguished Senator from South Carolina that I would work in good faith to see if we cannot do that by tomorrow morning's markup, that we will work very, very hard to get an amendment in shape with the appropriate public support for it that we can add to the bill on the floor of the Senate or to any other bill that he would like to add it to whether or not it is germane. I would help him, and I think he knows that. But I do not want it on this bill because it just is not germane here.

I hope the distinguished Senator will withdraw the amendment with that assurance, and he knows I will help him and I will help him regardless of what anybody thinks about it.

Mr. THURMOND. Mr. President, with that understanding I will withdraw the amendment at this time.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. THURMOND. I do not want to give assurances in the future as to what course it will take if we do not get something worked out in the committee.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO 1474

(Purpose: To make certain technical corrections)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and Senator HATCH and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. HATCH, proposes an amendment numbered 1474.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) IN GENERAL.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

Mr. KENNEDY. Mr. President, this is a technical amendment that basically changes the date of the act from 1987 to 1988.

Mr. HATCH. Mr. President, the amendment offered by the Senator from Massachusetts and myself will correct two apparent technical difficulties in the bill. First, the amendment will delete the language of S. 1904 which concerned potential monetary fines for failing to post notices concerning the prohibitions called for in this act.

It was not our intent to create yet another regulatory burden for employers. Instead, we wanted to make clear how serious Congress feels about this issue. After careful review, we have decided that the Fair Labor Standards Act already has ample provisions in this area, and the requirements for posting of a notice concerning polygraph examinations need not be treated any differently than existing requirements.

The second portion of the amendments makes clear who can have access to information derived from a polygraph test. The amendment makes clear a court, a governmental agency, an arbitrator or a mediator may have such information if obtained pursuant to an order from a court of competent jurisdiction.

This new language was added to clarify the status of parties who may be in arbitration or mediation over such matters as wrongful discharge or some other adverse employment action. In such instances, possession of the test information, if obtained in the appropriate manner, may expedite resolution of the dispute.

Mr. President, this amendment should help clarify two technical areas of the bill, and I hope my colleagues will approve their adoption.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1474) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY

The ACTING PRESIDENT pro tempore. As in executive session, without objection, it is ordered that the injunction of secrecy be removed from a supplementary protocol to the 1970 Tax Convention with Belgium (Treaty Document No. 100-15), transmitted to the Senate on February 29, 1988, by the President; and ask that the protocol be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The message of the President follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Supplementary Protocol Modifying and Supplementing the Convention between the United States of America and the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, together with a related exchange of notes. The Supplementary Protocol and the exchange of notes were signed at Washington on December 31, 1987. I also transmit for the information of the Senate the report of the Department of State with respect to the Protocol.

Pending the successful conclusion of a comprehensive new income tax convention, the Supplementary Protocol will make certain improvements in the existing convention intended to promote the development of economic relations between the United States and Belgium.

It is most desirable that this Protocol be considered by the Senate as soon as possible and that the Senate give advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 29, 1988.*

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the second session of the 100th Congress, to be held in New Orleans, LA, March 4-8, 1988: the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Arizona [Mr. MCCAIN].

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

CLOTURE MOTION

Mr. BYRD. Mr. President, I am not particularly eager to offer a cloture motion on this bill, but I feel constrained to do so after having discussed the matter with the two leaders, the two managers of the bill. Senators have had an ample opportunity and plenty of time to come over and offer amendments. As I understand the situation, an amendment was offered. It was discussed and withdrawn. It was not a germane amendment. Mr. President, I am sorry that Senators apparently are not showing a disposition to call up amendments today.

This is an important bill. I shall offer a cloture motion which will mature on Thursday. In the meantime, I hope that Senators can come to some agreements. I will be very happy to offer a time agreement, allowing for germane amendments to be called up and voted on and disposed of so that the Senate could get on with this business. It will get on with this business, one way or another; and I hope that Senators will cooperate in helping the Senate to complete this business sooner rather than later.

So I hope that this cloture motion will not have to mature, but just as a bit of insurance, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate hereby move to bring to a close the debate upon the committee substitute to the bill S. 1904, Polygraph Protection Act of 1987.

Senators Edward M. Kennedy, Howard Metzenbaum, Brock Adams, Lowell Weicker, Patrick Leahy, John F. Kerry, Tom Harkin, Thomas Daschle, Orrin G. Hatch, Don Riegle, Christopher Dodd, Barbara A. Mikulski, Timothy E. Wirth, J.J. Exon, Dale Bumpers, and Robert Stafford.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, it is 5 o'clock p.m. I do not want to keep the Senate in further today if Senators are not going to call up amendments. The cloture motion will ripen by Thursday. In the meantime I would urge all Senators on both sides who are interested in the bill to try to get their heads together and resolve their problems and call up their amendments, dispose of them, let us pass the bill and get on to something else.

Mr. President, there will be no more rollcall votes today.

Mr. RIEGLE. Mr. President, today, March 1, marks the beginning of "National Social Work Month." I want to recognize the special contributions made by our Nation's social workers to the well-being of their fellow Americans.

Social workers deserve this recognition because they act on their compassion for others by working for more effective social services and programs. They display a commitment to professional integrity and a dedication to public service.

Social workers are involved in the entire range of activities from direct client counseling and family intervention services to the more broad matters of policy and program development and advocacy. They assist people from the entire range of socio-economic backgrounds.

I would like to underscore our Nation's social workers' long and proud tradition of reaching out to serve those most in need. They do, indeed, stand on the front line of battle against our most pressing social problems. Many victories, large and small, are attributable to their tireless efforts.

Mr. President, I worked closely with the National Association of Social Workers [NASW] on the budget this past fall in an effort to gain additional funding for the title XX social services block grant. NASW is the largest organization of social workers, speaking as one voice to promote our Nation's social and community life. NASW joined in a coalition of 95 national organizations, called Generations United, which successfully worked with other Members of Congress and I to secure an additional $50 million authorization for the social services block grant for fiscal year 1988.

Today, the NASW embarks on a public service campaign, marking the beginning of "Social Work Month," emphasizing the importance of education needed to stop the AIDS epidemic. The campaign also seeks to raise public awareness about the needs of AIDS patients and their families. As the painful toll of AIDS epidemic rises, social workers once again occupy the front lines to assist the afflicted. The NASW campaign will serve to enhance public understanding of the psychological and social burdens that often accompany AIDS, or the fear, hate and discrimination encountered by patients, families and friends.

Mr. President, I am pleased to have this opportunity to applaud the countless efforts made by social workers to improve the lives of people in need of assistance. As the challenges faced by social workers mount, I am certain they will continue to meet the challenge. It is with great appreciation that America celebrates "National Social Worker Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2630. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the reapportionment of an appropriation of an account of the Veterans' Administration; to the Committee on Appropriations.

EC-2631. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to repeal the authority for special pay for psychologists in the Commissioned Corps of the Public Health Service; to the Committee on Armed Services.

EC-2632. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal year 1989 and 1990 for the Panama Canal Commisison to operate and maintain the Panama Canal and for other purposes; to the Committee on Armed Services.

EC-2633. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, the annual report on Chemical Warfare—Biological Research Program Obligations for fiscal year 1987; to the Committee on Armed Services.

EC-2634. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, and interim report on the Supportive Housing Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2635. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the West Valley Demonstration Project for 1988; to the Committee on Energy and Natural Resources.

EC-2636. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Office of Alcohol Fuels for fiscal year 1987; to the Committee on Energy and Natural Resources.

EC-2637. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Safety Research Program of the Commission; to the Committee on Environment and Public Works.

EC-2638. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Highway Resurfacing, Restoration and Rehabilitation (RRR) Practices"; to the Committee on Environment and Public Works.

EC-2639. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Results of Research Related To Stratospheric Ozone Protection"; to the Committee on Environment and Public Works.

EC-2640. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 18, 1988; to the Committee on Foreign Relations.

EC-2641. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2642. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Expanded Authority for Temporary Appointments: A Look At Merit Issues"; to the Committee on Governmental Affairs.

EC-2643. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2644. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1987; to the Committee on Governmental Affairs.

EC-2645. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the U.S. General Accounting Office for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2646. A communication from the Assistant Secretary of Housing and Urban Development (Administration), transmitting, pursuant to law, a report on amendments to an existing Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2647. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for NIDRR—Research and Demonstration—Knowledge, Dissemination, and Utilization; to the Committee on Labor and Human Resources.

EC-2648. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, a report of the White House Conference on Small Business, including the findings and recommendations of the Conference, as well as proposals for any legislative action necessary to implement the recommendations; to the Committee on Small Business.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. INOUYE (for himself, Mr. Hollings and Mr. Danforth):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. Mitchell, Mr. Boren, Mr. Durenberger and Mr. Heinz):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself, Mr. Heinz, Mr. Dixon, Mr. Rockefeller and Mr. Dole):

S. Res. 388. A resolution expressing the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. Mitchell, Mr. Chafee, Mr. Burdick, Mr. Stafford, Mr. Moynihan, Mr. Graham, Ms. Mikulski, Mr. Baucus, Mr. Wilson, Mr. Simon, Mr. Gore, Mr. Harkin, Mr. Reid, Mr. Ford, Mr. Sarbanes, Mr. Leahy, Mr. Bradley, Mr. D'Amato, Mr. Cranston, Mr. Inouye, Mr. Humphrey, Mr. Levin, Mr. Pell, Mr. Riegle, Mr. Dodd, Mr. Weicker, Mr. Daschle, and Mr. Kennedy):

S. Res. 389. A resolution to express the sense of the Senate regarding future funding of the Construction Grants program of the Clean Water Act; to the Committee on Environmental and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR:

S. 2112. A bill to amend the Internal Revenue Code of 1986 to treat certain meals provided by an employer as de minimis fringe benefits; to the Committee on Finance.

EQUITY FOR SMALL BUSINESS EMPLOYEES

● Mr. PRYOR. Mr. President, today I am introducing legislation which will correct an unintended discrimination in our income tax laws against employers and employees in small- and medium-size businesses. This legislation will make it possible for small businesses which lack either the physical or financial resources to maintain an on-premises cafeteria for their employees to subsidize a de minimis portion of the cost of an employee's meal consumed off the business premises.

Current tax law permits any employer to subsidize the difference between the fair market value of an employee's meal consumed in a company cafeteria and the direct cost of providing that meal as a de minimis fringe benefit. Treasury regulations assume that this difference will be approximately one-third of the fair market value of the meal. So long as the employer subsidy falls within these limits, it is not treated as additional wages for income or employment tax purposes. Although this provision nominally applies equally to both small and large businesses, small businesses which lack the resources to provide an on-premises cafeteria are effectively precluded from providing this benefit to their employees.

Under my legislation small businesses would be able to subsidize a similar one-third share of the value of an employee's meal which is consumed off the business premises. However, only one-half of the employer subsidy would be excluded from taxable wages. This limitation is imposed solely to assure that the aggregate 3-year revenue cost of this proposal will be less than $100 million. Nevertheless, although falling short of full equality, this legislation will take a significant step toward giving small business access to a benefit freely available to large businesses under our tax laws.

Small business is the foundation of the American economy. Ninety-two percent of United States businesses employ less than 50 employees, and 68 percent of our work force is employed by establishments having less than 100 workers. Because our economy depends so heavily on the small businessman and his employees, it is essential that we, as legislators, assure that these employers and employees receive the benefits and incentives provided under our laws.●

By Mr. DIXON:

S. 2113. A bill to provide for the establishment of a Joint Committee on Intelligence; to the Committee on Rules and Administration.

ESTABLISHMENT OF A JOINT COMMITTEE ON INTELLIGENCE

Mr. DIXON. Mr. President, I rise today to introduce legislation designed to improve congressional oversight of the administration's covert and other intelligence activities. The establishment of a joint committee on intelligence would create a dependable and secure system and enable Congress to participate as a full partner in foreign policy and intelligence operations.

The root of the problem is that too many people in both the executive and legislative branches have access to sensitive information. A new joint oversight panel would significantly lessen the risk of damaging, unauthorized disclosure by reducing the number of people who are part of the intelligence information loop.

The benefits of a joint committee on intelligence are clear. I believe this legislation would go far in restoring confidence between Congress and the administration. The increased confidence would enable Congress to receive timely and detailed reports on intelligence activities, as well as, a renewed ability for in-depth cooperation.

The administration has recognized the need for a more secure environment and has begun to reduce access to secrets and punish those who have leaked. I applaud their steps. However, Congress now needs to follow suit and reinforce its ability to guide the security and foreign affairs of our Nation.

Mr. President, now is the time for Congress to act by correcting the deficiencies that have had such an undesirable effect on Congress' oversight capability. This measure will aid in correcting these deficiencies and send an important message to our allies, as well as the American people, that this is a government which can operate in an efficient and forthright manner. I urge by colleagues to join me in supporting this measure to bring about a determined, bipartisan effort for responsible congressional oversight of our national security.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE ON INTELLIGENCE.

There is established within the Congress a Joint Committee on Intelligence (hereafter in this Act referred to as the "joint committee").

SEC. 2. MEMBERSHIP OF JOINT COMMITTEE.

(a) Composition.—(1) The joint committee shall be composed of nine Members of the Senate and nine Members of the House of Representatives as follows:

(A) Five members of the Senate shall be appointed from the majority party by the President pro tempore upon the advice of the majority leader and four Members of the Senate shall be appointed from the minority party by the President pro tempore upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary.

(B) Five members of the House of Representatives shall be appointed from the majority party by the Speaker of the House and four Members of the House shall be appointed from the minority party by the Speaker of the House upon the advice of the minority leader. At least one but not more than two of such members shall be appointed from each of the following committees: the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary.

(2) The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall be ex officio members of the joint committee but shall have no vote in the joint committee and shall not be counted for purposes of determining a quorum.

(b) Term of Service.—(1) Except as provided in paragraph (2), a Member of Congress may not serve on the joint committee for more than six consecutive years.

(2)(A) Of the members initially appointed to the joint committee from the Senate, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(B) Of the members initially appointed to the joint committee from the House of Representatives, three members shall be appointed for a term of six years, three members shall be appointed for a term of four years, and three members shall be appointed for a term of two years. In each case, not more than two members may be from the same political party.

(C)(i) A member who begins service on the joint committee during the first session of a Congress may not serve for more than five consecutive years plus the remainder of the session during which such service began.

(ii) A member who begins service on the joint committee during the second session of a Congress may not serve for more than six consecutive years plus the remainder of the session during which such service began.

(c) Vacancies.—Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(d) Chairman and Vice Chairman.—(1) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each session of a Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

(2) The chairmanship and the vice chairmanship of the joint committee shall alternate between the Senate and the House of Representatives with each session of a Congress. The chairman during each odd-numbered year shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each even-numbered year shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each session of a Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a member.

SEC. 3. DUTIES OF THE JOINT COMMITTEE.

(a) In General.—The joint committee shall exercise exclusive legislative jurisdiction with respect to the following:

(1) The intelligence activities conducted by each department and agency of the Federal Government.

(2) The authorization of appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence and intelligence-related activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence and intelligence-related activities of the Department of State.

(F) The intelligence and intelligence-related activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in subparagraph (A), (B), or (C).

(H) The activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in subparagraph (D), (E), or (F), to the extent that the activities of such successor department, agency, or subdivision are activities described in subparagraph (D), (E), or (F).

(b) Review and Study.—The joint committee shall review and study on a continuing basis the intelligence activities conducted by each department or agency of the Federal Government.

SEC. 4. POWERS OF THE JOINT COMMITTEE.

(a) In General.—The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpoena the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such tesitmony, to procure such printing and binding, and to make such expenditures as the joint committee considers advisable.

(b) Rules: Quorum.—(1) The joint committee may make such rules respecting its organization and procedures as it considers necessary, except that no recommendation may be reported from the joint committee unless done so by a majority vote of the members present and voting.

(2) Ten members of the joint committee shall constitute a quorum for reporting any recommendation.

(c) Subpoenas.—(1) Subpoenas may be issued over the signature of the chairman of the joint committee or of any member designated by the chairman or by the joint committee to the extent the chairman or such member is authorized by a majority of the joint committee to issue such subpoenas.

(2) A subpoena issued by the joint committee may be served by any person designated by the chairman or other member authorized to sign the subpoena.

(d) Administration of Oaths.—Any member of the joint committee may administer oaths or affirmations to witnesses.

(e) Availability of Information to Other Committees and Members.—The joint committee shall, under such regulations as the joint committee shall prescribe, make any information in its possession available to any other committee or to any Member of Congress not a member of the joint committee and may permit any member of Congress not a member of the joint committee to attend any hearing of the joint committee that is closed to the public. Whenever the joint committee makes such information available, the joint committee shall keep a written record showing, in the case of any particular information, which committee or which Members of Congress received such information. A Member of Congress who, or a committee which, receives information under this subsection may not disclose such information except in a closed session of the Senate or the House of Representatives.

(f) Presidential Liaison.—The joint committee may permit any individual designated by the President as a liaison to the joint committee to attend any meeting of the joint committee that is closed to the public.

SEC. 5. INFORMATION FROM FEDERAL DEPARTMENTS AND AGENCIES.

Any department or agency of the Federal Government referred to in section 3(a)(2) (A) through (F) and any other department or agency of the Federal Government which conducts any intelligence activity, shall keep the joint committee fully and currently informed with respect to any such activity. Any such department or agency shall furnish such reports as may be requested by the joint committee with respect to any such activity.

SEC. 6. CLASSIFICATION AND RELEASE OF INFORMATION.

(a) Classification of Information.—The joint committee shall classify information originating within the joint committee, and the records of the joint committee, in accordance with standards used generally by the executive branch of the Federal Government for the classification of information. The joint committee shall establish guidelines under which such information and records may be—

(1) maintained;

(2) used by the staff of the joint committee; and

(3) made available to any Member of Congress who requests such information or records and has an appropriate security clearance, as determined by the joint committee.

(b) Public Disclosure of Classified Information.—(1) The joint committee may, subject to the provisions of this subsection, disclose publicly any information in the possession of the joint committee after a determination by the joint committee that the public interest would be served by such disclosure.

(2)(A) In any case in which the joint committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, the joint committee shall notify the President of such vote.

(B) The joint committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless before the expiration of such five-day period, the President, personally in writing, notifies the joint committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3)(A) If the President notifies the joint committee of his objections to the disclosure of such information as provided in paragraph (2)(B), the joint committee may, by majority vote, refer the question of the disclosure of such information with a recommendation thereon to the Senate and the House of Representatives for consideration.

(B) The joint committee shall not publicly disclose such information unless a two-thirds majority of each House has, by recorded vote in open session but without divulging the information with respect to which the vote is being taken, agreed to the recommendation of the joint committee to disclose such information.

(4)(A) Whenever the joint committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(B) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(i) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed;

(ii) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed; or

(iii) refer all or any portion of the matter back to the joint committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day of which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (i), (ii), and (iii) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate.

SEC. 7. RECORDS.

The joint committee shall keep a complete record of all joint committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the joint committee shall be the property of the joint committee and shall be kept in the office of the joint committee or such other places as the joint committee may direct.

SEC. 8. UNAUTHORIZED DISCLOSURE OF INFORMATION.

(a) Rules and Procedures To Prevent Unauthorized Disclosure.—The joint committee shall establish and carry out such rules and procedures as it considers necessary to prevent the disclosure, outside the joint committee, of any information which—

(1) relates to any intelligence activity which is conducted by any agency or department of the Federal Government;

(2) is obtained by the joint committee, any member of the joint committee, or any member of the staff of the joint committee; and

(3) is not authorized by the joint committee to be disclosed.

(b) Restriction on Access to Information.—No member of the staff of the joint committee shall be given access to any classified information by the joint committee unless such staff member has received an appropriate security clearance as determined by the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials. The type of security clearance to be required in the case of any such staff member or any class of staff members shall, within the determination of the joint committee, in consultation with the Director of Central Intelligence and other appropriate intelligence community officials, be commensurate with the sensitivity of the classified information to which such staff member or class of staff members will be given access by the joint committee.

(c) Violations.—(1) The joint committee may take appropriate actions against any member of the joint committee, or any staff member of the joint committee, who violates any provision of this section or any guideline established under section 6.

(2)(A) In the case of a member of the joint committee, such action may include (i) the censure of such member by the joint committee; (ii) the expulsion of such member from the joint committee, unless such expulsion is objected to, within five legislative days after the joint committee reports such expulsion, by a majority vote in the House of Congress of which such member is a Member; and (iii) recommendation to the Senate or the House of Representatives, as the case may be, by the joint committee that such member be censured or expelled by the Senate or the House of Representatives.

(B) Unless an objection is adopted under subparagraph (A)(ii), no member of the joint committee who the joint committee has expelled may attend or participate in any meeting or activity of the joint committee.

(3) In the case of a person serving on the staff of the joint committee, such action may include the immediate dismissal of such person. The joint committee shall report to the Attorney General of the United States any apparent violation of any Federal criminal law committed by any such person in connection with a violation of any provision of this section or any guidance established under section 6.

SEC. 9. STAFF.

(a) In General.—In carrying out its functions under this joint resolution, the joint committee may, by record vote of a majority of the members of the joint committee—

(1) appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, professional staff members and clerical staff members;

(2) prescribe the duties and responsibilities of such staff;

(3) fix the pay of such staff at rates not in excess of the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code;

(4) terminate the employment of such staff as the joint committee may consider appropriate; and

(5) require, at the time of appointment, all staff members to agree in writing and under oath to the policy of the joint committee governing the disclosure of classified information.

(b) Personnel and Services of Departments and Agencies.—In carrying out any of its functions under this joint resolution, the joint committee may utilize, on a reimbursable basis, the services, information, facilities and personnel of any agency or department of the Federal Government, and may procure the temporary or intermittent services of experts or consultants by contract at rates of pay not in excess of the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332(a) of title 5, United States Code, including payment of such rates for necessary traveltime.

SEC. 10. JOINT COMMITTEE EXPENSES.

The expenses of the joint committee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, from funds appropriated for the joint committee, upon vouchers approved by the chairman of the joint committee.

SEC. 11. DEFINITIONS.

In this joint resolution:

(1) The term "intelligence activities" includes—

(A) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities;

(B) activities taken to counter similar activities directed against the United States;

(C) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement, or other association; and

(D) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons.

(2) The term "staff" includes any employee of the joint committee and any person engaged by contract or otherwise to perform services for the joint committee.

SEC. 12. AMENDMENTS TO STANDING RULES OF THE SENATE.

(a) REPEAL.—Senate Resolution 400, Ninety-fourth Congress (adopted May 19, 1976), is repealed.

(b) AMENDMENT TO SENATE RULES.—Rule XXV of the Standing Rules of the Senate is amended by striking out "Intelligence .... 15" and inserting in lieu thereof "Joint Committee on Intelligence .... 9".

(c) RULE MAKING AUTHORITY.—The provisions of this joint resolution are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SEC. 13. AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

(a) Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) in subsection (a)(1) by striking out "Select Committee on Intelligence of the Senate" and all that follows through "('intelligence committees')" and inserting in lieu thereof "Joint Committee on Intelligence (hereafter in this title referred to as the 'joint committee')";

(2) by striking out "intelligence committees" each place it appears and inserting in lieu thereof "joint committee";

(3) in subsection (a)(1) by striking out "ranking minority members" and inserting in lieu thereof "vice chairman";

(4) in subsection (a)(2) by striking out "either of";

(5) in subsection (d) by striking out "each of" and inserting in lieu thereof "the Members of each House on"; and

(6) in subsection (d) by striking out "its respective" both places it appears and inserting in lieu thereof "their respective".

(b) Section 502(c)(2) of such Act is amended—

(1) by striking "Permanent Select Committee on Intelligence" and inserting in lieu thereof "joint committee,"; and

(2) by striking "and the Select Committee on Intelligence" and inserting in lieu thereof a comma.

(c) Section 602(c) of such Act is amended by striking out "Select Committee on Intelligence of the Senate" and all that follows through the period and inserting in lieu thereof "Joint Committee on Intelligence.".

(d) Section 603(a) of the such Act is amended by striking out "submit to the Select" and all that follows through "House of Representatives" and inserting in lieu thereof "submit to the Joint Committee on Intelligence".

SEC. 14. EFFECTIVE DATE.

This Act shall take effect at the beginning of the first Congress beginning after the date of enactment of this Act.

By Mr. INOUYE (for himself, Mr. HOLLINGS, and Mr. DANFORTH):

S. 2114. A bill entitled the "Public Telecommunications Act of 1988"; referred to the Committee on Commerce, Science, and Transportation.

PUBLIC TELECOMMUNICATIONS ACT OF 1988

● Mr. INOUYE. Mr. President, today I am introducing the Public Telecommunications Act of 1988. This legislation authorizes funding for the Corporation for Public Broadcasting for fiscal years 1991 through 1993 and for the Public Telecommunications Facilities Program for fiscal years 1989 through 1991. It continues the tradition of advance funding for these important programs so that key long-term planning decisions can be made.

The roots of public broadcasting in America are in education. The Federal Communications Commission's rules and regulations require that licensees who seek to operate on channels reserved for noncommercial stations must intend to promote educational programming. From this basic concept, the obligation of public broadcasting has expanded to include programming that is generally not feasible for commercial stations to provide. In addition, public stations are expected to be more responsive to the local informational needs of the communities they serve and the needs of diverse interest groups who are not likely to be served by the commercial broadcasters.

In 1967, the Corporation for Public Broadcasting [CPB] was established by Congress. This law has as its goal:

> "* * * [to] help make public broadcasting available to all citizens * * * and to afford maximum protection to such broadcasting from extraneous interference and control.

In the 20 years since the adoption of the Public Broadcasting Act, public broadcasting has grown and matured. Even with the increased number of programming services, it is largely responsible for much of the quality entertainment and educational video and audio programming.

Public stations are generally viewed as the bastion of responsive programming. However, local programming is the most expensive to produce and the most difficult to finance. There is far more programming aired on more public broadcast stations than there was 20 years ago, but there is also a great deal of program duplication in the markets with multiple public outlets. This is a direct result of the fact that television programming is very expensive to produce.

Public broadcast stations are finding it increasingly difficult to fund operations and programming, not to mention research and development. To ensure that the CPB can assist stations in the maintenance of their current high quality programming, to enhance program production, and to further technological developments in the industry, this legislation authorizes funding for the CPB in the amount of $304 million for fiscal year 1991, $354 million for fiscal year 1992, and $404 million for fiscal year 1993.

These funding levels continue the 20-year trend of steadily increasing the funding levels for the CPB. They are identical to the levels for the CPB reported by the Commerce Committee in last year's reconciliation legislation. These amounts will enable our public broadcast stations to maintain their current high quality programming in the face of ever increasing production costs. In addition, the increase in funding will permit public broadcasting to fund an hour a day of preschool programming on the model of Sesame Street and two new programs designed to reach out to the community with solutions to local problems. These funds will also be used to expand the number of public radio stations by 60 a year and increase their ability to serve each local community. With such ambitious goals, public broadcasters could well use much larger amounts than I have included. I strongly believe that this legislation properly balances the needs of the public broadcasters with the overall desire to reduce the budget deficit.

This legislation also authorizes an additional $200 million to be used over a 3-year period to replace the satellite interconnection system. That system consists of four transponders, approximately 250 receive only ground terminals, the Main Origination Terminal, and 19 uplink facilities. The useful life of the transponders is expected to end in mid-1991, and the ground system will then be over 15 years old. For public broadcast stations to continue to operate, the transponders must be replaced and the ground system upgraded. This is one time authorization. It will not be an ongoing cost after the system has been replaced.

Finally, this legislation authorizes funding for the Public Telecommunications Facilities Program. This program provides funds for the construction of stations that will provide service to unserved and underserved communities or segments of the population. Extension of service to these communities is one of the primary goals of the Communications Act. This program also provides for the repair and replacement of equipment. The Congress found several years ago that many public broadcast stations were operating with antiquated equipment that often broke. This situation continues. The program receives far more requests for assistance than it is currently able to satisfy. To continue to work towards these goals, it is important that the program have the necessary resources.

This bill authorizes $36 million for fiscal year 1989, $39 million for fiscal year 1990, and $42 million for fiscal year 1991. Although these levels represent increases over the previous authorization, the annual increase is only $4 million for 1989 and $3 million for each of the remaining years. In the previous authorization bill, the annual increases were $4 million per year. The increases proposed here are necessary to enable the program to overcome the effects of inflation and to permit a small increase in the number of stations assisted.

The Communications Subcommittee has scheduled a hearing on this legislation for March 15. This will provide an opportunity for parties to discuss the appropriate funding levels and to raise other matters related to public broadcasting. Because of the importance of this measure, I intend to move for prompt action after the hearing.●

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the Public Telecommunications Act of 1988, a bill which will ensure the financial viability of an important national resource, public broadcasting. Public broadcasting has brought excellence and diversity to the American public.

In 1967, Congress recognized the value and potential of public broadcasting by enacting the Public Broadcasting Act. The roots of public broadcasting, however, go back another decade to the educational television of the early 1950's. To this day, one of the central goals of public broadcasting is education. This bill furthers that goal in four ways.

First, by authorizing $36 million for the Public Telecommunications Facilities Program [PTFP] for fiscal year 1989, $39 million for 1990, and $42 million for 1991, the bill ensures the continuation of grants for educational and other public broadcasting purposes. A PTFP grant made last year to the Missouri School Boards Association serves as an example of the exciting educational programs that can be developed with PTFP funds. Grant money will help school districts in dozens of rural Missouri counties install equipment so that they can participate in an educational satellite network, and, for the first time, receive a Public Broadcasting System signal. What this means to rural Missouri school children is that they will be able to take courses such as advanced placement calculus and physics that would not otherwise be available. Other programs available for the first time to rural students include the Silent Network (for the hearing impaired), SCOLA (daily broadcasts of foreign news programming), and a series on the U.S. Constitution.

Second, by authorizing the Corporation for Public Broadcasting (CPB) in the amount of $304 million for fiscal year 1991, $354 million for 1992, and $404 million for 1993, this bill helps to ensure that those rural Missouri school children, and Americans generally, will continue to have access to rich and diverse educational programming and supplemental educational materials.

Third, continued funding for CPB will help bring cultural and educational programming to Americans through the Public Broadcasting System stations.

Today, satellites are the bridge between the programming and the public. Thus, the fourth way in which this bill furthers the goal of education is by authorizing $200 million for a Satellite Interconnection Fund, to ensure that public broadcasting will have the needed satellite capacity to continue bringing diverse and educational programming to the American public in the 1990's.

I am proud to be a cosponsor of this bill and I urge my colleagues to take this opportunity to support public broadcasting.●

By Mr. DANFORTH (for himself, Mr. MITCHELL, Mr. BOREN, Mr. DURENBERGER, and Mr. HEINZ):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Finance.

COMMUNITY REVITALIZATION TAX ACT

● Mr. DANFORTH. Mr. President, today I am introducing a bill that represents the first step in an effort to help revitalize the cities in our country and to provide affordable housing for low-income Americans. Specifically, my bill is designed to reinvigorate the rehabilitation tax credit and low-income housing tax credit programs and to encourage the participation of nonprofit organizations in low-income housing production. The Community Revitalization Act would provide access to the investment capital required by both the low-income housing and rehabilitation credit programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing opportunities for their communities. In this effort, I am pleased to be joined by my colleagues Senators MITCHELL, BOREN, DURENBERGER, and HEINZ. Identical legislation is being introduced today in the House by Representative KENNELLY.

Mr. President, during the last several decades, our Nation's cities have become increasingly blighted. Widespread deterioration and squalid living conditions in many older residential areas stand in dramatic contrast to the large comfortable and beautifully landscaped residences of the new suburbs. Neighborhoods that once flourished are now ghettoes that offer no hope for those who live there. With moderate income individuals and families moving out to the suburbs, the poor and less educated are often left in the inner cities. Often, these people do not have the time or interest to spend on the welfare of the general community. This lack of economic mix perpetuates the ghetto and destroys communities.

In middle American cities, the problem is particularly severe. Disinvestment has ravaged these cities during the last several decades. Economic activity does not just happen there; it needs to be aggressively encouraged. In the last 7 or 8 years, we have begun to see successes with reinvestment in many of these cities. However, many neighborhoods still do not have the critical mass of development necessary to sustain their communities. As a result, entire cities are left without an adequate tax base, and vital services cannot be provided.

At the same time, we are in the midst of a vast and growing housing affordability and availability crisis. There is a large and expanding gap between the cost of decent housing, as provided by the private sector, and the income which is available to pay for it. The most tragic and visible indicator of the low-income housing crisis is homelessness. As many as 700,000 persons could be homeless on a given night in 1988, and considerably more could experience homelessness over the course of the year. National estimates range from 350,000, from a report by HUD, to over 3 million—National Coalition for the Homeless. While there is no satisfactory method of counting the homeless, there is general consensus that the problem is a growing one. Whatever the number of homeless people and families was 2 or 3 years ago, it is substantially larger now.

The house affordability crisis is creating a more severe economic situation in inner cities. City governments are being forced to spend much larger percentages of their resources on the provision of low-income housing. As a result, those cities with so few real estate markets have fewer resources to spend on neighborhood stabilization or the development of housing for more moderate-income individuals. Without any relief, these cities will only decline further, increasing the problems that already exist.

Clearly, these problems are extremely complex and deserve comprehensive solutions. Today, I am introducing a bill that will reinvigorate existing tax credits and provide a first step in our fight to address these problems. The low-income housing and rehabilitation credits were created by Congress specifically to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. They were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. It is this type of investment that is crucial to our Nation's inner cities and the poor who need affordable places to live.

Unfortunately, the Tax Reform Act of 1986 ensured that these important credits would not work. Congress destroyed the effectiveness of the existing tax incentives and created a low-income tax credit that has been unable to produce a meaningful amount of affordable housing. In fact, the National Council of State Housing Agencies reports that States used only 20 percent of available low-income housing in 1987. In Missouri, low-income housing activities did slightly better, but still only used $1.8 million of $6.3 million in available credits.

The effect of the inadequacy of the credits has been devastating for poor people across the country. The production of multifamily housing has dropped considerably since 1986. In 1985, 666,000 units were built. In 1987, only 474,000 units were built. The National Association of Home Builders blamed the slowdown primarily on the 1986 tax changes. In my own State of Missouri, the city of St. Louis developed an average of 210 units a year of below-market rate housing before the Tax Reform Act of 1986. In 1987, the city only developed 90 units of subsidized housing. This is a shocking drop that will certainly create additional suffering and homelessness in that city.

The rehabilitation of historic buildings, a key to urban revitalization, has also plummeted due to the Tax Reform Act of 1986. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the rehabilitation tax credit program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Even worse, the National Park Service expects that those levels will show further decline in 1988. In St. Louis, renovations using the rehabilitation tax credit fell by more than 80 percent between 1985 and 1987. The city rehabilitated 908 units in 1985 and only 222 units in 1987.

Both the low-income housing and the rehabilitation tax credits suffer from the inability to attract capital. Because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is able to function as Congress intended. The passive loss rules were designed to prevent individual taxpayers from using losses from certain "passive" activities to shelter income from wages, salaries and other types of investment income. The rules addressed the significant increase in the use of losses from certain investments, typically those involving heavily leveraged investments in real estate, to offset "active" income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

Unfortunately, in addition to restricting the use of passive losses, the rules enacted in 1986 also restrict the use of credits, primarily the rehabilitation tax credit and the low-income housing credit. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. In an attempt to lessen the negative impact of the passive activity rules on the rehabilitation and low-income housing credit programs, Congress provided a special exception for both credits in the 1986 act. The exception permits taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000. This exception has been underutilized and has created two major problems in the financing of low-income housing and rehabilitation projects.

Low-income housing and rehabilitation projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard-pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Vitality and viability must be restored to both the rehabilitation and the low-income housing credit programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits. This is not a complete answer to the problems created in 1986 for low-income housing. I want to make it clear that it will still be necessary to address basic structural problems with the low-income housing credit in the future.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law in two ways. First, it would modify the passive activity rules to limit their scope to include only losses, not credits. Second, it would leave any limitations on credits where they conceptually belong, in the general business credit limitation. More specifically, section 3 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability. In order to ensure that this bill remains revenue neutral, I will support further restraints on the use of the business credit or such other changes that might help to accomplish this goal.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a long-standing commitment to their communities. They are accordingly an element of stability in the low-income housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary (with a 20-year life) in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. President, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. We have monitored these credit programs carefully since that time and have watched a steady and sharp decline in the effectiveness of the rehabilitation tax credit and a very disappointing start for the low-income housing credit. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. The Community Revitalization Tax Act of 1988 is an important first step in our efforts to ensure that the credits work and that low-income housing is available and cities in our Nation are decent, safe places to live.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Revitalization Tax Act of 1988".

SEC. 2. TAX CREDITS ELIMINATED FROM PASSIVE ACTIVITY RULES.

(a) IN GENERAL.—Paragraph (1) of section 469(a) of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended to read as follows:

"(1) IN GENERAL.—If for any taxable year the taxpayer is described in paragraph (2), the passive activity loss for the taxable year shall be disallowed.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 469 of the Internal Revenue Code of 1986 is amended by striking out "or credit" in the heading and the text thereof.

(2) Subsection (d) of such section 469 is amended to read as follows:

"(d) PASSIVE ACTIVITY LOSS DEFINED.—For purposes of this section, the term 'passive activity loss' means the amount (if any) by which—

"(1) the aggregate losses from all passive activities for the taxable year, exceed

"(2) the aggregate income from all passive activities for such year.".

(3) Subsection (e)(2)(A) of such section 469 is amended by striking out the second sentence thereof.

(4) Subsection (f)(1) of such section 469 is amended—

(A) by adding "and" at the end of subparagraph (A), by striking out subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B), and

(B) by striking out "subparagraph (A) and (B)" in subparagraph (B) (as so redesignated) and by inserting in lieu thereof "subparagraph (A)".

(5) Subsection (f)(2) of such section 469 is amended by striking out "and credits".

(6) Subsection (i)(1) of such section 469 is amended by striking out "or the deduction equivalent (within the meaning of subsection (j)(5)) of the passive activity credit" and by striking out "or credit".

(7) Subsection (i)(3) of such section 469 is amended by striking out subparagraphs (B) and (C) and redesignating subparagraph (D) as subparagraph (B).

(8) Subsection (i)(5)(A) of such section 469 is amended by adding "and" at the end of clause (i), by striking out ", and" at the end of clause (ii) and inserting in lieu thereof a period, and by striking out clause (iii).

(9) Subsection (i)(6) of such section 469 is amended by striking out subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(10) Subsection (j) of such section 469 is amended—

(A) by striking out "and the passive activity credit" in paragraph (4),

(B) by striking out "AND CREDIT" in the heading of paragraph (4),

(C) by striking out paragraphs (5) and (9), and

(D) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively.

(11) Subsection (k) of such section 469 is amended by striking out the second sentence of paragraph (1).

(12) Subsection (m) of such section 469 is amended—

(A) by striking out "or credit" each place it appears in paragraph (1),

(B) by striking out the last sentence of paragraph (3)(A),

(C) by striking out "OR CREDIT" in the heading of paragraph (3), and

(D) by striking out "AND CREDITS" in the heading thereof.

(13) Paragraph (3) of section 501(c) of the Tax Reform Act of 1986 is amended to read as follows:

"(3) SPECIAL RULE FOR LOW-INCOME HOUSING.—Section 469(i)(6)(B)(i) of the Internal Revenue Code of 1986 (as added by this section) shall not apply to any property placed in service after December 31, 1987.

(c) CLERICAL AMENDMENTS.—

(1) The section heading of section 469 of the Internal Revenue Code of 1986 is amended by striking out "and credits".

(2) The table of sections for subpart C of part II of subchapter E of chapter 1 of such Code is amended by striking out "and credits" in the item relating to section 460.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 3. LIMITATION PROVISIONS OF GENERAL BUSINESS CREDIT MODIFIED WITH RESPECT TO INDIVIDUALS.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(4) of the Internal Revenue Code of 1986 (relating to special rules for limitation of general business credit based on amount of tax) is amended to read as follows:

"(A) INDIVIDUALS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of an individual—

"(I) the amount specified under subparagraphs (A) and (B) of paragraph (2) shall be $20,000 in lieu of $25,000, and

"(II) the percentage specified under subparagraph (B) of paragraph (2) shall be 20 percent in lieu of 75 percent.

"(ii) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a husband or wife who files a separate return, clause (i)(I) shall be applied by substituting '$10,000' for '$20,000'. This clause shall not apply if the spouse of the taxpayer has no business credit carryforward or carryback to, and has no current year business credit for, the taxable year of such spouse which ends within or with the taxpayer's taxable year.".

(b) TECHNICAL AMENDMENTS.—Subparagraphs (B), (C), and (D) of section 38(c)(4) of the Internal Revenue Code of 1986 are each amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 4. MODIFICATION OF AT-RISK RULES TO CERTAIN REHABILITATION PROPERTY.

(a) IN GENERAL.—Section 46(c)(8) of the Internal Revenue Code of 1986 (relating to certain nonrecourse financing excluded from investment tax credit base) is amended by adding at the end thereof the following new subparagraph:

"(G) SPECIAL RULE FOR CERTAIN REHABILITATION PROPERTY.—

"(i) IN GENERAL.—Subparagraph (D) shall be applied to qualified rehabilitation property as if section 42(k) applied to such property.

"(ii) QUALIFIED REHABILITATION PROPERTY.—For purposes of this subparagraph, the term "qualified rehabilitation property" means property attributable to qualified rehabilitation expenditures determined under section 48(g)(2).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 1987, in taxable years ending after such date.

SEC. 5. TAX-EXEMPT ORGANIZATION PARTICIPATION IN CERTAIN BUILDING PROJECTS.

(a) Clarification of Unrelated Business Income Tax Offset.—Subsection (a) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by inserting "(including the tax imposed by section 511)" after "chapter".

(b) Clarification of Definition of Qualifying Distribution.—Section 4942(g) of the Internal Revenue Code of 1986 (defining qualifying distributions) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Certain loans to section 501(c) organizations operating low-income housing.—

"(A) In general.—For purposes of this section, the term 'qualifying distribution' includes the amount of foregone interest on a below-market loan (as defined in section 7872(e)) to an organization described in section 501(c) which is exempt from tax under section 501(a) for the purposes of operating a qualified low-income building (as defined in section 42(c)(2)).

"(B) Foregone interest.—For purposes of subparagraph (A)—

"(i) In general.—The amount of foregone interest shall be computed each taxable year in the manner described in section 7872(e)(2) for the period the loan is outstanding during such taxable year.

"(ii) Present value.—If a taxpayer elects the application of this subparagraph, the amount of the foregone interest on a term loan (as defined in section 7872(f)(6))—

"(I) shall be computed for the taxable year in which the loan is entered into, and

"(II) shall be equal to the present value of the foregone interest determined under section 7872(e) for the period of the loan.".

(c) Tax Exempt Entity Leasing Conforming Amendment.—Clause (v) of section 48(g)(2)(B) of the Internal Revenue Code of 1986 (relating to certain expenditures not included in definition of qualified rehabilitation expenditure) is amended by adding at the end thereof the following new subclause:

"(III) Clause not to apply to qualified low-income building.—This clause shall not apply to the extent that the expenditure is in connection with the rehabilitation of a building which is (or is reasonably expected to be) a qualified low-income building (as defined in section 42(c)(2)).".

(d) Clarification of Pooled Income Fund Rules.—Section 642(c)(5) of the Internal Revenue Code of 1986 (defining pooled income fund) is amended by adding at the end thereof the following new sentence: "If substantially all of the assets of a pooled income fund are to be invested exclusively in qualified low-income buildings (as defined in section 42(c)(2)), then, for purposes of subparagraph (A), the fund may have 1 or more corporations as income beneficiaries and the life of any such corporate beneficiary shall be deemed to be 20 years.".

(e) Effective Date.—The amendments made by this section shall be applied to taxable years beginning after December 31, 1987.

Fact Sheet: The Community Revitalization Tax Act of 1988

The rehabilitation tax credit and the low-income housing tax credit programs are not functioning as Congress intended, in part because the credits are regulated by the 1986 Tax Reform Act's passive loss rules. The rules effectively restrict credit use to $7,000 for many taxpayers and eliminate the use of credits completely for others above specified income levels. These limitations have caused a sharp decline in the availability of equity capital for affordable housing projects and commercial rehabilitation, thus frustrating Congress' goal of providing substantial tax incentives to encourage the revitalization of the nation's older commercial areas and low income and historic residential neighborhoods.

The Community Revitalization Tax Act of 1988 will restore the vitality of the rehabilitation and low-income housing tax credits and, at the same time, ensure that limits on credit use are maintained. The legislation will additionally remove several existing barriers to nonprofit sponsorship and participation in creating affordable housing. The bill:

Removes the rehabilitation and low income housing credits from the passive loss rules. Losses from rehabilitation and low income housing projects would remain subject to the rules.

Tightens the existing limitations on individual taxpayer use of all business tax credits, including the rehabilitation and low income housing credits. Currently, taxpayers may use only $25,000 of credits to reduce their total income tax liability plus an amount that would reduce up to 75 percent of any additional tax liability. The legislation tightens this restriction to allow individuals to use only $20,000 of credits plus an amount equal to 20 percent of additional tax liability.

Conforms the at-risk rules for the rehabilitation credit to those for the low income credit in order to encourage a more coordinated use of the two credits.

Removes specific disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions that currently restrict the ability of nonprofits to join with private investors in initiating and financing affordable housing.

The Community Revitalization Tax Act of 1988 will simplify the rehabilitation and low income credits by applying uniform eligibility rules to all taxpayers. Credit availability will no longer be tied to a $7,000 limit or be based on the amount of passive income a taxpayer can claim. The legislation thus will increase the pool of investors eligible to use credits and reduce transaction costs by expanding the number of practical financing mechanisms. Additionally, under the bill, nonprofit organizations will be more fully able to participate in the provision of community housing.●

ADDITIONAL COSPONSORS

S. 675

At the request of Mr. Mitchell, the names of the Senator from Vermont [Mr. Leahy], the Senator from Wisconsin [Mr. Proxmire], the Senator from Maine [Mr. Cohen], and the Senator from Kentucky [Mr. Ford] were added as cosponsors of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 1740

At the request of Mr. Durenberger, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 1740, a bill to amend title XIX of the Social Security Act to permit States the option of providing comprehensive medical assistance to chronically ill and disabled children with a family income meeting a particular income standard, and for other purposes.

S. 1787

At the request of Mr. Daschle, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 1787, a bill to amend title 38, United States Code, to prescribe certain presumptions in the case of veterans who performed active service during the Vietnam era.

S. 1833

At the request of Mr. Durenberger, the names of the Senator from Pennsylvania [Mr. Heinz], and the Senator from Arizona [Mr. McCain] were added as cosponsors of S. 1833, a bill to make grants from amounts appropriated from the Federal hospital insurance trust fund under title XVIII of the Social Security Act to test the cost-effectiveness of innovative nursing practice models under the Medicare Program.

S. 1839

At the request of Mr. Melcher, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 1839, a bill to amend title XVIII of the Social Security Act to provide for coverage of adult day health care under the Medicare Program, and for other purposes.

S. 1929

At the request of Mr. Bumpers, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 1929, a bill to amend the Small Business Investment Act to establish a corporation for small business investment, and for other purposes.

S. 2003

At the request of Mr. Gramm, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Kentucky [Mr. McConnell], the Senator from New Mexico [Mr. Bingaman], the Senator from Idaho [Mr. McClure], the Senator from Utah [Mr. Garn], the Senator from Wisconsin [Mr. Kasten], the Senator from Alabama [Mr. Heflin], the Senator from Georgia [Mr. Nunn], the Senator from Virginia [Mr. Trible], and the Senator from Wyoming [Mr. Simpson] were added as cosponsors of S. 2003, a bill to amend the Internal Revenue Code of 1986 to exempt from tax diesel fuel used for farming purposes.

S. 2021

At the request of Mr. Grassley, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of S. 2021, a bill to protect children from sexual exploitation.

S. 2026

At the request of Mr. Cranston, the names of the Senator from Minnesota [Mr. Boschwitz], and the Senator from Indiana [Mr. Quayle] were added as cosponsors of S. 2026, a bill entitled the "Atomic Energy Law Enforcement Act of 1988."

S. 2042

At the request of Mr. Durenberger, the names of the Senator from Maryland [Mr. Sarbanes], the Senator from Georgia [Mr. Nunn], and the Senator from Montana [Mr. Baucus] were added as cosponsors of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2045

At the request of Mr. Dole, the name of the Senator from Nebraska [Mr. Karnes] was added as a cosponsor of S. 2045, a bill to amend the Food Security Act of 1985 to increase the number of acres placed in the Conservation Reserve Program, to protect water quality and wildlife habitat, to otherwise improve the program, and for other purposes.

S. 2046

At the request of Mr. Durenberger, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 2046, a bill to amend title XIX of the Social Security Act to provide mandatory coverage for certain low-income pregnant women and infants.

S. 2095

At the request of Mr. Metzenbaum, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 2095, a bill to strengthen the protections available to private employees against reprisal for disclosing information, to protect the public health and safety, and for other purposes.

S. 2106

At the request of Mr. Bond, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 2106, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to use multiyear set-asides to establish wildlife habitats and feeding areas.

SENATE JOINT RESOLUTION 248

At the request of Mr. Quayle, the names of the Senator from Michigan [Mr. Levin], the Senator from Massachusetts [Mr. Kerry], the Senator from Massachusetts [Mr. Kennedy], the Senator from Virginia [Mr. Warner], the Senator from South Carolina [Mr. Thurmond], the Senator from Kansas [Mr. Dole], the Senator from Indiana [Mr. Lugar], the Senator from Florida [Mr. Chiles], the Senator from Florida [Mr. Graham], the Senator from Connecticut [Mr. Weicker], the Senator from Wyoming [Mr. Simpson], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 248, joint resolution to designate the week of October 2, 1988, through October 8, 1988, as "Mental Illness Awareness Week."

SENATE RESOLUTION 377

At the request of Mr. Lugar, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of Senate Resolution 377, a resolution to express the sense of the Senate regarding negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 388—OPPOSING THE PROPOSED WORLD BANK LOAN TO RESTRUCTURE MEXICO'S STEEL INDUSTRY

Mr. METZENBAUM (for himself, Mr. Heinz, Mr. Dixon, Mr. Rockefeller, and Mr. Dole) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 388

Whereas during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

Whereas the United States steel industry has lost more than 12 billion dollars, more than half its workforce, and closed scores of plants throughout the country;

Whereas in order to regain its competitive posture, the United States industry has invested more than 8 billion dollars on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

Whereas there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

Whereas the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production; and

Whereas the proposed loan could do irreparable damage to the United States steel industry: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and

(2) the government of the United States should use its best efforts to prevent approval of that loan.

SENATE RESOLUTION 389—RESOLUTION TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF THE CONSTRUCTION GRANTS PROGRAM OF THE CLEAN WATER ACT

Mr. LAUTENBERG (for himself, Mr. Mitchell, Mr. Chafee, Mr. Burdick, Mr. Stafford, Mr. Moynihan, Mr. Graham, Ms. Mikulski, Mr. Baucus, Mr. Wilson, Mr. Simon, Mr. Gore, Mr. Harkin, Mr. Reid, Mr. Ford, Mr. Sarbanes, Mr. Leahy, Mr. Bradley, Mr. D'Amato, Mr. Cranston, Mr. Inouye, Mr. Humphrey, Mr. Levin, Mr. Pell, Mr. Riegle, Mr. Dodd, Mr. Weicker, Mr. Daschle, and Mr. Kennedy) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. Res. 389

Whereas clean water is a vital resource deserving the most rigorous protection;

Whereas a key component in protecting the nation's oceans, rivers, lakes, and other waterways is federal funding for the construction of sewage treatment plants as set forth in the Construction Grants program of the Clean Water Act;

Whereas the unmet national need for sewage treatment construction has been estimated to be $76 billion;

Whereas Congress, in enacting the Water Quality Act of 1987, authorized $2.4 billion for the Construction Grants program in 1989;

Whereas the amount authorized by Congress is a just and prudent downpayment on a large national need;

Whereas the President's 1989 Budget unjustifiably would reduce the $2.4 billion that is authorized for the Construction Grants program by $900 million in Budget Authority;

Whereas the 100th Congress, by overriding the President's veto of the Water Quality Act of 1987, rejected the President's earlier attempt to amend and further reduce the Construction Grants program;

Whereas the President's rationale in the budget message of privatizing the Construction Grants program ignores the large national needs for sewage treatment as well as the Congressionally mandated plan for assisting with those needs through both Construction Grants and through a transition to State Revolving Loan Funds;

Whereas the State Revolving Fund approach that is set forth in the Water Quality Act of 1987 will assure an orderly and appropriate transition from the Construction Grants program;

Whereas tampering with the approach to Construction Grants funding, which was enacted by Congress with the support of the American people and through an override of the President's unwise veto, would have a disruptive and negative effect on implementation of the law; Now, therefore, be it

Resolved, That, it is the sense of the United States Senate that the President's 1989 Budget proposals for the Construction Grants program be soundly rejected, and that Congress through the Budget and Appropriations process assure the appropriation of the amount authorized for the program by the Water Quality Act of 1987, and further assure that such funds are spent in compliance with the spirit and the letter of the law.

SEC. 2. The Clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit a copy to the Administrator of the United States Environmental Protection Agency.

● Mr. **LAUTENBERG**. Mr. President, today, I am joined by Senators MITCHELL, CHAFEE, BURDICK, STAFFORD, MOYNIHAN, and others in submitting a sense of the Senate resolution on proposed cuts in sewage construction funding. Twenty-eight other Senators have joined me in calling for rejection of the President's proposed cuts in this program.

The administration's budget would unjustifiably cut $900 million or about 38 percent from the $2.4 billion that's authorized for sewage construction grants to States.

That would be a severe blow to New Jersey and the Nation as we push to clean up our oceans, rivers, and coastal areas. This country must turn the tide on water pollution. We must move forward to stem the ravages of beach closings, not turn our backs on our environment and coastal economies.

Mr. President, as you know, sewage construction grants to States are currently authorized by the Water Quality Act of 1987, which reauthorized the Clean Water Act. The 1987 legislation was enacted into law last February over the President's veto, which was based largely on the administration opposition to sewage construction funding. The House voted 401-26, and the Senate voted 86-14 to override the President's veto.

It's time for the President to stop trying to undo through the budget what Congress resoundingly enacted with last year's veto override. The administration must stop playing numbers games, and start showing a commitment to enforcing and funding this Clean Water Program.

The administration's budget would cut about $37 million or 38 percent from New Jersey's Federal assistance. New Jersey has an estimated $3.5 billion in needs for sewage construction. The national needs are estimated to be at least $76 billion.

All States would see reductions, including $99 million less for New York, $36 million less for Pennsylvania, and $64 million less for California.

Mr. President, these needs are displayed in a table provided by EPA, and I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE ALLOTMENTS AT $2.4 BILLION AND $1.5 BILLION

[Feb. 29, 1988—in billions of dollars]

State	$2.4	$1.5	Difference
Alabama	26,870,000	16,794,000	10,076,000
Alaska	14,382,000	8,989,000	5,393,000
Arizona	16,230,000	10,144,000	6,086,000
Arkansas	15,719,000	9,825,000	5,894,000
California	171,863,000	107,415,000	64,448,000
Colorado	19,222,000	12,013,000	7,209,000
Connecticut	29,439,000	18,399,000	11,040,000
Delaware	11,797,000	7,373,000	4,424,000
District of Columbia	11,797,000	7,373,000	4,424,000
Florida	81,114,000	50,696,000	30,418,000
Georgia	40,629,000	25,393,000	15,236,000
Hawaii	18,612,000	11,632,000	6,980,000
Idaho	11,797,000	7,373,000	4,424,000
Illinois	108,680,000	67,926,000	40,754,000
Indiana	57,913,000	36,195,000	21,718,000
Iowa	32,523,000	20,327,000	12,196,000
Kansas	21,691,000	13,557,000	8,134,000
Kentucky	30,583,000	19,115,000	11,468,000
Louisiana	26,417,000	16,510,000	9,907,000
Maine	18,602,000	11,626,000	6,976,000
Maryland	58,119,000	36,325,000	21,794,000
Massachusetts	81,587,000	50,991,000	30,596,000
Michigan	103,325,000	64,578,000	38,747,000
Minnesota	44,168,000	27,605,000	6,563,000
Mississippi	21,650,000	13,531,000	8,119,000
Missouri	66,615,000	41,635,000	24,980,000
Montana	11,797,000	7,373,000	4,424,000
Nebraska	12,291,000	7,682,000	4,609,000
Nevada	11,797,000	7,373,000	4,424,000
New Hampshire	24,014,000	15,009,000	9,005,000
New Jersey	98,198,000	61,374,000	36,824,000
New Mexico	11,797,000	7,373,000	4,424,000
New York	65,237,000	165,774,000	99,463,000
North Carolina	43,370,000	27,106,000	16,264,000
North Dakota	11,797,000	7,373,000	4,424,000
Ohio	135,280,000	84,550,000	50,730,000
Oklahoma	19,414,000	12,134,000	7,280,000
Oregon	27,146,000	16,966,000	10,180,000
Pennsylvania	95,187,000	59,492,000	35,695,000
Rhode Island	16,135,000	10,084,000	6,051,000
South Carolina	24,618,000	15,386,000	9,232,000
South Dakota	11,797,000	7,373,000	4,424,000
Tennessee	34,908,000	21,818,000	13,090,000
Texas	109,833,000	68,645,000	41,188,000
Utah	12,662,000	7,914,000	4,748,000
Vermont	11,797,000	7,373,000	4,424,000
Virginia	49,179,000	30,736,000	18,443,000
Washington	41,789,000	26,118,000	15,671,000
West Virginia	37,460,000	23,413,000	14,047,000
Wisconsin	64,964,000	40,603,000	24,361,000
Wyoming	11,797,000	7,373,000	4,424,000
American Samoa	2,158,000	1,348,000	810,000
Guam	1,561,000	976,000	585,000
Northern Marianas	1,002,000	627,000	375,000
Puerto Rico	31,342,000	19,589,000	11,753,000
Pacific trust territory	3,077,000	1,923,000	1,154,000
Virgin Islands	1,252,000	782,000	470,000
Total	2,376,000,000	1,485,000,000	891,000,000
Marine Estuary Reserve	18,000,000	11,250,000	6,750,000
Indian tribes	6,000,000	3,750,000	2,250,000
Grand total	2,400,000,000	1,500,000,000	900,000,000

●

● **Mr. BURDICK.** Mr. President, I am pleased to cosponsor the resolution introduced by my colleague from New Jersey, Senator LAUTENBERG, on the subject of funding for the Sewage Treatment Construction Grant Program. The purpose of this resolution is to make clear that we stand foursquare behind the commitment we made to water quality last year when the Water Quality Act Amendments of 1987 were enacted.

We established a responsible program authorizing $18 billion over a period of years for an orderly transition to a system of State-managed revolving loan funds to continue the Sewage Treatment Works Construction Program. This is consistent with the administration's stated goal of "privatizing" programs of this kind.

However, the President is asking that we reduce funding by one-third just as States are to start implementing the program. It is time once again to "just say no" as we did when the Water Quality Act Amendments were vetoed last year.

We can achieve the goals of the Clean Water Act with the funds we have authorized, but we would make major sacrifices in water quality under the funding level proposed by the administration. My home State of North Dakota would lose $4 million in the coming year under this proposal or more than one-third of its authorized share. Other States would incur proportionate reductions.

People in my State and in the rest of the country are depending on us to carry through on our commitment to clean water. I commend Senator LAUTENBERG for his timely and appropriate response to this unacceptable element of the President's fiscal year 1989 budget.●

AMENDMENTS SUBMITTED

INTELLIGENCE OVERSIGHT ACT OF 1987

FOWLER AMENDMENTS NOS. 1469-1471

(Ordered to lie on the table.)

Mr. FOWLER submitted three amendments intended to be proposed by him to the bill (S. 1721) to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes.

AMENDMENT No. 1469

On page 12, lines 14 and 15, strike out "necessary to support the foreign policy objectives" and insert in lieu thereof "consistent with, and in support of, the publicly avowed foreign policy".

AMENDMENT No. 1470

On page 12, line 16, strike out "important" and insert in lieu thereof "essential".

AMENDMENT No. 1471

On page 14, line 3, strike out "and".

On page 14, line 5, strike out the period and insert in lieu thereof "; and".

On page 14, between lines 5 and 6, insert the following:

"(7) Each finding shall specify the authorized duration (not to exceed one year) of the special activity.

POLYGRAPH PROTECTION ACT

THURMOND AMENDMENT NO. 1472

Mr. THURMOND proposed an amendment to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce; as follows:

At the appropriate place, insert the following:

SEC. . (a) Congress finds that—

(1) the most abused drug in America is alcohol;

(2) alcohol use costs the American economy nearly $120,000,000,000 per year, including increased medical expenses and decreased productivity;

(3) alcohol related traffic accidents claim over 23,000 lives each year in the United States;

(4) over 12,000,000 American adults have one or more symptoms of alcoholism, representing an 8.2 percent increase in problem drinking since 1980;

(5) since 1981, the Surgeon General has officially advised women to abstain from drinking during pregnancy, and despite this warning, fetal alcohol syndrome is the third leading cause of birth defects with accompanying mental retardation;

(6) fetal alcohol syndrome is the only preventable birth defect among the top three types of birth defects in the United States, nevertheless, recent surveys reveal that only 57 percent of Americans have heard of fetal alcohol syndrome;

(7) nearly one-half of all accidental deaths, suicides, and homicides are alcohol related, and nearly half of the convicted jail inmates were under the influence of alcohol when they committed the crime;

(8) among teenagers, alcohol abuse has reached epidemic proportions and an estimated 30 percent or 4,600,000 adolescents experience the negative consequences of alcohol use (such as poor school performance, trouble with parents, or trouble with the law);

(9) in 1986, alcohol remained the most widely used drug among American youth;

(10) the Public Health Service has recently completed a study on the potential educational effects of health warning labels on alcoholic beverages and concluded that such labels can be effective in increasing consumer knowledge and can have an impact on consumer behavior, particularly in combination with other educational initiatives;

(11) the statistics cited in the preceding paragraphs indicate that many Americans are not aware of the adverse effects that the consumption of alcoholic beverages may have on health;

(12) it is necessary to undertake a serious national effort to educate the American people concerning the serious consequences of the consumption of alcoholic beverages; and

(13) warning labels on the containers of alcoholic beverages concerning the effects on the health of individuals resulting from the consumption of such beverages would assist in providing such education.

(b) Title V of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—PUBLIC AWARENESS CONCERNING THE HEALTH EFFECTS OF ALCOHOLIC BEVERAGE CONSUMPTION

"SEC. 550. PUBLIC AWARENESS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' includes distilled spirits, wine, any drink in liquid form containing wine to which is added concentrated juice or flavoring material and intended for human consumption, and malt beverages.

"(2) COMMERCE.—The term 'commerce' has the same meaning as in section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(3) CONTAINER.—The term 'container' means any container, irrespective of the material from which made, used in the sale of any alcoholic beverage.

"(4) DISTILLED SPIRITS.—The term 'distilled spirits' means any ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

"(5) MALT BEVERAGE.—The term 'malt beverage' means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"(6) PERSON.—The term 'person' has the same meaning as in section 3(5) of such Act.

"(7) SALE AND DISTRIBUTION.—The terms 'sale' and 'distribution' include sampling or any other distribution not for sale.

"(8) UNITED STATES.—The term 'United States' has the same meaning as in section 3(3) of such Act.

"(9) WINE.—The term 'wine' has the same meaning as in section 17(a)(6) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(6)).

"(b) GENERAL RULE.—It shall be unlawful for any person to manufacture, import, distribute, sell, ship, package or deliver for sale, distribution, or shipment, or otherwise introduce in commerce, in the United States, any alcoholic beverage during a calendar year unless the container of such beverage has a label bearing one of the following statements:

"(1) 'WARNING: THE SURGEON GENERAL HAS DETERMINED THAT THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, DURING PREGNANCY CAN CAUSE MENTAL RETARDATION AND OTHER BIRTH DEFECTS.

"(2) 'WARNING: DRINKING THIS PRODUCT, WHICH CONTAINS ALCOHOL, IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY.

"(3) 'WARNING: THIS PRODUCT CONTAINS ALCOHOL AND IS PARTICULARLY HAZARDOUS IN COMBINATION WITH SOME DRUGS.

"(4) 'WARNING: THE CONSUMPTION OF THIS PRODUCT, WHICH CONTAINS ALCOHOL, CAN INCREASE THE RISK OF DEVELOPING HYPERTENSION, LIVER DISEASE, AND CANCER.

"(5) 'WARNING: ALCOHOL IS A DRUG AND MAY BE ADDICTIVE.'.

"(c) Location of Label.—The label required by subsection (a) shall be located in a conspicuous and prominent place on the container of a beverage to which such subsection applies. The statement required by such subsection shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on such container.

"(d) Requirements.—Each statement required by subsection (a) shall—

"(1) be randomly displayed by a manufacturer, packager, or importer of an alcoholic beverage in each calendar year in as equal a number of times as is possible on each brand of the beverage; and

"(2) be randomly distributed in all parts of the United States in which such brand is marketed.

"(e) Bureau of Alcohol Tobacco and Firearms.—The Bureau of Alcohol Tobacco and Firearms shall—

"(1) have the power to—

"(A) ensure the enforcement of the provisions of this section; and

"(B) issue regulations to carry out this section; and

"(2) consult and coordinate the health awareness efforts of the labeling requirements of this section with the Secretary of Health and Human Services.

"(f) Violations.—Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than $10,000.

"(g) Jurisdiction.—The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this section upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"(h) Exemptions.—Alcoholic beverages manufactured, imported, distributed, sold, shipped, packaged, or delivered for export from the United States, or for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this section, but such exemptions shall not apply to alcoholic beverages manufactured, imported, distributed, sold, shipped, or packaged or delivered for sale, distribution, or shipment to members or units of the Armed Forces of the United States located outside of the United States.

"(i) Liability.—Nothing in this section shall be construed to relieve any person from any liability under Federal or State law to any other person.".

(c) The amendment made by this section shall become effective 6 months after the date of its enactment.

BOSCHWITZ AMENDMENT NO. 1473

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

KENNEDY (AND HATCH) AMENDMENT NO. 1474

Mr. KENNEDY (for himself and Mr. Hatch) proposed an amendment to the bill S. 1904, supra; as follows:

On page 19, line 3, strike out "1987" and insert in lieu thereof "1988".

Beginning on page 22, strike out line 22 and all that follows through page 23, line 3, and insert in lieu thereof the following new paragraph:

(1) In general.—Subject to paragraph (2), any employer who violates any provision of this Act may be assessed a civil penalty of not more than $10,000.

On page 35, strike out lines 18 through 23 and insert in lieu thereof the following:

(2) the employer that requested the test;

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7; or

(4) any court, governmental agency, arbitrator, or mediator, in accordance with due process of law, pursuant to an order from a court of competent jurisdiction.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 1, 1988, to mark up a committee print entitled the "Financial Modernization Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, to hold a hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, in closed session to receive testimony on military requirements for strategic defenses and relationship to phase I plans and capabilities in review of the fiscal year 1989 defense authorization request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the full Energy and Natural Resources Committee be authorized to meet during the session of the Senate on Tuesday, March 1, 1988, for an oversight hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ERIC AND SALOME ESTORICK

● Mr. REID. Mr. President, we cannot pick up a newspaper or turn on the TV without seeing a story on the continuing conflict between Palestinians and Israelis on the West Bank. It has gotten so serious that Secretary of State Shultz is conducting a personal diplomatic initiative to try to bring peace to the area. I support his effort and hope he is successful. However, equally as important to lasting peace in the Middle East are individual efforts to develop greater understanding with the peoples who live there as well as the rest of us.

Peace begins person-to-person and I would like to take a few minutes today to discuss the efforts of some friends of mine in encouraging understanding between Israel and the United States. Eric and Salome Estorick have established a scholarship for students who show outstanding achievement in both academics and community activities. The generous support of the Estoricks allows a group of Las Vegas students to travel to Israel and meet with the Arab, Christian, Druze, and Jewish population there. This experience provides a broader, indeed international perspective, which is difficult if not impossible to create in the classroom. The scholarship shows support for cultural and geographical literacy which is essential if our students are going to compete and lead in the world arena.

In addition to the educational value, this program helps strengthen the ties between Israel and the United States. The shared experience and friendship of these young people will promote understanding and continue to unify our nations long into the future. Being open to students of all faiths, the scholarship emphasizes the importance of Israel to all of the world and will foster communication which has so often been lacking.

Eric Estorick has firsthand knowledge of the consequences of the lack of world vision and understanding. A witness to the results of the Holocaust, Eric was responsible for the rescue of 1,400 Torahs from Czechoslovakia. They had been collected by the Nazis and were in imminent danger of destruction. Working with the Czechoslovakian ministry he saved the Torahs, many of which were wrapped in bloodied, torn pieces of material and clothing. All of them were tagged with the Nazi emblem—part of the booty collected by the Germans during the war.

For all Nevadans and other American citizens concerned about the Middle East, I would like to express our thanks and commendation to Eric and Salome Estorick for their support of this very worthwhile scholarship program. We are indebted to their generosity in expanding the horizons of our youth.●

THE RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

● Mr. HOLLINGS. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the "Rules of the Committee on Commerce, Science and Transportation," to be printed in the RECORD.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 15, 1987.

The rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill or nomination; provided that proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during the hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.●

BICENTENNIAL MINUTE

MARCH 1, 1805: THE SENATE ACQUITS A SUPREME COURT JUSTICE

● Mr. DOLE. Mr. President, 183 years ago today, on March 1, 1805, the Senate, by a four-vote margin, failed to remove a U.S. Supreme Court Justice from office.

A year earlier, on a strict party-line vote, the Senate, under the control of the Jeffersonian Republicans, had found Federalist U.S. District Court Judge John Pickering guilty of decisions contrary to law, and of drunkenness and profanity on the bench. By all accounts, Judge Pickering was insane and the Senate's action was justified. On that same day in March 1804, the Republican dominated House of Representatives—linking a questionable decision to an appropriate one—voted to impeach the eloquent and intemperate Supreme Court Justice Samuel Chase for biased conduct and an "anti-Republican" attitude.

The Chase trial began on February 4, 1805 in the Senate Chamber, specially fitted out for the event with a ladies' gallery. Following 4 weeks of deliberation, the Senate voted to acquit Chase. The Senate's action was highly significant, for it effectively insulated the judiciary from further congressional attacks based on disapproval of judges' opinions. If the Republicans in the Senate had removed Chase, there is little doubt that their next target would have been Federalist Chief Justice John Marshall.

A few days later, Senator John Quincy Adams wrote to his father to express his surprise appreciation for the Senate's action in the face of fierce contrary desires by certain Republican members who wished to deliver a crippling blow to the already weakened Federalist opposition. He noted that "some of those whose weakness had yielded to the torrent of popular prejudice in the removal of Judge Pickering had the integrity to reflect, rallied all their energy to assist them, and took a stand which has arrested for a time that factious impetuosity that threatens to bury all our national institutions in one common ruin."●

INFORMED CONSENT: TENNESSEE

● Mr. HUMPHREY. Mr. President, it requires much courage for a woman to publicly share the extremely personal experience of past abortions. For many, these events are hidden from family and friends for decades. Recounting the stories brings back the pain and anguish, like opening an old wound. Still, hundreds of women have exercised this strength because they believe that others will be spared the tragic consequences of choosing abortion as the sole option for unplanned pregnancy.

Without exception, these voices call for informed consent for women who would undergo abortion. Informed consent provides women with true freedom to direct their lives to positive solutions. I ask unanimous consent that a letter from Donna Vowell of Tennessee be entered into the CONGRESSIONAL RECORD. Her letter follows:

FEBRUARY 18, 1987.

DEAR SENATOR HUMPHREY: I had an abortion. It was after a divorce and I already had three beautiful children. We lived in a nice, upper middle class neighborhood in a house behind my parents until I could get on my feet financially. After I had dated a short while, I found I was pregnant and excited about having the baby. I wasn't really interested in marrying the father but already had love for the child. I was dead set against abortion and had been for a long, long time.

When I began to share with others; family, employers, and friends, about my situation, I received nothing but discouragement and advice to get an abortion. That hadn't been an option to me before. I heard how easy and cheap it was. They told me I couldn't take care of the children I had as I was working full time and going to school to try to get ahead. The pressures began to seem insurmountable and I felt very alone.

Finally, out of curiosity, I called a clinic. I lived in southern California at the time. It was very easy. I don't remember any counseling on alternative courses to take. They assumed that I had made the decision and was sure about it. They asked me some health history questions and took my money. I had a physical and waited in a cold examination room. There wasn't any concern, warmth, or personal interest shown. It was all very matter of fact and over with before I knew it. I lay in the recovery room and cried my guts out on a cot all alone.

No one ever offered any guidance or postabortion counseling. There are definite psychological after effects. I have since remarried and am having my second child with my new husband. When I first became pregnant with our daughter, fear came over me about her health, whether or not she would be whole, directly related to the guilt I still had for taking it upon myself to terminate my other baby's life. I kept claiming faith in God's forgiveness through that pregnancy. But I've heard of other women who can't forget their abortions and have terrific fear from what they did. That is a horrible thing to live with. I also know women who have had abortions and seem to have no remorse. This is superficial because I'm sure that deep inside it can't be escaped.

I do believe that my decision was based upon other peoples' opinions and upon circumstantial pressures. If I had had any encouragement, I could have managed the strength to stand on beliefs that would have sustained me. Getting pregnant out of marriage is bad enough, but the alternatives we have can make it a little more livable if we could have support in choosing life instead of death.

This is the first time I have gone back into these memories in depth. I just felt it was important to try and help. I now have my children back in my life. Old wounds have been healed. I have a wonderful husband and two more beautiful children (actually one on the way). But it was admitting the sin of murder to God that has brought me to the cleansing of self condemnation and guilt. There is no other way I could face that fact and still go on living with myself.

I felt that baby leave me—body, soul, and spirit. The love felt for it was real, and it still is. I couldn't feel this love for something that was not living.

Thank you for giving me an opportunity to share my story. I hope and pray that it helps.

DONNA VOWELL,
Tennessee.●

CLEAN WATER CONSTRUCTION GRANTS

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of a Senate resolution which rejects the administration's 1989 fiscal year funding proposal for the Clean Water Act's Construction Grants Program.

The Clean Water Act Amendments of 1987 authorized a multiyear $18 billion package consisting of construction grants, as well as funding for the gradual transition to the State Revolving Loan Program. By overriding a Presidential veto on this act, Congress sent the administration a clear message: Federal assistance is desperately needed in cleaning up our Nation's water and in constructing sewage treatment facilities. The EPA has estimated that State need for sewage construction projects is about $76 million.

Overwhelming congressional support for the Clean Water Act has apparently had no impact on the administration. The Clean Water Act authorized $2.4 billion for fiscal year 1989. The administration, however, has only proposed $1.5 billion. This ridiculously low proposal is detrimental to the Nation, and is particularly devastating to my own State, New York. New York's share of these funds is 11.16 percent. A $1.5 billion request will yield only $167.4 million to New York. This translates to a loss of $89.7 million in fiscal year 1989 alone! The congressionally authorized $2.4 billion will yield $267 million to New York.

This resolution reiterates congressional support of the full authorizations included in the Clean Water Act amendments. I urge my colleagues to stand behind this resolution and work toward its swift passage.●

BERNE CONVENTION IMPLEMENTATION ACT OF 1987

● Mr. HATCH. Mr. President, on December 18 of last year, on behalf of the administration, I introduced S. 1971, the "Berne Convention Implementation Act of 1987," which would place the United States in a position of being able to join that distinguished and venerable convention. I continue to believe that adherence to Berne is very much in the interest of the United States, and trust we will move toward that goal this year. In that connection, I would like to commend Chairman DECONCINI of the Patents Subcommittee and Senator LEAHY for their dedication to hearings on this topic.

Mr. President, when I lent my support and sponsorship to this bill, I was aware of a controversy over the application of a body of law called "moral rights." I was and remain quite concerned that S. 1971, or indeed any Berne implementation bill ultimately adopted by the Congress, not directly or inadvertently lead to a change in the current, delicate balance of rights between American authors and artists and copyright owners. In my view, the introduction of the concept of moral rights into American jurisprudence would seriously jeopardize, if not outright disrupt that balance. Hence, as I stated in my introductory statement on December 18, I am particularly concerned about helping to "ensure that concerns about moral rights provisions of the treaty be rendered fully unfounded."

It was in this spirit that I subscribed to several provisions of S. 1971 that were intended to maintain the status quo with respect to moral rights. However, many fine scholars continue to harbor concerns that these provisions are not adequate to do the job. These scholars make excellent arguments that the door could be left ajar for pressure at the Federal level to create an actual body of moral rights law. Moreover, these reputable scholars also contend that the convention's ratification could give States and the courts a reason, if not an incentive, to create a set of moral rights over and above that collected under the minimalist theory. Accordingly, I am prepared to consider stronger language to resolve many of these concerns. I would hope to dispel these doubts and see that neither the creative community nor the copyright owner community is disadvantaged by our joining the Berne Convention in connection with moral rights.

Therefore, I propose for consideration and discussion the following amendment which I believe will clarify current law and dispel these doubts. It is very much my hope that if this amendment is adopted, we can get on with the business of joining the Berne Convention with all parties reassured that nothing will change with respect to moral rights by U.S. adherence to the Berne Convention.

The essence of my proposal is to restate in stronger, sharper language, the provisions of S. 1971, to whose intent I still subscribe. These restatements will make clear that there is, in fact, a distinction between the substantial analogs of moral rights under current American law and the European body of moral rights; that all U.S. obligations under article 6bis of the convention are satisfied by current law, and that the state of moral rights law in the United States as it exists on the date of adherence to the convention should be firmly established and sustained by this legislation.

In my view, this would answer doubts and ensure that the status quo does indeed remain. It comports with views of the overwhelming majority of participants in the Berne debate who believe that the United States needs no more than the basket of rights embodied in the current body of State and Federal law to satisfy our obligations under article 6bis. It will help reassure those opposed to Berne because of moral rights that ratification really will not change current copyright rules and relationships. And to those who wish to expand moral rights, it makes clear that it will have to be done wholly independently of the Berne Convention, its article 6 bis, or any inferences or implications that can be drawn therefrom.

Mr. President, I ask that the text of this amendment be included in the RECORD at this point. I anticipate working closely with my colleagues on the subcommittee to resolve, in as constructive a fashion as possible, as I believe this amendment may do, the questions and controversy surrounding moral rights. This proposal should open a constructive discussion of this important subject.

The text follows:

PROPOSED AMENDMENTS TO THE ADMINISTRATION BILL

1. Delete Congressional finding and declaration Sec. 2. (a)(4) and insert the following additional findings and declarations:

"(4) independently of the author's economic rights, title 17 of the United States Code does not provide an author, or an author's successor in interest, with the rights to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation. These rights are refered to as 'moral rights'.

"(5) the obligations of the United States under Article 6*bis* of the Berne Convention are satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

2. Revise Congressional Intent in Sec. 2(b)(1) as follows:

"(1) any obligation of the United States to provide an author, or an author's successor in interest, independently of the author's economic rights, with any moral rights as a consequence of adherence to the Berne Convention be satisfied by United States law as it exists on the effective date of this Act, whether such rights are recognized under any relevant provision of Federal or State statutes or the common law."

3. Renumber Congressional Intent in Sec. 2(b) (2) and (3) as Sec. 2(b) (4) and (5) and insert the following additional provisions on Congressional Intent:

"(2) That no author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(3) That any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

4. Insert the following at the beginning of 17 U.S.C. § 301(d):

"Except as provided by section 306 . . ."

5. Insert the following New Section 306:

"§ 306. Preemption of Moral Rights:

"(a) The rights of an author, or the author's successor in interest, independently of the author's economic rights, to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to the author's honor or reputation, are referred to as 'moral rights'.

"(b) No author, or author's successor in interest, independently of the author's economic rights, shall be entitled on and after the effective date of this Act to any moral rights under any Federal or State statutes or the common law.

"(c) Any right of an author, or an author's successor in interest, whether under any provision of Federal or State statutes or the common law that, independently of the author's economic rights, is equivalent to any or all of the moral rights or any part thereof shall not, on and after the effective date of this Act, be expanded or enlarged either by Federal or State statute or by judicial construction."

ORDERS FOR TOMORROW

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders have been recognized, or their designees, there be a period for morning business not to exceed 10 minutes, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS, OR RESOLUTIONS OVER, UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over, under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLYGRAPH PROTECTION ACT

Mr. BYRD. Mr. President, does the distinguished Senator from Massachusetts have anything further at this point?

Mr. KENNEDY. Mr. President, if I could just have 2 minutes.

Mr. BYRD. I yield to the Senator.

Mr. KENNEDY. Mr. President, I first of all want to express our appreciation to the leader for calling this measure up. I think we saw from the motion to address this issue by a vote of 74 to 19 the overwhelming sense of the Senate to address this issue.

We have seen very substantial support for legislation that has passed in the House. There is an excellent opportunity to have this enacted into law.

I know we have a full calendar, but I do think we will go through these amendments. I am aware of the areas which have been raised during the course of the markup and during the points of discussion with other Members. I am familiar with the two or three different proposals which have been advanced.

I would hope that we would have a chance to debate those to whatever length. I do not think we will take a great deal of time. Then we can move ahead to a successful completion.

This is a major issue and a major question involving the rights of hundreds of thousands, millions, of Americans.

I just welcome the fact that we are debating it, the fact that the Senate is addressing it, and the fact that we have had strong bipartisan support for this measure.

I again thank the leader for bringing this matter before the Senate and the Republican leader as well for getting us to this point. I want to give assurance that we are prepared as floor managers to debate these issues for whatever length of time, but hopefully we will get expeditious consideration of this measure because it is so overwhelmingly supported both by the members of the committee, by a bipartisan group of Senators, and I believe by the American people.

I thank the majority leader and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee (Mr. KENNEDY), the manager of the bill, and I also thank the ranking manager of the bill (Mr. HATCH).

PROGRAM

Mr. BYRD. Mr. President, the managers are ready to discuss amendments with other Members, and will be equally ready on tomorrow.

Mr. President, a rollcall vote may occur early. I may decide to have a vote early on the question of the Sergeant at Arms. Therefore, Mr. President, I would suggest that Senators be prepared.

So there could be a vote as early as 10:30. There could be.

I urge all Senators to be prepared to answer the rollcall.

Mr. President, as a matter of fact, I will just say now that there will be a rollcall vote. Mr. President, I believe I entered the order for the two leaders, and then for 10 minutes in morning business. Did I not?

The **PRESIDING OFFICER**. The Senator is correct.

Mr. **BYRD**. That would take the Senate up to about 10:30, give or take a little bit.

I ask unanimous consent that morning business be closed at the end of that 10 minutes or upon the yielding back thereof.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD**. So at 10:30 there will be a rollcall vote so that Senators will come to the floor and be prepared to call up their amendments or do business otherwise.

There will be a 15-minute limitation on that rollcall vote because it is not going to occur until around 10:30. That will be a 15-minute rollcall vote.

I ask unanimous consent, Mr. President, that the call for the regular order be automatic at the close of the 15 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **BYRD**. Mr. President, I urge our respective Cloakrooms to inform Senators that there will be a rollcall vote tomorrow morning circa 10:30 a.m. It will be a 15-minute rollcall vote and at the conclusion of the 15 minutes the curtains will go down. I hope all Senators will be present to cast their vote.

RECESS UNTIL 10 A.M. TOMORROW

Mr. **BYRD**. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order until the hour of 10 o'clock tomorrow morning.

The motion was agreed to; and, at 5:07 p.m., the Senate adjourned until tomorrow, Wednesday, March 2, 1988, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 1, 1988*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for those about us—family, friends, colleagues—whose love is our support and whose friendship endures through all the moments of life. Grant us not to treat lightly the ties that bind us together nor let us forget how we gain happiness and satisfaction and health through those who care for us. With this word of appreciation and thanksgiving, O God, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 88, answered "present" 2, not voting 129, as follows:

[Roll No. 13]

YEAS—214

Alexander
Anderson
Annunzio
Applegate
Archer
Aspin
Atkins
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bilbray
Boland
Bonior
Boxer
Brennan
Brown (CA)
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chappell
Clarke
Clement
Clinger
Coats
Collins
Combest
Conte
Cooper
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Fazio
Feighan
Fish
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Lent
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Luken, Thomas
Martinez
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Panetta
Pashayan
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Price (IL)
Pursell
Rahall
Rangel
Ray
Richardson
Rinaldo
Rodino
Roe
Roybal
Sabo
Saiki
Scheuer
Schneider
Schumer
Sharp
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (NE)
Snowe
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Udall
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Weiss
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Yatron

NAYS—88

Armey
Ballenger
Barton
Bentley
Bereuter
Bliley
Boehlert
Buechner
Bunning
Cheney
Coble
Coleman (MO)
Coughlin
Craig
Crane
Dannemeyer
DeLay
Dickinson
Dreier
Emerson
Fields
Gallo
Gekas
Hammerschmidt
Hastert
Hefley
Henry
Herger
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lott
Lujan
Martin (NY)
McCandless
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Moorhead
Parris
Penny
Porter
Regula
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith (TX)
Smith, Robert (OR)
Solomon
Sundquist
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weldon
Wheat
Whittaker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Madigan
Rose

NOT VOTING—129

Ackerman
Akaka
Andrews
Anthony
AuCoin
Badham
Baker
Barnard
Bevill
Biaggi
Bilirakis
Boggs
Bonker
Borski
Bosco
Boucher
Boulter
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Chandler
Chapman
Clay
Coelho
Coleman (TX)
Conyers
Courter
Daub
Davis (IL)
DeWine
DioGuardi
Dixon
Dorgan (ND)
Dornan (CA)
Dowdy
Edwards (OK)
Espy
Evans
Fascell
Fawell
Flake
Foglietta
Gallegly
Garcia
Gaydos
Gejdenson
Gephardt
Gingrich
Goodling
Grant
Gregg
Gunderson
Hall (TX)
Hansen
Hayes (IL)
Hiler
Holloway
Jeffords
Jenkins
Jontz
Kaptur
Kemp
Kennedy
Kleczka
Lancaster
Leath (TX)
Levin (MI)
Lewis (FL)
Lightfoot
Lowery (CA)
Lowry (WA)
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Matsui
McCollum
McEwen
McGrath
Mfume
Molinari
Murphy
Nagle
Ortiz
Packard
Pickle
Price (NC)
Quillen
Ravenel
Ritter
Robinson
Roemer
Rostenkowski
Rowland (GA)
Russo
Savage
Sawyer
Schulze
Shaw
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Solarz
Spence
Stangeland
Stump
Sweeney
Swindall
Tallon
Torres
Torricelli
Towns
Traficant
Traxler
Walgren
Weber
Wilson
Wylie
Yates

☐ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

DISPENSING WITH CALL OF PRIVATE CALENDAR TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with today.

The SPEAKER pro tempore (Mr. Gray of Illinois). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WASHINGTON, DC,
February 29, 1988.
Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 5:15 p.m. on Monday, February 29, 1988 and said to contain a message from the President transmitting a report specifying his determination of the uniform percentage necessary to reduce outlays for travel, transportation, and subsistence by $23.6 million in accounts within section 512 of the Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1988.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 59. Joint resolution to designate the month of May, 1988 as "National Foster Care Month";

S.J. Res. 147. Joint resolution designating the week beginning on the third Sunday of September in 1988 as "National Adult Day Care Center Week";

S.J. Res. 199. Joint resolution to designate the month of May, 1988, as "Trauma Awareness Month";

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week";

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial;

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial;

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel;

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day";

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week";

S.J. Res. 237. Joint resolution to designate May, 1988, as "Neurofibromatosis Awareness Month";

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week";

S.J. Res. 244. Joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month";

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day";

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day";

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988";

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day";

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—NeighborWorks Week";

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day";

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week";

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week";

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces;

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week";

S.J. Res. 262. Joint resolution to designate the month of March, 1988, as "Women's History Month"; and

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day."

DETERMINATION OF UNIFORM PERCENTAGE NECESSARY TO REDUCE CERTAIN APPROPRIATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations.

(For message, see proceedings of the Senate of Monday February 29, 1988, at page S1614.)

MAKE NORIEGA SQUIRM WITH STIFF ECONOMIC SANCTIONS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the President's decision not to impose stiff economic sanctions to Panama in response to General Noriega's drug smuggling and autocratic rule is most regrettable. At a time when Panama is about to explode while Noriega laughs in our faces, we continue to mildly rebuke him in the hope that he will just disappear.

Mr. Speaker, we have vital security interests in Panama. We also need to associate ourselves with democratic forces in that country. While we should continue to recognize President Delvalle as Panama's true leader, we should also recognize that the carrot and stick approach will not work with Noriega. We have tried every mode of quiet diplomacy and gentle persuasion and it has not worked.

Until we make Noriega squirm with stiff economic sanctions, such as a trade embargo, he will continue to defy the civilized world and abuse his own people.

Let us get tough with Noriega.

PANAMANIAN PRESIDENT DELVALLE DESERVES OUR COMMENDATION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, Panamanian President Delvalle deserves our praise and commendation for his courageous action in trying to remove General Noriega as head of Panama's defense forces. Often described as little more than a figurehead, Delvalle nevertheless, acted for the best interests of Panama, without concern for himself. Even though President Delvalle did not succeed in his attempt to remove Noriega, he merits our high admiration for putting principle before personal interest.

With the rapidly developing events in Panama over the past several days, I am disappointed the administration did not appear to act more decisively in its opposition to Noriega and rallying our allies in the region to bring pressure against Noriega's intransigence. By contrast, Noriega was quick to secure support from Daniel Ortega, who made it clear how closely Nicaragua stands behind Noriega.

I trust the administration will soon make it clearer that it will act decisively to oppose Noriega's continued presence in power in Panama, which clearly represents a significant threat to the security of the Panama Canal.

EVENTS IN PANAMA DEMONSTRATE CORRUPT AND ABSOLUTE POWER OF GENERAL NORIEGA

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, the events in Panama over the last few days have demonstrated beyond doubt the corrupt and absolute power of Gen. Manuel Noriega. Faced with a Presidential demand for his resignation, Noriega responded by simply installing a President more to his liking. This constitutional crisis apparently registered little more than a blip on Noriega's radar screen.

While this international drug kingpin is running roughshod over his own people and exporting the narcotics that are killing our children, this administration is responding with hesitation and restraint.

If the President's war on drugs is to be anything more than a war of words, he must act now. Tough talk is no substitute for tough a action.

The Congress has already cut off both economic and military aid to Panama. The President should now cut off Panama's trade benefits and lending rights. He should impose a full economic embargo on Panama.

Mr. Speaker, on Thursday the House Foreign Affairs Subcommittee on the Western Hemisphere will meet to discuss the situation in Panama. At that time I will offer legislation to apply the full measure of American law to Panama and to General Noriega. We can and must make General Noriega such a liability to Panamanian defense forces, the Panamanian business community and the Panamanian people that they themselves will oust him.

This is not the time for delay or equivocation.

□ 1230

CIVIL RIGHTS RESTORATION ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise in opposition to the so-called Civil Rights Restoration Act of 1987. While having reservations about the bill, I am most concerned about the manner of the bill's consideration.

Mr. Speaker, this legislation will come to the floor this week having totally bypassed the committee system in the House. With a piece of legislation which is so expansive and far-reaching, do we not owe it more than a cursory glance?

Now, some will say we have examined all the possible ramifications associated with the Civil Rights Restoration Act in previous Congresses. I know hearings were held in the 98th and 99th Congresses on a similar measure, but this is a different Congress, with new Members. I sit on a committee with primary jurisdiction over this bill, and this committee has had not one single opportunity to offer its input.

Once again, we have an instance where normal procedures are dispensed with and the opportunity for a full discussion of a major piece of legislation is stifled. The bill will no doubt be considered under a restrictive rule with little or no opportunity for amendment.

Mr. Speaker, the American people deserve better.

NONE OF US IS SAFE

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, when I was in my district this weekend, I heard an impassioned warning from a retired New York City police officer, whose son, Edward Byrne, had been murdered in cold blood by drug dealers.

Matthew Byrne, Edward's father, said:

> If our son Eddie, sitting in a police car, representing and protecting us, can be wasted by scum, then none of us are safe. And I don't care where you live.

Mr. Speaker, these words make us all stop and examine the contradictions of the war on drugs.

On the one hand, the President loudly trumpets his successes in the war against drugs. He addresses carefully selected audiences and tells them that the war is being won. He tells us that it is merely a question of supply and demand, and that we have the demand problem licked.

On the other hand, his budgets have continually cut funds for drug abuse and drug education programs. And we only have to look around us to see that the demand is as great as ever.

On the one hand, the President assures us that we are committing more and more resources to stemming the supply. And from time to time we see the results of big drug seizures at the border.

On the other hand, the President's latest budget provides not 1 penny for the State and Local Narcotics Control Assistance Program. This is the very program which provides local law enforcement agencies with supplemental funds to fight the supply of drugs in the street.

These funds can help New York and its police officers, such as the tragically slain Edward Byrne, with additional resources to fight this battle.

Edward's father was right. His son was protecting the home of a family which had complained to the police about the flood of crack dealers in the neighborhood. Their home was firebombed. Edward Byrne was there to protect them and he paid the ultimate price.

Yesterday, I wrote to President Reagan urging him to restore the full funding level of $230 million to the State and Local Narcotics Control Assistance Program. To do otherwise would be to send the wrong message to Officer Byrne's assassins.

Mr. Speaker, these resources are needed now if we are seriously interested in waging a legitimate war on drugs.

LEGISLATION TO IMPROVE THE SAFETY OF TRANSPORTING RADIOACTIVE WASTE

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, today I am introducing legislation to improve the safety of radioactive waste transportation. Radioactive waste is usually shipped in a cask approved the Nuclear Regulatory Commission. But the Department of Energy is exempt from this regulation and can approve its own cask, bypassing the NRC process.

This raises serious concerns. DOE contends that the containers used to ship radioactive wastes, spent fuel, and transuranic waste will withstand the most extraordinary transportation accident. As a result, all other factors, including the population of an area where the nuclear waste travels, are secondary.

I do not share DOE's optimism. If DOE is so confident about its cask, it should be equally confident that the casks would pass NRC certification.

My legislation would require DOE to transport nuclear waste in NRC-approved containers only. Such a change in policy is urgently needed because the Department of Energy ships a vast amount of radioactive waste.

Nuclear materials must be transported, but it is imperative that they be shipped with the highest degree of safety. My legislation helps achieve this goal.

FEDERAL RESERVE BOARD GOVERNOR SEGER OFF BASE ON MINIMUM WAGE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. VENTO. Mr. Speaker, the Wall Street Journal last week reported that Federal Reserve Board Governor Martha Seger recently told a small business group that an increase in the minimum wage from the current $3.35 an hour would worsen youth unemployment. Governor Seger, however, didn't stop there but went on to explain her view by stating, quote, "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks."

Mr. Speaker, Governor Seger's insensitive speculation about the knowledge and worth of workers in minimum wage jobs is insulting. If Governor Seger would take the time to look at who makes up our Nation's minimum wage work force, she would find that indeed many of those working in minimum wage jobs are young people entering the work force for the first time. Many of these same young people are also enrolled in our Nation's colleges, universities, vocational and technical schools where they are working to develop their skills for self-advancement into better paying jobs. She would also find a significant number of older Americans, who have a lifetime of work experience behind them and who are working in minimum wage jobs to meet their economic needs. If Governor Seger were to look closely at our minimum wage work force, she would find a large number of workers who are underemployed and whose earnings are the primary or sole source of income for their households. Many of these people are working multiple jobs so that they can make ends meet. Governor Seger suggests that "Maybe they're worth two bucks." Maybe they're worth more than that, Governor Seger.

The Journal also included an article in which 54 economists including the Nobel Laureates, sent a letter to Congress expressing support for an increase in minimum wage increase.

It's been 11 years since Congress passed the last increase in the minimum wage and 7 years since that increase took effect. The increases in the cost of living over the period of time suggest that it's time for Congress to take a look at increasing the minimum wage. But whether or not you believe that it's time to increase the minimum wage, I hope my colleagues will all agree that it is unfair and just plain wrong to characterize minimum wage workers as people who don't know anything. Governor Seger, you owe an apology to the millions of Americans who work hard for their minimum wage.

Mr. Speaker, I include for the RECORD the Wall Street Journal article of February 23, 1988:

> A minimum-wage rise from $3.35 an hour would worsen the youth-unemployment problem, Fed member Martha Seger told a small-business group recently, because "a lot of them aren't worth $3.35 an hour; they don't know anything. Maybe they're worth two bucks." Meanwhile 54 economists, including two Nobel Laureates, sent a letter to Congress backing a minimum-wage rise.

VIVA DELVALLE

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, John Kennedy once said:

> Without belittling the courage with which men have died, we should not forget those acts of courage with which men * * * have lived. A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.

Mr. Speaker, President Eric Arturo Delvalle, of Panama, is such a man of courage and morals.

At a time when his beloved nation of Panama was facing one of the greatest political crises in its history, President Delvalle—without concern for his own safety—exhibited great courage by ordering the firing of the military despot now running that country. General Antonio Noriega.

While General Noriega has refused to resign as head of the Panamanian Defense Forces and to accept the mandate of the Panamanian people, President Delvalle will go down in history as a man of peace and vision—a man who refused to allow democracy to die in Panama.

President Delvalle is a man who, in one of the darkest hours in Panamanian history, defended democracy and sought to guarantee basic human rights for his people.

Mr. Speaker, General Noriega has shown utter contempt for democracy and for the rule of law. He must go. And the United States must apply whatever pressure it can to remove this despot.

One weapon which can be wielded effectively is a trade embargo between the United States and Panama. While such an embargo will, in the short-term, hurt the Panamanian people, it offers us the best chance to apply pressure leading to the removal of General Noriega.

Mr. Speaker, only by resigning can General Noriega show all Americans that he and the duly elected civilian government of Panama are serious about seeking improved relations with the United States. Only General Noriega's resignation will allow the United States to once again assist the good men and women of Panama to build a better life for themselves and their children.

I urge my colleagues to support a trade embargo and to join with me in supporting the legitimate government of Panama headed by President Eric Arturo Delvalle, a man committed to democracy for the 4 million people who live in Panama.

Viva Delvalle!

WOMEN IN DEVELOPMENT ACT OF 1988

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I join Representative MICKEY LELAND in introducing the Women in Development Act of 1988.

Most development specialists are now aware of women's roles in economic development. But they have yet to integrate women into the design and implementation of development projects and programs. A look at the food crisis in Africa shows this lag: women grow as much as 90 percent of the food in countries south of the Sahara. Many food assistance programs, however, fail to reach women farmers.

There are still perceptions pervading policy decisions that income-earning enterprises are male turf, and that small businesses are not creditworthy unless they expand capital and increase employment These perceptions allow such forms of self-employment such as vending and catering to be bypassed as trivial by assistance programs. In addition, men are often taught new technology while women are left to use older, more time consuming methods.

Fifteen years ago, the Percy amendment to the Foreign Assistance Act called on U.S. bilateral assistance programs to pay special attention to development activities that integrate women into the national economies of their countries. To achieve real success, we need to spell out how the Agency for International Development should go about achieving the goal of integrating women—our bill does that.

I ask my colleagues to join us in cosponsoring this important improvement of development priorities.

WHITE HOUSE DRUG CONFERENCE

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, after long years of prodding and struggling, an important milestone in our war against narcotics is finally being realized. Today marks the second day of a week-long White House Conference for a Drug-Free America, chaired by former Assistant Attorney General Lois Harrington, and mandated by Congress in the 1986 Anti-Drug Abuse Act. The goal of this landmark Washington meeting of concerned experts and community leaders is to provide comprehensive direction to our "War on Drugs". As ranking minority member of the Select Narcotics Committee, I commend President Reagan and First Lady Nancy Reagan for their commitment of fighting the drug menace and we thank them for their leadership and participation during this week's important conference.

As a conferee, along with my colleagues Representative CHARLES RANGEL and Representative CLAY SHAW, I will be attending many of the White House Conference Sessions, including the Congressional Town Hall Forum which was on today's agenda.

Let us hope that the recommendations made by the White House Conference conferees who have come from all walks of life and from throughout our Nation will produce concrete, constructive actions to transform our society from one which abuses and glorifies illicit substances to one that loudly and categorically "just says no!" The future of our Nation depends on it. Accordingly, Mr. Speaker, I invite my colleagues to drop in on this conference to express our commendations and support to all the participants in this landmark narcotics conference. We need the help of the community activists and we need it badly to bring the insidious enemy of drug trafficking and drug abuse to its knees.

OFFICER EDWARD BYRNE

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Mr. Speaker, Officer Edward Byrne was murdered in cold blood in the southeast section of Queens in New York City while he sat in a patrol car guarding the house of a witness in a drug case. Officer Byrne was gunned down by a single individual but behind that individual was the entire South American drug mob, the second greatest power in the Western Hemisphere. The mob was saying to the New York City criminal justice system, "We are coming after you."

Mr. Speaker, that was a message from the same people who have sent a message throughout the countries of South America. They have killed prosecutors, they have killed judges, they have stormed the palace in Peru, and they have said clearly that they are not to be touched. They dominate the nation of Panama. General Noriega, a man that we have made deals and treaties with, dominates the nation of Panama.

In Haiti they rule. Colonel Jean Claude Paul is the South American drug mob's commissar in Haiti. Jean Claude Paul is the primary power in Haiti. Jean Claude Paul controls Haiti.

The mayor of New York City took out an ad yesterday in the newspaper and called upon the President of the United States, Ronald Reagan, to begin to really do something about the trafficking of drugs into this country. We have to do more than just say no.

Yes, we have to dry up the demand, and we also have to show that we mean business on the left and the right, conservatives, liberals, and everybody should unite to really begin to act tough against drugs.

Let us act tough. Let us start by refusing to sign the certification for foreign aid to Mexico, Panama, the Bahamas, Paraguay, Haiti, Colombia, and other drug source countries. Above all, let us not sign the certification for Haiti. Above all, let us realize that the Government of Haiti, the blood-stained Government of Haiti should never be recognized as long as the drug commissar, General Jean Claude Paul, is running that government in Haiti.

If we really mean business, if we really want to protect our children, if that drug-free America conference in the White House is to have any real chance of succeeding, let us all declare war on the South American drug mob, the second strongest power in the Western Hemisphere.

EGYPT RELEASES SOME OF THE B'AHAIS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I am pleased to report that 12 imprisoned Egyptian B'ahais have had their convictions overturned and have been freed. The 12 were among 48 B'ahais convicted last May and sentenced to 3 years in prison for allegedly violating a 1960 Egyptian edict banning B'ahai religious activities.

Many in the Congress—and I thank them—our State Department, other governments, and the members of the National Spiritual Assembly of the B'ahais, all attempted to influence the Egyptian Government to free these individuals, whose only crime is their desire to practice their religion without interference. The leaders of the B'ahais community in the United States deserve our particular and highest praise for their ongoing efforts to fight religious intolerance and persecution whenever it is found.

Mr. Speaker, this action by the Egyptian Government demonstrates its commitment to religious tolerance and fair treatment of religious minorities. I am optimistic that the Egyptian Government will also reverse the convictions of the remaining 36 B'ahais, who are scheduled for retrial in March by the Egyptian Court of Appeals.

Mr. Speaker, at the same time the Government in Iran continues its deplorable persecution of the B'ahais. Perhaps the strength of the Egyptians in standing against religious persecution will be an example to Iran and help them overcome their weakness.

□ 1245

THIRD WORLD DEBT

(Mr. LaFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LaFALCE. Mr. Speaker, for almost 6 years, the term "crisis" has been applied to the issue of Third World debt. This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an international chapter 11 bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

The administration strongly opposed my ideas and those of other members of the House Banking Committee which were eventually included in the omnibus trade bill now in conference. Our proposals were characterized as dangerous and counterproductive precedents for debt relief; unworkable mandatory schemes which would neither allow a country-by-country approach nor provide sufficient leverage for economic reform by debtor countries; and, of course, the catch-all charge that any new approach constituted a bank bailout.

While none of these charges are based on fact, they have continued to be repeated over the past year. Meanwhile, the debt problem festers.

The administration insists that circumstances are improving; but the World Bank issued a report in February documentating the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a market-oriented voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called structural adjustment lending—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which should be more carefully examined.

In the midst of all this ferment, I want to call attention to two very important statements which were made yesterday at the annual meeting of the Overseas Development Council here in Washington, DC.

First, the Managing Director of the International Monetary Fund, Michael Camdessus, endorsed the necessity for debt relief as a necessary component of any solution to the Third World debt problem.

Second, the president of American Express, James D. Robinson III, outlined a plan to establish an Institute of International Debt and Development which would be empowered to deal with this issue on a comprehensive basis consistent with the proposals that I made last year.

I will be addressing the House later today with more detail on the Robinson plan, but for now I just want to express this thought: If the administration refuses to listen to Members of Congress, I hope that it will, at least, consider what these two preeminent individuals said yesterday. The time has come to confront the reality of this Third World debt crisis. We continue to muddle through only at great risk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Gray of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, March 2, 1988.

BIG CYPRESS NATIONAL PRESERVE ADDITION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 90) to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes, as amended.

The Clerk read as follows:

S. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "Big Cypress National Preserve Addition Act".

(b) Amendment of Big Cypress National Preserve Act.—Whenever in this Act an amendment is expressed in terms of an amendment to the Act of October 11, 1974, such amendment shall be considered to be made to the Act entitled "An Act to establish the Big Cypress National Preserve in the State of Florida, and for other purposes", approved October 11, 1974 (Public Law 93-440; 88 Stat. 1257).

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the planned construction of Interstate 75 is presently being designed in such a way as to improve the natural water flow to the Everglades National Park, which has been disrupted by State Road 84 (commonly known as "Alligator Alley");

(2) the planned construction of Interstate 75 provides an opportunity to enhance protection of the Everglades National Park, to promote protection of the endangered Florida panther, and to provide for public recreational use and enjoyment of public lands by expanding the Big Cypress National Preserve to include those lands adjacent to Interstate 75 in Collier County north and east of the Big Cypress National Preserve, west of the Broward County line, and south of the Hendry County line;

(3) the Federal acquisition of lands bordering the Big Cypress National Preserve in conjunction with the construction of Interstate 75 would provide significant public benefits by limiting development pressure on lands which are important both in terms of fish and wildlife habitat supporting endangered species and of wetlands which are the headwaters of the Big Cypress National Preserve; and

(4) public ownership of lands adjacent to the Big Cypress National Preserve would enhance the protection of the Everglades National park while providing recreational opportunities and other public uses currently offered by the Big Cypress National Preserve.

(b) Purpose.—It is the purpose of this Act to establish the Big Cypress National Preserve Addition.

SEC. 3. ESTABLISHMENT OF ADDITION.

(a) Big Cypress National Preserve Addition.—The Act of October 11, 1974, is amended by adding at the end thereof the following new section:

"Sec. 9. (a) In order to—

"(1) achieve the purposes of the first section of this Act;

"(2) complete the preserve in conjunction with the planned construction of Interstate Highway 75; and

"(3) insure appropriately managed use and access to the Big Cypress Watershed in the State of Florida, the Big Cypress National Preserve Addition is established.

"(b) The Big Cypress National Preserve Addition (referred to in this Act as the 'Addition') shall comprise approximately 146,000 acres as generally depicted on the map entitled Big Cypress National Preserve Addition, dated April, 1987, and numbered 176-91000C, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior, Washington, D.C., and shall be filed with appropriate offices of Collier County in the State of Florida. The Secretary shall, as soon as practicable, publish a detailed description of the boundaries of the Addition in the Federal Register.

"(c) The area within the boundaries depicted on the map referred to in subsection (b) shall be known as the 'Big Cypress National Preserve Addition' and shall be managed in accordance with section 4."

"(d) For purposes of administering the Addition and notwithstanding section 2(c), it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated with respect to the Addition in not more than five years after the date of the enactment of this paragraph.".

(b) Hunting, Fishing, and Trapping.—Section 5 of the Act of October 11, 1974, is amended by inserting "and the Addition" after "preserve" each place it appears.

(c) Suitability as Wilderness.—Section 7 of the Act of October 11, 1974, is amended—

(1) By inserting "with respect to the preserve and five years from the date of the enactment of the Big Cypress National Preserve Addition Act with respect to the Addition" after "date of the enactment of this Act" in the first sentence; and

(2) by inserting "or the area within the Addition (as the case may be)" after "preserve" each place it appears.

(d) Indian Rights.—Section 6 of the Act of October 11, 1974, is amended as follows:

(1) In clause (i) insert "and the Addition" after "preserve" and insert "(January 1, 1985, in the case of the Addition)" after "1972".

(2) In clause (ii) insert "or within the Addition" after "preserve".

SEC. 4. ACQUISITION OF LAND WITHIN ADDITION.

(a) United States Share of Acquisition Costs.—The first section of the Act of October 11, 1974, is amended by adding at the end thereof the following new subsection:

"(d)(1) The aggregate cost to the United States of acquiring lands within the Addition may not exceed 80 percent of the total cost of such lands.

"(2) Except as provided in paragraph (3), if the State of Florida transfers to the Secretary lands within the Addition, the Secretary shall pay to or reimburse the State of Florida (out of funds appropriated for such purpose) an amount equal to 80 percent of the total costs to the State of Florida of acquiring such lands.

"(3) The amount described in paragraph (1) shall be reduced by an amount equal to 20 percent of the amount of the total cost incurred by the Secretary in acquiring lands in the Addition other than from the State of Florida.

"(4) For purposes of this subsection, the term 'total cost' means that amount of the total acquisition costs (including the value of exchanged or donated lands) less the amount of the costs incurred by the Federal Highway Administration and the Florida Department of Transportation, including severance damages paid to private property owners as a result of the construction of Interstate 75.".

(b) Methods of Land Acquisition in the Addition.—The first sentence of subsection (c) of the first section of the Act of October 11, 1974, is amended—

(1) by inserting "or the Addition" after "preserve" the first place it appears; and

(2) in the first proviso—

(A) by inserting "in the preserve" after "subdivisions,"; and

(B) by striking out the colon and inserting in lieu thereof "and, any land acquired by the State of Florida, or any of its subdivisions, in the Addition shall be acquired in accordance with subsection (d):".

(c) Valuation and Appraisal.—The fourth sentence of subsection (c) of such section is amended by inserting "or the Addition" after "preserve" each place it appears.

(d) Acquisition of Property Rights by the State of Florida.—Subsection (c) of such section is amended by adding at the end thereof the following: "Nothing in this Act shall be construed to interfere with the right of the State of Florida to acquire such property rights as may be necessary for Interstate 75.".

(e) Exclusion of Subsurface Estate.—The third sentence of subsection (c) of such section is amended by inserting "and the Addition" after "preserve" each place it appears.

(f) Improved Property in Addition.—Section 3(b) of the Act of October 11, 1974, is amended—

(1) in clause (i) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971,"; and

(2) in clause (ii)—

(A) by inserting "with respect to the preserve and January 1, 1986, with respect to the Addition" after "November 23, 1971," the first place it appears; and

(B) by inserting "or January 1, 1986, as the case may be," after "November 23, 1971," the second and third places it appears.

SEC. 5. COOPERATION AMONG AGENCIES.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

SEC. 10. The Secretary and other involved Federal agencies shall cooperate with the State of Florida to establish recreational access points and roads, rest and recreation areas, appropriate wildlife protection, and, where appropriate, hunting, fishing, frogging, and other recreational opportunities in conjunction with the creation of the Addition and in the construction of Interstate Highway 75. Not more than 3 of such access points shall be located within the preserve (including the Addition).".

SEC. 6. REPORT TO CONGRESS.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"SEC. 11. Not later than two years after the date of the enactment of this section, the Secretary shall submit to the Congress a detailed report on, and further plan for, the preserve and Addition including—

"(1) the status of the existing preserve, the effectiveness of past regulation and management of the preserve, and recommendations for future management of the preserve and the Addition;

"(2) a summary of the public's use of the preserve and the status of the access points developed pursuant to section 10;

"(3) the need for involvement of other State and Federal agencies in the management and expansion of the preserve and Addition;

"(4) the status of land acquisition; and

"(5) a determination, made in conjunction with the State of Florida, of the adequacy of the number, location, and design of the recreational access points on I-75/Alligator Alley for access to the Big Cypress National Preserve, including the Addition.

The determination required by paragraph (5) shall incorporate the results of any related studies of the State of Florida Department of Transportation and other Florida State agencies. Any recommendation for significant changes in the approved recreational access points, including any proposed additions, shall be accompanied by an assessment of the environmental impact of such changes.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 of the Act of October 11, 1974, is amended—

(1) by striking out "There" in the first sentence and inserting in lieu thereof "(a) Except as provided in subsection (b), there"; and

(2) By adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated from the Land and Water Conservation Fund not to exceed $49,500,000 for the acquisition of lands within the Addition and such sums as may be necessary for development.".

SEC. 8. OIL AND GAS EXPLORATION, DEVELOPMENT AND PRODUCTION.

The Act of October 11, 1974, is further amended by adding at the end thereof the following new section:

"SEC. 12. (a) Within nine months from the date of the enactment of the Big Cypress National Preserve Addition Act, the Secretary shall promulgate, subject to the requirements of subsections (b)-(e) of this section, such rules and regulations governing the exploration for and development and production of non-Federal interests in oil and gas located within the boundaries of the Big Cypress National Preserve and the Addition, including but not limited to access on, across, or through all lands within the boundaries of the Big Cypress National Preserve and the Addition for the purpose of conducting such exploration or development and production, as are necessary and appropriate to provide reasonable use and enjoyment of privately owned oil and gas interests, and consistent with the purposes for which the Big Cypress National Preserve and the Addition were established. Rules and regulations promulgated pursuant to the authority of this section may be made by appropriate amendment to or in substitution of the rules and regulations respecting non-Federal oil and gas rights (currently codified at 36 CFR 9.30, et seq. (1986)).

"(b) Any rule or regulation promulgated by the Secretary under subsection (a) of this section shall provide that—

"(1) exploration or development and production activities may not be undertaken, except pursuant to a permit issued by the National Park Service authorizing such activities or access; and

"(2) final action by the National Park Service with respect to any application for a permit authorizing such activities shall occur within 90 days from the date such an application is submitted unless—

"(A) the National Park Service and the applicant agree that such final action shall occur within a shorter or longer period of time; or

"(B) the National Park Service determines that an additional period of time is required to ensure that the National Park Service has, in reviewing the application, complied with other applicable law, Executive orders and regulations; or

"(C) the National Park Service, within 30 days from the date of submission of such application, notifies the applicant that such application does not contain all information reasonably necessary to allow the National Park Service to consider such application and requests that such additional information be provided. After receipt of such notification to the applicant, the applicant shall supply any reasonably necessary additional information and shall advise the National Park Service that the applicant believes that the application contains all reasonably necessary information and is therefore complete, whereupon the National Park Service may—

"(i) within 30 days of receipt of such notice from the applicant to the National Park Service determine that the application does not contain all reasonably necessary additional information and, on that basis, deny the application; or

"(ii) review the application and take final action within 60 days from the date that the applicant provides notification to the National Park Service that its application is complete.

"(c) Such activities shall be permitted to occur if such activities conform to requirements established by the National Park Service under authority of law.

"(d) In establishing standards governing the conduct of exploration or development and production activities within the boundaries of the Big Cypress National Preserve or the Addition, the Secretary shall take into consideration oil and gas exploration and development and production practices used in similar habitats or ecosystems within the Big Cypress National Preserve or the Addition at the time of promulgation of the rules and regulations under subsection (a) or at the time of the submission of the application seeking authorization for such activities, as appropriate.

"(e) Prior to the promulgation of rules or regulations under this section, the Secretary is authorized, consistent with the purposes of which the Big Cypress National Preserve Addition was established, to enter into interim agreements with owners of non-Federal oil and gas interests governing the conduct of oil and gas exploration, development or production activities within the boundaries of the Addition, which agreements shall be superseded by the rules and regulations promulgated by the Secretary when applicable; *Provided*, That such agreement shall be consistent with the requirements of subsections (b)-(d) of this section and may be altered by the terms of rules and regulations subsequently promulgated by the Secretary: *Provided further*, That this provision shall not be construed to enlarge or diminish the authority of the Secretary to establish rules and regulations applicable to the conduct of exploration or development and production activities within the Big Cypress National Preserve or the Addition.

"(f) There is hereby authorized to be established a Minerals Management Office within the Office of the Superintendent of the Big Cypress National Preserve, for the purpose of ensuring, consistent with the purpose for which the Big Cypress National Preserve was established, timely consideration of and final action on applications for the exploration or development and production of non-Federal oil and gas rights located beneath the surface of lands within the boundaries of the Big Cypress National Preserve and the Addition.

"(g) There are hereby authorized to be appropriated such sums as may be necessary to carry out the activities set forth in this section.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **LAGOMARSINO**. Mr. Speaker, I demand a second.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. **DANNEMEYER**. Mr. Speaker, I have a privileged motion at the desk.

The **SPEAKER** pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DANNEMEYER moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 703 of the Senate amendment.

The **SPEAKER** pro tempore. The Chair will have to examine to see whether or not the present motion just read is a privileged motion, if the gentleman will bear with the Chair for a moment.

The Chair would state to the distinguished gentleman from California that this is a highly privileged motion under rule XXVIII but it is not more privileged than a motion to suspend the rules. Therefore, the Chair could entertain it later today.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, the rules of the House provide that after the appointment of conferees any Member may file a motion to instruct conferees after 20 calendar days have elapsed; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

But there was a motion pending at the time the gentleman offered his motion and therefore the Chair has ruled that the motion to suspend the rules has the same privilege as the gentleman's motion and the Chair is in the process of recognizing two Members for 20 minutes each to debate the pending bill.

Mr. DANNEMEYER. Then I take it, Mr. Speaker, from the ruling of the Chair that this Member would be at liberty to renew this motion after the conclusion of the motion that was pending at the time the motion was made?

The SPEAKER pro tempore. The gentleman is correct. When no other higher motion is pending then the motion the gentleman is offering would be in order at that time.

Mr. DANNEMEYER. I thank the Chair.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret the problems with regard to the competing motions. I had no knowledge the gentleman from California intended to offer such motion, nor am I aware that others had knowledge. So obviously with this suspension matter we appreciate the opportunity to go ahead with the ruling of the Chair.

Mr. Speaker, S. 90, which passed the Senate on December 12, 1987, would modify the boundaries of the Big Cypress National Preserve to add lands important to the ecological well-being of the southwest Florida region. The bill before us today closely parallels H.R. 184, which passed the House last March. Both proposals enjoy a broad bipartisan consensus, including the support of the entire Florida congressional delegation.

This is now the third time the House has had the Big Cypress National Preserve addition proposal before it, having passed it twice before. The record of support for the proposal and the need for this boundary adjustment is unchanged. The 146,000 acres added by S. 90 will enhance protection of the water supply for Everglades National Park and the region; preserve prime endangered species habitat; and provide increased recreational opportunities. Because of the concurrent construction of a segment of Interstate 75, we have a unique opportunity to leverage highway severance funds with Federal and State appropriations to acquire these important lands.

The Committee in Interior and Insular Affairs in its consideration of S. 90, adopted amendments pertaining to 4 provisions of the bill.

First, the amendments strike the Senate language and substitute the language of H.R. 184 regarding the administration of the area, so that the existing preserve and the addition will be managed in an identical fashion. This change retains the understanding which is elaborated on in the committee report accompanying H.R. 184, regarding recreational uses, including hunting, fishing and trapping. I would reiterate that the committee action and this language in no way further limits or expands the existing authority for such uses.

Second, the amendments require that the report to Congress be made in 2 years, rather than the 1 year proposed by the Senate and the 3 years proposed in H.R. 184. Additionally, the Senate provision regarding a study of access rights is referenced to the access points developed pursuant to this legislation.

Third, S. 90 made no provision for development funds. H.R. 184 authorized such sums as may be necessary for development and the amendment adds that language.

Finally, several changes were made in oil and gas provisions of S. 90. These amendments assure that the National Park Service's existing regulatory authority on access continues to apply to all oil and gas operations within the preserve and addition. These changes have the support of the interested parties and are in keeping with the understandings with which the oil and gas provisions were developed.

Mr. Speaker, for over a year now, there have been discussions of effecting a land exchange in Phoenix, AZ to deal with part of the land included in this legislation. I would point out to Members that the bill before us does not preclude such a exchange. The proposed Arizona-Florida land exchange has proven to be quite complex. The exchange proposal was under development when the House considered H.R. 184 last March and it is still being developed today. If, and when, such an exchange can be worked out, the Committee on Interior and Insular Affairs will give it fair and full consideration. I do not believe though that we should delay the addition of critical lands to the Big Cypress National Preserve on the basis of a land exchange that may or may not come about.

I support S. 90, as amended, and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 90, to authorize a 146,000-acre addition to the Big Cypress National Preserve in southern Florida. It is nearly identical to legislation passed by the House last March.

As you know, S. 90 provides the Federal Government with a unique opportunity to acquire the lands included in the addition without paying the full cost. Due to the conversion of Alligator Alley to Interstate 75, highway severance funds would be utilized to pay a portion of the acquisition costs. The remaining expense would be cost-shared by the Federal and State Governments, 80 and 20 percent respectively.

Mr. Speaker, acquisition of this area is important for the preservation of the wetlands which provide critical fish and wildlife habitat and serve as recharge sources for southern Florida's water supply. The public will also benefit from the preserve addition since S. 90 allows for multiple use of this area in the same manner as the preserve. Such traditional uses as hunting and fishing would be, and certainly should be allowed to continue at existing levels. Mineral exploration and development would also be allowed as only the surface rights to the land would be acquired. Special permit language from such development was added to S. 90 during Senate consideration.

Mr. Speaker, the Senate passed S. 90 in December. As I mentioned, it is very similar to H.R. 184 which the House passed last March. However, our committee felt a few slight modifications to S. 90 where necessary and adopted several amendments to the bill during committee consideration. The amendments, which were primarily technical and conforming in nature, would: First, delete the special management section for the addition placing it under the same management guidelines as the preserve; second, expand the funding authorization to include development, as well as acquisition; third, revise the oil and gas permit section of the bill to bring the new rules in closer conformity with existing park service regulations; and fourth, extend the time frame for the report to Congress on the preserve and addition from 1 year to 2 years.

Although S. 90 authorizes a substantial land acquisition program, negotiations have been underway for nearly a year regarding a proposed exchange of a significant portion of this land for lands in Arizona. If approved by Congress, hopefully in the near future, the land exchange would substantially reduce the Federal funding necessary for land acquisition within the addition. Passage of S. 90 today should not, and is certainly not intended to, in any way affect the proposed land exchange. That is a separate agreement which will be considered by Congress on its own merits at a later date. However, I believe it is important that we move forward on S. 90 today to bring us one step closer to the preservation and protection of this area so critical to the Florida Everglades ecosystem.

I would like to commend the sponsor of the House companion to S. 90, Mr. LEWIS from Florida, for his outstanding work and cooperation on this legislation. It has certainly been a pleasure to work with him. I would also like to commend the committee chairman, Mr. UDALL, and the subcommittee chairman, Mr. VENTO, for working with other Members to address the concerns expressed with regard to this legislation.

S. 90 is a good bill which has been finely tuned through the democratic process. It currently enjoys broad-based, bipartisan support. Therefore, I urge all of my colleagues to approve S. 90.

Mr. Speaker, at this point I would like to enter into a brief colloquy with the subcommittee chairman on behalf of the sponsor of the House bill on the Big Cypress Preserve Addition, Mr. LEWIS of Florida.

As the subcommittee chairman knows, there is concern on the part of some individuals and organizations, including the sponsors of the Big Cypress expansion legislation, Congressman TOM LEWIS and Senator LAWTON CHILES, regarding the matter of continued use of the Big Cypress National Preserve and Addition for recreational purposes.

Clearly, recognizing the historical usage of lands in national preserves, it is imperative that the people living in southern Florida and elsewhere continue to have use of the Big Cypress Preserve for a variety of public purposes, including hunting, fishing and trapping. Therefore, it is extremely important that S. 90 clearly ensure that traditional uses of the land at existing levels be allowed to continue.

Mr. Speaker, how does the gentleman committee's intent in this regard?

Mr. VENTO. If the gentleman would yield as directly referenced in the committee report accompanying H.R. 184, I would reiterate that we all understand the strong interest that the people living in south Florida have in being assured of their continued access to the Big Cypress National Preserve and Addition for recreational purposes, including hunting, fishing and trapping. The committee took no action to limit or expand the existing authority for such uses. Rather, the language adopted by the committee will assure that the addition is administered in an identical fashion as the existing preserve. The committee has encouraged the National Park Service to manage the area's resources to maintain a high productivity of wildlife and fisheries and to continue practices that encourage the taking of a reasonable amount of these resources.

Mr. UDALL. Mr. Speaker, I rise in strong support of S. 90. The battle to save the Everglades and the remarkable environments of south Florida has been akin to a national crusade for a quarter of a century. The addition of these lands to the Big Cypress National Preserve and other conservation units is a major victory in that long struggle.

As some of my colleagues are aware, the administration has proposed that the lands subject to this legislation be acquired not through the normal procedure; namely, their purchase via the land and water conservation fund. Instead, it has proposed that they be acquired by means of an exchange for extremely valuable Federal lands in north central Phoenix, AZ. The lands are now the site of the Phoenix Indian School and total about 104 acres. Any such exchange would require an act of Congress.

Members of the Arizona congressional delegation and others have been involved in intensive efforts to put a deal together. It is a very complicated and difficult proposal that requires negotiations between the private landowner, the city of Phoenix, the affected tribes, the Veterans' Administration, and others. Despite a number of obstacles, I am optimistic that an exchange can be worked out that will be in the best interests of all the parties. It is my belief that legislation accomplishing the exchange can be brought before the Congress and enacted in this session.

The bill before us today does not contain any reference to the exchange proposal or to the possibility of acquiring these lands through any means other than those currently authorized. This is entirely appropriate as there is no question that these lands must be placed under Federal conservation management one way or the other.

But as I say, I am hopeful that passage of S. 90 today will be followed later this session by legislation to acquire these lands through exchange.

Mr. LAGOMARSINO. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, if the gentleman will withhold his motion, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on S. 90, the Senate bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. If the gentleman from California [Mr. DANNEMEYER] will please withhold his motion, the Chair has not yet propounded the question on suspending the rules and passing the Senate bill, S. 90.

The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 90, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ATTEMPT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I have a privileged motion at the desk.

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447).

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANNEMEYER. Mr. Speaker, when I made the motion to instruct conferees before, there was then pending in the House a procedure to take up a specific bill under suspension of the rules and the Chair ruled that since that motion had preceded my motion to instruct conferees they were of equal dignity and the pending motion would proceed. Now I have achieved recognition before the motion to take up another bill on suspension, and now it would appear to this Member from California that from a parliamentary standpoint I should be recognized at this point to go forward on my motion, should I not?

The SPEAKER pro tempore. The Chair will state to the distinguished gentleman from California that the Chair has the power of recognition and the Chair stated to the gentleman that today motions to suspend the rules have equal privilege with the gentleman's motion. Therefore, the Chair is going to dispose of the two suspensions as matters of equal privilege, and then the gentleman from California could be recognized for the purpose he seeks recognition.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

Mr. DYMALLY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1447) to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area.

The Clerk read as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Morgan and Lawrence in Alabama shall be considered for designation as a single metropolitan statistical area by the Director of the Office of Management and Budget without regard to the portion of the Bankhead National Forest located within Lawrence County.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MORELLA. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. DYMALLY] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to explain briefy the background and intent of S. 1447.

S. 1447 was introduced by Senator SHELBY to designate Morgan and Lawrence Counties in Alabama as a metropolitan statistical area. This bill would provide relief to these two counties, which have exhausted their administrative remedies.

Three years ago, the officials of Lawrence and Morgan Counties began an effort to have their area designated as a metropolitan statistical area. This effort has been based upon the fact that Decatur, AL is 1 of the 366 urbanized areas officially designated by the U.S. Bureau of the Census.

The problem which has been brought to our attention concerns the inability of Lawrence and Morgan Counties to qualify as an MSA under the present OMB regulations, due to the inclusion of the unpopulated Bankhead National Forest area in the computation of the population density.

An important factor which calls for passage of this bill is the decline of certain industies in areas adjacent to the counties in question. MSA status would encourage a measure of economic recovery to this area.

Economic recovery, however, would not mean any additional financial burden on the Federal Government. Due to the great measure of discretion given to Federal agencies in the allocation of funds, there is no evidence that designation as an MSA would increase Federal funding to that area. Designation, however, would bring an added competitive edge.

I also want to commend Congressman RONNIE FLIPPO for introducing the House companion bill, H.R. 2466. This is an important effort and deserves our consideration.

Mr. Speaker, the officials of these counties have sought our help. I urge passage of this bill to give them the relief they need and deserve.

□ 1300

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express a few reasons why I oppose the passage of S. 1447.

This bill would require the Director of the Office of Management and Budget to consider the designation of Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area without regard to the portion of the Bankhead National Forest located within Lawrence County. Thus, a different set of standards would be used for Morgan and Lawrence Counties than in all other areas of the country to determine whether this area should be designated as a single metropolitan statistical area.

The usefulness of the metropolitan statistical area definitions depends on all MSA having similar characteristics which distinguish them from other areas. The criteria are established by a process which included public notice and comment. It is necessary periodically, to review the criteria to make certain that it is consistent, relevant and objectively measured. The review process is published in the Federal Register and the public is invited to comment and recommend changes. The comments are then reviewed by the Federal Committee on Metropolitan Statistical Areas, which includes representatives of 12 Federal agencies who use the MSA definition for statistical and nonstatistical purposes and for determining eligibility and benefits for certain Federal programs. The recommendations of the MSA are then published in the Federal Register prior to each decennial census. As an aside, I should mention that the current MSA criteria were published on January 3, 1980, and the next review will take place in the next 2 years.

The Office of Management and Budget has often received requests from areas to make exception to the MSA definition but has remained firm in its denial because granting the request would impair the comparability of historical and statistical data. It is important that the criteria remain constant for a period of time.

Census figures indicate that there is a real possibility that Morgan and Lawrence Counties may soon become an MSA on their own merits and under existing MSA criteria. At the same time, this bill would encourage other areas to seek exceptions to become MSA legislatively, rather than statistically.

As the ranking Republican on the subcommittee which considered this legislation, I would like to just briefly state that I do not want to hold any area back from economic growth and prosperity—which is one of the main reasons for being designated an MSA; however, changing the criteria for eligibility as a single metropolitan statistical area on a piecemeal basis undermines the Government statistical standard for the use of census data. Comprehensive change, published in the Federal Register, can be better utilized by all areas seeking the designation.

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield time to the gentleman from Alabama [Mr. FLIPPO], let me say that during the period of the past year or 15 months this is the first time the gentlewoman from Maryland and I have disagreed on an issue. We have to take what she has to say very seriously, but one witness whom she quoted, I felt, was somewhat arrogant, and if I may put it very politely, in response to the congressional mandate, what he says in effect is, "If the Congress passes this law, I am going to ignore it."

Can we imagine that? Can we imagine the Department of Justice saying, "If you pass a piece of legislation here, we are going to ignore it"? Or can you imagine the President saying that? I thought it was, to put it mildly and politely, a very arrogant response to the passage of legislation. The other issue was, I said to him, "It seems to me this enhances what you are doing. The marketing survey you are involved in, and for radio stations, this bill enhances your position." So it was a personal quirk on his part. It did not present, in my judgment, meritorious arguments against this bill.

Having said that, Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. FLIPPO].

Mr. FLIPPO. Mr. Speaker, today the House considers S. 1447, a bill to designate Morgan and Lawrence Counties in the State of Alabama as a single metropolitan statistical area, without regard to the portion of the Bankhead National Forest located in Lawrence County.

The House Committee on Post Office and Civil Service has reported this bill by voice vote after taking into consideration testimony given at hearings before the Subcommittee on Census and Population. North Alabama community leaders, with the support of myself and Senator RICHARD SHELBY, have presented clear evidence that Morgan and Lawrence Counties would qualify for MSA status under current regulations were it not for the statistical distortion caused by the portion of the Bankhead National Forest extending into Lawrence County.

This measure is identical to the bill I introduced during the first session of the 100th Congress, and addresses an issue which continues to be of great concern to the citizens of Morgan and Lawrence Counties. Like the constituents of each Member of the House, the people of Morgan and Lawrence Counties believe strongly in working hard to improve their communities and to make their homes and towns better places to live in for themselves and their children.

The people of Morgan and Lawrence Counties understand that hard work and dedication do not mean instant reward. They have exhibited steady and patient dedication during over 3 years of laboring to gain MSA status.

Both the Subcommittee on Census and Population and the full Committee on Post Office and Civil Service have recognized the merit of this unique case. Decatur, AL, in Morgan County, is the only urbanized area in the Nation which has been deprived of MSA designation solely because of OMB's stubborn insistence that a federally owned and controlled natural preserve, the Bankhead National Forest, be included in the measurement of population density.

Only the presence of this national forest extending into the lower quarter of Lawrence County interferes with the prompt recognition of Morgan and Lawrence Counties as an MSA. On the basis of every other criteria cited by OMB, the counties of Morgan and Lawrence fully deserve and should be granted MSA status.

Over the past few years community leaders in Decatur, AL, and Morgan and Lawrence Counties, with the strong support of the North-central Alabama Regional Council of Governments, have pursued every possible avenue of administrative appeal to overcome the opposition of OMB. They have compiled overwhelming evidence to show that their situation is truly unique and merits special consideration. They have shown convincingly that the cohesive nature of the Morgan and Lawrence Counties' urbanized area constitutes, in every real and meaningful way, a single metropolitan statistical area.

And still, after nearly 3 years, the people of Morgan and Lawrence Counties have had to contend with the bureaucratic intransigence of OMB.

The citizens of Morgan and Lawrence Counties have gained a familiarity with the ways of Washington. They have witnessed firsthand the politics of delay. It may be suggested to the Members of the House that these people should wait still a bit longer, and perhaps things may change. Yet, fairness should dictate that this issue be judged on its merit and not left to the chance of what the future may or may not bring.

The people of Morgan and Lawrence Counties have exhausted the available administrative routes, and now seek legislative redress. The Senate has already acted favorably on this question. Both the Subcommittee on Census and Population and the full committee have approved this measure by voice vote. A fair examination of this effort to attain MSA status shows that there is good and abundant cause to disregard the Bankhead National Forest since its special status unfairly distorts the integrated, urbanized identity of Morgan and Lawrence Counties.

The people of Morgan and Lawrence Counties have long looked forward to this day when the U.S. House of Representatives, the peoples' Chamber, would favorably resolve this issue of great economic impact to the communities of the area. MSA status has long been recognized as a vital, necessary element of plans for overall economic growth and development in Morgan and Lawrence Counties. Therefore, I strongly urge my colleagues to vote in favor of this measure so that Morgan and Lawrence Counties may be justly designated as a metropolitan statistical area.

Mr. DYMALLY. Mr. Speaker, I yield myself such time as I may consume.

Mrs. MORELLA. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, I want to reiterate what the chairman of the Subcommittee on Census and Population stated. We are almost always unanimous in agreement on issues, and it has been an extreme pleasure working with him at the helm. However, on this particular issue, I have a real concern about the precedent that is going to be set, with the floodgates that are going to be opened. He mentioned that the statistician whom I quoted said they would not recognize this area statistically as an MSA and what they are concerned about is the purity of the statistical system. Even though Congress may change it, they do not see a change in the criteria; they see an exception being made that is not warranted.

My concern also is this: How about those other areas that would like also to have a special exception? There are many of those. There would be requests for amendments to be added to the legislation that has been established.

Finally, I just want to point out that there was an article in the Wall Street Journal of September 22, 1987, entitled "What's a Metropolitan Area? Whatever Congress Says It Is." Just extracting the language from that article, it says: "When metro areas become politically instead of statistically defined, they have less and less value."

□ 1315

And then it goes on and it indicates with this particular case in mind, this particular bill:

If the proposed Alabama metro area is approved, "The dam will be broken, and you'll see all sorts of junk going on," says Edward Spar, president of Market Statistics, a New York demographic consultant. "I see the potential destruction of the metro-area concept," he adds.

Mr. FLIPPO. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. FLIPPO. Mr. Speaker, the gentlewoman quoted the Wall Street Journal in her remarks about this matter. In that same article, it did talk about a change being made in the CR last time in Harvey County, KS.

The gentlewoman noticed that, in that same Wall Street article that she is quoting.

Another change was made and it points out that changes in that same article the gentlewoman refers to, and it refers to several instances when even President Nixon suggested changes in the criteria because Long Island, NY, did not fit that particular definition; so the article, while it does make the points that the gentlewoman is talking about, also contains specific instances when the criteria and definition of the MSA have been changed when circumstances justified those changes.

Mrs. MORELLA. Mr. Speaker, may I respond to the gentleman? Will the gentleman yield?

Mr. DYMALLY. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. There is opportunity for change in the criteria set at a certain time and it will go into the Federal Register and there is time for comment and whatever, and that is when there are if necessary certain changes because of growth and changes in our society. That is when it should take place.

When the other situation was examined, can we not see the problem of opening the floodgates, seriously?

Right now we have a lot of other places that would like to use this.

Mr. FLIPPO. Would the gentlewoman name one specific urbanized area that would become an MSA as a result of this bill, other than Lawrence County?

Mrs. MORELLA. No.

Mr. FLIPPO. Well, the gentlewoman said she would let down the floodgates. Name one that it would let down the floodgate on.

Mrs. MORELLA. The request that has been made and those that are now coming to the floor when people realize that this bill is before us to say, "We think we should apply for special exceptions."

If we grant it to Alabama, why can you not grant it to another area? Therein lies the problem. A precedent is being set, and how do you extricate yourself from that and say to another area, "No, no way. You can't do that."

Mr. DYMALLY. Mr. Speaker, reclaiming my time and before recognizing my friend, the gentleman from Alabama [Mr. HARRIS], I just want to bring to the attention of my friend, the gentlewoman from Maryland, that the Senate bill was introduced July 1, 1987, and since that time we have not had another bill on this subject, so the floodgate is closed.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DYMALLY. I yield to the gentleman from Alabama.

Mr. HARRIS. Mr. Speaker, I rise in strong support of this measure and point out that the people of north Alabama look forward to the day when this Congress will favorably resolve an issue which has great economic impact to the communities of this area. The other body has already addressed it and addressed it favorably. I think as a matter of fairness that this House should go ahead and address the matter, and I urge favorable consideration of the bill of my colleague.

Mr. DYMALLY. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mrs. MORELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill S. 1447.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 5, SCHOOL IMPROVEMENT ACT OF 1987

Mr. DANNEMEYER. Mr. Speaker, I offer a privileged motion.

The **SPEAKER** pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. DANNEMEYER moves that the managers on the part of the House at the conference on H.R. 5 and the Senate amendment thereto be instructed to agree to section 7003 of the Senate amendment.

PARLIAMENTARY INQUIRY

Mr. DYMALLY. Mr. Speaker, I have a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state his inquiry.

Mr. DYMALLY. Mr. Speaker, could the gentleman from California tell me how much time he will consume of this?

Mr. DANNEMEYER. Under the rules, I have an hour. We are going to use most of that time, I suspect.

Mr. DYMALLY. Mr. Speaker, I thank the gentleman.

Mr. DANNEMEYER. Mr. Speaker, this issue came to the attention of the House 21 days ago when this Member sought recognition to make this motion. On that day another motion was recognized by the Speaker to be made, and under the rules of the House, any time after conferees are appointed another motion to instruct can be filed after 20 days. This is the reason this motion is made today.

This issue is very simple. It is time that we in the Congress of the United States vote up or down on the issue of whether or not we are going to have dial-a-porn in America. We believe that the law prohibited it at least on the basis of 47 U.S.C. 223, which provides as follows:

> Whoever knowingly in the District of Columbia or in interstate or foreign communication, by means of telephone, makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent, shall be fined not more than $500 or imprisoned for not more than six months, or both.

That would appear to be self-explanatory to prohibit dial-a-porn in this country; but the Federal Communications Commission and the Department of Justice declined to enforce section 223 because they interpreted the law to apply only to persons who utter obscene words during calls that they place. In other words, they interpreted this law to say that if the obscene language came from a recording, the law did not prohibit it.

This Member does not read the language the way the Justice Department and the FCC did, but that is the conclusion they came to.

As a result of that interpretation, Congress in late 1983 amended section 223 trying to strike a balance on this issue and by an act of Congress at that time it made it a crime to make any obscene or indecent communication for commerical purposes to any person under 18 years of age or to another person without that person's consent.

Now, that is the difficulty we had because we thought we prohibited dial-a-porn with respect to children under 18 or persons who did not consent to receive it, but that posed a great difficulty for purposes of implementation, or to be precise, how does anyone know the age of a person making the telephone call? You really do not. You cannot control that.

So as a result of this being the law, that is, allegedly prohibiting obscene calls by any person under 18 years of age, we have developed a great deal of data, constituents communicating to us from all over the country complaining about the fact that telephone calls were being made by members of households, by children and tremendous telephone bills were being run up.

In fact, according to Tele Marketing Inc., dial-a-porn telephone sex has achieved astonishing financial growth and now grosses $2.4 billion a year since 1983. It is an amazing growth of an industry dealing in filth.

In addition, half of all phone calls using California's 976 extra billing prefix are for pornographic tape messages or live pornographic discussion.

According to the California Public Utilities Commission, of the $64.2 million collected by Pacific Bell between July 1986, and May 1987, for 976 calls, $40.1 million went to adult services; yet the PUC is considering methods for complying with State legislation mandating that customers be allowed to block the service from their phones for a minimum fee.

The Senate considered this issue and voted by 98 to 2 to adopt the amendment that I am talking about at this time, that is, to prohibit dial-a-porn in this country.

We would achieve that by amending the section of the law that now prohibits dial-a-porn to any person under 18 years of age or to any other person without that person's consent. We would strike that language out of the law, which would then have the effect of saying in the District of Columbia or in interstate or foreign communications by means of telephone makes directly or by recording device any obscene or indecent communication for commercial purposes, regardless whether the maker of such communication placed the call.

It would also eliminate from the existing law the section that reads as follows:

> It is a defense to a prosecution under this subsection that the defendant restricted access to the prohibited communication to persons 18 years of age or older in accordance with procedures which the Commission shall prescribe by regulation.

In other words, that provision making a defense would be eliminated from the law.

The net effect of this motion to instruct conferees would be to make illegal dial-a-porn in America. Any person who was involved in it would then face prosecution by a U.S. attorney or by an appropriate public authority.

It is not pleasant for any of us to read some of the trash that has come into the airwaves or telephone or dial-a-porn, but for Members to have an appreciation of some of the material that is going out over the telephone today, I would like to read just a portion of the information that has been brought to my attention:

> I would love to squeeze those nice —— . . . 12-year-old, 13-year-old virgins and they're so tight . . . took off her training bra and took the little panties off pure virgins . . . I chewed on her little ears, she just cried. She loved it even though she didn't know it.

That was on September 12, 1987.

Then on September 22, 1987, this was recorded:

> Yeah, pat baby's little legs and take off my didys. Oh, spank me harder daddy. Baby wants her rattle and you know where baby wants it. ——.

It goes on and on, just plain trash. It does nothing to elevate the status of our society at all. I do not think there is any question that the law of this country proscribes, that is, prohibits pornographic material. The Supreme Court of the United States has made decisions on many occasions affirming that principle, the most noteworthy of which is Miller versus California in 1973, which established that obscenity is not protected by the first amendment.

This motion to instruct conferees, which I repeat was adopted by a vote of 98 to 2 on the Senate side, is supported by the Citizens for Decency Through Law, Inc. They have prepared an extensive brief asserting that the issue is constitutional, that is to say, we may by law prohibit dial-a-porn in this country.

Some of my opponents who discussed this issue 3 weeks ago when the matter came up said, "Well, it doesn't make sense for us to adopt this law prohibiting dial-a-porn, because when we do that it is only going to be tied up in the courts on the issue of whether or not to do so is constitutional."

To my good friends who urge or argue that point of view, let me make this observation. When this provision becomes the law, and I believe that it will, there is little doubt in my mind that the pornography industry in America, one of the major industries in our country, will immediately file suit to enjoin the constitutionality or the enforceability of this provision until such time as the constitutionality is adopted.

☐ 1330

That suit will be joined undoubtedly by their colleagues and friends in the American Civil Liberties Union who believe that everybody in America has rights but nobody has duties, everybody has privileges but nobody has obligations.

They will look around the country and in forum shopping in the court system undoubtedly find a Federal court judge who is sympathetic to that point of view that there should be no restriction on the ability of such material to flow in interstate commerce and undoubtedly they will procure from that judge an injunction or prohibition on the enforcement of the law pending its contest or constitutionality by appeal to the U.S. Supreme Court. I expect that to happen.

Mrs. BENTLEY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Mr. Speaker, I am happy to yield to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from California [Mr. DANNEMEYER] for yielding. I would like to inform the gentleman from California that I was informed yesterday in my district where I have written a couple of columns on the dial-a-porn, and the invitation that it extends to young people and what it leads to, and that a local newspaper was notified that the distributors of this material formed a PAC of over a half a million dollars and that they intend to go after any legislators who have raised any kind of objection to what they are doing and what they are distributing.

I just think we should know that.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentlewoman from Maryland [Mrs. BENTLEY], for pointing that out.

Mr. Speaker, there is little doubt in this Member's mind that the procedure that I outlined before will take place, that is to say an injunction will be obtained by the pornography industry in America to enjoin the enforcement of this law and that will then work its way up through the court system and ultimately be passed upon in terms of constitutionality by the U.S. Supreme Court. This will give the people who argued on the other side of this issue 3 weeks ago an opportunity for pursuing the adoption of the amendment that they think we should adopt in order to avoid the contest over constitutionality and the sense of that amendment would entail in practical effect the continued availability of dial-a-porn in America.

Some of the elements of that amendment they are working on would be that dial-a-porn would be available for a subscriber in a household who asks that it be made available, but the difficulty with that is readily apparent when one reflects on the fact that it is not easy, in fact it is impossible, to prohibit the use of the telephone to somebody under 18 years of age. We all know today that many parents both work outside the home and as a result there are times when that household is left unattended unfortunately and kids can use that telephone in a household where the subscribers ask for the availability of dial-a-porn.

Another element of it would make it limited only to those using a credit card.

Mr. Speaker, I believe the correct policy alternative for us to be pursuing is to just prohibit it. I think that says an eloquent statement as to whether or not this trash should be available.

Mr. Speaker, these are the reasons that I am making this motion to instruct conferees today and I hope that my colleagues will support this motion and prohibit what most of us believe in our society does nothing to elevate the status of our culture or to suggest that such activities or such comments do anything but say to those of us living today that it is a value system that we approve for ourselves and our children, or a value system that we want to pass on to the next generation. The proper vote today is to prohibit it flat out.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion to instruct offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

Mr. SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 17, answered "present" 24, not voting 118, as follows:

[Roll No. 14]

YEAS—274

Anderson
Annunzio
Applegate
Archer
Armey
Aspin
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Boland

Bonior
Bonker
Brennan
Buechner
Bunning
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clement
Clinger
Coats
Coble
Coleman (MO)
Collins
Combest
Conte
Cooper
Coughlin
Coyne
Craig
Crane
Dannemeyer
Darden
de la Garza
DeFazio
DeLay
Derrick
DeWine
Dickinson
Dicks
Donnelly
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Emerson
English
Erdreich
Evans
Fawell
Feighan
Fields
Fish
Flippo
Florio
Ford (TN)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hochbrueckner
Hopkins
Houghton
Hubbard
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kastenmeier
Kennelly
Kildee
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lipinski
Livingston
Lloyd
Lott
Lujan
Luken, Thomas
MacKay
Madigan
Martin (NY)
Martinez
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McMillan (NC)
McMillen (MD)
Meyers
Mica
Michel
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Obey
Olin
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Penny
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Rahall
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Roe
Rogers
Rose
Roth
Roukema
Rowland (CT)
Russo
Saiki
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (OR)
Snowe
Solomon
Spratt
St Germain
Staggers
Stallings
Stenholm
Stratton
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traxler
Udall
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Watkins
Weldon
Whittaker
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Yatron
Young (AK)
Young (FL)

NAYS—17

Beilenson
Berman
Brown (CA)
Dingell
Edwards (CA)
Ford (MI)
Frank
Green
Morrison (CT)
Rangel
Roybal
Stark
Stokes
Studds
Weiss
Wheat
Yates

ANSWERED "PRESENT"—24

Atkins
Bates
Boxer
Dellums
Dymally
Fazio
Foley
Gonzalez
Hawkins
Hoyer
Leland
Levine (CA)
Lewis (GA)
Markey
McHugh
Owens (NY)
Pease
Pelosi
Rodino
Sabo
Swift
Synar
Visclosky
Waxman

NOT VOTING—118

Ackerman
Akaka
Alexander
Andrews
Anthony
AuCoin
Badham
Baker
Ballenger
Barnard
Biaggi
Bilirakis
Borski
Bosco
Boucher
Boulter
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Burton
Bustamante
Chapman
Clay
Coelho
Coleman (TX)
Conyers
Courter
Crockett
Daub
Davis (IL)
Davis (MI)
DioGuardi
Dixon
Dornan (CA)
Dowdy
Edwards (OK)
Espy
Fascell
Flake
Foglietta
Garcia
Gejdenson
Gephardt
Gregg
Gunderson
Hall (TX)
Hansen
Hayes (IL)
Hiler
Holloway
Horton
Howard
Huckaby
Hunter
Jeffords
Jontz
Kaptur
Kemp
Kennedy
Kleczka
Leath (TX)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lowry (WA)
Lukens, Donald
Lungren
Mack
Manton
Marlenee
Martin (IL)
Matsui
Mavroules
McCollum
McEwen
McGrath
Mfume
Miller (CA)
Molinari
Murphy
Oakar
Oberstar
Ortiz
Packard
Pickle
Quillen
Ravenel
Ritter
Robinson
Roemer
Rostenkowski
Rowland (GA)
Savage
Sawyer
Schulze
Shaw
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Solarz
Spence
Stangeland
Stump
Sweeney
Swindall
Torricelli
Towns
Traficant
Vander Jagt
Walgren
Weber
Wilson
Wolf
Wylie

☐ 1355

Mr. EDWARDS of California changed his vote from "yea" to "nay."

Mrs. BOGGS changed her vote from "nay" to "yea."

Mrs. BOXER, Mr. VISCLOSKY, and Mr. WAXMAN changed their votes from "nay" to "present."

Mr. BATES and Mr. LEWIS of Georgia changed their votes from "yea" to "present."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HILER. Mr. Speaker, on rollcall No. 14, I was unavoidably detained. Had I been present, I would have voted "aye."

RESOLUTION PROVIDING FOR CONSIDERATION OF JOINT RESOLUTION TO PROVIDE ASSISTANCE AND SUPPORT FOR PEACE, DEMOCRACY, AND RECONCILIATION IN CENTRAL AMERICA

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-507) on the resolution (H. Res. 390) providing for the consideration of a joint resolution to provide assistance and support for peace, democracy, and reconciliation in Central America, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-508) on the resolution (H. Res. 391) providing for the consideration of the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which was referred to the House Calendar and ordered to be printed.

☐ 1400

REPORT ON THE SITUATION IN HAITI, PANAMA, AND CENTRAL AMERICA

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, on many previous occasions I have spoken about the fact that the present situation in Haiti is an intolerable one. The present situation in Haiti is closely related to another crisis that we are facing in this hemisphere. The present situation in Haiti is closely related to a very important conference that is being held now under the sponsorship of the White House, a conference for a drug-free America.

The present situation in Haiti is related to what is happening in Panama, the fact that in Panama you have a criminal indictment that has been brought against the Commander in Chief of the Panamanian Armed Forces and the President of that country has chosen to remove him. He has refused that order.

The entire country has been thrown into chaos and nevertheless, General Noriega sits there. On several previous occasions I have linked these elements in terms of what is happening in this hemisphere. The second strongest power in the Western Hemisphere is the South American drug mob. The South American drug mob is closely linked to what is happening in Panama, it is closely linked to what is happening in Haiti and, of course, we know the South American drug mob has killed numerous prosecutors in other Latin American countries. They have also killed judges, they have attempted to take the entire courthouse in Peru with tanks, and 11 judges perished.

The South American drug mob goes riding along without being checked at all by any force in this hemisphere. Instead of checking the South American drug mob, we have found our CIA has made deals with them. Our drug enforcement agents have praised Noriega. We find that members of the State Department are reluctant to apply sanctions against these countries that are conduits for the drugs coming to America and threaten to poison our entire social structure.

Last week in New York City—yesterday in New York City a funeral was held for police officer Edward Byrne. He is a police officer who was gunned down in his own patrol car while he sat guarding a witness in a drug case in southeast Queens.

That case was a message. The South American drug mob was sending a message to the New York City Police Department and the rest of the criminal justice system that they are ready to take them on.

What has happened all over South America has now come home to the United States. We can see more and more, we will see more and more violence perpetuated by the South American drug mob against judges, against policemen, against the entire society.

We must now resolve to act forcefully, united against the South American drug mob. This is a place where conservatives can unite with liberals, blacks unite with whites; we are all threatened by the power of the South American drug mob.

We can begin by saying to the President, "Do not certify the countries in this hemisphere such as Panama, Haiti, and Mexico, do not certify that they are cooperating with the efforts to decrease the drug traffic," when they are not.

It has been recommended by the bureau in the State Department responsible for this activity that they not be certified. Do not certify Haiti, do not certify Panama, do not say that they are doing what they are not doing. Let us cut off aid, let us remove certain privileges, let us stop using the taxpayers' money for the countries that are conduits for the drugs that are coming into this Nation.

Above all, let us take a close look at Haiti. Haiti is under the influence and domination of the commissar for drugs in that country. His name is Col. Jean Claude Paul. There is a threat that he might also be indicted just as Noriega was indicted. But Col. Jean Claude Paul is the commander of the Dessaline battalion in Port-au-Prince, Haiti. He is the person who gives the orders to the army. He is the person that the general who heads the armed forces fears. He is the person behind the massacre of November 29, the massacre of people who went out to vote in Haiti. The bloodstained Government of Haiti now in the palace in Port-au-Prince is there because of Jean Claude Paul. They would not be there if Jean Claude Paul and his murderous brigands had not gone out and murdered people in cold blood at the polls. They won by murdering people in cold blood at the polls on November 29, they won the right to go and run their own elections, their own crooked election, the election which was supported by less than 5 percent of the people. Yet they have installed themselves in the palace as a government. And we are about to recognize that government, not only is the United States going to certify that Haiti is cooperating in the prevention of drug traffic into this country, they are also going to move to the point we are going to recognize this bloodstained government in Haiti as a legitimate government.

What it does is put the South American drug commissars in power as the domineering force in one more country. I hope the gentleman will move to persuade the President to not certify Haiti, to not recognize the Government of Haiti. The South American drug mob should not be enhanced anymore.

THE UNITED STATES WILL MAINTAIN OUR STATUS IN THE REGION OF THE PANAMA CANAL

The SPEAKER pro tempore (Mr. OWENS of New York). Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, which of the Panamanian hats shall we wear? Should we wear the hat that will demonstrate to the world that the presence of American troops in the Canal Zone, that the Panama Canal itself, which is such a lifeline to the United States of America and to its allies and friends, the very fact that that portion of Central America is important to the whole hemispheric freedoms that we promote, shall we wear that hat? Or shall we wear the other Panama hat, the one which would lead us to indifference and noninterest in that region of the world leading to a devolution of the situation there to such an extent that we will have another uncertainty like Nicaragua on our hands?

I ask us as Members of this body to choose the former hat, to wear the Panama hat, the hardhat that shows that the vital interests of the United States of America are affected and we intend that nothing will occur in that part of the world to make it more difficult to maintain our status in that region.

UNINTENDED RESULTS OF GROVE CITY LEGISLATION

On another matter, Mr. Speaker, pretty soon we are going to be voting on Grove City which will be turning into "Trouble City." Grove City is a problem, and we will not go into the specifics of how that issue came to the floor of the House now, because that would take more than the 5 minutes allotted to me, but because of the insistence of many to try to restore what they feel is the condition of our civil rights laws to the place where they were before Grove City, now the proponents are taking us way beyond Grove City into Trouble City, as I said before. Why? Because a whole series of unintended results, or perhaps intended results would spew forth from this new legislation if we do not take pains to try to deliberate through and debate the issues that will be forthcoming.

For instances, it would be an unintended result that grocery stores, small grocery stores who happen to convenience food stamp recipients by giving their goods and taking food stamps instead of cash moneys from them, would be placed by virtue of this Grove City Reform Act, would be forced to abide by a whole series of new regulations having to do with handicapped and other kinds of renovations and alterations they have to make to their little shops, and paperwork galore just to comply with these new restrictions that this new statute would put into effect; an unintended result.

Not one proponent that I ever heard of for the reform of the Grove City situation mentioned grocery stores. This would be an unintended result. This is just one of them. Why?

Housing, religious schools, education institutions, all across the country will be affected in ways never dreamed of it this bill goes through. Why is this happening? Because the majority, the Democratic leadership refuses to allow an open rule so that we can debate all these issues one by one and come to a consensus.

No, they insist on a closed rule, one in which they will have their way regardless of any opposition, regardless of the rights that we have as a minority to try to demonstrate some of the inequities and the very unintended results that could come about by their own admission to some of these things.

In the Rules Committee, the one answer that was given, "Well, if that is the case, if one of those unintended results might be possible, we are going to cure that by colloquy on the floor."

They had better not bank on colloquies on the floor, or bureaucratic acts anywhere along the line to cure what the statute is going to have as a very deleterious, adverse, unintended result.

PART-TIMERS OR TRAINEES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues a fine article, written by Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve. It appeared in the February 1988 edition of Proceedings, a publication of the U.S. Naval Institute.

While I might not agree with every point Lieutenant Commander Feeny makes, I think it offers an interesting perspective on the increased role of our Reserve components in the defense of our country.

PART-TIMERS OR TRAINEES?

(By Lt. Cmdr. Richard J. Feeny, U.S. Naval Reserve)

We cannot continue doing business with the Naval Reserve the way we have since World War II. Today's operational and fiscal realities require a change in the way the Navy takes advantage of the reserve assets that continue to accumulate.

The Naval Reserve has two roles—one potential, one kinetic. Its potential role is the traditional one: to be ready to mobilize and augment the active force in time of war or national emergency. Its kinetic role is relatively new, certainly on such a large and growing scale: to contribute meaningfully—and in several areas, vitally—to the peacetime operation of the active force. Over the years, the Naval Reserve's kinetic role has replaced its potential role in primary importance. Therefore, it should receive primary attention in policy planning and execution.

The Naval Reserve, particularly the Selected Reserve, has always represented the difference between the personnel and equipment the Navy can afford to maintain during peacetime and that needed for wartime operations. But the Naval Reserve today represents the difference between what the Navy can afford during peacetime and what it needs during peacetime, as well as for mobilization.

In its kinetic role, the peacetime reserve provides "mutual support" to the active force on a day-to-day basis. Ostensibly, mutual support is a by-product of reserve training, and it is true that reservists receive valuable training while providing support. However, the Navy has come to expect its reserve component to deliver services in many everyday mission areas, and not just to stand ready to provide assets upon mobilization. As a result, Naval Reserve personnel routinely participate in fleet operations. Nevertheless, the coincidence of service to the fleet as a fortunate by-product of training is a myth no longer worth perpetuating. The reality of the Navy's routine use of the Naval Reserve to carry out its peacetime mission dictates that Navy policy acknowledge that fact—and incorporate it into planning and operations.

It is appropriate for the Navy to rely on its reservists for operational support. However, only in rare exceptions should this reliance be total, in which the Navy finds itself unable to perform a peacetime mission without support from inactive-duty reservists. There must be a balance, to encourage reserve participation in the Navy's operations without creating total dependence on the inactive reserve in any mission area that could develop before mobilization.

The increasingly kinetic nature of the Naval Reserve is the result of a drive during the past several years to bring the Reserve into the Navy mainstream. This has been driven in turn by a combination of high (and expensive) operating tempos—derived from broad-based international responsibilities—and of fiscal constraints, under pressure of nonmilitary priorities.

Congress has perceived an opportunity to reduce overall defense costs by investing more in reserve and less in active components. Congressional pressure on the military services to emphasize reserve forces has also been encouraged by interests such as Reserve and National Guard organizations. Finally, the services have recognized that economies can be achieved by assigning nontraditional missions to reserve components.

The Navy has, in fact, saved money by giving several missions to the Naval Reserve. For instance, if several active ships were transferred to the Naval Reserve, reservists would benefit from improved training, and there would be lower operating and personnel-related costs. The remaining active force would then have to do one or more of the following: reduce commitments, increase frequency or length of deployments for the remaining active-duty ships, or lengthen their operating cycles. These actions are secondary costs that the active force assumes by transferring missions to the Naval Reserve.

The Navy must be ready to tap the Reserve's kinetic energy—because there is a substantial investment of resources and effort in the Naval Reserve—resources that could measurably enhance the Navy's ability to carry out its peacetime as well as wartime missions.

The imposition of the Naval Reserve's potential role as its primary reason for being severely restricts the manning of reserve units. At present, reserve billets or units must be justified by mobilization need—the traditional approach. But the system cannot provide reserve support for the active Navy's peacetime missions on a nonmobilization basis. In such cases, the Navy either does without the reserve contribution or attains it through a real or contrived mobilization need—then uses it for the original operational purpose. Having to follow this process hamstrings the Navy unnecessarily, and is not a good way to do business.

Limiting the Naval Reserve to its potential role hinders proper development of its kinetic role and denies the Navy legitimate peacetime support. The Navy should seriously consider establishing and maintaining, on a case-by-case basis, reserve billets and units specifically to support the Navy's peacetime operations.

Accessing Naval Reserve assets is not always easy—particularly on short notice. Occasionally, critical missions have been accomplished with volunteer reserve support. Such volunteer response is praiseworthy, but cannot be relied upon during periods of low-level conflict. The voluntary aspect of active duty for training (AcDuTra) presents little impediment when reserve support is scheduled well in advance, for example, in routine maritime patrols or construction battalion activity. But problems occur when assets are accessed on short notice.

"Calling up the reserves" has positive and negative implications. A callup of any kind sends a message that the government is sufficiently concerned about matters to activate its reserve forces. This is acceptable only when the government intends to put its own citizens, its allies, and its adversaries on notice. Historically, that message has been a useful political tool. But today, with the military's assigning much of its capabilities to the reserve components, simply accessing that capability by means of a callup could send the wrong signal or send the correct signal prematurely, threatening the objective.

AcDuTra, whether "annual" or "special," has two major drawbacks. In most instances it is voluntary, therefore not a valid basis for total force policy planning or execution. It also presents difficulties in terms of the status of trainees, especially in actual or potential combat zones. Tapping reserve assets for short-fuzed operations usually means inviting reservists with the appropriate skills to report for a specified—or unspecified—time for AcDuTra. The record of acceptance to these invitations has been laudatory, even encouraging. But, as more situations arise requiring reserve support, it becomes increasingly precarious to depend on enough of the right people being willing and able to volunteer, to leave the real world of family and professional commitments.

The second drawback is the question of whether it is appropriate to assign reservists strictly on "training" duty to fleet operations, where they are actually performing contributory service, especially in the face of a potential or actual hostilities. Can or should "trainees" ever be ordered into hazardous duty? What death or injury benefits do they and their families rate? How often and for how long can AcDuTra orders be extended? Can such extensions be made involuntarily, or can they be accomplished voluntarily without the members' signatures, in the event that the members are not readily available to sign the proper forms? The status of trainees and their benefits would be at least partially addressed by an Army proposal to amend the law to provide for members and their families in the event of death or injuries incurred during training periods, particularly under hostile conditions or in other special situations.

A concept worth pursuing is operational active duty, or contributory active duty (ConAcDu), as opposed to AcDuTra. Placing reservists on active duty to perform needed services for the Navy is legitimate and should be straightforward. ConAcDu could be involuntary in unusual situations. As a practical matter, the service would accommodate the personal schedules of reservists whenever possible, as is the case today with AcDuTra, but the determing factor would be the needs of the Navy to carry out its mission. ConAcDu would satisfy the Selected Reservists' requirements for two weeks of active duty annually, but if necessary could occur for a period or periods exceeding the minimum two weeks.

Existing law does provide for a means to achieve ConAcDu. In recognition of the increased portion of the military force structure assigned to the Naval Reserve components, Congress has provided the president with the authority (10 USC 673b) to order as many as 200,000 Selected Reservists to involuntary active duty for as many as 90 days per Selected Reservist to augment the active force for any operational mission, without emergency mobilization. However, this authority has never been used.

The authority of Section 673b is not intended to be a preliminary step toward mobilization, but unfortunately, military planners insist upon treating it that way. This authority will have to be used for operational needs frequently enough to make such exercises routine. A simple way to accomplish this would be to select units whose periods of active duty have already been scheduled and whose AcDuTra is of a "mutual support" nature—then recall those units to active duty under Section 673b for the same period. This process would desensitize observers who still think every callup is a danger signal, and would help remove the cloak of "training" from operational reserve contributions.

If callups are delayed until the situation requires all 200,000 reservists, the president likely would be petitioned to provide reservists for all the services. The Navy's share would be too small to meet its needs.

If reservists are to be employed to a greater extent in a contributory role, there will also have to be careful public education on the subject. Otherwise it is questionable whether ordering reservists to tours of active duty other than their traditional two-week AcDuTra would be acceptable. Individual reservists, their families, or their employers might balk. The policy could even have a negative effect on reserve retention. In addition it would be impractical for the Navy to implement a ConAcDu program without securing acceptance of the concept from several sources: civilian and military leadership, the news media, and the public.

The Naval Reserve should be officially designated the part-time component of the total force. Whatever specific language this designation takes, such an action would give inactive reservists the status of part-time members, rather than trainees. To a great extent, this would merely formalize what is already common practice. However, by no longer having the official focus on training for mobilization, the Navy could much better exercise the Naval Reserve's kinetic role. At the same time, day-to-day reserve training would continue. Mobilization readiness would, in fact, be enhanced, because being an active participant in the total force before mobilization is the best possible preparation for mobilization.

By prefacing the amount of money appropriated for the Navy Reserve Pay account with direction that the money be used for training reservists, the existing statute emphasizes the "ready in waiting" aspect of reserve forces. Legislative action would be necessary to amend this and any other pertinent language. Congressional approval would be needed to complete official recognition of the part-time status of the reserves. But first, the Navy establishment will have to take a hard look at its reserve component and agree to dispel fond myths.

(Commander Feeny is a Naval Reserve officer on active duty in the office of the Assistant Secretary of Defense for public Affairs. Having enlisted in the Naval Reserve in 1965, he has been on active duty in the Pentagon since 1982, working for the most part in the office of the Director of Naval Reserve.)

CENTRAL AMERICA AND THE CARIBBEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, on February 19 of this year, the AFL-CIO Executive Council adopted a very important statement on Central America and the Caribbean. In clear and blunt language the AFL-CIO expressed specific concerns about conditions in Nicaragua, Honduras, Guatemala, Panama, Haiti, and El Salvador.

As its theme, I think it is worth quoting from page four of the statement where it says, and I quote:

> We continue to support the efforts of Speaker Jim Wright to bring peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

While today I am going to be offering the entire statement of the AFL-CIO Executive Council in the RECORD, I want to focus on that part of their statement which addresses the situation from their perspective in Nicaragua.

The statement starts out by saying, and I quote:

> The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the peace accord include: 1, negotiations between the governments of Central America and their respective oppositions; 2, cessation of outside military aid—including use of territory—to insurgent groups in the region; 3, implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO) and has supported the call of the Nicaraguan Confederation of Trade Unity (CUS) for the withdrawal of United States military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.
>
> Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the Contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid."

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The statement says further:

> We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The statement further says:

> In meeting these criteria—

The criteria that it spells out—

> we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.
>
> The AFL-CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6th that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-Affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy.

Mr. Speaker, I commend the AFL-CIO for its strong and clear statement of principle. I urge my colleagues to study the entire statement very, very carefully. I think, as it addresses Nicaragua and other countries of Central America and the Caribbean, it really sets forth some very, very important guideposts.

Mr. Speaker, the full text of the statement is as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON CENTRAL AMERICA AND THE CARIBBEAN, FEBRUARY 19, 1988, BAL HARBOUR, FL

The AFL-CIO has consistently supported a peaceful settlement of the Central American conflict based on the goals set forth in the Central American Peace Accord and on the aspirations of the region's democratic trade unions. The major elements of the Peace Accord include: (1) negotiations between the governments of Central America and their repective oppositions; (2) cessation of outside military aid—including use of territory—to insurgent groups in the region; (3) implementation of democracy, including freedom of association, freedom of the press, and free and honest elections. In addition, the AFL-CIO convention has called for increased economic and development aid to the region through the tripartite Central American Development Organization (CADO), and has supported the call of the Nicaraguan Confederation of Trade Union Unity (CUS) for the withdrawal of U.S. military assistance to the Contras as well as the withdrawal of Soviet/Cuban military assistance to the Sandinistas.

Congressional termination of U.S. military assistance to the Contras is one important step toward these goals. The AFL-CIO agrees with President Oscar Arias, the principal author of the Peace Accord, that "now that aid has been cut to the contras, we must also ask the Soviets as well as the Cubans and all those who have been supporting the guerrillas in El Salvador and Guatemala to cut that aid." We support his call for the elimination of Soviet-Cuban military aid to the Sandinista government and urge increased public pressure on the Soviet Union to achieve this goal.

The AFL-CIO endorses the specific criteria for evaluating compliance with the democratization provisions of the Peace Accord established by the Confederation of Central American Workers (CTCA) during its meeting in Managua, Nicaragua, on September 27, 1987, and is pleased that the U.S. House of Representatives, on December 8, 1987, adopted similarly specific criteria. In addition to freedom of the press, freedom of association, full human rights, and free and fair elections, the CTCA criteria include the right of workers to join unions of their own choice, to publish and distribute literature, to choose their own leaders, to strike, to bargain collectively, to organize free of government coercion or interference, to obtain legal recognition, and to mount peaceful public demonstrations. The AFL-CIO fully supports these criteria and favors strict deadlines for compliance and sanctions for non-compliance.

In meeting these criteria, we note that the Nicaraguan government, in response to great pressure, has released some political prisoners, permitted public demonstrations, and allowed dissemination of news and opinion by several independent radio stations and newspapers. It has also belatedly ended its state of siege.

The AFL-CIO welcomes these steps while recognizing that they are far from comprehensive and are reversible. Moreover, we agree with President Arias' statement on February 6 that "other countries have complied much more with the terms of the Guatemala Accord." Specifically, we condemn the Nicaraguan government's continued imprisonment of several thousand political prisoners, including 16 members of the ICFTU-affiliated Confederation of Trade Union Unity (CUS). We support the view of CUS that fundamental changes are necessary to ensure the institutionalization of democracy. The CUS believes that such changes must include: termination of the state security police program of mob harassment, arbitrary arrest, and torture of political dissidents; an independent status for the Sandinista party-controlled trade unions; full freedom of movement and association; the dismantling of "defense committees" and other institutions of political coercion which control access to food and other necessities; and a separation of the military and judiciary from Sandinista party control.

The AFL-CIO supports the efforts of CUS to bring about these changes. We note that their achievement will require internal democratic struggle and international pressure on the Nicaraguan government. The AFL-CIO therefore calls upon the United States and other Western democracies to ensure that any aid programs be conditioned on the democratization criteria of the CTCA. The AFL-CIO also urges that the U.S. Congress and other Western democracies provide increased training and assistance, through private or semi-private organizations, including the National Endowment for Democracy, to the civic, democratic opposition in Nicaragua.

Although Honduras has long abided by most of the democratization criteria established by CTCA, the AFL-CIO is concerned by recent reports of human rights abuses and involvement with drug trafficking by some elements of the Honduran military. We call for a full investigation of these charges. In addition, we support the call of the ICFTU-affiliated Confederation of Honduran Workers (CTH) for full compliance with the Peace Accord, including the denial of use of Honduran territory by the Nicaraguan Contras.

Guatemala continues to restrict severely trade union rights, and death squads too often solve labor and political disputes with murder rather than negotiation. The Ministry of Labor has denied legal recognition to numerous unions, and has twice overturned the national convention elections of the ICFTU-affiliated Guatemalan Confederation of Trade Union Unity (CUSG). Until such intervention ceases, the AFL-CIO will continue to favor Guatemala's exclusion from the Generalized System of Preferences (GSP) list.

In El Salvador, the major threat to democratization comes from an intransigent and violent right that continues to dominate the judicial system and a Marxist-Leninist guerrilla movement that seeks power through armed struggle. The AFL-CIO notes that the government of El Salvador has met most of the criteria for democratization established by the CTCA. However, there are disturbing reports of increases in death squad and political killings and disappearances. We are also dismayed and angered by the government's failure to reform the judicial system and by continuing resistance to prosecution of high-ranking military officers responsible for human rights violations. Specifically, the AFL-CIO vigorously protests the release from prison of two soldiers convicted of the 1981 murders of Michael Hammer and Mark Pearlman of the American Institute for Free Labor Development and campesino union leader Rodolfo Viera. We call on the U.S. government to suspend immediately all further military aid to El Salvador until its judicial system is significantly reformed, and justice is obtained in the Hammer-Pearlman-Viera murder case.

We also decry the lagging performance of the Salvadoran government in the implementation of Phase I and III Land Reform programs, including the apparent sharp decline in the number of families who are to receive definitive titles. The Phase III program should be completed as indicated for 56,000 beneficiary families who have been promised definitive titles as of 1986. The AFL-CIO insists that the government of El Salvador should reinstitute a vigorous implementation of land reform to assure dignity and self-sufficiency to the campesinos and to avoid the continuing threat of the radicalization of the countryside.

We continue to support the efforts of Speaker Jim Wright to bring peace and democracy to Central America, and to provide the people of Central America the opportunity to determine their own destiny through full exercise of their democratic rights.

The AFL-CIO joins with the ICFTU in expressing deep concern over the suppression of the free press and the right to peaceful assembly of citizens, opposition parties, and other civic organizations in Panama, whose military forces are exercising an unacceptable role in the political process of that country. The AFL-CIO restates its support for the Panama Canal Treaty and pledges to support the ICFTU-affiliated Confederation of Panamanian Workers (CTRP) in defense of freedom and democracy, while continuing to monitor the situation in that country in coordination with ORIT.

The AFL-CIO salutes the brave citizens of Haiti who attempted to exercise their right to vote on November 28, 1987, only to be shot down by terror squads aided and abetted by elements of the military. We regard the recent presidential elections as an outrageous parody of the democratic process. Until the government of Haiti permits truly free and fair elections managed by an independent elections commission, we urge that Haiti receive no U.S. military aid and be removed from the Generalized System of Preferences and from the Caribbean Basin Initiative.

Mr. ANNUNZIO. Mr. Speaker, dramatic changes in the way that consumers do their banking have occurred with the use of automated teller machines [ATM's]. Banks boasted at the outset that this innovation would be a more cost efficient system for taking care of routine banking transactions than the traditional teller system. This was to be a relief for customers from long lines at the bank, and would allow 24-hour banking.

Many of these high hopes have been realized. Customers may now bank at their convenience not only at ATM's at their banks, but often times may use machines conveniently located in such places as grocery stores and shopping malls. Moreover, many ATM networks make banks accessible across the continent, and soon the use of ATM's internationally will undoubtedly become more prominent. This system has truly revolutionized the banking industry for the betterment of the bank and the customer.

ATM's came with hidden strings, however. They are costing customers more and more money. Originally, bankers believed that these machines would lower bank costs by reducing the number of human tellers needed to provide banking services to customers. Bankers now claim that the machines are costing banks too much money.

Charges for ATM usage are becoming increasingly common. For some time now, banks have charged for transactions on machines which are part of the same network, but are owned by other banks. Recently, however, more banks have begun to charge for transactions on their own machines.

A 1986 survey conducted by the American Bankers Association concluded that the average fee charged per transaction at a bank's own ATM is 21 cents, while the average fee at machines owned by other banks is 62 cents. Of the banks surveyed, 13.1 percent of banks impose these fees for use of their machines, while 45.1 percent charge for use of machines owned by other banks. Why are consumers being charged for something that banks claimed were going to save them money?

An article by Albert B. Crenshaw in the Washington Post on January 19, 1988, explores some of the reasons why the cost of ATM usage is rising. An apparently common view among bankers, according to the article, is that these machines cost more than was anticipated. Bankers claim that there was no way to forecast this outcome. Bank's only choice, in bankers eyes, is to charge for this service.

Banks could seek ways to lower costs of ATM's without charging customers, but imposing fees is an easy out. Banks played this same game when they began to impose fees for credit cards. They enticed consumers with free use of the cards, then slapped them with fees once the credit card business was well established.

Charging for ATM usage is taking a similar course. Banks promised convenience for customers and bragged about the cost efficiency of the machines. Hours at many tellers windows have been reduced, and some drive-through windows have been replaced with ATM's. Thus, customers no longer have the option of driving up to their bank late on a Friday to cash a paycheck at the drive-through window. Instead, they are expected to use—and pay for—the ATM.

Customers are not charged for most transactions at drive-through windows or at tellers windows inside the bank. I do not believe that they should be charged for carrying out comparable transactions at ATM's. Banks are expected to provide services such as depositing and withdrawing money, and the medium through which this is accomplished should not affect the cost to the customers. Charging for ATM use is a disservice to banking consumers.

INTERNATIONAL FUSION RESEARCH COOPERATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today Representatives GEORGE BROWN, MANUEL LUJAN, RALPH HALL, JAMES SENSENBRENNER, SID MORRISON, CLAUDINE SCHNEIDER, and I are introducing a resolution expressing congressional support for international fusion research.

Fusion energy offers the potential of safe, clean, unlimited power. Using hydrogen molecules from sea water, it creates energy to run turbines for electrical power. Its byproduct is simple helium—the stuff we fill children's ballons with. It produces no long-lived, high-level radioactive waste; no smog; and no reliance on foreign fuel.

Our fusion energy program has made great advances in recent years, most notably in the field of magnetic fusion. However, fusion power is still in the research stage. A commercially feasible fusion reactor is many years away.

Unfortunately, our progress is now being impeded by lack of money for basic research. We are in danger of falling behind Europe, Japan, and the Soviet Union in fusion research—and eventually being forced to rely on foreign technology to satisfy our future energy needs.

The answer is international scientific collaboration. The Office of Technology Assessment stated in its recent report, Starpower, that the Department of Energy now regards greater international collaboration as a financial necessity. The report warns that if no major collaboration takes place, our fusion program will have to be funded at a higher level—or slowed down.

The United States has benefited from 30 years of international collaboration on magnetic fusion research. Let's continue this process.

We are presently negotiating with other nations to jointly design a test reactor called the "International Thermonuclear Experimental Reactor." Our resolution recommends that the Department of Energy continue to pursue this agreement.

The development of fusion energy is of tremendous value to the United States. We hope our colleagues will support it.

The text of the resolution is as follows:

H. CON. RES. 254

Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor

Whereas fusion energy offers the potential of safe, clean power which is unlimited in amount, is free of long-lived, high-level radioactive waste, and can have environmental advantages over other technologies;

Whereas budgetary constraints have forced the Department of Energy to cut back on fusion energy research programs;

Whereas the field of magnetic fusion research has a thirty-year history of successful and mutually beneficial international cooperation;

Whereas the Office of Technology Assessment states in its recent report "Starpower: The U.S. and the International Quest for Fusion Energy" that the Department of Energy now sees more intensive international collaboration as a financial necessity;

Whereas the United States has recently been negotiating with other nations to jointly design a magnetic fusion reactor called the "International Thermonuclear Experimental Reactor", with the costs to be shared by the participants; and

Whereas failure to participate in the International Thermonuclear Experimental Reactor project could place fusion research in the United States far behind such research in Japan, Europe, and the Soviet Union and could force the United States to rely on foreign technology to satisfy the Nation's future energy needs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress strongly recommends that the Department of Energy work more closely with other nations in the field of magnetic fusion research, provided that such collaboration can take place without jeopardizing our national security interests or endangering our domestic fusion program; that the Department foster collaborative research in fusion materials to maximize the environmental advantages of fusion energy; and that the Department continue to pursue an agreement with other nations to jointly design the International Thermonuclear Experimental Reactor.

RESOLUTION ON GEOGRAPHY AWARENESS WEEK

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution declaring the week of November 13 to November 19, 1988, as "Geography Awareness Week." I was proud to be the original sponsor of this resolution in the House when it was introduced last year for the first time and was passed and enacted as Public Law 100-78. It is intended to draw attention to the importance of this discipline and to increase Americans' awareness of our own and of world geography. My sponsorship of this resolution is another expression of my strong belief in the vital importance of foreign language and international education. I am very pleased to be joined in introducing this resolution this year by my distinguished colleagues, Mr. GREEN and Mr. KILDEE, and to once again be joined by Mr. BRADLEY and Mr. STAFFORD in introducing the companion resolution in the Senate.

As we all know, evidence abounds for the need to increase our attention to this fundamental subject. In 1946, only 46 percent of college students tested in a nationwide survey at one top State university could name all of the Great Lakes. In 1984, the news was even worse: only 12 percent of students surveyed at one top State university could name all of the Great Lakes. In 1950, 84 percent of these college students knew that Manila was the capital of the Philippines; by 1984, this number had shrunk to 27 percent. Furthermore, almost 70 percent of these students could not name a single country in Africa between the Sahara and South Africa.

This news is not only shocking—it is frightening. We depend on a well-informed populace to maintain the democratic ideals that have made and kept this country great. When 95 percent of some of our brightest college students cannot locate Vietnam on a world map, even after our extensive involvement in that country, we must sound the alarm. When 63 percent of the Americans participating in a nationwide survey by the Washington Post cannot name the two nations involved in the SALT talks, we must acknowledge that we are failing to sufficiently educate our citizens to compete in an increasingly interdependent world.

This ignorance of geography, along with a comparable lack of knowledge of foreign languages and cultures, places the United States at a significant disadvantage with other nations economically, politically, and strategically. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is.

In 1980, a Presidential commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Gov. Gerald Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

One of the key themes and tasks for this Congress is, as you know, restoring America's competitiveness in a highly complex, rapidly changing world. Improving our knowledge of the geography, language, and culture of other lands is a concrete, attainable, and important goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the "buzzword" of competitiveness. As John C. Lowe, chairman of the Geography Department of George Washington University, has commented:

> Business schools are beginning to understand that there is a big gap in their international business programs. If you are not aware of the affinities and subtleties * * * of other cultures * * * before you launch into a campaign to market a product, you can fall flat on your nose.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources, and languages of other nations. This is the sort of knowledge that the study of geography seeks to impart. However, the discipline of geography is seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, with only 370 colleges and universities in the country now offering geography degrees and less than 10 percent of elementary and secondary school geography teachers having even a minor in the subject.

However, there are a number of hopeful signs that geography education is beginning to experience a long-awaited and badly needed resurgence. The National Geographic Society has instituted a pilot schools program in which schools in different part of the country establish innovative geography education programs to test their effectiveness. One such school, Alice Deal Junior High here in Washington, was named a leading school in the grade 7 competition of the National Council for Geographic Education's 1987 National Geography Olympiad. Another, Audubon Junior High in Los Angeles, was 1 of 11 California winners in its category in the U.S. Department of Education's Secondary School Recognition Program. The Virginia Geographic Alliance is releasing a State map emphasizing Virginia's ties with other parts of the United States and the world, for use in schools throughout the State. The University of Tennessee is instituting a requirement that incoming students there have a certain level of knowledge of geography. This is going to cause elementary and secondary schools throughout the State to beef up their geography education programs. And, in addition to the declaration of a national "Geography Awareness Week," a number of States, including Oregon, Colorado, Alabama, North Carolina, Virginia, and Utah have all instituted such weeks at the State level. These are important occasions for promoting geography education and awareness in each State.

Another very exciting development is happening at the State level in my home State of California. The State had found, in standardized social studies tests, that students were sorely lacking in their knowledge of geography. Therefore, the State board of education adopted a new, statewide history-social studies framework that will integrate the study of geography in the history and social studies curriculum from kindergarten to 12th grade. Under this framework, geography will be studied in specific relation to the history and culture of each country, region, and period studied at each level. Texts for the program are scheduled to be ready by 1989, and the State plans to fully implement the curriculum by 1990. The new framework is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography, and overall social studies, education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages, and cultures of the world. The first "Geography Awareness Week" was an occasion for thousands of activities connected with geography throughout the country, and "Geography Week" this year will no doubt be an opportunity for many more events and efforts to increase awareness of our interdependent world. I was pleased to be joined in cosponsorship of this resolution by over 200 Representatives last year, and hope that my colleagues will once again give their support to this resolution and thereby help the citizens of this Nation better appreciate and function in this beautiful and diverse Nation, and in our much more diverse world.

H.J. Res. 478

Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States of America is a truly unique nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas, historically, geography has aided Americans in understanding the wholeness of their vast nation and the great abundance of its natural resources;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas statistics illustrate that a significant number of American students could not find the United States on a world map, could not identify Alaska and Texas as the Nation's largest States, and could not name the New England States;

Whereas geography has been offered to fewer than one in ten United States secondary school students as part of the curriculum;

Whereas departments of geography are being eliminated from American institutes of higher learning, thus endangering the discipline of geography in the United States;

Whereas traditional geography has virtually disappeared from the curricula of American schools while still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, and the environment;

Whereas the United States is a nation of worldwide involvements and global influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent and interconnected world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing November 13, 1988, and ending November 19, 1988, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

THE JAPANESE CONSPIRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, a conference committee of this Congress is in the process of working out a trade bill on which we voted last fall. We are all concerned about what is happening to the industrial base of the United States, which is a very important part of our national security.

In connection with my research on the subject of trade and the industrial base, I have come across a book that I believe explains a great deal about what has happened to that industrial base and how it was forced to move overseas. This book is entitled "The Japanese Conspiracy," written by Marvin J. Wolf, an author who lives in Los Angeles. Between his military assignment and civilian life, Mr. Wolf has lived or spent more than a decade in Japan. He starts out his book, and on the cover, as a matter of fact, he calls it "The Plot To Dominate Industry World Wide—And How To Deal With It."

In the beginning, Mr. Wolf points out that Japanese business has come to be universally regarded with a near-mythic mixture of fear and admiration, even envy. Demigods of trade, the Japanese are seen as mysteriously energetic, tirelessly shrewd, part of an irresistible tide. In America, in Europe, Latin America, the Middle East, Southeast Asia, throughout the developed and undeveloped world, the West watches passively as the Japanese seize one market after another.

In scarcely a dozen years Japan has increased its annual exports of high-technology products more than sevenfold, to more than $40 billion.

This book, of course, was written in 1983.

Many estimates, including those by the American Productivity Center and by the Japan Economic Council, predict that Japan will surpass the United States as the world's leading economic power by the year 2000. The JEC, an advisory group to the Prime Minister's office, has already outlined Japan's conquest in simple terms. By the turn of the century, then only 15 years away, the per capita income of the Japanese will be $21,200, compared with only $17,000 in the United States and less in Western Europe.

The trade statistics in Japan's favor are startling and growing in awesome proportions each year. In 1970, Japan's balance of payments surplus with the United States was only $1 billion, a meaningless sum to a nation the size of America, then exporting some $150 billion a year to the world. By 1980, the $1 billion had magically mushroomed to $10 billion, a large, significant trade imbalance, but still not one that threatened the economic sanctity of America, or of the West.

But within 2 years, the force of the Japanese export onslaught would be fully felt throughout the world. In 1982, America's trade deficit would rise to $30 billion, most of which—$21 billion—would be with one nation, Japan. Staggered by that red ink, Americans were soon to learn that 1983 would be considerably worse and each year after, even worse. As Japanese computers, television sets, radios, pharmaceuticals, cameras, cars, video recorders, stereos, bicycles, subway cars, tractors, and motorcycles flooded the American markets, estimates of the 1983 Japanese trade balance with the United States—initially $30 billion—rose to $35, even $40 billion and more.

And last year it is predicted that the final figures will show it is about $60 billion.

Along with these deficits have come increased unemployment in America and Western Europe, as more and more workers move from assembly to unemployment lines. The Japanese trade surplus accounts for the direct loss of over 1 million American jobs, and as many or more in Western Europe. Ultimately the toll is much greater as the industrial infrastructure of the Western world is weakened.

"No industry is immune from trade deficits," Alfred E. Eckes, chairman of the U.S. International Trade Commission, warned in August 1983. Each $1 billion in trade deficits, he reveals, is equal to about 25,000 U.S. jobs lost. "Problems that have hit footwear, apparel, steel, and autos may soon impact the chemical industry, pharmaceuticals, and other high-technology sectors," Eckes says. France, Sweden, West Germany, and other European nations are suffering these same deficits with Japan as that nation assaults their domestic markets.

Surprisingly, many Americans and Europeans believe that the Japanese deserve their success. Almost four out of five polled by the Los Angeles Times in May 1983, felt that the prime reason for the success of Japanese products is "cheaper labor costs," followed by superior management. "Our management is old-fashioned," is the common complaint. If the Japanese are beating the Western nations, this argument states, it is our own fault. We've been unwilling to work as hard; we demand wages that are too high. After all, our Calvinist consciences mutter, the Japanese demonstrate unrivaled energy and skill; it is no wonder their productivity is the envy of the world. They are shrewd bargainers, but outmaneuvering your opponent has always been the essence of good business. We must learn to do better; we must emulate the Japanese, say many. We need to adopt quality circles and other storied Japanese management techniques.

There is obviously much to be learned from the Japanese. But their skill and productivity, though impressive, is not the major reason for their stunning international success. Behind their massive penetration of foreign markets is a system of business activity which can best be described as economic totalitarianism, a government-directed enterprise in which all the energies of Japan have been mobilized to overwhelm the world competition. It is a national conspiracy directed from a central command post, a squat 11-story building in central Tokyo, the headquarters of MITI, the Ministry of International Trade and Industry. The elements that comprise the conspiracy come from every facet of Japanese life: unelected bureaucrats; industrialists; shinko-zaibatsu, the reconstituted cartels; labor union officials; politicians; and submissive workers. Even co-opted Americans and Europeans contribute to the new power of Japan.

The Japanese themselves have termed their centrally run operation the "Bureaucratic-Industrial Complex," one that is becoming as potentially dangerous to world stability as the military-political threat of the Soviet Union. But while Russian dissimulation seems to persuade only the naive, the Japanese have brilliantly disguised their conspiracy in a convincing cloak of free enterprise. They thus confound and confuse those in the West who have become unwitting partners in Japan's economic aggression.

Although Japan now boasts a democratic political system not unlike America's and Western Europe's, its business methods bear little resemblance to free market capitalism, or even the demisocialist-style capitalism of France, Great Britain, and Italy, which still follow the conventions and ethics of international trade.

Business the Japanese way is unique and often difficult to understand for those not familiar with its nuances. From the Western viewpoint, it regularly flouts the rules of ethical behavior, yielding to the obsessive need to win at any cost. Joseph J. Sullivan, a former employee of Sony, has repeated a telling conversation with Japanese industrialist Akio Morita, president of Sony. "Sullivan San," Morita said, "militarily we could never defeat the United States, but economically we can overcome the United States and become number one in the world."

Individual Japanese industries are efficient, but not to the degree the world has been led to believe. Much of their advantage is based on unsavory practices. Japan has borrowed or copied foreign technology, or acquired it through joint venture agreements which it has later disavowed. When this has failed they have resorted to bribery, industrial espionage, and outright theft. Its industries often act in concert, as did the prewar Japanese cartels, the zaibatsu, targeting their competitors in other nations and dumping their products at a temporary loss in order to win larger and larger shares of the world's markets and eventually achieve monopoly positions. The Japanese educate their scientists and engineers in American and European universities; they then return home to use their new skills in a trade war against those who educated them. Japan, it is now becoming clear, is winning the trade war because it refuses to play by the rules.

Mr. Wolf goes on to point out that the desire to become itchiban—No. 1—has created a tense, uneven, and unfair relationship between Japan and its trading neighbors. Not only does Japan insist on imposing Byzantine import barriers to shield its domestic market from outside competition, but its export trade policies include predatory pricing, secret government subsidies, the targeting of advanced technology industries in America and elsewhere, restrictions on direct foreign investments, and a grossly undervalued currency. The currency has been turned around.

In addition, Mr. Wolf notes that intervention by MITI forces Japanese firms to "Buy Japan," to purchase exclusively from domestic suppliers despite price and quality disadvantages, and to pursue an overaggressive export policy with the world. On one occasion, a group of Japanese television manufacturers found cheating the United States Government claimed that MITI had "compelled" them to do it. These, and still other methods, are at the core of a privately owned but state directed form of capitalism modeled after a military campaign.

□ 1430

Japan has been portrayed as a worker's paradise in which employees are perpetually grateful to a benevolent management. In fact, Mr. Wolf notes, Japanese corporations exploit many of their workers, particularly women and millions of temporary and part-time workers who are denied the much-heralded Japanese corporate benefits. Early retirement at age 55 forces skilled, mature workers with inadequate pensions back on the job market, usually starting all over at the bottom. Instead of true labor unions, the Japanese employ company unions, which are used less for collective bargaining than to enforce discipline and boost productivity.

Some in the West—including government leaders who could act to confront this worldwide industrial conspiracy—are reluctant to see our Japanese allies in a negative light. But contemporary history demonstrates that whenever it has been convenient for them, the Japanese have bent, distorted, and abused existing American, European, and Japanese legislation and contractual arrangements in order to gain corporate and national advantage. Where avoidance, obfuscation, and shrewdness have failed, they have lied to achieve the defeat of their industrial partners and to further their quest for what they believe is their national manifest destiny—economic supremacy.

The Japanese industrial conspiracy has numerous layers of complexity, which, as we shall see, involve every aspect of the Japanese and world economy. One is a hypocritical, but effective, policy which insists on free trade for Japan throughout the world, while Japan uses every possible device, from tariffs to truculence, to close its domestic markets. America and the European Economic Community [EEC] have complained, often bitterly, that Japan does not practice what it preaches. Japan's response, for more than 20 years, has been to deny that there are any restrictions, and then to promise to "liberalize" the particular ones that trading partners point out. And we in the United States have certainly experienced that, on item after item.

"Trying to move the Japanese on trade is like peeling an onion," Mr. Wolf quotes, William Piez, who directed the U.S. Embassy's Tokyo trade office in early 1983. "You start taking the layers off, but you're never sure if there will be anything inside at the end. The whole thing is a rather zen experience." Piez was referring to the fact that behind the formal trade barriers that Japan had officially lifted, there is a maze of informal ones, including standards and inspection procedures that crudely, but effectively, block imports.

In 1982, Foreign Minister Yoshio Sakurauchi claimed that "Japan is one of the most open markets in the world." A few weeks after that comment was made, the Japanese ambassador to the United States, Nobuhiko Ushiba, told reporters: "There is no example in recent history of a nation liberalizing trade policy as fast as Japan." What a farce.

The reality, of course, is just the opposite, as Mr. Wolf said. European Economic Community spokesman Gilles Anouilh places it in perspective: "Japan, with a population of 117 million, imports no more manufactured goods than Switzerland, with a population of 6.4 million"—6.4 million versus 117 million. The Japanese answer, sounding ridiculous by contrast, comes from Norishige Hasegawa, chairman of a committee to promote trade with America. "We're already importing what we need; Parker pens, Cross pencils, and French neckties," he says with no trace of irony.

Japan's protectionist policy, which ensures the basic strength of its domestic industries against fair competition while it assaults foreign markets with its exports, is not an ad hoc program. It has been carefully orchestrated by MITI, which by persuasion and arm twisting, manipulates Japan's import and export strategy, down to the behavior of customs officials. "We enable the Japanese to bring in everything they want when they don't even give us the right of entry," commented Charles L. Nicolosi, an analyst in the New York offices of Dean Witter Reynolds.

As the world's leading manufacturer of automobiles, for example, Japan sells millions of its cars in the United States and Europe, but imports few. Before a car is shipped to the United States, each Japanese manufacturer certifies that it meets United States product and safety standards; America accepts its certifications and freely admits the Japanese imports. But the Japanese view every import into their market as currency lost in the war of trade balances.

If a foreign product does finally penetrate the protectionist barriers, the Japanese respond with elaborate tactical maneuvers. The cigarette war is an excellent illustration of their ingenuity in blocking imports. Achieving even a minuscule 1.5 percent share of the Japanese cigarette market required American manufacturers to absorb a prohibitive 35 percent tariff. But the official tobacco monopoly was still worried that some Japanese might prefer a foreign cigarette to a cheaper, if inferior, homegrown product.

In a guerrilla war of harassment, certifications by foreign manufacturers are disregarded by Japanese customs. Every car, every baseball bat, every foreign product attempting entry to Japan is subject to elaborate testing, and those not meeting standards must be reworked to meet them before entry is allowed. The handful of United States cars imported in Japan and in 1986 that figure was 2,500, compared with the 3 million or more that they sent in here, are sometimes virtually rebuilt in Yokohama harbor before leaving the Japanese customs area, and that cost, of course, is borne by the importer, and that raises the cost of the car four- or fivefold.

A six-page battle plan was issued by the Japanese cigarette industry to thousands of distributors and retailers, detailing such tactics as placing limits on the stocking of foreign brands, actually removing them from small vending machines, and eliminating point-of-purchase displays for foreign cigarettes in prominent locations. Compliance by retailers is assured: The Japan Tobacco and Salt Corporation [JTSC] has absolute control over the licensing and supply of all tobacco products in Japan.

In early 1983, in response to American diplomatic pressures, Japan made a great show of lowering cigarette import duties to 20 percent. But Japan's trade defenses are mobile. Almost immediately after this seeming concession, the price of all cigarettes was uniformly raised by 9 cents, wiping out much of the tariff cut's effect on imported cigarettes. The cigarette matter has been straightened out pretty much, but on other things it has not.

Despite facetious comments about "Parker pens," Japan has enormous need for at least one American commodity—food. It would not only help correct the United States trade imbalance, but would be a boon for Japanese consumers, who are victimized by Japan's inefficient agricultural industry. A Tokyo housewife must expect to pay $35 a pound for the best sirloin steak while Japanese ranchers, whose average herd consists of 2.5 cattle, get only 7 percent of that price, or about $2 a pound. The rest of the money is eaten up by an archaic distribution system of as many as 2 dozen middlemen, most of whom have never seen a live cow, a beef carcass, or even a raw steak. If a foreign supplier of beef—American, Australian, Argentine, or otherwise—should attempt to maneuver past these legions of middlemen, Japan has a final revetment: import quotas on foreign beef are kept so low that Japanese farmers sell virtually all their production at exorbitant retail prices, and it is, of course, the Japanese consumer who pays.

The Japanese face no such restraints in their trade with the West, who openly welcome most Japanese imports because of their price and quality, unaware of the permanent disruption it creates in their economies.

Mr. Wolf goes on to point out that Japan starts out with an enormous advantage in reaching its goal of industrial conquest. Unlike America, Germany, France, the Soviet Union, or Israel, Japan does not pay for most of its own defense. Former U.S. Senator Paul J. Fannin, of Arizona, calls it a $70 billion-a-year subsidy from the United States, the sum they would spend if we did not protect them from potential aggressors. "With this tremendous advantage," says Fannin, "the Japanese now dominate one after another of our markets. Radio, TV, recorders, small calculators, motorcycles, bicycles, sporting goods, and now the manufacture of automobiles, farm machinery, road equipment and electric generators, is suffering from this subsidized competition."

World reaction to the Japanese capture of world markets has varied from numbness to shock to impotent outrage, and even despair. Responding to a 1983 poll by Opinion Research Corp. of Princeton, NJ, three-fourths of 500 American opinion leaders from business, labor, Congress, academia, and the media stated that Japanese trading policies systematically violate internationally accepted business and trade practices.

More than two-thirds of Americans surveyed by the Los Angeles Times poll said U.S. policy should restrict imports to protect American industry and American jobs. American politicians from the President down have tried to persuade Japan to impose restrictions on its exports and to open their own markets to Americans goods. But it has been to little avail. The Japanese response has been a cascade of cosmetic changes and a public relations blitz incorporating blithe denials of wrong-doing along with righteous indignation. Japanese trade policy, they maintain, is strictly a matter for the Japanese to decide.

Many Japanese, exultant at their new world prominence, are immune to criticism about their business methods, but some do express anguish over Japan's reputation. "Our mercantile image has once again been tarnished," says Kinji Yajima, a retired Tokyo Institute of Technology professor. "We Japanese are now being regarded as a scheming bunch of villains around the United States. it will take years for us to improve our image to what it had been before."

Mr. Wolf goes on to point out that Japanese political commentator Akira Sono has warned his fellow Japanese of the friction that their economic war is beginning to generate worldwide. Trade relations between the United States and Japan, he says, have deteriorated to the point where "the Japanese people are reminded of the pre-World War II ABCD [American-British-Chinese-Dutch] encirclement of Japan, and European Community nations are taking an equally high-handed posture."

□ 1445

This has happened, Sono explained, because "Japan has been treating foreign products like unwanted stepchildren. Japanese politicians and bureaucrats seem incapable of demonstrating a spirit of fair play. Consumers seldom criticize the economic structure that causes them hardship through high commodity prices. The people cannot appreciate economic democracy because they have not assimilated the political democracy that was forced on them as a result of defeat in war."

Sono adds: "Perhaps the Japanese will reach maturity for the first time when foreign countries shut out Japan's exports. Recent Japan-United States relations resemble those of the spring of 1941. The free nations of the world might come to look upon Japan as an outcast. The result might be more disastrous than the defeat in World War II."

The seriousness of the problem and the need for a Western counterattack to protect its own economic health is the thesis on Mr. Wolf's book. To understand the dimensions of the problems, we need to see the Japanese conspiracy at work, as it targets one world industry after another for conquest.

Mr. Speaker, I intend from time to time to make those presentations on this floor.

THE COMMUNITY REVITALIZATION TAX ACT OF 1988

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 10 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing legislation with my colleagues Messrs. SCHULZE, GUARINI, RANGEL, COYNE, FOGLIETTA, and Mrs. BOGGS designed to revitalize and reinvigorate the Rehabilitation Tax Credit and Low-Income Housing Tax Credit Programs and to encourage the participation of nonprofit organizations in low-income housing production. My bill, the Community Revitalization Tax Act of 1988, would provide access to the investment capital required by both the Low-Income Housing and Rehabilitation Credit Programs, thus allowing the programs more effectively to meet the needs that prompted Congress to create them. In addition, it would remove several existing barriers to nonprofit organizations' participation in creating affordable housing opportunities for their communities. Identical legislation is being introduced today in the Senate by Senators DANFORTH, MITCHELL, BOREN, DURENBERGER, and HEINZ.

Title I of the bill will encourage the preservation of the Nation's historic buildings and the production of low-income housing using the rehabilitation and low-income housing credits. These credit were created by Congress in an effort to revitalize aging downtowns and neighborhoods and provide increased access to affordable housing for Americans nationwide. The programs were established to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Unfortunately, because of their interaction with the passive loss rules, enacted as part of the Tax Reform Act of 1986, neither program is currently functioning as intended.

The passive loss rules marked a dramatic change in Federal tax policy. The rules were designed to prevent individual taxpayers from using losses from certain passive activities to shelter income from wages, salaries, and other types of investment income. The rules addressed a significant increase in the use of losses from certain investments, typically investments stemming from transactions involving heavily leveraged investments in real estate, to offset active income. These transactions, often structured as limited partnerships, would allow investors to take advantage of generous depreciation deductions available for real estate as well as deductions for interest expense to create extensive tax losses in the early years of an investment.

The passive loss rules restrict the use of certain credits, primarily the rehabilitation tax credit and the low-income housing credit, as well as passive losses. Under the rules, a taxpayer generally may use the credits only to offset tax liability from passive activities. Recognizing that the passive activity rules could have a significant negative impact on the Rehabilitation and Low-Income Housing Credit Programs, Congress provided a special exception for both in the 1986 act, permitting taxpayers with adjusted gross incomes of less than $250,000 to use up to $7,000 of either credit annually to offset nonpassive income. This limited exception phases out as an individual's income exceeds $200,000, creating two major problems in the financing of low-income housing and rehabilitation projects.

Such projects have traditionally been structured as private placements under the regulation D exception to public offering registration requirements of the SEC. Generally, regulation D requires that all but 35 investors in a project be accredited investors—individuals with annual income of over $200,000 or net worth over $1,000,000. Since virtually all such accredited investors do not qualify for the credit exception to the passive activity rules because of the income cap, project sponsors are increasingly hard pressed to find accredited investors who can utilize these incentives in a private placement. The main investment alternative, a registered public offering, requires extensive Federal submissions and individual submissions in every State in which the investment is to be marketed. These requirements make such an approach prohibitively expensive for all but the largest low-income and rehabilitation projects.

Recently available data demonstrates that the exception to the passive loss provisions has not achieved its purpose. The most recent National Park Service study of historic rehabilitations reveals that historic rehabilitation activity in 1987 declined to the lowest levels since the first year of the Rehabilitation Tax Credit Program. Applications for rehabilitation certification nationwide declined by 35 percent between 1986 and 1987. Applications for approval of rehabilitation work since 1986 are down 52 percent from the level of a 12-month period in 1985 prior to congressional action on tax reform. Worse yet, the National Park System expects that those levels will show further decline in 1988.

Although initial statistics on use of the low-income housing credit are just coming in, it appears that the market for those projects has been severely restricted by the passive loss limitations as well. A recently released MIT/Harvard study concluded that the Low-Income Credit Program is falling far short of its projected goals, with many States likely to use no more than a quarter of the credit authority that the law provides for 1987.

Vitality and viability must be restored to both the Rehabilitation and the Low-Income House Credit Programs. Under the Community Revitalization Tax Act of 1988, this would be accomplished by shifting the credit use limitations for these programs from the passive loss rules into the general rules that limit use of business credits.

The Community Revitalization Tax Act of 1988 would increase the pool of investors eligible to use the rehabilitation and low-income housing credits and expand the number of practical financing mechanisms available to project sponsors. Additionally, the bill would allow a more coordinated use of the at-risk rules by conforming the rules for the low-income credit to those applicable to the rehabilitation tax credit.

The bill would have the additional benefit of simplifying the tax law since it would modify the passive activity rules to limit their scope to include only losses, not credits.

More specifically, section 2 of the bill would tighten the limitation as it applies to individuals to limit the amount allowable for a taxable year to the sum of the first $20,000 of a taxpayer's net tax liability plus 20 percent of liability exceeding $20,000. As an additional check on tax avoidance, taxpayers attempting to "zero out" through use of the credits are also subject to the alternative minimum tax system, where credits cannot be used to reduce alternative minimum tax liability.

Section 5 of the bill would remove disincentives to nonprofit sponsorship of rehabilitation and low-income housing by adjusting and clarifying provisions of the law that currently restrict the ability of nonprofit housing sponsors to join with private investors in initiating and financing affordable housing projects. Nonprofit participation in these projects is particularly desirable since many nonprofit organizations have both low-income housing management expertise and a longstanding commitment to their communities. They accordingly add an element of stability in the low-income housing market, and their participation will help guarantee continued housing affordability.

Section 5 makes four clarifications of current law as it applies to the participation of tax-exempt organizations in rehabilitation and low-income housing activities. First, it would clarify that credits from both programs earned by tax-exempt organizations could be used to offset any unrelated business income tax liability of a tax-exempt organization. Second, it would clarify that interest income foregone on below-market loans to organizations operating qualified low-income housing buildings can be treated as a qualifying distribution for purposes of the annual payout requirements of a foundation. The foregone interest could be calculated either annually or on a present value basis. Third, the bill would provide that the tax-exempt entity use restrictions do not apply to leases of a rehabilitation program building which is also a qualified low-income housing building within the meaning of section 42. Finally, the bill would clarify the pooled income fund rules to provide that a corporation can be an income beneficiary—with a 20-year life—in situations where the pooled fund's investments consist of qualified low-income housing buildings.

Mr. Speaker, Congress reaffirmed its commitment to affordable housing and community revitalization by creating the low-income housing credit and preserving the rehabilitation credit in the 1986 Tax Reform Act. These credit programs have been carefully monitored since that time and clearly a steady decline in the effectiveness of the rehabilitation tax credit and a disappointing start for the low-income housing credit has occurred. Simply put, if Congress is to make good on its commitment to create housing opportunities for our most needy citizens and revitalize our neighborhoods, we must ensure the vitality of the low-income housing and rehabilitation credits and encourage nonprofit participation in providing affordable housing. I am convinced that the Community Revitalization Tax Act of 1988 can meet those goals. I urge you to join my colleagues in sponsoring and supporting this legislation.

FEILOA'IGA "WINNIE" APISALOMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. SUNIA] is recognized for 5 minutes.

Mr. SUNIA. Mr. Speaker, I rise today to note the passing of history of American Samoa. When Florence Nightingale was carrying out her saintly acts of caring and compassion for the sick, the people of American Samoa had never seen a nurse. When Clara Barton became the most famous and celebrated of American nurses during the Civil War, American Samoa was not yet on the world map.

In their annual meeting on October 13, 1913, the Governor and the chiefs in American Samoa agreed on the creation of a nursing school to train local young ladies in this very important calling. In 1914, three graduates of the London Missionaries Society's Atauloma Girls' School were chosen to become the first student nurses at the Samoan Hospital in Malaloa Fagatogo. They were Feiloa'iga Malama Iosefa, Pepe Iotamo Iosefa, and Initia Taveuveu.

On February 21, 1916, the first graduation exercises of the Samoa Hospital Training School for Nurses was held at the naval Enlisted Men's Club in the township of Fagatogo. The three first students graduated with honor and distinction and were immediately assigned to the three districts of American Samoa. In his graduation speech that day, Governor Poyer noted that the territorial population had grown from 5,663, when the U.S. flag was raised in April of 1900, to 7,251.

On October 13, 1987, Feiloa'iga "Winnie" Apisaloma, died at the Seaton Medical Center in Daly City, CA. She was the last surviving of the three founders of the nursing profession on American Samoa.

Feiloa'iga was born on October 15, 1896, in Papua, New Guinea, where her parents had been sent as church missionaries from Samoa. Her parents were Iosefa Malama of Olosega and Ologa Sala of Fagasa. She entered Atauloma Girls' School at age 10 in 1906 and was graduated in 1912. For 2 years, she remained at Atauloma as an assistant teacher and in 1914 was chosen with her cousin Pepe and close friend Initia to start the nursing program. Because doctors had problems with her name, they called her "Winnie", a name by which she became widely known.

Winnie married Apisaloma Lemaveve of Matautu, Savaii in 1921, and they moved to the Gilbert Islands, now Kiribati, as Samoan missionaries. Returning to Samoa in 1931, they were assigned to a 1-year pastorage at Olosega in 1932. In 1933 they returned to the Gilbert Islands, where Apisaloma died in 1938. The next year Winnie returned to her nursing career and served there until her retirement in 1972. During her last 7 years of nursing she was the housemother at the student nurses' dormitories.

I had the opportunity as a young person, and later as a government official to witness this great and gentle person in the performance of her calling. I must say that she, because of her character and natural talents, was well-fit for the hospital. She was so caring and so natural in the role of a nurse and later as "mother" to the young nurses that young Samoan nurses who graduated from that program left with lasting impressions of this pioneer-nurse in their lives.

During the funeral service in San Francisco, which was well-attended by Samoans from all parts of the country and delegations from the territory, a legislative resolution memoralizing her career of service to the people was presented to her surviving children: Merina, Apisaloma, Uperesa and Eliu. High Orator Sala Samiu, who so eloquently officiated, noted that we were "seeing the passing of history" of our people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. FOLEY), for Wednesday, March 2, and Thursday, March 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

(The following Members (at the request of Mr. TALLON) to revise and extend their remarks and include extraneous material:)

Mr. Weiss, for 5 minutes, today.

Mr. Montgomery, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. LaFalce, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Ford of Tennessee, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, each day, today and March 3.

Mrs. Kennelly, for 10 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. Sunia, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. Bentley) and include extraneous matter:)

Mr. Davis of Michigan.

Mrs. Martin of Illinois.

Mr. Horton.

Mr. Konnyu.

Mr. Roth.

Mr. Parris in two instances.

Mr. Rogers.

(The following Members (at the request of Mr. Weiss) and to include extraneous matter:)

Mr. Wilson.

Mr. Frank in two instances.

Mr. Garcia.

Mr. Fauntroy.

Mr. Dorgan of North Dakota.

Mr. Mazzoli.

Mr. Lantos in two instances.

Mr. Lipinski in two instances.

Mr. Florio.

Mr. Pepper.

Mr. Chappell.

Mr. McHugh.

Mr. Stokes.

Mr. Swift.

Mr. Edwards of California.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 59. Joint resolution to designate the month of May 1988 as "National Foster Care Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 199. Joint resolution to designate the month of May 1988 as "Trauma Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberous Sclerosis Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 225. Joint resolution approving the location of the Korean War Memorial; to the Committee on Interior and Insular Affairs.

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil Service.

S.J. Res. 229. Joint resolution to designate the day of April 1, 1988, as "Run to Daylight Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 237. Joint resolution to designate May 1988 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 244. Joint resolution to designate the month of April 1988 as "National Know Your Cholesterol Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 249. Joint resolution designating June 14, 1988, as "Baltic Freedom Day"; to the Committees on Post Office and Civil Service and Foreign Affairs.

S.J. Res. 250. Joint resolution designating the week of May 8, 1988, through May 14, 1988, as "National Osteoporosis Prevention Week of 1988"; to the Committee on Post Office and Civil Service.

S.J. Res. 251. Joint resolution designating March 4, 1988, as "Department of Commerce Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 252. Joint resolution designating June 5-11, 1988, as "National NHS—Neighbor Works Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 253. Joint resolution designating April 9, 1988, as "National Former Prisoners of War Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 254. Joint resolution to designate the period commencing on May 15, 1988, and ending on May 21, 1988, as "National Rural Health Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 255. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 257. Joint resolution to authorize and request the President to issue a proclamation designating March 21, 1988, as "Afghanistan Day", a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces; to the Committee on Post Office and Civil Service.

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 262. Joint resolution to designate the month of March 1988, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 265. Joint resolution to designate March 20, 1988 as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

BILL PRESENTED TO THE PRESIDENT

[Inadvertently omitted from the Recordof Monday, July 13, 1987]

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

ADJOURNMENT

Mr. SUNIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 2, 1988, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2999. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving United States exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3000. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

3001. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 5-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3002. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 4-88), pursuant to 22 U.S.C. 2796(a); to the Committee on Foreign Affairs.

3003. A letter from the Director, Federal Emergency Management Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3004. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the 1987 annual report of the Commission's compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3005. A letter from the Executive Secretary, National Security Council, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3006. A letter from the Administrator, Small Business Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3007. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3008. A letter from the Administrator, General Services Administration, transmitting prospectuses for the fiscal year 1989 General Services Administration's Public Buildings Service Capital Improvement Program, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3009. A letter from the Comptroller General, transmitting a report on United States-supported drug control efforts in Burma, Thailand, and Pakistan (February 1988, GAO/NSIAD-88-94), pursuant to 22 U.S.C. 2291 notes, jointly, to the Committees on Government Operations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 390. A resolution providing for the consideration of a joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America (Rep. 100-507). Referred to the House Calendar.

Mr. MOAKLEY: Commmittee on Rules. House Resolution 391. A resolution providing for the consideration of S. 557, an act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rep. 100-508). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AuCOIN (for himself and Mr. Waxman):

H.R. 4040. A bill to amend the Public Health Service Act to establish a grant program to provide for educating and counseling certain youths with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. BUECHNER (for himself and Mr. Ackerman):

H.R. 4041. A bill to require the Secretary of Energy, when transporting certain radioactive materials, to use packages that the Nuclear Regulatory Commission has certified for that purpose; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. COOPER (for himself, Mr. Boucher, Mr. Schumer, Mr. Perkins, Mr. Gordon, Mr. Garcia, Mrs. Collins, Mr. Bates, Mr. Leland, Mr. Carper, Mr. Walgren, and Mr. Weiss):

H.R. 4042. A bill to establish labeling and advertising requirements for food or drink which are labeled "lite" or "light" or which make similar comparative claims to describe fat, sodium, or calorie content and for other purposes; jointly, to the Committees on Energy and Commerce, Agriculture, and Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 4043. A bill to amend the Food Security Act of 1985 with respect to wetlands, and for other purposes; to the Committee on Agriculture.

By Mr. ENGLISH:

H.R. 4044. A bill to amend the Natural Gas Policy Act of 1978 to protect consumers who use natural gas as fuel for agricultural irrigation pumps from certain price increases; to the Committee on Energy and Commerce.

By Mr. FAUNTROY (for himself and Mr. Garcia):

H.R. 4045. A bill to amend the Bank Holding Company Act of 1956 and the Community Reinvestment Act of 1977 to allow bank holding companies whose bank subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through separate nonbank subsidiaries of such holding companies, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. GRAY of Pennsylvania:

H.R. 4046. A bill to amend the Department of Energy Organization Act to prescribe testing for the use of alcohol and controlled substances by employees of refineries and nuclear powerplants; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 4047. A bill to direct the Secretary of Commerce to allow the city of Hazleton, PA, to use the proceeds from the sale of the Hazleton Municipal Complex building for economic development projects in the city of Hazleton, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY (for herself, Mr. Schulze, Mr. Guarini, Mr. Rangel, Mr. Coyne, Mr. Foglietta, Mrs. Boggs, and Mr. Moody):

H.R. 4048. A bill to amend the Internal Revenue Code of 1986 to eliminate tax credits from the passive activity rules, to modify the business credit limitation provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. LELAND (for himself and Mrs. Schroeder):

H.R. 4049. A bill to promote the integration of women in the development process in developing countries; to the Committee on Foreign Affairs.

By Mr. McCANDLESS:

H.R. 4050. A bill for the relief of certain persons in Riverside County, CA, who purchased land in good faith reliance on an existing private land survey; to the Committee on Interior and Insular Affairs.

By Mr. ROSE (for himself, Mr. Jones of North Carolina, Mr. Valentine, Mr. Lancaster, Mr. Price of North Carolina, Mr. Neal, Mr. Coble, Mr. Hefner, Mr. McMillan of North Carolina, Mr. Ballenger, and Mr. Clarke):

H.R. 4051. A bill to require the Secretary of Labor to permit North Carolina to continue to employ 17-year-old school bus drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mr. KOLBE:

H.J. Res. 477. Joint resolution commemorating January 28, 1989, as a "National Day of Excellence" in honor of the crew of the space shuttle *Challenger*; to the Committee on Post Office and Civil Service.

By Mr. PANETTA (for himself, Mr. Green, and Mr. Kildee):

H.J. Res. 478. Joint resolution to designate the period commencing November 13, 1988, and ending November 19, 1988, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. DREIER of California (for himself, Mr. Mack, Mr. Hunter, Mr. Boulter, Mr. Dannemeyer, Mr. Shumway, Mr. Wilson, Mr. Swindall, Mr. Ballenger, Mr. Moorhead, Mr. Solomon, Mr. Oxley, Mr. Weber, Mr. Dornan of California, Mr. Kyl, Mr. Lagomarsino, Mr. Badham, Mr. Shuster, Mr. McEwen, Mr. Emerson, Mr. Nielson of Utah, Mr. Inhofe, Mr. Hyde, Mr. Hastert, Mr. Porter, Mr. Ritter, Mr. Biaggi, Mr. Sikorski, Mr. Holloway, Mr. Hiler, Mrs. Bentley, Mr. Jenkins, Mr. Armey, Mr. Parris, Mr. Flippo, Mr. Fawell, Mr. Courter, Mr. Broomfield, Mr. Bunning, and Mr. McCollum):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that United States military and humanitarian assistance to the Afghan resistance should be maintained until the Soviet Union completely withdraws its troops from Afghanistan; to the Committee on Foreign Affairs.

By Mr. COELHO:

H. Con. Res. 253. Concurrent resolution expressing the sense of Congress that youth connections between the United States and other nations should be encouraged and supported because they promote international peace and understanding; to the Committee on Foreign Affairs.

By Mr. STARK (for himself, Mr. Brown of California, Mr. Lujan, Mr. Hall of Texas, Mr. Sensenbrenner, Mr. Morrison of Washington, and Miss Schneider):

H. Con. Res. 254. Concurrent resolution recommending that the Department of Energy work more closely with other nations in the field of magnetic fusion research and that the Department continue to pursue an agreement with other nations to jointly design the international thermonuclear experimental reactor; to the Committee on Science, Space, and Technology.

By Mr. SOLOMON (for himself, Mr. Gilman, Mr. Lagomarsino, Mr. McCollum, and Mr. Crane):

H. Res. 392. Resolution to express the sense of the House of Representatives on United States policy toward Afghanistan, especially toward the possibility of a Soviet troop withdrawal; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

275. The SPEAKER presented a memorial of the Legislature of the State of Washing-

ton, relative to opening the ANWR Coastal Plain to environmentally responsible oil and gas exploration, development, and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DONNELLY introduced a bill (H.R. 4052) for the relief of James L. Cadigan; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Obey.

H.R. 42: Mr. Fields.

H.R. 115: Mr. Clay.

H.R. 302: Mr. Lowry of Washington.

H.R. 303: Mr. Lehman of California, Mr. Owens of Utah, Mr. Petri, Mr. Callahan, Mr. Rodino, Mr. de la Garza, Mr. Huckaby, Mr. Espy, Mr. McHugh, Mr. Chapman, and Mr. Holloway.

H.R. 956: Mr. Flake, Mr. Leland, and Mr. Studds.

H.R. 1174: Mr. Lagomarsino, Mr. Boehlert, Mr. Horton, Mr. Solarz, Mr. Fazio, Mr. Walgren, Mr. Gilman, Mr. Hamilton, Mr. Dymally, Mr. DeWine, Mr. Fish, Mr. Manton, Mr. Rose, Mr. Jones of North Carolina, Mr. Torricelli, Mr. Clay, Mr. Price of Illinois, Mr. Davis of Michigan, Mr. Tallon, Mr. Tauzin, Mr. Ravenel, Mr. Frank, Mrs. Collins, Mr. Swift, Mr. Lehman of California, Mr. Bonior of Michigan, Mr. Borski, Mr. Lewis of Georgia, and Mr. Sisisky.

H.R. 1353: Mr. Hansen.

H.R. 1632: Mr. Walgren.

H.R. 1920: Mrs. Saiki.

H.R. 1974: Mr. Rinaldo.

H.R. 2091: Mr. Konnyu.

H.R. 3133: Mr. Leland, Mr. Jontz, Mr. Barnard, Mrs. Boxer, Mr. Coelho, Mr. Boehlert, Ms. Pelosi, Mr. Walgren, and Mr. Neal.

H.R. 3241: Mr. Campbell, and Mr. Murphy.

H.R. 3250: Mr. Moody.

H.R. 3312: Mr. Gilman.

H.R. 3348: Mr. Martinez and Mr. Gilman.

H.R. 3375: Mr. Levin of Michigan.

H.R. 3392: Mr. Dellums and Mr. Bryant.

H.R. 3410: Mr. Dymally and Mr. Wise.

H.R. 3518: Mr. Horton.

H.R. 3553: Mr. Thomas of Georgia, Mr. Swift, and Mr. Wilson.

H.R. 3619: Mr. Solomon, Mrs. Bentley, Mr. Evans, Mr. Dymally, and Mr. Berman.

H.R. 3663: Mr. Lehman of California, Ms. Pelosi, and Mrs. Roukema.

H.R. 3719: Mr. Duncan, Mr. Coelho, Mr. Ackerman, Mr. Moakley, Mr. Stark, Mr. Bustamante, Mr. Vander Jagt, Mr. Owens of New York, Mr. Mazzoli, Mr. Horton, Mr. Perkins, Mr. Kanjorski, and Mr. Williams.

H.R. 3764: Mr. Donnelly, Mr. Solomon, Mr. Craig, and Mr. Horton.

H.R. 3791: Mr. Taylor, Mr. Garcia, Ms. Pelosi, Mr. Oberstar, Mr. Armey, Mr. Wolf, Mr. Hansen, Mr. Dwyer of New Jersey, Mr. Fawell, Mr. Martinez, Mr. Traxler, Mr. McCurdy, Mr. Matsui, and Mr. Martin of New York.

H.R. 3794: Mr. Ritter, Mr. Davis of Illinois, Mr. Miller of Washington, Mr. Brown of Colorado, Mr. Lagomarsino, Mr. Bunning, Mr. Fields, Mr. Shumway, Mr. Wortley, and Mr. Armey.

H.R. 3814: Mrs. Bentley.

H.R. 3815: Mr. Bilirakis.

H.R. 3816: Mr. Solarz, Mr. Edwards of California, Mrs. Boxer, Mr. Dellums, Mr. Panetta, Mr. Sabo, Miss Schneider, Mr. Pepper, and Mr. Martinez.

H.R. 3828: Mr. Coelho, Mr. Levine of California, Mr. Martinez, Mr. Torres, Mr. Brown of California, Mr. Sikorski, Mr. Lujan, Mr. Richardson, Mr. Manton, Mr. Towns, Mr. Owens of New York, Mr. Garcia, Mr. Chapman, Mr. de la Garza, Mr. Leland, Mr. Ortiz, Mr. Atkins, and Mr. Waxman.

H.R., 3865: Mr. Bilirakis, Mr. Pursell, Mr. Callahan, Mr. Fields, Mr. Gingrich, Mr. Mazzoli, Mr. Sundquist, Mr. Fish, Mr. Boehlert, Mr. Hutto, Miss Schneider, Mr. Nichols, Mr. Campbell, Mr. Mollohan, Mr. Robert F. Smith, Mr. Holloway, Mr. Leath of Texas, and Mr. Huckaby.

H.R. 3870: Mr. Craig.

H.R. 3883: Mr. Weiss, Mr. Skelton, Mr. Young of Alaska, Mrs. Bentley, Mr. Fish, Mr. Evans, Ms. Pelosi, and Mr. Pease.

H.R. 3893: Mr. Michel, Mr. Denny Smith, Mr. Emerson, Mr. Martin of New York, Mr. Slattery, Mr. Tauzin, Mr. Latta, Mr. Brown of Colorado, and Mr. Hefner.

H.R. 3907: Mr. de la Garza, Mr. Harris, Mr. Flippo, Mr. Montgomery, Mr. Boucher, Mr. Donald E. Lukens, Mr. Lewis of Florida, Mr. Hubbard, and Mr. Perkins.

H.R. 3916: Mr. Swindall and Mr. Donnelly.

H.J. Res. 289: Mr. Bennett, Mr. Biaggi, Mr. Evans, Mr. Fish, Mr. Harris, Mr. Holloway, Mr. Howard, Mr. Hoyer, Mrs. Kennelly, Mr. Kolbe, Mr. Kolter, Mr. Lehman of Florida, Mr. Lewis of Georgia, Mr. Livingston, Mr. Donald E. Lukens, Mr. McGrath, Mr. Mazzoli, Mr. Miller of California, Mr. Montgomery, Mr. Owens of Utah, Mr. Rahall, Mr. Solomon, and Mr. Tallon.

H.J. Res. 380: Mrs. Collins, Mr. Waxman, Mr. McDade, Mr. Pursell, Mr. Wortley, Mr. Owens of New York, Mr. Moorhead, Mr. Lott, Mr. Dwyer of New Jersey, Mr. Wilson, Mr. Akaka, Mr. de la Garza, Mr. Stokes, Mr. Nielson of Utah, Mr. Traficant, Mr. Wolf Mr. Espy, Mr. Thomas of California, Mr. Wolpe, Mr. Erdreich, Mr. Atkins, Mr. DioGuardi, Mr. Neal, Mr. Towns, Mr. Boucher, Mr. Whitten, Mr. Porter, Mr. Packard, Mr. Crane, Mr. Russo, Mr. McEwen, Mr. Fields, Mr. Bruce, Ms. Pelosi, Mr. Hayes of Louisiana, and Mr. Spence.

H.J. Res. 398: Mr. Wolf, Mrs. Bentley, Mr. Fish, Mr. Wortley, and Mr. Owens of New York.

H.J. Res. 403: Mr. DeWine and Mr. McEwen.

H.J. Res. 429: Mr. Moorhead, Mr. Fish, Mr. Rose, Mr. McDade, Mr. Hertel, Mr. Vento, and Mr. Dyson.

H.J. Res. 438: Mr. Mavroules, Mr. Gingrich, Mr. Evans, Mr. Rhodes, Mr. Vento, Mr. Valentine, and Mr. McEwen.

H.J. Res. 447: Mr. Gordon, Mr. Whitten, Mr. Montgomery, Mr. Taylor, Mr. Spratt, Mrs. Boxer, Mr. Thomas of California, Mr. Schumer, and Mr. Wolpe.

H.J. Res. 453: Mr. McEwen, Mr. Lujan, Mrs. Meyers of Kansas, Mr. Clarke, Mr. Gejdenson, Mr. McDade, Mr. Aspin, Mr. Dwyer of New Jersey, Mr. Smith of New Jersey, Mr. Frenzel, Mr. Owens of New York, Mr. Frank, Mr. Fascell, Mr. Gunderson, Mr. Traficant, and Mr. Spence.

H.J. Res. 462: Mr. Weiss, Mr. Kolter, Mr. Towns, Mr. Fauntroy, Mr. Owens of Utah, Ms. Pelosi, and Mrs. Collins.

H.J. Res. 464: Mr. Frost, Mr. Sawyer, Mrs. Lloyd, Mr. Martin of New York, Mr. Towns, Mr. Owens of New York, Mr. Lehman of California, Mr. Wolpe, Mr. Hayes of Illinois, Mr. Fawell, Mr. Dwyer of New Jersey, Mr. Garcia, Mr. Lagomarsino, Mr. Wortley, Mr. Lipinski, Mr. Chapman, Mr. Boland, Mr. Kostmayer, and Mr. Rahall.

H.J. Res. 473: Mr. Foglietta, Mr. DeFazio, Mr. Frost, Mr. Mazzoli, Mr. Borski, Mr. Leland, Mr. Bonior of Michigan, Mr. Chapman, Mr. Wheat, Mr. Lipinski, Mr. Studds, Mr. Miller of California, and Mr. Bunning.

H. Con. Res. 28: Mrs. Meyers of Kansas.

H. Con. Res. 194: Mr. Dornan of California and Mr. Bilirakis.

H. Con. Res. 229: Mr. DioGuardi.

H. Con. Res. 238: Mr. Davis of Illinois.

EXTENSIONS OF REMARKS

THE WAR POWERS RESOLUTION DOESN'T WORK

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DEFAZIO. Mr. Speaker, 15 years have passed since the War Powers Resolution was enacted into law. The effectiveness of the resolution has been tested many times since. But beyond a certain political utility, it has proven to be seriously flawed.

The War Powers Resolution doesn't work. It's that simple. Presidents have ignored its requirements, and courts have refused to enforce its provisions.

The framers of the Constitution granted the power to initiate war exclusively to the legislative branch of government. The sole exception to that grant lies in the President's right to repel sudden attacks on the United States. The President is named the Commander in Chief and as such, his authority is limited to the conduct of wars authorized by Congress. Alexander Hamilton wrote:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

In a similar vein, James Madison wrote, in a letter to Thomas Jefferson:

> The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war and most prone to it. It has accordingly with studied care, vested the question of war in the Legislature.

The framers of our Constitution would have turned green if they had known that Presidents, 200 years in the future, would routinely initiate foreign wars and undertake risky military adventures without prior congressional authorization.

On February 18 I introduced House Joint Resolution 462, a bill to substantially revise the War Powers Resolution. It's an ambitious undertaking. My amendments incorporate the original Senate language placing prior restraints on the President's war-making power. The War Powers Resolution, as it stands today, allows the President to get the Nation 90 days into a war before Congress has any authorizing role. This stands the constitutional scheme on its head.

Further, I am trying to resolve the sticky issue of enforcement. What happens when a President refuses to abide by a law passed by Congress, in this case, let us say, initiating a war without prior statutory authorization? Is Congress obliged to pass another law, over that President's veto, to enforce compliance with a law it already passed?

Common sense suggests the answer should be, "No."

No law passed by Congress can be binding upon an unwilling President unless the courts are willing to step in and settle the dispute. Too often, however, the courts have found it expedient to refuse to review cases brought by Members of Congress.

Over 100 of my colleagues and I recently brought suit against the President for his blatant violation of the requirements of the War Powers Resolution in the Persian Gulf. The President said he welcomed the opportunity for a ruling on the constitutionality of the War Powers Resolution. Unfortunately, his lawyers, rather than arguing the case on its merits, asked the court to dismiss the action on procedural grounds. The court agreed with the defendants, ruling that the case presented a nonjusticiable political question.

The political question doctrine, as it is generally applied in a case involving the execution of the Nation's foreign policy, is an example of extraordinary judicial discretion. The courts, wary of the possible effects of a ruling in a foreign affairs question, have declined to decide these issues, deferring instead to the political branches. There is legal precedent for directing the courts to proceed to the merits of such a case, however.

The Hickenlooper amendment to the Foreign Assistance Act of 1964 directed the courts to proceed to the merits of certain cases involving foreign expropriation of U.S. assets without recourse to the Act of State doctrine. The Act of State doctrine holds that the "courts of one country will not sit in judgement on the acts of the government of another done within its own territory." The amendment caused the Federal court of appeals to reverse itself and rule that an expropriation of United States assets in Cuba was illegal under international law.

The court case—Banco Nacional de Cuba versus Farr—serves as a precedent for legislation compelling judicial review in foreign affairs cases. Its application to the political question doctrine depends on whether the courts view the doctrine, or its application in a specific case, as a prudential matter—one where the courts are exercising their own discretion to avoid embarrassing the political branches in their exercise of foreign affairs—or as an interpretation of the Constitution's separation of powers, in which case an attempt to direct the courts to disregard it would constitute an unconstitutional legislative interference with the judicial power. I, of course, argue that the political question doctrine, as applied in cases such as Lowry versus Reagan, is a case of extraordinary judicial abstention, and thus can be legislated.

My bill states that the court shall not decline to rule on the merits of an action brought to enforce compliance with this resolution on the ground that the issue is a political question or is otherwise nonjusticiable. Additionally, the bill specifically confers standing to sue upon Members of Congress. It will ensure that any violation of this law will receive judicial review. Courts will still be entirely free to dismiss a case as lacking in merit, or refuse to grant the relief requested.

Another shortcoming of the current War Powers Resolution is the absence of any definition of the terms "hostilities" and "imminent hostilities." My legislation corrects that, providing direction to both the executive and judicial branches regarding the meaning of these terms.

The last 40 years have demonstrated the need for an effective War Powers Resolution. Unfortunately, what we have is almost worse than no War Powers Resolution at all. It gives the President too broad a grant of power and gives Congress the illusion that it still retains some control over the power to plunge the Nation into war.

My legislation will strengthen and improve the War Powers Resolution. It clearly defines the respective warmaking powers of the executive and legislative branches of Government and it provides for judicial review of alleged violations by the executive branch. Must we wait until this President, or another, sends United States troops to Nicaragua, to Panama, or to the Persian Gulf, without our approval, before we act? I hope not. The tools belong to those who will take them up and use them. It's time to take this one back.

What follows is a section by section analysis of House Joint Resolution 462:

SHORT TITLE

Section 1 cites this bill as the "War Powers Amendments of 1988".

PURPOSE; CONGRESSIONAL LEGISLATIVE AUTHORITY

Section 2 describes the purpose of the legislation and provides the constitutional authority for such legislation. The purpose is identical to that of the original War Powers Resolution. Authority is derived from article I, section 8 of the Constitution, which specifically provides that Congress shall have the power—

(1) to declare war; and

(2) to make all laws necessary proper for carrying into execution not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

USE OF THE ARMED FORCES IN HOSTILITIES

Section 3 describes, in detail, under which circumstances the President shall be allowed to introduce United States Armed Forces into hostilities without prior statutory authorization. Generally, these are in-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

stances where no prior congressional authorization is possible or prudent. The power to repel or forestall attacks on the United States or its armed forces is acknowledged, as is the President's historic right to rescue U.S. citizens whose lives are threatened. This section also imposes a prohibition on the expenditure of appropriated monies for any use of armed force not provided for in this section.

CONSULTATION BETWEEN THE PRESIDENT AND CONGRESS

Section 4 enlarges upon what the consultation requirements in current law by specifying what is meant by "consultation" and by providing for the creation of an "Executive-Legislative Consultative Group."

REPORTS TO THE CONGRESS

Section 5 incorporates the provisions of section 4 of the original War Powers Resolution, with one improvement. It requires that any report submitted cite the specific paragraph of section 5(a) that requires such a report. The necessity for such a provision has been repeatedly demonstrated by presidential reports to Congress that are "consistent with the requirements of the War Powers Resolution." By refusing to cite the relevant paragraph of section 4(a), these reports avoid starting the 60 day clock, the main enforcement provision of the Resolution.

CONGRESSIONAL ACTION WITH RESPECT TO HOSTILITIES

Section 6 retains the provision requiring the automatic removal of United States Armed Forces from any hostile situation after 60 days unless Congress authorizes their continued presence. The 60 day clock commences upon introduction of such armed forces, not upon receipt of a presidential report. It applies, of course, only to situations covered by section 3(a) of this resolution. Any other introduction of United States Armed Forces into hostilities, without prior statutory authorization, would be illegal. Section 6 makes no change in the procedures providing for priority consideration of any joint resolution authorizing the use of United States Armed Forces beyond the sixty day statutory limit. Section 5(c) of the original War Powers Resolution is dropped.

JUDICIAL REVIEW

Section 7 specifically confers standing to sue upon Members of Congress if any provision of the Resolution is violated by the President or the Armed Forces. It also directs that the court shall not dismiss any such action on grounds of justiciability. The effect of this section will be to provide for judicial review in any instance where a Member of Congress claims a violation of this law. The court will still be entirely free to dismiss such a claim as lacking merit, or to refuse to grant the relief sought.

RULES OF INTERPRETATION

Section 8 specifically states that authority to introduce the Armed Forces into hostilities shall not be inferred from any provision of law (including appropriations bills), or from any treaty, unless that treaty is implemented by legislation authorizing the subsequent use of the Armed Forces. Section 8 also permits continued cooperation between high level command units for the purpose of abiding by treaty commitments.

DEFINITIONS

Section 9 defines the terms "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances", "Armed Forces", and "introduce". Both the courts and the Executive branch have complained that current law lacks any clear definition of these terms.

SEPARABILITY CLAUSE

Section 10 retains the language from the original War Powers Resolution declaring that if any provision of this joint resolution is held invalid, the remainder of the resolution shall not be affected thereby.

"O JORNAL" HONORS PORTUGUESE AMERICANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, one of the most important voices of public opinion in my district is the newspaper O Jornal, published by Ray and Kathy Castro. This newspaper, published in Portuguese, serves as an excellent source of information for and about the Portuguese-American community of southeastern Massachusetts and Rhode Island. Ray and Kathy Castro, who put out this newspaper, are also leading members of the greater Fall River community, and make important contributions in a number of ways to the political, cultural, and economic life of our area.

One of the most important events in which they are involved is the annual dinner honoring leaders of the Portuguese-American community and sending an award to the Portuguese-American Citizen of the Year. I have been privileged to be able to be a regular attendee of these dinners, at which leading citizens in various aspects of public and community life have been very deservedly honored. This dinner is an important part of the work that the Castros do in celebrating the significant contribution which Portuguese-Americans make to the United States in general, and to southeastern Massachusetts in particular.

I want to congratulate Gil Santos, the sportscaster for the Boston Celtics, who has had a distinguished broadcasting career and who is the recipient of this year's Portuguese-American of the Year Award. Gil Santos is very, very good at what he does, and he has understandably a very large and enthusiastic following among sports fans in the Massachusetts and Rhode Island areas.

The others who will be given awards for their outstanding work at the 10th annual dinner to be held on Sunday, March 6, are:

Robert M. (Jack) Barboza, the founder of the Barboza car dealerships. Jack Barboza will receive the special award for achievement in business, an award which he has earned by hard work and responsible citizenship.

Celestino D. Macedo, who is vice president for student services at Southeastern Massachusetts University has made very important contributions to the educational life of our area. Southeastern Massachusetts University is a very significant institution, a public university which provides an excellent education to young people from all economic and cultural backgrounds. Mr. Macedo is an extremely able and diligent administrator whose work is quite valuable to the young people of southeastern Massachusetts.

The Cardinal Humberto S. Medeiros Award, named for the late and revered Cardinal Medeiros will be presented to Deacon Manuel H. Carmara, Jr. Mr. Camara, who has been a permanent deacon in the Diocese of Fall River since 1980, has served ably as a public official and now performs important work for the diocese.

Andrea Costa wins the special award for Achievement in Sports. Although she is only 21, she has compiled a very impressive record of athletic accomplishment, including being named to the Boston Globe All-Scholastic softball team and to the second team in volleyball for the All-America selections.

Mr. Speaker, I insert the article from O Jornal which gives more detail about these very meritorious recipients of these important awards.

And I want to extend my congratulations to the award winners, for their deserved recognition, and to Ray and Kathy Castro for the excellent work they continue to do on behalf of the Portuguese-American community of southeastern Massachusetts:

COMMUNITY LEADERS HONORED BY "O JORNAL" AT PORTUGUESE-AMERICAN DINNER

As part of the 10th annual Portuguese-American Award Dinner to be held on March 6th honoring veteran television sportscaster, Gil Santos, four members of the community will be singled out for their contributions in various fields.

The first honoree, Robert M. (Jack) Barboza, founded the Barboza Car dealerships in 1958. Barboza Enterprises started as a small auto body repair shop and has grown to become a national leader in the automobile industry. The company now represents sixteen franchises, employs 800 people throughout Massachusetts and is currently on a national expansion program, which will take it to Florida and other southern states.

"Jack" Barboza, who was born in Berkley, Massachusetts is married and the father of three children. He will receive the O Jornal's special award for Achievement in Business.

Celestino D. Macedo, Vice-President for Student Services at Southeastern Massachusetts University will be honored for his long and devoted career in the field of education. Born in New Bedford, the son of immigrants from Povoacao on the Island of Sao Miguel in the Azores, Macedo served in the Navy in World War II and returned to graduate on the GI Bill from Stonehill College with a Bachelor's Degree in 1953 and from Boston College in 1954 with a Masters Degree.

Macedo has been a part of SMU since 1955 when he was an instructor at the old New Bedford Institute of Technology. He later became Director of Student Financial Aid when New Bedford and Bradford Durfee College of Technology merged in 1966. He was named Dean of Students in 1968. Throughout this time, he continued as a member of the Department of English, teaching as well as carrying on his administrative duties.

Macedo has served as the University's first Vice-President for Student Services since 1985; and is one of the ranking members of the SMU administration. He is a widower (husband of the late Elizabeth Ann Heywood); and the father of four children.

The Jornal's recipient of the Cardinal Humberto S. Medeiros award for work in the field of social service is Deacon Manuel

H. Camara Jr., who has served as Senior Inspector of Food and Milk for the Division of Health and Human Services in the city of Fall River for the past twenty-six years. Mr. Camara was ordained as a Permanent Deacon for the Diocese of Fall River in 1980, and is presently assigned to Pastoral Ministries at St. Anthony of Padua Church and Sacred Heart Church. He served as an Administrative Assistant to former Fall River Mayor, Attorney Roland Desmarais; and has been a member of numerous charitable Boards and Foundations throughout his years in public service.

The son of immigrants from Agua Retorta, Sao Miguel, Manuel Camara is married, the father of three, and the grandfather of eight children.

Andrea Costa, who is the 1987 winner of the Special Award for Achievement in Sports, is a graduate of BMC Durfee High School and is a senior at Eastern Connecticut State University. At the tender age of 21, she has stacked up a winning record—not only in one sport but in several—that would be the envy of many champions. Andrea was named in 1984 by the Boston Globe to their All-Scholastic Softball Team; and in 1986, was named to the 2nd team All-America in Volleyball, the only all-America at that time in Eastern Connecticut State University history.

Andrea is the only female ever to start in two sports for four years (volleyball and softball); and she has set a record as a starter on seven NCAA (National Collegiate Athletic Association) post-season tournament teams in two sports.

The daughter of Joseph E. Jr. and Claire Costa, Andrea is one of seven children. Her grandfather, the late Joseph E. Costa Sr. was well known as a labor leader in the greater Fall River area.

Anyone wishing tickets for the dinner, may contact O Jornal at 410 Second Street, (617) 675-0321.

SPORTSCASTER GIL SANTOS NAMED PORTUGUESE-AMERICAN OF THE YEAR

Gil Santos, play-by-play television sportscaster for the Boston Celtics, has been named Portuguese-American of the Year 1987 by the Portuguese-language weekly, O Jornal. Santos, a native of Acushnet, Massachusetts, has a long and distinguished career in media, starting with his early days at local radio stations WNBH, WBSM and WSAR. He began his successful relationship with WBZ Radio-TV in 1971; and throughout the years has received numerous prestigious awards including UPI's Best Sports Reporter for Radio in the United States in 1986; UPI's Best Sports Reporter for Radio in New England 15 times; and AP's Best Sports Reporter for Radio in New England 12 times. Santos was the 1986 second-place winner in a World-Wide Radio Society Competition.

Like many in his field, Santos has run the gamut of sports announcing from local high-school and college basketball teams to coverage for ABC Radio of the 1984 Winter Olympics. And he loves it all.

"From the time I was a little kid, listening to radio sports, I knew it was what I wanted to do with my life," he told O Jornal. "I've been very lucky. I've met a lot of good people along the way—some of them my childhood idols like Mel Allen—and I have many people to thank for my success, including my family."

On learning of his selection as Portuguese-American for 1987, Santos commented that ". . . it is always an honor to be recognized for your life's work; but this award, coming from people of my own ethnic background, is all the more rewarding."

Santos, who is the son of Portuguese immigrants, will be honored at a dinner to be held at the Venus de Milo Restaurant on Sunday, March 6th. He resides in Raynham, Massachusetts with his wife, Roberta and two children, Mark and Kathleen.

For ticket information, please contact O Jornal.

COMMEMORATING JIM GRIGSBY FOR HIS OUTSTANDING SERVICE TO NEVADA

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues the valiant life of Jim Grigsby, an outstanding firefighter who worked for 26 years with the city of Las Vegas. Jim was a first rate engineer and respected by all who knew him. He was my classmate in high school and a good friend.

Last year Jim passed away, a victim of Lou Gehrig's disease. It was tragically ironic that the disease that killed him is the same one Jim fought against for others all his life. Jim was instrumental in establishing the Muscular Dystrophy Boot Drive which began in Nevada and spread throughout the entire continent.

This year, the third annual Jim Grigsby Golf Tournament will be held as a memorial to Jim's courageous battle against muscular dystrophy. The money raised from this tournament will go into a trust fund from which his two sons and the retirees of the Las Vegas Fire Department benefit.

Jim Grigsby was an outstanding Nevada civic activist and an exceptional humanitarian. His legacy is one in which all Nevadans may take pride.

Mr. Speaker, I ask my colleagues to join with me now in recognizing Jim's commitment to the betterment of humanity—both in life and in the contributions of his memory.

ROBERT DELSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, recently, Mr. Robert Delson, a distinguished New York attorney and commentator on arms control issues, published an article in Disarmament, the United Nations' periodical, entitled "Unilateral Reciprocated Disarmament." Mr. Delson proposes that the superpowers reduce their strategic nuclear arsenals to a minimum deterrent level through a series of reciprocated unilateral stages. His proposal has been endorsed by a number of distinguished American arms control experts. As the United Nations convenes its annual Conference on Disarmament in Geneva, I would like to call Mr. Delson's recommendations to the attention of my colleagues as a contribution to the ongoing debate over how to achieve meaningful reductions in superpower nuclear arsenals. I insert at this point a short summary of Mr. Delson's 1987 article:

UNILATERAL RECIPROCAL REDUCTIONS IN NUCLEAR WEAPONS—A CHALLENGE TO THE SUPERPOWERS

(By Robert Delson)

Here is a proposal so dramatic, so much more sweeping than the freeze, that it may arouse even wider public support, and create an irresistible tide for nuclear disarmament.

I propose that both the Russian and American people demand that their governments initiate unilateral reciprocal reductions in their strategic nuclear arsenals until they reach the minimum deterrent level. This would take place during a period of approximately 10 years, during which one government would take the first step by initiating a reduction of its own arsenal, which the other power could reciprocate. This would proceed as long as reciprocity continued.

Such reductions would make possible a major breakthrough in arms reduction by lessening the tensions and suspicions which motivate both sides to create and expand their nuclear arsenals. Professor Charles Osgood, the prime initiator of the concept of Graduated Reciprocal Initiatives in Tension Reduction (GRIT), has demonstrated that the reduction in tensions need not precede cuts in nuclear weapons, but would be a product of arms reductions.

This is consistent with the philosophy enunciated by Jesse Jackson that "The weapons are in the mind." The diminution of tensions would continue at an accelerated rate if the superpowers established expanded relations in all fields of mutually beneficial interests. This would give them a vested interest in peace, with the gradual elimination of nuclear arsenals, and a higher standard of life for their people, reaching the stage which, without cynicism, could be called "constructive engagement," so that they would not need to rely upon nuclear weapons as a deterrent against aggression.

The interaction between the reduction in tensions and in armaments would mutually reinforce and stimulate the pace at which each of these steps would go forward. This could create the conditions for further unilateral actions, including a freeze on production, modernization and deployment of nuclear weapons, the cessation of nuclear testing, and renunciation of first use against conventional attack.

In view of the general agreement that the nuclear stockpiles contain many times more weapons than are required for retaliation against a first strike, it cannot reasonably be argued that such reductions could jeopardize national security.

Until such time as nuclear weapons are abolished, or at least until the minimum deterrent level is reached, which would be sufficient only to assure a survivable arsenal capable of inflicting unacceptable damage on the adversary in a retaliatory attack, both sides might believe they should rely on nuclear weapons as the principal element in maintaining deterrence. Since possession of such weapons does not give any assurance that the danger of a nuclear incident can be avoided, or even sharply diminished, it is indispensable to reduce the danger by pursuing unilateral initiatives. In that event, the principal component of deterrence increasingly would become not the capacity to retaliate, but the rapid extension of the mutual relations of the superpowers, until they reached the stage I have referred to as "constructive engagement."

Recent indications of tension reductions between the superpowers may make possible substantial progress toward strategic arms reduction agreement at the proposed summit, but there are many obstacles to achieving such an accord.

These include the insistence on achieving agreement on parity, not only in the main categories of weapons, but on the sublimits within each category, such as the American insistence on and the Russian resistance to, separate sublimits for land-based missiles (on which the USSR basically relies) and heavy missiles; and the extremely difficult task of achieving a compromise on the Star Wars issue.

The process of ironing out all the details of such an arrangement might extend over a period of years, during which the expansion and modernization of nuclear arsenals would vastly increase the dangers of a nuclear exchange.

Professor George Kennan has enthusiastically endorsed my proposal for unilateral reciprocated reductions, and I believe would support it, in addition to his suggestion that the 50 percent reduction, (which he advocated long before it was accepted in principle by the two sides), should take the form of an across-the-board reduction of all nuclear armaments. This would terminate the endless haggling about how to achieve parity, which in Professor Kennan's view, is not essential to security.

Unilateral measures and bilateral negotiations could be pursued simultaneously. Even if the two governments did not undertake such initiatives, wide popular support for unilateral initiatives could stimulate the pace of negotiations and acceptance of compromises essential to a bilateral agreement.

While France and Britain maintain substantial conventional and nuclear forces, does anyone fear that either would launch a conventional or nuclear attack against Western Europe or the U.S.? Of course not, because instead of hostility or suspicion, these governments have full confidence in each other's peaceful intentions, and maintain extensive and mutually beneficial relations in all areas of common interest. To begin to achieve such a relationship between the superpowers the risks, if any, of unilateral initiatives are not too great a price to pay.

EAGLE SCOUT ROBERT J. MIZERA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Robert Mizera. He will be recognized on Saturday, April 16, for achieving the highest rank in Scouting, Eagle Scout.

In becoming an Eagle Scout, he will join the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perserverance of character demanded illustrate just what high caliber young man Robert is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Robert today knows that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Robert the best of luck in his future endeavors.

TRIBUTE TO MR. VICTOR E. FROLUND

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with pride and admiration that I stand before you today to pay tribute to the late Mr. Victor E. Frolund, of Youngstown.

Mr. Frolund was born September 17, 1900, in Youngstown, OH. He worked in the open hearth department of the Youngstown Sheet & Tube Co.'s Campbell Works for 33 years, retiring in 1966.

During his life, Victor was a member of the Western Reserve Baptist Church, the Curbstone Coaches, the Chatterbox Men's Club, the Pro Football Researchers, the Swedish Central Society, the Boardman Booster Club, and the Order of Protestant Men. Clearly he was a very giving man, generous with his time and efforts. We are saddened by his parting.

I am pleased to honor this great man for his kindness and unselfish contributions to the people of Ohio. Let Mr. Victor E. Frolund stand as an example to us all of the giving and love we are capable of. I am honored to pay tribute to such an outstanding citizen. All of us in the Mahoning Valley will miss him. Mr. Speaker, at this time I would like to also extend my sincere sympathies to the family of Victor Frolund. I know he will be warmly remembered by both family and friends.

A CONGRESSIONAL SALUTE TO EDITH "JOY" DOWELL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to honor Edith "Joy" Dowell, a distinguished political and civic leader in my district. Joy will be honored on March 4, 1988, by the Long Beach Democratic Women's Study Club as the Democratic Woman of the Year. I am happy to have this opportunity to publicly express my gratitude for the work she has done on behalf of the Democratic Party and the city of Long Beach.

Joy has been a Democrat all her life, probably spawned by her memories of the Depression and the New Deal of President Franklin Delano Roosevelt. She is a stalwart member of the party, having worked on the campaigns of many Democrats, including John Kennedy, Walter Mondale, Tom Bradley, Mark Hannaford, and Fred Chel. Joy has also been active in the Los Angeles County Democratic Central Committee, and the California State Democratic Central Committee. In addition to this, Joy has held every office in the Long Beach Democratic Women's Study Club, and currently serves as president of that organization.

Somehow, Joy has found the energy to give her time to many community organizations, including the Long Beach Senior Advisory Commission, the Golden State Humane Society, the Girl Scouts, and the Cub Scouts.

Joy is a woman of boundless enthusiasm and energy, dedicated to her party and her community. She has enriched both with her time and her many talents. My wife, Lee, joins me in extending our warmest congratulations to her on this auspicious occasion. We wish Joy all the best in the years to come.

RETURN "SWAMPBUSTER" PROGRAM TO CONGRESSIONAL INTENT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a bill to bring the Swampbuster Program back in line with what Congress intended, and thereby relieve farmers in my part of the country of the fear of losing all of their farm program benefits because they inadvertently drain a small temporary depression in a field that has always been cropped.

Right now, farmers are afraid that they have an army of Federal bureaucrats looking over their shoulders, watching every move they make. My legislation, the Wetlands Conservation Amendments Act of 1988, would enable farmers to manage their own land without fear of reprisal by the Government, as long as they do not bring any new land into production.

In my opinion, the intent of the Swampbuster Program, enacted as part of the 1985 farm bill, was to prevent farmers from draining wetlands for the purpose of getting farm program payments. The intent was to prevent new land from coming into production through the loss of wetlands.

NUISANCE SPOTS AND POTENTIAL WETLANDS

But Swampbuster is being implemented in a way that goes beyond this intent. There is language in the law that defines wetlands as land that "under normal circumstances . . . supports hydrophytic vegetation." This is being interpreted to mean that any land with the potential to support hydrophytic vegetation qualifies as a wetland.

As a result, farmers are prevented from cleaning up nuisance spots in their fields. These are small areas that are wet in the spring for a week or two longer than the rest of the field. Farmers normally seed around these areas, and then come back later to seed the nuisance spot. Because this land has the potential to support water-loving plants, it is being called a wetland and farmers are not allowed to improve its drainage, despite the fact that they have always farmed it.

Some have asked, if the farmer has always farmed it like that before, why doesn't he just continue to do it the same way? Why does the farmer need to drain it, or why didn't he do it earlier? There are a couple of answers. First, to improve the drainage of nuisance spots increases the efficiency of a farm's operation. The motivation is not to increase production or add to the surplus, but to reduce costs. To drive around a wet spot when the field is seeded, and then come back 10 days later to plant the rest, is expensive and time-consuming. At a time when there is continuing pressure on farm prices and farm incomes, some of it from reductions in farm program benefits, we should not prevent farmers from reducing their costs.

As to why a farmer didn't drain the land before 1985 if it is so important to do so, the answer is that farmers need to improve drainage in many places on their land. There is a period of a week or two each fall, after harvest and before the ground freezes, when farmers have an opportunity to do drainage work. So over the years, farmers have been proceeding with their work, but many have not yet finished. Furthermore, the level of the water table can change over time, and an area that was not wet enough to be a problem five years ago may have become a nuisance spot in the meantime.

EXCESSIVE PENALTIES

The other major problem with the existing legislation is that it does not distinguish between a minor and a major violation. Any infraction, even an inadvertant draining of a half-acre wetland by pulling a plow the wrong way through a small depression, can result in a farmer losing all benefits of Federal farm programs, which can add up to tens of thousands of dollars. Drainage of wetlands can be discouraged without resorting to excessive penalties, but current law applies to every one the same sentence without regard to the nature of the violation.

A TWO-PART PROPOSAL

My legislation addresses these two problems in current law. First, the bill would clarify that land is to be defined as wetlend only if it supports hydrophytic vegetation under current land use practices, in others words, only if it really is a wetland, not just a potential wetland. The bill would exempt from Swampbuster any land which has been successfully cropped in a majority of years for which evidence is available, provided there is at least 5 years of evidence. With this change, Swampbuster will still prevent new land from coming into production, but will allow farmers to clean up the nuisance spots in their fields and improve the efficiency of their operations.

Second, the bill would provide for Agricultural Stabilization and Conservation Committees in each State to set penalties commensurate with the presence or absence of intent. If a producer knowingly violates the Swampbuster statute, the State Committees would be required to impose the full penalty provided by current law.

USDA HAS DONE A GOOD JOB

It is important to point out that the Agricultural Stabilization and Conservation Service and the Soil Conservation Service, both of the Department of Agriculture, have done their very best to implement this program in a way that farmers find reasonable while still protecting wetlands. It's a difficult path to walk, and I appreciate their efforts. The SCS has just completed surveying a large part of North Dakota where the outcry has been the most vocal. SCS feels once farmers see what has been determined a wetland and what has not, that much of the controversy will abate.

I sincerely hope the SCS officials are right. But there are other problems in the legislation which are beyond USDA's ability to control. The law states clearly that there is only one degree of penalty: loss of all farm program benefits, and USDA can't change that. As I pointed out above, this and other provisions in the law need to be changed, and I will continue to work for those changes.

Mr. Speaker, there will almost certainly be some who will attack this legislation. They will say that it would result in the loss of more vital wetlands; they will say that it undoes a key compromise in the 1985 farm bill. Neither statement is true. The 1985 farm bill never envisaged protecting nuisance spots that have traditionally been cropped. The shallow depression that is wet for a couple of weeks in the spring is not what I think of when someone says "wetland" and it's not what most Members of Congress thought of when they voted for the 1985 bill.

This legislation is a reasonable approach to bringing the Swampbuster program back in line with congressisonal intent. It will continue to protect America's most valuable wetlands, while allowing farmers the flexibility to manage their property and reduce their operating costs. Swampbuster has caused a storm of controversy in my region of the country, and I think its time to bring it back within reason. I urge my colleagues to support this important legislation.

LEGISLATION TO EXPAND WOMEN'S ROLE IN U.S. DEVELOPMENT EFFORTS

HON. MICKEY LELAND

OF TEXAS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LELAND. Mr. Speaker, 15 years ago, Congress passed into law the Percy amendment to the Foreign Assistance Act. That amendment directed the Agency for International Development to "integrate women into their national economies." In those past 15 years, much has been said and written about integrating women into development, but far too little has been done.

Today we are introducing legislation to refocus and revitalize AID's program for integrating women in our assistance programs and to authorize funding for the two critical organizations which coordinate the integration of women in the United Nations' efforts. I feel that these steps are necessary and urgent. Until women are incorporated fully in our development programs—from participation in the design, implementation and management of programs to the receiving of assistance from those programs—our efforts at promoting development will continue to be inequitable and ineffective in reaching those who most need our assistance.

Several facts about the role of women in the Third World serve to highlight their importance to the development process. Women are the poorest, hardest-working, least educated and most unhealthy people in the developing world. They perform two-thirds of the world's work, receive one-tenth of its income and own only one one-hundredth of its property. Studies have shown that rural women work, on average, 2 to 4 hours more per day than their male counterparts.

Worldwide, one-third of all households are headed by women; in Latin America the figure is as high as 50 percent. These households are the poorest in the developing world with the most children, the least access to productive resources and the smallest capacity for income-generating activities.

Women are the food producers of the developing world. In Africa, women are responsible for 80 to 90 percent of the food grown for home consumption. They are the sustainers of life and the key to alleviating hunger.

Furthermore, women are vital to the informal economy, the 30 to 60 percent of economic activity and employment which is not officially recognized. In the Philippines, for example, four-fifths of the street food vendors are women. Most experts believe that the informal sector will be the greatest source of new employment in the coming decades.

Despite these realities, women continue to be underrepresented or excluded in development programs. A recent study of U.N. development assistance efforts showed that in 1982, only 1 percent of all U.N. funds spent for increasing agricultural production were allocated to women. Similar problems can be found in AID's programs. In AID-funded training programs in developing countries, women's participation is as low as 15 percent in Asia and only 28 percent in Latin America.

In a time of reduced foreign aid budgets, we cannot afford to neglect women's role in the development process. AID studies have shown that the failure to integrate women has resulted in failed projects and wasted resources. It is time to include women fully in our assistance programs and to use our foreign aid dollars more wisely.

The legislation we are introducing today calls on the Administrator of AID to take several steps to better incorporate women in our development programs. AID will be required to make women both participants in the planning, design, implementation, and evaluation of all development activities and recipients of assistance through those activities. In all aspects of a project. AID shall aim to include women in proportion to their traditional participation in the activity or their proportion of the population. These participation targets are not to serve as strict quotas in all of AID's activities, but as benchmarks for which the Agency should aim. The legislation calls for full implementation by 1994, but allowances are made for the obstacles that will be faced in efforts to fully incorporate women. Should the AID staff responsible for designing a project or program find that it is impossible to meet the benchmark—because of cultural and institutional barriers, traditionally low levels of participation by women in a given activity, or any other legitimate obstacle—they will then identify the obstacle in their project or program document. They will also identify what steps they intend to take to overcome the obstacle, or, if they will not be taking steps as might be the case with entrenched cultural barriers, they must fully explain the circumstances. This will allow the Agency the flexibility it needs while at the same time giving its efforts to integrate women new life.

The bill identifies several other steps that the Agency must take. Wherever possible, data must be broken down by gender. Project evaluations must include an assessment of how effectively the project integrated women into the development process. Personnel evaluations must look at the same criteria at the staff level. AID must increase the number of, and the level of responsibility of, women in Washington and in mission-based professional positions in the Agency. AID's participant training programs must have as many women as men enrolled by 1992. Finally, AID will establish a task force with representatives from the WID office and from each of the regional and technical bureaus to oversee the implementation of this legislation, to assist mission staff in overcoming the obstacles to integrating women and to establish criteria to measure the Agency's performance in incorporating women in development activities.

In order to fund these increased activities, funding for the WID office will be changed from the "up to $10 million" earmark that is current law to "not less than $10 million." This will allow the office to provide greater levels of technical assistance to the missions and to maintain a larger staff, while continuing to carry out their current activities.

The legislation also provide funding for two U.N. organizations. UNIFEM would be authorized to receive $4 million to carry out its efforts to mainstream women into the U.N.'s efforts. UNIFEM has been a small but very effective voice working to incorporate women into every aspect of the U.N.'s development programs. The bill also calls for $1 million for INSTRAW, the U.N.'s organization which carries out research on women essential to the efforts of the U.N. and many other development organizations to incorporate women. These modest contributions will have enormous impact when they are used to leverage funds from the UNDP's budget.

We urge our colleagues to support this bill. If we want to spend our foreign aid dollars fairly and wisely, we must ensure that women are fully integrated as participants and recipients of development assistance. This bill is a clear and determined step in that direction. It deserves your support.

THE FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FAUNTROY. Mr. Speaker, I join my distinguished friend from New York in introducing the Financial Reform and Community Protection Act of 1988, a bill to amend Glass-Steagall, the Bank Holding Company Act and the Community Reinvestment Act of 1977. This bill allows bank holding companies whose subsidiaries have acceptable community benefit performance ratings to engage in certain securities activities through a securities affiliate.

While the limited expansion of powers in this bill is not unique, the linking of these powers with the community reinvestment performance of banking institutions owned by the applicant holding company clearly distinguishes this bill from all other bills proposed during the current debate.

COMMUNITY REINVESTMENT

The bill contains a provision which links the application for additional powers by a bank holding company with the community performance of subsidiary banks. The community reinvestment record of the applicant's subsidiary banks will be examined by the Federal Reserve Board prior to the granting of securities powers. If one or more subsidiary banks do not achieve a rating of "good" or better, securities powers will be denied—in the case of a BHC with five or more subsidiary banks, one rating of "average" is acceptable, though the bank must make a written commitment to improve its rating.

The bill leaves the current CRA rating system in place, though it strengthens the system for applicant bank in holding companies in the following manner. During the 6-month period following passage of this bill, the Federal Reserve Board will be required to establish regional criteria under which to evaluate the community performance of subsidiary banks. In establishing these criteria, the Fed must solicit and incorporate comments from participants in the communities included in the district. Criteria will be established for each of the 12 districts in the United States.

As the statute is currently enforced, CRA is at best, ineffective. At least 96 percent of all banks currently receive ratings of "good" or better. Thus, under the current system, one can assume that virtually all bank holding companies would receive approval. This bill, I am pleased to say, begins to change this de facto approval process by substantially enlarging the role of the community in CRA enforcement. Under the new system, community groups will be involved in establishing the criteria to be used by the Fed and by participating in any public hearings concerning the application. All CRA ratings will be publicly disclosed.

Ten years of CRA experience has demonstrated that the regulators, perhaps because of lack of time, have not taken their responsibilities seriously. The few cases which have been brought before the regulators have all occurred at the behest of groups active in specific communities, and this bill enhances the role of these groups in the process. The groups active in specific communities are brought into the review process early and will, I am certain, remain active throughout the entire process.

If we are going to grant the banks additional powers, we must obtain something in return for the communities in which the banks operate. I believe that this bill uniquely accomplishes this objective. The role of the communities is essential to strengthening CRA enforcement, as it is provided for applicant bank holding companies in this bill. It is my fervent hope that this approach will eventually be applied to all banks. I look forward to working with other supporters of CRA to fashion a system which accomplishes this goal.

The bill contains other community and consumer provisions which apply regardless to whether a bank holding company intends to seek new powers. These provisions include: language requiring banks to offer low cost deposit and transactions accounts; an amendment to the Home Mortgage Disclosure Act providing for similar disclosure of commercial lending activities; and a notice requirement for financial institutions intending to close a branch.

ENUMERATED POWERS

As mentioned at the outset, the community reinvestment language is linked with the granting of additional securities powers. An applicant bank holding company, if and when approved, could establish a securities affiliate which will be permitted to sell mortgage-backed and asset-backed securities, commercial paper, and municipal revenue bonds.

These powers are included inasmuch as they present minimal risk to the safety and soundness of the financial system. Securities activities will be undertaken by an affiliate of the bank holding company, thus providing a firewall akin to that included in many other pieces of legislation.

The bill recognizes the need to construct a careful balance between acting in recognition of the changing nature of these financial services system and the need to recognize that banks are indeed "special." There may be public policy consequences to allowing too rapid an expansion of powers.

BANKS ARE STILL SPECIAL

The bill intentionally does not authorize banks to engage in either mutual funds or in corporate equities. Banks are federally insured depository institutions and thus, must not be confused with other noninsured entities. They are as well fundamental to the implementation of monetary policy. Banks must observe their fiduciary responsibilities—their depositors' wealth and capital must not be subject to excessive risk—I believe that granting banks the right to sponsor mutual funds and/or underwrite corporate equities confuses the role of banks at great potential risk to the safety and soundness of the financial system.

Many will say that this definition of a bank is archaic, that the financial system has evolved since 1929 and that we risk a loss of competitiveness if we choose not to act immediately to repeal Glass-Steagall. It is clear that the recent trend has been towards securitization, and that the banking system has lost much of its business to securities firms. Corporations have turned to the commercial paper market in place of their former reliance on bank lending, simply because the costs of securitization are less than those associated with borrowing.

We recognize the changes in the financial services system, but these concerns must be balanced with public policy objectives. Banks are "special," they are federally insured, they are essential to monetary policy and we err in viewing them as identical to investment firms.

We could have chosen to draft a bill which repeals Glass-Steagall and many of my colleagues have elected this path. Nevertheless, the recent stock market crash serves as an invaluable reminder of the inherent riskiness of investment activities in today's economy. While I wholeheartedly believe the claims of the bankers in the District of Columbia that they would behave responsibly as investors, I can not bring myself to support the repeal of Glass-Steagall, certainly not at this point.

A LESSON FROM HISTORY

Those supporting complete repeal of Glass-Steagall advocate that the commingling of banking with securities did not cause the depression, and thus that Glass-Steagall was never needed. While it is increasingly clear that the commingling was not the sole cause of the Great Depression, it is equally clear that many of the 10,000 banks that failed did so due to investments in securities and stock market activities. With the most recent stock market crash only several months behind us, we must not act too hastily in addressing the bank powers issue.

We need a strengthened and more competitive financial services industry, but the costs must be carefully determined, and not under the constraints of the moratorium. I believe this bill represents an appropriate balance between domestic and international priorities, between the interests of communities and those of banks, and I move for its adoption by the Congress.

PAY EQUITY FOR FEDERAL EMPLOYEES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. HORTON. Mr. Speaker, as a member of the Post Office and Civil Service Committee, I have studied, worked on and been frustrated by a number of pay proposals for the Federal work force. Quite simply, Federal salaries have not kept pace with the private sector. Last year we considered salary recommendations for senior Federal employees, Members of Congress and Federal judges. These recommendations were contained in the regular salary report of the quadrennial commission, whose charge is to report and make recommendations on salaries of senior Federal executives.

We adjusted pay for Cabinet officers, Federal judges and ourselves, and I supported those adjustments. However, we neglected senior Federal executives who are and have been capped at the executive level IV $72,500 annual salary. To add insult to this, we denied these executives even the 2-percent cost-of-living adjustment granted to other Federal workers on January 1.

I have been a strong and sometimes outspoken proponent of pay equity for the Federal work force. I will continue my commitment. Today, however, I would like to inform my colleagues of a letter I received from a committed and dedicated employee of the Department of Education. Richard Hastings has served since 1981 as Director of the Education Department's Debt Collection and Management Assistance Service. I have worked with him on a number of issues, and I know personally the long hours he spends at his job and the hectic travel schedule he follows.

He is leaving public service. His letter speaks to the issue of pay equity, and of the frustrations shared by many in senior Federal positions. Dick Hastings makes a valuable contribution to the public service. Yet we are forcing him and people like him from public service—qualified, competent, intelligent and dedicated men and women. I would like to insert for my colleagues the letter I received from Mr. Hastings, and I want to publicly thank him for the many contibutions he has made and wish him well in his future endeavors. I'm sorry to see him leave.

Following is the text of the letter I received from Richard Hastings, Director of the Department of Education's Debt Collection and Management Assistance Service:

10307 CEDAR KNOLL COURT,
Upper Marlboro, MD, February 15, 1988.

SEA PAY PROJECT,
P.O. Box 7610,
Washington, DC.

GENTLEMEN: George Sotos from the ED chapter of the SEA asked that I fill out the enclosed questionnaire when he discovered that I would be leaving shortly. I thought it might be useful if I also added a few more words.

I have been an SEA member for the past several years and have been following the general subject of executive compensation with great interest in your periodic publications. Unfortunately, I have come reluctantly to the conclusion that nothing is going to change this mess until a significant number of us who can do so finally call the bluff of the President and the Congress.

A bit about my career might be of interest.

In 1967 when I joined the Federal civilian service at HEW as a management intern, a GS 7 earned $6,451/yr and I believe that GS 18's were earning a maximum of $36,000.

After perfoming a three-year internship at NIH, in the Office of the Secretary, HEW, and in the Office of Education, I moved into a permanent position, in OE's legislative office. By 1975 I was a GS 15 when I was offered a Schedule C position as Deputy Assistant Secretary for Legislation in HEW.

When the Carter Administration came in I moved back to the civil service as a GS 14 and joined the SES ranks in 1982. Since 1981 I have served as Director of ED's Debt Collection and Management Assistance Service.

In this job I've been responsible for letting the first Federal contracts with private collection agencies to reduce the backlog of uncollected defaulted student loans. Our efforts have been recognized government-wide as one of the finest collection efforts within the government. I have received both Presidential rank awards, an SES bonus in all other years, and was honored by Secretary Baker with a special Treasury award last spring.

Several times during the past few years, I have been approached by firms in the private sector with offers of employment. Although the offers were attractive, I did not accept any for two reasons.

First, I love government service. I recognized that it is very difficult to find private sector jobs with the scope and impact of a good senior executive position within the Federal government.

Second, I actually believed that the recommendations of the quadrennial commission would be taken seriously by the President and the Congress.

Well, time has revealed just how naive I was!

When the Congress further rubbed salt into this wound by its most recent hypocritical action to deny a miserable 2 percent increase to judges and SES members because it received a $15,000 increase last year (while we got $3,000), I decided that enough was enough.

Consequently, on February 27, 1988, I will be leaving Federal Service after 23 years (including military) and at age 45. Under the least optimistic circumstances, the taxpayers could have expected at least another 10 years of service from me. I won't even dwell upon the potential value I might have added during that period of time.

Some have recently pronounced publicly that the government should not attempt to recruit and retain the "best and the brightest". Along with Messrs. Volcker and Richardson, I happen to believe that this short-sighted policy will create serious problems for this country. That is why I am taking this time to explain why I will be leaving in two weeks.

It may be that I can be of greater assistance outside the government to those who wish to ensure that we have a trained, dedicated and experienced corps of senior executives. I don't know.

The best of luck to you all. We'll all need it!

Sincerely,

RICHARD A. HASTINGS.

JOHN HANCOCK CO. BELIEVES IN COMPETITION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK, Mr. Speaker, one of the clearest, most consistent, and in my view most persuasive voices in the debate over financial services regulation has been that of the John Hancock Co. I have had the opportunity to talk often with the officials of John Hancock, and I am very favorably impressed with their commitment to competition, and their willingness to fight for it. I wish other entities in the financial services industry shared in practice the commitment to competition of free enterprise that they often voice in principle. John Hancock is an excellent example of consistency in this regard.

Jim Morton, the chief executive officer at John Hancock, has been an especially forceful advocate of a truly competitive system in the financial services industry. As one who supports making the tenets of free enterprise a reality in the financial services area, I have appreciated the work that Mr. Morton and his colleagues at John Hancock have done on this issue.

Recently, George Melloan wrote an interesting article in the Wall Street Journal about the position of John Hancock and I ask that this article, because it is very relevant to our current debate on financial services, and because it presents to people an excellent example of a company that genuinely believes in competition and welcomes the chance to compete, be printed here.

[From the Wall Street Journal, Feb. 16, 1988]

WHAT TO DO WHEN YOUR OWN LOBBY IS AGAINST YOU

(By George Melloan)

When E. James Morton, chief executive of John Hancock Financial Services, testified recently before the Senate Banking Committee in favor of the "D'Amato-Cranston" banking-reform bill, he had some impressive backing. The bill was written by the Financial Services Council, an 18-company group that includes not only John Hancock but American Express, Citicorp, Ford Motor, J.P. Morgan, Merrill Lynch, Sears Roebuck, and 11 other stalwarts.

But lined up on the other side were some very influential trade associations, such as the American Bankers Association, the Securities Industry Association and Mr. Morton's own American Council of Life Insurance. In short, 18 of America's financial giants had been forced to form a new lobby to push for legislation their own trade associations oppose.

"I'm not shooting at them," says Mr. Morton as he reflects on this political anomaly in his office atop Boston's Hancock Tower. "Those associations are formed pretty much on a product-line basis and they're trying to protect their product area. There are many issues where they do speak for us. But on many, including this one, they don't. Yet sometimes it makes us wonder why we are paying dues to an organization that lobbies against us."

Of course, this is yet another manifestation of the increased complexity of Washington's huge legislative mill, where some 3,100 organizations employing 80,000 lobbyists try to bring their influence to bear on senators and representatives. Given that huge army, and the many thousands of things it tries to write into legislation, the mathematical probability is fairly high that some companies at some times—and individuals as well, for that matter—will be paying people to lobby against them.

In no arena is that more likely to be true than in the committee hearings where banking-deregulation bills are once more facing deadline pressure. The moratorium imposed by Sen. Proxmire last summer on further "non-bank banks" expires at the end of this month and the senator had hoped to have more comprehensive legislation to put in its place, defining more clearly who can own banks and what banks can and cannot do. But Mr. Proxmire may have been over-optimistic, given the number of institutions that feel their interests to be affected by whatever legislation finally emerges.

The Financial Services Council bill, which Sens. D'Amato and Cranston introduced in the Senate and Rep. Doug Barnard (D., Ga.) sponsored in the House, is a model of simplicity. Titled the "Depository Institution Affiliation Act" it allows any company, financial or nonfinancial, to become a Depository Institution Holding Company, enabling it to affiliate with any federally insured bank or thrift institution. In other words, ownership would be deregulated, but functions would continue to be regulated as they are now, with banks supervised by the current list of oversight agencies and thrifts retaining the overseers who wrestle with their problems now, etc.

Mr. Morton thought he detected some sympathy from Sen. Proxmire and his Republican colleague, Jake Garn, for this simple way of meeting the March 1 deadline. If not sympathy, he at least detected some exasperation among the senators with the narrow arguments the opposing trade associations were bringing up. The difficulties of writing a bill that would please everyone were evident years ago, which is one reason Congress stood by for so long and allowed the financial-services industry, in crude and complex ways, to engage in de facto deregulation.

Congress and trade associations function in similar ways. They count votes. The giants of the financial-services industry may swing a lot of weight in the world's money markets, but in their own trade associations their votes count for no more than that of the smallest bank, securities firm or insurance company. The small firms are the ones that feel most threatened by deregulation, fearing as they do that it might bring new competition into their communities. They are inclined to cast their votes for the status quo, and that vote frequently translates into a majority vote within trade associations. The smaller firms also very often outweigh their giant brethren in local-level political influence. A congressman is far more likely to listen to a banker from his district than to a lobbyist for Citicorp.

John Hancock over the past 20 years has expanded on its life-insurance base to become a diversified financial-services firm. In addition to insurance, it has mutual funds, employee-benefit services, venture capital and securities operations, leasing services and, since 1985, a bank. Taking advantage of the narrow legal definition of what constitutes a bank—the acceptance of demand deposits and issuance of commercial loans—it set up its own nonbank "consumer" bank in North Hampton, N.H., to offer broad retail banking services, such as consumer loans, to its insurance customers. It just barely made it under the wire before Sen. Proxmire's moratorium but still faces considerable limitation on what it can do.

The D'Amato-Cranston bill is of special importance because John Hancock is a mutual company. That is to say, it is owned by its life-insurance policyholders and does not have stockholders. Therefore, any legislation requiring a parent holding company would be of no use to John Hancock, because, since it has no stock, it cannot have a parent. It can only be a parent. About half the life-insurance industry has the same problem. Converting a mutual company to a stock company presents complex difficulties, given the long-term nature of life-insurance contracts. The other, stockholder-owned, half of the life-insurance industry is of course in no hurry to see deregulation legislation that would help the mutual companies solve their special problem.

"We have managed to do just about everything we wanted to do," says Mr. Morton. "But we've had to walk our way around all this. We've got a lot of lawyers trying to keep us out of trouble because of this maze of regulations and laws. We've got to deal with the bank holding company act, the Glass-Steagall act and other things as well as this state regulation, the blue sky laws. So we just think it is important to rationalize the system."

In his speeches, Mr. Morton cites the example of John Hancock's 1983 attempt to acquire an Ohio savings and loan company, Buckeye Financial. Given the problems Ohio savings industry had been having about that time, a good case could be made that having Buckeye Financial in stronger hands would have been a benefit to its depositors. But, for some reason, the state of Pennsylvania decided to bar John Hancock from doing business in the state if it completed the purchase. Given the vagaries of state insurance regulation, Mr. Morton would like to see insurance put on the basis as banks, with a national charter available to those companies that wanted to substitute national for state regulation.

But Hancock, for the time being, would settle for D'Amato-Cranston. Its best chance lies in the possibility that everyone in Congress is getting tired of hearing about who gets what protection in the financial-services industry.

COMMEMORATING MARJORIE BARRICK, NEVADA DANCE THEATER WOMAN OF THE YEAR

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to call the attention of my colleagues to the work of an outstanding Nevada community and cultural leader, Mrs. Majorie Barrick. On Friday, January 15 of this year, Mrs. Barrick was honored as the Nevada Dance Theater's "Woman of the Year" at the prestigious Black and White Ball.

Few individuals have exhibited such generosity and compassionate understanding of her fellow Americans as has Mrs. Barrick. She originated and maintains the Barrick lecture series at the University of Nevada-Las Vegas, a series of free lectures open to citizens of all backgrounds. Mrs. Barrick is instrumental in the selection of each speaker and has brought such notable personalities as President Gerald Ford and former Secretary of State Henry Kissinger.

Mrs. Barrick's contributions have not been limited to the areas of the arts and education alone, serving as one of Nevada's leading philanthropists by giving unselfishly of herself to our State and Nation.

Mrs. Barrick was also one of the leading forces behind the establishment and continued operation of Nevada's leading educational television station, KLVX Channel 10. Even while pursuing these exhausting and most worthwhile activities, Mrs. Barrick nonetheless gives generously of her time and energies, having served as president of Variety Club and sponsor of the Nevada Dance Theater's first full length production.

It is for these reasons that I ask my colleagues to join with me now in recognizing this outstanding Nevadan. Mrs. Marjorie Barrick is one of America's finest humanitarians, a woman whose efforts have deeply enriched the lives of thousands of Nevadans.

A TRIBUTE TO MRS. CHARLOTTE BOOKER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. STOKES. Mr. Speaker, it is an honor and privilege for me to salute Mrs. Charlotte Booker, a resident of the 21st Congressional District of Ohio who will celebrate her 104th birthday on March 3, 1988.

Mrs. Booker was born and spent her early childhood and young adult years in Marian, AL. She married Robert Booker at the age of 20 and the family later relocated to the Cleveland area. Mrs. Booker worked for many years as a domestic worker in the Cleveland community. For the past 13 years, she has been a resident of the Forest Hills Nursing Home.

Mr. Speaker, all who have come to know Mrs. Booker will attest to the beauty, vitality, and warmth of this remarkable individual. She is a great source of price and inspiration in our community.

I would like to take this opportunity to join Mrs. Booker's relatives, Mrs. Altameza Stokes, Mrs. Harvester Foster and her host of friends in wishing her a very happy and joyous birthday.

EAGLE SCOUT PATRICK J. ROMCOE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Patrick J. Romcoe. Patrick will soon be honored for achieving the highest rank in scouting, that of Eagle Scout, at a private ceremony on April 16, 1988.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and diligence.

Young men like Patrick are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments, for this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Patrick, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Patrick J. Romcoe, before my fellow Members of Congress.

TRIBUTE TO THE TRUMBULL COUNTY COACHES ASSOCIATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. TRAFICANT. Mr. Speaker, it is with great pride that I stand before you today to pay tribute to the Trumbull County Coaches Association.

This most honorable association began November 12, 1968 with the gathering of nearly 75 coaches representing 25 schools. Established to represent the coaching profession which has given so much to its fellow coaches and athletes of Trumbull County, the organization has now been in full operation for 20 years.

The organization seeks to promote high school athletics in Trumbull County and camaraderie among high school coaches. The association provides a $1,000 scholarship each year to the child of a member coach. It also selects a coach of the year to represent each of the major sports. Among the organization's many services, it provides a sports medicine clinic which is open to all coaches in northeastern Ohio.

I am very proud to represent such a fine organization and extend my best wishes for their continued success. It is with great appreciation that I pay tribute to the Trumbull County Coaches Association for their efforts to maintain the quality and integrity of Ohio's high school athletic system.

A CONGRESSIONAL SALUTE TO ROBERT CHOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding citizen in my district, Mr. Robert Chow. Mr. Chow will be honored by the Los Angeles Department of Water and Power at a retirement luncheon on March 3, 1988, for 38 years of service to the Los Angeles community.

The son of Chinese immigrants, Bob was born in Los Angeles in 1924. In 1932, Bob's father decided that his large family could better survive the Depression in China, and moved home. War sent the Chow family back to the United States in 1939 and Bob was forced to relearn English in junior high school. After a brief stint in the Army, Bob finished high school at John Francis Polytechnic, and attended the University of California at Berkeley. Bob is currently a mechanical engineer with the L.A. Department of Water and Power.

Southern California is a particulary arid region of the country, and the residents must go to great lengths to obtain and store water. Bob Chow has spent the last 38 years working to ensure a supply of water to the people of Los Angeles County. He is responsible for the design and construction of many of the city's water wells, emergency supply equipment and pumping stations. He has worked on projects from Bishop, CA all the way down to San Pedro. His most recent project is the multimillion dollar Los Angeles Filtration Plant in the San Fernando Valley.

Bob Chow epitomizes the term "public servant". He has given his entire career to the County of Los Angeles. He is a man of dedication, energy, enthusiasm, and talent, and the citizens of Los Angeles are lucky to have such a man in their midst, My wife, Lee, joins me in extending our warmest congratulations to Robert Chow on this auspicious occasion. We wish Bob, his wife June, and their children, Emily, Cathy, Mike, Dan, and Bill all the best in the years to come.

FREEDOM NOW FOR THE SOVIET REFUSENIKS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. LANTOS. Mr. Speaker, during the holiday adjournment, I met in Moscow with a group of 35 Soviet refuseniks in the apartment of Vladimir Kislik. It struck me that while I could meet with them in their country, they could not meet with me in mine. Professionals all, their Government was denying them the basic human rights to live where they choose, to practice their callings, to worship in the manner of their forefathers. While they are less restricted now than they were 3 or 4 years ago, they are still not free. Partial freedom is a contradiction in terms.

For the RECORD, Mr. Speaker, I hereby insert the names of the refuseniks I met:

Bella Gulko, Vladimir Kislik, Yuriy Semenovskiy, Igor' Uspenskiy, Yuriy Ziman, Eugene Grechanovskiy, Evgenia Shvartzman, Tanya Rosenblit, Olga Grossman, Matus Pobereyskiy, Tanya Kolchinskiy, George Samojlovich, Vladimir Meshkov, Mikhail Feodorov, Sergey Mkertchyan, Yuliy Kosharovskiy, Nataliya Khassina.

Gregory Rosenstein, Boris Cherobilskiy, Yuriy Chernyak, Benjamin Charnyy, Naum Meiman, Gennadiy Resnikov, Sulamith Reznikov, Anatoliy Shvartsman, Evgenia Nenomnyaskaya, Judith Lurie, Emmanuel Lurie, Anatoliy Genis, Tsilya Reitburd, Vladimir Dashevskiy, Alexander Feldman, Igor Gurvich, Irena Gurvich, Yakov Strelchin.

There are many more refusenik cases which have been of concern to me in recent weeks involving individuals I was unable to meet with during my visit to Moscow. At this time, I am especially concerned about: Elena Keis-Kuna, her husband George and her son Andrei, Pyatras Pakenas, Mikhail Shteynber, George Karaskashev, Isaac Tsitferblit, Mikhail

Beliakov, Leonid and Sergei Dikii, the Garber family, the Gornshtein family, Lev and Marina Furman, Vladimir Kislik and Bella Frantsevna, and Vladimir and Izolda Tufeld.

GREAT LAKES WEEK

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DAVIS of Michigan. Mr. Speaker, yesterday began the third annual Great Lakes week where we welcome representatives from our fourth coast to Washington, DC. The purpose of Great Lakes week is to educate us in the Congress and in the legislative branch about policy issues of consequence to the Great Lakes.

According to a front page article in The Great Lakes United newsletter, the citizens of the Great Lakes are concerned about Federal budget support for Great Lakes programs; the impact of airborne toxic pollution on the water quality of the lakes; contaminated sediments and related problems in toxic hot-spots across the Great Lakes Basin; and land use programs to protect sensitive shoreline environments.

These issues are of great concern to me, and have guided me in my work during this Congress. I have joined my colleagues on the Merchant Marine and Fisheries Committee in testimony before the House Appropriations Subcommittee on Commerce, State, and the Judiciary to make sure that the Great Lakes receive their fair share of money authorized for the National Oceanic and Atmospheric Administration. This includes adequate funding for the Great Lakes Environmental Research Laboratory, one of the only scientific bases for Great Lakes research. I have also introduced legislation, H.R. 2808, reauthorizing the National Sea Grant College Program, one of the primary sources of money in the Great Lakes States for pollution research and coastal erosion studies. This bill was incorporated into Public Law 100-272 signed by the President last December.

I am also acutely aware of the impact that toxic pollutants from the air are having on the water quality of our Great Lakes, especially Lake Superior, which runs along the northern coast of my district. I have supported amendments to the Clean Air Act which would be a first step in reducing these contaminants. I hope that my friends on the House Energy and Commerce Committee will be successful in seeing this important bill enacted.

Last June, I introduced three bills designed to help Great Lakes residents deal with the devastating high water levels in the lakes from a shoreside perspective. The first of these, H.R. 2707, created a new grant program under the Coastal Zone Management Act for States to pass on for erosion and flood control projects. My second bill, H.R. 2809, authorized the National Oceanic and Atmospheric Administration and the U.S. Geological Survey to update coastal maps of the Great Lakes—some of which are over 50 years old. These maps are to be used by the Federal Government, Great Lakes States and private citizens to help plan for and prevent future shoreline damage. This bill was also incorporated into Public Law 100-272.

Finally, H.R. 2810 directs the Secretary of the Interior to recommend areas along the Great Lakes shoreline which are eligible for inclusion in the coastal barriers resources system. Areas in the system are no longer eligible for certain types of Federal financial assistance, including Federal flood insurance, which promote development inappropriate for these undeveloped, unstable coastal areas.

The problems with polluted sediments in the 42 Areas of Concern identified by the International Joint Commission as poisonous hot spot under the Great Lakes Water Quality Agreement is also apparent in my district. Unfortunately, one of the 18 worse of these spots is located in the St. Mary's River, a narrow international channel dividing Sault Ste. Marie, MI from Sault Ste. Marie, Ontario. The St. Mary's suffers from not only sediments laced with deadly PCBs and PAHs, but also heavy metals and conventional pollutants which are affecting our fish and wildlife and endangering a source of drinking water for thousands of United States and Canadian citizens. The cleanup plan for the St. Mary's River—a remedial action plan, or RAP, under the Water Quality Agreement—is now being developed by the Province of Ontario and the State of Michigan. Because one of the clogs in the system in completing this plan is a lack of information about the types and amounts of contaminants which are currently being added to the Great Lakes, I have introduced a bill, H.R. 3715, which requires the preparation of a Great Lakes pollution inventory. It is hoped that this computerized, easily updated information will prove valuable to those drafting the St. Mary's River RAP, as well as the other areas which are yet to be cleaned up.

I have detailed part of my commitment to face the problems concerning members of Great Lakes United and other Great Lakes groups. I hope others will join me in creating solutions. I applaud the efforts to educate others about the national resource we have in our Great Lakes. They deserve our national attention.

ETHIOPIA'S PLIGHT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROTH. Mr. Speaker, day after day, month after month, year after year, we hear of the tragic conditions that confront the over 40 million people of Ethiopia. Two months ago the Ethiopian Government resumed its brutal forced resettlement program which has already uprooted 600,000 people against their will, resulted in tens of thousands of deaths, destroyed ancestral homes, separated families, and created thousands of orphans. Using the pretext of famine, the government has targeted another 900,000 people to move into "resettlement" camps. Two weeks ago, government troops rounded up over 3,000 "volunteers" for resettlement. When they refused to be crammed into 17 trucks, soldiers began firing into the crowd, killing dozens and wounding many others. The "volunteers" then began filing into the trucks to be hauled away hundreds of miles, never to see their families again.

We have read about this scene in our history books and we have said "Never again!" Yet it happens. The accounts are written up in our papers. And still we do nothing.

Yonas Deressa, a patriot who is known by many of us on Capitol Hill for his untiring efforts, asks the question "Is Anyone in the U.S. Listening?" I urge my colleagues to read his penetrating article just published in the January 30, 1988 edition of Human Events:

ETHIOPIA'S PLIGHT: IS ANYONE IN U.S. LISTENING?

(By Yonas Deressa)

To a visitor from the Third World, it's puzzling that the United States finds it so difficult to help people around the world who are fighting for the ideals that have made it great. Even after they are able to gain Administration backing, people like the Afghans, Angolans and Nicaraguans fighting against Soviet imperialism in their own countries are often lost when it comes to getting guarantees of help from their natural allies, because America often seems unable to recognize its own self-interest.

When I founded the Ethiopian Refugees Education and Relief Foundation, this was the problem I faced. I set out only to get help for the victims of a ruthless Stalinist regime, but to educate Americans to the threat it poses to their own security.

If you look at a map, the threat is not hard to understand. The Soviets are using their client state of Ethiopia as a base in their efforts to control one of the most important areas in the world.

Ruled by a cold-blooded Communist regime headed by military strongman Col. Mengistu Haile Mariam, Ethiopia dominates the strategically vital Horn of Africa, and with its fellow Soviet colony South Yemen threatens the entrance to the Suez Canal and the oil fields of Saudi Arabia. Its army at half-a-million is now the largest in Africa, and the Soviets have supplied it with over $5 billion in weapons.

America's ally, the Sudan, is being torn apart by a Communist insurgency backed by Ethiopia. Somalia, another ally, is under attack by Ethiopian-armed guerrillas. And Ethiopian troops are taking the place of Cubans in the effort to crush pro-democratic forces in mineral-rich southern Africa.

The humanitarian issue is even more compelling. Americans weren't told the facts behind the famine of 1984-85. The American news media didn't tell them that Ethiopia has the worst human rights record in the world—that torture, arbitary executions, mass forced relocations, and concentration camps had turned the country into a living hell. They weren't told that the mass starvation was not merely the product of drought, but the result of a deliberate policy: a carbon copy of Stalin's infamous murder by starvation of the Ukrainian peasants in the 1930s. Crops were confiscated and burned, livestock killed by soldiers, and relief aid hindered or expropriated by the state—all in order to quell resistance.

Like so many Third World freedom fighters who have come here for help, I thought all that would be necessary would be to present the facts to the news media and the government for the proper action to be taken.

Surely when the press was shown that American food was being kept from the starving and used by the regime to feed the army, it would jump on the story.

Surely, when the U.S. government was given evidence that some of its half-billion dollars in aid was being used in a massive campaign to kidnap hundreds of thousands of poor farmers and "resettle" them in forced labor camps—killing over 150,000 of them in the process—it would admit that it was being made the fool.

But it wasn't that easy. The news media couldn't have cared less. The State Department looked the other way. A few members of Congress were willing to help—most especially Rep. Toby Roth (R.-Wis.), along with Representatives Dan Burton (R. Ind.) and Bob Livingston (R.-La.) and GOP Senators Orrin Hatch (Utah), Malcolm Wallop (Wyo.) and Gordon Humphrey (N.H.)—but it was up to me to get out the word.

It took more than two years, and visits to half the 50 states. No city was too far away, no college, university, or church audience was too small. I spoke to any gathering that would listen, was interviewed on radio and television, wrote articles and letters to the editor. But as people out in America's heartland learned the truth about Ethiopia, they began to put pressure on their representatives in Washington. Resolutions by state legislatures helped, too. And the federal government and the news media began to pay attention.

The first result was a bill passed by Congress in 1986. Introduced by Rep. Roth, it called for sanctions against the dictatorship if it did not stop starving its own people. The Roth amendment forced the regime to let food shipments into the rebel-held areas in the north. Over a million lives were saved.

Now a new drought has combined with the regime's destruction of Ethiopia's agriculture to bring on a new famine that threatens to be even worse than the last. But this time it will be harder for the regime to con the West.

Now Americans know about Mengistu's atrocities, and the American news media have finally begun to ask the right kind of questions. It was a small but important victory when Ted Koppel on "Nightline" grilled Ethiopia's charge d'affairs to the U.S. on the regime's actions in causing famine and in preventing its relief.

There is a new, stronger bill now before the House of Representatives. Introduced by Congressmen Roth and liberal black Democrat William Gray (Pa.), Chairman of the Budget Committee, HR 588, the Promotion of Democracy in Ethiopia Act, calls for the Mengistu regime to grant basic human rights to its people, end forced relocation, free political prisoners, and establish democracy.

If these conditions are not met within a year, the bill revokes Ethiopia's most favored nation trading status and prohibits new American loans and investment in Ethiopia. It bans the import of Ethiopian coffee—which at $62.8 million made up 86 per cent of U.S. imports with Ethiopia in 1986. The bill also calls for the United States to oppose any new assistance by such organizations as the World Bank. The World Bank has loaned over $837 million worth of aid to Ethiopia's Communist dictatorship.

Detractors of the bill claim that withdrawing non-relief aid and loans to Ethiopia will only make matters worse in a country that cannot feed itself. But the dictatorship uses loans and gifts from the West not for constructive purposes, but to consolidate its power and carry out its murderous policies.

In 1985, Dr. Claude Malheuret, former head of the relief agency Doctors Without Borders—now France's minister for human rights—pointed out that Western aid was being used in the infamous "resettlement" campaign, an effort that he calls "one of the greatest slaughters in the history of the 20th Century."

Money from the World Bank and other Western sources is also used to acquire weapons and brand-new Boeing airliners, to buy luxuries like Mercedes-Benz cars for party officials, and for espionage in neighboring countries.

Hard currency is used in the West by agents provocateurs, who, like their Cuban counterparts, bribe members of the exile community and set up false anti-regime organizations in an effort to keep opposition movements fragmented. An Ethiopian agent on such a mission was caught a few years ago red-handed in London with a briefcase stuffed with hundreds of thousands of dollars.

Even Randall Robinson, the head of TransAfrica, has called for sanctions against the Ethiopian regime in an article in the Washington Post. The Promotion of Democracy Act has broad support in the House, with 86 cosponsors ranging from conservative Republicans to members of the Black Caucus such as Congressmen William Gray, Louis Stokes, John Conyers Jr., Walter Fauntroy, Mike Espy, Charles Hayes, and Congresswoman Cardiss Collins. But despite the overwhelming arguments in its favor, the bill is bottled up in three committees: Foreign Affairs, Banking, and Ways and Means. Until it is voted out of these committees, all the support in the world won't get it anywhere.

And meanwhile, the situation is building to a head in Ethiopia. Mengistu is hanging on to power by his fingernails. His sole base of power is terror. The dictatorship is universally hated, and dissent and unrest grow daily in every sector of the population—encouraged by a new underground radio station operated by the pro-democratic resistance.

An endless civil war with separatist guerrillas in the north is draining the resources of the dictatorship. In Addis Ababa, the capital, local Communist party organizations have been saddled with the task of impressing 16,000 boys into the army. The regime imprisons the mothers of draft-dodgers, yet parents willingly pay bribes of $1,500 to keep their sons out of military service—a fortune in a land where the annual per-capita income is $110.

The immense army is itself on the verge of revolt—entire brigades of 5,000 men have already deserted, and the fear of an outright mutiny last September forced the regime to give in to demands for a pay raise far higher than it can afford. Even this concession brought little relief: Now civilians in the cities are demanding pay raises as well, and the authorities cannot rely on the military to crush the riots that may result.

The time is ripe for the United States to help eliminate the cause of so much suffering, and to help its own interests in the process. For only $15 to $20 million—a mere pittance in comparison to the $600 million spent on the Afghan resistance or the $100 million voted this year for the Nicaraguan Contras—the pro-Western, pro-democratic resistance movement now operating out of the Sudan could feed and clothe the tens of thousands of soldiers waiting for the chance to defect. Together they can topple the most brutal dictatorship on earth.

I have learned from history and by my own experience, though, that America will not come to our aid unless we ourselves convince her citizens to bring pressure to bear on their leaders. It's time to hit the road again.

FIX THE BUDGET PROCESS

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. CHAPPELL. Mr. Speaker, in last week's issue of Defense News was an editorial entitled "Fixing Budget Mess Top Priority."

As chairman of the Defense Appropriations Subcommittee, I agree with this premise. I am certain many other Members of Congress feel the same way.

Our budget process has become unworkable and this editorial points out the pitfalls associated with waiting until the last minute to make important decisions affecting our Nation's defense. It is simply irresponsible for us to pass the bill funding the Department of Defense for a given fiscal year nearly 3 months after the start of that year. I feel it is even more irresponsible to lump this legislation with every other appropriations bill and not afford the full House the opportunity to give it separate and thorough consideration on its own merits.

I hope my colleagues will read this editorial, and I hope the administration and Senate will take note as well. It is imperative that we all work together as soon as we can to consider the President's budget proposals, craft a budget resolution, and pass the authorization and appropriations bills individually and on time. A thorough revamping, or at minimum some streamlining, of our budget process should be a top priority for Congress later this session.

[From the Defense News, Feb. 15, 1988]

FIXING BUDGET MESS TOP PRIORITY

Congress should concentrate during the coming year on cleaning up a budget process that has become an absolute mess.

The 1989 defense budget should be signed into law before the 1989 fiscal year begins Oct. 1, not on Dec. 22, as was done last year. This should be a year when the defense budget lives or dies on its own merit. It should not be thrown into a giant continuing resolution that contains every other appropriation bill in the congressional universe.

Continuing resolutions are unwieldy. Provisions cannot be debated in a timely fashion, and any president who opposes just one line in the package must be prepared to veto the entire resolution and risk shutting down the federal government. Incidentally, that is just what President Reagan vowed in his latest State of the Union Address he would do this year if he is asked to sign another massive resolution.

The degeneration of the budget process on Capitol Hill is not entirely Congress' fault. Former defense secretary Caspar Weinberger's penchant for submitting budgets that dared action by Congress inevitably sparked long, arduous debates and ended in big, $30 billion cuts.

That should not happen this year. One of the interesting results of last year's prolonged budget summit between the Reagan administration and congressional leaders was an agreement to cap 1989 defense spending at $299.5 billion in order to meet targets designed to balance the budget by 1993.

The ceiling has forced Defense Secretary Frank Carlucci to order big reductions, to the tune of $33 billion in military spending. Cuts are being made that people notice.

The Air Force says it is willing to do with fewer wings of tactical jet fighters. The Navy is considering whether to defer plans for a 600-ship fleet. The Army cut in half its prized new helicopter program, the Light Helicopter Experimental. Entire security assistance accounts for some friendly nations are in jeopardy.

The reductions represent real pain to the services. They also suggest that the services are acting in good faith to limit their spending.

Congress should act in kind and not tinker with the agreed-upon budget ceiling unless the size of the deficit grows dramatically beyond projections. Any deviation from the ceiling will surely smack of a congressional double-cross and disrupt any hope of timely budget approval.

By putting aside the annual battle over the size of the defense budget, Congress affords itself an opportunity to restore some degree of institutional integrity to the budgetary process. We should not have to witness another round of hastily crafted compromises of the sort that lead to last year's premature authorization of $6 billion never requested by the Navy for two new aircraft carriers.

Providing the $6 billion, which will take years to spend, was based purely on the need to rush out a large enough budget to meet the terms of the summit agreement without hiking actual spending and increasing the deficit. The result of such gimmickry will be a lack of flexibility needed to face some tough choices on weapons programs in the future.

We do not expect any overhaul of the budgetary process to take precedence over thoughtful consideration of other weighty matters. Congress must ensure that the 1988 budget adequately bolsters NATO defenses in light of a decision to withdraw intermediate-range nuclear missiles from Europe. It must make sure that the Pentagon has its priorities straight. The legislators also must look carefully at the fine print in this year's slimmer, trimmer defense budget to see what implications this budget might have on future spending.

NAVY TIMES BACKS MALPRACTICE SUITS FOR SERVICE PEOPLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FRANK. Mr. Speaker, last month, the House for the second time passed legislation which would allow active duty members of the Armed Forces to bring law suits under the Federal Tort Claims Act if they are victims of medical malpractice. For the second time, well over 300 Members of the House voted to extend to the men and women who defend this country a basic right which every other citizen has. Unfortunately, the administration remains opposed to this bill for reasons which are unpersuasive and the Senate has yet to act on the matter.

One of the least persuasive arguments made against this bill is that it would undermine military discipline and there are those who have made the even less persuasive argument that it is somehow antimilitary to confer this basic right on those who are voluntarily serving our country. I was therefore very pleased to read a recent editorial in the Navy Times, a newspaper dedicated to the interests of the Navy, the Marine Corps, the Coast Guard and those who serve in those important entities, supporting our action and passing this bill. This editorial specifically refutes the argument that our legislation would in any way undermine military discipline, noting "The limited measure passed by the House poses no such threat."

This endorsement by the Navy Times, a newspaper whose dedication to the interests of the men and women serving our country in the Navy, Marines and Coast Guard cannot be questioned, is further evidence of the correctness of the House position on this legislation.

I am grateful to Mr. William Cavanaugh, one of the founders of the Committee Against Military Injustice, who has been a dedicated fighter for better rights for the young people who serve our country for sharing this editorial with me.

[From the Navy Times, Feb. 29, 1988]

THE RIGHT TO SUE

Military members lack the right of other Americans to file medical malpractice claims against the government. Congress may end that inequity soon—and about time.

Most citizens, including service dependents and retirees, gained such rights in 1946 with passage of the Federal Tort Claims Act. The exclusion of active service members from the act's coverage was affirmed in 1950 in the Supreme Court's landmark Feres decision. There, the high court said the government cannot be sued for injuries to members arising out of "activity incident to service."

So the rule has stood for 38 years. However, the House of Representatives has just voted overwhelmingly to allow certain malpractice claims by service members. The House passed a similar bill in 1985 which died in the Senate, but the majority control has since shifted to the Democratic leadership. Thus, the proposal this time may become law.

For a long time, the traditions and reasoning behind the Feres doctrine were strong enough to deter any changes. A major concern was discipline. The armed forces are a team whose members' lives frequently depend on the competence of their comrades, leaders and units. Any law change would be destructive of discipline if it subjected decisions and performance to critical secondguessing by casualties of military training or combat.

The limited measure passed by the House poses no such threat. The bill would allow military people—or their spouses in the case of wrongful death—to sue the government for medical and dental malpractice in service hospitals in peacetime. Such conditions are remote from battle discipline and the chain of command.

What changed the legislative outlook was a series of horrifying examples in recent years of improper treatment in service facilities, with widely publicized cases of victims who suffered death or ghastly disabilities.

Defenders of Feres contend such victims and their families are adequately compensated by existing provisions for payment of disability retirement or veterans' benefit. But if those benefits are adequate for the commonplace accidents and natural ills of life—a thesis we do not fully accept—they are not so when the case involves incompetent or inept treatment under the controlled conditions of an established medical facility.

Implicit in the existing benefit system is the assumption that a line-of-duty disability can occur despite good medical care, and deserves compensation. Logic suggest a higher range of compensation is warranted when negligence or malpractice is proven. And, in this respect, we see no reason the legal rights of a military member should be inferior to others.

EAST TIMOR: A CONTINUING TRAGEDY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MCHUGH. Mr. Speaker, for many years now I have been following the human tragedy of East Timor, a former Portuguese territory annexed by Indonesia in 1975. Those of us in the House who have taken an interest in this issue are hardly alone.

Recently, for example, Pope John Paul II, speaking to Indonesia's new Ambassador to the Holy See, stated that "the church's universal mission of service leads her to hope that particular consideration will be given to the protection of the ethnic, religious, and cultural character of the people of East Timor."

In a similar vein, the administrative board of the U.S. Catholic Conference noted that the situation in East Timor has begun to receive "the attention it deserves" but also added that this attention had not been "translated into the action needed to right the wrongs which continue to this day." It underlined its hope that "a just and authentic peace" might one day become a reality in East Timor.

That day may be far off, Mr. Speaker, but at the very least we have a responsibility to try to insure that the human needs of the people of East Timor are addressed.

For the benefit of those of our colleagues who may not be fully familiar with the situation in East Timor, I am inserting an article into the RECORD that originally appeared in the Boston Globe.

[From the Boston Sunday Globe, Dec. 13, 1987]

A "HIDDEN HOLOCAUST" IN THE PACIFIC

(By Richard H. Stewart)

It has been called the "hidden holocaust," so far removed from the world's consciousness that only a handful of people are aware of the tragic events that have ravaged the population of the little-known Pacific island of East Timor.

It has been estimated that as many as 200,000 people out of a population of nearly 700,000 have perished from violence, starvation and disease since the 1975 invasion by troops of Indonesian dictator General Suharto.

Based on a population comparison, this would be comparable to 36 million deaths in the United States.

International human-rights organizations such as Amnesty International and Asia Watch as well as a coalition of international church groups have provided reports of the brutality inflicted on the Timorese by Indonesian forces, including summary executions, beheadings, torture, imprisonment without trial and the use of civilians as human walls in front of Indonesian troops battling guerrilla forces.

Some civilians who have "disappeared" from their villages have been reported by several independent sources to have been dropped to their deaths from helicopters. There have been reports of a photograph in an Indonesian newspaper showing Indonesian soldiers holding up the heads of their Timorese victims.

Exact death tolls can only be estimated because the Indonesians have virtually shut off the island to access by outsiders. But sources with contacts in East Timor insist the reports of inhuman treatment by the Indonesians are not exaggerated.

THE STAGGERING STATISTICS

The International Committee of the Red Cross has been able to provide food and medical aid to limited parts of the island and is the only humanitarian organization allowed access to the island, even on a restricted basis.

Some evidence of the human suffering can be surmised from the report in 1985 of East Timor Gov. Mario Carrascalao, who said that 100,000 East Timorese had died since 1975 and the island had 20,000 orphans, 13,000 widows and 8,000 crippled or maimed.

The 12-year agony of the Timorese began Dec. 7, 1975, when Indonesian troops invaded the island under the guise of preventing a communist takeover. They claimed that the East Timorese had sought integration with Indonesia.

According to Massachusetts Institute of Technology professor Noam Chomsky, President Gerald Ford and Secretary of State Henry Kissinger had advance knowledge of the invasion and authorized it. More than 90 percent of the invading troops carried American weapons, Chomsky has written.

In the aftermath of the invasion, the United States protested its illegality by announcing an embargo on the sending of American weapons to Indonesia. The embargo was nothing more than a political smokescreen. Professor Benedict Anderson of Cornell University, an Asia expert, discovered from a Pentagon report that the flow of arms to Indonesia had never been halted.

Prior to 1975, East Timor had been under Portuguese rule for 400 years, but the Portugese government had all but abandoned the island in the wake of domestic political problems at home, leaving it vulnerable to Indonesian expansionist interests.

Ten days before the invasion, the East Timorese declared themselves independent from Portugal under the rule of a political party known as The Revolutionary Front for the independence of East Timor, which became better known as Fretilin.

To counter Indonesian forces, Fretilin leaders formed an armed guerrilla force, which has harassed the Indonesian military ever since.

Most recent estimates are that nearly two-thirds of the island, about the size of New Jersey, still has not been secured by Indonesian troops.

Last August, 40 U.S. Senators protested conditions in East Timor and wrote to Secretary of State George Shultz that Indonesian forces were engaged in "a renewed offensive" against Timorese insurgents. Similar protests have been lodged by 144 members of Congress.

A former apostolic administrator (the Catholic diocese is being administered from the Vatican rather than from Indonesia) from 1977 to 1983. Msgr. Martino da Costa Lopes, outlined the conditions of the population in a private letter last year:

"In the interior, in many villages and concentration camps, the people lack the conditions of life to enable them to survive as a people * * * the people live in a state of permanent encirclement. They are not allowed to go more than three kilometers outside their villages. In addition, they always have to have a pass issued by the Indonesian military authorities.

"It happens easily that East Timorese are accused of having contact with the guerrillas and then they become victims of torture, massacres, etc."

Msgr. Costa Lopes has testified that, when foreign visitors requested a meeting with him at his East Timor home, his home was first searched and Indonesian intelligence officers were often present during the discussions.

East Timor is predominantly Catholic. Indonesia is a Moslem nation.

CONDITIONS IN EAST TIMOR

Sources recently in contact with East Timor offer this picture of current conditions there:

A knock on the door is enough to make people afraid. Homes are raided and searched. People suspected of sympathizing with or supporting the guerrillas are arrested, often at night. People are afraid to be seen talking in groups.

It is illegal to listen to foreign broadcasts. People are arrested for having aerials. When foreign broadcasts do refer to East Timor, military vehicles tour the capital city of Dili with loudspeakers denouncing the broadcasts as lies.

Most jobs and places in schools go to Indonesians who have been moved into the island. Indonesian culture and language is being forced on the Timorese.

On the rare occasions when foreigners are allowed to visit, they are restricted in their movement. Indonesian soldiers are dressed in civilian clothes, and military vehicles are taken off the streets.

When foreign journalists visited the island during Indonesian elections in April, people were forced to take part in pro-Indonesian demonstrations. Even the prison population was released to swell the ranks of the demonstrators.

People who did not vote could not get identification cards, which are required for jobs and other means of survival.

Prisoners are held in secret prisons, which the Red Cross is not allowed to visit. Prisoners are beaten and tortured and some have been murdered.

Restrictions on movement make it difficult to grow crops, and severe malnutrition has resulted in some rural areas. Indonesia has taken control of the lucrative coffee crop.

Food shipped in from Indonesia is too expensive for many of the Timorese. There is a high mortality rate for children up to age 5.

Indonesia has instituted a highly-active birth-control program, particularly in the interior, where guerrillas are most active, using Deprovera, a vaccine banned in most Western countries. The birth-control program is financed by the World Bank. Some men and women have been sterilized without their knowledge during medical treatment.

Medicines are so scarce that hospitals have a shortage. Medicines are also so expensive that much of the indigenous population can't afford them. Birth control is free.

The current apostolic administrator, Msgr. Carlos Ximenes Belos, is under close military scrutiny. Military vehicles are frequently positioned outside his home.

Although the United Nations General Assembly condemned the Indonesian invasion soon after it occurred, 38 nations, including the United States, abstained. The resolution has been reaffirmed annually through 1982 but with dwindling support.

Indonesia's anticommunist government, its oil resources and strategic location between the Pacific and Indian oceans give it considerable international clout.

Portugal has neither the political will nor the military power to challenge the Indonesians, although there have been talks between the two nations.

A source in Lisbon said, "Indonesia feels it can keep protests at a lower level and avoid political embarrassment by agreeing to talks and making them drag on for as long as possible."

DOG HERO OF THE YEAR

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Ms. MARTIN of Illinois. Mr. Speaker, there is an old adage that goes: "A man's best friend is his dog." It is no hollow saying but a fact demonstrated many times by the heroic acts of canines.

I would like to describe the action of one very special dog from Sepulveda, CA. The dog's name is Jet. She is a mild-mannered six-year-old doberman pinscher.

Jet was home with her owner Candy Sangster one day last October. Ms. Sangster is a diabetic and must take regular insulin injections to maintain her body chemistry. On this day she slipped into a life-threatening diabetic coma.

Jet, sensing something was wrong with her owner, managed to open the Sangster door and run outside. A neighbor, Ms. Hazel Lavin, noticed that the usually quiet Jet was running about furiously and barking loudly. Hazel called Candy, and when she received no answer, she called paramedics. They found Candy in a coma and rushed her to the hospital where she later recovered.

Jet's heroism was recognized by the citizens of this Nation this year when they selected Jet the Ken-L Ration "Dog Hero of the Year" in a recent election from among five national finalists. Similar stories were told about each of the finalists, and all are deserving of our thanks and gratitude. But I suspect that Jet had the distinct advantage of having been raised on Ken-L Ration dog food which was manufactured in Rockford, IL.

There appears to be a mysterious, but loving bond between dog and owner, one that continues to prove an old saying true.

Jet is part of a lineage of dogs which have gone above and beyond the call of duty as man's best friend. For this reason, Ken-L Ration, the sponsor of the Dog Hero of the Year Award, has asked that the dog-owning public observe the first week in March, from this day forward, as "Dog Hero Week" and recognize their dogs as the heroes they are or could be one day.

INCREASING VOTER TURNOUT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SWIFT. Mr. Speaker, as we are all aware, voter turnout in this country has been less than impressive for too many elections. The Federal Voting Assistance Program within the Department of Defense has attempted to improve those numbers through a variety of projects, including its recently sponsored Voting Slogan Contest. The winning slogans will be used in a media campaign to encourage voter participation in the 1988 elections. This contest always generates a great deal of interest and this year was no exception with over 10,000 entries received.

I was honored to help judge the contest, along with Senator WENDELL FORD, chairman of the Senate Committee on Rules and Administration, and Ms. Nancy Neuman, president of the League of Women Voters of the United States. Although selecting the winning slogans out of so many creative entries was difficult, it was a pleasure to contribute to this effort to increase voter awareness.

The first place entry was submitted by U.S. Army Maj. Jay B. Savage of Laurel, MD. Major Savage's winning entry: "Tomorrow will be decided today. Vote."

Second place was awarded to Donald Roberts, a civilian working at Fort Monroe, VA. His slogan: "Vote—It's Good For Your Constitution."

"Count yourself in. Vote.", claimed third place in the contest. It was submitted by John F. Ganaway II, Major, USAF with the 400th Strategic Missile Squadron at Malmstrom AFB, MT.

The fourth place winner, submitted by Lt. John Miller of the USCG, San Leandro, CA was: "Let's Poll Together America—Vote".

Mr. John M. Hendry, who works for the U.S. Post Office in North Hollywood, CA, was awarded fifth place for his winning entry: "Your Vote: America's counting on it!".

Three other entries were outstanding enough to achieve honorable mention. They were: "Have a say, vote your way", by Bill Clement of Portland, OR; "Your opinion matters, but it's your vote that counts.", by Jay Robbins of Imperial Beach, CA; and "Don't let the few decide for you—Vote", by Lt. Otis Ransaw from Minot AFB, ND.

I commend the Federal Voting Assistance Program for its continued efforts to increase voter participation, and I congratulate not only the winners, but all who contributed to this worthy endeavor.

TRIBUTE TO SEMCOG

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to a unique volunteer organization in southeast Michigan that is comprised of 135 local governments in the seven-county Metropolitan Detroit region. This organization is known as SEMCOG, the Southeast Michigan Council of Governments, and on March 24, 1988, its officers and staff are celebrating its 20th anniversary.

Formed as the result of a unique public/private research and development effort, SEMCOG has provided 20 successful years of progress in regional planning and intergovernmental relations.

The 135 local governments that belong to SEMCOG include all seven counties in the metropolitan Detroit region, cities, villages, townships, intermediate school districts and community colleges. It provides an invaluable process for cooperative, comprehensive and continuing regional planning for southeast Michigan.

In its 20 years, SEMCOG has had many accomplishments, such as the development of a long-range transportation plan which helps guide highway and transit growth. In the past 5 years, an estimated $4 billion has been funneled into southeast Michigan as a result of this planning effort.

Another significant accomplishment was the development of a data analysis and forecasting process. This makes population, household and employment forecasts for all 234 units of local government in the region for a 20-year planning period.

Most recently, in 1987, SEMCOG was in the forefront of efforts to upgrade the State's hazardous waste siting process. It also spearheaded a program to establish the remedial action plan for clean-up of the Rouge River; supported efforts to maintain the State's Auto Exhaust Testing Program; and administered the Lodge Freeway Ability Public Information Program on behalf of the Michigan Department of Transportation.

Mr. Speaker, for the past 20 years SEMCOG has been a valuable resource to the people of southeast Michigan. I ask you, and my colleagues in the House of Representatives, to join me in saluting SEMCOG for its years of outstanding service and wishing it many, many more.

WEST VALLEY IS CELEBRATING 25 YEARS

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. KONNYU. Mr. Speaker, I rise to bring to the attention of my colleagues the 25th anniversary of the establishment of the West Valley-Mission Community College District in Saratoga, CA.

Today, with a student body of over 30,000, the district leads the State of California in the number of students who transfer to four year colleges. Moreover, its two campuses—West Valley College in Saratoga and Mission College in Santa Clara—provide the community with many valuable, career-oriented, courses designed to develop and enhance job skills.

Mr. Speaker, I submit for the RECORD a copy of the Saratoga News article entitled "West Valley is Celebrating 25 Years." I know my congressional colleagues join me in congratulating the West Valley-Mission Community College District on its many years of excellent service to the Saratoga/Santa Clara area, and in encouraging it to continue to provide the same level of quality education in the future.

The article follows:

WEST VALLEY IS CELEBRATING 25 YEARS

On Jan. 8, 1963, affected residents voted to establish the West Valley Community College District.

Many will agree that 25 years isn't a very long time, certainly not in the history of an institution. Yet it is long enough to allow reflection and if the record is a good one then a celebration is in order.

That's the happy circumstance we find ourselves in at the West Valley-Mission Community College District.

The District has grown from a 3,203-member student body at a single site to two comprehensive colleges with outreach programs at four high schools, several hospitals, and numerous businesses. Today's student body has grown to over 30,000 credit and non-credit students.

The achievements of those who have passed through our non-ivy covered walls is an impressive litany of successes and fulfilled dreams.

We all owe much to the early dreamers, the founding board and the educational pioneers who devoted their energies to nurture the establishment of not one, but two colleges.

As any parent can attest, early childhood is not without its surprises and setbacks. Let's not even discuss the ravages—to all concerned—of adolescence. Thankfully both colleges, West Valley College in Saratoga and Mission College in Santa Clara, survived those early days.

Today, under the board's guidance, a seasoned and forward-looking faculty and administration continues to serve an ever changing student population.

That fluid and changing configuration is one of the most interesting aspects of our daily life and is a harbinger of the future. Twenty-five years ago West Valley College's programs were established primarily to provide the first two years of a university experience for 18-year olds. Thus the junior college appellation. Some still see us providing the first two years for a variety of Stanford and Berkeley academic four year programs. We do perform that function. Sweaters that boldly proclaim "University of Saratoga" still sell briskly. And West Valley College heads the state in the number of students who transfer and succeed at four year colleges.

Yet the needs and realities of this valley have changed over the past 25 years. Today more and more of our students are older (the average age is 29); attend part time (many at night and on the weekends) and are quite certain regarding what they wish to study.

Pragmatic, short-term courses are particularly popular. Many students also enroll to complete specific vocational programs or to prepare for technical and professional careers. This is particularly evident at Madison College where special efforts are made to keep programs of study current with changing needs of industry and the community.

We still insist that students be well grounded in the liberal arts before they graduate. But many, certainly well over half, do not intend to graduate. As adults, they select those courses that fit their particular current need. Our job is to make these courses academically sound.

One of the most exciting and satisfying experiences enjoyed by us all is to see both colleges serve as positive change agents for our students.

Although not as readily discernible in an 18-year old, it is certainly evident when we work with late bloomers, re-entry students, displaced homemakers, those training for a second career, and those wishing to upgrade their existing skills. It makes for interested and highly determined students who in turn motivate their classmates and teachers.

On Feb. 26, 1988, the District will host a Silver Anniversary Dinner Dance at the Fairmont Hotel. Our theme is "Celebrating the Success." Scores of former students exemplifying our successes have been nominated by the faculty and community leaders. A representative number will be formally recognized and honored that evening.

Since the District found it impossible to compress the celebration of its many successes into a 12-month period, we have taken the liberty of extending our period of celebration to 13 months. Thus, activities are planned through Commencements, and the community is invited to celebrate our twenty-five years of dreams fulfilled.

THE CELEBRATING OF CATHOLIC SCHOOLS WEEK IN THE DIOCESE OF STEUBENVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. APPLEGATE. Mr. Speaker, I rise today to ask that my colleagues join me in acknowledging the Catholic schools in my 18th Congressional District of Ohio in the diocese of Steubenville, consisting of 13 counties in southeastern Ohio. The important role that Catholic schools in the diocese play is instilled in our young adults with basic human, moral, and spiritual foundations.

It is with pleasure that I honor the Catholic schools in the diocese of Steubenville with their theme, "Catholic Schools: A Rainbow of Excellence," for their outstanding work in the field of learning. The Catholic education is committed to the education and training of students as future leaders of America through religious obligations, moral character, and leadership abilities. The longstanding tradition of Catholic education strengthens the community and the Nation by keeping viable the right to freedom of religion under law.

Mr. Speaker, I am proud to pay tribute to the Catholic schools in the diocese of Steubenville. I appreciate the dedication with which the faculty, staff, and students of these schools approach their respective jobs. It is to individuals such as these that we owe the continuation of and commitment to the Christian faith and education in our country.

LATEST CRACKDOWNS IN SOUTH AFRICA

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MAZZOLI. Mr. Speaker, I am distressed and outraged over the February 24 decree by the white South African Government to prohibit 17 antiapartheid groups and the country's largest labor federation from "carrying on or performing any acts whatsoever" and to restrict the movements of 18 antiapartheid leaders.

This most recent crackdown represents a shift in the government's recent strategy of developing a power-sharing arrangement with its black citizens. It is another example of the lack of good faith effort on the part of the Pretoria government to engage in political reform.

South Africa's official policy of racial separation is unacceptable not just by United States standards but by world standards.

Already there have been outcries by the European Community, France, and Britain—to name a few—against these latest developments. The United States must also make clear its objection to the continuation of such repugnant human rights policy.

I understand that a Foreign Affairs Subcommittee will conduct hearings on legislation imposing new and stronger sanctions against the South African Government.

I hope that, through these hearings and subsequent floor debate, the Congress and the United States will send a clear and unequivocal signal to the Pretoria government that its apartheid practices are unjust and inhumane and must be ended.

DARREL ESTLE RAINS—A MAN OF LIGHT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. ROGERS. Mr. Speaker, as Cumberland College in Williamsburg, KY, begins its centennial celebration, the alumni of that school in my district have begun working on a scholarship fund in honor of Dr. Darrel Rains, one of the school's outstanding alumni.

I have received a copy of a memorial article about Dr. Rains, which I want to enter into the CONGRESSIONAL RECORD to show my support for this effort and in memory of a truly unique medical practitioner.

DARREL ESTLE RAINS—A MAN OF LIGHT

"And God said, Let there be light: and there was light. And God saw the light; that it was good. * * *"

Darrel Estle Rains first saw the light of day on September 28, 1939, in diminutive Emlyn in southeastern Kentucky, and whether he knew it or not, light was to become the dominant theme of his life. First it was the loving light in the eyes of these proud parents, Robert and Lula Rains. Later, that light was supplemented by the pleased glow on the faces of his teachers, such as P.R. Jones, as they one by one recognized his inherent intelligence, strength of character, and unusual determination to learn. And then along the way came the light of self-discovery: Darrel saw clearly by the time of his graduation from Williamsburg High School in 1957 that his life's path was to be, had to be, in medicine.

"A wise man will hear, and will increase learning; and a man of understanding shall attain unto wise counsels. * * *"

Darrel began his pre-med training at Cumberland College in the fall of 1957, entering with many of his high school classmates: Siler, Byrd, Early, Chambers, Grant, Jones, King, Broyles, Yancy, West. He lived at home, studied hard, earned A's, and became increasingly committed to a career in medicine. He also lived in the light, further developing a religious faith and an aggressive self-discipline that stirred the respect of even the most macho of his friends.

In 1959, the Lamp of Higher Education was passed to the University of Kentucky after Darrel graduated from Cumberland; there he roomed with his old friend, Jimmy King. By now his enthusiasms for medicine and achievement had been fanned to white-hot intensity. He worked at the UK Medical School doing genetics research while also carrying a full class load. He consistently urged his close friends (many of them former classmates at Cumberland) to study hard and to develop demanding personal goals. And he took his own advice, graduating with honors in 1961. All three medical schools where he made application for admission accepted Darrel; he chose to remain at the University of Kentucky.

In medical school, Darrel continued to strain for the stars. Characteristically, he didn't want to become just another doctor—he wanted to provide Kentuckians with the quality of medical care that they would expect to receive at only the best metropolitan medical centers. In 1965, after four years of intensive study, Darrel achieved the first part of his bright dream; he received his M.D. degree. The second part was equally tough. To make sure he had all the skills necessary to give his patients complete medical care, Darrel did residencies in not one but three fields: General Practice (John Gaston Hospital in Memphis), Psychiatry (Rollmans Psychiatric Hospital in Cincinnati), and his major field, Ophthalmology (Eye Foundation Hospital in Birmingham). It took five more years, but then, finally, Darrel knew he was fully prepared to begin his medical practice.

"* * * One thing I know, that, whereas I was blind, now I see."

The first few years of Darrel's practice were spent in hospital emergency rooms.

Then in 1974, he renewed his friendship with Dr. James Parrott, a Corbin native and classmate from UK, and his wife Phyllis, by opening an ophthalmology practice in Hopkinsville, Kentucky, where Dr. Parrott was working as a Radiologist. Darrel was joined there by his brother, Ken, who provided complementary services as an Optician. Darrel's reputation for excellence quickly spread, and physicians from all over Kentucky, Missouri, Tennessee, Alabama, Ohio, and Indiana sent patients to Hopkinsville for eye surgery. They gave Darrel the "tough" cases, and in return he gave his patients unexcelled professional care along with healthy measures of love and compassion. In many instances, the blind were literally made to see. Darrel had achieved his dream—he was providing his patients with the best medical care in the world.

Over a relatively short span of remarkably productive years, this "Man of Light" had many great achievements. Among them were:

Dr. Rains was one of the first doctors in the world to do outpatient surgery for cataracts, using as a scalpel the exquisitely pure light from a laser.

Dr. Rains built his own laser system and used it for patient care at a time when this technology was considered to be strictly a research tool. He was ten years ahead of his profession.

Dr. Rains had his own research effort, the development of laser surgery techniques for diabetic patients.

Dr. Rains published his work in internationally acknowledged medical journals, some with coauthors at major medical schools.

"And if I go and prepare a place for you, I will come again, and receive you unto myself; that where I am, there ye may be also."

But even as Dr. Darrel Rains was bringing hope and healing and joy to others, dark storm clouds of ill health were gathering in his own life. In December of 1977, Darrel was forced to have a double heart valve replacement at a hospital in Birmingham. Shortly thereafter, in January of 1979, a heart transplant operation was performed on him at Stanford University. And finally, on October 20, 1982, one of the world's leading Ophthalmologists died. then, surely, his triumphant and shining spirit encountered another great Healer, One who once said, "* * * I am the Light of the world. * * *"

(Darrel's wife, Sheila, and sons, Derrick, Brian, and Gavin, are grateful to Cumberland College for helping Darrel develop his extraordinary vision, creativity, and determination, and are pleased that the Darrel Rains Memorial Scholarship Fund will assist Cumberland College students in their quest for the excellence achieved by their husband and father.)

—Jim Gover and Tom Oglesby, May 15, 1987.

MRS. HELEN LAVELL DAY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. WILSON. Mr. Speaker, I would like to take this opportunity to declare March 13, 1988, as Mrs. Helen Lavell Day in Palestine, TX. Mrs. Lavell is the president of the Texas Dogwood Trails Association in Palestine which is celebrating its 50th year this month. Texas Dogwood Trails offers an extensive schedule of events and activities for three weekends in March to celebrate the coming of spring and the beautiful dogwoods blooming among the hills and piney woods of east Texas. Mrs. Lavell had donated thousands of hours of hard work and dedication over the years to promoting this event. I join the residents of Palestine in expressing our appreciation for her efforts by dedicating this special day to Mrs. Helen Lavell.

NEWLY SELECTED USIA GUIDE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FLORIO. Mr. Speaker, Michele Castagna of Moorestown, NJ, has been recently selected by the U.S. Information Agency [USIA] to serve as a guide with "Information U.S.A.," which is the first official U.S. exhibition in the U.S.S.R. since 1979. "Information U.S.A." was created to show how Americans use communication technology. In June 1987, the program began an 18-month, nine-city tour of the Soviet Union. The tour has been very successful, with 212,813 Soviet citizens visiting the exhibition in Moscow and some waiting in line up to 4 hours.

One of the vital elements to making "Information U.S.A." a success is the presence of the Russian speaking American guides. Ms. Castagna was chosen to be one of the 24 guides to travel with the exhibit in Tbilisi, Tashkent, and Irkutsk from December until June 1988.

Ms. Castagna has a strong and varied academic background. She has studied international affairs, journalism, and dancing in Washington, DC, Sweden, and Philadelphia. While working for the Visitor Program Service in Washington, DC, she recently coordinated a Fulbright Exchange Program between the United States, the U.S.S.R., and Eastern European countries at the Council for International Exchange of Scholars.

As a guide for this exhibit, Ms. Castagna has a vital role serving as an ambassador of goodwill to the Soviet Union. In an era of glasnost, the opportunity to better inform the Russian people of some aspects of our society goes a long way toward improving mutual understanding. Ms. Castagna's background makes her a perfect guide, able to answer questions on the cultural, political, economic, and social aspects of American life, as well as technological questions. I am sure that with Ms. Castagna's obvious capability she will be doing an exemplary job as a guide with "Information U.S.A."

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATES. Mr. Speaker, last month the Chicago Tribune printed an article by my dear friend, Rabbi Seymour J. Cohen of Anshe Emet Synagogue in Chicago. The article, which describes in a very vivid way the events and leaders of the civil rights movement, is an important reminder of what was happening in this country 25 years ago. This is the kind of history that we need to remember and preserve and I ask that the article be printed at this point in the RECORD.

RELIGION AND RACE: A CHAPTER OF HISTORY WRITTEN IN CHICAGO

(By Seymour J. Cohen)

At the northern end of Lake Shore Drive stood a hotel that was the scene of an historic conference on religion and race 25 years ago. It was the first time the major faith communities of America dealt with the profound social problem of racial strife that faced, and still faces this nation.

The hotel was the Edgewater Beach, and it was there that assorted liminaries and some 650 delegates gathered for the National Conference on Religion and Race, which began on Jan. 14, 1963. Among the principal participants were Albert Cardinal Meyer of Chicago; the Rev. Dr. Martin Luther King Jr., head of the Southern Christian Leadership Conference; Dr. Benjamin E. Mays, president of Morehouse College in Atlanta; and Prof. Abraham Joshua Heschel of New York's Jewish Theological Seminary.

The conference was called by the National Council of Churches, the Synagogue Council of America and the National Catholic Welfare Conference. It was designed as a strictly religious observance of the 100th anniversary of President Lincoln's Emancipation Proclamation.

In the popular perception, the Emancipation Proclamation transformed the Civil War from a battle to save the Union into a crusade for human freedom and dignity. Lincoln closed his proclamation, which took, effect Jan. 1, 1863, with these words: "Upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

In Lincoln's spirit, we came together for a high moment in American life. For most of us who participated, the four-day conference was the camelot of our careers: Archbishops mingled with bearded rabbis. Pastors met with Protestant bishops. Sisters of charity joined in the great discussions. A highlight for me—one of the great moments of my life—was introducing Dr. King.

The stated task was to study the role of religious institutions in race relations. In retrospect, it is remarkable that the problems of other minorities, Hispanics such as the Puerto Ricans of our Northern cities and the Mexicans of the Southwest, hardly surfaced in any of the discussions. The only issue was healing the problems of America's blacks.

Unfortunately, some of those vexing problems remain. The life expectancy of blacks is still lower than that of whites, and educational opportunities are more limited. Unemployment is higher among blacks than among whites.

The Edgewater Beach is gone, statuesque high-rises having taken its place. The principals are gone, too. Cardinal Meyers died in his early '60s. Dr. King was gunned down by a mad assassin in 1968, and is honored two decades later with a national holiday. Prof. Heschel died at the age of 65, victim of a heart attack brought on in part of his heroic efforts to bind the wounds of American society. Yet racial discrimination persists.

And the problems of the black community are matched by the difficulties of the Hispanics to lift themselves out of the mire of discrimination and bigotry.

A quarter-century ago, though, delegates to the conference were full of hope and expectation. There was a mood of profound interaction. Among the highlights of the conference was the statement of Cardinal Meyer. This scholarly spiritual leader of Chicago's 2 million Catholics said: "At the 100th anniversary of the Emancipation Proclamation we find ourselves seized with the nation's unfinished business." He explained to his followers that the ultimate test of Christianity is found in the New Testament statement: "By this will all men know that you are My disciples, if you have love for one another" (John 13:35).

Dr. King, in a stirring address, quoted Thoreau, who spoke of America's technological advance as being an instance of "improved means to an unimproved end." He challenged the participants by saying, "The problem of race and color prejudice remains America's chief moral dilemma. . . . Honesty impels us to admit that religious bodies in America have not been faithful to their prophetic mission on the question of racial justice. . . .

"Called to combat social evils," Dr. King said, "[the Church] has often remained silent behind the anesthetizing security of stained glass windows."

(Chicago was to be the scene of Dr. King's activity not only at the conference but also later, in the summer of 1965, when he returned for a major effort. Chicago was a special problem city for him. There was extensive public school segregation. Educators reported that grossly inferior facilities were used for black children. Black activists forced the resignation of the school superintendent, Benjamin Willis, but the school board refused to accept Willis' resignation. It was into this tension-filled atmosphere that King came to lead the struggle.)

At the conference King met Heschel for the first time. With twinkling eyes and light hearted manner, the slight, bearded rabbi spoke to the assemblage: "At the first conference on religion and race the main participants were Pharaoh and Moses. Moses pleaded, 'Let my people go.' The cruel Pharaoh answered, 'I will not let them go.' "

Heschel went on: "It was easier for the Children of Israel to cross the Red Sea than for a Negro to cross certain university campuses. . . . One hundred years ago, the emancipation was proclaimed. It is time for the white man to strive for self-emancipation, to set himself free of bigotry."

At the end of the conference an appeal was made to the conscience of the American people. The statement concluded with the call to all the American people "to work, to pray, to act courageously in the cause of human equality and dignity while there is still time to eliminate racism permanently and decisively, and to seize the opportunity the Lord has given us for healing an ancient rupture in the human family."

The meeting of so many church and synagogue leaders led to both national and local activity. Attempts were made to organize local conferences on religion and race. The only continuing conference throughout these last 25 years has been the Chicago effort. The Chicago Conference on Religion and Race was formed and is the only body cosponsored by the Catholic Archdiocese, the Protestant Church Federation and the Chicago Board of Rabbis. The Chicago Conference was reorganized several years ago into a Council of Religious Leaders. Our city remains the only one of several model cities that sustains an ecumenical organization committed to racial justice.

We still strive for the long-range solution President Lyndon Johnson spoke of in 1967 when he addressed the need to eradicate conditions that breed despair and racial violence—ignorance, discrimination, slums, poverty, disease and unemployment. "We should attack these conditions," LBJ declared, "not because we are frightened by conflict but because we are fired by conscience. To achieve a decent and orderly society, continuous effort is required."

THE CIVIC NEWS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize a publication that has been serving the Park Slope community in Brooklyn for half a century. The Civic News, published by the Park Slope Civic Council, is celebrating its 50th anniversary on April 16.

The Civic News began as the newsletter of the South Brooklyn Board of Trade. Its primary objective was to keep board members informed of projects and events that the board sponsored.

Now "The Official Monthly Publication of the Park Slope Civic Council," the Civic News serves as the communication arm of an active community organization. As the Park Slope area has undergone a rebirth in recent years, the civil council and the Civic News have been leading in the effort to organize community residents and businesses.

I would like to congratulate Ellery Samuels, the editor of the Civic News, as well as Jimmy Ryan and all of the officers of the Park Slope Civic Council. Their hard work and dedication are an inspiration to all of their neighbors, and I am proud to have the opportunity to serve them.

HUMAN RIGHTS IN EAST TIMOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. EDWARDS of California. Mr. Speaker, throughout this decade, I have been concerned over the tragedy in the Southeast Asian island territory of East Timor, a former Portugese colony invaded by Indonesia in 1975. Information I have received from Amnesty International, Asia Watch and other sources has heightened my interest in this little-known situation. As one who is concerned about the protection of human rights throughout the world, I believe that the international community should look into the human rights situation in East Timor.

An opportunity for such an investigation currently exists. The United Nations Human Rights Commission is now meeting in Geneva, with the East Timor issue under discussion. Recent testimony by the Asia Watch Committee makes it clear that there are a multitude of problems regarding East Timor that need to be addressed. I very much hope that the U.N. Commission will do so.

For the benefit of my colleagues, I ask that excerpts of the Asia Watch testimony to the United Nations in August 1987 be inserted in the CONGRESSIONAL RECORD. This testimony remains highly relevant today.

The excerpt follows:

Asia Watch is * * * concerned about continued reports of arbitrary arrest, mistreatment, and unfair trials of political prisoners suspected of supporting independence for East Timor. Since late 1983, more than 200 such persons have been tried and convicted. As we mentioned in our statement last year, it is remarkable that all the defendants were reported to have pleaded guilty and none have appealed their convictions. Under these circumstances, we again urge the Special Committee to do all within its power to encourage the Indonesian government to permit trial observation in East Timor.

In addition, we remain deeply concerned about the health and well-being of East Timorese detainees as well as those who have been released from Atauro detention center and other such facilities. Asia Watch once again appeals to the Special Committee to urge the Indonesian government to ensure appropriate medical and nutritional care for all East Timorese detainees. Asia Watch also appeals to the Specific Committee to take similar action in the cases of detainees who have been released from Atauro Island. Large numbers of these detainees have been prevented from returning to their home villages. In the past, such persons fell victim to starvation and disease. Barring full access to all areas of East Timor, there are no guarantees that such conditions are, in all cases, a thing of the past.

In conclusion, let me emphasize that the Asia Watch Committee has been prepared to visit East Timor for the past two years, but has been denied permission by the Indonesian government. As we have stated, the Indonesian government believes that human rights reporting on East Timor is biased and untruthful. We can only reiterate our position in this respect: if the Indonesian government truly wishes to set the record straight, it should allow the world community to view conditions in East Timor first-hand.

JOHN BRESSLER WEEK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. YATRON. Mr. Speaker, in my home area of Berks County, we will soon be honoring a native son who has done much for our area, Mr. John Bressler. John Bressler, who resides in Oley, PA, is an internationally known singer, songwriter, and entertainer. In recognition of his many outstanding achievements, the Berks County Commissioners have proclaimed the week of March 3-10, 1988 as "John Bressler Week."

In Berks County, we are all very proud of John Bressler. John was born and raised in our area and this heritage is clearly felt in his music. John believes that good entertainment is timeless and uses music from all eras in his concerts, ranging from "Old Mac Donald" to more contemporary selections. It is in concerts that John truly shines. He is loved by audiences and always plays to packed houses. In recognition of his versatility and broad popularity, John has performed before numerous groups, including schoolchildren, rock club audiences, and senior citizens. He has also worked with top-name performers such as Kool and the Gang, Billy Joel, Willie Nelson, and the Oak Ridge Boys. Over the years, John has become a favorite of the fans, critics, and his fellow performers.

In recognition of John Bressler's many achievements, we will be celebrating "John Bressler Week" in Berks County. The celebration will coincide with the release of John's new album and video. In addition, a number of special concerts and events are planned. Mr. Speaker, I know that my colleagues will join me in honoring Mr. Bressler during this special week and in wishing him continued success in the years to come.

MEMPHIS SLIM

HON. HAROLD E. FORD

OF TENNESSEE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. FORD of Tennessee. Mr. Speaker, we rise today to mourn the passing of a great American, Memphis Slim.

Memphis Slim, born Peter Chatman, was one of the greatest blues musicians of all time. He was born September 3, 1915, the son of Pete Chatman Sr., a deacon of the local Baptist church and a musician himself. He was raised next door to the local honkeytonk and became interested in music at a very early age. At only 7 years of age, he taught himself the piano. By his midteens, he was already well known in the local juke joints on Beale Street. That was the beginning of what would prove to be a long and talented career.

Memphis Slim attended Lester High School where he played the bass in the school band. At the age of 16 he worked in the Midway Cafe. Later that same year, he left his home in Memphis to tour through the South, working in various juke joints and turpentine camps. After 6 years on the road, he finally settled in Chicago. He worked the local clubs there and recorded with his own washboard band. During this time in Chicago, he recorded with many famous blues musicians and under many labels. In 1938, having already established his reputation, he made the classic LP, "Just Blues," with Muddy Waters, Willie Dixon, and Blind Lemon Jefferson.

In 1962, he moved to Paris after a tour he completed in France the previous year. There he met and married the daughter of a nightclub owner. He had five children. He continued playing the blues overseas and soon became one of the foremost blues musicians in Europe. On December 15, 1977, the Senate passed a joint resolution recognizing Memphis Slim as an ambassador at large of goodwill for the United States.

Memphis Slim died last Wednesday and with him died a great era in blues music. Not only was he a prolific songwriter and a great musician, he was a good husband and a good father. But he was not just the father of his five children, he was the father of the urban blues. Among his 300 songs, one of the most famous is "Every Day I Have The Blues," a song that would be later recorded by such greats as Count Basie and B.B. King. In the words of Memphis Slim's good friend, Booker T. Laurie, "Nobody could copy Slim. They didn't even try to imitate him."

Mr. Speaker, we stand before you to honor a great man and a world reknowned musician. The death of Memphis Slim is a loss not only to the music world, but also to anyone who has ever known or loved the blues. Although the man is dead, the legend is alive in the hearts of many around the world.

TRIBUTE TO FIVE DISTINGUISHED MEMBERS OF THE SACRAMENTO COMMUNITY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. MATSUI. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to five distinguished members of the Sacramento community, Mr. William M. Campbell, Mr. Robert L. Curry, Ms. Jean Runyon Graham, Ms. Margo Murray-Hicks, and William D. Whiteneck, on their acceptance of the California State University, Sacramento Distinguished Service Awards. It is an honor to salute such dedicated and deserving individuals.

Mr. William Campbell has distinguished himself as one of Sacramento's finent developers. Since 1971, when he founded the Camray Development & Construction Co., Mr. Campbell, has been a major force behind the rapid growth of our community. Moreover, he is active in the community serving as president of the Sacramento YMCA.

Dr. Robert L. Curry is recognized as one of the foremost experts in the economic field today. He has served as a consultant for many international agencies including the World Health Organization and NATO. Dr. Curry has also appeared before congressional hearings to present expert testimony.

Ms. Jean Runyon Graham is one of the communities most outstanding citizens. She is a noted expert in the public relations arena and her firm's success is due mainly to her hard work and talent. Ms. Graham is also a community leader working with such groups as the United Way and the Matsuyama Sister City Corp.

Ms. Margo Murray-Hicks is founder and president of Margo Murray-Hicks & Associates, an international consulting firm specializing in management skill development. She is recognized as a innovative leader in her field and has consequently been asked to serve on various business councils and boards including the newly created Advisory Council for the School of Business at San Francisco State University.

Mr. William D. Whiteneck is one of Sacramento's most dedicated and successful public servants. His work on behalf of special education programs for the deaf and blind has been inspirational to each of us. Mr. Whiteneck has also made significant contributions to efforts to modify school finance.

Mr. Speaker, on behalf of the citizens of Sacramento and the State of California, I want to congratulate these fine men and women for a job well done. I thank them for the many contributions they have made to our community and I wish them the best of luck in all their future endeavors.

SALUTING THE FLORIDA INTERNATIONAL VOLUNTEER CORPS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. PEPPER. Mr. Speaker, the vital contributions of seniors to the well-being and progress of this Nation and to my home State, Florida, are well known. What may not be so well known are the achievements of America's seniors in programs beyond our border. For example, there is a new awareness in my State that in order for democracy, trade, and social and economic well-being to flourish in the neighboring Caribbean, seniors and others must get involved. Retired farmers, ambassadors, and social workers alike are coming together in an innovative, unique and exciting program called the Florida International Volunteer Corps.

The corps offers short-term—5 to 70 days, people-to-people technical assistance in health, social services, education, agriculture, and business, provided by professionals who receive only minimum expenses in exchange for sharing their skills and expertise. Seniors and other volunteers, motivated by a genuine commitment to their neighbors, are achieving dramatic results.

As you may know, volunteer corps technical assistance starts when needs are identified and organizations in the host country assign priorities and provide in the foreign nation logistic support for volunteers. Continuing activities on behalf of the host country such as solicitation of donations of equipment, supplies and resource materials, are commonly undertaken by volunteers upon their return to Florida. For every dollar invested in volunteer technical assistance, $4 in value is generated through donations of human and material resources.

The Florida International Volunteer Corps is a program of the Florida Association of Voluntary Agencies for Caribbean Action, Inc. [FAVA/CA]. FAVA/CA, a nonprofit membership organization, is a unique State, Federal, and private partnership to which I am privileged to serve as an adviser.

Individuals and organizations which have development interests in the Caribbean Basin region make up FAVA/CA's membership. Initial funding for FAVA/CA was provided by the U.S. Agency for International Development [AID], and other funding sources include membership fees and corporate sponsorships. Prominent sources of support for the Florida International Volunteer Corps presently include substantial State appropriations and an important agricultural program initiated the agency for international development, which is administered by Volunteers in Overseas Cooperative Assistance [VOCA], FAVA/CA's strong partner in Florida's Exemplary Technical Assistance Program.

It is with great pride that I acknowledge the work of our seniors in Florida's International Volunteer Corps in the Caribbean and the important contributions of seniors in development programs, worldwide.

FINANCIAL REFORM AND COMMUNITY PROTECTION ACT OF 1988

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. GARCIA. Mr. Speaker, bank safety and soundness has been the foundation stone upon which most bank legislation and regulations rest. In order to preserve the system it has often been felt necessary to preclude banks from participating in activities for which they have felt a special affinity or expertise. Last year, the Competitive Equality Banking Act imposed a moratorium on the granting of expanded powers by the regulators. The moratorium expires today, and it seems a particularly appropriate time to introduce financial reform legislation. I am very pleased to be joining my colleague WALTER FAUNTROY in introducing the Financial Reform and Community Protection Act of 1988.

With the expiration of the moratorium comes the question, What will the Congress do about bank powers? There have been several bills introduced by Members of both Houses that propose either repeal or amendment of Glass-Steagall, permitting banks to conduct some underwriting activities. Most of these bills are missing one essential ingredient—the consumer. The policy issues behind the enactment of Glass-Steagall included protecting the depositor and regaining his confidence in the system. Although Federal deposit insurance may have served the purpose in regaining the depositors' confidence, protecting the depositor and the system are still important issues today. Over 180 banks failed in 1987. The reasons for the failures are varied, but the cost to the system has been large. There are risks in every type of business, and in most cases Government does not become involved in business failures. But banks are considered special, and this specialness has subjected them to strict oversight by both the Congress and the regulators. The specialness of banks and the continuing need for protecting the consumer serve as focal points of the legislation we are introducing today. Our bill is intended to serve as a midpoint between the needs of banks and the very real needs of present and future depositors.

Our bill amends the Glass-Steagall Act and the Bank Holding Company Act to permit bank holding companies to establish or acquire a securities affiliate that underwrites commercial paper, mortgage and asset backed securities and municipal revenue bonds. These activities were chosen because they are closely related to banks' permitted activities, requiring the same types of credit and risk assessments. Banks currently maintain liquid liabilities—deposits—and illiquid assets—loans. These activities will give banks more liquidity, and hopefully increase countercyclical lending when the economy is in a slow phase.

Subsidiary banks of a bank holding company that applies to the Federal Reserve for permission to conduct these activities through an affiliate will be held to a higher standard of Community Reinvestment Act [CRA] compliance. A second tier of review will be implemented, based on regional criteria established by the regional Federal Reserve Banks, after public hearings and input by community groups. Each bank of a holding company will be required to meet these heightened standards before a holding company can receive permission to conduct new activities. A bank holding company with a subsidiary bank that has less than the necessary good rating will be required to make specific commitments to improve its community performance. We believe that an important aspect of this bill is that it is geared toward providing greater opportunity for community participation, and involvement in the regulatory process. The public is permitted to comment on applications, and a hearing may be held if the public comments raise substantial issues of concern.

Another important aspect of our bill is the requirement that banks offer low income consumers with accounts of $1,000 or less basic low cost banking services. This includes making available checking or savings accounts that have no more than a $25 minimum deposit requirement, and for which charges, if any, are minimal. As we have all become aware, the costs of maintaining savings and checking accounts have spiraled and are too often out of the reach of lower income consumers. Fees imposed for excess—more than the bank permits—transactions, not maintaining a minimum balance and processing of items coupled with nonpayment of interest on balances that are below the minimum have made banking an upper class activity.

Our bill also amends the Home Mortgage Disclosure Act to include commercial loan disclosure, with emphasis on small business loans. Small businesses are the backbone of our economy, employing millions nationwide. Many have been faced with rejection when applying for loans, often because banks have set minimum lending requirements that exceed small business needs. Disclosure of commercial loans will permit the community to determine which banks are meeting their needs and are truly interested in the continued economic development of the neighborhoods in which they are located.

Banks are the anchors of the communities in which they are located. They provide loans for housing, education, businesses and the many other needs of a neighborhood and its residents. When banks start to leave an area it is sometimes a signal to both residents and investors that the neighborhood is destined to decline. In essence, the bank pulls the plug on the community—businesses begin to leave, as do residents. The result is a lack of faith in the community and continued disinvestment. In order to help communities that are faced with decreased banking services, our bill requires banks that are planning to close branches to give advance notice to the appropriate regulator, its customers and the community—by placing notices on the bank premises. The regulatory agency, upon determining that a planned closing will result in a significant reduction in financial services to the community, will consult with community leaders and other depository institutions with respect to retaining or replacing the closing branch with other facilities, including credit unions. This provision is not aimed at precluding branches from closing, only toward giving the community a chance to be heard. New York adopted similar legislation because it was found that the branches that were being closed were unusually in poor areas. The legislation has been successful in helping retain branches that would otherwise have closed, and in assisting community groups to start their own credit unions.

IT'S A GOOD LIFE FOR MARY CLEMENT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. JONES of Tennessee. Mr. Speaker, in my years of public service—in this body and in other capacities—I have always recognized the importance of spouses in the professional and personal accomplishments of those who serve in public office. Spouses often must learn to cope with many inconveniences and the difficult pressures that confront all public officials.

Furthermore, in many cases they must be the family member that attends to many of the details of family life. If that is not enough, they also provide much needed support for the work of their mates. In doing those things, they many times must put aside their own talents and careers. In short, political spouses many times must make enormous sacrifices.

I mention these attributes of political spouses to bring to the attention of my colleagues the wife of BOB CLEMENT, our newest Member, who represents the Fifth District of

Tennessee. Mary Clement is a wife, mother, and business person. She shares with her husband, Bob, a deep commitment to public service and an unwavering willingness to offer assistance to those people in the Fifth District of Tennessee who need it.

In addition to those unselfish attributes, Mary is one of the most enthusiastic people that any of us will ever meet. Despite political setbacks in her husband's career, she has great faith in our political system and our Government. Without question, she is a credit to her husband—and our colleague—Bob Clement and by association a credit to this body.

Let me make it clear that Mary Clement is not just a politician's wife. She is an accomplished person in her own right. When given the opportunity, I hope all of my colleagues will take the time to meet this fine lady and welcome her to the ranks of political spouses. I would like to take this opportunity to insert in the Record a copy of a recent story on Mary that appeared in the Nashville Tennessean.

It's a Good Life for Mary Clement—Election Rough, but Husband's Win Worth It

(By Patrick Connolly)

How sweet it is these days for Mary Clement.

The wife of U.S. Rep. Bob Clement finds her family settling down into a temporary period of relative normalcy before more changes come with the move to Washington this summer. For now, at least, life revolves around her husband's weekly trips to Congress, maintaining the busy schedules of daughters Elizabeth, 6, and Rachael, 4, resuming her own pre-campaign volunteer activities (Girl Scout leader and helping with a computer class at her eldest daughter's school) and hunting for a new home, most likely somewhere in Virginia.

The primary and general election were rough, Mary Clement will grant you that. "Adversities" is the polite word she uses for the rough and tumble electioneering that saw her husband accused in an alienation of affection suit that was later dropped.

"Winning the election," says Mary Clement, "turned many of the negative adversities into positives."

Still, this past election, certainly the most personally vindictive she has been through, brought Clement a deeper understanding about the nature of politics.

"If you're in politics and an active participant, you have to realize that's part of the process—and up until now I've been somewhat naive to that side of it. You just have to put your blinders on and believe that good does come from it.

"Bob and I have always been a team in everything we've done, and I've always wanted to participate with him. I've never suffered an identity problem. I believe that when you're married, you're one, and you bounce off one another. Going through bad times should bring you closer.

"If you can remain friends and not take it all so seriously, you can remain free. If you know yourself and know each other, you don't have anything to worry about. If you're all pulling together, you're going to get there."

Believing that good must come, somehow and sometime, from any bad is a philosophy Clement holds dearly. As proof in her own life, she points to the birth of both her daughters, which came shortly after Bob Clement's razor-thin losses in the 1978 governor's primary and a 1982 run for Congress.

"I can honestly say that, once you get on down the road some and then look back at those adversities, that good came from them," she says.

Mary Clement worked hard for this latest chunk of "good." She campaigned every day, frequently keeping her own schedule to maximize the Clement presence. Privately she bemoans one-issue voters, publicly she considers the downside of today's high-tech politics to be "the fact that not everyone gets to know you."

It is that personal touch, she says, that fuels the democratic process. She remembers a young mother she met on the campaign trail in Springfield, Tenn., unemployed, sick and about to be evicted, who asked for assistance; she remembers, too, watching a young man graduate from Cumberland University, the first in his family to attend college, let alone graduate.

Both are examples, she insists, of what good government can be: helping those who need help, making possibilities possible. She does, of course, have faith in her husband to foster more good government: "He genuinely cares about people."

The decision to run for Congress did not come easy for Bob Clement, his wife says. He was happy as president of Cumberland University in Lebanon, Tenn., taking pride in his accomplishments and able to spend time with his family.

"He felt he was at a crossroads in his life, wondering if the time was right to get back into politics. Once we examined it, it seemed obvious it was the right time. And I never, never felt he would not win."

But if Bob Clement's future seems set, what of his wife's?

Together with Clement she has raised two sons, now 22 and 23, from her previous marriage and today focuses on their daughters. She ran a successful gift shop business for 10 years, and spent the time in Lebanon taking classes toward a degree in psychology. She'd like someday to work toward her master's maybe doing part-time counseling in the future.

She wants to help her husband as much as possible, hoping to spend a day or two a week as an unpaid volunteer personally taking calls to the congressman's office and answering correspondence.

And she claims to feel no pressure in being a politician's wife: "People want you to be yourself. If you're not, then you're placing pressure on yourself."

FREE AFGHANISTAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation urging the President not to withdraw U.S. assistance to the Afghan Mujahidin until it is absolutely clear the Soviet Union has ended its occupation of Afghanistan.

This legislation is identical to the bill which was approved by the Senate yesterday by a vote of 77-0. I respectfully request that all my House colleagues join in cosponsoring this important measure.

The Soviet invasion and occupation of the independent nation of Afghanistan is now in its ninth year. Soviet occupational forces have killed over 1.4 million Afghanis. Additionally, over 5.5 million people or over one-fourth of the prewar population have fled their native land.

The U.S. Congress has been an active participant in support of the Mujahidin. Continued U.S. material support to the freedom fighters is essential to bring about a meaningful political settlement based on self-determination by the people of Afghanistan.

Time and time again, the Soviet Union has attempted to mislead the world into believing they are ending the war. Instead of talking about such action, the Soviets should actually remove their troops.

If you agree that the U.S. military support for the Mujahidin should be maintained until it is absolutely clear the Soviets will remove their occupation force of 115,000, please join in cosponsoring this most important legislation.

Thank you.

DEPARTMENT OF COMMERCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. DINGELL. Mr. Speaker, on March 4, 1988, the Department of Commerce will celebrate its 75th anniversary. Today, I join with my colleagues in honoring this occasion by passing House Joint Resolution 447, which declares March 4 as "Department of Commerce Day."

As the chairman of the Committee on Energy and Commerce, with jurisdiction over many activities of the Department of Commerce, particularly its trade and economic activities. I have spent my share of time overseeing the work of the Department. While I have not always seen eye to eye with the Department, I am nevertheless proud and delighted to join with my colleagues today in honoring the Department and the role it plays in contributing to the development and strength of our domestic and international commerce—a role that will become increasingly important in the coming decades.

The inclusive and sweeping mandate Congress has given the Department requires it to "foster, promote, and develop the foreign and domestic commerce of the United States." From the National Oceanic and Atmospheric Administration, the International Trade Administration, the U.S. Travel and Tourism Administration, the Bureau of the Census, and the Bureau of Standards, the Commerce Department's responsibilities are astonishing. In many instances, the Department of Commerce has exercised its duties faithfully and vigorously. Testimony at hearings held by the Energy and Commerce Committee attest to the usefulness of the officers of the Foreign Commercial Service in China. The Department's annual report on international barriers to trade contains a wealth of information useful to policymakers. The National Bureau of Standards makes an essential contribution to American commerce by providing generally excellent technical analysis and research.

The breadth of the Department's responsibilities is matched by their importance. As we all know, America's ability to compete in international markets is a central concern of the Congress and the public. Over the past few years our trade deficit has swelled to unprecedented and unimagined proportions. The United States, once the world's largest creditor, is now the world's largest debtor, surpassing Brazil and Mexico. The Department of Commerce will play a key role in identifying and removing barriers to trade, disseminating useful and timely trade information to policymakers, manufacturers, and service providers, and developing effective trade policy. The Department will have to carry out its responsibilities to monitor international negotiations and implement U.S. trade laws with particular care and forcefulness.

Once again, I am pleased to join my colleagues in honoring the 75th birthday of the Department of Commerce and I look forward to its taking an even greater role in improving this Nation's trade situation.

FAIR FOOD LABELING AND ADVERTISING ACT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. COOPER. Mr. Speaker, today I am reintroducing legislation to bring some sanity and regularity to one of the fastest growing sectors of the retail food industry—"lite" food products. The growth in these products is phenomenal. Supermarkets now carry a whole array of lite products such as lite cheese, lite french fries, lite fruit and, of course, lite beer.

Unfortunately, the fact that there is no one definition of lite foods means consumers are often confused and sometimes even misled. My bill would prevent this from happening by establishing uniform standards for the term lite.

Americans have been making fundamental changes in their eating habits. In response to advice from medical and public health experts, we're cutting down on fat and sodium, watching our weight, and in general trying to choose healthier foods. Industry has responded with a plethora of food products designed for health-conscious consumers.

Recently, the word lite has superseded diet as a beacon for those watching what they eat. Many lite products do deliver significant reductions. Some not only tell you what they have less of, they go further by providing the specific information needed to compare their lite product with their regular product.

Unfortunately, there are lite products on the market that fail to deliver what they promise. Studies show that consumers associate lite with a reduction in calories or fat. Industry has spent a considerable amount of effort to develop this association. However, there is nothing which says that lite must indicate a reduction in something consumers want to avoid. Sometimes lite describes the density, texture, taste, or even the color of the product. This means that the consumer choosing a lite product for health or dietary reasons may not get the reductions they expect.

Even when lite is not misleading, it can be confusing. Much of this stems from the fact that not all foods are required to have nutritional labeling. Lite products, because they make nutritional claims, must have nutritional labeling. This means that some lite products can make the claim that they have less fat, sodium, or calories without giving the consumer any basis of comparison. In the worst cases, products don't even tell you why they are lite—you just have to trust that they're somehow better for you.

My bill would eliminate the confusion about the term lite by creating a uniform standard for it. In order to be labeled lite, a product would have to have a one-third reduction in either calories, fat, or sodium. The product label would have to state the reduction that makes it lite. This bill limits the comparative terms that can be used to describe a reduction in fat, sodium, or calories. In addition, my bill would prohibit foods from being advertised as lite unless they met these requirements.

I don't want to give the impression that Federal agencies haven't made any attempts to regulate the term lite, because they have. Unfortunately, these efforts address only some "lite" products. In addition, they add to the confusion by creating differing standards.

For instance, the U.S. Department of Agriculture defines lite as a 25 percent reduction in calories, fat, sodium, breading, or other component of a food. However, this applies only to meat and poultry products, and is further limited in that it does not apply to frozen foods or entrees that use lite in the brand name.

Last year, the Bureau of Alcohol, Tobacco and Firearms [BATF] proposed rules to govern the use of the term lite in labeling alcoholic beverages. Their proposed rule would allow an alcoholic beverage to be labeled lite if it had fewer calories than either the regular product or the regular product of their competitor. However, there is no uniform reduction required; just fewer calories than the product of comparison. In addition, the BATF proposal would allow lite to describe color or taste in certain instances, leaving room for confusion.

The Food and Drug Administration [FDA] has interpreted lite as a nutritional claim, which triggers the requirement that the label must include nutritional information. Lite products claiming caloric reductions fall under the FDA-defined term reduced calories, which requires a one-third reduction. However, this leaves unregulated products called lite because of fat or sodium reductions.

In addition to developing a standard for the term lite, my bill directs FDA to define officially the term low fat. FDA uses a working definition of low fat that states a product must have less than 2 grams of fat per serving or less than 10 percent of fat by dry weight. Yet it allows 2 percent milk, which exceeds those limits, to be called low fat. Only milk with 1 percent or less milkfat actually qualifies as low fat, and FDA regulations should reflect that.

While Federal agencies have taken some steps to regulate the word lite, more needs to be done. Consumers can only make intelligent nutritional decisions when they know what labels mean. We must give them not only clear guidelines on interpreting labels, but also consistent guidelines.

My bill dispels the current confusion about foods labeled lite. It lets consumers know that lite means a third less, and requires the label to disclose what the product has less of. It also limits comparative terms in order to end the free-for-all that now exists. These simple disclosure requirements will help consumers know what they are getting—or not getting—when they buy a lite product.

The Fair Food Labeling and Advertising Act already enjoys the support of several public interest groups including the American Heart Association, the American Diabetes Association, Public Voice for Food and Health Policy, the Center for Science in the Public Interest, and the Consumer Federation of America. I urge my colleagues to join us by consponsoring this important piece of consumer legislation.

ECONOMISTS' LETTER IN SUPPORT OF THE MINIMUM WAGE REFORM ACT OF 1987 (S. 837 AND H.R. 1834)

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 1988

Mr. VENTO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CITIZENS COMMITTEE FOR A
JUST MINIMUM WAGE,
Washington, DC, February 20, 1988.

To Members of Congress:

For fifty years the minimum wage law has been an important part of America's basic traditions. For fifty years this nation has declared that a decent wage floor be a mandated floor below which workers' pay will not be permitted to fall. For fifty years there has been a social contract to protect the standard of living of the working poor.

American workers are losing that protection. Since the last minimum wage increase went into effect in 1981 prices have risen by 32% and the minimum wage stands at the lowest real value since 1955.

Furthermore, today's minimum wage standard, frozen for close to seven years, has deteriorated sharply relative to the average hourly wage for nonsupervisory workers. Instead of amounting to at least half of that average—a level it had maintained historically—the current minimum wage is only 37% of that average.

Compounding the inequity, a worker paid at the present minimum wage of $3.35 per hour earns $6,700 on a full time year round job. This is an annual income more than $1,900 below the official poverty threshold for a family of three.

Some have argued in opposition to the proposed higher minimum wage that it will cause unemployment. These arguments have been regularly raised on each occasion Congress adjusted the minimum wage to preserve its traditional level. Yet six times this nation has raised the minimum wage and the historical experience offers no evidence of significant employment and business disruption.

In fact the evidence sharply refutes those arguments. The most thorough of all minimum wage studies, authorized by Congress in 1977 (The Minimum Wage Study Commission), found after several years of exhaustive analysis that raising the minimum wage has no significant impact on adult unemployment, youth unemployment, inflation, or the viability of business enterprises.

Just this year Professor F. Gerard Adams of the Economics Department and the Wharton School of the University of Pennsylvania using the Wharton model of the American economy, factored in the higher minimum wage proposal in pending legislation, concluded:

"The proposed increase would raise the inflation rate by no more than 0.2 percent annually over this period. In subsequent years, when minimum wages will be indexed to average hourly earnings, the effect of the minimum wage adjustment depends on the rate of wage increase in the rest of the economy; assuming wage increases of 5 to 6 percent in the 1990's indexing the minimum wage would contribute only 0.1 to 0.2 percent to the national inflation rate.

"Over a 3 year period, raising the minimum wage would increase the unemployment rate by less than 0.1 percent. Indexing the minimum wage thereafter is not likely to have significant impact on unemployment."

In summary, allowing for error it is safe to say that inflation might be one-tenth to two-tenths percent higher, and unemployment would rise by less than two-tenths of one percent.

In his testimony before the Senate Education and Human Resources Committee Professor Adams said that minimum wage increases would have only minor effects on broad economic trends. Professor Adams went on to say that based on his study using the Wharton Model that:

"These are tiny, largely imperceptible differences, and they will be overwhelmed by small changes in any one of the number of more important variables (interest rates, exchange fluctuations, trade and fiscal deficits, energy prices, etc.) which are likely to affect the economy over the next three or four years."

In view of all these questions of equity and economics, we urge you to support the Minimum Wage Reform Act of 1987.

Sincerely yours,

NANCY S. BARRETT,
LAURENCE R. KLEIN,
Co-Chair.

F. Gerard Adams, Professor of Economics, Director of Economics Research Unit, University of Pennsylvania.

Walter Adams, Distinguished Professor and Past President, Michigan State University.

Dr. Bernard E. Anderson, Urban Affairs Partnership.

Eileen R. Appelbaum, Professor of Economics, Temple University.

Solomon Barkin, Professor of Economics.

Nancy S. Barrett, Professor of Economics, American University.

Barbara Bergman, Professor of Economics, University of Maryland.

Arthur I. Blaustein, Professor of Economics, University of California, Berkeley.

Barry Bluestone, Frank L. Boyden Professor of Political Economy, University of Massachusetts/Boston.

Irving Bluestone, University Professor of Labor Studies, Wayne State University.

Mario Frank Bognanno, Industrial Relations Center, University of Minnesota.

Vernon Briggs, Professor, School of Labor and Industrial Relations, Cornell University.

E. Ray Canterbery, Professor of Economics, Florida State University.

Martin Carnoy, Professor of Education and Economics, Stanford University.

Paul Davidson, J. Fred Holly Professor of Political Economy, University of Tennessee.

Lloyd J. Dumas, Professor of Political Economy and Economics, University of Texas at Dallas.

Alfred S. Eichner, Professor of Economics, Rutgers University.

Robert Eisner, William R. Kenan Professor of Economics, Northwestern University.

Jeff Faux, President, Economic Policy Institute.

Walter H. Franke, Director, Institute of Labor and Industrial Relations, University of Illinois.

Robert E. Friedman, President, Corporaton for Enterprise Development.

John Kenneth Galbraith, Professor of Economics, Harvard University.

Helen Lachs Ginsburg, Professor of Economics, Brooklyn College.

Woodrow L. Ginsburg, Director of Research and Public Policy, Center for Community Change.

Eli Ginzberg, Graduate School of Business, Columbia University.

Norman J. Glickman, Hogg Professor of Urban Policy, Johnson School of Public Affairs, University of Texas at Austin.

Bertram Gross, Visiting Professor of Economics, University of California, Berkeley.

Bennett Harrison, Professor of Political Economy and Planning, Massachusetts Institute of Technology.

Charles Killingsworth, Professor of Economics, School of Labor and Industrial Relations, Michigan State University.

Lawrence R. Klein, Benjamin Franklin Professor Economics, University of Pennsylvania.

Thomas Kochan, Professor of Economics, Sloan School of Management, Massachusetts Institute of Technology.

Robert Lekachman, Distinguished Professor of Economics, Graduate Center, City University of New York.

Wassily Leontief, Professor of Economics, Institute for Economic Analysis.

Sar A. Levitan, Director, Center for Policy Studies, George Washington University.

Milton Lower, Senior Economist, Economic Policy Institute.

Garth L. Mangum, Max McGraw Professor of Economics, University of Utah.

Ray Marshall, Bernard Rapoport Professor of Economics and Public Affairs, University of Texas at Austin.

Elaine McCrate, Professor of Economics, University of Vermont.

S.M. Miller, Professor of Sociology and Economics, Boston University.

Laurence Mishel, Director of Research, Economic Policy Institute.

Martin Morand, Professor of Economics, Indiana University of Pennsylvania.

William F. Mueller, William F. Vilas Res. Professor, University of Wisconsin.

George L. Perry, Senior Fellow, Brookings Institution.

Wallace C. Peterson, Professor of Economics, University of Nebraska, Lincoln.

Robert B. Reich, Lecturer in Public Policy, John F. Kennedy School of Government, Harvard University.

Frank Reissman, Professor of Sociology, Graduate School, City University of New York.

Leonard S. Rodberg, Associate Professor of Economics, Quens College.

Juliet B. Schor, Assistant Professor of Economics, Harvard University.

Elliott Sclar, Professor of Urban Planning, Columbia University.

Derek Shearer, Director of Urban Studies and Public Policy, Occidental College.

William K. Tabb, Professor of Economics, Queens College.

Raphael Thelwell, Professor of Economics, School of Business and Public Administration, Howard University.

Lester Thurow, Professor of Economics and Management, Massachusetts Institute of Technology.

Fritz Wiecking, Citizens for Tax Justice.

SENATE—*Wednesday, March 2, 1988*

The Senate met at 10 a.m., and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

God of Mercy, we hear this glorious promise addressed to Your people with its unequivocal conditions. We pray for the church. Forgive its materialism, its preoccupation with success—its love of comfort and wealth, its conformity to the culture it so often criticizes. God of grace, help Your people to turn from their wicked ways—to obey Your command—to quit making scapegoats of government and education, the press and media. Deliver Your people from embracing the very secularism they protest so loudly. Forgive Your church the sin for which she so easily judges others. Grant that Your people will take seriously the mandate "* * * seek first the Kingdom of God and His righteousness * * *"—knowing then the church will have her greatest moral and spiritual influence in the world around her. Help her to realize that her failure to conform to the Kingdom of God compounds confusion and decay in the world. Gracious Lord, remind Your people that You will keep Your promise to heal the land if they will meet Your conditions. In His name who is the way, the truth, and the life, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the time of both leaders be reserved for the time being at least.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 10 minutes, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Wisconsin [Mr. PROXMIRE].

WHY IS AN END TO THE ARMS RACE IMPERATIVE NOW?

Mr. PROXMIRE. Mr. President, if this Senator were given the power to have just one wish come true, I would wish that every Member of the Congress and every policymaker in the administration fully understand the implications of the fact that a superpower nuclear war is no longer an alternative. Think about this for 1 or 2 minutes. What would be the consequences of a nuclear war between the Soviet Union and the United States? The answer is sure. It is certain. The answer is the total and I mean total destruction of both countries. Most of the population of both sides would be dead. Most of the rest would be dying. Our country would lie in utter ruins. So would Russia. There would be no chance for the miserable, few American survivors to live in freedom. Ruthless martial law would have to be imposed for generations to come. President Reagan certainly knows this. So does Secretary Gorbachev. Both have said that a nuclear war can never be won and must never be fought.

So what does it mean that a superpower nuclear war must never be fought? First, it means that no war, however limited between these two armed to the teeth nuclear powers must never take place. Why? Because there would be an overwhelming likelihood that in such a war nuclear weapons at some level, perhaps beginning with tactical nukes would be employed by whichever side considered that it was losing. Once the first nuclear weapon was fired by either superpower, the nuclear exchange would rapidly escalate to the finish.

Second, if in fact no war will ever be fought between the United States and the U.S.S.R., most of the colossal hundreds of billions of dollars of military buildup on both sides is completely wasted. Both sides will need to maintain a credible nuclear deterrent to forestall an attack from the other. But the enormous navies, armies, air forces of both sides will be unnecessary. Each superpower will have every reason to negotiate a far smaller military force for both sides.

Third, none of this reasonable reduction in sterile military expenditures can prudently take place without reliable, mutual agreement between the Soviet Union and the United States. The first object of such an agreement must be to establish and guarantee the credibility of the nuclear deterrent of each side. The United States must be confident that its nuclear deterrent could survive any attack or any defense by the Soviet Union. Our country must know—not hope, not assume, not guess. It must know that whatever attack the U.S.S.R. might launch, however relentless it might be, our retaliatory capability would survive and so would the will of our President to use it. The Soviet Union must have precisely the same confidence and the same will. The verification provisions of the INF Treaty sharply advance the prospects of negotiating exactly the kind of intrusive, detailed verification that military reductions on both sides would require.

So why is it reasonable now to expect the superpowers to achieve something that has never been achieved in human history? Why at long last has the time arrived to negotiate an end to the arms race? The answer is that we have two crucial events occurring at the same time. First, we have the universal realization that a world war today—a superpower war—would be totally destructive. Neither nation could gain. Both nations

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

would lose. Both would lose utterly. The second crucial event is that both superpowers are suffering deeply from the immense burden of the arms race.

In America our deficits have become far and away our most intractable domestic problem. Our enormous Federal deficits can literally destroy our economy. Right at the heart of our huge deficits is our crushing military spending. In the Soviet Union the economic problems are worse, in fact, much worse. Their far less productive economy is staggering under the substantially heavier military spending. The Soviets desperately need relief from this arms race. Secretary Gorbachev and his Politburo thoroughly understand this. So what are we waiting for?

As I said at the beginning of this statement, if I were given one wish, I would wish that all Members of the Congress and all policymaking officials of our Government understood the meaning of the fact that a superpower nuclear war is no longer an alternative. It means we are wasting hundreds of billions of dollars every year in building an ever more powerful military force. So is the Soviet Union. Arms control—as never before—is the only sane way to peace. It is also the only sane way to financial solvency.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado [Mr. WIRTH].

REDRESSING THE CONVENTIONAL BALANCE

Mr. WIRTH. Mr. President, again, this morning, I want to share with my colleagues another excellent analysis of the conventional balance in Europe and our relationship with the Soviet Union.

It is Andrew Hamilton's "Redressing the Conventional Balance," in International Security.

Andrew Hamilton, a well-regarded Washington defense analyst, has studied the issue of redressing the conventional balance in NATO's central region. He contends that NATO is within reach of a highly credible capacity to defend itself successfully, but that currently, NATO's "margin of safety" is too narrow to ensure success. He seeks to demonstrate that NATO has the means with which to correct deficiencies in its defensive capabilities, primarily by forming new operational combat units from available trained military manpower.

Hamilton criticizes two common measures of the European conventional balance: Direct comparison of "raw resources," and such as GNP, population, or defense spending; and, traditional "bean counts" of primary weapons systems. He believes neither of these measures accurately meaningfully assesses relative military capabilities.

According to Hamilton, one can derive more useful measurements of relative capabilities and combat effectiveness from three variables. These are first, the relative values assigned to different military formations and weapons, usually converted into some kind of division equivalent; second, the quantity of resources that each side is assumed to allocate to the central region; and third, the speed with which each side can bring these reinforcements into battle. Hamilton presents three different analyses based on data using these variables.

Although these analyses produce somewhat differing estimates, Hamilton notes that when one converts these into assessments of NATO requirements, all three reach a consistent conclusion: "While NATO lacks a robust conventional defense today, the shortfall between capabilities and requirements is not insurmountable."

This being so, Hamilton pessimistically observes the current NATO plans for ground force improvements do not promise much relative progress by 1990. Assuming that NATO's ground force improvement plans are fully implemented by that time, Hamilton notes that in a crisis or conflict in which NATO mobilizes, its greatest gains will come during the first 2 weeks after mobilization. But by 90 days after mobilization, the Warsaw Pack will have neutralized earlier NATO gains. Hamilton contends that, prior to mobilization, the current conventional balance is basically even, but that after mobilization, the pact progressively gains until NATO is outnumbered by about 2 to 1.

To determine NATO conventional defense requirements, Hamilton contends that one must necessarily make critical assumptions regarding relative pact and NATO buildup capabilities, strategy, and tactical effectiveness. The more optimistic these assumptions are, the less NATO must do to improve its relative position. Hamilton, however, is not very sanguine. He concludes that a successful NATO defense would require relatively "ineffective pact strategy and tactics" and an unfailingly "high degree of NATO tactical effectiveness and efficiency." To correct this thin margin of safety and redress the imbalance, according to Hamilton, NATO must utilize extant trained military reserve manpower by reorganizing and arming it more wisely to exploit its combat potential. Hamilton asserts that NATO largely wastes this manpower in lightly armed and poorly organized reserve forces.

Mr. President, I ask unanimous consent that a summary of Hamilton's article "Redressing the Conventional Balance" in the Summer, 1985, International Security, volume 10, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANDREW HAMILTON, "REDRESSING THE CONVENTIONAL BALANCE"

Two arguments are advanced in this article. First, the NATO-Warsaw Pact conventional balance in Central Europe today is shaky but not beyond repair. NATO stands within striking distance of a high-confidence capacity to defend successfully, but does not yet have one. Current NATO conventional forces might be able to thwart a Pact attack, but their margin of safety is woefully thin and the possibility of a NATO defeat is quite real. A robust NATO defense would require at least 20 more "division-equivalents" [1] beyond the roughly 52 division-equivalents that will be available two months after mobilization when present NATO modernization plans are completed around 1990.

Second, NATO conventional capabilities can be strengthened dramatically by equipping and reorganizing available trained European military manpower to form new operational combat units. (Most of these formations would be reserve units.) If this were done, the gap between NATO conventional forces and NATO requirements could be erased at a relatively modest cost.

THE CONVENTIONAL BALANCE IN CENTRAL EUROPE

Two misleading measures of the NATO-Warsaw Pact balance are commonly seen in public discussions of defense matters. First, the raw resources of NATO and the Pact are compared, without directly measuring their military capabilities. [S]uch comparisons demonstrate that aggregate NATO economic strength and population far exceed those of the Pact, while NATO's defense spending and military manpower roughly match those of the Pact. However, such comparisons paint an unduly optimistic picture because NATO has failed to distill an adequate conventional defense from this ample resource base.

Second, NATO and Pact capabilities are often compared in "bean counts" of principal weapons systems. The worldwide balance of tactical air forces is about even but the figures for ground forces convey an impression of vast Pact material superiority of 2.6:1 in tanks, 2:1 in artillery and multiple rocket launchers and almost 2:1 in anti-aircraft guns and missile-launchers.

Bean counts, however, also have shortcomings as portraits of relative military capabilities. They omit people and organizations—an important omission in the case of ground forces, where people make up nearly three-quarters of the annual cost. NATO has as many men in its active-duty ground forces as the Pact, and ample trained reserves. Bean counts also fail to show how the resources on each side might be concentrated over time in the theater of interest, which most assessments agree is the West German border or, in NATO terminology, the "Central Region."

A better method of estimate lies in directly measuring the combat effectiveness of military formations, and the rates at which these formations can be deployed into a theater of war. Tables 3 and 4 are based on measures of this kind, and are derived from data describing three variables: (1) the relative values assigned to different military formulations and weapons, usually converted into some kind of division-equivalent; (2) the quantity of resources that each side is assumed to allocate to the Central Region; and (3) the speed with which each side can bring these reinforcements into the battle . . .

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[1] I use the term "division-equivalent" to refer to a Heavy Division Equivalent, defined below as a formation with the military capability of an average American heavy (armored mechanized) division.

Tables 3 and 4 present different balance estimates derived from such measures, giving a spread of views on the fighting power of the forces likely to be available on each side at different times during the first four months after mobilization. While diverging somewhat from one another, all three estimates provide a better guide to NATO and Pact capabilities than the simple "bean count". Moreover, when these estimates are transformed into statements about NATO requirements, all three measures point towards the same conclusion, suggesting that while NATO lacks a robust conventional defense today, the shortfall between capabilities and requirements is not insurmountable.

Each of these models estimates the strength of ground forces alone, excluding air forces, but in doing so all focus on the element of the overall theater balance that has caused the most concern. None of the three depicts the balance under the traditional "worse case" of a fully mobilized Warsaw Pact army confronting an unmobilized and indecisive NATO, since this scenario seems relatively unlikely. Each of the three assumes that NATO begins mobilizing three days after the Pact begins.

While differing in detail and in relative optimism about the balance, these three estimates paint a broadly similar picture, as the force ratios in Table 3 show. The balance is about even in peacetime, but after mobilization it shifts more or less rapidly in the Pact's favor until NATO is outnumbered by about 2:1.

Moreover, the table shows that current NATO plans for strengthening ground forces do not promise much relative improvement by 1990. My extrapolations from current plans show that while both sides will add a few Heavy Division Equivalents, the relative balance in 1990 at M+30 (thirty days after the Pact begins mobilizing) will not be greatly changed from today. The principal benefits to NATO from currently planned improvements all come within the first two weeks after mobilization and are primarily due to planned improvements in the peacetime standing forces in Europe and to the more rapid arrival of early U.S. reinforcements.

In a comparison of details, the three estimates agree on some matters and disagree on others. In figures not presented in my tables, they agree that NATO will have about 30 divisions available in the Central Region on the day of mobilization (M-Day) or soon thereafter. By the end of two weeks, NATO will deploy a total of 43-47 divisions. The key issue creating this numerical spread is whether France would commit all of its available armored and mechanized divisions to defend Germany or only the 5 divisions of the First French Army (3 of which are stationed in Germany). During the next 75 days, NATO strength rises to a total of 49-61 divisions, with all of this further increase being supplied by American reinforcements.

In comparison, the Warsaw Pact would deploy roughly 32 Soviet-style divisions on M-Day, and is expected to deploy some 56-57 Soviet-style divisions by M+9 to M+10, rising to 110-120 Soviet-style divisions by M+60 to M+90. The key issues creating these numerical spreads lie in disputes over the rate of Pact buildup and the eventual size of the committed Soviet force.

All three estimates agree, however, that the Pact would gain a substantial lead by M+60 to M+90. All three estimates also agree that the Pact gains its edge over NATO mobilizing reserve manpower to fill out skeleton units. While nearly 80 percent of the reinforcing Pact division formations require mobilization of reserves, this is true of only 40 percent of reinforcing NATO divisions: active duty units make up about 60 percent of the NATO reinforcements to arrive in the first two months.

In sum, the current conventional balance in Central Europe is about even prior to mobilization and shifts more or less rapidly to the Pact's favor after mobilization, until NATO is outnumbered by about 2:1. Most of the improvement in the Pact's relative strength comes from skeleton units filled out with reserve manpower. NATO is not credited with a comparable ability to create additional combat power from its own manpower reserves during the first weeks after mobilizing. Anticipated changes in forces on both sides between now and 1990 will improve NATO's position in the early phases of mobilization but will not fundamentally alter the relative balance.

ESTIMATING NATO'S CONVENTIONAL REQUIREMENTS IN CENTRAL EUROPE

If the more pessimistic buildup curves for the Warsaw Pact and NATO shown in Tables 3 and 4 represent reality, the Pact-NATO force ratio exceeds 2:1 after about two weeks of mobilization. In that situation, most analysts would agree that NATO needs to add forces if it wishes to have a better than even probability of preventing a large-scale conventional attack from achieving a breakthrough in the Central Region, an event that would force NATO to consider using nuclear weapons. The problem is to define how much needs to be added.

The objective in adding forces to the NATO side is to improve the chances of deterring conventional military threats and conventional war by making it appear to the Soviet leadership that a conventional attack probably would not succeed. From a strictly political perspective, equality of forces would appear to offer the best deterrent. [H]owever, equality of forces does not guarantee deterrence and superiority does not guarantee victory. How much more force NATO needs to add depends on one's assessment of the strategy of Pact and NATO forces and of their relative quality.

I have used two concepts to measure quality. The first, and more significant, defines the local ratio of attackers to defenders at which the defense will have a better than even probability of defeating an attack. It is an estimate of the relative effectiveness of the two sides in employing firepower and maneuver to attack and defend terrain, and could be termed an index of relative tactical effectiveness.

The second concept of quality estimates the fraction of available NATO "operational reserve"—divisions not committed to the first line of defense—which can actually be moved quickly to shore up those sectors of the front that are under heaviest attack. The second concept captures the effects of imperfect intelligence, mobility constraints, and bad decisions, and could be termed a NATO efficiency index.

[I]f one rejects the more pessimistic curves shown in Tables 3 and 4, and the more pessimistic estimate of NATO effectiveness, and also assumes a more risk-averse Pact strategy and greater NATO efficiency, then one may conclude that NATO does not need to add any forces. As Table 3 shows, William Mako has estimated that the Pact may not be able to rapidly assemble large numbers of divisions manned mostly by reservists, and could take 90 to 120 days to get its fully mobilized 81 Armored Division Equivalents (ADEs) into place.

To summarize, Table 3 can be used with other assumptions to support arguments that NATO does not need to add divisions or that it needs to add as many as 45 HDEs, in order to have a credible defense posture. Thus, one's definition of a NATO requirement depends heavily on one's assumption not only about comparative buildup rates but also about strategy, tactical effectiveness, and what I have called efficiency, which is a measure of ability to bring available forces to bear where needed.

While NATO's forces might hold today, their margin of safety is thin and successful NATO defense would depend not only on relatively ineffective Pact strategy and tactics, but also on a uniformly high degree of NATO tactical effectiveness and efficiency. In my judgment, the margin is too thin for effective conventional defense.

USING EUROPEAN RESERVES TO MEET NATO REQUIREMENTS

The NATO European allies can meet these requirements at relatively small cost, by reorganizing and arming the trained military manpower that is now largely wasted in lightly armed and poorly orgainzed reserve forces.

Six European states contribute to the defense of the Central Region: Belgium, Britian, Denmark, France, the Netherlands, and West Germany. Together, they have a great deal of under-utilized trained military manpower in their reserves and in their lightly armed active-duty units. This manpower is now largely relegated to light combat units, most of which are not assigned or committed to NATO, and which serve anachronistic functions such as territorial militia. Indeed, contrary to widespread belief, the European members of NATO probably have enough trained military manpower to more than double their present contributions to alliance ground forces in the Central Region, if this manpower were properly organized into regular NATO reserve formations. What is lacking is the requisite organization, equipment, training, and supplies to convert this manpower—NATO's wasted resource—into combat potential.

European reserves clearly could supply more than enough manpower to create the 20 additional Heavy Division Equivalents that I suggest NATO requires to provide a robust defense in the 1990's.

It is not impractical to create rapidly mobilized heavy combat formations from reserves. The Soviet Union does it. Israel relies on such mobilization. Britain, Denmark, the Netherlands, and West Germany all do so on a smaller scale. What I am suggesting is that these European allies, together with Belgium and France dramatically increase the capabilities of their remaining reserves, and some active duty units, in much the same way.

The addition of the requisite 20 armored and mechanized division-equivalents would absorb less than half of the very large pool of trained but under-utilized European military manpower. Indeed, the European allies appear to have the capability to field as many as 45 additional Heavy Division Equivalents if, as some analysts have argued, they restructure to take more advantage of trained manpower, and use more civilians in support upon mobilization. The addition of these 45 HDEs would bring NATO fairly close to equality with the Pact at M+60.

SUBSTITUTES FOR GROUND FORCES?

Like the United States, the northern European allies will experience declining numbers of 18-year-olds each year during the 1980's and early 1990's. Recent developments in precision-guided, conventional anti-tank submunitions (PGSMs) capable of wide-area coverage have persuaded some that these could be substituted for tactical nuclear weapons in NATO arsenals in sufficient number to compensate for the disparity between Warsaw Pact and NATO ground forces in the Central Region.

However, the costs and military benefits of what NATO calls "emerging technologies" are highly speculative, involve long development lead times, and raise new arms control questions. At present, the emerging technologies are a major focus of European efforts to demonstrate movement towards more reliance on conventional weaponry. As time goes by, however, these weapons are likely to look less attractive as a unique solution to NATO's conventional weakness. In limited numbers they may help to deter short-warning attacks and also to force Pact planners to consider less concentrated, hence higher-risk, conventional attack options. But while they may supplement added ground forces, they cannot provide a full substitute.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be able to proceed for 11 minutes as though in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont.

CHIEF GEORGE CONNOR

Mr. LEAHY. Mr. President, during the years I was growing up in Montpelier, we always knew that our very special community was protected because of the dedication and concern of Chief George Connor. Even though as youngsters we had the proper respect and awe of the chief of police, we also knew that he was a man who would stop and speak with each one of us and actually knew every single youngster in Montpelier.

Chief Connor was always a good friend of my mother and father and I know how often both my parents spoke of him.

Because so many of us who grew up in Montpelier owe so much to him, I was pleased to see an article recently written about Chief Connor and I am sure his many friends have called him to talk about it.

I would like to share it with my fellow Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEORGE CONNOR REMEMBERS HIS DAYS ON THE FORCE

(By Mame Ramey)

George Connor, 85 of Montpelier, has influenced his birthplace more than he might imagine. His life, or at least 40 years of it, has been spent keeping the peace in Montpelier. His parents and grandparents were of strong Vermont stock and he learned well the practicality needed for his lifestyle. Grandfathers on both sides of his family served in the Civil War. He recalls one of the gentlemen, his mother's father, was very tall and had a flowing white beard that touched the ground. In the winter he tucked it into his vest for warmth. The man, as did many of George's ancestors, lived well into his nineties.

George's father cut stone, outlived many of his peers and died at 88. He was an outstanding athlete. He gave boxing and wrestling lessons and was a very good ball player—both batter and catcher.

"They used to come from all over the state to drag him off to play," says George proudly. "They used his name in advertisements. My brother was a good player too. Once father had to go to England to check out a surface cutting machine for granite. He went by boat and there was some legal hold up. Finally mother went over, three weeks it took, to join him. While he was there waiting for the okay to come home, he organized the first all American baseball league in England."

George's mother was born in Moretown. His grandmother made all the family bread without a recipe and her own mincemeat for pie. He says she never could show any of her 12 children how to do it and they never could pass their own good bread off as hers.

"I remember that we were happy children," says George. "We made up our own games and had a good time. I think life was better back then when we farmed in Middlesex."

"I remember one year I shot a deer and tracked it from Middlesex to Waterbury Center," George recalls. "I was afraid someone else was going to shoot it. It went right through a barnyard not six feet from the barn door where a farmer stood plucking a bird, maybe a turkey. He never saw it. As I was pointing out the tracks right next to him we heard two shots and someone else finished off my deer. I walked home through Middlesex Notch Road. I was so tired. I went by a farmhouse and the folks asked me what I was doing out on Thanksgiving day so I told them the story and how far I had walked. They were very friendly and had me come inside to rest and eat. After I did, I headed home and shot and killed a big spikehorn at dusk right within sight of my house. I took those nice people a hunk of that deer.

"It was very different then. If a man took sick, all his neighbors chipped in to do his work and they did it just the way he would. When the thresher came each year to do the wheat, it came to each farm and all the men and women worked together. I tell you, if the food wasn't good they wouldn't come back next time to help out.

"About the time there was a shortage of wheat, my folks moved to Montpelier. My wife, Lillian and I stayed and farmed a while. She was 18 and I was 19. Then we moved to Montpelier. My folks ran a poor farm in Montpelier. There were people there who had had money and lost it and people who had never had it. My folks ran a good farm. All the food that went on the table was good and the very same food my family ate, not like some other places.

"I sold the farm in Middlesex and went to work for Dad," says George. "I was waiting for a job in the Lane Shops. The pay there was good. Father had been on the police force twice but it didn't pay well and he didn't stay with it. I was trapping with a friend who had an automobile. We made over $200 a year which, in those days was enough to buy a small farm. So things were pretty good.

"We had been setting fox traps in springs and I remember it was a pretty dry fall because it was hard to find springs for the traps. It had rained steadily all one day and we thought it would help with trapping. I started for home with the car and realized the water in the culvert was boiling. When I tried to cross it, the car sunk in and got stuck. I got out and walked the rest of the way home. Every bridge was out. I couldn't get across the river to get to my family so I borrowed a plank from a farmer and walked over the water. The farmer thought I was crazy but my wife was on the other side. The next morning I walked back across and down to where I had left the car. Someone had pulled it with a team of horses so I got back into it and drove to town.

"When I got to the city hall," says George, "there was a lawyer on the front steps named Deavitt. He asked me what I was doing for work and I told him I hoped to work in the Lane Shops soon. He said, 'No you won't. From now on you are a policeman.' I tried every way out of it but it was Marshall Law and there was nothing I could do. That was November 4, 1927. I retired from the force 40 years later in 1967 and had served for 15 years as the Chief of Police of Montpelier. I knew enough about it I guess, they said use common sense and that is what I did. After a while the money got better. The people of Montpelier were very good to me. I had gone to school with many of them and I think it helped that they knew me.

"We used to work 11 hour shifts and every 15th day we got a day off. The men on the day shift got $27.50 a month but some of us worked special assignment and we were paid better. We got $1.25 a day. I didn't have any schooling for the job, but a local banker took me under his wing and talked to me a lot about common sense. I think I used it pretty good. One time I almost messed up.

"I was standing on the corner and a car came around wobbling back and forth," he says. "I stopped the car and had the driver get out. He was staggering all over the place so I took him down to jail. The next morning when I went to get him out, he was still staggering. I asked him if he was sick or something and he said no. He had two artificial legs! I told his wife right away, I would go talk to the judge and get it straightened out but she said no. She said he had been drinking heavily and they both felt he deserved what had happened. They had a pretty good sized boy with them and he drove home.

"Back then you didn't get arrested for intoxication unless you broke the peace. It was a serious offense to have on your record and it could keep you from getting a job. So unless you were making a lot of trouble, you didn't get arrested. We didn't have cars on the force then and I've carried quite a few men home on my back. I could always tell the drifters would make trouble when they were drinking. They wanted to go to jail where it was warm and dry and where they would get food. For the first offense it was 10 days in jail, for the second it was 30 days, and for the third it was six months in Windsor State Prison. I always thought those men were better off because they would be in long enough to get dried out."

In 1922, George married Lillian Holmes, whom he found out later, he had gone to kindergarten with. Lillian's father was from Maine and as a child she moved there while her father worked as a carpenter building houses. When the family got homesick they returned to Vermont. Later Lillian, who had two sisters, moved to Massachusetts with a married sister and worked in an office job for a time. The money was very good but she soon got homesick and returned to Vermont. George met her again at a dance and, thinking they "were fully grown," they soon married. They raised a son and daughter and were married for 64 years.

"Lillian was very handy, "George says fondly. "She worked in a store some and she could make any kind of clothing and people would think it has come from the store. Back then, she had to wear uniforms made of 16-ounce serge. They were double-breasted with a military color. They were brutal in the summer. One night, she didn't say anything to me but she moved all the buttons, opened up the neck and let the whole thing out. I didn't know if it would make trouble or not but I wore it to work. The chief took one look at it and said, 'That looks good.' He got permission to order open-collar, single-breasted coats. I'm sure we were the first in the state of Vermont to wear open collars. Later we even went to shirt sleeves in the summer."

George's children both live in California and he has flown out to spend time with each of them. He now has six grandchildren and 12 great-grandchildren. He feels he has been blessed with a healthy and fortunate life. He never has been very sick except for the time as a child when he broke some ribs in a sleighing accident and the time a year ago when he fell and broke a couple more. He spends three days a week at the Montpelier Senior Center where he socializes and plays some serious pool. George thinks his good health is due to all of the exercise he gets and a very slow heart rate. His hobbies are hunting and fishing and although he couldn't pursue either this year, he plans to next. He is concerned about the obvious effort of acid rain on the streams and ponds and isn't sure where he might find fish next summer but intends to look for them.

NORIEGA HAS TO GO

Mr. LEAHY. Mr. President, I come to the floor on a very serious matter this morning.

Mr. President, I would like to take a look at a few facts about the turmoil in Panama.

Panama is the main transshipment point for cocaine from Colombia coming into the United States. It is also the world banking center for laundering billions of dollars of drug money that comes from the poisoning of the youth of the United States.

Gen. Manuel Noriega and his cronies have institutionalized corruption, putting Panama's military services, banks and even airfields at the service of drug traffickers. It is nothing less than the prostitution of an entire country.

And their payoff? Kickbacks in the hundreds of million of dollars going into Swiss bank accounts and French villas.

Yesterday, President Reagan signed an order penalizing Panama for failing to cooperate effectively in the fight against the drug trade.

The United States Government gave Panama every chance—in fact, too, many chances for too many years a lot of us would say—to throw out its corrupt officers and officials. We waited and waited for Panama to find its national honor and get rid of this common criminal, Manuel Noriega.

I welcome President Reagan's action yesterday. But I am deeply concerned that he gave Noriega such a light tap in terms of real pressures on the Panamanian economy.

The President stopped short of imposing the maximum penalties allowed under the law. In fact, the sanctions he imposed—cutoff of Panama's sugar quota and a 50-percent cut in United States aid—fall short of actions that we here in Congress had already legislated.

Congress had directed that United States directors on international banks vote against loans to Panama. We ordered all economic and military assistance terminated, not just cut in half, but terminated, cut off entirely. We stopped the importation of Panamanian sugar. And, we barred any funding of joint military exercises with the Panamanian military.

Congress did this last year.

The President drew back from applying full trade sanctions, even though the law gave him the authority to do so. He apparently was not willing to be as tough as Congress already had been.

It was as if he found Noriega guilty of murder and then let him off with probation.

This is not a time to pull punches.

It is ironic that a President who declared war on drugs now refuses to use his power to punish a murderous military dictatorship that made its country the hub of the South American drug trade.

It is doubly ironic that this decision comes just days after General Noriega refused dismissal by the constitutional President, Eric Delvalle, after he staged a coup to oust the legitimate government and after he was indicted by two U.S. grand juries on Federal drug and racketeering charges.

Mr. President, this administration talks tough on drugs until it is time to start being tough. Then it acts like its hands are tied. It is delighted to impose a complete trade embargo against Nicaragua and spend half a billion dollars of the taxpayers' money to overthrow the Sandinistas.

But it cannot bring itself to institute even partial trade sanctions against a vicious military dictator who poses a far greater threat to this country than bankrupt Nicaragua.

Drugs are pouring into this country from South America through Panama and Mexico. Efforts to eradicate cocaine at the source have failed. Drugs are killing thousands of young Americans every year.

And what does the President say? That we have "turned the corner" on drugs. He seems to believe the "just say no" campaign is actually working—when all the evidence is that we are in the middle of a nationwide drug epidemic.

Remember that it was a courageous U.S. attorney in Florida who indicted Noriega on drug trafficking, not the Drug Enforcement Agency which cozied up to him for years.

And it was our colleagues, Senators KERRY and D'AMATO, who held the hearings that tore the veil off the drug dealing by Noriega and his henchmen, not an administration that turned a blind eye until it could no longer be ignored.

The Latin drug trade—not the ragtag Sandinistas—is the most serious threat we face in our own hemisphere. There is no better place to demonstrate our resolve than to destroy the drug empire that is strangling Panama.

The fight against drugs goes hand-in-hand with the fight for democracy in Panama. Last summer, thousands of Panamanians took to the streets and called for an end to oppression, an end to crime and corruption, and a return to democracy and the rule of law. They have had enough of seeing their country raped and pillaged by drug kingpins and power-crazed colonels.

The United States shares the blame for this crisis. Until the evidence for his corruption just became overwhelming, this administration was more interested in Noriega's support for the Contras through Oliver North than his subversion of democracy in Panama.

The White House cannot have it both ways. It cannot claim it is carrying on a war against drugs while soft-pedaling the thugs in Panama who funnel the drugs into our schools and our streets.

How can anyone argue against imposing the strongest sanctions possible? President Eric Arturo Delvalle, still in hiding in Panama, has called on the United States and the world's democracies to levy tough sanctions on Panama as long as Noriega stays.

General Noriega himself may be beyond pressure. But the colonels who keep him in power are not. We can show them just how painful things can get as long as Noriega is in power.

Sixty percent of Panama's exports come to the United States. The President has the power to impose a 50-percent tax on those exports, to cut off preferential tariffs, and bar airline flights between Panama and the United States.

The President could order an immediate cutoff of short-term loans by United States banks or other financial institutions to the government or Panamanian banks. This would have an obvious and severe impact on Panamanian financial activity very quickly without harming United States banks unduly. Our banks are rapidly backing away from making these short-term loans to Panama anyway, and we would accelerate a process already underway.

Even more draconian financial sanctions are possible, though we need to do more study to determine their impact before we make decisions. We do not want to harm ourselves more than Noriega or the power brokers who back him.

Ultimately, if the colonels in Panama will not force Noriega to go quietly, the President could even impose a complete economic embargo—just as he has done against Nicaragua.

Mr. President, I want to make a final point.

Some political leaders, including, I am sorry to say, senior Members of this body from the other side of the aisle, have started talking about the United States abrogating the Panama Canal treaties.

This is irresponsible, and plays right into the hands of Noriega and his gang. They are claiming that this is nothing more than a plot by the United States to get out of the treaties and take over the Canal Zone again. They are trying to pose as the nationalist defenders of Panama's sovereignty over the canal.

I urge all Senators and indeed all responsible Americans to stop such talk. The treaties are permanent. We are not going to tear them up and go back to a dead past. The days when the United States could own a strip right through the center of another country are gone forever.

Let us all join together for the common goal—kick out Noriega, restore democracy to Panama, and save our children from the drug empire.

You know, Mr. President, I spent 8½ years as a prosecutor. I know that if you want real law enforcement, you do not talk tough, you have to act tough. We cannot stop drug traffic in this country by just asking everybody to stand up and say, "Just say no." It has not worked in the past. It is not working now. It is not going to work in the future.

Let us stop it at the source. The quickest way to do that is to stop General Noriega.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, has morning business closed?

The ACTING PRESIDENT pro tempore. The Chair will respond that morning business is now closed.

Mr. BYRD. I understand Senator KARNES wishes to speak in morning business.

Mr. KARNES. Yes.

The ACTING PRESIDENT pro tempore. The Chair will recognize the Senator from Nebraska. Does he seek unanimous consent to extend the time for morning business?

Mr. BYRD. No. I would object to that.

How much morning business time remains?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator we have 30 seconds left for morning business.

Mr. BYRD. I do not want business to extend beyond 10:30.

The ACTING PRESIDENT pro tempore. That request has not been made. Morning business was extended for 10 minutes.

Mr. BYRD. I stand corrected.

ORDER EXTENDING MORNING BUSINESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Nebraska, Senator KARNES.

Mr. KARNES. Mr. President, I thank the leader very much for that accommodation. I appreciate that very much.

(The remarks of Mr. KARNES will appear later in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, is morning business closed?

The ACTING PRESIDENT pro tempore. We have 1 minute remaining under the unanimous-consent agreement.

Mr. BYRD. I ask unanimous consent morning business be closed.

The ACTING PRESIDENT pro tempore. Morning business is closed.

POLYGRAPH PROTECTION ACT OF 1987

Mr. BYRD. Mr. President, I ask that the pending business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interestate commerce.

The Senate resumed consideration of the bill.

QUORUM CALL

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum will be noted.

Mr. BYRD. It will be a live quorum, Mr. President. As I indicated on yesterday there will be a rollcall requesting the Sergeant at Arms.

The ACTING PRESIDENT pro tempore. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12]

Adams
Breaux
Byrd
Ford
Karnes
Leahy
Wallop
Warner
Wirth

The PRESIDING OFFICER (Mr. ADAMS). A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BYRD. Mr. President, I move the Sergeant at Arms be instructed to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 27, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—67

Adams
Baucus
Bentsen

Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chiles
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kennedy
Lautenberg
Leahy
Levin
McClure
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Proxmire
Pryor
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Stafford
Stennis
Stevens
Thurmond
Trible
Warner
Wirth

NAYS—27

Armstrong
Bond
Chafee
Cochran
Cohen
Conrad
D'Amato
Evans
Garn
Gramm
Hatch
Hecht
Heinz
Helms
Kasten
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Quayle
Specter
Symms
Wallop
Weicker
Wilson

NOT VOTING—6

Biden
Dole
Gore
Kerry
Matsunaga
Simon

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I hope that Senators are ready to proceed with amendments on this bill.

May I inquire if there are Senators on the floor who have amendments that they intend to call up?

Mr. HELMS. I have one.

Mr. BYRD. Mr. HELMS has one.

Are there other amendments that will be called up?

The PRESIDING OFFICER. The Senate will be in order. The majority leader is requesting that Members who wish to offer amendments please indicate at this time their intention.

The Senator from North Carolina. The Senator from Wyoming.

The majority leader.

Mr. BYRD. I yield to the distinguished Senator from Wyoming, the acting Republican leader; and ask unanimous consent that I might retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming, under the unanimous-consent request, is recognized.

Mr. SIMPSON. Mr. President, the majority leader has asked about amendments on this side of the aisle. We have at least two of which I can inform the majority leader, an amendment of Senator COCHRAN and Senator NICKLES. So I can assure the majority leader that there are two amendments—three amendments, and the Senator from North Carolina. So we have three amendments here to show the majority leader we are anxious to do the business required.

Mr. BYRD. I thank the distinguished leader on the other side of the aisle.

There will be a cloture vote on this measure tomorrow if it is not disposed of today.

On yesterday, I introduced a cloture motion; there was not an inclination at that time to call up amendments. Now, I hope that we could finish this bill today and thus vitiate the cloture vote for tomorrow. I also hope that we could take up the intelligence authorization bill. We only have today, Thursday, and a full day on Friday, and I would like to at least finish these two bills and take up the Price-Anderson legislation so that when the Senate returns from the break, the Senate will be on the Price-Anderson legislation.

Now, I have indicated what I would hope to do, and I welcome any suggestions on the part of Senators that would help me to do what I have said I think the Senate needs to do.

Mr. JOHNSTON. Mr. President, will the leader yield?

Mr. BYRD. Yes. First, let me ask if the distinguished acting leader has any suggestion or proposal that he would make at this time to assist the Senate in moving on that schedule accordingly, if it can be done.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inform the majority leader that I think the aspect of the cloture vote does impel us to do our work, and we are going to do that. I think it would be good if the majority leader and I visited about what we visited about last night. I think perhaps we might be in a position to utilize the services of the new committee, the ad hoc committee, for the referral of a sense-of-the-Senate resolution which could be discussed today, and I would like to visit with the majority leader about that. We have been asked to appoint one new member. I am ready to do that. That group would then deal with the rules issues that we discussed. Then we could go to a double track for the intelligence authorization and then get to Price-Anderson and be dealing with it and have it as the pending item of business when we return, because it is a very important piece of legislation.

I think the scenario is appropriate, and I would respectfully suggest that, as Senator HELMS goes forward, the majority leader and I visit, and I think we can put this week's package together.

Mr. BYRD. Very well. If the Senator will allow me to yield to Mr. JOHNSTON first.

Mr. SIMPSON. Indeed.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I yield, with the understanding I retain my right to the floor, to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I thank the leader for yielding.

As the leader knows, I am most anxious to bring up the Price-Anderson legislation, with only one caveat, and that is on Monday after the recess, our new Governor is being inaugurated, and our delegation wanted to be there and fly back that afternoon. There may be other aspects of the legislation which could be considered other than those that I am involved in that morning, but I would not be available that morning unless there was no other way to do it, in which event I will probably cancel attendance at the inauguration, but I hate to do that.

Mr. BYRD. Yes. I fully appreciate the Senator's situation and will be governed accordingly.

Mr. President, I wonder if I might make this proposal. In order to expedite, if I can, action on both this measure, which is before the Senate, and the intelligence authorization measure, and get action completed on those two bills this week and hopefully get into a position of taking up Price-Anderson for action following the recess, I wonder if Senators would give me consent that I might be able to maintain the status quo position vis-a-vis the rules until later in the day, at such time as we may be able to give me consent to take up the intelligence authorization bill.

What I am saying is I think now, so that Senators may understand, I am in position at this moment to move to take up the intelligence authorization bill. That would not require unanimous consent. That would be a nondebatable motion at this moment and will be for the next hour. I do not want to do that if I can get consent to take it up at any time today. I prefer that. But what I would like to do otherwise is move to take that up and have a vote on it. Of course, that vote would displace the pending business until tomorrow, at which time the cloture vote would occur and the Senate could vote for cloture on the pending business.

I would like to proceed today either with the intelligence authorization matter or the pending business. But in any event, this would be one way of utilizing today not in a way that the Senate would be spinning its wheels. And with only Thursday and Friday left after today, unless today can be utilized beneficially and to the extent of making progress on both these measures, I am concerned that we may go out Friday without finishing action on one or both of these measures.

Mr. SIMPSON. Mr. President, would the majority leader yield?

Mr. BYRD. Yes.

Mr. SIMPSON. Mr. President, I realize that the procedures now could go forward on the nondebatable motion and the majority leader could go with what he wishes to go on, too. I would respectfully suggest that if he would withhold, I think I have about two Members here that I think consent could come from a little later in the day. I really do believe that. But after I visit with the leader about the other proposal, there may be some material to deal with on the floor today. I can visit with him in his chambers after that.

Mr. BYRD. I certainly thank the distinguished Senator. I want to work with him.

Mr. BOREN. Will the leader yield?

Mr. BYRD. I hope that the Senate can make progress on the pending bill today, but I would not want to waste today. Much of yesterday afternoon was wasted because we only have 2 days left this week, and I hope we can complete action on the pending business and on the intelligence authorization bill. The chairman of the Intelligence Committee has indicated to me yesterday that he and Senator COHEN would be ready at any time after yesterday to proceed to that bill.

So what I am trying to do, let me say once again for the RECORD, is put the Senate in the position where it can complete action on both those measures and be ready to go to Price-Anderson by the time the Senate goes out for the recess.

Yes, I yield.

Mr. BOREN. I thank the leader.

I just want to state again that I believe—and I talked with Senator COHEN about this yesterday, and I talked with interested Senators on this matter; the intelligence oversight bill which was a committee product with a strong majority on both sides of the aisle in favor of that bill, came out of committee by almost a unanimous vote—we are prepared as well to endeavor to be ready at any point that the leader wishes to proceed to that.

So we will be prepared and ready if the leader decides to move forward on that legislation. I do not anticipate very many amendments in terms of volume that would delay consideration of that bill because it has been a matter that we have worked on in our committee for many, many scores of hours.

Mr. BYRD. I thank the distinguished Senator, my friend, the chairman of the Intelligence Committee.

Mr. HELMS. Mr. President, would the Senator yield without of course losing his right to the floor?

Mr. BYRD. Yes.

Mr. HELMS. May I inquire of the distinguished majority leader and the Republican leader if there are plans to proceed today with the General Burns nomination to the U.S. Arms Control and Disarmanent Agency? I think that we should proceed unless there is some reason to not proceed. I do want to make a statement in that connection. But I have had repeated contact with the White House about this and other matters, and we have resolved all except one point which is not minor but I do not think we ought to delay the nomination of General Burns.

Mr. BYRD. Mr. President, may I say that Secretary Shultz spoke to me about this nomination last week, and I do hope——

Mr. HELMS. Mr. President, I cannot hear the majority leader as near as I am to him.

The PRESIDING OFFICER. The Senators will suspend. The Senate will be in order. Those Senators and others conversing will please take their seats or retire to the cloakroom.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Carolina addressed a question to the majority leader.

Mr. BYRD. Mr. President, I hope we can go to this nomination at some point today or certainly before the week is out. Secretary Shultz spoke to me about the nomination last week, and I would be very happy to proceed on that matter at any time, if we can get clearance on it. Otherwise, we could move to it and dispose of that, hopefully, before the recess.

I would like to add that to the list of items that I hope we can get done before the close of business on Friday.

Mr. HELMS. Very well. I thank the leader.

Mr. BYRD. Mr. President, I had heard some rumor to the effect that inasmuch as we have offered a cloture motion on the pending business, and that cloture vote will not occur until tomorrow, a good bit of today might be spent in wrangling over the rules. I do not know whether there is any substance to that rumor or not. But I am not interested in spending today wrangling over old bones. What I would like to do is get on with today's business and the authorization for intelligence.

It is for that reason that I am asking now, and I ask unanimous consent because I want to have the opportunity to talk with the distinguished leader on the other side of the aisle, that I may yield the floor at this time, retaining throughout the day the position that I maintain as of this moment; namely, the ability to move to make a motion to proceed to another matter on the Calendar of Business, that motion being nondebatable as of now and for the next 53 minutes. Also, at this moment, not only could I move to do that, which would temporarily displace, if that motion carried, the pending business, but I would be in a position once the intelligence authorization bill was before the Senate to offer a cloture motion on it, and then I would have at this moment time remaining to move back to the pending business, and that again would be a nondebatable motion.

So I ask unanimous consent that I may yield the floor, and that the status quo situation in these respects may be continued until such time as later in the day I could either take whatever action may appear to be the best at that time, or I waive the status quo. This would allow me to have these conversations with the distinguished leader on the other side. He would lose nothing, and nobody would, because I am in a position now of holding the floor to move. Actually nobody loses any rights under this matter. I would simply retain the rights that I have at this moment as the leader to act in the interests as I see of the Senate in moving forward on these two measures this week, plus the nomination.

I yield, Mr. President, to the distinguished acting leader.

Mr. SIMPSON. Mr. President, that has been proposed as a unanimous-consent request. Reserving the right to object, and I just want to have it clearly said that the leader could do all of those things right now that he has discussed doing later.

I think that it is important for our people to realize that he could go to the nondebatable motion, the intelligence authorization, and I do not think we will have a bit of problem getting to that later today. I have one person that has indicated some concern, and I think that will fall away and we can go to it from what I understand.

So I just want it to be certain that we all see that what he is doing by this unanimous consent is simply preserving his procedural advantage of the moment which if we did not concur with the unanimous-consent agreement he could go ahead and do anyway. I think that is important. I believe we can do some business today, and we will be in a position to do that. I think that after we have a visit with the majority leader in his office, we will know a great deal more about the progress of the day.

At this point, I am well aware as to what the majority leader could do at this moment, By agreeing to this unanimous-consent request, it will accommodate that other Member, and we can go forward and allow the majority leader to preserve his position of the moment.

I believe others may wish to speak.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. BYRD. I yield, without losing my right to the floor, to Mr. QUAYLE.

First, let me thank the acting Republican leader.

Mr. QUAYLE. Did I correctly understand the Republican leader to say that he did not think that he would raise an objection to the majority leader's request that he be in the same position later on? I had a difficult time hearing back here, with the noise.

I am trying to learn exactly what was said; because I will say, as one Senator who is somewhat interested in the bill—I can count noses and know where we are going—that there are a number of amendments on this bill that could or could not be called up. Senator Helms has an amendment.

The majority leader has the floor and has it in his power to move to do whatever he wants to. As one Senator, I would not like him to retain that throughout the day, because then it would not give some of us who may want to raise various issues an opportunity to do so. He has the power to do that, if he wants to; that is his right. At least we would know what the remainder of today is going to be.

I, for one, would not like to see him retain that status throughout the day. If the minority leader does not object, I would object to that status remaining throughout the day, because, it would not allow us, in the minority, to know how we are going to proceed throughout the day, and it would not be in the best interests of this Senator.

I will object, if the minority leader does not, to allowing the status to remain throughout the day.

Mr. SIMPSON. Mr. President, I share with my colleague from Indiana the fact that the majority leader can make that motion now, and we could lose all our status in this process, and the polygraph bill could then disappear and not come up again until we deal with it on cloture.

What I am saying, and I think the majority leader will concur, is that we have three amendments—an amendment by the Senator from North Carolina, one by Mr. Cochran, and one by Mr. Nickles. All those amendments, I assume, will be dealt with, without question, as the majority leader propounds this unanimous-consent request.

We want to make progress on polygraph. We have these three amendments. If there are others, I will immediately communicate them. I know of no other amendments. I know of no dilatory amendments. We are not interested in wrangling. We have serious concerns which I think can be resolved in a procedure that the majority leader and I have discussed, and I have discussed it with my Members.

I think we all should realize that at this point, under the morning hour, we are a bit defenseless as to what could be done.

Mr. QUAYLE. Mr. President, will the majority leader yield for an observation?

Mr. BYRD. Before the Senator responds, may I say that I think the Senator raises a reasonable point. I do not think I should ask to retain this privilege throughout the day. I would be willing to limit it to a couple of hours. I am sure that I will be able to say within a couple of hours where we are going and whether or not Senators are going to be offering serious amendments to the pending business.

All I am asking is that we get the business going and have serious amendments and not engage in extraneous type of amendments.

Mr. QUAYLE. Mr. President, will the Senator yield for an observation?

Mr. BYRD. I yield, without losing my right to the floor.

Mr. QUAYLE. I certainly understand the majority leader wanting to retain his right, whether it be all day or until 3 o'clock, to see what the flow of events is going to be. He certainly can move now.

I would like to establish what the flow of events is going to be as soon as possible, and that means within 2 hours.

If he wants to move the intelligence authorization bill, the majority leader can do so, and I will know that is the pending business. I do not want to prolong what may happen throughout the day, because, depending on whether we go to the intelligence authorization bill or stay on this bill is going to determine what I am going to do.

The minority leader does not know what is going to happen, under the 2-hour rule, and the majority leader has the power, established by precedent, to move to do that. If he makes that decision, the Senator from Indiana will make his decision on what he wants to do. That is why I will object to retaining that status by the majority leader.

I would like to know what we are going to do. I believe we can sit down during this 2-hour timeframe which expires at 12 o'clock. We have 45 minutes to see if we can get an understanding. I do not desire to go beyond that. The majority leader can make his decision, and then we can make our decision.

Mr. BYRD. Mr. President, I am happy that the Senator is ready to make a decision. Yesterday afternoon, I did not see a great inclination on the part of Senators to move this bill along.

I ask unanimous consent that I may retain for 1 hour the status quo insofar as the position I am in vis-a-vis the rules and precedents—1 hour.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SIMPSON. Mr. President, I would like to clarify that. Would it be 1 hour past the hour of 12?

Mr. BYRD. No. One hour from this moment. I have until 12. I am simply asking for an additional 15 minutes. That would give the assistant Republican leader and myself time to have our discussion.

Mr. SIMPSON. Mr. President, I want to clarify another thing. I have assumed, as I have heard the majority leader propound the request, that the leader is not in any way using this arrangement to cut off amendments to the polygraph bill.

Mr. BYRD. No.

Mr. SIMPSON. I think that is important.

I can now share with the majority leader that there is another amendment, by Senator Boschwitz. So there are four amendments to be dealt with. That is important in doing our business.

Perhaps my friend from Indiana has something further to add, but at this point I would not object to the unanimous consent request for 1 hour.

Mr. QUAYLE. Mr. President, reserving the right to object—and I will not object, in deference to the majority leader and the minority leader—it is my understanding that the unanimous consent request is that the 2-hour rule expire not at 12 but at 12:15, which would allow time for discussion. Is that correct?

The PRESIDING OFFICER. That is the understanding of the Chair, that it be until 12:15.

Mr. BYRD. Mr. President, I will make it easier on all Senators, so that this discussion can be brought to a close.

I ask unanimous consent that I be recognized at the hour of 12 noon and at that time my rights will continue as they are, or I can hold the floor until then, or I can move now.

Mr. QUAYLE. Reserving the right to object on the first unanimous consent request——

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. With respect to objecting to that, in deference to the majority leader and the minority leader, extending it 15 minutes, I will not object. But I will put the Senate on notice that if there are further requests to extend that, I will be constrained to object, so that we will know what the order of business will be by 12:15.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Has the majority leader withdrawn the first request or is it still pending?

Mr. BYRD. I guess I would withdraw the second request.

The PRESIDING OFFICER. The second request is withdrawn. The first request, which was unanimous consent to extend the period until 12:15—is that request to be propounded by the majority leader?

Mr. BYRD. That is the request.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. I will also ask unanimous consent to be recognized at 12:15.

The PRESIDING OFFICER. Is there objection to the two requests of the majority leader: that the time be extended to 12:15 and that the majority leader be entitled to recognition at 12:15? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from North Carolina.

MAJ. GEN. WILLIAM BURNS AND ABM TREATY

Mr. HELMS. Mr. President, I thank the Chair.

In further reference to the colloquy between this Senator and the distinguished majority leader concerning the nomination of General Burns, to be Director of the Arms Control and Disarmament Agency, I would like for the record to show that I have been in direct consultation with General Powell and others at the White House about this nomination and about matters related thereto.

Now, General Burns appeared before the Foreign Relations Committee, and I would emphasize that he testified freely and frankly about the problems facing arms control in the near future. General Burns is an able man, and I support his nomination to be head of ACDA.

ACDA, however, Mr. President, has a great deal of other problems which have gone unresolved for far too long, for months on end.

There are three reports long overdue which are of significant importance to this Senate in the consideration of the INF Treaty.

The Senate cannot responsibly proceed to markup and have discussion of the INF Treaty without having the information in these reports, all of which are mandated by law, I might add.

So technically speaking, the law is being violated by the protracted absence of these reports.

Moreover, ACDA is under investigation by both the FBI and the GAO for serious breaches of national security. My office has received detailed information about the shredding and burning of several bags of documents from the offices under investigation.

My discussion with the White House has been to ascertain where the White House stands and to make sure that the White House understands where I stand, because this incident casts a shadow over ACDA's role in the INF negotiations, which I hope General Burns will remedy.

Now, as to the reports which I mentioned, they are as follows:

First is the third 5-year review report on Soviet ABM Treaty compliance which was due last October. The second is the report required under section 52 of the Arms Control and Disarmament Act which we call the Pell amendment report. The required report is on Soviet and United States compliance with arms control treaties, and that report is 1 month overdue already, or more. And the third is a report required by the Arms Control and Disarmament Act, section 37, which we refer to as the Derwinski amendment report and that report was due months ago. But not a peep out of ACDA.

That is what the discussion between this Senator and the White House has been about, and there is going to be a lot of discussion from now on, and an amendment which we will have pending in just a few months will deal with that.

It is time for them to get off the dime. These reports are highly significant, Mr. President.

The third 5-year review must decide whether there have been any material breaches of the ABM Treaty. In my judgment, and in the judgment of many other Senators, the seven reports which the President has sent to Congress show conclusively that there have been material breaches of the ABM Treaty by the Soviet Union. That is no secret around this place. We all know it, whether we acknowledge it or not.

The difference, however, is that the 5-year review must be conducted at the standing consultative committee with the Soviets themselves, and, oh, Mr. President, that is the hangup. There is a tendency among so many down in the State Department not to ruffle any Soviet feathers. Some call it appeasement. Some call it get along, go along.

Well, this is the first time the administration must actually confront the Soviets in an international forum with these material breaches which the President of the United States has reported to us, but not a peep out of the administration. They are too busy encouraging the euphoria about a seriously flawed INF Treaty.

Now, of course, the consequences of such a confrontation have a bearing not only on the INF Treaty, but upon all ongoing negotiations.

The Pell amendment report must certify United States and Soviet compliance with arms control treaties. That is what the amendment which is now law requires. And the Derwinski amendment, as we call it around this place, that report must report on the verification of proposed treaties, including the INF Treaty.

Now, up to this point, in addition to the telephone conversations between General Powell and me and others, I have a letter from General Powell to the effect that the Pell amendment report will be submitted to Congress by March 14 and the Derwinski amendment report by March 8. This is good progress, and I feel that we have made some headway, and I appreciate the cooperation of General Powell and others.

But General Powell's response on the third 5-year review is somewhat less than satisfactory, and I was candid with the general about it. He knows how I feel, and I think I know the spot he is in. But that does not matter. What matters is that compliance was due last October, not this coming October, and there is a great dragging of feet because they do not want to ruffle the feathers of the Soviet Union.

The general, General Powell, stated that he felt the United States has until next October to complete that review, and I will get to it in just a minute, but the United States does not have that luxury. The United States was required to have it last October, not this coming October, and I will get to that in short order.

I told the general we will just have to agree to disagree agreeably, but that he was engaging in a strained interpretation of treaty law which has no legal precedent in an effort to delay the review and the report for more than a year.

I think it makes no sense to proceed with any treaty, including the INF, until this 5-year review is accomplished, but that is the problem. All the warts will be visible in terms of the Soviet Union's duplicity, its violation, its flagrant violations of the ABM Treaty, not to mention all other treaties down the line dating back to 1920.

I have confidence that General Powell and others will act in good faith on this. I have confidence that he will consult their attorneys and ask them what the language means, and I have confidence that their attorneys will tell him, "This was due last October; Senator HELMS was right."

And that is why I mentioned to the majority leader earlier that I personally, as one Senator, hoped that the Senate would proceed to the nomination of General Burns and get this gentleman confirmed.

Mr. President, I ask unanimous consent that my letter to the President, bearing the date of February 22, be printed in the RECORD, followed by the letter from General Powell, dated February 25.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, February 22, 1988.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The nomination of Maj. General William Burns to be Director of the Arms Control and Disarmament Agency is now on the Senate Calendar awaiting action. General Burns testified forthrightly and fully at his nomination hearing and appears to be an excellent nominee.

While I am willing to do anything of a reasonable nature to expedite confirmation of General Burns, I am obliged to state that I am convinced that it would be counterproductive to debate General Burns' nomination at a time when ACDA appears to be in non-compliance with its legal obligations—a situation that clouds the current hearings over the INF Treaty.

I have received reports from witnesses that large quantities of documents were shredded late last week in ACDA offices under investigation by the FBI and GAO. There is an implicit confirmation of these reports in that today an order was issued that no documents should be shredded. I am apprehensive that this order was issued too late.

Moreover, there are three reports mandated by law which are overdue. All three have important bearing on the INF Treaty, and it will be difficult to mark up the treaty intelligently unless they are received in a timely fashion. These reports include:

(1) The Third Five Year Review report on Soviet ABM Treaty compliance (three and one-half months overdue);

(2) The Arms Control and Disarmament Act Section 52 (Pell Amendment) report on Soviet and U.S. compliance with arms control treaties (one month overdue);

(3) The Arms Control and Disarmament Act Section 37 (Derwinski Amendment) report (months overdue).

It is essential that the GAO be given an opportunity to comment upon the document-shredding before General Burns assumes his post; it is also essential that the three reports be delivered to the Senate in a timely manner.

I want to be cooperative, and if the above matters can be dealt with, confirmation of General Burns can be expedited.

Sincerely,

JESSE HELMS.

THE WHITE HOUSE,
Washington, DC, February 25, 1988.

DEAR SENATOR HELMS: Your letter of February 22 to the President raises several issues in connection with the Senate confirmation of the pending nomination of Major General William F. Burns to be Director of the Arms Control and Disarmament Agency. I am pleased to note that your concerns are not related to General Burns' personal qualifications for the position which, obviously, we both agree are excellent.

With regard to the three reports you addressed, the report required by Section 37 of the Arms Control and Disarmament Act will be forwarded to the Congress not later than March 8. The report on compliance with arms control treaties, the so-called Pell Amendment report, will be submitted to the Congress no later than March 14.

We believe that the third ABM Treaty review should take place consistent with Article XIV of the ABM Treaty. Under that provision, the parties have until October of this year to accomplish such a review. We have informed the Soviet Union that arrangements for the Treaty review, to occur prior to October 1, will be made through diplomatic channels.

With respect to reports of documents being shredded at ACDA that might be related to a GAO review, General Burns has given his personal assurances that, if confirmed, he looks forward to cooperating fully with the GAO and the FBI as they conduct ongoing investigations.

I hope you agree with our judgment that General Burns should be confirmed as soon as possible, so that we may have the benefit of his leadership in dealing with the arms control issues that lie ahead. Your support in expediting General Burns' confirmation would be deeply appreciated.

Sincerely,

COLIN L. POWELL.

POLYGRAPH PROTECTION ACT OF 1987

The Senate continued with consideration of the bill S. 1904.

AMENDMENT NO. 1488

(Purpose: To encourage the United States to end its present violation of the ABM Treaty)

Mr. HELMS. Mr. President, I send to the desk an unprinted amendment and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1488.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. KENNEDY. Reserving the right to object, I inquire of the Senator from North Carolina if I may have a copy of the amendment.

Mr. HELMS. That is a fair proposition.

Mr. KENNEDY. I did not get a copy of the amendment.

Mr. HELMS. I assure the Senator will have it in his hands within 10 seconds. I thought it already had been done.

Mr. BYRD. Mr. President, I object. The amendment is a short one. I will object.

Mr. HELMS. No, it is not a short amendment. I am going to explain it.

Mr. BYRD. It is a short one to read. I was just objecting to the calling off of the reading of the amendment.

Mr. HELMS. That is fine. I will be glad to have it read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Add at the end of the bill the following new section:

"SEC. . (a) Findings.

(1) The Senate finds that the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, With Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a fundamental principle of the canons of legal construction, a specified number of years after a specific and determinable date means and can only mean the specified anniversary of such date and not any time during such year as may follow such date.

(4) The Senate finds further that had the Parties to the ABM Treaty intended otherwise then Article XIV, Paragraph 2, of the Treaty would have read "During the fifth year after entry into force of this Treaty," but it does not so read.

(5) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of America refused or neglected to meet on the date required, to wit: October 3, 1987, and that the United States, five months later, still fails or neglects to meet or even to establish a date for meeting.

(b) Taking account of the findings of this Section, it is the sense of the Senate that the United States is violating the ABM Treaty.".

(Mr. HEFLIN assumed the chair.)

Mr. HELMS. Mr. President, now I will explain what you have just heard read by the clerk, although I know the distinguished Chair understands the amendment as it has been read.

A number of months ago, Mr. President, our distinguished colleague from Arkansas, Mr. BUMPERS, alluded in this Chamber to a possible American violation of the ABM Treaty. At that time, I asked the able Senator from Arkansas if he would specify the violation he had in mind. The ensuing discussion on the floor resulted in Senator BUMPERS never identifying the violation and, frankly, I did not pursue the matter. We left it right there.

Now I find myself in the somewhat interesting position of concurring with the view of the Senator from Arkansas, Mr. BUMPERS, that the United States has in fact engaged in a violation of the ABM Treaty. It probably is not the kind of violation that the Senator had in mind, although it may be. I do not know what he had in mind.

In any event, as the amendment states, article XIV, paragraph 2 of the ABM Treaty reads as follows—and the actual text is important, Mr. President. Without understanding what the treaty actually says, some Senators, understandably, might be misled by the glib arguments and obfuscation of the State Department lawyers.

Now the provision that I referred to, article XIV, paragraph 2, reads: "Five years after entry into force of this Treaty, and as 5-year intervals thereafter, the Parties"—and that means the Soviet Union and the United

States—"the Parties shall together conduct a review of this Treaty."

That is article XIV, paragraph 2 of the ABM Treaty.

All right. Mr. President, the term "entry into force of this treaty" is a legal specification of a date certain. It does not mean about such-and-such a time. It does not mean we will slip it further down the road a year or 6 months or 30 days. It means what it says.

The joint committee print entitled "Legislation on Foreign Relations" on page 69 states categorically that "The ABM Treaty"—and I am quoting—"entered into force on October 3, 1972." Now, bear that in mind: October 3, 1972. That is when this treaty entered into force.

So it follows, as Sam Ervin used to say, at least to those who are able to read and understand the English language, that "5 years after" October 3, 1972, is obviously October 3, 1977, and that the date of the two succeeding 5-year intervals after that date, October 3, is—guess what?—October 3, 1987, not 1988, unless they have changed arithmetic since I have learned it.

So that is the hangup between the Senator from North Carolina and the White House and the State Department and on down the list. They are trying to say that October—no, they do not even say that. They say the 1st of October of this year. That is not what the treaty says. In other words, they are engaged in an interpretation that is contrary to the plain meaning of the English language used.

So that report is long overdue right now and to delay it until the 1st of October of 1988 just will not wash.

Maybe I ought to spell it out in English. A year is the length of time it takes the Earth to orbit the Sun. We read all about that on February 29.

In practical usage, it is either 365 days or 366 days in a leap year. Either way, it is fairly precise. You can get down to where that orbit is 365 days and 6 hours or 365 day and 4 hours and 37 minutes, or whatever. But we are talking about what a year is in terms of the language in the ABM Treaty, which is being violated by the United States of America right now.

Maybe the Russian version of a year is different, but I doubt it. Regardless, we are, according to the rules and procedures of the Senate, bound by the English version, I suppose. And the English version is certainly unambiguous.

Mr. President, the point is this. On October 3, 1987, last year, the parties, meaning the Soviet Union and the United States of America, did not, in compliance with the treaty, conduct a review of the ABM Treaty, nor did they even begin such a review. Nor did they even set a date for beginning such a review. And that, as I say, is the hangup between the administration and this Senator.

I think I have been trying to support this administration. The President and I have been very good friends for a long time. That does not enter into it. But I refuse to be a yes-man to the U.S. State Department when they start playing fun and games with what a treaty says and what it means.

On October 3, 1987, there was no option under the terms of this treaty but to begin to conduct a review of the ABM Treaty with respect to violations by the Soviet Union and by the United States, if any. But the two parties, the Soviet Union and the United States, did not move a peg. They did none of those things; none. And it was because the United States—not the Soviet Union—it was because the United States did not want to do it. Or they had this big deal going. Mr. Gorbachev was coming over here, smile and conduct his PR campaign and get out of his car on Connecticut Avenue and wave to the people and everybody said: "Hooray, hurrah; peace is at hand." Not quite.

Some, in fact, may believe that the United States wished to avoid this because the administration would have been required, no option about it, to protest at least one material breach of the ABM Treaty by the Soviet Union. There is a widespread belief that the administration may not have wished to discuss a material breach of one treaty, meaning the ABM, amidst all of this PR hype, public relations effort, on behalf of the INF Treaty. Maybe they assume that the American people are stupid and cannot handle the truth and therefore they will not share it with them. But I hope that is not the case.

But this much is clear, Mr. President: At the insistence of the United States, 5 months have elapsed since the day on which the meeting was required under the terms of the treaty to begin and that failure on our side—this is not Soviet duplicity, this is State Department duplicity—that failure stripped of all the legal blue smoke and mirrors provided by the lawyers down in Foggy Bottom in that vast bureaucracy is, in fact, quite simply stated, a clear violation by the United States of the ABM Treaty.

So, Senator BUMPERS was right, last October. I was wrong. I did not believe he knew about any ABM violation by the United States. So to a certain extent I may be eating a little crow here. But I am not sure that is the violation that Senator BUMPERS has in mind.

One further word and I shall conclude. I am sure my friend from South Carolina, a distinguished and able lawyer, will agree the Constitution requires the President to see that the law is faithfully executed. The Constitution makes a treaty supreme law, which binds all Americans including even, or perhaps particularly, the President of the United States. The President surely agrees that he should obey the law and without delay direct that the required meeting occur immediately. Not just sometime this year; not by October 1 of this year; but immediately. That is what the treaty says and the treaty is the supreme law of the land.

I say again, Mr. President, that has been the hangup between the White House and me and the State Department and me. They can be cavalier about which laws they obey and execute if they wish. But as long as I am here, they are not going to get by with it.

Thus the pending amendment. I simply propose to encourage the administration to move along and no longer delay in confronting the Soviet Union with their violations of the ABM Treaty. That is all it does.

The violations by the Soviets are far more dangerous to world peace than our procedural violations. I will say again that the failure to abide by that provision of the treaty no doubt falls under the general category of appeasement and compromise, rather than one of deliberate falsification. But either way, it is time for the State Department to get off the dime and comply with the IBM Treaty.

Mr. President, the reason that I called up this amendment is I want the Senators to understand what is going on. I did not draw the amendment to any particular bill but, of course, it could have been offered to any one of several measures and I guess the polygraph legislation may have been the best choice that I made, because the amendment would not be at all amiss in that context, since the question is truth in treaties.

Mr. President, having said all that, and I apologize to the distinguished manager of the bill for taking so much time, I am going to end by withdrawing the amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw the amendment.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope the Senators who have amendments to the bill will show a disposition to call them up today. Up to this point, I have seen no indication on the part of Senators to call up serious amendments to the bill.

A cloture motion will, of course, be voted on tomorrow. But in the meantime, this is valuable time to spend on the bill.

Mr. President, does the Senator from Indiana have an amendment he wishes to call up at this point?

Mr. QUAYLE. I have a number of amendments concerning the polygraph bill, and if we go ahead on the polygraph bill today, I would probably call up some amendments.

Mr. BYRD. The Senator does not wish to call up one right at this moment?

Mr. QUAYLE. No, I have no desire to call one up right at this moment until we find out what will be the order of business today.

Mr. BYRD. All right. Mr. President, we have spent almost 24 hours—it soon will be, I guess—on this bill.

RECESS

Mr. BYRD. I ask unanimous consent that the Senate stand in recess for 10 minutes to give me an opportunity to talk with the Republican leader.

There being no objection, the Senate, at 12 noon, recessed until 12:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, if the Chair will indulge me momentarily, and protect my rights to the floor.

The PRESIDING OFFICER. The majority leader's rights are protected.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the polygraph bill occur and final passage of the polygraph bill occur no later than 9 o'clock p.m. today, provided further that no nongermane amendments be in order, and that no motions to commit with or without instructions be in order.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The acting minority leader.

Mr. SIMPSON. I believe that I would defer to my colleague from Indiana who is one of the floor managers and active participants with this legislation. And I do so at this point.

Mr. BYRD. Mr. President, I yield for the reservation by the Senator from Indiana. I do not have to yield for that.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The majority leader has yielded to the Senator.

Mr. BYRD. No. The Senator can reserve the right to object. I maintain the floor.

Mr. SIMPSON. Mr. President, reserving the right to object, the procedural aspects of this matter are that the majority leader has every right under the rules to request a nondebatable motion to go forward with the intelligence authorization. There is nothing to preclude that or prevent discussion of that.

If we were to go forward with the polygraph legislation, and we are apparently ready to do that, we have germane amendments that are thoughtful and address the bill, and those are ready to be presented. But they have not yet been presented to this time. And I would hope that my colleagues would have come here with the purpose of amending, knowing full well that cloture has been requested, and will be performed tomorrow 1 hour after convening; that they would have come forward with the amendments.

At this point, I inquire of the majority leader. The time for the vote certain, together with the remaining part of the request that no nongermane amendments be in order and no motions to commit or recommit be in order, that the purpose of that, vis-a-vis the cloture procedure tomorrow, would be what?

Mr. BYRD. The purpose of the request, as I have made it, is to rule out amendments we know nothing about, have not seen, could range from the points of the compass from north to south, and the Senate would dispose of this bill today. The cloture vote on tomorrow would be vitiated.

Of course, I could not go to the intelligence authorization bill except by unanimous consent unless I find myself in the position such as I am in right at this point, in view of the fact that the Senate has been on this bill almost 24 hours, it will soon be 24 hours, has made no progress whatsoever, there has been very little debate on it other than debate on nongermane amendments, nongermane amendments were called up, and were withdrawn with no progress at all.

I am sure there are Senators who have germane amendments but they have not been to the floor and called them up. Today is a good day, it is Wednesday, to get some business done. I am in a position right now to go to the intelligence authorization bill, and I would not require unanimous consent to go to it, if I could do that within the next 5 minutes. Hopefully the Senate would complete action on that bill today.

From what I have heard said, it is believed by the manager, the chairman, I believe we can complete action on that today, and tomorrow the Senate will automatically vote on the cloture motion on the polygraph bill.

So in that way I could be sure that at least the Senate would spend these 3 days on these two bills, and hopefully we could finish both bills in those 3 days. But if I throw away the next 5 minutes, I then lose my privileged position that I am in at the moment of moving to the intelligence authorization bill and having that motion not debatable after which I would have unanimous consent to go to it, and one Senator could block that. It is for these reasons that I feel constrained to go to the intelligence authorization bill now unless we can get a unanimous consent request that action be completed on the polygraph bill by no later than 9 o'clock p.m. tonight, that there be no nongermane amendments, and I would have to add to that now the request that upon final disposition of the polygraph bill the Senate proceed to the consideration of the intelligence authorization bill, else I will have lost the privileged status that the situation is in right now.

Mr. SIMPSON. Mr. President, is the majority leader asking unanimous consent that at the completion of the polygraph measure, we go immediately to the intelligence authorization bill?

Mr. BYRD. Yes. I am hooking that to the first request, that the Senate complete action on the polygraph bill no later than 9 o'clock p.m. today; that no nongermane amendments be in order; and that no motion to commit, with or without instructions, be in order.

Mr. SIMPSON. Mr. President, I respectfully say that I must object to that. I know that the majority leader could go tomorrow to the same position and have a nondebatable motion tomorrow, with procedures tonight that would assure that.

I am still ready to produce amendments that are germane to the polygraph bill, but I know that he is on limited time, and I will not transgress.

I think we will have to go forward as the majority leader would wish to go forward at this point.

Mr. BYRD. Mr. President, how much time do I have before morning hour is closed?

The PRESIDING OFFICER. Three minutes remain.

Mr. BYRD. I ask to proceed for 2 minutes. That will leave me 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, let me change the request.

I ask unanimous consent that the Senate complete action on the polygraph bill today; that there be a final vote on passage no later than 9 o'clock p.m. today; that no nongermane amendments be in order to the bill; that no motion to commit or recommit, with or without instructions, be in order; provided, further, that on tomorrow, during the morning hour, I be permitted to be in the position that I am right now, of making a nondebatable motion to proceed to the intelligence authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I reserve the right to object.

Mr. QUAYLE. A couple of people have said to me that on amendments, with a time certain tonight, we would move to polygraph. If the majority leader wants to move to intelligence after polygraph, this Senator will not object to that. I have a number of amendments to offer and will probably offer them at some time. They are germane to the bill. A couple may not be germane in a postcloture-type situation, but they are with respect to preemployment screening.

Mr. BYRD. Mr. President, are my rights being preserved?

The PRESIDING OFFICER. Yes.

Mr. QUAYLE. They are germane to preemployment screening.

So I would not object, if it is the desire of the majority leader to move the authorization bill after we dispose of the polygraph bill, whether it is tonight or tomorrow. I could not give a time certain tonight.

The PRESIDING OFFICER. The 2 minutes have expired.

Mr. BYRD. I have 1 minute remaining.

Mr. President, this thing is so involved from the standpoint of parliamentary procedure that I do not have the time to describe the position I have to be in on tomorrow and what I have to do to get into that position.

I ask unanimous consent that I may preserve the status quo, vis-a-vis my position and the nondebatable motion I could make, for 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, the distinguished acting Republican leader has indicated that on tomorrow, I could be in the same position to make a nondebatable motion. I might or I might not be. One Senator can block me from getting into that position.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes and twelve seconds.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader, who is doing everything he possibly can to help to resolve this matter in a way that will see the Senate complete action on the polygraph bill in a very reasonable length of time, without nongermane amendments, and allow the Senate to go to the intelligence authorization bill and, hopefully, to complete action on that before the break. I thank the distinguished acting Republican leader for his efforts. He wishes some additional time so that he can make some contacts.

I ask unanimous consent that my privileged status in this situation be preserved for an additional 20 minutes, that the status quo remain the same for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe that if I were to yield the floor now and someone put in a quorum call and the quorum extended beyond the point of my 20 minutes, I would lose my privileged status to move to take up the intelligence authorization bill. Am I not correct?

The PRESIDING OFFICER. The Senator is correct.

15-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate recessed at 12:30 p.m. until 12:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I yield to the distinguished acting Republican leader for whatever he wishes to say or whatever he may wish to propose. We have had some discussion now. I think we all understand the desire on the part of myself that the Senate complete action on the polygraph bill and the intelligence authorization bill before the Senate goes out for the break, and hopefully get on the Price-Anderson bill. I am not suggesting the Senate complete action on that bill before the Senate goes out, but, at least, upon its return, it would be on that measure.

But, insofar as the intelligence authorization bill and the polygraph bill, which is the pending bill, are concerned, we had our recess and I would be interested in knowing what the distinguished acting leader is in a position to indicate at this point, based on his conversations.

Mr. SIMPSON. Mr. President, I have visited with my colleagues on this issue. Some have been deeply involved in this for many months. I believe that the law of the land is—and you can propound this or we can do it in the form of a gentlemen's agreement which we did quite successfully the other evening. I was pleased with the results of that. We never varied from our agreement one whit, and that was a long, long evening, as I recall.

So we would then proceed with our business on the polygraph legislation today. We have several amendments. We would go to that immediately upon the arrival at an agreement. We would keep people working here this afternoon doing the Senate's business. We would vote cloture tomorrow in the a.m., as set by the majority leader.

We have amendments of Senators QUAYLE, NICKLES, GRAMM, WALLOP, MCCONNELL, KARNES, SYMMS, COCHRAN, and BOSCHWITZ. As I am able to determine, all of those are subject to reasonable time agreements.

But, in any event, we know that cloture is tomorrow and that we have business to do. Then, after the cloture vote tomorrow, should it be invoked, we would go and give consent to go then to the intelligence authorization legislation tomorrow. That should not be terribly contentious from what I understand here. Then the majority leader could go forward and lay down or begin to address Price-Anderson before we go out for the recess.

I can say that I am not aware personally whether all of the amendments are totally germane, but I do not know of any that are detonating devices. I do not know of those here. I believe that the purpose of the Senate will be served. We will debate and we will have another item of business to go to and be prepared to go to that tomorrow.

That is the general outline. We can develop that further as to motions or activity or protection as you wish.

Mr. BYRD. Mr. President, I am happy to enter into a gentlemen's understanding with the distinguished acting Republican leader. I have entered into those understandings with him before and he has always kept them to the letter. He has had sufficient discussions with his colleagues on his side of the aisle to know what he is talking about and to know what can be counted upon.

I think that the proposal as he has outlined it here is perfectly agreeable to me. It would be as follows: That the Senate continue on the polygraph bill today; there are Senators on that side of the aisle who are ready to call up amendments; that the Senate will debate those amendments, act on them during the afternoon. We will have the cloture vote on tomorrow. Upon the disposition of this legislation, which will undoubtedly be clotured on tomorrow, the majority leader would be given consent to proceed to the consideration of the intelligence authorization bill. So there would be no question about getting it up. And that upon the disposition of that bill, as I understand it, the majority leader would be able to take up—I assume we are talking about consent; I have as many problems on my side as there are on the other side on that bill; maybe more—that I could have consent to take up, at least go to, Price-Anderson before the Senate goes out for the recess.

Mr. SIMPSON. Mr. President, two inquiries: that under this proposal the amendments to the polygraph measure would be germane to the subject matter of the bill and not any type of postcloture germaneness test as we do our business today, would that be agreeable?

Mr. BYRD. Yes. That is agreeable.

Mr. SIMPSON. And that at the time of going toward Price-Anderson that it would be the House bill that we would be dealing with?

Mr. BYRD. It would be the House bill.

Mr. President, the gentlemen's agreement is fine with me. I do not intend to try to lay that in stone. As I say, I do not care to attempt to lay the details of this understanding into cement. Because the gentlemen's understanding is fine with me, absolutely fine with me. But I wonder if I can get unanimous consent that upon the disposition of the polygraph bill and the intelligence authorization bill, that there would be no objection to my going to the House Price-Anderson bill?

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, I——

Mr. BYRD. With the understanding that action would not occur on that measure this week.

Mr. SIMPSON. Mr. President, I think I need to—we should resolve the issue of germaneness today as we debate precloture; that it will be regular order of amending and debating and that there be ordinary rules of our procedure, with regard to that?

Mr. BYRD. In other words, there may be nongermane amendments called up today?

Mr. SIMPSON. There might be, but I am told it might be a question of judgment; that they are not truly nongermane such as dealing with Contra aid or something of that nature; but they might be something with regard to employee testing or something of that nature.

Mr. BYRD. Yes. That is understood.

Mr. QUAYLE. Will the Senator yield?

Mr. BYRD. I yield.

Mr. QUAYLE. At least my amendments that I intend to offer will be generally germane. They may not be germane on the postcloture situation, but they will be germane to the discussion of the bill. But, however, I would hope that we operate under the regular order that if another Senator wants to offer something that is nongermane that he has, or she, perfectly has that right before cloture is invoked? We have not restricted the Senate's—we have not imposed any restrictions on the Senate's nongermane rules?

Mr. BYRD. Mr. President, the Senator's understanding is correct as far as I know. Senators may call up nongermane amendments today under the understanding, but I think the intention of the acting leader, and colleagues on this side, is to, as well as possible, keep it in the general confines of germaneness today.

Mr. SIMPSON. Mr. President, the purpose of the exercise is to have a debate on polygraph, so I hope that those who want to have an honest debate on polygraph will visit with those who have nongermane amendments that do not really deal with polygraphs so that the debate can be had as it should be had on a very serious issue.

Mr. BYRD. All right. Mr. President, I am satisfied on all four corners of the understanding. I ask unanimous consent, however, that upon the disposition of the polygraph bill, the Senate proceed to the consideration of the intelligence authorization bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, I think we have reached a good understanding and it will be my intention, may I say to all Senators concerned, that upon the disposition of the intelligence authorization bill I will do everything I can to proceed to the consideration of the Price-Anderson legislation.

Mr. SIMPSON. Mr. President, that would be a clarification; that is upon disposition of the intelligence bill regarding whether it is in agreement or final passsage, if it should get into contention, we will still go forward with the Price-Anderson, House version?

Mr. BYRD. Yes; that is absolutely correct.

So, all Senators on both sides are aware of the intentions of the majority leader insofar as these three measures are concerned.

I thank the acting leader. I thank the distinghished Senator from Massachusetts [Mr. KENNEDY] and the Senator, [Mr. HATCH].

Mr. President, I yield the floor.

The PRESIDING OFFICER. The acting minority leader is recognized.

Mr. SIMPSON. Mr. President, I want to thank very much Senator QUAYLE for his assistance. He is a spirited advocate of his position and I respect that greatly and because of his persistent advocacy we have reached a result which will bring us to debate on the polygraph bill, which is something we all wish to do and the American public will want to hear that debate. I thank the majority leader for his unusual courtesies and extreme patience with me in my role as acting leader; and the Senator from Massachusetts who, I know along with our ranking member, Senator HATCH, do very much want to finish this bill. We have arranged the path to do that and I thank him sincerely. I thank the Senator from South Carolina for his courtesy.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I know that many Members of this body are concerned about the potential for polygraph abuse. There, certainly, is the possibility that examiners could use the tests to ask inappropriate or embarrassing questions to examinees. We don't want to see these things happen and, in fact, want to see such practices stopped when and if they do occur.

However, the question I ask is whether the Congress of the United States is the appropriate legislative forum for addressing these questions. As I have said during previous meetings of the Senate Labor Committee, I strongly believe it is not. I believe that the Constitution of the United States clearly grants jurisdiction over this issue to the States. Moreover, I believe that the States have proven they are much better to deal with the complexities of this issue and to develop the best legislation to meet the needs of their citizenry than the Congress.

PRINCIPLE OF FEDERALISM

As you know, I am deeply devoted to the principle of federalism. This is the fundamental issue before us today. We may differ on whether the polygraph works. We may disagree on whether use of the polygraph should be allowed in the public sector and denied to the private sector. Moreover, we may disagree on the best way to protect the rights of individual citizens who are asked to take polygraph examinations.

However, I don't believe we can disagree on whether we should be guided by the Constitution, and in particular the principles of the 10th amendment to the Constitution, in our deliberations about new legislation.

One of the axioms of American constitutional law is that Congress has only powers that are delegated to it by the Constitution, or reasonably implied from those so delegated. When Edmund Randolph, a delegate from Virginia, proposed the Virginia plan in the Constitutional Convention of 1787, it contained a principle by which the powers of Nation and State could be divided. It stated:

> * * * The national legislature ought to be empowered . . . to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation.

This outlined a principle rather than a method of allocating powers, and as a principle, it was approved by the Constitutional Convention. Two months later, the convention gave these instructions regarding national powers to those who would be formulating the text of the Constitution:

> The national legislature ought to possess the legislative rights vested in Congress by the Confederation; and, moreover, to legislate in all cases for the general interests of the Union, and also in those to which the

> states are separately incompetent, or in which the harmony of the United States may be interrupted by individual legislation.

Acting upon this instruction, the committee reported back to the convention the specific enumeration of the powers of Congress found in article I, section 8. The committee, adhering, as did the entire convention, to the principle of delegated powers, thus gave to the new Congress all of the powers then believed to be described in the article of instruction. Furthermore, it provided, in article V, a means by which those powers could be altered when necessary.

PRESERVING INDIVIDUAL LIBERTY

I fear we have a tendency to disregard this principle that was so central to the formulation of our Constitution. Yet, it is fundamental to the preservation of individual liberty and to preventing the consolidation of overwhelming governmental power.

The delegates to the Constitutional Convention were well aware of the abuses which flowed from the absolute coalescence of power in one governmental authority. Fresh from their experience with tyranny, they conceived a government of limited and delegated powers.

Their prime concern was that the people maintain their sovereignty. In order to accomplish that, power was first divided between the people and the government, reserving to the people the control of the power allotted to the government. This power was then divided between the Federal and State governments. These parts, in turn, were split up among the coordinated legislative, executive, and judicial bodies.

Through these safeguards, they believed they would be able to prevent a highly centralized government which historically have been fatal to civil liberty.

CLOSER TO THE PEOPLE

According to Thomas Jefferson, limiting government to its proper sphere was the very essence of republican government; and an important element was assuring strong and viable local governmental authorities. To Jefferson, local governments were closer to the people, and consequently, more safely trusted than the national Government.

I speak out about federalism so often because I believe firmly this is a central principle in maintaining a whole system designed to secure limited Government and individual liberty.

COMPETENCE OF THE STATES

The people of the States created our National Government and in so doing, delegated to it specific powers relating to matters they felt were beyond the competence of the individual States. Our founders trusted the States to govern the affairs of their citizens unless there was an overriding need for uniformity in national policy.

I believe that governing the polygraph industry is not beyond "the competence of the individual States," and I see no need for uniformity in national policy. In fact, I believe this issue requires the diverse approaches of State-by-State legislation that are being developed to meet the different needs of the citizenry of our various States.

As Members of the U.S. Senate, it is incumbent upon us to protect and ensure the proper balance of power between the States and the Federal Government. This legislation has the opposite result. It is an intrusion into an area never delegated to the Federal Government.

STATES PRODUCE BETTER LEGISLATION

The wisdom of the framers is evident today through the application of their arguments to the issue before us. The principles of federalism are not just abstract concepts. I believe we are more likely to get a more precise body of polygraph law that is much more responsive to the needs of our citizenry if the law is developed on a State-by-State basis.

QUESTIONS LEFT UNANSWERED

S. 1904 simply does not and could not address the many complex issues that should be explored regarding polygraph regulation. Questions involving the merit of preemployment testing verses incident-specific testing. Issues such as the diverse body of opinion concerning the validity of polygraph testing and how to maximize the chances of obtaining the most accurate results when the tests are given; and basics such as detailing and enforcing protections for examinees' rights.

However long and hard we might work to try to develop the perfect bill, I believe we would always fail. I do not believe that the Congress of the United States ever could or should write legislation that would adequately address all of the subtle and complex issues involved in the polygraph debate. We do not have the authority to do so, even if we could. We are bound by the Constitution to allow the States to resolve these questions. They, and not the Federal Government, clearly are empowered to govern regarding this issue.

Because the State government provides a better and closer ear to hear the voices of individual citizens, the States will be better enforcers of the legislation they do develop. They will more quickly find out how it is working and be able to followup with amendments that assure that their laws continue to be responsive to the needs of their citizens.

REASONS FOR STATE AUTHORITY

As many of you know, the administration strongly opposes the ban on polygraph testing contained in S. 1904. I received a letter from Assistant Attorney General John Bolton, who outlined some of the reasons for the administration's opposition. In it, he also underscores the administration's strong support for the principles of federalism. Mr. Bolton outlined a number of reasons why States are the appropriate functional jurisdiction for regulating the polygraph industry. I would like to relate some of those reasons to you today.

The first is accountability. State governments, by being closer to the people, are more able to be responsive and accountable to the needs and desires of their citizens.

Second, participation. Citizens are better able to be involved in developing legislation at the State level, resulting in a clearer sense of their actual needs, which in turn are reflected in the legislation they help to develop.

Third, diversity. The citizens of different States may well have different needs and concerns. If this matter is left to the individual States, a much richer, more diverse, and more appropriate body of law will be developed. If the Federal Government sets the policy, public policies must conform to a low common denominator in order to cover everyone with the same umbrella.

Fourth, experimentation. The States, by providing diverse responses to various issues, allow us to test many different approaches to solving public policy problems. One State may seize a novel idea that no one in Washington would have thought of but which is a fitting solution to a particular problem. Without this well-spring of creativity, our lawmaking would become stale and sterile.

And that leads me to a fifth point, containment. If experiments in public policy are not successful, they can be tremendously damaging if imposed on a national scale but much less so at the State level. As Mr. Bolton points out, "While the successful exercises of State regulation are likely to be emulated by other States, the unsuccessful exercises can be avoided."

In fact, the heated debate among scientists and scholars about the validity of the polygraph is evidence that this issue has not been resolved to the point that any national policy could be formulated.

POLICY UNIFORMITY

There are clearly issues where there is a need for national policy uniformity. We must have a uniform foreign policy if we are to effectively deal with other nations. If our foreign policy were dictated by the 50 States instead of by the Federal Government, our effectiveness in the world arena would be severely diluted. Further, the need for an efficient transportation system argues strongly for national, rather than State regulation of our airline, maritime, and rail systems. There are other examples of things that the Federal Government is better equipped to handle than the States, but polygraph law is not one of them.

The States are actively engaged in assuming this responsibility. Thirty-two of the fifty States have some kind of license or certification requirements for polygraph examiners. Forty-four of the fifty States have laws governing the use of the polygraph in the workplace; and 33 of the 50 States have addressed this issue legislatively since 1980.

STATE-BY-STATE ANALYSIS

For example, the State of Massachusetts addressed this issue as recently as 1982. The law bans most polygraph testing and requires polygraph examiners in private practice to be licensed.

Utah has required polygraph examiners to be licensed since legislation was passed in 1973.

The laws in the home States of the other Members of this body reflect the richness and diversity of law that our States are developing.

Alabama has required since 1975 for a polygraph examiner to be licensed. This law was revised as recently as 1983.

In Arkansas an examinee must be told the test is voluntary and State licensing is required.

Florida requires a State license. Georgia requires questions to be provided in advance in writing, and prohibits questions on race, religion, or politics.

Louisiana has a license requirement, as well as Mississippi.

New Mexico prohibits questions on sexual affairs, race, creed, religion, union affiliations, or activity unless agreed to by written consent. Virginia requires a license and prohibits questions similar to those prohibited by New Mexico.

Mr. President, as I have already mentioned, 44 States have laws governing the use of polygraphs in the workplace. I urge my colleagues to examine this chart, before voting on this issue.

STATES SHOW "COMPETENCE"

I believe that this chronicle of State law presents the case more effectively than any argument I can make of the States' ability and willingness to regulate or ban the administration of polygraph tests. Only the States have the power and the ability to develop a body of polygraph law that will address the many complexities this issue presents. If polygraph abuse is a problem in one State, then that State has the option of outlawing its use there. But other States may find that it is a tool that is being used responsibly and that it is contributing to the stability of the companies operating there. If so, those States have the option of regulating it to protect citizens from abuse, as so many have done.

Mr. President, S. 1904 completely undermines the solutions fashioned, through their legislative process, by the people of these and other States. When the Federal Government threatens to overrule the States on issues that are clearly in their purview, it is no surprise that some are hesitant to tackle tough questions if they fear it will be negated by unnecessary Federal intervention.

LEARNING FROM EXPERIENCE

In my opinion, Mr. President, we did not have ample opportunity to hear from the States when we conducted our hearings on this issue earlier this year. I believe that we could have learned a great deal by hearing testimony from a representative group of State officials who have had experience with administering polygraph laws.

Instead, we heard from only one State official, Attorney General Robert Abrams of New York who asked for Federal legislation because he has been unable to get a State law passed in New York. I must say that as a former Governor, it was displeasing for me to see a statewide elected official appear before the Labor Committee petitioning the Federal Government to take over a responsibility that clearly belongs to the States.

EXPERIENCE OF STATES

Testimony that we did not hear, but should have, was submitted to the Labor Committee in writing by the former Secretary of State from Florida, Mr. George Firestone.

Mr. Firestone has had ample experience administering polygraph law in Florida, and he indicated his belief that polygraph regulation works. He said that he believes the public has a right to privacy and that that right should be protected. However, he said his experience proves it is possible to protect those rights without prohibiting polygraph testing which, he said, "has consistently proven that its merit to society outweighs its risk."

His experience also shows that, with proper regulation, the abuses we are concerned about can be virtually eliminated. There are more than 500 fully licensed polygraph examiners in Florida, conducting more than 300,000 tests annually. State law requires that each examinee be told he or she can file a complaint if there are any improprieties. Yet only one validated complaint had been filed against an examiner in the year before Mr. Firestone submitted his testimony to the committee.

RESPECTING DIFFERENCES

I also believe that the Florida experience underscores another important point that I made earlier. In discussing States rights, I indicated that there may be differences in the States that require them to have different regulations. Mr. Firestone gave us a perfect example: He said that Florida is a particularly transient State where traditional background investigations are frequently impossible to perform. Further, it also has a large immigrant population.

Proponents of a polygraph ban say that background investigations and reference checks are a suitable substitute for polygraph testing. However, they are not always possible. Mr. Firestone pointed out that in Florida—and, of course, in many other States—the use of the polygraph actually allows residents to establish themselves in the work force. It is not the employment barrier that polygraph opponents so often claim but rather an opportunity for employment that might not otherwise be available.

Mr. Firestone said that the polygraph provides the business sector with an objective method of minimizing risk to itself and to the public by assuring the integrity of potential employees.

It benefits all of us when those who are qualified to work can find jobs.

EXONERATING THE INNOCENT

Further, State officials have argued their citizens should have access to the polygraph because it often serves to protect the jobs of employees who may be working in an area where theft occurs. There are many instances every day in American business and industry where a crime is committed and several employees are implicated. Without the polygraph, the employer may have felt it necessary to dismiss all of them. However, when he has access to polygraph test results, the person who committed the crime can more easily be determined—and the innocent employees exonerated, instead of fired. Whether we agree that this works or not is not the issue. The issue is whether or not local policymakers believe it does. Those who believe this is a useful tool for that purpose have the constitutional authority to allow their citizens to use it. Many States have found it can be especially effective when they enforce their own sets of standards, restrictions, and practices regarding the polygraph.

If the Congress were to outlaw polygraph testing in the private sector, as S. 1904 would require, the Federal Government would be barging into an area where it has neither the jurisdiction nor the ability to adequately regulate. The consequences could be to intrude on the legitimate right of local authorities to manage their own affairs.

REGULATION, NOT PROHIBITION

The legislation that we are considering here today would have far reaching and sweeping affects on American businesses, on employees and prospective employees, and on the body of polygraph law that is being developed by the States. Before we take such a major step, I believe we are obligated to develop a much more substantial hearing record than we have so far. There are many who feel that regulation, and not prohibition, is the key to protecting our citizens. I believe we need to learn much more about the successes and failures of the States' experience with regulation and bans on polygraph testing.

We would need to have good reason to strip polygraph regulation from the purview of the States, especially since they have developed a significant body of law already on this issue.

STATES ARE BEST REGULATORS OF SERVICES

It traditionally is the purview of the States to regulate commerce within their boundaries. They have mechanisms to certify that those who deliver health care services to residents are qualified to do so. They oversee insurance and real estate brokers, utility companies, doctors, lawyers, and dentists, to name just a few.

The States are equipped to regulate the services offered by polygraph examiners as well.

Assistant Attorney General Bolton also has addressed this issue. He said:

> Polygraph misuse may be more appropriately deterred by restricting the conditions under which polygraphs are administered rather than prohibiting their use altogether. The states are better equipped to make those determinations.

OTHER PROTECTIONS

Mr. President, besides existing State law, other mechanisms are in place to address the issue of polygraph abuse in the private sector: namely, the collective bargaining process and the courts.

The courts provide an appropriate forum for redress for any citizen who feels his or her rights have been violated.

American workers have additional protection from polygraph abuse through the collective bargaining process. Mr. William Wynn of the United Food and Commercial Workers Union has said that 90 percent of the union's collective bargaining agreements prohibit polygraph testing.

Labor and management have the tools to find their own solutions in conjunction with existing State law on polygraph testing. This system allows even more fine tuning than State law alone.

I recognize that there may be abuses in the polygraph industry, and I urge the industry and the States to correct these deficiencies. However, under our constitutional system, not every problem has a Federal solution. If a Federal solution is desired, but not constitutionally available, then there is a provision for amending the Constitution wherein these additional powers can be granted.

THEORY OF NATIONAL POWER

In spite of the conclusive evidence to the contrary, it has sometimes been urged that the framers intended that Congress should have the power to deal with any truly national problem, whether that power is delegated to it or not.

It was this theory of national power which was presented to the Supreme Court in the case of Kansas versus Colorado in 1907 by President Theodore Roosevelt's Attorney General.

The Supreme Court's decision on this issue was very clear, and reads in part:

> The proposition that there are legislative powers affecting the nation as a whole which belong to, although not expressed in, the grant of power, is in direct conflict with the doctrine that this is a government of enumerated powers. That this is such a government clearly appears from the Constitution, independently of the Amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the 10th Amendment. This amendment . . . disclosed the widespread fear that the national government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the Framers intended that no such assumption should ever find jurisdiction in the organic act, and that if, in the future, further powers seemed necessary, they should be granted by the people in the manner they had provided for amending the act. It read: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

It is incumbent upon us to respect and abide by these constitutional principles.

In conclusion, I would like to make just one further point that I believe further emphasized the wisdom of our Constitution in reserving authority to our states.

DOUBLE STANDARD

If S. 1904 were to pass, it would establish a double standard in which the public sector would be allowed to use the polygraph for employee screening and incident investigation. However, the private sector would be much more limited in its use of the polygraph. How would we explain that to our constituents?

The Federal Government, and especially its national security agencies, apparently feel they need access to the polygraph to conduct their business, and they have access to it. Whether individual citizens or businesses need the polygraph to conduct their business is not a matter for the Federal Government but rather one for local governments to decide. If they decide it is not in their citizens' best interest to allow use of the polygraph, then they can outlaw it. That ban would not set up the national double-standard that S. 1904 would perpetuate.

I urge my colleagues to consider these issues during the debate today. Perhaps the constitutional question is abstract and not pertinent to contemporary political concerns; but the Senate of the United States has a solemn obligation to uphold the Constitution of the United States. This legislation, in my opinion, violates that obligation. I urge my colleagues to join with me in opposing S. 1904 and allowing our local governments to continue to do their job in exploring and debating this issue and developing their own body of legislation.

Now, Mr. President, a very able lawyer from Richmond, VA, Mr. David E. Nagle, has made an analysis of this bill, the benefit of which I would like to give the Senate. This is a letter that is written to Mr. Powell A. Moore, of Ginn, Edington, Moore & Wade, 803 Prince Street, Alexandria, VA 22314. Mr. Nagle says:

> DEAR MR. MOORE: As an attorney who represents management in employment litigation, I am frequently called upon to advise employers regarding the lawful use of the polygraph in the workplace. I have accordingly kept abreast of efforts to secure federal legislation restricting employers' rights to conduct such tests. Pursuant to your request, I have reviewed Senator Kennedy's bill, S. 1904, and offer the following comments.
>
> Even before it was formally introduced, Kennedy's bill was touted as a compromise measure, one that would resolve the enduring battle over polygraph testing. It was supposed to be a trade-off—the elimination of pre-employment and periodic examinations, in exchange for allowing testing in investigations into employee misconduct.
>
> In fact, the bill as drafted will virtually eliminate all polygraph testing in the workplace. The circumstances in which testing can be conducted are so limited, the exposure to litigation is so substantial, and the penalties for violations are so severe, that I suspect the vast majority of employers have no alternative but to abstain from all testing. While I recognize this as the objective of the bill's patron, I fear many of the bill's current supporters are unaware of the true character of this legislation.
>
> The issues raised here are complex, and in-depth analysis would be preferred, but the reasons that the bill fails as a compromise fall into three categories.
>
> I. The bill does not provide an employer with a meaningful opportunity to utilize polygraph testing as part of an investigation into employee misconduct.
>
> First, the bill does not allow testing in the course of investigations into drug use or drug sales on the premises, into allegations of sexual harassment, or many other matters relating to unsafe and/or criminal conduct on the job.
>
> Second, in those limited subject areas where testing may be allowed, the employer must establish "reasonable suspicion" with respect to any employee tested, then file a formal report of the incident or develop a lengthy internal statement (a copy of which is given to the suspect) setting forth the basis for the suspicion.
>
> It is this aspect of the bill, when viewed in conjunction with the risk of litigation and harsh penalties, that may lead employers investigating misconduct to discharge all employees in a group of suspects, rather than raise the issue of polygraph testing. If the polygraph is effectively made unavail-

able to help clear the innocent, or to help identify the guilty, the "protection" afforded employees under this legislation is of dubious value. Investigations into misconduct may be resolved in a non-discriminatory manner—through discharge of guilty and innocent alike.

Third, even in those situations where the employer is able and willing to accept the legal risks associated with testing to further its investigation, the suspect employee cannot be required to take the polygraph, and neither the test results nor a refusal to submit to a test can serve as the basis for discipline or discharge without additional supporting evidence.

An employer who does not utilize the polygraph needs no evidence to terminate an individual under the prevailing doctrine of employment at will, but under this bill, when an employee is found deceptive on a polygraph (or refuses to submit to a test) then an employer must have additional supporting evidence. A discharge that fails to meet this vague standard subjects the employer to harsh penalties.

II. The restrictions and requirements are so ambiguous as to be certain to result in much litigation.

While some aspects of the bill are comparable to many state laws limiting areas of inquiry and imposing examiner licensing requirements, other provisions go much further. For example, the bill prohibits the asking of questions "in a manner that is designed to degrade, or needlessly intrude" upon the examinee. As noted above, a discharge on the basis of polygraph test results is unlawful without "additional supporting evidence"—but there is no guidance as to what will be sufficient.

III. An employer acting in good faith and attempting to comply with the law might well be found in violation. The penalties for non-compliance are so severe that few employers will be willing to exercise their right to use polygraph in ongoing investigations.

Virtually all employers (even those who have never used polygraphs) would be required to post a notice to employees regarding this law; failure to post resulting in fines of $100 per day. Any other violations of the law can result in civil penalties of up to $10,000. There are no comparable penalties imposed for violations of our most significant employment laws, e.g., the National Labor Relations Act, Title VII of the 1964 Civil Rights Act, or the Equal Pay Act.

Furthermore, an individual can bring a private civil action under this bill, and if an employer is found to have violated this law, the person may be awarded "employment, reinstatement, promotion, and the payment of lost wages and benefits" as well as other "legal and equitable relief as may be appropriate"—perhaps opening the door to awards for pain and suffering, embarrassment, and punitive damages. To keep the wheels of justice rolling, of course, prevailing parties recover their costs and attorneys' fees as well.

In summary, as currently drafted, the bill does not do what its sponsors claim, but instead effectively eliminates employers' right to utilize polygraph testing in the investigation of misconduct, and the preservation of safety and property in the workplace. I fear that many of those who innocently and sincerely endorsed the notion of "compromise" have, in fact, been duped. If this bill is passed into law, I see no alternative but to advise my clients to eliminate all polygraph testing from their workplace.

Finally, if an explanation of my credentials is in order, I have published one law review article and several pieces in journals regarding polygraph in the workplace. I have lectured on this subject in 9 states to some 25 groups of employers, polygraph examiners, and university students, and I have served on the Virginia Polygraph Advisory Board since 1985 when I was appointed by Governor Robb.

Thank you for this opportunity to explain my concerns with this proposed piece of legislation. I sincerely hope you will be able to shed sufficient light on the true impact of this bill to bring about its defeat. If there is any other way in which I can be of assistance, please do not hesitate to contact me. I remain,

Sincerely yours,

David E. Nagle.

Mr. President, as I say, Mr. Nagle is a very able and prominent lawyer from Richmond, VA. I think his analysis clearly sets out the situation.

Mr. President, there are many organizations that oppose this bill. I will read a letter from the U.S. Chamber of Commerce:

U.S. Chamber of Commerce,
Washington, DC, February 11, 1988.

Hon. Strom Thurmond,
U.S. Senate,
Washington, DC.

Dear Strom: The U.S. Chamber of Commerce, on behalf of its approximately 180,000 members, respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987.

S. 1904, introduced by Senator Kennedy (D-MA), would prohibit most private employers from using the polygraph for the purpose of screening prospective employees. Employers have found the polygraph to be an invaluable tool for deterring workplace crime and identifying security risks among job applicants. It helps to protect the financial health of American business and the health and safety of customers, employees and the public; therefore, limiting its use is not in the best interest of the American public or business.

The polygraph has proven its worth in assisting defense agencies in guarding national security; business should also have access to it. Congress has repeatedly overwhelmingly endorsed its use for this purpose.

On June 16, 1985, the House of Representatives voted 331-71 in favor of an amendment allowing the Department of Defense to increase the polygraph screening of personnel with access to sensitive information. On July 7, 1985, the Senate voted 94-5 to agree to the conference report containing a polygraph program.

On May 11, 1987, the House voted 345-44 for an amendment to the Department of Defense Authorization bill, offered by Congressman Bill Young of Florida, establishing a permanent polygraph program for national defense agencies. On November 19, 1987, the Senate voted 89-6 to agree to the conference report containing a permanent polygraph program.

Current employee theft raises the cost of goods to consumers by as much as 15 percent and continues to escalate. The Drug Enforcement Administration, which has endorsed polygraph use in employee-screening programs, estimates that one million doses of drugs are stolen each year from drug retailers, wholesalers and distributors. One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

I want to repeat that last statement, Mr. President.

One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of the polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

Crime in America is a serious, pervasive concern. Day care centers must be able to pre-screen prospective employees to prevent incidents of child abuse. Nursing homes must know if their sick and often helpless patients are at risk of death. Public utility companies, chemical plants, airlines and railroads are only a few examples of the industries that need to be able to screen prospective employees to help avoid public disasters.

The rights of employers to use the polygraph to protect their employees, their assets and themselves must be preserved. The Chamber respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987. Enclosed you will find a list of the business and trade associations who oppose S. 1904.

Sincerely,

Albert D. Bourland.

Mr. President, the list which the Chamber of Commerce has attached opposing this bill is a most imposing list. I would like for the Senators to listen to this list.

U.S Chamber of Commerce (Washington, D.C.).

Alabama Hotel & Motel Association (Montgomery, Alabama).

Alabama Retail Association (Montgomery, Alabama).

American Hotel & Motel Association (Washington, D.C.).

American Polygraph Association (Alexandria, Virginia).

American Rental Association (McLean, Virginia).

American Road & Transportation Builders Association (Washington, D.C.).

American Society for Industrial Security (Arlington, Virginia).

American Supply Association (Chicago, Illinois).

American Trucking Association (Washington, D.C.).

APCOA, Inc. (A Member of the National Parking Association)-(Cleveland, Ohio).

Association of Oilwell Servicing Contractors (Dallas, Texas).

Automotive Parts & Accessories Association (Lanham, Texas).

Automotive Wholesalers Association of Tennessee (Nashville, Tennessee).

Bishop, Cook, Purcell & Reynolds (Washington, D.C.).

Bowling Proprietors Association of Southern California (Burbank, California).

California Jewelers Association (Los Angeles, California).

Central Station Electrical Protection Agency (Washington, D.C.).

Circuit City Stores, Inc. (Richmond, Virginia).

Committee of National Security Companies, Inc. (CONSCO) (Memphis, Tennessee).

Federation of Apparel Manufacturers (New York, New York).

Greater New York Retail Merchants Association (Great Neck, New York).

Illinois Association of Convenience Stores (Springfield, Illinois).

Illinois League of Savings Institutions (Springfield, Illinois).

Illinois Lumber & Material Dealers Association (Springfield, Illinois).

Illinois Petroleum Marketers Association (Springfield, Illinois).

Independent Electrical Contractors, Dallas Chapter (Irving, Texas).

Independent Fire Insurance Companies (Jacksonville, Florida).

Independent Sewing Machine Dealers Association, Inc. (Columbus, Ohio).

Indiana Retail Grocers Association (Indianapolis, Indiana).

International Association of Chiefs of Police (Gaithersburg, Maryland).

Mr. President, I especially call attention to the International Association of Chiefs of Police.

Iowa Grain and Feed Association (Des Moines, Iowa).

Jewelers of America (Washington, D.C.).

Kentucky Wholesale Liquor Dealers Association (Louisville, Kentucky).

Louisiana Association of Business & Industry (Baton Rouge, Louisiana).

Manufacturing Jewelers & Silversmiths of America, Inc. (Providence, Rhode Island).

Marriott Corporation (Washington, D.C.).

Metal Treating Institute (Jacksonville Beach, Florida).

Michigan Automotive Parts Association (Lansing, Michigan).

Michigan Blueberry Growers Association (Grand Junction, Michigan).

Monument Builders of North America (Evanston, Illinois).

Multi-Housing Laundry Association (Raleigh, North Carolina).

National-American Wholesale Grocers' Association (Falls Church, Virginia).

National Apartment Association (Washington, D.C.).

National Association of Catalog Showrooms (W. Simsbury, Connecticut).

National Association of Truck Stop Operators, Inc. (Alexandria, Virginia).

National Automatic Merchandising Association (Chicago, Illinois).

National Automobile Dealers Association (Washington, D.C.).

National Burglar & Fire Alarm Association (Washington, D.C.).

National Independent Dairy-Foods Association (Washington, D.C.).

National Moving and Storage Association (Alexandria, Virginia).

National Parking Association (Washington, D.C.).

National Pest Control Association (Dunn Loring, Virginia).

National Retail Hardware Association (Indianapolis, Indiana).

Nevada Association of Employers (Reno, Nevada).

North Carolina Petroleum Marketers Association (Raleigh, North Carolina).

North Carolina Tire Dealers & Retreaders Association (Durham, North Carolina).

Northeastern Retail Lumbermen's Association (Rochester, New York).

Ohio Automative Wholesalers Association (Columbus, Ohio).

Petroleum Marketers Association of America (Washington, D.C.).

Precision Metalforming Association (Richmond Heights, Ohio).

Reid Psychological Systems (Chicago, Illinois).

Retail Bakers of America (Washington, D.C.).

Retail Merchants Association of Greater Richmond (Richmond, Virginia).

Service Station Dealers of America (Washington, D.C.).

Society of American Wood Preservers, Inc. (Falls Church, Virginia).

Society of Independent Gasoline Marketers of America (Washington, D.C.).

Tennessee Oil Marketers Association (Nashville, Tennessee).

Texas Automobile Dealers Association (Austin, Texas).

Texas Laundry & Drycleaning Association (San Antonio, Texas).

Texas Oil Marketers Association (Austin, Texas).

Texas Restaurant Association (Austin, Texas).

Texas Rental Association (Austin, Texas).

Texas Retail Grocers Association (Austin, Texas).

The Battle Mountain Gold Company c/o Burridge Associates, Inc. (Washington, D.C.).

Union County Chamber of Commerce (Union, South Carolina).

Washington Apartment Association (Tacoma, Washington).

Wine and spirits Wholesalers of America, Inc. (Washington, D.C.).

Wisconsin League of Financial Institutions, Ltd, (Milwaukee, Wisconsin).

Wisconsin Retail Hardware Association (Stevens Point, Wisconsin).

Mr. President, those are some of the organizations that oppose this bill. There are many others. It would be impossible to list all of them here.

Mr. President, I am not going to take the time to read excerpts from all of those organizations. I just want to read a few here which I think would be representative of most of these organizations.

Here is one from the American Mining Congress.

The American Mining Congress (AMC) wishes to convey to you its opposition to the Polygraph Protection Act of 1987 (S. 1904). The bill, introduced on Tuesday of last week, is currently scheduled for full Committee markup this Wednesday. As the representative of the nation's mining industry, we are concerned that this legislation will prohibit the use of the polygraph as a legitimate personnel testing tool.

While the polygraph is not used extensively in mining, several sectors of our industry do make use of the polygraph. Their reasons center on concern for theft of high explosives or precious metals. Precious metals mining and processing operations are particularly susceptible to internal theft. As part of their loss prevention program, many such operations prefer to retain the option of preemployment and random polygraph screening to assure the integrity of their workforce.

AMC believes that the question of polygraph use is an issue best left to resolution in the workplace.

The Automotive Parts and Accessories Association:

Up to 43 percent of business losses can be attributed to internal theft, according to Arthur Young and Company. Proper use of polygraphs can mean important protections for companies, preventing thefts before they occur and therefore avoiding severe damage to a company's financial position.

APAA particularly notes that S. 1904 exempts government agencies, military and security personnel from the lie detector ban. It seems unjust to our members that this bill would shield government agencies from problem employees, but deny that same protection for a small business an owner may have worked all his life to build. If polygraphs are considered a valid measurement of a person's innocence or guilt for government use and for national security needs, why are they an invalid measurement for use by private businesses?

An excerpt from Timken Bearing:

1. We conduct routine testing of potential employees using computers.

If this "mechanical device" is considered a "lie detector" based on the fact that we verify the accuracy of some information input by the applicant, such methods for simply collecting data on potential employees would be prohibited by the bill.

2. Inclusion of the term "chemical device" in the definition of lie detector may prohibit employers from doing drug screening of applicants.

3. The qualifications prescribed for the polygrapher could be interpreted to apply to anyone administering a test where an individual's honesty is verified. (As under item 1, it is routine to verify certain information that job applicants provide in seeking employment.)

Among these qualifications is maintaining a $50,000 bond and an internship of six months under a professional who has also met the specified qualifications.

If those who administer tests to regular job applicants are deemed to fall into this category, the costs to employers would be prohibitive.

4. Again, if standard pre-employment tests were interpreted as falling under this law, the reliability of such tests would be destroyed by the requirement for employers to provide the applicant with the questions prior to the test and the answers and conclusions drawn after the test is completed.

Please clarify whether these are valid concerns given the current wording of S. 1904.

While protection of an individual's rights is the responsibility of all employers, bills such as this—which, through interpretation, can create unjustified restrictions on employers and their ability to evaluate job applicants—unnecessarily increase costs and reduce the competitiveness of U.S. businesses at a time when global competition is severe and many jobs are at stake.

This letter, as I say, was from Timken Bearing in Canton, OH.

Mr. President, I have a letter from Wells Fargo from which I wish to read an excerpt:

This legislation prohibits private companies, including companies engaged in security work, from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

In most cases, pre-employment polygraphing is more important than post-incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the 'Los Matcheteros' terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver.

He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

An excerpt from a letter from the Professional Lawn Care Association of America:

PLCAA represents over 1,300 lawn care companies throughout the United States, employing many thousands of people. Lawn care personnel have direct contact with a company's customers, and very often have a need to enter a customer's home. Our members are very conscious of hiring not only qualified people, but also employees who pose no risk to the customer or their property. Lie detector tests are one important tool used by some PLCAA members to help them in making a hiring decision.

An excerpt from Feature Enterprises:

Ten years ago, internal losses of diamonds and gold from this company were staggering and a voluntary polygraph program was instituted under my direction. At present, internal losses are minimal and my confidence in polygraph is maximal.

An excerpt from a letter from the National Pest Control Association:

The pest control industry sends 57,000 employees directly into 10 million homes nationwide. When the homeowner allows an unfamiliar person to enter the household, the security of life and personal property is squarely on the line.

When used with other preemployment screening methods, a polygraph examination is a valid and essential tool for preventing job applicants with criminal backgrounds from gaining access to the customer's home. S. 1904 would arbitrarily ban polygraph examinations as a preemployment screening method.

Mr. President, the excerpts I have given here are representative, I think, of the way the public feels about this matter. I could read letters from all these companies, but I just read excerpts from a few. I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. CHAMBER OF COMMERCE,
Washington, DC, February 11, 1988.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR STROM: The U.S. Chamber of Commerce, on behalf of its approximately 180,000 members, respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987.

S. 1904, introduced by Senator Kennedy (D-MA), would prohibit most private employers from using the polygraph for the purpose of screening prospective employees. Employers have found the polygraph to be an invaluable tool for deterring workplace crime and identifying security risks among job applicants. It helps to protect the financial health of American business and the health and safety of customers, employees and the public; therefore, limiting its use is not in the best interest of the American public or business.

The polygraph has proven its worth in assisting defense agencies in guarding national security; business should also have access to it. Congress has repeatedly overwhelmingly endorsed its use for this purpose.

On June 16, 1985, the House of Representatives voted 331-71 in favor of an amendment allowing the Department of Defense to increase the polygraph screening of personnel with access to sensitive information. On July 7, 1985, the Senate voted 94-5 to agree to the conference report containing a polygraph program.

On May 11, 1987, the House voted 345-44 for an amendment to the Department of Defense Authorization bill, offered by Congressman Bill Young of Florida, establishing a permanent polygraph program for national defense agencies. On November 19, 1987, the Senate voted 89-6 to agree to the conference report containing a permanent polygraph program.

Current employee theft raises the cost of goods to consumers by as much as 15 percent and continues to escalate. The Drug Enforcement Administration, which has endorsed polygraph use in employee-screening programs, estimates that one million doses of drugs are stolen each year from drug retailers, wholesalers and distributors. One employer, Days Inn of America, testified at a Congressional hearing during the 99th Congress that the use of the polygraph has helped to reduce its annual losses from more than $1 million to $115,000.

Crime in America is a serious, pervasive concern. Day care centers must be able to pre-screen prospective employees to prevent incidents of child abuse. Nursing homes must know if their sick and often helpless patients are at risk of death. Public utility companies, chemical plants, airlines and railroads are only a few examples of the industries that need to be able to screen prospective employees to help avoid public disasters.

The rights of employers to use the polygraph to protect their employees, their assets and themselves must be preserved. The Chamber respectfully urges you to oppose S. 1904, the Polygraph Protection Act of 1987. Enclosed you will find a list of the business and trade associations who oppose S. 1904.

Sincerely,

ALBERT D. BOURLAND.

ORGANIZATIONS OPPOSED TO S. 1904, THE POLYGRAPH PROTECTION ACT OF 1987

U.S. Chamber of Commerce (Washington, D.C.).

Alabama Hotel & Motel Association (Montgomery, Alabama).

Alabama Retail Association (Montgomery, Alabama).

American Hotel & Motel Association (Washington, D.C.).

American Polygraph Association (Alexandria, Virginia).

American Rental Association (McLean, Virginia).

American Road & Transportation Builders Association (Washington, D.C.).

American Society for Industrial Security (Arlington, Virginia).

American Supply Association (Chicago, Illinois).

American Trucking Association (Washington, D.C.).

APCOA, Inc. (A Member of the National Parking Association)—(Cleveland, Ohio).

Association of Oilwell Servicing Contractors (Dallas, Texas).

Automotive Parts & Accessories Association (Lanham, Maryland).

Automotive Wholesalers Association of Tennessee (Nashville, Tennessee).

Bishop, Cook, Purcell & Reynolds (Washington, D.C.).

Bowling Proprietors Association of Southern California (Burbank, California).

California Jewelers Association (Los Angeles, California).

Central Station Electrical Protection Agency (Washington, D.C.).

Circuit City Stores, Inc. (Richmond, Virginia).

Committee of National Security Companies, Inc. (Consco) (Memphis, Tennessee).

Federation of Apparel Manufacturers (New York, New York).

Greater New York Retail Merchants Association (Great Neck, New York).

Illinois Association of Convenience Stores (Springfield, Illinois).

Illinois League of Savings Institutions (Springfield, Illinois).

Illinois Lumber & Material Dealers Association (Springfield, Illinois).

Illinois Petroleum Marketers Association (Springfield, Illinois).

Independent Electrical Contractors, Dallas Chapter (Irving, Texas).

Independent Fire Insurance Companies (Jacksonville, Florida).

Independent Sewing Machine Dealers Association, Inc. (Columbus, Ohio).

Indiana Retail Grocers Association (Indianapolis, Indiana).

International Association of Chiefs of Police (Gaithersburg, Maryland).

Iowa Grain and Feed Association (Des Moines, Iowa).

Jewelers of America (Washington, D.C.).

Kentucky Wholesale Liquor Dealers Association (Louisville, Kentucky).

Louisiana Association of Business & Industry (Baton Rouge, Louisiana).

Manufacturing Jewelers & Silversmiths of America, Inc. (Providence, Rhode Island).

Marriott Corporation (Washington, D.C.).

Metal Treating Institute (Jacksonville Beach, Florida).

Michigan Automotive Parts Association (Lansing, Michigan).

Michigan Blueberry Growers Association (Grand Junction, Michigan).

Monument Builders of North America (Evanston, Illinois).

Multi-Housing Laundry Association (Raleigh, North Carolina).

National-American Wholesale Grocers' Association (Falls Church, Virginia).

National Apartment Association (Washington, D.C.).

National Association of Catalog Showrooms (W. Simsbury, Connecticut).

National Association of Truck Stop Operators, Inc. (Alexandria, Virginia).

National Automatic Merchandising Association (Chicago, Illinois).

National Automobile Dealers Association (Washington, D.C.).

National Burglar & Fire Alarm Association (Washington, D.C.).

National Independent Dairy-Foods Association (Washington, D.C.).

National Moving and Storage Association (Alexandria, Virginia).

National Parking Association (Washington, D.C.).

National Pest Control Association (Dunn Loring, Virginia).

National Retail Hardware Association (Indianapolis, Indiana).

Nevada Association of Employers (Reno, Nevada).

North Carolina Petroleum Marketers Association (Raleigh, North Carolina).

North Carolina Tire Dealers & Retreaders Association (Durham, North Carolina).

Northeastern Retail Lumbermen's Association (Rochester, New York).

Ohio Automotive Wholesalers Association (Columbus, Ohio).

Petroleum Marketers Association of America (Washington, D.C.).

Precision Metalforming Association (Richmond Heights, Ohio).

Reid Psychological Systems (Chicago, Illinois).

Retail Bakers of America (Washington, D.C.).

Retail Merchants Association of Greater Richmond (Richmond, Virginia).

Service Station Dealers of America (Washington, D.C.).

Society of American Wood Preservers, Inc. (Falls Church, Virginia).

Society of Independent Gasoline Marketers of America (Washington, D.C.).

Tennessee Oil Marketers Association (Nashville, Tennessee).

Texas Automobile Dealers Association (Austin, Texas).

Texas Laundry & Drycleaning Association (San Antonio, Texas).

Texas Oil Marketers Association (Austin, Texas).

Texas Restaurant Association (Austin, Texas).

Texas Rental Association (Austin, Texas).

Texas Retail Grocers Association (Austin, Texas).

The Battle Mountain Gold Company c/o Burridge Associates, Inc. (Washington, D.C.).

Union County Chamber of Commerce (Union, South Carolina).

Washington Apartment Association (Tacoma, Washington).

Wine and Spirits Wholesalers of America, Inc. (Washington, D.C.).

Wisconsin League of Financial Institutions, Ltd. (Milwaukee, Wisconsin).

Wisconsin Retail Hardware Association (Stevens Point, Wisconsin).

AMERICAN MINING CONGRESS,
Washington, DC, December 8, 1987.
Hon. STROM THURMOND,
Labor and Human Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR: The American Mining Congress (AMC) wishes to convey to you its opposition to the Polygraph Protection Act of 1987 (S. 1904). The bill, introduced on Tuesday of last week, is currently scheduled for full Committee markup this Wednesday. As the representative of the nation's mining industry, we are concerned that this legislation will prohibit the use of the polygraph as a legitimate personnel testing tool.

While the polygraph is not used extensively in mining, several sectors of our industry do make use of the polygraph. Their reasons center on concern for theft of high explosives or precious metals. Precious metals mining and processing operations are particularly susceptible to internal theft. As part of their loss prevention program, many such operations prefer to retain the option of preemployment and random polygraph screening to assure the integrity of their workforce.

AMC believes that the question of polygraph use is an issue best left to resolution in the workplace. We urge your favorable consideration of our views.

Sincerely,

JOHN A. KNEBEL,
President.

AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION,
Lanham, MD, December 14, 1987.
Hon. STORM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: I am writing to inform you of APAA's continued strong opposition to any lie detector ban legislation (S. 1904). This bill is an unwarranted intrusion into the hiring and firing practices of our members.

Up to 43% of business losses can be attributed to internal theft, according to Arthur Young and Company. Proper use of polygraphs can mean important protections for companies, preventing thefts before they occur and therefore avoiding severe damage to a company's financial position. While certain retail groups now support S. 1904 as a result of the very limited exemption permitting polygraph use for "ongoing investigations," failure to allow preemployment screening will continue to leave many businesses vulnerable to employee theft or damage.

APAA particularly notes that S. 1904 exempts government agencies, military and security personnel from the lie detector ban. It seems unjust to our members that this bill would shield government agencies from problem employees, but deny that same protection for a small business an owner may have worked all his life to build. If polygraphs are considered a valid measurement of a person's innocence or guilt for government use and for national security needs, why are they an invalid measurement for use by private businesses?

APAA's nearly 2,000 member companies strongly urge you to reject this ill-advised legislation when it is brought before the Senate Labor and Human Resources Committee. Both businesses and consumers need the protection afforded by polygraphs from the higher overhead costs and prices which are associated with increased incidences of employee theft.

Sincerely,

JULIAN C. MORRIS,
President.

WELLS FARGO ARMORED SERVICE CORP.,
Columbia, SC, February 1, 1988.
Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: Senator Kennedy recently introduced a bill which would restrict the use of the polygraph by private employers. S. 1904 is expected to move quickly to the Senate floor.

This legislation prohibits private companies, including companies engaged in security work, from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

I am a manager of an armored car service company and we handle large sums of currency and coin daily. Our employees are in custody of this currency and coin much of the time without any supervision. It is of vital importance to our operation that we be able to screen out dishonest employees before they have an opportunity to steal from us. The polygraph is our most important tool for this purpose, and prohibiting its use for pre-employment screening would have a very immediate impact on our business and increase the costs of our service substantially.

In most cases, pre-employment polygraphing is more important than post-incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the 'Los Matcheteros' terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

All of the above is also supported in the book titled "Los Macheteros" by Ronald Fernandez, published in English by Prentice Hall, copyright 1987. (The Wells Fargo robbery and the violent struggle for Puerto Rican Independence.)

The House of Representatives recognized the special needs of security companies and included in the Bill which just passed the House, an exemption for these functions. An identical exemption was included in the Bill which the House passed in 1986.

Frankly, we believe that polygraphs are best regulated at the state level. In fact, 22 states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

Sincerely,

NOBUMASA TSUBOI,
Branch Manager.

PROFESSIONAL LAWN CARE, ASSOCIATION OF AMERICA,
Marietta, GA, January 28, 1988.
Senator EDWARD M. KENNEDY,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The Professional Lawn Care Association of America is writing to you to register our opposition to your Bill 1904, which will prevent our members from utilizing lie detector tests as one of several tools available to them in making hiring decisions.

PLCAA represents over 1,300 lawn care companies throughout the U.S., employing many thousands of people. Lawn care personnel have direct contact with a company's customers, and very often have a need to enter a customer's home. Our members are very conscious of hiring not only qualified people, but also employees who pose no risk to the customer or their property. Lie detector tests are one important tool used by some PLCAA members to help them in making a hiring decision.

PLCAA requests the opportunity to present our arguments against Bill 1904 to the Labor and Human Resources Committee. Your consideration of this request will be most appreciated.

Very truly yours,

JAMES F. WILKINSON, Ph.D.,
Director of Regulatory and Environmental Affairs.

NATIONAL PEST CONTROL ASSOCIATION INC.,
Dunn Loring, VA, February 11, 1988.

DEAR SENATOR: On February 3, the Labor and Human Resources Committee voted to report S. 1904, legislation which would severely restrict the responsible use of polygraph examinations by private employers. As currently drafted, this legislation would hurt our ability to protect the safety and security of our customers.

The pest control industry sends 57,000 employees directly into 10 million homes nationwide. When the homeowner allows an unfamiliar person to enter the household, the security of life and personal property is squarely on the line.

When used with other preemployment screening methods, a polygraph examination is a valid and essential tool for preventing job applicants with criminal backgrounds from gaining access to the customer's home. S. 1904 would arbitrarily ban polygraph examinations as a preemployment screening method.

Furthermore, pest control companies comply fully with state regulations governing the administration of polygraph examinations. S. 1904 would preempt state laws and deny responsible preemployment use of the polygraph under state regulation.

Finally, S. 1904 would allow the government to continue preemployment polygraph testing. H.R. 1212, passed by the House, exempts private security services and drug companies from the private-sector ban on polygraph testing. These exceptions for government and certain businesses attest to the validity and value of polygraph use. If the polygraph works to screen prospective employees for tasks affecting national security, judicious polygraph application can work to protect the public we serve.

We respectfully ask that you oppose S. 1904. Thank you for considering our concerns.

Sincerely,

Harvey S. Gold,
Executive Vice President.

Feature Enterprises, Inc.,
New York, NY, January 28, 1988.

Hon. Strom Thurmond,
U.S. Senate, Washington, DC.

Dear Senator Thurmond: It has come to my attention that Senate Bill 1904 is presently before your Labor and Human Resources Committee for consideration. I am very concerned because S.B. 1904 would ban the use of polygraph for pre-employment screenings and periodic examinations, and severely limits its use for theft investigations in private industry. This proposed ban and severe limitations would not affect any government agencies and thus discriminates against the private sector.

The Polygraph, in the hands of experts, has proven itself an invaluable tool for preemployment screenings, periodic examinations, and investigations of thefts in this company and other companies in the jewelry industry.

As a security professional, I have observed the polygraph prove itself to be both valid and reliable in this workplace during the past ten years. This company has not received any complaints of polygraph abuse from any employees or prospective employees during this period. Ten years ago, internal losses of diamonds and gold from this company were staggering and a voluntary polygraph program was instituted under my direction. At present, internal losses are minimal and my confidence in polygraph is maximal.

It is extremely unfair to disapprove the use of polygraph in the private sector and approve its use in all areas of government. Does the polygraph only work for the government and not the private sector? Of course not. Polygraph either works or doesn't work! I strongly believe it does work when administered by a highly qualified polygraph examiner.

Please give this letter your serious attention and consideration. I strongly urge you to oppose S. B. 1904 and vote against this discriminatory legislation. Remember, what is good enough for government should also be good for private industry!

Respectfully,

Vincent J. Lambriola,
Director of Security.

Mr. THURMOND. Mr. President, I refer again to this chart. Here is a chart that tells the situation in every State in the Nation—every State, whether or not it has polygraph; 44 States have some form of polygraph testing now. Why should the Federal Government enter into this field? This field has never been delegated to the Federal Government, and there is no authority to go into it. We can pass a constitutional amendment and give them that authority, but why do it?

Forty-four States now have polygraph laws on the subject. I hope the Senate will take that into consideration and not, in one fell swoop, pass a Federal law that will strike down what 44 States have done. If States want a polygraph law, they can have it. If they do not want to have a polygraph law, they will not have it.

I especially ask the Senate not to strike down these State laws but let States continue in this field of jurisdiction, which they have a right to do under the Constitution, since this field has never been delegated to the Federal Government under the Constitution.

Mr. President, I thank Senator Durenberger for allowing me to speak at his desk at this time, so that I could point out these charts to the Senate.

Mr. President, I ask unanimous consent that the charts to which I have referred be allowed to stay up in the Senate until this bill is finished and voted on.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I rise in strong opposition to the bill that is currently before the Senate. I will have a series of amendments later in the day, and I will have some I assume, given our time constraints, after cloture is imposed if it is imposed.

I would like to say, Mr. President, that few bills that have come before the Senate in the 3 years that I have been here have been so unwise, so counterproductive, and so expensive to the functioning of the private sector of the economy.

I am struck, Mr. President, by a paradox here which is almost beyond imagination. The underlying logic of this bill is that polygraphs are fundamentally wrong, that their reliability is so low that we are in essence abridging people's rights by asking them to submit to examination, yet, the bill begins by exempting government.

I submit to my colleagues if you look at our great Nation and what makes it work, the logic is flawed. This bill regards the polygraph as a bad tool, yet it also holds that government is so critical to the Nation that we have to apply the polygraph in government, but that the private sector is so irrelevant to the Nation that because we have an imperfect tool in the polygraph, it, for all practical purposes, should not be used in the private sector of the economy except under the most limited nonproductive circumstances which one can imagine.

I submit, Mr. President, that the Government is made up of people who are riding in the wagon of this Nation and that the private sector is involved in pulling that wagon.

If we are talking about critically important elements of America, the private sector of the economy is certainly more important to the prosperity of our great Nation than is government. But if polygraphs are so counterproductive, so inefficient, so unreliable, so unfair, why are we using them in government when we are going to deny them to the private sector of the economy?

What a great paradox it is, Mr. President, that since 1985, over and over and over again the Congress has turned to greater reliance on the polygraph.

Now, when we are in the process as the House of Representatives has on three occasions employed the use of various types of testing and use of polygraph, what logic is there in saying to a day care center you are barred by law from using a polygraph to ask a prospective child care worker if they have ever been convicted of child molesting? It seems to me that what we have here is a totally illogical bill that embraces a faulty presumption. It clearly makes no sense.

What we are doing here is setting two standards, a perfect example of how Congress fails to serve the public interest.

One standard is the Government standard and in the Government we say, "use the polygraph." And yet we say to the private sector, whether you are talking about child day care, driving an armored car, guarding a nuclear powerplant, we say, no, this test is so unreliable that it may not be used.

Will it do us much good if someone breaks in and blows up a nuclear powerplant to go back and say, "Aha, you have complied with the special section of this bill that says now employees may be asked if they are willing to submit to a polygraph test to determine if an employee had a role in attacking the plant. They can still refuse, but you can use that as evidence in dismissing them."

Fat lot of good that is going to do when the nuclear powerplant is blown up.

Finally, as you look at the agencies listed here as being exempt, one has to ask who drew up their list?

If you are a private contractor doing specific work for the Department of Defense, Energy, the Central Intelligence Agency, the National Security Administration, the Federal Bureau of Investigation, where you are dealing with sensitive information, you can then be asked to use a polygraph under the Government exemption from the provisions of this bill.

What about the Arms Control and Disarmament Agency? I mean, surely we want some ability to determine, when we are negotiating arms control matters with the Soviet Union, that we have some degree of protection in terms of security. If we can give some lieutenant in the Defense Department a polygraph, why not the Arms Control and Disarmament Agency? What about the dozens of other agencies of Government that are dealing with highly classified material?

Are we concerned only about intelligence and counter-intelligence matters? Or are we concerned about security itself?

Mr. HATCH. Mr. President, will the Senator yield?

Mr. GRAMM. I will yield in just a minute.

Mr. HATCH. On just those points, because I understand how the Senator feels about this bill, and it is a controversial bill. But in those areas where they are exempt from this bill's provisions we exempt State and Federal Government agencies. The Senator recognized that at the beginning of his statement, and I just want to correct that now from that standpoint.

Mr. GRAMM. If there was a confusion in my statement, I would say that a central point is you are exempting the least important part of American society. You are exempting all the people who are riding in the wagon, but you are not exempting the people who are doing the work and are pulling the wagon in this country. That inequity is a major problem with this bill.

If polygraphs are so bad, why is the Government using them?

Mr. HATCH. There are two reasons, if the Senator will yield to me. One is we do not want to impose upon State governments the will of the Federal Government. That is one of the things I tried to put in this.

No. 2. is that we find that the Government does operate the polygraph better than the 15-minute quickie polygraphs that have been used to exclude people in preemployment hiring situations.

No. 3, we provide in this bill that you cannot use it for screening for plant preemployment because it is prejudicial and frankly the polygraphs are not all that accurate. Even the top authorities who testified before our committee said an 85 percent accuracy rate with all things going for it, everything done properly, would probably be a reasonable rate.

We just do not want to have people lose their jobs because of that.

Last and not least, the Government itself in administering polygraphs has been an expert. They generally very seldom rely purely on the polygraph itself. In fact, I have never heard of a case where they fired someone purely on results of a polygraph examination. There have to be some other reasons.

I think they have shown that proficiency in these national security areas to do that.

What we really wanted to do there was just plain recognize we are not going to tell State governments what to do.

The Federal Government we have exempted because there are so many people concerned about national security matters.

There are arguments on both sides of these.

What we tried to do is come up with a bill here that really does protect people's rights.

Mr. GRAMM. If I may reclaim the time, I do not remember having mentioned State or local government. I am talking solely about the Federal Government. I am saying if these tests are so flawed and inefficient, why are we letting government use them when we are not letting the private sector.

The Senator is talking about 15-minute quickie lie detector tests. If a child care center wants to administer a test and ask, "Have you ever been arrested for child molesting," I do not see that as a terrible thing.

Now I am certainly willing through due process to mandate that a test which was errant be eliminated from consideration in preventing them from being hired, but I am not opposed to them being asked.

If you are talking about a person who, through his job is responsible for safeguarding the lives of others, I am not going to apologize for saying yes, you can ask the person in a 15-minute test, "Did you use cocaine?" If the person denies drug use, but the test indicates otherwise, then I think it is reasonable to check further.

I just do not think this bill makes any practical sense. I am shocked and dumbfounded that it has the support it does. I am not in favor of having everybody submit to lie detector tests. But when we are talking about the private sector of the economy, when we are talking about people operating transportation systems, caring for our children, when we are talking about sensitive areas where people are going to be hurt if we make a mistake, I, frankly, do not understand the obsession embodied in this legislation.

What about the children who could be protected if we used polygraphs and asked people, "Have you ever been arrested for child molesting?" Where does this bill protect their rights?

I think it is easy to talk in glib terms about 15 minute quickie lie detector tests, but I think there is ample ability to go beyond the test.

As the distinguished Senator from South Carolina was saying, the availability of the lie detector test keeps terrorists from applying to go to work for armored car companies or nuclear plants. Quite frankly, I want people who are going to be working in security at nuclear powerplants or at drug manufacturing facilities to be concerned about the fact that they might be chosen at random sample to do a polygraph test on whether they are smuggling drugs that may destroy the life and health and happiness of our children; or whether they may be engaged in something similar that is clearly against the public interest.

Thirty-three States already have licenses and certificates. Forty-four States have regulatory legislation. Thirty-three States have acted in the last decade. How did this become a Federal issue? How is it a Federal issue that day care center uses a polygraph to avoid hiring a child molester.

The plain truth is it is not the Federal Government's jurisdiction. This is one more step toward federalizing fundamental decisions in the private sector of the economy, decisions that have been left to city, county and State governments which, miraculously, have done pretty well working within their own individual constraints.

This is a Federal preemption. It is moving in the wrong direction and I hope my colleagues will understand before we all rush down here and vote for cloture and say, "Well, you know, we are a little bit suspicious about this. Maybe we ought to have some regulation of it." We already have regulation. We have regulation in the States.

There is not a good argument for this bill that I have heard anywhere. The only argument is the old argument that these tests are not totally reliable. I have never talked to any company, never talked to any insurance firm, any security firm that did not realize they were less than totally reliable. In fact, in many cases, just the threat of the test is what is required to preserve honest operation.

So I ask my colleagues to think about the safety of children in daycare centers, to think about the safety of nuclear reactors, to think about the safety of people who are riding in trains, people who are riding in airplanes.

This is not just an issue of 150 or 200 trade associations who are going to have their costs go up. We are not just talking about another deadweight burden of cost and inefficiency that robs the working men and women of America. We are not just talking about that. We are talking about people's health, people's safety, and about their lives.

I think this is a serious matter, and I think it ought to be thoroughly debated. I hope that by the time we are finished, the President will veto this unwise bill and that we will sustain that veto.

I yield the floor.

(Mr. SHELBY assumed the chair.)

Mr. HATCH. Mr. President, I think some of the allegations have to be answered. I respect my colleague from Texas. He is a great free enterpriser. He is one of the people who stand up on so many issues and I think he is one of the most articulate and intelligent Members who comes to this floor and who has ever spoken on this floor. But I have to correct him to a degree.

First of all, we would not require private businesses to do what the Federal Government does, because private businesses are not going to impose polygraphs on everybody. The airlines are not going to do it, and neither are day care centers, and neither are convenience stores and neither, really, will anybody else require polygraphs for every circumstance.

The fact of the matter is, under present law, 35 States require in all day care center situations that an FBI check, a thorough FBI check, be made, plus a criminal records check before they can hire these people.

I think what my colleague from Texas really does not realize is that drug users can be handled right now by any private business person by requiring a drug test. Under current law, they can do it. I believe the distinguished Senator from Indiana is going to offer an amendment in just a few minutes that will allow drug testing. And if the amendment is in the form I think it will be in, I am hopeful that we can accept that amendment. Now, that is current law, but he will lock it in, and he will do this whole country a favor in doing so. I cannot imagine anybody on this floor voting against that.

So the argument that you have to have a lie detector test, which is, at best, only 85 percent accurate on the average, which means that 15 percent of the people are getting just hammered for no good reason, that argument is not a good argument, because they can test everybody who comes through if they want to for drugs.

But, as a practical matter, unlike the Federal Government, they are not going to require everybody to take a drug test because it costs money and private sector businesses are not going to do it. But, in day care, they are going to have FBI checks, for the most part, and criminal record checks for the most part, at least 35 States require it. I wish the other 15 would require that, too. I think that would be a good step forward. If we have the slightest indication somebody might be a drug user, put them through a drug test. They can do it under current law. But when the distinguished Senator from Indiana gets through—and I have fought for his amendment—when he gets through, it seems to me they will have an absolute right to do it, even though I think that is current law anyway.

So, to stand here and argue that you have got to have a polygraph, which nobody in this world wants to take, especially when you know it is not 100 percent accurate, when you know you might be one of those 15 percent who is mistreated, I think is a poor argument.

I know that the distinguished Senator from Texas is not going to vote for anything that would allow the private sector to do what the Federal Government sector does, require polygraphs under certain circumstances.

This bill does not do away with polygraphs. We still recognize some efficacy. I do not think anybody has better conservative credentials than I do or better law and order credentials than I do, but I am tired of anybody thinking that the polygraph is the last answer to anything. It just plain is not.

For the most part, it is unacceptable in courts of law for evidentiary purposes, and with good cause. Because it is not accurate.

I can tell you this, one of the things this bill is going to establish is that you are never going to be able to use the polygraph in the private sector as the sole determining influence to determine whether a person is hired or fired. The fact of the matter is that I do not think it should be the sole reason why anybody is fired. It certainly should not be the sole reason why anybody is not hired. The reason is because it is inaccurate.

As accurate as it may be when you have the best of examiners asking the best phrased questions, giving sufficient time to do the polygraph checking and given the best of analysis at the end, after you look at what the polygraph says you are still going to be inaccurate about 15 percent of the time.

What American wants to have to appear for an imposed polygraph examination?

Mr. GRAMM. Would the distinguished Senator yield on that point?

Mr. HATCH. I would be happy to.

Mr. GRAMM. Why are you doing that in the Federal Government then? Is polygraph not inaccurate when used by the Federal Government?

Mr. HATCH. It can be, but it is not used solely as a determinant whether they are employed or not. It may be a tool, but it is not the sole determination as far as I understand.

I might add that I have been a little more fair with polygraphs than they deserve. The fact is the top testimony in front of our committee said that 85 percent accuracy, when you have the best examiner, with the best questions, with the best amount of time spent; certainly not 15 minutes or one-half hour, perhaps even an hour under certain circumstances, and with the best analysis, you are going to be accurate 85 percent of the time.

The actual testimony I think will be that they are accurate about 50 percent of the time.

I think in most cases the Federal Government does not use the polygraph as the sole means of excluding somebody from a job. Under this bill we will not allow it to be used in any way to exclude a person from a job, as a job applicant. But we do allow it postjob attainment. We allow it as long as there is a reasonable suspicion that that person did something wrong, that they might be required to have a polygraph. And if they take the polygraph examination and the examination clears them as a general rule they are going to be all right. If they take it and the polygraph says they were deceptive or that they were untruthful, then the employer can act responsibly. If they refuse to take it the employer can treat it as though they had a negative polygraph examination.

Mr. GRAMM. Would the distinguished Senator yield?

Mr. HATCH. Yes.

Mr. GRAMM. Would the Senator support an amendment that simply says the private sector, in using polygraphs, would have to meet the Federal standard? If the distinguished Senator is concerned about someone losing a job if they fail the test, maybe the solution is not to deny the ability to use the test, but to simply say: You have got to follow the same procedures as the Federal Government does. You have got to recognize they are not always accurate. You have got to go beyond the polygraph test and verify the fact. But it can alert you to it just as doing an FBI check on a child day care center, if that process can be improved by polygraph but people cannot be denied a job because they fail it—the plain truth is you have got a resource constraint in checking people out.

If you went ahead and cleared the people that passed the polygraph and then focused your attention on those who did not, could we not do a better job of protecting children? Would you be inclined to that kind of amendment?

Mr. HATCH. The answer to that is no because when we have checked——

Mr. GRAMM. I figured.

Mr. HATCH [continuing]. Through the committee process a couple of years ago the answer from the private sector was we do not want to have that imposed upon us because we cannot afford it.

What the distinguished Senator is saying, if they want to do it they ought to be able to afford it. The answer to that is no. Because polygraphs, as accurate as they may be with the best of examiners, using the best tools, using the best questions, using adequate time, and using the best analysis, at best they are going to be accurate probably 85 percent of the time. That is if we give them every benefit of the doubt; and maybe only accurate 50 percent.

Put yourselves in the shoes of those applicants for employment. How many people in this country would like to submit themselves for 15 minutes, or 20 minutes, or 30 minutes of polygraph examination? Then I think you see the wisdom of this bill. This bill says, no, you are not going to be able to do that and exclude people from employment. That is wrong.

I do not think anybody has any better credentials fighting unwise labor legislation on this floor than I do. I am not bragging. It is just that I have had to do it all these years. It is no fun, especially arguing against my brothers in the labor unions that I came through. I am one of the few in this whole doggone body who did, I might add, in the whole Congress, who went through an apprenticeship program and literally became a journeyman; and I am proud of it.

I have fought every bit of unwise labor legislation that came through here, but I always said to my brothers that when they are right, I will fight for them. I think it is incredible to argue that every business that should use polygraphs or could be required to use them, will not if they have to meet standards that are decent.

The fact of the matter is they would not pay the money to do it. They are using them, but they are intimidating people and they use the polygraph as an intimidation device, and it is not right.

This bill is wise because, once they are hired, if there is reasonable suspicion that they are doing something wrong, then the employer can ask them to submit to a polygraph. If they do not submit, that is their problem. The employer can act accordingly. If they do submit and they fail, then by gosh the employer has a right to fire them. If they do submit and pass, they are probably going to be cleared, under most circumstances.

The tool is still available but is not available under the best of circumstances, not under the intimidation circumstances that have been used so much in the past. And that is what this bill does.

It is a doggoned fine bill. It makes a lot of sense and frankly it protects people's rights and I think they ought to be protected and in this case the unions happen to be right and I support them.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, let me first of all just amplify on the two points that have been brought up by my distinguished friends from South Carolina and Texas, Senator THURMOND and Senator GRAMM, on the objections to this bill.

The first, as Senator THURMOND has pointed out in graphic detail, you have States that already regulate this. Second, particularly as Senator GRAMM has pointed out, you have got a double standard on this bill. You do have a double standard on this bill in the fact that it is banned for the private sector but is OK for the public sector to do.

That type of hypocrisy is not unusual, but I think it ought to be pointed out, that what we say for the Federal Government is OK to do, we are not going to allow this to be done in the private sector.

The question is what forces this kind of logic? And I think what probably forces this kind of logic is that this Congress likes to legislate, likes to do things that help the folks out back home. We call it by any other name. We do not want to say that this is, in fact, a usurpation of State responsibility; 44 States regulate polygraphs. We do not want to get in and say that this is an unusual intrusion of what has been left to an employer-employee relationship. We would rather pass it off in terms of nice sounding, politically acceptable terminology that is civil rights, that this is certainly rights that folks ought to have.

You have those. We are going to make sure those rights are for at least the private sector, in this particular case, but not the public sector.

What I imagine really drives this bill is that there is nothing else for the Senate to do.

We spent 2 weeks on campaign reform, on a bill that we knew was not going anywhere. We were in session close to 60 hours, and we went to the unusual procedure of arresting Senators, which I thought was very heavy-handed.

We spent 2 weeks on that, and now we have spent yesterday, and we will spend today and part of tomorrow on an issue of major importance. That is on whether an employer can, in fact, use polygraphs for preemployment screening in the private sector.

We are going to say that that is not a good idea. We really have before the Senate a bill of major importance, major consequence, and it is of utmost national urgency that we focus on this bill. It is so important that we have even filed cloture on this bill to make sure that we will get a cloture vote tomorrow and that we can get this bill of major national importance passed. At least that is certainly the desire.

I really do not believe that this bill is of such importance. As a matter of fact, I do believe this is a practice that has traditionally been left to the States.

I am opposed to this bill, not because I have any belief in the polygraph but because, quite frankly, I believe, in some instances, it has been reported where polygraphs are terribly unreliable.

If employers are banned from using this for preemployment screening, they will come up with something else. They are going to have a screening device. I cannot help it, although I suppose someone might try to come up with a law in the guise of doing something worthwhile to force employers to do things that are not done.

If the employer wants to rely on polygraphs that give faulty information, and I consider that not a terribly wise thing to do, I cannot preclude an employer from basing his hiring practices on something that may be called stupid. But that is no reason that we want to create this intrusion of the Federal law into an employment relationship.

But we do not have anything else to do. We go to the cupboard, and the cupboard is rather bare of things to do around here. So we will talk about polygraphs, lie detector tests. This is important.

I suppose you can make the argument that it will help out productivity, that it will lower interest rates, and that it will keep inflation down. It is not going to do anything in the area of strengthening national defense because this bill does not apply to national defense. DOD is exempt from this, as are other parts of the Federal Government.

Up to now, the Federal law has not been regulating employers' hiring and fire decisions, except to prohibit unlawful discrimination, and that is certainly a Federal responsibility.

There are certain inalienable rights, constitutional rights, issues like discrimination, that really demand the attention of the Senate. It is something that is of national importance.

Currently, we have labor-management agreements and State laws that, in fact, regulate hiring-firing decisions. Forty-four of the fifty States have laws governing the use of polygraphs. The Senator from South Carolina has pointed that out. Forty-four of the fifty States have laws governing the use of polygraphs in the workplace, and 33 of the 50 States have addressed this issue legislatively since 1980. Twenty-six States either ban or restrict the use of lie detector tests.

Being logical—and I suppose in Washington and in the Congress that is a bit much to ask—if you, in fact, were logical and if, in fact, you do not think lie detector tests are valid and if, in fact, you do not think lie detector tests ought to be used and you are suspicious of them, you ought to put up legislation and just ban lie detector tests. If they are no good, just ban them, pure and simple. But that is not what we have before us. We are just going to ban them for preemployment screening. We will use them elsewhere under certain conditions, and certainly much of the public sector will be able to use them.

But the States have, in fact, gotten into this a lot more than the Federal Government. They know what they are doing. But we do not have anything else to do, so we will talk about lie detector tests. We will invoke cloture, and we will spend the Senate's time talking about this.

In addition, the States have passed volumes of laws regulating the employment process, both through specific enactments against particular abuses and through statute and case law, requirements of just cause for discharge.

For example, in Massachusetts, New Hampshire, and Rhode Island, they increased the minimum wage above the current Federal minimum of $3.35 an hour. The District of Columbia raised the minimum hourly wage of beauty culture occupations from $3.75 per hour to $4.50. Kentucky and West Virginia raised their minimum wages to $3.35 per hour. Child labor laws were recently revised in 10 States. Florida imposed limits on permissible daily and weekly hours of work for 16- and 17-year-olds during the school year. Minnesota reduced the latest that minors, under the age of 16, may work. Connecticut no longer requires proof of age certificates for persons over the age of 18 employed in hazardous occupations.

The Labor Commissioner of Iowa was given authority to adopt rules on employment of minors. Several States require background checks of prospective child-care operators or workers. Tennessee requested a study of the need for minimum health and safety standards for the operation of video display terminals. The list goes on and on.

The States are actively involved in areas of concern to the employees. Twenty-six States have either banned or restricted the use of lie detector tests. But S. 1904 is the equivalent of a Federal ban on polygraph testing and sets up Federal standards for polygraph testing and licensing of polygraphers.

In passing this bill, we will be headed down the road of Federal standards of just cause for discharge. We will find ourselves not looking at broad policy issues, but obsessed with minutia of day-to-day hiring and firing decisions now subject to State law.

S. 1904 would set Federal standards for use of the polygraph device by employers.

A NEW AREA FOR FEDERAL LAW

I am opposed to this bill, not because I have any belief in the validity of the polygraph, but because it would create a new intrusion of Federal law into the employment relationship.

Up to now, Federal law has not regulated the employer's hiring and firing decision, except to prohibit unlawful discrimination.

TWENTY-SIX STATES PROHIBIT OR RESTRICT THE POLYGRAPH

Currently, labor-management agreements and State laws regulate hiring and firing decisions.

Forty-four of the 50 States have laws governing the use of polygraphs in the workplace and 33 of the 50 States have addressed this issue legislatively since 1980. Twenty-six States either ban or restrict use of "lie detectors."

In addition, the States have passed volumes of laws regulating the employment process, both through specific enactments against particular abuses and through statute and case law requirements of "just cause" for discharge.

For example, in Massachusetts, New Hampshire and Rhode Island increased the minimum wage above the current Federal minimum wage of $3.35 per hour. The District of Columbia raised the minimum hourly wage of "beauty culture occupations" from $3.75 per hour to $4.50. Kentucky and West Virginia raised their minimum wages to $3.35 per hour.

Child labor laws were recently revised in 10 States. Florida imposed limits on permissible daily and weekly hours of work from 16- to 17-year-olds during the school year. Minnesota reduced the latest that minors under age 16 may work. Connecticut no longer requires proof-of-age certificates for persons over age 18 employed on hazardous occupations. The labor commissioner of Iowa was given authority to adopt rules on employment of minors.

Several States required background checks of prospective child care operators or workers.

Tennessee requested a study of the need for minimum health and safety standards for the operation of video display terminals.

The list goes on and on.

HEADING DOWN THE ROAD TOWARD "JUST CAUSE" FOR DISCHARGE

S. 1904 is the equivalent of a Federal bank on polygraph testing and sets up Federal standards for polygraph testing and licensing of polygraphers.

In passing this bill, we will be headed down the road of Federal standards of "just cause" for discharge. We will find ourselves, not looking at broad policy issues, but obsessed with the minutia of day-to-day hiring and firing decisions now subject to State law. This is the precedent set by this bill—that it appropriate for the Federal Government to ban the polygraph.

Next we will hear that it is appropriate for the Federal Government to ban drug testing. Indeed, it might be argued that this bill begins to do that very thing.

The polygraph is being banned because it is an inaccuarate device and because, even when it is accurate, unscrupulous polygraphers harass their subjects. The polygraph is but one of a multitude of devices, or tools used to make decisions, that are inaccurate.

In fact, it may interest my colleagues to note the the American Psychological Association argued in an amicus brief before the Supreme Court that "subjective personnel assessment methods, such as interviews, experience requirements and performance appraisals, can and should be validated". The APA, a strenuous supporter of S. 1904 would have us do just that, set Federal standards for hiring and firing.

It would seem to me that employers use many tools to make employment decisions, none of which is perfect. Thus, I am somewhat surprised at the reasoning of the report of the majority which states:

> Employees and applicants are being unjustly terminated or denied employment not due to their own shortcomings but due to the intentional and unintentional misuse of the polygraph exam and due to the inherent inaccuracies of the most common testing processes.

This statement implies that even the most common testing processes have inherent inaccuracies and leads me to believe that other tests will shortly be banned simply because they are imperfect. It is clear that the APA believes that the "interview and experience requirements" should be validated by "psychometric scrutiny" and require that employers "scientifically validate" all standards used in making employment decisions.

Further, the report states:

> While the committee heard concerns raised about written psychological preemployment tests used by some employers, there have been few complaints about such tests, and little evidence of abuse.

First of all, I wonder what the APA would have to say about such tests. Are they valid? Can they really detect deceptions. Are citizens being denied employment opportunities based on such tests? If they are why aren't those tests included in this Federal ban on "lie detectors?"

I also find it odd in the extreme that "psychological preemployment tests" are found to be nonabusive or reliable simply because the sponsors have not heard complaints about those tests. I am certain they could find statements enough, if they looked.

COLLECTIVE BARGAINING AGREEMENTS COVER POLYGRAPH USE

Collective bargaining agreements are replete with clauses on these matters—including prohibitions and limitations on the use of the polygraph.

For example, the master freight agreement which the Teamsters have negotiated with trucking employers already permits the use of polygraphs in preemployment screening, but not after the employee is hired.

PUBLIC POLICY ARGUMENTS

It is bad public policy for the Federal Government to enter this new arena. The rationale given for this legislation is that employers make many unfair decisions based on the polygraph exam. I agree that the polygraph may lead to unfair decisions—but I do not agree that Federal law is the answer to all mistakes that are made.

If the polygraph is unfair, what about the personality tests, which are specifically sanctioned by the report of the sponsors? What about the personal reaction which probably governs most hiring decisions? What about paper and pencil honesty tests? What about evaluations by psychologists?

We will be closing our eyes to reality if we believe that Federal supervision of the hiring and firing process will improve their quality. The Federal Government makes mistakes just as often as the private sector.

FEDERAL LICENSING OF OCCUPATIONS

S. 1904 also crosses another new boundary—it requires Federal licensing of polygraphers. I hope I do not need to remind my colleagues that currently the States license occupations whether it be the license of a surgeon or a barber. Proponents of this legislation have argued that abuses by polygraphers are so egregious that an overriding Federal law is needed to ameliorate the shortcomings of State law.

The Washington Post recently ran a series of articles on physicians in the State of Maryland who had been convicted of criminal offenses, but who nevertheless had not had their license to practice medicine revoked. Does this clear abuse of the licensing system and risk of public safety mean that the Federal Government should establish licensing standards for physicians?

DOUBLE STANDARD

S. 1904 contains an interesting double standard in the use of polygraph. This bill is based on the conclusion that the polygraph is an unreliable device for screening employees and therefore, it should be banned for use by employers in the vast majority of cases—except where screening is important.

Thus, certain Government contractors are exempted from the provisions of the bill. For them, the polygraph is reliable, but the very same device, in the hands of the same polygrapher, is unreliable for other employers with less important needs for screening. Consultants under contract to the Department of Defense, the National Security Agency, the Central Intelligence Agency or anyone who is "assigned to a space where * * * information is produced, processed, or stored" for NSA or the CIA, may polygraph when they wish and whomever they wish. Contractors for the FBI are exempted and may polygraph their employees at anytime during their career and for any reason.

Why is the polygraph reliable for them, but not for Department of Transportation contractors supplying airport antiterrorist and security services? Why is the polygraph device reliable for certain DOD contractors, but not for drug wholesalers and manufacturers?

In conclusion, S. 1904 represents a valiant effort to eradicate the abuses associated with the polygraph test in the workplace. Unfortunately, good intentions are not enough to accomplish this goal when coupled with a bill such as this. As I have pointed out, S. 1904 will merely compound the initial problem by further involving the Federal Government in area best left to the private domain or as the continued prerogative of the States.

AMENDMENT NO. 1606

(Purpose: To provide an exemption for preemployment tests for use of controlled substances)

Mr. QUAYLE. Mr. President, I think it is entirely appropriate now to move to an amendment I have. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 1606:

At the end insert the following new section:

EXEMPTION FOR PREEMPLOYMENT TESTS FOR USE OF CONTROLLED SUBSTANCES

(a) IN GENERAL.—An employer, subject to Section 7, may administer a scientifically valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—

(1) ACCURACY AND CONFIDENTIALITY.—Paragraph (1) shall not supersede any provision of this Act or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.

(2) COLLECTIVE BARGAINING AGREEMENTS.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

Mr. QUAYLE. Mr. President, I have modified this amendment, after discussions with representatives of the managers of this bill, to make sure that we are not precluding a lie detector test. I do not want to get into lie detector testing. The language "scientifically valid" and "other than a lie detector test" is a modification of my original amendment.

Mr. President, my amendment is very direct and to the point. It deals with allowing and saying, if this law applies to an employer prohibiting a polygraph examination, that it would not prohibit an employer on a preemployment basis from using a drug test. And drug test means to look at prospective employment.

Mr. President, there are two very important fundamental reasons that I offer this amendment.

First, what this bill does is it prohibits employers from using a polygraph in preemployment screening. It says you cannot do it and places a ban on that. If we are going to get into what employers can, in fact, do in preemployment screening, we better make absolutely certain what we are not taking away from them, and I dare say that we will be going down the road, this will probably be just the beginning of things this Congress may want to prohibit or micromanage or to regulate.

But, specifically, today we are not going to prohibit an employer from using a drug test if in fact they want to.

I have been very, very careful, Mr. President, that I do not by this amendment want to intercede in two very important areas. One, we do not supersede any provision of this act or State law that prescribes standards for ensuring the accuracy of the testing process or confidentiality, and, further, nothing in this will affect any collective-bargaining agreement that is, in fact, already reached.

But the important thing is that as we take away from one side with one hand, we want to make sure we are not taking away something else, and that is the possibility of drug testing.

Now, the second reason that this amendment is important is because we have heard decried on this floor and most recently by my dear friend from California the problem that we have with drugs—war against drugs. I concur in that, that we ought to have a war against drugs.

If, in fact, an employer wants to have a drug-free environment and he does not want his employees to be dependent upon drugs and he says "Look, I am not going to hire somebody," if they want to make that determination, "that is going to have this dependency on drugs," and he wants to use that information in hiring an individual. I want to make sure that this legislation does not prohibit him from doing that. He does not have to do it.

This does not get into mandatory or selective drug testing. It just says that if an employer wants to use this he or she, in fact, can do it.

There is no doubt about it, that we have a major problem of drugs in this country.

We have a Washington Post story just today.

"GAO cites cost of drug use in the U.S. Increased Availability, Potency Behind Epidemic, Report Says."

It says:

> Cocaine and other illegal drugs are costing the nation tens of billions of dollars a year in lost wages, law enforcement expenses and treatment, according to a new congressional report. But no price tag exists for what are generally believed to be the enormous costs to society created by the family strife, suicide and violence that drugs produce, the report said.
>
> Purer, cheaper and more easily attainable cocaine and heroin, as well as "designer drugs" produced in clandestine labs, have altered the shape of drug abuse in the 1980s, according to the study by the General Accounting Office, the investigative arm of Congress. Regarded as the entry-level to drug abuse, marijuana is still the most widely used illegal drug in the country, and although its use has declined since the 1970s, its potency has increased, the report said.

This is in today's paper, and you can thumb through other papers and periodicals, and you will find equally disturbing reports.

When we look at drug testing, there are many concerns that we have on drug testing, particularly when you look at drug testing of potential workers.

First, workers who abuse drugs have lower productivity;

Second, drug users have more health problems and hence generate higher employer insurance premiums;

Third, drug users have higher rates of absenteeism and on-the-job accidents;

Fourth, drug users may be responsible for lawsuits against the employer by employees or customers who are injured by drug abusers; and

Fifth, drug users may steal from their employer to support their drug habits or disclose confidential material in exchange for money or drugs.

So, yes, we have, in fact, decried the use of drugs. We have, in fact, decried and said that we are going to go on record that there is going to be a war against drugs.

And this amendment is very straightforward and it just simply says that an employer is not prohibited. An employer who could be subject to this bill may, in fact, use drug testing on preemployment screening.

The use of drugs in our society is, in fact, a national emergency and I believe that there is a compelling reason and need to act very promptly. We must not submerge the public interest or countless individuals and communities that will be exposed to these needless risks.

I just cite a couple statistics of loss of productivity to the use of drugs. Chemical abuse is costing American business as much as $100 million a year and is at least doubling accident rates. Health care costs go up and so does absenteeism. Substance abusers are absent from work 2½ times that of other workers, 2½ times.

Based on a study of the Research Triangle Institute [RTI] it concluded that drug abuse cost $33 billion in productivity losses. RTI estimated that in 1983 direct cost of drug abuse in our society was $60 billion or nearly 40 percent more than the $47 billion estimated for 1980.

Mr. President, illegal drugs have become so pervasive in the workplace they are used in almost every industry, the daily companions of white and blue collar workers alike. Their presence on the job is devastating to the productivity, the health, and safety of the American work force even as competition of the foreign market and work force become more heated.

The costs of drug abuse on the job, in fact, are staggering. Accidents do occur. Thefts do occur. Bad decisions are made. And lives are ruined.

Federal experts estimate that between 10 and 23 percent of all U.S. workers use dangerous drugs on the job. Federal experts estimate that between 10 and 23 percent of all U.S. workers use dangerous drugs on the job.

Should not that be of national concern? I think it is. Shouldn't we use every means possible to try to declare our war on drugs, to try to encourage and have peer pressure, as the First Lady says, to just say, "No"?

In 1985, a study concluded by 800-COCAINE, a hot line for Cocaine Users Council, said 75 percent of those who called in said they took cocaine on the job, 69 percent said that they regularly used the drug while working, 25 percent said they used cocaine every day.

One former computer company worker told of being a cocaine pusher 3 years. He said, and this is from a cocaine pusher, "It was made to order. I had an instant clientele of hundreds of people who worked with me."

(At this point Ms. MIKULSKI assumed the chair.)

Mr. QUAYLE. Madam President, no part of our society is immune from the drug abuse that has beset the American society. A drug-free society would make a significant contribution to public safety, not just on highways or skyways but in the board rooms, on Wall Street, in our communities, small business as well as big business. That is why I believe that this amendment is important to allow that possibility if, in fact, you want to test for drug use.

This amendment contains three very important safeguards. It maintains important quality standards in verification standards to be used in processing drug tests, it does respect the collective-bargaining agreements, and it does, in fact, maintain confidentiality of test results.

The drug test for Federal workers is well known to all of us. Executive Order 12-564, issued on September 15, 1987, directs agency heads to draw up programs to eliminate illegal drug use in Federal agencies.

On October 29, this Senate gave its approval to a measure requiring Federal drug and alcohol abuse tests for airline and transportation workers in S. 1485, the Airline Passenger Protection Act.

Madam President, I believe that the issue is known to all of us. We understand the problem of drugs. We understand that the intent of this bill is to ban polygraphs in certain instances. But, on the other hand, we are not interested and we want to make absolutely certain that we are not going to ban drug tests. Although I would imagine that perhaps someday, some Congress, because of questions of reliability, because of the issue of civil rights, because of many of the argument of hear for banning polygraphs, that when we do not have anything else to do and the shelf is rather bare for business in the Senate, somebody may come up with the idea that we ought to ban drug testing as well.

I would be opposed to that. That does not mean that Senators might not want to bring that up and debate that. But I do not believe that we ought to do that today.

I believe that the Senate ought to go clearly on record, as it does, on one hand, saying it is going to ban polygraphs, that on the other hand it is going to say that you can in fact use drug tests and they are not going to be banned or regulated by this legislation.

Madam President, I send a modification to my amendment to the desk that will insert the words "Federal or" before the word "State".

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 1606), as modified, is as follows:

EXEMPTION FOR PREEMPLOYMENT TESTS FOR USE OF CONTROLLED SUBSTANCES

(a) IN GENERAL.—An employer, subject to Section 7, may administer a scientifically valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—

(1) ACCURACY AND CONFIDENTIALITY.—Paragraph (1) shall not supersede any provision of this Act or Federal or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.

(2) COLLECTIVE BARGAINING AGREEMENTS.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

Mr. QUAYLE. That modification would make sure we are talking about State as well as Federal law.

So, Madam President, the issue is clear. I have conversed with representatives of the managers of this bill. I hope that it will be accepted. I believe a rollcall is important and at this time, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Madam President, I urge my colleagues to support this amendment. I intend to vote for it. If the Senator from Indiana wants to have a rollcall, I am prepared to urge people to vote for it. It is basically a restatement of current law. This bill does not cover drug testing. We pointed out in the report on page 47:

> The Committee does not intend this broad definition of lie detectors to be misconstrued so as to include medical tests used to determine the presence or absence of controlled substances or alcohol in bodily fluids.

And so ours deals solely with the polygraph.

I have no objection to the amendment. As I stated, it is current law. If the Senator wants a rollcall, we can certainly have one. I hope that those who are supporting our bill will vote in favor of it.

I am prepared to move to a vote and hopefully then we will consider some amendments that are going to deal with the substance of the bill that we have now had before the Senate for about a day and a half.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—96

Adams
Armstrong
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—0

NOT VOTING—4

Biden
Dole
Gore
Simon

So the amendment (No. 1606), as modified, was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1607

(Purpose: To provide a restricted exemption for security services)

Mr. THURMOND. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment No. 1607.

Mr. THURMOND. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

AMENDMENT NO. 1608 TO AMENDMENT NO. 1607

(Purpose: To provide a restricted exemption for security services)

Mr. NICKLES. Madam President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment No. 1608 to amendment No. 1607.

Mr. NICKLES. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike all after "(e)" the first time it appears and insert in lieu thereof the following:

EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

On page 33, lines 10 and 11, strike out "Such exemptions" and insert in lieu thereof "The exemptions provided under subsections (d) and (e) of section 7".

Mr. NICKLES. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. Madam President, this amendment has been called the armored car or security guard amendment. Basically, the amendment, as offered by my friends and colleagues, the Senator from Massachusetts [Mr. Kennedy] and the Senator from Utah [Mr. Hatch], would allow preemployment polygraph of Government employees who are engaged in security operations, sensitive operations.

This would allow private employers of private security guards to use the polygraph for the same purposes, if those purposes are involved in the protection of "facilities, materials, and operations having a significant impact on the health or safety of any State or political subdivision thereof."

It would allow a private company, such as an armored car company, such as Brinks or Wells Fargo, to use preemployment use of the polygraph to try and make sure those individuals who are involved in dealing with a significant amount of money, securities, be entitled to use a polygraph. They are using it right now. I personally do not think that we should pass the bill, as presently drafted, which would prohibit the private use of the polygraph in these very sensitive industries, these industries that individuals are providing private security for.

It would allow these private security firms the use of the polygraph. It is not a complicated amendment.

I might mention to my colleagues, this is an amendment that has been adopted by the House of Representatives. It is one that I would hope that my colleagues would support and would accept.

I have heard various indications at different times that maybe it would be accepted and maybe it would not be accepted. I think it is a good amendment. It is one that I would hope we would adopt.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I have a letter from Anderson Armored Car Services. It says:

> There is polygraph legislation now pending in the United States Senate which vitally affects the security industry as defined by the House bill. We feel the security of our industry is at risk.
>
> We would appreciate your supporting an exemption for armored car companies which would allow us to continue to use polygraphs for testing of employees.

I have another letter here from Wells Fargo Guard Services. It says:

> As a company engaged in security work, I am very concerned about the impact of this legislation on my industry. S. 1904 would allow employers to liberally use the polygraph on employees whom they suspect have caused them economic harm. This harm does not even have to be reported to the police before the polygraph is used.
>
> On the other hand, this legislation prohibits private companies from using preemployment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Preemployment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.
>
> In most cases, preemployment polygraphing is more important than postincident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the Matcheteros terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where polygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

Madam President, another excerpt from the letter:

> We believe that polygraphs are best regulated at the state level. In fact, twenty-two states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

As I mentioned this morning, there are 44 States that now are regulating polygraphs. It seems to me that this certainly ought to be an exemption. Of course, I am opposed to the bill. At the same time, no one should really oppose this. I hope the Senate will adopt it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, in just a moment or two, I will respond in particular detail to the amendment. I was not on the floor when there were other statements made about the legislation as a whole, and I would like to comment again about what we are doing and what we are not doing and why this legislation is necessary.

Madam President, earlier in the afternoon there were those who pointed out that this legislation did not apply to Federal, State, and local officials, and if the legislation made sense in terms of the private sector, why not the public sector. I think even those who made that argument are very familiar with what we have done in terms of polygraph in the particular areas of the DOD and the CIA.

State officials are protected by various provisions under the Constitution. There has to be the allegation that there is going to be some achievement of public good before there can be an infringement in terms of privacy. That does not apply in the private sector, Madam President. And I can hear the arguments now if we had to extend it about how the Federal Government is reaching out into those local communities and local governments.

And now we hear, "Well, why aren't you doing it there if it is so good in the area of the private?"

So, Madam President, it is important for us to, first of all, understand what have been the time-honored court decisions in terms of the protections that have been extended in terms of Federal employment in DOD and the CIA.

I will come back to that in just a moment or two, and also to make some realistic assessment about whether there really is a problem in this area.

We have seen instances where there have been incidental problems, but we did not find what we are finding in the private sector today—2 million, 2 million polygraphs a year. It has doubled in the last 4 years, quadrupled in the last 8 years, and it is growing like wildfire. That is why we have to ask ourselves, is this really a problem today or is it not a problem today.

What I think we might do in this body is consider the best scientific evidence, and in this particular area of public policy we have been fortunate enough to have the OTA [Office of Technology Assessment] review the totality of various studies that have been done over the last 10 years, all of them, and they have reached various conclusions which those individuals who are concerned about this public policy question and the reliability of polygraphs I would hope, if we are going to be fortunate enough to pass this legislation today, might have a chance to review if they are very much concerned.

But in looking at the most conservative studies, for those who feel the greatest confidence in using polygraphs, not the average that are mistaken but if you take those that have the fewest mistakes, 12 percent—12 percent mistakes—over the number of 2 million Americans who are given polygraphs a year, you are talking about 260,000 honest and truthful Americans who are being labeled liars and deceptive, and that is on their record. It will go to the end of their lives. Those numbers are increasing every day. There are 120,000 deceptive liars that pass.

Oh, I have been listening to those on the floor crying crocodile tears about the dangers of child molesters. Let them take that polygraph, they pass it, and we stick them into that day care center and forget about them; they have passed it. Why, no one who is aware of the techniques and knowledge of thorough, comprehensive investigation, personnel examination, would be willing to rely upon that as the sole source of making a determination.

I hear out on the floor, "Well, if it is good enough for the Federal Government, why don't you provide the same standards then for the private sector? Will you accept that amendment?"

Interesting.

We approved just a few years ago DOD to do 3,800 comprehensive polygraphs. DOD stopped at 3,300. Why? Because they could not get sufficiently trained personnel to administer them. And we want to extend that to all over the private sector? You know what is happening, and that is you have ill-trained individuals that are administering those quickie wiretaps. We hear, "Why don't you apply the standards at the Federal level to the private level?" The average cost for the private is $15 to $25. The Federal is $800. You talk about business reservation and opposition to a bill. Just try and accept that as a concept. It is those who are basically opposed who are insensitive to the growth of these violations of individual rights and liberties.

Sam Ervin, the great conservative, understood that well. Sam Ervin understood it well when he said you will put the Constitution on its tail. When you take a polygraph you prove yourself innocent instead of proving yourself guilty. He made that statement in the first polygraph bill legislation, and it has been sidetracked for a period of years. Now we have worked it out, and crafted, I think, a sensible, responsible program that is supported by numerous trade organizations.

I mentioned them yesterday and I will mention them at the end of this discussion.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. Not just now. I have been waiting for this debate to get started. We finally started it. I am going to speak for another few minutes, and then I will be glad to talk specifically about the amendment, and debate as long as the Senator would like.

One of the other interesting points that is raised by the OTA is who passes it? Who fails it? If you are an altar boy, you probably will fail it. You would have a sense of conscience, and potential guilt. But who passes it? The psychopaths, the deceptive ones, and here it is, Mr. President.

The OTA study results indicate that subjects that are not detectable were significantly less socialized than those who were detectable.

Susceptibility to detection seems to be immediately indicated by socialization, and socialization results indicated the low socialization subjects—well, the highly social, EDR's, highly socialization subjects were more responsive to electric terminal. As a result, several of them were misclassified as deceptive. Guilty psychopaths may escape detection. That ought to be satisfying. Guilty psychopaths may escape detection because they are not concerned enough about misdeeds to create an interpretation of physiological responses.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. If I can just finish now, please, I want to make my case.

Mr. HATCH. I am with the Senator.

Mr. KENNEDY. I know. But I want to finish my point.

Particularly psychotics were likely to be identified as deceptive. There were no guilty subjects in this real crime analog. OTA points out that if you are mean, scheming, lying, a child pedophile, you will pass this test. Just give them a test, they pass it, and put them in with the kids, put them in the wards, or put them anywhere you want to.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. No. I will not yield.

Mr. HATCH. Will the Senator quit pointing to this side of the aisle when he talks about mean, scheming, lying people? [Laugther.]

Mr. KENNEDY. Further, in the OTA study, let me just go through a few of these points for those who have a great sense of reliability about this measure. Here it is in the section of the OTA study dealing with the physical countermeasures. Listen to this. These are various studies.

I will put the references in, I will put the studies in, they are all referenced on the back of the appendix of the OTA study.

They found that when subjects pressed their toes toward the floor, they are able to reduce the probability of detection 75 to 80 percent. Put your toes on the floor and you are reduced.

In two recent studies discussed in chapter 5, the efficacy of physical countermeasures were tested. Both studies found that the countermeasures allowed subjects to beat the polygraph. Well, before we get all excited about these terrorists and bank robbers, they know how to put their toes on the floor, or to deal with various countermeasures. If they want to get them in the bag, just give them a polygraph, someone says over here. They know how to deal with these countermeasures. If they do not, all they have to do is read this book, and they will find out.

A recent study the distinguished researcher from Utah also found that the use of physical countermeasures decreased detectability.

Then, Mr. President, I will make reference to one of the studies. Again it refers to the OTA.

After they did the study and evaluation where they found out about what was inconclusive, and this study was 12 percent incorrect, it pointed out that the study required the polygraphers to make decisions of guilt or innocence based upon visual observation of the test scores without using the polygraph—visual observations alone to produce these results.

Among the guilty subjects, 86 percent were correctly classified; among the innocent subjects, 48 percent were correctly classified.

The polygraph on the other hand produced the overall results of 10 percent inconclusive, 10 percent incorrect, 80 percent correct, thus correctly identifying the guilty subjects. The behavioral observations of the polygrapher were more accurate than the polygraph.

We have an unreliable tool that has some importance and some significance when it is utilized with a wide variety of other investigative procedures.

I have not opposed that in terms of the Defense Intelligence Agency. They take between 4 and 8 hours to administer a polygraph. They are permitted to administer two polygraphs a day. These others that we heard about take 15 minutes, if you have that long. If you are going to do it for the defense industry, you have to have a 4-year college accreditation, you have to pass the DOD approval course of instruction, you are supervised for a period of 1 year, not less than 6 months, and you are retrained very 2 years. There is no such requirement in the area of the private sector; no other requirements.

Some States have some, and we do not affect those or touch them.

Now the argument is made with regard to that. So that gives some idea about where we came out just with regards to the efficacy and efficiency of the polygraph.

What do we find in the use of polygraphs with regards to the States and interstate actions? I think that is a fair question. The States have the laws. If they are working, and solving the problem, that is fine. Is that the case? No. No. That does not happen to be the case.

We had the testimony before our committee last Congress. An example is when the Justice Department testified against the Hatch-Kennedy bill. The Justice Department stated their opposition to the bill would be considerably diminished if it could be shown that employers were not crossing State lines to avoid complying with polygraph bans in the States where they operate.

Here is the attorney general of New York graphically testifying about the employment practice. This is what he said:

> We are surrounded by States which absolutely ban the lie detector, the polygraph, the so-called lie detector, from employing a person. National corporations seek to get out from under these kinds of prohibitions by either hiring someone initially in New York where there is no prohibition, that person goes through a polygraph screening, ships that person to another assignment to one of the other States, and might send someone in from one of the other States into New York.

We had the testimony from a Maryland applicant where requiring the test is prohibited, and anyone to be hired in the Virginia area can take the polygraph. We found constant examples of that, Madam President.

It is in fact what is happening, circumventing in a very significant and dramatic way in terms of the law.

Now, let me just go briefly to this current amendment in terms of the security guards. I would ask our colleagues, those who are in the room, to look to the rear of the Chamber. Here we have 12 States without a ban, and they are permitting polygraphs today. And there are 12 States with a ban dealing with bank fraud, embezzlement violations, theft, a whole range of activities.

Now, if you believe that the polygraph will work, if you believe that the polygraph States would be the black ones because they have about one-third of the number of violations of the law, that would be reasonable to assume if you think the polygraph works. On the contrary, even in the States without the ban it is about three times higher going to the years 1983, 1984, and 1985 indicating I believe that the States that provide it are giving the quickie tests. They say they pass the test. They leave them alone, do not even watch them anymore, and they get their hands in the till. And you have the violations.

Those areas that use the traditional investigative personnel requirements do the kind of work that should be done. They are able to seek out those individuals who may be somehow threatening in terms of employment.

Finally, Madam President, with regard to dealing with bank fraud and embezzlement, even if you believe in the polygraph, you give the polygraph to the drivers and the guards and the parking lot attendants, and the people who are stealing are the CEO's and the white collar workers. They do not get it. Depending on the length of the debate, I will put those studies in, too, about whether it is abusing children or stealing money. We could find out what the results and what the facts are.

Madam President, we will hear the arguments about terrorism. Every Member of this body is against terrorism. The question before us is, does the polygraph as a screening tool have any validity? I think the answer to that question is clear. We pointed that out.

Perhaps later in the debate we will have an opportunity to look at which States permit the polygraph and which States prohibit it and see which States have the fastest growth in crime. It is in the States that permit the polygraph. These happen to be the facts. We can get into them. Thankfully, we are back into the substance of this debate. We will get back into them, so we can at least knock down some of these false allegations and misrepresentations and charges which have absolutely no basis in fact, based on scientific information.

Madam President, the polygraph concept does not make sense in terms of the scientific evidence, in terms of deception, as these States demonstrate. It does not make any sense in terms of applying it in the areas of banks or nuclear agencies or whatever.

I think it is enormously important to have safety and security in those areas, and the wide range of investigative techniques available to law enforcement officers ought to be strengthened in those areas where public health and safety are involved, in terms of employment.

In the limited areas where you have reason to believe that there may be some instances, we provide this as part of a comprehensive range of investigatory tools to be utilized, as one of the many tools that can be utilized under controlled circumstances.

I hope this body is not going to be swayed by arguments raised here that if you give people tests by the polygraph, they will be fine. Shevchenko took a number of polygraph tests, given to him by the DOD, and he passed those with flying colors. We have an instance of an agent Chen who passed several polygraph tests. Once they passed those tests, they got right back into those secret files as fast as they could get down the corridor.

Madam President, I think we ought to understand what is legitimate, what is reasonable, what is going to provide security, and what is not going to provide security. I think we have a balanced program that permits the use under the circumstances I have described; that is a reasonable use. It has been one which has been satisfactory in terms of those who understand its importance, although limited, under circumstances involving a range of different criminal activities. It seems to me that we should not violate that basic concept.

I do not think this amendment is useful or helpful in terms of achieving what I understand are the legitimate interests of the Senator from Oklahoma, and I hope it will be defeated.

Mr. SPECTER. Madam President, I wish to compliment the members of the committee who have worked so hard to work out a compromise, and I intend to support the bill. The comments I make at this time do not go to the pending amendment, but I wish to make a brief statement on some of the concerns I have about polygraphs generally.

The experience with the polygraphs has been that they have some distinctive value as an investigative tool. When I was district attorney of Philadelphia, we used the polygraph as an investigative tool, but it has to be used in a very careful way.

The fact that it is generally inadmissible in judicial proceedings—and there have been a series of tests in many courts, generally, in which they were held to be inadmissible—speaks to the ultimate issue of the lack of reliability sufficient to provide evidence in a court of law.

The polygraph was evaluated in one very celebrated case on which I would like to comment briefly—the polygraph of Mr. Jack Ruby, which was taken in connection with the investigation into the assassination of President Kennedy.

Director J. Edgar Hoover had this to say about the polygraph exam administered to Mr. Ruby: "The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgments of deception or truth without qualifications."

The polygraph administered to Jack Ruby was one which I had occasion to be personally involved with as an assistant counsel to the Warren Commission. It arose under very unusual circumstances, and I believe it is worthy of reference, albeit briefly, in the debate and the discussion which we are undertaking today.

When the Warren Commission was convened, customarily, Chief Justice Earl Warren, who was chairman of the commission, would call the sessions to order. But on the occasion when Jack Ruby's testimony was taken in the Dallas jail back on June 7, 1964, Mr. Ruby took over the proceedings, as he was wont to do. Before the commission could be called to order, Mr. Ruby stated—really blurted out—on that occasion: "Without a lie detector test on my testimony, my verbal statements to you, how do you know I'm telling the truth?"

In the course of the discussion which followed, Chief Justice Warren said: "I wouldn't suggest a lie detector test to test the truth. We will treat you the same as we do any other witness, and if you want such a test, I will arrange it for you."

That examination was a fascinating one, because after the commitment was made by Chief Justice Warren to administer the test, there were many second thoughts about it. Chief Justice Warren had great reservations about the reliability or validity or worthwhile nature of any such test. There were those in Jack Ruby's family who did not want the test to be administered.

Finally, the decision was made that Mr. Ruby would be offered the test if he wanted it, but he would have an opportunity to withdraw from the test.

On July 26, 1964, lacking any seniority on the Warren Commission staff, I was the assistant counsel who went to the Dallas jail, at which point a very extensive polygraph examination was administered to Jack Ruby. So far as the test itself discerned, the test indicator showed no deception when Jack Ruby answered that he was not involved with Lee Harvey Oswald and was not involved with any conspiracy to assassinate the President.

In the final analysis, the examination was not relied upon by the commission, substantially for the reasons pointed out by Director Hoover—that the FBI's judgment was that the polygraph examination lacked sufficient reliability, and that was especially in the context of Mr. Ruby's own mental status at that time.

Polygraphs can be extraordinarily embarrassing for those who choose to take them, given the questions about reliability.

We had a very celebrated voluntary polygraph examination in the city of Philadelphia in 1973, when the mayor of the city, Mayor Frank Rizzo, got into a controversy with former State Senator Pete Camiel, who was at that time chairman of the Democratic city committee.

The Philadelphia Daily News offered a polygraph exam to determine who was telling the truth under the circumstances. On that occasion, the polygraphs were administered to Mayor Rizzo and his administrative assistant, who was present for the conversation, Mr. Philip Carroll, as well as to a Mr. Camiel.

Mayor Rizzo, according to the test, failed, as did Philip Carroll, and Mr. Camiel, according to the test, passed, and it was a notorious situation with blazing headlines. There were a great many jokes about it, that jokingly said that was the only time that someone brought along a corroborating liar on a question of veracity, and it focused a great deal of attention at that time on the questionable nature of using a polygraph because of the problems which are inherent on the reliability of the polygraph.

But there are those who choose to use them, and in a free society, if there are appropriate limitations, a polygraph examination may be of some limited value, principally as an investigative technique, but the limits on its reliability have been established in quite a number of circumstances.

Mr. President, I ask unanimous consent that the record from the Warren Commission report, appendix XVII, be printed in the Record at this point.

There being no objection, the record was ordered to be printed in the Record, as follows:

Appendix XVII—Polygraph Examination of Jack Ruby

PRELIMINARY ARRANGEMENTS

As early as December of 1963, Jack Ruby expressed his desire to be examined with a polygraph, truth serum, or any other scientific device which would test his veracity. The attorneys who defended Ruby in the State criminal proceedings in Texas agreed that he should take a polygraph examination to test any conspiratorial connection between Ruby and Oswald. To obtain such a test, Ruby's defense counsel filed motions in court and also requested that the FBI administer such an examination to Ruby. During the course of a psychiatric examination on May 11, 1964, Ruby is quoted as saying: "I want to tell the truth. I want a polygraph * * *." In addition, numerous letters were written to the President's Commission on behalf of Ruby requesting a polygraph examination.

When Ruby testified before the Commission in Dallas County Jail on June 7, 1964, his first words were a request for a lie detector test. The Commission hearing commenced with the following exchanges:

"Mr. Jack Ruby. Without a lie detector test on my testimony, my verbal statements to you, how do you know if I am telling the truth?

"Mr. Tonahill [Defense Counsel]. Don't worry about that, Jack.

"Mr. Ruby. Just a minute, gentlemen.

"Chief Justice Warren. You wanted to ask something, did you, Mr. Ruby?

"Mr. Ruby. I would like to be able to get a lie detector test or truth serum of what motivated me to do what I did at that particular time, and it seems as you get further into something, even though you know what you did, it operates against you somehow, brain washes you, that you are weak in what you want to tell the truth about and what you want to say which is the truth.

"Now Mr. Warren, I don't know if you got any confidence in the lie detector test and the truth serum, and so on.

"Chief Justice Warren. I can't tell you just how much confidence I have in it, because it depends so much on who is taking it, and so forth.

"But I will say this to you, that if you and your counsel want any kind of test, I will arrange it for you. I would be glad to do that, if you want it. I wouldn't suggest a lie detector test to testify the truth.

"We will treat you just the same as we do any other witness, but if you want such a test, I will arrange for it.

"Mr. Ruby. I do want it. Will you agree to that, Joe?

"Mr. Tonahill. I sure do, Jack."

Throughout Ruby's testimony before the Commission he repeated his request on numerous occasions that he be given an opportunity to take a lie detector test.[7] Ruby's insistence on taking a polygraph examination is reflected right to the end of the proceedings where in the very last portion of the transcribed hearings Ruby states:

"Mr. Ruby. All I want to do is to tell the truth, and the only way you can know it is by the polygraph, as that is the only way you can know it.

"Chief Justice Warren. That we will do for you."

Following Ruby's insistence on a polygraph test, the Commission initiated arrangements to have the FBI conduct such an examination. A detailed set of questions was prepared for the polygraph examination, which was set for July 16, 1964. A few days before the scheduled test, the Commission was informed that Ruby's sister, Eva Grant, and his counsel, Joe H. Tonahill, opposed the polygraph on the ground that psychiatric examinations showed that his mental state was such that the test would be meaningless.

The Commission was advised that Sol Dann, a Detroit attorney representing the Ruby family, had informed the Dallas office of the FBI on July 15, 1964, that a polygraph examination would affect Ruby's health and would be of questionable value according to Dr. Emanuel Tanay, a Detroit psychiatrist. On that same date, Assistant Counsel Arlen Specter discussed by telephone the polygraph examination with Defense Counsel Joe H. Tonahill, who expressed his personal opinion that a polygraph examination should be administered to Ruby. By letter dated July 15, 1964, Dallas District Attorney Henry Wade requested that the polygraph examination cover the issue of premeditation as well as the defensive theories in the case.

Against this background, it was decided that a representative of the Commission would travel to Dallas to determine whether Jack Ruby wanted to take the polygraph test. Since Ruby had had frequent changes in attorneys and because he was presumed to be sane, the final decision on the examination was his, especially in view of his prior personal insistence on the test. In the jury conference room at the Dallas jail on July 18, Assistant Counsel Arlen Specter, representing the Commission, informed Chief Defense Counsel Clayton Fowler, co-Counsel Tonahill and Assistant District Attorney William F. Alexander that the Commission was not insisting on or even requesting that the test be taken, but was merely fulfilling its commitment to make the examination available. In the event Ruby had changed his mind and would so state for the record, that would conclude the issue as far as the Commission was concerned.

Chief Defense Counsel Fowler had objected to the test. He conferred with Jack Ruby in his cell and then returned stating that Ruby insisted on taking the examination. Mr. Fowler requested that (1) Dr. Tanay, the Detroit psychiatrist, be present; (2) the results of the test not be disclosed other than to the Commission; (3) the questions to be asked not be disclosed to the District Attorney's office; and (4) the results of the test be made available to defense counsel. Sheriff William Decker announced his intention to have Allan L. Sweatt, his chief criminal deputy who was also a polygraph operator, present to maintain custody of Jack Ruby while the examination was being administered. Assistant District Attorney Alexander requested a list of questions, a copy of the recording made by the polygraph machine and a copy of the report interpreting the test. In response to the numerous requests, the procedure was determined that the questions to be asked of Ruby would be discussed in a preliminary session in the presence of defense counsel, the assistant district attorney and Chief Jailer E.L. Holman, who was to replace Swett. The assistant district attorney would not be present when Ruby answered the questions, but Jailer Holman was allowed to remain to retain custody of Ruby. No commitment was made on behalf of the Commission as to what disclosure would be made of the results of the examination. Since Dr. Tanay was not in Dallas and therefore could not be present, arrangements were made to have in attendance Dr. William R. Beavers, a psychiatrist who had previously examined and evaluated Ruby's mental state.

At the conclusion of the lengthy preliminary proceedings, Ruby entered the jury conference room at 2:23 p.m. and was informed that the Commission was prepared to fulfill its commitment to offer him a polygraph examination, but was not requesting the test. On behalf of the Commission, Assistant Counsel Specter warned Ruby that anything he said could be used against him. Chief Defense Counsel Fowler advised Ruby of his objections to the examination. Ruby then stated that he wanted the polygraph examination conducted and that he wanted the results released to the public as promptly as possible. Special Agent Bell P. Herndon, polygraph operator of the FBI, obtained a written "consent to interview with polygraph" signed by Jack Ruby. Herndon then proceeded to administer the polygraph examination by breaking the questions up into series which were ordinarily nine questions in length and consisted of relevant interrogatories and control questions.

ADMINISTRATION OF THE TEST

During the course of the polygraph examination Jack Ruby answered the relevant questions as follows:

"Q. Did you know Oswald before November 22, 1963?

"A. No.

"Q. Did you assist Oswald in the assassination?

"A. No.

"Q. Are you now a member of the Communist Party?

"A. No.

"Q. Have you ever been a member of the Communist Party?

"A. No.

"Q. Are you now a member of any group that advocates the violent overthrow of the United States Government?

"A. No.

"Q. Have you ever been a member of any group that advocates violent overthrow of the United States Government?

"A. No.

"Q. Between the assassination and the shooting, did anybody you know tell you they knew Oswald?

"A. No.

"Q. Aside from anything you said to George Senator on Sunday morning, did you ever tell anyone else that you intended to shoot Oswald?

"A. No.

"Q. Did you shoot Oswald in order to silence him?

"A. No.

"Q. Did you first decide to shoot Oswald on Friday night?

"A. No.

"Q. Did you first decide to shoot Oswald on Saturday morning?

"A. No.

"Q. Did you first decide to shoot Oswald on Saturday night?

"A. No.

"Q. Did you first decide to shoot Oswald on Sunday morning?

"A. Yes.

"Q. Were you on the sidewalk at the time Lieutenant Pierce's car stopped on the ramp exit?

"A. Yes.

"Q. Did you enter the jail by walking through an alleyway?

"A. No.

"Q. Did you walk past the guard at the time Lieutenant Pierce's car was parked on the ramp exit?

"A. Yes.

"Q. Did you talk with any Dallas police officers on Sunday, November 24, prior to the shooting of Oswald?

"A. No.

"Q. Did you see the armored car before it entered the basement?

"A. No.

"Q. Did you enter the police department through a door at the rear of the east side of the jail?

"A. No.

"Q. After talking to Little Lynn did you hear any announcement that Oswald was about to be moved?

"A. No.

"Q. Before you left your apartment Sunday morning, did anyone tell you the armored car was on the way to the police department?

"A. No.

"Q. Did you get a Wall Street Journal at the Southwestern Drug Store during the week before the assassination?

"A. No.

"Q. Do you have any knowledge of a Wall Street Journal addressed to Mr. J.E. Bradshaw?

"A. No.

"Q. To your knowledge, did any of your friends or did you telephone the FBI in Dallas between 2 or 3 a.m. Sunday morning?

"A. No.

"Q. Did you or any of your friends to your knowledge telephone the sheriff's office between 2 or 3 a.m. Sunday morning?

"A. No.

"Q. Did you go to the Dallas police station at any time on Friday, November 22, 1963, before you went to the synagogue?

"A. No.

"Q. Did you go to the synagogue that Friday night?

"A. Yes.

"Q. Did you see Oswald in the Dallas jail on Friday night?

"A. Yes.

"Q. Did you have a gun with you when you went to the Friday midnight press conference at the jail?

"A. No.

"Q. Is everything you told the Warren Commission the entire truth?

"A. Yes.

"Q. Have you ever knowingly attended any meetings of the Communist Party or any other group that advocates violent overthrow of the Government?

"A. No.

"Q. Is any member of your immediate family or any close friend, a member of the Communist Party?

"A. No.

"Q. Is any menmber of your immediate family or any close friend a member of any group that advocates the violent overthrow of the Government?

"A. No.

"Q. Did any close friend or any member of your immediate family ever attend a meeting of the Communist Party?

"A. No.

"Q. Did any close friend or any member of your immediate family ever attend a meeting of any group that advocates the violent overthrow of the Government?

"A. No.

"Q. Did you ever meet Oswald at your post office box?

"A. No.

"Q. Did you use your post office mailbox to do any business with Mexico or Cuba?

"A. No.

Q. Did you do business with Castro-Cuba?

"A. No.

Q. Was your trip to Cuba solely for pleasure?

"A. Yes.

Q. Have you now told us the truth concerning why you carried $2,200 in cash on you?

"A. Yes.

Q. Did any foreign influence cause you to shoot Oswald?

"A. No.

Q. Did you shoot Oswald because of any influence of the underworld?

"A. No.

Q. Did you shoot Oswald because of a labor union influence?

"A. No.

Q. Did any long-distance telephone calls which you made before the assassination of the President have anything to do with the assassination?

"A. No.

Q. Did any of your long-distance telephone calls concern the shooting of Oswald?

"A. No.

Q. Did you shoot Oswald in order to save Mrs. Kennedy the ordeal of a trial?

"A. Yes.

Q. Did you know the Tippit that was killed?

"A. No.

Q. Did you tell the truth about relaying the message to Ray Brantley to get McWillie a few guns?

"A. Yes.

Q. Did you go to the assembly room on Friday night to get the telephone number of KLIF?

"A. Yes.

Q. Did you ever meet with Oswald and Officer Tippit at your club?

"A. No.

Q. Were you at the Parkland Hospital at any time on Friday?

"A. No.

Q. Did you say anything when you shot Oswald other than what you've testified about?

"A. No.

Q. Have members of your family been physically harmed because of what you did?

"A. No.

Q. Do you think members of your family are now in danger because of what you did?

"(No response.)

Q. Is Mr. Fowler in danger because he is defending you?

"(No response.)

"Q. Did "Blackie" Hanson speak to you just before you shot Oswald?"

"A. No."

INTERPRETATION OF THE TEST

A polygraph examination is designed to detect physiological responses to stimuli in a carefully controlled interrogation. Such responses may accompany and indicate deception. The polygraph instrument derives its name from the Greek derivative "poly" meaning many and the word "graph" meaning writings. The polygraph chart writings consist of three separate markings placed on a graph reflecting three separate physiological reactions. A rubber tube is placed around the subject's chest to record his breathing pattern on a pneumograph. That device records the respiratory ratio of inhalation and exhalation strokes. The second component is called a galvanic skin response which consists of electrodes placed on the examinee's fingers, through which a small amount of electrical current is passed to the skin. The galvanometer records the minute changes in electrical skin response. The third component consists of a cardiograph which is a tracing obtained by attaching a pneumatic cuff around the left arm in a manner very similar to an apparatus which takes blood pressure. When the cuff is inflated, that device records relative blood pressures or change in the heart rate.

From those testing devices, it is possible to measure psychological or emotional stress. This testing device is the product of observation by psychologists and physiologists who noted certain physiological responses when people lie. In about 1920 law enforcement officials with psychological and physiological training initiated the development of the instrument to serve as an investigative aid.

The polygraph may record responses indicative of deception, but it must be carefully interpreted. The relevant questions, as to which the interrogator is seeking to determine whether the subject is falsifying, are compared with control questions where the examiner obtains a known indication of deception or some expected emotional response. In evaluating the polygraph, due consideration must be given to the fact that a physiological response may be caused by factors other than deception, such as fear, anxiety, nervousness, dislike, and other emotions. There are no valid statistics as to the reliability of the polygraph. FBI Agent Herndon testified that, notwithstanding the absence of percentage indicators of reliability, an informed judgment may be obtained from a well-qualified examiner on the indications of deception in a normal person under appropriate standards of administration.

Ordinarily during a polygraph examination only the examiner and the examinee are present. It is the practice of the FBI, however, to have a second agent present to take notes. It is normally undesirable to have other people present during the polygraph examination because the examinee may react emotionally to them. Because of the numerous interested parties involved in Ruby's polygraph examination, there were present individuals representing the Commission and the Dallas district attorney, as well as two defense counsel, two FBI agents, the chief jailer, the psychiatrist, and the court reporter, although the assistant district attorney and one defense counsel left when Ruby was actually responding to questions while the instrument was activated. Ruby was placed in a position where there was a minimum of distraction for him during the test. He faced a wall and could not see anyone except possibly through secondary vision from the side. Agent Herndon expressed the opinion that Ruby was not affected by the presence of the people in the room.

Answers by Ruby to certain irrelevant control questions suggested an attempt to deceive on those questions. For example, Ruby answered "No" to the question "While in the service did you receive any disciplinary action?" His reaction suggested deception in his answer. Similarly, Ruby's negative answer to the query "Did you ever overcharge a customer" was suggestive of deception. Ruby further showed an emotional response to other control questions such as "Have you ever been known by another name" "Are you married?" "Have you ever served time in jail?" "Are your parents alive?" "Other than what you told me, did you ever hit anyone with any kind of a weapon?" Herndon concluded that the absence of any physiological response on the relevant questions indicated that there was no deception.

An accurate evaluation of Ruby's polygraph examination depends on whether he was psychotic. Since a psychotic is divorced from reality, the polygraph tracings could not be logically interpreted on such an individual. A psychotic person might believe a false answer was true so he would not register an emotional response characteristic of deception as a normal person would. If a person is so mentally disturbed that he does not understand the nature of the questions or the substance of his answers, then no validity can be attached to the polygraph examination. Herndon stated that if a person, on the other hand, was in touch with reality, then the polygraph examination could be interpreted like any other such test.

Based on his previous contacts with Ruby and from observing him during the entire polygraph proceeding, Dr. William R. Beavers testified as follows:

"In the greater proportion of the time that he answered the questions, I felt that he was aware of the questions and that he understood them, and that he was giving answers based on an appreciation of reality.[11]

Dr. Beavers further stated that he had previously diagnosed Ruby as a "psychotic depressive."

Based on the assumption that Ruby was a "psychotic depressive," Herndon testified:

"There would be no validity to the polygraph examination, and no significance should be placed upon the polygraph charts."

Considering other phases of Dr. Beavers' testimony, Herndon stated:

"Well, based on the hypothesis that Ruby was mentally competent and sound, the charts could be interpreted, and if those conditions are fact, the charts could be interpreted to indicate that there was no area of deception present with regard to his response to the relevant questions during the polygraph examination."

In stating his opinion that Ruby was in touch with reality and understood the questions and answers, Dr. Beavers excepted two questions where he concluded that Ruby's underlying delusional state took hold. Those questions related to the safety of Ruby's family and his defense counsel. While in the preliminary session Ruby had answered those questions by stating that he felt his family and defense counsel were in danger, he did not answer either question when the polygraph was activated. Dr. Beavers interpreted Ruby's failure to answer as a reflection of "internal struggle as to just what was reality." In addition, Dr. Beavers testified that the test was not injurious to Ruby's mental or physical condition.

Because Ruby not only volunteered but insisted upon taking a polygraph examination, the Commission agreed to the examination. FBI Director J. Edgar Hoover commented on the examination as follows:

"It should be pointed out that the polygraph, often referred to as "lie detector" is not in fact such a device. The instrument is designed to record under proper stimuli emotional responses in the form of physiological variations which may indicate and accompany deception. The FBI feels that the polygraph technique is not sufficiently precise to permit absolute judgements of deception or truth without qualifications. The polygraph technique has a number of limitations, one of which relates to the mental fitness and condition of the examinee to be tested.

"During the proceedings at Dallas, Texas, on July 18, 1964, Dr. William R. Beavers, a psychiatrist, testified that he would generally describe Jack Ruby as a "Psychotic depressive." In view of the serious question raised as to Ruby's mental condition, no significance should be placed on the polygraph examination and it should be considered nonconclusive as the charts cannot be relied upon."

Having granted Ruby's request for the examination, the Commission is publishing the transcript of the hearing at which the test was conducted and the transcript of the deposition of the FBI polygraph operator who administered the test. The Commission did not rely on the results of this examination in reaching the conclusions stated in this report.

Mr. SPECTER. Mr. President, I am not putting into the RECORD the more extensive examination of Mr. Ruby or the more extensive documents on the tracings themselves which have certain probative value, but I think that it does have some bearing on the issue and is an appropriate matter for consideration at this point.

I do support the bill overall, but I do believe that there are sufficient problems with the polygraph that it has to be used in a very, very careful manner.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to point out a few things that are in this amendment and maybe clarify some of the statements that have been made, and I appreciate my friend, Senator KENNEDY, for some of his comments.

Again, I would like for him to listen and hopefully he would accept this amendment because I do not think that it is that much different from the bill that he and Senator HATCH have introduced.

The bill as proposed by Senator KENNEDY and Senator HATCH allows the use of preemployment polygraph. It does not prohibit it. It allows the public sector to use preemployment polygraph; in other words, before the Federal Government hires someone, whether it be the Department of Defense or the FBI, the Department of Energy, it is trying to guard an Army plant or something, and they are entitled to use the polygraph. They use the polygraph as an instrument to try and find out if persons are subject to or have a history of crime or a history of drug abuse or a history of terrorism. Maybe they are trying to infiltrate the CIA. They can use the polygraph to hopefully narrow down those persons who have that type of a background.

They have used it in the past. This bill allows them to continue using it. It does not prohibit the Government from using the polygraph in those instances.

The bill before us allows the use of polygraph for investigative purposes, and I compliment again the authors of the bill. I think that is a much needed provision because a lot of industries, when they find money missing, when they find valuables missing, they use the polygraph and the threat of the polygraph, frankly, to identify those persons responsible.

The Kennedy bill and the Hatch bill have some devices in it to protect from abuse of the polygraph, and I want the sponsor of the bill to be aware—if I can get Senator KENNEDY's attention—that the amendment we have has the same protections that he has in his bill.

I think the Senator mentioned the quicky polygraph or the 15-minute polygraph. We kept all the protections that he provided for in the bill, such as saying it had to be a qualified examiner, had to be 21 years of age, had to be a certain time period, still under regulations by the State, still under regulations of collective-bargaining agreements, et cetera. All the protections that Senator KENNEDY and Senator HATCH have in their bill are also in my amendment.

So what we have done as the sponsors of the amendment is to allow the use of polygraph for the public sector and also for post-incidents in trying to use it for investigative purposes. Our amendment says these private firms that are involved in providing security can use it in preemployment just as the CIA can, just as the FBI can, just as the Department of Energy who contracts out to private employers, those private employers who protect a nuclear weapons facility anywhere in the country. Since the Department of Energy can use a polygraph to screen employees, preemployment, this would allow that same company that is providing those services for the Department of Energy to also use the polygraph for those armed guards who are protecting a nuclear facility.

I think we have learned something when the Soviets had the Chernobyl accident, incident, or whatever you want to call it, disaster, that killed lots of people and caused a lot of damage. You realize how susceptible we might be if we had some type of nuclear incident in this country where we had a nuclear plant possible in Kentucky or Oklahoma or someplace, if a terrorist infiltrated that plant. Under the bill before us a company that employs a private armed guard right now cannot use a polygraph before they hire him and put him in that type of position.

Frankly, Mr. President, it would be far too late after that type of an incident to be trying to say. "Well, we are going to use polygraph to try to find out who was responsible for that event."

Maybe that person infiltrated a plant and caused a nuclear disaster at a powerplant.

Or maybe a little more on a mundane level but certainly very possible because it has happened, people have infiltrated armored car services. Maybe they went to work for one of the big armored car companies and infiltrated it, got on the inside and had an inside heist.

I have clips of one that was $7 million and it was an inside job. They even went to work in a State where polygraph was prohibited so they would not have a preemployment test in this one example.

I will be happy to put some information in the RECORD if my colleagues would like to see it.

But again the polygraph for some of these very important, very sensitive industries, has been a tool.

I might also mention to the sponsors of the amendment we put in the same protections that he did as far as preemployment—that this could not be the sole reason that an employer would not hire somebody. In other words, if they failed the polygraph they would still have to come up with additional support and evidence of why that person should not be hired.

So we take great lengths, as a matter of fact, the identical lengths that Senator KENNEDY and Senator HATCH have, to protect individual rights and freedoms, but we just say that private employers who are engaged in providing for public security or security of bank funds or security of a large amount of valuables have the same access to a preemployment polygraph.

We have heard some statistics being bandied about, well 12 percent of these polygraph tests might be inaccurate and if they are, again we state that the employer would have to come up with some other substantiating evidence.

But you might turn that around and say, well, seven out of eight are accurate. What if you are a company that provides home protection devices, and there are major companies around the country that provide thousands of people that do so, would you not like to know that at least you would be able to screen and hopefully remove a large number of potential problems?

Let me read a couple of letters that came from individuals that hired these types of firms. I will not read the entire letters, and I will insert the letters for the RECORD, but I will read a few pertinent paragraphs.

One is from the Rollins Co. It is from the president of the Rollins Co. in Atlanta, GA. The letter states:

> Evidently, the validity of the polygraph is not in question since the federal, state, and local governments and their divisions are allowed full usage of the polygraph. Doesn't the American homeowner, whose life and investments could be imperilled by just one unscrupulous employee, deserve the same protection? We also see that this bill further acknowledges the polygraph's validity by allowing its use in specific incidents during an ongoing investigation. While we totally agree with its value in these cases, we prefer to work to avoid those situations.
>
> What consolation is it to a mother and father whose child has been harmed, or a family who has had their possessions stolen, to have an investigation after the fact? If we have the means within our power, is it not better to work to reduce those opportunities of criminal misconduct? An average citizen who would not consider allowing strangers access to his home is willing to do so if that stranger identifies himself or herself as an Orkin or Rollins Protective Services employee. We are proud of the fact that we have earned that trust through the years. We recognize that our responsibility, both morally and legally, is to continue to utilize the best methods available to protect our customers from the potential dangers arising from the access granted to their homes.
>
> To date the polygraph, when used in conjunction with other pre-employment screening methods, is the most efficient and accurate method of protecting the consumer from unscrupulous job applicants. Since 1976, when we first instituted this screening program, we have substantially lowered incidents of employee thefts and other criminal behavior directed to our customers. Rollins spends over $1 million a year to screen applicants through a series of very comprehensive tools, including the polygraph. Not one of these tests is 100% accurate, be it the background check, motor vehicle check, psychological test, etc. However, when used together, these methods greatly decrease the likelihood of an employee being hired who would endanger one of our customers.

Mr. President, I ask unanimous consent that the letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 17, 1987.

DEAR SENATOR, as President of Rollins, Inc., the parent company of Orkin Pest Control Company and Rollins Protective Service, I strongly urge you to vote against S. 1904, the "Polygraph Protection Act of 1987." I am joined in this request by the 1600 company members of the National Burglar and Fire Alarm Association and 2500 company members of the National Pest Control Association, as well as the Professional Lawn Care Association and its membership.

While recognizing the merits of the polygraph in the public sector, this bill arbitrarily denies its utilization in the private sector, except in specific post-employment situations. As a result, it unnecessarily jeopardizes the safety of the consumer who is served by any type of in-home service such as ours, because it severely diminishes the accuracy of our pre-employment screening process. Without the use of the polygraph, it is far more likely that someone would be hired who would use his employment for criminal purposes. In addition, S. 1904 is an unnecessary intrusion by the federal government into the hiring practices of the private sector, and it interferes with the rights of the states to regulate the polygraph industry, which it has done effectively in 31 states.

Evidently, the validity of the polygraph is not in question since the federal, state, and local governments and their divisions are allowed full usage of the polygraph. Doesn't the American homeowner, whose life and investments could be imperilled by just one unscrupulous employee, deserve the same protection? We also see that this bill further acknowledges the polygraph's validity by allowing its use in specific incidents during an ongoing investigation. While we totally agree with its value in these cases, we prefer to work to avoid those situations.

What consolation is it to a mother and father whose child has been harmed, or a family who has had their possessions stolen, to have an investigation after the fact? If we have the means within our power, is it not better to work to reduce those opportunities of criminal misconduct?

Rollins Protective Services is one of the largest residential security system companies in the country, operating in 27 states. Orkin Pest Control is the world's largest structural pest control company, operating in 45 states and the District of Columbia. Together we send thousands of technicians and sales representatives annually into more than 1.3 million private residences. In numerous cases, because of customers' busy lifestyles, our employees even have keys to many of these customers' homes. This almost unlimited access could result in direct threats to the health and well-being of our customers and their families, as well as loss of their property, by employees with criminal motives.

An average citizen who would not consider allowing strangers access to his home is willing to do so if that stranger identifies himself or herself as an Orkin or Rollins Protective Services employee. We are proud of the fact that we have earned that trust through the years. We recognize that our responsibility, both morally and legally, is to continue to utilize the best methods available to protect our customers from the potential dangers arising from the access granted to their homes.

To date the polygraph, when used in conjunction with other pre-employment screening methods, is the most efficient and accurate method of protecting the consumer from unscrupulous job applicants. Since 1976, when we first instituted this screening program, we have substantially lowered incidents of employee thefts and other criminal behavior directed to our customers. Rollins spends over $1 million a year to screen applicants through a series of very comprehensive tools, including the polygraph. Not one of these tests is 100% accurate, be it the background check, motor vehicle check, psychological test, etc. However, when used together, these methods greatly decrease the likelihood of an employee being hired who would endanger one of our customers.

Presently 31 states recognize the benefits of the polygraph by establishing strict regulations that protect the rights of prospective employees while permitting private businesses like Orkin and Rollins Protective Services to utilize the best tools available to safeguard the welfare and property of its customers. These rules insure that the polygraph examinations are administered competently, fairly, and without bias. Without doubt, S. 1904 blatantly usurps the rights of these states to regulate the polygraph industry and is an unnecessary intrusion into the hiring practices of the private sector.

Further, there is no constitutional basis for a federal ban on polygraph testing in the private sector. Article 10 of the Constitution clearly states that the power not delegated to the United States by the Constitution, nor prohibited by it to the states, are served to the states respectively, or to the people. The majority of our states have accepted this responsibility and have already passed legislation regulating the polygraph. Some have even banned it. Clearly, this effort by the majority of our states signifies federal government intervention is unwarranted.

We will continue to make every effort possible to refine polygraph testing and comply with (if not surpass) all state requirements. After all, we are not in the polygraph business, but in the business of serving our customers and insuring their safety. Presently, the polygraph is one of the best tools we have to accomplish this. The American public should not be forced to withstand the dangers that could befall them should this legislation pass. With the rising crime rate, citizens rely on our industries to insure their safety—now they are relying on you.

We strongly urge you to ask for a hearing on the specific language of S. 1904 and the merits of S. 1854, the regulatory bill introduced by Senator Dan Quayle. We would welcome the opportunity to express the point of view of our industry before your committee.

Sincerely,

GARY W. ROLLINS,
President.

Mr. NICKLES. Mr. President, I will just read a couple other paragraphs from another letter. This is a letter from the Brinks Co. in Oklahoma City. It states:

On the other hand, this legislation prohibits private companies from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRINK'S INC.,
Oklahoma City, OK, January 12, 1988.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: Senator Kennedy recently introduced a bill which would restrict the use of the polygraph by private employers. S. 1904 is expected to move quickly to the Senate floor.

As a company engaged in security work, I am very concerned about the impact of this legislation on my industry. S. 1904 would allow employers to liberally use the polygraph on employees whom they suspect have caused them economic harm. This harm does not even have to be reported to the police before the polygraph is used.

On the other hand, this legislation prohibits private companies from using pre-employment polygraph screening, while allowing public agencies such as the police department and FBI to use the polygraph. Pre-employment screening is vital when interviewing for the sensitive security positions within our firm. We are the target of not only criminals, but also terrorists who seek to infiltrate security companies.

In most cases, pre-employment polygraphing is as important than post incident polygraphing in the security business, as the harm that can be done is of such a large magnitude. For example, the FBI recently arrested members of the Matcheteros terrorist gang and charged them with an $8 million armored car robbery in Connecticut, a state where poygraphs are outlawed. The terrorists planted a member of their group inside an armored car company as a driver. He fled to Cuba with the funds, which were then used to fuel terrorism in Puerto Rico.

The House of Representatives recognized the special needs of security companies and included in the bill which just pasted the House, an exemption for these functions. An identical exemption was included in the bill which the House passed in 1986.

Frankly, we believe that polygraphs are best regulated at the state level. In fact, twenty-two states now have some sort of restrictions. However, if you believe the federal government should become involved, we would ask that you support an exemption for private security functions.

Sincerely,

JUNIOR STRAWN,
Branch Manager.

Mr. NICKLES. Mr. President, I have one other letter from the Rollins Co. in Dallas. It states:

Between Rollins Protective Service and Orkin Pest Control Company, we send thousands of technicians into more than 1.3 million homes nationwide. We spend over $1 million a year screening our applicants through polygraph testing as well as through a battery of other pre-employment procedures to reduce the chances of our customers being harmed by an unscrupulous employee. To do anything less may be costly, but it would be seriously irresponsible.

During the past ten years, we have denied employment to approximately 16% of those who applied because of repetitive drug use and criminal background which they admitted during polygraph testing. It is doubtful we would have been able to obtain this information through any other means.

It goes on to say:

However, in our case, we are concerned with human lives. Personal property can be retrieved—a human life cannot. Therefore, it is imperative we employ the most comprehensive applicant screening process possible—which includes the use of professionally administered (and state regulated) polygraph testing.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROLLINS Co.,
Dallas, TX, February 19, 1988.

U.S. Senator DON NICKLES,
713 Hart Building, Washington, DC

DEAR SENATOR: As you can see, we are strongly opposed to this legislation because it seriously jeopardizes our ability to protect our customers. Between Rollins Protective Service and Orkin Pest Control Company, we send thousands of technicians into more than 1.3 million homes nationwide. We spend over $1 million a year screening our applicants through polygraph testing as well as through a battery of other pre-employment procedures to reduce the chances of our customers being harmed by an unscrupulous employee. To do anything less may be costly, but it would be seriously irresponsible.

During the past ten years, we have denied employment to approximately 16% of those who applied because of repetitive drug use and criminal background which they admitted during polygraph testing. It is doubtful we would have been able to obtain this information through any other means.

People are vulnerable in their homes (see attached article.) We understand some industries have agreed to support S 1904 which would prohibit all preemployment polygraph usage but allow it in restricted specific incident cases. For a bank or retail store, perhaps that is sufficient because they are concerned with reducing property losses. However, in our case, we are concerned with human lives. Personal property can be retrieved—a human life cannot. Therefore, it is imperative we employ the most comprehensive applicant screening process possible—which includes the use of professionally administered (and state regulated) polygraph testing.

We have supportive data regarding our experience with the polygraph and would be more than happy to provide you with any information that would facilitate your efforts. Also, Mr. Nester Macho, special Advisor to the President of Rollins, would be glad to meet with you at any time to discuss our experience.

Mr. NICKLES. Mr. President, I have tried to make the point that we have retained all the protections that Senator KENNEDY and Senator HATCH have in their bill. Their bill allows preemployment testing by polygraph. This amendment expands that. They allow it in the public sector for the FBI and the CIA and for the police departments, for the fire departments, for public municipalities, and for the State and Federal Government. We expand that for private concerns that would use it in the protection service—if they are involved in transporting money, if they are moving a lot of currency, if they are moving money from the Federal Reserve. Most of the money that is moved from the Bureau of Engraving and Printing that prints the money to the Federal Reserve banks is moved by private concerns. This would allow those armored car companies to use a polygraph test to screen persons and find out if they are a terrorist, find out if they are convicted felons, find out if they have a record of drug abuse.

I think it is a good amendment. it does not reach too far. It is a limited amendment. It is a limited amendment trying to protect those persons who are engaged in these types of services.

It would exempt those who provide services industries, such a protective service for your home, so they could at least screen and make sure they are not hiring somebody that has a record of breaking and entering homes or auto theft. They could find out and possibly weed out some of those individuals.

One other example. I mentioned this earlier in my comments and maybe it has been overlooked. But Senator KENNEDY's and Senator HATCH's bill allows a private contractor, if they are guarding a munitions facility for the Department of Energy, to use the polygraph. And I think they should. Really, if you have somebody that is building munitions, I think they should have that option.

This would allow them that same option for the same guards, same company—maybe the same guards—protecting a nuclear power facility. I would shudder to think that a guard in a company that was protecting a nuclear power facility, if they infiltrated a private company, worked their way to being at the right gate at the right time, they could allow some of their terrorists in, maybe plant a bomb and start a chain reaction that would lead to a nuclear incident in this country.

Right now the companies that provide security for nuclear power plants have the ability—and most of them use it—to use polygraphs to try to screen and weed out those persons who might have a terrorist background. This bill would prohibit that test. I think that would be a serious mistake.

The House agreed. The House debated this amendment thoroughly, and they passed this amendment. They said we should allow the use of polygraphs in these instances.

Again, this is not much further than what Senator HATCH and Senator KENNEDY have in their bill. I hope they would adopt the amendment. I believe it is a good amendment. It is one that I think has been well thought out. It does not allow a quickie test. It does not allow somebody who is not qualified to administer a polygraph.

I hope that they would agree to the amendment.

Mr. KENNEDY. Mr. President, I thank the Senator from Oklahoma for his explanation. I find it unconvincing. I would not expect that perhaps the Senator from Oklahoma might find it differently, as we do, in the area of preemployment. We do not permit the polygraph and we do not extend this to Federal, State, and local governments for a very important reason, and that is the constitutional protections. And it has not been found to be a problem.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. If I could just finish.

And so, that is basically the distinction on it. To suggest that, well, even under our bill there is permitted some preemployment testing that may be taking place is an accurate statement. I will say that. But, given the kind of other protections that we have found in our own review, we did not find there was sufficient problems compared to what is happening in the private sector to take action.

That is point No. 1.

Second, I want to point out about what the Senator's amendment really does. If you read through the "Exemption for Security Services" on the first page of the amendment, it talks about:

In GENERAL.—Subject to paragraph (3), this act shall not prohibit the use of a lie detector test on * * * personnel engaged in the design, installation, and maintenance of security alarm systems.

"Personnel engaged in the design." I mean, is that every designer? Is it every engineer? Is it every draftsman?

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. I will give you a chance for you to explain. I would just like to make the central point, and then I would be glad to yield for a response.

It talks about the design. You have "personnel engaged in the design." And Lord only knows what that means. But I think it is reasonable to assume it is design or engineering draftsmen.

"Installation." Is that every electrician? "Maintenance of security alarm systems." Is that every repairman? Is that every cleaner that, as a part of their routine job, goes out and cleans that system?

And then, it continues: "or other uniformed or plainclothes security personnel and whose function includes protection of," and then it goes (A) (i), (ii), (iii), (iv), (B). And then comes the kicker: "or property." Do we know how many security property guards there are that are listed? There are 500,000.

Mr. NICKLES. The Senator is not working off of the amendment. I am trying to make sure we are working on the exact same amendment.

Mr. KENNEDY. I think that is a fair point to make. That is the amendment that I was handed.

Mr. NICKLES. Could I answer the question of the Senator?

The PRESIDING OFFICER. Does the Senator yield for a statement of the Senator from Oklahoma?

Mr. KENNEDY. I will be glad to yield for a question.

The PRESIDING OFFICER. The Senator may proceed.

Mr. NICKLES. I would like to respond to the statement of the Senator.

Mr. KENNEDY. The Senator is correct with regards to the word "property." I had the first edition. It has been altered in the last few hours.

Mr. NICKLES. The amendment we submitted does not say "property."

Mr. KENNEDY. The one that was submitted as S. 1904 that has the Senator's name on it. Was this——

Mr. NICKLES. The amendment we sent to the desk, let me just read it——

Mr. KENNEDY. I see. Well, all we try to do in terms of the debate here is try to take the various amendments that are filed and circulated and then we examine them in terms of the debate and I apologize to the Senator. That was the one that was distributed with the Senator's name on it that was given to me. As I understand, it has been redrafted just prior to the time of submission and now has different language. Certainly I will adjust my remarks. I will review this now. We have been over here for a day and a half on this matter. I understand from staff that it still includes "design," which I referred to.

Mr. NICKLES. That is right.

Mr. KENNEDY. So all the relevant points I made with regard to design, draftsmen, is included, installation—everything I said about electricians is accurate; maintenance of security alarms, all the comments I made about those are accurate.

Mr. NICKLES. Will the Senator yield?

Mr. KENNEDY. Yes, I yield for a question.

The PRESIDING OFFICER. Let us set the record straight. You should come through the Chair to the Senator and we will keep the procedure in the proper perspective here. If the Senator will yield, why, then, we will proceed from there.

Mr. NICKLES. I am just trying to respond because I think the Senator from Massachusetts makes a good point. Let me read exactly what the amendment says. It says:

> Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—
>
> (A) facilities —and on and on.

I guess there is no real argument against armored car personnel; personnel engaged in the design, installation and maintenance of security alarm systems—these are the individuals who design, maintain, install security alarm systems in private homes. They are the people that I am talking about, if a person calls and says: I am worried about somebody breaking into my house. Maybe they have a lot of valuables or something in their house, so they call up a protective service and say: Would you please design a system that will help to protect my home. And maybe it will be electronic, maybe it will be sound, maybe it will be lights, maybe it will be a combination of things that will ring at the police department—these systems are available in most cities.

But the individuals involved go out to their home and they check the windows, they check the doors, they check the entrances to the homes and they design and they install and they maintain alarm systems to protect that home.

So, they are very vulnerable, so what this amendment allows in those companies that provide those services, since they are given such a large degree of confidence by the homeowners to protect their house, it allows those firms the right, before they hire this individual, to use the polygraph.

It says the polygraph cannot be the only reason they would not hire him. They would have to have some other evidence to not hire that person, so it still provides the protections as the Senator from Massachusetts did in his preemployment use of the polygraph, but it would say that these people, because of the nature of their job, since they are involved in security, would not be prohibited from using the polygraph.

Right now, if the Senator's bill passes, you are going to have all these private security companies unable to use the polygraph. I just read some letters into the RECORD. One said that the author found 16 percent of the applicants disqualified because of the use of the polygraph. And that may mean that one out of seven, or something like that, might have entered people's homes, maybe with the purpose of breaking into their homes. I am not sure. But I would hate to think of the people's property stolen. I would hate to think of the physical harm that might come to them, because we did not pass this amendment; or because we passed the Senator's bill as is drafted right now without the House language. Basically the language that we have in this amendment is almost identical to the House language that passed in the House of Representatives.

It is a little bit different because the House bill was basically a prohibition on the use of polygraph altogether. Senator KENNEDY's bill does not go that far. He allows the use of polygraph. He says it is OK for the Department of Defense. He says it is OK for the CIA. My amendment would say it would be OK for firms that are installing protective systems in people's homes to use the polygraph. My amendment says it would be OK for armored car companies such as Wells Fargo or Brinks or other companies to use the polygraph as well, because we are entrusting a lot of security, a lot of valuables in these companies. A lot of value.

Now, if you have a person who is fairly intelligent and says, you know, I would like to steal a lot and I would like to do it a couple of times in a big fashion in a good way, and, therefore, instead of trying to go crashing through some door and find out nothing is there I think I would improve my odds if I went into homes that had security systems and maybe if I helped install that security system I would know now to turn it off; and, since I was in the home installing the system I would probably know something about the valuables that are inside that house. So, now I have installed the system, I know how to maintain it, I know how to turn it off, and also, since I have been servicing this home I know when they are not there.

It just makes sense. Well, if we are going to allow it to the Department of Defense, they are to protect us; we are going to allow it to the CIA, they are there to protect us, they have lots of sensitive information; the FBI, they are exempted because they are providing security, providing protection, let's allow the private firms that are also engaged in protection with the caveats of making sure that these tests are not used in an abusive manner—which is provided for in the Senator's bill. We provided for that in our amendment as well. So we are concerned not only about individual and employee's rights, we put in the identical protections that Senator KENNEDY and Senator HATCH have. We just expanded, and not only allow just the public sector to use preemployment tests, but also we would allow the private sector that is engaged in protecting individuals and property to use preemployment tests as well.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, that has been subject to a variety of different drafts. I point out that it still, as it is drafted, has the same kinds of openness, in terms of those that are involved in any kind of a design, any aspect of installation, any aspects of the maintenance of the systems. I think we are talking about the tens of thousands or hundreds of thousands of people and because of the arguments I made before, in terms of the unreliability as a preemployment device, and we tried to make that case earlier, I have trouble in seeing the justification or the wisdom of this.

I refer back not to just the statements that I make, Mr. President, but I will refer back to what the National Institute of Justice said. They are the principal research arm of the Justice Department on criminal activity. They are the principal guide to the Justice Department and to the Congress. This is what they said:

> We found that applying the law enforcement model to theft does not work very well. For example, assessing previous theft activity outside the work setting by using polygraph exams has little relevance to future workplace behavior.

Mr. President, I am mindful of what the Senator would like to do but I believe those that are concerned about security in their banks, all the rest, you pass this amendment, they hire various firms to go on out and get security guards; those security guards are given that polygraph, they pass it, they come right on in that bank. It creates a false sense of security. That is what all of the scientific and medical information is, and that is the conclusion of the principal institute of the Federal Government dealing with crime and criminal behavior. That is their conclusion. That is just not the conclusion of the chairman of the Human Resources Committee or the Senator from Utah. It is an agency of the Justice Department that studies these kind of issues and evaluates the various tests.

I think rather than increasing the security in these areas, we would be creating a false sense. I think the way we have balanced this in terms of the way of the program, in terms of creating a reasonable suspicion after the employment situation, we would hope they would use all the other investigative techniques and personnel reviews that are absolutely essential in the guarding of the areas the Senator has outlined.

But I would hope that the Senate would accept the amendment. I am going to move to table the underlying amendment.

Mr. NICKLES. Will the Senator withhold for a few minutes?

Mr. KENNEDY. I withhold for 2 minutes. I ask consent that I be recognized after 2 minutes.

Mr. NICKLES. If the Senator would give me about 4 or 5 minutes.

The PRESIDING OFFICER (Mr. Exon). Is there objection to the 2 minutes?

Mr. KENNEDY. You cannot object, anyway. I will give you 4 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. Nickles] is recognized for 4 minutes, and then the Senator from Massachusetts [Mr. Kennedy] is recognized.

Mr. NICKLES. Mr. President, statement made by the armored car industry were that they transport and store over $15 billion per day. Of the majority of monetary losses from the industry, 65 percent result from internal theft.

Furthermore, I might mention employees in this industry frequently are required to carry guns.

I also mention one other result if we do not adopt this amendment. You are going to have a lot of airports not able to use the polygraph to screen those security guards. If the cities themselves hire the security guards, then they could do it. But a lot of airports use private firms to provide for security at the airports, screening, et cetera.

If this amendment is adopted, those private firms would not be entitled to use the polygraph. Again, let us think about that because we have had a lot of terrorism, a lot of it in other countries involving airports.

It would seem to be a terrible thing for us to be telling private firms that only a city can use the polygraph. Let us make sure we keep terrorists out by screening people as they enter the aircraft or coming through the airports, but a private firm, who may have been providing that function to the city for years, would not be entitled to do it.

Again, we keep the same protection that the Senator from Massachusetts and the Senator from Utah do to protect employee rights. We would just allow those private firms who are engaged in security and protection of employees and property in this country to continue the use of the polygraph.

I hope the Senate will reject the motion to table.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I move to table the underlying amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the underlying amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore] and the Senator from Illinois [Mr. Simon] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 20, nays 76, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—20

Armstrong
Bradley
Cranston
Danforth
Dixon
Dodd
Durenberger
Evans
Ford
Harkin
Hatfield
Heinz
Kennedy
Leahy
Metzenbaum
Mikulski
Proxmire
Reid
Stennis
Weicker

NAYS—76

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
D'Amato
Daschle
DeConcini
Domenici
Exon
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Hecht
Heflin
Helms
Hollings
Humphrey
Inouye
Johnston
Karnes
Kassebaum
Kasten
Kerry
Lautenberg
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Quayle
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Stafford
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson
Wirth

NOT VOTING—4

Biden
Dole
Gore
Simon

So the motion to lay on the table Amendment No. 1607 was rejected.

Mr. HEINZ and Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. NICKLES. Mr. President, will the Senator yield for just a moment?

Mr. HEINZ. I yield without losing my right to the floor.

Mr. NICKLES. We have not yet disposed of my amendment. Can we do that first?

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment (No. 1608) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WORLD BANK STEEL LOAN TO MEXICO

Mr. HEINZ. Mr. President, earlier today Members of the Senate Steel Caucus which is chaired by Senator METZENBAUM, myself, Senator BYRD, Senator SIMPSON, and others met with the Secretary of the Treasury, Jim Baker, to take strong exception to the plans of the World Bank tomorrow to act on a $400 million loan to Mexico for the benefit of their steel industry.

Part of our reason for meeting with Secretary Baker was to ascertain what our Government's position on this loan might be. The scale and scope of this loan is such as to be a very grave concern; that is, $400 million, a substantial portion of which represents a financial commitment by the United States and our taxpayers to a steel industry that currently produces about 5 million tons from about 10 million tons of capacity annually, compared to a U.S. industry that has about 100 million tons of capacity and when healthy is producing 70 or 80 million tons annually. And one might therefore compare that $400 million World Bank so-called loan to the equivalent of a $4 billion financial package of assistance to the American steel industry, if not more.

I call it a so-called loan because it is a deal that nobody could ever get in the private sector. It has a very generous term. It is a 15-year loan, it is at below market interest rate, and the nice thing is for the first 3 years the money is absolutely free. Would it not be nice if Americans, whether they are steelworkers or in the steel industry, could get free money, $400 million, let alone $4 billion for 3 years? I think we would be all very happy about that.

In following up a discussion that we had with Secretary Baker in which we all voiced our concerns about tomorrow, we urge Secretary Baker to express our concern to the president of the World Bank, Barber Conable, who, as a former colleague of many of ours from the House of Representatives, we have a great deal of respect for, and to urge Barber Conable to withdraw or postpone the action that the Bank was intending to take tomorrow so that it could reconsider not only the merits of the proposal but the wider implications of the Bank's proceeding.

We also wanted, as I say, to find out whether our Government intended to support, by the vote of our U.S. Executive Director to the Board of the World Bank, that loan. And we urged, of course, as one might expect that a proposal that we felt was ill-advised in the first place and certainly hastily considered, we were only informed of this within the last 48 hours—that our U.S. Executive Director should vote against that loan. But it does not do anybody very much good if the U.S. Executive Director votes against the loan and it goes through anyway.

If the loan is to have any economic value to it, the effect has to be to either increase production, to reduce imports, or to increase exports of steel, presumably at higher value-added categories. Otherwise, this is a bad loan.

So the position the World Bank is in is that it is either making a loan that can only pay for itself if Mexican production increases and imports decrease—imports of some of that steel at higher value added from the United States—and/or if their exports to countries like the United States increase.

I point that out because the argument for this loan is, "Don't worry; it's not going to hurt anybody."

Well, if it is not going to hurt anybody and it is not going to help anybody in Mexico, it is a bad loan.

So the World Bank, in my judgment, cannot make a consistent argument. It is either a bad loan that will not earn its keep or it is a loan that will earn its keep in way that is bound to affect international steel trade; and if there is one thing we know it is that we have enough steel capacity in the world, probably 100 percent more than we need. It is against everybody's interests to have institutions such as the World Bank putting more money into an industry with overcapactiy at subsidized rates. That just subsidizes more capacity or the upgrading of more capacity, and there is no justification for that. If people want to do it using money at nonconcessional rates, that is something else; but these are public funds, world funds, at concessional rates.

I made these argments in the course of a discussion within the hour with the president of the World Bank, Mr. Conable. I had hoped that these arguments would be persuasive to him and that he would withdraw the loan for consideration from the Bank's agenda tomorrow.

I am in the position of having to carry bad news to the Senate and to my constituents and to the American taxpayer. Barber Conable, who was very honest and direct, said: "I can't withdraw this loan. It will be put up to a vote tomorrow."

The implications were, I am sorry to say, that he thought it would be approved by the World Bank board, notwithstanding the vote of our U.S. Executive Director.

I suspect that he is probably right, because if there is one thing he did learn—he was in the House of Representatives, as ranking member of the Ways and Means Committee—it was to count votes.

I bring this to the attention of our colleagues because I think we should try to do something about it. What I want to urge is that this body at least take the modest step of going on record now against this loan. I do not doubt that should the loan go ahead—and I hope it will not—we may have to take additional action. But the most honest thing we can do is to express the policy of this body in the type of resolution that the Senator from Ohio [Mr. METZENBAUM] introduced yesterday. I see that he is on the floor, and I do urge him to offer his resolution. I will support it, as one might guess from my remarks, in the strongest possible terms.

Mr. President, I do not wish to impinge upon the debate right now, and I yield the floor.

POLYGRAPH PROTECTION ACT OF 1987

The Senate continued with the consideration of the bill S. 1904.

Mr. NICKLES and Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER [Mr. FOWLER]. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from South Carolina.

Mr. NICKLES. Mr. President, I urge the adoption of the amendment, as amended.

The PRESIDING OFFICER. Is there further debate on the question? If not, the question occurs on the amendment of the Senator from South Carolina.

The amendment (No. 1607), as amended, was agreed to.

Mr. NICKLES. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

Mr. President, I see the Senator from Ohio on the floor. I know that he is very interested and committed on this issue. I would like to find out what the desire of the Senator from Ohio is. We would obviously like to cooperate. We know he feels intensely about it.

I inquire: What is his program?

The PRESIDING OFFICER. The Senator from Ohio (Mr. METZENBAUM).

WORLD BANK STEEL LOAN

Mr. METZENBAUM. Mr. President, I want to announce to my colleagues that we offered this resolution yesterday. It is a sense-of-the-Senate resolution which specifically provides that it is the sense of the Senate that the purpose of the loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization, and the Government of the United States should use its best efforts to prevent approval of that loan.

After a meeting with Jim Baker, the Secretary of the Treasury, this morning, which was called by Senator BYRD, with the assurance of Secretary

Baker that the United States would vote against the loan, I had hoped that, at a minimum, the World Bank would see fit to postpone this issue.

I had hoped that we would not have to get into this again today, because I thought that the World Bank would postpone the matter while we discussed it further.

However, according to Senator HEINZ, we have been informed by Barber Conable, the president of the World Bank, that they are going ahead with the vote tomorrow, which means they are going to approve the $400 million loan to Mexico.

Sometime before the evening closes, I will be prepared to offer a sense-of-the-Senate resolution as an amendment to this bill or as an amendment to a pending amendment. The manager of the bill has indicated that he would hope we would hold off for a bit, in order that he might try to get the bill closer to fruition. I am perfectly willing to be cooperative in that respect, with an assurance from him that before the bill is closed down, the Senator from Ohio, the Senator from Pennsylvania, and the Senator from West Virginia, who have an interest, would have an opportunity to come forward.

In view of the vote that will occur tomorrow, I feel that it is imperative that we act this evening. As long as the Senator from Massachusetts has indicated to me that he expects to finish this bill tonight—on that assumption I have no reason to go forward with the amendment now. If, for some reason, we do not finish the bill tonight, I hope I will have the assurance of the Senator from Massachusetts that an opportunity will be made so that we can offer this amendment, because offering it tomorrow will be after the fact.

Does the Senator see any problem with that?

Mr. KENNEDY. Is it the intention to offer it on this bill?

Mr. METZENBAUM. Yes. The intention is to offer it as an amendment or a second-degree amendment on this bill. I do not believe there is any opposition, with the possible exception of one Member. I may be wrong about that. There is tremendous interest by those Senators who have steelmaking operations in their States. I think there are 36 members of the steel caucus, on both sides of the aisle.

The answer is, yes, I do intend to offer it on this bill, because I cannot get it to a vote otherwise.

Mr. KENNEDY. I recognize the Senator's position and am in sympathy with it. We are in a situation now where we are not going to get final action on this, and I will have to reserve my position.

I want to make that clear to the Senator from Ohio. I have made a commitment that we keep off matters that were not relevant to this. I feel committed to that position. I voted against the position last evening with regard to labeling which I strongly support in terms of its merits. I have given those assurances to the floor.

I know this is an exceptional set of circumstances, and I am in sympathy with what the Senator is trying to do. He might be able to find that I am sometimes persuasive and sometimes not around this body.

But I am not able nor would I at this time give the assurances that we are going to be willing to accept that on this particular measure at this time.

Mr. METZENBAUM. Mr. President, will the Senator from Massachusetts be good enough to give me assurance that he will protect my position before closing down for the night?

Mr. KENNEDY. I would be glad to notify the Senator when we are closing or we are not able to make further progress on further amendments. I will certainly do that.

Mr. METZENBAUM. So I will have an opportunity. I do not wish to interfere with the Senator's handling of the bill. I want to be able to at least have an opportunity to offer this.

Mr. KENNEDY. Yes; I will be glad to notify the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1609

(Purpose: To permit an employer to administer a lie detector test to an employee if the employee requests the test)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 1609.

Mr. BOSCHWITZ. If you would read the amendment?

The legislative clerk read as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

The PRESIDING OFFICER. The Senator from Minnesota is recognized in support of his amendment.

Mr. BOSCHWITZ. Mr. President, this amendment would allow an employee or prospective employee to voluntarily ask to have a polygraph test. It is not a condition of employment. It cannot be made a condition of employment by this bill. Nor does this amendment intend to create that result.

The polygraph test, Mr. President, has proven its worthiness in assisting defense agencies in guarding national security, and Congress has repeatedly endorsed the polygraph for the purpose of preserving national security.

Similar security considerations really should be able to apply to the private sector.

In 1985 the House of Representatives voted 331 to 71 for an amendment which would allow the Department of Defense to increase polygraph screening of personnel with access to sensitive information. The Senate agreed to a conference report containing these polygraph provisions.

In 1987 a similar vote occurred, 345 to 44, for an amendment to the defense authorization bill that established a permanent polygraph program for national defense agencies.

The Senate voted 89 to 6 to accept conference reports that contained those permanent polygraph provisions.

Mr. President, Congress has clearly expressed its support for polygraph as a means of ferreting out possible illegality within the Government in the areas of defense and the areas of security. If polygraph works for the Federal Government, it certainly should work equally well for the private sector in its battle against illegal conduct in the workplace. When you consider drugs and the distribution of drugs and other such things, certainly the public needs to be protected.

Employee theft raises the cost of goods. The U.S. Chamber of Commerce reports that it raises them significantly.

The Drug Enforcement Administration, which supports polygraph screening, estimates that over 1 million doses of drugs each year are stolen from drug retailers, wholesalers, distributors, hospitals, and the like. Crime in the workplace is really quite a serious threat to the economy. It can bring a whole company down.

In my experience as a businessman, Mr. President, I have often had that problem. Interestingly, I have never used a polygraph. But what this amendment would do is allow an employee to come to an employer and say, "I know that there is thievery going on." And unfortunately, it is a common occurrence in business. "And I want to take a polygraph in order that you know that you can rely upon me." That option should be open to an employee and under this bill it is not.

This amendment is really an encapsulation of Minnesota statutes, and in Minnesota this amendment has been made part of the law and really simply preserves an employee's right to request a test.

The evidence in Minnesota suggests that it has worked very well; that there has not been abuse, and I understand and agree that we should protect employees against such abuse. But it really in no way alters the approach taken by this bill for the employees in the use of polygraph. It is the employer which we seek to regulate, not the employee, and therefore I offer this amendment as an effort to give employees, honest employees, employees who want to protect not only their own position, their own job, but who want to protect their place of employment, an opportunity to ask for a lie detector test.

It will not be used in every instance, I am sure. It may be that the very suggestion by an employee to his employer that he wants to take a polygraph test will be enough in most instances, as I would assume it would be, for an employer to believe that this employee at least is not guilty of some of the problems that they may be having.

In my years in business, Mr. President, time and again I had that problem, and they are very difficult problems. I often had employees and their wives and their families approach me. Those were very difficult things to do in the conduct of business, to say to a person "you have to leave us because we believe you are stealing" or in some instances even proof was available and in some instances not. It is a very difficult situation. The use of a polygraph in such situations helps both the employer and the employee. It helps people protect their jobs and helps people protect the companies for which they work.

Many companies, Mr. President, have been brought down, many companies have had to go out of business due to employee theft, due to very many situations where people have acted in contravention of the law. So it is important that we allow the employee every ability to prove his innocence and to continue the business of his employer.

Mr. President, I understand that the managers of the bill will not accept this amendment. I would ask that they respond.

I yield the floor.

Mr. KENNEDY. Mr. President, I understand the purpose for which this amendment is offered. Under the best of circumstances, I imagine that the Senator from Minnesota is trying to offer opportunities to those individuals who truly want to take a polygraph and permit those circumstances to be available under this legislation. So I understand what the purpose is.

The amendment of the Senator from Minnesota is very closely patterned after the State law. As I understand, in Minnesota employers can solicit or require the polygraph.

Now, Mr. President, there are similar laws in a number of the different States, and what we have found even in the State of Minnesota, in the Kamrath versus Suburban Bank case of 1985, even though it might look voluntary, inevitably there is a sense of coercion when the States have prepared legislation that even indicates that they cannot solicit or require. The Kamrath case in Minnesota pointed that out.

But there are cases in Maryland, cases in Pennsylvania, in California, other States besides Minnesota which have similar kinds of requirements, and they have been just open-ended invitations to employers to say "Well, look, this is all voluntary, Mr. or Miss so-and-so, and we can't fire you or require you to take it as a condition of employment." You can imagine how that works in the various employment halls or personnel centers around the country. There is just instance after instance where this has created an enormous loophole.

In the legislation we do provide that when there are circumstances where there is reason to believe that an individual has been involved in some wrongdoing, the employer can make a request of the employee to take the lie detector, and the individual can either take it or not take it. We spell out exactly the circumstances when that will or will not be available.

So we do in the legislation permit an employer to make that request, and in a sense it is voluntary. There has to be other evidence besides the fact that the employee did not take the test if the employer wants to dismiss that employee. That is all laid out in the legislation.

It seems to me that that provides the kind of safeguards that are necessary in terms of assuring both the employer's interest and the employee's.

Basically, where similar kinds of legislation have been put into effect in the several States, there has been a wide record of abuse. They say it is voluntary, but the overwhelming evidence—and we have evidence in our committee records from Maryland and other cases, other than the State of Minnesota, which we have reference to in our record—just creates an absolutely enormous loophole.

It is really for those reasons that the Senator from Utah and myself find it difficult and unacceptable. I will be glad to yield.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. The distinguished senior Senator from Massachusetts points out the Kamrath case in Minnesota where implicit coercion was indeed found and where damages were awarded to the employee. The courts will protect the employees where there is implicit coercion.

The distinguished Senator from Massachusetts says the employer will make this request of the employee, under certain circumstances. Why cannot then the employee make a similar request of the employer? Why should he not have the right to make a similar request?

I think indeed there has to be other evidence. My friend from Masschusetts says that in the event the employer makes the request and the employee says no, there has to be other evidence before you can dismiss the employee. In the real world, other evidence can always be found, and other evidence is a very subjective type of thing. The other evidence, I presume, does not have to relate to the appearance at hand.

Really that is not very much protection at all, and I ask that the employee have at least the same rights that the employer has.

I would say to my friend from Massachusetts, I note that my amendment talks about administering a lie detector test to an employee or prospective employee. I would tend to agree with the Senator from Massachusetts when he says that you can ask somebody before he becomes an employee, "Would you be willing to take a lie detector test?" In the event a person says no and the employer would no longer consider that employee, I do not understand that that is permissible under this law, and it is not really covered by my amendment.

I wonder if the Senator from Massachusetts and the Senator from Utah would accept the amendment if we removed the term "prospective employee" so that there would not be consideration or a feeling, in the event a prospective employee does not volunteer to take a lie detector test, that he would not be considered.

For instance, the employer does not even really have to ask a prospective employee. As the distinguished Senator from Massachusetts points out, the employer can make it quite well known to an employment agency, for instance, that "we like employees who will come and volunteer to take lie detector tests." The employment agency will find a way to say to a prospective employee, "I would mention, if I were you, when you talk to this fellow that you suggest that you are willing to take a lie detector test." That can almost become a condition of employment. I agree.

In the event we take "prospective employee" out of this, and it would just be an "employee" rather than a "prospective employee," that certainly should make the amendment more palatable.

As a businessman, I have never used, and I wonder if the distinguished Senator from Utah is in the Chamber or nearby because I would like to hear his thoughts about it as well, but as an employer over many years, employing as many as 1,200 people at any one time, and often having had experience with theft and often having some very difficult moments with employees about it, I did not use it for employees and had never even considered using it for prospective employees.

Would that make the amendment more palatable, I would ask my friend from Massachusetts?

Mr. KENNEDY. I would answer the Senator, it really would not because basically what we are talking about is the real potential for coercion. In the preemployment situation, what individual is going to go to the extent of bringing a case, paying the expenses, following all the way through the legal process in order to get, what, in terms of damages? It is basically unrealistic, and it is extremely difficult for me to understand——

Mr. BOSCHWITZ. Would the——

Mr. KENNEDY. Let me just finish one other point. It is extremely difficult for me to understand why an employee would take the test in the first place when, under the OTA study it says only half, "53 percent of the test subjects were correctly identified by the polygraphers." It is a flip of the coin. That is what we are dealing with, and the only way we can understand it. It is difficult for me, in common sense values, to think someone is going in there to say voluntarily, "Give me a polygraph" with a 50-percent chance of being caught wrong, unless there is going to be some type of coercion. We permit it under limited circumstances described as an investigatory tool.

Given the record that we have, preemployment, it is virtually difficult, if not impossible, to expect that there would be cases that would be brought into the court system. In the postemployment situation, which is the Minnesota case, the Kamrath case, that individual had to come into court and demonstrate by the evidence that they had nightmares and bed wetting in order to get a judgment. Now who in the world is going to do that when we have testimony before our committee that it has been used in the States where they have these sort of protections: will not be used to coerce or solicit or required be taken. Virtually the identical words.

I have difficulty being persuaded. I understand what the Senator is trying to do. I just find it difficult to be persuaded that even adjusting it from the preemployment to the postemployment, without the kind of protections that we included, that the polygraph would be useful.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I must tell you I respectfully think that my friend from Massachusetts has missed the point. We will take out the "prospective employee." We will only leave in the "employee" so that you cannot submit a person to a lie detector test as a condition of employment which, as I say, really can be implicitly done. The employer does not have to say anything to the employee directly. As you mentioned, he lets it be known to the employment agency in advance that he wants employees who will take lie detector tests. I can see where coercion could occur, but an employee who is already in the firm, if you want to put them in the firm for 3 months or something, fine, but take out the words "prospective employee" wherever it occurs in the amendment. Then an employee should have the right.

I would ask my friend from Massachusetts, if it is only 53 percent effective, why in the world are you allowing polygraph tests in the first place?

I mean I have never heard the percentage of 53 percent. If properly applied, the polygraph is certainly more effective than 53 percent. At least that is what the people in the security end of our Government have led me to believe. They sure believe in the polygraph test.

As the Senator knows, sometimes the security of the Nation is relying on the results of those tests. If it is so ineffective, why does the Senator make the exception at all? If we make the exception and allow the employer to make the request of an employee in the event that the employer makes an insurance claim or makes a report to the police of a missing item which is really not a very complicated procedure to make, then if the employer under those circumstances can make the request, certainly the employee should be able to make the request.

We would take out the word "prospective" employee. Very frankly, I, during my business career, had any number of break-ins, and thieves in our buildings. We had buildings all over the place. The police came in. It is not a very complicated matter to file some kind of a report with the police and thereby give the employer the opportunity to make a test.

So I ask my friend from Massachusetts once again. If we take out the words "prospective employee" and only apply the polygraph test to employees who wish and make that request, then why should it not be acceptable when he allows the employer to make a similar request?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just in response as to why we still permit it, the figures I gave the Senator were the correct ones. You have some that are incorrect and some that are doubtful, is the way this particular study that was conducted referred to in the OTA study, but just in terms of the study that is referenced in the OTA study on page 65.

But let me come to this: We only permit it then under very limited sets of circumstances. But let me just get back to the proposal. In the amendment of the Senator from Minnesota, he says exemption for the voluntary test.

> This act shall not prohibit an employer or agent of the employer from administering a lie detector to an employee or prospective employee if the employee requests a test and the employer or agent administering the test informs the employee that taking the test is voluntary.

Will you have that employer saying, look, this is voluntary. It is the employer telling that individual it is voluntary. I just find that given the record, Mr. President, as just being unrealistic. If we have eliminated the preemployment circumstances, now we are just taking those that are working. We set out where the individual will take that voluntarily under the circumstance of the bill. We are trying to move back from those other kinds of incidents. I just think that the record is so replete with instances of coercion, so replete with it that it just is not worth doing.

The way that this is crafted is the result of careful consideration of both the State laws, the professional testimony of the various polygraphers, and we have tried to devise a way both in terms of the business and the workers looking after each of their interests. I think we have been able to thread that needle in a rather different way. It is different from where the House came out. That is why we have been able to get the broad support from the business community that has opposed the House bill—nine different trading organizations with broad support.

I think what the amendment of the Senator from Minnesota is talking about would open up this whole proposal in a completely unworkable way, and still include the types of coercions, and exploitation that we have seen in the past.

Mr. President, I move to table the amendment.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Would the Senator withhold?

Mr. KENNEDY. Mr. President, I think we really have to get action. We have taken a good deal of time. I would be glad to withhold for a couple of minutes. We waited for the good Senator for a good deal of time. I am glad to, if he wants to make additional comments.

Mr. QUAYLE. Could I have 3 or 5 minutes to make sure I understand?

Mr. BOSCHWITZ. I want to respond to the Senator and ask for indulgence so we do not move to table the motion. We have not discussed the motion at great length. And we are not going to discuss it at great length but we want to have a fair amount of time. So I respectfully request we not move to table this at this time.

Mr. KENNEDY. The Senator is persuasive as always.

I cannot wait to hear from my friend from Indiana, and I always enjoy his eloquence on this subject matter. So we withdraw the motion.

The PRESIDING OFFICER. The Senator withholds his motion.

Who seeks recognition?

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Thank you, Mr. President.

I see my dear friend from Massachusetts has seated himself to listen to what the Senator from Indiana has to say in a few brief moments. He did not want to stand up, and then have to sit down.

Let me make sure that I understand this amendment assuming that prospective employee is dropped. I want to make sure that the Senate understands what it is going to be voting on.

Let us take an example where there has in fact been a theft in a plant, and the employer decides not to polygraph the people, say there is a section out there where the theft occurred and there are 20 people, 30 people, or 50 people in that section. And there has been a theft. There has been something done that puts a cloud over that whole section of all the employees that are there.

The employer says "I am not going to go through the time of polygraphs. As a matter of fact, I just do not want to waste time to do this." However, an employee in that section says, "Wait a second. I may want to go on to another job and I certainly don't want anything on my record or anybody to think that I was involved in this. And I demand and I want to have a polygraph. I want you to polygraph me."

The employer says, "Well, if you want to, OK." Now, I believe that is what the amendment of the Senator of Minnesota is going to do. It goes to where you have an entire cloud that could be passed over a lot of employees. And what you are going to be doing is showing the degree of really involving ourselves in these employer-employee relationships. The employee may say, "I want to clear the record; I as an individual."

What we are saying is no, that individual cannot do that, no matter what. I believe we are going very far. I know the Senator from Massachusetts is a strong proponent of individual rights and civil liberties. And he takes a back seat to no one. But I want him to think of that particular situation of where an employee that has a cloud cast over the section, where they work, and he or she says, "You know, I want to make sure that they know that I am not involved and I want to, I myself want to go forward and ask for this polygraph." The employer says OK.

We are saying it would be prohibited under the bill, but would be allowed under the Boschwitz amendment. I think that makes common sense. I think that is the only decent thing we can do. I do not believe this amendment is that controversial. I think it goes to a very narrow fundamental point; that is, if an employee volunteers, I think the Senator from Massachusetts makes a good point that these prospective employees perhaps think there would be this intimidation factor. But an employee who wants to clear the air, clear the record, comes forth and says, "You give me a polygraph" and the employer says "OK," it is precluded. It would be allowed under the Boschwitz amendment. It goes to a very, very narrow situation, one that I hope the sponsors of the bill might agree to. I do not believe it is going to do that much damage to this piece of legislation.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I thank the Senator from Indiana. Indeed, the situation that he described could certainly come up. Again from my business experience, I am aware of companies that have gone out of business due to theft. Indeed, that becomes a well-known fact. And employee theft within a company normally is not a well-known fact. It does not become knowledge that is to say. But in the event a company is widely affected or perhaps even goes out of business, the cloud indeed could be cast over all of the employees who were associated with that business, and make it more difficult for them to obtain employment thereafter.

My friend from Massachusetts talks about the fact that he has broad support from the business community. Nine associations, I understand, support this bill as it is. I understand that the Senator from South Carolina [Mr. THURMOND] has introduced a list of 80 associations that oppose it.

I say to my friend from Massachusetts, with respect to the second part of this amendment that he read, that the employer or agent administering the test inform the employee or prospective employee that taking the test is voluntary, we added that from the standpoint of protection. Just as a policeman must inform a suspect that he has certain rights, we just wanted to be sure that the employer must state to him that this is voluntary, so it is said out loud.

If the distinguished Senator from Massachusetts objects to that provision, we will take it out.

I ask for the attention of the Senator from Utah, as well, if the Senator from Utah will listen to the resubmission of this amendment. It would read:

> This act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if the employee requests the test.

I would like to change the amendment. I would withdraw and resubmit the amendment, and I ask at this time that my amendment be withdrawn.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment. The amendment is withdrawn.

Mr. KENNEDY and Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has retained the floor.

AMENDMENT NO. 1610

(Purpose: To permit an employer to administer a lie detector test to an employee if the employee requests the test)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 1610:
>
> On page 28, between lines 14 and 15, insert the following new subsection:
>
> (e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if—
>
> the employee requests the test.

Mr. BOSCHWITZ. Mr. President, the amendment is simple and direct. I hope that the manager of the bill and the minority manager of the bill will be able to accept it.

Mr. KENNEDY. Mr. President, I have outlined the reasons earlier about my own reservations. They are reinforced with the example that has been given by the Senator from Indiana.

If you take the OTA study—say, you had a hall with 100 people. Something is missing, and they want to come forward. According to the OTA study, you would have 12 polygraph tests that would be incorrect. Given the false positives and false negatives, what it would say is that eight innocent people would be labeled guilty and four who are guilty would be labeled innocent, if they volunteer, under the most conservative of the studies, and 35 percent of the examinations are inconclusive.

So, here you have 35 people of that 100 in that building. They are under a cloud—their tests are inconclusive. You have eight people who are innocent and who are going to be labeled liars or deceitful, and you are going to have four who may be lying about it, who, under these tests, will be cleared. What possible sense does that make?

We have been through this. We have worked out the formula about how this can be used and used under restricted circumstances as a part of an investigation of specific incidents. The example that is given, I find, substantiates that point and makes it even less convincing than before.

Mr. QUAYLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. QUAYLE. If you take that hypothetical of 50 people, I would think that maybe only one or two or three people want to come forward; because most people, frankly, including myself, do not want to take a lie detector test under any circumstances. But there might be somebody who wants to come forward, and you are precluding that one person, not all of them. Is there not some concern about someone who voluntarily wants to come forward?

Mr. KENNEDY. A hundred are in there, and they are missing a shoe box: "Now, Harry, Jim just came in and volunteered and he is free. He is not guilty. Do you think you would like to volunteer? You would or you would not want to volunteer?"

Let us be realistic about these circumstances. We have the conditions now where those tests can be requested and how those procedures would be made.

Mr. HATCH. Mr. President, I admire my colleague from Minnesota and what he is trying to do. I have to say that I know his intentions are very good, but I happen to disagree, and I will say why.

We have carefully crafted this section on post employment so that I think it basically takes care of his problem. I do not want to have his amendment in the bill for a very specific reason.

First of all, under section 7(2)(d), limited exemption for ongoing investigations:

> Subject to section 8, this Act shall not prohibit an employer from requesting an employee to submit to a polygraph test if—
>
> *(1) the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business, including theft, embezzlement, misappropriation, or an act of unlawful industrial espionage or sabotage;*
>
> *(2) the employee had access to the property that is the subject of investigation;*
>
> *(3) the employer has a reasonable suspicion that the employee was involved in the incident or activity under investigation; and*
>
> *(4) the employer—*
>
> *(A) files a report . . .*

Where this type of language is included in State laws, the record in our committee is replete with examples where it has been the subject of considerable abuse. We are now under the third revision of this amendment. It seems to me that this substantiates that the way this was crafted in the committee, after a good deal of consideration, makes excellent sense.

I think it takes care of almost every situation, except one, and that is this: If we adopt the amendment of the distinguished Senator from Minnesota, then basically an employee who may be one of a number who are under suspicion, where there is a reasonable suspicion, may say, "I will be glad to take the lie detector test," and it may be the guilty employee, figuring that you can beat the lie detector, which you can. Sometimes, the most dishonest people can beat it. The most honest are the ones who are a little jittery about a lie detector test. Let us say there are three or four others there who are under reasonable suspicion.

One of them may be an extremely nervous person who just has heard that lie detector tests are not accurate. If they heard that they are right. They are not accurate.

Under the very best of circumstances which I described earlier they would be accurate maybe 85 percent of the time, but 15 percent that poor fellow is going to be thinking "because I am nervous and I am upset it is going to be inaccurate with regard to me."

So you develop a situation where the one who may be guilty may want the test and the other who is not guilty looks like he does not want the test and I think it becomes a subtle form of discrimination if not overt discrimination.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. HATCH. I would be happy to yield if I could make a line of points and then I think the distinguished Senator would want to ask me some questions perhaps.

Maybe there are three or four in that group of people, and I do not know anybody who would want to voluntarily take a lie detector test under the circumstances of knowledge that they may not be accurate. Most people perhaps do not know that they are generally inadmissible under evidentiary rules in our courts of law, but if they heard that they would be very concerned about the accuracy of lie detector tests, and maybe the honest guy will fail it.

I have actually seen cases of honest people where the polygrapher was so well skilled that he knew what looked like deception really was not, it was really honesty, but you have to have a very skilled polygrapher to be able to determine that because people who are very honest are sometime the most uptight. The one with the highest set of ethics and the highest principles may be the ones who come out deceptive under an improperly administered polygraph or even under one administered by a person who has skills but not the ultimate skills in administering polygraphs.

Under our bill you need the evidentiary basis before the employer can use the polygraph. That is a protection to both the employer and the employee.

Under the amendment the reality of coercion is always there. That is what I want to get rid of.

I know the distinguished Senator has noble goals here and noble aims, but literally the reality will be that of coercion.

Frankly, that is what we are trying to get around here.

For instance, let us push it to its logical extreme. Let us say that one employee is under reasonable suspicion. By this bill let us say that one employee requests a polygraph. Why would he or she request a polygraph? The reason he or she is requesting a polygraph is that somebody accused them or they are afraid they are under reasonable suspicion for having done something wrong. That is the only reason anybody would request a polygraph test. Nobody in their right mind would request it otherwise.

If there is the evidentiary basis, if there is a reasonable suspicion, nothing stops that employee from saying to his employer, "Look, I will be glad to take a polygraph." The employer might say to him, "Why, I don't want to pay for it."

Under this bill, you know there is a real question whether the employee can be fired under those circumstances.

The fact is that the employer probably would be glad to pay for it if he is any kind of employer.

Let us say the employer says, "I don't want to pay for it," and the employee says, "I will pay for it. Let us agree on the polygraph institution or the polygrapher and I will pay for it."

I cannot imagine an employer, unless they are really trying to discriminate against the employee, who would not accept that situation and allow the employee to demand a polygraph test for which the employee pays.

Now, I think that the carefully crafted language of this bill solves the problem of the distinguished Senator from Minnesota but it also solves this problem of coercion, and that is what bothers me.

I cannot support the amendment of my friend from Minnesota, and I wish I could, but I think the bill is crafted properly.

Let us face it. There are good arguments that we should have preemployment screening, but I think on balance when you consider those who really are hurt by the process that exists today that outweighs the arguments in favor of preemployment screening. I think the arguments I made outweigh the arguments of the distinguished Senator from Minnesota even though I am sure he disagrees with that. I think we have it crafted. I think we can resolve these problems. I think the employee can demand a polygraph examination and pay for it himself or herself, but the fact of the matter is there is no reason to change this bill as it is written because if we adopt the language of my friend from Minnesota, then we are adopting language that I think leads to coercion in the workplace. That is what we are trying to avoid.

I am happy to yield to my friend.

Mr. BOSCHWITZ. I ask my distinguished colleague from Utah if these tests can be so easily fooled——

Mr. HATCH. They can.

Mr. BOSCHWITZ. They can, you say.

Mr. HATCH. They can under certain circumstances.

Mr. BOSCHWITZ. Why do you have this section in here at all in this case? If you think that polygraphs work so poorly why do you not just outlaw them out of hand?

Mr. HATCH. We know they work if they are properly administered under the best of circumstances with good analysis and good questions and a reasonable time. We know that they can work 85 percent of the time.

Now, the way we have written this is we have written it so that the polygraph does not solely become the instrument of discharge for the employee. It can be a part of the consideration and it may very well be that the polygraph examination will exonerate the employee so that the employer will really feel satisfied.

So, we have acknowledged that under those circumstances where a reasonable suspicion arises or appropriate evidentiary basis the employee can administer the polygraph and we also suggest standards better than the standards that presently exist.

This bill does two things. It sets up an evidentiary basis so that the polygraph itself is not the sole reason for discharging the employee and it sets up a system whereby better standards can be developed and more uniform standards.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. HATCH. I am happy to yield.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I do not want to extend this debate and I know that the senior Senator from Massachusetts wants to make a motion to table which will effectively end debate.

But in the event the Senator from Utah wants to put some conditions on this amendment that say that the tests have to be taken by a licensed person or something like that I have no objection.

Mr. HATCH. Will the Senator yield on that point?

Mr. BOSCHWITZ. I yield.

Mr. HATCH. We cannot do that because one of the biggest problems we have——

Mr. BOSCHWITZ. What?

Mr. HATCH. We cannot do that because one of the biggest problems we have is what standards will be set or imposed on the States or the Federal Government. We are going to leave that to the people to whom it should be left.

Frankly, we can do that.

The Senator's amendment is effective in one particular and that is that it results in coercion of the workplace. It results in that. I know what he is trying to do but the way it is written it results in that.

Frankly, I think our language on which we spent really quite a bit of time solves the problem.

Mr. BOSCHWITZ. Mr. President, we would be very happy to make this amendment subject to section 8 of the bill that lists qualifications of examiners and I presume that the bill would be broad enough that if the amendments were added it would be subject to all of those conditions.

But you know we deal with examples, I would say to my friend from Utah, and the example is that you cast a cloud over people who cannot exonerate themselves.

If you think that people are going to volunteer for this test, that people who are liars or know that the tests can be fooled, that they are going to volunteer for this test, you are really not dealing with the real world, I would say to my friend from Utah, because in my business career I never imposed a lie detector test on any of my employees but others that I knew in business did. That is a hard decision to make. That means that you do not trust your employees and if you do not trust your employees I tell you that you begin the path toward not doing very well in business and perhaps even ending your business career.

There has to be a mutuality of trust, but in the event that an employee wants to take the test, in the event that the business is going to fold due to employee theft, certainly an employee should be able to volunteer for a test so there will not be a cloud over his head.

To think that people will volunteer for a lie detector test on the basis that they are going to be able to fool the lie detector when the bill has provisions as to how the lie detector test is going to be administered I think that is not dealing with the real world.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota.

On this question, the yeas and nays were ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin,] the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER (Mr. Pell). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—56

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Bradley
Burdick
Chafee
Chiles
Cohen
Conrad
Cranston
Daschle
DeConcini
Dodd
Durenberger
Evans
Exon
Ford
Glenn
Graham
Grassley
Hatch
Hatfield
Heinz
Hollings
Inouye
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
McCain
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Stafford
Weicker
Wirth

NAYS—38

Bond
Boschwitz
Breaux
Bumpers
Byrd
Cochran
D'Amato
Danforth
Dixon
Domenici
Fowler
Garn
Gramm
Hecht
Heflin
Helms
Humphrey
Karnes
Kasten
Lugar
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—6

Biden
Dole
Gore
Harkin
Simon
Stennis

So the motion to lay on the table amendment No. 1610 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if we could have the attention of the Members here? As I understand, there are still two outstanding amendments to be made. Perhaps there are more, but at least two that the Senator from Utah and I know about. We are glad to consider and debate these issues this evening or we are glad to accommodate whatever the leadership is inclined to do; if there is a request by the leadership.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, how many Senators have amendments that they intend to call up? Mr. GRAMM? How many amendments does the Senator intend to call up?

Mr. GRAMM. Less than 10, I think.

Mr. BYRD. Less than 10.

Mr. COCHRAN?

Mr. COCHRAN. Mr. Leader, I have three amendments.

Mr. BYRD. Anybody else? Mr. METZENBAUM?

Mr. METZENBAUM. I have one on the steel matter, a sense-of-the-Senate resolution.

Mr. BYRD. Well, Mr. President, I think we ought to just stay and let the Senators offer their amendments.

As to tomorrow, would the distinguished acting Republican leader at this time be ready to discuss the proposal that we talked about earlier?

Mr. SIMPSON. Mr. President, I think it would be very appropriate to discuss that. I am hoping that those who have amendments might finish them tonight, rather than at a postcloture attitude tomorrow. The majority leader may go ahead and express what he and I have discussed. I think it sounds highly reasonable and I have discussed it with those on my side of the aisle. You may wish to propose it or I could suggest what it is but I leave that to you, sir.

Mr. BYRD. Very well. I ask unanimous consent that on tomorrow, at 9 o'clock, there be, on another matter, 4 hours of debate under the control of the distinguished acting Republican leader; that there be 1 hour of debate under my control on the same matter; that the vote on cloture then occur which would be at 2 p.m.

As I understand it, I would hope that following tonight's work, there would not be any further amendments, but perhaps when the evening is over, we could determine whether or not there are one or two amendments. I hope there will not be any. And then the Senate would complete its action.

I assume that cloture will be invoked. We already have the order that upon the disposition of the pending bill, the Senate will go to the intelligence authorization bill. It is possible that that could be finished tomorrow, and if it is not finished tomorrow, it would go over until Friday. Hopefully we could complete action on that bill Friday.

There would be a vote on Friday on the nomination on the executive calendar of William F. Burns, of Pennsylvania, to be Director of the U.S. Arms Control and Disarmament Agency.

As to the unanimous consent request, as I say, it would provide for beginning at 9 o'clock tomorrow, time under the control of the distinguished acting Republican leader to be 4 hours, to be followed by 1 hour controlled by me, on an extraneous matter. He and I have an understanding as to how we will arrange the last hour and a half of that. Then the vote on cloture would occur at 2 p.m. with the mandatory quorum call under the rule being waived.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection?

Mr. SIMPSON. Mr. President, I would respectfully add, if I may, to the majority leader that we would convene at 8:30 and then 10 minutes with the leaders, leader time, and then recognition of Senator PROXMIRE, and then beginning at 9 o'clock with the 4 hours.

Mr. BYRD. That was the understanding. Not knowing what time the Senate will complete its work tonight, I thought I would leave that 8:30 convening hour out of the order for the moment. It may very well be that we are going to come in at 8:45, whatever. The 4 hours under the control of the distinguished acting Republican leader would start running at 9, the control of time.

For the moment, let me include the rest of the agreement that the distinguished Senator referred to.

I ask unanimous consent that when the Senate completes its business today that it stand in adjournment until the hour of 8:30 tomorrow morning; provided further, that after the two leaders, or the designees, have been recognized under the standing order, there be morning business not to extend beyond the hour of 9 a.m. and that Senators may speak during the period for morning business for not to exceed 5 minutes each; that if no motion or resolution over, under the rule come over and that the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, would the leader be good enough to tell us what the subject is for that 5 hours?

Mr. BYRD. I would yield to the distinguished acting Republican leader.

Mr. SIMPSON. Mr. President, it is best described as a sensitive issue, one that would come to pass even under the most extraordinary parliamentary procedures. It has to do with a sense-of-the-Senate resolution which will be proposed by Senator SPECTER which directs itself to the rule to the motion to compel absent Senators through the use of the Sergeant at Arms, setting out the procedure in the future, which will be referred to the Rules Committee.

Mr. METZENBAUM. I have no objection.

Mr. SIMPSON. And that is what that is.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, reserving the right to object, and I do not plan to object, I am wondering if the majority leader and the acting Republican leader, together with the distinguished manager, the Senator from Massachusetts, might not propose some sort of a time agreement on the amendments to be offered tonight, debate those amendments and then tomorrow morning, having stacks of votes, let us start voting at an earlier time, rather than keeping the Senate in until 10 or 11 o'clock this evening.

I wonder if that is within the realm of possibility to perform in that manner?

Mr. BYRD. Mr. President, the Senator makes a good suggestion. I would want to hear from the manager of the bill first. I would like to say that at least there should be a vote on the amendment by Mr. METZENBAUM because of the limits of that sense-of-the-Senate amendment. And we could, over the next few minutes, attempt to see if we could work out a time agreement on the other amendments, possibly stack votes on them at some time. I suppose the stacking would have to begin after the cloture vote tomorrow or prior thereto.

Mr. PRYOR. Mr. President, further reserving the right to object, I have just discussed with the Senator from Ohio the possibility of a time agreement on his sense-of-the-Senate amendment. While a discussion is being held, would it be possible to move to his sense-of-the-Senate resolution and let disposition be taken of that and possibly go back to this, thus making us have only one vote tonight?

Mr. BYRD. Mr. President, I think there will definitely be a vote on the amendment by Mr. METZENBAUM this evening. I still want to hear from the manager of the bill. I would be happy to propound a time limitation of 15 minutes for each Senator or less, say, 10 minutes to a side. We already have had a good bit to say on it.

Mr. METZENBAUM. I do not care. My opinion is it would take 3 minutes or so.

Mr. BYRD. I would like to hear from the manager.

Mr. KENNEDY. Mr. President, I do think in fairness to my colleague, the Senator from Connecticut, I am glad to continue the debate on this issue. I am glad to debate it tonight. I am glad to follow whatever procedures the Senators want. I do note the Senator from Connecticut, I think in terms of the time limit, as I understand it, is the one Member who has brought to my attention his own concern about this issue.

I would hope that before a time limit is developed on the Metzenbaum amendment at least he be consulted. I am prepared to agree to any time limit that is worked out.

Mr. BYRD. Very well.

Mr. KENNEDY. I think he ought to be consulted on the time limit.

On the other issue, I imagine there would be objection to stacking. Quite frankly, I am glad to debate the Senator from Texas as long as he would like to.

I will point out to the Members that the bill was laid down at 2 o'clock yesterday, and we waited until well into the midafternoon before we had any amendments. So for those who have this burning desire to debate these issues, it is not that we have not had a reasonable period of time in which to do it.

Having said that, if there is objection, and there probably will be, I am more than glad to take some time to debate it. But I want to give the assurances as the floor manager of this bill that I do not feel a sense of constraint. I am sorry that we are going into the hours this evening, but I will remind my colleagues, and they can review the RECORD both yesterday and today, that we did not involve ourselves with the substantive issues.

The Senator from Texas made an eloquent statement, which I heard through the television because I necessarily had to be off the floor for about 15 to 20 minutes. But after that, we did not really have substantive amendments.

I think the membership ought to understand that if this was such a burning issue and people wanted to get over here, they certainly had an opportunity before 7 o'clock on this evening.

I am quite prepared to stay here and follow whatever the indications are of the Members on any of these matters. If they want to stack, that is agreeable with me. If they want to continue, I would hope that we would continue to move toward further progress on the bill.

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. I yield.

Mr. GRAMM. I would like to say I think the amendments we have had have been substantive. I have spoken on the floor twice today on this issue. In fact, I sat here waiting for an opportunity to offer an amendment while several Members spoke and others were recognized, in terms of offering amendments. So there have been no dilatory tactics on my part. Each of my amendments are germane. They would be eligible to be offered after cloture. They address fundamental issues like, do you want to exempt common carriers?

Fundamental issues such as given that you have exempted contracts with the Department of Energy. Do we want to exempt contracts with the Drug Enforcement Administration on the use of lie detectors?

So my amendments have nothing to do with dilatory tactics. They are all germane. They all address the issue. My problem has been that other people have been here, and when I was prepared to offer an amendment, other people were recognized. So I am willing to do it tonight. I would be happy to do it tomorrow. I would like to know when we are going to do it. If there is only going to be one amendment tonight, I would like to know it so I can go to the Banking Committee.

Mr. BYRD. Mr. President, if there is anybody here who is probably having some difficulties with respect to standing on his feet for the rest of this evening, it is the manager of the bill. I certainly want to accord him every courtesy and follow his wishes in this matter.

I have this suggestion: I suggest that Mr. GRAMM proceed with an amendment. Perhaps we could get a time agreement on that one amendment. That would give us time to contact the Senators for whom Mr. KENNEDY alluded earlier. Perhaps we can get a time agreement then on the Metzenbaum amendment. Then by that time I think we should be able to have a list of amendments and the time that we would propose on each of those amendments.

Mr. SIMPSON. Mr. President, I think we can do that. I have two amendments of Senator COCHRAN. He has agreed to a time agreement of 10 minutes equally divided on each amendment. That is Senator COCHRAN.

I have now Senator GRAMM, who has agreed to go with his first amendment, which is 10 minutes equally divided on this first amendment. In any event, on his remaining amendments, it would not be more than 20 minutes equally divided. Perhaps that time will be yielded back or perhaps it might be accepted as we go along. But that would be the extent of the activity here. There are timely amendments, but any that are not brought in this evening or not known as per differently from Senators COCHRAN and GRAMM can be handled tomorrow under postcloture. But we can certainly pull it down to that.

Mr. BYRD. Mr. President, I have the approval of the distinguished manager of the bill.

I ask unanimous consent that there be 10 minutes on each of the two Cochran amendments, equally divided in accordance with the usual form; that no amendment to the amendment be in order in each instance; and that on the amendment which Mr. GRAMM will call up presently there be 10 minutes equally divided with no amendment to the amendment be in order. The reason I say that we do not exclude amendments to the amendment is any amendment, no matter how farreaching, that was offered to his amendment would have to be voted on without debate. So I say that for the protection of all Senators.

That way, the Senator could proceed. He would have 10 minutes equally divided, and in the meantime I would hope that we could be able to clear the Metzenbaum amendment. Then we would proceed accordingly, if we could get these requests now.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Was the request put by the Chair, the earlier request that I propounded?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. PRYOR. Mr. President, I reserve the right to object; I did not quite hear the distinguished majority leader. Involved in this, was there any provision of stacking of votes?

Mr. BYRD. No, there was not. As I understand Mr. KENNEDY, he would like to proceed for a while and there is an inclination on the other side about a certain time on amendments. So perhaps we are making progress, if we could go along for a little while to see where we are.

Mr. PRYOR. Might I just suggest, if we are going to have four or five votes tonight, as it looks as if we are, might I respectfully suggest to the majority leader that those votes be 10-minute votes?

Mr. BYRD. Mr. President, I guess we should not do that on the first vote certainly. Then we can put that request later. I thank the distinguished Senator.

But, Mr. President, I ask unanimous consent that on each 15-minute vote the call for the regular order be automatic at the conclusion of the 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, I missed the majority leader's description of what amendments were going to come and how frequently they would come. Is there a window?

Mr. BYRD. No. There is not any window. We expect votes frequently and without much debate.

Mr. BRADLEY. After half an hour or so?

Mr. BYRD. No. I think there should be a vote within 10 minutes.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1615

(Purpose: To provide a common carrier exemption)

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1615.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(e) COMMON CARRIER EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102 (4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight.

The PRESIDING OFFICER. If the Senator will suspend, may we have order in the Chamber so the Senator can be heard?

Mr. GRAMM. Mr. President, this is a very simple amendment. The bill before us allows the Federal Government, State governments, and local governments to use polygraph for the purposes they may deem within State law and within Federal law. It in essence has a blanket government exemption.

It then specifically exempts from coverage under this bill, which is prohibition against use of polygraph, contractors that are doing work for the Department of Energy and some other specific Government agencies.

The amendment that I have offered simply allows the private sector within State law, within Federal law that part of the private sector that is involved in common carriage—that is, ground transportation, air transportation, water transportation—to have the right within Federal law and State law to use polygraph.

Mr. President, this is a clear-cut issue. If we are going to give the Department of Agriculture power to use polygraph for the public purpose related to people who are in seed research, if we are going to give local government that power, surely we dare not deny that power involving airline pilots, railroad engineers, pilots of ships where human life is potentially endangered.

We have already acted on a similar amendment related to drug testing. The problem is, however, that with the drug test you are testing drugs that are in people's bodies at the time. I for one am not willing to say to an airline, that has the potential of having a pilot flying an airplane that my wife and children may be on or that the distinguished Senator from Massachusetts might be on, that you do not have the right to use a polygraph within the constraints of State and Federal law to find out if that airline pilot has used cocaine or is likely therefore to use it in the future.

It seems to me we are denying the tool here related to common carriers that is not prudent public policy. So the vote here is do we want to give private companies engaged in common carriers the right to use polygraph obviously relating to those areas where we are talking about mechanics that are repairing airplanes, pilots, and people who are running railroad engines. I think this is a prudent exemption, and I urge the distinguished Senator from Massachusetts to not close his heart on this important exemption that could mean the life and health and safety of the American people.

I believe this is a reasonable exemption, and that it should be adopted.

Surely, if we can allow every agency of the Federal Government, every agency of every State government to use polygraph, we dare not deny that tool for use to protect the skyways, the waterways, the highways, and our railroads.

I urge my distinguished colleague to support this amendment. Perhaps we could adopt it by unanimous consent.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Do we have a time limit?

The PRESIDING OFFICER. Five minutes a side.

Mr. KENNEDY. How much time now remains?

The PRESIDING OFFICER. The Senator has 6 minutes and 11 seconds.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, we have to make a decision whether the polygraph is effective and reliable or is not. That is the basic issue. The Senator from Texas has an irrefutable argument if it is accurate. It is not accurate. We have tried over the course of this debate to demonstrate it is not accurate. Even the National Institute of Justice has found that it is not effective.

For that reason, the Association of American Railroads, representing one of the prime common carriers, rejects it as a condition of employment and supports our particular proposal because we have aligned the request on polygraph with other investigative techniques. That way you provide safety in the common carrier area. We are providing it. Where you do not provide the protection for those that ride in the airlines or railroads or in other areas is by putting reliance upon safety by giving a polygraph. We have demonstrated that time in and time out with the OTA study. That is overwhelmingly powerful evidence, Mr. President.

The fact is, if we are concerned about the use of various drugs, we say, as we heard from the Senator from Indiana, we are not dealing with drug tests—this bill doesn't address drug tests. We are not dealing with that. But do not give the people in the back of the plane the sense that their pilot is OK because he passed a polygraph, because it is not that reliable in the kinds of circumstances in which it has been used in the private sector.

I heard the debate earlier of the Senator from Texas. He said, "Well, why don't we use the Federal rules?" Four to eight hours? Eight hours of investigation? Up to $800? The industries and the chamber of commerce out there in the waiting room would be appalled at that.

So you are having to deal with both safety and the extent that this should be used as an investigative technique. We have devised a balance and we believe that that provides for safety and security in the area of common carriers and the other areas as well.

That is basically the argument against.

I reserve the remainder of my time.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. The distinguished Senator from Massachusetts makes a total non sequitur, and the equivalent would be that because building a fence or putting a lock on your door does not guarantee you will not be burglarized; therefore, do not go out, spend money on fences or locks.

Nobody is guaranteeing that the tool of a polygraph is going to prevent someone on cocaine from flying an airliner into the ground, nor is it a guarantee that you are going to have ironclad protection by using a drug test or by using psychological testing. But the question is, do we want to deny the airlines access to that tool?

I was little amazed in listening to our distinguished colleague talk about how polygraphs were no good. I hope the Soviets were listening or the CIA because the Soviets told the Walker family when they were spying for the

Soviet Union "Get all the information you can except do not apply for a job where you have to take a polygraph." So obviously the Soviets do not understand this issue the way the distinguished Senator from Massachusetts does.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The fact remains that, for example, Delta Air Lines, which I do not believe, is less concerned about their passengers than the Senator from Texas, refused to use it. They studied it, researched it, and refused to use it because they felt that it creates a false sense of security.

Now, Mr. President, it is not only Delta Air Lines; the railroad industry has endorsed our bill.

The Senator from Texas talks about the Russians. What does that have to do with it?

The scientific information, Mr. President, shows that it is not reliable, and that if you are going to use it as a tool, it may have some value in association with other investigative tools.

The Senator wants it both ways. On the one hand, he says it is not reliable and, on the other, he says let us use Federal standards—4-8-hour investigating, carefully trained investigators, two tests a day, $800 cost.

The military does not even have enough trained people to provide adequate polygraph tests, and the Senator wants to use it on others who may be able to escape detection and thus give a false sense of reliability.

If you want to go with the various kinds of drug testing, go ahead and do it, but do it in the way that is scientifically and medically sound.

The amendment of the Senator from Texas does not do it, and it deserves to be tabled.

I reserve whatever time I have.

The PRESIDING OFFICER. The Senator from Massachusetts has 31 seconds.

Mr. LEVIN. Mr. President, I will vote against the Gramm amendment because it provides a blanket exemption to the restrictions this bill places on the use of polygraphs for a certain class of workers, and does not provide any assurance that the results of these tests will not be used as the sole basis for firing, demoting, or denying employment to those workers.

Under the provisions of S. 1904, the underlying bill, common carriers are permitted to use polygraph testing as one of a number of tools to investigate a specific incident. It specifically provides that the results of a test cannot be used to take action against an employee "without additional supporting evidence."

The Gramm amendment, on the other hand, would permit the use of polygraphs for preemployment screening or random testing of employees without reasonable suspicion of their involvement in a specific incident. And it does not even provide a guarantee that the polygraph—which according to scientific studies has a questionable record of accuracy—won't be used as the sole basis to fire or demote an employee, or even to deny someone a job in the first place.

Last year, I supported an amendment offered by Senator DANFORTH which provided for drug testing of those involved in air transportation, and I would support similar amendments applying to other types of common carriers. Such proposals enhance public safety by allowing carefully prescribed use of a type of testing that has a reasonable record of accuracy.

Earlier today, I voted for the Nickles/Thurmond amendment, which provided for a wider use of polygraphs for security personnel. The security personnel amendment, in contrast to the Gramm common carrier amendment, has provisions defining employers' obligations and limiting the use of the test results. It emphasizes the employer's obligation to comply with State and local law and negotiated collective bargaining agreements that limit or prohibit the use of lie detector tests; and it provides that the results of the test are not to be used as the sole basis for adverse action against a current or prospective employee.

The Gramm amendment does not contain these safeguards, instead creating a wide open exemption for a certain group of employers to use polygraphs. Therefore, I cannot support it.

Mr. KENNEDY. I yield back the time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. I move to table the amendment.

The PRESIDING OFFICER. The question is on the amendment.

Mr. KENNEDY. I ask for the yeas and nays.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Ms. MIKULSKI] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] is necessarily absent.

The PRESIDING OFFICER (Mr. LAUTENBERG). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—55

Adams
Armstrong
Baucus
Bingaman
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Chafee
Cohen
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Grassley
Hatch
Hatfield
Heinz
Hollings
Humphrey
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sasser
Shelby
Stafford
Weicker
Wirth

NAYS—37

Bentsen
Bond
Byrd
Cochran
D'Amato
DeConcini
Domenici
Garn
Graham
Gramm
Hecht
Heflin
Helms
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Sarbanes
Simpson
Specter
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Chiles
Dole
Gore
Harkin
Mikulski
Simon
Stennis

So the motion to lay on the table the amendment (No. 1615) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1616

Mr. COCHRAN. Mr. President, I send an amendment to the desk in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 1616.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under invstigation with respect to which the examinee is being tested.

(6) SECRETARY.—The term "Secretary" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE.

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) COSTS.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) WAIVER OF RIGHTS PROHIBITED.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) NO APPLICATION TO GOVERNMENTAL EMPLOYERS.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) NATIONAL DEFENSE AND SECURITY EXEMPTION.—

(1) NATIONAL DEFENSE.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor such Department in connection with such activities.

(2) SECURITY.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expect or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) EXEMPTION FOR FBI CONTRACTORS.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that is has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) OBLIGATION TO COMPLY WITH CERTAIN LAWS AND AGREEMENTS.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) RIGHTS OF EXAMINEE.—

(1) PRETEST PHASE.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the trest may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(1) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) ACTUAL TESTING PHASE.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) POST-TEST PHASE.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) QUALIFICATION OF EXAMINER.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) PROMULGATION OF STANDARDS.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) PERMITTED DISCLOSURES.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) DISCLOSURE BY EMPLOYER.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I am happy to yield to the distinguished leader.

Mr. BYRD. This is an amendment on which there has been a time limit entered of 10 minutes equally divided; am I correct?

Mr. COCHRAN. The leader is correct: 10 minutes equally divided.

Mr. BYRD. Does the Senator intend to ask for the yeas and nays?

Mr. COCHRAN. I suspect the yeas and nays will be requested. I assume the managers will be moving to table and the yeas and nays will be requested on the motion to table.

Mr. BYRD. Does the Senator want the yeas and nays?

Mr. KENNEDY. I do not unless the Senator does it.

Mr. BYRD. Does the Senator ask for the yeas and nays?

Mr. KENNEDY. We are going to vote on it.

Mr. COCHRAN. It is all right with me to have an up or down vote or vote on the motion to table.

Mr. KENNEDY. Then we will probably do a motion to table. I am glad to do a voice vote. I will do whatever anybody wants.

Mr. COCHRAN. If the motion to table is made, I intend to ask for the yeas and nays.

Mr. KENNEDY. If it is up or down, the Senator will ask for a voice vote.

Mr. COCHRAN. We will ask for the yeas and nays.

Mr. BYRD. Mr. President, there will be a rollcall vote beginning 10 minutes from now and that will be a 15-minute rollcall vote.

I urge the cloakrooms to so announce to Senators.

Mr. COCHRAN. I understand that time did not get charged to my 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, this is an amendment in the nature of a substitute.

Let me state what the amendment seeks to do. The bill reported by the committee bans the use of polygraphs in screening applicants for jobs in selected industries. The bill exempts Department of Defense contractors, and it exempts certain other employers.

This substitute puts all employers on an equal footing, whether we are talking about a drug company interested in screening applicants to see whether they have a past history of drug abuse——

The PRESIDING OFFICER. The Senator will suspend. We should have order in the Chamber so the Senator can be heard.

Please empty the well.

The Senator from Mississippi.

Mr. COCHRAN. I thank the Chair.

The second thing the substitute does, Mr. President, is to permit States to regulate by meeting the standards set by the Secretary of Labor under the committee bill. It does not change the effort to establish minimum standards.

I have a problem with the fact that we are presuming standards are better if they are established in Washington than if they are established by a State government. In my State, for example, we have a good law regulating polygraph examiners and the use of polygraphs, and the law has been on the books since 1968.

Frankly, I do not see any good reason to jettison that law and have it preempted by a new Federal law without good cause.

What we seek by this substitute is to change the committee bill so that it does not ban the use of polygraphs. It lets the States decide how they may be used.

In the State of Massachusetts, the State of the manager of this bill, they have a ban and that will not be changed by the adoption of this substitute.

This substitute permits a State to legislate a ban if it wants to, but it does not provide for Federal preemption in that area.

I urge Senators to adopt the substitute. I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

I hope that this amendment will not be accepted for a number of the reasons that we have outlined earlier in the course of the debate.

One of the prime findings that we detected is that there is a variety of different States that have prohibitions on polygraphs and have regulations on polygraphers. But the fact that remains is that there is an enormous loophole in which we have seen massive abuse of the polygraph procedure and that is in the States which have the lesser regulation and lesser rules there are no prohibitions and the pattern and practice that is replete in the course of our hearing record is and is becoming increasingly true now with the various mergers of companies and corporations all over this country that for people who are going to be able to gain employment they are tested or they enter the whole job market in a particular area in a particular State and they go to that area instance after instance where there are limited restrictions or no restrictions or poor restrictions and the polygraph is abused. That happens to be the record. That happens to be the course of action.

And the substitute of the Senator from Mississippi—and it is a basic, fundamental substitute—effectively guts the balance that we have put in here which prohibits preemployment but permits the use of polygraph as one of a range of tools—it is just one of a range of tools—if there is reasonable suspicion or reason to believe that there has been some transgression or violation of the law.

Now, that is a balance. That is what has been accepted in the bill. That is what has been supported. And this effectively vitiates and undermines that whole process. It effectively guts the whole bill. It will not really deal with the kinds of excesses that today are so evident in the use of polygraph; as I mentioned, 2 million last year. It has virtually doubled in about the last 3 years. It has gone to eightfold in the last 7 years. The use of it and the abuse of it are going right up through the roof with all the kind of false labeling of individuals.

We do not prohibit the polygraph use, but we have prescribed it in a very narrow and limited way. The Senator from Mississippi would undermine that, and I think effectively gut the bill.

I reserve the remainder of my time.

Mr. COCHRAN. Mr. President, let me point out that at hearings before the Labor Committee, a representative of motel owners testified that in 1986 polygraphs helped to reduce annual losses in that industry from $1 million to less than $115,000. Another witness testified in behalf of the Jewelers of America and the American Retail Federation. He stated that his company had found, in States where there are no restrictions on polygraphs, their inventory losses are only 25 percent of what they are in States where the company cannot use polygraphs.

It has been shown that the selective use of polygraphs reduces consumer costs. This bill is going to outlaw it in many instances where it has been proven to save consumers and citizens of this country a great deal of money.

Mr. President, the Senator from Florida had asked me to yield him time. I am happy to yield to the distinguished Senator from Florida if he would like to be heard on this amendment.

I yield 1 minute to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have asked to see a copy of the Senator's amendment, which I have not had an opportunity to do. I am not certain that the amendment that is before us is the amendment that I wish to speak on. I wish to speak on the amendment that I understand you were going to offer which would allow preemployment testing.

Mr. COCHRAN. The amendment would do that, Mr. President.

Mr. GRAHAM. I understand you do it in a broad bill which essentially strikes at the principle of Federal regulation of polygraph tests as opposed to that one issue within the current bill, is that correct?

Mr. COCHRAN. Mr. President, if I can answer the Senator's question, if the polygraph is banned, it is banned by the States under the substitute which I have offered. The substitute does not ban polygraphs as a matter of law as the committee bill does. It leaves to the States the regulation of the use of polygraphs in the workplace. I think that is what the Senator from Florida supports.

Mr. GRAHAM. So I do not use your time under any false pretenses——

The PRESIDING OFFICER. The Senator from Florida's 1 minute has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional 1 minute.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute and 50 seconds.

Mr. KENNEDY. I yield half of that to the Senator from Florida.

Mr. GRAHAM. To be fair to the Senator from Mississippi, the issue I wish to speak to and on which I hope you will have an opportunity to do so is the issue of the total prohibition which is contained in this bill on preemployment testing which I believe is excessive and which I believe denies employers in certain reasonable conditions and under appropriate standards a tool which they should have available to them, if they choose to use it, in a nondiscriminatory and acceptable procedural manner.

I do not support an amendment which would substitute total State control for reasonable Federal standards in this area. So I cannot take the floor on behalf of this basic amendment. I hope that there will be an opportunity before this debate is over to discuss the amendment which deals with the specific issue that is of concern to me.

Mr. KENNEDY. Mr. President, the Senator from Mississippi quoted some anecdotal evidence about certain industries, what was happening to them. I think it is perhaps useful, rather than quoting anecdotal evidence, to look at the evidence of the FBI in the areas of bank fraud, and embezzlement. Twelve States that have a total ban on polygraphs have 22.9 incidents per million of bank fraud, and embezzlement. Now we have 12 other States that permit the polygraph. If we were to follow the logic of the argument of the Senator from Mississippi, you would think that there would be less bank fraud, and embezzlement. But it happens to be 33.2 incidents per million; 50 percent higher where it is banned entirely.

This idea that it has an impact in the areas of bank fraud and embezzlement is just not sustained, by statistics from the Federal Bureau of Investigation. If we accept the amendment of the Senator from Mississippi, you are creating this false sense of security and in reality you are effectively undermining this bill.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. All time has expired at this point.

The question is on the amendment.

Mr. KENNEDY. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. Kennedy] to table the amendment of the Senator from Mississippi [Mr. Cochran]. The yeas and nays have been ordered and the clerk will call the roll.

The Legislative Clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON announced that the Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER (Mr. DeConcini). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 29, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—65

Adams
Armstrong
Baucus
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Burdick
Byrd
Chafee
Chiles
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Glenn
Graham
Grassley
Hatch
Hatfield
Heinz
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Packwood
Pell
Proxmire
Reid
Riegle
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wirth

NAYS—29

Bond
Breaux
Bumpers
Cochran
Garn
Gramm
Hecht
Heflin
Helms
Hollings
Karnes
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—6

Biden
Dole
Gore
Harkin
Simon
Stennis

So the motion to lay on the table the amendment (No. 1616) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, just from my understanding, and the conditions can change, as we have all seen, very rapidly, there is one additional amendment of the Senator from Mississippi. I believe we can hopefully dispose of it either one way or the other without, perhaps, a vote, and then there are additional amendments of the Senator from Texas. I think there are probably two that can be accepted. I think on the next one there will be a requirement for a vote.

Anyone obviously has a right to offer an amendment after that. However, it is at least my judgment at this time that we may be within a reasonable period, at least, of hopefully concluding this aspect of our debate.

Then we will have the Metzenbaum-Heinz amendment. The proponents can describe what the condition is in terms of the length of any debate.

Mr. President, that is the general condition. It might alter or change, but I think hopefully it might hold. That is just as a matter of information.

AMENDMENT NO. 1617

(Purpose: To remove the provisions establishing qualifications standards for polygraph examiners)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. Cochran] proposes an amendment numbered 1617.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

Mr. BYRD. Mr. President, if the Senator will yield, I ask unanimous consent that I may proceed for 2 minutes without the time being charged against the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have been discussing this with the distinguished Republican leader. It would be that we vote on cloture, say, at 9:30 tomorrow morning, and then proceed to dispose of this bill before we have the lengthy discussion which we had earlier talked about, following which the Senate would take up the intelligence authorization bill.

In that way, Senators would not have to wait until 2 o'clock tomorrow to vote on cloture and we would put this lengthy discussion off until afterward, following the action on this bill.

The distinguished Republican leader may wish to respond now, but that is what I am proposing, if I can change the order.

Mr. SIMPSON. Mr. President, I think that might be acceptable to those of us on this side of the aisle. Nothing else would change with regard to the order, the 4 hours under my control and the 1 hour under the majority leader's control.

Mr. BYRD. Yes.

Mr. SIMPSON. And going to the intelligence authorization bill right after that.

Mr. BYRD. Yes.

Mr. SIMPSON. Then we would complete cloture and any amendments suitable under postcloture, and then go through the scenario, with the cloture vote at 9:30.

Mr. BYRD. Yes. The first thing tomorrow would be the cloture vote. Assuming that that cloture vote carries, of course, the pending business would be the pending business to the exclusion of all other business until completed, following which we would do the 4 hour—1 hour talkathon, mini talkathon.

Following that, we would go to the intelligence authorization bill.

Mr. SIMPSON. Mr. President, that is not being proposed now as a unanimous-consent request or an agreement. I would suggest that we go forward with the next amendment, and I will get the information for the majority leader.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. BYRD. Mr. President, the distinguished Senator from Mississippi has the floor.

Mr. COCHRAN. I yield.

Mr. DANFORTH. With regard to the program for tomorrow, I think this might be a good occasion for us to think about stacking votes. Most of the votes we have had in the last hour or so have been following about 10 minutes of debate. It seems that Senators might be willing to stay around tonight and debate their amendments and then have them voted on tomorrow.

Mr. BYRD. I would certainly be happy to consider that. It may be that the amendments are running down pretty fast. I do not know how many remaining amendments there are. There is one by Mr. METZENBAUM. That may or may not be a voice vote.

Mr. METZENBAUM. It may not be. We are trying to see if we can postpone the World Bank amendment.

Mr. BYRD. Let us go forward with this amendment and we will find out.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend for a moment so that the record is clear, on this amendment there is a 10-minute time limit equally divided between the Senator from Mississippi and the manager of the bill.

Mr. COCHRAN. I thank the Chair.

Mr. President, the amendment I have sent to the desk is designed to delete a provision of the committee bill that provides authority to the Secretary of Labor to develop and promulgate Federal standards for licensing polygraph examiners.

The previous amendment I offered in the nature of a substitute assumed the Senate would probably vote to have a Federal preemption in the establishment by the Secretary of Labor of qualifications for polygraph examiners but I frankly did not like that.

As a member of the committee, I can remember the day that we reported the bill out; I was sitting there waiting for us to get a quorum to transact business, and I made the mistake of reading the bill. I probably would not be as troubled as I am tonight if I had not read it. But I found that the presumption the committee was making was that Federal decisions made here in Washington about the qualifications of polygraph examiners were of a higher quality than decisions made on the same subject by State government officials.

I just do not buy that. I think it is a mistake for us to assume bill after bill, program after program, that Washington decisions are necessarily better than State decisions.

In my State we have had a polygraph examiner bill on the books since 1968, and it has been working fine. But now, suddenly, the Federal Government decides that it can do it better.

I do not know that is necessarily true. This amendment simply says that the States should be allowed to establish their own criteria for licensing polygraph examiners. We do not have a Federal preemption on the licensing of medical doctors. We leave that up to the States. In profession after profession we leave to the States the decision as to who is qualified to do the job. Licensing is a matter of State law, and here we are departing from that principle, and I object.

I hope the Senate will vote for this amendment and go on record as giving credit to the careful, deliberate decisions that can be made by State governments in this area.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator has objected to establishing some reasonable standards in terms of the administration of the various polygraph examinations. I have in my hand what is established in terms of Defense, in terms of the CIA, in terms of the NSA, the most important agencies protecting our security. We are not requiring that. We are requiring less stringent standards.

If you accept this amendment, you are accepting what is done in a wide majority of cases, and that is the examiner gets the machine, they have very little training, and they are in business.

Now, either we are or are not serious about trying to ensure that there are some reasonable standards, not that we have the answsers to all of them. But what we have seen in the course of our hearings is the kind of instance I just described—a polygraph machine arrives in the warehouse; they take it out of the box; someone who has very little understanding either about the machine, the behavorial sciences or investigations, at least in many of the firms, goes out and performs the test.

Now, I do not know what would be the reasonable grounds. We did not try to insist upon the kind of training that is required by the DOD or by the CIA. In the kinds of circumstances that we permit it, we are not even requiring that the people have the kind of training we insist on at the national level.

What we are asking for is a reasonable amount of training and standards that will ensure that at least, if they are going to administer the polygraph, those who are administering it meet some reasonable standards.

Now, I believe, Mr. President, that is not an unreasonable kind of provision. As the committee testimony has pointed out, the greatest instances of abuse are when the polygraphers do not have that kind of training or standards.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes and 8 seconds.

Mr. KENNEDY. These are the qualifications that are so objected to: At least be 21 years of age, has complied with all required laws in the State, successfully completed a formal training course regarding the use of polygraph tests—we do not say what the test is—completed an internship for not less than 6 months, renders an opinion in writing, and maintains reports and records for a minimum of 3 years. These are the objectionable standards.

It is difficult for me to understand how intrusive the long arm of the Federal Government is in that area, that they be 21 years old and have 6 months of training and comply with State laws. We do not talk about the course. We say 6 months. You must render any opinion in writing.

If everybody thinks that is the long arm of the Federal Government, I find it difficult to understand.

Mr. President, I do not know how much time I have.

The PRESIDING OFFICER. The Senator from Massachusetts has 40 seconds; the Senator from Mississippi has 2 minutes 50 seconds.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am not going to prolong the debate. I think we have discussed the issue so that Senators understand what is being questioned here by this amendment. Frankly, I was hoping that we would get a majority vote in favor of the substitute that was offered in the form of the previous amendment, but we did not. We had 29 votes. Somebody changed their vote at the end.

But the fact is that was the better amendment. This amendment is targeted to one objectionable provision that bothers this Senator. Obviously, it does not bother a majority of the Senate, so I am not going to insist that we belabor this point. But I did want to make the point. I think we continue to make a mistake by substituting the judgment of Washington officials for that of State officials. That is the point I am making, Mr. President.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I will just take 30 seconds.

The kind of requirements that we have here are the minimum requirements of any court reporter in the country. Is that intrusive? It is difficult for me to understand why there be such objection. It is established in the Federal legislation. I understand and respect the objection of the Senator from Mississippi to this legislation, but I am prepared for a voice vote.

I reserve the remainder of whatever time I have.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 1617) was rejected.

AMENDMENT NO. 1618

(Purpose: To provide for national security exemptions)

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1618.

At the appropriate place, add: "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any federal government department, agency or program where a security clearance is required by the federal government for such expert or consultant and such expert or consultant, as a result of the contract, has access to classified and sensitive government information."

Mr. GRAMM. Mr. President, this simply corrects what I perceive to be an error in the bill. Contractors working for the Department of Defense and the Department of Energy, the National Security Administration, CIA, and FBI that are dealing with sensitive matters and subject to lie detector. This brings in such agencies as the Drug Enforcement Administration and the Nuclear Regulatory Commission. I understand the distinguished Senator from Massachusetts has no objection to the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this has gone through a series of revisions, and I think is an acceptable amendment. I have no objection to it. I understand that the Senator from Utah has no objection to it. So I would support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1618) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1619

(Purpose: To provide a nuclear power plant exemption)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1619.

On page 28, between lines 14 and 15, insert the following new subsection:

"(e) NUCLEAR POWER PLANT EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

Mr. GRAMM. Mr. President, I am told that so clear is the argument for this amendment that the distinguished Senator from Massachusetts is willing to accept it.

Mr. KENNEDY. Mr. President, this is a very limited amendment targeted in a very specialized area which is of enormous sensitivity. I have really no objection to this amendment. I would urge the Senate to adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. GRAMM].

The amendment (No. 1619) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1620

(Purpose: To provide an exemption for use of polygraph tests administered in accordance with Department of Defense Directive 5210.48)

Mr. GRAMM. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1620.

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR TESTS CONDUCTED IN ACCORDANCE WITH DOD DIRECTIVE.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

Mr. BYRD. Mr. President, would the distinguished Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. Would the Senator agree to a time limitation on this amendment?

Mr. GRAMM. It is my understanding that we have 10 minutes on each side. I would be willing to cut that down to 5 minutes.

Mr. KENNEDY. Let us keep the 10 minutes evenly divided.

The PRESIDING OFFICER. There is no time agreement on this, the Chair would advise.

Mr. BYRD. Could the Senator make it 10 minutes?

Mr. GRAMM. Excuse me. I just remembered the distinguished other Senator GRAHAM wants to speak on this as well.

Mr. KENNEDY. That is all the more reason to keep it to 10 minutes.

Mr. GRAMM. We could have 10 minutes. If the distinguished Senator from Massachusetts wants 5 minutes, we have no objection.

Mr. KENNEDY. That is awfully nice. Mr. President, I am always glad to hear both of my good friends and colleagues. If they make an overly persuasive case, let us do it 20 minutes equally divided, and I will try to move it along.

Mr. BYRD. Mr. President, I ask unanimous consent it be 20 minutes equally divided on this amendment, with no amendment in order thereto. Does this accommodate the distinguished Senator from Florida?

Mr. GRAHAM. Yes, it does.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes without the time being charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Mr. METZENBAUM plans to call up an amendment this evening.

Mr. President, I wonder if we could agree, if the Senator would agree, on a 10-minute limitation on the amendment by Mr. METZENBAUM, 5 minutes to Mr. DODD and 5 minutes to Mr. METZENBAUM.

Mr. METZENBAUM. No objection.

Mr. DODD. I have no objection to that.

Mr. BYRD. Mr. President, also 5 minutes to Mr. HEINZ; with no amendment in order to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. METZENBAUM follow the amendment by Mr. GRAMM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1620

Mr. GRAMM. Mr. President, I have been so moved in listening to the passionate arguments of the distinguished Senator from Massachusetts that I have offered this amendment. This amendment takes the Department of Defense directive as to how a polygraph examination must be given and the provisions that govern those who administer the test. We have heard at great length as to how the Government is so efficient that they administer the test in 8 hours, and the private sector does it in 15 minutes, one of the miracles of American Government.

This amendment says that if the private sector follows the Department of Defense directive, that they then can use the polygraph as a tool to protect the young, to protect the airline passenger, to protect those that are in sensitive areas that might be affected negatively.

I ask my colleagues to look closely at this amendment. This amendment preserves States' rights, except that it sets the highest existing Federal standard for those who employ the lie detectors within the private sector. Remembering that over 40 States have already set out procedures, we preempt only those procedures in terms of the quality of the test and the quality of the tester, but we preserve the ability of the private sector to use such test in the interest of trying to promote the public welfare.

Mr. President, there is a great paradox that we exempt Government in this bill. We exempt those riding in the wagon. We say they can use the polygraph but the people that are pulling the wagon, earning the income, paying the taxes, making the whole Government possible are effectively precluded except under the most limited circumstances.

Perhaps the distinguished Senator from Massachusetts is right. Maybe the quality of private testing is inadequate. This deals with that problem. This is a States' rights issue with a Federal preemption which sets the highest standards that exist in the Federal Government on the testers and the test.

I urge my colleagues to support this amendment. I reserve the balance of my time. And after the distinguished Senator from Massachusetts has spoken, I will yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I yield 5 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I support the basic premise of this bill which is that there should be Federal standards, Federal conditions under which polygraphs are utilized.

I do not believe that requires an absolute prohibition or an absolute prohibition subject to industry-by-industry exception of employment of prospective employers. Our State of Florida, and a number of other States in this Union, have high mobility in their populations. In areas where it is virtually impossible to make a judgment based on community reputation, readily available other sources of information employers have found that the use of these examinations is an appropriate element of reaching the employment judgment.

I start from the premise that an employer who is already constrained by other provisions, and will be further constrained by the standards in this act from using these devices for discriminatory or other invidious purposes, is not going to be spending the money, taking the time, investing the effort, to have a polygraph administered, unless that employer feels that it has some value. It has significant value in many instances in reaching that preemployment decision as one element of the total information which an employer would utilize.

An employer bears a legal responsibility for the act of his employee. One important function the polygraph can serve is as a tool—and I underscore "a tool"—available to reduce the expense, the legal exposure, and the threat to other employees which the employment of a relatively unknown person requesting employment would be, where that use of the polygraph could be of assistance in identifying those who are inappropriate.

We have already recognized the appropriateness of preemployment use of polygraphs by the number of areas which have been expanded by amendments here today, in which we have provided an exemption, including an exemption to all Government employees.

I believe that by applying this highest standard available, the standard of the U.S. Department of Defense, to the applicator and the equipment used, we have protected the interests of those persons who would be the subject of a polygraph examination, but have made it available where the employer feels that it is a necessary and appropriate part of the information package in preemployment.

Mr. President, I have a letter which I have received from a leading firm in our State which is in the food business, a business that is not of the nature of high security, of nuclear powerplants or security guards, but a business which requires a high standard of its employees; a business that, under the best of circumstances, has a high turnover—in many of the communities in our State, we have heavy transit and tourist business, even more than would be true in most places in this Nation—has found that the use of polygraph is an important tool in reaching that decision.

Mr. President, I ask unanimous consent to have this letter, dated February 29, from Mr. Bern Laxer, of Bern's Steak House, in Tampa, FL, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BERN'S STEAK HOUSE,
Tampa, FL, February 29, 1988.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: My wife and I own a restaurant that employs 243 people and is considered by our city fathers to be an asset to our community. In fact, when a rumor reached one of the editors of our local Tampa Tribune that our restaurant was sold, the front page of the paper was held open until the editor located me to learn whether the rumor was true. Of course it was not. Yet my thoughts (for the first time in our 35-year existence) are to consider closing. The reason is the possible passing of bill SB 1904.

Please permit me to explain.

If all people were honest and told only the truth, polygraphs would never be necessary and I would have no dilemna. But although I have interviewed at least 30,000 applicants (out of over 40,000 applications)—there is absolutely no way for me to judge who is telling the truth and who is not.

So many applicants will tell you with great conviction that they are telling you the truth; yet thoroughly lie. I have personally seen it again and again and again—so many times!

This is why there is absolutely no way to bring in honest, drug-fee employees without a polygraph program!

About 90% of all applicants who apply for employment with us have used illegal drugs. This is the prime reason for our polygraph policy.

I fully understand that not all examiners are equal, and yes, errors are made (in my experience, however, less than one percent). But using polygraph examiners is costly, so I have investigated every other possibility for determining truthful answers on applications.

Nothing comes close.

Some people who oppose polygraphs have not experienced first hand what I have seen in my 25 years of its use. I know both the good and the bad. And the good, and the potential good, far outweighs the bad.

Wouldn't it be a wise idea, then, for our government to direct efforts toward improving the best method that exists now to screen out cocaine sellers, cocaine users, and people who regularly steal or harm others?

Alternative methods like putting people in jail have not worked too well in reducing sales of drugs yet. Law enforcement agencies have also spent enormous sums of money and manpower, but drug use is still strong.

However, our local police and sheriff departments spend a lot of time and effort in conducting background investigations on applicants, but still use polygraph examinations; because it's worth it to them. So why not permit private industry to continue to do the same—we generally see excellent results every day. The expenses are ours alone.

Look at the damage firearms do. If we permit almost anyone in America to possess firearms for protection, why can't business be allowed to continue to use polygraph for its protection? It certainly is less damaging.

Complaints have come from some who have been examined. It is, of course, true, that this certainly must be addressed. There is no question that examiners who are not fully qualified should be given the opportunity to improve or be removed. Twenty years ago, physicians made more mistakes than they do today. They have been practicing medicine for how many years—1000, 2000? Polygraphs run about 97% accuracy, nationwide, but how old is their profession—60 years, 40 years? Why not ask the industry to raise its standards?

Then it would be easier to take a look at another side of the coin. Question those who have been examined and are pleased. Consider the failures, but also explore the successes.

Ask our own employees what they think about polygraphs. I invite you to come and ask each and every one if they would prefer for us to give up our polygraph program.

Ask employees of other businesses all over America who use the polygraph also—service stations; drug, convenience and department stores; hotels and motels; super market, insurance and trucking companies; banks—would they like polygraphs discontinued?

Our reason for the polygraph is very simple, but serious. You fly and drive in from all over the world to eat with us, and we are responsible to have the nicest employees serve you the best food. When you tour our facilities and speak with our employees, we want you to enjoy yourself. People continuously visit our kitchens and often comment on the niceness of our employees.

In fact, many applicants have applied to us because of our reputation for being a nice place to work. Our restaurant is like a family, and my job is not only to please our customers, but also to provide my employees with a safe and enjoyable place to work. Hot stoves, hot fryers, and kitchen work pressures are not conducive for an employee to come to work "high" on drugs or alcohol. Many employees have worked with us for over 20 years, and I have a definite obligation to them to employ other honest, drug-free, quality people to work alongside them. That does not mean discrimination. We just prefer to employ only nice people like you would like to hire yourself—like a babysitter or maid who you would willingly trust to leave in your home when you were not there.

If you could experience the hundreds of times that the polygraph saved us grief, you probably would also agree to enhance it; not destroy it. Like the applicant for our farm who had already "raped two women" (unknown to the law, and not mentioned in his application, who acknowledged this during the pre-employment polygraph examination). My wife and young son and daughter worked on our farm at this time (we raise vegetables for our restaurant).

Another applicant's daytime employment was to dispose ("get rid of") murdered, dead bodies (a factual case, but also not mentioned in his application).

And the lovely young applicant, who was awaiting trial for possession of 24 pounds of marijuana, denied any contact with drugs in her application.

Another applicant had been a "paid assassin." (He had never mentioned that in his application either.)

The above may be extreme examples, but these come to mind quickest. Most applicants lie about their involvement with drugs. (All who take our polygraphs have already been screened and interviewed first and seemed fine.)

Let's consider the positive side. I am very proud of the fact that I have helped many people give up drugs—or certainly reduce its use. Our polygraphing has been a great assistance in helping our employees improve themselves, and many who were not employed because of drug use, gave it up and returned to be hired later. Being able to ask them, "may we check you again?" permits this idea to work. The ability to give them a second chance is made possible only because of the polygraph program.

We have hired many employees who promised to never use illegal drugs again, and many did stop.

Wouldn't it be a great boon if all employees used polygraphs as we do? Drug use would have to decrease.

A work environment where all employees are polygraphed has to be the best work environment there is; not only do you feel much safer in it, but once you pass the polygraph, you are a prouder person because of it. If you could show me a method that works better than polygraph to help me hire better quality employees without discrimination, I certainly would use it.

Please oppose bill SB 1904, and allow us to employ only honest, drug-free people. Please do not destroy the best tool many of us have for providing you, our customers, with quality employees.

I know that you and our other legislators and government officials work in the best interests of every citizen, and I thank you for permitting me to share my experiences and thoughts with you.

Very respectfully yours,

BERN LAXER.

Mr. GRAHAM. Mr. President, I have been looking for this amendment. I am pleased that my colleague and namesake from Texas has offered it.

I urge that those who accept the need for Federal involvement in standards also be receptive to the fact that there is legitimate concern on the part of employers to be able to utilize for their own interests, where their interests coincide with the interests of the prospective employee, in being honest, fair, reliable, and credible, to be able to use this as a piece of information. I suggest that the standards set out in this amendment by the Senator from Texas achieve that purpose, and I urge its adoption.

The PRESIDING OFFICER (Mr. PRYOR). The time of the Senator has expired.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, if I may have the attention of the Senator from Texas, we have heard a lot of amendments around here, and this is the most cockamamy amendment we have seen during this whole debate. This is what he has said:

> Nothing in this act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense directive. . .

Who is going to decide, Mr. Private Company, what your polygraph test is going to be? It is going to be the Inspector General, the Department of Defense, authorized use of polygraph examinations.

You talk about the Federal Government and the private sector. You are going to have the Secretary of Defense, the IG, the Department of Defense, right here—authorizing the use of polygraph examination.

Do you want to know what the training program is going to be? Page 7: The Secretary of the Army shall establish a manager retraining program.

Boy, you talk about the Federal Government reaching right down in terms of the private sector. What in the world are we doing?

The interesting point is that this is not even what DOD uses. DOD uses this along with the regulations and the standard operating manual procedures. That is not the whole program. You want the long arm of the Federal Government deciding, in every one of these private industries, what they are going to do about polygraph training, waivers. There are 2 million tests a year in the private sector. You want a waiver. Who do you go to? You go right down to the Secretaries of the military departments, the Director of NSA. That is nice.

We are at 20 minutes to 9, and this is the third attempt to try to deal with preemployment testing. We know that genesis of this. We establish under DOD and NSA careful kinds of reviews, where a polygraph is part of a range of different investigative techniques, where people are trained well, are limited to two tests a day, and it has value. But to try to take that thought and graft it on to this program, at this hour of the night, makes no sense whatever.

I reserve the remainder of my time.

Mr. GRAMM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 2 minutes remaining.

Mr. GRAMM. I yield myself 1 minute.

Mr. President, the distinguished Senator from Massachusetts is so concerned about the Federal Government reaching down into the private sector and setting standards that he wants to outlaw tests altogether.

This amendment simply takes the highest standards set by the Federal Government and says that if the private sector complies with those standards, it still has to meet all existing State standards. But we are defining the highest level of Federal standards in terms of application, in terms of the test and qualifications of those administering the test.

So we have a pure and simple vote here on State's rights. The Federal Government can set the standards that have to be applied in the private sector, but the States determine whether the private sector can use those standards to administer the test.

The argument that this is overreaching by the Federal Government, when the bill denies the ability to use tests for prescreening, period, I think is disingenuous.

I yield 1 minute to the distinguished Senator from Indiana, and I reserve the remainder of my time.

Mr. QUAYLE. Mr. President, this amendment is very straightforward. It is basically an antidouble standard amendment. We have two different standards, one for the public sector and one for the private sector.

We have heard all along the Senator from Massachusetts and others saying, "We don't want those $15 polygraphs. We don't want those fly-by-night polygraphers in there."

Well, we are not going to have it with this amendment, because they have to meet the very high standards that you have to have to a polygrapher for the Government. We are saying it is OK to do it for the Government if you meet certain high standards.

We are saying, OK, we will meet those standards. We will have the high tests. We will have the high caliber. And then we are going to say if you met those standards, it is OK to do it for the Government. Then it will be all right to do for the private sector.

This gets away from the double standard that is in this legislation. It is a very straightforward situation. It gets to the point where we are going to do away with the $15 polygraphs and have the high-class ones which they say is OK.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. As much as the Senator from Indiana and the Senator from Texas would like to believe it, the amendment does not do it. It refers to the directive. The various provisions that are followed in the DOD and NSA are here in the regulations and standard operating procedures.

Now, the fact is the members of the Army and the military forces ought to be doing other things than training guards and security officers for Stop and Shop and Wal-Mart.

You have it right there, and it just says it authorizes the use. Here you are going to have it.

I mean, let us be realistic. We understand that the Department of Defense having reviewed this and studied it has established procedures which they think are important and useful in terms of important national security questions.

We know that is considerably more than even is required in the special circumstances of this bill.

And, Mr. President, I am surprised quite frankly at two members of the Armed Services Committee who are familiar with this issue. I have been in the deliberations on this issue on that committee conference report. We have debated and discussed this issue with the Senator from New Mexico about the numbers that we are going to permit in terms of it. And to make light of this kind of a procedure, I think, is unfortunate indeed.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

Mr. GRAMM. Do I not have a little time left, Mr. President?

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. GRAMM. Mr. President, I send a modification of the amendment to the desk.

Mr. KENNEDY. Mr. President, I move to table——

Mr. BYRD. Mr. President, there was action taken on this amendment by virtue of the time agreement.

Mr. KENNEDY. I move to table.

Mr. BYRD. The Senator needs unanimous consent to modify the amendment.

The PRESIDING OFFICER. The Senator needs consent to modify.

Mr. KENNEDY. I move to table amendment.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's motion to table is not in order.

Mr. KENNEDY. I yield back the remainder of my time and move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is now on the amendment.

The yeas and nays were ordered.

Mr. KENNEDY. I move to table.

The PRESIDING OFFICER. The motion to table is now in order.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Illinois [Mr. SIMON], and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN], is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE] and the Senator from Idaho [Mr. SYMMS], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 35, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—57

Adams
Armstrong
Bentsen
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Evans
Exon
Ford
Glenn
Hatch
Hatfield
Heinz
Hollings
Humphrey
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Matsunaga
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Proxmire
Reid
Riegle

Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Specter
Stafford
Weicker
Wirth

NAYS—35

Baucus
Bond
Breaux
Chiles
Cochran
Fowler
Garn
Graham
Gramm
Grassley
Hecht
Heflin
Helms
Karnes
Kassebaum
Kasten
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Quayle
Roth
Rudman
Simpson
Stevens
Thurmond
Trible
Wallop
Warner
Wilson

NOT VOTING—8

Biden
Dole
Gore
Harkin
Inouye
Simon
Stennis
Symms

So the motion to lay on the table amendment No. 1620 was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia, the majority leader, is recognized.

The Senate will be in order.

Mr. BYRD. Mr. President, I believe under the order previously entered, Mr. METZENBAUM is now to be recognized to call up his amendment. I ask unanimous consent that I may proceed for not more than 3 minutes, prior to the Senator's being recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, earlier an order was entered whereby beginning tomorrow at 9 o'clock, there would be 5 hours of debate on an extraneous matter prior to the vote on cloture.

I ask unanimous consent that, with respect to the time limitations in connection with that extraneous matter, that order remain as was, but that the discussion of the extraneous matter follow, rather than precede, final action on the pending measure.

The PRESIDING OFFICER. (Mr. LEVIN). Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, this would mean that tomorrow morning the Senate would proceed with further votes on amendments to this matter and cloture, if there be further votes on amendments.

Now, Mr. President, it is my understanding that there are two, possibly three amendments, that remain on the other side of the aisle to be called up. Let me put the request.

First of all, I ask unanimous consent that on the not more than three remaining amendments, that there be a time limitation on each of those amendments of 10 minutes to be equally divided and controlled in accordance with the usual form; that no amendment to any one of the amendments be in order; provided further that the amendments be discussed this evening and that the votes be stacked for tomorrow morning, beginning at 9:30 a.m., and that the first rollcall vote be a 30-minute rollcall vote; that the time on each of the two succeeding amendments be limited to 10 minutes each in view of the fact that they would be stacked and back-to-back votes; that the vote on cloture then immediately occur, that if cloture is invoked the Senate then proceed immediately to the vote on final passage of the bill without further amendment or debate or motion of any kind, and that the motion to reconsider—that there be no debate on that motion, and that paragraph 4 of rule XII be waived.

Let me put that request on hold for the moment.

Mr. GRAMM. Reserving the right to object, Mr. Leader, there are amendments that have been filed that meet the germaneness rule. I think those of us who have been concerned about the bill have had some amendments adopted by unanimous consent that have not been debated. I think we would like to go back and look tonight and in the morning at where we stand on the bill. It would be very difficult tonight to decide whether to go forward with any additional amendments without going back and making that review.

Mr. BYRD. I understand what the distinguished Senator is saying. I withdraw that request. Let me present another request.

Mr. President, I ask unanimous consent that there be no more than three amendments in order after this evening, that those three amendments be the type of amendments that would be in order postcloture, that the amendments each be limited to 10 minutes to be equally divided in accordance with the usual form, that at 9:30 a.m. tomorrow the Senate vote on cloture, that that be a 30-minute rollcall vote with the call for the regular order to be automatic at the conclusion of the 30 minutes and that, upon the disposition of the not more than three amendments, all of which are to be amendments that would qualify under the rules postcloture, the vote then occur on final passage immediately without further amendment, debate, or motions—let me modify the request. Following the disposition of the three aftermentioned amendments, there be 20 minutes of debate to be equally divided between Mr. KENNEDY and——

Mr. GRAMM. Mr. Leader, could we have that on each side? I know there will be four or five people on this side.

Mr. BYRD. That there be 40 minutes to be equally divided on the debate following the three aforementioned amendments; the time to be equally divided in accordance with the usual form; that the vote then occur without further motion, amendment, debate, action of any kind on final passage; no time on the motion to reconsider and upon the final disposition, therefore, of the bill; that the 4 hours of debate to be controlled by the distinguished Republican leader, 1 hour to be controlled by this Senator on the extraneous matter, occur; after which 4 hours, plus 1, if all time is used or upon the yielding back thereof, the Senate proceed immediately to the consideration of the intelligence authorization bill.

Mr. PRYOR. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. And I hope I will not object. I may.

Mr. President, am I to understand from the majority leader and the distinguished acting Republican leader that we are going to have probably one more rollcall vote this evening on the sense-of-the-Senate resolution offered by the Senator from Ohio, Senator METZENBAUM; then we will come in tomorrow, have votes, probably three or four on this legislation now pending, and then have a 4-hour special order——

Mr. BYRD. Actually, it amounts to 5.

Mr. PRYOR. A 5-hour special order; that is what it amounts to. And then after that, we will have probably a vote on the Intelligence Committee authorization?

Mr. BYRD. Yes.

Mr. PRYOR. If this is true, I object.

Mr. BYRD. Mr. President, I hope the Senator will not object. May I point out that if the Senator objects, the Senators over here can take time on this bill. There is nothing to keep them from it prior to cloture. They can take time on this bill after the Pastore rule has run its course on the morrow, and they can take, not only 4 hours, they can take 6 hours, 7 hours, 8 hours of time under the rules of the Senate.

I would like for this cup to pass from me, but it is not going to. There are Senators on this side who want to say some things, and they are entitled to that. I suppose, I do not know, I may have to say a few words myself. I will try to restrain myself as much as possible. But I hope the Senator will not object because this really is something that has been worked out laboriously and in the long run it will save the time of the Senate; I assure the Senator of that.

Mr. SIMPSON. Mr. President, I think there is one other element that might be helpful to the Senator from Arkansas, that if we do not finish tomorrow with the intelligence authorization, we will deal with that Friday morning. There is no question that we will finish it then. We will also have a rollcall vote Friday morning on the Executive Calendar, William F. Burns. So I would think that if we are allowed to go forward like this, we will finish our work on—maybe not likely at all tomorrow night on the intelligence authorization, and go out at a reasonable hour, I would trust tomorrow evening, and then Friday deal with the intelligence authorization and then complete that in midafternoon and go on with laying down—or if it is the majority leader's intention to lay it down—the House version of Price-Anderson.

Mr. BYRD. Price-Anderson.

Mr. PRYOR and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I would like to ask the leaders and the managers of this bill if it is conceivable that a slight amendment may be made. That is, before we get to the "sensitive extraneous matter," the 5-hour special order, that we do the Intelligence Committee legislation. It is of time essence. We know that. Why is it that we not consider that and vote on that, and then those Members wishing to decide whether or not we can arrest the other Senators can talk about that?

But in the meantime, while we are considering whether we can arrest each other, why do we not talk about something else? Why do we not talk about the principle of holding all of us hostage here while we wait around 5 hours, 6 hours, 7 hours to vote on the Intelligence matter?

I see no reason not to take the intelligence issue up first, and then those who wish to discuss this sensitive matter can debate it.

I see no reason in having us wait all day and all evening tomorrow night, holding us hostage so we can have that one final vote on the Intelligence Committee authorization.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Arkansas makes a very plausible proposal on the surface, but there are some things involved here that we have considered. I would like to have done that first. I would have liked to have gone to the Intelligence Committee authorization first. That occurred to me also. But I happen to know that there is going to be at least 5 hours of debate. I say there will be at least 4; 1 hour will be under my control. I would hope that Senators would let us proceed as I have suggested because, in this way, we will not be in long tomorrow evening, and we will not be in much longer this evening.

We have one vote on the Metzenbaum amendment. That vote is already set. We have one more vote on the Metzenbaum amendment, and then tomorrow we will complete action on this bill. We will not stay in too late tomorrow evening. We can finish the other bill either tomorrow evening or the next day, and do the nomination, lay down Price-Anderson, and go home.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, parliamentary inquiry. Is there a time certain for when the debate will end and passage of the pending matter?

Mr. BYRD. There is not a time certain. We do not know what time the final vote will occur on the pending matter. The 5 hours begin running on the disposition of the pending matter.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I do not wish to complicate a difficult job any more than I have already. So, I make a suggestion that might speed the process.

As I understood it, the unanimous-consent request just put to the body was that there be 3 amendments and 3 amendments only regarding the bill before the Senate, and they would be debated and taken up tomorrow, is that correct?

Mr. BYRD. Yes.

Mr. EXON. May I suggest that those who want to offer those amendments be allowed to do so this evening, and debate them this evening, and any rollcall votes that are required on any of those three amendments be stacked for an appropriate time.

There will be an agreement between the majority and minority leader. It seems to me that will save an awful lot of time tomorrow.

Mr. BYRD. Perhaps the distinguished Senator was not on the floor. That was the request I made just a few minutes ago, and the distinguished Senator from Texas did not feel disposed to agree with that.

Mr. EXON. I am appealing to the good sense and judgment of our respected friend from Texas. I listened to what he had to say. He said he wanted to review the voting today on the bill. We can dispose of that in a great hurry by having the Parliamentarian, through the Chair, explain to all of us what happened today. I think we already know that.

I do not happen to buy the argument realistically that we need to wait overnight to work this matter out. I would just appeal to my colleague from Texas to expedite the procedure and let those who want to offer their amendments, which I think are in order, to speed things along, and let us not put that over on top of everything else we have to do tomorrow and the following day.

Mr. GRAMM. Would the distinguished majority leader yield?

Mr. BYRD. Yes; I yield.

Mr. GRAMM. I would just like to remind my colleague that under the rules of the Senate in a postcloture situation, any germane amendment that has been filed is in order. We have limited all of the amendments that are currently at the desk. We have limited ourselves to only three that can be offered. We have said on those three that there be 5 minutes on each side. We have already started the process of going back and looking at what has been filed and trying to pull it down to a total of three.

I think, quite frankly, we are trying to save everybody time. There is always the possibility that they will not be offered. We have spent more time here discussing all this than we possibly are going to save tomorrow and, in my view, the leadership has worked it all out. We ought to do it and go home tonight.

Mr. BYRD. Mr. President, how many amendments are at the desk that are filed for postcloture?

Mr. SIMPSON. Mr. President, there are 140.

The PRESIDING OFFICER. The Chair is informed there are about 120-plus amendments.

Mr. BYRD. Mr. President, I would appeal to Senators. I assure my friends, I can understand their frustrations, but the distinguished Republican leader and I have gone over this, and I think this is the very best arrangement that could be possibly hoped for. I would hope that Senators would not object to this.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if I may inquire of the Chair, has a time agreement been reached on the amendment by the Senator from Ohio?

Mr. METZENBAUM. Fifteen minutes.

Mr. PRYOR. Fifteen minutes, seven and one-half.

The PRESIDING OFFICER. Has the question of the Senator been answered?

Mr. PRYOR. I thank the Chair. I think the question has been answered.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. The Senator from Ohio is recognized under the previous rule.

AMENDMENT NO. 1621

(Purpose: To express the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself, Senator HEINZ, Senator BYRD, Senator DOLE, Senator SHELBY, Senator HOLLINGS, Senator ROCKEFELLER, Senator GLENN, Senator DIXON, Senator HEFLIN, Senator DURENBERGER, and Senator NICKLES, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1621.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment add the following new section:

"SEC. . MEXICO STEEL LOAN.

The Senate finds:

(1) during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

(2) the United States steel industry has lost more than $12 billion, more than half its workforce, and closed scores of plants throught out the country;

(3) in order to regain its competitive posture, the United States industry has invested more than $8 billion on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

(4) there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

(5) the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production;

(6) the proposed loan could do irreparable damage to the United States steel industry. Therefore, it is the sense of the Senate that the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and the World Bank should reject the proposed loan.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, this sense-of-the-Senate resolution, which is an amendment to the pending bill, arises by reason of the fact that within the last 3 or 4 days we learned that the World Bank intends to approve a $400 million loan to the Mexican Government for the development of steel. Frankly, we had no prior notice of that. When we learned about it, we discussed the matter with Jim Baker this morning in the leader's office and Jim Baker agreed that the United States would vote "no" in connection with the approval of that loan.

Some of us subsequently today spoke with Mr. Barber Conable, president of the World Bank, and urged him not to go forward with this loan.

There are unemployed steelworkers in Ohio, Pennsylvania, West Virginia, Texas, and almost every State in the country.

Approval of $400 million to develop the steel industry in Mexico to compete with the steel industry in America is difficult for this Senator to understand. We have already heard from the American Iron and Steel Institute indicating their concern and objection—from U.S. Steel, from Inland, Bethlehem, and LTV.

There is at this moment 200 million tons of excess steel capacity worldwide. Why we would under those circumstances want to help Mexico develop a steel industry to compete with American steel is difficult for me to understand.

Let me make it clear. It is not out of a lack of concern or affection with respect to Mexico. We want to see Mexico's economy strong. We want to continue the good trade relationship that we have with Mexico. But it is not logical. It is not right to take the American taxpayers' dollars, because we pay about 20 percent of the $400 million, to take the American taxpayers' dollars and make them available to the Mexican Government to develop a competitive steel industry.

Mr. President, I reserve the remainder of my time. At this point I yield 1 minute to the Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Senator from Ohio.

Mr. President, I join the Senator in my stunned reaction to this proposal by the World Bank. I also thank Secretary Baker for agreeing to vote against this matter, but, unfortunately, it probably will not do any good.

It is appalling to me, first of all, that the Senate did not know about this. Also appalling to me is the insensitivity of the administration these last several years not only to the steel industry as a whole but especially to the unemployed steelworkers in this country.

My vote has nothing to do with Mexico itself. If there were any country to which the World Bank was considering a loan in order to help its steel industry, I would be opposed. I would join a resolution to fight it. Our steel industry has not come back. Weirton and Wheeling-Pittsburgh Steel for example still have a long way to go. This resolution ought to pass and the World Bank ought not to make this loan to Mexico for the purpose of competing with the American steel industry.

I thank the Senator from Ohio for yielding.

The PRESIDING OFFICER. Who yields time.

Mr. HEINZ. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, I am struck by the fact that we are here, after the horse is out of the barn, talking about money that is loaned to Mexico to develop the steel industry—that is in competition with our own—when we have people out of work.

We have had numerous other opportunities when we were voting on the World Bank to do something about this problem. In fact, when you let other people loan your money, you lose control. I hope those who are outraged by what is happening here tonight will remember that the next time we vote on World Bank authorization and appropriations. That is the time to do something about the problem. What we ought to be doing is not letting other people lend the American taxpayers' money, because when they do it, we do not have control over it.

Mr. HEINZ. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague.

Mr. President, this movement is very surprising in light of the fact that there have been repeated assurances from the administration, including the Secretary of the Treasury, that there would not be United States acquiescence in loans of this sort which unfairly compete with U.S. industry.

I put this question to the Secretary of the Treasury: Why should a Pennsylvania steelworker pay taxes to the U.S. Government, which in turn makes advances to the World Bank, which then makes loans to a country like Brazil or Mexico in this instance, which then uses those loans to subsidize steel which comes back into the United States and puts that Pennsylvania steelworker, who paid the taxes, out of a job?

It is just fundamentally unfair and this resolution ought to be passed and these practices ought to be stopped.

I thank the Chair, and I thank my colleague.

Mr. HEINZ. Mr. President, if there are no further requests for time on this side, I will make one comment.

Mr. President, there has been a lot of debate about this matter, and I am pleased to join with the Senator from Ohio in supporting his resolution. Maybe the authorities at the World Bank should consider, if they are determined to go ahead with this loan which will put still more American steelworkers out of work, extending such loans to those unemployed steelworkers and others on the same generous terms of 3 years to pay with interest rates about half what they could get if they were lucky.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would like to make four points.

The first is this amendment has no impact on the loan that will be authorized tomorrow. It has no impact.

The second point is, do we really want to start voting on every loan that is made by the World Bank? Do we not have enough things to vote on?

The PRESIDING OFFICER. The Chair will interrupt the Senator from New Jersey. On whose time is the Senator speaking?

Who yields time?

Mr. STEVENS. Who has time in opposition?

Mr. CRANSTON. Mr. President, is not time equally divided in some fashion?

The PRESIDING OFFICER. Time is controlled by Senator Dodd, Senator Heinz, and Senator Metzenbaum.

Mr. HEINZ. Mr. President, parliamentary inquiry. Is it not that the time in opposition is controlled by Senator Dodd?

The PRESIDING OFFICER. There is no time in opposition. The time is allocated to three Members.

Mr. METZENBAUM addressed the Chair.

Mr. BRADLEY. Mr. President, I ask unanimous consent that I may continue for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I object. I think we ought to comply with the rules and give the opposition time to the minority leader, if there is no time designated. He is entitled to equal time.

Mr. BRADLEY. If the Senator will yield, I am the opposition.

Mr. STEVENS. The Senator does not have any time.

The PRESIDING OFFICER. Objection is heard.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. SIMPSON. Mr. President, at the time that unanimous-consent request was propounded, I had been advised that Senator Dodd was speaking in opposition to the measure or else I would not have concurred with it. If we have three people, each with 5 minutes, speaking in favor of it and no one in opposition, I hope our colleagues would give 5 minutes through unanimous consent to the Senator from New Jersey or someone who wishes to speak on the other side so we might have total fairness in the debate.

Mr. METZENBAUM and Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, there is an element of unfairness but it was not intended to be that way because the proponents have 10 minutes and the opposition has 5 minutes.

If the minority leader agrees, I would suggest we give Senator Dodd the additional 5 minutes and let him dispense time to Senator Bradley.

I ask unanimous consent that Senator Dodd be given an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Will the Senator yield?

Mr. DODD. I yield 2 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, just to recap, this amendment has no impact whatsoever on the loan that the World Bank will approve tomorrow.

Second, I do not think we want to start voting on every loan that the World Bank offers. We have enough things to vote on as it is.

Third, half the population of Mexico is under 15 years of age.

There is no way that they are going to generate enough jobs to employ their population if they do not get sufficient investment. If they do not get sufficient investment to generate jobs, there is only one place that those young people are going to head, and that is north.

Fourth, we are in the middle of a Presidential campaign in Mexico. The Presidential candidate of one party is known to be pro-American. This is the kind of amendment which is offered for domestic political consumption that can become a lightning rod in an election in Mexico.

Mr. President, I hope that we will approach this a little more soberly, and we will, of course, be concerned about the plight of steelworkers in this country but that we will actually do something to improve the plight of steelworkers in this country as opposed to making a gesture that will have no impact on the loan that will be approved tomorrow.

Mr. STEVENS. Mr. President, would the Senator yield a minute of his time?

Mr. DODD. I would prefer to comment, if I could and if there is some time remaining, I will yield.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. Rockefeller). Eight minutes.

Mr. DODD. Let me commend my colleague from New Jersey, who is always succinct and eloquent. Obviously, if there is anything that will legitimately help the steelworkers in this country, then I think all of us would join in that kind of an effort.

The fact of the matter is this amendment, even if it were meaningful—I will briefly describe it to you—would have absolutely the opposite effect if you knew what was included in this $400 million loan to Mexico.

First of all, it has been said that the World Bank has been used to develop Mexican steel. That is not the case with this loan. It is not a loan to develop Mexican steel, but rather to improve the quality of their steel.

Let me tell you what the Mexicans have agreed to as a result of the negotiations over this loan.

One, Mexican officials have been and are willing to cut even further tariffs on steel imports which is vitally important to United States steel interests as a result of this $400 million loan agreement.

Second, officials have agreed to stop subsidizing their steel industry over the course of this loan, something we have been trying to get them to do for years. They have agreed to do it as a result of this loan.

Third, the loan is not designed to increase Mexico's steel. A unique feature was included in this particular loan agreement. That is built into this which would allow the package to make sure no additional economically unsound expansion of Mexico's steel industry occurs during this particular period.

All of these things we have been trying to get for years from Mexico. As a result of tough negotiations for this loan we were able to get those concessions. In fact, the U.S. steel industry will be assisted by this particular proposition.

My colleague from New Jersey is absolutely correct. We have an interparliamentary meeting beginning 48 hours from now which this Senator chairs with a group of Senators and Congressmen from Mexico in New Orleans as we do every year. We are going to go down there and we are going to fight to get them to be more supportive of our interests in drug interdiction, we are asking them to be more supportive about expanding and opening up Mexican markets for United States investment, we are asking them to be more supportive to pay back those loans on the debt that they have incurred, and they are going to have to be tough with their own people.

How do you expect us to go down and try to convince them to be supportive of us? We are going to ask them as well to help us out with Noriega in Panama.

How willing do you think they are going to be to help us on those things when the U.S. Senate passes a meaningless resolution for domestic political consumption which in fact will hurt the U.S. steel industry? How do you explain that? That is exactly what we are doing. Tonight if you want to be helpful, if you want to send a good message to our colleagues to the south, and our colleague from New Jersey is absolutely correct, Mexicans are only going in one direction. It is a desperately poor country. It is on its knees. It needs help.

If you want to beat Marxism, if you want to take on the Communists in Latin America, we have heard more speeches about that, then let us do something to help these countries struggling with it; not turn around and give the speeches about Marxism and then cut off a loan that tries to help Mexico when it is in trouble.

So I would urge my colleagues tonight to vote against this resolution and to do something sensible for once, and not try to interfere with every decision the World Bank makes when in fact they negotiate a loan that is in our interests.

I yield to my colleague from Kansas.

Mrs. KASSEBAUM. Mr. President, time is running for those of us who wish to speak in opposition. I would like to associate myself with the remarks of the Senator from Connecticut.

I understand the frustration of those who initiated this resolution but it is a serious mistake I think for the U.S. Senate to go on record trying to dictate, regardless of the merits of the issue the World Bank will do in their vote for or against, individual votes taken at the World Bank. It places us in a difficult position.

I think the Senator from Connecticut has stated it very well.

I yield.

Mr. DODD. Mr. President, I yield to the Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I join with the Senators from New Jersey, Connecticut, and Kansas in opposing this resolution. I am appalled at the laxity with which we jump into foreign affairs, knowing half of what we are talking about or half of what we are doing, and we ask people in a 15-minute period to vote on something that could have extraordinarily adverse effects on our foreign policy.

Frankly, I am appalled that the Secretary of the Treasury would have his arm twisted to even vote against this loan. That is what I think is wrong about what we are doing. I would hope my colleagues would join with us in taking a second look and a second thought about the hasty action we are taking that could have some very, very bad effects on our ability to conduct foreign policy with the nearest neighbor we have to the south, and one which has plenty of problems.

Mr. DODD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 26 seconds.

Mr. DODD. I reserve the remainder of my time.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have heard it said that this action will have no impact on the loan. I do not know about that. I think that there is a possibility that if the World Bank learns that the U.S. Senate is not in favor of this loan and recognizes what it will do to the American steel industry that we still might save the World Bank from the error of its own ways.

I think the World Bank performs a useful purpose in many instances but quite often I think it goes overboard. I would not be here standing supporting the World Bank creating a new insurance industry in Mexico, and I am not in favor of creating a new steel industry in Mexico. It does not make any sense when we have steelworkers walking up and down the streets of every State in the country where there are steel operations in effect, and they are unemployed. And they do not understand this. You would not understand it either if you were they.

It has been stated this will hurt the domestic steel industry if we defeat this resolution. I do not understand that at all. The domestic steel industry does not want this loan to be made. And it should not be made. It is wrong to make it. And the only reason we are acting as we are here this evening is because the World Bank gave us 3 days' notice—3 days' notice—before we learned what was involved. And we urged them to postpone it, and if they did we would not have gone forward with the resolution this evening.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, it is almost impossible for this Senator to conceive an action by the World Bank that would not involve a conflict with some industry in the United States. I cannot conceive how these countries can repay our banking system the amount that they owe us unless we keep our nose out of their business, and I really cannot understand why in a 15-minute period we are asked to pass a resolution of this gravity without any prior study, without any reference to a committee, and without any compliance with what I consider to be the proper procedure for consideration of such a far-reaching question.

I am going to oppose this because I think those countries need jobs; and if they have jobs, they will buy more of our products, not less.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, we want Third World countries to pay their debts to us. We want Third World countries to be good customers of ours, but apparently we do not want those Third World countries to compete with us in any respect; we do not want to, apparently, lend them any money to improve their capacity to purchase goods from us and to pay back their debt. That, to me, is ridiculous. I think we are making a great mistake in meddling in this business.

I want to commend the Senator from Connecticut and others who have made remarks in that connection. I think we ought to oppose this resolution.

Mr. DODD. Mr. President, let me mention, because I think it is worth noting here, that we have been fighting for so long to get the Mexican Government to lift those restrictive tariffs, not to subsidize their industry. Somehow we happen to believe or think that if we can reject the World Bank loan, the Japanese or someone else is not going to go in, divide that kind of money which probably will not secure for us the kind of improvements we would like to see in Mexican public policy decisions when it comes to tariffs and subsidies.

I would just implore, if there were more time, my colleagues to read in fact what this agreement involves, in fact what we have secured from the Mexican Government as a result of this loan.

Mr. President, I know there is time remaining on the other side, but at the appropriate time I would move to table this resolution and ask for the yeas and nays on it, but I will withhold that motion until my colleagues have expended their time.

I reserve the remainder of my time.

(By request of Mr. SIMPSON the following statement was ordered to be printed in the RECORD:)

● Mr. DOLE. Mr. President, I am pleased to join as a sponsor of this amendment in opposition to the proposed World Bank loan to Mexico. We all would applaud most efforts to help Mexico improve its economy, but it seems to me that this $400 million loan targeted to Mexico's steel industry is misguided.

The global market for steel already suffers from serious overcapacity. Our domestic industry has gone through the pain of reducing capacity, as has the steel industry in Europe and elsewhere. This pain has been very real. It has meant lost jobs, lost incomes, devastated communities.

Our domestic steel industry continues its efforts to modernize, to become more productive, to become more competitive in the world marketplace. The effort has not been easy, and we still have a way to go.

In this context, I question the wisdom of targeting assistance to the Mexican steel industry. It seems clear that the world market does not need additional production. I understand that the proposed loan will not add capacity, but it certainly will add product.

After all our own steel industry has gone through to reduce capacity and become more competitive, it seems particularly aggravating that the World Bank would strive to increase world production.

I am especially gratified that the administration has changed its position and will now vote against this loan when the matter comes before the World Bank tomorrow. I can understand the desire of the administration to help Mexico revitalize its economy, but I am sure there is a better way to do it.

I want to emphasize that this is not "Mexico bashing." That would be in no one's interest. However, it would seem far preferable both for Mexico and our own steel industry if the World Bank would look for ways to help Mexico develop its economy in industries where there is an excess demand, not where there is an excess supply.●

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes.

Mr. HEINZ. I yield myself 1 minute.

Mr. President, as the Senator from Ohio has stated, this comes to the floor because we have no alternative. The World Bank will act tomorrow, and, as he says, they have given us less than 3 days's notice.

I think I know the reason. The Senator from Connecticut has said, "Let us examine what is part of this agreement." The first part of it, I say to the Senator from Connecticut, is $100 million to subsidize—straight subsidy—raw materials for the Mexican steel industry. This is not simply $400 million of investment; it is subsidy.

Mr. President, if we made a loan of this equivalent size in the United States to our steel industry, it would be the equivalent of a $4 billion loan.

I listened to my colleagues who say this is not a good amendment because we should do anything the Mexicans want us to do for them. I do not know how much is too much. $4 billion? $40 billion? $400 billion? This Senator says enough is enough.

Mr. DODD. Mr. President, does the Senator yield back the remainder of his time?

Mr. HEINZ. Is the Senator prepared to yield back the remainder of his time?

Mr. DODD. Yes.

Mr. HEINZ. I yield back the remainder of my time.

Mr. DODD. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. Dole] is necessarily absent.

The result was announced—yeas 45, nays 48, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—45

Adams
Baucus
Bingaman
Boren
Bradley
Breaux
Bumpers
Chafee
Chiles
Cochran
Cohen
Cranston
Daschle
Dodd
Evans
Fowler
Graham
Hatfield
Humphrey
Johnston
Kassebaum
Kennedy
Kerry
Lautenberg
Leahy
Matsunaga
McCain
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Proxmire
Pryor
Reid
Sanford
Simpson
Stafford
Stevens
Trible
Warner
Weicker
Wilson
Wirth

NAYS—48

Armstrong
Bentsen
Bond
Boschwitz
Burdick
Byrd
Conrad
D'Amato
Danforth
DeConcini
Dixon
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Gramm
Grassley
Hatch
Hecht
Heflin
Heinz
Helms
Hollings
Karnes
Kasten
Levin
Lugar
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Nickles
Pressler
Quayle
Riegle
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Specter
Symms
Thurmond
Wallop

NOT VOTING—7

Biden
Dole
Gore
Harkin
Inouye
Simon
Stennis

So the motion to table was not agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the call for the yeas and nays be vitiated.

Mr DODD. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I believe some Senators have gone home.

Mr. President, I ask unanimous consent that the call for the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, that is the last rollcall vote.

The PRESIDING OFFICER. The question is on the amendment.

All those in favor will signify by saying "aye."

Opposed, "no."

The Chair has a doubt.

The Chair will have a vote count. All those in favor of the amendment will raise their hands and the clerk will count.

All those opposed, raise their hands.

The amendment is agreed to.

The amendment (No. 1621) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I rise today in support of S. 1904, the Polygraph Protection Act of 1987.

I am very pleased that the Senate is taking up this matter today. This is an issue Congress has struggled with for several years now, and it is one of great importance to employers and employees alike. According to the Office of Technology Assessment, there were approximately 2 million polygraph tests administered in 1986, 98 percent of them by private employers. Clearly, the use of these tests is widespread, and both employees and employers have very important and real concerns. Employees want and deserve to have their rights protected. Employers want and deserve to be able to protect themselves from dishonest employees.

Previous polygraph proposals have stalled in Congress because they have not embodied a consistent and logical approach to this problem. As all of us know, the House twice in the past 2 years has passed legislation restricting polygraph use. In 1986, the full House considered a bill that would have completely banned polygraph testing except by nursing homes and day care centers, which could have used the test to screen applicants for positions involving direct contact with children or the elderly. On the floor, amendments were added to allow testing of security guards as well as workers and contractors employed by public utilities.

This year, the House passed a similar bill, H.R. 1212. Again, the ban was to be complete, but in floor action amendments were adopted to exempt security firms from the prohibition. Manufacturers and/or distributors of controlled substances were also permitted to use polygraph tests, but only in the conduct of criminal investigations.

Mr. President, the problem with the House approach in the past two Congresses is that it would create selective and subjective polygraph bans that vary according to the type of business concerned. This is illogical, and contrary to the very reasons we want a national polygraph policy in the first place. Lie detectors are inherently unreliable and there is no empirical way to differentiate one industry from another in terms of their respective need for exemptions from the polygraph ban. Security firms versus day care centers; nursing homes versus nuclear powerplants; who needs the polygraph more?

I am proud to take at least partial credit for the new approach to polygraph legislation embodied in S. 1904. In 1986, the Senate Labor Committee reported polygraph legislation based on the bill which had just passed the House of Representatives. However, that legislation was never considered on the floor of the Senate because prospective amendments to create industrywide exemptions eroded political consensus for the bill. In anticipation of this problem, I discussed seven amendments during that 1986 committee markup, six of which form the basis for the radically different approach before us today.

Two of my amendments sought to ensure that law governing polygraph use was consistent for all industries, and was based on scientific evidence concerning polygraph reliability. One amendment would have banned all random or preemployment testing, and another would have permitted tests only in the course of an investigation into theft or criminal violations. These proposals were based on expert testimony that both random and preemployment testing programs were simply unreliable and that accuracy is much greater in cases where tests are part of an ongoing investigation. These amendments formed the basis for the approach before us today: a ban on all preemployment and/or random testing programs, with tests permitted as part of ongoing investigations of loss or theft.

Of course this approach makes neither employers nor employees ecstatic. But such is the nature of the legislative process, that opposing sides must compromise. What is significant is that S. 1904 meets the principal objectives of both sides. On the one hand, the ban on random and preemployment screening will protect employees from inaccurate testing and will eliminate approximately 70 percent of the tests currently conducted. At the same time, employers will be allowed to use the polygraph test in circumstances most useful to them.

Other amendments that I offered in 1986 sought to further protect the rights of employees. One of my proposals would have ensured that employees were not dismissed or discriminated against solely for refusing to take a polygraph test. Another would have prevented similar adverse actions against people who actually fail a polygraph test. In both cases, employers would have been required to show further evidence in order to act against an employee. In addition, I proposed that polygraph test results be kept confidential. All three of these provisions have been included in S. 1904 and these are crucial to the protection of an employee's civil rights when tests are permitted.

I am also pleased that S. 1904 includes my proposal to preclude the preemption of State law. The State of Connecticut, for example, has very tough restrictions on polygraph tests that I do not want compromised by a weaker Federal law. Under S. 1904, the Federal statute would become the minimum standard governing polygraph use, but stronger State laws would remain in force.

Finally, I am pleased that S. 1904 details important and comprehensive guidelines for the conduct of polygraph tests. An employee who takes a test must have notice as to the time, place, nature, and procedures of the test, and must be given an opportunity to review the questions to be asked. The examinee may not be asked questions concerning political or religious beliefs, nor other personal matters, and may not be subjected to probing and badgering questioning. The examinee is also allowed to terminate the test at any time. These are important guidelines, because they systematize polygraph tests and take much of the mystery out of the process.

Mr. President, we have before us an excellent opportunity to enact legislation concerning a widespread and questionable industry practice; a practice under which an employee's right to privacy can now be denied under virtually any circumstance; a practice under which employees can now be stigmatized as criminals or liars based on the results of a scientifically unreliable testing procedure. The proposal before us today would apply laws consistently across the board; it is a compromise in which the interests of both sides are taken into account; and it is one based on the hard evidence concerning the accuracy of polygraph tests. I urge the swift passage of S. 1904.

Mr. HEINZ. Mr. President, I rise in strong support of S. 1904, the Polygraph Protection Act of 1987. By prohibiting employers from using lie detectors to screen potential or present employees, S. 1904 will help eliminate a significant and growing hazard in today's workplace.

I support this legislation for several reasons. First, a wide variety of studies have shown that polygraphs are unreliable in detecting truth from deception. I would point out that it is the professional judgment of groups such as the American Psychologists Association, the American Medical Association that no scientific evidence exists to justify the reliability of polygraphs as pre-employment screening tools.

In an effort to quantify the accuracy of polygraphs, Congress' own Office of Technology Assessment conducted an intensive analysis and review of research studies in this area in 1983. The OTA report only found evidence to justify the validity of polygraphs when used to investigate specific criminal incidents. In these instances, OTA rated a polygraph's ability to detect deception at "better than chance, but with error rates that could be considered significant." One study reviewed in the OTA analysis found that a polygraph incorrectly identified innocent respondents 75 percent of the time.

With success rates like this, it is no wonder that most Federal courts refuse to admit polygraph test results as evidence in criminal trials.

But as information about the inaccuracy of polygraphs continues to mount, these machines are increasingly used as a means to screen potential employees. It is estimated that 2 million polygraphs are administered each year in this country, more than four times the amount administered 10 years ago. Over 75 percent of these tests are administered not as part of an investigation into theft where the employer has reason to suspect an employee but rather as a means to disqualify an applicant from being hired. And it is precisely these type of tests that OTA has found to have the highest percentage of "false positives"—instances in which the polygraph incorrectly identifies innocent persons as deceptive. As many as 50,000 Americans each year are wrongfully denied jobs or promotions because of prescreening tests that, according to OTA, have error rates as high as 50 percent. For many of these people, a failed polygraph, accurate or not, leaves a permanent blemish on their employment record.

Mr. President, I would point out that S. 1904 has been tightly drawn to address only the most dangerous and inappropriate uses of polygraphs—to screen potential employees or randomly test present employees. The bill does not prohibit the use of lie detectors in investigations of wrongdoing where an employer has reason to suspect an employee of involvement in such a crime. In these instances, however, no adverse action can be taken against an employee based solely on the results of a polygraph. As such, the polygraph may be used as a confirmatory instrument, which, given its dubious reliability, is appropriate.

Some will argue that polygraph protection is a function best left to State legislatures, 21 of whom have enacted laws to prohibit or restrict the use of these machines. My response to that argument is twofold. First, these laws are fine if a prospective employee is fortunate to live in one of the 21 States that regulates polygraphs. But what of job applicants in the remaining 29 States who may still be forced to take a preemployment polygraph? Furthermore, as the body with control over interstate commerce, the Federal Government has the authority and the responsibility to regulate the use of the polygraph, an instrument widely employed by industries engaged in this type of commerce.

In conclusion, S. 1904 is balanced and necessary legislation. Studies have repeatedly shown that the polygraph is an unreliable instrument. More importantly, its use may have potentially dangerous and unintended effects on the ability of an innocent and honest job applicant or employee to find or keep a job. I urge my colleagues to support this legislation.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for morning business not to extend beyond 10 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTENT OF THE HARKIN/HUMPHREY AMENDMENT TO S. 557, THE CIVIL RIGHTS RESTORATION ACT

Mr. KENNEDY. As Democratic floor manager of S. 557, the Civil Rights Restoration Act of 1987, and following my discussion with members of the Subcommittee on the Handicapped and Others, I would like to ask my colleague from Iowa, Senator HARKIN, to help clarify the record with regard to amendment No. 1396 that he cosponsored and that was added to the bill during Senate consideration of S. 557 on January 28, 1988. We believe we had a clear understanding of the purpose of the amendment when we negotiated and agreed to it and I would like that purpose to be established for the record.

Mr. WEICKER. As an original cosponsor of S. 557 and former chairman and the current ranking minority member of the Subcommittee on the Handicapped, I too would like to ask my colleague, the current chairman of the Subcommittee on the Handicapped, to reiterate his understanding of the amendment.

Mr. HARKIN. I would be happy to set forth for the record the background and intent of this amendment. On January 28, I sponsored amendment No. 1396 to S. 557, with Senator HUMPHREY as a cosponsor. The purpose of the amendment was to clarify for employers the applicability of section 504 of the Rehabilitation Act of 1973 to persons who have a currently contagious disease or infection.

In a recent statement in the CONGRESSIONAL RECORD (page S 970, February 18, 1988), Senator HUMPHREY pointed out that those of us who worked out the language of the amendment hoped to avoid unproductive sparring over the fine points of its meaning, and thereby provide direction for the courts, by presenting a concise agreed upon colloquy which addressed certain points regarding the amendment. I agree. I also agree that the intent and effect of the amendment are made quite clear by the language of the amendment itself and are further clarified by the colloquy.

Senator HUMPHREY also points out that the amendment modifies substantive law by specifying that persons with contagious diseases and infections creating direct health threats are not to be classified as "individuals with handicaps" under the employment provisions of the Rehabilitation Act. Senator HUMPHREY is correct that, through this amendment, we have added—as we intended—a new substantive part to the "definition" section of the Rehabilitation Act in order to address specifically the category of people with contagious diseases and infections. But it is important, at the same time, to make clear that the purpose of the amendment was to clarify—and not to modify in any way—the protections of section 504, as they apply to individuals with contagious diseases or infections. The amendment is consistent with the Supreme Court decision in *School Board of Nassau County* v. *Arline*, 107 Sup. Ct. 1123 (1987).

To understand the background and intent of the compromise amendment, I would like to begin briefly with the Arline decision. In that case, the Court held that individuals with contagious diseases were not intended to be excluded categorically from the definition of "individuals with handicaps" under the Rehabilitation Act of 1973. The Court also made clear that the existing requirement in section 504 of the act that a handicapped individual must be "otherwise qualified" protects the public health and safety of those who come in contact with such individuals.

The day the Supreme Court handed down its decision, the press reported that the Court had affirmed that persons with contagious diseases were covered by the Federal civil rights law protecting handicapped persons. That same day, I made a statement in the CONGRESSIONAL RECORD in support of the decision. See CONG. REC. S2748-2749 (March 3, 1987). My hope in making that statement was to clarify the holding in anticipation of questions that might arise by those entities covered under section 504.

As I had anticipated, after the press accounts of the decision, my staff on the Subcommittee on the Handicapped, which I chair and which has jurisdiction over section 504, received numerous inquiries from employers and other regarding the meaning of the Arline decision. Some employers even expressed the unfounded concern that they would have to hire or retain individuals who had a contagious disease or infection and for whom no reasonable accommodation could eliminate the significant risk of such individuals transmitting the disease, thus posing a direct threat to the health or safety of other workers.

My staff responded to these inquiries by explaining section 504 and the Arline decision. As the Court stated in the case:

> A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified for his or her job if reasonable accommodation will not eliminate that risk.

Thus, for example, the act would not require a school board to place a teacher with active contagious tuberculosis in a classroom with elementary school children if the individual did not meet the standards enunciated by the Court.

Because of the lack of understanding of the decision as evidenced by the inquiries, it became clear to me that there was a need to educate individuals regarding the meaning of current law, as stated by the Supreme Court in the Arline case.

When Senator HUMPHREY announced, as part of the unanimous consent agreement, his intent to offer an Arline amendment to the Civil Rights Restoration Act, I instructed my staff to negotiate with Senator HUMPHREY to ascertain whether he would be willing to agree to an amendment that clarified how section 504 applies to persons with contagious diseases and infections. I believed that such an amendment could serve as a useful vehicle for communicating to employers and employees the existing precepts of section 504, as applied to persons with contagious diseases or infections.

Although I recognized that it was a compromise to place explicitly in statutory language the manner in which existing law applies to a subgroup of individuals—those with contagious diseases or infections—I believed that such an amendment could serve a useful clarifying purpose.

Moreover, as I instructed my staff, the amendment was designed specifically not to change in any way the standards of section 504 and to ensure that it was consistent with the Arline decision. An amendment that did seek to undermine the standards of section 504, as reaffirmed in the Arline decision, had been soundly defeated—2 to 14 vote—by the Senate Labor and Human Resources Committee when it was offered by Senator HUMPHREY during consideration of the Civil Restoration Act.

In negotiating this amendment, therefore, we believed that it was appropriate to clarify the applicability of section 504 to persons with contagious diseases and infections. It was not our intent to change the substantive standards of section 504, as they apply to such individuals.

In negotiating the purpose of the amendment, the terms of the amendment, and the terms of the colloquy we were cognizant of the fact that, as Senator CRANSTON explained in the CONGRESSIONAL RECORD on S723, February 4, 1988, in 1978 the Senate was faced with essentially the same types of unjustified concerns by employers with regard to the hiring or retaining of alcoholics and drug users who could not perform the essential functions of the job or who posed a threat to others.

In other words, our intent in fashioning the compromise was to parallel the changes made in 1978. Thus, it is important that the Senate's efforts in 1978 be fully understood.

The amendment passed by the Senate and accepted in House/Senate conference in 1978 provided that the term handicapped individual does not include "any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or safety of others."

The legislative history of the compromise amendment makes clear that Congress understood that the term "handicapped individual" is to be broadly defined to include alcoholics and drug addicts but that the "otherwise qualified" standard of section 504 already ensures that no employer could be forced to hire or retain an individual who is not otherwise qualified because of the threats to the health or safety of others. Nevertheless, Congress enacted the amendment to reassure employers regarding the two-step process in the existing section 504 statute. (See CONGRESSIONAL RECORD S30322-30325, Sept. 30, 1978. See also CONGRESSIONAL RECORD S19001-19002, October 14, 1978.)

As Senator Williams noted at the time:

> The amendment offered . . . is a compromise that would protect such persons [alcohol and drug users] from discrimination but would reassure employers that it is not the intent of Congress to require any employer to hire a person who is not qualified for the position or who cannot perform competently in his job. (CONGRESSIONAL RECORD S30323, Sept. 30, 1978.)

Senator Williams also emphasized the point that the amendment "clarifies the fact that employers covered by the act need not indiscriminately hire persons with histories or conditions of alcoholism or addiction, but are obliged to hire and retain only those who are qualified with respect to performance, behavior, and other job-related criteria. Again, the amendment in this regard simply makes explicit what prior interpreters of the act—including those of the Attorney General and the Secretary of Health, Education, and Welfare—have found: Where addiction or alcoholism prevents a person from successfully performing the job, the person need not be provided the employment opportunity in question." (124 CONGRESSIONAL RECORD S19002, October 14, 1978.)

My conclusion regarding congressional intent is consistent with the conclusion reached by the American Law Division of the Congressional Research Service [CRS] of the Library of Congress in a paper entitled, "Proposed Amendment to the Definition of Handicapped Persons Regarding Alcoholics and Drug Abusers." (September 26, 1986.) "In summary, then, the 1978 Amendments relating to drug addicts and alcoholics were seen as codifying the Attorney General's opinion." (page 9) CRS explains (page 4) that the Opinion (43 O.A.G. No. 12 [April 12, 1977]) concluded that alcoholics and drug addicts were handicapped persons and therefore were covered under section 504 if they were discriminated against solely because of their status as drug addicts or alcoholics. CRS also explained that the opinion concluded that the individual must also be "otherwise qualified."

Furthermore, this conclusion is consistent with the Arline decision in which the Supreme Court recognized that Congress reaffirmed in the 1978 Amendments the danger of improper discrimination targeted toward alcoholics and drug users if they were to be categorically excluded from coverage under section 504, while still reassuring employers regarding the standards that the statute demanded of such individuals. See Arline, 107 Sup. Ct. 1123, 1131 n. 14.

In sum, the 1978 Amendments clarified how the standards of section 504 are to be applied to alcoholics and drug addicts; it did not change these standards. It was with this legislative history in mind that we agreed to the statement of purpose preceding the amendment; the language of the amendment; and the colloquy that accompanied the amendment.

The stated purpose of the amendment was "to provide a clarification for otherwise qualified individuals with handcaps in the employment context." CONG. REC. S 256, January 28, 1988. Thus, our intent was to specify—and by so doing clarify—in statutory language the current law as it applies to people with contagious diseases and infections. If our intent had been to "modify" or "change" the standards of section 504 as they apply to such individuals, we would have said so.

The language of the amendment is parallel to the language added in 1978 by the Senate with respect to alcoholics and drug abusers and accepted by the House/Senate conference. Arline at footnote 14. The amendment therefore states that, for purposes of sections 503 and 504, as they relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or would be unable to perform the duties of the job.

The colloquy underscores that the purpose of adding the amendment was to deal with a concern comparable to the one faced by Congress in 1978 with regard to coverage of alcoholics and drug users. Thus, as in 1978, the amendment states clearly in statutory language the current standards of section 504 so as to reassure employers that they are not required to hire or retain individuals with contagious diseases or infections who pose a direct threat to the health or safety of others or who cannot perform the essential duties of a job.

The risk of spreading a contagious disease or infection to others is the kind of threat to the health and safety of others that we had in mind. The basic manner in which individuals with contagious diseases or infections can prevent a direct threat to the health or safety of others is when the individual poses a significant risk of transmitting the contagious disease or infection to others. Indeed, the Supreme Court in Arline explicitly recognized this necessary limitation in the protections of section 504 and, as we have discussed, it was to place that standard clearly in statutory language that this amendment was added.

Second, the colloquy explains that the amendment does nothing to change the requirements in the regulations regarding providing reasonable accommodations for persons with handicaps, as such provisions apply to persons with contagious diseases and infections. Thus, if a reasonable accommodation would eliminate the existence of a direct threat to the health or safety of others or eliminate the inability of an individual with a contagious disease or infection to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Third, the colloquy notes that the two-step process of section 504 continues to apply in these cases. That is, a court must first determine whether an individual is protected under the statute under the traditional three-part definition of "individual with handicaps" under the statute. The court must then make an individualized determination as to whether the individual with a contagious disease or infection is "otherwise qualified" to hold the particular position at issue in the case before it.

In sum, Congress noted in 1978, with regard to alcohol and drug users, that the addition of an amendment at that time was necessary simply to reassure employers regarding the requirements that currently existed in law to protect public health and safety. That same purpose motivated the inclusion of this amendment. The protections of section 504 are designed to maintain a proper balance between protecting the public health and protecting private rights. This amendment clearly sets forth this balance so as to allay any unnecessary fears on the part of employers.

Mr. KENNEDY. I thank my colleague from Iowa for his description of the purpose and intent of the amendment we added to the Civil Rights Restoration Act of 1987. It reflects my understanding as well. As those of us who worked on the amendment understand, it is sometimes necessary to place in explicit statutory language the standards of law as they apply to a particular group of individuals with handicaps—in this case, individuals with contagious diseases and infections.

Mr. WEICKER. I would also like to thank the Senator from Iowa for his cogent explanation of the amendment. It reflects my understanding as well.

DRUG CERTIFICATION

Mr. HELMS. Mr. President, yesterday the administration sent to Congress its annual certification for narcotics source and transit countries. Each year the President must decide which countries have "cooperated fully" with the United States to control narcotics production, trafficking, and money laundering. The President may either fully certify a country, certify for vital national interests of the United States, or not certify at all.

Along with the Presidential determination sent to Congress was the international narcotics control strategy report prepared by the U.S. State Department. It is well known that the drug certification is determined by the State Department, with only minor input from the Customs Service. Out of a total of 24 drug-producing, or drug-transit countries, only four were considered not to have "cooperated fully" with the United States.

It has been reported widely in the press that the original State Department recommendation was to certify Panama for "vital national security reasons." I am pleased that the Department was forced to reconsider Panama's certification after much public outcry. In the end Panama was not certified.

Mr. President, last year I introduced along with the distinguished Senator from Massachusetts [Mr. KERRY], three resolutions to disapprove the certification of Panama, Mexico and the Bahamas. After much debate, the Senate decided that Panama should not have been certified. Due to delaying tactics by opponents of the resolutions, we were not able to gain approval of the resolutions within the 30-day deadline. Nevertheless, the Senate went on record with regard to Panama and General Noriega. We also sent a strong signal to the administration and to other countries that we take seriously the drug certification.

It is now abundantly clear to the world that Mr. Noriega and Panama were not cooperating with the United States. In fact, Mr. Noriega and his band of gangsters were cooperating with the Medellin drug cartel, and the international drug traffickers. Those of us who have been pointing this out for many years were finally proven right when Noriega and many of his cronies were indicted in February on drug charges in two separate cases in the United States.

I commend the administration for not certifying Panama this year, but I am deeply concerned with the decision to not implement all possible sanctions against Panama under the law. A decision was made to only impose mandatory sanctions against Panama, as opposed to discretionary sanctions.

Let me make clear to my colleagues that all of the mandatory sanctions are already in effect by law since December. Therefore, the failure of Panama to cooperate fully with the United States will result in no additional sanctions. As a result, a bipartisan effort will be made this week in the Senate to impose further sanctions on Panama.

Mr. President, I am distressed by the administration decision to once again certify other countries, particularly in our own hemisphere, that are clearly not cooperating to stop the flow of drugs into our own borders. I am most concerned about the serious lack of cooperation by the Governments of Mexico, the Bahamas, and to a large degree, Colombia.

I am sympathetic to the fact that Colombia has suffered a lot of violence at the hands of the drug traffickers. But that is all the more reason why the Government should resolve to take a tougher stand against the traffickers. They have done just the opposite. The Attorney General is considering legalizing drug trafficking. This can only mean that he has already been co-opted by the Medellin Cartel. I was pleased to see, however, that the President of Colombia has stated publicly that he would oppose the legalization of drug trafficking.

Mr. President, the results of our drug war around the globe are gloomy. By law we have only 45 days to pass into law any resolution of disapproval on this certification. That does not leave us time to introduce legislation on more than a couple of countries.

This year, I have joined with Senator WILSON as the principal cosponsor of a resolution of disapproval for Mexico, and I may be joining with other Senators to introduce legislation on other countries in the coming weeks. I believe that outside of Panama, Government complicity in drug trafficking is probably greatest in Mexico. Certifying full cooperation of Mexico is simply unthinkable.

I will not get into the details of corruption at the highest levels of these Governments until such time as we are prepared to debate the resolutions in the Senate.

Mr. President, I would mention a matter that may be of interest to my colleagues. As ranking minority member of the Senate Foreign Relations Committee, I am entitled to receive the State Department certification report immediately. Even though the report was made available to many in the press yesterday morning, I did not receive copies until 3 p.m. yesterday. When I did finally receive a copy of the Presidential determination, there were five sheets of paper attached to it. Three pages described the reasons for certifying Paraguay, Lebanon and Laos under vital national interests. Interestingly enough, the State Department felt it necessary to explain its justification for fully certifying Colombia and Mexico, and pointed out that they expected more cooperation from both countries in the next year. That clearly does not represent full cooperation.

In attempting to justify its position on full certification for Mexico, the State Department claims that "there are important bilateral and multilateral considerations which would be placed at risk should certification be denied." If that is the case, it might be better to do away with the drug certification requirements rather than make a sham of the law. But the State Department's reasoning is specious, and certainly capricious regarding the sanctity of the law.

Mr. President, the law states that these countries must have cooperated fully during the last 12 months to control narcotics production, trafficking and money laundering. When this law passed in 1986, I didn't hear a single word against it.

The certification law passed by this Senate did not, and does not exempt Mexico. It is ironic that the very week Mrs. Reagan is holding her drug conference, some in this administration elect to ignore Mexico's blatant involvement in every aspect of the drug business.

How can we talk about a national war on drugs without being tough on those countries responsible for producing the drugs, and bringing them across our borders.

Mr. President, Senators should know that the U.S. Customs Service recommended against any certification for Mexico. On February 23, Customs Commissioner William von Raab wrote to Assistant Secretary Ann Wrobleski recommending strong actions with regard to Mexico, Panama, and Colombia.

Commissioner von Raab stated that "powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity." Furthermore, Mr. von Raab explains that out of sheer frustration over Mexican corruption, Customs officials have had to cease working with the Mexicans.

The narcotics related figures for Mexico are staggering. Mexico is still the primary single country supplier of heroin and marijuana to the United States. Moreover, one-third of the cocaine consumed in this country in 1986, transitted Mexico.

Last year when we debated this issue there was a lot of talk about not wanting to upset Mexico because they are on our border. Some complained that I was engaging in Mexico bashing. Perhaps some in the State Department did not want to ruffle any feathers before the United States-Mexico interparliamentary meeting this weekend. But in the opinion of this Senator, the State Department's certification of Mexico is unjustifiable by any standards. If we intend to get serious about our war on drugs, I urge my colleagues to join with me to decertify Mexico and other countries that are sending a deluge of drugs across our borders.

REGARDING JUDGE GEORGE BRODY

Mr. HEFLIN. Mr. President, often on the floor of the Senate, my colleagues and I have the opportunity to bring to the attention of the American people, individuals who have served their country in a manner deserving recognition and our gratitude. I submit for the RECORD an article which appeared in the Detroit Legal News on Friday, December 18, 1987, commending the work and dedication of George Brody who is retiring from the bench of the Bankruptcy Court of the Eastern District of Michigan in April.

As chairman of the Subcommittee on Courts and Administrative Practice, it is a pleasure for me to recognize bankruptcy judges who perform an outstanding service to our judicial system. I do not believe that I could add anything to the tribute already paid to Judge Brody by his colleagues and friends. I would simply like to commend him for a job well done and for his commitment to the furtherance of excellence in the legal profession.

The article follows:

JUDGE BRODY WILL NOT FADE AWAY: HERE'S AN OLD SOLDIER OF BANKRUPTCY COURT

(By Hugh Munce)

The administrative rules of the nation's Bankruptcy Court say that George Brody is retiring from the Eastern District of Michigan in April. A number of people don't think he is the retiring type. I don't.

For the past four weeks I have mentioned his retirement to his friends, colleagues and practicing attorneys and they confirmed my opinion that even though he is over 70, has served on the bench for 27 years and has earned retirement, George Brody will not take it easy.

I asked him if he wanted to go fishing. No. Go visit family. No. Take a Southern Cruise. No. Sleep late and be indolent. No.

George Brody graduated in 1941 from City College of New York in Social Science and a few years later decided that the University of Michigan Law School offered a new challenge. He left there in 1947 with his law degree (and Order of the Coif), but returned to New York University, earning his LLM in taxation, convinced that the academic world was his oyster.

A teaching job at the University of Toledo and intervening work with the U.S. Office of Price Stabilization held his attention for five years, but then in 1958 he was offered a law clerk position with Detroit's federal judge Theodore Levin.

His writing and speaking on the subject of tax law, bankruptcy and the federal system attracted more than average attention and Judge Levin recommended him (in 1960) for a post as Eastern District of Michigan Referee in Bankruptcy (later changed to Judge of Bankruptcy). At every opportunity he spoke, wrote and kept an eye on laws and procedures of the court, earning licenses to practice in California and New York, as well as Michigan.

The Detroit Legal News asked members of the court for opinions of this elder statesman and received the following quotes: "Where would I have gotten such background on the history, the actions of this court without him. No one has such knowledge," said administrator David Sherwood. Others voiced similar sentiments, ". . . always stable, the same, professional, duty-bound. He can't leave the Court."

During the joint Detroit Bar Association/Wolverine Bar Association Honors Luncheon, Chair of the DBA Debtor-Creditor Section Lawrence K. Snider said it all . . . "dedicated."

The Detroit Legal News then talked to outsiders. Phoenix attorney Gerald K. Smith—"For 20 years I've associated with George through the National Bankruptcy Conference. Delightful, scholarly, a major contributor to the law, and, he makes opinions on the leading edge."

"Over 20 years, when the court was in major change, when I was also a member of the Judicial Conference on Administration of the Bankruptcy System, I learned many other judges of the nation realize his strength, his values," said Judge Robert DeMascio. He is joined by Los Angeles attorney George M. Treister—"A friend for more than 30 years, we worked in bankruptcy law improvements and administration. A warm, mature major legal figure."

His law clerk (1981-82), Darlene Nowak, says—"Classic example of temper vs. temperament in law. He was considered contrary. He demanded perfection and damned the faint or failing. He pushed and shoved in those tumultuous years, but remarkable that his temperament was the opposite. He then turned to labor over 20 drafts of an opinion, and labored an hour over a paragraph. He scowled and growled at mediocre attorneys and ill-prepared lawyer motions and briefs. He left not one letter from a citizen go unanswered, nor did he ever refuse to talk to student groups.

"He was more apt to ask advice than to give it and he never demanded it. He was self-effacing and never felt important or profound. I'll always remember his reading a scathing letter I wrote, but he said he always put those types of letters in his drawer and read it the next day, or the second day, but he never sent those letters."

Prominent New York attorney Benjamin Weintraub writes: "Like the Mississippi I thought he just glided along, never to retire. For 20 years we've discussed and reviewed decisions and opinions. Always I said to him, 'George, it is another step in clarifying the law.' And, if we disagreed he held his ground, saying let's leave it to the higher court, but seldom if ever did it disagree. We meet at the National Conference and it's always a pleasure, as he continues to work to improve the Bankruptcy laws. Such a friendship we have."

University of Michigan Professor Frank R. Kennedy declares: "In 1961, shortly after I joined the "M" faculty, I got to really know him. What a help in my arguments, writings, speeches, research, conversations and correspondence. The court has been fortunate to have him, but he left an indelible mark on the laws."

U.S. District Judge John Feikens, Judges Ralph Freeman and George Woods and their praise.

"My friend, my colleague, his law and court are his mistresses. He's an 11 on a scale of 10. Dealing every day with calamity, broken dreams, discontent, scorn, troubles, stress and strains, problems of advocates and litigants, he was the rock and unselfishly helped me, with his wit, charm, subtle humor and wise counsel," said federal judge and former Bankruptcy Judge George Woods.

"When he clerked for Judge Theodore Levin I first met him. We have been good friends over the years, about 30 of them, and his public interest, close supervision, firm but fair principles are not easily duplicated," says John Feikens.

Senior Judge Ralph Freeman sums the qualities of George Brody:

"Quiet, kind, compassionate, with a sense of humor. This I've witnessed for more than 30 years. Dignity, decorum and respect rule his court. This brings respect of colleagues, attorneys and litigants, and his outstanding judicial temperament makes him one of the best I've known."

ACCESS '88 AND RURAL AMERICA

Mr. PRESSLER. Mr. President, I am pleased that my good friend and former Senate colleague from South Dakota, Jim Abdnor, is continuing his efforts, as Administrator of the Small Business Administration, to rebuild rural America. During his Senate confirmation hearing, Jim pledged that he would make rural economic development a top priority of the SBA, and he certainly has kept that commitment. In an effort to bring employment opportunities and stability to our rural areas, Senator Abdnor initiated ACCESS '88, "Assisting Committed Communities with Effective Solutions for Success," a program designed to bring all Federal, State, and local rural economic development programs and people together.

ACCESS '88 provides rural decisionmakers with information they need to locate assistance programs for their communities. The SBA is the catalyst, bringing the "people and programs together." By combining and targeting all of the government's rural development resources, ACCESS '88 will play a key role in brightening rural America's economic future. On February 22, Senator Abdnor outlined SBA's economic development initiatives at the National Governors Association meeting. I applaud Senator Abdnor for his New Alliance, a partnership which calls for a more effective use of the many programs already on the books.

Mr. President, I ask unanimous consent that Senator Abdnor's statement be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

WINNING IN RURAL AMERICA

(Presentation by Hon. James Abdnor)

I welcome the opportunity to be here at the National Governors Association meeting this afternoon to discuss an issue that is near and dear to my heart, rural development.

I want you to know that rural development holds the highest priority at SBA. I also want you to know that our intent is not credit or praise for SBA, our intent is to help rural America.

I have always been committed to working for Rural America. I have seen the problems first-hand by living them. When I was Vice-Chairman of the Joint Economic Committee of Congress in 1985 and 1986, we focused on the Revitalization of Rural America in a series of hearings that we held both here in Washington and throughout the nation. Our witnesses included some of the nation's leading economists, state and local elected officials, and representatives from dozens of concerned associations. We heard not just about agriculture, but also about problems of communities, health care, education, families, and businesses. We learned enough to fill three books.

Shortly after becoming Administrator of SBA last March, I made rural development one of the Agency's top three initiatives. In fact, I announced my plan during my Senate confirmation hearing!

However, it's high time we stopped talking about the problems in rural America and started doing something.

We all know that the federal government can't afford new programs . . . there are no new federal dollars available for this effort. The important point is that we don't need new programs, there are plenty already on the books. What we need to do is to make better use of them. At SBA, my staff knows that all of our programs are rural development programs. Our initiatives, ACCESS 88, is being done on the budget we already have. I'll go into that a little bit more later.

I don't need to tell you, Governors, that too many of our young people are leaving rural towns for the big cities, too many Main Street businesses have closed. In the last three months, we at SBA have done something that most people probably thought was impossible . . . we brought together all of the Federal agencies, the states, and local people to work together on solutions for rural America. Over 1500 people, representing all 50 states, joined us in ACCESS 88, a combined effort of government and the business community.

Governor Branstad, you will recall when I addressed the Governors in Galena, Illinois last fall at the Midwest Governors Conference, I said that we at SBA are not here to tell you what to do, we are here to help you. We now have the beginning of a new alliance between the Federal government and the states. And SBA is the catalyst.

Today, we are providing you with strategies and solutions devised by economic development professionals around the nation at 10 Rural Roundtables. We have laid the groundwork, but it is up to you to take the next step, and determine which of these strategies will help your state the most. States must take the lead in implementing many of the solutions.

Every Governor in the United States is concerned about economic development, and many of you have done alot in your states to create jobs in rural areas. Governor Thompson in Illinois, for instance, established a Rural Fair Share Initiative and a Rural Affairs Council; Governor Cuomo—you also have an Office of Rural Affairs, Governor Deukmajin has his Rural Renaissance program. I'm sure many other Governors here today are taking similar leadership roles in rural economic development. However much remains to be done, and none of us can do it alone.

Let me suggest, from my experience, both past and present, that without small business development, rural areas cannot prosper. Small business is the economic backbone of our country and the key to rural America's future. 98% of all our businesses in America are small. In many states, and in most rural communities, small business is the only business. Today, our 18 million small businesses provide: ⅔ of all new jobs; about 40% of our gross national product; and half of all major innovations.

In America, small business is big business. There can be another 10 million small businesses by the turn of the century if we do our job right. But Governors, a concern we should share is the fact that in rural America, small businesses are growing 30% slower than in our cities.

Communities that depend on agriculture, and other natural resources . . . the coal fields of Appalachia, the timber forests of the Northwest, the Oil Patch . . . must face the reality that this isn't a localized problem, but a national competition for jobs in rural America. We can't just depend on any one single industry for our economic well being, we must have a variety of jobs and industries in rural America.

In my early days, I spent a few years as a teacher and coach. I soon learned that winning requires teamwork. Any coach knows that the key to winning is getting all of the players working together. We're all on the same team, Governors, but the game will be played in your states. Each of us has a different role to play, different talents that we bring to the team, but our strength will come from working together.

Let me tell you a little about what we've been doing for the past three months with ACCESS 88. ACCESS stands for Assisting Committed Communities with Effective Solutions for Success. The first phase was to recruit witnesses who gave us both problems and solutions at 5 field hearings. Governor Branstad, you and Governor Hunt were two of our best witnesses. We also heard from other Governors, mayors, business leaders, bankers, and over forty small business owners.

We took these problems and recommendations to the leaders of government agencies, economic development professionals, and key business organizations at 10 Regional Roundtables. Governor Martin, you and Governor Gardner of Washington joined with us. We involved leaders in each Region including State, federal, local, university, and business talent. These players have gone through the drills, done their warmup exercises, and are ready to Win in Rural America.

I want to emphasize that this was not just an SBA effort. At each of the Roundtables we had team members from the Department of Labor, the Department of Housing and Urban Development, the Economic Development Administration, and the US Department of Agriculture, all working together for a common cause. We also had representation from Defense, the Appalachian Regional Commission, Transportation, Education, and Interior.

We emerged from these Roundtables with one common theme:

It's time for a New Alliance, working together on Solutions. This is one thing I want you to remember: It's time to work together on solutions in a new alliance.

Hundreds of solutions and strategies for success were proposed at these roundtables. They all basically fit in to 8 categories:

Capital for small business development.

Training and advice for small business owners.

A workforce which is educated and trained.

Information about all of our existing programs.

Infrastructure to support business development.

Technology that competes in the global economy.

Marketing plans and strategies for future growth; and

Leadership in local communities.

At SBA, we are ready for this New Alliance. Our next step is to hold conferences in every state in this union. And Governors, we invite you to co-sponsor these conferences to bring all of the programs of federal and state government to rural small businesses. We will also work with other national organizations and associations to make sure that they understand and will work with our programs.

We also plan to publish a Resource Guide listing and describing all of the Federal and state programs for Rural Development. I want you to remember that we're doing this all on the budget we already have, with some help from the private sector. I had hoped to be able to announce the name of our private sector sponsor to you today, but we are still negotiating. This book will be similar to one that we prepared only a few months ago for International Trade, although it will be longer.

The International Trade initiative we have at SBA was also one of my first priorities when I arrived. It goes hand-in-hand with rural development. Instead of exporting young people from our rural communities, we need to start exporting more goods and services! In fact, we are holding 10 International Trade Conferences around the country over the next several months. We know SBA can't solve our trade deficit alone, so we are working with a large Interagency Task Force on Trade. This Task Force is chaired by Simon Fireman, director of the Export-Import Bank. It includes the Agency for International Development, Departments of Agriculture, State, Treasury, Commerce, Education, the GAO, the Trade Representative, and several other agencies.

But getting back to rural development, we are now proposing formal cooperative agreements with both federal agencies and the states in forging the New Alliance for Solutions. Just last week, we signed a Memorandum of Understanding with the Farmers Home Administration. In Maine, they are way ahead of us and have already signed an agreement with SBA, Farmers Home, and the State in January.

This New Alliance is not an end in itself for rural America. If we measure our success by the number of conferences we hold, books we print, or agreements we sign, we will have failed rural America. Our solutions must be measured in the only way that businesses know how . . . the bottom line. How many jobs are we creating, how many businesses have we helped establish or expand, how many main streets have survived, how many failing businesses have we turned around?

I don't have to tell you, Governors, that it's time for Solutions. . . . Solutions must be emphasized to all of our staff. If we can find more capital, better infrastructure, a competitive workforce, and creative small business owners, we'll be well on our way to a victory in rural America. At SBA, our staff is committed to working with you, Governors, to target communities that need solutions the most, and to bring all of the resources of SBA and the other federal agencies into action. Because victory will take time, we need to start right now!

Revitalizing Rural America is a slow process. With renewed enthusiasm and commitment, Rural America has an opportunity to help itself win, to save its small towns, and to have a prosperous future.

In closing, let me emphasize that the key to rebuilding rural America is working together—

Working together to develop new enterprises;

Working together to develop new industry;

Working together to strengthen existing small businesses;

Working together to forge a New Alliance.

Let's commit ourselves today to working together for prosperity in Rural America.

AIRPORT SECURITY SYSTEMS

Mr. HEFLIN. Mr. President, on December 10, 1987, I placed a statement in the RECORD on airport security systems. It has come to my attention that I may have inadvertently misconstrued a statement made by my distinguished colleague from Ohio, Senator METZENBAUM, at a recent hearing on S. 465, the Plastic Handguns bill. To correct any misunderstanding that may have arisen from my earlier statement, I ask unanimous consent that the dialog between Senator METZENBAUM and Mr. Baker of the National Rifle Association at that July 28, 1987, hearing be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT OF TRANSCRIPT

Senator Metzenbaum. Mr. Baker, I was listening to you very carefully, and your entire statement will be included in the record, of course, and I think that your offer to work to improve airport security generally—I think that is an offer that the government ought to take up with you and work with you on it. I think that is commendable.

But I was sitting here and saying to myself, why the hell are they opposed to this bill. What difference does it make to them? Nobody says you cannot buy a metal gun. Nobody says you cannot buy a half plastic and half metal gun.

Mr. Baker. There is a very simple answer to your question, Senator. It is because your legislation as drafted would ban thousands of the firearms that are currently possessed in this country that happen to weigh less than eight-and-a-half ounces in terms of metallic content.

Senator Metzenbaum. Our doors are open to you. You are welcome to come and help us draft the legislation. We are only after the plastic guns. We are not after taking away anybody's right to own a gun. They can own one gun, six guns, twenty-six guns.

Mr. Baker. Senator, I would be happy to work with you. I do not, quite, frankly, see—if we are going to attempt to ban something that does not exist, I do not think that under the federal law—one has to have a standard. If you are going to proscribe something, it has to be clear what is proscribed, especially if you are going to provide criminal penalties for the breach of that law.

Unless you can come up with a standard that is sufficiently clear, I do not think that the law would be constitutional. I think that the best approach, and what I have said in my testimony, is to focus on the inadequacies of airport security today. Senator, I do not need a plastic gun.

Senator Metzenbaum. We are in agreement on that, Mr. Baker. Let us not go back and keep pounding that dead horse.

Mr. Baker. I do not think it is a dead horse.

Senator Metzenbaum. You said we have to improve airport security. I said okay, let us do that. If you cannot arrange a meeting with the government people, I will help you arrange it, but I am certain that you can.

Mr. Baker. All right.

Senator Metzenbaum. Now, I want to know what is there in your—is it a knee-jerk kind of reaction?

Mr. Baker. No, sir.

Senator Metzenbaum. We have knee-jerk liberals, we have knee-jerk conservatives?

Mr. Baker. No, sir.

Senator Metzenbaum. I want to know if we have knee-jerk gun people.

Mr. Baker. In fact, I am a registered Democrat, Senator.

Senator Metzenbaum. I do not care whether they are Democrats or Republicans. What I am concerned about is why can we not get you on this bill with us.

Mr. Baker. Because I think the bill is misplaced; the direction is wrong. I think that we have been shown here today that there are problems with the procedures at airports today.

I think the FAA has testified to that in Congresswoman Cardiss Collins' subcommittee not two months ago over in the House of Representatives. There is a problem with airport security in this country.

Senator Metzenbaum. Absolutely; we have agreed on that.

Mr. Baker. And I think that is where the legislation ought to focus.

Senator Metzenbaum. But what does that have to do with plastic guns?

Mr. Baker. Everything, because your legislation talks in terms of interdicting terrorists.

Senator Metzenbaum. Help us rewrite it.

Mr. Baker. I would be happy to.

Senator Metzenbaum. I do not care how we write it. All I want to do is get at the plastic guns.

Mr. Baker. Well, all we want to do is get at airport security.

Senator Metzenbaum. But, Mr. Baker, you cannot do that. We have had three important witnesses—the Secret Service, the ATF, and the FAA—who recognize you cannot get at plastic guns at this point. There is no way to do it.

Now, I am saying to you what is there about your position that does not permit you to help us draft a bill, if you do not like the way we have drafted this one.

Mr. Baker. I would be happy to help you draft a bill that deals with airport security.

Senator Metzenbaum. I do not want you for that. I want to know whether you will help me draft a bill for plastic guns.

Mr. Baker. I would be happy to discuss it with you.

Senator Metzenbaum. Will you help me draft a bill to zero in on the issue of plastic guns?

Mr. Baker. Senator, they do not exist. It is very difficult to deal with a hypothetical threat.

Senator Metzenbaum. What difference does it make whether they exist or not? They are going to exist in two years.

Mr. Baker. I do not think that that is necessarily so. I do not think we have had anybody testify here today that plastic guns are going to exist.

Senator Metzenbaum. They testified in the House to that effect.

Mr. Baker. And the gentleman was asked whether he had a working prototype and he did not have a working prototype. There is one promoter in south Florida that says he can produce a plastic gun. That is it.

Senator Metzenbaum. Then, Mr. Baker, what difference does it make if we draft a law that is applicable to something that does not exist?

Mr. Baker. Senator, the difference is what is the issue here. Is the issue airport security or is the issue banning firearms? Once we decide that, we can come to some agreement.

Senator METZENBAUM. Mr. Kapelsohn has pointed out to us that we do not do that great a job as far as airport security at the moment.

Mr. BAKER. And that is the issue as far as I am concerned.

Senator METZENBAUM. Then you do not care about plastic guns. You do not care if a person comes on a plane with a plastic gun.

Mr. BAKER. I do not care about plastic guns; they do not exist. I care about the threat to airports.

Senator METZENBAUM. Mr. Baker, understand that this Chairman—I am not the Chairman of this Subcommittee, but the acting Chairman, but this Committee is willing to work with you.

Mr. BAKER. And I am willing to work with you, Senator.

Senator METZENBAUM. Okay, good enough. Let us go on to Mr. Halbrook.

COLORADO'S PIONEERING OXY FUELS PROGRAM OFFERS LESSONS FOR NATION'S FIGHT FOR CLEANER AIR

Mr. WIRTH. Mr. President, in January, Colorado embarked on a pioneering program to reduce carbon monoxide emissions from cars and trucks by requiring the use of oxygenated fuels along the State's Front Range from Fort Collins to Colorado Springs.

At high altitudes, gasoline burns less completely, meaning that a higher level of carbon monoxide pollutants are emitted into the air. Mixing gasoline with ethanol, methanol and ether-based MTBE increases the oxygen content, which promotes more complete combustion and reduced carbon monoxide emissions.

In its first year, Colorado's oxygenated fuels program was a stunning success. The program reduced carbon monoxide pollution by 9 percent, according to the State's air pollution control division. The experiment shows the tremendous contributions that oxygenated fuels can make toward cleaning up the air in Colorado and across the country.

Next year, the program will be in effect twice as long—from November 1 to March 1. In addition, the program will require higher blends of oxygen fuels than were mandated this winter. As a result, we expect to see even greater reductions in carbon monoxide emissions as this program continues.

Mr. President, I ask unanimous consent that two articles from the Denver Post be included with my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OXY FUEL SLASHED CARBON MONOXIDE BY 9 PERCENT, STATE SAYS

(By Lou Chapman)

Health officials were crowing Monday about Colorado's high-oxygen fuels program, saying it cut carbon monoxide pollution more than 9 percent.

"We feel real good with our numbers, they've been blessed by the EPA and they're on target," said Jerry Gallagher of the state Air Pollution Control Division.

WE WERE NERVOUS

"We were nervous going into it. We were worried about how it all was going to shake out."

The two-month program was the nation's first attempt to cut carbon monoxide pollution by setting gasoline standards.

Only high-oxygen gasoline could be sold along the Front Range from Fort Collins to Colorado Springs from Jan. 1 to Monday.

About 2 million vehicles are registered in the area, and they were driven about 40 million miles a day on high-oxygen fuels this winter, Gallagher said.

Even critics of the program agreed that complaints from motorists were minimal. The loss of mileage that worried some drivers could have resulted from the harsh weather in January.

INDUSTRY SKEPTICAL

But representatives of the oil industry, which fought the program, said the state's carbon monoxide figures are "just the best estimate you can get" and not good enough to justify continuing the mandatory program next winter.

"When you're in a mandatory program, you've got to be able to look at a reduction in pollution, and at what the actual pollutants were on those days, and say what difference the program made," said Pam Oldham, attorney for the Rocky Mountain Oil and Gas Association.

Oldham admitted she was unsure how health officials could arrive at that type of information but said her organization will continue arguing that the program be considered a "test" next winter.

The preliminary air-quality numbers released by the state Monday were based on a model recently approved by the U.S. Environmental Protection Agency. Dale Wells of the EPA said a 9 percent reduction in carbon monoxide "sounds about right."

Looking ahead to next winter, Gallagher said the state hopes more service stations will offer ethanol or fuels with similar levels of oxygen.

MOSTLY MTBE SOLD

About 97 percent of the gasoline sold in the metro area during this winter's program were blended with ether-based MTBE, which does not reduce carbon monoxide as much as ethanol.

Health officials also will spend more time and money promoting the program to the average auto mechanic and new-car dealer later this year.

"We want this to be approved at the barber-shop level," Gallagher said. "If people say, 'Well, my mechanic says it's OK,' then we'll have gotten somewhere."

Starting next year, the program will be in effect twice as long, from Nov. 1 to March 1, and will require higher amounts of oxygen than were mandated this winter.

A HIGH-OXYGEN HIGH

The State's initial experience with high-oxygen fuels, it appears, has been more successful than anyone anticipated. Not only did the widespread fears of mechanical malfunctions prove to be unfounded, but pollution totals dropped even more than expected.

Preliminary estimates released by the Colorado Health Department show that the 2 million cars along the Front Range produced 9.2 percent less carbon monoxide than usual during the two-month program, which ended Monday. State health officials had predicted a reduction of 8 percent or less, considering the fact that virtually all of the high-oxygen fuel sold contained MTBE rather than ethanol, its cleaner-burning rival.

Next winter, when changes in the rules are expected to make ethanol more attractive and boost its share of the market, the pollution levels could fall as much as 16 percent. That would have twice the impact of the voluntary no-drive program, with none of the disruption in people's lives.

Admittedly, owners of some older cars might experience vapor locks or clogged fuel filters if they fill up with ethanol blends in the second go-round. But judging from this season's record, they should have no trouble using MTBE.

Moreover, there is some indication that other non-ethanol blends with an even higher oxygen content may be on the market by the time mandatory sales of such fuels begin again next November. This would give motorists with "performance anxiety" an alternative offering all the anti-pollution benefits of ethanol, but none of its risks.

In short, this controversial strategy has worked out well in its national debut, defying the false cries of alarmists when the program began.

WATER RIGHTS AND THE ENDANGERED SPECIES ACT

Mr. EXON. Mr. President, I rise to voice concern about a potential amendment to the Endangered Species Act. Although I have not been provided many details, I understand this proposal could affect the allocation of North Platte river water in Nebraska and Wyoming. If offered, I am prepared to do whatever it takes to block its adoption.

The dispute which is the focus of this amendment is now before the Supreme Court. It is a complicated dispute involving water for human consumption, irrigation, power generation, and wildlife protection. Nebraska and Wyoming have been at odds over the construction of the proposed Deer Creek Dam on the North Platte River in Wyoming for several years. The Senate needs to think long and hard before asserting itself in this matter. Indeed, it would be improper for the Senate to involve itself in this dispute at this time since it is before the Supreme Court.

We should not, at this juncture, disrupt the Supreme Court's deliberations. It would simply open a legislative pandora's box which I will be determined to close.

Water wars are nothing new among Western States. As Governor of Nebraska, and now as U.S. Senator, I have been through my share of them. And given the importance of water to the basic life and economy of Nebraska, I am prepared to do battle again.

MASSACHUSETTS AND CALGARY—A WINNING COMBINATION

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to congratulate the athletes from Massachusetts on their outstanding performances in the winter Olympic Games in Calgary; 17 of the 168 members of the U.S. Olympic team are residents of Massachusetts, and the State is proud of them.

I especially want to commend the accomplishments of two Massachusetts athletes who were medal winners. Eric Flaim of Pembroke earned the silver medal in 1,500 meters speed skating, one of only six medals awarded to Americans in the Games. Eric placed fourth in three other speed skating events—a brilliant showing. None of us who saw joy in his face as he crossed the finish line in the 1,500 meter race will soon forget his achievement. It was one of the most inspiring moments of the Games, and he missed the gold medal by the thinnest of margins—only six-hundredths of a second in a race of nearly a mile.

Diana Golden of Lincoln is gold medal proof that disabled people are not unable. In this first year of disabled skiing as an exhibition event at the Olympics, Diana won the gold medal in the giant slalom. With this victory, she continued an outstanding career in competitive skiing. She already has eight national championships to her credit. Most impressive of all is the inspiration she is bringing to millions of physically challenged young men and women throughout the world.

In addition, I want to commend the extraordinary contingent from Massachusetts—nine players strong—who were part of the U.S. Ice Hockey team—Allen Bourbeau of Falmouth, Greg Brown of Southborough, Scott Fusco of Burlington, Guy Gosselin of Rochester, Peter Laviolette of Franklin, Stephen Leach of Lexington, Jeff Norton of Acton, Kevin Stevens of Halifax, and Scott Young of Clinton. They played some outstanding games, and for a few moments against the Soviet Union, it seemed as if they were on the verge of creating the "Miracle on Ice" of Lake Placid in 1980.

Finally, I commend the six other members of the U.S. Olympic team from Massachusetts: Pam Fletcher of Acton, downhill, Super-G, Alpine combined; who was unable to compete at the last moment because of a freak accident on a cross-trail, but who impressed us all with her cheerful sportsmanship in spite of her bad luck and obvious disappointment; Jim Herberich of Winchester, two-man and four-man bobsled; Hans Johnstone of Carlisle, Nordic combined; Matt Petri of Newton, ski jumping; Scott Pladel of Boston, four-man bobsled; and Heidi Voelker of Pittsfield, slalom, giant slalom.

All of these young athletes deserve praise for their performances. They brought credit to Massachusetts, to the Nation, and to the Olympic ideal, and I congratulate them on their accomplishments.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. Biden), from the Committee on the Judiciary, without amendment:

S. 450. A bill to recognize the organization known as the National Mining Hall of Fame and Museum (Rept. No. 100-294).

S. 840. A bill to recognize the organization known as the 82nd Airborne Division Association, Incorporated (Rept. No. 100-295).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

Frank G. Zarb, of New York, to be a Director of the Securities Investor Protection Corporation for the term expiring December 31, 1989;

Paul Freedenberg, of Maryland, to be Under Secretary of Commerce for Export Administration; and

Mark E. Buchman, of California, to be President, Government National Mortgage Association.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Howard W. Cannon, of Nevada, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence Foundation for a term of four years.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KARNES (for himself, Mr. D'Amato, Mr. Boschwitz, Mr. Grassley, Mrs. Kassebaum, Mr. Helms, and Mr. McConnell):

S. 2116. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER (for himself, Mr. Metzenbaum, Mr. Heinz, Mr. Chiles, Mr. Weicker, Mr. Burdick, Mr. Bradley, Mr. Kennedy, Mr. Durenberger, Mr. Stafford, Mr. Moynihan, Mr. Reid, Mr. Inouye, Mr. Riegle, Mr. Cohen, Mr. Shelby, Mr. Matsunaga, Ms. Mikulski, Mr. Sanford, Mr. Grassley, Mr. Adams, Mr. Sarbanes, Mr. Glenn, Mr. Hatch, and Mr. Packwood):

S. 2117. A bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this act; ordered held at the desk.

By Mr. GRAMM:

S. 2118. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for off-highway uses; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. Moynihan, and Mr. Durenberger):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plans; to the Committee on Finance.

By Mr. Matsunaga (for himself, Mr. Burdick, Mr. Ford, Mr. Shelby, Mr. Stafford, Mr. Inouye, and Mr. Moynihan):

S. 2120. To amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. ROTH:

S. 2121. To impose trade and other economic sanctions against the Republic of Panama; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself, Mr. Chafee, Mr. Mitchell, Mr. Rockefeller, Mr. Matsunaga, Mr. Durenberger, Mr. Riegle, Mr. Chiles, and Mr. Daschle):

S. 2122. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Leahy, Mr. Simon, Mr. Daschle, and Mr. Conrad):

S. 2123. A bill to provide hunger relief, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOSCHWITZ:

S. 2124. A bill to expand the availability of child care, and for other purposes; to the Committee on Finance.

By Mr. WILSON (for himself, Mr. Helms, Mr. DeConcini, Mr. D'Amato, Mr. Domenici, Mr. Wallop, Mr. Symms, Mr. McClure, and Mr. Hecht):

S.J. Res. 268. A joint resolution disapproving the certification by the President under section 481(h) of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KARNES (for himself, Mr. D'Amato, Mr. Boschwitz, Mr. Grassley, Mrs. Kassebaum, Mr. Helms, and Mr. McConnell):

S. 2116. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL MOTOR VEHICLE SAFETY ACT AMENDMENTS

Mr. KARNES. Mr. President, I rise today to introduce, for myself and my distinguished colleague from New York, Senator D'Amato, a bill to exempt the operators of certain farm and firefighting vehicles from requirements under the Commercial Motor Vehicle Safety Act of 1986.

My bill would amend this 1986 act to exempt farm vehicles which are not driven more than 15,000 miles in a year, along with firefighting vehicles, from commercial licensing requirements.

The purpose of this bill is to ensure that these vehicles, which do not travel great distances in any given year, are not subject to the same rules and restrictions as over-the-road trucks which often travel more than 100,000 miles in a year.

The Department of Transportation has proposed certain testing and licensing standards for all commercial motor vehicle operators. These standards are designed to increase safety on our roadways, but, while they may well be appropriate for over-the-road trucks, I believe they are misguided because they are too broad when one considers incidental use farm and firefighting vehicles.

Farmers in Nebraska, for example, use trucks which would be subject to these new licensing requirements an average of 4 to 6 weeks per year. Some use these heavier vehicles as little as 14 days in a given year. Few farmers travel over 5,000 miles per year in their agricultural vehicles—and much of this is on county roads, not on high speed roadways. These farm vehicles are critical to the farms, but, more importantly, they are essential to getting to markets the harvest of this Nation's food producers. Clearly, licensing requirements for commercial operators that travel significantly greater mileage on our Nation's highways should not apply to these infrequent users.

Farmers who have driven their trucks for years should not have to be retested in order to continue operating these same vehicles. Failure to obtain the appropriate license would force a farmer to rely on outside help, such as farm supply co-ops or independent licensed third-party contractors to transport his crops to market. In any case, we are talking about additional costs to farmers who are already struggling to make ends meet.

My bill would protect farmers from these needless additional inconveniences, costs, and paperwork.

Mr. President, without this exemption, economic hardships would be felt among farmers in another way as well. A farmer's livelihood depends upon his ability to use all available resources at harvest time. Farmers must often use people who have full-time jobs for help during the harvest season. These part-time people, who do not otherwise work on farms, would be reluctant to go through the process of obtaining and maintaining a license since it would not be something that is necessary in their daily lives. Family members and friends who also normally pitch in and help during harvest time would be prevented from doing this with these new licensing requirements.

As both a farmer and a U.S. Senator, I understand the views on both sides of this issue. I believe that highway safety should indeed be a national priority, but not insofar that it infringes upon the livelihood of a vehicle operator that does not pose a real threat to our Nation's highway users. With this bill, farmers will no longer have to worry that they will be subject to standards that should not really apply to them.

Mr. D'AMATO. Mr. President, I rise today along with my colleague Senator Karnes to introduce a bill to free fire fighters and farmers from the unnecessary burden and expense of securing Federal commercial motor vehicles drivers' licenses.

This legislation is identical to H.R. 4011, introduced by Congressman Slattery on February 24, 1988. It will assure that fire fighters and farmers are exempted from licensing requirements under the Commercial Motor Vehicle Safety Act of 1986 (the Act). The Department of Transportation is currently drafting regulations to implement this new law.

Senator Karnes and I specify in our legislation that commercial motor vehicles covered by the act do not include those registered in a State for farm use which are not driven more than 15,000 miles per year, and those which are only used for fire fighting purposes. The Department has the power to exempt these types of motor vehicles from the requirements of the act. While I encourage them to do so, it is important for Congress to make its intentions clear by passing this legislation.

The clear purpose of the act was to improve safe operation of commercial motor vehicles, and help reduce truck and bus accident and injuries by disqualifying unsafe drivers. I certainly support those goals. However, I also believe that those critical safety objectives will not be enhanced by an overly broad application of the law to vehicles that are already adequately regulated by the States.

Fire fighters, particularly those who volunteer spare hours for this lifesaving work, should not be burdened with a new administrative hurdle. Given the high cost of firefighting vehicles, it is extremely unlikely that fire departments will entrust their operation to irresponsible drivers. Moreover, it is critical that firefighters' emergency response times not be lengthened by waiting for the arrival of particular volunteers who have had the time and money to obtain the new licenses. Similarly, the farmers of this Nation should not have to undertake this burden with respect to farm vehicles that are very seldom used on the public highways.

Mr. President, I urge my colleagues to cosponsor this bill and to support its early passage.

By Mr. MELCHER (for himself, Mr. Metzenbaum, Mr. Heinz, Mr. Chiles, Mr. Weicker, Mr. Burdick, Mr. Bradley, Mr. Kennedy, Mr. Durenberger, Mr. Stafford, Mr. Moynihan, Mr. Reid, Mr. Inouye, Mr. Riegle, Mr. Cohen, Mr. Shelby, Mr. Matsunaga, Ms. Mikulski, Mr. Sanford, and Mr. Grassley):

S. 2117. A bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this Act; ordered held at the desk until the close of business on March 3, 1988, by unanimous consent.

AGE DISCRIMINATION CLAIMS ASSISTANCE ACT

Mr. MELCHER. Mr. President, few things are more basic than the right of individuals to be treated fairly, and on the basis of their abilities. But regrettably, life doesn't always work that way. Every day, people are denied their basic rights simply because of others' preconceived notions about them. That's called discrimination.

Congress long has acknowledged that people need protection from the injustice of discrimination. However, it has come to my attention—and the attention of many of my colleagues—that the Federal agency charged with protecting those rights has failed to do so for at least one large portion of our society—older Americans.

Last year, as chairman of the Special Committee on Aging, I held a hearing into the Equal Employment Opportunity Commission's enforcement and administration of the Age Discrimination in Employment Act. I held that hearing, in part, because of charges that people's rights were being denied due to inaction and bad management at the EEOC. Many charges awaiting action at the Commission had exceeded the Act's statute of limitations, thus foreclosing many people's right to legal redress.

Since that time, I repeatedly have asked the Commission to provide the Aging Committee with accurate information about the number of charges that have exceeded the statute. But, they repeatedly have failed to do so. And, imagine my shock when, late in December, I read press accounts of how the Commission now was admitting that nearly 900 charges had been allowed to exceed the ADEA's 2-year statute. This lack of action, the lack of cooperation by the EEOC, and the Agency's own admission of management errors is what prompted me to subpoena Chairman Thomas to provide to the Aging Committee the information we've been asking for.

While I believe that the EEOC's actions have shown a total disregard for the rights of those seeking the Commission's help, there is a larger issue here. Because of EEOC's failure, an undetermined number of working men and women have lost their right to have their day in court. For this reason, I—along with many of my colleagues—am introducing a bill that will restore the legal rights of those people who have been allowed by EEOC to fall through the cracks. While we have no way of knowing the merit of the claims this bill will affect, each individual should have an opportunity to try to prove his or her case. And this is exactly what this bill does—no more and no less. Without the bill we are introducing today, the employers of many people with legitimate age-discrimination claims will get off scot-free because the Commission was asleep on the job.

The Age Discrimination Claims Assistance Act of 1988, which, incidently, is being supported by the EEOC as well as the American Association of Retired Persons, waives the ADEA's statutes of limitation for 18 months for those who have already filed a charge with the Commission, thus providing them with all of the rights that they would have had were their cases handled responsibly. Those who wish now will be able to file suit against their employers. And they will be entitled to the same rights to conciliation and Commission intervention that they were originally entitled to. This bill restores their chance to have their day in court.

There is a great deal of legal precedent supporting the right of Congress to alter statutes of limitation to protect people's legal rights. The Supreme Court is firm on that. Statutes of limitation were never intended to protect lawbreakers from negligence, and my bill is consistent with that point.

Not only does the bill rejuvenate the rights of hundreds of victims of age discrimination, but it also sends a message that Congress will not tolerate such failure in the future.

Mr. President, the prompt passage of the Age Discrimination Claims Assistance Act is crucial to the protection of the rights of hundreds of older Americans. These people have suffered as a result of blatant negligence, and it is our job to right the wrong. I urge my colleagues to join me in guaranteeing that those who have been cheated out of their legal rights will have them reinstated, and have their day in court.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination Claims Assistance Act of 1988".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Equal Employment Opportunity Commission (hereafter in this Act referred to as the "Commission") has failed to process an undetermined number of charges filed under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634) before the running of the statute of limitations applicable to bringing civil actions in the Federal courts under such Act, and

(2) many persons who filed such charges with the Commission have lost the right to bring private civil actions with respect to the unlawful practices alleged in such charges.

SEC. 3. EXTENSION OF STATUTE OF LIMITATIONS.

Notwithstanding section 7(e) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(e)), a civil action may be brought under section 7 of such Act by the Commission or an aggrieved person, during the 540-day period beginning on the date of enactment of this Act if—

(1) with respect to the alleged unlawful practice on which the claim in such civil action is based, a charge was timely filed under such Act with the Commission after December 31, 1983,

(2) the Commission did not, within the application period set forth in section 7(e) either—

(A) eliminate such alleged unlawful practice by informal methods of conciliation, conference, and persuasion, or

(B) notify such person, in writing, of the disposition of such charge and of the right of such person to bring a civil action on such claim,

(3) the statute of limitations applicable under such section 7(e) to such claim ran before the date of enactment of this Act, and

(4) a civil action on such claim was not brought by the Commission or such person before the running of the statute of limitations.

SEC. 4. NOTICE OF STATUTE OF LIMITATIONS.

(a) NOTICE REGARDING CLAIMS FOR WHICH STATUTE OF LIMITATIONS IS EXTENDED.—Not later than 60 days after the date of enactment of this Act, the Commission shall provide the notice specified in subsection (b) to each person who has filed a charge to which section 3 applies.

(b) CONTENTS OF NOTICE.—The notice required to be provided under subsection (a) to a person shall be in writing and shall include the following information:

(1) The rights and benefits to which such person is entitled under the Age Discrimination in Employment Act of 1967.

(2) The date (which is 540 days after the date of the enactment of this Act) on which the statute of limitations applicable to such person's claim will run.

(3) That such person may bring a civil action on such claim before the date specified in paragraph (2).

SEC. 5. REPORTS.

(a) CONTENTS OF REPORTS.—For each 180-day period in the 540-day period beginning on the date of enactment of this Act, the Commission shall submit a written report that includes all of the following information:

(1) The number of persons who have claims to which section 3 applies and the dates charges based on such claims were filed with the Commission.

(2) The number of persons to whom notice was provided in accordance with section 4(a) and the date the notice was provided.

(3) With respect to alleged unlawful practices on which claims affected by section 3 are based, the number of such alleged unlawful practices that the Commission has attempted to eliminate by informal methods of conciliation, conference, and persuasion in the 180-day period for which the report is submitted.

(4) The number of alleged unlawful practices referred to in paragraph (3) that were so eliminated in such period.

(5) The number of civil actions filed by the Commission on behalf of persons to whom notice was sent under section 4.

(b) SUBMISSION OF REPORTS.—Each report required by subsection (a) shall be submitted by the Commission to—

(1) The Committee on Education and Labor, and the Select Committee on Aging, of the House of Representatives, and

(2) The Committee on Labor and Human Resources, and the Special Committee on Aging, of the Senate,

not later than 30 days after the expiration of the 180-day period for which such report is required.

● Mr. METZENBAUM. I am pleased to join with Senator MELCHER and other Senators from both parties in introducing the Age Discrimination Claims Assistance Act of 1988.

We are here today because the EEOC fell asleep on the job. Some 900 older Americans went to the EEOC seeking vindication of their legal rights. The Commission not only failed to protect these men and women—it failed to process their claims so they could protect themselves.

The EEOC has confessed error. We assume it will not let such a thing happen again. But in the meantime, some 900 individuals have lost their rights.

This bill has one simple aim. It restores the right to seek legal redress for hundreds of hardworking older men and women. The bill provides additional time to pursue claims for anyone who filed a timely charge with the EEOC on or after January 1, 1984, but whose charge was not processed by the Commission in time to meet the applicable statute of limitations. Any claimant who falls into this category will have 18 months from the date of enactment to pursue his or her rights under the Age Discrimination in Employment Act, including the right to conciliation and the right to pursue a civil action.

Every American should have a fair chance at his or her day in court. This bill provides that fair chance. The Chairman of the EEOC has indicated that he welcomes this bill, and that the Commission is grateful to members of Congress for correcting the mistake made by the EEOC. With this support, I look forward to rapid enactment of the legislation.●

● Mr. HEINZ. Mr. President, I rise today to cosponsor the legislation offered by the Senator from Montana to extend the statute of limitations for older workers whose age discrimination complaints have not been acted on by the Equal Employment Opportunity Commission.

Like many in this body I was shocked to learn that the EEOC failed to complete its required duties on some age discrimination cases and make the appropriate filings within the statutory time period. Evidence uncovered as a result of investigations by the Special Committee on Aging and its counterpart, the House Select Committee on Aging revealed hundreds of cases where individuals lost their rights because of EEOC failure to meet deadlines. It is grossly unfair when citizens of this country are denied their legal rights with no avenue of recourse.

Mr. President, I recognize the need for statute of limitation provisions. They encourage prompt filing of grievances and protect parties from the threat of litigation arising many years after an alleged discriminatory practice. I believe the situation we have here, however, warrants limited extension of the statute of limitations for the plaintiffs involved. This bill does not upset the balance or rights in the cases involved—the EEOC will still have to make a determination on the legitimacy of the claim.

I urge my colleagues to join in this legislation—it not only redresses the improper extinguishment of rights, but it provides mechanisms for ensuring that this situation does not arise in the future.●

By Mr. GRAMM:

S. 2118. A bill to amend the Internal Revenue Code of 1986 to permit tax-free sales of diesel fuel for off-highway uses; referred to the Committee on Finance.

TAX-FREE SALES OF DIESEL FUEL FOR OFF-HIGHWAY USES

Mr. GRAMM. Mr. President, today I am introducing legislation which, in essence, is a companion measure to S. 2003, a bill I introduced on the first day of the current session of Congress. Both bills are designed to correct a problem created by a provision in the 1987 Reconciliation Act enacted last December.

One of the many provisions contained in the Reconciliation Act, which passed in this body during the early morning hours of December 22, requires that off-highway consumers of diesel fuel—who are exempt from the 15-cents-per-gallon excise tax—begin paying the excise tax on April 1. Technically, the consumers remain exempt from the tax and are able to file with the IRS for a refund of the taxes paid on diesel not consumed on the highway; but the bottom line is that this is effectively a new tax on many diesel consumers. At the current average price of diesel, paying the excise tax at the time of purchase means a 24-percent increase in the cost of diesel to these off-highway consumers of the fuel. The consumers must pay the tax up front, keep detailed records of the amount of diesel not consumed on the highway, file with the IRS for a refund, and then wait for the IRS to send them a check. In the meantime, the Treasury has had the interest-free use of this money—immediately increasing business costs, depriving the consumers of the right to use those funds and denying them the interest that could have been earned on those funds.

Mr. President, there are many industries which consume diesel fuel off our Nation's highways. Most of these industries have a significant presence in the great State of Texas, as well as other States. In particular, I am concerned about the effect of this burdensome new tax requirement on the oil and gas industry—an industry which is vital to our national security, yet finds itself in a struggle today. For example, drilling, well-servicing and workover rigs all consume a large amount of diesel fuel.

With the drastic decline in domestic oil exploration and production, only 34 percent of the 3,000 rigs now available—down from the 5,500 rigs available in 1983—are currently being utilized, and just 54 percent of the 6,227 well-servicing rigs are working. Now, with that industry fighting for its life, the last thing it needs is to be forced to pay a 15-cents-per-gallon tax that it does not owe. An average servicing rig consumes 24,960 gallons of diesel fuel annually, the average onshore rig uses 280,770 gallons per year, and an offshore rig will consume over 612,000 gallons of diesel fuel in a year. Paying 15 cents-per-gallon more for diesel amounts to an annual financial burden of more than $3,700 for each service rig, over $42,000 for each onshore rig, and almost $92,000 for each offshore rig. This translates into a total of $75 million of petroleum industry funds—$25 million in Texas alone—that must be paid to the Federal Government—money which will be refunded at a later date. Why should we ask the oil industry to give up $75 million a year—at a time when the industry desperately needs its resources—so that the Treasury can have interest-free use of its money?

The rig industry is only one of many which will be unduly burdened by being forced to pay up front a tax which is not owed. Other industries include the commercial marine industry, the fishing industry and the general building contractors. The legislation I am introducing today will remove the requirement that these off-highway consumers of diesel pay the diesel fuel excise tax at the time of purchase and reinstate past treatment of this tax.

Because the new tax requirement will not take effect until April 1, it is my hope that this bill, as well as S. 2003, will be passed by Congress very soon so that the rig operators, shrimpers, water carriers, and other off-highway diesel fuel consumers—as well as the ranchers and farmers covered under S. 2003—will never have to go through the grueling process of paying a tax they do not owe and then filing, and waiting, for a refund from IRS. I urge my colleagues to join me in supporting removal of this new tax burden placed on these industries.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4093 of the Internal Revenue Code of 1986 (as added by section 10502 of the Revenue Code of 1987) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) EXEMPTION FOR OFF-HIGHWAY USE.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4091 on the sale of any taxable fuel for use by the purchaser in an off-highway use, or for resale by the purchaser to a second purchaser for use by such second purchaser in an off-highway use.

"(2) OFF-HIGHWAY USE.—For purposes of paragraph (1), the term 'off-highway use' means any use not as a fuel in a diesel-powered highway vehicle or a diesel-powered train.".

(b) The amendment made by subsection (a) shall take effect as if included in the amendments made by section 10502 of the Revenue Act of 1987.

By Mr. HEINZ (for himself, Mr. MOYNIHAN, Mr. DURENBERGER, and Mr. BOREN):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from income of amounts received under qualified group legal services plan; to the Committee on Finance.

TAX EXCLUSION OF GROUP LEGAL SERVICES BENEFITS

● Mr. HEINZ. Mr. President, today I am introducing legislation to make permanent the tax exclusion of group legal services benefits. In 1985, I introduced the legislation to extend this provision which was included in the Tax Reform Act of 1986.

Under current law, section 120 of the Internal Revenue Code expired on December 31, 1987. This section of the Code excluded from gross income of employees the amount of employer contributions and the value of benefits associated with employer-provided prepaid group legal services plans. This provision was originally enacted in 1976 for 5 years, and has been extended on three previous occasions. The legislation I am introducing today would make the section permanent.

The exclusion for education assistance and group legal services were originally enacted in 1978 for a temporary period in order to provide Congress with an opportunity to evaluate the use and effectiveness of the exclusions. During the tax reform debates in 1986, the Finance Committee included a provision in their bill that made the provision permanent. It was believed that the effectiveness of the group legal services provision had been clearly demonstrated. However, at conference the provision was extended only through 1987. prior to 1986, section 120 of the Tax Code has been allowed to expire twice. In 1986, the Finance Committee was concerned that the practice in prior years of temporarily extending the exclusion had led to disruption of employers' employee benefit programs. This exclusion has now been permitted to expire a third time. Previously, when it has expired we have had to retroactively reinstate the provision. We will now have to reinstate the provision retroactively one more time. The practice of retroactively extending bills is clearly untenable.

Mr. President, there is no particular reason for Congress to continue the practice of letting the tax exclusion of prepaid legal services expire. It is one of the least costly employee benefits for the Treasury and a benefit that is already fairly limited in scope. There is no cause to believe that these plans either do encourage litigation or foster conflict or could. The plans themselves typically are inexpensive for employers. The benefits provided vary by plan, but the plans most often emphasize relatively simple and routine legal services: General legal advice, assistance with real estate matters, wills, family problems, consumer and debt problems, personal bankruptcies, and representation for misdemeanors and traffic matters.

Group legal service plans provided by employers do serve a valuable social purpose. The services they provide are those which working people might otherwise not consume because of the cost. Employer provision through a prepaid plan can save employees lost time, expense and uncertainty in seeking their own legal counsel, and provide them with information which may actually reduce the need for litigation later to settle disputes.

I urge my colleagues to join me in making this provision a permanent part of the Tax Code.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GROUP LEGAL SERVICES PLANS.

(a) IN GENERAL.—Section 120 of the Internal Revenue Code of 1986 (relating to amounts received under qualified group legal services plans) is amended by striking out subsection (e).

(b) EFFECTIVE DATE.—The amendment made by this Act shall apply to taxable years ending after December 31, 1987.●

● Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleague from Pennsylvania, Senator HEINZ, in sponsoring a bill to extend permanently section 120 of the Internal Revenue Code, which provides for tax-free treatment of employer-provided group legal services. This tax treatment helps to make affordable legal services available to millions of employees nationwide. Because the provision expires at the end of 1987, the availability of legal services to these employees has been jeopardized. The bill we introduce today would make permanent this important provision.

Originally enacted on a trial basis in 1976, section 120 provides for an exclusion from an employee's taxable income for amounts contributed by an employer to qualified group legal services plans. Reimbursements to employees under such plans also may be excluded from income. The provision has been extended three times since 1976, twice retroactively after it had been allowed to expire. This is a disruptive process for a program of proven value. It is time that a permanent provision be adopted.

Over the past decade, employer-provided group legal services has grown from a relatively unknown program to one that serves millions of Americans. Since 1976, the number of employees, spouses, and dependents covered under such plans has increased from less than 25,000 to 6.2 million, according to the National Resources Center for Consumers of Legal Services.

While coverage has increased dramatically, the cost to the Treasury has not been great. The Office of Management and Budget estimates that the revenue lost to the Treasury in 1987 as a result of the provision was less than $75 million. The plans are inexpensive to employers as well—most plans cost employers less than $200 per year per employee.

One of the reasons for the program's low cost is the limited scope of the provision. Qualified group legal plans must satisfy stringent statutory nondiscrimination requirements ensuring that the benefits are aimed at lower- and mid-level employees, and do not become a perk for executives.

Group legal services enhance simple equity in our society by giving working persons who might need a lawyer the opportunity to have affordable access to one. Employees make the most use of group legal services in the area of preventive legal care—seeking advice to avoid or resolve legal problems without expensive and time-consuming litigation, or legal assistance for routine matters such as wills, divorces, real estate transactions and consumer matters.

The tax-free treatment of employer-provided group legal benefits should be maintained in order to encourage the provisions of high quality, low-cost legal services to working Americans. I urge my colleagues to support this bill, to ensure that such legal services will continue to be available.●

By Mr. MATSUNAGA (for himself, Mr. BURDICK, Mr. FORD, Mr. SHELBY, Mr. STAFFORD, Mr. INOUYE, and Mr. MOYNIHAN):

S. 2120. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

ELIMINATION OF OFFSET BETWEEN VETERANS' DISABILITY COMPENSATION AND MILITARY RETIREMENT PAY

Mr. MATSUNAGA. Mr. President, I am today introducing with the cosponsorship of Senators BURDICK, FORD, MOYNIHAN, SHELBY, STAFFORD, and INOUYE a bill to eliminate the offset, currently required by law, between military retirement pay and VA disability compensation. Similar legislation has been introduced in the House by Congressman MIKE BILIRAKIS with 203 cosponsors.

As my distinguished colleagues are aware, those who serve in the Armed Forces for 20 or more years qualify under present law for retired military pay. They also are aware that veterans who are disabled by injury or disease incurred or aggravated during active service in the line of duty, either during wartime or peacetime service, are eligible for monthly payments based upon the level of their disability. But few may know that—because the Federal Government wrongly identifies retirement pay and disability pay as compensation for the same service—military career retirees, in order to qualify for veterans' disability compensation, must deduct an amount equal to such compensation from their retirement pay. Even fewer may be aware that militiary career retirees are the only group of Federal annuitants who cannot receive concurrent disability compensation without having to pay an offset.

A simple example will illustrate the injustice that is done to disabled military career retirees. Imagine two soldiers who are injured in the line of duty. One soldier leaves after several years of service while the other makes the military a career and retires after 20 years. The disabled soldier who left the service early collects VA disability payments as well as retirement pay from either private sector or Federal employment. But the career military soldier who is disabled is required by statute to offset the disability payment from military retirement pay; he receives no separate payment for his service-connected disabilities. In other words, unlike the short timer, the disabled career soldier is required to fund his own disability benefits.

This is grossly unfair. Disabled veterans who happen to be career soldiers should be permitted to receive both full retirement pay and VA disability compensation because the two programs have two different purposes. Whereas retirement pay is paid to attract quality personnel and retain their services as a career over a long period of time, disability pay is disbursed to compensate a veteran for the pain, suffering, and loss of future earnings caused by service-related injuries or disease. Unfortunately, Federal law currently does not distinguish between the two, although it does so for other types of Federal and non-Federal service. My bill would remedy this discriminatory situation.

Mr. President, as I mentioned at the outset, the companion House bill enjoys the bipartisan support of 203 Members of Congress. In addition, 17 major veterans' and service organizations have voiced active support for the bill: the American Legion, Disabled American Veterans, Veterans of Foreign Wars, Uniformed Services Disabled Retirees, Military Order of the Purple Heart, Non-Commissioned Officers Association, Reserve Officers Association, Fleet Reserve Association, Retired Enlisted Association, Catholic War Veterans, Air Force Sergeants Association, National Military Family Association, National Association for Uniformed Services, Amvets, Retired Officers Association, American Retirees Association, and Jewish War Veterans.

I hope that my colleagues will join this distinguished group in supporting this legislation to provide equitable treatment for the thousands of disabled career military, retirees who are now suffering the shorter end of the unfair double standard.

By Mr. BRADLEY (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. MATSUNAGA, Mr. DURENBERGER, Mr. RIEGLE, Mr. CHILES, and Mr. DASCHLE):

S. 2122. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program, and for other purposes; referred to the Committee on Finance.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

● Mr. BRADLEY. Mr. President, I rise to introduce the Medicaid Infant Mortality Amendments of 1988. Joining me in introducing this legislation are Senators CHAFEE, MITCHELL, ROCKEFELLER, MATSUNAGA, DURENBERGER, RIEGLE, CHILES, and DASCHLE. This legislation amends title XIX of the Social Security Act to require States to provide health care coverage for pregnant women and very young children up to 100 percent of the Federal poverty level and to increase provider participation in the Medicaid Program.

Mr. President, one of the ways that we judge progress in a society is the health of its people—particularly through such indicators as life expectancy and infant mortality. Although we can be proud of the progress we have made in extending life, we can take no pride in our progress in protecting the lives of infants and children. It is appalling that the infant mortality rate of a nation as technologically advanced and wealthy as ours ranks so far behind most other industrialized nations.

Unless we, as a nation, take further action, the United States will have little chance of meeting the Surgeon General's goal of reducing the infant mortality rate from its current level of 10.6 deaths per 1,000 live births to 9 deaths per 1,000 live births by 1990. In recent years, we have instead seen a serious decline in the progress we had been making in reducing the rate of infant mortality. Neonatal mortality actually increased by 3 percent between 1984 and 1985 for black infants. It will be virtually impossible to reach the Surgeon General's goal unless we concentrate on eliminating the discrepancy in infant mortality rates among different segments of our population. The infant mortality rate for whites is already 9.3 per 1,000 live births, but for blacks it is a disgraceful 19.4 per 1,000 live births.

The Institute of Medicine has determined that the most critical step we can take to reduce infant mortality is to expand access to early prenatal care and services for infants in the first year of life. Quality prenatal care can reduce the incidence of low birth weight, a major contributor to infant mortality. It is also extremely cost-effective; for every $1 spent on prenatal care, $3 is saved over the first year of the infant's life. The Office of Technology Assessment recently reported that every low birthweight birth avoided by prenatal care saves the U.S. health care system between $14,000 and $30,000 in initial hospitalization and long-term costs. OTA further concluded that the health care savings from preventing low birthweight would outweigh the costs of extending Medicaid eligibility to all poor pregnant women.

Mr. President, good prenatal care is certainly an important step. But after the baby is born, developmental checkups are also essential. Because poor infants and children are more likely to start life sick and live in poor surroundings, their health problems are particularly serious. If these health problems can be detected early in life, their most serious effects can be prevented. This is good for children and it is cost-effective. While it costs only $350 a year for a young child to have full preventive health care services, 1 day in the hospital for an untreated illness costs at least $600.

Despite the obvious benefits of expanding access to health care for pregnant women, infants, and children, serious gaps in access persist. More than 11 million children are uninsured and nearly 15 million women of childbearing age have no private or Government health insurance covering maternity. Each year, 555,000 of these women give birth. Overall, 3 in every 10 women—including 1 in every 2 black women—do not receive adequate prenatal care.

Since 1984, we have been slowly moving forward to correct this unfortunate situation by expanding and strengthening public health programs for pregnant women and children. Many of us in the Senate worked hard to give States the option to expand coverage to pregnant women and children with family incomes above AFDC levels but below the Federal poverty line. At this time, 25 States and the District of Columbia are taking advantage of this option. As a result of the Bradley-Waxman initiatives contained in the Omnibus Reconciliation Act of 1987, States are further permitted to extend Medicaid coverage to infants and pregnant women with family incomes below 185 percent of the Federal poverty level and to all poor children younger than 8. I hope that States will expand their programs along these lines. Last year's Bradley-Waxman initiatives also mandated States to provide coverage through age 6 of the children added to Medicaid by the 1984 act.

These reforms, significant as they are, have unfortunately not been adopted by all States nor have they been adequate to keep pace with higher child poverty levels. There remain over 160,000 children born to poor women each year in States which do not provide access to prenatal care. In addition, more than half of all children below the poverty line remain uncovered by Medicaid.

Mr. President, Medicaid eligibility is not the only problem. Even when Medicaid coverage is available to women and children, they may not get medically appropriate services. Many health care providers are simply unwilling to serve Medicaid patients because they find Medicaid payments to be insufficient and require burdensome paperwork. Furthermore, Medicaid patients tend to fall on and off coverage so that providers are never sure whether or not they will receive any reimbursement at all.

Other Federal programs aimed at meeting the needs of pregnant women and children have also fallen short. We all know how effective the WIC Program is. Yet it serves only half of all financially eligible, nutritionally at-risk women, infants, and children. Its failure to serve the entire maternal and child health populations eligible for, and in need of nutritional supplements, in inexcusable. This problem is also addressed in this new piece of legislation.

Mr. President, my bill would do four important things for pregnant women, infants, and children: It would require that States offer Medicaid coverage to all pregnant women and infants up to 100 percent of the poverty level and it would phase in such coverage for children up through age 3; it would increase participation in the Medicaid Program among those who are Medicaid-eligible; it would provide incentives to increase provider participation in the Medicaid Program; and it would allow for Medicaid to purchase WIC services for pregnant women, infants, and children.

The esteemed chairman of the House Subcommittee on Health and the Environment, Congressman WAXMAN, is today introducing a companion bill in the House of Representatives. Joining him are Congressmen LELAND, HYDE, SCHEUER, WALGREN, WYDEN, SIKORSKI, BATES, BRUCE, Mrs. COLLINS, BOUCHER, MILLER, and DOWNEY. Congressman WAXMAN's leadership in the area of children's health issues is well known, and I look forward to working with him in our continuing effort to reach pregnant women and children with needed health care.

Mr. President, we frequently talk about the problems facing our poor. Inadequate prenatal care is among the most serious because it contributes to incidence of low birthweight infants. These low birthweight infants, if they survive, experience a range of health problems. If these health problems go unresolved, they contribute to school difficulties and failure. Children who do poorly in school are more likely to become dropouts and joint the ranks of the unemployed. And, in turn, these unemployed, undereducated and welfare dependent individuals are more likely to become teen parents who, in turn, are unable to secure prenatal care. Thus the cycle continues unabated.

Mr. President, if there ever was a place to intervene, this is it. We can have an impact on our citizens, giving them a chance to be the best they can be from the very beginning. We can no longer afford, in dollar costs or human costs, not to extend prenatal care and health services to pregnant women, infants, and young children. I strongly urge my colleagues to support this bill.

I ask that a copy of the summary of the bill appear in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MEDICAID INFANT MORTALITY AMENDMENTS OF 1988—BILL SUMMARY

The Surgeon General has established an infant mortality goal of 9 per 1,000 live births by 1990. Unless serious efforts are undertaken, the United States will fall short of this goal, and continue to have a higher infant mortality rate than most other industrialized nations. In recent years, attempts have been made to limit this tragic waste of innocent lives through modifications to the Medicaid program that expand access to health care for pregnant women, infants, and young children. Important as these reforms have been, the data on infant mortality point to the fact that significant gaps in access to health care remain. This bill attempts to close those gaps with the following provisions:

1. MANDATORY COVERAGE FOR POOR PREGNANT WOMEN AND CHILDREN

Medicaid coverage for poor pregnant women.—States are currently required to offer Medicaid coverage for prenatal care to all pregnant women who are below state AFDC income levels. States are allowed to extend coverage to pregnant women who are below 185 percent of the poverty line. To date, 25 states and the District of Columbia have elected to extend Medicaid coverage to pregnant women and infants with family incomes above AFDC levels but below the federal poverty level. There remain over 160,000 children born to poor women each year in states which do not provide access to prenatal care.

This legislation would require that all states provide Medicaid coverage to all pregnant women up to 100 percent of the Federal poverty line. As under current law, coverage is limited to pregnancy-related services.

Phase in children through age 3.—States are currently required to offer Medicaid coverage to all young children who are below state AFDC income levels. States have the option to extend coverage to all children under age 5 who are below 100 percent of the Federal poverty line. To date, 20 states and the District of Columbia have implemented the option to phase in Medicaid coverage to children over age 1 but younger than five with family incomes above AFDC levels but below the federal poverty level. There remain roughly 600,000 poor children through age three who are uncovered by Medicaid.

This legislation would require that all states extend Medicaid coverage to children born after 12-31-87 with family incomes below the poverty line, until they reach the age of four. Medicaid coverage for infants and young children would be identical to that currently offered other such assistance recipients.

In addition, the bill provides for a small change in the calculation of family income for children. Just as states determine Medicaid eligibility for pregnant women by calculating family income with either the SSI resource test or no resource test, states would now determine Medicaid eligibility for children through age 3 by calculating family income with either the SSI resource test or no resource test.

Expansion of continuation coverage.—Currently, states have the option to provide Medicaid coverage for pregnant women through the end of the 60 day period beginning on the last day of pregnancy. However, only 22 states provide this continuous coverage. In most states, pregnant women can lose their Medicaid eligibility in the middle of pregnancy. In these cases, the physician may be unable to receive compensation for the delivery of the baby. As a result, physicians are often unwilling to treat Medicaid recipients out of concern that the loss of Medicaid eligibility will lead to a loss in reimbursement for their services.

In an effort to encourage physician participation and expand access to prenatal care, this legislation would mandate states to provide continuous Medicaid coverage to women until the end of the month in which the 60 day post-partum period expires.

2. PROMOTING MEDICAID COVERAGE

Presumptive eligibility.—The Medicaid eligibility determination process is often a barrier to the timely and appropriate receipt of prenatal care. In response to this problem, states were recently given the option to provide "presumptive eligibility" for pregnant women which allows for short-term eligibility to begin at the earliest point of contact between the patient and the provider. To date, 12 states have implemented this option.

This legislation would require states to provide presumptive eligibility for ambulatory prenatal care for pregnant women. The presumptive eligibility period would be extended to 45 days or whenever the state makes a final eligibility determination, whichever is longer. During the presumptive eligibility period, a pregnant woman could receive prenatal care from private practitioners who are not qualified to do eligibility determinations.

Outreach services.—Many Medicaid-eligible pregnant women are unaware that they are eligible for Medicaid and may therefore forego appropriate prenatal care because they believe that such care is unaffordable.

States would be given the option to cover outreach services for pregnant women and children.

3. ASSURING PROVISION OF NECESSARY SERVICES

Payment for obstetrical services.—A minority of physicians and other health care providers deliver the bulk of services to low income patients. For example, one of every two physicians either does not participate in Medicare at all or it accounts for less than 10 percent of their practice. Low provider fees and programmatic complexity are the primary explanations for these low provider participation rates. The rising cost of malpractice insurance is also mentioned as a major cause of declining participation.

This legislation would codify current regulations requiring that State payments to providers for prenatal care be sufficient to enlist enough providers so that services under Medicaid are available to recipients at least to the extent that those services are available to the general population. States would have to report on Medicaid reimbursement levels and the extent of provider participation to the Secretary on an annual basis. The Secretary would then report annual compliance determinations to the Congress and sanction those states found out of compliance.

The legislation would also allow states the option of setting higher payment levels for prenatal and delivery services delivered by ob-gyns and other qualified providers (eg. family practitioners, certified nurse midwives) with practices located in rural areas.

Payment for exceptionally lengthy hospital stays.—Currently, many state Medicaid programs place limits on coverage for young children with extended or highly medically intensive hospital stays. Some place limits on the number of days for which they provide reimbursement for inpatient care, with virtually no exceptions for cases of medical necessity. Others place limits on the prospective payment Medicaid makes, with no additional coverage for high cost "outlier" cases. These benefit limitations lead to inadequate coverage for low income children with special health care needs.

This legislation would require each state, as appropriate to its Medicaid reimbursement system to establish either a mandatory override on day limits for medically necessary care or a mandatory outlier on prospective payment for the inpatient hospital care of infants in disproportionate share hospitals. Each state would have discretion in both the design of overrides/outliers and the application of a budget neutrality requirement.

4. INCREASING ACCESS TO WIC BENEFITS

Medicaid purchase of WIC services.—Currently, all Medicaid-eligible pregnant women and children are also eligible for benefits under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This program provides food assistance and nutritional screening to low-income pregnant and post-partum women and their infants as well as to low-income children up to age 5. The WIC program is aimed at women and children who are considered "at risk" for nutritionally-related medical problems. Recent evidence proves that WIC's services aid in the prevention of premature births, fetal deaths, and other problems among pregnant women and infants. Despite WIC's obvious success, WIC services are provided to only half of those who are eligible.

This legislation would make the WIC program more accessible to Medicaid-eligible pregnant women and children up to age 5 by requiring states to coordinate their Medicaid plans with the WIC program and requiring states to make information about WIC available to all pregnant women and children applying for Medicaid. In addition, state Medicaid programs would be allowed to purchase the WIC food package for Medicaid-eligible pregnant women and children. Medicaid recipients would be certified for the WIC program in the same manner as all other WIC applicants.●

● Mr. MITCHELL. Mr. President, I am pleased to join with my colleague from New Jersey, Senator BRADLEY, in introducing the Medicaid infant mortality amendments. This important legislation will require that all States provide Medicaid coverage to pregnant women and young children through age 3 up to 100 percent of poverty.

This bill expands upon the significant improvement in Medicaid coverage for pregnant women and children which were included in last year's budget reconciliation bill. That legislation gave States the option of providing Medicaid coverage to pregnant women and young children up to 185 percent of poverty. Thus far, 24 States and the District of Columbia have elected to expand Medicaid coverage under this provision.

The issue of infant mortality is a critical one in our society.

The Children's Defense Fund document entitled, "The Health of America's Children," reports that during the 1950-55 period, the United States ranked sixth best on infant mortality among 20 industrialized countries. By the 1980-85 period, the Nation had fallen to a tie for last place among the same countries.

Very little improvements in the rates of infant mortality is evident in recent years. In 1984, the percentage of women who received either no prenatal care or none until the seventh month or later did not decline at all from the 1983 figure of 5.6 percent. 1984 was the fifth consecutive year during which the percentage of babies born to mothers who received late or no care worsened or failed to improve.

The Institute of Medicine has determined that the most critical step we can take to address infant morality is to expand access to early prenatal care and services for infants in the first year of life. The IOM determined that quality prenatal care could reduce the incidence of low brithweight babies by 15 percent among white infants and 12 percent among black infants.

They also found that this approach is extremely cost effective; for every $1 spent, $3 would be saved in the first year of the infant's life, and saves up to $11 in total medical expenses over the lifetime of the child.

The legislation we are introducing today will continue to build upon the improvements in services for low-income pregnant women and their babies enacted last year. In addition to expanding Medicaid coverage for these women, the bill also includes provisions which will provide incentives for physicians to treat Medicaid-eligible pregnant women.

The bill also includes provisions which will mandate States to provide continuous Medicaid coverage to women 60 days post-partum and make the WIC Nutrition Program more accessible to Medicaid-eligible pregnant women and children.

I look forward to working with Senator BRADLEY and others to see that this important legislation is enacted in the very near future. This modest expansion of Medicaid dollars represents a prudent investment which will have a significant and long lasting effect upon the health and the future of the Nation's poorest children.

I urge my colleagues to support this important bill.●

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. SIMON, Mr. DASCHLE, and Mr. CONRAD):

S. 2123. A bill to provide hunger relief, and for other purposes; referred to the Committee on Agriculture, Nutrition, and Forestry.

EMERGENCY HUNGER RELIEF ACT

Mr. KENNEDY. Mr. President, I am pleased to join with Senators LEAHY, SIMON, DASCHLE, and CONRAD in introducing the Emergency Hunger Relief Act of 1988. A war on hunger was waged successfully in the 1960's and 1970's—but it has been lost in the 1980's, a casualty of both a harsh recession and harsh budget cuts. Since 1981, Federal spending on nutrition programs, adjusted for inflation, has increased by less than 1 percent. During the same period, the number of Americans in poverty increased by 3 percent—or over half a million people. Between 1986 and 1987 alone, demand for emergency food services increased in 24 major cities by an average of 18 percent.

By the mid-1970's, hunger had essentially been eradicated in America. But in 1985, the Harvard Physicians' Task Force estimated that as many as 20 million Americans suffer from hunger for some portion of each month. The measure we are introducing today is designed to be a new declaration of war on hunger, and this time we intend to see that the war stays won.

The bill we are introducing today, the Emergency Hunger Relief Act of 1988 strengthens, four basic Federal programs—food stamps, school breakfasts, child care food, and summer food service. It will significantly improve the nutritional content of the meals for food stamp recipients, and it will strengthen our essential child nutrition programs.

The current Food Stamp Program began in 1961 as a pilot project in one of President Kennedy's first executive orders. Since that time, food stamps have become a lifeline for the hungry—nearly 19 million Americans were served in 1987. In spite of the large number of people served, the program is still far from successful, because its benefits are far from adequate.

For the vast majority of recipients, food stamps run out well before the end of the month. Millions of other needy citizens would be eligible for food stamps, but they do not know that they are eligible, or how to apply. Increasing numbers of poor Americans are forced by the high cost of housing to choose between decent shelter and food stamps. Others, who have been forced to move in with relatives because they have lost their home or apartment, find their food stamp benefits reduced or terminated.

The bill we are proposing deals with these problems in the following ways:

It increases the basic food stamp benefit amount.

It restores food stamp information activities and targets those services to the most vulnerable Americans: low income workers with children, the homeless, the disabled, the elderly and those in rural areas.

It phases out the excess shelter cost deduction cap so that recipients can spend a more realistic portion of their income on housing before their food stamps are reduced.

It changes the household definition so that recipients who move in with relatives will not lose their benefits.

In addition to these essential reforms in food stamps, the bill makes a number of improvements in other nutrition programs:

It reauthorizes the Temporary Emergency Food Assistance Program and ensures that surplus commodities will continue to be made available to the homeless and other low income Americans.

It increases the reimbursement for school breakfasts by 3 cents a meal, so that schools can serve more nutricious breakfasts to poor children.

It allows centers participating in the child care food program to serve children an additional meal.

It permits nonprofit organizations to administer the Summer Food Service Program, so that greater assistance will be available to poor children when school is out.

The changes we are proposing will take place over the next 5 years. We estimate that the bill will cost $300 million in fiscal year 1989, rising to $900 million in 1993.

We are well aware that scarce Federal dollars limit our ability to fight hunger as effectively as we would like. But we believe that the war on hunger deserves the highest priority in domestic spending, and we intend to work with our colleagues to see that this priority is met.

We could obviously do more. But we cannot afford to do less. America needs effective national leadership against hunger—and this measure will provide it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2123

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Hunger Relief Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

SUBTITLE A—FOOD STAMP PROGRAM

Sec. 101. Low cost food plan.
Sec. 102. Relatives living together.
Sec. 103. Categorical eligibility.
Sec. 104. Income standards of eligibility.
Sec. 105. Excess shelter expense deduction.
Sec. 106. Reporting requirements and calculation of household income.
Sec. 107. Limitation on resources.
Sec. 108. Value of allotment.
Sec. 109. Benefits for households subject to prorating.
Sec. 110. Food stamp information activities.
Sec. 111. Extension of homeless amendments.

SUBTITLE B—RELATED PROGRAMS

Sec. 121. Temporary emergency food assistance program.
Sec. 122. Community food and nutrition program.
Sec. 123. Study of special diets.

TITLE II—CHILD NUTRITION PROMOTION

Sec. 201. Exclusion of foster care and adoption assistance from income under the food stamp program; removal of obsolete reference.
Sec. 202. Improvement of school breakfast program.
Sec. 203. Restoration of private nonprofit organizations under the summer food service program for children.
Sec. 204. Addition of one snack or one meal to the child care food program.
Sec. 205. Technical correction relating to income guidelines for free lunches.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) millions of Americans face hunger several or more days each month due to the fact that—

(A) one in every five American children is poor (using the United States Census definition for the most recent year for which dates are available), and almost one of every two black children and two of every five hispanic children are poor;

(B) the demand for emergency food assistance is increasing, and the majority of those requesting emergency food assistance in major cities are families with children;

(C) participation in the food stamp program has declined in this decade, despite an increase in the number of poor Americans, and barriers to participation in the food stamp program are contributing to the growth of domestic hunger;

(D) food stamp benefits are based on the lowest cost food plan devised by the United States Department of Agriculture and the benefit level makes it difficult for most poor families to achieve a minimally adequate diet;

(E) the Department of Agriculture estimates that low-income children receive a substantial portion of their daily food from meals served in schools under the National School Lunch Act, yet during the summer months, only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program;

(F) only one fourth of the low-income children who participate in the school lunch program participate in the school breakfast program; and

(G) over half of our children under age 6 now have mothers that work outside of the home, and those children need high-quality child care services and nutrition to be prepared to do well in school and eventually lead productive adult lives;

(2) as a matter of national public policy, the health and nutritional status of low-income Americans (particularly vulnerable groups such as women of child-bearing age, children, and the elderly) should be protected;

(3) low-income people in need should have information about and access to Federal food and nutrition programs; and

(4) freedom from hunger and undernutrition is a basic human need, and food and nutrition programs are essential to enhance the health of the Nation.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

SUBTITLE A—FOOD STAMP PROGRAM

SEC. 101. LOW COST FOOD PLAN.

(a) FOOD PLAN DEFINITION.—Section 3(o) of such Act (7 U.S.C. 2012(o)) is amended—

(1) by striking out "Thrifty" and inserting in lieu thereof "Low cost";

(2) in the first sentence, by inserting after "calculations" the following: "published and distributed in April, 1983"; and

(3) by striking out "thrifty" each place it appears and inserting in lieu thereof "low cost".

(b) VALUE OF ALLOTMENT.—Section 8(a) of such Act (7 U.S.C. 2017(a)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

(c) CONFORMING AMENDMENT.—Section 21(b)(2)(C)(ii) of such Act (7 U.S.C. 2030(b)(2)(C)(ii)) (as added by section 1509 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

SEC. 102. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "or (2)"; and

(2) by striking out ", or (3)" and all that follows through "disabled member".

SEC. 103. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 104. INCOME STANDARDS OF ELIGIBILITY.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)) is amended by inserting after the paragraph designation the following: "in the case of a household that includes an elderly or disabled member,".

SEC. 105. EXCESS SHELTER EXPENSE DEDUCTION.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended after "respectively," the following: "plus an additional $10 for each such jurisdiction for each adjustment period,".

SEC. 106. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) CALCULATION OF HOUSEHOLD INCOME.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a prospeective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month"; and

(2) in paragraph (4), by striking out the second sentence.

(b) OPTIONAL MONTHLY REPORTING.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting of households—

"(i) in which all members are migrant or seasonal farm workers;

"(ii) in which all members are homeless individuals; or

"(iii) that have no earned income and in which all adult members are elderly or disabled members.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations."; and

(2) by striking out paragraph (5).

(c) MONTHLY NOTICE.—Section 6(c)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month with an appropriate, simple form for making its required reports together with clear instructions explaining how to complete the form and its rights and responsibilities under the monthly reporting system".

SEC. 107. LIMITATION ON RESOURCES.

The second sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by inserting after "$4,500" the following: "(adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12 months ending the preceding June 30)".

SEC. 108. VALUE OF ALLOTMENT.

Clause (2) of the last sentence of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking out "following any period" and inserting in lieu thereof "that applies following any period of more than 30 days".

SEC. 109. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) (as amended by section 109 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so designated), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) A household applying after the 15th day of the month or similar period shall be entitled to receive, in lieu of its initial allotment and its regular allotment for the following month or period, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

SEC. 110. FOOD STAMP INFORMATION ACTIVITIES.

(a) AUTHORITY.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) inform low-income households containing members who are homeless individuals, elderly or disabled members, low-income workers with children, or residents of rural areas (and, at the option of the State, other low-income persons) about the availability, eligibility requirements, application preocedures, and benefits of the food stamp program, including notification to recipients of aid to families with dependent children, supplemental security income, and unemployment compensation, distribution of application forms and associated information about filling out such forms (including information about the documentation required pursuant to paragraph (3)), and".

(b) ADMINISTRATIVE COSTS.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 111. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

Subtitle B—Related Programs

SEC. 121. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) AUTHORIZATION.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 813 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990".

(b) LOCAL SUPPORT.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 is amended by striking out "20" and inserting in lieu thereof "50".

(c) NOTICE OF AVAILABILITY OF COMMODITIES.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(b)(2) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal year 1990".

(d) PROGRAM TERMINATION.—

(1) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(a) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "1988" and inserting "1990".

(2) CONFORMING AMENDMENT.—Section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 812 of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

SEC. 122. COMMUNITY FOOD AND NUTRITION PROGRAM.

(a) PROGRAMS.—Section 681A(a) of the Community Services Block Grant Act (42 U.S.C. 9910a(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and "; and

(3) by adding at the end thereof the following new paragraph:

"(4) to develop innovative approaches at the State and local level to improve the nutritional content of meals consumed by low-income people that are home bound due to debilitating diseases or conditions.".

(b) AUTHORIZATION.—Subsection (c) of section 681A of such Act is amended to read as follows:

"(c) There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1988 through 1993.".

SEC. 123. STUDY OF SPECIAL DIETS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) conduct a study, by contract with the National Academy of Sciences—

(A) to identify which kinds of medical conditions commonly suffered by members of households participating in the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) require such members to follow special diets;

(B) to determine the incidence of each medical condition identified under subparagraph (A) among members of households that are eligible to participate in the food stamp program;

(C) to determine the estimated costs that would be incurred by households (of various sizes) participating in the food stamp program, to follow special diets required by medical conditions suffered by the members of such households; and

(D) with respect to such households and each of the medical conditions identified in subparagraph (A), to determine the adjustments to the low cost of food plan that would be necessary to provide to such households allotments that take into account additional costs that would be incurred to follow special diets required by such medical conditions; and

(2) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing in detail the results of such study.

TITLE II—CHILD NUTRITION PROMOTION

SEC. 201. EXCLUSION OF FOSTER CARE AND ADOPTION ASSISTANCE FROM INCOME UNDER THE FOOD STAMP PROGRAM; REMOVAL OF OBSOLETE REFERENCE.

Paragraph (12) of section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended to read as follows: "(12) any payments made under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) or under any State or local foster care program, and".

SEC. 202. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by inserting after "3 cents" the following: ", and (effective beginning July 1, 1989) an additional 3 cents,".

SEC. 203. RESTORATION OF PRIVATE NONPROFIT ORGANIZATIONS UNDER THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) Eligible Service Institutions.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended—

(1) in subparagraph (B), by inserting ", private nonprofit organizations," after "county governments";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' includes only such organizations (including summer camps) that (i) operate at not more than 15 sites, or operate at not more than 20 sites pursuant to a waiver granted under subsection (i)(2), and (ii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) Eligible Private Nonprofit Organizations.—Section 13 of the such Act is amended by inserting after subsection (h) the following new subsection:

"(i)(1) Eligible private nonprofit organizations entitled to participate in programs under this section as service providers shall be limited to those that—

"(A) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or such unit of local government will operate a program under this section in such year;

"(B) exercise full control and authority over the operation of the food service programs under this section at all sites under their sponsorship;

"(C) provide ongoing year-round activities for children;

"(D) demonstrate adequate management and fiscal capacity to operate programs under this section; and

"(E) meet applicable State and local health, safety, and sanitation standards.

"(2) The Secretary may waive the limitation of 15 sites established under subsection (a)(1)(E)(i) and permit a private nonprofit organization under this section to operate at not more than 20 sites if such organization demonstrates to the satisfaction of the Secretary that an unmet need for such additional sites exists and that such organization has the capability to serve such additional sites.".

SEC. 204. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution or home open more than 8 hours per day, two meals and two supplements or three meals and one supplement".

SEC. 205. TECHNICAL CORRECTION RELATING TO INCOME GUIDELINES FOR FREE LUNCHES.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall become effective on October 1, 1988.

(b) Low-Cost Food Plant; Excess Shelter Expense Deduction.—The amendments made by sections 101 and 105 shall become effective on January 1, 1989.

(c) School Breakfast Program; Child Care Food Program.—The amendments made by sections 202 and 204 shall become effective on July 1, 1989.

● Mr. SIMON. Mr. President, I would like to comment in the Record on the bill known as the Emergency Hunger Relief Act of 1988. This bill seeks to restore many of the financial benefits taken from the Food Stamp Program through the Gramm-Rudman-Hollings Act. The adjustments placed in this bill are significant for two reasons. First, they symbolize our efforts to recognize and restore meaning to the assistance acts which we pass. Second, the adjustments offer improvements in our Food Stamp Program that aid families and households, children, and extend existing relief programs.

Specifically, this bill offers a 2-year extension to the Temporary Emergency Food Assistance Program [TEFAP] and reauthorizes the Community Food and Nutrition Program until 1993. In addition, the bill uses the low-cost food plan as the basis for the computation of benefits. This increases the basic amount per person, per meal by $0.02.

These are but a few examples of the adjustments made through this bill. Yet, these are ways in which a difference can be made to those who need the program most. This bill, developed by the distinguished chairman of the Committee on Labor and Human Resources, Senator Kennedy, has the support of the Illinois Catholic Charities as well as many other local and national groups. I am pleased to be one of its original cosponsors.●

Mr. HARKIN. Mr. President, I want to recognize some of my good friends and colleagues who today introduced the Emergency Hunger Relief Act of 1988. I commend them for their commitment and efforts in fighting domestic hunger. Their concern and perseverance is evidenced not only by the legislation introduced today but by their years of dedicated service to the cause of human welfare.

As a concerned citizen, I realize that hunger is more than a social blight. It is an epidemic that is robbing our country of its dignity as well as its economic potential. As chairman of the Senate Nutrition Subcommittee, I have had the opportunity to study this problem and become familiar with the resources we are using to fight hunger. As I have studied this problem, I have become intimately familiar with it and I have seen and met some of the people who participate in these programs. They have made a lasting impression on me. An elderly lady, for example, standing for hours in 4-degree weather, waiting for a food pantry to open its doors. A young child in a school lunch line. Lines of people waiting, with outstretched hands, to receive food for themselves and their families. These are real people with real needs.

Unfortunately, in these brief remarks, I can only describe in words and numbers the nature and extent of hunger in America. It is hard to talk about hunger without talking about the underlying factors which lead to hunger. They are poverty and the inability of many wage earners to earn enough money to properly feed themselves and their families. They are dislocated workers or unskilled labor just entering the job market.

Today there are over 32 million people living at or below the poverty level. The poverty level for a family of four is $11,600.

Nearly 13 million of these poor people are children. In fact, 1 in 5 children born in this country today is born into poverty.

Four and one-half million are elderly—over age 60.

About 85 percent of our Nation's poor are women, children, handicapped, or elderly.

Twenty percent of our Nation's poor are gainfully employed—but not enough to rise above poverty status.

In addition to the childrenization of poverty, a statistic in which we lead the industrialized world, and notwithstanding the tremendous social gains by women in the last couple of decades, we are witnessing the feminization of poverty. Seventy-eight percent of food stamp households are headed by women and over 80 percent of food stamp benefits go to households with children.

Many women are not trained to meet the demands of today's labor force. If they go back to college on a full-time basis to try to improve job skills, they lose their food stamp eligibility. If they have children, the cost of child care may eliminate potential food stamp benefits. Hence some food stamp restrictions work against the very objectives of the Food Stamp Program, namely to help people help themselves.

Let me address the adequacy of existing food assistance programs. They are basically good programs—they do a tremendous amount of good but they are woefully inadequate. I mentioned our 32 million people now living in poverty.

Food stamps reach only 19 million of these people and it provides an average of only $0.51 per person per meal.

WIC, the most efficient and economical of the food assistance programs, reaches only 40 percent of eligible persons. Who goes unserved? Children, ages 1-5, are the lowest priority. We reach less than a third of eligible children.

I could go on: I could talk about the underutilized School Breakfast Program. I could talk about the many recipient agencies—State human services offices, food banks and pantries—that have contacted me about the loss of many TEFAP commodities. I could address the cap on bonus commodities for the School Lunch Program and the real economic loss this program will suffer as a result. In my own State of Iowa, school officials have told me that a $0.03 increase in the price of school lunches will mean a 3-percent decline in participation, which could in turn necessitate a further increase in the cost of the school lunch. Suffice it to say that our supplies do not match our needs and those who suffer are generally not able-bodied men who simply refuse to work.

My message then is brief. When it comes to food assistance programs, let us not be penny-wise and pound-foolish. It is a waste of our Nation's resources to starve so many who ought and want to be productive citizens. We need to train these people not kick them off the Food Stamp Program when they seek to develop job skills or productive employment. Nor should we withhold our resources from those unable to provide for themselves such as the handicapped, the elderly and children. With regard to children, we will far outspend any perceived savings in the WIC Program by increased medical bills within a year or so after an infant is born.

As chairman of the Subcommittee on Nutrition, I can say that this issue will receive a high priority. I will be studying this bill as well as other antihunger measures in the upcoming weeks. I look forward to working with my colleagues on this legislation and commend them for their efforts.●

By Mr. BOSCHWITZ:

S. 2124. A bill to expand the availability of child care, and for other purposes; to the Committee on Finance.

CHILD CARE AND NUTRITION ENHANCEMENT ACT

● Mr. BOSCHWITZ. Mr. President, today I am introducing the Child Care and Nutrition Enhancement Act of 1988. This bill is a broad-based approach to the problems of child care, one that provides Federal assistance to States without imposing a heavy burden of Federal regulation.

This is not a new issue for me. On the Nutrition Subcommittee, I have worked for years to support and improve the Child Care Food Program, the largest single child care program in the Federal budget today. This bill works to make further improvements in that program, and I will use my position on the Agriculture Committee to push those changes.

This bill has some broad characteristics. First, it provides resources to the States to improve both the quantity and quality of child care services. States can use their matching grants to supplement current subsidies and bolster programs like resource and referral centers. In addition, competitive grants provide an incentive for States to develop innovative new approaches to child care.

Second, it keeps Federal regulations at an absolute minimum. I do not want to lay burdensome new regulations on child care providers, regulations that would raise the cost of child care and create a huge new Federal bureaucracy. In addition, a new flood of Federal regulations would be especially burdensome for the small child care providers, those who run family daycare homes in neighborhoods across America. We must not spawn a new Federal bureaucracy which would make it impossible for those providers to exist.

Child care needs to be responsive to local needs, not Federal regulations. States should be free to develop programs that fit their unique situations. Communities should be able to design standards that respond to their particular needs. All providers, both, family daycare homes and larger daycare centers, should receive meaningful assistance and support.

Third, this bill is responsible fiscally. Through reform in the dependent care tax credit, we make substantial savings in the Tax Code. These savings help fund the new programs and tax credits established by the bill. Through reform in an existing credit, the bill can fund new incentives for child care providers and provide greater assistance to low- and middle-income families—without an unmanageable increase in Federal spending.

Title I of the bill authorizes block grants of $350 million per year for the next 3 years. These grants will be allocated to the States to support and expand programs like sliding fee subsidies, resource and referral centers, training and accreditation programs, and information services. States must provide assurances that these funds will supplement, and not supplant, existing non-Federal sources.

Title I also authorizes a total of $50 million over the next 3 years in competitive grants. These grants will be an incentive to States to develop new programs that would have a national significance and, when copied, would further the objectives of this act.

Title II makes important improvements in the Child Care Food Program. By increasing the breakfast reimbursement by 3 cents, it allows providers to increase the nutritional quality of their meals. In addition, as child care hours often extend over an entire day, my bill will not reimburse providers for an additional meal or snack.

Title III establishes a tax credit for providers who want to provide child care in their homes. Because licensing requirements often involve modest structural changes in a home, this title establishes a tax credit for those needed improvements. Providers will receive a credit of 20 percent, up to a maximum of $1,000, to make improvements that are needed to become licensed.

Title IV establishes an investment tax credit for businesses who establish an on-site child care facility. In addition, when a number of businesses cooperate to establish an off-site child care facility, they will be able to take advantage of this same credit. Many businesses have already discovered the feasibility and importance of providing on-site child care. This credit will help businesses to expand that service for their employees.

Title V reforms the dependent care tax credit, making it more useful to those with lower incomes and phasing it out for those with higher incomes. For those with limited tax liability, the credit is now made refundable. For those with one child, the credit is phased out between $35,000 and $45,000. For those with two or more children, the credit is phased out between $45,000 and $55,000. These changes in this credit will result in substantial savings, so that this bill is almost self-liquidating.

Title VI requires the Department of Health and Human Services to examine the current problems in child care. Besides examining the demographic and societal trends that are increasing the need for child care, it will focus special attention on ways that we can provide assistance to those parents who want to care for their children in their own homes.

Child care is a pressing problem that calls for a response from Congress, but it must be a response that does not generate stacks of new Federal regulations or take child care out of the homes of the local neighborhoods. I look forward to working with my colleagues on this issue in the weeks and months ahead.●

By Mr. WILSON (for himself, Mr. HELMS, Mr. DECONCINI, Mr. D'AMATO, Mr. DOMENICI, Mr. WALLOP, Mr. SYMMS, Mr. MCCLURE, and Mr. HECHT):

S. J. Res. 268. Joint resolution disapproving the certification by the President under section 481(h) of the Foreign Assistance Act; to the Committee on Foreign Relations.

DISAPPROVAL OF PRESIDENTIAL CERTIFICATION OF MEXICO

Mr. WILSON. Mr. President, I send a joint resolution to the desk. Let me, before giving it to the clerk, announce that I am joined in cosponsorship of this Senate joint resolution by Senators HELMS, DECONCINI, D'AMATO, DOMENICI, WALLOP, SYMMS, MCCLURE, and HECHT.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. WILSON. I thank the Chair.

Mr. President, I rise in support of the joint resolution and wish to make a statement on behalf of myself and the cosponsors. I am very pleased to enjoy the support and the cosponsorship of the Senators whose names I have read. They are a commendable group of public servants who have shown real leadership on this floor in the fight against drug abuse and all of the evils that flow from it.

Mr. President, I rise in submitting this resolution to perform what is a very unpleasant but, necessary duty. This resolution disapproves the Presidential certification that the Republic of Mexico is in full cooperation with lawenforcement efforts to eradicate illicit narcotics as required by the Antidrug Abuse Act of 1986.

Mr. President, let me at the outset make a personal observation, one I made about this time last year on the floor of the Senate. I suspect that even more than any other Senator on this floor, I have enjoyed a special relationship with the Republic of Mexico and with a number of its citizens. I had the good fortune for the 11 years that I was mayor of San Diego and for 5 years before that in the State legislature to work very closely with Mexican officials particularly as a member of the Commission of the Californias, where, we made some progress on this seemingly intractable problem of drug abuse. We recognized then that it was an international problem, and we now have even more evidence of the worldwide magnitude of this disease

As mayor of San Diego, I had frequent exchanges with a succession of mayors of Tiajuana, the city with whom San Diego shares the busiest international crossing in the world, and with a succession of Governors of the State of Baja, CA. Those relationships were personal; they were warm. The exchanges which we had were not purely symbolic; they were substantive in many cases. San Diego cooperated with local officials on the Mexican side of the border to achieve our common goals in municipal planning and regional environmental planning. We frequently gave assistance in the area of fire protection. We extended sewer and water capacity, and the Commission of the Californias was instrumental in finding the source of a poison that had threatened Mexican citizens as the result of a pesticide that contaminated a drain supply in Baja, CA.

More to the point, Mr. President, I must say that I have been privileged to serve with my distinguished friend and colleague, the senior Senator from Texas, as the cochairman of a CSIS congressional study group on Mexico. The Center for Strategic and International Studies at Georgetown University, correctly recognizing that the United States has with Mexico more intimate contacts than with any other nation, has chartered this study group for Members of Congress to have the benefit of information and expert opinion from both sides of the border on very difficult economic challenges confronting our two nations

The list goes on and on, Mr. President. But all of the bright opportunities that exist are threatened by a cloud upon the horizon of our future relationship. That cloud, to put it simply and bluntly, is the fact that Mexico is the point of origin for or transshipment of much too much of the poison that reaches the streets of the United States, making life unnecessarily dangerous and difficult both for thousands of American communities.

It is not a purely internal concern of Mexico, Mr. President, when corruption in Government and in law enforcement there jeopardizes the lives of United States law enforcement officers and the youngsters who die of drug overdose.

Now, that is the reason, Mr. President, I have been pressed to go forward with this unpleasant duty. The Department of State, in recommending to the President that he sign their recommended certification of Mexico as being in full cooperation with drug eradication efforts, has been a disservice.

Let me first state the requirements of law. As amended by section 2005 of the Antidrug Abuse Act of 1986, the Foreign Assistance Act requires the President to provide Congress with an annual report on whether 19 drug-producing nations have cooperated fully with the United States or taken adequate steps on their own to prevent the cultivation, manufacture, sale, and traffic of illegal drugs. The President's report must also include an evaluation of the legal and law enforcement steps these countries have taken to control the laundering of drug-related profits. And if the President finds that any of the nations cited in the law have not adequately cooperated with the United States or if Congress passes a joint resolution disapproving a Presidential certification, then the country in question loses 50 percent of its U.S. foreign assistance.

Decertification by either the President or the Congress also requires the American directors of the International Development Bank to vote against any loans to the offending government. If Congress passes a joint resolution of disapproval, the President may submit a recertification invoking American security, vital national security interests in order to provide that foreign assistance notwithstanding the disapproval, or the lack of certification of that nation as being in full cooperation. This recertification must be approved by both Houses of the Congress.

Mr. President, last year several Members of Congress opposed decertification because they did not want to set a precedent of linking U.S. foreign aid exclusively with the Nation's Drug Enforcement Program. That obviously was inconsistent with the fact that at a moment when public outrage had reached a fever pitch, when it was manifest as the leading issue causing discontent with all levels of government by American citizens, in the summer of 1986, the Congress passed a bill which actually produced some very useful mechanisms for those on the firing line in waging the war on drugs. But even so, for those Members reluctant to hinge our foreign assistance upon the performance of drug-producing nations, the President, if he believes that vital national interests require it, may submit a recertification to provide the total foreign assistance package.

Therefore, the certification law, if properly enforced, does not arbitrarily penalize or bash a country for its faulty record on controlling the growth in traffic of narcotics. To the contrary, it gives Congress and the administration an opportunity to very carefully scrutinize and to improve the performance of foreign governments to arrest the supply of illegal drugs at its source. And there are two parts to this problem, Mr. President. Let there be no doubt about that.

Let us stipulate at the outset that we have not done enough in this country to curb demand. I count that as a painful failure in the extreme. Twenty years ago, when I first ran for the State legislature, I proposed a program to educate American youth so that they formed an informed choice and avoid perilous experiments that threaten their lives as well as the cohesion of their families. We have not done a sufficient job on curbing demand and we must do so.

But, Mr. President, when the President of Mexico says that Mexico has not created the American appetite for dangerous drugs, he is quite right, but that is no adequate response. Mexico may not have created that appetite but it has fed it, and the problem of curbing demand, while it deserves far greater attention than we have given, is not something that can be totally divorced from the supply side.

It is true that we will not sufficiently curb demand without greater efforts, but we will not adequately focus on that question if we allow the unfettered kind of traffic that has brought more and more drugs to the streets of America's communities, and more and more drugs to our schoolyards. It is not an adequate response.

Focusing on the State Department's 1988 report, let me simply say that as opposed to last year, the State Department's 1988 certification of Mexico takes a more diplomatic and more politically sophisticated approach. It stresses a number of genuine improvements in the Mexican drug program.

Let me also stipulate, Mr. President, that there are a number of courageous and honest law enforcement agents in the Republic of Mexico. All too many, sir, have lost their lives in making this fight against dangerous drugs. But that in no way unhappily offsets the pervasive corruption that has permitted Mexico to become a portal through which has flowed at least a third of the marijuana, the cocaine and the heroin that has contaminated the communities of this Nation.

So the State Department, while it stresses a number of genuine improvements in the Mexican drug programs, makes no response to the overall inadequacy of that Mexican governmental performance. It remains clear that Mexicans have not met the standards of the full cooperation required under the terms of the Antidrug Abuse Act.

Let me emphasize here, Mr. President, we are not talking about an effects test. We are not measuring the adequacy of the effort by the results that it has achieved. What we are measuring is the adequacy of the effort made, and that effort has been inadequate. It has by no means reached the point that we could dignify it as full cooperation required under the law.

In its very own report, the State Department provides abundant evidence for a recommendation contrary to that which they gave. Let me quote just a few of the points from the State Department report which undermined the validity of its recommendation.

> The Mexican Government has turned down a U.S. request for unrestricted access to Mexican airspace to permit the pursuit of suspected drug-carrying craft.

This is the so-called hot pursuit provision which we have been granted by the Bahamians. Indeed, one of the successes of our program has been that Bahamian and American officers have pursued suspected smugglers into the Bahamas, and they have made countless arrests. The Bahamian government could just as easily assert sovereignty as a bar to our hot pursuit. But they have not done so, recognizing the need for international cooperation to deal with the international drug menace.

No. 2, and I quote from the State Department's report:

> The Mexican Government's cooperation with the U.S. Government investigation of the Camarena case has not been at the level of which Mexico is capable.

Mr. President, this assessment is a euphemism that should get a prize. It is, I think, so gross an understatement of the inadequacy of the response in the case of the kidnaping and torture-murder of U.S. Drug Enforcement Administration Agent Enrique Camarena, that it insults the intelligence of the Members of this body.

No. 3:

> U.S. officials report that the levels of U.S.-bound cocaine transiting Mexico have significantly increased, and that Mexico represents a major transit point for cocaine from South America.

No. 4:

> Documented violations of Mexican law enforcement officials are becoming more prevalent.

No. 5:

> Corruption exists in the Mexican government bureaucracy and many corrupt officials are not prosecuted.

No. 6:

> There is no indication that the level of narcotics-related corruption has diminished, either in absolute terms or in its impact on programs.

No. 7:

> No data is available on the extent of money laundering in Mexico. Mexican banks, all but two of which are nationalized, do not provide information to the U.S. on their activities.

No. 8:

> Mexico needs to further strengthen its criminal justice system and enforce existing laws in order to carry cases from arrest through conviction to imprisonment.

Mr. President, there is additional evidence from the Customs Service.

United States Customs still does not have reconnaissance privileges within Mexican airspace they have asked for. In addition, promises by the President of Mexico to dismiss corrupt officials within the Mexican Customs Service have not materialized.

United States Customs reports that "there is no evidence that the Government of Mexico is taking those steps necessary to destroy the infrastructure of the narcotics trafficking trade."

This assessment would clearly place the Mexicans in violation of the Anti-Drug Abuse Act of 1986, which mandates "full cooperation" in the areas of limiting both the international traffic of narcotics and the laundering of drug-related profits.

United States Customs has described cooperation in the exchange of intelligence information on traffickers and growers as "greatly lacking." The information is particularly inadequate on gun and ammunitions smuggling, shipping and cargo firms, and foreign dealers who operate in Mexican territory.

A January 1988 report of the GAO concluded that the Mexican Drug Eradication Program suffers from inefficient management and maintenance, a shortage of personnel, and lack of agreement with United States experts on program goals and standards.

GAO also affirmed that the Mexican Attorney-General's air fleet, largely purchased and maintained at United States expense, did not meet United States expectations in 1987-88. Flight hours decreased far below what the United States had recommended and expected.

Finally, GAO faulted the Mexicans for collecting an unreliable and inadequate amount of information on the narcotics crop cultivation base as a prelude to developing eradication strategies and consulting with United States law enforcement agents.

What the Mexican Army does by way of eradication, we do not know, because they do not permit access by our agents to their staging grounds.

In a February 23, 1988, letter to Assistant Secretary of State Ann Wrobleski, Customs Commissioner von Raab wrote:

> Mexican corruption has effectively precluded our working with Mexican authorities on narcotics interdiction, and inordinately increased the level of resources we are forced to commit to the Southwest border. Further, the amount of drugs entering the United States through Mexico continues to steadily climb.

Mr. von Raab also maintained that "powerful Mexican officials are providing safe havens to drug traffickers and making it possible for narcotics to be smuggled into and out of Mexico with impunity."

The conclusion of all this evidence is that Mexico has made an insufficient effort. They have made some progress, and we must applaud them for it, but it is inadequate in fulfilling most of the criteria for cooperation set forth in the Anti-Drug Abuse Act. And we cannot simply wink, Mr. President, at the requirements of our own law.

We are talking about the future of this country. We are talking about ways to measure the harmful impact of drugs in the workplace and the cost in lost productivity and wasted lives. But there are two statistics which I find overriding all others in importance.

It does not have to do with the increase in drug-related violent crimes, or the growth in the number of court judges, probation officers, and prisons. It has to do with the number of young American drug enforcement agents who have left behind widows and families to whom we provide a grossly inadequate survivor benefit, and it has to do with the number of young Americans who die by drug overdose.

Diplomatic niceties be damned, Mr. President. We are talking about something infinitely more important. The full cooperation which U.S. law demands, the U.S Senate is obliged to demand, because of the seriousness of the threat to our people.

Mr. President, I thank my friend from Indiana for his graciousness. I thank my friend from Massachusetts. I understand his impatience; but I think that, given the importance of what we are about in terms of the Senate joint resolution, it was worth interrupting even important business of the kind he wishes to move forward.

When the Foreign Relations Committee has acted on this measure, it will come before us. A privileged motion to proceed is then in order. Within 45 days of the President's submission of his certification, Congress can act to disapprove that certification. At that time, my cosponsors and I and many others, I am sure—probably including the Senator from Massachusetts—will have much to say.

We have today merely scratched the surface. But when the time to debate and vote comes upon us, we cannot turn a blind eye or a deaf ear to the mandates of our own law.

ADDITIONAL COSPONSORS

S. 709

At the request of Mr. Kennedy, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 709, a bill to impose additional sanctions against Chile unless certain conditions are met.

S. 1052

At the request of Mr. Specter, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 1052, a bill to establish a National Center for the United States Constitution within the Independence National Historical Park in Philadelphia, PA.

S. 1378

At the request of Mr. Thurmond, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 1378, a bill to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

S. 1513

At the request of Mr. Heinz, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of S. 1513, a bill to provide for the inclusion of the Washington Square area within Independence National Park, and for other purposes.

S. 1647

At the request of Mr. Chiles, the name of the Senator from Delaware [Mr. Roth] was added as a cosponsor of S. 1647, a bill to reform the laws relating to former Presidents.

S. 1761

At the request of Mr. Durenberger, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 1761, a bill to amend the Internal Revenue Code of 1986 to provide that a decedent's spouse may enter into a cash lease of farm and other real property with family members and still qualify for the special estate tax valuation of the property.

S. 2033

At the request of Mr. Thurmond, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Virginia [Mr. Trible] were added as cosponsors of S. 2033, a bill to amend title 18, United States Code, with respect to child protection and obscenity enforcement, and for other purposes.

S. 2035

At the request of Mr. Heflin, the names of the Senator from Kentucky [Mr. McConnell], and the Senator from Nebraska [Mr. Karnes] were added as cosponsors of S. 2035, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes.

S. 2042

At the request of Mr. Durenberger, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2042, a bill to authorize the Vietnam Women's Memorial Project, Inc., to construct a statue at the Vietnam Veterans Memorial in honor and recognition of the women of the United States who served in the Vietnam conflict.

S. 2062

At the request of Mr. Nickles, the names of the Senator from Alaska [Mr. Stevens], the Senator from Iowa [Mr. Grassley], the Senator from Michigan [Mr. Levin], and the Senator from Tennessee [Mr. Sasser] were added as cosponsors of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2067

At the request of Mr. Conrad, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of S. 2067, a bill to amend the Internal Revenue Code of 1986 to permit farmers to purchase tax-free certain fuels for farm use, and for other purposes.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Maryland [Ms. Mikulski], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1988 as "National Foster Care Month."

SENATE JOINT RESOLUTION 234

At the request of Mr. Thurmond, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Alaska [Mr. Stevens], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE JOINT RESOLUTION 244

At the request of Mr. Exon, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of Senate Joint Resolution 244, a joint resolution to designate the month of April, 1988, as "National Know Your Cholesterol Month."

SENATE JOINT RESOLUTION 267

At the request of Mr. Kennedy, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of Senate Joint Resolution 267, a joint resolution in support of democracy in Panama.

SENATE RESOLUTION 388

At the request of Mr. Byrd, his name was added as a cosponsor of Senate Resolution 388, a resolution expressing the opposition of the Senate to the proposed $400 million World Bank loan to restructure Mexico's steel industry.

At the request of Mr. Metzenbaum, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of Senate Resolution 388, supra.

AMENDMENTS SUBMITTED

POLYGRAPH PROTECTION ACT

QUAYLE AMENDMENTS NOS. 1475 THROUGH 1486

(Ordered to lie on the table.)

Mr. QUAYLE submitted 12 amendments intended to be proposed by him to the bill (S. 1904) to strictly limit the use of lie detector examinations by employers involved in or affecting interstate commerce; as follows:

Amendment No. 1475

On page 36, line 7 delete the matter after "ment" through "Act" on line 8.

Amendment No. 1476

On page 19, lines 18 and 19, strike out "mechanical, electrical or chemical" and insert in lieu thereof "mechanical or electrical".

Amendment No. 1477

On page 20, line 20: delete "any" and insert in lieu thereof "such employer's".

Amendment No. 1478

On page 35, line 1: delete "Secretary" and insert in lieu thereof "Attorney-General".

Amendment No. 1479

On page 33, line 20: delete "Secretary" and insert in lieu thereof "Attorney-General".

Amendment No. 1480

Beginning on page 23, strike out line 22 and all that follows through page 24, line 13.

Amendment No. 1481

Beginning on page 21, strike out line 22 and all that follows through page 22, line 3.

Amendment No. 1482

On page 19, line 12, before the period, insert the following: ", except that such term shall not include a small business that employs 50 or less full-time equivalent employees".

Amendment No. 1483

On page 19, line 12, before the period, insert the following: ", except that such term shall not include an agricultural producer".

Amendment No. 1484

On page 27, line 5, strike out "and".

On page 27, between lines 5 and 6, insert the following:

(4) if the employer learns from the investigation that a felony has been committed, the employer informs the appropriate law enforcement authority of the felony; and

On page 27, line 6, strike out "(4)" and insert in lieu thereof "(5)".

Amendment No. 1485

On page 35, strike out lines 1 through 7.

Amendment No. 1486

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Tests Conducted in Accordance With DOD Directive.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

FOWLER AMENDMENT NO. 1487

(Ordered to lie on the table.)

Mr. FOWLER submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Drug Security, Drug Theft, or Drug Diversion Investigations.—This Act shall not prohibit the use of a lie detector test by any employer authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812) to the extent that—

(1) such use is consistent with—

(A) applicable State and local law; and

(B) any negotiated collective bargaining agreement that explicitly or implicitly limits or prohibits the use of lie detector tests by such employer;

(2) the test is administered only to an employee who has, or a prospective employee who would have, direct access to the manufacture, storage, distribution, or sale of any such controlled substance;

(3) the results of an analysis of lie detector charts are not used as the sole basis on which any employee or prospective employee is discharged, dismissed, disciplined in any manner, or denied employment or promotion; and

(4) if the test is administered to a current employee—

(A) the test is administered only in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employer; and

(B) the employee had access to the person or property that is the subject of the investigation.

HELMS AMENDMENT NO. 1488

Mr. HELMS proposed an amendment to the bill S. 1904, supra; as follows:

Add at the end of the bill the following new section:

Sec. . (a) Findings.—

(1) The Senate finds that the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, With Associated Protocol, (hereinafter the "ABM Treaty" or the "Treaty") in its Article XIV, Paragraph 2, reads as follows: "Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty."

(2) The Senate further finds that such Treaty entered into force on October 3, 1972, and that the third five-year anniversary date specified by Article XIV, Paragraph 2, for the conduct of the review contemplated therein was October 3, 1987.

(3) The Senate further finds that, as a fundamental principle of the canons of legal construction, a specified number of years after a specific and determinable date means and can only mean the specified anniversary of such date and not any time during such year as may follow such date.

(4) The Senate finds further that had the Parties to the ABM Treaty intended otherwise then Article XIV, Paragraph 2, of the Treaty would have read "During the fifth year after entry into force of this Treaty," but it does not so read.

(5) The Senate finally finds that the Parties to the Treaty have not met as required by Article XIV, Paragraph 2, because the United States of American refused or neglected to meet on the date required, to wit: October 3, 1987, and that the United States, five months later, still fails or neglects to meet or even to establish a date for meeting.

(b) Taking account of the findings of this Section, it is the sense of the Senate that the United States is violating the ABM Treaty.

COCHRAN AMENDMENTS NOS. 1489 THROUGH 1491

(Ordered to lie on the table.)

Mr. COCHRAN submitted three amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

Amendment No. 1489

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

Amendment No. 1490

On page 35, strike out lines 1 through 7.

Amendment No. 1491

On page 20, line 16, strike out "section 7" and insert in lieu thereof "sections 7 and 8".

On page 24, line 19, between "Sec. 7." and "Exemptions.", insert "Governmental and Federal".

On page 26, line 16 through page 28, line 14, delete subsection "(d)" and insert in lieu thereof the following new section:

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.—

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, from filing a written statement with the Secretary of Labor certifying that it has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in Section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

On page 28, line 15, delete "Sec. 8. Restrictions on Use of Exemptions." and insert in lieu thereof the following:

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.—Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

On page 28, line 18, strike out "7(d)" and insert in lieu thereof "8".

On page 29, delete lines 1-10 and insert in lieu thereof "(b) RIGHTS OF EXAMINEE."

On page 30, line 16, strike out "described in section 8(b)".

On page 33, lines 10-12, delete "Such exemptions shall not apply unless the individual who conducts the polygraph test—" and insert in lieu thereof "An individual who conducts a polygraph test must—".

On page 33, line 13, strike out "is" and insert in lieu thereof "be".

On page 33, line 14, strike out "has complied" and insert in lieu thereof "comply".

On page 33, line 17, strike out "has successfully completed" and insert in lieu thereof "successfully complete".

On page 33, line 21, strike out "has completed" and insert in lieu thereof "complete".

On page 34, line 1, strike out "maintains" and insert in lieu thereof "maintain".

On page 34, line 3, strike out "uses" and insert in lieu thereof "use".

On page 34, line 7, strike out "bases" and insert in lieu thereof "base".

On page 34, line 11, strike out "renders" and insert in lieu thereof "render".

On page 34, line 22, strike out "maintains" and insert in lieu thereof "maintain".

On page 35, line 1, stike out "(e)" and insert in lieu thereof "(d)".

On page 35, line 8, strike out "SEC. 9." and insert in lieu thereof "SEC. 10".

On page 36, line 4, strike out "SEC.. 10." and insert in lieu thereof "SEC.. 11".

On page 36, line 9, strike out "SEC. 11." and insert in lieu thereof "SEC. 12".

BOSCHWITZ AMENDMENT NO. 1492

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR VOLUNTARY TESTS.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

COCHRAN AMENDMENT NO. 1493

Mr. COCHRAN submitted an amendment intended to be proposed to the bill, S. 1904, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMERCE.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) EMPLOYER.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) LIE DETECTOR TEST.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) POLYGRAPH.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) RELEVANT QUESTION.—The term "relevant question" means any lie detector test question that pertains directly to the matter under investigation with respect to which the examinee is being tested.

(6) SECRETARY.—THE TERM "SECRETARY" means the Secretary of Labor.

(7) TECHNICAL QUESTION.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) IN GENERAL.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) SUBPOENA AUTHORITY.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) DETERMINATION OF AMOUNT.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) COLLECTION.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) INJUNCTIVE ACTIONS BY THE SECRETARY.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) PRIVATE CIVIL ACTIONS.—

(1) LIABILITY.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such violation. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) COURT.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) Costs.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) No Application to Governmental Employers.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) National Defense and Security Exemption.—

(1) National Defense.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor such Department in connection with such activities.

(2) Security.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expect or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) Exemption for FBI Contractors.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that is has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) Obligation To Comply With Certain Laws and Agreements.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) Rights of Examinee.—

(1) Pretest Phase.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the trest may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(1) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) Actual Testing Phase.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) Post-Test Phase.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) Qualification of examiner.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simul-

taneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) Promulgation of Standards.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) In General.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) Permitted Disclosures.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) Disclosure by Employer.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) Regulations.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

NICKLES AMENDMENTS NOS. 1494 THROUGH 1504

(Ordered to lie on the table)

Mr. NICKLES submitted 11 amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

Amendment No. 1494

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the amendment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such propective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1495

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1496

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1497

At the appropriate place insert the following:

Exemption for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1498

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1499

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1500

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1501

In the amendment, strike out the number "60" the first time it appears and insert in lieu thereof the number "61".

Amendment No. 1502

In the amendment strike all after the word "exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under the rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1503

In the amendment strike all after the word "Exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance. The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

Amendment No. 1504

In the amendment strike all after the word "exemption" and insert the following: for Security Services.—

(1) In general.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 61 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) Compliance.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) Application.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

(4) Limitation.—The exemption under this section shall be subject to the restrictions provided in Section 8.

GRAMM AMENDMENTS NOS. 1505 THROUGH 1605

(Ordered to lie on the table.)

Mr. GRAMM submitted 101 amendments intended to be proposed by him to the bill (S. 1904) supra, as follows:

Amendment No. 1505

On page 36, line 13, strike "120" and insert in lieu thereof "150".

Amendment No. 1506

On page 36, line 11, strike "6" and insert in lieu thereof "12".

Amendment No. 1507

On page 34, line 24, strike "3" and insert in lieu thereof "1".

Amendment No. 1508

On page 33, line 22, strike "6" and insert in lieu thereof "5".

Amendment No. 1509

On page 33, line 13, strike "21" and insert in lieu thereof "22".

Amendment No. 1510

On page 32, line 22, strike "90" and insert in lieu thereof "60".

Amendment No. 1511

On page 23, line 3, strike "10,000" and insert in lieu thereof "5,000".

Amendment No. 1512

On page 22, line 25, strike "100" and insert in lieu thereof "50".

Amendment No. 1513

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1514

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1515

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1516

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1517

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Intrior or any employee of any contractor of such Department."

Amendment No. 1518

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1519

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1520

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1521

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1522

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1523

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1524

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1525

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1526

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Interior or any employee of any contractor of such Department."

Amendment No. 1527

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1528

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1529

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1530

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1531

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of the Treasury or any employee of any contractor of such Department."

Amendment No. 1532

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1533

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1534

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1535

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1536

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1537

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1538

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1539

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

Amendment No. 1540

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1541

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1542

At the appropriate place add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1543

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1544

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1545

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1546

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1547

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1548

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1549

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Interior or any employee of any contractor of such Department."

Amendment No. 1550

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1551

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1552

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1553

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1554

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

Amendment No. 1555

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

Amendment No. 1556

At the appropriate place, add: "Notwithstanding any other provision of this act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

Amendment No. 1557

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

Amendment No. 1558

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

Amendment No. 1559

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

Amendment No. 1560

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

Amendment No. 1561

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

Amendment No. 1562

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

Amendment No. 1563

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

Amendment No. 1564

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

Amendment No. 1565

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Agriculture or any employee of any contractor of such Department."

Amendment No. 1566

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Commerce or any employee of any contractor of such Department."

Amendment No. 1567

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Education or any employee of any contractor of such Department."

Amendment No. 1568

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Health and Human Services or any employee of any contractor of such Department."

Amendment No. 1569

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Housing and Urban Development or any employee of any contractor of such Department."

Amendment No. 1570

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Interior or any employee of any contractor of such Department."

Amendment No. 1571

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Justice or any employee of any contractor of such Department."

Amendment No. 1572

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Labor or any employee of any contractor of such Department."

Amendment No. 1573

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of State or any employee of any contractor of such Department."

Amendment No. 1574

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Transportation or any employee of any contractor of such Department."

Amendment No. 1575

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

AMENDMENT No. 1576

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

AMENDMENT No. 1577

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1578

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1579

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

AMENDMENT No. 1580

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

AMENDMENT No. 1581

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

AMENDMENT No. 1582

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

AMENDMENT No. 1583

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Board."

AMENDMENT No. 1584

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

AMENDMENT No. 1585

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1586

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Department of Treasury or any employee of any contractor of such Department."

AMENDMENT No. 1587

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Arms Control and Disarmament Agency or to any employee of any contractor of such Agency."

AMENDMENT No. 1588

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Securities and Exchange Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1589

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Nuclear Regulatory Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1590

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the National Aeronautics and Space Administration or any employee of any contractor of such Administration."

AMENDMENT No. 1591

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Reserve System or any employee of any contractor of such System."

AMENDMENT No. 1592

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Federal Emergency Management Agency or any employee of any contractor of such Agency."

AMENDMENT No. 1593

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Export-Import Bank of the United States or any employee of any contractor of such Bank."

AMENDMENT No. 1594

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the Board for International Broadcasting or any employee of any contractor of such Department."

AMENDMENT No. 1595

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States Information Agency or any employee of any contractor of such Agency."

AMENDMENT No. 1596

At the appropriate place, add: "Notwithstanding any other provision of this Act, nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to any expert or consultant under contract to the United States International Trade Commission or any employee of any contractor of such Commission."

AMENDMENT No. 1597

Strike all on page 25, line 1 through page 26, line 15 and insert in lieu thereof: "Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to any expert or consultant under contract to any Federal government department, agency or program. This subsection shall not preempt any state or local law."

AMENDMENT No. 1598

On Page 28, between lines 14 and 15, insert the following new subsection:

(e) AIR SAFETY EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any air carrier. This subsection shall not preempt any state or local law.

AMENDMENT No. 1599

Strike all on page 25, line 1 through page 26, line 15 and insert in lieu thereof: "Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function of any lie detector test to any expert or consultant under contract to any federal government department, agency or program.

AMENDMENT No. 1600

On page 36 line 7, strike all after "ment" through "Act" on line 8.

AMENDMENT No. 1601

On page 28, between lines 14 and 15, insert the following new subsection:

(e) AIR SAFETY EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any air carrier.

AMENDMENT No. 1602

On page 28, between lines 14 and 15 insert the following new subsection:

(e) COMMON CARRIER EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier, including air, water ways and rail.

AMENDMENT No. 1603

On page 28, between lines 14 and 15, insert the following new subsection:

(e) NUCLEAR POWER PLANT EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant.

AMENDMENT No. 1604

On page 28 between lines 14 and 15, insert the following new subsection:

(e) PUBLIC SAFETY AND PUBLIC TRUST EXEMPTION.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee in a position with responsibility for the health or safety, including:

(1) Welfare of children;

(2) care for the aged;

(3) protecting safety and security.

AMENDMENT No. 1605

At the end insert the following new section: Exemption For Controlled Substance Tests For Employees of Common Carriers:

(a) IN GENERAL. An employer subject to section 7, may administer a test to an employee or prospective employee of any common carrier, including air, rail, and water ways, to determine the extent to which the employee or prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the controlled substances Act (21 U.S.C. 812).

QUAYLE AMENDMENT NO. 1606

Mr. QUAYLE proposed an amendment, which was subsequently modified, to the bill S. 1904, supra; as follows:

EXEMPTION FOR PREEMPLOYMENT TEST FOR USE OF CONTROLLED SUBSTANCES

(a) IN GENERAL.—An employer, subject to Section 7, may administer a scientifically valid test other than a lie detector test to a prospective employee to determine the extent to which the prospective employee has used a controlled substance listed in schedule I, II, III, or IV pursuant to section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—

(1) ACCURACY AND CONFIDENTIALITY.—Paragraph (1) shall not supersede any provision of this Act or State law that prescribes standards for ensuring the accuracy of the testing process or the confidentiality of the test results.

(2) COLLECTIVE BARGAINING AGREEMENTS.—If prospective employees would be subject to a negotiated collective bargaining agreement, paragraph (1) shall apply only if testing is conducted in accordance with such agreement.

THURMOND AMENDMENT NO. 1607

Mr. THRUMOND proposed an amendment to the bill S. 1904, supra; as follows:

On page 28, between lines 14 and 15, insert the following new subsection:

(e) EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

NICKLES AMENDMENT NO. 1608

Mr. NICKLES proposed an amendment to amendment No. 1607 proposed by Mr. THURMOND to the bill S. 1904, supra; as follows:

In the amendment, strike all after "(e)" the first time it appears and insert in lieu thereof the following:

EXEMPTION FOR SECURITY SERVICES.—

(1) IN GENERAL.—Subject to paragraph (3), this Act shall not prohibit the use of a lie detector test on prospective employees of a private employer whose primary business purpose consists of providing armored car personnel, personnel engaged in the design, installation, and maintenance of security alarm systems, or other uniformed or plainclothes security personnel and whose function includes protection of—

(A) facilities, materials, or operations having a significant impact on the health or safety of any State or political subdivision thereof, or the national security of the United States, as determined under rules and regulations issued by the Secretary within 60 days after the date of the enactment of this Act, including—

(i) facilities engaged in the production, transmission, or distribution of electric or nuclear power;

(ii) public water supply facilities;

(iii) shipments or storage of radioactive or other toxic waste materials; and

(iv) public transportation; or

(B) currency, negotiable securities, precious commodities or instruments, or proprietary information.

(2) COMPLIANCE.—The exemption provided under paragraph (1) shall not diminish an employer's obligation to comply with—

(A) applicable State and local law; and

(B) any negotiated, collective bargaining agreement,

that limits or prohibits the use of lie detector tests on such prospective employees.

(3) APPLICATION.—The exemption provided under this subsection shall not apply if—

(A) the results of an analysis of lie detector charts are used as the basis on which a prospective employee is denied employment without additional supporting evidence; or

(B) the test is administered to a prospective employee who is not or would not be employed to protect facilities, materials, operations, or assets referred to in paragraph (1).

On page 28, lines 17 and 18, strike out "limited exemption provided under section 7(d)" and insert in lieu thereof "exemptions provided under subsections (d) and (e) of section 7".

On page 33, lines 10 and 11, strike out "Such exemptions" and insert in lieu thereof "The exemptions provided under subsections (d) and (e) of section 7".

BOSCHWITZ AMENDMENTS NOS. 1609 AND 1610

Mr. BOSCHWITZ proposed two amendments to the bill S. 1904, supra; as follows:

Amendment No. 1609

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test on an employee or prospective employee if—

(1) the employee or prospective employee requests the test; and

(2) the employer or agent administering the test informs the employee or prospective employee that taking the test is voluntary.

Amendment No. 1610

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Voluntary Tests.—This Act shall not prohibit an employer or agent of the employer from administering a lie detector test to an employee if—

the employee requests the test.

GRAMM AMENDMENTS NOS. 1611 THROUGH 1614

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill S. 1904, supra; as follows:

Amendment No. 1611

At the appropriate place, add: "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any federal government department, agency or program where a security clearance is required."

Amendment No. 1612

On page 36 line 7, strike all after "ment" through "Act" on line 8.

Amendment No. 1613

At the appropriate place, add:

"(e) Common Carrier Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102(4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight."

Amendment No. 1614

At the appropriate place, add:

"(e) Nuclear Power Plant Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prpspective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

GRAMM AMENDMENT NO. 1615

Mr. GRAMM proposed an amendment to the bill S. 1904, supra; as follows:

At the appropriate place, add:

"(e) Common Carrier Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any common carrier as defined by section 10102(4) of title 49 United States Code, including any air transportation as defined in section 101 of the Federal Aviation Act of 1958 and any other common carrier engaged in the hauling of passengers or freight."

COCHRAN AMENDMENTS NOS. 1616 AND 1617

Mr. COCHRAN proposed two amendments to the bill S. 1904, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Polygraph Protection Act of 1987."

SEC. 2. DEFINITIONS.

As used in this Act:

(1) Commerce.—The term "commerce" has the meaning provided by section 3(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(b)).

(2) Employer.—The term "employer" includes any person acting directly or indirectly in the interest of an employer in relation to an employee or prospective employee.

(3) Lie Detector Test.—The term "lie detector test" includes—

(A) any examination involving the use of any polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical, electrical, or chemical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual; and

(B) the testing phases described in paragraphs (1), (2), and (3) of section 9(b).

(4) Polygraph.—The term "polygraph" means an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards.

(5) Relevant Question.—The term "relevant question" means any lie detector test question that pertains directly to the matter under invstigation with respect to which the examinee is being tested.

(6) Secretary.—The term "Secretary" means the Secretary of Labor.

(7) Technical Question.—The term "technical question" means any control, symptomatic, or neutral question that, although not relevant, is designed to be used as a measure against which relevant responses may be measured.

SEC. 3. PROHIBITIONS ON LIE DETECTOR USE

Except as provided in sections 7 and 8, it shall be unlawful for any employer engaged in or affecting commerce or in the production of goods for commerce—

(1) directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to take or submit to any lie detector test;

(2) to use, accept, refer to, or inquire concerning the results of any lie detector test of any employee or prospective employee;

(3) to discharge, dismiss, discipline in any manner, or deny employment or promotion to, or threaten to take any such action against—

(A) any employee or prospective employee who refuses, declines, or fails to take or submit to any lie detector test; or

(B) any employee or prospective employee on the basis of the results of any lie detector test or;

(4) to discharge, discipline, or in any manner discriminate against an employee or prospective employee because—

(A) such employee or prospective employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act;

(B) such employee or prospective employee has testified or is about to testify in any such proceeding; or

(C) of the exercise by such employee, on behalf of such employee or another person, of any right afforded by this Act.

SEC. 4. NOTICE OF PROTECTION.

The Secretary shall prepare, have printed, and distribute a notice setting forth excerpts from, or summaries of, the pertinent provisions of this Act. Each employer shall post and maintain such notice, in conspicuous places on its premises where notices to employees and applicants to employment are customarily posted.

SEC. 5. AUTHORITY OF THE SECRETARY.

(a) In General.—The Secretary shall—

(1) issue such rules and regulations as may be necessary or appropriate to carry out this Act;

(2) cooperate with regional, State, local, and other agencies, and cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act; and

(3) make investigations and inspections and require the keeping of records necessary or appropriate for the administration of this Act.

(b) Subpoena Authority.—For the purpose of any hearing or investigation under this Act, the Secretary shall have the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50).

SEC. 6. ENFORCEMENT PROVISIONS.

(a) Civil Penalties.—

(1) In general.—Subject to paragraph (2)—

(A) any employer who violates section 4 may be assessed a civil money penalty not to exceed $100 for each day of the violation; and

(B) any employer who violates any other provision of this Act may be assessed a civil penalty of not more than $10,000.

(2) Determination of amount.—In determining the amount of any penalty under paragraph (1), the Secretary shall take into account the previous record of the person in terms of compliance with this Act and the gravity of the violation.

(3) Collection.—Any civil penalty assessed under this subsection shall be collected in the same manner as is required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853) with respect to civil penalties assessed under subsection (a) of such section.

(b) Injunctive Actions by the Secretary.—The Secretary may bring an action to restrain violations of this Act. The district courts of the United States shall have jurisdiction, for cause shown, to issue temporary or permanent restraining orders and injunctions to require compliance with this Act.

(c) Private Civil Actions.—

(1) Liability.—An employer who violates this Act shall be liable to the employee or prospective employee affected by such viola-

tion. Such employer shall be liable for such legal or equitable relief as may be appropriate, including but not limited to employment, reinstatement, promotion, and the payment of lost wages and benefits.

(2) Court.—An action to recover the liability prescribed in paragraph (1) may be maintained against the employer in any Federal or State court of competent jurisdiction by any one or more employees for or in behalf of himself or themselves and other employees similarly situated.

(3) Costs.—The court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(d) Waiver of Rights Prohibited.—The rights and procedures provided by this Act may not be waived by contract or otherwise, unless such waiver is part of a written settlement of a pending action or complaint, agreed to and signed by all the parties.

SEC. 7. GOVERNMENTAL AND FEDERAL EXEMPTIONS.

(a) No Application to Governmental Employers.—The provisions of this Act shall not apply with respect to the United States Government, a State or local government, or any political subdivision of a State or local government.

(b) National Defense and Security Exemption.—

(1) National Defense.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to—

(A) any expert or consultant under contract to the Department of Defense or any employee of any contractor of such Department; or

(B) any expert or consultant under contract with the Department of Energy in connection with the atomic energy defense activities of such Department or any employee of any contractor of such Department in connection with such activities.

(2) Security.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any intelligence or counterintelligence function, of any lie detector test to—

(A)(i) any individual employed by, or assigned or detailed to, the National Security Agency or the Central Intelligence Agency, (ii) any expert or consultant under contract to the National Security Agency or the Central Intelligence Agency, (iii) any employee of a contractor of the National Security Agency or the Central Intelligence Agency, or (iv) any individual applying for a position in the National Security Agency or the Central Intelligence Agency; or

(B) any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for the National Security Agency or the Central Intelligence Agency.

(c) Exemption for FBI Contractors.—Nothing in this Act shall be construed to prohibit the administration, in the performance of any counterintelligence function, of any lie detector test to an employee of a contractor of the Federal Bureau of Investigation of the Department of Justice who is engaged in the performance of any work under the contract with such Bureau.

SEC. 8. STATE CERTIFICATION OF PLANS EXEMPTION.

(a) Subject to Section 9, this Act shall not prohibit any State, or political subdivision thereof, which, at any time, desires to assume responsibility for development and enforcement therein of standards relating to the use of polygraphs by employers and polygraph examiners, shall file a written statement with the Secretary of Labor certifying that it has adopted an administrative plan to insure compliance with the standards of this Act. Such certification shall:

(1) identify the agency or agencies designated as responsible for administering the plan;

(2) describe the standards contained in the administrative plan governing polygraph examiners and the use of polygraph examinations, which standards (and the enforcement of which standards) shall be at a minimum in full compliance with the standards set out in section 9 of this Act; and

(3) explain the manner in which the standards contained in the administrative plan are being administered and enforced by the designated agency to insure compliance with this Act.

(b) The Secretary shall make a continuing evaluation of each administrative plan which has been certified as in compliance with this Act. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that the plan is not being administered in a manner that insures substantial compliance with the standards set out in this Act, he shall notify the State or political subdivision of his withdrawal of certification of such plan and, upon receipt of such notice, such plan shall cease to be in effect.

(c) Review of a decision of the Secretary to disapprove an administrative plan under this section may be obtained in the United States Court of Appeals for the circuit in which the State or political subdivision or individual examiner is located by filing a petition for review with such court within 30 days after receipt of the withdrawal of certification.

SEC. 9. MINIMUM FEDERAL STANDARDS FOR POLYGRAPH TESTING.

Each State, or political subdivision thereof, seeking to establish a polygraph testing program under Section 8 of this Act, shall certify to the Secretary of Labor that its program meets the following minimum federal standards—

(a) Obligation To Comply With Certain Laws and Agreements.—The exemption provided under section 8 shall not diminish an employer's obligation to comply with—

(1) applicable State and local law; and

(2) any negotiated collective bargaining agreement, that limits or prohibits the use of lie detector test on employees.

(b) Rights of Examinee.—

(1) Pretest Phase.—During the pretest phase, the prospective examinee—

(A) is provided with reasonable notice of the date, time, and location of the test, and of such examinee's right to obtain and consult with legal counsel or an employee representative before each phase of the test;

(B) is not subjected to harassing interrogation technique;

(C) is informed of the nature and characteristics of the tests and of the instruments involved;

(D) is informed—

(i) whether the testing area contains a two-way mirror, a camera, or any other device through which the test can be observed;

(ii) whether any other device, including any device for recording or monitoring the conversation will be used; or

(iii) that the employer and the examinee, may with mutual knowledge, make a recording of the entire proceeding;

(E) is read and signs a written notice informing such examinee—

(i) that the examinee cannot be required to take the test as a condition of employment;

(ii) that any statement made during the test may constitute additional supporting evidence for the purposes of an adverse employment action described in section 8(b);

(iii) of the limitations imposed under this section;

(iv) of the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(v) of the legal rights and remedies of the employer; and

(F) is provided an opportunity to review all questions (technical or relevant) to be asked during the test and is informed of the right to terminate the test at any time; and

(G) signs a notice informing such examinee of—

(i) the limitations imposed under this section;

(ii) the legal rights and remedies available to the examinee if the polygraph test is not conducted in accordance with this Act; and

(iii) the legal rights and remedies of the employer.

(2) Actual Testing Phase.—During the actual testing phase—

(A) the examinee is not asked any questions by the examiner concerning—

(i) religious beliefs or affiliations;

(ii) beliefs or opinions regarding racial matters;

(iii) political beliefs or affiliations;

(iv) any matter relating to sexual behavior; and

(v) beliefs, affiliations, or opinions regarding unions and labor organizations;

(B) the examinee is permitted to terminate the test at any time;

(C) the examiner does not ask such examinee any questions (technical or relevant) during the test that was not presented in writing for review to such examinee before the test;

(D) the examiner does not ask technical questions of the examinee in a manner that is designed to degrade, or needlessly intrude on, the examinee;

(E) the examiner does not conduct a test on an examinee when there is written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the test; and

(F) the examiner does not conduct and complete more than five polygraph tests on a calendar day on which the test is given, and does not conduct any such test for less than a 90-minute duration.

(3) Post-Test Phase.—Before any adverse employment action, the employer must—

(A) further interview the examinee on the basis of the results of the test; and

(B) provide the examinee with—

(i) a written copy of any opinion or conclusion rendered as a result of the test; and

(ii) a copy of the questions asked during the test along with the corresponding charted responses.

(C) Qualification of examiner.—An individual who conducts a polygraph test must—

(1) be at least 21 years of age;

(2) comply with all required laws and regulations established by licensing and regulatory authorities in the State in which the test is to be conducted;

(3)(A) successfully complete a formal training course regarding the use of polygraph tests that has been approved by the State in which the test is to be conducted or by the Secretary; and

(B) complete a polygraph test internship of not less than 6 months duration under the direct supervision of an examiner who has met the requirements of this section;

(4) maintain a minimum of a $50,000 bond or an equivalent amount of professional liability coverage;

(5) use an instrument that records continuously, visually, permanently, and simultaneously changes in the cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards;

(6) base an opinion of deception indicated on evaluation of changes in physiological activity or reactivity in the cardiovascular, respiratory, and electrodermal patterns on the lie detector charts;

(7) render any opinion or conclusion regarding the test—

(A) in writing and solely on the basis of an analysis of the polygraph charts;

(B) that does not contain information other than admissions, information, case facts, and interpretation of the charts relevant to the purpose and stated objectives of the test; and

(C) that does not include any recommendation concerning the employment of the examinee; and

(8) maintain all opinions, reports, charts, written questions, lists, and other records relating to the test for a minimum period of 3 years after administration of the test.

(D) Promulgation of standards.—The Secretary shall establish standards governing individuals who, as of the date of the enactment of this Act, are qualified to conduct polygraph tests in accordance with applicable State law. Such standards shall not be satisfied merely because an individual has conducted a specific number of polygraph tests previously.

SEC. 10. DISCLOSURE OF INFORMATION.

(a) In General.—A person, other than the examinee, may not disclose information obtained during a polygraph examiner may disclose information acquired from a polygraph test, except as provided in this section.

(b) Permitted Disclosures.—A polygraph examiner, polygraph trainee, or employee of a polygraph test only to—

(1) the examinee or any other person specifically designated in writing by the examinee;

(2) the employer that requested the test; or

(3) any person or governmental agency that requested the test as authorized under subsection (a), (b), or (c) of section 7 or any other person, as required by due process of law, who obtained a warrant to obtain such information in a court of competent jurisdiction.

(c) Disclosure by Employer.—An employer (other than an employer covered under subsection (a), (b), or (c) of section 7) for whom a polygraph test is conducted may disclose information from the test only to a person described in subsection (b).

SEC. 11. EFFECT ON OTHER LAW AND AGREEMENTS.

This Act shall not preempt any provision of any State or local law, or any negotiated collective bargaining agreement, that is more restrictive with respect to the administration of lie detector tests than this Act.

SEC. 12. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act shall become effective 6 months after the date of enactment of this Act.

(b) Regulations.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue such rules and regulations as may be necessary or appropriate to carry out this Act.

Amendment No. 1617

Beginning on page 33, strike out line 10 and all that follows through page 35, line 7.

GRAMM AMENDMENT NOS. 1618-1620

Mr. GRAMM proposed three amendments to the bill S. 1904, supra; as follows:

Amendment No. 1618

At the appropriate place, add; "Nothing in this Act shall be construed to preclude the use of a lie detector test to any expert or consultant or any employee of such expert or consultant under contract with any Federal government department, agency or program where a security clearance is required by the federal government for such expert or consultant and such expert or consultant, as a result of the contract, has access to classified and sensitive government information."

Amendment No. 1619

At the appropriate place, add:

On page 28, between lines 14 and 15, insert the following new subsection:

"(e) Nuclear Power Plant Exemption.—This Act shall not prohibit the use of a lie detector test by an employer on any employee or prospective employee of any nuclear power plant. This subsection shall not preempt or supersede any state or local law that prohibits or restricts the use of lie detector tests."

Amendment No. 1620

On page 28, between lines 14 and 15, insert the following new subsection:

(e) Exemption for Tests Conducted in Accordance With DOD Directive.—Nothing in this Act shall prohibit an employer from administering a polygraph test to an employee or prospective employee if the test is administered in accordance with Department of Defense Directive 5210.48 published on December 24, 1984.

METZENBAUM (AND OTHERS) AMENDMENT NO. 1621

Mr. METZENBAUM (for himself, Mr. Heinz, Mr. Byrd, Mr. Dole, Mr. Shelby, Mr. Hollings, Mr. Rockefeller, Mr. Glenn, Mr. Dixon, Mr. Heflin, Mr. Durenberger, and Mr. Nickles) proposed an amendment to the bill S. 1904, supra; as follows:

At the end of the Committee Amendment add the following new section:

"SEC. . MEXICO STEEL LOAN.

The Senate finds:

(1) during the past decade the United States steel industry has witnessed significant economic disruption and employment losses due to increased foreign competition;

(2) the United States steel industry has lost more than 12 billion dollars, more than half its workforce, and closed scores of plants throughout the country;

(3) in order to regain its competitive posture, the United States industry has invested more than 8 billion dollars on modernization, obtained painful wage concessions from its remaining workforce, and slashed production capacity by one-third;

(4) there are more than 200 million excess tons of steel capacity worldwide, causing severe financial strains on steel industries in many countries;

(5) the proposed loan by the International Bank for Reconstruction and Development (hereafter referred to as the "World Bank") would provide Mexico's steel companies with subsidized financing to further the glut of worldwide steel production;

(6) the proposed loan could do irreparable damage to the United States steel industry.

Therefore, it is the sense of the Senate that the proposed loan is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization; and the World Bank should reject the proposed loan.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on March 14, 1988, beginning at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on a bill currently pending before the subcommittee. The measure is:

H.R. 1860, a bill entitled the "Federal Land Exchange Facilitation Act of 1987."

For further information regarding the hearing, please contact Tom Williams of the subcommittee staff, at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to conduct an executive session on pending business (agenda attached).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 3, 1988. Oversight hearing to consider the President's proposed budgets for fiscal year 1989 for the Forest Service and the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommitte on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday, March 3, 1988, to receive testimony concerning S. 1544, a bill to amend the National Trails System Act to provide for cooperation with State and local governments for the improved management of certain Federal lands, and for other purposes; and H.R. 2652, a bill to revise boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to conduct a hearing on the fiscal year 1989 budget of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE AND SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittees on Strategic Forces and Nuclear Deterrence and Conventional Forces and Alliance Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, in closed session to review special access programs of the Department of Defense, to include the Department's assessment of the INF Treaty's possible impact on the Department's special access programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, March 2, 1988, to continue marking up the committee print No. 2 entitled the "Financial Modernization Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to hold a hearing on the impact of a new proposal by the U.S. Forest Service to govern administration of the Small Business Timber Sale Set-Aside Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 2, 1988, to receive a closed briefing from administration representatives pursuant to section 25(a)(1) of the Arms Export Control Act, covering major arms sales which are considered eligible for approval during calendar year 1988—known as the Javits report.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FUNDING CHESAPEAKE BAY CLEANUP

● Mr. SARBANES. Mr. President, I am pleased to join in cosponsoring the resolution (S. Res. 389) which calls for full funding of the Clean Water Act's Construction Grants Program as authorized by Congress. The Reagan administration's budget for fiscal year 1989 that was recently sent to the Congress would reduce funding from the $2.4 billion authorized by Congress to $1.5 billion. This program, as well as the entire Clean Water Act, is critical to the cleanup of the Chesapeake Bay and our Nation's waterways.

At the end of 1986, President Reagan vetoed the Clean Water bill which passed at the end of the 99th Congress. His primary objection was funding for the Construction Grants Program. Early in the 100th Congress, I joined with other Members of the Congress in moving swiftly to pass the Clean Water Act, once again by an overwhelming margin—the House by a vote of 406 to 8, and the Senate by a vote of 93 to 6. As this body knows, the President once again vetoed the Clean Water Act; and the Congress quickly and decisively overrode his veto on February 4, 1987.

It is certainly clear that Congress strongly supports the Construction Grants Program. It is also clear that this administration is adamantly opposed to it. We are faced with the administration's budget which proposes significant reductions in the levels authorized by Congress.

The Clean Water Act, first passed in 1972, and the Waste Water Construction Grant Program have been important elements of the national effort to clean up our Nations' waterways and an absolutely vital part of the multistate effort to improve the water quality of the Chesapeake Bay. Over 1,300 sewage treatment plants discharge directly or indirectly into the Bay. Their effluent represents a substantial part of the total pollutant load to the Bay. Through comprehensive sewage treatment, significant reductions in nutrient and toxic pollution have been achieved since the passage of the Clean Water Act in 1972.

However, continued progress toward construction and upgrade of sewage facilities throughout the bay watershed must be made if our efforts to clean up the bay and to meet the goals established in the 1987 Chesapeake Bay Agreement are to succeed. The State of Maryland alone needs about $60 million a year to meet the goals of the Clean Water Act and to reduce nutrients being discharged to the Chesapeake Bay. However, under the administration's budget proposal, Maryland's allocation of wastewater construction funding would drop from $58 million this year to approximately $36 million—a loss of $22 million.

In many cases, we are just now beginning to see the benefit of the investment that we have made. We must continue the investment so that the rivers, lakes, and bays in this country become and remain safe for drinking, fishing, and recreation. I urge my colleagues to support Senate Resolution 389.●

MONTGOMERY GI BILL

● Mr. COHEN. Mr. President, all of us are acutely aware of the grave challenge that global competition raises about our country's use of its human resources. One of the most enlightened steps the Congress has taken to maximize the national gain from young talent is the Montgomery GI bill.

This is particularly true of the benefits the new GI bill provides for National Guard and Reserve members. It turns part-time soldiers into full-time students who in many cases are filling the critical skill needs of both national security and global economic competition.

This point has been aptly made by Frank Mensel in a recent address to the National Guard's second National Education and Incentive Management Conference held in El Paso in February. Mr. Mensel is a senior executive of both the Association of Community College Trustees and the American Association of Community and Junior Colleges.

I hope my colleagues will weigh carefully his message, and I ask that it be included in the RECORD:

MONTGOMERY GI BILL—DOORWAY TO THE AMERICAN DREAM

(Remarks by Frank Mensel)

The Montgomery GI Bill has opened many doors that address national needs. Most important perhaps are the doors of educational opportunity it has opened that help the American economy meet the challenge of global competition. The Montgomery GI Bill is at the same time the newest and surest door to the American Dream.

In the history of higher education in this century, two programs stand out as the great landmarks of national policy. One was the original GI Bill, coupled with the Korean and Vietnam derivations of it. The second has been the Pell Grant program, which has now enabled more American youth to pursue their college than have the several GI bills combined.

It is my prediction, however, that the Montgomery GI Bill soon will stand in its own right alongside the other two as the century's greatest landmarks of higher education policy. According to one of the oldest cliches of politics and legislation, "timing is everything." The Mongomery GI Bill is the right program, at the right time. It is right for national security, and it is right for education.

It already has had a profound impact in upgrading enlisted talent, especially in the Army. We look back only a few years to a time when our country's defenses rested on a third-rate Army. An Army in which barely half the enlistees were high school graduates. An Army that was getting much of its weapon systems training from comic books conceived to satisfy a sixth-grade level of literacy. In those days, the Army was losing a division a year from attrition—some 13,000 to 15,000 soldiers flunking out simply because they couldn't "cut it." You don't have to be a statistician to grasp the "cost effectiveness" of that kind of attrition. A lot of college benefits for GI's can be paid for by the stemming of that loss.

What a difference the Montgomery GI Bill has made: Today nine out of ten Army enlistees are enrolling in the Montgomery program. They are almost all high school graduates, and they are outscoring the other services on the standard military entrance exam.

Talk about competitiveness! What the Montgomery GI Bill has given us now is a *yuppie* Army. It's no wonder that Mr. Gorbachev wants more treaties.

When the yuppie movement started, the joke was that a yuppie was simply a yippie who married the boss' offspring. The best example of today's yuppies are the young Americans who take six-year enlistments in their local National Guard or Reserve and become part-time soldiers and full-time students.

If the Montgomery GI Bill is good for the military, it is even better for the individual. Which is just what America is all about. It puts the best college educations within reach of lots of deserving youth who otherwise could never afford it—with or without Pell Grants. It gives them the satisfaction of serving their country without leaving home, as part of a local Guard or Reserve unit.

It is my own view also that, in the best yuppie tradition, the Montgomery GI Bill also produces more capitalists, or at least gives them an earlier start. The students who have the Montgomery benefits are much more likely to complete college without a heavy student loan burden. And without such debt, they will be in a better position to marry younger, start a family sooner, buy a home sooner—than their peers who didn't elect to serve their country in this way. The Army ads make the point beautifully: "A great place to start."

And neither last nor least, the Montgomery GI Bill is good for education. If Labor Department forecasts that the services may take as many as half the high school graduates for the rest of this century are true, the Montgomery GI Bill can significantly reduce the competition among industry, colleges and the military for the shortened supply of high school graduates. By the same token, it will help greatly in such a demographic cycle to stabilize the enrollments and operations of colleges and universities across the land.

Through the six-year enlistments with the Guard and Reserve, the Montgomery GI Bill will produce many "three-fers." A "three-fer" was affirmative action jargon for a job candidate who represented three protected groups—for example, an Hispanic veteran over 40 years old, or a minority woman with a handicap. In Montgomery GI Bill terms, a "three-fer" is a part-time soldier going to college on Montgomery GI Bill benefits, who is applying newly acquired skills in part-time work outside Guard or Reserve duty. Actually, I would see that student as a four-fer if he or she were moonlighting in a defense industry.

With the reduced supply of high school graduates, we are going to need lots of three-fers and four-fers in the next decade if the American economy and workforce are going to catch up with the global competition. Very simply, we are not going to overtake the competition unless U.S. employers have the best-trained skill base, the best technicians, in the world. And it will take strong partnerships between the military and the two-year colleges, drawing upon the Montgomery GI Bill, to produce them.

No other combination can bring quite the same horsepower to such partnerships, simply because our military draws more talent than any other employer, and because the community colleges have become the largest branch of higher education and the largest network of formal skill training, now serving more than half the Americans who start college. For most Guard and Reserve units, the nearest comprehensive training center will be a community college. With the broadest, most flexible technical curriculum, and the lowest cost per credit.

Competitiveness has become the bottom line for all of us. Increased productivity holds the key to both our future standard of living and our national security. The genius of the Montgomery GI Bill is that it harnesses the GI bill concept for a larger purpose. While it provides the veterans with the traditional educational and career opportunities they have rightly earned, it puts the same benefits to work in meeting the skill needs of both the military and the general economy. If the military and the community colleges make these training partnerships fly as they should, the U.S. by the year 2000 will again be out front—the economic flagship of the non-communist world. And we again will have the long-term insurance of the best skill base in the world. What better return could we ask of the Montgomery GI Bill investment.●

FIRST LIBRARY IN FEDERATED STATES OF MICRONESIA

● Mr. JOHNSTON. Mr. President, I would like to take this opportunity to tell the Senate about what I believe is an exciting and commendable project undertaken by The Corps Associates [TCA], a volunteer arm of the U.S. Army Corps of Engineers on Pohnpei, the capital of the Federated States of Micronesia.

United States involvement in Micronesia began in earnest during World War II in the critical battle for the Pacific. Following our liberation of Pohnpei and other islands, Micronesia was put under United States administration as a strategic trust by the United Nations and for 40 years was administered by the United States, first under the Navy and then by the Department of the Interior. Just last year, we entered into a new, more mature relationship with these emerging nations under the Compacts of Free Association. As we enter this new relationship and particularly as leaders in Micronesia, who worked closely with us after our liberation of the islands from the Japanese, enter retirement, I believe it is critically important that the American people reach out to the new generation through people-to-people projects such as the recent effort by TCA to obtain books and magazines for the Pohnpei Public Library.

Pohnpeians have long desired the establishment of a public library on their island, but given the other more basic capital infrastructure needs, the library never received a sufficiently high priority for Federal funding. This fall, in a creative public-private partnership, the U.S. Army Civic Action Team agreed to supply the know-how and the Pohnpeians raised over $20,000 to purchase the basic materials to construct a building to house this facility. Not only is this the first public library on Pohnpei but it is also the first public library in the Federated States of Micronesia. Construction has since been completed and even though there are only a few resources available, I was startled to learn that already over 300 children are using this facility each day.

Clearly, there is wide interest in this small community of about 32,000 people in developing a good resource to stimulate and encourage reading. This is particularly important since mandatory public education only extends through the eighth grade. Without the resources, those who complete the mandatory curriculum tend to lose their reading skills and their opportunity to learn about the world beyond their small island nation. TCA's project to obtain book donations for children and teenagers as well as magazines and "how-to" books for adults recognizes this need and will certainly be a large help to the library in achieving its goal of obtaining 12,000 children's books and 12,000 books for adults.

Through the leadership and generosity of a number of U.S. companies, foundations, and individuals, TCA's efforts have gotten off to a good start. I'd like to take a minute to recognize each of these participants:

The National Geographic Society—85 books for children.

The World Book Co.—a set of World Book Encyclopedias.

The law firm of Van Ness, Feldman, Sutcliffe, Feldman, Curtis and Levenberg—over seven boxes of books for children and adults.

The Wilderness Society—a complimentary subscription to their acclaimed children's magazine, Ranger Rick.

The Close Up Foundation—a VHS set and a number of educational tapes for high school students, which will enable the Library to begin an educational video program for children.

Children's Better Health Institute—complimentary subscriptions to Humpty Dumpty, Stork, Turtle, Children's Playmate, Jack and Jill, Child Life, and Children's Digest.

Scott, Foresman and Company—set of pupils editions from their Focus reading program for kindergarten through eighth grade.

The Young Naturalist Foundation—complimentary subscriptions to Chickadee and OWL, magazines concerned with interesting young children in the environment.

Harcourt Brace Jovanovich—a general selection of books for adults and children.

We have an excellent opportunity not only to help a worthy community effort, but also to strengthen our ties with those who were members of the American family for many years. Over half the population of Pohnpei is under age 16 and this group is especially in need of up-to-date materials which are not available in their underfunded schools. I was pleased to learn that books for children and adventure stories for teenagers are the highest priority in TCA's effort.

I have worked with this area through my membership on the Energy and Natural Resources Committee since I first came to the Senate in 1972 and have watched our relationship grow from one of absolute dependence to one of partnership, a relationship I hope will be strengthened over the 15-year compact. Efforts to help children, Pohnpei's greatest future resource, will certainly be an important contribution to this effort. I know that the Members of the Senate join with me in congratulating the efforts of those—in particular, the president of TCA, Mrs. Kathryn Heiberg, and Mrs. Elizabeth Clarke of Pohnpei—who have established the first public library on Pohnpei and in wishing them much success in achieving their goals.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $900 million in budget authority, and by $2.9 billion in outlays. Current level is under the revenue ceiling by $10.6 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 26, 1988.
Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1988 and is current through December 22, 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution (H.Con.Res. 93). This report is submitted under Section 308 (b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S.Con.Res. 32.

Since my last report the President has signed the Continuing Resolution for Fiscal Year 1988 (P.L.100-202), the Omnibus Budget Reconciliation Act of 1987 (P.L.100-203), the Airport and Airways Improvement Act of 1987 (P.L.100-223), the Agricultural Credit Act of 1987 (P.L. 100-233), the Technical corrections to FERS and CSRS (P.L.100-238), and the Housing and Community Development Act (P.L.100-242), changing budget authority, outlay, and revenue estimates. This report summarizes final action in the first session of the 100th Congress.

Sincerely,

JAMES L. BLUM,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONG., 1ST SESS., AS OF DEC. 22, 1987

[In billions of dollars]

	Current level [1]	Budget resolution H. Con. Res. 93 [2]	Current level +/− resolution
FISCAL YEAR 1988			
Budget authority	1,145.1	1,146.0	−0.9
Outlays	1,031.8	1,034.7	−2.9
Revenues	922.2	932.8	−10.6
Debt subject to limit	2,456.8	[3] 2,565.1	−108.3
Direct loan obligations	34.4	34.6	−.2
Guaranteed loan commitments	155.1	156.7	−1.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] In accordance with sec. 5(a)(1)(b) the budget authority and outlays include an adjustment that reflects the amount reserved for subsequent allocation under sec. 302(a) of the Congressional Budget Act.

[3] The permanent statutory debt limit is $2,800,000,000,000.

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS DEC. 22, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			898,554
Permanent appropriations and trust funds	779,621	681,502	
Other appropriations		205,550	
Offsetting receipts	−169,458	−169,458	
Total enacted in previous sessions	610,163	717,594	898,554
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−2	−2	
Emergency Supplemental for the homeless (Public Law 100-6)		−7	
Ginnie Mae fees (Public Law 100-14)		52	
Surface Transportation and Relocation Act (Public Law 100-17)	10,969		364
Federal Employees retirement system technical corrections (Public Law 100-20)	10	10	
Farm Disaster Assistance Act (Public Law 100-45)	−30	−30	
Supplemental appropriations, 1987 (Public Law 100-71)	68	915	
Small Business Administration program and authorization amendments (Public Law 100-72)	−41	−41	
Competitive Equality Banking Act of 1987 (Public Law 100-86)		−650	−7
Credit certain air traffic controller service for retirement benefits (Public Law 100-92)		3	
Medicare and Medicaid Patient and Program Protection Act (Public Law 100-93)		3	
Balanced Budget and Emergency Deficit Control Reaffirmation Act (Public Law 100-119)		−160	
Interim extension of certain veterans' housing programs (Public Law 100-136)	677	608	
Technical amendments to laws relating to Indians (Public Law 100-153)	1	1	
Older Americans Act Amendments of 1987 (Public Law 100-175)		5	
Veterans Home Loan Improvements Act of 1987 (Public Law 100-198)	−53	−53	
Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)	−2,201	−8,497	8,844
Airport and Airway Improvement Amendment of 1987 (Public Law 100-223)	1,700	−1	1,551
Agriculture Credit Act of 1987 (Public Law 100-233)	70	70	
Technical corrections to FERS and CSRS (Public Law 100-238)		−2	
Housing and Community Development Act (Public Law 100-242)	−1	−1	
Total enacted this session	11,167	−7,778	10,752
III. Continuing resolution authority:			
Continuing resolution, fiscal year 1988 (Public Law 100-202)	568,544	373,084	−106
FMS prepayment		−5,919	
IRS compliance	481	385	1,850
Offseting receipts	−31,241	−31,241	
Total continuing resolution authority	537,784	336,309	1,744
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Disaster relief	142	85	
National wildlife refuge fund	1	1	
Special milk	5	1	
Special benefits (general retirement)	(1)	(1)	
Special benefits (Federal employees)	83	83	
Special benefits for disabled coal miners	7		
Medicaid	51	51	
Social services block grants	50	48	
Veterans readjustment benefits	16		
Veterans compensation	282	0	
Payment to air carriers	8	2	
Coast Guard retired pay	6	6	
Total entitlement authority	650	276	
VI. Adjustment for economic and technical reestimates	−14,650	−14,650	11,200
Total current level as of Dec. 22, 1987	1,145,115	1,031,751	922,250

PARLIAMENTARIAN STATUS REPORT, 100TH CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1988 AS OF CLOSE OF BUSINESS DEC. 22, 1987—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
1988 budget resolution (H. Cong. Res. 93)	1,146,000	1,034,700	932,800
Amount remaining:			
Over budget resolution			
Under budget resolution	885	2,949	10,550
Amount remaining:			
Over budget resolution			
Under budget resolution	885	2,949	10,550

[1] Less than $500.

Note.—Numbers may not add due to rounding.●

INF TREATY REPORT BY AFL-CIO COMMITTEE ON DEFENSE

● Mr. KENNEDY. Mr. President, just as the Senate began ratification proceedings on the Intermediate Nuclear Forces [INF] Treaty, the AFL-CIO Committee on Defense conducted its own examination of this agreement. Under the leadership of its chairman, John T. Joyce, president of the International Union of Bricklayers and Allied Craftsmen, the committee has taken a careful look at the treaty and issued a thoughtful and instructive report. That committee's report and recommendation in turn led the executive council of the AFL-CIO to issue a statement on February 16, 1988, supporting ratification of the INF Treaty.

I recommend the report to anyone who is interested in the issues now facing the Senate—and the country—as we complete consideration of this agreement. This report provides a historical context for the treaty—important not only for considering INF but also for determining what direction the United States with its NATO allies should move next. The report also sets forth briefly and accurately the pertinent information about the treaty, and it highlights the most significant elements of this agreement. The committee concludes—correctly—that the greatest significance of the INF Treaty is the "establishment of two principles, both of which will be instrumental to the success of future, and arguably even more important arms control treaties: First, the principle of asymetrical reductions; and second, the principle of intrusive verification."

The committee points out that, after ratification of the INF Treaty, the focus changes to strategic and conventional force balances between NATO and Warsaw Pact forces.

With respect to the nuclear balance, the committee concludes that the INF Treaty will "leave some gaps in the implementation of the 'flexible response' doctrine" although the agreement "will not significantly undermine the strategy of deterrence."

With respect to the conventional balance, the committee points out that there "is a substantial disparity between the Warsaw Pact and NATO in terms of numbers" but that the effectiveness of military forces in combat cannot be measured "simply by referring to the ratios of tanks-to-tanks, aircraft-to-aircraft, and men to men." But the committee expresses real concern about the political uses to which the Warsaw Pact's superior numbers of conventional forces can be used. The committee observes that "The preferred answer to Warsaw Pact conventional superiority is not a buildup of Western forces * * * but a build-down of forces on both sides to equivalent levels * * * through asymetrical reductions."

I ask that the committee report—along with the February 16 statement by the AFL-CIO executive council supporting the INF Treaty—be included in the RECORD.

The report follows:

THE REPORT OF THE AFL-CIO COMMITTEE ON DEFENSE ON THE INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY TO THE AFL-CIO EXECUTIVE COUNCIL, BAL HARBOUR, FL, FEBRUARY 15, 1988

INTRODUCTION

The AFL-CIO Committee on Defense, after completing its 1987 study of the Strategic Defense Initiative, was asked by President Kirkland to undertake a study of the INF Treaty and related issues, and to report to the AFL-CIO Executive Council in February. Chaired by John R. Joyce, President of the International Union of Bricklayers and Allied Craftsmen, the Committee met with experts on this topic during the month of January 1988. A list of those who appeared before the Committee to discuss the INF Treaty is included in this report, and a list of the Committee members is appended.

The Committee's report to the Executive Council follows.

THE COMMITTEE REPORT

History of the INF question

The history of the deployment of intermediate-range nuclear forces in Europe has its origins in the early post-war period and the development of the strategy of massive retaliation. The tenets of this strategy were simple: any Soviet attack on the NATO alliance would invite a devastating, full-scale nuclear counter-attack on Soviet soil. Such a strategy was the product, in the early days of defense planning, of the crude nature of ballistic missile technology, the imbalance between Warsaw Pact and NATO conventional forces, and of the heightened political tensions associated with the Cold War. It was also cheaper to deploy nuclear weapons than to finance a military build-up to eliminate the Warsaw Pact conventional force advantage.

The shortcomings of this approach became all too apparent in the 1960s, when missile accuracy and throw-weight improved sufficiently to make the wholesale destruction of cities a morally repugnant response to conventional attack. The NATO alliance developed a replacement for massive retaliation that came to be known as "flexible response." Instead of triggering a general nuclear counter-attack, a Warsaw Pact assault on West Europe would now trigger a chain of responses, each more serious than the one that preceded it, and each designed to escalate the conflict at the appropriate moment to an appropriate level. If the lowest level of flexible response failed to halt the advance, the theory went, then a second, more threatening, response would be launched, and so on. This series of responses could escalate all the way through to general nuclear warfare. The difference between flexible response and massive retaliation lay in the fact that the former provided a spectrum of defense steps that could be employed selectively, while the latter relied on an almost automatic radical escalation.

But in time the credibility of flexible response was undermined by a combination of factors affecting the Alliance's ability to deliver nuclear warheads onto Soviet territory. First, the Alliance possessed only two such delivery systems: the aging and ineffective British Vulcan bomber, which was being phased out of service, and its newer American replacement, the F-111. Second, the Warsaw Pact forces had by that time developed formidable air defense systems. It was becoming clear that the F-111 could only with difficulty penetrate those defenses and strike targets deep in Soviet territory.

It was decided to close this gap by adding new delivery systems to the Alliance's weapons inventory: the ground-launched cruise missile (GLCM), and the Pershing missiles.

Meanwhile, in late 1977, the USSR introduced the first SS20s to the European theater. These were modern, mobile ballistic missiles, each carrying three independently-targetable nuclear warheads that were capable of striking any target in Western Europe from bases in the USSR. The deployment of the SS-20 gave new impetus to the deployment of GLCMs and Pershings.

Deployment of these weapons by the Alliance and by the Warsaw Pact proceeded apace for over ten years. However, the USSR was able to arm itself with far more SS-20s and other INF systems, such as the SS-4 and the SS-5, than NATO could match in the same period, owing both to the nature of Soviet society, and in the absence of treaties controlling the manufacture and deployment of INF weapons. The Alliance's pace of deployment was also slackened by massive protests and political problems in some Western Europe democracies during the initial deployments of American GLCMs and Pershings.

By the time the INF Treaty was signed, last December 8, the Soviet Union possessed 1752 INF missiles, deployed and non-deployed, while the United States had only 859, deployed and non-deployed—a missile ratio of 2:1 favoring the USSR. The numbers of nuclear warheads on these weapons gave the Soviets an even greater advantage of nearly 4:1 over the United States.

Even as deployments of these weapons were proceeding, the United States and the Soviet Union were talking about doing away with them.

In November 1981, President Reagan proposed the so-called "zero-option," which applied to the "longer-range intermediate-range nuclear forces" (LRINF). These are weapons with ranges of between 600 and 3,400 miles. The United States offered to cancel deployment of the GLCMs and Pershings in Europe if the Soviets would agree, in turn, to dismantle their SS-20, SS-4, and SS-5 missiles. Two years later, in November 1983, the Soviet Union walked out of the INF talks. In March 1985, the Soviets returned to the negotiating table.

A Soviet counterproposal in October 1985 for freezing the deployment of American and Soviet INF weapons, which had proceeded in the absence of an agreement, brought a positive response from the United States with an additional proposal to negotiate the numbers of "shorter-range intermediate-range nuclear forces" (SRINF). These weapons have a range between 300 and 600 miles. Such weapons are the American Pershings I-A and the Soviets SS-12 and SS-23.

This American proposal became the second zero in the "double zero option" when, in June 1987, the United States proposed the elimination of all SRINF weapons on both sides. The next month, the U.S.S.R. indicated its willingness to accept the "double zero option." In September 1987, the U.S.S.R. and the U.S.A. agreed to conclude a treaty on INF. Remaining differences between the two sides were negotiated in the next three months, culminating in the signing of the INF Treaty in Washington, D.C., on December 8, 1987.

The INF Treaty

As the American and Soviet governments have told the world, the INF is a significant arms control pact because, in the words of the White House, both countries: "will eliminate—for the first time in history—an entire class of U.S. and Soviet nuclear weapons; intermediate-range nuclear force missiles. *This is the first agreement in history to actually reduce, not simply limit, the build-up of nuclear weapons.* Furthermore, *almost four deployed Soviet warheads will be eliminated for every one the U.S. eliminates.* . . . Such reductions will establish a foundation of mutual restraint and responsibility that will help us build a *safer world.*" [Emphasis in the original.]

To be sure, the elimination of all INF weapons is significant. But the Committee believes greater significance rests in the establishment of two principles, both of which will be instrumental to the success of future, and arguably even more important, arms control treaties: (1) the principle of asymmetrical reductions, and (2) the principle of intrusive verifications. Acceptance of these principles offers hope for progress on strategic and conventional arms agreements.

These principles are introduced in the first of the four documents that constitute the Treaty.

The *first document* comprises the Treaty articles and binds the United States and the Soviet Union to the elimination of all LRINF missiles and launchers within three years of the Treaty's taking effect, and to the elimination of all SRINF missiles and launchers within 18 months of the Treaty's taking effect. Thereafter, these weapons are banned. The weapons' support structures and support equipment are dealt with similarly. (The Treaty does not require the parties to destroy the nuclear warheads on these missiles, nor does it mandate the destruction of the warheads' guidance systems.)

As mentioned earlier, the Soviets possess a 2:1 advantage in missiles and an almost 4:1 advantage in warheads. Thus, in order to reach the level zero, the Soviets must eliminate twice as many missiles and four times as many warheads as the United States. This is the first instance of disproportionate cuts in nuclear arms agreements.

(It should be noted that INF warheads make up only 3% of the nuclear arsenal of the Soviet Union and the United States. The Treaty affects a very small class of weapons.)

Further, as soon as the Treaty takes effect, neither party may produce or flight-test, and, in the case of SRINF missiles, launch, any INF weapon. Certain numbers of LRINF missiles may be launched if such launching is designed to dispose of the missile.

Once these weapons and related systems have been eliminated three years down the road, all facilities for the deployment, storage, repair, and production of INF missiles are banned.

The United States and the Soviet Union also agree to submit to a regime of verification by representatives of the other side and to abide by an effective verification system explicitly for the terms of the Treaty. Though the Committee is given to understand that there are no fool-proof verification systems, and that the procedures associated with the INF Treaty verification can be circumvented, the establishment of even an imperfect onsite inspection system is a breakthrough in nuclear arms control agreements.

The *second document* of the Treaty is the "Memorandum of Understanding (MOU) on Data." Based on information exchanged between the two sides on November 1, 1987, the MOU describes each individual LRINF and SRINF system covered by the agreement, its numbers and characteristics, as well as the map co-ordinates of each missile deployment area and each missile operating base. Related facilities are defined in extraordinary detail.

The *third document* of the INF Treaty is the inspection protocol, which describes the verification system associated with the Treaty. It lays out the conduct of and procedures for onsite inspections. These include short-notice inspections and what is known as "continuous portal monitoring," a system of resident inspectors, consisting of representatives from the other country, who continually verify adherence to the terms of the Treaty at a missile factory in each country. In the United States, the site where Soviet inspectors will monitor U.S. compliance is the Hercules Plant Number 1, which produces Pershings, in Magna, Utah. In the Soviet Union, American verifiers will be situated at the Votkinsk Machine Building Plant, where the SS-20 is built, in the Udmurt Autonomous Soviet Socialist Republic of the Russian Soviet Federated Socialist Republic.

In addition, this protocol provides for elimination and "close-out" inspections, and requires each side to facilitate the other side's collection of verification intelligence through national technical means.

The *final document* is the elimination protocol, which essentially describes the permissible manner and methods for the disposal of the missiles, launchers, and support equipment associated with the INF pact.

The INF Treaty has unlimited duration. Either party may withdraw from the agreement when it considers its interests are no longer served by compliance. A six-month notice of intention to withdraw is required. The parties may also amend the treaty.

Previous AFL-CIO Policy

The INF Treaty is consistent with previous AFL-CIO policy on intermediate-range nuclear forces, verification, and arms control.

The first interim report of the Defense Committee, published in February 1983, made note of the INF negotiations then going on between the United States and the Soviet Union and welcomed the direction they were taking. To quote that report:

"As for the negotiations now underway on intermediate-range ballistic missiles in Europe, the Committee believes that the Administration's call for the "zero option"—the elimination of all such weapons—is a goal that merits support."

That further negotiations led to the elimination of not only LRINF but also SRINF—that is, to the "double zero option"—is a logical and welcome extension of the AFL-CIO's policy.

The 1985 AFL-CIO Convention also laid down a policy on arms control and verification which finds satisfaction in the INF Treaty. The Convention endorsed "the objective of a balanced *reduction* of nuclear arms within a system of verification guaranteeing collective security." [Emphasis added.] The Treaty has, for the first time, actually reduced the numbers of weapons to a balanced level. But the INF Treaty goes further by making that level zero and by requiring asymmetrical reductions to achieve that level.

Finally, the INF agreement reflects the view set forth in the AFL-CIO Executive Council's statement on the Strategic Defense Initiative (August 19, 1987), that "negotiated arms limitation agreements are essential to the maintenance of world peace." This treaty is a step in the right direction, but, in the Committee's view, only a step.

The hearings on the INF Treaty

To assist in its consideration of the question of intermediate-range nuclear forces and of the treaty governing their elimination, the Committee held four hearings during two days in January 1988, interviewing five prominent experts. The views they presented to the Committee included those of the Administration, an opponent of the Treaty, a foreign policy advisor to the Senate Armed Service Committee, and representatives of the Commission on Integrated Long-Term Strategy.

The experts who appeared included an official responsible for negotiating the INF Treaty, another responsible for U.S. national security policy formulation, and two former NATO commanders.

In order of appearance, the Committee met with:

Ambassador Max M. Kampelman, Head, United States Delegation to the Negotiations on Nuclear and Space Arms.

General Bernard W. Rogers (USA, Ret.), former Supreme Allied Commander of Europe.

Gregory Craig, National Security Advisor, Office of Senator Edward M. Kennedy.

Dr. Fred Ikle, Under-Secretary of Defense for Policy, and Co-Chairman, the Commission on Integrated Long-Term Strategy.

General Andrew J. Goodpaster (USA, Ret.), Chairman, the Atlantic Council of the United States, and Member, the Commission on Integrated Long-Term Strategy, and former Supreme Allied Commander of Europe.

The Committee is grateful for their valuable contributions to its work and understanding of the complex political, military, and strategic implications of the INF Treaty. The Committee also drew on numerous articles and analyses that appeared in the media during the course of the negotiations and signing of the INF pact.

Throughout these hearings, the Committee sought, first, to determine whether the INF Treaty merits AFL-CIO support and serves the interests of American national security; and, second, to identify related issues of American and allied defense policy that now require the full attention of the political and military authorities of the democracies. That is, what will happen to the defense equation, assuming the INF Treaty is ratified and the INF weapons are eliminated?

(The basis of this assumption lay in the Committee's view that, once the Soviet Union and the United States agreed to the elimination of the INF weapons, there was little reason to believe that the NATO countries where these weapons have been located, often against vocal domestic opposition, would insist that they remain.)

As the Committee states in its "Conclusions," the treaty is clearly in the national interest of the United States.

At the same time, we recognize that the elimination of intermediate-range nuclear forces from Europe and Asia has led to certain serious implications for the security of the NATO countries and other American allies, implications that must be addressed as the superpowers proceed with negotiations on conventional and strategic arms limitations.

Perhaps the most important contribution the INF Treaty makes to American national security lies in the new standards it sets in the arms control process. Each speaker interviewed by the Committee, regardless of his opinion of the treaty, identified the two principles cited earlier as significant departures from previous arms control agreements and holds the view that they will be instrumental in the START and conventional force talks. That is:

Any future arms control agreement will have to rely on asymmetrical reductions in order to restore conventional and strategic balances between the two superpowers; and

Intrusive verification procedures will also be necessary to improve the chances of success of future arms control agreements. The United States has learned through hard experience, both with the Soviets and, before them, with Nazi Germany and Imperial Japan, that an arms control agreement that cannot be verified is no arms control agreement at all.

Senate approval of the INF Treaty would preserve these two principles as important precedents for other negotiations. Rejection of the Treaty will give the Soviets the opportunity to recant these principles, which would be a major setback for future pacts.

A second contribution of the treaty on intermediate-range nuclear forces to the national interests of the United States is that, in some important ways, it strengthens the military security of the Alliance.

Soviet superiority in the INF class of weapons is well-established; indeed, it was virtually acknowledged by Mr. Gorbachev when he publicly acceded to the need for "disproportionate" reductions. The Treaty would abolish that Soviet edge, and thus maintain NATO's strategy of flexible response, by preserving NATO's capability of delivering nuclear charges to Soviet territory, employing either allied American air power or with the independent nuclear forces of France and Great Britain. The elimination of Soviet INF weapons complicates the Warsaw Pact's ability to strike at NATO ports and airfields, which are important targets because of their wartime role as staging points for incoming American men and materiel.

The elimination of the Soviet INF further enhances Western military security by denying the Warsaw Pact strategic offensive options which they have possessed for three decades, thus further complicating Soviet attack planning—contributing to increased international stability.

The INF Treaty also serves U.S. national interests by doing away with an entire class of nuclear weapons without undermining the credibility of NATO's nuclear deterrent. The elimination of these missiles, though they constitute roughly 3% of the nuclear arsenals of the Soviet Union and the United States, contributes to a more balanced nuclear equation and to increased strategic stability between the superpowers. The elimination of these missiles also lessens the possibility of a conventional confrontation escalating into a full-fledged nuclear war.

The Committee recognizes that the INF Treaty does not cure all the woes of the Western alliance, nor is it an ideal arms control agreement. The Committee heard impressive testimony reflecting serious doubts about the effects the elimination of these forces could have on the strategy of deterrence. But taking this testimony into account and weighing it against the positive effects of the Treaty, the Committee has concluded that the Alliance will continue to have the capacity to deter a Warsaw Pact attack through the use of remaining tactical nuclear weapons, delivery systems, and conventional forces, all backed by the American strategic nuclear guarantee.

Finally, the political success of the entire INF story—from the initial deployments to the signing of the Treaty—represents a significant gain for the United States and the NATO alliance. The unity displayed by the allies during the long period leading to the conclusion of this agreement has strengthened the alliance politically and demonstrated to the Soviets the depth of NATO resolve. As trade unionists, we are well aware of the truth of the maxim, "In unity is strength."

The committee's concerns: What lies ahead?

While the INF Treaty merits the support of the AFL-CIO and the approval of the U.S. Senate, its effects cannot be viewed in isolation from the other elements of the Alliance's military security—i.e., the strategic and conventional force balance between NATO and the Warsaw Pact, both of which are the subjects of negotiations now underway. Indeed, the ultimate security value of the INF agreement may well be determined by the outcome of those negotiations. That is, if the INF agreement leads to further progress in the reduction of nuclear arms, the need to redress the conventional force imbalance in Europe becomes more urgent. Unless agreement can be reached on conventional force reductions, achieved through disproportionate cuts, NATO will be forced to build up to Soviet levels, at considerable cost.

AFTER INF: THE NUCLEAR BALANCE

Before the signing of the INF Treaty, the American nuclear forces consisted of three elements—short-range, or battlefield, nuclear weapons; intermediate-range nuclear weapons, such as the Pershings, GLCMs, and those delivered by aircraft; and long-range weapons, such as intercontinental and submarine-launched ballistic missiles. The INF Treaty has done away with the most potent and, from the Soviet point of view, most threatening weapons of the second type, leaving aircraft-borne bombs as the main weapon of this class.

Since the deterrence of war should continue to be the main objective of American defense policy, the Committee was compelled to consider the impact of the INF Treaty on the Alliance's deterrent capability. We conclude that, while the elimination of intermediate-range nuclear forces in Europe will not significantly undermine the strategy of deterrence, it will leave some gaps in the implementation of the "flexible response" doctrine.

There are limitations on the deterrent capabilities of both long- and short-range nuclear weapons in the European theater. Short-range, or battlefield, nuclear weapons, cannot strike Soviet territory and therefore pose no threat to the Soviet Union. Their effects would be confined to Europe itself, a prospect that understandably frightens many Europeans. Long-range, or strategic, nuclear weapons are poor theater weapons because Soviet missile trackers cannot distinguish one fired in a theater role from one fired in an attack on the Soviet Union. This makes long-range weapons dangerous to rely on as theater weapons.

With the elimination of intermediate-range nuclear forces, the F-111 remains the only useful step on the flexible response ladder between the use of short-range and strategic nuclear weapons. And unlike the Pershings, the F-111 is not invulnerable to defensive countermeasures; nor are they as fast or as accurate. The Committee doubts the wisdom of relying on such aircraft as its primary theater nuclear deterrent.

The resulting gap in our theater deterrence capability becomes more critical in light of the opinion expressed by virtually all of the experts who appeared before the Committee to the effect that NATO's conventional forces could probably not survive a Warsaw Pact attack for more than ten days. We also learned that the NATO Commander is required to request permission to use nuclear weapons—that is, to start the escalatory chain of flexible responses—no later than 14 days after a Warsaw Pact invasion begins.

The Committee is concerned about the elimination of any intermediary steps between the initiation of conventional warfare and the resort to strategic nuclear exchanges. Various proposals have been made to redress this problem by restructuring our nuclear forces. In the months ahead, the Committee will review these proposals as it turns its attention to the negotiations on strategic arms reductions.

An area of concern for the Committee is the conventional balance between the NATO and Warsaw Pact forces. There is a substantial disparity between the Warsaw Pact and NATO in terms of numbers. The situation has not changed appreciably from 1983, when the Committee stated that "Soviet superiority in conventional forces is incontestable." Yet, one cannot measure these forces simply by referring to the ratios of tanks-to-tanks, aircraft-to-aircraft, and men-to-men. Technological superiority is an important factor which is not measured in "bean counts" of men and materiel.

Nevertheless, conventional forces remain of concern to the Committee for several reasons.

As of now, the West enjoys a comfortable technological lead in many conventional weapons, but there is no guarantee that this will always be the case.

Recent Soviet successes in space technology compare brilliantly with the numerous failures and disappointments of the American space program. They also indicate that the Soviet Union can overtake the United States in certain types of technology which once were generally recognized as areas of American dominance. Were the Soviets ever to surpass the NATO allies in terms of conventional defense technology, NATO's numerical inferiority could become a serious security problem. It is imperative, therefore, that the West maintain its lead in the race to develop new technology.

While it may be true that the West's technological superiority makes the East's numerical superiority of less military importance, the massive numbers of Soviet and Warsaw Pact troops wield political strength, whose purpose it is to intimidate Western Europe and to separate it from the United States.

The political advantage the Soviets possess should not be underestimated. The Soviets are masters of exploiting political situations to their advantage. If given the opportunity, Mr. Gorbachev is no less likely to make full use of the political value of his country's military machine than his predecessors were.

The prefered answer to Warsaw Pact conventional superiority is not a build-up of Western forces, which may well be politically and economically impossible, but a build-down of forces on both sides to equivalent levels. This can be achieved only through asymmetrical reductions, as both sides have agreed.

Mindful of the fact that the NATO Commander is required to request permission to use nuclear weapons within two weeks of battle, the Committee is deeply concerned that NATO's inability to mobilize quickly and sustain a conventional defense could result in an early nuclear exchange.

Even if recent trends toward overcoming these insufficiencies continue, the lack of adequate American sea- and airlift capability could paralyze any mobilization effort.

The United States and its allies spend hundreds of billions of dollars annually on defense equipment and personnel, but virtually nothing on the air- and sealift needed to transport this equipment and personnel. Part of the solution lies in the revitalization of the maritime industry and the merchant marine, and in the creation of supersonic forms of military air transport.

Conclusions

In summary, the AFL-CIO Committee on Defense recommends that the AFL-CIO support Senate approval of the INF Treaty. We believe it is a good treaty, although not perfect, and that it serves the national security interests of the United States.

Those interests are not guaranteed by the Treaty alone; it must be supplemented by agreements leading to balanced and verifiable reductions in conventional and strategic forces. Such reductions will also require the United States and its allies to develop appropriate new defense policies and to restructure their remaining forces accordingly.

The Committee attaches considerable significance to the inclusion in the INF Treaty of the principles of asymmetrical reductions and intrusive verification. These principles can open the door to real progress toward future strategic and conventional arms control agreements.

The Committee respects the views of those who have expressed reservations about the INF Treaty and its impact on the defense of Europe, which is most directly affected by the weapons eliminated. We believe that many of their concerns can and must be addressed in future arms negotiations and adjustments in Allied defense planning. We do not, however, concur with the view that the Treaty represents a serious setback for the doctrine of deterrence.

Meanwhile, the Committee recommends that the AFL-CIO reaffirm its strong support for the American commitment to NATO and the defense of Europe. At stake is the protection not merely of geographical territories but of democratic values and institutions, including the free trade union movement itself.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON INF TREATY, FEBRUARY 16, 1988, BAL HARBOUR, FL

The recently concluded treaty between the United States and the Soviet Union on the elimination of intermediate-range nuclear forces serves the security interests of the United States and its NATO allies and merits the consent of the Senate.

In several important respects, the Treaty conforms with arms control proposals advanced by the AFL-CIO over the past five years. Chief among these is that, unlike past agreements that set ceilings on increases in the number of weapons allowed each side, this treaty reduces the numbers of nuclear weapons and does so by eliminating an entire class of them.

The AFL-CIO concurs with the findings of its Committee on Defense that these reductions will not adversely affect NATO's deterrence capability.

Although the Treaty deals with only three percent of the nuclear arsenals on both sides, it establishes two precedent-setting principles that may open the way toward real progress in both strategic and conventional arms control.

The first is that asymmetrical or disproportionate reductions are required to achieve equivalent numbers of weapons on each side—the number in the case of intermediate-range nuclear forces being zero.

The second is that compliance with the Treaty requires intrusive verification, i.e., on-site inspection. The INF Treaty marks the first time the Soviets have agreed to these principles, which the AFL-CIO has called for in the past.

The AFL-CIO believes that the INF Treaty would never have been achieved were it not for the political unity and determination demonstrated by the NATO alliance, despite a massive Soviet propaganda campaign aimed at driving a wedge between the United States and Europe. Had the Alliance not proceeded with the deployment of cruise and Pershing missiles, in the face of Soviet deployments of the SS-20s, there would have been little inducement for the Soviets to return to the bargaining table.

In urging Senate approval of the INF Treaty, the AFL-CIO is under no illusion that this agreement, in isolation, will remove the impetus to the arms race or achieve dramatic reductions in military spending.

The elimination of INF weapons necessarily focuses attention on the conventional force imbalance between NATO and the Warsaw Pact, an imbalance Gorbachev has implicitly acknowledged by publicly agreeing to the principle of "disproportionate" cuts in conventional forces. There is now an urgent need to reach agreement on achieving balanced conventional force reductions, so that NATO will not be compelled to build up its conventional forces.

The AFL-CIO notes the view of many defense experts that, in a post-INF era, the maintenance of a credible deterrence against a Warsaw Pact attack on Western Europe will require a restructuring of U.S. strategic nuclear forces. As the strategic arms limitations talks proceed, the Executive Council calls upon the Defense Committee to study what, if any, such restructuring might be required within the framework of the AFL-CIO's repeated calls for radical, balanced, and verifiable reductions in strategic nuclear warheads.

The goal of the AFL-CIO continues to be the maintenance of a credible deterrence to war at ever lower levels of nuclear armaments. It is not necessary to believe that the erosion of that deterrence would provide an immediate Soviet invasion of Europe to appreciate that it would significantly enhance the Soviets' political leverage and powers of intimidation in the region, to the detriment of American security.

The INF Treaty is a step toward our goal—but only a step. Its ultimate value will be determined by whether comparable progress can be made in the reduction of conventional and strategic forces.●

BICENTENNIAL MINUTE

MARCH 2, 1805: AARON BURR'S FAREWELL TO THE SENATE

● Mr. DOLE. Mr. President, 183 years ago today, on March 2, 1805, the Senate witnessed a moment of extraordinary drama. In the final hours of the Eighth Congress, Vice President Aaron Burr delivered a farewell address that remains a classic in the Senate's history. Less than 8 months earlier, he had killed former Treasury Secretary Alexander Hamilton in a duel at Weehawken, NJ. Following that tragic event, Burr fled southward to escape indictment.

In his address the Vice President apologized for any offense that his actions as the Senate's Presiding Officer might have given to Senators. Burr asserted that during the past 4 years, he followed his belief that error was preferable to indecision and that his errors, "whatever they might have been, were those of rule and principle, and not of caprice."

Burr concluded his address with the following stirring remarks about the nature of the Senate. He said:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, [that] resistance [will] be made to the storms of political frenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Senator Samuel Mitchell recorded what happened immediately following Burr's address:

> When Mr. Burr had concluded, he descended from the chair, and in a dignified manner walked to the door, which resounded as he, with some force, shut it after him. On this, the firmness and resolution of many of the senators gave way, and they burst into tears. There was a solemn and silent weeping for perhaps 5 minutes.●

LED SPENCER'S THOUGHTS ON FOREIGN POLICY

● Mr. BOSCHWITZ. Mr. President, a short time ago I received in my mail a letter from Ed Spencer, chairman of the board of Honeywell. Ed, who is also a trustee of the Carnegie Endowment for International Peace and the Ford Foundation, wrote very knowledgeably about United States-Soviet relations, the need to reestablish a bipartisan foreign policy in this country, and the need to adequately fund the State Department and our foreign assistance programs.

As a member of the newly formed Senate Caucus on a Bipartisan Foreign Policy, I found Ed's remarks timely and compelling. I heartily recommend them to my colleagues' attention and ask that they be printed in the RECORD.

The remarks follow:

WHAT IF GORBACHEV SUCCEEDS?

(By Edson W. Spenser)

What if Gorbachev succeeds? Or perhaps it will be his successor's successor who succeeds, if the present General Secretary does not stay the course.

Regardless, we had better wake up to the fact that Gorbachev has unleashed new forces in the Soviet Union. We are looking at a Soviet Union greatly changed from the one we have learned to live with since the arms race began to accelerate two decades ago. The changes that Gorbachev has set in motion will ultimately prevail in some manner. In spite of centuries of oppression in Russia, human nature will not permit even a small taste of freedom to perish.

The recent U.S.-Soviet summit again focused public attention on arms control and easing military tensions between the two super-powers. But, we cannot afford to ignore the other items on Gorbachev's policy agenda, namely, improving economic conditions in the Soviet Union and enhancing the way in which the USSR is seen by the rest of the world. We must be alert to these non-military changes and what they mean not only for the USSR, but also for the United States.

Perestroika—restructuring which includes decentralization of economic planning and a taste of entrepreneurship—will lead to increased availability of consumer goods, a modest rise in the standard of living, and high hopes for continued improvement. The historic patience and patriotism of the Russian people, however, will enable the government to keep expectations under control. Glasnost—openness and a willingness to criticize the past—will lead to internal competitive pressures on public officials to improve their performance. Even so, the continued presence of the KGB and the military will see to it that openness does not lead to pluralist democratic tendencies, or to a weakening of the central control of the Communist Party. The word "democracy" as used by Gorbachev has quite a different meaning than we are accustomed to.

Summitry—arms reduction deals with the United States—will enable Moscow to shift resources from nuclear forces to the domestic economy. But with no weakening of the overwhelming threat of conventional Soviet military forces in Europe and Asia.

Perestroika and glasnost will have their international ramifications as well. The Soviet Union is already starting a campaign to become an important trading partner of the United States. A major public relations offensive is well underway to project a "good-guy" image of Soviet leaders and their beefed-up embassy staffs around the world. It is not inconceivable that the Soviets will propose an arms-free Central Europe and will get a peace treaty with Japan, materially affecting our relationships with our traditional allies.

Suddenly the United States and the free world are faced with a very different adversary. The Soviet Union has in the past had a bankrupt domestic economy, incapable of supporting a meaningful international economic presence. It has had a brutal totalitarian government, suppressing dissent at home. Military might was the only way the Soviet government could command respect—or fear—around the world.

To be sure, for the foreseeable future at least, the Soviet Union will still be a one-party totalitarian state, with an oppressive police and a mighty military establishment. Soviet leaders will still look on our type of democratic ideas as threats to their security. But this new Soviet Union will be an international competitor of a different kind. It will project openness, reasonableness, and a willingness to trade. It will down-play the importance of Soviet military might and the spread of international communism.

The Soviet Union will step up its efforts to appear as a non-threatening partner as it builds a network of friendly states in the Third World as well as in Europe and the Pacific. These efforts could erode the support many of those countries traditionally have provided to the geopolitical objectives of the United States.

In the longer run, perhaps in the twenty-first century, perestroika and glasnost might lead to a very different Soviet Union—to the breakdown of the East European communist bloc, to the decline and fall of imperial Russia, and to the emergence of a European-style democracy.

The United States is not well prepared to deal with the changes coming out of Moscow. Bipartisan foreign policy has been almost absent since the Vietnam War. We find ourselves foundering in response to Soviet arms reduction initiatives. We find it difficult to maintain worldwide economic leadership in the face of financial difficulties at home. Budgets for foreign economic aid and overseas embassies have been cut. For the first time since the Second World War, our leaders are competing for international political loyalty with a young, vigorous, open and confident leadership in the Kremlin.

A new president will have a good opportunity to put our house in order so we can take advantage of changes initiated by the new leadership in the Kremlin. Here's what he must do.

First—trust must be restored between the Administration and Congress so that once the issues have been debated we can go forward in unison with a bipartisan foreign policy.

Second—the first small step to limit the number of nuclear weapons has been taken and should be followed up by a treaty to reduce strategic weapons as well. Then, with each side maintaining enough strategic arms deterence to avoid a war of annihilation, we can explore to see if sufficient trust can be built up over a decade or more to gradually wind down nuclear weapons still further. During that period our defense spending will have to be shifted to conventional weapons.

Third—for the United States to strengthen its international leadership, we must put our domestic house in order with some restructuring of our own. This requires reducing the federal budget deficit, and the means to do so involves three politically unpopular steps. The first is to increase taxes, for example with a debt reduction surtax, the income from which cannot be spent. The second is to limit entitlements by limited cost-of-living increases and by putting in a needs test for Social Security, Medicare and Medicaid. The third is a gradual reduction in defense expenditures under the assumption that the Soviet Union will present us with an opportunity to do so over the next decade.

We must also ask Congress to bury protectionism, and the new Administration to continue to use trade remedy legislation on the books to open foreign markets to U.S. products, just as our market is open to foreign products. We have to let the dollar find its own level in international exchange markets. We must step up to our financial obligations to the World Bank and in return, insist that the Bank take the lead in solving the third-world debt problems. We should also meet our financial obligations to the United Nations while trying to breathe new life into that body.

Fourth—we have to provide funding to the State Department and other departments and agencies so as to strengthen our presence through our embassies abroad. A revitalized international aid program with emphasis on economic rather than military assistance is an important part of projecting a vigorous, new American image in other countries where the new Soviet initiatives will be aimed at undermining traditional support for our policies.

If Gorbachev succeeds, we will be facing a different and very formidable competitor in the 1990's and beyond. We have to continue some restructuring of our own to reaffirm our own traditional economic strengths and reinforce in the international arena those fundamental values that perestroika and glasnost are unlikely to bring to the Soviet Union, namely, freedom and democracy.●

U.S. ROLE IN THE PERSIAN GULF

● Mr. BOSCHWITZ. Mr. President, I wish to commend to my colleagues' attention an important article, written by Karen Elliot House, that appeared recently in the Wall Street Journal. The article, entitled "In Gulf, U.S. Underestimates Own Strength," concerns the U.S. effort in the Persian Gulf. Noting the success of our efforts thus far in the Persian Gulf, the writer cautions against those who would squander our achievement by abandoning our present role.

Ms. House points out that the policy embarked upon last summer by President Reagan has brought many real achievements: it has done much to restore American credibility with the moderate Arab States in the gulf; we have also secured the support of several NATO allies, engaging their active participation in an area outside the normal NATO theater of operations. We, together with our European allies, have succeeded in upholding the universally recognized principle of freedom of navigation through international waterways. And we have done all this without in any way increasing the influence of the Soviet Union in the region. In fact, while our influence and position in the Persian Gulf has expanded, that of the Soviet Union has considerably diminished. In their attempt to woo Iran, the Soviets have managed to incur the anger of most of the Arab world.

To those who liken the American role in the gulf to our involvement in Vietnam or Lebanon, Ms. House points out the strong dissimilarities. Our involvement in the gulf is a "naval operation, not a land war," the United States has the clear support of neighboring countries and of its allies, and the adversary in this case—Iran—is "easy to distinguish" and one that receives no sympathy from the American public.

Mr. President, I highly recommend this article for review by my colleagues and ask that a copy of the article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Jan. 13, 1988]

IN GULF, U.S. UNDERESTIMATES OWN STRENGTHS

(By Karen Elliott House)

As America enters an election year and a year of stepped-up superpower negotiations, pressures almost surely will mount to make linkages that ought to be avoided and to avoid commitments that ought to be kept.

Nowhere is that more true than in the Persian Gulf, where American warships are defending the right to freedom of navigation, the economic interests of the Western alliance and America's reputation as a reliable ally. It is a commitment that the Reagan administration isn't as proud of as it should be, and that the pack of Democratic presidential candidates is much more critical of than either logic or smart politics should lead them to be. The commitment is put further at risk by morose and muddle-headed analysts who wring their hands and argue that by standing up to the Iranians, we are going to wind up handing Iran to the Russians.

What the critics are saying, in effect, is that America's very success at keeping the Persian Gulf oil lanes open in the face of Iranian threats serves to increase Iranian isolation and hostility and thus will send Iran scurrying to Moscow for sympathy and support. This is undoubtedly what the Soviets wish would happen—and what the Iranians want us to believe could happen—but it isn't what either Moscow or Tehran believes will happen.

As all too often is the case, Americans are assigning exaggerated capabilities and opportunities to the Soviets and overlooking the strengths of America's position. For the first time in the modern history of this region, Arabs and Israelis are united in their support of an American initiative; and for the first time since the Korean War, almost all of America's European allies are providing direct military support for a U.S. military action outside of Europe. Imagine the hand wringing among professional pessimists if Moscow had the united support of gulf Arabs and its allies for some Soviet initiative in the region.

In truth, the Soviets seem neither confident nor content about their position in the gulf. Soviet officials accompanying Mikhail Gorbachev on his recent visit to Washington dropped hints all over town that their efforts to court Iran have brought only frustration—and worsening relations with the Arabs. Indeed, Iraq, a longtime Soviet ally, is so frustrated with Moscow's political and military support for Iran that Iraqi Foreign Minister Tariq Aziz publicly has lashed out at the Soviets. (Moscow provides some 80% of Iraq's arms and allows its East European allies and Syria to supply Iran.)

More important, Soviet actions seem to be supporting Soviet whispers. For example, the Soviets have just welcomed Jordan's King Hussein to Moscow, in spite—or more likely because—of the fact that he has just orchestrated an unusual show of Arab unity with Iraq in its eight-year-old war against Iran.

Above all, history and ideology stand in the way of any significant Soviet-Iranian friendship. Iran for centuries has viewed Russia as a threatening giant to the North. And Iran's current ideology of Islamic fundamentalism is as hostile to godless imperialism. The Soviets surely are well aware of all this. Much as they might dream of dominating Iran and winning warm-water ports on the Persian Gulf, their more realistic goal is much more limited: to prevent Iran from being lured back into America's orbit.

The point here isn't that it's inconceivable for the Soviets to improve relations with Iran nor that an American policy of allying itself with Arab interests against Iran is free of all risks. The point is that a year ago Iran was moving to dominate the entire region by bludgeoning the Iraqis on the battlefield, bullying Persian Gulf oil sheikdoms such as Kuwait and blackmailing Saudi Arabia into supporting Iran's strategy for higher oil prices. U.S. credibility in the region was at an all time low after the Reagan administration's duplicitous arms-for-hostages deal with Iran. The immediate risk wasn't Soviet dominance of Iran but Iranian domination of the region that accounts for nearly 60% of the world's proven oil reserves.

Given that bleak outlook a year ago, it's remarkable how well America and the rest of the West have managed their gulf policy. It would be tragically ironic if America now abandons a winning position with the gulf Arabs out of fear of future Soviet gains in Iran at precisely the moment Moscow is realizing its position with Tehran is unwinnable and is trying to tilt to the Arabs again.

There are a couple of ways Moscow may try to encourage that switch. In recent weeks, the Soviet Union, which blocked United Nations sanctions against Iran in an effort to curry favor with Tehran, is suddenly beginning to hint at a willingness to support sanctions—but with one big condition: that the U.S. naval armada must leave the Persian Gulf. The Soviets are setting up a situation in which the U.S. naval presence, rather than their own gamesmanship with Iran, will be perceived as the obstacle to international cooperation against Iran. If the Soviets could get an impotent U.N. force (which would, of course, include some Soviet ships) to replace the powerful U.S. presence in the gulf, not only would they have a freer hand in the region but American credibility would be destroyed with the very Arab oil producers the U.S. seeks to protect.

The further risk is that Moscow may somehow manage to link Soviet withdrawal from Afghanistan to American withdrawal from the Persian Gulf. Undersecretary of State Michael Armacost was in Southwest Asia this past week seeking ways to hasten Soviet withdrawal from Afghanistan, while Defense Secretary Frank Carlucci was in the gulf to "reevaluate" (reduce?) America's presence there. Equating the U.S. presence in the gulf with the Soviet presence in Afghanistan is exactly like equating the actions of a mugger with the actions of a policeman. They're both at the site of conflicts but for precisely opposite reasons. The Soviets invaded Afghanistan to deprive Afghans of their freedom. The U.S. is in the gulf to keep Iran from depriving Arabs of their freedom. Thus, linkage of these issues is immoral as well as illogical.

The biggest danger of all, however, to American interests in the gulf isn't the sophistication of Soviet foreign policy but, once again, the muddle-headed view among many in Washington that the Persian Gulf is somehow comparable to Vietnam and Lebanon. It isn't.

The U.S. is involved in a naval operation, not a land war. The U.S. is fighting both for a clear principle and clear national interests, not for fuzzy goals it can't define. America has the solid support of nations within the region and of its Western allies. And unlike Vietnam and Lebanon, where friends and foes were hard to distinguish, the Iranian adversary is easy to identify. Moreover, the ayatollah's Iran isn't the sort of underdog that attracts the sympathies of Americans. Fundamentally, the common sense of the American people buys the common sense of America's commitment.

Nonetheless, administration officials these days talk nervously of the need to scale down the U.S. presence in the gulf. The hand wringing of all the Democratic presidential candidates (except Sen. Albert Gore) and their incantations of "another Vietnam, another Lebanon" put further pressure on the Reagan administration to begin withdrawing from the gulf. Add to that the pressure that inevitably will build in coming months to go along with the Soviets on all kinds of issues to protect the president's plans for a midyear summit in Moscow, and there is a real risk the administration may make linkages that ought to be avoided or reduce commitments that ought to be preserved. If so, it won't be the first time that America has been its own most dangerous enemy.●

INF

●Mr. COHEN. Mr. President, as you know, the Senate Select Committee on Intelligence, of which I am vice chairman, is in the process of holding a series of hearings on the INF Treaty and our Nation's ability to monitor compliance with the provisions of that treaty if it is ratified.

Recently, Senator DOLE, the distinguished Senate minority leader, wrote Intelligence Committee Chairman DAVID BOREN and me to give us the benefit of his insights on this critical question. His letter addressed some of the essential elements relating to verification of the INF Treaty and any subsequent agreement on strategic nuclear arms which the United States might enter into with the Soviet Union.

In his letter, Senator Dole stressed the need to ensure that we have adequate technical resources and manpower to provide confidence in our ability to effectively verify treaty provisions. He emphasized the importance of creating a dedicated capability to ensure that the monitoring mission for verification is carried out.

"Effective verification will not come cheap," Senator Dole stated. "But ineffective verification would exact a cost higher than this Nation can ever afford to pay—the cost of a less secure America.

Chairman Boren and I share the view that we need to assure that the United States has adequate technical means to effectively verify the INF Treaty and any other arms control agreements into which we may enter. If we conclude that our capabilities need to be improved, we will, as Senator Dole suggests, make our colleagues in the Senate aware of that conclusion. I would note that Chairman Boren spoke on this issue just last week.

The issues and concerns raised in Senator Dole's letter are important ones. I ask that the full text of his letter be printed in the Record for the benefit of my colleagues.

The letter follows:

U.S. Senate,
Washington, DC., February 4, 1988.

Hon. William S. Cohen,
Vice Chairman, Select Committee on Intelligence, Washington DC.

Dear Senator Cohen: Immediately upon completion of the negotiations leading to the signature of the INF Treaty by President Reagan and General Secretary Gorbachev, I undertook my own intensive study of it. In doing this, I took the opportunity to discuss the treaty with some of the nation's most prominent leaders and defense experts. Because verification has been one of my chief arms control concerns, I discussed at great length with Secretary of State George Shultz, Secretary of Defense Frank Carlucci, National Security Adviser General Colin Powell, and, of course, our chief negotiator, Max Kampelman. I also made it a point to meet with DIA Director General Perroots and NSA Director General Odom.

In short, I did my homework, and I am now confident that the INF Treaty can be verified. This is because the treaty's "double-global-zero" levels ease the verification problem. When I met with President Reagan on December 17th to advice him of my decision to support the treaty, I indicated that effective verification still concerns me because we may well need to beef up our own intelligence capabilities to do the job under the regime established in the INF Treaty. These are areas in which the Senate can, and ought to, act. I hope my thoughts on this subject will be of help to the Select Committee on Intelligence as it examines the INF Treaty.

Our technical intelligence-gathering systems are increasingly burdened with vital tasks. They must provide our national leaders and military commanders strategic or tactical warning of an attack upon the United States or its friends and allies. They provide the information to maintain currency on numerous orders of battle, and they provide timely intelligence on development in such places as the Persian Gulf. These systems must also support the considerable demands of effective arms control verification. And let's face it, montoring a START or conventional force agreement is only going to make the job harder, not easier.

Let's be plain about it: all this is vital national security information we cannot do without. Therefore, we must insure that our space launch capabilities and backup technical systems are such that we can recover from setbacks in a timely way. I know this problem is not new to members of the SSCI, but I urge the Committee to use the occasion of debate on the INF Treaty to recommend any action our country should take in this regard.

The intelligence chiefs I met with stressed that—in the end—it is people who turn the raw data our sophisticated machines collect into information useful to policy-makers. It is imperative we attract, train, and retain skilled intelligence professionals—they too are a national asset not easily recovered once lost.

I believe the best way to insure effective verification is to dedicate a number of people solely to the arms control monitoring mission. I hope the SSCI will support this idea, and explore with the Administration how such a capability would be organized, and where its staff and leadership would be drawn from.

Creation of this "dedicated capability" will insure that the monitoring mission for verification is carried out. But we should also explore whether its creation, or the cumulation of missions assigned to our intelligence agencies, has caused a shortfall in any vital area. If the SSCI finds that our capabilities need to be shored up, now is the time to make the rest of the Senate aware.

Effective verification will not come cheap; but ineffective verification would exact a cost higher than this nation can ever afford to pay—the cost of a less secure America.

Finally, the SSCI can recommend language which the Senate could use to give advice in the original sense intended by our Constitution's framers when they wrote of "advice and consent." I am convinced that the INF Treaty is verifiable because of its "double-global-zero;" START will require much more. For example, START must have an effective on-site inspection regime for suspect sites—which is also acceptable to the United States. Also, inspectors of the destruction process will have to insure that missiles presented for destruction are genuinely capable, and not just off-specification or training missiles. A clear statement of the Senate's expectations in this regard could strengthen President Reagan's hand as his negotiators tackle tough verification problems with the Soviets in Geneva.

The SSCI's job is exceedingly important. Americans across our great land want stabilizing arms reductions, but they want agreements which are verifiable because they know that the Soviet treaty compliance record is dismal. The details you must master are dauntingly complex, but after all is said and done, your purpose can be simply put: the American people want to know whether the Soviets are complying with their obligations. Your committee can count on any help I can lend to insure we have the answer.

Sincerely,

Bob Dole,
U.S. Seante. ●

JOHN SORTINO'S TEDDY BEAR COMPANY

● Mr. LEAHY. Mr. President, in a time when everything is imported from overseas and it is difficult to find the "Made in the USA" label, John Sortino is a tribute to Yankee ingenuity and ideals.

Five years ago Mr. Sortino started the Vermont Teddy Bear Co., a small, struggling business in downtown Burlington, VT. Today, it is the largest manufacturer of 100-percent American made stuffed bears.

All the material for the stuffed animals is produced in America and all the labor, including Mr. Sortino and his wife Susan, are 100-percent American, as well. One of their bears is permanently displayed in my office, where it is viewed longingly by every child who visits—and many parents.

Recently a biography of John Sortino and the Vermont Teddy Bear Co. appeared in the Burlington Free Press. I ask that the article from the February 8, 1988 edition be printed in the Congressional Record in its entirety.

The article follows:

Vermont Leads in All-American Teddy Bears

(By Kent M. Shaw)

In a world dominated by multimillion dollar giants, John Sortino does not expect to turn the teddy bear industry on its fuzzy, polyester head anytime soon.

On the other hand, he would appear to be the leading American contender.

Starting with the now familiar cart on Church Street in downtown Burlington in 1983, the Vermont Teddy Bear Co. has grown to be the largest manufacturer of completely American-made teddy bears. The firm expects to produce some 100,000 of the huggable creations this year.

"Still," says Sortino, "that's a really, really small company that makes 100,000 bears. Companies like Dakin do over $200 million, just in stuffed animals." Sortino declines to reveal Vermont Teddy Bear Co.'s revenues.

The theme is not a new one. Cheap labor in the Far East had eliminated the U.S.-born teddy bear industry. At least until Sortino left a job driving a United Parcel Service truck and entered the fray. Other American stuffed animal makers use material produced elsewhere in the world to manufacture their animals. Vermont Teddy Bear Co. makes the entire product.

In Vermont, Teddy Bear's beginning, there was Bearcho, a take-off on the elder Marx brother, with thick black glasses, mustache and eyebrows.

"I thought he was going to be the bear to end all bears," laughed Sortino, who now finds the prototype sorely lacking. Poor fur, Sortino pointed out. "You couldn't make a nose like that."

And there was Bearazar, complete with retractable antennae and cape, boasting magic powers.

And there was Fuzzy and Wuzzy and Buffy. Nothing from the original product line remains except the commitment to selling a 100 percent American-made bear with a 100 percent lifetime guarantee.

That first year on Church Street, Sortino sold just 200 bears.

"I went from making a huge salary (with UPS) to about $8,000 a year," he said.

He and his wife, Susan, designed and produced their wares at home, with the occasional help of another seamstress.

Poor but encouraged, Sortino sought the help of the Small Business Administration, created a business plan and went shopping—in vain—for a loan from a Vermont bank.

Instead, the Vermont Teddy Bear Co. was rescued from obscurity by a low-interest development loan from New York state, which put the firm in a manufacturing plant in Albany.

Sales jumped to 1,200 bears in 1984, to 9,000 in 1985, and 17,000 in 1986.

Last year, with almost 30 employees, the company produced 30,000 bears, and in the fall, brought new meaning to its name by leasing a 5,500-square-foot facility on Industrial Avenue in Williston.

"We have the capacity here to do about 300,000 units," Sortino said. "And we want to keep growing."

The Albany plant has been closed and all manufacturing takes place in Williston now, although some employees work at home on a piece-work basis.

The current line of about 40 bears wholesales from $7.50 to $40. Models are available with and without jointed limbs and heads, including such stars as Jeremiah Pockets, Bear Buns, Pearl (complete with strand), Bogsworth (a rabbit, actually, who can carry a baby teddy) and Sunshine Fogelbear.

A six-foot-tall bear will wholesale for $275.

The largest of all is not for sale. In 1986, Sortino unveiled a 26-foot, 1,100-pound colossus made in collaboration with University of Vermont engineering students. It would have set a Guinness record had there been a teddy bear category to enter.

The company has built up a contingent of more than 1,000 retail outlets across the country which sell Vermont Teddy Bear creations. The company employs a sales staff of three, as well as independent sales representatives.

Last week a massive, 10-ton press was stamping out polyester parts for Freddy Freihofer, part of an initial contract for 2,500 of the white promotional rabbits for the giant bread maker. They won't show the Vermont Teddy Bear Co. logo, but in maximizing factory efficiency, piecework like Freddy—or the Pamper Plus Bear for the diaper maker or the Heritage Bear, for a Florida firm—could greatly boost sales.

But mostly, Sortino and five minority shareholders are banking on innovation and quality and, well, a spirit of bear-ness.

"I think that bear people are more open," he mused. "There's been no study about that, but a bear person will sit down and talk to you all day. About anything.

"If you're buying a stuffed animal, you ought to be buying a stuffed animal from someone who cares about them," he said. "It should be a given."

At a time when natural fibers have some cachet, Sortino is proud to use top quality polyesters.

"A kid gets a teddy bear and it's going to get wet. If it's organic, it's going to rot."

And they are virtually indestructable—"A friend for life," says the logo.

Besides, if anything does go awry, the Vermont Teddy Bear Co. will repair or replace any product, at any time, for any reason. Of the 100,000 or so bears it has produced to date, Sortino guesses that between 25 and 50 have come back for a check-up, an experience, he says, that invariably ends up a positive one.

The Vermont Teddy Bear Co. is happy to provide guided tours.

"My goal isn't to do it just for the money," Sortino said. "Part of it is the excitement of watching it grow. It was an industry that had completely lost its base in the United States.

"It's really important that someone does something with this industry and makes it better. And I think we've done that."

Outsold, to be sure. But not outdone.●

THE 150TH BIRTHDAY OF HONEOYE FALLS, NY

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a small town with a grand past—Honeoye Falls in western New York. The 13th of March marks the village's 150th birthday, and it pleases me to join in the celebration of this historic event.

Founded in 1791, Honeoye Falls has come a long way since its founder, Zebulon Norton, came to western New York and purchased 1,820 acres of land at 12½ cents per acre on Honeoye Creek.

The area, then known as Norton's Mills, attracted villagers almost from the start and by 1822 had developed into a bustling little hamlet with mills, stores, a school, a post office, and churches. The creek played a large part in the life of the inhabitants with its mills and factories along the banks. A bridge had been built in 1810 connecting both sides of the village making for a larger and more closely knit community. The village was by this time known as West Mendon, but in March of 1838, West Mendon became incorporated and from that day on has been known as Honeoye Falls.

Today, 150 years later, Honeoye Falls—population 2,410—maintains the quaintness of a small town while serving the needs of its citizens. An excellent school system and fire department, 4 churches, 11 light industrial plants, and an array of stores and businesses set this unique village apart in terms of both small town charm and the efficiency and growth of many larger communities.

Honeoye Falls' residents have much to be proud of. They enjoy both the nostalgia and lost in time feeling of 150 years ago and the modernization of 1988.●

MR. CHARLES L. GRIZZLE

● Mr. McCONNELL. Mr. President, I rise today to insert into the RECORD a copy of a newspaper article that recently appeared in the Ashland (KY) Independent. The article details the career of a good friend of mine, Charlie Grizzle.

Charlie, who is now the Assistant Administrator for the Environmental Protection Agency's Office of Administration and Resources Management, has a record of distinguished service to our party, our State, and our Nation. He has served the Kentucky Republican Party in numerous capacities. For example, he was the party's executive director in 1981 and 1982, and he was deputy chairman of the Kentucky Reagan-Bush Committee in 1980. In addition, he was chairman of the Young Kentuckians for—former Senator Marlow—Cook in 1974, a position I held in 1968.

The article's headline is now incorrect. Charlie was recently approved by voice vote in the Senate's executive session of February 19, 1987. I would like to congratulate Charlie for his dedicated service and wish him the best of luck in his new position.

The article follows:

GREENUP NATIVE AWAITS SENATE ACTION ON EPA APPOINTMENT

(By Mark Wigfield)

WASHINGTON.—Greenup County native Charles L. Grizzle doesn't mind talking about how political connections have eased his climb up the career ladder in the nation's capital.

But there was something different, he said, about the way he won his recent presidential appointment to a top Environmental Protection Agency post.

"Strange as it seems, I got the job on my merits," said Grizzle, a round, friendly, bespectacled man. Although the Senate probably won't vote on Grizzle's nomination until Tuesday or Wednesday, he has been training for the job since last fall and recently moved to his executive suite.

Already, Grizzle has a book of Kentucky photographs on the coffee table. He thumbs through to find the picture of the white frame church his grandfather, John "Crit" Grizzle, helped build in 1905, the Argillite Methodist Church on Highway 1, since replaced by a brick structure.

On the wall are photos of Kentucky's famous Republicans, including former Sen. Marlow Cook, former 5th District Representative Tim Lee Carter and Sen. Mitch McConnell.

"I know them all well," Grizzle said.

Which is not surprising for a 30-year-old who learned politics at his grandfather's knee and began scouring the hollows for voters by the time he was 15. Two of the Wurtland High School graduate's stories about Grandpa Crit's partisanship stand out.

When Charles and Florine Grizzle, Charles' parents, asked Crit Grizzle for permission to marry, the patriarch granted it on one condition: that the bride-to-be renounce the Democrats and register as a Republican. And when New Deal Democratic President Franklin Roosevelt died suddenly on April 12, 1945, farmer Crit dropped his rake and danced a jig in his corn field.

Grizzle made contacts that led to Washington when he became student party leader in the late 1960s at the University of Kentucky. His appetite for politics left no room for torts when he attended the University of Louisville Law School from 1972 to 1974. He flunked out, he said, because politics took all his time.

He began work in 1973 at the First National Bank of Louisville became a loan officer in 1974, and stayed put until 1981. But his political resume grew in those 7½ years with his paid and unpaid party titles.

He was executive director of the Republican Party of Kentucky for eight months in

1981 and 1982, a deputy chairman for the Kentucky Reagan-Bush Committee in 1980, and a volunteer for the McConnell for County Judge/Executive Committee in 1977, to name a few. Other positions included finance chairman, state committee member, convention chairman, precinct captain and district campaign chairman.

Grizzle was happy with life as a banker. But we kept in touch with his GOP friends in Washington, some of whom were working in the White House. They told him he should come to town and work for the Reagan administration.

Lee Atwater, a South Carolinian working for Reagan who had known Grizzle since college, went further; He asked Grizzle to name the agency, and Atwater would find him a job.

"I had been deputy chairman of the president's campaign in Kentucky," Grizzle said. So the White House told the agencies "here's someone you have to take."

First to take Grizzle was the Department of Agriculture, to the dismay of his new coworkers. The department gave him a desk in an office staffed by career bureaucrats "who had never seen a political appointee," Grizzle said. "They thought I was some kind of spy."

The bureaucrats left the "spy" with nothing to do in the five weeks before then-Agriculture Secretary John Block made him one of his assistants. Grizzle held that title for a year and was promoted in 1983 to deputy assistant secretary.

At the same time, the Kentuckian worked after hours on the social events that feed the capital's power networks. He organized McConnell's inauguration party, and became the first commissioner of the Reagan-Bush softball league. He launched an annual black-tie charity dubbed "A Taste of the South," which brings the town's prominent Southerners together over mint juleps and Southern food. He throws a pre-Kentucky Derby bash in the back yard of his McLean home, and helped gather Kentucky Republicans in an event called "An Evening of Old Kentucky Hospitality."

He also became a good contact for Kentucky Republicans looking for work in Washington. By 1986, Grizzle wanted a new job for himself. With current Agriculture Secretary Richard Long's blessings, Grizzle told his friends at the president's personnel office he was available.

The two agencies most important to Kentucky are Agriculture and Interior, according to Grizzle. So when he became a finalist for a job at the latter agency "I used every ounce of political power I could muster in terms of phone calls and letters, but it didn't work out."

When Grizzle heard about the EPA opening, he took a different approach.

"I said I wouldn't call in my political chits for this," said Grizzle. "If it was meant to be, it would be."

After friendly meetings with Adminstrator Lee Thomas, Grizzle won the appointment to a post with a title nearly as long as the job description: Assistant Administrator for the Office of Administration and Resources Management. The complex job includes oversight of most EPA administrative and budgetary affairs, personnel management and computer services, and procurement for massive programs such as Superfund, the agency's hazardous waste cleanup effort.

But Grizzle will have to work quickly, for he expects to leave with the Reagan administration.

"I'll be gone by January 19 if it's a Republican administration," he said. "And if it's Democratic, I'll be gone by Christmas time. I couldn't bear the humiliation. I won't be around to turn out the lights."

Grizzle says that the training he began last fall prepared him to get things done this year. The down side, he said "is that this is an exciting challenge. I regret that I don't have longer to be here."

A George Bush supporter, Grizzle would like to work next on the White House staff. But if Bush isn't elected, Grizzle would like to work for a trade association or lobby for Kentucky interests here.

Grizzle said he would join a transition team to help the next adminstration get going at EPA. But he won't stay too long.

"I have a conscience, but I'm not a fool," he said.●

INFORMED CONSENT: TEXAS

● **Mr. HUMPHREY. Mr. President, there is no more divisive issue for this body than the question of abortion. There seem to be few areas upon which either side can agree or compromise. But, even those who favor abortion on demand should recognize the simple justice and common sense of informed consent. Women have a right to know what abortion entails and what the risks and alternatives are. S. 272 and S. 273 would require that basic information be given to women who seek abortions. Surely, the principle of informed consent is one area in which we can begin to move to benefit all women who face this most difficult decision. I ask that the letters of two women in Texas be entered into the RECORD.**

The letters follow:

FEBRUARY 21, 1987.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: I am thankful for this opportunity to express my feelings about the abortion issue.

I had an abortion when I was 17 years old. I was a straight A student, involved in many organizations in high school and thinking of where to go to college. Of course, I thought it would never happen to me, but it did. I was pregnant. I picked a doctor out of the phone book and called to find out what I needed to do, all I was told was to make an appointment and bring $300.00 in cash when I came in. That's it! Nothing about what was going to happen, nothing about the fact I was carrying a real baby that could feel pain. All I thought was it was just a blob of tissue, not already a baby. I didn't understand what I was doing. There were no books about it in the waiting room, the doctor never mentioned the baby at all, except to use the terminology of "products of conception". He told me I would feel cramping for a few seconds and then it would be over. Because of the fact I was so uninformed of what was going on, I found myself pregnant again when I was 19. Of course, I already knew what I had to do, just make an appointment and bring $300.00 with me. The main problem is no one bothered to tell me about the emotional trauma I would go through for the rest of my life. Not a day goes by that I don't think about what I did.

I became a Christian in May, 1985. It was then that I really found out what I had done. My church showed the film "The Silent Scream" which tells about what happens during an abortion from the baby's point of view. I cried until I thought I would die.

If only someone had told me what I was really doing! If only I had been informed! If only someone had told me the pain the baby and I would go through physically and emotionally, I never would have had one. How I wish I had known.

Please help in whatever way you can to inform women of the circumstances that go along with abortion. Please help end abortion for good.

Sincerely,

A Victim of Abortion.

MARCH 6, 1987.

DEAR SENATOR HUMPHREY: Thank you so much for working on an informed consent bill for abortion. Informed consent is necessary for women to make an intelligent choice on abortion. Women have been making uninformed, ignorant choices for the past 14 years. I know because I made such a decision 13 years ago!

I was a 20 year old, divorced mother of a 3 year old son. I was afraid of how my family would react to my second pregnancy, so I secretly obtained an abortion. The doctor did a pregnancy test and a pelvic exam. Then he said, "Are you sure you want this pregnancy terminated?" I said yes. All this took 20–30 minutes and an appointment was set for 2 days later.

On the day of the abortion, however, no more information was given to me. I didn't see the doctor until I was on the table ready for the abortion. After the abortion, the nurse told me to watch for hemorrhaging and/or infection. That was it—for them. The first day the severe cramping kept my mind occupied with the physical pain. On the second day, I was emotionally numb, so I got drunk. I stayed that way except at work or when I was sleeping it off.

Three years later, I remarried, but kept drinking. I verbally abused my husband and 2 living children. I could not relate to my kids emotionally, so I neglected them and yelled at them or spanked (and slapped) them at inappropriate times. My abortion was not only afflicting me, it affected my whole family. I just didn't seem to care about anything except me, me, me!

Two years ago, after taking a biology class, I began to think about my abortion. I learned about fetal development, and realized I had been denying the fact that I took a human life. The guilt and remorse became so heavy. My behavior became worse; I continued drinking, always lashing out at my husband and children. My marriage almost broke up, and I was severely depressed. I cried out to God and accepted Jesus Christ as my Lord and Savior.

Since then, I've quit drinking and my relationship with my family is improving every day. But, I know I should have another child and I always miss that child. I think, "If only I had known!" Why wasn't I told about the development of my baby? Why did they only tell me about 2 possible physical effects? And why wasn't I informed about the psychological problems that would follow? Why???

I guess it's because no one cared. Thank you for caring Senator. I have an eight year old daughter, and I will do anything that will ensure that she and others have the right to make a totally informed choice to abort or not to abort. Thank you for your time and efforts.

Sincerely,

JEAN WHITTON,
San Antonio, TX.

A PRIVATE SECTOR SOLUTION TO THE LONG-TERM CARE PROBLEM

● Mr. SASSER. Mr. President, long-term health care for America's senior citizens continues to be a matter of grave national importance. And despite the catastrophic health care bill now pending in conference, long-term care is a problem we have yet to deal with. In our search we need to weigh all viable alternatives.

To that end, I would like to call to the attention of my colleagues an article that appeared in the New York Times last month. That article focused on the rising demand for private insurance that covers long-term care.

There is no doubt that this demand will continue to increase as our Nation's elderly population continues to be the fastest growing segment of our economy. The Times article tells us that to meet this demand, major insurance companies are starting to offer long-term care policies for large groups. Several large companies such as Proctor and Gamble, American Express and General Motors are adopting these long-term care policies for their employees. The State teachers retirement system in Ohio has also adopted long-term care insurance for their 65,000 members.

These new long-term care policies differ from existing policies in two ways. They promote group buying, thereby decreasing costs by spreading risk, and they encourage people to start paying for policies which provide retirement coverage during their working years so that the cost can be spread over a longer period of time. Both of these are excellent cost savings concepts.

I am very encouraged by such developments. However, because of the nature of long-term illnesses, the private sector will have a very difficult time single handedly addressing this problem. The needs of an elderly population that exists largely on the fixed income of Social Security or a retirement check will be difficult to meet through these policies alone. The fact of the matter is that many of our Nation's over 65 population cannot afford the premiums that would be necessary to cover the expense of their increased health risk.

The only way that private insurance can insure such a high-risk group of participants is by placing a cap on the amount that the long-term care policy would pay for a typical day's care. Yet, such a daily expense limit is the major obstacle that prevents this type of insurance from being more effective.

The daily expense limit is a problem because it is difficult if not impossible to set rates for a service that may not be required for 30 or 40 years. If I buy long-term care insurance today, I will be insured against nursing home costs of around $60 a day; a reasonable rate by today's standards. However, the onslought of a long-term illness may not begin for 30 years or more. And in 30 years the policy will pay the same $60 a day for nursing home care that it pays today.

Mr. President, nobody knows what inflation will be like over the next 30 years, but I would wager that the cost of a day's nursing home care 30 years ago was nothing compared to its cost today. In 30 years, $60 will likely not make a dent in a 1 day nursing home bill.

Nevertheless, I am pleased to see that more attention is being given to the issue of long-term care. I hope that the private sector continues to focus on and search for solutions to the problem that long-term illness poses for the financial security of our Nation's elderly. But more importantly, I hope that the long-term care problem remains a congressional priority so that we can eventually implement a comprehensive long-term care solution.

Mr. President, I ask that a copy of the New York Times article be printed in the RECORD at this point.

The article follows:

DEMAND RISING FOR INSURANCE THAT COVERS LONG-TERM CARE

(By Milt Freudenheim)

Thousands of Americans have begun buying a new form of health insurance that pays for nursing homes or care in their own homes for chronic illnesses.

In a development that has raised hopes of alleviating some of the deepest concerns of millions of families, the new policies promise protection in a changing society in which many wives, daughters and other family members are no longer available to stay at home and care for a chronically ill relative.

The protection, known as long-term care insurance, pays a fixed daily amount, which can vary from $10 to $200, for a nursing home stay or the costs of help with the daily tasks of living at home. The national average of nursing home costs is $60 a day, although in New York some homes charge $160 or more. Monthly premiums start at $2 for young people buying minimal policies and rise with age and extensive coverage to $600 or more for people in their 70's.

Late last year, a few companies began offering the new insurance to their employees, in addition to the more traditional health insurance that pays for a hospital stay and doctors' bills. In the past, patients who needed help with such daily tasks as eating, bathing and dressing were rarely covered. Insurers paid only if the patients were ill enough to first require expensive skilled care in a hospital or nursing home.

Many of the new policies have eliminated these barriers. If a chronically ill person qualifies under provisions of the insurance, the payments might be used to pay the costs of an adult day care center or for such expenses as a home health aide, a helper to shop and cook, or a companion to sit with the patient.

The new approaches by private insurers are being developed as a result of growing pressure from Congress and the Reagan Administration and demands by advocates for elderly Americans.

Most of the purchasers of the new policies have been middle-aged and elderly Americans concerned by the experiences of relatives and friends who have been overwhelmed by the expenses and responsibilities that come with chronic illness.

For instance, Mary Mazur and her twin sister, Josephine, spend their days drafting plans in a large New York engineering firm. Nights and weekends in their separate East Side apartments, they alternate in caring for their 90-year-old mother.

Leah Mazur, who has Alzheimer's disease, is cared for by a home health aide while her daughters are at work. The disease afflicts 2.4 million Americans, destroying the memory and eventually rendering them helpless.

"In our family, we live into our 80's," Mary Mazur said. "There are seven of us children, and there's a strong possibility that half of us will get Alzheimer's."

While their mother, like others already ill, cannot purchase the insurance, the Mazur sisters believe they should get it.

GROUP COVERAGE

Late last year, in a development that Government officials and authorities on chronic illnesses said was a breakthrough, several major insurance companies began offering the new coverage to large groups. These groups included employees of the Procter & Gamble Company, the American Express Company's Travel Related Services division, the Aetna Life and Casualty Company, the John Hancock Mutual Insurance Company and the State of Maryland.

At about that time, two other large employers, the General Motors Corporation and the Ford Motor Company, agreed in their contract with the United Automobile Workers to try out in small pilot programs long-term care benefits to be paid for by the companies.

And the State Teachers Retirement System in Ohio plans to offer long-term care insurance to its 65,000 members and their families in July.

Insurance company planners say they anticipate tens of millions of dollars in added revenues from premiums this year as sales of the new policies accelerate. The most active insurers include Aetna, the Travelers Corporation, Hancock and Metropolitan Life.

GROWING NEED CITED

Health care experts say that the steady aging of the United States population and changing social trends are dramatically increasing the need for the insurance.

At least 3.5 million chronically ill or disabled Americans, of which a million are under age 65, already require help with the tasks of daily living. They include 1.4 million in nursing homes, about half suffering from Alzheimer's disease or similar disabilities.

More than half of the estimated $46 billion that Americans are expected to spend on nursing homes in 1988 comes from individuals and their families. Private insurance has paid for only 1 percent, with the balance paid by government programs.

The ultimate success of the new insurance may hinge on proposals for adjustments in the tax laws to encourage companies and employees to obtain it.

The Department of Health and Human Services has been quietly developing new proposals. Thomas R. Burke, the department's chief of staff, said the "up-front cost" of tax concessions might be balanced by savings in Medicaid.

Medicaid is the Government health care program for the poor—including middle-class people who "spend down" until they become poor enough to qualify. Medicaid pays nearly 42 percent, or close to $20 billion a year, of the country's expenditures on nursing homes.

Even before the new group insurance for long-term care became available, nearly 500,000 people had purchased individual policies, most of them last year. More than 70 insurance companies are selling the individual policies, which usually provide more restricted benefits than the group plans.

Public awareness of the issue grew when the Health and Human Services Secretary, Dr. Otis R. Bowen, sent recommendations on insurance for catastrophic illnesses to Congress in February.

Advocates for the elderly used the ensuing committee hearings to call for increased protection for the chronically ill as well.

"The Bowen report let the long-term care issue out of the closet," said John Rother, director of legislation and research for the American Association of Retired Persons, an advocacy group with 26 million members. "Once you started talking about catastrophic care, you had to acknowledge that long-term care was 80 percent of the problem."

Industry analysts expect the recent group offerings to open the way for the program at other companies. "This is a market on the verge of exploding," said Gail P. Schaeffer, a specialist on insurance for the elderly at Hancock.

Other groups weighing the long-term-care idea include Owens-Corning Fiberglas, Southwestern Bell, the 100,000-member Michigan Education Association and Kaiser Permanente, the big California-based prepaid health plan.

In a recent national survey, half the 147 companies responding said they would probably be offering an employee-financed long-term care benefit within five years, according to Robert C. Levin of the Washington Business Group on Health, an employer's group.

Premiums on the first group policies will be paid by the individual purchasers. But Maryland officials said their state intended to offer the insurance as a subsidized benefit to state employees in about two years.

SOME ARE CRITICAL

But not everyone is satisfied with the new insurance. Citing a study by the General Accounting Office, a subcommittee of the House Select Committee on Aging said recently that many of the policies did not offer protection against inflation, a major concern in health care.

Another criticism was raised by John Jager, director of the New York City chapter of the Alzheimer's Disease and Related Disorders Association. He said, "By and large, long-term-care insurance has specifically excluded Alzheimer's patients."

The exclusions were all too evident to Gertrude Steinberg. "When I turned 65, I was really desperate to find insurance that would fill in the gaps in Medicare," she said. Medicare, the Federal health insurance for the elderly and disabled, does not cover chronic illnesses.

Mrs. Steinberg knew what she was looking for, she said, because her father had died of Alzheimer's disease after six years of total dependence on his wife and daughters. But she said she was unable to find an appropriate policy she could afford.

A.A.R.P. PROGRAM

The American Association of Retired Persons, which also sells insurance, issued 26,000 of the new type of policies after a low-key test offering to members this summer. The policies were underwritten by the Prudential Insurance Company of America.

A notice and advertisement in a members' bulletin brought 108,000 telephone calls requesting information on a toll-free number, Gail Y. Kirby of A.A.R.P. said. There was no direct mail solicitation.

All the insurers hope to attract younger buyers. At Aetna, JoAnn Mathieu, a products manager, said two-thirds of the company's employees who purchased the new policies were 30 to 50 years old—"a very positive indication." This spreads the risks because younger buyers are unlikely to need care for many years. Later, their accumulated premium payments will help pay for it.

Premiums for younger people are relatively low. "It cost me $23 a month to cover myself and my husband," said Linda Ulrey, a Procter & Gamble employee in Cincinnati. She is 38 years old and her husband is 40. Their policies promise to pay $60 a day toward nursing home costs and $30 a day for home care. However, given inflationary trends, these amounts would probably pay only a fraction of the cost by the time the care is needed.

FEDERAL PROGRAM SOUGHT

Democrats on the House Select Committee on Aging, led by Representative Claude Pepper of Florida, are pressing for a federally financed long-term care benefit. The American Association of Retired Persons plans to spend $2 million to build support for the idea in the 1988 Presidential campaign, Mr. Rother said.

Administration officials said their tax proposals, which still must win White House approval, were intended to head off any new Federal entitlement program.

Insurance company officials are also worried about the proposals for a new Federal benefit. "We see the specter of a national program as very real, although not imminent," said James B. Weil, a vice president at Metropolitan Life.

"We have a three- or four-year window, five years at most, in which the private sector has the opportunity to prove that it can write a high-quality product," he added.

Some insurers are put off by the risks. "The people who want it and buy today are the ones who see a need for it in the next five years," said C.B. Hudson, president of the United American Insurance Company, a division of the Torchmark Corporation. "We don't have time to build a fund to cover the benefits." ●

THE CAPITAL MARKET IN MONTPELIER

● Mr. LEAHY. Mr. President, in this fast paced world, change is inevitable. But some things do stay the same, and remind you of those magical times of growing up in Vermont.

My first memories of the Capital Market in Montpelier were as a child, when my parents brought me there. It was a family market then, and still is today.

A place where you can go get groceries, and find out about all your neighbors as well.

There is nothing impersonal about the store that has been operated by Narciso Alvarez for more than 60 years. There are no checkout counters or computerized cash registers.

Ray Alvarez, Narciso's son, still totes up your bill in pencil on the brown, paper shopping bag. And he does it as fast and as accurately as any automated cash register.

But Gayle M.B. Hanson, of the Barre-Montpelier Times Argus, tells the story of the Alvarez family very well in the January 18, 1988, edition of that newspaper. I ask that it be printed in the CONGRESSIONAL RECORD, so that other Senators can enjoy reading about this remarkable family.

The article follows:

[From the Barre-Montpelier (VT) Times Argus, Jan. 18, 1988]

WHERE 'THE GOOD OLD DAYS' LIVE ON

(By Gayle M.B. Hanson)

MONTPELIER.—When the Capital Market first opened its doors on Jan. 14, 1928, customers bought their flour and sugar in bulk, potatoes by the bushel, and coffee for 25 cents a pound. Raymond Alvarez was nine months old.

Times have changed: The price of coffee has long since gone beyond a dollar and flour and sugar now come conveniently prepackaged. In the grocery store business, success these days is often measured by the length of the lines at the check-out counters.

Not so at the Capital Market, a family-owned operation that last week marked its 60th year in business, making it one of Montpelier's oldest retail markets and longest continually running businesses.

The Alvarez family which runs the market, still takes orders by phone and it's not unusual to see boxes of groceries being filled up on the counter while few customers are in the store. Raymond Alvarez, now 60, often can be seen getting the orders ready.

Capital Market also still delivers every day but Monday and maintains charge accounts for favored customers, some of whom have been trading at the market since it opened.

"We used to have at least 20 customers who'd order 10 bushels of potatoes every winter," recalled Narciso "Villa" Alvarez, 92, founder of the business.

"People would come in and buy molasses by the gallon."

A self-described "meat man," Alvarez said he decided to go into business for himself after working for several years at the old L.B. Brooks and Co. market on Barre Street, now the site of Steve's Market.

"There were 12 or 13 clerks working in that store," he recalled. "Of course when we started, we used to have two trucks delivering orders."

Among the customers who continue to order their groceries by phone is Marguerite McKee, 94, who the Alvarez's reckon to be their oldest, longest continuous customer.

When asked how the store had changed over the years she couldn't pinpoint anything exactly, and with good reason.

"I always did most of my shopping over the phone," she said. "I still get an order every week."

These days McKee's children, now grown, are also customers.

The them, and for the Alvarez family, Capital Market is a family affair.

Raymond, who was nine-months old when his parents opened the market, began working there at the age of nine; his job was filling the bulk orders of food. These days he can be found at the market almost all the time, often with both his father and mother, Josephine.

"Villa" Alvarez still works in the store six days a week, from 8 a.m. until one in the afternoon. Josephine, at 84, is there from 7 a.m. until 6 p.m. from Monday through Saturday.

The family is pleased that in 60 years in business, they have not had to open evenings or on Sundays in order to maintain a steady clientele.

"We've pretty much been able to keep things as they were," said Raymond Alvarez.

In all, seven people work at the market, which is particularly known for its meats.

At a time when ground beef comes wrapped in plastic, and every other chicken is named Perdue, the Capital Market prides itself in offering custom meats, their own corned beef and sausage and chickens shipped in fresh from Maine three times a week.

Raymond Alvarez recalled being slightly perturbed when the Agriculture Department made them eliminate the word "home made" from their own speciality meat products—after all, while the market may not be classified as a residence it certainly qualifies as a second home to the family.

Tastes have changed over the years, he added, and today the younger customers aren't eating quite as much meat as their parents did.

"We used to render our own lard and sell about 100 pounds of it a week," he said. "These days we don't even sell a pound a week."

Other changes in the business include the availability of fresh fruit all year round and a wide selection of "gourmet" foods.

"We've always tried to offer something just a little bit different," Raymond Alvarez said.

Then, as he ran out to make a delivery to a local restaurant, his father took a breather, relaxing for a few minutes while paging through the Wall Street Journal.

"I think we've done some things right and some things probably wrong," he said looking up momentarily from his paper.

Suddenly though, he's attracted by an item in the upper right hand corner of the financial pages.

"Mmmm," he pondered. "It looks like the Grand Union chain is being sold again."●

JUSTICE FOR VICTIMS OF AGENT ORANGE

● **Mr. KERRY.** Mr. President, there is no issue more important to America's Vietnam veterans than the issue of agent orange. Today, 13 years after the end of the Vietnam war, Vietnam veterans are still not receiving any compensation from the Federal Government for diseases caused by agent orange. This injustice has gone on for too long. It is time for Congress to take action.

Last fall, I joined with Senator Tom Daschle in introducing S. 1787, the Veterans Agent Orange Disabilities Act of 1987. This legislation would begin the process of providing compensation for the victims of agent orange. Identical legislation was introduced in the House by Representative Lane Evans. I am very pleased that Senators Simon, Wirth, Heinz, Specter, Pressler, Dodd, Melcher, Burdick, Harkin, Moynihan, Riegle, Bradley, Pell, Heflin, Matsunaga, and Inouye have joined as cosponsors of S. 1787. I hope that more Senators will join in helping to resolve this vital issue.

Providing compensation for the victims of agent orange is a simple matter of justice. It is not, and should not be, a partisan issue. It is not an issue of liberal versus conservative. It is an issue of fundamental fairness, an issue which all Americans who are concerned about our Vietnam veterans can agree upon. It is time to heal the wounds, and bring all of our Vietnam veterans home again.

I am very pleased that the Senate Veterans Affairs Committee has now scheduled a hearing on the agent orange issue, and on this legislation, for March 31. I commend Senator Alan Cranston, chairman of the committee, for taking this important step. Vietnam veterans deserve a hearing in Congress. We owe them no less.

A recent article in the Veteran newspaper, published by Vietnam Veterans of America, contains a clear and cogent analysis of the agent orange issue. As the article concludes, "New studies should be undertaken, compensation should be authorized, and perhaps most importantly, an unbiased mechanism for providing compensation should be put in place." This is an important and valuable contribution to our understanding of the issue of agent orange. I hope that all of my colleagues will study the issue of agent orange, and join in an effort to resolve it. I ask that the text of the article be printed in the Record.

The article follows:

Does Congress Hide Behind Science on AO Issue?

(By Paul Eagan)

Just prior to adjournment of the first session of the 100th Congress, while the Senate was debating an omnibus veterans' health bill, an exchange of views on the subject of Agent Orange took place. The exchange involved Senators Tom Daschle (D-SD) and John Kerry (D-MA) speaking with Senator Alan Cranston (D-CA), the chairman of the Senate committee on Veterans Affairs. Essentially, Senators Daschle and Kerry were expressing their interest in seeing the Senate take steps legislatively to provide compensation to veterans with disabilities associated with exposure to dioxin, the principal contaminant in Agent Orange. They were also inquiring as to when and if Chairman Cranston planned to hold hearings on the subject.

Senator Cranston responded by saying that the Senate Veterans Affairs Committee as well as the House Committee on Veterans Affairs were awaiting evaluations (by the Office of Technology Assessment, the Agent Orange Working Group of the Cabinet Council, and the VA's Advisory Group on Environmental Hazards) of the recently released VA longitudinal mortality study, another study conducted in Washington State on the possible association between dioxin exposure and non-Hodgkin's lymphoma, and another VA study on the soft-tissue sarcoma. Once these evaluations are available, a hearing will be held, most likely in February or March. The scope of the upcoming hearing will include legislation favored by VVA to provide compensation for Agent Orange-related disabilities.

That the chairman of the Senate Committee on Veterans Affairs has agreed to hold a hearing is genuinely significant, because earlier in the year, he expressed the view on the floor of the Senate that compensation at this point in time would be premature. In the past, Senator Cranston has been a clear ally on the Agent Orange issue. It was legislation he authored that mandated the original Agent Orange studies, which were later turned over to the Centers for Disease Control (CDC), and it was his legislation that required the VA to review all pertinent scientific studies and promulgate regulations compensating veterans with illnesses found to be associated with Agent Orange exposure.

CRANSTON KEY

Given the fact that not one veteran has yet been compensated under that legislation, it is hoped that Senator Cranston is coming around to the realization that the intent of his own legislation has been ignored by the VA, that it is about time something meaningful were done.

VVA has recently sought serious legislation for compensation as a result of the findings of the VA's longitudinal study released last summer. That study, a study the VA had with held for several months, found that Marines having served in I Corps had a 110 percent greater likelihood of becoming afflicted with non-Hodgkin's lymphoma and a 58 percent greater likelihood of becoming afflicted with lung cancer than those having served outside the Republic of Vietnam. Not suprisingly, the VA immediately characterized the study's findings as a statistical fluke—as having little merit in ascertaining a scientific relationship between exposure to dioxin and specific diseases.

As a result of the VVA's efforts and those of Senators Kerry and Daschle in the Senate, and Representatives Lane Evans (D-IL), John Bryant (D-TX), Jim Jeffords (R-VT), and several others in the House, a bill addressing the issue was written. On October 14, 1987, this legislation was introduced in both the House and Senate, HR 3486 and S 1787. Currently there are 53 House cosponsors and 15 Senate cosponsors for the legislation.

THE SCOPE OF AO LEGISLATION

Each of these measures would authorize immediate compensation on a presumptive basis for non-Hodgkins' lymphoma and for lung cancer manifesting itself within 25 years of departure from Vietnam. These two diseases were shown in the VA-conducted longitudinal mortality study to be much more likely to appear in Marine veterans having served in Vietnam than in other individuals.

Additionally, a general review of all relevant studies, completed or ongoing, would be assigned to an unbiased, nongovernmental, scientific entity for the purpose of determining which diseases are likely to result from the presumed immuno-suppressive effects of dioxin exposure. At the end of each year that the review is undertaken, a list of these diseases would be provided to the VA. The VA would then be required to compensate exposed veterans for these diseases on a presumptive basis unless Congress passed, and the president enacted, legislation to the contrary, within 90 days of the VA's receipt of the disease.

Finally, the VA would be required, for the first time, to evaluate data already at its disposal to determine whether any disease patterns can be discerned on the basis of individuals treated at VA facilities for alleged Agent Orange-related physical problems (the VA has been required to provide this care for several years.)

At prsesent, virtually hundreds of thousands of veterans have been treated, but the VA has never attempted to evaluate the resulting data. Why the VA has never undertaken such an analysis is an open question.

Naturally, obtaining broad cosponsorship of the legislation will be important in order to prevail upon the House and Senate veterans affairs committees to move forward with the desired legislation; VVA has already taken steps to increase cosponsorship. It is encouraging to note that House Veterans Affairs Committee chairman, G.V. "Sonny" Montgomery, introduced a bill last summer that would provide a presumption of service connection for non-Hodgkin's lymphoma. Similar legislation was subsequently introduced by the Senate committee's ranking minority member, Senator Frank Murkowski.

Unfortunately, neither of these bills go far enough.

In view of the VA's foot-dragging attitude in awarding compensation for disabilities associated with Agent Orange—a foot-dragging that has persisted in spite of the VA's existing legal authority under Senator Cranston's original legislation to provide compensation—it is now time for an approach extending beyond compensation for a single obscure disease.

The measures the VVA is supporting, HR. 3486 and S. 1787, constitute a modest first step on the road to meaningfully putting the Agent Orange issue to rest. For years, veterans and their families have been asked to await the outcome of various epidemiologic studies before compensation is provided. Some in the VA as well as in Congress have been able to successfully hide behind scientific inconclusiveness in order to avoid the tough political decisions that must ultimately be brought to bear in resolving the Agent Orange issue. By now, with many years having passed and numerous dioxin studies having been completed, it is clear that the epidemiologic community is incapable of reaching a consensus on the effects of exposure. For veterans, the final strokes came in November when it was officially announced by the CDC and others that the long-awaited Agent Orange exposure study, also mandated by Senator Cranston's earlier legislation, was impossible to undertake. Adding insult to injury, the CDC then filed its final report of a blood study comparing dioxin levels of exposed and non-exposed veterans. That report shows negligible differences in dioxin levels between veterans having served in Vietnam and those who served elsewhere.

DERAILING LEGISLATION

The study, finding that there is practically no difference in body levels of dioxin between Agent Orange-exposed and non-exposed veterans, could be politically devastating to efforts aimed at providing compensation for disabilities associated with Agent Orange exposure in Vietnam. Already, those who oppose compensation are seizing upon this study's findings to derail the legislation to provide even modest compensation. As expected, the VA tops the list of those in opposition.

Nevertheless, the results of this study may be confidently relied upon as being accurate to the extent that the study's parameters were narrowly defined. Perhaps the most important variable the study failed to consider, however, is the meaning of equal levels of dioxin in veterans exposed to Agent Orange and veterans who were not exposed to Agent Orange. The very existence of dioxin in those having served outside of Vietnam suggests strongly that these individuals were exposed to dioxin even though the form of exposure was other than Agent Orange. As we have seen from numerous examples of dioxin contamination around the country in places like Love Canal, NY, Elizabeth, NJ, and Times Beach, MO (as well as from the fact that dioxin has been used widely in a variety of industries) the dioxin levels in veterans who served outside of Vietnam must be understood to constitute normal exposure in an "acceptably" polluted domestic environment. The equally low levels of dioxin in veterans who served in Vietnam must be understood differently.

Since all the study sought to do was determine dioxin blood levels in veterans who did not serve in Vietnam, the study is silent on the question of why the levels for each category are about the same. One possible explanation that makes sense to the VVA and has considerable grounding in the scientific community is that over time dioxin disintegrates within the body. If the veterans who served in Vietnam have dioxin body levels of five parts per trillion today, what might those levels have been seven or fourteen years ago? According to some in the scientific community, it takes about seven years for dioxin levels to fall by 50 percent.

Looking at the dioxin comparison of the two groups from a different perspective suggests that a Vietnam veteran whose dioxin level is five parts per trillion today may have had a level of ten parts per trillion seven years ago and twenty parts per trillion fourteen years ago. With no similar reason to suspect previously higher dioxin levels in veterans who served outside of Vietnam, the explanatory differences in the two groups of veterans become extremely important. Unless we are to believe—which VVA does not—that the significantly higher dioxin levels in Vietnam veterans years ago hold no greater risks of causing disease than modest constant levels in veterans who served outside of Vietnam, there are very compelling reasons to proceed with compensation, regardless of the CDC blood study.

VVA'S POSITION

This, however, should not be taken to mean that VVA finds further study of dioxin pointless. Studies should continue even though it is unlikely that consensus in the scientific community will emerge. After the nearly eight years since the Congress approved an exposure study, it is clear enough that too much has been invested financially on the part of the government and emotionally on the part of the exposed veterans and their families to allow the scientific process to cease.

In fact, the absence of any further federally mandated studies of Agent Orange's effects on exposed individuals would improperly signal to public health policy makers in and out of Congress that the issue has been resolved and, by extension, the compensation is unwarranted.

Nevertheless, by using the mechanism incorporated in the legislation supported by the VVA to add disabilities to the list of those for which the VA must provide compensation, an important change in policy direction would follow. First of all, the VA would be stripped of its ability to withhold compensation by pointing to a lack of scientific consensus. Secondly, the scientific community would be forced to share in the responsibility for determining what diseases should be compensable.

It is ironic that this mechanism is nearly identical to what was intended by the Cranston legislation enacted several years ago, legislation that authorized the VA to establish its Advisory Committee on Environmental Hazards. That committee was to have surveyed the existing and ongoing scientific dioxin studies. It was then to have recommended diseases reasonably associated with dioxin for compensation purposes. True to its longstanding reputation for failing to meet its responsibilities on the Agent Orange issue, however, the VA manipulated the committee's scope of dioxin literature review in order to prevent awarding compensation. By limiting the studies to be reviewed, the committee has been unable to fulfill the mission intended for it by law. As a result, only one disease to date, chloracne, has been recommended for compensation.

At present, it is unclear what progress will be made on meaningful legislation this year. It is hoped that both Cranston and Montgomery will intervene aggressively in view of the VA's disregard for its Agent Orange responsibilities. The CDC should be called to account for the lateness of its decision to cancel the long-awaited Agent Orange exposure study, and it should be pointedly asked to fully explain the reasons for similar dioxin levels in the blood study of veterans having served in Vietnam and those who served elsewhere. New studies should be undertaken, compensation should be authorized, and perhaps, most importantly, an unbiased mechanism for providing compensation should be put in place.●

COMMUNITY HEALTH CENTERS PROGRAM

● Mr. **DASCHLE.** Mr. President, I rise today in strong support of the reauthorization of the Community Health Centers [CHC] Program. I commend the distinguished Senator from Massachusetts for his timely introduction of this important reauthorization and am pleased to join as an original cosponsor.

In 1975, Congress recognized the need to expand health services in both rural and urban underserved areas and authorized CHC's under section 330 of the Public Health Service Act. Since the inception of the program, the number of CHC's has grown from 150 to over 600. Approximately, 5 million Americans have received care at CHC's, 85 percent of whom had incomes below 200 percent of the poverty level.

Community health centers provide critically needed primary care services in rural areas like South Dakota. In South Dakota, a disproportionate number of poor elderly are served by CHC's. With the decline of the rural economy, CHC's in my State have witnessed a dramatic rise in the need for subsidized services. Although there are 7 projects and 14 satellite clinics serving over 26,000 people in South Dakota, CHC's are only able to serve a fraction of the people needing health care services.

The need to strengthen and expand the services of CHC's is greater than ever. These health centers are primarily serving the low income and uninsured whose numbers are increasing rapidly. Unfortunately, these trends are accompanied by consistent cuts in major health programs. Low-income discretionary health programs have declined by 26 percent from 1981 to 1988 when adjusted for health care inflation. In 1969, Medicaid reached 65 percent of the poor; by 1985 that number had dropped to 46 percent.

Over the years, CHC's have demonstrated the ability to provide high-quality, cost-effective health care. CHC's have been extremely effective in encouraging families to end their reliance on expensive emergency room care and begin using preventive health services. In addition, CHC's have helped reduce the infant mortality rate in areas which they serve, sometimes as much as 40 percent, by providing high quality maternity and infant care services.

Mr. President, few programs make as significant a contribution to health care in underserved areas as the community health centers programs. I strongly urge my colleagues to join in support of this valuable program.●

ORDER OF PROCEDURE ON TOMORROW

Mr. BYRD. Mr. President, the first rollcall vote tomorrow will occur at 9:30. That will be a 30-minute rollcall. At the conclusion of the 30 minutes, the call for the regular order will be automatic.

ORDERS FOR THURSDAY

RECESS UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business not to extend beyond 9:30 a.m., that the call for the mandatory quorum be waived, that the vote occur immediately on the motion to invoke cloture, and that Senators may speak for not to exceed 2 minutes each during the period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2117 HELD AT DESK

Mr. BYRD. Mr. President, I ask unanimous consent that S. 2117 be held at the desk until the close of business Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BYRD. Mr. President, with respect to the maximum of 3 minutes which will be in order tomorrow under the agreement entered, I ask unanimous consent that no amendment to any one of the amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSIONS OF APPRECIATION

Mr. BYRD. Mr. President, let me thank the distinguished acting Republican leader and the assistant Republican leader, both of whom are my good friend, the distinguished Senator from Wyoming, ALAN SIMPSON.

I yield to the Senator.

Mr. SIMPSON. Mr. President, I want to say I very much appreciate working with the majority leader today and in these days past, as I take on this additional responsibility of acting leader. I have found him to be most extraordinarily courteous and we have, I think, assumed a very high degree of mutual respect, which is helpful when you legislate. Certainly I share with him in my earthy way: Mr. Leader, this is what I have to deal with on my side; and he tells me what he has to deal with on his side; and we are, therefore, when all the cards are there, able to shuffle them up and deal them correctly and fairly, and that is a very pleasant way to do business, and it is called legislating, and that is what I am about on this side of the aisle. I like to legislate, and the only way to do that is to move legislation. I appreciate the way in which we are accomplishing that.

Mr. BYRD. Mr. President, the distinguished Senator has my utmost admiration and respect.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there is no further business to come before the Senate, I move in accordance with the order previously entered that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to; and, at 10:09 p.m., the Senate recessed until tomorrow, Thursday, March 3, 1988, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 2, 1988*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the leaders of our Nation and specially for those who labor in this assembly, that they would receive the gifts of wisdom and judgment. We recognize, gracious God, the unique concerns that confront people to whom great responsibility has been given, and we pray that they will be motivated not by personal satisfactions, but rather by the earnest desire to do justice for every person, from every land. Grant to our leaders, O God, all blessings and encouragement so they will be good and faithful custodians of our heritage as a people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CRAIG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CRAIG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 124, answered "present" 1, not voting 38, as follows:

[Roll No. 15]

YEAS—270

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coats
Coelho
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lipinski
Livingston
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Mica
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Mrazek
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Patterson
Pease
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schneider
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—124

Armey
Badham
Ballenger
Barton
Bentley
Bereuter
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dorgan (ND)
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Gallegly
Gallo
Gekas
Goodling
Gregg
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lewis (CA)
Lewis (FL)
Lowery (CA)
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Morrison (WA)
Murphy
Packard
Parris
Pashayan
Penny
Porter
Pursell
Rhodes
Ridge
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Skeen
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wheat
Whittaker
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Chappell

NOT VOTING—38

Akaka
Anthony
Aspin
Atkins
Baker
Biaggi
Bilirakis
Boulter
Brown (CA)
Coyne
Dowdy
Feighan
Ford (TN)
Frenzel
Gephardt
Gingrich
Gray (PA)
Holloway
Huckaby
Kemp
Leath (TX)
Lehman (CA)
Leland
Lewis (GA)
Lightfoot
Lott
Mack
McGrath
Miller (CA)
Moody
Murtha
Panetta
Rangel
Roemer
Rostenkowski
Schulze
Smith (FL)
Young (FL)

☐ 1415

Mr. PACKARD changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

TAX CUT: DEJA VU ALL OVER AGAIN

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, in listening to the latest hullaballoo in the Democratic Presidential debate on the fairness of the 1981 tax cut, I'm reminded of something said by Yogi Berra: "It's deja vu all over again."

The debate on the 1981 tax cuts is redundant. They were unfair in 1981 and they're unfair today. They were a mistake then and they're a mistake now.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1981 we knew the Reagan tax cut would be a windfall for the rich. We knew in 1981 that the average American family was getting ripped off under the Reagan bill. Seven years does not change the fact that it's unfair to give $120 to families making between $10,000 and $20,000 and $8,300 to those making over $80,000.

Thanks in part to the Reagan tax cut, the richest families in America pay 25 percent less in taxes than they did 10 years ago. Yet CBO tells us that families at the low end of the spectrum are paying 10 percent more than they did 10 years ago.

Mr. Speaker, rotten eggs don't sweeten with time. A vote for the 1981 tax bill smells just as bad in 1988 as it did in 1981.

UNITED STATES $400 MILLION LOAN TO MEXICO'S STEEL INDUSTRY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, tomorrow the World Bank members will vote on whether to grant a $400 million low-interest loan to Mexico. I rise to protest this loan.

Seventy-five percent of this loan will directly aid Mexico's steel industry. This $300 million is to compensate Mexico for rationalizing and modernizing its steel industry. The remaining $100 million will go directly into Mexico's treasury.

Mr. Speaker, this loan amounts to an international subsidy designed to provide Mexico with a competitive advantage in the world steel market.

American steel companies are presently struggling to stay alive, not only because of world steel overcapacity, but also because of foreign subsidized steel. This proposed loan flies in the face of competitive rationale, tipping the scales even further against U.S. steel producers in the trading arena.

At a time when American steel companies are in grave trouble, it makes absolutely no sense for the World Bank to subsidize foreign steel. I urge my colleagues to oppose this loan by contacting the U.S. World Bank members.

□ 1430

THE WAR ON DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President has said that we are winning the war on drugs. I do not believe it. In fact last week a rookie policeman in New York City was gunned down while he was guarding a witness for a drug trial.

Police suspect that the hit was ordered by a drug boss in prison. That drug boss had been sentenced to 25 years to life and he is also under indictment for having murdered his parole officer.

Mr. Speaker, I think it is time for Congress to declare war. Saying no is not enough. I think it's time for these drug kingpins who kill our policemen and destroy our kids to face the death penalty. We must defend our borders and bolster our Coast Guard, and I think it is time to take issue with people like Panama strong man Manual Noreiga.

Mr. Speaker, what bothers me is that rumors abound that the Central Intelligence Agency supposedly turned their back on General Noriega because he was helping the Contras. I do not know if that is true, but the CIA has flatly denied it. In fact they say they know nothing about General Noriega. Mr. Speaker, if my colleagues believe that, I have got some swampland I would like to talk to them about located down in Florida.

The truth of the matter is if a 10-year-old in New York City can find heroin and crack, the CIA knows where it is coming from. I think it is time that if necessary we attack those sources in Colombia and put our foot down. I think the problem is everyone in America is trying to say no. The only problem is our Government has yet to say "no."

RESOLUTION OF OPPOSITION TO A $400 MILLION WORLD BANK LOAN TO RESTRUCTURE THE MEXICAN STEEL INDUSTRY

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, here we go again. My constituents may be, once again, paying their taxes to put themselves out of work. Unless we do something and quickly, the World Bank will vote tomorrow to approve a $400 million loan to help refinance a restructuring of the Mexican steel industry.

Worldwide, there are more than 200 million excess tons of steel capacity. The United States currently is spending $50 million on trade adjustment assistance each year to retrain workers who have lost their job due to this overcapacity. The American steel industry has undertaken a massive restructuring, 8 billion dollars' worth, without Government assistance and has improved its competitive position. Now, the World Bank, which receives 20 percent of its funding from the United States and its taxpayers, is about to make a $400 million contribution to a $1 billion effort to upgrade plants and equipment in order to increase the Mexican output.

Additionally, I understand that the Mexicans hope to attract American auto parts manufacturers to Mexico with its modernized steel industry and a free trade zone. So the $1 billion may only be the tip of the iceberg.

While I sympathize with Mexico's desire to reinvest in its steel industry and the World Bank's desire to assist the ailing Mexican economy, I cannot stand idling by and watch the World Bank use American tax dollars to add capacity at a time when the industry suffers from a worldwide glut.

The American steel industry and the American steelworker have suffered and have restructured without the benefit of assistance from the American Government or any international lending body. The World Bank should assist the Mexican economy but not at the direct and immediate expense of American workers. Many in our Government turned their back on the U.S. steel industry because they felt that change and shakeout in the industry was necessary. Well, a change and a shakeout has taken place. Let's not punish the survivors by saving jobs in Mexico that we refused to save in the United States.

Today, I am introducing a resolution of opposition to the proposed $400 million World Bank loan making it clear that the House of Representatives does not see this loan to be in the best interests of the United States and our economic revitalization. It resolves that our Representatives should make its best effort to prevent approval of the loan. At this time, I understand that our Treasury Department supports the loan. My colleagues, we must demonstrate our dissatisfaction and must do it today. I ask that you join me on this resolution and I ask that my colleagues contact the Treasury Department today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1259

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1259.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REJECT $400 MILLION IN BAILOUT OF MEXICO'S STEEL INDUSTRY

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, tomorrow, the World Bank will vote to approve a $400 million project to aid in the downsizing of Mexico's steel industry. I rise to express my outrage and indignation over this project, and to plead with the administration to withhold its approval of this project.

We lack the courage to support our own industry in its efforts to relieve itself of excess capacity. We won't "bail them out." That's not the American way. That's not the way the marketplace should work. That's not the way to stimulate competition.

But we will willy-nilly help to bailout a Mexican industry that expanded in the 1970's and 1980's. We will relieve them of the financial and social pain involved in downsizing. And the marketplace is almost irrelevant: The Government of Mexico owns at least 60 percent of its industry. We will bail out Mexico's inefficient and overbuilt industry but we won't raise a finger to help our own.

Now, some will say that this project will get rid of some of the 200 million tons of excess capacity in the world's steel industry. But it probably will not lower production. You see, if Mexico's capacity is reduced by 20 to 30 percent, they could still maintain its nearly 8 million tons of production. But they will be able to lower their costs, and thus enhance their competitiveness. We will help them to compete in the world steel market but we won't raise a finger to make our own industry more competitive.

And, I would point out to you that Mexico is shipping more and more steel to our market. They exceed their VRA quota limits under the President's steel program.

The products they sell here are the high value products, like pipe and tube, galvanized sheet, and cold rolled sheet and strip. By giving Mexico $400 million, we make it easier for them to compete in our markets, and diminish the opportunities for American steelworkers to produce their products.

I urge the administration to back off from this bailout of Mexico's steel industry. Let them start at home. If we want the world's steel industry to be more competitive, let it be done here first.

CREATING OUR OWN ADVERSITY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, it has been learned that tomorrow the World Bank will vote to lend Mexico $400 million; $300 million is for modernizing its steel industry, $100 million is for the general fund of its Treasury.

I think the Congress should be asking the World Bank to stop, to cease and desist from encouraging any expansion of the steel capacity of any nation. Right now, every statistic available points to the overproduction-overcapacity of steel worldwide. Our own industries are being beaten around the ears to phase out old plants, old technologies with no help from our own Government.

Does the World Bank offer such loans to U.S. steel companies? Of course not. And the $100 million going into the Treasury? Where is that going? To retire debts to International Banks?

With about 50 cents of every dollar of World Bank money being contributed by the U.S. taxpayer, it might be time that we demand an audit through the treasuries of some of these foreign nations to make sure that our money is not being used against our best interests or to guarantee the bad debt of incompetents.

STOP THE FLOW OF DRUG MONEY FROM PANAMA

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. Just 3 days ago, Edward Byrne, a 22-year-old uniformed New York City police officer, was murdered in cold blood in eastern Queens. Officer Byrne was sitting in a patrol car guarding the house of a witness in a drug case.

Upon hearing of this summary execution by way of three bullets to the head, I thought, "there but for the grace of God go I," having also served years ago as a New York City police officer on solo foot patrol on some of the meanest, drug plagued streets in the Harlem area of New York.

Mr. Speaker, we must stop the flow of illegal drugs into our Nation. Regrettably, that the Government of Panama, under Gen. Manuel Noriega, has become a major center for assisting international drug trafficking.

Along with the drugs from Panama that are crossing our border, billions of dollars in laundered drug money is flowing into United States banks through the Federal Reserve payment system.

In that regard, today I and Congressman ACKERMAN are introducing a resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve should take every step necessary to stop the transfer of funds from Panama to banks in the United States through the Federal Reserve System.

We must not allow Panama to use the Federal Reserve System as a tool for its deadly trade.

GROVE CITY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the so-called 1987 Civil Rights Restoration Act. If this legislation passes the House, entire private elementary and secondary school systems, including religious school systems, will be covered if just one school in the system gets any Federal assistance.

Mr. Speaker, this is just one example of how this bill tramples on the rights and religious liberties guaranteed to all Americans by the U.S. Constitution. The first amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Nowhere does it say that the Department of Education shall have the supreme power to decide which religious tenets are important and which are not.

Congress must uphold the civil rights of religion and religious institutions just as it affirms the civil rights of other vital parts of our society. I therefore urge my colleagues to vote "no" on this bill.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, yesterday I was unavoidably detained in an important meeting with Arkansas soybean producers during rollcall No. 14, the vote on the Dannemeyer motion to instruct conferees regarding the dial-a-porn amendment to H.R. 5. Had I been present, I would have voted "yes."

CIVIL RIGHTS RESTORATION ACT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the rule under which the House will today debate S. 557, the so-called reinstatement of civil rights, caused by Grove City.

Mr. Speaker, I went before the Committee on Rules, and I asked authority to offer an amendment. I was turned down.

Mr. Speaker, I intend to speak about this when the matter is relevant. In a nutshell, however, under existing law, if one wishes to come into this country as an immigrant and has a communicable disease, they are not eligible, but the bill in the form that we are going to consider it goes in the opposite direction, that if one has a communicable disease an affirmative action program would come into existence whereby the whole force of the Federal Government would come to your aid in order to get a particular job.

Mr. Speaker, it is ludicrous that we would have such a result in our law. We need time to debate this issue because it relates to one of the most fundamental issues facing the country; namely, the necessity of developing a public health response to deal with the AIDS epidemic and stop this nonsense of treating it as a civil rights issue.

THE FUTURE OF NATO

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, history seldom deals a perfect hand. The convergence of our Nation's fiscal crisis with a fresh dialog between the United States and the Soviet Union on disarmament puts the future of NATO in question.

NATO has served its allies well for more than 40 years but today it faces stark realities. The United States is the principal ally in terms of monetary support, and the United States is mired in a budget crisis which forces significant cutbacks in military expenditures. Changes in our exchange rate have made the cost of troops overseas more expensive than ever and there is a growing feeling that our allies should have matured economically and politically to the point where they can shoulder equal shares of the NATO burden. But these challenging issues may go unaddressed in Brussels, where the President is meeting with NATO ministers. At a time when we should be meeting to assess, redefine, and position NATO in a changing world we hear only the strains of Auld Lang Syne from an administration whose eye may be more on retirement than the realities which face us.

PERSONAL EXPLANATION

Mr. SWINDALL. Mr. Speaker, I would like to state that I was unavoidably absent during rollcalls 13 and 14 on yesterday, March 1, 1988. Had I been present I would have voted "no" on rollcall 13, and I would have voted "yes" on rollcall 14.

THE FEDERAL GOVERNMENT INTRUSION ACT

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWINDALL. Mr. Speaker, I would like to take this opportunity to speak out against the Civil Rights Restoration Act. First of all certainly that is a misnomer. It ought to be entitled "The Federal Government Intrusion Act."

Mr. Speaker, I particularly am perturbed about one particular aspect that affects the religious tenets. It is something that has been from the time this country was founded a very protected area. I wanted to offer an amendment to correct this new intrusion but unfortunately the rule that we will be voting under later today prevents any such amendments.

Specifically what this bill will allow to happen is that any church or synagogue that has for example a homeless shelter or any type of soup kitchen that receives Federal funds, it will now bring that facility under Federal jurisdiction, that synagogue or that church, and that has never before existed in this country.

Mr. Speaker, I am concerned about it because the title says "civil rights restoration." This is not a restoration. It is a new intrusion into a previously protected area. I think it is a grave mistake, and I urge my colleagues to vote no on the rule which allows no amendments to correct the flaw, and then if the rule does in fact pass I ask my colleagues to please vote no on the bill until it can be corrected.

□ 1445

WHISTLEBLOWER PROTECTION ACT AMENDMENTS OF 1988

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation that will help protect nuclear powerplant employees who report safety problems from retaliation by their plant managers.

As someone who is deeply concerned about nuclear powerplants' inherent safety problems, I want to make sure potential problems do not escalate into major threats to public safety.

The best way to do this is to ensure that plant workers, who are safety's first line of defense, have the security of knowing they can report these problems without being harassed or losing their jobs.

My legislation will strengthen existing laws created to protect whistleblowers in an effort to encourage these employees to come forward.

The bill gives employees who feel they have been fired or harassed because they reported safety problems a year—rather than the current 30 days—to file a complaint, and protects their rights to file a claim in a State court as well as with the Secretary of Labor.

It also requires management to prominently post the rights of employees who report safety problems, and grants explicit protection to workers who report problems directly to management rather than Federal regulators.

This legislation improves the Federal Government's ability to protect nuclear powerplant employees who report safety problems. Their honesty should not cost them their jobs.

OPPOSITION TO FmHA FARMER RELIEF

(Mr. DIOGUARDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIOGUARDI. Mr. Speaker, I rise today to express my strong opposition to the Farmers Home Administration announcement to draft rules relieving farmers of up to 7 billion dollars' worth of debt owed to the U.S. Treasury, thus passing this cost on to all American taxpayers.

Unfortunately, the story gets worse. Not only is FmHA heaping this $7 billion cost onto all of us, it is doing so with the intent of lending even more money to the very same enterprises that were unable to pay back their loans in the first place.

What happens when we hit another downturn in the farm economy? Will we once again wipe the slate clean and extend new loans that will never be paid back?

Mr. Speaker, whether you're from the farm or the city, this policy makes little horse sense or common sense. It is a policy that will further sow the seeds of disaster for our budget deficit without giving any real long-term health and stability to the farmers it is designed to help. I have written to FmHA Administrator Vance Clark expressing my opposition to their proposal and my intention to introduce legislation that would block its implementation.

This action is just another in a long line of government shell games that disguise economic reality and hide the true cost of government from the American people. In fact, the only thing this farm policy will put on the kitchen table of most Americans is more debt.

EMERGENCY HUNGER RELIEF ACT OF 1988

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I today, along with close to 50 of my colleagues, in a bipartisan effort, am introducing the Emergency Hunger Relief Act of 1988.

It is a sad commentary in America that there is a need to introduce any Emergency Hunger Relief Act at all. In a land blessed with the great agricultural bounty, it is a national shame that there is hunger in our society.

Just a week ago I convened a hearing on this issue and heard from a wide range of people who confront daily the reality of hunger in our society, food bank directors, ministers, national experts on nutrition and child health, and the mayors, mayors indicating that there will be an increase in hunger needs in this country from some 18 to 20 percent over this next year, all of whom spoke of the growing problem of hunger and the failure of the current programs to meet the need. They also spoke in particular of the fact that there will be a failure of distribution of the temporary emergency food assistance program within the next few months.

So today we introduce what I think is a balanced and prudent agenda to try to deal with the hunger problem in our society. The consequence of delay is already evident. We are seeing increases in infant mortality, anemia and malnutrition, and the simple fact is that we cannot afford not to act. The time is now. I urge your support for the Emergency Hunger Relief Act of 1988.

COMMUNIST FOOTHOLD IN CENTRAL AMERICA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, tomorrow we have our monthly vote on whether or not communism is going to get a permanent foothold on the Isthmus, the land bridge between our country and the Panama Canal. I am going to take a special order tonight. I want my colleagues to watch. It should be on sometime between 7:30 and 9:30. We will be so limited in debate, the issue becomes more and more critical but the key debate time becomes more and more narrow. So this special order is going to be important. For those who follow the written and electronic record of this House, that means about 5 o'clock in California, Pacific time, or 3 o'clock in the afternoon in Hawaii. They can take time out from paradise to listen to the latest Communist shipments, deliveries from General Secretary Gorbachev to the Communists in Nicaragua.

Here is a Rand report on communism in Nicaragua, how close they are to fulfilling a lifelong dream of 70 years of communism, a permanent colony on the Continent of North America. And here is a report taken off of the body of a killed Communist guerrilla in El Salvador, eight pages long of detailed commentary on how they use the Congress, negotiations, and the peace process.

My colleagues may hear Yoko Lennon caterwauling "All we are saying is give peace a chance," but, Mr. Speaker, put the word "communism" in place of peace, and that is what you and your liberals and radicals and your party are helping to prop up on the soil of North America.

EMERGENCY HUNGER RELIEF ACT OF 1988

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I am proud to join with my colleague, Congressman PANETTA in cosponsoring the Emergency Hunger Relief Act of 1988 to address the growing problem of hunger in America—this land of plenty.

Clear indicators show a rising demand for emergency food assistance in this country. This need will expand even farther when commodities distributed through the Temporary Emergency Food Assistance Program will no longer be available later this year. While the number of persons living in poverty grew between 1980–86, there were 400,000 fewer persons participating in the Food Stamp Program in an average month. In addition, the USDA estimates that the WIC Program reaches just 40 percent of those eligible. This is a particularly disturbing statistic to my State of West Virginia where 50 percent of all babies born in the State last year were born into poverty. All of these indicators combine to evidence a grave shortfall in ensuring the basic nutritional needs of poor Americans.

I would like to alert my colleagues to a recent study conducted by public voice for food and health policy on rural poverty and nutrition. It highlights the growing segment of rural poor who are at high risk because of nutritional deficiencies and outlines the barriers to food assistance programs that the rural poor face.

The Emergency Hunger Relief Act of 1988 addresses the hunger crisis in all of America by eliminating the barriers to food assistance programs and by increasing benefits to meet nutritional needs.

My colleagues, tomorrow we will be asked to vote on humanitarian aid for victims of the war in Central America, today I ask that you lend support to legislation which would provide humanitarian aid to the victims of the war on hunger in America.

THE MANAGEMENT INTERLOCKS REVISION ACT OF 1988

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, today I am introducing legislation that will amend the Management Interlocks Act of 1978. That act's broad intention was to promote competition among financial institutions. First, it prohibited the dual service by management officials in nonaffiliated institutions within the same standard metropolitan statistical area. Second, if a depository institution holding company has assets over $1 billion, a management official from that company was prohibited from serving as a management official of a nonaffiliated institution with $500 million in assets.

Mr. Speaker, since the enactment of this legislation, we have seen some rather dramatic changes in the financial services industry. I could spend an hour talking about the disintermediation of the banking industry, but in sum, there are now a greater number of financially diverse institutions. For example, one of the largest thrift holding companies in the United States is Ford Motor Co. Moreover, the provision from the 1978 act that restricts companies with assets over $1 billion is hopelessly outdated. In 1978, only 3 percent of the institutions insured by FSLIC, 144 institutions, had assets over $500 million. Now, that number has grown to 400 institutions.

The effect of this in the marketplace is that commercial firms that have acquired thrifts have difficulty getting persons to serve on their, the company's, board because potential directors usually serve on another financial institution's board. This is a frustrating exercise, and it is one impediment that we certainly need to clarify, particularly if we want to continue encouraging commercial firms to buy thrifts. This bill will allow the regulators to determine if dual service is a competitive problem. The primary supervisory agent in each region will have 60 days in which to disapprove of the dual service.

A second part of this bill is designed to ease the effects that this bill has had on smaller banks. First, it would define "control" of an institution at 25-percent share ownership, as opposed to 50 percent ownership. This will bring this legislation in line with the definition of control of a bank holding company, moreover, it will allow a greater number of institutions which are affiliated in practical reality to be affiliated for management purposes. Additionally, this legislation will allow an interlock in a primary Federal supervisory area if the regulators believe that no competitive problems will be created by allowing it. Because statistical areas have changed in the last 10 years, many banks find themselves facing interlock problems now—where there were none before.

Mr. Speaker, on December 3, 1987, the Independent Banker's Association of America testified in support of these revisions to the Interlock's Act. In doing so, they stated that "competent directors are the foundation of a bank's survival and profitability." Having once served on the board of directors of a bank, I could not agree more. I am confident that these changes will strengthen the banking industry.

Finally, exemptions are made for acquisitions of failing banks and thrifts. Perhaps this is the most important change since 1978, 10 years ago we did not have a FSLIC crisis, and we weren't experiencing nearly the number of bank failures that we are now. Easing the acquisition of a failing institution is one of the most important aspects of this bill.

Mr. Speaker, I am pleased to be joined by three distinguished members of the House Banking Committee in introducing this legislation. They are Mr. BARNARD, Mr. SHUMWAY, and Mrs. SAIKI.

DRUGS AND CRIME

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, a great deal has happened in the city of New York over this past week. A young police officer was shot five times in the head as he was sitting in a patrol car outside of a drug witness' home.

What I would like to ask my colleagues to do is to join with me. I am sending around a "Dear Colleague" letter and I hope that my colleagues would join with me and with the New York delegation in a special order that will take place this coming week, and if not the following week, but it will be done.

I think this is an issue that affects every one of us, the question of drugs, the question of AIDS, the question of how these criminals are getting away with what they are getting away with.

So I hope that all my colleagues will be able to join together in a special order on behalf of Patrolman Edward Byrne, who gave his life.

THE CIVIL RIGHTS RESTORATION ACT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Civil Rights Restoration Act is the most important civil rights legislation of this session of Congress. The goal of this legislation is simple. It will restore original congressional intent to the laws which prohibit discrimination in federally funded programs and institutions.

Passage of this act will restore enforcement authority to civil rights statutes which have been crucial to minorities, especially Hispanics and underprivileged Americans in their fight for equal opportunity in our society.

Title VI of the Civil Rights Act has been a powerful tool for minorities, blacks, Hispanics, and Native Americans in their efforts to combat discrimination in employment, education, and housing. The restrictions imposed on that law by the Grove City decision have been used to deny minorities the basic civil right of equal opportunity.

We rely on our laws to secure our fundamental rights. If we fail to pass this bill, we will leave in place a law which condones discrimination with our tax dollars. Such has no place in a country which professes to be governed by a Constitution which declares that all are created equal.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

The SPEAKER pro tempore (Mr. GRAY of Illinois). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1447.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mr. MICHEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 122, not voting 27, as follows:

[Roll No. 16]

YEAS—284

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coats
Coleman (TX)
Collins
Conyers
Cooper
Courter
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Ray
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—122

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Bunning
Burton
Cheney
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Green
Gregg
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hyde
Inhofe
Kasich
Kolbe
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (IL)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Nielson
Oxley
Packard
Parris
Petri

Quillen
Regula
Rhodes
Roberts
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Spence
Stangeland
Stump
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie

NOT VOTING—27

Akaka
Anthony
Baker
Biaggi
Boulter
Brown (CA)
Coelho
DeFazio
Dellums
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Lott
Mack
McGrath
Moody
Roemer
Rostenkowski
Schulze
Smith (FL)

□ 1518

Mr. CONTE, Mrs. SMITH of Nebraska, and Mr. MILLER of Washington changed their votes from "yea" to "nay."

Mr. EMERSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Ms. OAKAR. Mr. Speaker, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 393

Resolved, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Armed Services, H. Martin Lancaster, North Carolina;

Committee on Public Works and Transportation, Bob Clement, Tennessee; and

Committee on Merchant Marine and Fisheries, Bob Clement, Tennessee.

The SPEAKER pro tempore. The question is on the resolution.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 122, not voting 33, as follows:

[Roll No. 17]

YEAS—278

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coble
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Craig
Crane
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hochbrueckner
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Rahall
Ravenel
Ray
Richardson
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NAYS—122

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bliley
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coleman (MO)
Conte
Coughlin
Courter
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gingrich
Goodling
Green
Gregg
Hansen
Hastert
Henry
Hiler
Houghton
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McDade
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Packard
Petri
Pursell
Quillen
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roth
Roukema
Saiki
Schaefer
Schneider
Schuette
Sensenbrenner
Shuster
Skeen
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)

NOT VOTING—33

Akaka
Anthony
Baker
Biaggi
Boulter
Daub
Dellums
Dowdy
Ford (MI)
Ford (TN)
Gephardt
Gilman
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Mack
Martin (NY)
Mavroules
McGrath
Moody
Rangel
Roemer
Rostenkowski
Rowland (CT)
Savage
Schulze
Smith (FL)
Stark
Williams

□ 1539

Mrs. SMITH of Nebraska changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 391

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order in the House or in the Committee of the Whole except an amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Michel of Illinois, or his designee, which shall be considered as having been read, which shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, and which shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I many consume.

Mr. Speaker, House Resolution 391 is a modified closed rule providing for the consideration of the bill S. 557, the Civil Rights Restoration Act of 1987.

The rule provides for 1 hour of general debate with 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Education and Labor and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Judiciary.

Mr. Speaker, under the rule no amendments are in order to the bill in the House or in the Committee of the Whole, except an amendment in the nature of substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by the gentleman from Illinois [Mr. MICHEL] or his designee.

The substitute shall be debatable for 1 hour, with the time equally divided and controlled by a proponent and a Member opposed to the amendment also, Mr. Speaker, no amendments to the substitute are in order. Finally, the rule provides for one motion to recommit.

Mr. Speaker, S. 557 would overturn the 1984 Supreme Court decision, Grove City College versus Bell which narrowed the application of Federal antidiscrimination laws. The bill would restore and clarify the interpretation of a program or activity within an agency or institution that receives Federal assistance.

What the Supreme Court ruled was that Federal laws barring discrimination did not apply to entire agencies or institutions but only to the specific programs or activity that received Federal assistance. This bill, which passed the Senate 74 to 14, would amend four major civil rights statutes that prohibit discrimination in federally assisted programs: The Education Amendments of 1972, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Civil Rights Act of 1964 to make clear that under each act discrimination is prohibited throughout an entire agency or institution if any part receives Federal financial assistance.

Also, Mr. Speaker, there is language in the bill that specifically states that institutions that receive Federal aid would not be required to perform or pay for abortions and would prohibit an educational institution from discriminating against anyone who has had or is seeking a legal abortion.

Mr. Speaker, immediately after the Grove City ruling of 1984 the House attempted to overturn that ruling by a vote of 375 to 32. The Senate, however, chose not to act on the measure. Now that the Senate has acted it is time for the House to move this bill expeditously through and put a stop to the loss of educational benefits, jobs, and job opportunities that can never be recovered and to ensure that no Federal dollars will be sent to any institution that allows or encourages discrimination. I urge my colleagues to vote for this rule and for final passage of the bill.

□ 1545

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe that most Members of this House realize how important this legislation is. This is an extremely important piece of legislation and it has been handled in an extraordinary way.

Believe it or not, there was not one single minute's worth of hearings on this legislation during this Congress by a House committee. My colleagues would think that the Members of this House would be entitled to some hearings on a piece of legislation this important. So without hearings, the committee came before the Rules Committee and got a rule that is very restrictive allowing only one amendment to be offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. Speaker, that is not the way to legislate. Over on the Senate side they had an opportunity to amend the legislation. Why not the Members of the House? Why deny the Members of this body the opportunity to amend an important piece of legislation?

We are talking about a piece of legislation under which, according to the Justice Department, an entire church or synagogue, including its prayer rooms and religious classes, will be covered under at least three of these statutes if it operates one federally assisted program or activity. Every school in a religious school system would be covered in its entirety if one school within the school system receives even one dollar of Federal financial assistance, even though the others receive no assistance.

Grocery stores and supermarkets participating in the Food Stamp Program will be subject to coverage solely by virtue of their participation in that program.

Every division, plant, facility, store, and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social services, or parks or recreation will be covered in their entirety whenever one portion of one division, plant, facility, store, or subsidiary receives any Federal aid.

A private national social service organization will be covered in its entirety, together with all of its local chapters, councils or lodges, if one local chapter, council or lodge receives any, and I stress the word "any" Federal financial assistance.

As a consequence more sectors of American society will be subject to increased paperwork requirements, and random on-site compliance reviews by Federal agencies, even in the absence of an allegation of discrimination. Thousands of words of Federal regulations will be forthcoming. There will be costly accessibility regulations that can require structural and equipment modification, the need to attempt to accommodate contagious persons, and increased exposure to costly private lawsuits that will inevitably seek the most expansive interpretation of the already overbroad language of the bill.

Moreover, the bill inadequately protects the religous tenets of entities covered under title IX by refusing to strengthen the current exemption to allow institutions not only controlled by, but also those closely identified with the tenets of, a religious organization, to seek an exemption from title IX coverage when title IX conflicts with those tenets.

Mr. Speaker, let me just read a part of a letter that was sent to our Republican leader, the gentleman from Illinois [Mr. MICHEL] from the President dated March 1:

> The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further con-

trast to the pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

Let me also say that the President says if this legislation reaches his desk in its present form he will veto it. So why, why not have the Members of the House have an opportunity to have hearings on it so that they could make proper changes, so we could send to the President a bill that he can sign? Why, why all of the hurry? Why deny the Members of this House that opportunity?

The only chance we have today to show any kind of a protest is to adopt the amendment to be offered by the gentleman from Wisconsin [Mr. SENSENBRENNER]. That is all we have.

So we are looking down a road toward a veto and accomplishing absolutely nothing.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 14 minutes to the gentleman from California [Mr. HAWKINS], chairman of the Education and Labor Committee.

Mr. HAWKINS. Mr. Speaker, I rise in support of the rule and urge my colleagues to do the same.

The decision in Grove City College versus Bell is now 4 years old and hundreds of people are being denied their basic rights to be treated equally in education, housing, health, and other federally sponsored programs. It is time to restore the original congressional intent of broad systemwide coverage to these four statutes affecting women, disabled, the elderly, and minorities.

This measure has been heard and heard again. It is incorrect to say that no hearings have been held on this subject. We have had more than 22 days of hearings in the Education and Labor Committee. I am confident that hearings have also been held by the other committee of jurisdiction, the Judiciary Committee as well.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I am glad to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, the gentleman just said that there have been hearings on this legislation. When were hearings held on S. 557 as it came over from the Senate?

Mr. HAWKINS. S. 557 is a bill that has been in this House several times before. The issues have certainly been heard in three different Congresses. It is similar to legislation introduced in the 98th Congress, heard throughout that Congress and identical to legislation introduced in the 99th Congress, and certainly has had enough hearings that everyone is acquainted with it. To say that this specific piece of legislation has to have hearings I think is being totally illogical, and certainly would not add at all to the knowledge of the Members of this body.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Michigan just briefly. I do not have much time.

Mr. HENRY. Mr. Speaker, is it not correct, however, that when the committee last considered this 3 years ago in the previous Congress it adopted a religious tenets provision, in fact, a religious tenets provision broader than the one we seek to bring to the floor and have been denied an opportunity to do so?

Mr. HAWKINS. No; we did not. I think the gentleman has misconstructed what we really adopted. It was different from the one before us today.

Mr. HENRY. It was broader.

Mr. HAWKINS. But that is not the issue. The issue is whether or not we have had hearings, and I am asserting that we have had hearings on an identical piece of legislation, and the only difference basically is the abortion amendment. I have never heard of any issue that has been discussed more than the abortion amendment. Certainly, this is true in this body as well as the other body.

I think that it is totally unfair for those who have delayed the consideration of this proposal since the 98th Congress to be advocating the issue of unfairness. It is certainly unfairness on the side of those who have been denied their rights since the 98th Congress, and therefore, I think the time has come to act and not deny this bill through the guise that hearings have not been held.

This bill has been fully debated by both Houses and it was passed, I think it should be understood, by the House in 1984 by a vote of 375 to 32, and in the other body just recently by a vote of 75 to 14 with 11 not voting.

All the compromises, it seems to me, that could possibly be made have already been made. All the negotiations have gone on. If those opposed to civil rights had done what the proponents of civil rights had done in S. 557 and put their ideas into their amendment; that is, the substitute which is allowable today, then they would have had an opportunity to have obtained a vote. They apparently preferred not to do that, and consequently it seems to me they come in with ideas that they have refused to discuss among themselves.

Mr. Speaker, I have promised a colloquy to the gentleman in the well, so let me rapidly conclude.

Since this bill has been first introduced in the 98th Congress almost 2,500 amendments have been offered to identical bills. Certainly, all of the ideas that could ever have been thought of have already been expressed. Just how many more ideas can we think of to delay the passage of this bill?

The time is now. Certainly, we have been fair. Certainly, we have had hearings and the choices now are clear, and this rule ensures a clear vote. No more delays or obfuscation is needed, and it is time to vote, and I urge my colleagues to do so in support of S. 557.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Speaker, does the Civil Rights Restoration Act change in any way the standards for determining whether or not a handicapped individual has been discriminated against on the basis of a handicap under section 504 of the Rehabilitation Act of 1987?

☐ 1600

In particular, does the bill change in any way the standards for determining whether a handicapped person has been discriminated against because of the lack of accessibility of a facility.

Mr. HAWKINS. May I say this to the gentleman from Tennessee: The answer is "No."

The purpose of the bill is simply to restore the scope of coverage that existed prior to the Grove City decision. The bill does not redefine what constitutes discrimination under section 504. Many in the civil rights community, including advocates for persons with handicaps, would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agenda and to support the restoration principle.

Mr. GORDON. What is your understanding of the standards in the current regulations for determining whether a recipient has been denied access to a program provided in an existing facility? Are there different standards for new construction?

Mr. HAWKINS. The regulations issued by the Reagan administration's Department of Justice pursuant to Executive Order 12250, which requires Department of Justice to coordinate the implementation of section 504, contain two standards—one standard for new construction and a second standard for existing facilities. The standard for new construction is that each new facility must be designed and constructed to be readily accessible to and usable by handicapped persons. The rationale for this standard was first enuciated on May 17, 1976, when the Secretary of Health, Education, and Welfare explained in the Inflationary Impact Statement accompanying HEW's "Notice of Intent to Publish a Proposed Regulation" his belief that is reasonable to require that all newly constructed facilities be accessible because the additional cost of incorporating such a requirement into construction plans from the onset usually amounts to less than one-half of 1 percent.

On the other hand, to make an existing facility accessible may require additonal costs. Thus, the regulations include a far more flexible standard for existing facilities, which is commonly referred to as the program accessibility standard. The regulations require that the program operated in an existing facility, when viewed in its entirety, must be readily accessible to handicapped persons. Under this standard, a recipient is not required to make each existing facility or every part of a facility accessible to handicapped persons, so long as the program as a whole is accessible. Thus, a recipient is not even required to make any structural changes when other methods are effective in making the program accessible.

Mr. GORDON. In other words, it is your opinion that the standards of program accessibility have been in existence for over 11 years and have not caused any significant burden on recipients. And, these standards have been reaffirmed by the Reagan administration.

Mr. HAWKINS. The gentleman is correct. It is interesting to note that following the publication of the final section 504 regulations issued by the Department of Health, Education, and Welfare, numerous letters were sent to the Department and the Congress erroneously describing the exorbitant costs of complying with these new regulations. In an attempt to address these concerns, David Tatel, the Director of the Office for Civil Rights, issued a statement noting:

> It has been difficult to get attention focused on program accessibility, because some people seem to skim over the regulations and explanatory materials and start fretting about the widening of thousand of door or installation of high- and low-water fountains in every facility at every conceivable point. A result of the misunderstanding is a rising exaggeration of the potential cost of making programs accessible * * *. A recent report by Mainstream, Inc., a private nonprofit organization indicates that the cost of making 34 facilities accessible—in a survey they conducted—totaled only 1 cent per square foot. These same facilities spend 13 cents a square foot to clean and polish their floors.

Mr. GORDON. Mr. Chairman, in the situation of a hypothetical of corporation A receives Federal funds to construct and operate a low- and moderate-income apartment complex. Corporation A also owns and operates a luxury apartment rental complex and a candy company. Which components of corporation A are subject to the nondiscrimination laws?

Mr. HAWKINS. The housing project being constructed using Federal financial assistance is clearly covered. The luxury apartment rental complex would also be covered under subsection (3)(A)(ii) if, as appears to be the case, the corporation is principally engaged in the business of providing housing. In that circumstance, the entire corporation, including the Candy Co., would be under an obligation to comply with the several laws amended by S. 557.

If Housing is not the corporations' principle business, the scope of coverage of its components would depend on whether the Federal assistance was extended to the corporation "as a whole" within the meaning of subsection (3)(A)(ii) which is simply a question of fact. It is unlikely that a corporation, other than in a Chrysler bailout type situation, will be construed to be receiving assistance to the corporation "as a whole." The housing assistance described in the hypothetical would not be assistance to the corporation "as a whole," and the Candy Co. would not be covered.

Mr. GORDON. Questions have also been raised regarding what constitutes Federal financial assistance to a recipient entity. For example, do FHA loans, VA loans or other federally guaranteed loans to individuals, corporations or partnerships that are used to purchase or build single family or multifamily housing units constitute Federal financial assistance as contemplated by the law?

Mr. HAWKINS. I should stress at the outset that this is an issue which must ultimately be resolved on a case-by-case basis in the courts. Indeed, whether or not Pell Grants constitute Federal financial assistance to the institution was the principle question in Grove City College versus Bell. I would stress also that nothing in this legislation affects the definition of Federal financial assistance.

Mr. Speaker, I would like to emphasize that point: That nothing in this legislation affects the definition of Federal financial assistance; that which constitutes Federal financial assistance before S. 557 was enacted will constitute Federal financial assistance after it is enacted. We affect only the scope of coverage of the four laws amended by S. 557. A private individual would most likely be an ultimate beneficiary and thus not covered. However, a developer could be covered depending upon the kind of assistance it obtained.

Mr. GORDON. I thank the chairman.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, what has just occurred on the floor is a prime example of why we should reject the rule and ultimately the bill in its present form. The gentleman from Tennessee who is honestly in favor of this bill also has honest doubts about the efficacy and the wording of this piece of legislation. He has even in the Rules Committee expressed his reservations about the unintended consequences of this bill. He seems to feel, and the gentleman from California is accommodating him, that this whole thing can be straightened out by a colloquy on the floor. There are unanswered questions about higher assistance, there are unanswered questions about the effect of this law on the housing bill. But the gentleman from Tennessee and the gentleman from California are willing to allow the body to proceed into the passage of this bill with a colloquy in explaining all these unintended consequences.

I say to you that the only way that we can deal with the unintended consequences is to have hearings, full debate on every single one of them; on how it would affect the Amish in Pennsylvania; how it would affect the religious houses of our country; how it would affect the religious colleges and their curricula; how it would affect the religious colleges in separate facilities for men and women if that is the desire; unintended consequences on our grocery stores, on our market places.

Colloquies and opinions on the part of people putting records into this debate are not sufficient. The wording of the law is going to bring about unintended consequences like you can never imagine.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I have always supported every Voting Rights Act—Mr. Speaker, I rise in opposition to the rule. In a little over 32 years in this House, I voted for every civil rights bill. But I must confess that in times past I wanted to know for sure what I was voting for, what I was voting against. The point that the gentleman from Pennsylvania just made is a very valid one. When we take legislative history only from the colloquy of two individual Members on matters that are this controversial when frankly no one person of us as individuals is all that knowledgeable to have all the answers. There is nothing wrong with full aeration and debate on some of these more controversial issues.

In 1964 we in the House took 9 days to debate the Civil Rights Act. In the next year we took 4 days to discuss the Voting Rights Act. Yet today we have 1 hour of debate time on the bill and 1 hour on a substitute; we have 2 hours to discuss what the proponents call the single most important piece of civil rights legislation to appear before us since those landmark bills of 20 years ago.

I am reminded by one of the knowledgeable folks on the committee that there has not been any kind of hearings before the Committee on the Judiciary, for example, since April of 1985 on this particular legislation.

I am not necessarily all that enamored with what the other body does, whether they have an opportunity to amend or not. It is not that old great deliberative body that it once used to be where we could count, maybe, on an extended debate on some controversial issues from that other body. Today they are just as political as the city councils and the county commissioners back home.

There have been questions raised about the effect of this legislation on local and State governments, private organizations, churches, synagogues, businesses, farmers, private and religious schools and higher education. The modified closed rule, allowing one substitute, simply cannot address all those issues.

Now this term "restoration" that I heard the distinguished chairman mention in the bill is misleading because the effect of the legislation is not simply to restore civil rights to the status quo before the Supreme Court decision but to actually expand in many areas of coverage and that is what we ought to explore in full aerated debate around here. I am not arguing a case against expanding coverage of civil rights. What I am saying is we must not sacrifice our beliefs in open and free debate to pass a civil rights bill.

The two are equally essential pillars of our democratic society.

Procedure determines substance in so much of our legislation.

The way we debate an issue can change the very substance of that issue by either leaving no time for reasoned debate or in overlooking possible consequences of well-intentioned legislation.

The rule is in essence not a guide to debate but a way of determining its outcome; the medium truly is the message here.

Mr. Speaker, no one, least of all this Congressman, wants to take issue with the sincere motivations or good intentions of those supporting this bill in and out of Congress. Protecting civil rights is such an essential part of the duties of Congress that I can think of few issues outside of actual national security of our country that so deserve our attention. But that is precisely my point. We are debating a complex, wide-ranging issue but we are not applying our energies and our talents really to the fullest.

We are not doing what legislators do best in a great deliberative body. The rule assumes that since the goal is so profound the responsibilities of lawmakers can be temporarily suspended for the sake of expediency.

All we ask is that the issues get proper hearings. I ask you what is wrong with that? Suppose we were being asked today to consider a bill which has wide-ranging consequences in every aspect of national security, including the right of privacy, questions about electronic surveillance et cetera.

□ 1615

Suppose the bill was supported by a patriotic organizations and anti-Communist organizations; suppose they claimed that support of this bill was mandatory for anyone really patriotic. Suppose further that supporters demanded that the national security bill, with all its unknown consequences in so many areas, would be debated for only 1 hour, with one substitute. I think we would hear all kinds of protests, and rightly so.

But those who would protest would not, therefore, be against national security. They would be against passing a national security law without proper time for debate and reflection.

That is exactly our position. We believe so strongly in the goals of this bill that we do not want to see those goals put at the mercy of unacceptable legislative methods.

If every aspect of this bill is in the public interest, an open rule would not be harmful to its passage. On the other hand, if parts of this bill ought to be amended, then an open rule would certainly be helpful to the process.

For the record, I just want to make it abundently clear that the Rules Committee—and let us face it—with a 9-4 Democratic majority over Republicans, is a tool of the Democratic leadership. With the tendency in recent years to move more and more toward closed rules or limiting alternatives to one substitute, we ought to take a good look at that. We are stifling debate in this House of Representatives.

Frankly, we have all the time in the world. We have not been doing that much from January to March 2. We have plenty of time to debate these issues. What is so terrible about talking about it in this body, for heaven's sake?

I testified in the committee for an open rule. I did not ask for a substitute; I said I wanted an open rule. I remind the Members that we debated this thing for 9 days a few years back, and we had 4 days on another civil rights bill. What is wrong with talking about it and debating it and letting every Member have an opportunity to offer their amendments? The gentleman from Wisconsin is going to have his amendment. This is his view on several selected areas. I am going to support what he is proposing here, but it seems to me we ought to be talking more in terms of opening up the process.

Mr. Speaker, I include with my remarks the full text of the letter from the President and the letter from the Secretary of Education, as follows:

THE WHITE HOUSE,
Washington (Brussels, Belgium),
March 1, 1988.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: I am writing to advise you of my deep concern with the "Civil Rights Restoration Act" (S. 557), also called the "Grove City" bill, which the House is scheduled to consider shortly. I will veto the bill if it is presented to me in its current form.

Preservation of the civil rights of Americans is an important function of government. In the area directly affected by the Grove City decision of the Supreme Court—education—my Administration has supported the effort to end discrimination against women, such as in collegiate athletics. In this and other areas, we remain committed to the effort to eradicate invidious discrimination in American society.

Unfortunately, the Grove City bill dramatically expands the scope of Federal jurisdiction over State and local governments and the private sector, from churches and synagogues to farmers, grocery stores, and businesses of all sizes. It diminishes the freedom of the private citizen to order his or her life and unnecessarily imposes the heavy burden of compliance with extensive Federal regulations and paperwork on many elements of American society.

The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

I regret that the Members of the House of Representatives were not given the opportunity to consider and solve these and the many other problems with the bill through the normal process of committee consideration. I urge the House to correct these deficiencies.

Sincerely,

RONALD REAGAN.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
March 1, 1988.

Hon. BOB MICHEL,
U.S. House of Representatives,
Washington, DC.

DEAR MR. MICHEL: We understand that S. 557, the Civil Rights Restoration Act will be debated under a very restrictive rule on Wednesday, March 2, 1988. This legislation, in its current form, presents many problems; two of the more serious deal with corporate coverage and the question of religious tenets exemption.

While the Department of Education strongly supports legislation to restore the status of civil rights enforcement by the Department prior to *Grove City*, it does *not* support attempts to expand jurisdiction beyond its prior scope, as S. 557 proposes to do. It is important to understand that under past policies and practices, the Department of Education never claimed jurisdiction based on education funding over more than all facets of the education program in question. Prior to the *Grove City* case, jurisdiction was asserted by the Department over every educational facet of an institution connected with education: transportation of students, housing of students, employment of faculty and staff, athletics, extra-curricular activities, etc. whether or not the particular activity received Federal education grants.

Prior to *Grove City*, the Office for Civil Rights, U.S. Department of Education (OCR/ED) would not have accepted a complaint alleging that a large private corporation, *e.g.*, Widgit Corp., was discriminating against women in the management of Widgiet's offices if the only federal monies it received were funds under the Vocational Education Act for participating in model programs for teaching computer repair. S. 557 would subject the company's other operations, however unconnected with the educational activities of the corporation, to Education Department civil rights jurisdiction. (See Section 908 "all operations of" read together with Section 908(3)(A)(i).)

I am concerned that if S. 557 became law, social service organizations or businesses that previously felt a mission to support education might decide that the intrusion of the government into every aspect of their operations (and S. 557 makes it clear that *all* aspects of a covered entity's operations will be included) is not worth bearing. They may, therefore, withdraw from participating in programs for the improvement of education.

The pending legislation, S. 557, also does not address a serious concern that arose during consideration of Grove City legislation in both the 99th and 100th Congress, namely the scope of current Title IX exemption to protect religious organizations.

In 1972, when Congress enacted Title IX, it contained the following exemption to its coverage: "(Title IX shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religous tenets of such organization * * *" 20 U.S.C. S 1681(a)(3)). At that time, many religious institutions were controlled outright by religious entities. By contrast, many of these institutions are today controlled by law boards, or are otherwise organized so that they fall outside the exemption, even though they retain their religious mission and their affiliation with religious entities. A number of organizations, including the United States Catholic Conference, expressed concern about this development. In response, the House Education and Labor Committee adopted language in May 1985, that excluded from Title IX coverage "any operation of an entity which is controlled by a religious organization, or affiliated with such an organization when the religious tenets of that organization are an integral part of such operation, if the application of (Title IX) to such operation would not be consistent with the religious tenets of such organization."

A substitute amendment to S. 557, to be offered by Mr. Sensenbrenner, addresses the concern about adequately protecting religious tenets under Title IX. The pending legislation, S. 557, does not address the religious tenets issue. The religious tenets amendment that would be included in the substitute bill contains language identical to that enacted by Congress in the Higher Education Amendments of 1986, in a provision barring religious discrimination in the construction loan program. The law (P.L. 99-498) provides that any prohibition with respect to religion shall not apply to an educational institution which is controlled by or *which is closely identified with the tenets of* a particular religious organization if the application of this section would not be consistent with the religious tenets of such organization. (Emphasis supplied.) The Education Department believes that this language clearly expresses the appropriate scope of the religious tenets exemption.

It should also be noted that there is precedent under other civil rights laws for employing a broader test than "control" for a religious tenets exception. For example, Title VII of the Civil Rights Act of 1964 currently contains a religious tenets provision that establishes a broader test than the "control" test in Title IX.

The Department of Education supports the amendment to be offered by Mr. Sensenbrenner, which would resolve these two major problems in S. 557.

Sincerely,

WILLIAM J. BENNETT.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I wish to have a colloquy with the gentleman from California [Mr. EDWARDS], and I will ask the gentleman this question first:

Does title IX's prohibition against sex discrimination require that colleges provide unisex housing for its students?

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from California.

Mr. EDWARDS of California. No, it does not. Section 106.32(b)(1) of the Code of Federal Regulations explicitly provides that "a recipient may provide separate housing based on sex." These regulations apply to all educational institutions, not just institutions controlled by a religious organization.

Mr. DERRICK. Does this bill in any way change those regulations?

Mr. EDWARDS of California. No; this bill has no effect on those regulations. They would remain in effect.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for this clarification.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the distinguished whip, the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I rise today in support of the Civil Rights Restoration Act. This is one of the most important civil rights bills of recent years. It is a bill that breaks no new ground, it only restores rights this body long ago granted.

The passage of this bill will take us back to where we have already been in assuring necessary antidiscrimination protections for minorities, for women, for the elderly and for people with disabilities. This bill is a simple restoration of rights—it does nothing to further the cause beyond eliminating discriminatory practices we have already banned—but until this restoration is complete, there is no way we can pursue a future vision.

I have a personal interest in this bill as a member of America's largest minority—people with disabilities. I have epilepsy. I understand discrimination because I have experienced it. I, like millions of other disabled people—people who are blind, or deaf, or mentally retarded, or who have spinal cord injuries, or cerebral palsy, or a host of other disabling conditions, have been subject to discrimination based on ignorance, irrational fear, and prejudice.

In 1973 Congress recognized that Americans with disabilities, like minorities and women, were subject to discrimination and were entitled to basic civil rights protections—were entitled to share in the promise of America. When Congress passed section 504 of the Rehabilitation Act, it sent a loud and clear message to all disabled Americans—Congress told us that we did not have to be relegated to second-class citizenship—that we have the right to the same opportunities that other Americans take for granted—the right to an education, to employment, to housing, to transportation, and to health care.

Americans with disabilities have made great progress in our fight for equal citizenship since the enactment of section 504. Today, disabled people are no longer "out of sight, out of mind"—shut away in institutions and school basements. However, this fight for equal citizenship is only just beginning—we have a long way to go.

The Grove City College versus Bell decision has halted much of the progress that has been made. Immediately following the decision, the Supreme Court ruled in Consolidated Rail Corporation versus Darrone that Grove City's narrow interpretation of "program or activity" for title IX would apply to section 504. As a result the protections afforded disabled Americans under section 504 have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, transportation, health care, and employment.

Some of the most serious setbacks have occurred in the employment area where the Darrone ruling has been used to thwart persons with disabilities in their efforts to seek legal recourse for job-related discrimination. In one case, a young woman who had epilepsy was denied employment by a large corporation solely on the basis that the company had a blanket policy preventing anyone with epilepsy from being hired for that particular job.

The company received Federal job training funds. However, the court ruled that section 504 only covered persons participating in the job training program, not the entire corporation.

For disabled Americans, achieving equal employment opportunity is essential to achieving full integration in society—our ultimate goal. I know all too well from my own personal experience as well as from conversations with other people with epilepsy and other disabilities, that employment discrimination based on disability is rampant in this country. Employers, like others in the public at large, hold stereotypes and prejudices about disabled people which impede their ability to objectively evaluate the qualifications of applicants or workers with disabilities. I believe that stereotypes and prejudices rather than handicaps themselves, are the most potent barriers to equal employment opportunity. Too often, the image of what disabled people "can do" has no basis in reality.

There is perhaps no area in which that image has become more distorted lately than in the arena of contagious diseases, particularly as it has focused on the dilemma of AIDS. The distortion has paralleled the historical response to all disabilities. Irrational fears and prejudice have prompted uninformed and unjustifiable responses in all aspects of life for people with AIDS, but particularly within the workplace. The lack of understanding has not just been about the realities of the disability, but also about the employer's responsibilities relative to an individual with AIDS under the compliance requirements of section 504 of the Rehabilitation Act.

Last year the Supreme Court in the case of School Board of Nassau County versus Arline reaffirmed the fact that individuals with contagious diseases have protections available to them under section 504 of the Rehabilitation Act. In its decision, the Court reflected on the congressional intent behind the development of section 504 stating:

> Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from the actual impairment.

However, the Court also made clear that such individuals would not otherwise be qualified for employment purposes if the individual posed a significant risk of communicating the infectious disease to others in the workplace and such risk could not be eliminated by reasonable accommodation.

In the bill we are considering today, the Senate has included an amendment which places the precise standard and approach articulated in Arline into statute. Their amendment provides that individuals with contagious diseases or infections are protected under the statute unless they pose a direct threat to the health or safety of others or cannot perform the duties of the job.

The purpose of this provision is to clarify without modifying or altering the substantive standards of section 504 of the Rehabilitation Act as they apply to individuals with contagious diseases. As is clear from the discussion in the Senate, the essential objective of this amendment was to parallel the efforts undertaken by the Congress in 1978 with regard to coverage of alcohol and drug users under the statue. Some employers today, as was the case in 1978, are unjustifiably concerned that they may be required to hire or retain handicapped individuals who are not qualified for a particular employment position.

This amendment reaffirms that section 504 does not impose such a requirement. To the contrary, under the statue, as now clearly stated in this amendment, individuals with contagious diseases and infections are not otherwise qualified—and thus are not protected in a particular position—if, without reasonable accommodation, they would pose a direct threat to the health and safety of others or cannot perform the duties of the job. This type of amendment maintains, as section 504 always has, the proper balance between private rights and legitimate employment and health-related concerns.

People with contagious diseases and infections, such as people with AIDS or people infected with the AIDS virus, can be subject to intense and irrational discrimination. I am pleased that this amendment makes clear that such individuals are covered under the protections of the Rehabilitation Act. Although it may be unfortunate that we must, at the same time, include a specific requirement of section 504 as it applies to individuals with contagious diseases and infections, in order to allay the fears of some employers, such a clarification of existing section 504 law may itself be useful.

Section 504 is regarded by all Americans with disabilities as the hallmark of this Nation's commitment to full integration and equal opportunity. Since its enactment, section 504 has opened doors for disabled Americans which the Grove City decision is closing once more. We can no longer delay the fulfillment of the promise of nondiscrimination that Congress extended to disabled Americans in 1973.

Now is the time for us to act. People with disabilities, as well as minorities, women, and the elderly have been waiting for the past 4 years for us to restore to them what we had already granted. We cannot ask them to wait any longer. It is time to reaffirm our commitment to basic civil rights protections. It is time, once and for all, to say that Federal dollars cannot be used to subsidize discrimination.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I rise in strong opposition to the rule, and I plead with my colleagues to listen very carefully to what the issue is. The issue is really a twofold one, a fundamental question as to religious rights and, quite frankly, first amendment freedoms. When this issue was last considered in a House committee on May 21, 1985, the House Education and Labor Committee, which considered and debated and heard testimony on this issue, voted 18 to 11 for a religious tenets amendment because of the problems we have in this area. Every Republican voted for it, and 40 percent of the Democrats of that committee voted for that. That was not a partisan vote, and it was almost a 2-to-1 vote in committee.

Subsequent to that time the committee voted another piece of legislation in 1986. That was the higher education reauthorizations bills, and we put identical language in the higher education authorization bill which, if I am not mistaken, every single Member of this House except one voted for that change in that act believing it was necessary. Now the committee in discussing this act felt that language was necessary. The committee in the entire House and the Senate agreed to this language in the higher education bill.

What is the problem now? Frankly, I know of no opposition to this language. Why not open it up to this question? A second question in terms of scope has been issued. Does this bill extend to primary, secondary, tertiary definitions of a recipient under the Civil Rights Act?

Now we deserve clear answers to those questions. That does not mean necessarily in my opinion that, if we extend Civil Rights Act applications more broadly than they have been, that is bad. I am not saying that, but I would like to know, and unfortunately this is a bill which in the name of broadening civil rights threatens religious rights and constitutional rights. It is a bill that in the name of broadening rights denies rights to the minority legislatively.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Speaker, I find it very amazing that before 1972 the School of Agriculture at Cornell University required women to have SAT scores 30 to 40 percent higher than those of men. Times have changed as a result of title IX to the Education Act.

But now the Supreme Court several years ago had issued an opinion in the case of Grove City, which I believe has set back the practice of civil rights enforcement in the United States by easily 20 years.

I also believe that no other decision cries out as loud for corrective legislative action, and this decision reversed the record of a decade during which title IX provided to all the programs or activities of an institution receiving taxpayers dollars. By rejecting the argument in Grove City justice put hundreds and thousands of students out in the cold, and only 4 percent of all education assistance is direct aid. After Grove City the overwhelming majority of educational programs, including athletics, counseling services, and curriculum procedures were exempted from the title IX coverage, but only 1 year later 61 investigations of alleged discrimination and education institutions have been dropped by the education department because Federal aid did not go far enough.

Mr. Speaker, let us look to the future. Seven out of ten people entering the work force in the next 10 years will be women. They need equal access to education.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise today to voice my support of the rights which are such precious and fundamental elements of our democracy, constitutional rights, rights to protection against discrimination based on gender, race, age, or handicap, and rights such as the opportunity for free and open discussion in this House of Representatives. I oppose this rule for the same reason that I have opposed other rules in the past that are closed and artificially obstruct the open deliberation of serious ideas of serious consequence in this body of which we are all elected. On very rare occasions can such restrictiveness be justified in a democracy, and this bill at this time could hardly be considered one of those occasions. In fact, I suggest to all of us who are ardent supporters of the fundamental rights that I mentioned originally that this action actually works to the harm of those final results that we seek.

Mr. Speaker, I had hoped to offer an agriculture amendment to this bill today that would guarantee in statute, as some have not only hinted but have kindly agreed to in colloquy, that this bill has no intention of imposing new paperwork requirements, vulnerability to lawsuits, and susceptibility to unannounced Federal inspections on family farms and ranches.

My simple question to the Rules Committee is, if indeed no such intrusions are intended by the authors of the legislation, it seems there should be no problem in stating so in the actual law.

Of course, without the opportunity to offer an agriculture amendment on the floor, and to offer other amendments, there is no way of expressing the will of the Congress in statute on this specific issue.

Mr. Speaker, I reluctantly urge my colleagues to oppose the rule but not the intent of the legislation. We all agree on the intent. It just seems that of all the legislation this is one on which we should be a little more willing to hear the debate and to answer the questions before it is put into law so that the problems that we have found in the past would not be there for us in the future.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER]

Mr. SENSENBRENNER. Mr. Speaker, it is ironic that today we are going to consider civil rights legislation under a closed, restrictive rule that prevents the House of Representatives from working its will on this major civil rights bill. The problem that this bill faces, as was correctly stated by the gentleman from Michigan [Mr. HENRY], is the unintended consequences of the language contained in the draft which will come before us under this rule.

Let me emphatically state that no one, including this Member, is against having antidiscrimination provisions where Federal funds flow, but we are opposed to a gag rule and a "railroad job" which brings the bill up in such a way that in that amendments we had to eliminate the unintended consequences that could not be debated and voted on and hopefully adopted. The type of procedure that is being utilized today is going to set the stage for another Grove City decision by the Supreme Court misinterpreting the intent of Congress. There are no hearings in this Congress, there is no committee report filed, debate is limited; amendments, except for one substitute, are prohibited under this rule, and consequently the courts are not going to have an adequate legislative history on this piece of legislation to interpret what Congress actually meant, as they really should.

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In effect, by not adopting the usual procedure of an open rule, we are abdicating our responsibility to the Senate where there is an adequate legislative record.

There have been no dilatory tactics relating to this piece of legislation being considered. The two committees voted on this bill in May 1985, and the committee chairmen responsible for bringing this bill to the floor, my two friends from California, Congressman HAWKINS and Congressman EDWARDS, never filed the committee report until the closing days of the 99th Congress and never asked the Rules Committee for a rule to bring this bill up, so the dilatory tactics were on that side of the aisle, not on this side of the aisle. We were prepared to vote with an open rule in May 1985. The other side of the aisle did not bring it up.

Finally, because this bill cannot be approved, a veto is certain. I received a letter from the President today dated March 1 that says:

> DEAR JIM: I am writing to advise you of my deep concern with the Civil Rights Restoration Act, S. 557, also called the Grove City bill, which the House is scheduled to consider shortly. I will veto this bill if it is presented to me in its current form.

We need to undo the damage caused by the Grove City decision. We can do that with a correctly drafted bill and avoid a veto, but we cannot do it with this closed rule, and that is why the rule should be defeated.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in opposition to the rule. It prohibits fair and open debate on the complex and far-reaching piece of legislation before us. S. 557, as passed by the Senate, does not adequately protect religious values. While the Sensenbrenner substitute includes a broader and more realistic standard for a title IX exemption, it does not go far enough in protecting religious institutions from the reach of Federal control. Only an open rule will let us address that important issue.

In 1972 Congress enacted title IX banning sex discrimination in education programs receiving Federal financial aid. The legislation included an exception to coverage which applied to educational institutions controlled by religious organizations if application of title IX requirements would be inconsistent with the organization's religious tenets.

Today only 150 schools qualify for this exemption. In fact, the governing bodies of many church-related educational and health institutions are made up of lay persons. As such, many institutions, which may have previously qualified, are now outside the scope of the existing religious tenets exemption.

The Sensenbrenner substitute would modernize the exemption to include these church-related institutions. Without this change it is possible some schools may be subject to future actions, either administrative or legal, designed to strip them of their exemptions. I am concerned, as you should be, for institutions such as Georgetown and Notre Dame. And Grove City College, a Presbyterian College which has never practiced discrimination of any kind.

Let me assure Members that the proposed exemption applies only to a policy of a particular institution if that policy is based on religious tenets which conflict with title IX. Furthermore, an institution cannot claim protection under this exemption for differentiation on the base of race, handicap or age. Finally, the exemption would have no application to public schools or public hospitals.

In framing this, the authors have mirrored language which Congress included in the Higher Education Amendments of 1986. There, Congress provided a nearly identical exception to a prohibition on religious discrimination for projects under the construction loan insurance program. This exemption is supported by the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the Association of Catholic Colleges and Universities, Agudath Israel of America, the National Association of Evangelicals and the Lutheran Church—Missouri Synod. I am told that the National Society for Hebrew Day Schools, and the Association of Advanced Rabinical and Talmudic Schools are also supportive.

The second issue threatening the independence of religious institutions is the scope of coverage. In the other body, Senator HATCH offered an amendment, which was not adopted, that would limit coverage of religious institutions to the particular program or activity of the institution receiving federal funds. Such an amemdment is consistent with the ruling in Grove City versus Bell as well as pre-Grove City case law. These cases include decisions from four U.S. Courts of Appeal and even a prior U.S. Supreme Court case.

During the last 4 years proponents of this legislation have provided us with no evidence that these civil rights laws covered entire churches, synagogues, or other religious entities, when just one of their programs received Federal funds. In view of the potential constitutional problems, it is not prudent for Congress to enact legislation that would invite Federal interference with and control over private independent religious institutions.

The leadership has completely bypassed regular procedures in an effort to railroad this bill through the House under an unfair rule. The rule should be defeated.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr LUNGREN].

Mr. LUNGREN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TAUKE]

Mr. TAUKE. Mr. Speaker, I rise in opposition to the rule that has been proposed for consideration of the Civil Rights Restoration Act, S. 557.

Mr. Speaker, I want to be able to support this legislation, and I think most Members of the House are in favor of restoring institution-wide coverage of our civil rights laws. However, the procedures under which the leadership is asking us to consider this far-reaching legislation is making it difficult for many of us to lend our full support to its passage.

I think it would be useful to review the history of this legislation since the 1984 Grove City decision. Shortly after the decision was renderd, legislation was introduced in Congress to overturn it. That bill received quick consideration and broad, bipartisan support in the House, reflecting the basic, underlying sentiment of this body to restore civil rights coverage to entire institutions receiving Federal financial aid. That original bill died in the Senate in 1984 when unintended ramifications of it were identified.

In the 99th Congress a revised bill, the Civil Rights Restoration Act, was introduced. This bill went a long way toward addressing concerns raised about the measure that was considered in 1984, and again there was broad, bipartisan support for the concept, reflected by the large number of cosponsors that this bill, H.R. 700, garnered.

Action on H.R. 700 in the 99th Congress seemed likely. The House Committees on Judiciary and Education and Labor, held hearings, and marked up the bill early in 1985. Both committees approved the legislation in May, 1985. But reports were not filed on H.R. 700 by the committees for over a year. Only in the last few days of the second session of the 99th Congress, in October 1986, were committee reports on H.R. 700 filed. This delay in filing the reports prevented further House consideration of this important civil rights legislation in the 99th Congress.

The decision not to go forward with the Civil Rights Restoration Act in 1985 or 1986 was because of the adoption by the Education and Labor Committee of two amendments to the bill. Those amendments dealt with abortion and with religious tenets. Neither amendment was designed to undercut or jeopardize the restoration of the civil rights laws, but served to address two serious concerns raised by the bill. Nevertheless, the House was denied an opportunity to consider the Civil Rights Restoration Act in the 99th Congress.

In the 100th Congress, the Civil Rights Restoration Act was again introduced. H.R. 1214 was introduced with numerous cosponsors and referred to the committees of jurisdiction. But this year, these committees decided to allow the other body to act first on the legislation. And it did so, passing the bill with amendments January 28, 1988.

Now, nearly 4 years after the Grove City decision, the Civil Rights Restoration Act is being brought before the House. I congratulate the leadership and proponents of this legislation for this apparently herculean task of finally getting this bill before the House.

But by avoiding House committee consideration of this bill in the 100th Congress, no hearings have been held, no legislaitve history has been established and, moreover, no opportunity for amendments has been available to Members of this body. And now, the Rules Committee, proposes to deny Members their final and only opportunity in the 100th Congress to offer amendments to this important legislation. I think this procedure is unfair and unwarranted.

This bill has been waiting for House consideration for 3 years. Another few hours to allow for the full and fair consideration of legitimate amendments to this bill is justified; indeed, it is the only way that this bill should be considered by this body.

Mr. LUNGREN. Mr. Speaker, I would just like to address my colleagues because of an experience I have just gone through over the last few weeks in my home State of California where I was being considered, still being considered, for an appointment statewide.

My record was subjected to question and misrepresentation. One of the examples of misrepresentation is this very bill. I voted against this bill 4 or 5 years ago because it did not have an abortion-neutral amendment in it and it did not have a religious tenents amendment in it. For that reason I was called, among other things, racist, anticivil rights, insensitive to minorities, et cetera.

What we have done and what we are doing now is to put ourselves in an untenable position where men and women of good faith on both sides have a difference of agreement with respect to how to achieve civil rights in this country, but we create a rule in this House which prevents legitimate debate, which prevents people who are as equally committed to civil rights as anybody on your side of the aisle and we cast them in the posture of being against civil rights. We cast them in the posture of being insensitive to minorities. We cast them in the posture of being attacked for being racist.

Why? Because they have a concern about religious tenets.

Now, Mr. Speaker, we have thick skins in this House and thick skins in politics we have to have, but I am more concerned about what this does to the process and I am more concerned about what this does to the cause of civil rights, because if what we do in terms of adopting rules and forcing division amongst us, as opposed to reconciliation in this House and in this Nation, we demean the cause of civil rights. We say that for partisan political advantage we are willing to see a civil rights law go down so that we can talk about it in the next election. That does not serve anybody's purpose at all. That demeans the House. It demeans the memory of those who fought for civil rights in the past and it does not help the people we want to help.

Mr. Speaker, give us a fair rule. Fairness ought to be part of the debate on civil rights as well.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, it is not often that I disagree with my good chairman, but it seems to me that we have a very, very important bill here. I can understand the desire to limit amendments, but to limit debate when you have two major committees involved is not the way it ought to work. To me, this is a reverse filibuster. It is an abomination to deny us the opportunity in a rational way to establish legislative history or to debate the important issues involved. This rule does not allow this body to be the kind of deliberative body it ought to be.

We have had no time to establish any legislative history and we will have no time. To see legislative history being established under a rule is just the opposite of the way things ought to go.

What legal effect does it have if you establish legislative history under the rule instead of in the debate on the bill?

Mr. Speaker, I hope and I wish we could change this situation, and I will vote against the rule in the hope that we can get a better rule to allow the proper kind of debate on these critically important issues.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, it is tragic. I do not want to overstate the case, but this is the most important civil rights bill in 25 years. That is what you say.

Why do you circumscribe debate? Are you afraid of the democratic process? Do you not want to debate these issues? Do you want to intimidate people and say you are against civil rights when you are for freedom of religion?

There are five liberties in the first amendment. The first freedom is freedom of religion, and some of us are concerned that religiously affiliated schools, not religiously controlled, but religiously affiliated schools will have their free practice of religion trampled on by this very bill.

We ought to be able to explore that, to debate it, to go into the nuances of it.

The chairman said that we prevented this bill from coming forward for years. You control the progress, the odyssey of this bill. You did not want to bring it here. You can bring any bill any day any time you want, but for some reason you are afraid of debating openly what you are doing to the cause of civil rights.

We fought for a Voting Rights Act a few years ago and a bloody fight it was, but it was incomplete. We need a Voting Rights Act for Congressmen so we can vote on issues that are important, especially civil rights issues.

The first amendment is sacred. You are running all over it with your railroad. You will not give us a chance to debate freedom of religion. If this was freedom of speech, oh, my God, if this was freedom for homosexual rights, we would be tied up here for a couple of days. No, it is just freedom of religion, cut off debate and shove it down our throats. Is that civil rights? That is your version of civil rights.

Mr. SHAW. Mr. Speaker, I rise today in strong opposition to this highly restrictive rule that does not allow Members to offer and debate individual amendments to the Civil Rights Restoration Act.

I am opposed to this rule for several reasons. First, it would be a mockery of civil rights if a major civil rights bill were considered under this rule.

The committees with jurisdiction over this matter have not even held hearings or acted on the House version of the bill. We are simply taking up the Senate-passed version of Grove City. I would like to know when this body started rubber stamping legislation that the Senate created?

Once again, we are not proceeding with the normal legislative process. No committee hearings. No committee markup. Why do we even have the committee system if we are going to merely usurp their powers to study legislation?

Furthermore, if I recall correctly, isn't there supposed to be a discharge petition if the committees don't report out a bill? If so, I haven't seen one. Under these extraordinary circumstances, I would have at least expected an open rule.

If we had not been discriminated against, I would have offered an amendment related to drugs. My amendment would have clarified a loophole in section 504 in the Rehabilitation Act which prohibits discrimination on the basis of handicaps in federally assisted programs and activities.

The regulations implementing section 504 define drug addicts as handicapped persons with physical or mental impairments within the meaning of the Rehabilitation Act. The regulation states that "Congress did not focus specifically on the problems of drug addiction * * * in enacting section 504." However, the regulation defines drug addicts as handicapped individuals. This was not the intent of Congress.

This interpretation of the regulation has had a negative effect in our public school system. Drug addicts must be kept in schools and their "handicap" must be given special accommodation. Twelve individual complaints have been filed with the Office of Civil Rights in the Department of Education alleging handicap discrimination on the basis of drug use. In my opinion, one case is one too many.

Mr. Speaker, we have got to correct this grave error in the interpretation of the 1973 statute before it is too late. I do not believe that the American public wants to impede public school officials in their fight against drugs. My amendment would have helped our schools fight drugs. Unfortunately, under this rule I am not given the opportunity to assist in this effort.

Mr. KOLBE. Mr. Speaker, I rise today in strong opposition to the rule.

The rule that has been proposed, if adopted, amounts to nothing more than a procedural choke device, designed to circumvent full participation by all Members of the House. If this rule is adopted, the House will have no impact on one of the most important pieces of civil rights legislation in recent years.

I believe it was the intention of Congress to prohibit discrimination in an entire organization if any program or activity of such organization received Federal aid. I agree with the thrust of this legislation. At the same time, Congress has always sought to ensure that civil rights legislation has been approached in a fair and open manner, allowing full debate and consideration of amendments. And yet, there have been no hearings, no markups, and no committee reports in the House on S. 557 during the 100th Congress. Now we propose to also block consideration of any amendments. I am disturbed to see the House move in such a manner on an issue of such importance. Since when has this body become a rubberstamp for the Senate?

During the last two Congresses, and in this one—a span of 4 years—Congress has worked to clarify the language of the civil rights statutes and to reverse the narrow decision of the Court in Grove City versus Bell. Considering the time and effort that has been devoted to this issue, it is disheartening to view the action taken to rush this legislation through now without any House hearings, and without the opportunity for fair debate and consideration of amendments. Clearly, we are more content to do something, anything, to have the appearance of accomplishment, than to take the time and effort to make sure it is done right.

The issues that my colleagues have raised, and the amendments that would have been offered under an open rule are not frivolous. In nearly every case they were issues and amendments which were debated at length by several committees in previous Congresses, and which received substantial support. These issues deserve full consideration in committee and in the House, and the intent of the civil rights statutes must be established.

The gains this country has made in civil rights have been hard fought. And always, the efforts have been made in a fair and bipartisan way. Honorably, Congress has put aside party differences and avoided strong arm tactics. If this rule is passed, this will no longer be the case, and the issue of civil rights will be subverted to just another partisan power play.

I urge my colleagues to oppose any attempt to restrict debate and amendments on this bill. Vote "no" on this rule.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute and 15 seconds.

Mr. Speaker, I would hope that this House would vote down the previous question so that we could offer a different rule which would give us an opportunity to make amendments to this very important bill; an open rule, that is all we are asking, an open rule so this House can work its will on this very, very important piece of legislation.

Now, as for the argument that they discussed this bill in 1985, there are a lot of different Members in this House today and they all are not privy to what went on in the Judiciary Committee. It has already been stated here today that there are changes. It is not the identical piece of legislation. Let us not fool ourselves. This is a broader piece of legislation. There are other facets to it, and to say that this thing was debated back in 1985 just is not sufficient; so all we are saying is let us have an open rule so we can amend this piece of legislation so it can become law.

How much plainer can the President of the United States be than when he says he will veto the bill if you send it down to him as it is? That is exactly what you want to do. You want to send it down to him so he will have to veto it. Then where are you? Where is the cause of civil rights then? You will come back here and start all over. You are not going to be able to pass this bill over his veto.

The **SPEAKER** pro tempore. The time of the gentleman from Ohio has expired.

Mr. **MOAKLEY**. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. **LATTA**. Mr. Speaker, I have 15 seconds, but I appreciate the gentleman's generosity.

The **SPEAKER** pro tempore. Does the gentleman from Ohio yield himself additional time?

Mr. **LATTA**. Mr. Speaker, I yield myself the balance of the time.

The **SPEAKER** pro tempore. The gentleman from Ohio has 45 seconds remaining.

Mr. **LATTA**. Plus the 15 seconds from the gentleman from Massachusetts?

The **SPEAKER** pro tempore. That will give the gentleman 1 minute.

The gentleman from Ohio is recognized for 1 minute.

Mr. **LATTA**. Mr. Speaker, that is wonderful. I thank my friend, the gentleman from Massachusetts.

Mr. Speaker, we should not be arguing about whether or not we ought to have an open rule. You know, I could put into the Record here, and maybe I should, what has been going on in this Congress, the 100th Congress. We have had 45 percent of the rules passed out of the Rules Committee this 100th Congress which have been restrictive, restricting the rights, as the gentleman from Illinois said, that we ought to have as elected Members of this House.

Civil rights—we have 500,000 people who elect us to come here to represent their interests and the interests of the United States of America, but just because you have the votes up there in the Rules Committee, 9 to 4, you restrict every Member's right.

Now, come on. Let us have some civil rights in the House of Representatives so we can at least offer amendments to this important piece of legislation. What is unfair about that?

OPEN AND RESTRICTIVE RULES, 95TH–100TH CONGRESS[1]

Congress	Open rules		Restrictive rules		Total rules
	No.	Percent	No.	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th[2]	44	55	36	45	80

[1] Source for data: Survey of Activities of the House Committee on Rules (Reports by the Committee on Rules), 95th–99th Congress. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.) For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[2] Data for the 100th Congress is based on "Notice(s) of Action Taken," Committee on Rules, 100th Congress, as of Mar. 2, 1988.

Note: Prepared by Minority Staff, Subcommittee on Legislative Process, Committee on Rules

Mr. **MOAKLEY**. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The **SPEAKER** pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. **LATTA**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 158, not voting 23, as follows:

[Roll No. 18]

YEAS—252

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rowland (CT)
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—158

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—23

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Hammerschmidt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Moody
Ray
Roemer
Rostenkowski
Roybal
Schulze

□ 1704

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Boulter against.

Mr. ENGLISH changed his vote from "yea" to "nay."

Mr. COUGHLIN changed his vote from "nay" to "yea."

So, the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the resolution

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 391.

The SPEAKER pro tempore. Is there objection to the request from Massachusetts?

There was no objection.

CIVIL RIGHTS RESTORATION ACT OF 1987

The SPEAKER pro tempore. Pursuant to House Resolution 391 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 557.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, with Mr. SWIFT in the chair.

The Clerk read the title of the Senate bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 15 minutes, the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 15 minutes, the gentleman from California [Mr. EDWARDS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act and in opposition to the Republican substitute.

I, like most of my colleagues, was outraged by the 1984 Supreme Court decision of Grove City versus Bell which overturned the clear legislative intent of title IX of the Education Amendments Act of 1972. It is an absurd notion that only those departments or programs receiving Federal aid within institutions should comply with anti-discrimination laws and the decision was clearly in conflict with the legislative intent of several other major pieces of civil rights legislation.

I believe that the original intent of Congress needs to be reasserted, thus, I have been a cosponsor of the Civil Rights Restoration Act since it was first introduced in 1984 to restore the broad applicability of title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Rehabilitation Act of 1974 and the Age Discrimination Act of 1975.

It was clearly the intent of Congress in these laws to prohibit widespread discrimination based on race, sex, age, and disability. Institutions do not have the right to discriminate against minorities, women, or handicapped persons particularly if these institutions are receiving Federal aid. Moreover, I am pleased to see that the sponsors of this bill included provisions to extend these anti-discrimination laws to persons with contagious diseases such as AIDS. While AIDS is a grave public health concern, the disease should not give anyone the right to discriminate against persons who have had the misfortune of contracting it.

I would like to commend the sponsors of the Civil Rights Restoration Act for their perseverance in trying to secure passage of this extremely important legislation. Passage of this bill will truly be a great victory for all those who support the strongest possible enforcement of our civil rights.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of the Civil Rights Restoration Act.

This bill provides that Federal laws which prohibit discrimination on the basis of sex, race, age, or handicapped condition apply to all operations of any institution receiving Federal assistance. The purpose of this legislation is to overturn the Grove City versus Bell, 1984 Supreme Court decision, which restricted the coverage of federal anti-discrimination laws to the individual programs or activities receiving aid.

The *Grove City* ruling reversed a previous interpretation that held that Federal anti-discrimination laws applied to the entire institution if any part of the institution received Federal aid. The *Grove City* decision does not correct discrimination but has caused a dramatic reduction in the enforcement of four major civil rights laws. The Civil Rights Restoration Act will restore the law to its broad interpretation before the *Grove City* decision.

The bill would not require individuals, institutions, programs, or activities that receive Federal assistance to provide or pay for abortions. The measure makes clear, however, that the law would not permit an educational institution to discriminate against a person who has had a legal abortion.

The bill also codifies court rulings that provisions of the Rehabilitation Act that prohibit employment discrimination against disabled persons applies to those with a contagious disease or infection (such as AIDS), unless the disease constitutes a direct threat to the health or safety of others or the disease prevents them from performing their jobs.

We all know that the Civil Rights Restoration Act is one of the most important civil rights measures to come before the 100th Congress. This bill has 153 cosponsors in the House and is supported by a broad coalition of more than 185 national organizations.

Since the 1984 *Grove City* decision, the application of civil rights laws has been unpredictable, unfair, and unacceptable. Today, we have a unique opportunity to right a wrong that is long overdue, by ending the discriminatory impact of the *Grove City* decision. I support the Civil Rights Restoration Act and ask that all of my colleagues express their support to end discrimination in institutions or agencies that receive Federal assistance. In closing, I urge you to vote for this bill without further amendments.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in full support of the bill.

As chairman of the Employment Opportunities Subcommittee, with oversight responsibility for several of the statutes covered here today, I think the whole debate comes down to one simple issue: Should the Federal Government sanction discrimination in institutions receiving Federal support? My unequivocal response to you is "No."

As I stand here today, I can't help but feel that we are fighting the civil rights battle once again. If we vote this bill down, even with amendments added by the other body, we disavow all the principles embodied in the civil rights laws and negate the gains that were made over the past 35 years. We take a giant step back.

We ignore the obvious if we say that the institution as a whole does not benefit if Federal dollars are only used by one department; another four are not required to abide by anti-discrimination laws. One part of an institution does not exist with it being a part of the whole, consequently the whole institution should be subject to requirements of the law. I say as public officials we cannot allow any Government moneys being used by any institution to support discrimination.

Gentlemen and gentleladies of the House, I urge your consciences to stand firm in eliminating discrimination in every institution receiving Federal dollars moving toward a truly discrimination free society. There is no room anywhere in our free country to accept any principle short of applying the rule that our citizens should be judged and employed and given rights on the basis of their ability, and not their position by birth or circumstance. There should be no room for debate on any of this. Let us stand for the decent principles fought for over the past 35 years, indeed over the past 200-plus years of our existence as a country. Let us not turn back to the time when discrimination was allowed and even condoned in our land.

Mr. **HAWKINS.** Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1984 the Supreme Court decided in Grove City College versus Bell that the duty, of a recipient of Federal financial assistance, not to discriminate on the basis of sex, was program-specific and not institution or systemwide. By narrowly defining the term "program or activity" the Court severely restricted the scope of coverage of title IX of the education amendments of 1972, in clear contradiction of congressional intent and prior and consistent enforcement practices. With such narrowing has come the resurgence of gender based barriers in our educational systems denying equal opportunity to young women in athletics and in their choices of educational disciplines.

On the same day as the Court decided the Grove City case, it applied the same misconstrued interpretation to the phrase "program or activity" under section 504 of the Rehabilitation Act of 1973 in Consolidated Rail Corp. versus Darrone, thereby denying equal rights and opportunities to this Nation's disabled population.

In the face of such a clear cut misinterpretation of congressional intent, the reaction was swift and within 2 months of the decision, H.R. 5490 was introduced in this body. H.R. 5490, the Civil Rights Act of 1984 was designed to restore the broad coverage of these laws and to reaffirm and rededicate our efforts to eliminate all forms of discrimination and to say without equivocation, that the Federal Government would not condone nor subsidize any form of discrimination; that with the acceptance of Federal dollars came a duty not to discriminate.

Accompanying the transmittal of the Civil Rights Act in 1963, President John F. Kennedy stated:

> Simple justice requires that public funds, to which all tax-payers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination. * * *

Again in 1984, a full 20 years after the enactment of the Civil Rights Act of 1964, "simple justice" became the rallying cry of the campaign to enact H.R. 5490, a bill to restore the vitality of four major civil rights laws lost as a result of the Grove City decision.

Mr. Chairman, I stand here today, 4 years after the decision in Grove City and the introduction of H.R. 5490, as evidence that "simple justice" is neither simple nor swift. I desperately want to believe that this Nation has grown since the early civil rights days; that since it has seen the heinous nature of discrimination that it would act swiftly to repel it. But yet I see a new resurgence of discrimination in all forms—age, race, sex, and handicapped, and in all areas—education, housing, and health, and I see an unfortunate public tolerance for such acts and a Congress unable or unwilling to respond. For 4 years I have listened to excuse after excuse as to why this legislation just wasn't perfect enough to be passed. Now, Mr. Chairman, we have the clear opportunity to do "simple justice," to insure equal opportunities for all people. No more diversions or excuses; this is the time to restore our civil rights laws to their intended broad scope of coverage and effectiveness. I, therefore, urge my colleagues to support the passage of S. 557, as it is before us today.

Mr. Chairman, S. 557, the Civil Rights Restoration Act of 1987, as passed by the other body, like H.R. 1214 and its predecessor, H.R. 700 of the 99th Congress, defines the terms "program or activity" and "program" broadly to reflect the principle of institutionwide coverage as applied to public and private entities which are recipients of Federal financial assistance. The act's definition is applied to title VI of the Civil Rights Act of 1964, prohibiting race discrimination; to the Age Discrimination Act of 1975, prohibiting discrimination on basis of age, to title IX of the education amendments of 1972, prohibiting discrimination on the basis of sex in education programs or activities; and section 504 of the Rehabilitation Act of 1973, prohibiting discrimination against handicapped individuals. It adds no new language to the coverage or fund termination sections of these four statutes and the definitions make clear that discrimination is prohibited throughout entire agencies, institutions or systems if any part receives Federal financial assistance.

S. 557 will leave in effect the enforcement structure common to each of these statutes. The section in each statute states that the termination of assistance "shall be limited * * * to the particular program, or part thereof, in which such noncompliance has been so found." The bill defines "program" in the same manner as "program or activity," and leaves intact the "or part thereof" pinpointing language. Thus, consistent with the Supreme Court's holding in Board of Public Institution of Taylor County versus Finch, Federal funds earmarked for a specific purpose would not be terminated unless discrimination was found in the use of those funds or the use of the funds was infected with discrimination elsewhere in the operation of the recipient. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs. (S. Rep. p. 20.) On the question of what entities are covered the Senate report to accompany S. 557, which we endorse by passing this act, clearly states:

> For education institutions, the bill provides that where federal aid is extended anywhere within a college, university, or public system of higher education, the entire institution or system is covered. If federal aid is extended anywhere in an elementary or secondary school system, the entire system is covered.
>
> For State and local governments, only the department or agency which receives the aid is covered. Where an entity of state or local government receives federal aid and distributes it to another department or agency, both entities are covered.
>
> For private corporations, if the federal aid is extended to the corporation as a whole, or if the corporation provides a public service, such as social services, education, or housing, the entire corporation is covered. If the federal aid is extended to only one plant or geographically separate facility, only the plant is covered.
>
> For other entities established by two or more of the above-described entities, the entire entity is covered if it receives any federal aid.

This last provision as passed by the Senate reflects a clarifying amendment adopted in the Committee which states that part (4) of the "program or activity" definition, the catch-all provision, applies to entities which (1) are not described in parts (1), (2), or (3) of the definition of "program or activity" in the bill; and (2) are established by two or more entities which are described in parts (1), (2), and (3) of the "program or activity" definition. (S. Report 100-64, 100th Cong., 1st sess. June 5, 1987, at 19).

In addition, Mr. Chairman, churches and religious organizations have expressed concern that, if the Restoration Act passes, all of their operations will be subject to coverage if one of their facilities or parishes receives any federal financial assistance. This would not be the case. As indicated in Senate Report No. 100-64, a limited purpose grant, for example, for refugee assistance, to a religious organization to enable it to assist refugees would not be assistance to the religious organization 'as a whole' if that is only one among a number of activities of the organization. Federal financial assistance to a corporation for particular purposes does not become assistance to the corporation as a whole simply because the assistance may free up funds for use elsewhere. Similarly, because they are principally religious organizations, institutions such as churches, dioceses and synagogues would not be considered to be 'principally engaged in the business of providing education, health care, housing, social services or parks or recreation,' even though they may conduct a number of programs in these areas. Nor would a Catholic diocese be covered in its entirety under the catch-all provision where, for example, three geographically separate parishes receive Federal financial assistance and the diocese is a corporation or private organization of which the parishes are a part. Only the three parishes which receive Federal assistance would be covered by the antidiscrimination statutes.

"The bill contains a rule of construction which leaves intact the current exemption from coverge by the civil rights laws for 'ultimate beneficiaries' of Federal financial assistance." (S. Rept, at p. 4.) Examples of "ultimate beneficiaries include farmers who receive price supports or loans, persons receiving Social Security benefits, or Medicare and Medicaid benefits, and individual recipients of food stamps.

"The bill also incorporates regulatory 'small providers' exception into the coverage provisions of section 504 * * *." (Id. at p. 4), as did H.R. 700 of the last Congress. "This new subsection specifies that small providers such as pharmacies or grocery stores, are not required to make significant structural alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available." (Id. at 23.) This provision is limited to those providers with 15 or fewer employees.

Mr. Chairman, not all parts of the Senate passed bill now before us are to my personal liking, and I know many of my colleagues share my view specifically with regard to the Danforth Abortion Amendment, but I want to make it clear that I intend to support passage of the bill in its entirety. The Danforth amendment reads as follows:

> Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

This amendment invalidates the title IX regulation only in so far as the regulation may be construed to require the performance of or payment for abortion. In addition, the second sentence makes clear that no person or individual may be discriminated against based on any abortion, or benefit or service related thereto.

The act as passed by the Senate, and now presented here, includes a floor adopted compromise amendment regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. This amendment is patterned after a similar amendment that was added in 1978 regarding coverage of alcohol and drug users. The amendment, No. 1396, ensures that people with contagious diseases and infections remain covered under the statute as handicapped individuals and codifies the existing "otherwise qualified" standard of section 504 as it applies to such individuals. This amendment is consistent with the holding and standards announced by the Supreme Court in the recent case of School Board of Nassau County versus Arline.

As the amendment indicates, its purpose is "to provide a clarification for otherwise qualified individuals with handicaps in the employment context" under the Rehabilitation Act of 1973. It is important to note that the purpose of the amendment is to clarify, and not to modify or alter, the substantive protections afforded individuals with contagious diseases and infections under the Rehabilitation Act.

One of the cosponsors of the amendment and chair of the Senate Subcommittee on the Handicapped, in a letter addressed to me and Congressman Don Edwards, as a response to our request for a description of the terms of the amendment and its impact, has explained that the amendment was designed to clarify clearly in the statute the current requirement of section 504 so as to allay any unnecessary fears on the part of employers. As I believe this to be an important compromise, I ask unanimous consent that both letters be included in the text of my remarks at this point.

Concerns have been raised that this legislation would require sex integrated college dorms. That is, of course, completely incorrect. Regulations which continue to be applicable after the enactment of S. 557, while requiring that "a recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements or offer different services or benefits related to housing * * *," nevertheless clearly provide that "a recipient may provide separate housing on the basis of sex." "Similarly" a recipient may provide separate toilet, locker room, and shower facilities on the basis of sex * * *," so long as the facilities provided are comparable.

In conclusion, and in anticipation of the debate to follow it is important to note what this act does not do. First, it does not alter in anyway who is a "recipient" of Federal financial assistance. Likewise, this act does not change what is defined as "Federal financial assistance." The Senate report on page 29 is clear on this point and I quote:

> Whatever was determined to constitute "federal financial assistance" as that term applies to title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and title VI of the Civil Rights Act of 1964, before the enactment of S. 557 will continue to constitute "Federal financial assistance" after its enactment.

I would like to make one last point clear. A number of groups have expressed concern about certain issues where no concern is in fact warranted. For example, it is clear that this bill, and the underlying antidiscrimination statutes the bill amends, are self-contained laws designed to promote a broad scope of civil rights coverage. Their definitions, terms and provisions have no necessary bearing in any other context. Thus, a recipient of Federal financial assistance for purposes of the civil rights laws will not necessarily be deemed a recipient of Federal financial assistance for other purposes.

Mr. Chairman, we have spent 4 long years in our effort to insure "simple justice" by restoring these four statutes to their original broad scope of coverage. Granted not all parts are to my personal liking but it is enough. Enough to assure full and equal participation for all people in programs funded by this Government. Passage of the Civil Rights Restoration Act of 1987 will reaffirm this Nation's true and continuing dedication to the principle of civil rights for all people—there can be no more excuses—no more diversions—no more lost school years—the time is now and I urge each and every one of my colleagues to this rededication to equality.

□ 1715

Mr. GREEN. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from New York [Mr. Green].

Mr. GREEN. I thank the gentleman for yielding for the purpose of a colloquy with regard to the Danforth amendment. A question has arisen whether the first sentence of the Danforth amendment applies to treatment that may arise because of medical complications stemming from an abortion.

Mr. HAWKINS. The first sentence of the Danforth amendment would not apply to medical treatment needed for complications arising from an abortion.

Mr. GREEN. When the second sentence of the Danforth amendment speaks of "a penalty," does that include the denial of things that may be considered privileges, such as participation in athletics or extracurricular activities?

Mr. HAWKINS. Yes, Senator DANFORTH and other Senate supporters of his amendment made this clear. This would include the denial of student scholarships; the denial of student access to housing; refusal to hire or promote employees; denial of participation in extracurricular activities, such as athletics, and the like.

Mr. TAUKE. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from Iowa, a member of the Committee on Education and Labor.

Mr. TAUKE. I thank that gentleman for yielding.

Mr. Chairman, I confirm that that also is my understanding.

Mr. GREEN. If the gentleman would further yield I simply want to thank the chairman and the distinguished gentleman from Iowa [Mr. TAUKE] who has been very much involved in the issues relating to the Danforth amendment for those clarifications.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, may I say that this also confirms my understanding.

I would like the gentleman from California [Mr. EDWARDS], the chairman of the subcommittee, to consider this as well.

Mr. Chairman, it is only because of the interpretation that has been given and that you have said is the legislative intent behind this bill that I do support adoption of the bill and I would like to make reference to the Senator from Missouri who said in the debate on the Senate bill, and I quote, "This amendment says that a college is prohibited from discrimination——"

The CHAIRMAN. The Chair would advise the gentleman that under the rules he may not quote a Senator in the House.

The gentleman may continue.

Mr. BERMAN. It was the sum and substance of the comments of the Senator from Missouri that a college is clearly prohibited from discrimination against people who have had abortions or who are seeking abortions. I think if one searches the legislative record of the Senate debate, they will find that intent set forth very clearly.

I ask the gentleman from California his understanding of this matter.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, the answer is yes, that is my understanding too.

Mr. BERMAN. I thank the gentleman from California for yielding and yield back.

Mr. HAWKINS. Mr. Chairman, I yield to the gentleman from Iowa [Mr. TAUKE] for a colloquy.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I wish to engage the chairman of the Education and Labor Committee in a short colloquy. Mr. Chairman, I wish to address concerns raised by this legislation regarding the proper interpretation and application of the current title IX religious tenet exemption. I believe that congressional deliberations on this issue may provide helpful guidance to the Department of Education on how exemption requests should be handled in the future.

By way of background, title IX provides a limited exemption for educational institutions "controlled by a religious organization" if application of any provision of the title is inconsistent with the religious tenets of such organization. The religious tenet exemption does not provide institutions with a blanket exemption from the requirements of title IX or other civil rights statutes. Rather, it provides a limited exemption from specific title IX requirements that conflict with religious tenets.

The Department of Education should continue to avoid the role of determining the nature and meaning of religious beliefs and should give deference to the claims of qualifying institutions regarding those beliefs. Good faith claims by eligible institutions as to their religious tenets are entitled to a presumption of validity. Furthermore, doubts about the existence or meaning of religious tenets should be resolved in favor of religious liberty.

In connection with our earlier deliberations on this legislation in 1985, we expressed serious concern about how the Department of Education handled title IX exemption requests. The Department had clearly been dilatory in administering its responsibilities under this section of title IX. In fact, between 1975 and 1985 some 200 exemption requests were filed without action and remained pending when Grove City legislation was first considered by Congress.

In the context of the Grove City legislative debate, the Department finally began to act on these many pending requests. While the Department has now acted on these requests, the prior situation was clearly unacceptable. Such administrative inaction caused institutions to be left uncertain as to their status; the Department should not allow this situation to be repeated. Institutions must be assured that their claims for an exemption will be given proper attention.

In enacting the religious tenet exemption in 1972, Congress sought to provide to religious educational institutions a limited exemption from title IX requirements inimical to their religious beliefs.

The concerns that underlie the religious tenets exception were articulated by the senior Senator from Oregon during the Senate debate. He said "our country was founded on principles of diversity and pluralism, particularly with regard to the free exercise of religious beliefs * * *. We must continue to protect our full rights, under the Constitution and the first amendment, particularly in the field of religious education."

As the importance of equal opportunity in education is recognized in this legislation, so must the strongly held religious beliefs of these institutions be respected.

Mr. HAWKINS. That is my understanding.

Mr. Chairman, I would say to the gentleman from Iowa [Mr. TAUKE], that that is clearly my understanding.

Mr. TAUKE. I thank the chairman.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the gentleman from yielding.

Mr. Chairman, I just want to also say that I agree with the statement of the gentleman from Iowa, and that is my understanding of the legislation.

Mr. HAWKINS. I thank the gentleman.

Mr. DORGAN of North Dakota. Mr. Chairman, would the chairman of the Committee on Education and Labor yield for a question?

Mr. HAWKINS. I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I would ask the chairman what is the status of the farmer under the Civil Rights Restoration Act?

Mr. HAWKINS. Mr. Chairman, farmers retain their exempt status under this legislation. Since the passage of title VI of the 1964 civil rights farmers have been excluded from coverage because they are "ultimate beneficiaries" of Federal aid and thereby qualify for an exemption under the "recipients" category of Federal aid. This construction has been consistent in Federal regulation for nearly 25 years. Farmers who receive price and income supports and loans are exempt from the requirements of this legislation as they have always been.

I refer the gentleman to section 7 of the bill. That section explicitly states that ultimate beneficiaries like farmers continue to be excluded from this act. This grandfather clause ensures the continued exemption for farmers and explicitly states the exemption in statutory language. The exemption will continue upon enactment of this legislation.

Mr. DORGAN of North Dakota. I thank the chairman for his answer and rise in strong support of the bill as reported.

The CHAIRMAN. The Chair informs the gentleman from California that he has 45 seconds remaining.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Civil Rights Restoration Act. The battle in this Nation for civil rights laws has been fought and won. After decades of struggle, today, the law of the land is "thou shalt not discriminate."—period. In Grove City vs. Bell, the Supreme Court found a chink in our armor of antidiscrimination laws. Institutions can discriminate in one branch and not be penalized in another branch. In other words you can discriminate on one hand as long as you don't discriminate with the other. It is up to us now, to repair that chink, to close that loophole, to make sure that the antidiscrimination laws work. That is what this bill is all about. Making the laws work.

Making the laws work means knowing when to go back to the drawingboard to do some fine tuning. The Senate has added to this Civil Rights Restoration Act an amendment to protect from discrimination, people who have contagious diseases and infections. This is a good amendment, carefully crafted to protect the public from contagion—and to protect the individual from intolerance and ignorance.

We live in a dynamic, ever changing world. A world driven by technology, with uncharted waters in social and scientific arenas. Our laws must respond to these dynamics. But the sense of fair play, the preservation of individual liberty and the democratic principles upon which these laws are based cannot change. I urge my colleagues to make the laws work—and pass the Civil Rights Restoration Act today.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of S. 557 notwithstanding reservations regarding certain aspects of the Senate-passed bill. I am able to support this legislation however, because it advances civil rights and because it contains the Danforth amendment, which makes a major and positive change in Federal law with respect to abortion. Much has been said on this floor concerning the progress we hope to achieve in mitigating discrimination by passing this bill so I will focus the gist of my remarks on the language relating to abortion.

The Danforth amendment states:

NEUTRALITY WITH RESPECT TO ABORTION

SEC. 909. Nothing in this title [Title 9] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

Mr. Chairman, attorneys for proabortion organizations have for some years been engaged in attempting to forge a legal link between the growing body of State and Federal laws which prohibit discrimination "on the basis of sex," and so-called abortion rights.

In adopting the Danforth amendment, Congress is for the first time speaking to—and very explicitly repudiating—the legal doctrine that sanctions against abortion, or the failure to provide "abortion services," constitute a form of discrimination "on the basis of sex."

Understood in this light, Members will understand why the executive director of the National Abortion Rights Action League, Kate Michelman, called the Senate's adoption of the Danforth amendment "a grave loss for us. It was a big defeat" (Associated Press, Jan. 28, 1988).

It is also understandable that Marcia Greenberger of the National Women's Law Center, called the Danforth amendment "a bold-faced repeal of all of the protections that women have relied upon" concerning abortion rights (United Press International, June 28).

We who support the Danforth amendment have referred to it as an "abortion neutral" amendment, and that is in one respect a very accurate label, because the amendment renders title IX neutral with respect to abortion.

But the Danforth amendment is not at all neutral on the legal linkage between abortion rights and a prohibition on sex discrimination—it completely severs any such linkage. Even Molly Yard, the president of the National Organization for Women, states in the January 1988 issue of National N.O.W. Times that the Danforth amendment is not neutral, because "it in fact puts abortion language into civil rights law for the first time and, by making a substantive change in law, limits a woman's constitutional right to abortion."

It is important to understand the attorneys for these proabortion groups have long recognized that the so-called right to abortion which the Supreme Court manufactured in Roe versus Wade rests on no real footing in the Constitution. They have recognized the possibility, or even the likelihood, that there will come a day when a majority of Supreme Court Justices can no longer bring themselves to uphold such a constitutionally indefensible ruling as Roe versus Wade.

Thus, these proabortion attorneys have searched for some alternative legal theory which would provide a separate and distinct basis for legal abortion, some legal foundation which would survive a future Supreme Court decision that the "right to privacy" does not include a "right to abortion."

Many of these proabortion attorneys regard a "right to abortion" based on sex-discrimination analysis as the most promising alternative to the shaky "right to privacy."

Their basic legal argument goes something like this: since only women procure abortions, any law which treats abortion differently from other medical procedures is a form of discrimination on the basis of sex.

Any Member who thinks that this is a far-fetched legal argument should study an article by Judge Ruth Bader Ginsburg of the U.S. Court of Appeals for the District of Columbia, titled "Some Thoughts on Autonomy and Equality in Relation to Roe versus Wade," which appeared in the January 1985 North Carolina Law Review. As I read the article, Judge Ginsburg regrets that the Supreme Court did not ground Roe versus Wade in sex-discrimination analysis instead of "privacy." She seems to feel that the sex-discrimination approach would have been more secure. She also appears to argue that if the Supreme Court had originally employed the sex-discrimination approach, the Supreme Court might have struck down the Hyde amendment when that issue came before the Court in 1980.

Judge Ginsburg is by no means alone in these views. Indeed, certain proabortion groups have aggressively employed anti-sex-discrimination laws as proabortion legal weapons.

For example, in at least four States, the American Civil Liberties Union has urged courts to rule that State equal rights amendments require State funding of elective abortions. In 1986, the ACLU persuaded the Connecticut courts that the Connecticut ERA requires that State to pay for elective abortions. In other words, the Connecticut courts ruled that the State was engaged in discrimination "on the basis of sex," in violation of the ERA, by refusing to fund elective abortions.

To date, only one important Federal anti-sex-discrimination law—title IX of the Education Amendments of 1972—has been construed to protect abortion rights. In passing S. 557 and the Danforth amendment today, the House of Representatives follows the Senate in explicitly repudiating that construction of title IX.

Of course, Congress did not originally intend title IX to have anything to do with abortion rights. When Congress enacted title IX of the Education Amendments of 1972, it was still a felony to perform an abortion in most States.

Nevertheless, the administrative agency responsible for enforcing title IX issued, in 1975, regulations which required federally funded programs of higher education to provide abortion on the same basis as other medical benefits in student and faculty health plans.

Sponsors of S. 557 concede that the bill will extend title IX coverage to any hospital which has even one medical student or nursing student. If the Danforth amendment had not been added to this bill, with this title IX coverage would have come the requirement that these thousands of hospitals provide abortion on the same basis as other medical procedures.

Now, when this effect was initially pointed out by pro-life organizations, certain supporters of the Civil Rights Restoration Act responded that the title IX regulations make no reference to hospitals. But that is because the regulations were written back when IX was considered to cover basically institutions of higher education—colleges, for the most part.

But this bill extends coverage to all of the operations of any hospital which has any teaching program—even a single medical student or nursing student. And, but for the Danforth amendment, these thousands of hospitals would for the first time have been exposed to lawsuits if they failed to provide abortions on the same basis as other medical procedures.

Let me be very clear on this: the root of the problems is not the title IX regulations, but the underlying legal doctrine that one is engaged in discrimination "on the basis of sex" if one treats abortion differently from other medical procedures. That legal doctrine had to be read into title IX, before the proabortion regulations could be written.

So, Mr. Chairman, all Members should clearly note that the Danforth amendment does not refer directly to the regulations. Rather, the Danforth amendment goes straight to the root of the problem—title IX itself—and amends title IX to explicitly renounce the notion that title IX provides any basis for abortion rights. That nullifies the regulations, of course, but it also has broader legal implications.

The Danforth amendment states that title IX does not "require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." That is very sweeping language. It amounts to a wholesale rejection of any equation between discrimination on the basis of sex and abortion rights.

This emphatic rejection of the sex discrimination-abortion rights linkage is not diluted by the second sentence of the Danforth amendment, which simply states that "Nothing in this section"—that is, the Danforth amendment itself—"shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The second sentence does no more than state that the amendment, in and of itself, does not create a new legal authorization for, say, colleges to impose penalties on women who procure lawful abortions on their own.

But the second sentence of the Danforth amendment does not say that title IX provides any rights relating to abortion in the first place. If, as I believe, Congress never intended title IX to confer any abortion rights whatever, then nothing in the second sentence of the Danforth amendment creates new legal remedies for employees or students who think they have grievances relating to abortion.

To summarize, then, the Danforth amendment explicitly repudiates the notion that institutions which receive Federal funds are thereby obligated to provide any abortion-related benefits whatsoever. And with respect to "penalties," the Danforth amendment simply preserves the status quo prior to the passage of this bill—whatever that is.

Mr. Chairman, I believe that adption of the Danforth amendment is the first time that Congress has explicitly addressed itself to the legal doctrine that sanctions against abortion constitute sex discrimination. I think that it is highly significant that the Senate repudiated the equation between sex discrimination law and abortion by a decisive margin of 56 to 39. It is more significant still that proabortion organizations have publicly conceded that the House would ratify the Danforth language by an even more lopsided margin—which is why we are considering this bill under a rule which allows the Danforth amendment to stand without challenge.

I hope that the action of Congress on this bill will provide guidance to the courts, not only on title IX, but on how they should construe other statutes which employ similar language—"on the basis of sex," "on account of sex," and the like.

I also hope that we will remember our experience with title IX when we consider other sex discrimination bills in the future, such as the proposed Federal equal rights amendment. The only way to ensure that such measures will not be misinterpreted—as title IX was misinterpreted—is to adopt specific language to exclude abortion rights, as we are doing on this bill today.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 2 days ago we passed a landmark date. It was 4 years ago that the Supreme Court handed down its Grove City decision. The past two Congresses both tried to pass a bill that would overturn the decision. Fortunately, it looks like on this, our third try, our efforts might be successful.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education "program or activity" receiving Federal financial assistance. In Grove City the Court concluded that the phrase "program or activity" should be given a narrow meaning. The Court held that the term did not refer to the institution as a whole. Rather, it referred only to those parts of a college or university which directly benefited from the receipt of Federal funds. This program-specific decision has left colleges and universities free to discriminate against women, as long as the discrimination takes place in areas that do not receive Federal money.

Title IX's "program or activity" language was modeled after similar language in title VI of the Civil Rights Act of 1964, forbidding discrimination on the basis of race. Similar "program or activity" language appears in the Age Discrimination Act of 1975 and the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap. Because the Court's program-specific rationale would appear to apply to these statutes as well as title IX, the bill under consideration today will define the term "program or activity" in all four statutes.

The Grove City decision has meant in some instances that the Federal Government can provide no protection at all against discrimination by institutions receiving Federal funds. The results have been disheartening. In Alabama, for example, a massive discrimination suit against the State's system of higher education was dismissed because a court of appeals concluded that the plaintiffs would have to show that Federal money flowed to virtually every program and department at the State colleges. In California black students at a proprietary school of cosmetology alleged that in the practical training course white customers were referred to white students and black customers were referred to black students. They also alleged that black students were given extra cleanup responsibilities. Even though the school accepted Federal money in the form of Pell grants and guaranteed student loans, the Department of Education was precluded from even considering the complaint, as no Federal funds could be traced to the practical training course. Another school system receiving Federal money was able to avoid providing interpreters for the deaf in its adult education program because no Federal funds could be traced to that activity. Had these classes been held in a building funded with Federal assistance, however, the school system would not have been relieved of its duty to accommodate qualified handicapped students.

S. 557 provides for institution-wide coverage under the four civil rights laws for institutions receiving Federal funds. The protections of Federal civil rights laws will not be based on bookkeeping or accounting. Tracing Federal money into individual accounts to determine whether a particular part of a college is covered will no longer be necessary. The simple message of this bill is:

> If you receive Federal money, you cannot discriminate. And if you are going to discriminate, don't expect Federal money.

I am an original cosponsor of the version of S. 557 that was introduced in the House. I was also an original cosponsor in the 98th and 99th Congresses of bills that would have overturned the Grove City decision. The version of S. 557 we consider today is, in most instances, identical to a substitute bill I introduced at the Education and Labor Committee markup during the 99th Congress. Basically, the bill is simple: it adds a new section to each of the four affected civil rights laws defining the term "program or activity." It is this term that establishes the scope of coverage under each of the statutes.

In the case of educational institutions, "program or activity" refers to all of the operations of a college or university if any part of the institution receives Federal money. Similarly, entire elementary or secondary systems are covered if any part receives Federal funds. State and local governments are covered only in the department or agency receiving Federal funds. If, however, one agency receives Federal funds and disburses them to another agency, both agencies are covered.

The general rule for private corporations or organizations is that only the plant or geographically separate facility receiving aid is covered. If aid is extended to the corporation as a whole, however, or if the corporation is principally engaged in providing social services, education, housing, health care, or parks and recreation, a different rule applies: the entire corporation is covered by the civil rights laws.

Two provisions in S. 557 that were added to the bill in the 99th Congress incorporate the terms of longstanding regulations and specifically address concerns raised when a Grove City bill was first introduced in 1984. The first of these clarifies that "ultimate beneficiaries" of Federal programs are not covered. Thus, for example, the rental activities of a Social Security benefits recipient who owns a rental duplex will not be covered under the civil rights laws because of participation in the Social Security Program. Similarly, farmers who participate in crop subsidy and disaster loan programs are likewise ultimate beneficiaries of those programs and will not be covered under the new program or activity language.

The second provision added to the bill provides that small providers of services to the handicapped need not make significant structural alterations to their facilities if there are alternative means of providing the services. This section also incorporates into statutory language the terms of longstanding Rehabilitation Act regulations, assuring that S. 557 does not embody any new requirements of architectural modification to accommodate the handicapped. Therefore, no new requirements are placed on "mom and pop" grocery stores participating in the Food Stamp Program or pharmacies participating in Medicare.

During Senate consideration of the bill, a third clarifying amendment was added to the bill. With regard to persons with contagious diseases or infections, the Harkin-Humphrey amendment places within the terms of the Rehabilitation Act the otherwise qualified standard now set forth in regulations and case law. In brief, the Harkin-Humphrey amendment adopts the approach and standards of the Supreme Court's Arline decision. It provides that persons with contagious diseases and infections remain protected in their jobs under the Rehabilitation Act if they do not pose a direct threat to the health or safety of others and are able to perform the essential duties of their jobs. This determination would require a case-by-case analysis based on reasonable medical judgments. In other words, there would have to be a determination that there is a significant risk of transmission of the disease or infection to others in the work place, a risk which could not be eliminated by reasonable accommodation. With respect to persons with contagious diseases and infections, this amendment adopts an approach consistent with that taken in 1978, when Congress addressed the concerns of employers regarding the Rehabilitation Act's coverage of alcohol and drug abusers.

Finally, the Senate bill contains an amendment offered by Senator DANFORTH which overturns certain title IX regulations relating to abortion. Under this amendment, title IX could not be read to require or prohibit a college or university to provide or pay for an abortion. Thus, an institution subject to title IX would not have to include the costs of an abortion procedure in insurance for its students or employees. This limitation does not mean, however, that medical complications related to an abortion could be excluded.

During consideration by the Education and Labor Committee of the Civil Rights Restoration Act offered in the 99th Congress, I voted against a similar amendment because I felt that it violated the principle of restoration—of merely returning the civil rights laws to their pre-Grove City scope of coverage. I suspect, though, that the amendment we now have will make the bill more palatable to many Members of the House. For that reason, I will support the bill, including the amendment. Crucial to my support, however, is the assurance that a college is prohibited from discriminating against those who have had or who are seeking abortions. The second sentence of the amendment will ensure that a woman is not denied scholarships, promotions, extracurricular activities, student employment or any other benefits because she has received or is seeking an abortion.

Last, I want to focus briefly on an issue of great importance to me—the interpretation and enforcement of the title IX religious tenets exemption. Because this bill will restore broad title IX coverage for colleges and universities, I believe it is important to clarify and confirm our understanding of the religious tenets exemption and the Department of Education's responsibilities in this area.

No other antidiscriminatory statute dealing with race, sex, national origin, age or disability allows for an exception to accommodate an organization's religious tenets. When title IX was originally enacted, however, the religious tenets exception was adopted for institutions "controlled" by a religious organization in recognition of the unique role played by religious organizations in the establishment of many of this country's colleges and universities. The exemption is not a blanket exemption. Rather, it is a narrow one, allowed only for those title IX regulations in conflict with a specific religious tenet. This exemption assures colleges and universities of the full exercise of religious liberty.

Federal inquiries into the doctrine and beliefs of religious organizations raise delicate and difficult first amendment issues. Thus I believe it is important that the Department exercises deference in considering these requests. Further, I believe that it is important that the Department of Education should continue, as in the past, to avoid the role of determining the meaning and judging the validity of religious beliefs. Doubts about the meaning of religious tenets should be resolved in favor of the educational institution and religious liberty.

During the first 10 years after promulgation of the title IX regulations, the Department of Education took virtually no action with respect to the vast majority of requests for exemption. This administrative inaction may well have had a chilling effect on the exercise of religion at educational institutions. I believe it is extremely important for the Department of Education to act expeditiously on requests for exemption.

Last, there has been a great deal of discussion about modifying the "control" standard. Despite its alleged deficiencies, no applicant has ever been denied a properly completed request for a title IX exemption under the current religious tenets exemption. I believe, therefore, that the recent record of implementation in this area demonstrates that the current standards can be applied in a sufficiently flexible manner to avoid significant problems.

Mr. Chairman, it is indeed fitting that we should take up consideration of this bill at this time. During the past 2 weeks we had the pleasure of watching the winter Olympics. We saw Bonnie Blair break a world record and Debi Thomas break down yet another color barrier. We saw Bonnie Warner's sixth-place finish in luge, the best finish ever by an American. All of the women representing the United States—medal winners or not—made us proud. In fact, American women brought home more medals than American men.

Initially, women's athletics was one of the primary beneficiaries of title IX. Prior to enactment of the statute in 1972, there were in this country virtually no athletic scholarships offered to women. After Donna DeVerona won her two gold medals in swimming at the 1964 Tokyo Olympics, she was offered no college scholarships. Her swimming career ended while she was still a teenager. Her colleague, gold medalist Don Schollander, went on to participate in swimming for 4 more years during colleage, while on an athletic scholarship.

Before Grove City title IX had resulted in some positive gains in women's sports. In the 10 years following passage of title IX, the number of women participating in college sports grew 100 percent, and the number of high school girls participating in sports increased 500 percent. By 1984, the number of athletic scholarships available for women had increased from zero to 10,000. Many of the women who participated in the 1984 summer Olympics in Los Angeles said they would never have had the opportunity to train and compete had it not been for title IX's infusion of money into women's colleagiate sports.

Women's athletics, however, is one of the areas where the Grove City decision has had its most devastating impact. Virtually no Federal money is traceable to women's sports. The Office of Civil Rights at the Department of Education has been unable to investigate charges of discrimination in women's athletics on college campuses. And cases alleging discrimination in women's sports that commenced prior to Grove City were abandoned. Passage of this bill, with its restoration of broad coverage, will serve as a well deserved tribute to those women who served our Nation so well in Calgary and to all those other women who have broken new ground in what were formerly fields for men only.

□ 1730

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding time, and I rise in strong support of the Civil Rights Restoration Act.

Mr. Chairman, it has been 4 years since the Supreme Court ruled in Grove City College versus Bell that Federal antidiscrimination laws apply only narrowly to particular federally supported programs, and not to recipient institutions as a whole. While the Grove City case specifically applied to title IX of the Education Amendments of 1972, the ruling has been interpreted to include section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964. As the result, women, minorities, the disabled, and the elderly have been denied the protection which Congress specifically intended them to receive.

Clearly, the Court misinterpreted the intent of Congress, and we have been working ever since to clarify the coverage of those laws.

In June 1984, the House voted overwhelmingly in favor of legislation overturning the Grove City decision. Unfortunately, the Reagan administration launched a full-scale attack against the bill, and it was never brought up in the Senate.

The real turning point occurred in 1985, when the U.S. Catholic Conference issued a memo suggesting that the new proposal could force Catholic teaching hospitals receiving Federal assistance to perform abortions. Since then, the Civil Rights Restoration Act has been tangled up, as so many bills have been in the last few years, over the abortion question.

When the Senate considered the Restoration Act last month, antiabortion Senators were prepared to defeat the bill if restrictive language was not included. And when the bill was finally adopted by that body, that victory was tempered by the approved abortion language.

The Danforth amendment specifies that institutions receiving Federal aid are not required to provide or pay for abortions. This language effectively supersedes existing regulations dating from 1972 that require educational institutions receiving Federal aid to "treat pregnancy, childbirth, and termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability" where leave, health services, or insurance are concerned.

I am very disappointed that this Congress, in its effort to clarify and extend antidiscrimination laws, must allow restricted access to legally protected medical care. In permitting hospitals receiving Federal funds to deny provision of abortion services, the Congress is actually sanctioning another form of discrimination. This is a very regretful act; but one, it seems, that is unavoidable at this time.

While I feel very strongly that a woman's right to abortion includes the right of access to abortion services, it is imperative that passage of the Civil Rights Restoration Act not be delayed any longer.

In these last few years during which Congress has been divided over the scope of coverage under the law, the rights of women, minorities, and disabled and elderly Americans have been put on hold.

In the Grove City case, the Supreme Court unanimously held that financial aid dollars reaching a college through its students constituted Federal financial assistance to the school. The scope of duty not to discriminate, however, was defined narrowly by the court. The court determined that student financial aid money only reached the school's financial aid office; therefore, only that office had to comply with Federal anti-discrimination law.

As the result, hundreds of discrimination cases have been dropped because the offending office or activity was deemed not in direct receipt of Federal funds. The Office for Civil Rights in the Department of Education, one of the primary agencies responsible for enforcement of these basic civil rights laws, has closed title IX, title VI, section 504, and age discrimination cases for lack of jurisdiction. In all, the Office of Civil Rights has closed or scaled back the investigation of 674 sex discrimination cases since the Grove City ruling.

Court mandated desegregation efforts have also come to a halt. The Subcommittee on Human Resources and Intergovernmental Relations, which I chair, recently held hearings on illegal racial discrimination at a number of southern universities and colleges. As a result of that investigation, the Government Operations Committee issued a report entitled "Failure and Fraud in Civil Rights Enforcement by the Department of Education." The committee concluded that 10 southern and border States are in violation of title VI of the Civil Rights Act because they have not completely eliminated the remnants of previously illegal systems of higher education that separated students by race.

Unfortunately, under Grove City, the victims of racial discrimination have little form of redress. Late last year, a title VI discrimination suit brought by the Justice Department against the University of Alabama was blocked by a Federal court of appeals which applied Grove City versus Bell to it. As the result of this and similar rulings, the effort to desegregate our Nation's schools, which began in 1954, has come to a screeching halt.

Enforcement efforts have also been gutted at other Federal agencies. The Office of Civil Rights at the Department of Health and Human Services and the Department of Housing and Urban Development's Office for Fair Housing and Equal Opportunity report that they too have severely cut back investigation of complaints.

By returning the four financial assistance civil rights statutes to their pre-Grove City status, the Congress will be renewing its commitment to fairness and equality. At the same time, we will be making certain that the next administration does not have an excuse to ignore its responsibility to enforce vital antidiscrimination laws.

I was very pleased that, with the exception of the Danforth amendment, all of the weakening amendments proposed in the Senate were defeated by large margins. I am hopeful that the House will follow with passage of an equally strong bill and that it will be received favorably by the President.

At this time, I would like to address specifically an amendment added by the Senate regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. It is important to note that this amendment was added to clarify—and not modify—the current section 504 requirements applicable to such individuals.

The need for a clarification arises from a misplaced response by some employers to the recent Supreme Court decision in School Board of Nassau County versus Arline. Although often misunderstood, the Supreme Court's recent decision interpreting and applying section 504 does not require that entities covered under the section take unwarranted risks in hiring and retaining individuals with contagious diseases who pose a direct threat to the health and safety of others or who cannot perform the essential functions of a job. The Supreme Court made that point very clearly in the Arline decision. See *School Board of Nassau County* v. *Arline,* 107 S.Ct. 1123, n. 16 (1987). ("A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified if reasonable accommodation will not eliminate that risk.")

Nevertheless, some employers have reacted to the Supreme Court decision by expressing the unfounded concern that they could be required to hire or retain an individual who has a contagious disease or infection and for whom no reasonable accommodation could eliminate the significant risk of such an individual transmitting the disease to others. In response, the Senate amendment clearly sets forth the basic standard of section 504 that effectively precludes imposing such a requirement on employers.

The language of the amendment is purposely patterned after a similar amendment adopted by Congress in 1978. At that time, many employers had similar unjustified concerns that they could be forced to hire or retain individuals who were alcohol or drug users and who could not perform the essential functions of a job or who posed a threat to others. The 1978 amendment provided that the term "handicapped individual" did not include "any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others."

During the legislative debate on the 1978 amendment, many Members of Congress pointed out that the "otherwise qualified" standard of section 504 already ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment to reassure employers regarding the existing section 504 protections, thereby avoiding a categorical exclusion of alcohol and drug users from the protections of the statute.

The Senate amendment included in the Civil Rights Restoration Act, which is patterned after the 1978 amendment, thus specifies that, for purposes of sections 503 and 504 of the Rehabilitation Act of 1973, as such sections relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

The basic manner in which individuals with contagious diseases and infections can present a direct threat to the health or safety of others in the workplace is if there is a significant risk that the individual could transmit the contagious disease or infection to other individuals. In such circumstances, the individual is not "otherwise qualified" to remain in that particular position. The Supreme Court in Arline explicitly recognized this necessary limitation in the protections of section 504. The Senate amendment places that standard in statutory language—thereby hopefully allaying any misplaced concerns on the part of employers.

It is important to note the aspects that this amendment does not change. First, the amendment does nothing to change the requirements in the regulations and case law regarding providing reasonable accommodations for persons with contagious diseases or infections. Thus, if a reasonable accommodation would eliminate the existence of a direct threat or an individual's inability to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Second, the two-step process of section 504 should continue to apply in cases involving individuals with contagious diseases and infections. That is, a court must first determine whether a plaintiff is protected under the statute under the traditional three-part definition of "individual with handicaps" under the statute. The court must then determine whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

In his dissent in the Arline case, Justice Rehnquist stated that Congress should have stated explicitly that individuals with contagious diseases were intended to be covered under section 504. Congress has done so now with this amendment, stating clearly that individuals with contagious diseases or infections are protected under the statute as long as they meet the "otherwise qualified" standard. This clarity is particularly important with regard to infections because individuals who are suffering from a contagious infection—such as carriers of the AIDS virus or carriers of the hepatitis B virus—can also be discriminated against on the basis of their infection and are also individuals with handicaps under the statute. See, e.g., *Local 1812, American Federation of Government Employees* v. *U.S. Department of State,* 662 F.Supp. 50 (D.D.C. 1987) (HIV-infection); *Ray* v. *School District of DeSoto County,* 666 F.Supp. 1524 (M.D. Fla. 1987) (HIV-infection); *New York State Association for Retarded Children* v. *Carey,* 612 F. 2d 644 (CA2 1979) (hepatitis B carrier). As the Senate amendment now restates in statutory terms, such individuals are also not otherwise qualified if, without reasonable accommodation, they would pose a direct threat to the health or safety of others or could not perform the essential functions of a job.

Because of the importance of these protections, public health leaders have called for vigorous enforcement of section 504 with regard to cases involving AIDS and infection with the AIDS virus. The National Academy of Sciences, in its authoritative report, "Confronting AIDS," specifically pointed out the importance of section 504 as a means to fight medically unjustified discrimination:

> The committee believes that discrimination against persons who have AIDS or who are infected by HIV is not justified, and it encourages and supports laws prohibiting discrimination in employment and housing as formal expressions of public policy. The committee also supports a federal policy to include AIDS as a handicapping condition under the federal law prohibiting improper discrimination against the handicapped.

The Congress noted in 1978, with regard to alcohol and drug users, that the addition of an amendment was unnecessary in light of current law. Nevertheless, rather than exclude categorically a group of individuals, we added a provision to reassure employers regarding the requirements that currently existed in law to protect public health and safety. That same purpose motivates the inclusion of this amendment. I support the Civil Rights Restoration Act with this amendment because it continues to maintain the proper balance that currently exists between protecting the public health and private rights.

I urge adoption of the bill.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of this measure.

Mr. Chairman, as chairman of the House subcommittee of jurisdiction over the Rehabilitation Act, the Subcommittee on Select Education, I wish to address one aspect of this bill, which is amendment 1396 added by the Senate.

In some respects, amendment number 1396 is not really necessary. It simply clarifies that persons with contagious diseases and infections are covered by the Rehabilitation Act unless their condition constitutes a direct threat to the health or safety of others or renders them unable to perform the functions of the job. With or without this statutory amendment, under current law, as interpreted by the Supreme Court last year in School Board of Nassau County versus Arline, the standards applied in any given case would be the same. If the plaintiff had a contagious disease which was likely to be transmitted to coworkers, and no reasonable accommodation by the employer could eliminate that risk of transmission, the law would not force the hiring of that plaintiff. If, on the other hand, the plaintiff's disease was not transmissable by normal workplace contact, so that in fact coworkers were not endangered by it, then the law would grant relief to that plaintiff. This is precisely the balance between public health and civil rights which the law should embody.

Although this statutory amendment is not necessary, it may serve some useful practical purposes. Our Nation is now grappling with the multiple consequences of AIDS. One of those consequences is an epidemic of discrimination and hysteria. In many cases, persons who have AIDS or are infected with the AIDS virus have lost their jobs and their ability to support themselves and their families because others irrationally fear the disease. The disease has disproportionately affected black and Hispanic Americans. In communities like my own, the effects of AIDS have been devastating—medically, socially, and economically. We in Congress can help eliminate this discrimination and hysteria by reaffirming that the law will not allow the firing of persons affected with AIDS who do not pose a direct threat to others and who are, in fact, able to work.

The U.S. Centers for Disease Control estimates that more than 1 million Americans today are infected with the virus believed to cause AIDS. The great majority of these Americans are asymptomatic and fully capable of working. Many have family members dependent on them. Their infection is not transmissable by ordinary interaction with those around them, whether at work or at home. In short, there is no sound medical or public health reason why they should be excluded from employment. In that regard, I am glad to see that amendment 1396 refers to individuals with contagious infections, thus clarifying that such infections can constitute a handicapping condition under the act.

In sum, amendment 1396 adds directly to the statutory language the standard for assessing the appropriateness of relief under the Rehabilitation Act when the handicapping condition involved is a contagious disease or infection. It follows the principles outlined by the Supreme Court in the Arline case and it will convey unambiguously to the courts our intent that contagious diseases and infections not be excluded per se from coverage under the act.

Mr. EDWARDS of California. Mr. Chairman, I yield 3 minutes to our foremost champion of civil rights, the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I thank the gentleman very much for yielding these 3 minutes to me.

Mr. Chairman, there were several key provisions in the landmark Civil Rights Act of 1964. One of the provisions, title VI, is being amended today in the bill before us. Title VI established the principle that Federal funds would no longer be used to subsidize racial discrimination.

This prohibition of Federal assistance to discriminatory programs became an effective tool in Federal civil rights enforcement. As each new group pressed its claim for Federal Antidiscrimination legislation, civil rights advocates demanded a title VI-like provision as well. By 1975, the four civil rights laws amended by S. 557 were in place—title VI, title IX of the 1972 Education Amendments (prohibiting sex discrimination in any education progam receiving Federal financial assistance), Section 504 of the 1973 Rehabilitation Act (prohibiting handicap discrimination in any federally funded program) and the 1975 Age Discrimination Act (prohibiting discrimination against the elderly in any federally funded program). The carrot and stick approach set forth in these laws has helped to speed up the process of eliminating barriers to equal opportunity for minorities, women, the handicapped and the elderly.

The Congress had seen the promise of Brown versus Board of Education frustrated by States unwilling to comply with the Court's order to desegregate with all deliberate speed. It was Federal enforcement of title VI which turned massive resistance to public school integration into meaningful desegregation. Soon recalcitrant school districts determined that Federal financial assistance was more important than adherence to a bankrupt, racist philosophy.

In enacting title VI and its progeny, the Congress understood these laws to have broad coverage. Supporters of these laws believed all the operations of a recipient were required to comply with the nondiscrimination duty when any part of the recipient's operations was extended Federal financial assistance. The Supreme Court's 1984 decision in *Grove City College* v. *Bell*, 465 US 555, narrowly construed title IX of the 1972 Education Amendments. The Court determined that the college was a recipient of Federal financial assistance but because student aid was the only form of assistance extended to the school the Court reasoned that only the financial aid office was obligated to comply with the nondiscrimination duty. This program-specific analysis turned 20 years of executive branch enforcement of title VI and its progeny on its head. On that same day the Court applied the same narrow interpretation to section 504 in *Consolidated Rail Corporation* v. *Darrone*, 465 US 624. The Supreme Court's program-specific analysis, first hinted at in *North Haven* v. *Bell*, 456 US 511 (1982), has brought Government and private enforcement efforts of the four civil rights laws amended by S. 557 to a virtual standstill.

The bill before us today, S. 557, will restore the broad coverage of these four civil rights laws by defining the terms program and program or activity where they appear in each statute. For State and local governments coverage will be the entire agency or department when any part of the agency or department is extended Federal financial assistance. If assistance is extended to a unit of Government which then distributes the assistance to other departments or agencies, then all the operations of the distributing entity are covered as well as the agency or department to which the assistance is extended. For post-secondary institutions or public school systems coverage is college-wide, university-wide, or other post-secondary institution-wide, or public school system-wide. For elementary, secondary and vocational systems coverage is system-wide. Two or more schools are a system if there is significant linkage between them. An individual elementary, secondary or vocational school which is not part of a system is covered in its entirety under the corporate coverage section of the bill. A corporation, partnership, other private organization, or sole proprietorship is covered in its entirety if the assistance is extended to the corporation as a whole, or if the corporation, partnership, other private organization or sole proprietorship is principally engaged in the business of providing education, health care, housing, social services or parks or recreation; in all other instances, coverage is plant-wide or other comparable, geographically separate facility-wide. A geographically separate facility refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate.

The bill makes clear that ultimate beneficiaries of Federal financial assistance are not obligated to comply with the nondiscrimination provisions in each of these laws. Ultimate beneficiaries include farmers receiving crop subsidies, as well as food stamp and social security recipients. Under the bill, there is also a small provider exception, which recognizes that small providers, such as pharmacies and Ma and Pa grocery stores have more flexibility in making their facilities accessible to handicapped persons. Under the 504 regulations, small providers—15 or fewer employees—are allowed a more flexible approach in meeting the accessibility requirements. Thus Ma and Pa grocers may satisfy the requirement by referring the handicapped person to a nearby accessible grocery store or by making home deliveries. The title IX religious tenet exemption is not changed; that is, it is available to education programs controlled by a religious organization; however, it clarifies that the exemption is as broad as the coverage now defined by this bill. The fund termination provision found in each of these statutes will remain in effect. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs.

Mr. Chairman, the protection of civil rights is a fundamental test of justice and fairness in our Nation. Through the enactment and enforcement of our civil rights laws, we have made much progress toward eliminating many forms of discrimination. These laws are the cornerstone of the promise of equality under law—equality for all citizens, regardless of race, sex, national origin, age, or physical handicap. That promise is embodied in the Civil Rights Act of 1964, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In passing these laws, Congress sent a message—loud and clear—that the law of the land would not tolerate discrimination, and that those practicing discrimination should be held accountable for their actions, not rewarded with Federal funds.

Unfortunately, in 1984, in Grove City versus Bell, the Supreme Court narrowed the application of these civil rights laws by ruling that only the program or activity receiving Federal funds—not the entire institution—must comply with civil rights laws. This was not Congress' intent. This bill would restore the law to where it was before the Grove City decision.

The House in June 1984 passed legislation overturning the Grove City decision by a vote of 375 to 32. The Senate, however, did not act on the measure. Mr. Chairman, there has already been too much delay by the Congress. It is time to set the record straight.

Federal dollars collected for all of the people should not be used to discriminate against some of the people. It is important to make clear that Federal tax dollars will not be used to subsidize discrimination.

I urge my colleagues to support S. 557, the Civil Rights Restoration Act of 1987.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. WAXMAN]

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in support of the Civil Rights Restoration Act. I urge my colleagues to support it.

Mr. Chairman, I rise in support of the Civil Rights Restoration Act and urge my colleagues to vote for it.

I want to call special attention to the provisions regarding discrimination against the handicapped under section 504 of the Rehabilitation Act. While this legislation does not make substantive change in the law as it has been interpreted by both the Supreme Court and lower courts, it does add some clarity to those holdings.

The provision essentially restates the holding in the recent Supreme Court case, School Board of Nassau County against Arline. In that case the Court said clearly that persons with contagious diseases are covered by the protections of the statute. Having said that, however, the Court went on to say that if they pose a significant risk of transmitting their diseases in the workplace, and if that risk cannot be eliminated by reasonable accommodation, then they cannot be considered to be "otherwise qualified" for the job. The amendment added by the Senate to this bill places that standard in law.

I do not believe that it is necessary to make this addition to the statute; the Court's holding is easily understood and reasonable on its face, and certainly supported by the entire legislative and regulatory history of 504. This legislation does not lay out new limitations on eligibility or different standards of accommodation from those already applied. It does not change the traditional two-step analysis in which it is first determined that a person is handicapped and then that he is otherwise qualified. It appears, however, that some Members want the holding codified in statute, and I will not oppose doing so.

I would note that an amendment to limit the protections for people with infectious diseases was offered and defeated in the Senate committee. If any such limitations were offered in the House, I would fight to defeat them. Inasmuch as this provision does not limit the reach of 504 for those people infected or ill, I have no objection to it.

I want to say, however, that this does not mean that I am satisfied that discrimination protections for people with HIV infections or related illnesses are adequate, especially if we are to advance the public health agenda of counseling, testing, and medical care. While section 504 and the decisions that have addressed infectious diseases—such as Arline, AFGE versus State, Thomas versus Atascadero, and Ray versus Desoto—have made it clear that people with AIDS and HIV infections are protected if they work for an employer assisted with Federal funds, there are still no general protections for people who do not work for such employers.

This is certainly unfair, but, as important, it creates bad public health policy and bad medicine. If we want people at risk of HIV infection to volunteer for counseling, testing, and medical care, we must be able to guarantee to them that they will not lose their jobs as a result. If we do not, only those people who have nothing to fear from HIV—either because they are at the most minimal risk or because they are already sick and need the little public care that is available—will come forward. The very people that public health authorities most want to counsel, test, and provide care for will be the ones driven away by unwarranted discrimination.

I wish that it were possible in the context of this bill to expand the coverage of discrimination protections for the seropositive and ill beyond those who work for federally assisted employers. Within this bill, such a change is not possible, and I understand that. I am frustrated, however, that while the epidemic continues, killing productive citizens and draining our public health care system of dollars and staff, we must continue in the Congress and the administration to debate whether to blame people who are ill for their illness.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the subcommittee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, today we consider the single most important civil rights legislation of the 100th Congress: the Civil Rights Restoration Act of 1988.

The bill amends four major civil rights statutes to prohibit all the operations of an institution, not just specific programs, that receive Federal funds from discriminating on the basis of race, age, gender, or disability.

We consider today a principle that I believe is fundamental to the American constitutional scheme, and to the role of Government: Government should never support or subsidize discriminatory practices in any way whatsoever, and should do everything it can to eliminate the unfair and un-American results of discrimination.

Presidents Kennedy, Johnson, Nixon, Ford, and Carter all also believed that. That is why their administrations followed broad based interpretation of the civil rights statutes that we today seek to codify. Both the House and Senate, after 4 years of hearings and debate have voted overwhelmingly in favor of broad coverage.

A recent Supreme Court Decision, Grove City versus Bell, interpreted the civil rights laws as they were written to apply only to recipient operations and not the entire institution. This legislation overturns that decision, and the opportunities for discrimination and unequal access that the decision created.

Consider the everyday importance of the law:

A black man could be denied hypertension medication in a large clinic receiving Federal funds if those funds were not earmarked for hypertension treatment.

A victim of sexual harassment in a classroom would not be protected if Federal construction funds received by the school were not used to construct the building in which the classroom is located.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money though the corporation was a recipient of such funds.

An older couple could be denied flu shots in a privately built city clinic which decides to reserve vaccine for the so-called working-age population, even if the city health department got Federal health funds.

Literally hundreds of discrimination suits before the courts and administrative agencies have been dropped already—even when discrimination was found—due to the Grove City decision. According to the Department of Education's Office of Civil Rights, 834 cases in the administrative enforcement process have been affected between 1984 and 1986. Consider the kinds of cases and instances of discrimination we are debating:

A black high school student ranked fifth in her class who sued her school's chapter of the National Honor Society for allegedly denying her admission into the program due to race. The Office of Civil Rights dropped the suit because the alleged discrimination did not occur in a program directly receiving Federal assistance.

A first year medical student's charge that she had been sexually harassed by a professor who offered her good grades in exchange for sexual favors and who threatened to have other professors manipulate her grades were dismissed because no Federal money was earmarked for first year students or the department in which the professor taught.

The Office of Civil Rights also dismissed a suit against a community college which offered insurance policies that discriminated on the basis of age and sex, and which did not treat pregnancy and related disabilities the same as any other temporary disability. The case was closed because the college office which generated the mailing labels for the insurance company and the dean who wrote the letter to the students to introduce the plan were not part of the program that benefitted from Federal funding.

Clearly the primary vehicles for attacking the specter of discrimination for the last 25 years have been eroded.

The effects of discrimination, race based, gender based, are clear and undeniable. Just look at statistics on employment, income, representation in professional communities. This measure stops short of affirmative measures to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects.

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movement; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote in favor of this bill, and to oppose any substitutes or weakening amendments.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, we have the opportunity today to restore simple justice to thousands of Americans. For years, the rules were simple: Any system that received Federal funds could not discriminate. Period. But the Grove City versus Bell decision in 1984 significantly narrowed the scope of the civil rights statutes. In ruling that those statutes only applied to the specific program or activity that received Federal aid, and not the entire institution or system, the Supreme Court misinterpreted the intent of Congress. Consequently, the civil rights of women, minorities, the elderly and the handicapped have been endangered.

For 4 years, we have been working to reinstate the original intent of the civil rights statutes and to restore basic rights to these individuals. Four months after the Grove City decision was reached, this body voted overwhelmingly, 375 to 32, to overturn the Supreme Court's ruling.

In 1985, the Education and Labor Committee and the Judiciary Committee again considered, and reported out, the Civil Rights Restoration Act. Mr. Speaker, for 4 years, we have worked to pass this legislation and restore civil rights to their full strength. There have been a number of worthwhile compromises during that time, and I believe that we have a better bill because of them.

But we should never forget that hundreds of lives continue to be affected by Grove City every day. The Department of Education alone has closed, narrowed or suspended over 500 complaints and compliance reviews over the past 4 years. Opportunities have been closed, horizons have been narrowed, and lives have been put on hold because of these denials of basic civil rights.

The individual cases speak for themselves:

A worker alleged that he was discriminated against by the Massachusetts Department of Youth Services. Although he passed the exam for a "supervising group worker" and was ranked first on the list for such a position, he was not given a supervisory position accommodating his disability. Although the Department of Youth Services receives Federal funds through the chapter 1 program, no action was taken because the department's program where the complainant applied for the position was deemed not to have received Federal funds.

A maintenance worker at a university filed a complaint with the Office for Civil Rights in the Department of Education, alleging disability discrimination. The university's lawyers said that it received no Federal funds for maintenance and therefore the Government had no authority to investigate. Since 1979, that university had received approximately $3,376,182 in Federal funds from the Department of Education, but the complaint has been put on hold because the Office for Civil Rights could not link the allegation of discrimination to a specific federally funded program.

A first-year medical student at a university in California alleged that she had been sexually harassed by a professor who made explicit sexual remarks to her, offered to give her better grades in exchange for sexual favors, and finally threatened to use his alliances with other professors to manipulate her grades. Although the medical school received Federal funding through the Department of Education, no money was earmarked for the educational program for first year students or the professor's department of surgery. OCR closed the case because it decided the Grove City "program or activity" requirement could not be satisfied.

The cases go on and on: A black high school student is denied admission to her school's national Honor Society, a hospital adopts a policy of refusing to perform heart transplants on persons over the age of 55—even if the older patient is otherwise healthy, a teacher is permitted to call an emotionally-disturbed student "stupid" and "retard," a school system is permitted to place minority students in segregated classes that deny them educational opportunity.

These real-life examples represent only a small sampling of the hundreds of discrimination cases in the Department of Education, the Department of Health and Human Services, and in the Department of Housing and Urban Development that have been frustrated, or essentially ignored, in the time since the Grove City decision.

Our efforts to restore these civil rights have tremendous support from all facets of our citizenry. The NAACP, the AFL-CIO, the League of Women Voters, the American Association of Retired Persons, the United States Catholic Conference, the Disability Rights Education and Defense Fund, the Paralyzed Veterans of America, Business and Professional Women, the United Auto Workers have all endorsed this bill. The American Baptist Churches, the National Education Association, the American Jewish Congress, the National Association of Independent Colleges and Universities: The list goes on and on.

Mr. Chairman, opponents of this bill are resorting to blatant distortions of the intents of this legislation. The fact remains that under the false logic of Grove City, our Federal tax dollars are being used to fund discrimination, something that Congress never intended to allow. This legislation clarifies our original intent. We, and all of the individuals whose lives are being affected by this discrimination, have waited 4 long years for this day. The time has come to restore simple justice.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, as an original cosponsor of the Civil Rights Restoration Act, I am very pleased and proud to stand here today. For 4 years, I have supported legislative action to return four pivotal civil rights laws to their rightful status prior to two Supreme Court decisions which occurred on February 28, 1984. These decisions were: *Grove City College* v. *Bell, Secretary of Education* 104 S.Ct. 1211 (1984), and *Consolidated Rail Corporation* v. *Darrone*, 104 S. Ct. 1248 (1984).

The Civil Rights Restoration Act is intended to reestablish the fundamental principle that when any part of an organizational entity receives Federal financial assistance, then all of the operations of that entity are subject to the antidiscrimination requirements contained in four civil rights statutes. The four laws to which I refer are: First, title IX of the Education Amendments of 1972; second, title VI of the Civil Rights Act of 1964; third, the Rehabilitation Act of 1973; and fourth, the Age Discrimination Act.

Each of these laws prohibits discrimination in any program or activity receiving Federal financial assistance. Title IX prohibits discrimination based upon sex. Title VI prohibits discrimination based upon race, color, or national origin. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based upon a person's disability. The Age Discrimination Act prohibits discrimination based upon an individual's age.

So, if you choose to participate in Federal programs and receive Federal financial aid, you must comply with the antidiscrimination requirements of all four of these laws. This seems to me a patently logical and fundamentally fair result. The Federal Government should not be in the business of subsidizing discrimination—inadertently or otherwise. If you choose to discriminate or ignore discriminatory activities within the realm of your organizational control, then you will not be aided and abetted in doing so through the use of taxpayer moneys.

Allow me to briefly review the problems presented by the Supreme Court decisions in Grove City and Darrone, and to explain further why I believe remedial legislation is necessary.

Grove City College, a private, coeducational liberal arts college, refused to sign the "Assurance of Compliance" certification under title IX. Grove City College asserted that it received no Federal financial assistance—that is, that it was not a recipient under title IX and, consequently, was not subject to the discrimination prohibitions of that statute. The facts in the case were that no direct Federal assistance went to the college, but that some of the students attending Grove City College received Federal basic educational opportunity grants [BEOG's].

The Supreme Court held, first, that Grove City was a recipient under title IX, because "receiving Federal financial assistance" includes Federal aid to a student who uses the funds at a particular institution. But, the Supreme Court went on to construe "program or activity" as not meaning the operations of the entire college, but only the student financial aid office, that is where the BEOG money, in fact, ultimately went. On virtually the same day, in the Darrone case, the Supreme Court also gave the same restrictive interpretation to "program or activity" in section 504 of the Rehabilitation Act of 1973.

Immediately, there was a critical reaction to the narrow and potentially damaging interpretation given to "program or activity" in both of these decisions. In an education context, the Supreme Court interpretation means, for example, that if sex discrimination occurs in the history department of a college but no Federal funds expressly go to that particularly department, then the college could continue to receive Federal assistance despite this discrimination. Importantly, since the phrase "program or activity" is also present in title VI and the Age Discrimination Act, that same program-specific construction could be applied in cases under those laws.

Soon after the Supreme Court action, legislation was introduced both in the Senate and in the House of Representative to respond to the Grove City problem. These bills were intended to restore the four relevant laws to their status prior to the Grove City decision. The House bill (H.R. 5490) in the 98th Congress was favorably reported by both the Education and Labor Committee and the Judiciary Committee. This legislation passed the House of Representatives on June 26, 1984, by a vote of 375 to 32. However, disagreement over the intended and actual scope of the bill's language resulted, time ran out, and the Senate did not take final action.

That bill ran into difficulty principally because it contained a broad and arguably ambiguous definition of "recipient." The bill's definition differed in certain respects from the existing regulatory definitions of recipient for each of the four laws. Concern was expressed that this legislation was, in fact, being used to expand the coverage of these four laws to entirely new categories or classes of recipients.

Subsequent versions reflect a sincere attempt to respond to those early criticism. S. 557, the bill we consider today, is based upon a substitute developed from weeks of bipartisan negotiations in the spring of 1985. Those negotiations—involving Democrats and Republicans from from both the Judiciary Committee and the Education and Labor Committee—brought about important improvements in the bill. Under this revised and still relevant format, the existing regulatory definitions of "recipient" are left unchanged and, importantly, the exclusions for "ultimate beneficiaries"—farmers, students, medicare and medicaid recipients, food stamp recipients and Social Security beneficiaries—which are contained in three out of four regulatory definitions are retained. So, for example, entities or persons such as farmers, that are not recipients under the law now, because they are "ultimate beneficiaries," would not have their status changed.

Furthermore, S. 557 defines the phrase "program or activity" and attempts to bring that definition in line with executive branch enforcement policy as it existed prior to Grove City and Darrone. This makes good sense in that it was the Supreme Court's restrictive interpretation of that phrase which prompts our legislative reaction.

Under S. 557, coverage under the four antidiscrimination laws would extend to: First, departments or agencies of a State or a local government; second, colleges, universities or public systems of higher education; third, local education agencies or other elementary or secondary systems; fourth, corporations, partnerships, or other private or nonprofit organizations; and fifth, any other entity established by two or more of those previous entities. In the case of this last category "other entity", coverage presumably would occur depending upon whether or not the resulting entity is analogous in structure and purpose to the previous categories in the specified list.

S. 557 also intends to leave the so-called pinpointing doctrine on fund termination unchanged. See: Senate Report No. 100-64, page 20. The landmark case on pinpointing is *Taylor* v. *Finch*, 414 F.2d 1068 (1969). That doctrine holds that once a "program or activity" is receiving Federal financial assistance, and discrimination is found to exist, then only those funds which actually support the discrimination would be cut off. So, for example, if a municipal housing authority is found to be discriminating on the basis of race, or sex, or age, or handicap, only housing moneys are potentially terminated but not transportation moneys or education moneys. While as a practical matter fund termination is a negotiation tool and is utilized only as a last resort, the intent of this legislation is to limit the potential scope of fund termination to those funds which actually have a specific nexus to the discrimination that is found.

As the Members of this House know, progress on the Civil Rights Restoration Act has been stalled since early 1985 because of a dispute over the possible abortion implications of this legislation. Now, with adoption of the Danforth amendment in the Senate and the inclusion of that "abortion neutral" language in the bill before us today, that 3-year impasse is over. For many of us, a compromise on the abortion issue was a necessary prerequisite to the enactment of this legislation. While that debate was understandable and important, its unfortunate side effect was to distract many Members from focusing on the very valid and fundamental policy reasons justifying the remaining portions of the bill. But now that this issue has been satisfactorily resolved, let us not be further distracted.

With passage, colleges and universities will not be able to receive Federal aid and discriminate against women or blacks or the handicapped in their admissions policies or hiring practices. State and local governments, similarly, cannot continue to receive financial aid without assuring Federal enforcement officials about equal opportunity in employment and nondiscriminatory disposition of those funds. Components of corporations will also have to comply with the basic elements of the four applicable civil rights laws.

Today, the House of Representatives is faced with a policy choice that should not and cannot ignore the original rationale that prompted the enactment of these four laws. These statutes were intended as deterrents to institutional discrimination and that fact ought not be overlooked or abandoned in this debate. Ultimately, the question for us to answer is whether or not we want these laws to be enforced in a comprehensive and effective manner.

□ 1745

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act. I would like to commend the House sponsor of its companion bill, the gentleman from California, Mr. HAWKINS, the chairman of the House Civil Liberties and Constitutional Rights Subcommittee, Mr. EDWARDS, and the ranking minority members of the committees of jurisdiction, the gentleman from Vermont, Mr. JEFFORDS, and my fellow colleague from New York, Mr. FISH, for their leadership in restoring civil rights to the many discriminated sectors of our society, and for allowing for the expeditious consideration of this important legislation.

Its been almost 4 years since the Supreme Court laid down its landmark decision in Grove City College versus Bell that antidiscrimination provisions did not apply to an entire institution receiving Federal aid, only to the specific program getting the money. Clearly, this was not the intent of Congress. Discrimination must not be tolerated in any degree, shape, or form. Discrimination within an institution or organization cannot be justified simply because that institution's programs which receive Federal funds are in compliance with antidiscrimination statutes.

S. 557 amends title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 to deny Federal funds to institutions or organizations that discriminate against minorities, women, older Americans, and the handicapped. The new language redefines program or activity, broadening the scope of interpretation to include institutionwide coverage of antidiscrimination statutes.

This bill has received the support of a broad coalition of groups and organizations, including the American Association of Retired Persons, League of Women Voters, U.S. Catholic Conference, National Education Association, and the American Bar Association. I share their belief that this legislation would reestablish the basic principle that in order to benefit from Federal funding, an institution must agree to operate its programs free from discrimination. Our democratic Government must not stand idle while our Southern colleges remain segregated or our women continue to be denied jobs and scholarships because of their sex.

We are not considering a new issue here today. Many of us voted for identical legislation during the 98th Congress when we adopted the Civil Rights Act of 1984 by an overwhelming 375 to 32 margin. Hearings and committee markups were held during the 99th Congress. We can no longer delay enactment of this vital legislation. Accordingly, I urge my colleagues to join today in supporting S. 557, the Civil Rights Restoration Act.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the Committee on the Judiciary, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding this time.

I must say as I stand here, this is not a day that I hoped it would be.

First of all, I have been a primary sponsor of the Civil Rights Restoration Act since it was first introduced in 1984. I have been impressed and proud of the civil rights community in its persistence that we have a clean civil rights restoration bill—with no substantive amendments. We have stood tall and together to make sure that no rights will be sacrificed.

That's why I have trouble with the bill before us today. While we are moving to restore rights for blacks, Hispanics, the handicapped, women, and the elderly, we are cutting back on the rights of a subsection of that group—young women of childbearing age.

We are abandoning young women when they are at the most vulnerable and crucial time of their lives. College is a time for our young women to learn, expand, and create the opportunities for their future. With the Senate language we are considering today, we may be cutting off any option they have to decide the course of their future.

I have problems with repealing longstanding title IX regulations requiring colleges and universities that choose to offer comprehensive health plans for students and employees to also provide coverage of abortion services.

Last week I talked to pregnant teens in St. Petersburg, FL, and Little Rock, AR. I want to share with you some of their comments that I find particularly relevant to today's debate. First, they saw a college education as the key to a better, more economically secure life. Second, they didn't realize the responsibility involved in having a child and that responsibility affected the choices in their lives.

As I try to decide on my vote here today, the images of those girls stick with me. I also think of my daughter who is graduating from high school this year and the girls in her graduating class.

Do we leave young women and their civil rights unprotected?

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the bill and in support of the substitute which I shall offer at the proper time.

Let us make it perfectly clear. The bill as sent over to us by the Senate is more than a mere restorative bill. This is particularly true in the area of corporate coverage. The Senate-passed bill provides for corporationwide coverage, rather than plantwide coverage in five specifically enumerated areas. That was never anybody's idea of the law prior to the Grove City decision, so it does expand the coverage of the civil rights laws and the bill being labeled as the Civil Rights Restoration Act is a completely fallacious and misleading application of the term "restoration."

Second, it is vitally important that the religious tenets of church-affiliated schools be protected. Times have changed since title IX was passed in 1972. At that time most of the church schools were controlled by policy boards consisting of the clergy. During the 16 years that have elapsed since title IX was passed the control has shifted from clergy-dominated boards to lay boards. There is a very significant legal distinction, as it has been interpreted by the courts.

Many of the supporters of this legislation say that, well, the Department of Education will be eager to grant exemptions when it is demonstrated that an exemption is in order, and yet between 1972 and May 1, 1983 the Department of Education only exempted three colleges and universities based upon religious tenets: Brigham Young in Utah, the St. Charles Borromeo Seminary in Pennsylvania, and Harding College and University in Arkansas. The remaining exemptions for religious tenets were done during the Reagan administration, and that can easily be repealed by a succeeding administration and a succeeding Secretary of Education. That is why religious tenets have got to be statutorily protected.

Now, I do not think that we should be using Federal money to discriminate. I certainly agree with the people on the other side of the aisle that there should be strong antidiscrimination laws to protect against that, but nobody who has supported this bill has stated one instance of all of the discrimination that has occurred that would be sanctioned with the religious tenets and the corporate coverage amendment adopted in this bill, which is what my amendment proposes.

Therefore, all of the arguments that my amendment is a killer amendment are completely fallacious. The same protections will be there, but the unintended consequences will be gone and I am more confident that the President of the United States will sign this piece of legislation with my two amendments adopted than he will in passing the bill without an amendment.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Chairman, the Civil Rights Restoration Act is an important and far-reaching measure. Its primary intent is to restore the institutionwide coverage of our civil rights laws, a goal that I fully endorse. Institutions receiving Federal funds should not discriminate. However, as the bill has been considered over the last few years, other ramifications of the bill have been identified and need to be addressed.

Perhaps the most critical of these ramifications relates to abortion. The other body adopted an amendment to the Civil Rights Restoration Act that made title IX neutral on the question of abortion. As the sponsor of this abortion-neutral amendment in the House Education and Labor Committee in 1985, I am pleased that this amendment has been adopted and is part of the bill we are considering today.

The abortion amendment states that "nothing in this Title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion * * *." This provision removes any legal connection between sex discrimination and abortion rights. This is a critical provision, and I am pleased that the legislation now removes any Government mandate for abortion or abortion-related services in the name of civil rights.

Also in 1985, an amendment was agreed to by the Education and Labor Committee to clarify the religious tenet exemption in title IX. This amendment was not adopted by the other body, but I believe it is also a critical issue that should be addressed by a change in the statute. The colloquy I had earlier with the distinguished chairman of the Education and Labor Committee has served to clarify current law and to provide guidance to the Department on exemption requests.

The significance of the religious tenets provision is fundamental—it is a question of whether or not we will force education institutions with strong ties to religious organizations to compromise their religious beliefs as a condition of receiving Federal financial aid. The fact is, because of the evolution since 1972 of the administrative control of private education institutions, relying on the current law exemption for religious tenets jeopardizes the first amendment rights of these institutions.

For this reason, I will support the substitute this afternoon. It seems to me to be ironic that in a bill by which we will expand civil rights, we will jeopardize religious freedom and first amendment rights.

I am hopeful that the current practice of deference to institutions requesting exemption on the basis of conflict between title IX and religious tenets, regardless of the outcome of the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, in 1973 Congress adopted the Handicapped Act that became a basic part of our law relating to handicapped people. During the Carter administration, around 1976, the Attorney General rendered an opinion that the definition of a handicapped person included somebody who was a drug addict or an alcoholic. In 1978, Congress corrected this aberration by saying as a matter of policy that the definition of a handicapped person did not extend to a drug addict or an alcoholic.

In 1987, the U.S. Supreme Court in the Arline decision extended the definition of a handicapped person to include someone with a communicable disease, a remarkable decision, to say the least.

This issue of whether or not the definition of a handicapped person extends to someone with a communicable disease deserves to be debated on the floor of this House for an extended period of time. This cannot be done under this restrictive rule. We need to debate the issue because we may have between 1½ to 5 million Americans with the virus for AIDS coursing through their veins, and if this bill is passed in the form that it is being presented, claims will be made around this country that persons so infected can go to court for the purpose of asserting that they come within the purview of the definition of a handicapped person, and that is not any way to run the public health policy of this country.

The data is coming in slowly, but it is coming in clearly that a person with the virus for AIDS, even through assertedly asymptomatic, 30 to 44 percent of those people in one study, over half of them in another study, are evidencing dementia, and we are supposed to adopt as a policy statement or permit to stand a Supreme Court decision that an individual with such a communicable disease is entitled to affirmative action protection. It does not make any sense at all.

As a result of the logic of the Supreme Court ruling in the case of *School Board of Nassau County* v. *Arline* (U.S. Sup. Ct, 1987), persons with a communicable disease were determined to be "handicapped" within the meaning of that term in section 504 of the Rehabilitation Act. The Court ruled that persons with such a handicap may not be discriminated against in employment. While the specific case dealt with a teacher who had tuberculosis, the principle the Court invoked would presumably apply to persons with AIDS and the Court affirmed that conclusion in dicta. In States with handicap provisions comparable to section 504, there has been a decided tendency for courts and administrative agencies to extend the law to prohibit discrimination against AIDS patients. Although most cases of AIDS in the United States have been attributed to the transmission of bodily fluids through sexual intercourse, the sharing of needles by intravenous drug users and the like, scientific knowledge of mechanisms for transmitting the disease is hardly complete enough to make us sanguine about the prospect of federally forced hiring of AIDS patients by university cafeterias and hospitals.

This clarification is especially important in light of the AIDS epidemic this Nation now faces. At present there are over 52,000 cases of AIDS of which 28,000 are already dead and a projected 1.5 million cases of AIDS infection in our population. If this bill is passed as presently written, employers will be required to accommodate victims of this fatal disease despite potential health threats to other employees.

The major threat posed by AIDS patients at this time is that they may pass on a host of opportunistic diseases which plague AIDS patients due to their compromised immune system. Many of these diseases are highly contagious and easily transferred to others. They include a deadly version of pneumonia called pneumocystis carinii, tuberculosis, cytomegolovirus, and others. In Urbana, IL, 12 nurses who were caring for AIDS patients were infected with a drug resistant strain of tuberculosis which was detected after testing.

In addition, recent evidence indicates that 30 to 44 percent of asymptomatic carriers show signs of neurological impairment. This impairment ranges anywhere from slight memory loss to schizophrenia and poses serious safety questions about the ability of these persons to function in society. In recognition of this grave threat, the Department of Defense is removing HIV-positive individuals from employment situations, such as flying certain types of aircraft, which could pose a risk to the health and safety of others. In light of the uncertain status of medical knowledge on this and other aspects of the AIDS virus, it is unwise to enact sweeping provisions that would result in federally forced hiring of these individuals.

In addition, the legislative history of the Rehabilitation Act does not contemplate inclusion of persons with contagious diseases within the antidiscrimination protections of the Rehabilitation Act. The lack of reference to contagious diseases in the legislative history of the Rehabilitation Act is conspicuous by its absence. The House and Senate both exhibited strong concern about the need to retain health and safety protections during floor debate on the 1978 amendment to exclude drug and alcohol abusers from the definition of "handicapped." These same concerns are tantamount to consideration of defining contagious diseases as a "handicap." It is clear that Congress did not intend the act to require this result. Unless this amendment is adopted, schools, hospitals, health clinics, and other entities will have to surrender their authority to deal with these problems to the dictates of Federal judges interpreting the Rehabilitation Act. My amendment will enable institutions to use their sound judgment to implement State or local policy dealing with the problems of contagious disease.

It is undeniable that the problem posed by the condition of persons with contagious diseases is fundamentally different than that posed by the normal meaning of handicapped. Historically, individuals with contagious disease have been isolated while persons with physical or mental impairments have maintained essential freedoms but relegated to unproductive societal roles. Even today, a stark distinction exists. Persons with contagious disease, or those who abuse alcohol or drugs are legally excluded from this country under our immigration laws while persons with physical defects are only excluded if "the disability is determined to be of such a nature that it may affect the ability of the alien to earn a living." The apparent irony of permitting the implications of the Arline decision to stand is that we will be extending affirmative action rights to individuals currently barred from this country. It is imperative that this body be permitted to debate the merits of such a distinction.

Mr. Chairman, we should reject this bill without the opportunity to debate this issue.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTLETT. Mr. Chairman, I rise to make two comments briefly on what the bill does and does not do that has not been discussed.

First of all, the bill does make a major improvement over current law. It repeals those 1975 regulations under title IX which should never have been passed in the first place, so with the passage of this bill title IX will no longer require student health centers on college campuses and universities to preform abortions if they choose not to.

No. 2, this legislation does not include, to the long-term shame of this House and of the sponsors of the bill, coverage of Congress as an institution under the antidiscrimination laws of this country.

□ 1800

With the passage of this bill the Congress of the United States continues to be exempt from the laws that prohibit discrimination based on race, age, sex, or handicap. That is a significant omission in this legislation. This is an opportunity for the bill's sponsors and the committees and the Senate and this Congress to make the changes that should have been included.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Chairman, I rise in strong support of this bill, but I would like to ask my colleague from California for a clarification.

Is it your understanding that the purpose of the Danforth amendment is to ensure that there could not be discrimination against women who either are seeking or who have received abortion-related services?

Mr. EDWARDS of California. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I certainly agree with the gentlewoman from Rhode Island [Miss SCHNEIDER] has said. Indeed, without that assurance I would not be able to support this bill. I believe this is the intent of the chief sponsors of the amendment in the other body.

Mr. JEFFORDS. Mr. Chairman, will the gentlewoman from Rhode Island [Miss SCHNEIDER] yield?

Miss SCHNEIDER. Mr. Chairman, I am happy to yeild to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I would like my colleagues to know that I also agree with the definition as it has been explained by the gentlewoman from Rhode Island [Miss SCHNEIDER].

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in strong support of this bill. I do it largely out of my own personal experience as director of the Office for Civil Rights at the Department of Health, Education, and Welfare in the enforcement of civil rights laws under title VI that involved in particular discrimination in education.

We have adopted a number of civil rights laws in this country including title VI, title IX, section 504 of the Rehabilitation Act, as well as laws relating to age discrimination. The fact is that the key to enforcement of these civil rights laws largely rests with our ability to terminate Federal funding if in fact it supports the discrimination which is occurring in these various institutions. Indeed, with regard to title VI, title VI was a law that could not be enforced very strongly until the Elementary and Secondary Education Act came along, and the Higher Education Act which in effect provided the funding for education throughout the country and thereby gave the Office for Civil rights the leverage to begin to enforce the antidiscrimination requirements of that law.

The bottom line is that there are no rights in this country unless there are remedies, and there are no remedies here unless this bill is adopted. The only effective leverage we have in enforcement is Federal funding. There is an administrative process that is available, allegations need to be made, they are proven through an administrative process, and they can ultimately result in termination.

The decision in Grove City essentially has stopped enforcement by allowing schools and allowing other institutions to isolate discrimination, to cubbyhole it, so that enforcement of these laws is virtually at a standstill.

Mr. Chairman, I think the point is this, if we are for civil rights we have to be for the enforcement of these rights and therefore have to be for this bill.

Mr. Chairman, I rise today to voice my support for the Civil Rights Restoration Act. This legislation was introduced in response to the Supreme Court's 1984 decision the case of Grove City College versus Bell. The Court reversed a long-standing position of the law as it relates to discrimination. Title IX, which prohibits sex discrimination by federally assisted educational institutions can be enforced by the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power.

Passage of this legislation today will ensure that those institutions found to discriminate on the basis of race, color, national origin, sex, handicap, or age do not receive Federal financial assistance. As former head of the Office of Civil Rights at the Department of Health, Education and Welfare, I have firsthand knowledge of the leverage the Federal Government can bring to bear against discrimination by using the tool of funding termination. Strong and effective civil rights enforcement is essential if our shared commitment to equal rights and equal opportunity for all our citizens is to have any meaning.

My main concern is that the original intent of the law be restored and in the process that full civil rights enforcement become possible. We cannot allow institutions which receive Federal funding to use the Grover City decision as a means to discriminate. Our country is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to insure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the civil rights restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race, sex, age, or handicap.

What will be the result if we do not pass this legislation today? Will we allow black children to be denied access to the college of their choice? Will we allow a medical facility to deny care to a patient over the age of 55? Will we allow handicapped children to be denied access to social service programs? Will we allow our colleges and universities to discriminate against women athletes? I believe that we must take this opportunity to allow the Federal Government to exercise the power to enforce the antidiscrimination laws we have worked so hard to establish.

We cannot ignore the responsibility that we have to insure all the people of the United States have equal access to an education, health care, social services, and employment and are not denied these things because of their sex, age, race, or handicap. I urge my colleagues to vote "yes" on the Civil Rights Restoration Act today.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I rise in strong support of the fundamental premise of the Civil Rights Restoration Act, but with deep concern and deep division about inclusion of the Danforth amendment in the Senate version of the bill we are voting on today.

I have been a sponsor of legislation to overturn the Grove City versus Bell decision for the last 4 years, and I regret very deeply that it has taken so long to do what should have been done the day after the Supreme Court erred so badly in interpreting congressional intent in its Grove City decision.

In the years that have passed, I've watched the destructive impact of this decision with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condoned discrimination—was mangled by the Grove City wrecking ball.

With the overhelming passage of this legislation by the Senate, and I predict by the House today, we will have finally corrected a 4-year-old mistake. And we will have stated unequivocally that the Federal Government will not be party to discrimination based on age, on sex, on race, or on physical ability.

I have heard the President wants to veto this bill. That, of course, is his right. But should he do so, we will override that decision. And that will be a good day, and a good outcome for so many of our people who depend on good government to open doors and promote individual opportunity.

But I cannot let this record stand without expressing my outrage, and my serious concern over the regrettable inclusion in this antidiscrimination bill, the discriminatory Danforth provision regarding reproductive rights for women in this country. Time and time again, the vagaries of the political process have presented a dilemma to supporters of civil rights who also are strong supporters of reproductive rights. We're forced to choose which of these principles is more important. In my mind they are the same. They are indivisable. Civil rights are very basic and very simple, and among them must be the right to reproductive freedom.

Instead of immediately rejecting the Grove City decision, the Congress has been tied up in knots, and civil rights have been held hostage, to the demands of some who would like to use the restoration legislation as an opportunity to further their goals of placing limits and restrictions on reproductive freedom.

We have watched a process for 4 years in which a powerful minority—not one which represents the majority opinion of the people of this great Nation—has stymied and hogtied the civil rights restoration legislation.

But today we have finally moved ahead, and because of the statements of authors of the Danforth amendment during consideration of S. 557, and only because of these statements and others which have been made by chief sponsors of the bill on the floor today, can I support this bill.

These statements have clarified what could have been a dangerous loophole in the Danforth provision. With regard to his amendment, the Senator from Missouri said, "The amendment says that * * * a college * * * is prohibited from discriminating against people who have had abortions or who are seeking abortions." And the Senator from California, a coauthor of the Danforth provision, also stated that the provision was drafted "to ensure that there could not be discrimination against women who either are seeking or have received abortion-related services."

These statements by the authors of the provision have precedence in setting the terms of legislative intent and history. And with their statements clarifying that this legislation before us today expressly prohibits, and does not in any way permit, discrimination against women who have had or are seeking abortions, I can support this bill. I regret, however, and do strongly oppose, the further diminishment in access to safe and legal abortion included in this bill.

With assurances from the authors of the Danforth amendment, and with the clarification provided by floor leaders today, it is now clear that this legislation prohibits discrimination based on a person's decision regarding abortion—in scholarships, in housing, in extracurricular activities, in student or faculty hire and tenure, and in other benefits offered to students or employees under title IX. Equally important is the fact that the bill clearly prohibits denial of provision of services related to complications arising from abortion under the terms of title IX.

I commend so many people here in Congress and outside Congress, who have struggled long and hard to restore basic civil rights to the people of this country. I salute all those individuals involved with the leadership conference on civil rights, with so many women's rights organizations, and the many religious entities which played a constructive and important role in this vital effort to reverse the Grove City decision.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. Craig].

Mr. CRAIG. Mr. Chairman, I rise in opposition to S. 557, the Civil Rights Restoration Act and support the substitute. Many of my colleagues are here this evening to voice their concern over various provisions of the bill. I would simply wish to emphasize one major theme that we all agree on: this is further Federal intrusion into the private sector. Is it really civil rights when the Federal Government trespasses on the rights of countless schools, churches, farms and businesses? Do we solve anything by forcing more sectors of American society to do more Federal paperwork? Or if we subject them to onsite compliance reviews by Federal agencies even in the absence of an allegation of discrimination?

Mr. Chairman, the House has not even had the opportunity to properly hear many issues in this bill; I do not see how we can bring this legislation to the floor today. This is a monumental change in civil rights enforcement policy, it makes drastic modifications, it has not been fully considered. For this and the other reasons you will hear today, I am opposing S. 557.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. Morella].

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to join me in supporting S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City versus Bell, and restore the coverage of Federal antidiscrimination laws to ensure that institutions receiving Federal aid are not allowed to discriminate in any aspect of their operations.

After 4 years of effort to develop an acceptance compromise, the Senate bill may be our only chance to overturn the Grove City case in the near future. It is imperative that we reaffirm our strong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability.

Mr. Chairman, I urge my colleagues to support S. 557 and restore the scope of protection against discrimination intended under title IX and all of our civil rights laws.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I support the purpose and intent of S. 557, the Civil Rights Restoration Act. Clarifying the coverage of these four civil rights laws which connect receipt of Federal funds to legal requirements not to discriminate on the basis of race, sex, age, and handicap is both necessary in light of the Supreme Court's decision in Grove City and subsequent administrative rulings, and vital to a strong Federal commitment against discrimination based on these factors.

We have found, of course, that in carrying out the fundamental purpose of the act, that there are certain specific areas that need special consideration. One such area is the issue of abortion, and I am pleased that the Tauke/Sensenbrenner, now the Danforth amendment, is included in both bills before us.

I believe very strongly that we need to address a second issue as well, the so-called "religious tenets" issue. Current law in title IX allows the Department of Education to grant an exemption for "religious tenets" to those educational institutions which are "controlled by a religious organization if the application of title IX would not be consistent with the religious tenets of such organization." The amendment which I proposed to S. 557, and which is included in identical form in the substitute bill, would simply add the words "or which is closely identified with the tenets of a particular religious organization" to that current test of "control."

It has been pointed out that one of the reasons why this amendment is necessary is that many private religious colleges and universities have changed their form of governance since 1972, so that they are no longer, strictly speaking, controlled by a church denomination or diocese. That is true, but there is a second reason, besides this "change in circumstances," why this amendment should be included in the Civil Rights Restoration Act. In 1972 and for many years thereafter, many small private religious schools whose only connection to Federal funds was through student financial aid programs, did not believe they were covered by title IX, since these were "student aid," not "college aid," programs. This was indeed the "other" issue decided by the Supreme Court in Grove City, and unlike the definition of "program or activity," on this issue the Court held against the college. But we are now clearly extending the reach of title IX to every school, and every aspect of every school, that takes in students who receive Federal financial aid. We need to be certain that the religious tenets exemption is similarly adequate to protect the right to hold and practice religious beliefs.

Let me point out here the irony of the current statutory test for an exemption: a school which for historical reasons is still formally part of a church denomination, but is not particuarly "religious" in terms of outlook and teachings would nonetheless clearly qualify under the existing test, while another school which is independent but deeply religious would not. The proposed amendment corrects this discrimination.

Let me respond briefly to a few of the claims that opponents of the amendment have been raising:

First, opponents claim that the language of the amendment creates a huge loophole for a large number of colleges and universities to discriminate as they wish. In fact, schools would still have to apply for an exemption to the Department of Education, as is the case under current law. The amendment would in fact give better guidance to the Department in evaluating requests for waivers.

Second, opponents argue that the amendment is unnecessary because no application for exemption has been denied. In fact the history of the Department's administration of this provision has not been very reassuring. For 10 years, the Department did nothing with applications, it simply sat on them. Then suddenly in 1985, the Department approved all of them which did not have technical defects. While I appreciate the Department's recent broad and flexible application of this section, and hope it will continue, the experience of the previous decade cannot be ignored.

Third, opponents have also now agreed to "legislative history" language which will in effect say that the current language of title IX should continue to be broadly construed and applied by the Department in granting exemptions. I certainly hope the Department does follow this advice. Indeed, I would argue that the Department must do so in order not to violate the first amendment rights involved. And while I hope that this is the exception, we are all well aware of the "respect" accorded to "legislative history" by executive departments and courts which disagree with it. So I do not believe that this is an adequate substitute for doing our job, which is to shape the legislative language, not to depend on the Department of Education to do it for us.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, in the two decades between passage of the Civil Rights Act of 1964 and the Grove City decision, this nation was finally making progress in exorcising discrimination from our society.

For racial minorities, for American women, for handicapped persons, passage and enforcement of antidiscrimination laws meant the doors of opportunity were no longer legally locked. Under title IX, as an example, girls and women have been able to experience the growth in character and health from competitive sports that had previously been the almost exclusive domain of men.

And, of critical importance, enforcement of these laws was helping to challenge and change the limitations which society assumed existed for American women and others.

What, then, was the problem? I would suggest that there wasn't one. It was not a situation of unwarranted Federal intrusion, particularly since various institutions certainly welcomed the intrusion of Federal tax dollars. The Grove City decision solved a problem that didn't exist, yet in so doing created substantial ones in its wake.

Essentially, the Supreme Court rewrote the protections against discrimination in a manner that defied congressional intent. I find irony in the fact that those who oppose our efforts today to restore Congress' intent on discrimination are usually the ones who object most vehemently to the usurpation of our powers by the courts.

At heart, the Grove City decision eviscerated antidiscrimination efforts. In less then 2 years after the decision was issued, some 674 title IX complaints were either dropped or scaled back. Fighting discrimination became a bureaucratic nightmare, a matter for accountants who could trace the flow of Federal funds at an institution.

The Civil Rights Restoration Act only seeks to return to the pre-Grove City situation. It was not a situation, I will remind my colleague, that prompted an uprising in the Nation to limit the protections against discrimination. The Supreme Court did that.

In effect, opponents of this legislation are seeking to retain the narrowest possible protection against discrimination. They oppose discrimination when its unavoidable to do so, not whenever its possible. Even when the trumpets of celebration for our Constitution's bicentennial have scarcely grown silent, opponents of this bill would effectively limit the coverage of that Constitution.

They are reduced, again I note with some irony, to making the argument that this bill expands discrimination protections. Legislative intent, committee report language, and court precedent refute this red herring. The core of their argument is that discrimination is acceptable, except under very narrow circumstances.

I suggest that is a perversion of the Constitution itself and the will of the American people. We have a responsibility to do everything within our power to see that Federal funds do not in any form support discriminatory actions. If an institution permits discrimination to exist, why then should it receive tax dollars? An institution that refuses adherence to publicly define laws and values has no claim on publicly provided funds.

Mr. Chairman, can the Congress be in the position of knowingly and willingly condoning discrimination? Do we not attack discrimination, instead of accepting its existence? Opponents of this bill are using the Supreme Court decision to make discrimination easier. That is a shameful proposition, so I urge my colleagues to support this legislation.

Mr. EDWARDS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I join my distinguished chairman of the Judiciary Committee and my good friend and colleague, Chairman HAWKINS, in bringing S. 557, the Civil Rights Restoration Act of 1987 to the floor for a vote. Except for two amendments added during Senate debate on the legislation a few weeks ago, this bill is virtually identical to its companion in the House, H.R. 1214.

Let me remind my colleagues that this legislation was drafted with the cooperation of civil rights advocates and Republican and Democratic members and staff from the House and Senate over a period of several months in 1984 for introduction in the 99th Congress. Indeed, the scope of coverage outlined in this legislation—especially as it relates to corporate coverage—is a result of direct bipartisan negotiations over a period of months between the members of the Judiciary and Education and Labor Committees in 1985. Senate and House sponsors agreed to honor that compromise by introducing the Civil Rights Restoration Act of 1987 in the 100th Congress.

An extensive congressional record on the need for this legislation and a full description of its purpose and effect have been made in the 98th, 99th and 100th Congress. Twenty-one days of legislative and oversight hearings have been held on this bill since the Grove City decision was handed down in 1984. Thirteen met in a building constructed with Federal funds. In another case, a teacher is without a remedy of her discrimination complaint unless the computer software used in the computers purchased with Federal funds was also purchased with Federal aid.

The Grove City ruling is gutting executive branch enforcement of these laws; pending litigation is also being frustrated by the absurdities of the Court's analysis. For example, on October 6 of last year, the Fifth Circuit Court of Appeals cited Grove City in dismissing the Justice Department's race discrimination suit against the State of Alabama's higher education system. This complaint, which alleges racial discrimination in every aspect of the university system—employment, resources allocated to white and black schools, etc., has been winding its way through the Federal administrative process for many years. Private parties who had intervened in the case were also blocked in their effort to obtain relief. This bill applies to all pending cases. It is of great concern that it has taken this long to pass this legislation. I wish that no cases had been lost because of this delay. Of the 21 hearings were conducted by the Judiciary and Education and Labor Committees in joint hearings conducted in Washington, DC, and across the country. S. 557 is a product of these committees' labors.

This legislation must be passed. Preliminary findings by civil rights investigators of the Committee on Education and Labor show that the Department of Education's Office of Civil Rights [OCR] has closed 70 percent of its higher education cases because of the Supreme Court's ruling. The Senate report accompanying S. 557 finds OCR has closed or narrowed at least 674 of the civil rights complaints it had on file. In addition, 156 Department-initiated civil rights compliance reviews have been dropped or narrowed following the Grove City decision.

In the wake of Grove City, Federal civil rights specialists now spend their time tracing the flow of Federal dollars rather than investigating and remedying civil rights complaints. As the Senate report notes, Federal officials have encountered serious difficulty complying with the Grove City decision. Not only does the Government's available data system prevent it from tracing Federal funds—so that the Government must rely on the alleged discriminating institution's representations as to where the funds were spent—the results of this audit approach, when tried, is often absurd. For example, it was reported to Education and Labor Committee investigators this year that in a complaint involving university housing and student services, OCR had to determine if the university's Committee on Appeals of Residences

The bill before us is a simple restoration bill. The distinguished chairman of the Judiciary and Education and Labor Committees have carefully explained the scope of coverage of these four laws set forth in S. 557. Let me stress that the provisions in S. 557 do not become operative unless there is a "recipient" of "Federal financial assistance"; these are terms of art defined in existing Federal regulations. The Civil Rights Restoration bill does not change the meaning of those terms of art; it broadly defines the scope of coverage of title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the 1975 Age Discrimination Act by defining the terms "program" and "program or activity" wherever they appear in each of the four laws.

During Senate debate on S. 557, two amendments were adopted on the floor. The Harkin-Humphrey amendment is a clarifying amendment with respect to employment under the 1973 Rehabilitation Act; the Danforth amendment is in a substantive change regarding insurance coverage for abortions.

The Senate amendment concerns coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act, insofar as that law covers employment. This amendment clarifies that Congress intends the Rehabilitation Act to apply to persons with that kind of handicap unless they pose a direct threat to the health or safety of others or are unable to perform the essential duties of the job. This amendment essentially places into the statute the standard and approach of the recent Supreme Court decision in School Board of Nassau County versus Arline. The colloquy in the Senate between the two cosponsors of the amendment clarifies that it is the intent of Congress that the amendment result in no change in the substantive law with regard to assessing whether persons with this kind of handicapping condition are "otherwise qualified" for the job in question or whether employers must provide "reasonable accommodations" for such individuals.

This amendment is necessary solely to allay the fears of some employers who have misinterpreted the Arline decision as requiring them to take unwarranted risks in hiring individuals with contagious diseases or infections. This amendment therefore places the requirements of current law into statute. It does so by codifying the "otherwise qualified" framework for courts to utilize in these cases. This is identical to what was done in 1978 when employers had similar unjustifiable concerns regarding employment of drug and alcohol users who were not qualified for employment positions.

The framework to be used was explained by the Supreme Court in School Board of Nassua County versus Arline. It requires a medical assessment of whether exclusion is necessitated by the degree of risk involved in the particular situation. A court's determination of whether a risk of transmissibility is significant, and thus poses a direct threat to the health or safety of others, will be highly fact-specific. So, too, will be the determination of whether a reasonable accommodation by the employer can eliminate the risk. The outcome of each case will depend on the medical facts concerning the particular infectious condition, how that infection is transmitted, and the nature of the job in question. If a court were to find, based on medical evidence, that the employment of an individual with a contagious disease or infection did present a significant risk of transmitting that condition to others, and no reasonable accommodation could eliminate that risk, it would be proper to deny that individual relief under section 504. As I noted, this amendment is designed to place this framework into the statute. Thus, this amendment affirms—without modifying or changing—the current substantive protections for people with contagious diseases or infections.

I commend the Members of the Senate for fashioning this amendment in such a way that the courts will continue to adjudicate cases involving AIDS, HIV infection and other communicable conditions on a case by case basis. I also wish to point out that the law under section 504 has long had to deal with situations other than contagious diseases or infections in which claims were made that the employment of a person with a handicap create a risk of harm to others in the workplace. Such cases have included, for example, school bus drivers with hearing impairments, *Strathie* v. *Department of Transportation*, 716 F.2d 227 (3d Cir. 1983), and machine operators with epilepsy, *Montolete* v. *Bolger*, 767 F.2d 1416 (19 Cir. 1985). In these and other cases, the courts have adopted a standard requiring that defendants show a significant or substantial risk of harm in order to prove that the plaintiffs were not otherwise qualified under section 504 for the job in question. These cases demonstrate that determining risk of harm in these situations is well within the capacity of the courts.

The amendment which we are enacting today concerning contagious diseases or infections thus logically and appropriately parallels current law governing the risk of harm from employing individuals with other kinds of handicaps. I am pleased that our desire to prohibit discriminatory employment policies which are medically unjustified is being preserved in such a way that the nature of the handicap does not lead to a greater leeway for discrimination. Although, as I have noted, this amendment is essentially unnecessary because it restates current law, I believe it can serve a useful clarifying function.

It is unfortunate in my view that the Senate failed to adopt an abortion-free bill. House sponsors of this legislation could have reported a bill with such an amendment in the 98th Congress. However, we knew that abortion was wrongly tied to this legislation, and therefore, we urged Senate sponsors to present us with a clean bill—something they were unable to do.

I do not believe that the Danforth amendment belongs on this bill. But I will support the bill, including the amendment, because of the critically important statements made by Senator DANFORTH in describing its purpose and effect. He said, and I quote:

> The amendment says that * * * a college is prohibited from discriminating against people who have had abortions or who are seeking abortions. (135 Cong. Rec. S. 163, Jan. 27, 1988)

Senator WILSON, who had a role in drafting the amendment, said that it was drafted:

> To ensure that there could not be discrimination against women who either are seeking or have received abortion-related services. (135 Cong. Rec. S. 227, Jan. 28, 1988)

Such assurance, that the Danforth amendment clearly prohibits any covered institution from discriminating against a woman who is seeking or has had an abortion, is critical to my support of this provision. Whether it be scholarships, promotions, extracurricular activities, student employment or any other benefits offered to students or employees, under title IX benefits cannot be withheld from a student or employee because she received or is seeking an abortion.

Finally, it is important to keep in mind not only what the Danforth amendment does, but what it does not do.

Under its provisions, a covered institution does not have to include the costs of an abortion procedure in insurance for its students or employees.

But does not mean that it can exclude, for example, medical complications related to an abortion. Under the Danforth Amendment, Title IX still requires those complications to be covered.

I do not take the loss of health insurance to cover the costs of an abortion procedure lightly. Nor do I approve of the Danforth amendment's exclusion of the performance or use of facilities for performance of an abortion. But at least we in the House have the assurance that is the limit to the damage that Danforth does. And it is only because of this assurance that I am supporting the bill.

THE RELIGIOUS TENET AMENDMENT

Title IX currently provides an exemption for educational institutions that are "controlled by a religious organization if the application. * * * [of title IX] would not be consistent with the religious tenets of such organizations." The religious tenet amendment would extend the exemption to schools that are "closely identified with the tenets of a religious organization." The National Center for Education Statistics reports that at least a quarter of the more than 3,000 institutions of higher education report a religious affiliation. Because of the loose wording of this amendment it would appear that even more educational institutions could qualify for an exemption as they would not have to be associated with any religious organization just with a religious tenet. In addition the amendment invites, if not requires, Federal officials to evaluate the religious beliefs and activities of an educational institution in order to determine whether the institution is "closely identified with the tenets of a religious organization." The proposed amendment thus raises serious 1st amendment problems.

Federal law does not generally grant immunity from antidiscrimination laws to religious organizations. Title VII of the Civil Rights Act of 1964, which outlaws employment discrimination, contains certain exemptions for religious organizations, including schools, but limits those exemptions to "religious discrimination," that is, favoring members of the same religion in employment, and has not generally been interpreted to permit race or sex discrimination on the grounds that religion requires it. In contrast, if the religious tenet amendment is approved, institutions with tenuous religious connections would be free to discriminate in the admission of students, in rules regarding the marital and parental status of students and employees, and in providing access to particular course offerings and extracurricular activities. For example, such an institution could with impunity invoke a religious tenet that it is unseemly for women to participate in athletic activities. Such a broadening of the exemption would tear a gaping hole in title IX protections. It is critical that the control test remain in effect, and enforced severely for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

Further, the amendment is unnecessary as the Department of Education has not denied any statement of exemption filed by a school under the current statutory language and rules.

The real question that must be asked is since resolving the abortion issue no longer hinges on religious tenet, the desire to be out from under title IX regulations via a broadened religious tenet exemption must mean that these schools wish to discriminate in some manner against women. It would be interesting to know what forms of discrimination this might be?

I reluctantly support this bill because for the first time there will be an antiabortion provision in a permanent civil rights law. The assurance from sponsors of the Danforth amendment that it is limited in scope moves me to support the bill at this time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time, 2½ minutes, to the gentleman from Pennsylvania [Mr. WALKER].

□ 1815

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

(Mr. WALKER asked and was given permission to read from papers.)

Mr. WALKER. Mr. Chairman, we have heard this bill described as a civil rights bill. I would tell my colleagues that from what I can tell it is a civil wrongs bill because from what I see we are now going to have the Government intruding into places that Government ought never be. I refer specifically to groups in this country with uniquely religious heritages that could be dramatically undercut by this bill.

It just makes no sense to me at all that in the name of politics, and this is largely a political exercise, I am afraid, in the name of politics we would destroy religious liberty from uniquely religious groups that have survived in this country for 200 and 300 years.

But let me quote to my colleagues what is at least a portion of the problem from the preeminent authority in this country, Mr. William Ball, the man who has tried more cases on behalf of the Amish and the Mennonites than any other man. He testified in the Senate about this bill. He was not permitted, of course, to testify here because we had no hearings on the bill. But he has some devastating things to say, and he says:

> Reference has been made to the "tenets" exception in the bill. We do not find this satisfactory; it never was satisfactory in Title IX, because it expresses a rather naive concept of religion. In a number of major religious liberty decisions by the Supreme Court of the United States, an established policy or practice was not found in the formal language of some black letter "tenet". In *Wisconsin* v. *Yoder*, the Amish case, a landmark religious liberty case decided by the Supreme Court, no "tenet" was found. Instead, at stake was the immemorial practice of a faith community, based upon its religious motivations, to respecting the lives of its young people.

He went on to say that in order for this bill to help the Amish, help the Mennonites preserve their religious heritage, what we would have to have is language in there referring to religious tenets, convictions, practices or ministries of such program or activity.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am a little bit concerned about the colloquy that went on between the gentlewoman from Rhode Island and the gentleman from California relative to the Danforth amendment in section 3(b) of the bill. My understanding of the Danforth amendment is that there is no penalty for one who seeks an abortion imposed but there is no exception to the prohibition that nothing in the title should be construed to require or inhibit any person, public or private entity, to provide for, pay for any abortion or services related to abortion. Is that the gentleman's agreement?

Mr. WALKER. That is certainly my understanding of it, and it appears that that colloquy was designed to undermine it, and perhaps permit abortion referral services to be provided as a part of an educational exercise on the campuses that should never be.

Mr. SENSENBRENNER. Mr. Chairman, as one of the House authors of that amendment 2 years ago, I agree with the analysis of the gentleman from Pennsylvania.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, what we are witnessing here today is an effort by Members of this body to legislate sweeping changes in our society by what I call buzzword blackmail.

We're calling this bill by a name that makes most people think it is something good, something to restore important rights to those who have been abused. And, of course, who doesn't favor real civil rights in this country? We all do.

But the problem we have is that we've perverted the concept of civil rights and are using it as an excuse to bring the heavy hand of the Federal Government down on a wide range of schools, churches, farms, businesses, and other organizations.

Many Members will feel good about themselves for voting for civil rights, but if they would take a minute to look at the consequences of this misnamed bill, they might reconsider.

One example will illustrate just how far-reaching this legislation will be, its effect on grocery stores. I'm not necessarily talking about huge, chain grocery stores like Safeway; I'm talking about a typical Mom and Pop small corner grocer.

These stores will be covered in their entirety by this legislation simply because they participate in Government's Food Stamp Program. A grocery store falls within the definition of an entity receiving assistance as a whole under section (3)(A), or under (3)(B) as a geographically separate facility.

Our former colleague, PAUL SIMON, admitted that grocery stores are intended to be subject to coverage under this type of bill. The small provider provision in the bill does not exempt grocery stores. It only relieves them of one burden under section 504, and only under very limited circumstances. Has anyone suggested that there are problems with discrimination in buying food?

The grocery store example only illustrates how extreme this legislation is. There is, of course, no exemption for churches and synagogues that may be required to enforce policies that go against the very nature of their faith. We would be using this civil rights bill to trample on the rights guaranteed in the first amendment.

Family farms that receive price supports could be subjected to the same grueling paperwork requirements to comply with this law.

All these devastating requirements could be put into effect even if the employer has never had a complaint registered for violating any civil rights statute. We are in effect violating their due process by passing this civil rights bill.

A better name for this bill would be The Comprehensive Federal Instrusion Act of 1988. If this bill becomes law, without doubt there will be an open floodgate of lawsuits, making it extremely difficult for small businesses to stay in business.

I strongly urge my colleagues to vote "no" on this bill.

Mr. JEFFORDS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. Chairman, I am not all sure what issues the gentleman from Pennsylvania was raising, but it is my belief with respect to the abortion provision no benefit or service is required or prohibited. Therefore, I do not think that it in any way would require abortion services to be offered.

Mr. Chairman, also I would point out that under the ultimate beneficiary language, and I am not sure whether this applies to the Mennonite situation, if the gentleman were asserting that being a conscientious objector somehow involved receipt of benefits under a Federal program it is my understanding that the recipient would be an ultimate beneficiary. Therefore, under this bill, with the modifications that we put in it this time, the gentleman's concerns would not apply.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the Selective Service already issued the regulations under the present Civil Rights Act, so there is absolutely no doubt that it does apply under this and the modifications in this law do nothing to change that because the religious tenets do not go far enough, because tenets are not necessarily spelled out in black and white.

Mr. JEFFORDS. But the religious tenets exemption only applies to colleges under title IX.

Mr. WALKER. No; let me say to the gentleman if he will look at the bill it talks about school systems. The Amish run a school system, for example, and Mr. Ball, when he testified in the Senate, and I am sorry of course we did not have that testimony here, he pointed out that the language was so imprecise that it causes great damage. That is exactly what we are worried about, imprecise language in the case of these people who we are trying to protect who are religious minorities and it is exactly the wrong thing to be doing. This language throughout this bill is imprecise as to exactly what we mean when we are dealing with these areas.

Mr. JEFFORDS. I am sorry, but I just cannot follow the logic of this argument. The issue is one of "ultimate beneficiary" and in no way pertains to the operation of a school system. I do not follow the argument of the gentleman.

Mr. HAWKINS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Senate bill is considered as having been read for amendment under the 5-minute rule.

The text of the Senate bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole propriatorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. No amendments to the bill are in order except an amendment in the nature of a substitute printed in House Report 100-508 by, and if offered by, Representative MICHEL, or his designee. Said amendment is considered as having been read, is not subject to amendment, and is debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, by designation of the gentleman from Illinois [Mr. MICHEL], I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SENSENBRENNER:

Strike all after the enacting clause, and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Preservation Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and longstanding executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(B) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by, or which is closely identified with the tenets of, a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "Sec. 504", and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(B) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance,

"(c) Small providers are not required by subsection (a) to a significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection."

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term program or activity means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

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"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State and local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance."

RULE OF CONSTRUCTION

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ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the unfortunate fact is that some proponents of Grove City legislation are putting many fine people on both sides of the aisle and on the question in the uncomfortable position of confrontation. The rule deprives members of a fully informed view on the issues and simply pits a so-called Republican substitute against the Senate-passed bill, which I suppose by implication makes it a democratic bill. Confrontation and partisanship should not be part of civil rights law in America.

The substitute I offer is not a Republican substitute, but a bipartisan, moderate one. This substitute is offered in the spirit of reconciliation. It addresses two major problems. It avoids the unintended consequences of an unamended Senate-passed bill while still meeting the goal of restoring full coverage of civil rights laws.

I emphatically support overturning Grove City and support stronger enforcement of civil rights. I want to see a Grove City bill pass and I am prepared to do all I can to do so. But the Senate bill is not perfect and I have full confidence in my colleagues on both sides of the aisle that we can do just as good a job as the Senate in improving the bill.

I recognize that some proponents feel they made a huge concession by continuing to move this bill with an abortion neutral amendment. But it should also be recognized that this substitute represents a huge concession on my part. In 1987, I introduced H.R. 1881, the Administration Alternative to the Civil Rights Restoration Act. I have moved from that position and I am now prepared to accept coverage as it existed before Grove City in toto. However, I still support a religious tenets amendment and do not support coverage of the private sector that is beyond pre-Grove City scope.

My substitute is a compromise position. It is the Senate-passed bill with a religious tenets amendment similar in nature to the one offered by Congressman JEFFORDS in 1985 and a corporate coverage amendment similar in nature to the one offered by Congressman FISH and BARTLETT. This substitute builds more consensus and more reconciliation. With the ordeal we have had with this bill, we owe it to the people we are trying to help to proceed with this bill in a positive, conciliatory way.

This morning the Secretary of Education sent Mr. MICHEL a letter endorsing my substitute. It is my feeling that if we pass this substitute the President is much more likely to sign the bill. We know he will veto the Senate-passed bill in its current form.

Anyone who doubts my motives on this substitute, let me say this:

If a religious tenets amendment and corporate coverage amendment are adopted, I will support the bill and vote for final passage. After 4 years we need to pass a bill, but we need to do it in a way that advances civil rights for all and not at the expense of some.

RELIGIOUS TENETS

An amendment needs to be made to expand the current religious tenet exception in title IX from an entity that is controlled by a religious organization to an entity which is closely identified with tenets of a religious organization when the religious tenets are an integral part of such operation. This is the same language adopted by Congress in the Higher Education Act of 1986. In 1985 an amendment to provide such relief was offered by Congressman JEFFORDS, the ranking minority member of the Education and Labor Committee and a cosponsor of the Grove City bill in the 99th Congress. It was adopted by a vote of 18 to 12.

Currently, section 901(A)(3) of title IX allows recipients "controlled by a religious organization" relief from complying with provisions in title IX and its regulations if such regulations "would not be consistent with the religious tenets of such [religious] organizations". With an ever-increasing number of religious colleges and religiously affiliated institutions such as hospitals being controlled by lay boards or otherwise church organizations, this amendment is essential to prevent some bureaucrat Federal judge from forcing church-affiliated entities from taking action they feel is morally repugnant. At its essence, this is an issue of religious freedom and liberty as expressed in the first amendment.

To see how out of date the religious tenet exception is, one need only look at the testimony from the House hearings in the 99th Congress. In 1985, Father William Byron, president of Catholic University, on behalf of church-related and/or independent colleage and university associations, testified that the "control" test is not an appropriate yardstick. He stated:

> We believe that the conditions relating to the governing body and financial support are no longer appropriate. Over the years, as colleges and universities matured as educational institutions, colleges once tightly linked to churches began to expand the makeup of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that since many of these boards of directors are now independent and self-perpetuating, requiring the governing body to be appointed by the religious organization is no longer relevant or appropriate. * * *

The issue of an adequate or effective religious tenet exception is seen as essential to the U.S. Catholic Conference. In addressing Grove City, Father Hehir of that organization stated that the absence of a broader religious tenet exception was "a fundamental flaw in the legislation."

In the name of the first amendment, religious liberty and freedom, language to protect religiously affiliated entities is necessary. The language adopted by the House Committtee on Education and Labor must be kept in the bill. This language has the strong support of various associations of private schools, colleges, and universities.

CORPORATE COVERAGE

There is a significant expansion of corporate regulation resulting from S. 557. One major new provision is the creation of a whole new regulatory category singling our certain businesses for ultra-comprehensive coverage of their business operations without restriction to the plant or geographically-separate facility receiving the Federal assistance. This category encompasses any company engaged in the business of providing "education, health care, housing, social services, or parks and recreation." This regulatory concept is entirely new, and is certainly no part of any "restoration" of pre-Grove City law.

Under this new provision, a corporation operating a nationwide chain of realty offices, nursing homes, or rehabilitation clinics would be subject to coast-to-coast regulatory coverage in all of its operations, even those unrelated to the divisions or plants receiving Federal assistance.

The justification for this especially expansive coverage set forth in the committee report is revealing. The report says that these private corporations are doing business in areas "traditionally regarded as within the public sector." Therefore, even though they are privately owned businesses, they are to be regulated as though they are providing a "public service." This explanation reveals the underlying philosophy of this provision for what it really is: an attempt to obliterate the distinctions between the private and public aspects of society and the economy, and expand Federal civil rights regulation beyond any meaningful limits.

CONCLUSION

In sum, I urge my colleagues to support my substitute as a way to improve the Grove City bill, build more consensus, and let the House have some input rather than rubberstamp.

□ 1830

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from California [Mr. Hawkins] oppose the amendment?

Mr. HAWKINS. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. Hawkins] is recognized for 30 minutes.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Chairman, the substitute offered by the gentleman from Wisconsin should be defeated. The religious tenet amendment contained in the substitute is unnecessary and unwise, and that will be the focus of my remarks.

Mr. Chairman, under title IX, an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition of sex discrimination if the application of a provision of title IX "would not be consistent with the religious tenets of such organization." An amendment to broaden the religious tenet provision is not only unwarranted and unprecedented, but in thousands of private schools throughout the country would seriously undermine title IX's protection.

Such an amendment was defeated by a vote of 56 to 39 in the Senate. It is opposed by leaders of major religious organizations, including the United Methodist Church; the Presbyterian Church [USA]; the National Council of Churches; the American Baptist Churches, USA; and the American Jewish Congress. The U.S. Catholic Conference has expressly opposed the substitute, which includes the religious tenet amendment.

Under the proposed amendment, the exemption would be extended to institutions "closely identified with the tenets of a religious organization." This is a loose definition, which could be interpreted to allow many private institutions to qualify. This is so because an institution need only claim a close identification with a religious tenet of a religious organization in order to justify a discriminatory policy it wishes to pursue. I do not think the Congress wants to put its stamp of approval on such a license.

In contrast, the Civil Rights Restoration Act as passed this year by the Senate and as reported by the Judiciary Committee in 1985 makes an important clarification in the religious tenet provision. The religious tenet provision that has been in title IX since 1972 applies only to education institutions. Before us is a title IX that applies not just to educational institutions receiving Federal financial assistance but to educational programs operated by noneducational institutions such as nurses training in a hospital.

S. 557 provides that a religiously controlled education program or activity that is not part of an educational institute would still be within the protective scope of the religious tenet exception. That is as far as we should go.

The key in the religious tenet exemption is the control test. A Government inquiring into the nature of a religious tenet asserted by an institution is fraught with difficulties. Therefore, the assurance that an institution is actually controlled by the religious organization whose tenets it relies upon is essential to keep this exemption from becoming an escape hatch from title IX.

There has been no showing that any further changes are needed. No application to the Department of Education has ever been denied. No administration has ever required any institution seeking an exemption to change a practice it claimed conflicted with its religious tenets. The Department of Education has granted religious tenet exemptions to 150 institutions.

The National Center for Education Statistics reports that 786 out of 3,301 higher education institutions consider that they are religiously affiliated. Even if the proposed loosening of the standard for this exemption applies only to these 786 schools, 559,053 full- and part-time women students will be affected. Not even counted in these figures are the employees in these schools, or the many students and employees in private elementary and secondary schools who would also be affected.

It has been argued by supporters of this amendment that it has been adopted in other legislation—particularly the Higher Education Act amendments. However, in fact no other Federal law has ever permitted sex discrimination under these circumstances. The Higher Education Act amendment deals only with allowing institutions to favor individuals of a particular religion—it has nothing to do with sex discrimination.

I reiterate my opposition to the substitute. Its potential for abuse is alarming—for it opens the door to discrimination against thousands of women and girls in our country, discrimination supported by our own tax dollars.

At this point I include the following letters:

U.S. CATHOLIC CONFERENCE,
Washington, DC, March 1, 1988.

DEAR REPRESENTATIVE: On behalf of the Catholic Bishop's Conference, I would like to share our views on the Civil Rights Restoration Act. We were deeply gratified that the Senate recently adopted by a wide margin an "abortion-neutral" amendment and then passed this important legislation overwhelmingly. We now hope that this vital civil rights legislation with the necessary improvements made in the Senate can also be quickly and overwhelmingly approved by the House of Representatives.

We wish to renew our consistent support for a Civil Rights Restoration Act, which strengthens our national commitment to combat discrimination without requiring any institution to violate deeply held convictions on human life. We believe government has the fundamental duty to protect the life, dignity and rights of the human person.

We support the Senate Bill for what it does to strengthen federal civil rights protections and for what it does in making clear that institutions are not required to provide abortion benefits and services as a condition of receiving federal funds. Therefore, we oppose the substitute since it could seriously jeopardize ultimate Congressional enactment of these critically important improvements in federal law and regulations.

Sincerely yours,
Rev. Msgr. DANIEL F. HOYE,
General Secretary.

FEBRUARY 29, 1988.

Members of the U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: We are writing to ask you to support the Civil Rights Restoration Act without additional amendments.

However, we are deeply concerned about the need for clarifying language in the Danforth amendment regarding the possible discrimination against women who have had abortions. As presently worded, the Danforth amendment is vague and could be construed to permit such discrimination. While we believe that the amendment's sponsors intended to insure that no discrimination against women will occur, we believe it is imperative that a vehicle (such as a colloquy) be found to clarify that the amendment expressly prohibits discrimination.

We also are concerned that there would be no change in the existing understanding of religious tenets. Any amendment to expand religious institution exemptions goes beyond restoration and needs very serious debate before consideration.

We urge you to support the Civil Rights Restoration Act, oppose further amendments and find a way to clarify the language of the Danforth amendment to insure that there will be no discrimination against women who have had abortions.

Sincerely,

American Baptist Churches; American Ethical Union, Washington Ethical Action Office; The Christian Church (Disciples of Christ), Church in Society of the Division of Homeland Ministries; Church of the Brethren; Church Women United; Friends Committee on National Legislation; Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; National Council of Churches; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Washington Office; Union of American Hebrew Congregations, Religious Action Center; Office of Public Policy, Women's Division, United Methodist Church; General Board of Church and Society, United Methodist Church.

AMERICAN BAPTIST CHURCHES, USA,
Washington, DC, February 24, 1988.

DEAR REPRESENTATIVE: On behalf of American Baptist Churches USA, a Protestant denomination of one-and-a-half million members, I urge you to support the Civil Rights Restoration Act without any weakening amendments.

This legislation is needed in order to reverse the growing trend of discrimination against women, minorities and disabled persons that has been occurring in this country since the Grove City case decision.

It is important that you oppose attempts to expand the religious institution exemption or to alter substantially the religious tenets provisions of the bill.

One aspect of the Senate-passed bill needs some clarification: the "Danforth amendment" concerning abortion. We believe that the intent of the amendment is to prohibit discrimination against women, and hope that a clarifying colloquy on that point will occur on the House floor.

Sincerely,
ROBERT W. TILLER.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I support the substitute by the gentleman from Wisconsin [Mr. SENSENBRENNER]. First, I do want to note to the House that the so-called substitute is not really a substitute. The gentleman is offering two amendments to the bill that had been considered and in at least one case had been passed by the Committee on Education and Labor and he is offering these two amendments to the main bill in the only form that he was given the opportunity to offer those.

So as members come to vote I think they need to understand that by voting for the Sensenbrenner so-called substitute they are really not voting for a substitute for the bill, they are voting for two amendments in the only way in which the rule was constructed that they could vote for those two amendments.

Now it is also important to note that in fact the Sensenbrenner substitute or the Sensenbrenner two amendments are closer to a restoration of pre-Grove City law than the main bill. The main bill either with or without the substitute will not be a precise restoration of pre-Grove City. But the Sensenbrenner amendments brings us much closer to nearly restoring pre-Grove City law which on the surface is purported to be the purpose of this legislation.

So what do the two amendments do? First, the religious tenent amendment, that amendment was considered by the Committee on Education and Labor 3 years ago and was adopted by a 21-to-18 vote. The language of the bill presently tracks current law which says that an entity may get an exemption if it is controlled by a religious organization, if the application of the operation would not be consistent with the religious tenents of that organization. That was the original law passed in 1972.

What has happened, and the purpose of the Sensenbrenner religious tenent amendment, is that the world has changed. Since 1972 in order to achieve the intent of Congress, and that is to allow a religious college or university to have an exemption for their religious tenents from title IX, to have that exemption, in order to achieve that exemption we now have to change the law to meet the current practice among religious colleges and universities and that is to permit those colleges and universities that are affiliated with the religious organizations and not nearly or narrowly controlled.

Second, the second of the Sensenbrenner amendments adopts a more narrow corporate coverage that is much more consistent with pre-Grove City. In pre-Grove City the law, nowhere in the law were any industries or types of activities singled out for special or broad coverage. But that is what this bill does in a wholesale revision and expansion of the law, when the law provides for businesses that are engaged, and I quote the bill, "in providing education, health care, housing, social services or parks and recreation," to have one type of extremely broad test and everyone else to have a more narrow test that is more consistent with pre-Grove City. What the Sensenbrenner amendment does is it says that all business activities regardless of whether they fit in these five neat and narrow-sounding categories in fact will have only—the law will only apply to that facility that accepts those Federal funds.

I urge a "yes" vote for the Sensenbrenner amendments.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

I would like to say at the outset that although I oppose the amendment being offered by the gentleman from Wisconsin, I want to salute his efforts on this issue, because I know he spent many, many hours dealing and grappling with very, very difficult issues and he offers this amendment in good faith in an attempt to try to resolve a very difficult choice which we face tonight on the floor of the House of Representatives: The choice between the diversity of religion which is guaranteed by our Constitution and the basic human freedoms guaranteed by that same document.

As I tried to assess this issue after working on it myself for some time I think what we are about this evening can be characterized as an attempt to make sure that as religion should not be a victim of our efforts to overturn Grove City, neither should it be a shield which exalts discrimination in the name of theology. It is virtually impossible for us to craft legislative language which guarantees this distinction, which makes certain that good faith religious tenets are not violated in the name of prohibiting sexual discrimination. What we have done instead is to require good faith proof to the Department of Education to qualify for an exemption. The track record of this Department of Education I think is clear and unequivocal. They have never denied an application for a religious tenet exemption. As a result of that track record I think we find that this legislation without the adornment of the Sensenbrenner amendment has attracted the support of virtually every religious group in the United States.

My colleague from New York, Mr. Fish, recounted in specific terms all of the religious groups that endorse the effort this evening without the Sensenbrenner amendment.

One group in particular, the United States Catholic Conference, has specifically by correspondence to Members to the House of Representatives stated that they are in opposition to the substitute being offered by Mr. Sensenbrenner.

It is interesting to note that the Catholic Conference speaks for a religion which has universities which gave up direct control long ago.

If the Catholic Conference can speak so clearly and unequivocally against the Sensenbrenner amendment, representing institutions which gave up direct control by the Catholic Church years ago, I think it is a clear signal that the procedure we are putting in this bill is sufficient to satisfy their needs.

I would also question whether or not the gentleman wants to go so far as to take an exception from control by religious tenets and merely to open it up widely to organizations closely identified with.

I think that opens the door far too wide. It invites mischief. It may invite discrimination in the name of theology. And I hope that those of my colleagues who view this as a good compromise coming from the Senate will oppose the Sensenbrenner amendment and vote for the bill, the resolution as it is offered.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. Vucanovich].

Mrs. VUCANOVICH. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Civil Rights Restoration Act of 1987 and support for the Sensenbrenner Amendment. I oppose this bill on two grounds: It deceives the American people into believing that it restores civil rights when in fact it jeopardizes them. Furthermore, it sets a bad legislative precedent for future civil rights legislation by side-stepping the House committee process. If we are to consider seriously civil rights legislation in this Chamber, let us allow the appropriate committees to review this bill. Let us hold the proper hearings on the House side. And let us legislate responsibly, adhering to the procedural standards of the House.

Under the House and Senate bills, all beneficiaries of direct and indirect Federal assistance would be compelled to prove that they do not discriminate on the basis of sex, age, handicap, or race. Placing the burden of proof on the entities receiving Federal assistance contradicts our country's judicial tenent of innocent until proven guilty. On a more practical level, this bill would increase Federal paperwork as well as result in random Federal onsite inspections, even in the absence of a complaint.

Grove City trespasses upon the civil rights of our churches, schools, farms, and businesses, and it restricts much of the good many of these institutions are able to do in helping our Government attend to those in need. Imagine the ironies involved here: A church which accepts federally subsidized cheese for its soup kitchen is susceptible to a Federal investigation. Not only is this an intrusion, but it also wastes time that could be spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

This legislation which seeks to protect civil rights threatens them. I urge my colleagues to vote "no" on this bill.

□ 1845

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. Schroeder].

Mrs. SCHROEDER. Mr. Chairman, I want thank the gentleman for yielding this time to me.

There are several things on which I want to set the record clear. First, we had heard that there had been no committee hearings, and I want to point out that the Subcommittee of the Committee on the Judiciary had 21 hearings on this issue. We not only had them in Washington, they did a road show and went all over America. We literally ran out of funds. We looked for everybody who wanted to talk.

I suppose we could duplicate that again, but I think what we would find is just more cases of discrimination. People may not like what we turned up in the hearings, but the hearings were very thorough and accurate. I believe 21 hearings is more than most people have on any bill. Second, let us not forget what we are talking about here. I hope Members vote against this substitute. We are talking about tax money collected equally in America. This is an equal tax-paying opportunity Government. They do not give blacks a break or give women a break or anyone else because they turn around and give our tax money to groups that discriminate. So if we are going to collect money equally from women and everyone else, then certainly when that money is given to an institution, they ought to make sure they do not discriminate against the groups they collect the money from. If people do not want to abide by those rules, they do not have to take the money.

Third, it is pointed out that it is very clear in the law that if an institution is controlled by a certain religious group, then we can give them an exemption. So there is an exemption there if they are controlled. I think that is very fair. But beyond that, any other institution that is getting Federal money—and if they do not want to get Federal money, then they do not have to worry—if they are getting Federal money because that money is collected from everyone, I think we have to make sure that they have an opportunity to get the benefits back. As a woman, if they want to come and say they will cut my taxes 30 percent because they are going to give it to groups that discriminate against women, I might negotiate, but no one from IRS ever comes and negotiates that way.

Let me also point out something else that I think is important. I remember the title IX hearings, and I remember the crazy things we heard. We heard Ph.D's who were the head of universities telling us the reason they could not let women in equally is they would have to buy more diminutive furniture, and that women ate more often and they had to put in more cooking facilities, and that the best way to keep grades up was to have long stag lines on Saturday nights. I do not know any area in the country that still has stag lines. I think all that stuff has been proven very out of date since we put title IX into effect.

Furthermore, we just finished the Olympics, and one of the great changes in title IX was opening up gymnasiums to women, and, oh, my, was there a fight on that. The "Jockocracy" went crazy. I want to say that I think everybody has been very proud of the medals American women have won. Those American medal winners have been here in this House and in the Senate talking to people about how important title IX was for that beginning.

So, Mr. Chairman, I ask the Members to please vote no against the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Ridge].

Mr. RIDGE. Mr. Chairman, today we decide the fate of the Civil Rights Restoration Act of 1987. It is legislation that has aroused strong sentiments among friend and foe alike. Throughout the debate and discussion, S. 557 has inaccurately been referred to as the Grove City bill. It is important for my colleagues to understand clearly and completely that at no time was there ever an allegation or even a suspicion that the college discriminated on any fashion.

Grove City College is located in my district in western Pennsylvania. This fine institution of higher learning has never discriminated in any of its programs or policies. Grove City College is a private liberal arts college, which was founded by strongly religious members of the Presbyterian Church. This affiliation has helped to shape the academic, social, and spiritual aspects of the college. It is this very fact that as a Christian institution, Grove City College considers discrimination of any type to be inherently inconsistent with its Judeo-Christian beliefs. It has operated for over 100 years with strict policies of nondiscrimination.

Grove City College filed suit against the Government because of its longstanding belief that the intrusion of the Federal bureaucracy into the day-to-day affairs of a private institution was unnecessary and against their cherished freedom, not in defense of discriminatory policies. After the Supreme Court reached its now famous interpretation of title IX which narrowed the view of title IX to a program specificity, Grove City College, under the fine leadership of its president, Dr. Charles McKenzie established the "Student's Freedom Fund" to provide private financial grants for those students that would need Federal financial aid to attend the college. This fund has allowed Grove City College to be free from any Government monies, thus permitting it to retain its much valued autonomy.

The college in the past has appealed for strong civil rights legislation, however, at the same time allowing America's private schools the right to retain their independence and distinctive educational traditions. They will continue this stance in the future. In a campus speech in December of 1986, Dr. Clarence M. Pendleton Jr., Chairman of the U.S. Commission on Civil Rights, pronounced that Grove City College "cherishes freedom, clearly abhors discrimination and that nothing could be further from the truth than to suggest that discrimination existed on campus."

I represent seven private, church affiliated colleges and am proud of their historically unique and distinct academic, social, and spiritual beliefs and tenets. They have helped to shape the towns and communities where they are located and have produced fine men and women who strive for the best that America has to offer. I regret so few of my colleagues have a complete understanding of the specific facts and issues involved in the lawsuit. It is used as a point of reference in this debate without regard to the actual facts. There were never any allegations of discrimination and I appreciate my colleagues giving me this time to correct the record.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, at this point in the debate I think it is important to make the record clear about religious tenets exemptions granted by the Department of Education.

Between 1976 and 1984 there were only five religious tenets exemptions granted, and 215 applications were not acted upon. While it is true there never was a denial of the religious tenet exemptions by the Department of Education, the failure to act is the same as a denial. It is only the Reagan administration that has approved the vast bulk of the religious tenet applications that have been filed, and we know that that administration has less than a year to go. Another administration can easily take away what the Reagan administration has granted, and that is why I believe the religious tenets need to be statutorily protected rather than left to the whim of the Secretary of Education or the people who work with him.

Mr. FISH. Mr. Chairman, will the gentleman yield to me so I may respond?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. Sensenbrenner] has expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Chairman, I thank the gentleman for the time, and I appreciate it because it certainly was my prior remarks that prompted my friend from Wisconsin to say what he said, and I would just like to underscore the fact that the legislative history of the religious tenets exemption shows that what the Congress had in mind was seminaries, and the vast bulk of the numbers of exemptions granted have been to seminaries. I think there are only two colleges I saw on the list that have ever been applied and granted exemptions, so I think the purpose of this thing that we have lost sight of was seminaries rather than the dates and other matters.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Chairman, of course I rise in opposition to the substitute offered by the gentleman from Wisconsin [Mr. Sensenbrenner] and I want to point out that this is another attempt to go past simple restoration. Our agreement many years ago was to have a bill that would legislate simple restoration of the law before the Grove City decision, and here is another attempt to piggyback another issue, another exemption on it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, where in the pre-Grove City law was there corporationwide rather than plantwide coverage rather than the five specific enumerated areas in your bill, to wit: education, health care, housing, social services, or parks and recreation? I cannot find any interpretation of the law prior to Grove City that had broader application in these 5 years than in another five areas, and what your bill does is provide different strokes for different folks.

Mr. EDWARDS of California. Mr Chairman, in response to the gentleman, the section he refers to was a compromise worked out by himself and a group of us a number of years ago.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, that does not answer my question. Where in the pre-Grove City law was there broader coverage for these five areas than for the other areas in the private sector?

Mr. EDWARDS of California. Mr. Chairman, it is our understanding that the commitment was made not to go beyond the law as it was before the Grove City decision of the Supreme Court.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from California still has not answered the question.

Mr. EDWARDS of California. Mr. Chairman, I only have 3 minutes. I will not yield further.

Mr. Chairman, I oppose the amendment offered by the gentleman from Wisconsin. The amendment would emasculate the title IX prohibition against sex discrimination in a federally funded education program by exempting hundreds, possibly thousands, of schools from compliance with this nondiscrimination duty. In addition, it would severely weaken the application of all four laws to private entities operating federally funded programs. If this amendment is adopted, the Federal Government will find itself in the untenable position of providing Federal assistance to programs that discriminate against minorities, women, the handicapped, and the elderly.

The amendment opens up a giant loophole in the existing title IX religious tenet exemption. Since its enactment in 1972, title IX has permitted very narrow exceptions from the prohibition against gender-based discrimination in any federally funded education program. One of the exceptions is available to an educational institution if it is "controlled by" a religious organization and there is a title IX requirement which conflicts with the religious tenets of that organization.

Since this bill was introduced in 1985, supporters of this loophole amendment have argued that such a change is necessary because otherwise these institutions, which they claim are no longer religiously controlled, will have to pay for or perform abortions. They can no longer make that claim in light of the Danforth amendment. Now, at last, they must confess their true motives which is they simply want to be exempt from title IX coverage.

In fact, they have lobbied for this change each time title IX has been amended. Congress, in its wisdom, has rejected this effort. During consideration of this bill a few weeks ago, the Senate rejected their claim by a vote of 56 to 39. The House refused to accept this proposal during floor consideration of the restoration bill in 1984.

Virtually every private school can establish some affiliation with a religious organization. Adoption of such a loophole would defeat the purpose of title IX. Not only is such a proposal unacceptable, on policy grounds, it is also unnecessary. Proponents of this amendment cannot cite a single instance in which legitimate exemptions have been denied. It is critical that the control test remain in effect and enforced seriously—for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

The proposed change to the corporate coverage section in S. 557 is unacceptable and unwarranted. The corporate coverage provision in the bill represents an accommodation which Democratic supporters in the House made to our Republican colleagues in the Judiciary and Education and Labor Committees during consideration of this bill in the 99th Congress. We agreed to abide by this compromise and convinced Senate supporters to do the same when the bill was introduced in the 100th Congress last year.

The corporate coverage in the bill is a compromise in that the record presented to the Congress supported corporatewide coverage in all instances. The compromise provides for corporatewide coverage in only two instances: First when Federal financial assistance is extended to the corporation "as a whole," or second, when the corporation is "principally engaged in" five business areas—education, health care, housing, social services or parks and recreation—services which in the past have been provided by the government but through increased privatization, are likely to be available through the private sector.

Adoption of this amendment is likely to encourage entities to create discriminatory schemes which will go unchecked by Federal civil rights enforces. For example, under the gentleman's substitute, a nursing home chain could create racially segregated facilities free from Federal review by confining all Medicaid recipients to one or some of the facilities rather than throughout the chain. We should not encourage the development of such creative techniques to avoid compliance with these civil rights laws.

For these reasons, I urge my colleagues to reject this substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I rise in opposition to S. 557, the so-called Civil Rights Restoration Act of 1988, more commonly known as the Grove City bill.

"Civil rights restoration." That really has a nice ring to it, doesn't it? An affirmative vote on this bill would seemingly "restore" lost civil rights. Who can oppose a bill that would protect people from discrimination due to their race, creed, color, sex, national origin or handicap status? Who is against establishing justice and securing the blessings of liberty? No one.

But, justice and liberty are not what this bill is about.

The mantle of the Civil Rights Restoration Act of 1988 has been used as a cloak for one of the most outrageous attempts at a Federal power grab in our Nation's history. This bill does not simply overturn the Grove City decision, as is claimed by the bill's cosponsors; it goes far beyond that limited objective. S. 557 would allow the Federal bureaucracy to lay jurisdictional claim to levels of American society until now thought beyond its constitutional limits.

The Grove City bill would expand the Federal Government's range of authority for the enforcement of civil rights laws and regulations to every church, school, college, farm, business, or any other institution that receives direct or indirect Federal funding. With 1 trillion Federal dollars sloshing around out there every year, few institutions can remain secure in the knowledge that they would be exempt from the harrassment and expense of burdensome paperwork, bureaucratic compliance reviews, or costly legal fights with individuals or advocacy groups due to an oversight in complying with complex and arcane Federal regulations.

Where will the burden of compliance with the provisions of this bill fall the heaviest? The burden will not fall heaviest on State governments or large corporations, but on institutions that can ill-afford the costs of compliance: private liberal arts colleges, small businesses, and farmers .

What will happen to religiously affiliated colleges like Wheaton or Judson Colleges in Illinois? If a present or future Federal civil rights bill were to violate the religious tenets of these two colleges, should the Federal Government force these institutions to comply, even though compliance may violate deeply held convictions?

What will happen to small businesses that have received assistance from the Small Business Administration or grocery stores that accept food stamps? Not very far from my home is a mom-and-pop grocery store that has been in business for over three generations. They couldn't even hire their grandson to pack groceries without having the burden to prove that they complied with Federal regulations with regard to hiring practices.

I have approximately 10,000 farm families in my distrct, and many of the family farms are incorporated for tax purposes. Those farms that receive crop subsidies, price supports, or similar assistance would come under the scrutiny of Federal agents to ensure that they are fulfilling their obligations in documenting compliance the Federal civil rights laws. It is unfair to expect someone as hard hit as the American farmer to comply with regulations that simply are inappropriate on the farm.

To paraphrase Chief Justice John Marshall, the power to regulate is the power to destroy. The bedrock of American constitutional government is the independence of the individual, and the associations into which he or she freely enters, from the coercive power of the state. When we relinquish the independence of our businesses, our schools, and even our churches to the intrusiveness of the Federal bureaucracy, then we have truly surrendered a piece of our hard-won liberty.

Mr. Chairman, no one in Congress is opposed to civil rights; but we should be against the intrusion of the Federal bureaucracy into areas where it does not belong. I urge my colleagues to defeat this bill.

□ 1900

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, even when protecting civil rights, we obviously don't want to interfere with the true exercise of religious beliefs. That's why title IX has a specific exemption for religious institutions.

But while the legislation today seeks only to restore protections against discrimination, this substitute would significantly diminish those protections through a vastly expanded exemption.

The amendment suggests that, somehow, that before the Grove City case there was a problem with the religious exemption. That simply isn't the case. As the Department of Education itself wrote in May 1987, in this administration, they "have never denied a request for religious exemption * * * (and) no requests for exemption are pending at this time."

With this amendment, however, upward of 786 of the Nation's 3,000 higher education institutions, ones which still receive Federal assistance, might be able to disregard antidiscrimination laws—no matter how tenuous the religious connection, since there is no reasonable test as to what can be claimed. Without responsible criteria to an exemption, the laws themselves become meaningless.

Finally, as to the corporate coverage issue, I just don't see the logic, frankly, in allowing a company, part of an overall organization, that receives tax dollars in one part to discriminate in another. As former Education Secretary Bell wrote, "If you take Federal money, you must comply. If you receive no Federal funds, you need not. It was as simple as that."

It was as simple as that then and it is as simple as that today.

We are here to set the higher standards, not the lower standards. The burden should be on those who seek to discriminate, not on the victims of discrimination.

We as Representatives of the people should be in the business of not creating loopholes for prejudice. Make no mistake, that is what this amendment represents, and that is why I urge you to oppose it.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I rise in support of S. 557 as presented to the floor by our committee and ask my colleagues to vote to oppose all of these amendments that are offered, whether they are offered en bloc or individually.

I am distressed by how terribly familiar some of the rhetoric tonight sounds to those of us who were here in the sixties when we were passing landmark legislation.

I find it, as some would say, amazingly strange to hear coming from that side of the body the plaintive cry of "we can't do this, it won't work, and it's going too far" of a law that was signed by someone that certainly has not gone into the books as any extremist in promoting civil rights.

I was a part of the committee when we put title IX in the Higher Education Act, and it was Richard Nixon who signed it into law proudly. I wish that his party had a better memory for the good things he did while he was here.

Mr. Chairman, as a cosponsor of H.R. 1214, the House bill which responds to the Supreme Court's 1984 decision in Grove City College versus Bell, I rise today in support of an identical bill. S. 557, passed by the Senate on January 28, 1988.

Although the Grove City decision ostensibly applied only to title IX of the 1972 Education Act amendments, it cast doubt on the scope of similarly worded civil rights laws barring discrimination on the basis of race, age and handicap.

The first of these statutes to be enacted was title VI of the 1964 Civil Rights Act, prohibiting racial discrimination in federally funded programs, and since that time every administration, no matter which political party was in the White House, has interpreted these laws to mean that whenever a program or activity of an institution received Federal funds, all of the institution's other programs and activities had to comply with the nondiscrimination policy. At the Reagan administration's urging, however, the Supreme Court adopted a very narrow view which, if it remains uncorrected, puts the Federal Government in the untenable position of providing Federal assistance to discriminating entities.

Because of the court's decision, we find ourselves here today in an effort to pass legislation that will restore the pertinent civil rights stautes to their former meaning and interpretation.

If we do not pass S. 557 today, then our Federal civil rights enforcers will be nothing more than auditors. Instead of correcting and eliminating discrimination, these "auditors," along with the victims of discrimination themselves, will have to trace the flow of Federal dollars—an almost impossible task, and a task that will prove to be unconscionably costly to the Federal Government.

Passage of S. 557 will give meaning to the longstanding national policy that Federal funds shall not be used to support discrimination.

In May of 1985, when H.R. 700, the previous restoration bill introduced in the House, was reported by the Education and Labor Committee, it carried two amendments. One was the so-called Tauke-Sensenbrenner abortion-neutral amendment, and the second was an expansion of the religious tenet waiver.

Mr. Chairman, the Senate bill that is before us, S. 557, carries with it only one of the above-mentioned amendments—that relating to abortion. Specifically, S. 557 includes the following language: "nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The effort today will focus largely upon amending the religious tenent provision currently barring discrimination against women and girls in federally funded education programs. Title IX of the Education Act Amendments of 1972.

Under current law—title IX—an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition on sex discrimination if the application of the title "would not be consistent with the religious tenets of such organization." The amendment to expand it would exempt any school merely "affiliated" with a religious group.

The effort to broaden the exemption is unwarranted, and would seriously undermine title IX's protection in thousands of private schools throughout the country.

In passing S. 557, the Senate defeated an expansion of the religious tenent waiver by a vote of 56 to 39 on January 28, 1988.

The bill before us clarifies that the current religious tenet exemption is as broad as the title IX coverage of education programs and activities. No further assurances are needed.

Of the 3,301 higher education institutions in this country, 786 are "religiously affiliated." But even if the loosening of the religious tenet provision only affected those 786 schools, it would impact on 559,053 full- and part-time women students. We can only imagine the numbers of elementary and secondary schools and employees in such schools that would be affected should the exemption be loosened to that extent.

Finally, Mr. Chairman, leaders from more than 20 religious organizations have called upon Congress to defeat any substantive amendments to the Civil Rights Restoration Act, and particularly the expansion of the religious tenet waiver under title IX.

Mr. Chairman, as I have stated, I am opposed to any substantive amendments to the Civil Rights Restoration Act, and I find myself in a most difficult position of supporting the Danforth amendment—the abortion-neutral amendment—which is attached to S. 557 as passed by the Senate. We each have our beliefs concerning the abortion question—and some of us are strongly in favor of women's choice in the matter while others are just as strongly in favor of making abortions illegal altogether.

In fact, the Supreme Court ruling in Roe versus Wade made it legal for women to seek and to obtain clean, safe and painless abortions. It was this remarkable decision that bro. ht women out of the dark alleys and butcher shops where they were once consigned, should they choose not to carry a pregnancy to term.

The Danforth amendment as adopted by the Senate does not seek to nor does it overturn the Court's decision in Roe versus Wade.

In the plainest language, the Danforth amendment "permits universities and hospitals that receive Federal funds to refuse to pay for or to perform abortions.

Having stated my feelings concerning the one amendment on the Senate bill, I will go on to say that my longstanding interest in and concern for educational equity, civil rights and the rights of the handicapped, bids me to support the Civil Rights Restoration Act as amended—but no more than that.

I am strongly opposed to any so-called substitute for S. 557 that might be offered here, and to any other damaging amendments that may be called up.

S. 557 is marred by its equivocation on civil rights for women under the Danforth amendment; but it is important for me—for all of us—to renew our commitment to restoring the scope of the interpretation of antidiscrimination laws under title IX, under section 504 of the Rehabilitation Act, under title VI of the Civil Rights Act, and under the Age Discrimination Act.

Mr. Chairman, I rise in support of S. 557, and recommend to my colleagues that it do pass.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, the Civil Rights Restoration Act has many flaws that need to be addressed. The bill does not adequately protect, under title IX, the policies of many educational institutions that are based on religious tenets. The 1972 exemption only applies to institutions controlled by a religious organization. If the Department of Education applied a strict control test, only two universities would qualify: Brigham Young University and Catholic University. Due to composition of governing boards or funding sources, almost all other religious tenet based institutions could lose their protection. For this reason, language should be included—in title IX only—to provide the exemption to institutions controlled by or closely identified with the tenets of a religious organization.

If we don't include this language, institutions all over the country could have their exemptions revoked by the bureaucracy, and will certainly be sued by advocacy groups seeking to overturn them.

However, not only will private schools be affected by this bill, but almost every aspect of our lives will be touched. From the community hospital to the corner grocery store, to farmers, factories, charitable organizations—anyone that receives any Federal aid in any form will be engulfed by the cancerous growth of government in their private lives. This is not the original intent of the Civil Rights Act.

Civil rights are for everybody not just a select few.

In addition, it would appear that the sponsors of the bill believe that the Supreme Court was right in defining Federal aid as aid to a single student but wrong to apply the definition of program very broadly. It amazes me that the court can be so right on one part of the ruling and so wrong on the other part.

Support the Sensenbrenner amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I am afraid that if my substitute is not adopted the consequences of passage of this legislation will be to harm the very people who it is intended to help, those people at the lower end of the socioeconomic scale that need the assistance of the Federal Government and need the opportunity that the strict application of the nondiscrimination provisions provide.

For example, if this bill is passed without a religious tenets amendments, the church-related college or university will be forced in choosing between adhering to the religious tenets of the sponsoring denomination or denying students who use guaranteed student loans or VA benefits admission because they do not want to be poisoned by the Federal money. The result of that is that people of the low and lower middle income brackets who might want to attend a church-related college or university and who need the Federal assistance in order to pay for the expenses of higher education will be denied that choice of an educational opportunity.

We might have the mom and pop grocery store that accepts food stamps from qualified customers. If they are subjected to the rules and regulations contained in this bill, they may very well put a sign in their window, "No food stamps accepted," and that will just close the door to the poor people who use food stamps to feed themselves the choice of shopping at the mom and pop grocery store.

We have heard the example of the national chain that has some facilities taking Medicaid patients in their nursing home facilities. If they are forced between corporationwide coverage or not getting involved in taking Medicaid patients, they may very well opt to close the doors to Medicaid patients so that they do not have to be subjected to the paperwork and the investigation and all of that that is contained in this bill and that will be just that many fewer facilities available for people who are ill who need nursing home care and who have to receive Medicaid payments to pay for it.

So I think we should think long and hard about rejecting the Sensenbrenner amendment. The bill is designed to protect people who require the protection of civil rights laws. I am afraid that the consequences will have exactly the opposite effect.

Finally, there is the question of how to phase a religious tenets amendment. My bill is a good faith effort to bring the law up to date to reflect the change from clergy-controlled boards of directors to lay-controlled boards of directors and the legal interpretations that the courts have placed on that change.

If we have a doubt, I think we should resolve that doubt in favor of religious liberty, not to be unduly restrictive, but to resolve it in favor of religious liberty.

Not one case of discrimination that has been talked about by those who are opposed to this substitute that would still be condoned if my substitute with the religious tenets amendment were adopted.

I would like to quote the President in a letter that he sent to the gentleman from Illinois [Mr. MICHEL] said:

> The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive federal regulations of entire churches or synagogues whenever any one of their many activities, such as the program to provide hot meals to the elderly, receive any federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives federal aid.

Mr. Chairman, I ask the Membership of this body to vote to preserve religious liberty, to give the benefit of the doubt to religious liberty and to support the Sensenbrenner substitute.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

It is important as we go into this final vote that we focus on exactly what the gentleman's amendments do. What they do precisely firstly with regard to religious tenets is that it says that an organization or a college which is closely identified with the tenets of a religious organization is entitled to the exemption. That should be and always has been the intent of the sponsors.

With regard to corporate coverage, it says that facility which is receiving the Federal funds will be covered, but not everything else in the world. That has also always been the intent of these four laws.

One other thing. What the gentleman is trying to do, I would say to the sponsors and the proponents of the legislation, is to save the legislation. The gentleman said that there is a veto message out on this bill. It only takes 146 votes to sustain that veto.

These two amendments are worthy, have been adopted by the committee, and ought to be adopted by the Sensenbrenner substitute as a way of in fact improving this legislation.

Mr. Chairman, I commend the gentleman for those improvements.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in strong support of S. 557 and against the pending amendment.

Mr. Chairman, I rise in support of S. 557, the Civil Rights Restoration Act. This important legislation will bring the law back to the original intent of Congress, declaring, once and for all, that public funds should not be spent to subsidize discrimination.

Our Nation was governed effectively for 20 years by the principal civil rights laws first enacted in 1964. Title VI of the Civil Rights Act of 1964 was a vital component of the most far-reaching civil rights legislation since the reconstruction era, outlawing discrimination in schools, voting, and housing on the basis of race, color, or national origin. Title IX of the education amendments addressed discrimination on the basis of sex, section 504 of the Rehabilitation Act championed the rights of the disabled and finally, the Age Discrimination Act of 1975 protected the elderly.

Then, in 1984, a restrictive Supreme Court ruling, Grove City College versus Bell, narrowed the coverage of all these laws, reversing years of enforcement practices and limiting the options for citizens excluded from jobs, housing, or educational opportunities. That decision made it permissible to continue Federal funding of an institution even though it discriminated in one or more of its programs. That is, Federal funds could be withheld only from the program that was discriminatory. Surely, Congress did not intend to say that the rest of the college could discriminate when its athletic programs excluded women. Nor did it intend to continue funding an institution that in any way continues racial discrimination, or excluded the handicapped from jobs.

The impact of this ruling has been most unfortunate. The Department of Justice has applied the Grove City limitations to other statutes and the Department of Education has halted numerous investigations. We in Congress must reverse this situation.

It should be clear to all of us in this Chamber that the commitment to civil rights must be ongoing and vigilant. Every day another newspaper story reminds us that discrimination is, unfortunately, still alive throughout the Nation. Our policies cannot alter attitudes deeply entrenched, but they can cease to subsidize the practices that are an outgrowth of these attitudes. As President Kennedy stated:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

Let us continue the progress that we have made in civil rights and support S. 557. To do otherwise means that Federal taxpayers' dollars will be subsidizing invidious discrimination.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

I believe that it is rather clear cut now that the Sensenbrenner substitute would certainly gut the bill both in terms of the religious tenet exemption that he would allow and also the broad coverage that would be permitted under corporate coverage.

I think that one should remember in terms of the Grove City incident itself that this distinguished college, and we do not accuse it of having discriminated or seeking to discriminate, but that it did receive substantial financial funding. As a matter of fact, between 1974-75 through 1983-84 the Grove City College students brought to the university more than $1.8 million in basic educational opportunity grants.

In addition to that, it did receive financial assistance through guaranteed student loans.

Now, that is a very substantial amount of financial assistance being given to a university that refused to at least assure the Department that it did not seek to discriminate, and it was that failure that brought about in a sense this whole debate and the narrowing of the definition in the Grove City decision.

May I remind the Members also that the supporters of this amendment have not really identified the discriminatory policies that they are seeking to protect by obtaining exemptions for such a large number of institutions and entities. I think throughout the debate there has been no identification of how they intend to pursue these discriminatory policies and to protect them or to give to us a real answer as to when and where should discrimination and such policies actually end.

It is a clear-cut and I think rather obvious theory in government that those who dip their hands in the public till should not object if a little democracy sticks to their fingers.

What the Sensenbrenner substitute seeks to do is to dip their hands into the till and yet not require any obligations or any promises that those who do so will not discriminate against those whose taxpayer's money they seek to use.

So I think that in order that that theory can be upheld that we should reject the Sensenbrenner substitute and not allow such temptation to prevail in our economy and in our society.

Mr. Chairman, I yield back the balance of my time.

Mr. MARLENEE. Mr. Chairman, because I am not a member of the Education and Labor Committee or Judiciary Committee, I might not normally be expected to speak on legislation of this sort. However, as a farmer-rancher and member of the House Agriculture Committee I was appalled to learn that the definition of "program or activity" under this bill would certainly cause farmers and ranchers participating in Federal farm programs to be classified as ultimate beneficiaries of Federal assistance.

This would mean additional, onerous, Federal paperwork requirements and random, Gestapo-like, on-site compliance inspections by Federal bureaucrats without a search warrant on privately owned farms and ranches. This Member will have no part of such an assinine scheme.

Mr. STENHOLM testified before the House Rules Committee yesterday requesting to offer a bipartisan amendment, drafted by members of the House Agriculture Committee to effectively exempt family farms and ranches from coverage under this bill.

Unfortunately, the rule granted yesterday by the House Rules Committee prevents Mr. STENHOLM'S amendment from being offered. As a result, they have paved the way for more regulation, paperwork, fines, and lawsuits against farmers and ranchers. Will we ever learn?

Mr. Chairman, I was frankly not at all surprised by the insensitivity of the leadership in the House on this issue yesterday. After all, this is the same leadership that would not allow even one single committee of the House to have a legislative hearing on the bill. Imagine that, we are ready to pass one of the major overhauls of the Civil Rights Act in a quarter century without one single legislative hearing in the House.

To add insult to injury, the leadership had the arrogance to try to bring this bill to the House under suspension of the rules. After one-fourth of the Members of the House protested to the leadership, we were granted today's gag rule which is not much better.

If we do not want this legislation to cover every farm in America, why don't we just say so? We should not leave it to the whim of some Federal judge or Washington bureaucrat to determine whether a farm is or is not covered. The American Farm Bureau Federation certainly thinks that they are going to be covered according to their thorough analysis of the bill.

The reason why we need language in the bill specifically addressing farmers is that legislative history is not enough to protect farmers. While farmers may have been regarded as ultimate beneficiaries under the current statutes, these statutes are being completely rewritten.

Before, the statutes covered programs or activities receiving Federal aid. Under this bill, private organizations, businesses, partnerships, and sole proprietorships are expressly covered if they receive Federal aid. Farms are obviously businesses.

So I am not at all persuaded that legislative history is adequate to retain the pre-Grove City exclusion of farmers. I am told that in 1964, when debating the 1964 Civil Rights Act, its leading sponsors, Senator Hubert Humphrey, said he would eat the pages of the CONGRESSIONAL RECORD if the bill permitted quotas. We now know the Supreme Court would make Senator Humphrey eat those pages.

Moreover, even if I believed section 7 excluded farmers, it only applies to those regarded as ultimate beneficiaries prior to enactment of the Civil Rights Restoration Act. What happens when the 1985 farm bill expires in several years? At best, it is very unclear that farmers will be excluded from coverage under a new farm bill, and, in fact, I think it is clear they would not be, no matter what we say in the legislative history.

So if we don't want to cover farms just because they get crop-loan subsidies or price supports, the Rules Committee should have listened to Mr. STENHOLM yesterday. Because they didn't, the onerous regulations and massive paperwork requirements facing farmers will be mind boggling.

Mr. Chairman, if America's farmers and ranchers could see what the Congress is doing to them this afternoon they would load their .357's and bring us to justice. Let's defeat this outrageous bill and keep the Washington bureaucrats in their offices and off Montana's farms and ranches.

☐ 1915

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 266, not voting 21, as follows:

[Roll No. 19]

AYES—146

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gordon
Grandy
Grant
Gregg
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Houghton
Hunter
Hutto
Hyde
Ireland
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Michel
Miller (OH)
Molinari
Montgomery
Moorhead
Myers
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Petri
Quillen
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Roth
Saxton
Schaefer
Scheuer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—266

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ray
Richardson
Rinaldo
Robinson
Rodino
Roe
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—21

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Inhofe
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Porter
Roemer
Rostenkowski
Schulze

☐ 1930

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Anthony against.

Mr. Kemp for, with Mr. Gephardt against.

Mr. Holloway for, with Mr. Leland against.

Mr. Schulze for, with Mr. Ford of Tennessee against.

Mr. SMITH of Florida and Mr. MATSUI changed their votes from "aye" to "no."

Mr. GINGRICH and Mr. BEVILL changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. SWIFT, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, pursuant to House Resolution 391, he reported the bill back to the House.

The SPEAKER. Under this rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the Senate bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HAWKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 98, not voting 20, as follows:

[Roll No. 20]

YEAS—315

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bartlett
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clement
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McHugh
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NAYS—98

Archer
Armey
Badham
Ballenger
Barnard
Barton
Bateman
Bilirakis
Bliley
Bunning
Burton
Callahan
Coats
Coble
Combest
Craig
Crane
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Emerson
Fields
Gallegly
Gekas
Gingrich
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hunter
Hyde
Inhofe
Ireland
Konnyu
Kyl
Lagomarsino
Latta
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
McCandless
McEwen
McMillan (NC)
Michel
Miller (OH)
Moorhead
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Quillen
Ravenel
Rhodes
Ritter
Roberts
Rogers
Roth
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Taylor
Thomas (CA)
Vander Jagt
Vucanovich
Walker
Whittaker
Wolf
Wylie

NOT VOTING—20

Anthony
Baker
Biaggi
Boulter
Courter
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lightfoot
Mack
McGrath
Porter
Roemer
Rostenkowski
Schulze

□ 1954

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Kemp against.

Mr. Anthony for, with Mr. Boulter against.

Mr. Huckaby for, with Mr. Baker against.

Mr. McGrath for, with Mr. Holloway against.

Mr. Porter for, with Mr. Schulze against.

Mr. McCOLLUM and Mr. BUECHNER changed their votes from "nay" to "yea."

So, the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending S. 557, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 557, the Senate bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so simply to inquire of the gentleman whether or not we might be able to just have a statement at this point to indicate that no one is to use Extensions of Remarks on this bill in order to make legislative history.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I hesitate because I am very doubtful if I can limit the Members' right to make such a request.

The SPEAKER. May the Chair comment: In the opinion of the Chair, it would be impossible for anyone to establish by unanimous consent whether or not a court at some future undisclosed date might construe something placed in the RECORD as legislative history or legislative intent. But I think the Chair would indicate to the gentleman from Pennsylvania that courts sometimes are inclined to make a distinction in their evaluations between those things that were said actually in debate and other things that may have been inserted following the passage of the bill and it would be clear to a court in the future the distinction between the two. Those things inserted pursuant to the gentleman's request within the next five legislative days obviously would appear as additions to the CONGRESSIONAL RECORD which would make it clear to any future court that they had been inserted rather than spoken during the debate.

Mr. WALKER. Further reserving the right to object, I appreciate the Chair's explanation. But do we have some assurance that the extensions that we are talking about here all will appear in the Extensions of Remarks and none of those will find their way into the body of the RECORD as a part of the debate of this bill?

The SPEAKER. If they should, they would be in a different type style, the Chair is advised.

Mr. WALKER. Further reserving the right to object, even if they are extensions where the Member spoke, say, briefly on the floor, did a 1-minute speech on the floor, could that not end up being a speech that is added on to and, therefore, could, in fact, govern legislative history?

The SPEAKER. Well, yes; the gentleman is theoretically correct in that Members are given the privilege of revising and extending remarks they have made on the floor. It is conceivable that a change could be made in the manner in which the remark might have been transcribed earlier.

Mr. WALKER. Further reserving the right to object, additions could be added under those circumstances too.

What this gentleman is trying to assure, we are dealing with a very, very important bill that some people, looking at it, say that the language is somewhat imprecise in it and that we could have a situation where legislative history will play a very important role.

□ 2000

This gentleman wants to be assured, having sat here during a good part of the debate, that that which we heard on the floor today is that which will be the legislative history of the House with regard to this bill, and that we will not have legislative history created through an extension of remarks at some point in the future.

I have no objection at all to Members extending their remarks if they are commenting about whether or not they are supporting this bill, but I do think in this particular case, because of the nature of some of the provisions of it, that it would be a travesty for us to find out later on that legislative history was made where their words were not actually spoken on the floor and agreed to, and I am just wondering if we can get some kind of an assurance and some kind of a statement from the gentleman that that material which appears in the Extensions of Remarks does not constitute legislative history on this bill.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, if the gentleman yields under this reservation of objection, I might suggest that the gentleman from Pennsylvania has an awfully good point with regard to the making of legislative history. Perhaps the way to resolve it would be for the gentleman to object, but then to make it clear that he would object tomorrow or on a subsequent legislative day for additional material to be inserted, and then the courts would have it crystal clear that no changes were made as to this day's legislative day. So on any subsequent days we could have material on this subject inserted.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would point out that in many instances where the Committee on Standards of Official Conduct has brought recommendations to the floor disciplining an incumbent Member of the House, it has been made quite clear by the chairman of the committee that there are to be no extensions of remarks made to the body of the debate, but that extensions of remarks should appear either in the appendix of the CONGRESSIONAL RECORD or in the subsequent day's CONGRESSIONAL RECORD. Just so that there is no confusion, I would hope that that procedure would be followed in this instance because of the paucity of legislative history at the committee level.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Wisconsin.

That is exactly the point this gentleman is trying to make. All I would hope we could have is a statement similar to that precedent referred to by the gentleman.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, having been involved a number of times in legislative history before the U.S. Supreme Court, et cetera, I would point out that you have lawyers on each side, and I would also point out that you now have a video history of the House floor events which gives lawyers an option to examine as to what actually happened in the floor debate.

Mr. WALKER. Mr. Speaker, the gentleman is correct insofar as those cases which come up in 6 months are concerned, but those video tapes are destroyed after 6 months, so, therefore, there is not a permanent record, and the actual permanent record is that which appears in the RECORD. All this gentleman is seeking is some assurance that that which appears in the RECORD will be that which is the true legislative history on the floor. I will simply take a statement from the chairman of the committee that that is the intention that the committee would have with regard to establishing legislative history.

The SPEAKER. The Chair will instruct that the Official Reporters of Debates shall adhere strictly to the official rules of the Joint Committee on Printing in which the precise formula for distinguishing between that which was part of the debate on the floor and that which is inserted subsequently, not part of the debate on the floor, shall be made clear.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand the Chair is saying that if some Member adds material to the body of the RECORD, even though he spoke on the floor, that material will be italicized so it can be distinguished, and so it, therefore, would not necessarily constitute legislative history? Is that what I understand the Chair is telling me?

The SPEAKER. The rules of the Joint Committee on Printing, if the Chair fully understands them, do not require a revision, if within the parameters of the speech, to be so distinguished; they do require, if the Chair is correctly informed, that anything extraneously added and not a part of a speech officially made, nor a revision, presumably a correction made by a Member who had addressed the House, shall be so distinguished.

Mr. WALKER. Mr. Speaker, further reserving the right to object, this gentleman has no problem with that. This gentleman is concerned about a possible extension of remarks. If I understand what the Chair is saying, with regard to an extension of remarks under that situation; for instance, if a Member decides to add five pages of material, that would not fall under the rule as the Chair has stated it, and, therefore, it would be italicized. This gentleman is satisfied with that if that is the case.

If we are talking about grammatical changes, I do not have a problem with that. If we are talking about making incomplete sentences into complete sentences, I do not have a problem with that. But I do have a problem about adding pages of material that could end up being legislative history.

So do I understand that if some Member attempts to add substantial new material over what he or she spoke on the floor, that at that point that would be distinguished in a way that it would not appear that it was actually spoken on the floor?

The SPEAKER. The Chair would want to be somewhat precise in responding to the gentleman's inquiry. The Official Reporters of Debates have been asked to adhere strictly to the rules of the Joint Committee on Printing. I think the appropriate rule is rule No. 7. The CONGRESSIONAL RECORD shall contain a substantially verbatim account of remarks actually made during proceedings of the House subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable by a different typeface from material inserted under permission to extend remarks.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, as the Chair well knows, we had a fairly lenient interpretation of that rule around here for a long, long time with regard to how much Members can put into the record after having spoken only a few words on the House floor. We have allowed them to insert volumes of material from time to time having just spoken a few words of debate on the House floor.

This gentleman is very much concerned about this. We have no committee report on this bill. There is language in this bill that is, in the opinion of some lawyers, very difficult to understand. If in fact the whole history of this bill as established in the House is to be the legislative history on the floor over the last couple of hours, then I think we have some right to be assured that we will have a verbatim transcript of what went on on the House floor in the RECORD, and the fact is that when we deal, as the gentleman from Wisconsin has pointed out, with Official Standards around here, that is something we adhere to. I do not understand why, when we are dealing with a matter this serious, with this many questions, we cannot have that same standard apply.

All I am asking is for the chairman of the committee to give me some assurance that that is the intention. If we could get that kind of assurance, I am perfectly willing to grant the request. But if I do not get the assurance, then I am going to have to assume that what we have is the potential for material being added to the RECORD that will establish legislative history that goes beyond anything that was debated in the House over the last couple of hours.

Mr. Speaker, I guess I am asking, can we get that kind of assurance?

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, certainly as I understand it, it is only a verbatim account which ought to be used as legislative history. I agree with the gentleman 100 percent, and I would praise him for bringing this issue up. I would again point out that I hope that advocates on either side of this issue would get a verbatim account of the proceedings and keep that record so that any possibility that it would be manipulated could be taken care of.

I am certain also that the chairman would agree that there should be no deliberate attempt on either of our parts, and certainly I, as a supporter of the bill, would not in any way want to attempt to alter or change the legislative history. That is why I read about 55 miles an hour when I was trying to get everything in the RECORD under the few minutes I had been allowed under the rule, and it was unfortunate that the rule was in that way so we could not get more direct legislative history in. So I certainly would not allow anyone that I knew in any way to alter the meaning of the words that I put in.

Mr. WALKER. Mr. Speaker, the gentleman points out another difficulty we have. The short amount of time we had to debate is in fact one of the problems.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I cannot give any assurance about what a Member may do that might be in violation of the rule. I would think, if you would grant this unanimous-consent request on the condition that it not in any way violate the rules, including the joint committee rules on printing, then we could give the gentleman that assurance. I do not know of any other assurance that I could offer the gentleman. I do not know what will conform to the rules and what will not.

Mr. WALKER. Mr. Speaker, further reserving the right to object, is it the gentleman's intention as chairman of the committee that no material that is inserted in the RECORD under this request shall be regarded as legislative history for the bill?

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I would think that is the final analysis. The courts are going to give what weight they would give to this as opposed to what else might be given.

Mr. WALKER. Mr. Speaker, I am seeking just basically a yes or no answer here. Is it the gentleman's intention that none of the material inserted into the RECORD after the debate is over, in other words, pursuant to the gentleman's particular request, should be considered as legislative history, that we will not have legislative history there?

Mr. HAWKINS. No. If the gentleman will yield, not as it conforms to what was previously said in the House and it was based on something factual with respect to that Member. I cannot give the gentleman any such assurance. That is the answer.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous request that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, March 3, 1988.

This request has been cleared by the minority, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION FOR MEMBER TO INSERT EXTRANEOUS MATERIAL IN GENERAL DEBATE ON S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. FISH. Mr. Speaker, I ask unanimous consent that I be permitted to insert extraneous matter consisting of three letters immediately following my comments under general debate on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, did I understand the gentleman's unanimous-consent request to be that he wanted to insert material in the debate on the Grove City bill?

The SPEAKER. The Chair will point out that the request was made by the gentleman from New York [Mr. FISH].

Mr. SENSENBRENNER. Mr. Speaker, I would ask, is the gentleman attempting to insert material?

Mr. FISH. Mr. Speaker, if the gentleman will yield, that is correct. We have to wait until we get in the House in order to make the request. These are letters I referred to in the course of my remarks.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBER OF COMMISSION ON RAILROAD RETIREMENT REFORM

The SPEAKER. Pursuant to the provisions of section 9031 of Public Law 100-203, the Chair appoints on the part of the House the following individual from private life to the Commission on Railroad Retirement Reform:

Mr. Robert J. Myers, of Silver Spring, MD.

□ 2015

WOMEN'S HISTORY MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this legislation.

Mr. Speaker, I yield to the gentlewoman from California [Ms. Pelosi], formerly from the State of Maryland, who is the chief sponsor of House Joint Resolution 473, to designate the month of March as "National Women's History Month."

Ms. PELOSI. I thank the gentlewoman for yielding.

Mr. Speaker, it is my pleasure today to speak on the House floor in support of the first piece of legislation I have introduced as a Member of the House of Representatives.

Today, the House will act on House Joint Resolution 473, which my distinguished colleague, Representative Olympia Snowe, and I introduced. This resolution proclaims the month of March 1988, as "Women's History Month."

Women's history provides a new perspective for looking at the past, a perspective which honors the richness and diversity of the lives of the many women who came before us. It also presents a vision for the future, a vision that shows us there are no limits to achievement.

From Susan Brownell Anthony, who led women to the voting polls in 1872, only to be arrested and while awaiting trial, tried to vote again in city elections; to Eleanor Roosevelt, who emerged as a striking symbol of strength and good will during a tumultuous period of our Nation's history; to Rosa Parks, who defied a racist society and refused to move to the back of a bus, women have been at the forefront of revolution and change. As a mother of four daughters, I want all doors of opportunity open to them. The struggle for freedom and for rights by women in history has brought inspiration and determination for women in the present and in the future.

I ask my distinguished colleagues to join me in the celebration of "Women's History Month" and to support House Joint Resolution 473.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 262 and its House counterpart, House Joint Resolution 473, a resolution designating the month of March, 1988 as "Women's History Month."

Women have played a major role in all facets of American life. Throughout our history, women of all backgrounds, classes and ethnic heritages have contributed to our cultural, economic and social life. Women of every race were involved in the abolitionist and civil rights movements. American women are known worldwide for their philanthropic endeavors. And it was the struggle of dedicated women who secured voting rights for all qualified citizens; now women make up over 50 percent of the registered voter population in our country.

There are presently 54,520,000 women—45 percent—in the American work force. These are women, who continue to contribute to the social, cultural and economic growth of America in the pioneer spirit of their predecessors.

It is only fitting that women in our country be recognized.

I commend my colleague from California, Congresswomen Pelosi, for sponsoring this thoughtful measure in this House. And I would also like to take this opportunity to recognize the gentlewoman from Maine, Congresswoman Snowe, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I am proud to be an American woman, and to have cosponsored this measure. I urge my colleague to support this resolution.

Mr. Speaker, I would also like to take the opportunity to recognize the gentlewoman from Maine, Congresswomen Snowe, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

Mrs. KENNELLY. Mr. Speaker, it is with great pride and enthusiasm that I cosponsored this bill proclaiming March 1988 as Women's History Month. I feel this is a small but significant way to pay tribute to the many women whose influence and accomplishments have helped to shape American History. Women's achievements have gone virtually unnoticed by traditional historians.

During Women's History Month, we seek to encourage both men and women to look back in history, to look beyond the traditional history books to discover the interesting and important things women have done. Women's contributions and influence were, and continue to be, great in so many areas: the art of Bertha Morisot, Mary Cassatt, and Georgia O'Keeffe; the writings of Jane Austin, Virginia Woolf, and the Bronte sisters; the drama of Lillian Hellman and Lorraine Hansbury. All of these women, and many others, have made tremendous contributions in the fields of art and literature.

Women like Dr. Elizabeth Blackwell have paved the way for women in the field of science and medicine. More recently, Carol Gilligan has challenged the findings of Freud and the early developmental psychologists, offering a new perspective on women's psychological and moral development. Great athletes such as Wilma Rudolph have proven that women can compete and excel in the Olympic games.

And, let us not forget the hard work and dedication of suffragettes such as Elizabeth Cady Stanton and Alice Paul. Because of the efforts of these women, all American women can take part in our electoral process by exercising their right to vote. And, of course, the work of Frances Perkins, the first woman in the Cabinet and author of the bill that eventually became Public Law C531, known more commonly as Social Security. During the month of March, it is our hope that men and women alike will remember and honor these and other special women for their important role in shaping our Nation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American History: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF COMMERCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation being considered.

I do want to commend the two sponsors of the legislation, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL] for sponsoring House Joint Resolution 447, designating March 4, 1988, as "Department of Commerce Day."

Mr. FARLEY. Mr. Speaker, in the early 1900's, it was President Theodore Roosevelt who, with business and Government leaders, first envisioned what would become the Department of Commerce; a Federal agency which would establish the United States as a leader among our industrial competitors. Seventy-five years later we join with the Senate in honoring this occasion by designating March 4 as "Department of Commerce Day."

The first Secretary, William C. Redfield, assumed the responsibility for this most versatile of all departments. Its many components include:

The International Trade Administration which supports commercial representatives in foreign capitals and industrial centers as well as administering our Nation's trade laws;

The Census Bureau which will be conducting its bicentennial poll of social and economic statistics for business and Government planners;

The U.S. Patent Office which is the final clearinghouse for all intellectual property rights;

National Oceanic and Atmospheric Administration which is our Nation's weather bureau and is responsible for plotting large portions of the Earth's surface;

The National Bureau of Standards which helps to advance the Nation's science and technology and ensures their availability to the public. This year NBS will be administering the first Malcolm Baldridge Quality Award to recognize efforts by business to achieve the highest level of quality; and

The Minority Business Development Administration which assists the growth of minority enterprises.

Although the responsibilities and operations of the Department have changed over the years, promoting the economic growth of the United States remains the fundamental duty of the Commerce Department. Gouverneur Morris, during the Constitutional Convention in 1787, was one of the first advocates of a Secretary of Commerce. Over 200 years later, the original concept of a steward to guide the commercial interests of the United States still endures.

Mr. MICHEL. Mr. Speaker, I am pleased to join the majority leader in sponsoring House Joint Resolution 447 and endorsing the companion measure here, Senate Joint Resolution 251, honoring the Department of Commerce on its 75th Anniversary by declaring March 4, 1988, to be "Department of Commerce Day." This commemorative for one of our distinguished executive branch departments was cosponsored by 230 Members of this House and 63 Senators in the other body.

Such widespread support is indicative of the important role the Commerce Department has played in 75 years of service to the Nation. Its mission of fostering, promoting, and developing the foreign and domestic commerce of these United States is indeed worthy of recognition, perhaps now more so than ever.

Not until early in the 20th century when the United States had become an industrial power in the world did Congress finally establish a Department of Commerce to promote industry and trade. The Department's true beginnings, and many of its component programs precede its official birthdate by more than a century. In the critical period between the Articles of Confederation and the ratification of the Constitution, the common interest in expanding commerce was the strongest link which bound the newly independent States.

As the Nation commemorates the 200th anniversary of the oldest written constitution still in use and the Department of Commerce begins the celebration of its own 75th year, the strength and importance of this link remain. The expansion of commerce is still the key to the development of the United States as the most productive and prosperous country in the world.

My congratulations to Secretary Verity and all his distinguished colleagues on this occasion.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two Senate Joint Resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO INCLUDE AN EXTENSION OF REMARKS IN TODAY'S RECORD

Mr. HOYER. Mr. Speaker, in light of the action that has just been taken, I had a revision of remarks which I now ask unanimous consent to have included in the Extension of Remarks in today's RECORD. I had talked to the gentleman from Pennsylvania, and I showed the remarks, by the way, to the gentleman from Pennsylvania, although he has not had an opportunity, obviously, to study them, but they do deal with the specific section giving a colloquy of essentially the things that occurred in the Senate.

My unanimous-consent request, Mr. Speaker, is that they appear in today's RECORD under Extensions of Remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Reserving the right to object, Mr. Speaker, it is my understanding the gentleman is requesting not that these remarks be put in the body of the debate, but rather that they be included in the Extensions of Remarks in the back of the RECORD, is that correct?

Mr. HOYER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. ANNUNZIO].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

THIRD WORLD DEBT RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, on February 29, James D. Robinson III, chairman and chief executive officer of American Express Co., outlined a detailed and comprehensive proposal to ease Third World debt burdens by creating a new international institute that could purchase commercial bank debt at a discount.

Benefits from these discounts could then be passed along to debtor countries, provided that agreement could be worked out, on a case-by-case basis, with individual countries to assure that necessary economic reforms would be taken to promote the long-term development prospects of these countries.

In making this proposal, Mr. Robinson has put out the "Open for Business" sign for those who have ideas on confronting the Third World debt crisis which is now well into its sixth year.

This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an "International Chapter 11" bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

I believe that Mr. Robinson's plan is fully consistent with the approach I suggested last year; and even better, his proposal has been worked out in significantly greater detail to demonstrate that it is financially feasible. What is presently lacking, however, is the political will to make it happen.

Unfortunately, my concept has been strongly opposed by the administration during the past year, and it will, I expect, also oppose the Robinson approach. Instead, the administration continues to insist on its current approach which, while long on rhetoric, has produced very little in reality.

The administration insists that circumstances are improving; that there is light at the end of the tunnel; but the World Bank issued a report in February documenting the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a "market-oriented" voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called "structural adjustment lending"—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which should be more carefully examined.

Because of the timeliness and extreme importance of Mr. Robinson's remarks last night before the Overseas Development Council, let me take a few moments to summarize the details of how the plan would work, and then place the entire text of his speech in the RECORD.

Essentially, the Robinson proposal is to convert at least part of the developing countries' commercial bank loans into longer term, more reliable securities. The Institute for International Debt and Development would be sponsored by the governments of the larger industrial countries, which would contribute the initial capital. Both the World Bank and the International Monetary Fund may also contribute. Commercial banks who choose to participate would receive preferred stock from the Institute in exchange for their existing LDC loans.

Under this innovative plan, the Institute would be governed by representatives of the sponsoring governments, the World Bank, the IMF, and the banks. Administration of the Institute would be in the hands of a general manager through a joint venture of the IMF and the World Bank. Voting power in the agency would be according to each government's financial contribution.

The value of the loans bought by the Institute from the banks would be at a substantial discount, to be determined by the Institute's directors and not necessarily equal to the current secondary market valuation of the debt.

After arranging to buy a country's debt, the Institute would negotiate an agreement providing relief either through lower interest rates or reduced principal. In order to guarantee a positive cash flow for the Institute, each participating LDC would be required to pay—for at least 2 years—more than the interest payments made by the Institute on the debt it holds. An important feature of the plan is that all debt acquired by the institute would be subordinate to any subsequent obligations incurred by the debtor nations.

In exchange for the debt relief provided by the Institute, LDC's would have to accept limitations on new borrowing, fiscal and monetary reforms promoting economic growth, and minimum percentages of export revenues to be dedicated to servicing their external debt.

Since participating banks will incur a significant loss as a result of the discount on their existing LDC loans, it should be clear that the Robinson plan is not a "bail-out" of private financial institutions. The proposal does not let either the borrower or the lender off the hook. Instead, it brings everyone together—debtors, creditors, and industrialized countries—in an effort to deal with this vexing problem in a comprehensive manner.

Mr. Robinson has met with a number of Japanese and European officials who have expressed a willingness to discuss their participation in this enterprise. Their interest in participating in the Institute appears to contradict the administration's contention that such a multilateral agency would have little support in these creditor nations.

I hope and believe that the Robinson proposal will initiate a new round of debate and discussion on appropriate ways to deal with the debt problem. We continue to "muddle through" at a very high risk.

The full text of Mr. Robinson's speech follows:

A COMPREHENSIVE AGENDA FOR LDC DEBT AND WORLD TRADE GROWTH

(By James D. Robinson III)

While we in the United States have enjoyed the longest sustained period of peacetime economic growth in our history, there is widespread agreement that the world economy today suffers from chronic structural imbalances—imbalances which have grown dramatically over the past several years.

The U.S. twin deficits;

The trade surpluses of Germany, Japan, and the newly industrialized countries of Asia;

The consumption bias of the U.S. versus the savings bias of its trading partners.

Another imbalance is the debt burden of less developed countries, and the fragility of the world financial system related to these troubled loans in bank portfolios.

Economic growth and prosperity around the world have been hurt by these imbalances. The pain has ranged from less exports and fewer jobs in developed countries, to poverty and political instability elsewhere.

Reductions in the budget and trade deficits are top priorities in the U.S. political agenda and have been for several years. They are getting serious attention, actually progress has been slow—embarrassingly slow.

Easing the LDC debt burden has had a much lower national priority. Indeed, LDC debts seem to be a faraway problem for most Americans. Some think of them solely as an issue for the big banks or as some foreign problem that will one day correct itself.

The blunt reality is that LDC debt has taken a heavy toll on the world economy. For many less developed countries, it has choked off growth and development. The opportunity cost for the developing countries is beyond measure in economic, political, and human terms.

For the developed countries, LDC debts are a silent burden, constricting trade and economic activity. At any time, the LDC debt problem could deteriorate into a financial crisis, triggering world-wide recession

Now, I am not predicting an imminent financial or economic crisis. But I am saying these imbalances, despite many good efforts, have proven highly resistant to self-correcting market remedies to date. Our best antidotes have been case-by-case reschedulings, IMF austerity programs, and the Baker plan.

The current strategy of case-by-case negotiations among the banks, the central banks, the LDC's and the IMF has so far held a crisis at bay. It's been a good strategy for its time, and must continue to be a major part of any future strategy. But it has not brought with it adequate resources to support sustained growth in LDC economies and the consequent gain in living standards.

The case-by-case approach has bought time and set the stage for a solution. But many believe it has not helped the LDC debt problem get much better. As the World Bank said in its report on LDC debt in January, the participants in LDC negotiations are suffering from "debt fatigue."

I believe the time has come to develop new approaches—approaches that are comprehensive—and that's what I want to talk about tonight.

My objective is to shift the dialogue and the focus to the comprehensive level—a level that acknowledges the interrelationship between trade and debt, growth and national security, prosperity and peace.

What I am suggesting is a new approach that seeks to share the burdens, risks and benefits of LDC debt restructuring. The approach that my associates and I at American Express and Shearson Lehman Hutton have developed centers on the creation of a new entity—an entity that will serve as an international reorganization facility.

We've called the facility "The Institute of International Debt and Development." Its purpose is two-fold: First, to provide the IMF and World Bank with new options, powers, and incentives in negotiating programs for LDC economic growth and reform. Second, to act as a reorganization entity for LDC debts, by acquiring outstanding sovereign bank debt, at a discount, country-by-country, in exchange for new, long-term high-quality obligations.

Tonight, I offer this presentation as an example of the type of comprehensive solution we believe is necessary. I hope it can serve as a catalyst to start an active dialogue.

Before describing the proposal, however, permit me to discuss why I believe the LDC debt problem calls for such an approach. Agreement on the need for action is in many ways just as important as agreement on specific solutions.

When the LDC debt crisis surfaced five-and-a-half years ago, the response adopted in Mexico, and subsequently elsewhere, was the classic solution to a liquidity crunch: Temporary rescheduling of loan repayments, belt-tightening by the debtor countries to free up funds for debt service, and new loans by the banks to tide the debtor countries over until improved conditions allowed normal debt servicing.

This ad hoc policy, labeled by some as "muddling through," was put into place with the original Mexican crisis. It has remained the predominant approach to the LDC debt crisis since 1982. Now, "muddling-through" is not meant as a perjorative. When faced with difficult choices, small-steps and crisis management may well be the right strategy. But, unless time in fact will solve or ease the problem, "muddling-through" may simply allow conditions to grow worse and the problem to get larger.

For several years, this case-by-case approach worked. The austerity programs many LDC's adopted under IMF prodding sharply cut their imports. A pick-up in world growth from 1983 to 1985 and large devaluations of LDC currencies helped their exports. As a result, many debtor countries were able to run large enough trade surpluses to generate funds for debt servicing. Finally, the secular fall of interest rates helped by reducing financing costs.

But has progress been an illusion? The LDC debt burdens that sparked the crisis have not gone away. Certainly major confrontations have been avoided, so the case-by-case approach has not failed; but have the results been adequate?

In almost all cases, LDC debts are higher today than they were in 1982:

Mexico, for example, had total debt at that time of $88 billion; in 1987, it was $104 billion.

For Brazil, total debt expanded from $84 billion to $105 billion in 1987.

For eight major Latin American debtors, total debt grew by more than $65 billion over this period.

Of course, growth in debt by itself may not be a sign of trouble, if economic growth or the ability to service the debt increase more rapidly. Generally, this has not happened. Debts of LDC's have risen faster than either their economies or their exports. Debt to GNP ratios have worsened for problem LDC's from 43% in 1982 to 49% in 1986. Ratios of debt to exports—an important measure of the ability to generate income to service debt—have gone up.

As LDC debts have grown, so have their burdens.

On the LDC's, both economically and politically;

On world trade in general;

On U.S. exports in particular; and

On the world's financial system.

Many LDC's have experienced several years of austerity. Real per capita income declined over the 1981-1987 period for all major debtor LDC's, except Brazil. Inflation rates have been high, poverty has worsened. The economic and social costs of trying to generate export earnings principally to meet debt payments have grown. These are the ingredients of political instability.

World trade has also been distorted. Since 1981, U.S. exports to LDC's have fallen. For example, U.S. exports to Latin America alone were $11 billion lower in 1987 than in 1981.

U.S. exporters have suffered and American workers have lost jobs. If the U.S. could regain just the $11 billion in lost exports to Latin America, up to 200,000 jobs could be recovered. If it could regain the $150 billion in total lost exports recently estimated by the overseas development council, 1.7 million U.S. jobs could be created. Clearly, the benefits of a comprehensive solution can be significant.

Finally, LDC debts have been a burden on the world financial system.

Questions about the value of LDC loans have hurt the credibility of bank income statements and balance sheets.

Stock prices of money center banks are below book value, limiting their access to much needed new equity capital.

So, despite many positive contributions from the case by case approach, the risk of a debt crisis still hovers over the financial markets. Can "muddling-through" continue to keep it at bay, awaiting a better tomorrow? What happens when interest rates go up, which they will one day? What happens when U.S. imports start to fall because of our high trade deficit?

What will happen? No one knows. Debt repudiation, a term no one utters, except behind closed doors, has always been a risk. As debt service burdens remain heavy and prospects for new loans and growth stay limited, debtor countries are left with difficult options. Any uptick in interest rates on the larger debt bases will seriously increase the pressure.

Prolonged nonaccrual, much less debt repudiation, would of course be dangerous to banks in the U.S. and elsewhere. In some cases, LDC loans are more than the bank's total capital. The U.S. Government, which insures deposits, or the taxpayers may be forced to act as lender of last resort.

Debt repudiation is obviously a serious matter for debtor countries as well. It would mean the loss of new trade credit; it would impair access to capital markets for many years; capital flight would surely accelerate.

Debt repudiation by one or more major LDC's remains highly unlikely. But, debt repayment moratoriums or suspensions, ceilings on repayment, and other unilateral actions by debtors are possible if conditions deteriorate.

Brazil last year unilaterally suspended its interest payments on certain commercial bank loans. Clearly, it's good news to learn Brazil will soon complete negotiations with the IMF and the banks on a new package of economic reforms, renewed debt service, and new loans. We also hope that the recent IMF/Argentina negotiations on economic reforms have a similar outcome.

Case by case agreement by LDC's on their debt service responsibilities is absolutely necessary to any long-term solutions. But the economic cost of servicing all their existing debts, without sufficient capital for much needed growth, continues to be a "Catch 22."

In the face of this reality, banks, both in the United States and elsewhere, have been increasing reserves and writing off or selling LDC loans, especially since May of 1987. Secondary market valuations for LDC loans, admittedly in a thin market, have moved in one direction—downward. Regional banks with less exposure have been able to write off or sell most or all of those debts.

That action places pressure on larger banks to do the same. Yet, the magnitude of losses that such banks would have to take makes similar acitons more difficult. Of course, if the Financial Accounting Standards Board goes ahead with its proposed requirement that U.S. banks mark down loans, including those to LDC's, to secondary market value, there would be little choice.

Now, loan write-offs or credit reserve increases are not really a blessing for the LDC's. A written-off loan remains a legal obligation of the LDC, and banks will try to collect whatever they can. New credits that LDC's desperately need are even less likely to occur under these conditions. Also as regional banks and others exit the business, the pool of banks ready to make international loans grows smaller and smaller.

The danger in the present situation is that the banks and the LDC's can fall into a war of attrition, grinding each other down in the effort to gain a negotiating advantage. At some point, that struggle could then turn into a mutual suicide pact, crippling both banks and LDC's.

The bright side is that the banks' increase of reserves and the LDC's recommitment to debt service have provided flexibility for new approaches. New initiatives have been launched to promote private investment in the LDC's, such as the Multilateral Investment Guarantee Authority, "MIGA". Also approval of the enhanced structural adjustment facility within the IMF offers much needed help to the poorest debtor countries, especially in Africa.

Are we at a turning point? Does success with Brazil or Argentina and other initiatives in fact give us a new window of opportunity? Is there, or should there be, an alternative to "muddling-through" . . . A new, more comprehensive approach that supplements and goes beyond the capacity of efforts to date? I think there is. Indeed, there must be.

The Baker plan with its shift in emphasis from austerity to growth, was a good intitial step. It's an important approach, which has proved its worth over the past few years—and still provides a valuable framework. Debt/equity swaps, and other initiatives, have expanded the menu of options. All of these represent important contributing pieces. What the Baker plan has lacked, however, are:

Mechanisms to encourage adequate new lending and investment:

Adequate incentives for LDC's to adopt market-oriented policies; and

The means to assist these countries during a difficult adjustment period when both debt service and growth have to be accommodated.

Where is the light at the end of the tunnel, where banks and capital markets voluntarily extend new credit to LDC's on commercial terms?

More recently, the Morgan/Mexican plan has attracted attention as a way for Mexico to reduce sovereign bank debt. We all hope the tended is successful. Yet even this plan will have only a limited impact for Mexico, and its applicability elsewhere is confined to LDC's with access to sufficient foreign-exchange reserves. Nevertheless, initiatives like this should all be welcomed for whatever individual or collective contribution they can make.

But we still need, in my view, a more comprehensive approach to deal with the major imbalances and present realities.

A market-oriented approach that allows present initiatives to continue, yet establishes an additional framework of broader potential and promise?

A mechanism that allows the creditor and debtor countries, together with financial institutions and central banks to come together on a country-by-country basis in a program that involves significant contributions by each party, in expectation of major benefits for all?

The Institute of International Debt and Development, or I2D2 as we call it for convenience, is such a program. I offer I2D2 tonight as an example—a starting point—as a challenge to others to improve it or to put forth sounder comprehensive solutions. My purpose in describing the proposal is also to highlight the issues that need to be addressed and how in a comprehensive approach they can be knitted together.

I would now like to summarize the features of I2D2. Please bear with me through some detail. We do have a booklet available for you that covers the program in great depth.

Our proposal calls for:

1. The creation of I2D2 as a joint venture of the IMF and World Bank. By drawing substantially from their staffs and capabilities, the need to build a new bureaucracy is avoided.

2. In terms of organization, the I2D2 Board of Directors would include representatives of the sponsoring governments, the IMF, the World Bank, the participating debtor countries, the creditor financial institutions and central banks. The managing director would come from the IMF or World Bank or be hired by them.

3. Major developed country governments—called the sponsoring governments—are asked to provide the initial capital of I2D2, either directly, by call or through arrangements made with the IMF or World Bank. On-going supplemental contingent support would also be provided.

4. I2D2 will seek to negotiate agreements on a case by case basis. Debtor governments that elect to participate would agree to implement economic and financial policies that lead to noninflationary growth, open markets and build creditworthiness.

5. I2D2 would also negotiate with creditor banks to purchase their LDC loans at a discount in exchange for high-quality obligations issued by I2D2. These obligations would be in the form of floating rate consols (perpetual bonds) and participating preferred stock. Because of the contingent commitments from the sponsoring country governments, the rating on the debt would be among the highest given.

6. Because I2D2 buys LDC debt from the banks at a sizeable discount from face value, its own debt servicing needs would be considerably less than present debt service requirements. Because of this, I2D2 will be able to provide meaningful debt concessions to the LDC's during the adjustment period.

7. A key feature of I2D2—a powerful feature—is that, once it buys the LDC debt from the banks, it subordinates that debt to all new debt issued. That means that new loans would have a prior claim on resources over debt purchased by I2D2. The subordination step is a key factor in opening up new sources of credit for the country.

8. Debt subordination and the concessionary terms negotiated with any participating country are major tools that are presently unavailable to the IMF or World Bank. I2D2's powers to grant debt relief and debt subordination are very attractive incentives for LDC's to "stay the course" on the reforms needed to restore economic health and creditworthiness. Subordination and concessions can be suspended if a country does not meet I2D2 covenants on structural adjustments, or whatever the agreement in force provides, such as limits on the amount of new senior borrowing.

9. In short, the scope of incentives and the mechanisms for discipline are well beyond anything presently available. The increased credibility of the LDC's economic reforms generated by the use of those two features should not only open LDC access to credit markets, but also represent a "safe harbor" attraction for direct foreign investment and increased foreign aid.

Now, what's the size of the program I'm talking about? Sovereign bank debt of the seventeen rescheduling countries covered by the Baker plan is about $250 billion. Suppose for the moment that I2D2 negotiated over a period of time to buy all $250 billion.

If I2D2 ultimately acquired all of that debt at, say, an average of 60 percent of face, only $150 billion of I2D2 securities would be needed in the exchange. We've arbitrarily split the securities into $125 billion of consols and $25 billion of participating preferred stock. This would be supported by $12.5 billion in equity capital raised from the sponsoring governments. The equity capital would serve as a reserve. It may be paid in or callable.

While I have referred to $250 billion as the size and scope of the proposal, that is simply a framework—in fact, it could turn out to be much smaller. I2D2 would be implemented voluntarily, so some countries may choose not to participate; or they might not reach mutually acceptable terms; or I2D2 might decide a particular country was ineligible; for instance, because its actions were those of a "rogue" debtor. In addition, the amount of capital the developed countries are prepared to commit may not allow I2D2's ultimate size to be that large.

The concept is what I want to establish—the actual size will depend on a number of considerations. The program is modular, although part of its flexibility and strength comes from a pooling of cash flows from a number of participating LDC countries who pay their negotiated debt requirements to I2D2.

While negotiating with a particular LDC on market-oriented reforms, I2D2 would seek bank consensus on an exchange package for that country. The discounted price that I2D2 would pay the banks will take into account several factors, including estimates of the debtor's ability to pay interest, concessions determined appropriate, and the value of the loans in the secondary market.

Please note that to make subordination feasible, free riders can't be allowed; therefore, all sovereign bank debt owed by a contracting debtor country must be acquired by I2D2. To encourage bank participation in full, an acquisition premium over the secondary market would be appropriate. Also, bank regulators would be directed to allow the discount from the debt's face value to be treated as a reserve in a bank's capital base and/or amortized over several years. Banks that choose not to participate would be offered lower yielding exit bonds, or would be required by the regulators to mark down the loans to market value without the benefit of the special reserve treatment or the longer amortization period.

We have included more detail and a variety of additional considerations in the booklet I imentioned earlier.

As you can tell, in our effort to offer a more constructive solution to the LDC debt problem, we did not reinvent the wheel. Some very bright people around the world have been thinking about this question. Government officials, members of Congress, experts in the IMF and World Bank, economists, academicians and members of the banking community—too many to mention by name—have devoted time and energy to developing proposals for dealing with LDC debts. We have benefited from their ideas, as we have from discussions with a number of government and business leaders in several countries.

What's unique about our plan?

First, it addresses new money needs and it establishes ongoing discipline. The subordination feature opens the doors for new money sources. The plan also creates ongoing discipline by making subordination, as well as concessions, contingent on achieving the structural, market-oriented reforms agreed to by the participating LDC's.

Two weeks ago, in a speech at the Bretton Woods committee meeting, Secretary of State John Whitehead said that an issue "which merits creative thinking in the period ahead is how to encourage developing countries to adopt better economic policies that promote growth." I2D2 not only does that, it also encourages countries to stick to those policies.

Second, a major objective of a comprehensive approach is to get the United States and other G-7 governments more directly involved. World trade growth depends on it; more market-opening trade policies can flow from it.

Third, it provides the IMF and the World Bank with an international reorganization facility that is presently lacking—one that can offer meaningful incentives. Such a facility can negotiate and execute comprehensive solutions on a case-by-case basis. The private banking community cannot do that. Someone must.

Fourth, it strengthens the world banking system. I2D2 does that, country-by-country, as agreement is reached and I2D2's high-grade securities are exchanged for lower quality debt presenty in bank portfolios. This reduces the uncertainty plaguing bank income statements, balance sheets and stock prices.

Fifth, since the banks take a sizeable loss, it is not a bank bailout.

That's enough on the details of I2D2. I hope you believe as I do that it is time to develop comprehensive concepts. As to I2D2, I'm sure you have questions. Let me try to answer some in advance.

First, "Why would the governments put in any money and take an ongoing contingent risk?" The answer, in my view, is that it's in their best interest to do so.

Timely involvement by the G-7 governments can not only lead to greater growth in world trade and economic prosperity but also strengthen the world's banking system and reduce the risk of a possible and more costly rescue effort in the future. Remember, an ounce of prevention is worth a pound of cure.

For those who believe the "muddling through" approach and time is all that is needed, I ask, what happens if you are wrong?

Why not develop comprehensive programs and have them ready? Test them for effectiveness now; roll them out as conditions permit, have them available, if not in place, before problems get out of hand.

Another question might be, which governments will play?

Based on my personal discussions with a number of Japanese Government and business leaders, I'm convinced the Japanese are clearly looking for approaches to recycle funds in a major way and to take a more substantial role in world financial affairs. I think there is a chance they would be a major participant. It's possible, in fact, they would consider taking * * *

A significant share of the equity. What's needed is for the United States to endorse the concept of a comprehensive approach—one that seeks a partnership with the Japanese and other key countries.

In fact, I believe that LDC debt and trade should be a centerpiece for the next G-7 summit.

We think the Institute of International Debt and Development is a workable and comprehensive solution to the LDC debt problem. It is widely applicable, yet can be implemented country-by-country—when needed.

There are certainly other comprehensive approaches. For instance, the debtor governments themselves could offer to exchange consols directly with banks under an I2D2 framework. Under such a plan banks would be asked to pay sizable insurance premiums to I2D2 which when combined with some callable equity from the sponsoring governments, and, as some have suggested, perhaps further supported by private reinsurance, would serve to guarantee the interest flow. Perhaps that route would be more readily acceptable, and less costly, than the I2D2 proposition I've just outlined.

Again, my point tonight is to shift the dialogue to a comprehensive level. In the weeks and months ahead, I hope there will be active participation in that dialogue by governments, international institutions, the financial and business community, academia and knowledgeable media.

Certainly, there are many ideas in this room and elsewhere. Let's put up an "open for business" sign and seek them out.

In conclusion, it's time to support the general capital increase of the World Bank. It's time to expand our support of the Uruguay round of the GATT negotiations. And it's time to take the next step in the Baker initiative by finding workable, comprehensive approaches. All of us have a vested and collective interest in doing so.

Yes, it is time to expand our vision to the interrelationship between trade and debt, growth and national security, prosperity and peace.

Remember, George Marshall was right: without economic prosperity there can be no lasting world peace. Thank you.

COAST GUARD BICENTENNIAL MEDAL ACT COSPONSOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is my great privilege and honor to add our distinguished colleague from Florida, the chairman of the Subcommittee on Coast Guard and Navigation, Mr. HUTTO, as the first cosponsor on H.R. 3919, a bill I introduced to authorize the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard in 1990. These medals will join with bicentennial medals authorized in 1975 in commemoration of the bicentennials of the U.S. Army, Navy, and Marine Corps.

The members of the Coast Guard and its predecessor services have a long and distinguished record of service to the United States, and particularly to mariners.

The Coast Guard is worthy of commemoration as part of our bicentennial celebrations.

Under the rules of the Consumer Affairs Subcommittee, medal bills cannot be considered until they have at least 218 cosponsors. I urge all Members of this House to join with the chairman of the Subcommittee on Coast Guard and Navigation and myself in cosponsoring this legislation by calling the Consumer Affairs Subcommittee at extension 6-3280.

Mr. HUTTO. Mr. Speaker, I am pleased to join with the distinguished gentleman from Illinois, Mr. Annunzio, in cosponsoring H.R. 3919 to provide for a commemorative medal in honor of the bicentennial of the U.S. Coast Guard, which will celebrate its 200th birthday on August 4, 1990.

The Coast Guard is the oldest continuous sea-going service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96 hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

In addition to the commemorative medal proposed by the gentleman from Illinois, the members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard. We have also introduced a resolution, House Joint Resolution 456, directing the Postmaster General to issue a Coast Guard commemorative stamp, and I invite all Members of the House to join in cosponsoring that resolution honoring the Coast Guard, also.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have information that the gentleman from California [Mr. SHUMWAY] has laryngitis. He is going to do his special order tomorrow and I am going to do a little piece of it tonight in mine.

I ask unanimous consent that this may be the order of business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, the gentleman from Indiana [Mr. BURTON] has a special order following mine.

Mr. Speaker, I ask unanimous consent that we reverse our order and he be allowed to go ahead of me. The gentleman has some pressing business this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON PANAMANIAN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for being so kind by letting me go first.

Mr. Speaker, I just returned from Panama. While I was down there I had some interesting information conveyed to me by a number of people who reside in Panama, including members of our Government who are stationed down there in the military and in our embassy. The information that I learned was that Mr. Blandon who has been testifying before a committee in the other body has a Marxist background.

Many people with whom I talked said flat out that he is a Communist.

Mr. Blandon has made some very interesting revelations during his testimony before the committee in the other body regarding the military strongman, the head of the Narco military complex down in Panama, General Noriega.

He has also made some allegations regarding the Vice President of the United States who is now running for President, Mr. BUSH.

Because Mr. Noriega is perceived to be everything that he has been depicted to be by Mr. Blandon and others who have been involved in the indictment of Noriega by our Government in Miami, our U.S. Attorney in Miami with the assistance of the Drug Enforcement Agency, it has given Mr. Blandon a great deal of credibility.

Now, I do not take issue with what Mr. Blandon has said regarding General Noriega, because I think his statement and the indictment together speak for themselves, but what I do question are the comments and allegations that he has made regarding the Vice President of the United States, i.e., that the Vice President called General Noriega the night before we invaded Granada. General Noriega contacted Mr. Blandon. Mr. Blandon contacted Fidel Castro at 2 in the morning and Castro then called General Noriega back around 4 a.m.

The Vice President has vehemently denied this took place, but Mr. Blandon has received a great deal of credibility in the media because of his denunciation of General Noriega and the revelations about General Noriega; so the credibility he has gained while attacking General Noriega I think gives him a modicum of credibility in other areas, that is, the allegations against the Vice President of the United States.

Now, I have a great deal of concern about that. We are in an election year. The Vice President of the United States is running for President. He appears to be the frontrunner right now and very well may be our nominee. The allegations that Mr. Blandon has made may very well come up in the Presidential campaign this fall if Mr. BUSH is our nominee for President.

For that reason and not because I have any real concern about his testimony regarding General Noriega, I believe that the other body and this body collectively should request that Mr. Blandon be given a polygraph. The testimony that he has given according to sources with whom I have talked is not essential to the case against General Noriega that is pending in Miami, FL, right now. That case I understand has enough corroboration from other witnesses to pretty much have an airtight case against General Noriega. At least that is what I have been told. So Blandon's testimony is not absolutely essential to that case; but even if it were, I think it is absolutely essential since he has made these statements about the Vice President that he be given a polygraph.

So I say to my colleagues in this body, Mr. Speaker, and all who are concerned, let us get Mr. Blandon polygraphed so we will eliminate any doubt once and for all whether or not he is telling the truth. I think it is absolutely essential not just because of General Noriega, but because of the Vice President of the United States, but I do not have much doubt about Noriega.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, the gentleman and I have made different selections of two honorable men in this Presidential season. One of them, the gentleman's candidate, is a good friend of both of us and is an outstanding leader in this Chamber, was our number three in the Republican leadership until he resigned for the Presidential race, JACK KEMP of California, by birth of New York, by the gridiron and by his great congressional service now in his 18th year.

I would wholeheartedly support our colleague, JACK KEMP, to be the President of the United States and an exciting President. I wish him well in the coming primaries.

But my man, the Vice President of the United States, has been about as loyal a Vice President as this country has ever seen just in this century ever. The gentleman would also support the nominee of our party if it is the distinguished and honorable GEORGE BUSH, correct?

Mr. BURTON of Indiana. Obviously, I would.

Mr. DORNAN of California. So what the gentleman is saying is that with all these rumors and everything floating around, generating out of Panama, which said rumors are now being stated as fact on the Columbia Broadcasting System, they are stating, I have heard it come from the mouth of Ghunga Din Dan Rather that Ollie North is a bosom buddy of this drug-running thug, Noriega, all sorts of innuendoes of ties to the Vice President.

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I want some of this Blandon testimony and I agree with my colleague, if this man is not a liar then he will not be afraid to be polygraphed. I would like to give him truth serum on top of it, because the networks tend to hang any type of a case on just the testimony of one person, no matter how flawed his background, and they do not do an investigation on him or follow him around as they did one of the former Senators, Mr. Hart.

I just think the gentleman from Indiana [Mr. BURTON] is absolutely correct. People are telling me that probably my candidate is going to win, maybe even on Super Tuesday he will get enough delegates to put him over the top, or be within reach of it, and then they turn around, these liberals, and say, "but we have got him and this administration in the Iran/Contra issue and look what is coming out of Panama."

I had my staff go back and get all of my speeches, but unfortunately we cannot get those from the Subcommittee on the Panama Canal on which I have served in my first 4 years, 1977, 1978, 1979, and 1980, but in my very first congressional delegation, a fact-finding trip like one that the gentleman from Indiana [Mr. BURTON] has just returned from in Panama, I went down there in February 1977.

We found out then that Torrijos was not very bright, and the man who was then Governor Reagan had called him a tin-pot dictator, and that he was run by Noriega, that he organized the demonstrations on our Canal Zone property at that time that we had in perpetuity, and that this guy was about as big a low-life that we had in Central or South America. This has been my understanding as we discussed it for 4 years as we gave away the canal, and as we have still discussed that whole situation, and GEORGE BUSH had said, no way, Jose, Joe, or anybody else that will listen, has he had anything to do with this drug-running thug, and of course until we hear from Lt. Col. Oliver North we do not know.

But I think the gentleman from Indiana [Mr. BURTON] is absolutely correct, let us nail this guy down.

I would inquire of my colleague, if he went down to Southern Command?

Mr. BURTON of Indiana. Yes; I spent quite a bit of time with the commander.

Mr. DORNAN of California. And you stood in front of the deposed President's house?

Mr. BURTON of Indiana. Yes; the Ambassador and I tried to go in to see President Delvalle but they would not let us in.

Mr. DORNAN of California. And the gentleman became aware of the Noriega secret police, the Dobermans, as in attack dogs, the Dobermans running around?

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. Did our excellent Ambassador, Ambassador Arthur Davis, an excellent man, a master sergeant in the Weather Office in World War II, an NCO up in Alaska? He showed me pictures of our Embassy, and I saw it with my own eyes, covered with red paint thrown by Noriega's Dobermans. Then Manuel Noriega's thugs broke the windshields and windows of every single U.S. car in Panama City that had Government plates on it.

This is back in the summer when I went down there with the gentleman from California [Mr. HUNTER], and the gentleman from California [Mr. DREIER]. So we have a strange situation here where the media without proof is suddenly trying to wrap this thug around the necks of those of us who were totally opposed to giving away the canal precisely because of the instability of drug running in Panama even then in 1977. They had all these apartment buildings that were called see-throughs. There were no occupants. They were big business buildings and apartment buildings, and they had all gone bankrupt.

The Midland Marine Bank was financing all sorts of loans, and I forget the name of the guy that was on President Carter's team to give away the canal, and in a closed committee hearing, I said, "How come your bank, Marine Midland, that your board of directors is on, Ambassador Linowitz, how come you are on the board of directors there? You have got all these loans down there. Of course you want to see Panama try to get money out of the canal."

He said, "Funny you should ask that, Congressman," and this was in closed session, but it can be released 11 years later, "I have decided today to resign from the board of directors of Marine Midland Bank."

I wonder if he would have resigned if I had not asked the question?

So all that nightmare we are reliving except for JESSE HELMS, who was so out-front pounding on the late Torrijos and the thug Noriega about the canal. Only JESSE HELMS seems to get an excuse slip from the liberals who are revisionist historians, and I want CBS to prove to me that Colonel North or particularly the Vice President of the United States or the Central Intelligence Agency had any dealings with this guy Manuel Noriega.

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, I think the gentleman from California [Mr. DORNAN] makes some salient points, and that is why I think it is absolutely imperative, if we are going to get at the truth, that we have Mr. Blandon polygraphed, and I will urge my colleagues here and in the other body to do just that.

I would like to say that after my visit to Panama, in reflecting upon it, we really have some fine people down there. I think our Ambassador, Ambassador Davis, and his staff are very hard working and are accomplishing this work under very trying circumstances and are doing an outstanding job. And I want to include in that General Woerner, the head of Southcom down there.

Mr. DORNAN of California. Terrific people.

Mr. BURTON of Indiana. They are doing a great job. I have great confidence that whatever happens in the immediate or foreseeable future that they will be able to deal with it.

I would just like to make a couple of brief comments about the Panama Canal because some of our colleagues in the other body and I think some in our body as well are advocating immediate sanctions or immediate embargoes against the government down there and against the people of Panama because they want to stop what is going on, and I agree. We want to get Mr. Noriega out because narcomilitary organizations like his should be stopped, particularly since they are sending drugs in to kill and maim the children of the United States and other parts of the world. But the people down there do not particularly care for General Noriega. The people down there generally like Americans.

I was very surprised to find out that there are very favorable attitudes toward this country down there.

Their currency is the U.S. dollar. They do not have a currency of their own, they use the U.S. dollar, so they are closely tied to us. If we in a knee-jerk fashion impose an economic embargo or sanctions against Panama I think it could create an anti-American sentiment among the people, not among the Government but among the people, that could have long-term effects that we do not really want to see.

I think pressure applied to the Government itself is already underway. We cut off economic and military aid to that Government I think back in June. They are in trouble with their loans, the country's loans to banks, and I think Panama is going to have difficulty even paying interest on their loans to the World Bank and to IMF. Some of their banks in Panama are in deep trouble. They tell me the Government revenues are down to such a degree they may have to lay off as many as 20,000 employees in the Government within a month.

If we just take a deep breath and hold on for a little bit I think Mr. Noriega may face all kinds of problems of his own making and because of previous pressures that are still ongoing that are being exerted on him he may find it in his own interest to leave Panama as quickly as possible.

Conversely, he controls all of the television, the radios, the newspapers, and the only thing one sees in the newspapers down there now are stories to the effect that the Gringos, the United States of America, is trying to undermine Panama's economy so that they can forcibly take back the Panama Canal and abrogate the treaty we have with Panama, and that we are going to put economic hardship on the vast majority of the people down there in so doing.

If we go ahead and impose these sanctions unilaterally or impose an embargo unilaterally, Noriega will say, "I told you so." I think it will give him more of a solid position than he has had in the past and it might keep him in power longer than he otherwise would be able to stay.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. I would like to inquire, your mind was not made up on that point when you went down there?

Mr. BURTON of Indiana. I say to the gentleman from California, no it was not at all.

Mr. DORNAN of California. If the gentleman will continue to yield, I defer to your judgment. That is interesting. I would have been inclined like some Members in the Senate were saying, to sock it to them but sometimes a little fine-tuning to help the people is very important.

Mr. BURTON of Indiana. If I might reclaim my time, let me say I think it may be something we might have to do later on. We may have to do a lot of things. I do not think military intervention is necessary now or in the foreseeable future. I do not think we should impose sanctions unilaterally by ourselves now, but we may have to later on.

The interests of the United States and the free world and this part of the world are very closely tied to the Panama Canal and the Isthmus of Panama. I think we should take a long hard look at what we are going to do and see what ramifications that has not only for the people of Panama and the Government of Panama but what it might portend for the people of the United States as well.

We have a lot of American business down there, a lot of American investment, a lot of American citizens, 10,000 military troops, and I have been told as much as two-thirds of U.S. commerce is affected directly or indirectly by what happens in the Canal Zone. So if we impose economic sanctions unilaterally or impose an embargo unilaterally which leads to an escalation of the problem and maybe a military conflict, we could see the ships going through that canal slowed down or maybe even stopped and that would have a real bad impact on the United States and every State in this Union.

We have to think of the long-term ramifications of our actions before we jump into any situation down there.

I am not saying it may not have to be done at some time, but we should not do it in a knee-jerk fashion. We should take a little time and decide when it is the right time and when it is the right course of action for us.

A lot of our Latin American neighbors feel the same way. They think that democracy should flourish in Panama like it is in other countries down there. They have come out in favor publicly of President Delvalle and I think if we do it in concert with them, even if they do not impose sanctions, but if we make a move in concert with our friends in Latin America I think it will have more of a positive impact. If that does not work we may have to do something else.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. All of our Latin American neighbors, and a lot of our European friends use the Panama Canal. They are well aware that since President Woodrow Wilson pressed an electric button in the Oval Office at the White House in 1914, that until now in all that time when we were the builders, the financers, and the caretakers of the canal, that we have only raised the tolls three times. That is remarkable given the inflation that has gone on in this world since 1914. Since Teddy Roosevelt launched that project and since in his second year Woodrow Wilson got the honor of opening the first canal gate with an electric system that went from Washington, DC, all the way to the Canal Zone, these people are well aware of how well we have managed that canal. They are very worried about an unstable government taking over, and finding itself in a bankrupt situation such as with every Socialist and Communist country in the world, and then having Panama say, well, what is our largest asset? What is our treasure?

The same argument was used by the Speaker on this floor when he was majority leader when we had all the doors sealed, because we had had a lot of secret information on just what a thug Noriega was, and then JIM WRIGHT got up and made this compelling speech and got a standing ovation, and it all went down the tube. They opened the doors, we went into public debate, and many people were unable to know what was divulged in the first sealed Chamber briefing in this Chamber in over a century and a half. But it prevailed in this House to give away the taxpayers' property down there and all our holdings as of 1999 and now all these countries are doing the same to us on Central America, the Arias peace plan, Yoko Ono singing about giving peace a chance, and they are doing the same to us 11 years later that they did to me in Central America in 1977 and that is to say just do not give away that canal, Torrijos is unstable, not very bright, and he is run by this thug Noriega anyway.

Then they turn around and because of home domestic problems about poor Latin Americans and we have this big colossus to the north, they turn around and publicly say to give up the canal.

Now we are getting the same private testimony and public contradiction going on right now about Nicaragua and its Communist government.

Mr. BURTON of Indiana. Reclaiming my time, all these things we are starting to see are interlocked. One thing that concerns me is that we should probably have never given away the canal in the first place but after having said that we have signed a treaty that does give up control of the canal and gives up ownership of the canal so to speak by 1999. Some of my colleagues are saying that we should take it back immediately, and I think there are a lot of people in this Chamber, Mr. Speaker, and on the Hill and around the country that think that that would be a good idea.

I would like to just tell everybody a little bit about some of the problems that we will face if we try to go in and take that canal back immediately. I think the people across this country need to know this as well as our colleagues, Mr. Speaker, that is, that the canal is 52 miles long. At one end is located Colon, at the other end Panama City. On both sides of the canal all the way down there is jungle except for a few short spans of distances there. A lot of that canal has hills on both sides, not mountainous but very, very hilly, and they have an erosion problem. The mud and sludge that come off those hills, and the tides going in and out necessitates constant dredging. They have dredging equipment that dredges out that canal all the time keeping it open so that ships can pass through.

That is an ongoing problem. In addition to that there is a dam about a half-mile long in a clear-water area from which they get about 8 million gallons of water to take each ship through the canal. This is fresh water that goes through the locks, raises the ships up so they can go to the next lock, and empties out into the Atlantic or Pacific Ocean depending on which way the ship is going.

The problem is there are 104 miles of jungle, 52 miles on each side of the canal. In addition to that we have the dam that has to be protected.

□ 2045

Everybody in all parts of the world, the free world and the nonfree world is anxious to keep the canal open because we all have a vital stake in that and an interest in that.

But before we get involved in a military conflict, trying to force or to abrogate that treaty or take it back, we need to make absolutely sure we are handling it in the right way, if that is the course of action we decide to take, because defending that canal from one end to the other would necessitate I do not know how many troops and how much money. And even if you did that, you still might have some nut, some guerrilla, get up there and blow up part of the mountain with plastic explosives, or that dam, and you would not be able to get the ships through there, and that would have, as I said before, an adverse impact on our economy, the United States of America.

So we may have to think about renegotiating that treaty. We may have to think about a lot of things. We may ultimately think about economic sanctions or even military intervention, I do not know. These are things we are going to have to look at as time goes by.

I hope the problem kind of resolves itself as General Noriega sees what the consequences of his actions are, and I think ultimately he is going to feel that pressure. But we ought to look at all of this in both bodies before we jump into it, and I would urge as many of my colleagues, if possible, if they have the opportunity to go down there and educate themselves for 3 or 4 days on what the canal is all about, what the situation is so that when we do vote on something of that magnitude that will affect this country militarily, economically and every other way that we make the right decision. No knee-jerk reactions.

Mr. DORNAN of California. When you were briefed by the Southern Command, one of our 10 combatant commanders around the world that answers directly to the Secretary of Defense, who answers directly to the

President, in any impending crisis or red alert the Secretaries of the military services are cut out of the picture and it is the Commander in Chief, the SECDEF and Southern Commander, and one is the Southern Command and he has the largest area of responsibility of all 10 commands with the smallest—he may be second to the Pacific, but the smallest number of men. Most of his men are assigned to him, but they are doing something somewhere else. General Warner, right?

Mr. BURTON of Indiana. The gentleman is correct.

Mr. DORNAN of California. His predecessor, John R. Galvin, he has gone from this smallest asset commander to our most important command traditionally, SACUR, Commander in Chief of all forces in Europe, and also the commander of all of the American forces in Europe.

Has my colleague not noticed since General Galvin, a 4-star Army general has gone from the Canal Zone to Brussels, Belgium to NATO headquarters how we do not have any more of our NATO allies criticizing us about our policy in Central America, because one of the things that all of the military officers in NATO said was they could hardly wait to get their hands on a 4-star general who would be their Supreme Commander, Europe, to lecture their politicians. And he has been doing this for almost a year now about Central America. And General Warner was pointing that out to the four of us who went down there in July.

If I could just cross a couple of your t's, that Culebra Cut there which was the largest Earth-moving operation in history, and still is, we picked up where the French left off; that is, what they could not get accomplished in the 1890's and because of the disease also. In that cut, it is so narrow, you are right, the hills are so high on either side that if somebody wanted to bring in a ship, and all ships have free passage there, and have mines in the bottom of the ship, to detonate the ship, to jump the ship at night, or to not even let your own crew know. The Communist world has sacrificed a lot of their own soldiers in many conflicts in the last 70 years, to just blow a ship externally on the internal Culebra Cut, and it would take months to get it out of there.

But the worst of all is what you said about the water, the Gatun Lake, one of the largest man-made fresh water lakes in the world which is fed by rainfall.

Mr. BURTON of Indiana. From the hills.

Mr. DORNAN of California. Right, and the rainfall in Panama is not all that regular. Sometimes that lake is down, dangerously down. Every time a ship goes through the canal it is flushed out both ends into the Atlantic and Pacific. I remember, 55,000 gallons of water? It cannot be 55 million, 55,000 gallons of water right out of that fresh lake.

Mr. BURTON of Indiana. No, it is much more than that.

Mr. DORNAN of California. Then it must be 55 million gallons.

Mr. BURTON of Indiana. I think that is probably right.

Mr. DORNAN of California. Just to replace the lost fresh water going up to Gatun Lake and Miraflores Lake and the other lock, three together on the Atlantic side and two and one broken up on the Pacific side, all that water goes out only to be returned by rain.

Imagine a commando operation. Although it is well guarded, as we saw, imagine blowing the Gatun Dam, and all of that water from the Gatun Lake going down to the bottom. How are we going to pump water into there? Is it going to sit 10 years until the rain water goes back up that lake, or 2 years or 3 years? It is absolutely so easy to sabotage that canal.

That is why in the Second World War when our troops and our fighter planes were needed everywhere we had squadrons of P-40's, whole naval task forces on either end guarding the German U-boats on one side and the Japanese submarines on the other to stop them from destroying this world treasure, and even to this day if there is a crisis in Europe, all of the Pacific coast troops and assets, what is it, 60, 70, 75 percent has to transit the Panama Canal.

Mr. BURTON of Indiana. If the gentleman will yield back to me, that is a very salient point. That is why if we decide we have to do something down there, it should be done in a calculated, thorough manner so that we have enough personnel there to protect all aspects of it, which is going to be an awful lot of people because you are looking at 104 miles of shoreline in a jungle area. So when my colleagues on the other side, in the other body, and maybe even in this body start talking about precipitous action, after having been down there I start to shudder a little bit and say, hey, your approach may be wrong. Your goal is correct but let us think about where we are going and what the ultimate ramifications of our actions are going to be, because we are not talking about repossessing a car. We are talking about a major thing that has a tremendous impact.

Mr. DORNAN of California. It is fragile.

Mr. BURTON of Indiana. Let me just talk about something else. I know the gentleman was going to talk about and may yet, and that is the Panama Canal and how it is affected by the surrounding countries.

General Noriega, I understand from radio accounts, television accounts and newspaper accounts, has received support, verbal support and possibly a promise of military support from Fidel Castro of Cuba and Daniel Ortega of Nicaragua saying that they stand with him in his fight to remain in power and keep control of Panama. These are 2 Communist leaders who have a different agenda for the people of this Hemisphere, and they have now come out openly supporting this man who is supposed to be not dealing with them, and giving him offers of not only verbal support but I understand possibly military support if necessary to keep control of Panama.

My colleagues on the other side of the aisle, and some on our side of the aisle, I think there were 12, ought to think about that when we vote down the road, tomorrow and down the road on very critical issues like Contra aid, because they have shown their true colors. They have said in the past, Daniel Ortega, that he wants that Communist Government of Nicaragua to expand throughout Central America, all the way down to the Panama Canal and down into South America, and up into Mexico to endanger our soft underbelly, the southern flank of America, the Mexico-American border. Here for the first time that I can recall he is actually saying to another leader down there we are going to give you help if you need it.

That just shows very clearly to me that he intends to make good on his promise to export revolution, as he has been doing in El Salvador, Guatemala, Honduras, and even down into Panama. When you are talking about Guatemala, Honduras or Costa Rica and El Salvador, those are very important countries. But when you talk about Panama, you are talking about the jugular vein economically and possibly militarily of the United States of America. And for my colleagues on that side of the aisle and some on our side of the aisle who say, well, what are you worried about Nicaragua for, it is such a small little country, they have only 129,000 or 130,000 men in their army right now, there is a danger if they start trying to get control of the jugular vein of North and South America, the Panama Canal, and they have already expressed interest in it, and so has Castro.

The only two government leaders in our Hemisphere who have come out openly in favor of Noriega were two Communist leaders, Fidel Castro and Daniel Ortega. Now if that does not tell the people of this country and this body something, I do not know what it does. It lets them know what the agenda is, what the objectives are of the Communists in Central America, and their strings are being pulled by the Soviet Union and the Communist bloc controlled out of Moscow.

So my colleagues, we had better be concerned about helping those freedom fighters down there in Nicaragua, because they truly are not only fighting for their security and the freedom of their country, but our own as well. And it looks like they have been fighting all along to keep the Communists from getting control ultimately of the Panama Canal.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. You and I were going to participate in a special order by our colleagues, the gentleman from California, Norm Shumway tonight, and now we have these rules around here that you and I occasionally flip on that we are not allowed to refer to anybody in the gallery, even though they pay all of the bills around here, we are not allowed to refer to the press, although in the British Parliament they always refer to the fourth estate behind them in the same general location, but let us put it this way. Talk about national technical means, Cuban Americans, hundreds of thousands of them in the Southern Florida area and throughout the country, and a lot of them in my area, in Los Angeles, Orange County area, they were looking forward to tracking, let us say, through the written record and otherwise this special order about human rights violations in Cuba.

Our colleague from California Mr. Shumway, as I said earlier, has laryngitis, and hopefully he will be well tomorrow, and you and I will participate with him again probably to have maybe not a post-mortem but maybe it will be an analysis of the victorious vote for freedom. This seems to be our monthly Contra tyrant vote, the freedom fighter democratic resistance vote. Maybe it will be on the 3d of every month. My birthday is April 3, next month, and maybe we will do it in April, May, June, July, and we will just keep going like this. Anyway, February 3 and now we have one tomorrow, March 3. I would like to read the first part of Mr. Shumway's "Dear Colleague" letter. To my people who follow the written record know what is coming up tomorrow.

> Dear Colleague, as you know, the United Nations Human Rights Commission is expected to vote on a U.S. resolution which simply asks the Commission to investigate the continuing reports of serious human rights violations in Cuba.
>
> There is no disagreement about Cuba's human rights record. It is one of the few countries in which a political prisoner," that is our first amendment generally, "can be sentenced to 20 years, survive the horrors of Boniato or Combinado del Este prison, and not be released two decades later," even when he has served his entire prison sentence.
>
> Why is the vote expected to be so close again this year?

Remember one Member pointed out that India went against us, Mr. Gandhi, the former 747 pilot, the dashing figure who stood before us at that treasured spot up here where Winston Churchill stood and lectured us about Central America, and he put Vietnam out of his ken. He does not worry about that any more, but he votes, I guess, because he has Lenin Square in front of his presidential palace, and all of the Soviet joint commitments to make Mig's, even up to the Mig-29 fulcrum, and let us hope that India comes to its senses as the world's largest democracy in population. Why is it expected to be so close this year, Mr. Shumway says continuing, because "Fidel Castro is an expert at terrorizing his own people. He is also an expert at terrorizing the democratic nations in this hemisphere. Last year Cuba warned that 'armed disturbances' would occur in countries which supported the United States resolution."

Imagine the arrogance of this guy. But then he is going to be watching his eighth United States President come into office in January while he has been there without having had an election.

"The international community has ignored the suffering of the Cuban people for nearly 3 decades," 30 years. "The time has come for those countries who believe in fundamental human rights and freedoms to take a stand on Cuba."

The gentleman from California [Mr. Shumway] has excellent material here, fabulous statements of our great Ambassador up there, the incomparable linguist Gen. Vernon Walters. He has statements from Armando Valladares. When we came back from a fact-finding trip in Honduras and Nicaragua and we put in a call to the White House to go down and give a report to President Reagan. Reagan called me and said welcome back to you and Mr. Burton, Bob, and then he said, Bob, guess what. I have just done something you are going to enjoy. I have appointed Armando Valladares to the Human Rights Commission and the U.N., and then Castro together with the Kremlin went into a high-powered disinformation program to try to shred this man's reputation, but anybody who has read Valladares' book, "Against All Hope," or has met this compelling figure, they know that this is just more Communist lies to destroy a good man.

So I look forward to participating with you and the gentleman from California [Mr. Shumway] in the special order tomorrow night.

Mr. BURTON of Indiana. I may or may not be able to participate tomorrow night, depending on workload here and the time we get out, because I have commitments elsewhere. But I was going to do it tonight. So I would just like to make a couple of comments about that, and I hope Representative Shumway will forgive me for starting a little earlier. He may want to make some comments too.

But the gentleman talked about India, and I think India is very important because they introduced an amendment last year which in effect killed any kind of human rights investigation regarding the atrocities that have been taking place at the hands of Fidel Castro and his government in Cuba. India, over the next 4 years, is receiving about $600 million in direct economic aid from the United States of America.

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India, immediately after they received this promise of economic assistance over the next 4 years——

Mr. DORNAN of California. All borrowed money against our grandchildren.

Mr. BURTON of Indiana. Yes, all borrowed money against our grandchildren. They had Daniel Ortega, the Communist dictator of Nicaragua fly to New Delhi and they gave him one of the highest medal award honors that they can possibly give a foreign leader. They gave him $10.4 million. After getting $600 million in commitments from the United States that is.

So it is our money they gave to the Communist leader of Nicaragua whom we have been opposing.

Mr. DORNAN of California. Argentina did the same thing.

Mr. BURTON of Indiana. Did they? I did not know that.

Well, he took that $10.4 million, flew out with his medal and a big smile on his face and I understand he went to China and bought some weapons which he is now using in Nicaragua against the freedom fighters, the Contras.

So this gentleman, Rajiv Gandhi, the head of India not only took our money and then shafted us by helping Daniel Ortega but now we are trying to get at least an investigation into the human rights violations taking place in Cuba by having the United Nations investigate through a United Nations resolution and India comes in and stops even the investigation of human rights atrocities. And I think that is reprehensible. I think we should reevaluate our aid program to India.

The gentleman from California pointed out that they are building Mig-29 fighter bombers. That is the most sophisticated weapon I think that the Soviet Union has, at the present time. I know they are working on some others. But they are producing those in India and I understand India is going to get some of those weapons for its own use.

In addition to that I understand they are tending Soviet submarines in the Indian Ocean off the coast, they actually come in and have port privileges in India.

So as far as India being our ally, they are really not and as far as them being a nonaligned nation, I think that is a bunch of baloney. They are tied to the Soviet bloc even though it is not readily noticeable.

The other thing I would like to point out, and I have a number of these things, some of the countries that voted with India last year to divert attention away from Cuba were Algeria, Bulgaria, Ethiopia, East Germany—you would expect the Communist countries to do that. But then Mozambique, Mozambique is one of the countries that our State Department is saying we can wean away from the Soviet bloc. Well, they are not being weaned away very far because they are still supporting the Communist dictatorship and repression that is taking place in Cuba right now even though—there you go again—we are giving them economic assistance.

There are some people like our Ambassador, our new Ambassador over to Mozambique who is advocating that we give them, get this, military aid as well. It is a Communist government that has killed over 70,000 of their own people and they are asking for military assistance and economic assistance which we are already giving them. And we are going to wean them away from the Soviet Union? Sure looks like it with this vote of yesterday.

Mr. DORNAN of California. What the Assistant Secretary Chester Crocker should say to them is, "We are not asking you to vote with us but we are telling you no abstention, no aid." That ought to be clearcut. There has to be some quid pro quo for all this money that we are borrowing against our grandchildren with the No. 3 item in the new Federal budget, $162.5 billion in interest on the debt, and we go more in debt every time we give a nickel to anybody, but to give it to a Communist government that votes against us in the United Nations is incredible.

Mr. BURTON of Indiana. Yes, whose ultimate objective is to do us in. Then you go on: Nicaragua, Nicaragua voted against investigating Cuba. Well, you would expect that, that is a Communist dictatorship.

Yugoslavia, now in Yugoslavia we are buying Yugo cars by the boatload now. That does not make sense. I have auto workers in my district who are concerned about their jobs and the unfair competition. We have Yugoslavian workers who are being paid 50 cents to $1 per hour to build these Yugos and we are buying them in droves, in boatloads as I said. Here they are voting against our position in the United Nations just to investigate human rights violations in Cuba which Armando Valladares has said very clearly are legion down there.

They are torturing people, killing people, repressing people, no fair trial, nothing. Then of course the Soviet Union, you would expect them to be supporting Cuba since Cuba is one of their puppets. But we continue to loan massive amounts of money to the Soviet Union. I do not understand that.

I think once again this year we have an opportunity to put Castro in the docket, on the docket where he belongs.

In 1961, Fidel Castro said there cannot be—one cannot be neutral in Cuba. Over the years he has held to this creed. In Cuba today those who do not actively support the Communist regime are considered to be against it and they are treated accordingly.

Consider this: There are tens of thousands of political prisoners in Cuba. Even Jimmy Carter—now this is back in 1978-79—estimated between 15,000 and 20,000. Professor Edward Gonzalez of UCLA, a noted authority on Cuba puts the number closer to 25,000 to 80,000. Now look at that, 25,000 to 80,000 people being held as political prisoners down there. Che Guevara said, "We have no mercy for those who take weapons against us. It does not matter if they are weapons of destruction or ideological weapons."

Granma, the official newspaper in Havana said, "Before the revolution ceases to be, not one counterrevolutionary will remain with his head on his shoulders." The model for Cuba's edifice of repression is Stalin's, Khruschev's, Brezhnev's, and Gorbachev's Russia. Castro has proven to be an excellent pupil and in fact may have outdone his masters.

In 1988, Cuba can boast Soviet-style gulags, prison farms and forced labor brigades. Some of the longest serving political prisoners in the entire world are being held in Cuban jails according to Amnesty International. That is not our government. Cuba's prisons contain a larger number of prisoners in proportion to population than any other Latin American country. They hold five to eight times as many political prisoners per capita as the Soviet Union, itself. That is according to Castro's own figures.

Mr. DORNAN of California. The only country, pro rata, that has more prisoners is probably Nicaragua. They still have 10,000 prisoners or more with less than 2.5 or 3 million of their people who are in country, because the rest are in the United States as refugees in Honduras or Costa Rica. So Nicaragua may be even worse.

But even in Nicaragua unless we find out otherwise, as we found out with our POW's after the fact, even in Nicaragua as brutal as their captivity is, as many secret executions as there have been and torture, we have not yet heard of examples being thrown into pits of human feces or being put in a cell, solitary confinement, total blackness, stark naked for 8 years, 9 years, which happened to the Ambassador to the United States. Senor Vargas, who Jesse Jackson came out and right here at Dulles while Jackson was posturing about getting these people out, Ambassador Vargas says, "With all due respect to the Reverend here, he has been used," "You have been used, Senor. Don't think that Castro has mellowed or that this is any type of gracious move. This man is a hardened Communist and although I am glad to be out we have been used to further his goals." And that is after 22 years.

Mr. BURTON of Indiana. I am glad the gentleman brought that out, because this is something that really concerns me about the race that is going on for President right now.

The gentleman to whom you just alluded, Jesse Jackson, I talked to him about the atrocities that were taking place in Nicaragua and he was down there and put his arm around Daniel Ortega. He subsequently on the same trip flew up to Havana and put his arm around Fidel Castro. They had a very friendly meeting.

Mr. DORNAN of California. He declared him a reverend, raised his hand to the air and said he was a man of God.

Mr. BURTON of Indiana. And he has also been very closely befriended I think by President Assad of Syria.

Mr. DORNAN of California. And hugging Yassir Arafat.

Mr. BURTON of Indiana. And hugging Yassir Arafat, and other people who oppose the goals and ideals of the United States and other free world countries. It really concerns me that the people of the United States do not understand at least what this one candidate's position is with a lot of these people who oppose our very way of life.

I hope that comes out at some point in the campaign because I think it is extremely important. When we put somebody in the White House we certainly want to have somebody in there who upholds the goals and objectives and principles that this country stands for and is not falling prey to the ideological views of people like Castro and Daniel Ortega.

I took a man named Teafillo Archibald to see Jesse Jackson when he was here. He was meeting with the Black Caucus.

Tiafillo Archibald was from Bluefield, a black from Bluefield who supported the Sandinista government, the Communist Sandinista government when they took power. He worked with them, because he thought they were going to bring about democracy in that country.

Well after he found out what they were really all about, he started opposing some of their policies. They put him in a gulag-style jail, a very small one. They pulled his fingernails out one by one. He showed me what they had done to him. I took him to meet Jesse Jackson. I said I want you to talk to this guy because you think Daniel Ortega is the George Washington of this country. In fact, I heard him say that, I heard him make a statement to that effect, at least I recall he made a statement to that effect. I think it was published in Time or Newsweek.

And he looked at this man and talked to this man. The man showed him his fingers, talked about the atrocities, burning people alive to death, he talked about these little villages down there, the repression of the Miskito Indians and so forth and Jesse Jackson looked at him and said, "Well, those kinds of atrocities unfortunately take place in any way. That is the price of war. But fortunately when this thing is all over they will head toward democracy in Nicaragua."

I believe and hope and pray that Jesse Jackson, Reverend Jackson has been duped by Daniel Ortega, Fidel Castro, and others. But the fact of the matter is he at least has been gullible enough to believe those people. I think we ought to think long and hard about that as we debate the issues in this Presidential campaign because he is becoming more and more of a strong political figure. People ought to know his foreign policy views clearly.

Mr. DORNAN of California. I did not get a chance to tell the gentleman this today. The gentleman and I were witness to something back in September when the gentleman and I were on a fact-finding trip to Nicaragua and then Honduras. We went out to somewhere in Central America to one of the command centers of the freedom fighters, the so-called Contras, what our colleague Henry Hyde calls the Contra tyrants.

The gentleman will recall I had a lifelong friend with me. Since 1943, 45 years, we went through 3 years of grade school, high school, college, and I went into the Air Force as a pilot, he went in as a dentist. We both came out captains. Lifelong friends. He has six kids. His name is Terry O'Brien, you remember Dr. Terrence O'Brien.

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. The gentleman will remember we had a Member of the other body, a Senator with us who has to remain nameless under the rule. But remember some of the Central Intelligence Agency people were saying, "Don't let the Senator go in such and such a tent. We don't trust him." Well, that is too bad, that they don't trust somebody. But remember he went down there to Managua and would not let us go in with him to meet Ortega. Now do you think if Ortega had said to him in that meeting, "Tell me, Mr. Senator, what did you see there in the Contra camps, what do the battle maps look like, how much provisions do they seem to have?" Do you think he might be willing to share with his friend the Ortega brothers, what he saw? I am inclined to think so as a matter of fact, having watched him for years.

Mr. BURTON of Indiana. Well, I hate to speculate on things like that. It would bother me to no end if I find a U.S. Senator or Representative would stoop that low.

Mr. DORNAN of California. Well, you know one of the newspapers around here couched in sort of critical terms that the gentleman and I went down there. We had five Members on that trip. It was my Codel. Three of them cancelled, one of them ill, one of them from exhaustion the night we were supposed to pick him up. So we went down, the two of us. But this member of the other body had a private Air Force airplane—not private, I mean a U.S. taxpayer airplane—all by himself with a civilian aboard named Ed King who is the chief honcho—he was discharged from the Army for refusing to go to Vietnam in 1971 because it was combat—he ran the appropriations operation for some of our Members. The gentleman will remember he said, "Who is this man sitting in on this top secret meeting and briefing?" He was introduced as Federal staffer and he is not a staffer at all.

Mr. BURTON of Indiana. He said he was a staffer for the majority leader in the U.S. Senate.

Mr. DORNAN of California. But unpaid staffer. Just a consultant. I still do not know if he was paid, but I know he is one of the people our Speaker tried to force on Cardinal Obando y Bravo along with Wilson Morris of the Speaker's own staff. You will recall when the gentleman brought that up to the Senator, the Senator said "Well, why is Dr. O'Brien here?"

Well let me tell you what Dr. O'Brien did last weekend with his beautiful wife Joan. The gentleman is hearing this for the first time. He got to know Terry on that trip.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. He went down as he promised that he would and as he promised Ambassador Briggs he would. He went down for 3 days just over this last weekend—he just got back yesterday—and he saw 32 freedom fighters, young people. He said all of them dark-skinned peasants. He did 29 restorations, 5 extractions on one man alone and other extractions, 6 impressions, 70 flouride treatments and found out that there are only 150 dental technicians in all of the Contra forces, only 1,500 medics of any kind. That is not doctors, just first aid type medics. And less than a tenth of that are dental technicians. He said some of these kids the teeth were just rotting out of their head with exposed nerves, in combat with this intense pain. He said some of them he could only give one shot to and then work on them for hours. He worked all day long from dawn until dusk. He said he was so impressed with their bravery and decency, he said as an American citizen, "It infuriates me to hear Members in Congress get up and talk about these young boys and girls, that they bayonet pregnant women, their fellow campesino peasants, rape people burn farms and all of that."

□ 2115

He was so touched by these people he said, "Several times I was choking back tears looking at some of these young fighters," some who would never go back into combat because they had lost arms and legs, others who had slight wounds or no wounds and would be going back into combat and maybe be dead within days or maybe be hunted like animals by this 140,000-man reserve and active duty Communist force built up by the Ortega brothers and their 7 Communist members of the junta. It was really touching to me that my lifelong friend followed through on his promise to Ambassador Briggs.

Mr. BURTON of Indiana. Mr. Speaker, I admired him then. I admire him even more now. His statements bear out pretty much what you and I have known for some time, and that is that the Communists in Nicaragua have followed the lead of their masters in the Soviet Union in building up a perfect or almost perfect disinformation agency down there equivalent to the KGB in Moscow. They are very effective in manipulating American newsmakers and the views of the American people by sending disinformation up all the time.

As for the disinformation the gentleman talked about concerning the atrocities, there have been, I am sure, some on both sides, like their is in any war, but the vast majority of the atrocities, according to the independent human rights agency in Managua, the vast majority or 90 percent of them are occurring at the hands of the Communist Sandinista government. Yet the American people are led to believe night after night on the news, when the news is broadcast on the problems going on in Central America, that the Contras are a bunch of animals, when you and I and the dentist you just alluded to; that is, your colleague, know for a fact from personal firsthand knowledge that they are not that kind of people.

Mr. DORNAN of California. Absolutely not. Let me say that we have been out so much, out more than we have been in, that I have not seen one human rights advocate get up in the well of the House yet and criticize Israel, nor have I, because I truly want to see that fine democracy survive. There is no better fighting force in the world, more disciplined or more courageous in combat, or more of a civilian force on active duty or off active duty, called back war after war; there is no better trained force in the world than the Israelis. And under tremendous pressure you see your lifelong friend next to you take a brick in the face and break his nose, and the next thing you know, you are breaking the fingers on a child. It is a horrible human rights violation. And, by the way, most of the soldiers who were filmed by CBS doing that, all four of them and their officer, are under court-martial and in prison right now.

Would Ortega do that to one of his? That is what the Contra freedom fighters have done. They have 80-plus people in prison right now for human rights violations, and they have had summary court-martials in the field and have executed some of their own members who were fighting for freedom but lost the objective of their goal to stop the human rights violations of Communists, and some of them paid for it with their lives by abusing their own people, the camposinos that feed them, that call them los muchachos, the boys, the commandoes.

So the gentleman is correct. We remember every incident throughout history, including some of our men in the South Pacific. And as Tom Braden, the host of "Crossfire", told me, Eisenhower had to send an order down to our beautiful doughboys that were liberating France and Germany and tell them, "Stop executing German prisoners. We are now up against old men of the home guard and young teen-aged boys. Stop executing them." But after a guy sees four or five of his friends blown away or a whole platoon loses their legs to mines, as happened before My Lai, discipline can break down. It does not mean your cause is unjust or your whole army is rotten or your nation is rotten; it means that you have had a break down of discipline. What you look for is the policy.

What is the policy of Israel? It is a human rights policy. What was the policy of Nazi Germany? It was a genocidal policy. What is the policy of the Contras? To liberate their country for freedom. What is the policy of Daniel Ortega and his brother and his seven cohorts, every one of them a dedicated Communist? It is to turn themselves into a Soviet colony. And out of Ortega's own mouth: "Castro is the past. We are the future."

Remember what Fidel said, that it was a great misfortune of history that he, Fidel, was born into a country of only 10 million people. He was dreaming of being Mussolini or Lenin. What is Ortega's dream? Probably to say that it is sad that he was born into a country of only 3 million people.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will let me reclaim my time for just a minute, Daniel Ortega just recently said, just last November, in a newspaper interview that what he would really like to be doing—and I think I am quoting him almost verbatim—what he would really like to be doing is what Che Guevera did, go to other countries to spread the revolution. That is what his goal is. That is what his goal is. That is what his objectives are, and if we let him do it, they will do it. He has already said to Noriega in Panama, "If you need any help, let us know," because that, they know, is one of our real vulnerable areas down there, and he is anxious to jump in down there.

Before my special order runs out, I would like to just finish up on the problems with the human rights atrocities in Cuba and why it is important that this U.N. resolution that is going to be discussed in Geneva in the next few days be passed, and I would urge all the countries that are going to be voting on that to think long and hard about what is going on in Cuba.

Who are these prisoners in Castro's jails? They come from every walk of life—men and women, doctors, lawyers, farmers, writers, unionists, priests, Jehovah's Witnesses; even one man, Andres Solares, who was thrown in prison for writing a letter to Senator Kennedy, a letter in which he was asking for advice about starting a political party.

As with Castro's protege, Daniel Ortega's Nicaraguan revolutionaries who fall out of favor or who dare to support democracy are dealt with severely. Dr. Martha Frayde, Cuban delegate to UNESCO in 1964, found that out when she criticized Cuban submission to the Soviet Union. Her reward for being a loyal Communist and for being one who criticized just briefly their subservience to the Soviet Union was a 29-year prison sentence.

Members of Congress and other public figures who chum around with Castro are accomplices to this abominable, pathetic, sorry excuse for a human rights record. Shameful silence of the U.N. and of those in the United States who condemn our friends in this hemisphere while failing to condemn Cuba; failure to condemn Cuba further undermines credibility of the U.N.

Frank Calzone, a native of Cuba, an expert on Castro's repression, said, "Castro's gulag is the most massive, systematic, and long-term repressive system in Latin America," with the possible exception, as the gentleman from California said, of Nicaragua.

Last year, "Non-aligned" India sabotaged our attempt to shine the light on Cuba. We need to pressure countries to help us on this. I have been talking to African ambassadors left and right on this since I am the vice chairman of the African Subcommittee. It is in our interest, and in the interest of the Cuban people, who are fighting so valiantly for their freedom down there and who are suffering daily in those jails, and the Cuban Americans in Miami, FL, in the southern part of this country, to really understand the problem, and they are urging the Members of Congress from the Florida delegation and others to take some active interest in this.

Cuba is a country that commits mischief around the world, i.e. Angola, Nicaragua, and elsewhere. Cuba is a country heavily involved in drug smuggling. We know for a fact that a MIG airplane helped to escort a plane into a military base in Cuba to unload narcotics.

Cuba is a country that abuses and tortures its own citizens.

Recommended reading for my colleagues: "Castro's Gulag: The Politics of Terror," by Frank Calzone, and "Against All Hope," by Armando Valladailes.

The Bible says, "Thou shalt not stand idly by over the blood of thy brother," in Leviticus. The Cuban people are our neighbors and our brothers, and we owe it to them to speak out. The friends of freedom need to raise their voices on behalf of the Cuban people who have suffered long enough.

Mr. Speaker, I urge all my colleagues in this body to take an active interest in this vote that will take place in Geneva next week.

Mr. DORNAN of California. Mr. Speaker, I would underscore what my colleague said about their closeness to us. Most of those Cuban Americans in south Florida will be voting for GEORGE BUSH, but one of them said to me, "We love this man because he didn't come down here and lie to us." He said, "There isn't much we can do for Cuba." He said, "May we ask you to suggest to a Bush administration that Cuba go back on the national agenda, that if Gorbachev, the General Secretary of the world's largest Communist Party"—although it is only 4 percent of the Russian people and all the other various ethnic groups in the Soviet Union—"if he can use the word, 'democratization,' "—and he used that very word, translated literally into the Russian—"if he can talk about that, when is Castro going to be pressed to the wall to talk about the democratization of that island 90 miles from Key West?"

I told him I believed that under any Republican administration Cuba goes back on our national agenda. It is immoral that under the disaster of the way Kennedy ended up the Cuban missile crisis, and all of his defenders proclaimed it as a moment of glory, that it ended up to be the sanitization of the vicious Communist regime, and that is that Bobby Kennedy and Cardinal Cushing did not morally get back the money from the Bay of Pigs, although they transferred that money into tractors and medicine, we are led to believe. We do not know what else transpired. But when we got back those Bay of Pigs invaders, did we get back all of them? And the ones who were the political people in the cities, who were open politically, they paid for it with a quarter of a century of their lives in these slimy Communist prisons in Cuba that I mentioned before.

Mr. Speaker, Cuba has got to be free in our lifetimes. Cuba Libre.

AN ANALYSIS OF THE CURRENT SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I do not have my A-frame here with all the charts of those gulag, Soviet-designed, Cuban-built prisons, 16 of them now, I am told, by the army general who is the President's National Security Advisor. I do not have all of those pictures tonight, but then this is not a postmortem.

Tonight is March 2. Tomorrow is our monthly up-or-down vote on the Contra "tyrants," the freedom fighters, the democratic resistance. So let me call this an analysis of where we are going in the so-called historic 100th Congress—that adjective given to this body, the Senate and the House of Representatives, in these 2 years, last year and this year, not because of anything we have done that is historical of import but merely because it is a round number, the 100th Congress over a period of two centuries.

Let us see if we are really going to write history for freedom tomorrow or again become the indispensable arm of the Soviet expansion in the Western Hemisphere. Then we will proceed to do that same thing—become the indispensable arm for Soviet expansionism in Africa because, if we crush the freedom fighters in Nicaragua, the next target is to crush the freedom fighters in Angola. And at this moment in Africa, on that Atlantic coast in Angola, there are battles going on at this moment between units on the Communist side, the forces out of Luanda, that are being commanded by Soviet officers right down to the battalion level—and there are even some rumors that Soviet officers are commanding some companies—not to mention Afghanistan. I am really shocked, having been in about 9 or 10 States over the last month working for the Vice President of the United States, because I want this GEORGE to become the first George since the first President. I want him to be the 41st President of the United States. And in every single appearance I have made for him on the road one or two people have come up and let me know that they have carefully tracked the record of proceedings in this House, either the written record or the national technical means we are not supposed to speak of, and they followed the special order that I had on the night of February 3 which I called a postmortem.

I even used an oxymoron in that at the beginning. I did not realize I had said, "Freedom is murdered temporarily." Of course, when you murder something, it is permanent. What I meant was, I had not given up hope. What I should have said is: It appears freedom is murdered, but it is not. That is a temporary situation.

But here we go again tomorrow. I have here a document I got from the National Security Council. I have trusted the NSC under every Democratic President we had. I particularly admired it under Zbigniew Brzezinski. I did not always agree with what President Carter's National Security Advisor said, but I admired him.

In this Chamber we have people who have utter contempt not only for President Reagan's policies but for his National Security Council. But our National Security Council, under this distinguished 4-star general, Colin Powell, gave my office this document.

Here is what it says: On 10 February, 1988—7 days after my postmortem last month—the Salvadoran Armed Forces engaged a unit El Pepeto in Eastern Chalatenango department, killing an insurgent believed to be a courier. Among the documents recovered from the body of the insurgent was the document entitled "Strategic Estimate." According to this estimate, during the time before the Salvadoran elections and the next harvest, the insurgency should make blows against vital points, increase not only suburban action but urban action, and generalize the war on highways in all parts of the country—in other words, continue destroying the infrastructure.

The document actually uses a new acronym, GPR, which is believed to be the People's Revolutionary War, and it says the GPR should fuse the political, military struggle. The document states that planning must be done in order to get the masses to break through legality and generate anarchy. Communism loves anarchy.

The document also assesses the insurgent view of United States policy toward Central American and internal Salvadoran political matters.

Now, even in an hour's special order, even tightening my stomach muscles and giving you all the energy I can to make you listen, I cannot touch on all this, so I will, by unanimous consent, submit it for the RECORD later.

This is a 19-page document in Spanish taken off this dead insurgent's body. As Cal Thomas put in in one of his excellent columns in the Washington Times, the other day, it was called "Lesson From a Corpse."

□ 2130

Here are some of the things it says. This is an exact translation:

> During the next few months of the harvest and the electoral campaign, a window of great political and military weakness of the Army and the Government will open. Our military plan during this time must be of an integral political-military character; we must seek to give military operations a better political content and reach the capacity for destabilization in the rearguard of the enemy—

The enemy being, of course, being José Napoleón Duarte, the one-term elected 5-year President of El Salvador, who everybody around here pretends to love and hug so much. I consider him a brave man.

> especially in the capital and principal cities.

This communique goes on, titled "Strategic Estimate."

> We need a wide strategy which combines all tactics and categories of effort. We must combine the guerrilla actions of destruction with political-economic destabilization by concentrating blows against vital points.

It goes on with an excellent analysis. You would think this was written by Lenin himself, Vladimir Ilyich Ulyanov Lenin, who died 2 or 3 months before his 54 birthday. I am 54 and when I think about what that man did, died January 21, 1924. He was to be 54 years of age on April 22 of that year. The way this Lenin has influenced the history of mankind, certainly the most improtant man, evil or good, in a millennium of the most important influence on the course of history, given the numbers of people who have died at the hands of communism, far more than Hitler was able to brutally murder in the 12 stinking years of his so-called thousand year Reich. The Communist killing goes on in most of the continents of the world right at this moment.

Listen to how well this is written, as though Lenin himself were guiding the pen:

> The special forces must also operate in this way in accordance with their own characteristic including local forces, clandestinity, and semi-clandestinity. But all these forces must always maintain their bond with the masses and work toward converting the masses into the largest service and intelligence structure of our army. We must understand clearly that our greatest strength lies in our level of accumulated

> forces and the social timebomb. We can use the GPR to fuse the guerrilia military struggle with the struggle of the large numbers of masses so that the fusion with give rise to the general insurrection. (Field comment: "GPR" may be the people's revolutionary war.)

So hope springs eternal. They tried to pull off this general insurrection within 10 days of President Reagan's inauguration back in January 1982. Is that not amazing? We have been trying to work this problem in Central America for President Reagan 7 years and almost 2 months, and yet in World War II, starting from scratch, with nothing, barely getting the draft going, we went from Pearl Harbor all the way to victory in Europe in 3 years and 5½ months. This has been double what it took to conquer Hitler, double what it took to wrap up Japan by Mid-August 1945, and we are still working this problem, with my hero, Reagan, still adhering to Jimmy Carter's off-the-wall figure, like the speed limit of 55 advisors in this beleaguered nation of El Salvador.

He says:

> The key factor with the masses is that we need to get to the point where the radical demonstrations turn into revolutionary and insurrectional actions.
>
> There must be appropriate planning and lines of action which break through legality and generate a state of anarchy, disobedience, and social disorder and causes the masses and members to make the decision to forget about fear of death.
>
> Never before has there existed objective bases as strong and dynamic as those which exist now which give the GPR an integral paramilitary character to advance in the widening and radicalization of the masses movement and the impositions of our conspiratorial policy in the FDP. (Field comment: other documents taken in this same capture show the expansion of "FDP" to be the Democratic Patriotic Front.) These objective bases will present an opportunity of exceptional importance through all of 1988 and a good part of 1989.

Get the feeling here? We are going to be voting on Contra aid again and again and again in the second session of the 100th Congress and in the 101st Congress and thereafter until the cancer of communism is removed from Managua.

Then he goes on another couple of paragraphs.

> However, the context of the document seems to imply that the "third forces" and possibly the other terms are references to garnering support from untraditional sources for example, as the document states, from within the United States. It must be taken into account that other forces can do a lot to help us get to the moment most appropriate to achieve victory. These include conspiratorial spaces and tendencies in the United States itself which have come about as result of the U.S. Central American policy.

I might add, that includes slimy films out of Hollywood, like the one called "Salvador," that they show in some of the Communist camps throughout Central and South America as a training film for how rotten the United States of America is.

I saw a movie on cable the other night called, "No Way Out," excellent movie with this young actor who starred in "Silverado" and "The Untouchables." In the film inside the Pentagon, of course they did not get permission to shoot over there, but they sure built a set that looked like it, inside that Pentagon, and of course liberal writers love to put down homosexual and then give them all sorts of special interest treatment, they have the Secretary of Defense who is having an affair with some young woman. They have as his senior aide-de-campe a homosexual who hires two guys as thugs to kill the Secretary of Defense's mistress girlfriend. Of course, how are these people introduced to the movie audience? And it is a big success, one of the most rented videotapes in America. "No Way Out" is the film. They are described as agency people, CIA people, who have just come back from Central America and the young naval hero, the lieutenant commander, says, "You mean these are people who work with the death squads in El Salvador and Honduras?"

And the guy nods affirmatively.

So here we have without batting an eye two CIA agents, he calls them, Oliver and Hardy. They are thugs. They crash and try to kill people all through the second half of the film. It is accepted in Hollywood that the CIA, of course, ran the death squads in El Salvador and is now setting up death squads in Honduras. Unbelievable. So these people understand, these Communists in Central America, they have a lot of friends in Hollywood.

Then it goes on after another three excellent paragraphs. I do not have time to read them all. It says:

> Our conspiratorial line is by its very nature bound to dialog and negotiated political solutions but the dialog is not the only form of conspiracy.

It goes on to say:

> Dialog is one form of the conspiratorial struggle but we must develop other informal methods that in the moment of opportunity of power can be more or less important than official methods.

In other words, Yoko Ono Lennon, all we are saying is, "Give dialog a chance."

Then it goes on to say:

> And we must remember that flexible discussion and proposals are needed to stimulate the conspiracy.

Another couple of valuable paragraphs that I do not have time to read, and it says:

> For revolutionary states and in the area of socialization, negotiation is an expression of victory. To force the United States to negotiate shows that the United States administration is politically weak and cannot mobilize all its efforts and that its policies are internationally isolated.

I wonder if they learned any of this from Vietnam.

> Imperialists during negotiations try to make concessions on weak points and try to preserve the other points. The concrete expression of this, in our case, is that there is United States congressional bipartisan support for El Salvador, but in the case of Nicaragua there are deep divisions in the Congress. The unity of the United States Congress in relation to aid to El Salvador will only be broken through strategic advance of the revolutionary movement. The time of the United States elections is the most propitious moment to favor this division.

They are dividing us to conquer us. Watch the debate on the House floor tomorrow. Follow it in the written record.

Esquipulas II—that is the so-called Arias plan, named after the President of Costa Rica, a one-term 4-year President, by the way—is a concrete expression of the negotiation aspect. There is, in Esquipulas II—sometimes referred to as Guatemala's, most commonly known as the Arias plan.

"There is, in Esquipulas II, for imperialism and its strategy for low-intensity conflict"—finally that expression of ours is making it into the Communist documents—congratulations, Maj. Andy Messing, you finally got that expression to be understood. The Communists always understood it.

> There is, in Esquipulas II, for inperialism and its strategy for low-intensity conflict an aspect which is a mortal game. The defeat of the Contras would be a grave strategic defeat for the United States, especially if we take into account the impact of failure in Vietnam and the geo-political position of Central America.

There is a field comment by our Intelligence analysists:

> It is clear from the text that the writer is using "Contras" to refer to the Nicaraguan Resistance.

In other words, this poor field guy hates to use the name the Communists in Managua tacked on to the Freedom Fighters, Dick Nicaraguan Resistance. However, if I ever need this man, I will tell him that HENRY HYDE says, "Call them Contra tyrants."

Right up there is the seal for Virginia. It says, "So always tyrants. Sic sempere tyranis." So let us call them Contra tyrants, our young freedom fighters.

It says:

"The failure of the Contras"—this is the Communists writing again—"and the acceptance of the Nicaraguan revolution for the United States can be a total global strategic change. It would also affect the U.S. counterinsurgency policy and support to the Salvadoran Government."

And right you are, Mr. Communist scholar, being curried by this young courier. Right you are. If the Contras are defeated in Nicaragua, driven into some Bataan death march toward the Rio Coco River in the north and the

San Juan River in the south to be picked up by American medical teams so some of our majority colleagues here, being humanitarians would pick them up and bring them to the United States, hopefully, Mr. Speaker, all of them to move to Fort Worth and get registered 5 years from now and vote in one of your elections up there.

Let us see what it says, continuing here:

> In spite of the bipartisan unity in the case of El Salvador—

Very fragile, only due to this liberal Democrat, Notre Dame graduate, Jose Durate—

> It would be very difficult to have to recognize defeat in Nicaragua in a global view. It would not be politically logical for the U.S. to take its hands out of Nicaragua and place them in El Salvador in the form of more military aid.

Do not bet on it.

> For these reasons, the Esquipulas II/Guatemala City/Arias/Wright/Reagan Plan—"is positive for the revolution. The Revolutionary forces can use Esquipulas II"—

And Mr. Arias, I add that—

> to divide and break down the opposition. The United States can give nothing and needs to beg for everything. The popular Sandinista revolution has established its rules and we have our own 18 points and 6 points. The United States is weak.

In the interest of time, I jump over the next excellent paragraph, and it says:

> El Salvador is a strategic pilot model for the application of low-intensity conflict methodology for the United States. Not only because of the geo-political factor, but also because of the characteristics of the model. El Salvador is a place where the United States broke the classic model of traditional military dictatorship and developed dictatorships of a new type which the United States classifies as "democratic processes"—

In other words, people going to the voting booth, pulling a little curtain and voting in secret, they call that a new form of imperialism.

I jump ahead:

> The failure of the Duarte model—

otherwise known as democracy—

> would have strategic implications. One thing is a revolution which triumphs over a traditional dictatorship. Another thing would be the fall of a Christian democratic government with a reform ethic.

In other words, they are admitting that Duarte's government is a Christian democratic government with a reform ethic and they want to make it fail because that is an advancement for what we used to call around here Godless—getting redundant—atheistic communism.

I jump through some tremendous material here, which will be in the RECORD:

> The longer the war continues, the more favorable is the situation for the revolutionary forces.

That is, Vietnam, French or American model.

> The bourgeoisie does not have prospects for resolving the economic crises and the internal contradictions of the situation tend to deepen. All this causes the imperialists to have less control and more instability.

And then we came to page 8. You have got to read this, my fellow American citizens, in its totality.

> The United States has started to display fissures in unity.

Yes, sir, right in this Chamber.

> Diverse factors have created this fissure, including tiredness of the length of the war—

because we are an impatient people—

> the destruction, the impossibility of winning and the realization that the war is an integral phenomenon based on economic, political and social difficulties.

Break the back of the Communist forces of terror, as we did in the Tet offensive, and then a distinguished American, Walter Cronkite, says, "I've had it." A few years later he says on the air, I heard him say this with my own ears:

> I am no longer going to call the enemy forces in Vietnam communist forces, red forces. I am going to call them only the Army of North Vietnam.

Was that not nice, the complete capitulation of America's No. 1 watched and No. 1 trusted newsmaker?

Now, here is a little document that all of my colleagues can get. Any American can write to the State Department. It is an easy address. United States Department of State, Bureau of Public Affairs, Washington, DC. You do not even need a ZIP code. Put "Foggy Bottom." It might get there faster. It used to be a swamp down there to the west of the White House.

□ 2145

This document that I want everyone to send for is called, America's Foreign Policy Agenda in 1988. That is a grandiose title. It has a nice number, it is Current Policy No. 1040. Does that sound familiar? That is your income tax return number. Just a little coincidence. It is Current Policy No. 1040.

Now here is a paragaph, and it is good reading, there are a lot of dreams here. It says in one paragaph on the front page that in Afghanstan, Angola, Cambodia, Nicaragua, our determined support for those fighting for their freedom has forced our adversaries to understand that expansionism and aggression are costly and that alien and repressive regimes will be challenged.

Not under my colleague, the gentleman from Missiouri [Mr. GHEPHARDT] they will not be. Not under the current Governor of Massachusetts they will not be. Certainly they will not be under Rev. Jesse Jackson. AL GORE, the gentleman who is running for President from one of the other legislative bodies around this Hill, the jury is still out. We will find out after next Tuesday whether people can believe that his great conservative or moderate voting record in the House turned into less support for President Reagan than TEDDY KENNEDY was throwing toward the President.

Here is a speech by a gentleman who worked on the National Security Council for most of the term of the President, Dr. Constantine C. Menges, resident scholar, American Enterprise Institute in Washington, DC. This document and I guess I will have to supply anybody who is interested, it is called Central America and Mexico in the Balance. Let me say this, I cannot put this load on my staff in an election year, just write to the American Enterprise Institute, get the number from information, it is Washington, DC, and this gentleman served in the Reagan administration for 5 years including from 1983 to 1986 as Special Assistant to the President for National Security Affairs. He is an expert on Central America.

Listen to this:

> If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than $2 billion in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance).

By the way, the Armed Forces in Nicaragua are owned by the Sandinista political party, not by the nation of Nicaragua.

That is a 10-to-1 advantage, and we wonder if our little force of 14,000 Contras, all of them inside Nicaragua now—there is no fighting unit in Honduras or Costa Rica—if they are going to be hunted down like dogs.

Mr. Speaker, I submit Dr. Menges' speech for the RECORD.

CENTRAL AMERICA AND MEXICO IN THE BALANCE,[1] FEBRUARY 5, 1988

In a dramatic vote late in the evening of February 3, 1988, the Democratic controlled Congress refused the President's request to provide further aid to the Nicaraguan resistance. Nicaragua's Ortega responded by calling for the "complete and total defeat" of the resistance. If Ortega is successful what will this mean for Central America and Mexico.

In 1982 the late, great Democratic Senator Henry Jackson said: "Leftist revolts in Nicaragua, El Salvador, and Guatemala are the preliminary stage for the ultimate assault on Mexico, the true Soviet objective in the Western hemisphere." Early in 1984 the Bipartisan Commission established at Senator Jackson's suggestion and led by Dr. Kissinger presented its report to President Reagan. The Commission, including a former chairman of the Democratic National Committee and Lane Kirkland, wrote: "As Nicaragua is already doing, additional

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[1] Dr. Constantine C. Menges is Resident Scholar at the American Enterprise Institute in Washington, DC. He served in the Reagan administration for 5 years including from 1983 to 1986 as Special Assistant to the President for National Security Affairs. This statement was made at a recent AEI foreign policy briefing.

Marxist-Leninist regimes in Central America could be expected to expand their armed forces, bring in large numbers of Cuban and Soviet advisors, develop sophisticated agencies of internal repression and external subversion."

President Reagan echoed Senator Jackson's warning in a May 1984 television address designed to persuade Democratic congressmen to provide adequate levels of aid for the friendly countries of Central America. "If we continue to provide too little help, our choice will be a communist Central America. . . . This . . . poses the threat that one hundred million people from Panama to the open border on our south could come under the control of pro-Soviet regimes."

If the Democratic majority in Congress continues to abandon the armed resistance in Nicaragua (by preventing adequate levels of military support), the linked dangers of communist victory in Central America and Mexico may well develop rapidly.

The Sandinista regime became the aggressor in the region when in 1979 it initiated armed subversion against its peaceful neighbors and, as President Duarte again documented recently, this continues despite the Arias plan. After Carter, Reagan, and the Central American leaders had tried diplomacy and economic aid as a means of persuading the Sandinistas to stop this armed subversion, aid for the Contras began in 1982. It was and is a defensive response to Sandinistas aggression, and it is consistent with the right of states to defend themselves and their allies.

Former Defense Secretary Caspar Weinberger told Congress that if it cuts the Contras off, the Sandinistas with full Cuban and Soviet-bloc backing are likely to expand dramatically their levels of military support to the communist insurgencies in El Salvador and Guatemala. Weinberger said this might include disguising thousands of Sandinista soldiers as communist guerrillas and infiltrating them into neighboring countries.

For example, at about one hundred per day or three thousand each month, it would take only about seven months for the now weakened Salvadoran guerrillas to have additional forces of 21,000. Since it requires about ten soldiers to contain one insurgent, this would mean that the Duarte government would have the impossible task of adding about 210,000 soldiers—a four-fold increase costing about $2 billion.

If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than two billion dollars in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance). Next, it is likely that the combination of a sharply increasing communist threat and the demoralization of the pro-democratic groups could lead to a communist Central America in two stages. First, a process including internal panic, turmoil and polarization—perhaps one or more military coups and the return of the violent right—followed by the Congress cutting vital U.S. aid to some of the friendly Central American countries. Some congressional Democrats would likely take a "let the dust settle" approach to any breakdown of the recently achieved democratic institutions. Second, the emboldened communist groups could step up terrorist, military and political action using the usual "broad front" approach to deceive some non-communist elements into helping them take power.

By now Mexico's plight is well known to many Americans: deep poverty unalleviated by the former oil boom; the belief of many Mexicans that economic mismanagement and corruption within the ruling Institutional Revolutionary Party (PRI), led to their years of economic decline; and unwillingness by the governing party to make good on its promises of genuine political liberalization.

Yet six decades of political stability, forty years of steady economic growth, and the adaptation to the effects of the 1982 economic crisis all testify to the strengths of the Mexican political system. It is likely that Mexico will continue to be stable and change through evolution unless the internal and international communist movements decide to attempt a seizure of power.

Unfortunately, history suggests that a communist victory in Central America is likely to be followed by a sustained and systematic strategy aimed at bringing the pro-Soviet communist parties of Mexico and Panama to power. The internal communist movement in Mexico, with the support of the Soviet bloc and Cuba, will use the communist countries of Central America as a base area just as Nicaragua has been used by the Central American communist movements since 1979.

Except for the governing party, only the communist movement in Mexico is organized in every area of life: a political party with tens of thousands of members, millions of voters, and clandestine apparatus; key communist labor unions and communist penetration of some ostensibly government-controlled unions; peasant organizations throughout the country; a wide array of Soviet-supported front groups; and, two large communist-controlled coalitions of disaffected poor which were formed after the onset of the economic crisis in 1982. To this must be added decades of close Mexican communist cooperation with the Soviet Union and an unusually large Soviet-bloc "diplomatic" presence in Mexico City and permission for the PLO and other terrorist organizations to maintain facilities in Mexico.

A communist strategy for taking power in Mexico will likely emphasize deception and speed in order to prevent the leadership in the United States from understanding until it is too late that a communist seizure of power has taken place. Once the decision is taken, it is likely that clandestine communist groups will deepen the economic and political crisis by sparking strikes, demonstrations, attacks on tourists, and sabotage of oil production facilities which in a short time could begin a sharp downward economic spiral and deepen the misery of the very poor.

There are many classic approaches, all of which have been tried and have often worked in other countries. In the context of deepening crisis, clandestine pro-communist elements within the governing party might cooperate with the communist party and gradually gain full control—this is the Czechoslovakia 1948 approach. Or communist cadres within the military might stage a coup to "reform the Revolution of 1910." This method was used in Ethiopia (1977) and in Afghanistan (1978). Or significant elements of the governing party might openly join with communist-controlled fronts in a coalition defined as the "the authentic and reformed governing party." All of this could be accompanied by terrorism directed at moderate Mexican leaders by groups claiming to represent various regional or class interests but in fact operating under clandestine communist control.

This combined with the lack of real knowledge about Mexican politics among U.S. leaders and the concerns caused by the new communist states of Central America could well mean that a communist government could be in power before there was any consensus in the United States about how to prevent that from occurring. Communist victory in Central America and Mexico would be a tragedy for the hundred million people who live there, and it would confront the United States with an enormous threat which would grow worse year by year.

Fortunately this can be prevented if the Congress provides the funds for the Reagan strategy of helping the people of Central America themselves achieve democracy and real peace. Since 1981 the number of democracies has increased from one to four among the five Central American countries. The Sandinistas came to power in 1979 by promising the OAS that they would establish genuine democracy and remain non-aligned. If Congress finally provides sufficient aid to the Nicaraguan Resistance, the people of Nicaragua can bring about a genuinely democratic government there which will also be at peace with its neighbors. The Democratic majority in Congress continues to face a historic decision in 1988.

Here is something that just came by our offices. Our written Record does not print charts or graphs so I have written the word "in" in front of each year. This shows how much money the Soviet Union has put into the military buildup of Nicaragua. This is all in United States dollars so it can be compared to something.

In 1979, nothing.

In 1980, $10 million, a pittance.

In 1981, $160 million.

In 1982, $140 million.

In 1983, $250 million.

In the year when this House cut off aid to the Contras and used this word "fenced" to talk about a punk $14 million, the Communists put in $370 million.

There was a slight drop down to $280 million, and then the big year 1986, $600 million of military aid.

In 1987 the Soviet Union came up with $505 million, that is half a billion.

Guess what happened during the Arias peace plan period. That is when half that money in 1987 came in, $250 million or $300 million of that $505 million.

But what happened to January when people including our distinguished Speaker were singing, all we are saying is give peace a chance? What happened?

During January the Communists, Gorbachev, little darling Mikhail Sergeyevich, and this is his birthday today. Just think, his birthday is today and what did Gorby do for us after leaving the White House, right before Christmas? He went back to the Kremlin and he said, "Go for it. Send them another $75 million worth of aid."

Happy birthday, you deceitful Communist leader, General Secretary Gorbachev, 57 years old. I cannot believe he sent them $75 million. Was that the way to treat you, Mr. Speaker? Was that the way to treat our Democratic leadership that has worked so hard to advise the Ortega brothers on how to be good little boys? How to conduct themselves in proper public relations terms during all the division inside this distinguished legislative body? Thanks a lot, Secretary General Gorbachev, for $75 million worth of military aid to hunt down those teenage boys and girls that we uniformed, booted, fed, armed and told to go into Nicaragua to fight for their freedom. Not mercenaries like the late Benjamin Linder, and I will give him his idealism, but he was a mercenary on Nicaraguan soil carrying a Soviet Kalashnikov rifle, AK-47, against Nicaraguans fighting on Nicaraguan soil for what they perceived to be Nicaraguan freedom, whether anyone agrees with it or not.

Mr. Speaker, I submit for the RECORD a letter I wrote to the President 6 days after that disgraceful vote on February 3:

HOUSE OF REPRESENTATIVES,
February 9, 1988.

The PRESIDENT,
The White House, Washington, DC.

MR. PRESIDENT: The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region. Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a "compromise" package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan Resistance. Let these liberals offer it without the Reagan imprimatur.

Mr. President, you can help the opponents of the Resistance to see the folly of their actions by making the American people aware that losing Nicaragua to communism is the inevitable outcome of the liberal's vote last week. We believe that the Democratic leadership is attempting to involve you in their political face-saving ploy to make it appear that they are concerned about the spread of communism in Central America. The facts show that the hard-core opponents of your policy fear the political fallout in November more than they fear the loss of Nicaragua to communism. You, Mr. President, must not be a party to this blue smoke and mirrors political trick.

Mr. President, we do not want to see a precedent of abandonment in Nicaragua spur liberal efforts to undo the Reagan doctrine elsewhere. You must leave office with the banners of the Reagan doctrine unfurled and flying high!

Additionally, we believe that the time is long overdue to get tough with Republicans who consistently vote against your highest priority foreign policy initiative. It is time they feel your political heat in this important election year.

We are here Mr. President, to help you implement your Central American policy.

Your loyalists,
Robert K. Dornan, Gerry Solomon, Buz Lukens, David Dreier, Dan Burton, Henry Hyde, Duncan Hunter.

I will just read part of it.

The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region.

I should have said throughout the world.

Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

My colleagues will notice that the President is not on television tonight, the eve before tomorrow's vote, and at a leadership meeting today all my Republican leaders indicated that tomorrow's vote is every bit as important as the vote of February 3. The President is not even asking the networks for time because they all turned him down last time except for the world's most important network, CNN.

Reading further, "Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a 'compromise' package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan resistance. Let these liberals offer it without the Reagan imprimatur.

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We are here, Mr. President, to help you implement your Central American policy.

This is signed "Your loyalists," DAN BURTON, who just left the floor, GERRY SOLOMON of New York, HENRY HYDE, who will probably be our anchorman tomorrow pleading eloquently as he always does to give freedom a chance, not a dishonorable peace as exists now in Indochina or exists in the empty marketplaces of Managua, Nicaragua, but peace with freedom. Give liberty a chance. Also, BUZ LUKENS, DUNCAN HUNTER, and DAVE DREIER. Those last two people went with me on a Codel down to Panama in July and got the full Southern Command briefing, and it is a stunning briefing and I do not know why it is locked up top secret away from all the American people who fund this place, and run this Government, and are asked to fund this trillion-dollar budget, and the American people do not get to see the top-secret information. As much as I admire my friend from California, one of the greatest Secretaries of Defense this Nation has had, "Cap" Weinberger, his biggest failure was that he resisted my blandishments and pleas to declassify 85 percent of this stuff called top secret, which the Soviets already know, which we Congressmen know, including the Senators and Congressmen who will not act upon it. As Jesus Christ himself said, "There are none so blind as those who will not see."

I do not know why we are keeping all these things locked up and we have to leak them out on the floor in dribbles being careful not to declassify anything ourselves when there is one person, as Lyndon Baines Johnson, President of the United States, taught us, here is one person that can declassify anything he wants by just opening his mouth and that is the President of the United States because he is the Commander in Chief.

Here is a document, and this is something we get in our boxes filled with this blizzard of paper, and this is from the Foreign Broadcast Information Service.

This is JPRS report on Latin America.

Listen to this. This is a document that has a section for every country south of the border and north of the border including Canada. It says this week a U.S.S.R. rice shipment arrives in Nicaragua. "A Soviet ship carrying a 5,000 metric ton load of rice arrived in San Juan del Sur," which is a port that we do not hear too much about. It is the last port on the Pacific Coast before one gets to Nicaragua. It is a beautiful little sleepy town.

"Distribution priorities are: first, the armed forces, then regions 2, 3, and 4 in the Pacific." Feed the men, that is what some of the liberals who are not for any help for the Nicaraguan Resistance no matter what, they will get up and say quite correctly that an army travels on its stomach, and it is a sleazy comment for what Colonel North calls a vascillating unpredictable on-again, off-again group of Members who go back and forth, they are going to vote for humanitarian aid not realizing that it is food, and the army travels on its stomach, so some people vote down freedom and are telling the truth more than some of the so-called swing votes.

It says after they give the armed forces their distribution of rice, then regions 2, 3, and 4 in the Pacific are next, and here the product has not been seen in places of distribution for some days. So maybe it is all going to the army.

Then it says down here another news story: Mass Organizations Denounce Israel—the heads of six Sandinista mass organizations sent a message to the executive committee of the PLO supporting that organization, an organization that was thrown out of Washington, DC, for bragging about terrorist bombings of school buses. These Sandinistas support the PLO calling for an international peace conference on the Middle East and condemning recent actions by Israel.

I do not think we will hear much comment on that on the House floor.

Here is another one, U.S.S.R. Graduates Association—an "Association of Nicaraguans Graduated in U.S.S.R." was formed December 19 in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the U.S.S.R.

Imagine all these kids coming back and indoctrinating communism to Central America, between us and South America.

When the Nicaraguan Government ordered the newspaper in question to shut down indefinitely after the U.S. Congress approved $100 million for the Contra revolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continue being the mouthpiece of the aggressor power; that is, us.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically, and morally dependent on the Reagan administration.

I wonder if my colleagues feel it coming here? Depending on what they do on the leadership side of the aisle, they are going to close down La Prensa again, the only paper they have opened up.

Mr. Speaker, three times I have corrected you. Do not do it tomorrow, sir, do not say they have opened up newspapers—plural. They have opened up one.

Do not say they have opened up radio stations. They have opened one, a Catholic radio station.

Please be accurate. No TV stations are open yet. Even Somoza had TV stations that were against him, and that he hated.

Mr. Speaker, I submit for the RECORD the JPRS article on Nicaragua.

U.S. INTERVENTION IN HAITI CONDEMNED

[Editorial: "Why Are They Meddling in Haiti"?]

Yankee hypocrisy and arrogance are once again looming up threateningly in the wake of the recent bloodstained events in Haiti. Mouthpieces such as the Miami Herald and Congressman Walter E. Fauntroy have outspokenly proclaimed the need for military intervention headed by the United States to assume a "democratic" course in that beleaguered country. Who has given the United States that right? Why didn't they talk about intervening in Chile in 1973 when Allende and 50,000 others were murdered?

The purpose is very clear. The United States is in no way interested in putting an end to crimes of the Tom Tom Macoutes or to the continuation of the Duvalier dictatorship through the Military Junta or other means. On the contrary, its interest consists in perpetuating a Duvalierism with Duvalier and in cutting short the mounting aspirations of the masses for freedom and democracy.

The comment that "Namphy has exhausted the people's patience" and that "he must go" is true, but not because the U.S. Government does not like him. It is simply choosing a perfect scapegoat to placate the masses, keep the system intact and put a "clean" face at its head.

The Yankees could not be more brazen, with the Miami Herald taking the invasion of Grenada as an example and saying bluntly that "this paper supported that invasion." They believe that this unfortunate precedent can be repeated in Haiti, calling on "the democracies of the hemisphere or the United States alone if necessary, to invade Haiti," as if Haiti were the private property of Americans and the Haitian people had no right to ascertain and resolve their internal differences on their own.

The dust is being shaken off the old protectionist practices, and another appeal is being made for "multinational troops to impose order."

The Latin American community of nations, which represent the fundamental component of the OAS and the overwhelming majority of which have signed the NOAL's now have the strength and cohesiveness needed to abort the United States' interventionist plans.

Within this context, the Acapulco pledge, signed by eight Latin American presidents, must become a spearhead against intervention and for the right to self-determination of peoples.

RECENT POLITICAL, ECONOMIC, SOCIAL DEVELOPMENTS

32480047 [Editorial Report] the following items have been abstracted from reports published in various issues of the Spanish-language press in Nicaragua, as indicated. No. 8 in a series, USSR Rice Shipment Arrives—A Soviet ship carrying 5,000 metric tons of rice arrived in San Juan del Sur. Distribution priorities are; first, the armed forces, then regions 2, 3, and 4 in the Pacific, "here this product has not been seen in places of distribution for some days." A donation from the EEC is expected with 3,500 metric tons of rice and 1,500 metric tons of cooking oil, the latter enough to supply the country for 2 months. [El Nuevo Diario 23 December 87 p 12.]

Drought Effects, Statistics—According to Reinaldo Antonio Tefel, head onf INSSBI (Nicaraguan Institute of Social Security and Welfare], 530,000 peasants have been "directly affected" by the drought. This includes 230,000 in region 1; 60,000 in region 2; 20,000 in region 3; 20,000 in region 4; 150,000 in region 5; and 50,000 in region 6. A total of 20,000 manzanas planted with beans and corn have been lost, and farm cooperatives report losses of 200,000 quintals of beans and 100,000 quintals of corn. It was reported that region 6 has been left without basic grains due to the drought. [Barricada 23 Dec. 87 p 2; Managua Domestic Service 0300 GMT 18 Dec. 87.]

Land Reform Enters New Phase—The basic transformation in the countryside has been "completed" claimed Alonso Porras, general director of land reform. The land reform program has entered a "phase of consolidation of accomplishments", with private holdings affected only "as a last resort." Only 22 percent of the land distributed in 1987 belonged to private producers, according to Porras. The state owned 22 percent of all lands in 1985, but only 13 percent in 1987. During this year 178,042 manzanas were distrubted to 9,300 peasant families. Land distribution totals since 1979 are: 1,268,000 manzanas to 112,000 families, of which 40,000 were squaters given the land they worked outright. [El Nuevo Diario 18 Dec 87 p 16.]

Mass Organizations Denounce Israel—The heads of six Sandinist mass organizations sent a message to the Executive Committee of the PLO [Palestine Liberation Organization], supporting that organization, calling for an international peace conference on the Middle East, and condemning recent actions by Israel. [Barricada 22 Dec 87 p 2.]

USSR Graduates' Association—An "Association of Nicaraguans Graduated in USSR" was formed 19 December in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the USSR," stated member Gloria Rizo Centeno. [Barricada 22 Dec. 87 p 2.]

'PARDONED' LA PRENSA ACCUSED OF FOLLOWING REAGAN LINE

[Editorial: "Echoes of the Reagan Plan in the Pardoned Newspaper".]

We pointed out yesterday that nothing is more fatal to the hopes for peace than the ideological fanaticism on which the Reagan policy is based, because it leads to an unusual version of reality in which the facts are turned upside down by obsessions or mirages.

The United States counterproposal on the cease-fire offered by the top echelon of the mercenaries shows as much. Only a disoriented Pentagon strategist in the thrall of Reagan metaphysics could imagine that a group of routed mercenaries could allegedly control 68,500 kilometers of our national territory. This alone explains how they can see a "triumph" where there is defeat, "strength" where there is weakness, "an offensive" where there is flight. This is what is called "wishful thinking" in English, the sort of chimera that, as we can see, only a policy doomed to failure can create.

This way of thinking and portraying things has been introduced into the country by a mass medium that since May 1980, with the help of advisers from the IAPA [Inter-American Press Association] and the National Endowment for Democracy (both linked to the CIA), has been the spokesman for the interests of the Reagan administration in Nicaragua. Since then it has pursued an antirevolutionary and openly pro-American editorial policy, playing the purported role of the local "organizational brains" of the mercenaries and the scattered "civic right wing." Thus, its language is representative and all-embracing, albeit not its own, because it is merely an echo of "His Master's Voice," like the RCA logo.

When the Nicaraguan Government ordered the newspaper in question shut down indefinitely after the U.S. Congress approved $100 million for the counterrevolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continuing being the mouthpiece of the aggressor power.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically and morally dependent on the Reagan administration. The "freedom" that was being suspended was not freedom of information or of the press; it was the freedom for the Reagan administration, after escalating and formally declaring war on Nicaragua, to have one more destabilizing tool in the country.

The paper did more than supply arguments for the debate on the $100 million in Congress. It also systematically concealed all gains by the revolution; provided slanted coverage of military and economic activities; fomented discontent and projected an image of chaos; promoted shortages; reprinted information from the U.S. Embassy word for word; gleefully reported the triumphs of the Reagan administration in its lobbying for funds for the contras; did not report on the counter-revolutionary actions that have adversely affected the lives and the development of the Nicaraguan people, claiming thousands of victims, etc.

Because of its complicity, as proven time and again by its own writings, the plug was pulled on the United States' "rag." Now that the military victories of the people have strategically defeated Reagan's military tool, creating chances for peace not only in Nicaragua but in the rest of the isthmus as well, what this paper says or fails to say, or rather, what it dreams up, fades into the background, because reality is and will be much stronger than any words.

It is precisely because reality shows that the people of Nicaragua are marching forward at a victor's pace that we can afford the luxury of being both generous and implacable in combat. Therefore, as part of the entire package aimed at allowing peace to finally break out, the newspaper of the Reagan administration has also been "pardoned" along with the rest of the beneficiaries of amnesty.

The above does not mean, of course, that they have "laid down their arms" ideologically, because in the final accounting it is the only bastion that the Reagan administration controls in Nicaragua, as this business about 68,000 kilometers is just a pipe dream.

From this controlled position right in the heart of Managua we can thus hear the echoes of the Reagan Plan and we could even read in advance through its editorials the famous counterproposal that they have conveyed to Nicaragua through the mercenaries as their intermediaries.

Compare the comments of the pardoned newspaper with the Reagan Plan and the counterproposal of the [contra] top echelon. They are like two peas in a pod. Their language has an "Orwellian" tint to it, interpreting reality in reverse, as words are not what they mean, and fanaticism clouds reason, law and decency. It thus clamors for a "General Amnesty" so that the pardon granted to the newspaper will extend to some of the self-proclaimed defenders of "liberty" (there is a shortage of "cadres") who left the paper and became overt militants in the mercenary groups; they would thus be able to return without having to lay down their arms (for example, Oscar Leonardo Montalvan, spokesman of the FDN [Nicaraguan Democratic Force]; Humberto Belli, who is on the payroll of the CIA's Institute for Religion and Democracy; Adriano Guillen, a public relations man for MISURA, etc).

Many foreign observers, who have nothing at all to do with the Sandinist Revolution, cannot help but be surprised at the totally uncritical attitude that this paper, which calls itself "nationalist" and "in service to all Nicaraguans," has taken towards the Reagan administration's policy against Nicaragua. While the administration is openly criticized in the United States itself from time to time by papers such as The New York Times or The Washington Post (which in the final accounting, like all major bourgeois papers, are nevertheless good ones), in Managua it finds only apologies and unlimited space for its slander and interests.

All indications are that the pardoned newspaper has once and for all given up the chance to become a national opposition paper and remains an instrument in service to a foreign power. If not, just look at the sort of opposition it engages in and what interests it defends.

□ 2200

It is precisely the Communists gone on because reality shows that the people of Nicaragua are marching forward at a victor's pace that we cannot afford the luxury of being both generous and implacable in combat. In other words, en garde Cardinal Obando, Msgr. Bismark Carballo. En garde Chimorro family and Violetta Chimorro, the great lady head of that family whose husband was assassinated by the late dictator, Somoza, or even his daughter told me 1 chance in 10 by the Sandinistas themselves to achieve sympathy. But I will accept it that the feif, Somoza, killed the senior newspaperman in that country, the head of the founding family of La Prensa.

Now here is a report that I am going to bring up in my 2 minutes or whatever I get on the floor, and mark my words, there will be a Dornan post mortem for 1 hour if again in this Chamber we vote against freedom. Tomorrow I will do another little talkdown, and show some more of the 16 gigantic prison camps that people suffer in because this Congress cannot make up its mind whether it cares or not about people being executed in secret and being tortured in these Communist prisons in Nicaragua, the only thing they have built since their overthrow of Somoza in July of 1979.

This is from the Rand Corp., headquartered in the middle of my own district right in Mel Levine's district. Oh I wish my good friend and colleague, Mel Levine, would stop in at the Rand Corp. there on the Pacific Ocean and meet with Bryan Jenkins, who helped write this report with Gordon McCormick, Edward Gonzales, and David Ronfeldt. It is called Nicaraguan Security Policy, and as with most academic papers it has a rather colorless subtitle "Trends and Projections." This book by the Rand Corp. in its 40th year of existence, which has given us Secretaries of Defense and Secretaries of Energy, this book is so incontrovertibly filled with information, how the Sandinistas are selling their soul to Gorbachev and the Soviet Union, it is unbelievable that Members will not accept this Rand projection as they accept the current Rand report on drug-running and what it is doing to our Capital City, this beautiful Washington, DC. Nancy Reagan was quoting a Rand report similar to this extensively yesterday in all of her television appearances. Last night it was being used again on Nightline and other shows.

But why do they believe the Rand Corp. on what cocaine cowboys and narcotics are doing to our grade school kids, high school kids and college kids, and the whole fabric of our society? What did Nancy say that I have been saying for 20 years since I got on television 20 years ago last month. I said that casual users of drugs are murdering people in Colombia and all through the Caribbean and in other parts of the world, Turkey, whether we use the golden scimitar, the golden triangle, or our own Western Hemisphere, anybody who uses recreational drugs is murdering people. They have the blood of the Attorney General of Sicily and the Attorney General of Colombia, 11 of the Supreme Court Justices out of 15 in Colombia, their blood is on their hands. That is what Rand said.

Well here is the Rand research and development, that is what Rand means here, the Rand report in Rand's 40th year on Nicaraguan security policy. I am going to ask what this costs. I do not care if it costs $50,000, I am going to have it put in the Congressional Record so that as these records of this great deliberative body go out to every library in America, every school that wants them, and as we distribute them to our friends and supporters, detractors and colleagues, I want this report as a part of the historical record in the second session of the 100th Congress as we jeopardize freedom.

Here is another report, Cuban, Nicaraguan support for subversion in Honduras, El Paraiso, July 1954. Here is what really grieves me, because we cannot put photographs into the CONGRESSIONAL RECORD. Several pages into this is the picture of the type of person I generally just honor because they walk in the footsteps of the Son of God, Jesus Christ. Here is a priest, a former priest, a betraying Judas Escariot, Father Boulang. He is still considered in Honduras as a subversive priest, an activist, a Christian agrarian, and he reported meeting with Farabundo Marti guerrillas in El Salvador in Concepcion del Uruguay on more than one occasion. This is another mystery to me. How can so many people reject the counsel of Reverend Jim Bakker, Reverend Swaggart or any of the priests or bishops or ministers when they counsel us on pro-life issues, or euthanasia, or drugs, or premarital sex, or infidelity, or pornography and we reject what they say, when the Cristics Institute, as naive and stupid a pro-Communist group as there is, or the National Council of Churches, or the Witness for Peace, when Witness for Peace cycled 65,000 American citizens with very little Communist guidance, they all do the grunt work themselves, to inculcate in these people and indoctrinate them on how these 9 Communists are really benign reformers and they deserve to rule the people of Nicaragua, and they blind themselves to the prison system, they blind themselves to the fact that this is a peasant uprising in Nicaragua, that 98 percent of the Contra freedom fighters resistance forces are Contra kids and girls right off the coffee farms, and 98 percent of the people Ortega has thrown into prison are also peasants, humble peasants out of this poor country. And we have priests who have sold out their vow against anything that would have to do with atheism, and we have Witness for Peace cycling all of these people through training them to hate the United States of America, not just Reagan. They hate the whole government because they know that they are not going to get any better out of our foreign colleague, AL GORE, or anybody else.

Here is a memorandum from a man who actually created the slide show that Colonel North got credit for. He only gave the slide show. This is Colonel Tracy on active duty who is now wrapping up his life's career, and now he is available to the civilian sector as a consultant, and here is his analysis of that disgraceful debate on February 3, his overview "Themes of the Anti-Contra Aid Coalition and the Rebuttals." He starts out with that one, "That's all we are saying, give peace a chance." The Central American presidents want us to stop giving military aid to the Contras, and he analyzes that and knows there is a lot of double talk there. The Soviets do not want to be saddled with another albatross like Cuba. They are really ready to cut off military aid to the Sandinistas once the Contras are gone. Here we stand on little Gorbie's 57th birthday, and he just sent him $75 million, and that is in January. I wonder what our intelligence people are going to tell us that Gorbachev pumped into the Isthmus of North American soil between us and the Panama Canal that we built? I wonder how much he is going to pump in February now that the analysis starts on that 29-day month? We cannot permit the Soviets to place offensive weapons in Nicaragua. Little rebuttal on how they talk big, one of the Senators saying "why, we will take them out with air strikes," and the man has never called for an air strike in his life. He would not even use a spray can to kill a fly, and managed to avoid military service, and he is saying oh, we will mount an air strike. Not one of his sons is going to be in jeopardy.

Another point, no matter how onerous the Sandinistas, the United States cannot provide military aid to the Contras for the simple fact is that it is illegal under international law. We went through that in the Iran-Contra hearings. Here is the rebuttal by Colonel Tracy, retired from the U.S. Army, a humanitarian aid package designed to maintain military pressure on the Sandinistas by keeping the Contras viable as a military force moving around, 14,000 people starving to death in the bush of Nicaragua, ready to once again receive arms from the United States if the Sandinistas renege on their promises. The Sandinistas are unloading Soviet-made artillery, they are unloading more and more surface-to-air missiles so that they can shoot down any airplanes, and the real thing I love about tomorrow's vote is that we are going to take it away from the Central Intelligence Agency who is keeping perfect books, and against the advice of the present Commander in Chief, the President, or his brand new Secretary of Defense, Mr. Carlucci, and the people who love him on both sides of the aisle, and I think he is doing a good job so far, and he says no way that we want this mission.

Then we have my good friend on this side of the aisle, the black sheep of the great Czech American family, BOB MRAZEK, who established the Mrazek line down there, no military person in Honduras can go within 20 miles, not clicks or kilometers, 20 miles of the border. So what are our defense people going to do given the Mrazek line, go up to 20 miles from the border and hand it to the people?

Mr. Speaker, could I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. VISCLOSKY). The gentleman from California has 14 minutes remaining.

Mr. DORNAN of California. Mr. Speaker, I will try not to use all of that time out of respect to the hardworking staff, although, folks, you have not worked too hard over the last 2 months. We have only had 18 votes and it is March already. I cannot believe the way things are around here, and we are going to have threats of a post-election rump session in December. That means we will be here till midnight, 1 o'clock, 2 o'clock in September and up to October, and we will get very little time to go home and campaign.

Some people who read the RECORD or follow through on the national technical means asked me to repeat an analogy because they wanted to get it straight. If you want to get it straight, send for it, but I will go through it again.

Why not a single voice on this side of the aisle standing up and speaking out against our aid to the resistance in Afghanistan against Soviet genocide on the other side of the world? All right, here is the point I tried to make in that post-mortem on February 3. First of all, when I brought up from the leadership desk on our side this point that because Mr. BARNEY FRANK of Massachusetts got up and said not a Member on either side of the aisle speaks out against aid to Afghanistan, that we can run good covert programs, first of all that is a joke. The whole program is overt. Everything I heard in the Khyber Pass that was secret last Thanksgiving has now been flashed on the front page of the L.A. Times. The Tennessee mule program I can discuss openly now, and in last week's Time magazine it says we are giving $630 million. That is a classified figure I thought, and that is only a few million off. What is this? How does this stuff leak out?

Anyway, BARNEY FRANK said that, and I said that is not true. One hundred Members here would vote against aid to the democratic resistance in Afghanistan. No, it is not democratic, we do not know whether it will be democratic, it is just a resistance, a national resistance, and he said that is not true. And once he said those words contradicting me, a Member got up, went right up into the well, it was not Judge CROCKETT, it was a gentleman from the First or Second District of Chicago, not Mr. SAVAGE, the other gentleman got up and said from the Second District, I guess, I do not want any aid to go anywhere in the world. And then I think Mr. CROCKETT got up and said it too. Now that is two that I know of, and four Members on our side of the aisle that do not want to give any money to Angola, Afghanistan, or anywhere else in the world, and they make one interesting point, that we are borrowing all of this money not on ourselves, not on our children, but on my seven grandchildren and any more to come. That is why it is so critical and these dollars are so precious.

But far better we borrow a little money on my grandchildren than to have my children or grandchildren fighting down there or disbursing through the Defense Department aid to the resistance.

Here is why Mr. FRANK is wrong, and I will start a poll in this place, and I will give him the names of people who say that they will cut off the aid to Afghanistan after we cut off the Contras in Nicaragua, and then in Angola. Here is what is so peculiar: Not a voice has been raised on this side except by innuendo, these Members that I mentioned who said they do not want aid to go anywhere against Afghanistan.

Now what did we argue about on February 3? It is easy to remember because we argued about $3 million on February 3. I pointed out on this House floor that the star airplane of the highly popular "Top Gun" costs $32 million plus. One engine, whether it is a Pratt and Whitney or a General Electric engine in an F-15, -16, -18, the Harrier, the AV-8(b) or the F-20 Tiger Stark that has been cancelled, one of these engines costs about $8 million, $9 million, or $10 million.

If anybody is following these House proceedings from aerospace, give me the exact figure because I had trouble getting it today. But certainly when you have a 2-engine airplane, and it is worth $32 million, or in the case of the F-15 Strike Eagle that the liberals tried to get out of the budget, and we managed to salvage them, and they are going to go to the Fourth Fighter Wing that earned their glory in Korea, the Fourth Fighter Wing stationed at Seymour Johnson Airbase in North Carolina, and they are going to get the first F-15 Eagles, and those will be made by McDonnell Douglas in RICHARD GEPHARDT's district, the Caucus Chairman, doing very well running for President, they are made in his State, and he is all for them, and they cost over $45 million each, one airplane $45 million. But we haggled here over $3.2 million.

I do not think you could buy the landing gear or its hydraulic system for an F-14, -15, -16 or -18 with $3 million, the landing gear for one fighter. I pointed out that 2 F-18's out of the Marine Corps Air Station at El Toro joining my district, that two of them went up like I used to do in peacetime with a friend, a wing man, probably a good buddy, someone who has a wife, or a friend who they are separated from, and you fly in opposite directions until you are off of one another's radar. Then you turn around and you come at one another, and it is known as ACM, air combat maneuvers. To the air fighters it is called bumping heads, and to the old time fighters, a carryover from World War I, it is called dog fights. That is for you people left over from World War I. And these people go up and they fly over Highway 395, and they go up to the great ski areas of Manmoth and June, and they come together, and as sometimes happens they collide head on, and one fighter goes home, but the other one dies. How do you replace that man? You cannot put a price on a young warrior like that trained to be combat ready so that he never has to fight in combat or leave his family. But two planes cost about $27 million each, the new Marine Corps FA, and that means fighter attack, 18 Hornet.

□ 2215

Fifty-four million dollars gone. I do not know, under this budget or Carlucci's plans whether we will ever be able to replace those two F-18's. They are so hard to come by. We are pumping them out but we were going to build the ones in the budget anyway.

Fifty-four million dollars in one instant over California, preparing to keep that honed edge so that they never have to fight in combat, to stay combat ready and deter the Communist forces around the world. Gone, $54 million and a precious life and we haggled here on February 3 over $3.25 million. That was for bullets. Of course that is not even going to be in the Democratic package, the aid package. Yes, aiding them through the elections November 8.

Now here is this weird comparison between Afghanistan and this nation that you can drive to called Nicaragua.

Under Harry Truman this Chamber voted money to build a PanAmerican highway right through Texas and to California into Mexico—down from Texas and California into Mexico all the way down to the Darien Gap at the neck of Colombia where it meets Panama. You can drive on a top notch highway through Mexico, Guatemala, you can go to El Salvador, detour up to Honduras. Their capital is the only one in Central America, Tegucigalpa, not on the PanAmerican highway. It is as though you were driving to Costa Rica where there are thousands of American businessmen, down to Panama, you can go right down to Managua, the lowest of all the cities down there in those volcanically formed lakes. You can drive to this.

I know a newsman who is afraid to fly. He told my wife, "Yes, I have to leave a couple of weeks ahead of you to be down there with the Congressmen because I have to drive down there, I do not fly." She said, "Drive?" She turned to me, my wife, and she said, "Hey, you can drive to this war, this is not Vietnam." Now here we are, Managua is on Chicago time, HENRY HYDE time, New Orleans time where we are going to have our convention. If you want to look at El Paso, which is on mountain time or Salt Lake City or Denver, take Miami time, DICK CHENEY time, that is 12 hours away from Pakistan and Afghanistan. In other words, our beautiful Rocky Mountains where so many lucky Americans are skiing right now, that is precisely the opposite of a 24-hour world from the United States of America. Up there in those hills of Afghanistan where those ferocious fighters in Afghanistan who beat the British three times and are fiercely independent, whether it is swords or making replicas of any gun you hand them, these people do not have to be trained to fight. They took to our high-tech surface-to-air arm held Stinger missiles, they took to them like ducks to water. But guess what I was informed? It was top secret but it is now on the front page of the Wall Street Journal just a week ago today.

The Stingers did not go to the Afghan resistance through over 6 years of the Reagan administration, almost 6 years; that the first Stinger—and the very first one got a victory, a ground-to-air kill on a Mig—it was September 1986, after we had already started kicking the Contras around several times when the first Stinger was unleashed. And from that September until I went with an excellent fighter for freedom in this Chamber, Congressman Democrat CHARLIE WILSON, of Texas, when I went with his Codel to the Khyber Pass and to the Afghan border and the resistance support town of Pashawa where we visited all these refugee camps too. That was in November. In those 14 months the whole war had been turned on Gorbachev's birthday. Yes, on your birthday, Mikhail, I tell you that there is a cartoon that I would like to send to you. Cartoonists in America are brilliant because they can say so much with a picture.

Here is a picture of the Soviet soldier with you by his side, Mr. Gorbachev. He is sticking this bayonet right through a Mujahidin freedom fighter. And you are saying, Mr. Gorbachev, "Yes, I see this is a bleeding wound. We can pull out now." You are the one who has created the bleeding wound, you are the one who has killed somewhere between 1 and 2 million people. Your leader, who we were told you were going to criticize on November 2 when you had Ortega and U.S. Communist chief Gus Hall and you had Fidel Castro in the front row November 2 in Moscow, and said you were going to rip up Stalin and then you barely slapped Josef Stalin's wrist. It was Stalin who said 1 million deaths is nothing, one man's death in important.

Well, somewhere between 1 and 2 million, hundreds of thousands of

Afghan men, women, and children have disappeared because in the 3 years that you have been in command—and this is your anniversary month because you took over 3 years ago this month of March—in those 3 years you have not pulled out any troops. You went through a charade about a year ago making—putting in some troops as you were taking some out—a little shell game. But you can take these troops out, you do not have to wait until May 15 to start and then take 10 months. What are you doing? Patterning yourself after Nixon's Vietnamizations? Oh no; you will make sure, unlike Mr. Nixon, that there is no way that you will fail to leave a puppet government behind in Afghanistan. Only the resoluteness of the Pakistanis will stand between you and some sort of a phoney pullout. No, Mr. Gorbachev, we put that war back in your face, by doing something under President Reagan that Jimmy Carter, with all due respect, would never have done, just like he never would have bombed Qadhafi and stopped Americans being killed all around the world by terrorists.

Whether it was Syria more guilty than Qadhafi or not, Assad of Syria got the message when we rattled Qadhafi's brains. Jimmy Carter would never have liberated Grenada. It was bad enough trying to get around some of the wimps that Reagan had on his staff to get this job done of liberating Grenada. If Mike Deaver had still been on the staff we probably would never have gotten Grenada liberated or Qadhafi bombed.

Now we see, Mr. Gorbachev, that we are willing to put over $630 million, leaked all over the American papers, against you, more than one-half of a billion dollars; not $3 million, over $600 million, 12 time zones away from the Rocky Mountains. Not Chicago/Managua time. And the people there, part of the world family, but they are Islamic and there are seven groups. The first group that gets Stingers believe it or not are loyal to the Ayatollah Khomeini and the whacked-out fundamentalists in Tehran. And, they hate the United States. And, of course, they leaked some of the Stingers down there to Iran.

So parts are in carrying cases and carriages and sites show up on some of those boats that these Iranian cowboys ride around in in the gulf shooting up unarmed tankers. But of those seven groups the Mujahidin, they are all competing with one another. Do we have any guarantee that there will be an election as in Costa Rica, Guatemala, or Honduras or El Salvador? Of course not.

We are just asking them—we are supporting them in their struggle to get rid of the Soviet occupation troops and then whatever government they carve out for themselves, that is fine because after all they are in the Himalayan foothills. We are not going to track them. Why is it we do for Islamic people, seven competing groups with no hope of democracy that will give them way over 1,000—that is what it said in the L.A. Times and the top figure is classified—way over 1,000 big, strong genetically powerful Tennessee mules not with the little skinny pointy back like Pakistani and Afghan mules but the big, slope-backed mules where you can pile them on top and on both sides; as big as horses, 15 hands, 16 hands high.

We are sending these Tennessee mules, low tech, but we tell the poor Contras, "You carry your stuff on foot across that Mrazek line, if in fact Honduras and Costa Rica haven't completely kicked you out" which I believe they have by now, because of the Arias adaptation of the Wright/Reagan plan. And then with the low-tech Tennessee mules we gave them the high-tech state of the art Stingers. What do we give to the Contras down here, our fellow Norte Americanos who have grown up under a Judeo-Christian culture, Old Testament, New Testament, most of them Christians with crosses around their necks? What do we give them? The Red Eye. What is the difference, my fellow Americans, between a Red Eye and a General Dynamics Stinger?

I will tell you, it is very simple. With a Red Eye they get to try to kill you first. They roll in this big Hind 24D, actually the 25 export model, it is coming at you firing rockets, Soviet Gatling guns, it has soldiers inside so it can land. Our Apaches do not do that. We do not have soldiers to come out and bayonet the wounded. But they do in these big Hinds. They are coming at you and you just sit there and you start praying. And if they do not blow you to bits then you get a shot at their exhaust as they leave. But with a Stinger, it is a fair contest.

You get them as they are coming at you. That is the way we treat the Afghans. More on this tomorrow. Why do we not treat our fellow people of this culture, fellow North Americans down in Nicaragua? I think it is a mystery to me and I think it is a mystery to the American people.

Thank you, Mr. Speaker, more tomorrow. I will put some of these reports in the RECORD. Please read what I have already put in the RECORD, my colleagues and anybody else interested in the written RECORD and the national technical means that some of you use to follow the proceedings in this Chamber.

Four hundred thousand Americans watch this, these special orders. So it is a joke that the majority pans the House as though to humiliate us that we are talking to wind here. Four hundred thousand of you watch. God bless you for taking an interest in your country. I love these special orders. Thank you, more tomorrow.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from California?

There was no objection.

The material referred to is as follows:

MEMORANDUM FOR CONGRESSMAN BOB DORNAN ON CONTRA AID FROM LARRY TRACY

OVERVIEW

The debate on February 3, 1988 demonstrated a paucity of effective arguments on the part of the anti-Contra aid coalition. I suspect that the same old arguments will be trotted out by Speaker Wright on February 25. After have read the Congressional Record for the February 3rd debate, I have isolated the principal arguments that I believe they will use, and have also developed counter-arguments. I am repeating much of the information I furnished you on February 3rd, but in a more legible form. I also recommend you read (and extract anything you find useful) the attached paper—"The United States and Central America in 1988: A Watershed Year"—that I presented at a conference at the University of Miami in January. I just finished updating it to include the events of February, and I believe it can provide you with material that will be relevant in the debate. You may use any of the information in the paper, and you may distribute it to any of your colleagues for their use.

I believe that you and your colleagues should hammer home the theme that if the Democrats are as serious as they say they are to deter Soviet aggression in the region, then Contra aid is an alternative to U.S. troops. Bring out, especially to the C-SPAN audience, that if American boys start coming back in body bags from Central America, it will be because Speaker Wright and his Democrats denied young Nicaraguans the arms to fight for their country.

THEMES OF THE ANTI-CONTRA AID COALITION, AND SUGGESTED REBUTTALS

1. "Let's give peace a chance:

Rebuttals:

A. This is pure sophistry. What we in the West mean by "peace" is entirely different from that meant by "mir", the Russian word that generally translates as "peace". Mir is used, in the Marxist-Leninist lexicon, to refer to a condition that can exist only in a "Socialist" (read Communist) state.

B. Before the Contras became successful in the field (pre-"Redeye" days), the Sandinistas were not willing to talk "peace" except on their terms, which meant unconditional surrender for the Contras. In the last eight months, the Contras have moved with impunity throughout much of Nicaragua, the Sandinista gunship fleet is virtually grounded due to the "Redeye" missiles, and the Sandinista infantry is not as aggressive now that it cannot count on air cover. It has been the military prowess of the Contras that "gave peace a chance", as the Washington Post and other elements of the elite media have pointed out. To now remove the essential factor in the peace equation—Contra military pressure—is to set back peace, not support it.

2. "The Central American Presidents want us to stop giving military aid to the Contras."

Rebuttals:

A. It is not at all certain that Presidents Duarte and Azcona are eager to see their chief antagonist, Nicaragua, free of the kind of guerrilla war that the Sandinistas have waged against their countries, especially El Salvador. But they also realize that congressional power of the purse in the U.S. can be used against them if they displease the Congress, and they are keeping a low profile, not wanting to become embroiled in a U.S. internal dispute. President Cerezo of Guatemala maintains a studied aloofness from the fray, perhaps because Guatemala, larger and more populous than Nicaragua, has traditionally never thought that either Somoza or the Sandinistas were of much concern.

B. President and Novel Laureate Oscar Arias, on the other hand, has not been reticent about injecting himself in the internal U.S. dispute. That he feels comfortable in so doing is explained by the special circumstances of Costa Rica. It has no army, and is dependent on the OAS (read U.S. Army) to defend it. On February 3, 1986, on "One-on-One", John McClaughlin observed in an interview with President-elect Arias that Costa Rica "had it all ways" with no Army to worry about, but secure in the belief that the U.S. would come to its defense if it was attacked. Arias responded that "We think it is correct that we have enough friends who will come to defend Costa Rica in case of attack by the Sandinistas or by what ever force." Arias knows that he can take "a chance for peace" because it will not be young Costa Ricans dying to defend Costa Rican democracy, it will be young Americans. And these young Americans will be the constituents of many of the Democrats who voted against Contra aid.

3. "The Soviets don't want to be saddled with another albatross like Cuba. They are ready to cut off military aid to the Sandinistas once the Contras are gone".

Rebuttals:

A. Soviet military aid to the Sandinistas has been approximately $120 million since the August 7, 1987 signing of the Peace Plan. This is almost twice the amount of U.S. military aid to the Contras in three years. There has been no sign of slackening Soviet resolve. If there were a freeze on all outside military support for the Central American countries, Nicaragua would be "frozen" as the dominant military power in the region.

B. Soviet interest in building Nicaragua rapidly into this dominant position is indicated by the fact that on a per capita basis, Nicaragua has received more military assistance than Cuba over the last four years. Cuba has a population three times greater than that of Nicaragua, and an active duty military twice the size of Nicaragua's. Yet since 1984, Nicaragua has received about the same amount of military assistance from the Soviet bloc as has Cuba.

4. "We cannot permit the Soviets to place offensive weapons in Nicaragua." (the "see what a tough anti-Communist I am argument").

Rebuttal:

A. This is a thoroughly disingenuous argument. Members of Congress must surely know that the Soviets have no need to place nuclear missiles in Nicaragua, as they placed them in Cuba in 1962. They had few missiles that could reach the U.S. then. They can now reach any target in the U.S. in 30 minutes with their land based intercontinental missiles and with their Typhoon and/or Delta nuclear submarine-launched missiles. The Soviets are too rational and cautious to risk provoking the sleeping giant of the U.S. Congress by such a blatant (and unnecessary) move. Democrats who use this argument are drawing a line in the sand that the Soviets will never cross. The soon-to-be 600,000 man army is the real offensive weapon that the countries of Central America have to fear, and the factor that is likely to cause the U.S. to send troops to Central America in the future under the terms of the 1947 Rio Treaty.

B. Once the Congress succeeds in doing what the Sandinistas have been unable to do—destroy the Contras—the Sandinista military will be able to settle down to the business of consolidating the power position of the Sandinista Party, its political superior. Major Roger Miranda has said that the Ortega brothers: "think that the only way of guaranteeing the development of their Marxist program in Nicaragua is to construct a powerful army. One can sign agreements, one can appear to be more flexible in the political system, but what they will never negotiate is the Sandinista army. They know that their power rests, in the long run, in the size of that army."

5. "U.S. support for the Contras has driven the Sandinistas into the arms of the Soviets.

Rebuttals:

A. This is the same argument that was used in the 1960's about Castro. Castro now says that U.S. hostility "had nothing to do with the direction of our revolution. Inexorably, we considered ourselves Marxist-Leninists" (TV interview in Madrid, January 1984). The Sandinistas have been more discreet, but in November 1977, they issued a "General Military-Political Program" in which they said that after toppling Somoza, they would develop a government "along progressive Marxist-Leninist lines." Humberto Ortega said in 1981 that "our doctrine is Marxism-Leninism." Bayardo Arce said in 1984 that although Nicaragua's "strategic allies tell us not to declare ourselves Marxist-Leninist" the goal of the November 1984 elections was "the unity of Marxism-Leninism in Nicaragua.

B. Nicaragua's ambassador to Washington, Carlos Tunnermann, inadvertently acknowledged in a March 30, 1985 Washington Post article that in November 1981, at the time the Reagan Administration decided to assist the Resistance, Nicaragua faced "only a few hundred" ex-National Guardsmen whose chief occupation was cattle-rustling and extortion". At that time, Nicaragua had a Soviet-supplied army of almost 40,000, the largest in Central America's history. (The Sandinista army was 5,000 in July, 1979.)

C. The Sandinista alliance with the Soviet-bloc started long before there were any Contras. The Sandinistas turned down offers of doctors, nurses, and teachers from Costa Rica, and Peace Corps volunteers from the U.S. They immediately turned to the Soviet's surrogate in the Caribbean, Castro, for all of this help and military training. The first Soviet tanks arrived six months before the U.S. decided to help the Resistance. In fact, the Sandinista army, the backbone of the Party as in all Communist countries, became the largest in Central America at the time the Carter Administration was providing more economic aid to Nicaragua than any other benefactor.

6. "No matter how onerous the Sandinistas, the U.S. cannot provide military aid to the Contras for the simple fact that it is illegal under international law."

Rebuttal:

A. Under Article 51 of the United Nations charter, "individual and collective self-defense" measures are permitted to any country. Since 1979, Nicaragua has been engaging in an armed attack against El Salvador. The assistance to the Contras is part of the United States' response to Nicaraguan aggression. To say that U.S. aid can only be sent to El Salvador, and that Nicaragua is free to act with impunity, is to turn the law on its head. If, as Dr. John Silber points out in the March 4, 1988 edition of National Review, aid to the Afghan rebels is legitimate, so too is aid to the Contras. The commonality, according to Silber, is that each is fighting an illegitimate government. The November 1984 elections in Nicaragua did not provide legitimacy to the Sandinistas: it was considered so flawed that every democratically-elected president of Latin America boycotted the inauguaration of Daniel Ortega.

7. We hold no brief for the Sandinistas, but they have, under the pressure of their Central American neighbors, opened the political system and have said "if the opposition wins the election, we will turn over the government to them. There should be no equivocation about that." (Daniel Ortega, as quoted by Speaker Wright from a New York Times story, during February 3, 1988 debate.)

Rebuttal:

A. What Speaker Wright should have quoted from Ortega was a conversation Oscar Arias had with him in November 1986, when Ortega was not feeling much pressure from the Contras. Arias told a Panamanian TV interviewer that "Ortega told the democratic presidents present that he was not willing to risk his political power." Arias went on to say: "I told him the essence of the democrat is to acknowledge that one day he could be the leader, and on the next the opposition. I asked him if he was willing to become the opposition some day. His answer was no" (FBIS-Latin America) November 14, 1986).

That was the attitude expressed to Arias at the time that the Contras were not placing much pressure on the Sandinistas, because the $100 million voted by the Congress was just beginning to reach the Contras. More than a year later, the Contras have placed sufficient pressure on the regime to cause Ortega to talk of turning over the government. According to Miranda, they will not turn over the army, which is the basis of their power.

B. As to whether Congress can believe Ortega, an article in the June 10, 1983 Washington Post by Lawerence E. Harrison, the director of AID in Nicaragua during the Carter Administration is illustrative. He recounts a coversation with a Sandinista official, who commented that: "You don't understand revolutionary truth. What is true is what serves the ends of the Revolution".

8. "This humanitarian aid package is designed to maintain military pressure on the Sandinistas by keeping the Contras a viable military force, ready to once again receive arms from the U.S. if the Sandinistas renege on their promises."

Rebuttal:

A. A transparent cop out on the part of Wright and his colleagues. The impact on the morale of the Contras has been devastating in the aftermath of the February 3rd vote. Even if the Contras have military supplies, the momentum of their operations will be stopped. A cease fire in place, with no resupply under U.S. control, will enable the Sandinistas to surround them, and when they are ready, "crush them", in Ortega's words of February 21.

B. The Democrat's proposal is actually a capitulation to the Sandinistas, an effort to cover their tracks so that if things don't work out, and the U.S. must eventually send combat troops to Central America, these Democrats will be able to say "we did all we could". If U.S. troops eventually fight and die in Central America, the record should be clear that it was because the Democrats cared more for a political victory over Ronald Reagan than they did for Central American democracy. They should not be allowed the political cover of what is an act of moral cowardice.

BANKS SHOULD PAY PREMIUMS TO FDIC ON FOREIGN DEPOSITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. Kleczka] is recognized for 30 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation to restore equity in the federal deposit insurance funding mechanism by requiring the Federal Deposit Insurance Corporation [FDIC] to levy assessments on foreign as well as domestic deposits.

Current law requires banks to pay an insurance premium based on deposits received in the United States. Banks do not now, however, pay a nickel in deposit insurance assessment on foreign-based deposits, even though the FDIC provides de facto coverage for the bulk of these deposits.

The de facto coverage results from the "too large to fail" doctrine now embraced by the federal regulatory agencies which effectively guarantees all deposits of large banks, insured and uninsured. De factor insurance of foreign deposits without a parallel assessment which includes those deposits clearly favors larger banks at the expense of others. This is because the FDIC premium is assessed on just about all the deposits for most banks, but is levied against only about half the deposits of the largest banks.

I include in the Record a table from the February 19, 1988, American Banker which answers the question "Who Pays Least for FDIC Protection";

TEN INSTITUTIONS WITH MOST FOREIGN DEPOSITS IN 1987

	Assets 12/31/87 ($ bil.)	Domestic deposits 9/30/87 ($ bil.)	Foreign deposits 9/30/87 ($ bil.)	FDIC 1987 assessment ($ bil.)	Percent of deposits on which assess. paid
Morgan Guaranty	$75	$15	$34	$11	31
Bankers Trust	57	11	23	9	32
Citicorp	204	40	66	34	38
Republic National	19	5	8	3	39
First Chicago	44	12	17	9	41
Chase Manhattan	99	27	36	24	43
Continental Illinois	32	8	10	7	44
Manufacturers Hanover	73	23	23	18	50
Chemical	78	26	13	20	67
BankAmerica	93	50	23	42	69

Source: Federal Deposit Insurance Corporation.

While small- and medium-sized banks usually pay full fare premiums, big banks ride the deposit insurance system via super saver.

Mr. Irvine Sprague, who chaired the FDIC for more than a decade, described the current situation well in the October 22, 1987, American Banker. Relating the cost of Federal deposit insurance, and defining those who bear that cost, he said:

> What does federal deposit insurance cost? Bank-America paid $21.5 million in January and $20.5 million in July in assessments; Citibank paid $16.9 million in January and $17.3 million in July. The numbers varied from January to July because assessments are based on the moving average of deposits as stated in call reports.
>
> The obvious question: Why does Citibank, a much larger institution, pay less for FDIC protection than Bank-America? The answer: The law is unfair.
>
> Only domestic deposits are assessed and insured and Citibank does much more business in the foreign markets. All of the thousands of smaller banks pay on all of their deposits, the handful of international giants, mostly headquartered in New York City, pay on only a portion of theirs.
>
> The fact is that when megabanks face failure, all of the depositors are protected, insured and uninsured alike . . . The record is clear. Continental Illinois paid only $6.5 million in assessments in 1984, yet its entire $69 billion structure was protected. Why will Congress not correct this inequity? Why do the big banks get a free ride on their assessments while their smaller brethren pay full fare?

At this point, a recounting of the Continental Illinois escapade is in order. As Mr. Sprague noted in his book "Bailout," of the $69 billion Continental structure bailed out by the Federal Government, $30 billion was in off-book liabilities. A hefty $36 billion was in uninsured borrowings, much of it foreign originated. These figures dwarf the $3 billion in insured domestic deposits the FDIC was required by law to protect. As the General Accounting Office noted,

> The Federal move to bail out all depositors and creditors involved, insured and uninsured, was carried out in part to prevent a run on the bank by foreign depositors.

Continental, of course, paid no FDIC premiums based on those deposits.

A few large banks are the principal beneficiaries of this all-to-convenient underassessment. In 1984, the 10 largest banks collectively controlled 71 percent of foreign deposits. This means that 10 megabanks controlled among themselves $224 billion in deposits on which FDIC premiums were not assessed but for which, for all practical purposes, the FDIC was liable. As of March 31, 1987, 20 megabanks controlled 84.3 percent of all foreign deposits of FDIC-insured banks. The $280 billion in unassessed foreign deposits of these giant institutions came close to equalling the $363 billion in domestic deposits on which these institutions paid a bargain basement $303 million in gross insurance premiums. As the chart I previously included in the Record indicates, foreign deposits actually exceed domestic deposits at some money center banks.

For some banks, overseas accounts are very profitable. According to a recent study, the 10 biggest U.S. banks escaped payment of a collective $115 million in insurance premiums in 1984. This figure is perhaps better understood when separated out as a percentage of net income for the banks involved. For six of the 10 banks, the benefits accrued by not paying FDIC assessments on foreign deposits accounted 3 to 4 percent of net income, a sizable portion by any standard.

We now have a deposit insurance system in which the 14,000 plus banks with no foreign deposits subsidize the deposit insurance premium payments of the fewer than 300 banks which do. This point has not been lost on most bankers. I am pleased to report that the measure I introduce today has the strong support of the Independent Bankers Association of America, an industry trade group which represents the interests of approximately 6,500 commercial banks. In testimony before the House Banking, Finance and Urban Affairs Financial Institutions Subcommittee on December 3, 1987, Charles Doyle, the chairman of the IBAA Federal Legislation Committee, explained why his organization favors extending the FDIC assessment to cover foreign deposits. He said:

> All banks pay a premium for FDIC insurance protection based on all their domestic deposits, including those over $100,000. However, the insurance coverage for most banks extends only to domestic depositors up to $100,000. In contrast, all deposits—foreign and domestic—at too-big-to-fail banks are covered, and such banks by their very nature present a greater systemic risk to the FDIC. The money center banks do not want to pay a fair premium assessment for their covered deposits, both foreign and domestic. This means that every bank holding foreign deposits gets a free ride and is subsidized by the rest of the banking system. As the Continental Illinois case made clear, foreign deposits are effectively a liability to the FDIC, and all liabilities should bear an assessment . . . Congress could partially address this inequity by simply including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then pay a fairer share for the FDIC coverage they enjoy. And, this proposal could be made

"revenue neutral" by decreasing the overall assessment rate that the FDIC imposes.

The legislation I introduce today is revenue-neutral. It would reduce the overall assessment rate for all banks, to one-fourteenth of 1 percent of deposits from one-twelfth of 1 percent, while broadening the base to include foreign as well as domestic deposits. According to the FDIC, a reduction of the premium rate to one-fourteenth of 1 percent would nearly level out the effect of the expansion of the premium base which results from the inclusion of foreign deposits, with gross assessment revenues declining by eight-tenths of 1 percent. The effect for the overwhelming number of banks would be a welcome reduction in FDIC insurance premiums. Banks with a modest amount of foreign deposits would, in many instances, roughly break even as the effect of the broadened assessment base is mitigated by the lower overall assessment rate. Large banks which rely on a substantial amount of foreign deposits would begin to pay full freight.

I would like to address the arguments of those who might oppose this legislation.

Some large banks argue that the FDIC assessments of foreign deposits would sharply reduce the competitiveness of American banks abroad while having a serious adverse impact on the American trade deficit.

While an equitable assessment system would increase slightly the cost of doing business for a handful of banks, it would not make loan or deposit rates of American institutions with foreign branches uncompetitive with other banks, nor would it have a serious adverse impact on our trade balance.

Let us take a look at the numbers.

To raise $1.4 billion in 1985 assessment income, the FDIC levied an assessment of approximately 0.079 percent, or one-twelfth of 1 percent, against $1.8 trillion in domestic deposits.

Had that assessment base included foreign deposits, an additional $322 billion would have been added to the amount on which the premium was levied.

With such a broadened base, a flat percentage charge of 0.067 percent, or one-fifteenth of 1 percent, would have raised an equal amount of assessment income—$1.4 billion.

It is very useful to remember that the inclusion of foreign deposits for purposes of FDIC assessment can make possible a corresponding reduction in assessments on domestic deposits held by a bank.

Had the FDIC base been broadened in 1985, the assessment on all domestic deposits would have declined by 0.012 percent, from 0.079 percent to 0.067 percent. This would reduce pretax costs to banks by $210 million. The 268 banks with foreign offices that year would have enjoyed a reduction of 0.012 percent in assessments on their $825 billion in domestic deposits. In other words, they would pay $99 million less to the FDIC on their domestic deposits.

The $322 billion in foreign deposits held by these same banks would be subject to an 0.067 percent assessment. That would have translated into an additional $216 million in costs.

Accordingly, the net increase in pretax costs for banks holding foreign deposits would have been about $117 million. This is the figure that results from subtracting the $99 million in savings from the $216 million in cost increase.

The $117 million figure is essential if we are to determine the impact of an equitable FDIC assessment system on competitiveness and trade.

Had banks with foreign deposits paid an additional $117 million in pretax assessment costs in 1985, their greater pretax cost of funding loans could be approximated by dividing the $117 million in costs by the $322 billion of foreign deposits. This would yield an additional cost of doing business of roughly four one hundredths of 1 percent—0.00036. If the aftertax cost of funding loans rose by roughly three-quarters of this value—a reasonable assumption based on worldwide effective corporate income tax rates for banks—and if higher net costs were passed on to all bank borrowers on a dollar for dollar basis, bank deposit and loan rates would be affected only slightly by the resulting percentage point change of approximately three one hundredths of 1 percent.

The impact on competitiveness and profitability of higher net costs equal to three basis points would be minimal.

The nine largest money center banks in 1985 paid 10.5 percent on interest-bearing deposits in foreign offices while earning 11.1 percent on their loans, net losses. Large banks other than money-center banks paid 9.6 percent on interest bearing deposits in their foreign offices while earning 11.0 percent on their loans, net losses.

Neither money center banks nor other large banks were required to pay a premium to the FDIC on their foreign deposits. The differences were determined by the marketplace itself and the position of individual banks within the marketplace. A higher net after-tax cost of three one-hundredths of 1 percent would not make foreign branches of American banks uncompetitive.

The costs incurred by an individual institution, whether related to economies of scale or regulatory requirements, are a determinant in that institution's position in the marketplace. Some banks may find making interbank loans on extremely thin margins to be profitable others might not. The inclusion of foreign deposits in the FDIC premium base is not the determining factor on whether or not a bank does business overseas.

The very existence of the FDIC makes banks more competitive in their bids for foreign deposits. It certainly enhances the basic capital position of the bank by guaranteeing domestic deposits up to $100,000. Foreign competitors have no comparable deposit insurance mechanism.

In addition, foreign depositors are concerned about the safety of the institutions in which they deposit large sums of money. Not all banks are as safe and sound as American banks. According to a confidential Bank of England study, stockholdings of Japanese banks equal to about one-third of their assets are tied up in the Japanese stock market. As noted in the January 28, 1988 Wall Street Journal, this makes Japanese banks, unlike American banks, very vulnerable to a stock market crash.

Does the marketplace put a value on the safety of deposits? While difficult to quantify with exactness, Catherine Cumming noted in the Federal Reserve Bank of New York Quarterly Review of Autumn, 1985: "The normal tiering in the Euromarket suggest that safety may be worth more than 8 basis points." It seems clear that the backing American banks receive in the marketplace from FDIC protection may well be worth substantially more than the minimal cost of assessment of foreign deposits.

While an increase in the assessment base and an across-the-board reduction in the overall assessment may be the most equitable way to proceed, I want to make clear to my colleagues that I would certainly support a broadening of the base to include foreign deposits without a corresponding reduction in the overall premium if events demand such a course. The inclusion of the $332 billion in foreign deposits would increase the FDIC premium base by approximately 15 percent. If the FDIC maintains that this is a more desirable method of comprehensive assessment, Congress would be wise to listen to that advice.

Since I indicated my intent to introduce this legislation earlier this year, bankers in 25 States have contacted me to let me know of their support for the initiative. At this point, I would like to include in the RECORD copies of some of those letters of support from the various States along with the text of the legislation.

The material follows:

McHENRY STATE BANK,
McHenry, IL, January 15, 1988.

Re Federal Deposit Insurance Assessment Equity Act.

Hon. GERALD KLECZKA,
Cannon House Office Building., Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am certain that about 99 percent of the insured banks in this country would support your legislation to impose federal deposit insurance assessment on foreign deposits. The present program is totally unfair to us who deal strictly in domestic deposits.

We can certainly understand that foreign deposits must be insured but to enjoy protection without assessment is totally unfair.

Very truly yours,
THOMAS F. BOLGER,
President.

STATE BANK OF LISMORE,
Lismore, MN, January 11, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: Received information today on your Federal Deposit Insurance Assessment Equity Act and would like to inform you that I am in complete agreement with the proposed bill. It is a wonder that this inequity has been unaddressed for this long.

If there is anything I can do to assist you please feel free to contact me.

Sincerely,
GARY M. LOOSBROCK,
V.P. Cashier.

VIRGINIA COMMUNITY BANK,
Louisa, VA, January 12, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: I support you in your introduction of a bill requiring FDIC to charge premiums on foreign deposits. We pay premiums for insurance based on all of our deposits, and I see no reason for money center banks being excluded. I would suspect they are better able to pay the premiums, than are many community banks across the country and I wish you success in guiding this legislation to completion.

Sincerely yours,

A. Pierce Stone.

State Bank of Escanaba,
Escanaba, MI, January 15, 1988.

Re F.D.I.C. Assessment Equity Act.

Hon. Gerald D. Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: I hail and support your bill to bring equity to the F.D.I.C. assessments of bank deposits.

As pointed out in your bill, the money center banks have been getting a free ride for many years by their ability to exclude foreign deposits from their deposit base when calculating their F.D.I.C. assessment.

I support increasing the F.D.I.C. revenue by including these foreign deposits in future assessments.

Your bill will give small community banks and large banks that do not accept foreign deposits equity in the F.D.I.C. fund.

Thank you for your efforts.

Sincerely,

Forrest A. Henslee,
President.

Potosi State Bank,
Potosi, WI, January 28, 1988.

Re Amendment to Federal Deposit Insurance Act.

Hon. Gerald D. Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: Foreign deposits should not receive free coverage under FDIC insurance. This only subsidized the much larger Banks at the expense of smaller banks.

The Federal Deposit Insurance Act should be amended to include foreign and domestic deposits in the deposit insurance base.

Thank you for your help on this matter.

Sincerely,

Neil C. Pier,
President.

Livermore Falls Trust,
January 21, 1988.

Hon. Gerald Kleczka,
House of Representatives, Washington, DC.

Dear Mr. Keczka: It is my understanding that you are planning to, or have introduced a bill called the, "Federal Deposit Insurance Assessment Equity Act". You are to be commended for your efforts to corrects a gross inequity in the business of banking.

As you know, the nation's mega banks have long enjoyed a competitive advantage with the nation's community banks—not because of economics-of-scale or for efficiencies often attributed to large institutions (improperly, in my opinion) but rather because of the perceived too-big-to fail umbrella under which they operate. Fortunately, or unfortunately, depending on one's view point these same maga institutions are the primary beneficiaries of foreign deposits. The problem is that by exempting foreign deposits from the F.D.I.C. assessment process, holders of domestic deposits are being unfairly asked to subsidize those institutions with the foreign claims. Your bill seems to address the salient issues and remedies the inequity.

Thanks for your understanding and support.

Sincerely,

L. Gary Knight,
Executive Vice President.

Pemigewasset National Bank,
January 25, 1988.

Re: Federal Deposit Insurance Assessment Equity Act.

Hon. Congressman Kleczka,
House of Representatives, Washington, DC.

Dear Congressman Kleczka: In any discussion, plain facts stemming from common knowledge are a basic method to come to agreement.

Common knowledge—Failure of the Continental Illinois Bank

Fact—The Continental Illinois Bank had both domestic and foreign deposits.

Fact—The Continental Illinois Bank was assessed a premium on only its domestic deposits.

Fact—The Continental Illinois Bank failed.

Fact—The Continental Illinois Bank's $69 billion structure—which included both domestic and foreign deposits—was protected by FDIC insurance.

In this ear when equality is being stressed, the obvious question raised is "Why is this allowed"?

Foreign deposits are effectively a liability of the FDIC and all liabilities should and must bear an assessment.

Respectfully,

Fletcher W. Adams,
Executive Vice President.

First National Bank,
January 11, 1988.

Hon. Gerald D. Kleczka,
House of Representatives,
Washington, DC.

Dear Mr. Kleczka: Thank you very much for your concern over the inequities in the FDIC assessments to banks. This has been of conceren to smaller, community banks for some time and your proposed bill, "Federal Deposit Insurance Assessment Equity Act", addresses the main items affecting community banks. It is my opinion that foreign deposits should definitely be included in the FDIC assessment base. This would accomplish two things: increase the overall amount of premium income to FDIC and make the bill "revenue neutral", decreasing the overall assessment rate on deposits.

Money center banks are presently the beneficiaries of an enormous U.S. Government support system that is not available to smaller domestic banks. Your bill addresses this inequity by including all deposits, both foreign and domestic, in the deposit insurance base. Large banks would then pay a fairer share of the FDIC coverage they enjoy.

We encourage your efforts to assess foreign deposits. Independent bankers throughout the United States are solidly behind you in this endeavor.

Very truly yours,

L.D. Westbury,
President.

The Apple Creek Banking Co.,
January 11, 1988.

Hon. Gerald Kleczka,
Washington, DC.

Dear Congressman Kleczka: I am pleased to hear that you propose to introduce legislation that would charge big banks premiums on foreign deposits. I want to applaud you for introducing such a bill. For too long, big banks have gotten a free ride. Particularly since Continental Illinois failed and was bailed out, in total, by FDIC. In essence, all of the deposits of that bank were made whole, foreign and domestic. It is time that the big banks share the full load.

I also would like to point out that many money center banks are also presently the beneficiaries of enormous US Government support system not available to smaller domestic banks. The US government is not playing a major role in helping us re-negotiate our troubled agriculture and energy loans. There is no IMF support system helping to ensure that interest payments will be made. The perception of small banks depositors is that their deposits over $100,000 are at risk in smaller banks no matters how well run they are.

For the Apple Creek Banking Company, a small $21 million bank, and for the 130 plus members of IBAA in Ohio, I wish you success in the passage of this bill.

Sincerely,

Alfred C. Leist,
President.

State Bank of Chittenango,
February 1, 1988.

Hon. Gerald Kleczka,
House of Representatives, Washington, DC

Dear Congressman Kleczka: Thank you for your interest in correcting the glaring inequity inherent in the FDIC's failure to assess foreign deposits.

Obviously, a very large majority of the nation's smaller banks are devoid of any foreign deposits and are, therefore, bearing a disproportionate share of the cost of carrying the deposit insurance system. In recent years, this situation has been exacerbated by the reduction in assessment credits resulting from the rash of bank failures. FDIC assisted merger activities and open bank assistance costs highlighted by the $4.5 billion injection into Continental Illinois.

State Bank of Chittenango noticed an increase of more than $5,000.00 annually in its net FDIC premiums when the assessment credits were modified because of those problems.

Those same banks which are too big to fail are, for all practical purposes, 100% FDIC insured and are, at the same time, enjoying the benefits of a portion of their deposits free of insurance premium assessment. Our bank, on the other hand, is paying a premium on 100% of its deposits, but does not enjoy 100% deposit insurance.

Congressman Kleczka, like you, I just don't understand why we should pay more and get less, nor why our depositors and shareholders should be treated like second class citizens by comparison to the depositors and shareholders of major money center banks which hold the lion's share of unassessed deposit liabilities.

Sincerely,

Robert B. MacDonald,
President and Chief Executive Officer.

Crescent City Bank,
New Orleans, LA, January 22, 1988.

Congressman Gerald D. Kleckza,
Cannon House Office Building, Washington, DC.

Dear Congressman Kleckza: This letter expresses my support for your plans to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits of domestic banks.

Good luck in this endeavor.

Very truly yours,

Ray C. Baas,
President and
Chairman of the Board.

The Brookings Bank,
Brookings, SD, January 20, 1988.
Congressman Kleczka,
House of Representatives, Cannon Building, Washington, DC.

Dear Congressman: As a community banker in a small town in South Dakota, I want to applaud your efforts in reforming the FDIC deposit insurance premium structure. Your attention to this is a welcome relief to those of us who serve the communities in obscurity, while money center banks dominate the consciousness of the news media and regulators.

For a long time we have watched expenses for FDIC insurance increase (there has been no partial refund of premiums for some time) while the money center banks have paid far less proportionally because of their international deposits. Nevertheless, when a bank the size of ours experiences financial difficulty, it is closed, while the Continental's of this world remain in business draining away the reserves of the FDIC. A fund our bank has been contributing to since 1935.

I hope this legislation is successfully passed, and I will urge my Congressional Representatives to support it.

Very truly yours,

George Lund,
Chairman.

Bank of Columbia,
Columbia, AL, January 28, 1988.
Hon. Gerald Kleczka,
U.S. Congressman, House of Representatives, Cannon House Office Building, Washington, DC.

Dear Congressman Kleczka: I would like to offer you my support and appreciation for your introducing the bill requiring the FDIC to impose premiums on foreign and domestic deposits. Small banks should not have to pay high FDIC premiums so that the larger institutions can house foreign deposits and not pay for their coverage. The law should be changed, assessing all deposits, foreign and domestic.

Again, I appreciate your support of this legislation.

Sincerely,

B.F. Oakley,
Chariman and CEO.

The Peoples Bank,
Winder, GA, January 12, 1988.
Hon. Gerald D. Kleczka,
House of Representatives, Cannon Building, Washington, DC.

Dear Congressman Kleczka: It is my understanding that you plan to introduce a bill requiring that the FDIC impose premiums on foreign deposits. As a small town community banker for over 40 years, I would like to thank you in advance for your decision to place this bill before Congress and to urge its passage in the strongest possible terms.

The large money center banks have failed to carry their fair share of the insurance deposit load for many, many years and yet have derived all the benefits of having 100 percent of their deposits insured as shown by the Continental Bank's near failure.

It not only seems basically unfair to require the small and regional banks to pay full premiums on their deposits but it adds insult to injury when we find that the small banks are allowed to fail without any intervention whatever and yet when a large bank gets into difficulties, the regulatory authorities rush to their rescue.

As you are well aware, the many small banks, particularly in the midwest and agricultural areas, have had some extreme difficulties in trying to serve their farm communities and it would be of tremendous help if you would push this bill through and at least make the large banks pay their pro rata share of the premiums for deposit insurance.

May I express in advance my personal appreciation for your consideration and I will be more than happy to supply any information from a local standpoint that you might desire to support your position.

Yours very truly,

Charles O. Maddox, Jr.,
President.

The First National Bank,
Greencastle, PA, January 13, 1988.
Congressman Gerald Kleczka,
Cannon House Office Building, Washington, DC.

Dear Congressman Kleczka: May I congratulate you on the introduction of your bill "Federal Deposit Insurance Assessment Equity Act" which would include foreign deposits in the FDIC assessment base, and speaking for the small banking industry, (having been past President of the Independent Bankers Association of Pennsylvania) the present FDIC assessment has been so unfair to the small banks of the United States.

Although the mega banks do not use this in their promotion, we know what they rest comfortably in knowing the fact that the federal government totally insures all of their deposits, including those of foreign depositors. On the other hand, we small bankers must be straightforward with our depositors in indicating that the limit of insurance coverage is $100,000 per deposit. It is beyond our comprehension how the United States government can allow this inequity to continue to exist. It is important to us that "All" liabilities should bear an assessment by the FDIC, and the free ride that the mega banks have enjoyed should come to an end.

Our small banks have outperformed the mega banks year in and year out. This comes from highly qualified management and knowing our customer, thereby, creating fewer loan writeoffs, despite the fact that we outperform most mega banks makes very little difference in the minds of the customer or depositor. By putting ourselves in his place, we must weigh very heavily where we are going to place our deposits in excess of $100,000; where they are 100 percent guaranteed, or where they are exposed in excess of $100,000.

I totally support your act which calls for the inclusion of foreign deposits in the FDIC assessment base.

I hope your bill meets with success. Any Congressman should vote in favor of your bill to correct the inequity and unfairness against small banks which has prevailed since the Continental Illinois failure.

From all of us, we thank you for your sponsorship.

Yours truly,

C.B. Shank
President.

The Farmers Bank,
Hardinsburg, KY, January 12, 1988.
Hon. Gerald Kleczka,
House of Representatives,
Washington, DC.

Dear Congressman Kleczka: This letter will register our Bank's support and the support of other Independent Bankers in the State of Kentucky for your proposed legislation requiring the FDIC to impose premiums on foreign deposits. This requirement is long overdue and we feel it is important that the large banks who have foreign deposits should pay their fair share of insurance premium.

You have our solid support for your proposed legislation.

Sincerely,

C.D. Bennett,
President.

Valley Bank,
Kalispell. MT, January 14, 1988.
Hon. Gerald Kleczka,
House of Representatives,
Washington, DC.

Dear Congressman Kleczka: We understand that you are planning to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits. We are pleased to note your concern and we sincerely support your efforts. With the failure of the Continental-Illinois Bank, it has become obvious that the Federal Deposit Insurance Corporation and those required to provide the funding for the FDIC Reserves were being "ripped off" by money center banks earmarked "too big to fail". It is the feeling of this writer that it is imperative that all deposits insured by the Federal Deposit Insurance Corporation be placed under the assessment system if we have any hope of maintaining the safety and soundness of the system. It is totally unrealistic that the major money center banks of this country should be receiving FDIC premium *welfare* from the Nation's ten or eleven thousand community banks. We sincerely hope that you are successful in your efforts.

Sincerely,

A.J. King,
President.

Nebraska State Bank,
South Sioux City, NE, January 25, 1988.
Congressman Gerald Kleczka,
Washington, DC.

Dear Congressman: I am voicing my support of your bill to require that the FDIC impose premiums on foreign deposits. Though foreign deposits are technically not covered by deposit insurance, banks that rely heavily on foreign deposits are generally the same banks that the federal regulators would not allow to fail under any circumstances. Thus, they enjoy de facto 100% deposit insurance, but pay on only their domestic deposits. As the Continental Illinois case illustrated, foreign deposits are effectively a liability of the FDIC, and all liabilities should bear an assessment. This inequity can be solved by your bill whereby all deposits, foreign and domestic, are assessed equally.

Thank you for your consideration in this matter.

Sincerely,

Roy Yaley,
President.

FARMERS BANK,
Parsons, TN, February 5, 1988.
Congressman GERALD D. KLECZKA,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am writing in support of your effort to require the FDIC to impose premiums on foreign deposits.

As you know one of the strengths of America has been the diversity of its institutions including commercial banks.

This diversity has been nurtured by the "dual" banking system of nationally chartered banks and state chartered banks.

It seems that in recent years "dual" banking has come to connotate something else and that something else is unfair and uneven treatment by regulators of large banks and small banks.

We have seen a myriad of regulations imposed on small banks because of abuses of consumers by large banks, but when it comes to the question of surviving or failing or of not paying a fair FDIC insurance premium or of paying a fair FDIC insurance premium the new "dual" standard has been invoked.

The fundamental question here is, what is right and what is wrong with the FDIC insurance premium policy? We are dealing with matters of principle, but there is more to the question than principle.

It is just plain good sense to assess all deposits with a premium and lower the overall assessment rate.

I commend you on your effort and I sincerely hope that your colleagues will support this effort to right a wrong.

Sincerely,
H.L. TOWNSEND, Jr.,
President.

AMERICAN EXCHANGE BANK,
Collinsville, OK, January 15, 1988.
Congressman GERALD KLECZKA,
Washington, DC.

DEAR HONORABLE CONGRESSMAN: I am writing in response and support of your proposed legislation which would require all banks to pay equally on all of their deposits.

I feel, in these troubled economic times, that fair the burden of FDIC protection must be borne by all. It appers to be crystal clear that most small community bankers perceive large banks as having full coverage from FDIC, which is not afforded to us. With this favored treatment should come responsibility and liability of payment for all premium payments.

I certainly support your efforts to see that the FDIC assessment is equal and fair to all. I appreciate your help on our benefit. If there is anything we can do to assist you, please let me know.

Sincerely yours,
WILLIAM S. FLANAGAN, Jr.

FARMERS AND MERCHANTS BANK,
Wimbledon, ND, January 14, 1988.
Hon. GERALD D. KLECZKA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLECZKA: I am writing in support of your bill entitled the "Federal Deposit Insurance Assessment Equity Act." As a small rural banker, I totally agree that it is time the "too big to fail" banks pay their share of the insurance assessment.

Congress can simply address this matter by including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then be paying a fairer share for the FDIC deposit insurance they enjoy.

As a rural agricultural bank, the proposed decrease assessment would also help our situation. I wish you the best of luck in this legislation.

Sincerely,
J.A. BROWN,
President.

AVERY COUNTY BANK,
Newland, NC, January 19, 1988.
Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am writing you in support of the bill you are planning to introduce requiring that the FDIC impose premiums on foreign deposits. I feel that all liabilities should bear an assessment. The money center banks do not pay their fair share for the safety they enjoy.

Very truly yours,
MARTHA GUY,
President.

WESTERN COMMERCE BANK,
Carlsbad, NM, January 20, 1988.
Subject: Federal Deposit Insurance Assessment Equity Act.
Hon. GERALD KLECZKA,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN KLECZKA: The two reasons for requiring the Federal Deposit Insurance Corporation to levy assessments on foreign deposits as well as domestic deposits is one, because it is fair and two, it will also help restore the much needed equity in the federal deposit insurance funding mechanism.

The majority of foreign deposits are "technically" insured since most of them are kept in too-big-to-fail banks. These deposits have no risk because they enjoy a federal safety net being in banks that are significant to the banking system.

Banks that don't carry foreign deposits have carried more than their fair share of the funding of the F.D.I.C. If a bank wants to have foreign deposits on its books, it should have to pay the F.D.I.C. a premium on them. This change should not only apply to the large money center banks, but also to the smaller institutions as well.

Sincerely,
DON KIDD,
President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BAKER of Louisiana (at the request of Mr. MICHEL) for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. PARRIS, for 5 minutes, on March 3.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 60 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on March 3.

Mr. KLECZKA, for 30 minutes, today.

Mr. GARCIA, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PANETTA and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,815.

Mr. MARLENEE to revise and extend his remarks prior to the vote on the Sensenbrenner substitute in the Committee of the Whole today.

(The following members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. DORNAN of California.
Mr. GREEN.
Mr. BROOMFIELD.
Mr. PORTER.
Mr. SAXTON.
Mr. DONALD E. LUKENS.
Mr. VANDER JAGT.
Mr. MOORHEAD.
Mr. GILMAN.
Mr. DAVIS OF Michigan.
Mr. LEWIS OF Florida.
Mr. COUGHLIN.
Mr. PARRIS.
Mr. BEREUTER.
Mr. GUNDERSON.
Mr. BARTON of Texas.
Mr. MCDADE.

(The following members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. SHARP.
Mr. DEFAZIO.
Mr. LIPINSKI.
Mr. MONTGOMERY.
Mr. GEJDENSON.
Mr. MANTON in two instances.
Mr. YATES.
Mr. EDWARDS of California.
Mr. CLEMENTS.
Ms. OAKAR.
Mr. MILLER of California.
Mr. LEVINE of California.
Mr. TALLON.
Mr. HAWKINS.
Mrs. SCHROEDER.
Mr. RICHARDSON in two instances.
Mr. GARCIA in two instances.
Mr. DYSON in two instances.
Mr. COLEMAN of Texas.
Mr. KLECZKA.
Mr. BROOKS.
Mr. COELHO.

Mr. DONNELLY.
Mr. DURBIN.
Mr. LELAND.
Mr. ACKERMAN.
Mr. MAZZOLI.
Mr. VENTO.
Mr. LANTOS in two instances.
Mr. SWIFT.
Mr. STALLINGS.
Mr. GRAY of Pennsylvania.
Mr. HAMILTON.
Mr. BERMAN.
Mr. OWENS of Utah.
Mr. BOLAND in two instances.
Mr. APPLEGATE.
Ms. SLAUGHTER of New York.
Mr. WAXMAN.
Mr. MINETA.
Mr. STARK.
Mr. STUDDS.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 3, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3010. A letter from the Administrator of Veterans Affairs, Veterans' Administration; transmitting a report of a violation which occurred in connection with the allotment to the Office of the Inspector General and consisted of an overobligation in excess of the OIG's third quarter allotment, fiscal year 1987, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3011. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reductions; to the Committee on Armed Services.

3012. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Agency's study of asbestos-containing materials in public buildings, pursuant to 20 U.S.C. 4016, 4020(7); to the Committee on Energy and Commerce.

3013. A letter from the Chairman, Environmental Protection Agency, transmitting a report "EPA Activities and Accomplishments under the Resource Conservation and Recovery Act: Fourth Quarter fiscal year 1986 through fiscal year 1987", pursuant to 42 U.S.C. 6915; to the Committee on Energy and Commerce.

3014. A letter from the Chairman, President's Cancer Panel, transmitting a copy of the Panel's 1987 annual report to the President, pursuant to 42 U.S.C. 285a-4(b); to the Committee on Energy and Commerce.

3015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 88-10, certifying that 17 major narcotics producing and/or trafficking countries have cooperated fully with the United States to control narcotics production, trafficking, or money laundering; that certification of Laos, Lebanon, and Paraguay is in the vital national interests of the United States; determination that he will not certify Panama, Iran, Syria or Afghanistan; and a copy of the 1988 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2991(h)(3); to the Committee on Foreign Affairs.

3016. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of the Deputy Secretary's Determination and Justification that the needs of displaced Tibetans are not similar to those of displaced persons and refugees in other parts of the world, pursuant to Public Law 99-399, section 1308(b)(2)(A) (100 Stat. 901); to the Committee on Foreign Affairs.

3017. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to wiave foreign military sales surcharges on sales to the NATO Maintenance and Supply Organization [NAMSO]—a NATO subsidiary body—in support of weapon system partnerships and NATO/SHAPE projects; to the Committee on Foreign Affairs.

3018. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3019. A letter from the Deputy Director of Administration, Central Intelligence Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3020. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's thirteenth annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3021. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1987 annual report of the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3022. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3023. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3024. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3025. A letter from the Chairman, National Endowment for the Arts, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3026. A letter from Assistant Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3027. A letter from Vice President and General Counsel, Overseas Private Investment Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3028. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3029. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3030. A letter from the Solicitor, United States Commission on Civil Rights, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3031. A letter from the Chairman, United States Consumer Product Safety Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3032. A letter from the Administrator, Veterans' Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3033. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3034. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

3035. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report on appeals filed for fiscal year 1987, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

3036. A letter from the Secretary of Health and Human Services, transmitting a report on the applicable percentage increase for the Medicare prospective payment system for fiscal year 1989, pursuant to Public Law 100-203, section 4002; to the Committee on Ways and Means.

3037. A letter from the Secretary of Education, transmitting the Department's views on S. 557, the Civil Rights Restoration Act; jointly, to the Committees on Education and Labor and the Judiciary.

3038. A letter from the Comptroller General, transmitting a report on U.S. international narcotics control activities, pursuant to 22 U.S.C. 2291 nt.; jointly, to the Committees on Government Operations and Foreign Affairs.

3039. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to amend Title 42 of the United States to confer statutory law enforcement powers on special agents of the U.S. Environmental Protection Agency with responsibility for criminal enforcement of environmental laws; jointly, to the Committees on the Judiciary, Energy and Commerce, Agriculture, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2032. A bill to authorize the conveyance of the Liberty ship Protector with an amendment (Rept. 100-509). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 4053. A bill to redesignate the J. Strom Thurmond Reservoir as the "Clarks Hill Lake"; to the Committee on Public Works and Transportation.

By Mr. BROOKS (for himself and Mr. Horton):

H.R. 4054. A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H.R. 4055. A bill to amend the Uniform Time Act of 1966 to permit Colorado to observe daylight savings time during additional periods in order to improve air quality in urban areas; to the Committee on Energy and Commerce.

By Mr. DAVIS of Michigan (for himself, Mr. Jones of North Carolina, Mr. AuCoin, Mr. Bateman, Mrs. Bentley, Mr. Biaggi, Mr. Bilirakis, Mr. Bosco, Mrs. Boxer, Mr. Callahan, Mr. Dyson, Mr. Eckart, Mr. Fauntroy, Mr. Feighan, Mr. Fields, Mr. Foglietta, Mr. Fuster, Mr. Herger, Mr. Horton, Mr. Howard, Mr. Hutto, Mr. Lent, Mr. Lipinski, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Owens of New York, Mr. Porter, Mr. Quillen, Mrs. Saiki, Miss Schneider, Mr. Shumway, Mr. Smith of New Jersey, Mr. Traficant, Mr. Upton, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Weldon, and Mr. Young of Alaska):

H.R. 4056. A bill making urgent supplemental appropriations for fiscal year 1988 for Coast Guard operating expenses; to the Committee on Appropriations.

By Mr. ERDREICH:

H.R. 4057. A bill to provide for a study by the Secretary of Health and Human Services to develop recommendations for correcting the disparities in the computation of social security benefits (commonly referred to as the "notch problem") which were caused by the enactment (in 1977) of the present formula for computing primary insurance amounts under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. GARCIA:

H.R. 4058. A bill to amend the Export-Import Bank Act of 1945 to require appropriations for the amount of any loan subsidy provided by the Export-Import Bank of the United States and to authorize appropriations for such purposes for fiscal years beginning after September 30, 1989; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4059. A bill to amend the Export-Import Bank Act of 1945 to authorize appropriations to the Tied Aid Credit Fund for fiscal years 1989 and 1990; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. de la Garza, Mr. Foley, Mr. Staggers, Mr. Glickman, Mr. Olin, Mr. Hawkins, Mr. Espy, Mr. Jeffords, Mr. Morrison of Washington, Mr. Ackerman, Mr. Nowak, Mr. Owens of New York, Mr. Vento, Mr. Wyden, Mr. Lowry of Washington, Mr. Miller of California, Mr. Rodino, Mr. Matsui, Mr. Fazio, Mr. Traxler, Mr. Penny, Mr. Gonzalez, Mr. Dorgan of North Dakota, Mr. Stark, Mr. Walgren, Mr. Gilman, Mr. Mfume, Mr. Brown of California, Mr. Edwards of California, Mr. Atkins, Mr. Berman, Mr. Wilson, Mr. Martinez, Mr. McHugh, Mr. Dwyer of New Jersey, Ms. Pelosi, Mr. Traficant, Mr. Frank, Mr. Stokes, Mr. Wolpe, Mr. Williams, Mr. Hertel, and Mr. Leland):

H.R. 4060. A bill to provide hunger relief, and for other purposes; jointly, to the Committees on Agriculture and Education and Labor.

By Mr. KLECZKA:

H.R. 4061. A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base and reducing the assessment rate for deposit insurance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PARRIS (for himself, Mr. Barnard, Mr. Shumway, and Mrs. Saiki):

H.R. 4062. A bill entitled "The Management Interlocks Revision Act of 1988"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSE (for himself, Mr. Jones of North Carolina, Mr. Valentine, Mr. Lancaster, Mr. Price of North Carolina, Mr. Neal, Mr. Coble, Mr. Hefner, Mr. McMillan of North Carolina, Mr. Ballenger, Mr. Clarke, Mr. Ravenel, Mr. Spence, Mr. Derrick, Mrs. Patterson, Mr. Spratt, and Mr. Tallon):

H.R. 4063. A bill to require the Secretary of Labor to permit North Carolina and South Carolina to continue to employ 17-year old school bus drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself and Mr. Glickman):

H.R. 4064. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. Moorhead, Mr. Bruce, Mr. Bryant, Mr. Lent, Mr. Markey, Mr. Richardson, Mr. Walgren, and Mr. Wyden):

H.R. 4065. A bill to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER of New York:

H.R. 4066. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. WELDON:

H.R. 4067. A bill to prohibit certain railroad employees from leaving their post in the event of a train accident; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. Udall, Mr. Miller of California, Mr. Richardson, Mr. Campbell, and Mr. DeFazio):

H.R. 4068. A bill to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

By Mr. HOWARD (for himself (by request), Mr. Anderson, Mr. Hammerschmidt, and Mr. Shuster):

H.R. 4069. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. PARRIS:

H.R. 4070. A bill to provide another opportunity for Federal employees to elect coverage under the Federal Employees' Retirement System; to provide that the recently enacted government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. SLATTERY:

H.R. 4071. A bill to amend section 210 of the Energy Reorganization Act of 1974 to provide protection against discrimination for certain employees, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, Armed Services, and Science, Space and Technology.

By Mr. WAXMAN (for himself, Mr. Hyde, Mr. Leland, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Sikorski, Mr. Bates, Mr. Bruce, Mrs. Collins, Mr. Boucher, Mr. Miller of California and Mr. Downey of New York):

H.R. 4072. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. FASCELL (for himself (by request), Mr. Broomfield, Mr. Solarz, and Mr. Leach of Iowa):

H.J. Res. 479. Joint resolution to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. BOUCHER (for himself, Mr. Cardin, Mr. Wolf, Mr. Hoyer, Mr. Parris, Mr. McMillen or Maryland, Mrs. Morella, Mr. Fauntroy and Mr. Sisisky):

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. GARCIA (for himself, Mr. Wyden, Mr. Bliley, Mr. Fuster, Mr. Lewis of Georgia, Mr. Smith of Florida, Mr. Lehman of Florida, Mr. Kostmayer, Mr. Wolf, Mr. Mfume, Mr. Owens of Utah, Mr. de Lugo, Mr. Konnyu, Mr. Bilbray, Mr. Fauntroy, Mr. Howard, Mrs. Collins, Mr. Fazio, Mrs. Boxer, Mr. Hughes, Mr. Mrazek, Mr. Frost, Mr. Lipinski, Mr. Evans, Mr. DeWine, Mr. Wortley, Mr. Bates, Mr. Crockett, Mr. Volkmer, Mr. Roe, Mr. Hochbrueckner, Mr. Berman, Mr. Horton, Mr. Kolter, Mr. Levin of Michigan, Mr. Solomon, Mr. Towns, Mr. Darden, Mr. Borski, Mr. Campbell, Mr. Clay, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Buechner, Mr. Dreier of California, Mr. de la Garza, Mr. Fish, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frenzel, Mr. Boucher, Mr. Bustamante, Mr. Feighan, and Mr. Bryant):

H.J. Res. 481. Joint resolution to designate the period beginning May 16, 1988, and ending May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan (for himself, Mr. Hamilton, Mr. Obey, Mr. Stokes, Mr. Aspin, Mr. Miller of California, Mr. Guarini, Mr. Lowry of Washington, Mr. Dorgan of North Dakota, Mr. Frank, Mr. McCurdy, Mr. Spratt, Mr. Rowland of Georgia, Mr. Slattery, Mr. Morrison of Connecticut, Mr. Cooper, Mr. Carper, Mr. Andrews, and Mr. Lancaster):

H.J. Res. 482. Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Rules.

By Mrs. MEYERS of Kansas:

H.J. Res. 483. Joint resolution to designate the week beginning April 3, 1988, as "National Auctioneers Week"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H. Con. Res. 255. Concurrent resolution expressing the support of the Congress for Panamanian President Delvalle and for democracy in Panama; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LEACH of Iowa (for himself, Mr. Broomfield, and Mr. Pashayan):

H. Con. Res. 256. Concurrent resolution urging the President to use his emergency refugee authority to accommodate the admission of additional Armenians and others from the Soviet Union; to the Committee on the Judiciary.

By Mr. MANTON (for himself and Mr. Ackerman):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve System should take such steps as may be necessary to prevent electronic fund transfers between financial institutions in the Republic of Panama and financial institutions in the United States until such time as the President certifies the Republic of Panama pursuant to section 481(h)(2)(A) of the Foreign Assistance Act of 1961; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL (for himself and Mr. Mollohan):

H. Con. Res. 258. Concurrent resolution expressing the sense of Congress regarding the upcoming National "Silver-Haired Congress"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H. Res. 393. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. KOLTER:

H. Res. 394. Resolution expressing the opposition of the House of Representatives to the proposed World Bank loan to restructure Mexico's steel industry; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS (for himself, Mr. Murtha, Mr. Ritter, Mr. Applegate, and Mr. Regula):

H. Res 395. Resolution expressing the sense of the House of Representatives that the proposed World Bank loan to Mexico is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization efforts; and the Government of the United States should use its best efforts to prevent approval of that loan; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the depletion of the ozone layer, to the Committee on Energy and Commerce.

277. Also, memorial of the Legislature of the State of Nebraska, relative to the Vietnam Women's Memorial Project; to the Committee on Interior and Insular Affairs.

278. Also, memorial of the Legislature of the State of Maine, relative to the retention of mortgage revenue bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. STALLINGS introduced a bill (H.R. 4073) for the relief of Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo Davio Schlechter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. Moody.

H.R. 190: Mr. Sabo, Mr. Erdreich, Mr. Neal, and Mr. Tauke.

H.R. 245: Mr. Grandy.

H.R. 276: Mr. Richardson.

H.R. 341: Mr. Hiler and Mr. Packard.

H.R. 541: Mr. Brennan.

H.R. 778: Mr. Wortley and Mr. Ford of Tennessee.

H.R. 912: Mr. LaFalce.

H.R. 1119: Mr. Richardson.

H.R. 1204: Mr. Fields.

H.R. 1272: Mr. Owens of Utah.

H.R. 1583: Mr. Petri, Mr. MacKay, Mr. Rogers, Mr. Denny Smith, Mr. Goodling, Mr. Cheney, and Mr. Gregg.

H.R. 1663: Mr. Packard, Mr. Hefner, Mr. Hastert, Mr. Bates, Mr. Craig, Mr. Obey, and Mr. Cooper.

H.R. 1766: Mr. Roe.

H.R. 1782: Mr. Mfume and Mr. Smith of New Jersey.

H.R. 1965: Mr. Craig.

H.R. 2017: Mr. Wortley.

H.R. 2148: Mr. Clarke, Mr. Andrews, Mr. Miller of Ohio, Mr. Cooper, Mr. Shays, Mr. Markey, and Mr. Craig.

H.R. 2238: Mr. de Lugo, Mr. McMillan of North Carolina, Mr. Espy, Mr. Houghton, Mr. Smith of Texas, Mr. McCollum, Mr. Vander Jagt, Mr. Traficant, Mr. Lewis of Georgia, Mr. Stenholm, Mr. Price of Illinois, Mr. Weldon, Mr. Pepper, Mr. Tallon, Mr. Dickinson, Mr. Konnyu, Mr. Feighan, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Lent, Mr. Saxton, Mr. Lehman of California, Mr. Davis of Illinois, Mrs. Lloyd, Mr. Penny, and Mr. Bilirakis.

H.R. 2567: Mr. Sunia, Mr. Roybal, Mr. Sabo, Ms. Pelosi, Mr. Ackerman, and Mr. Fuster.

H.R. 2580: Mr. Chandler.

H.R. 2674: Mr. Hoyer.

H.R. 2717: Mr. Lehman of California and Mr. Durbin.

H.R. 2734: Mr. McEwen.

H.R. 2800: Mr. Chandler, Mr. Aspin, Mr. Skelton, Mr. Hefner, Mr. Carr, and Mr. Ford of Tennessee.

H.R. 2837: Mr. Vento.

H.R. 2879: Mr. Fish.

H.R. 2976: Mrs. Bentley and Mrs. Collins.

H.R. 2988: Mr. Harris, Mr. Young of Alaska, Mr. Barnard, and Mr. Sunia.

H.R. 3070: Mr. Vento, Mr. Slattery, Mr. Lowry of Washington, and Mr. Cooper.

H.R. 3132: Mr. Lehman of California.

H.R. 3146: Mr. Rinaldo and Mr. Slattery.

H.R. 3149: Mr. Bilirakis.

H.R. 3193: Mr. Richardson.

H.R. 3199: Mr. Lewis of Florida.

H.R. 3299: Mr. Dyson, Mr. Eckart, Mr. Horton, Mr. Owens of New York, Mr. Vander Jagt, and Mr. Young of Alaska.

H.R. 3361: Mr. Applegate, Mr. Spence, Mr. Howard, Mr. Lewis of Georgia, Mr. Towns, Mr. Vander Jagt, Mr. Gejdenson, Mr. Garcia, Mr. Leland, Mr. Coughlin, Mr. Florio, Mr. Dyson, and Mr. Kennedy.

H.R. 3603: Mr. Moody.

H.R. 3622: Mr. Dowdy of Mississippi, Mr. Evans, Mr. Boucher, Mr. Roe, Mr. Konnyu, Mr. Wortley, Ms. Kaptur, Mr. Brown of California, Mr. Tallon, Mr. Bilirakis, Mrs. Collins, Mr. DeWine, Mr. Lowery of California, Mr. Edwards of California, Mr. Lancaster, Mr. Robinson, Mr. Gejdenson, Mr. Nielson of Utah, Mr. Hughes, Mr. Panetta, Mr. Richardson, Mr. Levin of Michigan, Mr. Jontz, and Mr. Dyson.

H.R. 3628: Mr. Rinaldo, Mr. McDade, Mr. Downey of New York, Mr. Traxler, Mr. Clarke, Mr. Owens of New York, Mr. Mack, Mr. Traficant, Mr. Rahall, Mr. Carper, Mr. Skeen, Mr. Bilirakis, Mr. Sunia, Mr. Boland, Mr. Brooks, Mr. Upton, Mr. Schuette, Mr. Grandy, Mr. Mica, Mr. Feighan, Mr. Hayes of Louisiana, Mr. Matsui, Mr. AuCoin, Mr. Mineta, Mr. Spratt, Mr. Dixon, Mr. Moorhead, Mr. Garcia, Mr. Kennedy, Mr. Dymally, Mr. Obey, Mr. Sikorski, Mrs. Schroeder, Mr. Stark, and Mr. Pepper.

H.R. 3662: Mr. Wortley, Mr. Howard, Mr. Grant, Mr. Hughes, Mr. Upton, Mr. Dannemeyer, Mr. Nielson of Utah, Mr. Henry, and Ms. Kaptur.

H.R. 3757: Mr. Miller of Washington, Mr. Lowry of Washington, and Mrs. Kennelly.

H.R. 3774: Ms. Kaptur, Mr. Nielson of Utah, Mr. Hughes, Mr. Lancaster, Mr. Owens of Utah, Mr. Campbell, and Mr. Tallon.

H.R. 3781: Ms. Kaptur, Mr. Owens of Utah, Mr. Mrazek, and Mr. Boucher.

H.R. 3782: Mr. Mrazek, Ms. Kaptur, Mr. Owens of Utah, and Mr. Boucher.

H.R. 3784: Mr. Boucher.

H.R. 3800: Mr. Jones of Tennessee and Mr. Spence.

H.R. 3826: Mr. Ray, Mr. Miller of California, Mr. Lagomarsino, Mr. Lewis of Florida, Mr. Oberstar, Mr. Upton, Mr. Lantos, Mr. de Lugo, Mr. Chapman, Mr. Horton, Mr. Sisisky, Mr. McCurdy, and Mr. Martinez.

H.R. 3830: Mr. Fish and Mr. Blaz.

H.R. 3840: Mr. Hutto, Mr. Dicks, and Mr. Atkins.

H.R. 3842: Mr. Davis of Illinois, Mr. Frank, Mr. Glickman, Mr. Boehlert, and Mr. Johnson of South Dakota.

H.R. 3844: Mr. Valentine, Mr. Hubbard, Mr. Holloway, Mr. Campbell, and Mr. Stump.

H.R. 3865: Mr. Tauzin, Mr. Nielson of Utah, Mr. Slaughter of Virginia, Mr. AuCoin, Mr. Spence, Mr. Livingston, and Mr. Regula.

H.R. 3866: Mr. Tauzin, Mr. McCloskey, Mr. Slattery, Mr. Murtha, Mr. Leath of Texas, Mr. Huckaby, and Mr. Bonker.

H.R. 3878: Mr. DeFazio.

H.R. 3879: Mrs. Boxer, Mr. Gonzalez, Mr. Markey, Mr. Evans, Mr. Neal, and Mr. Garcia.

H.R. 3889: Mr. Lujan, Mr. Rahall, Mr. Stenholm, Mr. Carper, Mr. Sweeney, Mr. Miller of Ohio, Mr. Barnard, Mr. McGrath, Mr. Bereuter, Mr. Donald E. Lukens, Mr. Frenzel Mr. Rowland of Connecticut, Mr. Shuster, Mr. Whitten, Mr. Chapman, Mr. Bruce, Mr. DeLay, Mr. Ravenel, Mrs. Vucanovich, Mr. Lent, Mr. Flake, Mr. Upton, Mr. Tauke, Mr. McDade, Mr. Gallo, Mrs. Patterson, Mr. Tallon, Mr. Traxler, Mr. Horton, Mrs. Lloyd, Mr. Bunning, Mr. Livingston, Mr. Smith of New Jersey, Mr. Badham, Mr. Hansen, Mr. Bateman, Mr. McEwen, Mr. Solomon, Mr. Coats, Mr. Blaz, Mr. Ritter, Mr. Slaughter of Virginia, Mr. Holloway, Mr. Glickman, Mr. Stangeland, Mr. Applegate, Mr. Packard, Mr. Mollohan, Mr. Vento, Mr. Bevill, Mr. Wise, Mr. Sundquist, Mrs. Smith of Nebraska, Mr. Derrick, Mr. Hefner, Mr. Boulter, Mr. Bustamante, Mr. Pashayan, Mr. Gilman, Mr. Kostmayer, Mr. Fuster, Mr. Rinaldo, Mr. Garcia, Mr. Wortley, Mr. Davis of Michigan, Mr. Stratton, Mr. Robinson, Mr. Dowdy of Mississippi, Mr. Jeffords, Mr. Lancaster, Mr. Watkins, Mr. Vander Jagt, and Mr. Bryant.

H.R. 3892: Mr. Bilbray, Mr. Davis of Illinois, Mr. Swift, Mr. Denny Smith, Mr. Panetta, Mr. Nielson of Utah, Mr. Gray of Illinois, Mr. Tauzin, Mr. Bryant, Mr. Garcia, Mr. Combest, Mr. Davis of Michigan, and Mr. Fazio.

H.R. 3900: Mr. Wortley.

H.R. 3905: Mr. Dellums, Mrs. Vucanovich, Mr. Owens of New York, Mr. Hochbrueckner, Mr. Lowry of Washington, Mr. Ackerman, Mr. DeFazio, Mr. Rodino, Mr. Studds, Mr. Bates, Mr. Martinez, and Weiss.

H.R. 3907: Mr. Nichols, Mr. Denny Smith, and Traficant.

H.R. 3915: Mr. Fauntroy, Mr. Sensenbrenner, Mr. Dellums, Mr. Wolpe, and Mr. Roe.

H.R. 3919: Mr. Hutto.

H.R. 3940: Mr. Horton, Mr. Dyson, Mr. Upton, Mr. Petri, Mr. Lightfoot, and Mr. Penny.

H.R. 3974: Mr. Schumer and Mr. Akaka.

H.R. 3975: Mr. Stark, Mr. Owens of New York, Mr. Jontz, Mr. Ackerman, Mr. Davis of Illinois, and Mrs. Boxer.

H.R. 4002: Mr. Boehlert.

H.R. 4003: Mr. Hawkins.

H.R. 4011: Mr. Thomas of Georgia, Mrs. Bentley, Mr. Marlenee, Mr. Martin of New York, and Mr. DeLay.

H.R. 4017: Mrs. Patterson.

H.J. Res. 50: Mr. Craig.

H.J. Res. 373: Mr. Roemer, Mr. Gallegly, Mr. Wolf, Mr. Neal, Mr. Atkins, Mr. Livingston, Mr. Skeen, Mr. de la Garza, Mrs. Lloyd, Mr. Richardson, Mr. Rowland of Georgia, Mr. Morrison of Washington, Mr. Lehman of California, and Mr. Smith of New Hampshire.

H.J. Res. 377: Mr. Perkins, Mr. Ackerman, Mr. Skelton, Mr. Spratt, Mr. Sabo, Mr. Watkins, Mr. Rowland of Georgia, Mr. Yates, Mr. Gonzalez, Mr. Campbell, Mr. Regula, Mr. Owens of Utah, and Mr. Natcher.

H.J. Res. 386: Mr. AuCoin, Mr. Bartlett, Mr. Bilbray, Mr. Dingell, Mr. Hoyer, Mr. Ireland, Mr. Lowery of California, Mr. Mavroules, Mr. Russo, and Mr. Schaefer.

H.J. Res. 388: Mr. Campbell, Mr. Chapman, Mr. Crane, Mr. Evans, Mr. Hastert, Mr. Martinez, and Mr. Vento.

H.J. Res. 415: Mr. Schumer, Mr. Hall of Ohio, Mr. Gallegly, Mr. St Germain, Mr. Hayes of Illinois, Mr. Wilson, Mr. Weiss, Mr. Schuette, Mr. McEwen, Mr. Rowland of Georgia, Mr. Frank, Mr. MacKay, Mr. Pepper, Mr. McMillen of Maryland, Mr. Hoyer, Mr. Montgomery, Mr. Thomas of Georgia, Mr. Pashayan, Mr. Yatron, Mr. LaFalce, Mr. Grant, Mr. Lott, Mr. Volkmer, Mr. Stark, Mr. Wise, Mr. Markey, Mr. Dowdy of Mississippi, Mrs. Bentley, Mr. Fish, Mr. Blaz, Mr. Morrison of Washington, Mr. Coughlin, Mr. Gilman, Mr. Taylor, Mr. Cooper, Mr. Young of Alaska, Mr. Lent, Mr. Miller of Ohio, Mr. Bilirakis, Mr. Murphy, Mr. Sundquist, Mr. Sunia, Mr. Miller of Washington, and Mr. Erdreich.

H.J. Res. 420: Mr. Towns, Mr. Mazzoli, Mr. LaFalce, Mr. Leland, Mr. Fawell, Mr. Schaefer, Mr. Ray, Mr. Lipinski, Mr. Espy, Mr. de Lugo, Mr. Bevill, Mr. Lowry of Washington, Mr. McEwen, Mr. Shaw, Mr. Campbell, Mr. Roe, Mr. Quillen, Mr. Price of North Carolina, and Mr. Horton.

H.J. Res. 441: Mr. Lagomarsino.

H.J. Res. 442: Mr. Rogers, Mr. Obey, Mr. Leland, Mr. Thomas A. Luken, Mr. Yates, Mr. Mrazek, Mr. Atkins, Mr. Fazio, Mr. Blaz, Mr. Boland, Mr. Bevill, Mr. Regula, Mr. Horton, Mr. Anderson, Mr. Martinez, Mr. Carper, Mr. Clinger, Mr. Coughlin, Mr. Crockett, Mr. Campbell, Mr. Davis of Illinois, Mr. Bilbray, Mr. Dixon, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. Emerson, Mr. Borski, Mr. de la Garza, Mr. Lancaster, Mr. Foglietta, Mr. Erdreich, Mr. Fauntroy, Mr. McCloskey, Mr. Skaggs, Mr. Robinson, Mr. Mineta, and Mr. Parris.

H.J. Res. 443: Mr. McGrath, Mr. Hughes, Mr. Neal, Mr. Lagomarsino, Mr. Michel, Mr. English, Mr. Clay, Mr. Bonior of Michigan, Mrs. Kennelly, Mr. Conyers, Mr. Harris, Mr. Rowland of Connecticut, Mr. Ford of Michigan, and Mr. Fuster.

H.J. Res. 445: Mr. Kildee, Ms. Oakar, Mr. Berman, Mr. Dixon, Mr. Jones of North Carolina, Mr. Lancaster, Mr. Rhodes, Mr. Matsui, Ms. Pelosi, Mr. Rose, and Mr. Oberstar.

H.J. Res. 447: Mr. Gaydos.

H.J. Res. 448: Mr. Vander Jagt, Mr. Donald E. Lukens, Mr. Davis of Illinois, Mr. Yatron, Mrs. Boxer, Mr. Hunter, Mr. Scheuer, Mr. Gallo, Mr. Richardson, Mr. Wolf, Mr. Borski, Mr. Dyson, Mr. Weldon, Mr. Wolpe, Mr. Fawell, Mr. Gradison, Ms. Pelosi, Mr. Frenzel, Mr. McHugh, Mr. Clinger, Mr. Sabo, Mr. DioGuardi, Mr. Lantos, and Mr. Manton.

H.J. Res. 470: Mr. Volkmer, Mr. Owens of New York, Mr. Fascell, Mr. Grant, Mr. Skaggs, Mr. Nowak, Mr. Campbell, Mr. Brennan, Mr. Schumer, Mr. Erdreich, Mr. Mrazek, Mr. Kostmayer, Mr. Neal, Mr. Moakley, Mr. Synar, Mr. Anderson, Mr. Bryant, Mr. Lipinski, Mr. Moody, Mr. Bustamante, Mr. Jenkins, Mr. Lagomarsino, Mrs. Saiki, Mr. Schuette, Mr. Regula, Mr. McEwen, Mr. Martin of New York, Mr. Sisisky, Mrs. Boxer, Mr. Boland, Mr. Nielson of Utah, Mr. Young of Florida, Mr. Wortley, Mr. Vander Jagt, Mr. Gilman, Mr. Frost, Mr. Inhofe, Mr. Pursell, and Mr. Weldon.

H.J. Res. 473: Mr. Fazio, Mr. Garcia, Mr. Oberstar, Mr. Wolf, Mr. Bryant, Mr. Panetta, and Mr. Erdreich.

H. Con. Res. 83: Mr. Espy.

H. Con. Res. 115: Mr. Gonzalez, Mr. Fuster, Mr. Bates, Mr. Erdreich, Mr. Sikorski, Mr. Conte, Mr. Gordon, Mr. Oberstar, Mr. Levin of Michigan, Mr. Richardson, Mr. Panetta, Mr. Vento, Mr. Torres, Mr. Smith of Florida, Mr. Wyden, Mr. Walgren, Mr. Bennett, Mr. Roe, Ms. Kaptur, Mr. Montgomery, Mr. Neal, Mr. Dornan of California, Mr. Frost, Mr. Rahall, Mr. Crane, Mr. Fazio, Mr. Kostmayer, Mr. Bryant, Mr. Coyne, Mr. Davis of Illinois, Mr. Dymally, Mr. Whitten, Mr. Hughes, Mrs. Boxer, and Mr. de Lugo.

H. Con. Res. 229: Mrs. Martin of Illinois.

H. Con. Res. 238: Mr. Craig and Mr. Hansen.

H. Con. Res. 241: Mr. Vento.

H. Res. 258: Mr. Wortley, Mr. Hyde, Mr. Craig, and Mr. Parris.

H. Res. 276: Mr. Craig.

DELETIONS OF SPONSORS FROM PUBLIC BILL AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1259: Mr. Schumer.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

[Omitted from the Record of Tuesday, March 1, 1988]

130. By the SPEAKER: Petition of Robert W. Wangrud, Milwauki, OR, relative to the U.S. Constitution; to the Committee on the Judiciary.

[Submitted March 2, 1988]

131. Also, petition of the Erie County Environmental Management Council, Buffalo, NY; relative to the Clean Air Act; to the Committee on Energy and Commerce.

132. Also, petition of the Council of the city of New York, NY, relative to congratulating merchant marine war veterans of World War II on the occasion of their being given official war veteran status; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

CHILDREN AND FAMILIES IN POVERTY: THE STRUGGLE TO SURVIVE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MILLER of California. Mr. Speaker, last week, the Select Committee on Children, Youth, and Families held a hearing on "Children and Families in Poverty: The Struggle To Survive." We heard very compelling testimony from children and families who experience the stress and frustration of poverty every day, as well as from the dedicated human service providers who try to help them with overworked staff and limited resources.

We also released a report, "Trends in Family Income: 1970-1986," prepared at my request by the Congressional Budget Office, which illustrates that the plight of poor families has only grown worse. I have attached a select committee staff analysis of the report. As we engage in the current budget debate, I urge my colleagues to take notice of the report's findings that millions of families with children, especially young families and families who were already poor, have lost income over the last decade and a half. We cannot afford to weaken any further the resources available to these families.

The material follows:

OPENING STATEMENT CONGRESSMAN GEORGE MILLER, CHAIRMAN, SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

"CHILDREN AND FAMILIES IN POVERTY: THE STRUGGLE TO SURVIVE" FEBRUARY 25, 1988

For millions of families in America today, poverty—not prosperity—remains a tragic fact of life.

Since 1983, the Select Committee on Children, Youth, and Families has documented that millions of children and families have been left out of the so-called "economic recovery."

In 1986, despite many months of economic expansion, almost 13 million children remained in poverty, nearly 3 million more than in 1979. Children living in single-parent families are at greatest risk of living in poverty, and the experts now tell us that one out of two children will spend some portion of childhood in a single-parent family. Yet the greatest relative increase in child proverty has been among children living in two-parent families.

Today, we will hear the results of a new study of child and family poverty rates among 8 western industrialized nations, including our own. It should be a source of despair for every American that, despite the promise of economic security for all, the United States has higher child and family poverty rates than every one of the countries studied, except Australia, even when income transfer benefits are included.

We are also releasing a major new study on trends in family income in the United States, prepared at my request by the Congressional Budget Office (CBO). The new report, "Trends In Family Income: 1970-1986," contains both good news and bad news. The good news is that family income rose for the typical family during that period, based on CBO's new method for measuring income trends. CBO found that "Adjusted Family Income" rose 20 percent from 1970 to 1986. Even among those families for whom incomes rose, CBO found that the principal reason, among the non-elderly, was the increased number of workers per family, not increased earnings by the typical worker. In many families, both parents now must work to maintain the standard of living, which results in increased costs as well as increased income, such as child care and commuting.

But there is also bad news. Many of the most vulnerable families, and those in which many of our children are growing up, did not share in the prosperity. In fact, young families, low-income families with children, and poor single parent families in 1986 were much poorer than their counterparts in 1970. Income inequality became more pronounced among all major family types except unrelated individuals under age 65 and the elderly, and income gaps widened between the rich and those who are less affluent. The sharpest increases in inequality have occurred since 1979, even among the elderly. Among those affected most adversely were poor families with children. The CBO report notes that "the group of families with children that is at the bottom of the income distribution is markedly worse off now than the corresponding group was 16 years earlier." Among the poorest two-fifths of families with children, median income dropped 12 percent from 1970 to 1986.

Poor single-mother families with children were hit especially hard. In 1986, one-fifth of all single mother families had incomes less than half of the poverty line, and approximately 45 percent had incomes below the poverty line.

Young families have been affected very dramatically, too. More than 40 percent of families with children in which the family head was under 25 lived below the poverty line—and over one-fifth had incomes less than half the poverty line in 1986. For these families, median family income fell 43 percent between 1970-1986. In fact, even among the top two-fifths of these families, median income fell 21 percent.

Today we will also receive testimony from real experts on poverty: the children and families who endure privation, day in and day out, year after year, despite national economic recovery. And we will also hear from those from both rural and urban communities who work with the families to break the terrible and degrading cycle of poverty in America.

I also want to pay tribute to those who are here today under the auspices of the National Planning Committee on Children in Poverty, who are attending a national conference in Washington this week.

STAFF ANALYSIS OF KEY FINDINGS, FROM THE CBO REPORT: "TRENDS IN FAMILY INCOME: 1970-1986"

The new Congressional Budget Office report, "Trends in Family Income: 1970-1986," contains both good news and bad news. The good news is that under a revised way of measuring income trends developed by CBO, family income for the typical family rose during this period. Previous measures of changes in family income over the period have shown a decline.

The bad news is that these income gains were not evenly distributed. Low income families with children, young families at all income levels and poor single mother families in 1986 were much worse off than their counterparts in 1970. Among all major family types except nonelderly unrelated individuals and the elderly, income inequality increased and the gaps widened between the rich and those who are less affluent.

In addition, the news that family incomes rose is tempered by the finding that the principal reasons for the gains among the non-elderly was the increased number of workers per family, not increased earnings by the typical worker. Many families with children have needed to have both parents work to avoid losing ground.

TRENDS IN FAMILY INCOME

The CBO report measures changes in family income over the 16 year period from 1970-1986. These measurements are made in a different manner than that traditionally employed in the past. There are three differences between the CBO measurements and traditional measurements: [1]

CBO adjusted family incomes to reflect to a decline in the average size of families during this period. Since the average family was smaller in 1986 than in 1970, CBO concluded that the average family needed less income to remain at the same level of well-being. This adjustment for family size is the principal reason why the CBO measure shows income growth rather than the stagnation indicated by other measures.

In adjusting annual income levels for inflation, CBO did not use the Consumer Price Index (CPI), but used an alternative inflation index that CBO believes provides a more accurate measure of price changes. Because the alternative index rose more slowly during the 16-year period than did the CPI, measured income growth is greater than if the CPI were used.

CBO modified the definition of "family" normally used in measuring family income changes. CBO counted unrelated individuals—including elderly people living alone—as "families". One-third of CBO's "family units" consist of unrelated individuals.

With all three adjustments, CBO finds that "adjusted family income" (AFI) for the median (or typical) "family" rose 20 percent from 1970 to 1986. This compares with an

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[1] CBO notes that adjustments should also be made for income received in-kind and for taxes paid, since both factors changed markedly over the 16-year period and would thus affect the well-being of families. Because the requisite data are not available, CBO was unable to make these adjustments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

increase of six percent in median family income during this period among families as traditionally defined, without adjusting for family size and using the CPI to account for inflation.

The CBO data show differing trends in changes in AFI for median families in various family categories. For single mother families with children, median income rose just 2 percent under CBO's AFI measure. For both elderly unrelated individuals and elderly families without children, median family income rose 50 percent.

INCREASES IN WORKERS PER FAMILY BOOSTED INCOMES

CBO observes that "the rise in the number of workers per family appears to be the principal reason why incomes increased." CBO states that earnings failed to keep pace with inflation for many workers, especially those in the younger age groups. This suggests that, for many families, adding a second earner to the workforce or increasing the second earner's work hours was often necessary to keep family income from falling. This also indicates that the increased incomes reported by CBO did not come without a cost. These altered work arrangements have resulted in parents (especially mothers) having less time with children, less leisure time, and possibly, fewer children.

Indeed, when the large influx of mothers into the labor force during this period is taken into account, it is striking that AFI did not rise more substantially. From 1973 to 1986, the median AFI for married couple families with children rose a relatively modest 13.1 percent, despite large increases in work by mothers and a reduction in family size as well (see further discussion of this 1973-1986 period, which is different than that used in the CBO report).

It should be noted that the CBO data do not include a major cost borne by many of these families as a result of the entrance of many mothers into the labor force—child care costs. Child care costs are a corollary of the increase in workers per family that CBO identifies as the factor primarily responsible for the income gains. As CBO notes: "Families are likely to bear a cost, however, when more of their members work. In particular, there are direct costs associated with employment, such as for child care or for commuting. Furthermore, the new workers have less time available to perform household chores, so either costs rise—if services are purchased—or some chores are not done." (CBO did not incorporate these costs in the analysis, in part because data are not available to make such adjustments.)

THE FAMILIES LEFT BEHIND

A number of family groups fell behind. As CBO states, "Not all [family groups] experienced a growth in income." Some suffered large income declines.

1. Poor Families with Children

Among those affected most adversely were poor families with children. The CBO report states:

> Median family income has continued to grow since 1970, albeit more slowly than in earlier years and at widely different rates for different groups. At the same time, the group of families with children that is at the bottom of the income distribution is markedly worse off now than the corresponding group was 16 years earlier.

The CBO report shows that the median AFI of the poorest two-fifths of families with children in 1986 was 12 percent lower than that of the comparable group in 1970.[2]

Poor single mother families with children were hit especially hard. In 1986, one-fifth of all single mother families with children had incomes below half the adjusted poverty line (that is, below $3,974 for a family of three).[3] Approximately 40 percent of these families had incomes below the adjusted poverty line.

2. Young Families

The family group affected most severely was that of young families. In 1986, the median AFI of families whose head was under age 25 was 18 percent lower than that of the corresponding group in 1970. For the poorest two-fifths of families with a head under 25, median family income was 34 percent lower. Median family income even declined for the top two-fifths of all families with a head under 25.

The declines are most stunning among young families that had children (2.3 million in 1986). The median income of such families in 1986 was 43 percent below that for comparable families in 1970. Among the poorest two-fifths of these families, median income was 56 percent lower in 1986 than in 1970. Even among the top two-fifths of these families, median income fell 21 percent.

More than one-fifth of all families with children in which the family head was under 25 had incomes below half the poverty line in 1986. More than 40 percent of these families lived below the poverty line.

Low-income families with children in which the family head was 25 to 34 also had sharply lower median AFI in 1986 than their counterparts in 1970. Median income was fully 18 percent lower for the two-fifths of these families with the lowest incomes.

Median AFI also fell for both young married couple families and young single parent families. For example, median income of married couple families with children in which the family head was under 25 was 17 percent lower in 1986 than for similar families in 1970.

Median AFI was also lower for single mother families with children in which the mother is under 25. By 1986, nearly one-fifth of these families had incomes below one-fourth of the adjusted poverty line (that is, below $1,987 for a family of three). About two-fifths of these families fell below half of the adjusted poverty line, and a large majority of these families were poor. Among single mother families with children in which the mother was 25-34, more than one-fifth lived below half of the adjusted poverty line and a majority were poor.

Increased inequality

The CBO report shows that income inequality increased substantially between 1970 and 1986 among non-elderly families. For all types of non-elderly families except unrelated individuals, inequality rose over this period. The growth in inequality helps explain another CBO finding: despite general income growth since 1970, poverty rates of groups other than the elderly failed to decline appreciably.

Among the poorest two-fifths of families with children, median adjusted income was 12 percent lower in 1986 than for comparable families in 1970. But, among the wealthiest two-fifths of families with children, median adjusted income was 27 percent higher.

For the botton two-fifths of all families (including the elderly), median AFI in 1986 was 9 percent higher than for similar families in 1970; among the top two-fifths of all families, it was 29 percent higher—a gain about 3 times as large.

Among the poorest two-fifths of families with a head under 25, median AFI in 1986 was 34 percent lower than for corresponding families in 1970; among the top two-fifths of these families, it was five percent lower.

The sharpest increases in inequality have occurred since 1979. CBO found that "for all major family types, inequality grew between 1979 and 1986. While high and low-income families had roughly comparable gains in income during most of the 1970's, the incomes of low income families rose only slightly or fell between 1979 and 1986, while incomes of wealthier families rose sharply." Even among the elderly, inequality grew in the 1980's.

Median adjusted income for the bottom two-fifths of all families fell 2 percent from 1979 to 1986, while median adjusted income for the top two-fifths of all families rose 10 percent.

Median adjusted income for the bottom two-fifths of families with children fell 14 percent from 1979 to 1986, while median AFI for the top two-fifths of these families increased 8 percent. This trend—of lower AFI for poor families in 1986 compared with their counterparts in 1970 and rising AFI for wealthier families—also holds for married couple families with children.

In fact, for every major non-elderly family type, median adjusted income for the bottom two-fifths of families was lower in 1986 than for the comparable groups in 1979. For most of these family types, the median adjusted income of wealthier families rose during this period.

Observations Concerning the CBO Findings

Several observations should be made concerning the income gains that CBO found over the 1970-1986 period. An analyses of stagnating family income in the U.S., the year 1973 (rather than 1970) has often been used as the starting point (see for example Frank Levy's recently published book Dollars and Dreams: The Changing American Income Distribution). 1973 has traditionally been regarded as the high point for income growth in the U.S. It was the year in which the conventional measure of median family income reached what is still its highest level. The CBO report shows that nearly half of the 20 percent increase in AFI occurred between 1970 and 1973. From 1973-1986, the increase for the median family was 11 percent.

In addition, 1970 was a recession year, albeit one in which the unemployment rate was not that high. There is growing concern that a recession could occur in the next few years. If, as many economists predict, a recession does occur in the near future, a significant amount of the income gain reported by CBO could disappear.

A further observation is that virtually all remaining income growth found by CBO (other than that in the 1970-1973 period) has occurred since 1982 when income growth was financed in significant part through large budget and trade deficits—in essence, by borrowing from the future. When we repay these debts, living standards for American families may well fall back.

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[2] The median income for the bottom two-fifths of families is the income received by the family at the 20th percentile. Similarly, the median income for the top two-fifths of families is the income received by the family at the 80th percentile.

[3] The adjusted poverty line is the same as the official poverty line except that CBO used the alternative inflation index to adjust for price changes since 1967.

As Frank Levy states in Dollars and Dreams:

> . . . the U.S. rate of investment is no higher today than it was in 1973, despite the [inflow of] foreign capital. Foreign funds have been used to offset government deficits and thus to finance extra U.S. consumption. This is a strategy for postponing stagnation's effects, but it involves borrowing from the future. Eventually the foreign funds must be paid back with interest. And because they were used to finance consumption, rather than additional investment, the repayment will require reducing our consumption below what it otherwise would have been.
>
> . . . are we living as well today as we did in 1973? The answer is no. "We appear to be doing better, but this is only because we have borrowed against the future in ways that eventually must be repaid."

Moreover, CBO observes that the principal reason why its measurements show income increases (instead of the income stagnation or declines previously reported for this period) is its adjustment of family incomes for declining family size. Many analysts believe that the decline in family size is itself related, in part, to the slow economic growth that was occurring. Families postponed having children, or had fewer children, in part because they believed they could not afford as many children as families had in the past. This decline in birthrates contributes markedly to the rise that CBO found in AFI, but it may also mean that we will have fewer skilled workers than we will need in the future. Levy comments that "the decline in the birthrate was, in its way, a different kind of borrowing from the future" especially since the "decline is heavily concentrated among middle-income families."

BUDGETING FOR EXPORT-IMPORT BANK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, today I am introducing a bill that will substantially improve the way the Export-Import Bank of the United States is reflected on the Federal budget and improve the weakened financial condition of the Bank.

First, the bill will clarify the true or subsidy costs of Eximbank's programs. The annual budget figures for Eximbank are misleading because they overstate Eximbank's impact on the Federal budget. Currently, Congress annually sets ceilings limiting the Bank activity for direct loans, guarantees and insurance, and administrative expenses. Eximbank borrows funds from the Treasury's Federal Financing Bank [FFB] to run its programs, repaying the FFB with interest. But often, the ceilings are viewed as costs to the Government. The fact is that the actual subsidy costs of Eximbank's programs were less than 7 percent for direct loans and 2 percent for guarantee and insurance programs of the total budget authority allocated to Eximbank during fiscal year 1987.

Eximbank has labored for years against a misunderstood image of being too costly. Clarifying the actual cost of Eximbank's programs will lead to a better understanding of the agency. This is critical during a time when Eximbank can play an important role in our efforts to reduce the trade deficit.

The legislation can also improve the condition of Eximbank's declining capital base. According to the testimonies received from the Congressional Budget Office and the U.S. General Accounting Office at the February 25 hearing my subcommittee held on Eximbank, the approach of annually appropriating for Eximbank's subsidy costs could in the future maintain the capital base and minimize the need for future recapitalization resulting from losses on future lending activities. The reason is that Congress will be appropriating for the cost of new assistance the Bank provides our exporters.

Eximbank's capital base has been declining primarily because of the losses incurred during the late 1970's and the early 1980's when borrowing rates were high as compared to international lending rates. Another reason for the decline is the penalties it owes FFB as result of prepayments on its borrowings. These borrowings were prepaid as result of congressionally mandated loan asset sales. While the present difficult financial condition of Eximbank does not affect its operations due to the Bank's unlimited authority to borrow from the FFB, it could undermine confidence in the Bank. Moreover, a negative capital level may threaten the independence of the Bank's operations. According to the majority of the witnesses at the February 25 hearing, one time recapitalization of $2 billion or more would be ideal, but given budget constraints it is not realistic. What is realistic is an annual appropriation equal to the subsidy costs of Eximbank.

Finally, in taking this step to improve the image of Eximbank by clarifying the costs of its programs and annually appropriating for the subsidy costs, we will be sending a positive signal to our major trade competitors that U.S. exporters have a solid commitment of support from Congress. I urge my colleagues to support this bill.

NEED FOR BORDER CROSSING IN SOUTHERN NEW MEXICO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues a unique joint private-Government venture to spur economic development in southern New Mexico and on the United States-Mexico border.

New Mexico has for decades sought an additional border crossing in Dona Ana County, but due to its proximity to El Paso the Federal Government has never seen the need for a new facility. Residents from New Mexico have long felt that economic development along the border has been stifled for the lack of a separate border crossing. Local interests have prevailed, starting with a cattle crossing near Santa Teresa, NM, which will soon become a formal port-of-entry.

Developer Charlie Crowder and his company, Santa Teresa International, have managed an agreement with the Mexican Government, and have secured parcels of land on both sides of the border to accommodate the port, and specified for additional development. Now the company has begun to build, and when they are finished they will have constructed a unique project—the first reimbursable port-of-entry in the State.

As such, Santa Teresa International will pay for the development of the Customs port, will build the thoroughfares that provide access to the port, and will pay for its operation, including paying the wages of the customs officials. The cost of the operation will be regained by charging the businesses that use the port.

The Santa Teresa Port will help reduce the congestion in the El Paso/Juarez area, as some of the traffic along that well-established route chooses to make the short journey to the Santa Teresa location. In addition to increasing the expediency of border crossings, Santa Teresa's location near the El Paso/Juarez Port provides a basis for economic expansion in the region. Businesses looking to expand will be attracted to Santa Teresa's proximity to an already developed port, and to the amount of land already slated for industrial development. Consequently, Santa Teresa has the potential to develop into a large industrial and commercial area utilizing resources in both New Mexico and Mexico.

At a time when great efforts are being made to reduce the Federal deficit, the Santa Teresa Port provides a novel approach to reducing Federal costs, increasing the productivity of the private sector, and utilizing a Federal service that would not normally be provided. I commend Santa Teresa International for its initiative in providing a long-needed service, for its contribution toward supporting economic development in southern New Mexico, and for working in cooperation with our good neighbor, Mexico.

TIME FOR THE ADMINISTRATION AND CONGRESS TO ACT ON THE PEDIATRIC AIDS CRISIS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of New York. Mr. Speaker, the Presidential AIDS Commission has been the subject of much controversy, but on one thing there can be little doubt, the latest recommendations by the Chairman of the Commission, Admiral Watkins, represent a much needed step forward.

Specifically, the recommendations concerning needed programs in the area of the pediatric AIDS demonstration projects deserve our support. Many of the features of one proposed demonstration project resemble those included within "The Abandoned Infants Assistance Act," H.R. 3009. This is a companion bill to S. 945 sponsored by Senators METZENBAUM and HATCH that passed the other House by unanimous consent.

It is now time for Congress and the administration to place a realistic dollar amount to this legislation. It is increasingly evident that anything less than full funding for such programs is not only short sighted but a false economy. In testimony before the subcommittee, Surgeon General Koop stated that the administration was only prepared to spend $1.2 million this year on the problem. This derisory amount represents a gross underestimate of the scale of the problem particularly in the light of revised projections for the epidemic. Estimates for the annual cost of care of one abandoned infant with AIDS range from $136,000 to $237,000. It is clear to see that it would only take one ward full of these children before we have exhausted the funds the administration has made available. It should be more than evident to everyone who has begun to study this tragic problem that hospitals are not only not appropriate institutions for the vast majority of these children but that alternative settings can be at least 75 percent less expensive.

I commend for my colleagues attention both an article that appeared in the Washington Times, February 23, 1988, "Explosion of Childhood AIDS Cases Feared," which addresses the revised projections for the epidemic impact on children, as well as Admiral Watkins' specific recommendations concerning foster care needs for children with AIDS.

Selections From the Chairman's Recommendations to the Presidential Commission on the Human Immunodeficiency Virus, February 29, 1988

(SYS-3) The Department of Health and Human Services should provide funding to local governments for development of foster care programs for infants whose parents are either unable or unwilling to care for them, and respite care programs, which provide intermittent relief for parents. Foster care programs should include recruitment, training, support, and incentives for foster parents. Respite care should be available to provide respite for natural or foster parents and should include substitute caregivers as well as shelter.

(SYS-4) The proposed Pediatrics Demonstration Projects (funded by FY88 Continuing Resolution and allocated to Health Resources and Services Administration) should continue to be funded through 1991. Grants should be awarded to programs which are family-focused, community based, include a coordinated, comprehensive network of services, and utilize a family case management approach.

(SYS-5) The Health Resources and Services Administration, through the Maternal and Child Health Program, should provide funding for demonstration grants for Regional AIDS Comprehensive Family Care Centers, in areas where inadequate pediatric services exist and the prevalence of HIV infection is high (this is in addition to demonstration grants mentioned in SYS-4). These centers would provide a full range of services to HIV infected children and their families including: diagnostic, treatment, and follow-up services, prenatal and well-baby care, testing, counseling, psychosocial support services, day care, respite care, education, and linkages with home care and acute hospital care.

(SYS-6) In areas where intermittent or chronic care services availability is encumbered by local restrictions or zoning requirements, such as number of exists required for a building or allowable number of occupants of a facility, local governments should provide reasonable variances to permit such care to be available. The necessity of health care, for both adults and children, should be balanced with local zoning priorities.

[From the Washington Times, Feb. 23, 1988]

Explosion of Childhood AIDS Cases Feared

(By Joyce Price)

By 1991, at least one out of every 10 pediatric beds in U.S. hospitals and clinics will be occupied by a child infected with AIDS, a physician said yesterday.

"Pediatric AIDS is a growing problem that's killing our children and infants. It has the potential to explode into the largest problem we've ever known," said Dr. Edward Connor, spokesman for the newly formed Pediatric AIDS Coalition.

"Given the fact that 80 percent of the children with AIDS nationwide have been born to mothers who are either drug abusers themselves or sexual partners of drug abusers or others in high-risk groups, a massive educational effort is what's needed most," he said. "If we could reach these prospective parents today, we could stop this expanding problem in nine months."

As of Feb. 15, a total of 839 childhood AIDS cases were reported nationally. But by 1991, projections for the number of children with AIDS range from a low of 3,000 to a high of 20,000, coalition officials said.

U.S. Public Health Service officials said pediatric AIDS cases climbed 60 percent in 1987 and predicted the caseload will skyrocket 350 percent by 1991.

"Of the 40,000 pediatric beds in this country, at least one in 10 will be occupied by a child infected with HIV [the AIDS virus] by 1991," Dr. Connor, a fellow of the American Academy of Pediatrics, said at a news conference yesterday.

To date, 11 pediatric AIDS cases have been diagnosed in the District. But leaders of the Mayor's Pediatric AIDS Task Force have said the city may have 1,000 reported HIV-infected babies by 1991.

The goal of the new coalition of child advocacy and health groups is to focus more attention on the problems of children with AIDS. "We need money, both from government and private sources—money for research, money to treat and money to provide out-of-hospital care," Dr. Connor said.

In an article on pediatric AIDS in the April issue of Children Magazine, Dr. James Oleske of Children's Hospital of New Jersey in Newark said he believes the official pediatric AIDS estimates are too low.

Dr. Oleske, who has been battling an epidemic of childhood AIDS in Newark, said he believes there may be about 3,000 American children carrying the virus now—most of them unreported. He also believes at least half of them have full-blown AIDS.

Dr. Connor said yesterday it's likely there will be more than 3,000 pediatric AIDS cases nationally by 1991. "First of all, children develop AIDS faster than adults," he said. "Secondly, there's the problem of underreporting. Children are not always perceived as a high-risk group, and their symptoms are not always recognized."

Children with AIDS live a "brief and pain-filled existence," he said. While 20 percent to 30 percent of adults with AIDS die within five years of diagnosis, 75 percent of children with AIDS die within two years.

Typically, AIDS children have symptoms such as chronic diarrhea, abdominal distension, loss of appetite, lung disease and repeated infections.

CHIANG CHING-KUO'S LEGACY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PORTER. Mr. Speaker, I am submitting for my colleagues benefit the text of a recent speech given by Dr. Fredrick F. Chien, representative, Coordination Council for North American Affairs, before the Chicago Council on Foreign Relations. In his speech, Dr. Chien discusses the accomplishments of the late Taiwanese President Chiang Ching-kuo's tenure. I commend it to my colleagues' attention.

Legacy of President Chiang Ching-kuo

(By Dr. Fredrick F. Chien)

I consider it a great privilege to be with you today. The Chicago Committee of the Chicago Council on Foreign Relations is one of this country's most prestigious forums. I am honored that you extended an invitation to me and gave me this opportunity to discuss with you momentous events which are occurring in the Republic of China today.

As many of you probably are already aware, my country lost its great leader and President, Chiang Ching-kuo, less than four weeks ago. He was an immensely popular figure—a populist by nature—and his death was mourned not just by those holding positions of leadership in government and business but, as you say in America, by "the man on the street," who forms the bedrock of our society.

It may be pertinent to note in this regard that an annual public opinion poll conducted by the Public Opinion Research foundation shortly before President Chiang's death showed his approval rating in 1987 at 85 per cent. This was up seven per cent from 1986, reflecting the overwhelming support he received from the citizens of my country for his bold democratization program initiated last year. An 85 per cent approval rating would cause most American politicians to turn green from envy, I suspect, and indicates that Chiang Ching-kuo must have possessed unusual qualities of leadership.

This should come as no surprise. He was schooled in leadership by his father, President Chiang Kai-shek. As the eldest son, Chiang Ching-kuo learned his lessons well and earned the high offices he held. He was elected to the presidency only after more than 40 years of service in various government and party positions, including six years as premier.

It was my personal privilege to know well both President Chiang Kai-shek and our late President Chiang Ching-kuo. I served as President Chiang Kai-shek's secretary for ten years and was privy to many of his meetings with world leaders. I saw first-hand how skilled he was in the art of diplomacy. Likewise, I knew President Chiang Ching-kuo for some 30 years and during his term as premier, I served as his official spokesman. That was a great experience for me, and I shall never forget how President Chiang Ching-kuo instructed me when I assumed my duties.

President Chiang said, "Fred, you are now my spokesman. I know you are a man of integrity and would never say anything which is untrue on your own account. Never think that you have to tell a lie on my account. Always be straightforward and tell the truth, and I will be well-served."

So, I can tell you without reservation that President Chiang was a man of high moral principles and integrity. In short, he said what he meant and he meant what he said. This characteristic, perhaps more than any other, allowed him over the years to inspire confidence and to make an indelible mark on the history of the Republic of China.

But let's not get ahead of ourselves. Let's look back to President Chiang's earlier accomplishments. Then we can appreciate even more the service he rendered his country and the vision he had for the future of the Republic of China.

I said earlier that President Chiang Ching-kuo was a "populist." He was comfortable in the presence of the powerful, but I earnestly believe he was happiest in the company of working people. He moved easily among the people he served and took pleasure in trips to factories and farms and visits with shopkeepers and laborers. He appreciated the contribution they made to creating a modern society on Taiwan and he wanted them to know it. He was determined that policies of the government would result in a continuously higher standard of living for them and greater participation in the processes of government.

He availed himself of every possible opportunity to attain those goals for the Chinese of Taiwan. As chairman of the Vocational Assistance Commission for Retired Servicemen, he understood the needs of those who had served their country on the battle field and had to make the transition to private life. Just as you created special training and employment programs for veterans in the United States, Chiang Ching-kuo did so on Taiwan. We Chinese are known for our extended families and for making sure that relatives are cared for in their old age. But many soldiers had been unable to bring their families with them to Taiwan. In their old age, they found themselves alone. President Chiang made sure they were not forgotten by the country they had served; they were cared for.

And as he understood the peculiar problems of the old, he understood the needs and ambitions of the young. As director for more than 20 years of the China Youth Corps, he knew that China's future depended upon the development of its young people. He had the ability to instill in them his own intense nationalism, his devotion to Dr. Sun Yat-sen, who founded the Republic of China, and his dedication to the principles of democracy and free enterprise which are the foundation for what many call the "miracle" which has happened on Taiwan. He knew that young people had to keep busy. Corps projects and summer camps became outlets for the constructive energy of hundreds of thousands of young Chinese who now hold my country's future in their hands.

Let me pause for a moment to say that the Republic of China would not be the international economic power that it is today without careful planning over the years. Throughout the world, we have seen what has happened when developing countries set out helter-skelter to try to improve their lot. Not only are they not successful, usually they take steps backwards. Economic woes are followed by political woes and, all too often, domestic unrest degenerates into violence, anarchy and bloodshed.

Thanks to the vision of such persons as President Chiang, Taiwan's progress has been planned and orderly. Social and political progress have kept step with economic progress. We are always flattered when scholars hold up Taiwan's experience as an example to other developing countries.

President Chiang had the long view, and that long view is a great part of his legacy. When he became premier in 1972, the country was beginning to understand its potential as a major exporting nation. But it lacked the infrastructure necessary to achieve that goal. Times were not so good then, either. Because of the international oil crisis, the treasury was depleted and the government was operating at a deficit. The future was unsure, and the faint-hearted were arguing for retrenchment. It was in this economic climate that then Premier Chiang Ching-kuo proposed the "10 Major Construction Projects," which, while necessary to establish a viable infrastructure, would require tremendous public expenditures. He was willing to take the risk to insure Taiwan's place in world trade in the decades to come. He prevailed and all China shall be forever grateful, for he laid the foundation—carefully, block-by-block—for the "economic miracle" which was to follow.

Chiang Ching-kuo knew that Taiwan could not be a major manufacturing country unless it could easily move raw materials and finished goods about the island. So he built major highways to keep domestic commerce flowing. Taiwan could not ship its goods to world markets without deep water ports and modern shipping facilities. So he built two new world-class ports. Taiwan could not make the transition from light to heavy industry without the ability to produce a vital raw material—steel. So he launched Taiwan's modern steel industry. Taiwan could not produce goods without energy to turn the factory wheels. So he built new power plants. And Taiwan could not entice foreign investment to the island without a major new international airport. So he built one.

Piece by piece, he put the program together so each project complemented the other and formed a solid foundation for a dynamic export economy. He was not alone in his undertakings. The free Chinese on Taiwan were with him. He called for national sacrifice and the support of all the island's citizens. He got both, and his detractors shook their heads in disbelief as the projects were begun and successfully completed.

But neither he nor the country could afford to rest upon its laurels. Other countries in Asia were making progress also, though not at the same rate. It was clear that Taiwan would not be a leader for long if it were content to remain primarily a producer of labor-intensive products and be a captive of traditional industries.

When Chiang Ching-Kuo took the oath of office for the first time as President in 1978, his work was cut out for him. High-tech was just around the corner. The handwriting was on the wall: any country which could not upgrade its economy would be out of the game. Developing countries would be forced to play in the minor leagues and compete against themselves. Countries such as Japan, Germany and the United States would play in the majors.

President Chiang was not willing to accept minor league status for the ROC. He urged the people on Taiwan to shift toward a technologically-intense economy. We made a conscious decision to cede part of our share of such markets as plastics, textiles, and other inexpensive consumer goods for the opportunity to move with the major industrialized nations into the new age of computers and high-tech. As you know, that has proved to be a wise decision.

The Republic of China on Taiwan is now the fifth largest trading partner of the United States in the world. Last year two-way trade between our countries was $31.2 billion. Building the foundation for a major manufacturing and exporting nation and developing that nation into what is now one of the world's healthiest economies was no small task. It is a legacy that few leaders have ever been privileged to leave with their people.

Today, the signs of prosperity and economic well-being are evident throughout Taiwan. Today per capita income has risen dramatically to about $5000, one of the highest in Asia. A study of the distribution of wealth has showed that the gap between the top and bottom of the income scale has narrowed to one of the best ratios in the world. On Taiwan, the ratio of the average per capita income of the top 20 percent and the bottom 20 percent is an amazing 4.4:1. Another survey showed that a great majority—85 percent—of the people consider themselves "middle class," a sign of economic and social stability. Symbols of affluence and creature comforts—cars, refrigerators, televisions—are common. The fruit of Taiwan's progress has been shared by all its citizens.

President Chiang was never satisfied. The words he had written in his diary on his 70th birthday at the beginning of this decade were always fresh in his mind. He had said then, "Time flies. I know I have done too little to express my gratitude to my father or to fulfill even a small fraction of the expectations of my compatriots." He could not rest until, in his words, "Anything that must be done for the good of the people (has been) done." He still had mountains to climb.

I have mentioned that as premier he spearheaded the "10 Major Construction Projects." They had provided a solid foundation for Taiwan's economic development, but when he became president, he knew, it was time to bolster that foundation. And he felt compelled to look for ways to improve the quality of life of the almost 20 million people of the Republic of China.

Working closely with the country's leadership and highly trained young Chinese professionals—now a mainstay of our development efforts—he proposed a 14-point program designed to insure Taiwan's continued progress and touch every life on the island.

So even in his 70s and in ill-health—he had long suffered from diabetes—President Chiang still possessed great energy and determination. His agenda was that of a man half his age. And remember, too, that at the same time he was having to deal each day with the serious problems resulting from the ROC's trade imbalance with the United States; maintaining a strong defense system to deter the mainland's designs on Taiwan—he was a former minister of defense; and the day-to-day problems of running a government.

But the last chapter still was not written. And it is that chapter which may be most memorable. To paraphrase the words of the American poet Robert Frost, Chiang Ching-kuo still had promises to keep—to his father and his compatriots—and miles to go before he slept.

President Chiang looked about him and saw a prosperous economy. He saw an educated citizenry. He saw hundreds of thousands of persons traveling abroad each year, expanding their horizons and their expectations. He saw a pluralistic society where people were eager to learn more about democracy and the science of self-government. Looking around him, he saw a country that was more secure than at any time since the government relocated on Taiwan in 1949. And he realized that the task before him—perhaps his last major task—was to perfect the country's democratic institutions and insure future generations of free Chinese maximum involvement in their government.

He proposed that the Emergency Decree, which had existed for 38 years, be lifted, removing the last vestiges of "martial law" on Taiwan. In fact, the decree had little effect on the citizens of my country and a survey showed that it was near the bottom of their list of concerns. But the specter of "martial law" continued to be raised in the international community and President Chiang wanted to remove it and settle the matter once and for all.

Opposition candidates had been clamoring for some time for the right to form a party and run a slate of candidates under a single banner rather than running individually as independents against the ruling party. The restrictions on the formation of new political parties were lifted, and the door was opened for a multi-party political system to challenge President Chiang's own KMT. Interestingly enough, when the first elections were over, the KMT still polled about the same percentage it had polled in previous elections (70 percent), giving a vote of confidence to the KMT and its leadership in its first head-on challenge.

Restrictions on newspapers were eased. Already licenses have been granted for the publication of new newspapers, and established newspapers have the right to expand their coverage. An educated population is an inquiring population, and Taiwan's newspapers now will be a greater source of news and opinion. The war of words has begun, for as the English writer, John Milton, said, "Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making."

On Taiwan, we believe, quite sincerely, that democracy must be learned. We have looked to the United States above all others as our teacher in this area just as we have looked to you repeatedly for lessons in free enterprise and market economy. The United States has outstripped every other country in the world in developing democratic instutions and creating prosperity for its people. We are grateful, and our imitation is intended as the most sincere form of flattery.

Last of all, President Chiang tackled the problem of how to make our legislative body more representative of the people on Taiwan without abandoning the Republic of China's claim to represent all China and its ultimate goal of reunification with the mainland. Revitalizing the structure of the national law-making body and admitting new, younger blood has just begun, but it took a bold leader to focus the attention of his countryman on this sensitive problem and, we hope, pave the way for an ultimate solution.

President Chiang Ching-kuo's democratization program, viewed broadly, as I noted, as a "display of courage and confidence in the people to whom he had brought unprecedented prosperity," drew accolades from throughout the world. And the citizens of my country have talked of little else since these dramatic reforms were proposed and, one-by-one, began to become reality.

There is one more important part of President Chiang's legacy which I think I should discuss with you.

For seven decades, members of the Chiang family—first President Chiang Kai-shek and later his son Chiang Ching-kuo—have been prominent figures in both the Koumingtang (Nationalist Party) and the government of the Republic of China. Despite efforts by President Chiang Ching-kuo to dispel speculation, rumors persisted that he would somehow pass the mantle of leadership to another member of the Chiang family. Obviously, some observers did not understand his populist nature. Now, history has proved his sincerity.

Because President Chiang was in ill health for a long while, questions concerning succession constantly arose. He often pointed to the constitution and said firmly that succession would be orderly and in accord therewith. When he died January 13, there was no doubt on Taiwan what would happen. In accord with the constitution adopted in 1946, Vice President Lee Teng-hui, a native of Taiwan province and proven administrator, was sworn in immediately. Government in the Republic of China proceeded without a hitch. President Chiang's insistence that there was no place in Taiwan's modern democratic government for a family dynasty is now an important part of his legacy.

It is important to note that President Lee, who became vice president in 1984, is the first Taiwan-born president of the Republic of China. His succession blunts much of the criticism which opposition leaders have made about the participation of Taiwan-born Chinese in the government of the Republic of China. The truth is that President Chiang worked hard to make the KMT an inclusive, rather than an exclusive, political party. Today more than 80 per cent of the members of the KMT were born on Taiwan and about half of our cabinet ministers. Any person who wants to participate in the party can do so and the height to which he or she can rise depends only on the limits of their own energies, ambitions and abilities.

President Chiang Ching-kuo, shortly before his death, dictated a last testament which was witnessd by several government leaders, including then Vice President Lee. He called upon the people to continue to seek reunification with the mainland, oppose communism and, importantly, to "actively carry constitutional democratic development forward without interruption." Upon assuming the office of president, Dr. Lee Teng-hui called upon the citizens of the Republic of China "to follow without fail the final exhortations of President Chiang . . . with one heart and mind in a united effort." The torch was passed.

President Chiang's leadership will be deeply missed. But, he was a wise man. He knew he would not stay on the scene forever and planned carefully for our future. His legacy actually has two-parts: unprecedented economic progress and democratic reforms he initiated during his life, and the clear path he marked for the Republic of China's democratic development after his death.

One editorialist summed up by stating, "Taiwan, which first showed Third World nations how to use capitalism, free trade and export-led growth to turn a third-world peasant economy into a sophisticated exporter with a flourishing middle class, now appears bent on demonstrating how democratization can be made to follow economic success.[1] In the long run, the extraordinary economic success and the democratic reforms instituted during President Chiang Ching-kuo's last years will be equally treasured by the citizens of the Republic of China.

HUMAN RIGHTS FOR ARMENIANS IN THE SOVIET UNION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LANTOS. Mr. Speaker, on February 22, nearly 200,000 Armenian citizens of the Soviet Republic of Azerbaijan engaged in a demonstration—an event that is almost unheard of in the Soviet Union. They were protesting the Soviet Government's unwillingness to honor its own constitution and grant them self-determination. At issue is their 83-year forced separation from their fellow Armenians.

Mr. Speaker, I am very sympathetic to the issue that these Armenians are raising. The continuing suffering of Armenians in the Soviet Union is both tragic and unnecessary.

Earlier this month, the Armenian people petitioned the Soviet Central Committee to have their small sector of Azerbaijan—Nagorno-Karabakhskaya—incorporated into neighboring Armenia. The central committee flatly refused their request, fearing further nationalist movements, and moved in Red army tanks to crush public protests to the decision. This week's protests were met without resistance by the Soviet Government, only because of increased press coverage.

The Armenians, like the Ukrainians, Crimean Tartars, Estonians, Lithuanians, and Latvians, cry out to breath freely, without cultural and racial oppression. In 1925, Stalin divided the Armenian population, to consolidate Soviet power over the region. Today, over 60 years later, the Armenian people continue to suffer, long after any threat to Soviet control has passed.

Mr. Speaker, the Soviet Union, before the entire world, signed the 1975 Helsinki accord and ratified the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights. Each and every one of these international documents forbids member nations from coercing its citizenry, and from restricting the free expression of religion and culture. By dividing the Armenian people and placing a significant Armenian population in an Islamic area, the Soviet Union has violated these basic tenents of its own constitution as well as international human rights law.

Mr. Speaker, I call upon my colleagues in Congress to express their outrage with this continuing injustice, and to encourage the Soviet Government to deal more responsively with the demands of the Armenian people in the Soviet Union.

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[1] The Ledger-Star, Norfolk, Virginia, January 5, 1988.

PROTEST OF ARMENIAN NATIONALISTS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COELHO. Mr. Speaker, Mikhail Gorbachev's true commitment to his much hailed policies of glasnost, or "openness," and perestroika, or the "restructuring" of Soviet society, is now being put to the test by the citizens of Soviet Armenia. Hundreds of thousands of these Armenian nationalists have taken to the streets in recent weeks to protest their continued separation from their brothers in the Nagorno Karabakh region of the neighboring Soviet republic of Azerbaijan. How Mr. Gorbachev and the Politburo deal with this ethnic dispute may well decide whether the U.S.S.R. is to advance down the path of political and social reform in the future, or turn back to the methods of brutality and coercion that Mr. Gorbachev's predecessors often employed to keep order in the vast Soviet empire.

The region now known as Karabakh is a historic center of Armenian culture, and its population today remains 80 percent ethnic Armenian. Karabakh was annexed by Russia in 1805, but the czars that ruled the country during the 19th century allowed this region to remain semiautonomous. Both the Armenian people and the Azerbaijani people declared their independence from the empire following the Russian Revolution of 1917. The two nationalities fought over which would control Karabakh, though, and the conflict was ended only after the entry of the Red army in 1920. By the terms of the Treaty of Moscow Karabakh became a district of Soviet Azerbaijan rather than Soviet Armenia, in spite of the region's historic ties to Armenia and the overwhelming majority of ethnic Armenians that lived there.

Since then, the regional government of Azerbaijan has carried out a systematic policy of discrimination against the Armenian people in Karabakh, and has encouraged the emigration of ethnic Armenians from the area. In January of this year I wrote to Mr. Gorbachev about this issue, expressing my deep concern about the discriminatory treatment of ethnic Armenians throughout his country. I also asked him to give his personal consideration to the issue of the reunification of Armenia.

Both Azerbaijan and Armenia have been under the tight control of the Soviet central government during the last several decades, but this control has not served to diminish the deep passion stirred in the hearts of the Armenian people by the artificial separation of Nagorno Karabakh from Soviet Armenia. The Armenians that are now engaged in one of the largest demonstrations of popular dissatisfaction in the history of the Soviet Union are not demanding the secession of greater Armenia from the U.S.S.R.; instead, they only want to be reunited with their brothers in Karabakh within the framework of the Soviet State.

The Soviet Union, unlike the United States, is not a melting pot. It is instead a union of more than 100 different ethnic groups speaking some 112 different languages, and many of these groups have a deep history of strife with one another. The Armenian issue is important, then, because it is representative of numerous other ethnic conflicts festering within the Soviet empire. It is clear that the Soviet Government must take steps to cleanse these deep and historic wounds, but it is not clear yet just what steps it will take. Whatever the outcome, it is likely that Mr. Gorbachev's handling of the current crisis will set the stage for how he deals with the future eruptions of ethnic strife that will inevitably occur in this forced confederation composed of competing nationalities.

I call upon Mr. Gorbachev to grant the Armenian people the simple goal that they are seeking—a single, united Armenia within the framework of the Soviet Union. This will be the only real solution to the problem. Any other means of ending the protests that are currently rocking Armenia and Azerbaijan will only put off the final resolution of this problem for the future.

Mr. Speaker, we will be watching the events in Armenia during the coming weeks closely to see whether Mr. Gorbachev is sincere in his proclaimed policies of glasnost and perestroika. He now has a historic opportunity to take steps to peacefully heal one of his country's most serious ethnic wounds. Whether he takes this opportunity or not may well determine if he is the "reformed" Russian leader he claims to be, or if he is just another authoritarian Russian wolf—but in more fashionable sheep's clothing.

A CONGRESSIONAL SALUTE TO 100 YEARS OF ADULT EDUCATION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding institution in my community, the Adult Education Department of the Los Angeles Unified School District. On Saturday, March 5, the California Council for Adult Education will celebrate the 100-year anniversary of adult education in Los Angeles.

In 1887, the first night school in Los Angeles was opened, accommodating 30 students who were eager to learn to read and write. In 1896, the program was expanded to include sewing, cooking, and manual arts. In 1930, citizenship and Americanization classes were started to help the flood of immigrants assimilate in the United States. This was followed in 1911 by the organization of the first day classes for foreign women. From this point onward, the school began to be thought of as a "neighborhood adult school" rather than a "night school."

In 1927, the first parent education class was organized. This was an important milestone in the history of adult education. The focus of adult education was no longer literacy and citizenship but a comprehensive program involving all facets of adult life. Vocational training became available, along with employment preparation for the young, and gerontology classes for the elderly. Currently, the two of these classes attract both youthful and mature participants.

Over the years, the adult schools of the Los Angeles Unified School District, whether they were called night schools, evening schools, or night high schools have consistently offered a diverse program for adults seeking to better themselves through continued education. My wife, Lee, joins me in congratulating the people who have toiled to make adult education an institution in Los Angeles. We wish them all the best in the years to come.

A TRIBUTE TO POLICE CHIEF THOMAS F. ADAMS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SAXTON. Mr. Speaker, I rise today to ask my colleagues in the House to join with me in paying tribute to my constituent, Thomas F. Adams, who is retiring after a long and distinguished career as chief of police of Cinnaminson Township in Burlington County, NJ.

Known more popularly by fellow law enforcement officials and local residents alike as simply "Tommie Adams," he has been a dedicated police officer for 42 years, serving the last 34 years as chief of the Cinnaminson force.

Even more, Tommie has been, and continues to be, far more than a police chief. He has demonstrated a strong sense of community, participating in church functions, charitable groups and lodge organizations, and in countywide organizations formed to serve the needs of the poor, of juveniles, and of civil defense.

Never complacent, Chief Adams has over the years participated in many law enforcement programs, expanded his own training, and trained others. He has also reached into the community, and given numerous addresses on drug abuse at churches, schools, private homes, and before other organizations.

His biography is a most interesting one, revealing that he served in the Army Air Force as a medical corpsman. He served in Guam during World War II. In addition, he participated in a USO show in 1945.

Tommie Adams was hired as a Cinnaminson police officer in 1946. At that time, there was no official police force, and he—and just one other officer—worked 12-hour shifts. They had no uniforms, and used their personal cars to patrol. Nor was there any radio contact, and a local judge would alert them to calls by turning on a porch light.

In 1945, Tommie Adams became Chief Adams, and took on the task of completely organizing the Cinnaminson Police Department. He has been the chief ever since, with the exception of a 3-month stint as a Burlington County detective.

To put it all in perspective, Mr. Speaker, Thomas F. Adams has been an outstanding law enforcement officer, a concerned citizen, and a good neighbor. Tomorrow evening, his friends, family and colleagues will pay recognition to him at a testimonial dinner being held in his honor.

I am sure my colleagues in the House will want to join with me in congratulating Chief Adams on a job well done, in extending best wishes to him and his family, and, of course, in wishing him a long and well-deserved retirement.

AN EDITORIAL STATEMENT ON THE STATE OF AGRICULTURE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BEREUTER. Mr. Speaker, an editorial in the Lincoln Star of today contains some good news that I would like to share with my colleagues. The editorial uses as an example the 8.3-percent rise in the value of Nebraska agricultural land that was reported by the Federal Reserve Bank of Kansas City for 1987.

The editorial mentions a new optimism spreading through our rural communities. "Rising values are, indeed, a reflection of better times in rural America. Out on the farm these days, there is more of that old time feeling of pride and confidence."

Yes, conditions have improved and continue to improve. But, we must be cognizant of how truly fragile is our enhanced position in the world agricultural markets. The basic programs implementing the 1985 farm bill and a tougher stance on agricultural trade have helped turn the tide.

I commend the following editorial to the attention of my colleagues:

[From the Lincoln Star, Mar. 2, 1988]

AND OUT ON THE FARM

Well into the category of good news is the 8.3 percent rise in the value of Nebraska agricultural land, as reported by the Federal Reserve Bank of Kansas City for 1987. For the seven-state region of which Nebraska is a part, there was an estimated 5.2 percent rise in values.

Rising values are, indeed, a reflection of better times in rural America. Out on many farms these days, there is more of that old time feeling of pride and confidence.

Good prices for wheat and corn and a profitable situation in many cattle operations has given rise to rural optimism. How long has it been, for instance, that the price of grains in the open market equaled or exceeded the federal government price support levels?

A very long time, but such is currently the case at least with wheat and nearly so with corn. Additionally, the federal government has disposed of the great bulk of its grain reserves.

With the depletion of reserves, some 70 million acres of land held out of production and agricultural exports showing renewed strength, all the pressure on prices is upward.

All of that is good news and we hope it continues that way. But caution remains advisable when considering the future of agriculture.

Farming is a volatile business. A production drop due to drought could hurt farmers even as it pushed the price of products still higher.

Billions of dollars continue to flow into agriculture from the federal govenment and a curtailment of those funds could be damaging. Cattle prices would have a hard time keeping up with the price of feed grains if grain shortages developed.

Thus, the measured attitude of reserve bank economist Lynn Gibson is appropriate. "We think there's room for some optimism—not wild optimism—but I think we've seen the bottom. 1988 may be about the same—nothing wild and crazy—but fairly steady," said Gibson.

None of that means agriculture is out of the woods, but it is quite an improvement over conditions of the past few years.

REPRESENTATIVE MILLER SALUTES DEAN LESHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MILLER of California. Mr. Speaker, I know that Members of the House will want to join me in saluting Mr. Dean Lesher, the publisher and chairman of the board of Lesher Communications, Inc., on his receipt of the Medal of Freedom tomorrow by the Valley Forge Freedom Foundation.

The foundation is recognizing and saluting Mr. Lesher for his outstanding record of service both to the newspaper industry and to this community through publication of several major daily newspapers.

Several of those newspapers are published in my district, Contra Costa County, and as a result, I have had the good fortune to know Dean Lesher for many years. I'm sure that every Member of this Congress will understand when I say that those years have not been without disagreements over particular issues. But throughout the years, the favorable endorsements and the scathing editorials, I have deeply admired Dean Lesher's vision of the future, and his commitment to the people of our county.

He has been more than a publisher. He has been an ardent advocate of economic development, a promoter of the arts, and a forceful voice for expanded higher education. And I believe those qualities, as well as his record as a publisher and businessman, are responsible for his receiving this tribute from the Valley Forge Foundation.

To Dean Lesher, and to his wife Margaret, I want to extend my own congratulations, and those of the Congress of the United States. I am proud to recognize his innumerable contributions to our community, which has so benefited by his energy, his vision, and his diligence.

EXTENDING THE WAR CHEST AUTHORITY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, today, I am introducing a bill to extend the authority for the tied aid credit fund within the U.S. Export-Import Bank for 2 more years. This simple extension would express to the U.S. exporters and their foreign competitors that Congress is firmly in support of U.S. exporters in their efforts to win markets abroad.

Tied aid credits, which combine grants with export financing, is a predatory type of financing commonly used by our major trade competitors to win export markets. The practice has placed U.S. exporters at a significant disadvantage because competition is not only based on quality, technology, and service, which is the responsibility of individual companies, but on the level of government assistance. The problem of competing against subsidized tied aid credits offered by foreign competitors is particularly serious in efforts to win markets in less developed countries, because they logically prefer the concessional financing to be able to buy the foreign goods.

In 1986 Congress established a tied aid credit fund—also known as the war chest—within the U.S. Export-Import Bank to be used aggressively during 1987 and 1988 for the purpose of facilitating the negotiation of a comprehensive international arrangement restricting the use of tied aid for commercial purposes. Last year there was an agreement reached at the Organization for Economic Coordination and Development [OECD] by the industrialized countries that tightened the rules governing tied aid credit. This agreement basically made the practice more expensive by requiring a higher level of grant element in tied aid financing. The first phase of the agreement was implemented last July and the second phase will be implemented later this year.

Despite the agreement, the trend of using tied aid credits by other countries is increasing. Until there is a way to effectively reduce this practice, we must make sure that the U.S. exporters compete on an equal footing with foreign competitors. One way is by extending the war chest authority which expires this year. That is the focus of my bill. The key purpose is to allow us to ensure that the OECD arrangement on tied aid credits will be effectively implemented.

There is no additional budget authority required for this legislation because the funds will come out of the existing authority for direct loans. In addition, I would like to clarify that the funds will be used only if the chairman of the Eximbank certifies that the direct loan authority is no longer needed for direct loans and can be used for tied aid purposes. That means that if the OECD arrangement proves to be effective, the fund does not have to be used. In the meantime, the war chest will be an effective tool in bringing the use of tied aid credit under control. I ask my colleagues to support this legislation.

NEW MEXICO'S ANGEL FIRE SKI RESORT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to offer my support of Mr. Gary Plante, a businessman in northern New Mexico, who last year with his partner, began an ambitious project to expand the Angel Fire Ski Resort into an all-season resort, providing facilities to rival the best in the Nation. As Mr. Plante was quoted as saying in the Albuquerque Journal of February 20, "I don't think I've ever gone into a project without trying to be first at whatever I did."

In this case Mr. Plante will provide a facility that will attract thousands of skiers to New Mexico, and countless others for golf, tennis, and fishing the rest of the year. I congratulate Mr. Plante for his initiative and acumen in utilizing New Mexico's resources as a source for financial productivity, and for building a facility that will also allow visitors a unique view of New Mexico's beauty.

And of course, Mr. Plante's project also promises to offer economic stimulaton to a depressed area. During the past year, the counties surrounding Angel Fire have had a rate of unemployment of approximately 30 percent. Not only will the resort directly alleviate the unemployment problem by providing jobs for local New Mexicans, it will also encourage economic growth in the surrounding communities as a result of increased tourism. As the 5-year project develops, local residents can look forward to a positive economic growth especially in the service industry.

I am pleased to express my support for Mr. Plante and his determined endeavor to renovate Angel Fire. Mr. Plante demonstrates the initiative and spirit that are necessary to utilize the resources on New Mexico, while simultaneously providing for the New Mexican people. He deserves our commendation.

RAISING THE MINIMUM WAGE IS PROFAMILY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of New York. Mr. Speaker, in the wake of disturbing increases in the rate of teenage pregnancies and other indicators of distress and instability in young American families, many have been quick to diagnose these problems as a simple failure of personal morality and to prescribe intensified efforts at promoting a greater sense of individual responsibility, values, and self-esteem among our youth as the cure. The message promoted by these efforts is an essential one, but by itself, it tends to ring hollow and even hypocritical because we are doing so very little to provide the economic foundation needed by our youth to build the strong and stable families we hail.

At few other times in our history has it been as difficult as it is today for a young man to start and sustain a family. Since 1973, the average real annual earnings of men aged 20 through 24 have declined by 30 percent; for young black men, the decline in earnings has been a catastrophic 50 percent. Fourteen years ago, 60 percent of our young men were able to earn enough to maintain a three-person family above the poverty line; today, just 42 percent of all young men and 23 percent of young black men are able to do so.

There are many reasons for the growth of poverty among young adults but key among them is the erosion of the real value of the minimum wage. It has been 6 years since the minimum wage was last increased and in that time its purchasing power has plummeted by nearly a third. During the 1960's, a full-time worker earning the minimum wage could support a family of three at or slightly above the poverty line; today a minimum wage worker brings home a paycheck which is only 77 percent of the poverty level income for a small family.

If we are serious about promoting strong and stable families among our young people, it is time to match our profamily rhetoric with profamily action to increase the minimum wage to a level which adequately provides for the needs of American workers and their families. As an original cosponsor of the Minimum Wage Restoration Act (H.R. 1834), I urge my colleagues to join me in supporting this much-needed legislation. H.R. 1834 would increase the minimum wage from its current rate of $3.35 an hour to $3.85 in 1988, $4.25 in 1989, and $4.65 in 1990. Most importantly, in all subsequent years the wage rate would be indexed to 50 percent of the average hourly wage in the private sector, assuring that the needs of workers who depend on the minimum wage will never again be permitted to fall through the cracks.

Under Ronald Reagan, the American economy is rapidly becoming one vast Marshalsea Debtor's Prison straight from Charles Dickens, imprisoning millions of young families, and others who hope to raise families but are unable to do so, in grinding, enervating poverty and despair. Enacting the Minimum Wage Restoration Act is one necessary step we must take to help set those Americans free.

TAX DEDUCTION FOR FAMILY DAY-CARE PROVIDER—CLARIFICATION OF A RECENT IRS PUBLICATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LANTOS. Mr. Speaker, last fall the Employment and Housing Subcommittee, which I chair, held a hearing in San Carlos, CA, to examine the very serious problem working people face in finding affordable, quality child care. My subcommittee was greatly impressed by the testimony of family day-care providers, who are a major resource in this important area.

The Day-care Association of San Mateo County recently called to my attention an Internal Revenue Service [IRS] publication which gave inaccurate information, by reducing the allowable deduction for food consumed by children in family day care. I contacted the IRS and, thanks to the persistent efforts of my subcommittee staff, we discovered that this provision was erroneous. The IRS has issued a correction:

> Report of Error in Publication 587, Business Use of Your Home, (Rev. Nov. 87)
> Announcement 88-39
>
> Publication 587, Business Use of Your Home, (Rev. Nov. 87), has a note on page 4 under the heading Day-Care Facility that states: "If you provide food for your day-care business, you can deduct as a business expense only 80% of the cost of the food consumed by your day-care recipients and employees. The cost of the food consumed by you or your family is not deductible." The first sentence is incorrect and should read: "If you provide food as part of your day-care business, you can deduct the cost of the food consumed by your day-care recipients, but generally only 80% of the cost of the food consumed by your employees."

Mr. Speaker, I believe that my colleagues will want to join me in sharing this information with their constituents who provide child care in their homes. These socially valuable small businesses should certainly be assisted in fully utilizing all legitimate tax deductions.

HONORING A TRUE CANINE HERO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PORTER. Mr. Speaker, although it's often said that "man's best friend is his dog," we usually dismiss this as a tired adage. I would like to note the actions of one very special dog that deserves that praise.

Candy Sangster of Sepulveda, CA, may well owe her life to her dog Jet, a 6-year-old doberman pinscher. As a diabetic, Candy must take regular insulin injections to maintain her body chemistry. In late October 1987, Candy, at home alone with Jet, slipped into a life-threatening diabetic coma. Sensing that something was wrong with her owner, Jet managed to open the Sangster's door and ran outside.

A neighbor, Hazel Lavin, noticed that the usually quiet Jet was running about furiously and barking loudly. Hazel called Candy, and when she received no answer, called a paramedic rescue team. They found Candy in a coma and rushed her to the hospital where she later recovered. Without Jet's action, Candy may well have died.

Jet was recently selected as Ken-L Ration's "Dog Hero of the Year" in a nationwide poll from among five national finalists. Each of those dogs had performed similar acts and are cherished by their owners. Those people would all say that their best friend was there in an emergency, reaffirming that special bond between dog and owner.

This first week in March, the dog-owning public observes "Dog Hero Week," to recognize those special pets that are much more than companions. Canine heroes such as Jet remind everyone that from the smallest poodle to the mighty mastiff, dogs are indeed "man's best friend."

CREATION OF SECOND OPEN SEASON FOR FERS ELECTION—EXTENSION OF EXEMPTION FROM GOVERNMENT PENSION OFFSET

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PARRIS. Mr. Speaker, today I am introducing legislation relating to the Federal Employees Retirement System [FERS] in an effort to restore a sense of trust and fair dealing to the valued and valuable employees who work for the Federal Government and who have been given an opportunity to take advantage of FERS. My bill would create a second election period for transferring from the Civil Service Retirement System [CSRS] to FERS, beginning July 1, 1988, and ending December 31, 1988, and would extend to December 31, 1988, the termination date for this newly created second FERS election period, the exemption from the Government pension offset—spouse/survivor offset—currently made available under the Omnibus Budget Reconciliation Act of 1987—Public Law 100-203—only through December 31, 1987.

It certainly is no secret that the percentage of Federal employees expected to transfer into FERS was grossly overestimated. The projected transfer figure was 40 percent, while the actual figure appears to be somewhere between 1 and 2 percent. How can this disparity be explained? Very simply, Federal employees chose to shun the new retirement program for two reasons. First, they were waiting for Congress to act on several proposed revisions to the plan that could have had a significant impact upon their election decisions, and, second, they frankly no longer trust their employer, the Federal Government, to provide a new employee benefit that is truly beneficial for them.

The particular provisions awaiting congressional action throughout much of the FERS election period included: First, exemption of the thrift savings plan from the nondiscrimination rule, a rule applied to private sector retirement plans similar to FERS which says that workers earning annual salaries of more than $50,000 can contribute no more than 2 percentage points above the contribution for all lower paid workers in the plan; second, requirement that Federal workers joining FERS must remain under FERS for at least 5 years to escape application of the Government pension offset to their Social Security spouse/survivor benefit; and third, reduction of the number of years of Social Security earnings necessary for Federal, State, and local workers to be exempt from application of the windfall benefit reduction. Congressional action before yearend on the first provision, exemption of the thrift savings plan from the nondiscrimination rule, appeared extremely unlikely until the Senate included the exemption in its version of continuing appropriations legislation for fiscal year 1988 and House conferees later agreed to retain the provision in the final continuing appropriations legislation passed in both Chambers and signed into law by the President—Public Law 100-202. The House Committee on Ways and Means passed its versions of changes to the Government pension offset and windfall benefit reduction in July 1987. Each of these proposed changes, together with earlier versions of the changes, had been regularly reported to Federal employees throughout the FERS election period with admonishments to refrain from making final FERS election decisions until Congress had completed action on the measures, if the results of such action could significantly affect their decisions.

Finally, during the last days of the 1st session of the 100th Congress and just 10 days before the close of the FERS election period, Congress enacted and the President signed into law Public Law 100-202 and Public Law 100-203, two major pieces of legislation that included provisions affecting FERS. The nondiscrimination exemption was included in Public Law 100-202, continuing appropriations legislation, and a revision to the Government pension offset, never previously reported or made public, was included in Public Law 100-203, budget reconciliation legislation. No change to the windfall benefit offset was included in the December 1987 legislation.

When Congress finally got ground to acting on the FERS proposals, the resulting legislation was, at least in part, favorable for Federal employees and well reasoned. Ironically, however, the timing of the action made it virtually impossible for Federal employees to learn of their newly granted options and to take advantage of them, even if they wanted to, before December 31, 1987, the FERS election cutoff date. The proposals were tucked away in extremely complex legislation that was not even available in print for review by congressional staff members and Office of Personnel Management [OPM] staff until well after the December 31 deadline. Many Federal workers had already left their offices for the Christmas holiday when the changes became effective, and those who remained and tried to get concrete information regarding the changes were often frustrated and/or given inaccurate answers because their agencies were themselves just learning of and trying to understand the changes. Publication of the changes through congressional newsletters was for all practical purposes impossible due to the tremendous backlog of mailings faced by the congressional mailroom at the close of the year. In the end, Federal workers had only 7 business days, of which 4 were sandwiched between Christmas and New Years' Day, to learn of the FERS changes, baffling at that point even to OPM and congressional staffers, factor the changes into their retirement benefit analyses, and make the FERS election.

Is it any wonder that our Nation's Federal workers express such distrust in their employer when time after time the rules guiding their retirement options are changed and retirement options are deleted or made so confusing or unattractive that they are no longer of benefit? Compounding the inequity of such change is the fact that the changes are made with no opportunity for thorough study or comment by those affected by the action, no opportunity for Federal employees to work the changes into their retirement plans, and, at least in the case of the recently enacted FERS proposals, no real opportunity to even learn of and take advantage of the changes. The answer is no—it is no wonder that our Nation's Federal workers express such distrust in their employer, the Federal Government; the real wonder is that workers continue to join the Federal Government and that those presently under the Federal payroll continue to stay.

My bill would help to restore some sense of equity and fair dealing to Federal Government retirement benefits, while demonstrating to Federal employees that their employer is ready to stand accountable for its actions and to recognize them for the valuable employees they are. If you believe that the FERS changes enacted into law in the last days of the 1st session of the 100th Congress made good law and were truly intended to benefit Federal workers, then I urge you to support my bill in order to give Federal workers a real opportunity to take advantage of the changes. If, however, you support the notion that the Federal Government is at liberty to make empty promises to its employees, then I, regretfully, will understand that you cannot support this legislation.

CRUZ PONDERS SOLUTIONS TO NICARAGUAN MALAISE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GREEN. Mr. Speaker, the one topic on everyone's mind this week is the situation in Nicaragua. I would like to bring my colleagues' attention to an article in the December 4, 1987, Harvard Law Record which is a report of a speech by Arturo Cruz, former Sandinista and former Contra leader. It is one of the most balanced interpretations of the situation I have read and I am reprinting it here for the benefit of those Members who have not seen it:

CRUZ PONDERS SOLUTIONS TO NICARAGUAN MALAISE

(By Troy Morgan)

On Nov. 19 former Sandinista and former contra leader Arturo Cruz stood behind a podium and a line of tables placed end to end in order to address a crowd of students in the Ames Courtroom. Security officers guarded every entrance and required that bags be checked. In light of the Adolfo Calero incident of October 2, a wave of laughter washed over the audience when Professor Detlev Vagts '51, who introduced Cruz, said that he hoped the discussion would remain "within the bounds of civilized discourse." The speech proceeded without incident.

Cruz stated that after fulfilling the HLS Forum's request to explain why he left the Directorate of Unified Opposition in Nicaragua, he would expound on the "more worthy" subject of the prospect of peace in his homeland. He expressed mild resentment at being the center of attention, since "more than once [he has] played the role of slave in the Roman Circus."

Cruz explained that "Nicaraguan dissidents" like himself "believe in the Revolution," but are opposed to its orientation. "The real struggle is both poles against the center—there is a democratic center," he said.

Cruz admitted that at the "end of 1986 the Iran-Contra scandal obviously influenced [his] decision to leave" the contras, but added that it was only a "trigger." He claimed that other considerations, such as his "duty as a Nicaraguan" and as a family man, along with "self guilt" and a "fed up" feeling, were the underlying causes of his departure.

THE POLITICAL SITUATION

Cruz called his 1985 decision to join the Nicaraguan resistance a "mistake," and referred to Barbara Tuchman's *The March of Folly*, in saying that he "decided that [he] had to accept [his] errors." He explained that because the *contras* had "failed to give a political dimension to [their] cause," no one saw them as "freedom fighters," and U.S. policy foundered without domestic support. Nor does Calero favor the *sandinistas*, who, in his judgment, are "a regime based on force" and "guilty of injustice," he said.

Before his decision to leave, Cruz explained, the major faction of the *contras*, the *F.D.N.*, was divided geographically between *somocistas* (followers of the ex-dictator Somosa), *guardias* (national guardsmen) and *campesinos* (country folk), all in the North, as well as *sandinista* dissidents and *guardias* who had rebelled against Somosa in the South.

Cruz claimed to lean toward the South. He said that to the *somocistas*, anyone who believed in the revolution, for instance a *sandinista* dissident, was "a wandering dog." Because the Northern "clique" would not commit to human rights, democratic principles and pluralism, Cruz decided not to "stay in an alliance with those who [were] not [his] friends."

Cruz declared that Costa Rican President Oscar Arias is the "new reality" in the region. The Arias Plan, Cruz said, is not just "another platitude," because it "removes all pretexts for the *sandinistas* not to accept it." According to Cruz, Arias would bring to Nicaraguans the respect for human rights, democratic principles and pluralism that the *sandinistas* have thus far denied them.

RIGHTS VIOLATIONS

In particular, Cruz mentioned three violations of human rights by the *sandinistas*. First, the "right to elect and to be elected" identified in 1984 by the human rights commission of the Organization of American States is violated, he said, when the *sandinistas* put themselves in a superior position during elections.

Second, he accused the *sandinistas* of "injustice" for keeping thousands of former members of the national guard imprisoned, when only one hundred of them might be "murderers and torturers," while the rest were, he asserted, orderlies and privates. Cruz proclaimed, "The shield of protection of the revolution is not war; the shield of protection of the revolution is justice." Third, Cruz accused the *sandinistas* of "recklessly" causing food shortages and other problems that he attributed primarily to the ideological inflexibility of the *sandinistas*. He said that "the first duty of a statesman" is to "protect people," and "we have a *duty* to work for peace."

After the speech, Cruz lamented that it is "hard for the world to believe that the dragon-slayers of 1979 [the *sandinistas*] are now the dragon." He suggested that instead of boycotting the elections of 1984, the opposition should have gone to the assembly "day in and day out," using the elections to denounce violations. They could have protested and then withdrawn from the elections the day before, he said.

Cruz stated that a "cease fire has to be negotiated." He said that "there should not be surrender on either side," but that there is "a distinction between discussing a cease fire and negotiating peace;" the former is done with the people in arms and the latter between leaders within Nicaragua.

Cruz said that the United States should comply with the Arias Plan, even though it is not a party to it, by withdrawing support from the rebels "when it becomes apparent that Arias is working." He added that "Honduras should also comply" by not allowing anything on its territory that the *sandinistas* could label a threat.

Cruz suggested that "nine-tenths of the people in Miami" who he described as pro-contra Cubans who fled from Castro and Nicaraguan emigres who fled from the *sandinistas* are against the Arias Plan, along with the "bourgeoisie of Managua." In the rural areas, people "probably don't know what the Arias Plan is," he said, but "sophisticated Nicaraguans" support it.

Cruz addressed two arguments commonly invoked against the Arias Plan: that only force will work on the *sandinistas*, and that with the contras there is hope, but without them there is no hope. To the first he replied that before one can use force effectively, one must "earn political legitimacy." Cruz said that the "*sandinistas* should have been left alone," that there "never should have been an insurgency," because the result has only been to weaken the "moral authority" of the opposition.

In reference to the second argument, Cruz asserted that "we must reexamine that reasoning." Arias, he said, is "the way to bring peace and democracy" to Nicaragua, but "[we must] be sincere" and show that "[we are] not just out to taunt the *sandinistas*."

FISK UNIVERSITY: AN UPDATE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. CLEMENT. Mr. Speaker, Fisk University is an invaluable member of Nashville's education community. Yet, only a few years ago Fisk faced such financial difficulties that its continued existence was doubtful.

Led by Fisk University president Henry Ponder, the university began an aggressive cost-cutting and fundraising effort. Today, Fisk is in considerably better financial health. While much work lies ahead, I want to congratulate all of Fisk's students, administrative and academic staff, alumni, and friends for their efforts to assure the future success of this fine institution.

An article in the New York Times describes Fisk's efforts in greater detail and I commend it to my colleagues.

[From the New York Times, Mar. 1, 1988]

FOUR YEARS AFTER CRISIS, FISK UNIVERSITY THRIVES

NASHVILLE, February 29.—Enrollment is up and the debt is down at Fisk University, where only a few years ago students shivered in unheated dormitories because the historically black private institution could not pay its gas bill.

When the Nashville Gas Company cut off service in early 1984 until Fisk paid a $170,000 debt, students brought space heaters to class and joined with faculty and staff members to raise funds to insure the university's survival. The overall debt mounted to $4.1 million, but classes continued.

Henry Ponder, appointed Fisk's president in July 1984, led the school on a course of austerity programs and aggressive fund-raising.

When Mr. Ponder was told, for example, that boiler repairs would cost $350,000, he found an alumnus, a maintenance expert, who did it for $60,000.

"HELP IS STILL NEEDED"

Mr. Ponder acknowledged that things are better at Fisk, but he added, "You have to get the public to understand that help is still needed to get the resources to move this institution to the forefront of educational institutions in this country."

"I don't say that lightly," the educator said. "That's where we've been, and we will get back." Mr. Ponder said the school did not lower its academic standards when it was in financial trouble.

Today, debt at Fisk has been reduced to $200,000 and its endowment has reached $3.9 million. An unrestricted gift of $1.3 million by Bill Cosby, the entertainer, in December 1986 was a big help. Officials say they have received substantial grass-roots support, too.

The turnaround has not been free of problems. Three of the university's 23 trustees announced last week that they would resign at the end of the school year. One trustee said the resignations were related to the accountability of those charged with day-to-day administration. Fisk's financial aid director and assistant director were dismissed in December for allegedly failing to fill out forms to receive financial aid.

SALARIES UP SHARPLY

Faculty salaries have increased 30 percent over the last three years, to an average of $32,000 for a tenured professor, although that is still below the $35,000 to $40,000 Mr. Ponder said is appropriate.

Aggressive recruiting of students brought enrollment, which dipped to 500 at one point, up to 644 students this semester, an increase of 27 percent over the 1987 spring semester, said Harrison DeShields, director of the office of admissions and records.

Bryon Cobb, a student from Huntsville, Tex., said Fisk's role in black history in America was important to him.

"Fisk introduced the black spiritual to the world; it was active in the civil rights movement; W.E.B. DuBois went to college here," Mr. Cobb said.

The financial crisis at the school had some positive benefits for the Fisk community, said Roland Hayes Robinson, now a graduate student.

"The student body handled the crisis well," Mr. Robinson said. "It united us. We were able to confront a problem and come through it."

The university, founded in 1867 by the Freedmen's Bureau, is no stranger to struggle. The campus was purchased with $150,000 raised by the college's Jubilee Singers during a European tour in the 1870's.

The earnings of the singers, whose tours still bring $60,000 a year to Fisk, also paid for building Jubilee Hall, whose exterior was recently restored with a $150,000 Federal grant.

James Weldon Johnson, a poet who was a diplomat and an early organizer of the National Association for the Advancement of Colored People, was a professor at Fisk in the early 1930's. W.E.B. DuBois, a philosopher and writer who graduated from Fisk in 1888, also helped found the N.A.A.C.P. and was the first black to earn a doctorate from Harvard.

"I think students are attracted here because it has the reputation of a good community," Mr. Ponder said. "When they get here, they find out we have a dynamic science faculty, and many of our students go to medical and dental schools."

Revais Mitchell, executive assistant to the president and a history professor, said Fisk's financial problems mirrored those of other liberal arts college, but were worse.

"In the 1960's and 1970's the philosophy of supporting a liberal arts education dried up, and the interest shifted to business degrees," Mr. Mitchell said.

NEW ADVANCES IN COMPUTER TECHNOLOGY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. ACKERMAN. Mr. Speaker, Mr. Speaker, I rise to take this opportunity to acquaint my colleagues with a breakthrough in computer information technology which has a significant bearing on certain issues of concern to each of us in this Chamber.

It is the story I read recently in Barron's Weekly about a young innovative computer software company and what it is doing to help resolve some of our major national problems.

Mr. Speaker, as I was reading the intriguing story of this nearby Arlington, VA, company, IDMI—Information Design and Management Inc., a subsidiary of Classic Capital Corp. of New York, I could not help but reflect on how much the technology achievements of a small private sector enterprise can contribute to certain of the goals we seek here in the Congress.

I refer in particular to the effort to eliminate waste in Government procurement, especially in the military, and to the search for answers to the ever-growing AIDS crises. Both of these issues have been addressed by IDMI—and the results are proving to be remarkable.

IDMI has developed an information technology system known as PM-2000 which enables program managers to track and report administrative, logistical, and budgetary data. This system fulfills a tremendous and unserved need for program management information and controls throughout the Government, including materials acquisition and logistics operations worldwide.

Mr. Speaker, we are only too familiar with the startling revelations of the outrageous costs of such items as ashtrays, toilet seats, nuts, bolts, tools, et cetera, et cetera—not to mention the immeasurable waste of millions in military hardware procurement.

These exposures have called for a strong demand to tighten on-going oversight of the purchasing process. PM-2000 is designed to assist in this effort through its extensive system of automated management and controls. It is anticipated that this newly developed information technology will go a long way in helping to resolve this long-overdue need. Unquestionably, the end result will be vast improvement in efficiency and a significant savings of taxpayer dollars.

I should point out that the U.S. Navy is currently utilizing the PM-2000 program and the system is under review by the Army and Air Force for application to their program management requirements.

Now, Mr. Speaker, I want to cite another timely example of IDMI's diversity of software technology as described in Barron's. I refer to the company's development of an automated system especially designed to speed up the development and approval of new drugs for the treatment of AIDS victims.

This system, known as ADTS—AIDS Data Tracking System—is designed for use by pharmaceutical firms to facilitate new drug development and provide the information tools to hasten FDA approval to get breakthrough drugs to the market under the FDA's recently implemented approval-process policy.

Mr. Speaker, we are all aware of the long and tedious process heretofore required for FDA approval of new drugs for testing and treating. Commendably, last June, the FDA and the NIH, responding to public and congressional demands to accelerate drug availability for AIDS patients, adopted a new policy known as the "treatment Investigational New Drug" process. This policy requires extensive tracking of patient data and detailed reporting by the drug company. In turn, IDMI took the initiative and developed its ADTS program to help expedite this new policy.

The information contained in this IDMI system is based on the data-tracking of thousands of AIDS patients and the monitoring of various bio-medical criteria in many cases on a daily basis.

It is significant to note that IDMI's ADTS system is the first and only system utilized in gaining FDA's recent clearance for the only approved prescription drug currently available for AIDS victims.

Burroughs-Wellcome used IDMI's ADTS program to help obtain approval to administer and test nationwide the drug AZT. And now, under the FDA's investigational new drug policy, with implementation by such automated tracking information, the way is open for wider AIDS drug development and quicker determination of availability.

I understand further that the new FDA treatment IND program also applies to non-AIDS-related drugs being developed to test and treat other life-threatening diseases such as cancer, Alzheimer's and multiple sclerosis among others included in the FDA's treatment IND policy.

To accelerate progress in the required processes to bring these vitally sought drugs as quickly as possible to the gravely ill, IDMI has designed, and is further developing, other data-based tracking systems, similar to ADTS, to provide the necessary information specified by the new policy.

Mr. Speaker, I feel a special commendation is due IDMI for concentrating its computer softwear expertise and advanced information technology on such issues of national concern as those I have described here today. This company has set an example of what private sector partnership with the Government is all about.

CHINESE GULAG

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. EDWARDS of California. Mr. Speaker, upholding basic human rights should always be a central theme to this country's foreign and domestic policies, and in fact, is a clearly stated objective of the foreign policy of the United States (Public Law 100-204, section 1245).

With this in mind, I would like to refer my colleagues to a February 21, 1988, Los Angeles Times editorial entitled "Chinese Gulag." This editorial references the recently released report by Asia Watch on the human rights situation in Tibet. This report outlines the continued human rights violations against Tibetans in their own country as well as the disparity of economic, educational and religious opportunities available to Tibetans as compared to Chinese immigrants residing in Tibet.

As stated in Asia Watch's report, there are a number of internationally accepted standards of human rights that are knowingly violated by the authorities in Tibet. "These include such provisions of the Universal Declaration of Human Rights, such as freedom from torture or cruel and inhuman punishment—article 5; freedom from arbitrary arrest—article 9; freedom of thought, conscience and religion—article 18; freedom of opinion and expression—article 19; And freedom of assembly—article 20."

Violations of internationally accepted standards of human rights bears evidence to the fact that the current human rights situation in Tibet is of global concern. All nations need to recognize that the issue of human rights extends beyond national borders and must be addressed by all people.

I urge you to take the time to read the Los Angeles Times editorial, and the report by Asia Watch and help to ensure the people of Tibet have their human and civil rights restored.

The editorial follows:

[From the Los Angeles Times, Feb. 21, 1988]

CHINESE GULAG

For a decade the Chinese government has insisted that there are no political prisoners in China, that unlawful arrests and midnight interrogations and torture ended with the Cultural Revolution in 1976. That position was never credible: Chinese jails and prison camps may not be as crowded as they once were, but anyone who challenges the supremacy of the Communist Party or speaks too candidly to a foreigner is likely to be branded a counterrevolutionary and shipped off to prison, often without even a perfunctory trial.

The exact dimensions of the Chinese *gulag* have been impossible to measure, however. China's extreme secrecy has made it hard for journalists to penetrate the system, and most foreign governments, including the United States, have been so eager to woo Chinese trade and strategic support that they have been reluctant to raise human-rights issues. It has been easier to accept China's contention that widespread abuses were a thing of the past.

But a disquieting new study by Asia Watch offers proof that in Tibet, the most troubled corner of its kingdom, China still engages in "systematic human-rights abuses." With chilling documentation, Asia Watch charges that the Chinese authorities in Tibet maintain a close surveillance of the entire population, discriminate against Tibetans in housing and education, brutally repress all political dissent, make arbitrary arrests and run prisons where "torture is part of the . . . routine." Former prisoners have told Asia Watch that jailers usually use cattle prods on anyone who resists during "struggle sessions."

To be sure, Tibet's 2 million people have been a thorn in China's side ever since they rebelled against Beijing's rule in 1959. The People's Liberation Army quickly put down the rebellion, but the Chinese Communist Party remains so sensitive about Tibetans' continuing loyalty to the exiled Dalai Lama, the political and spiritual leader who fled to India just ahead of the liberation army, that even owning the traditional Tibetan flag is cause for arrest. Tibet's best-known dissident, Geshe Lobsang Wangchuk, had been imprisoned almost continuously since 1962 for daring to write about the years in which Tibet was independent; blind and often tortured, he died in captivity in December, Asia Watch says.

China succeeded in shielding what happens in Tibet from the rest of the world until last Oct. 1, when Lhasa police officers fired on unarmed Buddhist monks and other demonstrators who chanted independence slogans and attacked a police station to free political prisoners; China acknowledged six deaths in the incident, though Western observers reported 14 dead. The Chinese promptly banned foreign journalists and most tourists from Tibet in an attempt to throw a veil around the region once again.

Both houses of Congress have denounced human-rights violations in Tibet, but the Reagan Administration's response has been characteristically limp. First it applauded China's efforts to restore order in Tibet, then it criticized the killings and in recent months has fallen silent again despite reports of continuing arrests. That silence is disturbing in an Administration so firmly committed to self-determination for the people of Central America. The danger is that, unless the Administration takes some concrete step like linking trade and improved bilateral relations with China to progress on human rights, the United States will lose whatever chance it has to affect events in Tibet. One may disagree with Tibetan dissidents' demands for independence, as the United States does, and yet firmly believe that they should not be tortured for expressing them.

IMPROVING ENERGY MANAGEMENT IN FEDERAL BUILDINGS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SHARP. Mr. Speaker, today I am introducing the Federal Energy Management Improvement Act, which I am jointly sponsoring with several of my colleagues. This bill will strengthen the Government's efforts to reduce energy use in its own buildings and facilities.

Reducing the Government's energy use will have several benefits. First, it will reduce Government spending and we all know how important it is to keep expenditures down in this time of large budget deficits. Second, any energy saved will help reduce our dependence on foreign imports. Third, by vigorously pursuing energy conservation, the Federal Government provides leadership to the rest of the country. Such efforts not only send the message that "This is still important!" but also provide a good example to private sector firms and State and local governments.

The energy used in Federal buildings is not trivial. In 1986, the last year for which figures are available, the Government spent $3.3 billion on energy for its roughly 500,000 buildings and facilities. The energy used by those buildings was the equivalent of 120 million barrels of oil.

The concepts embodied in this bill are simple. The bill sets minimum goals for agencies to reduce their energy use by 1995. It also authorizes a modest study of a representative sample of Federal buildings to determine the maximum potential energy savings that can be obtained. Finally, the bill provides an economic incentive to agencies to encourage them to go beyond the minimum goals toward the maximum potential.

HISTORY OF ENERGY CONSERVATION GOALS IN FEDERAL BUILDINGS

A little history is needed to demonstrate the need for the goals in this bill. In 1976 the President issued Executive Order No. 11912, which set a goal for agencies to reduce their energy use. That goal was a 20-percent reduction of energy used per square foot of building floor space between the years 1975 and 1985.

By 1985 the Federal Government, on average, had done a good job by cutting its energy use 16.6 percent, on a per-square-foot basis, compared to 1975. Some agencies exceeded the 20-percent target, while some fell short.

The 10-year goal which expired at the end of 1985 was not renewed. Consequently, there is currently no overall goal or directive to agencies telling them they should continue to conserve energy.

In 1986, energy use per square foot of building space was up 2.8 percent over 1985. Figures are not yet available for 1987, but the expectation is that they will be up over the 1986 levels. In other words, the progress the agencies made from 1975 to 1985 is now being eroded. We need to let these agencies know that Congress wants to see progress, not backsliding.

Hence the need for this modest goal of an additional 10-percent savings by the year 1995.

STUDY OF MAXIMUM ENERGY EFFICIENCY POTENTIAL

It is not good enough just to set minimum goals for agencies. Minimum goals often have a way of becoming maximum ceilings. Therefore this bill authorizes a study of a representative sample of Federal buildings, of different types in different climates, to determine the maximum, cost-effective level of energy savings that can be achieved. The study would be carried out by employees of DOE's national laboratories who have expertise in energy conservation and building systems technology.

This is to show Federal building managers that it is possible to go well beyond the minimum 10-percent goal, in buildings similar to the ones they manage. Many building professionals believe that savings on the order of 20 to 30 percent are practical and cost-effective just by applying existing technologies to existing buildings.

The more agencies are willing to go beyond the minimum, the more the Government will save. The $250,000 authorized for this study should be a very good investment indeed.

INCENTIVES FOR ENERGY SAVINGS

The incentives section of this bill allows agencies to keep some of the savings that result from energy conservation measures. They can then use the savings for additional investments in conservation to help them achieve their goal or for other purposes authorized by the Congress for their agency.

THE ROLE OF PERFORMANCE CONTRACTING

A common excuse for not undertaking conservation programs is that money is not available in capital budgets to make the needed improvements, even if the investment would more than pay for itself over the next few years. One way to deal with that problem is through the use of private capital and performance contracting.

Performance contracting is a method whereby private firms survey a building, make recommendations on energy saving measures and install the measures at little or no cost to the "host" building owner. The contractor gets paid back from a portion of the energy savings that result. While there are many different ways to set up performance contracts, typically the building owner starts saving money from the first month, rather than having to wait a number of years or months for the payback to occur.

Many private building owners have taken advantage of these arrangements as a relatively easy way to get control of their energy costs and generate a positive cash-flow immediately. A number of State and local governments have taken the lead in this area. They see it as a way to reduce their energy use without having to resort to increased capital budgets.

Congress gave Federal agencies the authority to enter into performance contracts in the Consolidated Omnibus Budget Reconciliation Act of 1985, but agencies have been slow to take advantage of this opportunity. Two years later, the Postal Service has entered into one limited performance contract and no other agency has done so.

Performance contracting is an excellent tool to help agencies achieve the goal set out in this bill. The goals, incentives and the study of maximum potential contained in this bill should help agencies overcome their timidity in exploring this option.

SUMMATION

In closing, Mr. Speaker, I would like to add a final thought. As a nation our energy problems are not as bad as they used to be, but they have not disappeared either. Energy prices are down, to a great extent because of how much energy has been saved by using it more efficiently. But, now is not the time to forget where we have been.

This bill is good energy policy. More importantly, it is sound fiscal policy. I urge its swift consideration and passage.

ALLEGATIONS OF DRUG TRAFFICKING WITHIN HONDURAN ARMED FORCES

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, allegations have been made that the Honduran Armed Forces are connected with drug trafficking. The New York Times recently reported that "senior Honduran Army officers * * * are setting up major drug operations in Honduras." (February 12, 1988).

A February 18, 1988, New York Times article reported about the State Department's response to these allegations, State "praised the Honduran Government and armed forces for demonstrating their opposition to drug trafficking. * * *"

I would like to bring to the attention of my colleagues press guidance text from the State Department. It sends a clear message that the Honduran Armed Forces have "demonstrated both through public statements and their actions their opposition to drug trafficking."

FEBRUARY 16, 1988.

HONDURAS: REQUESTS FOR DEA OFFICE

Q. Does the Department have any comment on allegations that the U.S. Embassy in Tegucigalpa may have prevented investigation of drug trafficking in Honduras by other USG agencies?

A. The allegations are not correct. In fact, in 1987, Honduran authorities—including the highest levels of the armed forces leadership—informed us that they were becoming increasingly concerned about drug trafficking in Honduras and sought U.S. assistance in contending with this problem. From that point, both the Department of State and the Government of Honduras sought the establishment of a DEA office in Honduras.

We expect that a DEA office will be operating in Honduras within weeks.

In the interim, DEA officials have been working in Honduras on temporary duty for the past several months until their office is established and fully operational.

FEBRUARY 12, 1988.

HONDURAS: DRUG TRAFFICKING

Q: Has the U.S. Embassy protected traffickers in the Honduran Armed Forces by preventing investigation of their narcotics activities?

A: No. To the contrary, the U.S. Embassy and the State Department have urged the Drug Enforcement Administration to reopen an office in Honduras. The government of Honduras joined in that request. DEA has provided temporary duty personnel since November and is scheduled to open a permanent office in Tegucigalpa this month.

Q: Does that mean the Department and the Honduran Government have suspicions about the Honduran Armed Forces?

A: The Department and many Honduran officials—including the senior leadership of the armed forces—became seriously concerned about the possibility of significantly increased drug trafficking when Juan Ramon Matta Ballesteros returned to Honduras from Colombia. We believe he (is attempting to) created a drug trafficking network in Honduras, undoubtedly with the cooperation of some corrupt officials. However, we do not believe that such corruption has yet become pervasive. We anticipate that the new DEA office in Honduras will be able to substantially improve anti-trafficking cooperation with the Honduran Government.

The Honduran Government and armed forces have demonstrated both through public statements and their actions their opposition to drug trafficking. Much remains to be done, however, to raise Honduran technical means to match the threat.

THE SCALES OF ANTICOMMUNISM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mrs. SCHROEDER. Mr. Speaker, justice is blind but anticommunism shouldn't be. I commend to my colleagues a thoughtful commentary on the scales of anticommunism.

[From the Rocky Mountain News, Feb. 13, 1988]

THE DRUG OF ANTI-COMMUNISM

The U.S. indictment of Panama's military strongman, Gen. Manuel Antonio Noriega, on drug and racketeering charges puts a fine focus on the Reagan administration's policy in Latin America:

The United States will deal with any dictator or despot—even knowing of his deviltries—if the Reagan White House believes him to be an anti-communist.

In Noriega's case, there were obviously strong suspicions he was, at best, only a part-time anti-communist, exchanging favors and information with Cuba's Fidel Castro. But top officials of the Reagan administration maintained cordial contact with Noriega, ignoring both the criminal odor and the Castro contacts.

Those Reaganites, it's now said, included such powerful men as William J. Casey, who until his death last year served as President Reagan's director of the CIA.

In the mindless implementation of Reagan's anti-communist policy—which since 1981 has targeted the Sandinista government of Nicaragua—the administration could ignore years of warnings and evidence that Noriega was not just a brutish lout who since 1983 ruled over a puppet civilian government, but was actually a thief of enormous audacity.

A lengthening list of witnesses inside and outside the Reagan government are now saying that while efforts were made at the White House level to persuade Noriega to take an active military role in Reagan's crusade to unseat the Sandinistas, it was known—or ought to have been known—at the same levels that Noriega was aiding and profiting off huge illicit drug transfers into the United States.

But even in the years of accumulating information that Noriega was involved in the lethal deliveries of drugs into this country, the president and his aides chose to warn, instead, of the imaginary capture of all of Central America by the Nicaraguan Sandinistas.

That Reagan and his chief aides would indulge Noriega's suspected criminality to cultivate his on-and-off anti-communism displays not just the blindness of the administration's policy but its bankruptcy.

Revelations concerning Noriega and the prior knowledge of his activities among some in the Reagan administration also serves—if anyone in the White House has the wit to see it—as an insult to the president's wife. Nancy Reagan has done her goodhearted best to turn young people away from the temptations of drug use, while aides close to her husband were aware of reports of Noriega's activities to harm the very children the president's wife sought to protect.

The federal indictment of Noriega presumably signals the White House disenchantment with the thuggery of the Panamanian dictator. But it also presents new cause to wonder at a Reagan Latin-American policy that separates good guys from bad guys only on a test of anti-communism until—as in Noriega's case—the criminality became notorious on an international scale.

Just as Americans have been damaged by the drug trafficking that Noriega is said to have encouraged while the Reagan administration blinked, Americans have as surely been damaged by lies and untold truths that have been wrapped into the Reagan policy in Latin America.

It has not been a wise anti-communism calculated to block Marxist expansionism and win commitment to those democratic principles the president has espoused.

It is fanatical, senseless anti-communism whose function has been to open the nation to ridicule and hatred every time the foolishness is exposed.

THE INSPECTOR GENERAL ACT AMENDMENTS OF 1988

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROOKS. Mr. Speaker, I am introducing today the Inspector General Act Amendments of 1988. By all counts the Inspector General Act of 1978 has been a resounding success. It is now time to further that success story, by extending the provisions of the Inspector General Act of 1978 to other major departments and agencies of the Government that stand to benefit greatly from improved internal audit and investigations.

My bill would establish Offices of Inspector General, with the full authorities, duties, responsibilities, and protections provided by the Inspector General Act of 1978, in the Departments of Justice and Treasury, and in the Federal Emergency Management Agency. In addition, it would strengthen existing audit and investigative offices in agencies without statutory inspectors general by consolidating those offices in each agency, requiring that they report to the head of the agency and to the Congress, and giving that office the same duties and authorities as are provided to the statutorily established inspectors general.

In addition, my bill would provide greater independence to the heads of these audit and investigative offices by, (1) requiring that the agency head report to the Congress the reason for any removal or transfer of them and, (2) prohibiting the agency head from stopping or interrupting any planned or ongoing audit or investigative activity.

Mr. Speaker, this is exactly the same bill that I introduced and the House passed in the 99th Congress. The Senate acted on an amended version of that bill only in the waning hours of the 99th Congress, leaving no time to go to conference on the differences in the two measures. The issues are still the same. According to the President's 1989 budget submission, the Departments of Treasury and Justice, together with FEMA, employ over 200,000 people and have a budget authority of over $18 billion. The smaller agencies that are covered by this bill together employ over 60,000 people and have a budget authority of over $65 billion. Yet the audit and investigative groups in these offices are still unconsolidated and largely uncoordinated; and most of them report to and receive direction and control from officials lower than the head of the department or agency.

Other provisions of my bill would authorize inspector general personnel to administer oaths, provide uniform salary levels for statutorily-established inspectors general, and assure more uniform reporting of audit results in order to eliminate the reporting of inconsistent data and inflated claims of savings that have misled the American public in the past.

Mr. Speaker, the passage of this bill will improve Government accountability and congressional oversight of Government activities. I hope it will have the support of every Member.

THE MEGACITIES PROJECT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GREEN. Mr. Speaker, I want to bring to the attention of my colleagues the megacities project, based at the Urban Research Center of New York City. This project is addressing the opportunity presented by and the problems brought on by the remarkable growth of cities around the world. Dr. Janice Pearlman, senior research scientist at the center, characterizes this project as a strategy "to accelerate the generation of effective social and technological innovation" will concentrate on 10 of the most populous cities in the world, megacities with populations of over 10 million by the year 2000.

Projections indicate that by the year 2000 there will be 23 such cities, most of them in Asia and Latin America. New York City and Los Angeles are the only two in the United States, and London and Moscow are the only two in Europe. As Dr. Pearlman says: "the world is becoming predominantly urban * * * and the locus of growth is shifting from the developed to the developing countries," yet 90 percent of all international development assistance is directed toward rural areas—the areas which people are leaving.

The people who are coming to cities throughout the world are looking for a better life, a way of life with opportunities which they have been unable to find in the rural areas from which they come. Yet, the current systems for providing housing, jobs, and services are often inadequate and city budgets are, in many instances, stretched to the breaking point. Innovative approaches must be found to make the best use of currently underutilized human and natural resources.

Yet there are opportunities to be found in the midst of these difficulties and Dr. Pearlman, through the megacities project, is in search of them. Happily, it is a search for which she is well qualified. In 1977, Dr. Pearlman's book on favela life in Rio de Janiero won the C. Wright Mills award for the most outstanding social policy book of the year. "The Myth of Marginality: Urban Politics and Poverty in Rio de Janiero," studies the remarkable growth of Rio de Janiero and offers the conclusion that the hope for the city's future lies with ambitious and hard-working squatters who left the countryside to find a better life for themselves.

Mr. Speaker, I know my colleagues will agree with me that in order to live together well in this world, we must solve the problems in our cities and the only way we can solve them is to work together—to communicate to each other our ideas for and successes in finding answers. This communication must be across borders, a form of communication that great megacities such as my city of New York have always encouraged. I know my colleagues will join me in wishing Dr. Pearlman good luck, and we shall all look forward to the results of her work.

CONGRESSIONAL CALL TO CONSCIENCE VIGIL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MAZZOLI. Mr. Speaker, for the past several years, I have participated in the Congressional Call to Conscience Vigil in an attempt to draw attention to the plight of Soviet Jews and other prisoners of conscience who are seeking freedom and emigration from the Soviet Union. This is a specially worthy effort to draw the world's attention to the plight of those who are still in the gulags and behind the Iron Curtain yearning to be free.

As chairman of the Subcommittee on Immigration, Refugees and International Law, I have closely followed the emigration of Soviet Jews to the United States and Israel. And, each year as a consultative member on the President's Refugee Admissions Program, great attention is paid to assuring that numbers of admissions and funding for the resettlement of Soviet Jews are forthcoming.

Several years ago I had the opportunity to consult with the voluntary agencies in Vienna with regard to assuring that the Soviet Jews transmitting through Austria are given the opportunity to exercise the freedom of choice either to go to Israel or to the United States.

In Rome, I observed the meticulous care given by Italy to the transmitting of Soviet Jews, and especially, the hospitality of the Italian Government over the years in allowing these refugees to complete their processing with a minimum of interference.

Despite these efforts, and those of Members of Congress and concerned American citizens in recent years, there still is room for considerable improvement in Soviet emigration policy toward its Jewish citizens.

Soviet Jewish emigration reached a peak of about 51,000 in 1979, when Soviet officials placed more stringent restrictions on emigration. In 1986, fewer than 1,000 were allowed to emigrate. And, while the number exceeded 8,000 in 1987 for the first time since 1979, it is still appallingly low.

This year I would again like to bring to the attention of my colleagues the plight of the Yakov Beilin family. Yakov Beilin is a forestry technician who lives in a small Jewish community in Tula. Most of his family, eight aunts and uncles who previously lived in Vilna, were exterminated with their young children during World War II.

In 1973, Beilin's father died after a long illness. Before he died, his last stated wish was that his family move to Israel where his only sister resided. This request the widow Beilin decided to fulfill.

Yakov Beilin's mother was granted permission to emigrate to Israel, but Yakov Beilin, his wife and two children were refused. Despite her age and fragility, Yakov Beilin's mother decided to make the move.

His mother remains most distressed by being separated from her family. She writes:

> I have but one desire. I beg you to help me bring my son and his family to Israel. The few years that I have left to live, I would like to spend together with him.

As one of many concerned Members participating in this year's vigil, I hope the Soviet Union will exhibit respect for basic human rights and privileges, as guaranteed under the Soviet Constitution and the Helsinki Accords, and reunite the Beilin family and other Soviet families in similar circumstances.

Mr. Speaker, it has often been said that the flow of immigration from the Soviet Union depends on the status of our government's relationship with each other. We are now experiencing a period of comparatively better relations.

In this regard, we must make sure that we can meet our part of the bargain by assuring that our admission numbers and financing are adequate to receive those fortunate persons who succeed in obtaining exit visas.

INTRODUCTION OF BILL TO PROHIBIT RAILROAD EMPLOYEES FROM LEAVING THEIR POST IN THE EVENT OF A TRAIN ACCIDENT

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WELDON. Mr. Speaker, as a frequent rail traveler, I was alarmed to learn that there is no Federal law prohibiting railroad employees from leaving the scene of a train accident.

On January 29 of this year, an Amtrak employee fled his post as a control tower operator after an Amtrak train slammed into a work vehicle injuring 25 passengers. The employee in question could not be interviewed by investigators until 3 days after the accident. He later admitted to having caused the accident by failing to take the train off a stretch of track undergoing maintenance. This incident occurred just outside of my district on the same trains and track that I and many of our colleagues use to travel back and forth between our districts.

That is why I am introducing today legislation to prohibit certain railroad employees from leaving their post in the event of a train accident. Specifically, my legislation prohibits any railroad employee who may have caused or contributed to the occurrence of a rail accident from leaving the scene of the accident without proper authorization. This legislation also provides for a prison term of up to 3 years and a fine of up to $250,000 if convicted of violating this act.

Mr. Speaker, the safety of rail passengers and workers everywhere is at stake here. I urge my colleagues to support this legislation and take prompt action to ensure its passage.

THE ARCHAEOLOGICAL RESOURCE PROTECTION ACT AMENDMENTS OF 1988

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. UDALL. Mr. Speaker, today my colleague from Connecticut [Mr. GEJDENSON,] has introduced the Archaeological Resource Protection Act Amendments of 1988. I am pleased to be a cosponsor of this bill.

The desecration and looting of ancient Indian ruins on public and Indian lands seriously threaten the loss of historical data which present and future generations may use to understand and appreciate our forbearers. Once this valuable information is lost, it is lost forever. The original Archaeological Resource Protection Act [ARPA] passed by Congress in 1979 began the long process of protecting these irreplaceable artifacts. Experience over the last 8 years has made it apparent that a few changes in ARPA would help prosecutors carry out the intent of this law.

The bill that we introduce today will make it illegal to "attempt to violate" or to hire someone else to vandalize archeological sites. It will change the threshold for determining felonies and misdemeanors, clarify what constitutes a violation of law and enable those who testify in court to do so based on clear standards and terms, when violations occur. In short, this proposed legislation will make the existing law more easily understood.

Mr. Speaker, changes in ARPA are needed and I look forward to the opportunity to work with my friend from Connecticut as this bill works its way through the legislative process. We ask our colleagues in the House to join us in protecting the historic remains left by previous generations.

A TRIBUTE TO DR. BARRY BERLIN AND ARC/OAKLAND COUNTY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LEVIN of Michigan. Mr. Speaker, one of the true marks of a compassionate society is the ways in which it assists its citizens who are mentally handicapped. This is an area in which I have had a keen interest throughout my years of public service. It is therefore with great pleasure that I rise to recognize an individual from the district I represent who has excelled for many years in community service to the mentally handicapped.

Dr. Barry Berlin is the supervisor of the Oak Park SMI/SXI Center. This center serves persons from infancy through age 26 who are diagnosed as severely mentally or multiply handicapped. It is the only program in Oakland County which integrates severely handicapped students into regular elementary, middle school, and high school classrooms. Dr. Berlin plays a variety of roles to ensure the center's operation. He must be a motivator, a teacher, a cheerleader, a supervisor. Above all else, he is an advocate for and with those he works with in the community. Often, this means overcoming many frustrations and obstacles in order to witness small, incremental victories.

The Association for Retarded Citizens of Oakland County has seen fit to recognize Dr. Berlin for his many accomplishments at their annual award dinner on March 4, 1988. It is a choice I heartily commend. I join with ARC and Dr. Berlin's colleagues, friends, and family in saying "well done." I know that each victory, however small it appears, is a major triumph for those who accomplish it. I wish Dr. Berlin, ARC/Oakland County and the individuals and families they work with many additional victories in the years ahead.

TO ARCH MACDONALD

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. SWIFT. Mr. Speaker, Arch MacDonald is a friend to a great many people, but he has helped give indigestion to many as well. The latter is not exactly his fault, though he is an accomplice.

Arch has been an important figure in Snohomish County in my district for many years. While he makes his living—and a good one—as a developer, he has taken much greater interest in the people of the communities in which he works than is typical of most.

He has worked with a variety of community groups. He has worked with local Indians. He has helped many different charitable organizations. He has built a wonderful facility called simply Arch's Barn which has become a community meeting place in a rural area that really had none.

Now, Arch isn't perfect. He's been known to allow politicians to use the barn too. What's worse, he's done it for both parties. And therein lies the heartburn I mentioned before. Every year I sponsor a big chili cookoff at Arch's Barn. It is always hard to tell whether the good chili or the bad chili gives the most gastric disturbance, but there is a fair amount of it. Arch must share the responsibility for this because of the indiscriminate way in which he lets the community use his barn.

Aside from that failing, he's a great asset in Snohomish County.

Mr. Speaker, I insert in the RECORD at this point a resolution passed by the Snohomish County Council and another currently before the Washington State Legislature. I might also add that Arch was made a deputy sheriff by the Snohomish County Sheriff's office and was recently adopted by the tribal council of the Tulalip Indian Tribes making him an honorary Indian—the first such honor ever extended by the Tulalips.

These resolutions speak eloquently of the contribution Arch MacDonald has made to our community.

RESOLUTION

Whereas Arch MacDonald as a community and state leader has made a positive difference in the lives of many people and communities in the State of Washington.

Whereas Arch MacDonald has been an admirer and a contributor of both major political parties and is a believer in our democratic process of government

Whereas Arch MacDonald's foresight and vision have brought about great changes and improvement in the quality of life in the State of Washington and more particularly in Snohomish County, Clark County and the Tri-City area.

Whereas the original development of Arch MacDonald and his partner, Donald MacKay, known as Cascade Park, has turned into one of the finest residential communities in Clark County and the State of Washington

Whereas the Clark County Economic Council acknowledged at its annual meeting in 1983 that Arch MacDonald and Donald MacKay have provided more economic stimulation to Clark County than any two people, past or present.

Whereas Arch MacDonald's personal involvement has played a major factor in having Hewlett-Packard and Tektronix local high technology plants in Clark County.

Whereas Arch MacDonald was instrumental in bringing Hewlett-Packard into Snohomish County and has been working in that county to help develop the economic potential that exists there.

Whereas Arch MacDonald and Donald MacKay, developed one of the finest large cattle ranches and irrigation projects (Lewis & Clark Angus Ranch) in the Tri-Cities, which was incorporated into the City of West Richland to allow for development into compatible multiple uses.

Whereas Arch MacDonald has continually stressed the importance of transportation (highways and major airport facilities and carriers) to our economy and has worked toward their development and improvement within the State of Washington.

Whereas Arch MacDonald's sphere of influence has touched all aspects of the quality of life in the State of Washington and has made Washington State a better place to live.

Whereas Arch MacDonald recently was one of the moving parties in a major land use case heard before the United States Supreme Court that has brought about greater protection of property rights for property owners of all states.

Whereas Arch MacDonald is the first non-Indian to be selected an honorary Indian of the Tulip Indian Tribe.

Whereas Arch MacDonald is now 76 years old and still going strong and is too busy thinking of others to have time to think of himself, even though he has had a setback with the discovery of cancer; now therefore be it.

Resolved, That Arch MacDonald be officially recognized as a man who has left his mark not only in the hearts of the people but in the hearts of our communities by quietly and methodically pursuing a vision which benefits every person who lives in the State of Washington: Be it further

Resolved, That the people of the State of Washington publicly thank Arch MacDonald for his dedication, encouragement, and long-term vision which has benefited all aspects of our quality of life in the State of Washington.

SNOHOMISH COUNTY COUNCIL, SNOHOMISH COUNTY, WA, RESOLUTION NO. 88-001

A RESOLUTION HONORING ARCH MACDONALD

Whereas, the County of Snohomish has been exceptionally fortunate to benefit from the generous spirit of Arch MacDonald during his residency in Snohomish County, and

Whereas, his presence and his contagious enthusiasm for the beauty and the future of this county has been a major force in the development of new jobs here while maintaining our unmatched quality of life, and

Whereas, that commitment to our community resulted in his developing the unique "MacDonald's Barn" for the use by all citizens for various functions, without charge, bringing to the attention of people throughout the state and country the many attractions of Snohomish County, and

Whereas, he is a virtual one-man Chamber of Commerce for our county, bringing top representatives of U.S. industry and government, including U.S. Senator Robert Dole and the late U.S. Senator Henry M. Jackson, and foreign nations, including the Peoples Republic of China and Japan to "the Barn" for special events, and

Whereas, Arch MacDonald's commitment to our community, including his close relationship with the Tulalip Indian Tribe, has resulted in Snohomish County being a better place to live and work: Now therefore be it

Resolved, That the Snohomish County Council assembled, in recognition of his contributions, does extend its heartfelt appreciation to Arch MacDonald for his lasting and generous service to our community.

NATIONAL SAFE KIDS WEEK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GARCIA. Mr. Speaker, nearly 10,000 children die due to accidental injuries each year while an additional 50,000 are permanently disabled. The tragic fact is that the vast majority of these deaths and disabilities could have been prevented. This is why I am introducing a resolution today to designate the week of May 16–22, 1988, as "National Safe Kids Week."

Accidents are the leading cause of death among children. Nearly 50 percent of deaths of 1-year-old to 14-year-olds are caused by injuries. There are as many injury-related deaths as there are noninjury deaths, such as those from cancer, AIDS, and congenital problems. Yet it is estimated that 90 percent of these deaths could have been prevented.

The best prevention is education and it is for this reason that the 1988 National Safe Kids Campaign was launched. This campaign is designed to educate parents, teachers, and other adults who interact with children on how to best prevent accidents in such major risk areas as traffic, water, fire, falls, and choking/poisoning.

Among those organizations participating in the campaign are the American Red Cross, the American Academy of Pediatrics, the National PTA, the National Association of Children's Hospitals and the U.S. Conference of Mayors, as well as the Departments of Agriculture, Health and Human Services, and Transportation. I hope my colleagues will join me in helping to end needless deaths due to accidents.

OMB CONVENIENTLY DELETES PERTINENT FACTS FROM BUDGET SUBMISSION

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MONTGOMERY. Mr. Speaker, supporters of legislation that would elevate the Veterans' Administration to a Cabinet-level Department have argued that the Office of Management and Budget literally runs the agency. VA input into the budget process is very limited. I believe that when differences of opinion occur between the VA and OMB on major policy questions, VA is told what its official position will be. We know this occurred when the enactment of the Montgomery GI bill was being debated. Before we put a stop to it a few years ago, the VA was required to send answers prepared in response to questions asked at congressional hearings to OMB so that the VA's answers could be edited to reflect the views of OMB.

Even small requests of the agency are often ignored. Let me cite you a specific example. Late last year I informed the controller of the VA that I wanted certain statistical information on the Montgomery GI bill included in the budget documents submitted for fiscal year 1989. I thought Members of Congress and the general public would want to know the amount of money that has been saved by the Federal Government through reductions in service members' basic pay required in order to participate in the new education program. New enlistees must agree to have their basic pay reduced by $100 per month for 12 months in order to be eligible to receive the benefits. I wanted the budget documents to also show the amount of money saved by not having to borrow the funds to pay a higher rate of basic pay.

In order to comply with my request, the VA included the following information in the budget documents which it submitted to OMB:

The veteran participant contributes $100 a month for each of the first 12 months the individual is in the service. These funds are deposited into the Treasury general receipt account. In 1987 a total of $195.5 million has been deposited into the Treasury account. Since the inception of this program, over $312 million has been deposited into the Treasury account. If these funds were not deposited into the General Treasury fund, the interest costs to borrow $312 million would be $32 million. It is estimated that annual collections into this account will total $210 million in 1988 and 1989.

When the budget documents arrived on February 18, I learned that OMB had chosen, without the VA's knowledge, to delete all of the language in the above paragraphs except the first two sentences. No explanation was given, and OMB keeps wondering why our committee gets involved in its business.

JOHN L. DESMET, GEICO PUBLIC SERVICE AWARD WINNER

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DEFAZIO. Mr. Speaker, it is with great pleasure that I rise today to honor an exemplary Federal employee. John L. DeSmet is one of five public servants to be awarded the 1987 Employees Insurance Company Public Service Awards. John has been chosen to receive this honor because of his important contributions to the quality of life in our country.

While in the military and as a civilian, John has served in the field of alcoholism treatment and prevention. Currently, he is chief of the Alcohol and Dependency Treatment Program at the Veterans' Administration Medical Center in Roseburg, OR.

Since 1979, John has served on the Douglas County Council on Alcohol and Drug Abuse Prevention and Treatment. As chairman of the council, he was influential in broadening community services and quadrupling the budget. Among his many accomplishments is the establishment of an informal network among the VA alcohol and drug treatment programs in the local medical district. He was also asked to participate on a State task force which helped make sweeping reforms in alcohol and drug treatment programs in the Oregon penal institutions.

John donates much of his free time to provide alcohol education in schools and other community settings. Tapes of his lectures are used throughout the State to help train allied health professionals, nurses and family therapists. In addition, he offers the use of his home for free counseling and recreational activities to youth who have completed chemical dependency programs.

Mr. Speaker, it is with pride that I congratulate John on this award. I also thank him for the work he has done for the veterans, youth, and citizens of Oregon.

HONORING MAJ. GEN. AMATO A. SEMENZA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GILMAN. Mr. Speaker, all Americans are proud and grateful for the unselfish devotion of our National Guard forces. In great part due to their diligence, we can all sleep more soundly at night, knowing that they are at the ready to protect our Nation.

The devotion of State guard units is often personified by their outstanding leaders. One such leader is Maj. Gen. Amato A. Semenza, commander of the New York Guard and, currently, president of the State Defense Force Association of the United States.

Regrettably, Major General Semenza will be retiring later this month. Although General Semenza has worked long and hard for this well-deserved rest, the New York Guard will not be the same without him.

Amato Semenza, like so many of us, began his military service during the early months of American involvement in World War II. During that conflict, Amato was assigned to the 32d Signal Center Team and the Psychological Warfare Branch in North Africa and Italy.

General Semenza joined the New York Guard as a first lieutenant on April 6, 1960. Subsequent to that date, he worked his way up the ranks until his appointment as commander by then-Gov. Nelson A. Rockefeller on July 20, 1973.

Maj. Gen. Amato Semenza has received so many awards and honors over the years that space and time prevent our listing them all here. A partial list would include: the Good Conduct Medal; Merit Citation; American Campaign Medal; the European-Africa-Middle Eastern Campaign Medal; World War II Victory and Occupation Medals; the New York State Meritorious Service Medal; the New York State Commendation Medal; the Humanitarian Service Medal; the 25 Year Long and Faithful Service Medal; and the award for Aid to Civil Authority.

On the board of directors of the State Defense Force Association of the United States, Major General Semenza serves with distinction, working closely with other outstanding board members from throughout the Nation.

On March 19, guardsmen and women from throughout New York State—indeed, from throughout the Nation—will be joining at a dinner honoring Gen. Amato A. Semenza on the occasion of his retirement. I invite all of our colleagues to join in congratulating this outstanding public servant.

EAGLE SCOUT MICHAEL W. BURNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, Michael Burns. He will be recognized on Sunday, March 20 for achieving the highest rank in Scouting, "Eagle Scout" in Boy Scout Troop 414.

To become an Eagle Scout, Michael earned 10 skill awards, 24 merit badges, numerous other Scouting honors, and organized and conducted a program to obtain and install smoke alarms in the homes of senior citizens living in the area as his Eagle Scout project. During his tenure with Troop 414, Michael has also attended six summer camps at the Owasippe Scout Reservation and High Adventure trips at the Philmont Scout Ranch in Cimmaron, NM, the Florida Sea Base in Islamorada, FL, and the Boundary Waters Canoe Area in Ely, MN. As a member of Troop 414, Michael has served in various leadership positions including patrol leader, troop historian, troop quartermaster, leadership corp member, and senior patrol leader.

Michael is joining the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological, and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perseverance of character demanded illustrate just what high caliber young man Michael is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though credit is certainly due to the family of this young man and to the Scout leaders who provided support, Michael today knows that he can participate independently in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing Michael the best of luck in his future endeavors.

THE DEFENSE PRODUCTION ACT AMENDMENTS OF 1988

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Ms. OAKAR. Mr. Speaker, the House Subcommittee on Economic Stabilization—which I have the honor of chairing—has conducted an extensive series of hearings on current problems facing the U.S. industrial base and whether it can supply critical materials in times of national emergency. These hearings were held in conjunction with the subcommittee's jurisdiction over the Defense Production Act of 1950.

To perhaps the surprise of no one, an array of witnesses from business, labor, public organizations, and an Undersecretary of Defense concluded that the U.S. industrial base is eroding and that actions must be taken to reverse its deterioration and restore U.S. industrial strength. This jeopardizes our national security.

Specifically, the subcommittee hearings revealed that the U.S. industrial base is developing a strong dependency on foreign sources for products, parts and components and other materials used in manufacturing and that such a dependence, especially in times of national emergency, would weaken our national defense. Moreover, the inability of U.S. industry, especially small- and medium-size subcontractors and suppliers, to provide vital parts and components and other materials would prevent the United States from meeting production surge demands should a national emergency arise. Additionally, the U.S. industrial base is being eroded by a growing dependence on imported parts, components, and raw materials. Clearly, this is a serious threat to our national defense.

Mr. Speaker, this is not a partisan issue; it affects all of us equally. Today, I am introducing legislation designed to get us started in that direction.

I include for the RECORD an explanation of the legislation following my remarks:

SECTION-BY-SECTION ANALYSIS OF THE DEFENSE PRODUCTION ACT OF 1988

Sec. 1. Short Title: This section cites the title of the bill as the "Defense Production Act Amendments of 1988".

Sec. 2. Amendments to the Defense Production Act of 1950: This section amends the Declaration of Policy (Section 2) of the Defense Production Act of 1950. It updates the policy to reflect that our defense mobilization preparedness effort continues to require the development of preparedness programs, defense industrial base improvement measures, the expansion of domestic productive capacity and supply beyond the levels needed to meet the civilian demand, and some diversion of certain materials and facilities from civilian use to military and related purposes. This section also repeals Section 720 (National Commission on Supplies and Shortages) of the Defense Production Act of 1950 which is obsolete.

Sec. 3. Findings: This section provides for Congressional findings. Included is the finding that the U.S. Defense Industrial Base is developing a growing dependency on foreign sources for key parts and components and other materials used in manufacturing and assembling major weapons systems for our national defense. This dependency is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities.

Sec. 4. Strengthening of Domestic Capability: This section amends Title I of the Defense Production Act by adding a new section 107 for the purpose of preserving and strengthening the capability and capacity of the U.S. industrial base to produce all materials and related services needed for the national defense of the United States. It requires the President to limit, to the maximum extent practicable, the national defense production of existing and new weapons systems, to domestic manufacturing and assembly sources within five years following the date of enactment of this section. This requirement shall remain in effect until the Secretary of Defense determines that domestic sources can meet Defense production needs for at least six months following the onset of a war or other hostilities. In addition, this section permits the President to waive the domestic-source only production on any contract but only after considering (1) the effects on U.S. industrial capability to provide the same materials and services and, (2) the actual costs of off-shore purchase when lost Federal, State, and local tax revenues are considered contrasted with bids submitted by domestic sources and their estimated costs of complying with U.S. laws.

Authorization to Use Existing Authorities for Purposes of This Section: To implement the Buy-American only requirement, the President is authorized to utilize incentives in the form of loan guarantees, price supports, direct loans and purchase agreements.

Designation of Critical Industries: This section also provides that the President shall designate industries critical to the U.S. Defense Industrial Base. They would be given priority for assistance for the modernization of manufacturing facilities and equipment and the production of materials. If any materials, services, or skills affecting such an industry are unavailable or in short supply, the President must seek to develop them.

Assistance for Small and Medium-Sized Businesses: Assistance under this section is provided only to small and medium size businesses, unless the President transmits to the Congress an exception to this limitation.

United States Defense Industrial Defined: This section also defines the term "U.S. Defense Industrial Base" for purposes of this Act.

Coordination with Memoradums of Understanding: Additionally the requirements of this section constitute an exception or exclusion to any existing or future memorandum of understanding.

Borrowing Authority Subject to Ultimate Net Cost Limitation: Funding for any assistance would come from existing authorizations, but could be leveraged on an ultimate net cost approach subject to appropriations.

MILLENNIUM ANNIVERSARY CELEBRATION OF DUBLIN, IRELAND TO INCLUDE LA CANADA HIGH SCHOOL BAND

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MOORHEAD. Mr. Speaker, it is with a great deal of pleasure that I announce to my colleagues in the U.S. House of Representatives that the La Canada High School Spartan Band will soon join with the Honorable Carmencita Hederman, Lord Mayor of Dublin, and the residents of Dublin, Ireland, in the millennium anniversary celebration of that proud and enduring community.

In the United States we have never celebrated the 1,000th birthday of any city or town so it is with a special awareness and gratitude and not a wee bit of awe that we recognize and take part in such a venerable and historic celebration.

I know that the members of the La Canada High School Spartan Band, Entertainment Groups and String Quartet have worked very hard to raise the necessary funds so they can experience a once-in-a-lifetime event—the Dublin millennium celebrations of 1988.

The band and its auxiliary teams will compete for 6 days with musical groups from all over the world. They will march in the March 17th St. Patrick's Day Parade. They will no doubt feel a powerful bond with all the people of Dublin as they celebrate an occasion made unique by time and history.

Mr. Speaker, as the Representative from the 22d Congressional District of California, I would like to say "Well Done" to the members of the La Canada High School Band. Because of their initiative, they will soon embark on an adventure that will never be forgotten.

And, Mr. Speaker, I would like to send, on behalf of the band, the community of La Canada and the House of Representatives, special congratulations to the Lord Mayor of Dublin and all his constituents as they begin a historic celebration. I trust it will be as grand and colorful, as vigorous and enchanting as the 1,000-year history of Dublin itself.

THE 25TH ANNIVERSARY OF COMSAT COMMEMORATED

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MARKEY. Mr. Speaker, this year marks the 25th anniversary of Comsat, a publicly traded company which links the United States by satellite with more than 160 other nations and 6500 ships at sea and offshore facilities. Since the company's inception, Comsat has been instrumental in laying the groundwork for the success of satellite communications worldwide.

In recognition of Comsat's 25th anniversary, and for the acknowledgment of persons associated with its success, I am submitting the text of remarks made by Irving Goldstein, chairman and chief executive officer, at Comsat's 25th anniversay gala.

COMSAT 25TH ANNIVERSARY GALA

(By Irving Goldstein)

Deputy Secretary Whitehead, distinguished members of the Diplomatic Corps, Members of Congress and distinguished guests. In a moment I want to say something about the future. But before I do that I want to make sure you meet some of the people who were important to our, and your, future 25 years ago.

When we began to plan this evening, I thought it would be appropriate to recognize a few people who are or have been extremely important to the development, nurturing and success of Comsat and the entire satellite communications industry that grew out of the Act. Then I thought "you can't do that Irv, because everybody you're inviting falls in that category." And you do.

Obviously I can't call the roll of everyone here . . . though you are all very special to us. There are, however, a few people here who played such pivotal roles in the development of the industry and of Comsat that I would like them to stand and be recognized.

Nicholas Katzenbach, who as Deputy Assistant Attorney General of the United States formed the coalition that steered the Act through Congress;

Ambassador George Feldman, one of the original incorporators appointed by President Kennedy;

Byrne Litschgi, also one of the original incorporators appointed by President Kennedy;

Joseph McConnell, Chairman Emeritus of Comsat and former President of Reynolds Metals, former President of Colgate-Palmolive, former President of NBC and, with the rank of Ambassador, headed the U.S. Delegation to the Conference on Satellite Frequency Allocation in 1963. He was Chairman of Comsat from 1970 to 1979;

Ambassador Jacob Bean, who was the State Department representative on the U.S. Delegation to the Satellite Frequency Allocation Conference in 1963;

Ambassador Ted Brophy has just been named by President Reagan as Ambassador to the World Administrative Radio Conference in 1988, and is retiring Chairman of GTE;

Ambassador Abbott Washburn, as a member of the Nixon Administration was the Chief negotiator for the Definitive Arrangements which established INTELSAT;

Dean Burch, former Chairman of the FCC and now Director General of the International Telecommunications Satellite Organization;

Olof Lundberg, Director General of the International Maritime Satellite Organization;

Andrea Caruso, Director General of the European Telecommunications Satellite Organizaton;

Fabrizio Serena, Chairman of the Board of Societa Telespazio which is the only satellite communications organization in the world that is older than Comsat—it was formed in October, 1961; and a man that is truly special to me;

Joe Charyk, one of the incorporators appointed by President Kennedy, hired as President of Comsat. He ran this Company for 23 years. He retired as Chairman of the Board and CEO and is a continuing member of our Board of Directors. If Arthur Clarke is considered the father of satellite communications, then Joseph Charyk has to be considered the father of the communciations satellite industry.

The American writer Ambrose Bierce once defined the future as that period of time in which our affairs prosper, our friends are true and our happiness is assured. Mr. Bierce could've said those very things about the future of Comsat on its creation 25 years ago. Over the last quarter century, our affairs have prospered; as your presence here tonight shows, our friends have remained true; and our happiness and pride have been assured by our progress.

And I believe the future of satellite communications is even more exciting today than it was 25 years ago. The first 25 years, as important as they are, represent only our booster stage.

The poet Coleridge said that the Earth with its scarred face was the symbol of the past; the Air and the Heavens were the symbol of the future. I genuinely believe that, not because I believe in the predictions of poets, but because I believe in science and technology and because I know the Air and the Heavens is the province of the satellite. Comsat is excited by the 1990's. We're excited by the changes that are coming, and indeed Comsat intends to be at the forefront of those changes.

The combination of dramatic technological improvements and economically driven demand for services will spark tremendous growth in worldwide communications.

To those who are still amazed by today's technology, I believe "you ain't seen nothing yet." And to those who say that fiber optic cables sound the death knell for satellites. I say you are wrong. In fact, satellites and fiber optic cables are more compatible, than copper cables ever were.

My crystal ball will have an even greater impact on our lives than the introduction of satellites did.

Consider, for example, that less developed countries will have the communications infrastructures necessary to economic growth and development without the huge capital outlays for earth-bound systems.

Consider smaller, less expensive, low earth orbiting satellites made possible by flat antennas the size of a magazine. And that these antennas don't need to move physically to track the satellites because they can be pointed or steered electronically.

And consider worldwide communications networks that don't break down because with artificial intelligence they will have learned to repair themselves.

Within the next five to seven years we're expecting the day when mobile satellite communications will make taxi and truck fleets, personal vehicles, airplanes, and ships instantaneously reachable no matter where they are. No more escapes on cruises to the Caribbean or South Seas. On the land most remote areas will have direct access to any place else on earth. Wireless, solar-powered telephone booths will make it as easy to call the office from an arctic outpost as from New York City.

Ladies and gentlemen, a leader has been described as a dealer in hope. Our industry is such a leader. I believe we offer not only the cold hope of technological advancement, but the warmer hope of vision. We are still guided by President Kennedy's initial vision that the peoples of the world can be brought closer together. What can be more powerful than a technology driven by a generous ideal? This is still our dazzling hope.

Thank you.

HUECO SCHOOL QUILT PROJECT SHOWS CIVIC PRIDE

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COLEMAN of Texas. Mr. Speaker, it is with great pride and admiration that I would like to bring something very special to the attention of my colleagues.

As part of their bicentennial celebration, the students and faculty of the Hueco School have produced a magnificent work of art in the form of a quilt that commemorates our national historical heritage. The Socorro Independent School District in El Paso County, TX, which includes the Hueco School, also celebrates its 25th anniversary this year.

This large quilt, which measures approximately 4 feet by 10 feet, displays one stirring bicentennial theme after another. The handsewn squares feature the Founding Fathers, the Constitution, the Declaration of Independence, the Liberty Bell, James Madison, Independence Hall, and other important themes of our national heritage.

The quilt was signed by those who built it, and it presently hangs in the lobby of my office in the Cannon Building, where visitors from Washington and west Texas alike will no doubt be impressed by the dedication of the students and faculty at the Hueco School to our Nation's heritage and the principles upon which it was founded.

On behalf of the people of the 16th Congressional District of Texas and on behalf of the House of Representatives, I would like to commend the Hueco School for this noteworthy accomplishment, and I invite my colleagues and their staffs to visit my office and view the quilt.

AFFORDABILITY OF FIRST-TIME HOMES FOR AMERICANS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DONNELLY. Mr. Speaker, I rise today to point out an alarming fact of which every Member of the House needs to be aware: despite the fact that we remain a well-housed Nation, the rates of homeownership among young, moderate-income Americans are on the decline.

On January 23, the Washington Post ran an article which discussed the fact that builders are constructing new homes for trade-up purchasers, not for moderate-income first-time homebuyers. While no one can blame builders for seeking to maximize their markets, this situation will only exacerbate the decline in homeownership we are facing. Mr. Speaker, I ask that this Post article be added to my remarks.

Last session, I, along with a majority of my colleagues on the Committee on Ways and Means, introduced legislation, H.R. 2640, which goes far toward stemming the erosion of homeownership for moderate-income Americans. Today, that bill has more than 200 cosponsors. I urge those of my colleagues who have not joined us in cosponsoring to do so. Extending the sunset date for mortgage revenue bonds is tantamount to extending the opportunity for homeownership to many of our citizens.

The article follows:

[From the Washington Post, Jan. 23, 1988]

BIG, COSTLIER HOMES FILL THE MARKET

BUILDERS AIM NEW HOUSES AT "MOVE-UP" BUYERS

(By Kenneth Bredemeier)

DALLAS.—In a significant shift, nearly two-thirds of American home builders are now constructing houses for homeowners looking to move into bigger, more expensive homes rather than for first-time buyers.

In a survey of 615 builders taken here at the National Association of Home Builders' annual convention, 65.7 percent said they are building homes for so-called move-up buyers, those who are moving from a first or second home into one with more space or more amenities, or both. A year ago, in a similar survey, 53 percent of the builders said they were building for move-up buyers.

Conversely, 29.4 percent of the builders in the latest survey said they are building cheaper houses for the first-time buyer, down from 43 percent a year ago. A total of 4.9 percent of those polled said they build housing for the elderly, up slightly from last year.

"It's really a direct trade-off," said Kent W. Colton, executive vice president of the home builders' trade group, of the shift away from construction for the lower end of the housing market. "That's where the market is going."

Several studies have shown that as the price of housing has steadily risen in recent years, would-be first-time home buyers have had to delay buying a house or forgo buying altogether.

As of the third quarter of 1987, 64.2 percent of all households in the United States own their homes, down slightly from the peak figure of 65.6 percent reached in 1980, but up a notch from the dip to 63.8 percent two years ago.

What the overall figures mask, however, is that home ownership among younger adults is declining. Home ownership among 25- to 29-year-olds has dropped from a peak of 44 percent in 1979 to 36.9 percent in the third quarter last year, while the figures show a dip from 62.4 percent (in 1976) to 54.5 percent for 30- to 34-year-olds.

In a policy statement approved here, the builders said the young home buyers' plight was in part the fault of the Reagan administration because of its 70 percent reduction in federal housing spending since 1980. But the NAHB also blamed local governments for "imposing excessive fees that in many cases add tens of thousands of dollars to the price of a home and go far beyond the actual costs associated with new development."

Colton said the organization "in a policy sense [is] very concerned about the first-time home buyer" and, among other measures, favors creation of savings incentives in the federal tax code that would encourage would-be young buyers to set aside money for housing down payments.

Asked if the association's membership, by building more homes for the move-up buyer, is at odds with the stated goals of the group's leadership, Colton replied, "They're reacting to the demographics of where the market is going. The membership are building homes where they can sell them. They're concerned about those issues. They're concerned, but they're not dumb. We're telling them to build where they can sell."

Anthony Natelli, Sr., president of the Suburban Maryland Building Industry Association and the developer of the expensive Avenel residential and golf course complex in Montgomery County, said the national trend of more construction for move-up buyers is mirrored in the Washington area. The builder survey here showed that the typical builder last year constructed a home that cost $185,200, a figure Natelli said he believes Washington area builders matched or topped. The builders predicted the median price of a new home would rise about 5 percent this year.

With land prices skyrocketing in the Washington area, Natelli said new homes for first-time buyers increasingly will be those offered at the ever-expanding fringe of the metropolitan region.

In other findings the survey showed:

Slightly more than half of the builders believe the number of housing starts this year will equal 1987's 1.6 million total, which would be about 100,000 more than most housing industry groups, including the NAHB, are projecting.

Almost half of the builders (48.4 percent) said the stock market plunge last October has had no impact on their businesses, although 40.7 percent said it did.

The decline in mortgage interest rates after the stock market collapse boosted home sales for 37 percent of the poll respondents.

JUSTICE FOR MERCHANT SEAMEN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MANTON. Mr. Speaker, I take this opportunity today to honor our Nation's valiant merchant seamen. The U.S. merchant marine, often referred to as our country's fourth arm of defense, performs a vital service for our great Nation, both in times of peace as well as war. Unfortunately, our merchant marine is a service that is too often overlooked or taken for granted. Even though they serve unselfishly to ensure the safe transport of waterborne cargoes.

Recently, our merchant mariners won a great and long overdue victory. Thanks to the unfailing dedication of C.E. "Gene" DeFries, president of the National Maritime Engineers Beneficial Association, and our colleague, the Honorable MARIO BIAGGI, the U.S. merchant marine finally has been fully recognized for their valuable service to their country. The U.S. Government has agreed to grant veteran status to the merchant seamen.

On January 19, 1988, the Secretary of the Air Force determined the service of the group of individuals known as the "American Merchant Marine in Oceangoing Service during the period of armed conflict, December 7, 1941, to August 15, 1945," shall be considered active duty for the purpose of all laws administered by the Veterans' Administration. The U.S. Coast Guard is the agency which will issue certificates of release of discharge from active duty. These certificates will serve as documentation of a merchant seaman's veteran status.

The Coast Guard estimates approximately 200,000 citizens or their survivors may now be eligible for veterans benefits. This decision comes too late for many of those brave men who served their country on merchant ships during World War II to take full advantage of veterans status. However, this is a strong symbolic victory of their dedicated service. The myth that somehow merchant seamen had an easy life during the war and were not deserving of veteran status has finally been laid to rest.

The American merchant marine was called upon to serve their country during war time, and they answered that call. They sailed through zones of hostility at great cost. An estimated 145 merchant ships were sunk in American coastal waters alone, with a loss of over 5,662 dead or missing in action over the entire war. They were an integral part of our war effort without which the Navy could not have carried out its mission.

At a time when our merchant seamen are under attack both at home and abroad, this ruling will help to restore their faith in the American Government and their value to our country. They have Gene DeFries and MARIO BIAGGI to thank for this, and we can all thank our merchant seamen for their dedicated service to our country.

Mr. Speaker, Mr. James J. Kilpatrick recently wrote an excellent column in the Washington Post entitled "Justice for Merchant Seamen," which I commend to my colleagues attention. I include this article in the RECORD following my statement:

[From the Washington Post, Feb. 2, 1988]

JUSTICE FOR MERCHANT SEAMEN

(By James J. Kilpatrick)

More than 40 years after the end of World War II, the merchant seamen who served so bravely in that conflict finally are to get the recognition that injustice so long has denied them. At last they are to be counted as veterans.

The decision has been a long time coming, but two weeks ago the Defense Department caved in. It will not appeal an order from U.S. District Judge Louis Oberdorfer granting surviving seamen the same rights and privileges that have been extended to other wartime civilian groups.

The court's order will have only limited effect, however. More than 250,000 merchant seamen served their country. It is thought that perhaps 70,000 to 80,000 of them are still alive, but they are beyond the age for such GI benefits as college tuition. A government witness conceded that the benefits now available to them will be mostly symbolic, "really minimal." Most of them will get "only a flag and a headstone" in a military cemetery.

The merchant seamen wrote a valiant chapter in the history of warfare at sea. More than a year before Pearl Harbor, the Coast Guard began training merchant seamen in gunnery and other military subjects. In October 1941, President Roosevelt lifted the ban on arming merchant ships: they would be sailing "on missions connected with the defense of the United States."

With the outbreak of war, merchant seamen received additional military training. Shipping articles were changed so that seamen could be ordered "to such ports and places in any part of the world as may be ordered by the U.S. government." A War Shipping Administration took over the merchant ships for service consistent with "strategic military requirements."

The merchantmen then set about the dangerous business of transporting Army and Navy cargoes. The great majority of 7 million soldiers went overseas on merchant ships. "Without this support," said Adm. William King, "the Navy could not have accomplished its mission."

For all practical purposes, the merchant steamers were under the Navy's control. Military authorities assigned their places in convoys, regulated shore leave for seamen and supervised discipline for misconduct. A seaman who attempted to resign was subject to court-martial.

Tantamount to military service, theirs was a harsh service indeed. In the first three months of the war, German U-boats sank 145 merchant ships in American coastal waters, killing 600 seamen. Over the entire war, Judge Oberdorfer noted, 5,662 merchant seamen lost their lives or were declared missing in action. More than 600 seamen became prisoners of war.

Other civilian groups also served in the war effort. Not until 1977 did Congress move tangibly to recognize their service. Sen. Barry Goldwater added an amendment to the GI Improvement Act making benefits available to the WASPs (Women's Air Force Service Pilots), and it was expanded to include other groups that had received military training and were susceptible to assignment for duty in combat zones.

Veterans' benefits were extended to 14 groups, including female telephone operators in Europe, engineer field clerks, female stenographers with the American Expeditionary Force and "reconstruction aides and dietitians." The merchant seamen were repeatedly turned down, largely because of the dog-in-the-manager opposition of the regular Navy and such organizations as the American Legion. They complained that the civilian merchant seamen were paid better than enlisted sailors. In fact, as Judge Oberdorfer noted, studies found that their total remuneration "was approximately comparable."

President Roosevelt linked "the beleaguered men of the merchant marine" with our soldiers, sailors and pilots. They carried out "a vital part in this global war." So they did, and if it should cost the taxpayers a few million dollars for their medical care, gravestones and flags, the money will be well spent.

COAST GUARD SINKING IN A SEA OF RED

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DAVIS of Michigan. Mr. Speaker, it is with regret that I find it necessary to introduce today this urgent supplemental funding bill for Coast Guard fiscal year 1988 functions. The budgetary crisis the Coast Guard is experiencing is not only a regrettable situation, but one that is a dire emergency for the U.S. Coast Guard and our Nation.

During the fiscal year 1988 appropriations process, culminating in the continuing resolution which was passed in the last moments of 1987, the Coast Guard found itself facing a severe cut in its operating expenses. In fact, the cut was so severe that the Coast Guard was confronted with the necessity of closing down or decommissioning many vital resources all across the country. Any time an agency must curtail its congressionally mandated missions by 55 percent and begin closing those very facilities that are the lifeblood of the organization. I believe there is an urgent need to restore adequate funding to continue operations. This is especially true for the Coast Guard, which shoulders the responsibility for drug interdiction and safety of life at sea, among other missions.

For the past 5 years the Coast Guard has taken repeated cuts in its budget until it can no longer be expected to absorb further cuts. Conceptually we may expect budget reductions to be absorbed by increasing efficiency in operations, but there is no other Federal agency that has produced greater results from every single dollar than has the U.S. Coast Guard. There is no fat left in this agency.

Under the so-called Summit Budget Agreement, supplemental funding requests are appropriate only in cases of dire emergency. I, and all of the Members who have joined with me as cosponsors on this bill, consider the situation urgent when the Coast Guard must cease all routine patrols for search and rescue, reduce drug interdiction and fisheries enforcement patrols by 55 percent, and begin closing facilities. I am introducing this bill to provide $105 million in supplemental funding for Coast Guard operations simply to restore their operations to the modest level requested by the President, and to prevent the closure of facilities that is taking place at this very moment.

I believe it is a false economy to attempt to save money by reducing Coast Guard operations when it is weighed against the economic losses from violations of our fisheries laws by foreign nations, the social destruction caused by the entry of illegal drugs into our country, or the loss of even a single life in frigid seas because the closest Coast Guard air support was 2 hours away.

I urge my colleagues to take action to ensure early enactment of this important legislation.

TRIBUTE TO DR. G. OTHELL HAND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. VANDER JAGT. Mr. Speaker, I am delighted to have this opportunity to pay tribute today to a very good friend, and an outstanding individual, Dr. G. Othell Hand. Dr. Hand is the director of government relations of the American Family Corp. A recent article in the Columbus Ledger-Enquirer captured some of Dr. Hand's many exceptional qualities and efforts. I would like to commend this article to my colleagues' attention. As this article attests, Dr. Hand is well known for his dedication to his church, his community, and to his country. Those who are fortunate to know him have found their lives enriched by his loving concern for others.

The article is as follows:

[From the Columbus Ledger-Enquirer, Jan. 27, 1988]

OTHELL HAND: A NEW THRUST TO CITY'S SPIRIT

(By Glenn Vaughn)

Things have never been the same since Othell Hand came to town.

Even as he began in 1962 his 11-year senior ministry at Columbus' First Baptist Church, his inspired eloquence attracted widening notice and tongues were set to wagging.

He is flamboyant, they said. His highly-colorful sports jackets are "a bit much," they said. He puts artificial flowers in his yard, they said. Later, with relish, came the topper: He has started to wear a hairpiece, they said.

But there was something infectious about his exuberance and flair which made things begin to happen. He tackled a long-overdue, major restoration at his church * * *. He launched in the community an interfaith worship series and was the first Protestant minister ever to preach from the pulpit at Holy Family Catholic Church * * *. He spearheaded a community beautification program * * *. He constructed a handsome fountain at First Baptist, encouraged the development of others and dubbed Columbus "the Fountain City" * * *. He focused his zest on a successful rejuvenation of the Springer Opera House.

Othell Hand's "can do" freshness helped ignite a spirit in Columbus that still grows.

In 1973 he moved his motivating ministry to the marketplace as senior vice president of American Family Corp. Today, at a youngish and nimble 66, he is the firm's director of government relations, spending about half his time in the nation's capital.

No one, who has been touched by his ever-present cheer or heard his seemingly effortless golden voice lilting from the pulpit, will be surprised that he opens with ease the doors of Washington officialdom. Nor would any doubt that he knows all 100 U.S. senators, and they know him, and has a first-name relationship with half of them. It's the same for most congressmen and others high in government.

His eye-catching involvements include being a Washington Opera Company trustee, a member of the board of governors for Ford's Historic Theater and a member of the "Golden Circle," which is a Kennedy Center support group. He is a member of the prestigious Senate Trust Committee which often meets in the White House and has been guest chaplain for the U.S. Senate. He is highly active with the American Cancer Society and serves as a trustee for Macon's Mercer University.

In his Washington circles everyone knows the dapper Dr. Hand, including clerks, bellmen, waiters and waitresses at hotels he visits. Fashionable dressers often ask the name of his tailor. (He is David Garrison of Tifton.)

That he, a quintessential gentleman, grew up on a one-horse cotton farm without electricity in Mississippi astounds many. After working his way through Mississippi College at Clinton, he earned masters and doctorate degrees at Southern Seminary in Louisville, Ky., the same way. He taught religion for five years at the University of Richmond and pastored churches in Jacksonville, Fla., and Hickory, N.C.

He and his wife of 42 years, the former Martha Pillow, have two sons—Kerry of Columbus and Mark of Jacksonville—and four grandchildren, two in each son's family.

G. Othell Hand, whose hobbies are gardening, cooking and collecting antiques, is one of those rare individuals who seems to savor, and be thankful for, life's every moment. His reassuring demeanor confronts the humble as well as the mighty in the same warm way.

In Columbus once-wagging tongues today say he's a marvel and he's our own.

USING MEDICAL MARKETS TO STIMULATE THE RURAL ECONOMY

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. TALLON. Mr. Speaker, the economic realities now confronting our States and Nation have compelled those of us in Government to rethink our spending policies. For too long, we've spent first and thought about it afterwards. It hasn't worked. Now we're trying the reverse approach of cutting back first and thinking later: yet the results are the same.

I believe it's high time we gave some serious, long-term consideration to our spending priorities, particularly in the programs that matter most to our people, such as Medicaid. The popular perception of Medicaid is as a State supplier of health services for the poor. Most view it as a one-sided process: State dollars directed to the needy. In reality, there are two sides to the equation.

On one side, Medicaid provides vital, often preventive health care to those who otherwise could not afford it. At the same time, however, State Medicaid dollars are returned four times over through Federal matching funds while saving an indeterminable amount on the costs of neglect. There is no doubt that by providing basic health services early, we avoid the enormous expense of extensive, life-saving services later.

For example, South Carolina's decision to eliminate the Medically Needy Program will save $4.8 million in the short term, but it will eventually cost South Carolinians up to $25 million neonatal intensive care for low-income babies born of mothers who do not receive adequate prenatal care.

In short, the need for basic funding health care will not go away and somewhere the costs must be absorbed. States can invest in Medicaid now and benefit from a Federal match that may eventually be reduced or eliminated; or they can reduce Medicaid, ignoring the health care needs of the poor, damaging the financial stability of hospitals, clinics and nursing homes, shifting staggering costs to paying patients and State and local governments. The old adage holds true: we can pay a little now or a lot more later.

Dr. Joseph Prinzinger and Dr. George Uhimchuk have conducted an important analysis of the role of Medicaid in the economic development of South Carolina. Their study further confirms that Medicaid is one of the soundest investments States can make. I believe it bears reading and rereading.

USING MEDICAL MARKETS TO STIMULATE THE RURAL ECONOMY

(By Joseph M. Prinzinger, Ph.D., and George A. Uhimchuk, Ph.D.)*

Medicaid is an entitlement program that supplies health care to persons who meet monetary and medical eligibility criteria. Most of the Medicaid clients are either the very young or the very old. Medicaid was established Nationally in 1965 through Title XIX of the Social Security Act. Three years later South Carolina Government started providing Medicaid services to 39,900 people. Today the State Health and Human Services Finance Commission contracts for Medicaid services for approximately 235,000 clients with a annual budget of nearly a half a billion dollars.

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*The authors (both Economists) are respectively, Director of the Office of Medicaid Program Development and the Coordinator of Research and Planning for the State Health and Human Services Finance Commission. The authors want to thank both Dr. Gavin Appleby and Mr. Frank Adams for their helpful comments. Of course all mistakes in this article are the sole responsibility of the authors.

South Carolina Governor Carroll A. Campbell's 1987 State of the State address set the pursuit of economic development as a major goal for South Carolina. This article addresses economic development through the market for medical services. Medical care in South Carolina is a major sector of the State's economy, and of that, Medicaid is a significant proportion. Common opinion is that Medicaid is strictly an entitlement program that pays for medical care for the poor with no other effects on the State's economy. Our hypothesis is that Medicaid expenditures go beyond the payment for medical care and permeate the State's economy creating jobs and income.

THE THEORY

Income is derived from the production of goods and services. A basic tenet of economic theory is that as additional demand (called "aggregate demand" because it is a demand for all goods and services) enters a particular geographic area, income and employment will rise in that specific area. The opposite effect is equally true. Income and employment will continue to rise in surrounding areas, known as the Cantillion Effect, eventually rippling out into the overall area much like the circles which expand out when one throws a pebble into a pond. This influx of demand can come from many sources. Of course, in the conventional economic development model it comes from the production of goods or services that are then, at least in part, exported out of the state. With Medicaid, aggregate demand flows into the state from the Federal Government. Under Medicaid rules, the Federal Government supplements Federal dollars to state dollars at a given rate, known as the "Medicaid match rate." Federal dollars coming into South Carolina are an injection into the state's economy. Aggregate demand rises inside of the state receiving Medicaid expenditures and circulates creating decreasing waves of increased income changes.

A new dollar spent in a local economy eventually creates more than a dollar's worth of income and jobs. This is due to the fact that after that dollar is spent it winds up being someone else's income. The person receiving that dollar spends part of it (part of that dollar is saved and part is taxed) which in turn winds up being someone else's income. This process continues until all of the original new dollar leaves the local economy through either savings, taxation, or buying of goods and services imported from outside of the local area. Economists call this a multiplier effect. The originator of this concept as applied to both local and national economies was Sir John Maynard Keynes. It is, therefore, known as the Keynesian Multiplier.

EMPIRICAL ESTIMATION

For South Carolina the Keynesian Multiplier was estimated using various measures of taxation, sales, value added, the saving rate, and income levels. The data for calculating the South Carolina multiplier was collected and compiled from several sources. The base data for the calculations are: Nominal Personal Income for South Carolina (supplied by the State Budget and Control Board, Division of Research), South Carolina Retail Sales (from "Survey of Buying Power", by Sales and Marketing Management of New York City), Value Added by South Carolina Manufacturers (from "Economic and Related Statistics for South Carolina," U.S. Bureau of Census, Department of Commerce, South Carolina Tax Collections (from the "South Carolina Statistical Abstract"), Federal Government Tax Collections (from Annual Report of the Commissioner and Chief Counsel of the Internal Revenue Service), and the Consumer Savings Rate for South Carolina (from "Estimating State Sales Taxes on Business Purchases: Methodology and Validations" by Sarah J. Uhimchuk, 1986).

We estimated that the simple Keynesian multiplier for 1982 was 3.47. Although for 1983, the most recent year that complete data was available at the time of our investigation, our calculations result in a Keynesian multiplier of 3.78. The weighted average of these two (3.62) is used for the calculations that follow.

The Federal Government matches each dollar of state money spent on Medicaid with an additional $2.70. Therefore, for each additional dollar of state money a total of $3.70 is spent purchasing health services for South Carolina Medicaid clients.

To calculate the full economic impact of additional Medicaid spending, it is necessary to treat the state dollars separately from the Federal dollars. South Carolina is a balanced budget state, every dollar expended on Medicaid by the State is equally matched by a dollar taxed by the State. This exactly describes a special case of the Keynesian mutiplier known as the balanced budget multiplier (BBM).

As noted earlier, the Keynesian Multiplier is bidirectional. Therefore, the monies collected by taxes reduces aggregate demand and lowers income and employment in the State of South Carolina. It would first appear that a dollar spent by a balanced budget government would exactly offset the dollar taxed by the same government with the net effect being zero. But that is not the case, because by definition, a balanced budget government spends an amount exactly equal to the revenue it collects therefore, there are no funds leaking out of the system (Keynesian leakages) associated with balanced budget governments. As it turns out, the mathematics associated with this spending pattern calculate out to a BBM of 1.0. In an intuitive sense, this is because government merely interrupts a step in the geometric progression (which is what the Keynesian multiplier is). When the government levies taxes, it takes money out of the local economy thereby reducing aggregate demand. By purchasing an equal valued amount of goods and services, aggregate demand is increased by exactly the amount that it was reduced in the taxing process (the normal leakage in each step is hence removed). This leaves the geometric progression the same but with an addition of an increase in government services. As you can see, the overall effect is an increase exactly equal to the amount of government purchases brought, or 1.0. Of course, there is a rearrangement of the mix of public and private goods, and the government purchases must came from nonutilized resources.

Thus, the dollar spent by the State Government will create one more dollar in income in the local economy. However, when the Federal Government matches it by $2.70, this expands the economy by the whole Keynesian Multiplier (the Federal Government is not a balanced budget government) because changes in Federal Government spending on South Carolina Medicaid are not directly related to the Federal taxes collected in the State of South Carolina. Indeed the Keynesian multiplier states that the $2.70 will create 3.62 times that amount of money of $9.77 of local income for the Federal Government portion of the income expansion. That is, the dollar spent by the state will eventually create $1 of added income to South Carolina residents for the State part of the match and $9.77 for the Federal Government part of the match or a total of $10.77. If that is not enough of a bargain, South Carolina received that additional income by treating sick poor people who qualify for Medicaid.

If this process creates additional income, then doesn't it also generate additional tax dollars, Indeed it does. The tax rate that the State Government receives from the residents of this state (includes individual income tax, corporate income tax, and the retail sales tax only) is 5.1% Thus the State Government gets back 55 cents (5.1% × $10.77) for every state dollar it spends on Medicaid. That is, on net, the State Government has to only spend 45 cents to receive these benefits. If this seems like a bargain, then including local taxes as another tax-enhancing factor in this Medicaid scenario seems like a steal. For both state and local taxes, the tax rate for South Carolina is 7.5%. Therefore, for each state dollar spent on Medicaid, State and local governments get back 81 cents (7.5% × $10.77). Therefore, looking at tax revenues as a whole, for a net cost to the taxpayer of 19 cents, the State receives $3.70 worth of health care for Medicaid clients and also receives an increase of $10.77 to the income of South Carolina residents.

CONCLUSION

A major concern for South Carolina State Government is how to develop the State's economy. Rural development is particularly stressed because rural development is very hard to accomplish. It is because of this simple fact that all alternatives to rural development must be explored. Of these, expanding Medicaid services is often ignored. Yet the infrastructure to exploit this form of economic development is already in place. By taking advantage of this existing infrastructure, income and jobs can be created quickly in some of the poorest and most rural parts of the State with little cost to South Carolina State Government. Indeed, taking account of the favorable Federal match dollars, a labor intensive Medicaid medical market, and counting enhanced tax collections for both state and local governments, a policy of economic development through expansion of the Medicaid program, is for all purposes, a real bargain because it increases State income, jobs, and health care to the poor for a relatively low cost to South Carolina citizens.

RETIREMENT OF A LEGEND

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DYSON. Mr. Speaker, today I rise to praise a distinguished member of my constituency, Mr. Richard Jamard "James" Holt, who has recently retired after 17 years at the helm of Chesapeake Bay Maritime Museum. Almost singlehandedly he has taken a minuscule assortment of local knicknacks and turned it into a nationally recognized museum encompassing 32 buildings over an expanse of 18 waterfront acres. The museum has become one of the most famous tourist stops on Maryland's

Eastern Shore, and this is tribute of Mr. Holt's skill.

The Chesapeake Bay Maritime Museum is a memorial to, and a celebration of, the life along America's greatest estuary, the Chesapeake Bay. The museum is located on a peninsula in the harbor of St. Michaels. Contained within the grounds of the museum are exhibits tracing the development of ship building, commercial fishing, and navigation along the bay. The museum's library is a valuable source of scholars of the bay. Also located there is an important collection of bay small-craft types, an impressive decoy and waterfowl display, and a 100-year-old "screwpile" lighthouse, which has become one of the major tourist attractions on the east coast.

Mr. Holt has been an inspiration all of his life. At the young age of 15, he signed up with the merchant marine. He later attended the University of Pennsylvania, graduating with a degree in economics. Fresh out of school, he joined the Navy and served as a gunnery officer in southern France. He began a 25-year career with the Honeywell Corp., where he managed the company's operations throughout Latin America. Mr. Holt has even been a member of the Olympic Committee, handling the sailing events during the Mexico City summer Olympics. His proven commitment to excellence has immensely aided the growth of the Chesapeake Bay Maritme Museum, and Mr. Holt's efforts will have a lasting effect, helping to keep the Chesapeake Bay Maritime Museum strong even after his retirement.

Mr. Holt's dedication to the Chesapeake Bay Maritime Museum has made it one of the most important maritime museums in the country. In 1978, the museum was accredited by the American Association of Museums. When Mr. Holt took over the museum, attendance stood at a paltry 3,900 visitors a year. Under his tutelage, the number of tourists who have come to learn from the museum has risen to over 100,000 a year.

Mr. Speaker, because of the efforts of James Holt, the citizens of Maryland, the east coast, and the Nation can learn about the history of the Chesapeake Bay. For his devotion and untiring efforts in making this possible, we all salute him.

THE PRESIDENT TALKS ABOUT THE FIGHT AGAINST NARCOTICS: A WAR WE MUST WIN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROOMFIELD. Mr. Speaker, I want to share with my colleagues a recent speech by President Reagan concerning illegal drugs and America's war on that menace to our society. The President is to be commended for his leadership on this vital national issue. While reducing America's demand for illicit narcotics is critical if we are to win this battle, we must also continue to focus our resources on the overseas sources of illegal narcotics, the drug producing countries. We must never forget that our enemies in this struggle, the international drug traffickers, are formidable adversaries with incredible resources. The Latin American narco-traffickers have been particularly active.

Recent revelations about the activities of the Medellin cocaine cartel—a Colombia-based organization—the indictment of General Noriega of Panama, and the activities of a "drug lord" in Honduras have shown the financial power, the ruthlessness, and the organizational skills of the so-called drug kings of Latin America.

The brutal assassination in Colombia of the Attorney General is the latest in a string of murders committed by the Medellin cocaine cartel. In the last 4 years, the cartel has murdered 20 Colombian judges. In 1984, the Minister of Justice was murdered in Bogota and the next year the terrorist group, M–19, following orders from the cartel, attacked the Palace of Justice in that country. Eleven of the twenty-four justices of the Colombian Supreme Court were massacred, including its president. The Colombian cartel also enjoys close relations with Cuba and the Sandinistas.

In December, a Colombian, reputed to be one of the world's leading cocaine smugglers, was freed from a Colombian prison after having "bought off" the prison warden. He is reported to be worth over $1 billion. The drug lord was awaiting extradition to the United States. After massive pressure from the cocaine cartel, the Colombian Supreme Court annulled a 1979 extradition treaty between the United States and Colombia.

From an equipment point of view, the Colombian and other drug traffickers have a high-technological advantage. The traffickers often use encrypted communications systems and monitor U.S. Government frequencies. They also use night vision equipment and remotely piloted vessels in some areas.

In recent weeks, Mexican authorities have intercepted large quantities of modern arms and seven light airplanes destined for the Colombian cocaine traffickers. The weapons and aircraft were being shipped to the Medellin cartel for use in that organization's war on the Colombian Government.

While drug traffickers in Mexico are not yet as powerful as the Colombian groups, Mexican officials have expressed growing alarm about their destabilizing potential.

The recent indictment of General Noriega in Panama by two Federal grand juries for aiding drug traffickers and laundering millions of dollars in illicit profits from United States drug sales, clearly illustrates the power and influence of the drug traffickers.

General Noriega was reportedly paid $10 million per month for his help in turning Panama into a major cocaine-smugglling and money-laundering center in this hemisphere.

More recently, Congress learned of the activities in Honduras of Matta Ballasteros, a ruthless narcotics trafficker, who escaped from a Colombian jail and was implicated in the murder of a DEA agent in Mexico a few years ago. As a member of the Medellin drug cartel, Ballasteros is already trying to corrupt members of the Honduran legislative, executive, and judicial branches of government.

It is evident that the drug traffickers operating against our society are tough adversaries who constantly challenge our efforts to eradicate and interdict illegal narcotics destined for the United States. While all Americans appreciate the deep personal commitment that our President has in the fight against drugs, this battle will not be won overnight. The United States must commit even more resources in this vital struggle against those who would undermine the basic fabric of our society.

I commend the following Presidential speech on narcotics to my colleagues in the Congress:

Remarks by the President to Seminar on "Substance Abuse in the Workplace—Strategies for the 1990's," February 8, 1988, Durham, NC

The President: Thank you very much. (Applause.) Thank you, Governor Jim Martin, and thanks, too, for that great music by the Duke University Pep Band. (Applause.) I understand I'm the backup speaker today. You had a real star this morning—Secretary of Labor Ann McLaughlin. (Applause.)

Governor, Dr. Brodie, distinguished guests, Duke students—(Applause)—I figured that was the best way to find out if you were here. (Laughter.)

Well, this has been a week of champions for me. Last Wednesday the Redskins came to the White House. (Applause.) And today I am visiting the home of Coach K's Duke Blue Devils. (Applause.) I met them out at the airport when we arrived.

You've got a champion Governor in Jim Martin, and a champion Senator in Jesse Helms. (Applause.) And North Carolina has given our administration champion leaders—Jack Matlock, our Ambassador to the Soviet Union; Jim Burnley, our Secretary of Transportation; and Bill Bennett, our Secretary of Education. (Applause.)

But today, we're here to talk about drugs in the workplace, as you've been doing. As I mentioned, earlier today I had the opportunity to hear from some people who know firsthand about what drugs in the workplace can mean. And I've been very impressed, as well, with what our panel here has told me.

As you know, Nancy and I have both taken a personal interest in the crusade for a drug-free America. Like so many Americans, we watched with greater and greater apprehension during the years when too much of our media and too many of our cultural and political leaders sent out the message that using illegal drugs was okay.

Well, thank God those days are over. (Applause.) Those days of scenes in a movie where you would get laughs out of someone who was high on marijuana—those scenes where everybody—the first thing they did was open a bottle before the scene began on the screen—well, this conference proves that we no longer shrug off illegal drug use. Yes, Americans in all walks of life have seen the truth about drugs. Workers, employers, students, teachers are all saying "no" to drugs and alcohol.

A few weeks ago we learned that America's students are saying "no" as never before. For 13 years we have conducted annual surveys of thousands of graduating seniors in high schools across our country. What drugs have they used? How often? What do they think about drug abuse? Well, just last month, the survey of the class of 1987 came out, and the news was the best ever.

For the first time since the surveying began, a substantially smaller proportion of high school seniors—one-third smaller—acknowledged current use of cocaine than did the year before. Use of marijuana and amphetamines is also dropping. And almost all students said it was wrong even to try a drug like cocaine. So America's students are getting the message—drugs hurt; drugs kill. And let me add, I can't help being proud of the role someone close to me has played in teaching our young people to stay away from drugs. Nancy's doing a great job. And by the way—(applause)—I'm the only one in the family the government's paying, but I think she's working more than I am. And by the way—(laughter and applause)—she's asked me, as she always does when I speak to an audience that includes young people, please, for your families, for your friends, for yourselves, do what so many others are doing and "just say no" to drugs and alcohol. (Applause.)

But if we're to achieve our goal of a drug-free America, we must reach outside the schools and into the workplace. Now, the professional basketball court may seem like a long way for the average office or factory. But as I heard those personal stories before I came out here, I couldn't help thinking how similar they were to a story about drugs in the workplace that I was planning to tell you.

A few years ago, here in North Carolina, North Carolina State had one of the nation's most promising young basketball stars. David Thompson led North Carolina State to an NCAA championship before signing a pro contract for over $2 million. After three seasons of brilliant play, he was the highest-paid player in the National Basketball Association and then he got into drugs. Over the next two seasons, his game deteriorated. He became injury- and accident-prone. He started showing up late for practice and got into fights on the court. So he was traded, and eventually cut. Two years ago he filed for bankruptcy—millions and a brilliant career squandered on drugs.

Today, David Thompson is pulling his life together—we all pray for his success—and he has this warning: In his words, "You never feel like you're going to be the one to get hooked," he says. And he added, "I knew that it was harmful both for me and for my career, but I couldn't stop." And he offers this advice about drugs: "Never try it. It's easy to get involved with, and it's very hard to get out of."

David Thompson was an extraordinary athlete but an all-too-typical on-the-job drug user.

Game deteriorating? Studies show that drug users are two-thirds as productive as non-users. Lost productivity because of drugs costs America nearly $100 billion a year—and that's like having a pulled hamstring in the race of international commerce.

Injury- and accident-prone? Drug users are three or four times as likely to be involved in accidents. For example, a study of airline pilots using flight simulators showed that they had trouble performing standard landing maneuvers as long as 24 hours after smoking a marijuana cigarette. I have heard that the amount of time that marijuana stays in the fat in the body—unlike alcohol leaving so quickly—that it can be up to four days that the body is still being affected.

Missing work? In one national study drug users reported skipping work two or three times as often as non-users.

Difficult to get along with? Ninety-two percent of all Americans say they don't want to work around someone who gets high during the day, perhaps because drug users act the way they tell researchers they feel—they don't want to be at work, period.

One other thing. As I heard first-hand today, when it's all over, and drug users look back on the wreckage of their careers and their lives, like David Thompson, their advice is "never, never" try it. They wish they never had. They wish someone had discovered their habit earlier and given them help.

Well, that's why we're here. Now I've heard critics say employers have no business looking for drug abuse in the workplace. But when you pin the critics down, too often they seem to be among that handful who still believe that drug abuse is a "victimless" crime.

When I hear those critics, with their new version of an old discredited theory, I remember the story about the man who took the train ride. This is my way of getting to tell you a story. (Laughter.) The man noticed that the fellow across the aisle was making strange and elaborate gestures and grimaces and then laughing. And finally the man leaned over to ask if anything was wrong. "No, no" the fellow said. "It's just that when I travel I pass the time telling stories to myself." And the man said, "Well, then why do you make faces and gestures as if you were in pain?" And the fellow answered, "Well, everytime I start a story, I have to tell myself that I've heard it before." (Laughter.)

But we've heard the story of victimless crime before, and it's a bad one. The drug user is a victim. His employer is a victim. His fellow employees are victims. The family that depends on his wages are victims. And America, which is only as strong and as competitive as all of us together, America is the victim. It would be hard to find any crime with more victims than drug abuse.

Almost a year-and-a-half ago, we announced a federal campaign for a drug-free workplace. To accomplish this, we proposed to put the federal government in the lead, moving toward a drug-free workplace for federal employees. We're encouraging state and local government to follow our example, as well as federal contractors, and all of the private sector. That means you—and I know that the companies represented here have already moved ahead.

I'm proud of the progress we've made—particularly in the military and other areas where an alert mind can mean the difference between life and death. We got a head start with the military. And since the drug program started there, illegal drug use has gone down by two-thirds.

But I know we have a long way to go. The companies here today are leaders, but I know hundreds of others are making progress, too. We in Washington have a lot to learn from you. You're showing how compassion and campaigns for a drug-free workplace go hand-in-hand.

The crusade for a drug-free America is being waged on many fronts. In the last six years, for the first time ever, we have set up a nationally coordinated attack on drug smuggling. Drug seizures are at an all-time high. Federal drug arrests have increased 66 percent. Arrests of major traffickers have tripled.

But in the end, the crusade against drugs will be won not on the shores, but in the heart of America. If students, workers, executives, professionals—if all of us decide that there's no place for the enslavement of illegal drugs in this land of the free, then we will win and drugs will lose.

And that's our challenge. That's the crusade that you're helping to lead. You know, there's a great deal of emphasis and people talking about—when I heard a phrase about throwing money at drugs, the idea that it can all be done if we have enough people out there on the borders intercepting. Well, we have intercepted, tons and tons. We have fleets of airplanes and boats and trucks that have been confiscated. And I told some people earlier today, I saw for the first time in my life what $20 million looked like. It was piled up on a table down in Florida, confiscated from drug dealers. And yet, as long as there is a profit in it, that isn't enough. The real answer must come from taking the customer away from the drugs, not the other way around. (Applause.)

Then, to those of you—and like some who've spoken here today—who have resolved their problem and cured, they are the greatest exponents. I found that out back, Jim, in my Governor days when I would try to talk to young people about this when it was first beginning—the emphasis then was on marijuana. And I found out that I might stand there and talk all day and I wasn't as effective as one individual who could stand up in front of them and say to them, "I've been there. I used to do that." And he can solve more problems in 10 minutes than, as I say, as I could all day. And those are the people, so many of them, who are so unselfishly now joining the crusade. And God bless them and—for all of that—you're doing to help—you, to your fellow Americans. I thank you and God bless you. (Applause.)

THE RETIREMENT OF POLICE CHIEF JIMMY D. KENNEDY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DORNAN of California. Mr. Speaker, it is with mixed emotions that I rise today to announce the retirement of a good friend and long time public servant, Police Chief Jimmy D. Kennedy. Chief Kennedy is retiring as chief of police of the largest city in Orange County, CA, Anaheim, which is in my 38th Congressional District.

Like Disneyland, and the California Angels and Rams, all of whom call Anaheim home, Chief Kennedy has grown to be a respected and well-known local institution. Chief Kennedy, who joined the Anaheim Police Department in 1958, served in various positions before being appointed chief in May 1983. His dedication and commitment to the people of Anaheim and California goes beyond his job as chief peace keeper in Anaheim. Chief Kennedy served as a member of Governor Deukmejian's Task Force on Juvenile Arson and Firesetting; president of the Orange County Chiefs of Police and Sheriff's Association; former district chairman of the Ahwahnee District for the Boy Scouts of America; president of the California Juvenile Officers Association; past vice president of the Southern California Community Relations Officers Association; former member of the Governor's Advisory Committee to the California Youth Authority; member of the International Association of Chiefs of Police; member of the California Police Chiefs Association; and a member of the California Peace Officers Association.

Chief Kennedy has a master of arts degree in management from the University of Redlands and is a graduate of the prestigious FBI Academy and the FBI National Executive Institute. For the past 17 years, Chief Kennedy has shared his wealth of experience in law enforcement with students at Fullerton College where he taught police science.

On behalf of the citizens in my 38th Congressional District, who have all benefited from Chief Kennedy's 30 years of service, I want to extend my best wishes for a happy and rewarding retirement.

JOURNEY TO NICARAGUA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RAHALL. Mr. Speaker, I would like to submit for the record the following report detailing a trip to Nicaragua last March taken by United Methodist Bishop William Boyd Grove of my home State of West Virginia. Bishop Grove is the chair of the board of church and society of the United Methodist Church.

Bishop Grove draws some very insightful conclusions from his observations of the situation in Nicaragua and his discussions with the people of that country, and I would encourage every Member of the Congress to read this report carefully.

JOURNEY TO NICARAGUA, MARCH 1-8, 1987

(By Bishop William Boyd Grove)

I write this report while en route from Nicaragua to the United States. I want to collect and compose my reflections while the images of the country and its people, the words of those who spoke with us, and my emotional and rational responses to those words are still vivid in consciousness.

I went to Nicaragua with twelve other representatives of the West Virginia Annual Conference and two from the Western Pennsylvania Annual Conference. We went to this beautiful and ravaged country as representatives of the church of Jesus Christ and as citizens of the United States of America. We went to learn; to "see for ourselves"; to seek to penetrate the wall of propaganda that now stands between Nicaragua and our own country. We went to have fellowship with Nicaraguan Christians, to hear their story and to share our story. We went hoping to implement a decision made by the West Virginia Annual Conference at its 1985 Session to establish a covenant relationship with a congregation in Nicaragua.

Our itinerary was prepared by Peggy Heiner who, with her husband Howard, is a missionary of our church assigned by the World Division of The Board of Global Ministries. Our schedule was carefully planned so as to engage us with all points of view concerning the conflict in Nicaragua and to enable us to be present with the people of Nicaragua. The planning was well done and the objectives outlined above were achieved. We spent four days in Managua, the capital city, and two days in the smaller city of Jinotega in the northern mountains. Our night in Jinotega was spent in the homes of Christians in that city—an unforgettable experience for all of us.

Nicaragua is a small country of 3,000,000 people positioned approximately midway on the land bridge between North and South America. The country has a tropical climate in the southwest around Managua, the capital city. To the north the terrain is mountainous, to the east there is deep jungle with few people. The Miskito Indians live along the east coast and are relatively isolated from the majority population to the west.

Nicaragua, like the rest of Latin America was strongly influenced or dominated by the United States during the late 18th and 19th centuries. Between 1900 and 1934 the United States sent the Marines into Central America thirty-five times. Since 1932 the Samozas, backed by the United States, have imposed tyrannical dictatorial rule in Nicaragua. (The U.S. Government now acknowledges that Samoza was a tyrant.) In 1979 the Samoza regime was overthrown in a revolution carried on by groups that were politically diverse but united in their resistance to Samoza. One of the groups was the FSLN (Frente Sandanista Liberacion Nacional) popularly known as the Sandanista Party. After the victory in 1979 a coalition government was formed with the FSLN as the dominant party. That government was committed as the government says that it is today to:

1. Self determination.
2. Political nonalignment.
3. A mixed economy.
4. Political pluralism.

As we all know, it is the conviction of the Reagan administration and the United States Government that the revolution has been betrayed and that a repressive government that is aligned with the Soviet Union has become a threat to the neighbors of Nicaragua, and to the security of the United States. That conviction has led the United States to support with massive financial aid the war being waged against the government of Nicaragua by counter-revolutionary forces (Contras), an economic blockade, the attempted mining of the Nicaraguan harbor, activities that have been found by the World Court to be in violation of International Law.

The United Methodist Church has declared its opposition to such American intervention on a number of occasions: in a resolution adopted by the 1984 General Conference, and in more contemporary and specific resolutions by the Council of Bishops, the General Boards of Church and Society and Global Ministries, and many of the annual conferences, including the West Virginia Annual Conference. The National Council of the Churches of Christ in the U.S.A. and many other religious groups have taken similar actions. Our trip to Nicaragua should be seen in continuity with this denominational and ecumenical history and involvement.

To test the validity of U.S. government policy toward Nicaragua and our church response to it, we talked with representatives of all groups available to us. Interviews/briefings were held with the following:

1. The United States Embassy: Luis Moreno—Second Political Secretary.

2. The Nicaraguan Government:

Ray Hooker—a member of the National Assembly and Chairman of the Foreign Affairs Committee. (Ray Hooker is a former professor at Ohio University.)

Alejandro Bendana—Secretary General of the Foreign Ministry and former ambassador to the United Nations. (Alejandro Bendana has a doctorate from Harvard University where he served as professor of history prior to 1979.)

Alberto Martinez—a member of the National Committee and Director of Government in Jinotega.

3. The Liberal Independent Party (PLI): Joaquim Mejia and Jaime Bonilla.

4. Persons from the private sector—Representatives of COSEP—an umbrella organization comprised of persons from business, the professions, agriculture, etc.: Nicholas Bolanos and Gilberto Coadra.

5. Representatives of the Churches:

The Roman Catholic hierarchy—Father Uriel Reyes.

The Roman Catholic "Peoples Church"—Father Rafael Aragon.

CEPAD—A council of 46 protestant denominations organized for relief and development: Gilberto Aguirre—Executive Director and Pedro Antonio—Regional Director in Jinotega.

CENPEN—A council of evangelical protestant pastors: Felix Rosales—President.

The Reverend Norman Bent——a Moravian pastor who has been vitally involved in reconciliation between the government of Nicaragua and the Miskito Indians.

In addition to these formal meetings we attended an evangelical (protestant) worship service in Jinotega and talked with common people and stayed in their homes. We talked with two members of the "Mothers of Heroes and Martyrs", a strong women's organization comprised of those who have lost sons in the war. We visited the home of one of the mothers. We visited a class of young persons in a Roman Catholic Church in Managua. There we met 20 twelve-fourteen year olds who were being taught by their priest. Several of them are "Catechists", and are being prepared to teach reading and writing to illiterate adults in the community. On a long wall around their chapel they have painted a beautiful mural that portrays the biblical salvation story from creation to resurrection. The mural flows into a pictorial depiction of the liberation of Nicaragua with vivid scenes representing agrarian reform and the literacy campaign. At the center of this part of the mural was a picture of the revolutionary hero Sandino.

We also visited a Cooperative south of Jinotega where 30 homes are being built for resettled campesinos, victims of the war, who will together own and farm the land (a symbol of the revolution was the outdoor workbench of one carpenter containing carpenter's tools, a rifle, and a New Testament).

Criticisms of the present government and responses to those criticism are as follows.

1. Nicaraguan society is experiencing social disintegration and conditions are worse than before the revolution.

Only representatives of business (COSEP) made this charge. No one else whom we met supported it.

Response. Representatives of the government pointed to the reduction of illiteracy from 55% to 12% since the revolution; Land distribution leading to more private ownership of land today than ever before in Nicaragua's history. Acknowledged shortages of goods and services were ascribed to the embargo imposed by the U.S.A., the cost of the war, and priority given in the early years to social development (education, health care, etc.) over production.

2. The government has betrayed the revolution, is politically repressive, and does not have the support of the people of the country. This charge was made by the American Embassy, COSEP, representatives of the

Liberal Independent Party, and the representatives of the Roman Catholic hierachy.

Illustrations: The closing of La Prensa, the opposition newspaper, the closing down of a Catholic television station and the exile of Bishop Vega.

Response. Representatives of the Government maintain that Nicaragua, a small country, is involved in a war for its life against opponents who represent the U.S.A. They point to the fact that nations have often had to suspend certain civil rights in war time to protect national security. (The U.S.A. resettled and confined thousands of Japanese-American citizens during World War II in the name of national security. Although this was not mentioned, I remember that President Abraham Lincoln suspended the right of Habeas Corpus during the Civil War.)

La Prensa, financially supported by outside sources openly advocated support of those who were at war with the nation. "Would the U.S.A. have permitted an American newspaper to openly advocate support for Germany during World War II?" (Secretary Bandano). "Bishop Vega could have been charged with sedition. Instead we escorted him to our border." (Secretary Bandano). "All restrictions will be lifted immediately upon the cessation of U.S.A. support for our enemies." (Secretary Bandano.)

Aside from Father Uriel Reyes, representing Cardinal Abando y Bravo, and Mr. Luis Moreno of the American Embassy, no one claimed religious persecution. Gilberto Aquiro (CEPAD) indicated that he and other representatives of CEPAD have regularly scheduled meetings with government officials and are encouraged to be critical. Reverend Norman Bent, who was under house arrest for five months in Managua, reported that the government had formally apologized to him for its mistake. He also reported that the government had formally apologized to the Miskito Indians for their forced resettlement. (Secretary Bandano listed the resettlement of the Miskitu as a mistake.) Reverend Felix Rosales (CNPEN) said that he has not seen the government as oppressive of the church. "There have been some incidents but they were the result of misunderstanding and were quickly corrected. Let those who believe otherwise come and see." (Felix Rosales) "We need a responsible political opposition. The other parties are making no attempt to do the hard work of organizing the people and not because of lack of access." (Ray Hooker)

3. The Nicaraguan Government has built the largest standing army in Nicaragua and is a tool of the Soviet Union and is a threat to its neighbors. This charge was made only by Luis Moreno of the American Embassy. We heard it no where else.

Response. The government believes that it must be prepared for invasion of the U.S.A. military forces as a result of the political and military failure of the Contras. "Our country has hurt no one. No other country has been hurt by us." (Pedro Antonio—CEPAD). "The U.S.A. is building landing strips and hospitals in Honduras. There are regular spy flights by the U.S.A. over our air space. U.S.A. troops are now permitted by Congress to mass within twenty miles of our border. There are U.S.A. battleships off both coasts." (Secretary Bandano). "The Soviets are sending us trucks and machinery to help build our country. The Contras are trying to burn us down." (Secretary Bandano).

OUR OBSERVATIONS AND CONVICTIONS

1. The Nicaraguan people are incurably religious, and their religious faith is a vital ingredient in their commitment to a new and independent Nicaragua. Except for the instances of conflict with the Roman Catholic hierarchy referred to above religion is free and unfettered. The churches have open access to the government, and criticism is permitted. What is not permitted is support for or identification with the country's enemies by the churches.

2. The Nicaraguan people and government are totally committed to self-determination and to non-alignment with any super power.

3. The Soviet Union, whatever its motives, is responding far more positively and creatively to a struggle for freedom than is the U.S.A. For instance in response to our question "Why are there so many Marxist/Leninist books around?", Secretary Bandano said "Our people are gaining the ability to read. The Soviet Union is sending us books free. We would love to have the works of Jefferson and Lincoln. If you or your government will provide them, we will make them available to the people gladly!"

4. The people are suffering terribly by the shortages caused by the embargo and from the war.

In Jinotega the brother-in-law of my hostess, who was the President of a rural cooperative had been killed and mutilated nine days before, leaving a wife and eight children. "Proportionately, the people of Nicaragua have endured more suffering during the last seven years then Britain did during World War II." (Ray Hooker).

5. The American press has been lazy and ineffective in its coverage of the Nicaraguan conflict. We are astounded by the failure of the American press to examine objectively the premises of our nation's policy. We desperately need some outstanding journalism in relation to the issues in Nicaragua.

6. The current policy of the U.S.A. is morally bankrupt. We are clearly working to destabilize and overthrow the government of a sovereign nation for illegitimate reasons. Our actions are illegal and immoral and are a betrayal of our own national history and our identity as a people committed to freedom.

I call upon all members of the Congress of the U.S.A. to stop financial aid of any kind to the contras. I urge members of Congress to visit Nicaragua and to talk with persons representing all points view.

I call upon the West Virginia Conference, the United Methodist Church and all Christian people to continue and to intensify prophetic response to the crisis in a small country, a crisis caused and manipulated by our government.

LEGISLATION TO STOP THE TRANSFER OF LAUNDERED DRUG MONEY FROM PANAMA THROUGH THE FEDERAL RESERVE SYSTEM

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MANTON. Mr. Speaker, two U.S. grand juries indicted Panamanian Gen. Manuel Noriega last month on drug trafficking and racketeering charges. General Noriega has been charged with conspiring to import tons of elicit drugs into the United States and using Panama's banks to launder the proceeds from these sales. Taking full advantage of Panama's bank secrecy and incorporation laws, Noriega has made Panama a safe haven for drug trafficking and money laundering. Let me give my colleagues just a few examples.

First, Panama's incorporation laws guarantee anonymity to corporate organizers. Corporations are easily formed by those who want to keep their "business dealings" in the dark. A 1983 investigation by the Drug Enforcement Agency revealed a Miami based drug czar had formed approximately 800 separate corporations in Panama to facilitate drug trafficking and money laundering.

Second, Panama's banking laws permit numbered and coded bank accounts and impose penalties on the unauthorized disclosure of bank account information. These laws make it very easy for drug traffickers to launder their proceeds. Panama's banks hold more than $50 billion in dollar deposits and the banking industry accounts for almost 10 percent of the country's GNP. Although Panama's bank secrecy laws are covering up money laundering from drug trafficking, Panama's bankers appear to be working together to undermine any attempt at open disclosure of bank records.

Without a doubt, massive amounts of laundered drug money is being transferred to the United States from Panama through the Federal Reserve Payment System. In 1983, more than $1 billion was sent to the United States by 14 Caribbean nations. Panama accounted for over half of that amount. Now 5 years later those figures have skyrocketed.

Along with the drugs from Panama that are crossing our border, billion of dollars in laundered drug money is flowing into United States banks. In June 1987, the Federal Reserve Bank in Atlanta alone had deposits of $1.3 billion cleared through Panamanian banks. Undoubtedly, much of this is laundered drug money. We simply cannot allow the United States Federal Reserve System to be a tool in Panama's sleazy drug operation.

In that regard, today I am introducing a resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve should take every step necessary to stop the transfer of funds from Panama to banks in the United States through the Federal Reserve System. The resolution states the Board should deny any resumption in payment transfers through the Federal Reserve System until the President certifies the Government of Panama is actively cooperating in our war against illegal drug trafficking.

Mr. Speaker, illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. Just 3 days ago, Edward Byrne, a 22-year-old uniformed New York City police officer, was murdered in cold blood in Eastern Queens. Officer Byrne was sitting alone in a patrol car guarding the house of a witness in a drug case. This murder is just the latest in a series of violent deaths in our cities resulting from attempts to stop these drug dealers.

According to the House Select Committee on Narcotics Abuse and Control, the estimated social and economic cost of drug abuse prevention programs, treatment, related crime, violence, death, property destruction, lost productivity, and drug enforcement totaled $100 billion in 1986. We must take every action available to stamp out this cancer.

Under General Noriega, the Government of Panama has been a major center for assisting international drug trafficking. We must not allow Panama to use the United States Federal Reserve System to promote its deadly trade.

I urge my colleagues to join me in cosponsoring this important resolution.

TRIBUTE TO FALLEN POLICE HERO EDWARD BYRNE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BIAGGI. Mr. Speaker, every other day in our country a police officer is killed in the line of duty. Another 600,000 risk their lives for our protection every hour of every day. Yet, no matter how true those facts may be, the brutal assassination of New York City Police Officer Edward Byrne is simply beyond the realm of human understanding.

Sitting alone in his patrol car last Friday morning, guarding the home of a narcotics witness in Queens, 22-year-old police officer Edward Byrne was gunned down with three shots to the head at point-blank range. The apparent motive for the cold-blooded killing? Officer Byrne's father, Matthew, himself a retired New York City Police Lieutenant, said it best when he blamed his son's death on drug dealers who are "telling us they've declared war on society. When Eddie died a little of all of us died because Eddie represented decent people of this world and his death becomes a responsibility of the decent people.

The war on drugs is indeed as bloody a war as this Nation had ever fought, and it's the police officer who risks his or her life every day on the frontlines of that war. As much as we value those men and women as our protectors, we are reminded by Officer Byrne's death that they are also very vulnerable; they often become the victims of the war they are fighting for all of society's sake.

Mr. Speaker, more than 10,000 police officers attended Officer Byrne's funeral on Monday. It was the largest turnout at a police funeral ever remembered. It was an emotional tribute to a brave, young comrade. It was also a loud and clear signal by law enforcement that they are more than prepared to respond decisively to the declaration of war that has been issued by the crazed drug dealers that prey on our streets.

But, the war against drugs requires more than committed and courageous soldiers. In a statement by Matthew Byrne that was filled with emotion and truth, he declared:

> An aroused citizenry is the only thing that will generate the kind of response we need. If we don't get immediate and drastic action the streets will be as they are in Beirut or Bogota. If our son Eddie, sitting in a police car, representing and protecting us, can be wasted by scum like that, then none of us is safe—and I don't care where you live.

Mr. Speaker, Matthew Byrne added something else and it was intended for our ears. He challenged government officials to "put their money where their mouth is" in the war against drugs. Simply put, we have an absolute responsibility to our constituents and our police officers to focus more resources on the war against drugs. A good place to start would be to get tougher on the foreign governments that refuse to crackdown on the drug supplies originating in their countries. We must also ensure that the $250 million in drug-fighting Federal aid for our local law enforcement agencies is restored. Further, we must work to ensure that every State in our country has a death penalty statute on the books for would-be killers, like the ones responsible for the murder of New York Police Officer Edward Byrne.

Mr. Speaker, I would like to join the millions of other New Yorkers and Americans everywhere in saluting Officer Byrne. As a former New York City police officer myself, I have very special feelings about his sacrifice and the tragic loss his family is now experiencing. I know I speak for my colleagues when I say we share that sense of loss and we will work to ensure that Officer Byrne's death is never forgotten.

A little more than 3 years ago, we authorized a National Law Enforcement Memorial to be built in Washington, DC. I was proud to lead that successful effort. That long overdue and richly deserved tribute to the service and sacrifice of Officer Byrne and thousands of other law enforcement officers is well underway. The memorial will serve as a constant reminder of the tremendous risks our law officers take on our behalf. It will also remind us all of their tremendous need for our support in the war against crime.

Two years ago, this august body passed the toughest antidrug law in our Nation's history. That legislation provided more than $4 billion over 3 years for drug eradication, enhanced law enforcement efforts, drug interdiction, drug education and drug abuse treatment. That bill included more than $1 billion to help police authorities fight the drug problem at the local level. Obviously, that was not enough. We must do more and I am confident we will.

Mr. Speaker, at this time, I wish to insert a March 1 New York Times article reporting on the funeral for Officer Byrne:

10,000 AT SLAIN OFFICER'S MASS DISPLAY RESOLVE

(By Sarah Lyall)

SEAFORD, Long Island, Feb. 29.—In a turnout that veteran officers said was the largest they had ever seen at a police funeral, more than 10,000 police officers today mourned one of their own who was killed while guarding a narcotics witness in Queens.

The officers stood six deep along Hicksville Road in a line that stretched the length of at least eight city blocks. They came from as far as Texas to pay their respects to Officer Edward Byrne of the 103d Precinct.

That so many police officers came to the funeral for Officer Byrne, a 22-year-old rookie who was slain while guarding the South Jamaica home of the witness, was an expression of the officers horror at what they called an assassination. And it was a sign of defiance meant to show that similar acts must not occur again.

"BECAUSE HE WAS SO YOUNG"

"This is an action which will convey how seriously we take this," said Officer Michael Fandall of the Sixth Precinct, who took a train from Manhattan after his shift to attend the funeral. "We always turn out when a police officer dies. But this was different, because of the way he died, and because he was so young."

A police funeral is a reminder to other officers and their families that they, too, are highly vulnerable. But what distinguished this death, officers said, was that it pointed out the difficulty of trying to wipe out the crack business that is taking over some neighborhoods. The officer said the death made the police want to fight back against the people responsible for the slaying—not just the people who pulled the trigger, but the entire drug trade.

That attitude was also reflected by the increase in the number of officers sent out after the slaying. Officers stepped up efforts in the 103d Precinct to make arrests in suspected crack dens and other crack-selling locations. The arrests were in part an effort to obtain information in the case, but they also showed the frustration in dealing with crack, several officers said.

Officer Pete MaGinnis of the 71st Precinct in Brooklyn, who is 23, said: "It could have happened to anyone out there, any time. We can't let it happen again."

"We've always been angry, and this has helped bring it out in the open," Officer Fandall said. "This provides us with a moment to do something dramatic to reverse the disease."

With the large turnout, he added, "we can try to get the attention of the people committing the crimes."

CLUES ARE SCANT

Police officials said today that .38-caliber bullets were used to kill Officer Byrne. The weapon has not been recovered, and no other hard evidence was developed to connect people identified as drug dealers in Queens to the slaying, the officials said.

Federal agents have become deeply involved in the case, with agents of the Drug Enforcement Administration talking to their informers and trying to develop leads that local detectives might use. The killing, the special agent in charge of the D.E.A. office in New York, Robert Stutman, said.

Detectives are focusing on several people charged with having tried to intimidate the homeowner who had complained of the drug dealing—in two cases by firebombing his house and in two others by verbally threatening him.

One of those charged in the firebombings, which occurred last November, is Claude Johnson, 27, who lives in the area where Officer Byrne was killed. Mr. Johnson is in custody on Rikers Island, awaiting trial on arson and other charges. His lawyer, Ronald J. Gesten, said yesterday that Mr. Johnson had "nothing to do" with the officer's death or the firebombing.

ENTIRE FORCE OF 103D PCT.

After the 90-minute Mass for Officer Byrne at St. James Roman Catholic Church at 80 Hicksville Road, a number of officials on hand, including Senator Alfonse M. D'Amato, Republican of New York, and United States Attorney Rudolph W. Giuliani, called for a Federal crackdown on drug trafficking and stricter penalties for dealers. Mr. Giuliani also said he favored the death penalty for criminals convicted of murdering a police officer.

During the service, friends and relatives of the slain officer, the entire force from the 103d Precinct and a host of officials, including Mayor Koch and Police Commissioner Benjamin Ward, filled hundreds of seats and spilled into the church aisles. The officers stood outside in formation, as the day turned colder and the mood more somber.

As the officers from the 103d Precinct, wearing white shirts as part of their ceremonial uniforms, bowed their heads, some crying softly, the Rev. Thomas DeVita, associate pastor, said: "We commit him back to our God and our Father who gave him life 22 years ago. If only it could have been a little longer."

GREETINGS FROM MACDONALD

After the service, family members and police officials followed the coffin, draped in a green, blue and white Police Department flag, out of the church. The officers, representing every precinct in the city, stood at attention as one played taps. Five police helicopters flew low overhead and disappeared.

Sitting in his uniform in a wheelchair at the church door was Officer Stephen MacDonald, who was paralyzed in a gunfight in the summer of 1986 and who breathes with the help of a respirator. Officer MacDonald, overcome with emotion, greeted members of the funeral party leaving the church.

After the service, Mr. Ward, looking drawn and tired, left quickly for Manhattan. But several other officials spoke briefly to reporters.

Officer Byrne's oldest brother, Lawrence, is an assistant United States attorney in Mr. Giuliani's office in Manhattan, and Mr. Giuliani called on the Reagan Administration to spend more money combating drugs. He said:

"When a police officer is killed, the death penalty should be available. I think that would get the message across to the drug dealers. Maybe the people who oppose the death penalty don't understand that you're dealing with uncontrollable behavior."

The hearse, escorted by eight officers, inched past the line of officers from New York City, Syracuse, Maryland, Boston and Ohio. The officers disbanded, many to return to their posts. Officer Byrne's family followed the hearse to Farmingdale, where he was buried.

MARCH 1988: AMNESTY MONTH A TIME TO "COME OUT OF THE SHADOWS"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BROWN of California. Mr. Speaker, I would like to remind my colleagues and my constituents that the month of March has been proclaimed as Amnesty Month, and urge all individuals eligible under the provisions of the Immigration Reform and Control Act of 1986 to come out of the shadows and establish themselves as legal residents of this great Nation. With only 2 months remaining in the amnesty period, it is my hope that all qualified illegal aliens will come forward to take advantage of the freedom and pride afforded by legalized status.

Upon passage of the Immigration Reform and Control Act of 1986, it was estimated that over 2 million illegal aliens resided in the United States. Since the beginning of the Amnesty Program in May 1987, over 1¼ million of these individuals have applied for temporary legal status. As we rapidly approach the end of the amnesty period, however, it is even more important that we reach out to the hundreds of thousands of individuals who have yet to come out of the shadows to obtain the benefits of legalized status.

The amnesty provision of the Immigration Reform and Control Act applies to individuals who entered the United States prior to January 1, 1982, and who have continuously resided in an illegal status since that date. This Amnesty Program is not a "sting" operation or an attempt to locate and register illegal aliens. Confidentiality provisions included in the act prohibit the use of information from amnesty applications in the deportation of applicants or nonqualifying family members. The Amnesty Program ends on May 4, however, and no applications will be accepted after that date.

It is crucial that qualified individuals step forward to take advantage of this unique, once-in-a-lifetime opportunity. Obtaining amnesty under the Immigration Act promises freedom from the fear and insecurity of life in the shadows. Those who apply have everything to gain, and nothing to lose. Thus, during Amnesty Month, I urge all qualified illegal aliens not to be left behind: Apply for amnesty now, while you still can. Take advantage of the law, and enjoy the freedom that can be yours.

SALUTE TO TEXAS

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BARTON of Texas. Mr. Speaker, I rise today to inform Members of Congress not fortunate enough to represent that great State of Texas about the significance of today, March 2, Texas Independence Day. On this date in 1836, settlers gathered at Washington-on-the-Brazos, which borders my district, to sign a declaration of independence. Thirteen days later, Col. William Travis and his loyal band of 187 men sacrificed their lives holding off a larger Mexican forces of 4,000 soldiers at the Alamo.

Several weeks later, on April 21, 1836, the Texas Army of 800 surprised Gen. Santa Anna and his force of 1,600 at what is now San Jacinto. This decisive battle finally freed Texas from Mexico and for the next 10 years Texas existed as an independent republic.

On this great day in Texas history, it is also fitting to recognize the birthday of the Lone Star State's most outstanding statesman, Sam Houston. Born this day, March 2, in 1793, Houston served the Union as a Congressman from Tennessee. However, Houston is most renown for this role in Texas independence as the Commander of the Texas Army. It was under his command that the Texas Army defeated Santa Anna at San Jacinto.

Because of Houston's military accomplishments, he was elected the Texas Republic's first President. He was later elected as one of Texas' first two Senators to serve in the U.S. Senate after statehood was approved in 1845. The city of Houston was named to honor this great man, and his statute is one of two that represents Texas in our capital building.

Mr. Speaker, along with you, I share great pride with all Texans in remembering this special day in Texas history. This day serves to mark both the former Republic's independence from Mexico and the birth of one Texas' and the Nation's finest leaders; Sam Houston. It is, indeed, a great day for all Texans and Americans.

THE BUDGET LEGACY OF THE REAGAN YEARS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 2, 1988, into the CONGRESSIONAL RECORD:

THE BUDGET LEGACY OF THE REAGAN YEARS

With the submission of President Reagan's final effective budget, it is an appropriate time to review the President's federal budget legacy.

Under President Reagan, annual federal spending has increased by $377 billion, to more than $1 trillion. Federal outlays, which were 22.7% of the gross national product (GNP) in 1981, rose to 24% in 1985 before dropping back to 22.5% of GNP in 1988. At the same time, federal revenues have not kept up, increasing $298 billion over the same period.

The result has been that President Reagan has overseen the creation of more new debt than the combined deficits of all previous presidents. President Carter's largest deficit was $73.8 billion in 1980, but under President Reagan the deficit reached $220.7 billion in 1986. The last few years have shown us that there is no way to cut taxes sharply, increase defense spending strongly, promise not to touch various entitlement programs, and still pay interest on the debt without creating enormous deficits. Reflecting the large increase in public debt, federal interest payments have risen from $69 billion in 1981 to $148 billion this year. Interest payments now eat up 14% of all federal spending, and exceed the combined budgets of the Departments of Agriculture, Commerce, Education, Energy, Interior, Justice, Labor, State, and Transportation.

The most enduring fiscal legacy of the Reagan period will be a heavily indebted government. To finance the changes brought about during the Reagan presidency, the government has added $500 million a day to its debt. So far, this deficit spending policy has not caused dramatic economic problems. During the President's watch, inflation and interest rates have come down, the civilian unemployment rate has fallen to 5.8%, and we are in the midst of the longest peacetime economic expansion in U.S. history. The concern about the deficits is more long-term. The deficits entail massive governmental borrowing that mortgages the nation's economic future. They have also weakened the government's ability to undertake important initiatives. The large deficits will make it more difficult for the government to increase spending if the economy falls into a recession and the unemployed and others hurt by such a downturn need government aid.

President Reagan has not dismantled many government programs. Basically his approach has been to consolidate federal programs, and to pare programs rather than eliminate them. Eligibility has been tightened and benefits reduced. The President killed 18 programs in his initial 1981 budget but many of them were later restored. Revenue sharing—federal funds provided directly to the states and cities—was the only major domestic program repealed in the Reagan years that stayed repealed. At the same time, various new programs have been added, including the Strategic Defense Initiative, AIDS research, and aid to the homeless.

While total government expenditures have reached historic highs during the Reagan years, the portion of the budget going for domestic discretionary spending has shrunk. Overall, the poor have been harder hit than others under the Reagan budgets. Education and training, community development, welfare, nutrition, housing, and other anti-poverty programs were reduced the most. The young have been hit harder than the old. Today we spend four times as much per capita for the aged than for children, and the gap is growing. State and local governments have also received less help under the Reagan budgets. The President has shifted many responsibilities to the states while reducing federal aid to state and local governments by 30% in constant dollars. Some middle-class benefits were reduced, but large federal funds continue to flow to programs that benefit Americans of all income, such as social security, medicare, and farm price supports. Outlays for these programs have far outstripped inflation during the President's tenure, while federal outlays for poor families with children and for food stamps have declined in real terms. This represents a sharp change from the past when spending on poverty programs rose more rapidly than spending on middle-class entitlements.

Although the President has failed to stop the growth of government spending, he has significantly changed the composition of the federal budget. Measured in dollars adjusted for inflation, what has happened in the federal budget from 1981 to 1987 is as follows: Interest on the national debt has risen 59%, defense spending has risen 46%, social security, medicare, and other retirement programs have gone up 26%, while other domestic spending, such as for energy, transportation, and economic development, has declined 21%. The programs receiving the greatest increases during President Reagan's years have had some successes. Our defense capabilities have been strengthened, social security has been rescued from the threat of insolvency, the medicare payment system has been restructured, and there has been a turnaround in the farm sector.

The President's rhetoric about government spending as the source of the ills of the economy masks the results of his presidency. In many respects the federal establishment that he leaves behind is remarkably similar to the establishment he found when he came to office in 1981. The basic programs of the New Deal and the Great Society endure even at the end of his administration, and several, including social security, medicare, and medicaid, have been significantly expanded. So clearly, the legacy of the Reagan budgets is that many of the federal programs created in previous decades will continue in the post-Reagan period. Huge budget deficits will also survive, and the next president will have very little room to maneuver to address pressing problems. Public opinion polls show that the public wants to spend more on poverty, homelessness, child care, and long-term health care, but it is hard to see where the money will come from.

The next president faces a bleak fiscal outlook with defense and domestic discretionary spending squeezed. The leaders and the taxpayers in the post-Reagan period will inherit the burden of paying for the debt if not paying it off.

IN SUPPORT OF THE NATIONAL SILVER-HAIRED CONGRESS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. RAHALL. Mr. Speaker, today I am introducing a piece of legislation that will recognize an increasingly influential sector of society, not only in my home State of West Virginia, but all over the United States. The purpose of this concurrent resolution is to express the support of the Congress for the upcoming 1989 "National Silver-Haired Congress."

These senior citizen legislatures began convening in 1972 and are now established in nearly half of the States in this country. In their 14 years, "silver-haired" legislatures have provided a wealth of information and assistance to their State governments concerning the ever-changing face of issues on aging. Their effectiveness lies in their experience: they live with the daily problems faced by all aging Americans yet they refuse to succumb to the stereotypical stigmas heaped upon them by the rest of society. They choose instead to channel their wisdom and their vigor into championing their cause. This energy has resulted in the birth and success of the "National Silver-Haired Congress."

Since 1984, the National Silver-Haired Congress has been incorporated as a nonprofit organization. Their national steering committee is now at work to establish guidelines for the election of legislators to attend the 1989 National Congress in Washington, DC. They do not ask for, nor do they desire, funding from their State or the Federal Government, but prefer to rely on assistance from the private sector. Their goal is to work alongside the Government and national organizations as an independent advisory group on aging issues.

At present, more than 12 percent of the Nation's population is over the age of 65. In just four decades, when the last of the "baby boomers" are reaching 65, 1 out of every 5 persons will be over 65. As a "baby boomer," the reality of those statistics has hit home with me. It is with this in mind that I urge my colleagues to take a good look at this piece of legislation. In the years to come, our senior citizen population will continue to increase at an alarming rate. This increase will serve to intensify the problems we are facing right now with regard to medical costs and insurance coverage. We cannot face these problems ourselves. We need not face these problems ourselves when there are organizations like the "National Silver-Haired Congress" are willing and able to help.

In supporting this national meeting of the "Silver-Haired Congress," we not only provide ourselves with an expert grassroots forum for national aging issues, but we also provide the opportunity to bring these issues to national attention. I urge my colleagues to realize the wealth of wisdom to be gained from such an extraordinary group and ask for your support in recognizing the National Silver-Haired Congress.

PERSONAL EXPLANATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LEWIS of Florida. Mr. Speaker, while in my district on March 1, 1988, conducting official business, I missed two votes. Had I been present I would have voted "nay" on rollcall No. 13 in opposition to approving the Journal of February 25, 1988, and I would have voted "yea" on rollcall No. 14 in support of the motion to instruct conferees on H.R. 5.

COMMUNITY BANKS AND FARMER MAC

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. STALLINGS. Mr. Speaker, I would like to make a short statement and insert for the RECORD an article which recently appeared in the January issue of the Independent Banker.

This article, by Mr. Weldon Barton of the Independent Bankers Association, centers on the developments and importance of the recently passed Farm Credit Act of 1987 concerning the secondary market for agricultural real estate.

As the chief sponsor of the secondary market in the House, I am pleased with the progress to date of this new market for agriculture real estate, intended to provide competitive long-term, fixed-rate financing to qualifying farm borrowers. This new market should help stabilize land prices and benefit farm and rural communities. I urge my colleagues to take a look at this article and to follow the development of this exciting area in agriculture financing.

[From the Independent Banker, January 1988]

COMMUNITY BANKS AND FARMER MAC

(By Weldon Barton)

As the new Farmer Mac secondary market, enacted last month, assumes its place alongside Fannie Mae, Freddie Mac, and other federally sponsored markets, Farmer Mac may change the financing of production agriculture dramatically. Local banks in agricultural communities will probably use the market primarily for originating and selling farmland mortgages after Farmer Mac becomes operational. However, independent bankers can ill afford to ignore the start-up period for this new market, because decisions during start-up will have a major effect on how originating lenders are able to use the market after it becomes operational.

For local agricultural banks, Farmer Mac should give smaller banks the capacity to offer "one-stop" financing to farmers and ranchers, and thus to strengthen their farm customer base. Banks will be able to offer long-term real estate financing to their customers routinely alongside of operating credit, without exceeding the bank's lending limit or jeopardizing its liquidity. For real estate mortgages, the valuable long-term, fixed-rate mortgage option can be offered for the first time.

Real estate mortgages sold through Farmer Mac will involve not only new mortgages for financing turnovers in ownership of farmland, but also refinancings where borrowers convert variable rate loans or "balloon" notes into long-term, fixed-rate mortgages.

The refinancing can occur with the borrower's existing real estate lender, or with a new lender. Because fixed-rate mortgages will represent a new option for farmers and ranchers, the pent-up demand may be large. The window of opportunity for refinancings will depend upon the prevailing level and expected future levels of interest rates. Agricultural banks should postion themselves to use Farmer Mac aggressively whenever those opportunities occur.

The secondary market program authorizes the sale of securities backed by pools of real estate mortgages only and will not include farm production or operating loans. Farmer Mac may also securitize rural housing mortgages. Long-term real estate mortgages are backed by rather standardized collateral, and the costs of securitization (the pooling of loans and underwriting of the loan-backed securities) can be spread over many years. Farm borrower acceptance of having their debt securitized appears to be greatest for real estate mortgages. For those reasons, portfolio lending should continue to predominate for short and intermediate term farm financing, with the secondary market specializing in real estate mortgages.

As indicated, local agricultural banks have important potential advantages with Farmer Mac. To realize those advantages in the tug-and-pull of the marketplace, local bankers must get involved early while the other participants in this new market are being determined to position themselves for best use of Farmer Mac for the origination, sale and servicing of farmland mortgages.

FARMER MAC PARTICIPANTS

A new federally sponsored agency created by Congress, the Federal Agricultural Mortgage Corporation, will have general purview over the Farmer Mac market. However, the Mortgage Corporation will not purchase, pool, and sell mortgages and mortgage-backed securities. Other participants will perform those functions.

In addition to the coal lenders who originate, sell and service the mortgages and the farmers and ranchers who borrow from those originators, Farmer Mac will involve institutions that assemble loans into pools, issue certificates or securities collateralized by those loan pools, and broker, deal in, underwrite, and invest in those securities. Of course, more than one of those functions may be carried out by a single institution. The Farm Credit Administration will be the primary regulator of the secondary market, for safety and soundness, the Securites and Exchange Commission (SEC), and broker-dealers for the securities must register with the SEC.

Very importantly, one type of player is not an essential participant in Farmer Mac: the private credit enhancer. The Mortgage Corporation will guarantee the timely payment of principal and interest to investors in the mortgage-backed securities. The Mortgage Corporation's guarantee is backstopped with $1.5 billion of borrowing authority from Treasury. Consequently, although guarantee fees will be charged by the Mortgage Corporation based upon risk incurred, and the securities will not enjoy "government securities" status. Farmer Mac's status as a federally sponsored trading market should enable the securities to be priced so as to allow the pass-through of competitive interest rates to farm borrowers. Such competitive pricing is an ultimate test of whether the secondary market will work for local banks and their farm customers.

ROLE OF THE MORTGAGE CORPORATION

The Farmer Mac market will revolve around the Mortgage Corporation. No other participant can use the market until the Mortgage Corporation becomes operational with a permanent board of directors, establishes loan underwriting and appraisal standards and other guidelines for the market, and certifies specific institutions to pool mortgages that can be packaged, submitted to the Mortgage Corporation for its approval and guarantee, and then sold as securities in the market.

To make the Mortgage Corporation operational, the President must first appoint interim directors within 90 days of enactment of the secondary market legislation. The role of the interim board is roughly analogous to that of incorporators under state business corporation laws. The interim board will issue the initial voting common stock, with open class of stock offered to commercial banks, insurance companies, and other financial institutions and another class offered to Farm Credit System institutions.

As soon as at least $20 million of voting stock is sold, the interim board will oversee the selection of permanment directors and then turn over the affairs of the Mortgage Corporation to the permanent board. The Mortgage Corporation can then proceed with establishing underwriting standards, certifying loan poolers, and taking the other steps necessary for the market to function.

Who will control the Mortgage Corporation? The 15-member permanent board will have a balanced, mixed membership composed of five members selected by the Farm Credit System and five from the other institutions holding voting stock (banks, insurance companies and other financial institutions), and five public members appointed by the President. The presidential appointees will include persons with a farming or ranching background. The President will designate the chairman. Only loan originators and pooling institutions may hold voting stock.

No entity may be required to hold stock in order to participate, unless the Mortgage Corporation requires additional capital for administrative expenses and determines that financial contributions from participants are necessary to raise that capital. In that event, common stock would be issued to the contributors. Dividends may be paid to stockholders. However, although the Mortgage Corporation will charge a guarantee fee, the fees will be based upon risk of loss and retained initially to build a reserve. Consequently, the Mortgage Corporation is unlikely to pay substantial dividends, except over the long term.

It is unlikely that local agricultural banks, acting individually, will consider it practical to purchase substantial amounts of voting stock. Blocks of stock are likely to be purchased by larger institutions that expect to receive "dividends" in fee income and other benefits derived from high-volume participation in Farmer Mac. However, two factors should help to protect the interests of local banks in originating loans for sale to the market, and the interests of farm customers.

First, three balanced segments represented on the Mortgage Corporation's board should prevent any particular segment from dominating the board's decisions. Second, smaller banks should be able to gain equitable entry to Farmer Mac because the loan poolers and securities dealers must somehow reach the local lender's customer base.

The legislation creating the secondary market provides that the Mortgage Corporation, within 120 days of the selection of its permanent board, shall establish uniform loan underwriting, security appraisal, and repayment standards "in consultation with originators." It should be in every Farmer Mac participant's best interest that local lenders who originate loans for the market fully participate in the development of those standards.

Local lenders will need to conform their loan documents to the requirements of Farmer Mac for specific mortgages to qualify, and Farmer Mac will attract newly originated mortgages only to the extent that the terms and conditions are mutually workable for all participants, including originators and farm borrowers.

THE IMPORTANCE OF POOLER-ISSUERS

Aside from the Mortgage Corporation itself, those institutions that receive prior approval of the Mortgage Corporation to buy and assemble farm mortgages into marketable pools, submit them to the Mortgage Corporation for its guarantee, and issue securities to investors backed by those mortgage assets, will be central players in the Farmer Mac market. Called "certificate facilities" in the statute, the pooler-issuers must meet certain statutory requirements including adequate capitalization and management capability to perform the functions involved. The Mortgage Corporation must establish the complete standards for pooler-issuers, and approve institutions for certification within 120 days of receiving an application, if the applicant meets the qualifications.

Some financial institutions that become pooler-issuers will have the in-house capability to handle the entire "deal," including purchase and pooling of the mortgages and borrowing the offsetting funds through the issuance and sale of the collateralized securities. This could include the securities underwriting function. In other instances, separate institutions from the pooler-issuers may perform underwriting and other functions. Of course some pooler-insurers may also originate loans and purchase the Farmer Mac securities as investments.

One major reason that the pooler-issuer is critically important to local agricultural banks' interests as originators of mortgages for Farmer Mac is that the pooler-issuer is responsible to the Mortgage Corporation for the statutory 10 percent reserve. No pool of mortgages will qualify for the Mortgage

Corporation's guarantee unless the pooler-issuer assures that a capital reserve or a subordinated participation interest equal to at least 10 percent of the principal amount of the loans in the pool is maintained. That reserve or participation interest is at risk, up-front, to absorb any losses on loans in the pool.

The reserve amount, or participation interest, may be actually contributed or held by the loan originators and pooler-issuers, respectively, in any combination that they agree upon.

It will be very important that originating lenders have flexibility regarding their reserve contribution or participation interest. Except for any participation interest that they may retain, originators will sell the farm mortgages without recourse. Depending upon a bank's specific circumstances, it may be practical for the bank to retain the full 10 percent interest, no interest at all, or some percentage of participation between zero and 10 percent.

The bank's individual loan lending limit, the borrower's total credit owed to the bank, the bank's primary regulator's stance on how much capital must be held behind the subordinated participation interest, the bank's (and the borrower's) attitude toward the bank's relationship with the pooler-issuer (that is, will the originator's role be essentially one of agent servicer, or joint participant, in relation to the pooler-issuer?)—all of those factors will affect how much (if any) participation in the loan the bank should retain. Obviously, it will be beneficial for the local originator to have as many options available, as much flexibility, as the arrangement with the pooler-issuer can provide.

The terms of handling the 10 percent participation interest or reserve is probably the most important of many terms and conditions to be determined between originators and pooler-issuers, which will vitally affect the agricultural bank's role as originator and servicer of mortgages.

How might local agricultural banks best secure the proper terms and conditions from pooler-issuers? One way is through competition. Originators should be better situated if at least two or more institutions certified as pooler-issuers are competing for the purchase of farm mortgages in an originator's region. Another way is to have pooler-issuers such as bankers' banks that may be particularly alert to an originator's concerns.

Another consideration is whether a pooler-issuer intends to originate loans for Farmer Mac himself, in direct competition with local banks as originators. During the start-up period for Farmer Mac, community bankers may be in a position to influence which and how many institutions seek certification as pooler-issuers, and should be in a position to develop relationships with institutions that are becoming involved as pooler-issuers by being alert to those developments.

CONCLUDING COMMENTS

To reiterate, the Farmer Mac secondary market is structured to be potentially advantageous to local agricultural banks and their customers for several reasons. Farmer Mac will specialize in farm real estate mortgages (rural housing mortgages). The secondary market will be restructured so that local banks may originate (including refinance) farmland mortgages, sell them without recourse, and retain the servicing with the farm borrower. The Mortgage Corporation is authorized to guarantee the mortgage-backed securities with a $1.5 billion Treasury backstop to keep interest rates to farmers competitive in the marketplace. Given that structure, agricultural community banks should be able to participate in Farmer Mac in a substantial way, serving and strengthening their farm customer base.

In order to actually realize Farmer Mac's potential for themselves and their customers, community bankers must be alert to the tug-and-pull of the market-place during Farmer Mac's start-up period and must position themselves to make the secondary market work best for them. I have discussed some of the leverage points in doing that.

100TH BIRTHDAY OF NORWELL, MA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. STUDDS. Mr. Speaker, I rise today to commemorate the 100th birthday of the town of Norwell, MA, which I am honored to represent in the U.S House of Representatives.

The town of Norwell, which is located in the northern part of Plymouth County, actually dates back 350 years. In 1637 Cornet R. Stetson obtained a grant for a large parcel of land called Church Hill. Because of its location on the North River, the early settlement thrived on a booming shipbuilding industry.

Ships such as the *Mount Vernon,* the *Helen M. Forster,* and the *Columbia* which later circled the globe—were built in Norwell. As smaller ships, stagecoaches, and railroads became more popular, many boatyards and sawmills were forced out of business. The town survivied on farming, leather working, and shellfishing.

The town was originally incorporated in 1849 as South Scituate. Thirty-nine years later, the Massachusetts State Legislature chartered Norwell as a separate town. Residents agreed to match $2,500 per year for 10 years for highway maintenance, and on March 5, 1888, the town of Norwell was officially incorporated. The townspeople proceeded to build a town hall and school, and nearly 2,000 local people attended the incorporation ceremonies.

Norwell brings to the 10th District a history rooted in the colonial traditions of our country. I am pleased to join the people of Norwell in this centennial commemoration and offer my best wishes for a successful celebration.

MIKE RICHTER, GOALTENDER, U.S. HOCKEY TEAM

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. COUGHLIN. Mr. Speaker, I wish to take this occasion to congratulate a constituent of mine from Flourtown, PA, who was one of the many fine young men and women who represented the United States at the XV winter Olympic games in Calgary, Canada.

Mike Richter, a goaltender for the U.S. hockey team, performed well under difficult circumstances. Though his team did not make it to the medal rounds, Mike played furious defense, stopping 26 of 29 shots in the game against Austria.

Mike, who is a 21-year-old student at the University of Wisconsin, was inspired to take up a hockey stick by the famed Philadelphia Flyers when they were winning national championships. As a resident of the greater Philadelphia area, Mike followed the Flyers games, and then followed their footsteps onto the ice.

We can't win them all, but our athletes, including our ice hockey teams, are as good as those of any other nation.

Defeat, moreover, can teach as many lessons as victory, and perhaps more. The most important thing is to compete and give it your best.

Theodore Roosevelt said it best:

> Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.

Mike Richter, who dared a mighty thing, deserves our respect.

JUST SAY "NO" TO WORLD BANK LOAN FOR MEXICAN STEEL INDUSTRY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. APPLEGATE. Mr. Speaker, I would like to join with my colleagues on both sides of the aisle in voicing opposition to the proposal by the World Bank to loan $400 million to the Mexican steel industry.

I cannot believe that this administration has stooped so low as to actively work on behalf of foreign industry to the detriment of American commerce. Not only do we find ourselves looking over the past 7 years of the Reagan administration's neglect of American manufacturing and factory workers, but we are now witnessing the wholesale abandonment of our Nation by this administration for the interests of another country and another people.

What possible explanation can anyone in this administration offer in support of providing $400 million to a steel industry outside our borders while, at the same time, any and all urgings to provide help to American steel firms and American steel workers are virtually ignored?

At a time in our Nation when we are facing a major budget crisis, when our balance of trade is about the worst that it has ever been in our history, and unemployment remains in double digit rates throughout many parts of our Nation, how can President Reagan support a proposal which will only add to our budget deficits, will only worsen America's trade picture, and will serve as a stab in the back for thousands of American workers and those who have not enjoyed a steady income for many years?

Mr. Speaker, the upper Ohio Valley is dotted with the rusting hulks of steel mills and closed factories and my congressional district in eastern Ohio is overflowing with unemployed steelworkers. I want to stress my very strong feelings that these rusting mills and my jobless constituents should not be made monuments to the insensitivities of the Reagan administration and the misdirection of the World Bank. I urge the support of my colleagues in opposing the proposal of the World Bank and request that they join with me and others in cosponsoring resolutions expressing the opposition of this Chamber to the $400-million loan to the Mexico steel industry.

TRIBUTE TO BARBARA DANIEL COX

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to salute Barbara Daniel Cox, executive director of the Mayor's Commission for Women of the city of Philadelphia.

Under her leadership, the commission has been at the forefront in responding to a wide range of issues that affect women of all ages and socioeconomic backgrounds.

New policies on domestic violence have been put into place.

Cox created and obtained funding to conduct such programs as "Life Skills for Low Income Women," "Parenting for Women Inmates," and "Pre-employment and Self-employment Training for Women."

She coordinated the development and implementation of Philadelphia's first pay equity study—a review to assess the salary scale of women in relation to that of men in jobs requiring comparable background, skills, and job responsibilities.

During her 4 years as executive director, Cox also has been an advocate of women-owned business enterprises, serving as an appointed representative of the Minority Business Enterprise Council.

Out of her deep concern for the plight of women worldwide, not just in America, Cox conducted an international women's conference and marketplace in Philadelphia with women from 40 countries during last year's Bicentennial celebration.

This gathering was prompted by her attendance at the International Women's Year Conference in 1985 in Nairobi, Kenya. She headed a delegation of 50 Philadelphia area women who participated in that historic gathering.

Cox has been a tireless champion and protector of women's rights. Her commitment—her sincerity—will be sorely missed when she steps down as executive director next week.

I know my colleagues will join me in saluting this distinguished public servant.

TRIBUTE TO MR. LEONARD SMITH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Mr. Leonard Smith. For many years, Leonard has contributed his time and talents to the San Fernando Valley Jewish community. In recognition of his service and dedication, Leonard has been selected as Valley Beth Shalom's Man of the Year.

Leonard has served the San Fernando Valley Jewish community in many capacities. He first became interested in religious lay leadership while serving as the treasurer of Van Nuys Temple. A pioneer member of the Valley Jewish Community Center—now Adat Ari El—he served on its executive board for 25 years. Leonard also served as temple vice president and as president of the Adat Ari El Men's Club and Couples' Club. In addition to his extensive involvement with Adat Ari El, Leonard has served as president of the Regional Professional Association of Temple Administrators and the National Association of Synagogue Administrators. He is also a member of the board of directors of the Jewish Federation Council and the Valley Board of the Jewish Federation Council.

After many years of service, Leonard recently retired from the position of executive director of Valley Beth Shalom. Leonard will certainly be missed for his leadership and commitment in this position. However, his accomplishments will continue to benefit Valley Beth Shalom as a member of several committees.

It is my distinct honor and pleasure to ask my colleagues to join me and Valley Beth Shalom in honoring Leonard Smith. His extensive involvement with the Jewish community displays his ongoing commitment to helping others. Leonard Smith is quite worthy of the distinction "Man of the Year."

FAIRPORT SAVINGS AND LOAN CELEBRATES 100TH ANNIVERSARY

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Fairport Savings and Loan Association of Fairport, NY, on beginning its 100th year of operation.

Established in 1888, Fairport Savings and Loan has never had a year in which it lost money. Throughout its history the savings and loan has reinvested its customers' savings in the Fairport community. Today, its assets have climbed to $44.6 million. The savings and loan's continuing service to the community is demonstrated by the record level of local mortgages it originated in 1987.

Unlike its giant competitors, Fairport Savings has only one office and concentrates on serving its home town. Almost all its customers live in Fairport and are known by name to the association's 11 employees: President Lowell Twitchell, Jackie Bartela, Carmen Bundschuh, Marlene Donovan, Scott Erdeli, Emily Harrington, Bertie Janosky, Meg Pardington, Kandy Schreiber, Eileen Sek, and Paul Yerrick.

Despite its relatively small size, Fairport Savings and Loan has been consistently rated as a top performer by financial rating services. Its success demonstrates there is still room in the financial world for well managed, people-oriented institutions.

I ask my colleagues to join me in recognizing Fairport Savings and Loan Association's first 100 years of service and in wishing that fine organization a prosperous second century.

SOUTH AFRICA GOVERNMENT CRACKDOWN

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LELAND. Mr. Speaker, apartheid has claimed yet another victim. On Wednesday, February 24, the South African Government instituted one of the harshest crackdowns of 17 lawful democratic opposition organizations by prohibiting them "from carrying on or performing any activities or acts whatsoever."

This order effectively eliminates all organized efforts to locate and publish information on political prisoners, to call for democratic reforms and to organize street committees or memorial services for assassinated leaders.

Mr. Speaker, this latest blatant expression of apartheid victimizes these organizations and all black South Africans. But the true victim I speak of is simple democratic freedom. Pretoria must realize that the denial of fundamental rights such as the right to disagree with government policy or to peacefully petition for the redress of grievances is anathema to man's civility and any semblance of justice. This is an indictment of a government plagued by eroding authority and morality.

We in Congress must unite and act now. We must stand against this affront to the same freedoms which are the cornerstones of all democracies.

THE PROBLEM OF UNSOLICITED PORNOGRAPHIC ADVERTISEMENT SENT THROUGH THE MAIL

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. OWENS of Utah. Mr. Speaker, in response to complaints from several of my constituents, I introduced a bill to address the problems of unsolicited, pornographic advertisements being sent through the mail. My bill would allow postal patrons, upon receiving a sexually explicit advertisement in the mail, to request that the Postal Service issue an order requiring the sender to disclose how they obtained the name and address of the addressee. The purpose of this bill is to encourage publishers to use more discretion in selling their mailing lists.

A recent article by Alan Bunce of the Christian Science Monitor indicates that this is a widespread problem affecting citizens all over the country.

I submit Mr. Bunce's article for the consideration of my colleagues:

[From the Christian Science Monitor, Feb. 29, 1988]

SURPRISED POSTAL PATRONS OBJECT TO SMUT IN THE MAILBOX

(By Alan Bunce)

BOSTON.—A woman in the Boston suburb of Scituate—call her Cynthia—is used to getting lots of mail and found nothing startling about the pile of letters in her box the other day.

But when she opened one of the pieces, something did startle her: an advertisement and order form for "adult" videos, complete with explicit sexual descriptions and a color brochure containing graphic photos of seminude figures in suggestive poses; 17 videos for $49 or 21 for $59.

"My first reaction was surprise," says Cynthia, a middle-aged widow who doesn't even own a VCR and has no idea why she was on the list. "But I was also angry, because I thought it was against the law."

Across the US, reactions like hers have become increasingly typical over the past six to eight months. Direct mailing of hard-core home video ads is the new wave in the old business of mail-order pornography. Amid pornography's new delivery forms—telephone, for instance, and computer networks—X-rated video is a prime offender.

Although it is but a small part of the legitimate, mainstream home-video business the mailing trend has several signs:

A surge in complaints about offensive, unsolicited ads cited by the postalservice and anti-pornography groups.

A growth in hard-core video sales.

A widening cross-section of people receiving such material.

Like Cynthia, many people assume mailing such ads is inherently illegal. But Phil Nater of the Postal Inspector's office in Washington, says, "Not, it isn't. The law is on the books specifically saying that you're not supposed to willfully place anything in the mail stream that contains sexually oriented advertisements. But the law is tied in to purchasing the mailing list. It's very, very complicated."

Mr. Nater also says the law requires people in the business of sending explicit advertisements to place the words "Sexually oriented material" in bold type on the face of the envelope. Cynthia's letter had this warning but she overlooked it. "I just thought it was a bill and opened it," she says.

Meanwhile, Nater reports, "The X-rated video market mailing business in the US has definitely been on the upswing. There's more and more of it coming in unsolicited ads with provocative brochures and pictorial displays. A year ago, we were documenting 4,000 to 5,000 a month. Now we're up to almost 8,000 or 9,000 a month—combination print and media—and the video part is increasing fastest.

"However," he hastens to add, "we have programs in place to stop it."

The surge of mailings is confirmed by Steve Hallman, director of Citizens for Community Values, a local watchdog group in Cincinnati, Ohio. "The number of complaints we've been getting about advertisements for home videos is incredible," he says. "In the past three months, the volume has at least tripled or quadrupled. We have people in the greater Cincinnati area who have never been on any kind of list for sexually explicit mail, that all of a sudden about a year ago received mailers from these companies."

The National Coalition Against Pornography also sees a rapid growth in the US X-rated video business. "That's where the primary battle lines will be drawn in the months and years ahead," says Paul Mauer, assistant to the group's president.

Most adult videos sales are made not by mail but at video stores. A check with several adult video shops in Boston's "Combat Zone" suggests they are not an easy place for an individual to get on mailing lists. The proprietors are quick to disclaim any mail connections. "We're not allowed to do any mailing," said one, who asked not to be named. "You can't get on any mailing lists here," another asserted.

Then where do the lists come from? Even if the stores are cautious about mailing material, observers say some stores have sold lists of customers with a record of rentals and purchases to distributors.

Sometimes lists are bought by video distributors who wish to sell directly to individuals, rather than to stores, the main market for adult video. "The best way is to just send out to people and see who sends back," explains John Houlihan, a professor of business law who teaches courses on social responsibility at the University of Southern Maine. "From the economic standpoint, if they're willing to offend 99 people to find the one who's interested in their product, it's still worth it to them," he says.

The practice is confirmed by Gene Ross, editor of Adult Video Magazine. "There are a lot of fly-by-night companies which buy these products cheap and try to market them," he says. "But the [more established X-rated] companies I know of do it upon request for the material."

A spokesman for the company named on Cynthia's advertisement could not be reached by phone, but someone at another adult video distributing company on the West Coast—one of the largest in the business—spoke on condition that he and his firm not be identified. Without being told, he knew the source city of the ad. "Those are run by some company out of New York," he said.

And though he recognized one of the video companies named in the ad as affiliated with his own, he asserted, "Those are scams. The mailing has nothing to do with us. We don't even sell directly to the public, but to video stores. That outfit is sending to everybody in the United States they can get a letter to. They buy lists from just about anybody—might be people who go the grocery store and fill out a form for a free trip to Hawaii."

Houlihan, whose own wife has received an unwanted adult ad, says, "You can actually make money on the deal; that's what bothers me. If they send out 100,000 pieces and get a 1 percent response, that gives them 1,000 people they didn't know of before who might very well be willing to spend $100, $200, $300 over the course of a year—each. Pretty decent change. Problem is: It might even makes sense to them later to actually have a computer call up and say 'Would you like to buy any sexual videos?' "

According to some analysts, video companies no longer restrict themselves to lists of VCR owners. * * *

"If you're a mail-order vendor, you're much more interested in a mailing list that has known 'mail responses' than you are whether or not the people on it are VCR owners," he says, because many are bound to be VCR owners.

The Video Software Dealers' Association (VSDA), a large industry group, is not in the direct-mail business at all, according to Rick Karpel, who—among other things—advises store owners in trouble for selling adult material.

"No one in VSDA does that kind of thing. That's not our business," he says. He did not recognize the name of the company that mailed Cyntha's ad, but did know one of the video producers—when the names were read off to him—as a member of VSDA.

"Once they sell their videos to someone, they don't know what people do with them," Mr. Karpel explained.

"Our members are video stores and companies that sell things to video stores. . . . They don't market products through direct mail."

Then how do ads for members' products end up in Cynthia's mailbox?

"There are a lot of fly-by-night companies—what we call 'Gypsy' distributors—who go out, buy up the product cheap, and then sell cheap. But a major adult product distributor does not ordinarily work through those kind of channels. As far as I know, that's a real small part of the business. Most of the X-rated business is done through stores."

But what is VSDA doing to counter the problem?

"The position we take on X-rated material," Mr. Karpel states, "is that store owners have to be very sensitive to their community standards and take them into account when making the business decision of whether to have X-rated videos in their stores."

Ironically, the jump in complaints is happening despite a shrinking percentage of adult productions in the overall home video market, according to Mr. Eisele's figures.

As the mainstream video medium grows, adult fare has only to maintain its share to increase in volume.

"But we think the actual percentage is going down steadily," Eisele says. "And we expect that trend to continue as good, legitimate product gets on the market."

COUNCILMAN BILL OLIVER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. DURBIN. Mr. Speaker, too often, we overlook officials who work diligently to bring recognition not to themselves but to another.

Decatur, IL, Councilman Bill Oliver is such a person. For 7 years Mr. Oliver fought to bring to his city a permanent remembrance of Dr. Martin Luther King, Jr. In 1981, Bill Oliver began his efforts to rename the city's Broadway Street after the slain civil rights leader to ensure that Dr. King would be honored.

Though his initial attempt failed, Mr. Oliver persevered until the city council voted 6 to 1 on October 19, 1987, to pass the proposal. On January 18, 1988—3 days after what would have been Dr. King's 59th birthday—Decatur's Broadway Street became M.L. King Drive.

Dr. King's message stressing education, equality, and perseverance will endure for generations to come. He helped all men, women, and children of this Nation to dream of equality. He pulled that dream to the forefront of the American conscience, where it will remain until the freedoms about which he spoke are no longer goals we seek, but the reality we live. He ensured that Americans would not settle for the achievements already made, but would strive for the equality our society demands and deserves. Dr. Martin Luther King, Jr. was a great leader who dedicated his life to the improvement of the human condition and we rightfully honor him.

Similarly, we should not forget Bill Oliver, who worked for 7 long years to ensure that the lessons of this great leader will be honored and remembered in central Illinois. Bill Oliver's determination is part of the continuing effort to preserve the ideals on which our Nation is built—ideals Dr. King eagerly embraced for every American.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PACKARD. Mr. Speaker, due to commitments in my district in California, I was not able to be present for the vote on the motion to instruct conferees on H.R. 5 to accept Senate language which would ban phone pornography. Had I been present I would have voted "yes" on rollcall vote No. 14. I find it appalling that such pornography is available and I will support any and all legislative efforts to end such practices.

THE MALCOLM BALDRIGE NATIONAL QUALITY IMPROVEMENT AWARD

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WALGREN. Mr. Speaker, planning for the Malcolm Baldrige National Quality Improvement Award is now well underway and the first awards will be presented in November 1988 by President Reagan. This award program, patterned after Japan's Deming Award, is designed to promote quality in manufacturing and services by honoring the very best companies in the United States and by publicizing their successful quality standards. Potential awardees must apply by May 2, 1988.

I urge my colleagues to get word of this award to any companies in their districts, large or small, who are dedicated to producing quality products or services. I expect the information gained from expert examination of their operations will be valuable to all who participate in the program. More detailed information on the program follows:

MALCOLM BALDRIGE NATIONAL QUALITY AWARD, 1988

UNITED STATES NATIONAL QUALITY AWARD

Public Law 100-107, the Malcolm Baldrige National Quality Improvement Act of 1987, signed by President Reagan on August 20, 1987, establishes an annual U.S. National Quality Award. The purposes of the Award are to promote quality awareness, recognize quality achievements of U.S. companies, and to publicize successful quality strategies. The Secretary of Commerce and the National Bureau of Standards (NBS) are given responsibilities to develop and administer the Awards with cooperation and financial support from the private sector.

AWARD CATEGORIES

Up to two Awards may be given each year in each of three categories: manufacturing companies or subsidiaries; service companies or subsidiaries; small businesses.

Fewer than two Awards may be given in a category if the high standards of the Award Program are not met.

THE AWARDS

The first awards will be presented by President Reagan in November 1988. Award recipients will receive a medal bearing the inscriptions "Malcolm Baldrige National Quality Award" and "The Quest for Excellence." Recipients may publicize and advertise their Awards, provided they agree to share with other American organizations information about their successful quality strategies.

ELIGIBILITY

Businesses incorporated and located in the U.S. may apply for Awards. Subsidiaries are defined as divisions or business units of larger companies. Subsidiaries must primarily serve either the public or businesses other than the parent company. For companies engaged in both services and manufacturing, classification is determined by the larger percentage of sales. Small businesses are independently owned with not fewer than 25, nor more than 500 full-time employees.

AWARD CRITERIA

Seven (7) areas are examined: (1) corporate quality leadership; (2) information and analysis; (3) planning; (4) human resource utilization; (5) quality assurance of products and services; (6) quality improvement results; and (7) customer satisfaction. Applicants will address a set of sub-areas within each of these categories.

Heavy emphasis is placed on quality achievement and quality improvement as demonstrated through quantitative data furnished by applicants.

EXAMINATION PROCESS

Each written application will be reviewed by three (3) examiners. High-scoring applicants will be selected as finalists, and must then undergo a site-verification visit by one or more teams of examiners. A panel of judges will review all data and information and recommend Award recipients. Applicants will receive a written feedback summary of strengths and weaknesses in their quality management process.

The Malcolm Baldrige National Quality Award Consortium, formed by the American Society for Quality Control and the American Productivity Center, will administer the evaluation process.

EXAMINERS

The Board of Examiners will be comprised of quality experts, including retired quality professionals, selected from industry, professional and trade organizations and universities. Those selected must meet the highest standards of qualification and peer recognition. Examiners will take part in a preparation program based upon the criteria, the scoring system, and the examination process.

TIMETABLE

Applications/guidelines available, February 15, 1988.

Applications due, May 2, 1988.

Application review/site visits, May 2-September 30, 1988.

Award Ceremony, November 1988.

CONFIDENTIALITY

All applications will be treated as confidential and are not covered by the Freedom of Information Act. Applicants will not be expected to provide or to reveal proprietary information regarding products or processes. Examiners will be assigned avoiding conflicts of interest. All examiners will sign nondisclosure agreements. Information regarding successful strategies of Award recipients will be released only after written approval from recipients.

FEES

Fees will be set to recover the costs of review. A fee of $1500 will be charged for review of the basic written examination. More detailed written examinations—required of organizations which need to describe multi-business or multi-product quality systems—will result in proportionately higher fees. Separate site visit fees will be set for finalists at the time site visits are scheduled.

For further information, write or call: Malcolm Baldrige National Quality Award, National Bureau of Standards, Gaithersburg, Maryland 20899 (301) 975-2036.

MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. WAXMAN. Mr. Speaker, last Thursday the Subcommittee on Health and the Environment held a hearing on a new report by the Office of Technology Assessment entitled "Healthy Children: Investing in the Future." OTA told us that the United States, with an infant mortality rate of 10.6 per 1,000 live births in 1985, ranks 17th among industrialized countries in infant mortality, after Japan, East Germany, and Spain. Equally if not more disturbing, OTA reports that the U.S. ranking has not improved since 1980. Based on a review of 55 studies of prenatal care, OTA concluded that a principal cause of infant mortality—low birthweight—can be reduced with earlier and more comprehensive prenatal care, especially in high-risk groups such as adolescents and poor women.

Over the past several years, Congress has incrementally expanded coverage of prenatal care under the Medicaid Program; as a result, States now have the option of offering Medicaid coverage to pregnant women and infants with family incomes up to 185 percent of the Federal poverty level. According to the National Governors' Association, as of January 1988, 26 States have elected to provide Medicaid coverage to pregnant women and infants with incomes below 100 percent of Medicaid coverage to all pregnant women with incomes below the Federal poverty line. For every low birthweight birth averted by earlier prenatal care, OTA estimates, the U.S. health care system saves between $14,000 and $30,000 in newborn hospitalization, rehospitalizations in the first year, and long-term health care costs. Using Medicaid to pay for the provision of prenatal care to all poor pregnant women, OTA concludes, "is a good investment for the Nation."

A recent GAO report, "Prenatal Care: Medicaid Recipients and Uninsured Women Obtain Insufficient Care"—September 1987—also found that providing poor women with prenatal care through Medicaid is cost effective. "While expanding Medicaid eligibility in all States would increase Medicaid costs for prenatal care services," the GAO concluded, "* * * these costs should be offset by savings from reduced newborn intensive care and long-term institutional costs."

The failings of current Medicaid coverage policy toward low-income pregnant women were underscored by hearings held in September 1987, by the Select Committee on Children, Youth, and Families. Whether in Chicago or in suburban or rural Illinois, the select committee heard of significant barriers to quality prenatal care, including a shortage of providers willing to accept Medicaid patients because of low reimbursement rates for prenatal care and delivery; a drastic shortage of health care providers, especially in rural areas, but increasingly in urban areas; no insurance or underinsurance for working families; and limited Medicaid coverage for families below the poverty line. The select committee also heard how coordination and networking with other Federal programs, such as community health centers, maternal and child health agencies, and WIC, were successfully bringing more women into care.

Today I am introducing the Medicaid Infant Mortality Amendments of 1988, which would implement several of the OTA options for reducing infant mortality. I am joined in this effort by Mr. HYDE, who has cosponsored successful Medicaid infant mortality initiatives in previous years, and by Chairman LELAND of the Select Committee on Hunger, who has played a leading role on this issue. I am also joined by Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mrs. COLLINS, and Mr. BOUCHER from the Subcommittee on Health and the Environment of the Committee on Energy and Commerce; chairman MILLER of the Select Committee on Children, Youth, and Families; and chairman DOWNEY of the Subcommittee on Public Assistance of the Committee on Ways and Means. A companion bill, which contains all of the provisions in this version plus some that are not, is being introduced today by Senator BRADLEY, Senator MITCHELL, chairman of the Senate Finance Health Subcommittee, Senator CHILES, chairman of the Senate Budget Committee, and Senators CHAFEE, ROCKEFELLER, MATSUNAGA, DURENBERGER, RIEGLE, and DASCHLE.

In addition to suggesting the mandatory coverage of all pregnant women in poverty, OTA also identified two other policy options that we must implement if we are to make progress in reducing infant mortality.

First, the Medicaid eligibility process needs improvement. OTA found that some providers have been reluctant to offer care to pregnant women in anticipation of their eligiblity for Medicaid because of concern that Medicaid eligibility would be denied retroactively and payment would not be made for services rendered. OTA suggested that Congress could require the States to expedite eligibility determinations for pregnant women, through mechanisms such as the presumptive eligibility option that about 12 States have adopted under current law. All of these are incorporated into this bill.

Second, provider reimbursement rates are often too low. OTA found that physicians' refusal to accept Medicaid reimbursement for maternity care in private practice settings is widely considered to be a major barrier to poor women's access to prenatal care. OTA suggested that Congress could require States to increase fees paid to physicians when they care for Medicaid-eligible children. The same policy would make eminent sense in the context of obstetrical services as well. It obviously does little good to mandate Medicaid eligibility for pregnant women if no obstetrician, family practitioner, or nurse midwife will accept her Medicaid card because the payment levels are too low.

A recent report by the Alan Guttmacher Institute, "Blessed Events and the Bottom Line: Financing Maternity Care in the United States," provides some recent data on this point. Forty-four percent of doctors providing obstetric services will not accept Medicaid payments for delivery. One of the reasons for low physician participation, the study concludes, is low reimbursement. In 1986, physician fees averaged $830 for a vaginal delivery and $1,040 for a cesarean section; maximum Medicaid reimbursements for a normal vaginal delivery averaged $554, but ranged as low as $216. While other factors, such as paperwork, payment delays, and malpractice concerns affect the decision of an obstetrician to accept Medicaid patients, the payment levels clearly play an important role, particularly where they diverge substantially from those paid by private insurers.

The legislation I am introducing today would mandate Medicaid coverage of all pregnant women and infants up to age 1 with incomes below 100 percent of the Federal poverty level—$9,690 per year, or $807 per month, for a family of three. The following States currently do not offer such coverage: Alabama, Alaska, California, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, North Dakota, South Dakota, Texas, Virginia, Wisconsin, and Wyoming. Preliminary CBO estimates indicate that extending coverage to 100 percent of poverty in these States would reach 137,000 poor pregnant women and 193,000 low-income infants, at a cost of $106 million in fiscal year 1989, $243 million in fiscal year 1990, and $306 million in fiscal year 1991. Other provisions of this bill are likely to increase Federal outlays, but no CBO estimates are available at this time.

SUMMARY OF THE MEDICAID INFANT MORTALITY AMENDMENTS OF 1988

Mandatory Coverage of Pregnant Women and Infants (Section 101). States would be required to extend coverage to all pregnant women and infants with incomes at or below 100 percent of the Federal poverty level. States could impose resource tests, but any test they use could be no more restrictive than that under the Supplemental Security Income Program for both pregnant women and infants. Pregnant women would receive coverage for pregnancy-related services, including 60 days post-partum care. Infants would receive the entire basic Medicaid benefit package. States could not finance this coverage by reducing cash assistance payments under their Aid to Families with Dependent Children program below the levels in effect on July 1, 1987. Effective January 1, 1989.

Mandating Continuation Coverage for Pregnant Women (Section 102). Under current law, States would have the option to continue Medicaid coverage to pregnant women who lose their Medicaid eligibility due to an increase in income. Under this bill, States would be required to continue Medicaid coverage to pregnant women who qualify for Medicaid through the end of the postpartum period regardless of subsequent changes in the women's incomes. Effective January 1, 1989.

Optional Coverage of Outreach Services (Section 201). States would be allowed to claim Federal Medicaid matching funds, at their regular matching rate, for outreach services for pregnant women and infants, to identify those who might be eligible for Medicaid coverage and to assist them in applying for Medicaid. Effective January 1, 1989.

Presumptive Eligibility for Pregnant Women (Section 202). Under current law, States have the option of allowing health centers, maternal and child health clinics, and other designated providers to determine whether a pregnant woman is presumptively eligible for Medicaid. During a 45-day presumptive eligibility period, a pregnant woman is covered for ambulatory prenatal care, avoiding delays in early prenatal care due to lack of coverage. The bill would require all States to implement presumptive eligibility for pregnant women, effective April 1, 1989. The presumptive eligibility period would last until the State Medicaid agency made an eligibility determination. The following providers would be added to the list of those the State could designate to make presumptive eligibility determinations: programs providing health care to the homeless; urban Indian health programs; and tribal facilities or programs contracting under the Indian Self-Determination Act.

Payment for Obstetrical Services (Section 301). The bill would codify the current regulatory requirement that Medicaid payment rates be sufficient to induce enough providers to participate in the program so that services are available to Medicaid beneficiaries to the same extent that such care and services are available to the general population. States would be required to file with the Secretary of HHS a Medicaid plan amendment no later than April 1, 1989, setting forth the payment rates it will use for obstetrical services under the plan as of July 1, as well as additional data to assist the Secretary in determining whether the rates are sufficient to elicit sufficient participation. Within 90 days of receiving the State plan amendment, the Secretary must approve or disapprove the amendment; if the Secretary disapproves, the State must immediately submit a revised amendment which brings the State into compliance. These plan amendments would be submitted annually on April 1; beginning in 1991, the bill specifies what supporting data the States would have to provide. The bill clarifies that States may establish higher payment levels for obstetrical services in rural areas than in urban areas.

Coverage and Payment for Exceptionally Costly and Lengthy Inpatient Hospital Services for Infants in Disproportionate Share Hospitals (Section 302). Under current law, States may establish reasonable limits on the amount, duration, and scope of the services they offer under Medicaid. Some States have elected to place durational limits on the number of inpatient hospital days that they will cover for an eligible individual, ranging from 12 to 60 days per year. Some of these States make exceptions to these limits; others do not. The bill would provide that, if a State imposed a durational limit on inpatient hospital services, it would have to establish exceptions to any such limit for medically necessary services provided to an infant up to age 1 by a disproportionate share hospital (i.e., a hospital that serves a high percentage of Medicaid or low-income patients).

Under current law, State payments for inpatient hospital services must be reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities. A number of States have adopted prospective payment systems; some of these systems make allowance for exceptionally lengthy or costly cases, and some do not. The bill would require that any State that pays for inpatient hospital services on a prospective basis must submit to the Secretary, by April 1, 1989, a State plan amendment that specifies the outlier adjustment that the State will make in payments to disproportionate share hospitals for eligible infants up to age 1 with exceptionally long lengths of stay or exceptionally high costs. The Secretary would be required to approve or disapprove the State plan amendment by July 1, 1989; if the amendment is disapproved, the State must immediately submit a revised amendment that complies.

Required Notice and Coordination Between Medicaid and WIC (Section 401). The bill would require each State's Medicaid program to coordinate its operations with those of the Special Supplemental Food Program for Women, Infants, and Children (WIC). This mirrors a requirement in the WIC legislation. In addition, with respect to all pregnant, breastfeeding, or postpartum women, and all children below the age of 5, who are determined to be eligible for Medicaid, States would be required to notify them of the availability of WIC benefits and to refer them to the agency responsible for administering the WIC program.

COLONEL HANLEY'S NISEI LAMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. MINETA. Mr. Speaker, I rise to bring to the attention of my colleagues the timeless thoughts of Col. James Martin Hanley (retired), commanding officer of the 2d Battalion, 442d Regimental Combat Team, during the Second World War.

The 442d, which had as its motto "Go for Broke," was almost entirely comprised of Americans of Japanese ancestry and became the most highly decorated unit of its size in U.S. history. On February 13, 1988, Colonel Hanley addressed the 38th annual Veterans of Foreign Wars reunion in San Jose, CA. He spoke eloquently of the 442d and the 100th Battalion. The attendees at the reunion were mostly Niseis second generation Americans of Japanese ancestry. But Colonel Hanley's remarks had a far broader significance for all Americans. Hear then his words:

> It is always a pleasure to talk about Japanese Americans, Nisei. Much has been written over the years but there is still much to say. As the record fades into the mist, one is reminded that the past is prologue—as it should be. But we should not forget—at least as long as those who laid their lives on the line are still with us.
>
> I was called into active service in June 1940 as a Captain. In January 1943 I was on duty as an instructor at the Infantry School, Fort Benning, Georgia, in the rank of Lieutenant Colonel. I received orders to report to Camp Shelby, Mississippi, as a part of the to-be-activated 442nd Regimental Combat Team.
>
> When I informed my family of the assignment the reaction was: "Why, you can't speak Japanese." Which illustrates how little many Americans knew of the thousands of Japanese American citizens and aliens in this country.
>
> I was fortunate in being briefed by General Omar Bradley and his staff. I was told that the President was strongly behind the effort to organize a combat unit of Americans of Japanese ancestry. The Chamber of Commerce of Hawaii and other organizations and individuals, had been clamoring for such a role to give the Nisei an opportunity to prove that they were in fact loyal Americans. According to the staff the President's orders were to provide high quality officers.
>
> It was apparent to me, as time went on, that the Intelligence Branch of the Army, G-2, had attended to the activation and organization of the unit. Lt. Colonel Merritt Booth had been assigned as Regimental Commander. Within a few days the orders were changed and Colonel Pence was ordered to replace him. The importance of this is that Colonel Pence was an infantry officer, and I have imagined that when G-3, (Operations) found out what G-2 was doing they spoiled the game. You, see, Colonel Booth was a regular officer who had been attached to the Japanese Army in earlier years and was fluent in the Japanese language.
>
> Activation of the 442 was accomplished on February 1st, 1943. The volunteers were from Hawaii, and the Mainland, including some from behind barbed wire.
>
> They were some 5,000 strong and before the end of the war some 10,000 additional volunteers and draftees became members of the Combat Team. Our training started for the new recruits on the 30th of May 1943 and in less than a year we were on our way to Italy. A short time, actually for the training of infantry units.
>
> In the meantime the 100th Battalion had been assembled in Hawaii. They were volunteers who had served in the Hawaiian National Guard. The Battalion was sent to Italy in the summer of 1943 and made a fine record as the "Purple Heart Battalion", as it was called after its fights on Mount Cassino.
>
> The two units came together North of Rome in early June 1944, and entered combat on the 26th, North of Grossette. By the end of July the Combat Team was two-thirds understrength and was ordered in to a rest area, to receive and train replacements from the States.
>
> General Eisenhower requested General Marshall to send the 442nd to France to bolster the 36th Texas Division, which had seen hard fighting moving up the Rhone Valley from the beaches of Southern France to the Vosges Mountains in Lorraine in North Eastern France.
>
> The first attack by the 442 came on October 15 in the hilly, mountainous, and wooded terrain. There we captured the city of Bruyeres, which is a story in itself.
>
> By the middle of November we were again below effective combat strength and again relieved. This time we were posted to Southern France in the Maritime Alps, North of Nice, on the French Italian border. Our orders were to prevent the Germans in Italy from crossing the border.
>
> We referred to our tour as the "Champagne Campaign". The only really notable event was the capture of a German submarine by, of all people, our Cannon Company.
>
> In March we were on our way back to Italy and the final campaign of the war. The most notable event in that campaign was the breaking of the German Main Line of Resistance, which they had extensively fortified during the long winter.
>
> This was accomplished by an audacious climb up the very steep slope of a mountain, at night, without prior ground reconnaissance, which was impossible. The troops entered the village at night and laid low the next day. They were not betrayed by the village Italian civilians, many of whom accompanied the Battalion the next night.
>
> There were only a few trails up the slope and the men climbed in single file for three hours to reach the top. At the top, they found a machine-gun position, with three guns pointing down the slope. An alert crew would have wiped out a good part of the attacking force. But the post was unmanned. Three Germans were located near-by—fast asleep. There is a good deal of luck in war.
>
> The war was over in Europe on May 2nd 1945.
>
> For their services the Nisei suffered over 9,500 casualties, including 650 killed in action, and were awarded some 15,000 decorations, not counting the Combat Infantryman's badge.
>
> These achievements are encased in place-names—the geographical features—the hills, mountains; rivers, cities and towns. They are enshrined in the hearts and minds of many of us, Salerno, Cassino Anzio, (where the 100th Battalion won its spurs).
>
> And the roll goes on—Grossette, Belevedere, (where the 100th again won fame), Sasseta, Castagnato, Cecina River, Hill 140 (a place of heavy casualties on the 4th, 5th

and 6th of July, 1944) Rosignano San Luce, Orciano, Luciana, Livorno, Arno River. Florence and the leaning Tower of Pisa. All in Italy.

In France we find similarly familiar proper nouns, Bruyeres, Hills A, B, C, and D. Hill 155, Task Force O'Connor, Hill 505, Belmont, Biffontaine, Hill 703, The Lost Battalion, Hill 617, Hill 85, the Forest Dominiale du Champ.

During the "Champagne Campaign" we remember Nice, Menton, Castillion Sospel, Moulenet, Piera Cave, Luceram, Fort La Forca.

In the final campaign to end the war in Europe we come across these place names, Mount Folgorito, Hills Florida, Georgia, and Ohio, 1, 2, 3, Mount Ceretta, Mount Carchio, Montignoso Mount Belevedere, Massa, and Carrara, the Italian marble Centers, Altagnana, Pariana, Frigido River, Mount Bastione, Mount Nebbione, Tendola, Aulla, La Splezia, Chiavari, Genoa, Novi, Turin, and the war is over.

Yesterday was February 12th, Abraham Lincoln's birthday and I could not resist the temptation to combine his birthday with a celebration for the Nisei. He would have been proud of them.

To those of you who memorized the Gettysburg Address in School I apologize if I do not do justice to our greatest President.

THE NISEI LAMENT

(With apologies to Abe Lincoln)

(By Col. J.M. Hanley)

Two score and seven years ago the Japanese Imperial Navy launched an attack on Pearl Harbor to cripple our fleet which brought death and destruction to hundreds of Americans.

We were thus thrust into a great world war, which might well have determined whether this nation, or any nation conceived in liberty and dedicated to the proposition that all men are created equal can long endure.

It harvested for Americans of Japanese ancestry, shame, hatred, fear, frustration and suspicion. They were vilified and accursed. Rumors were rampant of disloyalty to America and obeisance to an Emperor.

The response of the Government was incarceration of thousands under armed guard for the duration of the war.

The response of the Japanese American was to answer vilification with a turned cheek; to answer disloyalty with enlistment in the armed forces, to answer sneers with blood, spilled on foreign soil.

The call for volunteers echoed through out the Japanese American community. The response was overwhelming in Hawaii. On the Mainland many volunteered from behind barbed wire, a difficult and wrenching decision.

One must consider that criticism would not have been justified if on hearing the call to arms they had replied: "Free our brothers—then we will join your army".

In the event the call was met many times over and the 442nd Combat Team became a reality.

Many, too, too many, gave their last full measure of devotion to their country. They paid in blood for the honor of serving. Of an original force of some thirty-six hundred and a total from first to last, of eighty five hundred, they had over forty-five hundred casualties.

They were awarded over fifteen thousand decorations.

Many thousands more served in the Pacific Theatre in the Military Intelligence Service, with equal valor.

The world has not forgotten the blood, toil and tears. But has it forgotten the shame of the nation in so hurriedly branding a segment of its citizenry as saboteurs, and disloyal flunkies of a foreign power?

That our fellow citizens have not entirely forgotten is evident in the upbound of the civil rights movement since World War II. To which the sacrifices of the Nisei made a contribution.

What did these stalwart men do to earn these accolades? They fought gallantly in attacking Mount Cassino in the early Italian campaign; in a brilliant operation against Mount Belvedere; in the renowned capture of Bruyeres in France; and the famed rescue of the "Lost Battalion", of 36th (Texas) Division, in the Vosges Mountains of Lorraine. What has been said of these men? What have their commanders said. What have their comrades-in-arms said?

This is what has been said.

This is what President Franklin Delano Roosevelt has said:

"The proposal to organize a combat team consisting . . . of citizens of Japanese descent has my full approval . . . Americanism is a matter of the mind and the heart; Americanism is not, and never was, a matter of race or ancestry."

And this is what Congressman K.W. Stimson said:

"If any race living in America should have lost faith in America, it should have been the Japanese Americans . . . They had begged and petitioned for this (the chance to prove their loyalty) for two long bitter years, and when they were at last given the opportunity, the response was overwhelming . . . these volunteers became the most decorated unit in our military history."

General George C. Marshall, Army Chief of Staff, said this:

". . . Clark took them (the 100th Battalion) . . . they were superb! They took terrific casualties. They showed rare courage and tremendous fighting spirit . . . everybody wanted them . . . in the operations, and we used them quite dramatically in the great advance in Italy which led to the termination of the fighting there."

And what did General Mark W. Clark, fifth Army Commander, have to say? This is what he said:

"General Marshall . . . gave me very strict personal instructions . . . to report to him immediately the outcome of your first baptism of fire . . . after your engagement. I said They . . . performed magnificently on the field of battle. I've never had such fine soldiers. Send me all you can."

And what does this former battalion commander say? This is what I say:

"One could not have commanded a more moral, harder working, more conscientious group of men. The youngest fully and deeply felt the racial tone of events. In and out of battle they were generous, caring and self-sacrificing. Each man, without exception, did more than his full share.

"Were they brave? Bravery is a word without specific definition. If it were to be defined as self sacrifice for others then they were brave beyond measure.

"Did they prove their loyalty? A dozen times over—and over again. They were the only American soldiers called upon to validate their birth-right—American."

Let me rephrase Abraham Lincoln's Gettysburg Address:

"We should highly resolve that the dead shall not have died in vain; that the Japanese American sacrifices shall not be lost in the mystique of time; that this nation shall have a new birth of freedom; and shall develop racial, ethnic, and religious bonds of harmony, and that we shall revere this Government of the people, by the people, and for the people."

WISCONSIN BANKS SUPPORT EQUITY IN FDIC PREMIUM ASSESSMENTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. KLECZKA. Mr. Speaker, banks in my home State of Wisconsin support a change in the law which would require banks with foreign deposits to pay premiums to the FDIC on those deposits, thereby eliminating a nagging inequity in our system of Federal deposit insurance which unfairly penalizes smaller institutions.

I have today introduced legislation, the "Federal Deposit Insurance Assessment Equity Act," which would require FDIC to assess foreign as well as domestic deposits.

At this point, I include in the RECORD a sampling of letters I received recently from banks in support of the legislation:

STATE BANK OF CROSS PLAINS,
Cross Plains, WI, January 19, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: It is my understanding that you may be introducing legislation addressing the inequity now existent in the FDIC assessment relative to the insurance coverage for domestic and foreign deposits. Such a review and correction is certainly long overdue.

It seems inherently unfair that all banks pay insurance premiums based on domestic deposits and yet those deposits of foreign origin receive identical protection. Such a burden of course falls unfairly on the smaller banks which are much less international by nature. Not only are the large money center banks too big to fail, but their deposit clients have more coverage at a cheaper cost than the majority of banks in the system.

I am certainly heartened to see that someone plans to correct this inequity.

Very truly yours,
H. LEE SWANSON,
President.

STATE BANK OF HOWARDS GROVE,
Howards Grove, WI, January 21, 1988.

Hon. GERALD D. KLECZKA
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: This letter is to voice our support of a bill to correct the inequality of FDIC insurance premium payments by banks. Because of the fact that foreign and domestic deposits are insured by the FDIC and premium payments are based on domestic deposits only, banks with both foreign and domestic deposits essentially pay less in premiums for more coverage than banks with domestic deposits only.

We urge you to take whatever measures you can to help change this unfair situation.

Thank you very much for your assistance.

Sincerely,

ROBERT B. FURMAN,
President.

THE FARMERS STATE BANK OF WAUPACA,
Waupaca, WI, January 15, 1988.
Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: It is my understanding that you plan to introduce a bill on January 26, 1988 to change the F.D.I.C. Insurance Act to include foreign and domestic deposits in the deposit insurance base for all banks. I want to commend you for your action and would like you to know we support that proposal.

At the present time I'm sure you are aware that large banks are covered for their foreign deposits yet they do not pay a premium for this coverage. We feel this is an inequity in the system and your proposal will have the large banks pay their fair share and remove the burden of high premium to the banks not having foreign deposits.

I wish you well in your endeavor.

Sincerely,

F.J. VERGATIWEN
President.

STATE BANK OF ARCADIA,
Arcadia, WI, January 25, 1988.
Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC 20515

DEAR CONGRESSMAN KLECZKA: There is a serious inequity in the way FDIC insurance is charged. The premiums are figured on only domestic deposits, yet foreign deposits are also protected by FDIC.

The larger banks that have foreign loans and deposits are thereby getting a real deal at the expense of smaller banks. I don't understand how in the U.S. where a sense of fairness should prevail, this has been allowed to continue.

Please use your influence to do what you can do correct this inequity.

Sincerely,

JAMES W. SCHULTZ,
President and Cashier.

STATE BANK OF ROSHOLT,
Rosholt, WI, January 14, 1988.
Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC

DEAR CONGRESSMAN KLECZKA: The majority of Wisconsin Banks are considered small and medium-sized, and like large banks they pay deposit insurance premiums.

The insurance covers the domestic deposits of all banks, yet it covers domestic and foreign deposits of larger banks. Thus, banks having foreign deposits get free coverage, subsidized by the complete banking system.

We respectfully request correction of this inequity, by amending the Federal Deposit Insurance Act to include foreign and domestic deposits in the deposit insurance base. Larger banks would then pay a fairer share for the FDIC coverage they have. Also, by decreasing the overall assessment rate used by the FDIC, this proposal could be made "revenue neutral."

Your help on this matter will be appreciated very much.

Sincerely,

NEIL R. PARKER,
President.

STATE BANK OF DRUMMOND,
Drummond, WI, January 1988.
Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: Our state Independent Bankers Association has updated us on your introduction of a bill to have foreign deposits included in the assessment of FDIC dues. The inclusion of these deposits in the deposit insurance base will cure the inequity that exists today between large and small banks such as ourselves. We applaud your bill and hope that it is successful. We believe larger banks should pay for the total coverage they have and not be picked up by those of us competing against them.

We appreciate your interest in this matter.

Sincerely,

WILLIAM R. MACLEOD,
President.

BANKERS' BANK OF WISCONSIN,
Madison, WI, January 19, 1988.
Hon. GERALD D. KLECZKA,
Re FDIC assessment of foreign deposits.
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This bank heartily applauds your efforts to include foreign deposits in the calculations of FDIC insurance assessments. We feel that the banks holding substantial foreign deposits are getting a free ride with fully insured foreign deposits but are not paying the premium. The Continental Illinois failure was a dramatic case in point.

If the foreign deposits are indeed going to get the benefits of insurance, the banks utilizing those deposits should pay the premiums. This is only logical and fair. In addition, it is necessary to impose these changes in order to preserve the financial viability of the FDIC.

We feel strongly about this issue and encourage your seeing the legislation through. There are a number of inequities in any regulated system and the FDIC is no exception. For example, in our bank, we pay insurance premiums on all our deposits; however, because our accounts are all of large size, only about 35% is insured. This is not a situation that we like, but it is necessary to the integrity of the FDIC concept. So, too, with insurance premiums on foreign deposits.

Thank you.

Sincerely,

HELGE S. CHRISTENSEN,
President.

PARK BANK,
Madison, WI, January 13, 1988.
Mr. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: We support your plan to introduce the "Federal Deposit Insurance Assessment Equity Act."

All deposits that receive the protection of the Federal Deposit Insurance Corporation should be assessed.

Hopefully your committee will fend off "the big boys," as they will certainly fight this proposal vigorously.

Best of health to you in 1988!

Very truly yours,

ROBERT C. GORSUCH,
President.

STATE BANK OF SAINT CLOUD,
St. Cloud, WI, February 4, 1988.
GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am the president of a small independent Wisconsin bank. We are concerned with the inequities of the FDIC deposit insurance.

We pay an assessment based on our total domestic deposits. We do not have foreign deposits.

The large banks pay an assessment based on their domestic deposits. However, our deposits are only covered up to $100,000.00. The deposits of the too-big-to-fail banks are in effect covered 100%.

While we do not agree with this theory we do see some purpose being served. We do feel that the mega banks should be assessed based on both domestic and foreign deposits.

I also feel that there should be some minimum capital requirements set for banks that are engaged in Interstate Bank acquisitions.

Your efforts in these matters are appreciated.

Sincerely,

JOHN DIEDRICH,
President.

COMMUNITY STATE BANK,
Union Grove, WI, January 12, 1988.
Congressman GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I was very pleased to hear of your intentions to introduce legislation which would require that the Federal Deposit Insurance Corporation impose premiums on foreign bank deposits.

This legislation would provide a more equitable allocation of premiums among all insured banks and will complete a necessary first step in obtaining regulatory equality between large money center and smaller community banks.

The resulting decrease in FDIC premiums for the majority of insured banks in the nation is not only fair, it is long overdue.

Thank you for efforts in this regard.

Sincerely,

DAVID BALLWEG,
President.

STATE BANK OF KEWAUNEE,
Kewaunee, WI, January 20, 1988.
Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I understand that you will soon be introducing a banking bill in Congress. Therefore, I would like to take this opportunity to make a statement relative to the FDIC Insurance coverage afforded the bank.

As you are aware, the FDIC fund has been barraged due to the record bank failures over the past several years. The continued solvency of that fund has to be a major consideration whenever matters of banking are being considered.

An area of inequity currently exists in that the foreign deposits of the larger banks are covered by FDIC Insurance, but the banks are not paying any premiums on these foreign deposits. Therefore, small banks like ours are subsidizing the foreign deposits of the larger banks. Please give consideration to removing this inequity as you work on new banking legislation. Thank you.

Sincerely yours,

RICHARD A. BRAUN,
President and Trust Officer.

A BLUEPRINT FOR ACTION: AN EDUCATIONAL CHALLENGE

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HAWKINS. Mr. Speaker, at no time in the history of public education in this Nation, has there been the need for a greater push to achieve equity, excellence, and quality in our public school systems.

If we are to become more competitive in the world's economic markets, it means that our school systems must be able to train and graduate academically and technologically superior students, with the capability of outproducing all others in the global economies. It is evident that in producing such superior students, every student in this country must receive the best education that this country can offer.

In order to contribute to this effort, on September 5-7, 1986, The National Conference on Educating Black Children, a broad, representative cross-section of black organizations; other national organizations, associations, and sectors; members of local/grass roots communities; and local and national institutions, met to discuss and respond to five major issue areas which impact on the education of black children. The issue areas were: students, teachers, administrators, parents, and policymakers. The principal conference mission was to produce out of each issue area an articulate set of action-oriented mandates—the Blueprint for Action—which the conference participants would develop and take back to their local communities for introduction and implementation. A sixth issue area, community, has since been added.

It was determined the the Blueprint for Action would be doable, implementable, achievable, and succinctly written in easy-to-understand English.

The May 1987, National Conference on Educating Black Children, continued to urge communities—their citizens and their organizations—to act on the Blueprint for Action, and to report the status of their activity to the National Conference Organization, which is located at Howard University, Washington, DC, in the Offices of the Journal of Negro Education.

Here, then, presented for my colleagues review are excerpts from the Blueprint for Action II, developed by The National Conference On Educating Black Children.

THE BLUEPRINTS II

I. STUDENTS

Preamble: Emphasizing that students attend school to become intellectually, socially, and economically productive, and that they have the right to the best possible education on a free and equitable basis, we pledge to:

Action item

A recognize and advocate education as essential for success in our society.

Implementation activities

1. Attend school regularly and on time.
2. Complete school assignments.
3. Exercise self discipline.
4. Develop and exhibit confidence in the ability to succeed.
5. Participate in school activities as a positive learner and contributor.

Action item

B. Develop and maintain a positive attitude about learning.

Implementation activities

1. Acquire and practive effective study habits.
2. Consider academic success as a peer group goal.
3. Learn to work independently.
4. Learn to think critically.
5. Learn to communicate effectively.

II. TEACHERS

Preamble: High standards of effective teaching must be a non-negotiable reality in all schools and classrooms in which Black students are in attendance. Teachers must ensure that each Black child is provided the opportunity to attain the skills needed to achieve excellence in education.

Action item

A. Develop and demonstrate effective teaching strategies in all aspects of instruction.

Implementation activities

1. Demonstrate subject matter mastery and a strong general education background.
2. Design an effective classroom management program which minimizes student disruptions and creates an environment in which learning can take place.
3. Interact with all students in the classroom and provide individual guidance and feedback for students based on learning styles and special needs.
4. Demonstrate knowledge of the racial, cultural, social and ethnic background of the student body in order to more accurately and fairly interpret student behavior, thereby lessening the chances of misdiagnosis, misplacement and miseducation of Black youth.
5. Upgrade teaching skills based on effective teaching strategies which enhance learning, regardless of student population.
6. Encourage the development of inservice workshops which focus on varying aspects of effective teaching.
7. Use test data as diagnostic and prescriptive tools for improving student achievement, but *not* as sole indicators for students' entry, promotion, or detention in academic programs.

III. ADMINISTRATORS

Preamble: Recognizing that the school site administrator exercises authority and influences the actions of students, staff, faculty, and parents, we ask that such authority and influence be systematically directed to the development and implementation of educational programs which shall effectuate the maximum academic growth of each Black child.

Action item

A. Maximize the time principals are visible to pupils and staff.

Implementation activities

1. Defer activities which can be done after pupils leave school.
2. Schedule and make regular classroom visits.
3. Schedule and make regular hall and other site visits.
4. Make non-scheduled visits frequently.
5. Delegate and monitor activities which are not priority.
6. Develop and publicize the principal's expectations of pupils, teachers, and staff.
7. Disclose to parents the principal's plans for observation and monitoring.
8. Invite parents to participate in scheduled visitations and arrange for such participation.

Action item

B. Require administrators to help teachers upgrade their performance in the school.

Implementation activities

1. Help each teacher to be better prepared for classroom duties.
2. Provide each teacher classroom management models.
3. Provide classroom teaching models.
4. Communicate when appropriate regarding all matters relating to pupil performance.
5. Identify and discuss with the teacher officially those strengths and weaknesses that were observed during regularly scheduled observations of teacher performance.
6. Conceive and implement teacher development programs designed to improve performance in areas of identified weakness.
7. Seek legislation that will mandate effective teacher development.
8. Involve each teacher in planning and delivering staff development and evaluation services.
9. Hold staff accountable for *improvement* based on school goals.
10. Develop school goals with the assistance of faculty and parents.
11. Require total staff self-evaluation.
12. Provide for intra-school visitation of faculty identified as effective teachers.
13. Provide resources to each teacher to improve the teachers' knowledge of Black history and culture.
14. Require each teacher to demonstrate working knowledge of Black history and culture.

Action item

C. Make the principal accountable for knowing and providing an instructional program which teaches basic skills and more.

Implementation activities

1. Require the principal to specify to teachers, parents, and community those skills needed by the pupils attending the school.
2. Require the principal to specify the method to be used *by the principal* to assure those skills are taught in the school.
3. Require the principal to specify how the teaching of the identified skills will be measured in the school.
4. Require the principal to specify what will be done if, upon measurement, it is determined that the identified skills have not been taught in the school.
5. Require the principal to explain to parents and the community the extent to which recognized effective teaching techniques *are* being used or *are not* being used in the school.

IV. PARENTS

Preamble: Assisting Black parents in understanding their rights and responsibilities, developing models for parental involvement in the schools, encouraging parents to take responsibility for the education of their children, we comment as follows to:

Action item

A. Create a home environment which fosters respect for and interest in learning/education.

Implementation activities

1. Develop a daily/weekly routine or schedule that allows:

a. time for family sharing and nurturing.

b. time for suitable reading.

2. Provide work space for suitable study.

3. Encourage family members to assist one another in learning.

4. Monitor children's school work.

5. Assign household tasks that develop responsibility and cooperation within the home.

6. Monitor and direct television viewing, including length of time and quality of programs.

7. Perpetuate Black History and Culture through:

a. family reunions.

b. family history book/photograph albums.

c. stories from older family members.

d. family activities such as movies, concerts, field trips, outings, etc.

8. Understand and appreciate the aesthetic value of a variety of music.

a. Become familiar with music heard on the radio. Allow children opportunities to share their thoughts on what the words in songs mean. Have children sing their favorite tunes and develop songs or lyrics on their own.

Action item

B. Assist other Black parents in understanding their rights and responsibilities; develop models for parental involvement.

Implementation activities

1. Urge the school administration to sponsor image building training activities designed to abate institutional distrust and fear on the part of parents.

2. Urge parents to share information on rights, responsibilities, and other activities, issues of concern to parents.

3. Sponsor events to inform parents of policies and practices. Develop a format which clearly advises parents of their rights and responsibilities.

a. Role playing conferences.

b. Clearly understandable written materials.

Action item

C. Develop interaction with teachers to improve the achievement of students.

Implementation activities

1. Initiate working relationships with teachers and school administrators via school visits, telephone conversations, and written communications.

2. Promptly respond to any notices from the teacher or the school.

V. COMMUNITY

Preamble: Understanding the need to organize and activate community groups to participate more effectively in educating Black children, including the need to ask the "right questions" to improve local schools and school systems, we commit as follows to:

Action item

A. Maximize the time community groups interact with the system (local schools, districts, areas, regions, etc.).

Implementation activities

1. Develop a clear set of minimum expectations as they relate to students' academic achievement and behavior.

2. Identify the key actors in the policy and decision making process (school board members, principals, regional superintendents, etc.). Target your energies toward the most appropriate level.

3. Learn the official chain of command and the appropriateness of its use.

4. Be prepared to move to the next level of decision making.

5. In the beginning, pick targets that are likely to present quick success.

6. Expect success.

7. Identify other community groups which may share your ideas.

Action item

B. Monitor students' outcomes.

Implementation activities

1. Obtain the hard data (reading scores, mathematics scores, attendance figures, dropout rates, number of pupils progressing to the next educational level, etc.) from the various Board of Education offices.

2. Consider items that relate to school culture that may be more subjective.

VI. POLICYMAKERS

Preamble: Recognizing that policymakers have the ultimate authority to plan and provide for effective educational policies and programs, we ask that this weighty influence be directed to the goals of achieving educational equity and excellence for Black children.

Action item

A. Eliminate and replace those policies and practices that are institutionalized but obsolete.

Implementation activities

1. Systematically review and analyze all existing school district policies and practices.

Action item

B. Assure that recognition and appropriate incentives are directly related to the success of Black students.

Implementation activities

1. Mandate school-wide evaluation policy based on the improvement of Black student achievement.

2. Evaluate and reward schools based on the performance of Black students in at least the following areas:

a. improved academic achievement,

b. improved attendance,

c. decreased suspensions,

d. decreased dropout rate,

e. increased college eligible rate.

3. Provide school incentives to encourage superior teachers to remain in the classroom.

Action item

C. Promote high standards of academic excellence and cultural awareness.

Implementation activities

1. Focus on basic skills, followed by higher cognitive and effective skill development.

2. Focus upon the positiveness of the Black experience.

THE ARCHEOLOGICAL RESOURCE PROTECTION ACT AMENDMENTS OF 1988

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. GEJDENSON. Mr. Speaker, I am very pleased to introduce the Archeological Resource Protection Act Amendments of 1988. The 8 years of experience since the passage of Archeological Resources Protection Act of 1979 [ARPA] have demonstrated that there are a number of weaknesses in ARPA which make it extremely difficult to prosecute looters. This legislation strengthens ARPA and will give law enforcement officials the statutory tool they need to combat archeological looting and vandalism of public lands.

The looting and destruction of Indian archeological sites has reached crisis proportions and threatens to destroy an important part of our Nation's heritage. Every time an archeological site is destroyed, a part of human history is lost. The archeological resources on public lands belong to all Americans. These national treasures are being systematically and ruthlessly destroyed by professional looters.

No one knows precisely how many archeological sites have been vandalized or looted, but the limited information available indicates the problem is very serious, and is growing. The Interior Department and the Forest Service report that as much as 90 percent of the archeological sites on Federal lands in the Southwest have been looted or vandalized.

According to Governmentwide statistics collected by the National Park Service, the number of reported incidents of vandalism of archeological sites on Federal lands increased from 430 in fiscal year 1985 to 615 in fiscal year 1986, a 42-percent increase. These statistics are probably only the tip of the iceberg.

One of the barriers to getting the looting problem on public lands under control are the weaknesses in ARPA. At an October 1987 field hearing I chaired on the archeological looting problem many witnesses supported strengthening ARPA, including the States of Arizona, Utah, and Colorado, the U.S. attorney for Arizona, the U.S. attorney for Utah, the Navajo and Hopi Tribes, and the Society for American Archeology. In addition, a December 1987 report by the General Accounting Office recommended that ARPA be strengthened.

This legislation replaces the $5,000 felony/misdemeanor threshold in ARPA with a much simpler threshold: if you dig, its's a felony; if you surface collect, its a misdemeanor. Under current law, if the value of a stolen artifact, or the cost of restoring damage exceeds $5,000, it is a felony offense.

The $5,000 threshold causes many problems because it is extremely difficult to quantify the monetary value of damage to priceless and irreplaceable archeological resources. It also does not apply outside the Southwest United States where most archeological materials have no market value. Monetary value has no place in a law protecting priceless archeological resources.

The surface collection/excavation threshold is a clear distinction, which juries and judges can understand without the assistance of an expert. Inevitably, the $5,000 threshold leaves juries confused and distracts attention from the real issue of whether or not a crime was committed. ARPA trials often degenerate into a "battle of the experts" with opposing archeologists offering radically different damage estimates on behalf of the defense and the prosecution. In the 8 years since the passage of ARPA there has been only one felony conviction by jury.

The bill also amends ARPA to prohibit attempts to loot or vandalize archeological sites. It is clearly impossible to catch violators in the act of looting. This provision would make it possible to prosecute individuals who are caught preparing to dig for a misdemeanor violation.

The bill lowers the age limit of archeological resources to 50 years. Under current law ARPA only applies to artifacts and sites that are over 100 years old. In a recent ARPA prosecution, U.S. versus Ashford et al., the 100-year age limit caused problems. In this case the defendants dug up a deceased Shoshone warrior and drove around with him the back of their pickup truck for a number of days. They put a cigar in his mouth and named him Hector. The Government had to prosecute the case over a few associated burial goods, instead of the skeleton, because an expert estimated that the Shoshone was buried 96 years ago.

The bill replaces or removes a number of subjective terms in ARPA that cause problems in a criminal statute. The most important change of this type is a new definition of the term "archeological resource." As currently written, ARPA only prohibits the looting and vandalism of "archeological resources." The precise meaning of this term is unclear and has caused problems in at least five ARPA prosecutions in which the defense argued that the archeological site that the defendant was looting was not an "archeological resource."

I strongly urge my colleagues to support the Archeological Resource Protection Act Amendments of 1988. Passage of this legislation is urgently needed to protect our Nation's archeological heritage.

Mr. Speaker, I insert at this point in the record an excerpt from a February 1988 report prepared by the House Interior Subcommittee on General Oversight and Investigations, which I chair, entitled, "The Destruction of America's Archaeological Heritage", followed by a copy of the Archaeological Resource Protection Act Amendments of 1988.

Excerpt From "The Destruction of America's Archaeological Heritage," and Investigative Report, Subcommittee on General Oversight and Investigations, Committee on Interior and Insular Affairs

III. THE ADEQUACY OF THE ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 AS A LAW ENFORCEMENT TOOL

A major purpose of the October 19, 1987 subcommittee hearing on the theft of Indian artifacts was to evaluate the effectiveness of the Archaeological Resources Protection Act of 1979 (ARPA). ARPA has been on the books for over eight years and there has been a sufficient amount of experience with the law to provide a basis for an evaluation of its effectiveness. Many witnesses at the October 19, 1987 hearing supported strengthening ARPA, including the states of Arizona, Utah, and Colorado, U.S. Attorneys for Utah and Arizona, the Navajo and Hopi Tribes, and the Society for American Archaeology. GAO has also recommended strengthening APRA.[1]

[Footnotes at end of article.]

Before beginning an evaluation of ARPA's effectiveness, it is important to put the law in perspective. ARPA is not, and never will be, a panacea for the problem of the looting and destruction of archaeological sites. ARPA, and law enforcement in general, is only one of the many approaches available to protect archaeological resources. Other methods such as public education, interactive archaeology programs, and archaeology site stewardship programs are at least as important. ARPA must be evaluated in the context of its effectiveness as a law enforcement tool, not as a cureall for the looting and vandalism problem.

This section of the report will focus on the adequacy of ARPA as a law. A later section will evaluate the effectiveness of the implementation of ARPA by federal agencies.

A. Summary of ARPA

The purpose of ARPA is to protect archaeological resources on public lands and Indian lands. Under ARPA, an individual must receive a permit to excavate on federal and Indian lands. ARPA prohibits the looting and destruction of archaeological resources on public lands and Indian lands. It also prohibits trade in stolen artifacts.[2]

Violation of ARPA is a misdemeanor offense if the value of the stolen archaeological materials, or the cost of restoring damage is less than $5,000.[3] Misdemeanor violators can be imprisoned for up to one year and fined up to $100,000.[4]

If the value of stolen archaeological materials, or the cost of restoring damage exceeds $5,000 it is a felony offense, and the violator can be fined up to $250,000, and imprisoned up to two years.[5] None of these penalties applies to the removal of arrowheads located on the surface of the ground (this activity is still illegal under the Antiquities Act [6]).

Prior to November 1, 1987 the maximum fines under ARPA were $10,000 for a misdemeanor violation, $20,000 for a felony violation, and $100,000 for a second felony violation. These fines were increased as of November 1, 1987 pursuant to Title 18, Section 2623 of the U.S. Code, The Uniform Sentencing Law.

In addition to criminal penalties, ARPA authorizes federal land managers to assess civil penalties for ARPA violations. Private individuals who furnish information which leads to a civil penalty or a criminal conviction receive a reward amounting to one half of any penalty or fine, but not to exceed $500.

B. Prosecution Under Authorities Other Than ARPA

ARPA appears to be a difficult law to use to prosecute and convict individuals who have vandalized or looted archaeological sites. In the eight years since its passage, there has been only one ARPA felony conviction by jury. This case, U.S. vs. Cortiana, was prosecuted by the U.S. Attorney for Arizona in November 1987. The defendant was found guilty of attempting to sell the mummified remains of an Anasazi infant.[7]

In many cases, individuals who are caught looting are not prosecuted under ARPA. Prosecutors often resort to other statutes, such as theft of government property (18 U.S.C. 641), under which it is easier to obtain a conviction. For example, in Fiscal Year 1986 there were 12 prosecutions of incidents of looting and vandalism of archaeological sites on Forest Service lands, and 11 of the prosecutions were under authorities other than ARPA.[8]

There are many reasons that prosecutors resort to authorities other than ARPA to prosecute archaeological looters and vandals. In his testimony before the Subcommittee, Stephen M. McNamee, United States Attorney, District of Arizona, provided an explanation of why prosecutors often resort to authorities other than ARPA:

"To prove a felony under 18 U.S.C. 641 (theft of government property) or 18 U.S.C. 1361 (destruction of government property), the government need only prove a theft of or damage to an artifact worth more than $100. A felony conviction for theft or destruction of government property carries a ten year maximum sentence. The maximum sentence under the Archaeological Resources Protection Act is two years for the first offense and five years for subsequent convictions. In short, there are burden of proof and penalty advantages to charging theft or destruction of government property as well as a violation of ARPA.

"It has been our experience, at least in Arizona, that lay persons, especially juries, understand that it is wrong to steal, and destroy property, but do not appreciate the sometimes technical and scientific provisions specifically governing archaeological resources within ARPA. In short, it is much more persuasive to call a thief, a thief." [9]

C. Problems With Prosecuting Under ARPA

1. THE $5,000 FELONY THRESHOLD

The most criticized provision of ARPA is the $5,000 felony threshold. Under current law, if the value of the stolen artifact, or the cost of restoring damage to an archaeological sites must exceed the sum of $5,000, for it to be a felony. Many witnesses at the hearing supported lowering the threshold, including the Society for American Archaeology, the States of Utah, Arizona, and Colorado, the Navajo and Hopi Tribes, and the U.S. Attorneys for Utah and Arizona.[10] Senator Domenici (R-NM) has introduced legislation, S. 1314, which would lower the felony threshold to $500.

Kristine Olson Rogers, a former Assistant U.S. Attorney with a great deal of experience prosecuting ARPA cases, testified that the $5,000 felony threshold confuses juries and undermines prosecutions. Rogers argued that it is extremely difficult to quantify the value of damage to archaeological resources. Rogers described the following scenario of a jury grappling with the $5,000 felony threshold, "What typically happens is: a case is indicted accompanied by headlines touting massive damage estimates and then the jury convicts of a misdemeanor, utterly disregarding the expert's staggering damage totals. And any time there is a defense expert, the jury will opt for the lowest bidder's price." [11]

A September 23, 1987 memorandum by Paul D. Weingart, Director of Recreation, Southwestern Region, Forest Service, to the Chief of the Forest Service, stated that the felony threshold value of $5,000 should be deleted from ARPA. Weingart wrote, "The present situation makes it (ARPA) very difficult to enforce. The whole concept of value as stated in the law and regulations presents difficulties leaving even professional archaeologists divided and confused about the meaning." [12] In an October 2, 1987 letter to the Subcommittee, Forest Service Chief Dale Robertson supported modifying the felony threshold.[13]

In its written testimony, the Part Service stated that the $5,000 limit, "* * * requires rather elaborate and technical presentations by prosecution expert witnesses about the cost of archaeological investigations that are difficult for a jury of nonexperts to understand and accept. Reducing the threshold level would reduce the amount of explanation and technical justification necessary for a successful prosecution." [14]

U.S. Attorney Stephen H. McNamee argued that the $5,000 ARPA felony threshold was arbitrarily high in comparison to other laws prohibiting the same activities and should be lowered. He stated, "Theft of government property is theft of government property, no matter how unique the stolen article. The same is true of destroyed property; it should be valued no less because it is an archaeological site." [15]

Another problem with the $5,000 felony threshold is that most archaeological artifacts have no value on the private art market. This is especially true outside of the Southwest where it is rare to come across intact pots and other well preserved artifacts valued by collectors. Although the looting problem is most visible in the Southwest, it is a problem all over the country. The current dollar amount makes prosecution of ARPA violations outside the Southwest even more difficult.

Many witnesses supported lowering the felony threshold amount to $500. U.S. Attorney Stephen H. McNamee pointed out that lowering the threshold to $100 would bring ARPA in line with other federal laws prohibiting theft and destruction of government property.[16]

Kristine Olson Rogers proposed a simpler approach which would eliminate the entire question of archaeological value from ARPA cases. Rogers stated, "It makes much more sense to use a clean distinction which jurors and judges can handle even without the assistance of an expert. I prefer the Arizona State Statute's approach: if you dig, it's a felony; if you surface collect, it's a misdemeanor."[17]

2. 100 YEAR AGE LIMIT

ARPA applies to artifacts and sites that are over 100 years old. In a recent ARPA prosecution, U.S. versus Ashford et al. this limit caused problems. In this case the defendants dug up the remains of a deceased Shoshone warrior and drove around with them in the back of their pickup truck for a few days. They put a cigar in his mouth and named him Hector. The government had to prosecute the case over a few associated burial goods, instead of the skeleton, because an expert witness estimated that the Shoshone was buried 96 years ago.[18]

Kristine Olson Rogers recommends lowering the age limit to 50 years.[19] In addition, the National Register of Historic Places uses a 50 year age limit. It is easier for experts to make this determination and would also include many of the "Old West" remains left by non-Indians.

3. OTHER ARPA ISSUES

Many witnesses supported strengthening ARPA by prohibiting attempts to loot or vandalize archaeological sites, including the two U.S. Attorneys, for Arizona and Utah, as well as the Society for American Archaeology.[20] U.S. Attorney, Stephen H. McNamee wrote, "If 'attempt' were included, looters caught on archaeological sites with screens, probes, and shovels could be stopped before damage occurred and the looters could be prosecuted." [21] S. 1314, the Domenici bill, prohibits looting and vandalism attempts.

Because of the remoteness of most archaeological sites, it is extremely difficult to catch individuals in the act of looting. Adding attempted acts of looting and vandalism would make it easier to prosecute violators.

Kristine Olson Rogers suggested two technical amendments to ARPA. Rogers is concerned that the current definition of "archaeological resource" in ARPA is unclear and confusing to juries. She believes that a simple, broad definition is necessary to eliminate confusion in this area. She also suggested striking the phrase "of archaeological interest" from the ARPA definition of "archaeological resource." Rogers argues that subjective phrases such as "of archaeological interest" have no place in a criminal statute.[22]

U.S. Attorney Brent Ward proposed that ARPA should be amended to make it a criminal offense to purchase or sell archaeological materials without written proof that the artifact is from non-public lands. Ward stated that this change is necessary because it is nearly impossible to prosecute dealers in stolen artifacts because of the difficulty of proving that an artifact is from public lands.[23] This proposal was supported by David Madsen, the Utah State Archaeologist.[24] One problem with this solution would be that it would be easy for individuals to attest that any object was from private lands, and it would be almost impossible to prove that the statement was incorrect. In addition, a registration system could be extremely difficult to implement and administer because of the large number of artifacts currently possessed by private individuals.

Henry Deal, testifying on behalf of the Navajo nation, proposed that ARPA should be amended to provide Indian tribes with criminal jurisdiction over non-tribal members violating ARPA on tribal lands. The Navajo stated that looting on their lands is very difficult to prosecute because of the competing jurisdictions of the federal government, the tribe, and the States. They propose that tribes that develop enforcement programs consistent with ARPA receive criminal jurisdiction over non-tribal members violating ARPA. As an alternative the Navajo propose permitting tribes to assume primary enforcement authority, with actual jurisdictions left to the federal government.[25]

[Footnotes]

[1] General Accounting Office (GAO), Cultural Resources: Problems Protecting and Preserving Federal Archaeological Resources, December 15, 1987, page 66.

[2] The Archaeological Resources Protection Act of 1979, (16 U.S.C. 470aa-470ll), Public Law 96-95, October 31, 1979.

[3] Ibid.

[4] ARPA as amended by Title 18, U.S.C. Section 2623, The Uniform Sentencing Law.

[5] Ibid.

[6] The Antiquities Act (16 U.S.C. 431, 432, 433) June 8, 1906.

[7] Subcommittee Staff Telephone Interview with Linda Akers, Assistant U.S. Attorney for the District of Arizona, January 19, 1988.

[8] National Park Service Memoranda, Preliminary Comparison of FY 1985 and 1986 Looting Statistics, September 1987.

[9] Prepared testimony of Stephen M. McNamee, United States Attorney, District of Arizona, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 4.

[10] Prepared testimony of States of Utah and Arizona, Society for American Archaeology, the Navajo, and Hopi Tribes, and the U.S. Attorneys for Utah and Arizona. Oral testimony of State of Colorado.

[11] Prepared testimony of Kristine Olson Rogers, Attorney-at-law, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 8.

[12] Forest Service Memorandum, September 23, 1987, Paul D. Weingart, Director of Recreation, Southwestern Region, to Chief, Information for Interior and Insular Affairs Committee, page 7.

[13] Letter of October 2, 1987, from Dale F. Robertson, Chief, U.S. Forest Service, to Sam Gejdenson, Chairman, Subcommittee on General Oversight and Investigations.

[14] Prepared testimony of William Penn Mott, Jr., Director, National Park Service, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 11 (testimony delivered by Jack Neckles, Deputy Regional Director, Rocky Mountain Region, National Park Service).

[15] Prepared testimony of Stephen M. McNamee, October 19, 1987, page 4.

[16] Ibid., page 5.

[17] Prepared testimony of Kristine Olson Rogers, October 19, 1987, page 8.

[18] Ibid., page 9.

[19] Ibid., page 10.

[20] Prepared testimony of Stephen M. McNamee, U.S. Attorney for Arizona, Brent P. Ward, U.S. Attorney for Utah, and Allen Downer, Society for American Archaeology, October 19, 1987.

[21] Prepared testimony of Stephen M. NcNamee, October 19, 1987, page 5.

[22] Prepared testimony of Kristine Olson Rogers, October 19, 1987, page 9.

[23] Prepared testimony of Brent D. Ward, October 19, 1987, page 11.

[24] Prepared testimony of David B. Madsen, Utah State Archaeologist, before the Subcommittee on General Oversight and Investigations, October 19, 1987.

[25] Prepared testimony of Henry Deal, Director of the Navajo Nation Resources Enforcement Agency, before the Subcommittee on General Oversight and Investigations, October 19, 1987, page 2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT.

Section 6(d) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) is amended to read as follows:

"(d)(1) Whoever knowingly violates, or attempts to violate, any prohibition contained in subsection (a), (b), or (c) shall, except as provided in paragraph (2) or (3), be imprisoned not more than one year or fined under title 18 of the United States Code, or both.

"(2) Whoever knowingly violates, or attempts to violate, any prohibition contained in subsection (a) shall be imprisoned not more than 2 years or fined under title 18 of the United States Code, or both, if such violation involves any excavation. For purposes of this paragraph, the term 'excavation' means any disturbance of the ground or of deposits beneath the surface.

"(3) For a second or subsequent conviction of a person under this subsection, such person shall be imprisoned not more than 5 years or fined under title 18 of the United States Code, or both."

SEC. 2. DEFINITION OF ARCHAEOLOGICAL RESOURCE.

Section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) is amended to read as follows:

"(1) The term 'archaeological resource' means any physical evidence of sites, structures, or objects used by humans and the conceptual content or context of an area. For purposes of this paragraph, the conceptual content or context is the associations of the archaeological site structures or objects, or portions or pieces thereof, with each other or biological or geological remains or deposits. Nonfossilized and fossilized palentological specimens, or any portion or piece thereof, shall not be considered archaeological resources for purposes of this Act unless found in an archaeological context. No item shall be treated as an archaeological resource for purposes of this Act unless the item is at least 50 years of age."

CIVIL RIGHTS RESTORATION ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. LELAND. Mr. Speaker, due to very pressing concerns beyond my control in my district, it is with sincere regret that I am unable to join my colleagues tonight and cast my vote for passage of the Civil Rights Restoration Act.

Reflecting on a lifetime dedicated to securing and preserving civil rights, I am proud to support this significant piece of legislation which will effectively end discriminatory practices in federally funded institutions.

The unfortunate Supreme Court decision in Grove City versus Bell negated years of civil rights progress. The original intent of Congress, as expressed in title IX of the education amendments, the Civil Rights Act of 1964, the Rehabiliation Act of 1974, and the Age Discrimination Act of 1975, was to prohibit discrimination on the basis of sex, race, disability, and age. The Grove City decision allowed each of these statutes to be circumvented.

By limiting the applicability of title IX of the education amendments to a specific discriminating "program or activity" receiving Federal funds, the Grove City decision permitted taxpayer's dollars to support institutions engaged in discriminatory practices. Not only was this in direct contravention of original congressional intent, but it articulated a public abhorrent to our democratic ideals.

Under the rationale of Grove City, a victim not "fortunate" enough to suffer discrimination and oppression by a program directly receiving Federal dollars, will not receive assistance from the very Federal agencies charged with the responsibility of investigating such complaints. Instead, in order to address such injustices, victims must resort to filing expensive and lengthy private law suits. Such suits require resources unavailable to most victims. If a complainant cannot laboriously trace Federal money to the specific program in question, technically, that program is free to continue its discrimination.

A history of court decisions and congressional interpretations reaffirm the broad scope of coverage implicit in pre-Grove City legislation. The Civil Rights Restoration Act simply restores this broad coverage concept to our Federal law.

It is imperative that we reaffirm a national policy which does not tolerate the use of Federal funds, directly or indirectly, to perpetuate discrimination. I urge all my colleagues to pass this imporatnt legislation.

JONATHAN TILOVE NEWHOUSE PUBLICATIONS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. BOLAND. Mr. Speaker, as my colleagues can attest, one of the mixed blessings of public life is the necessary relationship between journalists and elected officials.

While we readily acknowledge the important role the press plays in our society, we can often view with trepidation the process by which our activities become newspaper stories or segments on the evening news broadcasts.

As a result, we quickly come to appreciate and admire the work of reporters for whom the ability to write well, and a commitment to objectivity, are fundamental to the way in which they approach the demands of their profession.

For the past 3 years, the readers of my hometown newspapers—the Springfield MA Union-News, and Sunday Republican have benefited from the skills of just such a reporter.

Jonathan Tilove, who assumed his duties as chief of the Newhouse newspapers northeast bureau in New York City on February 29, covered events on Capitol Hill and Washington with perception and dedication.

A 7-year veteran of the Springfield newspapers before coming to Washington, Jonathan brought to his assignments the instincts of a good reporter, and the advantages of a quick learner.

In pursuit of a story he was presistent and thorough, and he was at all times, and in all ways, fair.

Those attributes won him the respect of those, like myself, whose work it was his job to cover.

In my judgment, the highest compliment that can be paid to a reporter is that he or she can be trusted to report the news as it is, without coloration, slant or spin.

Jonathan Tilove leaves his post in Washington, having earned that trust.

The reward for a job well done should be advancement, and while Jonathan's talents will be missed in Washington, I am pleased that he will be given added responsibilities in New York.

I want to wish him and his wife, Jo-Ann, who is an able reporter in her own right, all the best as they embark on what should be an exciting time in their lives.

SUPPORT OF S. 557

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. HOYER. Mr. Speaker, I rise in support of S. 557, the Civil Rights Restoration Act. In addition, I would like to comment specifically on an amendment added by the Senate during floor consideration of this legislation. This amendment concerns coverage of people with contagious diseases and infections under section 503 and 504 of the Rehabilitation Act of 1973.

I have been a long-time supporter of the antidiscrimination protections of the Rehabilitation Act. These protections are essential to ensure that individuals with handicaps are not subjected to irrational and unjustified discrimination and to ensure that such individuals have the opportunity to bring cases of alleged discrimination to court and to have them adjudicated on their merits.

In the cases of individuals with contagious diseases and infections, the protections of section 504 of the Rehabilitation Act have been critical in ensuring that decisions regarding such individuals are based on reasonable medical judgments. It is essential to maintain a proper balance between protecting the private rights of such individuals and the public health. The Senate amendment maintains this balance by essentially placing the current "otherwise qualified" standard of section 504 into the statute. Under the Rehabilitation Act, individuals with handicaps—including individuals with contagious diseases and infections—must be otherwise qualified for the positions they seek to hold. As the Supreme Court explained recently in the case of *School Board of Nassau County* v. *Arline*, 107 S.Ct, 1123 (1987), an individual will not be "otherwise qualified" if the person poses a significant risk of communicating an infectious disease to others in the workplace and that risk cannot be eliminated by reasonable accommodation. As the court further explained, this is a highly fact-specific inquiry that must be conducted on a case-by-case basis.

The Supreme Court adopted the approach recommended by the American Medical Association (AMA). According to the AMA, such an inquiry should include: "[F]inding of facts, based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties), and (d) the probabilities the disease will be transmitted and will cause varying degrees of harm." *Arline*, 107 S.Ct. 1123, 1131 (1987).

The Senate amendment embodies the approach and standards of the Arline decision. With this amendment, the Senate provided that individuals with contagious diseases and infections remain covered under sections 503 and 504 of the Rehabilitation Act, as long as such individuals do not pose a direct threat to the health or safety of others or are unable to perform the essential duties of the job. The colloquy in the Senate between the cosponsors of the amendment clarifies that the amendment does not alter the requirements of reasonable accommodation under the statute, or the traditional two-step test in which a court first determines whether an individual meets the ordinary statutory definition of a handicap under the statute and then determines whether the individual is otherwise qualified for the particular position at issue in the case before it.

As I noted, this amendment essentially codifies the existing standard of otherwise qualified in section 504, as explicated by the Supreme Court in Arline. If an individual poses a direct threat to the health or safety of others—that is, if there is a significant risk that the individual will transmit a contagious disease or infection to others in the workplace and that risk cannot be eliminated by reasonable accommodation—then such an individual can be excluded from the particular position in which this risk exists. As always, this determination would require a case-by-case analysis and would have to be based on reasonable medical judgments.

This amendment is particularly important today when people with acquired immune deficiency syndrome [AIDS] and people infected with the AIDS virus are often subject to unjustified and irrational discrimination. It is unfortunate that fear of people with AIDS and people infected with the AIDS virus has resulted in many unfounded concerns on the part of employers. Nevertheless, to the extent that this amendment can clarify the current law—and can help to allay some of those fears—I believe that it serves a most useful and important function.

Mr. Speaker, in 1972, Congress adopted the education amendments which included title IX, forbidding sex discrimination by institutions receiving Federal funding. I am sure that every Member who voted for that legislation meant to prevent discrimination in every department and program of every institution receiving Federal funds.

For many years, title IX was interpreted by governments, universities, and the courts to do just that. It revolutionized spending on athletic programs for women in our Nation's colleges and universities.

The 1984 decision of the Supreme Court in Grove City College versus Bell was a tremendous set back. It has weakened not only title IX, but the fundamental discrimination laws enacted by this Congress over the past 25 years: the Civil Rights Act of 1964, the Rehabilitation Act of 1974, and the Age Discrimination Act of 1975.

Today we state again, emphatically, any institution receiving Federal funds may not discriminate on the basis of sex, race, age, or handicap in any program or department.

It is a wonder that we still must pass laws to state the obvious. The Congress representing the people of the United States will not tolerate discrimination. We will enact and reenact law until that point is crystal clear.

I am proud to have cosponsored this legislation. I commend the chairman of the Education and Labor Committee and so many others, who have worked so long and hard to bring it to this floor.

INTRODUCTION OF THE EMERGENCY HUNGER RELIEF ACT OF 1988

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1988

Mr. PANETTA. Mr. Speaker, I rise to announce the introduction of legislation to deal with the hunger emergency which we face. It is a sad day commencing in America when there is a need to introduce an Emergency Hunger Relief Act. In a land blessed with the greatest agricultural production and wealth in the world, it is a disgrace that we face a hunger emergency in this country. While the President announces that we are in fine economic shape and are in the "longest peacetime expansion in our Nation's history," the demand for emergency food assistance in soup kitchens and food pantries multiplies across the country.

Just 1 week ago, I convened a hearing on the subject: "The Hunger Emergency in America." It should have been called: "A Tale of Two Countries." One country faces an increasing problem of hunger among the poor and the homeless. We listened to a welfare recipient who lives in a State that pays among the highest AFDC benefits in the country. She has only $25 every 2 weeks for all of her children's expenses because the rest of her AFDC payment goes for housing. Her food stamp benefits never last more than 19 or 20 days into the month; then she must go to food pantries to get food for her children. We heard from a wide range of people who confront daily the reality of hunger in America: food bank directors, ministers, national experts on nutrition and child health, and Mayor Sidney Barthelemy of New Orleans, whose city has been particularly hard hit by the downturn in the economy in the Sun Belt.

All spoke of the growing problem of hunger, the failure of current programs to meet the need, and the impending crisis which looms because crucial commodities will not be available for distribution through the Temporary Emergency Food Assistance Program [TEFAP].

The vision of the other country was presented by the administration witness. Their vision is a country in which hunger does not exist. At most, it is anecdotal, if not measured by statistics collected by a Washington bureaucracy. There is no hunger problem because after nearly 8 years in office, the administration has not identified an acceptable methodology to measure hunger.

I don't think the American people accept the administration's vision. A respected polling firm recently conducted a survey of attitudes toward hunger and homeless and found that helping the hungry and homeless ranks second only to reducing the Federal deficit as the problem American voters want the next President to work on.

Today, Senators KENNEDY and LEAHY and I are introducing in the House and the Senate, the Emergency Hunger Relief Act of 1988. This bill sets forth a balanced and prudent agenda to meet the hunger emergency which we face. The bill has 44 sponsors in the House of Representatives, including Members from both sides of the aisle.

The first step is to make sure that we make room in the budget resolution to fund most, if not all of the provisions of the Emergency Hunger Relief Act as well as for WIC. I am confident that we can get sufficient reallocation of the domestic priorities within the Budget Summit agreement to deal with the hunger emergency this year. The consequences of delay are already evident in rising infant mortality, anemia, and malnutrition. The simple fact is that we cannot affort not to act. The time is now. I urge your support of the Emergency Hunger Relief Act.

I insert in the RECORD the text of the Emergency Hunger Relief Act of 1988 and explanatory material:

The material follows.

H.R. 4060

A bill to provide hunger relief, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Hunger Relief Act of 1988".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1 Short title; table of contents.
Sec. 2. Findings.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

SUBTITLE A—FOOD STAMP PROGRAM

Sec. 101. Low cost food plan.
Sec. 102. Relatives living together.
Sec. 103. Categorical eligibility.
Sec. 104. Income standards of eligibility.
Sec. 105. Excess shelter expense deduction.
Sec. 106. Reporting requirements and calculation of household income.
Sec. 107. Limitation on resources.
Sec. 108. Value of allotment.
Sec. 109. Benefits for households subject to prorating.
Sec. 110. Food stamp information activities.
Sec. 111. Extension of homeless amendments.

SUBTITLE B—RELATED PROGRAMS

Sec. 121. Temporary emergency food assistance program.
Sec. 122. Community food and nutrition program.
Sec. 123. Study of special diets.

TITLE II—CHILD NUTRITION PROMOTION

Sec. 201. Exclusion of foster care and adoption assistance from income under the food stamp program; removal of obsolete reference.
Sec. 202. Improvement of school breakfast program.
Sec. 203. Restoration of private nonprofit organization under the summer food service program for children.
Sec. 204. Addition of one snack or one meal to the child care food program.
Sec. 205. Technical correction relating to income guidelines for free lunches.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

SEC. 2. FINDINGS.

Congress finds that—

(1) millions of Americans face hunger several or more days each month due to the fact that—

(A) one in every five American children is poor (using the United States Census definition for the most recent year for which data are available), and almost one of every two black children and two of every five hispanic children are poor;

(B) the demand for emergency food assistance is increasing, and the majority of those requesting emergency food assistance in major cities are families with children;

(C) participation in the food stamp program has declined in this decade, despite an increase in the number of poor Americans, and barriers to participation in the food stamp program are contributing to the growth of domestic hunger;

(D) food stamp benefits are based on the lowest cost food plan devised by the United States Department of Agriculture and the benefit level makes it difficult for most poor families to achieve a minimally adequate diet;

(E) the Department of Agriculture estimates that low-income children receive a substantial portion of their daily food from meals served in schools under the National School Lunch Act, yet during the summer months, only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program;

(F) only one fourth of the low-income children who participate in the school lunch program participate in the school breakfast program; and

(G) over half of our children under age 6 now have mothers that work outside of the home, and those children need high-quality child care services and nutrition to be prepared to do well in school and eventually lead productive adult lives;

(2) as a matter of national public policy, the health and nutritional status of low-income Americans (particularly vulnerable groups such as women of child-bearing age, children, and the elderly) should be protected;

(3) low-income people in need should have information about and access to Federal food and nutrition programs; and

(4) freedom from hunger and undernutrition is a basic human need, and food and nutrition programs are essential to enhance the health of the Nation.

TITLE I—FAMILY SELF SUFFICIENCY IMPROVEMENT

Subtitle A—Food Stamp Program

SEC. 101. LOW COST FOOD PLAN.

(a) Food Plan Definition.—Section 3(o) of such Act (7 U.S.C. 2012(o)) is amended—

(1) by striking out "Thrifty" and inserting in lieu thereof "Low cost";

(2) in the first sentence, by inserting after "calculations" the following: "published and distributed in April, 1983"; and

(3) by striking out "thrify" each place it appears and inserting in lieu thereof "low cost".

(b) Value of Allotment—Section 8(a) of such Act (7 U.S.C. 2017(a)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

(c) Conforming Amendment.—Section 21(b)(2)(C)(ii) of such Act (7 U.S.C. 2030(b)(2)(C)(ii) (as added by section 1509 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203)) is amended by striking out "the thrifty food plan" and inserting in lieu thereof "79 percent of the low cost food plan during the period beginning January 1, 1989, and ending September 30, 1989, and 80 percent of the low cost food plan during fiscal year 1990 and thereafter".

SEC. 102. RELATIVES LIVING TOGETHER.

The first sentence of section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(1) by striking out "(2)" and inserting in lieu thereof "or (2)"; and

(2) by striking out ", or (3)" and all that follows through "disabled member".

SEC. 103. CATEGORICAL ELIGIBILITY.

The second sentence of section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended—

(1) by striking out "during the period"; and

(2) by striking out "and ending on September 30, 1989".

SEC. 104. INCOME STANDARDS OF ELIGIBILITY.

Section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)) is amended by inserting after the paragraph designation the following: "in the case of a household that includes an elderly or disabled member,".

SEC. 105. EXCESS SHELTER EXPENSE DEDUCTION.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended after "respectively," the following: "plus an additional $10 for each such jurisdiction for each adjustment period,".

SEC. 106. REPORTING REQUIREMENTS AND CALCULATION OF HOUSEHOLD INCOME.

(a) Calculation of Household Income.—Section 5(f) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2)(A) Households not required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a prospective basis, as provided in paragraph (3)(A).

"(B) Households required to submit monthly reports of their income and circumstances under section 6(c)(1) shall have their income calculated on a retrospective basis, as provided in paragraph (3)(B), except that in the case of the first month, or at the option of the State the first and second months, in a continuous period in which a household is certified, the State agency shall determine the amount of benefits on the basis of the household's income and other relevant circumstances in such first or second month."; and

(2) in paragraph (4), by striking out the second sentence.

(b) Optional Monthly Reporting.—Section 6(c) of such Act (7 U.S.C. 2015(c)) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1)(A) A State agency may require certain categories of households to file periodic reports of household circumstances in accordance with standards prescribed by the Secretary, except that a State agency may not require periodic reporting of households—

"(i) in which all members are migrant or seasonal farm workers;

"(ii) in which all members are homeless individuals; or

"(iii) that have no earned income and in which all adult members are elderly or disabled members.

"(B) Each household that is not required to file such periodic reports on a monthly basis shall be required to report or cause to be reported to the State agency changes in income or household circumstances that the Secretary considers necessary to assure accurate eligibility and benefit determinations."; and

(2) by striking out paragraph (5).

(c) Monthly Notice.—Section 6(c)(2) of such Act is amended—

(1) by striking out "and (D)" and inserting "(D)"; and

(2) by inserting before the period the following: ", and (E) be provided each month with an appropriate, simple form for making its required reports together with clear instructions explaining how to complete the form and its rights and responsibilities under the monthly reporting system".

SEC. 107. LIMITATION ON RESOURCES.

The second sentence of section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by inserting after "$4,500" the following: "(adjusted on October 1, 1988, and on each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for All Urban Comsumers published by the Bureau of Labor Statistics for the 12 months ending the preceding June 30)".

SEC. 108. VALUE OF ALLOTMENT.

Clause (2) of the last sentence of section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended by striking out "following any period" and inserting in lieu thereof "that applies following any period of more than 30 days".

SEC. 109. BENEFITS FOR HOUSEHOLDS SUBJECT TO PRORATING.

Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) (as amended by section 109 of this Act) is further amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (2) (as so designated), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end thereof the following new paragraph:

"(3) A household applying after the 15th day of the month or similar period shall be entitled to receive, in lieu of its initial allotment and its regular allotment for the following month or period, an allotment that is the aggregate of the initial allotment and the first regular allotment, which shall be provided in accordance with paragraphs (3) and (9) of section 11(e).".

SEC. 110. FOOD STAMP INFORMATION ACTIVITIES.

(a) Authority.—Subparagraph (A) of section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended to read as follows: "(A) inform low-income households containing members who are homeless individuals, elderly or disabled members, low-income workers with children, or residents of rural areas (and, at the option of the State, other low-income persons) about the availability, eligibility requirements, application procedures, and benefits of the food stamp program, including notification to recipients of aid to families with dependent children, supplemental security income, and unemployment compensation, distribution of application forms and associated information about filling out such forms (including information about the documentation required pursuant to paragraph (3)), and".

(b) Administrative Costs.—Section 16(a)(4) of such Act (7 U.S.C. 2025(a)(4)) is amended by striking out "permitted" and inserting in lieu thereof ", including those undertaken".

SEC. 111. EXTENSION OF HOMELESS AMENDMENTS.

Section 11002(f)(3) of the Homeless Eligibility Clarification Act (Public Law 99-570; 7 U.S.C. 2012 note) is amended by inserting ", except those amendments made by subsection (b)," after "this section".

Subtitle B—Related Programs

SEC. 121. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) AUTHORIZATION.—The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) (as amended by section 813 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)) is amended by striking out "through September 30, 1988" and inserting in lieu thereof "through September 30, 1990".

(b) LOCAL SUPPORT.—The first sentence of section 204(c)(2) of the Temporary Emergency Food Assistance Act of 1983 is amended by striking out "20" and inserting in lieu thereof "50".

(c) NOTICE OF AVAILABILITY OF COMMODITIES.—Section 210(c) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(b)(2) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "fiscal year ending September 30, 1988" and inserting "fiscal year 1990".

(d) PROGRAM TERMINATION.—

(1) IN GENERAL.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 814(a) of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "1988" and inserting "1990".

(2) CONFORMING AMENDMENT.—Section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983 (as amended by section 812 of the Stewart B. McKinney Homeless Assistance Act) is amended by striking out "To the extent" and all that follows through "fiscal year 1988" and inserting in lieu thereof "For the period ending on the date specified in section 212".

SEC. 122. COMMUNITY FOOD AND NUTRITION PROGRAM.

(a) PROGRAMS.—Section 681A(a) of the Community Services Block Grant Act (42 U.S.C. 9910a(a)) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(4) to develop innovative approaches at the State and local level to improve the nutritional content of meals consumed by low-income people that are home bound due to dibilitating diseases or conditions.".

(b) AUTHORIZATION.—Subsection (c) of section 681A of such Act is amended to read as follows:

"(c) There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1988 through 1993.".

SEC. 123. STUDY OF SPECIAL DIETS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) conduct a study, by contract with the National Academy of Sciences—

(A) to identify which kinds of medical conditions commonly suffered by members of households participating in the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) require such members to follow special diets;

(B) to determine the incidence of each medical condition identified under subparagraph (A) among members of households that are eligible to participate in the food stamp program;

(C) to determine the estimated costs that would be incurred by households (of various sizes) participating in the food stamp program, to follow special diets required by medical conditions suffered by the members of such households; and

(D) with respect to such households and each of the medical conditions identified in subparagraph (A), to determine the adjustments to the low cost food plan that would be necessary to provide to such households allotments that take into account additional costs that would be incurred to follow special diets required by such medical conditions; and

(2) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing in detail the results of such study.

TITLE II—CHILD NUTRITION PROMOTION

SEC. 201. EXCLUSION OF FOSTER CARE AND ADOPTION ASSISTANCE FROM INCOME UNDER THE FOOD STAMP PROGRAM; REMOVAL OF OBSOLETE REFERENCE.

Paragraph (12) of section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended to read as follows: "(12) any payments made under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) or under any State or local foster care program, and".

SEC. 202. IMPROVEMENT OF SCHOOL BREAKFAST PROGRAM.

The first sentence of section 4(b)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(3)) is amended by inserting after "3 cents" the following: ", and (effective beginning July 1, 1989) an additional 3 cents,".

SEC. 203. RESTORATION OF PRIVATE NONPROFIT ORGANIZATIONS UNDER THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(1) of the National School Lunch Act (42 U.S.C. 1761(a)(1)) is amended—

(1) in subparagraph (B), by inserting ", private nonprofit organizations, " after "county governments";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by striking out "and" at the end of subparagraph (D); and

(4) by inserting after subparagraph (D) the following new subparagraph: "(E) 'private nonprofit organizations' includes only such organizations (including summer camps) that (i) operate at not more than 15 sites, or operate at not more than 20 sites pursuant to a waiver granted under subsection (i)(2), and (ii) use self-preparation facilities to prepare meals or obtain meals from a public facility (such as a school district, public hospital, or State university); and".

(b) ELIGIBLE PRIVATE NONPROFIT ORGANIZATIONS.—Section 13 of the such Act is amended by inserting after subsection (h) the following new subsection:

"(i)(1) Eligible private nonprofit organizations entitled to participate in programs under this section as service providers shall be limited to those that—

"(A) operate in areas where a school food authority or the local, municipal, or county government has not indicated by March 1 of any year that such authority or such unit of local government will operate a program under this section in such year;

"(B) exercise full control and authority over the operation of the food service programs under this section at all sites under their sponsorship;

"(C) provide ongoing year-round activities for children;

"(D) demonstrate adequate management and fiscal capacity to operate programs under this section; and

"(E) meet applicable State and local health, safety, and sanitation standards.

"(2) The Secretary may waive the limitation of 15 sites established under subsection (a)(1)(E)(i) and permit a private nonprofit organization under this section to operate at not more than 20 sites if such organization demonstrates to the satisfaction of the Secretary that an unmet need for such additional sites exists and that such organization has the capability to serve such additional sites.".

SEC. 204. ADDITION OF ONE SNACK OR ONE MEAL TO THE CHILD CARE FOOD PROGRAM.

Section 17(f)(2)(B) of the National School Lunch Act (42 U.S.C. 1766(f)(2)(B)) is amended by inserting before the period the following: ", or in the case of an institution or home open more than 8 hours per day, two meals and two supplements or three meals and one supplement".

SEC. 205. TECHNICAL CORRECTION RELATING TO INCOME GUIDELINES FOR FREE LUNCHES.

Section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended—

(1) in the second sentence, by striking out "For the school years ending June 30, 1982, and June 30, 1983, the" and inserting in lieu thereof "The"; and

(2) by striking out the third sentence.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, this Act and the amendments made by this Act shall become effective on October 1, 1988.

(b) LOW COST FOOD PLAN; EXCESS SHELTER EXPENSE DEDUCTION.—The amendments made by sections 101 and 105 shall become effective on January 1, 1989.

(c) SCHOOL BREAKFAST PROGRAM; CHILD CARE FOOD PROGRAM.—The amendments made by sections 202 and 204 shall become effective on July 1, 1989.

SUMMARY OF PROVISIONS IN PANETTA EMERGENCY HUNGER RELIEF ACT OF 1988

ENSURE THAT THE FOOD STAMP PROGRAM MEETS EMERGENCY FOOD NEEDS

Increase Food Assistance to Hungry Families.—Food Stamp benefits are currently based on the Thrifty Food Plan, the lowest cost plan devised by the U.S. Department of Agriculture. The maximum benefit is 81 cents per person per meal, but the average benefit is 51 cents per meal, a level on which it is difficult for most poor families to achieve a minimally adequate diet. A 1984 study of families below the poverty line by the Association of Children of New Jersey found that only 20 percent of families reported that food stamps lasted throughout the month; 47 percent said that food stamps lasted only three weeks, while 32 percent said that the benefits lasted two weeks or less. These families had an average monthly income of $438. The food stamp benefit formula assumes that 30 percent of cash income will be spent on food. These families were only able to spend an average of $60 in cash on food to supplement their food stamp benefits.

Of the families receiving food stamps in this study, 83 percent said that they sometimes or always run out of food. Most families in the study reported that this happens from the middle to the end of the month. A

1978 Department of Agriculture study found that only 12 percent of low-income families spending at the Thrifty Food Plan level obtained all of their Recommended Dietary Allowances (RDA's), the average daily amounts of nutrients that population groups should consume over time. The survey also showed that food shopping expertise of households with low income and receiving food stamps was as good or better than other households.

Because food stamp benefits do not enable many low-income families to get through the month, they must often resort to emergency feeding facilities. In the 1987 study by Project Bread: Hunger Hotline in Massachusetts, 45 percent of the clients of emergency feeding facilities came because they had run out of food stamps.

The Thrifty Food Plan, according to the Department of Agriculture, was designed for "short-term use when funds are extremely low," yet the inadequate level of food stamps based on this plan are the major source of food assistance for recipients.

Almost two thirds of all food stamp recipients are children, the elderly or disabled, and 94 percent of all recipients have gross income below the poverty line; these are population groups that are particularly vulnerable to interruptions in food or a lack of proper nutrients.

An increase in benefits from the Thrifty Food Plan to the Low-Cost Food Plan, the next least expensive diet calculated by the Department of Agriculture, would provide recipients with more nutritionally adequate diets and help them have food available for the entire month. In purchasing food at the Low-Cost Food Plan level, low-income persons are almost three times as likely to achieve 100 percent of the RDA's than at the Thrifty Food Plan level.

When the Thrifty Food Plan was established as the basis for food stamp benefits in 1976, the plan was 80 percent of the Department of Agriculture's Low Cost Plan. The benefits are now about 78 percent of the cost of the low cost plan. The Emergency Hunger Relief Act would increase the basic food stamp benefit by about 1 percent and a second 1 percent in fiscal year 1990. This will be a step toward providing a guarantee of a nutritionally adequate diet, and would over the next two years restore the historic relationship between food stamp benefits and the USDA Low Cost Food Plan. Granting a modest benefit increase to all food stamp recipients is also an equitable way to soften the impact of the decline in availability of certain commodities distributed through the TEFAP program.

Phase out the food stamp shelter deduction limit.—Under current law, non-elderly and non-disabled households are entitled to an excess shelter deduction of up to $164 a month if after all other deductions are taken, their shelter expenses exceed 50 percent of net income. There is no limit on the maximum shelter deduction for the elderly or disabled. The original justification for a shelter deduction limit for the non-elderly or non-disabled was to prevent participation in the food stamp program by individuals with high incomes before deductions. Because since 1981, households with a gross income above 130 percent of the poverty level ($14,568 a year for a family of four in 1987) have been ineligible to participate in the program, this restriction is no longer needed. The Emergency Hunger Relief Act will phase out this limit on the shelter deduction because it simply serves to hold down benefits for the 25 percent of households with the highest shelter costs. For budgetary reasons, the phase out would be over a number of years. This is a major homeless prevention measure.

Change household definition.—Current law discriminates against relatives living together. Last year, in the homeless bill, the program was reformed to allow parents whose adult children and their children lived together to receive food stamps as separate households if meals are purchased and prepared separately for the family units. The Emergency Hunger Relief Act will make further adjustments in the household definition so that relatives who live together, but who purchase and prepare their meals separately, will not have their food stamps benefits reduced. This is an important homeless prevention measure, which responds to the shortage of affordable housing that has caused many relatives to have to live together.

Adjust asset test to more closely reflect current costs of automobiles.—Under current law, the value of an automobile above $4,500 is counted as a liquid asset in the food stamp program, no matter what the equity is for the automobile. This amount was established in the Food Stamp Act Amendments of 1977 and has not been adjusted since even though the cost of automobiles has increased by more than 100 percent. The Emergency Hunger Relief Act will index the automobile asset limit so that food stamp applicants with automobiles with low values in terms of current prices will not be denied food stamp benefits. This change will also help alleviate problems in remote rural parts of the country where pickup trucks or 4-wheel drive vehicles are necessary for even the poorest of families.

REDUCE BARRIERS TO PARTICIPATION IN THE FOOD STAMP PROGRAM

Allow states to decide whether to require monthly reporting.—Under current law, states must receive approval of the U.S. Department of Agriculture if they are to waive monthly reporting requirements for households with earnings or a recent work history. For all other households, monthly reporting is at the option of the state except the following categories for which monthly reporting cannot be required: migrant farm worker households, households in which all members have no earned income, and households in which all members are elderly or disabled. For other categories of recipients, states should be given the discretion to decide whether to require monthly reporting which creates a significant administrative burden for both recipients and welfare agencies. If states fail to utilize proper procedures, they are subject to fiscal sanctions. Waiving monthly reporting for households with earnings, when it has been tested, has not resulted in significantly more errors than mandatory monthly reporting.

Ensure that benefits of recipients who have a gap in eligibility for 30 days or less are not reduced.—Since 1982, eligible food stamp households who have a short break in food stamp benefits because of failure to meet paperwork requirements associated with recertification have had their benefits pro-rated when food stamp certification resumed. This approach is more restrictive than the Reagan administration's initial 1981 proposal. The Emergency Hunger Relief Act will enact the 1981 administration proposal by providing full benefits if there is a break in the certification of 30 days or less.

Require only one income test for food stamp participants.—Under current law, households who do not have an elderly or disabled member must meet two income tests for eligibility for food stamps. The first test is that gross income, before exclusions and deductions, cannot be higher than 130 percent of the proverty level. The second test is that the net income, after exclusions and deductions, must not be greater than the proverty level. The Emergency Hunger Relief Act will delete the net income test. The two income eligibility tests simply pose an additional administrative burden on applicants and caseworkers. The gross income test is sufficient to keep high income households from participating in the program.

Ensure that low-income families who are eligible for Food Stamps are made aware of the availability of benefits.—Resume mandatory food stamp informational activities for low-income working families with children who are not receiving welfare benefits, households with one or more elderely or disabled members, the homeless, and residents of rural areas. At state option, resume informational activities for other categories of recipients. The Emergency Hunger Relief Act also extends information activities to low-income persons in rural areas, as does the House-passed Family Welfare Reform Act of 1987. Last year, the Stewart B. McKinney Act authorized the provision of informational activities on behelf of homeless persons.

Make permanent the current law provision which allow homeless persons in shelters to receive food stamps.—The Homeless Eligibility Clarification Act of 1986 allowed homeless persons in shelters to receive food stamps. The Emergency Hunger Relief Act extendes this provision permanently.

EMERGENCY CHILD HEALTH PROTECTION PROVISIONS

One of the most important determinatants of health status is adequate nutrition. The following provisions are designed to ensure that young childern have access to adequate nutrition.

Increase participation in the School Breakfast Program.—Starting with academic year 1989-1990, the reimbursement rate to schools for the school breakfast program would be increased by 3 cents a meal so that school lunch directors would have adequate funding to improve the quality of breakfasts served in schools. This change would also encourage more schools to participate in the school breakfast program. Currently, only one-fourth of the low-income children who participate in the school lunch program participate in the school breakfast program. A nutritious breakfast is indispensable if children are to be healthy and to learn.

Allow private nonprofit organizations to participate in the summer food program.—Starting in the summer of 1989, allow private nonprofit organizations to participate in the summer food program. Children need adequate nutrition throughout the year; yet only one eighth of the low-income children who participate in school meal programs get nutrition assistance under the summer food program. Non-profit organizations were excluded from participation in the summer food program in 1981 because of abuses by some private sponsors who obtained the meals used in the program from private vendors and who did not adequately police their meal sites. The Emergency Hunger Relief Act attempts to deal with the hunger that resulted and limits the number of sites and requires sponsors to provide self-prepared meals or to contract for meals with a school or private agency.

Ensure that children who stay in day care centers which are open more than eight hours a day get adequate nutrition.—For mothers to be able to work, their children must have adequate day care, including adequate nutrition. Because of the time required for mothers to commute to and from work, children often must stay in day care centers for more than 8 hours. The Emergency Hunger Relief Act will provide an additional meal or snack to childen who attend day care centers which are open more than eight hours a day. This would partially restore a 1981 budget cut.

Ensure that low-income households who desire to adopt children or to take in foster children do not have food stamps reduced as a result.—The Emergency Hunger Relief Act will exclude from income for purposes of food stamp eligibility and benefits, state and federal adoption assistance and foster care payments. This will not only better ensure that these children receive an adequate diet but also encourage the placement of children with families as an alternative to institutionalization. In the Family Welfare Reform Act of 1987 (H.R. 1720), the House has already approved the exclusion of adoption assistance payments made under the Social Security Act from consideration for AFDC purposes.

Correct a technical probelm which threatens to disrupt administration of free price school meal lunches at the beginning of the academic year 1988-89.—Eligibility for both food stamps and free school lunches is set at 130 percent of the poverty level. Since 1983, the income eligibility guidelines for free school lunches has been tied to the annual food stamp eligibility adjustment, which in recent years has been July 1 of each year. As a result of the Stewart B. McKinney Homeless Assistance Act, the adjustment this year will be October 1, 1988, which is after the academic year has begun. Therefore, the Emergency Hunger Relief Act will retain the 130 percent of poverty eligibility limit for free school lunches but delete the tying of the adjustment to the food stamp eligibility guidelines so that school lunch directors do not have to compute eligibility in July and then again in October.

Increase the authorization level for the Community Food and Nutrition Program (CFNP) which is a separately authorized program within the Community Services Block Grant Act.—CFNP funds are available for community based, local and statewide groups which distribute information on federal food and nutrition programs as a mechanism for increasing nutrition assistance to low-income Americans. The seed money to initiate Second Harvest, the most successful food bank system, came from this program.

EMERGENCY FOOD ASSISTANCE

The level of food assistance given by the food bank and emergency feeding network is in jeopardy because of the decline in availability of certain important commodities held by the Commodity Credit Corporation (CCC), which are distributed through the Temporary Emergency Food Assistance Program (TEFAP). The Department of Agriculture estimates that after April 1988, no more cheese and non-fat dry milk will be distributed through TEFAP, and after March 1988, no more honey and rice may be available for distribution. This projection is subject to considerable uncertainty because production of these commodities could increase. For example, if dairy supplies are larger than originally anticipated, the Department of Agriculture indicates that cheese and non-fat milk donations will be resumed. Most likely, such deliveries would, however, be intermittent—thus making it difficult for recipient agencies to plan orderly distribution programs.

At the same time that the availability of commodities is uncertain, the demand for emergency food assistance is increasing. The Conference of Mayors recently released a survey on the demand for emergency food assistance and shelter in 25 major cities, The Continuing Growth of Hunger, Homelessness and Poverty in America's Cities: 1987. Last year, the demand for emergency food assistance increased an average of 18 percent in all but two of the cities surveyed. Two-thirds of those requesting emergency food assistance in the cities surveyed are members of families with children. All but one of the survey cities project a greater demand for emergency food assistance this year than in 1987. To address this problem, the Emergency Hunger Relief Act will do the following:

Extend the authorization for the TEFAP program through fiscal year 1989 at the current level of $50 million.

Increase the share of TEFAP administrative funds which must go to emergency feeding organizations from 20 percent to 50 percent. This is intended to ensure that the food distribution network is not disrupted because of the uncertainty about the availability of CCC commodities. The increase in the relative share of TEFAP funding which will go to emergency feeding organizations is intended to ensure that the operations of these organizations will not be disrupted due to current uncertainty about the amount of TEFAP commodities which will be distributed. The emergency feeding organizations which have developed program expertise should receive the maximum possible share of the TEFAP appropriation so that the delivery system can be kept in place until the situation regarding commodity availability is clarified.

WELFARE REFORM

Expedite final Congressional action on the Family Food Stamp Welfare Reform provisions approved by the House of Representatives.—On December 16, 1987, the House of Representatives approved the Family Welfare Reform Act of 1987, which includes as Title X the food stamp welfare reform provisions reported by the Committee on Agriculture (H.R. 3337). The food stamp welfare reform provisions will either be introduced as a separate bill by Senator Leahy or will be incorporated as a separate title into the Emergency Hunger Relief Act. Because final action on the legislation is not likely until late in this session, the effective dates will be delayed one year from the House-passed bill.

EMERGENCY NUTRITION APPROPRIATIONS INCREASES

Two discretionary programs are not affected by this bill because current law authorizes appropriation of such sums as the Congress considers appropriate. These are WIC and the Commodity Supplemental Food Program. Nevertheless, appropriations above the baseline are urgently needed to address the hunger emergency.

WIC.—Despite the severe budget constraints in fiscal year 1988, the Congress appropriated $87 million above current services for WIC in fiscal year 1987. This increase reflects the high priority which the Congress gives to this highly effective program. This funding increase was slightly more than half of the funding objective of $150 million above current services in the joint resolution, WIC Food for Life (H.J. Res. 192 and S.J. Res. 99). A full funding increase of $150 million above the fiscal year 1989 current services level is needed. The U.S. Department of Agriculture estimates that this program reaches only about 40 percent of those eligible.

Commodity Supplemental Food Program.—This program provides supplemental food to the following low-income groups: infants and children up to age six, pregnant or post-partum women at nutritional risk, and elderly persons. Sufficient funding to serve the unmet requirements in current project areas is a way to target nutrition assistance on low-income communities which have an infrastructure in place to meet emergency food needs. This would require an appropriation increase of $10 million.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 3, 1988, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 4

8:00 a.m.
Veterans' Affairs
To hold hearings on the President's proposed budget request for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.
SR-418

9:30 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on Soviet strategic force developments.
S-407, Capitol

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Joint Economic

To hold hearings on the employment/unemployment situation for February

SD-628

10:00 a.m.

Appropriations

To resume hearings on the President's proposed budget for fiscal year 1989.

SD-192

Judiciary

Courts and Administrative Practice Subcommittee

To hold hearings on S. 1608, to amend the Federal judicial code with respect to the administration of the U.S. Claims Court, and the salaries and benefits of Claims Court judges

SD-226

MARCH 8

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative priorities of the Veterans of Foreign Wars.

SD-106

MARCH 9

10:00 a.m.

Joint Economic

To hold hearings on the national economic outlook for 1988

2175 Rayburn Building

MARCH 14

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Veterans' Administration

SD-124

Energy and Natural Resources

To hold hearings on the nominations of T.S. Ary, of Oklahoma, to be Director of the Bureau of Mines, Department of the Interior, Ernest C. Baynard III, of Virginia, to be Assistant Secretary of Energy for Environment, Safety and Health, and C. Anson Franklin, of Virginia, to be Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs.

SD-366

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings on the reform of Internal Revenue Service Code penalties.

SD-215

MARCH 15

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1991-93 for the Corporation for Public Broadcasting.

SR-253

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Soil Conservation Service, and the Commodity Credit Corporation.

SD-138

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Army.

SD-192

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Consumer Product Safety Commission, Office of Consumer Affairs, and the Consumer Information Center.

S-126, Capitol

Finance

To hold hearings on proposed tax incentives for education.

SD-215

Joint Economic

To resume hearings on the national economic outlook for 1988.

Room to be announced

10:30 a.m.

Conferees

On the agricultural trade provisions of H.R. 3, Omnibus Trade and Competitiveness Act of 1987.

SR-332

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on childhood immunization programs.

SR-428A

MARCH 16

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the National Ocean Policy Study to review federal enforcement of foreign fishing activities in the Bering Sea.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

1:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Joseph T. Nall, of North Carolina, to be a Member of the National Transportation Safety Board.

SR-253

2:00 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253

MARCH 17

9:00 a.m.

Veterans' Affairs

Business meeting, to consider President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review matters relating to the October 1987 market break.

SD-562

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on proposed legislation authorizing funds for Amtrak.

SR-253

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Air Force.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Transportation Safety Board, and the Research and Special Programs Administration.

SD-124

Finance

To hold hearings on proposed legislation relating to the U.S./Canada Free Trade Agreement.

SD-215

Small Business

To resume hearings on S. 1929, to create the Corporation for Small Business Investment [COSBI].

SR-428A

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1508, S. 1570 and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes.

SD-366

2:30 p.m.

Budget

To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.

SD-608

MARCH 18

9:00 a.m.

Veterans' Affairs

Business meeting, to continue consideration of the President's budget requests for fiscal year 1989 for veterans programs, and proposed legislation relating to veterans' home loan guarantees.

SR-418

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold joint hearings on soybeans and the world market.
SR-332

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority.
SD-116

10:00 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on recent changes in collection procedures on gasoline, diesel, and special motor fuel taxes.
SD-215

MARCH 21

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury, focusing on the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on the tax treatment of single-premium and other investment-oriented life insurance.
SD-215

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-124

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for military construction, focusing on base rights and burdensharing.
SD-192

MARCH 22

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on H.R. 2090 and S. 1478, bills to designate certain National Forest System lands in the State of Montana for release to the Forest Planning process, protection of recreation value, and inclusion in the National Wilderness Preservation System.
SD-366

Finance
Health Subcommittee
To hold hearings on S. 1673, to require States to provide Medicaid coverage of community and family support services for severely disabled individuals.
SD-215

Governmental Affairs
To resume hearings on proposals to establish a national nutrition monitoring and related research program.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Foreign Agricultural Service, Food for Peace Program (P.L. 480), Office of International Cooperation and Development, and the Office of the General Sales Manager.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Department of the Navy, and the U.S. Marine Corps.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Science Foundation.
SD-116

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1600, to create an independent Federal Aviation Administration.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SR-342

MARCH 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to review federal collection activities of information relating to foreign investment in the United States.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to examine Health Care Financing Administration's management of medical laboratories.
SR-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Farm Credit Administration.
SD-138

Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the National Guard and reserve programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Railroad Administration, and the National Railroad Passenger Corporation (Amtrak).
SD-124

Finance
To hold hearings on S. 1245, to authorize the issuance by States of tax-exempt bonds for high-speed intercity rail transportation projects under certain circumstances.
SD-215

MARCH 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Archives and Records Administration, U.S. Secret Service, Administrative Conference of the United States, and the U.S. Postal Service.
SD-116

MARCH 28

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Management and Budget (OMB), and the Office of Federal Procurement Policy.
SD-116

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget.
SD-608

Finance
Taxation and Debt Management Subcommittee
To hold hearings to review certain tax provisions which have recently expired or will expire this year, focusing on the exempt treatment of mortgage revenue bonds and the targeted jobs tax credit.
SD-215

MARCH 29

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for force structure programs.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Rural Electrification Administration.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1989 for the National Aeronautics and Space Administration.
SD-126, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for military construction and family housing programs.
SD-192

MARCH 31

9:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to agent orange and related issues.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1989 for the Strategic Defense Initiative.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Aviation Adminstration, and the General Accounting Office.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 314, to require certain telephones to be hearing aid compatible.
SD-253

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency.
SD-124

APRIL 12

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

APRIL 13

9:00 a.m.
Veteran's Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
SD-106

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Labor.
SD-124

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on proposed legislation authorizing funds for programs of the Ethics in Government Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Farmers Home Administration, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for reserve components' military construction and defense agencies' military construction and family housing programs.
SD-116

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for ACTION, Corporation for Public Broadcasting, Railroad Retirement Board, Federal Mediation and Conciliation Service, National Mediation Board, National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-124

APRIL 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Urban Mass Transit Administration, and the Washington Metropolitan Transit Authority.
SD-124

APRIL 15

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Prospective Payment Assessment Commission, Physician Payment Review Commission, Federal Mine Safety and Health Review Commission, National Commission on Libraries and Information Science, National Council on the Handicapped, Soldiers' and Airmen's Home, and the U.S. Institute of Peace.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the General Services Administration and the Executive Office of the President (with the exception of OMB).
SD-116

APRIL 18

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of the Treasury.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 19

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development.
SD-124

APRIL 20

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Social Security Administration, and the Health Care Financing Administration, both of the Department of Health and Human Services.

SD-192

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Army military construction and family housing programs.

SD-124

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Family Support Administration, and the Human Development Services, both of the Department of Health and Human Services.

SD-192

APRIL 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Assistant Secretary for Health, and the Centers for Disease Control, both of the Department of Health and Human Services.

SD-116

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Transportation, and the General Accounting Office.

SD-124

APRIL 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration, both of the Department of Health and Human Services.

SD-192

APRIL 25

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, National Institute of Building Sciences, and the Office of Science and Technology Policy.

SD-124

APRIL 26

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.

SD-124

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Federal Emergency Management Agency.

S-126, Capitol

APRIL 27

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.

SD-192

10:00 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Navy military construction and family housing programs.

SD-124

APRIL 28

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the National Institutes of Health.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Coast Guard.

SD-124

APRIL 29

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of the Secretary of Health and Human Services.

SD-138

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Office of Personnel Management.

SD-192

MAY 9

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.

SD-124

MAY 10

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Education.

SD-116

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for the Department of Housing and Urban Development and related agencies.

SD-124

MAY 11

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1989 for Compensatory Education for the Disadvantaged, School Improvement Programs, Impact Aid, Bilingual, Immigrant and Refugee Education, Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Vocational and Adult Education.

SD-192

10:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Air Force military construction and family housing programs.

SD-124

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1989 for Student Financial Assistance, Guaranteed Student Loans, Higher Education, Higher Education Facilities Loans and Insurance, College Housing Loans, Howard University, Special Institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet), Education Research and Statistics, and Libraries.

SD-192

CANCELLATIONS

MARCH 4

9:30 a.m.
Environment and Public Works
Hazardous Wastes and Toxic Substances Subcommittee
To hold hearings on sham recycling and the recycling exemption in RCRA.

SD-406

MARCH 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on activities of the Federal Aviation Administration.

SR-253